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THE DEVELOPMENT OF EAST LONDON  
THROUGH FOUR DECADES OF MUNICIPAL CONTROL  
1873 - 1914

by

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**ABSTRACT**

This thesis is a study in Urban History which explores the development of East London, a port in the Border region of the Eastern Cape, South Africa, through four decades of municipal control from 1873 to 1914.

The town had been established in 1847 as a supply route for the British forces during the War of the Axe (7th Frontier War) but the frontier nature of the port led to economic and physical stagnation during its initial 25 years of existence. Indeed, by the time that the municipality was established in 1873, there were still no streets beyond cart tracks, no established water supply, and sanitary conditions were medieval. The Town Council therefore had much to occupy its attention but lack of positive leadership resulted in failure to capitalise on prosperous economic conditions, while a depression in the 1880's led to a further truncation of growth. It was only in the 1890's that a combination of economic growth and vibrant leadership brought about rapid civic advance, with large-scale expenditure on street construction, as well as the establishment of electricity and a tramway system. The outbreak of the Anglo-Boer War in 1899 slowed progress, however, and a post-war depression placed renewed stress on the municipality.

The thesis examines the progress of the town on a broad front, dealing with the issues of economic fluctuations, the growth of the harbour as the heart of the trading sector, the physical advance of the municipality, the search for a viable water supply, the evolution of public health and

sanitation, and the establishment of the port as a coastal resort. In addition, it studies the conflict of social attitudes among the townspeople, the evolution of racial segregation, and the effects of the Anglo-Boer War on the town, with the influx of some 5 000 Uitlander refugees and the establishment of a Boer concentration camp. A final chapter attempts an analysis of the reasons behind the Town Council's inability to make the best use of its opportunities to foster the development of East London.

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**PREFACE**

Little work has been done on East London's early history and what exists is often of questionable authenticity. Bruce Gordon began the process in 1932 with his brief Master's Thesis covering the years from the earliest "strandloper" inhabitants through to 1865, when East London and British Kaffraria were annexed to the Cape Colony. [1] Although his work is relatively accurate as far as it goes, it is far too short and lacks any form of analytical insight.

Much admirable work has been done through the medium of the Border Historical Society (founded in 1960) and its Journal, Coelacanth, which concentrates on East London, Border and Transkei history. Many of its authors, however, being untrained in the field, tend to rely heavily on secondary sources and so proliferate the errors which already exist. Mark Taylor, one-time chairman of the Society, summed it up in 1972 when he called for a long-term project for the accumulation and collation of material from primary sources for what he called a "definitive history" of East London. "It has long been realised," he said, "that too much of our currently accepted local history has been drawn from published sources of doubtful validity." [2]

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1. BC Gordon, East London, its Foundations and Early Development as a Port, (Rhodes, MA, 1932).
  2. MH Taylor, "A Definitive History of East London" in Coelacanth, Vol 10, No 1, April 1972, p 38.

Taylor's project, accepted in 1971, never came to fruition and, indeed, little more has been done to research the history of East London. It is nevertheless an important task because the town was one of the four major ports of southern Africa and its existence at the frontier of Western and Black culture makes it a microcosm of interaction during that period. In addition, its status as a leading trade route provides a gauge to measure the growth of trade and industry in southern Africa generally. This thesis therefore attempts to remedy the academic deficiency in which East London history finds itself.

Although there is a dearth of accurate secondary source material, there is no such lack when it comes to primary material. There are three important sources for a study of the municipal history of East London, namely the annual Mayor's Minutes, the official minutes of proceedings in the Council and finally the reports contained in the Dispatch, East London's leading newspaper. The Mayor's Minutes are crucial for pinpointing landmark events which occurred during the course of each year but at the same time are biased because they present mainly what the Mayor would like the townspeople to believe and seldom are his comments in any way negative. The Council minutes, on the other hand, tend to reflect accurately (although usually somewhat briefly) the resolutions taken in the Municipal Chambers but lack of short-hand and the absence of a typewriter until 1901 allowed the secretary to record little more than resolutions.

Of immense use, especially in the early years of the municipality, are the jottings of the East London Dispatch. Newspapers of the late

19th century are not what they are today and the Dispatch's columns reflected an accurate and considered opinion on the problems which faced the town and its Council. Indeed, during the Council's entire first year in office, lack of finances forced its members to rely on reports published in the newspaper in lieu of its own official minutes. The newspaper also had the advantage of a professional journalist, with knowledge of shorthand, who was able to copy down not only the resolutions but the discussions, debates and altercations which led to the resolutions in the first place, and therefore lends a personal touch to the proceedings.

Beyond those three primary sources, a multitude of other references add to the knowledge. Occasionally another newspaper would arise and survive for a few years and add a divergent viewpoint. East London's fate, however, has been that the port simply has not been prosperous enough to support more than one news-sheet for any length of time. Correspondence, both official and personal, have also added to the picture.

Of major concern is the analysis of maps produced during the period. The early years, from 1848 until 1875, are disappointing because maps are rare. After the latter date, however, they begin to appear more regularly and reveal the changing nature of the growing town. It is unfortunate, however, that the majority simply do not lend themselves to reproduction in this thesis. Nevertheless, they have been used as the basis of the various illustrations which appear throughout the work as an aid to understanding the history of the town.

One point needs to be borne in mind. The sensitive nature of racial conflict in South Africa today makes it extremely difficult to attach names to portray distinctions of race. Furthermore, a name which is acceptable today may not be acceptable in little more than a few years to come. Nevertheless, names need to be used and it has been decided that apart from clear ethnic names, such as Xhosa, Khoikhoi and Mfengu, generalisations will be used which today are accepted as inoffensive. The terms African, Black, Coloured and White have therefore been used throughout this thesis, unless a contemporary word such as "Hottentot" or "Kaffir" seems particularly apt to conjure the feelings of the times, in which case the word always appears within quotation marks.

ACKNOWLEDGEMENTS

A thesis of this nature is simply not possible without the aid of numerous people. It has been my experience that the keepers of the official documents are most generous in hunting down elusive information without which the research would not be complete. It is to these people that my most grateful thanks is given, although it is impossible to name everybody who has aided me in some way.

Some nevertheless need to be singled out for special mention. In the Cape Town Archives, David McLennan has been a constant source of information, combined with friendly but efficient authority. The Free State Archives staff impressed me with the warm reception I received in the unfortunately too brief period I spent there. The Archives in both Natal and the Transvaal, with whom I had only a distant relationship through correspondence, impressed with the speed with which they replied to queries.

At East London there are two primary sources of information. The first is the Municipal Library, with its Dispatch collection with which I have been working from the outset. I must single out for special thanks the various librarians, especially Claire Coombe-Davis, who obtained the necessary permission for me to use the real editions of the newspaper instead of destroying my eyes on microfilms and who has aided me in finding extra information whenever possible. Carmen Milbank and Glenn Hartwig have also given five years of friendly support, fetched keys and attempted to ferret out occasional problem pieces.

The second source of information is Gill Vernon at the East London Museum, a veritable hive of information on the town's history and who appears to take a sheer delight in tracking down elusive names. Gill has also aided in another valuable way in that her interest in East London makes her the ideal listener for me to wax eloquent on my favourite topic whereas others probably hope I won't even start.

My special thanks to the Town Clerk and his secretary for responding to my appeal to have the municipal documents transferred from the Archives so that I could research them at East London instead of having to journey to Cape Town. Also to the men in the Town Planning Office for devoting so much of their time in hunting for old maps. And to Sandy Rowoldt in Cory Library for her unstinted attention when I had urgent need for information. To my promoter, Chris Hummel and his wife Susan, my grateful thanks for their support, friendship and hospitality which they have shown me on so many occasions.

My gratitude would not be complete without special mention of my fiancé Rosann who has been with me for the full duration of this thesis, who has spent many holidays in the Archives pouring over filthy manuscripts which I would not have had time to look at, for spending hours on the typing of municipal regulations, proof-reading, correcting my sometimes strange sentence constructions and for spending hours listening to me expound on East London's history. Above all for her untiring support which has made this thesis very much of a joint effort.

ABBREVIATIONS USED IN THE FOOTNOTES

<u>Advertiser</u>	<u>East London Advertiser</u>
<u>Annex</u>	Annexures to Papers laid before the Cape Colonial Houses of Parliament, which include:
A	Papers laid before the House of Assembly only
C	Papers laid before the Legislative Council only
G	Papers laid before both Houses
<u>CA</u>	Archival Repository of the Cape Province, which includes:
A 459	Brabant Papers
AG	Records of the Attorney General
BK	British Kaffrarian Records
BWR	Papers pertaining to the Boer War Refugees
CCP	Publications of the Cape Colonial Parliament
CCT	Records of the Controller of Customs, Cape Town
CEL	Records of the Collector of Customs, East London
CGR	Documents of the Cape Government Railways
CO	Records of the Colonial Office, Cape Colony
CPP	Records of the Cape Provincial Council
DSGBK	Records of the Deputy Surveyor General, British Kaffraria
1/ELN	Records of the Resident Magistrate, East London
3/ELN	East London Municipal Records
GH	Government House Records
GSC	Records of the Grahamstown Supreme Court
HA	Proceedings of the Cape House of Assembly
J	Jeffreys Photographic Collection
M	Map Collection
MOH	Records of the Medical Officer of Health
NA	Records of the Department of Native Affairs
PWD	Records of the Public Works Department
SG	Records of the Surveyor General
SRP	Papers of the Central Government of South Africa
<u>CL</u>	Documents in Cory Library, Rhodes University, which include:
MIC	Microfilm
MS	Manuscript
<u>Dispatch</u>	<u>East London Dispatch</u> or <u>Daily Dispatch</u>
<u>ELM</u>	Records held by the East London Municipality

<b>EL Museum</b>	Documents housed in the East London Museum
<b>FA</b>	Archival Repository of the Orange Free State, which includes:
<b>SRC</b>	Records of the Superintendent of Refugee Camps
<b>Harbour Boards</b>	Reports of the Harbour Boards
<b>Harbour Masters</b>	Reports of Port Captains and Harbour Masters
<b><u>Kaffrarian</u></b>	<u>The Kaffrarian Recorder</u> or <u>The Kaffrarian</u>
<b>Ladies Relief Committee</b>	Minutes of the Ladies Relief Committee
<b>PP</b>	Imperial Blue Books: Papers laid before the British Houses of Parliament, which include:
<b>Cd</b>	Command
<b>Public Works</b>	Report of the Chief Inspector of Public Works
<b>SAL</b>	South African Library
<b>SAR &amp; H</b>	South African Railways and Harbours
<b><u>Standard</u></b>	<u>East London Standard</u>
<b>Town Relief Committee</b>	Minutes of the Town Relief Committee

CHAPTER 1

URBAN HISTORY: THE THEORETICAL FOUNDATION

The term "urban history" developed as an international catchphrase during the 1960's, although it had its roots much earlier and evolved independently in various parts of the world. The concept has no single meaning but varies from country to country according to the evolution and logistics of research.

Urban history arose in France at an earlier date than in most countries. French historian François Bédarida <sup>[1]</sup> explains that it evolved from the untrained antiquarians who, although lacking in both method and critical accuracy, nevertheless took up the study at a time when traditional historians were still devoted to political, military and diplomatic history. The geographers then took over the subject and so became the first trained scholars in the field. They were followed by legal men, architects and town planners. Genuine historians, Bédarida argues, became involved in the subject after 1929 when Marc Bloch and Lucien Febvre began to draw attention to the town as a major feature of civilization. Although they were concerned mainly with the Middle Ages and the Early Modern Period, their journal, Annales, nevertheless called for a multi-disciplinary approach and benefitted from a great influx of social and economic history.

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1. FRANCOIS BÉDARIDA: Director of the Institute of Contemporary History at the Centre National de la Recherche Scientifique; his works include A Social History of England, 1851-1986 (1979); De Guillaume le Conquerant au Marche Commun (1980); and co-authorship of "The Street in the Structure and Life of the City: Reflections on Nineteenth-Century London and Paris" in Journal of Urban History, Vol 6, August 1980.

Various theoretical foundations which existed among the traditional French historians also came to be applied to urban history. Some saw the city as a living organism, with all its parts organically linked while going through the stages of birth, growth and decay in much the same way as plant life. Others, mainly the geographers and economists, attempted to define urban functions, while the positive school looked to a scientific analysis of urban phenomena, using quantitative data in much the same way as the American urban historians. The main stream, however, tended to analyse the city in its contribution to the greater history of civilizations. [2]

Although urban historians agree that American urban history had its foundation at a much earlier date than in Britain, there is no consensus as to its origin there. Michael Frisch [3] argues that it arose during the pre-1940 period, out of sociology and political science where it had been a key theme. [4] Theodore Hershberg, [5] on the other hand, dates it to what he

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2. F Bédarida, "The Growth of Urban History in France: Some Methodological Trends" in HJ Dyos (ed), The Study of Urban History, pp 48-59.  
See also BM Stave, "A Conversation with Francois Bédarida: Urban History in France" in Journal of Urban History, Vol 10, No 3, May 1984, pp 302-304.
  3. MICHAEL FRISCH: Historian from the State University of New York; his works include Town into City: Springfield, Massachusetts and the Meaning of Community, 1840-1880 (1972); "American Urban History as an Example of Recent Historiography" in History and Theory, Vol XVIII, No 3, 1979; and editorship of A Shared Authority: Essays on the Craft and Practice of Oral and Public History (1989).
  4. Frisch, "American Urban History", p 353.

terms the "urban biographies" which arose during the 1930's, research works which examined individual cities in their "total experience". Hershberg, an adherent of the later methodological approach to urban history, is critical of these early attempts because, he says, they were not concerned with the "general process of urbanization" which use the case-study method. The "biographies" were mainly narrative and simple chronicles of the growth and development of a specific city. Although he admits that the research that went into these studies was meticulous and they were well-written, he nevertheless claims that they lacked any "significant conceptual framework" and failed to distinguish adequately between urban and natural history. <sup>(6)</sup>

The urban biographies evolved naturally into an investigation of what Hershberg terms "urban as site" which consisted of research on "something that happened" in cities. These, he says, were social-cultural, economic and political studies which dealt with cities and city life but rarely with urban history as a subject distinct from social, economic and political history. They would not become urban history properly speaking until they

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5. THEODORE HERSHBERG: Historian at the University of Pennsylvania; his works include "The Organisation of Historical Research" in AHA Newsletter, Vol 12, 1976; "The New Urban History: Towards an Interdisciplinary History of the City" in Journal of Urban History, Vol 5, No 1, November 1978; co-authorship of "Occupation and Ethnicity in Five Nineteenth-Century Cities: A Collaborative Inquiry" in Historical Methods Newsletter, Vol 7, 1974; "Occupational Classification" in Historical Methods Newsletter, Vol 9, 1976; and editorship of Toward an Interdisciplinary History of the City: Work, Space, Family and Group Experience in Nineteenth-Century Philadelphia (1979).
  6. Hershberg, "The New Urban History", p 5.

evolved into the next stage of examining "history as process" in which the city was seen as playing an active role in the life of the citizen. [7]

Eric Lampard [8] dated that moment of evolution to as early as 1923 when Arthur Schlesinger [9] published The Rise of the City which looked at urban-industrial changes during the late 19th century [10] but Frisch argues that it had a slightly later origin, in 1940 when Schlesinger made a distinct plea for the city to be examined by historians as a central theme in its own right, around which the conventional approaches to American history could be re-organised. [11] Response was slow, however, and review articles during the 1950's harped on the same theme, attacking what Frisch calls the "amorphous informality" of the contemporary research and calling for a "rigorous, empirical, and analytical approach", together with

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7. Hershberg, "The New Urban History", pp 5-6.
  8. ERIC LAMPARD: Associate Professor of History at the University of Wisconsin; his works include Industrial Revolution: Interpretations and Perspectives (1959); "The History of Cities in the Economically Advanced Areas" in Economic Development and Cultural Change, Vol 3, 1955; "American Historians and the Study of Urbanization" in American Historical Review, Vol 67, 1961; "Urban and Social Change: On Broadening the Scope and Advance of Urban History" in The Historian and the City (ed. Handlin and Burchard, 1963); "The Dimensions of Urban History: A Footnote to the 'Urban Crisis'" in Pacific Historical Review, Vol 39, 1970.
  9. ARTHUR SCHLESINGER: Historian at Harvard University; his works include The Rise of the City, 1878-1898 (1933); The Atlantic Migration, 1607-1860 (1940); Political and Social Growth of the American People, 1865-1940 (1941); The Immigrant in American History (1946); Paths to the Present (1949); "The City in American History" in Mississippi Valley Historical Review, Vol 27, 1940.
  10. Lampard, "American Historians", p 52.
  11. See Schlesinger, "The City in American History", pp 43-66.

co-ordinated research which focused on urbanization as a process. [12] Lampard himself joined the debate in 1961 when he argued that the "variant" facts of history could not be defined or their significance appraised until they were treated "in relation to larger conceptual frameworks". He criticized the traditional local historians for failing to furnish data in forms "that are readily adaptable to macroscopic treatment". Social historians, he argued, have focused so much on problems that they have neglected the study of process and he demanded that urban history become "a scheme of conceptualization" which would clearly differentiate it from other methods of history. [13]

There was still little response to the appeals and most American historians continued to work along traditional lines. It was only when Stephan Thernstrom [14] brought his book Poverty and Progress on the market in 1964 that the real breakthrough occurred in terms of the adoption of the analytical method. The book, Frisch claims, was the first historical study which was based on what he terms "hard data and quantification". The

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12. Frisch, "American Urban History", pp 353-355.

13. Lampard, "American Historians", pp 54-61.

14. STEPHAN THERNSTROM: American social historian at Brandeis University; his works include Poverty and Progress: Social Mobility in a Nineteenth-Century City (1964); The Other Bostonians: Poverty and Progress in the American Metropolis, 1880-1970 (1973); "Notes on the Historical Study of Social Mobility" in Comparative Studies in Society and History, Vol 10, 1967; "Reflections on the New Urban History" in Daedalus, Vol 100, 1971; co-authorship of "The Historical Study of Vertical Mobility" in Historical Methods Newsletter, Vol 1, 1968; "Men in Motion: Some Speculations about Urban Population Mobility in Nineteenth Century America" in Journal of Interdisciplinary History, Vol 1, 1970; and co-editorship of Nineteenth-Century Cities: Essays in the New Urban History (1969).

sources for the research were the original forms used in collecting information for the American census lists and these enabled Thernstrom to trace specific individuals from one census to another and thereby to reconstruct "phases of their lives", which in turn enabled the author to examine larger social patterns of movement. [15]

Thernstrom's model and method was easy to imitate and soon similar research projects were underway, all keeping to the quantitative method. It was natural that the next step would be to call a major urban history conference and in 1968 one was undertaken at Yale University, partly under the direction of Thernstrom himself. The conference tended to represent the younger generation of historians who were eager to endorse what had now become known as the "New Urban History", [16] which was essentially a methodological interpretation. From that moment on, the approach began to proliferate, with departments of Urban History being established at a number of American universities and the subject taught at both undergraduate and postgraduate levels. In 1974 it came to a climax with the production of the

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15. Frisch, "American Urban History", pp 357-360.

16. Leo Schnore, Professor of Sociology at the University of Wisconsin, claims that the term "new urban history" was first used by Stephan Thernstrom and Richard Sennett in their book Nineteenth-Century Cities: Essays in the New Urban History. (See LF Schnore (ed), The New Urban History: Quantitative Explorations by American Historians, p 3.)

Journal of Urban History which aimed specifically at being the mouthpiece of the new movement. [17]

Despite the enthusiasm, traditional scholarship was maintained and it was soon discovered that most historians still adhered to the form of "history as site" rather than "history as process". There were conceptual difficulties with the latter approach, Hershberg explains, and there were definite problems concerning the implication of the methodology. The mobility studies were found to have been based on "remarkably weak foundations". There were widely differing sampling procedures, data sources and classification methods which resulted in biased and inaccurate results, and the conclusions reached were "at best tenuous". [18] In short, the methodological foundation of the New Urban History was suspect, and scepticism set in.

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17. Hershberg, "The New Urban History", pp 15-16.  
Frisch, "American Urban History", p 360.

Despite the fact that Frisch sees Thernstrom as the mover of Urban History, Thernstrom himself in 1975 stated his preference for social history or just plain history, and expressed doubt about the future of a well-defined subdiscipline of Urban History. (See BM Stave, "A Conversation with Stephan Thernstrom" in Journal of Urban History, Vol 1, No 2, February 1975, p 199.)

18. Hershberg, "The New Urban History", pp 6, 20, 28.

David Cannadine<sup>[19]</sup> points out that what he calls the "cult of quantification and census analysis" itself came under increasing attack. Furthermore, the New Urban History had evolved into an "endless replication" of studies of social mobility which, he says, became increasingly hard to justify.<sup>[20]</sup> The methodology also demanded an extraordinary degree of professional specialization, with insufficient results. Urban historians in America produced great quantities of knowledge which were neither digestible nor cost effective. The "disciplinary boundaries", says Hershberg, had become "disciplinary barriers" and urban historians were no longer able to see what he calls "the contours of enormously complex problems" in a real world which defies compartmentalization. The city could not be understood from a single, prescribed viewpoint. The New Urban History was collapsing and losing its sense of direction, and it began to take its natural route back to the traditional approach. As late as November 1978, therefore, Hershberg was still arguing for a distinction to be made between history as site and history as process, and pleaded that urban history should not be

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19. DAVID CANNADINE: Director of Studies in History, Christ's College, Cambridge University; his works include Lord and Landlords: The Aristocracy and the Town, 1774-1967 (1980); Patricians, Power, and Politics in Nineteenth Century Towns (1982); Rituals of Royalty: Power and Ceremonial in Traditional Societies (1987); and co-editorship of Exploring the Urban Past: Essays in Urban History by H.J. Dyos (1982).
20. D Cannadine, "Urban History in the United Kingdom: The 'Dyos Phenomenon' and After" in D Cannadine and D Reeder (ed), Exploring the Urban Past, p 219.

seen as a "rubric" under which everything pertaining to a city would be placed. [21]

Urban history also emerged in Britain during the 1960's but it arose quite independently of its American counterpart and, furthermore, it differed radically in both method and disciplines. It is generally acknowledged that the "Father of Urban History" in Britain was Jim Dyos [22] who nurtured the research for the decade prior to his premature death in 1978. In doing so, he won for himself the first, and only, professorship in Urban History at Leicester University and from that vantage point was able to guide the fledgling subject along lines totally different from those established in America.

Cannadine argues that Dyos was probably influenced by earlier research conducted by Asa Briggs [23] who, he says, was the first important British

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21. Hershberg, "The New Urban History", pp 4, 29-30.  
Frisch, "American Urban History", pp 363-368.  
See also BM Stave, "A Conversation with H.J. Dyos: Urban History in Great Britain" in Journal of Urban History, Vol 5, No 4, August 1979, p 486.
  22. JIM DYOS: Professor of Urban History at the University of Leicester; his works include The Suburban Development of Greater London, South of the Thames, 1836-1914 (London School of Economics, PhD, 1953); Victorian Suburb: A Study of the Growth of Camberwell (1961); editorship of The Study of Urban History (1968); Urban History Newsletter; Urban History Yearbook; and co-editorship of The Victorian City: Images and Realities (1973).
  23. ASA BRIGGS: Provost of Worcester College, Oxford University, and later Chancellor of the Open University; a prolific author whose books include The History of Birmingham Vol 2 (1952); Victorian Cities (1963); and Victorian People: A Reassessment of Persons and Themes, 1851-1867 (1973).

historian to take the city seriously as a legitimate field of study and, in doing so, was forced to break down conventional barriers between economic, political and social history. He was therefore the "fountainhead" of urban history in that country, although Dyos himself argued that urban history predated Briggs and owed its origin to the resurgence of geography, with its dabbling in what has become known today as historical geography. [24]

Once Dyos had taken over the reins, he guided urban history into a nationally recognisable subject. He was particularly interested in understanding how London operated "in its totality as a city", Cannadine explains, and his interest was rewarded when Leicester University offered him the position of Reader in his pet subject and later gave him a professorship for which he chose the title "Professor of Urban History". He thereupon started the Urban History Newsletter, which attempted to provide a small interest group with news and promote a sense of "corporate identity". In 1963 he formed an Urban History group as an offshoot of the Economic History Society, although he was never prepared to divorce the group from the parent body. In 1966 he organised the first major British conference on urban history, held at Leicester, and in 1974 he converted his newsletter into the Urban History Yearbook. [25]

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24. Cannadine, "Urban History in the United Kingdom", p 215.  
 Stave, "A Conversation with H.J. Dyos", pp 472-473.  
 See also FML Thompson, The Rise of Suburbia, p 4.

25. Cannadine, "Urban History in the United Kingdom", pp 205-206.  
 See also A Sutcliffe, "Whither Urban History?" in History Today,  
 July 1983, p 48.

The significant difference between the British urban history school and the American New Urban History was that Dyos refused to be dogmatic about the content and form of the subject. He believed that urban history was a "field of knowledge" and not a single discipline. He did not see it in methodological terms but as an area in which many different scholars could converge. What differentiated the urban historian from the other researchers was simply the "totality of their commitment" to the subject, and not any empirical methodology which he believed was of secondary importance. He was always sceptical of the American approach, arguing that, although historians were always being asked to jump through new hoops, those presented by the New Urban History school seemed far too narrow. It would be "a gross conceit", he told Bruce Stave of the Journal of Urban History, [26] "to pretend" that his subject had a distinctive discipline. It ought to throw itself open to the influence of all kinds "of cognate disciplines", he said, and it ought to be "an area in which people come from outside". [27]

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26. BRUCE STAVE: Professor of History and Director of the Centre for Oral History at the University of Connecticut; editor of Journal of Urban History; his works include Urban Bosses, Machines, and Progressive Reformers (1971); Socialism and the Cities (1975); The Making of Urban History: Historiography through Urban History (1977); Modern Industrial Cities: History, Policy, and Survival (1981).
27. Cannadine and Reeder, Exploring the Urban Past, p 31.  
 Cannadine, "Urban History in the United Kingdom", pp 207-213.  
 Sutcliffe, "Whither Urban History", p 48.  
 Stave, "A Conversation with H.J. Dyos", p 492.  
 See also PE Scott, An Approach to the Urban History of Early Victorian Grahamstown, (Rhodes, MA, 1988), pp 4-5.

Dyos's attitude drew criticism from two fronts. On the one hand were those who believed that his approach was too broad and that his form of urban history was merely local history in new skins. On the other was a group who believed that his field was too narrow because it focused so single-mindedly on the city which meant, Cannadine explains, that there was a danger of ignoring themes, issues and developments which were spatially outside the city but were nevertheless integrally related to it. Furthermore, unlike the American school with its departments of Urban History, the British historians generally did not share Dyos's total commitment to the city. Although many were prepared to research urban history on occasions, they simply did not see themselves as urban historians but rather as masters of the more traditional historical sub-disciplines, and resisted the idea that urban history should become a separate study. [28]

When Dyos died suddenly in 1978, urban history in Britain lost its guiding light. Leicester University did not appoint a replacement for him in the field, and so the organisation, which had already been allowed to operate with little guidance, now lost even its charismatic leadership. More and more historians, says Cannadine, started questioning even whether there was such a thing as urban history at all. [29] Anthony Sutcliffe, [30]

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28. SG Checkland, "Toward a Definition of Urban History" in HJ Dyos (ed), The Study of Urban History, p 344.  
See also Cannadine, "Urban History in the United Kingdom", pp 209-211 and Scott, An Approach to the Urban History of Grahamstown, pp 3-4.

29. Cannadine, "Urban History in the United Kingdom", p 219.

for example, argues that the 1970's were merely a "handy laboratory" within which various methodologies of social history were built up, tested and refined. The city, he says, could now be discarded, or at least "subsumed" within the total environment so that the "blurred and controversial distinctions" between the urban and non-urban could be discarded. Although he himself was also "Reader" in Urban History at the University of Sheffield, he nevertheless claimed that there was in fact no such distinctive field of study. Most of it, he explained to Bruce Stave, was "just general social history". [31]

Australia showed yet another face of urban history. The Australian historiographic tradition, Graeme Davison [32] explains, emphasized the

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30. ANTHONY SUTCLIFFE: Reader in Urban History in the Department of Economic and Social History at the University of Sheffield; his works include The Autumn of Central Paris: The Defeat of Town Planning, 1850-1970 (1970); The History of Urban and Regional Planning: An Annotated Biography (1980); Towards the Planned City: Germany, Britain, the United States, and France, 1780-1914 (1981); co-authorship of History of Birmingham Vol III (1974); editorship of The Rise of Modern Urban Planning, 1800-1914 (1980); co-editorship of Multi-Story Living: The British Working-Class Experience (1974); The Pursuit of Urban History (1982), and authorship of several journal articles on local history.
31. Sutcliffe, "Whither Urban History?" p 49.  
BM Stave, "A Conversation with Anthony R. Sutcliffe: Urban History in Britain" in Journal of Urban History, Vol 7, No 3, May 1981, pp 335, 373.
32. GRAEME DAVISON: Historian at the University of Melbourne; his works include The Rise and Fall of Marvellous Melbourne (1979) and "Explanations of Urban Radicalism: Old Theories and New Historians" (paper delivered at the ANZAAS Conference, 1977).

expanding frontier until Noel Butlin, an economist, [33] began to work on the urban areas which he believed had themselves already become important sectors of expansion during the 19th century. An Urban Research Unit was established in Canberra as a result of Butlin's work and, although it concentrated primarily on modern Australia, it nevertheless spearheaded other research into history along economic lines.

Davison argues that it is impossible for Australian urban historians to follow the route of their American counterparts because of the absence of census material. All colonial governments, he says, appear to have destroyed the enumerator's returns as soon as the census reports had been compiled. There is, therefore, no "disaggregated quantitative data" available to Australian historians. He furthermore criticises both the American and British approach in that it is too specialist. They are great at analysing material, he argues, but have failed to put the pieces together again. [34]

Urban history also took root in other countries, such as Sweden and China, which are not generally acknowledged to be at the forefront of historical research. It had its origins in Sweden in the 1930's but,

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33. NOEL BUTLIN: Butlin's works include Investment in Australian Economic Development (1964); Government and Capitalism: Public and Private Choice in Twentieth Century Australia (1982); Our Economic Aggression: Aboriginal Populations of Southeastern Australia, 1788-1850 (1983).
34. BM Stave, "A Conversation with Graeme Davison: Urban History in Australia" in Journal of Urban History, Vol 5, No 1, November 1978, pp 71, 83.

although it became strongly influenced by the American publications of the 1960's, did not take on the narrow methodological view. Instead it broadened out to encompass cities, towns and the larger villages. [35] During the 1980's urban history also blossomed in China, after the establishment of the Chinese Association of Local History in 1981, but its version was not directly academic. Apart from such professions as archaeology, the researchers generally had no professional training but rather had specific knowledge within their own departments. They were then guided by the Centre for Beijing History into conducting research, collecting materials and writing history. [36]

It is apparent that, after three decades during which urban history has become relatively popular internationally, there is still no consensus as to the precise scope and method of the discipline, if it can be called a discipline at all. Although American theorists try to adopt a narrow, conceptual approach to urban history, the rest of the world tends to view it in the widest possible sense. The problem goes even deeper than that, however, because there is dispute even over the basic historical definition of the city itself. Hershberg and Dyos, for instance, agree that the most fundamental thing about a city is that it constitutes a special

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35. BM Stave, "A Conversation with Ingrid Hammarström: Urban History in Sweden" in Journal of Urban History, Vol 9, No 4, August 1983, p 480.
36. BM Stave, "A Conversation with Zhou Lei: Urban History and Development in Beijing (Peking)" in Journal of Urban History, Vol 14, No 2, February 1988, pp 255-288.

environment [37] whereas sociologist Philip Abrams [38] disputes even that claim. Historians "who theoretically should have known much better", he writes, succumb to the "plausible hypothesis" that the city is an "independent social structural reality" and a "decisive agency" in the process of social change. The truth of the matter, he argues, is that the city is not a social entity at all but has merely the appearance of a distinct social order. [39]

In the South African context, such distinctions seem hardly relevant because there are so few places which qualify as cities and those with historical significance are a rarity. Many of the towns which assumed an early importance, such as Graaf Reinet, Swellendam and Potchefstroom, lost their primacy when the economic focus of the sub-continent shifted to the gold reefs of the Witwatersrand in the late 19th century. Historians have therefore been forced to follow a traditional approach and those who have looked at the earlier towns have usually widened their scope to include the surrounding districts as well. [40]

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37. Sutcliffe, "Whither Urban History", p 48.  
Hershberg, "The New Urban History", p 9.
38. PHILIP ABRAMS: Professor of Sociology at Durham University; his works include Communes, Sociology and Society (1976); Practice and Progress: British Sociology, 1950-1980 (1981); Historical Sociology (1982); and co-editorship of Towns in Societies: Essays in Economic History and Historical Sociology (1978).
39. P Abrams, "Towns and Economic Growth: Some Theories and Problems" in P Abrams and EA Wrigley (ed), Towns in Societies, p 10.
40. See, for instance, KW Smith, From Frontier to Midlands: A History of the Graaf-Reinet District, 1786-1910, (Rhodes, PhD, 1975).

South African academics who have produced major works on towns and cities are in fact few in number. Less than 30 theses have been written with an urban flavour since 1918 and, of these, less than 20 would qualify as urban histories.<sup>[41]</sup> None have followed the quantitative methods preferred in America and it is doubtful whether any South African historians outside of the museologists could be classified as urban historians in the Dyos mould.

The most consistent work on urban history has been done by Rhodes University, with its series of theses on Grahamstown. The initiative was taken by Keith Hunt<sup>[42]</sup> in 1959 with his master's study on the development of municipal government in that settler city and since then he has supervised three more theses which further explored that topic, plus one on East London. Yet even he could not classify himself as an urban historian because of his wider interest in greater South Africa.

Indeed, the demands on historians in South Africa make no allowance for such specialization, and existing sub-categories such as economic history, of which a few departments exist at local universities, are losing ground as Government subsidies shrink so that today even history itself

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41. See Potchefstroom University's Union Catalogue of Theses, 1918-1989.

42. KEITH HUNT: Rhodes University Historian and now Academic Registrar; his works include The Development of Municipal Government in the Eastern Province of the Cape of Good Hope, with Special Reference to Grahamstown, 1827-1862, (Rhodes, MA, 1959); Sir Lowry Cole: Governor of Mauritius 1823-1828; Governor of the Cape of Good Hope 1828-1833 (1974); The 1820 Settlers (1984); co-authorship of The Right to the Land (1974); and authorship of several journal articles on Local History in Contree.

appears to be an endangered species. At most, therefore, South African historians can be said to have an interest in the urban but can neither devote their entire career to it, as in the Dyos definition, nor embark upon complex quantitative surveys, as in the American approach. The latter method would be difficult to adopt, in any case, because South Africa, like Australia, lacks the detailed archival census material. In short, urban history in South Africa needs to follow another route. In the words of Derek Fraser, [43] if a book deepens the understanding of any historical process or situation, it hardly matters where the academic community places it. [44]

Urban history nevertheless has an important function in the South African context. In the first place, as Dyos pointed out, the cities have influenced economic development and the structures of our society. The historical evaluation of the town or city can also give a perspective on what he called the "predicaments of the urban present". The historic foundation and development of the town becomes an inheritance for the future generation of citizens and strongly influences subsequent patterns of urban life. To that extent, Dyos argued, what happened in the 19th century plainly still matters today. Furthermore, the urbanization of the

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43. DEREK FRASER: Historian at the University of Bradford; his works include Urban Politics in Victorian England (1976); Power and Authority in the Victorian City (1979); A History of Modern Leeds (1980); Municipal Reform and the Industrial City (1982); The Evolution of the British Welfare State (1984); "The Urban Masquerade: Recent Trends in the Study of English Urban History" in The Historical Journal, Vol 27, No 1, 1984; and co-editorship of The Pursuit of Urban History (1982).

44. Fraser, "The Urban Masquerade", p 254.

population becomes an index of rising standards of material welfare, and therefore a measure of our civilization. [45]

Another noteworthy point made by Dyos is that the historian's task is concerned with the art of "reading" the city. [46] There are, however, many "languages" which he can read, such as architecture, town planning, social mobility and racial tensions, to name but some. Few people, even those who have chosen to devote themselves to urban history, have the ability to read all the "languages" and it is therefore in the city's best interests for its past to be tackled from a multi-disciplinary point of view, and not merely in the narrow confines of a particular methodology.

Arthur Marwick, [47] while referring to the general need for historical studies, provides another sound reason for research into urban history. Society, he writes, can have knowledge of itself only through a knowledge of its history but, unlike the individual, it has no organic memory. Every society must therefore have some functionary who is responsible for the preservation and communication of such knowledge and without such a memory, without recollection and self-knowledge, society is "adrift". [48]

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45. Cannadine and Reeder, Exploring the Urban Past, p xiv.

46. Cannadine and Reeder, Exploring the Urban Past, p 11.

47. ARTHUR MARWICK: Professor of History at the Open University: a prolific writer whose works include The Explosion of British Society (1963); The Deluge, British Society and the First World War (1965); Britain in the Century of Total War: War, Peace and Social Change, 1900-1967 (1968); The Nature of History (1970); British Society since 1945 (1982); Class in the Twentieth Century (1986).

48. Marwick, The Nature of History, pp 13-14.

Urban history is part of that memory and its study restores knowledge of the past, both for the benefit of the urban society itself and for the greater community. The city therefore functions in two ways. First, it is a microcosm of social development in the region as a whole but it is also a major instrument in the very development of the wider community. Furthermore, with the current stress on making history more relevant at all levels,<sup>[49]</sup> urban history takes on greater significance. More people than ever before are living in urban areas and, with less working hours and consequently greater leisure time, there is an ever-increasing group of urban dwellers who are taking an interest in their history. Historical artifacts are all around them, in the ruins, the old buildings, the antique furniture, and the very lay-out of the town itself. People are asking questions but, without thorough research by properly trained historians, the answers tend to be either superficial or, as is often the case, erroneous.

There are many ways in which urban history can be tackled but accurate knowledge is dependent upon a solid foundation in which the basic elements of the town's development are explored. That is best done in the traditional mould, with research into the general aspects of growth, taking in such fields as finance, town expansion, population grouping, the provision of water, sanitation, lighting and transport. The general study tends to highlight the problems facing the urban establishment, as well as the difficulties which uniquely characterised that particular community.

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49. See the Schools Council History 13-16 Project, A New Look at History, pp 7-18.

The other more specialised studies, such as historical architecture, town planning, social mobility and economic patterns, can then be based on such a foundation. This present thesis, which examines the development of East London over four decades, from 1873 till 1914, aims at laying that foundation, without which the more specialised studies can at best be superficial.

CHAPTER 2

EAST LONDON ON THE EVE OF MUNICIPALITY:  
A BRIEF REVIEW OF THE YEARS 1847 TO 1873

East London was founded in April 1847 as a port to serve the troops in what was to become British Kaffraria during the latter stages of the 7th Frontier War, otherwise known as the War of the Axe. The village was situated on the west bank of the Buffalo River and was the only White settlement in the region until early 1857. In that year two more villages, named Panmure and Cambridge, <sup>[1]</sup> were established in close proximity on the east bank of the river to accommodate members of the Anglo-German Legion who were settled in British Kaffraria at the end of the Crimean War. The Legionnaires generally made bad settlers, however, and so Governor Grey <sup>[2]</sup> decided to augment their ranks with another scheme which brought some 1 500 German peasant families to the region, many of whom were settled at Panmure and Cambridge, as well as the other villages of British Kaffraria. <sup>[3]</sup>

The Legionnaires were originally given one (or in the case of officers, two) building plots in the village of Panmure, as well as an acre lot of "suburban land" to the north of that village and ten acre

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1. PANMURE: The village was situated on the east bank of the Buffalo River, immediately opposite East London, and was named after Lord Panmure, Secretary for War from 1855 to 1858.

CAMBRIDGE: The village, also on the east bank but about five miles further inland, was named after the Duke of Cambridge, Commander-in-Chief of the British Forces in 1856. It gained its own Village Management Board in April 1882, became a municipality in 1902 and was eventually united with the East London Municipality in 1942.

(See map, p 24.)

2. SIR GEORGE GREY: High Commissioner and Governor of the Cape of Good Hope, December 1854 to August 1861.
3. KPT Tankard, East London: The Creation and Development of a Frontier Community, 1835-1873, (Rhodes, MA, 1985), pp 25-28, 130-139.

EAST LONDON  
1847 - 1857

CAMBRIDGE  
(1857)

GERMAN  
10 ACRE  
LOTS

GERMAN  
ACRE  
LOTS

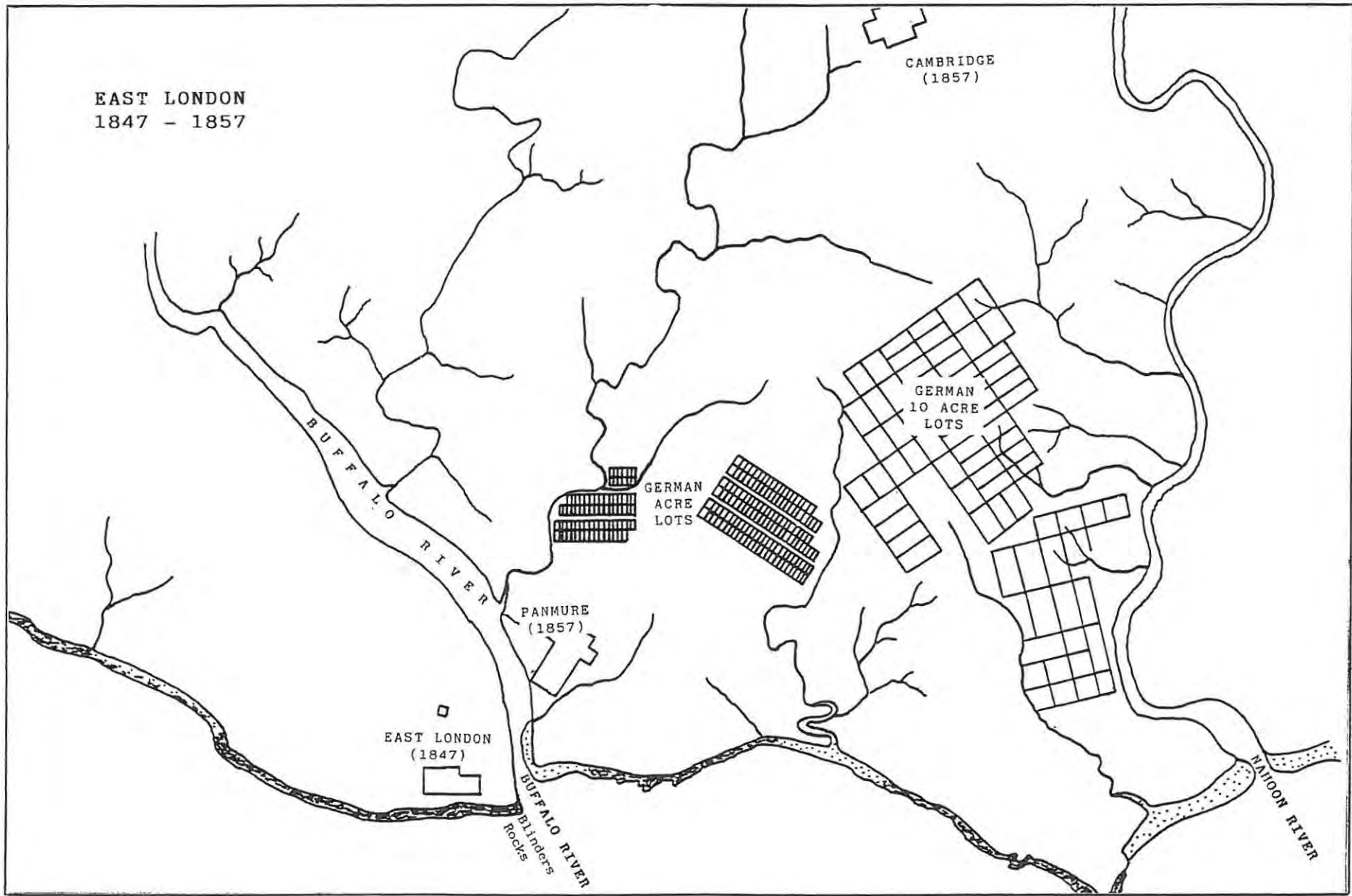
PANMURE  
(1857)

EAST LONDON  
(1847)

BUFFALO RIVER

BUFFALO RIVER  
Blinders  
Rocks

MAJON RIVER



agricultural lots near the Nahoon River. [4] Those at Cambridge were given similar sites. When the German peasant families arrived in 1858, many were settled on land which had been vacated by the Legionnaires. Those people who were settled at Cambridge, however, fell outside the boundaries of the East London Municipality when it was established in 1873 and, indeed, that village was not incorporated into East London until 1942. Its history will therefore not be dealt with in this thesis.

East London's trading prospects were initially good. The port had geographic and climatic advantages over Port Elizabeth for it was well placed on the east coast of southern Africa and had a river mouth to offer protection to the surf-boats from both wind and sea while cargo was landed. Furthermore, the road to the interior (to King William's Town, Queenstown, Aliwal North and the territories beyond the Orange River) was shorter than the route from Port Elizabeth and no mountain ranges or river valleys obstructed the flow of traffic. East London was also better situated climatically, for the trade route was well-watered and contained excellent pastures, an important asset in the days of animal-drawn transport. It is possible, therefore, that the town might have presented a serious challenge to Port Elizabeth's position as the leading port for the Eastern Cape had Government interference not impeded its natural advantages.

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4. CA, DSGBK 24. George Montague to George Pomeroy Colley, 16.7.1857.

(See map, p 24.)

There was great initial excitement at the creation of the new port, particularly one whose prospects seemed so good. Merchants immediately began to move in as camp followers and by July 1847 a regular export trade had started. When Sir Harry Smith <sup>[5]</sup> took over the administration of the Cape Colony in December 1847, he actively encouraged merchants to establish trading stations, shops and hotels in British Kaffraria as he saw in their presence some form of educational experience for the Xhosa because the Black community would be brought face to face with White civilization and a cash economy. It would also serve to erode the power of their traditional chiefs. <sup>[6]</sup>

There was a good response to Smith's invitation and several merchants set up shop at East London but in January 1848 the High Commissioner crippled the port's prosperity when he annexed it to the Cape Colony. <sup>[7]</sup> Smith realised that the establishment of a port in British Kaffraria would create trade difficulties which a military government was not equipped to handle. Furthermore, his questioning of various traders as far afield as the Orange River Sovereignty and Natal led him to believe that East London would become a popular port and that various forms of smuggling would soon

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5. MAJOR-GENERAL HENRY GEORGE WAKELYN SMITH: High Commissioner and Governor of the Cape of Good Hope, December 1847 to March 1852.
  6. KPT Tankard, "Strangulation of a Port: East London, 1847-1873" in Contree, No 23, March 1988, p 5.
  7. PP 1847-48, XLIII [969], p 57. Proclamation of 14.1.1848.

The proclamation annexed the "Port of East London", together with a two-mile rayon. It was vague, however, and did not indicate whether that rayon stopped at the river or extended to the other side.

arise if no customs officer was stationed there. Since the Cape had all the necessary machinery for handling the collection of customs, and British Kaffraria did not, he decided to place the port and its two mile military rayon under colonial jurisdiction. [8]

The annexation should have been a temporary measure to operate only until British Kaffraria was established as a Crown Colony. Letters Patent for that purpose were issued in December 1850 but the outbreak of the 8th Frontier War, or the Mlanjeni War, in that same month prevented their implementation. Further Letters Patent were issued by the Colonial Office in 1854 but the new High Commissioner, Sir George Grey, purposely held them in abeyance so that he could promote his own acculturation schemes for British Kaffraria without legal hindrances. The Letters Patent were therefore published only in 1860, by which stage East London's trade had been virtually destroyed. [9]

As a result of the legal confusion, East London had an uncertain existence. British Kaffraria was not prepared to spend money on a port which belonged to the Cape Colony and the Cape in turn was not willing to invest capital in the town and see it lost when East London was handed back to British Kaffraria. Even such an inexpensive item as the construction of a jetty, crucial if any form of trade was to be carried out efficiently and

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8. Tankard, "Strangulation of a Port", pp 5-6.

9. Tankard, East London, pp 23-30.

profitably, was delayed for over two years until military needs demanded it. [10]

Another problem caused by the uncertain political status was the collection of customs revenue. As long as East London was a part of the Cape Colony, it did not matter which port the merchants used because fees collected at both Port Elizabeth and East London were paid into the Cape Treasury. Due to the lack of a bonding warehouse at East London and, in any case, since many of the merchants in British Kaffraria could not afford to buy in bulk, it was found to be more convenient and cheaper to import through Port Elizabeth. The situation was aggravated because of bureaucratic bungling which forced the merchants to pay a double import duty if their merchandize was landed at East London. [11]

Because the mouth of the Buffalo River was usually very shallow over the sand-bar, none but the smallest of coasters could hope to cross into the deeper lagoon beyond. Ships therefore anchored in the roadstead and their cargo was brought ashore by means of surf-boats, which were guided into the river by means of a warp, or rope, attached to the Blinders Rocks on the western bank [12] and anchored out to sea by means of a buoy. In the early years of East London's existence, there was not a significant enough trade to tempt private enterprise into the creation of surf-boat companies and the

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10. Tankard, "Strangulation of a Port", p 7.

11. Tankard, "Strangulation of a Port", p 8.

12. See map, p 24.

task was therefore left to the Commissariat, which had to supply the troops even if it worked the surf-boats at a loss. An arrangement was therefore agreed upon whereby the Commissariat also handled private cargo at a fee but subject always to preferential treatment being awarded to military supplies.

As trade began to escalate during the 1850's and 1860's, so the Commissariat Surf-Boat Establishment developed into a monopoly which brooked no opposition. In principle it was not a major problem but what irked the merchants was the way in which their cargo was handled. The Commissariat was able to charge whatever freightage it desired and also refused to accept responsibility for civilian cargo in its care. As a result, freight fees and insurance costs escalated so that it became far cheaper for the East London and frontier merchants to import their goods through Port Elizabeth, despite the long overland haul which that entailed. [13]

It was difficult political and military circumstances of that nature which strangled East London's trade and prevented the town from rising to its natural position of port for British Kaffraria, and even for the Eastern Cape as a whole. Since trade was East London's bread and butter, the unwanted interference resulted in truncated growth. By 1853 the civilian population was a mere 124 and a decade later it had risen to only 366. [14] Although the political status of the port changed in 1860 with the eventual publication of the Letters Patent and the transfer of East London to British

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13. Tankard, "Strangulation of a Port", pp 8-9.

14. Tankard, East London, p 139.

Kaffraria, an economic depression which descended on southern Africa during the 1860's ensured that the trade stagnation would continue for almost another decade.

Political problems also had a marked effect on the evolution of local government at East London. The military nature of the port's existence meant that village administration remained firmly in the hands of the army for the first decade. Every Resident Magistrate until 1857 was also the Commanding Officer at Fort Glamorgan, <sup>[15]</sup> which meant that the governors of the town had little knowledge of civil law and were not trained in the art of democracy. The civilian population was therefore totally deprived of a share in local administration and not even a Village Management Board was established during the initial 25 years of the port's existence.

It was an unfortunate situation. The Resident Magistrate was given authority only to impose law but had no power to spend money, no matter how small the amount, without the prior consent of Cape Town. Even the most basic needs of the port, such as water, sanitation and street maintenance, were therefore neglected and the inhabitants depended on petitions to bring about the few improvements that were vitally necessary. It was a time-consuming and unreliable method. Not only did the petitioners have to rally support for their schemes but their memorials had ultimately to be sent via the Resident Magistrate to the Chief Commissioner of British Kaffraria, who eventually passed them on to the Cape Colonial Secretary for

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15. FORT GLAMORGAN: A fort built at East London in 1848 and named after the Earl of Glamorgan.

consideration. As a result, the petition was reserved for major complaints while lesser contingencies of everyday life were left unattended. [16]

That state of affairs had a negative effect on the population of the town. After a decade a spirit of disinterest had taken root and even when a civilian Resident Magistrate was eventually appointed in 1857, no attempt was made by the townspeople to gain a greater share in local government. Furthermore, the continued defensive importance of the port meant that the military authorities preferred to maintain the status quo. [17]

In essence it meant that there could be little growth. By 1873 the water supply was exactly as it had been in 1847, and sanitation was in an horrendous state so that it was the opinion of the District Surgeon that East London was protected from a major epidemic solely by the presence of the constant coastal breezes. Furthermore, for 30 years the village streets remained no more than cart-tracks. Indeed, a report in 1864 described how a wagon had stuck so fast in a hole in one of the town's principal thoroughfares that it had to be completely unloaded before it could be extricated. [18]

The authoritarian status of the governing authority also bred a community which was virtually indifferent to local affairs, as the

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16. Tankard, East London, pp 48-49.

17. Tankard, East London, pp 85, 165-166.

18. Tankard, East London, pp 151-164.

King William's Town Gazette pointed out in 1864. It was a well-known and authenticated fact, the editor wrote,

"that people living under despotic governments lose all desire of partaking in public concerns, and are content so long as their private property and persons are not molested."<sup>[19]</sup>

The quality of the population which settled at East London up until the mid-1860's did not help matters. On the west bank of the Buffalo River, in the original village of East London, there were mainly English-speaking merchants who were willing to take risks and put up with privations to foster their businesses. On the east bank, on the other hand, there was a mainly German-speaking population which consisted of a handful of Legionnaires and a majority of peasant families, none of whom had experienced any form of democratic institution in Germany and therefore formed an ineffectual pressure-group. Furthermore, many of the peasants had been placed in serious economic distress when the Government had reneged on its contract with them and had given them far less land than it had promised.<sup>[20]</sup> They were therefore more concerned with survival and fighting for their land-rights than waging any other battle.

Only in the mid-1860's did East London gain any of the institutions associated with a civilized society, such as a local newspaper, the theatre and a library. These elements were taken for granted in most of the other rising towns in the Cape, yet at East London they struggled for existence.

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19. King William's Town Gazette, 29.6.1865.

20. Tankard, East London, pp 132-139.

The first newspaper, the East London Times, appeared only in January 1863 and lasted a mere two months. [21] The second paper, the Kaffrarian Recorder and East London Shipping Gazette, began publication in May 1863, lapsed briefly in 1864, and then continued under the new name of The Kaffrarian until mid-1865 when lack of support forced it to cease publication altogether. [22] It was only in September 1872 that a permanent newspaper, the East London Dispatch, was established and has existed with modifications to the present day.

Education suffered from similar disinterest. Between 1859 and 1873 there were no less than four attempts to establish a school in Panmure but the largely German community was simply too poor and disinterested to bother with such niceties as public education. The Anglican school on the West Bank floundered through lack of interest between 1861 and 1869 until an economic resurgence at the port caused a rise in population and created a society which took a greater concern in educational matters. [23]

The change in East London's economic fortunes happened quite dramatically. Up until 1866 problems of the port's legal status, a

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21. EAST LONDON TIMES: East London's first newspaper consisted of half a sheet of foolscap, printed on one side only. The other side was left blank, the King William's Town Gazette claimed, "for want of room or from lack of matter." Unfortunately, no copy has survived to the present day.
  22. The Kaffrarian, published by George McCall Theal who was later to earn himself a reputation as an historian, was believed to have been completely lost until copies were accidentally discovered in a cupboard in the South African Library.
  23. Tankard, East London, pp 202-206.

crippling drought and a major economic depression kept the town in the doldrums. Circumstances altered swiftly after 1866, however, as British Kaffraria was annexed to the Cape Colony, thereby altering East London's political status, the drought ended and diamonds were discovered in Griqualand West. [24]

East London made the most of its geographic and climatic advantages, as well as the fact that it was the closest port to the diamond fields. Improved operations by the Commissariat Surf-Boat Establishment, moreover, allowed cargo to be handled more efficiently, with a consequent drop in freight and insurance charges. The result was a resurgence of trade. At the same time, increased revenue from the diamond traffic created boom conditions for the Cape generally, which gave the Government sufficient funds to embark on two major schemes at East London. In 1872 work began on the construction of a harbour within the Buffalo River and in 1873 the first sod was turned on the railway line to Queenstown, the two projects together producing an escalation in property values at East London. [25]

By 1873, the year in which the municipality was at last established, East London's prospects looked brighter than at any time since 1847. It appeared, therefore, that the new Municipal Board would be able to make much of the rise in prosperity to undertake the long-neglected projects of street-construction, sanitation and the provision of a water-supply. To all

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24. Tankard, "Strangulation of a Port", p 11.

25. Tankard, "Strangulation of a Port", p 11.

intents and purposes, East London's future seemed certain and there was again a spirit of optimism in which the townspeople believed that East London could still eclipse the other ports in the Cape Colony.

CHAPTER 3

AN OVERVIEW OF THE FLUCTUATIONS IN THE SOUTH AFRICAN ECONOMY,  
DEVELOPMENT OF THE EAST LONDON HARBOUR AND THE GROWTH OF TRADE

1872 - 1914

East London during the period from 1873 to 1914 was still primarily a commercial town. Because it was a port linking the interior of southern Africa with the outside world, it served as a barometer to measure the fluctuating economic fortunes of the country as a whole.<sup>[1]</sup> A full understanding of the town's financial situation is only possible, therefore, if one first gains an overview of the economic circumstances which prevailed in South Africa, and of the development of the East London harbour as a trade-route, the life-blood of the town, although such a study must remain secondary to the central theme of the thesis.

The Cape had a buoyant economy between 1868 and 1882, not only because the discovery of diamonds in Griqualand West provided the Colony with mineral wealth, but also because it created new inland markets, with an increase in the White consumer society, together with an expansion of the African market as more Blacks made their way to the mines to provide skilled and unskilled labour. Cape Town historian, Colin Bundy,<sup>[2]</sup> argues that there was also growth in the Black rural market, in what he calls a "virtual

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1. By "country" is meant particularly the Cape Colony and the two boer republics of the Orange Free State and the Transvaal.
  2. COLIN BUNDY: Professor of History at the University of Cape Town and at the University of the Western Cape; his works include Re-making the Past: New Perspectives in South African History (1986); Western Cape Roots and Realities: Street Sociology and Pavement Politics: Some Aspects of the 1985 School Crisis in the Western Cape (1986); History, Revolution and South Africa (1987); The Rise and Fall of the South African Peasantry (1988); co-authorship of Hidden Struggles in Rural South Africa: Politics and Popular Movements in the Transkei and Eastern Cape, 1890-1930 (1987); editorship of Reader's Digest Illustrated History of South Africa: The Real Story (1988).

'explosion' of [African] peasant activity". [3] The granting of Responsible Government in 1872 further boosted confidence in the country and the Molteno Administration quickly capitalised on the prosperity generated by the diamond industry to plough the profits into harbour works and railway construction and so further opened the inland markets. [4]

During the two years from 1876 to 1877 there was a minor relapse in the economy because growth had been too rapid and the export of wool and diamonds declined. The downturn was short-lived, however, and further expansion of the diamond mines, together with better agricultural conditions, saw rapid expansion between 1879 and 1881. It started with the annexation of the Transvaal in 1877 which boosted investor confidence because of the establishment of British administration over the former republic. The Gcaleka War [5] thereupon resulted in an artificial increase in the White population of South Africa, with a concomitant rise in trade and exports. [6]

The boom years, however, led to overspeculation in diamond shares as well as an overextension of credit, and were followed by a period of extreme drought which crippled the agricultural market. The outbreak of rebellion

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3. Bundy, South African Peasantry, pp 66-67.
  4. See CGW Schumann, Structural Changes and Business Cycles in South Africa, 1806-1936, pp 33, 82.
  5. GCALEKA WAR: Commonly known as the 9th Frontier War, the Gcaleka War was fought in the Transkei and Border districts between 1877-1878.
  6. Schumann, Structural Changes and Business Cycles, pp 83-84.

in the Transvaal in 1880 and the restoration of independence in 1881 saw investor confidence collapse, and the economy was further crippled by a withdrawal of funds by the Imperial Government. As a result of the battering from all sides, South Africa tumbled into the worst depression of the 19th century, what contemporaries called the "Great Depression", a world-wide phenomenon although Samuel Saul [7] argues that it was not a "great" depression in any "unified sense". Indeed, Saul states, not all the economic factors pointed to a depression at all "in the real sense of the word" but it was nevertheless a period during which Britain and several other countries went through "unusual and worrying economic experiences". [8]

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7. SAMUEL SAUL: Professor of Economic History and Vice-Chancellor of the University of York; his works include Studies in British Overseas Trade, 1870-1914 (1960); The Myth of the Great Depression, 1876-1896 (1985); co-authorship of The Economic Development of Continental Europe, 1780-1870 (1973); The Development of the Economies of Continental Europe, 1850-1914 (1977); and editor of Social Theory and Economic Change (1972).

8. Saul argues that the economic downturn was experienced at different periods by the international community. For Britain, the years from 1873 to 1897, traditionally called the "Great Depression", marked what he calls a "watershed period" as competition increased in the overseas market which resulted in a slackening of growth. Germany and the United States, on the other hand, experienced a recession in the 1870's but not during the following decade while the French economy slowed from about 1881 to the mid-1890's.

(See Saul, The Myth of the Great Depression, p 54.

See also A Mabin & B Conradie, The Confidence of the Whole Country: Standard Bank Reports on Economic Conditions in Southern Africa, 1865-1902, pp 101, 142; HA Siepmann, The First Hundred Years of the Standard Bank, p 81; Schumann, Structural Changes and Business Cycles, pp 84-85; and WA Lewis, Growth and Fluctuations, 1870-1913, p 22.)

(See Table 1, p 40.)

TABLE 1

TRADE FIGURES FOR CAPE TOWN, PORT ELIZABETH AND EAST LONDON  
1871 - 1904

	<u>IMPORTS</u> (in £)			<u>EXPORTS</u> (in £)		
	<u>Cape Town</u>	<u>Port Elizabeth</u>	<u>East London</u>	<u>Cape Town</u>	<u>Port Elizabeth</u>	<u>East London</u>
1871	900 878	1 462 935	96 144	945 381	2 262 704	69 234
1872	1 483 975	2 447 280	299 682	1 188 023	3 137 400	142 343
1873	1 895 496	2 629 428	338 687	673 331	2 510 362	79 492
1874	2 229 980	2 500 886	527 521	651 145	2 863 975	96 985
1875	2 144 750	2 681 333	552 033	690 454	2 832 523	131 800
1876	1 950 572	2 416 691	785 919	546 809	2 222 454	168 429
1877	2 030 692	2 174 556	702 130	696 219	2 225 286	171 184
1878	2 380 603	2 489 277	898 936	670 193	2 076 093	189 764
1879	2 677 573	2 960 884	1 080 122	702 102	2 223 181	265 622
1880	2 801 463	3 382 378	1 152 610	861 027	2 653 729	303 991
1881	3 177 944	4 001 658	1 652 143	802 887	2 583 737	377 212
1882	3 186 912	3 760 650	2 115 930	887 143	2 442 051	458 736
1883	2 537 937	2 364 891	1 231 849	770 883	2 341 123	548 859
1884	1 990 509	2 023 804	976 607	781 268	2 033 431	597 339
1885	1 961 591	1 737 170	741 616	608 256	1 483 852	572 829
1886	1 602 294	1 466 579	573 895	601 397	1 601 230	623 301
1887	1 779 405	2 273 243	775 009	560 174	1 543 098	716 938
1888	2 025 954	2 706 228	793 166	1 047 980	1 881 057	859 767
1889	2 872 503	4 181 529	1 152 156	1 407 166	1 970 096	942 948
1890	3 016 589	4 579 392	1 526 637	2 116 421	1 998 125	991 093
1891	3 060 064	3 832 121	1 386 687	3 438 977	2 103 348	911 733
1892	3 085 468	4 511 090	1 646 527	4 445 618	1 976 759	825 734
1893	3 385 833	5 361 655	2 347 622	5 413 830	1 908 241	783 993
1894	3 258 142	5 408 912	2 373 423	7 425 441	1 570 452	791 112
1895	3 535 570	6 878 633	2 932 147	8 304 897	2 020 467	755 399
1896	4 905 994	9 088 898	3 579 893	8 672 837	1 921 394	851 436
1897	5 921 351	8 411 606	3 246 138	11 319 159	1 949 878	817 368
1898	5 808 554	6 645 030	3 788 469	15 881 952	2 103 351	954 654
1899	5 498 732	6 308 468	3 188 987	14 491 757	2 370 779	1 014 306
1900	8 374 824	5 420 599	2 902 204	uncertain	1 376 684	512 610
1901	10 159 133	6 826 039	3 888 022	uncertain	1 698 718	834 262
1902	14 423 314	11 000 526	6 022 867	6 449 636	2 226 039	973 778
1903	14 396 653	11 177 553	7 320 510	12 525 813	1 928 979	1 061 169
1904	9 061 036	7 354 686	4 687 415	16 483 687	1 966 449	1 124 513

[Source: Statistical Blue Books, 1872 - 1905.]

The South African depression began to lift during the latter half of 1885 when the diamond companies of Kimberley began to recover, followed in the same year by finds of gold in parts of the Transvaal. The discovery of rich gold veins on the Witwatersrand in 1886 led to the establishment of Johannesburg, and an influx of capital into the Transvaal brought the depression to a very sudden end. It was followed by a period of rapid economic expansion during which nearly 300 gold mining companies were formed within a single year. The period of prosperity was linked to economic growth in Europe which saw a continual flow of capital into the country by way of gold investments. Although there was a minor collapse from 1890 to 1893 due to over-speculation, good harvests in the Cape meant that the Colony hardly even noticed it. [9]

In October 1899, after years of tension between Britain and the Transvaal, the Anglo-Boer War broke out and imperial troops invaded the two republics. The immediate result was a complete cessation of gold production, and exports began to fall, although imports rose considerably because of an escalation of military cargo and another artificial market was created with the influx of some 250 000 military men who sharply increased the buying power of the country. When hostilities ended in 1902, there was a post-war boom brought about by a spirit of optimism both in South Africa and in Europe. It was characterised by intense speculation in fixed property, especially in the coastal towns, but there was over-confidence and false expectations which began to fade by the end of 1903. The interior of

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9. Mabin & Conradie, The Confidence of the Whole Country, p 182.  
Schumann, Structural Changes and Business Cycles, pp 87-90.

the country had been completely destroyed by the war and years of rebuilding were necessary but, although imports were necessary, there was little purchasing power and South Africa slumped into yet another recession which would last until 1910 when, with the creation of a Union of South Africa, renewed optimism caused a short period of economic revival.<sup>[10]</sup> That in turn was brought to an abrupt end in 1914 when Britain went to war against Germany and Austria, and the Union was dragged into the European conflagration.

Harbour development at East London generally followed the cycle of prosperity and depression which characterised the Cape Colony. The years prior to 1872 had seen comparatively little progress. In January 1848 Sir Harry Smith appointed a Board of Commissioners to devise means for improving the port but its recommendations were largely ignored because of the Colony's reluctance to spend money on East London.<sup>[11]</sup> The first attempt to deepen the channel so as to allow larger ships to enter the river mouth was started in 1856 under the direction of Woodford Pilkington, Civil Engineer for British Kaffraria. The plan was to build retaining walls which would allow the natural flow of the water to scour the river and thereby maintain its depth, but construction tended to be sporadic and was eventually abandoned in 1869 when it was realised that the work was a failure and money was being spent fruitlessly. Indeed, the Harbour Master reported in November 1867 that no improvement had taken place but, on the

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10. Schumann, Structural Changes and Business Cycles, pp 93-94.

11. See Chapter 2, pp 27-28.

contrary, "injury" had occurred. Many rocks had fallen into the channel during construction and more had been washed in by the sea. Furthermore, the wall often wanted repair and was so undermined as to be dangerous. If it collapsed, the Harbour Master warned, the whole structure would go and the channel would then be completely blocked. Apart from the cost and the apparent futility of the operation, the authorities also began to doubt the wisdom of curving the breakwater across the mouth of the river, a design adopted in an attempt to prevent the scoured sand from being washed back into the river but which forced sailing vessels to enter the harbour broadside to the surf and the prevailing winds. The ships were then vulnerable to being driven on to the rocky shore east of the river. [12]

The discovery of diamonds in Griqualand West made new funds available and in March 1870 Sir John Coode, Civil Engineer and adviser to the Cape Government, was requested to draw up plans to improve the various harbours of the Colony, including East London. Although the main object of Coode's plans for East London remained similar to Pilkington's, that is to build training walls to guide the river currents into deepening the river channel by natural means, the greatest difference lay in the sum of money which the Cape Government was prepared to spend on the project. Parliament accepted Coode's plans in July 1871 and voted the sum of £100 000 for the construction, although in practice the annual expenditure varied

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12. Tankard, East London, pp 77-80.

considerably and had to be placed on the Government Estimates each year and could not exceed £15 000 per annum. [13]

No work took place until the arrival of William Lester as Harbour Engineer in April 1872 and, in any case, a period of preparation was needed in order to establish officers' quarters. Furthermore, since construction was to rely heavily on convict labour, new convict barracks had to be built on both the eastern and western banks of the river. [14] The year 1872 also marked the arrival of the equipment, and shipments of rails were soon being landed at East London. By the end of 1873 the concrete machinery had been erected, a locomotive assembled, the platform for a giant crane levelled and construction was at last started on the south breakwater. [15]

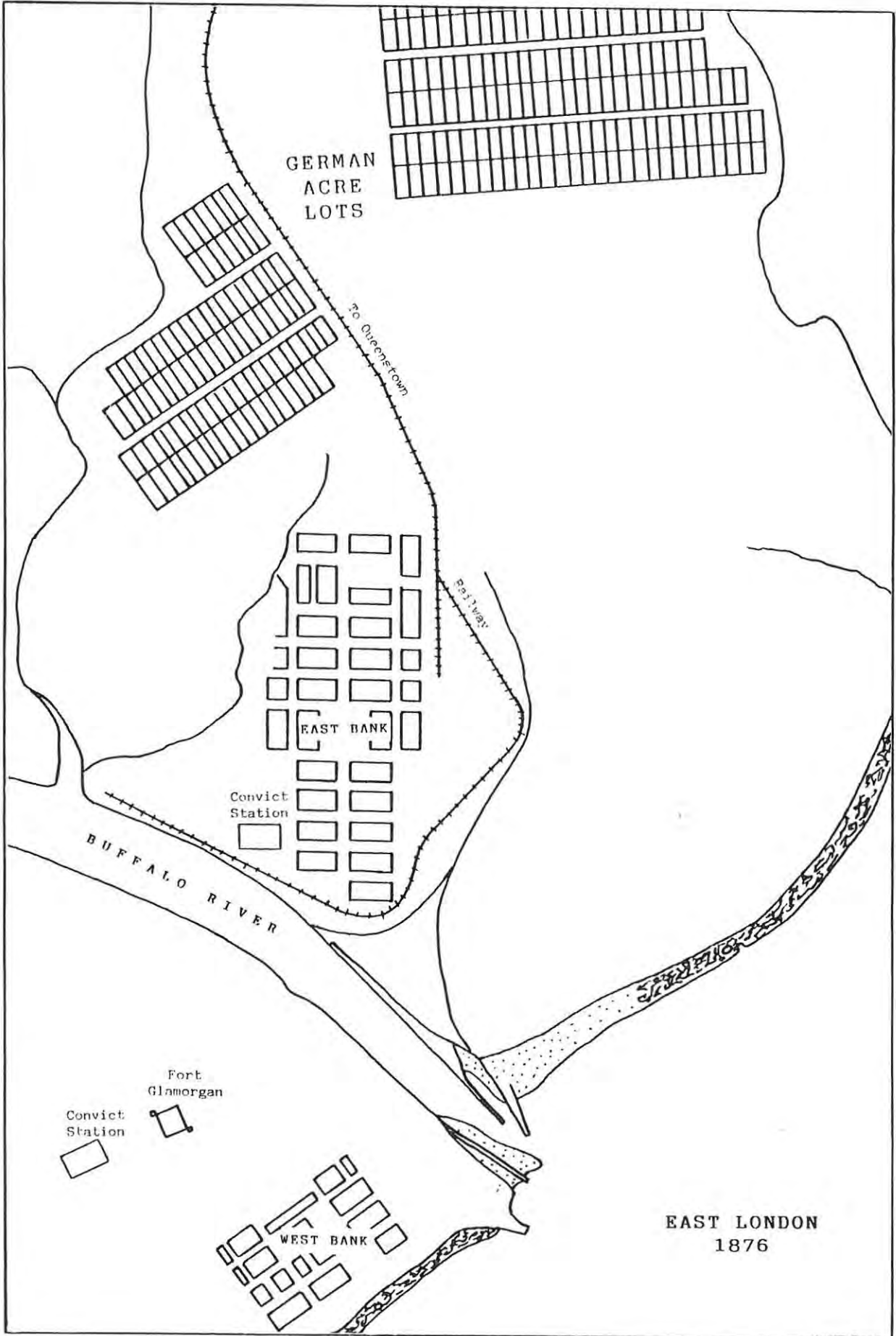
By December 1874 the work on the harbour was already bearing fruit. A flood that year cleared sand from the river and created a channel of between 21 and 36 feet in depth and for some months thereafter steamers and sailing vessels were able to enter the river and discharge their cargoes alongside the jetties. The "freshet", as such a flood was called, also proved conclusively that there were no rock outcrops either in the river or in the channel out to sea, which reinforced the prospect of a satisfactory and safe harbour. Furthermore, the deepest water was found where the work had

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13. Act 7 of 1871. East London Harbour Loan Act, 11.8.1871.  
See also King William's Town Gazette, 31.7.1871.

14. See map, p 45.

15. Annex, G 28-73, p 6. Public Works, 1872.  
Annex, G 42-74, pp 54-57. Public Works, 1873.



already been executed, which indicated that vessels of heavy tonnage would be able to enter the river once the construction was completed.

Severe gales continually hampered the efforts and caused several shipwrecks, which led in turn to loss of material and stores, and prevented various pieces of equipment from being landed. Nevertheless, by the end of 1874 the south breakwater had been constructed for a sufficient length to allow for the dropping of concrete blocks directly into the sea. At the same time, progress was being made on building the training wall on the eastern bank and another on the western bank. <sup>[16]</sup> Railway lines were also laid to connect the harbour with the several quarries which provided stones for the concrete work.

By 1875 two giant cranes, the Hercules and the Goliath, had been landed and were steadily at work laying the Titan blocks in the sea. Construction of the breakwater now made steady progress, although moving more slowly as it advanced into the deeper water. By the end of 1876 its length already measured 480 feet and in December 1877 it extended 800 feet, or half its planned distance. The work on that part of the construction was completed in 1884. <sup>[17]</sup>

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16. Annex, G 42-75, pp 10-16. Public Works, 1874.

17. Annex, G 49-76, p 5. Public Works, 1875.  
Annex, G 42-77, p 20. Public Works; 1876.  
Annex, G 42-78, pp 11-12. Public Works, 1877.

(See photo, p 47.)



EARLY STAGES IN THE CONSTRUCTION OF THE HARBOUR (about 1876): The eastern training wall (closest) has been partially constructed and the Goliath crane can be seen laying concrete blocks on the southern breakwater. Note that the river mouth is still so shallow as to be only about knee-deep. [Source: East London Museum.]



WHARF UNDER CONSTRUCTION (about 1876): The second wharf is built on the east bank of the river. Note that the sand-bar near the mouth partially obstructs the entrance to the harbour, making a channel so shallow that practically no ships can yet enter. Most cargo is still off-loaded in the roadstead on to lighters which are then brought into the harbour by means of tugs. [Source: Cape Archives, AG 1445.]

Major problems were experienced in the progress of the breakwater because of the inclement nature of both sea and weather. The men often had to contend with "continuous heavy surf" which at times became extremely dangerous. The year 1876 was reported to have been "exceptional", with more wind and heavier seas than at any season for the previous six years. So heavy was the surf that on one occasion a 22 ton concrete block was pushed off the wall and into the water. The most difficult part, however, was the construction of the breakwater over the irregular and slippery "Blinders" rocks on the western side of the river<sup>[18]</sup> over which the sea dashed wildly, but the work became safer once it reached deeper water.<sup>[19]</sup>

The combination of training walls and the breakwater saw a marked improvement in the depth of the river. The "freshet" of 1874 gave the Harbour Works a good start but it was followed by a decade of drought. Coode's design relied on periodic flooding of the Buffalo River, yet no further heavy rains were received before 1883 and the drought, together with constant gales, prevented the sand from being carried out with the tides, so that the river gradually grew more shallow.<sup>[20]</sup> Despite that, the channel remained open whereas, in the years prior to 1872, the river was often completely closed because of a sand-bar across the mouth. Even the

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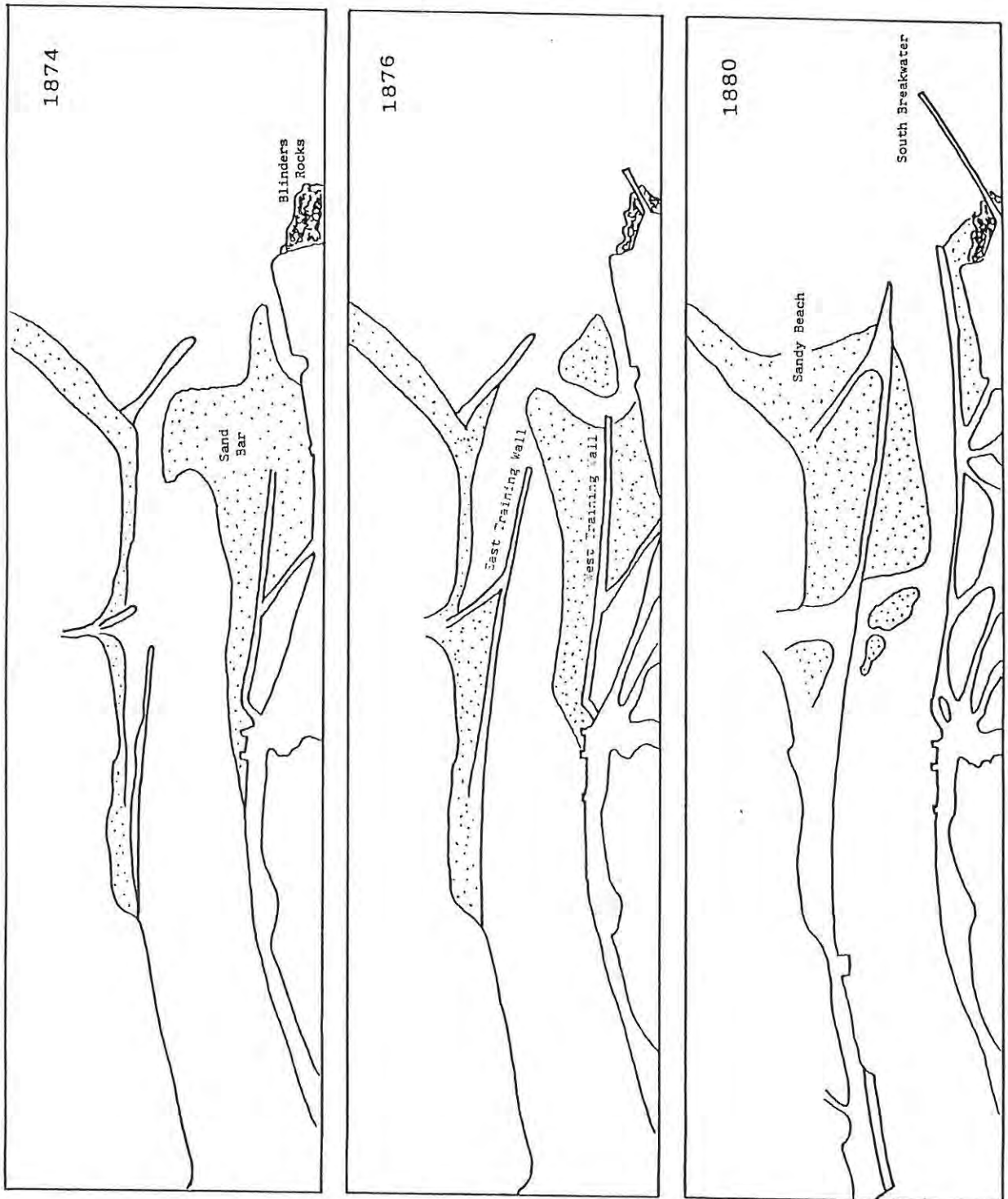
18. See Chapter 2, p 28.  
See also map, p 49.

19. Annex, G 42-77, p 20. Public Works, 1876.  
Annex, G 42-78, p 32. Public Works, 1877.  
Annex, G 36-79, p 35. Public Works, 1878.

20. Annex, G 42-1878, pp 11-12. Public Works, 1877.

(See photo, p 47.)

THE CHANGING FACE OF THE  
EAST LONDON HARBOUR  
1874 - 1880



[Source: East London Museum.]

Dispatch, constant in its criticism of the Harbour Works, had to admit that there was a marked improvement. The channel was not only wider but straighter, the editor wrote in September 1878, and although the water was still shallow, the average depth in the channel was improving which, he was forced to admit, could only be attributed to the Harbour Works, "there having been no fresh water down the river." [21]

By 1879 two tugs, Buffalo and London, which had earlier been commissioned for the East London harbour, were able to tow lighters in and out of the river at all times and at last the warp was dispensed with. Furthermore, the class of cargo vessel was improving. Previously, ships which entered the river had been able to carry only 25 to 40 tons of cargo at a time, but the greater depth of water now enabled the landing and shipping companies [22] to use lighters with a capacity of between 80 and 90 tons which in turn led to a reduction in landing charges, as well as on rates for freight and insurance. [23]

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21. Dispatch, 28.9.1878.

22. LANDING AND SHIPPING COMPANIES: By 1879 there were two such companies. The East London Landing and Shipping Company was established in June 1872 and took over all the plant of the Government Surf-Boat Establishment. By that stage there were only two surf-boats still in operation and they were in a bad state of repair. The company's head-office was initially in King William's Town but was transferred to East London in April 1873 because of the general inefficiency of the previous arrangement. It held a monopoly until December 1875 when the Kaffrarian Steam Landing, Shipping and Forwarding Company was established. By that stage, Port Elizabeth already had four such companies.

23. Annex, G 2-80, p 8. Public Works, 1879.  
Annex, G 28-81, p 22. Public Works, 1880.

Sir John Coode visited East London in April 1881 and presented a most satisfactory report on the harbour construction. When he had last been there in 1870, he said, the entrance to the river was almost entirely blocked by immense sand-banks and, at low-water, the sand extended for some 1 300 yards up the river. By 1881, despite the six years of drought, there were 500 yards less sand at low-water. Without the aid of a "freshet", Coode concluded,

"many thousands of tons of sand have been driven out of the river, and there can be no doubt that a satisfactory navigable channel is being slowly but surely established....Upon the occurrence of the next freshet very considerable benefits cannot fail to be produced." [24]

Trade and shipping statistics attest to the remarkable improvement in East London's status as a port. [25] The total value of imports rose from £21 496 in 1869 to £2 115 930 in 1882, an increase of nearly 10 000 percent. Although the construction of the new harbour was a factor, trade had already started to escalate long before the works became significant and an absence of wharves meant that the renovations simply could not keep pace with the growing trade. Indeed, as early as 1874 the Dispatch carried a scathing attack on the Commissioner of Crown Lands and Public Works because of the lack of landing facilities, although it is true that the editor was somewhat

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24. Annex, A 53-81, pp 2-3. Sir John Coode's Report, 11.4.1881.

25. See Table 2, p 52.

TABLE 2  
TRADE AND SHIPPING STATISTICS  
1869 - 1882

	<u>IMPORTS</u> (in £)	<u>EXPORTS</u> (in £)	<u>WOOL</u> (in lbs)	<u>SHIPS</u>
1869	21 496	27 899	671 179	41
1870	51 117	33 169	765 568	55
1871	96 144	69 234	1 342 056	62
1872	299 682	142 343	2 060 067	79
1873	338 687	79 492	1 008 383	96
1874	527 521	96 985	1 340 579	102
1875	552 033	131 800	1 926 119	144
1876	785 919	168 429	2 591 737	194
1877	702 130	171 184	3 189 154	148
1878	898 936	189 764	3 580 905	198
1879	1 080 122	265 622	5 121 394	237
1880	1 152 610	303 991	5 253 650	272
1881	1 652 143	377 212	6 324 780	319
1882	2 115 930	458 736	8 117 159	325

[Source: Cape Statistical Blue Books, 1869 - 1883.  
East London Chamber of Commerce Reports, 1894, 1896, 1902.]

prejudiced because of that same Commissioner's attitude in another dispute with the Municipal Board over the commonage question. [26] It really seemed, the editor wrote in very cavalier English,

"as though the Government...were doing all in their power to shirk their just responsibilities in matters connected with the landing and shipping of merchandise. This, and all their pettifogging haggling with the newly-created Municipal Council...is doubtless due to the unfortunately characteristical tendency of the gentleman at the head of the Public Works Department to carry out in an extreme manner the proverb relating to the advisableness of taking care of the pence whilst leaving the more valuable coin to take care of itself." [27]

Repeated "urgent" appeals for extra landing facilities finally bore fruit during 1875 and a new wharf was constructed on the eastern bank, near the pontoon [28] but it did not relieve the extreme congestion caused by the hopelessly inadequate landing arrangements. So many wagons were being outspanned alongside the wharf to wait for the lighters to unload their cargo that the access roads were completely blocked. Goods may have been landed and lying on the beach, a letter to the press complained,

"and sometimes you have no chance to get near them to take them away....If the long-looked-for freshet comes now, opens up the River and all the vessels lying outside come in and discharge cargo as fast as even the present landing accommodation allows, the goods will be laying [sic] on the beach to the mercy of wind and rain and block up the road altogether." [29]

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26. See Chapter 4, pp 103-115.

27. Dispatch, 11.8.1874.

28. Annex, G 49-76, p 5. Public Works, 1875.

(See map, p 56.)

29. Dispatch, 4.1.1876. Letter from "X.X.X."

The system proved especially detrimental to the sailing ships. The landing and shipping companies were so anxious not to offend the owners of steamers and drive them from the port that they gave them priority. The sailing vessels, on the other hand, still found it dangerous to attempt entering the river and were often left unattended in the roadstead for periods which sometimes ran to months. In February 1876 a captain of one of those ships wrote to the Dispatch complaining of having had to wait 51 days in the roadstead, during which time 11 anchors had been lost from various vessels because of the constant gales. Yet if one surf-boat had come to discharge his cargo, he said, his ship would have been light enough to enter the river. <sup>[30]</sup> In October that year, the Dispatch drew attention to the anxiety caused by the inadequate arrangements. As the ships went on "accumulating", the editor wrote,

"the unfortunate captains lounge about in their hotels on shore, cursing the unlucky fate which brought them here, and the still more unfortunate crew toss about week after week outside, occasionally obliged to lose an anchor and put to sea in order to avert the probability of a berth on the rocks." <sup>[31]</sup>

The complaints led to the construction of another wharf in 1876, for which purpose the pontoon had to be moved further up the river and a new pontoon access road built, with a teak pile bridge across what was known as

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30. Dispatch, 25.1.1876. Editorial.  
Dispatch, 22.2.1876. Letter from "Thomas Dixon".

31. Dispatch, 17.10.1876. Editorial.

the First Creek. [32] Work on a third jetty was also started that year, to be completed in 1877, and represented a substantial improvement because it was built alongside the railway lines which allowed for the more rapid removal of the inland cargo. [33] Two steam cranes and two more warehouses were also constructed on the wharf. [34]

By 1880 the wharfage facilities had again become inadequate for the increased demands of the port. Moreover, it was found that the existing wharves were "inconveniently arranged and overcrowded", and needed remodelling. An extra 200 feet of wharfage was therefore provided that year, together with another two steam cranes. In 1882 two more wharves were built for the Railways Department, as well as three smaller temporary ones. [35]

Although the Harbour Works appeared to be making good progress by 1883 and trade was increasing by leaps and bounds, much of the good work was soon to be undone by the onset of the "Great Depression" and by political squabbling in Parliament. A major problem was the fact that Coode's scheme was simply not as successful as it had promised to be. The training walls depended on the natural flooding of the Buffalo River to maintain the depth

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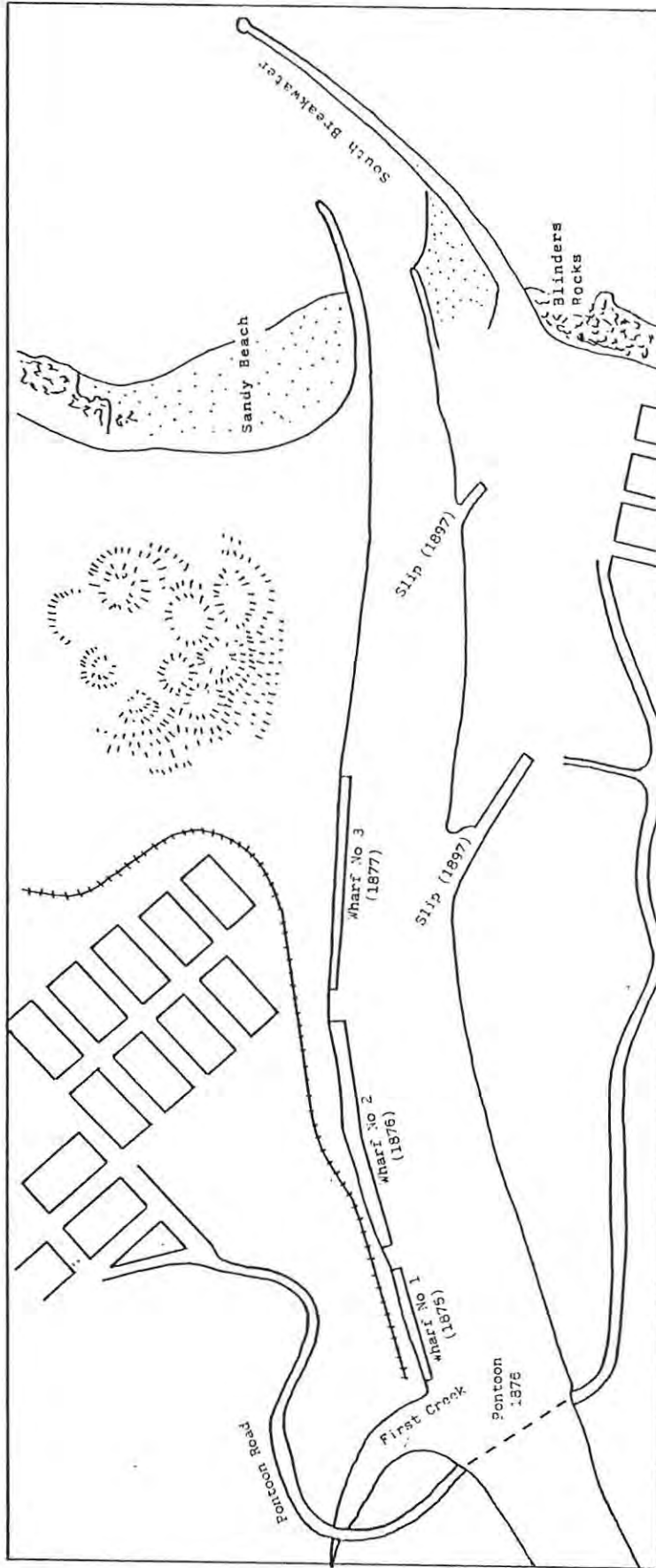
32. Annex, G 42-77, pp 8, 20. Public Works, 1876.

(See map, p 56.)

33. See photo, p 47.

34. Annex, G 42-78, p 12. Public Works, 1877.

35. Annex, G 28-81, p 22. Public Works, 1880.  
Annex, G 52-83, p 26. Public Works, 1882.



EAST LONDON HARBOUR  
1876 - 1897

over the sand-bar but the decade of drought had illustrated that far too much was being left to chance. A dredger was therefore essential.

The East London Advertiser raised that question as early as 1879. Whether the Harbour Works could eventually clear away the bar from the river mouth, the editor wrote, was a problem which time alone could solve but one thing that was clear was that it could only be achieved over a long period. It was therefore worthwhile to consider procuring a dredger to relieve the port "of much of the stagnation" under which it was labouring. The editor further pointed out that, although there had been recent rains, it had merely moved the position of the sand-banks and had placed them "more awkwardly for the navigation of the bar". Trade was increasing, he concluded, but the sand-bar was becoming worse and worse as time passed by. [36]

In 1875 the Commissioner for Public Works had tentatively suggested that the sand-bar could be eradicated by having one of the tugs drag a scraper behind it [37] but the Government eventually recognised the need for some form of dredger and ordered a "crab", or floating grab dredger, to remove the shoal from within the river. The "crab", together with four barges to hold the dirt, arrived in 1882 but was found to be not efficient enough to accomplish the required work. Within months, therefore, another call went out for a large "hopper", or suction dredger, which would have the

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36. Advertiser, 8.5.1879.

37. CA, PWD 1/231. Commissioner (Public Works) to Chief Inspector, 8.1.1875.

advantage of being able to operate over the bar where the water was too deep for the "crab". In 1884 Coode himself advised that two "steam hopper barges" with dredging pumps would be the best means to deepen the channel as they would be able to drop the excavated sand out at sea and so prevent its re-entry into the river. [38]

The moment, however, was no longer opportune. The Cape had fallen into the grip of the "Great Depression", trade had slumped and the Government had resorted to a policy of retrenchment. The recession was not noticed at East London until 1883 but thereafter imports fell dramatically until 1886, when the trough was reached. [39] At the same time, work on the harbour ground to a halt as the Government was forced to slash expenditure on public works. By late 1884, therefore, all construction had ceased, most of the work-force had been retrenched and those who were retained had to settle for reduced wages. [40]

It was not the ideal time for the Government to lay before Parliament a vote of £50 000 to continue the East London harbour works. Colonel Schermbrucker, Member of Parliament for King William's Town and Commissioner

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38. Annex, G 28-81, p 22. Public Works, 1880.  
 Annex, G 11-82, p 14. Public Works, 1881.  
 Annex, G 54-82, p 20. Harbour Masters, 1881.  
 Annex, G 16-85, p 17. Sir John Coode to Chief Inspector of Public Works, 28.7.1884.
39. See Table 3, p 59.
40. Annex, G 16-85, pp 3-12. Public Works, 1884.  
 Annex, G 22-85, p 18. Harbour Masters, 1884.

TABLE 3  
TRADE AND SHIPPING STATISTICS  
1882 - 1893

	<u>IMPORTS</u> (in £)	<u>EXPORTS</u> (in £)	<u>WOOL</u> (in lbs)	<u>SHIPS</u>
1882	2 115 930	458 736	8 117 159	325
1883	1 231 849	548 859	8 985 141	386
1884	976 607	597 339	10 446 597	292
1885	741 616	572 829	11 192 553	303
1886	573 895	623 301	15 752 204	277
1887	775 009	716 938	17 489 898	298
1888	793 166	859 767	23 389 523	338
1889	1 152 156	942 948	25 606 969	421
1890	1 526 637	991 093	26 108 186	439
1891	1 386 687	911 733	26 376 176	415
1892	1 646 527	825 734	23 548 988	438
1893	2 347 622	783 933	22 222 321	452

[Source: Cape Statistical Blue Books, 1882 - 1894.  
East London Chamber of Commerce Report, 1894.]

of Public Works under the Uppington Administration, [41] defended the motion on the grounds that the works had to be protected to prevent deterioration. In addition, he said, East London needed a bridge over the Buffalo River as well as a powerful "hopper" dredger along the lines suggested by Coode. The cost of the latter would be £35 000.

It was not just the depression which made the moment inopportune. There was also a power-struggle being waged in Parliament. John X Merriman, who had served as Commissioner of Public Works under the previous Scanlen ministry till its fall from power in May 1884, used the East London Harbour Works debate as the opportunity to humiliate the new Government and simultaneously attack Schermbrucker and Sir John Gordon Sprigg, Government Treasurer and representative for East London. [42] He therefore expounded in biting sarcasm at the port's expense, a common feature of Merriman's parliamentary technique. [43] The people of East London, he claimed,

"were in favour of a Hopper dredger. They would be in favour of a Hopper or anything else to hop the money out of the tax-payers' pockets....The place had already fattened on public money....So long as they had only three or four feet of water on the bar, it was no good putting a great ship there to bump up

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41. The Uppington Ministry came to power in May 1884 after the fall of Scanlen's government. There was no general election.
42. SIR JOHN GORDON SPRIGG: Sprigg was East London's "senior" parliamentary representative for most of the period from 1869 till 1904. During that time he also served as Prime Minister on four occasions.  
(For further information, see CJ Beyers (ed), Dictionary of South African Biography, Vol II, pp 698-700.)
43. See P Lewsen, John X. Merriman: Paradoxical South African Statesman, pp 61, 93.

and down...till she bumped her bottom out...Don't let them throw any more into the sea." <sup>[44]</sup>

Already £500 000 had been spent on East London, Merriman claimed, and yet there was no visible improvement at the harbour. On the contrary, he said, there was no more water over the bar than there had been in 1875. He did not accept that a dredger would be of any use at all and so he would see enough funds voted for the completion of the works and then "leave the matter as it is". Merriman's figures were questionable, however, because he was referring to total expenditure on the harbour and not solely to the Harbour Works and yet he ignored the sum which had already been repaid by means of increased customs revenue and wharfage fees which, if based on official figures for the period 1872 to 1882, more than trebled the amount spent on the harbour works. <sup>[45]</sup> The outstanding balance, if any, Sprigg argued, was negligible and so, far from being a drain on the Colony, East London was a source of wealth. Furthermore, the prosperity of the entire region hinged on the successful completion of the harbour.

In the ensuing debate, Merriman was well supported by other members who had the interests of their own electorates to protect. The representative for Port Elizabeth, for example, stated that if East London wished for a better harbour, the people there should pay for it themselves. The residents of Port Elizabeth, he said, were satisfied with a jetty and

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44. Merriman's use of the word "bumped" referred to an anecdote in which a certain "gentleman" went over the bar at East London in the tug Lizzie and "bumped all the way".

45. See Table 4, p 62.

TABLE 4  
 HARBOUR: EXPENDITURE AND INCOME  
 1872 - 1882  
 (to the nearest £)

	<u>EXPENDITURE</u>	<u>INCOME</u>	
		<u>Wharfage</u>	<u>Customs</u>
1872	13 910	2 159	38 586
1873	19 395	1 982	40 547
1874	23 187	2 993	68 711
1875	33 613	2 851	64 754
1876	44 616	3 309	85 494
1877	41 752	4 247	75 384
1878	37 189	7 456	124 030
1879	42 232	6 698	149 414
1880	44 151	7 879	147 811
1881	58 840	11 180	232 092
1882	62 263	13 588	276 980
TOTAL	421 148	63 342	1 303 803

[Source: Annex, G 61 - 84, p. 5. Harbour Accounts, 1883.]

therefore those of East London should be happy with the same. The delegate, however, overlooked the vital point that Port Elizabeth already had a major advantage because it had a Harbour Board, a corporate body with powers to raise loans and which represented both the Chamber of Commerce and the Town Council. The residents therefore had a means by which they could foster their interests at the harbour. East London, on the other hand, had no such body but depended entirely upon Government charity for development. It suffered therefore at the hands of such men as Merriman who did not necessarily know or care about local circumstances but used the port as a pawn in a larger political game.

In the end politics won. Upington was not certain of support in Parliament and could not force the issue. He had been in power for only two months since Scanlen's resignation and, as a result, his ministry had not yet had time to consolidate itself. He therefore had either to compromise or risk a lost vote and a possible fall from power. As a result, the Government succumbed to pressure and lopped the dredger from the budget, begging instead a mere £20 000 for the Harbour Works. Merriman was still not content and saw the chance to score another point. He therefore moved an amendment which dropped the figure by a further £5 000 and proclaimed that he would vote not a penny more. He would, he said, die on the floor first. His amendment succeeded. [46]

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46. CA, CCP 1/3/2/1. Hansard, 7.7.1884.  
See also Advertiser, 11.7.1884, 15.7.1884.

Merriman's action evoked intense anger at East London. The Advertiser described his antics as another "slap" for the port. It would just enable the work of the harbour "to drag out its miserable existence" for another twelve months, the editor wrote, and progress would be entirely out of the question. East London felt quite bitter against Schermbrucker as well, he added,

"when we see that by his ill-advised haste such disastrous results have occasioned. Perish the £35 000, and stand up once more on thy feet, thou 6 ft. 4 in. of sarcastic aggravation! And we will in gratitude vote that the £35 000 be spent on a colossal statue of thyself like that at Rhodes, striding across from breakwater to training wall, an undying memento of those works thou lovest if not wisely, but too well!"

In much shorter fashion, a naval man at East London sent a telegram to Merriman which parodied a contemporary advert for a pesticide. "Hopper, East London, to Merriman, Cape Town," it read. "Try Well's 'Don't die in the House, Rough on Rats.'" [47] An effigy of Merriman was burnt on the West Bank. [48]

It was fortunate for East London that Uppington managed to consolidate his position and so prevented Merriman from blocking the acquisition of the suction dredger for much longer. The vessel was placed on the budget the following year and was ordered from a ship-building firm in Holland, to be constructed under Coode's supervision, but that was all that the port was

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47. The contemporary advert was for a pesticide known as "Rough on Rats". It read, "ROUGH ON RATS Clears out rats, mice, flies, ants, bed-bugs, beetles, insects, skunks, jack-rabbits, sparrows, gophers. At Chemists & Druggists." (See Advertiser, 24.6.1887.)

48. Advertiser, 11.7.1884, 15.7.1884, 18.7.1884.

able to gain. As the depression deepened in 1885 and 1886, little work could be undertaken at the harbour. Even the horses and oxen were sold, together with those wagons and carts which could not be housed. Extensive lifting and hauling equipment, brought out at a cost of many thousands of pounds, was left to rust. "The knife of retrenchment," the Advertiser reported,

"is being pushed in to the very hilt, and blood is taken profusely in quarters remote from the seat of Government where the influence of Parliament is but small and public opinion weak." [49]

In the meantime, the sand-bar again began to form so that from August to November 1885 the river mouth shoaled up and became almost dry at low tide. The cessation of work also adversely affected the condition of the structures already in existence. An inspection in December 1887 revealed that sand was being scoured continuously from beneath the foundations of the south breakwater, leaving huge cavities, and in May that year a large mass of masonry, together with its parapet, collapsed. Eventually concrete blocks had to be lowered into the slopes at those sections and the breakwater head had to be rebuilt. At that stage Coode realised that the south breakwater also needed to be extended if it were to be successful in maintaining the depth of the channel but he could not make an official proposal because of the state of the economy.

Nevertheless the year 1886 proved to be a turning point for the East London harbour development. Not only did the recession begin to turn

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49. Advertiser, 2.3.1886. Editorial.

but at the end of May the suction dredger Lucy arrived and in July began its work to deepen the river channel. <sup>[50]</sup> By the end of the year she had already made good progress and had straightened the channel as far as the bar, and even that was showing a marked improvement. By the end of 1887 the depth of water had reached eleven feet at low tide.

So successful was the Lucy that in February 1888 Coode suggested that a second dredger be acquired. The entire channel could then be maintained at a depth of some fifteen feet which would place the harbour "in a first class condition". <sup>[51]</sup> The Harbour Master echoed his sentiments and argued that the acquisition of a second dredger was vital to open both the sand-bar and the river. It would, he wrote, even place the East London harbour in a far better maritime position "than our neighbour in Natal". Parliament, however, refused the request <sup>[52]</sup> but the clamour for a second suction dredger was maintained. The Lucy often had to be laid up for repairs which, it was argued, tended to result in inefficient work. Should the vessel suffer some major mishap, then the effect of all its labour would be entirely undone, with serious consequences for East London. <sup>[53]</sup> Eventually

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50. The Lucy was named after Lucy Schermbrucker, wife of the Commissioner for Public Works.  
(For a report on the inauguration of the Lucy, see Advertiser, 20.7.1886.)

51. Annex, G 31-87, p 15. Public Works, 1886.  
Annex, G 34-87, p 12. Harbour Masters, 1886.  
Annex, G 18-88, p 8. East London Harbour Works Report, 1888.  
Annex, G 30-88, p 12. Harbour Masters, 1887.

52. Annex, G 23-89, p 18. Harbour Masters, 1888.

53. Annex, G 21-89, pp 8-9. Public Works, 1888.

the upturn in the economy through the discovery of the Witwatersrand goldfields made another dredger possible and the Sir Gordon, named after Sir John Gordon Sprigg,<sup>[54]</sup> arrived in February 1891.<sup>[55]</sup>

The work of the two dredgers was to have a marked effect on trade at East London. Although fewer ships now called at the port, there was a constant increase in the tonnage of imports and exports during the following decade.<sup>[56]</sup> Steam vessels were much larger and of a better class than their predecessors and, because of the depth of the river, a greater proportion of cargo could be shipped in the harbour itself as vessels with a draught of up to 19 feet were able to enter.<sup>[57]</sup> The acquisition of the dredgers had therefore enabled the harbour to succeed far beyond Coode's estimates and in one decade they had achieved for East London what the previous four decades of Harbour Works had failed to do. So successful had they been that by 1895 it was decided that there was no longer sufficient work to keep them both busy and one was therefore put out of commission but kept in readiness in

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54. See footnote 42 above.

55. Annex, G 15-90, p 11. Public Works, 1889.  
Annex, G 21-91, pp 15-18. Public Works, 1890.

56. See Table 5, p 68.

57. Annex, G 25-92, p 14. Harbour Masters, 1891.  
Annex, G 23-93, p 15. Harbour Masters, 1892.

TABLE 5  
TRADE AND SHIPPING STATISTICS  
1893 - 1903

	<u>IMPORTS</u>		<u>EXPORTS</u>		<u>WOOL</u>	<u>SHIPS</u>
	(in £)	(in tons)	(in £)	(in tons)	(in lbs)	
1893	2 347 622	166 918	783 933	40 974	22 222 321	452
1894	2 373 423	170 849	791 112	39 553	22 324 520	438
1895	2 932 147	203 061	755 399	43 827	23 788 919	446
1896	3 579 893	241 214	851 436	45 024	27 009 796	470
1897	3 246 138	246 731	817 368	52 796	22 716 062	483
1898	3 788 469	310 835	954 654	61 519	28 064 768	510
1899	3 188 987	284 557	1 014 306	64 739	27 732 828	487
1900	2 902 204	679 919	512 610	41 205	12 638 859	523
1901	3 888 022	702 469	834 262	98 840	30 752 992	551
1902	6 022 867	640 687	973 778	66 938	33 032 910	543
1903	7 320 510	696 073	1 061 169	69 113	31 409 172	538

[Source: Cape Statistical Blue Books, 1893 - 1904.  
East London Chamber of Commerce Reports, 1894, 1896, 1902.]

case of accident to the other, a decision that paid dividends because in November 1895 the Lucy struck some submerged blocks and was wrecked. [58]

In May 1894 a Harbour Board was at last established at East London. [59] As early as 1857 the Chief Commissioner for British Kaffraria had suggested the creation of such a body as the solution to many of the harbour's problems but Sir George Grey believed that every aspect of the port's existence should remain in military hands as the frontier was still regarded as a possible flashpoint. Moreover, at the time, East London's own political status was still unclear. [60] A Harbour Board was nevertheless a logical development if the port was to prosper because it placed management largely in local hands and was more in tune with the pulse of development in the region. In addition, it had the power as a corporate body to raise loans to undertake the material development of the harbour

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58. Annex, G 56-96, p 50. Harbour Boards, 1895.

The official enquiry into the wreck of the Lucy indicated that she had dragged anchor because her cables were of insufficient length and there had been no look-out on duty at the time. The dredger had eventually come broadside to the swell which swept her on to the rocks. It was a sad end to a vessel which had been largely responsible for initiating a period of unprecedented prosperity for East London. The bell from the dredger found its way to the Anglican Church at Kidd's Beach, a coastal resort some 30 miles to the south-west of East London, where it served as a church bell. In 1985 it was donated to the East London Museum where it is housed today.

59. Annex, G 30-95, p 29. Public Works, 1894.

The Harbour Board was constituted on 4 December 1893 in accordance with Act 18 of 1893 but management difficulties led to the harbour remaining under the control of the Public Works Department until 31 May 1894.

60. See Tankard, East London, pp 84-85.

without being dependent on Government handouts, with its consequent political implications. [61]

The establishment of the Harbour Board was an instant success. It immediately undertook the construction of a slipway on the western bank to allow small vessels, like the dredgers, to be repaired at East London instead of having to sail to Cape Town and so lose valuable time. [62] The project had been started in February 1891 while the harbour was under the direct control of the Government but by September that same year operations had been suspended because of lack of funds. No further work was done until the Harbour Board made it one of its main priorities in 1895, with the result that the slip was completed within two years. Another slip was also built on the western bank to haul up smaller craft, such as barges. [63]

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61. EAST LONDON HARBOUR BOARD: The first members of the Board were as follows: Allan Rose-Innes (Chairman), James Ogilvie Patterson (Government Nominee), John Gately (Government Nominee), David Rees (Mayor), Thomas Dalrymple (Chamber of Commerce), William Henry Fuller (Wharfage Representative) and Hermann Wilhelm Malcomess (Wharfage Representative). (See Annex G 52-1895, p 42. East London Harbour Board Report, 1893-1894.)
62. See map, p 56.
63. Annex, G 15-90, p 11. Public Works, 1889.  
Annex, G 21-91, p 18. Public Works, 1890.  
Annex, G 56-96, pp 47-52. Harbour Boards, 1895.  
Annex, G 60-98, p 55. Harbour Boards, 1897.

The Patent Slip was completed in 1897 at a cost of £18 765.

The Harbour Board also made rapid improvements to the landing facilities at the harbour. In 1896 there was a flurry of activity while a new siding timber yard was constructed, together with a passenger landing jetty near the First Creek, with better waiting- and baggage-room facilities. A new paraffin shed was also built and two cranes were purchased. [64] So rapid were the extensions undertaken by the Harbour Board that within the first decade of its existence the facilities at the port more than doubled those established during the previous twenty years under Government control. [65]

Another factor in the Harbour Boards's favour was the rapidity with which it was able to act. Within a month of the Lucy being wrecked, the Board had put in a claim of £6 050 on insurance and ordered a new dredger along the lines of the Sir Gordon. The Kate [66] arrived in July 1897 and went to work in August, less than two years after the Lucy had been lost. Moreover, its equipment was superior to the other two dredgers and so between it and the Sir Gordon, which was also re-fitted with more efficient gear, the channel was dredged to an even greater depth. Whereas in 1896 the depth of water over the bar varied from between 9 and 13 feet, by 1903

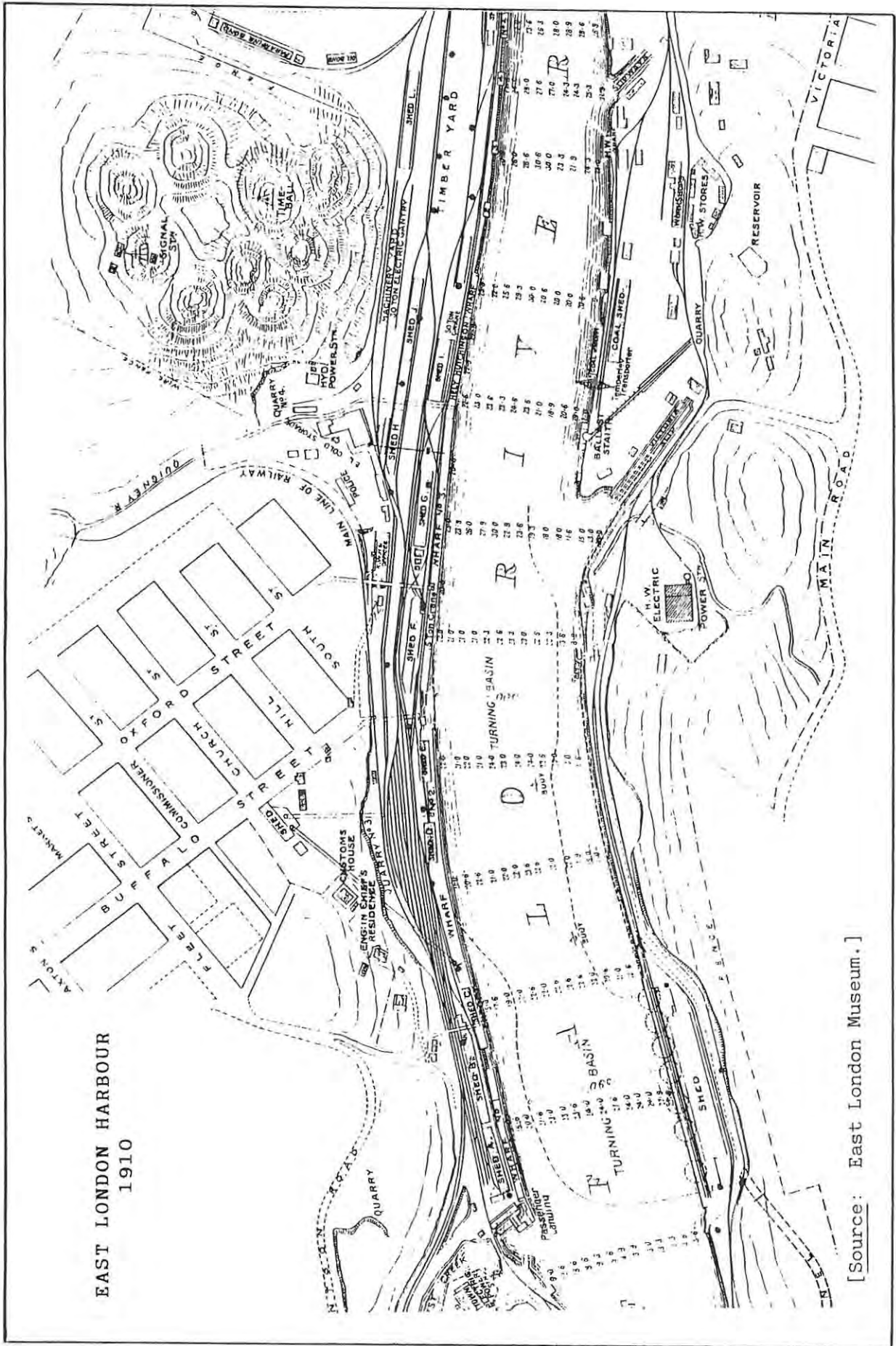
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64. Annex, G 73-97, pp 61-62. Harbour Boards, 1896.

(See map, p 72.)

65. Annex, G 51-1904, p 36. Harbour Boards, 1903.

66. The Kate was named after Mayor David Rees's wife.



EAST LONDON HARBOUR  
1910

[Source: East London Museum.]

vessels with a draught of over 21 feet were regularly entering the harbour. [67]

The greater depth of water over the bar and within the channel meant that an ever increasing number of vessels were able to enter. The figure rose from 38 in 1887, the first year an official figure was given, to 374 in 1902, the year the Boer War came to an end. [68] The statistics tend to be misleading, however, for they indicate a rather minimal increase during the era of Harbour Board jurisdiction but there was a constant growth in the size of ships which entered the river. In 1899 only one vessel with a draught of over 20 feet was able to cross the bar whereas by 1903 no less than 75 such ships entered the harbour. Indeed, by 1897 over 80 percent of the total imports were landed directly from within the river. [69]

In theory East London's trade should have been able to grow in equal proportion to the rapid expansion of the harbour. That did not happen because the Harbour Board had control only of the river and the landing, loading and storage facilities. The Wharfage Department, on the other hand,

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67. Annex, G 56-96, p 52. Harbour Boards, 1895.  
 Annex, G 73-97, p 61. Harbour Boards, 1896.  
 Annex, G 60-98, p 54. Harbour Boards, 1897.  
 Annex, G 36-99, p 49. Harbour Boards, 1898.  
 Annex, G 51-1904, p 51. Harbour Boards, 1903.

(See photo, p 83.)

68. See Table 6, p 74.

69. Annex, G 60-98, pp 52-53. Harbour Boards, 1897.  
 Annex, G 51-1900, p 40. Harbour Boards, 1899.  
 Annex, G 51-1904, p 51. Harbour Boards, 1903.

TABLE 6  
SHIPPING STATISTICS  
1887 - 1914

	<u>ENTERING RIVER</u>	<u>ANCHORED IN ROADSTEAD</u>	<u>TOTAL</u>
1887	38	256	298
1888	69	269	338
1889	79	341	421
1890	95	341	439
1891	105	314	415
1892	153	282	438
1893	147	305	452
1894	216	222	438
1895	231	215	442
1896	186	284	470
1897	231	252	483
1898	303	207	510
1899	270	217	487
1900	315	208	523
1901	357	194	551
1902	374	169	576
1903	374	164	538
1904	364	156	520
1905	328	220	548
1906	327	146	473
1907	287	186	473
1908	274	155	429
1909	287	156	443
1910	329	181	510
1911	395	182	577
1912	343	191	534
1913	325	219	544
1914	293	190	483

[Source: Cape Statistical Blue Books.  
Harbour Master's Reports.]

was transferred to the Cape Colonial Railways in September 1896 which proved to be the fly in the ointment because the amount of cargo that the harbour could handle was to be directly proportional to the Railways Department's ability to transport the goods to and from the wharves.

The Harbour Board first raised the problem in 1900 when the outbreak of the Boer War led to an increase in the amount of military stores and equipment landed at East London. The work had nearly doubled, the Chairman of the Board reported, but lack of trucks made it difficult to rail all the goods.<sup>[70]</sup> In 1901 the port was described as congested so that there was an urgent need for increased facilities and more accommodation for shipping but its capacity for landing and forwarding cargo was still "greatly in excess" of the facilities provided by the Railways Department for the removal of cargo. The congestion, the Chairman claimed, could have been greatly eased if the truck supply had been adequate, yet the matter was being compounded by the fact that rolling stock was appropriated for military cargo and by the "general disorganisation" of the traffic.<sup>[71]</sup>

With the cessation of the war in 1902, business at East London reverted to normal. Military importations gradually declined and ceased altogether by the end of the year. That enabled the Harbour Board to deal with the "great quantity" of civilian cargo which had accumulated at the

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70. Annex, G 44-1901, p 34. Harbour Boards, 1900.

71. Annex, G 60-1902, pp 31-45. Harbour Boards, 1901.

357 309 tons of military cargo was landed in 1901, an increase of 63 158 tons over 1900.

port. Despite the military withdrawal, however, the Board's operations were "extensively curtailed" by what the Chairman called the "extremely inadequate and irregular truck supply" and on the rare occasions when that was satisfactory, insufficient steam engines were provided. In desperation the Harbour Board decided to purchase 100 short trucks and 25 bogey trucks "of the largest capacity" to attempt to relieve the congestion by transporting the goods out of the harbour area.<sup>[72]</sup> Eventually the problem solved itself as yet another depression descended on southern Africa in the wake of the Boer War, and imports began to drop.

A further problem which the war brought to the fore was the extremely inadequate berthing facility because over 300 ships now entered the harbour each year. Because there was still no bridge over the river and the western bank had to rely on the pontoon for transportation and cartage,<sup>[73]</sup> all wharf construction had taken place on the eastern side which was serviced by the railway.<sup>[74]</sup> The result was that the harbour was utilized to less than 50 percent of its capacity. Another limitation was the fact that the harbour had still not been extended beyond First Creek, despite the fact that there was considerable frontage which could be utilized further up the river.

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72. Annex, G 38-1903, pp 35-36. Harbour Boards, 1902.

73. See Chapter 9, pp 318-321, 340-347.

74. See maps, pp 56 and 72.

The Harbour Board brought the Government's attention to those problems in 1900 and called for future development both on the western bank and beyond First Creek. [75] With vessels of an ever increasing mass using the port, the depth of the river was also proving to be a problem. The larger vessels could now only enter the river at high tide and would lie on the bottom at low water, with possible damage to their hulls. [76] In 1903 the Harbour Board reflected the urgent need to examine the future development at the port. The harbour's utility and capacity to compete for the inland trade of the sub-continent had passed out of the probation stage, an annual report stated, and a general scheme of development had to be taken in hand. Every natural advantage needed to be taken and "every modern appliance introduced" so as to be able to retain and enlarge the share of commerce in the country. [77]

The Harbour Board did not survive long enough to see its recommendations come to fruition. The onset of the post-Boer War depression led to a rapid drop in trade [78] and, although the Board initially saw the economic downturn as a temporary setback "referable to the exceptional conditions" which prevailed in South Africa, by 1906 the depression was causing "grave anxiety". The continued decline in revenue led to an

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75. Annex, G 44-1901, pp 34-47. Harbour Boards, 1900.

76. Annex, G 38-1903, p 48. Harbour Boards, 1902.

In January 1903 no less than 16 steamers and 34 sailing vessels, a total of 50 ships, were in the harbour at the same time.

77. Annex, G 51-1904, p 36. Harbour Boards, 1903.

78. See Table 7, p 78.

TABLE 7  
TRADE AND SHIPPING STATISTICS  
1902 - 1914

	<u>IMPORTS</u> (in tons)	<u>EXPORTS</u> (in tons)	<u>WOOL</u> (in lbs)	<u>WOOL</u> (in bales)	<u>SHIPS</u>
1902	640 687	66 938	33 032 910		543
1903	697 073	69 113	31 409 172		538
1904	486 824	58 062	31 637 914	85 647	520
1905	406 097	58 155		85 487	548
1906	319 772	59 897	33 737 936	91 386	473
1907	299 199	72 238		101 630	473
1908	246 408	70 272		113 687	429
1909	216 280	104 957		139 561	443
1910	307 155	105 765		139 979	510
1911	316 235	94 668		146 158	577
1912	338 009	102 370		165 722	534
1913	371 681	115 827		181 151	544
1914	269 677	96 465	52 911 861		483

[Source: Harbour Boards, 1895-1910.  
Cape Statistical Blue Books, 1903-1909.]

increase in tariff rates and the Harbour Board had to resort to severe retrenchment. An aggravating factor was the re-routing of the Transvaal traffic to Delagoa Bay, whereas it had mostly passed through East London during the pre-Boer War days.<sup>[79]</sup> Although a large number of importers in the Transvaal still used East London, the tonnage was small and therefore unprofitable.<sup>[80]</sup>

Despite the depression, plans went ahead to construct a new quay on the western side, to come into use as soon as a temporary bridge over the Buffalo River was completed<sup>[81]</sup> and it promised to place the Harbour Board in a good position once the depression lifted. Furthermore, an increasing trade with the Orange River Colony, mainly the importation of equipment for railway construction, was already off-setting the downturn in the Transvaal trade.<sup>[82]</sup>

The concept of Harbour Boards was ended by Act 38 of 1908 and in January 1909 the East London harbour was transferred to the Cape Government Railways.<sup>[83]</sup> It was not a promising prospect because the Harbour Board had looked after East London's interests well. More money had been spent and

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79. See Table 8, p 80.

80. Annex, G 14-1905, p 61. Harbour Boards, 1904.  
Annex, G 12-1907, pp 34-41. Harbour Boards, 1906.

81. The bridge was opened to traffic in January 1908.  
(See Chapter 9, pp 340-347.)

82. Annex, G 29-1908, pp 17-21. Harbour Boards, 1907.

83. Annex, G 22-1909, p 16. Harbour Masters, 1908.

TABLE 8

TRADE: EAST LONDON TO TRANSVAAL AND ORANGE FREE STATE  
1893 - 1909  
(in tons)

	<u>TRANSVAAL</u>	<u>ORANGE FREE STATE</u>
1893	39 838	not given
1894	62 523	not given
1895	not given	not given
1896	not given	not given
1897	57 199	4 320
1898	44 518	51 756
1899	39 499	8 053
1900	not given	not given
1901	not given	not given
1902	50 937	9 453
1903	70 693	62 012
1904	46 666	45 804
1905	56 857	25 874
1906	24 387	26 535
1907	16 390	40 676
1908	18 882	7 223
1909	22 362	15 271

[Source: Harbour Boards, 1895-1910.  
Cape Statistical Blue Books, 1903-1909.]

greater development had taken place under its brief tenure than during any preceding period. [84] Furthermore, the Board held East London's trading interests at heart in a way in which the Railways could never hope to emulate. The Railways Department, on the other hand, had never shown much concern for East London's rights or needs, and its relationship with the Harbour Board had never been a happy one, with the harbour suffering from its inefficient service. By 1909, therefore, the harbour's future looked bleak.

It would be unfair to make a judgement in this thesis on the achievements of the Railway Department's control of the harbour. By June 1914, which marks the end of the study, insufficient time had elapsed for the Railways to have made any major impact. A positive element of the transfer, however, was the creation of an Advisory Board which was a compromise with the previous system and gave the townspeople some voice in the operations of the harbour. [85] The Board also initially had luck on its side because it was established as the economy of the country was again beginning to blossom. Indeed, in 1909 the gross tonnage at East London

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84. Annex, G 90-1904, pp 2-3. East London Harbour Commission Board, 1904.

EXPENDITURE ON THE HARBOUR:

1872-1893 (22 years)	£619 633 14s. 10d.
1894-1904 (11 years)	£876 899 13s. 1d.

85. Annex, G 13-1910, p xlvi. General Manager of Railways, 1909. See also East London and Frontier Red Book for 1911, p 226.

The Advisory Board, which was constituted in terms of Act 30 of 1908, consisted of six members. Two were appointed by the Governor, one was nominated by the Town Council, one by the Chamber of Commerce and two were elected by a constituency of importers and exporters of merchandize at East London.

exceeded that of the preceding year for the first time since the Boer War, mostly because of the increased export of colonial produce. <sup>[86]</sup>

The most important matter to be discussed at the first meeting of the Advisory Board in March 1909 was the question of improving the harbour entrance. It had long been recognised that steps should be taken to increase the navigable depth and width of the river mouth, especially in the light of the ever-increasing length and draught of ships plying the South African waters. Furthermore, the Advisory Board took up the suggestion that the long stretch of river frontage beyond the First Creek should be converted into further wharves <sup>[87]</sup> 2 but before any of the recommendations could be put into practice, however, the system was changed yet again and the Act of Union placed the harbour under the management of a Board of Railways and Harbours. The Board consisted of three commissioners, together with the Minister of State who was also the Chairman <sup>[88]</sup> and effectively removed all local representation in the operations of the harbour.

The new Board began its considerations virtually from scratch and so for a period of about three years no further advance was made but it eventually gave its blessing to a recommendation to extend the south

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86. Annex, G 13-1910, p xlvii. General Manager of Railways, 1909.

87. Annex, G 13-1910, p xlvii. General Manager of Railways, 1909.

The area between the sea and the First Creek (see maps, pp 24 and 56) represented only half of the total capacity of the harbour. The stretch of water inland of First Creek, however, has never been fully utilized, even to the present day.

88. East London and Frontier Red Book for 1911, p 226.



SHARING THE BERTH: The acquisition of the dredgers radically altered the depth of the channel into the river so that by the turn of the century the harbour was often so crowded that ships had to double and treble berth. [Source: Cape Archives, J 5762.]



A HAVEN FOR SAILING SHIPS: A notable feature of the increased depth was the fact that the tug (foreground) could accompany sailing vessels into the harbour whereas, previously, it was generally regarded as unsafe to attempt the entry because adverse winds would berth them on the sand-bar or on the rocks. [Source: East London Museum.]

breakwater and remove some submerged rocks at the harbour entrance which would deepen the channel for ships of a greater mass. Moreover, it was decided to extend the western quay to further utilize that side of the river.<sup>[89]</sup> Work on those projects began in mid-1911 but the fruits were only felt after 1914 and therefore lie outside the scope of this study.

The development of the Buffalo Harbour played a vital role in the prosperity of the region. Prior to 1872 only small vessels with shallow draughts were able to enter the river and then only at high tide or when a "freshet" had scoured the channel of sand. By 1903 the harbour was capable of holding more than 50 ships of reasonable draught at any one time, a situation exceeding Sir John Coode's expectations. Had there been a bridge over the river, with wharf facilities on the western bank, the port's potential would have been even greater.

More vigorous strides could have been taken in terms of harbour development had the affairs of the port been placed in local hands at a much earlier date and a free-trade system allowed to operate. That would have enabled a Harbour Board to be responsible for progress at the port and make use of natural advantages to counter the competition of the other ports which would in turn have made it less reliant on handouts from a Parliament that was heavily biased in favour of Cape Town and Port Elizabeth. Since the development of the East London municipal area was intimately linked to

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89. Annex, UG 57-1912, p 65. General Manager of SAR & H, 1911.  
Annex, UG 46-1913, p 55. General Manager of SAR & H, 1912.  
Annex, UG 35-1913, p 9. Board of SAR & H, 1912.  
Annex, UG 25-1915, p 60. General Manager of SAR & H, 1914.

the prosperity of the port, the town's fortunes rose and fell along with the fluctuations of trade. The harbour was therefore a barometer of the town's wealth and all hindrances to its development were necessarily reflected in the growth of the town as a whole.

CHAPTER 4

CREATION OF A MUNICIPALITY AND AN ANALYSIS  
OF THE ACHIEVEMENTS OF THE FIRST MUNICIPAL BOARD  
1873 - 1877

There is no doubt that, by 1873, East London was long overdue for a municipality. The townspeople had suffered in every way from the autocratic system which had been in operation for the previous quarter of a century where no effort whatsoever had been made to better the community by the provision of even the most basic of public amenities such as water, nightsoil removal and street-construction. [1] The only way, however, in which the collective wealth of the town could be utilized for such improvements was by the creation of a municipal board, with power to levy rates.

The idea of a municipality had been suggested by the editor of the Kaffrarian in January 1865. Although he admitted that the village was then still very small, he nevertheless believed that a municipal council was the best means to foster growth and he called on the inhabitants to petition the Government because nothing could be done, he wrote, unless the local residents took the first step. [2] His wisdom was ignored because the minds of the local community had long become barren of democratic ideals. The townspeople did nothing and eventually had to be reminded of their rights by no less a person than the Governor himself.

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1. See Chapter 2, pp 30-33.
  2. Kaffrarian, 7.1.1865.

In June 1872 a group of farmers and traders in the Division of East London, led by a certain Charles Caldecott, [3] decided on the need for a market at the port and, as had long become the custom, drew up a memorial to the Governor. Sir Henry Barkly [4] explained in his reply that he had no objection to the proposal and that their market regulations would receive his "consideration" when submitted but he suggested that the memorialists should rather consider the desirability of establishing a municipality in terms of Ordinance 9 of 1836. [5]

Two distinct groups emerged during those latter months of 1872. Charles Caldecott and his memorialists, because of the more diverse nature of their constituency, were interested solely in creating a market and not in the more parochial concept of a Town Council which, in any case, would be more expensive because of the rates it would immediately impose. In November, therefore, they called a public meeting which totally ignored Barkly's advice and went ahead with the formulation of market regulations. [6] On the other hand, the Dispatch and a leading businessman,

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3. CHARLES CALDECOTT: Caldecott was a farmer who resided at Amalinda, some 10 miles outside of East London. He therefore had no interest in whether or not a municipality was created.
  4. SIR HENRY BARKLY: High Commissioner and Governor of the Cape of Good Hope, December 1870 to March 1877.
  5. CA, CO 4173. Memorial of Farmers, Agriculturists and Traders in the Division of East London, 25.6.1872.  
Dispatch, 22.10.1872. Charles Mills to Charles Caldecott, 6.9.1872.
  6. Dispatch, 19.11.1872. Public Meeting, 13.11.1872.

John Gately, [7] began to lobby for the creation of a municipality which could thereupon establish a market in terms of its own regulations.

In September 1872, when the news of Caldecott's petition was first announced, the Dispatch went to great lengths to explain to the public why a municipality was so necessary. Although the market was "very much needed indeed," the editor wrote, other institutions were also required and, in those days "of progressive improvement", East London wanted nothing less than a municipality. "We are too far behind the age already," he argued,

"and we must now bestir ourselves like men to recover our lost ground, and take a march forward. The establishment of a Municipality would...induce all classes to take a more lively interest than at present in the advancement of the town." [8]

In November, when the public meeting was held to consider the drafting of market regulations, Gately attempted to hijack the proceedings with a proposal that they consider the Governor's suggestion and that the creation of a municipality should be the first step, with the market to follow as a

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7. JOHN GATELY: Gately was an Irishman who settled at East London in about 1860 and involved himself in several business ventures, generally concerned with stevedoring. He played a leading role in lobbying for a municipality, was elected to the committee to draw up the municipal regulations and became a member of the first Municipal Board in May 1873. For the next 26 years he concerned himself constantly with municipal affairs and became Chairman of the Board from 1873 until 1877 and again in 1878 and 1879. He served two terms as Mayor in 1882 and 1887 and was East London's first Deputy Mayor in 1897, and again in 1898.  
(For further information, see Appendix 2.1, p 19.)
8. Dispatch, 17.9.1872.

consequence. He was over-ruled by the chairman because of the technicality that the meeting had not been called to decide on a municipality. [9]

Almost immediately the Dispatch launched another crusade in favour of a municipal council and most of the editor's previous arguments were repeated. [10] In the same edition a letter from "An Inhabitant", probably Gately himself, [11] argued vociferously that a municipality was the only way in which the townspeople would be able to improve their lot. He attacked Caldecott's fear that a municipality would involve "much expense and local taxation". Did they all, he asked,

"intend to sit still amidst our ruins and dirt, because we decline paying for amelioration? or do we hope that the Government will come forward and clear away the rubbish that encumbers our causeways, remove the ruins that jeopardise the passers-by, and keep our so-called streets free of cattle and pigs?"

The Government, the letter continued, had long held out "every possible inducement" to the public to adopt self-government but ultimately it was up to the townspeople to "take advantage of it" and submit cheerfully to "the necessary local taxation". It would show, he concluded,

"[that] we are at least desirous to avoid sliding back to semi-barbarism....It certainly appears strange that we should have remained so long in such a deplorable state: without

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9. Dispatch, 19.11.1872. Public Meeting, 13.11.1872.

10. Dispatch, 12.11.1872.

11. The writer's argument follows similar logic to that which Gately had displayed at the market meeting.

streets, without water, without a market; in fact, without almost every social convenience that may be found in every other town in the country." [12]

Almost immediately a requisition was drawn up requesting the Resident Magistrate to call another public meeting to decide on the question of a municipality and, the Dispatch reported, it was "being numerously and influentially signed". [13] The meeting was eventually held in the Court Room on the West Bank early in January 1873 and, although the attendance was small because of poor weather, it adopted the resolution to create a municipality. A subsequent meeting thereupon elected the necessary committee to frame the municipal regulations. [14] By mid-February the committee had not yet completed its task and had to be disbanded in accordance with its mandate but all the members were immediately re-elected and eventually reported to a public meeting of householders early in March. Their draft regulations were unanimously adopted and were approved by the Governor in April. [15] The two villages of East London and Panmure were at last united into a single municipality to be known as the Municipality of East London.

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12. Dispatch, 12.11.1872. Letter from "An Inhabitant".

13. Dispatch, 19.11.1872.

14. Dispatch, 7.1.1873, 14.1.1873. Public Meeting, 7.1.1873, 13.1.1873.

The committee to frame the regulations consisted of John Gately, Major William Lee, James Coutts, Frederick Bompas, John Arnold, Captain George Walker, Herbert Lucas and Archibald Krohn.

15. Dispatch, 25.2.1873, 4.3.1873.  
Government Gazette, 29.4.1873. Proclamation 37 of 1873.  
 (See Appendix 6, pp 134-138.)

The regulations created two wards which corresponded with the original villages on the western and eastern banks of the river but omitted Cambridge, as well as the one acre and ten acre German lots. <sup>[16]</sup> Ward 1, or the West Bank as it had become known, was to return three members to the Municipal Board while Panmure, which still had a smaller population, would return only two. In mid-May a public meeting used a show of hands to elect John Gately, George Eirwood and John Arnold to represent Ward 1, while Major William Lee and Thomas Venn were chosen to represent Ward 2. <sup>[17]</sup> Each commissioner was elected for a triennial term and would therefore remain in office until February 1877 unless he chose to resign, or died, before then.

There is no record of what happened at the first meeting of the Board, called to elect a Chairman, and indeed the Dispatch misreported the proceedings when it named John Gately as having been chosen. <sup>[18]</sup> In retrospect, it would seem that Gately should have been offered the chair as he had played such a vital role in the establishment of the municipality. Furthermore, it was he who had chaired the committee which drafted the municipal regulations, and the meeting to elect the Chairman was held in his office and at his instigation.

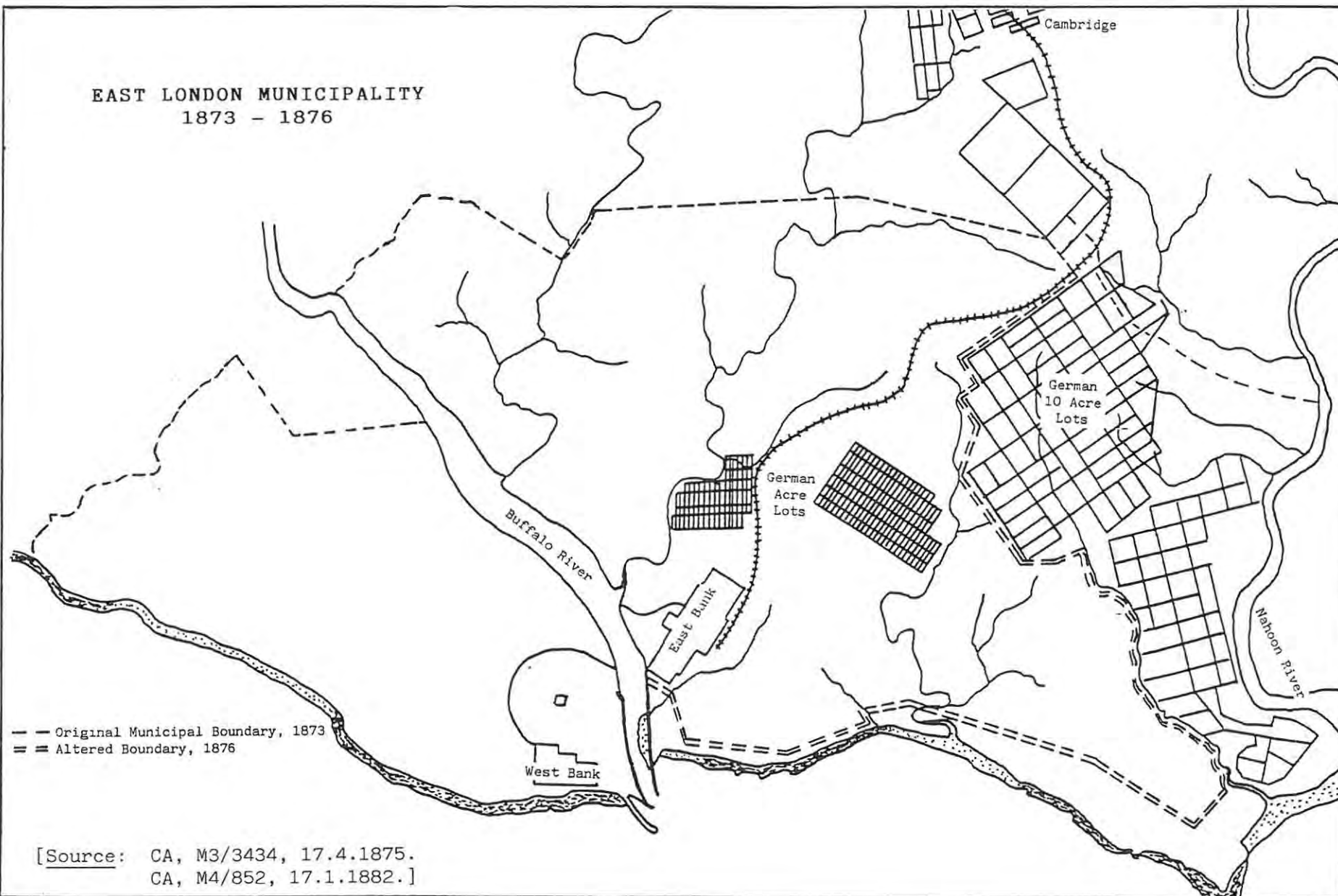
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16. See map, p 93.

17. CA, 3/ELN 1/1/1/1. Public Meeting, 20.5.1873.  
See also Dispatch, 20.5.1873.  
(For biographical information on these commissioners, see Appendix 2.1, pp 9, 17, 19, 29 and 42.)

18. Dispatch, 27.5.1873.

EAST LONDON MUNICIPALITY  
1873 - 1876



— Original Municipal Boundary, 1873  
= Altered Boundary, 1876

[Source: CA, M3/3434, 17.4.1875.  
CA, M4/852, 17.1.1882.]

It was a strange turnabout, therefore, when Major Lee of Panmure was voted to the chair. [19] The crucial issue was probably not who was the most capable man, nor who had the necessary interest to undertake the responsibility. It was rather one of seniority. In that respect Major Lee was doubly qualified. His high military rank, albeit retired, in a town which lived close to military philosophy probably stood him in good stead. He had, moreover, served as Justice of the Peace in Panmure since 1867, a distinction which Gately could not emulate. [20] Gately, on the other hand, had also served in the army but had taken his discharge in 1857 as a Lieutenant and therefore at a much lower rank than Lee.

The municipality got off to a very bad start. Major Lee failed to attend a single meeting and resigned his seat after only three weeks. [21] Although he provided no explanation for his action, it would appear that he lived just outside the municipal boundary and therefore did not qualify to sit on the Board. Article 1 of the regulations defined the municipality as comprising only the two villages of East London and Panmure, together with the unoccupied commonages. The Acre Lots, close to the village of Panmure, had therefore wittingly or unwittingly been omitted and Lee's house was situated there. Although by 1873 it was virtually part of the village of

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19. MAJOR WILLIAM LEE: Lee was a retired member of the 6th Regiment and had been a Justice of the Peace for East London since 1867. In January 1873 he became a member of the committee elected to formulate the municipal regulations, was chosen for the first Municipal Board and became the first Chairman, but resigned almost immediately. (For further information, see Appendix 2.1, p 29.)
20. John Gately became a Justice of the Peace only in March 1878.
21. Dispatch, 10.6.1873. Minutes, 4.6.1873.

Panmure, [22] and Lee probably believed it was, his house nevertheless was technically outside the boundary in terms of the legal definition. He therefore could neither vote nor be a member of the Municipal Board and his election as Chairman was invalid. Although Lee himself had helped to draw up the regulations, he seemed ignorant of the exact definition until shortly after his election and was then bound to resign his seat. Gately became the Acting Chairman until he was officially voted to the chair in August 1873. [23]

Lee's action totally disrupted the Board's work. Gately misunderstood the concept of a quorum and, although Regulation 5 clearly stipulated that three members were enough, he insisted that four had to be present to pass a resolution. As a result, the Board became paralysed whenever there were any further absentees, a situation which was to happen for several meetings. All the commissioners were businessmen and were therefore periodically called away from East London to attend to their affairs. Journeys to neighbouring towns, such as Grahamstown, were lengthy undertakings and often needed several days to accomplish and, since the municipal meetings were held late on a Wednesday afternoon, they cut right into the middle of the business week.

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22. Dispatch, 25.8.1874.

23. Tradition always accepted that Gately was indeed the Municipal Board's first Chairman until Dr Joseph Denfield, a photographic historian, revealed that the distinction was first held by Major Lee. Denfield admitted, however, that he had no idea why Lee had resigned his seat. In the light of the Major's ineligibility for the position, it can therefore be argued that Gately was in fact the first official Chairman of the Municipal Board.  
(See J Denfield, Pioneer Port, p 12.)

A complicating factor was that the meetings were held on the West Bank, which meant that the two members from Panmure had to cross the river to attend, a journey which was both time-consuming and unpleasant, especially on a winter's evening. Meetings were held only once a month and so, because of Gately's interpretation of a quorum, no resolutions could be taken for several months. Indeed, in July 1873, a special meeting had to be called for a Saturday evening so that at least a rate could be set. [24]

The municipality was to be further weakened by the apathy displayed by the townsmen, a condition which would remain a feature for at least the next four decades. [25] It was first noticed when a public meeting was called in June 1873 to elect Major Lee's replacement and no-one attended except the Civil Commissioner who had called the meeting, the Chief Constable who was there to maintain order, and a representative from the Dispatch. After waiting fully fifteen minutes, the Dispatch reported,

"his worship declared that there was no meeting, and accordingly the crowd dispersed. The municipal prospect has a cheering appearance!" [26]

The Municipal Board's first year was in no way momentous. Few important decisions could be taken until August because of a constant failure to achieve a "quorum", according to Gately's terms. Furthermore, no

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24. Dispatch, 8.7.1873. Minutes, 5.7.1873.

25. See Chapter 15, pp 562-564.

26. Dispatch, 24.6.1873.

expenditure could be undertaken until funds began to trickle in, yet the Board took the strange decision to set the date for the first rate as the beginning of October. To crown it all, the commissioners were complete novices in every sense when it came to handling municipal affairs and treated even the most insignificant decisions with the utmost caution.

The finance question was the most pressing issue. The municipality started with a clean sheet yet faced the formidable task of undoing 25 years of civic neglect. The first item on the agenda was therefore the very poor condition of the East London streets but nothing could be done until the municipality had some money in its coffers. The commissioners turned therefore to an alternative solution and requested the Government to put the streets of both villages "in a thorough state of repair" before they were handed over. They argued that quitrents on town erven had been paid since 1848 and the tax had gone to the Colonial Treasury instead of being applied to the maintenance of the streets "as originally intended". [27] The Government, however, ignored the suggestion.

The Board also gave immediate priority to regulating the quarry and brick industries at the port. The commissioners' purpose was two-fold. First, they wished to prevent any further uncontrolled proliferation of the two industries which were profitable to the owners, especially because East London was growing rapidly during the favourable economic climate, but tended to denude the commonages of wood because trees and bushes were

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27. Dispatch, 3.6.1873. Minutes, 31.5.1873.

wantonly destroyed as firewood. The offenders gave no consideration to the fact that their actions were harmful to the environment and promoted the advance of drift-sand. Another factor in the issue of brick and quarry licences, however, was that it provided a much-needed alternative source of revenue.

At its first meeting in May 1873 the Board took the decision that all who had already opened quarries and brick-kilns, or were about to do so, would be "treated as trespassers, and be liable to prosecution" unless they obtained licences to carry on their calling, but at the following meeting in June it was pointed out that such a decision was illegal unless the public was officially informed of the fact. A resolution was therefore passed to place adverts in the Dispatch but Gately had to explain at the July meeting that he had not been able to do so because the Council had no money to pay for them. [28]

Another need was to install someone as Town Clerk who would then supervise the implementation of municipal decisions. It was realised that the office would initially absorb the major part of whatever municipal funds existed because a reliable man would ask between £50 and £100 per annum for his services. On the other hand, it was believed that the task would not demand the "absolute attention" of the incumbent for some years and it was therefore resolved to combine the office with that of Market Master. In September 1873 John Venn, brother to the municipal commissioner, was

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28. Dispatch, 3.6.1873, 10.6.1873, 8.7.1873. Minutes, 31.5.1873, 4.6.1873, 2.7.1873.

appointed as East London's first Town Clerk at a salary of £50 per annum. [29]

Venn had a very brief term of office. In March 1874, during a financial debate, he pointed out that the municipality was "very badly off" and he could show no books because the Board had not even enough money to buy any. Funds were in fact so low that he had not been able to pay his own salary which was already six months in arrears. Because of the bankrupt situation, the Board decided to dispense with his services and each commissioner agreed to share the duty in an honorary capacity until finances were straightened out. John Venn even made the generous offer to forgo half his arrear salary so as to help the municipality out of its predicament. [30]

While the Cape in general and the residents of East London in particular prospered in a bullish market, [31] the municipality stagnated because it could not generate the funds to meet expenses. The desperate economic situation explains the absence of early official records. The first minute book was started only in September 1874 and it is clear that

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29. Dispatch, 10.6.1873, 16.9.1873. Minutes, 4.6.1873, 11.9.1873.

30. Dispatch, 24.3.1874, 19.5.1874. Minutes, 20.3.1874, 14.5.1874.

East London's second Town Clerk, James Mortimer Attwell, was appointed in September 1874.

31. See Chapter 3, pp 37-38; Chapter 9, pp 311-313.

the missing minutes were not lost, as has been claimed. [32] The Municipal Board simply did not have sufficient funds to purchase the requisite stationery but relied on the Dispatch to publish a record of its proceedings, an unfortunate situation for the researcher because whenever the newspaper was short of space it omitted the minutes.

During 1873 the Municipal Board also attempted to eliminate a number of abuses which were apparent at East London, including the thorny questions of what to do about the "tumble-down buildings", how to stop the destruction of the commonage bush, in what way animals could be prevented from wandering the streets at night and how to enforce sanitary regulations. Occasional requests also came the Board's way which forced it to lay the foundation for later policies.

The only building regulations to have been applied at the port were those which were introduced in 1847, while East London was still a military town, and were mostly concerned with the need for the "camp followers", as the merchants who settled at the military bases were called, to obey the orders of the Commanding Officer. Nothing was said about the style and quality of buildings, except to warn that the structure would be pulled down

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32. See HH Driffield, "Early Days of East London, and Birth of its Municipality" in Coelacanth, Vol 11, No 2, October 1973, p 8.

Only in September 1874 did the Municipal Board make a resolution to purchase the books "necessary for the business of the Council". (See Dispatch, 6.10.1874. Minutes, 30.9.1874.)

if it interfered with the defence of the post or proved in any way "destructive of good order or cleanliness". [33]

By 1873 several buildings, which had been badly built to begin with, had deteriorated to such a degree as to become "dangerous to life" and a hazard to adjacent properties. It was therefore considered necessary to have them pulled down. Although Regulation 23 allowed the Board to force the owner or occupier to renovate or destroy such premises, the commissioners were nevertheless hesitant to act without prior legal advice. After toying with the idea for two meetings, the opinion of the Solicitor-General was at last obtained. He advised that any dilapidated or dangerous building could be removed by order of the municipality, or at least enough of it so as to make it safe, after sufficient notice had been given to the owner or mortgagee. Even though the decision had been made with much deliberation, however, it was only applied immediately to one building and there is no evidence to indicate whether or not the order was obeyed. [34]

Procrastination on the part of the Municipal Board was not uncommon and was revealed again in the commonage bush-cutting incident. Destruction of the bush, especially on the Panmure commonage, was rife and Gately reported that the area was rapidly becoming denuded of vegetation. He considered that it was a state of affairs which "should be put a stop to

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33. See Tankard, *East London*, pp 40-41.

34. *Dispatch*, 6.6.1873, 10.6.1873, 8.7.1873. Minutes, 31.5.1873, 4.6.1873, 2.7.1873.

with a high hand" because it was lessening the value of the land and would affect the water supply. He mentioned a case where 30 000 bricks had recently been burnt, using fuel from the commonage. [35]

A major difficulty was how to prevent such destruction. The municipality still had no policemen or rangers but worked completely from hearsay, yet complaints were not formally made. Gately pointed out that it could not be expected that the commissioners would go out of their way to detect infringements and eventually it was decided to offer a £3 reward to induce the reporting of cases. [36] In January 1874 two such parties were named and steps were taken to initiate prosecutions but in June that year, after five months of procrastination, the cases were dropped because of possible costs. Moreover, it was felt that too much time had been allowed to elapse to pursue the issue any further. [37]

The Board also discovered that it could do nothing to put a stop to animals being allowed to roam the streets at night because there was no regulation to prevent it. A more serious problem concerned animals which were allowed to drink from the Panmure vlei, which was a residential water-supply. The commissioners decided that it could not be "nice-drinking" when it was constantly stirred up by the animals and could in fact be a health hazard if the animals suffered from "glanders" or

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35. Dispatch, 8.7.1873. Minutes, 2.7.1873.

36. Dispatch, 9.9.1873, 16.9.1873. Minutes, 3.9.1873, 11.9.1873.

37. Dispatch, 27.1.1874, 9.6.1874. Minutes, 26.1.1874, 4.6.1874.

lung-sickness. It was agreed, however, that the use of notice-boards was sufficient deterrent for offenders, and also in the case of people who continually deposited their nightsoil above the high-water mark on the West Bank sea-shore. [38]

The Municipal Board's inability in 1873 to undertake any form of public works turned into complete paralysis in 1874. The quickest way to acquire revenue was through the sale of municipal land. Property prices were escalating at East London because of the progress of the Harbour Works and the promise it held of a lucrative future but, when the Board sought Government permission to place certain plots on sale, the Commissioner of Crown Lands and Public Works informed the commissioners that a major error had occurred in the proclamation of 1873 and that the municipality had in fact no commonage to sell. The ensuing dispute over the commonage issue was to take a full two years to settle and, in the meantime, the municipality was left financially crippled.

The first inkling that anything was amiss occurred in August 1873 when the Government placed a notice in the Dispatch which called upon certain German immigrants to select additional areas of land to compensate for a breach of contract in 1858. [39] Although the Government was attempting to make good its commitment to the immigrants, the commissioners were quick to realise that the land set aside was adjacent to the Acre Lots in the centre

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38. Dispatch, 9.6.1873, 12.8.1873. Minutes, 4.6.1873, 6.8.1873.

39. See Tankard, East London, pp 132-136.

of the Panmure commonage and was therefore municipal property. They objected as a matter of principle and protested to the Government that the commonage had been given to the municipality and therefore could not justifiably be taken away without at least consulting the Municipal Board. [40] There was no immediate response and the dispute became linked to a more significant battle over the nature of the municipal boundaries.

In February 1874 the Government Gazette carried an advertisement for the sale of some of the East London commonage on the eastern side of the river, under the title of "Crown Lands". [41] The Municipal Board was incensed by what it called the Government's "high-handed" behaviour and drafted a lengthy protest in which it was pointed out that the land in question lay "in the very heart of the Municipality" and would "doubtless ere long form the very centre of a large town". The Board objected not only to the principle of the Government selling off municipal land without any form of reference to the municipal commissioners but also to the fact that the land was too large to be put up as one block. Owing to the great demand for property at East London and its rapid rise in value, the interests of the town demanded that the land in question be submitted to competition in smaller blocks or erven. The Board, moreover, wished to know where the profits of the sale would go and, since it was municipal land that was being alienated, it demanded that the revenue raised be handed over "for the benefit of the Municipal funds". The Government chose to ignore the

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40. Dispatch, 12.8.1873. Minutes, 6.8.1873.

41. Government Gazette, 20.2.1874.

protests and went ahead with the sale, which raised £1 680 for the colonial treasury. [42]

Another case of Government interference had also arisen with regard to its leasing of land to the East London Surf-Boat Establishment. The lease had been negotiated some months before the establishment of the municipality but had not gone into effect until November 1873. Under those circumstances, as the editor of the Dispatch took pains to point out, the matter ought to have been referred to the Municipal Board for ratification. What made the deal doubly irksome was the fact that the lease was for a period of ten years and at a total rental of only £6 per annum for an area that would be large enough, the editor stated, to accommodate stores equal in size to all the existing landing and customs houses combined. Furthermore, the land was not even simple "waste territory" but comprised the entire area in close proximity to the jetty. All newcomers, the editor wrote,

"are thrown out into the cold as regards their landing arrangements and placed at a serious disadvantage compared with those who have been longer in the field."

The editor estimated that if the municipality had control of the piece of land, it could have been placed on the market in smaller sections and thereby raised an annual rental of £150 per block, or sell the entire piece for £1 500, "thus realising a handsome addition to municipal funds".

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42. Dispatch, 24.3.1874. John Venn to Commissioner of Crown Lands and Public Works, 20.3.1874.  
CA, HA 110. John Merriman to Captain Mills, 14.8.1875.

Furthermore, because the lease did not allow the company to sublet, no more than a small portion of the land was likely to be used. Finally, to confound the whole issue, the Government was not even prepared to hand over the annual £6 rental to the municipality. [43]

Once that issue had been brought to light, other discrepancies began to arise. It was found that the flagstaff area on the West Bank, which was used by the Imperial Government, was actually municipal ground. The Imperial Government also laid claim to the whole of the sea-board and river frontage which, the Town Clerk protested, "was absurd". [44] In yet another letter to the Commissioner of Crown Lands, he pointed out that all those lands, together with the areas held by the imperial authorities and which were about to be handed over to the Colonial Government, formed

"the only portion of the Municipality...on the Western...side of the river which [were] immediately valuable for the development of the town, and by the sale of which...the Council would be able to provide funds to carry out the many improvements needed." [45]

The Municipal Board argued that its very constitution and existence was being reduced to a sham by the Government's attitude. Gately claimed that there was no point whatsoever in having constituted a municipality when it appeared that the Board had no right to the land already vested in it by proclamation. As it turned out, he told the Board, the municipality was

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43. Dispatch, 23.6.1874.

44. Dispatch, 24.3.1874. Minutes, 20.3.1874.

45. Dispatch, 24.3.1874. John Venn to Commissioner of Crown Lands and Public Works, 21.3.1874.

limited to only 25 acres on the West Bank as opposed to 150 acres owned by the Imperial Government. The commissioners then contemplated the idea of mass resignation in protest but eventually decided that they could serve the East London community better by staying and fighting the issue. [46] Some months passed before the Government replied to the Town Clerk's letters. In the meantime, the Board decided to sell two sections of land, one on the West Bank and the other at Panmure, and use the funds to improve the streets on both sides of the river. At the same time a low-cost water project would be initiated on the West Bank to pipe water into the village from the nearby springs. [47]

The long-awaited Government communication arrived in August 1874 and created an outburst of shock and anger. Charles Abercrombie Smith, the Molteno Administration's first Commissioner of Crown Lands and Public Works, began by accusing the Board of being "under a total misapprehension" about the creation of the municipality in April 1873. As far as he was aware, he wrote, no land had ever become the property of the municipality either by "title, transfer or otherwise" and the Board had therefore no power in connection with the disposal of any lands within the municipal boundaries, except over those which had been assigned to it as pasturage during the era of the British Kaffrarian Government. A careful search in the Surveyor-General's office, Smith maintained, had provided no document to indicate that pasture land had ever been assigned to East London and, unless

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46. Dispatch, 24.3.1874. Minutes, 20.3.1874.

47. Dispatch, 19.5.1874. Minutes, 14.5.1874.

it could be shown that such existed, all land not already granted had to be regarded as Crown Lands.

Smith then drew the Board's attention to what he termed "the very extensive limits" that had been assigned to the municipality which, he claimed, included not merely East London and Panmure "but a very large number of acre lots, and all the German agricultural sections up to the banks of the Nahoon". The owners of those sections, he argued, had no interest in repairing the town streets nor in any other improvements, and serious difficulties would arise as soon as rates were levied for municipal purposes. In conclusion, Smith stated that it would be "very desirable" to have the municipal limits re-defined. [48]

The Commissioner's letter indicated a gross misrepresentation of the facts. In the first place, official records from various Government departments make it clear that a commonage was indeed assigned to Panmure late in 1867 or early 1868. [49] Second, Smith believed that the municipality was laying claim to an area of much greater extent than it was in fact doing. The Board did not claim the German lots, merely the unoccupied commonage, and it therefore did not intend to levy rates on the

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48. Dispatch, 25.8.1874. Charles Abercrombie Smith to Chairman of the Municipality, 11.8.1874.

49. CA, 1/ELN 5/1/1/7. Colonial Secretary to Civil Commissioner, East London, 21.12.1867.  
CA, SG 2/1/1/26, pp 289-290. Surveyor General to Civil Commissioner, East London, 1.2.1868.  
CA, SG 4/23. Civil Commissioner, East London, to Surveyor General, 5.8.1868.

German settlers. Much of the problem was caused because Smith had misread the wording of Article 1 of the municipal regulations which defined the municipality as comprising the villages of East London and Panmure, "together with the unoccupied pasture land for public commonage" within certain boundary lines. The area which was thereafter defined merely outlined the absolute limit of municipal jurisdiction but excluded the German one acre and ten acre lots since they were neither attached to the villages nor were unoccupied pasture lands.

The municipal commissioners, on the other hand, went to the extreme of taking a stand on whether or not the Proclamation of 1873 was itself valid and argued that the Commissioner's claim that the municipality had no public commonage was tied to that issue. The result was a protracted tussle whereas, had simple logic prevailed, the issue might have been solved in a matter of months by a resolution of Parliament. Gately led the argument by stating that, since the proclamation had been made by the Governor with the consent of the Executive Council of which Smith had been a member, it was perfectly valid and legal. He thereupon quoted several instances in the municipal regulations where the words "town lands" had been used and argued that the regulations would not have been passed if "Crown Lands" had been meant. He then came to the conclusion that the Government was maliciously attempting to deny revenue to the municipality because the land at the port was so valuable.

Commissioner Webb <sup>[50]</sup> pointed out another contradiction in Smith's claim. If the municipality possessed no land, he argued, then all regulations pertaining to the commonage, including the right to issue brick-making, quarrying and grazing licences, were irrelevant and invalid. So angry did Gately then become that he immediately announced his decision to resign. He was too busy, he said, to run the affairs of the municipality efficiently and, in any case, he was "heartily sick and tired" of the way in which the Government was treating the Board. No improvements could be made at the port while the dispute was continuing and he was made to look foolish at not being able to tell prospective buyers the exact date on which the proposed sale of land would take place. His colleagues on the Board, however, managed to persuade him to withdraw his resignation. <sup>[51]</sup>

The Board called a special meeting two weeks later and, in a much cooler state of mind and possibly after having obtained legal advice, a letter was drafted which stated categorically the real interpretation of Article 1 of the regulations. It was clear, the letter read, that the Proclamation of April 1873 had granted the "unoccupied pasture lands for public commonage [sic]". It also pointed out the contradiction in Smith's letter in which he claimed that the municipality had been given no land and then referred to the very extensive limits which had been "assigned" to the

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50. ALFRED WEBB: Webb was a landing and shipping agent who was elected to replace Major Lee in Panmure but resigned his seat in April 1876 to take up the post of Municipal Secretary. He returned to the Board in February 1877 and served rather erratically until February 1886. He was elected Mayor for one term in 1883.  
(For further information, see Appendix 2.1, p 45.)

51. Dispatch, 25.8.1874. Minutes, 21.8.1874.

municipality. The commissioners drew Smith's attention to the fact that he had misread the municipal regulations. Article 1, the letter stated, expressly excluded the German agricultural lots from the municipality. Furthermore, the boundaries were not at all extensive if taken in terms of that interpretation because the area inside the boundary lines was "very much reduced by the existence of the...allotments within its limits". When account was taken of the speedy growth of the port into "a large and thickly-inhabited town", then the commonages were by no means extensive. [52]

In November 1874 Smith paid a visit to East London to inspect the Harbour Works, and the Board used the opportunity to present him with an address which appealed to him, as a matter of urgency, to solve the various problems which faced the municipality. An amicable meeting was thereupon arranged between the two parties and most of the problems appeared to be ironed out. Smith defended the Government's sale of "Crown Lands" by pointing out that the area in question was not "pasture land", even though it was unoccupied, but consisted of sections which had long been earmarked as acre lots for the German settlers. It was, therefore, not part of the municipality, even in terms of the definition which the Board itself insisted upon.

The Commissioner then explained his Government's belief that an "oversight" had been committed when the proclamation of municipality had been made in 1873. Under Section 10 of Act 2 of 1860, he maintained, the

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52. Dispatch, 15.9.1874. John Gately to Commissioner of Crown Lands, 2.9.1874.

Government was not empowered to assign commonage to any town or village without first obtaining the sanction of both Houses of Parliament. That had not been done in the case of East London and so, unless it could be proved that commonage had been assigned to the town during the British Kaffrarian era, that aspect of Regulation 1 was void.

The Board was quick to argue that the proclamation itself was therefore illegal but Smith was not prepared to go that far and claimed rather that it had been merely "an error". The proclamation had been drawn up "without proper consideration" and the Government had taken it for granted that a commonage existed. It was valid "as far as it went" but with the proviso that Regulation 1 was a description of municipal limits and not a definition, although he admitted that the article had been "unfortunately worded" and would lead "unprejudiced persons" to believe that the Government had indeed assigned the commonage to the municipality. Smith therefore suggested that a commission be immediately appointed to examine and re-define the municipal boundaries because, he said, it was important that East London should have a commonage.

The commissioners accepted the idea and suggested that the size of the municipality be increased with the inclusion of the Acre Lots which were by then almost part of the village of Panmure, but it was agreed that the ten acre agricultural plots near the Nahoon River should not be

incorporated. [53] On the question of the Ordnance property, Smith advised that any buildings could be taxed if they fell within the municipal boundaries. [54]

The visit was followed by a letter to the Board in which most of Smith's arguments were re-stated. [55] A new dispute then arose. The commissioners insisted that the Commissioner had agreed to a joint commission of enquiry to settle the commonage dispute but the letter spoke only of an appointed commission. Smith would not accept the Board's argument, however, and wrote that the proposed body was not "of the character of an arbitration in which both parties [were] represented" but was an impartial committee to examine a number of questions. He therefore did not believe that there should be any members with a direct personal interest in the matter. Moreover, it was imperative that a settlement be arranged as soon as possible so that it could be placed before Parliament during the ensuing session. [56]

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53. GERMAN 10 ACRE PLOTS, NAHOON VALLEY: The German agricultural land near the Nahoon River was later incorporated into the Municipality of Cambridge and slowly became subdivided until the area formed a residential suburb called Nahoon. In 1942 Nahoon became part of East London along with Cambridge.
54. Dispatch, 1.12.1874.
55. Dispatch, 12.1.1875. Charles Elliot to Chairman of the Municipal Board, 30.12.1874.
56. Dispatch, 9.2.1875. James Attwell to Commissioner of Crown Lands and Public Works, 9.2.1875.  
Dispatch, 9.3.1875. Charles Smith to Chairman of the Municipal Board, 22.2.1875.

The Board was outraged as it believed that the letter was "in direct violation of the spirit of the understanding" reached during Smith's visit to the port. Furthermore, it had agreed only to an alteration in the boundary line and to the inclusion of the Acre Lots but it had never contemplated the consideration of a "number of questions". [57] The protests, however, were to no avail and in April 1875 a three-man committee was appointed. [58]

Local fears proved unfounded. The new boundaries decided upon were exactly as the Municipal Board had suggested in November 1874. The unoccupied commonage was included, as Article 1 of the original regulations had stated, and there was no alteration whatsoever to the boundary on the West Bank. The major difference lay in the fact that the Acre Lots on the East Bank, which had been excluded from the original definition, now became part of the municipality and so eradicated what Smith had called

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57. CA, 3/ELN 1/1/1/1. Minutes, 3.3.1875.  
 Dispatch, 23.3.1875. James Attwell to Charles Smith, no date (probably 3.3.1875).

58. The Commission of Enquiry consisted of the following members:  
 Arthur Richard Orphen: Civil Commissioner at East London;  
 Alfred Everitt Murray: Government Surveyor for East London;  
 Robert Fielding: Civil Commissioner's office, King William's Town.

"islands".<sup>[59]</sup> The only part of the new boundary which caused minor anger was a Government claim to a narrow strip of land along the sea-board but, when the Board was assured that it had been done merely to protect the sand-dune vegetation, the commissioners found it readily acceptable.<sup>[60]</sup> A further 15 months were still to elapse before the proposals were implemented and only in June 1876 was the draft regulation submitted to the Municipal Board for its approval, to be passed by Parliament later that month.<sup>[61]</sup> The Ordnance land was never made over to the municipality.

The Municipal Board had only seven months tenure left by the time the commonage dispute was settled and economic difficulties had allowed almost nothing practical by which to distinguish the councillors' term of office. In September 1876 the Dispatch urged them into some sort of rapid action so as to leave a memento of themselves and pointed out that financial circumstances did at last allow for some drastic improvements to the

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59. Denfield created a myth of what he calls "The Municipality That Became Smaller". He accepted the incorrect definition of the municipal boundaries as argued by Charles Abercrombie Smith and therefore concluded that the re-drawn boundary of 1876, which excluded the 10 acre lots along the Nahoon River, had indeed reduced the size of the municipality. The truth is that the 10 acre lots had never been part of the municipality, nor had the one acre sections, and the new boundary which included the latter was in fact larger. Contrary to Denfield's argument, therefore, the municipality had actually become bigger.

(See Denfield, Pioneer Port, p. 28.)

60. Dispatch, 20.6.1876. Public Meeting, 14.6.1876.

(See map, p 93.)

61. Government Gazette, 4.7.1876. Proclamation 43 of 1876.

(See Appendix 6, p 139.)

municipality, especially since the Government had sanctioned the sale of ten erven of land. [62]

The commissioners again procrastinated because they were uncertain of their precise legal status. Although the Government had granted the land expressly for sale and the title deeds were received in mid-October, [63] Gately questioned whether or not the erven fell within the provisions of Act 8 of 1848 which stated, he said, that the only method that a council had for disposing of land was to give public notice, call for objections and then obtain the consent of the Government for the sale. Several councillors argued that such steps were entirely unnecessary because the Government had already sanctioned the sale but Gately advised extreme caution and ultimately convinced his colleagues that a slow but risk-free method should be pursued. Although it would delay the sale, he said, it would nevertheless ensure "good titles" to the purchasers. [64]

In the meantime, before any work could be undertaken on laying out and constructing the streets, an extensive survey was needed. The original work had been conducted on the West Bank as early as 1847 and at Panmure in 1857 but many of the beacons had since been lost. Moreover, it was the opinion

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62. Dispatch, 19.9.1876.

63. CA, 3/ELN 1/1/1/1. Minutes, 19.10.1876.

64. CA, 3/ELN 1/1/1/1. Minutes, 16.11.1876.  
See also Dispatch, 20.11.1876.

of the Government Surveyor, Alfred Murray, <sup>[65]</sup> that the remaining beacons, and indeed the surveys themselves, were erroneous. <sup>[66]</sup> Many landowners had further complicated the issue by fixing their own beacons, using those of their neighbours as a guide and without aid from professionals. One such landowner had gone to the extreme by announcing his intention to build in the centre of the Pontoon Road where he claimed his beacon was supposed to be. If he was correct, then the road went right through his property. <sup>[67]</sup> In January 1877 he carried out his threat and put up a building which completely blocked the main thoroughfare.

The action threw the Board into a dilemma because the commissioners were uncertain of the legality of any decision. Surveyor Murray was unable to judge whether the claim was justified and was prepared only to advise that the house exceeded the owner's legal boundary. He was not prepared to commit himself beyond that until a proper survey had been conducted.

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65. ALFRED EVERITT MURRAY: Murray was born in London in 1832 and emigrated to the Cape Colony with his parents at the age of four, settling in Port Elizabeth. He was educated in Grahamstown and, after leaving school, joined the Civil Service as a Government Surveyor. In that capacity he took up residence at East London where he became responsible for most of the maps drawn for the Municipality for three decades. By 1900 his reputation was such that he had come to be regarded, along with such men as John Gately, as one of the "Fathers" of the town. He died on 19 April 1909 at the age of 77 and was buried on the East Bank.  
(See Dispatch, 21.4.1909, for Alfred Murray's obituary.)
66. CA, 3/ELN 1/1/1. Public Meeting, 7.2.1877.  
See also Dispatch, 8.2.1877.
67. Dispatch, 19.9.1876.

Commissioner Vincent, a new-comer to the Board, [68] pointed out that the Pontoon Road did not constitute a servitude even though it had been in existence for seventeen years. He also doubted whether it had ever been officially proclaimed a public thoroughfare and, until that was done, he advised caution. Although public interests were being jeopardised, Vincent stated, the Board had no authority to interfere with the rights of the individual. Moreover, the question had been presented to the Board at least two months previously and nothing whatsoever had been done to solve the problem. [69]

It was eventually left to the incoming Municipal Board to reach a decision and the new body resolved in March 1877 that it would be easier and cheaper to reconstruct the Pontoon Road, using a new route. It was not merely a simple dispute with one obstinate landowner, the commissioners decided. If his claim proved correct, then several other properties would also be affected. The Government agreed and warned the Board that it should not "tolerate" a road "winding about among building lots in disregard of the

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68. AMELIUS VINCENT: Vincent became a commissioner in December 1876 and served, with occasional breaks, until February 1890. He was elected Chairman of the Municipal Board for 1877 and became Mayor in 1885, 1886 and part of 1887. He was also the first Chairman of the Cambridge Village Management Board.  
(For further information, see Appendix 2.1, p 43.)

69. CA, 3/ELN 1/1/1/1. Minutes, 4.1.1877.  
See also Dispatch, 8.1.1877.

defined streets". It was further agreed that the Government would pay half the costs of constructing the new road. [70]

By January 1877 Murray had produced his estimates of the cost of the survey, amounting to £1 007 12s. Od., of which the Government would pay £249 5s. Od. since it held over 100 lots within the municipality. The first objective, the surveyor said, would be to define the streets of the two urban areas, starting on the East Bank where there was as yet little definition. The entire survey would take about nine months. [71]

The Board thereupon decided to levy a special rate of two-pence in the pound to cover the costs but to do that it needed the permission of the ratepayers. The public meeting in February 1877 became a fiasco in which the competence of the commissioners was seriously questioned. Alfred Webb, who had served both on the Board and as its secretary and was therefore a man with first-hand knowledge of the municipality's financial position, attacked the commissioners for their "bad grace" in appealing for a special rate. The ordinary rates for the previous three years, he said, which amounted to £800, had not yet been collected and the Board had another £600 on hand. Furthermore, it was estimated that the sale of the ten erven of

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70. CA, 3/ELN 1/1/1/1. Minutes, 8.3.1877.  
CA, PWD 2/496, pp 151, 187-188. Assistant Commissioner of Crown Lands and Public Works to Secretary of the Municipal Council, 12.4.1877.  
See also Dispatch, 12.3.1877.
71. CA, 3/ELN 1/1/1/1. Minutes, 11.1.1877, 15.1.1877.

land would produce over £2 500, yet the commissioners had the temerity to ask the ratepayers for a special rate. [72]

The question of the outstanding rates was the greatest indictment against the Board as almost no attempt had been made to collect the arrears which, by March 1877, stood at £793 1s. 9d. [73] Gately attempted to defend the Board's actions with the excuse that it was all very well to speak of outstanding rates but to get the money into municipal hands was quite another matter. Furthermore, funds which had already been collected, he stated, were earmarked for street repairs but, since it was now almost the end of the Board's tenure, he believed that all such work had to be postponed until the new body took office. It was not right, he claimed, "that the present Council should spend all the money on hand" and leave nothing for the future commissioners "to go on with". The ratepayers were not convinced and Gately's motion for a special rate failed to gain even a seconder. [74]

The Dispatch used the opportunity to comment scathingly on the outgoing Municipal Board. The public meeting had been unusually

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72. Dispatch, 8.2.1877. Public Meeting, 7.2.1877.  
See also CA, 3/ELN 1/1/1/1.

73. ARREAR RATES:

1873	£92 12s. 8d.
1874	£92 11s. 7d.
1875	£303 18s. 9d.
1876	£303 18s. 9d.

(See Dispatch, 26.3.1877. Minutes, 19.3.1877.)

74. Dispatch, 8.2.1877. Public Meeting, 7.2.1877.  
See also CA, 3/ELN 1/1/1/1.

well-attended, the editor wrote, and was evidently not favourably impressed with the civic five. Indeed, it would appear, he added,

"as though the glimmer of hope occasioned by the prospect of a speedy termination of their cumbering of the Municipal ground, had aroused the citizens to a glorious sense of activity and responsibility." [75]

The first triennial Board's term of office concluded at the end of February that year but East London had almost nothing concrete to show for it. Apart from a few minor repairs on the West Bank, the condition of the streets was identical to when the commissioners had taken office in 1873. There was also no change to the water supply nor improvement to the sanitary system. Even the market, established in October 1873, had failed and had to be resurrected in March 1877. Apart from the creation of a municipal infrastructure, [76] the Board's role had degenerated through lack of funds into that of a watch-dog. Even so it was a relatively toothless one which barked occasionally but never bit.

Local disinterest had much to do with the Board's negative attitude because there was no concerted pressure to keep the commissioners on their toes. Public meetings were consistently poorly attended. Indeed, after a

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75. Dispatch, 8.2.1877.

76. In February 1877 the municipal staff consisted of the following members:

1. Town Clerk;
2. Town Secretary and Treasurer;
3. Streetkeeper and Poundmaster;
4. Town Ranger;
5. Pontoon Keeper;
6. Ferryman;
7. Labourers.

meeting in mid-November 1876 the editor of the Dispatch remarked that he was "literally ashamed" of the town when he saw the "miserable attendance" at an important meeting which had been called not only to decide on a new code of municipal regulations but also to air grievances and make suggestions. When he looked around at the empty room, he wrote,

"[he] could come to no other conclusion than that the East London people are the best grumblers and the worst citizens that any place on the face of the civilized globe could produce." [77]

The commonage dispute was an unfortunate episode which did much to hinder progress but there were other sources of revenue available which the Board made little effort to tap, notably uncollected rates. There was therefore much truth in the criticism made by the Dispatch in February 1877, at the end of the triennial period. When the present Municipal Council go to their last resting place, the editor wrote,

"or, in other words, dies the periodical death of all such bodies, it will certainly not be said in truth that it is the pace that has killed....The genius of procrastination appears to rule over their deliberations and the demon of delay to dog even their faintest attempts at progress." [78]

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77. Dispatch, 22.11.1876.  
See also Dispatch, 26.4.1873, 20.6.1876, 29.1.1877.
78. Dispatch, 5.2.1877.

CHAPTER 5

THE SECOND MUNICIPAL BOARD AND CONFLICT IN THE MUNICIPALITY

1877 - 1880

The election of the second Municipal Board in February 1877 was essentially no less important than the creation of the first had been. The municipality had made relatively little advance during its first triennial period and so the new body of commissioners still had a virtual clean sheet on which to work. There were more of them because an amended regulation had doubled the representation but they were also mostly novices. [1]

A blueprint for the new Board was published by the Dispatch in October 1876, although it is not clear whether the ideas emanated from the editor himself or if he was merely echoing sentiments already in circulation. In essence the suggestions recognised that the town was advancing on the East Bank, and the East Ward therefore needed equality with the West. In addition, it was pointed out that the Board had to be expanded to ten members, with only five to form a quorum, so as to enable it to continue its work when there were several absentees. [2]

Although the ideas were accepted, the first Municipal Board again procrastinated in drawing up the amended regulations, which also included a host of new ones, and the public meeting to approve them was held late in

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1. The commissioners elected in February 1877 were as follows:  
WEST BANK: Charles Dowell, Gustav Wetzlar, Benjamin Duminy, Charles Nicholls and Thomas Barrable.  
EAST BANK: Richard Stickells, Amelius Vincent, Alfred Webb, William Fuller and Edward Walters.

The new Municipal Board was almost entire new, with only Alfred Webb, Amelius Vincent and Gustav Wetzlar having served before.  
 (See Appendix 2.3, p 61.)

2. Dispatch, 24.10.1876.

November that year. [3] Even so there should have been no panic except that the draft was posted to Cape Town only in January 1877 and, because alterations were necessary, the final product could not be published until after the February elections. [4]

The delays caused another fiasco. It was realised that the regulations were needed immediately if the elections were to implement the increased chamber. As a result, frantic correspondence was entered into between the Board and the Government, which culminated in a telegram to the Colonial Secretary to impress upon him the need for haste. The municipal secretary thereupon neglected to send the cable, an act that caused a heated debate in which Commissioner Vincent spoke of the "very irregular" proceedings and Commissioner Wetzlar [5] proclaimed that telegrams were of little use unless they were dispatched at once. The Colonial Secretary had realised, however, that it was already impossible to implement all the amended and new regulations and so gazetted only that portion relating to the enlarged Council. The elections for the second Board were therefore

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3. Dispatch, 24.11.1876.

4. Dispatch, 8.1.1877. Public Meeting, 4.1.1877.

5. GUSTAV WETZLAR: Wetzlar was a German merchant who joined the Municipal Board in April 1876 to represent Ward 2. He remained a stalwart of the municipality until he was forced to resign for health reasons in 1892. He served one term as Mayor in 1889. (For further information, see Appendix 2.1, p 45.)

able to proceed as planned while the other regulations were published in May. [6]

It is probable that John Gately would have been re-elected as Chairman had he not decided that business commitments demanded too much of his time for him to serve a second term as commissioner. In his absence there was no other clear favourite and so Amelius Vincent, a relative new-comer to the Board, gained a one-vote majority over Alfred Webb, the more experienced candidate. [7] His tenure was to be of shorter duration, however, because the regulations had ushered in annual elections of Chairmen instead of the triennial term which had characterised the first Board. Vincent's office was nevertheless to be one of great trauma for the municipality as a whole.

Although there was much to occupy the Board's time and energy, lack of experience again dogged its deliberations while dissension and a conflict of interests negated all hope of a speedy initiation of a programme of public works. Almost at once the commissioners became involved in a messy wrangle

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6. CA, 3/ELN 1/1/1/1. Minutes, 1.2.1877, 8.2.1877, 22.2.1877, 26.2.1877. Dispatch, 5.2.1877, 12.2.1877, 26.2.1877, 1.3.1877. Government Gazette, 9.2.1877, 18.5.1877. Proclamation 23 and 61 of 1877.

See also CA, CO 1044. Henry Ellis to Colonial Secretary, 26.1.1877. (See Appendix 6, pp 140-144.)

7. CA, 3/ELN 1/1/1/1. Minutes, 1.3.1877. See also Dispatch, 5.3.1877.

Webb joined the Board in August 1873 and also served for a short period as municipal secretary. He therefore had more than three years of municipal experience while Vincent became a member of the Board only in December 1876 and so had only two months experience by the time he became Chairman.

that set the tone for the rest of the year. Commissioner Nicholls<sup>[8]</sup> of the West Bank introduced the conflict when he suggested that a special committee needed to be appointed to investigate the qualifications of the different members of the Board. Although he gave no hint of his intentions when making the proposal, it was considered at the time to be a worthwhile suggestion and it was accordingly resolved that such a committee would be formed at the next meeting<sup>[9]</sup> but the subsequent debate degenerated into an idiotic squabble.

Vincent opened the discussion by reading clauses of the Act relating to the qualification of municipal commissioners and interpreted them to mean that any person with property to the value of £300 was entitled to sit on the Board. He doubted, however, whether the Assessment Roll was of any use as a guide since it was "decidedly inaccurate". Commissioner Webb explained that it was that very point which they had to solve because the municipality needed to have some standard to go by. An argument thereupon broke out as to whether or not the Board was in committee. Vincent claimed that it was not because such a motion had not yet been proposed whereas several commissioners argued that the resolution passed at the previous meeting was sufficient. Ultimately Wetzlar moved that they go into committee but his motion struggled to find a seconder because most believed it to be

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8. CHARLES EDWARD NICHOLLS: Nicholls was a stevedore as well as a general merchant who joined the Board in February 1877 to represent Ward 1. He served until August 1883 when insolvency forced his resignation.

(For further information, see Appendix 2.1, p 36.)

9. CA, 3/ELN 1/1/1/1. Minutes, 1.3.1877.  
See also Dispatch, 5.3.1877.

unnecessary. When a commissioner eventually agreed to act as seconder purely to get the debate back on track, the motion was lost and the Board came to no verdict on the original proposition. [10]

The Dispatch saw devious intent behind the commissioners' refusal to deal with the topic. Although there seemed little doubt that the Committee of Enquiry required a fresh motion to constitute itself, the editor wrote, he nevertheless questioned the decision of "Mr. Vincent and his party" to vote against it. If any of them, the editor wrote,

"are conscious that they do not possess the necessary qualifications we recommend them with all possible speed to qualify themselves. If that is out of the question we can see no other course but resignation. If on the other hand all possess qualifications, what is the use of avoiding an enquiry which would set every question at rest." [11]

The debate revealed the first glimmer of intrigue which was hidden beneath the gentlemanly facade. Both sides appeared to have devious intentions: Nicholls and his supporters for having initiated the enquiry and Vincent and his "party" for voting against it after having originally accepted the idea. Furthermore, the episode proved to be no mere storm in a teacup but was the first-fruits of a major rift between members of the eastern and western wards.

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10. CA, 3/ELN 1/1/1/1. Minutes, 8.3.1877.  
See also Dispatch, 12.3.1877.

11. Dispatch, 12.3.1877.

The river itself was at the centre of the problem because it divided the municipality in two and placed a heavy strain on the members of the East Ward who had to cross to attend each meeting since, according to the municipal regulations, the West Bank was the seat of the municipal offices. [12] The meetings were held after 4 p.m. which forced the commissioners to journey either by the ferry or the pontoon after dark, an uncomfortable experience on chilly winter evenings. Furthermore, whenever there were insufficient members to form a quorum, the eastern members found that they had journeyed in vain.

Another point in contention was the vexed question of progress. Because there was no bridge over the Buffalo River and since the railway had been established with its terminus at Panmure, the East Bank slowly overtook the original West Bank as the town's commercial centre. [13] The period from 1877 until 1885 was therefore crucial in the conflict because it was then that the two villages reached parity and, while the East Bank was advocating progress and a recognition of its importance, the West Bank was jealously guarding its historic privileges.

Although there were possible early murmurings of a division, it was first mentioned publicly late in 1876 when the Dispatch commented on the existence of a faction which wished to split the municipality in two. The

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12. Government Gazette, 29.4.1873. Proclamation 37 of 1873, Regulations 2 and 4.

(See Appendix 6, p 13.)

13. See Chapter 9, pp 311-313.

editor claimed that it would not happen because the Government would never give its consent but he nevertheless suggested that the commissioners should be split into two street committees, one for each ward. The Municipal Board could then meet once a month and thereby reduce the need to cross the river. The street committees, on the other hand, would meet weekly and could be vested with limited powers to deal with minor matters within their individual wards. The editor further proposed that an annual sum of money, calculated in proportion to the amount of rateable property in each ward, could be placed at the disposal of each committee for expenditure on specified works, such as street repairs and construction. [14]

Soon after the second Board was inaugurated, Commissioner Webb raised the issue of the street committees. His motion echoed the sentiments of the Dispatch except that his committees were to be of an advisory nature only, with no power to act and no funds at their disposal. [15] His scheme was accepted and the eastern body was soon eagerly at work so that, by mid-April, it had decided on names for the streets and squares of

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14. Dispatch, 24.10.1876.

15. CA, 3/ELN 1/1/1/1. Minutes, 15.3.1877.  
See also Dispatch, 19.3.1877.

Panmure. <sup>[16]</sup> It had also fixed on a site for a new cemetery and instigated the removal of the Seaside Location. <sup>[17]</sup> The Western Street Committee did nothing apart from appointing a chairman. <sup>[18]</sup>

In mid-May Commissioner Wetzlar of the West Bank unleashed a hornet's nest when he gave notice that he would move at the following meeting that steps be taken to separate East London into two municipalities. During the interim period, however, he repented of his action and, when the commissioners next met, he attempted to withdraw the motion. The East Bank members had been lobbying among themselves in the meantime and had come up with a counter-proposal to transfer the centre of the municipality to their ward. It was possible to put forward their scheme as an amendment to Wetzlar's motion but the moment would be lost if he were allowed to retract. Commissioner Fuller, still in his late teens and possibly ignorant of the

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16. STREET NAMES 1877: Although names had been given to streets on the West Bank as early as 1847, the East Bank was not so lucky so that by 1877 there were still no official titles, even for the most important streets. The following streets on the East Bank were therefore named during the year: Oxford, Fleet, Terminus, Union, Hanover, Berlin, Argyle, Buffalo, Cambridge, Station, North, South, Hill, Church and Commissioner Streets, as well as Waterloo and Commercial Squares. Unfortunately, the document drawn up by the Eastern Street Committee has been lost and so we are left to speculate as to the origin of the names. The Dispatch reported only on the naming of Waterloo and Commercial Squares, as well as Caxton Street. (See Dispatch, 12.4.1877)

17. See Chapter 10, pp 359-361.

18. CA, 3/ELN 1/1/1. Minutes, 19.4.1877.

regulations, [19] thereupon pressurised him into presenting his proposal on the separated municipality and hoodwinked him into believing that he was legally obliged to do so once he had given notice of his intention.

Chairman Vincent immediately proposed the amendment which incorporated virtually the sum total of the Dispatch's earlier recommendations on street committees. No measure should be introduced to divide the municipality, the amendment read, but rather the East and West Street Committees would meet weekly and be invested with full powers on their respective sides of the river, with the exception of land issues. The funds in the municipal treasury would be equally divided between the two committees. The municipal officers would, however, be moved to the East Bank although all meetings would be held once a month, alternating on each bank. [20]

Vincent's amendment was highly contentious because, by transferring the municipal offices, it would be an official recognition that the East Bank had become the centre of East London. It would also inconvenience the West Bank residents who would then have to journey across the river to conduct municipal business. In short, it meant the death knell to the original village of East London.

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19. WILLIAM HENRY FULLER: Fuller, who later established a good reputation as a merchant and eventually became Director of the firm Dyer and Dyer, was the youngest member of the Council. He was only 19 when elected for Ward 2 in February 1877 but served for a mere nine months. (For further information, see Appendix 2.1, p 18.)

20. CA, 3/ELN 1/1/1/1. Minutes, 17.5.1877, 31.5.1877.

Because the issue was so sensitive, the commissioners decided to delay their decision for a week. Wetzlar thereupon again attempted to withdraw his motion but Vincent ruled that the matter had to be discussed since it had already been seconded. Commissioner Nicholls then tried to defuse the situation by proposing a completely innocuous amendment which aimed at keeping the status quo in all things except that the Council meetings would be held fortnightly instead of weekly. The vote revealed a complete rift in the Board, with the West Bank members favouring Nicholls' amendment while the easterners voted against it. Since all the commissioners were in attendance at the meeting, the result was a stalemate, which allowed Vincent to give the Chairman's casting vote and he came down against the amendment. His decision caused an uproar because he was a member for the East Ward and was therefore accused of being partisan. The West Bank commissioners thereupon staged a walk-out in protest. [21]

The five remaining members continued with the meeting and unanimously passed Vincent's amendment for a partial division of the municipality and the transfer of the offices to their side of the river. As soon as the news reached the West Bank, its commissioners resigned en bloc to protest what they called a usurping of the Council by the east. The East Bank members

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21. CA, 3/ELN 1/1/1/1. Minutes, 7.6.1877.

rejected the decision and attempted to persuade them to return but to no avail. New elections had therefore to be held in July. [22]

In the meantime the Board began to implement the reconstruction of the municipality. It was decided that the secretary would, from the beginning of July, begin to enter the municipal revenue into two separate files, to be called the East and West Ward Revenue Accounts. Once the exact financial position of the municipality had been ascertained, the net balance-in-hand would be divided and credited equally to the separate accounts. A tender would also be called for the hire of a suitable office on the East Bank and, in the meantime, the Council would use the market office. Meetings under the new arrangement would be held on the first Thursday of each month, alternating between each ward. [23]

In mid-October the entire issue was resurrected when the municipality's legal adviser informed the Board that its act was illegal because it did not have the consent of the ratepayers. The commissioners were therefore forced to revert to the previous mode of conducting business and transfer its offices back to the West Bank. [24] At that point the

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22. CA, 3/ELN 1/1/1/1. Minutes, 14.6.1877, 25.6.1877.  
CA, 3/ELN 1/1/1/1. Public Meeting, 10.7.1877.

The following members were elected for the West Bank following the walkout: Charles Dowell, Gustav Wetzlar, Charles Nicholls, Herbert Smith and Frederick Jarvis. They were all unopposed.  
(See Appendix 2.3, p 61.)

23. CA, 3/ELN 1/1/1/1. Minutes, 28.6.1877.

24. CA, 3/ELN 1/1/1/1. Minutes, 18.10.1877.

Dispatch issued a scathing editorial which called on the commissioners to settle their differences and unite. "We are ready enough," the editor wrote,

"to call out if others neglect our interests, and yet we persistently neglect our own. Have we not manhood enough among us at last to look after common decency, instead of fighting about East and West." [25]

The Dispatch returned to the theme a fortnight later in a column in which the editor bemoaned the loss of the first Municipal Board. When the old municipality was in office, the editor stated,

"we were urgent in seeking new men, that the work which was crying out for accomplishment might be attended to. But if we, in the name of our fell townsmen, urged the necessity of a change then, what must be our thoughts...when we reflect upon the results of that change...infinitely better had we have our old Board again, who at least showed that they were able to meet together for the good of the town."

The editor correctly foresaw that the east side of the river was destined to take the lead and that the municipal offices would have to move there in time, but not yet, he warned. What more galling for a father, he wrote, than for a son "to anticipate his death by post obit" or for an heir "to be waiting about, thrusting himself into notice before the old man had ceased faltering out the faint 'Amen!' to his curate's reading". [26]

At that point Vincent resigned as Chairman on the grounds that the removal of the municipal offices to the West Bank conflicted with his

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25. Dispatch, 29.10.1877.

26. Dispatch, 8.11.1877.

business commitments. It was a fortuitous moment because it gave the chair to Commissioner Wetzlar who brought a semblance of order to the dispute. Instead of allowing the conflict to continue within the Council and so paralyse municipal work any further, the commissioners resolved to call a public meeting which would allow the ratepayers themselves to decide whether or not the municipality should be divided. [27]

The meeting was held in late-November and bluntly told the Board to get on with its work and stop fooling around with ideas of division. John Gately moved a strongly-worded resolution, which was carried unanimously, that the municipality should remain intact and that the commissioners "should actually work for the good of the Community accepting their Office as a duty of honour." They were further ordered to attend the meetings and not merely do "what will benefit themselves" but that which was "for the good of the Town at large". [28]

The hopeless tangle in which the Council had found itself spurred Gately to re-enter local politics. He made use of Commissioner Fuller's resignation in December that year [29] to stand for and win a seat in the East Ward. His action was loudly applauded. "We hope," the Dispatch commented, "that now he has returned he will be able to clear up a little

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27. CA, 3/ELN 1/1/1/1. Minutes, 8.11.1877.

28. CA, 3/ELN 1/1/1/1. Minutes, 28.11.1877.  
See Dispatch, 29.11.1877. Public Meeting, 28.11.1877.

29. Fuller gave no reason for his resignation and it is impossible to infer that it had anything to do with the conflict within the Council.

the muddy waters of Municipal affairs". [30] Immediately he took his seat, Wetzlar stood down as Chairman and Gately was unanimously re-elected. [31]

Although Gately proved to be a unifying force within the Council, his presence nevertheless failed to affect the tardiness on the part of the commissioners in attending meetings. By the end of his first month as Chairman, he had already found that it was useless for him to attend meetings of the East Bank Street Committee, supposedly held each Tuesday evening, because there was never a quorum. The Board therefore decided that, since the members had had every opportunity to attend committee meetings and had failed to do so, their work would be taken over by the main body rather than allow it to be left in abeyance. Instead of overcoming the sand, the Dispatch commented sarcastically, "we presume the sand overcame it". [32]

A meeting in mid-February decided to replace the Street Committees with "committees of the Council" which would be formed to meet various purposes. There would be only four members in each body, and two would be

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30. Dispatch, 7.1.1878.

31. CA, 3/ELN 1/1/1/1. Minutes, 10.1.1878.  
See also Dispatch, 14.1.1878.

32. CA, 3/ELN 1/1/1/1. Minutes, 31.1.1878.  
Dispatch, 4.2.1878.

needed to form a quorum. [33] The system, however, led the Board into yet another squabble as Vincent launched a heated attack on several commissioners for their alleged remarks. Vincent had been absent when the new structure was resolved upon but had read about it in the local press. He objected to his name appearing as a committee member when he had not consented to the arrangement and he demanded that it be withdrawn. In the ensuing debate, he made use of Gately's absence to malign the West Bank members generally and Commissioner Webb in particular, claiming that the Board's action had been "an insult" to the Eastern Street Committee and especially to himself. Webb, he claimed, was the man who had brought the committee into disrepute and yet he was the only person who had not attended the meetings.

In the subsequent angry altercation, it was proved that Vincent was in the wrong and that it was he who was guilty of seldom attending street committee meetings. His further claim that the Board had, under pressure from western members, thrown reports by the Eastern Street Committee into the waste paper basket was also proved to have been without foundation.

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33. CA, 3/ELN 1/1/1/1. Minutes, 14.2.1878.

The members elected to the committees were:

WEST BANK: Gustav Wetzlar, Frederick Jarvis, Herbert Smith and Charles Nicholls;

EAST BANK: John Gately, Alfred Webb, Amelius Vincent and Richard Stickells.

Despite irrefutable evidence, however, Vincent refused either to apologise or withdraw his allegations. [34]

The debate ended in yet another debacle in which it was resolved that the previous decision be rescinded and that the Street Committees be restored to their former status. [35] More than six weeks of work was thereby undone and a great deal more bitterness had arisen between the opposing factions. It seemed almost like old times, the Dispatch reported.

"Eastern rights had to be upheld, their champion considered himself 'insulted' by the action of the Western members, and in consequence of the general scrimmage, the principal object for which the meeting had been specially called...was lost sight of altogether." [36]

The matter did not stop there. At the following meeting in mid-March, Gately drew the Board's attention to the fact that its latest resolution was invalid as there had been no prior notice of the motion. He also pointed out that such a decision was sheer folly as the previous system had clearly been shown not to work. Under such an admonition, coupled to the fact that

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34. CA, 3/ELN 1/1/1/1. Minutes, 14.3.1878.  
See also Dispatch, 18.3.1878.

Vincent left that meeting claiming he would produce proof to back his claims but he failed to make an appearance at the following meeting. A motion of censure was thereupon passed unanimously.

35. CA, 3/ELN 1/1/1/1. Minutes, 7.3.1878.  
See also Dispatch, 11.3.1878.

36. Dispatch, 11.3.1878.

Vincent was again absent, the Board let the matter rest and the reformed committee system was retained. [37]

Vincent had yet another arrow to his quiver. The Board was renting offices from him on the West Bank and in November 1878 he gave it a month's notice to vacate. [38] It was a shrewd move for it forced the commissioners to search for new offices and therefore to reconsider the East Bank option. His calculation was successful. In December it was decided to transfer the municipal offices to Commercial Square on the east side of the river, a place more to his liking.

The resolution was taken only after another heated argument. Those against the move pointed to the historic foundation of East London on the West Bank and to the fact that the secretary was constantly required there because the Magistrate's Court was still situated on that side. Wetzlar claimed, and not without cause, that the move would be for ulterior motives as the members of the East Ward wished to avoid the trouble of crossing the river. There was as yet no other advantage, he said, and the move would result in the West Bank becoming thoroughly neglected and ruined, all for the sake of "selfish motives". [39] The vote showed again the division within the Board, with the five eastern members favouring the motion and the four western delegates opposing it. The fact that one commissioner for the

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37. Dispatch, 18.3.1878. Minutes, 14.3.1878.

38. CA, 3/ELN 1/1/1/2. Minutes, 21.11.1878.

39. Dispatch, 14.12.1878. Minutes, 12.12.1878.

West Bank was absent relieved Gately, himself representing the East Bank, of the necessity of a casting vote, with a possible repeat of the previous year's catastrophe. [40]

The continued dissension among the commissioners had a marked influence on the Board's ability to work effectively for the good of the town. The opportunity was there for East London to enter into a new phase of growth because the Cape's economy had entered into an unprecedented boom but once again it did not materialise. Even when decisions were made, implementation was often delayed interminably which increased costs and forced other projects to be postponed. A notable example was the survey of the town, one of the most urgent requirements if the municipality was to progress. The action was incompetently handled so that it was only in the mid-1880's that any results were forthcoming.

The survey had been decided upon in May 1876 and Alfred Murray had been appointed as municipal surveyor but lack of funds initially delayed the project. It was calculated, however, that work would take only six to eight months once a start had been made. [41] The second Municipal Board gave its immediate attention to raising funds to pay the costs and in March 1877 auctioned land for a sum in excess of £3 000 [42] but the survey was still

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40. CA, 3/ELN 1/1/1/2. Minutes, 12.12.1878.  
See also Dispatch, 14.12.1878.

41. CA, 3/ELN 1/1/1/1. Minutes, 4.1.1877, 11.1.1877, 15.1.1877.  
See also Dispatch, 8.1.1877, 15.1.1877, 18.1.1877, 12.2.1877.

42. CA, 3/ELN 1/1/1/1. Minutes, 29.3.1877.  
See also Dispatch, 3.4.1877.

not forthcoming. By November 1878, nearly two years after Murray had first been commissioned, the Board passed a resolution which requested him to complete the work. The surveyor waited two months before replying that ill-health had delayed him but that he hoped to finish the field-work within a further couple of months. [43] Another year passed and still the project had not been completed. Indeed, the triennial term of the second Board ended without it producing the fruits of the survey. It was only in April 1880, shortly after the start of the third Municipal Board, that the incoming commissioners at last grew angry but repeated threats were not followed by significant action, and Murray eventually produced the plans only in late-1884, eight years after he had been commissioned to do the work. [44]

The tragedy of the town survey debacle was that, had the second Municipal Board pressured Murray to produce the work as promised, the plans could have been taken in hand fairly soon but the Board's failure to demand action resulted in the town's entry into a new era of rapid growth, with additional surveys being needed for the Amalinda Water Scheme between 1878 and 1882, as well as the laying out of a new suburb to the east of the

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43. CA, 3/ELN 1/1/1/2. Minutes, 28.11.1878, 23.1.1879.

44. CA, 3/ELN 1/1/1/2. Minutes, 9.4.1880, 3.7.1880, 22.7.1880.  
 CA, 3/ELN 1/1/1/4. Minutes, 9.8.1882, 20.9.1882, 18.10.1882.  
 CA, 3/ELN 1/1/1/5, pp 53, 114, 118, 180, 390. Minutes, 21.3.1883,  
 13.6.1883, 27.6.1883, 10.10.1883, 29.10.1884.

Although Murray's plans are available at both the East London Municipal Plans Office and the East London Museum, the copies are of such a nature that duplication for this thesis is absolutely impossible.

Quigney River,<sup>[45]</sup> all of which work demanded more of Murray's time. Furthermore, the expansion of the town meant that whatever plans were drawn soon became obsolete and needed to be re-done.

It is a great pity from an historic point of view that Murray was unable to complete his task within the promised six to eight months. Apart from a rough sketch of East London in 1847 and another of Panmure in 1857, no other accurate town plan exists until the mid-1880's. Even the survey conducted by Murray in January 1882 to fix a site for the Amalinda Reservoir and its pipeline is unreliable as far as the topography of the town is concerned because his other survey was not yet complete. As a result, nearly 40 years of growth occurred without an accurate sketch to account for it and the map of 1882 is therefore the first, albeit inaccurate, plan of East London since 1847. <sup>[46]</sup>

Although the survey debacle was the result of simple neglect on the part of the Board for not following up its demands, the street construction question revealed gross incompetence. Despite the fact that funds were still of a rather limited nature, it was possible to acquire further money through a more efficient system of rate collection, as well as by means of a more realistic rate. The Board began its work with a reasonable balance of £608 2s. 10d. on hand. Another £792 15s. 9d. was owed by way of arrear

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45. See Chapter 9, p 314; Chapter 12, pp 435-441.

46. CA, M 4/852. East London Water Supply, 17.1.1882.

The map, which is housed in the Cape Archives, is also not suitable for reproduction.

rates. When added to those which had still to be levied for the 1877-1878 financial year, estimated at a penny in the pound, the municipality had a sum of £1 342 6s. 4d. still to be collected. A sale of land in March 1877 brought in a further £1 009 3s. 4d., which was set aside in a special street fund, and erven sold on the East Bank in mid-July brought in another £1 165. An unspecified amount was also derived by way of pontoon and ferry fees, as well as from the sale of various licences. [47]

Municipal expenditure through the payment of salaries, on the other hand, was considerable and some of the outlay was unnecessary because no work was being done. As Chairman Gately pointed out at a meeting early in 1878, salaries amounting to £300 were being paid annually to the streetkeepers whose main task was to oversee street repairs and construction, yet there were no public works for those officers to supervise. [48]

Part of the municipality's problem was the inept fashion in which rates were collected. Despite the fact that almost no money was brought in during the term of the first Municipal Board, nothing was done to amend the situation until November 1877 when it was resolved to place a notice in the Dispatch which gave the townsmen until the end of December to make good

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47. CA, 3/ELN 1/1/1/1. Minutes, 1.3.1877, 29.3.1877, 17.7.1877.  
Dispatch, 26.3.1877. Minutes, 19.3.1877.  
 See also Dispatch, 3.4.1877.

48. Dispatch, 6.2.1878. Minutes, 31.1.1878.

their debt. [49] The threat failed to materialise, however, because the outbreak of the Gcaleka War [50] resulted in some of the townsmen leaving for the war-front and it was believed that then was hardly the time to embark on prosecutions. Gately also believed in the philosophy that it was not necessary to sue but that people would pay their rates if they were simply asked to do so. It was therefore decided to commission the streetkeepers, for want of other work, to collect the rates. [51] The system failed dismally and, in September 1878, it was replaced with another by which a person was employed with the specific function of collecting rates, with a commission of  $2\frac{1}{2}$  percent of all the rates brought in. [52]

Another serious problem was the fact that the rate of a penny in the pound had remained unchanged since the inception of the municipality and it was simply not enough to pay for the vast backlog of public works. Indeed, it only just managed to cover the ordinary office expenditure. King William's Town, Commissioner Webb pointed out, had on one occasion rated its townsmen as high as 9d. in the pound and was currently charging  $4\frac{1}{2}$ d. He estimated that a rate of a penny would bring in only £400, which would mean

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49. CA, 3/ELN 1/1/1/1. Minutes, 22.11.1877.

The following list of arrear rates was laid before the Board in November 1877:

East London (West)	£309 7s. 5d.
East London (East)	£146 11s. 0d.
Panmure	£195 6s. 4d.

50. GCALEKA WAR: See Chapter 3, p 38; Chapter 10, pp 367-368.

51. CA, 3/ELN 1/1/1/1. Minutes, 10.1.1878, 31.1.1878.  
See also Dispatch, 14.1.1878, 6.2.1878.

52. Dispatch, 4.8.1878. Minutes, 29.8.1878.

that ordinary funds would run dry in only nine months, with no surplus even for street maintenance. [53]

Webb managed to convince his colleagues and a rate of 3d. was passed at a public meeting in November 1878. Even that seemed hardly sufficient. Of the £1 200 which would accrue, about £400 would go towards the payment of police salaries and the rest would do no more than cover normal administrative costs. In effect, it scarcely made up for a drop in pontoon revenue, caused by the opening of the wharf on the east side of the river. [54] The Board was therefore short-sighted in not imposing either a much higher rate or raising the valuation on property to a more realistic figure.

The inability to collect funds was coupled with inefficiency in other ways, notably in terms of street planning. At the first meeting of the second Board in March 1877, Commissioner Fuller made a tentative proposal that the state of the streets should be given serious consideration because markets were about to be started and no-one knew how the wagons were to reach the market squares, such was the state of the roads. He made some tentative suggestions as to which streets should be formed but was not

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53. Dispatch, 14.9.1878. Minutes, 12.9.1878.

54. CA, 3/ELN 1/1/1/2. Minutes, 13.11.1878.  
Dispatch, 16.11.1878.  
 See also Chapter 3, pp 53-55.

prepared to make a formal proposal. He had simply meant to "ventilate" the idea, he said. [55]

It took the Board almost a year before someone was prepared to propose the motion formally. Even then the sensitivity of the commissioners meant that caution had to be exercised lest either part of the town believed the other was being treated more justly. In January 1878, therefore, two streets on each side of the river were selected and it was resolved to begin work on the construction of Oxford and Terminus Streets on the East Bank, as well as High and Smith Streets on the West Bank. [56]

Almost immediately difficulties presented themselves. The Gcaleka War, which had broken out the previous August, led to an increase of shipping to the port which resulted in all available wagons being engaged in the transportation of cargo, leaving none to carry stones for the street construction. Instead of purchasing a wagon of its own, the Board procrastinated and no work whatsoever was accomplished on the East Bank, although High and Smith Streets were completed by the end of the year. [57]

Because of the promise of a Government grant, Terminus Street was given priority once carts became available and it was completed at the end

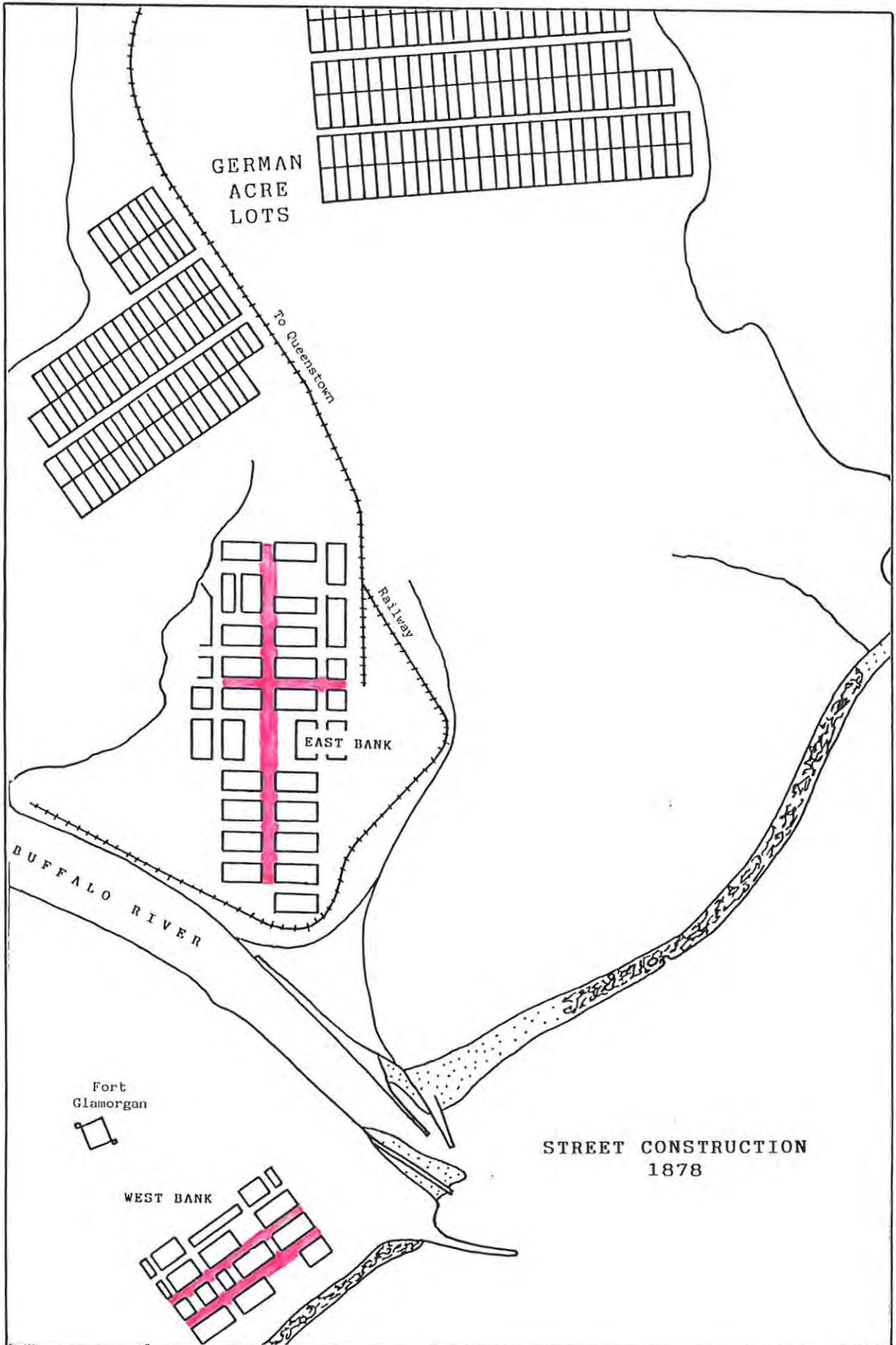
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55. Dispatch, 5.3.1877. Minutes, 1.3.1877.

56. CA, 3/ELN 1/1/1/1. Minutes, 31.1.1878.

(See map, p 148.)

57. CA, 3/ELN 1/1/1/2. Minutes, 5.12.1878.  
Dispatch, 6.7.1878, 20.7.1878, 12.10.1878. Minutes, 4.7.1878,  
 18.7.1878, 19.9.1878.



of March 1879, at a cost of £1 361 7s. 3d. of which the Government paid half. The metalling of Oxford Street began only once Terminus Street had been completed. <sup>[58]</sup> The delay in the construction of the two streets, however, had disastrous consequences for the East Bank. The original excavations were to have been only six inches deep, over which metalling would be placed. The prolonged standstill allowed the wind and rain to wreak havoc on the exposed sand so that the excavations soon took on the appearance of water-courses, almost sixteen inches in depth. Panmure, the Dispatch commented, had evolved from a grassy village to "the sandy deeps" of East London East. The erosion also meant that more than double the amount of metal had eventually to be carted, with a consequent increase in costs and an eventual lack of funds to complete Oxford Street. It had been a house divided against itself, the Dispatch stated,

"which led to divided councils, and the try-to-please-everybody policy. The result has been most disastrous to the commercial prospects of the community, and unless a clear, bold and yet economical course be adopted we will continue to throw our good money, if not into the sea, yet after the bad money already vanished." <sup>[59]</sup>

Despite the negative attitude of the second Municipal Board, it did nevertheless achieve some notable successes. First was the sale of land for the provision of buildings and endowment for two non-denominational schools, one on either side of the river, so that education within the municipality would be catered for. <sup>[60]</sup> The Council also made a valiant attempt to gain a

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58. CA, 3/ELN 1/1/1/2. Minutes, 17.4.1879, 13.11.1879.

59. Dispatch, 21.5.1879.

60. CA, 3/ELN 1/1/1/1. Minutes, 1.3.1877, 8.3.1877, 15.3.1877, 8.8.1878.

hospital for the town but lack of funds and a poor response from the Government meant that the plans had to be carried out by later Councils. [61] Of major significance was the Board's decision to search for a more adequate water supply and its drafting of an Incorporation Bill which, when passed by Parliament, would make more funds available to the municipality by way of loans. The Board reached the end of its tenure, however, before either of those projects had been accomplished and so each will be dealt with in later chapters. [62]

The efforts of the second Board were generally disappointing. Despite its shortage of funds, much could have been achieved. It did not suffer from the insurmountable obstacles which had dogged the first Board but it succumbed rather to problems of its own making which meant that its three year term was marked by bitter dissent and rivalry between the two wards. As with the first Board, the commissioners were for the most part inexperienced but, because there were so many more of them, they did not unite into the amiable body as their predecessors had done. Furthermore, several of the commissioners appeared incapable of putting the common good before personal interests. Amelius Vincent must be singled out for special criticism because he was usually at the centre of the intrigue which

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61. CA, 3/ELN 1/1/1/1. Minutes, 18.10.1877.  
Dispatch, 1.6.1878. Minutes, 23.5.1878.

62. See Chapter 6, pp 153-155; Chapter 12, pp 434-443.

characterised the Board's deliberations and lacked the maturity which was needed for a competent leadership. While the Cape prospered, therefore, the East London municipality floundered about in a state of bickering and enmity.

**CHAPTER 6**

**MINI-BOOM, THE GREAT DEPRESSION AND PROSPERITY**

**1880 - 1899**

Apart from the inefficiency and financial problems which troubled the municipality during the era of the first and second Municipal Boards, two other conditions underlay the municipality's poor rate of achievement. The property evaluation was insufficient to enable the Board to draw adequate funds from rates and there was no means to borrow money for major projects, a situation which could be altered only by having the municipality declared a corporation.

The Dispatch raised the corporation issue in October 1878 and went to great lengths to argue its advantages, mainly that the Board would be able to make loans by mortgaging either municipal land or the rates, and would then be in a position to embark on improvements which it clearly could not attempt on its own limited resources. The editor also suggested that elections should become an annual event which, he predicted rather naïvely, would foster a "very much larger" interest in municipal affairs. [1]

The electoral system was in any case outdated. The West Bank still had 50 percent of the municipal representation, yet the East Bank had grown both in population and property so that by 1880 it had more than four-fifths the ratepayers and its property totalled over three-fourths the municipal value. [2] Moreover, the elections were still held on the West Bank and were conducted by a show of hands which meant that each vote was open to public scrutiny. Indeed, after the elections for the third Municipal Board in

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1. Dispatch, 16.10.1878.

2. See Table 9, p 154.

TABLE 9  
PROPERTY VALUATION AND REVENUE  
1873 - 1881

1. Property Valuation  
(in £)

	<u>West Bank</u>	<u>East Bank</u>	<u>Acre Lots</u>	<u>Total</u>
1873	15 816	6 426		22 242
1874	15 816	6 426		22 219
1875	25 890	38 545	2 175	72 945
1876	25 890	38 545	2 175	72 945
1877	41 725	73 185	26 905	131 815
1878	41 725	73 185	26 905	131 815
1879	41 725	73 185	26 905	131 815
1880	36 560	162 370	42 760	241 690
1881	22 650	198 160	37 030	299 647

2. Revenue  
(in £)

	<u>West Bank</u>	<u>East Bank</u>	<u>Acre Lots</u>	<u>Total</u>
1873	66	27		93
1874	66	27		93
1875	108	161	9	304
1876	108	161	9	304
1877	132	305	112	549
1878	132	305	112	549
1879	Not Given	Not Given	Not Given	1 648
1880	305	1 353	356	2 014

[Source: Museum, Chairman's Minute, 1880 - 1881.]

February 1880, the Dispatch went so far as to name one of the candidates who "took the opportunity" to vote for himself. [3]

The Dispatch's recommendations were accepted and a public meeting in November 1878 resolved unanimously that the municipality be formed into a corporation. A committee was then established to draft the Bill, which became an Act of Parliament in July 1880 [4] and made several fundamental alterations to the municipal constitution. First, East London was at last given the right to borrow money. Second, it increased Council membership from ten members to twelve and divided the town into three wards with four representatives each. [5] Since two of the wards were on the East Bank, it established forever the dominance of that sector of the town. Most of the Council's work would require a quorum of seven members but the figure was increased to nine for such things as the framing of regulations. Furthermore, although the councillors would still serve a triennial term, one from each ward would retire each year, so introducing the concept of annual elections. Finally, voting by ballot was at last implemented and the Chairman was from thence forward to be known as the Mayor.

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3. Dispatch, 25.2.1880.

4. CA, 3/ELN 1/1/1/2. Minutes, 21.11.1878, 2.7.1879.  
CA, 3/ELN 1/1/1/2. Public Meeting, 13.11.1878, 28.6.1879, 19.4.1880.  
Dispatch, 16.11.1878, 27.11.1878.  
CA, CCP 6/2/1/22, pp 205-237. Act 23 of 1880.  
(See Appendix 3, pp 70-84.)

The committee responsible for drafting the Incorporation Bill consisted of John Gately, Alfred Webb and Gustav Wetzlar.

5. See Chapter 9, pp 313-314.

The decision to divide the municipality into three wards came close to triggering another split. John Dallas, a pensioner who had joined the Municipal Board specifically to fight for improvements to the West Bank water supply, [6] moved a counter-proposal that the original two wards be retained, each with six councillors. The vote was again equally divided, with the western members voting against the idea of three wards and the eastern commissioners supporting it, thereby forcing Richard Walker, who had become chairman of the Board in 1879, [7] to give his casting vote, which he did in favour of three wards. What probably prevented yet another walk-out was the fact that he represented the West Bank and therefore could not be accused of partisanship. [8]

The Incorporation Act went into effect only after the elections of February 1881. In the meantime the third Municipal Board had to continue under the established system. It began its work with a debit balance of £348 14s. 1d. and rates collected for 1879 amounted to a mere

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6. JOHN DALLAS: Dallas joined the Municipal Board in April 1878 and resigned in July 1880 once his crusade for the West Bank water supply was over.  
(For further information, see Appendix 2.1, p 14.)
  7. RICHARD WALKER: Walker, a stevedore and wool merchant, entered municipal politics in 1879 as a representative of Ward 1 and remained on the Council until 1886 and served once more from 1900 till 1909. He became Chairman of the Board in 1879 and again in 1880, and had the distinction of becoming East London's first Mayor in 1881. He served again as Mayor in 1905, 1906 and 1907, and was Deputy Mayor in 1904.  
(For further information, see Appendix 2.1, p 44.)
  8. CA, 3/ELN 1/1/1/2. Minutes, 25.3.1880.  
See also Dispatch, 31.3.1880.

£131 7s. 1d.<sup>[9]</sup> It was therefore important to set an adequate rate for the forthcoming year if the municipality was not to grind to a complete halt but the Board made a number of immediate and inexplicable blunders. The commissioners were legally entitled to raise a rate of 3d. in the pound without calling for public ratification but they decided on a two-penny rate and then called a public meeting to authorise the action. Another blunder followed, for the day chosen for the meeting was Easter Monday and therefore a public holiday.

The result was a fiasco. Only a dozen people attended the meeting and, because the venue was still the Magistrate's Court on the West Bank, there were no representatives at all from the East Bank which resulted in the Westbankers hijacking the proceedings completely. The situation was worsened by the fact that Chairman Walker was late and by the time he arrived, John Dallas was in the chair and the notice convening the meeting had already been read. Walker attempted to protest against any further proceedings and proposed that the meeting be adjourned until the following Wednesday but his motion was convincingly defeated.

The townsmen then turned their attention to the question of the two-penny rate which they believed was excessive and would benefit only the East Bank and they moved that the rate be fixed at a penny. Walker argued that such a low rate would not even pay municipal salaries, let alone leave

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9. CA, 3/ELN 1/1/1/2. Minutes, 15.1.1880, 2.2.1880.  
See also Dispatch, 4.2.1880.

room for improvements, but his appeal fell on deaf ears. <sup>[10]</sup> It was a case of the West Bank "speaking for itself", the Dispatch commented later, and the editor expressed the fear of another move towards separation. Those who had proposed the resolution were aware of that, he wrote, but the West Bank was no longer prepared to share fully in the burden of the growth of the east sector of the town. <sup>[11]</sup>

The Board was placed in a dilemma. It was clear that the penny rate would not suffice but the public meeting had been perfectly legal. The commissioners eventually turned to the Town Solicitor for advice and were informed that they were still empowered to fix a further rate without resorting to a public meeting. In mid-April, therefore, they resolved to charge an additional penny but even that barely sufficed to meet municipal needs because of the low valuation on property. <sup>[12]</sup>

The financial shortfall meant that the municipality had little to show by way of improvements during the last year of the triennial system. The northern and southern ends of Oxford Street were extended slightly, the Pontoon Road on the West Bank was macadamised as far as the Court House, and Commercial Square on the East Bank was fenced in and partially macadamised.

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10. Walker was able to muster only two votes in addition to his own.
  11. CA, 3/ELN 1/1/1/2. Public Meeting, 29.3.1880. Dispatch, 31.3.1880, 3.4.1880.
  12. CA, 3/ELN 1/1/1/2. Minutes, 8.4.1880, 15.4.1880, 22.4.1880. See also Dispatch, 10.4.1880, 17.4.1880, 24.4.1880.

Kerbing and guttering were also laid down in some of the streets. [13] Walker stated in his minute of February 1881 that at no other period in the history of the municipality had the resources of the Board been taxed to such an extent owing to "the totally inadequate funds" and the "heavy demands" made as a result of the "extraordinary progress" of the town. The municipality survived, he said, through careful economising and avoiding professional assistance wherever possible. Furthermore, deficiencies in the municipal budget had had to be met through land sales. [14]

The Council which was elected in February 1881 to inaugurate the corporation [15] had an immense task ahead of it and, for the first time in East London's history, proved equal to the occasion. The town was expanding rapidly, partly because of immigration schemes which brought German and Scottish settlers to the region, but also because the harbour works were by then well in hand. Furthermore, the boom created by the annexation of the

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13. CA, 3/ELN 1/1/1/2. Minutes, 22.7.1880, 2.9.1880, 9.9.1880.  
Dispatch, 25.2.1881. Chairman's Minute, 1880-1881.

Kerbing and guttering were laid down on three sides of Commercial Square and on both sides of Caxton Street. Sidewalks, kerbing and guttering were laid down Oxford Street.

14. Dispatch, 25.2.1881. Chairman's Minute, 1880-1881.
15. 1st COUNCIL OF THE CORPORATION: The following councillors were elected in February 1881:  
WARD 1 (WEST BANK): Frederick Brill, Charles Nicholls, Richard Walker, Gustav Wetzler;  
WARD 2 (EAST BANK): John Gately, Richard Stickells, Edward Walters, Alfred Webb;  
WARD 3 (PANMURE): James Georgeson, William Lance, Hermann Kröger, George Ulyate.

Transvaal<sup>[16]</sup> resulted in an ever-growing trade through the port. In short, the East London community, especially on the East Bank at the heart of the mercantile industry, was becoming steadily wealthier.<sup>[17]</sup> A paradox had therefore occurred that, while many of the townspeople were individually prosperous, the municipality remained corporately poor.

During 1881 the Council made a minimal re-evaluation of the land so as to tap the wealth and, in doing so, recognised that the West Bank was not sharing in the advance. In effect, therefore, the new assessment dropped the rateable value of the West Bank properties while it increased the valuation on the East Bank. The result was that, when rated at two-pence in the pound, it brought in the sum of £2 135 for the 1881 to 1882 financial year. The Council then further capitalised by ensuring that all outstanding rates were brought in.<sup>[18]</sup>

Several land sales were also undertaken during the year which significantly boosted the municipal coffers. The general economic boom had caused the real value of land to escalate sharply and public auctions therefore generated more funds than ever before so that over £12 000 was raised in 1881, most of which was earmarked for specific projects such as

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16. See Chapter 3, p 38.

17. It was largely during that period that men such as Hermann Malcomess (later to serve on the Council), John Gately and Richard Walker, to name but a few, would make their fortunes.

18. Dispatch, 12.3.1881, 20.6.1882. Minutes, 10.3.1881, 17.5.1882.

(See Table 9, p 154.)

the macadamising of roads, the creation of a Botanic Garden, building of schoolmasters' residences on both sides of the river and the creation of a water supply. [19] Even so, the Dispatch commented, it was doubtful whether the residents were availing themselves fully of their opportunities. Most men, the paper claimed, were individually busy with their own separate affairs and a very large proportion had made or were making money and were individually complacent. [20]

The year 1882 witnessed an unprecedented growth in public works. Although the Great Depression was already beginning to gnaw at the rest of the Colony, money appeared to be in plentiful supply at East London and a further property assessment during the year more than doubled its rated value. [21] The increased revenue, together with more land sales, enabled the Council to spend a record amount of nearly £13 000 on public works of various descriptions. An array of streets were formed, [22] and kerbing and

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19. Dispatch, 25.2.1882. Mayor's Minute, 1881-1882.

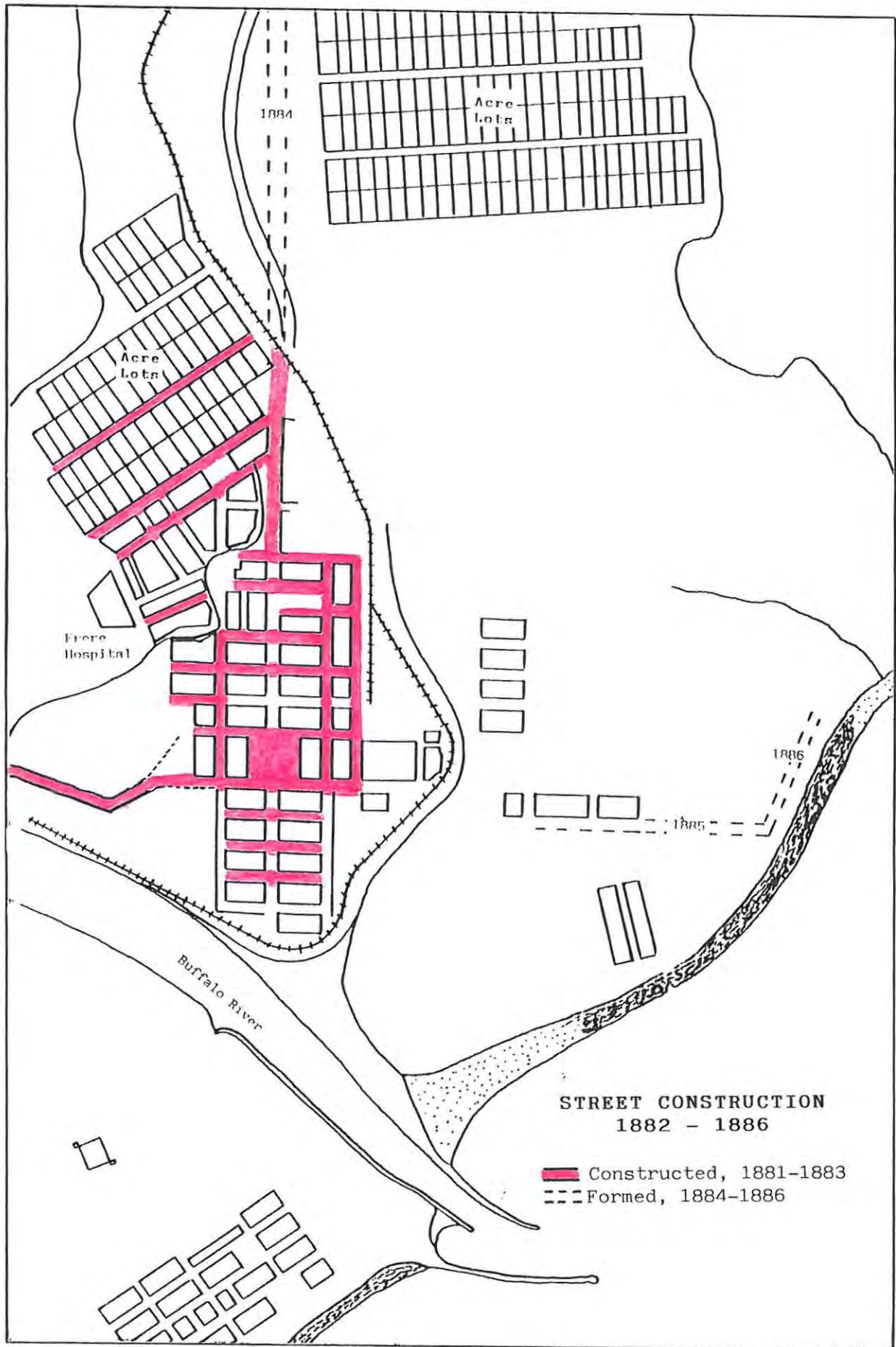
Commercial Square, Caxton and Fleet Streets, as well as parts of Buffalo and Cambridge Streets were formed, levelled and metalled.

20. Dispatch, 25.1.1882.

21. Advertiser, 2.3.1883. Mayor's Minute, 1882-1883.

22. A street was "formed" by digging ditches on either side so as to force traffic along a particular route. In that way Oxford Street, which followed a meandering route from Kimberley Road to the "Southernwood" acre lots, was straightened out in 1884 at minimal cost.

(See map, p 162.)



guttering were laid down.<sup>[23]</sup> Furthermore, a public meeting in November 1882 decided in favour of the construction of a sizeable reservoir on the Amalinda River which would provide the East Bank with an almost unlimited water supply to meet its needs for at least the next decade. Earlier in the year the West Bank had also gained a reservoir which, though far smaller, was nevertheless adequate for its immediate purposes.<sup>[24]</sup>

East London's rapid growth and progress, the Dispatch commented in January 1883, was the subject of "much remark" on the part of every visitor. The conversion of the "Panmure waste" into a town in such a short space of time, he said, was "certainly one of the most notable things of which South Africa [could] boast", and what was remarkable was that the progress had not been effected during a time of abnormal prosperity but rather during a period "of much stagnation" in the Colony.<sup>[25]</sup> The extent of East London's growth was also highlighted by the Civil Commissioner and the Mayor in their respective annual reports for 1882. A "vast improvement" had taken place in the town, the Civil Commissioner wrote. Nearly all the main thoroughfares and many cross streets had been macadamised by the Council<sup>[26]</sup> and, in addition to that, the Government had erected several public buildings on the East Bank, including new head-quarters for the Civil

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23. CA, 3/ELN 1/1/1/4, pp 184-185. Minutes, 21.6.1882.  
Advertiser, 2.3.1883. Mayor's Minute, 1882-1883.

(See Table 10, p 164.)

24. See Chapter 12, pp 440-442.

25. Dispatch, 6.1.1883.

26. See map, p 162.

TABLE 10  
STREETS, 1882

1. Street Construction

The following streets were formed in 1882:

- PANMURE: Oxford, Berlin, Commissioner, Hill, Church, Hanover, Cambridge, North, Station, Caxton, Buffalo, Fleet, Union, Albany and Terminus Streets, Old Pontoon Road, Waterloo Square and Bush View Terrace.
- NORTH END: St Peter's, St Paul's and Cambridge (later renamed Amalinda) Road, as well as Park Avenue.

2. Street Names

The following streets received their names in 1882:

- PANMURE: Albany, Wolsley, Stephenson, Porter and Albert Streets, College Lane and Bush View Terrace.
- NORTH END: Amalinda, Kimberley, Beaconsfield, St Paul's and St John's Roads, as well as Victoria Square.
- ACRE LOTS: St Peter's, St James' and St George's Roads.
- QUIGNEY: Moore, Tennyson, Longfellow and Currie Streets, as well as Inverleith Terrace.

Commissioner and Resident Magistrate, a new post office and a "well arranged" gaol. [27] Moreover, the first wing of the Frere Hospital had at last been built at a cost of £1 928 and had been opened in April that year. [28] The East London which a few years previously had been looked upon as "a small village", Mayor Gately reported, had increased "to such an extent as to be no mean rival of the other colonial seaports". While the "Great Depression" had materially affected the rest of the Colony, East London had held its own. Indeed, the town had increased "very much" in size, with the erection of a large number of buildings and several "handsome stores". There had also been a marked increase in population. [29]

Expansion was also planned in two other directions, namely the area to the east of the Quigney River and in the Acre Lots to the north of the

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27. LOCK STREET GAOL: Up until 1881 there was only one gaol at East London and that was on the West Bank. It was small, consisting of only six cells, and had for decades been totally inadequate for the town's requirements. The construction of a larger gaol was eventually begun in December 1881 and it was situated on the East Bank, at the corner of Fleet Street and the Quigney River. It eventually became known as the Lock Street Gaol from the name given in 1903 to the street on the western side of the building.

28. Annex, G 91-83, pp 36-37. Civil Commissioner, 1882.  
Dispatch, 12.4.1882.

(See map, p 162 and photo, p 172.)

29. Advertiser, 2.3.1883. Mayor's Minute, 1882-1883.

Unfortunately there are no official statistics to verify Gately's statement as no census was taken between 1875 and 1891. Nevertheless, the white population did jump from 2 134 in 1875 to 4 760 in 1891 and, since the years 1884 to 1886 marked a depression during which East London's population shrank to some extent, it does seem that there must have been a marked degree of validity in the Mayor's comment.

town. Although blocks of land had been sold immediately across the Quigney River in 1877 to provide funds for the schools and the hospital, it was in June 1882 that the whole area between the river and the sea was surveyed and laid out in the form of a crescent, following the contour of the hill, for sale at some future date. Moreover, provision was made for the formation of macadamised roads to what had become known as the "Beach" on the East Bank, as well as a "promenade" along the line of the coast. [30]

The Acre Lots presented a greater head-ache because the area had not been incorporated into the municipality until 1876 and had therefore suffered some twenty years of neglect. The District Surgeon's report for 1882 pointed out that the two suburbs should have formed the finest building sites in the town but the plots had already been sub-divided to such an extent that there were ten or twelve to the acre, with narrow paths down the centre. The streets, if that name could be used, he said, for they were indeed no more than tracks, were only twelve feet wide and many ended in a cul-de-sac. The lots would therefore in times to come form the "vilest rookeries" where the "most disgraceful scenes" might be expected in the "dark corners of the town that is to be". [31]

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30. CA, 3/ELN 1/1/1/4, p 186. Minutes, 21.6.1882.  
Advertiser, 2.3.1883. Mayor's Minute, 1881-1882.

(See map, p 162.)

31. Annex, G 91-83, p 39. District Surgeon's Report, 30.12.1882.

(See map, p 162 and photo, p 167.)



"THE DARK CORNERS OF THE TOWN THAT IS TO BE": The Acre Lots at North End, once substantial plots, quickly became overcrowded as tenants subdivided their land in the absence of municipal bye-laws to the contrary. Today North End has become almost completely industrialized, while the municipality has ripped through plots to provide better access roads to the city centre.



A SUBURB FOR THE LOWER INCOME GROUP: Lower Southernwood suffered the same fate as North End as residents subdivided their once substantial plots. Today the area is still residential but houses are built close together, with little garden space.

There was little that could now be done to reverse the trend but the Council nevertheless attempted to salvage something by providing better roads for those residents. The councillors therefore resolved to extend and macadamise Oxford Street between the railway crossing and the north-eastern Acre Lots and to construct roads through the lots themselves, for which purpose land had to be appropriated.<sup>[32]</sup> Before anything could be done, however, and before construction could begin on the Beach Road, the Council caused another rates debacle which saw funds run out by mid-1883 and all public works ground to a halt, to be re-started only a decade later because in the meantime the "Great Depression" settled on the town.

In March 1883 the Council had decided again to set a two-penny rate, to become payable at the beginning of April, but the townspeople were given only ten days' notice instead of the 21 as laid down in the Incorporation Act. A ratepayer noticed the error, refused to pay his rates and won his case in the Magistrate's Court, thereby setting a precedent and rendering it impossible for the municipality to collect some £800 of outstanding revenue, with the result that the Council became financially crippled by July. Although work continued on straightening out Oxford Street, a work party consisting of an overseer and 20 labourers had to be laid off, reducing the labouring staff by a third, and all other work which had already been authorised had to be left in abeyance. In August a second street party was

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32. CA, 3/ELN 1/1/1/4, p 165. Minutes, 1.5.1882.

dismissed, to be replaced by hard labour prisoners under the supervision of a police constable. [33]

The Council tried to make up for the rates' faux pas by issuing a rate of 3d. in the pound for the following financial year, the maximum it was allowed to charge without public consent. Those who had already paid the previous year's rates were credited with a two-penny share and only those who had refused to pay were forced to contribute the full amount. [34] Although the Council had the intention of calling a public meeting later in 1884 to raise a further penny rate, the general state of the economy made that impossible and the municipality had to survive on an effective penny rate which meant that it was forced again to conduct its affairs on a very slender budget.

The period of prosperity had also at last come to an end and the worst depression in living memory descended on East London. Mayor Webb commented in his minute of February 1884 that, almost before he had taken office the previous year, it had become apparent that "a great ebb in the tide of prosperity and progress was setting in", as had happened elsewhere in the Colony. The Council had therefore been forced to realise that it had to maintain the works already in existence and undertake "only such other

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33. CA, 3/ELN 1/1/1/5, pp 9, 51, 123, 143. Minutes, 31.1.1883, 21.3.1883, 4.7.1883, 15.8.1883.

34. ELM, Mayor's Minute, 1883-1884, p 1.

moderate measures" as were "imperatively called for" and could no longer resort to land sales to bolster the flagging economy. [35]

The recession tightened its grip during 1884. It was a year of "extreme monetary depression" throughout the region, George Attwell, Webb's successor as Mayor, [36] reported. Drought, the severity of which had been "unprecedented" in most of the region, together with excessive speculation in land, the stoppage of public works, "ill-advised retrenchment" by the Government and "other troubles" had tended "to sap [their] industries and retard [their] enterprise". As a result of those hardships, he said, the Council had decided to budget without raising the additional rate to compensate for the mess of 1883 but, to achieve that, working parties were kept to a minimum, municipal salaries had to be reduced and street construction stopped entirely. [37]

The deepening depression led to bankruptcies and escalating unemployment which affected the entire spectrum of the community. The Council recognised the "great distress" which existed among the Whites in the town by sacking its Black labourers, whom it paid at the rate of 2s. 6d. per day, to take on Whites at a shilling a day more. Such a step, the Mayor reported, proved "a real relief" to a large number "of industrious men who

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35. ELM, Mayor's Minute, 1883-1884, p 1.

36. GEORGE BROOKE ATTWELL: Attwell was a shipping agent, general merchant and auctioneer who represented Ward 3 from January 1883 until June 1886. He served one term as Mayor in 1884. (For further information, see Appendix 2.1, p 9.)

37. Dispatch, 7.3.1885. Mayor's Minute, 1884-1885.

were willing but unable to find other work". As many as 40 Whites were thereby employed as labourers at a time, at an average of 29 men per day, and short term prisoners were employed on the town quarry. [38]

Mayor Attwell's minute of February 1885 painted a gloomy picture of a Council which had been forced to pull down the shutters on progress and confine itself to conserve what it had. Some streets were repaired and a few trees were planted but thereafter the Council dealt almost entirely with petty matters and the town was not extended in any way. The limited funds at the Council's disposal rendered street construction impossible, while the principal thoroughfares were maintained by means of relief parties which were exclusively White. The level crossing was moved and ditches were cut to form the new straightened Oxford Street past the north-eastern Acre Lots [39] but, beyond that, public works had to cease.

By mid-1884 it had become clear that the depression was leading to an exodus from East London. In June the Advertiser reported that there were no less than 79 unoccupied houses on the East Bank alone and many stores were without occupants. [40] Although a public meeting of ratepayers was held in May that year to consider setting aside funds to relieve cases of "urgent distress", the motion failed to gain a seconder [41] and many breadwinners

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38. ELM, Mayor's Minute, 1883-1884, pp 3-4.  
CA, 3/ELN 1/1/1/5, p 182. Minutes, 10.10.1883.

39. See photo, p 172.

40. Advertiser, 13.6.1884.

41. CA, 3/ELN 1/1/1/5, p 293. Public Meeting, 1.5.1884.



OXFORD STREET IN THE 1880's: One of the earliest photographs of Oxford Street shows a macadamised thoroughfare, with gutters and pavements (the work of the 1881-1882 boom period) but almost no street-lamps. There are also no double-storey buildings which would appear during the prosperous 1890's. [Source: East London Museum.]



THE STRAIGHTENING OF OXFORD STREET: The last construction work before the "Great Depression" struck was the straightening out of Oxford Street to form a line from the commercial centre of the town to the "Southernwood" acre lots (directly to the left of the camera and out of sight). This picture looks south down the recently "formed" Oxford Street from about the position of today's Medical Centre in St James Road. [Source: East London Museum.]

therefore had no option but to seek employment in other parts of the country.

The Council realised that the ratepayers' burden had to be eased to some extent and so it embarked upon a policy of retrenchments and salary reductions to curtail expenses and lower the rates. Henry Willetts, an auctioneer who lived in North End, [42] proposed the motion in October 1884, with "some repugnance", he said, but the "great wave of depression", with many people in a state of insolvency and more bankruptcies to follow, meant that the "luckier ones" were compelled to cut costs and try to weather the storm. The time had therefore arrived "to do something" which would relieve the ratepayers' burden. [43] A special committee was thereupon formed to consider what savings could be made and, as a result of its recommendations, the Council reduced the salaries of the Town Engineer and Town Clerk from £500 and £350 to £400 and £300 respectively. The assistants to the Town Clerk and the Market Master were retrenched, while the offices of Location Inspector and Streetkeeper were combined. The six assistant headmen in the locations were dismissed. The reductions effected a saving of over £1 000 which represented an overall cut of 39 percent in salaries. [44]

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42. HENRY NOAH WILLETTS: Willetts represented Ward 3 between 1884 and 1892.  
(For further information, see Appendix 2.1, p 46.)
43. Dispatch, 18.10.1884. Minutes, 15.10.1884.
44. CA, 3/ELN 1/1/1/5, p 388. Minutes, 22.10.1884.  
(See Table 11, p 174.)

TABLE 11  
MUNICIPAL SALARIES  
1884 - 1885

	<u>EXISTING</u> 1884	<u>REVISED</u> 1884	<u>REVISED</u> 1885
Town Engineer	£500	£400	Retrenched
Assistant Engineer	£350	Retrenched	-
Town Clerk and Treasurer	£350	£300	£250
Assistant to the Town Clerk	£120	Retrenched	-
Market Master	£250	£250	£250
Produce Market Clerk	£150	Retrenched	-
Assistant to the Market Master	£72	Retrenched	-
Streetkeeper and Ranger	£150	£144	£144
Locations Inspector	£144		
Location Headman	£108	£108	£108
Assistants to the Headman	£36	Retrenched	-
Overseer of Labour	£150	£120	Retrenched
Overseer	£132	Retrenched	-
Reservoir Caretaker	£96	£96	Nil
East Bank Cemetery Keeper	£48	£48	£48
West Bank Market Master	£48	£36	£36

[Source: Dispatch, 25.10.1884. Editorial.  
Advertiser, 10.4.1885, 24.4.1885, 1.5.1885. Minutes,  
8.4.1885, 22.4.1885, 29.4.1885.]

As the recession worsened it became apparent that the municipality had to cut costs further and, in April 1885, Willetts moved that the issue should be re-examined. He believed, he said, that the previous action had not been enough and since then times had gone "from bad to worse". Work was more scarce, money was in shorter supply and he did not see that the municipality was profiting sufficiently from expenditure. The Council also had an obligation to alleviate the burden resting on the shoulders of the poorer ratepayers whose properties were in danger "of passing into the hands of the bondholders" and their situation was aggravated by the fact that they were paying a rate of double the market value on their properties, which meant that the penny rate was effectively a two-penny one. [45]

The Council came to several important decisions. Since it was impossible to embark upon any form of major public works, the Town Engineer was retrenched and the Foreman of Works was appointed to act in his place at a reduced wage. The Town Clerk's salary was dropped by a further £50, the overseer of street parties was dispensed with and the caretaker of the Amalinda Reservoir had his salary cut completely but was allowed free accommodation instead. The overall saving amounted to £1 023 that year and property was then devalued by 30 percent, from £639 120 to £451 016, to ease

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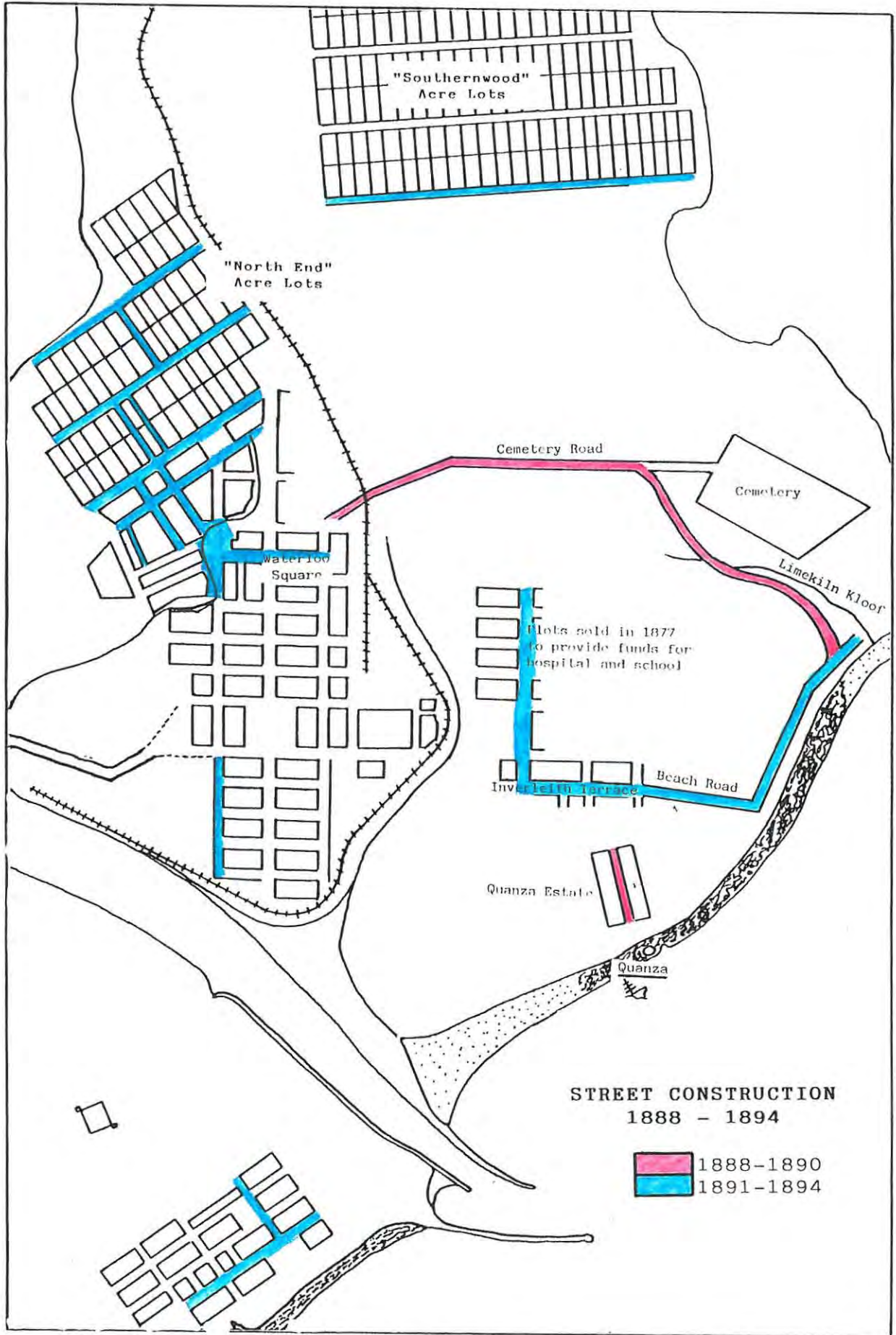
45. Advertiser, 10.4.1885, 24.4.1885, 1.5.1885. Minutes, 8.4.1885, 22.4.1885, 29.4.1885.  
Dispatch, 11.4.1885, 25.4.1885. Minutes, 8.4.1885, 22.4.1885.

the ratepayer's burden, [46] but by March 1886 municipal funds had run so low that the Council even had to turn down an offer to use the services of some 80 prisoners because it could not afford to pay for their supervision. [47] Public works were therefore out of the question except for the construction of the Beach Road on the East Bank which was made possible only because of a Government offer to provide the labour.

The economic circumstances in the Colony had made the Chief Inspector of Public Works realise that there would have to be a general curtailing of town development and he therefore offered convict labour so that some form of progress could still continue. The East London Council made use of the opportunity by initiating the construction of its planned Beach Road which would allow the unemployed to while away their leisure hours at the sea. By August 1885 work was completed from Ulyate's Cottages in the Quigney to the foot of Inverleith Terrace and a survey was then commenced to continue the road along the seafront as far as Limekiln Kloof, a section that was completed during 1886. [48]

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46. CA, 3/ELN 1/1/1/6, pp 7-8. Minutes, 29.4.1885.  
Advertiser, 10.4.1885, 24.4.1885, 1.5.1885. Minutes, 8.4.1885,  
 22.4.1885, 29.4.1885.  
Advertiser, 5.3.1886. Mayor's Minute, 1885-1886.  
 See also Dispatch, 2.5.1885.
47. CA, 3/ELN 1/1/1/6, p 192. Minutes, 3.3.1886.
48. Dispatch, 7.3.1885. Mayor's Minute, 1884-1885.  
Advertiser, 5.3.1886. Mayor's Minute, 1885-1886.  
Advertiser, 4.3.1887. Mayor's Minute, 1886-1887.  
 CA, 3/ELN 1/1/1/5, pp 429, 433. Minutes, 7.1.1885, 21.1.1885.  
 CA, 3/ELN 1/1/1/6, p 61. Minutes, 12.8.1885.

(See maps, pp 162 and 177.)



A decline in street construction was not the only result of the depression. Two other victims were the cancellation of a Town Hall project and of a scheme for electric lighting. A public meeting had been held in April 1882 to consider whether the municipality should buy the Mutual Hall Building on the East Bank, which was already used by the municipality, or to erect a Town Hall in the centre of Commercial Square. The latter scheme was accepted and in November Richard Walker moved that the Council call for plans and specifications, and sell twelve acres of land to raise the necessary funds but it was resolved after a split decision, with Mayor Gately giving the casting vote, that further discussion be shelved for twelve months. [49]

In June 1883 the Council decided to rescind the previous decision and Walker then moved that the Town Hall be erected immediately, at a cost of £20 000. The money would be borrowed under the Local Works Loans Act which provided for the liquidation of the loan over a 25 year period and the interest of 8 percent per annum would be defrayed by the sale of 75 erven on each side of northern Oxford Street. The proposition was postponed for four weeks, however, so that the Council could seek legal opinion on the right to build on Commercial Square and to ascertain the probability of the Government loan. In the meantime, the Finance Committee was instructed to consider the financial part of the scheme. [50]

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49. CA, 3/ELN 1/1/1/4, pp 157, 284. Minutes, 15.4.1882, 15.11.1882.

50. CA, 3/ELN 1/1/1/5, pp 104-105. Minutes, 6.6.1883.

The Committee recommended that the funds to defray the interest should be obtained from a sale of erven to the east of the Quigney River and not from Oxford Street and, in July, legal opinion confirmed that there could be no objection to building on Commercial Square. The question of the loan remained a problem as the Government had no funds available but Walker argued that the municipality would be able to manage on its own and so proposed that the Town Hall be built according to the earlier recommendation. A counter-proposal was accepted, however, which stated that, although the Council agreed with the principle of a Town Hall, the time was scarcely opportune for undertaking the work, particularly in view of the large sale of land which would be demanded. Walker was then requested to put his motion again when it was apparent that the Government had the necessary funds at its disposal to grant the loan.<sup>[51]</sup> That was not to happen until 1896, once the town had recovered from the ravages of the depression and by then the site for the Town Hall was changed from Commercial Square to Waterloo Square.<sup>[52]</sup>

Until January 1880 East London remained a dark town, with the only lights to shine at night being the glow from house windows and the lanterns carried by pedestrians and wagons. The lighting question was first raised at a Council meeting only in September 1878 when Commissioner Webb suggested that a few "public lamps" should be erected, as had recently been done in Port Elizabeth. The idea was ignored but was resurrected in November at a

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51. CA, 3/ELN 1/1/1/5, pp 109, 124, 126-128. Minutes, 13.6.1883, 4.7.1883, 11.7.1883.

52. See map, p 177.

public meeting where it was pointed out to the municipal commissioners that the cost of a few lamps would be minimal but, if an accident were to occur in the dark because of the dreadful state of the streets, the municipality would be liable. [53]

Enquiries were then made and it was discovered that lamps could be bought for £6 each and, in July 1879, the Municipal Board decided to purchase twelve and in November a further dozen were ordered. [54] The question of electric lighting was first raised in Council late in October 1882 when Councillor Darley-Hartley, a medical practitioner, [55] argued that, because the town was so wide-spread, it would require a great number of oil lamps to light the entire area, with steadily increasing costs. The provision of electric lighting, on the other hand, would enable the town to double in size with only a slight increase in expenses. The

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53. Dispatch, 7.9.1878. Minutes, 7.9.1878.  
Dispatch, 16.11.1878. Public Meeting, 13.11.1878.

54. CA, 3/ELN 1/1/1/2. Minutes, 18.7.1879, 31.7.1879, 27.11.1879.

The commissioners procrastinated in the official lighting of the town so that its thunder was eventually stolen when, as a New Year's prank, a group of revellers lit the lamps before they were formally inaugurated, an understandable event, the Advertiser stated, since the lights had been up and ready for use for some three months. The official ceremony was eventually held in January 1880 but, because it was a windy night, it took until nearly mid-night to accomplish the work. "The lamps are clumsy," the Advertiser reported, "and it is somewhat amusing to see our active little lamplighter envelop himself and the lamp in a large cloth before the lamp can be lighted."  
(See Advertiser, 2.1.1880, 9.1.1880.)

55. WILLIAM DARLEY-HARTLEY: Dr Darley-Hartley served on the Council for a brief period in 1882 as a member for Ward 3. He was later to become East London's first Medical Officer of Health from 1893 to 1898.  
(For further information, see Appendix 2.1, p 16.)

electric light, he concluded, was one which he believed "would shortly prevail to the exclusion of everything else". [56] The Council agreed that the system of oil lamps cost so little simply because there were so few in use. Furthermore, the town still had only two dozen lamps which gave a total of 200 candle-power, whereas eight arc lights would emit as much as 16 000 candle-power. [57]

Early in 1883 the Council accepted a tender from the South African Brush Electric Light Company to light the town from sunset to dawn by means of a combination of 10 arc lamps and 48 incandescent lights, at a cost of £1 500 per annum. [58] By June, however, the company's representative realised that he had made a serious error in signing the contract and wrote to the Council requesting a cancellation of the agreement. He feared, he stated, that the incandescent lights would not give "the entire satisfaction anticipated". Further correspondence revealed that the proposed system of lighting had proved a failure and in addition the directors of the Brush Electric Company did not wish to extend their operations beyond the districts where they had already been commenced. [59]

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56. Dispatch, 29.10.1882. Minutes, 25.10.1882.  
See also CA, 3/ELN 1/1/1/4, p 289.

57. Advertiser, 2.2.1883. Minutes, 31.1.1883.

58. CA, 3/ELN 1/1/1/5, pp 16-17, 69-73. Minutes, 7.2.1883, 12.4.1883, 13.4.1883, 16.4.1883.  
Advertiser, 2.2.1883. Minutes, 31.1.1883.  
Advertiser, 2.3.1883. Mayor's Minute, 1882-1883.

59. CA, 3/ELN 1/1/1/5, pp 106, 115, 145, 156, 164. Minutes, 6.6.1883, 20.6.1883, 15.8.1883, 29.8.1883, 5.9.1883.

Although the Council was at first adamant that it was not prepared to abandon the contract, it was eventually persuaded that advantageous new proposals would soon be forthcoming. By that stage, however, the depression was advancing and the councillors wisely decided not to entertain any further proposals for electric lighting but, instead, purchased a further 54 paraffin lamps. Mayor Attwell pointed out in his minute of February 1885 that the existing system of lighting had to continue as the most economical. The municipality then possessed 80 lamps, he said, which it maintained at a cost of £490 per annum, a sum far below the cheapest quotation for an electrical system. [60]

Initially the lamps were lit from sunrise to sunset but, as the depression deepened, the Council sought means to reduce costs. One consideration was to return almost fully to the old days of darkness, except for lamps at the ferry and at the Oxford Street level crossing but a compromise solution was eventually accepted which allowed for a partial cut back on the number of lamps to be lit, and they would be extinguished at mid-night and lit only on nights when there was no moon. That situation was maintained throughout the depression and so East London returned to the semi-dark instead of progressing into the electrical age. [61]

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60. CA, 3/ELN 1/1/1/5, p 164. Minutes, 5.9.1883.  
ELM, Mayor's Minute, 1883-1884, pp 2, 5.  
Dispatch, 7.3.1885. Mayor's Minute, 1884-1885.

61. Advertiser, 5.3.1886, 4.3.1887. Mayor's Minute, 1885-1886, 1886-1887.  
CA, 3/ELN 1/1/1/6, p 172. Minutes, 24.2.1886.

Another result of the depressed times was a resurgence of the old resentment of the West Bank for the East Bank. In July 1885 there was yet another attempt to divide the municipality, significantly when Amelius Vincent was again in the chair, and a petition was drawn up by the West Bank ratepayers to request a public meeting in their ward to discuss the issue. They had to wait some weeks for a reply because there was no quorum at several Council meetings but in mid-August Mayor Vincent rejected the request on the grounds that he was not empowered to call such a meeting, a decision which was in flagrant violation of Section LXIV of the Incorporation Act.<sup>[62]</sup> The ratepayers understandably decided to appeal directly to the Government for its assistance.

Their memorial to the Colonial Secretary listed the inconvenience which they experienced because of the necessity of crossing the river each time they had to conduct municipal or legal business, which in turn made it difficult to persuade candidates to stand for election. They also accused the Council of favouring the interests of the East Bank which had caused trade to leave, property values to drop and had led to a decline in the condition of the streets. The petition was not persuasive enough, however, and the Town Clerk was able to argue that a separation of the municipality would not ease the West Bank's position. He also produced proof that the

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62. CA, 3/ELN 1/1/1/6, pp 58, 62. Minutes, 22.7.1885, 12.8.1885.

Section LXIV of the Act stipulated that, although the Mayor needed the Council's authority to call a public meeting, he was obliged to arrange such a gathering "within a reasonable time" if a requisition signed by "not less than twenty-five townsmen" requested it. (See Appendix 3, p 83.)

East Bank was not being favoured but, on the contrary, the West Bank had gained far more than it contributed by way of rates. [63]

The memorial was duly rejected by the Government but the sudden upswing in the port's economy during 1887 put all further thought of separation out of mind. East London was due to grow at such a pace between 1888 and 1899 that the idea of a separate municipality on the West Bank became irrelevant. The ratepayers sought instead to foster the idea of closer unity and better communication between the two parts of the town through the construction of a bridge over the Buffalo River, although that objective was only attained in 1908. [64]

When one considers the tardy manner in which the Council conducted its affairs during the pre-recessionary years, it comes as some surprise at how well it appeared to handle the depression. The Dispatch, which was usually ready with adverse criticism, tended to be rather lavish in its praise during those difficult times. An editorial in November 1886 commented that the Council had been managed on the "most economical basis" and there had been no "suspicion of looseness" in the conduct of affairs. The councillors, the editor wrote, had avoided a great mistake or two "by the skin of their teeth" in times when they "did naught but flourish". Fortunately, he concluded,

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63. CA, CO 4249, No 25. Neville Janion to Colonial Secretary, 3.9.1885. CA, CO 1317, No 195. James Pooley to Colonial Secretary, 23.11.1885. For the Council's arguments against the division, see Advertiser, 20.11.1885. Minutes, 11.11.1885.

64. See Chapter 9, pp 333-343.

"[they] steered past the looming blunders of the electric light and a big Town Hall, and the memory of those escapes [was] likely to serve as a warning against municipal false steps as long as East London lasts." <sup>[65]</sup>

Praise for the Council's conduct alluded mostly to its handling of financial matters and, more particularly, to its avoidance of unnecessary expenditure. It is certainly true that the councillors generally strove for the benefit of the hardpressed ratepayer, so that the rate dropped from the boom era's 3d. in the pound to only a penny, coupled with a property devaluation to the minimum at which existing works could be maintained without requiring the sale of more land at rock-bottom prices. It can be argued, however, that the councillors were efficient simply because there was so little for them to do. Indeed, the tighter the circumstances became, the more lax were they in attending meetings and during the final three years of the recession, a quorum of seven was obtained at less than 60 percent of the sessions. <sup>[66]</sup> Matters reached their lowest ebb in

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65. Dispatch, 10.11.1886.

66. COUNCIL MEETINGS, 1883-1890

	<u>Total</u> <u>Meetings</u>	<u>Meetings with</u> <u>No Quorum</u>	<u>Percent of Meetings</u> <u>without Quorums</u>
1883	50	13	26
1884	54	15	28
1885	51	28	55
1886	39	16	41
1887	27	12	44
1888	30	11	37
1889	27	12	44
1890	28	6	21

March 1887 when Councillor Smith of the West Bank<sup>[67]</sup> failed to put in a single appearance since his election in December the previous year but, when his seat was duly declared vacant, nobody could be found to take his place and the vacancy remained for an entire year, with little comment from either the newspapers or the Council itself.<sup>[68]</sup>

The recession began to lift during the latter half of 1886 as gold was discovered on the Witwatersrand and prospectors began to converge on the Boer republic in the hopes of making a quick fortune. Because the East London recession was at its lowest ebb and there was no apparent end in sight, local men began to migrate to the gold-fields. There is no indication as to the extent of the exodus or the speculation in gold but it was viewed as important enough for the Dispatch to carry an editorial in mid-October in which the paper warned its readers to invest their money in the port for a safer security. The editor denied that he had reason to believe there had been much "local dabbling" in "untested schemes and wild speculations" but, he wrote, there had been some. Far better for the East Londoner, he advised, to put his "very first spare sovereigns" into the municipal development of East London which would bring him a "safe return without a chance of loss". The editor also called upon the Council to make some progress, not in major outlays such as electricity or a Town Hall but

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67. HERBERT MALLORS SMITH: Smith was a general merchant and shipping agent who was elected to the Council to represent Ward 1 in December 1886. He never once attended a meeting and his seat had to be declared vacant in March 1887.

(For further information, see Appendix 2.1, p 39.)

68. Dispatch, 19.3.1887, 7.9.1887.

in "constant minor ventures" which would have "every prospect of excellent results". He believed, he said, that conditions were in the port's favour, especially in view of the fact that the Government had at last taken a friendly disposition towards the town and no longer seemed to block East London in any way. He further pointed to a growing body of interested people who were ready to "make acquaintance" with the port for business and recreation. An initial trip on pleasure, he explained, would lead to many an after-trip on business and would result in "a permanent connection". [69]

The gold deposits on the Witwatersrand proved lucrative, and happened to coincide with a break in the crippling drought. It soon became abundantly clear that East London would benefit more than most. By the end of 1886 the Harbour Works was nearing completion and the acquisition of the hopper dredger Lucy offered prospects of a deeper channel into the river and a consequent rapid increase in both the size and number of ships which entered the port. [70] The fortunes of East London therefore began to lift dramatically as trade spiralled into a cycle of prosperity the likes of which the town had never before seen. White labourers in street parties quickly became a thing of the past and the Council was again able to turn its face towards expansion as years of prosperity ushered in a period of unparalleled growth.

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69. Dispatch, 16.10.1886.

70. See Chapter 3, pp 64-69.

Councillor Lance, an attorney as well as a successful businessman,<sup>[71]</sup> was quick to seek profit for the town through the brightening prospects. As early as February 1887 he tried to persuade the Council to raise a loan of £2 000 which would enable the municipality to clear its bank overdraft, which then amounted to £1 315 2s. 11d., and provide sufficient funds to complete the construction of parts of the central business district on the East Bank, as well as the Beach Road. The Council, however, was not prepared to take a risk at that early stage of the resurgence and turned down the proposal. Another attempt to convince the Council in March met with the same opposition.<sup>[72]</sup>

The councillors were willing, on the other hand, to initiate a marginal increase in the rates and they did that by levying two rates for the forthcoming financial year. The first was for  $1\frac{1}{8}$  d. on immovable property in terms of the Municipal Act of 1881 and the second was a water rate of  $\frac{7}{8}$  d. in terms of the Water Supply Act of 1882. Together it gave the Council an effective 2d. in the pound which provided sufficient funds to turn the overdraft into a credit balance, although it allowed no surplus for town improvements. As a result, almost no road construction could take

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71. WILLIAM FULLER LANCE: Lance was a man of many parts. He was an attorney by profession and served as Town Solicitor from 1881 to 1886. He was also a businessman with an interest in several firms, including the *Dispatch*. He represented Ward 3 in the Council during two separate periods, the first in 1881 and then again from 1886 to 1889, and served one term as Mayor in 1888. (For further information, see Appendix 2.1, p 29.)

72. CA, 3/ELN 1/1/1/6, pp 373, 386. Minutes, 16.2.1887, 2.3.1887.

place during the year and funds were devoted primarily to maintenance and repairs. [73]

The Council remained cautious for several more years, an attitude that was understandable in the light of the near catastrophe of the electric lighting and Town Hall schemes of 1883. There was a concentration instead on a policy of what was termed "steady progress" in which as much work as possible would be accomplished by way of street maintenance without resorting to either land sales or loans. [74] At the same time the municipality began to feel the effect of the more prosperous times as its employees demanded wage increases and the extra outlay on salaries further reduced the amount that could be spent on public works. [75]

During 1888, therefore, attention was turned to two projects only, namely the distribution of water through the town (already budgeted for out of the Water Works Loan) and the extension of the Beach Road from its terminus at Limekiln Kloof to connect with Cemetery Road and form a circular drive past the beach. [76] Only one road was constructed the following year,

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73. Advertiser, 4.3.1887. Mayor's Minute, 1886-1887.  
CA, 3/ELN 1/1/1/6, p 379. Minutes, 16.2.1887.

74. Dispatch, 16.3.1892. Mayor's Minute, 1891-1892.

75. CA, 3/ELN 1/1/1/6, pp 570, 584, 596. Minutes, 14.3.1888, 11.4.1888, 25.4.1888.  
CA, 3/ELN 1/1/1/7, pp 43-45, 53, 57. Minutes, 24.4.1889, 8.5.1889, 22.5.1889.

76. Dispatch, 16.3.1889. Mayor's Minute, 1888-1889.

(See map, p 177.)

a short one from the beach to open up the "Quanza Estate".<sup>[77]</sup> A portion of Inverleith Terrace was also macadamised. For the rest, the Council devoted its attention to repairing, levelling and draining various streets and thoroughfares, although the work proved disappointing in view of the obvious increase in the personal wealth of the townsmen.<sup>[78]</sup>

Despite its conservative attitude, the Council was cognisant of the steady rise in trade and believed that East London was, to quote the Mayor, "at last destined to assert its position" as an important commercial centre. During 1890, therefore, what funds were set aside went to improve the central business district. Oxford Street was re-metalled as far as the level crossing and an extensive portion was re-levelled to prevent flood-damage to adjacent properties and unnecessary damage to the street itself. Several other streets were "top-dressed" and work began on the reclamation of the Waterloo Square vlei. The business sector, Mayor David

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77. QUANZA ESTATE: The area above the Esplanade was so-named after the British ship Quanza, a four-masted steamer of 1 000 tons carrying a cargo of wool, was wrecked on the rocks immediately below in May 1872.

(See map, p 177.)

78. Dispatch, 8.3.1890. Mayor's Minute, 1889-1890.

Rees<sup>[79]</sup> reported, was placed "in thorough order" and Oxford Street could now be claimed to be "one of the finest thoroughfares in the Colony".<sup>[80]</sup>

The Council became more ambitious during 1891 when it realised the possibility of developing East London into a coastal resort and it decided at last to set aside portions of the "Quanza Estate" for sale and new thoroughfares were opened through the North End.<sup>[81]</sup> The year proved, however, to be a watershed in East London's growth for it was then that the Council decided to raise the first of several loans. In March the initial step was taken, with a resolution to borrow £25 000 from the Government under the Local Works Loan Act of 1882,<sup>[82]</sup> the money to be used to construct, improve and complete certain roads and streets, to survey and lay out lands and provide "such general improvements as the increasing importance of the Town" warranted. Half the money would be used to refund the municipality for works already started during that financial year and the balance would be drawn in instalments as it was needed. Although the

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79. DAVID REES: Rees was a cartage contractor who joined the Council in February 1888 to represent Ward 2 and was a constant member until his resignation in July 1899. He served no less than eight terms as Mayor between 1890 and 1899, more than any other person up to the outbreak of the Great War.  
(For further information, see Appendix 2.1, p 37.)
80. ELM, Mayor's Minute, 1890-1891, pp 1-2, 9-10.  
(See Table 12, p 192.)
81. CA, 3/ELN 1/1/1/7, pp 338, 380-381, 420, 429. Minutes, 25.3.1891, 17.6.1891, 7.10.1891, 4.11.1891. ;  
Dispatch, 16.3.1892. Mayor's Minute, 1891-1892.  
Dispatch, 19.3.1892. Clerk of Work's Report, 1891-1892.
82. Act 11 of 1882. Local Works Loans Act, 27.6.1882.

TABLE 12

## STREETS, 1890 - 1891

1. 1890

The following streets were re-metalled in 1890:

CENTRE: Caxton, Station, Cambridge, Hanover, Berlin, Buffalo, Union and Argyle Streets, as well as Pontoon Road.

Paved crossings were provided at the station-end of Terminus Street.

2. 1891

The following streets were re-metalled in 1891:

BEACH: Beach Road.

CENTRE: Pontoon Road.

NORTH END: Kimberley Road.

SOUTHERNWOOD: Oxford Street for two hundred yards above the railway crossing.

WEST BANK: Pontoon Road.

loan was a major step forward for the municipality, it was still conservative and did not recognise the enormous undertaking needed if the town was to be developed even moderately. Indeed, the money was spent within three years. It was nevertheless a giant leap for some of the older townsmen who did not believe in debt of any form. [83]

In July the Government turned down the municipality's request on the grounds that there were insufficient funds available and that it was "manifestly unfair" to the other localities to grant East London "so very considerable a proportion of the entire amount provided". [84] The Council thereupon applied for and gained permission to borrow the money through some other institution under provision of Section XLIII of the Incorporation Act of 1880 and a tender was accepted from the South African Mutual Life Assurance Society for a loan of £25 000 at  $4\frac{1}{2}$  percent interest, to be repaid in 20 annual installments starting from 1897. [85]

The first withdrawal of £5 000 took place in June 1892 and the funds were augmented by an auction of land on the beachfront to the Beach Hotel

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83. CA, 3/ELN 1/1/1/7, p 330. Minutes, 11.3.1891.  
CA, 3/ELN 1/1/1/7, p 328. Public Meeting, 4.4.1891.

When the motion for the loan was placed before a public meeting in April 1891, John Gately tried to stall even that modest proposal by suggesting the plan be delayed "till this day six months".

84. CA, 3/ELN 1/1/1/7, p 389. Minutes, 15.7.1891.
85. CA, 3/ELN 1/1/1/7, pp 389, 421, 502, 526. Minutes, 15.7.1891, 7.10.1891, 6.4.1892, 11.5.1892.  
Dispatch, 16.3.1892. Mayor's Minute, 1891-1892.

Company, and through the sale of the produce market. [86] The result was two busy years of street construction and town improvements. Apart from £946 which was spent on the construction of a public swimming pool on the beach, [87] the bulk of the money was used for road works. The first to benefit were the residents on the East Bank where the main thoroughfares were cut down, re-levelled, macadamised and provided with kerbing and guttering. The reclamation of the vlei on Waterloo Square was completed and the Beach Road was re-constructed and its extension to Cemetery Road finished. A small portion of the funds was also devoted to the re-furbishing of streets on the West Bank. Attention was then turned to the construction of the roads in the North End and Lower Oxford Street, and work was started on the building of St Peter's Road which was partly paid for by the Divisional Council since it was the main thoroughfare to the Nahoon agricultural area and the Transkei. [88]

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86. ELM, Mayor's Minute, 1892-1893, p. 1.  
ELM, Mayor's Minute, 1893-1894, pp. 1-2, 26-28.

The Beach Hotel land sale raised £1 000 while the sale of the produce market brought in a further £1 466.

87. See Chapter 14, p 542.
88. ELM, Mayor's Minute, 1892-1893, pp 23-25.  
ELM, Mayor's Minute, 1893-1894, pp 24-27.

(See Table 13, p 195 and map, p 177.)

TABLE 13  
STREETS, 1892 - 1894

1. 1892

The following streets were re-constructed, macadamised and provided with kerbs and gutter during 1892:

<u>BEACH:</u>	Beach Road.
<u>CENTRE:</u>	Argyle, Porter, College, Wolsley and Albany Streets, as well as portions of Buffalo and Commissioner Streets.
<u>NORTH END:</u>	Park Avenue and Park Street.
<u>WEST BANK:</u>	Bank, Smith and Jetty Streets.

2. 1893

The following streets were constructed during 1893:

<u>CENTRE:</u>	Commercial Square, Church and Hill Streets, as well as the lower portion of Buffalo Street.
<u>NORTH END:</u>	St Paul's, St John's and Amalinda Roads.
<u>QUIGNEY:</u>	Upper portion of Currie Street.
<u>SOUTHERNWOOD:</u>	St Peter's Road.

3. 1894

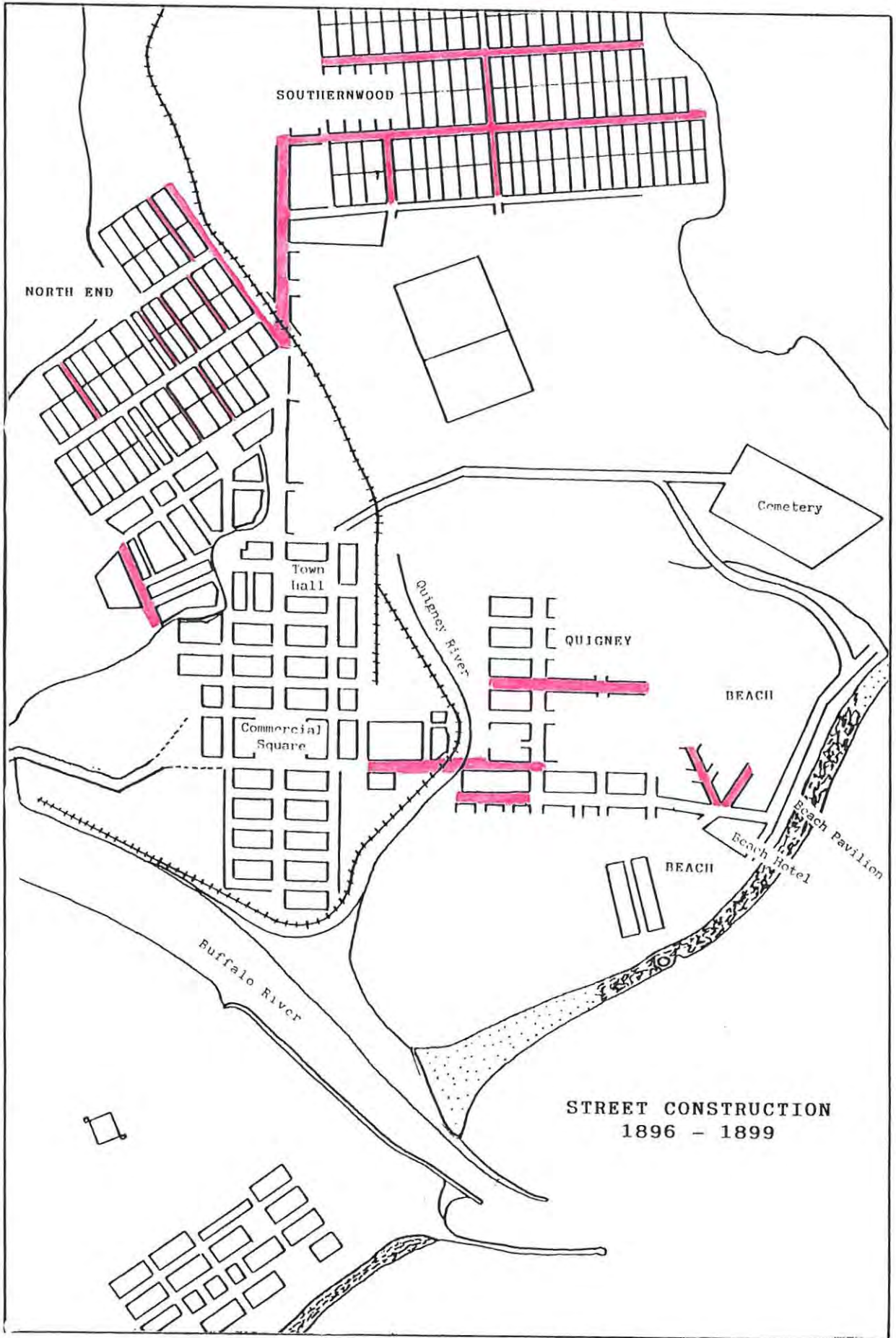
The following streets were constructed during 1894:

<u>BEACH:</u>	Inverleith Terrace to the Beach.
<u>CENTRE:</u>	Stephenson Street and parts of Caxton, Union and Terminus Streets.
<u>NORTH END:</u>	Tyne Street.

In the meantime, the increase in trade was leading to an escalation in the value of land in the area that had come to be called Southernwood. [89] Although the eastern sector had deteriorated through constant sub-division of the plots and the proliferation of houses, the western part which had been sold later had remained idle for years with the result that the land suddenly escalated in value and, Mayor Rees reported, was now "much sought after". Buildings of "considerable size and beauty of architecture" were being erected, he said, and it had become apparent that Southernwood would become an important residential area in the future. As a result, the owners of several lots had been approached by the Council to cede sections of their land so as to provide more adequate roads. [90]

Improvements in architectural design were also noticeable elsewhere in East London. Houses were increasing in size, Rees reported, and were of a better design "generally in town" but especially in Oxford Street. He pointed out, moreover, that the progress, although partly due to the general enhanced value of land, was particularly noticeable in the neighbourhood of those streets which had already been completed under the scheme of town improvements. On the other hand, the great influx of population into the town was pushing up rents and was leading to overcrowding. [91]

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89. See maps, pp 177 and 197.  
See also Chapter 9, pp 314-316.
90. ELM, Mayor's Minute, 1892-1893, p 10.  
(See maps, pp 177 and 197.)
91. ELM, Mayor's Minute, 1893-1894, p 8.  
Annex, G 14-93, p 38. Health, 1892.



**STREET CONSTRUCTION**  
1896 - 1899

Although street construction continued during 1894, the sudden death of the Clerk of Works in the midst of operations resulted in an immediate cessation of all further activities for the year. [92] The new Clerk of Works took office only in April 1895 and concentrated mostly on repair-work until he had found his feet. As a result, only three streets were constructed that year and it amounted to little more than re-making rather than tackling the work from scratch. [93]

By 1894 East London was clearly developing at an escalating pace and the Council saw the remarkable economic progress as an opportunity to reconsider the question of electric lighting and to establish a tramway. In addition, the municipality wanted new powers over its growing Black community, as well as increased powers over water and sanitation. [94] To achieve those ends, the Council needed another Act of Parliament. The East London Municipal Bill was introduced during the final session of 1894 but, after passing several stages, was dropped because it was too late to complete the work within the available time. Permission was then given to take it up at the same stage during the following session and it became an

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92. ELM, Mayor's Minute, 1894-1895, p 6.

93. ELM, Mayor's Minute, 1895-1896, pp 22-23.

Upper Oxford Street, as well as parts of Fitzpatrick Road and North Street were re-constructed.

94. Annex, A 15-94. Report of Select Committee on the East London Municipal Bill, pp 2-15.

The relationship between the municipality and the Black community, as well as the water and sanitation question, will be dealt with in later chapters.

Act of Parliament in July 1895. [95] The Council thereupon decided to revamp the entire body of regulations because it was felt that the existing ones were outmoded and faulty. [96] The latter task was hampered by a great deal of procrastination even though Mayor Rees begged for urgent action because, he said, the executive was constantly called upon to deal with situations which were neither contemplated nor likely to arise at the time when the existing regulations had been framed. His appeal fell on deaf ears and it was only during the course of 1900 that the Council at last saw its way to do the work. The regulations then fell to the mercy of the Colonial Office and the finished article was promulgated in December 1902, seven years after the Act had been passed. [97]

The municipality also needed more money to initiate several ventures and so, in May 1895, the Council resolved to raise a second and more ambitious loan of £75 000. Mayor Rees explained that the improvements effected by the previous loan had "manifestly" resulted in an increase in the value of property and in the prosperity of the town in general but to keep pace with the times, and endeavour to secure East London's position "as

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95. Act 11 of 1895. East London Municipality Amendment Act, 9.7.1895.

96. ELM, Mayor's Minute, 1894-1895, p 2.  
ELM, Mayor's Minute, 1895-1896, p 2.

97. ELM, Mayor's Minute, 1897-1898, p 1.  
ELM, Mayor's Minute, 1899-1900, pp 11-12.  
Government Gazette, 13.1.1903. Proclamation 287 of 1902.  
Government Gazette, 23.1.1903. Proclamation 290 of 1902.  
(See Appendix 8, pp 204-263.)

one of the leading towns of the Colony", the Council needed extra money which was only available through a loan. The funds, he said, would be earmarked for the building of a Town Hall, lighting the town by electricity or gas, constructing a tramway system, increasing the water supply and other general improvements. [98]

The loan was floated through the Standard Bank and it enabled the Council to embark upon another spell of street-making, where various roads in the Quigney, North End and Southernwood were constructed. Although the work carried out between 1896 and 1899 appeared to be less spectacular when contrasted with earlier periods, what was noticeable was the concentration of activity in the Southernwood area where the Council had to pay the costs of appropriating land in order to make the necessary thoroughfares whereas, previously, the roads were already in municipal hands. Moreover, only £15 000 was earmarked for general town development and only two-thirds

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98. ELM, Mayor's Minute, 1895-1896, p 8.  
 CA, 3/ELN 1/1/1/9, p 180. Minutes, 6.5.1895.  
 CA, 3/ELN 1/1/1/9, pp 230-232. Public Meeting, 21.6.1895.

(See Table 14, p 201.)

TABLE 14

## DEBENTURE LOAN No. 2, 1895

The loan of £75 000 was to be spent as follows:

Construction of a Town Hall	£25 000
Electric Lighting and Tramways	£25 000
Water Works	£10 000
General Town Improvements	£15 000

The loan was actually spent as follows:

Construction of a Town Hall	£23 490 15s. 5d.
Electric Lighting	£23 312 18s. 10d.
Water Works (Southernwood Extension)	£17 973 0s. 0d.
General Town Improvements	£10 233 5s. 9d.

of that amount was actually spent on street development. <sup>[99]</sup> Most of the funds from the new loan were apportioned for projects which were considered to be more important, namely the construction of the Town Hall, the provision of electric lighting and the establishment of a tramway.

The first project to come to fruition was the Town Hall. The Council set aside £25 000 for that purpose and in November 1896 advertised an architectural competition for a suitable design. Thirteen applicants responded and Edwin Page of East London had his plan selected. The foundation stone was laid on Waterloo Square in February 1897 by Mayor Rees and the building was officially opened in October 1899 with full masonic honours, although the Council Chambers were used as early as September 1898. <sup>[100]</sup>

The electrical question proved more problematic because the councillors were out of their depth in the face of an invention which was both new and little understood, and progress was therefore hesitant. By 1892 there were 84 paraffin lamps in the town <sup>[101]</sup> but it was apparent

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99. ELM, Mayor's Minute, 1896-1897, p 14.  
 ELM, Mayor's Minute, 1897-1898, p 20.  
 ELM, Mayor's Minute, 1898-1899, pp 21-23.  
 ELM, Mayor's Minute, 1899-1900, pp 32-34.

(See Table 15, p 203.)

100. CA, 3/ELN 1/1/1/9, p 369. Minutes, 30.10.1895.  
 (For a description of the official opening of the Town Hall, see Standard, 6.10.1899.)

101. See above, pp 179-182.

TABLE 15

## STREETS, 1896 - 1899

The following streets were constructed during the period 1896 to 1899:

<u>BEACH:</u>	Angle Street, Seaview Terrace and portions of Quanza Street and Inverleith Terrace.
<u>CENTRE:</u>	Portion of Cemetery Road.
<u>NORTH END:</u>	Bayswater, Kimberley, De Beer's and Dane's Roads, Chapel, Pine, Wolsley and Maclean Streets, as well as Cassel's Lane.
<u>QUIGNEY:</u>	Longfellow Street and portion of Fleet Street.
<u>SOUTHERNWOOD:</u>	St George's and St James' Roads, Webb and Gately Streets, as well as Oxford Street from the railway crossing to St George's Road.
<u>WEST BANK:</u>	Portion of Frere Street.

that such lighting left much to be desired. The system was growing increasingly inefficient, there was a problem of obtaining reliable lamp-lighters and East London's "peculiarly straggling character", as the Inspector of Lighting put it, made it a "very bad town" to light economically. No matter where the lamps were put, he said, there were always many parts of the town in darkness. Finally, the paraffin lamps were continually being stolen, particularly those near the river. [102]

There were advocates for both electric and gas lighting but the latter was eventually ruled out because of the high cost of coal at East London. The Council decided to postpone any decision until after the World Fair had been held in Chicago in 1893 where it was expected that the latest technology would be displayed [103] but even then the conversion to electricity was a long way off. Although the Council resolved to call for tenders in May 1893, inexperience and a lack of money led to a postponement until 1895 when the second loan was raised, with £25 000 to be set aside for electricity and tramways. [104] By that time the tenders had been left unopened for over two years and, when the councillors at last turned their attention to them, they were so outdated that fresh tenders had to be called for. [105]

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102. ELM, Mayor's Minute, 1893-1894, pp 3-4, 37.

103. Dispatch, 16.3.1892. Mayor's Minute, 1891-1892.  
ELM, Mayor's Minute, 1892-1893, pp 6, 19.

104. CA, 3/ELN 1/1/1/8, p 155. Minutes, 10.5.1893.  
CA, 3/ELN 1/1/1/9, p 180. Minutes, 6.5.1895.  
ELM, Mayor's Minute, 1893-1894, pp 3-4.

105. CA, 3/ELN 1/1/1/9, pp 382, 386. Minutes, 5.11.1895, 12.11.1895.

The Council continued to dither because there was still confusion over the nature of electricity and the councillors sought advice, first from the Cape Town Municipality and then from Port Elizabeth. More tenders were called for in 1896 and again in 1898, by which time a decision was at last reached and a Johannesburg firm, Reunert and Lenz, was engaged to do the work at £41 750, more than £15 000 higher than the original estimate submitted in 1895. <sup>[106]</sup> Furthermore, the tender did not include the tramways and therefore exceeded by far the amount of £25 000 that was to be set aside from the loan for both electricity and tramways.

The electrical system was officially opened in October 1899 and immediately the local population began to flood the municipal offices with requests for house installations. Orders far in excess of Council hopes began to be received and it quickly became apparent that the scheme would

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106. CA, 3/ELN 1/1/1/10, pp 107, 202, 291. Minutes, 15.4.1896, 8.7.1896, 18.9.1896.  
 CA, 3/ELN 1/1/1/11, pp 102, 139, 323, 336. Minutes, 29.9.1897, 3.12.1897, 26.7.1898, 5.8.1898.  
 ELM, Mayor's Minute, 1897-1898, p 18.  
 ELM, Mayor's Minute, 1898-1899, p 20.

pay for itself through revenue collected from private users. Furthermore, the town's street lighting had entered a new age. Instead of the feeble glimmer of the old oil lamps, Mayor William Christie Jackson,<sup>[107]</sup> reported, "our streets are now lit in a manner which leaves very little to desire, and the lighting of Oxford Street will bear comparison with the streets of any town in England."<sup>[108]</sup>

Although the construction of a tramway was also budgeted for in the loan of 1895, all decisions pertaining to the system naturally depended on the outcome of the electrical issue and tenders were therefore delayed until 1898. The service was only inaugurated in January 1900 but, in view of the immense problems which the tramway later caused, the municipality, discussion on the implementation of the scheme will be left to a later chapter.<sup>[109]</sup>

Although the rapid development within the municipality between 1891 and 1899 was attributable to the phenomenal growth of trade and prosperity during those years, much credit must be given to the councillors and, in particular, to David Rees under whose mayoralty most of the gains took

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107. WILLIAM CHRISTIE JACKSON: Jackson, a retired Port Captain, joined the Council in December 1892 as a member for Ward 1 and gave unbroken service until March 1900 when he resigned on account of ill-health and died a month later. He served two terms as Mayor in 1897 and 1898, and was elected Deputy Mayor in March 1899 but became Mayor in July when David Rees resigned the position. (For further information, see Appendix 2.1, p 25.)

108. ELM, Mayor's Minute, 1899-1900, p 13. (For a description of the official switching on of the electricity, see Standard, 6.10.1899.)

109. See Chapter 8, pp 278-291.

place. Rees was a Welshman who emigrated to the Cape in 1881 and settled at East London in 1884, where he established a successful business as cartage contractor to the Railways. His energy was revealed in his involvement in a host of enterprises, including being Chairman of the Harbour Board, proprietor of the Dispatch, member of the Beach Hotel Company and president of numerous sports bodies. He was in his early thirties when he first entered the Council as a representative for Ward 2 and was only 34 when he was unanimously elected Mayor in March 1891. His zest saw him hold the mayoralty for a record eight years between 1890 and 1899.

It was under Rees's leadership that the expansion of municipal works was planned, including the massive road construction, the building of the Town Hall, installation of electricity and tramways, negotiation of the two loans and the framing of the Municipal Act of 1895. No single person prior to 1914 can therefore claim as much credit for putting East London on the map as can Rees, whose energy and vision eclipsed by far even the other stalwart of the municipality, John Gately. The period of prosperity was to be short-lived, however, because South Africa entered into a new economic and political phase in 1899 when the Anglo-Boer War erupted, and the municipality found itself having to pay dearly for some of the gains it had made during its years of prosperity. The decade which followed the Boer War would therefore not be as bright as the one which had preceded it and the town slumped into yet another depression.

CHAPTER 7

THE BOER WAR, UITLANDER REFUGEES AND A CONCENTRATION CAMP

1899 - 1902

The Anglo-Boer War began on 11 October 1899 and immediately the republican commandos attempted to seize the initiative by crossing into Natal and the Cape where they laid siege to such towns as Ladysmith, Kimberley and Mafeking. Lack of cohesion on the part of the Boers and of initiative among the imperial forces then saw the conflict, which many of the British believed would be over within a matter of weeks, become stalemated and protracted into a period of almost three years. [1]

The war had far-reaching implications for East London and influenced almost every facet of life. The town became the springboard for the forces opposed to the two Boer republics, as well as the recipient of masses of refugees who fled the conflict, and for a time East London provided a concentration camp for Boer women and children. Furthermore, loyalties came into question because there were considerable numbers of German settlers at the port and some were not wholeheartedly in support of the British war effort. The economy of the town was also directly affected, at first in a positive manner as Britain poured troops into the country and, later, negatively as the troops departed and left a post-war depression in their wake.

As the war threatened, the imperial army decided to operate a major offensive via Queenstown and the Stormberg, and East London was chosen as a point of disembarkation for the troops and stores. The port was also to be used as the base for the 3rd Division which meant that considerable bodies

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1. See TRH Davenport, South Africa: A Modern History, pp 211-219 and Mabin & Conradie, The Confidence of the Whole Country, p 475.

of troops would be stationed there for short periods. The Town Council, which maintained an unquestioning loyalty to the British cause throughout the conflict, spared nothing in co-operating wherever possible. The entire commonage was at first placed at the disposal of the troops for camping purposes, and subsequently the Recreation Ground was granted as a permanent camp. [2]

Soon after the onset of hostilities, the British forces sought to supplement their ranks with local recruits and so, by January 1900, a flood of notices filled the local papers which called for enlistment to the various branches of the military. [3] Of greater consequence to the men of East London, however, was the formation of the Town Guard, a body that was created in many of the towns throughout the Colony at the request of the imperial authorities, ostensibly to act as a home guard in case the conflict escalated further but its exact purpose was never fully clarified to the East London residents. Indeed, when a public meeting was called in January 1900 to establish the organisation, the aims were kept vague. Even so, one objective was clear, namely that the Town Guard would boost loyalty

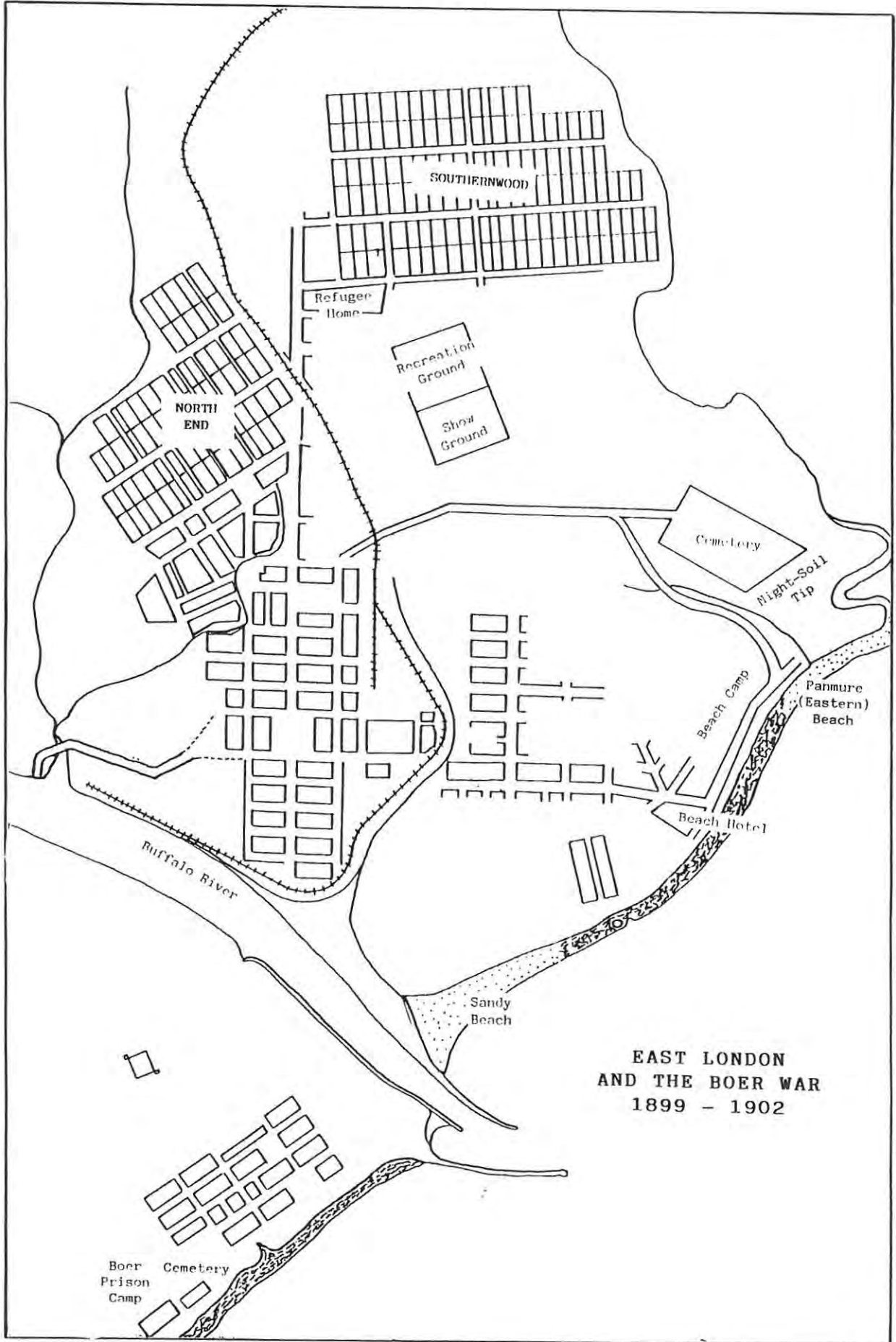
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2. ELM, Mayor's Minute, 1899-1900, pp 8-9.

See map, p 211.

3. See Dispatch, 9.1.1900.

One page of the above paper carried adverts for the Railway Pioneer Regiment, the Commander-in-Chief's Body Guard, Kitchener's Fighting Scouts, the Imperial Light Horse, the Colonial Defence Force, the South Eastern Districts Local Defence Force, the East London Town Guard and Cambridge Village Guard, the Cyclist Corps, the Colonial Corps, Brabant's Scouts, the South African Constabulary, the District Mounted Rifles and Robert's Horse.



**EAST LONDON  
AND THE BOER WAR  
1899 - 1902**

to the British cause and reduce support for the Boer republics. The Guard would therefore muster as many men under arms as possible and they would devote time to marching, with rifle drill twice a week, and so acquire a sense of common cause with the imperial designs. [4]

The general feeling aroused at the organisational meetings was that "he who was not with them, was against them". A letter in the Dispatch summed up the attitude in the comment that, although the men would probably never be called into service, such was not the question. It sufficed to know, the correspondent wrote, that the imperial authorities had asked for the formation of a Town Guard and an immediate and ready compliance with the request would serve to show the enemy that they were "only too willing to fall into line" when called upon. "In the formation of a Town Guard," he concluded,

"we all meet on one common ground. Rich and poor, old and young, we all enjoy the same liberties and blessings under the good old flag." [5]

Despite the calls for loyalty, East Londoners generally gave the issue a luke-warm initial reception. Attempts were made to enlist volunteers by means of public notices and adverts but the response was poor. Even the public meeting and subsequent ward meetings proved relatively unsuccessful in rallying the townsmen to the cause and the numbers who attended were low except for the predominantly English-speaking West Bank

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4. Dispatch, 9.1.1900. Public Meeting, 8.1.1900.  
Dispatch, 15.1.1900. Ward Meeting, 14.1.1900.

5. Dispatch, 15.1.1900. Letter from "Town Guardsman".

and at the Beach where a substantial number of Uitlander refugees were already camped. [6] Numbers slowly rose, however, until the official sources listed the total of volunteers at 761 members, with officers elected for each ward and the Civil Commissioner serving as Commandant of the unit. [7]

Despite the initial apathetic response to the idea of a Town Guard, the war did foster a jingoistic attitude among many of the English residents at East London and some even regarded a neutral attitude as downright disloyalty. That was particularly unfortunate because of the strong German element both at the port and in the Border region generally, and emotions were further roused by the German Government's call to its citizens for strict neutrality. [8] Although many of the Germans had already been resident in the Colony for over 30 years and had been assimilated into the general community, some believed themselves to be citizens of both the Cape and Germany but not of Britain. The Boer War revealed the complexity of that issue and cast seeds of discord which bore the ingredients of a bitter

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6. UITLANDER REFUGEES: See below, pp 219-244.
7. ELM, Mayor's Minute, 1899-1900, pp 8-9.  
Dispatch, 9.1.1900. Public Meeting, 8.1.1900.  
Dispatch, 15.1.1900. Ward Meetings, 14.1.1900.

ATTENDANCE AT WARD MEETINGS AND ENLISTMENT FIGURES:

	<u>Attendance</u>	<u>Enlistment</u>
Town Proper	70	150
Southernwood	50	163
West Bank	120	127
Beach & Quigney	200-300	306
North End	Not given	Not given

8. Dispatch, 14.10.1899.

dispute, except that the bulk of the East London population remained relatively indifferent to the war effort.

The episode which threatened to throw the cat among the pigeons was the relief of Kimberley in February 1900. East London celebrated the event by flying flags from most of the stores in the town. A noticeable exception was the building belonging to Hermann Malcomess, a German who had emigrated to East London in the mid-1860's. He had built a business empire at the port and the Malcomesses reputedly became one of the wealthiest families in the town. In addition to that, he was also the German Consul and served as a member of the Municipal Council.<sup>[9]</sup> His loyalties were therefore undoubtedly torn because, as councillor, he was forced to support the British war effort whereas, as Consul, he had been instructed to take a neutral stance. Nevertheless, several of the townspeople failed to appreciate his delicate position and were clearly incensed by his apparent lack of loyalty.

The incident was followed by a letter to the press from a correspondent who saw the need to defend the situation by explaining that Malcomess was the German Consul at East London and therefore could hardly be expected to raise the British flag above his firm.<sup>[10]</sup> Another letter quickly followed from "John Aylward" who launched into a scathing attack not

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9. HERMANN WILHELM MALCOMESS: Malcomess was elected to the Council in April 1899 to represent Ward 4 but resigned in February 1900 when he decided to return to Germany on long leave.  
(For further information, see Appendix 2.1, p 31.)

10. Dispatch, 17.2.1900. Letter from "Old Salt".

only at the supposed disloyalty of Malcomess but at the Germans generally. No-one expected Malcomess to raise the flag above his building, Aylward stated, but "if he had had one spark of sympathy" with the people among whom he had lived for so long ("and to whom he owes everything"), he would have done so. The correspondent continued that he believed it was "an outward sign of a very dangerous feeling" which was growing in the Colony. The Germans, he wrote, had been welcomed and had been afforded "every privilege that men of British descent and British birth enjoy" but the result was that, at a time when the British were at war "with the Dutch", those same Germans had "the effrontery to express themselves in sympathy with, and do actually aid in every possible way the enemies of the Queen." Aylward concluded with an appeal to all "loyal citizens" to boycott the Germans "in every way and under any circumstances", and to force their resignation as members of all commercial, municipal and political institutions and "never again elect them to such positions". [11]

Although Aylward was not the only person who resented Malcomess's action, [12] his was the only letter which went so far as to condemn the Germans generally. There was, however, an almost complete lack of response from the Germans. With the exception of Malcomess himself, [13] only a resident from King William's Town replied to the attack and expressed his abhorrence at the insinuations which, he wrote, were "both unjust and

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11. Dispatch, 21.2.1900. Letter from "John Aylward".

12. See also Dispatch, 19.2.1900, 20.2.1900, 21.2.1900. Letters from "Anti-Humbug", "Britisher", "Loyal Britisher" and "A Town Merchant".

13. See below, pp 216-217.

dangerous". Such a letter, he contended, was "apt to create bitter resentment" and the incident should have been dealt with as a purely personal matter. [14]

Malcomess wrote a lengthy reply to the press in which he explained his position but refused to offer an apology. He identified himself as a German citizen and, although he had lived in the Colony for 34 years, he was not British. He recognised that he had done "moderately well" but most of his trade had been pioneered with the two Boer republics. Furthermore, he was merely complying with the German Government's call for neutrality by strictly adhering to that policy. As a neutral person and as a citizen of South Africa, he wrote, he had "many dear friends in both sides of the camp" and he therefore "deeply deplored" the war. No threat of boycotts and no financial reasons would change him and he would not "sell his soul to money" nor were his spectacles coloured. "The only colour any human being could read in them," Malcomess concluded,

"is the intense sorrow that such bloodshed should occur between two races destined to live together and to develop this unhappy country in the art of peace and civilization." [15]

Although emotions were clearly charged over the incident, it was to the benefit of the town as a whole that the affair quickly blew over. Steady British gains led to East London becoming less concerned with the war and more interested in capitalizing on it through financial ventures.

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14. Dispatch, 24.2.1900. Letter from "F. Ginsberg".

15. Dispatch, 22.2.1900. Letter from "Hermann Malcomess".

Malcomess himself resigned from the Council and left the country soon afterwards for a protracted visit to Europe, <sup>[16]</sup> possibly to escape the untenable position in which he found himself and so, although no flag was flown above his firm at either the relief of Ladysmith or of Mafeking, he was not in town to be attacked directly.

The incidents, however, were resurrected a year later during the run-up to the municipal elections of February 1901. One of the candidates was William Goulden <sup>[17]</sup> who stood against the incumbent, Arthur Lambart, <sup>[18]</sup> in Ward 2. Goulden had the misfortune to have been nominated by Malcomess and that fact was used against him in a major advertising campaign just prior to the elections. Ostensibly the campaign was pro-Lambart but it was largely a smear against Malcomess and his candidate. Goulden was nominated, an advert in the Dispatch proclaimed, by a person "who thought fit" on three different occasions not to join with his fellow townsmen "in rejoicing with British subjects on the success of

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16. Dispatch, 13.3.1900.

17. WILLIAM GOULDEN: Goulden twice attempted to enter municipal politics in 1901 and 1902 and was eventually elected for Ward 1 in February 1903. He served only one term and did not seek re-election when he retired on rotation in 1906.  
(For further information, see Appendix 2.1, p 21.)

18. ARTHUR OLIVER LAMBART: Lambart had represented Ward 2 since 1893. Although controversy surrounded the man because he was claimed to have been an "unrehabilitated insolvent", he nevertheless remained on the Council for a decade and served as Mayor between 1900 and 1902.  
(For further information, see Appendix 2.1, p 28.)

British arms" during the war. Lambart, on the other hand, was "man enough" to expose the flag incident publicly. "Britishers and Loyalists," the advert exhorted,

"stand shoulder to shoulder and punish this sort of treatment. Support the man who is not ashamed to expose unpatriotic actions." [19]

It is not certain how much influence the anti-Malcomess campaign had on the election. It is true that Lambart defeated Goulden but the majority was small. [20] Furthermore, the former had served his ward since 1893 and was therefore a seasoned councillor whereas Goulden had not yet won an election. The antipathy against the Malcomess family certainly wore off by 1907 when the younger Carl was elected unopposed in Ward 4. [21] Anti-German sentiment, on the other hand, remained dormant, to rear its head

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19. Dispatch, 22.2.1901.

20. Lambart received 224 votes against the 189 polled by Goulden. (See Dispatch, 25.2.1901.)

21. CARL HERMANN MALCOMESS: Son of Hermann Malcomess, Carl was elected to the Council in March 1907 as representative for Ward 4. He retained his seat until 1914, although periodically absent because of continual ill-health. (For further information, see Appendix 2.1, p 31.)

again in 1914 when Britain went to war against Germany itself and several Germans in East London were accused of sedition. [22]

Shortly before the Boer War commenced, there was an exodus of the Uitlander population from the republics. There were three distinct waves of refugees. Those who fled the republics before the onset of hostilities were the more fortunate because in many cases they were able to make prior arrangements, if only to ensure that they had some form of funds with them, to cushion at least a part of the upheaval. Elizabeth van Heyningen [23] points out that many did not want to leave their homes and indeed were encouraged to stay by the Boer Governments which offered permits to anyone who wished to make application. As soon as war was declared, however, there came the order that all those without permits would have to leave the republics within eight days. The majority of the refugees who left at that point, van Heyningen says, were ill-prepared and were amongst the most

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22. Dispatch, 16.10.1914, 26.10.1914.  
Dispatch, 17.10.1914, 26.10.1914. Letters from "One Who Has 'Done His Bit' for the Empire", "F.K." and "A.E.H."  
 See also AJ Hunter, Anti-German Riots in Cape Town, 1915, (UCT, BA Hons, 1980); GC Bruss, The Impact of the First World War on the German Communities in Natal, (Natal, MA, 1981); P Panayi, "Anti-German Riots in London during the First World War" in German History: The Journal of the German Historical Society, Vol 17, No 2, August 1989, pp 184-203; and HC Hummel, "Grahamstown 1914-1918: Four Wartime Themes" in Contree: Journal for South African Urban and Regional History, No 28, October 1990, pp 21-22.
23. ELIZABETH VAN HEYNINGEN: University of Cape Town Historian; her works include "Refugees and Relief in Cape Town, 1899-1902" in Studies in the History of Cape Town, Vol 3, 1980; "Cape Town and the Plague of 1901" in Studies in the History of Cape Town, Vol 4, 1984; "Prostitution and the Contagious Diseases Acts: The Social Evil in the Cape Colony, 1868-1902" in Studies in the History of Cape Town, Vol 5, 1984; co-editorship of Studies in the History of Cape Town, Vols 4-5.

destitute. Finally, in April 1900, when the war began to turn against the Boer forces, another group was driven out of the republics and had to flee via Delagoa Bay, only to find that places of refuge throughout the Cape were already overcrowded and sympathy for their cause was already on the wane. [24]

Most of the refugees headed for the coastal towns with the result that, as early as mid-September 1899, East London became one of the centres of a large refugee community. [25] At first some of the influx was absorbed by friends because many East Londoners had migrated to Johannesburg after the depression and during the gold-rush of the late 1880's. Others booked in at hotels but soon those were full and rooms became difficult to find. Had it not been for charitable institutions, such as the Catholic St Vincent de Paul Society, the Salvation Army and a hastily convened Ladies Relief Committee which came to their aid, the plight of those people, unfortunate as it already was, would have been sorry indeed. A spirit of humanitarian concern at first predominated and many refugees who had already found shelter hastened to the aid of others in need. "Not a few have been met by Johannesburg women of the poorer refugee class," the Dispatch noted,

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24. van Heyningen, "Refugees and Relief in Cape Town", pp 76, 79. See also SB Spies, Roberts and Kitchener and Civilians in the Boer Republics, January 1900 - May 1902, (Wits, PhD, 1973), p 244.
25. The ports of Cape Town, Port Elizabeth and East London were a natural first choice although many refugees also managed to find accommodation at inland towns such as Grahamstown. (See HC Hummel, "Some Attitudes in Grahamstown towards the Advent of the Second Anglo-Boer War" in Contree: Journal for South African Urban and Regional History, No 20, July 1986, p 14.)

"who, having found footing themselves, [came] to the station to give information to chance arrivals of their acquaintance and a night's shelter in a strange town."

On the other hand, there also existed a large group who turned a blind eye to the predicament of the less fortunate and even preyed on them. The "better class" Johannesburg women, with few exceptions, were noticeably missing from the relief work. Those people, the Dispatch commented, arrived early, secured "comfortable quarters" and then did nothing to aid the others. Many landlords also made the most of the overcrowded rooms to more than double the rents and several of the large boarding houses hastened to raise their tariffs, a circumstance not unique to East London. [26]

During September and October 1899 refugees continued to pour into East London and tales of distress abounded. People reported that they had been bundled on to coal and cattle trucks, while women and children were sent on ahead of husbands and fathers, only to find themselves desolate and often penniless in a strange town. It was a pitiful sight, a reporter commented on the arrival of yet another train-load of refugees,

"to see mothers and little children sitting about on the station with their baggage. The rain was pouring heavily, and cabs were at a premium." [27]

By mid-September 1899 there were already so many refugees that a public meeting was called by the women of East London to consider what steps

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26. Dispatch, 20.9.1899, 2.10.1899.  
See Hummel, "Some Attitudes in Grahamstown", p 14.
27. Dispatch, 26.9.1899, 5.10.1899.

could be taken to alleviate the distress. Forty people attended the function, the first public meeting in the new Town Hall, and a committee was elected to take charge of the relief work. Already the organizers had approached the Council for permission to erect tents on the Beach commonage which would provide free accommodation for the destitute, and the local Salvation Army Corps offered its services and its new premises if it was needed. The Council also opened the regular Beach Camp for those who could afford to pay their own way. [28]

The Ladies Relief Committee soon divided itself into three sections to deal with finance, relief-work and entertainment. The latter group made an energetic start by organising a "grand evening concert" for early October in which local and Johannesburg amateurs performed and raised funds but it was soon found that East Londoners were being asked to contribute in so many ways that there was a real fear that many of the local residents would soon be bled dry. The entertainment sub-committee was therefore disbanded in late October. [29]

The other two sub-committees, on the other hand, formed the back-bone of relief-work in the town. While one arranged subscription lists, the other hurriedly sought places in which to accommodate the destitute and

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28. Dispatch, 15.9.1899. Public Meeting of the Ladies of East London, 14.9.1899.  
CA, 3/ELN 1/1/1/12, p 77. Minutes, 11.10.1899.

(See map, p 211.)

29. Dispatch, 26.9.1899, 29.9.1899, 2.10.1899, 25.10.1899.

trains were now met nightly so that no-one would be stranded on the station. [30] The response from many of the townspeople and merchants was open-hearted and rooms or tents were soon found to house everyone but, as the war dragged on and refugees continued to flood in, the situation grew increasingly desperate.

Initially the Agricultural Society placed its Show Ground's building at the disposal of the Ladies Committee [31] and the main hall was divided into bedrooms by means of canvas hangings. By mid-October over 90 women and children had been accommodated there and a further 40 were housed in the town and surrounding suburbs. The Committee also undertook the provision of food and again found the local townspeople generous. The butchers and bakers provided in plenty, Cohen's Restaurant on the beachfront [32] undertook to supply meals at a rate of 10d. per head and the women from Southernwood contributed milk and vegetables on a daily basis. On Sundays, gifts of buns were donated to the children so that, the Committee stated, the "little strangers should have a Sunday tea". In addition, the Convent granted free admittance to all Uitlander children at its school. [33]

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30. Dispatch, 27.9.1899, 29.9.1899.

31. See map, p 211.

32. Cohen was Managing Director of the Beach Pavilion Company which built the pavilion below the esplanade, near the Beach Hotel. The building still stands today but has been converted into the municipal aquarium.

33. Dispatch, 28.9.1899, 3.10.1899, 16.10.1899, 18.10.1899.  
Dispatch, 24.10.1899. Ladies Relief Committee, 23.10.1899.

The number of those accommodated at the showgrounds rose in October to 153, including 112 children, at which stage the Agricultural Society informed the Ladies Committee that the building would have to be vacated as it was needed to house the imperial troops. [34] The Council immediately came to the rescue and constructed a special wood and iron building near St Peter's Road, facing Southernwood. [35] It was essentially a large hall, sub-divided by ceiling boards into 52 separate rooms, with a kitchen and two bathrooms. The women and children, who by then numbered over 200, were transferred in mid-November to begin a new and more secure life. [36]

By mid-October it was clear that the Relief Committee was running into serious difficulty. The amount of distress was on the increase as there were now an estimated 5 000 refugees in the town which, Mayor Jackson

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34. Dispatch, 24.10.1899. Ladies Relief Committee, 23.10.1899.

35. The building was probably situated on the site of today's Grens Primary School. (See map, p 211.) In June 1901, when a land sale took place, that was the only plot left vacant in the St Peter's Road area. The home was sold to the Government of the Orange River Colony and dismantled in January 1902, and the materials were used to construct the Boer "refugee" or concentration camp on the commonage near the Buffalo River.  
(See FA, SRC 138. Lewis Mansergh to Chief Superintendent, Orange River Colony, 18.7.1902.  
See also Dispatch, 24.5.1901.)

(For discussion of the Boer concentration camp, see pp 245-254.)

36. CA, BWR 15, p 2. Government Report, 17.12.1901.  
Dispatch, 4.11.1899, 15.11.1899, 17.11.1899.

The home was divided into two, with a small section rented out at 10s. per month to refugees who could afford to pay. Each bedroom measured 12 by 10 foot. The refugees at the home were given a breakfast of porridge each morning, plus dinner at midday and an evening meal. Clergymen from the various churches visited of an evening.

pointed out, represented half the total White population, and so far the needs of male exiles had not been touched. The demand for tents by both the army and the frontier towns was increasing daily, which resulted in escalating prices and a severely limited supply. As a result, the Dispatch reported, houses had become "crowded with human beings who [lived] in great discomfort". [37]

So severe was the strain on the town's resources that many of the men saw immediately that they could not be accommodated and decided instead to volunteer for armed service even though, the Dispatch pointed out, it was "not a workman's war [sic]". The result was often a further devastation on the women who were left behind. "One may see daily," the editor continued,

"a pleading wife and children urging the breadwinner to stay with them and live, 'We have lost our little home and work, do not make us orphans too!'" [38]

Because more and more males were taking refuge in the town, it became clear that the relief work could no longer be left solely to the women. The Council therefore decided to initiate a Town Relief Committee with paid officials and a separate management board consisting of seven councillors and five other interested people. The Committee thereupon undertook to provide shelter, food and, in some cases, the cost of transportation back to England, for all of which subsidy was provided by the Mansion House Central

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37. ELM, Mayor's Minute, 1899-1900, p 9.  
Dispatch, 18.10.1899, 19.10.1899.

38. Dispatch, 18.10.1899.

Refugee Fund in Cape Town<sup>[39]</sup> but it generally fought an uphill battle as funds were always in short supply and the committee was never able to come anywhere near to meeting the demands which were constantly thrust upon it.<sup>[40]</sup>

While the Ladies Relief Committee was left to continue the work of providing mainly for the women and children, the Town Committee concentrated on the men and arranged a "camp" for them at the Salvation Army barracks and also hired what premises it could. Many of the men had arrived with no financial means whatsoever and "barely anything beyond what they [stood] up in". The committee nevertheless undertook to provide only meals and a bed but supplied no money. By that means it found itself assisting over 500 people before the end of October 1899.<sup>[41]</sup>

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39. MANSION HOUSE FUND: Van Heyningen explains that, because the towns in the Cape could not cope with the influx of refugees, the Governor requested aid from the Colonial Office. In response the Lord Mayor of London opened the Mansion House Fund, with contributions of over £200 000 raised in Britain and South Africa. Disbursement of the funds was left in the hands of a Central Committee in Cape Town, with the Governor as chairman, and the money was thereupon distributed through local committees in the towns. The fund was closed in March 1901.

(See van Heyningen, "Refugees and Relief in Cape Town", p 85.)

40. CA, BWR 1, pp 2-4. Minute Book of the Mansion House Fund Central Committee, 19.10.1899, 23.10.1899.  
CA, BWR 9, p 50. E Bourdillon to East London Relief Committee, 20.11.1899.  
Dispatch, 18.1.1900. Town Relief Committee, 17.1.1900.  
CA, 3/ELN 1/1/1/12, p. 89. Minutes, 20.10.1899.

(For a comparative list of subsidies given by the Mansion House Fund, see Table 16, p 227.)

41. Dispatch, 25.10.1899.

TABLE 16  
 MANSION HOUSE FUND:  
 A COMPARATIVE TABLE OF EXPENSES  
 1899 - 1902

Durban	£58 270 0s 0d
Port Elizabeth	£51 450 0s 0d
Pietermaritzburg	£42 200 0s 0d
East London	£37 407 8s 0d
Cape Town	£31 634 0s 0d
Lorenço Marques	£11 217 11s 8d
Grahamstown	£6 500 0s 0d
King Williams Town	£3 900 0s 0d
Johannesburg	£3 150 4s 9d
Queenstown	£950 0s 0d
Basutoland	£832 16s 2d
Port Alfred	£810 0s 0d
Oudtshoorn	£525 0s 0d
Pretoria	£500 0s 0d
Graaf Reinet	£220 0s 0d
Cradock	£200 0s 0d
Aliwal North	£200 0s 0d
Hopetown	£180 3s 9d
Beira	£175 6s 0d
Herschel	£135 0s 0d
Middelburg	£100 0s 0d
Uitenhage	£100 0s 0d
Fort Beaufort	£86 0s 0d
Somerset East	£30 0s 0d
Beaufort West	£25 0s 0d
Adelaide	£13 11s 6d
Kokstad	£10 0s 0d
Bulawayo	£5 8s 10d

[Source: CA, BWR 17. Report of the Mansion House Fund, 1902, p 8.]

Because of the enormous unemployment problem, the Council also attempted to provide work where it could. Already the municipality was feeling the financial strain of having to supply the various facilities for both refugees and troops and so it attempted to employ as many refugees as possible without any further financial outlay, which entailed dismissing its Black workforce and replacing it with Whites. By November nearly all the Black labourers had been retrenched and some extra relief jobs were created by setting the men to dig at the proposed site of a dam on the Buffalo River. It quickly became apparent, however, that the scheme was financially unsound because expenditure on public works more than doubled through increased wages to refugees and, as the Mayor pointed out, the town simply did not get the return expected. The scheme was therefore soon discontinued. [42]

The arrival of the men complicated the relief work in other ways. Up until then the Ladies Relief Committee had been caring solely for the women and children but, as husbands began to join their wives, it found itself having to provide for the entire family, with the women continuing to make the claims. Furthermore, many of the refugee families who initially had their own financial resources began to find that their funds were dwindling and, by November 1899, had to fall back on charity. The number of cases therefore increased rapidly as the year neared its end and the Ladies Relief

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42. ELM, Mayor's Minute, 1899-1900, pp 8-9.  
Dispatch, 23.11.1899. Minutes, 22.11.1899.  
See also Dispatch, 25.10.1899.

Committee found itself paying not only for food but often for rents as well. [43]

The unexpected duration of the war affected most of the refugees. Even the wealthier ones who had booked in at boarding houses in the belief that the war would be over quickly, now came to realize that they were going to have to cut expenses. They could therefore no longer afford the tariffs of eight to ten shillings per day but, as the Dispatch expressed it, were forced to seek "humble unfurnished lodgings and live in expectation of a meal of Australian mutton at 6d. per lb." [44]

During November refugees continued to dribble into East London directly from the republics but large groups also began to arrive by sea from Delagoa Bay. [45] By mid-November the Ladies Committee already had over 300 families to feed, which represented more than 1 200 people, in addition to those who received full board and lodging at the Southernwood Home. The cost stood at £316 13s. 6d. per week. [46] The Town Relief Committee, on the

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43. Dispatch, 18.11.1899. Town Relief Committee, 17.11.1899.  
Dispatch, 21.11.1899. Ladies Relief Committee, 20.11.1899.

Several families whose men had arrived were provided with tents and moved to the Beach Camp.

44. Dispatch, 17.11.1899.

45. Dispatch, 18.11.1899. Town Relief Committee, 17.11.1899.

46. Dispatch, 12.12.1899. Ladies Relief Committee, 11.12.1899.

The Committee gave its official figure, excluding the Southernwood Home, as 307 families which consisted of 221 men, 330 women and 686 children.

other hand, had to aid over 2 000 people in November and nearly 3 000 in December. [47] The cost of that exercise amounted in December alone to £3 061 9s. 8d. of which £805 7s. 10d. was collected locally and a further £2 000 per month was received from the Mansion House Fund in Cape Town. [48]

By January 1900 the crisis began to ease slightly as many refugees found their feet and either gained employment at East London or discovered friends who were prepared to send them money to tide them over. As a result, the Ladies Committee list at last began to shorten. The Committee's work had also taken on a certain routine so that meetings were now held only once a month whereas previously they had been conducted on a weekly basis, with the sub-committees meeting daily. [49]

The charitable work also began to take a harsher flavour as the committees developed into institutions. The Ladies group in particular came under attack for what appeared as unjust criticism of the Uitlander men who

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47. Town Relief Committee's Balances for December 1899.

	<u>MEN</u>	<u>WOMEN</u>	<u>CHILDREN</u>	<u>TOTAL</u>
Shelter (Average)	203	126	200	529
Food (Average)	555	484	945	1 987
Passage to Europe	10	3	8	21
TOTAL	1 017	677	1 267	2 959

[NB The incorrect additions appear in the document.]

48. Dispatch, 23.1.1900.

(See Table 17, p 231.)

49. Dispatch, 3.10.1899, 13.2.1900. Ladies Relief Committee, 2.10.1899, 12.2.1900.

TABLE 17  
RELIEF STATISTICS FOR EAST LONDON  
1899 - 1902

<u>Date</u>	<u>Funds Collected Locally</u> (in £)	<u>Total Grant from Mansion House Fund</u> (in £)	<u>Total Relieved to Date</u>	<u>Total Expenditure to Date</u> (in £)	<u>Total Under Relief</u>
31.12.1899	805-07-10	4 000	3 621	4 320-04-07	2 298
31.01.1900	901-14-10	10 500	3 878	6 738-19-07	2 338
28.02.1900	972-05-04	12 500	3 953	10 963-01-01	1 898
31.03.1900	1 048-02-01	15 500	3 987	13 683-17-02	1 590
30.04.1900	1 078-19-07	17 500	4 005	15 427-19-09	1 161
31-05-1900	1 119-18-01	17 500	4 218	16 826-04-11	1 308
30.06.1900	1 132-19-01	19 500	4 250	18 641-12-07	1 214
31-07-1900	1 140-12-07	20 500	4 259	20 170-18-04	1 217
31.08.1900	1 146-03-01	21 500	4 268	21 530-00-09	1 223
30.09.1900	1 146-03-01	22 500	4 272	22 841-01-11	1 095
31.10.1900	1 146-03-01	24 000	4 273	23 893-03-10	1 118
30.11.1900	1 146-18-01	24 000	4 273	25 047-14-07	1 151
31.12.1900	1 146-18-01	25 000	4 278	26 234-01-01	1 102
31.01.1901	1 146-18-01	26 500	4 289	27 492-01-05	1 107
28.02.1901	1 157-13-10	27 500	4 290	28 538-01-11	1 086
31.03.1901	1 060.13.10	28 500	4 293	29 492-15-07	1 025
30.04.1901	1 162-18-10	30 500	4 305	30 373-19-05	901
31.05.1901	1 162-18-10	30 500	4 305	31 021-12-05	809
30.06.1901	1 181-10-04	32 100	4 305	31 638-08-03	703
31.07.1901	1 224-07-04	32 100	4 305	32 203-18-07	659
31.08.1901	1 326-18-03	33 200	4 308	32 879-03-05	607
30.09.1901	1 339-02-06	33 800	4 308	33 526-13-09	619
31.10.1901	1 340-02-06	34 300	4 308	34 150-10-05	587
30.11.1901	1 341-02-06	34 800	4 308	34 645-12-06	520
31.12.1901	1 341-02-06	35 800	4 319	35 696-19-06	501
31.01.1902	1 341-02-06	36 050	4 360	36 693-16-09	498
28.02.1902	1 341-02-06	36 850	4 582	37 696-15-02	563
31.03.1902	1 343-02-06	36 850	4 593	38 165-04-03	181

[Source: CA, BWR 4.]

were not prepared to enlist and fight in the war. Several members of the committee attempted to pressurize the men into volunteering for the armed forces so as to remove them from their lists but usually their actions were blocked by the wives who refused to allow their husbands to go to the front. In what appeared to be an informal discussion, the committee members at a particular meeting in February 1900 virtually called the men cowards and, because the conversation was reported in the Dispatch as part of the official minutes, <sup>[50]</sup> the remarks produced a storm of protest.

In one letter to the press, the Ladies Committee was accused of being "ridiculous" because the war was as much a British battle as anyone's. Not every refugee was a "fighting man", the correspondent wrote, and asked whether the committee women would allow "their own dear husbands" to go to the front if placed in similar circumstances. <sup>[51]</sup> A second letter was even harsher in its attack. It seemed, the writer stated, that the members of the Ladies Committee had mistaken "the duties of their vocation" and were now insulting the refugees' "manhood" and dispensing "their gifts" in such a way "as to be thrown at us like a bone is thrown to a dog". The committee, the letter continued, spoke of forcing the men to go and fight, and of placing the women and children into barracks. "Has it come to that?" the correspondent demanded,

"That these dispensers of other men's bounties are to use their power....in a tyrannical and oppressive manner. The natural protectors of the women and children to be forced to go to be shot may be, and their helpless wives and children forced into

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50. Dispatch, 13.2.1900. Ladies Relief Committee, 12.2.1900.

51. Dispatch, 14.1.1900. Letter from "C. Plomer".

barracks and...fed with soup `to be consumed on the premises, lest...the husbands thus condemned to starvation should partake of it." [52]

The women of the Relief Committee turned out to be merely echoing their husbands' sentiments. Soon the all-male Town Relief Committee took the matter even further and, undaunted by the views which had been expressed in the press, addressed a letter to the Central Relief Committee to enlist its support to strike the men off the lists because of the shortage of funds. A "good many refugees" had already gone to the front, the men argued, but others had no wish to go "in any capacity, and were living in idleness" but East London could not act unilaterally as it would give the town a bad name if the other centres did not do likewise. [53]

The request had the desired effect. In March 1900 the Central Committee instructed all centres to strike able-bodied men from their lists as from the end of that month. [54] The discontinuance of funds for the unemployed men jolted the refugees into concerted action. In April the chairman of an Uitlander Committee appealed to East London firms to provide employment for such men who could no longer acquire aid in any other form. Most of the men, he stated, were miners who would be prepared to do any labouring work but were often turned down simply because they were

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52. Dispatch, 17.2.1900. Letter from "Expelled".

53. Dispatch, 20.2.1900. Town Relief Committee, 19.2.1900.

54. Dispatch, 13.3.1900. Town Relief Committee, 12.3.1900.  
See also CA, BWR 8, p 455. WH Harvey to Mayor, 30.5.1900.

refugees. <sup>[55]</sup> A public meeting of Uitlanders was held shortly afterwards in an urgent attempt to solve the unemployment crisis and a sub-committee was thereupon appointed to draft telegrams to the Prime Minister of the Colony and to Lord Milner <sup>[56]</sup> which appealed for the creation of jobs. Their efforts were met with a degree of success as many of the men were suddenly employed on public works and others were engaged to break rocks at Mooiplaats, some ten miles outside East London which, it was agreed at a further public meeting, would be a good opportunity for the miners to keep in training. <sup>[57]</sup>

In May 1900, just as the refugee problem seemed to be easing, the third wave hit East London as two more ship-loads reached the port from Delagoa Bay, bringing 500 more destitute people to the town. The new arrivals were those who had decided to remain in the Transvaal and weather out the storm but had now been expelled from the country. Many reported that they had been arrested and marched to gaol without being allowed to return home and had thereupon been deported with neither money nor possessions. By that stage the coastal towns were already overcrowded.

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55. Dispatch, 11.4.1900. Chairman of Uitlander Committee, 10.4.1900.

56. LORD ALFRED MILNER: High Commissioner and Governor of the Cape of Good Hope, May 1897 - March 1901. He thereupon became High Commissioner and Governor of the Transvaal and Orange River Colony till April 1905.

57. CA, BWR 15. Telegram: Committee of Refugees to Governor, 10.4.1900. Dispatch, 12.4.1900, 17.4.1900. Public Meeting of Uitlanders, 11.4.1900, 16.4.1900.

Durban and Cape Town refused to receive them and so the new refugees had nowhere to go but East London and Port Elizabeth. [58]

They arrived at East London at a particularly bad time because the municipality was experiencing the worst water crisis in its history [59] and accommodation was at a premium. Several of the men were initially placed in the East Bank Location but that decision had to be reversed because it was against municipal regulations and the location residents complained that the refugees were using up their very limited water supply. They were thereupon divided between the Beach Camp, rooms in town and a new camp which was created on the West Bank where the water was slightly more abundant. [60]

The presence of refugees in East London was not only a problem because of finance and unemployment but it also had a negative effect on the health of the town. Sanitary conditions within the municipality were already poor because of an inadequate nightsoil removal system and no arrangements whatsoever had yet been made for the removal of "bedroom slops" or urine. Some of the Uitlanders or soldiers were believed to have brought typhoid with them and the bacteria quickly spread into epidemic proportions

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58. Van Heyningen, "Refugees and Relief in Cape Town", p 79.  
CA, BWR 9, pp 31, 96, 102, 108. Mansion House to Mayor, 2.5.1900,  
17.5.1900, 21.5.1900  
Dispatch, 4.5.1900, 18.5.1900. Town Relief Committee, 3.5.1900,  
17.5.1900.
59. For a more detailed discussion of the effects of the drought,  
see Chapter 12, pp 447-463.
60. Dispatch, 29.5.1900. Town Relief Committee, 29.5.1900.

due to the overcrowded conditions and contamination of the drinking water. [61]

The worst circumstances were at the Beach Camp where there was constant overcrowding and the sanitary arrangements were even poorer than in the town. Official sources in February 1900 listed over 1 000 people as having already made use of the camp, with the erection of more than 200 tents which gave the impression, it was reported, of a military operation. [62] The water supply was extremely limited with only one tap and that opposite the Beach Hotel which meant that people from the far side of the camp had a great distance to carry their buckets. Furthermore, the drought reduced the supply to a trickle and was available only twice a day. Crowds of people therefore had to wait hours for their turn. [63]

Dr Delgarno, the Medical Officer of Health appointed in January 1900 specifically to supervise the refugees, soon pointed out that the tent system was itself not a good one. The sites, he maintained, were too near the sea and in close proximity to the bush. He recommended therefore that the Beach Camp be scrapped altogether and a proper barracks be erected at Southernwood before an epidemic broke out. In the meantime, he said, the refugees should be compelled to look after their sites better as the rubbish

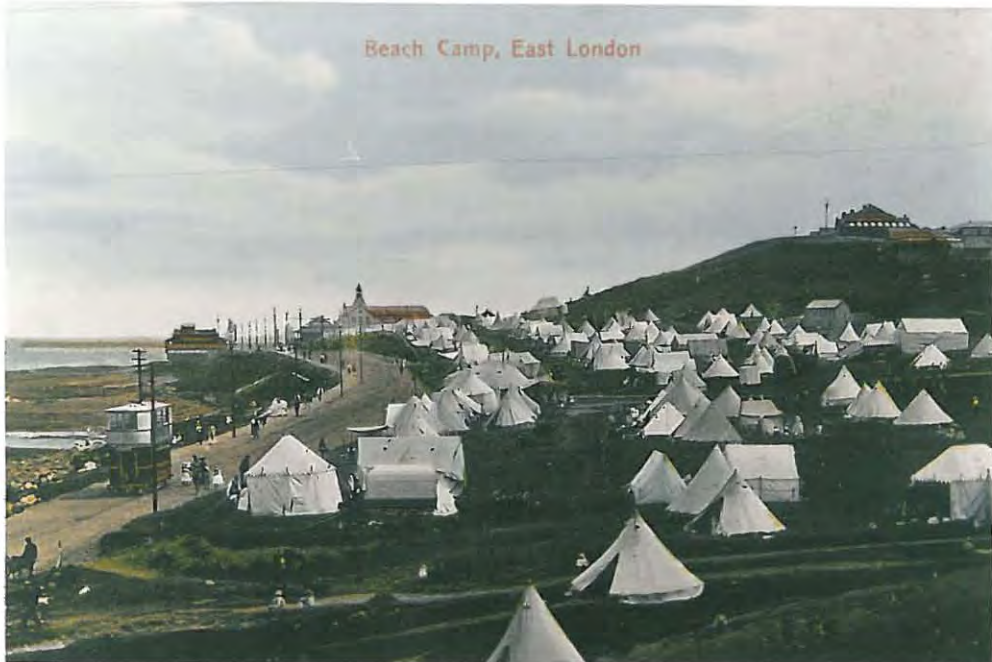
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61. See Chapter 13, pp 483-491.

62. ELM, Mayor's Minute, 1899-1900, p 9.  
Dispatch, 9.11.1899.

(See photo, p 237.)

63. Dispatch, 1.12.1899. Letter from "A Water Rates Payer".



**BEACH CAMP:** Although this photograph was taken after the Boer War, it nevertheless illustrates the conditions in which many of the Uitlander refugees lived during their three year sojourn at East London. The building to the left of the esplanade is Cohen's Beach Pavilion, while opposite is the Beach Hotel. In the foreground a tramcar stands at the beach terminus. [Source: East London Museum.]



**BOER CONCENTRATION CAMP:** The Boer "refugees" were housed in wood and iron buildings on the East London commonage some distance from the town. In this instance, their conditions were generally better than the majority of the Uitlander refugees. [Source: Cape Archives, MOH 15.]

was piling up, the bush was becoming thoroughly littered and the latrines were in an unsatisfactory condition. Furthermore, he recommended that the tents needed to be moved periodically. [64]

By the end of January sickness, especially vomiting and diarrhoea, had broken out among the Uitlander population, with some of the people in a critical condition. The disease, Dr Delgarno concluded, was assisted by "improperly prepared food", dirty drinking bottles, bad ventilation at night and overcrowding. Furthermore, typhoid had broken out at the Beach Camp. [65] The problem was quickly taken up by the Municipal Council which bandied a proposal to move the camp to a new site far out of town on the commonage near the Nahoon River. [66] Although no definite decision was made, the idea of a further dislocation of the Uitlanders' lives proved to be abhorrent in certain sectors of the community and strong protests were made against the action.

A correspondent made an impassioned plea in the Dispatch on behalf of all the Beach Camp residents. The author, probably a townsman and not a refugee, pointed out to the Council that to claim that the camp needed to be moved because it was in an unsatisfactory condition was just as illogical as to move some of the houses because the drains "compel the passers-by to hold their breath lest the effluvia proceeding from them should assail their

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64. Dispatch, 21.1.1900. Town Relief Committee, 22.1.1900.

65. Dispatch, 30.1.1900. Town Relief Committee, 30.1.1900.

66. Dispatch, 1.2.1900. Minutes, 31.1.1900.

olfactory nerves". If the Beach Camp was unsanitary, the correspondent argued, it was the Council's fault and it was a "standing disgrace" that nothing had been done to keep it clean. It was, furthermore, ridiculous to demand that the refugees should clean it themselves. Where would East London be, he asked, if such matters "were left to everybody, which really means nobody"? To talk of moving the whole population as if they were "so many sheep" which could be moved from kraal to kraal was "simply monstrous". Indeed, if they were moved, the correspondent claimed, they would still suffer the same neglect whereas the site they were then in at least boasted a "pleasant look out", healthy recreation, fishing, convenience to the town and was close to the tram terminus. [67] The Dispatch also carried an editorial which decried the idea of moving the camp. If it was in danger of contaminating the town, the editor wrote, then it would have to go but it appeared that the diseases were not "ir-remediable [sic]" provided that the municipal authorities and refugees worked in harmony. Moreover, it was unjustifiable that the "respectable and clean" should suffer because of the others. [68]

The Council succumbed to the pressure of criticism and temporarily shelved the idea but, in accordance with the advice offered through the press, pushed for sanitary reform, with satisfactory results. In May 1900, however, another attempt was made to re-settle the refugees to the West Bank on the grounds that the water supply would be more abundant. The plan

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67. Dispatch, 2.2.1900. Letter from "Dispatch".  
See also Dispatch, 3.2.1900. Letter from "Henry J. Rich".

68. Dispatch, 3.2.1900.

collapsed on that occasion because of opposition from a majority of councillors who argued that any form of forced removal would be an unjustified hardship. It was therefore resolved that no further sites would be made available at the Beach Camp but at the same time only new refugees would be settled on the West Bank. [69]

By April 1900 the Relief Committees had settled into a fixed routine, so much so that the Ladies Committee found that monthly meetings had degenerated into a mere reading of reports with dwindling attendances. It therefore decided to discontinue all further meetings and to publish the reports in the press. That procedure was continued for some two months when it too was stopped because the reports were being mixed with those of the Town Relief Committee. In the meantime, numbers on its books dropped steadily, from 472 families in January 1900 to 192 families in December that year. Numbers then stabilized because of the prolongation of the war. [70]

The stasis did not mean an easing of conditions for the refugees. On the contrary, the winter of 1901 brought increased suffering. Funds were generally running low and Government support began to be channeled away from

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69. Dispatch, 8.5.1900. Town Relief Committee, 7.5.1900.  
Dispatch, 10.5.1900. Minutes, 9.5.1900.

70. Dispatch, 9.1.1901. Ladies Relief Committee, 7.1.1901.  
Dispatch, 28.8.1900, 15.4.1901, 16.7.1901. Town Relief Committee,  
27.8.1900, 15.4.1901, 15.7.1901.  
Dispatch, 23.1.1900, 24.7.1900. Monthly Reports of the Town Relief  
Committee, December 1899, June 1900.

(See Table 18, p 241.)

TABLE 18  
 NUMBERS OF THOSE REGISTERED FOR RELIEF AT EAST LONDON  
 1899 - 1902

<u>Date</u>	<u>Men</u>	<u>Women</u>	<u>Children</u>	<u>Total</u>	<u>Cost</u> (in £)
31.12.1899	1 017	677	1 265	2 894	3 061-09-08
31.01.1900	1 113	998	1 683	3 794	3 587-06-02
28.02.1900	923	746	1 567	3 236	2 660-12-07
31.03.1900	724	587	1 356	2 667	2 132-00-11
30.04.1900	460	669	1 163	2 292	1 420-07-06
31.05.1900	401	657	1 384	2 442	1 670-04-11
30.06.1900	333	700	1 406	2 439	1 466-09-09
31.07.1900	244	592	1 326	2 162	1 535-10-02
31.08.1900	291	548	1 255	2 094	1 153-10-09
30.09.1900	272	479	1 150	1 879	1 198-13-00
31.10.1900	289	485	1 130	1 904	1 100-10-10
30.11.1900	292	462	1 036	1 790	1 263-12-06
31.12.1900	292	435	1 024	1 751	1 317-14-05
31.01.1901	231	429	1 038	1 698	1 887-07-02
28.02.1901	230	419	1 001	1 650	910-11-00
31.03.1901	125	445	1 002	1 572	1 011-07-01
30.04.1901	139	363	948	1 450	661-16-05
31.05.1901	118	302	813	1 233	638-00-09
30.06.1901	98	157	448	703	572-13-04
31.07.1901	89	138	432	659	619-17-02
31.08.1901	74	132	401	607	668-03-07
30.09.1901	73	139	407	619	568-10-06
31.10.1901	75	142	370	587	650-05-02
30.11.1901	80	122	318	520	515-09-11
31.12.1901			not given		
31-01-1902	76	122	300	498	not given
28.02.1902	98	148	317	563	not given
31.03.1902	12	59	110	181	not given

[Source: CA, BWR 4.]

refugee relief into aid for the steadily growing numbers of widows and orphans which the war was producing. In July that year the Central Relief Committee, which was no longer receiving contributions from England, instructed East London to reduce its relief expenditure, which it did with great reluctance because in many cases, it reported, the funds covered only the "bare necessities of life" and left nothing for clothing, bedding or even shelter. Many people, the Committee stated, were now without even warm clothing. [71]

The Uitlanders who lived under canvas at the Beach Camp were particularly hard-pressed. Their tents were now old and had developed holes which resulted in the occupants and possessions becoming wet during rainy periods. Furthermore, they were particularly susceptible to storms and heavy winds which on occasions uprooted the tents completely and left the people stranded, often soaked, with their belongings strewn over the commonage. In some cases, babies died from the sudden exposure. Food was also becoming a constant problem and the suppliers were no longer taking as much care as before, with the porridge reportedly of inferior grade and riddled with worms, meat being "rancid" and fresh vegetables in short supply. [72]

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71. Dispatch, 17.7.1901. Town Relief Committee, 15.7.1901.

72. Dispatch, 10.8.1901. Public Meeting of Uitlander Refugees, 9.8.1901.  
Dispatch, 13.8.1901. Letter from "J. Whitehead".

The claims were substantiated by Councillor Henry Ries who made a personal inspection of the Beach Camp in August 1901 to verify reports. (See Dispatch, 17.8.1901. Letter from "Henry M. Ries".)

By January 1902 the war was in its final stages and was being waged only in the country districts of the Transvaal, with Johannesburg and Pretoria securely in British hands. At last arrangements began to be made to repatriate the refugees. Lists were drawn up by the office of the High Commissioner to grant permits to those who were to be allowed to return but which produced further insecurity. The lists were based on those submitted by the Town Relief Committee of people who were drawing aid but there were many Uitlanders who had managed to look after themselves and had not found it necessary to submit to charity. The latter now found themselves without permits and so could not leave East London to restart their businesses until the legal muddle was sorted out. [73]

Early in February 1902 the first trainloads of refugees left East London. Two special trains were arranged, the first to carry Uitlanders from the Beach Camp and the second to take people from the town, plus the bulk of the luggage. It was an emotional leave-taking, the Dispatch reported, with everyone in "the best of spirits" at the prospect of returning home after 28 months in exile. The first train steamed out of the station at 8.30 p.m. on 10 February "amid ringing cheers from the passengers and the spectators". The following train left at 9.00 p.m. The passengers from both trains were then treated to another rousing farewell from a large

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73. Dispatch, 21.1.1902. Town Relief Committee, 20.1.1902.

crowd of townspeople who had gathered at the Oxford Street level-crossing. [74]

The war also brought to the port a sizeable contingent of prisoners and what the authorities euphemistically termed "Boer refugees". There is almost total silence on the former group in all the records, apart from a description of the prison camp on the West Bank [75] but it is probable that the Boer male prisoners were housed there while they awaited transportation to overseas concentration camps. [76] Although situated on the municipal commonage, Council documents make no reference to it, presumably because the creation of the prison fell under the blanket permission which the councillors gave the imperial authorities to use the commonage in whatever way they saw fit.

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74. Dispatch, 10.2.1902, 11.2.1902.  
See also PP, Cd 1163, p 123. Lord Milner to Mr Chamberlain, 25.4.1902.
75. BOER PRISONER OF WAR CAMP: The camp adjoined the old cemetery next to the sea on the West Bank and measured 300 by 70 yards. It was surrounded by a corrugated iron fence, was lit by 32 incandescent lamps and had water supplied by the municipality from nearby springs. The kitchen was an iron shed, open on the seaward side and capable of cooking 200 pots at a time. Latrines were provided in two iron sheds, holding 60 and 80 pails respectively. The camp could accommodate about 1 000 prisoners.  
(FA, SRC 138. Acting District Surgeon to Medical Officer of Health for the Colony, 28.11.1901.)
- (See map, p 211.)
76. I am indebted to Dr SPR Oosthuizen, an authority on Boer concentration camps whom I met in the Orange Free State Archives, for this solution. He assured me that no records exist for that prison.

The Boer "refugees", on the other hand, had a more marked impact on community life at East London because they were not treated as prisoners as such and therefore were able to establish some form of commercial and social contacts with the townspeople. During the latter half of 1900 the British authorities started the system of camps, mostly for Boer women and children. The original "refugee" camps were meant to protect those burgher families who had surrendered to the imperial forces and had taken an oath of neutrality. As the conflict developed into a guerilla war, however, Britain initiated another scheme whereby all Boer women, children and elderly people were rounded up, and a scorched earth policy was then commenced. By May 1901, according to the archival records, there were already more than 11 000 Whites and nearly 9 000 Blacks residing in such detention. The camps soon became a scandal because of overcrowding, outbreaks of disease and a high mortality rate.<sup>[77]</sup> Eventually Joseph Chamberlain<sup>[78]</sup> and Lord Milner advised that they be broken into smaller units, and the inmates sent to new locations in the Cape and Natal.

The plan began to materialise in November 1901 when Milner cabled Hely-Hutchinson<sup>[79]</sup> to suggest that four or five camps could be established in the Eastern Cape. He mentioned several possible localities but the Cape

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77. Free State Archives Depot, Inventory of the Chief Superintendent of Refugee Camps, Orange River Colony, p 1. Davenport, South Africa, pp 216-217. See also Spies, Roberts and Kitchener and Civilians, pp 415-421.
78. JOSEPH CHAMBERLAIN: Secretary of State for Colonies, 1895-1903.
79. SIR WALTER FRANCIS HELY-HUTCHINSON: Governor of the Cape of Good Hope, March 1901 - May 1910.

Government insisted that the camps should be as close to the sea as possible so that they could be supplied at minimal cost. Three other sites were therefore put forward, namely East London, Port Alfred and Mossel Bay, although the latter location was soon discarded because of an outbreak of plague and Uitenhage became its substitute. In May 1902 a camp was also established at Kubusie, near Stutterheim. [80]

The site chosen for the camp at East London was on the commonage to the east of the Buffalo River, on a hill bounded by the Buffalo and Amalinda Rivers, as well as Second Creek. [81] Although it had been suggested that the Beach Camp or even the prisoner-of-war camp might be suitable, the nature of the proposed internment made a location further from the town preferable as it was the intention to give the inmates as little appearance of confinement as possible. There would therefore be no fences to restrict

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80. Free State Archives Depot, Inventory of the Chief Superintendent of Refugee Camps, p 1.  
 CA, MOH 15. Memorandum on Proposed Sites for the Establishment of Boer Camps, 5.12.1901.  
 PP, Cd 902, 1902, p 3. High Commissioner to Governor, 14.11.1901.  
 PP, Cd 902, 1902, p 3. Governor to High Commissioner, 17.11.1901.  
 PP, Cd 902, 1902, p 131. Lord Milner to Mr Chamberlain, 8.1.1902.  
 PP, Cd 934, 1902, p 9. Governor to High Commissioner, 11.12.1902.  
Uitenhage Times, 11.1.1902.

(For the regulations governing the East London "Burgher Refugee Camp", see p 247.)

81. For map of proposed site, see CA, MOH 15. Acting District Surgeon to Medical Officer of Health for the Colony, 13.12.1901. (Enclosure).

# Burgher Refugee Camp, EAST LONDON.

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**The following acts, matters and things are prohibited:--**

*a.* The depositing or throwing of slops, filthy water, urine, excreta, or refuse of any kind on the ground, or within the precincts of the Camp or in any other but the places set aside and indicated for this purpose by the Superintendent of the Camp or his subordinate.

*b.* The relieving of nature in any other place or places than those specially set apart and indicated for that purpose, or defiling such places in any manner.

*c.* The wilful destruction of any tents, utensils, bedding, clothing, fencing, gardens, plantations, or other property belonging to His Majesty's Government, intended for the use of the inmates of the Camp, or the wilful destruction of any property of whatsoever kind belonging to or in the lawful possession of any of the inmates of the Camp.

*d.* Trespassing in the Hospitals, Wards, or any other place or places intended for the sole use of the Superintendent or other officials of the Camp.

*e.* The washing of clothes, soiled linen, cutlery or cooking utensils in any other place or places than those set apart and indicated for that purpose by the Superintendent or his subordinates.

*f.* The giving of medicines, liquids or solids, or any kind of food to any patient or patients in the Hospitals or Camp, and which patient or patients are under the charge and

care of the Medical Officer of the Camp, without the previous permission of the Medical Officer having been obtained.

*g.* Neglecting to properly ventilate and cleanse the cubicles at such stated times as the Superintendent or his nominee may appoint.

*h.* Neglecting to air the clothes and bedding when directed to do so as in "G".

*i.* Any person or persons owning poultry permitting same to roam outside of the places provided therefor.

*j.* Any person or persons owning any dog or dogs permitting same to roam at large after the hour of 6 p.m.

*k.* Neglecting to put lights out at specified hours.

*l.* Using coal, charcoal, wood, or oil fires and stoves of any kind, and also the use of any form of lamp or candle for lighting purposes in the cubicles.

*m.* Being outside the Beacons surrounding the Camp without a pass from the Superintendent.

*n.* Neglecting to perform any duty when directed by the Superintendent or his nominee.

*o.* Communicating with the Commandant or any other military or civil official or officials either verbally or in writing except through the Superintendent.

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**I hereby declare non-compliance with any of the above Regulations for the Burgher Refugee Camp to be, at least, neglect to the prejudice of good order, vide Martial Law Regulation for East London District, No. 26 (2).**

**H. H. SMYTHIE,**  
Lieut.-Colonel, Commandant, East London,  
Administrator of Martial Law.

29th April, 1902.

[Source: FA, SRC 24, RC8551.]

their movement which meant that they would be allowed to visit the town at times, but on the other hand the authorities had no desire to encourage the problems which close proximity to the town would instigate. [82]

Local contractors were employed to construct 54 huts, each a wooden frame with walls and roof of corrugated iron and set on stilts to keep it raised off the ground. [83] The huts were then divided into nine rooms capable of housing about 50 occupants per hut, so that the camp could contain a population of over 2 000. There would also be a school, hospital, morgue, superintendent and matron's quarters, a workshop, store and dispensary, and the four streets were to be broad enough to allow room for recreation. [84]

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82. FA, SRC 138. Lewis Mansergh to Chief Superintendent, 18.7.1902.  
See also FA, SRC 138. Town Clerk to Civil Commissioner, 9.1.1902.

83. See photo, p 237.

84. CA, 3/ELN 1/1/1/13, pp 142, 152. Minutes, 8.1.1902, 15.1.1902.  
FA, SRC 138. Lewis Mansergh to Chief Superintendent, 18.7.1902.  
*Dispatch*, 16.1.1902, 7.2.1902, 12.3.1902.  
ELM, Mayor's Minute, 1901-1902, pp 8, 38.  
JP Shingler, *Women of East London*, p 19.

(See Table 19, p 249.)

TABLE 19

## LIST OF BUILDINGS IN BOER "REFUGEE" CAMP

Main Block

Dormitory Huts	28	Latrines for Males	1
Camp Kitchens	14	Bath-House (Female)	1
Superintendent's Quarters		Bath-House (Male)	1
Superintendent's Office		Carpenter's Shop	
Assistant Medical Officer's Quarters		Butcher's Shop	
Camp Stables and Carthouse		Bakery	
School Teacher's (Female) Quarters		Soup Kitchen and Hot Water Supply	
Schools	2	Laundry	
Latrines for Females	2		

West Wing

Dormitory Huts	11	Dutch Reformed Minister's Quarters	
Camp Kitchens	8	Latrines for Females	1

Hospital Block

Hospital Wards and Latrines		Hospital Kitchen	
Principal Medical Officer's Quarters		Hospital Matron's Store	
Consulting Room and Office		Morgue	
Hospital Matron's Quarters		Incinerator	
Nursing Sister's Quarters		Hospital Laundry	
Camp Matron's Quarters		Fumigation Chamber	
Hospital Probationers' Quarters		Isolation Camp, with Kitchen and Latrines	
Camp Dispensary			
Camp Store			
Camp Store Staff Quarters			

[Source: FA, SRC 138. Lewis Mansergh to Chief Superintendent, 18.7.1902.]

The inmates began to arrive in cattle trucks towards the end of March 1902 and remained at East London until August. <sup>[85]</sup> When the population reached its peak in June, there were 2 088 on the register, most of whom were women and children but a sizeable minority of men also added to the population. <sup>[86]</sup> In keeping with the concept of avoiding any appearance of them being prisoners of war, they were allowed a degree of freedom. There were therefore no sentries, the camp corporals were elected and, once outside the perimeters of the camp, the inmates became subject solely to the laws of the land. Facilities were also provided for them to visit the town and make private purchases, although permits were needed before they were allowed beyond the boundaries of their reserve. That privilege was granted

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85. The Boer "refugees" all came from the Orange Free State, mostly from Heilbron, Vredefort and Winburg. The main population arrived in five trainloads, riding in cattle trucks, some with tents for protection and others covered merely with tarpaulin. The former group were described as being "more contented and less sullen". All were provided with hot water and cocoa on route.  
(FA, SRC 26, RC 9292. Dr Tonkin to Chief Superintendent, Orange River Colony, 16.7.1902.  
FA, SRC 138. Station Master, Queenstown, to Lewis Mansergh, 17.4.1902.)

86. FA, SRC 134. Orange River Colony Refugee Camps, 1.2.1902 to 31.8.1902.  
PP, Cd 1161 of 1902, p 4. Return of Strength in Orange River Colony Camps, 30.4.1902.  
PP, Cd 1163 of 1902, p 151. Deputy Administrator, Orange River Colony, to Administrator, 27.5.1902.

(See Table 20, p 251.)

TABLE 20

REGISTER OF POPULATION: BOER "REFUGEE" CAMP, EAST LONDON  
MARCH TO AUGUST 1902

Date	Men	Women	Children	Total
23-31 March	not given	not given	not given	1 850
1-7 April	342	758	763	1 863
7-14 April	342	758	765	1 865
14-22 April	342	757	765	1 864
23-30 April	353	801	793	1 947
1-7 May	353	801	793	1 947
7-14 May	366	834	822	2 022
15-22 May	365	835	823	2 023
23-31 May	365	835	824	2 024
1-7 June	365	836	824	2 025
8-14 June	373	835	823	2 031
15-22 June	430	835	823	2 088
23-30 June	415	788	792	1 995
1-7 July	394	772	776	1 942
8-14 July	401	773	776	1 950
15-22 July	370	715	718	1 803
23-31 July	280	553	560	1 393
1-7 August	194	385	548	1 019
8-14 August	64	156	247	413
15-22 August	12	5	8	25
23-31 August		CAMP CLOSED		

For a full list of inmates at the East London Boer War Camp, see FA, SRC 79.

[Source: FA, SRC 134. Statistics: Orange River Colony Refugee Camps.]

on a rotation basis. [87] Conditions were considerably healthier and more comfortable than those under which the Uitlander refugees had existed, and sickness and death were minimal. Furthermore, the freedom enabled some of the inmates to marry and the authorities made it clear that the mixed accommodation did not lead to immorality, and all babies were born to women "in wedlock". [88]

The population of the camp began to drop marginally in June and rapidly from late July as Boer prisoners were repatriated and their families were sent home. As numbers dwindled, it was decided to close the camp and to transfer those who remained to the Kubusie camp. [89] The site was eventually vacated by the end of August, at which time the Government of the Orange River Colony disposed of the buildings. The East London Council bought 21 of the huts, with half the cost being paid for by the Colonial Government, and turned them into a location for Asiatics who began to arrive

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87. FA, SRC 138. Lewis Mansergh to Chief Superintendent, 18.7.1902.  
Uitenhage Times, 11.1.1902.

88. FA, SRC 121 and 122. Admissions to Hospital.  
FA, SRC 111. Register of Graves, East London.  
FA, SRC 108. Births, Deaths and Marriages, pp 2-3, 30, 50-56.  
FA, SRC 25, RC 8745. Report by Medical Officer of Health on East London Refugee Camp, 1.6.1902.  
JP Shingler, Women of East London, pp 21-23.

(See Table 21, p 253.)

89. FA, SRC 9292. Dr Tonkin to Chief Superintendent, 16.7.1902, 27.7.1902.  
CA, CGR 2/1/2/12. Telegram: Eastern to Traffic, 7.8.1902.  
CA, CGR 2/1/2/12. Telegram: Traffic to Eastern, 15.8.1902.  
CA, CGR 2/1/2/12. Telegram: Financial to Eastern, 23.6.1902.

TABLE 21

SICKNESS, BIRTHS, MARRIAGES, DEATHS AT THE BOER WAR CAMP  
MARCH TO AUGUST 1902

1. <u>Hospitalisation</u>	94
Men	12
Women	22
Children	60
Enteric	12
Influenza	4
Tonsillitis	4
Dysentery/Diarrhoea	8
Diphtheria	5
Scurvy	8
Bronchitis/Bronchial Catarrh	16
Pneumonia	3
Tuberculosis	2
Senility	1
Scarlet Fever	1
Heart Ailment	2
Jaundice	1
Other	21
2. <u>Births</u> (all in wedlock)	13
3. <u>Marriages</u>	7
4. <u>Deaths</u>	10
Men	-
Women	4
Children	6
Burial at Refugee Cemetery	6
Burial at East London	3

[Source: FA, SRC 121, 122. Admissions to Hospital.  
FA, SRC 111. Register of Graves, East London.  
FA, SRC 108, pp 2-3, 30, 50-60. Births, Deaths & Marriages.]

at East London in large numbers in 1902.<sup>[90]</sup> The Camp was eventually pulled down in 1934.<sup>[91]</sup>

The Boer War episode was one of the saddest incidents in the life of the town but the townspeople generally responded well. Conditions were particularly harsh, especially for the refugees, but there is no doubt that it would have been far worse had the local people not rallied to their support and continually supplemented the official aid. It is also clear that, without relief via the Mansion House Fund, the Uitlander population both at East London and at other centres would have been devastated. At the same time, many of the East London merchants made their fortunes during that period, so that the immediate post-Boer War years saw the erection of houses which set unprecedented standards of architecture and size.<sup>[92]</sup> While the Uitlanders and Boers suffered, therefore, many East London residents accrued great wealth.

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90. See Chapter 11, pp 424-427.

91. ELM, Mayor's Minute, 1902-1903, p. 19.  
Dispatch, 17.8.1934.

92. This point will be discussed in greater detail in the following chapter. (See Chapter 8, p 292.)

**CHAPTER 8**

**FROM BOER WAR TO WORLD WAR  
1899 - 1914**

The councillors were aware that hardships possibly lay ahead when the Boer War erupted and Mayors periodically reminded them of that fact but little heed was taken of the warnings. Despite the hard times which descended on the town during the war and in the decade which followed, the Council continued to spend money as though it was available in abundance until, by 1910, the municipality had run up a debt of £382 882. [1]

As early as March 1900, during the first minute delivered after the outbreak of the war, Acting-Mayor Lambart pointed out the tough times which faced the municipality and called for stringent control over finances. Ordinary revenue, he said, would cover ordinary expenditure only if a careful watch was kept on the financial vote but it would be a "difficult" year with regard to extraordinary expenditure because the Council had already undertaken a number of major public works, including the electricity supply and tramways. Neither of these had been fully covered by the previous loans and therefore funds still had to be found.

The Council's financial position at the beginning of 1900 was not healthy. Public works had resulted in a bank overdraft of £8 000 and a debt of £12 000 for the electricity scheme would become payable in April that year. Previous outstanding loans amounted to a further £108 007 4s. 7d., [2]

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1. ELM, Mayor's Minute, 1909-1910, p 26.

2. In March 1900 the municipality had the following outstanding loans:

1. Amalinda Water Works (1882)	£13 507 4s. 9d.
2. Debenture No 1 (1892)	£19 500 0s. 0d.
3. Debenture No 2 (1895)	£75 000 0s. 0d.

the repayments of which would cost the municipality £6 519 10s. Od. per annum, and the latter sum did not include Debenture No. 2, of which the first installment of £3 000 became due only in 1905. The councillors in general were nevertheless unperturbed by the municipality's indebtedness because they were able to argue that the assets held against the loans represented five or six times the outstanding amounts, [3] a logical conclusion but irrelevant unless the public works were actually producing an increased income on the same scale, which they were not.

The Council ignored Lambart's appeal for financial restraint, which he repeated in his minute of 1901 and 1902, [4] and pressed ahead with public works. It is true that nothing was done by way of road building during 1900 where the only construction was Signal Street in the Quigney which was paid for by the Railway Department in exchange for closing Caxton Street once the Fleet Street bridge had been completed. [5] Nevertheless, the cost of the electrical installations, the construction of the tramway down St George's Road, the acquisition of a refuse "destructor" and an urgent but fruitless search for an alternative water supply during a crippling drought saw the

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3. ELM, Mayor's Minute, 1899-1900, pp 7, 27.

4. ELM, Mayor's Minute, 1900-1901, pp 10-11.  
ELM, Mayor's Minute, 1901-1902, p 10.

5. ELM, Mayor's Minute, 1899-1900, p 16.  
ELM, Mayor's Minute, 1900-1901, p 41.

Originally Caxton Street had extended from Railway Street through to the Quigney, with a footbridge over the Quigney River, and was the main access route to that suburb. Once the Fleet Street bridge was opened at the end of 1899 (also built by the Railways Department), Caxton Street was closed and the Railways undertook to extend Signal Street to join Cemetery Road.

bank overdraft rise to more than £30 000 by February 1901. The financial position was further aggravated, as has been indicated in the previous chapter, by the Council's attempt to provide employment for the Uitlander refugees through the replacement of Black labourers on an increased wage scale.

Despite the troubled times and the danger which that held for property prices, the Council undertook two land sales in Belgravia and the Beach area which netted £17 200, the proceeds of which were earmarked for "general developments" but which brought no noticeable advance to East London's material or financial position.<sup>[6]</sup> Indeed, the fact that none of the proceeds was devoted to street construction brought the Council into conflict with the Governor who insisted that permission for another land-sale would be given only if the money was spent on roads.<sup>[7]</sup> Further sales were thereupon held in 1901 and 1902 which netted a total of £66 832 19s. 8d.<sup>[8]</sup>

In keeping with the Governor's instructions, public works during 1901 were generally confined to the construction of roads and the emergency search for water. The new streets were in the Quigney, which was then

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6. ELM, Mayor's Minute, 1900-1901, pp 10-11, 15, 17, 41.

7. ELM, Mayor's Minute, 1900-1901, p 17.

8. ELM, Mayor's Minute, 1901-1902, p 11, 21.  
ELM, Mayor's Minute, 1902-1903, pp 15, 40.

The sale of 1901 was of land to the south of St Peter's Road and brought in £33 184 10s. 2d. The 1902 sale was mainly of land between the Beach Camp and Fitzpatrick Road and realised £34 662 9s. 6d.

expanding rapidly, and Belgravia which was due to become the elite area of East London. <sup>[9]</sup> Only a third of the money set aside for streets, however, was spent on construction. The rest went on maintenance. <sup>[10]</sup> That in turn pointed to a problem which the Council seemed to find difficult to face, namely that East London was growing out of proportion to its revenue. The town was spread out extensively and the mere upkeep of existing works was beginning to consume vast amounts of money.

Expenditure on public works belied the difficult times. The Town Engineer, in his annual report, pointed out that more new streets were constructed and old ones re-metalled during 1902 than in any previous year. <sup>[11]</sup> So great was the volume of construction that the municipal plant could no longer cope and the Engineer was forced to resort to what he termed "third-class street-making". The Quigney, he reported, consisted of a great deal of drift sand and it was necessary to provide some form of hard surface for the traffic. Many of the streets had therefore not been given their final layer of "machine stone" and yet the crusher had had to work two hours overtime during the summer months to handle the demand which in turn led to a shortage of carts to carry the stones to their destination. There had been no more than 35 carts daily and the municipality owned only one stone

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9. See map, p 269.

10. ELM, Mayor's Minute, 1901-1902, pp 13, 25, 38-39.

A sum of £4 444 9s. 11d. was spent on street construction as opposed to £10 529 12s. 11d. for street maintenance.

(See Table 22, p 260.)

11. See Table 22, p 260.

TABLE 22

## STREET CONSTRUCTION, 1901 - 1902

## 1. 1901

- BELGRAVIA: St George's Road and part of St Michael's Road.
- QUIGNEY: Parts of Fleet, Moore, Tennyson and Longfellow Streets, and Tutton Terrace.

## 2. 1902

- ARCADIA: Part of Recreation Road.
- CENTRAL: Part of Buffalo Street.
- NORTH END: Oak, Chapel and Cassel's Lanes.
- QUIGNEY: Parts of Fleet, Caxton, Tennyson, Longfellow, Rhodes, Moore and Currie Streets, "Night Soil Pits" and Quigney Roads, as well as that portion of the Esplanade beyond Limekiln Kloof.
- SOUTHERNWOOD: King Street.

In addition to the above, Oxford Street was re-metalled in its entirety and so were parts of Fleet and Terminus Streets, as well as Milner Road.

[Source: ELM, Mayor's Minutes, 1900-1902.]

crusher and a single steam roller. If the amount of work were to be continued, the Town Engineer concluded, then the town needed at least 150 carts, three stone crushers and four or five steam rollers. [12]

Much of the finance for the work came from land-sales and some resulted from a rationalization of rate collection. There had always been an anomaly in the question of rates. The Municipal Act did not allow the Council to levy amounts in excess of 3d. in the pound without the consent of the ratepayers. The rate in March 1900 stood at its limit but the valuation of property had been done on a three-quarter basis with the result that the ratepayers were paying an effective  $2\frac{1}{2}$  d. If, on the other hand, a full valuation were to be introduced, Mayor Lambart argued, a further £3 000 could be collected. [13] During the course of 1900 the Council accepted the suggestion and raised the property valuation to its maximum, which resulted in an increased revenue of £7 200, more than expected but still not nearly enough to pay for the public works. The Council had therefore to borrow again and, by February 1903, had increased its overdraft to £41 947 14s. 3d. [14]

Another means of balancing the books was an implicit decision not to repay the existing loans. The argument was that interest amounted to only  $4\frac{1}{2}$  percent whereas a bank overdraft cost  $5\frac{1}{2}$  percent. It was therefore

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12. ELM, Mayor's Minute, 1902-1903, pp 50-51.

13. ELM, Mayor's Minute, 1899-1900, p 7.

14. ELM, Mayor's Minute, 1900-1901, pp 10-11.  
ELM, Mayor's Minute, 1902-1903, p 42.

cheaper to withhold capital repayments while paying only the interest than to borrow larger sums by way of an overdraft. Initially that system was used merely to delay payments for a year, with every intention of catching up on the backlog when finances improved, but it soon became the accepted municipal practice so that from 1900 to 1908 no instalments were paid on the debenture loans until the lenders grew suspicious of the municipality's financial state and demanded their money. It had then to be taken from funds which had been raised by floating yet another loan. [15]

By 1900 the Council was already aware that the state of municipal finances was getting out of hand. The construction of the electrical system and the tramways had put the Council deeply into the red and the only way out, without borrowing more money, was to call a halt to all further public spending for a number of years. The Council was not prepared to do that and in 1900 initiated discussion for what Mayor Lambart termed a "Consolidation Loan" of £150 000 which would allow the Council to pay off all its existing debts and provide a sum of £13 000 for further public works. If the money was borrowed at 4 percent interest, Lambart argued, it would cost the town £8 000 per annum in repayment of both interest and capital but he believed that nothing could be done as long as the Boer War raged because the

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15. ELM, Mayor's Minute, 1900-1901, pp 10-11.  
 ELM, Mayor's Minute, 1901-1902, pp 10-11.  
 ELM, Mayor's Minute, 1902-1903, pp 13-14.  
 ELM, Mayor's Minute, 1904-1905, p 11.  
 ELM, Mayor's Minute, 1907-1908, pp 8-9.

unsettled state of the country made it "worse than useless" to attempt to float "anything like an adequate loan" on the English market. [16]

Conditions for floating a loan began to brighten towards the end of 1902. By that stage the idea of a consolidation loan was generally accepted but before it was put to the public, the new Mayor, William Medefindt, [17] suggested a fresh and full valuation of all rateable property which would double the current assessment. Medefindt argued that the valuation as it stood was ridiculously low in many cases and, as proof, he quoted several instances where property at East London had been sold at more than double the rated value. [18] An increased valuation, Medefindt hastened to add, would be compensated for by reducing the rate to  $1\frac{1}{2}$  d. in the pound. and so would not cost the ratepayers any more. It would be idle, he argued, to expect intending lenders in Europe to believe that the valuation as it appeared on the Assessment Roll was not the actual one. Moreover, the high rate of 3d. in the pound would be considered a "decidedly

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16. ELM, Mayor's Minute, 1900-1901, pp 11-12.  
ELM, Mayor's Minute, 1901-1902, p 11.

17. WILHELM MEDEFINDT: Medefindt, a butcher, was elected to the Council in February 1888 to represent Ward 3 and gave almost unbroken service until 1916. He became Mayor in November 1902 and served two full terms in 1903 and 1904. He was elected Deputy Mayor in 1902 and again from 1905 to 1907.  
(For further information, see Appendix 2.1, p 34.)

18. According to Mayor Medefindt two lots in Oxford Street were rated at about £5 000 each and yet £15 000 had been offered for them and the amount refused. The owner of another lot in the same street had turned down an offer of £8 000 for his property which was rated at only £2 250. Two erven near the Market Square had been rated at £9 000 each and yet, when the buildings were destroyed by fire the previous year, a sum of £17 500 had been offered for the sites alone.

bad feature" as it was the highest rate allowed. If the value of the municipal properties could be set at almost double the existing one and the rate dropped to 1½ d., then more money and at a lower rate of interest would be subscribed by the lenders. [19]

The necessary organisation for floating the consolidated loan took place during 1903 and a sub-committee came to the conclusion that a sum of £600 000 should be raised. Although that was far higher than the original suggestion, it would offer ample funds to provide the town with a new water supply, expand the electrical and tramway services, continue the street construction and provide a generous amount for "contingencies". [20]

The recommendations were accepted at a special meeting of the Council in June 1903. It was then decided that, in view of the great importance of the loan, the Executive Committees of the Chamber of Commerce and of the Ratepayers Association should also be invited to give their view before calling a public meeting for ratification. A joint conference was thereupon held in July where it was pointed out that the source of a future water supply was not yet known nor were the probable costs. It was decided,

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19. ELM, Mayor's Minute, 1902-1903, pp 13-14.

20. CA, 3/ELN 1/1/14, p 205. Minutes, 23.6.1903.  
ELM, Mayor's Minute, 1903-1904, p 23.

The proposed loan was to be apportioned as follows:

Loans to be Liquidated	£156 190
Reserve for Water Supply	£300 000
Reserve for Tramway and Electric Expansion	£50 000
Reserve for Road Construction	£75 000
Balance for Contingencies	£27 810

therefore, that the loan should be increased to £750 000 in case the construction of the water scheme exceeded the £300 000 estimated. [21]

The proposal was placed before a public meeting in August but met with understandable opposition. The ratepayers were clearly dissatisfied with the Council's spendthrift ways and could not accept the idea of incorporating into the loan a sum of £450 000 for a water scheme when neither the source of the water nor the costs had been settled. [22] The decision upset the Council. It was a "most unfortunate, and exceedingly regrettable" action, Mayor Medefindt proclaimed, and was not in the best interests of the town. If the proposals had been adopted, he said, a large saving would have been effected by the repayment of all existing loans which were at a higher rate of interest than the proposed loan. It would also have been possible to undertake various extensions to the tramway system from which increased revenue would have accrued. Furthermore, the proposed public works were merely to keep pace with the times and make East London "an attractive residential resort" and maintain its position "as one of the leading towns of the Colony".

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21. CA, 3/ELN 1/1/1/14, pp. 222, 232-233. Minutes of a Joint Committee of the Municipal Council, the Executive Committee of the East London Chamber of Commerce and the Executive Committee of the East London Ratepayers Association, 10.7.1903, 20.7.1903. (See also Dispatch, 11.7.1903.)

22. CA, 3/ELN 1/1/1/14, pp 265-266. Public Meeting, 12.8.1903. See also Dispatch, 13.8.1903.

There was at the time a great deal of conflict among the ratepayers concerning the whole water question. (See Chapter 12, pp 456-464.)

All those works would now have to remain in abeyance, Medefindt concluded, because no further capital expenditure could be incurred beyond that already authorised until a loan had been floated. It was absolutely impossible, he said, to continue the past policy of expending large sums annually upon permanent works and endeavouring to pay for them out of ordinary revenue. It therefore thrust the responsibility of bearing the entire cost of public works and improvements on the present ratepayers and allowed future generations to reap the benefits without contributing towards the cost. [23]

The prospect of the town sinking into the Dark Ages did not materialise. By October 1904 the Council managed to persuade the ratepayers to authorise a more conservative loan of £350 000 from the Standard Bank at an interest of 4 percent per annum. [24] Indeed, the editor of the Dispatch argued that the loan was forced on them. With the public refusal of the earlier loan, he wrote, the Council had no option but to turn to the bank for another overdraft which, it was estimated, would stand at £117 000 by

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23. ELM, Mayor's Minute, 1903-1904, pp 22-25.

24. ELM, Mayor's Minute, 1904-1905, pp 9-11.  
Dispatch, 11.10.1904. Corporation Notice, No 80 of 1904.

The loan was to be apportioned as follows:

Repayment of Overdraft	£117 000
Tramway Extensions	£4 575
Electric Extensions	£3 000
Sanitation	£7 525
Street and Footpath Construction	£72 200
Fire Brigade Station	£10 000
Beach Development	£20 000
Water Extensions	£54 500
Other	£61 400

February 1905. The bank, however, refused to carry on increasing the overdraft facility unless the municipality raised a distinct loan and even went so far as to demand a date from the Council. The loan was necessary for another reason, the editor continued. The "present state of things" just could not go on as properties were "being erected everywhere" and yet the streets remained unpaved and the houses were without water or electricity. "Everyone is agreed," he wrote,

"that something must be done, and now that the business is under way the man who lifts a finger to oppose the loan is no friend of East London." [25]

On that occasion the Council decided it would circumvent opposition by not putting the issue before a public meeting, arguing that Section 43 of the Act of 1880 granted such permission but a group of opposing ratepayers hastily drew up a memorial which forced the Mayor into calling the meeting. Attendance was pathetically low, however, and the Council was able to have the loan passed by a two-thirds majority. [26]

The question of repayment was also carefully considered. The Council had always been deeply concerned lest the contemporary ratepayers contributed to all improvements and left future generations to enjoy the fruits thereof. Previous loans had therefore allowed for repayment over a period of between 25 and 30 years. The "New Loan" of 1904, on the other

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25. Dispatch, 10.10.1904.

26. Dispatch, 9.11.1904. Public Meeting, 8.11.1904.

<u>RESULT OF VOTING:</u>	For the Loan:	63
	Against the Loan:	32

hand, was set to mature only in 1954 which meant that a whole generation of future ratepayers would still be settling accounts for such things as the construction of roads and the procurement of trams long after the system had either been completely renovated or abandoned altogether. Roads do not have a 50 year life-span and the entire tramway project was scrapped in October 1935, 19 years before the loan was due to be settled. [27]

The money arrived in the nick of time and possibly saved the municipality from financial disaster. Throughout 1903 the Council had continued with its policy of heavy capital expenditure. During that financial year a total of £80 350 17s. 7d. was spent on public works alone which brought the bank overdraft to £64 955 15s. 11d. and by March 1904 it had further risen to £77 249 3s. 3d. Each year began with the retiring Mayor urging the Council to keep a careful watch on expenditure and undertake no unbudgeted works but each time the Council chose to ignore the advice and continued on its spending spree. [28]

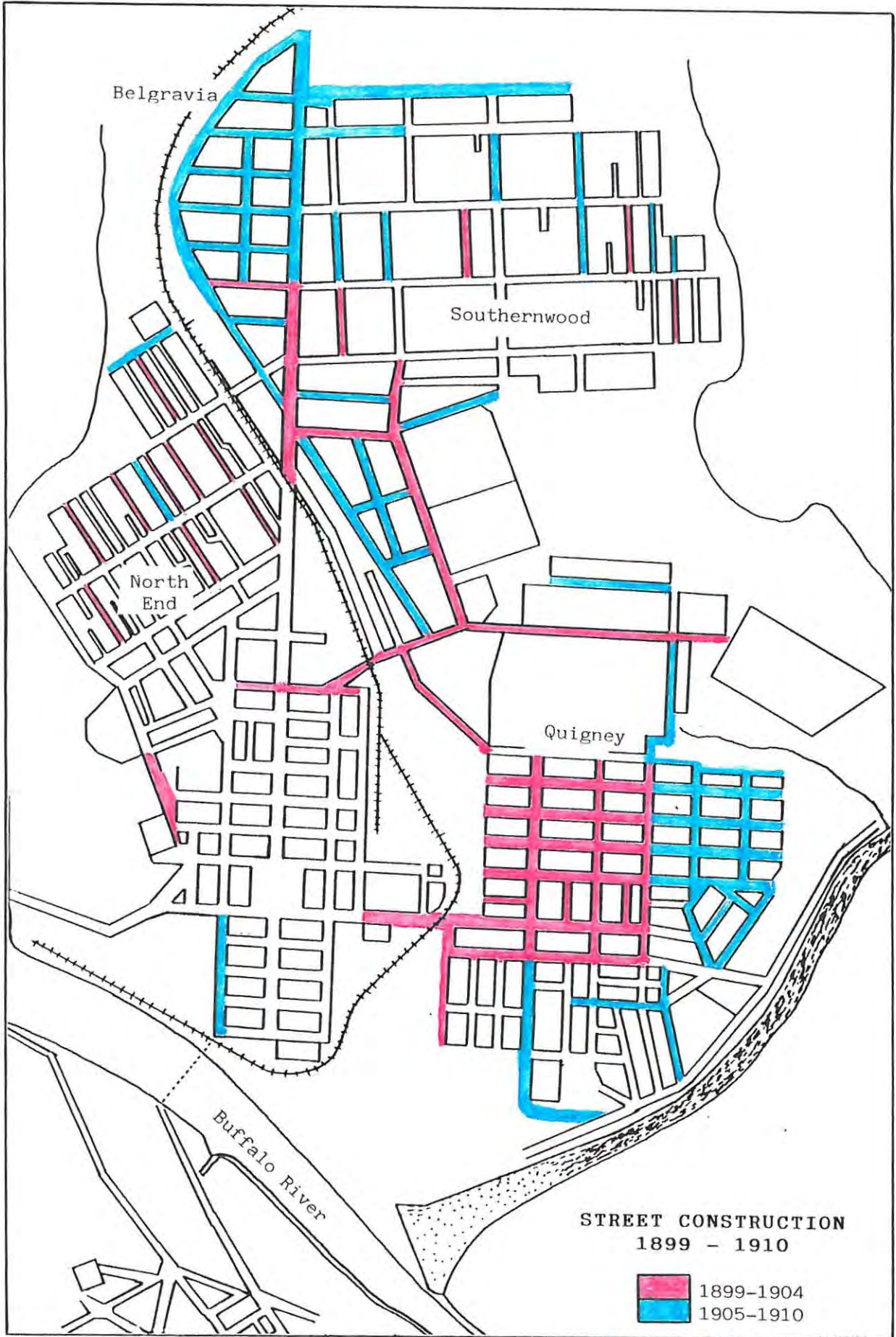
The consolidated loan, which became available during 1905, immediately eased the Council's economic situation. £80 000 was transferred at once to the General Account which at last showed a small credit. The Council in turn was able to reward the ratepayers with consecutive

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27. See Dispatch, 28.9.1935.

28. ELM, Mayor's Minute, 1903-1904, pp 20-21.  
ELM, Mayor's Minute, 1904-1905, p 11.

STREET CONSTRUCTION, 1899-1904: See map, p 269.



reductions in the annual rates. [29] Once again the Mayor pleaded with the Council for "strict economy" and to abstain from the practice which had "obtained too freely in the past" of unauthorised expenditure. At the same time the Council advertised its policy of not taking finances too seriously with a decision to ignore capital repayments on its previous loans, which had in fact been budgeted for in terms of the New Loan and which by then were already eight instalments in arrears. The only sign of maturity was a resolution to create a sinking fund for the repayment of the New Loan, or what had now become known as Loan No. 4. [30]

The decision not to catch up on the loan instalments was extremely short-sighted. Failure to use the funds of Loan No. 4 for their declared purpose caused the debenture holders to become alarmed at the municipality's financial policies and they decided to demand their overdue debentures. It was the most fortunate circumstance in the whole history of the municipality, the chairman of the Finance Committee stated in December 1910,

"that the Council had not at that time spent the whole of the loan No. 4 funds. We were able to pay off the arrears...and had the Council's creditors not pressed their claims when they did, their demands would probably have come in after all the loan money had been spent. The humiliating position we should have been in...hardly needs pointing out." [31]

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29. In March 1905 the rate was dropped to 2d. in the pound, which still netted £31 706 for the municipality; in 1906 it was further cut to  $1\frac{3}{4}$ d., while in 1907 it reached its floor at  $1\frac{1}{8}$ d., which brought in a reduced rate of £27 528.
30. ELM, Mayor's Minute, 1904-1905, p 11.  
ELM, Mayor's Minute, 1905-1906, pp 12-13.
31. CA, 3/ELN 1/1/1/20, p 530. Minutes, 7.12.1910.

It is worth viewing that Chairman's Report in depth because it revealed in considerable detail the most damning features of the Council's policy over the previous decade. As a rule the Mayor's Minute, which was meant for public consumption, painted a rosy picture of the state of municipal affairs. Apart from the annual call for stringency, the Mayors usually viewed only the positive side of East London's growth. The December 1910 report by the Chairman of the Finance Committee, on the other hand, was meant for the Council's eyes only and was, he said, a "brief resume" of the history of Loan No. 4, together "very briefly" with his own ideas as to the financial course which the Council "ought to steer in the immediate future." In reality, it was an outright condemnation of the Council's entire financial policy, or lack thereof, during the previous decade.

Before analysing the report, a few words must be given about the chairman. Councillor Carl Malcomess, son of Councillor Hermann Malcomess who had been "disgraced" for his "disloyalty" during the Boer War, was a partner in the several large and extremely prosperous firms owned by the Malcomess family at East London which ranged from general merchant's stores to shipping agents, sellers of machinery and insurance brokers. Carl Malcomess proved to be a popular councillor who was returned unopposed at almost every election between 1907 and 1914.<sup>[32]</sup> The success which characterised his family's business enterprises clearly indicated that he understood the meaning of careful economic planning. His speech to the

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32. For further information on Carl Malcomess, see Appendix 2.1, p 31.

Council in 1910 was therefore from a man who was convinced of the need for fundamental economic reform within the Council.

By December 1910, Malcomess stated, the Council had come to the end of the £350 000 loan and had barely sufficient cash in hand to complete the last of the works authorised from the loan funds. The councillors were therefore again in the position of "being thrown upon the resources of ordinary revenue" to carry on the works of the municipality. The year 1904, he said, when the loan had been floated, marked the end of the boom created by the Boer War and the beginning of "the worst and longest period of financial stringency" that East London had yet experienced. [33] Before the loan had been floated, the Council had "drifted along" with such a casual and haphazard system of finance "that it could hardly be called a system at all" but consisted of "raising money wherever it could be got...and light-heartedly voting it away without a thought for the morrow", while making no provision whatsoever for the repayment of the existing loans.

By 1904, Malcomess continued, the Council had acquired two debenture loans payable in annual instalments, none of which had in fact been paid. The arrears then stood at £24 000. During the same period, the municipality had sold land to the value of £180 000 and had spent all the money without devoting a penny towards the redemption of its liabilities. In addition, the Council had managed to acquire another liability of over £75 000 by way of a bank overdraft. The money, he said, had not been frittered on

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33. POST-BOER WAR DEPRESSION: See below, pp 291-297.

"extravagant administration", for the Council had never been "a great sinner in that respect", but on extraordinary expenditure in public works. The money was voted "right and left" without a thought as to where it was coming from or how it was to be repaid. Furthermore, it was spent largely on public works which were unproductive and which could have been done without.

Everything was then "on the upgrade", Malcomess explained. Revenue was increasing, property was rising in value, rates came in without difficulty and it seemed to point to a period of expansion and prosperity. There appeared at the time to be no need for caution and it was understood "in a vague general way" that all the Council had to do when it "felt inclined" was to call for a huge loan to pay off its debts and would get it on its own terms "and go ahead faster than ever" [34]

Loan No. 4 brought with it an annual charge of £16 000 for interest and the sinking fund. That amount, Malcomess said, was not felt at first because the balance on the loan was kept on fixed deposit and so earned a large portion of the interest. Had the rest of the loan been spent on "reproductive works", the interest would not have been felt at all. As it was, however, the money was spent on works which brought no return, with the result that rates had to be increased to find the interest. During the

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34. See photo, p 274.



**EAST LONDON "ON THE UPGRADE":** Oxford Street reveals the effects of prosperous times, with a well-constructed road, electric lighting, a tramway, town hall (whose clock-tower is visible) and superior architecture. [Source: East London Museum.]



**THE TRAMWAYS:** The construction of the tramways created a romantic era in East London's history although, had the municipality realised how expensive the system was to prove, it is questionable whether the Council would have gone ahead with the project. [Source: East London Museum.]

years subsequent to the floating of Loan No. 4, the Council had not "thought it necessary" to take a "serious view" of its financial responsibilities. It seemed, Malcomess argued,

"that almost any kind of proposal for the spending of money had only to be laid before the Council to be agreed to. 'Charge it to loan' has been the invariable cry...We have indulged in luxuries, which have been of practically no benefit to the ratepayers. The prevalent idea that money must be borrowed for everything has been, and still is, the bane and curse of our Municipal life." [35]

Malcomess was not alone in believing that the Council was overspending. A public meeting in September 1907, at the height of the depression, resolved that it viewed the "lavish expenditure" of the Town Council "with concern" and called on it to discontinue all further outlay on new works "of any kind" until the ratepayers had had the opportunity to satisfy themselves that the expenditure was warranted. The meeting also demanded that the Council provide a specially elected committee with the "fullest information" concerning the town's finances. [36]

Despite the fact that the public meeting was by no means insignificant, attended by over 600 ratepayers, the Council nevertheless chose to repudiate the request and accepted to supply information only. The meeting had, in fact, placed the councillors in an untenable position

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35. CA, 3/ELN 1/1/1/20, pp 530-532. Minutes, 7.12.1910.  
See also Dispatch, 9.12.1910.

36. CA, 3/ELN 1/1/1/17, p 403. Minutes, 2.10.1907.  
CA, 3/ELN 31. Public Meeting, 28.9.1907.  
See also Dispatch, 16.10.1908. Town Treasurer's Report, 8.9.1908 and the editorial in Dispatch, 17.10.1908.

because, as Malcomess argued, if they were to accept the resolution, it would have to be seen as a vote of no-confidence in them. He suggested therefore that the public meeting be viewed as nothing more than an advisory group but even then he believed the recommendations be ignored because, he said, he would rather resign than be subject to a "wet nurse". A public meeting held later that month, which again demanded thrift from the Council, was likewise not seen as a vote of no-confidence on the grounds that the councillors sponsored the same goals and were therefore not actually being criticized at all. [37]

Street construction had again consumed a great deal of the municipal funds. In 1903 that work equalled the previous year's record but eased slightly in 1904 as the Council found itself in financial difficulty prior to floating the new loan and was able to devote a mere £3 660 to construction. Once the loan made new funds available, the work of street-building again pressed ahead and a sum of £19 611 was spent in 1905 and a further £19 862 in 1906. [38]

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37. CA, 3/ELN 31. Minutes, 16.10.1907.  
Dispatch, 3.10.1907, 31.10.1907. Minutes, 2.10.1907, 30.10.1907.  
Dispatch, 28.10.1907. Public Meeting, 26.10.1907.

38. ELM, Mayor's Minute, 1903-1904, p 74.  
 ELM, Mayor's Minute, 1904-1905, p 30.  
 ELM, Mayor's Minute, 1905-1906, pp 33, 48-49.  
 ELM, Mayor's Minute, 1906-1907, pp 33, 47.

(See Table 23, p 277.)

In 1904 the municipality used motor vehicles to transport its stone for the first time.

## TABLE 23

## STREET CONSTRUCTION, 1903 - 1906

## 1. 1903

<u>ARCADIA:</u>	Lambart and Recreation Roads.
<u>CENTRAL:</u>	North Street and parts of Beaconsfield and Cemetery Roads.
<u>NORTH END:</u>	Danes Lane, Milton Street, Short Street, Bayswater Road and Timber Lane.
<u>QUIGNEY:</u>	Chambers, Browning and Burns Streets, as well as parts of Inverleith Terrace, Currie and Caxton Streets, and Beach Road.
<u>SOUTHERNWOOD:</u>	Wynne, De Villiers and Murray Streets.

## 2. 1904

<u>NORTH END:</u>	Ward Street and part of Bayswater Road.
<u>QUIGNEY:</u>	Part of Cemetery Road.
<u>SOUTHERNWOOD:</u>	Upper Oxford Street, St George's Road (west) and part of Belgrave Road.

## 3. 1905

<u>BEACH:</u>	Parts of Currie Street and the Esplanade.
<u>BELGRAVIA:</u>	Belgrave, St Mark's, St Luke's, St Matthew's, St James', St Michael's and St Patrick's Roads.
<u>CENTRAL:</u>	Part of Buffalo Street.
<u>NORTH END:</u>	Amalinda Road.
<u>QUIGNEY:</u>	Sea View Road and parts of Tutton Terrace, Caxton Street and Fitzpatrick Road.
<u>SOUTHERNWOOD:</u>	Stanhope, Paley and Garden Streets, Nahoon View and Gordon Roads, as well as parts of Upper Oxford Street, and St Peter's and St Mark's Roads.

## 4. 1906

<u>ARCADIA:</u>	Brill, Dyer, Garcia, Muir, Mill, Paterson and Tilney Streets.
<u>BEACH:</u>	Angle, Bonanza, Brighton, Clifford, Norden, Goldschmidt and Rees Streets.
<u>BELGRAVIA:</u>	Part of Belgravia Crescent.
<u>QUIGNEY:</u>	Parts of Longfellow and Tennyson Streets.
<u>SOUTHERNWOOD:</u>	St Andrew's Road, as well as parts of Gately and King Streets.

During 1907 there was no abatement in the work and street construction took place to the value of £16 436, at a time when the town had sunk into the trough of the depression which forced the Council to start cutting salaries in order to make ends meet. [39] By 1908, however, as retrenchment became the order of the day, funds began to run out and the municipality could manage only £2 766 on street construction, a figure which dropped to £1 548 by February 1910 and £568 by February 1911, [40] at which stage funds from Loan No. 4 had run out. [41]

A major reason for the Council's financial difficulty during the first decade of the 20th century was the tramways fiasco. One of the problems was undoubtedly the fact that both electricity and tramways were new inventions which none of the councillors fully understood and they miscalculated both the costs and the problems which such services would cause.

By 1895 the Council had decided that the town was sufficiently large and prosperous to support a tramway and so trams were included in

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39. ELM, Mayor's Minute, 1907-1908, p 29.

Unfortunately, the Town Engineer gave no record of what streets were constructed that year.

40. ELM, Mayor's Minute, 1908-1909, pp 46, 64-65.  
ELM, Mayor's Minute, 1909-1910, pp 20-21, 36, 53.  
ELM, Mayor's Minute, 1910-1911, p 41.

The only street to be constructed in 1908 was the extension of the Esplanade from Limekiln Kloof to the Blind River. The rest of the money was spent on hardening some streets and the construction of drains. The same held true for the following two years.

41. STREET CONSTRUCTION, 1905-1910: See map, p 269.

the £25 000 electrical estimate when the loan of £75 000 was negotiated in May that year. [42] Because the question of the tramway was closely linked to the larger problem of electrical installation, however, procrastination on the latter issue meant that no decision could be taken on trams until August 1898 when the Council at last accepted the tender of Hubert Davies and Spain of Johannesburg to supply the cars and rails for the sum of £11 535. [43] Construction began in April 1899 and proceeded so rapidly that the trams were able to begin their trial runs early in January 1900, an event which caused "open-mouthed astonishment" among a considerable part of the population at vehicles "that moved without horses". The tramway was

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42. CA, 3/ELN 1/1/1/8, p. 154. Minutes, 10.5.1893.  
ELM, Mayor's Minute, 1893-1894, p 11.  
ELM, Mayor's Minute, 1897-1898, p 18.

The scheme was thereupon included in the Act of Parliament of 1895 instead of making application for a Special Act, as had happened with Cape Town, because East London's streets were wide enough not to require the purchase of any land.  
(See Annex, A 15-94. Report of Select Committee on the East London Municipal Bill, pp 2-15.)

43. CA, 3/ELN 1/1/1/11, pp 336, 360. Minutes, 5.8.1898, 31.8.1898.  
ELM, Mayor's Minute, 1898-1899, p 21.

There was a minor dispute both within and without the Council as to whether horses should be used to pull the trams and so save on the more expensive electrical system. The first trams in Cape Town, inaugurated under private enterprise in May 1863, had been horse-drawn vehicles. Horse-drawn trams had also been introduced into Port Elizabeth in 1879.

(See ELM, Mayor's Minute, 1897-1898, p 10.  
See also PR Coates, Track and Trackless: Omnibuses and Trams in the Western Cape, pp 82-83.)

formally opened by the Deputy Mayor, John Stacey, [44] on 25 January 1900 and ran free of charge for the first week. [45]

The initial route for the tramway was from Southernwood at the northern end of the town (with its terminus at St James Road), down Oxford Street to the Market Square, then along Fleet Street and Inverleith Terrace to the Beach. [46] The original service consisted of only three double decker cars, each capable of seating 15 persons inside and a further 18 on the open upper deck. [47] The trams began operating at 5.50 a.m. and ran at 20 minute intervals until 10.50 p.m. [48]

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44. JOHN THOMAS STACEY: Stacey represented Ward 2 in the Council between 1889 and 1900. He served as Deputy Mayor during the latter half of 1899 but resigned in January 1900 because of ill health. (For further information, see Appendix 2.1, p 40.)

45. CA, 3/ELN 1/2/1/2, p 312. General Purposes Committee, 24.1.1900. Dispatch, 12.1.1900, 25.1.1900.

(See poem A Few Tram Lines, p 281.)

46. See map, p 284.

47. Dispatch, 25.1.1900.

The trams had windows of plate glass, each with a horse-hair blind. Inside were cane reversible seats and the interior electric lights were of cut-glass. The walls of the tramcars were panelled in wood and blinds were fixed on the outside in such a way as to be used as a shield from the sun without obstructing the view, while on rainy days they could be pulled right down. On the top deck the seats were made of wood and were also reversible. The cars, complete with fittings, were shipped from England to East London in one piece.

(For a comparison with the Cape Town trams, see Coates, Track and Trackless, pp 91-94.)

48. Dispatch, 25.1.1900. Corporation Notice, No 11 of 1900.

A FEW TRAM LINES

There's a treat in store  
 For the man next door,  
     And the woman up the street;  
 And for all whose joints,  
 Are such aching points,  
     Who suffer with tender feet.

For I've read this night,  
 To my great delight,  
     A change from the news of war -  
 In a few days hence,  
 For a few odd pence,  
     You can ride in a real tram-car.

So the passer by,  
 Will soon hear the cry,  
     As loud as a drill-instructor's:  
 "Any more for a ride?"  
 "There is room inside,"  
     From the throats of the tram-car conductors.

"It's a ticket for each,  
 To the Quigney or Beach,  
     Inside or up the stairs;  
 Or Park Avenue,  
 And Southernwood too,  
     Are just the same price fares.

Such a treat in store,  
 You've not had before  
     So placed within our reach;  
 To visit a friend,  
 In the far North End,  
     At Southernwood or the Beach.

So then roll up all,  
 When they open the ball,  
     'Tis a duty we are owing;  
 To well patronise,  
 Local enterprise,  
     When they start the tram-cars going.

[Source: Dispatch, 17.1.1900.]

Even before the service was inaugurated, the councillors realised that they had miscalculated the needs of the sprawling town. Three cars were not enough to provide an efficient service and the initial timetable led to the trams travelling excessively fast and had therefore to be slowed to 25 minute intervals. [49] Furthermore, should one of the cars need repairs, it would seriously disrupt the timetable. The Council attempted to solve the difficulty by ordering three more tram-cars even before the service was inaugurated and they went into operation in mid-1900. The route up Oxford Street to St James' Road was also found to be a misjudgment and it was altered early that year to allow the trams to run along St George's Road, as far as Gordon Road to provide transport for the residents at the eastern portion of Southernwood. That deviation alone cost the municipality £2 750. [50]

The tramway service initially proved lucrative and it was presumed that it would continue to do so. As a result, the Council began to plan more routes which would open up unsold areas and would thereby not only bring further revenue by way of tram-fares but would also enhance the value of the land and result in increased prices when those plots were placed on the market. Several routes were therefore suggested during 1902 and 1903, the most appealing of which would take the line to the top of Oxford Street

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49. CA, 3/ELN 1/1/1/12, p 216. Minutes, 28.2.1900.

50. CA, 3/ELN 1/1/1/14, pp 203-204. Minutes, 17.6.1903.  
ELM, Mayor's Minute, 1899-1900, p 13.  
ELM, Mayor's Minute, 1900-1901, p 15.  
ELM, Mayor's Minute, 1902-1903, pp 20-21.

(See map, p 284.)

as far as the second railway crossing, and from there through the commonage in an easterly direction. Upper Southernwood and Belgravia were already prospering as elite residential areas and such a route held prospects of fostering revenue by means of tram fares, land sales and subsequent rates which would more than compensate for the costs of the new service. [51] Another revenue boosting route suggested was to take a junction from the corner of Currie Street and Inverleith Terrace, from where the trams would descend the as yet unformed Currie Street and run along the Esplanade as far as Limekiln Kloof. Although it was estimated that such an extension would cost £4 500, it was believed that the service would be well frequented, especially during the holiday season. [52]

Townsmen from North End also pressurised the Council to extend their service by constructing a new line to run from the Town Hall to their suburb via Porter Street. [53] The wardsmen were highly jealous that such elite areas as Southernwood were being favoured while they gained nothing, but the Council argued that the line would be a white elephant and that even the

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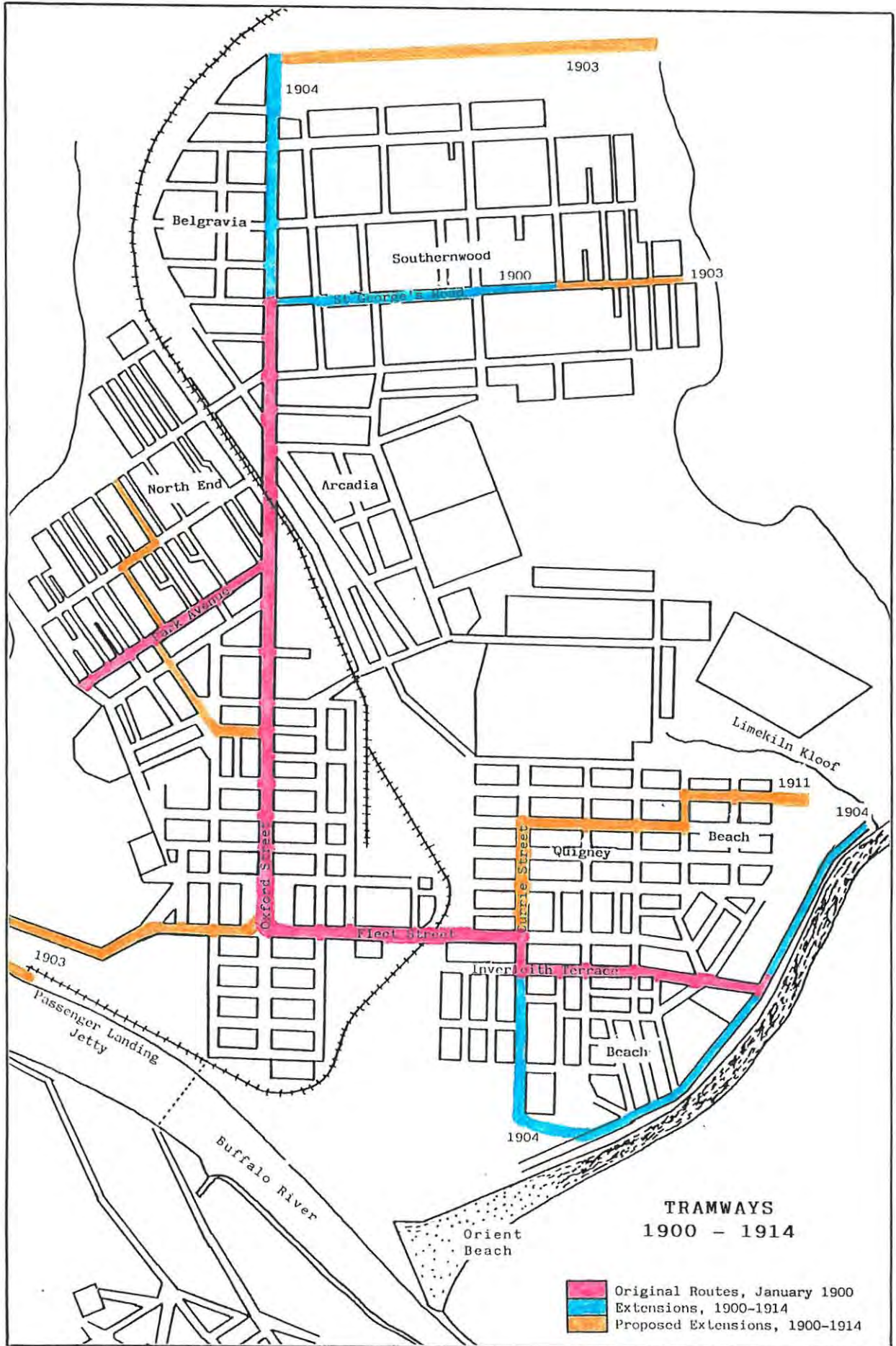
51. ELM, Mayor's Minute, 1902-1903, p 20.

52. Dispatch, 30.4.1903, 19.6.1903. Minutes, 29.4.1903, 17.6.1903.  
ELM, Mayor's Minute, 1902-1903, p 20.  
ELM, Mayor's Minute, 1903-1904, pp 28, 81.  
CA, 3/ELN 1/1/1/14, p 203. Minutes, 17.6.1903.

(See map, p 284.)

53. The route would commence at the Town Hall and would proceed down Argyle Street, then along Porter Street, Park Avenue, Park Street, St Paul's Road and would terminate in Amalinda Road.

(See map, p 284.)



existing Park Avenue extension was unprofitable. [54] The North End residents, supported by the Dispatch, argued the contrary, that their ward was valued at double that of Southernwood and contained as many townsmen as Wards 1 and 2 put together. The Park Avenue line, they said, was unprofitable simply because it served no purpose. It was quicker to walk to town, whereas a line along the route which they suggested would be well-frequented because it meandered through the most populated area. [55] The North End was completely outnumbered in Council, however, and so the Southernwood and Beach extensions alone were approved, with the former to proceed only as far as the second railway crossing. [56] When the routes were opened to traffic in December 1904, the service to the Beach proved

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54. Indeed, the branch line was discontinued for a brief period in January 1904.
55. ELM, Mayor's Minute, 1903-1904, pp 29-30, 81.  
Dispatch, 23.10.1903, 5.11.1903, 17.12.1903. Minutes, 21.10.1903, 4.11.1903, 16.12.1903.  
Dispatch, 27.11.1903. Public Meeting, 26.11.1903.  
 See also Dispatch, 28.11.1903.
56. The North End residents continued to fight to get their tramway scheme accepted but the ensuing depression put paid to their hopes. The extension of the line in an easterly direction through the commonage was built only in 1923 and became a circular drive, linking up with the existing line at Limekiln Kloof.  
 (See Dispatch, 16.1.1905, 8.4.1905.  
Dispatch, 12.1.1905. Minutes, 11.1.1905.  
 See also J Denfield, Pioneer Post, pp 104-105.)

particularly popular, with upwards of 10 000 passengers reportedly using it during that holiday period. [57]

The number of tram-cars continued to be a problem and another three were ordered in 1902 and were introduced in June 1903 to bring the fleet to nine. Immediately the municipal headache began. The cars had been constructed in the United States by the General Electric Corporation and were found to be of inferior quality when compared to the previous six which had been built in England. Furthermore, the original cars were already showing signs of wear after only four years of service and needed a total overhaul which could not be done unless an even larger fleet was purchased.

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57. CA, 3/ELN 1/1/1/14, pp 203-204. Minutes, 17.6.1903.  
 Dispatch, 5.11.1903. Minutes, 4.11.1903.  
 ELM, Mayor's Minute, 1903-1904, pp 28-30, 80-81.  
 ELM, Mayor's Minute, 1904-1905, pp 13-14, 51.  
 ELM, Mayor's Minute, 1906-1907, p 11.

A second Southernwood extension, along St George's Road as far as Kloof Road, was also passed by the Council in 1903, against concerted opposition from the North End residents, but was vetoed by the Governor on the grounds that the final descent into the kloof was too steep for trams. The veto drew the Town Engineer's attention to the old route along Inverleith Terrace to the Beach via "Beach Hill", which was in fact far steeper than the descent to Kloof Road, and he advised that the service be suspended. "Beach Hill" was a gradient of one-in-ten, the Town Engineer reported, and he knew of no similar gradient which had not experienced a serious accident in five years of working. Indeed, the Kloof Road route was 30 percent easier. Although the Council accepted the advice and temporarily closed the route, it was re-opened in 1906 after alterations had been effected to the track to increase its safety.

The Council therefore felt compelled to order six more cars from Britain to bring the total to 15. <sup>[58]</sup>

It was not just the cars that needed a thorough overhaul. By 1903 the track itself was showing signs of wear, particularly by way of dropped joints which, in turn, were damaging the trams' wheels and frames. Not only did it make the journey rather unpleasant for the passengers but it proved dangerous because the vehicles began to over-run the points and risked collisions with on-coming cars. <sup>[59]</sup> It was also discovered that the electrical system was unsafe; the wires were not properly earthed or insulated, which resulted in the electrocution of a luckless pedestrian who happened to lean against one of the poles. <sup>[60]</sup>

During 1906 and 1907 tramway revenue began to fall as a result of passenger resistance to the service. <sup>[61]</sup> The condition of the track and rolling stock was at the heart of the problem because the cars had become both uncomfortable and dangerous but it was also generally felt that

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58. ELM, Mayor's Minute, 1903-1904, pp 28-30.  
Dispatch, 22.5.1903. Minutes, 21.5.1903.

The total cost of the six British-made trams was in fact lower than the amount paid for the three American versions.

59. The entire route consisted of a single track, with loops at intervals so that trams travelling in opposite directions could pass. Dropped joints meant that the tram could easily enter the loop on the wrong track and therefore collide with its counterpart waiting there.

60. ELM, Mayor's Minute, 1903-1904, pp 28-30.  
Dispatch, 18.4.1903. Minutes, 15.4.1903.

61. See Table 24, p 288.

TABLE 24

TRAMWAY: REVENUE AND EXPENDITURE, 1900 - 1913  
(in £)

	<u>REVENUE</u>	<u>EXPENDITURE</u>	<u>PROFIT</u>	<u>LOSS</u>
1900	6 957	not given <sup>[62]</sup>		
1901	10 523	8 175	2 348	
1902	13 357	10 635	2 722	
1903	15 093	10 205	4 888	
1904	15 391	14 142	1 249	
1905	16 610	21 376		4 766
1906	16 248	25 146		8 898
1907	13 855	21 693		7 838
1908	11 598	20 889		9 291
1909	11 915	19 046		7 132
1910	13 603	21 599		7 996
1911	10 907	12 934		2 028
1912	15 499	14 574	925	
1913	17 850	15 781	2 070	

[Source: ELM, Mayor's Minutes, 1899-1914.]

62. The official financial figures for 1900-1901 give a lump sum expenditure of £23 312 18s. 10d. for electrical and tramway construction and does not break the figure into its component parts. (See ELM, Mayor's Minute 1900-1901, p 24.)

tram-fares were excessive and that it was preferable to walk. [63] The Council was presented with a dilemma. With revenue dropping, the tramways were beginning to run at a heavy loss, averaging over £8 300 in 1906 and 1907. The logical response was to streamline the service by reducing the number of cars during the off-peak periods and increasing the speed so as to promote greater efficiency. The latter option, however, was forbidden by the Governor because the track and rolling-stock were in such a bad state of repair as to be dangerous, which in turn made the first option impractical because it would have reduced the system to complete inefficiency. It was therefore impossible to reduce costs, the Town Electrical Engineer stated in 1908, until the entire track and rolling-stock had been overhauled. Indeed, even the newest cars were beginning to show signs of wear because of the bad tracks. [64]

By March 1909 the Mayor reported that the state of the track had deteriorated so much that it prohibited the cars from travelling at even a "fair rate of speed" which necessitated an excessive number of cars in constant service. That in turn kept expenditure for repairs and maintenance at "an altogether unreasonable figure". Furthermore, the overdraft on the tramway service alone had by then reached £20 185, with the trams running at

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63. In 1899 the Council set a standard fare of 3d. per trip and did not break the routes up into stages. A passenger who therefore wished to travel only from Park Avenue to the Town Hall, for instance, had still to pay the maximum fare and found it both cheaper and more convenient to walk.

(See Dispatch, 3.10.1899. Corporation Notice, No 72 of 1899.)

64. Dispatch, 23.8.1906. Town Engineer's Report, 22.8.1906. ELM, Mayor's Minute, 1907-1908, pp 11, 46. See also Dispatch, 24.8.1906.

an all-time loss of £9 291 during 1908 and by 1913 the overdraft had reached a staggering £52 535. [65]

The Council had no other choice but to re-lay virtually the entire track and work was initiated early in 1910. It was also decided not only to replace the old lines but to duplicate the track on the main routes. [66] At the same time fares were lowered to attract passengers back to the service. [67] The effect was immediate. The route again became smooth and the tramcars ran more comfortably, resulting in a 40 percent rise in the number of passengers. Revenue for 1912 therefore showed an increase for the first time in seven years but the reconstruction had cost the municipality £11 551 which made further extensions of the service impossible, even though

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65. ELM, Mayor's Minute, 1908-1909, pp 26, 31.  
 ELM, Mayor's Minute, 1909-1910, pp 31, 57.  
 ELM, Mayor's Minute, 1910-1911, p 38.  
 ELM, Mayor's Minute, 1913-1914, p 13.

66. Dispatch, 12.2.1907, 15.2.1907, 29.7.1909, 5.8.1909. Minutes, 11.2.1907, 14.2.1907, 28.7.1909, 4.8.1909.  
Dispatch, 6.7.1907. Corporation Notice, Nos 63 & 64 of 1907.  
 ELM, Mayor's Minute, 1910-1911, p 21.

The track was duplicated from the St George's Road junction to the corner of Fleet and Currie Streets. It was opened in December 1910.

67. In January 1905 the routes were broken up into four stages each and the cost was reduced to 1d. per stage. Children under the age of 12 travelled at half-price and monthly season tickets were introduced, costing 15s. each.  
 (Dispatch, 31.1 1905. Corporation Notice, No 13 of 1905.)

the Council briefly flirted with several proposals in 1911. [68] The tramways had reached a turning point, however, and in 1913 the revenue exceeded expenditure for the first time in its history. [69]

Another factor in the Council's haphazard financial arrangements was the post-Boer War economic downturn. Although the war had dislocated trade between the Cape Colony and the two republics, the effects were not immediately felt because the influx of British troops, armaments and capital had led to a mini-boom at East London. When the war was over and the troops were withdrawn, however, not only did the boom cease but the full effect of the dislocated trade began to be felt. The Colony quickly slumped into another major depression, although it is doubtful whether it was as serious as the "Great Depression" of the 1880's, despite Malcomess's statement to the contrary. [70]

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68. The following new routes were contemplated but rejected in 1911:  
SOUTHERNWOOD: From the St George's Road terminus to Stanhope Street (£800);  
HARBOUR: Down Fleet Street and Pontoon Road to the Passenger Landing Jetty (£9 667);  
QUIGNEY: From Fleet Street to Limekiln Kloof via Currie, Tennyson, Goldschmidt and Moore Streets (£9 444).

(See map, p 284.)

69. ELM, Mayor's Minute, 1910-1911, p 60.  
 ELM, Mayor's Minute, 1911-1912, pp 18, 58.  
 ELM, Mayor's Minute, 1912-1913, p 19.  
Dispatch, 14.2.1913.
70. See Chapter 3, pp 41-42.

As had happened during the previous depression, East London was slow to feel the down-turn. [71] Up until 1905 the town still showed every sign of prosperity, with land fetching high prices at public sales. [72] Indeed, some of East London's finest homes, such as that which today has become the Ann Bryant Art Gallery, were built in Belgravia and Southernwood at the start of the depression. [73] The downturn, which was first noted among the poorer sectors of the population during 1903, progressed slowly until the town found itself in the trough of the depression in 1907. Land prices then slumped so that no further municipal sales could take place prior to the Great War in 1914, and retrenchment and unemployment again became the order of the day and people began to leave the port in search of employment elsewhere.

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71. The editor of the Dispatch explained the phenomenon as being due to East London's geographical position which meant that the port did not feel "the first shock of bad times" as much as the other ports and was also the first town "to feel the pulse beat of commerce and trade returning to normal".  
(See Dispatch, 16.4.1904.)

72. REVENUE FROM LAND SALES, 1897 - 1914

1897	£20 111
1898	£20 243
1899	£28 352
1900	£17 581
1901	£33 485
1902	£34 105
1903	£3 300
1904	£24 720
1905	£18 430
1906	£655
1907-1914	Nil

(See ELM, Mayor's Minutes, 1897-1914.)

73. See photo, p 293.



POST-BOER WAR SPLENDOUR: The house which is today the Ann Bryant Art Gallery was built in 1905 for Arthur Savage and was bought two years later by Edmund Bryant. Elizabeth Bryant left the property in her will to the municipality, a bequest which included only the original four lots of property. The municipality thereupon bought up the remaining lots to form the entire block on which the house now stands.  
[See JP Shingler, Women of East London, 1900-1979, p 25.]

The economic distress was first brought to the Council's attention in March 1904 when a deputation which represented various religious bodies in the town pointed out the "great amount of poverty and destitution" prevalent at East London as a result of the "general financial strain". It affected mostly the poorer classes, they said, and the ministers appealed to the Council to open a relief fund, with the Mayor as chairman and various church and commercial leaders on its board. The councillors were hesitant to undertake such a scheme. First, they disputed the fact that there was excessive unemployment in the town at all and claimed, in any case, that many of the destitute were in fact Poor Whites who had migrated to the port from up-country. It was therefore the Government's responsibility, they argued, and the problem could not be laid at the door of the municipal councils. Second, the councillors argued that they, as a municipal body, were not empowered to make cash donations to charity and so were only prepared to help organise occasional concerts to raise funds for the local Ladies Benevolent Society. [74]

In the meantime, the Council was faced with escalating costs which it appeared unable to check. The immediate need was to reduce expenditure so

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74. CA, 3/ELN 1/1/1/14, pp 638-639, 669. Minutes, 23.3.1904, 6.4.1904. Dispatch, 24.3.1904, 7.4.1904, 5.9.1907, 19.9.1907. Minutes, 23.3.1904, 6.4.1904, 4.9.1907, 18.9.1907.

The Council re-stated that verdict in 1908. The vast proportion of the people in distress, the councillors claimed, were Dutch-speaking poor-whites who had "drifted in" from the country. It was, they said, part of a much larger problem of Poor-Whitism and ushered in a conflict of responsibility between Government and Town Councils. (Dispatch, 6.2.1908. Minutes, 5.2.1908. See also the editorial in Dispatch, 6.2.1908.)

as to lower rates and stave off hardship for the ratepayers for as long as possible but the Council was unable to do that because of the continual debts which were being incurred by the tramway system. Furthermore, in an effort to provide as much employment as possible for the hard-pressed Whites, public works were initiated and once again Whites were hired wherever possible in the place of Blacks. Over a hundred Whites were employed at a time in that fashion, at a cost of nearly £9 000 during 1907 alone but the Council had still not learnt from previous occasions when that system had been tried and had failed. Costs again escalated because the White labourers were paid more but did less work than their African counterparts. Indeed, the Town Engineer reported that the estimates for work had soared by as much as 30 percent because the Whites worked so much more slowly than the Blacks.<sup>[75]</sup> The Dispatch responded with a scathing attack on the morality of the unemployed. The public knew "very well" that a high average work could not be expected from them because, the editor wrote,

"there were too many whose daily task appears to be to watch their industrious comrades exerting themselves. It is this latter class which gives point to the saying that the unemployed are generally the unemployable."<sup>[76]</sup>

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75. CA, 3/ELN 1/1/1/15, p 82. Minutes, 26.7.1905.  
Dispatch, 16.8.1905.  
 ELM, Mayor's Minute, 1907-1908, p 11.

76. Dispatch, 16.8.1905.  
 See also Dispatch, 7.10.1907. Minutes, 2.10.1907.

Mayor Walker justified the action with the rather questionable logic that it proved the municipality was "bearing a heavy burden" in providing work for the unemployed.

(CA, 3/ELN 1/1/1/15, p 82. Minutes, 26.7.1905.  
 ELM, Mayor's Minute, 1907-1908, p 11.)

As the depression deepened, the Council seriously considered retrenchment as a means to curtail expenditure but balanced that against a counter demand not to throw bread-winners on to the streets which would only accentuate the recession. It opted instead for a policy of reduced salaries which brought about a saving of nearly £4 000<sup>[77]</sup> but continuous spending reduced the Council to the position of not being able to balance its books without more serious pruning. During 1909 it therefore resorted to further wage reductions, as well as retrenchment, and so reduced its wage bill by another £2 000.<sup>[78]</sup> The municipality thereby found itself in the ironic situation of retrenching its own officials so as to be able to pay for the increased-labour policy that its charitable councillors had devised.

In the meantime, the value of properties at East London tumbled so that by March 1908 the Town Treasurer admitted that market values were "much below" the municipal assessments. That fact had no immediate effect on rates because the Council maintained a bureaucratic adherence to the system of a quinquennial valuation roll. The ratepayers had therefore to wait until November 1909 before the assessment on their properties was reduced and their tax burden eased, by which stage the recession was already over

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77. CA, 3/ELN, 1/1/1/17, pp 414-435. Minutes, 2.10.1907.  
ELM, Mayor's Minute, 1907-1908, pp 8-9.

In October 1907 the Council decided to drop wages as follows:  
Those who earned £600 to £400 by 10 percent;  
Those who earned £399 to £260 by 7.5 percent;  
Those who earned £249 to £144 by 5 percent.

78. ELM, Mayor's Minute, 1908-1908, p 24.

and property values were again escalating. Indeed, by November 1910, the Townsmen's Roll had shown a slight increase for the first time in five years and residential property was again in demand. [79]

Although the depression was over by 1910, another spell of town development was not on the cards. The New Loan of 1904 had been spent and the town found itself having again to rely on its own resources. The main progress, therefore, tended to be of an administrative nature. In December 1911 the Council, with the consent of the ratepayers, decided to take over ownership of various private roads within the municipality in accordance with the Municipal Amendment Act of 1899. [80] In East London there were several such roads, all in the suburbs of North End and Southernwood, the original German acre lots, where the plots had been subdivided and sold before the Council had had any power to make regulations to prevent it. Lanes had been left to allow access to the sub-plots but many of these were so narrow and neglected as to pose a health hazard. For

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79. ELM, Mayor's Minute, 1907-1908, p 20.  
ELM, Mayor's Minute, 1909-1910, pp 16-17.

80. Act 41 of 1899. The Municipal Amendment Act, 20.10.1899.

The Act, amongst other things, determined the scale of costs to both the municipality and the property owners in the event of a private road being taken over. In 1911, however, the ratepayers of East London agreed that most of the property owners were too poor to pay any costs and so that clause was waived.

that reason the Council resolved that the Amendment Act be invoked and the worst of the private roads be placed in reasonable order. [81]

Despite Malcomess's lengthy sermon on the need for financial prudence and the avoidance of further loans, the Council made yet another attempt in 1913 to raise a loan of £381 912. [82] Although road construction was temporarily a thing of the past, the councillors had new schemes in mind, such as a major restructuring of the sanitary system, provision of waterworks and the payment of the massive tramways overdraft. The attempt foundered at a public meeting because once again the ratepayers refused to sanction a loan when the actual source of the water supply was not yet known. [83] It was fortunate for the municipality that the ratepayers did

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81. Dispatch, 12.12.1911. Public Meeting, 11.12.1911,  
Dispatch, 28.6.1908, 12.5.1910, 24.6.1910. Minutes, 24.6.1908,  
 11.5.1910, 22.6.1910.  
 ELM, Mayor's Minute, 1901-1902, p 9.  
 ELM, Mayor's Minute, 1911-1912, p 22.  
 See also Dispatch, 25.8.1905.

The following streets were taken over in 1911:

NORTH END: College, Fir, Cedar, Elm, Reynolds, Mark, Benders, Stewart's, Fuller's, Ryan's, Clark, Seven Sisters' and Scholl's Lanes, as well as Cross and Hope Streets.

SOUTHERNWOOD: Rose Garden, Peel's, Conrad and Nahoon Lanes, as well as Fair View and Vere Roads.

(See map, p 299.)

82. See Table 25, p 301.
83. Dispatch, 4.11.1913. Public Meeting, 3.11.1913.  
Dispatch, 15.7.1913. Minutes, 14.7.1913.  
Dispatch, 29.7.1913, 12.8.1913. Conference of Public Bodies,  
 28.7.1913, 11.8.1913.  
 ELM, Mayor's Minute, 1913-1914, p 13.



veto the idea because within another year South Africa had become involved in the Great War and bleak times lay ahead.

Before that happened, however, the status of the municipality underwent two further changes. In May 1910 the Union of South Africa came into being and the Cape Colony gave up its independent Government to become a province, with a Provincial Council to control its interests. <sup>[84]</sup> In 1912 a Municipal Ordinance was proclaimed which defined the authority of all future municipalities and the Administrator of the Cape then began to tempt existing municipalities to surrender their previous status under Acts of the Cape Colony and submit themselves to the Provincial Ordinance. <sup>[85]</sup>

As early as July 1913 the Administrator visited East London to address the Council on the advantages of re-constitution and intimated that he would be prepared to make provision in an Enabling Ordinance for any special powers from the East London Municipal Acts of 1880 and 1895 which the Council wished to retain. He was also prepared, he said, to exempt the municipality from sections of the Cape Municipal Ordinance which conflicted

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84. A comprehensive programme to usher in the Union of South Africa on 31 May 1910 was cancelled upon the instructions of the Prime Minister, General Louis Botha, because of the death of King Edward VII earlier that month. Instead, the celebrations turned into a flag-waving festival in which medals were presented to the school children. An avenue of fir trees was also planted along the route between East London and Cambridge, and the road was renamed "Union Avenue" in honour of the occasion.  
(See ELM, Mayor's Minute, 1910-1911, pp 12-14.  
See also Dispatch, 1.6.1910.)

85. Ordinance 10 of 1912.

TABLE 25

## ESTIMATED EXPENDITURE ON PROPOSED LOAN OF 1913

Sewerage Works	£197 500
Water Works	£53 504
Electrical Improvements	£13 000
Street Construction	£5 000
Beach Development	£6 500
Tramways Overdraft	£52 535
Abattoirs	£16 270
Tram Track Duplication (Currie Street)	£5 650
Widening of the Esplanade	£1 700
Recreation Ground Improvements	£2 726
River Development	£4 125
Location Superintendent's Residence	£600
Provision for Flotation	£22 802
TOTAL	£381 912

[Source: ELM, Mayor's Minute, 1913-1914, p 13.]

with provisions of the Acts. The Council eventually decided in favour of re-constitution because it was felt that the draft Ordinance which the Administrator was prepared to accept would be more effective than the East London Acts which, it was believed, were by then "defective and obsolete". [86]

Although the draft Ordinance was drawn up and submitted to Cape Town by August 1913, there was a delay in its promulgation as the Administrator tried to persuade the East London and Cambridge municipalities to amalgamate. A joint committee of the two Council's then met and decided to recommend unification but, although a public meeting of the East London ratepayers in February 1914 approved the measure, a similar meeting in Cambridge vetoed it. [87] East London was therefore forced to continue alone and the re-constitution was accepted at a public meeting in April and promulgated on 29 May 1914. At the same time the town was elevated to the dignity of a city. [88]

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86. CA, 3/ELN 1/1/1/23, p 173. Minutes, 9.7.1913.  
ELM, Mayor's Minute, 1913-1914, p 15.
87. CA, 3/ELN 1/1/1/24, p 162. Minutes, 21.4.1914.  
ELM, Mayor's Minute, 1913-1914, pp 15-16.  
ELM, Mayor's Minute, March to September 1914, pp 8-9.  
Dispatch, 31.1.1914, 2.4.1914. Joint Committees Report, 19.12.1913, 30.1.1914.  
Dispatch, 15.8.1913, 12.2.1914. Minutes, 13.8.1913, 11.2.1914.  
Dispatch, 9.8.1913. Joint East London and Cambridge Councils' Conference, 8.8.1913.  
See also Dispatch, 2.4.1914, 1.6.1914.
88. Provincial Gazette, No 322, 29.5.1914. Ordinance 18 of 1914.  
See Dispatch, 1.6.1914.

If one views the era from 1899 to 1914 from the point of physical advance, then one must conclude that East London had indeed grown but, in terms of the Council's maturity, the town was still decidedly lacking. The councillors continued to believe that the answer to all economic problems lay not in thrift but in borrowing more money and so, as the shutters of the world were drawn at the start of the Great War, the East London Council bequeathed a legacy of debt, totalling £351 159, to its future ratepayers. [89] With a new major waterworks and sewerage scheme still on the drawing-boards, the debt could only increase.

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89. ELM, Mayor's Minute, 1913-1914, p 22.

The Government Loan of 1882 for the Amalinda Water Supply had at last been paid off. Outstanding loans therefore were as follows:

Debenture No 2 (1895)	£21 300
Loan No 4 (1904)	£350 000
TOTAL	£371 300
Less Sinking Fund	£20 141
TOTAL	£351 159

CHAPTER 9

THE BUFFALO RIVER AND ITS INFLUENCE ON THE MUNICIPALITY  
1873 - 1914

East London held a unique position in southern Africa. The town straddled the Buffalo River and the municipality was therefore divided, with a harbour in the centre. The river was crucial to the development of the town because it provided the vital trade upon which the community depended but the existence of a wide stretch of waterway between the separate parts of the municipality was also a hindrance because of the physical and legal problems which it created.

First, it led to an uneven development of the town as the East Bank began to outstrip the West Bank after 1873, once work was started on the construction of the Queenstown Railway.<sup>[1]</sup> Furthermore, the harbour, which consisted of the river and its banks, belonged to the Government and not the municipality, but within that stretch of water were the pontoon and ferry, providing the vital links between the two parts of the town, and the municipality believed it was important to control at least that service because of the revenue which it generated.

It was the presence of the Buffalo River, which flowed through the heart of British Kaffraria, that led to the creation of the port in 1847 but Sir Harry Smith caused problems when he annexed East London to the Cape in January 1848 because his reference to a two mile rayon marking the territory<sup>[2]</sup> was vague. Nobody was sure whether the boundary crossed the

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1. QUEENSTOWN RAILWAY: The first sod of the railway between East London and Queenstown was turned in August 1873 and the line was officially opened in May 1880.
  2. See Chapter 2, p 26.

river or not but, since no settlers lived on the eastern bank, clarity was for the moment unimportant. Indeed, when the Vigilant <sup>[3]</sup> was wrecked on the east side of the river mouth in 1853, the salvage was disposed of in terms of British Kaffrarian law and with no reference at all to the Cape Colony. The exact definition of East London's boundary was first questioned only when Panmure was established and the legal status of its residents became important. The Cape administrators thereupon argued that the original two mile rayon did indeed apply to both banks of the river and cut right through the centre of the village. Three entities had therefore been created, namely East London (West Bank), East London (East Bank) and Panmure. <sup>[4]</sup>

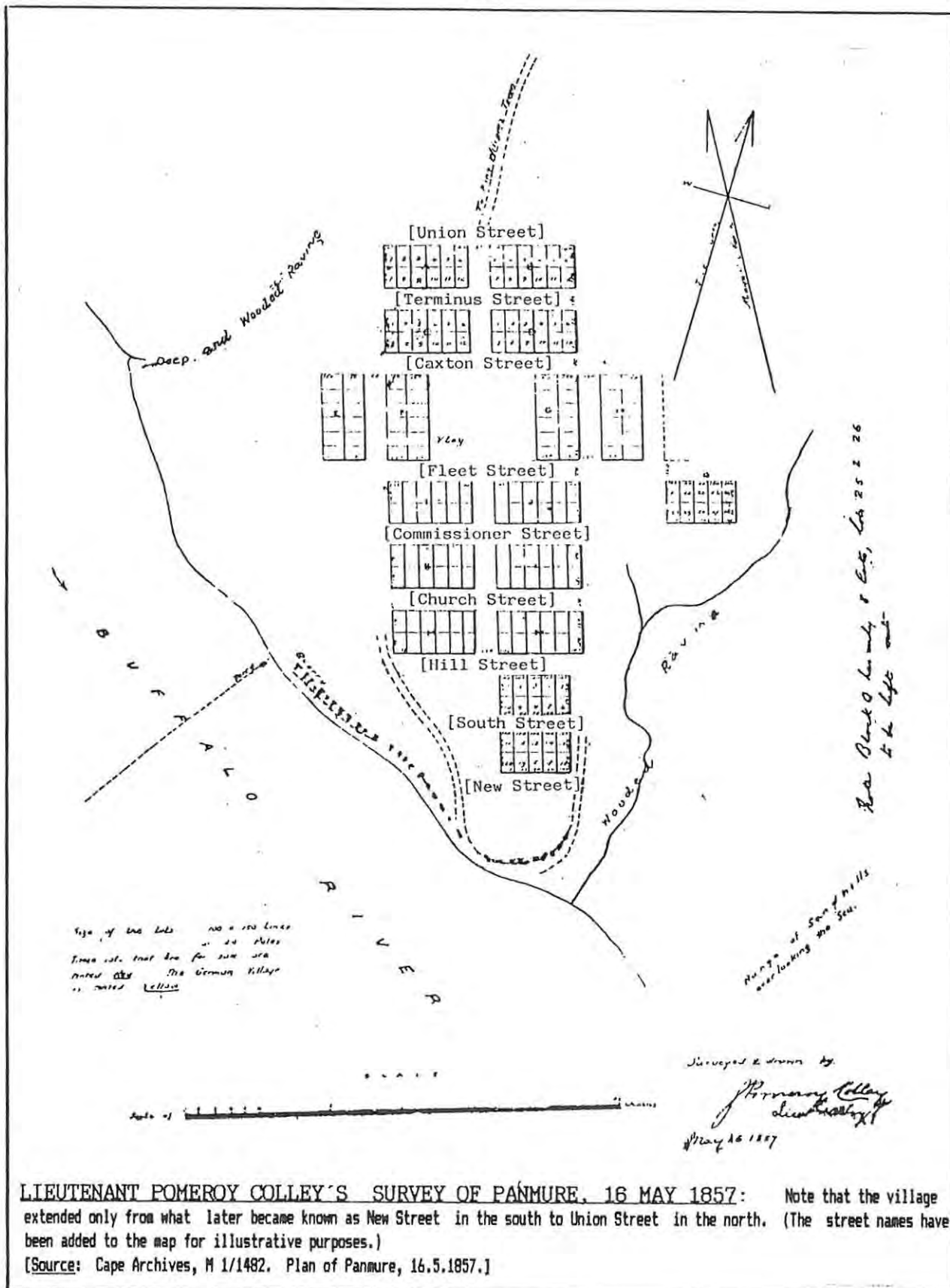
It is important for the sake of historical accuracy to dwell a little longer on that point because the boundaries of Panmure have been one of the most inaccurately understood phenomena in the history of East London. Bruce Gordon, a schoolmaster who conducted the first extensive research on the port's history in his 1932 Master's Thesis, argued that East London (East Bank) was that part of the town to the south of Union Street, while Panmure lay to its north and included North End and part of Southernwood.

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3. VIGILANT: A British vessel built of wood, with three sails and a mass of 304 tons. She was blown ashore onto the eastern bank of the Buffalo River when her anchor, cables parted in a gale in December 1853.
  4. Tankard, East London, pp 19-20, 54-57.

Subsequent writers have accepted Gordon's argument without question. [5] The truth is that the original village of Panmure, which Lieutenant Pomeroy Colley [6] surveyed in May 1857, extended only as far as what became known much later as Union Street. [7] The claim that the original Panmure lay to the north of that street is therefore untenable because there was initially no village in that region at all. What is also true is that the local residents were totally untroubled by legal technicalities and continued to call the entire village on the east bank by the name Panmure, before and after it had extended beyond Union Street. [8]

When a municipality was created in 1873, it incorporated the villages on both banks of the river, but not the German acre lots to the north of Panmure. The name East London thereupon became problematic because

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5. BC Gordon, East London, its Foundations and Early Development as a Port, (Rhodes, MA, 1832), p 73.  
 HH Driffield, "Early Days of East London, and Birth of its Municipality" in Coelacanth: Journal of the Border Historical Society, Vol 11, No 2, October 1873, pp 7-8.  
 TJ Gordon, Mdantsane: City, Satellite or Suburb?, (Rhodes, MA, 1978), p 72 (map).
  6. LIEUTENANT GEORGE POMEROY COLLEY: Colley was born in Dublin in 1835 and joined the 2nd Queen's Regiment in 1852. He came to the Cape two years later where, as Lieutenant, he was responsible for laying out the German villages of Panmure and Cambridge. He rose eventually to the rank of General but was killed at the Battle of Majuba in February 1881.
  7. See map, p 308.
  8. A random examination of adverts in the East London Advertiser as late as February 1879 reveals that most businesses to the south of Union Street still saw Panmure and East London East as one and the same place. Furthermore, Councillor William Symons wrote in 1914, in his reflections on early East London, that all the East Bank was indeed Panmure.  
 (See Advertiser, 27.2.1879, 6.3.1879, 16.12.1879.  
 See also Dispatch, 31.1.1914.)



**LIEUTENANT POMEROY COLLEY'S SURVEY OF PANMURE, 16 MAY 1857:** Note that the village extended only from what later became known as New Street in the south to Union Street in the north. (The street names have been added to the map for illustrative purposes.)  
 [Source: Cape Archives, M 1/1482. Plan of Panmure, 16.5.1857.]

it referred both to the village on the western bank and to the municipality as a whole. Because of that difficulty, the name West Bank became the accepted designation for the original village while East London came to be used only when reference was made to the town in general. The municipality was thereupon divided into two wards, namely West Bank (Ward 1) and East Bank (Ward 2). [9]

Up until the mid-1870's, the West Bank remained the centre of the municipality as it was the seat of the Civil Commissioner, housed the municipal offices and was the venue for all Council meetings. Its population also exceeded that of the East Bank and so Ward 1 was entitled to three municipal commissioners as opposed to the two who represented Ward 2. [10] The town's centre of gravity altered radically once the Queenstown Railway was built and it was decided to place the terminus at Panmure to save on the expense of having to bridge the Buffalo River to reach the West Bank. A branch line was thereupon laid to the harbour and followed the Quigney Valley from the station to the eastern bank of the Buffalo River. [11] The Harbour Works naturally responded by placing wharves on that bank to facilitate transportation to the inland market. [12]

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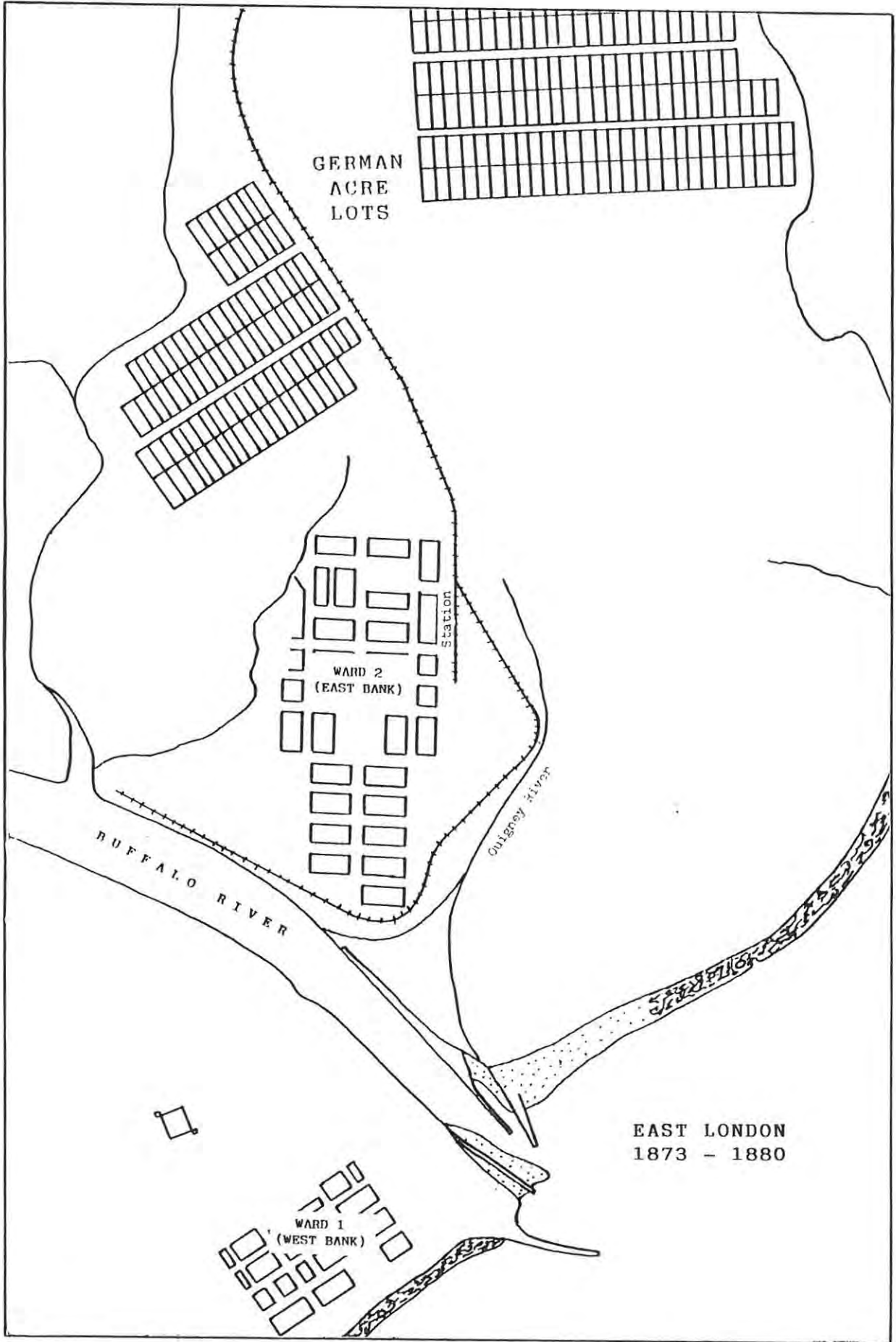
9. Government Gazette, 29.4.1873. Proclamation 37 of 1873, Regulations 1 and 2.

(See map, p 310.)

10. Proclamation 37 of 1873, Regulation 2.

11. See map, p 310.

12. See Chapter 3, pp 53-55.



Because East London was essentially a trading town, the merchants who had originally established themselves on the West Bank slowly began to move their businesses to Panmure. The value of land on the East Bank therefore escalated by £191 734, or 3 093 percent, between 1873 and 1881. There was also a proportional increase on the West Bank up until 1877 but its valuation was soon recognised as inflated and was subsequently dropped, to show a more modest growth of £6 834, or 143 percent, over the same period. [13] Furthermore, Panmure developed rapidly beyond its original boundary of Union Street and the growth of the East Bank was further augmented when the commonage dispute was settled in June 1876 and the German acre lots were added to the municipality. [14]

By the time the first Municipal Board had reached the end of its triennial term, the population of the East Bank was already larger than that of the West Bank and the new municipal regulations published in February and May 1877 made allowance for the growth by increasing the total membership of the Board to ten, with five commissioners to represent each ward. [15] The writing was already on the wall for the original part of the

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13. See Table 26, p 312.

14. See Chapter 4, pp 112-115.

15. Government Gazette, 9.2.1877. Proclamation 23 of 1877.  
Government Gazette, 18.5.1877. Proclamation 61 of 1877.  
 (See Appendix 6, pp 140, 141.)

TABLE 26  
PROPERTY VALUATION, 1873 - 1881  
(in £)

	<u>WEST BANK</u>	<u>EAST BANK</u>	<u>ACRE LOTS</u>	<u>TOTAL</u>
1873	15 816	6 426	-	22 242
1874	15 816	6 426	-	22 219
1875	25 890	38 545	2 175	72 945
1876	25 890	38 545	2 175	72 945
1877	41 725	73 185	26 905	131 815
1878	41 725	73 185	26 905	131 815
1879	41 725	73 185	26 905	131 815
1880	36 560	162 370	42 760	241 690
1881	22 650	198 160	37 030	299 647

[Source: East London Museum, Chairman's Minute, 1880-1881.]

town and the Board split into factions, with the East Bank commissioners attempting to speed up the transfer of privileges to their sector while the West Bankers jealously guarded what they saw as their sacred historic position as the first and therefore most important centre. The in-fighting came to a head in June 1877 when the East Bank used the Chairman's casting vote to oust the West Bank from its prime position and the latter's commissioners responded by a mass resignation. [16]

The tension temporarily subsided, especially with John Gately's re-entry to the Council in December 1877 and his subsequent re-election as Chairman, and he managed to put sanity back into the Municipal Board which had been floundering under Amelius Vincent's leadership. [17] Furthermore, within a couple of years it became apparent, even to the most die-hard of West Bankers, that the East Bank was continuing to grow. Indeed, by mid-1880 it again became necessary to re-structure the Council membership and the West Bank lost even its symbolic equality.

The Incorporation Act of 1880 divided the municipality into three wards, each with four representatives in the Council. Ward 1 remained unchanged in definition but lost one councillor. The East Bank, on the other hand, was sub-divided and a line following Union Street, extended to

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16. See Chapter 5, pp 131-135.

17. See Chapter 5, pp 136-137.

the Buffalo River in the west and to the sea in the east, became the boundary between the two new wards. [18] Ward 2 now encompassed the centre of town and included all those people who had started to settle to the east of the Quigney River, while Ward 3 incorporated the area of Panmure which lay to the north of Union Street, together with the two acre-lot sections. [19] The question of giving a name to Ward 3 proved problematic. Wards 1 and 2 retained their historic ward titles of West Bank and East Bank but it was decided to use the name Panmure for Ward 3, despite the fact that no part of that ward had ever been contained in the original village of Panmure. [20]

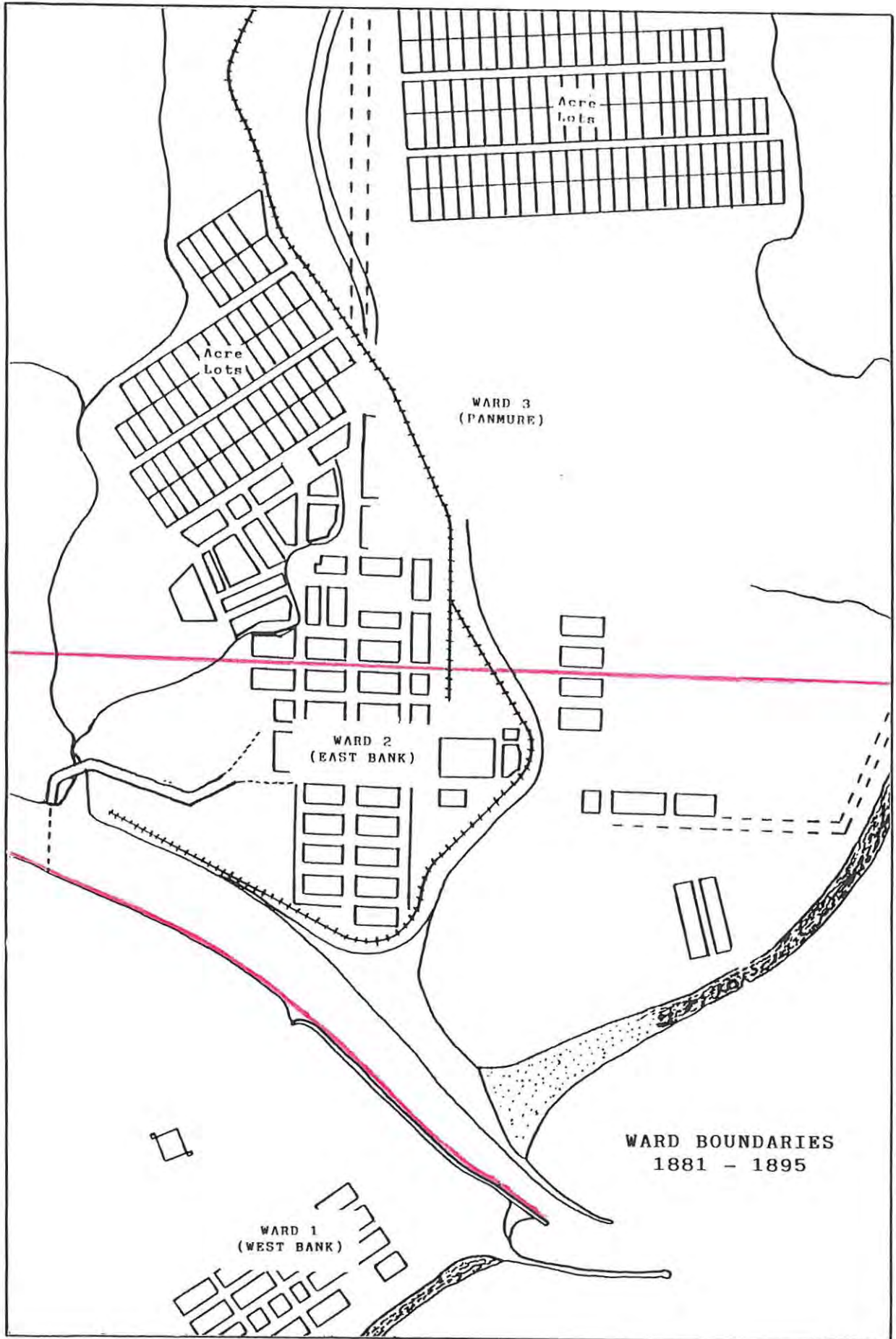
As the town on the East Bank continued to grow, so did the suburbs evolve their own names. In that way, the original Panmure slowly came to be known simply as Central and the acre lots closest to the town were at first referred to as "the north end of the town", to be truncated eventually to North End. In like fashion, the second acre lot sector was designated as the area "near the southern wood", the "wood" being a copse of trees to the

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18. CA, CCP 6/2/1/22. Act 23 of 1880, Clauses IV and V.  
(See Appendix 3, p 71.)

19. See map, p 315.

20. Bruce Gordon, in claiming that Panmure lay to the north of Union Street, somehow managed to confuse the municipal ward of Panmure, established in 1881, with the original village of 1857.



north-west or where the filter beds were built in 1896. <sup>[21]</sup> Southernwood became the natural abbreviation. In 1883 the municipality began to sell land in the area described as "east of the Quigney River", which suburb eventually evolved its title of the Quigney.

The Municipal Act of 1895 <sup>[22]</sup> sub-divided the municipality into four wards. The West Bank lost a further councillor and the centre of town and North End became wards in their own right, with the residents of the Quigney and Southernwood together forming the fourth ward. <sup>[23]</sup> No names were given to the new wards and so Panmure at last disappeared as an historic entity, although the name was revived in later years when a railway halt near Belgravia was given that title which thereupon created another myth, that the name Panmure referred to the area east and west of the halt and today part of the suburb of Milner Estate is sometimes still referred to as Panmure.

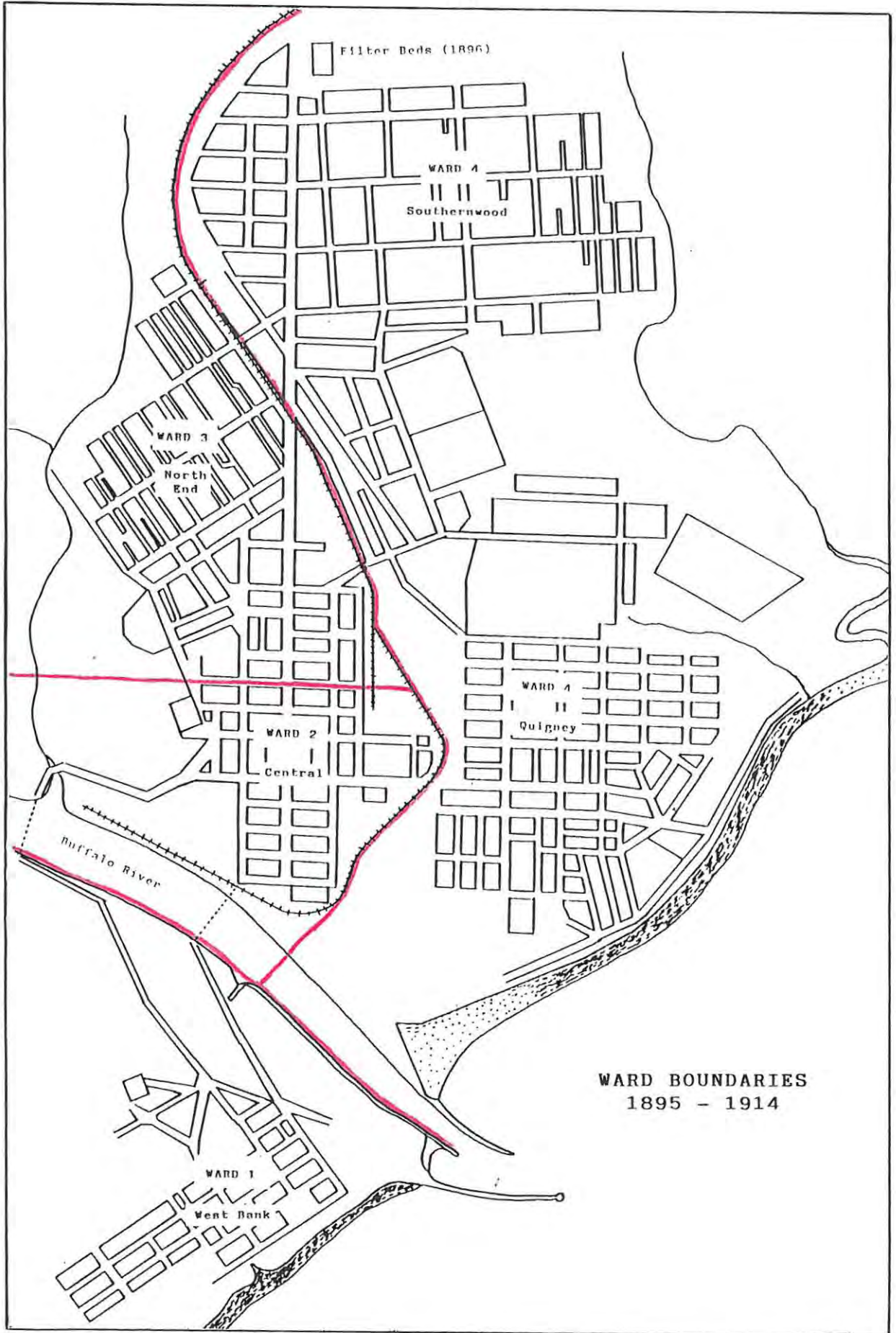
It was only in 1907 that a bridge across the Buffalo River was at last opened to join the West Bank to the rest of the municipality. Up until

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21. See map, p 317.

22. Act 11 of 1895. East London Municipality Amendment Act, 9.7.1895.

23. The old Ward 3 was divided so that the area north of Union Street and west of the railway line, comprising Upper Oxford Street and North End, became the new Ward 3 while the portion to the east of the railway line, comprising Southernwood and the Quigney, became Ward 4. (See map, p 317.) The first election to give effect to the change was held in February 1896 when all councillors had to retire and a new Council was installed.  
(CA, 3/ELN 1/1/1/9, p 269. Minutes, 24.7.1895.  
Government Gazette, 29.10.1895. Proclamation 434 of 1895.  
ELM, Mayor's Minute, 1895-1896, pp 2, 15-16.)



then travellers were forced to cross the river by boat, except in the years before 1886 when the river sometimes silted up sufficiently to allow people to cross the mouth on foot. The original pontoon was provided by the British Kaffrarian Government and went into operation in February 1858 but, when British Kaffraria was annexed to the Cape Colony in 1866, the pontoon was placed in the hands of the East London Divisional Council. [24]

The pontoon was first brought to the attention of the Municipal Board in September 1873. The Divisional Council had proposed to raise the pontoon fares but Commissioner George Eirwood, a saddler and harness maker, [25] wished to protect the German farmers who were bringing their produce to the market on the West Bank, by allowing them to cross the river free of charge and so relieve some of the economic hardship under which they laboured. Commissioner Webb seized the opportunity to raise the question of ownership of the pontoon. Although the Pontoon Road was in the hands of the Divisional Council, the Municipal Board was responsible for half the cost of repairs because it ran through the municipality. Webb predicted that that might amount to a £100 share during the following twelve months but municipal finances were in a "sorry state" with no money whatever in the kitty and little to come until the first rates could be collected or land

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24. CA, BK 380, Schedule 78 of 1859.  
KPT Tankard (ed), Reverend William Greenstock's East London Journal, May-November 1858, (Cape Archives, Unpublished Manuscript, 1987), pp 17-18, 23-24, 40.  
See also J Denfield, Pioneer Port, p 20.
25. GEORGE EIRWOOD: Eirwood was elected to the first Municipal Board in May 1873 to represent Ward 1. He resigned at the end of that year to move to King William's Town.  
(For further information, see Appendix 2.1, p 17.)

sold. In the meantime, Webb argued, the Divisional Council was collecting all the pontoon revenue and was contributing little to the prosperity of the municipality. He believed, therefore, that the council should be approached to give the municipality a half-share in pontoon revenue so as to off-set the half-share responsibility in the repair of the Pontoon Road.

There was disagreement over the issue and Gately wished to leave the matter well alone until the Divisional Council itself raised the question. Ultimately Gately's wish prevailed and the proposal was dropped. It was a pragmatic decision. Eirwood pointed out that a new pontoon would soon have to be procured because the existing one had only "a few sheets of copper" keeping it afloat and there was no knowing how soon it would sink. If that happened, it would have placed the municipality in an even worse financial position. Indeed, when the pontoon debate was again raised at the following meeting, it was generally agreed that it would be "unadvisable" to take it over "in its present unsafe state". [26]

Almost a year was to pass before the pontoon issue was resurrected and it was then decided that it would be in the best interests of all concerned if the municipality did take it over and also accepted total responsibility for maintaining the Pontoon Road. In that way the ambiguous situation would be ended and the municipality would gain a new source of

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26. Dispatch, 16.9.1873. Minutes, 11.9.1873, 15.9.1873.

revenue. [27] Agreement was reached between the Municipal Board and the Divisional Council and in August 1874 the transfer was authorised by the Government which also accepted the Municipal Board's proviso that, in view of the dilapidated condition of the pontoon, a new one would be provided as soon as possible. [28]

The transfer took place in October 1874 with little mishap, apart from a minor altercation with the Divisional Council which refused to hand over the pontoon ropes. An examination of the boat itself revealed that it leaked heavily and the iron fastenings were almost totally rusted away but, despite that, it was felt it could last for some months if properly handled. In the meantime, minor repairs were authorised to keep it afloat until the new one arrived. [29]

Although the pontoon was entered on the colonial estimates in August 1874, more than a year elapsed before it was built, despite repeated reminders from the Municipal Board. [30] It went into service in

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27. The decision was reported in the Dispatch but the actual minutes are lost because the newspaper found no space to publish them and the Municipal Board had not yet started recording its own minutes. (See Dispatch, 29.9.1874.)
28. Dispatch, 25.8.1874, 29.9.1874. Minutes, 21.8.1874, 25.9.1874. Dispatch, 1.12.1874. Municipal Board's Address to Charles Abercrombie Smith, 26.11.1874.
29. Dispatch, 6.10.1874, 13.10.1874. Minutes, 30.9.1874, 12.10.1874.
30. Dispatch, 1.12.1874. Address of Abercrombie Smith to the Municipal Board, 26.11.1874. (See also the report in the same paper on Abercrombie Smith's visit to East London.) Dispatch, 9.3.1875, 15.6.1875, 13.7.1875. Minutes, 3.3.1875, 10.6.1875, 9.7.1875.

September 1875, and not a moment too soon because the old pontoon finally gave up the ghost and sank. After repeated appeals by the Municipal Board that it be raised and repaired, the Government eventually declared in December that the boat was "utterly worthless" and did not warrant any further expense. [31]

Despite its unseaworthy condition, the old pontoon had proved to be a lucrative source of revenue to the municipality. Its first month under municipal control brought in an income of £101 12s. 9d. and during January and February 1875 it earned £117 and £106 respectively. [32] At a time when the municipality was suffering heavily from a shortage of funds and the commonage dispute prevented the Municipal Board from selling land, the decision to take over responsibility for the pontoon proved a wise one.

In April 1875, with the imminent arrival of the new pontoon, Commissioner William Bompas, a stevedore and hardware merchant, [33] suggested that the old boat could be cut down to make it suitable to convey small vehicles and passengers across the river and so become an additional transport service. Commissioner Webb, inspired by that suggestion, proposed instead that an actual ferry be established at a spot below the pontoon, to

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31. Dispatch, 22.2.1876, 23.12.1876. Minutes, 17.2.1876, 21.12.1876.  
Dispatch, 14.9.1875, 28.9.1875.

32. Dispatch, 10.11.1874, 9.3.1875. Minutes, 4.11.1874, 3.3.1875.

33. FREDERICK WILLIAM BOMPAS: Bompas was elected to the Council in January 1875 as representative for Ward 1. He resigned the seat in November 1876 but returned to the Council in August 1881 and served his ward until October 1882.  
(For further information, see Appendix 2.1, p 11.)

be leased to someone who would work it under contract to the municipality. The Municipal Board accepted the idea and set a ferry fee of 3d. for anybody crossing between 6 a.m. and 7 p.m., and 1s. for night crossings. [34]

The lease of the ferry was duly sanctioned in July 1875 and was sold at only £10 per annum but the Municipal Board refused to accept the price because the sum was believed to be ridiculously low and would not even compensate the municipality for the loss of revenue which the establishment of the ferry would cause to the pontoon, estimated at about £10 per month. Even that was a conservative figure because a Government boat was already depriving the pontoon of a great deal of revenue by ferrying people across the river, a circumstance which the Municipal Board decided would be prohibited once the municipal ferry was in operation.

It was estimated that an annual income of at least £200 could be earned from the ferry. With that in mind, its lease could scarcely be accepted at a fee of less than £150 per annum but since such an offer was highly unlikely, it was decided to maintain the ferry in municipal hands

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34. CA, 3/ELN 1/1/1/1. Minutes, 8.4.1875, 6.5.1875.  
See also Dispatch, 13.4.1875, 11.5.1875.

Certain correspondents have asserted that the ferry was established in the 1860's but it is clear that that was not so. The writers were perhaps confused by the fact that the term "ferry" was sometimes interchanged with "pontoon" by some of the early documents.

(See Dispatch, 18.3.1887. Article entitled EL Collector Gets A Penny More Than He Bargained For.)

and, instead, to employ a competent man as ferryman. [35] In September 1875 William Button was appointed to the position and was to use his own boat for which he was paid the sum of £1 10s. per month, to be increased to £2 10s. in April 1876, in addition to a salary of £10 per month as ferryman. [36]

Billy Button, as he was commonly known, proved a decidedly unreliable boatman and it is surprising that the municipality kept him in service for such a length of time. Complaints had already started to pour in within the first month of his appointment, ranging from accusations that he was negligent in his duty by "running about the town", to charges that he was refusing to ferry passengers across the river after dark. The Municipal Board took little action over those early charges, despite the fact that its Chairman had been personally affected. It did, however, recognise that the ferryman could not be expected to work a 24 hour day without help and so provided him with an African assistant. Button was then warned that the ferry would be required to operate between 6 a.m. and 10 p.m., and that the Municipal Board wished to hear no further complaints about him. [37]

Objections to his behaviour nevertheless continued to be placed before the Board. He was again accused of refusing to ferry people across the river after dark and of being drunk and absent from duty. Once again

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35. CA, 3/ELN 1/1/1/1. Minutes, 9.7.1875.  
See also Dispatch, 13.7.1875.

36. CA, 3/ELN 1/1/1/1. Minutes, 24.9.1875, 30.3.1876, 21.12.1876.  
See also Dispatch, 28.9.1875, 3.4.1876, 23.12.1876.

37. CA, 3/ELN 1/1/1/1. Minutes, 20.4.1876.  
See also Dispatch, 25.4.1876.

the Municipal Board issued him with a warning. [38] He was eventually fired in January 1877 because he was found to be often absent from duty and, as a result, his Black assistant was frequently required to work all day. Furthermore, his treatment of his assistants was such that no-one was prepared to work for him for any length of time. [39]

That was not the end of the Ferryman Button saga. Within two weeks he was again on the river, having established his own ferry for which he had obtained a licence from the Harbour Master. The Council was incensed and Gately claimed that the Harbour Master had totally overstepped himself by issuing such a licence, arguing that the pontoon, and therefore the ferry, was part of the public road and the fee was an established toll which no-one within a certain distance could evade by establishing his own ferry. The Council decided to place the matter in the hands of a solicitor and, should opinion favour the municipality, legal action would be taken. [40]

Advice on the Button case was received in mid-February but unfortunately the Municipal Board decided that the contents of the letter could not be published for the time being, probably because the term of office of the triennial Board was almost over. Indeed, that was the final meeting of the Council and therefore, if legal action was to be taken, the

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38. CA, 3/ELN 1/1/1/1. Minutes, 18.5.1876, 5.10.1876.

39. CA, 3/ELN 1/1/1/1. Minutes, 4.1.1877.  
See also Dispatch, 8.1.1877.

40. CA, 3/ELN 1/1/1/1. Minutes, 15.1.1877.  
See also Dispatch, 18.1.1877.

task would fall to the new body but, since all correspondence over that incident has been lost, there is no way of knowing what advice the Municipal Board was given. [41]

The ferry case took a strange turn once the second Municipal Board took up office. Despite Button's repeated misdemeanours, he was allowed to continue to ply the river until June 1877, at which stage the ferry lease was again sold and Button was warned that "immediate action" would be taken against him if he continued to contravene the municipal ferry regulations. [42] The sale, however, placed the Board in an awkward position. The members had not yet learned that such a lease should be put out to tender, which would have given them a degree of control over the proceedings. Instead, a system of auction was used which meant that the lease went to the highest bidder. That proved to be Billy Button himself and the municipality was forced to re-employ him as its official ferryman but his office was short-lived and he was again fired in August 1877 on the recommendation of the East Bank Street Committee, although no reason for the action was recorded. [43]

Nothing more was heard of Button until September 1880 when he again applied for a licence to operate the municipal ferry, alongside a certain John Macaen. Their applications were inexplicably granted but in

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41. Dispatch, 26.2.1877. Minutes, 22.2.1877.  
(The official minutes make no mention of the letter.)

42. CA, 3/ELN 1/1/1/1. Minutes, 26.5.1877.

43. CA, 3/ELN 1/1/1/1. Minutes, 14.6.1877, 27.8.1877.

January 1881 he was again in trouble when the municipal secretary brought a charge of incivility against him, for which he was commanded to make "ample apology" and face immediate withdrawal of his licence should he repeat the offence. Button chose to apologise. [44]

In the meantime the municipality's legal status had changed with the passing of the Incorporation Act in July 1880. Article 38 of the Act dealt with the Town Council's right to issue various bye-laws, of which the municipal ferry was part [45] but the Council procrastinated and 20 months were to pass before it turned its attention to framing a new regulation to govern the ferry. In the meantime, it rested on the belief that, in accordance with Article 1 of the Act, all previous regulations would remain in force until they were either rescinded or replaced.

In December 1881 an extraordinary case of municipal bungling led to a number of legal battles against Button and his colleagues. In May 1877 the Board had decided to introduce books of paper tickets to relieve the passengers of the necessity of carrying money and, at the same time, the fare was dropped from 3d. to 1d. per crossing if a coupon was used. The continual production of the paper tickets proved costly and so in February 1880 the Council decided to mint bronze ferry tokens which it could

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44. CA, 3/ELN 1/1/1/2. Minutes, 16.9.1880, 6.1.1881, 27.1.1881.  
CA, GSC 2/1/1/40. Copy of Ferry Lease Certificate issued to William Button, 17.9.1880.

45. CA, CCP 6/2/1/22, pp 205-237. Act 23 of 1880.  
(See Appendix 3, p 77.)

then re-cycle. [46] The ferryman was required, on the 28th day of each month, to take out a £5 licence to operate his boats and, at the same time, he redeemed all the ferry-coins which had been collected that month. On the morning of 28 November 1881 Button had duly delivered his tokens but his cheque was only paid to him in mid-afternoon because the Mayor's signature could not be obtained. By that time the bank was already closed and so Button could not cash his cheque till the following morning and, until he had done so, he had insufficient money to pay the £5 levy.

The next day Button duly visited the bank and then attempted to renew his ferry licence. He was refused on the direct instructions of the Mayor on the grounds that he should have acquired it the previous day and had already been plying his ferry that morning without a licence. [47] Button thereupon decided to defy the Board and continued to ferry privately, to which the Council responded by prosecuting him. [48] The case came before the Resident Magistrate in December 1881 and he was

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46. CA, 3/ELN 1/1/1/1. Minutes, 31.5.1877.  
CA, 3/ELN 1/1/1/2. Minutes, 2.2.1880.

The introduction of the ferry coins, minted in East London by Wetzlar and Hammerschlag, clearly had nothing to do with a shortage of the standard copper penny currency, as has been stated in recent editions of the Dispatch (17.6.1980, 18.3.1987). Indeed, when passengers paid cash for the trip, they still had to use the 3d., a silver coin, until October 1882 when the fare was reduced to 1d. for day crossings.

(Government Gazette, 6.10.1882. Proclamation 170 of 1882, Regulation 4 (b). See Appendix 7, pp 150-151.)

47. CA, GSC 2/1/1/40. Town Clerk's Testimony before the Resident Magistrate, East London, 5.12.1881.
48. CA, 3/ELN 1/1/1/4, p 113. Minutes, 30.11.1881.

fined £2 10s.

Button immediately appealed to the Supreme Court on the grounds that the Incorporation Act of 1880 had superceded the Municipal Ordinance of 1836 under which the East London Municipality had been established. Since no new regulation had been drawn up under the new Act, it was illegal for the municipality to force him to take out a licence at all and the case, he argued, was in fact beyond the jurisdiction of the Magistrate's Court. Furthermore, there was no regulation to stipulate how much the municipality could charge for a licence and so the fee of £5 was illegal.

The Chief Justice stated in his verdict that the case was "not free from doubt". No licence fee could be charged, he said, unless it had been authorised by regulation and the Governor had given his assent. Although Button had clearly violated the municipal regulations which forbade any person from plying as a ferryman without authority or licence, it was nevertheless true that the only reason he had not been given the necessary authority was that he had not paid the £5 licence fee. Since that had been an illegal demand, the case had to be decided in Button's favour. [49]

In March 1882 the Council published a notice in the Dispatch which forbade persons from plying as a "common ferryman or waterman" without the

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49. CA, CO 1197. William Lance's Testimony to the Attorney General, 27.4.1882.  
 CA, GSC 2/3/1/60. Button's Testimony before the Circuit Court, 22.3.1882.  
Dispatch, 11.2.1882. Report on Proceedings in the Supreme Court.

municipal authority, a restriction based on its regulation of February 1879, and the notice further claimed the power to issue monthly licences at a sum which it could resolve upon "from time to time". [50] A ferryman was then hired. In the meantime Button and two other ex-municipal ferrymen, Jacob Williams and John Macaen, continued to ply the river without licences and so the Council decided to seek a court interdict against them, pending the result of yet another case which was being brought before the Eastern Districts Court to establish the municipality's right to the ferry. The three men were immediately brought before the Circuit Court, which happened to be sitting in East London at that moment, despite Button's protest that the case could not be raised again as it had already been fought in the Supreme Court. [51]

Button claimed in his defence that he was the holder of a ferry licence which had been issued by the Port Captain at East London under Act 16 of 1857. [52] He had approached the Town Clerk for a municipal ferry licence, he testified, but it had been refused with no reasons given. He further argued that the banks of the Buffalo River, together with the waterway itself, did not belong to the municipality at all but to the

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50. Dispatch, 4.3.1882. Corporation Notice.  
CA, CCP 6/5/12. Proclamation 21 of 1879.  
See Appendix 6, pp 146-147.
51. CA, CO 1197. William Lance's Testimony to the Attorney General, 27.4.1882.  
CA, GSC 2/3/1/60. William Lance to William Button, 16.3.1882.  
CA, GSC 2/3/1/60. William Button's Testimony before the Circuit Court, 22.3.1882.
52. Act 16 of 1857. An Act to Consolidate the Laws Relating to Quarantine and Port Regulations, Clauses XLV, XLVII.

Government as it was part of the harbour. His Government ferry licence was therefore sufficient and the municipality had no right to demand an additional municipal one. [53]

The Circuit Court came to no conclusion. The application for the interdict had not been introduced until late in the evening on the last day of the court's sitting and so there was insufficient time to reach a satisfactory verdict. The judge, moreover, believed that, as the matter had already been before the Supreme Court, it would be better to have it fully discussed in the Eastern Districts Court. As a result, the interdict was refused but the ferrymen were ordered to keep an account of their earnings pending the outcome of the further legal battle. The costs of the case were also reserved for the consideration of the Eastern Districts Court. [54]

Notice to appear in that Court was served on the men early in April 1882, together with an interdict to restrain them from plying the river as ferrymen. In addition, they were ordered to surrender an account of all their takings since mid-March. [55] The case was heard early in June and the verdict again went against the municipality. In his judgement, the Judge President explained that a municipal ferry had not been sufficiently "established" after the passing of the Incorporation Act. It was not

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53. CA, GSC 2/3/1/60. Evidence before the Circuit Court, 25.3.1882. CA, CO 1197. William Lance to the Attorney General, 27.4.1882.

54. CA, GSC 2/1/1/40. Evidence before the Eastern Districts Court, 8.4.1882.

55. Dispatch, 18.3.1882.

sufficient, he stated, simply to employ a man as ferryman and place him there.

In short, the Council had blundered by leasing out the ferry when no bye-law existed to allow them to do so and the action had resulted in the ferry being effectively transferred out of the hands of the Council. Had the municipality applied Article 52 of the old regulations rigidly, there would have been no case. [56] The fact that the Board had failed to do so and, subsequent to the promulgation of the Incorporation Act, had also failed to pass a new bye-law meant that a loop-hole had been left which had allowed the defendants to avoid prosecution even though they were probably acting illegally. The municipal action was therefore dismissed with costs. [57]

Although William Lance, as Municipal Solicitor, did not agree with the judgement and strongly urged an appeal against it, the Council decided to adopt the court's recommendation that a watertight ferry regulation needed to be promulgated. [58] The regulation which had been passed in March was not considered sufficient and, in any case, the Council had again blundered in that only eight members had attended that meeting, one short of

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56. The regulation forbade anyone from plying "as a common ferryman or waterman" without authority from the commissioners. It made no reference to a licence fee.  
(See Appendix 6, pp 143-144.)

57. CA, CO 1197. William Lance to John Pooley, 19.7.1882.

58. CA, CO 1197. William Lance to Thomas Scanlen, 25.7.1882.

the number for a quorum. [59] The bye-law had therefore also been illegal. The additional regulation was therefore passed by the Council in June 1882 and was promulgated in October. [60]

The ferry case had not yet been laid to rest. Both Billy Button and Jacob Williams had the temerity to tender for the position of municipal ferryman when it was advertised in October 1882, but they were overlooked by the Council despite the fact that their tenders were the cheapest. [61] Button thereupon continued his defiance by ferrying without municipal authority but now the Council's case was watertight and he was prosecuted in the Circuit Court in March 1883. [62] The councillors had nevertheless learnt a hard lesson from the Button saga, namely that greater care had to be taken in future when formulating regulations and it was not enough to frame bye-laws with abandon in the hope that nobody would challenge them. Furthermore, the municipality's claim to enact regulations which governed the river and its banks was still in doubt. Although the municipal right to

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59. CA, CO 1197. Thomas Pearse's Evidence to the Attorney General, 21.4.1882.  
Dispatch, 29.4.1882. Minutes, 26.4.1882.

60. CA, 3/ELN 1/1/1/4, pp 178-182, 257. Minutes, 14.6.1882, 11.10.1882.  
CA, CO 1280. Proclamation 170 of 1882.  
See also Dispatch, 17.6.1882.  
(See Appendix 7, pp 150-151.)

61. CA, 3/ELN 1/1/1/4, p 282. Minutes, 1.11.1882.

Henry Drayton's tender of £25 per month was selected, whereas Button tendered for £21 and Williams for £20.

62. CA, 3/ELN 1/1/1/5, pp 45, 60, 77. Minutes, 14.3.1883, 4.4.1883, 18.4.1883.

the ferry had been secured, other issues (such as power to regulate bathing from the banks of the river) were still in contention and the municipality hesitated to attempt prosecutions in the future. [63]

Although the suggestion of constructing a bridge over the Buffalo River was first mooted as early as 1855, it was only in 1878 that any positive action was taken to initiate the action. In June that year the Dispatch reported that plans for a swing bridge had been drawn up, to be constructed at the pontoon site, but the newspaper did not reveal who was responsible for the drawings. [64] Nothing further was done until July the following year when various public bodies, including the Municipal Board, decided to petition the Government in the hope that it could be persuaded to build the bridge but they received no joy for their efforts. Although the Commissioner of Public Works was prepared to acknowledge the "desirability" of a bridge, he nevertheless informed the Board that the Government was not prepared to recommend to Parliament "the expenditure of the large sum required". [65]

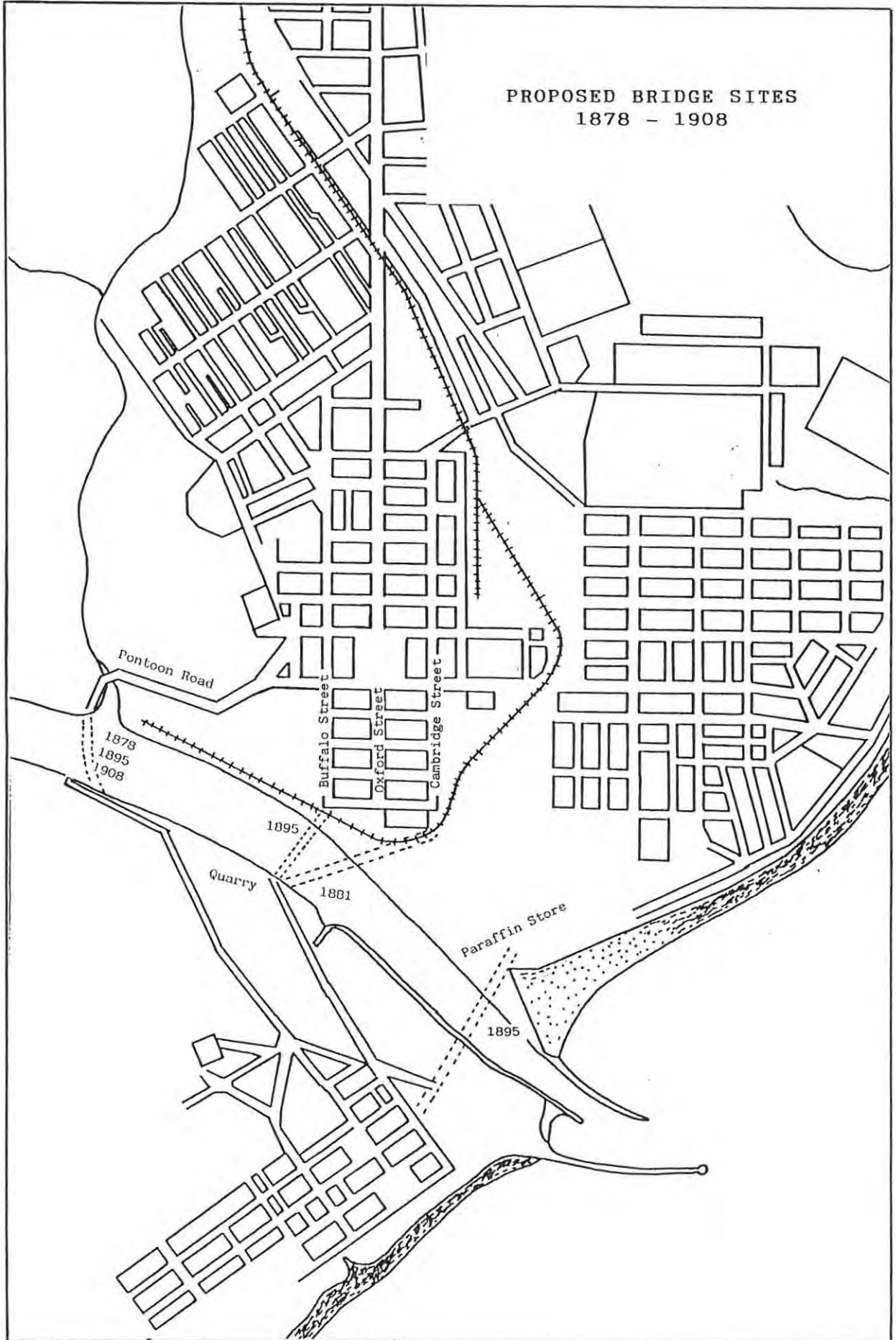
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63. See Chapter 14, pp 524-526.

64. Dispatch, 26.6.1878.

(See map, p 334.)

65. CA, 3/ELN 1/1/1/2. Minutes, 10.7.1879, 14.8.1879.



The matter was raised again early in 1881. The outgoing Chairman of the Municipal Board argued in his annual minute that the bridge was one of the most important requirements for the West Bank. The Government was "fully alive" to the need, he said, and the Colonial Secretary had promised to give the subject his fullest attention. [66] In the meantime, the Council itself took the initiative by appointing a sub-committee to look into the question and in August its recommendation was accepted that a bridge should be constructed to straddle the harbour from Cambridge Street on the East Bank to the quarry on the West Bank. [67]

The Commissioner for Public Works met the Council in October to discuss the proposal but his attitude was entirely negative. Part of the plan was to carry the railway to the West Bank but the Commissioner believed that such a move was "ill-advised". What was the point, he asked the Council, when all the landing was already being carried out on the East Bank? The Government, he argued, was virtually being asked "to cut their own throats" because the town had no sooner been carried to the East Bank than the Council was attempting "to take it back again". The editor of the Advertiser, who was highly critical of the Commissioner's attitude, pointed out that it had never occurred to him that the interests

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66. EL Museum, Chairman's Minute, 1880-1881.

67. CA, 3/ELN 1/1/1/4, pp 5, 73. Minutes, 10.3.1881, 17.8.1881.

(See map, p 334.)

of both banks of the river were identical and that any advance of the port was inextricably bound up with that of the West Bank. [68]

At that point, the councillors realised that there was no point in flogging a dead horse and decided instead to appoint yet another sub-committee to study the feasibility of the Council itself undertaking the construction of the bridge. The matter had been before two Governments, Councillor Walker argued, and the time had come "to move with decision". In the meantime, the Government needed to be approached again but simply to ascertain what concessions it was prepared to grant. [69]

The Town Engineer was thereupon instructed to draw up the necessary plans for the construction of a high-level girder bridge, with three spans of 240 feet each, which would straddle the river at a height of 94 feet above the high-water level, at an estimated cost of £80 000. [70] The drawings were presented to the Commissioner of Public Works in September 1882, at his next visit to inspect the Harbour Works. He expressed interest, especially because the Council no longer proposed that the Government should shoulder the responsibility but there was a degree of

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68. Advertiser, 18.10.1881.  
See also CA, 3/ELN 1/1/1/4, p 100. Minutes, 13.10.1881.
69. CA, 3/ELN 1/1/1/4, p 164. Minutes, 26.4.1882.  
See also Dispatch, 29.4.1882.
70. CA, 3/ELN 1/1/1/4, pp 288, 292. Minutes, 15.11.1882, 22.11.1882.  
Advertiser, 2.3.1883. Mayor's Minute, 1882-1883.  
See also Dispatch, 16.11.1882, 18.11.1882.

public scepticism because the Council proposed to handle the entire project instead of leaving it to private enterprise. [71]

The scheme eventually foundered because of a technicality. The bridge was to terminate on the West Bank within a rayon of land surrounding Fort Glamorgan and which the Council believed was owned by the Colonial Government. [72] As early as 1874 the Colony had been in negotiation with the Imperial War Department for transfer of the land but when the Council applied in 1883 for that portion necessary for the bridge, it was discovered that it had still not been ceded by the imperial authorities. It appeared that, although some land had already been transferred, an error in the lists had resulted in Fort Glamorgan being omitted which meant that the negotiations had to be renewed "from scratch". Although the Government expressed its willingness to cede almost the entire rayon to the municipality, it was clear that that would not happen for at least a couple more years. [73]

Before then East London found itself in the grip of the "Great Depression" [74] and all further thought of a bridge had to be shelved for a decade. It was only in the mid-1890's, therefore, as prosperity again began

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71. Dispatch, 2.9.1882. Interviews with Mr. Merriman, 30.8.1882.  
(The interview with the Commissioner was not recorded in the official Council minutes.)
72. Dispatch, 9.6.1874, 8.9.1874.
73. CA, 3/ELN 1/1/1/5, pp 48-49. Minutes, 23.3.1883.
74. See Chapter 3, pp 38-41.

to overtake the town, that the project was resurrected. The question was thereupon re-opened in earnest in May 1895 when a "numerously signed" petition was handed in at the municipal offices and the Council again entered into negotiations with the Government, its hopes lifted by an official statement which recognised that various rivers in the Colony needed to be bridged along the "main lines of roadway". East London naturally viewed the road from the West Bank as a "main line" and the Council therefore made representations to the Commissioner of Public Works, which resulted in an invitation to meet with the Harbour Board on the subject.

Three possible sites were dealt with at the joint meeting. First, a high-level bridge was mooted, to span the river from the foot of Buffalo Street and terminate at the Customs Tidewaiters Quarters on the West Bank. The concept was regarded as generally impractical, however, because of its height and inclination which would have made it difficult for trains to cross. The second plan was for a "mid-high level Bascule bridge" to stretch from High Street on the West Bank to the Harbour Board paraffin stores on the East Bank. Its construction would have been similar to the Tower Bridge on the Thames River, which allowed the centre span to be raised so ships could sail beneath, but the cost was prohibitive because there could be only one span between the two sides of the river, with a hinge on each bank and a joint at the centre. The final proposal was for a low-level swing bridge to be constructed immediately above the existing pontoon, with an opening of a hundred feet to allow ships to reach the upper portion of the river but the

steepness of the banks at that particular point meant that the bridge would have to be curved. [75]

The Mayor initially insisted that the Council would be satisfied with nothing less than a high-level bridge situated towards the mouth of the river but he was eventually persuaded that such a scheme would be extremely expensive and the joint meeting eventually agreed on the concept of the low-level bridge above the pontoon. [76] The Commissioner of Public Works thereupon dampened their hopes and rejected even the thought of a survey of the river banks which, he stated, would cost more than £1 000 and was not justified because the bridge would certainly not be built "in the immediate future". [77]

In January 1897 another joint meeting of the Council, the East London Chamber of Commerce and the Harbour Board resolved that a survey should begin immediately for the construction of the low-level bridge as previously agreed upon, and another survey be taken to ascertain the feasibility of a high-level bridge at the same spot. [78] The work went ahead and created such a mood of optimism that land on the West Bank began to be developed in the prospect of a speedy construction of the bridge. The

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75. See map, p 334.

76. ELM, Mayor's Minute, 1895-1896, pp 10-11.  
CA, 3/ELN 1/1/1/9, p 188. Minutes, 15.5.1895.  
CA, 3/ELN 1/1/1/10, p 50. Minutes, 19.2.1896.

77. CA, 3/ELN 1/1/1/10, pp 91, 152. Minutes 1.4.1896, 1.6.1896.

78. CA, 3/ELN 1/1/1/10, p 404. Minutes, 20.1.1897.

enthusiasm was soon squashed, however, when the Government again omitted the scheme from its estimates for the forthcoming year on the grounds that a further survey was needed.

The Council responded with a telegram which spoke of the "deep concern" at the Government's action. The bridge, the telegram stated, was "most essential" not only for the provision of further wharf accommodation at the rapidly growing port but also in the interests of the town and district as a whole. The industry which had started on the West Bank, it argued, would soon grind to a halt unless construction was to begin immediately. Furthermore, the proposal to hold further surveys was viewed merely as "shelving the work for an indefinite period" and the action could therefore only retard the progress of the town and harbour.<sup>[79]</sup> In December a similar telegram was despatched to the Government from a combined meeting of the Town Council, the Chamber of Commerce, the Harbour Board and the Divisional Council.<sup>[80]</sup>

The Government was not to be budged and the matter stood over for some years, during which time the Council and the East London ratepayers debated futilely for a bridge at the bottom of Oxford Street because that was the most convenient site for the West Bank residents.<sup>[81]</sup> In 1902 the

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79. CA, 3/ELN 1/1/1/11, pp 408-409. Minutes, 9.11.1898.

80. CA, 3/ELN 1/1/1/11, p 437. Minutes, 2.12.1898.

81. *Dispatch*, 28.3.1901, 28.5.1901, 5.7.1901, 7.8.1901. Minutes, 27.3.1901, 27.5.1901, 4.7.1901, 5.8.1901. *Dispatch*, 13.5.1901, 4.6.1901, 5.6.1901. Public Meeting, 10.5.1901, 3.6.1901, 4.6.1901.

necessary vote was at last carried in Parliament and the Council was requested to cede certain lands to the Railways so that the project could be carried out. That was duly authorised, the contracts were signed and the exchange of land was completed during 1904. [82] In June that year a spanner was suddenly thrown in the works when the Railways Department approached the Harbour Board to sanction the construction of a temporary timber bridge over the river, with the excuse that the bridge was urgently required both for the transportation of railway equipment and "spoil" across the river so that the construction of the permanent bridge itself could begin.

The Harbour Board suspected foul play and agreed to the proposal only on the "distinct understanding" that the timber bridge would not be "in lieu of" a permanent one as had been agreed upon, and that there would be no delay in the completion of the permanent structure. Although the General Manager of Railways attempted to persuade the Board to sanction the temporary bridge unconditionally, the latter refused to budge. The Town Council endorsed the Board's stand and took the matter further by demanding an assurance from the Commissioner of Public Works that the bridge would be constructed as agreed upon. The Council was particularly angered by the fact that the town had given away valuable land for the construction of the

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82. CA, 3/ELN 492. Minutes of Meeting between Railway and Municipal Council, 24.4.1902.  
 CA, 3/ELN 492. Minutes, 25.4.1902, 29.4.1903, 6.5.1903.  
 CA, 3/ELN 492. General Manager of Railways to Town Clerk, 29.6.1903, 13.7.1903.  
 CA, 3/ELN 492. Memorandum of Agreement between Railways and Mayor, 3.7.1903.  
Dispatch, 5.3.1902. Public Meeting, 4.3.1902.  
 ELM, Mayor's Minute, 1902-1903, pp 18-19.  
 ELM, Mayor's Minute, 1903-1904, pp 18-19.

bridge and now it seemed that the Government was reneging on the deal. All the correspondence appeared to indicate, Councillor Walker argued,

"that the Government were contemplating a smart transaction that one would not expect to come even from one of the most insignificant smart dealers one sometimes heard of...the correspondence showed that they were endeavouring to avoid the solemn engagement they had entered into." [83]

The Government gave the municipality the necessary assurances and promised that there was no intention of shelving the permanent bridge but that, apart from costs, there would be a delay in the preparation of the plans. It was explained again that the Railways merely wished to utilize the new western quay and therefore needed the immediate construction of a temporary bridge. The local bodies were still not convinced and a conference was called, at which the commissioners of the Harbour Board, the Executive of the Chamber of Commerce and the Town Council drew up a resolution to the Government expressing opposition to the temporary bridge and recommended that the money be spent on initiating the construction of the permanent one as originally agreed upon. The Chairmen of all three bodies went so far as to journey to Cape Town to lodge their protests in person. [84]

Their efforts were to no avail. During 1905 the Government called for tenders to supply material for the construction of a "temporary service

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83. Dispatch, 8.9.1904. Minutes, 7.9.1904.  
See also Dispatch, 9.9.1904.

84. Dispatch, 27.9.1904. Minutes, 26.9.1904.  
ELM, Mayor's Minute, 1904-1905, pp 8-9.  
See also Dispatch, 14.10.1904, 5.3.1906.

bridge" and work got under way, despite continued pressure to initiate the original plans. <sup>[85]</sup> The bridge was originally designed solely as a means of carrying the railway to the West Bank but, as it became clear that funds were dwindling because of the onset of the post-Boer War depression, it was realised that the temporary structure would have to suffice for at least a few years and so the Railways bowed to requests to make significant alterations which would allow vehicular traffic to cross whenever there were no trains using the line. It was not initially wide enough, however, to allow trains and vehicles to cross at the same time. <sup>[86]</sup>

By December 1907 the bridge had been completed. <sup>[87]</sup> The Council thereupon met the General Manager of Railways to settle various problems and, in a decidedly cool atmosphere, the latter did his best to assure the councillors that the bridge was indeed temporary "purely and simply" and that the permanent one would "happen" when times were "suitable". He nevertheless pointed out that, during the prevailing "depressed times and tightness of the money market", the work on the permanent structure could not be carried out. In the meantime, he tried to persuade the Council to move the pontoon higher up the river where it could continue its operations and so relieve the congestion on the bridge.

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85. ELM, Mayor's Minute, 1905-1906, p 12.  
See also J Denfield, Pioneer Port, p 112.

86. See photograph, p 344.

87. It was opened on 23 December 1907.  
(For a detailed description of the bridge, see Dispatch, 15.1.1908.)



PONTON CROSSING: For a period of five decades the Pontoon remained the only means for wagons, animals and large parcels to be taken across the Buffalo River. The result was the almost complete stagnation of the original village on the West Bank which could not hope to compete with the better endowed East Bank. [Source: East London Museum.]



THE "TEMPORARY-PERMANENT" BRIDGE OVER THE BUFFALO RIVER: The so-called temporary bridge was largely a failure in terms of providing a better service for the West Bank. The structure was simply too narrow to accommodate both trains and carriages simultaneously, thereby causing congestion when trains were shunting. As a result, the West Bank would remain a backwater for a further three decades. [Source: East London Museum.]

The suggestion caused an angry outburst. It was pointed out that one of the "great reasons" for the construction of the bridge in the first place was to get rid of the pontoon which was now running at a loss of over £1 000 per annum,<sup>[88]</sup> yet the Railways had the temerity to expect the Council to maintain its service to help the Government out of its difficulty. The councillors also argued that if they agreed to continue to operate the pontoon, not only would it increase the Council's own debt, it would also in turn relieve the congestion at the bridge which would further delay the construction of the permanent one. It would, Mayor Goldschmidt said, remove "one of the very best arguments and levers" for the construction of the permanent bridge and therefore would be exceedingly poor policy. The Council understandably refused to sanction the request and, as soon as the bridge was officially opened, the pontoon service was discontinued.<sup>[89]</sup>

The temporary bridge substantiated the worst fears. It was not wide enough to cope with all the traffic and long queues began to form whenever trains were shunting. Furthermore, despite all the assurances to the contrary, it became what one councillor termed a "temporary-permanent" structure and East London had to wait another 27 years before a more adequate bridge was eventually built.<sup>[90]</sup> In the meantime, the townspeople

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88. See Table 27, p 346.

89. CA, 3/ELN 1/1/17, pp 591-598. Minutes, 11.12.1907.  
ELM, Mayor's Minute, 1907-1908, p 7.

90. A permanent double-decker bridge was opened only in January 1935.

TABLE 27

FERRY AND PONTOON FINANCE, 1897 - 1913  
(in £)

	FERRY		PONTOON	
	Income	Expenditure	Income	Expenditure
1897	336	190	34	33
1898	336	180	75	139
1899	286	180	34	82
1900	276	225	11	685
1901	276	325	14	130
1902	1 742	275	1 408	385
1903	1 980	1 360	777	716
1904	1 778	1 277	1 207	1 464
1905	1 642	1 266	1 325	2 537
1906	1 635	1 253	1 423	2 808
1907	1 154	789	1 355	1 458
1908	479	845		
1909	277	546		
1910	290	605		
1911	219	497		
1912	341	713		
1913	346	723		

[Source: Mayor's Minutes, 1897 - 1914. Figures for the years prior to 1897 were not recorded.]

had to make do with a Government offer to widen the bridge on the up-stream side so as to allow trains and vehicular traffic to cross at the same time. It was, as a result, never a satisfactory venture and further hindered the growth of the West Bank which was forced to remain a bye-water until after World War II.

The bridge had a dramatic effect on ferry revenue. Up until 1902, both the pontoon and ferry had continued to be run under contract but, because of incessant complaints, the Council eventually decided to take over both services and run them departmentally.<sup>[91]</sup> In March 1905 the pontoon was converted to electricity so as to increase efficiency but the adaptation also increased running costs.<sup>[92]</sup> The ferry, in the meantime, proved a lucrative venture, with profits far exceeding expenditure. It was such a viable proposition that the Council decided in 1905 to inaugurate a second ferry which would cross the river mouth on Saturday and Sunday afternoons, as well as on holidays, and thought was given to extending the service to weekdays but the Harbour Board argued that shipping movements would make it far too dangerous.<sup>[93]</sup> The opening of the bridge, however, caused ferry revenue to slump considerably and saw the service go into the red for the first time in its history. It was therefore argued that the cost of

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91. The Council took over the ferry in May 1902 and the pontoon in September 1903, as soon as each lease expired.  
(See ELM, Mayor's Minute, 1902-1903, p 22.  
See also ELM, Mayor's Minute, 1903-1904, p 31.)
92. Dispatch, 5.4.1905.  
ELM, Mayor's Minute, 1905-1906, p 15.  
See also Denfield, Pioneer Port, p 20.
93. ELM, Mayor's Minute, 1907-1908, p 12.

collecting a fare was no longer practical but, in the interests of the West Bank residents, it was decided to inaugurate a free service between 5 a.m. and 7 p.m., although night journeys and use of the lower ferry would still cost 1d. as usual. [94]

There can be no doubt that the Buffalo River played a vital role in the development of the town, both in the promotion of prosperity of the East Bank through the provision of the all-important trade through the harbour and in the retardation of the growth of the original village on the West Bank. The problem lay in the fact that the municipality had no direct control over the river, while economic factors, especially the cycles of depression, prevented the Council from taking the obvious step of providing a bridge. The problem had still not been effectively solved even after the temporary bridge had been constructed and so East London was left a legacy of an unbalanced geographical development when, even today, the importance of the West Bank suburbs is notably less than the East Bank.

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94. Dispatch, 11.6.1908. Minutes, 10.6.1908.  
ELM, Mayor's Minute, 1908-1909, p 27.  
ELM, Mayor's Minute, 1909-1910, p 18.

CHAPTER 10

ESTABLISHMENT OF THE LOCATIONS

1873 - 1890

The early history of the Black community at East London, especially from 1874 to 1892, was characterised by continual relocation in order to meet the changing demands of the White settlement. It was, moreover, a time of increasing control and growing racism during which the Black people in general were considered to be different from, inferior to, and threatening the White community. There was little attempt to transform or uplift them and no movement towards incorporating them into the White establishment. Indeed, the period marked the beginning of a strictly segregated society. For that reason, the history of the African community has to be treated as a separate entity and cannot merely be lumped together with the general development of the town.

One of the great difficulties in determining the history of the Black community is the attempt to establish the precise sites of their various locations, as they were known. Those villages were seldom indicated on contemporary maps and references in the written primary sources were vague and generally took the sites for granted. One has therefore to piece the picture together from the few clues given, usually as references to other aspects of municipal life.

There was already an African village at the mouth of the Buffalo River in May 1835 when Lieutenant Colonel Harry Smith and his expedition ransacked that area of the country during the 6th Frontier War. The party spent the night camped "among Kaffir gardens" and the following morning watched the herdsmen drive their cattle across the river mouth as they fled in an

easterly direction. [1] Maps of the East London area which were drawn sometime in 1847 indicate that, when the port was established that year, a Xhosa village was still located on the western bank of the Buffalo River, near its confluence with a stream a few hundred metres north of the White settlement. [2] There were also huts scattered in close proximity to East London but, because of the demand for greater control by the British Kaffrarian military authorities, the scattered Black population was forced to move into the village which thereupon became the first official location, under the supervision of a headman. At the same time, the Africans were forbidden to be in the vicinity of the White township after sunset. Distinct segregation had therefore already become part of the British Kaffrarian law. [3]

The Cattle Killing episode of 1856 and 1857 [4] brought a great upheaval to the Black community, and Whites throughout British Kaffraria lived in constant fear of another frontier war. In February 1857, after a soldier had been murdered at East London and his body found near the African village, his colleagues at Fort Glamorgan took the law into their own hands, razed the village and attacked the community. The Resident Magistrate made

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1. JE Alexander, Narrative of a Voyage of Observation Among the Colonies of Western Africa, in the Flag-Ship Thalia: and of a Campaign in Kaffir-land, on the Staff of the Commander-in-Chief in 1835, Vol 2, pp 198-200.
  2. Tankard, East London, pp 71a, 115a, 169.  
(See map, p 353.)
  3. Tankard, East London, pp 171-176.
  4. See JB Peires, The Dead Will Arise.

use of the opportunity to remove the location to a new site which placed it a little further from the town.<sup>[5]</sup> There it would remain until after a municipality was established in 1873. In the meantime sweeping new regulations were brought in to control the Black population, with taxation both to finance the system and to encourage the assimilation of western values.<sup>[6]</sup>

Official sources listed no Black village on the eastern bank of the Buffalo River during the period before 1874. Even when the German military and peasant settlers arrived in 1857 and 1858, and thereby created a ready market for servants, no locations were established. There was a considerable Black population on that bank of the river, however, as the Church of England missionary, William Greenstock,<sup>[7]</sup> testified in his journal of 1858.<sup>[8]</sup> It is probable that they were mostly accommodated as servants by the Whites, although it is also possible that some scattered huts escaped the "clean up" which affected their West Bank colleagues.

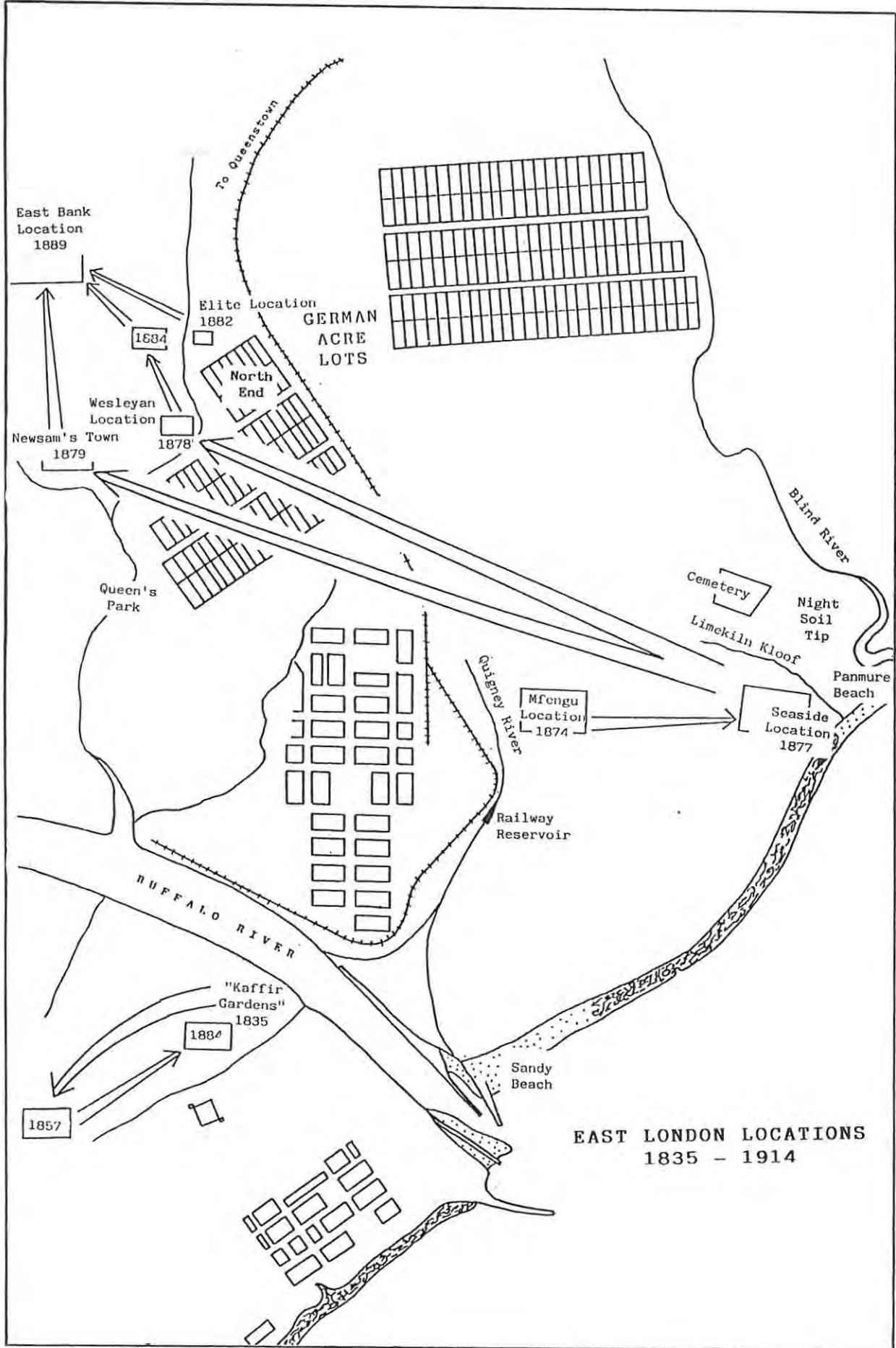
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5. See map, p 353.

6. Tankard, East London, pp 181-186.

7. WILLIAM GREENSTOCK: Greenstock proved to be a controversial Anglican priest who was stationed at East London from April 1858 to February 1859 after having served a term at St Luke's Mission in the Newlands Reserve, where Chief Mhala lived. He worked with immense zeal for the African community at the port but was transferred to Keiskammahoek early in 1859 after a conflict with the British Kaffrarian authorities and his bishop.  
(See Chapter 11, pp 384.)

8. CL, MIC 172/2, Reel 8, E4, pp 79-124; E5, pp 219-286.



EAST LONDON LOCATIONS  
1835 - 1914

During the latter half of 1872 the Cape Colony was given Responsible Government so that, for the first time, the White inhabitants of the Colony came to control what was known as "Native Affairs". It was still too early for the Government to have formulated any policy when the East London municipal committee met from January to March 1873 to draw up municipal regulations and no reference was made in the first bye-laws to the Black residents or how the village on the West Bank was to be governed. [9] Control remained the direct prerogative of the Civil Commissioner and for a time the Government gave him no guidance whatsoever. [10]

In January 1874 the Secretary for Native Affairs ordered the Resident Magistrates and Civil Commissioners of the Colony to draw up regular reports on the "circumstances" of the Black communities under their jurisdiction but the first report from East London in February 1874 was both scanty and superficial. [11] It was apparent that Civil Commissioner Orpen [12] had little interest in elevating the Black community in any way, his sole concern being the maintenance of law and order, the preservation of peace and the provision of labour. The report indicated that there was still only one African village at the town, which served as a source of labour for the harbour and of servants for the White residents. The Blacks were as a rule

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9. Government Gazette, 29.4.1873. Proclamation 32 of 1873. (See Appendix 6, pp 134-138.)
  10. For the origins of the Civil Commissionership at East London, see Tankard, East London, pp 45-59.
  11. CA, 1/ELN 5/1/3/1. Secretary for Native Affairs to the Civil Commissioner, East London, 30.1.1874.
  12. ARTHUR RICHARD ORPEN: Civil Commissioner for East London, 1870-1878.

an easily governed people, Orpen wrote, and if they were gathered into communities under White supervision, they would "soon become as useful as the coloured inhabitants of the Western Districts". He could give little comment on social improvements within the previous years, he said, "for heathenish practices and habits [were] still as much indulged in". The only advance visible to him was the fact that more Blacks were clothed than before. [13]

Orpen's next report was in essence a lengthy moralistic treatise in which he attempted to persuade the Secretary for Native Affairs of the need to promote capitalism, Christianity and the attainment of western values so as to convert the Xhosa into what he regarded as a more worthwhile figure. He admitted that it would be impossible to provide any statistical data as there were as yet no officers stationed within any of the locations under his jurisdiction and it had proved impossible up until then to organise a census. Politically, he said, there was nothing "of special interest" to report although tribalism appeared to be on the wane due to the Government's deliberate attempt to dismember it after the Cattle Killings. [14]

In May 1874 the Municipal Board made an attempt to bring the West Bank Location at least partially under its control. The Chairman had heard that other municipalities were permitted to impose a hut-tax on their locations and yet, he pointed out to his committee, the Government was still

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13. CA, NA 172. Arthur Orpen to Secretary for Native Affairs, 17.2.1874.

14. CA, NA 172. Orpen to Secretary for Native Affairs, 1.2.1875.

collecting such tax from the Black residents on the East London commonage. The Board thereupon demanded a refund of the money collected since the establishment of municipality and insisted that the Government instruct its officers to cease collecting such tax in the future. [15]

The problem was discussed with the Secretary for Crown Lands and Public Works during his visit to East London in November 1874 and, to its dismay, the Board found the dispute linked to the entire commonage issue. [16] The land on which the location was placed, Charles Abercrombie Smith explained, was not "unoccupied pasture land" because Blacks in fact occupied it and the locations therefore were by definition not part of the municipality. He admitted that that was a contradiction and that the Government did not collect hut-tax from other locations which fell within municipal boundaries. Indeed, the situation formed "a very inconsistent state of affairs" but nothing could be done until the entire commonage dispute was settled and the municipal regulations were updated to include the locations. [17] That would happen only in July 1876.

In the meantime, the Municipal Board had no control whatsoever over the African village which meant that the inhabitants lived in an ambiguous position. In effect they were not a part of the municipality and yet the Board controlled the commonage and, since cattle and other animals had to be

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15. Dispatch, 19.5.1874. Minutes, 5.5.1874.

16. See Chapter 4, pp 107-115.

17. Dispatch, 1.12.1874. Meeting between Charles Abercrombie Smith and the Municipal Commissioners, 27.11.1874.

put to pasture, licences needed to be obtained from the municipal authorities. The Board in turn could grant permission for the establishment of or extension to a location but could not control it once it existed.

The Board's members nevertheless approached the problem with concern, particularly for those Black people who were already converts to Christianity or had absorbed western ideals and wished to use that as a reason for being treated separately. It was particularly true for members of religious denominations, who expressed a "strong objection" to mixing with the occupants of the established location and were therefore allowed to create their own communities adjacent to the existing one and so maintain their identity. Nevertheless, the Council's primary concern was to enable the White inhabitants to obtain a "superior class" of servant. [18]

In 1874 the Municipal Board was confronted for the first time with problems caused by the absence of a location on the East Bank, because employers of large labour forces were allowed no place within the municipal boundary in which to house their labourers. An issue arose in February that year when the Town Ranger reported a hut on the Panmure commonage which was occupied at night, he said, by at least 50 Africans, but the case was a difficult one because the people in question were not simply illegal squatters and the Chairman of the Board pointed out that some spot at Panmure should be assigned as a location for servants. The suggestion was not pursued because the ambiguous nature of the existing West Bank location

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18. Dispatch, 12.8.1873. Minutes, 6.5.1873.

made it unwise to establish another one, and it was eventually resolved that the hut in question had to go. [19]

The deciding factor in the above case was the lack of authority on the part of the offending party. Soon another case of an illegal location arose in which the Board was powerless to act. In July 1874 Commissioner Webb brought to light the fact that either the Harbour or Railway Works had established a location for its Mfengu workers on the Panmure commonage and, although prior permission ought to have been obtained, Chairman Gately was adamant that the authorities had not done so. It was decided therefore to write to the relevant person and demand an explanation but the Board soon discovered that it could take no action other than protest. [20]

The problem lay in two areas. First, because the municipality had no control over an established location, it could neither relocate nor close it. Second, the complication of the commonage dispute meant that the municipality had no commonages and was unable to prevent a Government agency from establishing a location where it wished. The location therefore remained and so the first African village on the East Bank had been unexpectedly thrust upon the municipality.

It is difficult to pinpoint the exact position of that location. It was referred to by the Eastern Street Committee in April 1877 when a site

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19. Dispatch, 17.2.1874. Minutes, 4.2.1874.

20. Dispatch, 7.7.1874. Minutes, 1.7.1874.

was chosen for the new cemetery on the East Bank. The cemetery, the committee stated, was to the rear of the "present native Location" which would have to be moved in the event of the adoption of that site. In 1880 the Chairman of the Municipal Board described the location as "near the Gwygney River" and a report in the Dispatch of 1892 placed it on the banks of that river, "immediately above the....railway reservoir". It probably lay between the new cemetery and the Quigney River, and adjacent to the railway land so as to give easy access to the place of employment. [21]

In June 1876 the commonage dispute was settled and the locations finally fell within municipal jurisdiction. Attention was then immediately given to the Mfengu Location which had been situated on the main route of town expansion. By 1877 the East Bank community was growing rapidly as a result of the construction of the railway line, with its terminus at Panmure, and the Municipal Board planned that the land to the east of the Quigney River would be set aside for future White development. [22] The Mfengu Location conflicted with the Board's scheme and, in May 1877, the Eastern Street Committee decided to move it to a spot near the sea and so created what it called the "Seaside Location". [23]

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21. CA, 3/ELN 1/1/1/1. Minutes, 19.4.1877.  
Dispatch, 25.2.1880. Chairman's Minute, 1877-1880.  
Dispatch, 10.9.1892.

(See map, p 353.)

22. CA, 3/ELN 1/1/1/1. Minutes, 19.4.1877, 8.8.1877, 18.10.1877.  
Dispatch, 25.2.1880. Chairman's Minute, 1877-1880.  
 (See Chapter 9, pp 313-314.)

23. CA, 3/ELN 1/1/1/1. Minutes, 31.5.1877.

The site for the new location was not reflected on any contemporary map but there are references to it in certain documents which used its position to describe the situation of the municipal sewerage tip. From those manuscripts it can be concluded that the location was situated near the mouth of Limekiln Kloof, a stream which flowed into the sea immediately west of Panmure Beach, or what today is known as Eastern Beach. [24] That was the first location on the East Bank to be created by the Municipal Board itself and the opportunity was immediately used to move all Blacks who were "squatting on the commonage" and not just the Mfengu in the Railway and Harbour Works location. [25]

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24. CA, 3/ELN 1/1/1/2. Minutes, 7.8.1879.  
 Dispatch, 25.2.1882. Mayor's Minute, 1881-1882.  
 See also Dispatch, 10.9.1892.

(See map, p 353.)

The location was described as being on the commonage at a spot near the Government brick yard to the east of the town. In August 1879, when a place was selected on the East Bank to deposit night-soil, that site was described as lying behind the sand hills on the beach to the east of the Seaside Location, near the Blind River. The Dispatch of 1892 placed it on a spot "above the quarry" on the road to the beach, not far "from what is known as the limekilns".

Timothy Gordon, in his Master's Thesis on East London's black township of Mdantsane, wrongly placed the Seaside Location alongside Signal Hill near the present-day Orient Beach. He possibly misinterpreted "Panmure Beach" to mean the "Sandy Beach" to the east of the Harbour Works training wall. The site which Gordon proposed was an impossibility because it lay within the Military Reserve and it was not within the Municipal Board's power to establish a location there. (See TJ Gordon, Mdantsane: City, Satellite or Suburb?, (Rhodes, MA, 1978), p 72 (Map).

25. CA, 3/ELN 1/1/1/1. Minutes, 19.4.1877.

The mixing of Mfengu and Xhosa was not seen as ideal because the former had had a long history of collaboration with the Whites and therefore tended to be singled out for special treatment. As a result another location soon came into existence on the East Bank when, in April 1878, the Municipal Board decided to create separate communities for the two groups.<sup>[26]</sup> A site was chosen a little to the north of the C Block of the German acre lots<sup>[27]</sup> and the Mfengu population was once again moved. Because the Wesleyans soon established a mission among the Mfengu, the new township became known as the "Wesleyan Location".<sup>[28]</sup>

The Mfengu took an immediate pride in their new home. In December 1878 the District Surgeon reported that he found it "a strong

26. CA, 3/ELN 1/1/1/2. Minutes, 18.4.1878.

27. CA, M 4/852. East London Water Supply, 17.1.1882.

The East London Water Supply Map of 1882, unfortunately not distinct enough to be reproduced in this thesis, tends to be inaccurate. The extent of the East London commonage is somewhat distorted and the position of the rivers near the German acre lots A, B and C does not agree with other later and more reliable maps. As a result, one has to accept the sites for the two locations near the acre lots either in proximity to the rivers or to the acre lots themselves. Since the map distorts the rivers rather than the position of the acre lots, I have chosen the latter option for my maps.

(See map, p 353.)

28. Dispatch, 8.1.1879. District Surgeon to Civil Commissioner, 28.12.1878.  
CA, 3/ELN 1/1/1/2. Minutes, 15.12.1879.

The fact that the Wesleyan Location was indeed Mfengu can be assumed because the "New Location", established in January 1880 when the Seaside Location was moved, was Xhosa. The Mfengu had therefore already been relocated.

(See EL Museum, Chairman's Minute, 1880-1881.)

contrast" to the mixed location of the West Bank. The huts, he wrote, were "well and regularly built", the ground was clean and the men, women and children were well dressed, clean and orderly. Although there was no police residence within the location, he was nevertheless of the opinion that that was a far better arrangement because those men seemed to "cause more disturbance than they quell". [29]

The Municipal Board's appetite for moving the Black community had now been whetted. Next to go was the entire Seaside Location. Its site revealed the myopic vision of the segregation-minded Town Council because it stood on the route to the Panmure Beach. Since men and women had to bathe separately, and because bathing in the sea was the only satisfactory means by which the population could wash, access to the beaches was important and the Panmure Beach was fast becoming the favourite spot for women bathers. [30] The nearby Seaside Location was considered a threat to their safety and so the Board decided in December 1879 that it would be moved and the Inspector of Locations was instructed to give all the residents notice "to quit". Protests from the Church of England that the Council should at the very least grant compensation for the expense of removing the mission church buildings, which had recently been constructed, were met with a firm refusal on the grounds that the Municipal Board had no power to vote public money for that purpose. [31]

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29. *Dispatch*, 8.1.1879. District Surgeon to Civil Commissioner, 28.12.1878.

30. See Chapter 14, pp 517, 521.

31. CA, 3/ELN 1/1/1/2. Minutes, 11.12.1879, 15.12.1879.

The site chosen for the new Xhosa location was to the west of the Wesleyan Location and near the First Creek River, on the hill facing the lower end of St John's Road. [32] The land was surveyed and laid out, and a plot measuring 45 square feet was allowed for each hut, with a street 50 feet in width between each block of ten huts. The village was to be known simply as the "New Location", although it was sometimes referred to as "Newsam's Town" [33] and occasionally as the "Church of England Location". [34]

The West Bank Location existed in a similarly insecure state. In September 1880, inspired by the success of removing the Seaside Location and the creation of the Wesleyan Location and Newsam's Town on what was believed to be a more rational basis, the Municipal Board decided to move the West Bank Black community as well. The location had been on its existing site for 23 years under minimal supervision and reports claimed that it was in an appalling condition, approximating to a squatter camp. In December 1879 the District Surgeon described it as in a "very filthy condition", with many huts "mere bundles of old rags" and the inhabitants "drunken whores of the lowest cast [sic]". Prostitution was rife, he said, and venereal disease common. He recommended that all the huts be

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32. Dispatch, 8.7.1903.

(See map, p 353.)

33. GEORGE FREDERICK NEWSAM: Town Clerk of East London, 1875-1882; Town Engineer, 1882-1885.

34. CA, 3/ELN 1/1/1/2. Minutes, 15.12.1879, 22.1.1880.  
CA, 3/ELN 1/1/1/7, p 8. Minutes, 19.12.1888.  
Dispatch, 25.2.1880. Chairman's Minute, 1877-1880.

constructed of "proper material" and the lots properly marked out in squares of 35 feet. He believed that the occupier of the hut should then be held responsible for the cleanliness of the hut and the surrounding ground. [35]

The Municipal Council decided to ascertain conditions for itself and commissioned Councillors Brill and Hawkins [36] to conduct an independent inspection of the location. The commissioners reported that the place was in "a nearly hopeless state of confusion" both as regards the huts and the inhabitants. The huts, they said, were built in any fashion while the inhabitants were a complete mixture of Xhosa, "Hottentots", Mfengu, American Negroes and, they were "sorry to say", White men. Several of the residents had built extensions without paying hut-tax. The Christian part of the location, furthermore, was very little better than the heathen section. In short, they recommended that the location be destroyed and then laid out properly as had been done on the East Bank.

The question of Whites in the location appalled several of the commissioners. Brill explained that they were living with "coloured women" in huts belonging to the women which, he said, made the case difficult, probably because the women were entitled to the huts while the Whites,

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35. Dispatch, 8.1.1879. District Surgeon to Civil Commissioner, 28.12.1879.

36. FREDERICK BRILL: Brill was a hotelier who entered the Council in 1879 as a member for Ward 1. He served until 1891.

JAMES HAWKINS: Hawkins was a carpenter and undertaker who served on the Council for a few months in 1880 as a representative of Ward 1. (For further information, see Appendix 2.1, pp 11, 24.)

although having no claim to dwellings in the location, were not forbidden to visit and so could not be prevented from living there. As a result of the diverse conditions, therefore, it was decided to move the entire village to a new site. The resolution, however, was not carried out for some years and, in the meantime, the Council turned its attention to bringing about a greater organisation of the locations generally. [37]

In July 1876 the Cape Government had produced the Native Locations Act. [38] Its objective, as stated in the preamble, was purely of a supervisory nature, "that there should be more effectual supervision of Native Locations, and that better provision should exist for their management", although Richard Bouch [39] points out that it was specifically designed to control private locations. [40] In effect, it was a draconian Act which cancelled freedom of movement and put the Black community under near-military control.

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37. CA, 3/ELN 1/1/1/2. Minutes, 16.9.1880.  
See also Dispatch, 18.9.1880.
38. CA, CCP 6/2/1/18, pp. 151-154. Act 6 of 1876.
39. RICHARD BOUCH: Rhodes University historian; his works include The South African Party and the National Party in the Eastern Cape, 1919-1924 (Wits, MA, 1979); "Farming and Politics in the Karoo and Eastern Cape, 1910-1924" in South African Historical Journal, No 12, 1980; "Aspects of Party Organisation in the Cape Province, 1910-1924" in South African Historical Journal, No 15, 1983; The Colonisation of Queenstown (Eastern Cape) and its Hinterland, 1852-1886 (London, PhD, 1990).
40. Bouch, The Colonisation of Queenstown, p 93.

The term "Native Location" was defined as "any number of huts or dwellings exceeding five within an area of one square mile occupied by any of the Native races", the occupants of which were not in the bona fide employment of the owner of the land. Although it excluded municipal locations as such, the municipalities were nevertheless allowed to apply the provisions of the Act. <sup>[41]</sup> The Act further provided for the registration of population, huts and stock within each location, with registers to be maintained by Inspectors. It was the duty of each resident to acquaint the Inspector of any change, under penalty of a £2 fine or imprisonment for one month with the possibility of hard-labour. Any animal that was not registered could be impounded and, if the inhabitant was accused of having stolen an animal, he was presumed to be guilty and the onus rested on him to prove his innocence. The Act further provided for the complete control of movements from one location to another. No-one was allowed to settle at any location without prior authority from the Resident Magistrate of that district, and any offender was liable to be summarily removed. <sup>[42]</sup>

The whole system was to be paid for by the Blacks themselves through two channels. Act 2 of 1869 had imposed a hut-tax of 10s. per annum for every Black family of the Colony who owned a Xhosa-style hut, which tax would fund half the salary of the Inspectors who were then appointed to

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41. Act 6 of 1876, Sections XIII, XV.  
See also Bouch, The Colonisation of Queenstown, pp 92-93.

42. Act 6 of 1876, Sections IV to XII.

supervise the new Act. [43] The other half had to be paid by the residents of the locations, "contributed in equal shares by the occupiers of huts or dwellings situated in the location or locations under such Inspector" to a limit of 10s. per annum. [44]

Even though Parliament officially placed the East London locations under municipal control in July 1876 and then handed over immense power by means of the native Locations Act, the Municipal Board was slow to take steps towards regulating the life of the Black community. [45] It was only in 1878 that the Board began to apply some of the measures which the Act permitted. During the first meeting that year, Commissioner Webb brought up the questions of Blacks being in the town after dark, a perennial problem which troubled the East London White residents. Furthermore, the

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43. An exception was made in the case of western-style houses where a tax of 10s. per annum was levied irrespective of how many families dwelt in the house, which was an attempt to encourage the erection of such houses and so foster the adoption of western culture. (See Tankard, East London, pp 183-184.)

44. Act 6 of 1876, Section II.

45. For a comparison with the Port Elizabeth locations, see GF Baines, The Port Elizabeth Disturbances of October 1920, (Rhodes, MA, 1988), pp 30-33.

Gcaleka War <sup>[46]</sup> was raging at the time and was undoubtedly a decisive factor because it caused an already nervous society to become excessively agitated. <sup>[47]</sup>

Webb suggested therefore that a regulation should be framed to meet what he called "the requirements of the present time", by which the Black population needed to be ejected from the town before sunset. The Board decided not to rush into that, its first racial regulation, and chose instead to study a copy of a similar bye-law issued by the King William's Town Council. <sup>[48]</sup> A public meeting was held a fortnight later which endorsed the proposal, with the exception of servants who had been provided with a pass (signed and dated) from their employers. The pass had to be renewed on each occasion that the servant left the premises where he or she worked, and the penalty was a fine of £5 or imprisonment for three months. <sup>[49]</sup>

By September 1878 it was decided that the regulation was not sufficient and the locations themselves needed to be brought into order.

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46. See Chapter 3, p 38; Chapter 5, p 145.

47. The nervousness of the White community became clear one Saturday afternoon in February 1878 when a number of Blacks were seen on the brow of the hill behind the town on the West Bank. The White populace panicked at the thought that it was being attacked and the military at Fort Glamorgan was sent to repel the enemy. The supposed rebels, the Dispatch reported, turned out to be men who were leaving their work in the town and were returning to the locations.  
(Dispatch, 18.2.1878.)

48. Dispatch, 7.1.1878. Minutes, 3.1.1878.

49. CA, 3/ELN 1/1/1/1. Minutes, 16.1.1878, 28.2.1878.

The Dispatch, always a good barometer of public opinion, summed it up in an article which decried the fact that the three locations on the commonage were "swarming" with Blacks who, the editor calculated, numbered over 2 000. There was no wonder at the thefts committed, he concluded, when there was no supervision. [50] It was therefore decided to implement that part of the Native Locations Act which allowed for Location Inspectors.

The additional municipal staff to carry out the decision was a problem because there were insufficient funds, as Gately quickly pointed out. The commissioners nevertheless acted on the principle of "decide now and find the means later" [51] but in October it was discovered that the amount of money collected by way of hut-tax was so small (amounting to only £10) that it did not warrant the expense of appointing a special Inspector. The positions of Streetkeeper, Borough-Ranger and Location Inspector were therefore combined at a salary of £10 per month, to be supplemented by half the fines collected. A separate officer was thereupon appointed for each bank of the river. [52]

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50. Dispatch, 18.9.1878.

The population figure estimated by the editor, although substantiated by the Council minutes, was a gross exaggeration. The official figure listed in 1885 gave a total of only 752 for all the East London locations.

(See Table 28, p 416.)

51. CA, 3/ELN 1/1/1/2. Minutes, 19.9.1878.  
See also Dispatch, 21.9.1878.

52. CA, 3/ELN 1/1/1/2. Minutes, 3.10.1878, 28.11.1878.

The new management quickly placed the Municipal Board in hot water because of the actions of an over-zealous Inspector who exceeded his authority and burnt down a hut in the Seaside Location. The officer, upon being called before the Council to account for his actions, claimed that he had found the neighbourhood of the hut to be in a filthy state and "improper conduct" carried on within. He had subsequently found the hut to be unregistered and therefore unauthorised, which alone he considered was sufficient reason for its destruction, although he admitted that he had not given prior notice of his intention to raze it and had therefore afforded the occupants no time to remove their belongings. The hut owner thereupon decided to seek legal advice and the Municipal Board found itself before the magistrate in a case which it had no chance of winning. [53]

By February 1880, with the two new villages of Newsam's Town and the Wesleyan Location on the East Bank, and the prospect of creating another new location on the West Bank, it was clear to the municipal commissioners that a more regular form of authority was needed. The Board therefore resolved to apply the entire Locations Act to East London and appointed John Norton [54] as the first officer whose sole function was to be Inspector of Locations. [55]

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53. CA, 3/ELN 1/1/1/2. Minutes, 2.1.1879, 16.1.1879, 20.1.1879, 23.1.1879, 30.1.1879.  
See also Dispatch, 18.1.1879, 25.1.1879.
54. JOHN NORTON: Superintendent of Locations, 1880-1882.
55. CA, 3/ELN 1/1/1/2. Minutes, 23.2.1880.  
CA, 3/ELN 1/1/1/3. Minutes, 9.12.1880.

The new arrangement appeared to bring about greater control of the population, so much so that it was decided not to move the West Bank Location after all. In his annual minute of February 1881, the outgoing Chairman commented on the fact that the Inspector of Locations had turned out to be "a very efficient officer", that the "moral tone" of the West Bank Location had "much improved" and the Inspector had the people "under thorough control". It was resolved, moreover, that residence would be restricted to Xhosa, Mfengu and Khoi, a decision which was deliberately aimed at barring American Negroes and Whites from living there. [56]

In December 1883 the Council started a new wave of resettlement. The first to go was the Mfengu Location, a surprise move because all reports on that particular group of people were positive. Only in January 1881, when the Inspector of Locations had made his first report, was it tabled that what he called the "Old Location" was in very good order and the Mfengu were conducting themselves "satisfactorily". [57] The White residents of North End were the problem, however, because they objected to a location which was situated so close to their suburb. The Council bowed to their demands and began to seek a site further from the town. [58] "We have no doubt the residents at the North End will appreciate the removal," the Dispatch commented and called on the Council to make every effort "to lay

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56. EL Museum, Chairman's Minute, 1880-1881.  
Dispatch, 21.5.1881. Minutes, 19.5.1881.

57. Dispatch, 8.1.1881. Minutes, 6.1.1881.

58. CA, 3/ELN 1/1/1/5, p 213. Minutes, 12.12.1883.  
ELM, Mayor's Minute, 1883-1884, pp 2-3.

out and establish a roomy new location" where the Mfengu would be "quite comfortable" and at the same time be subject to "wholesome superintendence". [59]

The Town Engineer proposed to move the Wesleyan Location to a spot on the plateau between the First and Second Creeks, to the west of Newsam's Town. The site was, he said, "easy of approach", although there was a lack of water and the move would have placed the Mfengu some considerable distance out of town. The Council hesitated to do that and eventually chose to move them only a short distance, to a spot over the brow of the hill but out of hearing distance from North End. [60]

The Mfengu did not accept the decision willingly. Indeed, when in July 1884 it was asked in the Council whether any of the people objected to the removal, the Mayor replied that they all did. Many had still not moved, he said, despite notice that they were to be gone by the beginning of March, and there were indications of resistance against what was clearly perceived to be an unjustified action. The Council nevertheless resolved to wield its authority and warned that no further licences would be granted for huts on the old site and the residents would then be prosecuted. [61]

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59. Dispatch, 26.1.1884.

60. CA, 3/ELN 1/1/1/5, p 232. Minutes, 23.1.1884.  
Dispatch, 7.3.1885. Mayor's Minute, 1884-1885.  
 See also Dispatch, 26.1.1884.

61. Dispatch, 5.7.1884. Minutes, 2.7.1884.

The West Bank Location was next to go. In November 1884 the location sub-committee recommended a new site and a month's notice was given to the inhabitants to move. [62] The decision was most inopportune because East London was then at the trough of the "Great Depression" and in the grip of a crippling drought. Furthermore, it proved confusing to the Black population as the new site was mid-way between St Peter's Church and the pontoon which, they hastened to point out, was close to the position of the original "Kaffir Gardens". It was, they said, close to the town and they would by implication be in danger of a further relocation in the not-too-distant future. [63]

The Council refused to consider their pleas but, because of the hard times which placed many of the Blacks in a "very impoverished condition", it did not force the removal but refused permission for any new huts to be built on the old site. [64] The whole question then fell virtually into abeyance for the next four years until 1890 when the entire system was once again reconsidered and pressure was put on the West Bank Africans to move to their new location. [65]

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62. CA, 3/ELN 1/1/1/5, p 399. Minutes, 19.11.1884.

(See map, p 353.)

63. CA, 3/ELN 1/1/1/6, p 251. Minutes, 23.6.1886.  
See also Advertiser, 30.4.1886. Minutes, 28.4.1886.

64. CA, 3/ELN 1/1/1/6, p 338. Minutes, 24.11.1886.  
Advertiser, 4.3.1887. Mayor's Minute, 1886-1887.  
See also Advertiser, 20.8.1886. Minutes, 18.8.1886.

65. CA, 3/ELN 1/1/1/7, p 239. Minutes, 30.7.1890.

Newsam's Town narrowly survived the earlier upheaval when the Mfengu people were moved. Although the Inspector admitted in January 1884 that the time "had hardly arrived" for removing all the locations in view of the depression into which they had sunk, he nevertheless argued that the existence of two distinct locations on the East Bank was "objectionable" and that Newsam's Town should also be destroyed and one large location established in its place. The Council refused to consider that proposition and decided on an alternative suggestion that all dilapidated huts be destroyed and Newsam's Town be extended in a westerly direction. [66]

Newsam's Town proved to be the more problematic of the two East Bank locations. Many of its residents were migrant labourers from King William's Town and the country districts who sought work on the railways or at the harbour. Those people, the Inspector had reported in 1881, were in the habit of taking liquor to the location and so caused disturbances. [67] Nevertheless, although the Council was desirous of better control over the people, it was also aware that another class of wealthier and better educated person also lived in the location and several councillors wished to aid that group as much as possible.

In August 1882 a committee on locations had recommended that the Council grant some 20 plots of ground to the wealthier class of Black person on a 14 year lease period. Councillor Darley-Hartley, who advocated the

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66. CA, 3/ELN 1/1/1/5, p 232. Minutes, 23.1.1884.

67. Dispatch, 8.1.1881. Minutes, 6.1.1881.

principle, explained that for some time the idea had been generally accepted both within and without the Council. Councillor Walker, in supporting the motion, called on his colleagues to take a broad view of putting facilities in the way of those Blacks who required the means "of raising themselves". There were, he said, a number of them who wished to do so and they would be an example to the others. The more respectable complained of "contamination" and, although it was legally possible for them to come into town and establish themselves, it was in practice very difficult to do so. A plan to create some form of class distinction within the locations, therefore, "would answer well". He had heard from "reliable authority", he continued, that there was prostitution "and all kinds of evil going on" and the honest Blacks "could not maintain their respectability" as matters then stood.

Councillor Vincent and Mayor Gately attempted to block the proposal for different reasons. Vincent wished to see the creation of another location for the elite Blacks rather than give them prolonged control of the land. He believed, he argued, that 14 years of tenure would only bring about "a worse state of affairs". Gately, on the other hand, felt that the interests of the Black people should not be neglected but disapproved of leasing the land for so long a period. He did not think, he argued, that there "would ever be a disposition to dispossess deserving natives", a rather naïve argument when viewed in the light of later circumstances. He proposed instead that the grant should be made for shorter periods. Despite the opposition, the original proposition was accepted by a majority of one

vote and the General Purposes Committee was instructed to report on sites and size of lots. [68]

The committee did its homework quickly and reported as early as the very next week. It recommended that the plots for each household be 45 square feet and a site be set aside some 250 yards east of what was still the old Wesleyan location. The committee recommended a quitrent of £1 per annum. [69] The recommendation was accepted and in October it was decided that each applicant would have to provide the Council with evidence of good character and behaviour, and of his financial state. He had to submit "a general idea" of the style and cost of the proposed building for the Council's approval, and his proposal had to be supported by the recommendation of two other inhabitants. [70] In November it was resolved to have the ground surveyed and the necessary steps taken for the plots to be allocated to "deserving natives". [71]

Within five years, the Council's humanitarian spirit was over and by the end of 1888 the future of Newsam's Town, the new Wesleyan Location and of the elite township were in the balance. A site between the two locations

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68. Dispatch, 12.8.1882. Minutes, 9.8.1882.  
See also CA, 3/ELN 1/1/1/4, p 220.

69. CA, 3/ELN 1/1/1/4, pp 226-227. Minutes, 16.8.1882.

(See map, p 353.)

70. CA, 3/ELN 1/1/1/4, p 263. Minutes, 18.10.1882.

71. CA, 3/ELN 1/1/1/4, p 276. Minutes, 1.11.1882.  
Advertiser, 2.3.1883. Mayor's Minute, 1882-1883.

had been granted for the Presbyterians to erect a church and huts for their African congregation but in October there was a deputation from the White residents of North End who presented a petition signed by 130 people which set forth that any extension of the Mfengu Location would devalue their property. The kloof at the foot of St Peter's Road, the petitioners stated, had become a "receptacle for filth" and they called on the Council to move every location to at least a mile from the populated part of the town for "sanitary and moral reasons". [72]

For a period of four months the Council vacillated in its attempt to choose a suitable site for the Presbyterian Location. In December 1888 it was decided to place it on the western bank of First Creek, then another site was chosen to the north of Newsam's Town. Finally, in February 1889, a spot was selected to the west of that location. The decision, however, caused a complete debacle when Mayor Lance gave an oral interpretation of the site which confused "west of Newsam's Town" with "west of North End". His interpretation was endorsed by the Council and only later was it discovered that the new Presbyterian Location would be placed in the middle of the Queen's Park Botanical Garden. The resolution had therefore to be rescinded, with much acrimony about whether or not the Mayor had been responsible for the Council's folly. [73]

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72. CA, 3/ELN 1/1/1/6, pp 653, 665, 671. Minutes, 26.9.1888, 10.10.1888.

73. CA, 3/ELN 1/1/1/7, pp. 8 13. Minutes, 19.12.1888, 13.2.1889.

It was eventually proved by a reading of the minutes that ex-Mayor Lance, who had by then moved to Johannesburg, had indeed made the faux pas.

The muddle gave Councillor Vincent the opportunity to move in April 1889 that the time had arrived to merge the two existing East Bank locations into one and to select a totally new site. The motion was carried and a plan was produced in June to place the new location much further out of town, at a point to the east of the First Creek River. [74] Not only were the inhabitants of Newsam's Town to be relocated but the Mfengu of the new Wesleyan Location were to be moved once more, for the fourth time in 12 years. The elite location would also go. Notice was then given to the various religious denominations to select sites for their churches, with the proposal that the people would be located as far as possible in blocks below the church to which they belonged. [75]

The Africans on the East Bank had always remained relatively subservient to the Council's demands but the unwanted relocation was viewed as blatantly unjust since the Whites had no concrete reasons for the resolution. The locations were well laid out and in accordance with municipal specifications, were relatively new and the Council could certainly not claim that lack of adequate supervision was the cause. The councillors had simply bowed to the wishes of the North End residents who looked to the value of their properties which they felt was adversely affected by the close proximity of the two locations. It also upset their

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74. See map, p 353.

75. CA, 3/ELN 1/1/1/7, pp 34-35, 47, 67. Minutes, 10.4.1889, 24.4.1889, 3.7.1889.  
See also Dispatch, 6.7.1889.

moral and sanitary sensibility and, as the Dispatch commented some years later, "the evensong of the natives, inspired by the mixed brew of Kaffir beer and vile spirits, was unappreciated by their White neighbours". [76]

The Africans initially protested against the decision. In August they drew up a petition against the removal on several well-justified grounds. First, they appealed as fellow Christians who, because they worked in town, would be unable to attend worship since the distance to their churches would be doubled. They also pointed out the expense of removing the mission houses and churches. Not only would worship have to stop, they claimed, but those who attended night school in the White areas would no longer be able to continue. Punctuality at work would also cease but of major concern was the question of accommodation. Since most of the people worked long hours, they believed it would be impossible to build new huts and, because it was still winter, grass and wattles were scarce. They appealed to the Council, therefore, to impose a stricter and more effective control on the locations which, the petitioners claimed, would result "in much improvement" but the appeals fell on deaf ears. The Council merely informed the petitioners that it had taken all their reasons into consideration but saw no justification to alter its decision. [77]

Having failed to persuade the Council on humanitarian grounds, certain of the educated Black residents decided to take legal advice and appointed

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76. Dispatch, 8.7.1903.

77. CA, 3/ELN 1/1/1/7, p 81. Minutes, 14.8.1889.  
See also Dispatch, 17.8.1889.

Richard Rose-Innes, a King William's Town attorney, [78] to defend their case. In October 1889 the Council was informed that its decision appeared illegal and that the Black residents had been instructed to refuse to move from their homes. The majority of the residents, Rose-Innes wrote, were opposed to the re-location and many of them owned their houses through purchase from the municipality. The Council was therefore ordered to refrain from any further action until after the legality of the decision had been tested by court of law. [79]

The resistance took the Council by surprise and it dithered for some months. Initially it denied that there was any "strong opposition" from Blacks but, on the contrary, a "very considerable number" had already moved to their selected sites. That information was immediately contradicted by the Location Inspector who reported that only 13 huts were in course of construction. All work, he said, had ceased because of instructions from the attorney. The Council then argued that the removal had not been one of "caprice" but was "of absolute necessity" for "the health of the natives themselves", [80] an excuse which had little validity in the light of the Location Inspector's positive reports on conditions within the locations.

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78. RICHARD ROSE-INNES: Rose-Innes, brother to James Rose-Innes who established a reputation for defending Black interests within parliamentary and governmental circles, became the leading attorney for challenging what he saw as racial transgressions at East London.

79. CA, 3/ELN 1/1/1/7, p 95. Minutes, 9.10.1889.

80. CA, 3/ELN 1/1/1/7, p 95. Minutes, 9.10.1889.  
Dispatch, 8.3.1890. Mayor's Minute, 1889-1890.

The confusion was compounded when the Town Solicitor refused to act because he felt himself slighted by the Council which had not made use of his services in another case and he subsequently resigned because the Council offered him no apology. <sup>[81]</sup> In December, therefore, the Council decided to appeal directly to the Attorney General for clarification of its powers under its Municipal Act and subsequent bye-laws, and to seek guidance as to its options in removing the location. <sup>[82]</sup>

The Attorney General's lengthy reply was received early in the new year but unfortunately the contents are not revealed in the municipal minutes and a thorough search in the archives has failed to uncover the document. It is apparent, however, that he advised the Council that its actions were legal, probably in terms of the municipal regulations which gave it authority to move the locations whenever it was deemed necessary. <sup>[83]</sup> The communication certainly prompted the Council to continue on its decided course and in July 1890 the Location Inspector reported that everything was being arranged for a speedy removal to the new location. By October most of the residents had been relocated and in his minute of February 1891, the Mayor was able to report that, "after considerable trouble and no little opposition", the old locations on the East Bank were "a thing of the past". The "firm action" of the Council, he said, had brought about a "marked improvement". The new site not only held "great

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81. CA, 3/ELN 1/1/1/7, pp 112, 119. Minutes, 6.11.1889, 4.12.1889.

82. CA, 3/ELN 1/1/1/7, pp 116, 137. Minutes, 4.12.1889, 15.1.1890.

83. CA, CCP 6/5/18. Proclamation 113 of 1883, Regulation 178.  
(See Appendix 7, p 171.)

advantages" to the Blacks themselves but was in such a position as would, he hoped, make it clear that the question of a further removal "need not be immediately considered".<sup>[84]</sup> Relocation was indeed temporarily a thing of the past and the East London Council could now give its full attention to even more racist schemes for its Black community.

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84. CA, 3/ELN 1/1/1/7, pp 135, 148-149, 236, 277. Minutes, 15.1.1890, 26.2.1890, 16.7.1890, 22.10.1890. Frontier Standard, 23.10.1890. Minutes, 22.10.1890. Dispatch, 8.3.1890. Mayor's Minute, 1889-1890. ELM, Mayor's Minute, 1890-1891, pp 2-3.

CHAPTER 11  
LOCATION ADMINISTRATION, SEGREGATION AND  
THE GROWTH OF AFRICAN POLITICS  
1890 - 1914

The years which preceded 1890 had seen the virtually unchecked manipulation of the Black community. The East London Town Council was able to do so because, apart from a few philanthropically-minded White advocates like Richard Rose-Innes, <sup>[1]</sup> there was no educated body to watch over African interests. Unlike many of the other towns in the Eastern Cape, such as Grahamstown, Lovedale and Healdtown, which had long been centres of mission educational institutions, <sup>[2]</sup> East London had none. Reverend Greenstock <sup>[3]</sup> made a brief start in 1858 but his conflict with the British Kaffrarian authorities over the baptism of three Blacks who had been convicted of the murder of his predecessor had led to his rapid transfer to Keiskammahoek and all work had subsequently ceased. <sup>[4]</sup> The Church of England ministers who succeeded Greenstock were singularly lacking in missionary zeal and so, by 1873, there was not even one Black school in existence. <sup>[5]</sup>

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1. See Chapter 10, p 380.
  2. See A Odendaal, Vukani Bantu!: The Beginnings of Black Protest Politics in South Africa to 1912, pp 3-5.
  3. WILLIAM GREENSTOCK: See Chapter 10, p 352.
  4. Reverend Joseph Willson, the first civilian Church of England minister to be stationed at East London, was murdered on his way to conduct a service at Fort Pato. Three Blacks were convicted of the crime but the authorities were not sure that all were guilty and were hoping for a confession from one of them. Greenstock had in the meantime been transferred to East London and came to minister to the three prisoners. In the course of doing so, he heard their confessions and baptised them but refused to divulge what the men had said. The authorities were irate because the hope-for confession would as a result not be forthcoming. All three were later released.
  5. Tankard, East London, pp 192-210.

The Africans had generally migrated to the port in the search of employment. Indeed, during East London's early years, people were only allowed to reside in the West Bank location if they provided labour for the town or harbour, and the Mfengu location in Panmure had been founded as a residence for railway workers. Only as late as 1878 did it become noticeable that Anglican and Wesleyan influences were beginning to play a stronger role in the Black community which resulted in the names "Wesleyan Location" and "Church of England Location" being given to the two villages which replaced the Seaside Location in 1878 and 1879.<sup>[6]</sup> Schools were established and an educated African population at last began to develop. The decade of the 1880's therefore proved to be an embryonic stage at East London during which Black social and political consciousness gradually took shape and was born in 1890 with the traumatic forced removal of the East Bank locations and the spirited resistance to the creation of the New Location.<sup>[7]</sup>

By 1890 several changes had taken shape on the political front of the Eastern Cape. The Colonial Government had long established its reputation as a non-segregated body whose criterion for full participation lay in "civilization". Once an African had attained a certain level of financial independence, he became legally "exempted" from various Acts of Parliament

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6. See Chapter 10, pp 361-363.

7. See Chapter 10, pp 378-381.

which applied to the locations. [8] He was recognised therefore as an equal to the members of the White community although, as André Odendaal [9] points out, the Whites tended always to be "more equal". [10]

Because education fostered economic advance, it therefore became the passport to a better life and, by the end of the Gcaleka War, many Africans turned from resistance to co-operation with the idea of using the system to better their community's interests. During the 1880's African political associations took root and between 1882 and 1886 the number of Black voters in several East Cape constituencies increased rapidly. By the end of the 19th century, Odendaal writes, there was a sizeable class of politically conscious Blacks in the Colony, with members drawn from the constantly growing numbers of educated people. [11]

East London could not escape the evolution, especially once the dust had settled on the location-removal dispute. Indeed, the removal had two direct results. First, it created one large, fully integrated community of

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8. The Cape's 1853 constitution granted the franchise to all male citizens over the age of 21, who either owned property valued in excess of £25, received an annual salary of £50 or received a salary of £25 plus free board and lodging.
  9. ANDRÉ ODENDAAL: University of the Western Cape historian; his works include The Development of African Organisational Politics in South Africa, with Particular Emphasis on the Responses of Africans to the Process of Unification, 1899-1910 (Stellenbosch, MA, 1980); African Political Mobilization in the Eastern Cape, 1880-1910 (Cambridge, PhD, 1983); Yukani Bantu! (1984).
  10. Odendaal, Yukani Bantu, p 4.
  11. Odendaal, Yukani Bantu, pp 4-16.

Xhosa, Mfengu and Khoikhoi residents who proved quite capable of ignoring their differences and living in peace. <sup>[12]</sup> Second, it was essential for the Black community to present a united and organised front to resist further disruptive actions by the Town Council.

The attitude of the councillors towards the rise of the educated class of Blacks varied. Some, like John Gately, applauded it as a welcome advance into western civilization and wished to do all in their power to foster the movement. Others, like Henry Willetts who lived in North End and therefore held property close to the locations, <sup>[13]</sup> were opposed to it and wished to see a totally segregated community. Many of the latter seemed not to understand that the status of the "exempted" Blacks was protected by legislation and were quite happy to issue bye-laws which were at odds with colonial law.

The major area of conflict was the White community at North End. That suburb had evolved out of one of the German acre settlements and, because of the lack of municipal regulations to govern the subdivision of plots, many of the erfes had been cut up and sold as sub-plots which resulted in overcrowding and a subsequent depreciation in the value of the property. <sup>[14]</sup> That in turn led to a rapid degeneration of the suburb into a residential

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12. The Location Superintendent, in his annual reports for the Mayor's Minute, especially those between 1907 and 1910, stressed the harmony which existed between the different cultures.

13. HENRY NOAH WILLETTS: Willetts was an auctioneer and insurance agent who represented Ward 3 (North End) from 1884 to 1992.

14. See Chapter 6, p 166.

area of the lower socio-economic population. Moreover, because of its position in relation to the Wesleyan Location, Newsam's Town and the later New Location, <sup>[15]</sup> it became the ideal residential area for the wealthier "exempted" Africans who found the rents reasonable and the proximity to their friends and relatives in the locations useful. North End therefore became the major mixed community of East London.

Sporadic attempts were made to alter the situation. The first was in August 1884 when Councillor Willetts tried to have the Africans expelled to the locations. There were a large number of them living in the town, he said, and pointed out that the depression was a major factor in their drift to North End because landlords were prepared to lease to anybody who could pay. Gately was quick to point out that there was nothing to prevent a Black from hiring the best houses in town and expressed his desire to see them building good houses of their own. Since that was impossible, he concluded, renting was "the next best thing". Such a liberal remark was a red cloth to several councillors who feared further depreciation of their property. Willetts summed up their attitude by protesting that the whole of North End "had better be set fire to" if that sort of thing were to be permitted. <sup>[16]</sup>

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15. See map, p 353.

16. Dispatch, 16.8.1884. Minutes, 13.8.1884.

The idea was occasionally resurrected. In his annual report of February 1896, Location Superintendent Potter<sup>[17]</sup> called for regulations which would remove the Africans from the town. He pointed to the increase in the numbers of those who resided within the area which, he said, was to be "deplored" as the majority did not contribute to the local revenue but caused an increase in municipal expenses. He did not explain how, and also overlooked the fact that, by paying rents to their landlords, the Blacks were indeed contributing to the annual rates. In February 1901 his successor, Superintendent Lloyd,<sup>[18]</sup> again called for their removal. There were now "hundreds" in town, he claimed, and called for "stringent measures" to relocate them.<sup>[19]</sup> Their demands were in vain, however, because there were too many watchdogs in both the legal profession and in Parliament to allow the Council to violate the status of the Blacks in such a flagrant manner.

A major problem was how to identify the "exempted" Blacks from the majority who lived in the locations, particularly when the latter visited the town for the purpose of attending night schools to further their education. Municipal regulations which had been framed in 1878 and renewed in 1883 demanded that Blacks be out of town by 8 p.m., for which purpose a curfew bell was rung each evening. The only exceptions were the Africans

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17. PERCY HENRY POTTER: Superintendent of Locations, 1890-1900.
  18. CHARLES ARTHUR LLOYD: Superintendent of Locations, 1901 to the mid-1930's.
  19. ELM, Mayor's Minute, 1895-1896, p 37.  
ELM, Mayor's Minute, 1900-1901, p 53.

who were "exempted" in terms of the Cape's constitution,<sup>[20]</sup> as well as those who had a pass from their employers.<sup>[21]</sup>

The attendance of evening classes was clearly an exceptional circumstance yet the Location Inspector, guided by the Council, treated the matter in a totally bureaucratic manner. There were schools in the locations for them to attend, the Inspector told the Council in October 1886, and he had therefore issued orders that the regulation be enforced and the culprits arrested if they lacked the necessary pass. Councillor James Coutts<sup>[22]</sup> quickly pointed out an anomaly which existed. Some of those people, he said, were American Negroes while others were "Hottentots",<sup>[23]</sup> and there were no adequate schools in the locations to cater for them. Furthermore, the conductors of the night schools were doing "good work". He had personally investigated them, he explained, in order to see if there was "anything wanting the attention of the police" and had concluded that that was not the case. It was, moreover, not a question of

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20. See above, pp 385-386.

21. Dispatch, 21.2.1885. Minutes, 18.2.1885.

22. JAMES COUTTS: Coutts was a shipping agent and wool merchant who was elected to the Council in April 1877 to represent Ward 1. He served sporadically until September 1888 when he died suddenly while still in office.

(For further information, see Appendix 2.1, p 13.)

23. The Council sometimes made a distinction between Khoikhoi, or Hottentots as it called them, and Coloureds. At other times, however, the two groups were bundled together as one.

(See Table 28, p 416.)

"worthless characters" but simply one of who should issue the pass and how it should be worded. [24]

Another acute problem was related to church attendance. Ministers of Religion who held services within the town after dark were continually frustrated to see members of their flock arrested for being on the streets without a pass. Reverend Rubusana, a Congregational minister who would become a distinguished African political leader, [25] wrote to the Council in 1888 to complain that some members of "a native place of worship" in North End had been "molested" by the police but his suggestion of an easy alternative, namely to allow ministers to issue passes, was rejected by the

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24. Dispatch, 16.10.1886. Minutes, 13.10.1886.

CA, 3/ELN 1/1/1/6, p 310.

See also Advertiser, 15.10.1886. Minutes, 13.10.1886.

25. WALTER BENSON RUBUSANA: Rubusana was born in the district of Somerset East in 1858, was educated at Lovedale College and, after serving as teacher and assistant pastor at Peelson, he was ordained in the London Missionary Society in 1884. He gained a PhD from McKinley University. He was a founder member of the Native Educational Association, founded in 1879 to improve and elevate the position of the "native races" by means of education. He was also a member of the Union of Native Vigilance Societies and was prominent in the establishment and administration of East London's African newspaper, Izwi Labantu. Simultaneous with the creation of Izwi in 1898 was the formation of the South African Native Congress of which Rubusana was an Executive Committee Member. In 1909 he became President of the South African Native Convention, elected to study the drafting of the Act of Union. He was also one of the delegates who journeyed to England that year to carry the voice of Black protest against the Union before the King. Once Union had been accomplished, Rubusana decided to exert pressure from within the system and was elected as the first Black Member of the Cape Provincial Council to represent the Tembuland constituency. He died on 19 April 1936 at the age of 78 and was buried at East London.

Council, possibly because many of the churchmen, like Rubusana, were Black. [26]

There was initially little outward antagonism on the part of the Africans towards the segregation-minded White community. Indeed, they were quick to applaud any measures which bettered their lot and their public response to racist councillors revealed control and was devoid of resentment. On the contrary, they pleaded for stricter control and improved sanitary services which would foster a more peaceful and healthier existence within the locations. Later they would turn their attention to countering racist regulations but always in response to growing prejudice on the part of the Whites.

A clear example of that early sentiment was revealed in 1890 in a reaction to new location regulations issued by the Council. The "Great Depression" of the 1880's had resulted in a loosening of control when the Council found that it was no longer possible to pay wages to two location inspectors as well as two streetkeepers. In October 1884 it had therefore resolved to combine all those offices into one. [27] That system remained in force until 1890 when the creation of the new locations and the return of prosperity led to a rise in the number of Africans settling at East London. Reform in location administration was then felt to be a priority and in May 1890 the Council appointed Percy Potter as Superintendent of Locations

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26. CA, 3/ELN 1/1/1/6, p 563. Minutes, 15.2.1888.

27. CA, 3/ELN 1/1/1/5, p 388. Minutes, 22.10.1884.

and Commonage Ranger and he became the first Inspector to reside within the East Bank Location itself. [28]

Mayor Rees soon proclaimed that the new system of administration was an unqualified success and the Council could congratulate itself on the fact that the locations were at last under "complete control". Sectors of the African population also lauded the improvement in Black living conditions. Rubusana wrote to the Dispatch that those who had seen the East Bank location lately were struck with the cleanliness of the houses, as well as the quietness and orderliness which at last prevailed, especially on Saturday nights when a "good number" of the labourers received their weekly wages and tended to come home "more or less drunk".

Seven or eight years previously, Rubusana stated, the locations had been a home "for the vagrant and all sorts of bad characters" but that had changed since Potter's appointment. The huts were now properly thatched and not covered on the top with old bags and paraffin tins "as of yore", and had been white-washed free of charge by the Council. The "Kafir-beer orgies" and the "blood-curdling night yells" had been successfully put down to the

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28. CA, 3/ELN 1/1/1/7, pp 166-181. Minutes, 26.3.1890, 9.4.1890, 23.4.1890, 21.5.1890.

The decision was a direct result of an appeal from the Railways Traffic Manager who pointed out to the Council that it was becoming increasingly difficult to obtain labour on Mondays because of the "intemperance permitted at the Locations" on Saturday afternoons and Sundays. He suggested that a superintendent be appointed whose sole duty would be supervision of the Black community. A house was then built in the location at a cost of £342 and Potter was accommodated free of charge. Revenue from hut-tax was found to be sufficient to meet all expenses.

great comfort and happiness, he teased, "of our friend and easily offended town councillor, Mr Willetts", who was always tortured by those "wretched and most pernicious habits" because he lived so close to the locations.

Rubusana concluded by calling on the Council to keep up the control. The East Bank Location, he pointed out, was the resort for Black visitors from up-country who came down during the holidays "for a change of air". It was therefore important that it be kept "attractive" because those visitors contributed to the wealth of the East London merchants and to the revenue of the Council. The location people, he said, were "large contributors" to the revenue of the Council and the funds they paid should be spent on improving the locations. [29]

Racist regulations, however, soon destroyed the peace and orderly control which both Rees and Rubusana had praised. The "Stick Case" which occurred in August 1892 [30] revealed that the Town Council could not be trusted to adhere strictly to the spirit of the Colony's classless system of legislation as it had gone ahead with several bye-laws which were in contradiction to the statutes. It was, moreover, clear that some form of civic body was needed in the locations to protect African interests.

The Location Acts of 1876 and 1878 had authorised municipalities to regulate the establishment and administration of the locations within

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29. Dispatch, 20.1.1892. Letter from "W.B. Rubusana".

30. See below, pp 395-399.

municipal boundaries but did not include permission to pass bye-laws which singled out any specific class within the towns themselves. In the case of East London, neither Proclamation 37 of 1873 nor Act 23 of 1880 had made any reference to the African community and therefore the Council's only authority over it was in terms of the Location Acts. Despite that, however, the municipality passed discriminatory regulations from time to time. The first, in 1878, forbade the presence of any "Kafir" within the limits of the municipality after sunset unless he or she was armed with a pass signed by his or her employer. [31] Apart from the fact that the regulation was discriminatory and therefore invalid, the wording was also interesting because the word "Kafir", or unbeliever, was at that stage customarily used to designate only pagan Xhosas. A case could therefore have been made to demand exemption for Christian Xhosas, Mfengu, Khoi or any other Black person who did not strictly fit the description of "Kafir".

In 1883 Regulation 232 was promulgated which set the time of curfew specifically at 8.00 p.m. and further stipulated that no "native" would be allowed "at any time" to carry "any stick or sticks" within the limits of the municipality except "such as may be considered as light walking sticks". The penalty would be confiscation of the offending object. [32] In 1888 the

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31. Government Gazette, 5.3.1878. Proclamation 17 of 1878.  
(See Appendix 6, p 145.)

32. CA, CCP 6/5/18. Proclamation 113 of 1883.  
CA, 3/ELN 1/1/1/5, pp 138, 147, Minutes, 25.7.1883, 15.8.1883.  
(See Appendix 7, p 179.)

Council segregated bathing and allowed Blacks to swim only at Panmure Beach to the east of the old lime kilns. [33]

Despite the discriminatory nature of the regulations, it took nine years before any legal challenge was issued. The delay was probably due to the fact that no Black political organisation existed at East London until 1893 and so it was up to individuals to check the legality of municipal bye-laws. Moreover, the regulations had been proclaimed by the Governor and therefore carried the tacit approval of Parliament, the ultimate guardian of Black interests. Matters came to a head, therefore, only in mid-1892 when a visiting African, William Umvalo, had his "knobkerrie" confiscated by the police in terms of Regulation 232 and he immediately lodged an appeal in the Magistrate's Court for the cost of the stick, plus £1 in damages.

Umvalo's Defence argued that the regulation in question was racist as it applied only to Blacks, was ultra vires and therefore opposed to the law of the Cape Colony. Whites, it was contended, were allowed to carry identical sticks within municipal limits at all times. The Prosecution, on the other hand, argued that Blacks readily resorted to using their sticks when in a fight whereas Whites used only their fists. Ultimately, the magistrate issued judgement that the bye-law was perfectly legal. The 39th Section of Act 23 of 1880, he stated, provided the municipality with

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33. CA, 3/ELN 1/1/1/6, p 580. Minutes, 11.4.1888.

(See map, p 353.)

power to frame regulations "generally as may seem mete for the good rule and government of the Municipality" and Regulation 232 fitted that description. [34] Umvalo's claim was therefore dismissed.

An appeal against the decision was then lodged with the Eastern District's Court where once again the Defence argued that the regulation was an attempt at "class legislation" because only Blacks were forbidden to carry sticks, and the Solicitor-General pointed out that it was possible under such circumstances to prevent Irishmen from carrying shillelahs within the municipality. Umvalo won the appeal. In his judgement, Mr Justice Jones stated that authority to make class legislation was the sole prerogative of Parliament and, until the power "to distinguish between inhabitants of one class or colour and of another" had been specifically conferred upon the municipality, the Council could not frame such discriminating regulations. [35]

The verdict of the Eastern Districts Court had an immediate effect on the East London Black community, several of whom now began a deliberate campaign of defiance of municipal authority. Their idea, stated the Dispatch, was that the superior authority had upset "the pretensions of the local powers" and that the Mayor and Town Council could be more or less

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34. Dispatch, 17.8.1892. Proceedings of the Magistrate's Court, 15.8.1892.

35. Dispatch, 7.9.1892, 10.9.1892. Proceedings of the Eastern Districts Court, 30.8.1892, 3.9.1892.  
ELM, Mayor's Minute, 1892-1893, pp 4-5.

ignored and their regulations "treated as waste paper". [36] By October 1892 Superintendent Potter reported that "knobkerries" were "rampant" in the location and that the "good order and quiet" was fast becoming a thing of the past. [37]

So perturbed was the Council at its loss of face that it decided to appeal to the Supreme Court and the case was fought for a third time. The verdict in November 1892 again upheld Umvalo's claim but not in terms of racist regulations. The court merely decided that the bye-law was "unreasonable". Africans could have their sticks confiscated merely "by having them", the judge stated, even if they were peacefully disposed, as in Umvalo's case. The regulation made no mention of the sticks being confiscated because they were dangerous weapons and, as it stood, a Black person might have his stick in a bag or wrapped up in a blanket and still have it confiscated. [38]

Although the municipality had lost its case, the magistrate in East London was quick to clamp down on any further infringements of the regulation. In December 1892 he announced that the Supreme Court had found that the municipality did indeed have the right to prevent Blacks from carrying sticks and he therefore warned the public that in future the police would not hesitate to prosecute all Africans who were found in the

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36. Dispatch, 5.10.1892.

37. Dispatch, 22.10.1892. Minutes, 19.10.1892.

38. Dispatch, 3.12.1892. Proceedings of the Supreme Court, 20.11.1892. ELM, Mayor's Minute, 1892-1893, pp 4-5.

possession of sticks within the municipal limits, especially in the case of those at canteens where sticks were deemed to be dangerous weapons. In that way normality was restored to the locations and no further attempts were made to defy municipal authority over the stick regulations. [39]

The "celebrated Stick case", as Mayor Rees called it, turned out to be a landmark judgement and focused the Council's attention on the legality of other racist regulations. The judgement, particularly that handed down by the Eastern Districts Court, revealed serious implications not only for the East London Council but for other municipalities because of the doubt which now existed as to the legality of municipal regulations which were specifically aimed at the Black community but not directly provided for by statute. It was not enough that a bye-law appeared reasonable, Mayor Rees explained to his Council, but it had also to be reasonable "within the meaning of the Statute". The "Stick Case" had, he said, "emphasized in a marked degree" that, if further regulations were to be framed for the control of the locations, it was first necessary to be in possession of an Act of Parliament. It was therefore essential, he concluded, that "no time be lost" to secure additional powers to "deal with the natives". [40]

Two problems particularly troubled the East London municipality, namely the "knobkerrie" issue and the brewing of "Kaffir Beer" within the locations. The latter was a headache which had dogged the municipality in

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39. Dispatch, 7.12.1892.  
ELM, Mayor's Minute, 1892-1893, pp 4-5.

40. ELM, Mayor's Minute, 1892-1893, p 13.

its early years but was eventually brought under control through a bye-law passed in August 1884 which had given the Location Inspector power to destroy the beer whenever he came across it. [41] The regulation appeared to achieve its aim and Mayor Attwell was able to report in February 1885 that there had been a marked improvement in the "behaviour of the people" in the locations and that the beer-drinking "orgies" which had caused the residents, particularly of North End, "frequent annoyance and sleepless nights" had almost ceased. [42]

Towards the end of 1892 drunkenness was again on the increase. Part of the difficulty, Superintendent Potter reported, was that he had no "lock-up" and he could not carry drunks the long distance to the town gaol. [43] A more important reason for the resurgence, however, was undoubtedly the judgement in the "Stick Case" because the municipal regulation on "Kaffir beer" fell into the same category of racist legislation. For a while, therefore, municipal authority weakened and 1893 became a "stormy" year, with disorderly conduct, faction fights and stone throwing a common occurrence. [44]

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41. CA, 3/ELN 1/1/1/5, p 347. Minutes, 6.8.1884.

42. Dispatch, 7.3.1885. Mayor's Minute, 1884-1885.

43. ELM, Mayor's Minute, 1892-1893, p 17.

44. CA, 3/ELN 1/1/1/8, pp 118, 138, 171, 206, 276. Minutes, 15.3.1892, 5.4.1893, 14.6.1893, 9.8.1893, 1.11.1893.  
ELM, Mayor's Minute, 1893-1894, pp 34-36.  
ELM, Mayor's Minute, 1894-1895, p 24.

The Council therefore turned its immediate attention to the eradication of what it euphemistically called the two "nuisances" through the submission of a Private Bill to Parliament but, by the time the Draft Bill had been prepared, it was too late for it to pass during that session. Gordon Sprigg, East London's "senior" parliamentarian, recommended instead that a "public measure" could be passed to ease the difficulties if it was supported by the wider community, and the Town Councils of both Port Elizabeth and King William's Town were thereupon "advised and requested" to urge the introduction of the Bill and to offer support.

The Bill became an Act of Parliament in 1893<sup>[45]</sup> and gave considerably increased powers to Borough Councils to enable them to pass various additional regulations for the governing of their Black communities.<sup>[46]</sup> The East London Council seized the new Act as an opportunity to solve its two pressing problems of the carrying of sticks and the brewing of beer, and brought in an amended regulation which covered both issues.<sup>[47]</sup> The result, Superintendent Potter stated in his report for 1895, was an immediate return to "a more quiet and peaceable manner". During the year, he said, he had been unable to detect any "Kaffir Beer" in

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45. Act 12 of 1893. Local Bodies' Increased Powers Act, 29.8.1893.

46. ELM, Mayor's Minute, 1893-1894, pp 4-6.

47. Government Gazette, 8.12.1893. Government Notice 1174 of 1893.

the East Bank Location and had dealt with only one case on the West Bank. [48] Moreover, the carrying of sticks had ceased to be an issue.

A second implication of the "Stick Case" was the decision by the African community at East London to create an institution which would serve to protect its own interests. Rubusana was already an experienced member of the Native Educational Association and a founder member of the Union of Native Vigilance Associations. [49] It was simply a matter of time before he became politically active at East London and, in 1892, a Native Vigilance Association was elected at the East Bank Location under the chairmanship of Reverend Stegman Dlakija, with its stated objective being to impart and explain "the necessity of loyalty and submission" to the municipal regulations and to "ameliorate" the condition of the Black people generally. Soon after its formation, Dlakija approached the Council to request official recognition of the group and to seek permission to lodge suggestions from time to time, especially when the Municipal Location Committee was drafting resolutions. [50]

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48. ELM, Mayor's Minute, 1893-1894, p 34.  
ELM, Mayor's Minute, 1894-1895, p 24.

49. See Odendaal, Vukani Bantu, pp 7, 13.

50. CA, 3/ELN 1/1/1/8, p 49. Minutes, 2.11.1892.

The Council never used the designation Native Vigilance Association but referred to it throughout simply as a location committee. The Superintendent of Locations, however, stated clearly in his evidence before the South African Native Affairs Commission that the location committee was indeed a Native Vigilance Association, which dealt with education, local affairs and the "state of living". (See CL, South African Native Affairs Commission, 1903-1905, Vol. V, pp 52, 63. Charles Lloyd's Evidence.)

The Council accepted the principle of an elected committee and expressed its willingness to receive suggestions. Mayor Rees went so far as to say that he believed the Africans had adopted the "right course" as it would enable them to put their views before the Council "in an intelligible and practical manner".<sup>[51]</sup> There is no evidence, however, to indicate that the Council ever sought to ascertain the Black point of view before passing resolutions but relied solely on Black initiative in that regard.

Even before the Association had been officially recognised, it had begun work to improve the conditions of the location and it became clear from the outset that the Black community did not expect handouts from the East London Council but was willing to pay for services. First on the list was the construction of an adequate road from the location to the town which the Council was requested to investigate and provide on a pound-for-pound basis. As a result of the Association's efforts, the road became a reality in August 1892 and was constructed at a cost of £21 7s. Od., of which the location paid half.<sup>[52]</sup>

Another important achievement of the Association was pressure on the Council to provide some form of a water supply to the East Bank Location. Up until then the Blacks had been left to their own devices and were dependent on streams and pools for drinking and washing. As early as 1881

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51. ELM, Mayor's Minute, 1893-1894, pp 4-5.

52. CA, 3/ELN 1/1/1/7, pp 561, 567. Minutes, 1.6.1892, 15.6.1892.  
CA, 3/ELN 1/1/1/8, p 3. Minutes, 3.8.1892.

the East London District Surgeon had pointed out that the supply was the "filthiest that could be imagined" but there were no plans to alter that situation when the East Bank Location was established in 1890. The Black community was therefore expected to rely on what Mayor Rees termed "the precarious and oft-polluted supply" until appeals from the Vigilance Association eventually resulted in a pipe being laid, for which the location residents were charged 3d. per hut per month. [53]

Up until 1895 the Association's work was restricted to improvements in living conditions at the locations and it had no reason to tackle the Council on political issues. That would change as the Council grew more racist in its make-up and pressed Parliament for increased powers to enable it to pass blatantly class-orientated regulations. The municipality in turn was aided in its efforts by the dominance of the Afrikaner Bond within Parliament and its influence on the Government, [54] and an era of segregationist municipal regulations began. The regulation of December 1893

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53. Annex, G 91-83, p 40. District Surgeon's Report, 30.12.1882. CA, 3/ELN 1/1/8, pp 31, 36, 45. Minutes, 21.9.1892, 19.10.1892, 2.11.1892. ELM, Mayor's Minute, 1894-1895, p 6.
54. AFRIKANER BOND: The Bond was founded in 1880 by Reverend Stephanus Jacobus Du Toit to protect the interests of the Dutch-speaking South Africans both in the Cape and the two republics. It also aimed at promoting South African unity and independence. The party gained its first Cabinet Minister in the Cape in 1881 under the Scanlen Ministry. In December 1883 it won sufficient seats in the House of Assembly for Jan Hofmeyr to be asked to form a ministry but he turned down the offer on the grounds that he had no wish to divide the country on racial grounds. In July 1890 he turned down another offer of support by Rhodes in forming a new ministry. The Bond won the elections of 1898 and a vote of no confidence against the Sprigg Administration in October that year brought it to power but as a coalition government.

which prohibited the brewing of beer and the carrying of sticks was purely an interim measure to curb what the Council saw as the worst offenses by the Black community. The White residents, however, were not yet contented and desired that the municipality gain even wider powers.

The opportunity for such legislation presented itself in the Municipal Bill of 1895, drawn up to enable the municipality to embark on various programmes such as electricity supply and the construction of the tramways. Incorporated into the Bill therefore were three revolutionary racist clauses which as yet appeared nowhere else in the Colony, namely a law to forbid anyone other than Whites from using the side-walks, authority to segregate the bathing areas, and power to discriminate against Asians. <sup>[55]</sup>

Edward Brabant <sup>[56]</sup> shepherded the Bill through Parliament and explained to the Select Committee that what East London required was a "clearer definition" of its powers over the non-White community. Segregated bathing, he explained, was seen as absolutely necessary. "in the interest of public decency and morality". The question of turning "non-Whites" off the pavements, on the other hand, was one of simple expediency because "hundreds of natives" flocked into the town from their work (and from the country on Saturday afternoons) and frequented the canteens there so that "Respectable"

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55. The Asian question will be dealt with later in the chapter. See below, pp 423-427.

56. EDWARD YEWD BRABANT: Brabant was East London's "junior" parliamentary representative for most of the period from 1873 till 1907. (For more information, see CJ Beyers (ed), Dictionary of South African Biography, Vol III, pp 98-99.)

Whites and their children would not walk along the streets "for drunken, rowdy natives".<sup>[57]</sup> Instead of tightening up on the canteens, a measure which would have had strong support from many Whites as well as from the Vigilance Association, the Council chose to turn its African population off the pavements and into the streets.

The Bill met with little opposition in Parliament, except to exclude "exempted" Blacks from the measure, and it became an Act of Parliament in July 1895.<sup>[58]</sup> It would take some years before the Council drew up amended regulations to be published in terms of the new Act<sup>[59]</sup> but, in the meantime, the councillors allowed prejudices to cloud their judgement in formulating further rules to usher in a more segregated society. The first was passed in November 1897 when the Council agreed that none but White teams would be allowed to play on the municipal Recreation Grounds and Blacks were forbidden even to enter the premises. Although there was opposition to the motion, particularly from Councillors King and Ries<sup>[60]</sup>

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57. Dispatch, 25.7.1894. Report on Parliament, 18.7.1894.

58. Act 11 of 1895, Clause 5, Nos. 25-31.  
(See Appendix 3, pp 89-90.)

59. Government Gazette, 1.4.1898. Proclamation 109 of 1898.

60. THOMAS ALFRED KING: King lived a chequered career as a farmer, Member of Parliament and Magistrate in the Transkei. He retired to East London and won a seat on the Council for Ward 3 in 1893, where he remained until his death in 1899. He was certainly one of the most experienced men to have graced the Council seats.

HENRY MICHAEL RIES: Ries was a produce merchant who gained a seat on the Council to represent Ward 2 in November 1894. He served consistently until 1905 and was elected Deputy Mayor in 1903.  
(For further information, see Appendix 2.1, pp 27, 37.)

who declared that if Whites wished to play against Blacks they should be entitled to do so, the segregationist majority won the day.

During the discussion it was generally accepted that the question was not whether the Africans were behaving themselves but that everybody would feel "more comfortable" if strict segregation were applied. Mayor Jackson argued that "ladies" left the place when they found that "native girls planted themselves" alongside them "to watch the natives" playing cricket. The Council would give offence to a certain portion of the public, he claimed, if it allowed that to continue and he believed that it was "only putting in the thin end of the wedge" if they allowed "Natives to challenge White people". There was a day coming, he said, when the latter would have all they could do "to keep [the natives] in their place" as they were making progress in a direction "where they least ought to". [61]

Further racist regulations soon followed. In December 1903 the bye-law concerning the use of pavements was passed and in 1909 segregated bathing again became a reality, with all East London surf-spots, except

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61. *Dispatch*, 27.11.1897. Minutes, 24.11.1897.  
See also CA, 3/ELN 1/1/1/11, p 134.

Eastern Beach, reserved for Whites. [62] The Vigilance Association gained little from protest against such legislation and indeed found the Council particularly recalcitrant. In March 1895 it tried to gain a relaxation in the bye-law which demanded the carrying of passes after curfew which, it pointed out, was a hardship that the "better class of natives [had] to suffer" but the Council responded that the regulation was "in the best interest" of the town and the Blacks themselves. [63] In May the Association appealed for relaxation at least as regards ministers of religion, teachers, women and "respectable natives" but the Council remained unmoved. The only softening of its attitude appeared in 1896 when it resolved to allow ministers of religion to issue passes on condition that they applied to church services only but that decision was rescinded in 1899. An appeal

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62. CA, 3/ELN 1/1/1/14, p 52. Minutes, 11.2.1903.  
 CA, 3/ELN 1/1/1/18, p 418. Minutes, 16.9.1908.  
Government Gazette, 12.1.1904. Proclamation 391 of 1903.  
Government Gazette, 5.1.1909. Notice 1565 of 1909, Chapter XXIV,  
 No 5.  
 (See Appendix 8, pp 275, 283.)

Public places were not the only areas where Blacks were restricted. In October 1899, when the editor of the recently established East London based newspaper, Izwi Labantu, applied for permission to send a reporter to attend Council meetings, he was told that there was no further room, a resolution of doubtful truth in view of an amendment proposed by Councillor Rees (which gained no seconder) that the application be granted.

(See CA, 3/ELN 1/1/1/11, p 511. Minutes, 7.2.1899.)

63. CA, 3/ELN 1/1/1/9, p 132. Minutes, 27.3.1895.

in 1904 to consider a reduction in hut-tax and ease the prohibition of Blacks on the pavements was similarly rejected. [64]

For the most part, the Council regarded the locations as somewhat of an evil necessity because they provided the much needed labour for the port and town. Little money was ever spent on them and wherever possible the cost of administration had to be balanced by the money collected by way of hut-tax and various other rentals. Nevertheless, despite the racial prejudice which existed among several of the councillors, there was a marked degree of paternalism in that sphere and great pride was initially taken in the fact that the locations were kept hygienic and well organised. The Council was seen to have a "duty" towards its "Native dependents", as the Medical Officer of Health commented in 1896, but it was also a matter of simple expediency because a major epidemic within the locations could have had a serious effect on the White community as well. [65]

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64. CA, 3/ELN 1/1/1/9, p 197. Minutes, 20.5.1895.  
 CA, 3/ELN 1/1/1/10, p 100. Minutes, 1.4.1896.  
 CA, 3/ELN 1/1/1/11, p 513. Minutes, 7.2.1899.  
 CA, 3/ELN 1/1/1/14, pp 571-572. Minutes, 17.2.1904.

In March 1899 a strongly worded memorandum to the Council was drawn up by the "women of the Locations" which deplored the enforcement of the pass-law. No civilized town "in the whole of the British Empire" had ever "disgraced itself" by having such a regulation on its statute books, the memorandum read. Even the Transvaal "with its bitter laws against Natives" had never "lowered itself" to demanding that women should carry passes. The memorandum, like most others of its nature, was ignored by the Council.

(CA, 3/ELN 113. Memorandum Setting Out Grievances & Complaints of the Women of the Locations, 27.3.1899.)

65. ELM, Mayor's Minute, 1895-1896, p 32.

Superintendent Potter was particularly scrupulous about the maintenance of sanitary measures and saw to it that five latrines, with a total of 34 seats, were constructed in the East Bank Location and a further two on the West Bank. All were scrubbed twice a week by contractor, he reported, the streets were kept clean and all rubbish was deposited in bins placed "in convenient situations". [66] Yet, despite his fastidiousness in maintaining sanitary standards, Potter proved decidedly unpopular among the location residents because of his high-handed and vindictive approach. He ruled "with a rod of iron", Rubusana wrote to a churchman friend, and dealt with the Black community "in an arbitrary manner". [67]

Open conflict erupted between the two men during the latter half of 1896 when Potter ordered the destruction of a number of kitchens in the East Bank Location. Although they had been built with Council permission, the Inspector believed that some infringed municipal regulations because they were used as places in which to sleep and were therefore unhygienic. Instead of enforcing the regulation on the offending parties, Potter insisted that all the kitchens be pulled down. Rubusana, on the other hand, claimed that the Inspector had deliberately kept the Council misinformed as

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66. CA, 3/ELN 1/1/1/7, pp 244, 266. Minutes, 13.8.1890, 8.10.1890. *Dispatch*, 19.3.1892. Clerk of Works' Report, 1891-1892. ELM, Mayor's Minute, 1895-1896, pp 32, 37.

67. CL, Rubusana Letter Book 1891-1900, p 238. Walter Rubusana to Vernon Holloway, 28.4.1897.

to the number and quality of the structures. <sup>[68]</sup> In a lengthy letter to the Mayor, he pointed out that the kitchens were a "great convenience" to the residents "from a domestic, moral & sanitary point of view" but Potter's insistence that the people demolish what they had put up "with his consent & with some cost to themselves" was viewed, he said, with alarm and apprehension "by those who know the natives well". The action was further aggravated by the fact that Potter had given no just cause "for his extraordinary turn of mind".

The Superintendent had gone even further, Rubusana stated, by singling out "as fit objects for his persecution" those people who had failed to pull down their kitchens and for four consecutive months he had refused to accept their monthly rent when it was tendered, thereby making the residents liable for eviction. He had also withdrawn other privileges, such as granting them permits to chop wood on the commonage and the withholding of lime-wash for their houses. Some of the people, Rubusana concluded, were "old respectable residents" who had not infringed any municipal bye-laws. The Africans were a very conservative people, he wrote,

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68. According to Rubusana, there were 17 kitchens in the East Bank Location, 15 of which were detached from the main huts, one was built on a separate building lot and one was constructed in such a way as to be "merely touching" the main building. Potter, on the other hand, informed the Council that there were only 12 kitchens in existence. (See CL, Rubusana Letter Book 1891-1900, pp 179-182. Walter Rubusana to Mayor and Councillors, 5.8.1896.)

"and should not be left to the whims & caprice of an officer who whatever his other qualifications are, is utterly at sea in governing Natives on lines of justice & equity." [69]

Rubusana drafted a separate letter to Councillors Blaine [70] and Stacey to thank them for their continual support in Council and in it he again attacked Potter. The Location Inspector, he wrote,

"is no gentleman & is harsh & drastic in all his dealings with the Natives. He is a vindictive man & is not above doing mean things. He is not truthful, & for that reason, he should be carefully watched by the Council."

Potter was soon hauled before the Council's Location Committee to explain his actions but retaliated by accusing Rubusana of being a liar. The minister thereupon attempted to sue him for defamation of character and, although he lost the case on a technicality, [71] it nevertheless had a

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69. CL, Rubusana Letter Book 1891-1900, pp 179-182. Walter Rubusana to Mayor and Councillors, 5.8.1896.  
See also CA, 3/ELN 1/1/1/10, p 108. Minutes, 15.4.1896.

The Council hastily established a Location Committee to deal with the issue and it concluded that in future licences should be issued for the construction of kitchens but that, because Potter had already ordered some of the existing kitchens to be destroyed, it would be "unfair" to allow the others to remain. As a matter of justice, therefore, all kitchens were pulled down.

70. GEORGE BLAINE: Blaine represented Ward 3 from 1895 to 1901.  
(For further information, see Appendix 2.1, p 10.)

71. The Town Clerk supported Potter's claim that his language was "not quite abusive".

detering effect on the Superintendent's "summary dealing with the Natives". [72]

In 1901 Potter was replaced by Charles Lloyd, who remained in the post of Location Superintendent for three decades. He was a man with an extraordinary attitude to the African community, whom he saw purely as a commodity for the labour market and who were overpaid and lazy. [73] He testified before the Native Affairs Commission in 1903 that he believed the locations should exist purely to supply labour and that wages to Blacks should be held at such levels as to force them to work. The "extravagant wage" at East London, he said, enabled a man to work only a few days a week and "to lie idle at home" for the rest of the time although the amount of leave allowed to a location resident was purely at the discretion of the Superintendent. He personally would never allow a man to absent himself from work for more than one or two days, he said, without serving an eviction order on him. His "general view" was that it was "not reasonable" for an African to rest every Saturday but "occasionally" he would not object to it and the only exception he was prepared to allow was for a man who met

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72. CL, Rubusana Letter Book 1891-1900, p 187. Walter Rubusana to George Blaine, 24.8.1896.  
 CL, Rubusana Letter Book 1891-1900, pp 238-241. Walter Rubusana to Vernon Holloway, 28.4.1897.  
 See also CL, Rubusana Letter Book 1891-1900, pp 221-222. Memo. of Points Laid before the Mayor by a Deputation from the Native Location Committee on behalf of the East London Location Residents, 18.1.1897.
73. Wages at East London, according to Lloyd, ranged from 2s. 6d. to 5s. per day, without food. Prior to 1899 Blacks had earned only 1s. 6d. to 2s. per day but the Boer War had increased the need for labour and had inflated wages.

the Government's norm for exemption, in which case he would refer the case to the Mayor. [74]

Despite the economic boom of the 1890's which brought prosperity to the port and rapid development to the town itself, the Black community lagged financially behind the White sector. The reason was twofold. First, wages were not immediately increased to allow Africans to participate in the boom. Indeed, according to Lloyd's testimony, wages rose substantially only during the Boer War period, a full decade after the start of the economic take-off. [75] Second, the African still relied to a great degree on subsistence agriculture to provide food to supplement his earnings but the extreme drought of the 1890's destroyed the crops and brought famine. [76] The boom years did, however, lead to a dramatic increase in the population of the locations, especially in terms of Xhosa and Mfengu residents. From a mere 1 939 residents in 1894, the population peaked at 12 111 in 1905 at the start of the post-Boer War depression, a growth of 624 percent, but during that period no new extensions were made to the locations and the construction of huts was not able to keep pace with the population explosion. The total of huts numbered 236 in 1894 and rose to 1 070

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74. CL, SA Native Affairs Commission, 1903-1905, Vol. II, pp 822-824.

75. CL, SA Native Affairs Commission, Vol II, p 823.

76. CL, Rubusana Letter Book 1891-1900, pp 104-105. Walter Rubusana to James Pritchard, 21.3.1895.  
CL, Rubusana Letter Book 1891-1900, pp 106-107. Walter Rubusana to WP Pevin, 21.3.1895.

by 1905, an increase of 435 percent but lagging almost 200 percent behind population growth. [77]

Overcrowding had already become noticeable by early 1894, when Superintendent Potter made an initial call for stricter control. The regulations allowed for six adult boarders or domiciles per hut yet in numerous cases, he reported, he had found 12 or even 14 people there. The surplus was always attributable, he said, to "visitors just come". At that stage he believed that the overcrowding could be prevented by tightening the regulation on passes, for it was not the holders of passes who violated the law, he argued, but "the loafers and dregs" of the Black society who would only obey by force. [78]

In February 1897 Potter reported that the population was increasing "daily" with the result that the existing huts were "quite inadequate". The Africans, he said, were crowding into the town, suburbs and the bush, and were "lying about anywhere and everywhere". It was not uncommon to find huts accommodating as many as 15 people, with door closed and no windows. There was simply no other place for the people to sleep, he was frequently told, as all the other huts were full. "Give us a place to sleep and we will willingly pay for it," had become the general cry throughout the

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77. See Table 28, p 416.

78. ELM, Mayor's Minute, 1893-1894, p 34.

TABLE 28

## LOCATION STATISTICS, 1895 - 1913

## 1. Population

	<u>Xhosa</u>	<u>Mfengu</u>	<u>Khoikhoi</u>	<u>Coloured</u>	<u>Asian</u>	<u>Other</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>
1895	2 588	612	100	49		26	2 450	925	3 375
1896	2 925	603	109	29		30	2 413	1 283	3 696
1897	3 143	1 557	127	61		20	3 151	1 758	4 903
1898	3 451	1 697	292	75		21	3 586	1 860	5 446
1899	3 086	1 477	214	71	109	31	3 260	1 714	4 974
1900	3 810	1 784	277	161	107	57	4 016	2 132	6 188
1901	4 860	2 110		844	135	71	5 029	2 991	8 020
1902	5 987	2 811	1 216		158	228	6 934	3 786	10 720
1903	6 199	3 847	1 281		259	237	7 666	4 157	11 823
1904	5 760	4 443	1 309		404	195	7 837	4 274	12 111
1905	5 320	4 136	1 465		178	210	7 055	4 254	11 309
1906	4 620	3 633	663	870	121	264	6 322	3 849	10 171
1907	4 407	3 540	679	887	80	207	6 096	3 704	9 800
1908	4 289	3 448	649	858	77	179	5 946	3 554	9 500
1909	4 159	3 378	649	858	77	179	5 776	3 524	9 300
1910	3 834	3 203	649	858	77	179	5 326	3 474	8 800
1911	3 834	3 203	649	858	77	179	5 384	3 416	8 800
1912	4 134	3 235	649	858	53	183	5 544	3 576	9 120
1913	4 539	3 493	629	923	59	227	6 104	3 766	9 870

## 2. Huts and Revenue

	<u>Round Huts</u>	<u>Other</u>	<u>Total</u>	<u>Revenue</u>	<u>Expenditure</u>
1895	275	119	394	£914	not given
1896	290	138	428	£1 045	not given
1897	274	153	427	£1 270	not given
1898	270	190	460	£1 651	£53
1899	276	220	496	£2 349	£1 132
1900	290	274	564	£2 712	£1 164
1901	311	439	750	£3 692	£1 362
1902	324	540	864	£4 372	£1 526
1903	324	695	1 019	£6 133	£2 049
1904	318	753	1 070	£7 069	£2 337
1905	288	772	1 060	£6 591	£2 370
1906	265	795	1 060	£5 776	£2 121
1907	260	806	1 066	£5 811	£1 989
1908	240	810	1 050	£5 068	£1 847
1909	231	820	1 051	£5 000	£1 753
1910	194	800	994	£4 807	£2 079
1911	186	810	996	£4 117	£1 517
1912	180	928	1 108	£5 435	£2 290
1913	152	980	1 132	£6 118	£3 658

[Source: Mayor's Minutes, 1896-1915.]

location. The municipality responded by constructing two lodging houses and by 1907 a further two had to be built. [79]

A complicating factor was that the African had to build his own house. He was given a plot measuring 40 feet square on which one hut could be erected, and for which he paid a sum of 2s. per month to cover sanitary and water rates. If he wished to accommodate lodgers, he had to pay an additional 4s. per month. The regulation laid down that the house had to be built to certain specifications and of good material, but only a man of means was capable of meeting the requirements. The rest had to seek lodgings and the critical housing shortage was thereby severely aggravated. [80]

The rapid urbanization had another repercussion in that the traditional Xhosa round hut was gradually replaced by square shacks of wood and iron. [81] A major reason for the change, Superintendent Lloyd stated, was that the roofs of the round huts were not extended far enough to protect

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79. CA, 3/ELN 8. Minutes, 21.10.1903.  
 CA, 3/ELN 8. Memorandum from the Town Clerk, 5.11.1903.  
 ELM, Mayor's Minute, 1896-1897, pp 2-3, 25.  
 ELM, Mayor's Minute, 1897-1898, p 9.  
 ELM, Mayor's Minute, 1898-1899, pp 13, 24.  
 ELM, Mayor's Minute, 1906-1907, p 78.

The first lodging house consisted of 18 rooms and a kitchen while the second had 36 rooms and two kitchens.

(See photograph, p 419.)

80. CL, SA Native Affairs Commission, Vol II, p 827.

81. See Table 28, p 416.

the walls which then became sodden during the rainy season, and collapsed. It was also probable that the availability of grass had diminished with the increase in the population and the constant droughts which afflicted East London. Desmond Reader <sup>[82]</sup> argues that there was also a change in African philosophy in which he no longer saw the house as a dwelling but simply as a place of lodging. He therefore strove to build as inexpensively as possible, making use of material which could be scrounged from the town, and designed in such a way as to allow the addition of further rooms as the owner's capital increased. Such houses, Reader states, were draughty, leaky and highly sensitive to temperature changes, and were ideal breeding grounds for diseases of the respiratory system, particularly amongst infants. <sup>[83]</sup> Superintendent Lloyd stated at the time that it was a "regrettable error" because the round huts were the "most healthy and comfortable", and were suitable for all climates. Furthermore, he believed that fires lit in the huts tended to have a disinfecting effect. Nevertheless, a few of the wood and iron constructions were large, he said, some with six or seven rooms, and several were fitted with proper flooring and ceilings. <sup>[84]</sup>

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82. DESMOND READER: Sociologist working for the Institute of Social and Economic Research at Rhodes University; his works include Makhanya Kinship Rights and Obligations (1954); Black Man's Portion: History, Demography and Living Conditions in the Native Locations of East London, Cape Province (1961); Zulu Tribe in Transition: The Makhanya of Southern Natal (1966); Drinking Patterns in Rhodesia: Highfield African Township, Salisbury (1971).

83. Reader, Black Man's Portion, p 13. /  
See also F. Frescura, Rural Shelter, pp 171, 174.

84. ELM, Mayor's Minute, 1906-1907, p 78.



PICTURE POSTCARD OF THE EAST BANK LOCATION: The Town Council was immensely proud of its "well kept" location, so much so that it arranged for postcards to be made depicting it. The building at the top left is probably one of the lodging houses. [Source: East London Museum.]



TRANSFORMATION OF THE EAST BANK LOCATION: This photo, taken some years later, reveals changes in location maintenance and types of housing. The streets are no longer quite so tidy and there is a greater predominance of square, corrugated iron houses in place of the round mud huts. [Source: East London Museum.]

There is little information about the effects of the Boer War on the Black community at East London. Although it was reported that, along with the White refugees, over a thousand Africans, Coloureds and Asians also fled to the port, the local authorities tended to ignore their plight in face of what was regarded as the more pressing problem of White refugees. The Town Relief Committee erected some large shelters in the East Bank Location and initially some funds were earmarked for the relief of the non-White exiles but, as economic pressures mounted in 1900, they were the first to be struck off the lists. Furthermore, there was a tendency towards retrenching the Black labour force to help alleviate White unemployment. [85]

Information is also scarce on the effects of the post-Boer War depression on the African community but there is no doubt that it suffered badly. The Town Council concentrated on alleviating the distress of the White establishment and, to achieve that end, replaced Black labour with unemployed Whites, despite the fact that it was more expensive to do so. [86] With work already in short supply, the labour market for Blacks was seriously disrupted and hundreds of men were forced to leave the port to

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85. CA, 3/ELN 1/1/1/12, p 89. Minutes, 20.10.1899.  
Dispatch, 12.12.1899. Reverend Fergusson's Report, 11.12.1899.  
Dispatch, 10.4.1900. Town Relief Committee, 9.4.1900.  
ELM, Mayor's Minute, 1899-1900, p 9.  
See also Dispatch, 21.10.1899.

86. See Chapter 8, pp 295-296.

seek employment elsewhere. [87] An examination of the official location statistics reveals that the total non-White population dropped from 12 111 in 1905 to 8 800 in 1910, a decrease of 27.3 percent. The recession hit the Xhosa group hardest, with a drop of 33.3 percent. The Mfengu loss was 27.9 percent while the Khoikhoi and Coloured population showed a combined loss of only 12 percent. [88]

The depression also took its toll on the Council's determination to keep the locations as models of discipline and hygiene. Evidence of mounting disquiet became more frequent during 1908 and thereafter, and yet the Council appeared unable or unwilling to take action to reform the rapidly declining Black residential area. The local newspaper, Izwi Labantu, [89] was particularly harsh in its criticism of the locations. In May and June 1908 it carried a series of editorials on the appalling conditions which had been allowed to develop. It compared the White area,

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87. See CL, MS 14 535 (c). Walter Rubusana's Report, 29.9.1911.  
ELM, Mayor's Minute, 1906-1907, p 79.  
ELM, Mayor's Minute, 1907-1908, p 75.  
ELM, Mayor's Minute, 1908-1909, p 109.  
ELM, Mayor's Minute, 1909-1910, p 100.

88. See Table 28, p 416.

89. IZWI LABANTU: The newspaper, published in East London, was started in November 1897 and was printed in Xhosa, English and Sesotho. It was given financial backing from Cecil John Rhodes, while Walter Rubusana was prominent in its foundation. Alan Kirkland Soga was its first editor. Izwi ceased publication in April 1899.  
(For further information, see Odendaal, Vukani Bantu, pp 15-16.)

with its "superior buildings, good streets, and fine sea-frontage" with the locations where there was "not a decent street....in the whole place". The people were "pigging it", the editor wrote,

"in ramshackle tin shanties, or miserable huts for which rents are extorted, and without ground rights to give them the incentive to improve their houses." [90]

The Council was also criticised for allowing sanitation to collapse. In another editorial, Izwi Labantu stated that there was only a "semblance of cleanliness" in the locations. It was "mere surface show", however, and the surroundings were "sodden and rotten with percolations of decaying animal matter" and other refuse. Furthermore, the editor wrote in yet another edition, there were no lights, no recreation grounds, no fencing, no street repairs, no kerbing and guttering, no "application of the common laws of hygiene to the health of the people", no public day-schools and no night-schools. The most prosperous thing, he said, was the cemetery, "in a bad condition and rapidly filling up". [91]

Despite repeated appeals for action, the Council did little. Eventually, in September 1913, the Native Vigilance Association approached the municipality to take urgent action. The water was inadequate, the delegation stated, the streets were a danger "to health as well as limb",

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90. Izwi Labantu, 19.5.1908.

91. Izwi Labantu, 26.5.1908, 9.6.1908.  
See also Dispatch, 12.12.1913. Letter from "John SC Makayi".

The criticism was corroborated by the Location Inspector himself in July 1909.

(See CA, 3/ELN 20. Location Superintendent to Council, 26.7.1909.)

gutters had become such deep channels through erosion that people who attempted to cross them were likely "to have a nasty accident". Furthermore, the lack of lighting had led to insecurity and growing numbers of assaults after dark. Only in 1914, however, did the Council at last see its way to taking action and placed a sum of £1 275 on the estimates for the provision of some electric lighting, street construction and the building of a slop-water drain. The funds set aside nevertheless came nowhere near the amount collected by the municipality by means of location taxes. [92]

Segregation was not limited to the African community. Asians also found themselves on the receiving end of the municipality's growing prejudice. Maynard Swanson [93] argues that, although Whites viewed Blacks as a "passive threat", they saw the Indians as a "sophisticated and active menace" to their own position in society, competing for "space, place, trade and political influence with the imperial authority". They tended, he says, to emphasize the dissimilarities between the two cultures, especially the Indians' alien social traditions and practices "that Victorian colonials found repugnant". [94]

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92. CA, 3/ELN 924. Location Superintendent to Council, 27.9.1913.  
CA, 3/ELN 924. Minutes, 25.2.1914.

(See Table 28, p 416.)

93. MAYNARD SWANSON: Associate Professor at Miami University; his works include "The Sanitation Syndrome: Bubonic Plague and Urban Native Policy in the Cape Colony, 1900-1909" in Journal of African History, Vol XVIII, No 3, 1977; " 'The Asiatic Menace': Creating Segregation in Durban, 1870-1900" in The International Journal of African Historical Studies, Vol 16, No 3, 1983.
94. See Swanson, "The Asiatic Menace", p 404.

By the mid-1890's Asiatics were beginning to settle in the Cape Colony in increasing numbers, which many Whites at East London believed would lead to new slum communities. Indeed, in May 1897 the Council drew up a petition to Parliament which called for a prohibition on the "influx" of Asians which had grown, it said, "to an alarming extent" but which did not benefit the towns "in any way". On the contrary, the Council stated, the Asians were the source of "continual and increasing danger" to the health and prosperity of the towns because of their "filthy habits and their miserable manner of living" by which they were able to undersell even the cheapest White-owned store. [95]

When Brabant piloted the East London Municipal Bill through Parliament in July 1894, he was forced to clarify its contentious racial clauses. Of major importance was the lumping of Asians with the Africans as objects of legal discrimination. While it had become customary for there to be some form of law aimed specifically at the Black community, the Indians who entered the Cape did so as members of the British Empire, with all the rights that accompanied that privilege. Brabant was careful therefore to argue that, although East London was indeed introducing a "new principle" into the legislation of the country, it was one which needed to be brought in "sooner or later". The Council believed, he said, that the time was ripe as it was aware of the "nuisance" caused by Asiatics "flooding" some American and Australian towns and it was opportune, therefore, to introduce

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95. Dispatch, 26.5.1897. Corporation Notice 38 of 1897.

legislation which would prevent the same thing happening in the Colony. Parliament conceded the point and so the Municipal Act of 1895 allowed the municipality the right to force Asians into locations and to banish them from the pavements of the town. [96]

Fears that East London would be flooded by Asians proved unfounded because the port did not prove to be a major attraction to that community. Many arrived as refugees, mostly from the Transvaal, during the Boer War and some immigrated from German East Africa in 1902, but by 1904 estimates put the total population at less than 600. [97] Nevertheless, the Council positively discouraged them from settling in the town by invoking the prohibition on their using the pavements and by creating an Asian location. The latter proved a white elephant and no Indians applied for plots, probably because only sites were provided while the building of dwellings was left to the residents. Although the Black community was accustomed to constructing its own homes, Indians were not. Moreover, there were few women among the early Asian settlers and the men had their time cut out earning a living and preferred therefore to rent accommodation in town rather than build at the location on plots which they could not own. [98]

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96. Dispatch, 25.7.1894. Report on Parliament, 18.7.1894.  
Act 11 of 1895. Clause 5, Nos 24-31.

97. Dispatch, 25.11.1902, 2.5.1904.

(See Table 28, p 416.)

98. ELM, Mayor's Minute, 1898-1899, p. 39.  
ELM, Mayor's Minute, 1899-1900, p. 43.

The Boer War itself provided an unexpected boon to the municipality in the form of the concentration camp <sup>[99]</sup> because the buildings which were erected there by the Orange River Colony early in 1902 were not long occupied and, when the war was over, were purchased by the Council at only half the cost. The camp was thereupon turned into an Asian location in the hope that it would overcome the Indians' reluctance to build their own houses and in August 1903 a regulation was introduced to force them to take up abode there. <sup>[100]</sup>

The decision proved to be highly controversial and reverberated even in the British House of Commons, where attempts were made to have the regulation vetoed. Although sympathy in both British and Cape governmental circles lay with the Asians, there was nothing that either body could do because the municipality's action was constituted entirely in terms of its Act of Parliament and it was perfectly legal as long the regulation was not applied to those Indians who met the Cape's voting qualifications. Nevertheless, the town gained the reputation of being the most racist in the Colony. <sup>[101]</sup>

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99. See Chapter 7, pp 245-254.

100. CA, 3/ELN 1/1/1/13, p 741. Minutes, 30.12.1902.  
ELM, Mayor's Minute, 1902-1903, p 19.  
ELM, Mayor's Minute, 1903-1904, pp 34-35.  
Government Gazette, 21.8.1903. Proclamation 246 of 1903.  
(See Appendix 8, p 264.)

101. Dispatch, 16.4.1903, 17.11.1904, 7.8.1908. Minutes, 15.4.1903, 16.11.1904, 5.8.1908.  
Dispatch, 21.4.1904, 30.4.1904. Debates in the House of Commons.  
Dispatch, 27.2.1905. Letter from "Justice".

Most of the Indians had moved into the location by the end of 1904, at which point the population there peaked at 404 residents, with only about 100 Asians left within the town. <sup>[102]</sup> They quickly learnt, however, that there were ways around the regulation and that, if they rented accommodation within the town to the value of £75 annually, and as long as there were no more than six tenants, the Council could not legally touch them. From 1904 onwards, therefore, the location population steadily decreased until, by 1912, it numbered only 53. <sup>[103]</sup> The Council was helpless to reverse the situation and was eventually forced to accept the principle that the Indians were determined to live within the town. It thereupon began to make use of the Asian location in other ways, especially for accommodating Poor Whites whose numbers escalated during the post-Boer War depression. <sup>[104]</sup>

The period from 1890 to 1914 had been one of comparative stability within the locations. No re-settlements had taken place and the Black community in particular had been relatively responsive to the Council's paternal attempts to better their living conditions. The intransigence of the segregation-minded White community, however, had sown the seeds for further resistance as regulations became more racist in nature. Moreover, by 1914 it had become clear that the town was expanding in such a way that the future of the East Bank Location was again in question and, because the

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102. ELM, Mayor's Minute, 1904-1905, p 71.  
Dispatch, 2.5.1904. Editorial.

103. See Table 28, p 416.

104. ELM, Mayor's Minute, 1906-1907, pp 78-79.  
 ELM, Mayor's Minute, 1907-1908, p 74.  
 ELM, Mayor's Minute, 1909-1910, p 109.

Africans were denied a right to the land, the continuance of the location on that particular site was doubtful. The location community therefore could only look to yet another removal to make way for White development and, with the creation of a Union of South Africa in 1910, the influence of the three new provinces of Natal, the Transvaal and Orange Free State would give greater support to racist ideals in the future.

**CHAPTER 12**

**PROVISION OF A WATER SUPPLY**

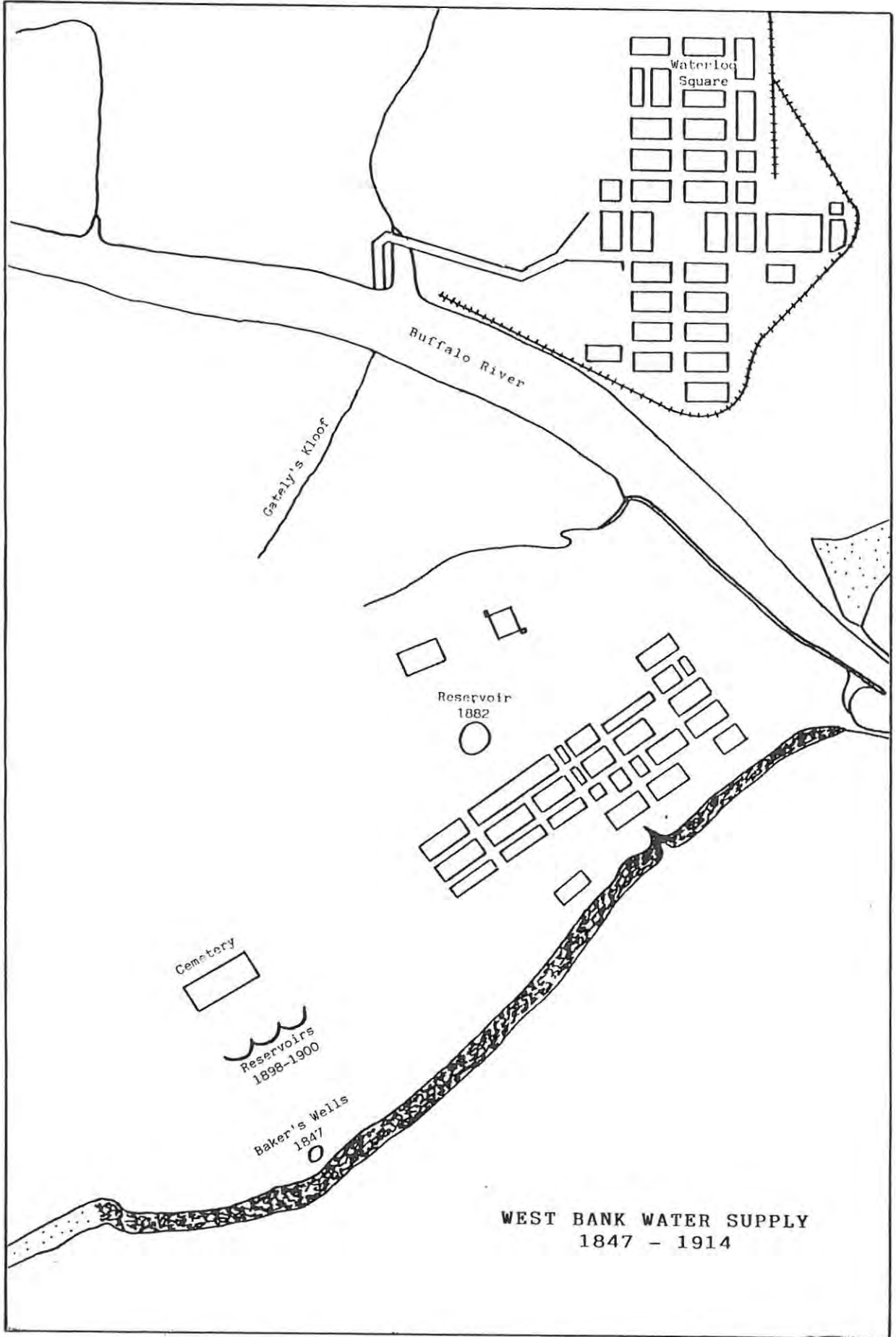
A major shortcoming in the four decades of municipal control was the search for an adequate water supply but the blame in that instance could not be laid solely at the door of the Council which generally approached the problem in a thoroughly professional manner. The so-called experts whom the municipality employed, on the other hand, were not always equal to the task and, in the days of uncertain methods of purification, understandable doubts lurked in the minds of the townspeople that bacteria could be present in the most accessible rivers and springs. The result was general failure for most of the Council's praiseworthy attempts at solving a difficult problem.

Although surveys in 1847 had indicated the presence of fresh water in various springs close to the planned site of the town, it was not considered abundant enough to support a large community. A further search for good quality water was therefore undertaken during the year and more springs were located in three or four spots about a mile along the west coast, near the area called Hood Point, and soldiers of the 73rd Regiment scooped out small wells close to the rocks on the shoreline. The place became known thereafter as Baker's Wells after the regiment's captain who had supervised the operation. [1]

For the next thirty years Baker's Wells provided the most constant source of water for the village on the west bank, although transportation costs were reportedly high because of the distance involved. It was no problem to the Government and military officials who were supplied by means

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1. See map, p 431.



WEST BANK WATER SUPPLY  
1847 - 1914

of a cart but the civilians found the system expensive and tended to rely on the services of Blacks to carry the water in buckets. Many of the inhabitants resorted to digging wells in their own yards to cut costs and obtain a handier supply but the water tasted bitter and caused dysentery, especially to those who were not used to it. Preference was therefore given to rain water as the cheapest and most palatable source but it was never dependable because of the constant droughts which afflicted the region.

Panmure was not as fortunate as its counterpart on the west bank and the inhabitants there had to rely on rain and on the uncertain flow of the small Quigney River, together with a vlei which existed on Waterloo Square. [2] Since Panmure was on the road to King William's Town, it became the outspan point for the wagons which travelled between the port and the British Kaffrarian capital, with the result that the Quigney River and the vlei were often polluted by cattle and other animals. Another source of pollution was from the washing of clothes, a problem which took up much of the early deliberations of the first Municipal Board. [3].

In 1865 The Kaffrarian used the uncertain condition of East London's water supply as its main argument for the creation of a municipality. The

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2. WATERLOO SQUARE: The vlei in the middle of Panmure was named Waterloo Square in 1877 after the battle of Waterloo in which both British and German soldiers had participated and was therefore something which the English and German settlers at East London had in common. Eventually the vlei was filled in with rubble and the site was chosen for the construction of the Town Hall in 1898.

(See map, p 431.)

3. Tankard, East London, pp 150-157.

editor pointed out that the water had such a bad reputation for causing sickness that few ships ever took it in, yet there was an ample supply of fresh water ("sweet and good") in springs above the village on the West Bank. The elevation, he wrote, meant that the water could be led in open furrows to the outskirts of the town, where a reservoir could be built and water piped into the streets. He calculated that the total cost of the operation, including taps in every street and one on the quay for the use of ships, would be no more than £600 and the money could have been raised easily if a town council had existed but, without such an institution, nobody was prepared to do anything lest no-one else joined in. [4]

In June that same year, the King William's Town Gazette criticized the Government for its failure to provide an adequate water supply at the port. East London was a place, the editor wrote,

"where, during a drought, water of any sort capable of being drunk is scarcely obtainable at all, and where it has actually been known to fail altogether...when a trifling sum of money judiciously expended would cause it to flow through every street."<sup>[5]</sup>

The editor's view about "a trifling sum" was rather optimistic. Even when a municipality was established in 1873, the Board's hands were tied because of lack of funds. Incompetence in collecting the rates, the dispute over the municipal commonage, and the need to survey the town and put the streets in proper order meant that the provision of a water supply was

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4. Kaffrarian, 7.1.1865.

5. King William's Town Gazette, 28.6.1865.

initially far beyond the reach of the municipal treasury. By the end of 1877, however, conditions at East London were changing. The town was beginning to thrive because of prospering trade from the vastly improved harbour which in turn raised the value of land. In keeping with the boom, the municipality revalued property twice to raise the total value from a mere £22 242 in 1873 to £131 815 in 1877. Rates rose accordingly and stood at £549 4s. 7d. that same year. [6] Moreover, the commonage dispute had been settled during 1876 and so the municipality was able at last to embark upon land sales to raise additional revenue.

The Municipal Board at first set its sights on creating a water supply which would be relatively inexpensive because, until the municipality was incorporated, it could only undertake such work as its credit balance allowed. It was clear, moreover, that the cost of providing Panmure with water would be prohibitive in terms of the municipality's current financial standing because the nearest good source was the Amalinda River several miles away.

The West Bank had a far cheaper option and, since that portion of the town was still regarded as the leading sector, initial plans were accordingly drawn up to provide it with an improved system. Nevertheless,

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6. Museum, Mayor's Minute, 1880-1881.

RATES, 1873 - 1877:

<u>YEAR</u>	<u>VALUATION</u>	<u>RATES</u>
1873	£22 242	£92 12s. 8d.
1875	£72 945	£303 18s. 9d.
1877	£131 815	£549 4s. 7d.

before any action was taken, the Board decided to seek advice from the Secretary for Crown Lands and Public Works and, through him, to ask the Colony's Hydraulic Engineer to visit the port. It was also decided to advertise in the local newspapers for information and suggestions which would facilitate planning. [7]

The Hydraulic Engineer, John Gamble, [8] visited East London in August 1878 and, after a stay of three weeks, submitted his report. [9] He pointed out that neither East London nor Panmure had any water supply beyond what each householder could collect from his roof. The Harbour Works and the Railway Department each had a small reservoir for their own purposes but neither had water to spare. Moreover, the railway reservoir was situated at too low a level even to supply the engines and workshops at the Panmure station without pumping.

To the south-west of East London, Gamble stated, lay a stretch of swampy ground with several small springs, the area of the old Baker's Wells. The chief spring gave about 3 000 gallons per day and the residents had placed thirteen casks there to collect the water but their total capacity did not exceed 6 000 gallons, a quantity "quite insufficient" for the wants of East London. The area nevertheless did have prospects and Gamble suggested that, if there was no other suitable place available, then two

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7. Dispatch, 6.2.1878, 15.5.1878. Minutes, 31.1.1878, 9.5.1878. CA, 3/ELN 1/1/1/2. Minutes, 4.7.1878.

8. JOHN GAMBLE: Hydraulic Engineer, 1875-1886.

9. Annex, G 24-79, pp 15-18. Hydraulic Engineer's Report for 1878.

small reservoirs could be built, one immediately below the Harbour Works reservoir and the other closer to the town. These could then be connected by a catch-water drain filled with dry rubble. Both were lower than 60 feet above sea-level, however, and so neither would be able to serve the town by gravitation.

There were serious doubts about the quality of the water. It was hard, Gamble stated, and perhaps contained "hurtful matter" such as salts of magnesia but his strongest objection was the fact that the West Bank cemetery was situated a short distance above. He feared therefore that the water would be contaminated by "putrefying organic matter" which often contained "the poison of specific diseases" such as cholera and typhoid. Such water was not necessarily purified after it had percolated even through a considerable distance of ground. It would be better, he decided, to build a small reservoir in Gately's Kloof to the right of the main road out of the West Bank where there was a small but constant trickle of water, sufficient to supply that portion of the town. [10]

Gamble discarded the use of the Buffalo River itself. Although it appeared as the natural place to build a reservoir, with good quality water, the expense of piping would be prohibitive. The reservoir would have to be placed at least seven miles up the river if the water was to reach the town by gravitation. A further three miles of pipeline each would be required to lead the water to the villages on both the West and East Banks, giving a

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10. See map, p 431.

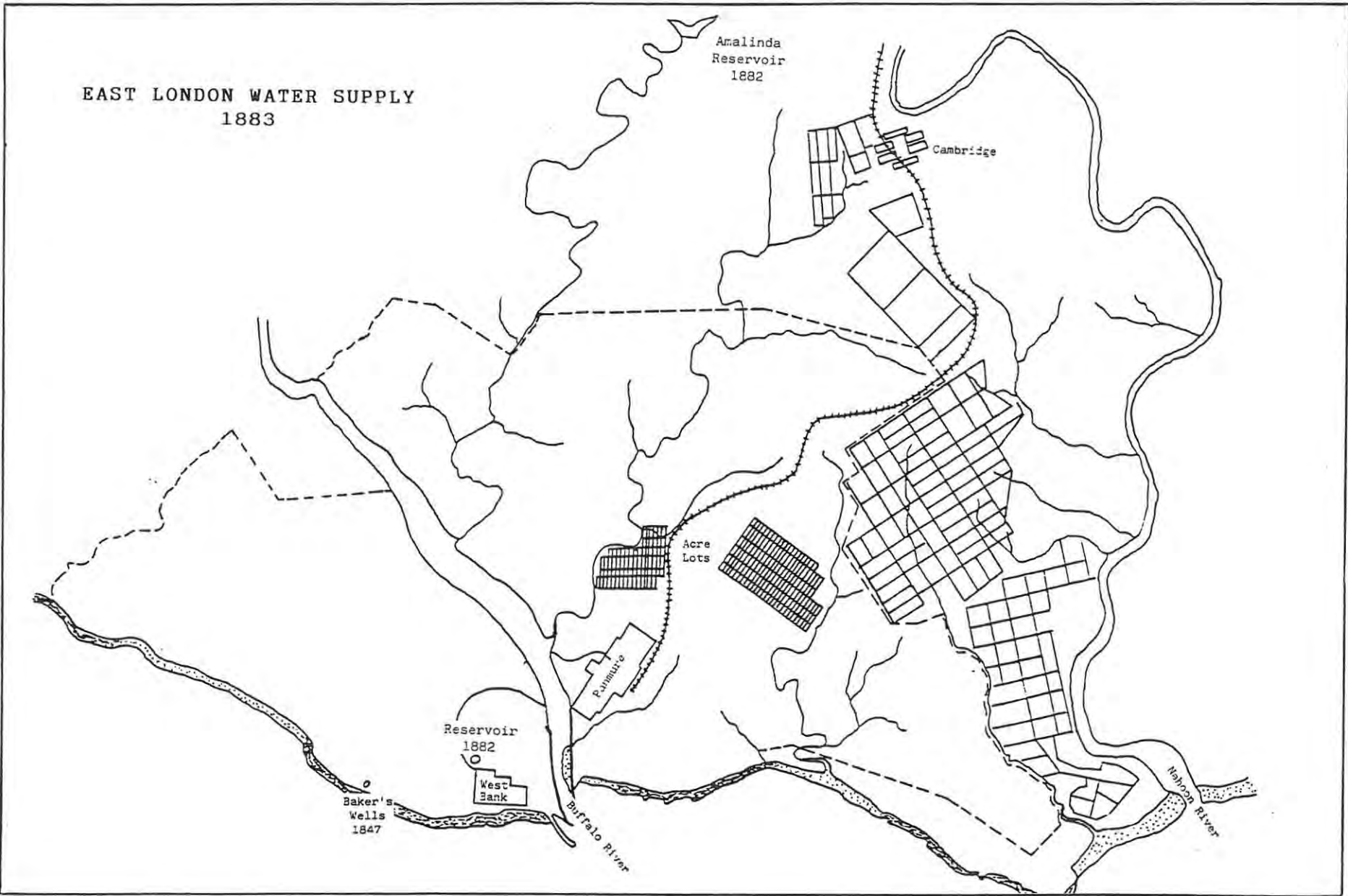
total of thirteen miles of piping. He doubted whether it could be done for less than £30 000. The Nahoon River offered a better prospect in that the river bed was much steeper and therefore the dam would not need to be placed more than a mile further inland than Cambridge but it had serious disadvantages because the river was often dry and a very large dam with a high wall would have to be built, which in turn would be dangerous in time of floods.

Gamble's recommendation for Panmure was to build a reservoir in the Amalinda Valley near Cambridge.<sup>[11]</sup> There were two feeder streams, he wrote, and if the reservoir were built below their confluence, it would hold the drainage of two square miles of land. Although there was no permanent stream in the area, surface run-off was "very strong" after rains and a reservoir with a low wall would hold about 69 million gallons. He estimated that if there was only one inch of rainfall, it would put 29 million gallons of water into the reservoir which would be sufficient to provide Panmure, with its existing population, for a year. Rainfall, however, was usually in excess of that. The minimum annual figure for King William's Town during the years 1868 to 1875 was 23 inches and, although there were no statistics for East London, he believed it would not be less than at King William's Town. Even four inches of rainfall, he said, would be more than sufficient.

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11. See map, p 438.

EAST LONDON WATER SUPPLY  
1883



There were two advantages of the Amalinda Scheme over a reservoir on the Buffalo River. First, the distance would be considerably shorter and water could be led to the town by gravitation rather than pumping, which would reduce costs. Second, the water was much purer because the Buffalo was polluted by sanitation from King William's Town. The main from the Amalinda Reservoir, Gamble wrote, would have to be only four inches in diameter and could be laid in such a way that it would hardly interfere with private property. The chief disadvantage, however, was that the dam could supply only Panmure. He therefore recommended that a separate reservoir should be built in Gately's Kloof to supply the West Bank and estimated that the two together would cost a maximum of £14 000, excluding compensation for land required, although the cost of piping and a service reservoir would in fact double the price. [12]

The municipality did not have sufficient funds but Gamble pointed out the possibility of taking out a Government loan under an Irrigation Act which was soon to be promulgated. [13] The loan would then have to be repaid by installments at 8 percent per annum over 24 years. The editor of the Dispatch was quick to point out to his readers that that would require a rate of no more than 2½ d. in the pound, an amount which he believed was scarcely beyond the reach of the municipality. [14]

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12. CA, HA 734, Annexure 81. Gamble's Evidence to Select Committee of Parliament, 28.3.1882.
  13. Act 28 of 1879. Municipalities Irrigation Works Loans Act, 11.9.1879.
  14. Dispatch, 4.9.1878.

The Municipal Board hesitated for a couple of years before it made a decision as the commissioners vacillated between the Amalinda Scheme and the more expensive one on the Buffalo River. Eventually both projects were placed before the ratepayers for their decision but the first public meeting, held in February 1880, merely chose to delay the issue for a month and the subsequent gathering adjourned for six months to allow the Board to obtain further information. Another year elapsed before the Board reached a definitive decision and voted for the cheaper Amalinda project. <sup>[15]</sup>

Circumstances had in the meantime altered considerably because the municipality became incorporated in 1880 and was therefore provided with the power to borrow money and the freedom to negotiate loans at a much lower rate of interest than provided by the Irrigation Act. Ultimately the East London Water Supply Act <sup>[16]</sup> gave the Council permission to borrow up to £25 000 and the money was provided by the Government at a rate of only 4 percent per annum. <sup>[17]</sup>

Work began on the reservoir in December 1882 and was completed within 14 months. It had a capacity of 96 million gallons, far in excess of

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15. CA, 3/ELN 1/1/1/2. Minutes, 11.2.1880, 11.3.1880.  
CA, 3/ELN 1/1/1/4, pp 6, 30, 103-104. Minutes, 10.3.1881, 28.4.1881,  
28.10.1881.  
See also Dispatch, 11.5.1881. Minutes, 5.5.1881.
16. Act 15 of 1882. East London Water Supply Act, 27.6.1882.  
(See Appendix 4, pp 102-107.)
17. Advertiser, 2.3.1883. Mayor's Minute, 1882-1883.

Gamble's estimate. Thereafter phase two of the project was started and a main was laid to the town, with standpipes down the length of Oxford Street. The "Great Depression" of the 1880's descended on East London at that point, however, and the councillors took the dubious decision to shelve the final and least expensive phase of taking leads from the main to provide the houses and buildings in the centre of town with water. The Council had by then already spent £20 000 on the water scheme but balked at a further expenditure of a mere £4 000 to complete it and only through the persistence of Mayor Lance did the final phase go into operation to give the residents the benefits of the Amalinda scheme. [18]

Gamble's report of 1878 and his suggestion that Baker's Wells might be contaminated by the cemetery raised a minor storm on the West Bank. Commissioner John Dallas made it his personal crusade to have the cemetery moved, despite a report from the District Surgeon who had analysed the water and declared it to be pure. Petitions were organised and Gamble's advice was again sought, in which re-stated his earlier position. The water might very well be contaminated, he wrote to the Council, and the cemetery should be closed and a new site selected. He further recommended that all coffins be exhumed or, in the case of bodies buried without coffins, the graves opened and quicklime poured in to disinfect the whole site. [19]

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18. Dispatch, 16.3.1889. William Lance to Ward 3 Townsmen, 5.3.1889.
19. CA, 3/ELN 1/1/1/2. Minutes, 13.2.1879, 17.4.1879, 7.8.1879, 14.8.1879.  
Dispatch, 9.8.1879. John Gamble to Municipal Secretary, 31.7.1879.

The latter idea was found to be totally repugnant. Although it had been "egregious folly" to have laid out the cemetery immediately above the springs, the Dispatch stated, the idea of digging up the graves was "bordering on sacrilege". [20] Commissioner Coutts pointed out in any case that the Board did not have the power to do so. On the other hand, the creation of a third cemetery, he said, would be "very harrowing to one's feelings" that the dead "should be so separated". He personally failed to see how the water was going to be polluted. For a period of fifteen years, he boasted, he had drunk water from a well "let into a graveyard wall" and he thought that he was "as healthy as anyone". [21]

Ultimately the campaign ended once Gamble reported that Gately's Kloof held far better prospects for piping water directly into the West Bank. The scheme was expensive, however, and was shelved in favour of a short-term project to build a circular reservoir on a spring above the West Bank school. [22] Construction began in September 1881 and was completed the following April at a cost of £964 4s. 10d. [23] Unlike the Amalinda Scheme which contained sufficient water to allow the residents on the East Bank to take leadings to their houses, the West Bank reservoir held

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20. Dispatch, 13.8.1879.

21. Dispatch, 20.8.1879. Minutes, 14.8.1879.

22. See map, p 431.

23. Dispatch, 11.5.1881. Minutes, 5.5.1881.  
Dispatch, 15.4.1882. Town Clerk's Report, 6.4.1882.  
Advertiser, 2.3.1883. Mayor's Minute, 1882-1882.  
Advertiser, 6.3.1883. Town Engineer's Report, 28.2.1883.  
 Annex, G 37-83, p 11. Hydraulic Engineer's Report for 1882.

only 100 000 gallons and so the inhabitants were restricted to three (later four) spring-taps in the streets. Furthermore, the scheme was more susceptible to the seasonal droughts which ravaged East London during the 1890's. Indeed, as early as 1889 water rationing began and the old Baker's Wells had to be cleaned out and re-opened for washing purposes. In 1892 the water level was so low that the supply was restricted to two hours each morning and again each evening. [24]

By 1893 the West Bank reservoir had become far too small to supply the town, even in the wet season, because of the increase in the number of residents during the economic boom which had then overtaken the port. A further supply was desperately needed and once again the plan was resurrected to construct a reservoir in Gately's Kloof. A committee examined the site and reported that it was "well adapted" for the purpose and would give a constant supply of pure water to a greatly increased population "for all time" but during the intervening years, all traces of Gamble's bench marks had disappeared and so the kloof had to be re-surveyed from scratch. [25]

During 1894 a water consultant was invited to visit East London to make suggestions on improving the water supply generally. He inspected Gately's Kloof but found the spot unimpressive. The "constant stream" which Gamble had reported was not flowing which indicated that any reservoir

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24. Dispatch, 15.3.1890. Clerk of Works' Report, 5.3.1890.  
CA, 3/ELN 1/1/1/7, p 596. Minutes, 13.7.1892.

25. ELM, Mayor's Minute, 1893-1894, p 26.

constructed there would depend solely on run-off after rains. He therefore suggested that the Council should think carefully before investing in another such system since the Amalinda Reservoir on the East Bank was already proving to be a disappointment. [26]

Another serious drought occurred during the winter of 1895 which forced the Council to re-institute water-rationing. The system of standpipes in the streets was by then totally inadequate and frustrating for the West Bank community who had to queue for considerable lengths of time in order to fill their containers. When further restrictions were imposed the following winter, it became obvious that the problem needed to be tackled seriously and soon. Furthermore, many residents lived far away from the standpipes which further indicated that the town had long outgrown the system. [27]

The Council at first took the decision to construct a second reservoir within the immediate vicinity of the original one. It was a short-sighted venture and the drought of 1898 proved that two reservoirs which depended on a scanty source of water were simply not sufficient to meet the community's needs. By then the Gately's Kloof scheme had definitely been abandoned which meant that the Council was forced to

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26. ELM, Mayor's Minute, 1894-1895, p 16.

27. CA, 3/ELN 1/1/10, p 213. Minutes, 24.7.1896.  
ELM, Mayor's Minute, 1895-1896, p 42.  
ELM, Mayor's Minute, 1896-1897, pp 26-27.

resurrect the plan which had caused such an uproar in 1879, namely to tap the constant springs which flowed at Hood Point, below the cemetery.

The plan was far cheaper than any other and the current water crisis allowed the scheme to proceed without objection and late in 1898 a reservoir was constructed high on the slopes of the ridge above the old Baker's Wells. [28] A five inch main was thereupon laid to conduct the water into the town. The reservoir was in an awkward position because it had to be high enough to allow the water to flow into the town by gravitation but that in turn cut down on the amount of seepage which could be trapped. As a result, it soon became apparent that one reservoir was not enough and the drought of 1899 led to another water crisis. A second reservoir, alongside the first and joined to it by a trench, was therefore constructed at Hood Point. At last, the Town Engineer reported, there was abundant water "for all purposes". [29]

His optimism was short-lived. Further expansion of the town, the flood of refugees from the Boer War and another crippling drought put more pressure on the water supply and in 1900 a third reservoir had to be excavated alongside the others. The system of distribution remained that of stand-pipes which, although accepted as unsatisfactory, could not be altered

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28. See map, p 431.

29. CA, 3/ELN 1/1/11, pp 327, 344, 420. Minutes, 5.8.1898, 17.8.1898, 23.11.1898.  
ELM, Mayor's Minute, 1898-1899, p 20.  
ELM, Mayor's Minute, 1899-1900, p 30.

until the question of a better supply for the whole of East London had been solved. [30]

The Amalinda Scheme for the East Bank turned out to be a white elephant. Gamble had calculated in 1878 that the reservoir would suffice for a population of 6 000 [31] which he believed would not happen for a further 20 years. The Council in turn raised a Government loan to be repaid over 30 years which meant in reality that the ratepayers were paying for a scheme ten years beyond its estimated date of redundancy yet, as it happened, population growth at East London was far beyond Gamble's estimates and by 1894, a mere ten years after construction of the Amalinda Reservoir,

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30. ELM, Mayor's Minute, 1900-1901, p 41.  
 ELM, Mayor's Minute, 1901-1902, p 37.  
 ELM, Mayor's Minute, 1902-1903, p 47.  
 See also CA, 3/ELN 1/1/1/12, pp 200-201, 312, 444. Minutes, 15.2.1900, 12.6.1900, 24.10.1900.

Hilton Driffield, East London's Town Clerk and amateur historian, claimed in 1970 that these reservoirs, whose shell still exists below the Hood Point lighthouse, were constructed before 1879 and in that year were "coupled to water mains" which lead "into some of the streets of the township". The author does not state his sources but his information is clearly incorrect.

(See HH Driffield, "History of East London, Part 1" in Coelacanth: Journal of the Border Historical Society, Vol 8, No 2, October 1970, p 40.

31. East London's White population in 1878 was not yet 1 000. The Black population was not taken into account as no water was supplied to the East Bank Location until 1893.

the population was already at the 10 000 mark and the scheme was proving altogether insufficient for the needs of the town. [32]

It was not only the reservoir which rapidly became redundant. In February 1894 the Clerk of Works reported that the filter beds were no longer sufficient to cater for the "greatly increased consumption". The "turbid state of the water" during the rainy season, he said, and the small capacity of the filter necessitated frequent cleaning. Furthermore, increased consumption had the effect of forcing the water through the filters, a situation which was condemned by the "highest authorities" because it was apt to draw organic substances with it and so rendered the purification process useless. [33]

The droughts which crippled the West Bank had an equally devastating effect on the East Bank. The winter of 1894 saw the level in the reservoir dwindle considerably and its quality dropped proportionately as weed and algae multiplied unchecked. Furthermore, the number of water leadings were increasing annually as the town expanded during the years of economic prosperity. The result was that more water was required for daily consumption than the system could provide and the four-inch main which

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32. EAST LONDON POPULATION FIGURES:

	<u>WHITES</u>	<u>OTHER</u>	<u>TOTAL</u>
1875	757	1 377	2 134
1891	4 760	2 164	6 924
1899	-	-	14 000
1904	14 674	10 546	25 220
1911	12 279	8 588	20 867

33. ELM, Mayor's Minute, 1893-1894, p 24.

Gamble had recommended became totally inadequate. Water consultants estimated that the town needed 200 000 gallons per day for its current population whereas the mains could only cater for 120 000 and the filter plant could process a mere 78 000 gallons. Even when the drought temporarily broke during 1895, the Mayor pointed out the "unique position" where the reservoir was nearly full but it could not meet the daily requirements. [34]

During 1896 the Council tackled the initial crisis by laying a new eight-inch main and constructed another filtration plant at Southernwood. The latter was planned with three independent filters to obviate the necessity of shutting off the water every time one needed cleaning. A new main was then laid in Oxford Street. The plan was to increase the supply to 478 000 gallons per day but the protracted droughts, together with the increased consumption, made it clear that the Amalinda Reservoir was itself too small and, until a better scheme could be implemented, East London could not attract industry or embark on any water-borne sewerage works. [35]

In January 1895 the water level in the reservoir was so low that medical authorities proclaimed it no longer fit for human consumption as it was "loaded with organic matter". A committee formed to investigate the reservoir reported that the water was coated with "a green filth" which

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34. ELM, Mayor's Minute, 1894-1895, pp 1, 16.  
ELM, Mayor's Minute, 1896-1897, p 2.

35. ELM, Mayor's Minute, 1897-1898, pp 7, 17.  
Annex, A 25-99, pp 3-4, 15. Report of Select Committee on  
East London Water Supply Bill.

emitted an offensive smell and, when the water was stirred up by the wind, the algae and weed passed through the mains to the town. [36] Although plans for a more ambitious project began to be drawn up, the Council decided to implement an emergency scheme to pump water from the Buffalo River into the Amalinda Reservoir. Work began in early November 1898 but delays dogged the scheme throughout. There was an initial hold-up in the delivery of machinery from England and efforts to acquire a substitute pump in South Africa failed. In the meantime, yet another drought beset the town and the level of the Amalinda Reservoir sank to an all-time low. By February 1899 it had dropped to a mere 12 million gallons and three months later it reached only 5 million gallons. The Council responded by introducing severe restrictions which allowed the residents to draw water only twice a day, with the supply totally cut off except between 6 a.m. to 8 a.m. and again from 3 p.m. to 5 p.m. [37]

The Council also decided to inaugurate yet another interim measure by installing two small pumps of local manufacture which began to operate in April 1899. Initially 300 000 gallons per day were provided but, once the larger pump arrived and was installed in July that year, the consumption was pushed up to 400 000 gallons. The scheme depended on the direct flow of the Buffalo River but, for the first time in 20 years, the river dried up almost completely and the Council was forced to re-introduce strict rationing. A

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36. CA, 3/ELN 1/1/1/9, pp 38, 56. Minutes, 23.1.1895, 6.2.1895.  
CA, 3/ELN 1/1/1/10, p 213. Minutes, 24.7.1896.

37. CA, 3/ELN 1/1/1/11, p 515. Minutes, 15.2.1899.

rock dam with a capacity of 10 million gallons was also constructed on the Buffalo to catch what little water that there was. [38]

In the meantime, the Town Engineer had been instructed to search for other viable sources of water. At first that took the form of drilling in the immediate vicinity of the reservoir and the Council even resorted to hiring the services of a water-diviner to help in the search. Such schemes failed dismally. [39] Moreover, calculations indicated that the population of East London would reach the figure of nearly 30 000 within the decade if growth was maintained at the existing rate. Water consumption was already at 500 000 gallons per day but estimates predicted a figure of 1,12 million gallons in 1908. [40]

By 1898 the question of a more adequate water supply had therefore become crucial and the Council turned its attention to a number of possibilities. In March that year, the Town Engineer was instructed to examine the idea of pumping water from the Nahoon River but, as Gamble had stated 20 years earlier, that source was found to be impractical as the river was dry during most periods of drought. In April, therefore, it was resolved that estimates be established for a scheme on either the Kubusie

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38. CA, 3/ELN 1/1/11, pp 531-532, 607. Minutes, 24.2.1899, 10.5.1899.  
ELM, Mayor's Minute, 1899-1900, pp 15, 29.
39. ELM, Mayor's Minute, 1895-1896, pp 3, 41.  
ELM, Mayor's Minute, 1896-1897, p 25.  
CA, 3/ELN 1/1/10, p 413. Minutes, 20.1.1897.  
CA, 3/ELN 1/1/11, p 141. Minutes, 8.12.1897.
40. ELM, Mayor's Minute, 1897-1898, p 18.

River or even the Buffalo, despite the fear that the latter was polluted from King William's Town.

The Kubusie idea was quickly discarded because its distance from East London made costs prohibitive. On the other hand, the Buffalo River was then flowing at an estimated 1,7 million gallons per day, despite the drought. It was also the cheapest source. The fear of pollution was temporarily allayed when it was pointed out that the Kubusie River had Stutterheim in its watershed and the Nahoon River flowed through the vast Newlands Reserve. <sup>[41]</sup> The Council nevertheless turned for expert advice to help settle suspicions.

In December 1898 Dr Hahn of the South African College<sup>[42]</sup> was approached for his opinion. He analysed samples of water sent to him in Cape Town and thereupon assured the Council that the water was valuable both hygienically and technically. He was "absolutely certain", he wrote, of the effectiveness of "good filtration" in sifting out impurities and believed that, if the scheme were to be adopted, East London would have the best water supply in the Colony. <sup>[43]</sup>

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41. ELM, Mayor's Minute, 1898-1899, pp 7, 17-19.

42. DOCTOR DANIEL HAHN: Dr Hahn was Professor of Chemistry at the South African College's Chemical and Metallurgical Laboratory.

43. CA, 3/ELN 1/1/1/11, p 464. Minutes, 9.1.1899.  
 CA, 3/ELN 492. Town Engineer to Mayor and Council, 28.11.1898, 9.1.1899.  
 CA, 3/ELN 492. Memorandum on the Water Supply from the Buffalo River, 28.1.1899.

Of greater import was the opinion of Dr Edington, Director of the Bacteriological Institute at Grahamstown.<sup>[44]</sup> He had been sent samples of the water and had found the presence of an amount of bacteria which, he said, made "that first acquaintance...by no means satisfactory". He thereupon journeyed to East London to inspect the Buffalo River personally and concluded that the volume of water which was then flowing changed the perspective totally. The greater the volume, he stated, the less danger there would be of bacteria.

Edington explained that the bed of the river was rocky, which resulted in the water being aerated to a great degree during its passage from King William's Town. Furthermore, the considerable distance that the water had to pass before reaching the site of the dam meant that it would be exposed to light which would also improve the quality. He concluded therefore that, if proper filtration were used, the Buffalo Water Scheme would be second only to Cape Town and would be suitable even if East London were to grow to triple its population.

The Kubusie Scheme was not a possibility, Dr Edington continued, as there were too many riparian rights. In any case, Stutterheim had first title to the water and the river was not sufficient to supply both towns. As regards the pollution factor, there was little that East London could do except to approach King William's Town to co-operate as far as possible but there was no law to prevent pollution. Nevertheless, the distance from

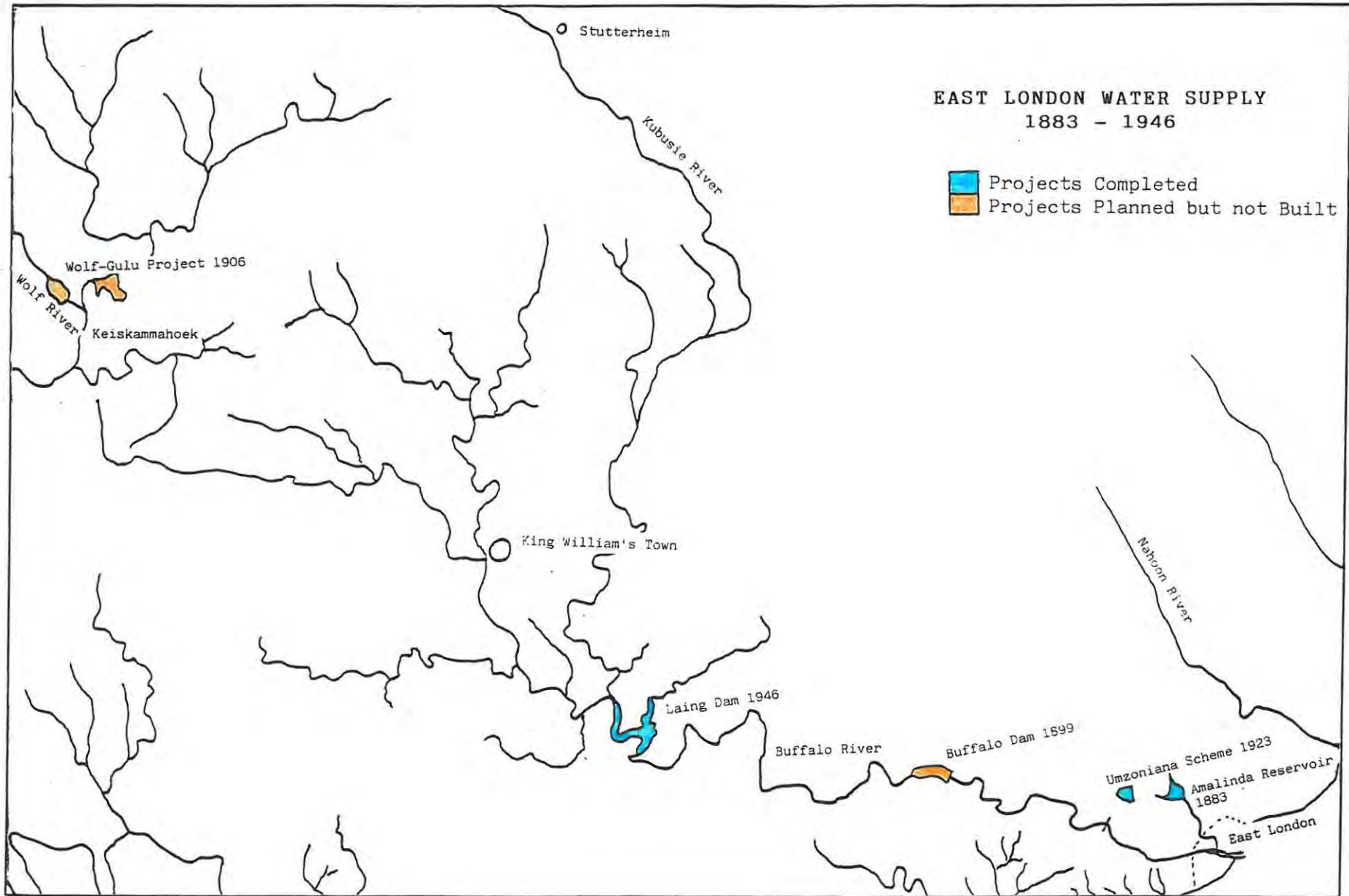
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44. ALEXANDER EDINGTON: Edington was the first Medical Officer of Health for the Cape Colony, appointed in December 1893.

King William's Town to East London was sufficient, he believed, to eliminate the "contagion" before it entered the site of the proposed intake. [45]

A public meeting was called in February 1899 and unanimously approved a scheme to build a dam on the Buffalo River above Need's Camp near Fort Jackson, some 27 miles from East London [46] and the Council was authorised to raise a loan of £110 000 to carry out the project. Once completed, the dam would have a wall of about 30 feet in height and a capacity of 200 million gallons but designed so that it could later be raised further to store 1 000 million gallons. It would initially be sufficient for a population of 36 000, well in excess of the projected figure for the following decade. The mains would provide a flow of 1,25 million gallons per day, slightly in excess of the projected demand for 1908. [47] A draft Bill was thereupon drawn up and became an Act of Parliament in October 1899. [48]

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45. CA, 3/ELN 1/1/1/11, pp 490-492. Dr Edington's Address to the Council, 28.1.1899.  
CA, 3/ELN 492. Alexander Edington to Town Clerk, 31.1.1899.  
See also ELM, Mayor's Minute, 1898-1899, pp 7, 17-19.
46. CA, 3/ELN 492. Public Meeting, 3.2.1899.  
CA, 3/ELN 492. Town Engineer to Mayor and Council, 11.8.1899.  
  
(See map, p 454.)
47. Annex, G 37-99, pp 194-195. Report on Public Health for 1898.  
Annex, A 25-99, p 4. Report of Select Committee on East London Water Supply Bill.  
ELM, Mayor's Minute, 1898-1899, pp 7, 17-19.  
Dispatch, 8.1.1901. Open Letter from the Town Engineer.
48. Act 22 of 1899. East London Additional Water Supply Act, 13.10.1899.  
(See Appendix 4, pp 108-114.)



The Act was not put into immediate effect, initially because of the high price of iron but later because the outbreak of the Boer War made loans at a reasonable interest difficult to obtain.<sup>[49]</sup> In the meantime, the drought continued unabated and the Buffalo River dried up again. By early June 1900 the level of water in the Amalinda Reservoir had dropped to 2.6 million gallons and the Council was forced to turn off the water supply for four days a week.<sup>[50]</sup> When in mid-June the level had dropped to only a million gallons, water was turned off completely. The residents were then supplied from a water-cart, with each person issued a mere three gallons per day. By the end of August it was estimated that there was only a week's supply left but still it held out until November 1900 when the drought broke partially and the Buffalo River again began to flow.<sup>[51]</sup>

In the midst of the crisis Mayor Lambart proposed that it was time to begin work on the Buffalo River Scheme as the river was dry, which would facilitate excavations, and the drought had proved the need for a larger reservoir. Although he was not prepared to recommend that the sum total of £110 000 be borrowed at an exorbitant rate of interest, he did believe that sufficient funds could be obtained to make a start on the project. Indeed, after some initial haggling, the Standard Bank authorised a loan of the

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49. ELM, Mayor's Minute, 1899-1900, pp 14-15, 30.

50. CA, 3/ELN 1/1/1/12, p 312. Minutes, 12.6.1900.

Water was supplied only on Monday, Wednesday and Friday.

51. CA, 3/ELN 1/1/1/12, pp 334-336, 390-391, 457, 468, 482. Minutes, 22.6.1900, 28.8.1900, 7.11.1900, 21.11.1900, 5.12.1900.  
See also ELM, Mayor's Minute, 1900-1901, p 16.  
See also Dispatch, 4.1.1900. Minutes, 3.1.1900.

entire amount at only 5 percent interest and in October work on the excavations began. [52]

Almost immediately a well-orchestrated opposition was mounted against the project. Within the Council it was limited to two people, Councillors Walker and Ries, who launched a two-pronged attack. The first argument concerned economic issues. The estimates, Walker stated, had been worked out two years previously and, during the interval, prices had escalated by between 25 and 50 percent. Of greater consequence, however, was the argument that the Buffalo River was heavily polluted.

Walker was again the chief protagonist of that view. He had evidence of some of the "best engineers", he told the Council, which proved that the river was heavily polluted and totally unfit for consumption. Even in normal circumstances, he considered it "a complete cesspool". Ries added that the townsmen had only supported the original proposal because it was believed that the Buffalo River provided an unfailing supply whereas events had proved the contrary. The Kubusie River, on the other hand, was still flowing. [53]

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52. CA, 3/ELN 1/1/12, pp 346-347, 373, 444. Minutes, 4.7.1900, 1.8.1900, 24.10.1900.  
ELM, Mayor's Minute, 1900-1901, p 16.
53. CA, 3/ELN 1/1/12, pp 346-347, 474-476. Minutes, 4.7.1900, 21.11.1900.  
See Dispatch, 23.11.1900.

Pressure outside the Council eventually led to the demand for a public meeting to be held in mid-December to debate the issue afresh. Antagonists to the scheme armed themselves beforehand and circulated a convincing pamphlet purporting to be "An Expert's Report on the Buffalo River". The "expert" was a certain John Fleming, civil and mining engineer and claiming to be consultant and general manager of several Transvaal mining companies. Fleming, the pamphlet stated, had been commissioned to examine and report on the suitability of the Buffalo River as a reliable source of drinking water for the town but he had found it to be thoroughly polluted from several sources.

King William's Town alone, Fleming wrote, discharged an average of 75 tons of filth into the river each day, originating from the town's streets and sewerage system. The appearance of the water thereafter was "anything but pleasant", having taken on a "dirty olive green" colour and was "full of rotten vegetation and green slimy deposit". Added to the filth were discharges from various factories and the hospital. The contents of the nightsoil pits, which were situated in a tributary of the Buffalo, were washed down in wet weather. Further down the river were three wool-washing plants which pumped over two tons of animal grease, sheep dip, soap and caustic soda into the water daily. Moreover, the abattoir tipped "heaps of manure and offal....right down into the stream". The water at a point ten miles from King William's Town, Fleming continued, was "highly dangerous and poisonous" and had already been the cause of typhoid to those who had drunk from it. He therefore considered the river "absolutely unfit" as a source of water for East London. Emblazoned at the foot of the document

were the words, "Is this the water you would like to drink and see the inhabitants of your seaport drink?" [54]

Although the document appeared to be highly exaggerated, many ratepayers were convinced and a flurry of letters to the press accompanied its distribution, most of which deplored the Buffalo Scheme. "What a project!" stated one,

"a beautiful conglomeration of liquid extract of scab disease, red water, and wool grease, soap and chemicals, native and European night soil, filth of King Williamstown, and a few other necessities for the formation of some of the vilest filth." [55]

A more philosophical and pragmatic view was expressed in another letter. It was possible to make the best of things, the writer stated, and "bid every doubt begone" if one knew that nothing better was to be had. If the Buffalo Scheme had been undertaken when it should have been, every townsman would have "developed into a philosopher" and would have "overcome his scruples". As it was, however, he believed that no serious attempt had been made to investigate any other "efficient supply". [56]

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54. CA, 3/ELN 1/1/19. "An Expert's Report on the Buffalo River", John Fleming to A. Douglas, 1.12.1900. (The pamphlet is contained as a loose document in the Council Minutes for 1910.)
55. Dispatch, 17.11.1900. Letter from "Interested Resident".
56. Dispatch, 15.11.1900. Letter from "In the Interests of the Town". See also letters in Dispatch, 13.11.1900, 24.11.1900, 27.11.1900, 29.11.1900, 30.11.1900.

Soon a requisition was presented to the Council which demanded another public meeting to debate the issue. The Mayor had no option but to comply, despite his belief that the majority of signatories held vested interests in the alternative Kubusie Scheme. [57] A large and noisy meeting in December thereupon accused the councillors of hiding information from the ratepayers and a resolution was adopted which instructed the Council to stop all further work on the Buffalo Scheme until alternatives had been thoroughly investigated. The meeting also demanded a poll to ascertain the opinion of all the townsmen. [58]

As the polling day approached, it became clear that the Mayor's claim of vested interests was correct. There existed a group of businessmen, known as the Kubusie Syndicate, who wished to see the Council forced into building a reservoir on the Kubusie River because of the economic advantages which that scheme offered them. Indeed, the leader of the syndicate, John Humphreys, admitted at a public meeting in February 1901 that not only had the group bought up all riparian rights on the Kubusie River, which they had obtained from unsuspecting farmers at the rate of only a shilling per title, but that he personally owned the land on which it was hoped the proposed reservoir would be built. [59]

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57. Dispatch, 23.11.1900. Minutes, 21.11.1900.
58. CA, 3/ELN 1/1/1/12, p 240. Public Meeting, 5.12.1900.  
CA, 3/ELN 1/1/1/12, p 520. Minutes, 16.1.1901.  
ELM, Mayor's Minute, 1901-1902, p 16.
59. Dispatch, 11.2.1901. Public Meeting, 7.2.1901.  
See also Dispatch, 18.2.1901. Letter from "R. Pell Edmonds".

The Syndicate prepared effectively for the referendum by "drumming up" support and supplying cabs to transport voters to the polling station. The poll in early January 1901 resulted in a majority of 87 in favour of disbanding the Buffalo Project until further investigations had been made but in reality it revealed that the majority of householders were totally indifferent to the pollution factor as only 409 persons from a total of 2 700 registered ratepayers actually voted. [60]

In the meantime, anger began to mount against the operators of the Syndicate. The promoters of the Kubusie Scheme possessed not a farthing's worth of rateable property in the municipality, a letter in the Dispatch claimed, and they cared not "one straw" whether East London gained any water at all. All they had in mind, the letter concluded, was to dispose of their "imaginary rights" which, if successful, would leave them "with a light heart and a full pocket, and the poor ratepayer without water". [61]

At the same time the Town Engineer wrote a lengthy and detailed "open letter" to the Dispatch in which he pointed out the folly of claiming pollution as a factor against the Buffalo Scheme. Clause 12 of the East London Water Supply Act, he argued, forbade pollution of the river and all that the municipality needed to do was to apply the Act. In any case,

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60. Dispatch, 11.1.1901.

<u>RESULTS OF THE POLL:</u>	For Disbanding	249
	Against Disbanding	161

61. Dispatch, 7.1.1901. Letter from "Hermann Muller".  
See also Dispatch, 9.1.1901. Letter from "A.C.M. Bolton".

he wrote, the King William's Town municipality buried its nightsoil in adequate trenches and so the Buffalo River did not come into contact "with human excreta". The Kubusie Scheme, on the other hand, would be impossible because it would be "violently opposed" in Parliament which guarded riparian rights in a "rigid manner". It would, in any case, be an extremely expensive scheme because of its distance from East London. [62]

Despite the seeming indifference on the part of the majority of the townsmen and the growing anger against the Kubusie Syndicate, the Council was bound to obey the directive given at the poll, which involved suspension of the Buffalo Project and renewed investigation of the entire question. It therefore turned to the Colony's Medical Officer of Health for a verdict based on the earlier analysis made by Dr Hahn.

The subsequent report cast further gloom on the issue. There were inconsistencies in Hahn's analysis, the Medical Officer stated. The amount of organic matter found in the water was "greatly in excess" of what was considered safe and, unless that could be satisfactorily explained, he had the "gravest suspicion" of its suitability for drinking. He suggested, therefore, that the municipality search for a purer source of water, possibly situated above any source of pollution, even if that were to cost

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62. Dispatch, 9.1.1901. Open Letter from the Town Engineer.  
See also letters in the Dispatch, 9.1.1901, 11.1.1901, 23.1.1901 as well as Dispatch, 18.1.1901. Minutes, 16.1.1901.

much more. The alternative was to spend a great deal more on a filtration plant. [63]

In the meantime the annual report of the local Medical Officer of Health painted a dismal picture of East London's water supply. Many of the people, he wrote, still relied on iron tanks which caught rainwater. It was a dangerous system, he believed, because the rain also washed dust off the roof and the town dust was particularly liable to contain "infectious organisms" because of the complete absence of underground drains and East London's appalling sewerage system where slops, including urine, were thrown into the gutters, and the nightsoil carts dripped on to the streets. In some cases, houses had underground tanks which were worse because they not only collected organisms from the dust but also absorbed "foul subsoil water" because most were pervious.

As regards the Amalinda Reservoir, he wrote, the filters at Southernwood were "indifferently constructed" and the inflow was liable to wash away the "filtering growth" from the surface of the sand. Furthermore, the pollution from King William's Town, pumped into the reservoir from the Buffalo River, put human acids into the water and it was feared that these had a corrosive effect on the pipes. As a result, the consumers believed they were being contaminated by drinking the reservoir water and therefore

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63. CA, 3/ELN 1/1/1/12, pp 543-544. Minutes, 6.2.1901.  
See also Dispatch, 7.2.1901.

drank only rainwater from their tanks and so were subjected to a worse contamination. [64]

The only other source of water which the Council could think of was the Kubusie River and so once again it was investigated and found to be impractical. The councillors were by then in a total dilemma and, because of the crisis which the town faced, decided to call another public meeting where it was recommended that the Buffalo Scheme should go ahead. [65] Uncertainty remained, however, and no move was made to implement the resolution. Instead, the Council eventually decided to request the Government to arrange that the "best Hydraulic Engineer" from Britain be brought to the Cape to investigate East London's problem and to examine every possible source, even as far as the Kei and Keiskamma Rivers. The Public Works Department eventually selected Charles Anthony for the task. He arrived in the Colony in May 1903 and immediately began the search. [66]

Anthony presented his preliminary report in May 1904. He had examined all the possible sources for a water supply, including the Buffalo, Nahoon, Gonubie, Keiskamma, Gulu, Wolf, Kubusie and Gubu [sic] Rivers, and

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64. Annex, G 66-1902, p 37. Report on Public Health for 1901.
65. CA, 3/ELN 1/1/1/13, p 54. Minutes, 16.9.1901.  
See also ELM, Mayor's Minute, 1902-1903, p 17 as well as Dispatch, 24.7.1901, 14.9.1901, 17.9.1901.
66. CA, 3/ELN 1/1/1/13, pp 430-432. Minutes, 21.5.1902.  
ELM, Mayor's Minute, 1902-1903, p 17.  
ELM, Mayor's Minute, 1903-1904, pp 39, 70.  
Annex, G 36-1903, p 48. Report on Public Works, 1903.  
See CA, M 5/294. Wolf-Gulu Water Supply Bill, 1906.

concluded that the best prospect for pure water lay in a twin scheme to trap the headwaters of the Wolf and Gulu Rivers above Keiskammahoek.<sup>[67]</sup> A further report in January 1905 recommended that the less expensive Wolf River Project which would supply 1,5 million gallons of water per day should be utilized first and the Gulu Scheme, which would provide a further 2,25 million gallons per day, could be taken up when the needs of the town required it.<sup>[68]</sup>

The ratepayers accepted Anthony's scheme by an overwhelming majority and so finally sank the bid by the Kubusie Syndicate to enrich themselves<sup>[69]</sup> but soon after the Bill came before Parliament, it encountered strong opposition. It allowed for the expropriation of 215 acres of tribal land in the Gulu River headwater but word spread quickly among the Black community that it was to be dispossessed of all its land.

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67. Dispatch, 25.5.1904. Report and Recommendations of Charles Anthony, 27.4.1904.  
See also Dispatch, 5.5.1904, 6.5.1904, 12.5.1904.

(See maps, p 454 and p 465.)

68. Annex, A 25-1906, pp 5-8. Report of Select Commission on the East London Water Supply Bill of 1906. Richard Walker's Testimony. ELM, Mayor's Minute, 1904-1905, p 19.  
CA, 3/ELN 1/1/1/15, p 511. Minutes, 14.2.1906.  
Dispatch, 9.2.1905. Water Supply Investigation: Supplementary Report, January 1905.  
Dispatch, 20.2.1905. Public Meeting, 19.2.1905.  
See also Dispatch, 11.2.1905. Minutes, 10.2.1905.

69. Dispatch, 7.3.1905. Corporation Notice No 32 of 1905.  
See also Dispatch, 23.4.1906. Public Meeting, 21.4.1906.

RESULT OF POLL: For Wolf-Gulu Scheme: 948 votes  
For Kubusie Scheme: 288 votes  
MAJORITY FOR WOLF-GULU: 660 votes



EAST LONDON IN 1906: The town as it appeared in the survey for the East London Additional Water Supply Act of 1906. [Source: Cape Archives, M 5/293.]

Black leaders therefore wrote to the Government to protest the action and simultaneously forwarded a petition to Parliament. The East London Council attempted to allay their fears and sent a committee to Keiskammahoek to discuss the issue with a Black delegation but without success. The Government was understandably concerned because it feared that Zulu unrest in Natal might spill over into the Cape. To prevent the Wolf-Gulu Bill from exploding into full-scale resistance, therefore, the Government persuaded the Council to drop the Gulu section from the Bill and implement only the Wolf Scheme. [70]

The Wolf River Project became an Act of Parliament in August 1906 [71] but, as had happened in 1899, it was never implemented. Initially, the post-Boer War depression led to its postponement [72] but in

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70. ELM, Mayor's Minute, 1906-1907, pp 17, 44.  
 CA, 3/ELN 1/1/15, p 584. Minutes, 16.3.1906.  
 CA, 3/ELN 1/1/16, pp 63-64, 162. Minutes, 13.6.1906, 21.7.1906.  
Dispatch, 19.7.1906. Minutes of Parliament, 18.7.1906.  
Dispatch, 23.7.1906. Public Meeting, 21.7.1906.  
 See also East London and Frontier Red Book for 1907, p 84.

It was believed in any case that the Bill could not be passed that session because of its controversial nature. It was felt better, therefore, to drop the more contentious Gulu section, which entailed the resettlement of some 2 500 Africans, whereas the Wolf Scheme would affect only 300 people. Mayor Medefindt argued that the orchestrated Black resistance was actually a disguised attempt by the Kubusie Syndicate to torpedo the operation and force a return to the Kubusie Scheme.

(See Dispatch, 1.8.1906.)

71. Act 26 of 1906. The East London Additional Water Supply Act, 21.8.1906.  
 (See Appendix 4, pp 115-124.)
72. Dispatch, 30.11.1906. Minutes, 29.11.1906.  
Dispatch, 22.1.1907. Public Meeting, 21.1.1907.

February 1909 the Town Engineer persuaded the Council that the cost of the scheme would be prohibitive, with repayments amounting to £16 000 per year for 50 years. [73] In the meantime the growth of population necessitated yet another expansion of the interim pumping scheme and a new twelve-inch main was laid from the Buffalo River to the Amalinda Reservoir at a cost of £27 000, making folly of the prejudice against that source. [74]

The abandonment of the Wolf Scheme meant that the hoped-for sewerage works could not be undertaken but East London was saved from further immediate hardship by copious annual rainfall which maintained the level of the Amalinda Reservoir for the next few years. Nevertheless, the previous decade had proved that it was foolish to rely totally on the flow of a river to sustain a reservoir with a capacity of only 96 million gallons which effectively sent the town reeling into severe restrictions each time a drought descended on the region. In November 1907 the Town Engineer had

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73. CA, 3/ELN 1/1/1/16, p 571. Public Meeting, 3.1.1907.  
CA, 3/ELN 1/1/1/21, p 37. Town Engineer to Mayor and Councillors, 29.3.1911.

74. Dispatch, 19.7.1904. Corporation Notice No 60 of 1904.  
Dispatch, 1.7.1904, 7.7.1904. Public Meeting, 30.6.1904, 6.7.1904.  
Dispatch, 14.7.1904, 16.7.1904, 21.7.1904. Minutes, 13.7.1904, 15.7.1904, 20.7.1904.  
ELM, Mayor's Minute, 1904-1905, p 20.  
ELM, Mayor's Minute, 1905-1906, pp 20, 46.  
See also Dispatch, 2.7.1904, 5.7.1904, 8.7.1904, 11.7.1904, 12.7.1904, 13.7.1904.

Between 1899 and 1908 more than £36 469 was wasted in a search for water: £7 043 10s. 5d. was spent on the Buffalo Scheme before it was abandoned in 1903; £8 047 10s. 3d. was devoted to the Wolf-Gulu Scheme before that was cancelled in 1907; £21 378 6s. 4d. went into the interim pumping scheme by 1908.  
(See Mayor's Minutes, 1903-1904, 1907-1908, 1908-1909.)

already brought the Council's attention to a possible new scheme of a second reservoir on the Buffalo River itself which would hold another 100 million gallons. Although he still believed that the original Buffalo River Scheme of 1899 was the only practical long-term solution to East London's problems, limited funds made his proposed temporary scheme at least a good substitute. [75] During 1908 the Council tentatively adopted the plan and went as far as cleaning the proposed site, cutting a trial trench across the river and conducting a preliminary survey. [76]

No further action was taken until 1911 when, because the population was again growing in the wake of the economic upturn and the Council was once more desirous to implement its sewerage scheme, the Town Engineer was instructed to draw up more detailed plans for his interim measure but by that stage he had become convinced that a weir across the Buffalo River would in fact be a short-sighted project. First, it would be susceptible to extreme pollution whenever the river ran low but he also feared that such a scheme would become redundant should a later project be established elsewhere. [77]

The Engineer therefore mooted the idea of constructing the second reservoir somewhere near the Amalinda Reserve which would allow it to be

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75. CA, 3/ELN 1/1/18, pp 54-56. Town Engineer to Mayor and Councillors, 5.11.1907.

76. ELM, Mayor's Minute, 1908-1909, pp 63-64.

77. CA, 3/ELN 1/1/21, pp 37-40. Town Engineer to Mayor and Councillors, 29.3.1911.

used in conjunction with all future schemes but he believed that it would be a grave risk to construct it above the old reservoir and within the same catchment area lest floods caused it to break and took the Amalinda Reservoir with it. He suggested instead that a site should be found within the Umzoniana River catchment area, adjacent to the Amalinda. A second opinion from a consultant engineer from Durban confirmed the advantage of the idea despite its slight increase in the estimated cost. [78]

The Council adopted the scheme in May 1913<sup>[79]</sup> but a public meeting in November rejected it. [80] Despite a further examination by a consulting engineer which again proposed the Umzoniana Scheme as the only viable one, the Council decided that the ratepayers would not accept it unless it was shown that every other alternative had been explored, especially a new concept of impounding water on the Cwencwe River near King William's Town. [81] During the course of the year the Council adopted the proposal

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78. CA, 3/ELN 1/1/1/21, pp 37-40. Town Engineer to Mayor and Councillors, 29.3.1911.  
 CA, 3/ELN 1/1/1/21, pp 329-330. Cathcart Methven to Mayor and Councillors, 30.9.1911.  
 CA, 3/ELN 493. Town Engineer to Mayor and Council, 25.2.1913.  
 Dispatch, 3.5.1911. Water and Sewerage: Town Engineer's Reports, 29.3.1911.  
 Dispatch, 25.7.1911. Minutes, 24.7.1911.
79. UMZONIANA SCHEME: See map, p 454.
80. Dispatch, 14.5.1913, 6.11.1913. Minutes, 13.5.1913, 5.11.1913.  
Dispatch, 4.11.1913. Public Meeting, 3.11.1913.
81. CA, 3/ELN 1/1/1/23, pp 87-89. Minutes, 7.5.1913.  
 CA, 3/ELN 1/1/1/23, pp 389-390. Public Meeting, 3.11.1913.  
Dispatch, 22.1.1914. East London's Water Supply: Consulting Engineer's Report, 26.12.1913.  
 ELM, Mayor's Minute, 1913-1914, pp 20-21.

and came up with a plan to construct a dam with a capacity of 385 million gallons on that river and later an additional dam on the adjacent Rwakala River. [82]

The outbreak of the Great War in 1914 prevented the public adoption of the Cwencwe Scheme and the idea foundered in 1915 when it was discovered that it would be impossible to convey the water to East London by gravitational means alone. Furthermore, the cost of piping proved to be prohibitive. The Council therefore fell back on the Umzoniana Scheme which at last was adopted by a public meeting in June 1917 and the first sod was turned in December that year. The town still had a long wait as tenders were only received in June 1920 and strikes in England delayed shipment of vital equipment. The pumping therefore began in 1922 and the official opening of the new temporary scheme took place in August 1923, almost 25 years after the Buffalo River had first been proposed as the only viable source of water for the town. [83]

The total estimate for the Umzoniana Scheme was over £233 000 compared to the much more modest £110 000 for the Buffalo Scheme in 1899 which would have created a reservoir with equal capacity to the

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82. Dispatch, 13.7.1914. Cwencwe River Scheme: City Engineer's Report, 26.6.1914.  
ELM, Mayor's Minute, September 1914, pp 14-15.
83. ELM, Mayor's Minute, September 1914, pp 14-15.  
ELM, Mayor's Minute, 1916-1917, pp 31-32.  
ELM, Mayor's Minute, 1917-1918, pp 20-21.  
ELM, Mayor's Minute, 1921-1922, p 13.  
ELM, Mayor's Minute, 1922-1923, pp 17-18.

Umzoniana Reservoir. <sup>[84]</sup> Moreover, it was still an interim scheme and because its intake on the Buffalo was a low weir with limited capacity, it remained highly susceptible to the cycles of drought which afflicted the East London area. It nevertheless served as East London's only source of water until 1946 when the construction of the Laing Dam was started, again on the Buffalo River, near Fort Murray. <sup>[85]</sup>

When one views the East London water supply debacle from the vantage point of hindsight, it is easy to criticise what now appears as tragic myopia which cost the town dearly in terms of finance, inconvenience and truncated growth. The ratepayers were nevertheless people of their times and victims of an unbounded fear of infection from a polluted source. The threat of an outbreak of plague at the turn of the century <sup>[86]</sup> only made matters worse and the townsmen were therefore easy targets for unscrupulous profit-makers, such as the Kubusie Syndicate, who were able to prey on such paranoia. Filtration was still in its infancy and so East London's chance of an adequate water supply failed accordingly.

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84. Umzoniana Waterworks Souvenir, 20.9.1923, pp 14, 21.

85. See map, p 454.

It is interesting to note that today events have gone full circle and the Wriggleswade Dam is being built on the Kubusie River, south of Stutterheim, to augment the East London water supply. It has again been found that the Kubusie River continues to flow through all droughts and the water is far less polluted than the Buffalo. (See Dispatch, 11.5.1990, 16.5.1990.)

86. See Chapter 13, pp 510-515.

CHAPTER 13

SANITATION AND PUBLIC HEALTH

The East London Municipal Board of 1873 inherited a sanitation problem of immense proportions because almost nothing had been done in almost three decades to regulate the town's health. Although an Act of 1855 had empowered the Resident Magistrate to appoint a place for the deposit of rubbish, to inspect butchers' shops and slaughter places, and to supervise the general cleanliness of the thoroughfares, there is little evidence to suggest that the Act was enforced. Indeed, although the designated place for the disposal of nightsoil was on the shore below the high-water mark, it was often thrown above that mark which led to a "highly noxious" stench in the area. Most of the houses had pit-toilets but those which used the tub system were reported to be "very close unwholesome [sic]" because the tubs were emptied only occasionally. In addition to that, many of the early merchants traded in hides and horns, the drainage of which saturated the earthen floors of their stores and added to the reek in the town's atmosphere. [1]

No advance was made during the following decade and in 1865 the Kaffrarian pointed out that horses, cattle and pigs roamed the village at will, and a greater proportion of the filth and refuse was still thrown on the beach above the high-water mark. If the town was much larger, the editor concluded, and the heaps of filth proportionately greater, it would have led to a pestilence. [2]

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1. Tankard, East London, pp 158-163.
  2. Kaffrarian, 7.1.1865.

When the first municipal regulations were promulgated in April 1873, the sanitation clause was vague and ineffective. Regulation 30 merely limited the removal of nightsoil to the hours between 10 p.m. and 4 a.m. and made allowance for the Municipal Commissioners to point out sites for its deposit "from time to time". [3] The regulation effectively maintained the status quo, and the sanitation question was not reviewed or enforced during the following four years. Furthermore, the restriction to night hours for removing the nightsoil discouraged the conversion to a tub-system because East London's roads remained in an appalling condition and the task of stumbling along in the dark armed with a pail of nightsoil would have been a daunting experience indeed.

The first attempt to tighten up on "privies" came in May 1877 when the Municipal Board published an additional regulation which stipulated that the owner of a dwelling-house "may be compelled [sic]" to provide it with a "cesspool", or pit-toilet, which would have to be properly covered and secured. Alternatively, the house could have a toilet with a tub, earth-box or any other removable vessel to receive the nightsoil. [4] The additional regulation still did not compel house-owners to provide a toilet of any sort, although the Municipal Board believed otherwise and in January 1878 Chairman Gately proclaimed that it was "distinctly laid down" in the regulations that every house should be provided with a "privy". An

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3. Government Gazette, 23.4.1873. Proclamation 37 of 1873.  
(See Appendix 6, p 137.)
  4. Government Gazette, 18.5.1877. Proclamation 61 of 1877.  
(See Appendix 6, p 142.)

investigation by the streetkeeper, however, had found that there were at least 19 houses on the East Bank alone which had none. Indeed, a letter to the Board brought its attention to the fact that some tenants were still using the open ground in front of their properties for the purposes of nature. [5]

The Board eventually decided that the only way to enforce what it thought was the regulation would be to issue a general warning to the public by prosecuting two parties on each side of the river. The commissioners quickly found that they could only hope to succeed if the regulation was watertight (which it was not) and so in September that year they were forced back to the drawing-boards to amend the bye-law and compel house-owners to provide a proper toilet. [6]

Until 1877 the responsibility for emptying the nightsoil buckets was left to the tenant himself which resulted in the majority of house-owners preferring to use the "cesspool" or pit-toilet which exuded no greater smells than the tub system but was decidedly more convenient because it did not have to be emptied regularly. Its major detraction was that it not only polluted the atmosphere but its contents tended to seep into the drinking wells and underground water-tanks.

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5. Dispatch, 14.1.1878. Minutes, 10.1.1878.  
CA, 3/ELN 1/1/1/1. Minutes, 14.2.1878.
  6. CA, 3/ELN 1/1/1/1. Minutes, 14.2.1878.  
CA, 3/ELN 1/1/1/2. Minutes, 12.9.1878.  
CA, CCP 6/5/12. Proclamation 21 of 1879, Regulation 30.  
(See Appendix 6, p 146.)

Late in 1877 the Board attempted to encourage more people to use the tub system by appointing a town scavenger to empty the nightsoil buckets, at a fee of 2s. per tub on the West Bank and 3s. on the East Bank. [7] The commissioners were then able to review the whole concept of "cesspools" and in February 1878 it decided that they would no longer be tolerated. The resolution was not unanimous because of the expense which the provision of a tub system would entail and some of the commissioners believed that the example of England, where "cesspools" were said to be common, should prevail at East London as well. [8]

The existence of the regulation alone was not enough to reform the town's sanitary system. The bye-law needed to be enforced and there lay the rub. First, it was found to be questionable whether the Board had the necessary authority to enter private property in order to suppress nuisances. Second, it was found to be impossible to enforce the system in the face of a disinterested police-force. It was generally believed that nothing could be done about entering private property unless an application was made to have the provisions of the Public Health Act [9] applied to

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7. CA, 3/ELN 1/1/1/1. Minutes, 8.11.1877, 22.11.1877.

The extra cost to the latter arose from the sprawling nature of their settlement which meant that the scavenger had to travel further to deposit his cargo. It was much easier, on the other hand, to reach the West Bank beach where the night-soil was still tipped.

8. CA, 3/ELN 1/1/1/1. Minutes, 28.2.1878, 18.4.1878.  
CA, CCP 6/5/12. Proclamation 21 of 1879, Regulation 30.  
(See Appendix 6, p 146.)

9. Act 4 of 1883. Public Health Act, 6.9.1883.

East London. The Municipal Board therefore made the necessary approach to the Resident Magistrate and the Act went into effect at the beginning of 1878 but enforcement of the provisions foundered because of the lack of a special contagious diseases hospital. Eventually the Board decided that it was impossible to carry out the Act and so, in mid-April, it begged for its withdrawal. [10]

The other vexed question of nightsoil removal also foundered because of an inability to maintain the services of a scavenger, and through opposition from the town police. The scavenger system had never been made compulsory and those wishing to use his services had to inform him personally or leave a message at the Dispatch office<sup>[11]</sup> but it was expensive and few people responded. The municipality therefore found it impossible to maintain the service and eventually resorted to ordering the streetkeeper to "do everything possible" to stop people throwing their nightsoil and rubbish wherever they pleased.

In effect, the town had regressed badly. The streetkeeper had little legal authority and could only request the police to lock up those people whom they caught in the act of committing a nuisance. The police, on the other hand, accused him of interfering too much and claimed that people had a right "to commit nuisances" in the bush until such time as proper facilities were provided by the municipality. In the meantime, the Chairman

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10. Dispatch, 8.1.1879, 25.1.1879, 23.4.1879. Minutes, 1.1.1879, 20.1.1879, 17.4.1879.

11. CA, 3/ELN 1/1/1. Minutes, 22.11.1877.

stated, the town had become "a scandal to any civilized community", with filth, nightsoil and dirt deposited all around. [12]

In face of the impossibility of hiring a scavenger, the Board was eventually forced to take upon itself the task of nightsoil removal. The necessary wagon was therefore purchased and went into operation in May 1879. Although no-one was forced to use the system, pressure was brought to bear on the residents to deposit their nightsoil only at the places designated as "stercus pits" and, because these were inconveniently situated, it became advantageous to employ the municipal "stercus wagon". [13] The introduction of a nightsoil cart in turn forced the Municipal Board to face up to its other responsibility of providing a proper sewerage tip. The beach on the West Bank was easily accessible but the sea-front was not as close on the East Bank and, because there was no regulation to the contrary and no designated tip, the East Bank residents deposited their refuse wherever they wished.

It was only in March 1878 that the Board chose a site for the "stercus pit" on the East Bank. Chairman Gately had pointed out that the whole of that side of the town was little better "than a huge privy" and so a two-man commission was appointed to investigate and made the rather dubious recommendation to use a ravine near the newly established Wesleyan

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12. *Dispatch*, 8.1.1879. Minutes, 1.1.1879.

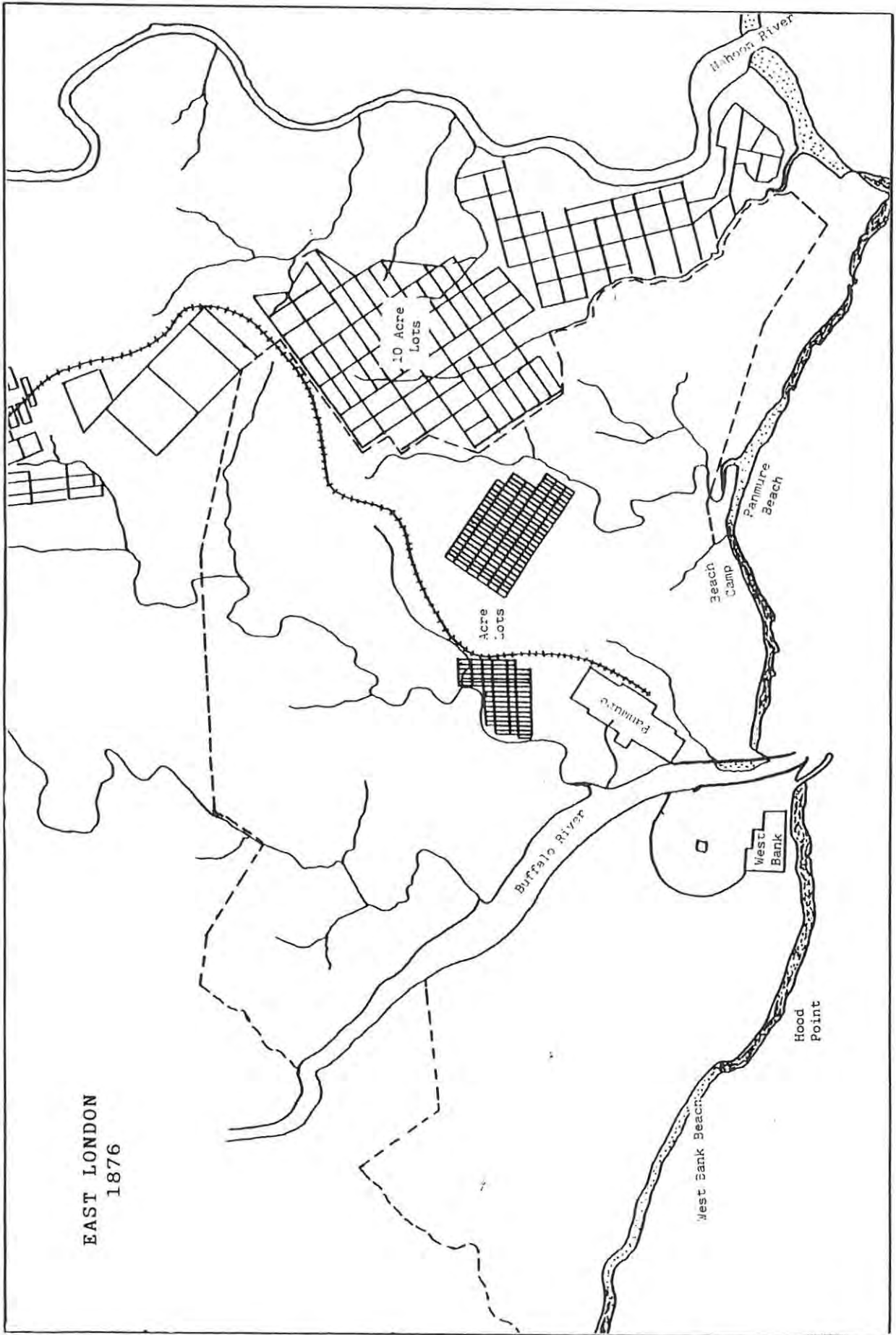
13. *Dispatch*, 8.1.1879, 4.6.1879, 9.8.1879. Minutes, 1.1.1879, 29.5.1879, 7.8.1879.  
CA, 3/ELN 1/1/1/2. Minutes, 13.2.1879.

Location. Although there were protests, especially from Commissioner Walters, a pharmacist, [14] who argued that the site was "objectionably" near the location and therefore a danger to the health of the Black residents, the indignation was quieted on the grounds that there was simply no other place. [15]

It soon became clear that the selection of that spot was short-sighted. It was too close not only to the Wesleyan Location but also to the White suburb of North End, and lay in the path of the proposed new East Bank Location. Another site had therefore to be chosen and the Board more sensibly decided to place it much further from the town, at a spot behind the sand-dunes near the Blind River to the east of Limekiln Kloof. [16]

As the Board was re-organizing the sanitary arrangements on the East Bank, those on the West Bank were also brought under review. It is probable that the commissioners were influenced by criticism from the

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14. EDWARD TEMPLEMORE WALTERS: Walters was a "chemist and druggist" with his shop in Terminus Street. He became a Municipal Commissioner in February 1877 as representative of Ward 2 but he died suddenly of pneumonia in March 1883 while still on the Board.  
(For further information, see Appendix 2.1, p 45.)
15. Dispatch, 25.3.1878. Minutes, 21.3.1878.  
See also Dispatch, 4.3.1878.
16. CA, 1/1/1/2. Minutes, 7.8.1879.  
Dispatch, 25.2.1882. Mayor's Minute, 1881-1882.  
(See map, p 485.)



EAST LONDON  
1876

Dispatch in which the editor pointed out several disquieting features of the existing system. In the first place, the editor wrote, it was unwise to cast nightsoil and rubbish on the beach because the salt water did not destroy the "injurious characteristics" of the deposits. Furthermore, the flow-tide merely re-deposited it higher on the shore where it continued to defile the atmosphere. He suggested therefore that trenches be dug some distance from the town where all nightsoil and rubbish could be dumped. [17]

The Board, in responding to the Dispatch's criticism, decided that the main problem was not the question of dumping rubbish into the sea but of using the beach. It therefore chose a new site which consisted of two large flat rocks along the shore, between which a wooden platform was erected so that the West Bank residents could cast their filth directly into the water [18] but a wooden platform perched precariously above the sea could never be a lasting success and as early as January 1879 the streetkeeper reported that the tip was a failure. The Board had therefore to search for another spot on which to create a tip and in May 1886 it decided to use Gately Kloof but, as had happened on the East Bank, the spot chosen was near the proposed new West Bank Location and also close to the main road to the pontoon. As a result, the site had to be changed again in 1890 and was moved to the west of the town, behind the low sand-dunes near the beach. [19]

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17. Dispatch, 25.3.1878.
18. Dispatch, 18.3.1878. Minutes, 14.3.1878.  
Dispatch, 18.9.1878. Municipal Notice.
19. CA, 3/ELN 1/1/1/2. Minutes, 30.1.1879.  
 CA, 1/1/1/6, p 222. Minutes, 26.5.1886.  
 ELM, Mayor's Minute, 1890-1891, p 10.

The second problem which the Dispatch raised in 1878 was the fact that the nightsoil from the West Bank gaol was deposited on the beach at the mouth of the Buffalo River where it tended to make bathing "out of the question". Furthermore, early in March 1878 it was discovered that amputated limbs from the Black prisoners were found floating in the water. The Municipal Board immediately approached the gaoler, through the Resident Magistrate, to put a stop to the abuse. The gaoler was attentive to the requests although, as he explained, the nightsoil had been deposited there for more than seven years and few people had complained. The amputated limbs, he said, had been placed in the nightsoil buckets "by an oversight" and so had found their way into the river. [20]

By 1891 the sanitary system had been improved considerably with the creation of the tips but there were still two major areas of concern, namely the system of single-pail nightsoil removal and the throwing of slop-water into the streets. Although nightsoil was now collected on a regular basis, the tub-toilets had only a single pail which meant that the contents were merely thrown into the "stercous cart" and the buckets were then returned uncleaned. A double-pail system, the Medical Officer of Health explained, held the advantage not only of greater hygiene but of maintaining covered tubs so that the "objectionable smell, so obvious to all who [were] not home

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20. CA, 3/ELN 1/1/1/1. Minutes, 7.3.1878.  
Dispatch, 8.4.1878. Minutes, 4.4.1878.  
See also Dispatch, 25.3.1878.

by ten o'clock" would be done away with. [21] In addition, the nightsoil wagon itself tended to leak and its contents dripped on to the roads where it dried and was blown as dust on to the roof-tops, from where found its way into the drinking-water. [22]

Although the idea of the double-pail system was first mooted early in the 1890's and proposed again in 1902, the Council remained unresponsive until 1910. Part of the problem lay in the fact that the task of collecting the nightsoil had again been farmed out to private enterprise and the scavenger was expected to make his own arrangements and collect his own fees. Any improvement, therefore, would demand that the Council take over the whole system which would mean a large initial financial outlay for plant and organisation of the department. [23]

The Council also delayed because of the expectation of a new water scheme. Once an abundant supply of water had been procured, plans for a proper sewerage system could be considered. The Buffalo Project of 1899 held promise of an early change but it was delayed and finally abandoned in favour of the Wolf-Gulu Scheme which in turn foundered. [24] By 1910 it was

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21. ELM, Mayor's Minute, 1896-1897, p 23.

22. Annex, G 20-92, p 25. Public Health, 1891.  
CA, 3/ELN 624. District Surgeon to Resident Magistrate, 15.11.1900.  
See Dispatch, 28.11.1900, 5.12.1900. Letters from "W Booth Skinner" and "A Ratepayer".

23. ELM, Mayor's Minute, 1899-1900, p 10.  
ELM, Mayor's Minute, 1901-1902, p 12.

24. See Chapter 12, pp 447-467.

clear that conversion to a double-pail system could wait no longer and, in any case, the cost of the initial outlay would be recouped within five years. A new contract was therefore entered into whereby each household was supplied with two buckets, one of which was then collected each night by "properly ventilated tiered vans" instead of the previous system whereby the contents were poured into the carts in the streets. [25]

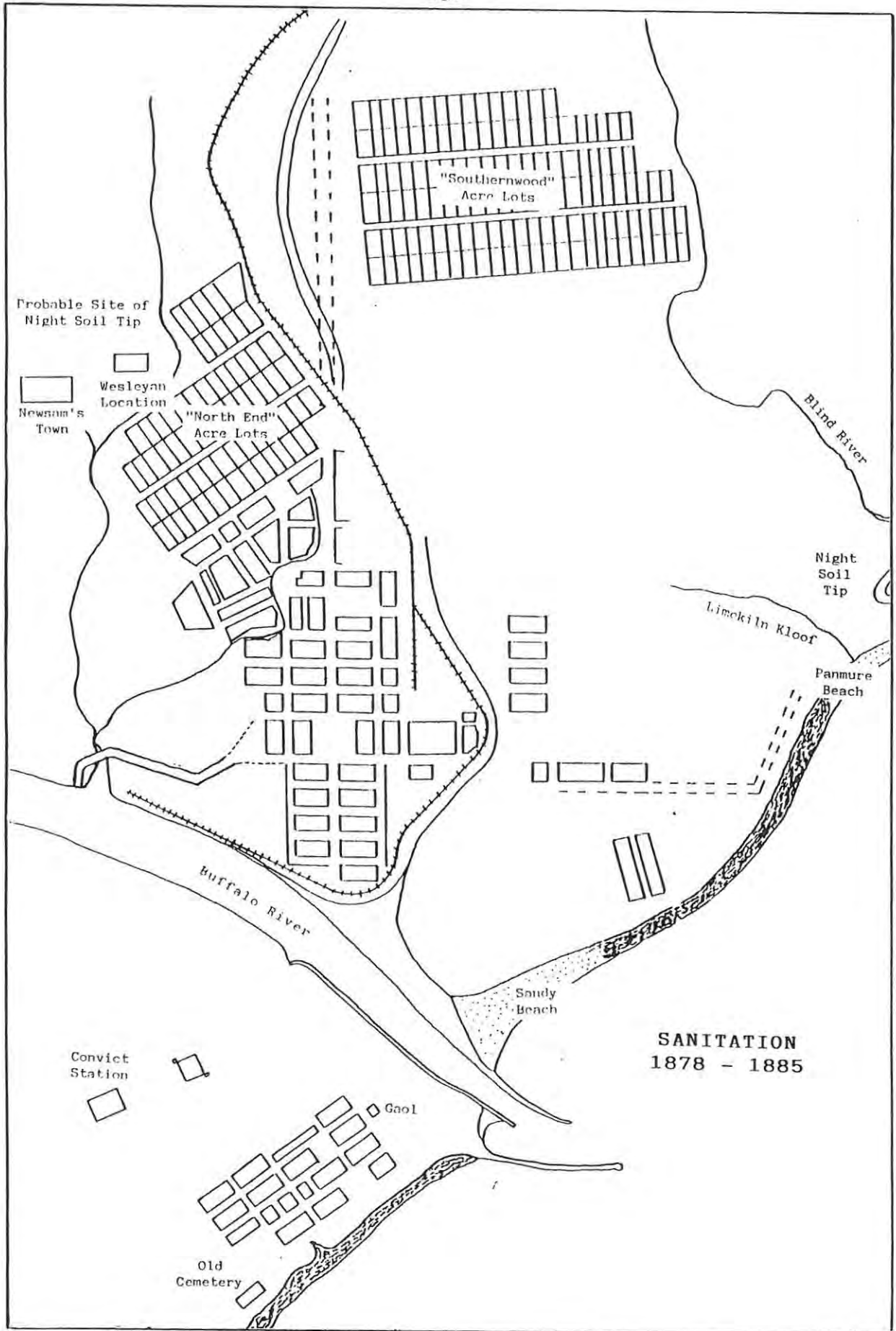
By 1901 the nightsoil tip on the East Bank again came under attack. The wagons took their cargo to the edge of the pits where the contents were emptied on to the sand so that the liquid could drain away and the solid remains were raked in later. No biological action took place and the sand was reported as having no cleansing effect whatsoever. As a result, there was a strong smell "for half a mile to leeward" and the mixture of sand and excrement, when dry, was blown by the wind and dumped on the beach commonage and holiday camp sites. Seepage also found its way into the Blind River not far away and so polluted the Eastern Beach which was a favourite bathing spot. [26]

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25. Dispatch, 8.3.1910, 22.3.1910. Minutes, 7.3.1910, 21.2.1910.  
ELM, Mayor's Minute, 1910-1911, pp 57-58.  
See also Dispatch, 17.3.1910.

26. CA, 3/ELN 1/1/1/12, p 625. Minutes, 4.4.1901.  
CA, 3/ELN 624. District Surgeon to Resident Magistrate, 15.11.1900.  
Annex, G 66-1902, p 38. Public Health, 1901.

(See map, p 485.)



Another problem was that, when the nightsoil pits on the East Bank had been created, they were far from the town but the 1880's and 1890's saw the Quigney develop as a residential suburb which brought the town into close proximity to the dump. In 1908 the Council considered creating a new site to the east of the Blind River but the "very heavy gradients" of the region and the "narrow area" available precluded it and so the Town Engineer searched further afield and, in 1911, a new "stercus pit" was created on the eastern edge of the municipal boundary, near the Ihlanza River.

The "slops" question was another bane of the Council's existence. In order to cut down on the amount of nightsoil that had to be removed, most people kept a separate chamber for urine. The method of disposing of its contents was usually to pour it into the streets, together with the kitchen-slops and bathwater. [27] While the streets were still unformed, the liquid would be absorbed, would dry and the dust, together with the polluted particles, would be blown about and find its way into the water tanks via the roofs.

Once the streets had been formed and gutters created, the situation worsened. The slops and washing water followed the course of the gutters into the veld where cesspools formed. By 1901 there was only one covered sewer in the town but its floor was nearly flat so that pools accumulated and "noxious gases" escaped into the atmosphere. Both the covered sewer and the various gutters led to what had been open streams which had once drained

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27. Annex, G 4-89, p 39. District Surgeons, 1888.

the town. These had now turned into open sewers because of the slop-water and their rough beds made them totally unsuited for the purpose. Furthermore, the Medical Officer of Health reported, many of the drains between the houses and the streets were still either open cement channels or "mere rills" which had been scooped in the ground and which allowed the sewerage "to percolate beneath the surface". [28]

In 1894 the Council tried to grapple with its increasing sanitary problems by appointing ex-Councillor Dr Darley-Hartley as its first Medical Officer of Health. Darley-Hartley began to make tentative efforts to improve the situation but he found himself obstructed by a general resentment to restrictions to which the townspeople were unaccustomed. His method, he explained in his first report, was one of attempting to persuade the people rather than to coerce them which, he said, explained the "somewhat meagre" results. [29] The Council nevertheless attempted to put a stop to the most serious of its sanitary problems, namely the slop-water question. In November 1894, it passed a resolution to compel all householders to provide a receptacle for slops which could then be removed periodically at cost to the tenant but the regulation met with vociferous opposition from the ratepayers who objected to paying for such a system and unanimously rejected it at a public meeting. [30]

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28. Annex, G 66-1902, p 38. Public Health, 1901.

29. ELM, Mayor's Minute, 1894-1895, p 18.

30. CA, 3/ELN 1/1/1/8, pp 600-601. Minutes, 14.11.1894.  
ELM, Mayor's Minute, 1894-1895, p 5.

The rejection threw the Council into a quandary. Darley-Hartley pointed out that the slop-water question constituted "by far the greatest danger to health" facing them and, until a satisfactory method for its removal had been arrived at, the town could never be in a sanitary condition. The danger, he said, would increase every year and would one day "bring a terrible Nemesis in its train". [31] The Council briefly considered the option of an underground sewerage scheme but the idea was rejected in 1899 because it would cost too much. Furthermore, the level of the town was believed to be such that it did not provide for a sufficient fall between streets and, in addition, the water supply was already insufficient without increasing the consumption for flushing purposes. The only feasible method of slop-removal that Darley-Hartley could think of was to use a tank on wheels, similar to the system for nightsoil.

The Medical Officer of Health drew up a plan by which each house would be provided with two 10-gallon galvanised iron buckets, with lids to prevent spillage. All water would then be collected, except for bathwater which could run in the gutters if it contained no soap. A number of four-wheeled carts bearing 350-gallon steel tanks would make their rounds to collect the slops daily and a central depot could be established in the town, erected in a position with sufficient fall to the sea, into which the slop-water would be poured. [32]

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31. ELM, Mayor's Minute, 1895-1896, p 35.  
ELM, Mayor's Minute, 1896-1897, p 23.
32. CA, 3/ELN 1/1/1/11, pp 504-506. Minutes, 7.2.1899.

The scheme was rejected by the Council because of the expense which it entailed. The Town Engineer calculated that the cost to remove 13 000 gallons of slop-water per day would amount annually to £1 318. Capital expenditure would involve another £1 308 and annual upkeep of the system would mean £1 344 more. Although the Council recognised the desperate need for a reform in the system, the money market did not allow for the raising of another loan and at the same time it did not wish to initiate a further rate because the townspeople were already paying at the maximum value of their properties. [33]

The steady rise in the number of cases of typhoid and dysentery, generally acknowledged to be due to the slop-water system, became cause for concern. In 1900 there were nearly 200 cases of typhoid and 25 of those had been definitely traced to drinking contaminated tank-water which, the Medical Officer of Health stated, was "almost putrid". Furthermore, washing-water from "soiled" linen, together with urine from typhoid cases, was allowed to flow into the gutters from where the contamination started all over again. The air, the Medical Officer stated, was "foul" from cesspools and "defective sewerage". The number of typhoid cases reportedly

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33. ELM, Mayor's Minute, 1899-1900, pp 10, 35.  
ELM, Mayor's Minute, 1900-1901, p 13.

increased in 1901 and the Medical Officer believed that 75 percent of the cases were due to slop-water in the streets. [34]

The Council found itself in a Catch 22 situation. The townspeople refused to consider any reform to the system if it cost them extra and the Council could not undertake any slop removal without money. Its lack of action in turn provoked scornful attacks in the local papers. One such correspondent accused the Council of having neglected "this (almost sacred) duty". In some cases, he wrote, the councillors had done much but badly, while in others the little they had accomplished only intensified the danger that surrounded their "insanitary state of affairs". It was necessary for those who elected the councillors, the writer concluded,

"to remind them of their errors, and perhaps for shame's sake alone they will strive to rise above the farcical display of mock government often indulged in by leisure loving boys of a theatrical mind." [35]

Another correspondent rightly placed the blame on the townspeople's shoulders on the grounds that, if the ratepayers called the tune, they

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34. Annex, G 4-1902, p 195. Public Health, 1900.  
CA, 3/ELN 1/1/1/12, pp 523-525. Minutes, 18.1.1901.  
CA, 3/ELN 624. District Surgeon to Resident Magistrate, 15.11.1900.  
See also Annex, G 66-1902, p 193. Public Health, 1901.

The Medical Officer of Health believed that the typhoid had in fact been imported through the influx of soldiers and refugees during the Boer War. Cases certainly rose sharply during that period. (See Dispatch, 21.1.1901. Minutes, 18.1.1901. See also Dispatch, 22.1.1901.)

35. Dispatch, 10.4.1900. Letter from "Resident".  
See also Dispatch, 25.4.1900. Letter from Dr J.P. Tannock.

should also pay the piper. East London knew nothing of the subject of sanitation, he wrote,

"it has not yet reached the A.B.C. of the subject, can't even sweep its gutters clean, which with the removal of animal manure from the streets is the beginning of a science which has to do with the best physical interests of humanity." [36]

While the Council could do nothing to stop the throwing of slops into the gutters, urgent steps had to be taken to make the streets more hygienic and so a twin system was commenced to flush the gutters with salt water and to disinfect them on a daily basis. [37] In addition, the Council launched a project to repair all uneven gutters, "point" the joints of the flagged gutters with cement and improve the fall where it was necessary. [38] Although the system was still nowhere near ideal, it did bring about an instant drop in the number of illnesses and greatly reduced the amount of "obnoxious gases" which were given off from the gutters and culverts. [39] Indeed, for the following decade at least, East London established its reputation as a healthy town. [40]

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36. Dispatch, 27.4.1900. Letter from "New Broom".

37. ELM, Mayor's Minute, 1903-1904, pp 38, 71-72.  
ELM, Mayor's Minute, 1904-1905, pp 58-59.  
ELM, Mayor's Minute, 1905-1906, p 63.  
ELM, Mayor's Minute, 1908-1909, p 93.

38. Annex, G 43-1909, pp 121, 152. Public Health, 1908.

39. Annex, G 35<sup>†</sup>-1904, p 159. Public Health, January-June 1904.

40. For a description of the poor state of Cape Town's sanitation, see V Bickford-Smith, "Keeping your own Council: The Struggle between Houseowners and Merchants for the Control of the Cape Town Municipal Council in the Last Two Decades of the Nineteenth Century" in Studies in the History of Cape Town, Vol 5, 1984, p 194.

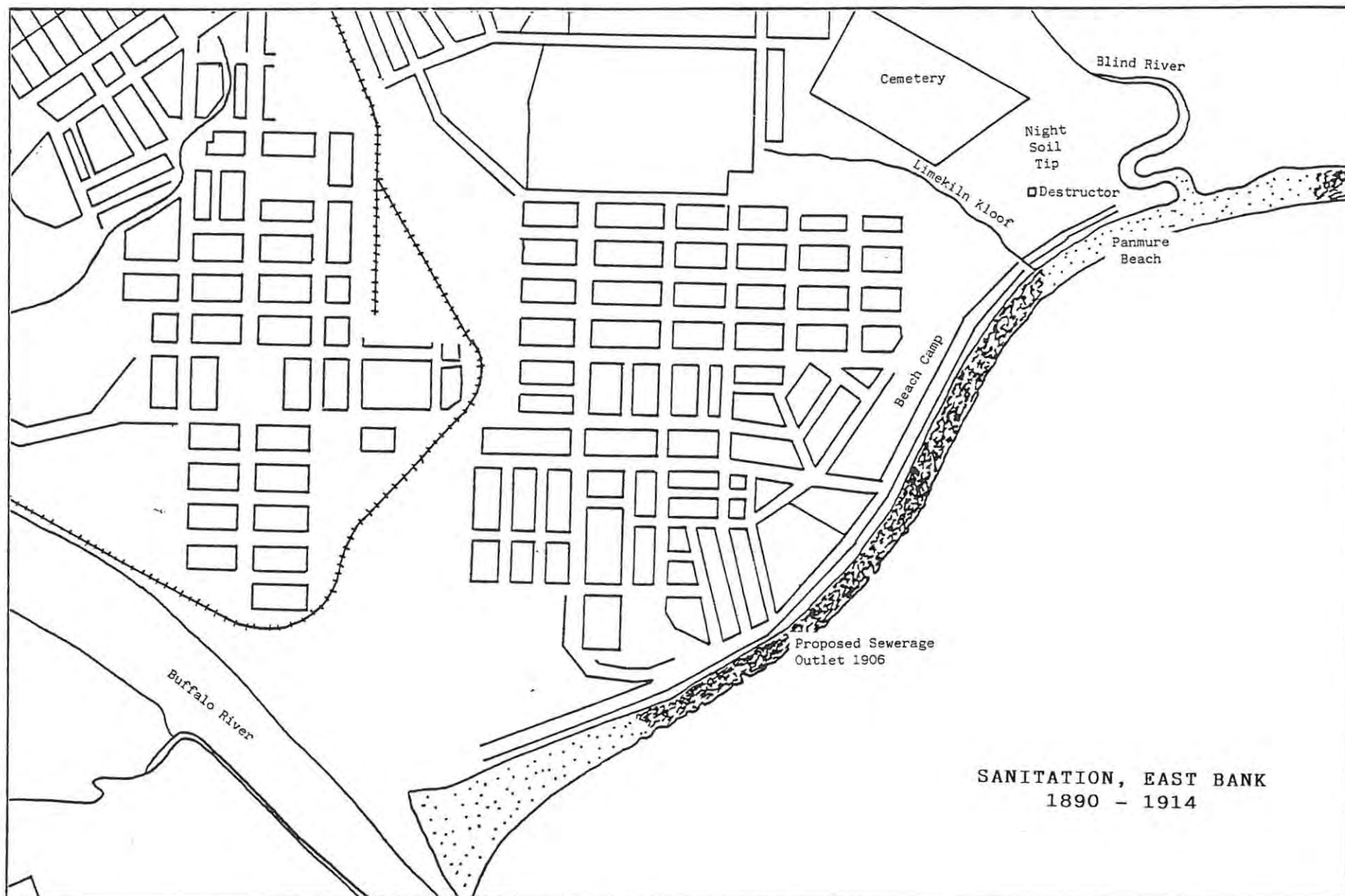
Although the Council entered into a slop-water removal contract in 1904, only hotels, boarding houses and restaurants made use of it. [41] The cost of 4d. per 10 gallons was felt to be exorbitant and the residents as a whole stubbornly refused to change their ways so that ultimately the Council was forced to look harder at the creation of a proper sewerage scheme. No allowance was made for such a project in the loan of 1904 but advantage was taken of Charles Anthony's presence in East London that year to help investigate the prospect of a sewerage scheme. [42] Anthony had difficulty in selecting a site for its outfall. Coastal towns which were built on swiftly flowing rivers, he wrote, could pump their sewerage out at the river mouth during ebb tide but the Buffalo River was not suited to that solution and the Nahoon River was too distant. He dismissed the idea of pumping the sewerage out at Bat's Cave, to the east of Panmure Beach, because he believed it would then "eddy about" in the bay. His conclusion was therefore that the town should be sewered as two separate entities, with a system each for the East and West Banks. The former would have an outfall into the sea below Clifford Street while the latter would have its outfall beyond Hood Point. [43] The cost of the entire scheme was

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41. ELM, Mayor's Minute, 1904-1905, pp 58-59.

42. Charles Anthony had been employed in 1904 to search for a new water supply for the municipality.  
(See Chapter 12, pp 463-464.)

43. See map, p 493.



SANITATION, EAST BANK  
1890 - 1914

calculated at £250 000 but it required "as an indispensable factor" an abundant water supply. [44]

The collapse of the Wolf-Gulu Scheme led to Anthony's plans being shelved and they were not resurrected until 1911 when a Durban consultant, Cathcart Methven, arrived at East London to help the municipality in its further search for a water supply. He rejected Anthony's idea of an outfall below Clifford Street because plans were afoot to enlarge the harbour by building a new eastern pier which would project out to sea from that very point. [45] Such a wall would have prevented the ocean currents from carrying the sewerage away and it would therefore "eddy about" at the harbour entrance.

Methven suggested instead that the outfall should be placed about half-a-mile east of the Blind River, although he accepted Anthony's scheme for the West Bank. He estimated that the entire project would cost about £147 000. The plan was accepted by the Council and a Draft Ordinance was submitted to the Provincial Council and passed in October 1912. [46] The

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44. Dispatch, 18.2.1905. Charles Anthony's Report on the Sewerage Scheme, January 1905.  
ELM, Mayor's Minute, 1904-1905, p 18.  
See also Dispatch, 22.2.1905. Editorial.
45. That project which aimed at enclosing the entire Orient Beach area got under way in 1922 but collapsed suddenly when it was realised that the river itself was still under-utilized and could be developed at a far smaller cost.
46. Ordinance 9 of 1912. East London Drainage and Sewerage Private Ordinance.  
(See Appendix 5, pp 127-132.)

Ordinance empowered the municipality to raise a loan of £210 000 which would provide, in addition to the cost of the scheme, a further £50 000 to assist house-owners who needed to convert their existing tub-toilets into water-closets. A further £12 500 was to go towards parliamentary expenses and the cost of raising the loan.<sup>[47]</sup> A public meeting in November 1913 accepted the sewerage plans but it was linked to the Umzoniana Water Scheme<sup>[48]</sup> and was therefore hindered by the interminable delays to the latter. Surveys were completed only in 1919 but East London was not to see its dream reach fruition until well into the 1920's.<sup>[49]</sup>

The disposal of household rubbish was the third in the trilogy of East London's refuse removal problems. Initially it was dumped in close proximity to the nightsoil but, where the latter was buried in ditches, the former had to be burnt. The Council attempted to solve its problem by purchasing a "destructor" which would incinerate all refuse and, it was believed, would also handle the nightsoil. The destructor was erected near

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47. CA, 3/ELN 1/1/1/21, pp 42-47. Town Engineer's Report, 27.3.1911.  
 CA, 3/ELN 1/1/1/21, pp 332-337. Cathcart Methven's Report, 30.9.1911.  
 ELM, Mayor's Minute, 1911-1912, pp 23-24.  
 See also Dispatch, 3.5.1911, 12.10.1911, 20.1.1912, 26.6.1912.
48. CA, 3/ELN 1/1/1/23, pp 389-390. Public Meeting, 3.11.1913.  
Dispatch, 4.11.1913.  
 (See Chapter 12, pp 468-471.)
49. Mayor's Minute, 1923-1924, p 18.  
 Mayor's Minute, 1925-1926, p 17.

The first sod was turned on the Sewerage Scheme on 17 October 1923 and it was put into use in March 1926.

the Blind River early in 1900<sup>[50]</sup> but immediately proved to be problematic. It initially handled 15 cart-loads of refuse per day but, in the absence of a road, it had to be loaded by means of wheel-barrows. Furthermore, it was found to be an expensive method, costing between 4s. to 5s. per day and, to make it more efficient, the Council proposed to build a road at a further cost of £500 so that the wagons could discharge their contents directly into the apparatus. Far better, Councillor Medefindt suggested, would have been to put the rubbish into a heap and buy matches.<sup>[51]</sup>

Other problems also beset the destructor. It seldom built up sufficient heat to incinerate the rubbish efficiently and, by 1902, was already reported to be "falling in" so that it required to be partially re-built. The Town Engineer argued, on the other hand, that destructors of that sort worked perfectly well in other towns but the East London Council had put it into operation before it had been completed, which was "an insane act". It was apparent to anyone, he wrote in an open letter to the councillors, that it would be unsatisfactory to attempt to work any apparatus the success of which depended upon the maintenance of heat, before it had been completed, when it was not housed in and while it was exposed "to all kinds of wind and weather." The Council, however, chose to ignore the Town Engineer's remarks and decided to close down the destructor

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50. See map, p 493.

51. Dispatch, 1.2.1900, 16.1.1902. Minutes, 31.1.1900, 14.1.1902.

in 1903, whereupon the rubbish was dumped on top of the nightsoil to bury both and in 1911 the site was transferred to the Ihlanza River. [52]

It was not just the waste-products of the human society which polluted the town. The appalling state of the meat and dairy industries also contributed their share by way of insanitary waste, but unhygienic methods also led to the ingestion of food of questionable quality. As long as East London was a small town, there was minimal danger to health but as the population increased rapidly in the 1870's and 1890's, so the danger grew.

During the formative years up to 1873, it became an established practice for the townspeople to keep animals in their yards, especially horses, cattle, pigs, goats and sheep. There was little control and as early as 1865 the Kaffrarian complained about animals roaming the streets at will. [53] In 1878 the Dispatch blamed that factor for much of the filth which existed all around. "And yet we can see nothing done to remedy the main cause," the editor wrote,

"which is that cattle are allowed, day and night, to locate themselves in the streets of the town. In a walk through the streets at night on the West Bank one has now to encounter, in addition to those perils to which we are accustomed, the

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52. Dispatch, 7.8.1903. Letter from "J. Powell".  
Dispatch, 18.9.1908. Minutes, 16.9.1908.  
 CA, 3/ELN 1/1/1/18, p 408. Minutes, 10.9.1908.  
 CA, 3/ELN 562. Town Engineer to Mayor and Council, 20.2.1901.  
 ELM, Mayor's Minute, 1903-1904, p 36.  
 ELM, Mayor's Minute, 1911-1912, p 87.  
 See also Dispatch, 31.7.1903.
53. Kaffrarian, 7.1.1865.

prospect of stumbling against some friendly bullock who may have taken up his quarters....immediately in your path." [54]

It was only in 1883 that the Council issued its first regulations against uncontrolled animals but even then it made little effort to eradicate private kraals in the town. Indeed, it merely regulated that unlicensed kraals be limited to 7 horses or cattle and 13 sheep or goats. Larger kraals could also exist but only if licensed. [55] Apart from the nuisance factor of noise and smell, the presence of so many animals within the confinement of the town led to unsavoury sanitary conditions and continual infestations of flies. [56]

The system remained a feature of the municipality until early in the 20th century when it died a natural death because of its inconvenience. Regulations against the slaughtering of animals in town led to a decline in the pig, sheep and goat population, the rise of the automobile saw the demise of the horse, and restrictions on dairies, together with the disappearance of commonages, saw the end of the private cattle kraals because dairymen no longer found it profitable to drive their cattle back and forth to pasture.

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54. Dispatch, 18.3.1878.

55. CA, CCP 6/5/18. Proclamation 113 of 1883. Regulations 47, 70, 75-77.  
(See Appendix 7, p 157, 159-160.)

56. Annex, G 55-96, p 65. Public Health, 1895.  
Annex, G 42-97, p 59. Public Health, 1896.

A general resistance to drinking local milk also served to kill the dairy industry. Lack of veterinary inspections led to the quality of milk becoming suspect. The best milk, one dairyman proudly exclaimed, came from a cow with only half a lung which, Dr Darley-Hartley concluded, probably explained the increase in the number of cases of tuberculosis in the town. [57] Not only was local milk considered increasingly "unwholesome", but the stench and flies caused annoyance to the neighbours. Furthermore, the milk was sold in wine bottles and little attempt was made to sterilize either the bottles or their contents. Since the milk had therefore to be boiled before use and cost 5d. per bottle, which was the same price as a can of condensed milk, more and more people naturally turned to the latter so that by 1903, although there were still a few dairies in the town, the principal supply came to the port by rail from the outlying districts. [58]

The breakthrough, as far as the dairy industry was concerned, occurred in 1909 when a comprehensive set of dairy regulations was published. The new bye-laws demanded the registration of every "cowkeeper, dairyman or purveyor of milk" and it allowed for an inspection of the milk, with a ban on its sale or outright confiscation if it was found to be "unwholesome, injurious or dangerous for human consumption". It also allowed for the inspection of cows and premises. Farmers who lived outside of the municipal boundaries were only allowed to sell their milk at

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57. Annex, G 55-96, p 65. Public Health, 1895.  
Annex, G 37-99, p 46. Public Health, 1898.

58. Annex, G 66-1902, p 41. Public Health, 1901.  
ELM, Mayor's Minute, 1903-1904, p 87.

East London if they produced a certificate from the chairman of a village management board or a field-cornet which attested to the quality of the milk, the cows and the premises. The regulations further laid down rules for the construction and maintenance of the dairies as well as for the sterilization of the milk. [59]

The regulations meant that cow-sheds now had to have properly drained concrete floors, the cows had to be "properly groomed" before milking and the milkers' hands washed. Wire gauze screens on windows and doors lessened the chance of flies in the dairy and the bottles had to be wide-necked, sterilized and fitted with cardboard caps. [60] In short, the regulations resulted in a dramatic lessening in the chances of milk being contaminated. By 1910 the Medical Officer of Health was able to report that the dairy standard was rising each year and the farmers had started to take a "keen interest" in keeping their stock free from tuberculosis. [61]

The slaughtering of animals, however, was the greater nuisance to the Council and the townspeople. Little control had been exercised during the pre-municipal period and the slaughtering place on the West Bank was so close to the village that in hot weather, or when the wind blew from that

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59. Government Gazette, 16.2.1909. Regulations in Lieu of Chapter XXII of the East London Municipal Regulations.  
Government Gazette, 13.1.1903. Proclamation 287 of 1902. Rules and Regulations of the Municipality of East London, Chapter XXII.  
 (See Appendix 8, pp 223-225.)
60. ELM, Mayor's Minute, 1909-1910, p 79.
61. ELM, Mayor's Minute, 1910-1911, p 83.

direction, the stench was reportedly "nearly insupportable". [62] The municipal regulations of 1873 did little to control the industry, merely laying down that the Municipal Board was empowered to select slaughter places and enter butcher shops to ascertain that they were kept sanitary and that the meat was not "unwholesome". Only the killing of chickens and pigs could be performed outside the selected slaughter places. [63]

Initial restrictions on butchers' shambles were minimal. The men merely had to perform their trade beyond the town which, on the West Bank, meant slaughtering to the west of the old cemetery on the seashore. [64] Violations of the regulation were frequent and several butchers, particularly on the West Bank, took the instructions too literally and slaughtered on the seafront right next to the old cemetery, which meant that they were uncommonly close to the town. Indeed, in October 1878 Councillor Dallas complained that they were even using the cemetery itself as a kraal for their sheep. A continual stench arose from the place and, on one occasion, the streetkeeper complained that the butchers were standing knee-deep in offal and muck. [65]

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62. Kaffrarian, 7.1.1865.

63. Government Gazette, 29.4.1873. Proclamation 37 of 1873, Regulation 20.  
(See Appendix 6, p 136.)

64. See map, p 480.

65. Dispatch, 6.10.1874, 13.10.1874, 8.1.1877, 12.10.1878. Minutes, 30.9.1874, 7.10.1874, 4.1.1877, 10.10.1878.

It was eventually decided to insist that the slaughter poles be moved further from the town and in April 1878 a large flat rock next to the shore was chosen, considered "a perfect place" because it would be washed clean by the high tide. Poles were erected and in July the butchers were given notice to move immediately. <sup>[66]</sup> The new shambles was found to be totally unsuitable. Not only did the councillors fail to consider that it would be impossible for the butchers to ply their trade on the many occasions when the high tide occurred during working hours, but the poles had been placed so close together as to allow only one butcher to labour at a time. The regulations were therefore defied and the Board decided to instigate legal proceedings against them until an investigation found that the butchers' complaints were justified. Eventually, the commissioners capitulated and allowed them to remain where they were on condition that they kept the place clean and erected a proper shambles. <sup>[67]</sup>

The Board's about-turn was surprising in that it failed to solve the initial problem because the slaughter-place was still far too close to town and the stench polluted the atmosphere even when the shambles was kept clean. Moreover, in view of several earlier violations of the regulations, it was doubtful whether the butchers would co-operate now. The regulation had in fact little success and the Board was again forced to take more

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66. CA, 3/ELN 1/1/1/2. Minutes, 18.4.1878, 4.7.1878.

The rock was situated in line with the eastern corner of the Harbour Works fence.

67. Dispatch, 12.10.1878. Minutes, 10.10.1878.

drastic action and ordered them to remove their shambles to the West Bank beach or to the flat rock previously prepared for them. [68]

It is not clear where the butchers slaughtered on the East Bank. No mention was made of them in any of the Municipal Minutes before 1880 and even then it was merely to record that the slaughter poles had been moved to the Blind River, to a place near the stercus pits. [69] It could have been that the butchers on that side of the river gave less trouble than on the West Bank. On the other hand, the reek on the East Bank from nightsoil deposited in the bush was possibly so great that one more smell made little difference.

The removal of the shambles to spots further out of town gave rise to new problems. The butchers had to transport their meat over greater distances but took little trouble about the hygienic conditions on board the carts. The District Surgeon reported in 1889 that that was one area which was "very carelessly attended to" and was a "disgrace to a civilized community". The carcasses, he wrote, were placed on open bullock carts, with flies and dust being allowed to settle on them "without stint". Furthermore, the attendants wore dirty clothing and possibly carried contagious diseases, yet they were allowed to sit on the carcasses. In 1893

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68. Dispatch, 12.10.1878, 19.10.1878. Minutes, 10.10.1878, 17.10.1878. CA, 3/ELN 1/1/1/2. Minutes, 23.9.1880. CA, 3/ELN 1/1/1/7, p 518. Minutes, 11.5.1892.
69. Dispatch, 25.2.1882. Mayor's Minute, 1881-1882.

the newly appointed Medical Officer of Health visited the slaughter places and reported that they too were generally "in a very dirty condition". [70]

The system was allowed to continue until the mid-1900's because the Council believed it had very little power to control the situation. It was possible, the Mayor explained, to force cleanliness at the shambles but, beyond "moral suasion", the Council could not prohibit "the unsatisfactory manner" in which the meat was conveyed to town. [71] That was true, however, merely because there was no regulation to govern the deplorable state of affairs. Despite the Mayor's appeal for improvement and the Sanitary Inspector's call in February 1896 for a regulation to force the butchers to cover their wagons, [72] nothing was done until the turn of the century when the Council at last drafted its new regulations in terms of the Act of 1895. The bye-law in question was simple but effective and demanded that meat or the carcasses of slaughtered animals could be transported through the municipality only if they were properly covered. [73] In one short sentence the Council and Health Officer's grievances were over and the question did not have to be raised again.

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70. Annex, G 17-90, p 17. District Surgeons, 1889.  
CA, 3/ELN 1/1/1/8, p 89. Minutes, 25.1.1893.  
Standard, 29.6.1894.

71. ELM, Mayor's Minute, 1894-1895, p 5.

72. ELM, Mayor's Minute, 1895-1896, p 26.

73. Government Gazette, 23.1.1903. Proclamation 290\* of 1902. Municipal Regulations, Chapter III, No 15.  
(See Appendix 8, p 230.)

The problem of the shambles themselves remained a thorny issue because, despite municipal supervision, the butchers seemed incapable of keeping their slaughter poles clean. In 1896 the Council eventually took the step of building a municipal abattoir, consisting of five slaughter houses, just beyond Southernwood and forced the butchers to use it at a nominal rental. The attempt failed because most of the butchers merely moved outside of the municipal boundary and so the Council lost all control over the slaughter places. [74] By 1906 most of the killing and dressing was taking place outside the municipal area, with no supervision. Only two of the municipal slaughter houses were still in use and even they were reported to be out of date and ready for condemnation. Trade was carried on, the Dispatch reported,

"mostly in a happy-go-lucky manner. No one is sure what he is eating and disease may spread by the consumption of meat that is fit only for manure." [75]

No solution to the meat problem was found during the era under examination in this thesis. In the meantime, however, predictions of a cataclysmic pestilence because of the appalling sanitary conditions proved unfounded. There were the occasional outbreaks of measles, scarlet fever, dysentery and typhoid but these seldom rose to epidemic proportions. Smallpox held the greatest terror up to the turn of the century.

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74. ELM, Mayor's Minute, 1895-1896, p 8.  
 ELM, Mayor's Minute, 1896-1897, pp 5, 15.  
 ELM, Mayor's Minute, 1904-1905, p 74.
75. Dispatch, 13.7.1906. Editorial.  
 See also ELM, Mayor's Minute, 1901-1902, p 50.

Howard Phillips<sup>[76]</sup> points out that there had been a long history of smallpox in the Cape, dating from 1713 when an epidemic devastated the Colony, another in the mid-18th century, and an outbreak in 1881 which caused over 1 000 deaths in Cape Town alone.<sup>[77]</sup> It was generally believed that there was no safeguard against the disease except quarantine and there was a justifiable fear that it would be introduced into the Black community of the Cape, which was particularly susceptible to the disease, and thereby bring ruin to the whole Colony.<sup>[78]</sup>

Despite the dread that smallpox instilled, no action was taken to prevent a possible outbreak at East London until early in the 1880's when the disease was already afflicting various parts of South Africa. In October 1882 a sub-committee was at last formed for the express purpose of creating a lazaretto which would consist of "a canvas house", three marquees, two tents and a fully-fitted kitchen. Hospital equipment was packed and Dr Darley-Hartley, then a local medical practitioner, was requested to be on standby in case of an outbreak.<sup>[79]</sup>

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76. HOWARD PHILLIPS: Historian at the University of Cape Town; his works include "Cape Town in 1829" in Studies in the History of Cape Town, Vol 3, 1980; 'Black October': The Impact of the Spanish Influenza Epidemic of 1918 on South Africa (Cape Town, PhD, 1984); "Black October: Cape Town and the Spanish Influenza Epidemic of 1918" in Studies in the History of Cape Town, Vol 1, 1984; co-editor of Studies in the History of Cape Town, Vols 2-5.
77. Phillips, "Black October", p 88.
78. ELM, Mayor's Minute, 1892-1893, p 12.
79. Advertiser, 2.3.1883. Mayor's Minute, 1882-1883. See also CA, 3/ELN 1/1/1/4, pp 266-267. Minutes, 18.10.1882.

No case of smallpox occurred until May 1884 when an African from Cambridge fell ill with symptoms of the disease. Despite all the arrangements, however, the councillors dithered. Dr Darley-Hartley recommended that the Council immediately assume powers granted by the Contagious Diseases Act and further advised compulsory vaccination yet, although the person was placed in quarantine, the Council merely sent a telegram to Cape Town to report the suspected case to the Government and appointed a committee to watch events. Four doctors were requested to report but they could not reach consensus, although two of the men were convinced that it was indeed a case of smallpox. The Council however decided that if nothing fresh occurred within a week, the quarantine would be withdrawn. <sup>[80]</sup>

By August that year the District Surgeon, acting on orders from the Civil Commissioner, began a campaign of vaccination. As cases of the disease were reported from Molteno and Sterkstroom, a policy was commenced of fumigating both passengers and mail using the Queenstown railway. <sup>[81]</sup> At the same time, an enlarged committee was formed to further study sanitary measures necessary for the protection of the town.

The committee came to a number of important recommendations to help prevent the occurrence of smallpox at the port. It decided that the areas of greatest danger were the locations and advised that all rubbish there be

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80. CA, 3/ELN 1/1/1/5, p 300. Minutes, 14.5.1884.

81. CA, 3/ELN 1/1/1/5, p 395. Minutes, 5.11.1884.

destroyed, the insides of the huts be whitewashed and Blacks who travelled from infected areas would have their passes strictly scrutinised by the police at the railway station to ensure that the necessary fumigation had taken place. The committee further recommended that compulsory vaccination be implemented and that a shilling be paid to each African who presented himself to the District Surgeon for vaccination. [82]

By the end of November, with the vaccination campaign well under way, two cases of smallpox broke out in the East Bank Location. The lazaretto was hurriedly erected near the railway reservoir beyond Southernwood and the men went into isolation, together with four others with whom they had shared accommodation, and their huts were burnt. The Council also instructed that two quarantine huts be erected on each side of the river. [83] Early in December a Black woman contracted smallpox and both she and her baby died. A week later a further victim died. As fear mounted that the disease might spread, the District Surgeon applied to have armed guards placed outside the lazaretto but the panic proved misplaced and no further cases were reported. By the end of December the lazaretto was broken up, the guards were dismissed and the marquee was fumigated and stored away. [84]

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82. CA, 3/ELN 1/1/1/5, p 399. Minutes, 19.11.1884.

83. CA, 3/ELN 1/1/1/5, pp 406-407. Minutes, 3.12.1884.

84. CA, 3/ELN 1/1/1/5, pp 414, 418, 427. Minutes, 10.12.1884, 17.12.1884, 7.1.1885.  
Dispatch, 7.3.1885. Mayor's Minute, 1884-1885.

Apart from two further cases of smallpox, one in 1892 and another in 1893, East London maintained a reputation as a healthy place. It was providential that that was so because the town was singularly ill-equipped to deal with a major outbreak of infection. An epidemic of measles and scarlet fever in 1888 left 68 people dead and yet East London had no means for isolating cases. The huts which had been built in 1884 were allowed to fall into ruins and according to the District Surgeon had become fit only for burning. <sup>[85]</sup> Quarantine therefore depended on isolation within the person's place of residence.

The question of a permanent smallpox hospital was eventually discussed in 1894 when the Government offered to pay half the costs, provided that the Council guaranteed to maintain it. A site was immediately selected near the old lazaretto in Southernwood but the Council again procrastinated and the hospital, with accommodation for 30, was eventually built only in 1898. By that stage it was reported that the entire population of the town had been vaccinated and so the hospital would serve more for the benefit of out-of-town cases. <sup>[86]</sup>

At the turn of the century another major but more dreaded epidemic, the plague, hit the Cape. It was the third pandemic of the sickness which started in the Yunnan province of China in the 1880's, spread to India in

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85. Annex, G 13-88, p 16. District Surgeons, 1887.  
Annex, G 4-89, p 39. District Surgeons, 1888.

86. ELM, Mayor's Minute, 1894-1895, pp 5, 18.  
ELM, Mayor's Minute, 1898-1899, pp 9, 27.

about 1896 and by 1900 had reached Africa, Australia and America. [87] The plague hit Cape Town in March 1900 and King William's Town in November that year but a more serious outbreak erupted in 1901, with about 800 recorded cases and nearly 400 deaths in Cape Town. By that stage, however, much was known about the disease. For the first time, writes Elizabeth van Heyningen, it was observed medically and it became known that it was spread through rodents and their fleas, and by the ingestion of food. [88] Vaccinations were rapidly developed and it became possible to keep the epidemic under control.

Soon after news of the pandemic was received at East London, strict precautions were implemented. A disinfectant was erected at the harbour and all baggage and personal effects had to pass through it. A careful watch was also kept on the rodent population, although by 1901 no sign of the plague had as yet been seen. Nevertheless, in April that year the Council decided to take the precaution of killing all rats and went to the trouble of purchasing two ferrets which it hired out to anyone who needed them.

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87. P Ziegler, The Black Death, p 25.  
SE Caldwell, The Course and Results of the Plague Outbreaks in King William's Town, 1900-1907, (Unisa, BA Hons, 1987), p 1.

Philip Ziegler, publisher and authority on the Black Death, points out that the plague erupts from time to time as localised epidemics but occasionally it "breaks its bounds" and "surges forth" as a pandemic, to spread across the world following the major trade routes. The first recorded pandemic took place in the 6th century. The second and certainly the most devastating outbreak happened in the 14th century and has become known as the Black Death. The third pandemic started in China in 1892.<sup>7</sup>

88. E van Heyningen, "Cape Town and the Plague of 1901" in Studies in the History of Cape Town, Vol 4, 1984, pp 67-69.

Furthermore, payment of 6d. was offered for every dead rat brought in, an expensive arrangement which was initially compounded by the fact that the rodent carcasses were left lying about for enterprising boys to pick up and re-sell to the municipality. [89]

The plague broke out in Port Elizabeth and Durban in 1902 but still East London was unaffected and eventually the Council began to feel that the town had escaped and so disbanded its health committee which had been set up to monitor the situation. In February 1903, however, "suspicious mortality" was discovered among the rats in the harbour area, with carcasses being found in the luggage area at the northern end of the wharves. Within a fortnight, carcasses were being picked up in other areas of the harbour and those which had been sent for analysis were found to be plague-infected. The rodent population in the adjacent parts of the town became quickly infected and soon a widespread epidemic had broken out. [90]

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89. CA, 3/ELN 1/1/1/11, p 540. Minute, 10.3.1899.  
 CA, 3/ELN 1/1/1/12, pp 646, 727, 740. Minutes, 24.4.1901, 19.6.1901, 3.7.1901.  
 Dispatch, 16.3.1901. Government Notice, 14.3.1901.  
 Dispatch, 23.3.1901, 30.4.1901. Corporation Notice Nos 33 and 58 of 1901.  
 Dispatch, 15.7.1901. Health Committee Minutes, 15.7.1901.  
 Dispatch, 10.9.1901. Plague Officer's Report, 31.8.1901.  
 ELM, Mayor's Minute, 1899-1900, p 10.  
 ELM, Mayor's Minute, 1900-1901, p 14.  
 ELM, Mayor's Minute, 1901-1902, p 12.
90. Annex, G 35-1904, p xxix. Public Health, 1903.  
 ELM, Mayor's Minute, 1902-1903, p 17.  
 See also Dispatch, 11.3.1903.

In March 1903 East London was declared a plague-infected area and strict measures were introduced to control population movement within the district. It was generally the Black and Coloured residents who were affected by the clampdown because it was believed that they were more susceptible to disease. Whites were allowed unrestricted travel by rail and sea whereas Blacks and Asiatics were prohibited from travelling beyond the borders of the district without a pass and a certificate to prove that they were free of the disease, that their clothing had been fumigated and they had been inoculated. Indeed, a special corps of police was formed to prevent Blacks from leaving the district. [91]

The Council in its turn used the opportunity to renew efforts to move the Black and Asiatics from the town and into the locations. East London was by no means unique. Maynard Swanson argues that the appearance of the plague in South Africa and on the continent as a whole hastened the development of locations and separation along racial lines. The outbreak of the plague in Cape Town, he says, led to efforts at the mass removal of the Black population, even though there were more cases of the plague amongst Whites. Studies by Gary Baines [92] on Port Elizabeth and by

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91. Annex, G 35-1904, p xxix. Public Health, 1903. Government Gazette, 13.3.1903. Government Notices 230, 235 and 236. See also Caldwell, The Plague Outbreaks in King William's Town, p 29.
92. GARY BAINES: Historian at Rhodes University; his works include The Port Elizabeth Disturbances of October 1920 (Rhodes, MA, 1988); "The Control and Administration of Port Elizabeth's African Population, c 1834-1923" in Contree, No 26, October 1989; "The Origins of Urban Segregation: Local Government and the Residence of Africans in Port Elizabeth, c. 1835 to 1865" in South African Historical Journal, Vol 22, May 1990.

Sharon Caldwell <sup>[93]</sup> on King William's Town indicate the same reaction. <sup>[94]</sup> East London was different in that the Black locations were already in existence by 1892, although it is clear that the Council's attempt to establish an Asiatic location after 1899 was part and parcel of that syndrome.

The Council also initiated a major clearing up operation. The town was divided into seven districts and all refuse was destroyed so as not to be an attraction for the rats. The sanitary staff was increased and the plague committee was hastily re-constituted to formulate preventative measures and examine each case as it arose. It was also decided to place the plague camp, which had been set up on the West Bank in 1901, in readiness to receive patients and attendants. <sup>[95]</sup>

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93. SHARON CALDWELL: King William's Town historian; her works include The Course and Results of the Plague Outbreaks in King William's Town, 1900-1907, (Unisa, BA Hons, 1987).
94. MW Swanson, "The Sanitation Syndrome: Bubonic Plague and Urban Native Policy in the Cape Colony, 1900-1909" in Journal of African History, Vol XVIII, No 3, 1977, pp 393-394.  
Baines, The Port Elizabeth Disturbances of October 1920, pp 34-36.  
Caldwell, The Plague Outbreaks in King William's Town, pp 38-43.
95. CA, 3/ELN 1/1/1/14, p 76. Minutes, 9.3.1903.  
Dispatch, 19.3.1901. Minutes, 18.3.1901.

A site for the plague camp had been chosen on the West Bank "near the plantation, north of the lighthouse" but, because of objections from the residents, it was moved to a point about a mile north of the West Bank Location and near the Buffalo River.  
(For a sketch of the plague camp, see CA, MOH 15. Report of Plague Medical Officer Re Plague and Contact Camps, 16.4.1901.)

The first case of the plague was discovered in a member of the Black community in March that year. A second case occurred the following day and a third within the week. Five more cases broke out in April and thirteen in May but the threatened epidemic quickly abated, with only three cases occurring in June, another three in July, none in August and one in September. Altogether there were 34 reported cases during 1903, of which 21 proved fatal. The Black population proved particularly susceptible, with 25 reported cases and 18 deaths.<sup>[96]</sup> After a period of immunity, eight more cases broke out late in 1904 and resulted in five more deaths.<sup>[97]</sup> Thereafter the town remained free from the scourge which had seriously afflicted some of the other towns in the Colony.

Three factors contributed to the minimal occurrence of the plague at East London. Because the epidemic held off until as late as 1903, there was ample time for preparations which meant the immunisation programme was well in hand. Indeed, by August 1901 a total of 1 116 of the Black and Coloured population had already been immunised and during the first two weeks of May 1903 no fewer than 4 695 Africans were inoculated. Priority was given to

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96. Annex, G 35-1904, p xxix. Reports on Public Health for 1903.

PLAGUE STATISTICS FOR 1903:

	<u>WHITES</u>	<u>BLACKS</u>	<u>COLOUREDS</u>	<u>ASIATICS</u>	<u>TOTAL</u>
Cases	5	25	2	2	34
Deaths	1	18	-	2	21

97. Dispatch, 18.1.1905. Plague Committee, 17.1.1905.  
Dispatch, 9.3.1905, 10.3.1905, 17.3.1905. Public Inquiry, 8.3.1905, 9.3.1905, 16.3.1905.  
Dispatch, 10.3.1905. Minutes, 9.3.1905.  
 ELM, Mayor's Minute, 1904-1905, p 16.

that sector of the population because of its perceived health hazard. Second, the major drive to eradicate rodents met with outstanding success. By August 1901 no fewer than 23 266 rats and mice had been exterminated, and by July 1902 the figure had risen to 46 625. The campaign continued relentlessly until 1905 when all sign of the plague had dissipated. The wide streets and Council action to destroy rubbish also succeeded in limiting outbreaks of the disease. [98]

Once the plague had disappeared, there was no further major outbreak of serious sickness at East London during the period under study. By 1914 the Council had seen to it that public health was in reasonable control. It is true that there was as yet no water-borne sewerage scheme but that would remain an impossibility until the difficult question of a water supply was also solved. In the meantime the existing sanitary system was efficiently and effectively supervised. The next real test for the town would occur in 1918, with the outbreak of the Spanish Flu epidemic but even then East London would escape lightly, as figures from Phillips's doctoral thesis attest. [99]

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98. Dispatch, 10.9.1901. Plague Officer's Report, 31.8.1901.  
Dispatch, 4.5.1903, 11.5.1903, 18.5.1903. Plague Committee Report,  
 1.5.1903, 8.5.1903, 15.5.1903.  
Dispatch, 18.4.1903. Editorial.  
 See also Dispatch, 31.7.1902, 15.7.1903, 29.7.1903, 12.8.1903.
99. Phillips lists the total number of deaths in the whole of the East London district at 696 which was only 1.37 percent of the population. By comparison Cape Town had a death-rate of 3.478 percent, Port Elizabeth 4.22 percent, Kimberley 7.566 percent and King Williamstown 9.988 percent. (See Phillips, 'Black October', p 305.)

CHAPTER 14

EAST LONDON AS A HEALTH RESORT

The development of East London as a health resort was closely related to the question of a water supply because, until 1883 at the earliest, residents and visitors were forced to bathe in lieu of any other means of ablution. Swimming in the Buffalo River or, as was the case with most of the women and children, splashing about in the sea and rock pools on the beach-front, was therefore not merely an enjoyable recreation but an essential part of hygiene. At the same time, the lack of water meant that East London was restricted in its ability to accommodate holiday makers and could not provide an adequate sewerage system until the mid-1920's.

Up until 1873 there were no regulations to govern bathing. One of the most popular swimming areas was in the river because it was easily accessible to all the residents of both the West and East Banks. Its close proximity to Fort Glamorgan, the prison and the convict station meant, however, that the river developed into a bathing place for soldiers, prisoners and convicts, in addition to the townsmen, harbour workers and sailors. The women therefore tended to shun it in favour of the more remote beaches, such as the one past Hood Point on the West Bank, and Panmure Beach which lay beyond Limekiln Kloof on the East Bank. The latter presented the better prospects for sea bathing and proved to be the favourite site for inland holiday makers who outspanned during the Christmas season on the gently sloping ground to the west of Limekiln Kloof. [1]

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1. See maps, pp 480 and 522.

The need to control bathing was seen as an immediate priority when the first municipal constitution was drawn up early in 1873. The original problem was mainly the question of nudity. The majority of men preferred to bathe naked, although it is not clear to what extent women shared that sentiment. As a result, restricted hours and a segregation of the sexes became the norm during the first two decades of municipal control. [2] The first bathing regulation therefore limited the sport to the hours between sunset and sunrise at any place near a public thoroughfare, although people could bathe when and how they pleased at remote locations such as Panmure Beach. [3]

The proclamation of the bye-law had little impact on the public's swimming habits, probably because the majority were unaware of the regulation. The matter was therefore raised in Council as early as August 1873 when Commissioner Eirwood complained that people were bathing at the jetties and at other public places during all hours of the day. It was "very objectionable", he said, especially because of the length of time in which the bathers "generally exposed themselves" which meant that "respectable persons" were frequently deterred from continuing their walks. Something had to be done about it, he said, in the interests of "public

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2. Racial segregation of the beaches became the norm after 1883 when Africans, and later Asians, were banned from all beaches at East London with the exception of Panmure or Eastern Beach. (See Chapter 11, pp 395-396.)
  3. Government Gazette, 29.4.1873. Proclamation 37 of 1873, Regulation 32. (See Appendix 6, p 138.)

decency".<sup>[4]</sup> Although the Board agreed with Eirwood's sentiments, it decided that the best solution was to bring the public's attention to the existence of the regulation by means of notice-boards but, despite that, the people continued to ignore the prohibition and bathing continued as before. Indeed, Chairman Gately alone appeared to be at all concerned and it was he who reported all infringements for the following seven years.

The chief culprits were the soldiers at Fort Glamorgan who flouted the municipal regulations by swimming naked in the river at all hours of the day. The prisoners on the West Bank were also marched to the river every Saturday at midday for their weekly wash and a deaf ear was turned to the Municipal Board's repeated warnings of possible action.<sup>[5]</sup> A minor incident in December 1880, however, galvanised the Council into reconsidering the entire bathing question. A correspondent complained to the Advertiser that a "young male person" ("neither....a man nor a gentleman") regularly went down to Panmure Beach to the spot where women were bathing, undressed and entered the water. Not only did it prevent the women from swimming, the letter objected, it was also "most shocking, indelicate, and unmanly". The correspondent therefore demanded that the Council take immediate action to enforce the regulation and impose fines or imprisonment if it continued to be transgressed.<sup>[6]</sup>

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4. Dispatch, 12.8.1873. Minutes, 6.8.1873.

5. Dispatch, 9.3.1875, 11.12.1876, 23.12.1876, 8.1.1877. Minutes, 3.3.1875, 8.12.1876, 21.12.1876, 4.1.1877.

6. Advertiser, 31.12.1880. Letter from "An Indignant Bather".

It was the first occasion in which a member of the public had complained of a bathing infringement and the incident evoked a sharp reply in the Dispatch from another correspondent using the non de plume "A Panmurian". The latter contributor, a female, is of special interest because she described the situation which then prevailed in the more remote bathing areas and also revealed something of the point of view of the East London women whose interests the bathing regulation was purporting to protect.

The writer stated at the outset that the offender was probably a Christmas visitor because she herself was "a regular bather" and had never experienced such an incident. She thereupon outlined her objections to any form of fixed hours for bathing. It was the accepted practice, she pointed out, for women to bathe at all hours of the day and "sensible ladies" went into the water only with the incoming tide. She had often seen groups of "gentlemen" walking along the beach while the women bathed, or waiting for them to finish, and had seen women do the same. She positively objected to Panmure Beach being closed at any time to either males or females but suggested that an easy remedy to the whole dispute would be to insist that all bathers wear costumes. When women were in the water, she wrote, they were supposed to be clothed "as much as modesty demands" and she therefore saw nothing wrong with males walking past. If the men in turn were required to wear "bathing drawers" instead of "the original costume worn by Adam before the fall", then the ladies could also walk past. As it was, many men

were naked and something therefore needed to be done to remedy that problem. [7]

The Council ignored the logic of Panmurian's letter and chose to revise the bathing hours and to partition the swimming spots between the two sexes. Panmure Beach was duly proclaimed a "ladies only" area and men were allocated the small beach to the east of the sea wall at the Buffalo River mouth, or what was generally referred to as Sandy Beach. [8] Bathing within the river itself was also limited to males. In both cases, swimming was restricted to the hours of 5 a.m. to 8 a.m. and again from 5 p.m. to 8 p.m. [9]

The revised regulation brought forth scorn from Panmurian who pointed out that the regulation already in force was a dead letter as "any number" of men and boys could be found bathing in the river "at almost any hour of the day", especially on Sundays and holidays, yet they were never interfered with. She also objected to women being restricted to Panmure

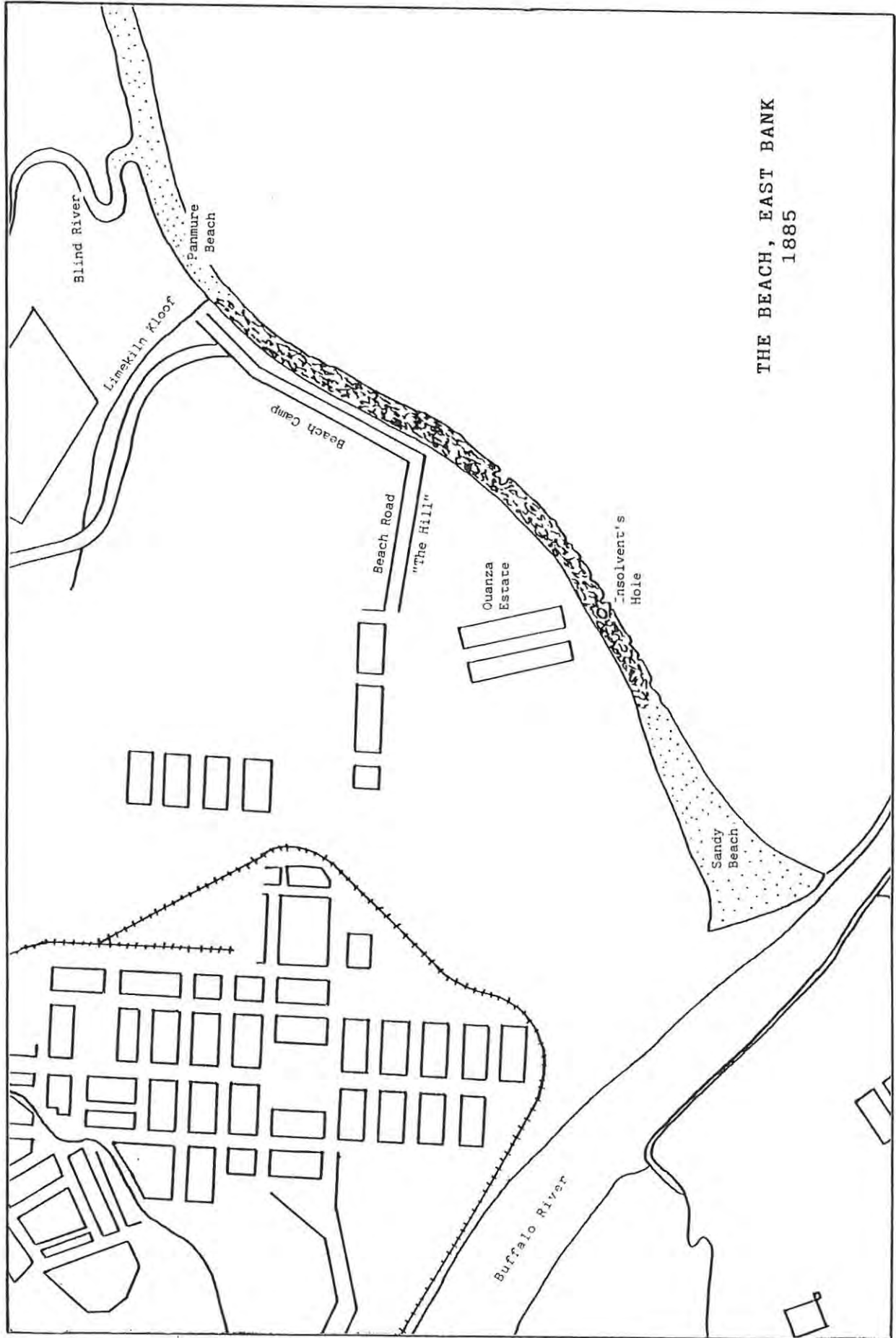
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7. Dispatch, 8.1.1881. Letter from "A Panmurian".

8. See map, p 522.

9. CA, 3/ELN 1/1/1/3. Minutes, 6.1.1881.  
See also Dispatch, 8.1.1881.

The idea of segregation of the sexes was common in England. The Municipal Regulations for Margate in 1862 stipulated that males and females were to keep separate, while children under the age of ten were to join the women. No boat was allowed to approach within 200 yards of the bathers and bathing machines occupied by men and women had to keep at least 60 feet apart.  
(See M Staunton, "Sea Bathing at Margate" in History Today, Vol 23, July 1983.)



THE BEACH, EAST BANK  
1885

Beach and, in addition, being allowed to bathe only at limited hours. In reality, she pointed out, it would mean that no women could bathe in winter, except for those "with constitutions like cart-horses". It would, moreover, put a stop to visitors from up-country since they could only swim for such short periods and at very awkward hours.

The writer then pointed out other important aspects which seemed to have slipped the councillors' attention. First, it was illegal for the municipality to interfere at all beyond the lime-kilns below the high-water mark, and the area above the high-water mark was a Government reserve, was "duly fenced" and watched by the bush-ranger. Indeed the place in question was outside of municipal jurisdiction because the settlement of the commonage dispute in 1876 had placed the entire coastline between the Buffalo and Nahoon Rivers under Government control so as to protect the sand-dunes and the natural coastal vegetation.<sup>[10]</sup> Second, bathing at Panmure Beach was positively dangerous at certain tides "on account of slope, holes and backwash" when the sea was rough. She quoted the case of two males who had drowned at a time when a "company" of men was unable to save them. Very few people, she concluded, would bathe on the Panmure Beach before 8 a.m. in winter and there must have been "some great enthusiasts" among the bathers for the Council to see fit to ban swimming at night-time.<sup>[11]</sup>

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10. See Chapter 4, p 115.

11. *Dispatch*, 15.1.1881. Letter from "A Panmurian".  
*Dispatch*, 13.6.1876. Public Meeting, 14.6.1876.  
 CA, 3/ELN 1/1/1/1. Minutes, 14.6.1876.

The dispute proved to be a storm in a teacup. The Council took no action whatsoever to enforce the new bye-law and allowed the status quo to continue for the time being. [12] It is probable that the councillors recognised the illegality of the decision, as "A Panmurian" had correctly explained. In January 1883, however, they suddenly decided to enforce the existing bye-law and laid a charge against six men accused of infringing the regulation. It is not clear whether the action was taken because of adverse criticism from the Advertiser, which that month claimed it was "high time" that the Council "awoke to its responsibilities" in bathing matters, or because someone tore down all the bathing notices [13] but the charge revealed a number of anomalies in the regulation. First, the notice boards had been unclear because they appeared to prohibit bathing after 6 a.m. only in the vicinity of the ferry. Furthermore, the river environment itself fell under several different authorities. As a correspondent submitted in the Advertiser, the Harbour Engineer gave permission to bathe, the municipality prohibited it while the wharf authorities were indifferent. The bathing hours themselves were unreasonable as 6 a.m. was still rather early to prohibit the sport. The Council was "never very anxious to protect

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12. CA, CCP 6/5/18. Proclamation 113 of 1883, Regulation 207.  
(See Appendix 7, p 175.)

Indeed, the regulation published in July 1883 in terms of the Incorporation Act of 1880 was a simple re-statement of that of 1873.

13. Advertiser, 19.1.1883, 22.1.1883.

the rights of the people", the correspondent concluded, but it was "fond of trampling on them". [14]

Ultimately the Council decided to drop the charges against the men, a decision lauded by the Advertiser. It could hardly have been the intention, the editor wrote, to throw any obstacle in the way of bathing which was "not only a most enjoyable pastime" but also a "positive necessity [sic]" for the health of a place which had no regular supply of fresh water. There were hundreds of men at hotels and boarding houses, he said, who would have no bath if the sea were forbidden during reasonable hours. He further suggested that the use of bathing costumes should become compulsory, as was the practice "on the continent" which would, he said, solve the great "fig-leaf controversy". [15]

It was probably not merely community consciousness which led the Council to drop the case but one of expedience. The earlier court-case against Ferryman Button [16] had already shown that the municipality stood on rather tenuous ground because the Incorporation Act had been passed in 1880 but the Council had as yet not promulgated any bye-laws in terms of it. The Button case could therefore have been quoted as a legal precedent, with the result that the municipality would hardly have won its argument. The

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14. Advertiser, 24.1.1883. Letter from "Vox E Turba".  
See also Advertiser, 24.1.1883. Editorial.
15. Advertiser, 26.1.1883.
16. See Chapter 9, pp 323-332.

priority was then to promulgate a new bathing regulation, which it did in July that year. [17]

In the meantime, the Council formed a special committee to re-investigate the question and eventually reached some clarity with regard to a definition of bathing hours and places. First, it was decided that no bathing would be allowed in the river except from the mouth to a spot about 50 yards above the Harbour Works Sand Jetty. Furthermore, the hours of bathing were extended to 8 a.m. and again after 7 p.m., except on Saturdays and Sundays when bathing would be prohibited after the morning session but of greater importance was the fact that bathing costumes were at last to become compulsory under threat of prosecution for indecency. [18]

The Council thereupon ordered the erection of notice boards to advertise the new ruling and, in doing so, became the laughing stock of the town. The notices referred to Regulations 45 and 46 which in fact had no reference whatsoever to bathing or indecency. Indeed, Regulation 45 dealt with the sale of meat, milk and spirituous drinks while Regulation 46 banned

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17. CA, CCP 6/5/18. Proclamation 113 of 1883.  
(See Appendix 7, p 175.)

18. CA, 3/ELN 1/1/1/5, p 9. Minutes, 31.1.1883.

Although the regulation stipulated simply that "ordinary" bathing costumes were to be worn, the costumes in vogue in England at the time consisted of drawers for men, and cloaks and dresses for women. Due to the fact that the female garb tended to float on the water, the regulation for Margate demanded that the skirts had to be weighted with pellets.

(See Staunton, "Sea Bathing at Margate", p 23.)

the keeping of pigs within the municipality. [19] Almost immediately a sarcastic letter appeared in the Dispatch which asked why the Council should want to call bathers "pigs" because those animals were fond neither of water nor cleanliness. [20] The new regulation also aroused a storm of protest. In February a petition was drawn up to plead for a softening of attitudes and in April a delegation approached the Council on similar grounds but on both occasions the Council refused to consider the requests. On the contrary, it authorized the prosecution of several persons who had contravened the new regulation. [21]

The idea of segregated bathing remained entrenched in Council thought. Sandy Beach remained a male's domain while women were compensated by being awarded a rock pool nearby which would be reserved for their sole use. Insolvent's Hole, as it was commonly called, was a shallow pool immediately below Quanza Estate which the Council decided to develop for women bathers. [22] A galvanized iron shed was erected to act as a change room, the loose rock on the pool floor was cleaned out and a small cement wall was built to prevent outflow and maintain its depth. [23] It was small, however, and certainly served as no compensation to the women for being

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19. See Appendix 7, p 157.

20. Dispatch, 27.2.1883. Letter from "One of the Pigs".

21. CA, 3/ELN 1/1/1/5, pp 35, 56, 59. Minutes, 28.2.1883, 28.3.1883, 4.4.1883.

22. See map, p 522.

23. CA, 3/ELN 1/1/1/5, pp 76, 78, 80. Minutes, 18.4.1883, 25.4.1883, 23.5.1883.  
ELM, Mayor's Minute, 1883-1884, p 5.

banished from the more attractive Sandy Beach, which explained why the issue was physically disputed for years to come until the Council was forced to concede defeat. [24]

The Council's attitude to bathing was out of step with the accepted moral norms of the town. The need for sexually segregated bathing and for restricted hours should have disappeared with the imposition of the bye-law which forced people to wear costumes. The fact that that did not happen brought the Council into continual conflict with a public which refused to be restricted. Furthermore, the municipality was powerless to act as long as its control over the beach-front was in doubt. Men and women waged an ongoing battle both legally (through representations to the Council) and physically (by ignoring the regulations altogether).

In April 1883 a male deputation met the Council to appeal for unrestricted bathing in the river and in return recognised that men had to accept the idea of wearing costumes. It further pleaded that the members of the rowing club be allowed to bathe at all times at a point 50 yards above the Pontoon Road and beyond the sight of any passing women. To press the point further, the club even undertook to provide screens which would stretch to the water's edge, behind which the men could change and enter the water unseen. [25] Although the Council did not reject the deputation out of

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24. See photograph, p 529.

25. CA, 3/ELN 1/1/1/5, p 78. Minutes, 25.4.1883.



**INSOLVENT'S HOLE:** Sometimes known as Bankrupt's Hole, the pool was cleaned out by the municipality and was big enough to splash around in but nothing more. The cracks to the left of the pool still reveal cemented joints where attempts were made to prevent the pool from leaking. The ruin of a rock wall lies immediately behind the photographer.



**SANDY BEACH:** Later known as Orient Beach after the Russian steamer Orient went aground there in 1907, Sandy Beach was originally banned for women bathers but, because it clearly offered far greater enjoyment than the women's pool at Insolvent's Hole, the issue was physically disputed for years until the Council was eventually forced to admit defeat. [Source: East London Museum.]

hand as on previous occasions, and accepted the idea of screens, it was nevertheless prepared to extend the rowing club's swimming time by only one hour. [26]

The construction of the Beach Road in 1885 [27] changed the face of East London as a health resort because it made the eastern shore, long regarded as remote, more accessible to the townspeople and holiday makers. The perennial question of bathing hours had therefore to be re-defined. Although the councillors opted for the maintenance of the status quo, it was in fact a step forward because the Council at least recognised that bathing could be allowed all day at two of its formerly inaccessible resorts, namely Sandy Beach and Insolvent's Hole, conditional to the wearing of costumes. The debate also revealed the presence of forces for change within the Council chambers, with Councillor Willetts arguing for completely open bathing at all spots and Councillor Gately questioning the utility of having to don a bathing costume at all when on an open beach. [28]

Women became increasingly defiant of the Council's stance because the men had been given Sandy Beach while they were confined to uncomfortable rock pools, unless they chose to journey to the more remote and also more dangerous Panmure Beach. It was common knowledge that the Council doubted

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26. CA, 3/ELN 1/1/1/5, p 86. Minutes, 9.5.1883.

27. See below, pp 536-537.

28. Dispatch, 7.11.1885. Minutes, 4.11.1885.  
Advertiser, 6.11.1885. Minutes, 4.11.1885.  
Advertiser, 5.3.1886. Mayor's Minute, 1885-1886.

whether it had the authority to prosecute infringements of the beach regulations and so women bathed at Sandy Beach with impunity. Eventually, in April 1888, the Council realised it was fighting a losing battle and tried to impose a compromise solution by a division of Sandy Beach between the sexes. A life-boat had been conveniently wrecked at its centre which allowed the Council to grant the area between the eastern pier and the wreck to the men, while the women were allowed to swim between the wreck and the rocks. Nevertheless, the women's time was restricted to the hours between 9 a.m. and 4 p.m. after which that section was also made over to the men. Furthermore, a screen was erected to the water's edge so that neither sex could view the other as each entered the water. To compensate the men for their loss, Insolvent's Hole was opened to them between 5 p.m. and 7 a.m. [29]

Such a compromise was petty and the bathers generally ignored the provisions and continued to bathe as they pleased. [30] Sexually segregated swimming also proved confusing to the holiday-makers who were aware of the many notice-boards which threatened penalties and yet saw continual defiance by many of the townspeople. It was, moreover, frustrating for families who had to swim in different localities, and to women who were legally restricted to the rock-pools. A letter to the Dispatch from such a visitor decried the fact that nothing had been done "to allow ladies to enjoy a bathe", with the only "comfortable bathing" being monopolized "by the

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29. CA, 3/ELN 1/1/1/6, pp 580, 598. Minutes, 11.4.1888, 25.4.1888. See also Dispatch, 14.4.1888.

30. Dispatch, 13.4.1889, 27.4.1889. Minutes, 10.4.1889, 24.4.1889.

sterner sex". Unless something was done, the correspondent concluded, people would start seeking alternative resorts along the coast where they could get privacy in sea-bathing "without the danger of being cut to pieces by rocks". [31] In January 1895 another holiday-maker complained of the "glaring amount of mock modesty" that was shown by the regulations and by those bathers who abided by them. The "prudes" at East London, the correspondent stated, should be "condemned for life to a solitary tub in his or her private apartment". [32]

The Council found itself in a hopeless situation because it could not police the system until it was certain of its authority over the foreshore and in January 1895 it finally resolved to have the Town Solicitor examine the question. He advised that not only did the municipality have no power to control bathing on the beaches but it also had no authority over swimming in the river which, he said, was wholly under the jurisdiction of the Harbour Board. [33] All the hours of debate had therefore been wasted and the numerous regulations were probably invalid. That problem was solved only in 1904 when the Government agreed to extend municipal control to the shore. [34]

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31. Dispatch, 20.1.1892. Letter from "Visitor".
  32. Dispatch, 16.1.1895. Letter from "Country Cousin".
  33. CA, 3/ELN 1/1/1/9, p 36. Minutes, 23.1.1895.  
ELM, Mayor's Minute, 1894-1895, p 10.
  34. ELM, Mayor's Minute, 1902-1903, pp 23, 49-50.  
ELM, Mayor's Minute, 1904-1905, p 12.

In the meantime, there was total confusion as to what restrictions applied to bathing. In November 1895 the Council rescinded all regulations concerning bathing hours and sexually segregated bathing at Sandy Beach, leaving the sole proviso that bathers wear costumes when swimming during daylight hours. Only the rock pools at Insolvent's Hole and the pool below the Beach Hotel were reserved for women and children. [35] A flurry of letters to the Dispatch in December 1899 indicated nevertheless that few were aware of the implications of the law or that the old notice-boards were probably still in place. It was also clear that the accepted code of dress was often ignored.

The chief problem was still nudity on the beaches. Because of a lack of bathing shelters, both men and women dressed on the sand or on the rocks. A certain Mrs Malpass of East London complained that it was common for men ("of course roughs, not gentlemen") to "thrust themselves" within a few yards of women "in the course of dressing" or denuded themselves "in a most reckless fashion". Others, she wrote,

"flaunt in most ungentlemanly gestures before female eyes, and apparently mock the claim to decency all respectable females should have." [36]

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35. CA, 3/ELM 1/1/1/9, p 418. Minutes, 29.11.1895.  
See also Dispatch, 4.12.1895.

For a discussion of the Municipal Swimming pool situated near the Beach Hotel, see below pp 542-546.

36. Dispatch, 6.12.1899. Letter from "Mrs G Malpass".

Mrs Malpass was supported by "Leander" who argued that dressing rooms were the answer and, once these had been provided, the bathers at East London should "cast off their primitive habits" and adopt the bathing customs "of more enlightened communities". There was opposition, on the other hand, from a male correspondent who believed that women should keep to the rock pools as the notice-boards demanded, and from a female visitor who could see nothing wrong with nudity on the beach. All her sympathies were with the "sinners", she wrote.

"What a pity [Mrs Malpass] cannot wield the brush as well as she does the pen, as she has evidently had some splendid chances of making studies of the human form divine. We cannot expect the lords of creation to be inflicted with these cumbersome bathing suits." <sup>(37)</sup>

It was not only the men who were at fault. Another correspondent, a female refugee from Johannesburg, pointed out that it was "a notorious fact" that certain women made it "a common practice" to sit in the midst of the men when disrobing, thereby making it impossible for "a modest minded man" to enjoy "the needful bath". As late as 1906 a correspondent complained that the regulations referring to costumes needed to be enforced because women were taking to the water clad in almost any garments. "As a mere man who likes his dip in the briny," he wrote,

"it is certainly not nice to have around one ladies clad in night shirts, men's pyjamas, and all kinds of female garments

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37. Dispatch, 8.12.1899. Letter from "Sandy Beach".  
Dispatch, 9.12.1899. Letters from "Leander" and "A Constant Visitor to the Port". (The latter correspondent continually referred to Mrs Malpass as "Mrs Mooiplaats".)  
 See also Dispatch, 22.11.1899, 9.12.1899, 11.12.1899. Letters from "Would-Be Bather", "Paterfamilias" and "MF".

of nameless description; which to say the least of them, are not bathing costumes." [38]

Up until 1883 the municipality took no positive steps towards promoting East London as a holiday resort but, on the contrary, its negative attitude towards bathing and sanitation generally served as a discouragement. Swimming in the river was always dangerous to health because night-soil from the prison and convict establishment was dumped on the banks. The beaches on the West Bank were in a similar condition with night-soil and rubbish from the town deposited above and below the high-water mark. The beach beyond Hood Point, moreover, served as a daily lavatory for the convicts who were marched there at noon each day "to perform the functions of nature". [39]

In October 1881 the Advertiser drew attention to what it called the Council's inexcusable attitude. The editor questioned the logic of using the most favourable bathing beaches as receptacles for night-soil and filth which, he wrote, could only lead to disease because the neap tides were unable to clean the spot. Furthermore, the editor said, there were no places which could properly be regarded as "sacred to ladies" and that was "highly discreditable" to a town which ought to have been "in the natural

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38. Dispatch, 7.12.1899, 14.12.1906. Letters from "Johannesburg Refugee" and "Nightshirt".
39. Advertiser, 7.10.1881.  
See also Chapter 13, p 482.

course of things" the favourite seaside resort of their part of the world. [40]

In 1883 the Council took its first tentative step towards the development of the beachfront when it arranged for the Town Engineer to upgrade Insolvent's Hole for the use of women. The "Great Depression" of the 1880's ironically led to a further development. Up until then the Council had its time cut out in catching up on the backlog of street-making and had no funds to spare for constructing roads that would serve purely recreational purposes. As the depression bit deeper and funds dried up, however, the Council found itself in a position of being a purely caretaker body, with no public works whatsoever to undertake. When in 1884 the Chief Inspector of Public Works offered the services of convicts to carry out town improvements, the councillors decided to use the opportunity to construct a road through the Quigney to the beachfront.

In essence the decision was probably based on expediency. Convicts were not skilled for constructing long-lasting macadamized roads and so could not be utilized for street-making without the use of proper machinery, which would have increased costs. On the other hand, there was as yet no road to the beach and construction would therefore be from scratch. It would consequently entail far less expertise, would involve minimal costs and would open up the beach to a people who, because of the recession and unemployment, had far more recreational time on their hands. In

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40. Advertiser, 7.10.1881. Editorial.

January 1885, therefore, the Council accepted the offer and by August that year the Beach Road had been completed from Ulyate's Cottages to the foot of what was known as the Hill, where the Beach Hotel would eventually be built, at a cost of only £49 for metalling. A survey was then undertaken to continue the road as far as Limekiln Kloof. [41]

Three developments at East London during the mid-1880's led to its rise as a holiday resort. First, there was the relaxation of attitudes to bathing, especially along the beachfront which was the more popular swimming area. That was accompanied by a dramatic improvement in the town's sanitary conditions as night-soil and rubbish ceased to be dumped on the beaches but were buried in trenches out of the public's eye. The completion of the Amalinda Reservoir, moreover, meant that fresh water became more readily available, at least on the East Bank, and a greater effort was made by the Council with regard to keeping the town's streets and squares clean. [42]

The Council's efforts proved fruitful and there was a marked increase in the number of holiday makers who arrived in December 1885, despite the depression, so that there was a greater demand for houses on both the East and West Bank. In his annual minute of March 1886, Mayor Vincent was able to point out that East London was growing in

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41. CA, 3/ELN 1/1/1/5, pp 429, 433. Minutes, 7.1.1885.  
CA, 3/ELN 1/1/1/6, p 61. Minutes, 12.8.1885.  
Dispatch, 7.3.1885. Mayor's Minute, 1884-1885.

(See map, p 522.)

42. Annex, G 3-86, p 15. District Surgeons' Reports, 1885.

importance as a "watering place", an important comment in as much as it was the first official acceptance by the councillors that the town could be developed as a coastal resort. [43] Nevertheless, until 1892, there was strong opposition to any form of serious improvements along the beachfront because of its possible cost to the municipality in terms of supplying extra facilities. That was particularly true in two important areas, namely the need to provide water and to allow a hotel to be built.

The beach area was generally without water and yet the Council stubbornly refused to put in a main, arguing that the holiday cottages were rented by visitors who would not pay for water leadings. If, on the other hand, a public fountain were to be installed, then the people would take their water free of charge and consequently would not want any leadings. It was only after the Council had been berated by the Dispatch for doing nothing for the holiday-makers that the opposition collapsed and in August 1889 a main was at last laid to the beachfront. [44]

Many of the councillors were similarly opposed to the idea of a beachfront hotel. Although the land had long been set aside for such an establishment, several councillors argued that the construction would increase municipal costs in terms of road construction and the hotel would occupy the best land in the area, thereby discouraging further sales along the esplanade because it would leave only "inconvenient" sites. They

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43. Advertiser, 5.3.1886. Mayor's Minute, 1885-1886.

44. Dispatch, 8.6.1889, 31.8.1889. Minutes, 5.6.1889, 28.8.1889.  
See also Dispatch, 19.6.1889.

believed, therefore, that a hotel was unnecessary. [45] The short-sighted attitude led to chronic shortages in accommodation over the Christmas season, a situation that was graphically described by the Police Inspector in his report of February 1890. The town had been so unusually full, he said, that many who could not find accommodation could be seen wandering about, with Africans carrying their luggage. The hotels in town were fully booked and were so busy that they were unable to meet passengers either at the railway station or at the harbour. Although some of the visitors managed to find friends who were willing to give them shelter for a few nights, many had to return home disappointed. [46]

In April 1892 William Lance, one-time Mayor and past editor of the Dispatch, visited East London from his new home in Johannesburg. He was a man who had had considerable influence while he had lived at East London and the Dispatch therefore arranged for an interview to obtain his views on East London's prospects as a tourist resort. Lance's opinion was both emphatic and logical, and his arguments were difficult to refute. Although it is not certain whether he had much influence over future Council decisions, the fact remains that the municipality embarked on a number of major improvements very soon after his visit which tends to suggest that his opinion was indeed fruitful.

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45. Dispatch, 16.5.1891. Minutes, 13.5.1891.

46. Dispatch, 15.2.1890. Minutes, 12.2.1890.

Lance told the Dispatch that the town would soon be visited by "many holiday makers" from Johannesburg but under existing circumstances they would leave deeply disappointed. There was simply not enough accommodation, he said. More houses and of a better class were needed on the beachfront, houses with furnished and serviced apartments, like those on the English coast. The modern South African, he argued, would not be contented "to grub along" in an iron shanty "with a couple of American chairs and a packing case" but, because the Council was averse to selling land along the beach, private enterprise "was shut out". He then issued a warning that East London could wait too long, until "the flood tide that leads on to fortune" had begun to ebb. He had heard of the Beach Hotel scheme for three years, he said, and yet there was still no hotel. Furthermore, what the beach needed was horse-drawn bathing machines to afford greater safety, and a pool should be blasted out of the rocks so that women and children could still swim even if they did not like beach bathing. [47]

Council opposition to the Beach Hotel immediately waned with Lance's criticism and the site was sold in May 1892 for £1 000, and work on the hotel, estimated at over £9 000, began at once. [48] There would be no

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47. Dispatch, 2.4.1892.

In October 1883 the Woodstock Municipality had placed a number of bathing machines-on-wheels, like the type suggested by Lance, on the beach. The municipality also made available bathing costumes and towels for the use of holiday-makers.

(See OH Hahn, "Victorian Bathing Amenities in Early Cape Town" in Africana Notes and News, Vol 19, No 6, June 1971, p. 246.

48. The cost of building the hotel amounted to almost the amount spent by the Municipality on the entire Tramway Scheme of 1899.

doubt, Mayor Rees reported in February the following year, that a hotel adjacent to the beach and to the bathing places was one of the greatest requirements of a seaside town. The site, he said, had been selected with that in mind and the building would be an ornament to both the town and beach and was calculated to attract a large number of visitors from the Diamond and Gold Fields who had previously not come to East London because of the lack of accommodation. [49]

Once the Beach Hotel question had been solved, the Council turned its attention to the problem of the women's bathing pool at Insolvent's Hole which was small and shallow. The general idea, as Lance had suggested, was that the pool could be blasted deeper. A letter to the Dispatch from "Proteus" suggested that once the bottom had been hollowed out, a small wall could be built on both sides and across the seaward end. A sloping floor would then be achieved which would reach a depth of four feet and so allow swimming. The "tank" would then have to be made water-tight so as to remain full with the ebbing tide. [50] The Council accepted some of Proteus's views and passed a resolution to enlarge the pool at a cost of £60 and to erect

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49. ELM, Mayor's Minute, 1892-1893, p. 9.

The Beach Hotel was opened in January 1894 and by mid-February was already reported to be full.  
(See Dispatch, 24.1.1894, 17.2.1894.)

50. Dispatch, 16.4.1892.

toilets at a further cost of £75, and in October it was further decided to build ten "dressing apartments" between it and Sandy Beach. [51]

The idea of enlarging Insolvent's Hole was soon replaced by another scheme to build a much larger tidal pool a little further east, below the Beach Hotel, at a cost of almost £1 000. [52] The project, as the Mayor explained it, was to create a "perfectly safe and well protected" swimming bath which would be sheltered from the view of passersby and capable of being flushed out by the tides. The basin would measure 45 feet by 30 feet and was intended for the sole use of women and children. A row of bathing houses would then be erected between it and the Esplanade and revenue would be derived through the sale of tickets. [53]

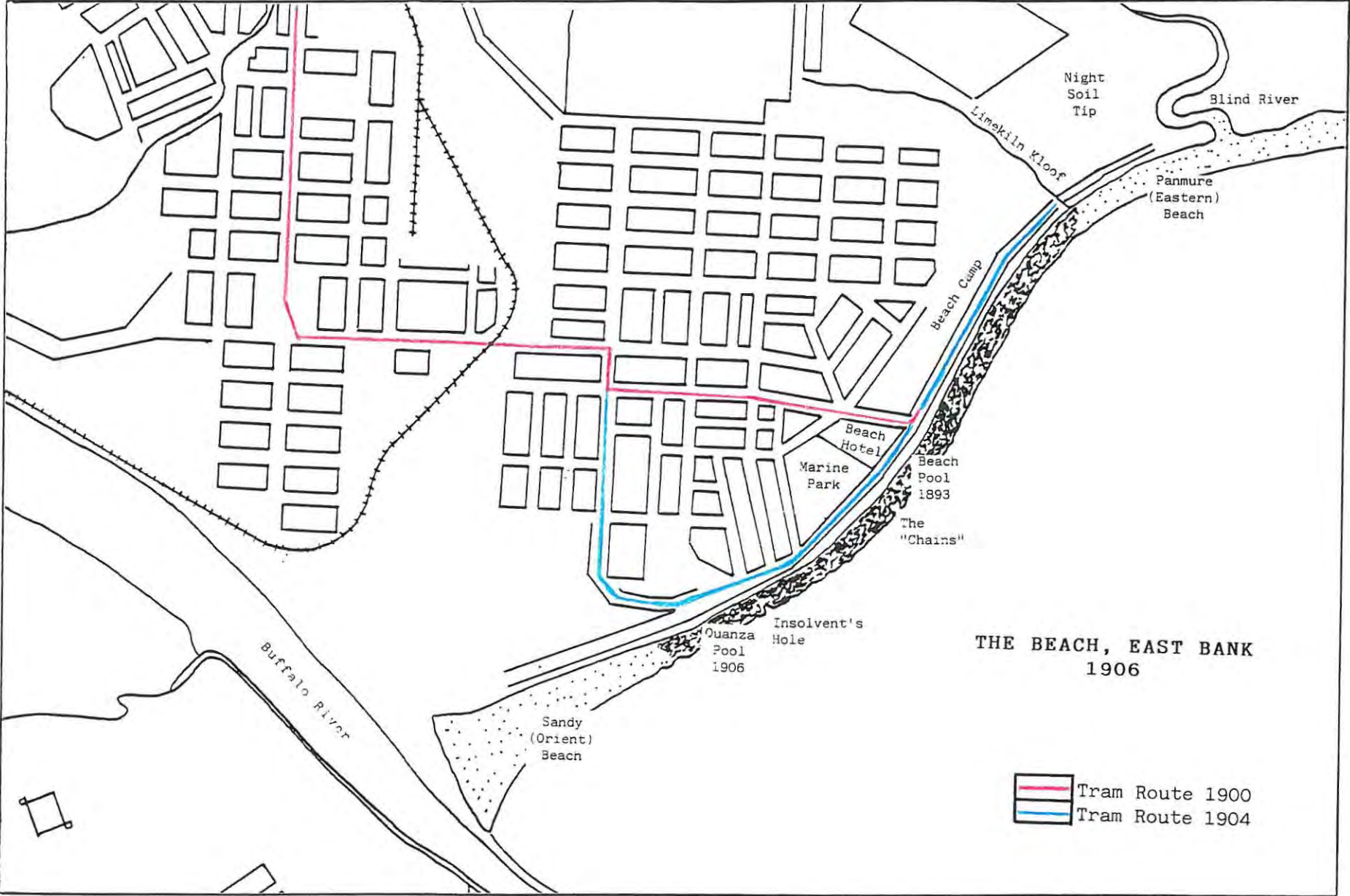
The new pool went into use in July 1893 but failed to attract patrons, a circumstance which left the Council dumbfounded. The municipality had gone out of its way to provide amenities, such as towels and a fresh-water shower, the Mayor explained, and entrance had even been

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51. CA, 3/ELN 1/1/1/7, p 569. Minutes, 15.6.1892.  
Dispatch, 22.10.1892. Minutes, 19.10.1892.  
 See also Dispatch, 18.6.1892.

52. See map, p 543.

53. CA, 3/ELN 1/1/1/8, pp 57, 62. Minutes, 16.11.1892, 30.11.1892.  
 ELM, Mayor's Minute, 1892-1893, p 3.  
Dispatch, 24.9.1892, 22.10.1892. Minutes, 21.9.1892, 19.10.1892.  
Dispatch, 12.11.1892. Corporation Notice 521 of 1892.  
 See also Dispatch, 19.11.1892.



**THE BEACH, EAST BANK  
1906**

- Tram Route 1900
- Tram Route 1904

left free as a further inducement. [54] There were, however, major problems with it, the chief of which was that it was situated too far from the sea to be a tidal pool at all and a windmill had eventually to be installed to provide sufficient water. It was constructed, the Dispatch reported in 1903, "by a good man who didn't know enough about the relationship of the sea and moon to the tides". It also had leaks so that there was seldom enough water to enable people to swim. In short, it was a white elephant and possibly, the Dispatch concluded, the "first species of this creature placed in the charge of the Town Council". [55]

By November 1895 the pool had fallen into a general state of disrepair and had to be closed for a short period while efforts were made to block major leaks. By 1897 it was leaking so badly that it could seldom be used and it was estimated that only a further substantial outlay could restore it. The joints needed re-cementing, the Town Engineer reported, and the walls and floor would have to be asphalted if it were to be made really watertight. Councillor Blaine suggested that they simply discharge the caretaker and let the thing "rip" but the Council nevertheless attempted annual repairs and hoped in vain that the pool would grow in popularity. [56]

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54. ELM, Mayor's Minute, 1893-1894, pp 14-15.  
 ELM, Mayor's Minute, 1894-1895, p 10.  
 ELM, Mayor's Minute, 1895-1896, p 8.
55. Dispatch, 9.5.1903. Editorial.
56. Dispatch, 2.10.1897. Minutes, 29.9.1897.



**SUNDAY STROLL IN 1907:** People, dressed in their Sunday best, make use of calm weather for a stroll along the Esplanade. The Beach Hotel can be seen on the right and to the left, below the flat-topped changing-house, is the Beach Pool. [Source: Cape Archives, J 8836.]



**RUINS OF THE BEACH POOL:** All that remains of East London's first swimming pool is this double rock wall, a rubble of concrete on the sand and a part of the foundation running in a line towards the sea. The situation of the ruins makes it clear that the Beach Pool was indeed too far away from the sea to be an effective tidal pool.

The public continued to shun it in favour of the open beaches and natural tidal pools and the money spent on alterations was completely wasted. The yearly hundreds had vanished, the Dispatch stated with due sarcasm,

"as completely as though the Mayor dressed up in gorgeous robe, gold chain and cocked hat, attended by his deputy, and the common councillors had walked in procession to the end of the breakwater and deliberately, after the usual speech as to the future of our Beach, thrown the money to the angry surf." [57]

By 1907 the pool had deteriorated to such an extent that it was full of green slime and was described by one of the councillors as "absolutely stinking". Plans were then drawn up to extend it so as to convert it into a proper tidal pool but after several postponements because of the adverse economic conditions during the post-Boer War depression, the project was eventually scrapped and, in 1910, the pool was partially demolished. [58]

In the meantime, plans were drawn up in 1905 to create a new pool near the wreck of the Quanza, between Insolvent's Hole and Sandy Beach. Initially the Town Engineer simply blasted a bathing place out of the rocks and the Council was wary of undertaking any further expense, first because

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57. Dispatch, 9.5.1903.

(See Table 29, p 547.)

58. CA, 3/ELN 373. Minutes, 18.3.1910. 3.8.1910.  
Dispatch, 12.1.1905, 14.11.1907, 24.1.1908, 9.3.1910. Minutes,  
 11.1.1905, 13.11.1907, 22.1.1908, 7.3.1910.

(See photograph, p 545.)

TABLE 29  
 BEACH REVENUE AND EXPENDITURE  
 (to the nearest £)

	<u>SWIMMING POOLS</u>		<u>BEACH IMPROVEMENTS</u>	
	<u>Revenue</u>	<u>Expenditure</u>	<u>Revenue</u>	<u>Expenditure</u>
1892	-	946	-	-
1893	-	-	-	-
1894	-	-	-	-
1895	37	-	-	-
1896	-	-	-	-
1897	-	113	-	186
1898	26	172	57	32
1899	33	73	138	205
1900	6	10	194	82
1901	50	4	161	417
1902	-	-	81	1 565
1903	-	-	140	1 303
1904	-	-	62	763
1905	637	443	156	4 059
1906	not given	-	149	590
1907	175	107	133	9 569
1908	238	-	176	2 774
1909	565	274	223	1 518
1910	723	479	276	1 640
1911	575	425	276	728
1912	1 254	668	497	3 957
1913	1 492	751	599	4 074

[Source: Mayor's Minutes, 1892-1914.]

the shore-line was still under the authority of the Harbour Board and, second, because councillors were afraid of saddling the town with "another white elephant". The roughly hewn version proved so popular, however, that the Council immediately plucked up the courage to build a proper swimming pool on the same spot. [59]

The Quanza Pool was divided into two sections and bathing was meant to be restricted to women and children but the idea proved to be controversial and there was concerted pressure to open the pool to everyone. The "medley of mixed-bathers" on the beach, a correspondent wrote, indicated how "extremely popular" unrestricted bathing was amongst both sexes of all ages but the concept of men and women mixing in the close confines of the pool horrified others. Permitting mixing "at a large watering-place" was one thing, another correspondent wrote, yet to allow it in the pool was definitely beyond the pail. Where a long stretch of sandy beach was available, he said,

"and where a large number of persons engage in the process, who...neither know nor care about one another, is a very different thing to permitting it in a restricted pool where all are bound to remain close to one another the whole time....Under such circumstances it is simply disgusting." [60]

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59. Dispatch, 19.5.1905, 1.12.1905, 26.7.1906, 4.10.1906, 29.11.1906. Minutes, 17.5.1905, 29.11.1905, 25.7.1906, 3.10.1906, 28.11.1906. See also Dispatch, 16.1.1906. Editorial.
60. Dispatch, 12.12.1906, 14.12.1906. Letters from "Neptune" and "Alfred Webb".

Councillor Frederick Gregg, a gentlemen's outfitter, <sup>[61]</sup> attempted a compromise by moving in Council that the men be given the larger pool while women and children be permitted to use the adjacent section. On the other hand, Councillor Albert Maytham, a plumber and electrician, <sup>[62]</sup> objected that the pools were too close together to allow even that because, he said, there was "a great objection" to mixed bathing and there would be an "outcry in the town" if they threw open the bathing in that way. Other councillors argued that the opposite was true and that East London, like "almost every modern seaside resort" was undergoing a change of attitudes and that mixed bathing was fast becoming an established fact. The latter argument eventually won the day and the Council resolved to open the main pool to everyone, while offering the women and children the privacy of the small pool. <sup>[63]</sup>

The steady improvements in beach facilities, together with the gradual abolition of sexually segregated bathing led to a steady increase in the number of visitors to East London. During the Christmas season of 1896

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61. FREDERICK LLEWELLYN GREGG: Gregg represented Ward 2 on the Council from 1906 until 1916. He served three terms as Deputy Mayor and three as Mayor.  
(For further information, see Appendix 2.1, p 22.)
62. ALBERT CORNELIUS MAYTHAM: Maytham represented Ward 2 for one year in 1904.  
(For further information, see Appendix 2.1, p 32.)
63. Dispatch, 13.12.1906. Minutes, 12.12.1906.  
See also Dispatch, 15.12.1906. Editorial.  
  
(See photograph, p 550.)



**QUANZA POOL:** The Guanza Pool, opened in 1906, proved far more popular than the original white elephant below the Beach Hotel. It was also the first time that the Council accepted the concept of sexually integrated swimming, although the smaller pool to the left was still at first confined to women and children. [Source: South African Library.]



**RUINS OF THE QUANZA POOL:** Even the popular Guanza Pool had eventually to make way for the much larger Orient Pool. The ruins shown here, however, indicate that the lower end of the pool was close enough to the sea to receive the brunt of the high tides, thereby ensuring that the water remained clean.

more than 200 permits were issued for camping on the sloping ground near Limekiln Kloof and the Council was forced to recognise that the time had come to organise the commonage properly before the following season's influx began. Primary attention was given to the pegging off of camping sites so as to form "streets", and to the introduction of proper sanitary measures, with toilets which were emptied each night. The action had a positive effect and by 1898 over 300 tents were pitched on the beachfront during the holiday period. [64]

The outbreak of the Boer War in 1899 interrupted development and attention had to be turned towards accommodating the massive influx of refugees. All available accommodation within the town was soon taken and the surplus spilled over on to the commonage at the beach. Although the number of actual holiday visitors dropped from the previous year, over 1 000 people were recorded as resident at the beach camp, many paying for their sites but the majority making use of the municipal offer of free lodging. [65] In turn, the municipality had to focus its attention on providing jobs for the great number of unemployed, which meant that funds for further beach development dried up. [66]

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64. ELM, Mayor's Minute, 1896-1897, pp 10, 26.  
 ELM, Mayor's Minute, 1897-1898, pp 10, 16, 22.  
 ELM, Mayor's Minute, 1898-1899, p 40.
65. ELM, Mayor's Minute, 1899-1900, pp 18, 44.
66. See Chapter 7, pp 220-244.

A major new development took place with the establishment of a tramway, which was opened in January 1900. Initially the track was laid down Fleet Street and Inverleith Terrace, with its terminus at the foot of the Hill alongside the Beach Hotel. In 1902 a further extension was planned whereby a single track would be laid down Rhodes Street and along the esplanade as far as the lime-kilns. <sup>[67]</sup> A delay in the arrival of the tracks allowed the Council time to re-think its options and ultimately the line was extended even further by following a route down the as yet unconstructed Currie Street and from there along the Esplanade. The route was opened on Christmas Eve 1904 and proved so popular that over 10 000 passengers were recorded as having used the service during the remainder of that season. <sup>[68]</sup>

During 1904 the Council also set aside £20 000 for up-grading the beachfront and construction work began on a number of projects. The Esplanade was extended in a westerly direction, following the tram-route to Currie Street, and the latter road was thereupon also constructed. A promenade from the foot of Rhodes Street to Sandy Beach was created, and the Esplanade was extended eastward to the Blind River. Funds from the loan were used for the creation of the Quanza Pool and the empty land to the west of the Beach Hotel was established as a Marine Park, with neat paths and a

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67. ELM, Mayor's Minute, 1902-1903, pp 23, 49-50.

68. ELM, Mayor's Minute, 1904-1905, p 13.

(See map, p 543.)

bandstand, which became an added attraction during the holiday season. [69]  
 In 1909 a switchback railway and a roller-skate rink were also provided. [70]

Nevertheless, East London's growing attraction as a holiday resort was not simply due to the development of its facilities. The Council itself undertook a wide advertising campaign to sell the image of the port. The idea was first mooted in February 1897 by Mayor Rees who adopted the Medical Officer of Health's comments that the town was ideally suited as "a health and pleasure resort" but that its potential was not being sufficiently utilized. There were few places in South Africa, Rees stated, which had the same resources "for restoring health to the tired businessman" and for providing pleasure and amusement to the younger generation but, to make East London the "popular and fashionable watering place of the East Coast", it was necessary to advertise throughout the Colony, as well as in the Transvaal and Orange Free State. [71]

The Boer War disrupted the attempt but advertising East London as a resort took off during the years after 1905. The Council spared little in its efforts to reach the larger markets of Johannesburg, Kimberley, Bloemfontein and the new town of Bulawayo in Rhodesia. Expensive brochures

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69. See map, p 543.

70. *Dispatch*, 24.8.1906, 19.10.1906, 11.11.1909. Minutes, 22.8.1906, 17.10.1906, 10.11.1909.  
 ELM, Mayor's Minute, 1904-1905, p 17.  
 ELM, Mayor's Minute, 1905-1906, pp 13, 49-50.  
 ELM, Mayor's Minute, 1907-1908, p 10.

71. ELM, Mayor's Minute, 1896-1897, p 7.

were produced, containing text and photographs, [72] which were sent not only to public libraries throughout Southern Africa but also to the editors of the more influential newspapers. It was a wise move because the editors, on receiving the booklets, drew attention in their columns to the attractions of East London as a resort. [73] The editor of the South African Medical Record in particular was profuse in his praise for East London's initiative. It was delightful to see at least one place making some effort to advertise its local resources, he wrote.

"Here those most concerned do not move a little finger to advertise them, and the result is that, with scarcely an exception, they are absolutely unknown to even the medical profession, the natural advisers of the people in such matters." [74]

The advertising campaign itself was also diverse, making use of direct newspaper advertisements [75] and also using postcards, inserts for inclusion in local merchant's letters and the creation of a cinematic

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72. See SAL, East London for River & Seaside Attractions Health and Pleasure: Official Illustrated Handbook.
73. Bloemfontein Post, 26.12.1907; The Transvaal Leader, 29.6.1907, 27.9.1907, 24.12.1907; The East Rand Express, 28.9.1907; Lorenzo Marques Guardian, 26.9.1907; The Owl, 27.9.1907; Somerset Budget, 21.9.1907; Barkly East Reporter, 27.9.1907.
74. South African Medical Record, 10.10.1907.
75. See Bulawayo Chronicle, 4.11.1908; The Transvaal Leader, 16.11.1908; South African Farmer's Journal, November 1908; Diamond Fields Advertiser, 25.11.1908; Midlands News, 1.12.1908; Bloemfontein Post, 2.12.1908; Lorenzo Marques Guardian, 26.9.1907; East Rand Express, 28.9.1907.

production to be exhibited in the newly invented "Bioscope". [76] The Council's efforts were rewarded by a constant growth in the number of holiday-makers descending on East London and, by 1906, the camping site near Limekiln Kloof had to be extended and a new one created at Orient Beach [77] and near Shelley Beach on the West Bank. At Christmas each year the beachfront became crowded with visitors and was a "unique spectacle", the Dispatch reported, even to one who had visited the principal resorts of Europe. From the moment the Beach Hotel was reached, the editor wrote,

"and extending all along the left hand side of the promenade, there is nothing but tents, tents pitched as close as possible and in unending variety, square tents, oblong tents, tents made of canvas, and tents made of wood, tents holding four or five, and tents holding twenty or thirty, a wonderful sight." [78]

There was no doubt that the Council came alive as from about 1897 as far as both beach development and the promotion of East London as a holiday resort were concerned. It was unfortunate, however, that the awareness of the value of the Quigney generally as a tourist attraction was not taken into account much sooner. As early as January 1883 the Dispatch called the

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76. ELM, Mayor's Minute, 1905-1906, p 13.  
ELM, Mayor's Minute, 1906-1907, p 10.  
Dispatch, 20.9.1910. Minutes, 14.9.1910.

77. ORIENT BEACH: The name Sandy Beach fell into disuse after 1907 once a Russian steamer, the Orient, grounded fast on the beach and all efforts made to extricate her failed. From then on the term Orient Beach was popularly used and the title eventually became the official name.

78. Dispatch, 3.1.1908. Editorial.  
See also Dispatch, 19.10.1906. Minutes, 17.10.1906.

(See photograph, p 556.)



BEACH CAMP IN ABOUT 1898: Even in East London's early days the site for the Beach Camp had proved popular because of its position near Panmure Beach (see below). In 1893 the Beach Hotel was built (building in the distance) and in front of it a "tidal" pool, although the latter proved a failure and a windmill (seen below the pool, on the rocks) had to be erected to keep it topped up with water. [Source: East London Museum.]



BEACH CAMP IN ABOUT 1907: After the Boer War the Town Council went out of its way to attract visitors to East London through advertising and the provision of better facilities. Its close proximity to the beach and the tramcar terminus gave it an added attraction. [Source: East London Museum.]

Council's attention to the problem. The Quigney was only then beginning to be opened up and the editor pointed out that the future of the area as a holiday centre hinged on the Council's speedy action to prevent the sub-division of plots, as had happened in both North End and Southernwood, places which "were intended to maintain a certain character" but which had been broken up and sold indiscriminately. During the holiday season, he wrote, when so many visitors came to East London and their white tents dotted "the greensward on the shore", they were reminded forcibly that East London had a character "as a watering place" as well as a port. He concluded therefore that a "special method" needed to be observed in laying out the area and as regards buildings to be permitted. [79]

It was to East London's detriment that the appeal fell on deaf ears and no such regulations came into force until 1895 by which time the damage had become irreparable and the Quigney had followed the example of the acre lots. Instead therefore of achieving the status of a holiday area, as the Dispatch had proposed, the suburb degenerated into a poor socio-economic suburb, with houses built close together and without sufficient planning. The moment had been lost to East London and only today, almost a century later, is cognisance being taken of the Quigney's value as a tourist area, and it will probably take some decades more before that dream will be realised. Lack of attention to that important consideration meant that East London's beachfront area would in time lose its popularity and the town itself would eventually decline as an important tourist centre.

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79. Dispatch, 11.1.1883. Editorial.

**CHAPTER 15**

**CONCLUSION: THE MEN OF THE COUNCIL**

The creation of the municipality in April 1873 was welcomed with a great degree of optimism and much was expected of the new Town Council because the first 25 years of the town's existence had witnessed a period of intense stagnation. Although personal fortunes had been made, especially after the discovery of diamonds in Griqualand West in 1868, profit could not be translated into public utilities until a municipal council was elected to oversee such an operation.

The first four decades under municipal control proved remarkably disappointing. The councillors generally failed to take command of favourable circumstances and allowed boom years to elude them without diverting an adequate share of the town's private wealth into public enrichment. The initial decade after the municipality had been established was particularly remarkable because, while the townsmen rode a wave of prosperity, the Council omitted to set an adequate rate, failed to collect what revenue was available and allowed personal interests and jealousies to divert their attention from the urgent work on hand. The result was that between 1873 and 1880 virtually no work was done on improving the town's appalling streets, while sanitary conditions remained medieval and no improvement was made to the totally inadequate water supply. By the end of the second triennial term, therefore, the councillors had little to show for seven years of debating except growing enmity between the West Bank and East Bank, with a threat of separation lurking in the wings. <sup>[1]</sup>

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1. See Chapters 4 and 5.

The negative trend was briefly checked during the three years from 1880 to 1882 when the Council at last put its house in order and managed to capitalise on the boom period to embark upon a host of public works, including street construction, the building of the Amalinda Reservoir to serve the East Bank, together with a smaller one to provide the West Bank with water, and the establishment of a hospital and two schools. The councillors had left it too late, however, because another faux pas in the collection of rates coincided with an economic downturn and three years of severe depression settled on the town which not only put paid to all further public works but also eroded much of what had been achieved during the all too brief summer of achievement. [2]

Although prosperity returned to South Africa after the discovery of gold on the Witwatersrand in 1886, the councillors were extremely hesitant to cash in on the growing fortune. Many remembered the near-debacle of building a Town Hall and supplying the town with electricity at a time when the economy was about to collapse and it is understandable that they were hesitant to burn their fingers yet again. Development of public works therefore eased forward very slowly and it was really in 1892 that the great wave of municipal growth began.

The decade between 1892 and 1902 was a momentous period for East London because development achieved heights never before envisaged. Street construction was hectic and the town saw the building of the

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2. See Chapter 6.

Town Hall, the provision of electricity and the establishment of a tram service. Furthermore, the Council at last took a serious look at sanitation and began to utilize the town's potential as a holiday and health resort. It appeared that East London's star was at last rising and the prospect of the town becoming a major centre in South Africa was promising indeed. [3]

Economic and political circumstances, plus a substantial degree of inadequate planning on the part of the Council, dampened the promise. The outbreak of the Anglo-Boer War in 1899 not only put economic strain on the municipality which had to find the means to care for over 5 000 Uitlander refugees, but also resulted in yet another downturn in the regional economy. East London slumped into a depression after 1904 which brought a halt to the decade of advance.

The Council had, in any case, overspent and faced the prospect of greater loans to balance its debt. Moreover, the collapse of the tramway system meant massive capital outlays to maintain and eventually restructure the entire network. The decade of prosperity had also led to a phenomenal population increase which made the Amalinda Reservoir totally inadequate for town consumption, especially because of the continual droughts which afflicted the Border region at the turn of the century. The Council was therefore faced with the necessity of a much larger reservoir or see the town stagnate because lack of water would naturally hamper the establishment of industries or further population growth. Although the councillors met

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3. See Chapter 6, pp 191-206; Chapter 13, pp 482-487; Chapter 14, pp 540-551.

the challenge in 1899, with the piloting of a new Water Supply Act through Parliament, and another in 1906, heated debate amongst the townspeople themselves over the desirability of using a polluted source such as the Buffalo River as opposed to much more expensive alternative schemes led to that crucial problem being shelved until the mid-1920's. Because any adequate sewerage scheme was directly linked with the water question, East London's sanitary reform was also set back for more than two decades. <sup>[4]</sup> The town therefore lost its way in the scramble for a place in the sun.

The root of the Council's general ineptitude appeared to lie within the townspeople themselves. The dictum that you get what you deserve certainly held true as far as East London was concerned. The editor of the Dispatch continually decried the local indifference to public meetings, which were seldom well attended even when vital issues were to be discussed. Even more significant, however, is an examination of municipal election results during the four decades, which show in graphic terms just how indifferent the townspeople indeed were.

A correlation of election results (Table 30) reveals that an extremely high proportion of councillors (70 percent) were elected unopposed during the four decades to 1914. A further breakdown of results into "critical years", i.e. periods of economic growth and stagnation, indicates that the

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4. See Chapter 12, pp 456-471.

TABLE 30  
MUNICIPAL ELECTION RESULTS

<u>YEARS</u>	<u>TOTAL ELECTED</u>	<u>TOTAL OPPOSITION</u>	<u>PERCENTAGE UNOPPOSED</u>
1873-76	10	1	90
1877-79	25	5	80
1880-82	37	16	57
1883-86	32	8	81
1887-90	28	0	100
1891-99	59	23	61
1900-05	36	17	53
1906-10	30	10	67
1911-14	23	7	70
TOTAL	280	85	70

moments during which the Council floundered most (1873 to 1880 and again from 1883 to 1886) were also years when councillors were mostly elected unopposed (over 80 percent for each period). On the other hand, the two phases during which the Council was particularly vibrant (1880 to 1882 and again from 1892 to 1902) were times when there was a greater degree of opposition in Council elections (between 53 and 61 percent of members were elected unopposed). At no period, however, did the number of opposition candidates rise above 47 percent which, in itself, speaks volumes about the general apathy of the East London ratepayers. [5]

One needs to look beyond the ratepayers to the councillors themselves, however, if one wishes to arrive at a more composite picture. To achieve that, an extensive biographical sketch has been drawn up to provide information on each of the 104 councillors who served East London from 1873 to 1914. [6] Statistical information concerning the means of livelihood and ages of the councillors has then been extracted (Tables 31 to 34) which suggests further interesting possibilities to explain the Council's position during those "critical" phases of development. [7]

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5. For a detailed breakdown of election results, see Appendix 2.3, pp 61-68.
  6. See Appendix 2.1, pp 9-47.
  7. There were 104 councillors during the period from May 1873 to June 1914. The types of employment are known for each while the ages of 96 have also been ascertained. Because the men whose ages are unknown on no occasion constituted more than one seat on the Council, the reliability of the following statistics never drops below 90 percent, although in most cases it reflects complete accuracy.

TABLE 31  
EMPLOYMENT STATISTICS

The statistics presented in Tables 1 to 4 are extracted from the biographical information given in Appendix 2.1

	<u>TOTAL</u>	<u>PERCENT</u>
Merchants/Shopkeepers/Auctioneers	32	30.8
Stevedores	15	14.4
Artisans	11	10.6
Retired	7	6.7
Butchers/Bakers	5	4.8
Company Directors/Representatives	4	3.8
Salesmen (Employed)	4	3.8
Hoteliers	4	3.8
Legal Profession	4	3.8
Medical Profession	4	3.8
Government/Military/Maritime	4	3.8
Builders/Contractors	3	2.9
Factory Owners/Directors	3	2.9
Artists	2	1.9
Accountants	1	1
Ministers of Religion	1	1
<b>TOTAL</b>	<b>104</b>	<b>100</b>

A breakdown of the councillors' means of livelihood (Table 31) reveals that the vast majority (68 percent) were employed in the commercial sector, as opposed to those who worked as artisans (11.5 percent), professional persons (9.6 percent), Government men (3.8 percent) and those who were retired (6.7 percent). What is more important, however, is that 73 percent of the councillors were self-employed in such a way that their seats on the Council could have been utilized to foster their own business interests.

It is always difficult to ascertain whether or not councillors were acting in their own interests. Municipal regulations were clear on the prohibition against councillors debating and voting when their interests were directly involved, and the few cases which were raised during debates were always of a minor scale. The more subtle cases, however, were those in which the councillors voted in favour of advancing the interests of the ward in which their businesses were located, to the detriment of the greater community. It is practically impossible to isolate cases of that nature, although the dispute in 1877, when the West Bank commissioners resigned en bloc because they believed the East Bankers were acting out of vested interests, certainly underlined the possibility of such action. It was also clear during that debate that Amelius Vincent himself, as Chairman, was not innocent of acting out of self-interest. [8]

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8. See Chapter 5, pp 131-135.

TABLE 32

## AGE OF COUNCILLORS

<u>YEAR</u>	<u>AGE OF YOUNGEST</u>	<u>AGE OF OLDEST</u>	<u>AVERAGE AGE</u>	<u>AGE OF MAYOR/CHAIRMAN</u>
1873	37	64	46	44
1874	36	49	41	45
1875	23	46	36	46
1876	24	47	37	47
1877	19	51	37	47
1878	26	52	40	49
1879	31	73	46	50
1880	35	74	47	37
1881	37	61	45	38
1882	27	56	44	53
1883	33	54	45	44
1884	31	55	41	43
1885	32	56	43	55
1886	33	59	46	56
1887	34	60	49	58
1888	31	61	48	35
1889	32	63	49	51
1890	33	64	46	33
1891	32	65	47	34
1892	33	65	48	35
1893	36	66	49	36
1894	37	67	50	37
1895	26	68	49	38
1896	27	69	50	39
1897	28	68	49	54
1898	29	69	50	55
1899	30	79	52	42
1900	25	80	53	46
1901	26	81	50	47
1902	27	71	48	48
1903	34	72	50	51
1904	32	64	48	52
1905	33	62	48	62
1906	33	63	49	63
1907	26	67	48	64
1908	27	65	46	41
1909	28	63	43	42
1910	29	64	43	43
1911	30	65	44	44
1912	31	66	45	45
1913	32	67	46	38
1914	33	68	47	33

It is possible that the age of the councillors had much to do with their responsibility in fostering the good of the town. In an attempt to ascertain whether or not that was so, a number of tables are presented. The first (Table 32) defines the Council in terms of ages of the youngest and oldest members, the average age of the councillors for each particular year, as well as the age of the Chairman or Mayor. Not much can be deduced from the list, however, for a young councillor was not necessarily an irresponsible one and an older person did not de facto have wisdom. Moreover, the average age of the councillors varied from 37 to 53 but during the majority of the period it hovered somewhere in the 40 to 50 year bracket.

Of greater utility is the breakdown of councillors into groups, taking percentages of those who were over 40, over 45 and over 50 (Table 33). The figures reveal an increase, as the years progressed, in the number of councillors who were in the older age brackets. In other words, the councillors were predominantly younger men during the early years of the municipality but the proportion of older men who chose to stand steadily increased over the years. It is noticeable, for example, that there was a negligible percentage of men who were over 50 during the initial seven years, whereas, from 1887 till 1905 the proportion was considerably greater.

TABLE 33  
 COUNCILLOR AGE GROUPS  
 (in percentages)

<u>YEAR</u>	<u>OVER 40</u>	<u>OVER 45</u>	<u>OVER 50</u>
1873	60	40	20
1874	40	40	0
1875	20	20	0
1876	40	20	0
1877	22	22	11
1878	56	33	11
1879	67	50	22
1880	70	50	40
1881	64	36	36
1882	73	36	36
1883	82	45	27
1884	58	33	17
1885	58	42	25
1886	66	58	42
1887	73	64	55
1888	66	58	58
1889	75	67	50
1890	75	50	33
1891	66	67	33
1892	75	58	33
1893	66	58	50
1894	75	58	42
1895	66	50	50
1896	66	58	50
1897	66	58	50
1898	66	50	50
1899	75	50	50
1900	75	75	58
1901	67	67	42
1902	60	58	50
1903	83	67	50
1904	75	50	50
1905	83	58	42
1906	78	64	36
1907	78	55	36
1908	64	64	36
1909	50	42	25
1910	55	45	22
1911	64	45	22
1912	64	55	27
1913	73	55	36
1914	75	50	42

Some remarkable statistics are noticeable if the age groups are broken up into "critical periods" (Table 34). In the initial triennial phase, when the Council was establishing itself but making practically no advance whatsoever, only 5 percent of the councillors were over 50 years of age. During the following triennial period (1877 to 1880), when squabbling over possible division of the municipality was so intense, the percentage of councillors who were over 50 had risen to 15, which was still negligible. The three years from 1880 to 1882 in which the Council at last began to capitalise on the boom conditions and started work on town development, were characterised by a higher proportion of councillors (38 percent) who were in the older bracket. That group then dropped in number (28 percent) during the years of depression (1883 to 1886) but climbed remarkably (47 percent) in the decade and more when the Council reached a crescendo in town development (1892 to 1902) but dropped back (32 percent) during the post-Boer War depression when the municipality again stagnated.

What is significant about these figures is the consistently large proportion of councillors in the higher age bracket during East London's prosperous years, when town development was on the advance, but a significant majority of younger men during those times of municipal stagnation. It can be concluded, therefore, that the Council was at its best during those phases when older men were significantly represented and

TABLE 34  
AVERAGE AGES DURING CRITICAL PERIODS  
(in percentages)

<u>YEAR</u>	<u>OVER 40</u>	<u>OVER 45</u>	<u>OVER 50</u>
1873-76	40	30	5
1877-79	48	36	15
1880-82	69	41	38
1883-86	66	45	28
1887-90	71	59	47
1891-1900	70	59	47
1901-05	75	60	47
1906-10	66	54	32
1911-14	69	60	31

it would be interesting to compare such figures with other municipalities, if such statistics become available in the future, to see whether such a phenomenon was unique to East London. [9]

While the quality of the councillors was an important element in the growth of the town, a crucial factor was the calibre of the men at the helm. That point was clearly recognised by the editor of the East London Standard in March 1892 when he called on the councillors to elect David Rees to the position of Mayor. Popular though South African institutions were in theory, he wrote, they had "an amazing habit" of shaping themselves in practice into "developments of personal rule". Any "public man of experience" would agree, the editor continued,

"that from Parliament down to the smallest Village Management Board, the collective wisdom seldom accomplishes anything beyond revolving on its own axis...East London being no exception to the rule, [it] will be much what the Council makes it, and the Council again very much what the Mayor makes it." [10]

The Mayor, as the man chosen to lead the Council, was often left to organise the general day to day running of the municipality and, in urgent circumstances, made decisions on his own which he later referred to the councillors for their approval. The democratic element ensured that he was always answerable to the elected representatives but he was relied on to do most of the dirty work while the councillors in turn acted generally as a

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9. Unfortunately, no research of this nature has yet been done. The three theses on the development of the Grahamstown Municipality, for instance, provide biographical sketches of the Mayors only, while nothing is written on the rest of the councillors.

10. Standard, 3.3.1892. Editorial.

rubber stamp, or initiated proceedings which they believed were especially important for their wards. Much of the advance or stagnation of the town can therefore be understood if one analyses the personalities of the Chairmen and Mayors.

John Gately has been generally acknowledged to have been the father of the East London municipality and, indeed, so great was his reputation that he was often publicly acclaimed as "Father Gately". It was largely through his determination that the municipality was established in the first place, it was he who was the driving force in drawing up the initial regulations and, after the debacle of Major Lee's instant resignation, it was Gately who became Chairman of the Municipal Committee, a position he held from 1873 until late 1879, with a break of nine months in 1877 when he believed it was time that someone else took the reins.

Gately was 44 years of age when he was elected Chairman. He was a staunch Catholic and was respected as a man of principle who brooked no nonsense. At the time of his election to the Council, however, he had had no previous experience and therefore had to nurse a band of novices during a particularly arduous process of mapping out objectives on a budget which did not allow funds even for hiring a Town Clerk. Nevertheless, he believed that the municipality had to exist within its financial means and was not prepared to consider the option of an overdraft even to procure the most urgent necessities.

His first term was particularly clouded by conflict with the Government over the issue of Crown Lands, which left the Council largely without funds until mid-1876. He also tended to judge others as he judged himself and believed therefore that all townsmen would pay their rates if only they were asked to do so. As a result, little money was collected during his entire term as Chairman and therefore the period during which the Council was under his control was a particularly stagnant one. [11]

Amelius Vincent followed Gately as Chairman in February 1877. Like his predecessor, he had had no previous experience and, indeed, it is surprising that he was honoured in that way at all because he had only joined the Council in December the previous year. There were other men, notably Alfred Webb, who were far more able to take the reins. His nine months in the chair were disastrous for the municipality for he very quickly revealed that he allowed his vested interests to cloud his judgement. As a result, his tenure was troubled, with en bloc resignations to protest against his policies, and rumblings of a divided municipality. As soon as he realised that he could no longer get his own way, he resigned as Chairman and allowed the Council to recover some of its composure under the better judgement of John Gately.

Vincent's return to office as Mayor in 1885 and 1886 was no less troubled. The country was by that stage in the grip of the "Great Depression" and so his dual term was not marked by any initiatives or

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11. See Chapter 4, pp 119-121; Chapter 5, p 145.  
For further information on John Gately, see Appendix 2.1, p 19.

advance in any field. On the contrary, his contempt for the West Bank led to further protests against the Council and a renewed attempt to divide the municipality. It is noteworthy that there were only two attempts at splitting the municipality and both occurred during Vincent's terms of office. [12]

The brief period in which Richard Walker was Chairman, then Mayor, from late 1879 until late 1881, was a positive phase in East London's development. It is a credit to the man's ability that, for the first time, the municipality moved forward with great zest. He capitalised on the prosperous times by bringing in all arrear rates, raised handsome revenue through land sales and initiated a round of hectic street construction. It is also noticeable that shortly after his resignation as Mayor and councillor, confusion descended. The rates faux pas saw funds run out and soon the depression descended on the town which put paid to any further development. [13]

Apart from the two spells as Mayor by both Gately and Vincent, there was no further continuity during the period from 1882 until 1890. Although the men, particularly William Lance, were probably able leaders, their short periods of office allowed them no time in which to leave their mark. That

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12. See Chapter 5, pp 132-135; Chapter 6, pp 183-184.  
For further information on Amelius Vincent, see Appendix 2.1, p 43.
  13. See Chapter 6, pp 159-165.  
For further information on Richard Walker, see Appendix 2.1, p 44.

in itself is possibly ample justification for the lack of progress during the difficult phase of depression, and early prosperity after 1886.

It was to East London's advantage that the period of economic growth during the 1890's was also accompanied by a record breaking term of office when David Rees served for no less than seven years in succession. Rees was a Welshman who had come to the Colony in 1881, initially working for the railways before establishing his own cartage company. He was only 31 when he joined the Council and 33 when he was elected Mayor in 1890. His successive terms were momentous as the boom was at last put to good effect and the Council raised two loans of £25 000 and £75 000 respectively, which money ushered in massive street construction, the provision of electricity, building of a Town Hall and the establishment of a tramway system. East London also began to foster her natural advantages as a health resort, ideas which would reach fruition during the early 20th century. [14]

Rees was succeeded during the Boer War period by Arthur Lambart, a man of dubious qualification, who lead the Council during a particularly trying era. Lambart was renowned for his unsuccessful business operations and, indeed, John Gately attempted to block his initial election to the Council on the grounds that he was an "unrehabilitated insolvent". The bid failed on a technicality because the municipal regulations only covered people who went insolvent while in office. His election as Mayor in 1900 had but a one vote majority and it was again surrounded in controversy because it was

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14. See Chapter 6, pp 191-207; Chapter 14, pp 540-544, 553.  
For further information on David Rees, see Appendix 2.1, p 37.

claimed that he did not have the necessary property qualifications even to sit on the Council. Lambart distinguished his triple term as Mayor by adopting a decidedly jingoistic attitude to the Anglo-Boer War which ushered in a strong anti-German sentiment. [15]

Of the men chosen as Mayor during the post-Boer War period, none particularly distinguished himself as a leader. Wilhelm Medefindt, a German who had immigrated in 1877, had a long track-record in the Council since 1888 and would eventually serve a record-breaking 28 years, for which he was awarded a gold life-pass to travel on the tramways, the first and only time such an honour was conferred. He was known for his conservative attitude towards finance but he proved unable to prevent his fellow councillors indulging in spending sprees which were economically unproductive. As a result, the municipality dipped ever more steeply into debt, despite Medefindt's continued calls for restraint. [16]

Richard Walker succeeded Medefindt for another virtual three year term from 1905 to 1907 but these were troubled times, with East London in the grip of yet another depression and so Walker could do little else but batten down the hatches. Similarly Johann Goldschmidt, who served from 1908 until

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15. See Chapter 7, pp 214-218.

For further information on Arthur Lambart, see Appendix 2.1, p 28.

16. See Chapter 8.

For further information on Wilhelm Medefindt, see Appendix 2.1, p 34.

February 1913, did little to distinguish himself and East London advanced hesitantly during his mayorship. [17]

The democratic principle on which the East London municipality was based gave the ratepayers a voice in the development and prosperity of their town. It had a major flaw, however, in that the men who were chosen to represent the electorate were seldom trained to do so and therefore much importance rested on the natural dynamism of the office-bearers. When the electorate itself was enthusiastic and put up candidates of prime quality, the democratic system worked well. On the other hand, when the electorate itself was apathetic, then democracy was weak.

East London was a prime example of that principle. The apathy of the townspeople meant that the vast majority of councillors were elected unopposed. That, in turn, ensured that any person who wished to enter the Council for whatever reason was virtually assured of being granted a ticket and even if he proved unequal to the task, he might nevertheless be re-elected unopposed. Such was the disappointing lot of the East London municipality. It was a matter of luck that most of the councillors were people of integrity but men of leadership were few. Indeed, it would appear that only during those periods when the electorate was more aware of the need for participating in elections and putting up candidates, and during periods when older men with depth of experience were in larger proportions on the Council, did the municipality prosper. The fact that such conditions

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17. See Chapter 8, pp 291-297.

For further information on Johann Goldschmidt, see Appendix 2.1, p 20.

occurred simultaneously resulted in two distinct phases of growth for East London. For the rest, the townspeople were content to plod on, regardless that time would not wait and that, as a result of their inaction, East London would eventually evolve into a backwater in the future South Africa.

When one considers the way in which the Council dealt with the Black community, the situation was different. While East London was small and there was little attraction at the port for educated Africans, the question was a simple one of maintaining a location to provide labourers for the harbour and town, and of directing it in a paternal fashion. With the growth of the population, on the other hand, more educated and prosperous Blacks began settling at East London and took up lodging within the White residential areas, notably North End. That in turn led to the formation of pressure groups within the Council, with the North End ratepayers, like Councillor Henry Willetts, being most vociferous in their philosophy of segregation.

Racism also appeared as a natural element in the East London community as a whole and grew in direct proportion to the mixing of the race groups. The early Chairmen and Mayors, therefore, were mostly benevolent men when dealing with the Black residents but, by 1890, when the town was beginning to grow rapidly into a prosperous centre which saw a proportional rise in the wealthier Black population with concomitant political rights, the Mayors in turn were seen to be blatantly racist in their attitudes. In 1908 the

editor of Izwi Labantu condemned the Council out of hand for its attitudes.

The class of men who sit on Town Councils, he wrote,

"with few exceptions, are not there for the health of the natives, nor do they care a tinkers curse about him or his grievances. They have enough to do looking after their own stock-interests everytime, and all the time."<sup>[18]</sup>

Racial attitudes had little to do with East London becoming a backwater but everything to do with explaining the frontier attitudes of the South African community at large. The town was, after all, a frontier settlement and, as such, can be seen as a microcosm of the type of philosophy which would take root in South Africa in the generations to come. As far as the Cape Colony was concerned, East London managed to take the lead in engineering racism into the statute books but, once Union was achieved in 1910, the initiative would be taken over by the inhabitants of the former Boer republics.

The initial four decades under municipal control, from 1873 until 1914, had therefore failed to make up for the time lost during the previous 25 years of stagnation. It was distinctly possible that, under wise leadership, the town could still have overtaken Port Elizabeth as the leading centre in the Eastern Cape but a lack of resourcefulness and, at times, sheer bumbling saw the port fall even further behind. Indeed, only 13 years out of the four decades actually witnessed much by way of advance. East London was therefore set to remain in second place and only luck, or intense political manipulation, can alter that picture in the future.

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18. Izwi Labantu, 19.5.1908.

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 1/1/5 Minutes, 1912  
 1/1/7 Minutes, 1913  
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1/ELN - RECORDS OF THE RESIDENT MAGISTRATE, EAST LONDON

1/1/2/2/2 Circuit Court, 1881  
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5/1/3/1 Letters Received: Under-Secretary for Native Affairs,  
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5/1/8/1 Letters Received: Surveyor General, 1873-1875

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5/1/10/3 Letters Received: Medical Matters, 1903-1904

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6/1/1/1 Letters Despatched, 1878-1879

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3/ELN - RECORDS OF THE EAST LONDON MUNICIPALITY

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1/1/1/2 Council Minutes, 1878-1880

1/1/1/3 Council Minutes, 1880-1881

1/1/1/4 Council Minutes, 1881-1883

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1/2/1/1 Standing Committee Minutes, 1881-1882

1/2/1/2 Standing Committee Minutes, 1897-1901

1/3/1/1 Special Committees, 1908

1/3/1/2 Special Committees, 1909-1910

1/3/2/1 Special Committees, Diverse Minutes, 1907-1911

7/1/3/1 Valuations Assessment Rolls, 1901

7/1/3/2 Valuations Assessment Rolls, 1902

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 492 Buffalo River Bridge: Exchange of Land between Council and  
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- 493 Beach Park, 1899-1905  
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- 635 Land Sales, 1892-1902
- 924 Locations East Bank, 1913-1916
- 995 Asiatic Problem, 1910-1949

GH - GOVERNMENT HOUSE

- 15/67 Minutes: General and Confidential, Jan-Apr 1902
- 15/69 Minutes: General and Confidential, Jul-Aug 1902
- 23/46 General Dispatches, Nov-Dec 1901
- 23/47 General Dispatches, Jan-Feb 1902
- 23/48 General Dispatches, Feb-Mar 1902
- 23/49 General Dispatches, Mar 1902
- 23/54 General Dispatches, Jun 1902
- 23/55 General Dispatches, Jun-Jul 1902

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MOH - MEDICAL OFFICER OF HEALTH

15 Plague Records, 1901-1905

NA - NATIVE AFFAIRS

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SRP - PRINTED PAPERS OF THE CENTRAL GOVERNMENT OF SOUTH AFRICA

5/1/1	Statutes, 1910-1911
5/1/2	Statutes, 1912
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2. ORANGE FREE STATE ARCHIVES, BLOEMFONTEIN (FA)

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25	Correspondence File, General, Jun 1902
26	Correspondence File, General, Jul 1902
27	Correspondence File, General, Jul-Aug 1902
28	Correspondence File, General, Aug 1902
37	Correspondence File, Appointments, Feb 1902
38	Correspondence File, Appointments, Feb-Mar 1902
39	Correspondence File, Appointments, Mar-Apr 1902
40	Correspondence File, Appointments, Apr-May 1902
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 A911 Appointment: CE Cumber as Assistant Superintendent  
 A962 Appointment: Owens at East London Refugee Camp  
 A1038 Inspection of Refugee Camp at East London  
 A1147 Appointments at East London Refugee Camp  
 A1171 Employment of Refugees at East London Refugee Camp  
 A1203 Wages paid at East London Refugee Camp  
 A1257 List of Appointments at East London Refugee Camp  
 A1348 List of Staff Discharges, East London Refugee Camp  
 A1514 Request by Superintendent of East London Refugee Camp  
 A1673 Dismissal of Superintendent and Closing of Camp  
 A1675 Closing of East London Refugee Camp  
 RC8551 Discipline at East London Refugee Camp  
 RC8584 Sanitary Arrangements at East London Refugee Camp  
 RC8719 Dr Tonkin's Report on East London Refugee Camp  
 RC8745 Medical Report, East London Refugee Camp  
 RC8896 Medical Attendance to Concentration Camp Children  
 RC8922 East London Refugee Camp Evacuation  
 RC9127 Report on School at East London Refugee Camp  
 RC9163 Abolishing Refugee Camp at East London  
 RC9292 Closing of Refugee Camp at East London  
 RC9308 Registration of Marriages at East London Refugee Camp  
 RC9567 Dr Tonkin's Report on East London Refugee Camp  
 RC9712 Closing Down of Refugee Camp at East London  
 RC8453 List of Volunteers for East London Refugee Camp

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- MS 2369  
G McKay: Letterbook and Notebook, 1881-1900.
- MS 2511  
G McKay: Miscellaneous Notes.
- MS 2515  
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- MS 14 535 (a)  
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- MS 14 535 (c)  
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- MS 14 675  
Autobiographical Notes by George Brooke Attwell.
- MS 14 840  
CH Wyche Letterbook, 1879-1881.
- PIC 1732 - 1739  
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- PIC 2586 (10)  
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- PIC 2717  
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- PIC 3292  
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- PR 113  
East London 100 Years Ago.
- PR 822  
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- PR 1995  
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G 6-92	Census of the Cape Colony, 1891
G 19-'05	Census of the Cape Colony, 1904
UG 32-'11	Census of the Cape Colony, 1911
UG 32-'12	Census of the Cape Colony, 1911

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A 3-80	Report: Select Committee for the East London Municipality Bill, June 1880
A 11-80	Report: Select Committee for the East London Municipality Bill, July 1880
A 12-81	Report: Select Committee for the East London Municipality Bill, 1881
A 3-82	East London Water Supply Bill No 1, 1882
A 6-82	East London Water Supply Bill No 2, 1882
A 25-99	Report: Select Committee for the East London Water Supply Bill, 1889
A 25-'06	Report: Select Committee for the East London Water Supply Bill, 1906

A 14-'07 Report: Select Committee for the East London Commonage Question, 1907

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A 53-81 Sir John Coode's Report: East London Harbour Works, 1881

C 3-74 Report: Superintendent of East London Harbour Works, 1873

C 2-75 Returns: Revenue and Expenditure of East London Docks, 1871-1874

G 60-80 Port Captains and Harbour Masters, 1879

G 63-80 Report: Working of Port Department, East London, 1879

G 33-81 Port Captains and Harbour Masters, 1880

G 54-82 Port Captains and Harbour Masters, 1881

G 31-83 Port Captains and Harbour Masters, 1882

G 31-84 Port Captains and Harbour Masters, 1883

G 61-84 Harbour Accounts, 1883

G 22-85 Port Captains and Harbour Masters, 1884

G 37-86 Port Captains and Harbour Masters, 1885

G 34-87 Port Captains and Harbour Masters, 1886

G 18-88 Report: East London Harbour Works, February 1888

G 30-88 Port Captains and Harbour Masters, 1887

G 23-89 Port Captains and Harbour Masters, 1888

G 42-90 Port Captains and Harbour Masters, 1889

G 44-91 Port Captains and Harbour Masters, 1890

G 25-92 Port Captains and Harbour Masters, 1891

G 23-93 Port Captains and Harbour Masters, 1892

G 23-93 Port Captains and Harbour Masters, 1893

G 37-95 Port Captains and Harbour Masters, 1894

G 52-95 Reports: Harbour Boards, 1894

G 56-96 Reports: Harbour Boards, 1895

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G 73-97 Reports: Harbour Boards, 1896

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G 53-'02 Port Captains and Harbour Masters, 1901

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G 38-'03 Reports: Harbour Boards, 1902

G 51-'04 Reports: Harbour Boards, 1903

G 56-'04 Port Captains and Harbour Masters, 1903

G 90-'04 Report: Commission to Enquire into Financial Position and General Working of East London Harbour Board, 1904

G 12-'05 Port Captains and Harbour Masters, 1904

G 14-'05	Reports: Harbour Boards, 1904
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G 33-'06	Reports from Harbour Boards, 1905
G 12-'07	Reports: Harbour Boards, 1906
G 29-'08	Reports: Harbour Boards, 1907
G 22-'09	Reports: Harbour Boards, 1908
G 13-'10	Report: General Manager: Railways and Harbours, 1909
UG 33-'11	Report: Commerce and Industries, 1910
UG 39-'11	Report: General Manager: Railways and Harbours, 1910
UG 24-'12	Report: Railways and Harbours, 1911
UG 36-'12	Report: Customs and Commerce, 1911
UG 57-'12	Report: General Manager: Railways and Harbours, 1911
UG 35-'13	Report: Railways and Harbours, 1912
UG 46-'13	Report: General Manager: Railways and Harbours, 1912
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UG 13-'15	Report: Railways and Harbours, 1914
UG 25-'15	Report: General Manager: Railways and Harbours, 1914
UG 34-'16	Report: General Manager: Railways and Harbours, 1915

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A 12-73	Report: Select Committee on Native Affairs, 1873
A 100-80	Report: Inspectors of Native Locations, 1880
A 16-81	Report: Inspectors of Native Locations, 1881
A 26-83	Report: Select Committee: Native Locations Act, 1883
G 27-74	Blue Book on Native Affairs, 1874
G 21-75	Blue Book on Native Affairs, 1875
G 16-76	Blue Book on Native Affairs, 1876
G 12-77	Blue Book on Native Affairs, 1877
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G 33-79	Blue Book on Native Affairs, 1879
G 13-80	Blue Book on Native Affairs, 1880
G 20-81	Blue Book on Native Affairs, 1881
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G 3-84	Blue Book on Native Affairs, 1884
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G 19-97	Blue Book on Native Affairs, 1897
G 42-98	Blue Book on Native Affairs, 1898

G 31-99	Blue Book on Native Affairs, 1899
G 50-1900	Blue Book on Native Affairs, 1900

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G 57-83	Report: Board of Management, Frere Hospital, 1882
G 67-84	Report: District Surgeons, 1883
G 69-84	Report: Board of Management, Frere Hospital, 1883
G 19-85	Report: District Surgeons, 1884
G 3-86	Report: District Surgeons, 1885
G 19-87	Report: District Surgeons, 1886
G 13-88	Report: District Surgeons, 1887
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G 14-93	Reports: Public Health, 1892
G 19-94	Reports: Public Health, 1893
G 24-95	Reports: Public Health, 1894
G 55-96	Reports: Public Health, 1895
G 74-96	Reports: Medical Officer for Health, 1895
G 42-97	Reports: Public Health, 1896
G 48-98	Reports: Public Health, 1897
G 37-99	Reports: Public Health, 1898
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G 39-'06	Reports: Public Health, 1904-1905
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G 43-'09	Reports: Public Health, 1908

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G 28-73	Chief Inspector's Report, 1872
G 42-74	Chief Inspector's Report, 1873
G 42-75	Chief Inspector's Report, 1874
G 49-76	Chief Inspector's Report, 1875
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G 24-'07	Chief Inspector's Report, 1906
G 12-'08	Chief Inspector's Report, 1907
G 33-'09	Chief Inspector's Report, 1908
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1905/06	East London Municipality
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8. MAP SOURCES1. CAPE ARCHIVES

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| 3/ELN 51  | Sketch Plan Shewing Arrangement of Picket Fencing round Seats at Marine Park Band Stand, 1907   |
| 3/ELN 373 | Plan of Signal Hill, East London, 23.11.1909  |
| 3/ELN 373 | Proposed Shelters, Eastern Esplanade, 10.11.1909  |
| 3/ELN 492 | Map Showing Boundaries of Land to be Reserved for Electric Power Station, 20.4.1903   |
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| M 2/832   | Municipality, 1884  |
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| M 2/1820  | Drift Sands, West Bank, 1880  |
| M 2/1869  | Proposed Site of Prison, 1881   |
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| M 3/2063  | Plan of East London, 1904   |
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| M 4/852   | East London Water Supply, 17.1.1882   |
| M 5/224   | East London Additional Water Supply Act, 7.7.1899   |

M 5/225 East London Additional Water Supply Act, 7.7.1899  
 M 5/293 East London Additional Water Supply Act, 12.2.1906  
 M 5/294 East London Additional Water Supply Act, 12.2.1906

Also consulted: 1/3302, 2/702, 2/784, 3/31, 3/200,  
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## 9. PHOTOGRAPHIC SOURCES

### 9.1 CAPE ARCHIVES

#### 9.1.1 AG COLLECTION

445 Boer War Concentration Camp, East London  
 446 Boer War Concentration Camp, East London  
 449 Boer War Concentration Camp, East London  
 676 Buffalo Harbour  
 1001 Market Square  
 1445 Buffalo Mouth, with Jetty in Foreground  
 3893 Oxford Street, Showing Premises of Fletcher & Co., Patterson  
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 7928 Oxford Street from Belgravia, c 1900  
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 Restaurant and Meyers Railway Hotel  
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8836	Esplanade, Showing Beach Hotel
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TR 91-68 ✓

**THE DEVELOPMENT OF EAST LONDON  
THROUGH FOUR DECADES OF MUNICIPAL CONTROL  
1873 - 1914**

by

**KEITH PETER TEMPEST TANKARD**

**VOLUME 2: APPENDICES**

*f*

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APPENDIX 1

MUNICIPAL OFFICE BEARERS

1873 - 1914

1. Chairmen of the Board of Municipal Commissioners

1873	[Major William Lee]	Resigned after his election when he discovered he was not eligible for the position.
1873-1877	John Gately	
1877	Amelius Vincent	Resigned.
	Alfred Webb	Resigned.
	John Gately	
1878	John Gately	
1879	John Gately	Resigned.
	Richard Walker	
1880	Richard Walker	

2. Mayors

1881	Richard Walker	Resigned.
	John Gately	
1882	John Gately	
1883	Alfred Webb	
1884	George Brooke Attwell	
1885	Amelius Vincent	
1886	Amelius Vincent	Chair became vacant while he was absent on long-leave.
	Gustav Wetzlar	Resigned.
	Amelius Vincent	
1887	John Gately	
1888	William Fuller Lance	
1889	Gustav Wetzlar	
1890	David Rees	
1891	David Rees	Chair became vacant while he was absent on long-leave.
	Gustav Wetzlar	
1892	David Rees	
1893	David Rees	
1894	David Rees	
1895	David Rees	
1896	David Rees	
1897	William Christie Jackson	
1898	William Christie Jackson	
1899	David Rees	Resigned.
	William Christie Jackson	
1900	Arthur Oliver Lambart	
1901	Arthur Oliver Lambart	
1902	Arthur Oliver Lambart	Resigned.
	Wilhelm Medefindt	
1903	Wilhelm Medefindt	
1904	Wilhelm Medefindt	
1905	Richard Walker	
1906	Richard Walker	

1907	John Bisseker Richard Walker	Resigned.
1908	Johann August Goldschmidt	
1909	Johann August Goldschmidt	
1910	Johann August Goldschmidt	
1911	Johann August Goldschmidt	
1912	Johann August Goldschmidt	
1913	Charles Keam	
1914	Frederick Llewellyn Gregg	

### 3. Deputy Mayors

1897	John Gately	1st Deputy Mayor: April 1897.
1898	John Gately	
1899	William Christie Jackson	Elected Mayor in July.
	John Thomas Stacey	Resigned.
	Arthur Oliver Lambart	
1900	Alfred Webb	Resigned (12 June).
1901	John Bate	Resigned (5 Feb).
1902	Wilhelm Medefindt	Elected Mayor in November.
	Arthur Oliver Lambart	
1903	Henry Michael Ries	Position became vacant in August.
	William James Symons	
1904	Richard Walker	
1905	Wilhelm Medefindt	
1906	Wilhelm Medefindt	
1907	Wilhelm Medefindt	
1908	George Campbell	Resigned.
	Frederick Llewellyn Gregg	
1909	Frederick Llewellyn Gregg	
1910	Charles Keam	
1911	Charles Keam	
1912	Frederick Llewellyn Gregg	
1913	Johann August Goldschmidt	
1914	Charles John Neale	

4. Town Clerks

John Venn	September 1873 to March 1874
James Mortimer Attwell	September 1874 to 1875
Henry M Smith (Acting)	1875
George Frederick Newsam	1875 - 1882
John Pooley	1882 - 1888
William Henry Wormald	1888 - 1895
John Gilby Wiggins	1897 - 1898
Alfred Jones Raybould	1898 - 1900
Willoughby Howe (Acting)	1900
RN Moir	1900 - 1901
Lancelot Usher	1901 - 1903
Robert Edward Dowding	1903 - 1928

5. Medical Officers of Health

William Darley-Hartley	1893 - 1898
Arthur Ainslie Hudson	1898 - 1900
Edward Cuthbert Nangle (Acting)	1900
Robert John Roulston	1900 - 1913
Ernest Hill	1913 - 1927

6. Town Engineers

George Frederick Newsam	1882 - 1885
William Lloyd (Clerk of Works)	1885 - 1894
James Maden (Clerk of Works)	1895 - 1897
John Powell	1897 - 1900
WA Palliser	1901 - 1902
William Farrant (Acting)	1902 - 1903
TAG Forrester (Acting)	1903
Walter Bond	1903 - 1906
Horace Freeman (Acting)	1906 - 1907
John Powell	1907 - 1927

7. Location Inspectors

John Norton	1880 - 1882
William Lloyd	1882 - 1885
Percy Henry Potter	1890 - 1900
Charles Arthur Lloyd	1901 - 1933

**APPENDIX 2**

**EAST LONDON COUNCILLORS**

**1873 - 1914**

The East London Town Council went through three distinct phases between the years 1873 and 1914, namely the triennial board of 1873, a revised system as initiated by the Incorporation Act of 1880 and a further revision in terms of the Municipal Act of 1896.

Proclamation No. 37 of 1873 created a municipality with a Board consisting of five commissioners, three for Ward 1 (West Bank) and two for Ward 2 (East Bank), who served on a triennial basis. After three years in office, all the commissioners retired en bloc and new elections were held. These were conducted at a public meeting where nominations were called for, and the voting held by a simple show of hands. At first the Chairman was chosen for the duration of the triennial period but, in 1877, an alteration in the regulations made the chairmanship an annual office. Elections under the triennial system were held in May 1873, February 1877 and February 1880. In 1877 the number of commissioners was increased to ten, with five for each ward. [1]

The Incorporation Act of July 1880 altered the triennial system to allow for greater continuity. The Council no longer retired en bloc but individual councillors retired on the basis of one per ward per year. The number of wards was increased to three (West Bank, East Bank and Panmure), with four councillors each. In the third year, therefore, two councillors per ward retired. The elections themselves were now conducted by secret ballot and the title of Chairman of the Municipal Board was converted to that of Mayor of the Town Council. [2]

The Municipal Act of 1895 increased the number of wards to four (West Bank, Central, North End, Southernwood/Quigney), each with three councillors. The system of staggered elections was maintained but, because of the reduction of one seat per ward, a uniform triennial election could be held with one member per ward retiring each year. [3] The introduction of an extra ward meant that all councillors had to retire in February 1896 and fresh elections were therefore held.

The biographical notes which follow cannot hope to be exhaustive but attempt to highlight the most important achievements of each councillor in terms of his profession and his participation in the Council during the years 1873 to 1914, although where possible additional information has also been provided. The list is naturally restricted by the availability of information. In some cases, where the councillor was a prominent public figure, a fair amount of material is on hand but with others there is very little.

- 
1. Proclamation 37 of 1873.  
Proclamation 43 of 1876.
  2. Act 23 of 1889.
  3. Act 11 of 1895.

The relevant facts, both for the biographical notes and the subsequent lists, have been obtained mostly from a detailed scrutiny of the various East London newspaper collections and the annual Mayor's Minutes. Because of the nature of the information, it is impossible to footnote each reference. Indeed, some conclusions have been reached by pure logical deduction, as in the case of election results, e.g. if the newspaper advertised that an election would be held on a certain day but the result was announced or the nominee took his seat in the Council before that day, it can be deduced that he was elected unopposed. The date of the councillor's death was obtained in many cases by a walk through the East Bank and West Bank cemeteries, or from the Death Records in the various South African archival repositories. In many cases, the newspapers provided an obituary, in which case reference is made to it.

## 2.1 BIOGRAPHICAL DETAILS

### ARNOLD, John

John Arnold was born in Belfast, Ireland, in April 1825 and came to the Cape with the military in 1846 during the War of the Axe. He later took his discharge and set up a trading business in the Fort Grey area before moving to East London sometime in the 1860's. He bought a farm at Amalinda but made a living as a hotelier, being at various times the owner of the Boarding Establishment and the Commercial Hotel on the West Bank, and the Railway Hotel on the East Bank.

In May 1873 he was elected to the first Municipal Board as a representative for Ward 1 but resigned in August 1874 without serving a full term.

Arnold died on 27 August 1905 at the age of 80, and was buried at East London.

*(For Arnold's death notice, see CA, MDCC 6/9/531, No 2729. See also Dispatch 29.8.1905 for his obituary.)*

### ATTWELL, George Brooke

George Attwell was born in Grahamstown in 1841. After a poor education, he began work at the age of 14 as a clerk and soon moved to the staff of the Graham's Town Journal as a reporter. In 1865 he was appointed manager of the King William's Town Gazette and in 1871 became proprietor of the Diamond News and Griqualand Government Gazette.

Attwell was nominated for both Ward 1 and Ward 2 in the election for the second Triennial Council of February 1877 but won neither seat. He became a councillor only in January 1883 when he was elected for Ward 3 to replace William Darley-Hartley. He was re-elected in February 1885 but left the Council in June the following year. He served one term as Mayor in 1884.

Attwell arrived in East London in 1875 where he established himself in business as Fergusson and Attwell, landing and shipping agents, with shares in the East London Landing and Shipping Company, of which he later became a director. He was also a partner in the firm Attwell, Webb and Company and served for a time on the committee of the Kaffrarian Steam Landing and Shipping Company. In 1876 he became 2nd Lieutenant (later Lieutenant Commanding) No 1 Company, Buffalo Volunteers and went into action in the Scaeka War. After the war he was elected chairman of the East London Landing and Shipping Company, director of the East London Fire and Marine Insurance and Trust Company and a director of the Great Stormberg Coal Company. In 1883 he was chairman of the Chamber of Commerce.

During the "Great Depression" of the 1880's, he lost a great deal of money due to the liquidation of the Great Stormberg Coal Company. His businesses collapsed and he was forced to sell his property at a loss to overcome his difficulties. He left for Cape Town in 1887 and took up work as a share broker. He joined the Town Council of Mowbray, serving as Mayor for one term.

Attwell died at Mowbray on 17 September 1923, at the age of 82.

*(For Attwell's death notice, see CA, MDCC 6/9/2514, No 2327. See also CL, MS 14 675. George Brooke Attwell: Autobiographical Notes.)*

### BARRABLE, Thomas

Thomas Barrable was born at Brompton in October 1844. On coming to South Africa, he took up the profession of carpenter, builder and undertaker, with his headquarters at Panmure. He was elected to the Municipal Board in February 1877 as a representative for Ward 1 at the start of the second Triennial Council. He participated in the

walkout of June that year but did not seek re-election. Barrable died at Molteno on 25 January 1901, at the age of 56.

*(For Barrable's death notice, see CA, MDCC 6/9/420, No 360.)*

**BATE, John Osborn**

John Bate was born in Faversham, Kent, in August 1820 and took up the architectural profession. He emigrated to South Africa in 1859, spent three years in Faversham and then moved to King William's Town where, together with CH Caldecott, he ran the Commercial Advertiser and Agricultural Gazette. He lived for a time in Grahamstown, then returned to England for 13 years before coming to East London in 1893 where he served as an architect and senior partner in the firm Bate & Jones.

He joined the Council in March 1899 when, at the age of 79, he was elected for Ward 2 in the place of

John Howard. He was re-elected unopposed in 1900 but resigned in February 1902 because of ill health. He served as Deputy Mayor in 1901.

He died on 21 July 1909 at the age of 88 and was buried at East London.

(For Bate's death notice, see CA, HOC 6/9/623, No 2867. See also Dispatch 22.7.1909 for his obituary.)

**BISSEKER, John**

John Bisseker was born in England in March 1858 and emigrated to the Cape in April 1881, staying first at Port Elizabeth and then East London. He became a wool merchant and the owner of a produce store on the Market Square. He was also a stevedore and agent for the South British Fire and Marine Insurance Company. In 1907 he became a Justice of the Peace for East London. Bisseker was deeply involved in education and was a guiding force in the establishment of the East London Technical College, serving as chairman of its Council for many years. He held the chair of the Social Welfare Association and was a member of the Hospital Board.

Bisseker was elected to the Town Council in February 1901, unseating Charles Humphrey in Ward 4. He resigned in August 1903 because of ill health but was re-elected in February 1905 for Ward 3 after Henry Ries had retired and no-one else was prepared to stand. He did not seek re-election after his retirement on rotation in 1908.

He was elected Mayor in March 1907 but at a time when three seats were vacant. Since he had gained only a single vote majority, he resigned in May at a meeting of the full Council and called for a new election. He was not re-elected.

Bisseker died at East London on 17 February 1940, at the age of 81.

(For Bisseker's death notice, see Master's Office, Cape Town, No 67813. See also Dispatch 19.2.1940 for his obituary.)

**BLAINE, George**

George Blaine was born in Kent in 1848. He emigrated to the Colony and took up residence at East London where he became the owner of a grocery store in Oxford Street.

He was elected to the Council as a representative for Ward 3 in February 1875 in the place of John Stacey. He resigned in February 1876 because of a dispute in Council

in which he accused Councillor King of not knowing what he was talking about in terms of sanitation. The Mayor requested him to withdraw his "objectionable words", which he refused to do and addressed the Mayor as "my good fellow". The Mayor thereupon refused to chair a meeting in Blaine's presence and most of the councillors supported

him. The Council became paralysed for several weeks until Blaine tendered his resignation, but he was promptly re-elected. He retired from the Council in February 1901.

Blaine died on 1 February 1909 at the age of 60.

### BOMPAS, Frederick William

Frederick Bompas was born at Fishponds, Bristol, in June 1839, the youngest of 15 children. He arrived in South Africa in the 1860's and became a clerk in King William's Town but moved to East London where he set up the business F.W. Bompas & Company, Landing, Shipping and Forwarding Agents. He later diversified by opening hardware stores on both the East and West Banks. He also became the agent for the Scottish Imperial Insurance Company and served for a time on the Board of Directors of the East London Surf Boat Establishment. In 1876 he became a director for the Kaffrarian Steam Landing, Shipping and Forwarding Company. When the Scaeka War broke out in 1877, Bompas served as a Lieutenant and Adjutant (later Captain) in the Kaffrarian Volunteer Artillery. In 1878 he was made a Justice of the Peace for East London.

He became involved in municipal politics in January 1875 when he was elected for Ward 1 in place of John Arnold but resigned in November 1876 because he found it too inconvenient to cross the river from Panmure to

attend meetings on the West Bank. He returned to the Council in August 1881 to replace Frederick Brill, again in Ward 1, and was re-elected in February 1882. He resigned in October that year.

Bompas suffered heavily during the period of the "Great Depression" of the 1880's and his firm eventually went into liquidation in 1888, after which he left East London to start a new life in Johannesburg, and served as secretary to the Central Langlaagte Gold Mining Company.

He died in Doornfontein of a brain haemorrhage on 16 September 1904. He was 65 years of age.

*(For Bompas's death notice, see TA, MHG 5799. I am indebted to Mrs Gwinnett Bompas for some of the information on the early life of Frederick Bompas.)*

### BRILL, Frederick

Frederick Brill was born in Chelsea in 1827 and came to the Cape in 1846. He settled at East London ten years later and was first employed by William Ogilvie as a baker. He thereafter went farming in the Cove Rock area to the south-west of the port.

Brill soon became better known as a hotelier, with several hotels to his name. He built the Union Hotel on the West Bank in 1874 but sold it and retired to England in 1876. On his return to East London, he built the Central Hotel which he operated with his sons until 1881. He took over the Cambridge Hotel in 1882. After a further

stay of some twelve months in England, he returned to the West Bank and became proprietor of the Orange Grove Hotel.

Brill attempted to enter local politics in February 1877 when he was nominated for a seat in Ward 1 but was only elected in May 1879, in place of Frederick Jarvis. He was re-elected in February 1880 but resigned in July that year.

He twice sought re-election in 1883 but lost, first to Charles Nicholls and then to John Dircks. In June 1885 he became a member for Ward 2 after the seat had remained vacant for a whole year with nobody willing to serve. He

was re-elected in 1888 and 1889 but resigned in December 1891 because of serious ill-health.

Brill died on 5 January 1892, aged 64, and was buried at East London.

(For Brill's death notice, see CA, MDDC 6/9/300, No 170. See also Dispatch 9.1.1892 for his obituary.)

### CAMPBELL, George

George Campbell was born in Sterling, Scotland, in January 1860. He arrived at East London in 1880 and began work as a railway ganger. He attempted to go into private business as a contractor for railway construction, then became a forester working for the Forestry Department at Frankfort Hill but was eventually forced by the government to take up his farm holding at Toise River under his immigration grant. That he found impossible to work profitably and again went into railway contracting.

Campbell eventually ended up at Cathcart where he opened a general dealer's store, butchery and bakery, and also became editor of the Farmer's Chronicle. He retired at the age of 40 and, after his first return to Scotland since his emigration, he settled at East London in 1902 and for a time ran a sweet factory. When the Great War broke out, he served as Recruitment Officer, at the rank of Captain.

He entered into local politics in February 1906 when he was elected for Ward 1 in place of William Boulden but resigned in May 1908 on account of his departure for Europe. He was elected Deputy Mayor in March 1908 but was forced to resign that post as well. He later returned to the Council and served until his death.

He died on 3 August 1932 at the age of 72, and was buried at East London.

(For Campbell's death notice, see Master's Office, Cape Town, No 34846. See also Dispatch 4.8.1932 for his obituary.)

### CARROLL, Major Edward John

Major Carroll was born in Ireland in May 1856. He joined the 3rd Volunteer Corps of the South Staffordshire Regiment in 1875 where he remained until 1881 when he retired at the rank of Orderly-Room Sergeant. He thereupon emigrated to the Cape and joined the Kaffrarian Rifles on the formation of that regiment in 1883, with the rank of Captain. He was to become its Commanding Officer after the retirement of Colonel Rowland Bettington in 1888.

Carroll established a landing and shipping company at East London under the title E.J. Carroll and Company. For a time he was the chairman of the United Boating Company and of the East London Boating Company. He was a Free Mason and became a Past Master of the Buffalo Lodge and Past District Grand Warden of the Eastern District.

He joined the Council in October 1891 as a member for Ward 2 in the place of David Rees and was re-elected in February 1894. His seat fell vacant that year when he journeyed to England on long-leave but he was re-elected on his return, and again in 1896. He was defeated in 1897 by John Howard.

Carroll died on 21 September 1899 at the age of 43.

(For Carroll's death notice, see CA, MDDC 6/9/393, No 2591. See also Dispatch 22.9.1899 for his obituary.)

### CHRISTIAN, George Bellamy

George Christian was born in Cape Town in April 1830. He settled in King William's Town where he established a large business known as GB Christian and Company, general merchant and shipping agent, with an agency in East London. He was also the agent for the Union Company. In 1861 he was appointed Justice of the Peace for British Kaffraria and in 1868 became Justice of the Peace for King William's Town.

When it became inconvenient to live so far from the port, he moved to East London. He served for a time as chairman of the Kaffrarian Steam Landing, Shipping and Forwarding Company and in 1876 became one of that firm's directors. In 1872 he was appointed a director of the

East London Landing and Shipping Company. He also owned a shop which specialised in the sale of blasting equipment.

Christian entered the Council in February 1900 when, at the age of 70, he was elected in Ward 4 to replace Hermann Malcomess but he resigned his post immediately without actually taking his seat.

He died on 24 June 1905, at the age of 75, and was buried at East London.

(For Christian's death notice, see CA, MOOC 6/9/526, No 2029. See also Dispatch 26.6.1905 for his obituary.)

### CHRISTOPHERSON, Herbert

Herbert Christopherson was born in Blackheath, London, in December 1848 and became an accountant in partnership with Shaw Copeland. He also had an auctioneering firm called Chesterton and Christopherson.

He was elected to the Council unopposed in June 1879 to replace John Lumsden in Ward 2 but retired on rotation in February 1880 and did not seek re-election.

He died on 3 August 1913 at the age of 65, and was buried at East London.

(For Christopherson's death notice, see CA, MOOC 6/9/723, No 2413.)

### COLMAN, Thomas Henry

Thomas Colman was a salesman who was elected unopposed for Ward 1 in August 1912 to replace Algernon Parker. He

did not seek re-election when he retired on rotation in February 1914.

### COUTTS, James

James Coutts was born in Montrose, Scotland, on 1 April 1832. He was educated in Aberdeen and then trained at a ship-building yard. He emigrated to the Cape to settle in East London sometime in the late 1850's or early 1860's, where he attempted to make a living as a ship-builder but failed. He then went into the commercial world as a general merchant, as well as a landing and forwarding agent. He was also a wool presser and owned a

large wool store in Cambridge Street. In 1885 he became a Justice of the Peace for East London.

Coutts served for a time on the committee of the Kaffrarian Steam Landing and Shipping Company, and acted as chairman to that firm in 1876. He later became chairman of the Board of Directors. He was also at one time chairman of the Board of the East London Landing and

Shipping Company and of the Mutual Benefit Building Society.

He was elected to the Council unopposed in April 1877 to replace Dr Duminy in Ward 1 but participated in the walkout of June that year and did not stand for re-election. He re-entered local politics in June 1878 and thereafter served spells in the Council as a representative of Wards 1, 2 and 3.

Coutts died on 9 September 1888, at the age of 56, after a sudden illness while still a member of the Council. He was buried at East London.

(For Coutts's death notice, see CA, MDDC 6/9/260, No 1628. See also Dispatch 12.9.1888 for his obituary.)

### CRAGG, Marshall

Marshall Cragg was born in 1870 in Patterson, New Jersey. He arrived in the Cape Colony in 1900 and established himself at East London as a butcher and cattle dealer on the West Bank.

He was elected to the Council in April 1906 to replace Albert Harmer in Ward 1 and was then unopposed in the election of February 1907. He was not so lucky in 1910

when he lost to Dr Rubidge, lost again to Rev. Hewitt in 1913 but was re-elected by a narrow majority in 1914. He remained on the Council until 1916.

Cragg died on 7 May 1945 at the age of 75 and was buried on the West Bank.

### CURRIN, Richard

Richard Currin was born in Grahamstown in April 1846. He worked in East London as a market agent and produce merchant, later in the employ of the municipality.

He was elected unopposed for Ward 2 in February 1902 in the place of John Bate and was re-elected in 1903 and in 1906 but resigned from the Council in June that year.

He died on 19 May 1914 at the age of 68, and was buried at East London.

(For Currin's death notice, see CA, MDDC 6/9/753, No 1358.)

### DALLAS FAMILY

#### 1. John Dallas

John Dallas was born in Dunfirmline, Scotland, in 1806 and served for 21 years in the Imperial Army. He arrived in the Cape Colony in 1841, served in the War of the Axe and was then stationed in Natal. He retired from the army and joined the convict service in 1849, first as a storekeeper and postmaster, and thereafter became Superintendent of Convicts for nearly thirty years in

various parts of the Colony. When he retired in 1877, he settled at East London to live near his son, James.

John decided to become a member of the Municipal Board in April 1878, specifically to fight against the pollution of the West Bank water supply because the cemetery had

been located above its springs. He struggled in vain to have the cemetery closed but, when it was eventually resolved to create a new reservoir above the West Bank township and so provide an alternative water supply, he saw his crusade in the Council as completed and he resigned in June 1880.

He died on 1 March 1888 after a long illness, at the age of 82, and was buried at East London.

(For John Dallas's death notice, see CA, MOOC 6/9/254, No 495. See also Dispatch 10.3.1888 for his obituary.)

## 2. James Dallas

James, son of John Dallas, was born in Kent in 1831 and came to the Cape Colony as a child. He was educated in Grahamstown and Cape Town, after which he served an apprenticeship with Saul Solomon as a printer. He thereupon worked in that capacity in Grahamstown and Bloemfontein. He entered the Prison's Department in 1861 and, in 1871, became Superintendent of Convicts at East London. He also served as Justice of the Peace for East London.

lost the election to Frederick Hallett the following year when he retired on rotation. He was re-elected in May 1897 when George McKay retired and was returned unopposed in 1898 and 1901. He resigned his seat in April 1903. He also served for a time on the East London Divisional Council.

He died on 9 October 1917 at the age of 86, and was buried at East London.

Once he had retired in 1896, he followed in his father's footsteps by entering municipal politics, to be elected councillor for Ward 1 in February that year but

(For James Dallas's death notice, see CA, MOOC 6/9/1003, No 3771. See also Dispatch 11.10.1917 for his obituary.)

## 3. Alexander Peters Dallas

Alexander, the youngest son of James Dallas, was born in October 1881 and educated at Pastor Muller's Public School in East London, thereafter at Dale College. Unlike his father and grandfather, he decided to become an attorney. He was articled to the firm Lance and Wakefield and qualified in 1907. He thereupon became an attorney, notary public and conveyancer in the firm Dallas and Lewis in East London. He was also agent for the Yorkshire Insurance Company and a member of the East London Divisional Council.

however, because of his continued absence through ill-health. He attempted to re-enter the Council in February 1914 but lost narrowly to Marshall Cragg. He won a seat again in 1916 and remained a member until 1921.

He died after a long and painful illness on 27 July 1950, at the age of 68, and was buried at East London.

(For Alexander Dallas's death notice, see Master's Office, Cape Town, No 4202/50. See also Dispatch 28.7.1950 for his obituary.)

He was the third of the Dallas family to go into local politics when he was elected for Ward 1 in February 1908 in the place of John Wiggins and re-elected unopposed in 1911. His seat became vacant in December that year,

### DARLEY-HARTLEY, William

Dr Darley-Hartley was born in Sheffield in 1855, studied medicine at Guy's Hospital in London and settled in the Colony in 1878 as a Civil Surgeon, where he was placed in charge of the Station Hospital at East London. When the 9th Frontier War broke out in 1878, he joined the forces at the rank of Surgeon-Captain. He subsequently participated in the Zulu Campaign of 1879, served as Surgeon-Captain in the Kaffrarian Rifles during the Langeberg Campaign and was a civil surgeon in the Boer War.

Darley-Hartley settled at East London in 1879 where he established a private practice and did much work for the municipality during the smallpox epidemic of 1884. He then became interested in local politics and was elected to the Council in February 1882 to represent Ward 3 in the place of James Georgeson but resigned in December that year.

He decided to move to Cathcart in October 1884 during the "Great Depression" and there established a number of journals, including the Farmer's Chronicle and The South African Freemason. (He had already gained experience of journalism during his medical training when he served as editor of Guy's Hospital Gazette.) He returned to East London in September 1888 and resumed his medical

practice while continuing to publish Freemason and started the South African Medical Journal in January 1884 as a private venture. He also published the Frontier Standard from its inception in January 1890 until May that year as part of the firm Vincent and Company.

In 1893 Dr Darley-Hartley was appointed by the Council as its first Medical Officer of Health during which time he initiated a crusade to improve East London's sanitary conditions. He retained that post until April 1898 when he moved to Cape Town and established himself as a physician. In September that year he became a member of the Royal College of Physicians. In 1903 he founded the South African Medical Record and in 1927 became president of the Colonial Medical Council.

He died in Rondebosch in 1934 at the age of 79.

*(For Dr Darley-Hartley's death notice, see Master's Office, Cape Town, No 40595. For further information, see C Blumberg, The Provision of Medical Literature and Information in the Cape, 1827-1973, (Unisa, MBib, 1974), p 267 and CJ Beyers (ed), Dictionary of South African Biography, Vol IV, pp 101-102.)*

### DAVIDSON, David

David Davidson owned a shop in Oxford Street which specialised in fancy goods, toys, clothing and drapery. It went into liquidation in January 1904, after which he established himself as an auctioneer and estate agent.

Davidson attempted to enter the Council in February 1914 but lost by two votes to Frederick Gregg in

Ward 2. His further attempt in March that year was successful when he was returned unopposed after Thomas Kirk's seat was declared vacant, but served for only a few months.

### DIRCKS, Johann Friederich Wilhelm (John)

John Dircks was born in Hamburg, Germany, on 19 August 1848. He worked for the firm Malcher and Malcomess (later Malcomess and Company) in East London and was the Vice-Consul for Germany in 1889.

Dircks was elected for Ward 2 in June 1883 to replace Edward Walters but retired in February 1884 and was not re-elected.

He died on 2 January 1924 at the age of 75 and was buried at East London.

(For Dircks' death notice, see CA, MOOC 6/9/2563, No 3306.)

### DOWELL, Captain Charles John

Captain Dowell was the Captain Commanding the Kaffrarian Artillery Volunteer Corps. He was also the owner of the Marine Hotel which he bought in 1876.

Dowell attempted to gain a seat in the Council in April 1876 when he stood in Ward 2 but was defeated by

Gustav Wetzlar. He was successful the following year when he was elected in Ward 1 at the start of the second Triennial Council. He participated in the walk-out of June that year and was immediately re-elected but his seat fell vacant in May 1878.

### DUMINY, Benjamin Francis

Dr Duminy was born in 1840. He became a medical practitioner at East London and entered the Council for a brief period in February 1877 when he was elected for Ward 1 at the start of the second Triennial Council. He resigned in April that year and did not seek re-election.

Duminy left East London in the mid-1880's and settled at Dordrecht where he became a member of the Wodehouse Divisional Council. He died at Dordrecht on 26 April 1892 at the age of 52, after a long illness.

(See Dispatch 7.5.1892 for Duminy's obituary.)

### EIRWOOD, George

George Eirwood was born in Limerick, Ireland, in September 1836 and came to the Cape Colony as a young man, where he made a living as a saddler and harness maker.

He was elected to the first Municipal Board in May 1873 to represent Ward 1 but resigned at the end of that year to move to King William's Town.

Eirwood died on 7 March 1922 at King William's Town, at the age of 85.

(For Eirwood's death notice, see CA, MOOC 6/9/2265, No 752. See also Dispatch 10.3.1922 for his obituary.)

**ELLIS, Henry John**

Henry Ellis was a partner in the firm Coutts and Ellis, later H Ellis and Company, general merchants.

He was elected to Ward 2 in April 1907 to replace William Symons but did not seek re-election when he retired on rotation in February 1909.

**ELTON, Edmund Hallam**

Edmund Elton was born in Taunton, Somerset, in 1860 and arrived in the Colony in 1880. He established the firm E.H. Elton & Company, landing and forwarding agents, and in October 1900 expanded his concern by taking over the electrical business of Reunert and Leinz. He was therefore one of the first electricians at East London. His firm was also the agency for the Expanded Metal Company. He served as chairman of the East London Mutual Building Society and of the Seaman's Institute, a branch of the Mission to Seamen.

Elton was elected as a member for Ward 4 in February 1896 and re-elected unopposed in 1898 but his

seat was declared vacant in June the following year. He stood again in July 1900 against Charles Humphrey but the election was declared null and void because neither man had paid his rates. He lost the re-election in August.

He died of acute pleuro-pneumonia on 30 July 1925 in Cape Town, at the age of 65.

(For Elton's death notice, see CA, MOOC 6/9/2830, No 8646.)

**FULLER, William Henry**

William Fuller was born in Melksham, Wiltshire, in July 1858 and came to the Cape in 1864. He was educated at the South African College in Cape Town, after which he studied at the London University College. Thereafter he returned to the Cape when he became involved in the commercial world in Port Elizabeth and then East London, where he was made the director of Dyer and Dyer Limited. He was for several years director of the East London Boating Company and chairman of the Chamber of Commerce. He served on the Harbour Board and represented the Union Steamship Company at East London. During the Boer War he became Lieutenant Colonel commanding the Town Guard. He also served as consular agent for the United States.

Fuller was elected to the Municipal Board to represent Ward 2 in February 1877, at the age of 19, but resigned his seat in December the following year.

He died on 23 April 1937 at the age of 78, and was buried at East London.

(For Fuller's death notice, see Master's Office, Cape Town, No 54450. See Dispatch 24.4.1937 for his obituary. See also Prominent Men of the Cape Colony, 1902, p 125.)

## GATELY, John

John Gately was born in Roscommon, Ireland, in 1829 and came to the Cape Colony as a soldier of the 60th Rifles in 1851. After he had been discharged from the army in 1857, he took up residence in King William's Town and then moved to East London in about 1862 where he initially chose to live on the West Bank. He became an agent for several companies, including Cawoods of Cape Town, Whitcher and Dyer and the Union Shipping Company. He also established himself independently as a shipping agent and served at various times as an auctioneer. In 1875 he became Managing Director of the East London Landing and Shipping Company. He served as Justice of the Peace for the East London Division and was on the Board of Directors of the East London Landing and Shipping Company from 1873 to 1875, sometimes acting as chairman of the Board. In December 1893 he became a member of the first Harbour Board.

Soon after he had settled at East London, Gately began campaigning for the creation of better community conditions. Initially that took the form of petitioning the Resident Magistrate, who governed the town, for a cleaning up of the local water supply but in December 1872 he took up the fight for the establishment of a municipality. In January 1873 he was elected chairman of a committee to draft the municipal regulations and in May he was voted on to the first Municipal Board to represent the West Bank.

The Chairman of the Board, Major William Lee, resigned three weeks after the election, probably because he did not own immovable property within the municipality and was therefore ineligible for the position. Gately became Acting-Chairman until August 1873 when he was formally voted to the chair. Because of the technicality over Major Lee's qualifications, Gately was arguably the first legal Chairman of the Municipal Board.

He remained Chairman for the full duration of the first Triennial Council but, because of business commitments, did not stand for re-election to the second Council in February 1877. It was probably due to the shambles that occurred in the Council during that year, with the East Bank attempting to foster its own interests and the West Bank striving to gain municipal independence, that Gately re-entered municipal politics. He used the resignation of William Fuller to win the seat for Ward 2 in December 1877 and Gustav Wetzlar, the Acting-Chairman, immediately stepped down so that Gately could take the chair. He was re-elected Chairman in February 1878 and

again in February 1879 but resigned his seat in May that year.

Gately's second absence from the Council was once again of short duration. In February 1880, during the elections for the third Triennial Council, he was nominated for both wards and was elected to serve Ward 2. He was re-elected in February 1881, 1883 and 1886 but in June that year he found it expedient to resign his seat so as to change wards and in August returned to the Council as a member for Ward 3. He remained in the Council without any further break until February 1899 when he had to retire on rotation and decided that he was too old to continue. He had served the municipality for almost 26 years.

Apart from being Chairman of the Triennial Councils from 1873 to 1877 and again in 1878 and 1879, Gately served three terms as Mayor. His first election was brief. He took over from Richard Walker in December 1881 and was then elected in 1882 and again in 1887. Gately also had the distinction of becoming East London's first Deputy Mayor when the office was created in April 1897 and served again in that capacity from March 1898 until his retirement from the Council in February 1899.

Because of his unstinted involvement in public affairs, Gately came to be seen as the virtual head of the small community and by March 1881 was already referred to as "Father of East London". He was often known simply as "Father Gately".

He lived publicly as a staunch Catholic and, until a church was built for the parish, Mass was celebrated in his house every quarter, otherwise he travelled to King William's Town each Sunday. He refused to attend the services of other religions, even in his official capacity, nor would he attend public dinners on Fridays because of the Catholic Church's prohibition on eating meat on that day. There was no fun, he said, in looking on while others feasted. He was a total abstainer from alcohol for some 50 years, after an incident during his military days.

He died on 5 August 1902 at the age of 73, and was buried at East London.

(For Gately's death notice, see CA, MDCC 6/9/457, No 2748. See *Dispatch* 6.8.1902 and 7.8.1902 for his obituary. See also CJ Beyers (ed), *Dictionary of South African Biography*, Vol III, p 319.)

**GEORGESON, James**

James Georgeson was born in Leith in January 1842 and educated in Edinburgh. He came to the Colony in 1878 and settled at East London when he became chairman of the Castle Steamship Company until his retirement in 1901. He was also a commissioner on the Harbour Board and served as a Justice of the Peace in the East London District after 1895.

He was elected for Ward 3 in February 1881 after the Incorporation Act of 1880 had created the new ward. He was re-elected in 1882 but as a member for Ward 2 in the

place of Edward Walters. He did not seek re-election when he retired on rotation in February 1885.

Georgeson died on 22 April 1905 at the age of 63, and was buried at East London.

*(For Georgeson's death notice, see CA, MDOC 6/9/522, No 1355. See Dispatch 26.4.1905 for his obituary. See also Prominent Men of the Cape Colony, 1902, p 137.)*

**GIERKE, Carl**

Carl Gierke was born in 1861 at Fort Jackson. He became a building contractor and, as such, was involved in the construction of the Town Hall. He was elected for

Ward 3 in March 1904 in the place of William Searle but retired on rotation in February 1906 and did not seek re-election.

**GOLDSCHMIDT, Johann August**

Johann Goldschmidt was born in King William's Town in 1867. He took up the plumbing profession and established the firm JA Goldschmidt of Union Street, manufacturers of tin, zinc and iron ware. In 1908 he became a Justice of the Peace for East London. He was a keen sportsman and represented East London at rugby football on several occasions.

He was elected to the Council as a member for Ward 3 in February 1901 in the place of George Blaine and was re-elected unopposed in February 1904, 1907, 1910 and 1913. He served five terms as Mayor from 1908 until 1913 and one as Deputy Mayor in 1913.

When the Great War broke out, Goldschmidt decided to join the campaign and fought in East Africa but the activity broke his health. On his return to East London, he was forced to give up his business and retired to a farm on the west bank, where he eventually suffered a stroke.

Goldschmidt died on 15 July 1923, at the age of 56, and was buried at East London.

*(For Goldschmidt's death notice, see CA, MDOC 6/9/2528, No 2613. See also Dispatch 16.7.1923 for his obituary.)*

### GOODWIN, Thomas William

Thomas Goodwin was born in Manchester in July 1850. He emigrated to the Cape Colony as a young man and became proprietor and editor of the East London Dispatch in June 1874, while in November 1876 went into partnership with William Lance to create the firm Lance, Goodwin and Company, owners of the Dispatch, stationers and booksellers. The partnership was dissolved in June 1877 when Lance continued the business alone. In 1879 Goodwin founded the East London Advertiser, gave up the enterprise in 1885 but resumed control in April 1888. Publication ceased in May that year, however, and the entire plant was transferred to Johannesburg. Goodwin himself moved to

Germiston where he worked as an assistant storekeeper on the New Primrose Mine.

He was elected to the East London Council in February 1885 to represent Ward 3 in the place of Richard Masters but resigned his seat in September that same year.

He died while on duty on 2 April 1903, at the age of 52.

*(For Goodwin's death notice, see TA, MHG 3087. See also The Star 3.4.1903.)*

### GOULDEN, William

William Goulden was born in Lancashire in March 1850 and came to the Cape Colony as a young man. He worked for a time in the service of the Cape Government Railways before branching out on his own as a produce merchant at East London. He became a Justice of the Peace at the port in 1905 but eventually settled down as a farmer at Egerton Park.

Goulden attempted to enter municipal politics in February 1901 when he opposed Arthur Lambart in Ward 2 but his name had become linked to Hermann Malcoess, a German merchant who had become unpopular because of his public declaration of neutrality during the Boer War. It is possible that that militated against him and he lost the

election by a narrow margin. He stood the following year against John Wiggins and again lost but eventually won the support of the townsmen and managed to defeat Frederick Hallett in Ward 1 in February 1903. He served only one term as councillor before he retired on rotation in February 1906 and did not seek re-election.

Goulden died at his farm on 10 May 1932, at the age of 82.

*(For Goulden's death notice, see Master's Office, Cape Town, No. 33966. See also Dispatch 12.5.1932 for his obituary.)*

### GRANDIN, Philip

Philip Grandin was born on the Channel Islands in February 1835. He emigrated to the Cape Colony where he became a carpenter and joiner, as well as a shipwright and boat-builder, with his business on the West Bank near the upper jetty. He then joined the staff of Dyer and Dyer where he worked for some 30 years. He served for a time as secretary to the Panmure Club and was a Free Mason, being one of the founders of the Concordia Lodge. Shortly

before his death he was given rank in the District Grand Lodge.

Grandin was elected to the Council for Ward 1 in February 1885 in the place of Henry Wood and was re-elected in 1888 and 1891. He left the Council briefly in 1891 when his seat was declared vacant but he was re-elected in October that year. When he retired on

rotation in February 1894, he lost the election to Frederick Hallett and so ended a period of some ten years in the Council. He made one more attempt to enter the Council in May 1897 when George McKay resigned but he lost the election to James Dallas.

He died on 2 September 1898, at the age of 63, and was buried at East London.

(For Grandin's death notice, see CA, MDC 6/9/380, No 2687.)

## GREGG FAMILY

### 1. Edwin Gregg

Edwin Gregg was born at Tredegar, Wales, in 1848. He emigrated to the Cape Colony in 1881 and established himself as a butcher in the firm Smith and Gregg in Oxford Street.

Gregg died on 30 December 1904 while at Weston-Super-Mare, at the age of 56 but, in keeping with his last wish, his body was returned to East London where he was buried in February that year.

He entered the Council in May 1903 in the place of Arthur Lambart in Ward 2 but did not stand for re-election when he retired on rotation in February 1904 because he was shortly due to leave for England.

(For Edwin Gregg's death notice, see CA, MDC 6/9/525, No 1767.)

### 2. Frederick Llewellyn Gregg

Frederick, son of Edwin Gregg, was born in Tredegar, Wales, in 1881. He came to South Africa in 1882, settling in King William's Town and later at East London. He became a gentleman's outfitter and later started his own business as an exporter. He was also on the Board of Directors of the Beach Pavilion Company and served for a time as honorary secretary for the East London Institute. In 1929 he represented East London on the Provincial Council.

on the Council until September 1916. He served three terms as Deputy Mayor in 1908, 1909 and 1912 and was elected Mayor in February 1914, an office he would hold until September 1916.

Gregg was elected unopposed for Ward 2 in November 1906 in the place of Edward Hartley and was re-elected in 1908, 1911 and 1914, although at the latter election he gained only a two vote majority over David Davidson but remained

Gregg died of a heart attack in Cape Town on 14 August 1961, at the age of 80, and was buried at East London.

(For Frederick Gregg's death notice, see Master's Office, Cape Town, No 3452/61. See also Dispatch 15.8.1961 for his obituary.)

## GRIFFITH, Colonel Charles Duncan

Charles Griffith was born in Grahamstown in September 1830 and was educated both there and in Cape Town. He found himself involved in the War of the Axe as a Lieutenant in the Hottentot Levy. By 1848 he was

a member of the Frontier Police where he commanded the Second Division which was stationed at Queenstown and became Captain during the Mlanjeni War.

After the war, Griffith settled into more civic occupations, becoming Civil Commissioner and Magistrate of the District of Albert in 1858 and of Queenstown from 1859 to 1868. In 1871 he was appointed the High Commissioner's Agent in Basutoland until 1877 when he again found himself in service at the command of the Frontier Armed Mounted Police. He thereupon fought in the Gcaleka War, with the rank of Colonel in the Cape Mounted Guards. He later became Commandant-General of the Colonial Forces but when the war ended, he returned to Basutoland until his retirement in 1881 when he moved to East London. Once there, Griffith became involved in commercial activities and for a time served as commissioner on the Harbour Board. In 1888 he was elected to Parliament for the Tembuland constituency.

He became involved in local politics in November 1886 when he was elected to the Council to represent Ward 1 in

the place of Richard Walker but resigned the seat in December because it was discovered that his rates were unpaid and his election was therefore "irregular". He was immediately re-elected. He resigned in June 1889 to move to Cape Town but, on his return to East London, was re-elected to the Council in January 1895 in the place of Francis Kelland. He lost the elections of February 1896.

Griffith died on 17 October 1906, at the age of 76, and was buried at East London.

(For Griffith's death notice, see CA, MOOC 6/9/559, No 3429. See Dispatch 19.10.1906, 20.10.1906 and 22.10.1906 for his obituary. See also CJ Beyer (ed), Dictionary of South African Biography, Vol II, pp 276-277.)

### HALLETT, Frederick Joseph

Frederick Hallett was born in Topsham, Devonshire in 1845. He arrived quite accidentally at East London in 1872 when the ship Refuge, of which he was 1st Mate, was wrecked on the eastern bank and he was forced to start life from scratch in a strange town. He took up residence on the West Bank, spent some years farming, then entered the stevedoring business, to become later a shareholder in the East London Stevedoring Company. He served in the Gcaleka War and in 1899 became a Major and Commandant of the East London Town Guard. He was also commodore of the East London Yachting Club.

Hallett was one of the few councillors who desired to serve on the Council but struggled to win elections. He entered the Council in March 1894 when he unseated

Phillip Grandin in Ward 1 but failed to gain re-election in February 1896. He defeated James Dallas in February 1897, was elected unopposed in February 1900 but lost to William Goulden in February 1903. He was returned unopposed for Ward 1 in May that year after James Dallas had resigned but lost again in February 1904. His two further attempts to re-enter the Council in February 1905 and 1908 both failed.

Hallett died on 15 August 1909 at the age of 64 and was buried at East London.

(For Hallett's death notice, see CA, MOOC 6/9/628, No 3430. See also Dispatch 16.8.1909 for his obituary.)

### HARMER, Albert Edward

Albert Harmer was born in Grahamstown in April 1873. He studied to become an accountant and at one time was the proprietor of the Commercial Hotel in East London.

He was elected for Ward 1 in August 1905 to replace Alexander Jackson but his seat was declared vacant in March 1906.

Harmer then moved to Idutywa in the Transkei where he died of angina on 18 July 1935, at the age of 62.

(For Harmer's death notice, see Master's Office, Cape Town, No 46727.)

### HARTLEY, Edward Paxton

Edward Hartley was born on 16 October 1859. He had diversified business interests. He was a market agent and started his firm E.P. Hartley & Company on the Market Square which sold market produce and wool. He was also a landing, shipping and forwarding agent, and a cartage contractor. For a time served as the municipal Market Master.

Hartley entered the Council in May 1904 when he was elected for Ward 2 in the place of William Symons. He was re-elected in February 1905 but resigned in October 1906 because of ill health.

He died on 2 October 1941 at the age of 82, and was buried at East London.

### HAWKINS, James Humphrey

James Hawkins was born in New Brompton, Chatham, on 2 February 1845. He became a carpenter, joiner and undertaker.

Basutoland. He later moved to Kimberley where he worked for De Beers Mines.

He entered the Council as a representative for Ward 1 in February 1880, but served only a few months before resigning in December because military duties took him to

Hawkins died in Johannesburg on 3 December 1921, at the age of 76, and was buried at East London.

(For Hawkins' death notice, see TA, M46 48122.)

### HEWITT, Henry Alexander Chichele (Polly)

Reverend Hewitt was born on 14 February 1878 in Riversdale. His father was a clergyman and was too poor to afford a good education for his son but a wealthy uncle came to the rescue and sent his nephew to Keble College, Oxford, where he was awarded a Master's Degree. He thereafter went to Ely Theological College and was ordained at Ascot. At first he joined a celibate order (Cowley Fathers) but, on returning to South Africa in 1905 to be at the side of his ailing father, he found himself unable to rejoin the order and he later married.

April the following year when he found that his ministerial duties were demanding too much of his time.

Hewitt served at Graaf Reinet and Tarkastad before being transferred to East London in October 1911, where he became Rector of St Peter's Church on the West Bank, a post he held for 27 years. He also became the principal of the West Bank High School from 1928 until 1938. He was elected to the Town Council to represent Ward 1 in February 1913 after Dr Rubidge had retired but resigned in

He eventually left East London to take up duties in Grahamstown as the warden of the Community of the Resurrection, where he was rector from 1940 to 1948. He later became Archdeacon of King William's Town until his retirement in 1956, after which he proceeded first to Pretoria and then Johannesburg where he continued preaching even at the age of 89. He eventually died at Johannesburg in August 1973, at the age of 95.

(For Rev. Hewitt's death notice, see *Master's Office, Pretoria*, No 8712/73. See *Dispatch* 4 August 1973 for his obituary. I am also indebted to Hewitt's grandson, Rev Tich Hewitt, for much of the information contained here.)

### HOWARD, John Edward Percy

John Howard was born in King William's Town in August 1864. Once his education was over, he moved to the Witwatersrand and then to East London where he became a partner in the firm Howard & Perks, auctioneers, brokers, conveyancers, as well as landing and shipping agents. He later started his own firm called Percy Howard's Sales. He was also a member of the Hospital Board and became chairman of the East London branch of the Unionist Party.

Howard joined the Council in February 1897 after unseating Major Carroll in Ward 2. He resigned for

business reasons in February 1899 but was returned unopposed in February 1909 to replace Henry Ellis. He was re-elected in 1912 and 1914, and remained in the Council until 1916.

He died on 11 February 1916 at the age of 51, and was buried at East London.

(For Howard's death notice, see CA, MOOC 6/9/814, No 528. See also Dispatch 12.2.1916 for his obituary.)

### HUMPHREY, Charles Kennedy

Charles Humphrey was born in Port Elizabeth in 1849 and moved to East London in 1896 where he established himself as a forwarding and commission agent with his office in Cambridge Street. He was also an accountant and auditor, wool merchant, estate agent and Manager of the London and Lancashire Life Assurance Company. For a time he was the Market Master at East London. During the Boer War he served with the East London District Mounted Troops and in 1907 became a Justice of the Peace for the town.

Humphrey entered the Council in February 1896 as a representative for Ward 4 but resigned in October that year. He stood against Edmund Elton in July 1900 after Alfred Webb had resigned but the election was declared

null and void because neither of the candidates had paid his rates. He won the re-election in August but was unseated by John Bisseker in February 1901. He won back Bisseker's seat in August 1903 and was re-elected unopposed in February 1904 and 1907 but resigned soon thereafter.

Humphrey died on 16 February 1921 at the age of 72, and was buried at East London.

(For Humphrey's death notice, see CA, MOOC 6/9/1926, No 544. See also Dispatch 17.2.1921 for his obituary.)

## JACKSON FAMILY

### 1. Captain William Christie Jackson

William Jackson was born in Liman Bank, Foffarshire in November 1833 and emigrated to the Cape Colony as a young man. He entered the Government Service in Cape Town where he became a Master Mariner and Assistant Port Captain. He was later transferred as Port Captain to Knysna and later to East London. He soon diversified his interests by entering the maritime trade, with two coasters to his name which sailed between Cape Town and East London. He also became superintendent of the East London Boating Company.

He served for a time as the Vice-Consul for Norway and Sweden.

He entered the Council in December 1892 as a representative for Ward 1 in the place of Gustav Wetzlar and was re-elected in February 1893 and again in 1896. Although by February 1899 he was already a very sick man, Jackson was returned to the Council unopposed but was forced to resign his seat in March the following year.

He served two terms as Mayor in 1897 and 1898 and was re-elected in July 1899 after David Rees had resigned. He became Deputy Mayor in February 1899 and served for six months until promoted to Mayor.

He died on 18 April 1900 at the age of 66, and was buried at East London.

(For William Jackson's death notice, see CA, MDOC 6/9/402, No 1714. See also Dispatch 20.4.1900 and 21.4.1900 for his obituary.)

## 2. Alexander David ("Sandy") Jackson

Sandy, son of Captain William Christie Jackson, was born in Cape Town in November 1872 and came to East London as a child. He became a partner in the firm Neale, Jackson and Company, stevedores, contractors and marine surveyors and later was the senior partner in AD Jackson and Son, stevedores. In 1907 Sandy Jackson was the owner of a motorcar which had the registration CE 1. His was therefore probably the first car to be registered at East London.

He was elected to the Council in February 1904 in place of Frederick Hallett but his seat was declared vacant in June 1905 because of his absence while on long leave.

He died on 1 March 1929 at the age of 56, and was buried at East London.

(For Alexander Jackson's death notice, see Master's Office, Cape Town, No 21900. See also Dispatch 2.3.1928 and 5.3.1929 for his obituary.)

## JARVIS, Frederick Joly

Frederick Jarvis was born in Port Elizabeth in August 1848. He settled at East London where he worked for the firm FW Bompas and Company.

He became a councillor to represent Ward 1 in February 1877 at the start of the second Triennial Council and thereupon began a regular procession in and out of the Council. He resigned in March 1878, was re-elected in September that year to replace Henry Smith, resigned in April 1879 but replaced Alfred Webb in Ward 2 in June 1880. That was his shortest spell as councillor for he resigned immediately and looked for a seat in Ward 1

which he gained in December by a majority of two votes to one. He was not re-elected when he retired on rotation in February 1881 but returned to the Council in July 1884 in the place of Charles Viall. He resigned permanently in 1885.

Jarvis eventually retired to Cambridge where he died on 15 April 1916 after having been paralysed for eight years. He was then 67 years of age.

(For Jarvis's death notice, see CA, MDOC 6/9/820, No 1050.)

**KEAM, Charles**

Charles Keam was born at St Blazey, Cornwall, in February 1875 and educated at the Training College, Westminster and Weston College, St Austell. He moved to London in 1897 and came to South Africa during the Boer War as a member of the Royal Engineers, but in a civil capacity. After the war he settled at East London where he took over the management of Mesche and McLelland's, but started his own building and contracting firm, Keam and Polnear in 1903. He was responsible for the formation of the East London Master Builders Association, of which he was four times president, and was a founder member of the National Federation of Building Trade Employers of South Africa. In 1913 became a Justice of the Peace for East London.

Keam was elected unopposed for Ward 4 to replace Isaac Mackenzie in the elections of February 1909. He was re-elected unopposed in February 1912 after retiring on rotation. He served two terms as Deputy Mayor in 1910 and 1911 and was elected Mayor in 1913. He remained on the Council until 1917.

Keam died of heart failure on 7 November 1920, at the age of 44, and was buried at East London.

(For Keam's death notice, see CA, MOOC 6/9/1840, No 3625. See also Dispatch 10.11.1920 for his obituary.)

**KELLAND, Francis Arthur**

Francis Kelland was born at Dartmouth in 1857. He settled at East London where he became an interior decorator and was a partner in the firm Kelland and Booth, coach painters, trimmers, sign-writers and general decorators. The firm was established in 1880 with its offices in Union Street and St Paul's Road, and later in High Street on the West Bank and Buffalo Street on the East Bank. He was noted for his work on the decoration of the Masonic Temple. He was a Free Mason and became a Past Grand Master of the Buffalo Lodge.

re-elected in February 1890 and 1893 but resigned in January 1895 for business reasons.

He was eventually forced to leave East London on account of ill-health and died of consumption on 22 August 1898, at the age of 41.

(For Kelland's death notice, see CA, MOOC 6/9/380, No 2579. See also Dispatch 23.8.1898 for his obituary.)

Kelland was elected to the Council in August 1889 to represent Ward 1 in the place of Colonel Griffith. He was

**KING, Thomas Alfred**

Thomas King was born in Grahamstown on 9 January 1834. He was originally a sheep farmer who became a Member of Parliament for Victoria East in the first parliament under Responsible Government. He also served for a time as a magistrate in the Transkei. In 1887 he moved to Johannesburg where he opened a share and mine property business but eventually retired to East London in 1890.

King died on 4 April 1899, after a long illness, while still a councillor, and was buried at East London. He was then 65 years of age.

(For King's death notice, see CA, MOOC 6/9/387, No 1049. See also Dispatch 4.4.1899 for his obituary.)

He entered municipal politics in May 1892 when he replaced Henry Willetts in Ward 3. He was re-elected in February 1896 and again in 1897.

**KIRK, Thomas**

Thomas Kirk was born in Halifax, Yorkshire, in November 1863 and came to South Africa in about 1893. He was a miller by profession and eventually became the manager of the Buffalo Milling Company.

He defeated Samuel Larter in Ward 2 in the Council elections of February 1910. He was re-elected unopposed in February 1913 but his seat fell vacant in March 1914 after he had had a stroke which paralysed him.

Kirk died on 2 December 1919 at the age of 56, and was buried at East London.

(For Kirk's death notice, see CA, MDOC 6/9/1606, No 5100. See also Dispatch 5.12.1919 for his obituary.)

**KRÖGER, Hermann**

Hermann Kröger was in partnership with Wilhelm Wiedemann in the firm Hermann Kröger & Company, general merchants, which went bankrupt in 1885 and he probably left East London to seek a living elsewhere.

He was nominated for a seat in Ward 2 in the elections of February 1880 but only received three votes. He was

elected for Ward 3 in February 1881 but resigned in August that year. He re-joined the Council in January 1882 in the place of George Ulyate but was not re-elected after he had retired on rotation in February 1884.

**LAMBART, Arthur Oliver**

Arthur Lambart was born in Hampton Court, Middlesex, in 1854. He emigrated to the Cape and settled in King William's Town in 1875 and worked for the merchandizing firm of Dreyfus & Co. He then started his own business as a commercial broker. In about 1883 he migrated to East London where he started the firm Lambart and Tremeeer, brokers and landing, shipping and forwarding agents. He was also at various times secretary to the Agricultural Society of East London and to the Chamber of Commerce. For a period of five years he was president to the Border Rugby Union.

Lambart was elected to the Council in March 1893 as a representative for Ward 2 in place of Albert Lehmann. John Gately attempted to block his election on the grounds that he was an "unrehabilitated insolvent" but failed because the regulations referred only to a councillor who became insolvent while in office. In February 1896 he failed to gain re-election but was elected for Ward 4 in November that year in place of Charles Humphrey, although he resigned a month later after having attended only two

meetings. He was returned unopposed for Ward 2 in August 1898 when David Rees resigned and was re-elected in February 1901.

Lambart became Deputy Mayor in January 1900 after John Stacey had resigned. He was elected with the narrow majority of four votes to three over Alfred Webb in a questionable decision as he apparently did not have the necessary property qualifications even to sit on the Council. He was elected Mayor in 1900, 1901 and again in 1902 and in that capacity played a prominent role in supplying refugee relief during the Boer War. He resigned in November 1902 to take up the position of Government nominee on the Harbour Board and was thereupon elected Deputy Mayor instead. He resigned as councillor in March 1903 because he was due to take long leave but died of pneumonia on 4 April, at the age of 49.

(For Lambart's death notice, see CA, MDOC 6/9/474, No 1558. See also Dispatch 6.4.1903 and 9.4.1903 for his obituary.)

### LANCE, William Fuller

William Lance was born in Dunstable, Bedfordshire, on 19 April 1853. He came to the Colony in 1874 and settled at East London.

He was a man with diversified business interests. He was an attorney by profession, being a partner in the firm Lance and Wakefield, attorney, public notary and conveyancer, situated in Mutual Hall. In November 1876 he went into partnership with Thomas Goodwin to create the firm Lance, Goodwin & Company which owned the East London Dispatch and served as a bookseller, printer and stationer. The partnership dissolved in June 1877 with Lance taking over the entire concern, known simply as W.F. Lance & Company. He became a Justice of the Peace for the East London Division in May 1888.

Lance was elected to the Council to represent Ward 3 in February 1881 but resigned in August that year so as to take up the position of Town Solicitor which he held until June 1886. He thereupon stood again for Council which forced him to relinquish his legal position in the municipality. He was re-elected in February 1887 but

resigned his seat in April 1889 after he had already departed for Johannesburg. He served one term as Mayor in 1888.

In early 1889 he moved to Johannesburg where he established himself as a solicitor and notary but maintained a close connection with East London, visiting the port often and giving advice through the newspapers on much needed improvements for the town. During the Boer War he took refuge at East London but returned to Johannesburg in 1901 to work for the Red Cross Office. He later also served as chairman of the Transvaal University College. After the war he was elected to the Transvaal Legislative Assembly to represent Jeppe and in 1910 was elected to the first Union Senate.

Lance died at Kalk Bay on 15 September 1918, at the age of 65.

(For Lance's death notice, see CA, MDOC 6/9/1182, No 2872. See also Dispatch 17.9.1918 for his obituary.)

### LARTER, Samuel Robert

Samuel Larter was born in Battersea, Surrey, on 2 December 1852. After his emigration to the Cape, he lived in Queenstown and Lady Frere before moving to East London where he became a merchant.

After he had retired from business, he joined the Town Council, being elected unopposed for Ward 2 in March 1907. He retired on rotation in 1910 but lost the ensuing election to Thomas Kirk.

Larter died on 12 December 1918 at the age of 66, and was buried at East London.

(For Larter's death notice, see CA, MDOC 6/9/1373, No 463. See also Dispatch 14.12.1918 for his obituary.)

### LEE, William

Major Lee was born in the County of Kent on 21 January 1809. He arrived in the Cape as a member of the 6th Royal Regiment and settled at East London after his retirement. He later became a Justice of the Peace for the town.

In January 1873 he was elected to the committee to draft regulations for the formation of a municipality and in May was elected to the first Municipal Board as a representative for Panmure. He was thereupon voted as Chairman of the Board. His election was probably invalid,

however, because he lived in the acre lots to the north of Panmure, in the area which was later to become known as North End, which village had not been included as part of the original municipality but Lee seemed to have temporarily forgotten that fact. He tendered his resignation within three weeks and never again attempted to re-enter local politics.

Major Lee died of dropsy on 26 August 1878, at the age of 69, and was buried at East London.

(For Lee's death notice, see CA, MDC 6/9/166, No 6053. See also *Dispatch* 28.8.1878.)

### LEHMANN, Albert

Little is known of Albert Lehmann except that he was a merchant and in 1892 served as chairman of the East London Chamber of Commerce. He entered the Council in June 1892

to replace Angus Newman in Ward 2 but was not re-elected when he retired on rotation in February 1893.

### LUMSDEN, John

John Lumsden was born in Aberdeen, Scotland, in October 1845. For many years he worked for the firm of JJ Irvine and Company of King William's Town but later moved to East London as a general merchant, and established the firm of John Lumsden & Company, landing, shipping, forwarding and commission agents, with his office on Commercial Square.

qualifications. He did not stand again until July 1880 when he was elected in place of Frederick Jarvis. He failed to gain re-election to the Council in February 1881.

Lumsden died on 3 August 1919 at the age of 73, and was buried at East London.

In May 1879 he replaced Alfred Webb in the Council as a representative for Ward 2 but resigned immediately because it was found that he did not have the necessary property

(For Lumsden's death notice, see CA, MDC 6/9/1557, No 4123.)

### MACKENZIE, Isaac Beresford

Isaac Mackenzie was a merchant, probably a partner in the firm Mackenzie Brothers, which owned a hardware store and served as iron and brass founders, engineers, blacksmiths, brickmakers, builders and contractors.

He was elected to the Council in July 1908 to replace Richard Walker in Ward 4. He did not seek re-election after he retired on rotation in February 1909.

## MALCOMESS FAMILY

## 1. Hermann Wilhelm Malcomess

Hermann Malcomess was born in Homburg, Germany, on 15 April 1848 and was educated at Cassel. He came to the Cape in 1867, migrated to Bloemfontein where he enlisted for the Free State forces during the Basuto War of 1868, then moved to Tarkastad where he worked as a clerk. In 1869 he started a business in King William's Town which specialised in farm machinery and implements, with branches at East London and various towns in the interior. In 1875 he settled at East London where he went into a partnership known as Malcher & Malcomess, general merchants, with stores on both the West and East Banks. Later he was able to take over sole interest and the firm thereupon became known simply as Malcomess & Company, produce merchants and sellers of machinery of various descriptions, ranging from wagons to windmills, as well as furniture and cattle dip. He also owned timber yards in what was eventually named Malcomess Street and served at various times as a commissioner on the Harbour Board and on the Chamber of Commerce. Apart from that, he owned several farms in the Aliwal North district.

Malcomess became a councillor in April 1899 when he won the election to replace Thomas King in Ward 4. With the

outbreak of the Boer War in October 1899, however, he became unpopular because he chose to obey the German appeal for neutrality, especially because he was the German Consul in East London. At the relief of Kimberley, he refused to join in the festivities on the grounds that much of his trade had been with the Boers of the two republics and he abhorred the bloodshed which the war was causing. His action was severely criticized and there was call for his firm to be boycotted, along with all other German businesses in the area. It was probably as a result of his awkward position that Malcomess decided to resign from the Council in February 1900 so as to journey to Germany for a protracted spell. He did not attempt to gain re-election on his return.

Malcomess died at East London on 13 May 1921, at the age of 73.

*(For Hermann Malcomess's death notice, see CA, MIOC 6/9/2004, No 1398. See also Dispatch 16.5.1921 for his obituary.)*

## 2. Carl Hermann Malcomess

Carl, son of Hermann Malcomess, was born at King William's Town on 2 October 1873. He was educated at Dale College and in Germany but returned to the Cape at the age of 18, at which stage he farmed in the East London and Berlin districts. He thereupon joined his father in the Malcomess businesses, and became Managing Director on his father's retirement in 1903. He also became a member of the Beach Hotel Company. He retired in 1921.

Carl entered the Council in March 1907 when he was elected unopposed after Charles Humphrey had resigned. He was re-elected unopposed in February 1910 and again in 1911 (twice) when ill-health caused his seat to become vacant, and once more in February 1913 when he retired on rotation. He resigned his seat in March 1914, after which he changed his mind and was re-elected. His seat fell vacant once more in November 1914 and he decided not to stand again.

Some ten years after his retirement, Carl decided to pursue his political interest by becoming a Member of the Provincial Council for King William's Town from 1931 to 1937, at which point he was appointed to the Union Senate to represent the interests of the Cape "Natives". He served in that capacity until his death.

He died at Wolsley Estate, Berlin, on 8 September 1950, at the age of 76.

*(For Carl Malcomess's death notice, see Master's Office, Cape Town, No 5165/50. See Dispatch 9.9.1950 for his obituary and CJ Beyers, Dictionary of South African Biography, Vol III, p 575.)*

### MARSHALL, William Francis

William Marshall was born in Port Elizabeth in October 1858 and was educated at the Grey Institute, matriculating in 1875. He entered the office of Chabaud and Son, solicitors and completed his articles with Dyason and Carlisle. He was admitted as a member of the side-bar in 1880 and began practice as an attorney and notary in Adelaide. He settled at East London in 1882 as an attorney, notary public and conveyancer, and in 1895 established the firm Marshall and Drake which served as legal advisers to the Harbour Board and the Cambridge Municipality. He later became a Justice of the Peace and then Deputy Sheriff of East London. He was also chairman of the first School Board for Cambridge High School and was the Town Solicitor for the Cambridge Municipality.

Marshall became involved in municipal politics in June 1886 when he was elected for Ward 3 in the place of

William Swale but he left the Council within a month. He was then chosen to be Town Solicitor in March 1887 but resigned the position in December 1889 because he believed that he had been snubbed by the Council which had not approached him to deal with a case against a certain brickmaking company.

He died on 15 March 1934 at the age of 74, and was buried at East London.

(For Marshall's death notice, see Master's Office, Cape Town, No 41059. See Dispatch 16.3.1934 for his obituary and also Prominent Men of the Cape Colony, 1902, p 171.)

### MASTERS, Richard Mechan

Richard Masters was born in Reading in 1849 and educated in London, Bath and Bristol. He came to South Africa in 1872, first to Port Elizabeth, then Queenstown, and moved to East London in 1879. He went into business with his brother-in-law, George Ulyate, in the firm Ulyate and Masters, butchers and general merchants. When the partnership was dissolved, Ulyate carried on the grocery business while Masters opened a drapery and millinery store in Oxford Street. He also owned the Fighting Port, a mail-order house, and became chairman of the South African League.

He was elected unopposed for Ward 3 in August 1883 in the place of Conrad Selzer but left the Council in February 1885.

He died on 1 March 1917 at the age of 68, and was buried at East London.

(See Dispatch 2.3.1917 for his obituary.)

### MAYTHAM, Albert Cornelius

Albert Maytham was born in the Cape Colony in July 1862. He settled at East London where he established his own firm, A.C. Maytham & Company, plumbers, electricians and dealers in metal-ware. He was also an insurance agent for the Norwich Union Fire Insurance Society.

Maytham eventually settled in Johannesburg where he died on 17 November 1932, at the age of 70.

(For Maytham's death notice, see TA, MHG 80057.)

He was elected to the Council in February 1904 to replace Edwin Gregg in Ward 2 but did not seek re-election after he retired on rotation in February 1907.

### McGRATH, John

John McGrath was born in Mallow, County Cork, Ireland, in 1847 but accompanied his parents to South Africa at two years of age. He lived for some years at Port Elizabeth and then settled on a farm near Fort Jackson before eventually moving to East London where he established a butcher and grocer's shop entitled McGrath & Grout.

He entered the Council in July 1886 as a representative for Ward 2 in the place of John Gately, was re-elected in February 1889 but resigned in June 1890 without giving a

reason. He was immediately re-elected and again in February 1892 but his seat fell vacant in October 1894 because of his ill-health.

He died at an asylum in Grahamstown on 6 April 1903 at the age of 56, and was buried at East London.

*(For McGrath's death notice, see CA, MDCC 6/9/472, No 1267.)*

### McKAY, George Gordon

George McKay was born in Buenos Ayres, Argentina, in September 1827 and entered the Cape Civil Service in 1854 as a civil engineer. He was transferred to the British Kaffrarian Government in August 1857 as Acting Superintendent of Public Works and became Superintendent in January 1862. He was then appointed Clerk of Works at the East London harbour in May 1872 and remained there until his retirement in July 1881.

During that time he became noted as an amateur geologist and paleontologist. He worked on rocks which had become exposed by the Harbour Works and also explored the valleys in and around East London. He was responsible for a remarkably fine set of sketch maps of the mouth of the Buffalo River which revealed the changes in the river from 1835 until 1876, and in which he described the geology and archeological foundations of the area.

McKay was elected to the Council in January 1892 as a member for Ward 1 in the place of Frederick Brill and was re-elected in 1892, 1895 and 1896 but resigned in April 1897 because of failing health.

He died on 18 March 1902 at the age of 74, and was buried at East London.

*(For McKay's death notice, see CA, MDCC 6/9/449, No 1281. See also Dispatch 22.3.1902 for his obituary. McKay's sketches of the East London harbour are housed in the Mendelssohn Library, Cape Town. See G McKay, G. McKay's Notebook in South Africa, 1876-1877. A photostated version of his maps can be found in Tånkard, East London, insert.)*

### McNAMARA, James

James McNamara was born in London in 1864. He settled in East London where he worked as a sign-writer, painter and decorator.

He took a seat on the Council in February 1907 in Ward 2 in place of Albert Maytham but resigned immediately and did not stand for re-election.

McNamara died on 28 November 1935 at the age of 71, and was buried at East London.

*(For McNamara's death notice, see Master's Office, Cape Town, No 48446.)*

### MEDEFINDT, August Friederick Wilhelm

Wilhelm Medefindt was born at Koenigsutter, Braunschweig, Germany, in February 1852. He served for a time in the German army but arrived in South Africa in November 1877 with a party of German immigrants on board the Sophie. He fought in the Gcaleka War for the Kei Road Burghers, for which he was awarded a medal and clasp. He thereupon established himself as a butcher and later set up the East London Flour Milling Company, the first flour mill in the region. He also became a member of the Beach Hotel Company.

He was elected to the Council in February 1888 to replace Henry Willetts in Ward 3. He was thereupon re-elected in February 1891 and 1894 but in March 1895 his seat fell vacant because of his absence from the Colony while he was on long-leave. He returned to the Council in January 1897 as a member for Ward 4 in the place of Arthur Lambart, a seat he retained during elections in

February 1899, 1902, 1905, 1908, 1911 and 1914, and served on the Council until 1916.

Medefindt was elected Deputy Mayor in 1902 and again in 1905, 1906 and 1907. In November 1902 he became Mayor when Arthur Lambart resigned the position and he remained in the chair during 1903 and 1904. He was noted for his conservative policy to municipal finance. On retirement from the Council in 1916, after a record breaking 28 years service, he was awarded a gold life-pass for the tramways, the first and only time such an honour was ever bestowed.

Medefindt died on 23 August 1931, at the age of 79, and was buried at East London.

*(For Medefindt's death Notice, see Master's Office, Cape Town, No 31415. See also Dispatch 24.8.1931 for his obituary.)*

### MEIER, Wilhelm Frederick

Wilhelm Meier was born in Prussia in August 1846. He emigrated to the Cape Colony in 1858 on board the Wandrahm as part of the German peasant settler scheme, being then a boy of 12, and landed at East London on 7 December 1858. His trade was given as that of labourer, after his father. Once he settled at East London he established himself as a merchant.

He was elected unopposed to the Town Council in January 1908 to replace James Stewart in Ward 3 and was re-elected in February 1909 and 1912.

He died on 20 December 1923 at the age of 77, and was buried at East London.

*(For Meier's death notice, see CA, MDOC 6/9/2567, No 3389.)*

### MIDDLETON, Herbert Fitzroy

Herbert Middleton was born in Grahamstown in March 1871. He became an outfitter and was a partner in the firm Middleton and Olds, men's and boys' outfitters, whose shop on the West Bank opened in April 1903. Later that same month the partnership dissolved and he continued it simply as HF Middleton.

He was elected unopposed to the Council in June 1908 to replace George Campbell in Ward 1 and was thereafter

returned unopposed in February 1909 and 1912. He was to remain a member of the Council until 1922. He served one term as Deputy Mayor in 1917.

He died of a stroke on 19 June 1922, at the age of 51, and was buried at East London.

*(For Middleton's death notice, see CA, MDOC 6/9/2316, No 1762.)*

**MORLEY, Osborne**

Osborne Morley was born in New Holland, Yorkshire, in August 1850. He emigrated to the Cape Colony where he established a photographic business in King William's Town, then moved to East London where he established a similar concern in January 1883. He lived in East London for about 30 years and became a trustee of the Wesleyan Church and joined the Free Masons' Buffalo Lodge.

He became a councillor in September 1885 to replace Thomas Goodwin in Ward 3 and was elected again in

February 1886 but did not seek re-election after his retirement on rotation in February 1889.

Morley eventually moved to Johannesburg where he died on 21 July 1926, at the age of 76.

(For Morley's death notice, see TA, MHG 60554. See also Dispatch 28.7.1926 for his obituary.)

**NEALE, Charles John**

Charles Neale was born in England in April 1862. Once he had settled in East London, he became partner in the firm Neale, Jackson and Company, stevedores, contractors and marine surveyors.

He was elected to Council in February 1908 to replace John Bisseker in Ward 3. He was thereafter elected unopposed in February 1911 and 1914. He remained in the Council until 1922 and then had another short spell from 1928 to 1929.

Neale served as Deputy Mayor from 1914 till 1916 and again in 1920, and was elected Mayor from September 1920 until September 1923.

He died in Johannesburg on 27 January 1946 at the age of 83, but was buried at East London.

(For Neale's death notice, see TA, MHG 990/46.)

**NEWMAN, Angus William**

Angus Newman was born in London in February 1859 and educated at Dulwich College. He came to East London at the age of 17 for the sake of his health and joined the firm Bettington and Wright, auctioneers, brokers and shipping agents, which he subsequently carried on in his own name. In 1903 his business was prospering sufficiently for him to expand it into a partnership with his son and a colleague, and it was henceforth known as Newman, Wilki and Newman Ltd. He was also a sworn appraiser, served as an agent for the Public Works Department and was insurance agent for the London and Lancashire Fire Insurance Company. He acted as the vice-consul for Norway and Sweden.

Newman was elected for Ward 2 in October 1890 in the place of Arthur Tyndale but resigned in May 1892. It was mainly due to his influence that the area which became known as Marine Park was left vacant.

He died on 6 June 1912 at the age of 53, and was buried at East London.

(For Newman's death notice, see CA, MOOC 6/9/697, No 2366. See also Dispatch 10.6.1912 for his obituary.)

### NICHOLLS, Charles Edward

Charles Nicholls was born in Mossel Bay in December 1844. He settled at East London where he became a general merchant and landing, forwarding and shipping agent. He served for a time on the committee of the Kaffrarian Steam Landing, Shipping and Forwarding Company.

Nicholls was elected for Ward 1 in February 1877 at the start of the second Triennial Council. He participated in the walk-out of June that year and was immediately

re-elected and again in February 1880, 1881 and 1883. He eventually resigned from the Council in August 1883 after he had gone insolvent.

He died at Observatory, Cape Town, on 22 October 1915 at the age of 71.

(For Nicholls' death notice, see *Master's Office, Cape Town, No 93316.*)

### PARKER, Algernon George

Algernon Parker was a commercial traveller and at one stage proprietor of the Commercial Hotel at East London. He was elected for Ward 1 in December 1911 in the place of

Alexander Dallas but resigned in July 1912. He returned to the Council in 1923 and served until 1927.

### PEEL, Thomas

Thomas Peel was born in Port Elizabeth in 1875. He became a carpenter on the Cape Government Railways and, while he was stationed at East London, replaced John Stacey as councillor for Ward 3 in February 1900. His seat was declared vacant in August 1902 due to his absence on long leave.

Peel died in Kroonstad on 22 April 1920 at the age of 45.

(For Peel's death notice, see *FA, P3103.*)

### PRIOR, George William

George Prior was born in Halsted, Essex, in December 1871. He immigrated to the Cape in about 1890 and settled on the West Bank. He became a moulder on the Cape Government Railways (later South African Railways), eventually to rise to the position of production foreman, which he held until his death.

He was elected councillor for Ward 1 in April 1914 in the place of Reverend Hewitt and would remain on the Council until April 1928 when he resigned because of his being transferred to Pretoria. He would serve a term as

Deputy Mayor in 1928. He could not be elected Mayor because of his service with the Government but became the "Father" of the Council for many years, presiding at those meetings where the Mayor was elected.

He died at Cambridge on 25 July 1930, at the age of 58.

(For Prior's death notice, see *Master's Office, Cape Town, No 27156. See also Dispatch 26.7.1930 for his obituary.*)

### REES, David

David Rees was born at Mynyddswyn, Wales, in February 1857, educated at Llanelly and worked for the Great Western Railway. He came to the Colony in 1881 and was employed by the Cape Government Railways, at first in Cape Town and then Port Elizabeth. In 1885 he moved to East London and established himself as a cartage contractor to the railways. From 1894 until 1903 he was proprietor of the Dispatch. He was also a member of the Beach Hotel Company, served for a time as chairman of the East London Harbour Board and was president of the Agricultural Society. He was a Free Mason and became a Past Master of the Buffalo Lodge.

Rees took a prominent part in the administration of the War Distress Funds during the Great War, for which he was decorated with the Commander of the Order of the British Empire (CBE). He served as chairman of the Hospital Board and School Board and was also deeply involved in sport, being at various times president of the East London Club Football Association, the Cricket Union, the Amateur Athletic and Cycling Union and the East London Rifle Club. Despite all these activities, he was also a widely travelled man, journeying frequently to England and also to Australia and Russia. So great was his prominence in East London affairs that the dredger Kate was named in honour of his wife.

He joined the Council in February 1888 to replace Frederick Brill as councillor for Ward 2. He was re-elected in February 1891 and was unanimously elected Mayor but resigned both his seat and the mayoralty in August that year because of his inability to return from England before an absence of three months was up. His letter arrived too late, however, and his seat had to be declared vacant.

He re-entered the Council in February 1892 in the place of Robert Tudhope and was immediately elected Mayor and had the distinction of being the first Mayor to wear the official robes of office when they arrived from England in August 1892. He was re-elected to Council in February 1893, 1896 and 1898 but resigned his seat prior to another journey to England on business. On his return, he rejoined the Council in February 1899 in John Gately's seat but resigned for personal reasons in July that year.

Rees had the distinction of serving as Mayor for longer than anyone else during the pre-war years. He held the office from 1890 until 1896, apart from a break of six months from August 1891 to February 1892. He was elected again in 1899. His mayoralty was also distinguished by some of the greatest advances in the history of the municipality, with major street construction, the establishment of electric lighting and the tramways, as well as the building of the Town Hall. He also pioneered a Bill through Parliament to give East London a major dam on the Buffalo River but his efforts in that instance were frustrated through the townspeople's fear of pollution which caused the plans to be shelved for a further 23 years.

He died on 26 December 1926, at the age of 69, and was buried at East London.

*(For Rees's death notice, see CA, MDCC 6/9/3078, No 13601. See Dispatch 28.12.1926 for his obituary and also Prominent Men of the Cape Colony, 1902, p 181.)*

### RIES, Henry Michael

Henry Ries was born in King William's Town in August 1867, spent five years of his boyhood in France before returning to East London to complete his schooling. He became a clerk in the Market Master's Office, then joined Charles Humphrey and later worked for GB Christian and Company. He eventually established his own business, Henry Ries and Company, market agent and produce merchant, importer and wool merchant, and wine and spirit merchant. He was also a commission agent, a commissioner on the

Divisional Council, and served on both the Hospital Board and the East London School Board. In 1903 he attempted to enter Parliament by contesting the East London seat but was defeated by Sir Thomas Smartt.

He joined the Council in November 1894 when he was elected for Ward 2 in the place of John McGrath. He was re-elected in February 1895, 1896, 1899 and 1902. His seat was declared vacant in August 1903 when he was

overseas on long-leave but he was promptly re-elected in September. When he retired on rotation in February 1905, however, he decided not to stand for Council again. He served as Deputy Mayor in 1903.

Ries died on 13 March 1915 at the age of 43, and was buried at East London.

(For Ries's death notice, see CA, MDOC 6/9/780, No 734. See also Dispatch 15.3.1915 for his obituary.)

### RUBIDGE, John L

Doctor Rubidge was a medical practitioner who represented the Border on the Provincial Council in 1910. He entered the Council in February 1910 when he defeated

Marshall Cragg in Ward 1 but did not seek re-election when he retired on rotation in February 1913.

### SEARLE, William

William Searle was born in Port Elizabeth in October 1862. He moved to East London where he worked for Messrs Dunn and Company but later established the firm William Searle and Company, general, wholesale and produce merchants. He was also a commission and shipping agent.

He joined the Council in August 1902 to replace of Thomas Peel in Ward 3. Although he was re-elected after

retiring on rotation in February 1903, he resigned in March 1904 because of his imminent departure for England.

He died in Port Elizabeth on 6 April 1917, at the age of 54.

(For Searle's death notice, see CA, MDOC 6/9/877, No 1062.)

### SELZER, Conrad

Conrad Selzer was born at Marburg, Germany, in March 1829. He emigrated to the Cape Colony where he established himself at East London as a butcher, with his shop in Panmure. He later bought a hotel, canteen and general dealer's store in Cambridge. During the Boer War he served as Captain in the British Mounted Volunteers.

He was nominated for a seat in Ward 2 in February 1880 but failed to win the necessary votes. His further attempt to gain a seat in the Council in January 1883 also

failed when he lost the election to George Attwell but a month later he was elected for Ward 3 in the place of James Coutts. He resigned his seat in July.

Selzer died at Beaconsfield, Kimberley, on 24 September 1903, at the age of 74.

(For Selzer's death notice, see CA, MDOC 6/9/848, No 3102.)

**SMALE, William**

William Smale was born in Lifton, Devonshire, on 25 October 1853. He arrived at East London in 1879 where he founded a boot and shoe business, known as W. Smale & Company on the Market Square.

He was elected to the Council in February 1884 in the place of Amelius Vincent in Ward 3 but resigned in June 1886.

Smale died on 17 January 1941 at the age of 87 and was buried at East London.

(For Smale's death notice, see Master's Office, Cape Town, No 72170. See also Dispatch 20.1.1941 for his obituary.)

**SMITH, Henry**

Henry Smith was born in Totness, Devonshire, in March 1846. He emigrated to the Cape Colony where he became a grocer and general dealer and the owner of Dilman's Stores on the West Bank. He was also at one time on the committee of the Kaffrarian Steam Landing and Shipping Company.

He entered municipal politics in April 1874 when he was elected unopposed for Ward 1 in the place of George Eirwood (only five people attended the election meeting). He remained a commissioner for the duration of

the triennial period and was nominated again in February 1877 but was not elected. He entered the Council again in July 1877 in the place of Thomas Barrable but resigned in August 1878.

Smith died on 7 June 1919, at the age of 73, and was buried at East London.

(For Smith's death notice, see CA, MOOC 6/9/1516, No 3217.)

**SMITH, Herbert Mallors**

Herbert Smith was born in Port Elizabeth in November 1852. He settled at East London where he became a produce merchant, general merchant as well as a shipping, forwarding and commission agent. He was also agent for the Fire Marine Assurance Company.

He was elected to the Council in December 1886 as a member for Ward 1 in the place of Henry Wood but his seat was declared vacant in March 1887 because he had attended no meetings whatsoever. There was nobody willing to

replace him, however, and so the seat remained vacant for another year.

Smith died in Ladysmith on 2 October 1903 while travelling to Natal from Johannesburg. He was 50 years of age.

(For Smith's death notice, see CA, MOOC 6/9/485, No 3249.)

### STACEY, John Thomas

John Stacey was born in West Stour, Dorsetshire, on 19 November 1843. On his arrival in East London, he established himself as a tobacconist, newsagent and general dealer (Stacey and Son) in Oxford Street. He also owned a jeweller's shop.

He was elected to the Council in March 1889 for Ward 2 in place of Osborne Morley, was re-elected in February 1892 but lost the election in February 1895. He defeated Ludwig Uting for Ward 3 in February 1896, was re-elected in 1897 but resigned in January 1900 on account of poor health.

Stacey became Deputy Mayor in July 1899 but resigned the position in January 1900.

He died on 29 February 1928 at the age of 84, and was buried at East London.

(For Stacey's death notice, see *CA, MOOC 6/9/3302, No 18060.*)

### STEWART, James (Jinny)

James Stewart was born in 1872 and became a baker and confectioner, with his bakery in Park Street, North End. He also owned a restaurant in Oxford Street. He served three terms in the Provincial Council and was twice elected Member of Parliament for East London. He was also closely associated with the building of the Technical College.

Stewart was elected to the Council to represent Ward 3 in February 1906 to replace Carl Gierke but resigned in December the following year. He attempted to regain a

seat in March 1914 after Carl Malcomess had resigned but lost heavily to Malcomess who had in the meantime decided to stand again. He was elected again in August 1914 and remained on the Council until October 1928.

He would serve as Deputy Mayor in 1918 and three terms as Mayor in 1919, 1920 and 1927.

Stewart died on 17 September 1945 at the age of 73, and was buried in Cambridge.

(See *Dispatch 18.9.1945* for Stewart's obituary.)

### STICKELLS, Richard

Richard Stickells was born in 1826. He became a general dealer of the firm Stickells and Humphries, grocers and bakers. He also owned the Union Steam, Flour and Saw Mills which opened in Panmure in May 1878. He became a Free Mason, belonging to the Buffalo Lodge, and was made an honorary member of the Border Oddfellows.

Stickells was elected to the Council in February 1877 as a representative for Ward 2 at the start of the second

Triennial Council. He served the entire duration of that Council and was re-elected for the third Council in February 1880 and again in February 1881, under the Incorporation Act but became seriously ill and died on 5 September 1882 while still a councillor. He was then 57 years of age.

(See *Dispatch 6.9.1882* and *9.9.1882* for Richard Stickell's obituary.)

### SYMONS, William James

William Symons was born in Hepney, England, in May 1840 and came to East London in 1857 on board the Lady Kennaway. He was listed among the passengers as a carpenter and soon established himself as a carpenter, builder and contractor. He eventually owned the Central Saw Mills in Fleet Street, later moved to Recreation Road opposite the Show Grounds.

He was elected without opposition to a seat in Ward 2 in August 1899 to replace David Rees and was re-elected in February 1902 but resigned in April 1904 as he was due to

leave for England. On his return, he contested the elections of February 1905 and lost but was eventually re-elected in July 1906 for Ward 2 in the place of Richard Currin but resigned in March 1907. He served as Deputy Mayor for six months in 1903.

Symons died on 9 January 1918 at the age of 77, and was buried at East London.

(For Symon's death notice, see CA, MDDC 6/9/1047, No 283.)

### TUDHOPE, Robert Graham

Robert Tudhope was born in Grahamstown in September 1843. He learnt farming near Alice but joined his brothers in business in King William's Town. After some years he left them and went farming near Blaney, but came to East London in 1886 and started a woolwash near Scenery.

He was elected to the Council in September 1888 for Ward 2 to replace James Coutts who had just died. He was re-elected in February 1890 but was forced to resign when it was found that his rates were in arrears. He won another seat in April 1890 but resigned in January 1892.

Tudhope eventually returned to farming at Toise River but in the early 1890's became paralysed and returned to East London. He died on 21 July 1912, at the age of 69.

(For Tudhope's death notice, see CA, MDDC 6/9/696, No 2081. See also Dispatch 24.7.1912 for his obituary.)

### TYNDALE, Arthur George Hulme

Arthur Tyndale was born in London in 1848. He emigrated to the Cape Colony and eventually settled at East London where he took over the firm J Stroyan & Company, landing and shipping agents, wool pressers and produce agents.

He was elected to the Council in February 1890 for Ward 2 in the place of Amelius Vincent. He resigned in September that year on account of ill-health.

Tyndale died of cancer of the oesophagus and gastronomy on 14 December 1890 while in London. He was 42 years old.

(For Tyndale's death notice, see CA, MDDC 6/9/290, No 375.)

### ULYATE, George Zoroaster

George Ulyate was born at sea in 1820 of Yorkshire parents who were emigrating to the Cape Colony as part of the 1820 Settler scheme. His early years were spent at Grahamstown. He took part in the early frontier wars before settling in the Queenstown district where he became a municipal councillor but eventually moved to East London in 1877 and opened a butchery in Panmure in January 1877. He later became a partner in the firm Ulyate and Masters, general merchants, drapers and outfitters, with shops in Station and Terminus Streets. When the partnership dissolved, Ulyate carried on the grocery business. He also owned a wool and produce buyers in Station and Oxford Streets. Ulyate was the first person to acquire land at the Beach on the East Bank and he built a row of cottages along the sea front at Quanza Terrace.

He was elected for Ward 2 in June 1879 in the place of John Gately. He stood down after his retirement on rotation in February 1880 but briefly re-entered the Council in February 1881 as a member for Ward 3. He resigned in December that year.

Ulyate's last four years of life were spent in total blindness. He eventually died of a haemorrhage of the brain on 28 January 1898, at the age of 78. He was buried at East London.

*(For Ulyate's death notice, see CA, NOOC 6/9/374, No 658. See also Dispatch 31.1.1898 for his obituary.)*

### UTING, Arthur Wilhelm Ludwig

Ludwig Uting was born in Potsdam, Germany, in December 1850 and emigrated to the Cape Colony in 1878. He settled first in King William's Town and then East London, where he established a toyshop, L Uting & Company, which opened in January 1897. He was also a general merchant, and owned an oilman's store and a delicatessen.

Uting died at Stutterheim on 15 February 1898, at the age of 47.

*(For Uting's death notice, see CA, NOOC 6/9/374, No 656. See also Dispatch 16.2.1898 and 17.2.1898 for his obituary.)*

He was elected unopposed for Ward 3 in August 1895 in the place of Wilhelm Medefindt but failed to gain re-election in February 1896.

### VENN, Thomas Henry

Thomas Venn was born in Cape Town in June 1836. He settled at East London where he became an agent for several Cape Town firms and then took charge of the firm Dicksons and Company. He later established his own landing, shipping and commission agency in partnership with his brother, George Venn. They were also partners in the firm T. & G. Venn, wine and spirit merchants.

From 1873 till 1874 he was on the board of the East London Landing and Shipping Company. In February 1878 he and his brother were declared insolvent and their joint estates were sold by auction. He served as consular agent for the United States and was a member of the Southern Cross Lodge of the Free Masons.

In May 1873 Venn was elected to the first Municipal Board as a representative for Panmure. He remained in office for the full duration of the Triennial Council but did not seek re-election in February 1877.

He died of suffocation, due to a constriction of the windpipe, on 20 October 1891, at the age of 55, and was buried at East London.

(For Venn's death notice, see CA, MOOC 6/9/298, No 1840. See also *Dispatch* 21.10.1891 and 24.10.1891, as well as the *East London Standard* 22.10.1891 for his obituary.)

### VIALL, Charles Edward

Charles Viall was born in London in November 1849. He eventually settled in East London where he established a drapery and clothing store in High Street on the West Bank and was also a general merchant.

He was elected unopposed for Ward 1 in August 1883 in the place of Charles Nicholls but resigned in July 1884 on account of business. He thereupon left East London for Sterkstroom where he became manager of T Bailey and Company.

He died of consumption in Sterkstroom on 24 October 1891, at the age of 41.

(For Viall's death notice, see CA, MOOC 6/9/299, No 1974. See also *Dispatch* 28.10.1891 for his obituary.)

### VINCENT, Amelius

Amelius Vincent was born in Portsea, England, in March 1830 and came to East London from Simonstown in 1875. He established an aerated water business known as Walters and Vincent on the Market Square and later founded the business Vincent & Company, printers and stationers, which launched the Frontier Standard in January 1890. He became a Justice of the Peace for the District and a Government Sworn Appraiser.

Vincent became a municipal commissioner in December 1876 when he took over the seat on the West Bank which had been vacated by Frederick Bompas. Because he had property on both sides of the river, he was able to stand for Ward 2 during the elections of February 1877 and served that constituency for the duration of the second Triennial Council. Because John Gately had chosen not to stand for another term of office, Vincent was voted as Chairman to the Municipal Board for 1877, a position he held for only nine months when he vacated the chair so as to go on long leave. He continued to serve as councillor, with only occasional absences, until his retirement in February 1890.

Vincent was one of the more controversial figures in the Council. His term as Chairman in 1877 was full of drama as the Municipal Board became racked with dissension over the West Bank's proposal to split East London into two municipalities. It was initially a tentative proposal but Vincent bullied the West Bank members into making it, probably as a ruse to put a counter-proposal which would move the Municipal Offices from the West Bank to the East Bank and so serve his own business interests better. The West Banker's responded by a walk-out and followed it up by mass-resignation. The problem was only resolved when Vincent resigned as Chairman, and Gately returned and took over the leadership.

In February 1888 Vincent became involved in another dispute when Councillor William Lance accused him of having vested interests in a Grahamstown company which had been awarded a municipal contract. He resigned his seat even though the Council accepted his explanations. He was re-elected the following February but retired at the end of his term in 1890.

Apart from being Chairman of the Municipal Board in 1877, Vincent was elected for two terms as Mayor in 1885 and 1886. He became Mayor in 1887 as well but his seat fell vacant while he was away from the Colony on long-leave. Gustav Metzlar was elected mayor in his place but resigned immediately Vincent returned so that the latter could resume the chair.

Vincent also became associated with the Cambridge Village Management Board where he became its first Chairman in 1881 and remained in the chair for several

years. The suburb of Vincent, originally a part of the Municipality of Cambridge, was subsequently named after him.

He died on 24 September 1901 after a long illness. He was then 71 years of age.

(For Vincent's death notice, see CA, MOOC 6/9/436, No 3485. See also Dispatch 25.9.1901 for his obituary.)

### WALKER, Richard

Richard Walker was born in Grahamstown in 1843 of 1820 Settler parents. He was educated at St Andrew's Grammar School, after which he was employed in the offices of a business firm in King William's Town. He moved to East London and started his own firm on the West Bank and moved to the East Bank in 1881. His firm was originally known as Walker Brothers which dealt as commission agents as well as shipping, landing and forwarding agents, with head-quarters in Jetty and High Street on the West Bank and in Station Street on the East Bank. By 1883 the firm had become known as Walker, Tatham & Company, shipping and forwarding agents, and wool pressers. In that same year Walker started his own firm known as Richard Walker & Company, which dealt in wool, feathers, general merchandize, property and farms, stock and auctioneering. He had his wool stores and wool presses in Station Street. He also served on the committee of the Kaffrarian Steam Landing and Shipping Company. In 1879 he became a Justice of the Peace for the East London division and served for a time as consular agent for the Austrian Government.

Walker was elected for Ward 1 in January 1879 to replace Gustav Metzlar and served until November 1886. He

returned to the Council as a representative for Ward 4 in March 1900 after a long absence and remained in office until his resignation in June 1908. He became Chairman of the Municipal Board in July 1879 when John Gately resigned and was elected again in 1880. In February 1881 he had the distinction of becoming East London's first Mayor but he resigned the chair and his seat in the Council in December that year. He was elected Deputy Mayor in 1904, became Mayor once more in 1905 and 1906 but lost the election of 1907 by a single vote to John Bisseker. There were, however, only seven members at that Council meeting, and three seats were vacant. Bisseker felt that the election was unfair and therefore resigned the mayoralty in May at the first meeting at which there was a full house. Walker won and became Mayor for the fourth time.

He died in Johannesburg on 16 March 1935 at the age of 92.

(See Dispatch 21.3.1935 for Walker's obituary.)

### WALTERS, Edward Templemore

Edward Walters was born in England 1839. In 1875 he established himself as a chemist and druggist, possibly the first in East London, with outlets on both the West and East Banks. He also owned a factory known as E Walters Aerated Water Factory which manufactured both soda water and lemonade. He later went into partnership with Amelius Vincent in the soda water business. In 1876 he became a member of the Buffalo Corps Rifle Volunteers.

Walters was elected for Ward 2 in February 1877 and re-elected in 1880 and 1881. He died, probably of pneumonia, on 4 April 1883 at the age of 44, while still in office.

(For Walters' death notice, see CA, MOOC 6/9/196, No 6685.)

### WEBB, Alfred

Alfred Webb was born in Worcester, England, in December 1838. He became a shipping agent and partner to George Attwell in the firm Attwell, Webb & Company. They were agents for Aegis Fire and Marine Assurance Company as well as the Mutual Life Assurance Company. In June 1877 he started another firm, Webb, Baine & Company which took over the book and stationery business of Lance, Goodwin & Company. At the same time he started Alfred Webb & Company, general merchants. In 1883 he became a Justice of the Peace for East London.

In August 1873 Webb was elected to the Municipal Board to replace Major Lee in Panmure but resigned the seat in April 1876 to take up the position of Municipal Secretary. He gave up that post three months later and in February 1877 was re-elected as a commissioner to represent the West Bank. His presence in the Council was thereafter fairly erratic in which he served Wards 1 and 2 until he eventually resigned permanently in February 1885.

Webb served as Chairman of the Board from September 1877, when Amelius Vincent's seat as well as the

chair became vacant, until January 1878 when he himself stood down to make room for John Gately to take over the leadership. He served one term as Mayor in 1883.

Webb's firm went insolvent in 1885 and he left East London for Somerset East, where he established the Somerset East Budget but he returned in March 1894 and founded the East London Standard. He returned to the Council in June 1899 to represent Ward 4 when Edmund Elton's seat was declared vacant. He became Deputy Mayor in 1900 but resigned from the Council in June that year because of work commitments.

Webb died on 3 February 1918 at the age of 79, and was buried at East London.

(For Webb's death notice, see CA, MOOC 6/9/1058, No 527. See also Dispatch 4.2.1918.)

### WETZLAR, Gustav

Gustav Wetzlar was born in Sondershausen, Thuringia, in March 1838. He arrived in East London in 1875 and immediately bought out J.H. Venn & Company to establish the firm Wetzlar and Hammerschlag, direct importers, wholesale and retail dealers and specialists in clothing and jewelry. He also sold boots and shoes. He had outlets at the corner of Terminus and Cambridge Streets in Panmure and on the West Bank.

Wetzlar was elected to the Council in April 1876 to replace Alfred Webb in Ward 2. He was re-elected in February 1877 to represent Ward 1 and again in July that year after he had participated in the walkout over the question of the division of the municipality. Although he unexpectedly resigned his seat at the end of 1878, he was re-elected in February 1881 and again in 1884, 1887 and 1890.

In November 1886, when it was discovered that Vincent's leave of absence was not in keeping with municipal regulations, his seat and the mayoralty were declared vacant. Metzlar was voted in as Mayor but immediately gave a month's notice of his intention to resign the office as soon as Vincent returned, which happened in January 1887. He became Mayor again in March 1889 and in September 1891 when David Rees went on long leave and was unable to return in time to prevent his seat from falling vacant.

Metzlar resigned his seat in the Council in October 1892 because of continued ill-health and decided to journey to London to recuperate. He died there on 5 April 1893 at the age of 55.

(For Metzlar's death notice, see CA, MDOC 6/9/316, No 876. See also Dispatch 29.4.1893 for his obituary.)

### WIGGINS, John James Gilby

Gilby Wiggins was born in Weatherby, Yorkshire, on 18 August 1863, was educated at Harrogate and graduated in law at Clare College, Cambridge. He thereupon studied music in England and on the continent. He arrived in South Africa in the 1890's and settled for three years in Queenstown where he was editor of the Queenstown Daily Representative and became an attorney and notary. He moved to East London where he became Town Clerk from 1897 until 1898. He was also a member of the Board of Directors of the Beach Pavilion Company, as well as agent for the Royal Exchange Assurance Corporation. He was an accomplished violinist, organist and was choirmaster at the St John's Church for some 20 years. He served for a time as the Swedish Vice-Consul. In the meantime he

continued to practice as an attorney for 54 years, retiring only at the age of 87.

In April 1900 he decided to join the Council and was elected for Ward 1 to replace William Jackson and was re-elected in 1902 and 1905. Although he did not seek re-election in February 1908, he attempted to make a come-back in July that year but lost to Isaac Mackenzie. He returned to the Council from 1929 until 1931.

Gilby Wiggins died on 6 August 1954 at the ripe old age of 91, and was buried at East London.

(See Dispatch 7.8.1954 for Gilby Wiggins's obituary.)

### WILLETTS, Henry Noah

Henry Willetts was born in Birmingham on 23 March 1848 and was educated there and at Dudley before coming to South Africa in 1881. He settled at East London where he became an auctioneer, with his own business, known as The Central Auction Mart. He was also an insurance agent for Liverpool and London and Globe Insurance Company and served on the committee of the Public Library and on the Hospital Board.

He was elected for Ward 3 in February 1884 in the place of Hermann Kröger but resigned from the Council in June 1886, although he was almost immediately re-elected

to replace George Attwell. He lost the elections of February 1888 but was returned to Council in April 1889 in the place of William Lance and was re-elected in 1890. He resigned in May 1892.

Willetts won a reputation for extreme racism. He lived in North End, the suburb that was closest to the East Bank Location and one in which most of the "exempted" blacks, in terms of the Colony's constitution, chose to rent buildings. He fought a constant crusade to have all Africans driven out of the town. In 1892, when it seemed that there was a possibility that he could be elected

Mayor, the editor of the East London Standard campaigned vociferously against the idea because it would, he wrote, cause a strike amongst all the municipal employees.

Willetts died on 18 July 1931 at the age of 83 and was buried at East London.

(For Willetts' death notice, see *Master's Office, Cape Town, No 30903*. See also Dispatch 20.7.1931 for his obituary.)

### WOOD, Henry

Henry Wood was born in Wakefield, Yorkshire, in October 1850. He emigrated to the Cape Colony where he eventually established himself as a grocer in East London.

He was elected for Ward 1 in November 1882 to replace Frederick Bompas, was not re-elected in 1885 but won Frederick Jarvis's seat in June that year and was re-elected in 1886. He left the Council in December 1886, at the height of the "Great Depression", and went to

Barberton in an attempt to make his fortune on the gold rush. His bid failed, however, and he returned to East London in July 1890.

Wood died on 11 July 1931 at the age of 81, and was buried at East London.

(For Wood's death notice, see *Master's Office, Cape Town, No 30972*.)

## 2.2 COUNCILLORS, WARDS AND ELECTIONS

## 1st TRIENNIAL COUNCIL, 1873 - 1877

	WARD 1		WARD 2	
1873	John GATELY (May)	George EIRWOOD (May)	John ARNOLD (May)	William LEE (May)  Thomas VENN (May)
1874		Herbert SMITH (Apr)		Alfred WEBB (Aug)
1875			Frederick BOMPAS (Jan)	
1876				Gustav WETZLAR (Apr)
1877			Amelius VINCENT (Dec)	





	WARD 1			WARD 2			WARD 3			
1885			Henry WOOD (Jun)	Phillip GRANDIN (Mar)	Amelius VINCENT (Feb)		[VACANT]		Thomas GOODWIN (Feb)	George ATTWELL (Feb)
1886			Henry WOOD (Feb)			John GATELY (Feb)	Frederick BRILL (Jun)		Osborne MORLEY (Aug)	
		Charles GRIFFITH (Nov)	Henry SMITH (Nov)		Amelius VINCENT (Nov)	John McGRATH (Jul)		William MARSHALL (Jun)	William LANCE (Jun)	Osborne MORLEY (Feb)
1887		Charles GRIFFITH (Jan)						John GATELY (Aug)		Henry WILLETTS (Jun)
	Gustav WETZLAR (Feb)	Charles GRIFFITH (Feb)	[VACANT]		Amelius VINCENT (Feb)	James COUTTS (Feb)		John GATELY (Feb)	William LANCE (Feb)	
1888			Frederick BRILL (Mar)	Phillip GRANDIN (Feb)	Amelius VINCENT (Feb)					
		Charles GRIFFITH (Sep)				Robert TUDHOPE (Sep)		David REES (Feb)		Wilhelm MEDEFINDT (Feb)

	WARD 1			WARD 2			WARD 3		
1889		Francis KELLAND (Aug)	Frederick BRILL (Feb)			John McGRATH (Feb)		Henry WILLETTS (Apr)	John STACEY (Feb)
1890	Gustav METZLAR (Feb)	Francis KELLAND (Feb)		Arthur TYNDALE (Feb)	Robert TUDHOPE (Feb)			John GATELY (Feb)	Henry WILLETTS (Feb)
					Robert TUDHOPE (Apr)	John McGRATH (Jun)			
1891				Angus NEWMAN (Sep)					
			Phillip GRANDIN (Feb)				David REES (Feb)		Wilhelm MEDEFINDT (Feb)
			Phillip GRANDIN (Sep)				Edward CARROLL (Sep)		
1892		George McKAY (Jan)							
		George McKAY (Feb)							
	William JACKSON (Nov)			Albert LEHMANN (May)	David REES (Feb)	John McGRATH (Feb)		Thomas KING (May)	John STACEY (Feb)

1893	William JACKSON (Feb)	Francis KELLAND (Feb)		Arthur LAMBART (Feb)	David REES (Feb)		John GATELY (Feb)	Thomas KING (Feb)	
1894			Frederick HALLETT (Feb)			Edward CARROLL (Feb)			Wilhelm MEDEFINDT (Feb)
1895		Charles GRIFFITH (Jan)	George McKAY (Feb)		Henry RIES (Nov)	Henry RIES (Feb)		George BLAIRE (Feb)	Ludwig UTING (Aug)

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	WARD 1			WARD 2			WARD 3			WARD 4		
1896	William JACKSON (Feb)	George McKAY (Feb)	James DALLAS (Feb)	John GATELY (Feb)	David REES (Feb)	Edward CARROLL (Feb)	Henry RIES (Feb)	George BLAIRE (Feb)	John STACEY (Feb)	Charles HUMPHREY (Feb)	Edmund ELTON (Feb)	Thomas KING (Feb)
										Arthur LAMBART (Nov)		

1897		James DALLAS (May)	Frederick HALLETT (Feb)		John HOWARD (Feb)			John STACEY (Feb)	Wilhelm MEDEFINDT (Jan)		Thomas KING (Feb)
1898		James DALLAS (Feb)			David REES (Feb)			George BLAIRE (Feb)			Edmund ELTON (Feb)
1899					Arthur LAMBART (Aug)						
1899	William JACKSON (Feb)			David REES (Feb)		John BATE (Feb)	Henry RIES (Feb)		Wilhelm MEDEFINDT (Feb)		Hermann MALCOMESS (Apr)
1899			William SYMONS (Aug)								Alfred WEBB (Jun)
1900			Frederick HALLETT (Feb)			John BATE (Feb)					George CHRISTIAN (Feb)
1900	John WIGGINS (Apr)							Thomas PEEL (Feb)			Richard WALKER (Feb)
1900										Charles HUMPHREY (Aug)	

1901		James DALLAS (Feb)		Arthur LAMBART (Feb)		Johann GOLDSCHMIDT (Feb)		John BISSEKER (Feb)
1902	John WIGGINS (Feb)		William SYMONS (Feb)		Richard CURRIN (Feb)	Henry RIES (Feb)		Wilhelm MEDEFINDT (Feb)
1903		Frederick HALLETT (May)	William GOULDEN (Feb)		Edwin GREGG (May)		William SEARLE (Aug)	
1904	Alexander JACKSON (Feb)		Edward HARTLEY (May)		Albert MAYTHAM (Feb)	Henry RIES (Sep)		Richard WALKER (Feb)
						Johann GOLDSCHMIDT (Feb)	Carl GIERKE (Mar)	Charles HUMPHREY (Aug)
								Charles HUMPHREY (Feb)

1905	John WIGGINS (Feb)		Edward HARTLEY (Feb)		John BISSEKER (Feb)		Wilhelm MEDEFINDT (Feb)	
		Albert HARPER (Aug)						
1906		George CAMPBELL (Feb)		Richard CURRIN (Feb)		James STEWART (Feb)		Richard WALKER (Feb)
		Marshall CRAGG (Apr)		William SYMONS (Jul)				
			Frederick GREGG (Nov)					
1907		Marshall CRAGG (Feb)		James McNAMARA (Feb)		Johann GOLDSCHMIDT (Feb)		Charles HUMPHREY (Feb)
				Samuel LARTER (Mar)	Henry ELLIS (Mar)			Carl MALCOMESS (Mar)
1908	Alexander DALLAS (Feb)		Frederick GREGG (Feb)		Charles NEALE (Feb)		Wilhelm MEIER (Jan)	Richard WALKER (Mar)
		Herbert MIDDLETON (Jun)					Wilhelm MEDEFINDT (Feb)	Isaac MACKENZIE (Jul)

1909		Herbert MIDDLETON (Feb)		John HOWARD (Feb)		Wilhelm MEIER (Feb)		Charles KEAM (Feb)
1910		John RUBIDGE (Feb)		Thomas KIRK (Feb)		Johann GOLDSCHMIDT (Feb)		Carl MALCOMESS (Feb)
1911	Alexander DALLAS (Feb)		Frederick GREGG (Feb)		Charles NEALE (Feb)		Wilhelm MEDEFINDT (Feb)	Carl MALCOMESS (Aug)
1912	Thomas COLMAN (Aug)	Herbert MIDDLETON (Feb)		John HOWARD (Feb)		Wilhelm MEIER (Feb)	Carl MALCOMESS (Dec)	Charles KEAM (Feb)

1913		Henry HEWITT (Feb)		Thomas KIRK (Feb)			Johann GOLDSCHMIDT (Feb)			Carl MALCOMESS (Feb)		
1914	Marshall CRAGG (Feb)	George PRIOR (Apr)	Frederick GREGG (Feb)	David DAVIDSON (Mar)		Charles NEALE (Feb)		Wilhelm MEDEFINDT (Feb)		Carl MALCOMESS (Mar)		

### **2.3 MUNICIPAL ELECTION RESULTS**

The following abbreviations have been used:

\* = elected unopposed;  
 D = Dispatch;  
 CM = Council Minutes;  
 MM = Mayor's Minute.  
 S = Standard

	<u>WARD</u>	<u>COUNCILLOR</u>	<u>OPPOSITION</u>	<u>DATE</u>	<u>VOTES</u>	<u>SOURCE</u>
1873	1	J Gately	*	May		D 20.5.1873
	1	G Eirwood	*	May		D 20.5.1873
	1	J Arnold	*	May		D 20.5.1873
	2	W Lee	*	May		D 20.5.1873
	2	TH Venn	*	May		D 20.5.1873
	2	A Webb	*	Aug		D 26.8.1873
1874	1	H Smith	*	Apr		D 14.4.1874
1875	1	FW Bompas	*	Jan		D 12.1.1875
1876	2	G Wetzlar	CJ Dowell	Apr	(not given)	D 18.4.1876
	1	A Vincent	*	Dec		D 11.12.1876
1877	1	CJ Dowell				
	1	G Wetzlar	GB Attwell			
	1	BF Duminy	F Brill	Feb	(not given)	CM 26.2.1877
	1	CE Nicholls				
	1	T Barrable				
	2	R Stickells				
	2	A Vincent	GB Attwell			
	2	A Webb	H Smith	Feb	(not given)	CM 26.2.1877
	2	WN Fuller				
	2	E Walters				
	1	J Coutts	*	Apr		D 9.4.1877
	1	C J Dowell	*			
	1	G Wetzlar	*			
	1	FJ Jarvis	*	Jul		CM 10.7.1877
	1	CE Nicholls	*			
	1	H Smith	*			
1878	2	J Gately	*	Jan		CM 4.1.1878
	1	J Dallas	*	Apr		D 2.5.1878
	1	J Coutts	*	Jun		D 8.6.1878
	1	FJ Jarvis	*	Sep		D 21.9.1878

1879	1	R Walker	WN Thomas	Jan	(not given)	D 15.9.1879
	1	F Brill	*	May		CM 6.5.1879
	2	J Lumsden	*	May		CM 6.5.1879
	2	H Christopherson	*	Jun		CM 18.6.1879
	2	GZ Ulyate	*	Jun		CM 18.6.1879
1880	1	F Brill				35/12
	1	CE Nicholls				31/12
	1	J Dallas	J Gately	Feb		30/12 CM 23.2.1880
	1	R Walker				26/12
	1	JH Hawkins				23/12
	2	J Gately	H Kröger			46/3
	2	E Walters	H Meise			46/8
	2	R Stickells	A Vincent	Feb		46/22 CM 23.2.1880
	2	A Webb	C Selzer			44/22
	2	J Coutts	FJ Jarvis			42/33
	1	A Vincent	*	Jun		CM 15.6.1880
	2	FJ Jarvis	*	Jun		CM 15.6.1880
	2	J Lumsden	*	Jul		CM 8.7.1880
	1	FJ Jarvis	C Daubern	Dec		2/1 CM 27.12.1880
1881	1	G Wetzlar				19/1
	1	R Walker	A Vincent	Feb		18/2 D. 2.3.1881
	1	CE Nicholls	HJ Jarvis			18/-
	1	F Brill				17/-
	2	R Stickells				25/10
	2	A Webb	G Robertson	Feb		25/- D 2.3.1881
	2	J Gately				25/-
	2	E Edwards				22/-
	3	H Kröger				42/6
	3	GZ Ulyate	G Wicks	Feb		42/5 D. 2.3.1881
	3	WF Lance	A Vincent			38/-
	3	J Georgeson				35/-
	1	FW Bompas	*	Aug		D 3.8.1881
	3	A Vincent	W D-Hartley	Sep		14/2 D 14.9.1881
	3	J Coutts	W D-Hartley	Sep		11/2 D 14.9.1881
1882	3	H Kröger	*	Jan		D 18.1.1882
	1	FW Bompas	*	Feb		D 15.2.1882
	2	J Georgeson	*	Feb		D 15.2.1882
	3	W D-Hartley	*	Feb		D 15.2.1882
	1	R Walker	*	Apr		D 12.4.1882
	2	E Walters	G Robertson	Jun	(not given)	D 14.6.1882
	2	A Webb	*	Oct		D 11.10.1882
	1	H Wood	*	Oct		D 28.10.1882

1883	3	GB Attwell	C Selzer	Jan	56/12	D 6.1.1883
	1	CE Nicholls	F Brill	Feb	21/10	D 24.2.1883
	2	J Gately	*	Feb		D 13.2.1883
	3	C Selzer	*	Feb		D 13.2.1883
	2	J Dircks	F Brill	Jun	22/16	D 6.6.1883
	3	RM Masters	*	Aug		D 11.8.1883
	1	CE Viall	*	Aug		D 1.9.1883
1884	1	G Wetzlar	*	Feb		D 13.2.1884
	1	R Walker	*	Feb		D 13.2.1884
	2	A Webb	*	Feb		D 13.2.1884
	2	J Coutts	*	Feb		D 13.2.1884
	3	HN Willetts	*	Feb		D 13.2.1884
	3	W Smale	*	Feb		D 20.2.1884
	1	FJ Jarvis	*	Jul		D 23.7.1884
1885	2	A Vincent	*	Feb		D 14.2.1885
	2	TW Goodwin	*	Feb		D 14.2.1885
	3	GB Attwell	*	Feb		D 18.2.1885
	1	PJ Grandin	H Wood	Mar	(not given)	D 25.3.1885
	1	H Wood	*	Jun		D 24.6.1885
	2	F Brill	RA Bettington	Jun	(not given)	D 3.6.1885
	3	O Morley	*	Aug		D 29.8.1885
1886	1	H Wood	*	Feb		D 17.2.1886
	2	J Gately	*	Feb		D 17.2.1886
	3	O Morley	*	Feb		D 17.2.1886
	3	WF Marshall	*	Jun		D 5.6.1886
	3	WF Lance	*	Jun		D 19.6.1886
	3	HN Willetts	*	Jun		D 30.6.1886
	2	J McGrath	AP Hillier	Jul	24/7	D 14.7.1886
	3	J Gately	*	Aug		D 14.8.1886
	1	CD Griffith	*	Nov		D 27.11.1886
	1	H Smith	*	Nov		D 27.11.1886
	2	A Vincent	*	Nov		D 27.11.1886
1887	1	CD Griffith	*	Jan		D 5.1.1887
	1	G Wetzlar	*	Feb		D 12.2.1887
	1	CD Griffith	*	Feb		D 12.2.1887
	2	A Vincent	*	Feb		D 12.2.1887
	2	J Coutts	*	Feb		D 12.2.1887
	3	J Gately	*	Feb		D 12.2.1887
	3	WF Lance	*	Feb		D 12.2.1887

1888	1	PJ Grandin	*	Feb		D 15.2.1888
	2	D Rees	*	Feb		D 29.2.1888
	3	W Medefindt	*	Feb		D 29.2.1888
	2	A Vincent	*	Feb		D 18.2.1888
	1	F Brill	*	Mar		D 3.3.1888
	1	CD Griffith	*	Sep		D 26.9.1888
1889	2	RG Tudhope	*	Sep		S 26.9.1888
	1	F Brill	*	Feb		D 18.2.1889
	2	J McGrath	*	Feb		D 18.2.1889
	3	JT Stacey	*	Feb		D 2.3.1889
	3	HN Willetts	*	Apr		D 6.4.1889
	1	FA Kelland	*	Aug		D 3.8.1889
1890	1	G Wetzlar	*	Feb		D 12.2.1890
	1	FA Kelland	*	Feb		D 12.2.1890
	2	A Tyndale	*	Feb		D 12.2.1890
	2	RG Tudhope	*	Feb		D 12.2.1890
	3	J Gately	*	Feb		D 12.2.1890
	3	HN Willetts	*	Feb		D 12.2.1890
	2	RG Tudhope	*	Apr		D 2.4.1890
	2	J McGrath	*	Jun		D 28.6.1890
	2	AW Newman	*	Sep		D 24.9.1890
	1891	1	PJ Grandin	*	Feb	
2		D Rees	*	Feb		D 18.2.1891
3		W Medefindt	EJ Carroll	Feb	(not given)	D 4.3.1891
1		PJ Grandin	*	Sep		D 30.9.1891
2		EJ Carroll	*	Sep		D 30.9.1891
1892		1	G McKay	*	Jan	
	1	G McKay	*	Feb		D 17.2.1892
	2	J McGrath	JB Ebden	Feb	53/16	D 2.3.1892
	3	JT Stacey	TA King	Feb	51/20	D 2.3.1892
	2	D Rees	*	Feb		D 17.2.1892
	3	TA King	SJ Cook	May	47/10	D 11.5.1892
	2	A Lehmann	*	May		D 28.5.1882
1	WC Jackson	*	Nov		D 26.11.1892	
1893	1	WC Jackson	FJ Hallett	Feb	(not given)	D 1.3.1893
	1	FA Kelland	*	Feb		D 1.3.1893
	2	AO Lambert	*	Feb		D 1.3.1893
	2	D Rees	*	Feb		D 1.3.1893
	3	J Gately	*	Feb		D 11.2.1893
	3	TA King	*	Feb		D 11.2.1893

1894	1	FJ Hallett	P Grandin	Feb	43/14	D 28.2.1894
	2	EJ Carroll	*	Feb		MM 1893-94
	3	W Medefindt	*	Feb		MM 1893-94
	2	HM Ries	W Smale	Nov	45/31	D 7.11.1894
1895	1	G McKay	*	Feb		MM 1894-95
	2	HM Ries	*	Feb		MM 1894-95
	3	G Blaine	JT Stacey	Feb	142/53	D 27.2.1895
	3	L Uting	*	Aug		D 17.8.1895
1896	1	WC Jackson	T McGrath	Feb	66/23	
	1	G McKay	CD Griffith	Feb	64/25	MM 1895-96
	1	J Dallas	FJ Hallett	Feb	53/32	
	2	EJ Carroll	*	Feb		
	2	J Gately	*	Feb		MM 1895-96
	2	D Rees	*	Feb		
	3	HM Ries	AJ Oliver	Feb	191/68	
	3	G Blaine	JW French	Feb	150/95	MM 1895-96
	3	JT Stacey	L Uting	Feb	126/105	
	4	CK Humphrey	AO Lambart	Feb	48/34	
	4	EH Elton	*	Feb	40/-	MM 1895-96
	4	TA King	*	Feb	37/-	
	4	AO Lambart	*	Nov		D 15.11.1896
1897	4	W Medefindt	CK Humphrey	Jan	41/35	D 9.1.1897
	1	FJ Hallett	J Dallas	Feb	44/31	MM 1896-97
	2	EJP Howard	EJ Carroll	Feb	93/77	MM 1896-97
	3	JT Stacey	AE Deary	Feb	172/74	MM 1896-97
	4	TA King	HB Cumming	Feb	67/26	MM 1896-97
	1	J Dallas	P Grandin	May	54/32	D 19.5.1897
1898	1	J Dallas	*	Feb		MM 1897-98
	2	D Rees	*	Feb		MM 1897-98
	3	G Blaine	MC Goodall	Feb	158/148	MM 1897-98
	4	EH Elton	*	Feb		MM 1897-98
	2	AO Lambart	*	Aug		MM 1897-98

1899	1	WC Jackson	*	Feb		MM 1898-99
	2	D Rees	*	Feb		MM 1898-99
	3	HM Ries	*	Feb		MM 1898-99
	4	W Medefindt	*	Feb		MM 1898-99
	2	JO Bate	EJ Carroll	Mar	117/90	D 13.3.1899
	4	H Malcomess	*	Apr		D 27.4.1899
	4	A Webb	*	Jun		D 14.6.1899
	2	WJ Symons	*	Jul		D 2.8.1899
1900	1	FJ Hallett	*	Feb		MM 1899-1900
	2	JO Bate	*	Feb		MM 1899-1900
	3	T Peel	*	Feb		MM 1899-1900
	4	GB Christian	*	Feb		MM 1899-1900
	4	R Walker	*	Feb		MM 1899-1900
	1	JG Wiggins	C Rowe	Apr	75/36	D 18.4.1900
	4	CK Humphrey	EH Elton	Aug	86/43	D 27.8.1900
1901	1	J Dallas	*	Feb		MM 1900-01
	2	AO Lambart	W Goulden	Feb	224/189	D 25.2.1901
	3	JA Goldschmidt	AE Deary	Feb	257/176	D 25.2.1901
	4	J Bisseker	CK Humphrey	Feb	198/77	D 25.2.1901
1902	1	JG Wiggins	W Goulden	Feb	85/53	D 24.2.1902
	2	WJ Symons	WB Billingham	Feb	152/97	D 24.2.1902
	3	HM Ries	*	Feb		D 8.2.1902
	4	W Medefindt	*	Feb		D 8.2.1902
	2	R Currin	*	Feb		D 22.2.1902
	3	W Searle	*	Aug		D 23.8.1902
1903	1	W Goulden	FJ Hallett	Feb	63/57	D 2.3.1903
	2	R Currin	WB Billingham	Feb	159/104	D 2.3.1903
	3	W Searle	C Gierke	Feb	174/158	D 2.3.1903
	4	R Walker	*	Feb		MM 1902-03
	1	FJ Hallett	*	May		D 4.5.1903
	2	E Gregg	WB Billingham	May	131/48	D 4.5.1903
	4	CK Humphrey	*	Aug		D 29.8.1903
	3	HM Ries	AE Dowding	Sep	222/153	D 14.9.1903
1904	1	AD Jackson	G Campbell	Feb	104/74	D 29.2.1904
	2	AC Maytham	T Peel	Feb	257/87	D 29.2.1904
	3	JA Goldschmidt	*	Feb		D 29.2.1904
	4	CK Humphrey	FJ Hallett	Feb	232/122	D 29.2.1904
	3	C Gierke	*	Mar		MM 1904-05
	2	EP Hartley	*	May		MM 1904-05

1905	1	JG Wiggins	FJ Hallett	Feb	124/108	D 27.2.1905
	2	EP Hartley	WJ Symons	Feb	255/101	D 27.2.1905
	3	J Bisseker	*	Feb		MM 1904-05
	4	W Medefindt	*	Feb		MM 1904-05
	1	AE Harmer	*	Aug		D 14.8.1905
1906	1	G Campbell	*	Feb		MM 1905-06
	2	R Currin	*	Feb		MM 1905-06
	3	J Stewart	D Davidson	Feb	464/182	MM 1905-06
	4	R Walker	*	Feb		MM 1905-06
	1	M Cragg	EH Crouch	Apr	154/48	D 23.4.1906
	2	WJ Symons	WB Billingham	Jul	226/87	MM 1906-07
	2	FL Gregg	*	Nov		MM 1906-07
1907	1	M Cragg	*	Feb		MM 1906-07
	2	J McNamara	*	Feb		MM 1906-07
	3	JA Goldschmidt	*	Feb		MM 1906-07
	4	CK Humphrey	*	Feb		MM 1906-07
	2	SR Larter	*	Mar		MM 1907-08
	2	HJ Ellis	W Sansom	Mar	274/214	MM 1907-08
	4	CH Malcomess	*	Mar		MM 1907-08
1908	3	WF Meier	*	Jan		MM 1907-08
	1	AP Dallas	FJ Hallett	Feb	135/73	MM 1907-08
	2	FL Gregg	*	Feb		MM 1907-08
	3	CJ Neale	J Middlemast	Feb	224/74	MM 1907-08
	4	W Medefindt	*	Feb		MM 1907-08
	4	R Walker	JEP Howard	Mar	219/208	MM 1908-09
	1	HF Middleton	*	Jun		MM 1908-09
	4	IB Mackenzie	JG Wiggins	Jul	237/150	MM 1908-09
1909	1	HF Middleton	*	Feb		MM 1908-09
	2	JEP Howard	*	Feb		MM 1908-09
	3	WF Meier	*	Feb		MM 1908-09
	4	C Keam	*	Feb		MM 1908-09
1910	1	JL Rubidge	M Cragg	Feb	143/70	D 28.2.1910
	2	T Kirk	SR Larter	Feb	276/98	D 28.2.1910
	3	JA Goldschmidt	*	Feb		MM 1909-10
	4	CH Malcomess	*	Feb		MM 1909-10

1911	1	AP Dallas	*	Feb		MM 1910-11
	2	FL Gregg	*	Feb		MM 1910-11
	3	CJ Neale	FJ Pearce	Feb	251/193	MM 1910-11
	4	W Medefindt	*	Feb		MM 1910-11
	4	CH Malcomess	*	Aug		D 18.8.1911
	4	CH Malcomess	*	Dec		D 8.12.1911
	1	AG Parker	WHG Venn	Dec	101/85	D 27.12.1911
1912	1	HF Middleton	*	Feb		MM 1911-12
	2	JEP Howard	JE Smith	Feb	264/243	D 26.2.1912
	3	WF Meier	*	Feb		MM 1911-12
	4	C Keam	*	Feb		MM 1911-12
	1	TH Colman	*	Aug		MM 1912-13
1913	1	HAC Hewitt	M Cragg	Feb	126/87	D 24.2.1913
	2	T Kirk	*	Feb		MM 1912-13
	3	JA Goldschmidt	*	Feb		MM 1912-13
	4	CH Malcomess	*	Feb		MM 1912-13
1914	1	M Cragg	AP Dallas	Feb	121/112	MM 1913-14
	2	FL Gregg	D Davidson	Feb	250/248	MM 1913-14
	3	CJ Neale	*	Feb		MM 1913-14
	4	W Medefindt	*	Feb		MM 1913-14
	2	D Davidson	*	Mar		MM 1913-14
	4	CH Malcomess	J Stewart	Mar	492/192	MM 1913-14
	1	GW Prior	*	Apr		MM Sep 1914

APPENDIX 3

ACTS OF PARLIAMENT AND PROVINCIAL ORDINANCES  
PERTAINING TO THE EAST LONDON MUNICIPALITY

1873 - 1914

THE EAST LONDON MUNICIPALITY ACT, 1880 [1]

AN ACT FOR THE INCORPORATION OF THE MUNICIPALITY  
OF EAST LONDON

Preamble.

Whereas it is expedient that the municipality of East London should be incorporated and shall have perpetual succession, and possess, exercise, and enjoy all the rights and privileges which municipal corporation can or may possess, exercise, or enjoy in this colony:

Be it therefore enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows: -

Repeal of certain statutes.

I. The Ordinances No. 9 of 1836, No. 2 of 1844, No. 8 of 1848, No. 5 of 1852, and the Act No. 13 of 1864, in so far as the same are applicable to the municipality of East London, shall continue to be of legal force and operative as heretofore, until after the first election of councillors, as provided for in and by this Act; and immediately upon and after the names of the councillors shall have been published, as hereinafter provided, the said Ordinances and Act, in so far as the same apply as aforesaid, and also so much of the Act No. 8 of 1877, or any other law as is inconsistent with this Act, shall be and the same are hereby repealed: Provided that the municipal regulations in force at the time of taking effect of this Act shall continue to be in force and operation until such time as the same shall be altered or new ones published under this Act: And provided also, that the commissioners and officers of the municipality who may be in office at the time of the taking effect of this Act shall, until after the first election of councillors under this Act, remain in office, and exercise all such powers and authorities as previous to the taking effect of this Act were vested in them: And provided also, that all municipal rates assessed before the taking effect of this Act, and then due and in arrear, shall be deemed and taken to have been assessed under this Act, and the assessment roll in use at the time of the taking effect of this Act shall continue to be used until a new one shall be completed under this Act.

Boundaries of the municipality.

II. The municipality of East London shall comprehend the town and township of East London, including all common lands and property within the area formed by the boundaries hereinafter more particularly mentioned and described, to wit: -

West Bank of the Buffalo River. - From the mouth of the spruit which bounds sections 2, 1, 4, and 5, following that spruit to its eastern source at the Fort Grey Road; thence along that road to the continuation of the south-eastern boundary of section 8; thence along that boundary to the Buffalo River; thence down that river to the sea; thence along the coast line to the spruit as aforesaid.

East Bank of the Buffalo River. - From the mouth of the spruit in the bend of the Buffalo River above the said spruit to the common beacons of lots 112 and 113; thence along the south-eastern boundary of the said lot 113; thence along the southern boundary of lots 67 and 68 to the Amalinda River; thence up that river to the south-west corner beacon of lot 74; thence along the south-eastern boundaries of lots 74, 73, 23, and 70, to the most easterly corner of lot 70; thence in a direct line to the south-easterly corner beacon of lot 24 (Tapson's lot) on Mr. Griffith's plan of survey; thence to the western corner beacon of lots 2 and 3 (German immigrant lots); thence along the western boundaries of sections 3, 25, 26, 43, and 44, to the south-western corner beacon of 44; thence following the southern line of lot 44, the western and southern boundaries of lot 50, the south-western boundary of lots 53, 54, 55, 56, and 57 to the East London and Maclean Road; thence following that road to the I'hlanza River; thence as indicated on the sketch plan, framed by Mr. A.E. Murray, Government surveyor, dated 14th June, 1876, down the I'hlanza River aforesaid to a point near its mouth, marked A on said plan; thence in a straight line to a point marked F; thence in a straight line to a point marked C; thence in a straight line to a point on the west side of the Inkyanza River, marked D; thence in a straight line to a point on the Limekiln Spruit, marked E; thence down that spruit to its mouth, marked F; thence following the coast line to the harbour works fence, marked G; thence along that fence to its northern corner, marked H; thence along the same fence to its junction with the Guigney River;

thence down that river to the Buffalo River; thence up the Buffalo River to the point first named.

Creation of body corporate and its title.

III. There shall be in the said municipality a body corporate, which shall take and bear the name of "the mayor, councillors, and townsmen of East London," and by that name shall have perpetual succession, and sue and be sued, and shall have a common seal; and shall, by the council thereof, do all acts, and have and enjoy all the rights and privileges which bodies corporate, as such, may do and have.

Constitution of municipal council.

IV. The council of the said municipality shall consist of twelve members, one of whom shall be the mayor.

Division of the municipality into wards.

V. The said municipality shall consist of three wards, as follows: -

Ward No. 1. - That portion of the municipality which is situate on the west bank of the Buffalo River.

Ward No. 2. - That portion of the municipality which is situate between the east bank of the Buffalo River and Union-street, or a line drawn either way to points on the Buffalo River and sea beach respectively in continuation thereof, being the whole of the township hitherto known as East London East.

Ward No. 3. - The whole of the remaining portion of the municipality not included in either of the foregoing wards.

Boundaries of wards may be altered.

VI. The said council may, from time to time, if they think fit, alter the boundaries of all or any or either of the said wards, and extend the limits of the town or municipality, and may purchase and hold adjoining properties for the purpose of extending the common pasturage lands: Provided that the council shall, before making any such alteration, increase, extension, or purchase, give, in one or more of the newspapers published in East London, public notice of the alteration, increase, extension, or purchase intended to be made; which notice shall be published for not less than thirty-one days before any such alteration, increase, extension, or purchase shall be made; and a copy of the same shall also be posted in some conspicuous place upon or near the municipal office or market place; and in case six

townsmen or more or any other person who may consider that his right will be interfered with by the proposed alteration, increase, extension, or purchase shall, within the time aforesaid, object to the same in writing, or to the objects, terms, and conditions thereof, the notice and the objections shall be forwarded to the Governor for his consideration and consent; and on such consent being obtained, but not otherwise, the council may complete the proposed alteration, increase, extension, or purchase aforesaid.

Four councillors to each ward.

VII. Four councillors shall be elected for each ward in manner hereinafter mentioned.

Qualification of voters for councillors.

VIII. Every person of full age who is the owner or occupier of any immovable property in any ward of the municipality of the yearly value of not less than ten pounds sterling, in regard to which property no municipal rate shall at the time of any election of councillors, or a councillor of such ward, be due, and in arrear, shall be qualified and entitled to vote at such election, in respect of such ward: Provided that his name shall appear in the list of voters to be framed as hereinafter mentioned, and as a ratepayer in the assessment roll of such ward, which shall have been made next or latest before the election at which such person shall be elected: Provided also that the assessment roll in existence at the time of the taking effect of this Act shall be deemed and taken to have been framed under this Act, and that all municipal rates assessed before the taking effect of this Act, and then due and in arrear, shall be deemed and taken to have been assessed under this Act: And provided further, that for the purposes of this section, the owner and occupier shall not both be entitled to vote in respect of one and the same property, and that the occupier shall be entitled at all times to the vote.

Qualification of councillors.

IX. Every person of full age who shall have been the owner or occupier of immovable property of the yearly value of twenty pounds sterling and upwards within the limits of the said municipality for a period of not less than twelve months next before such election, and in regard to which property no municipal rate shall at the time of the commencement of election be due and in arrear, shall be eligible to be elected a councillor: Provided that different premises or properties owned or occupied in

immediate succession shall satisfy this section as fully and effectually as if they had been one and the same premises or properties.

Requisition to candidates necessary.

X. No person shall be deemed a candidate at any election, nor qualified to be elected a councillor for any ward until such person shall have been invited to become such candidate by a requisition, signed by at least five qualified voters of such ward, and shall have transmitted such requisition, with the acceptance thereof, addressed to the town clerk, and delivered at his office between the hours of ten a.m. and three p.m., at least fourteen days before such election is appointed to take place.

Case of joint occupiers.

XI. When any property as aforesaid is occupied by more persons than one, each of such co-occupiers shall, subject to the provisions in the preceding sections mentioned, be entitled to vote in respect of such property, or eligible to be elected a councillor: Provided the yearly value of such property when divided by the number of such co-occupiers shall be equal to the sum of ten pounds sterling or twenty pounds sterling respectively for each such co-occupier.

Persons disqualified to be councillors.

XII. The following persons shall be disqualified from voting or being elected as councillors at any election under this Act, viz., persons who have been convicted of treason, murder, rape, theft, receiving stolen goods knowing them to have been stolen, fraud, perjury, forgery, or any attempt to commit any of such offences, and who shall not have received free pardon.

Town clerk to make yearly list of voters.

XIII. On or before the first Saturday in November next after the passing of this Act, and afterwards on or before the first Saturday in November in every year, the town clerk shall cause a list to be made in alphabetical order for each ward of all persons qualified to vote at the election of councillors for each ward, setting forth the christian and surname of each at full length, the place of abode, and the nature of the qualification of such person.

Publication of such lists.

XIV. The chairman of the commissioners until the appointment of a mayor, and afterwards the mayor, shall forthwith cause such lists to be published by affixing the same to some conspicuous place upon or near the municipal office or market-place: and to every list so published shall be subjoined a notice, signed by such chairman or mayor, that all objections thereto and claims to be inserted therein will be heard and determined at some time and place to be named in such notice, and to be fixed by such chairman or mayor.

Provision for hearing objections to lists.

XV. The chairman of the commissioners and two commissioners, until the appointment of a mayor and council under this Act, and afterwards the mayor and two councillors, to be selected for that purpose by the commissioners or councillors, as the case may be, shall have the power, after hearing objections and claims in open court, to strike out of any list the names of persons not entitled to be therein, and also to insert in any list the names of all persons entitled to be, but not appearing in, such list.

Title of the lists.

XVI. The list so settled shall be called "The Townsman's Roll of East London," and shall be brought into use on the first day of January in each year, and shall continue to be used until the next succeeding lists shall be brought into use.

Republication of lists when settled.

XVII. The chairman of the commissioners, and afterwards the mayor, shall, immediately after the settlement of such roll, publish the same in accordance with the sixty-third section of this Act.

Yearly election of councillors.

XVIII. On the last Saturday in February next after the passing of this Act, an election shall be held in manner hereinafter provided for twelve councillors, being four for each ward, who shall enter upon their office upon the first day of March following, and thenceforth on the last Saturday in February in each succeeding year an election shall take place for three councillors, being one for each ward. All occasional vacancies shall be filled up as hereinafter mentioned.

Time and places of election to be notified.

XIX. The chairman of the commissioners, until the appointment of a mayor under this Act, and thereafter the mayor, shall, at least twenty-eight days before the day appointed for the election of a councillor or councillors, by notice to be published as hereinafter provided, notify the times and places at which and the ward or wards for which the election or elections will be held, and shall, by such notice, require that all requisitions and acceptances thereof under the tenth section of this Act be sent in to him fourteen days at least before the day appointed for such election.

Publication of requisitions to candidates.

XX. The town clerk shall, at least ten days before the day appointed for any election, cause the names of the candidates, together with the names of persons who have signed such requisition, to be published in manner hereinafter mentioned.

Mayor to preside at meetings of council.

XXI. Every meeting for the election of a councillor or councillors shall be presided over by a polling officer, to be appointed for that purpose by the mayor, or, before the appointment of a mayor under this Act, by the chairman of the commissioners. The poll shall commence at ten o'clock in the forenoon, and close at three o'clock in the afternoon of the same day.

Voters in each ward to have as many votes  
as there are vacancies

XXII. At every election of a councillor or councillors every person whose name appears on the townsmen's or assessment rolls for any ward then in use (a copy of which shall be furnished to each polling officer for his guidance at such election) shall be entitled to vote in such ward in person for any candidates, not being more than the number to be elected for such ward, but not elsewhere or otherwise.

Voting to be by ballot.

XXIII. The votes shall be taken by ballot in manner following: that is to say, every voter shall, in the polling-booth, in the presence of the polling officer, set his name on a paper provided by the returning officer against the name of the candidate or candidates for whom

he intends to vote, and hand the same to the polling officer, who shall forthwith deposit such paper in a locked-up box, to be provided for the reception of such papers, and such box shall not be opened until after the close of the poll, and then only by the chairman of the commissioners, or mayor, as the case may be, in the presence of the polling officer only. No voter shall be allowed to give more than one vote to one candidate.

What questions may be asked of voter.

XXIV. No inquiry shall at any election be permitted to be made as to the right of any person to vote, except as follows: that is to say, the polling officer may of himself, or at the request of any qualified voter, put to any voter the following questions, or either of them, and no others: -

1st. Are you the person whose name appears as A.B. on the townsmen's roll of East London, and on the voting paper now handed in by you?

2nd. Have all municipal rates assessed upon the immovable property now occupied (or owned) by you been paid?

And in case it shall be proved to the satisfaction of the polling officer before accepting the voting paper, or of the chairman or mayor, as the case may be, before declaring the poll, that the person has made a false answer to either of such questions, the polling officer shall reject, and the mayor or chairman, as the case may be, expunge the vote of such person.

Penalty for false answers.

XXV. If any person shall wilfully make a false answer to either of the above questions, he shall, in addition to the disqualification before mentioned, be liable to a penalty not exceeding ten pounds, to be recovered in the court of the resident magistrate, and in default of payment may be imprisoned for a period not exceeding one month, if such penalty be not soon paid.

Candidates may be present at polling.

XXVI. All candidates shall be entitled to be present personally, or to be represented by proxy, in the polling booth (but not at the polling table, which shall be properly isolated) during the time the polling is going on, but shall not interfere in any manner in the election. Any person interfering in the election, or holding

intercourse in the polling booth with any voter previous to such voter recording his vote, may be forthwith removed from the polling booth and prohibited from entering the same during the hours of election; and any person so interfering and refusing to obey the orders of the polling officer to leave the booth, or re-entering the same during the hours aforesaid, shall for each act of interference be liable to a penalty of not more than five pounds, to be recovered in the court of the resident magistrate.

If number of candidates only equal to vacancies,  
they are to be declared elected.

XXVII. In the event of the number of duly qualified candidates invited to stand as councillors for any particular ward, and accepting the requisition mentioned in section ten, being not more than the number required to fill the vacancies in the representation of such ward, the mayor, or before the appointment of a mayor, the chairman of the commissioners, shall forthwith declare such candidate or candidates duly elected.

How if votes for two or more candidates equal.

XXVIII. On the opening of the ballot box, as hereinbefore mentioned, the person or persons having the greatest number of votes duly recorded shall be taken to be duly elected, but if at any election the ballot shall, by reason of an equality of votes, be rendered indecisive, the returning officer shall thereupon publicly determine by lot which of the persons for whom an equality of votes has been given shall be elected.

List of elected persons to be published.

XXIX. When the chairman of the commissioners, or the mayor as the case may be, has ascertained the names of the parties so elected, he shall forthwith cause a list thereof, with the names of the wards for which they are respectively elected to be published in one or more of the local newspapers.

Provision for retirement of councillors  
on rotation.

XXX. Of the persons so elected as beforementioned the councillor who for each ward respectively shall have been elected by the smallest number of votes shall vacate his seat at the expiration of one year, from the first day of March next after the passing of this Act, and the councillor who for each ward respectively shall have been elected by the next smallest number of votes shall vacate

his seat at the end of two years from the said first day of March, and the remaining two councillors who for each ward respectively shall have been elected by the greatest number of votes shall vacate their seats at the expiration of three years from the said first day of March; and upon the retirement of such councillors respectively they shall be succeeded by councillors who shall be elected as hereinbefore provided, so that at every subsequent yearly election there shall be elected one councillor for each ward, except at every such third yearly election when there shall be elected two councillors for each ward, every such councillor so elected entering on his office on the first day of March in each year, and continuing therein for three days thereafter; and every retiring councillor shall be eligible for re-election: Provided that in case by reason of any two or more councillors in any ward having been elected by an equal number of votes, or in the event of election having been an uncontested one, it shall be uncertain in what rotation they shall vacate their seats, the mayor shall at the first meeting of councillors decide by lot the rotation in which such persons shall retire.

Mayor to be elected by councillors.

XXXI. At the first ordinary meeting following the first general election of councillors under this Act, the councillors shall choose from among themselves by a majority of votes the mayor of the town, who shall hold office for one year; and thereafter at the first ordinary meeting following every annual election of councillors, the councillors for the time being shall, in like manner, choose from among themselves the mayor of the town for the ensuing year, and such mayor shall forthwith enter upon his office and shall continue therein for the year next ensuing: Provided that the chair at any meeting of the council for the election of the mayor shall be taken by some member of the council, chosen by a majority of votes of councillors present, and in case of an equality of votes by lot, who is not a candidate for the office of mayor: And provided also, that any person who may have filled or may have held the office of mayor may be re-elected to such office. In case of an equality of votes at any election of mayor, the question between the candidates having such an equal number of votes shall be determined by the presiding councillor by lot.

Also auditors of municipal accounts.

XXXII. At the second ordinary meeting after the annual election of councillors, the council shall appoint from amongst the townsmen two persons to be auditors of the accounts of the council, who shall continue in office until the same day in the following year, subject to the provisions of section thirty-five of this Act: Provided that no person shall be eligible to be an auditor who shall be a councillor, treasurer, clerk, or other officer of the municipality, and in case of an equality of votes at any election of auditors, the mayor shall determine by his casting vote which of the persons for whom an equal number of votes shall have been given shall be elected in case such persons cannot both be elected.

Provision in case office of mayor vacant.

XXXIII. If the mayor or any councillor shall die, resign, become insolvent, or be absent from the ordinary meetings of the council for a period of three calendar months without the leave of the council (such leave in no case to be for more than three months during the year of office), his office shall be declared vacant, and another mayor or councillor, as the case may be, shall be chosen or elected in his place in manner aforesaid, and shall hold office for the remainder of the term for which the mayor or councillor, who has vacated office, would otherwise have remained in office: And provided that the mayor shall in no case resign his office without giving one month's notice to the council.

In case of office of auditor being vacant.

XXXIV. If any auditor shall die, resign, assign his estate, become insolvent or incompetent, or in any way disqualified, his office shall at once become and be declared vacant, and the council shall, at the first ordinary meeting thereafter, appoint another auditor to fill the vacancy.

No councillor to have municipal contracts.

XXXV. No member of the council, or person holding any office in the gift or disposal thereof, shall, directly or indirectly, have any share or interest in any contract with or employment by the council otherwise than as a shareholder in any bank or fire insurance company with which such council may transact business, or shall receive any fee, reward, or compensation for any vote given or act performed in his capacity as councillor or officer. And such councillor or officer who shall contravene the

provisions of this section shall thenceforward cease to be a member of the council or to hold such office as aforesaid, and in case of an officer, shall not be entitled to any pension or compensation for loss of office, and shall further be liable to a penalty not exceeding fifty pounds: Provided that nothing herein contained shall apply to the case of a lease bona fide entered into between the council and a councillor or officer, as landlord and tenant, or to the case of an officer of the council receiving the ordinary salary or remuneration for the performance of the duties of his office.

Powers of council.

XXXVI. The council shall have power and authority to do the following acts: -

To make, construct, alter, keep clean and in repair, the roads, streets, dams, furrows, sewers, drains, culverts, and bridges within the limits of the municipality.

To excavate, construct, and lay down within the limits of the municipality water courses, water pipes, conduits, sluices, dams, reservoirs, aqueducts, wells, and other works for supplying the inhabitants of the municipality with water, and to keep the same in repair, or to grant leave to any person, or company of persons, to lay down pipes, or to execute any other like works.

To establish and retain the sole right to any ferry, pontoon, bridge, or other public means of crossing the Buffalo River.

To make provisions for the prevention and extinguishment of fires, and for that purpose to provide and keep fire engines, with hose, pipes, and all necessary utensils, and to establish and to maintain a fire-brigade.

To establish, alter, regulate, and maintain markets and fairs, and to set apart places for these purposes.

To light or provide for the lighting of the streets.

To hold, occupy, lease, or purchase any land, and to erect, lease, or purchase, maintain, and keep in repair any building or buildings for any municipal requirement or purpose.

To lease, purchase, or erect and maintain such school buildings and manage such schools as the council shall, from time to time, think proper, and the exigencies of the times may render necessary and advisable, and to enter into such guarantees in respect of such schools as may be required by the Government, in case any aid from the Government in support of such schools should be required under any Act which may now be or may hereafter be in force for this purpose: Provided, always, that the ordinary revenue of the town be not used in the lease, purchase, erection, or maintenance of any school buildings.

To cause all buildings which shall be certified in writing by any three master builders to be unsafe to the public to be placed in a state of security, and, if necessary, removed at the expense of the owners of such buildings: Provided that notice in writing shall have been first given by the council to the owner of owners of such buildings that such buildings are in a state of insecurity, and that the same must be removed or placed in a state of security within a reasonable time.

To cause all buildings used by the public capable of containing more than two hundred persons to be provided at the expense of the owner or owners of such buildings with sufficient and proper means of egress in cases of fire or panic: Provided that notice in writing shall have been first given by the council to the owner or owners of such buildings that the existing means of egress is insufficient, and must be made sufficiently within a reasonable time.

To erect and maintain proper weighing machines for ascertaining the weight of wagons and other carriages and their loads.

To grant permits and licences for any purposes, to be defined by the municipal regulations, and to make such charges for the same as may be so defined.

To levy tolls and dues, as hereinafter provided.

To make such provisions for the isolation of cases of dangerous contagious diseases affecting persons or animals within the municipality, and for the suppression and prevention of the same as shall be necessary from time to time, and according to law.

To define the width and direction of such streets as may be made on private property by the owners thereof; which streets, when so defined, shall thereupon, upon

application by the owners of the property, become public streets.

To make provision for the removal and disposal of all night soil, stable litter, excrement, filth, slops and refuse from public and private premises and from the streets, and to construct and maintain cemeteries, and generally to devise and carry out all such measures as shall appear to the council to the advantage and convenience of the townsmen.

To establish and provide for the management of public pounds within the said municipal limits.

To assize weights and measures according to the standard in force.

Provisions of Act of 1857 to apply.

XXXVII. The provisions of Act No. 15 of 1857, entitled "An Act for enabling Municipalities to obtain Additional Police by contributing towards the Expense thereof," shall, *mutatis mutandis*, continue applicable to the municipality of East London hereby constituted, the words "town council" being read in place of the words "municipal commissioners" or "commissioners".

What municipal regulations may be framed.

XXXVIII. It shall be lawful for the council at any meeting at which not less than nine of the members shall be present, and agreeing thereto, to frame by-laws, rules, and regulations as to the registration of births and deaths within the municipality, as to the compulsory vaccination of all persons residing within the municipality, the inspection of public and private wells, tanks, cisterns, and reservoirs, and the temporary or permanent closing of any such in which the water is so polluted as to be injurious to public health; the inspection, construction, and cleaning of ashpits, privies, cesspools, and middens, and of stables, kraals, and enclosures wherein horses, horned cattle, sheep, goats, pigs, or other live-stock may be stabled, kraaled, or kept; the times and places for slaughtering cattle, sheep, or goats within the municipality, and the state and condition of slaughter-houses or enclosures, skin stores, tanneries, and wool-washeries within the municipality; the confining or killing of dogs, pigs, goats, and fowls; the appointment of one or more competent persons to examine meat and other provisions, milk, spiritous and other drinks offered for sale, and who, in case of such meat, provisions, or drinks being found unfit for human food or drink, shall be empowered to cause the same to be

destroyed; the prevention, abatement, and removal of nuisances, and the recovery of the expenses thereby incurred from the person or persons committing or permitting such nuisances; what acts of commission or omission, neglect; the weight of loads to be carried through and upon the public streets and roads within the municipality; thus undue obstruction of the public streets and footpaths by carriages or otherwise, and securing that the footpaths shall be for the use and enjoyment of foot passengers; as to the registration, rates of charge, and conduct of coolies; to make all such sanitary and other regulations for the preservation of the health of the inhabitants of the town, and of natives and others residing or staying within the native location as may be deemed advisable; as to the management of the common pasturage lands of the municipality, the number and description of cattle which each resident householder (who for the purpose here specified shall be deemed and taken to be a person occupying immovable property within the municipality of the yearly value of not less than ten pounds) shall be allowed to depasture on such lands; as to the portion or portions of the commonage upon which carriers and others frequenting or passing through the municipality, or attending the markets thereof, may depasture their stock; as to the establishment, continuance, management, and regulation of public pounds within the municipality; the erection of toll-bars and the imposition of tolls for the maintenance and repairs of the public streets and roads within the municipality; the establishment of one or more ferries, pontoons, bridges, or other public means of crossing the river Buffalo, and levying of tolls in connection therewith; as to the user, or non-user, of the streets and public places within the municipality for holding of public auctions, and the imposition of reasonable tolls and dues to be paid to the council in respect of such use; the licensing of any boats, cabs, carriages, or vehicles of any description, not being Government property, plying for hire within the limits of the municipality; the granting of licences or permits for digging or getting brick, clay, or gravel, or quarrying stone, or cutting firewood on the commonage, and generally as may seem meet for the good rule and government of the municipality, as may be expedient for the proper working of the powers thereby given, and as may appear necessary for the purpose of carrying out all such measures as shall appear to the council to be for the benefit, convenience, or improvement of the municipality, and of the health and comfort of the inhabitants thereof, with the power, from time to time, to alter, vary, or rescind all or any of such by-laws, rules, and regulations, and to frame such others as may from time to time appear expedient: Provided that no such by-law,

rule, or regulation, nor any alteration, variation, or rescindment thereof, shall be of force until the same has been published, as is in the sixty-third and sixty-fourth sections of this Act provided, for twenty-eight days (together with a notice calling upon all townsmen who may have any objections to the same, to lodge such objections in writing within the period aforesaid), and thereafter shall have been submitted by the council to the Governor (together with the objections, if any, that may have been so lodged), and shall have been approved of by him with the advice of the Executive Council, and published in the Government Gazette.

Published regulations to be deemed duly made.

XXXIX. After any municipal by-law, rule, or regulation shall have been so published as aforesaid, it shall not be necessary in any proceeding founded upon it, to prove that the required number of members of the council was present at the meeting at which such by-law, rule, or regulation was framed.

Power to impose fines.

XL. It shall be competent for the council by any such by-law, rule, or regulation, as aforesaid, to provide for punishing the contravention thereof by a fine not exceeding ten pounds, and in default of payment of such fine to imprisonment, unless such fine be sooner paid, for any period prescribed by such regulation not exceeding three months.

Power to establish tolls.

XLI. It shall be lawful for the council, by any municipal regulation as aforesaid, to impose such tolls or dues as may be reasonable on all persons making use of any road, street, ferry, pontoon, bridge, or market-place, within the municipality, which the council is hereby empowered to make or maintain, and in case of non-payment thereof, to recover the same by legal process, or in such other manner as may by any such municipal regulation be in that behalf provided; but no toll shall be payable by any officer or private of Her Majesty's forces, or any colonial police, volunteer, or other force, or by any judicial or civil officer, mail-carrier, or other Government servant, while travelling on public duty, or by any person or persons, who, under or by virtue of the provisions of a certain agreement, bearing date the first day of October, 1874, and made between the divisional council of East London and the municipal commissioners of East London, are exempt from payment of such toll:

Provided that no more than one toll shall be payable in any one day, to be computed from twelve o'clock in one night to twelve o'clock in the next succeeding night, for or in respect of the same vehicle or animal, except such as may be in respect of any ferry, pontoon, bridge, or other means of crossing the Buffalo River.

Lands and servitudes vested in town council.

XLII. All property and servitudes as heretofore or by this Act vested in the said commissioners, or chairman of the commissioners, and all unsold erven within the municipality's limits, and all municipal pasturage lands, after the taking effect of this Act, and by virtue thereof, are hereby and shall be transferred to and vested in the corporation hereby created, or to and in the mayor respectively, upon the like trusts and purposes for which the same were originally granted or transferred, and, as to such erven and pasturage lands, subject to the provisions for the sale, leasing, or other disposition thereof hereinafter contained; and in like manner all liabilities or debts lawfully incurred and contracts lawfully entered into by the aforesaid commissioners, acting for and on behalf of the said municipality, shall become the liabilities, debts, contracts, and engagements of the said corporation, and all expenses incurred in the passing of this Act shall also in like manner be charged to the corporation herein created.

Power, with consent of Governor, to rate money on mortgage or debentures.

XLII. It shall be lawful for the council, by virtue of a resolution to that effect passed at any ordinary meeting at which at least nine members are present and agreeing thereto, by a majority of not less than a two-thirds of those present, and with the consent of the Governor, to be duly certified by writing under the hand of some proper officer, to raise by public sale, or by mortgage of any land or property vested in the said council, or by debentures or other securities charged upon such land or property, any sum of money which shall be necessary to carry on any important public work, or other municipal purpose, which the council shall deem desirable and the Governor shall approve of: Provided that the said council shall, before applying to the Governor for his consent, give continuous public notice of at least one month of their intention to apply for such consent, in which notice shall be given a full and clear statement of the situation, nature, and extent of the land or property proposed to be sold or mortgaged, or charged by these debentures or other securities, and of the object or

purpose for which the money to arise from such sale, mortgage, or issue of debentures, or other securities, is required; and which notice shall further call for objections to such sale, mortgage, or issue of debentures, or to such object or purpose to be lodged with the council in writing; which objections, mutatis mutandis, shall be dealt with in manner provided for objections according to section six of this Act.

Debenture holders to rank pari passu on Municipal Property. Debentures to be under municipal seal.

XLIV. As often as the said council shall raise money by the issue of debentures, to be charged upon any land or property as aforesaid, the council shall execute to and in favour of any person or persons whom the said council shall propose, a mortgage of the land or property upon which it is intended that the said debentures shall be charged, to be held by such person or persons in trust for the holders of the debentures so issued, which holders shall, according to their respective amounts and interests, rank pari passu upon the proceeds of the land or property comprised in the mortgage. Every mortgage aforesaid, or power of attorney for authorising the execution of a mortgage of any land or property under this Act, and every debenture issued under this Act, shall be under the common seal of the said corporation, and shall be executed by the mayor and countersigned by the town clerk. The debentures herein mentioned shall be as near as is material to form No. 1 annexed to this Act, and all transfers of such debentures shall be registered in the books of the corporation herein created.

Fresh debentures may be issued as old ones fall due.

XLV. As often as any mortgage granted or debenture issued under the two last preceding sections of this Act shall be called up or become payable, it shall be lawful for the said council to raise by fresh mortgage of the same land or property mortgaged, or to raise by the issue of fresh debentures, any sum not exceeding the sum then required to be paid off, and the council may raise upon debentures moneys to pay off mortgages, and conversely, may raise by mortgage moneys required to pay off debentures, so long as the same land and property which were charged by the one form of security, and none other shall be charged by the other or substituted form of security: Provided that it shall not be necessary for the council to obtain the consent of the Governor aforesaid

for the granting of any mortgage or the issue of any debentures under the provisions of this section.

Power of leasing pasturage lands.

XLVI. The council, by virtue of any resolution of not less than nine members present at any ordinary meeting, and agreeing thereto by a majority, may from time to time lease any portions of the municipal pasturage land for agricultural, garden, building, or trading purposes, for any period not exceeding fourteen years: Provided that continuous public notice shall have been given of not less than twenty-one days previous to the intended leasing, setting forth the objects, terms, and conditions of and proposed lease, and requiring any person objecting to the proposed leasing to lodge with the council, within fourteen days after the first publication of such notice, his objection thereto in writing; and in case six townsmen or more, or any other person who may consider that his rights will be interfered with by the proposed leasing, shall, within the time aforesaid, object to the same, or to the objects, terms, and conditions thereof, the notice and objections shall be forwarded to the Governor for his consideration and decision, and in case such decision shall be in favour of the council, but not otherwise, the council may enter into such lease notwithstanding such objections.

Licences to quarry.

XLVII. The council may, by public tender, after public notice of not less than twenty-one days grant from time to time privileges of working any quarries belonging to the council, or beneath the municipal pasturage lands, for any term not exceeding five years, upon such terms as the council may seem fit.

Not to be sublet.

XLVIII. No lessee of any such land, or of any quarries, shall assign or sublet the same without the previous consent of the council testified in writing first had and obtained.

Powers of council to appropriate certain lands.

XLIX. In case the said council shall require to take or use any land, with or without the buildings, if any erected thereon, for the purpose of making, widening, or improving any street, market or public building, or to dig out or to carry away any materials belonging to any person within the municipality, then in that case it shall be

lawful for the said council, by virtue of a resolution of eight members present at any ordinary meeting, and agreeing thereto, and it is hereby authorised and empowered to treat and agree with every such person for the purchase or hire, as the case may be, of any such land, buildings, or materials as aforesaid, or for the payment of consequential damages, and generally to enter into such contract or contracts relative to the obtaining of any such land, buildings, or materials, upon any such terms and conditions as may be mutually agreed upon between the council and said proprietors, and in case any such person and the said council shall not agree upon the purchase money, hire, or other recompense to be respectively given by the one party and accepted by the other, then the said council may cause to be served upon such person a written notice, offering as recompense or compensation whatever sum of money it shall deem sufficient, and requiring such person to state in writing to the said council, or to some person by it appointed, within fourteen days of the said notice, whether he is willing to accept the sum therein mentioned or not; and in case the person shall neglect or refuse to accept the sum offered, or shall neglect to reply to the said notice, the said council shall, by another notice, in writing, call upon such person to refer to arbitration the amount of recompense or compensation to be paid to him by the said council, and for that purpose to transmit to the said council, within a certain reasonable time to be specified in the said last-mentioned notice, the name of some person whom he shall select to be an arbitrator upon such arbitration, and the said council, upon receiving the name of the person so selected, shall nominate a second arbitrator, and shall cause a deed of submission to be prepared, which shall be signed on behalf of the said municipality by the town clerk for the time being, and by the person claiming such recompense or compensation as aforesaid, and which shall clearly set forth the matter to be determined by the said arbitrators, together with a power to the said arbitrators, previous to entering upon the reference, to appoint an umpire, and the decision of the arbitrators, or, in case of difference, the decision of the umpires, shall be final; and the award of such arbitrators or umpire, as the case may be, shall be made a rule of the supreme court of this colony, or of the court of the eastern districts, or of any circuit court, and shall be binding and conclusive, and may be pleaded, in bar of any action or proceeding at law brought for, or on account of, the same subject matter: Provided, however, that unless the amount so settled by the arbitrators or umpire as the value of any property so required by the council, or such hire or other recompense shall not be less than three-fourths of the amount demanded by the

owner of such property or materials, the council shall be bound to pay the amount of such owner's demand in full, together with the whole costs of and incidental to the reference: And provided further, that all expenses incurred by such arbitration, fees of arbitrators, and legal assistance of whatever kind, shall, except in the case above provided, be considered costs in the case, and shall be paid by the parties, one or other of them, in such manner as the arbitrators or umpire shall direct; and in case such person as aforesaid claiming such recompense or compensation shall neglect or refuse to name some person to be such arbitrators as aforesaid, or to sign the said deed of submission, it shall be lawful for the said council, and it is hereby authorised, to lodge in some joint-stock bank in the colony the sum of money offered by it as aforesaid, on its first notice in this section mentioned, for and on account of and at the risk of such person as aforesaid, who shall at all times be entitled to draw the same out of the said bank as his absolute property, and the said council, upon so lodging the said sum, shall be authorised and entitled to take or use the said land, buildings, or materials in question as freely as if the said sum had been agreed upon between the parties as the sum to be paid, or had been an order by the arbitrators or umpire under the provisions of this section, and as if all acts by law required for vesting in the said council a sufficient title to the use of, or property in, the land, buildings, or materials aforesaid had been duly done and performed.

In case of the appropriation of lands  
of absent owners.

L. In case the said council shall, for any purpose in the last preceding section, require to take or use any of the land, with or without the buildings, if any, erected thereon, or to dig or carry away any of the materials in the last preceding section mentioned, the owner of which shall be absent from the colony, and not represented by any agent duly accredited, or shall not be discoverable, it shall be lawful for the said council, and it is hereby authorised to cause a notice to be inserted in the Government Gazette, and in one or more newspapers published in the town of East London, for not less than once in each month for twelve successive months, describing as accurately as may be, the materials, land, or buildings which are required to be taken or used, and calling by name on the owner of the said land, buildings, or materials, if known, or, if not known, upon the owner, whoever he may be, to take notice that the said council is ready and willing to treat with the owner, or any persons duly authorised by him, for the recompense or compensation

to be made or paid by the said council for the said land, buildings, or materials, and requiring such owner to apply, within twelve months from the date of such notice, which shall be the day of its publication, to the said council, stating the recompense or compensation claimed, and if the owner shall so apply within the said period, the like proceeding in regard to the agreeing for or otherwise determining the recompense or compensation to be respectively given and received shall in all respects be had and taken, which are prescribed in the last preceding section, precisely as if the said owner had from the first been in actual occupation, and in case such owner shall not apply to the said council within the said period, it shall be lawful for the said council to appoint some competent person, to be approved of by the civil commissioner of the division, to appraise the value of the land, buildings, or materials required, and such persons shall make oath before some justice of the peace that he hath, to the best of his judgement, fairly appraised such value, and thereupon it shall and may be lawful for the said council to pay whatever sum the said land, buildings, and materials shall have been valued at by such persons into the guardians fund to the credit of the person or persons entitled thereto, subject to the same provisions in all respects which are provided by the Ordinance No. 105 of 1833, in regard to moneys placed in the said fund belonging to the persons absent from the colony; and the said council upon so paying the said sum shall be authorised and entitled to take or use the land, buildings, or materials in question as freely as if the said sum had been agreed upon between the parties as the sum to be paid, and as if all acts by law required for vesting in the said council sufficient title to the use of, or property in, the land, buildings, or materials aforesaid had been duly done and performed.

Quorum of council.

LI. All acts, matters, and things hereby authorised or required to be done by the council, and all questions that may come before it, shall, except as hereinafter excepted, be done and decided by the majority of councillors who shall be present at any meeting at which not less than seven members of the council shall attend: Provided that nothing herein contained shall extend to alter or affect the provisions of the thirty-eight, forty-third, forty-fifth, forty-ninth, fiftieth, and fifty-ninth sections of this Act.

Ordinary meetings.

LII. The ordinary meeting of councillors following the first general election of councillors under this Act shall be held on the first Thursday following such election, and all subsequent ordinary and special or extraordinary meetings of the council shall be held as directed by the municipal regulations, and all meetings of the council shall be open to the public.

In absence of mayor a chairman  
to be chosen.

LIII. At every meeting of council, the mayor, if present, shall preside, and, in case of his absence, the councillors present shall elect a chairman from among themselves, who shall thereupon and during such absence have authority to sign all documents and do all such acts as herein is provided shall be done by the mayor. In all cases of equality of votes the mayor or chairman, as the case may be, shall have a second or casting vote.

Minute book to be kept.

LIV. Minutes of the proceedings of every meeting of the council shall be regularly entered in a book to be kept for that purpose, and shall be read and confirmed at the next succeeding meeting, and signed by the person presiding thereat. All such minutes shall be deemed and taken to be original minutes, and such books shall and may be produced and read and *prima facie* evidence of all the proceedings therein recorded in any proceeding, civil or criminal, in any court.

Committees may be formed.

LV. It shall be lawful for the council from time to time to appoint out of their own body such and so many committees, either of a general or special nature, and consisting of such number of members as may seem fit, for any purpose which, in the judgement of the council, would be better managed by means of a committee: Provided always that the proceedings of every such committee shall be regularly entered in a minute book and submitted to the council for its approval, and the mayor shall *ex officio* be a member of all such committees.

Town clerk and treasurer to be appointed;  
also other necessary officers.

LVI. It shall be lawful for the council from time to time to appoint fit and proper persons (not being members

of the council) to be town clerk and treasurer; and also to appoint such other officers as they shall think necessary for enabling them to carry into execution the provisions of this Act, and to pay all the officers so to be appointed such salaries or remuneration as the council shall deem reasonable, and to demand of all such officers such security as the council may deem sufficient; and, unless it shall otherwise be stipulated in the contract of service, to remove all such officers upon notice of not less than three months, or, in case of misconduct, without any notice.

Streetkeepers, police, and others.

LVII. The said council are hereby empowered from time to time, to appoint and employ such number of streetkeepers, policemen, and special constables as shall be required for the protection of the inhabitants and property, streets, and public places within the municipality by day and by night; and to provide all such streetkeepers, policemen, and special constables with such clothing, arms, ammunition, and weapons, and appoint to them such duties and hours or time of duty, and shall make such rules, orders, and regulations, relative to such streetkeepers, policemen, and special constables and their duties as shall be deemed fit. All such streetkeepers and policemen shall act as constables within the municipality while in the execution of their duties under this Act, and are hereby invested with and shall have and enjoy the like powers, authorities, privileges, and immunities, and shall be subjected to such and the like penalties and forfeitures as ordinary constables are invested with, or shall or may have or enjoy, or are or may be subject or liable to by law.

Purposes for which rates may be imposed.

LVIII. For the purpose of raising the means for making new roads, streets, market-places and conveniences, bridges, drains, sewers, watercourses, reservoirs, aqueducts, and other waterworks; for the purchase of such lands, or the erection of such buildings, as may be required in or about the execution of the powers hereby given to the council; for the purchase of waterpipes, fire-engines and appurtenances; for the effecting of all other public works and improvements within the municipality; for lighting the streets and public places in the municipality, and for providing proper and necessary plant for the same; for the purpose of raising the means for effecting the repairs of such works as the council is empowered to make or to have made; for the maintaining of waterworks, fire-engines, police

establishments, markets, and pounds; and for the payment of salaries and all other ordinary current expenses required to be borne by the municipality, the council shall have power to impose, levy, and recover all such market dues, water rates, dog and carriage tax, and other fees and license moneys as shall be deemed necessary and reasonable, and shall be authorised by any such municipal regulation as aforesaid; and shall also have the power, as often as shall be deemed necessary, to make and levy a rate upon all immovable property within the municipality, the value of such property to be ascertained as hereinafter provided: Provided that no rate shall be made or levied by the council unless there shall be at least nine members of the council present at the meeting at which such rates shall be imposed, and consenting thereto by a majority: And provided also that no rate except a water rate or rate levied for the purpose of raising funds to meet interest or other expenses connected with the construction at any time of a bridge across the Buffalo River shall be imposed upon any immovable property belonging to Her Majesty the Queen or to Her Colonial Government (other than such property as may be from time to time occupied for the purpose of a railway station, railway stores and workshops, or residences for the employees on any railway, or which may be occupied by any person or persons on his or their individual capacity); nor on public prisons or police stations, almshouses, or hospitals; nor on any buildings solely appropriated to the purposes of gratuitous education; nor upon any building solely appropriated to public worship, nor upon any burial grounds: Provided the exemption last mentioned shall not be construed to extend to any separate or adjoining building or buildings in which the teacher or teachers, or his or their family, or any other person or persons, dwell, or which he or they occupy, but shall solely apply to such buildings as are especially appropriated for the education and use of the pupils; and all persons owning or occupying property within the limits of the municipality, except such property exempted, shall be liable to be rated on account of such property to any municipal rate in such manner and to such extent as is in this Act provided; but nothing in Act contained shall be taken to authorise the assessment of a rate both upon the owner and the occupier of any one property in respect of such property.

Estimates of revenue and expenditure  
to be published.

LIX. The council shall annually, in the month of February, make an estimate of the amount of money required for municipal purposes, and shall assess the rate accordingly, and give public notice thereof in one or more of the newspapers published in the municipality; and shall, in like manner, if any further or unforeseen expenditure shall become necessary during the year, make a supplementary estimate, and assess a second or further rate, whereof they shall give public notice in like manner: Provided that it shall not be lawful for the council in any one year, ending on the day aforesaid, to levy any rate or rates amounting in the aggregate to more than three pence in the pound on the value of the immovable property, subject to such rates, without obtaining the consent of the majority of the townsmen present and entitled to vote, according to the eighth and eleventh sections of this Act, at a public meeting to be called for the purpose of authorising such rate or rates, of the object and the time and place of holding which meeting at least seven days' notice shall be given, as provided in the sixty-third and sixty-fourth sections of this Act.

How property to be valued, &c.

LX. The mode of valuing the immovable property within the municipality for rating purposes; of objecting to the valuation; of conducting and hearing of appeals against the valuation; the time during which any valuation shall be in force, and how often the same shall be renewed, and the effect of the valuation, shall be as directed by any municipal regulations to be from time to time made in conformity with the powers hereinbefore contained.

Enforcement of payment of rates.

LXI. Every rate assessed by the said council shall become due and payable upon a certain day, to be fixed by the council, of which day, and the amount of which rate, the said council shall give at least twenty-one days' notice in one or more of the local newspapers; and when any such notice shall have been given, it shall be incumbent upon all persons liable to such rate to pay the amount thereof to any person whom the council may have authorised to receive the same, on or before the day fixed in the said notice for the payment of the same, on pain of being forthwith liable to legal proceedings, at the suit of the town clerk, for the recovery of the amount, and in any suit proceeding for the recovery of any rate, the

valuation roll of the municipality for the time being shall be prima facie evidence of the value of the property rated, and it shall not be necessary to prove anything further as to the due assessment of the rate and of due notice thereof having been given than the publication of the notice in the commencement of this section mentioned. The town clerk may, in suing for the recovery of any rate proceed against the owner, or, in case of his absence from the municipality, his agent, or the person receiving the rents for him, or against the occupier, either separately or both of them in one and the same action, each for the whole rate, in the court of the resident magistrate for the district of East London, and recover the same by the judgement and process of such court: Provided that no occupier of any immovable property shall be liable for any rate which became due and payable thereon at any time before he entered on the occupation thereof: And provided, further, that any person who, as occupier, may have become liable for any rate as aforesaid shall continue to be so liable, although he may have ceased to occupy the property in respect of which the rate has been imposed: And provided, also, that any occupier who shall have paid any such rate shall be entitled to recover the same from the owner, unless there be an agreement to the contrary.

Treasurer to lodge moneys in a bank.

LXII. The treasurer of the said municipality shall be bound, within a reasonable time, to lodge with some joint-stock bank within the municipality, to be ordered by the council, all moneys from time [to] time entrusted to him or received by him, and shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters in respect whereof such sums shall have been received and paid; all such accounts, with all vouchers and papers relating thereto, together with a full abstract or balance sheet thereof, shall yearly, on the last day of February, or at such other times as the council shall appoint, be handed by him to the auditors and to such members of the council as the mayor shall name, for the purpose of being examined and audited; and such abstract or balance sheet, if found correct, shall be signed by the auditors, and shall be forthwith published by the treasurer in one or more of the newspapers published within the municipality: Provided always, that in no case shall any payment of municipal moneys be made to any person or persons whomsoever, without a warrant in that behalf being first granted under the hand of the mayor, which warrant shall be in substance and form according to the schedule hereto annexed, marked No. 2.

How notices to be published.

LXIII. Every notice calling a public meeting of the townsmen, and every notice or other document or thing required by this Act to be published, shall, where no other mode is prescribed, be published by causing a copy thereof to be posted or affixed in some conspicuous place upon or near the municipal office or market-place, and, when practicable, in one or more of the local newspapers.

How public meetings to be called.

LXIV. All public meetings of townsmen shall be called by the mayor of the town by notice under his hand, published in accordance with the sixty-third section of this Act; and no public meeting of townsmen shall be so called by the mayor, except upon a resolution of the council to that effect, and at all public meetings called by the council the mayor, if present, shall preside: Provided, always, that the mayor, upon receiving a requisition, signed by not less than twenty-five townsmen, shall call such public meeting within a reasonable time: And provided, further, that the expenses incurred by the council through the mayor or any of its officers in calling such meeting shall be defrayed by the persons signing the requisition, unless it shall appear to the council that such meeting was purely connected with municipal purposes, or its object of such a character as, in the opinion of the council, would warrant it in charging the same expenses to the municipality.

Licences to store gunpowder, &c.

LXV. The storing of gunpowder, or other explosive material, shall not be permitted within the municipality, except in such places as may be approved of and licensed by the council for that purpose.

Burial ground.

LXVI. No burial ground shall be established within the municipality without the permission of the council; and so soon as any burial ground within the municipality, or any portion thereof, shall become, either from overcrowding or from any other cause, in the opinion of the council, dangerous to the public health, the council shall be empowered to give six months' notice that the burials therein must either wholly or partially cease, and after the expiration of such six months it shall not be lawful to continue burials, except such as may be authorised by the council in such grounds, and any person,

after the expiration of such period, who shall, without such authority, inter, or cause any interment to be made therein, shall be liable to pay a fine not exceeding fifty pounds, to be recovered in such competent court, and in default of payment of such fine, to imprisonment for not exceeding six months: Provided that, whenever any such burial ground shall be so closed as aforesaid, it shall be incumbent upon the council to provide (at the option of the council), either by means of a new burial ground or by the allotment of the use of a portion of any existing or new public burial ground, sufficient accommodation to meet the requirements of any religious denomination whose burial ground shall have been so closed.

How fines and penalties to be sued for.

LXVII. All fines and penalties imposed by this Act, or by any municipal regulations made by virtue thereof, shall and may be prosecuted for in any competent court, and in the name of the mayor, councillors, and townsmen, and shall, when recovered, be paid to the treasurer of the

municipality for municipal purposes: Provided that no such prosecution shall be commenced later than three months from and after the day of the act of omission upon which the same shall be grounded.

Municipal documents to be under common seal.

LXVIII. Every warrant and power of attorney, deed, contract, or other document to be given, made or entered into by the said council, shall, when no other mode is prescribed, be under the common seal of the corporation, to be affixed thereto by the mayor, and countersigned by the town clerk. And the said common seal of the corporation shall be and remain in the care and custody of the mayor of the town for the time being.

Short title.

LXIX. This Act may be cited as "The East London Municipality Act, 1880."

EAST LONDON MUNICIPALITY AMENDMENT ACT, 1881 [1]

ACT

To amend in certain respects Act No. 23 of 1880, intituled  
"An Act for the Incorporation of the Municipality of  
East London."

Preamble.

Whereas it is expedient to amend in certain respects the Act No. 23 of 1880, intituled "An Act for the incorporation of the Municipality of East London:" Be it therefore enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows: -

Interpretation of Section 8 of Act 23 of 1880.

I. The eighth section of the said Act shall be read and construed as if the words, "And provided further that for the purposes of this section the owner and occupier shall not be entitled to vote in respect of one and the same property, and that the occupier shall be entitled at all times to the vote," at the end of the said section had not been inserted therein, but had been entirely omitted therefrom.

Of 18th Section of same.

II. The eighteenth section of the said Act shall be read and construed as if the words, "excepting in every third year, when such election shall be for six councillors, in terms of the thirtieth section of this Act," had been inserted therein after the words, "being one for each ward."

Of 22nd Section.

III. The twenty-second section of the said Act shall be read and construed as if the word "roll" had been inserted therein, in place of the words "or assessment rolls" after the word "townsmen's."

Of 38th Section.

IV. The thirty-eighth section of the said Act shall be read and construed as if the words "by a majority" had

been inserted therein after the words "and agreeing thereto," and also as if the words "the distribution of water to all such persons" had been inserted therein after the words "residing within the municipality," and also as if the words "the provisions of the sixtieth section of this Act as well as all the other provisions of this Act and " had been inserted therein after the words "for the purpose of carrying out."

Of 43rd Section.

V. The forty-third section of the said Act shall be read and construed as if the words "not less than two-thirds of those present" had been substituted therein for the words "not less than a two-thirds of those present," also as if the words "or of any municipal rates" had been inserted therein after the words "property vested in the said council," and also as if the words "or rates" had been inserted therein after the words "upon such land or property."

Of 44th Section.

VI. The forty-fourth section of the said Act shall be read and construed as if the words "or rates" had been inserted therein after the words "debentures to be charged upon any land or property."

Of 58th Section.

VII. The fifty-eighth section of the said Act shall be read and construed as if the words "the same" had been substituted therein for the word "a" after the words but "nothing in this Act contained shall be taken to authorise the assessment of."

Repeal of 59th Section.

VIII. The fifty-ninth section of the said Act is hereby repealed, and the following shall be read and substituted in its place, that is to say: - The council shall annually in the month of February make an estimate of the amount of money required for municipal purposes, and shall assess such rate or rates accordingly as to the council shall seem fit upon either the owners or occupiers of immovable property, or one or more of such rates upon

the owner or owners and one or more upon the occupier or occupiers, provided that any such occupiers' rate as aforesaid shall be assessed only upon such persons as are bonâ fide tenants of immovable property and not merely boarders or temporary lodgers therein: And the council shall give public notice thereof in one or more of the newspapers published in the municipality, and shall in like manner, if any further or unforeseen expenditure shall become necessary during the year ending on the last day of February next following, make a supplementary estimate, and assess a second or further rate, whereof they shall give public notice in like manner: Provided that it shall not be lawful for the council in any one year ending on the day aforesaid to levy any rate or rates amounting in the aggregate to more than threepence in the pound on the value of the immovable property subject to such rates without obtaining the consent of the majority of the townsmen present and entitled to vote according to the eighth and eleventh sections of this Act at a public meeting to be called for the purpose of authorising such rate or rates, of the object and the time and place of holding which meeting at least seven days notice shall be given as provided in the sixty-third and sixty-fourth sections of this Act: And provided that in case of a rate being so levied as aforesaid upon the occupiers of immovable property the owners shall in all cases in which such properties shall be unoccupied or occupied by the owners thereof, be deemed to be the occupiers thereof with the meaning of this Act and liable to the payment of such rate notwithstanding the payment by them of any other rates levied upon the owner or owners in respect of the same property.

Interpretation of 61st Section.

IX. The sixty-first section of the said Act shall be read and construed as if the word "or" had been inserted therein in place of the word "of" after the word "suit," and also as if the words "assessed upon the owner or

owners of immovable property," and the words "assessed upon either owner or occupier of immovable property," and the words "assessed upon the owner as aforesaid" had been respectively inserted therein after the words "the town clerk may in suing for the recovery of any rate," "become liable for any rate," and "shall have paid any such rate" respectively.

Interpretation of 65th Section.

X. The sixty-fifth section of the said Act shall be read and construed as if the word "paraffine" had been inserted therein after the words "the storing of."

Moneys borrowed subject to provisions of "Public Bodies' Debts Act."

XI. All moneys borrowed and debts lawfully incurred by the said council under the provisions and for the purposes of the said Act or of this Act shall be subject to the provisions of the "Public Bodies Debts Act, 1867."

Interpretation.

XII. The word "municipality" used in this Act shall mean the municipality of East London as created by the said Act No. 23 of 1890, and the word "council" the municipal Council of East London.

Short Title.

XIII. This Act may be cited for all purposes as the "East London Municipality Amendment Act, 1891."

EAST LONDON MUNICIPALITY AMENDMENT ACT, 1895 [1]ACT

To Amend and Add to the Laws regulating the  
Municipal Corporation and Government of  
East London.

Preamble.

Whereas it is expedient to amend and add to the existing laws regulating the Municipal Corporation and Government of East London, and with that object to confer upon the Council of the said Municipality amended or increased rights, powers, and privileges with regard to municipal property, works and undertakings, and with regard to the good, cleanly, healthy and quiet order and condition of the said Municipality and the inhabitants thereof, and the management and control of the police thereof, and with regard to maintaining and developing good municipal government therein by means of suitable rules and regulations made by the council and approved of by the Governor; and to alter the provisions respecting the number and qualification of Councillors and the number of wards of the said Municipality:

Be it therefore enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council and House of Assembly thereof, as follows: -

Roads, &c., vested in Corporation.

1. The property of and in the streets, roads, thoroughfares, foot pavements, foot-paths, side-walks, squares, parks, grounds and open spaces to which the inhabitants of the Municipality shall at any time have or acquire a common right, shall be vested in the Mayor, Councillors and townsmen of East London, and be controlled by the Council thereof.

Lighting of streets, &c.

2. It shall be lawful for the Council to make provision for lighting in a suitable manner the streets, lanes, squares, public passages, thoroughfares and public places within the Municipality, and to provide, erect and maintain or grant leave to any person or persons, company or companies to provide, erect and maintain under such

conditions as the Council may think fit, such a number of lamps, lamp-posts, lamp-irons, and other appliances and appurtenances as may be necessary for that purpose, and to light or to enter into contracts for the lighting and to cause to be lighted such lamps by means of oil, gas, electricity or otherwise; and the Council are hereby authorised to order and require such lamp-posts, lamp-irons and other appliances and appurtenances to be put or fixed upon the sides of the pavements, footways, streets, roads, parks, grounds and open spaces or upon or against the walls and palisades of any buildings on the sides of the streets, footways and roads without being liable to any claims for compensation; and the Council may also from time to time make such regulations on the aforesaid matter as they shall find necessary.

Tramways.

3. It shall be lawful for the Council to provide, construct, lay down and maintain or to grant leave to any person or persons, company or companies to provide, construct, lay down and maintain under such conditions as the Council may think fit, a tramway or tramways in and through any of the streets and roads within the Municipality, and for that purpose to provide or to enter into contracts for providing such plant and materials as may be necessary whatever be the motive power used in connection with the said tramway or tramways: Provided that before the Council shall construct any such tramway or shall enter into any contract for such purpose, or relative thereto, the plans and sections showing the proposed works, and plans showing all lands or buildings proposed to be taken or affected thereby, and the contract proposed to be entered into, shall be deposited for public inspection in the office of the Town Clerk; and notice of the intention of the Council to construct the said tramway, and to take the said lands or buildings, or to enter into the said contract, shall be served personally upon the owner or occupier of any lands or buildings proposed to be taken, or where personal service cannot be effected by leaving the same at such land or building, and notice of such intention shall also be given by publishing the same as is provided in section thirty-eight of Act 23 of 1880, with regard to bye-laws, rules, and regulations, and the approval of the Governor to the construction of such tramway, or to entering into such contract, shall be

obtained, in manner required by the proviso to the said section, and the provisions of section forty-nine of the said Act No. 23 of 1880 shall apply to the taking of any such lands or buildings as aforesaid. The Council may make regulations for the safety, protection, and comfort of the public, for preventing overcrowding and interference with traffic, for regulating the charges to be made on the said tramways, and for the proper, efficient, and economical working thereof: Provided, further, that notwithstanding anything contained in this or the last preceding section the construction and working of any electric lighting system, or tramways of which the motive power is electricity, shall be subject to the provisions of any Act for regulating the employment of electricity for the purposes of electric lighting and power generally which may be passed in future, or any regulations which may be framed by the Governor under authority of such Act.

Council may compel owners to take water.

4. The Council shall have power to call upon the owner of each and every house in a street having a water main and entitled to a supply of water, to take from the Council at his own expense a water-leading and a supply of not less than one hundred gallons per diem, and to pay the price thereof, and upon being so called upon every such owner shall be obliged so to do.

Matters upon which regulations may be made.

5. The Council shall also in addition to the powers granted to them and the rules and regulations authorised to be made by them by Act No. 23 of 1880, Act 12 of 1891, and Act 15 of 1882, have power and authority from time to time to make, alter, revoke or amend rules and regulations for all or any of the following purposes: -

(1) For regulating the duties of the Council's officers and servants.

(2) For regulating the level, width, direction and construction of new streets made by the Council or owners of private property, and the sewerage and drainage thereof.

(3) For regulating the structure of walls, foundations, roofs and chimneys of new buildings, for securing stability, the observance of sanitary precautions, the prevention of fires, and for purposes of health and public safety.

(4) For regulating the sufficiency of space about buildings, to secure a free circulation of air, and the ventilation of buildings.

(5) For regulating the drainage and sewerage of buildings and for compelling the connection at the owner's expense of private drains with public drains, sewers or pipes.

(6) For prohibiting the overcrowding of houses, dwelling places and rooms, and the erection of objectionable buildings.

(7) For securing the regularity of lines and levels of buildings, and the removal, alteration and prevention of projections or obstructions in front of buildings, upon compensation being paid to the owners thereof for any damage they may sustain by reason of such removal or alteration, provided that such projection or obstruction shall be in existence at the date of the passing of this Act, and shall have been made with the knowledge of the Municipality.

(8) For regulating the giving of notices and the deposit for the Council's approval of plans and sections by persons intending to lay out streets or to construct or alter buildings, the inspection by the Council or its officers, and the power of the Council to prevent, remove, alter or pull down at the expense of the owner any work begun or done in contravention of its regulations; also for preventing the owners of property which has been sub-divided and sold in building lots, from closing any roads or streets shown upon any plan which has been approved of by the Council.

(9) For the inspection of buildings and structures by the Council and its officers,

(10) For enabling the Council to prevent the alteration, erection or use of buildings, the class or character of which are, either in themselves, or from the circumstances or nature of the locality in which they are placed, a disfigurement to the town or an annoyance to the inhabitants thereof.

(11) For regulating and preserving public parks, walks, avenues, botanical gardens, bleaching and drying grounds, public wash-houses, public baths, public places of recreation, and open spaces, and preventing offences, nuisances, and annoyances therein, and for

regulating bathing and the hours of bathing in the sea or in any other public place.

(12) For regulating and restricting the storing, carriage, removal, and use of gunpowder, dynamite, petroleum oils, fireworks, and other explosives and inflammable or dangerous substances, and the use of firearms.

(13) For imposing a tax upon the keeping of dogs and providing with regard to seizure, sale, and destruction of ownerless dogs and those in respect of which the tax has not been paid.

(14) For regulating from time to time the naming of the streets, roads, thoroughfares and open spaces of the Municipality and the numbering and re-numbering the houses, buildings and places therein, and imposing duties and obligations upon the owners of property and inhabitants in respect thereof.

(15) For regulating the beating and shaking of carpets, rugs or mats in streets and public places generally, and the hours within which carpets, rugs or mats may be beaten.

(16) For regulating and controlling traffic, and regulating, controlling and restricting gatherings in public places and processions.

(17) For fixing and levying licences to be paid to the Council by owners or possessors of cabs or vehicles of any description plying for hire within the limits of the Municipality, and for regulating and fixing the number of passengers to be carried by such cabs or vehicles, the fares to be charged within or beyond the said limits, the amount of baggage to be allowed to passengers, for regulating disputes as to fares, the position of such vehicles on stands to be appointed by the Council, and for the safety and convenience of passengers and the public.

(18) For regulating the keeping in repair and paving of tramway and private railway lines running over public streets or roads and the keeping in repair by tramway and railway companies and the owners of trams and private railways of the roadway between and adjacent to their rails.

(19) For regulating, restricting and licensing the use of bicycles, tricycles and velocipedes within the Municipality.

(20) For regulating and prohibiting the cleaning and grooming, or breaking in, or training of animals, and repairing and outspanning and cleaning of vehicles in streets, footpaths, and public places.

(21) For regulating or restraining noisome or offensive trades.

(22) For planting and preserving trees, shrubs, flowers and plants in public parks, grounds, streets, and open places.

(23) For registering houses let or occupied as lodging houses, and inspecting the same.

(24) For allotting and setting apart and from time to time changing portions of the Municipality as locations for the residence of natives and Asiatics and for abolishing such locations.

(25) For regulating the conditions upon which natives and Asiatics may reside in such locations, and the fees, rents, and hut tax to be paid by them in respect of such residence, and for the providing for the registration of such residents, and any horses, cattle, oxen, sheep or goats belonging to them, and for regulating or prohibiting the use of the commonage by the same.

(26) For providing the appointment of superintendents and headmen of such locations and regulating their duties and authority, and preventing the obstruction of such officers in charge of their duties.

(27) For regulating, permitting or prohibiting of shops, trading stations, and trading within such locations.

(28) For the removal or destruction of unauthorised or abandoned huts in the locations or upon the commonage.

(29) For the issuing or refusing of permits to natives and Asiatics to reside in such locations, and for regulating the manner in which persons no longer entitled to reside therein may be removed.

(30) For fixing and from time to time altering the limits within which it shall not be lawful for natives

and Asiatics to reside, and for fixing the hours within which it shall not be lawful for natives and Asiatics to be in the streets, public places or thoroughfares within such limits without a written pass or certificate from their employer or the inspector or superintendent of police or a superintendent of a location, and for fixing such parts of streets or open spaces or pavements of the same on which natives and Asiatics may not walk or be; Provided that no such regulation shall apply to such natives as are by Act No. 39 of 1887 exempted from the operation of certain disqualifying Acts of Parliament, or to those who have received certificates of good character from the Resident Magistrate, which certificates shall be renewed annually, and may at any time be withdrawn.

(31) For regulating and setting apart portions of the river and sea where natives and Asiatics may not bathe, and where clothes may or may not be washed.

(32) For maintaining generally the safety, convenience and comfort of the inhabitants of the Municipality, and for framing regulations whereby the Council may prescribe the time within which any works or things required to be done shall be executed, done or completed; and may provide in case of default for the execution, doing or completion by the Council of any such work or thing at the expense of the defaulter.

Provided that nothing in the sub-sections twenty-four, twenty-nine and thirty shall apply to any native or Asiatic who is at the present time, or may hereafter become, the registered owner or the occupier of landed property within the Municipality valued for municipal purposes at not less than seventy-five pounds, and who shall produce to any police constable or other person entitled to enforce the provisions of this Act, or of any bye-law made, hereunder, a certificate under the hand of the Town Clerk, that he is such owner or occupier as aforesaid, which certificate the Town Clerk shall be bound to give free of charge to any native or Asiatic entitled to the same, under a penalty of five pounds, for reference in any such case; and provided, further, that any two or more natives or Asiatics who shall be joint owners or occupiers as aforesaid, shall be entitled to such certificate if the total value of the property owned or occupied by them jointly shall, when divided by the number

of such owners or occupiers, yield a sum of not less than seventy-five pounds in respect of each such owner or occupier.

Penalties for breaches of regulations  
may be imposed.

6. Any rule or regulation made under this Act may impose a penalty for any breach thereof, and may also impose different penalties in case of successive breaches thereof, but no penalty shall exceed twenty pounds sterling; and any such rule or regulation may provide that in addition to any such penalty, and expense incurred by the Council in consequence of the breach of any such rule or regulation and in the execution of any work directed by any such rule or regulation to be executed by any person and not executed by him shall be paid by the person committing such breach or failing to execute such work.

Procedure in making regulations.

7. The provisions of section thirty-eight of Act 23 of 1880, as to the making, alteration or rescindment of bye-laws, rules and regulations framed under that Act, shall apply to the making, alteration or rescindment of bye-laws, rules and regulations framed, or to be framed, under the provisions of this Act.

Power of entry upon private property.

8. The Council shall for the purposes of this and the before-mentioned Acts and the bye-laws, rules and regulation framed thereunder, have power, by themselves or their officers, to enter at all reasonable hours in the day time into and upon any building or land for the purpose of executing any work or making any inspection authorised to be executed or made by them under this and the said Acts or the Council's bye-laws, rules and regulations without being liable to any proceedings on account thereof.

Penalty for obstructing Council.

9. Every person who shall at any time obstruct the Council, or any of its officers, in the performance of anything in which they are respectively empowered to do by this or any other Act, or by any municipal regulation, shall be liable in each case to a penalty not exceeding five pounds, or in default to be imprisoned with or without hard labour not exceeding three months.

Penalty for contravention of Act or regulations.

10. Every person who shall contravene any provision of this Act, or any rule or regulation from time to time in force in the Municipality, whether under the provisions of section thirteen of Act No. 15 of 1882, or under this Act, shall for every offence be liable to the penalty imposed by this Act or by any such rule or regulation, and if no other penalty be imposed, to a penalty not exceeding ten pounds.

Prosecution of offenders and recovery of penalties.

11. All offences committed in contravention of the Act or any municipal rule, bye-law or regulation, may lawfully be prosecuted in the Court of the Resident Magistrate for East London, and if any person shall be convicted of any such offence, and shall not pay or satisfy the amount of fine imposed upon him, it shall be lawful for the said Resident Magistrate to sentence such offender to any period of imprisonment with or without hard labour, not exceeding three months, unless such fine shall be sooner paid, and the amount of all fines, forfeitures or penalties when recovered, shall be paid the Council for municipal purposes.

Powers of Superintendents and Headmen of Locations.

12. The Superintendents and Headmen of Native Locations within the Municipality shall have the same powers and authorities and it shall be lawful for them to perform all such duties within the location or locations over which they may respectively be appointed as if they were police constables.

Procedure against persons unlawfully in location.

13. Any person not being a resident within any such location, or being no longer entitled to reside within any location, or not having otherwise any right or authority to be in any such location, may be directed to remove therefrom by any superintendent, headman or police constable, and if such person shall not forthwith remove from such location, he or she may be summarily removed by such superintendent, headman, or police constable, and in case such person shall refuse so to move, or shall resist such superintendent, headman, or police constable in attempting to remove such person, he or she may be removed to any gaol or lock-up within the Municipality, until he or she can be brought before the Resident Magistrate, and if such person shall be convicted of having refused to remove or of having resisted any superintendent, headman

or police constable in the premises, he or she may be sentenced to pay a fine not exceeding £5, and in default of payment to imprisonment not exceeding fourteen days.

Recovery of hut tax or rent.

14. Every registered occupier of a hut or dwelling in the said locations shall within the first seven days of every calendar month pay to the superintendent thereof such sum as occupation rent or hut tax for such month in respect thereof as the Council shall by regulation appoint, and shall in addition thereto pay a fine of one penny for every day such person shall neglect so to pay; provided, however, that no such fines shall be levied for any one month in gross amount exceeding the amount of such monthly rent or tax, and in default of payment of such rent and fines during two consecutive months the Council or superintendent of such location shall, for the recovery of the same, have the same powers, remedies and authorities as are granted to the Civil Commissioner or other authorised person by the twenty-fourth and twenty-fifth sections of the Native Locations Act, 1884, or by any Act now or hereafter to be passed in lieu thereof, for the recovery of hut-tax under such Act; provided that nothing herein contained shall be taken to prevent the Council from demanding and suing for, under ordinary process, any such rent or hut-tax and fines at any time before the expiration of the period aforesaid; and provided further that for the purposes of this Act such huts or dwellings shall be held and be deemed to be movable property liable to seizure under sale.

Qualification of Councillors.

15. From and after the promulgation of this Act, the ninth section of Act No. 23 of 1880 shall be repealed, and in place thereof the following shall be the provisions respecting the qualifications of Councillors, viz.: -

Every male person of full age, whose name appears on the townsman's roll not being an uncertificated insolvent, who is either the registered owner of immovable property situated within the Municipality and valued for municipal purposes, at two hundred pounds sterling, over and above the amount of any mortgages, hypothecations or encumbrances on the same, or has been the occupier for not less than twelve months before election, of immovable property valued for municipal purposes at not less than five hundred pounds sterling, and in regard to which properties aforesaid all municipal rates shall on the day before the nomination of a Councillor or Councillors have been duly paid, shall be eligible to be elected a Councillor and qualified to hold office as such: Provided

that if any Councillor shall cease to be qualified as aforesaid, and provided also that if the rates due by any Councillor shall be unpaid for a period of six months from the date when the same shall have become due and payable, his seat shall ipso facto become vacant. And provided further that nothing contained in this section shall be deemed to affect or alter the provisions of section twelve of the aforesaid Act 23 of 1880.

Qualification of voter.

16. Every person of full age who is the owner or occupier of any immovable property in any ward of the Municipality of the yearly value of not less than ten pounds sterling shall be qualified and entitled to vote at the election of a Councillor or Councillors for such ward, provided his name shall appear in the list of voters framed as provided for by section thirteen of Act 23 of 1880 or as a ratepayer in the assessment roll of such ward which shall have been made next or latest before the election at which such Councillor or Councillors shall be elected; provided also that the assessment roll in existence at the time of the taking effect of this Act shall be deemed and taken to have full force.

Interest on rates.

17. In case any rates made or levied by the Municipal Council shall remain unpaid after three months from the date fixed by the Council for the payment thereof, interest upon such rates shall be chargeable and recoverable by the Council at the rate of six per centum per annum reckoned from the said date.

Allowance for expenses may be made to Mayor.

18. The Council may from time to time out of the revenues, pay such sums as it may deem necessary towards public functions or public demonstrations, and to defray the expense of the representation of the Council as such on any such occasion; provided always that nothing herein contained shall be construed so as to permit any Councillor to make any profit out of such sums; and the Council may further annually pay to the Mayor, to be expended by him as Mayor, for the purposes of public hospitality, a sum not exceeding five hundred pounds sterling, anything to the contrary in the Act contained notwithstanding.

Acting Mayor may be appointed.

19. If a Mayor, by reason of absence or illness, be at any time incapable of discharging the duties of his office, it shall be lawful for the Council to appoint one of their number, who shall be willing so to act, as Acting Mayor, and such Acting Mayor shall, during such incapacity of the Mayor, have all the powers and privileges, and shall perform all the duties of the Mayor; and during such absence or illness of the Mayor, and until such appointment of the Acting Mayor, the Town Clerk may convene the Council and put any questions to them.

New ward to be created.

20. Notwithstanding the provisions of section five of Act No. 23 of 1880, it shall be lawful for the said Council, with the consent of the Governor, to create a new ward, to be called Ward No. 4, and to fix the limits thereof, and to alter the limits of the existing wards, as may be required for the creation of such new ward, and the alterations in the limits of the existing wards shall be proclaimed by the Governor.

Notice to be given.

21. The provisions of section six of Act 23 of 1880 as to notice to the public shall extend and apply to the matters referred to in the preceding section.

Number of Councillors.

22. Upon the creation of such new ward as aforesaid, the number of Councillors to be elected for each ward shall be three instead of four as provided by section seven of Act No. 23 of 1880.

Retirement of Councillors.

23. On the 29th day of February, 1896, all the Councillors then in office shall retire, and an election shall be held on the last Saturday in the same month to fill the vacancies so caused. Thereafter from time to time one Councillor from each ward shall retire annually, in manner provided by section thirty of Act No. 23 of 1880, in so far as applicable.

Council's expenses.

24. All costs, charges and expenses incurred in and about the promotion and passing and carrying the provisions of this Act and the municipal regulations into effect shall be paid out of the funds of the Council.

Interpretation clause.

25. The word "Municipality" used in this Act shall mean the Municipality of East London as created by Act No. 23 of 1880; the word "Council," the Municipal Council of East London; the word "Natives" shall mean any person or persons belonging to any of the native races of Africa, such as Kafirs, Fingoes, Basutos, Zulus, Hottentots, Bushmen and the like; the word "Asiatic" shall mean any member of any aboriginal race of the continent or islands of Asia, and any person descended from any such race; and "Locations" or "Native Locations" shall mean such portion or portions of the Municipality of East London as are or may from time to time be set apart by the Council for the huts or dwellings occupied or to be occupied by such natives or Asiatics.

Repeal of inconsistent laws.

26. Any of the provisions of Act No. 23 of 1880, Act No. 12 of 1881 or Act No. 15 of 1882, or of any other Act or law that may be inconsistent with this Act, shall, in so far as the same may be inconsistent, be, and the same are, hereby repealed.

Short Title.

27. This Act may be cited for all purposes as the "East London Municipality Amendment Act, 1895."

EAST LONDON MUNICIPAL AMENDMENT  
ORDINANCE, 1911 <sup>(1)</sup>

ORDINANCE

TO Amend Section forty-six of the East London  
Municipality Act, 1880.

Preamble.

WHEREAS the Mayor, Councillors, and Townsmen of East London, have under the forty-sixth section of the East London Municipality Act, 1880, of the Colony of the Cape of Good Hope, by the Council thereof, authority to lease portions of the municipal pasturage lands for certain purposes for any period not exceeding fourteen years: And whereas it is expedient that the purposes and period for which leases may be granted shall be extended: And whereas it is therefore desirable that the said forty-sixth section of the said Act shall be amended:

Be it ordained by the Provincial Council of the Province of the Cape of Good Hope, with the assent of the Governor-General-in-Council, as follows: -

Enlargement of purposes for which Council of East London  
Municipality may lease lands.

1. The forty-sixth section of the East London Municipality Act, 1880, of the Colony of the Cape of Good Hope, is hereby amended by inserting in lieu of the words, "agricultural, garden, building, or trading purposes, for any period not exceeding fourteen years," contained therein, the words, "agricultural, garden, building, trading, recreation, sports, and such other purposes as the Council may deem fit and advantageous or for the advantage of the inhabitants of East London, for any period:".

Administrator's consent to lease required.

2. Notwithstanding anything to the contrary in the East London Municipality Act, 1880, or in this Ordinance contained, no lease of any portion of the municipal pasturage lands hereafter entered into by the Council shall be of any validity unless entered into with the prior consent of the Administrator.

Short Title.

3. This Ordinance may be cited as the "East London Municipal Amendment Ordinance, 1911."

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1. CA, CCP 3/1, p 28. Ordinance 7 of 1911.

CITY OF EAST LONDON MUNICIPAL ORDINANCE, 1914<sup>[1]</sup>

ORDINANCE TO PROVIDE FOR THE BETTER GOVERNMENT  
OF THE MUNICIPALITY OF THE CITY OF  
EAST LONDON

BE IT ORDAINED by the Provincial Council of the Province of the Cape of Good Hope, as follows: -

Definitions.

1. For the purposes of this Ordinance:
  - (a) the expression "the Municipality" means the Municipality of the City of East London;
  - (b) the expression "the Council" means the Council of the Municipality.

Ordinance No. 10 of 1912. To apply.

2. The Municipality shall be deemed to have been reconstituted under the provisions of section ten, paragraph (b) of Ordinance No. 10 of 1912, and the provisions of the said Ordinance shall apply to the Municipality save in so far as such provisions are inconsistent with or repugnant to the provisions of this Ordinance.

Acts Repealed.

3. Subject to the provisions of section thirteen hereof the laws mentioned in the Schedule hereto to the extent therein set forth, and for the purposes of this Ordinance, so much of any other law as may be repugnant to or inconsistent with the provisions of this Ordinance are hereby repealed.

Existing boundaries and Wards of Municipality  
to remain.

4. (1) The boundaries of the Municipality existing at the commencement of this Ordinance shall, unless altered by way of extension or contraction under the provisions of section ten of Ordinance No. 10 of 1912, remain the boundaries of the Municipality.

(2) The Wards existing at the commencement of this Ordinance shall, unless a further redivision should at any time be made, under the provisions of section ten of Ordinance No. 10 of 1912, continue to be the Wards of the Municipality.

Who entitled to be enrolled.

5. (1) Every person of full age who is the owner or occupier of any immovable property in any Ward of the Municipality of the assessed value of not less than one hundred and sixty-six pounds sterling shall be qualified to be enrolled as a voter in respect of each Ward in which he or she may own or occupy such immovable property.

When more persons than one jointly liable to be  
rated, who may vote.

(2) When more persons than one are jointly liable to be rated in respect of any property, each of such persons, not exceeding three in all, shall for the purposes of the last preceding sub-section be deemed to be liable to be rated in respect of ratable property equal to that of the whole of such first mentioned property divided by the number of persons so rated not exceeding three. In case more than three persons are liable to be rated in respect of any property, the persons to be deemed liable and qualified to vote shall be any three whom the remaining or other persons so liable shall nominate in writing, and failing such nomination those three whose names stand first in order upon the rate book in use, or, if no rate book has been made, upon the valuation roll; Provided in any such case the assessed value of the property liable to be rated shall be of an amount which when divided by the number of persons jointly liable to be rated not exceeding three, shall give a sum of not less than one hundred and sixty-six pounds sterling for each such person.

Companies as voters.

(3) Every society, firm, association or company owning or occupying property in the Municipality shall be entitled to be enrolled on the voters' roll aforesaid with the same rights and subject to the same restrictions as are hereinbefore given to or imposed upon persons of full age, and shall be entitled to vote by a director, manager,

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1. CA, CCP 3/1, p 84. Ordinance 18 of 1914.

secretary, or other official of the society, firm, association or company duly authorized in writing, to that end, whose name shall have been duly placed upon the said voters' roll as representative of the society, firm, association or company.

Persons disqualified as voters.

6. The following persons shall not be qualified to vote at any elections held under the provision of Ordinance No. 10 of 1912:

(1) Persons who have not paid all sums due from them in respect of any rates due and payable three months or more before the day of voting.

(2) Persons at any time convicted of treason, or murder, or until the lapse of five years from the date of release from prison of any person convicted of rape, theft, perjury, bribery, of receiving a bribe or of any corrupt practice at any election or any infamous crime, unless a free pardon shall have been granted.

(3) Persons whose names do not appear upon the Voters' Roll for the time being.

Enquiries as to right to vote.

7. (1) No enquiry shall be made at any election as to the right of any person to vote, except that the Polling Officer may himself, or at the request of the agent of any candidate, put to any voter the following questions, or any of them, and no other: -

1st. Are you the person whose name appears as A.B. on the Voters' Roll in this Ward?

2nd. Have you already voted at this election?

3rd. Have all sums due and payable by you, for which you are liable, in respect of rates payable three months or more before this date, been paid?

And no person who shall refuse to answer any such question, or who shall not answer the first and third of such questions in the affirmative, and the second of such question absolutely in the negative, shall be permitted to vote.

(2) Any person who shall wilfully made a false answer to any of these questions shall be liable to the penalty provided in section eighty of Ordinance No. 10 of 1912.

Election of Councillors.

8. (1) The first election of Councillors shall be held on the first Monday in September, 1914.

(2) The Councillors in Office at the commencement of this Ordinance shall remain in office as if this Ordinance had not been passed: Provided, however, that the Councillors who but for the passing of this Ordinance would have retired on the last day of February 1915, shall retire at the conclusion of the election to be held on the first Monday in September, 1914, and in like manner the Councillors who would have retired in February, 1916 and 1917, shall respectively retire in September, 1915 and 1916.

No Councillor to have Municipal contracts.

9. Section forty-six of Ordinance No. 10 of 1912 shall not apply to the Municipality, but in lieu thereof the following shall be substituted: -

No member of the Council, or person holding any office in the gift or disposal thereof, shall, directly or indirectly, have any share or interest in any contract with or employment by the Council otherwise than as a shareholder in any bank, or shall receive any fee, reward or compensation for any vote given or act performed in his capacity as councillor or officer. And such councillor or officer who shall contravene the provisions of this section shall thenceforward cease to be a member of the Council or to hold such office as aforesaid, and in case of an officer, shall not be entitled to any pension or compensation for loss of office, and shall further be liable to a penalty not exceeding fifty pounds: Provided that nothing herein contained shall apply to the case of a lease bona fide entered into between the Council and a councillor or officer, as landlord and tenant, or to the case of an officer of the Council receiving the ordinary salary or remuneration for the performance of the duties of his office.

Powers to licence certain vehicles.

10. It shall be lawful for the Council, save in so far as any law relating to motor cars shall otherwise expressly provide, to make regulations for regulating,

supervising and licensing wagons, carts, carriages, motor cars and other conveyances or vehicles drawn by any horse, mule, donkey or ox, or drawn or propelled by steam, hand, electrical or mechanical power kept or used within the Municipality or plying for hire or profit, and for fixing the licence fees to be paid and fixing the speed limit thereof.

Certain provisions of Ordinance No. 10 of 1912, modified for the purpose of this Ordinance.

11. For the purposes of this Ordinance: -

(a) In section one hundred and fifty of Ordinance No. 10 of 1912 the word "fourpence" where it occurs shall be read as "threepence".

(b) Notwithstanding anything in section one hundred and seventy-two of Ordinance No. 10 of 1912 the proceeds of any leases entered into by the Council may at the discretion of the Council be paid into the General Revenue of the Municipality.

(c) In section two hundred and six of Ordinance No. 10 of 1912 the words "also to the Mayor for benevolent purposes" shall be deemed to be added after the word "institution".

(d) The following paragraph (11) shall be added to section two hundred and ten of Ordinance No. 10 of 1912, after paragraph (10) thereof:

(11) To advertise and to give publicity to the attractions and advantages of the Municipality and District of East London.

(e) In section two hundred and nineteen of Ordinance No. 10 of 1912, a reasonable amount for expenses of supervision shall be deemed to be ten per centum and the period of time for the payment of instalments shall not be less than ten years.

(f) In sections two hundred and nineteen and two hundred and twenty-one of Ordinance No. 10 of 1912, the words "five per centum" shall be read as "six per centum."

(g) All words following after the thirty-sixth word and preceding the sixtieth word in section two hundred and seventy-five of Ordinance No. 10 of 1912 shall be deemed to be omitted from the said section, and the following words inserted in lieu thereof, namely, "and

any footpath, kerbing and guttering alongside any such street."

(h) All words following after the word "Administrator" in the said section shall be deemed not to apply to the Municipality.

(i) In section two hundred and eighty one of Ordinance No. 10 of 1912, the words "five pounds" and "ten pounds" where they occur shall be deemed to read "not exceeding ten pounds" and "not exceeding twenty pounds" respectively.

Administrator may issue standing authority.

12. (1) Whenever under the provisions of Ordinance No. 10 of 1912 the authority of the Administrator is required by the Council for any purpose and it is deemed that such authority may be required annually, the Administrator may in his discretion issue in writing standing authority for such purpose.

(2) Such standing authority may be revoked by the Administrator at any time by written notice given to the Council.

Saving rights in respect to Buffalo River.

13. Notwithstanding the repeal of Act No. 23 of 1880 the Council shall enjoy the same rights in connection with the erection of a bridge over the Buffalo River (including rights of rating) and in connection with ferries, pontoons and boats as were enjoyed by the Council of the Municipality of East London immediately prior to the commencement of this Ordinance.

Power to regulate Camping Sites, etc.

14. The Council shall have the power and authority by regulation duly framed to prohibit or restrict the use or letting of land abutting on or adjacent to the beach by private owners for beach camping purposes, side-shows or public amusements.

Balancing of Accounts.

15. Notwithstanding anything contained in section one hundred and twenty-nine of Ordinance No. 10 of 1912, the accounts of the Municipality shall be balanced annually to the 31st day of December in each year.

Powers regarding Drainage.

16. (1) It shall be the duty of the Council, as soon as may be and subject to the consent of the Administrator as required by section two hundred and ten of Ordinance No. 10 of 1912, to proceed with a general sewerage scheme for the Municipality.

(2) In connection with any sewerage scheme the word "owner" means and includes: -

(a) The person or persons in whom from time to time shall be vested the legal right in any immovable property;

(b) in any case where a property has been leased for a period of thirty years or upwards, the lessee of such property;

(c) in cases where the person in whom the legal title is vested has assigned his estate for the benefit of his creditors, is insolvent or dead or under curatorship or guardianship, the person in whom the administration of such property is vested as assignee, trustee, executor, administrator, curator, guardian, or otherwise;

(d) in the case of a company in liquidation the liquidator of such company;

(e) in cases where the owner as above described is absent from the Province the agent or person receiving the rent of the property in question.

(3) Where any premises within the Municipality are without a drain sufficient for effectual drainage, the Council may by written notice require the owner of such premises within a reasonable time therein specified to cause to be made by the Council or some authorized drainage contractor to the satisfaction of the Engineer a covered drain or drains emptying into any sewer drain or combined drain which the Council is entitled to use, and which is not more than three hundred feet from the nearest point of the site of such premises or the grounds immediately belonging thereto. And the Council may require any such drain or drains to be of such materials and size and to be laid at such level and with such fall as may appear to the Council to be necessary. If such notice be not complied with, the Council may, after the expiration of the time specified in the notice, enter upon such premises by its servants or contractors and may make such drains and may recover in a summary manner the

expenses incurred by it in so doing from the present or any future owner of such premises in any competent Court. No compensation shall be claimable by or payable to the owner or occupier of any premises in consequence of any loss he may claim to have sustained in consequence of any act done pursuant to the terms of this section.

(4) For the purposes of this Ordinance the proviso to section two hundred and twenty of Ordinance No. 10 of 1912, shall be deemed to be omitted and the following substituted:

Provided, however, that no compensation shall be payable to any person under or through whose land any such combined drain or any portion thereof shall pass if the premises of such person shall be connected therewith by a private drain; provided, further, that if subsequently to the construction of any combined drain a building be erected, which, in the opinion of the Engineer, can without appreciable loss to any person be more conveniently drained into a combined drain than through a drain directly into a sewer, the Council shall be entitled to connect the drainage of such building with such combined drain at the cost of its owner upon repaying to the owners of the buildings already connected with such combined drain such equitable portion of the cost of the combined drain, as in the opinion of the Engineer ought to be paid by the owner of the newly erected building. The amount of such repayment together with the costs incurred in connecting the said drainage shall be deemed to be expenses incurred by the Council on behalf of the last-mentioned owner in terms of the last preceding section of this Ordinance and be similarly recoverable. After such connection shall have been made the last-mentioned owner shall be liable jointly with the other owners interested in the combined drain for maintenance and repair in terms of this Ordinance.

Sewerage Loan.

17. (1) Notwithstanding anything contained in Ordinance No. 10 of 1912, the Council is hereby authorized, with the sanction of a majority of enrolled voters present and voting at a general meeting of enrolled voters and upon obtaining the consent of the Administrator, to raise by way of loan a sum of money for the carrying out of a sewerage scheme (including assistance by the Council in respect of the drainage of private properties) of not exceeding two hundred and ten thousand pounds.

(2) The power of borrowing hereby conferred shall be in addition to any power conferred by Ordinance No. 10 of 1912, or any other law.

Special sewerage rate.

18. (1) For the purposes of this Ordinance the Council shall have power to levy once at least in every year a special sewerage rate upon all immovable property within the Municipality whether liable to the general rate or not.

(2) The said rate shall be in addition to and shall be levied, assessed and recovered at the same time, and in similar manner as the general rate under Ordinance No. 10 of 1912.

Liquidation of overdraft.

19. Notwithstanding anything in Ordinance No. 10 of 1912 contained, the Council is hereby authorized, upon obtaining the consent of the Administrator, to raise by way of loan a sum of money not exceeding fifty-three thousand pounds for the purpose of paying off the overdraft on the tramway account as at the commencement of this Ordinance.

Reference to Act No. 23 of 1880 to be deemed reference to this Ordinance.

20. Any reference in any law to Act No. 23 of 1880 shall be deemed to be a reference to this Ordinance.

Establishment of a pension scheme.

21. (1) Notwithstanding any provisions of section two hundred and forty-four of Ordinance No. 10 of 1912, every officer who holds office at the commencement of this Ordinance shall, on his retirement by the Council, unless such retirement is in the opinion of the Administrator due to misconduct, be entitled to either a pension or a gratuity which shall be calculated upon his total period of continuous service by the Provincial Auditor on the

same basis as if such officer had been a civil servant retired under the provisions of Act No. 32 of 1895, and which shall be subject mutatis mutandis, to the same conditions as if granted under that Act.

(2) It shall be the duty of the Council, as soon as may be after the commencement of this Ordinance, to adopt a pension scheme, and every officer of the Council at the commencement of this Ordinance, and every officer who on passing a prescribed medical examination shall enter the service of the Council after the commencement of this Ordinance, shall be bound to contribute to the fund established thereunder; Provided that no officer who holds office at the commencement of this Ordinance shall be required to make any contribution at a higher rate than any officer who shall enter the service of the Council after the commencement of this Ordinance, or in respect of any period prior to the adoption of the scheme, and that the pension of gratuity in respect of the period prior to the adoption of the scheme shall be charged to the ordinary revenues of the Council; and provided, further, that before the adoption of the scheme, the Administrator shall, at the expense of the Council, have caused an actuarial inquiry and investigation into the scheme to have been made, and shall have approved thereof with or without any modification he may deem expedient; provided, also, that before such scheme shall come into operation the sanction of the majority of enrolled voters present and voting at a general meeting shall be given; provided, lastly, that at any time after the adoption of the scheme the Administrator may, after actuarial investigation, direct any modification thereof as may appear to him to be necessary or expedient.

(3) For the purposes of this section the term "officer" shall have the meaning assigned to it in section two hundred and fifty-one of Ordinance No. 10 of 1912.

Short title.

22. This Ordinance may be cited for all purposes as the City of East London Municipal Ordinance, 1914.

SCHEDULE

## ENACTMENT REPEALED

<u>Number and Year</u>	<u>Title</u>	<u>Extent of Repeal</u>
Act No. 23 of 1880	The "East London Municipality Act, 1880."	Subject to the provisions of Section <u>thirteen</u> of this Ordinance.
Act No. 12 of 1881	The "East London Municipality Amendment Act, 1881."	The whole.
Act No. 11 of 1895	The "East London Municipality Amendment Act, 1895."	The whole except Sections 3, 4, 5 (sub-section (24) to end of section, inclusive), 12, 13, 14 and 25.
Ordinance No. 7 of 1911	The "East London Municipality Amendment Ordinance, 1911."	The whole.
Ordinance No. 9 of 1912	The "East London Drainage and Sewerage Private Ordinance, 1912."	The whole.

APPENDIX 4

ACTS OF PARLIAMENT PERTAINING TO  
EAST LONDON'S WATER SUPPLY  
1873 - 1914

THE EAST LONDON WATER SUPPLY ACT, 1882 [1]

AN ACT

To Enable the Municipal Council of East London to provide the inhabitants of the Town of East London with water, and for that purpose to take water from the Amalinda River and tributaries thereof, and to acquire Government and other lands required for the construction of the necessary  
Water Works.

Preamble.

Whereas it is desirable that the inhabitants of the town of East London should be supplied with good water, and the Municipal Council thereof have caused surveys to be made and are advised that the same can be obtained by the erection and construction of a reservoir with other necessary works in the Amalinda Valley, in the division of East London.

And whereas it is expedient that the works, necessary to accomplish that object should be constructed by the said Council or by a joint-stock company or co-partnership of individuals or an individual with whom the said Council may contract either for the whole or any portion of the said works or the material therefor. And that to enable the said Council to procure the necessary funds the said Council should be empowered, by the issue of debentures from time to time, or otherwise, as the Council may deem fit, to raise such a sum or sums of money as may be required, not exceeding in the aggregate the sum of twenty-five thousand pounds. And that, in order that the said Council may be enabled to pay the interest on such sum or sums of money so raised as well as to contribute annually a sum not less than one pound per cent. on the said capital by way of a sinking fund, in order to enable the said Council to pay off the said loan, the said Council shall be empowered in each and every year to impose, levy and collect such a rate or assessment as will produce an amount sufficient to pay such interest and contribution as aforesaid.

Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and the House of Assembly as follows: -

Council may borrow to extent £25,000.

I. It shall be lawful for the said Council from time to time to borrow and to take up by the issue of debentures or otherwise at interest, such sum or sums of money not exceeding in the whole twenty-five thousand pounds sterling as may be required for the purposes of this Act, and to charge the municipal rates of the said Municipality as security for any such sum so to be borrowed by the said Council.

May take water from Amalinda River.

II. The said Council shall be empowered to take, impound, divert, appropriate, and convey from the Amalinda River and its tributaries, in the division of East London, and from surface area, the drainage from which shall flow into the said Amalinda River or any of its tributaries, such a supply of water as they may require for the purposes of this Act. And for the purpose of enabling them to do so it shall be lawful for the Governor of this Colony, and he is hereby authorised to give and grant to the said Council, in full and free property, on such conditions as may be agreed upon, such Government land as may seem to him desirable on which the said Amalinda River or any of its tributaries take their rise, or all such Government land as is situate at or immediately adjoining the point or points on the said river or any of its tributaries, or which may form part of the drainage area from whence it is intended that such supply shall be so taken, impounded, diverted, appropriated, and conveyed: Provided, however, that if such taking, impounding, diversion, appropriation, or conveyance shall deprive any person of any water or any right of water which he may at the time of the taking effect of this Act possess or be entitled to in reference to the said Amalinda River or any of its tributaries, or in any way interfere with or lessen such water or right of water, such person shall be entitled to recompense or compensation to be settled in case of difference as in the eighth section of this Act provided: Provided further that no person, to whom any Government land shall be sold thereby acquire any water or right of water for the interference with or lessening of which by the works hereby authorised he shall be entitled to claim any recompense or compensation.

Council may construct all necessary works.

III. The said Council is hereby empowered to construct and make, or cause to be constructed and made, all such works as may be in the opinion of the said council be necessary and expedient for the purpose of impounding, storing, diverting, appropriating, taking and conveying the said water, whether by reservoirs, dams, watercourses, or leadings, pipes, conduits, drains, ditches, or other means, and to erect such buildings as may be deemed requisite for the purposes of the said works for securing an adequate supply of water for the inhabitants of the said town of East London and for the shipping visiting that port, as well as for such irrigation purposes as the said council may deem necessary and expedient.

Council may take Crown or other lands &c.  
required for works.

IV. The said Council is hereby empowered to enter upon, occupy, enclose, take, and use for the purposes of this Act any land belonging to Her Majesty the Queen, commonly called "Crown lands," or any land set apart as commonage lands for any place or village not being a municipality at the time of the passing of this Act, and also to enter upon, occupy, enclose, take, and use any land, the private property of any person or persons whosoever, which may be required for the construction or maintenance of any works aforesaid, for the obtaining of the necessary drainage area or for any of the purposes of this Act, and may agree, as hereinafter provided, for the purchase or hire of such private land, or may take, carry away, or use for the purposes of the said works any stone, clay, gravel, or other material requisite for carrying out the said works, and may break up or excavate any land for the purpose of laying down, repairing, inspecting, maintaining, or removing any reservoir or reservoirs, pipe, or pipes, or other works, and may either compensate the owners of such lands as hereinafter provided, or enter into any contract relative to obtaining such lands or materials, or for laying down any pipe or pipes, or other works upon such terms and conditions as may be mutually agreed to.

Also land required for protecting sources  
of the river, &c.

V. It shall be lawful for the said Council to acquire and take possession in the manner hereinbefore and hereinafter provided, of any land, whether belonging to Her Majesty the Queen, commonly called "Crown lands," or land set apart as commonage as aforesaid, or land

belonging to private persons that may be required for the purpose of protecting the sources of the said Amalinda River or any of its tributaries, the drainage area required for the collection of water or the sources of supply from whence the water may flow into the reservoirs, dams, places, or place where the said works may take off the water of the said river or any of its tributaries.

Council empowered to lay down pipes or  
construct conduits.

VI. The said Council are hereby further empowered to lay down pipes or construct conduits under or along any public road or street, or under or along any ground set apart in the diagram or conditions of sale of any land as a street or thoroughfare, without making, or being liable to make any compensation in respect thereof.

To have right of way over line of works, &c.

VII. It shall be lawful for the said Council, at all times by themselves, their engineers, contractors, or workmen, and with carts or carriages, to have free access and right of way to, over, and along the line of works, and to and from all other property of the said council acquired or to be acquired under the provisions of this Act, for the purpose of adding to, repairing, relaying, or supervising the said works or for any other purpose whatsoever, that may be deemed expedient by the said Council in or about carrying out the purposes of this Act: Provided, however, that such right of way shall in no case exceed a space of ten feet on each side of the line of works.

How settlement to be made for land,  
materials, &c., taken.

VIII. Any person or persons from whom any water or right of water, land, or right of way, or any stone, gravel, or other material may be required to be taken for the purposes of this Act, shall be bound and obliged to send in to the Town Clerk his, her, or their claim or claims for the purchase amount, hire, recompense or compensation which, he, she, or they shall claim to be entitled to for such water or right of water, land, or right of way or any stone, gravel or other material required or taken or which shall be required or taken for the purpose of this Act within twelve months after such taking as aforesaid, and for that purpose the necessary plans, specifications, and reports in connection with the said works shall lie at the office in East London of the Town Clerk during his usual business hours for and during

the period aforesaid, for the inspection of any person or persons who shall be interested therein. After which said period no further or any claim or claims which shall not have been sent in in manner hereinbefore provided for shall be recognised nor shall such claimants be entitled to recover the amount of their claims or any portion thereof from the said Council by any means or proceeding whatever. An in case the said Council shall not consent or agree to pay the amount of such or any claim or claims then the said council shall cause to be served upon the person or persons whose claims they shall reject a written notice offering as recompense or compensation whatever sum of money they shall deem sufficient, and requiring such persons to state in writing to the said Council or to some other person by them appointed within a certain limited time to be specified in the said notice, being not less than fourteen clear days after the service of such notice whether he is willing to accept the sum therein mentioned or not; and if such person or persons should refuse the sum offered or neglect to reply to the said notice then the said Council or other person aforesaid, shall by another notice in writing, call upon such person or persons to refer to arbitration the amount of recompense or compensation to be paid to him or them by the said Council or other person aforesaid, and for that purpose to transmit to the said Council or other person aforesaid, within a reasonable time to be specified in the last mentioned notice the name of some person whom he or they shall select to be an arbitrator; and the said Council or other person as aforesaid, upon receiving the name of the person so selected shall nominate a second arbitrator, and the said two arbitrators shall before proceeding in the arbitration choose a third arbitrator, the said three arbitrators to sit together, and the said Council or other person as aforesaid, shall cause a deed of submission to be prepared which shall be signed by or on behalf of the said Council or other person aforesaid, and by the person claiming such recompense or compensation as aforesaid, and which shall clearly set forth the matter to be determined by the said arbitrators, and the award of the said arbitrators or a majority of them shall be binding and conclusive, and may be pleaded in bar of any action or proceeding at law brought for or on account of the matter referred to their arbitration. And if any person as aforesaid claiming such recompense or compensation for land or materials shall neglect or refuse to name some person to be such arbitrator as aforesaid, or to sign the said deed of submission, then the said Council or other person as aforesaid, may lodge in some joint-stock bank in East London the sum of money offered by them as aforesaid in their first notice in this section mentioned for or on account of and at the risk of such person as aforesaid,

who shall at all times be entitled to draw the same out of said bank as his absolute property; and the said Council or other person aforesaid upon so lodging the said sum shall be authorized and entitled to take and use the land or materials in question, without being subject to pay or make any further recompense or compensation whatever in respect thereof, as freely as if the said sum had been agreed upon between the parties as the sum to be paid, or which had been awarded by the arbitrators under the provisions of this section, and as if all acts by law required for vesting in the said Council, or other person aforesaid a sufficient title to the use of, or property in the land or materials aforesaid had been duly done and approved.

How in case of property of minor or person  
under guardianship.

IX. In case the said council or other person aforesaid shall require to take or use any water or right of water, land, or right of way, or to dig out or carry away any materials belonging to any minor or other person under guardianship or curatorship, then the guardian or curator, as the case may be, shall be authorised in his capacity as such guardian or curator, to treat and agree with the said council or other person aforesaid for the purchase or hire of the land, rights, or materials required, and to execute any contract that may be needful for carrying out any agreement which may be made, and in case of non-agreement to refer the matter in difference to arbitration, as in the last preceding section mentioned. But all moneys which shall either by agreement or by arbitration be payable by the said council or other person aforesaid, for or on account of any land or materials in this section mentioned, shall be paid by the said council or other person aforesaid to the master of the Supreme Court administering the Guardians' Fund, who is hereby authorised to receive the same and to place the same to the credit of the minor or other person entitled to such money, and if in any case any person of full age shall, by way of fidei commissary limitation, or any limitation of a like nature be entitled to a life or other limited interest in any such land aforesaid, in which a minor or other such person aforesaid under guardianship or curatorship, shall be also interested in remainder or expectancy, when the whole value of the lands as fixed by contract, or by appraisement, or by arbitration, shall be paid as aforesaid to the Master of the Supreme Court, and the person who was entitled to the life or other limited interest therein shall be entitled to draw the interest payable on the sum so paid in; provided, however, that if any such person shall desire to have his share of such sum

apportioned and paid out, it shall be lawful for him to apply by motion to the supreme court for an apportionment of such sum, and such court shall in a summary manner upon hearing the parties interested, apportion the said sum and order the share of the applicant to be paid out to him, leaving the share of the minor or other person under disability in the hands of the said Master to be administered in like manner as moneys in the Guardians' Fund, the property of minors or persons under disability are therein administered, subject however at all times to such orders as the supreme court aforesaid may upon motion of any person having an interest see fit to make in regard to such money. And in case the said Council shall require to take or use any land or materials as in the last preceding sections mentioned of which the owner or owners shall be absent from the Colony and not represented by any agent duly accredited, or shall not be discoverable, then it shall be lawful for the said Council, and it is hereby authorised to cause a notice to be inserted in the Government Gazette and in one or more local papers for four or more successive weeks, describing as accurately as may be the land or materials which are required to be used or taken, and calling on the owner or owners, of the said land or materials, if known, to take notice that the said council is ready and willing to treat with the owner or owners, or any person duly authorised by him or them for the recompense or compensation to be made by the said Council for the said land or materials, and requiring such owner or owners to apply within six months from the date of such notice, which shall be the day of its first publication, to the said Council stating the recompense or compensation claimed, and if the owner or owners shall not apply, within the said period, then the like proceedings in regard to the agreement for, or otherwise determining the recompense or compensation to be respectively given and received, shall in all respects be had and taken which are prescribed in the last two preceding sections precisely as if the said owner or owners had been from the first in actual possession; and in case the owner or owners shall not apply to the said council within the said period, then it shall be lawful for the said council to appoint some competent person to be approved of by the civil commissioner of the division of East London to appraise the value of the land or materials, and such person shall make oath before some justice of the peace that he hath to the best of his judgement fairly appraised such value, and thereupon it shall be lawful for the said council to pay whatever sum such person shall have valued the land or materials in question at, into the Guardians' Fund to the credit of the party or parties entitled thereto subject to the same provisions in all respects which are provided by the Ordinance No. 105, bearing date

the 5th July, 1833, in regard to moneys placed in the said fund belonging to persons absent from the colony, and the said council upon so paying the said sum shall be authorized and entitled to take or use the land or materials in question without being subject to pay or make any further recompense or compensation whatever in respect thereof, as freely as if the said sum had been agreed upon between the parties as the sum to be paid, and as if all Acts by law required for vesting in the said council sufficient title to the use of, or property in the land or materials as aforesaid had been duly done and performed.

Penalty for wilful injury, &c., to building,  
conduit, &c.

X. Any person who shall wilfully injure, damage, obstruct, or interrupt any building, erection, conduit, reservoir, dam or watercourse, drain, ditch, pipe or pipes, or other work or works, or shall obstruct, hinder, or prevent the forming, constructing, completing, or maintaining the works contemplated by this Act or any of them, shall upon conviction, be liable to forfeit for the use of the said Council, for each offence, a sum not exceeding one hundred pounds sterling, or to be imprisoned with or without hard labour for any period not exceeding six calendar months, or to both fine and imprisonment, provided that nothing in this section contained shall be held or taken to exempt such person from any civil and criminal liability for any of the aforesaid acts to which he would have been subject if this Act had not been passed, but no person shall be prosecuted criminally, both under this Act and any other law for, or in regard to one and the same act.

And for polluting dam, reservoir, &c.

XI. Any person who shall bathe or wash himself in any dam or reservoir, belonging to the said Council, or in any stream flowing into such dam or reservoir, by means of any watercourse constructed by the Council, or shall wash, throw, or cause to enter therein any dog or other animal, or shall place or throw any rubbish, dirt or filth, or other noisome thing in any such dam or reservoir, or stream, or wash or cleanse therein any wool, leather, or skin of any animal, or any clothes or other thing whatsoever, shall for every offence on being convicted thereof forfeit for the use of the said Council a sum not exceeding five pounds sterling, and in default of the payment of such fine the party convicted shall be liable to be imprisoned with or without hard labour, for any period not exceeding twenty one days.

Council to make tariff of charges  
for supply of water.

XII. The said Council are hereby empowered from time to time to make and publish a tariff of charges by which the supply of water by private water leadings, and the supply of water to the shipping visiting the port of East London, or to the railway or other Government Departments shall be regulated, and payment for all private water leadings, and for the supply of water to such shipping or to such railway or other Government Departments shall be in accordance with such tariff; provided nevertheless that the said Council or any person duly authorised by them, shall have access at all reasonable times to inspect and regulate all such private water leadings.

And regulations for supplying water to town  
of East London.

XIII. It shall be lawful for the said Council at any meeting at which not less than nine of the members shall be present, and agreeing thereto by a majority, to frame from time to time such regulations or bye-laws as they shall deem necessary for regulating the system of water supply to the town of East London, such regulations and bye-laws to be framed and submitted for the approval of the Governor in manner provided for in the Act No. 23 of 1880, intituled "The East London Municipality Act, 1880."

And to levy rates for providing interest  
and sinking fund.

XIV. In order to pay the interest on the said loan, and to provide for an annual contribution of not less than one per cent. per annum on the said capital, to provide a sinking fund for the payment thereof, and for all other claims under this Act, the Council shall be empowered and compelled to impose, levy and collect a sufficient annual rate or assessment over and above what the said Council is already empowered to impose and levy upon the immovable property within the limits of the said municipality; and every rate or assessment so imposed and made by the said council shall be of the same force and effect and be levied in the same manner as if it had been a rate imposed upon owners of immovable property, under the provisions of the said Act No. 23 of 1880, or the No. 12 of 1881, intituled "The East London Municipality Amendment Act, 1881," so far as the same are applicable. And all rates so imposed and assessed under the provision of this Act, shall be and be deemed to be a charge upon the property so

assessed, and be recoverable against the present or any future owner or occupier thereof, provided that when and so soon as a revenue shall be derived from charges fixed for water leadings as aforesaid, the same shall annually, after payment thereof [sic] of all working expenses connected with the said supply of water, be applied so far as the same will extend towards payment of the interest on the said loan before the levying of any such rate as aforesaid, and provided that it shall be lawful for the said Council to apply for the payment of interest or principal or interest and principal of the said loan or any part thereof, any funds or moneys coming to the said Council from any source whatever, and not specifically appropriated or required for any other object.

Rates to be levied on amounts on assessment roll.

XV. The amounts for assessment entered on the assessment roll in force within the said Municipality for each and every year shall be the amounts on which the rates shall be levied for the purposes of this Act, so far as the properties included in such assessment roll are concerned, but for any or all properties not included in such assessment roll, and for all properties not liable to assessment under the said Act No. 23 of 1880, or the said Act No. 12 of 1881, the value shall be made and determined by some competent person appointed by the Council, in the same provisions in regard to the hearing and determining objections to such value as is provided for by the said Act No. 23 of 1880, or any regulations framed thereunder, in regard to the valuation and assessment of such immovable property as under that Act is liable to be valued and assessed for rating purposes.

When such rates due and payable.

XVI. Every such rate or assessment so made and assessed as aforesaid shall become due and payable upon some certain day, to be fixed by the said Council, of which day and of the amount of the rate or assessment so to become payable, not less than fourteen days' notice shall be given, and such notice shall be published by causing the same to be inserted in one or more of the newspapers published within the said Municipality, and causing a copy of the same to be affixed in some conspicuous place in or near the Town Office.

How rates to be collected and recoverable.

XVII. As soon as any rate shall be assessed as aforesaid, the same shall be collected in the same manner as any rates duly levied under the provisions of the said

Act No. 23 of 1880, or the said Act No. 12 of 1881, and shall on non-payment thereof be recoverable as a separate and distinct rate by action in the Resident Magistrate's Court having jurisdiction within the said Municipality or in any Resident Magistrate's Court in the district in which such defaulter shall reside.

All moneys borrowed &c., to be subject to  
"Public Bodies Debts Act, 1867".

XVIII. All moneys borrowed and debts lawfully incurred by the said Council under the provisions and for the purposes of this Act, shall be subject to the "Public Bodies Debts Act, 1867."

Accounts to be kept of moneys borrowed, &c.

XIX. The said Council shall keep, or cause to be kept, a separate and distinct account of all moneys borrowed under this Act, and of the expenditure of such moneys, and of all revenues arising from the waterworks contemplated by this Act. And the said Council shall yearly and every year, so long as any part of the debt contracted under the authority of this Act shall be in existence, prepare and deposit in the office of the Town Clerk, for the inspection at all reasonable times, of any townsman, an account showing the particulars aforesaid, and giving any other information which the Council shall deem necessary or expedient to impart, provided that every such account shall be made up to the 31st December in each and every year.

Costs of obtaining Act.

XX. The necessary costs, charges, and expenses of obtaining this Act may be paid by the said Council out of the moneys to be so borrowed as aforesaid.

Rights and privileges possessed by virtue of  
certain Acts to be retained by Council.

XXI. Nothing in this Act contained shall be taken to deprive the said Council of any rights and privileges it may possess, or of which it may be entitled to avail itself under the provisions of the Act No. 8 of 1877, intituled "The Irrigation Act, 1877," No. 28 of 1877, intituled "An Act to assist municipalities to carry out Irrigation Works," No. 7 of 1880, intituled "The Irrigation Amendment Act, 1880," No. 23 of 1880, intituled "The East London Municipality Act, 1880," and No. 12 of 1881, intituled "The East London Municipality Amendment Act, 1881," or any or either of them; the true intent and object of this present Act being to add to and increase, and in no way to derogate or detract from such rights and privileges.

Interpretation clause.

XXII. The word "Municipality" in this Act shall mean the municipality of East London as established by the said Act No. 23 of 1880, and the word "Council" the Municipal Council of East London.

Short title.

XXIII. This Act may be cited as "The East London Water Supply Act, 1882."

THE EAST LONDON ADDITIONAL WATER SUPPLY ACT OF 1899<sup>[1]</sup>

ACT

TO Enable the Municipal Council of East London to provide the inhabitants of the Town and District of East London with an additional water supply and for that purpose to impound and take water in and from the Buffalo River and the Tributaries thereof and to acquire Government and other lands required for the construction of the necessary waterworks.

Preamble.

WHEREAS it is desirable that the inhabitants of East London and others in the Districts, should be provided with a sufficient supply of good water.

And whereas surveys have been made and the Municipal Council of East London are advised that such supply can be obtained by impounding water in and taking water from the Buffalo River and its tributaries, at or near Fort Jackson, and whereas it is expedient that the said Council should be authorised to construct and maintain such reservoirs, lines of pipes and other waterworks as may be necessary for such purpose and for the purpose of conveying water to the Town of East London and elsewhere for distribution. And whereas it is expedient that necessary powers in connection with the supply of water and the regulating of the same should be conferred upon the said Council.

And whereas it is expedient that the Council should be authorised to borrow sums not exceeding in all £110,000 for the purpose of defraying the costs of the works aforesaid, and be authorised to levy special rates for the purpose of defraying the interest on all sums so borrowed, and for providing a sinking fund for the redemption of the sums borrowed.

Be it enacted by the Governor of the Cape of Good Hope by and with the consent of the Legislative Council and House of Assembly in manner following to wit:

Power to impound water from Buffalo River and its tributaries.

1. The said Council shall be and are hereby empowered to take, appropriate, impound, divert and convey such a

supply of water as they may require in and from the Buffalo River and the tributaries thereof at a point at or near Fort Jackson aforesaid, and may construct an impounding reservoir across the Buffalo River upon Farm No. 23 the property of J.J. Tesner, Farm No. 24 the property of J.K.F. Holl and certain Crown land known as Klabati Reserve and Needs Camp Reserve or some one or more such properties within the lines of deviation shown on the plans lodged with the Clerk of the House of Assembly, and may from thence convey such water by a line of pipes running within the limits of deviation shown on the said plan across the boundary between the divisions of King William's Town and East London into the division of East London, along the Valley of the Buffalo River and after crossing the Cambridge Commonage and portion of the East London Commonage terminating within the Municipality of East London near the existing Filter Beds upon such last mentioned Commonage: Provided that the plans and specifications shall be submitted to the Government for their approval.

Grants of Government land in aid of.

2. For the purpose of enabling the Council to do the acts authorised in the preceding section of this Act it shall and may be lawful for the Governor of this Colony and he is hereby authorised to give and grant to the said Council in full and free property on such conditions as may be agreed upon such Government land as may seem to him desirable as is situate at or immediately adjoining the point on the said Buffalo River from whence it is intended that such supply shall be so taken, impounded, diverted, appropriated and conveyed, provided, however, that if such taking, impounding, diversion, appropriation or conveyance, shall deprive any person of the use of any water which he may at the time of the taking effect of this Act possess in reference to the said Buffalo River or the tributaries thereof or in any way interfere with or lessen the use of such water such person shall be entitled to recompense or compensation to be settled, in case of difference, as in the eighth section of this Act provided. Provided further, that no person to whom any Government land shall be sold or leased after the passing of this Act shall thereby acquire any water or right of water for the interference with or lessening of which by the works

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1. CA, CCP 6/2/1/41. Act 22 of 1899.

hereby authorised he shall be entitled to claim any recompense or compensation.

Power to construct works.

3. The said Council is hereby empowered to construct and make or cause to be constructed and made all such works as may in the opinion of the said Council be necessary or expedient for the purpose of impounding, storing, diverting, appropriating or conveying the said water whether by reservoirs, dams, water courses, or leading pipes, conduits, drains, ditches or other means and to erect such buildings as may be deemed requisite for the purposes of the said works for securing an adequate supply of water for all such purposes as the said Council may deem necessary or expedient within or without the Municipality of East London.

Powers of entry, &c., on lands.

4. The said Council is hereby empowered to enter upon, occupy, enclose, take and use for the purposes of this Act any land belonging to Her Majesty the Queen commonly called "Crown Lands" or any land set apart as "Commonage" lands for any place or village not being a Municipality at the time of the passing of this Act and also to enter upon, occupy, enclose, take and use any land the private property of any person or persons whomsoever which may be required for the construction or maintenance of any works aforesaid, for the obtaining of the necessary drainage area, or for any of the purposes of this Act, and may agree as hereinafter provided for the purchase or hire of such private land or may take, carry away, or use for the purposes of the said works any stone, clay, gravel, or other material, requisite for carrying out the said works and may break up or excavate any land for the purpose of laying down, repairing, inspecting, maintaining, or removing any reservoir or reservoirs, pipe or pipes or other works, and may either compensate the owners of such lands as hereinafter provided or enter into any contract relative to obtaining such lands or materials or for laying down any pipe or pipes or other works upon such terms and conditions as may be mutually agreed to.

Power to acquire Crown land, commonage, &c.

5. It shall be lawful for the said Council to acquire and take possession in the manner hereinbefore and hereinafter provided of any land whether belonging to Her Majesty the Queen commonly called "Crown Lands" or land set apart as "Commonage" aforesaid or land belonging to private persons that may be required for the purposes of

protecting the banks of the Buffalo River or any of its tributaries the drainage area required for the collection of water or the sources of supply from whence the water may flow into the reservoirs, dams, places or place where the said works may take off the water of the said river or any of its tributaries.

Powers relative to Crown lands limited.

6. The powers relative to Crown land, including any Native or other Reserve or Commonage vested in the Crown, conferred by Sections two, four and five of this Act, shall be exercised only with the previous sanction of the Governor, who may impose such conditions and limitations as to extent or otherwise, and as to the payment of reasonable compensation in respect of any interference with rights, privileges or interest of Natives or others occupying any such Crown land, as to the Governor may seem necessary.

Power to lay pipes and conduits.

7. The said Council are hereby further empowered to lay down pipes or construct conduits under or along any public road or street or under or along any ground set apart in the diagram or conditions of sale of any land as a street or thoroughfare without making or being liable to make any compensation in respect thereof.

Rights of way and access to works.

8. It shall be lawful for the said Council or any member thereof or any person or persons acting on their behalf or by their order or direction at all times and with or without wagons, carts or carriages or other vehicles, horses or animals and with or without all implements, materials and machinery as may be requisite and necessary to have free access and right of way to, over, under and along the line of works and to and from all other property of the said Council acquired or to be acquired under the provisions of this Act for the purpose of adding to, repairing, relaying or supervising the said works or for any other purpose whatsoever that may be deemed expedient by the said Council in or about carrying the purposes of this Act, provided however that such right of way shall in no case exceed a space of ten feet on each side of the line of works.

Arbitration clause.

9. Any person or persons from whom any water or use of water land or right of way or any stone gravel or other

material may be required to be taken for the purpose of this Act shall be bound and obliged to send in to the Town Clerk his her or their claim or claims for the purchase amount hire recompense or compensation which he she or they shall claim to be entitled to for such water land or right of way or any stone gravel or other material required or taken or which shall be required or taken for the purposes of this Act within three months after such taking as aforesaid and for that purpose the necessary plans specifications and reports in connection with the said works shall lie at the office in East London of the Town Clerk during his usual business hours for and during the period aforesaid for the inspection of any person or persons who shall be interested therein. After which said period no further or any claim or claims which shall not have been sent in in manner hereinbefore provided for shall be recognised nor shall such claimants be entitled to recover the amount of their claims or any portion thereof from the said Council by any means or proceeding whatever. And in case the said Council shall not consent or agree to pay, the amount of such or any claim or claims, then the said Council shall cause to be served upon the person or persons whose claims they shall reject, a written notice offering as recompense or compensation whatever sums of money they shall deem sufficient, and requiring such persons to state in writing to the said Council or some other person by them appointed within a certain limited time to be specified in the said notice, being not less than fourteen (14) clear days after the service of such notice whether he is willing to accept the sum mentioned or not, and if such person should refuse the sum offered or neglect to reply to the said notice, the said Council or other person aforesaid shall by another notice in writing call upon such person or persons to refer to arbitration, the amount of recompense or compensation to be paid him or them by the said Council or other person aforesaid, and for that purpose to transmit to the said Council or other person aforesaid, within a reasonable time, to be specified in the last mentioned notice, the name of some person whom he, she or they shall select to be an arbitrator, and the said Council or other person as aforesaid, upon receiving the name of the person so selected, shall nominate a second arbitrator, and the said two arbitrators shall before proceeding in the arbitration choose a third arbitrator, the said three arbitrators to sit together, and said Council or other person as aforesaid shall cause a Deed of Submission to be prepared, which shall be signed by or on behalf of the said Council or other persons as aforesaid, and by the person claiming such recompense or compensation as aforesaid and which shall clearly set forth the matter to be determined by the said arbitrators, and the award of

the said arbitrators or a majority of them shall be binding and conclusive and may be pleaded in bar of any action or proceeding at law brought for or on account of the matter referred to their arbitration. And if any person as aforesaid claiming such recompense or compensation for land or materials shall neglect or refuse to name some person to be such arbitrator as aforesaid or to sign the said Deed of Submission, the said Council or other person as aforesaid may lodge in some Joint Stock Bank in East London the sum of money offered by them as aforesaid in their first notice in this section mentioned for on account of and at the risk of such person as aforesaid, who shall at all times be entitled to draw the same out of the said Bank as his absolute property and the said Council or other person as aforesaid upon so lodging the said sum shall be authorised and entitled to take and use the land or materials in question without being subject to pay or make any further recompense or compensation whatever in respect thereof as freely as if the said sum had been agreed upon between the parties as the sum to be paid or which had been awarded by the arbitrators under the provisions of this section and as if all acts by law required for vesting in the said Council or other person as aforesaid a sufficient title to the use of or property in the land or materials aforesaid had been duly done and approved.

Lands or property of minors and persons under curatorships.

10. In case the said Council or other person as aforesaid shall required to take or use any water land or right of way or to dig out and carry away any materials belonging to any minor or other person under Guardianship or Curatorship than the Guardian or Curator as the case may be shall be authorised in his capacity as such Guardian or Durator to treat and agree with the said Council or other person aforesaid for the purchase or hire of the land rights or materials required and to execute any contract that may be needful for carrying out any agreement which may be made in case of non-agreement to refer the matter in difference to arbitration as in the last preceding Section mentioned. But all moneys which shall either by agreement or arbitration be payable by the said Council or other person as aforesaid for or on account of any land or materials in this Section mentioned, shall be paid by the said Council or other person as aforesaid to the Master of the Supreme Court administering the Guardians Fund who is hereby authorised to receive the same to the credit of the minor or other person entitled to such money and if in any case any person of full age shall by way of fidei commissary

limitation or any limitation of a like nature be entitled to a life or other limited interest in any such land aforesaid in which a minor or other person as aforesaid under Guardianship or Curatorship shall be also interested in remainder or expectancy when the whole of the lands as fixed by contract or by appraisement or by arbitration, shall be paid as aforesaid to the Master of the Supreme Court and the person who was entitled to the life or other limited interest therein, shall be entitled to draw the interest on the sum so paid in provided however if any such person shall desire to have his share of such sum apportioned and paid out it shall be lawful for him to apply by motion to the Supreme Court for an apportionment of such sum, and such Court shall in a summary manner, upon hearing the parties interest, apportion the said sum and order the share of the applicant to be paid out to him leaving the share of the minor or other person under disability in the hands of the said Master to be administered in like manner as moneys in the Guardian Fund, the property of minors or persons under disability are therein administered subject however at all times to such orders as the Supreme Court aforesaid may upon motion of any person having an interest see fit to make in regard to such money. And in case the said Council shall require to take or use any land or materials as in the last preceding Section mentioned of which the owner or owners shall be absent from the Colony and not represented by any Agent duly accredited or shall not be discoverable then it shall be lawful for the said Council and it is hereby authorised to cause a notice to be inserted in the Government Gazette and in one or more local papers for four or more successive weeks, describing as accurately as may be, the land or materials which are required to be used or taken and calling on the owner or owners of the said land or materials if known to take notice that the said Council is ready and willing to treat with the owner or owners or any person duly authorised by him or them for the recompense or compensation to be made by the said Council for the said land or materials and requiring such owner or owners to apply with six months from the date of such notice which shall be the day of its first publication to the said Council stating the recompense or compensation claimed and if the owner or owners shall not apply within the said period then the like proceedings in regard to the agreement for or other wise determining the recompense or compensation to be respective given and received shall in all respects be had and taken which are prescribed in the last two preceding Sections precisely as if the said owner or owners had been from the first in actual possession and in case the owner or owners shall not apply to the said Council within the said period then it shall be lawful for the said Council to appoint some

competent person to be approved of by the Civil Commissioner of the Division of East London to appraise the value of the land or materials and such person shall make oath before some Justice of the Peace that he hath to the best of his judgment fairly appraised such value and thereupon it shall be lawful for the said Council to pay whatever sum such person shall have valued such land or materials in question at into the Guardians Fund to the credit of the party or parties entitled thereto subject to the same provisions in all respects which are provided by the Ordinance No. 105 bearing date the 5th July, 1833, in regard to moneys placed in the said Fund belonging to persons absent from the Colony and the said Council upon so paying the said sum shall be authorised and entitled to take or use the land or materials in question without being subject to pay or make any further recompense or compensation whatever in respect thereof as freely as if the said sum had been agreed upon between the said parties as the sum to be paid and as if all Acts required by Law for vesting in the said Council sufficient title to the use of or property in the land or materials as aforesaid had been duly done and performed.

#### Penalties for injuries to works.

11. Any person or persons who shall wilfully injure damage obstruct or interrupt any building erection conduit reservoir dam or water-course drain ditch pipe or pipes or other work or works or shall obstruct hinder or prevent the forming constructing completing or maintaining the works contemplated by this Act or any of them shall upon conviction be liable to forfeit for the use of the said Council for each offence a sum not exceeding £100 or be imprisoned with or without hard labour for any period not exceeding six calendar months or both fine and imprisonment and any such offender or offenders as aforesaid may be prosecuted in the Court of the Resident Magistrate for the district of East London whether his her or their offence or offences be committed in the district of East London or the district of King William's Town. Provided that nothing in this Section contained shall be held or taken to exempt such person or persons from any civil or criminal liability for any of the aforesaid Acts to which he would have been subject if this Act had not been passed, but no person shall be prosecuted criminally both under this Act and any other Law for or in regard to one and the same act.

#### Penalties for pollution of river or water works.

12. No person or persons shall wash any clothes, wool or hides in the Buffalo River, or any tributary thereof,

between the lower side of the confluence of the stream known as Sweet Waters with the said Buffalo River on the boundary of King William's Town and the Impounding Reservoir, or in any dam or reservoir belonging to the said Council, or place or throw or permit to allow to run off, or drain into the same any rubbish, dirt or filth or any noisome thing, whereby the water to be supplied to the inhabitants of East London shall or may be defiled, contaminated or polluted; or establish any Woolwashery, Laundry, Tannery or manufactory of any description from which any refuse - liquid or otherwise - or any injurious contaminating matter whatever, which might or would pollute, contaminate or defile the water to be supplied to the said inhabitants of East London; but nothing in this clause contained shall be taken to repeal or curtail the rights, powers or privileges conferred on the Borough of King William's Town, by Ordinance No. 9 of 1864 (British Kaffraria) and the Water Supply Act No. 21 of 1881 and Act No. 12 of 1894, or to confer on the Municipal Council of East London any greater rights or privileges in and to the Buffalo River and its tributaries above the said lower side of the confluence of the said stream known as Sweet Waters with the said Buffalo River than it possessed prior to the passing of this Act. Nor shall any person or persons bathe or wash in any Dam or Reservoir belonging to the said Council, or any stream flowing directly into such Dam or Reservoir below the said confluence, or suffer or permit any dog or other animal to enter therein; but nothing herein contained shall have the effect of closing or interfering with the legitimate traffic over any thoroughfare or drift across the said Buffalo River or its said tributaries, or be taken to hinder or prevent the occupiers of properties upon the banks of the said Buffalo River or its tributaries from irrigating their lands above the Impounding Reservoir, or from watering in such river or its tributaries their stock, horses, cattle and sheep. Any person or persons contravening this Section shall, for every offence, on being convicted thereof by the Resident Magistrate, be liable to a penalty not exceeding Twenty Pounds (£20), and in default of payment of such fine, to imprisonment, with or without hard labour, for any period not exceeding thirty days.

#### Tariff of charges for water.

13. The said Council are hereby empowered from time to time to make and publish a tariff of charges and fix a date when payment shall become due by which the supply of water by private water leadings or meters shall be regulated, and the payment for all such private water leadings or meters shall be in accordance with such tariff. The said Council are also hereby empowered from

time to time to fix meters together with all other appliances and appurtenances as they may deem fit to any property or properties whether belonging to private owners or Government, or other public bodies within or without the Municipality of East London and for the supply of water to shipping to the port of East London, and such supplies of water shall be subject to and regulated by the tariff of charges as aforesaid, and furthermore the said Council or any person duly authorised by them shall have access at all reasonable times to enter, inspect and regulate all such water leadings or meters.

#### Rules and bye-laws.

14. It shall be lawful for the said Council at any meeting to frame from time to time such Regulations and Bye-laws as they may deem requisite or necessary for the fixing, reading and regulating of meters, the taking out of water leadings and the connection thereof with the distributing mains; for determining the nature, design and quality of all pipes, taps, fittings, and appliances of every description used for the supply of water and all other matters and things connected with the delivery of water to the consumers or for regulating the water supply to the town of East London and District or beneficial for the purposes of this Act with special power to stop or cut off the supply of water to any person or persons for any breach of any such regulations and bye-laws in addition to any remedy or remedies given under this or any other Act, Regulation or Bye-law, and notwithstanding that payment shall have been made in advance for the supply of such water, and it shall be competent for the Council by any such Bye-law or Regulation as aforesaid to provide for punishing the contravention thereof by a fine not exceeding £10 and in default of payment to imprisonment for any period prescribed by such regulation not exceeding three months. All such regulations and bye-laws shall be submitted for the approval of the Governor in manner provided for in Act No. 23 of 1880 entitled "The East London Municipality Act of 1880" as amended by Act No. 12 of 1881.

#### Borrowing powers.

15. It shall be lawful for the said Council from time to time either separately or in conjunction with any other loan or loans the said Council may be empowered to raise, to borrow, to take up by the issue of debentures or otherwise at interest such sum or sums of money not exceeding in the whole the sum of £110,000 as may be required for the purposes of this Act and to charge the Municipal Rates and properties of the said Municipality as

security for any such sum so to be borrowed by the said Council.

Interest and sinking fund on loans.

16. In order to pay the interest on any loan raised under the authority of this Act and to provide for an annual contribution of not less than one per cent per annum on such loan to provide a Sinking Fund for the payment thereof and for all other claims under this Act the Council shall be empowered to impose and levy and collect a sufficient annual rate or assessment over and above what the said Council is already empowered to impose and levy upon the immovable property within the limits of the said Municipality and every rate and assessment so imposed and made by the said Council shall be of the same force and effect and be levied in the same manner as if it had been a rate imposed upon owners of immovable property other than such property as may be specially exempted under section 4 of Act No. 36 of 1891 under the provisions of the said Act No. 23 of 1880 or the Act No. 12 of 1881 so far as the same are applicable. And all rates so imposed or assessed under the provisions of this Act shall be and be deemed to be a charge upon the property so assessed, and be recoverable against the present or any future owner or occupier thereof. Provided always that the Council may set aside so much of the rate imposed under the provisions of this Act as they shall see fit for meeting all claims and demands for interest and the provision for a sinking fund as required by Act No. 15 of 1882.

Assessment roll.

17. The amounts for assessment entered on the assessment roll in force within the said Municipality for each and every year shall be the amounts on which the rates shall be levied for the purposes of this Act so far as the properties included in such assessment roll are concerned, but for any or all properties not included in such assessment roll and for all properties not liable to assessment under the said Act No. 23 of 1880, or the said Act No. 12 of 1881, the value shall be made and determined by some competent person appointed by the said Council in the same manner in all respects and subject to the same provisions with regard to the hearing and determining of objections to such value as is provided for by the said Act No. 23 of 1880, as amended by Act No. 12 of 1881, or any Regulations framed thereunder in regard to the valuation and assessment of such immovable property as under that Act is liable to be valued and assessed for rating purposes.

Payment of rates.

18. Every such rate or assessment made and assessed under the provisions of this Act shall be independent of and in addition to the rate or rates assessed under any other act having reference to the Municipality of East London, and the provisions of Section 8 of Act No. 12 of 1881, shall in no way be applicable hereto, and shall become due and payable upon some certain day to be fixed by the said Council of which day and of the amount of the rate or assessment so to become payable not less than fourteen days notice shall be given and such notice shall be published by causing the same to be inserted in one or more of the newspapers published within the said Municipality and causing a copy of the same to be fixed in some conspicuous place at or near the Town Office. And upon failure of payment of every such rate or assessment as aforesaid by the owner or occupier of the property in respect of which the same shall have been levied or assessed within the space of three months from the certain day aforesaid then and in that case the owner or occupier aforesaid shall be charged with and liable for interest at the rate of six per cent. per annum upon such rate or assessment as aforesaid, and such interest shall be recovered and collected in like manner as in the next following Section of this Act provided for the recovery and collection of such rate or assessment as aforesaid.

Collection of rates.

19. As soon as any rate shall be assessed as aforesaid the same (and any interest due thereon as in the last preceding Section of this Act mentioned) shall be collected in the same manner as any rates duly levied under the provisions of the said Act No. 23 of 1880, or the said Act No. 12 of 1881, and shall on non-payment thereof be recoverable as a separate and distinct rate by action in the Resident Magistrate's Court having jurisdiction.

Public Bodies' Debts Act applicable.

20. All monies borrowed and debts lawfully incurred by the said Council under the provisions or for the purposes of this Act shall be subject to the "Public Bodies Debts Act, 1867."

Repealing clause.

21. Section 19 of Act 15 of 1882 is hereby repealed.

Accounts to be kept separate.

22. The said Council shall keep or cause to be kept separate and distinct accounts of all monies borrowed under this Act and under Act 15 of 1882, and of the expenditure of such monies, but all revenues arising from the water works authorised by this Act or Act 15 of 1882, or any other works connected with the water supply of East London or district shall be kept in one account and apportioned or dealt with at the end of the Municipal year in such manner as the Council may deem fit.

Costs of Act.

23. The necessary costs charges and expenses of obtaining this Act may be paid by the said Council out of monies to be borrowed as aforesaid.

Rights of Council under various Acts not affected.

24. Nothing in this Act contained shall be taken to deprive the said Council of any rights and privileges it may possess of which it may be entitled to avail itself under the provisions of the Acts No. 8 of 1877 intituled "The Irrigation Act of 1877," No. 28 of 1877, intituled "An Act to assist Municipalities to carry out Irrigation Works," No. 7 of 1880 intituled "The Irrigation Amendment Act, 1880," No. 23 of 1880 intituled "The East London Municipality Act, 1880," No. 12 of 1881 intituled "The

East London Water Supply Act, 1882," or any or either of them, the true intent and object of this present Act being to add to increase, and in no way to derogate or detract from such rights and privileges.

Penalties paid to Council.

25. The amount of all fines and penalties imposed by this Act or any bye-laws or regulations made thereunder shall when recovered be paid to the Council for Municipal purposes.

Repealing clause.

26. All provisions of Act 15 of 1882 inconsistent with or contrary to the provisions of this Act shall be and are hereby repealed.

Meaning of "Municipality" and "Council".

27. The word "Municipality" in this Act shall mean the Municipality of East London as established by the said Act No. 23 of 1880, and the word "Council" the Municipal Council of East London.

Short Title.

28. This Act may be cited as "The East London Additional Water Supply Act of 1899."

## THE EAST LONDON ADDITIONAL WATER SUPPLY ACT 1906 [1]

ACT

To Enable the Mayor, Councillors and Townsmen of East London to obtain a Supply of Water from the Wolf River in King William's Town Division and for other purposes.

(Assented to 21st August, 1906.)

Preamble.

Whereas it is desirable that the supply of good water to the inhabitants within the Municipality of East London should be supplemented and that provision should be made for the supply of water to any local authority or person outside the limits of the Municipality who may be desirous of taking such supply and who can conveniently be supplied by the Council of such Municipality from the works authorised by this Act; and whereas the Council have caused surveys to be made and are advised that such supply can be obtained by impounding water in and taking the same from the Wolf River at places within the Division of King William's Town; and whereas it is expedient that the Mayor, Councillors and Townsmen of East London should be authorised to construct and maintain such reservoirs, lines of pipes and other waterworks as may be necessary for impounding such water and for the purpose of conveying the same to the Municipality and elsewhere for distribution; and whereas it is expedient that the Council should have power to construct a road between the proposed site for the reservoir on the Wolf River and the Main Road to Middledrift; and whereas it is expedient that necessary powers and rights over or to or in respect of Crown and other lands in the vicinity of the waterworks and the sources of water supply, and in connection with the supply of water and its protection from pollution, and with regard to regulating the supply of water to those entitled to the same should be conferred upon the said Council; and whereas it is expedient that no sales of Crown land situate within the catchment area hereinafter defined should hereafter be made and that no persons to whom Crown Land shall hereafter be sold or leased should acquire any right to compensation in respect of the construction of the waterworks; and whereas it is expedient that the Council should be authorised to borrow sums not exceeding in all £320,000 for the purpose of defraying the costs of the works aforesaid that they be

authorised to levy special rates for the purpose of defraying the interest on all sums so borrowed and for providing a Sinking Fund for the redemption of the sums borrowed: Be it enacted by the Governor of the Cape of Good Hope by and with the consent of the Legislative Council and the House of Assembly in manner following to wit: -

Definitions.

1. In this Act unless the context otherwise requires: -

The word "Municipality" means the Municipality of East London.

The word "Council" means the Council of the Municipality of East London.

The expression "Town Clerk" means the Town Clerk of East London.

The expression "Local Authority" means: -

(1) Any Divisional Council.

(2) The Council or Board of Commissioners of any Municipality Borough or Corporate town.

(3) The Board of Management of any community in which the "Villages' Management Act, 1881," or portion of that Act is in operation.

(4) The persons appointed in terms of Section 13 of the Public Health Amendment Act, 1897, to be a local authority.

The word "district" means the area within the local limits of and subject to the jurisdiction of a local authority.

The word "person" includes any body of persons.

The word "waterworks" includes reservoirs, dams, cisterns, tanks, embankments, filters, settling or coagulating pools, aqueducts, cuts, sluices, mains, pipes,

stand-pipes, valves, junctions, intakes, weirs, outfalls, discharge pipes, culverts, bridges, roads, approaches, ways, gauges, meters, engines, lands, buildings and things for supplying or used in connection with the supply of water.

The expression "deposited plans" means the plans deposited with the Clerk to the Honourable the House of Assembly in terms of the Standing Rules and Orders of the House of Assembly.

The word "road" includes any road, street, square or thoroughfare.

#### Appropriation of water of Wolf River.

2. Subject to the provisions of this Act the Council may from time to time appropriate, take, collect, impound and use the waters of the Wolf River in the Division of King William's Town at and above the place indicated on the deposited plans for the purpose of securing an adequate supply of water for the inhabitants of the Municipality for the shipping visiting or being at the Port of East London and for such local authorities and persons who may desire such a supply and can be conveniently supplied by the Council.

#### Construction of reservoirs authorised.

3. For the purpose of collecting and impounding such water the Council may subject to the provisions of this Act make, construct and maintain at the places shown upon the deposited plans or within the lines of deviation shown thereon embankments, reservoirs and dams and use all other reasonable means to that end.

#### Construction of roads authorised.

4. For the purpose of the construction and maintenance of the works on the Wolf River the Council is authorised subject to the provisions of this Act to construct a road between the Wolf Reservoir site and the main road to Middledrift as shown on the deposited plans and sections. And such road may at any time be taken over free of cost by the Governor of the Divisional Council of King William's Town for use as a public thoroughfare. Until such taking over as aforesaid, the said road may at all times be freely used by the public at their own risk.

#### Construction of pipes and other waterworks authorised.

5. Subject to the provisions of this Act the Council may divert the water so collected and impounded and convey the same by a line or lines of pipes and other waterworks to the Municipality and elsewhere within the lines of deviation shown on the deposited plans, and may construct such distributing reservoirs, filter beds, and other waterworks necessary in the opinion of the Council to carry out the purposes and terms of this Act or give effect thereto.

The line of pipes shall commence at or within 500 yards of the Reservoir Dam on the Wolf River, in the King William's Town Division, situate some 5 miles above the junction of the Wolf and Keiskama Rivers, and running within the limits of deviation shown on the plans follows closely the course of the Wolf River to a point near the main road to Middledrift about half-a-mile beyond the confluence of the Wolf and Keiskama Rivers. Therefrom the pipe line continues within the limits of deviation shown on the plans to skirt the main road to Middledrift as far as its last crossing of the Keiskama River, thence after traversing the Burnshill Commonage it enters the Debe River valley at Makabalekele Neck. The line then bearing eastwards passes up the Debe valley through Dodana's Location and after traversing Debe Neck continues on almost the same straight easterly course through Kama's Location passing through King William's Town Commonage just south of that town and north of its Location, thence through Tzatze's Location, Breidbach Commonage and Nowawe's Location. The pipe line here enters the East London Division, traverses the Potsdam Commonage, and thence passing along the strip of Government Reserve skirting the Railway between Amalinda and the Cambridge Commonage to the Summers Pride Distribution Reservoir site. From the said Distributing Reservoir a low pressure service main shall be laid through the Amalinda Commonage to its junction with the existing Amalinda supply main about a quarter of a mile below the Amalinda Reservoir. An intermediate pressure service main shall be laid from the said Distributing Reservoir through the Amalinda, Cambridge, and East London Commonages to its termination at the existing East London Southernwood Filters, and a high pressure service main shall be laid between the same points passing through the last mentioned Commonages and the Town of Cambridge. Provided, however, that notwithstanding anything to the contrary in this Act contained, the Council shall not enter upon, occupy, enclose, take or use any portion of the area within the limits of the Municipalities of Cambridge or King

William's Town without the consent of the Council of Cambridge or King William's Town as the case may be.

Consent of Commissioner of Public Works  
necessary before pipes laid on roads or across  
bridges or rivers.

6. The Council shall furnish to the Commissioner of Public Works for his approval details showing the position and method of laying of the said lines of pipes wherever the same shall be laid under or along any main or divisional road or wherever the same shall cross any bridge or river; and no portion of the said lines of pipes crossing any such road, bridge or river shall be laid down until the said approval shall have been given in respect of such portion.

Extension of works.

7. The Council may if necessary at any time, subject to the approval of the Commissioner of Public Works, raise and widen the reservoirs and dams and duplicate or otherwise from time to time increase the waterworks so as to increase their capacity for impounding, diverting, carrying and distributing the water. Provided that the regular, uniform, and continuous flow of the compensation water, in the next succeeding section of the Act referred to shall not in any way be impeded or lessened.

As to compensation water.

8. Pending the completion of the Wolf Impounding Reservoir, the Council shall be entitled to appropriate, take or use any water they may require subject to the following restriction. They shall allow to pass and flow down the bed of the said Wolf River below and within five hundred yards of the proposed dam site two thirds of a million gallons every day of twenty-four hours when the flow of the river is in excess of this amount, but when the flow of water in the said river shall be less than at the rate of two thirds of a million gallons per day of twenty-four hours, the Council shall not be entitled to draw any water therefrom, only during such time the flow is in excess of such rate the Council may take all or such part of the excess as they may require. On the completion of the said Wolf Impounding Reservoir the Council shall be entitled to appropriate, take or use any water they may require, subject to the discharge in a regular, uniform and continuous flow throughout the twenty-four hours of every day out of such reservoir into the bed of the said Wolf River below the reservoir and within five hundred yards of the outlet of such reservoir a quantity of water

at the rate of one half of a million gallons per day of twenty-four hours (hereinafter referred to as compensation water). Provided that during the first filling of the reservoir the Council shall discharge out of such reservoir the compensation water as hereinbefore provided in respect of such reservoir so long only as there shall remain in such reservoir sufficient water to enable them to comply with this provision.

Gauges for measuring compensation water.

9. For the purposes of measuring the compensation water the Council shall construct within five hundred yards of the outlet of the reservoir a suitable measuring gauge over or through which the compensation water shall flow, and such gauge shall thenceforth be maintained in a proper state of repair by the Council and the same shall at all times be open to the inspection and examination of any persons interested in such compensation water. If at any time such gauge shall be out of repair or in an unfit condition for the purpose for which it is intended the Council shall forthwith put the same in fit repair and condition, and if they fail to do so within one month after notice, in writing, given to them in that behalf by or on behalf of any person interested, such person may cause the said gauge to be put in fit repair and condition and may recover the reasonable cost of so doing from the Council.

Settlement of disputes as to gauges.

10. In the event of any dispute at any time arising between the Council and any interested person as to the sufficiency or accuracy of any gauge or as to its state of repair or condition such dispute shall be settled and determined by arbitration by an Engineer to be appointed by the parties, or in default of agreement, to be appointed by the Secretary for Agriculture on the application of either of the parties.

Penalty.

11. If the Council fail to send down or deliver the said compensation water the Council shall be liable to make compensation for any loss, damage or injury sustained by any owner or other person interested unless such loss or damage or injury shall be proved to have arisen by act of God or other unavoidable cause.

Wolf River catchment area defined.

12. The area in and near the Wolf River shown on the deposited plans and contained within a boundary line commencing from the before mentioned Wolf reservoir dam site, thence passing through Mount MacDonald along the waterparting of the Wolf and Amatola Peak substantially along the boundary of the Victoria East and King William's Town Divisions to the Hogsback Trigonometrical [sic] Station and along the Wolf ridge forming the waterparting between the Wolf and Gulu Rivers to Wolf Peak and thence returning to the first mentioned dam site, is hereby defined and declared to be the catchment area of the Wolf river reservoir.

Prohibition of alienation of Crown lands within catchment area.

13. After the passing of this Act it shall not be lawful to make any conditional or other sales of any Crown lands situate within the catchment area hereinbefore defined.

Future purchaser or lessee of Crown land to have no right to compensation.

14. No person to whom any Crown land shall be hereafter sold or leased shall thereby acquire any water or right of water for the interference with or lessening of which by the works hereby authorised he shall be entitled to claim any recompense or compensation nor shall he be entitled to any share of the compensation water hereinbefore referred to.

Power of entry on lands generally.

15. The Council may for the purposes of this Act and giving effect to its provisions enter upon, occupy, enclose, take and use any land belonging to His Majesty the King commonly called "Crown Lands" or any land set apart as "Commonage" lands, and also to enter upon, occupy, enclose, take and use any land the private property of any person or persons whosoever which may be required for the construction or maintenance of the waterworks authorised by this Act and may agree as hereinafter provided for the purchase, or hire of such private land or the acquisition of any servitude thereover, or may take, carry away or use for the purposes of the waterworks any stone, clay, gravel or other material, and may break up or excavate any land for the purpose of laying down, repairing, inspecting, maintaining, or removing, or otherwise dealing with any

reservoir or reservoirs, pipe or pipes or other works, and may either compensate the owners of such lands as hereinafter provided, or enter into any contract relative to obtaining such lands or materials, or for laying down any pipe or pipes or other works upon such terms and conditions as may be mutually agree to; provided always that the rights of the Council in so far as any portions of the Commonages of the Municipalities of King William's Town and Cambridge, and the streets of Cambridge are concerned, shall be restricted to way-leave in terms of section twenty-two of this Act and a servitude in respect of the laying of water mains.

Acquisition of Crown and other lands.

16. Subject to the provisions of this Act, the Council may acquire and take possession of the land, in extent about 475 acres, comprising within that portion of the Catchment area of the Wolf River and adjoining ground which lies around the proposed site of the Wolf Reservoir and which, on the deposited plans, is shown as included within a red line and hereinafter called the Wolf Reservoir Reserve, whether such land shall belong to His Majesty the King and commonly called Crown Lands or be set apart as Commonage or shall belong to private parties.

Restrictions on acquisition of Crown Lands.

17. The power relative to Crown Land including any Native or other Reserve or Commonage vested in the Crown conferred by the two preceding Sections of this Act shall be exercised only with the previous sanction of the Governor who subject to the provisions of the next succeeding section may impose such conditions and limitations as to extent or otherwise and as to the payment of reasonable compensation in respect of any interference with rights, privileges or interests of Natives or others occupying any such Crown Land as to the Governor may seem necessary.

Compensation Clause.

18. If, in the exercise of any of the powers conferred by this Act, any loss or damage shall be cause or accrue to any person owning or occupying any land affected by such exercise, the Council shall make compensation to such person, and the amount of such compensation shall, failing mutual agreement, be settled by arbitration in manner hereinafter set forth, provided that:

(1) Where any such compensation is claimable in respect of water or the use of water, the arbitrator, in assessing the amount of such loss or damage as aforesaid, shall take into consideration the Compensation hereinbefore referred to.

(2) The Council shall, if and when required thereto by any owner or occupier of land situate within the Wolf Reservoir Reserve, provide such person with similar land of equal value and extent situate in the vicinity thereof, and the value of such land so provided shall be taken into consideration by assessing the amount of loss or damage sustained by such person. If any question or dispute shall arise between the Council and such person as to any land so provided, such question or dispute shall be finally decided by the Secretary to the Native Affairs Department, or any person appointed by him for that purpose.

(3) The Council is hereby empowered and authorized to purchase or otherwise obtain land within the District of King William's Town for the purposes of this Act.

Authority to Governor to grant title  
to Council.

19. The Governor may give and grant to the Mayor, Councillors and Townsmen of East London upon such conditions as to him may seem meet and either in whole or in part such Crown lands as are situate at or in the vicinity of the site of the reservoir upon the Wolf River or are situate within the catchment area aforesaid.

Power to lay down pipes and conduits.

20. The Council are hereby further empowered after giving ten days' notice to the local authority, if any, to lay down pipes or to construct conduits under or along any public road or under or along any ground set apart in the diagram or conditions of sale of any land as a road, without making or being liable to make any compensation in respect thereof.

Crown Forests not to be interfered with or taken  
without consent of Chief Conservator of Forests.

21. Notwithstanding anything in this Act to the contrary the areas of demarcated and undemarcated forests situated within the catchment, pipe track and other areas embraced in the scheme for the supply of water from the Wolf River to East London, shall remain under the sole

control of the Forest Department, and the rights of Government, under the Forest Acts for the time being in force and the regulations promulgated thereunder, including the right to afforest, to graze cattle, fell timber, construct saw mills and dwelling houses, forests, railways, tramlines, road, tracks and paths and to undertake such other measures as may be considered necessary for the successful working of Crown Forests shall continue and be in no way interfered with, and the Council shall undertake no additional works in any of the demarcated or undemarcated areas aforesaid, except with the previous sanction and under the directions of the Chief Conservator of Forests; provided, however, that the Government shall protect any works, constructed by the Council under the provisions of this Act, from injury or damage directly resulting from any of the operations of the Forest Department; and shall allow the Council to fell and clear such portion of any forests as may be required to be submerged by any reservoir as also a distance not exceeding one hundred yards upwards from the top water level of each dam in order to prevent pollution from vegetation, together with such extent of forest it may be necessary to clear for the construction of roads, tramways and pipe lines, and shall permit the free quarrying of stone and sand for use in the construction of the works; and provided further that all timber felled by the Council must be paid for at Government tariff rates.

Rights of way and access.

22. The Council or any member thereof or any person or persons acting on their behalf or by their order or direction may at all times and with or without wagons, carts or carriages or other vehicles, horses or animals and with or without all implements, materials and machinery as may be requisite and necessary have free access and right of way to, over under and along the line of works and to and from all other property of the Council acquired or to be acquired under the provision of this Act for the purpose of inspecting, adding to, repairing, relaying or supervising the said works or for any other purpose whatsoever that may be deemed expedient by the Council in or about carrying out the purposes of this Act provided however that such right of way shall not exceed a space of ten feet on each side of the line of works, except at spots where the lie or configuration of the ground renders a greater width indispensable [sic] for the purposes of transport.

Repair of damage caused to roads by  
construction of works.

23. After laying, constructing, repairing, altering or replacing any waterworks in any road the Council shall duly fill in any excavation made and shall consolidate and level the surface and restore the road as speedily as possible, and as nearly as may be to its condition prior to entry thereon and shall maintain the area so affected by its works against subsidence for a period of six months thereafter, provided always that where necessary and practicable the Council shall make suitable deviations for traffic while the work is in progress.

Council liable for damage to roads or property  
by leakage or bursting of pipes or through negligence.

24. The Council shall at all times made good any damage done to any road or property by the leaking or bursting of any of its water pipes and shall be liable for all damages, loss or injury sustained by any person or public body in consequence of any neglect or default in carrying out at any time the works or operations authorised by this Act.

Construction of Waterworks, Telephones, and  
Telegraphs authorised.

25. The Council is hereby further authorised and empowered to construct maintain and work for the purposes of the said waterworks and for no other purposes a telegraph and telephone line or either of them along or near the said line of works subject to the provisions of Act No. 20 of 1861 entitled "An Act for the regulation of Electric Telegraphs" or any law amending or extending the same and to any regulations from time to time made under the provisions of such Acts.

Contracts for works authorised.

26. The Council may enter into any contract or contracts with any person for the performance of the whole or any portion of the works authorised by this Act.

Power of Corporation to supply water to local  
authorities and others.

27. The Council may supply water by agreement in bulk or otherwise, and for domestic or other purposes, to any local authority or person outside the Municipality, any part of whose district or premises is situate within ten miles of the line of pipes or aqueducts on such terms and

conditions in all respects, and for such period as the Council and such local authority or person may from time to time agree; Provided that nothing in this section shall authorise the Council to supply water within, for use within the limits controlled by any local authority except with the consent of such authority nor shall the Council under any such agreement supply water so as to interfere with their giving a proper supply for all purposes to persons within the Municipality of East London and the Municipality of Cambridge in the event of the Council entering into an agreement to supply the latter Municipality with water.

Consent for entry upon Crown Lands.

28. Nothing in this Act contained shall be construed as entitling the Council to enter upon or carry out any works upon, over or under any land or building vested in the Colonial Government and appropriated for railway purposes except with the consent of the Commissioner of Public Works first had and obtained under such reasonable conditions and terms as may be imposed by him, provided always that the Council shall at all times have a right of access to the works after the construction thereof for the purpose of inspection and effecting any necessary repairs.

Conditions upon which works to be carried out on  
Government property.

29. All works carried out and things done in pursuance of this Act under, upon and over such Government property, excepting urgent repairs, shall be carried on and done by the Council at its own expense under the supervision of an officer to be appointed by the Commissioner of Public Works to whom the Council shall pay the cost of such supervision.

Approval of Governor required to agreement.

30. No local authority shall be entitled to enter into any such agreement as is in section 27 referred to unless with the approval of the Governor and upon such approval being obtained, sections 18 and 19 of the Public Health Amendment Act 1897 shall apply to such authority who shall thereupon have the powers thereby given to an urban local authority in addition to any powers which such local authority may have by virtue of the provisions of the Statute under which it is constituted.

Local authority may delegate its powers.

31. In any agreement which the Council may make with such local authority it shall be lawful to stipulate that the powers by the said sections 18 and 19 of the Public Health Amendment Act 1897 may be exercised by the Council for and on behalf of such authority subject to such terms and conditions as may be agreed; and any compensation payable in consequence of the exercise of such powers shall failing mutual agreement be ascertained in manner hereinafter provided.

Arbitration Clause.

32. Any person or persons entitled to compensation under the terms of this Act shall be bound and obliged to send in to the Town Clerk his, her or their claim or claims for the purchase amount, hire, recompense or compensation which he, she or they shall claim to be entitled to for such land or water or right of water or right of way or any stone, gravel or other material required or taken or which shall be required or taken for the purposes of this Act, within six months after such taking as aforesaid and for that purpose copies of the deposited plans shall lie at the office in East London of the Town Clerk during his usual business hours for and during the period aforesaid for the inspection of any person or persons who shall be interested therein. After which said period no further or any claim or claims which shall not have been sent in in manner hereinbefore provided for shall be recognised nor shall such claimants be entitled to recover the amount of their claims or any portion thereof from the Council by any means or proceeding whatever. And in case the Council shall not consent or agree to pay the amount of such or any claim or claims then the Council shall cause to be served upon the person or persons whose claims they shall reject a written notice offering as recompense or compensation whatever sums of money they shall deem sufficient and requiring such persons to state in writing to the Council within a certain limited time to be specified in the said notice not being less than fourteen (14) clear days after the service of such notice whether he is willing to accept the sum mentioned or not and if such person should refuse the sum offered or neglect to reply to the said notice then the Council shall by another notice in writing call upon such person or persons to refer to arbitration the amount of recompense or compensation to be paid him or them by the Council and for that purpose to transmit to the Council within a reasonable time to be specified in the last mentioned notice the name of some person whom he, she or they shall elect to be an arbitrator and the Council

upon receiving the name of the person so selected shall nominate a second arbitrator, and the said two arbitrators shall be proceeding in the arbitration choose a third arbitrator, the said three arbitrators to sit together, and the Council shall cause a Deed of Submission to be prepared which shall be signed by or on behalf of the Council and by the person claiming such recompense or compensation as aforesaid and which shall clearly set forth the matter to be determined by the arbitrators and the award of the arbitrators or a majority of them shall be binding and conclusive and may be pleaded in bar to any action or proceeding at law brought for or on account of the matter referred to their arbitration. In fixing the amount to be paid for property to be expropriated the Arbitrators shall do so upon the basis of its average market value, as near as can be ascertained for the twelve months preceding the notice of expropriation, adding in consideration of the compulsory nature of the expropriation, not more than 15 per cent. of such value, and the amount of compensation for damage, wayleave and right of access shall be determined upon the basis of actual injury to be sustained and loss to be inflicted by the presence and use of the works. And if any person as aforesaid claiming such recompense or compensation for land or materials shall neglect or refuse to name some person to be such arbitrator as aforesaid or to sign the Deed of Submission then the Council may lodge in some Joint Stock Bank in East London the sum of money offered by them as aforesaid in their first notice in this section mentioned for or on account of and at the risk of such person as aforesaid who shall at all times be entitled to draw the same out of the said Bank as his absolute property and the Council upon so lodging the said sum shall be authorised and entitled to take and use the land or materials required without being subject to pay or make any further recompense or compensation whatever in respect thereof as freely as if the said sum had been agreed upon between the parties as the sum to be paid or which had been awarded by the arbitrators under the provisions of this section and as if all acts by law required for vesting in the Council a sufficient title to the use of or property in the land or materials aforesaid had been duly done and approved.

In case lands, etc., of minors and persons under Curatorship required to be taken.

33. In case any minor or other person under Guardianship or Curatorship shall be entitled to compensation under the terms of this Act then the Guardian or Curator as the case may be shall be authorised in his capacity as such Guardian or Curator to treat and agree

with the Council in respect thereto and to execute any contract that may be needful for carrying out any agreement which may be made and in case on non-agreement to refer the matter in difference to arbitration as in the last preceding Section mentioned. But all moneys which shall either by agreement or arbitration be payable by the Council for or on account of any land or materials in this Section mentioned shall be paid by the Council to the Master of the Supreme Court administering the Guardians Fund who is hereby authorised to receive the same to the credit of the minor or other person entitled to such money and if in any case any person of full age shall by way of fidei commissary limitation of a like nature be entitled to a life or other limited interest in any such land aforesaid in which a minor or other person as aforesaid under Guardianship or Curatorship shall be also interested in remainder or expectancy then the whole of the money as fixed by contract or appraisement or by arbitration shall be paid as aforesaid to the Master of the Supreme Court, and the person who was entitled to the life or other limited interest therein shall be entitled to draw interest on the sum so paid in provided however if any such person shall desire to have his share of such money apportioned and paid out it shall be lawful for him to apply by motion to the Supreme Court for an apportionment of such sum and such Court shall in a summary manner upon hearing the parties interested apportion the said sum and order the share of the applicant to be paid out to him leaving the share of the minor or other person under disability in the hands of the said Master to be administered in like manner as moneys in the Guardians Fund the property of minors or persons under disability are therein administered subject however at all times to such orders as the Supreme Court aforesaid may upon motion of any person having an interest, see fit to make with regard to such money. And in case the Council shall require to take or use any land or materials of which the owner or owners shall be absent from the Colony or whose place of residence, agent or representative shall be unknown to or not be discoverable by the Council then it shall be lawful for the Council and it is hereby authorised to cause a notice to be inserted in the Gazette and in one or more local newspapers for four or more consecutive weeks describing as accurately as may be the land or materials which are required to be used, taken and calling on the owner or owners of the said land or materials if known to take notice that the Council is ready and willing to treat with the owner or owners or any person duly authorised by him or them for the recompense or compensation to be made by the Council for the said land or materials and requiring such owner or owners to apply within six months from the date of such notice which

shall be the day of its first publication to the Council stating the recompense or compensation claimed and if the owner or owners shall not apply within the said period then the like proceedings in regard to the agreement for or otherwise determining the recompense or compensation to be respectively given and received, shall in all respects be had and taken, which are prescribed in the last preceding section, precisely as if the said owner or owners had been from the first in actual possession, and in case the owner or owners shall not apply to the Council within the said period then it shall be lawful for the Council to appoint some competent person to appraise the value of the land or materials, and such person shall make oath before some Justice of the Peace that he hath, to the best of his judgement, fairly appraised such value, and thereupon it shall be lawful for the Council to pay whatever sum such person shall have valued such land or materials in question into the Guardians Fund to the credit of the party or parties entitled thereto subject to the same provisions in all respects which are provided by the Ordinance No. 105, bearing date the 5th July 1833 in regard to moneys placed in the said Fund belonging to persons absent from the Colony and the Council upon so paying the said sum shall be authorised and entitled to take or use the land or materials in question without being subject to pay or make any further recompense or compensation whatever in respect thereof as freely as if the said sum had been agreed upon between the said parties as the sum to be paid and as if all Acts required by Law for vesting in the Council sufficient title to the use of or property in the land or materials as aforesaid had been duly done and performed.

#### Penalties for injuries to works.

34. Any person or persons who shall wilfully injure damage obstruct or interrupt any portion of the waterworks or line of telegraph or telephone or shall obstruct, hinder or prevent the forming, constructing, completing or maintaining thereof or any of them shall upon conviction be liable to forfeit for the use of the Council for each offence a sum not exceeding £100 or be imprisoned with or without hard labour for any period not exceeding six calendar months or to both fine and imprisonment and any such offender may be prosecuted in the Court of the Resident Magistrate for the District in which the offence is committed providing that nothing in this section contained shall be held or taken to exempt such person or persons from any civil or criminal liability for any of the aforesaid Acts to which he would have been subject if this Act had not been passed but no person shall be

prosecuted criminally under this Act and any other Law for or in regard to one and the same offence.

Penalties for polluting water.

35. No person shall wash any clothes, wool or hides or other thing whatsoever in the Wolf River or any tributary thereof at any place within the catchment area, or in any dam or reservoir belonging to the Council, or place or throw or permit or allow to run off or drain into the said river its tributaries or any dam or reservoir or allow to be placed or suffer to remain upon the banks of the said river tributaries or reservoir any rubbish, dirt or filth or any noisome thing, whereby the water therein shall or may be defiled, contaminated or polluted; or establish any Woolwashery, Laundry, Tannery, Cattle or Sheep Dipping Tank or Manufactory of any description within the catchment area from which any refuse-liquid or otherwise or any injurious contaminating matter of any kind whatever either by itself or in conjunction with other matter might corrupt or impair, or tend to corrupt impair pollute contaminate or defile the waters. Nor shall any person bathe or wash in any dam or reservoir belonging to the Council or in the Wolf River or its tributaries within the catchment area or suffer or permit any dog or other animal to enter therein, but nothing herein contained shall be taken to hinder or prevent the owner or occupier of any land situate within the catchment area from irrigating such land or watering his stock, horses, cattle, sheep and goats, at or in any part of the Wolf River or its tributaries within that portion of the catchment area which is not included in the Wolf Reservoir Reserve. Any person or persons contravening this section may be prosecuted before the Court of the Resident Magistrate for the District in which the offence is committed, and shall for every offence on being convicted thereof forfeit for the use of the Council a sum not exceeding twenty pounds (£20) and in default of payment of such fine to imprisonment with or without hard labour for any period not exceeding thirty days.

Tariff of charges and Bye-laws.

36. All the powers granted to the Council by Sections 13 and 14 of Act No. 22 of 1899 are hereby granted to the Council in connected with the works and water supply authorised by this Act and subject to any alterations that may from time to time be made all existing regulations and bye-laws relating to the supply of water and all charges at present in force shall be of like force regarding the works to be constructed by virtue of this Act and the supply of water by the proposed works

as though the same were framed and published by authority of this Act.

Power to raise money for works.

37. The Council may from time to time either separately or in conjunction with any other loan or loans the Council may be empowered to raise, borrow by the issue of debentures, debenture stock or otherwise at interest and upon such terms and conditions as it may deem expedient such sum or sums of money not exceeding in the whole the sum of £320,000 as may be required for the purposes of this Act provided always that notwithstanding anything to the contrary contained in the East London Municipality Act 1880 or any other law it shall not hereafter be necessary for the Council to register any Mortgage in security of any loan which it is empowered to raise unless by the conditions of the loan such registration be required.

Provision for payment of interest and Sinking Fund.

38. In order to pay the interest on any loan raised under the authority of this Act or of the Acts Nos. 15 of 1882 and 22 of 1899, and to provide for an annual contribution, to establish a Sinking Fund for the payment thereof and for all other claims under this Act the Council may impose, levy and collect a sufficient annual rate or assessment over and above what the Council is already empowered to impose and levy upon the immovable property within the limits of the said Municipality, other than such property as may be specially exempted under section 4 of Act No. 36 of 1891, and every rate and assessment so imposed, and made by the Council, shall be of the same force and effect and levied in the same manner as if it had been a rate imposed upon owners of immovable property under the provisions of the Act No. 23 of 1881 or the Act No. 12 of 1881 so far as the same are applicable. And all rates so imposed or assessed under the provisions of this Act shall be and be deemed to be a charge upon the property so assessed, and be recoverable against the present or any future owner or occupier thereof.

Assessment roll of Municipality to be assessment roll for this Act.

39. The amounts for assessment entered on the assessment roll in force within the Municipality for each and every year shall be the amounts on which the rates shall be levied for the purposes of this Act so far as the properties included in such assessment roll are concerned, but for any or all properties not included in such

assessment roll, and for all properties not liable to assessment under the said Act No. 23 of 1880, or the said Act No. 12 of 1881 the value shall be made and determined by some competent person appointed by the said Council in the same manner in all respects and subject to the same provisions with regard to the hearing and determining of objections to such value as is provided for by the said Act No. 23 of 1880 as amended by Act No. 12 of 1881 or any Regulations framed thereunder in regard to the valuation and assessment of such immovable property as under that Act is liable to be valued and assessed for the rating purposes.

When rates to be payable.

40. Every such rate or assessment made and assessed under the provisions of this Act shall be independent of and in addition to the rate or rates assessed under any other Act have reference to the Municipality of East London and the provisions of Section 8 of Act No. 12 of 1881 shall in no way be applicable thereto and shall become due and payable upon some certain day to be fixed by the Council of which day and of the amount of the rate or assessment so to become payable not less than fourteen days' notice shall be given and such notice shall be published by causing the same to be inserted in one or more of the newspapers published within the said Municipality and causing a copy of the same to be affixed in some conspicuous place at or near the Town Office. And upon failure of payment of every such rate or assessment as aforesaid by the owner or occupier of the property in respect of which the same shall have been levied or assessed within the space of three months from the certain day aforesaid then and in that case the owner or occupier aforesaid shall be charged with and be liable for interest at the rate of six per cent. per annum calculated from the date on which such rate becomes due and payable upon such rate or assessment as aforesaid and such interest shall be recovered and collected in like manner as in the next following Section of this Act provided for the recovery and collection of such rate or assessment aforesaid.

How rates to be collected.

41. As soon as any rate shall be assessed as aforesaid the same (and any interest due thereon as in the last preceding Section of this Act mentioned) shall be collected in the same manner as any rates duly levied under the provisions of the said Act No. 23 of 1880 or the said Act No. 12 of 1881 and shall on non-payment thereof be recoverable as a separate and distinct rate by action in the Resident Magistrate's Court have jurisdiction.

Public Bodies Debts Act, 1867, to apply.

42. All monies borrowed and debts lawfully incurred by the Council under the provisions or for the purposes of this Act shall be subject to the Public Bodies Debts Act, 1867.

Accounts to be kept.

43. The Council shall keep or cause to be kept separate and distinct accounts of all monies borrowed under this Act and of the expenditure of such monies but all revenues arising from the water works authorised by this Act and any other works connected with the water supply of East London or district shall be kept in one account and apportioned or dealt with at the end of the Municipal year in such manner as the Council may deem fit.

This Act not to affect the rights of the Council under other Acts.

44. Nothing in this Act contained shall be taken to deprive the Council of any rights and privileges it may possess of which it may be entitled to avail itself under the provisions of any existing law or statute.

Penalties to be paid to Council.

45. The amount of all fines and penalties imposed by this Act or any Bye-laws or regulations made thereunder shall when recovered be paid to the Council for Municipal purposes.

Expenses of Act.

46. The costs, charges and expenses attending or incident to the obtaining and passing of this Act shall in the first place be paid by the Council out of public funds or rates in the hands of the Council and thereafter be chargeable against moneys borrowed for the purposes of this Act.

Short Title.

47. This Act may be cited as "The East London Additional Water Supply Act 1906."

APPENDIX 5

ACTS OF PARLIAMENT AND PROVINCIAL ORDINANCES  
PERTAINING TO OTHER MATTERS  
1873 - 1914

EAST LONDON AGRICULTURAL SOCIETY'S GROUND TRANSFER ACT, 1899 [1]ACT

TO Enable the Mayor, Councillors and Townsmen of East London to alienate under certain conditions and restrictions certain piece of land for the purposes of the East London Agricultural Society.

Preamble.

WHEREAS the Trustees of the East London Agricultural Society hold under lease from the Mayor, Councillors and Townsmen of East London a certain piece of ground, part of the lands vested in the said Mayor, Councillors and Townsmen by Act No. 23 of 1880, and have erected certain buildings on the said piece of ground:

And whereas the said Trustees have applied to the said Mayor, Councillors and Townsmen for the grant or alienation to them of the said piece of ground for the purposes of the said Agricultural Society, which grant or alienation the said Mayor, Councillors and Townsmen are willing to make subject to the conditions hereinafter mentioned:

And whereas it is desirable in the interests of the public and of the inhabitants of East London that the said land should be so granted or alienated;

And whereas doubts exist whether such proposed grant or alienation can legally be made, and it is expedient to remove such doubts, and to empower the said Mayor, Councillors and Townsmen of East London to effect the said grant or alienation; be it enacted by the Governor of the Colony of the Cape of Good Hope with the advice and consent of the Legislative Council and House of Assembly as follows:

Transfer of Agricultural Show Ground authorised to East London Agricultural Society.

1. It shall be lawful for the Mayor, Councillors and Townsmen of East London to transfer to the Trustees of the East London Agricultural Society for the time being and their successors a certain piece of ground situated in Ward No. 4 of East London, Division of East London, containing 5 Morgen, 245 Square Roods, 106 Square Feet Cape Measure known as the Agricultural Show Ground bounded

North-eastwards, South-eastwards and South-westwards by Commonage and North-westwards by the Recreation Ground. Provided that the said land be used by the said Society as an Agricultural Show Ground and other purposes connected with or for the benefit of the said Society but not otherwise, and provided that the said Society shall not sell, exchange, alienate, hypothecate, lease or transfer the same or in any way part with the possession thereof at any time whatever without the previous consent in writing of the Mayor, Councillors and Townsmen of East London. Provided always that if the said Society cease to exist at any time, the said land shall revert to the said Mayor, Councillors and Townsmen, subject to the encumbrances thereon.

2. The Trustees of the said Society shall be interpreted to mean the persons from time to time elected as such by the subscribers to the said Society.

Consent to sale of ground, how given.

3. As often as any sale, exchange, alienation, transfer, lease or hypothecation of the said piece of land shall be about to be made by the said Trustees, a certificate, in writing, under the Common Seal of the Mayor, Councillors and Townsmen of East London or their successors addressed to the Registrar of Deeds, certifying that the said Mayor, Councillors and Townsmen have consented to such sale, exchange, alienation, transfer or hypothecation, shall be sufficient proof of such consent for the purpose of the Deeds Registry and thereupon the proposed transfer or Deed of Hypothecation as the case may be shall be passed.

Repealing clause.

4. So much of Act 23 of 1880, No. 11 of 1895 and of any other Act or Law which may be inconsistent with any of the provisions of this Act are hereby repealed.

Short Title.

5. This Act may be cited for all purposes as the "East London Agricultural Society's Ground Transfer Act, 1899."

EAST LONDON DRAINAGE AND SEWERAGE PRIVATE ORDINANCE, 1912. [1]

Private Ordinance to Confer upon the Council of the Municipality of East London increased powers with regard to Sewerage and Drainage and for other purposes.

Preamble.

Whereas it is desirable that a good and efficient system of sewerage and drainage should be provided for the Municipality of East London; And whereas under and subject to the terms of "The Public Health Amendment Act, 1897" in force in the Province of the Cape of Good Hope, the Council of the said Municipality, hereinafter styled the Council, has certain powers in connection with carrying out a scheme of sewerage and drainage; And whereas it is desirable that further rights and powers in connection with such a scheme should be conferred upon the Council enabling it inter alia to enforce the drainage of properties, to enter upon properties and construct works in connection with sewerage and private drainage and to do so in certain cases without payment of compensation, to render financial and other assistance to owners in connection with the drainage of properties, to provide for the protection of the sewerage and drainage of properties, to provide for the protection of the sewerage and drainage works and to make suitable rules and regulations; And whereas it is expedient that the Council should be authorized to borrow upon security of the rates sums not exceeding Two Hundred and Ten Thousand Pounds Sterling (£210,000) in connection with a scheme of sewerage and drainage; And whereas it is expedient that obligations should be imposed upon owners with regard to the repayment of expenses incurred by the Council in effecting the drainage of their properties and that the Council should be entitled to levy sewerage fees or rates for the purpose of defraying the interest on all sums borrowed under authority of this Ordinance and the expenses connected with the maintenance and repair of sewers and the sewerage works and for providing a Sinking Fund for the redemption of the sums so borrowed:

Be it therefore ordained by the Provincial Council of the Province of the Cape of Good Hope, with the assent of the Governor-General-in-Council, as follows: -

Interpretation clause.

1. In this Ordinance the word "owner" means and includes:

- (a) The person or persons in whom from time to time shall be vested the legal right in any immovable property;
- (b) in any case where a property has been leased for a period of thirty years or upwards, the lessee of such property;
- (c) in cases where the person in whom the legal title is vested has assigned his estate for the benefit of his creditors, is insolvent or dead or under curatorship or guardianship the person in which the administration of such property is vested as assignee, trustee, executor, administrator, curator, guardian, or otherwise;
- (d) in the case of a company in liquidation the liquidator of such company;
- (e) in cases where the owner as above described is absent from the Province the agent or person receiving the rent of the property in question.

"Sewer" shall have the interpretation given to it in "The Public Health Amendment Act, 1897," excepting that it shall not include a drain or combined drain as defined by this Ordinance.

"Drain" means any private drain used or intended to be used for the drainage of any one house or premises and the conveyance or such drainage from such house or premises to any sewer, or combined drain.

"Combined drain" means any private drain whether constructed, used or intended to be used for the drainage of two or more houses or premises.

"Maintenance and repair" includes flushing and cleansing as well as renewal.

"The Engineer" means the Town Engineer of East London duly appointed by the Council or the person for the time being acting as such with the approval of the Council.

"Authorized drainage contractor" means any person, partnership or company duly approved of for the time being by the Council as being fit and proper persons to construct or repair drains or sewers.

Undertaking subject to provisions of "The Public Health Amendment Act, 1897".

2. Any scheme of drainage or sewerage which the Council desires to undertake carry out or effect or cause to be undertaken carried out or effected shall not be proceeded with until the Council shall have complied with the provisions of section eighteen of "The Public Health Amendment Act, 1897," and upon obtaining the requisite consent in terms of such law the Council shall have the powers granted to local authorities by the twentieth section of the said Act and be subject to the provisions contained in the twenty-first, twenty-second, twenty-third, and twenty-fourth sections thereof excepting in so far as the terms of the five sections last mentioned may be modified or added to by this Ordinance.

Power to enforce drainage of un-drained properties.

3. Where any premises within the Municipality are without a drain sufficient for effectual drainage, the Council may by written notice require the owner of such premises within a reasonable time therein specified to cause to be made by the Council or some authorized drainage contractor to the satisfaction of the Engineer a covered drain or drains emptying into any sewer, drain or combined drain which the Council is entitled to use and which is not more than three hundred feet from the nearest point of the site of such premises or the grounds immediately belonging thereto. And the Council may require any such drain or drains to be of such materials and size and to be laid at such level and with such fall as may appear to the Council to be necessary. If such notice be not complied with the Council may after the expiration of the time specified in the notice enter upon such premises by its servants or contractors and make such drains and may recover in a summary manner the expenses incurred by it in so doing from the present or any future owner of such premises in any competent Court. No compensation shall be claimable by or payable to the owner or occupier of any premises in consequence of any loss he may claim to have sustained in consequence of any act done pursuant to the terms of this section.

Combined drains.

4. If it appear to the Council that greater expense would be incurred in connecting the drains of two or more houses or buildings with a main sewer in terms of this Ordinance or pursuant to any municipal regulation than in constructing a combined drain for the use of such houses or buildings collectively, the Council may construct such combined drain from the main sewer and connect the drains of such houses or buildings therewith and the Engineer shall apportion as he may deem just the cost and expenses incurred by the Council in connection with the construction of such combined drain as well as the maintenance and repair thereof from time to time among the owners of the several houses, buildings or land, which should in the opinion of the Engineer properly drain into such combined drain, and such costs and expenses may be recovered by the Council in any competent Court. Provided, however, that no compensation shall be payable to any person under or through whose land any such combined drain or any portion thereof shall pass if the premises of such person shall be connected therewith by a private drain: Provided further that if subsequently to the construction of any combined drain a building be erected which in the opinion of the Engineer can without appreciable loss to any person be more conveniently drained into a combined drain than through a drain directly into a sewer, the Council shall be entitled to connect the drainage of such building with such combined drain at the cost of its owner upon repaying the owners of the buildings already connected with such combined drain such equitable portion of the cost of the combined drain as in the opinion of the Engineer ought to be paid by the owner of the newly erected building. The amount of such repayment together with the costs incurred by the Council on behalf of the last mentioned owner in the terms of the last preceding section of this Ordinance and be similarly recoverable. After such connection shall have been made the last mentioned owner shall be liable jointly with the other owners interested in the combined drain for its maintenance and repair in terms of this Ordinance.

Council may construct certain drains.

5. The Council is hereby authorized to construct in and under any public or private street now existing in the Municipality so much and such part of every drain or combined drain as shall be between the boundary line of the land upon which any premises stand and a sewer and may connect the same with the sewer and such part of a drain or combined drain may be used by the Council. The costs incurred in such construction may be defrayed by the

Council out of any moneys borrowed pursuant to the terms of this Ordinance. Provided however that after any drain or combined drain has been completed the cost of maintenance and repair thereof, including the portion thereof between the boundary line aforesaid and the sewer, shall be borne in the case of a drain by the owner of the house or premises drained thereby and in the case of a combined drain by the owners whose drains connect therewith in such proportions as the Engineer shall decide. Such cost may if the work be effected by its servants be recovered by the Council in any competent Court.

Water-closets compulsory.

6. After the Council shall have constructed or partly constructed a sewer in any street, road or other place it shall have power to require, by written notice, the owner of each and every house or other premises in such street, road or other place to convert within a reasonable time to be fixed in such notice, not being less than thirty days, any privy, earth closet or pail closet into a water closet. If such owner shall fail to comply with the terms of such notice he shall be guilty of an offence and be liable upon conviction to pay a fine of not exceeding ten pounds or in default of payment to imprisonment for a period not exceeding fourteen days and the Council may convert such privy, earth or pail closet into a water closet and may recover the cost of so doing from such owner in any competent Court.

Assistance by Council in respect of private drainage.

7. In case it shall appear to the Council that the owner of any house or building is unable to make a present payment of the amount of the expenses connected with the drainage of such house or building and the connection of his drains with a main sewer and/or the conversion of any privy, earth closet or pail closet into a water closet as is hereinbefore provided, the Council is hereby authorized to execute the necessary works and take payment by instalments of the costs thereof, including interest at 6 per cent. per annum from the day of the completion of the works, and a sum equal to 10 per cent. upon such costs for expenses of supervision, and if the work is undertaken by the Council without the interposition of a contractor, a reasonable amount for the use of tools and plant. The amount of such cost and expenses shall be duly certified by the Engineer, whose certificate shall in all cases be final and conclusive, and such instalments may extend over such a period of time, not being less than ten years, as

may be fixed by the Council. In any case where the Council shall in terms of this section agree to accept payment by instalments with interest of 6 per cent. per annum, the same, or any balance thereof, shall upon non-payment of any instalments be immediately recoverable with interest thereon at 6 per cent. per annum from the present or any future owner of the property in any competent Court. Provided always that if any owner of property be desirous at any time of making a present payment of all or any instalments still due he shall be entitled to do so and the Council shall grant him a rebate in respect of the payment of instalments thereafter falling due to the extent of the interest included therein.

Recovery of charges.

8. All expenses incurred by the Council in connection with the drainage of properties as apportioned to the properties or chargeable against the owners thereof respectively shall be a first claim and charge upon the property in connection with which the private or combined drainage and sewerage is constructed and shall be paid to the Council in preference to any debt, obligation, mortgage or hypothec [sic] thereon by the owner thereof and his successor in title. Provided however that nothing in this Ordinance contained shall be taken to give the Council any preference over existing mortgages for expenses incurred by the Council under the preceding sections of this Ordinance.

Execution of works.

9. All works executed by the Council under the authority of this Ordinance may be executed either by means of its servants or through authorized drainage contractors.

Maintenance and repair of drains by authorized drainage contractors.

10. No person who is not in the employ of the Council, or who has not been appointed an authorized drainage contractor shall be entitled to construct, renew, or repair any drain, or to renew any combined drain and any person who shall contrary to this provision or any municipal regulation construct, alter or interfere with any such drain or combined drain or the appurtenances thereof shall be guilty of an offence, and upon conviction in any competent Court, may be fined a sum not exceeding ten pounds, and in default of payment may be imprisoned with or without hard labour for any period not exceeding

three months. In the event of any drain or its appurtenances requiring to be renewed or repaired the Council may call upon such owner or owners to cause to be effected any necessary renewals or repairs within a reasonable time to be fixed by the Council in writing, and if such notice is not complied with the Council may cause such renewals and repairs to be effected, and may recover the cost of so doing in any competent Court.

Protection of sewers, &c., against damage.

11. Any person who without the written consent of the Council shall

(1) erect or cause to be erected any building or other structure over any sewer, drain or combined drain;

(2) excavate, open up or remove, or cause to be excavated, opened up or removed the ground around, under or near to any sewer or combined drain;

(3) make or cause to be made any opening into any sewer, drain or other works vested in the Council or which the Council has the right to use, or any person who shall injure or destroy, or cause to be injured or destroyed, any sewers or any works or things in connection therewith, belonging to, vested in, or constructed under the authority of the Council, shall for each offence be liable to a penalty not exceeding twenty pounds; and the Council may alter, demolish or otherwise deal with, as it may think fit, any building or structure so erected, fill in and make good any ground so excavated, opened up or removed, and repair and make good any such damage; and the expenses incurred in so doing shall along with such penalty be recoverable from the offender in any competent Court of jurisdiction, and upon failure to pay such penalty and expenses such person may by order of such Court be imprisoned for any period not exceeding three months.

Penalty for obstruction.

12. Should any person interfere with or obstruct or attempt to obstruct the servants or contractors of the Council in lawfully executing any works upon private premises pursuant to the terms of this Ordinance, such person shall be liable to a penalty not exceeding five pounds, and in default to imprisonment with or without hard labour for a period not exceeding three months.

Further protection of sewers, &c., against injury.

13. No person shall throw or suffer to be thrown or to pass into any sewer or drain or combined drain communicating therewith any matter or substance by which the free flow of the sewage or any water therein may be interfered with or by which any sewer, drain or combined drain shall be injured and no person shall turn or permit to enter into any sewer or drain or combined drain communicating therewith -

(a) any chemical refuse; or

(b) any industrial trade or manufacturing waste; or

(c) any waste steam, condensing water, heated water or other liquid, such water or other liquid being of a higher temperature than 110 degrees Fahrenheit excepting in so far and subject to such conditions as may be allowed by rules and regulations framed by the Council.

Rights of way.

14. The Council is hereby empowered to carry any sewer through, across, under or along any public road or street or through, across, under or along any ground set apart in any plan of subdivision or conditions of sale as a street or thoroughfare with making or being liable to make any compensation in respect thereof.

Borrowing powers.

15. The Council may from time to time with the consent of the Administrator either separately or in conjunction with any loan or loans the Council may be empowered to raise, borrow on the security of the rates by the issue of debentures, debenture stock or otherwise at interest and at such terms and conditions as it may deem expedient such sum or sums of money not exceeding in the whole the sum of £210,000 as may be required for the purposes of this Ordinance. Provided always that notwithstanding anything to the contrary contained in "The East London Municipality Act, 1880," or any other Law it shall not hereafter be necessary for the Council to register any mortgage in security of any loan which it is empowered to raise whether raised under the authority of this Ordinance or otherwise unless by the conditions of the loan such registration be required.

"Public Bodies Debts Act, 1867," to apply.

16. All moneys borrowed and debts lawfully incurred by the said Council under the provisions and for the purposes of this Ordinance shall be subject to the "Public Bodies' Debts Act, 1867."

Sinking Fund.

17. The Council shall set aside annually on the first day of July in every year, not less than three-quarters of one per centum of the original face value of the loan authorised under this Ordinance, or such greater amounts as the Administrator shall have specified when approving of the raising of such loan, which sum shall be paid either directly in reduction of the loan or into a special trust account to be known as the Sinking Fund Account with the Bankers of the Council and accumulated at the rate of interest being paid upon the original loan, any difference in the interest earned being made good annually out of the ordinary revenues of the Municipality, and the sum so accumulated shall be used only for the repayment of the original loan or loans of a prior date and shall not be used for any other purpose whatsoever. If any portion of the loan be repaid by means of this Sinking Fund or by direct payment, the interest which would have been paid to the lender shall be paid into the Sinking Fund until the whole loan has been repaid: provided that the Sinking Fund accumulated in terms of this section may with the approval of the Administrator be invested by way of loan to any other Municipality within the Union of South Africa.

Power to levy sewerage rate.

18. In order to pay the interest on any sums borrowed under authority of the provisions of this Ordinance and to establish the Sinking Fund hereinbefore mentioned and to provide for the general supervision, maintenance and repair of the sewers and sewerage works and for any costs and expenses arising from the carrying into effect of the provisions of this Ordinance and the scheme in the Preamble referred to not payable out of borrowed moneys the Council may impose, levy and collect a sufficient annual rate or assessment over and above what the Council is already empowered to impose and levy upon the value of the immovable property within the Municipality, as entered in the Assessment Roll for the time being in force within the Municipality and every rate so imposed and levied by the Council shall be of the same force and effect and be recoverable in the same manner as if it had been a rate imposed upon owners of immovable property under the

provisions of the Act No. 23 of 1880 as amended by the Acts No. 12 of 1881 and No. 11 of 1895; Provided however that if any property be not included in the Assessment Roll by reason of not being liable for assessment under the Act No. 23 of 1880 as amended by the Act No. 12 of 1881, the value of such omitted property, or if any property on such roll be occupied by more than one occupier then the value of the portions of such property so occupied by separate occupiers may at any time be ascertained or the value of the whole property be apportioned among the occupiers as the case may be by some competent person appointed by the Council in the same manner in all respects and subject to the same provisions with regard to the hearing of objections to such value or apportionment as are provided by the said Act No. 23 of 1880 as amended by the said Act No. 12 of 1881 and any regulations made thereunder in regard to the valuation and assessment of immovable property liable to assessment under that Act: Provided that in all cases the said rate shall be a charge upon the property in respect of which it is imposed and be recoverable against the present or any future owner of such property: And provided that it shall be lawful for the Council to apply to the payment of the interest and any other expenditure above referred to, any moneys coming to it from any source whatever and not specially appropriated or required for any other purpose.

Separate accounts to be kept.

19. The Council shall keep or cause to be kept a separate and distinct account of all moneys borrowed under this Ordinance and of the expenditure of such moneys and of all moneys received under the provisions of this Ordinance or arising thereout, and the Council shall yearly and every year, so long as any part of the debt contracted under the authority of this Ordinance shall be in existence prepare and deposit in the office of the Municipality an account showing the particulars aforesaid and giving any other information which the Council may deem necessary and expedient to impart: which account shall be made up to the 31st December then last past.

Power to make rules and regulations.

20. The Council shall have power to make rules and regulations to give effect to the provisions of this Ordinance and for regulating the drainage and sewerage of buildings and in the making of such rules and regulations, and with regard to the penalties which may be imposed thereby and the powers given to the Council in respect of the enforcement of such rules and regulations, the Council shall have the rights given by and shall conform to the

provisions of the Act No. 23 of 1880 as amended and added to by the Act No. 11 of 1895, excepting in so far as the provisions of those laws may in any way be in conflict with the provisions of this Ordinance. In addition to the powers to impose penalties by such Acts given to the Council, the Council shall in the case of a continuing offence have power, in addition to imposing a penalty for an offence to impose a further penalty not exceeding forty shillings for each day on which such offence is continued after written notice thereof has been received from the Council.

Expenses of Ordinance and surveys.

21. The necessary costs, charges and expenses of surveys in connection with the Sewerage and Drainage of East London, and of obtaining this Ordinance may be paid

by the Council out of moneys borrowed in pursuance of the terms of this Ordinance.

Short Title.

22. This Ordinance shall be read as one with the Acts No. 23 of 1880, No. 12 of 1881, and No. 11 of 1895, and may be cited for all purposes as the "East London Drainage and Sewerage Private Ordinance, 1912."

**APPENDIX 6**

**EAST LONDON MUNICIPAL REGULATIONS  
ISSUED IN TERMS OF ORDINANCE 9 OF 1836**

APRIL 1873 [1]

Limits of Municipality.

No. 1. The municipality shall comprise the villages on the east and west banks of the Buffalo and the adjoining village of Panmure, together with the unoccupied pasture land for public commonage within the following lines of boundary: -

For the west bank. - From the mouth of the spruit which bounds sections 1, 2, 4, and 5, following the spruit to its eastern source at the Fort Grey road; then along this road to the continuation of the south-eastern boundary of section 8; thence along this boundary to the Buffalo River; down the Buffalo River to the sea; thence along the coast to the spruit aforesaid.

For the east bank. - From the mouth of the spruit in the bend of the Buffalo River above the 2nd creek, up the course of the spruit and in a line with corner beacon of discharged soldiers' lots 112, 113; along the boundaries of the lots 67, 68, 54, 74, 73, 72, A23, 70; from corner beacon of lot No. 70, in a straight line to the corner beacon of No. 4 (Tapson's lot); along boundary of that lot to the wagon road; thence along the wagon road to Smith's Drift on the Nahoon River; and down the Nahoon River to the sea; along the sea coast to the Buffalo River, and up that river to the spruit first mentioned.

Divided into Wards.

No. 2. The municipality shall be divided into two wards. The one shall comprise all that portion of land allotted for township on the western bank of the river, and the other all that allotted for the like purpose on the eastern side of the river, together with the land apportioned as the village of Panmure; and the ward on the west bank of the river shall elect three commissioners and the ward on the east bank two commissioners.

Valuation.

No. 3. That the valuation of the property within the municipality for the present purposes of the same shall be taken to be the same as has been taken in 1872 for divisional council purposes, and that at any future time when it may be found necessary or expedient to cause a

fresh valuation to be made for municipal purposes, the commissioners for the time being or a majority of them at any meeting held for dispatch of business shall appoint a fit and proper person or persons to make such valuation and render a roll thereof to the commissioners, and which roll of assessment shall be kept in the municipal office for the inspection of householders during office hours.

Meeting of Commissioners.

No. 4. The commissioners shall meet at the municipal office, or such place as they shall appoint, on the first Wednesday in every month, at 4 o'clock in the afternoon, for the dispatch of public business; and such meetings shall be termed "ordinary meetings", and shall be held open to the public.

Quorum.

No. 5. At all such meetings, and at any special meetings so held, three members shall form a quorum.

Proceedings of Meetings  
to be entered by Secretary.

No. 6. At every meeting held the secretary or clerk shall attend for the purpose of taking down in writing all such proceedings, acts, and orders that may be passed by the said meeting, and shall so soon as the chairman of the meeting shall have taken his seat enter the name of each commissioner present; and should at any time there not be sufficient members to form a quorum, the chairman shall after waiting thirty minutes declare the meeting adjourned, and shall fix a time for another meeting to be held in its stead, of which twenty-four hours' notice shall be given in writing to each commissioner.

Minute Book of Meetings.

No. 7. The secretary or clerk shall keep a book in which shall be recorded all acts, orders, and proceedings, passed or entered into at any meetings held as is above stated, and which book shall be produced at all such meetings of the commissioners so held; and the proceedings of every former meeting so recorded shall be read over and confirmed and shall be signed by the chairman of such meeting.

No Act confirmed at any former  
Meeting to be reopened.

No. 8. No act, order, or proceeding, having been passed and confirmed at any previous meeting, shall be reopened at any future meeting without notice being given of that intent of one month.

All Motions and Notices  
to be made in writing.

No. 9. All motions, propositions, or notices shall be made in writing at any meeting and handed to the secretary, who shall read the same to the meeting, and when seconded by a member present may be discussed and put to the vote by the chairman, and carried by a majority, the chairman having the casting vote; but no proposition or motion shall be entertained unless duly seconded by a member present; and in all cases of division the secretary shall record the names of the several members voting for and against the proposition or motion so made and seconded.

No Money Vote to be made  
without Notice given.

No. 10. No money vote shall be made or proposed without a notice being given in manner above mentioned by such member so intending of at least one month; and any member desirous to propose any public work to be undertaken or the improvement of any existing work, shall notify in like manner to the meeting of proposing such work or alteration at the next following meeting.

No Payments to be made without consent.

No. 11. No payment shall be made out of the funds of the municipality without the order and consent of the majority of members of any meeting of the commissioners present when such payment shall be brought forward, and all such payments so ordered shall be made by drafts or cheques, and which shall be drawn and signed by the treasurer and endorsed by the chairman of the meeting at which such payment was ordered.

Treasurer to produce Monthly Statements  
of Receipts and Disbursements.

No. 12. The treasurer shall produce to the commissioners at each ordinary meeting held as aforesaid a monthly account of all moneys received by him and

disbursed, showing what balance may exist at the time either for or against the municipality, and which statement shall be accompanied and supported by the bank book fully written up to the end of each month.

The right of Householders to run  
Animals on the Town Commonage.

No. 13. Every proprietor or occupier of a house or who is a resident householder within the limits of the municipality shall be entitled to depasture on the town commonage as is under set forth, provided that the animals so depastured are his own bona fide property or are at the time in his employ.

The occupier of premises of the value of £100, or who may pay a rent of £10 per annum, shall be entitled to run three animals (in all) on the town commonage.

The occupier of premises of the value of £200, or who may pay a rent of £20 per annum, shall be entitled to run twelve animals (in all) on the town commonage.

The occupier of premises valued at £400 and upwards, or who may pay a rent of £30 or more, shall be entitled to run eighteen animals (in all) on the town commonage.

As to Dairymen and Butchers.

No. 14. All persons carrying on the trades of dairymen or butcher shall, over and above the number of animals set forth in the preceding rule that he may be entitled to graze, be allowed to depasture any further quantity of stock he may require for the use and carrying on of such trades, being actually in his own property, not exceeding one hundred head of horned cattle, horses, or mules, and two hundred head and fifty sheep, goats, or swine, at any one time, upon obtaining a licence from the commissioners so to do and on payment in advance to the said commissioners of the sum of ten shillings per annum for so doing for the benefit of the municipality.

As to Travellers and Carriers.

No. 15. Any person or persons coming to town, and not being a resident householder therein, may for the period he remains allow all such animals (free from contagious disease) as he may have brought, either for his conveyance or for sale, to graze upon the public commonage, subject to the rules and regulations touching thereon, for a period not to exceed five days. After

which time such person or persons so remaining and desirous to depasture his animals on the town lands shall be permitted so to do upon paying in advance the sum of one halfpenny per head per day for every horse, mule, or head of horned cattle, and one shilling per hundred for sheep or goats, which shall be paid to the commissioners for the benefit of the municipality.

Infected Animals running on  
Public Commonage.

No. 16. All animals found at large on the town commonage or within the limits of the municipality infected with any contagious disease shall be destroyed in the event of the owner being unknown, but if known, such owner shall take the immediate steps to remove such animals to some place where contact with other animals cannot take place, and some competent person shall be appointed to declare, after duly examining such animals, whether they should be killed, and if so declared the owner of the animal shall cause the same to be killed and the carcass buried at such place as the commissioners may have appointed for that purpose; but in either case, prior to any animal being destroyed a full and thorough examination of such animal shall be made by some person duly appointed for that purpose, and all the expenses of burying any such animal where the owner is unknown shall be borne by the municipality, but any person knowingly allowing animals affected with any contagious disease, and turning such out to run on the town commonage, on being convicted of the same, shall pay a fine of not less than three pounds sterling.

All Animals running loose on  
Town Commonage.

No. 17. All horses, mules, cattle, sheep, goats, and swine found running loose within the town or on the commonage, and not permitted as is provided in the preceding rules, shall be impounded.

No one to use Town Commonage  
without permission.

No. 18. No person shall occupy or in any way make use of for any purpose whatsoever any portion of the town commonage without the permission or licence of the commissioners first had and obtained.

Dead Animals found on Town lands.

No. 19. All dead animals found within the limits of the municipality shall be forthwith buried at such place appointed for that purpose, and the owner of such animals shall be subject to pay all the expenses incurred in so doing, together with any expenses incurred in recovering the same.

Butchers' Shops and Slaughter-houses.  
Of Bad Meat or Fish.

No. 20. No person shall be allowed to slaughter any animals except at such place or places as shall be set aside for that purpose by the commissioners, excepting pigs, poultry, &c., and which may be killed within some enclosed space or yard sufficiently parted off from all public thoroughfares; and the commissioners shall be empowered, or some person or persons appointed by them for that purpose, to enter every such slaughter-house, and such butcher's shop or place where meat is offered for sale within the limits of the municipality, and examine the same both as to the state of cleanliness as well as to the wholesome condition of the meat offered for sale, and should they find it necessary to direct the removal of any unwholesome meat or substance which they may consider deleterious or injurious to the safety or comfort of the inhabitants, such butcher or person slaughtering shall cause the same to be forthwith removed to such place fixed upon for the same; and it shall not be allowed to any person to clean fish or throw the garbage thereof into the streets or public thoroughfares, or in the river within the bounds of the town, but all such garbage shall be taken away and disposed of as above set forth; and no person shall slaughter any animal for purposes of sale between nine a.m. and four p.m. on the sabbath.

Suppress Nuisances.

No. 21. It shall be the duty of the commissioners to use all lawful ways and means to suppress and do away with all nuisances of whatsoever nature such may be, and should any such nuisance at any time existing be found to arise from any particular cause or through the action of any resident householder or other person or persons within the municipality, and after due notice being given to such person or persons to abate or remove the same by the said commissioners, then such commissioners are empowered to enter upon any place where such nuisance may arise or exist and suppress the same. The expenses of so doing shall be paid by the parties offending, together

with such fine as the magistrate may inflict on conviction.

To rent Quarries, Brick Land, &c.

No. 22. The commissioners shall be empowered to let or rent all quarries, brick lands, lime kilns, found or that may be found within the limits of the municipality, on such terms and conditions as may be agreed upon by a majority of the members at any ordinary meeting held as hereinbefore mentioned.

Ruinous or dangerous Buildings, &c.

No. 23. The commissioners or any person duly appointed by them bringing to their knowledge that any building, wall, or other erection is in such a dangerous state as to imperil the safety or convenience of the inhabitants of the town, shall cause notice to be given to such owner or proprietor to remove the same or so to repair such building, wall, or erection, that the danger may no longer exist, forthwith or within a reasonable time, and should such owner or proprietor fail to comply or should such owner or proprietor not be known or ascertained after reasonable inquiry being first made, then the commissioners or some one duly appointed by them shall be authorized to take down and remove the same, and shall cause the materials so taken down or removed to be sold and the proceeds thereof applied towards defraying the expenses incurred in such taking down and removal, and should the sale proceeds of such materials be insufficient to meet the expenses incurred, then the proprietor, his agent in that behalf, or assigns, when ascertained, shall be held liable to make good to the municipality any such deficiency, together with any costs incurred in recovering the same.

Making Fire in the Street or throwing  
Combustible Material in the same.

No. 24. No person shall be allowed to leave straw, rush, or other combustible material on or about any street or thoroughfare during the night, nor shall any one be allowed to kindle a fire nor carry fire or lights through the streets without being protected by a lanthorn [sic] or other proper means, nor throw lighted pipes or cigars in any public thoroughfare, nor shall a fire be lighted in any building without the same having a chimney, nor shall any straw huts or other building or erection of a like nature be erected so contiguous to any other building as to endanger the same from fire within the limits of the municipality, nor shall any one have or

store upon or within his premises more than 100 lb of gunpowder, or more than 50 gallons of paraffine, at any one time.

Furious riding in Streets.

No. 25. No person shall ride or drive through public street or thoroughfare within the limits of the municipality so furiously as to endanger the persons or property of the inhabitants or persons present.

Throwing Poison in Streets.

No. 26. No person shall set or cast poison in any public street or thoroughfare for the destruction of any animal or for any reason whatsoever.

Letting off Guns or Fireworks in Streets.

No. 27. No fireworks or firearms shall without lawful cause be discharged in the streets or public thoroughfares.

Restriction of use of Streets for  
Building Materials, &c.

No. 28. No person erecting, taking down, or repairing any building on or adjoining any thoroughfare shall be allowed to use more than quarter of the breadth of such thoroughfare, and the portion so used shall be sufficiently fenced in so as to avoid all accident to passers by, and during the existence of such occupation there shall on every night be placed a lanthorn at each end of the said fence, which shall be kept burning from sunset to sunrise at the expense of the proprietor.

Holding Auctions in Public Streets.

No. 29. No auctioneer shall hold a public sale in any public thoroughfare except with permission of commissioners, who are empowered to point out the space to be occupied in the public thoroughfare for that purpose.

Removal of Night Soil.

No. 30. All night soil shall be removed only between the hours of ten o'clock at night and four o'clock in the morning, and it shall be only deposited at such place as shall be set apart from that purpose by the commissioners from time to time.

Insufficient Clothing.

No. 31. Any person whatsoever appearing in any public street or walk in a state of nudity or insufficiently clothed so as to offend decency, or in any way indecently exposing their persons, or using obscene language, shall be subject to such fine as is hereinafter mentioned.

Bathing.

No. 32. No person shall be allowed to bathe in the river or on the sea-shore where there may be any public thoroughfare in use, between the hours of six o'clock in the morning and sunset, except at such place or places as may be appointed from time to time for the purpose of bathing by the commissioners, who shall give due thereof.

Fountains, Wells, and Streams.

No. 33. No person shall be allowed to wash, bathe, or otherwise pollute any fountain, well, or stream of water within the limits of the municipality, nor shall any person allow any animal to drink or disturb the water in any well or fountain, or other water set aside for public use or from which water is obtained for household purposes, nor shall any rubbish, dirt, filth, or other polluting matter be so thrown or cast near any such well, fountain, or water so set aside for public use, as to endanger the same or to render it liable to be injured or polluted, and the commissioners are empowered to cause to be removed all such noxious matter at the expense of the party placing it there, who on conviction shall be subject to such fine as is hereinafter mentioned, and the commissioners are authorized from time to time to point out some suitable place or places where washing of clothes can be done, and at which place or places all such washing shall be done, and at no other.

Pounds.

No. 35. There shall be a public pound established at Panmure for the convenience of the inhabitants on the eastern side of the Buffalo River, also a pound on the western side of the river, and which said pounds shall be subject to the rules and regulations as well as fees now in force, subject to such alterations as may hereafter be found expedient to be made.

Disease.

No. 36. In event of any infectious disease appearing, the commissioners are empowered to make such sanitary regulations as may be esteemed beneficial for the public health.

Weights and Measures.

No. 37. The commissioners or such person or persons as they may from time to time appoint, shall be empowered to inspect and examine all weights and measures that may be in use at any and every public store or place of business where buying and selling are carried on, and shall assize the same according to the standard authorized by law, and in the event of such weights and measures being so assized and found incorrect to seize the same and cause such to be destroyed, and every person found guilty of using such incorrect weights and measures for the purposes of trade shall be subject to such fine on conviction as the magistrate shall inflict according to the penalty hereinafter set forth.

Penalty Clause.

No. 38. For or in respect of the contravention of any of the preceding rules and regulations for which no penalty is specially set forth, every such person so contravening any such rule or regulation shall on conviction be liable to a fine not exceeding five pounds nor less than five shillings, and shall in default of payment be subject to imprisonment, with or without hard labour as the magistrate shall see fit, for a period not exceeding three months.

JUNE 1876 [1]

LIMITS OF MUNICIPALITY

No. 1. The limits of the Municipality shall be as follows: -

East Bank of the Buffalo River. - From the mouth of the Spruit in the bend of the Buffalo River above the Second Creek, up the said Spruit to the common Beacons of Lots 112 and 113; thence along the South-Eastern Boundary of the said Lot 113; thence along the Southern Boundary of Lots 67 and 68 to the Amalinda River; thence up that River to the South-West Corner Beacon of Lot 74; thence along the South-Eastern Boundaries of Lots 74, 73, 72A, 23, and 70, to the most Easterly Corner of Lot 70; thence in a direct line to the South-Easterly Corner Beacon of Lot 24 (Tapson's Lot), on Mr. Griffith's Plan of Survey; thence to the Western Corner Beacon of Lots 2 and 3 (German Immigrant Lots); thence along the Western Boundaries of Sections 3, 25, 26, 43, and 44, to the South-Western Corner Beacon of 44; thence following the Southern line of Lot 44, the Western and Southern Boundaries of Lot 50, the South-Western Boundary of Lot 51, and the Southern Boundary of Lots 53, 54, 55, 56 and 57, to the East London and Maclean Road; thence following that road to the I'hlanza River; thence as indicated on the Sketch Plan, framed by Mr. A.E. Murray, Government Surveyor, dated 14th June, 1876, down the I'hlanza River aforesaid, to a point near its mouth, marked A, on said Plan; thence in a straight line to a point marked F; thence in a straight line to a point marked C; thence in a straight line to a point on the West Side of the Inkyanza River, marked D; thence in a straight line to a point on the Lime Kiln Spruit, Marked E; thence down that Spruit to its mouth, marked F; thence following the Coast Line to the Harbour Works Fence, marked G; thence along that Fence to its Northern Corner, Marked H; thence along the same fence to its junction with the Guigney River; thence down that River to the Buffalo River; thence up the Buffalo River to the point first named.

West Bank of the Buffalo River. - From the mouth of the Spruit which bounds Sections 2, 1, 4 and 5, following that Spruit to its Eastern source at the Fort Grey Road; thence along that road to the continuation of the South-Eastern Boundary of Section 8; thence along that Boundary to the Buffalo River; thence down that River to the sea; thence along the Coast Line to the Spruit aforesaid.

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1. Government Gazette, 4.7.1876. Proclamation 43 of 1876.

FEBRUARY 1877 [1]

No. 2. The Municipality will be divided into two Wards; the one shall comprise all that portion of land allotted for Township on the Western Bank of the River, and the other all that allotted for a like purpose on the Eastern side of the River, together with the land apportioned as the village of Panmure. Each Ward shall elect five Commissioners - five to form a quorum.

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1. Government Gazette, 9.2.1877. Proclamation 23 of 1877.

MAY 1877 [1]

AMENDEDRegulation No. 2

The Municipality shall be divided into two Wards. The one shall comprise all that portion of land allotted for township on the western bank of the river, and the other all that allotted for a like purpose on the eastern side of the river, together with the land apportioned as the village of Panmure; and that each Ward shall elect five Commissioners - five to form a quorum.

Regulation 15.As to Travellers and Carriers.

Any person or persons coming into the town, and not being a resident householder therein, may, for the period he remains, allow all such animals (free from contagious disease) as he may have brought, either for his conveyance or for sale, to graze upon the public commonage, subject to the rules and regulations touching thereon, for a period not exceeding two days, after which time such person or persons so remaining, and desirous to depasture his animals on the town lands, shall be permitted to do so upon paying in advance the sum of one halfpenny per head per day for every horse, mule, or head of horned cattle, and one shilling per 100 for sheep or goats, which shall be paid to the Commissioners for the benefit of the Municipality.

Regulation 35. - Pounds.

There shall be a public pound established at each side of the River Buffalo, at places suitable to meet the convenience of the inhabitants, which said pounds shall be subject to the rules, regulations, and tariff of trespass under Ordinance No. 16 of 1847, as amended by subsequent laws, notwithstanding Section No. 59 of said Ordinance, save and except that any person finding any cattle, horses, pigs, goats, sheep, or any animals trespassing on his property, is not authorized or empowered to send them to the pounds established within the Municipality, except such property be properly enclosed or fenced; and all impoundings must be to the nearest pound.

All pigs found straying in the streets or on the commonage shall be impounded, and a fine of three shillings each will be incurred by the owner, and, if not claimed within two days, the Pound-master shall advertise the same, by notice posted in a conspicuous place, for sale by public auction, when the proceeds will be dealt with in accordance with the said Pound Ordinance. This regulation not to apply to pigs being driven through the streets or commonage in the custody of some caretaker.

ADDITIONAL REGULATIONSAppointment of Agents and Attorneys

It shall and may be competent for the Commissioners, by resolution of the majority of the members at their meetings, from time to time to empower any person or persons in its behalf, by letter of attorney, granted with or without power of substitution, to do, or cause to be done, all legal business of the Council, which may be required to be done on behalf of the said Council.

Sidewalks

The Council shall have the power to fix, from time to time, the width of all footpaths within the Municipality, and any gutter running across the footpath must be covered or otherwise constructed as the Council may direct, at the expense of the owner of the property; and all pavements shall be laid down according to the plans of the Council, whose consent for such work - stoeps, steps, erecting posts, planting trees, &c. - must be asked and obtained in writing before any action be taken by the applicant. Any contravention of this regulation shall subject the person contravening the same to a penalty of not exceeding £2.

Obstructing Highways or Streets

No goods, wares, merchandize, packages, or materials of any kind or description shall be allowed to be left on the causeway of any street during the night, or upon any footpath or causeway at any time in such a manner that the passage shall be thereby inconvenienced or obstructed; provided that this regulation shall not apply to any wagon or other vehicle loading or unloading, the contents of

which shall be removed within three hours from the street, footpath, or causeway, as the case may be. Any contravention of this regulation shall subject the person contravening the same to a penalty of not exceeding £2.

Occupiers of immovable property within the Municipality shall keep the causeway and gutter, paved or unpaved, in front thereof, and all private avenues, passages, yards, and ways belonging thereto, free from accumulation of filth, dirt, and refuse; and, failing to do so, shall be subject to a penalty of not exceeding £2; and when aforesaid properties are unoccupied, then the owners shall be bound by this regulation under a like penalty.

#### Filth, Broken Glass, Crockery, &c.

No person shall put, or cause to be put, any filth, or rubbish into any uncovered drain or water-course, nor deposit, or cause to be deposited, in any such drain or water-course, or in any public thoroughfare, any dirty matter from any dwelling, manufactory, bakery, brewery, butchery, cow-house, cesspool, or dunghill, nor throw or deposit any broken glass or crockery in any public thoroughfare; but all such matters shall only be deposited at such places as the Council may appoint for that purpose, under penalty for contravention of this regulation not exceeding £5 sterling.

#### Privies.

The owner of any dwelling-house may be compelled to provide it with a cesspool or privy, which must be properly covered and secured, or with a privy so constructed that a tub or earth-box, or other vessel may be placed therein for the reception of night-soil, under penalty of not exceeding £1.

#### Unnecessarily Cracking Whips.

No person shall be allowed to crack any whip loudly at any place within the Municipal boundary. Penalty not to exceed twenty shillings.

#### Vehicles Standing.

No vehicles of any kind with any animals harnessed thereto shall be allowed to stand in any street without a person to take proper care thereof, nor shall any wagon with oxen be left without a leader while standing. Any contravention of this regulation shall subject the person contravening the same to a penalty of not exceeding £1.

#### Outspanning.

No outspanning will be allowed within the limits of the Municipality, excepting at such place or places as may be appointed for that purpose by the Commissioners, under a penalty, upon conviction, of not exceeding £2. And no wagon shall be allowed to stand so as to block up or prevent the traffic through any road, street, or thoroughfare within the Municipality, nor will rein-shoes or drag-chains be allowed, except by special permission first had and obtained from the Commissioners. Any contravention of this regulation shall subject the person contravening the same to a penalty of not exceeding £5.

#### Whooping or Shouting.

No person shall be allowed to whoop, shout, or roar in the public streets, so as to disturb the public peace, under penalty of not exceeding £2.

#### Gambling.

No person shall be permitted, under any circumstances, in any street or square of the Municipality, to gamble, play at marbles, tops, or cricket, or to trundle hoops, or any other game under a penalty for each offence, of not exceeding two shillings and six pence.

#### Vehicles Drawn by Oxen to have Leaders.

It shall not be lawful for any wagon or other vehicle drawn by oxen to pass through the streets or roads within the Municipal boundary without a driver and person at the head of the team as a leader, under a penalty of not exceeding forty shillings for such offence, to be paid by the owner of such vehicle, or the person in charge thereof.

All wagons coming into the town shall have the name of the owner and district painted in oil-colours legibly on the off side of the fore part thereof, or on a tin plate affixed thereto in a conspicuous place, under a penalty of not more than ten shillings; and the street-keeper shall enforce this regulation.

No Roads but those Sanctioned.

No person will be allowed to make or use any road over the common pasture-lands of the Municipality, other than such as shall be allowed by the Commissioners from time to time, or for the evasion of any toll that may be established, under a penalty of not exceeding £3.

Buildings not to Encroach.

All persons who are about to build will apply to the Council for such instructions as may be requisite in reference to the present and future drainage, so as to prevent building below the require levels, and frontages shall be so constructed that if any steps are requisite the same shall be inside, or the walls built far enough back or recessed, or otherwise so contrived that the steps do not encroach on the street or causeway; and all unauthorised steps, fences, verandahs, &c., will have to be removed at the expense of the owner of the property, and such steps so protruding on any street, and the entrance made as above described. And no wooden buildings will be allowed to be erected within twenty feet of the frontage, under a penalty of not exceeding £10, and to be subsequently removed by, or at the expense of, the owner.

Damage to Trees; Cutting Bush.

Any person who shall break, throw down, spoil, injure, or damage any trees, plants, flowers, or shrubs which are or may hereafter be planted in any street, roadway, garden, square, or avenue within the Municipality, cut or otherwise destroy any bush or trees, the natural growth of the Colony, within the limits of the Municipality, and being the property thereof, shall forfeit a sum not exceeding £5 sterling, and pay for the damage done to the property so injured.

Native Locations.

There shall be a locality pointed out by the Commissioners on both sides of the Buffalo River, and within the Municipality, where native servants and others may be allowed to erect huts, under certain following conditions, viz.: -

1. A Superintendent for each side may be appointed by the Commissioners on the location, who shall obey and carry out all the instructions he may receive from time to time from the Municipal Council.

2. The Superintendent shall register the names of coloured persons located, and the number of live-stock kept by them, according to a form to be furnished him, showing any increase or decrease during the month, the said form to be laid before the Council on the first meeting in each month.

3. All strangers shall report themselves on their arrival to the Superintendent.

4. The Superintendent shall number each hut or residence, and shall receive monthly in advance one shilling, and so on month by month, while the owner of the hut remains a resident; and shall pay the sum to the Treasurer within three days after receipt of the same.

5. Every hut-holder or other resident in the location will be obliged to satisfy the Superintendent of the manner he or she obtains a livelihood.

6. No stranger shall be allowed to remain on the location, or on the Municipal Lands, more than seven days, without a licence from the Superintendent.

7. No hut or erf-holder to graze any cattle, sheep, or goats on the commonage without permission from the Council.

8. Unauthorized huts on the commonage to be destroyed at the expense of the party erecting them, and a fine or penalty of five shillings.

9. Tenure of such locations is temporary, and subject to withdrawal and to removal when deemed expedient by the Commissioners.

Pontoon and Ferry Tolls.

No person or persons shall ply as common ferryman or waterman on the Buffalo River without the authority of the Commissioners; but the Commissioners shall have printed books of tickets entitling the owners thereof to a passage across the river by the Municipal pontoon and ferry upon rendering up one such ticket for every such passage; such ticket-books to be issued to residents within the Municipality only, and at the following rates: -

Foot Passengers at the rate of	1d. per ticket.
Horse " " "	2d. per ticket.
Carts, with two horses or oxen	4d. per ticket.

All extra animals in such carts shall be paid for at usual rates. Any person crossing the river and not

possessed of such tickets shall pay the usual rates levied at the pontoon, and foot passengers at the ferry the sum of threepence for each passage.

Dynamite, &c.

The use of dynamite or any other combustibles for the purpose of killing fish in the Buffalo River is strictly prohibited, under a penalty, on conviction, of not exceeding £5.

Discharging Firearms, Fireworks, &c.

Any person or persons discharging firearms of any description, or fireworks, within the limits of the villages on the east and west banks of the Buffalo River, and the adjoining village of Panmure, without special

permission from the Commissioners, shall on conviction be liable to a fine of not exceeding £2.

Election of Chairman.

On the Thursday following any triennial election of Commissioners, the Commissioners so elected shall meet for the purpose of choosing one of their number as Chairman of the Board, who shall hold office for one year from the date of his election; and who shall have, in addition to his deliberative vote, a casting vote upon any occasion when the votes are equal. In the event of the resignation of the Chairman at any time, the Commissioners shall at their next ordinary meeting proceed to the election of another Chairman, who shall hold office until the expiration of the term for which his predecessor was elected.

MARCH 1878 <sup>[1]</sup>

No Kafir shall be allowed within the limits of the Municipality after sunset, except servants, who must be provided with a pass signed by his or her employer, under the penalty of immediate imprisonment, and such fine, not exceeding five pounds sterling, as may be imposed by the Resident Magistrate, or to imprisonment not exceeding three months in default of payment of the said fine.

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1. Government Gazette, 5.3.1878. Proclamation 17 of 1878.

FEBRUARY 1879 <sup>[1]</sup>

NEW AND AMENDED REGULATIONS ADOPTED AT A PUBLIC MEETING OF  
HOUSEHOLDERS HELD IN THE COURT HOUSE, EAST LONDON, ON  
WEDNESDAY, NOVEMBER 13th, 1878.

PRIVIES

Amended Regulation No. 30.

The owner of any dwelling house shall be compelled to provide it with a privy, so constructed that a tub or earth box or other vessel may be placed there for the reception of night soil, under a penalty not exceeding £3 sterling, and no cesspool or pit dug in the earth shall be permitted within the township. Any contravention of this regulation, after the expiration of one month from the date of its coming into operation, shall subject the offender to a fine of not exceeding five pounds sterling.

VALUATION.

Amended Regulation No. 4.

The valuation of all immovable property within the municipality newly erected and not previously placed on the assessment roll, shall be taken by an officer appointed by the commissioners for the purpose, in the month of January of each year, and whenever it shall be found necessary or expedient to cause a fresh valuation of all immovable property, the commissioners for the time being, or a majority of them, at any meeting held for the dispatch of business, shall appoint a fit and proper person or persons to make such valuation and render a roll thereof to the commissioners, and which roll of assessment shall be kept in the municipal office for the inspection of house-holders during office hours.

DISCHARGING OF FIREARMS, FIREWORKS, &c.

Amended Regulation No. 39.

Any person discharging firearms of any description, on any portion of the town commonage, or within the villages on the east and west banks of the Buffalo River, and the adjoining village of Panmure, without special permission from the commissioners, shall, on conviction, be liable to a fine not exceeding two pounds.

AMOUNTS, WHERE PAYABLE, PENALTIES FOR  
NON-PAYMENT.

Amended Market Regulation No. 16.

All articles purchased on the market shall be paid for to the market-master at his office, before one o'clock p.m. of the day of sale, provided delivery is made to the purchaser before 12 o'clock of the same day. If not paid by that time but on the same day, it shall be lawful for the market-master to charge one per cent. on the amount for collection; and if not paid for on that day it shall be lawful for him to charge 2½ per cent. on all sums above five pounds sterling, and five per cent. on all sums below five pounds. Any person who without reasonable cause or excuse, shall refuse to receive or pay for any article bought by him on the market, or shall cause any unnecessary delay to the seller, shall be liable, upon conviction, to a penalty not exceeding five pounds, and shall, moreover, be compelled to defray all expenses incurred by the detention in town of the seller for the purpose of prosecuting the case.

PONTOON AND FERRY TOLLS.

Amended Regulation No. 52.

No person or persons shall ply as common ferryman or waterman on the Buffalo River without the authority of the commissioners, but the commissioners shall have printed books of tickets, entitling the owners thereof to a passage across the river by the municipal pontoon and ferry, upon rendering up one such ticket for every such passage, from five o'clock in the morning to eight o'clock in the evening, from the 1st October to 31st March, and from six o'clock in the morning to seven o'clock in the evening, from the 1st April to the 30th September, and all such passengers by the ferry either before or after the hours above defined, shall pay such increased rate (but in no case to exceed sixpence each) as may from time to time be decided upon by the commissioners, such ticket books to be issued at the following rates: -

Foot passengers at the rate of one penny per ticket			
Horse	"	"	twopence
Cart with two horses or oxen			fourpence

All extra animals in such carts shall be paid for at usual rates.

1. CA, CCP 6/5/12. Proclamation 21 of 1879.

All persons crossing the river during the hours above mentioned, and not possessed of such ticket, shall pay the usual rates levied at the pontoon, and foot passengers at the ferry, the sum of threepence for each passage.

SAND.  
New Regulation.

That for the purposes of preventing the further drifting of sand within certain portions of the township as defined by municipal regulation No. 2, the commissioners shall be invested with the necessary authority to call upon the owners of such erven as they may deem necessary to be fenced to cause the same to be done, and in the event of their failing to do so within a given time, to be notified by public notice to be inserted in the local press to that effect, the commissioners shall cause the same to be done, and recover the cost of so doing from the owners thereof by process of law; and further, to assist in carrying out the object in view, the commissioners shall be empowered to cause any of the public squares which the commissioners might at any time deem necessary, to be enclosed.

LOUNGING IN PUBLIC THOROUGHFARES.  
New Regulation.

No person or number of persons shall be permitted to lounge or stand about in the public thoroughfares, after being duly warned to the hindrance of the general traffic

or the annoyance of passers by, and of the owners of property in the vicinity. Any contravention of this regulation shall subject the offender to a penalty not exceeding one pound sterling.

PUBLIC MEETING.  
New Regulation.

The chairman, upon a requisition being made to him in writing by any number of resident householders, not less than twenty, shall convene a public meeting of inhabitants upon seven days' notice, for the consideration of any matter which the said requisitionists shall desire to bring forward.

SALE AND PURCHASE OF LAND.  
New Regulation.

That it be rendered incumbent upon every seller and purchaser of immovable property within the municipality, forthwith to give notice of every such sale and purchase to the municipal Council.

APPENDIX 7

EAST LONDON MUNICIPAL REGULATIONS ISSUED IN TERMS OF  
THE EAST LONDON MUNICIPALITY ACT OF 1880

JULY 1881<sup>[1]</sup>

ADDITIONAL REGULATION

The Municipal Council shall meet at the Municipal Office every Wednesday, at 3 o'clock (or at such other day, time and place as the Council may from time to time appoint by a resolution passed by a majority of not less than two-thirds of the Members present at any meeting after notice of motion to that effect of not less than 14 days) for the dispatch of public business, and such meetings shall be termed "ordinary Meetings," and be held open to the public.

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1. Government Gazette, 5.7.1881. Proclamation 103 of 1881.

OCTOBER 1882 [1]

ADDITIONAL REGULATIONS

PONTOON AND FERRY

1. Whereas a Pontoon, and Ferry Boats, have been established and are maintained by the Municipal Council as public means of crossing the Buffalo River, the said Council shall be considered as having established, and shall retain and have the sole right of Pontoon and Ferry, in terms of the third paragraph of Section 36 of Act 23 of 1880.

2. No person shall ply for hire as a Common Ferryman or Waterman on the Buffalo River without the leave and authority of the Council first had and obtained.

3. The Council shall be at liberty, if they shall so think fit, to lease the right of ferrying at any one or more spots on the said River, either by the Year or by the Month, to such person or persons, and on such terms and conditions as the Council may, from time to time, hereafter see fit and determine.

4. The Tolls payable by Persons and Traffic crossing at the said Pontoon and Ferry shall be as follows: -

(a) At the crossing place known as the "Pontoon."

Between the hours of Sunrise and Sunset.

	s. d.
For every Saddled Horse . . . . .	0 6
For every Loose Horse or Head of Cattle . . . . .	0 2
For every full-sized Ox-wagon and cattle drawing same . . . . .	2 6
For every Vehicle on wheels, except Ox-wagons, German Spiders, and Scotch Carts, per wheel . . . . .	0 2½
For each animal drawing same . . . . .	0 1½
For each small Ox-wagon, Scotch cart, or German Spider, with 8 Bullocks drawing same . . . . .	2 0
Do. do. do., with 6 Bullocks . . . . .	1 6
Do. do. do., with 4 Bullocks . . . . .	1 3
Do. do. do., with 2 Bullocks . . . . .	1 0

For each Wheelbarrow, with Boy . . . . .	0 3
For each Goat or Pig . . . . .	0 0½
For each Sheep, when number under 50 . . . . .	0 0½
For each Sheep, when number over 50 . . . . .	0 0½
For each Ostrich . . . . .	0 2
For each Foot-passenger . . . . .	0 1

Any excess of weight over 8,000 lbs. which may be found on any Wagon shall be charged for at the rate of One Penny for every 100 lbs. weight so in excess, and Carriers are required to produce the Waybills of every wagon to the Pontoon-keeper when called upon to do so.

Between the hours of Sunset and Sunrise.

Foot passengers . . . . .	0 6
All other Traffic double the above Rates.	

Provided however, that the Council shall issue Printed Tickets entitling Horsemen, and Carts, or other Vehicles on wheels, drawn by one or two Horses or Oxen, to a passage across the River between the hours of sunrise and sunset only, upon rendering up one such Ticket for each such passage, such Tickets to be issued by the Council at the following rates, viz.: -

	s. d.
For each Horseman . . . . .	0 2
For each Cart or other Vehicle on wheels, drawn by one or two Horses or Oxen . . . . .	0 4

(b) At the crossing place known as the "Ferry", being for foot passengers only.

Between the hours of 5 o'clock a.m. and 8 o'clock p.m. from 1st October to the 31st March, and 6 o'clock a.m. and 7 o'clock p.m. from 1st April to 30th September in each year.

For each Foot-passenger one penny, payable either in cash or by Municipal metal token of the value of . . . . .	0 1
For each Parcel, carried by a Foot-passenger, exceeding 15 lbs. in weight and not exceeding 50 lbs. . . . .	0 3

1. Government Gazette, 6.10.1882. Proclamation 170 of 1882.

For any passenger's baggage exceeding 50 lbs. and not exceeding 500 lbs. in weight, special arrangement must be made with the Ferryman, the charge, however, for entire use of boat not to exceed 1s. 6d.

No Weight in excess of 500 lbs. to be taken under any circumstances.

Before and after the abovementioned Hours.

For each Foot Passenger . . . . .	0 6
For each Parcel within the weights above-mentioned . . . . .	0 6

5. The above Tariff of Tolls shall apply to any Ferry, Pontoon, Bridge, or other public means or crossing the Buffalo River, which may hereafter be established by the Council for foot passengers or other traffic respectively.

6. No person shall damage, destroy, injure, or otherwise molest or interfere with any Pontoon or Ferry Boat, the property of the Council, or of their Lessees, Servants, or Agents, or any tackle or appliances used for working the same, or in any way connected therewith; and any person infringing this regulation shall, on conviction (in addition to the penalty incurred), be condemned to pay to the Council such sums as the Magistrate may assess as and for damages sustained by the Council by reason of such infringement.

7. No person shall obstruct any approach to any duly authorised Pontoon or Ferry, or in any other way interfere with the working of any Pontoon or Ferry, or the convenience of the public in relation thereto.

JULY 1883 [1]

By-Laws, Rules, and Regulations of the Municipality of  
East London, framed in terms of Section 38 of Act No. 23  
of 1880.

RULES OF ORDER

Meetings of Council.

1. The Municipal Council shall meet at the Town Office every Wednesday at 3 o'clock (or at such other day, time and place as the Council may from time to time appoint by a resolution passed by a majority of not less than two-thirds of the members present at any meeting after notice of motion to that effect of not less than 14 days), for the dispatch of public business, and such meetings shall be termed "ordinary meetings."

Special Meetings.

2. The Mayor may, at any time, summon a special meeting of Council by notice under his hand, setting forth the object for which he calls such special meeting; and the Mayor shall similarly summon a special meeting of Council on receipt of a requisition signed by not less than five Councillors, and setting forth the business on account of which such Councillors require such meeting; and at no such special meeting shall any business be considered unless the same is set forth in the notice calling the meeting.

Adjournment when no Quorum.

3. Should there at any time, appointed for a meeting, whether ordinary or special, not be a sufficient number of Councillors present to form a quorum, the Mayor, or in his absence any Councillor who may be elected to preside, shall after waiting until thirty minutes after the appointed time, declare the meeting adjourned, and shall fix a time for another meeting to be held in its stead, of which twenty-four hours notice shall be given in writing to each Councillor.

Adjournment of Meeting.

4. Any ordinary special meeting of the Council may, by a resolution of the majority of Councillors present thereat, be adjourned to any day and hour prior to the time appointed for holding the next ordinary meeting.

Proceedings at Meeting.

5. All ordinary meetings shall be opened by the Mayor or Councillor presiding, calling upon the Town Clerk to read the minutes of the previous ordinary meeting, and of any special meeting, the minutes of which shall be unconfirmed, and such minutes shall then be confirmed and signed by the Mayor or Councillor presiding.

Minutes of Committees.

6. Immediately after the confirmation of the minutes of any previous ordinary meeting, the Town Clerk shall read for the information of Councillors present, the minutes of any Meetings of Committees which shall have been held subsequently to the last ordinary meeting of the Council, and such reading of such minutes shall be deemed and taken to be a submission of such minutes for the approval of the Council in terms of section 55 of Act No. 23 of 1880, provided that in case any Councillor present shall disapprove of any portion of such minutes, it shall be competent for him to move that such portion be either amended or expunged, and the same shall be decided on by the vote of the majority of Councillors present.

Order of Business.

7. After the minutes of meetings of the Council and of Committees shall have been disposed of as aforesaid, the business of the Council shall be proceeded with in the following order, viz.:

- (1). Reports of officers and committees of the Council.
- (2). Matters standing over from former meetings for further consideration.
- (3). Notices of motion.
- (4). Communications from the Colonial Government.
- (5). Correspondence, memorials, &c.
- (6). Accounts.
- (7). Questions, notices, and sundry business.

Voting at Meetings.

8. All questions brought before the Council shall be decided by a majority of the Councillors present (subject to any special provision of Act No. 23 of 1880, in regard to the majority necessary to decide any particular question) by a show of hands, and every Councillor present shall on all occasions exercise his vote, and the Town Clerk shall, whenever any Councillor shall so desire, record the names of Councillors voting for or against any motion, and the Mayor or Councillor, presiding at any meeting, shall have, in addition to his deliberative vote as a Councillor, a second or casting vote as Chairman whenever voting shall otherwise be equal.

Week's Notice of motion and names of Committee to be in Writing.

9. Any member, desirous of bringing a question before the Council, must do so by giving a week's notice; and must also hand in to the Town Clerk a written paper containing the precise terms of the motion he intends to discuss. If he move the appointment of a committee their names must be stated.

An unopposed Motion.

10. An unopposed motion may, however, be brought on by consent of the Council without any previous notice; but if any Councillor shall object, notice as in the preceding rule shall be required, and no money vote shall in any case be brought on as an unopposed motion.

Motion to be seconded. - Motion to be expunged from Minute Book.

11. When a motion is made to the Council it must be seconded, otherwise it shall be dropped, and an entry shall be made in the minute-book that such motion was not seconded: provided that the Council, by a majority of two-thirds of the Councillors then present, may order that any motion submitted to the Council, whether seconded or not, shall be expunged from the minute book.

Motion not to be withdrawn.

12. A motion, duly seconded, shall not be withdrawn except by leave of the Council.

Re-opening of questions.

13. No act, order, or proceeding, having been passed and confirmed at any previous meeting, shall be re-opened at any future meeting without fourteen days' previous notice being given of that intent.

Treasurer's Statement.

14. The Treasurer shall produce to the Council at each ordinary meeting held as aforesaid an account of all moneys received by him and disbursed, showing what balance may exist at the time, either for or against the Municipality and which statement shall be accompanied and supported by the bank book fully written up.

Mayor to keep order.

15. The Mayor, or in his absence the Councillor presiding, shall preserve order, and on all points of order his decision shall be conclusive.

Councillors not to read speeches.

16. No Councillor shall be allowed to read his speech, and every Councillor speaking shall do so standing, and shall address the chair.

No Councillor to speak more than once on question.

17. In discussing any question no Councillor shall be allowed to speak more than once, except in explanation. This rule is not, however, to interfere with the right of reply, which may be claimed at the end of the debate by the mover of any resolution.

Priority.

18. If two or more Councillors commence to speak at the same time, the Mayor, or Councillor presiding, shall determine which is entitled to priority.

Adjournment of question.

19. It shall be competent for any Councillor, at any time, or at any state of the proceedings, to move an adjournment of a particular question, or of the Council itself.

Imputations.

20. Imputations of improper motives shall be considered as highly disorderly; and such conduct shall be minuted in the minute book, if it shall be so ordered by the majority of the Council.

Protest.

21. It shall be competent for any Councillor, when he shall be in a minority on a question decided, to enter his dissent or protest in the minutes of the Council either forthwith or at the ensuing meeting. A dissent or protest, however, shall not be allowed to be recorded which casts any improper reflection upon or imputes any improper motive to the Council, or any member thereof.

No papers to be removed.

22. No book, plan, paper, or other thing whatsoever shall be removed from the Municipal Office except by order of the Council; or for Municipal purposes, without the knowledge and consent of the Town Clerk.

Personal interest.

23. A member of the Council shall not be allowed to vote on any question specially affecting property belonging to himself.

Resolutions in writing.

24. Any Councillor wishing to propose any resolution or amendment to any motion before the Council, may do so, but if required by the Mayor or Chairman shall make such proposition in writing.

Householder may address Council.

25. Any householder who is desirous of bringing any subject connected with the Municipality to the notice of the Council, may do so by letter addressed to the Town Clerk, or if such person be desirous of a personal interview with the Council, and the majority shall approve, he must address himself to the chair, and thereupon the Council shall proceed to discuss and determine the subject so brought to their notice, and the result shall be communicated to him by letter.

Alteration of Rules of Order.

26. Any Councillor desiring to propose an alteration in the present Rules of Order, or to propose an additional one, shall give notice thereof at a meeting of the Council, and hand to the Mayor or Councillor presiding a paper writing, subscribed by himself, and a Councillor seconding, containing the precise amendment or additional Rule, which paper shall be taken in consideration and decided on at the next meeting, and have precedence over all other business.

VALUATION.Mode of Valuation of Property.

27. Whenever it shall be deemed necessary or expedient by the Council to cause a valuation of all immovable property, situate within the Municipality to be made, the Council shall appoint a fit and proper person or persons to make such valuation, and render a roll thereof to the Council, which roll shall be termed the Assessment Roll of the Town, and be kept in the Municipal Office for such period as the Council shall direct for the inspection of townsmen, and the valuation of all immovable property, newly laid out or erected and not previously valued in the assessment roll, shall be made by a fit and proper person to be appointed by the Council for that purpose, in the month of January in each year, and thereupon such valuation shall be entered in and form part of the then existing assessment roll.

Objections to Valuation.

28. It shall be competent for any owner or occupier of such immovable property aforesaid, within fourteen days after publication of a notice of the completion of such assessment roll or of the valuation of such new properties as aforesaid, to lodge with the Town Clerk his objection, in writing, against the same, and the Council shall thereupon fix a day for hearing and determining thereon, and after such determination or in case of such objection shall have been lodged within the time appointed for the same, such assessment roll and valuation shall be considered fixed and binding upon all parties concerned until the completion in manner aforesaid of the next general valuation.

COMMONAGE.Commonage rights of householders.

29. Every proprietor and occupier of a house, within the limits of the Municipality, shall be entitled to depasture on the town commonage such a number of animals as is hereunder set forth, provided that the animals so depastured are his own bona fide property, or at the time in his employ.

The occupier of premises of the value of £100, or who may pay rent of £10 per annum, shall be entitled to run three animals (in all) on the town commonage.

The occupier of premises of the value of £200, or who may pay rent of £20 per annum, shall be entitled to run twelve animals (in all) on the town commonage.

The occupier of premises valued at £400 and upwards, or who may pay a rent of £30 or more, shall be entitled to run eighteen animals (in all) on the town commonage.

Dairymen and Butchers.

30. All persons carrying on the trades of dairyman or butcher, or any other trade which the Council shall deem entitled to similar privileges, shall, over and above the number of animals, which in terms of the preceding rule he may be entitled to graze, be allowed to depasture any further quantity of stock he may require for the use and carrying on of such trades, being actually his own property, not exceeding one hundred and fifty sheep, goats, or swine, at any one time, upon obtaining a licence from the Council so to do, and on payment in advance to the Treasurer of the Municipality of such annual sum as the Council may in each case deem fit, but the Council shall not be obliged to grant any such licence, and may refuse to grant the same, or may at any time terminate any existing licence without assigning any reason for so doing.

Visitors to town.

31. Any person or persons coming into the town, and not being a proprietor or resident householder therein, may, for the period he remains, allow all such animals (free from contagious disease) as he may have brought, either for his conveyance or for sale, to graze upon the public commonage, subject to the rules and regulations touching thereon, for a period not exceeding two days, after which time, such person or person so remaining, and

desirous to pasture his animals on town lands, shall be permitted to do so upon paying in advance to the Treasurer of the Municipality the sum of one halfpenny per head per day for every horse, mule, or head of horned cattle, and one shilling per hundred for sheep or goats.

Penalties.

32. Any person contravening regulations 29, 30, and 31, shall for each contravention be liable to a penalty of ninepence sterling for every horse or head of horned cattle, or other animals if under fifty in number, sixpence sterling per head if over fifty in number, in excess of the number in the said regulations respectively mentioned, and all such animals shall be liable to be impounded.

Bulls and Stallions.

33. No person shall be allowed to turn loose on any common pasture lands, or in any street or other public place within the Municipality any bull or stallion; and any person infringing this regulation shall forfeit and pay a sum of £5 for a stallion and £2 for a bull for each offence, but dairymen may have the privilege of grazing one bull, which, however, if not properly herded, may be impounded, when the fine herein provided for shall be imposed.

Animals trespassing.

34. All cattle, horses, sheep or goats, or other animals, other than those duly authorized by the foregoing regulations, trespassing upon the common pasture lands aforesaid, may be impounded, and the penalty or penalties provided by the foregoing regulations, recovered from the owner of such animals, and the Council may cause a general impounding off the said lands at any time.

Diseased or dying animals to be destroyed.

35. All animals found at large on the town commonage or elsewhere within the bounds of the Municipality, which may be in a dying state, or infected with any contagious disease, shall be destroyed in the event of the owner being unknown, or unwilling to act as hereinafter set forth; but, if known, such owner may take immediate steps to remove such animals to some place where contact with other animals cannot take place, and thereupon some competent person shall be appointed to declare, after duly examining such animals, whether they should be killed, and if so declared, the owner of the animals shall cause the

same to be killed, and the carcase buried at such place as the Council may have appointed for that purpose; but in either case prior to any animal being destroyed, a full and thorough examination of such animal shall be made by some person duly appointed for that purpose, and all the expenses of burying any such animal where the owner is unknown shall be borne in the first instance by the Council, and by it recovered from such owner when ascertained. When the owner is known he shall be compelled to bury any such animal at a spot to be selected by the Council, and any person knowingly allowing animals infected with any contagious disease or not taking the necessary precautions in ascertaining whether any sick animal is infected with any contagious disease, and turning such out to run on the town commonage, on being convicted of the same, shall incur such penalty as the magistrate may deem right to inflict, not exceeding £20 for each offence, or in default of the payment of such fine forthwith, shall be liable to imprisonment, with or without hard labour, for any period not exceeding three calendar months.

Dead animals to be buried.

36. All dead animals found within the limits of the Municipality shall be forthwith buried by the Council at such place as may be appointed for that purpose, and the owner of such animal shall be subject to pay all the charges incurred in so doing, together with any expenses in recovering the same.

No person to use commonage.

37. No person shall occupy or in any way make use of, for any purpose whatsoever, any portion of the town commonage without the permission or licence of the Council first had and obtained.

No roads but those allowed.

38. No person shall make or use any road over the common pasture-lands of the Municipality, other than such as shall be allowed by the Council from time to time.

Destruction of bush, &c.

39. No person shall injure, destroy, or remove any tree or bush growing on the commonage, or carry away any dead wood from the commonage without the permission of the Council first had and obtained.

Outspanning.

40. No outspanning shall be allowed within the limits of the Municipality, excepting at such place or places as may be appointed for that purpose by the Council.

Discharging of firearms.

41. No person shall discharge firearms or any description of fireworks within the limits of the Municipality without special permission from the Council being first had and obtained for that purpose.

SANITARY.

Deposits of filth, rubbish, &c.

42. No person shall throw, deposit, or place, or cause to be thrown, deposited, or placed, any dead animals, filth, slops, rubbish, stable litter, or any offensive or dirty matter of any kind, whether liquid or solid, or any broken crockery, glass, or tins, or wash any clothes in any street, thoroughfare, or public place or waste ground, or on any portion of the public commonage, or in any open drain, stream, watercourse, pond, or reservoir, within the Municipality except at such place or places as the Council may from time to time by public notice fix and appoint for that purpose; nor shall any person allow any nuisance or any accumulation of any such matters to remain or be upon his own premises, or premises occupied by him within the limits of the Municipality for a longer period than twelve hours after he shall have received notice from the Sanitary Inspector or any other officer of the Council to remove the same; and the occupiers (or where there are no occupiers, the owners) of all houses within the Municipality shall be bound at all times to keep thoroughly clean all private avenues, passages, yards, ways, and places belonging or appertaining thereto.

Nuisances.

43. No person shall be allowed to commit a nuisance in any public street or place within the Municipality, except in such public urinals, latrines, or other places as the Council may from time to time appoint for that purpose.

Slaughter places.

44. No butcher or any other person shall be allowed to slaughter any animals at any place within the Municipality, except at such place or places as the

Council may from time to time point out for that purpose, and in conformity with such orders in regard to slaughtering, cleaning the premises and other matters connected therewith as the Council may make for time to time.

Provisions, &c., unfit for food.

45. No person shall sell or offer for sale at any place within the Municipality any meat or other provisions, or milk, spirituous or other drinks, which, in the opinion of the Sanitary Inspector or other officer of the Council, is considered unfit for human food; and such meat, provisions, or drinks, if so offered, shall be liable to immediate seizure and destruction by the officer of the Council in addition to the penalty for breach of this regulation to be imposed upon any person so selling or offering the same for sale.

Pigs.

46. No person shall keep any pig or pigs within the Municipality. Provided that this bye-law shall not apply to any suburban properties remote from the streets or erven of the town, where no nuisance to the neighbourhood is caused.

Kraals, &c.

47. No kraals or sheds for cattle, sheep, or goats, or other animals, shall be allowed within the limits of the Municipality without the express consent of the Council for that purpose have been first obtained, unless the number of animals kraaled shall be less than seven in the case of horses or horned cattle, or less than thirteen in the case of sheep or goats, and the use of any kraal or shed for which such consent may have been obtained, or in which the number of animals may be such that such consent is unnecessary, shall be discontinued if the same shall be a nuisance to occupiers of adjoining properties, or shall, in the opinion of the Sanitary Inspector or other officer appointed by the Council, be detrimental to the public health.

Night soil.

49. All night soil shall be removed only between the hours of ten o'clock at night and four o'clock in the morning, and it shall be only deposited at such place as shall be set apart for that purpose by the Council from time to time.

Removal of night soil by Council.

50. The Council shall from time to time provide such means as it may deem necessary for the removal of night soil from all private houses within the Municipality, and every householder availing himself of the means so provided shall pay for such service such sum as the Council may from time to time fix for that purpose.

Stagnant water.

51. Arrangements shall be made by the owner or occupier of any building or premises for carrying away waste or stagnant water therefrom.

Rubbish.

52. No householder shall permit any house, garden, or stable refuse, to be placed on the ground within their respective properties, but shall provide and maintain at their own cost one or more boxes (the maximum size of which shall be fixed by the Council) for the containing and removing of all such house, stable, and garden refuse; such boxes shall be kept under cover so as to exclude the rain from entering therein; and all such householders shall afford access to their premises at all times between the hours of 7 a.m. and 6 p.m. to servants and contractors of the Corporation for the purpose of removing such boxes and their contents.

Broken glass.

53. No tin cases, tin or iron clippings, iron hoops, glass bottles or broken glass, bricks or brick rubbish, clippings of trees, hedges or fences, or any such matter or things as may not be strictly deemed house, stable, or garden refuse, shall be placed in such boxes.

Removal of boxes.

54. Every householder shall pay for the removal of each box and its contents from their building or premises, such sum as the Council may from time to time fix for that purpose, the same to be collected by some person appointed by the Council and paid to the Town Treasurer.

Entry on premises.

55. The Council are hereby empowered by their contractors or servants to enter upon all premises for the purpose of inspecting, possessing, and removing all night soil, dust, and rubbish, herein specified or referred to.

Infectious disease.

56. In the event of any infectious disease appearing within the Colony or Natal, the Council shall have power to take and enforce all such steps or measures as they may deem necessary or expedient of the public health.

Overcrowding.

57. In the event of there being found to be at any time so large a number of persons residing at any house or other dwelling place within the Municipality as shall be, in the opinion of any duly qualified medical practitioner, injurious or dangerous to public health, the owner of such house or dwelling place shall immediately on the case being brought to his notice, cause such number of persons to be reduced to such extent as such medical practitioner shall consider necessary.

Powers of Sanitary Inspector.

58. For the purpose of effectually carrying out the foregoing regulations Nos. 42 to 57 (sanitary) the Sanitary Inspector or other officer appointed for that purpose by the Council shall at all reasonable times be empowered to enter upon and inspect all private premises within the Municipality, and in the event of his finding any nuisance or other matter contrary to any one or more of the said foregoing regulations to exist, the parties concerned shall be bound to carry out all such instructions as he may give as to the abatement or removal of the same; and in the event of such instructions not being duly carried out within such time as the said Sanitary Inspector or other officer shall have named for that purpose, it shall be lawful for the said Sanitary Inspector or other officer to remove or abate the same, and the expense of so doing shall be recoverable from the party offending, in addition to such fine for breach of any regulation as the Resident Magistrate may inflict.

STREETS.Council to fix levels.

59. The Council shall fix from time to time the widths and levels of all footpaths within the Municipality, and any gutter running across the footpath must be covered or otherwise constructed as the Council may direct, at the expense of the owner of the property which the said gutter is to serve, and all pavements shall be laid down

according to the plans of the Council, whose consent, as well as for constructing stoeps, steps, erecting posts, and planting trees, must be asked and obtained in writing before any action be taken by the applicant.

Causeway and gutter.

60. Occupiers of immovable property within the Municipality shall keep the causeway and gutter, paved or unpaved, in front thereof, and all private avenues, passages, yards, and ways belonging thereto, free from accumulation of filth, dirt, and refuse; and when any such properties are unoccupied, then the owner shall be bound by this regulation.

Width of street to be allowed for building.

61. Any mason or other builder undertaking the erection, repair, alteration of any building, may, upon the consent of the Council being first obtained for that purpose, use one-fourth of the breadth of the roadway, and one-half of the breadth of the footway in front of the property on which such erection, repair, or alteration is to be made, for depositing any building material during the time such building operations are actually in progress. It shall be the duty of all such persons thus permitted to deposit building material to see that no obstruction to any public watercourse, gutter, or drain is caused thereby, and it shall further be incumbent on all such persons to keep such deposits of material well fenced in and a good and sufficient light burning near there from sunset to sunrise daily to the satisfaction of the Council. Any person neglecting or refusing to carry out any of the provisions of this regulation shall be liable, in addition to the infliction of a fine, for any damage caused thereby: Provided, however, that the proprietor of the property on which the building operations are proceeding, shall be liable for the damages caused by such neglect or refusal when the amount of such damages cannot be recovered from the person undertaking to make such building, repairs, or alterations.

Rubbish to be moved.

62. All rubbish accumulated during the erection or repair of any building shall be removed or caused to be removed by the person undertaking to make, alter, or repair such building, immediately on the completion of the same.

Excavations in street.

63. No person shall dig any excavation, pit, or hole, for any purpose whatsoever, in any street, thoroughfare, or waste land without the consent in writing of the Council first had and obtained; which written consent of the Council shall set forth such special conditions as the case may, in the opinion of the Council, require; and any person contravening this regulation shall be liable, in addition to the infliction of a fine, for any damage caused thereby, and to pay the cost of filling up such excavation, pit, or hole, should he neglect or refuse to fill it up on being ordered so to do.

Power of Council to block thoroughfares.

64. It shall be lawful for the Council to block up any road for the purpose of repairing the same, excavating watercourses, laying water or gas pipes, and for the purpose of carrying on any work under their authority or approval.

Vehicles in street.

65. No wagon, cart, carriage, or other vehicle with animals harnessed or yoked thereto shall be allowed to stand in any street or road without a person to take proper care thereof, nor shall any vehicle, not being at the time engaged in its proper uses as such vehicle, remain in any street or thoroughfare after dark, unless there be a good and sufficient cause, and in the case of all such vehicles the owner or person in charge must keep a good and sufficient light burning thereat from sunset to sunrise, and all such vehicles not so engaged, shall be taken to and shall during the night stand at such places as shall be by the council appointed for that purpose.

Vehicles not to stand before private premises

66. No carriage, cart, wagon, or other vehicle, without animals harnessed thereto, shall be allowed to be placed during any part of the day before the premises of any person not being the owner of such carriage, cart, wagon, or other vehicle, except on leave being granted thereto by the occupier of such premises.

Stands for vehicles plying for hire

67. No wagon, cart, or carriage, shall be allowed to ply for hire in any other part of the municipality than at such stands as shall be pointed out by the Town Council

for that purpose, and under such regulations as the Town Council shall deem expedient.

No person to ride on improper part of vehicle.

68. No person having the care of any cart or carriage shall be allowed to ride on any part thereto or on the shafts, or on any horse or other animal drawing the same, without having and holding the reins, or to be at such a distance from such cart or carriage as not to have the complete control of every horse or other animal drawing the same.

Negligent and furious driving.

69. No person shall be allowed to ride or drive carelessly, negligently, or furiously, so as to endanger the life or limb of any person, or to the common danger of the passengers in any thoroughfare; and in driving the custom shall be observed of keeping to the left-hand side of the road or street, and allowing all carriages, carts, or wagons, to pass on the whip-hand.

Feeding horses &c.

70. No person shall be allowed, in any street, lane, or square, within the Municipality, to feed or fodder any horse or other animal, or shoe, bleed, or farry any horse or other animal, or clean, make, or repair any part of any cart or carriage, except in cases of accident, or where on the spot repair is necessary, and except at such places as the Town Council shall hereafter appoint by public notice.

Horses, &c., not allowed on footpath.

71. No person shall ride, drive, or lead, or allow to stand on any public footpath, any horse, ox, or other animal, whether loose, under saddle, or in harness, and no person shall drive, wheel, roll, or place any truck, wheelbarrow, bicycle, cart, wagon, or other vehicle, or any barrel, on any public footpaths or gutters, except when necessarily crossing from the road to any entrance to private property.

Wagons to have leaders.

72. All bullock wagons passing through the streets or roads shall have a leader, who shall properly lead in front of the oxen, and remain at his place during a halt, and in case of any breach of this regulation, either the owner or person in charge of any such wagon shall be

liable to such penalty as the Resident Magistrate may inflict.

Horses tied up.

73. Any horse found tied up, and thereby obstructing the footway, may be impounded by the streetkeeper or any officer of the Council, and the owner of the animal, shall be liable to such fine as the Resident Magistrate shall inflict in excess of the pound fees.

Vehicles to have lights.

74. No person shall be allowed to drive any vehicle on any road within the Municipality in the interval of time between one half hour before sunset and one half hour before sunrise, unless such vehicle shall be furnished with a lighted lamp on either side; provided that this by-law shall not apply in the case of a clear moonlight night.

Stray cattle to be impounded.

75. Cattle, horses, or sheep straying in the town or streets thereof, shall be impounded by the streetkeeper or other officer of the Council, and shall not be released until a fine of sixpence, if the said offence be committed in the daytime, or eightpence, if after dark, for each animal shall have been paid in addition to the pound fees.

Pigs, &c. may be destroyed.

76. The streetkeeper or other servant of the Council shall be authorised and required to destroy any swine or goats that are found at large in any public street: provided that in so destroying such animals no means shall be used which shall endanger the life or property, or persons of inhabitants; and the carcases of all such animals shall be buried by the streetkeeper or other servant of the Council. It shall be lawful for the occupier of any property, which shall be trespassed upon by any poultry, pigs, or goats, to destroy the same while upon the said property, but it shall not be lawful for such occupier to follow up such poultry, pigs, or goats, beyond the limits of such property, and then to destroy the same. It shall, however, be incumbent upon all persons destroying pigs or goats by virtue of this regulation, to give notice of such dead animals being upon their premises to the streetkeeper, who shall, if possible, discover the owner or owners of the said animals and cause such owner or owners to remove the same, and failing this to have the carcases removed and buried.

Driving Cattle through the streets.

77. No cattle, calves, horses, mules, asses, or pigs shall be allowed to be driven through the streets of the Municipality without proper supervision.

Ferocious Dogs.

78. No person shall be allowed to turn loose in any public street, or suffer to be at large, any ferocious dog, or set on, or urge any dog or animal to attack, worry, or put fear into any person or animal.

Water from roofs

79. No owner or occupier of any house or other building within the Municipality shall permit or suffer the water from the roof or top of any such house or building, or from any building, or from any balcony, verandah, or portico belonging thereto, to be conveyed or to pass or fall to the ground on any street or public thoroughfare, otherwise than by or through suitable eavestroughing and down-piping, in which case such water shall be led at the expense of such owner or occupier by means of proper iron piping placed under the footway or in any other manner the Council may direct, into the gutter of such street or thoroughfare.

Combustible material, &c.

80. No person shall be allowed to leave straw, or rush, or other such combustible material on or about any street or thoroughfare during the night, nor shall anyone be allowed to kindle a fire nor carry fire or lights through the streets without being protected by a lantern or other proper means, nor discharge firearms or fireworks in any public thoroughfare, nor shall a fire be lighted in any building without the same having a chimney, nor be erected so contiguous to any other building as to endanger the same from fire, within the limits of the Municipality, nor shall anyone have or store upon or within his premises more than 50 lbs., either of gunpowder or dynamite, or more than 50 gallons of paraffin, at any one time, and all paraffin, gunpowder, or dynamite in excess of such quantities, shall be placed in a magazine approved by the Council.

Poison.

81. No person shall set or cast any poison in any public thoroughfare for the destruction of any animal, or for any reason whatsoever.

Trees in streets.

82. No person shall plant, prune, cut down, remove, or in any way destroy or injure any trees, bushes or plants on the commonage, or in any street or public place within the Municipality, except with the written consent and under the supervision of the Council.

Horse-posts.

83. No person shall plant any horse-post in any street or thoroughfare without the consent of the Council first had and obtained.

Public sales.

84. No public sales shall be held, or goods exposed for sale by auction or otherwise, in any public street or thoroughfare, except by consent of the Council in writing for that purpose, or except at such place or places as the Council shall from time to time appoint for that purpose.

Indecent drawings.

85. No person shall write or draw any indecent words or figures in any public place, or on any exposed part of any building, public or private.

Indecent clothing.

86. No person shall be in any street or public place without being clothed as decency requires, or commit any nuisance in or on any street or public place, or obstruct the passenger traffic on any footpaths.

Posting Bills, &c.

87. No person shall be allowed, without the consent of the owner or occupier, to affix any posting-bills or other papers against or upon any building, wall, fence, or pole, or to write upon, soil, deface, or mark any such building, wall, fence, or pole, with chalk or paint, or in any other way whatever, or wilfully to break, destroy, or damage any part of any such building, wall, fence, or pole, or any

fixture or appendage thereunto, or any tree, shrub, or seat in any public walk, square, garden or street.

Prostitutes and Beggars.

88. No prostitute or street-beggar shall be allowed to loiter or be in any thoroughfare or public place for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers.

Disturbances.

89. No person shall be allowed wilfully or wantonly to disturb any occupier of any premises by pulling or ringing any door-bell or knocking at any door without lawful reasons, or wilfully and unlawfully to extinguish the light of any lamp.

New Buildings.

90. All persons who are about to build shall apply to the Council for such instructions as may be requisite in reference to levels and the present and future drainage, so as to prevent buildings below the required levels, and frontages shall be so constructed that if any steps are requisite the same shall be inside, or the walls built far enough back or recessed, or otherwise so contrived that the steps do not encroach on the street or causeway; and all unauthorised steps, fences, verandahs, &c., will have to be removed at the expense of the owner of the property, as well as such steps so protruding on any street, and the entrance made as above described. And no wooden buildings will be allowed to be erected within twenty feet of the frontage, and any such building, if erected, shall be subsequently removed by the owner, or by the Council at the owner's expense.

Dangerous buildings.

91. The Council, or any person duly appointed by them, bringing to their knowledge that any building, wall, or other erection is in such a dangerous state as to imperil the safety or convenience of the inhabitants of the town, shall cause notice to be given to such owner or inhabitant to remove the same, or so as to repair such building, wall, or erection, that the danger may no longer exist, forthwith, or in an reasonable time; or should such owner or proprietor not be known or ascertained after reasonable inquiry being first made, then the Council, or someone

duly appointed by them, shall be authorized to take down and remove the same, and shall cause the material so taken down and removed to be sold, and the proceeds thereof applied towards paying the expenses incurred in such taking down and removal, and should the sale proceeds of such material be insufficient to meet the expenses incurred, then the proprietor, his agent in that behalf, or assigns, when ascertained, shall be held liable to make good to the council any such deficiency, together with any costs incurred in recovering the same.

Lounging in streets.

92. No person or number of persons shall be permitted to lounge or stand about in the public thoroughfares, after being duly warned, to the hinderance of the general traffic or to the annoyance of the passers by, or of owners of property in the vicinity.

Whooping, &c.

93. No person shall be allowed to whoop, shout, or roar, or otherwise create a disturbance, or disturb the public peace in the public streets.

Gambling, &c.

94. No person shall be permitted, under any circumstances, in any street or square in the Municipality to gamble, play at cricket, or to trundle hoops, or play at any other game.

Cracking whips.

95. No person shall be allowed to crack any wagonwhip loudly in any street or place within the Municipality.

Wagons to have owner's name.

96. All wagons coming into the town shall have the name of the owner and district painted in oilcolours legibly on the off side or the fore part thereof, or on a tin plate affixed thereto in a conspicuous place.

PUBLIC CONVEYANCES.

Conveyances to be examined.

97. Every omnibus, hackney carriage, cab, tram car, or other vehicle for the conveyance of passengers, plying for hire within the Municipality, before being so employed, must be exhibited at the Town Office or such other places

as the Council may appoint, for the purpose of being examined by the Town Clerk or other officer to be appointed by the Council in order to ascertain whether such vehicle is in good repair and affords sufficient room for the number of passengers it is intended to carry, and to be duly registered and numbered; and the proprietor of such omnibus, hackney carriage, tram car, or cab, as aforesaid, shall annually pay for every omnibus, tram car, or similar vehicle, the sum of £1 10s. (one pound and ten shillings); for every four-wheeled cab or like vehicle, the sum of £1 (one pound sterling); and for every two-wheeled cab or like vehicle, the sum of 10s. (ten shillings sterling), on receiving a copy of such register from the Town Clerk: Provided, always, that such register may be transferred, with the consent of the Town Clerk, upon payment of 2s. 6d. (two shillings and sixpence) for such transfer.

Registered number.

98. All vehicles described in the foregoing section must have the registered number affixed to some conspicuous part of the outside of the vehicle, on the left side, in legible characters, the number to be in black on a white ground, in figures not less than two inches in height; each driver or conductor shall be obliged to wear, in some position where it can be easily seen a badge, to be obtained at the Town Office, upon which shall be presented the number of his licence.

Number of passengers to be carried.

99. No four-wheeled cab or hackney carriage shall carry more than four passengers inside and one outside; nor two-wheeled cabs or hackney carriages more than two inside passengers; and no omnibus shall be allowed to carry more than twelve passengers without a special licence.

No greater number to be carried.

100. No omnibus or other carriage, plying for hire within the limits of the Municipality, shall be allowed, under any pretext whatever, to carry a greater number of passengers than the number registered in the books of the Municipality; and all omnibuses and cabs shall have the number so registered, together with a table of the fares, affixed conspicuously within the said vehicle.

Fares

101. The fees to be charged for conveyance in any of the vehicles above mentioned between any place situate within the Municipality shall be such as the Council may from time to time fix for that purpose.

## PUBLIC CEMETERIES

Orders for interment and payment of fees.

102. All orders for interment must be given to the cemetery keeper in writing, and all dues and fees paid to him or to the Town Clerk before any ground can be opened.

Forms of orders.

103. All orders for interment must be in the form provided by the Council, and contain a statement of the Christian and surname, the calling or description, and the age of the person to be buried, the date of death, where it occurred, the day and hour of the intended burial, in what part of the cemetery it is to take place, and the situation, description, or depth of the vault required.

Minister.

104. The name of the Minister whom friends of the deceased may wish to officiate at the funeral should, if possible, be given with the order for the interment to either the cemetery keeper or Town Clerk, who will make the necessary arrangements.

Notice of burials.

105. Orders for interment must be given at the earliest possible moment, and where a notice of less than twelve working hours shall have been given the Council will not be responsible for any delay or inconvenience which may occur at the grave. For brick graves or vaults a lengthened notice will be required, and the Council cannot be responsible for their preparation within a given time.

Depth of grave.

106. All graves for adults shall be at least five feet deep and for children four feet six inches, and where deeper graves are required such must be distinctly mentioned in the order for interment.

Grave spaces.

107. Grave spaces of nine feet in length and six feet in breadth may be purchased at any time on application to the Town Clerk for the sum of £2 each, and upon such purchase being duly registered by the Town Clerk, and a certificate thereof granted by him to the purchaser, such space shall be the freehold property of the purchaser, subject, however, to its being used for the purpose of interment only, and subject also to such regulations as may from time to time be in force in regard to the maintenance and management of such cemetery as the said space may be situated in.

Where more interments than one are contemplated in the same grave.

108. Whenever more interments than one are contemplated in the same grave the last interment shall be no less than five feet from the surface. No removal of coffins for the purpose of deepening or enlarging graves will be allowed.

Coffins.

109. Wooden coffins only shall be allowed in common graves, and air-tight metallic coffins shall be used in all vaults.

Graves to be prepared by sexton.

110. All graves shall be prepared by the cemetery keeper appointed by the Council, except in the case of persons buried by the military or other public authorities, in which case the grave shall be prepared under the directions of the cemetery keeper, and in conformity with regulations applying to ordinary graves.

Gravestones.

111. No gravestone, monument, or railing shall be erected, or trees or shrubs planted, by any person, except over, around, or upon grave spaces, the freehold of which has been purchased.

Approval of Council requisite before erection of gravestones.

112. No gravestone, monument, memorial, or railing shall be erected in any part of the cemetery without the approval of the Council for that purpose being first obtained, and a fee of 10s. paid to the Town Clerk; and no

railing shall in any case exceed a height of 2 feet 6 inches from the ground, including kerbstone for the same.

Trees and shrubs covering larger space than purchased.

113. No trees or shrubs, likely to increase so as to cover a larger space than the grave space purchased, shall be allowed to be planted, and the Council shall have the power at any time, if it think fit, to remove or prune any trees, plants, or shrubs which may exceed the limits of the land purchased.

Private graves, &c., to be kept in good order.

114. All private graves, with the monuments, gravestones and enclosures (if any) of the same shall be kept in good order and repair by the owners of the same, and in the case of their not being so kept in good order and repair by the owners thereof, the Council shall have the power after having given three calendar months' previous notice to the owners of their intentions so to do, of effecting any repairs, or removing any such gravestones, monuments, or enclosures, as to them may seem fit, for the purpose of preserving uniformity and neatness in the appearance of the Cemeteries.

No grave to be re-opened.

115. No graves shall be re-opened for a fresh interment (except for graves which may have been specially prepared with a view to such a re-opening) until such time has elapsed as to admit the full decay of the former occupant of the grave.

Portion of Cemetery for use of different denominations.

116. No person or body of persons shall be allowed to fence off, plant trees or shrubs in, or in any way interfere with, any portion of a Cemetery, not being a private grave space, the freehold of which shall have been purchased; but the Council may, upon the request of any religious denomination, and in such manner as the Council may seem fit, set apart such quantity of ground as the Council shall think expedient or necessary for the burial of persons belonging to that denomination; and thereupon such denomination shall be permitted to consecrate or perform any other religious rite or ceremony upon such ground, and only persons belonging to such denomination shall thereafter be buried therein except upon the consent of the representatives of that denomination for that purpose being first had and obtained.

Cemetery Chapels.

117. Any public Chapel which may be erected by the Council in any cemetery shall be at the use and disposal for the purpose of funerals only of any person or persons who may wish to use the same; and the Council shall have the power, if they shall so think fit, to allow any religious denominations which may have obtained the exclusive right of burial in any portion of a Cemetery to erect thereon any such Chapel as may be approved of by the Council, provided that the same shall be used only for funerals and not for ordinary religious services, shall be kept and maintained in good order and repair by the denomination erecting it, and shall be subject to removal at any time upon six calendar months' previous notice to that effect being given by the Council.

Cemeteries open daily.

118. The Cemeteries will be open to the public daily, but no person will be allowed to trespass on any flower or shrub bed, and perfect decorum must at all times be observed by all persons.

Carriages not allowed except with funerals.

119. No carriage or horses, except those in attendance on funerals, will be allowed to enter any cemetery without a special order from the Town Clerk.

Damages to graves, walls, &c.

120. No person shall wilfully destroy or injure any building, wall, or fence belonging to any Cemetery, or destroy or injure any tree or plant therein, nor daub or disfigure any wall thereof, or put up any bill or placard therein, or on any wall or fence thereof, or wilfully destroy, injure, or deface any monument, tablet, inscription, or gravestone, or do any other wilful damage. play at any game or sport, discharge firearms (save at a military funeral), in any cemetery, or wilfully and unlawfully disturb any persons assembled therein for the purpose of burying anybody therein, nor commit any nuisance within the grounds, or otherwise in any way contravene or break any lawful regulation in force regarding any Cemetery.

Register of grave spaces.

121. The Town Clerk shall keep a record of all grave spaces sold, and of all burials which have taken place in

any Cemetery, together with the plans of all Cemeteries and the grave spaces therein, and the same shall be open to the inspection of the public at any time during office hours, free of charge, and the Town Clerk shall, whenever so required, furnish certificates of sale or transfer of any grave spaces, and certified extracts from such registers upon payment of the fees for that service provided.

Cemetery keeper's duties.

122. It shall be the duty of the Cemetery keeper to attend to the preparation of all graves, the filling up and turfing over of the same; the opening and closing of the Cemetery gates; the opening and closing and keeping in order and fit use of any public Chapel erected in any Cemetery; the maintenance in order of all fences, paths, flower and shrub beds, trees, and grass within the Cemetery, and generally to see to the proper carrying out of all regulations regarding any Cemetery, and to receive, execute, and carry out all such orders as he may from time to time receive from the Town Clerk.

Fees.

123. The following shall be the fees payable to the Council in respect of interments and certificates and extracts from registers, but the Council shall have the power to remit the payment of any fees in the case of interment of persons who shall be shown to the satisfaction of the Council to have been paupers.

For interments in common graves:

	s. d.
1. Still-born children . . . . .	7 6
2. Children under 10 years of age . . . . .	15 0
3. Adults . . . . .	20 0

For interments in purchased graves:

1. First interments (in addition to purchase fees) . . . . .	15 0
2. For every subsequent interment in the same grave . . . . .	20 0

For register and office fees:

1. Certified extracts from register - each . . . . .	5 0
2. Certificate of purchase of grave space . . . . .	5 0

MORNING MARKET.

Daily Market.

124. A market shall be held on every day of the year except Sundays and holidays, on each side of the river.

Hours of Market.

125. The market shall commence at 7 o'clock a.m. from 1st October to 31st March, and at 7.30 a.m. from 1st April to 30th September, or at such other hours as the Council shall from time to time appoint; one month's notice, however, to be given in the local newspapers of any alteration in the above hours, and the like notice to be posted up in the Market Office.

South African Produce only to be sold.

126. Nothing shall be sold on the Market which is not actually the produce of South Africa or of South African Manufacture; and any person drawing his wagon up on the market with produce for sale, shall pay a registry fee of sixpence; and the proprietor of all produce brought otherwise to the market and offered thereon for sale, shall pay a registry fee of one penny; and no person shall withdraw his vehicle before having paid such fee.

Sales to be by Public Auction except when private sales.

127. The Market Master only shall sell all produce which may be brought to the market for sale, and which is not sold by private sale; and the same shall be sold by public auction; excepting green vegetables and fruits, which may be sold either privately or by public auction, but this exception shall not extend to potatoes and onions by the 100 lb. weight or the bushel; nor to oranges by the 100; all green vegetables and fruit brought to the market and not intended to be sold by auction shall be exposed for sale at a spot set apart for that purpose by the Council, who will supply stalls and other accommodation at their discretion, for which a fee of sixpence per six feet of frontage or under shall be charged per day.

Lime.

128. All lime sold on the market either by public auction or private sale, shall be paid for by the hundred pounds weight.

Auctioneers to furnish Returns.

129. All auctioneers selling on the market place before or after the market is over, shall pay to the Market Master one per cent. as dues, and all auctioneers in East London shall be called upon to furnish to the Council on the third day of each month, a statement of all stock, &c., sold by them on the market during the previous month, and in case they shall have held no sales a return to that effect, the Market Committee being empowered to prevent any sale being held by any auctioneer whose monthly statement is in arrear.

Disputes.

130. In all disputed cases between bidders the decision of the Market Master to be final and binding.

Disputes not recognised after Sale.

131. No disputes between any bidders shall be recognised after the Market Master shall have uttered the word "gone," but the proprietor shall have the right of declaring "no sale."

Market Master not to trade.

132. The Market Master shall not be allowed to trade or purchase, either on his own account or on commission, except such articles as he may require *bona fide* for his own consumption.

Market Dues.

133. All sellers on the market by auction shall pay  $2\frac{1}{2}$  per cent. for market dues on the gross amount of sales and all vegetables and other products exposed on tables, and 2 per cent. on all other produce. All produce put up for sale and not sold shall be subject to an unsold fee of one shilling for each case. In case any person shall have sold on the market part of any produce up for sale and shall have declared "no sale" for the remainder or any part thereof, such case shall not be considered amenable to unsold duty.

Produce sold privately to pay dues.

134. Any person bringing produce on the market for sale and neglecting to pay the market dues which may be payable in respect of the same, will be subject to such penalty as the Magistrate may inflict. All produce which may have been brought on the market for sale, and which

may be sold privately before or during the market, shall pay the same dues as if sold by auction on the market by the Market Master.

Sales to be for Cash.

135. All sales held on the Market by the Market Master shall be for cash; and no private arrangement made by the parties with the Market Master for any particular mode of payment for produce sold on the market shall be recognised by or binding on the Council; and the Market Master shall be responsible to the seller for the payment in cash of the amount for which the articles shall have been sold.

Articles to be weighed.

136. Every article that requires weighing must be weighed at the market scales before it is removed from the market, and the weight certified by the Market Master, who shall also mark it and the price of the article on the delivery note.

Sales Notes.

137. The Market Master shall deliver a sale note to every person who shall sell any produce on the market, setting forth the name of the purchaser, the quantity, weight, and description of the articles sold, the prices of the different articles, and amount thereof, and the date of sale.

Delivery by seller.

138. The seller on the market shall, within reasonable time, deliver to the buyer at his store or place of residence, provided the same be within one-and-a-half miles from the market house on the same side of the river, on which the market is held, the articles purchased, without making any charge whatever for so doing; provided, however that no seller on the market shall be obliged to deliver any article so sold to any purchaser when the amount of purchase money for all articles bought by the particular purchaser from the particular seller is under five shillings.

When Payment to be made and Fines chargeable.

139. All articles bought on the market shall be paid for to the Market Master, at his office, before 1 o'clock p.m. of the day of sale, provided delivery is made to the purchaser before twelve o'clock of the same day. If not paid by that time but on the same day, it

shall be lawful for the Market Master to charge one per cent. on the amount for collection; and if not paid for on that day, it shall be lawful for him to charge five per cent. on all sums under five pounds sterling, and  $2\frac{1}{2}$  per cent. on all sums of five pounds and upwards; and any person who without reasonable cause or excuse shall refuse to receive or pay for any article bought by him on the market, or shall cause any unnecessary delay to the seller, shall be liable in addition to the infliction of a fine, to defray all expenses incurred by the detention in town of the seller for the purpose of prosecuting the case.

Payments by Market Master to the Seller.

140. No payment shall be made by the Market Master to the proprietor or person in whose name the produce may have been sold, or his order; and the Market Master shall be bound to pay the amount to which such proprietor or person is entitled before two o'clock p.m. on the day of the sale.

Council's responsibility to Seller.

141. The Council shall be responsible to the sellers on the market for the proceeds of all cash sales thereon; provided that in the event of non-payment by the Market Master, notice in writing be given to the Commissioners within forty-eight hours after the sale.

Market Master to keep Accounts &c.

142. The Market Master shall keep a correct account of all moneys received by him and of all produce he may have sold, and shall also keep such books of account as the Council may from time to time direct. All fees and dues received by him shall be paid to the treasurer every Monday morning before twelve o'clock at noon, and the correctness of the accounts rendered shall be verified on the second Monday in every month by a solemn declaration signed by the Market Master and made before a Justice of the Peace.

Where Market Master may claim deposit.

143. Any purchaser who has failed to pay within the prescribed time may be required by the Market Master at any further purchase he may be desirous of making, to deposit the money on the spot, and in the event of non-compliance the lot be put up again.

No riding allowed on Market.

144. No person shall be allowed to ride, drive, or lead into the market place during the market hours any horse or horses, whether in harness or not, or whether harnessed to any vehicle or not, except for sale on the market, and except also that such horse or horses be then and there taken to some part of the market place to be pointed out by the streetkeeper or other person duly authorised thereto by the Council. This regulation, however, shall not extend to horses in harness drawing any vehicle containing produce for sale.

Articles to accord with sample.

145. No person shall place or cause to be placed on the market any article for sale, not in accordance with the sample exposed or caused to be exposed by him, which sample shall be retained by the Market Master until the satisfactory return of the delivery note, and then be given up to the owner; or so dispose forage or other articles in the load as to make the article weighed by the Market Master appear heavier than the average of the load; or expose for sale any unwholesome meat or other article of food unfit for use, and no buyer shall be compelled to take any such articles.

Attendance of Market Master at office.

146. The Market Master shall attend at the market office from ten o'clock, or so soon as the market be over, till three o'clock in the afternoon or later, if all payments have not been made before that hour.

Market Master to conform to regulations.

147. The Market Master shall conduct the business of the market in strict conformity with these regulations, and such orders as he may from time to time receive by resolution of the Council.

Stolen property.

148. In order to avoid as much as possible stolen property, or property not properly belonging to or in the possession of the person offering it for sale, being sold on the market, the Market Master may, whenever he has any suspicion, state the same privately to any member or members of the Council who may be on the market, who may, if he or they think fit after proper enquiry, refuse to allow such property to be sold, or may allow it to be sold on certain conditions as to the purchase money being left

in the hands of the Council for a certain time, or otherwise as to him or them shall seem just and proper.

Produce Market.

149. All wool, skins, cotton or other produce brought to the Produce market for sale, shall be sold subject to such rules and the payment of such fees as the Council may from time to time fix upon.

WATER

Supply of water to Shipping.

150. The Council shall at all times be empowered to supply the shipping visiting the Port of East London with water at such spots within the Municipality and within such hours as they may fix from time to time, and shall for all such water so supplied make such charge as may be from time to time decided on by the Council.

Application for water supply.

151. Every owner of a house, garden, mill, or other property, desiring to have water supplied to his said premises, shall make his application, in writing, to the Town Council, who shall grant, refuse, or modify the application made in such manner as they deem expedient.

Connecting pipes, &c.

152. The Council shall, if required by the proprietor cause a connecting pipe to be attached to the nearest main or service pipe, with the necessary cocks to regulate the supply allowed to every dwelling house, and the proprietor of the same shall defray the expense of such work, the said pipes and cocks not to extend beyond the street or public way, to which no person but those appointed by the Council shall have a right of access: the continuation of pipes from the said cocks to convey the water into such premises, to be done by any person he, the proprietor, may think fit to employ under the superintendence of the Town Engineer, or other officer appointed by the Council.

Payments for water leading.

153. It shall be the duty of every person having obtained a waterleading to pay to the treasurer, or such other person as shall be appointed for that purpose by the Town Council, such a sum of money per annum for the same as shall be fixed by the Town Council: Provided, always,

that in case any such application as aforesaid be acceded to on or between the 1st January or 31st March, the said applicant shall be obliged to pay for the whole of that year; if acceded to on or between the 1st April and the 30th June, the applicant shall pay for three quarters of that year; if acceded to on or between the 1st July and the 30th September, the applicant shall pay for the half-year; and finally, if the application be acceded on or between the 1st October and the 31st December, the applicant shall pay for one quarter of the year only; and every person who shall have obtained such supply of water shall be at liberty to divide and distribute the same on his property as he may think proper; and provided, further, that no reduction, stoppage, or decrease shall in any way affect the amount payable as above mentioned for that year, or render the municipality liable for any damages which may have been accrued by reason thereof.

Notice and date of payment.

154. It shall be the duty of the Treasurer, in the month of February of each year, or so soon as the rate shall have been fixed, to notify to all persons having a waterleading the amount due by them for the same during that year; and if such amount be not duly paid to the Treasurer, or such other officer as shall be appointed for that purpose, in the month of March, or so soon after as may be required, the Town Council shall be, and they are hereby authorised and empowered to stop such supply of water, or to proceed to law for the recovery of the rate, as they may deem necessary: Provided, however, that all intermediate grants shall be paid for one month after the application shall be acceded to; and further, that no such stoppage of the supply in consequence of nonpayment of the amount due for such waterleading shall exempt persons from the payment for the whole year; and provided, lastly, that all grants of waterleadings made to any church, chapel, or place of public worship, or to any charity school, shall be, and the same hereby declared to be, exempt from payment of any rate for waterleadings, now in force, or which may hereafter be fixed or determined on; but such grants of private waterleadings shall not exceed in quantity one hundred gallons per diem, and shall be liable to the same control and regulations as the grants made to and paid for by private householders.

Pipes and cocks to be kept in repair.

155. It shall be the duty of every person within the Municipality having a waterleading to prevent any waste of water, and to keep in good repair all necessary cocks, taps, and other fittings; and the said Council, or any

person appointed by them for the purpose, are hereby authorised and empowered, at all reasonable times, to enter upon the premises of such resident, and to see that this regulation is complied with, and after having given reasonable warning to comply with this regulation if such notice be not attended to, to stop the supply of water in such waterleadings.

Notice to be given when leaving.

156. It shall also be the duty of every person, upon leaving any house, store, garden, mill, or other property to which a waterleading has been allowed, to give notice thereof to the Town Council, and to request that such waterleading may be discontinued; and every person refusing or neglecting to give the notice as aforesaid shall be and remain liable for the payment of the amount due for the same as aforesaid until such notice has been given.

No person to injure fountains, &c.

157. No person or persons shall injure or leave open so that the water runs to waste any public fountain, pump, cock, water-pipe, sluice, watercourse, or any other matter or thing connected with the supply and distribution of water within the Municipality, and no person or persons shall clandestinely appropriate to his or their use any water from any springs, wells, ponds, reservoirs, fountains, pipes, or streams of water other than those allowed for public use without an authority thereto had and obtained as before mentioned.

POUNDS.

Municipal Pounds.

158. It shall be lawful for the Council to maintain within the Municipality one or more pounds, to be termed the Municipal Pounds, which shall be kept at such places and by such poundmasters as shall from time to time be appointed by the Council.

Householders may impound trespassing cattle.

159. Any person finding cattle, horses, or other animals trespassing upon his property is hereby empowered and authorised to send the same to the pound aforesaid, and no other person shall be allowed to detain such cattle or other animals as aforesaid in his possession beyond fifteen hours after the same have been found trespassing.

When cattle not to be delivered.

160. The poundmaster may refuse to deliver any animals so impounded after sunset, and no animals impounded as aforesaid shall be turned out for grazing until one hour after sunset.

Certificate of animals impounded.

161. It shall be the duty of the poundmaster, or in his absence of the person in charge of the pound, to grant to the person delivering trespassing animals as aforesaid, a certificate stating the number and description of the cattle and other animals taken, and the name of the person by whose authority the said animals have been sent - a copy of which certificate he shall enter in a book to be kept for that purpose, and styled "Pound Certificate Book."

Mileage rates.

162. The poundmaster is hereby empowered and authorised to demand and take from every person applying for impounded cattle or other animals the following payments, viz.: Mileage at and after the rate of fourpence for each mile such animals shall have been brought, and fourpence per mile for returning to the place whence such animals shall have been brought to the pound; provided, always that such mileage shall not be paid to more than one person, unless by the number or nature of the animals so brought to be impounded, it shall appear to the poundmaster that more than one person were required to bring such animals to the pound aforesaid.

Pound fees.

163. The poundmaster is hereby empowered and authorised to demand and take from any person applying for impounded cattle or other animals, the following sums of money, viz.: For every horse, one shilling; every head of horned cattle, sixpence; for every goat, two shillings; for every pig, two shillings and sixpence; for sheep, if less than twelve, one penny each, if more than twelve one-half penny each; for grazing and attending every horse or head of cattle (not being a stallion or bull above the age of two years), sixpence per diem; for grazing and attending any number of goats or pigs under twelve, two shillings and sixpence per diem; for grazing and attending any number of goats or pigs under twelve, two shillings and sixpence per diem; above twelve and under fifty, five shillings per diem; and a

proportionate amount for any number above fifty; for grazing and attending sheep, at the rate of sixpence per dozen per diem.

Stallions, &c., to be kept separate.

164. The poundmaster shall cause to be kept and fed separately and safely every stallion horse, stallion ass, and bull above the age of two years, and every animal, male or female, which from contagious disease, dangerous vice, or other reason, shall be unfit to run with the remaining herd, and for every such stallion horse or ass, or bull or other separated animal, he shall demand and take the sum of two shillings and sixpence per diem from the owner or person claiming the same.

Animals to be detained till fees paid.

165. It shall be lawful for the poundmaster to detain all such cattle or other animals as aforesaid until the sums so claimable are paid. The above charges are to be entirely independent of any charge for damage claimed by the owner of the property trespassed upon. And if any person shall by threat or violence or otherwise, rescue or attempt to rescue against the will of the person or persons in charge of any animals lawfully seized in order to be impounded, or shall so rescue or attempt to rescue or assist in rescuing any animals after the same shall have been impounded with the poundmaster, such person so rescuing, attempting or assisting to rescue the same, shall for every offence be liable to such penalty as the magistrate may inflict.

Disease of Cattle.

166. All horses, cattle, or other animals found to be infected with any contagious disease such as glanders or lung-sickness, &c., while in the pound, shall upon the certificate of two authorised competent persons, be destroyed and buried, the owners of such animals being liable for all expenses incurred.

Memorandum of damages.

167. It shall be the duty of every person claiming damages by reason of the trespass committed by the cattle or other animals sent to the pound, to transmit to the poundmaster, together with the cattle or animals so sent, a memorandum, in writing, subscribed by the persons claiming such damages, setting forth the nature of the injury done and the amount of damages claimed; and no person shall omit to send such memorandum in writing shall

be entitled to claim damage for such trespass. A copy of such memorandum shall be entered by the poundmaster in a book to be kept for that purpose, and to be entitled "Damage Book".

Trespass Money.

168. The proprietor or authorised occupier of any property enclosed as aftermentioned, finding cattle, horses, or other animals trespassing thereon, shall be entitled, without assessment, to claim as trespass money from the owner or other persons claiming such animals, a sum of two shillings and sixpence for every horse, head of horned cattle, pig, or goat, and for every sheep up to three hundred, one penny, and for every sheep in excess of that number, the sum of one half-penny.

Repetition of trespass.

169. It shall be lawful when the same animals or any animals of the same person shall be found trespassing again upon the same property with the space of fourteen days next after the former trespass, for the owner of such property to claim as trespass money from the owner or other person claiming such animals, double the amount of mileage and trespass money above detailed.

Assessment of damage by the Town Clerk or other officer of the Council.

170. It shall be lawful for the owner and occupier of any property claiming damage other than aforesaid for any trespass, to have the same assessed by the Town Clerk, or other officer of the Council, whose duty it shall thereupon be to inspect the trespass committed and the injury sustained, and who shall grant thereafter to the owner of the damaged property, a certificate setting forth to the best of his skill and judgement the nature of the property trespassed upon, and the value of such damage, for which certificate he shall be entitled to a fee of two shillings and sixpence; provided that if the owner of the animals trespassing be known, notice shall be previously sent to him to be present at such inspection and assessment; and provided further that in all such cases the award of the Town Clerk, or other officer of the Council, shall be final, and the amount of such award shall be forthwith payable by the owner or person claiming any such trespassing animal or animals, together with the aforesaid fee, of two shillings and sixpence, and provided further that nothing in this clause contained shall be construed so as to prevent any person complaining of trespass from otherwise seeking redress, according to law

in any competent court; but it shall not be competent for any person who shall have had the alleged damages assessed by the Town Clerk, or other officer of the council, thereafter to seek redress by legal process.

When trespass money and damage allowed.

171. No claim for trespass money or damage shall be allowed upon land or property which was not, at the time of trespass, enclosed with a wall or fence unbroken; not less than four feet high, unless such trespass occurs at night, between the hours of sunset and sunrise, when trespass money and damages shall be allowed whether the land be fenced or not.

Animals not claimed to be sold.

172. It shall be the duty of the poundmaster in the event of any animals sent to the pound not being claimed or released by anyone within seven days, to advertise the same for public sale in one or more of the local papers, giving a minute description of the animals as aforesaid to be sold; and the sale of all such cattle or other animals as aforesaid shall be fixed at one month after being impounded between the months of March and August inclusive, and six weeks between the months of September and February inclusive, and the poundmaster shall make a correct entry of all such sales, describing the animals and naming the purchasers, a copy of which shall be furnished to the Council; provided that all pigs and goats, when the number of the latter is less than ten, sent to the pound and not released within three days, shall be sold on the public market, without any other advertisement than the posting, on the town office or market place notice board, of a three days' notice of the sale, together with a description of the animals to be sold; and provided further that after deducting the expense of advertisement, sale, pound and other fees and damages, if any, the poundmaster shall pay over the proceeds of all such sales to any lawful claimant of such proceeds, provided the sum shall be claimed within a period of twelve months from the date of such sale, and all sums of money thence derived and not so claimed shall thereafter become the property of the Council.

Poundmaster's Statement.

173. The poundmaster shall, once a fortnight, transmit to the Council a statement of the cattle, &c., impounded, together with all particulars referring thereto.

Poundmaster responsible for injury to Cattle.

174. It shall be the duty of every poundmaster to have all cattle and other animals sent to the pound properly attended to and fed, and he shall be responsible for all injury to such cattle, &c., by the act or neglect of himself or his servants, and in the event of any impounded animals dying while under his charge, it shall be his duty to report such death forthwith to the Council; and he shall moreover make a true entry thereof, with a description of such animals, in his pound book; and no poundmaster shall be allowed to work or use for his own benefit, or that of any other person, any animals sent to the pound; and any poundmaster contravening this regulation shall be liable on conviction to such penalty as the Magistrate may inflict, and which penalty shall be exclusive of any claim for damages preferred against such poundmaster by the owner of the animals so injured, worked, or used.

Animals to be Branded.

175. It shall be the duty of every poundmaster to brand all animals except sheep or goats, with the letters E.L. immediately before they are sold out of the pound, with a branding iron to be provided by the Council.

Appointment of Poundmasters.

176. The Council shall be at liberty to appoint poundmasters or otherwise dispose of the pounds by public auction or tender upon such terms and conditions as they may think best for the benefit of the Municipality.

Pound Books, &c.

177. Any person shall be entitled to inspect the pound books, and upon application to the poundmaster in writing, obtain a certified copy of any entry therein contained upon payment of the sum of one shilling.

NATIVE LOCATIONS

Definition of Term.

178. For the purpose of these regulations, by the term Native Location is meant such part of the town extension or of the common pasture lands of the Municipality as shall from time to time be set apart or reserved for the huts or dwellings to be occupied by the native races of South Africa, such as Kafirs, Fingoes, Basutos, Hottentots, Bushmen, and the like, and it shall be lawful

for the Council from time to time to fix the boundaries of such Native Locations, and to define the streets with the same, and the Council shall have power to remove any such locations from time to time as they think fit.

Superintendent.

179. It shall be lawful for the Council to appoint a Superintendent of each of the Native Locations, which officer shall, at the option of the Council, reside within the boundary of such location, and in a house provided for him by the Council.

Application for huts.

180. Any person wishing to erect a hut or dwelling within a Native Location shall make application to the Superintendent, who shall within three days point out a plot of ground upon which such applicant shall be at liberty to erect such hut or dwelling, and who shall supply such applicant with the instructions to be followed by the builders of such hut or dwellings; and any person proceeding to erect a hut or dwelling with a Native Location without the written permission of the Superintendent, shall be liable to such penalty as the Magistrate may inflict, in addition to having such building material as he may have collected there confiscated.

Register of applications.

181. Any person desirous of becoming an inhabitant of a Native Location without erecting a hut or dwelling, may on his satisfying the Superintendent that he follows or intends following any lawful occupation, receive from the Superintendent a three days' permit for the purpose of finding some registered occupier of a hut or dwelling with whom he can be domiciled, and if, at the expiration of such time, such person does not satisfy the Superintendent that he is to be so domiciled, such person may be ordered by the Superintendent to remove, and on neglecting or refusing to do so may be apprehended as a loiterer.

Register of huts, &c.

182. The Superintendent shall keep a register of all persons applying to him for permission to erect such huts or dwellings, or for permission to reside with any registered occupier of a hut or dwelling, in accordance with a form to be supplied by the Council, which register shall set forth the name, race, and occupation of all such applicants, and when permission is refused, the reasons

for such refusal, and an abstract of such register shall be submitted to the Council every month for their information, and the number of inmates of any hut or domicile.

Appeal to Council.

183. Any person who shall have been refused permission by the Superintendent to erect a hut or dwelling, and any person who shall have been refused permission by the Superintendent to domicile himself with any registered occupier of a hut or dwelling, may make application to the Council, who shall finally decide upon all such applications.

Notice to be given to Superintendent.

184. It shall be the duty of the Superintendent at all times to keep a true and correct register of all huts and dwellings in the Location, together with the names and occupations of the persons claiming to be the lawful occupiers of such huts or dwellings, the names and occupations of all persons domiciled with such occupiers, to affix on every hut or dwelling a tin plate or board having the number of such hut or domicile legibly painted thereon in large figures (and each registered occupier shall be bound to keep such plate or board so affixed); and to keep a true and correct register of the number, marks, and other description of the horses, horned cattle, sheep, and dogs belonging to such occupiers or domiciled persons, in accordance with a form to be supplied by the Council, and such register, to be the "Location Register," shall be open to inspection on an order from the Mayor at all reasonable times.

Notice of Cattle to be given to Superintendent.

185. It shall be the duty of every inhabitant, without any request so to do, forthwith to give notice to the Superintendent, of any horses, horned cattle, sheep, or goats, which from time to time have come into the possession of such inhabitant, and of the way by which he came into such possession. All horses, horned cattle, sheep, or goats, which may be found in the Location, and which have not been registered according to Regulation within twelve hours after arrival, or of whose arrival there no notice has been given to the Superintendent, shall be impounded, and shall be dealt with and treated as other impounded animals; provided that no animals so impounded by the Superintendent shall be delivered up by the Poundmaster to any inhabitant of the Location without a written order signed by the Superintendent. It shall be

lawful for any person who shall feel himself aggrieved by any such seizure, or by the refusal of the Superintendent to grant a written order for the delivery of any animals so seized, to complain to the Resident Magistrate, who shall make such order thereon as to him shall seem proper.

Where occupants charged with theft of cattle.

186. In case any inhabitant of the Native Location shall be charged with having stolen any horse, head of horned cattle, sheep, or goat, or with having received any such animals, knowing it to have been stolen, the fact of the animal in respect of which the charge is made having been found in the possession of such person without the same have been registered (a reasonable time to enable such person to have had such animal registered having elapsed from the time he became possessed of the same), shall be prima facie evidence of the guilt of such person, and the onus of proving that he is not guilty shall be thrown upon him.

Cattle not to graze on commonage without permission.

187. No inhabitant of the Native Location shall graze any animals on the town commonage without the permission of the Council first being obtained through the Superintendent, and any animals belonging to such inhabitants found grazing without such permission shall be impounded.

Hut tax.

188. Every registered occupier of a hut or dwelling shall within the first three days of every calendar month, pay or cause to be paid to the Superintendent, the sum of one shilling, as occupation rent for such month, and shall, in addition to the amount of rent, pay a fine of one penny for every day such person shall so neglect so to pay; provided, however, that no such fines shall be so levied for any one month in gross amount exceeding the amount of such monthly rent; and in default of such payment of such rent and such fines during two consecutive months after the same have become due and payable, it shall be lawful for the Superintendent to proceed to recover the same in like manner as is provided as to hut tax by the Act No. 2 of 1869; provided that if at the expiration of such term of three months, such registered occupier is not in the possession of other movable property sufficient to pay such rent and such fines, it shall be lawful for the Superintendent to sell the right of the occupation of such hut or dwelling, and to hand to the occupier any surplus if claimed within one month; and

provided that no hut or dwelling on which any arrear of rent and fines is due and payable shall be transferred on the location register to any other occupier until all such arrears of rent and all such fines have been duly paid; and provided further that in all cases of such neglect so to pay such hut rent it shall be lawful for the Superintendent to cancel the location permit of the occupier.

Permits for residents.

189. Every adult male person domiciled with a registered occupier shall be bound within the first three days of every month to appear before the Superintendent to have his location permit renewed, and for every such permit or renewal of the same, a fee of 1s. 6d. shall be payable to the Superintendent. The number of domiciled persons to be permitted to reside in any one hut to be left to the discretion of the Superintendent.

Inhabitants to give information for register.

190. For the purpose of enabling the Superintendent to keep such register as aforesaid, it shall be the duty of every inhabitant of the location to give to the Superintendent such information as he may require for the purpose, and no such person upon being required to do so by the Superintendent, shall neglect or refuse to give any such information within twelve hours after being so required.

Inhabitants to follow lawful callings.

191. No adult person shall be registered as the occupier of any hut or dwelling, and no adult male person shall be allowed to domicile himself with any such registered occupier of a hut or dwelling, unless and except such person, when at any time required so to do, shall satisfy the Superintendent that he follows habitually some lawful occupation capable of affording such person a livelihood; and to all such persons a permit, termed the location permit, shall be issued by the Superintendent, on which shall be recorded the number of the hut of which he is the occupier, or in which he is domiciled; but which may be cancelled on such ceasing to comply with the conditions herein set forth. And every resident occupier shall appear before the Superintendent at least once in every two months for the purpose of having such permit examined and endorsed by the Superintendent; and the person to whom such permit has been issued shall, on his intending to remove from the location, deliver up such permit to the Superintendent.

And no registered occupier of any hut or dwelling shall be allowed to domicile with such hut or dwelling for any time longer than twenty-four hours, such other adult male person as shall not previously have received either the three days' permit provided for in clause 181, or the Location Permit herein mentioned.

Inhabitants to have passes.

192. Any person found in the location without being provided with such pass or certificate as Statute Law requires, or who shall neglect or refuse to produce such pass or certificate when requested so to do by the Superintendent, or other officer of the law, shall be summarily apprehended and lodged in gaol; and no occupier of a hut or dwelling shall receive into such hut or dwelling any person not so provided with such pass or certificate as the statute law requires.

Notice of change of occupation.

193. It shall be the duty of every inhabitant of the location, without his receiving notice so to do, forthwith to give notice to the Superintendent of his having changed his occupation, or of his having entered upon service with a new employer, or of his removal from one hut to another; and generally it shall be the duty of all inhabitants to see that the entries standing to their names on the location register are at all times true and correct.

Notice of absence.

194. It shall be the duty of every occupier of a hut or dwelling to report to the Superintendent any absence for more than twenty-four hours, it shall be the duty of such absent occupier to provide for the reporting of such absence to the Superintendent.

Notice of substitute.

195. Every occupier of a hut or dwelling who may temporarily leave the location, and whose hut is not to be closed to all other persons during such absence, shall in addition to giving such notice as is required by regulation, be bound to inform the Superintendent of such substitute as shall undertake the responsibilities of occupancy of such hut or dwelling during such absence; and all such substitutes shall appear before the Superintendent for the purpose of acknowledging such undertaking.

Notice of death.

196. It shall be the duty of every registered occupier of a hut or dwelling, and in his absence it shall be the duty of the person undertaking for him, forthwith to give notice to the Superintendent of the death of any person in such hut or dwelling.

Place for rubbish, &c.

197. It shall be the duty of the Superintendent, with the sanction of the Council, to point out from time to time a place or places where rubbish, filth, or litter of any kind may be deposited, together with places where privies may be erected, or where pits to be used as privies may be dug, and no person shall deposit any rubbish, filth, or litter on any other but such place or places which shall have been so pointed out.

Appointment of Health Officer.

198. It shall be lawful for the Council to appoint a Health Officer for the location and to regulate the duties of such Health Officer as from time to time may be considered expedient, and in the event of any epidemic, to make such temporary bye-laws as may be found necessary for the public health, and to report all such cases to the Mayor.

Health Officer may enter huts.

199. It shall be lawful for the Health Officer or any other person duly authorised by the Council, at all reasonable times to enter any hut or dwelling for the purpose of sanitary inspection, and every occupier of a hut or dwelling shall forthwith conform to any lawful order of the Superintendent or Health Officer to clean such hut or dwelling.

Diseased persons may be moved.

200. Any person certified by the Health Officer to be affected with any disease obnoxious to the public health, may be ordered to move from the location or to reside in a portion of the location to be reserved for such persons while such order is in force. Any person infringing this regulation shall be liable to have his location permit cancelled.

No indecency to be committed.

201. It shall not be lawful for any adult person within the location to appear outside any hut or dwelling without being clothed with such articles of dress as decency requires, and any person found committing any indecency, or making any indecent exposure, shall be summarily apprehended and lodged in gaol.

Superintendent not to be obstructed.

202. No inhabitant of the location shall obstruct the Superintendent or other officer in the execution of his duty.

Place to be set apart for bathing and washing.

203. It shall be lawful for the Council to set apart a portion of the river near the location where the inhabitants of the location may bathe or wash clothes. And no inhabitant of the location shall bathe or wash in any portion of such river not set apart for such purpose. And no person not belonging to one or other of the native races shall bathe in such part of the river so set apart by the Council.

Dogs to be registered.

204. Any inhabitant of the location desirous of keeping any dog shall have such dog registered by the Superintendent, and shall pay a licence for such dog of five shillings for every year or part of a year. This licence shall be payable annually during the month of January, and incidentally whenever any dogs come into the possession of any inhabitant. And all dogs that are not so registered, and that are unclaimed within twenty-four hours, may be lawfully destroyed by order of the Superintendent.

Shops, &c.

205. No shop or trading station shall be allowed within the location, except with the approval and during the pleasure of the Council, and no one shall bring into, make, or sell, or barter, any Kafir beer or other intoxicating liquor whatsoever in the location.

Unauthorised huts.

206. Unauthorised huts on the commonage shall be destroyed by any officer duly appointed by the Council.

MISCELLANEOUS.

Bathing.

207. No person shall be allowed to bathe in the river or on the sea-shore where there may be any public thoroughfare in use, between the hours of six o'clock in the morning and sunset, except at such place or places as may be appointed from time to time for the purpose of bathing by the Council, who shall give due notice thereof.

Ferry and Pontoon.

208. Whereas a Pontoon and Ferry Boats have been established and maintained by the Municipal Council as public means of crossing the Buffalo River, the said Council shall be considered as having established, and shall retain and have the sole right of Pontoon and Ferry, in terms of the third paragraph of Section 36 of Act 23 of 1880.

209. No person shall ply for hire as a common ferryman or waterman on the Buffalo River without the leave and authority of the Council first had and obtained.

210. The Council shall be at liberty, if they shall so think fit, to lease the right of ferrying at any one or more spots on the said river, either by the year or by the month, to such persons, and on such terms and conditions as the Council may from time to time hereafter see fit and determine.

211. The Tolls payable by persons and traffic crossing at the said Pontoon and Ferry shall be as follows: -

(a) At the crossing place known as the "Pontoon."

Between the hours of Sunrise and Sunset.

	s.	d.
For every Saddle Horse . . . . .	0	6
For every loose Horse or Head of Cattle . . . . .	0	2
For every full-sized Ox-wagon and Cattle drawing same . . . . .	2	6
For every Vehicle on wheels, except Ox-wagons, German Spiders and Scotch Carts, per wheel . . . . .	0	2½
For each animal drawing same . . . . .	0	1½
For each small Ox-wagon, Scotch Cart, or German Spider, with 8 Bullocks drawing same . . . . .	2	0
For each small Ox-wagon, Scotch Cart, or German Spider, with 6 Bullocks drawing same . . . . .	1	6

For each small Ox-wagon, Scotch Cart, or German Spider, with 4 Bullocks drawing same . . .	1	3
For each small Ox-wagon, Scotch Cart, or German Spider, with 2 Bullocks drawing same . . .	1	0
For each Wheelbarrow, and Boy with same . . .	0	3
For each Goat or Pig . . . . .	0	0½
For each Sheep, when number under 50 . . . . .	0	0½
For each Ostrich . . . . .	0	2
For each Foot-passenger . . . . .	0	1

Any excess of weight over 8,000 lbs. which may be found on any wagon shall be charged for at the rate of One Penny for every 100 lbs. weight so in excess, and carriers are required to produce the waybills of every wagon to the Pontoon-keeper when called upon to do so.

Between the hours of Sunset and Sunrise.

Foot-passengers . . . . .	0	6
All other traffic double the above Rates.		

Provided, however, that the Council shall issue printed tickets entitling Horsemen and Carts, or other Vehicles on wheels, drawn by one or two Horses or Oxen, to a passage across the river between the hours of sunrise and sunset only, upon rendering up one such ticket for each such passage, such tickets to be issued by the Council at the following rates, viz. :-

	s.	d.
For each Horseman . . . . .	0	2
For each Cart or other Vehicle on wheels, drawn by one or two Horses or Oxen . . . . .	0	4

(b) At the crossing place known as the "Ferry," being for foot passengers only.

Between the hours of 5 o'clock a.m. and 8 o'clock p.m. from the 1st October to the 31st March, and 6 o'clock a.m. and 7 o'clock p.m. from 1st April to 30th September in each year.

	s.	d.
For each Foot-passenger one penny, payable either in cash or by Municipal metal token of the value of . . . . .	0	1
For each parcel, carried by a Foot- passenger, exceeding 15 lbs in weight and not exceeding 50 lbs . . . . .	0	3

For any passenger's baggage, exceeding 50 lbs and not exceeding 500 lbs in weight, special arrangements must be made with the Ferryman, the charge, however, for entire use of boat not to exceed 1s. 6d.

No weight in excess of 500 lbs to be taken under any circumstances.

Before or after the abovementioned hours.

	s.	d.
For each Foot-passenger . . . . .	0	6
For each parcel within the weights above mentioned . . . . .	0	6

212. The above tariff of tolls shall apply to any Ferry, Pontoon, Bridge, or other public means of crossing the Buffalo River, which may hereafter be established by the Council for foot passengers or other traffic respectively.

213. No person shall damage, destroy, injure, or otherwise molest or interfere with any Pontoon or Ferry Boat, the property of the Council, or of their Lessees, servants, or Agents, or any tackle or appliances used for working the same, or in any way connected therewith; and any person infringing this regulation shall, on conviction (in addition to the penalty incurred), be condemned to pay to the Council such sum as the Magistrate may assess as and for damages sustained by the Council by reason of such infringement.

214. No person shall obstruct any approach to any duly authorised Pontoon or Ferry, or in any other way interfere with the working of the Pontoon or Ferry, or the convenience of the public in relation thereto.

Powers of Council to enclose erven.

215. For the purpose of preventing the further drifting of sand within certain portions of the township, and for the purpose of preventing traffic across sidepaths, the Council shall be invested with the necessary authority to call upon the owners of such erven as they deem necessary to be fenced to cause the same to be done, and in the event of their failing to do so within a given time, to be notified by public notice to be inserted in the local press to that effect, the Council shall cause the same to be done, and recover the cost of so doing from the owners thereof by process of law, and further to assist in carrying out the object in view, the Council shall be empowered to cause any of the public

squares which the Council might at any time deem necessary to be enclosed.

Notice to be given of sale and purchase of property.

216. It shall be incumbent upon every seller and purchaser of immovable property with the Municipality, forthwith to give written notice of every such sale and purchase to the Municipal Council, and in default of such notice being given the owner of such property whose name appears on the books of the Council shall, in addition to a fine for breach of this regulation, be liable for payment of all rates payable on such property.

Cruelty to animals.

217. No person or persons shall wantonly irritate, torture, cruelly beat or otherwise maltreat any horse or any other animal, whether attached to a vehicle or not, within the limits of the Municipality or the commonage.

Dynamite, &c.

218. No person shall make use of dynamite or any other combustible, for the purpose of killing fish in the Buffalo River, or elsewhere within the limits of the Municipality.

Gunpowder, &c.

219. All persons storing gunpowder contrary to Clause 65 of the Act No. 23 of 1880, or transporting gunpowder from any ship, vessel, or boat, to any part of the beach, wharf, river, or town, or to any licensed store, magazine, or other place, or out of the Municipal limits or otherwise, except by such route or routes or in such manner as may from time to time be ordered by the Council, shall be liable on conviction to a penalty of five pounds sterling for every keg or distinct parcel of gunpowder so transported as aforesaid, and in default of payment shall be liable to imprisonment for any period not exceeding three months. And no person shall be allowed to use, store, or remove in any dangerous manner any fireworks, or inflammable, or explosive material whatsoever, without permission having been first had and obtained from the Council.

Inspection of weights and measures.

220. The Council or such person or persons as they may from time to time appoint, shall be empowered to inspect and examine all weights and measures that may be in use at

any and every public store or place of business where buying and selling are carried on, and shall assize the same according to the standard authorised by law, and in the event of such weights and measures being so assized and found incorrect, to seize the same and cause such to be destroyed, and every person found guilty of using such incorrect weights and measures for the purpose of trade shall be subject to such penalty on conviction as the Magistrate shall inflict.

Registration of dogs and dog tax.

221. Any person keeping one or more dogs shall cause them to be registered at the Town Clerk's office, and pay 5s. (five shillings) annually for each dog, and shall further provide each dog with a collar to which the Municipal register ticket shall be attached. A dog found in any street or public place without such Municipal register ticket or number, may be lawfully destroyed. Such registration to be available only for the year ending on the 31st December next after date of issue.

Dog pound.

222. It shall be lawful for the Council to establish or permit the establishment of a pound or dog home, where dogs found unregistered, and whose owner cannot be traced, may be impounded and kept three days before being destroyed or otherwise disposed of, and the Council shall be at liberty, if any dog shall not have been claimed at the expiration of three days from date of such impounding, to destroy, sell, or otherwise dispose of the same.

Quarries, &c.

223. No person shall be allowed to work any brickyard, quarry, clay-pit, gravel-pit, or sand-pit, without a yearly licence being first obtained from the Council, for which a fee to be fixed from time to time by the Council shall be payable in advance to the Council, for any such brickyard, quarry, clay-pit, gravel-pit, or sand-pit, and such licence shall in no case be transferable, without the consent of the Council; and no such brickyard, quarry, or pit, shall be worked except at places pointed out by the Council, nor shall any such brickyard, quarry, or pit be left in a state of neglect or uselessness for more than two months, otherwise the right to the same shall be forfeited.

Carriage tax.

224. It shall be lawful for the Council to demand and take from all resident householders, or others plying as common carriers, within the Municipality the subjoined taxes in respect of carriages or vehicles in the use of such resident householders, or common carriers, within the said limits.

(1). On every four-wheeled vehicle drawn by horses or oxen, and constructed and used for the transport of goods £2.

(2). On every vehicle with less than four wheels and drawn by horses or oxen, constructed or used in the transport of goods or for the purposes of any trade, £1 10s.

(3). On every four-wheeled vehicle drawn by more than one horse or ox constructed and used only for the conveyance of persons, £1.

(4). On every spring two-wheeled vehicle drawn by two or more horses or oxen constructed and used only for the conveyance of persons, £1.

(5). On every spring two-wheeled vehicle drawn by two or more horses, constructed and used for the conveyance of goods or for the purposes of trade generally, £1 10s.

(6). On every four-wheeled vehicle drawn by one horse or ox, and constructed and used for the conveyance of persons only, £1.

All such carriage taxes shall be payable at the office of the Town Clerk annually in the month of January where all carriages or other vehicles shall be registered with one month after they shall have been brought into use before the 1st day of August in any year, such carriage need not be registered and shall not be amenable to the tax before month of January next ensuing. Any person neglecting or refusing to register in accordance herewith, any vehicle that he may have brought into use, for neglecting or refusing to pay the taxes herein provided for within thirty days after the same shall become due and payable, shall be liable to such penalty as the Magistrate may inflict, in addition to such taxes.

Compulsory registration of birth.

225. It shall be the duty of the parents of any child or children which may be born within the municipality, and of the occupier of any house in which the birth of a child or children shall take place within the municipality, and of the presiding resident officer of every public institution in which such birth shall take place, to report such birth, and the name of such child at the

Town-office, within fourteen days after such birth shall have taken place.

The like of deaths.

226. On the death of any person within this municipality, it shall be the duty of the occupier of the house in which such death shall occur to report the same at the Town-office within twenty-four hours, stating the name of the deceased, his or her place of birth and last abode, the date and cause of death, and all such further information as may be likely to lead to the identity of the deceased, in case he or she shall be a stranger, as shall be in the knowledge of the person making such report.

Register of births, marriages, and deaths.

227. It shall be the duty of the Town Clerk to register in a book to be kept for that purpose a true and faithful account of every birth, marriage, and death, and to give a certificate of such registration to any person on payment of a fee of one shilling.

228. It shall be incumbent on every minister of religion and other marriage officer to forward to the Town Clerk quarterly on the 31st March, 30th June, 30th September, 31st December, returns of all marriages solemnized before him.

No burial to take place without certificate.

229. No undertaker or other person shall enclose a corpse in any coffin, or otherwise prepare the same for burial, and no minister or other person shall bury such corpse, until a certificate referred to in the last preceding clause of these regulations shall have been exhibited to him, except in cases where Sundays and public holidays intervene, when it shall be lawful for the aforesaid persons to proceed with the burial without such certificate; Provided, however, that in every such case the certificate must be obtained on the following day.

Names of streets, numbers, &c.

230. No person shall be allowed to remove, obliterate, destroy, or efface the name of any street, road, lane, or square, or the number of the district or the number of any house, store, cellar, or other building, as painted or otherwise described, by order of the Council (for which painting or description authority is hereby given to the said Council), of the corners of the said several streets,

lanes, roads or squares, up upon the said houses, stores, cellars, or other buildings within the Municipality; and it shall not be lawful for any person to alter, or to paint, or mark, at the corner of any street, road, lane or square, any name or number, or to paint, or mark upon any house, store, cellar or other dwelling, any number other than that painted or marked at the corners of the said several streets, lanes, roads, or squares or upon the said houses, stores, or cellars, or other buildings, by direction of the said Town Council: Provided always that any person being the occupier or other proprietor of any house, store, cellar or other building, having a business or other established number, shall be allowed to keep the same over the door, or at such other place as he may deem fit, in addition to the municipal number; and shall also be allowed, on condition that the same number of the house, store, cellar, or other building shall be repainted, or again described as before, to efface, obliterate, or temporarily remove the said municipal number, as the case may be, whenever required for the purpose of painting, white-washing, or repairing any house, cellar, store, or other building.

Officers not to be molested.

231. No person shall interfere with, molest, or obstruct any officer or person appointed by the Council to exercise or carry out any power vested in the Council, or in enforcing the observance of any bye-law now or hereafter to be enforced within the municipality.

Natives not to be in town after sunset.

232. No native shall be allowed within the limits of the Municipality after 8 o'clock p.m. (except servants, who must be provided with a pass by his or her employer), which pass must be renewed on each occasion of the servant leaving the premises, and must bear the date when granted, and no native shall be allowed at any time to carry any stick or sticks within the limits of the Municipality, except such as may be considered as light walking sticks, and the Council shall at any time have the right to take away all sticks from natives, when it may think fit to do so.

Unpaid rates.

233. In the event of any rates being at any time overdue and unpaid for the space of nine calendar months after the date fixed for payment thereof, the defaulter shall to the Council pay a further sum of 5 per cent, on the amount of such rates.

Bread to be sold by the weight.

234. No person shall be allowed to sell bread, except by weight, within the limits of the municipality.

Bees.

235. No person shall be allowed to keep a hive or hives of bees within the limits of the municipality.

Street-keepers, &c., to be sworn in as Special Constables.

236. Street-keepers and Location Inspectors shall be sworn in as special constables, and shall have all the powers and authority of a police constable for municipal purposes.

Penalty clause.

237. For and in respect of any contravention of the provisions made in any of the foregoing regulations, any person so contravening the same shall incur and be liable to a penalty not exceeding £5; such defaulter shall, in case he shall not forthwith pay any fine imposed upon him, be liable to imprisonment with or without hard labour for any period not exceeding three calendar months, and all fines recovered under these regulations shall be payable to the Council on behalf of the funds of the Municipality, and all police constables are hereby authorised and required to arrest all persons contravening any of the foregoing regulations where such contravention shall come under or be brought to the immediate notice of such police constables.

Interpretation clause.

238. In the interpretation of these regulations, unless the context be inconsistent with the meaning hereby assigned: -

"Horses" shall include mules, asses, colts, fillies, foals, and mares.

"Cattle" shall include bulls, cows, oxen, heifers and calves.

"Sheep" shall include rams, ewes, wethers and lambs.

"Streets" shall include any highway, road, bridge, lane, footpath, square, court, alley, and passage, whether the same respectively be thoroughfares or not.

Words of the singular number shall include the plural, and vice versa, and words of the masculine gender shall include the feminine. The Town Clerk or other person whom the Council may appoint by resolution or power of attorney

may lawfully prosecute in all cases falling under the provisions of these regulations.

Repeal of former regulations.

239. From and after the promulgation of these regulations, all Municipal Regulations previously in force within the Municipality of East London shall be and hereby are repealed.

NOVEMBER 1884 [1]

Amended Regulations

£ s. d.

Regulation No. 221 to be rescinded and the following substituted: -

221. Any person keeping one or more dogs over the age of six months, within the limits of the municipality, shall cause the same to be registered at the Town Clerk's Office, and pay 5s. annually for such registration of each dog, and shall further provide each dog with a collar to which the Municipal register ticket shall be attached, such registration to be available only for the year ending 31st December next after day of issue. Any person or persons failing to register such dog or dogs within 30 days from the 1st January in each year, shall incur and be liable to the penalty in clause No. 237.

221 a. Any dog of the age of 6 months or upwards, found in any street or public place or on the commonage within the limits of the municipality, without having on a collar with the metal ticket attached (as mentioned in the last preceding regulation) may be disposed of as provided in the succeeding regulation by the street-keeper or other officer appointed by the Council for that purpose.

Regulation No. 95 to be rescinded and the following substituted: -

95. No person shall crack or otherwise use the lash of any long wagon whip in any street or public place within the municipality.

Regulation No. 224 to be amended as follows: -

224. It shall be lawful for the Council to demand and take from all persons residing within the limits of the municipality, whether plying as common carriers or otherwise, and from all persons non-resident but plying as common carriers within the limits of the municipality, the subjoined taxes in respect of carriages or vehicles in the use of such residents or common carriers, within the said limits:-

- |   |   |    |   |
|---|---|----|---|
| (1) On every four-wheeled vehicle drawn by horses or oxen, and constructed and used for the transport of goods . . . . .  | 2 | 0  | 0 |
| (2) On every vehicle with less than four wheels and drawn by horses or oxen, constructed or used in the transport of goods or for the purpose of any trade . . . . .    | 1 | 10 | 0 |
| (3) On every four-wheeled vehicle drawn by more than one horse or ox, constructed and used only for the conveyance of persons . . . . .                                 | 1 | 0  | 0 |
| (4) On every spring two-wheeled vehicle drawn by two or more horses or oxen, constructed and used only for the conveyance of persons . . . . .                          | 1 | 0  | 0 |
| (5) On every spring two-wheeled vehicle, drawn by two or more horses, constructed and used for the conveyance of goods or for the purposes of trade generally . . . . . | 1 | 10 | 0 |
| (6) On every vehicle with two or more wheels drawn by one horse or ox, and constructed and used for the conveyance of persons only . . . . .                            | 1 | 0  | 0 |

All such carriage taxes shall be payable at the office of the Town Clerk annually in the month of January, where all carriages or other vehicles shall be registered within one month after they shall have been brought into use: provided, however, that in respect of any vehicle brought into use between the 1st January and 1st July in any year, such taxes shall be payable at the time of registration, but in respect of any vehicle which shall not have been brought into use before the 1st July and the 31st December

in any year, half the said tax shall be payable. All such licences shall be renewed on the 1st January in each year.

Any person neglecting or refusing to register, in accordance herewith, any vehicle that he may have brought into use, or neglecting or refusing to pay the taxes herein provided for within thirty days after the same shall have become due and payable, shall be liable to such penalty as the Magistrate may inflict in addition to such taxes.

Additional Regulations to be incorporated and included in existing Municipal Regulations.

No. 65 a. No person shall leave or cause or allow to be left on the footpath or roadway of any street at any time during the day or night, any vehicle or vehicles with or without animals attached thereto, or any goods, wares, merchandize, packages, or materials of any description, in

such manner that the passage shall be thereby inconvenienced or obstructed: provided, however, that in the case of any wagon or other vehicle loading or unloading, a period of three hours during the day time from the commencement of such loading or unloading shall be allowed for the removal of such wagon or other vehicle and its contents.

202 a. No person, whether residents of any location or otherwise, shall be allowed to create or join in a disturbance in any hut or other part of any location, and in the event of any such disturbance taking place in any hut, the Superintendent or any headman is hereby authorized to enter such hut for the purpose of stopping such disturbance and ascertaining the names of persons joining in the same.

NOVEMBER 1884 [1]

Amended Regulations

Regulation 189 to be amended as follows: -

189. Every adult male person domiciled with a registered occupier shall within the first three days of his arrival obtain from the Superintendent a permit to be so domiciled, and shall pay for such permit the sum of 1s. 6d., and shall be bound within the first three days of every month to appear before the Superintendent to have the said permit renewed, and for every such renewal of the same a fee of 1s. 6d. shall be payable to the Superintendent. The number of domiciled persons to be permitted to reside in any one hut to be left to the discretion of the Superintendent.

Regulation no. 232 to be amended as follows: -

232. The word "Municipality" in the second line to be taken out and the word "Town" inserted instead. For the purposes of this Regulation the word Town shall be defined as follows:

From the beach on the West Bank of the Buffalo River in a straight line to Baker's Wells, thence to the Eastern corner of the Harbour Works Reservoir, thence in a straight line to Fort Glamorgan, thence to the Cross Roads, thence in a straight line to the Pontoon, thence across the Buffalo River, thence following the right bank of the First Creek River to the corner of Acre 15, C, thence continuing on the right bank to the intake of the Railway Reservoir, thence to the 2nd Railway Crossing at the upper end of Oxford-street, thence in a straight line to the corner of Lot 53 German Village Allotments, thence following the left bank of the Blind River to the Harbour Works fence, thence following the fence southwards to the sea, thence along the sea-coast crossing the Buffalo River at its mouth, to the point first mentioned on the West Bank of the Buffalo River.

APRIL 1886 [1]

211. The tolls payable by persons and traffic crossing at the said Pontoon and Ferry shall be as follows:

(a) At the crossing place known as the Pontoon, Between the hours of 5 o'clock a.m. and 8 o'clock p.m. from the 1st October to 31st March, and between the hours of 6 o'clock a.m. and 7 o'clock p.m. from 1st April to 30th September in each year.

	s.	d.
1. For every saddle horse . . . . .	0	3
2. For every loose horse or head of cattle . . . . .	0	2
3. For every full-sized ox wagon and cattle drawing same . . . . .	2	6
4. For every small ox wagon, Scotch cart or German spider with 8 bullocks . . . . .	2	0
5. do. do. 6 bullocks . . . . .	1	6
6. do. do. 4 bullocks . . . . .	1	3
7. do. do. 2 bullocks . . . . .	1	0

[For 3 to 7] Half toll to be charged for re-crossing if returning on the same day between the hours above-mentioned.

8. For every vehicle on wheels, except ox wagons, German spiders and Scotch carts, per wheel . . . . .	0	2½
9. For each animal drawing same . . . . .	0	1

[For 8 and 9] Such vehicles as are used for the conveyance of goods only to recross at half toll if returning on the same day between the hours above-mentioned.

10. For every wheelbarrow and boy with same . . . . .	0	3
11. For every hand truck and two boys . . . . .	0	4
12. For each goat or pig . . . . .	0	0¼
13. For each sheep when number under 50 . . . . .	0	0½
14. For each additional sheep over 50 . . . . .	0	0¼
15. For each ostrich . . . . .	0	2
16. For each foot passenger . . . . .	0	1

Any excess of weight over 8,000 [lbs.] which may be found on any wagon shall be charged for at the rate of 1d for every 100 lbs. weight in excess, and carriers are required to produce the waybills of every wagon to the pontoon-keeper when called upon to do so.

Before or after the above-mentioned hours, foot passengers 6d.  
All other Traffic double to above rates.

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1. Government Gazette, 13.4.1886. Proclamation 47 of 1886.

JUNE 1886<sup>[1]</sup>AMENDED REGULATIONHut-Tax

188. Every registered occupier of a hut or dwelling shall within the first three days of every calendar month, pay or cause to be paid to the Superintendent, the sum of two shillings, as occupation rent for such month, and shall, in addition to the amount of rent, pay a fine of one penny for every day such person shall so neglect to pay; provided, however, that no such fines shall be levied for any one month in gross amount exceeding the amount of such monthly rent; and in default of such payment of such rent and such fines during the two consecutive months after the same have become due and payable, it shall be lawful for the Superintendent to proceed to recover the same in like manner as is provided as to hut-tax by the Act No. 2 of 1869; provided that if at the expiration of such term of two months, such registered occupier is not in the possession of other moveable property sufficient to pay such rent and such fines, it shall be lawful for the Superintendent to sell the right of the occupation of such hut or dwelling, and to hand to the occupier any surplus if claimed within one month; and provided that no hut or dwelling on which any arrear of rent & fines is due and payable shall be transferred on the location register to any other occupier until all such arrears of rent and all such fines have been duly paid; and provided further that in all cases of such neglect so to pay such hut-rent it shall be lawful for the Superintendent to cancel the location permit of the occupier.

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1. Government Gazette, 8.6.1886. Proclamation 86 of 1886.

DECEMBER 1886 [1]

ADDITIONAL REGULATION

150(a) In case of drought, repairs to works or the existence of any other cause which in the opinion of the Council may render it desirable to regulate, limit, or stop the supply of water either in the mains or in any one or more leadings for domestic or other purposes, it shall be lawful for the Council to do so on giving not less than twenty-four hours notice, in writing, to the holders of the leadings affected, or by public advertisement at the option of the Council.

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1. Government Gazette, 4.1.1887. Proclamation 218 of 1886.

JANUARY 1888 [1]

AMENDED REGULATION

Regulation 32. Instead of the words "two days" in the 6th line, the words "seven days, provided such animals be herded" be inserted between the words "exceeding" and "after".

Regulation 70. The word "water" to be inserted between the words "to" and "feed", and the words "excepting while standing in harness" between the words "horse" and "or", both in the second line.

Regulation 211, Sec (b). The words "between the hours, &c. &c." to and including the words "30th September in each year" to be cancelled. The tariffs to be altered as follows: -

	s. d.
For each foot passenger crossing between the hours of 5 a.m. and 9 p.m. (payable either in cash or by Municipal token) . . . . .	0 1
Do., between the hours of 8 p.m. and 12 p.m. . . . .	0 3
Do., between the hours of 12 p.m. and 5 a.m. . . . .	0 6
For each parcel, carried by a foot passenger, exceeding 15 lbs. in weight and not exceeding 50 lbs, between the hours of 5 a.m. and 8 p.m. . . . .	0 3
Do., between the hours of 8 p.m. and 5 a.m. . . . .	0 6

The words "before or after the above-mentioned hours &c &c" to the end of the Regulation to be cancelled.

Regulation 192 to read as follows: "Any person found in the location without being provided with such pass or certificate as statute law requires, or such permit as is required by the East London Municipal location regulations, or who shall neglect or refuse to produce such permit, or certificate when requested to do so by the Superintendent or other officer of the law shall be summarily apprehended and lodged in gaol, and no occupier of a hut or dwelling shall receive in such hut or dwelling any person not so provided with such permit, as above mentioned, or pass, or certificate, as the statute law requires."

Regulation 211 (as amended on the 7th November 1884) to be further amended by the cancellation of the words "within thirty days from the 1st January in each year."

Regulation 222. The words "and whose owner cannot be traced" to be cancelled.

ADDITIONAL REGULATION

237 (a) In all cases of prosecution for contravention of any one or more of these regulations, the Magistrate shall have power to order the costs of such prosecution to be paid by the person convicted, in addition to the penalty.

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1. Government Gazette, 17.1.1888. Proclamation 1 of 1888.

JUNE 1888<sup>[1]</sup>

ADDITIONAL REGULATION

No. 88 a. No person shall keep a disorderly house, a bawdy house, or a gaming house within the Municipality, nor shall any house be let for such a purpose.

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1. Government Gazette, 8.6.1888. Proclamation 103 of 1888.

JULY 1893<sup>[1]</sup>ADDITIONAL REGULATION

No. 101 A. Cab Fares. - Tariff for the conveyance of one or two persons; if more than two the charge is to be 50 per cent in addition.

(1) From any one part of the town, East Bank to another part, including Southernwood, the Beach Cottages, and the Landing Stage, single journey, 1s.; return, 1s. 6d.

(2) From any one part of the town to another on the East Bank, excluding Southernwood, to the Beach Cottages, and the Landing Stage, single journey, 6d.; return, 9d.

(3) From any part of the town, East Bank, to the town on the West Bank, including Pontoon fee of 2s., single journey, 5s.; return 6s.

(4) A ride from any part of the town west of the Railway line, through the Park, and back to the same place, 2s.

(5) A ride from any part of the town east of the Railway line, i.e. Southernwood or Beach, through the Park and back to the same place, 3s.

(6) For the time detained kept waiting a charge of 6d. (not each person) for every [quarter] hour will be made in addition to the above fares.

(7) The vehicles can be hired by the hour at the rate of 2s. 6d. per hour or part of an hour, but no fare less than 2s. 6d., and the vehicle to be left within the limits of the town.

Every registered cab standing or being in the public streets shall be deemed as plying for hire, and the driver thereof shall not refuse to accept an offer of engagement except actually hired, in which case a placard bearing the word "engaged" must be exhibited on either side of the driver's seat. Any person guilty of making a higher charge than is hereby authorised, or refusing to accept an engagement, unless actually engaged, shall, upon conviction, be liable to a penalty not exceeding £5; or in default of payment, to be imprisoned with or without hard labour for a period not exceeding one month, unless such penalty be soon paid.

AMENDED REGULATION

Regulation No. 3 is amended to read as follows: -

Should there at any time appointed for a meeting whether ordinary or special, not be a sufficient number of Councillors present to form a quorum, the Mayor, or in his absence any Councillor who may be elected to preside, shall after waiting until fifteen minutes after the official time, declare the meeting adjourned, and shall fix a time for another meeting to be held in its stead, of which twenty four hours notice shall be given in writing to each Councillor.

MAY 1894 [1]

ADDITIONAL REGULATION

The following clause shall be added to Regulations Nos 65A and 95, proclaimed on the 7th November, 1884 and Regulation 88A, proclaimed on the 6th June, 1888: -

For and in respect of any contravention of the provisions of Regulations 65A, 88A and 95, any person contravening the same, shall incur and be liable to a penalty not exceeding £5. Such defaulter shall, in case he shall not forthwith pay any fine imposed upon him, be liable to imprisonment, with or without hard labour, for any period not exceeding three calendar months, and all fines recovered under these Regulations shall be payable to the Council on behalf of the Municipality.

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1. Government Gazette, 11.5.1894. Proclamation 139 of 1894.

JULY 1894<sup>[1]</sup>

AMENDED REGULATION

From and after the date of promulgation hereof, Regulation No. 237 shall be repealed and in place thereof the following shall be the Regulation No. 237: -

237. For and in respect of any contravention of the provisions of any Regulation heretofore made, or which may hereafter be made by the Council, any person so contravening the same shall incur and be liable, upon conviction, to pay a penalty not exceeding £5, or to be imprisoned (with or without hard labour) for any period not exceeding three months, unless such penalty be sooner paid.

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1. Government Gazette, 27.7.1894. Proclamation 236 of 1894.

APPENDIX 8

EAST LONDON MUNICIPAL REGULATIONS ISSUED IN TERMS OF  
THE EAST LONDON MUNICIPALITY AMENDMENT ACT OF 1895  
AND OTHER APPLICABLE ACTS OF PARLIAMENT

OCTOBER 1895 [1]

DIVISION OF WARD

Ward No. 3, to include that portion of the Municipality of East London situate on the East Bank of the Buffalo River: (1) North of and including the North side of Union Street, or a line drawn either way to points on the Buffalo River and the permanent way of the Cape Government Railway respectively in continuation thereof; and (2) West of the permanent way of the Cape Government Railway.

Ward No. 4, to include the whole of the remaining portion of the Municipality of East London, not included in the Wards Nos. 1, 2 and 3.

FEBRUARY 1898 [1]

AMENDED REGULATION

233. No building shall be commenced or altered within the limits of the Municipality before the plans for such buildings are first submitted to and approved of by that Council.

234. All plans shall be in duplicate, and shall show such particulars as the Council may from time to time require and appoint.

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1. Government Gazette, 15.2.1898. Proclamation 55 of 1898.

AUGUST 1898 [1]

ADDITIONAL REGULATIONCYCLING

1. Any person or persons who shall run, trundle or ride a bicycle or other vehicle, or propel, or cause to be propelled, any bicycle, tricycle or other vehicle whether the said bicycle, tricycle or any other vehicle is run, driven or propelled by the physical action of the said person or persons, or caused to be run, driven or propelled by any other agency save that of beasts of burden, in any direction within the limits of the Municipality at any time after sunset, and before sunrise, shall exhibit a good and sufficient light from the front of such bicycle, tricycle or other vehicle.

2. Any person or persons who shall run, trundle or ride or in any other way propel or cause to be propelled in any direction, any bicycle, tricycle or any other vehicle, whether propelled by human, physical or any other agency, appliance or means, save that of beasts of burden, within the limits of the Municipality shall not permit the said bicycle, tricycle or other vehicle when in motion to exceed a speed of seven miles per hour while the said bicycle, tricycle or other vehicle as aforesaid is traversing or moving in any street within the limits of the Municipality; and further, all such persons aforesaid shall keep a bell or other mechanical alarm of a pattern and design to be approved of from time to time by the Town Council, affixed to the bicycle, tricycle or other vehicle, and such bell or other approved alarm shall be kept in good order, and rung at such times as are necessary to warn other persons who are in the streets of the approach of such bicycle, tricycle or other vehicle, in order to avert a threatened or possible danger of accident.

3. No person or persons shall run, trundle, ride, propel, or in any way cause to be trundled, ridden or propelled any bicycle, tricycle or other vehicle as above mentioned, on any footpath, sidepath or footbridge, within the limits of the Municipality.

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1. Government Gazette, 23.8.1898. Proclamation 239 of 1898.

DECEMBER 1901 [1]

## CHAPTER VI.

## REGULATIONS FOR VEHICLES PLYING FOR HIRE, &amp;c.

1. Every vehicle for the conveyance of passengers plying for hire, and every vehicle plying for hire within the Municipality, together with the horse or horses, or other animals and the harness thereof, before being so employed, must exhibit in front of the Municipal Office, or at such other place, and at such times as the Council may require for the purpose of being examined by such persons as the Council may appoint, in order to ascertain whether such vehicle is in good repair, and is fit and proper in other respects for the work to be performed, and affords sufficient room for the number of persons it is intended to carry, and in order that such number of persons may be fixed, and such vehicle, if approved, be numbered, licensed, and registered, and the proprietor of such vehicle shall annually pay for every four-wheeled vehicle licensed, to carry more than four passengers, the sum of two pounds, for every other four-wheeled vehicle the sum of one pound ten shillings, and for every two-wheeled vehicle the sum of one pound sterling, on receiving from the Town Clerk a certificate of such registration, and of the number of passengers to be conveyed by such vehicle; provided that such certificate may be transferred with the consent of the Council, upon payment to the Council of two shillings and sixpence for such transfer.

2. Such registration and payment shall be renewed annually, so long as any such vehicle shall be employed or ply for hire as aforesaid; and provided also that every such vehicle so registered and employed, as aforesaid, shall be exhibited for inspection at such place and times as the Council may require, at least once in every six months, and every such registration shall be endorsed on the register.

3. No vehicle shall be entitled to ply for hire until passed and registered and licence for such purpose shall have been granted, and the proprietor of any such vehicle so plying for hire without having taken out the necessary licence shall upon conviction be liable to a penalty not exceeding five pounds.

4. The proprietors of all registered vehicles shall be bound to keep them clean and in a state of good and efficient repair, and the harness provided shall be sufficient and in good repair, and they shall provide a duly qualified driver, decently attired, for the same, who shall annually apply for and receive a licence from the Town Clerk, for which he shall pay ten shillings; which licence or duplicate thereof he shall be bound to produce on demand; and every omnibus shall be attended by at least one duly qualified conductor. The animals employed in working all vehicles shall at all times be kept in good working condition.

5. All vehicles registered as aforesaid must have the registered number, together with the number of passengers each is licensed to carry affixed to some conspicuous part of the outside of the said vehicle in legible characters, the number to be in figures of not less than two inches in height, and each driver or conductor shall be obliged to wear in some position where it can be easily seen a badge to be obtained at the Municipal Offices, upon which shall be represented the number of the omnibus or other vehicle to which he belongs.

6. No vehicle plying for hire within the limits of the Municipality shall be allowed to carry a greater number of passengers than that painted upon it and registered in the books of the Municipality, and all omnibuses shall have painted on the inner side of the door of each vehicle the names of the places to which they run and fares payable to and from each place. Two children under ten years of age shall reckon as one adult, and every cab must have affixed in a conspicuous place on the inside the fares payable within the limits of such Municipality.

7. The Fares for Passenger Traffic within the Municipality shall be as follows: -

1. From any one part of the Town East Bank to another part including Southernwood, Belgravia, the Beach Cottages and the Landing Stage, single journey for each person 1s., return journey 1s. 6d.

2. From any one part of the Town to another of the East Bank including Recreation Ground and Agricultural Showground, excluding the Beach Cottages, Southernwood,

Belgravia, and the Landing Stage, single journey for each person 6d., return journey 9d.

N.B. The 6d. fare in the direction of the Beach is limited by Chamberlain's Corner, Inverleith Terrace.

3. From any part of the Town East Bank to the Town on the West Bank (in addition to the Pontoon fee of 2s.) single journey for each person 3s., return journey 4s. 6d.

4. A ride from any part of the Town west of the Railway Line through the Park and back to the same place, for each person 2s.

5. A ride from any part of the Town east of the Railway line, i.e. Southernwood or Beach, through the Park and back to the same place for each person 3s.

6. For the time a vehicle is kept waiting a charge of 6d. (not each person) for every quarter of an hour will be made in addition to the above fares.

#### Tariff by Time.

The following are the charges for the hire of vehicles by time (and not for each person riding in it), but the charge in no instance shall be less than for one hour and the vehicle to be left within the limits of the town: For one person per hour 2s. 6d.; for each additional person up to four inclusive, per hour, 1s.; for each additional person over four, per hour, 9d.; children under 12 years of age half-price.

8. When hired by time or distance the driver shall be bound to drive at a proper speed, i.e. not less than six miles per hour on hard road, unless requested to drive at a slower rate.

9. Every registered vehicle when in the public street shall be deemed to be plying for hire, and the driver thereof shall not refuse to accept an offer of engagement unless actually hired at the time, the proof of which shall lie on the driver by exhibiting a board with the word "engaged" painted thereon.

10. Every passenger shall be allowed twenty pounds of luggage without extra charge, over that weight the charge for excess to be at the rate of 3d. (threepence) for every twenty pounds or part of that weight.

11. Every driver of a registered vehicle shall, on being engaged, produce his number if requested to do so by a passenger.

12. In case of dispute between the hirer and driver, the hirer may require the driver to proceed to the nearest police station where the complaint will be entered and enquired into, and if well founded the party offending will be prosecuted.

13. All property left in registered vehicles shall be sent to the police station within twelve hours if not sooner claimed by the owner, such owner on proof of ownership and on payment of sixpence for the driver, and the charges, if any, payable to the police for safe custody, shall be entitled to delivery thereof.

14. Vehicles plying for hire shall not be allowed to stand in the public street except at such places and in such order as the Council shall from time to time make known, and unless otherwise provided all vehicles plying for hire shall stand in rank one behind the other on the proper and appointed stands, and every vehicle arriving at a stand where there are other vehicles shall take the last place thereon; and when any person calls a vehicle generally without naming or indicating any one in particular, the first vehicle in the rank shall be taken to be the one called, and no other vehicle shall leave the rank to such call.

15. No driver of any registered vehicle shall use in his said vehicle a jibbing horse, and shall if convicted a second time be liable to have his licence cancelled in addition to penalty.

16. The driver of any registered vehicle shall not be obliged to carry any person in a state of intoxication, filthy, or affected with any contagious disease.

17. If any driver or conductor is convicted of any charge connected with his occupation, the Magistrate may demand his licence and endorse thereon the nature of the offence and the penalty imposed, and in case of a second or subsequent conviction the licence may be cancelled by the Council.

18. A copy of these regulations, with the tariff of charges as framed by the Council for the time being shall be supplied by the Town Clerk for the proprietor of every vehicle, who shall be bound to affix the same in some conspicuous place inside such vehicle.

19. All wagons, carts, drays, rickshaws or other vehicles plying for hire or used for the purpose of trade within the Municipality, shall have the name of the owner thereof legibly painted on the left side thereof in legible letters of not less than two inches in size.

20. Every proprietor of any wagon, dray, cart, rickshaw or other vehicle plying for hire as common carriers shall annually apply for, and after inspection and approval as provided in clause 1 of these regulations, shall receive from the Town Clerk a licence and a number on a tin plate for such vehicle upon payment of a licence according to the following tariff, and every resident householder shall be liable to pay at the Town Office on or before the 3rd January in each year the subjoined taxes in respect to carriages or vehicles in use of such Resident Householder.

(a) For every four wheeled vehicle drawn by horses, mules, asses, or oxen, used for the transport of goods or other purposes of any kind, £2.

(b) For every vehicle with less than four wheels, drawn by one or more horses, mules, asses or oxen used for the transport of goods or for the purpose of any trade, £1 10 0d.

(c) For every rickshaw, 10s. per annum or part of a year.

(d) On every vehicle for private use, drawn by one horse, mule, or other animal, 10s.

(e) On every vehicle for private use, drawn by two horses, mules, or other animals, £1.

21. All licences referred to in this chapter shall be payable at the Town Office not later than the 3rd day of January in each year; provided, however, that in respect of any vehicle brought into use between the 1st January and 30th June in any year such licence shall be paid as if for a whole year, and in respect of any vehicle brought into use between 1st July and 31st December in any year half the said licence shall be payable, and all the said licences shall terminate on the 31st December next following the date of such licence.

22. The owner of any vehicle referred to in this chapter who shall neglect or refuse to register the same, or to pay the licence therefor bringing the same into use shall be liable to a penalty not exceeding £10 or in

default of payment to imprisonment with or without hard labour not exceeding 3 months.

23. Any person contravening any of the regulations in this Chapter for which no special penalty is provided shall be liable upon conviction to a penalty not exceeding £10.

24. The driver of any vehicle as aforesaid having engaged himself to convey a fare or carry goods or merchandise of any description shall be bound to convey or carry same to where directed.

25. Any person having engaged a vehicle and refusing to pay the proper fare shall be liable upon conviction to the penalty imposed for a breach of the regulations.

26. The Council may in such case where it is considered necessary insist upon brakes being fixed to and on vehicles plying for hire.

27. No driver of a vehicle shall permit any person to stand upon the spring step or outside portion of such vehicle while in motion, and no person shall be allowed to stand upon the spring step or outside portion of any vehicle while in motion.

28. The driver of any vehicle having made an engagement to take up a fare, goods, or freight at a given time, and failing to do so shall in addition to the penalties contained herein be liable to have his licence cancelled or suspended at the discretion of the Council after conviction by the Magistrate.

Omnibus to be stopped for taking up and setting down passengers on signal.

29. Every conductor or driver of an omnibus in which there is sufficient accommodation shall upon being hailed by a person desirous of travelling by such omnibus stop the same and take up such intending traveller with all convenient speed, having due regard to the regulations relative to the control of vehicles and the public traffic generally, and shall also upon being requested so to do by any passenger likewise stop such omnibus with all convenient speed for the purpose of setting down any passenger who may be desirous of alighting from such omnibus, and due provision shall be made for convenient communication between the passengers and the conductor and the driver. No person shall enter, or mount, or alight from any omnibus while such omnibus is in motion.

Conveyance of dead bodies or persons suffering from contagious diseases prohibited.

30. The conductor or driver of any omnibus shall not knowingly convey in or upon such omnibus the dead body of any person or any person suffering from any infectious or contagious disease.

Conveyance of intoxicated persons prohibited.

31. No person in a state of intoxication who may be an annoyance to other passengers shall be permitted to enter or mount upon any omnibus, and if in or upon any such omnibus shall be immediately removed by or under direction of the conductor.

Safety of passengers; Lights.

32. Every omnibus and all other vehicles shall be so constructed as to provide for the safety of the passengers and for the safe entrance to and exit from and accommodation in such omnibus and shall when in use between sunset and sunrise carry and display two lamps affixed thereto and so placed as to exhibit a white light within a reasonable distance in the direction toward which the omnibus or other vehicle is proceeding or is intended to proceed, and to exhibit a red light so visible in the reverse direction, and such lamps shall be affixed on each side of such omnibus or other vehicle in front of or adjacent to the front wheel thereof, and shall be in such position as to be free of all obstruction to the light. There shall also be provided inside such omnibus a lamp or lamps of such construction and such position as to afford adequate light to passengers inside such omnibus between the hours of sunset and sunrise.

Ventilation, cleanliness and safety of omnibuses.

33. The owner or owners of every omnibus plying for hire shall cause the same to be so furnished and fitted as to secure ventilation, cleanliness and due provision for the safety and convenience of every person therein conveyed. Such owner or owners shall cause the roof or covering of such omnibus to be made and kept water tight and shall provide such omnibus with proper windows and shutters set in suitable frames, and shall keep and maintain such shutters and all parts of such omnibus in good and efficient condition to the satisfaction of the Inspecting Officer.

Omnibus to start at stated times.

34. The owner and owners and the conductor and driver of every omnibus shall cause such omnibus to start punctually from the places and at the times stated, which times and places shall be shewn upon a table in such omnibus placed in some convenient part thereof, and shall maintain such table legible and undefaced, provided that such omnibus shall only be entitled to start from such places within the Municipality as the Council may appoint.

Number of persons to be carried.

35. The owner or owners shall not cause or suffer to be conveyed at any one time in or upon any omnibus a greater number of passengers than will admit of the provision for adequate seating accommodation, to the extent of at least sixteen inches from side to side, and fifteen from front to back of every seat in respect of each person conveyed in or upon such omnibus, and also of adequate accommodation to enable every such person to sit at ease.

Notice to be exhibited when omnibus full.

36. When an omnibus contains the full number of passengers it is licensed to carry, a notice to that effect shall be placed by the conductor in a conspicuous position outside such omnibus.

Overcrowding of omnibus.

37. When an omnibus contains the full number of passengers which it is licensed to carry, no additional person shall enter, mount, or remain in or upon any such omnibus when warned by the conductor or driver to desist therefrom; and any person persisting in entering, mounting or remaining in or upon any such omnibus shall be liable to the penalties provided for a breach of these regulations.

JULY 1902<sup>[1]</sup>REGULATIONS FRAMED UNDER THE SEVENTH SECTION  
OF THE "PUBLIC HEALTH AMENDMENT ACT, 1897."I. As regards the compelling of Residents to keep their Premises free from Offensive, Infectious, or Unwholesome Matters, the Suppression of Nuisances, and the Preservation of Public Health.

1. No person shall keep or cause to be kept on any premises any accumulation or deposit of filth, rubbish, refuse, manure, or other offensive matter, so as to be a nuisance or injurious or dangerous to health.

2. No person shall keep or cause to be kept any dwelling or other premises or part of any dwelling or other premises, in an uncleanly, dilapidated [sic] or other state, or any yard, alley, drain, ditch, pond, or pool, in an uncleanly or other state, so as to be a nuisance or injurious or dangerous to health.

3. No person shall deposit or keep or cause to be deposited or kept any nightsoil on any premises except in a proper sanitary convenience approved by the Municipal Council and in accordance with any regulation of the Municipal Council in that behalf in force for the time being; provided that nothing in this regulation shall be taken to prohibit the application of nightsoil manure to any cultivated lands, provided that the sanction of the Municipal Council be obtained therefor, and that no nuisance or danger to the public health results therefrom.

4. No person shall keep or cause or permit to be kept upon his premises any sanitary convenience, so as to become a nuisance or injurious or dangerous to the public health.

5. No person shall occupy or cause or allow to be occupied any dwelling not provided with proper sanitary convenience of such description as may be prescribed by the regulations (in any) of the Municipal Council in that behalf in force for the time being.

6. Every person before giving up possession of, or ceasing actually to occupy for a longer period than one week, any premises shall cause all nightsoil to be removed

from any sanitary convenience upon or belonging to such premises.

7. No person shall deposit or cause to be deposited in such a manner as to be a nuisance or injurious to the public health any nightsoil, filth, rubbish, refuse, or manure on any street or common land, and no person who shall remove or cause to be removed from any premises across or along any street any nightsoil, filth, rubbish, refuse, or manure shall in process of removal deposit or cause or allow to be deposited or to fall any such nightsoil, filth, rubbish, refuse, or manure on any street in such manner as to be or cause a nuisance or be injurious to the public health.

For the purpose of such removal he shall in every case use or cause to be used a suitable vessel or receptacle, cart, or carriage, so used, or so contrived, or so furnished with a sufficient covering as to prevent the escape of the contents thereof.

If in the process of such removal any person shall accidentally slop or spill or cause or allow to fall upon any street any such nightsoil, filth, rubbish, refuse, or manure, he shall forthwith remove or cause to be removed all such nightsoil, filth, rubbish, refuse, or manure from the place whereon the same may have been slopped or spilled or may have fallen, and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place;

Provided that nothing in this regulation shall be deemed to prohibit the depositing, subject to any rules or regulations of the Municipal Council in that behalf in force for the time being, of any nightsoil, filth, rubbish, refuse, or manure, in any place specially set apart by the Municipal Council for that purpose, in such manner that no nuisance or injury to the public health is caused thereby.

8. No person shall cause or allow any offensive liquid or other matter to run from his premises on to any street or into any stream, watercourse or water furrow; provided that nothing in this regulation shall be taken to prohibit the running of any such offensive liquid or any other matter into any gutter or sewer with the sanction of the

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1. Government Gazette, 29.7.1902. Notice 512 of 1902.

Municipal Council or in accordance with the provisions of any regulation of the Municipal Council in that behalf in force for the time being; and provided further that a nuisance is not caused and the public health not injuriously affect thereby.

9. No person shall keep or cause to be kept any animal so as to be a nuisance or injurious or dangerous to the public health.

10. No person shall occupy or cause or allow to be occupied any premises so as to be injurious or dangerous to the public health, whether by overcrowding or otherwise.

11. No person shall carry on or cause to be carried on any trade or business to do anything on any premises so as to cause a nuisance to be injurious or dangerous to the public health.

12. No person shall keep or prepare for sale or cause to be kept or prepared for sale any article of food or drink for human consumption on premises which by reason of such premises being infected, filthy, or overcrowded, render such article of food or drink injurious or dangerous to the public health.

II. As regards the protection from pollution of any water used by the public for drinking purposes.

13. No person shall cause or allow to flow or drain or shall throw or cause to be thrown any infectious, offensive, or noxious matter or thing into any spring, stream, watercourse, water-furrow, reservoir, dam, well, tank, or other receptacle or conduit for water which the public have to use for drinking purposes.

14. No person shall deposit or cause to be deposited any infectious, offensive, or noxious matter or thing, or keep or cause to be kept any animal or bird by the side of or in immediate proximity to any spring, watercourse, water-furrow, reservoir, dam, well, tank or other receptacle or conduit for water which the public have to use for drinking purposes, so as to cause or be likely to cause pollution of such water.

15. No person shall cause or allow any animal or bird to enter or otherwise pollute any spring, stream, watercourse, water-furrow, reservoir, dam, well, tank, or other receptacle or conduit for water which the public have to use for drinking purposes.

16. No person shall wash, or cause to be washed, any clothing, utensil or other article or thing, or bathe in any spring, stream, watercourse, water-furrow, reservoir, dam, well, tank, or other receptacle, or conduit for water which the public have to use for drinking purposes.

17. No person shall take water from any spring, stream, watercourse, water-furrow, reservoir, dam, well, tank or other receptacle or conduit containing water which the public have to use for drinking purposes in such a manner as to cause pollution of such water.

III. As regards the regulation and restricting of the killing of animals, the establishment, locality and supervision of slaughterhouses, and the disposal of the waste products of slaughtering.

18. No person shall kill any animal or cause any animal to be killed on any premises so as to cause a nuisance or be dangerous or injurious to health.

19. No person shall kill or cause to be killed any cattle, sheep, goats or pigs, of which the flesh is intended for sale, in any place other than a slaughterhouse duly authorised and approved for the purposes of these regulations by the Municipal Council to be used for the purposes of slaughter for the time being; provided that no slaughterhouse shall be authorised or approved by the Municipal Council in any situation where any drainage or blood or filth from such slaughterhouse may be liable to pollute any source of water supply.

20. Every such slaughterhouse shall be situated at a distance of at least one hundred feet from any dwelling, and no part of such slaughterhouse shall under any circumstances be used as a human dwelling.

21. Every such slaughterhouse shall be constructed of and provided with such material and appliances, and be used and regulated in such manner as the Municipal Council shall decide, in addition to such provisions and requirements as are specified in the next succeeding sections.

22. Every such slaughterhouse shall be provided with the following, namely: -

- (a) An even floor composed of cement, bricks laid in cement, or other hard and impermeable material, and having a suitable inclination to admit of proper drainage;

(b) Proper means of drainage to be kept at all times in proper order and efficient action;

(c) At all times a good and sufficient supply of water for the purpose of properly washing and cleansing the floor and every part of the internal surface of every wall of such slaughterhouse and every vessel, receptacle, utensil, bench, block, and other thing used in connection with such slaughterhouse;

(d) Adequate means of ventilation by direct communication with the external air, to be kept at all times in proper and efficient action;

(e) Adequate means of properly lighting all parts of such slaughterhouse to be kept at all times in proper and efficient action;

(f) A sufficient number of vessels or receptacles properly constructed of galvanised iron or other non-absorbent material, and furnished with properly fitting covers, for the purpose of receiving and conveying from such slaughterhouse all blood, manure, garbage, filth or other refuse products of the slaughtering of any animal or the dressing of any carcass [sic] on the premises, and

(g) Proper sanitary convenience of a kind approved by the Municipal Council and sufficient for the needs of all persons employed in such slaughterhouse to be kept at all times clean, efficient, and in good order and repair; provided that the Municipal Council may, with the previous consent of the Minister and by special resolution relax or abandon, if necessity require it, any of the above requirements.

23. Every occupier of any such slaughterhouse shall conform to the following requirements, namely: -

(a) He shall maintain such slaughterhouse and all things used in connection therewith in good and efficient order and repair.

(b) He shall cause every part of the internal surface above the floor of such slaughterhouse to be thoroughly washed with hot limewash at least once in every three months.

(c) He shall thoroughly cleanse or cause to be cleansed every part of such slaughterhouse of all blood or liquid refuse or manure, garbage, filth, or offal, within three hours after the completion of each slaughtering or dressing performed therein.

(d) He shall forthwith upon the completion of the slaughtering of any animal or the dressing of any carcass in such slaughterhouse cause all blood, manure, garbage, filth or other refuse products, to be collected and deposited in such vessels or receptacles as in the last preceding regulation mentioned, and shall cause all the contents of such vessels or receptacles and the hide or skin, fat and offal of every animal slaughtered in such slaughterhouse to be removed from such slaughterhouse at least once in every twenty-four hours.

(e) He shall cause all vessels, receptacles, utensils, benches, blocks and other things used in connection with such slaughterhouse to be thoroughly cleansed immediately after such vessel, receptacle, utensil, bench, block, or other thing, shall have been used and shall cause every such vessel, receptacle, utensil, bench, block, or other thing, when not in actual use, to be kept thoroughly clean.

(f) He shall cause to be adopted and every person employed in such slaughterhouse in the slaughtering of any animal shall adopt all practical means for ensuring the infliction of as little pain or suffering as practical in the process of slaughtering any animal in such slaughterhouse.

(g) He shall not at any time keep any animal or cause or suffer any animal to be kept in such slaughterhouse for a longer period than may be necessary for the purpose of preparing such animal for slaughtering.

(h) He shall not keep or slaughter any diseased animal or cause or suffer any diseased animal to be kept or slaughtered, or prepare the carcass of any part of the carcass of any diseased animal or cause or suffer the carcass or any part of the carcass of any diseased animal to be prepared in such slaughterhouse.

(i) He shall not at any time keep any pig or cause or suffer any pig to be kept in such slaughterhouse or on the premises whereon such slaughterhouse is situate unless such pig be so kept in preparation for the immediate slaughtering thereof in such slaughterhouse.

(j) He shall not at any time keep any dog or cause or suffer any dog to be kept in such slaughterhouse; provided that the Municipal Council may, with the previous consent of the Minister and by special resolution, relax or abandon, if necessity require it, any of the above requirements.

24. The foregoing regulations relating to slaughterhouses and the killing of animals shall apply mutatis mutandis to any public slaughterhouse or abattoir established by the Municipal Council in pursuance of the powers conferred upon the Municipal Council by "The Public Health Amendment Act, 1897," or any other law.

#### IV. As regards the sale of Butchers' Meat.

25. Any person using or intending to use any shop, room or other place for the purpose of keeping or preparing or exposing or causing the keeping, or preparing, or exposing therein meat for sale shall forthwith give notice thereof to the Municipal Council.

26. No person shall keep or prepare or expose for sale any meat or cause any meat to be kept or prepared or exposed for sale in any shop, room, or other place used as a sleeping apartment, or directly connected with any sleeping apartment, or any sanitary convenience.

27. The occupier of any shop, room, or other place used for the keeping or the preparing or exposure for sale of any meat shall cause such shop, room, or other place and all things belonging to or used in such shop, room, or other place to be kept at all times clean and free from any dirt, filth, or noxious matter or thing.

He shall cause such shop, room or place, to be at all times sufficiently ventilated by direct communication with the external air.

28. No person shall keep or prepare or expose for sale or cause to be kept or prepared or exposed for sale any diseased, unsound, or unwholesome meat.

#### V. General.

29. The Municipal Council shall cause frequent and systematic inspection to be made at reasonable times by its health officer, sanitary inspector, or other competent officer appointed under the provisions of "The Public Health Amendment Act, 1897," of all lands or premises whereon any nuisance or any danger to the public health is likely to exist, and of all sources of water supply used by the public for drinking purposes and of all slaughterhouses and places for the sale of butchers' meat situate within the district of the Municipal Council, in order to ascertain whether any contravention of any of the foregoing regulations is taking place on such lands or premises, or in connection with such sources of water supply, or in such slaughterhouses or places for the sale of butchers' meat.

30. Wherever in the foregoing regulations the terms "District," "Sanitary Convenience," "Night-soil," "Sewer," "Dwelling," "Street," or "Slaughterhouse" occur, they shall have the meaning respectively assigned to them in the second section of "The Public Health Amendment Act, 1897."

31. The foregoing regulations shall be read as one with any bye-laws or regulations of the Municipal Council at the time being lawfully in force, but no such bye-laws or regulation shall override, detract from, or annul anything contained in any of the aforesaid regulations.

32. Any person convicted of a contravention of any of the foregoing regulations, shall be liable for a first offence to a penalty not exceeding five pounds, and for every subsequent offence to a penalty not exceeding twenty pounds; and in the case of a continuing offence, to a further penalty not exceeding forty shillings for each day on which such offence is continued, after written notice thereof of not less than seven days from the Municipal Council to such person.

DECEMBER 1902 [1]

RULES AND REGULATIONS OF THE MUNICIPALITY  
OF EAST LONDON

Framed under the provisions of Acts No. 23 of 1880,  
No. 12 of 1881, No. 15 of 1882, and No. 11 of 1895.

CHAPTER I.

PROCEEDINGS OF COUNCIL, RULES OF ORDER, &c.

1. The Ordinary Meetings of the Council shall be held at the Municipal Office on such day and hour as the Council may from time to time appoint.
  2. Special Meetings of the Council may be convened by direction of the Mayor or by requisition of any three Councillors, delivered to the Town Clerk at least two clear days before the day of the proposed meeting, and shall be held at the Municipal Office at the appointed hour.
  3. The Council may adjourn any meeting until such day and hour as it may think fit, provided that the period of adjournment is sufficient to admit of the delivery by post or otherwise of a notice to each Councillor specifying the day and date of such adjournment at least twelve hours previous to the meeting being held.
  4. Notice of the First Ordinary Meeting of the Council under these rules shall be posted or otherwise delivered to every Councillor at his usual address not later than one clear day before the Meeting, but no further notice shall be given so long as the day and hour upon which such Meetings are held remain unaltered, but an Agenda of the business to be transacted at all Ordinary Meetings shall be despatched to every Councillor one clear day before the Meeting. Notice of Special meetings shall be given at least 12 hours before the meeting, and shall state the place and time of meeting, together with the business to be considered thereat. Notice of Special Meetings convened upon the request of three Councillors shall contain a copy of such requisition. No business except that stated upon the Notice Agenda shall be transacted at any Special or Adjourned Special Meeting.
  5. The Mayor, Deputy Mayor, or Chairman, as the case may be, shall enforce such of these Rules as may be necessary to preserve order at any Meeting.
  6. A resume or copy of the minutes of the proceedings of all Meetings of the Council may be delivered to Councillors not less than one day prior to the Ordinary Meeting at which such Minutes are to be signed.
  7. No motion for the non-signing of the Minutes of any Meeting shall be admissible, nor shall any motion or discussion be allowed upon the Minutes except as to their accuracy. If such motion be carried, the Minutes shall be corrected or altered accordingly and signed.
  8. The business at Ordinary Meetings of the Council shall be processed with in the following order: -
    - (a) Election of Chairman (in the absence of the Mayor and Deputy Mayor).
    - (b) Signing of Minutes of Council and Committee Meetings.
    - (c) Business appointed by any Statutory enactment or previous resolution of the Council.
    - (d) Ratepayers, or other persons who may have been summoned, to be heard.
    - (e) Statements or communications by the Mayor or Deputy Mayor.
    - (f) The Town Clerk or other Officers of the Council to submit reports.
    - (g) Committees, Deputations, or Delegates to submit reports of their proceedings.
    - (h) Matters adjourned by any preceding Council Meeting.
    - (i) Notices of Motion and questions which appear upon the Agenda. (See Rule No. 25 of this Chapter.)
    - (k) Urgent communications addressed or intended for the Council.
    - (l) Accounts.
    - (m) Questions, Notices, and sundry business.
- Provided that any Councillor may after the signing of the Minutes, there being no other question under discussion, move that precedence be given to any matter named on the Agenda, or to any other matter not so named, if it be of great urgency (see Rule 30 of this Chapter);

and the question shall be put to the vote at once without discussion, and if carried, the matter shall be taken in precedence accordingly.

9. Councillors speaking at Meetings of the Council shall rise and address the Chair, and no Councillor shall be allowed to speak for more than ten consecutive minutes upon any subject under discussion without the consent of the Council.

10. If two or more Councillors rise at the same time to speak the Chairman shall determine to whom priority shall be given.

11. Any Councillor shall be entitled to take the Chairman's decision on a point of order at any time during a Meeting, and such discussion shall be based upon these Rules, and the Chairman's ruling thereof shall be final.

12. Every Motion and Amendment made and duly seconded shall be read aloud by the Chairman or the Town Clerk before discussion thereon commences, and no Motion or Amendment after being so read shall be withdrawn without the consent of the Meeting.

13. The Mover of a Motion shall have the right to reply, and having replied or declined to exercise such right, the Chairman shall at once put the question to the vote.

14. An amendment or amendments may be moved to any motion or question before the Chair, and if the same be duly seconded, shall be put to the vote in the following order, viz.: - The amendment last proposed shall be put to the vote, and if the same is carried the question shall be resolved accordingly. If the amendment last proposed is negated the amendment proposed immediately prior to the last amendment shall be put to the vote and disposed of. All other amendments shall be put to the vote in rotation in a similar manner. If all the amendments be negated the original motion shall then be put to the vote. No further amendment shall be moved to any motion or amendment before the Chair after the Chairman has commenced to take the vote upon the question.

15. Every Councillor moving an amendment must state its terms before speaking in its support or in opposition to the motion.

16. The mover of an amendment shall not have the right to reply.

17. After any question has been moved and seconded, the motion "That the Council do proceed to the next business," or "That the question be now put," or "That the Council do now adjourn," or "That the consideration of the question be adjourned," may be put and seconded immediately after the conclusion of the speech of any Councillor thereon, and shall be put to the vote at once (subject to Rule No. 18) without discussion, either in moving, seconding, or supporting: provided that if such motion be lost no mover or seconder thereof shall be at liberty to move either of such motions a second time in the course of the same debate. If the affirmative vote be in a minority, the debate shall be resumed at the point at which it was interrupted.

18. The only amendments admissible on a motion for the adjournment of the Council or of any particular question shall be such as relate to the period of such proposed adjournment, and no discussion shall be allowed thereon.

19. All motions, amendments, and questions before the Council shall be decided by the majority of the Councillors present, and voting, and except when voting by ballot, is hereby directed to be determined by show of hands or by division if demanded by two members.

20. When a division is demanded in accordance with Rule No. 19 on any motion, amendment, or question, the Town Clerk shall call the names of all the Councillors, and shall mark on a printed list of Councillors arranged alphabetically a stroke against the name of each Councillor present under the head of "for" or "against," as such Councillor shall vote. Every Councillor present at a Meeting must record his vote, subject, however, to the provisions of Clause 50 of this Chapter of these Regulations. The Town Clerk shall then add up the numbers "for" and "against" as shown by the list, and hand it to the Chairman, who shall declare the numbers therefrom. All divisions shall be recorded on the Minutes of the Council, showing the names of the Councillors voting "for" or "against."

21. No Councillor shall speak more than once on any motion, amendment, question, or point of order, except the mover of a question in reply, unless by leave of the Chairman, and then only in explanation or in answer to observations of a personal character.

22. In the event of any Councillor persistently obstructing the business of a Meeting of the Council, or refusing to obey the ruling of the Chairman on any point of order, or declining to withdraw any expression which

the Chairman may be of opinion should be withdrawn, such Councillor shall be named by the Chairman, whereupon any two Councillors may move and second the motion "That the Councillor named by the Chairman be suspended until the conclusion of the business of this Meeting," or "That the Councillor named by the Chairman be suspended until the conclusion of the business of the next Ordinary Meeting of the Council," and such motion shall be put to the vote without discussion, and, if adopted by a majority of not less than two-thirds of the Councillors present and voting, such Councillor shall be suspended accordingly, and shall not take part in any further proceedings of the Council until the expiration of the period covered by the motion.

23. Any Deputation attending the Council shall be introduced by a Councillor, and only one member of the Deputation shall be allowed to address the Council, except with the consent of the Council.

24. Every notice of intention to introduce a motion or question shall be in writing, signed and dated by the Councillor giving the same, and shall reach the Town Clerk at least three clear days before the Council Meeting at which it is intended to introduce it, and the motion or question shall be moved or asked by the Councillor giving the notice. In case of absence such Councillor may depute or the Chairman may allow another Councillor to bring forward the motion or question; but if no Councillor shall have been so deputed or allowed, such motion or question shall lapse, provided that the Councillor in whose name it stands may renew the notice for any subsequent Ordinary Meeting. If more than one notice of motion or question be given for any Meeting the same shall be placed on the Agenda in the order in which the respective notices shall be received by the Town Clerk.

25. The following shall be deemed Motions of Course, and may be moved without notice: -

- (a) For the precedence of any particular business named on the Agenda Paper.
- (b) For receiving, adopting, carrying out, or referring back any report.
- (c) For acting upon any communication or document before the Council.
- (d) For hearing any applicant or complaint.
- (e) For the sitting and adoption of reports of the Council in Committee.

Notices of all other motions, unless specially provided for under these Rules, must be given as provided by the foregoing Rule No. 24.

26. The Council may at any time after the confirmation of the Minutes and the completion of the usual and ordinary business at any Ordinary or Special Meeting upon a motion, duly moved, seconded, and carried, go into Committee on any special subject which it may be considered desirable to discuss in that way. Such motion shall, after being seconded, be put to the vote without discussion. If the motion be carried the place of meeting shall be cleared of all persons other than Councillors and Officers, except with the special sanction of the Council.

27. When the Council is sitting in Committee of the whole Council, the Chairman of the Meeting at which the Council resolved to sit in Committee shall be the Chairman of the Committee of the whole Council, and the Rules requiring that the Councillor shall address the Chair standing and shall only speak once shall not apply.

28. When the question for the consideration of which the Council resolved to sit in Committee has been discussed and a resolution thereon adopted, such resolution shall be reported to the Council when not in Committee; and the Council shall resume and proceed with the remainder of the business as if the Council had not been sitting in Committee without requiring any motion for that purpose.

29. If, however, during the course of discussion in Committee any Councillor shall consider it necessary and expedient to cease to sit in Committee, either because the subject has been sufficiently discussed with the Committee having come to any decision thereon, or for the purpose of proceeding under the complete Rules of Order, it shall be competent for such Councillor to move "That the Council do now resume," and the motion having been seconded, the Chairman shall, without allowing any discussion thereon, forthwith put the question to the vote and the Council shall continue in Committee or resume, as the majority of Councillors present and voting shall decide. When the Council shall have resumed without the question in Committee having been finally disposed of, the debate shall be resumed at the stage at which the Council resolved to sit in Committee.

30. Whenever any Councillor desires, on the grounds of urgency or exigency, to bring under the consideration of the Council at any Ordinary Meeting any question of matter or motion which does not appear on the Agenda, and of

which no previous notice has been given, he shall be allowed briefly to state the subject or motion, and without comment to move: - "That the question to which the attention of the Council has not been drawn be considered forthwith as a matter of urgency or exigency." The Motion being seconded, and there being no objection thereto, the Mover shall be allowed to bring the question under consideration either by way of motion or otherwise. If, however, any Councillor objects, such Councillor shall be allowed simply to state his reasons without entering into any argument, after which the Chairman shall, without allowing any further discussion, explanation or amendment, take the vote for or against the motion, and the question shall be brought forward or not as the majority of the Councillors present shall decide; provided that no motion of urgency or exigency shall be in order during the consideration of any other subject.

31. A Resolution of the Council which has been carried by votes of less than five Councillors shall not be acted upon in the event of a Councillor, during the meeting of the Council at which such resolution was carried, giving notice of his intention to bring the resolution under review at the next Meeting for the purpose of rescinding or amending the same pending the decision of the Council at the next Meeting.

32. No resolution at any meeting of Council shall be revoked or altered at any subsequent meeting, unless notice of the intention to propose such revocation be given to each of the Councillors two days at least before holding the Meeting, nor unless such revocation or alteration be determined upon by a majority consisting of two-thirds of the Councillors present at such subsequent meeting if the number of Councillors present at such subsequent meeting be not greater than the number present when such resolution was come to; or by a majority if the number of Councillors present at such subsequent meeting be greater than the number present at such former meeting, and no resolution duly adopted at one and approved of at another meeting without any notice of review having been in the meantime given, shall be brought under review for and during a term of six months after the date of such resolution except by consent of a majority of the Council.

33. It shall be competent for any Councillor when he is in a minority on any question which has been decided, to forthwith request that his dissent or protest may be entered in the Minutes of the Meeting of the Council in which the decision of the Council is recorded, and such dissent or protest shall be entered accordingly, provided, however, that no dissent or protest shall be allowed to be

recorded which casts any improper reflection upon, or impute any improper motive to the Council of any Councillors. If the majority of the Council shall on the motion of any Councillor decide that the dissent or protest contains any such imputation or reflection, the same shall not be entered in the Minutes unless the Councillor dissenting or protesting withdraws the expression which shall have been considered improper.

34. It shall be equally competent for any Councillor upon a request to enter a dissent or protest, to require to be entered in the Minutes any contra dissent or any contra protest as he shall think necessary, provided that the provisions of Rule No. 33 shall govern the entry of such contra dissent or contra protest.

35. The election of all salaried Officers of the Council shall be by ballot, or in such other way as the Council may from time to time decide.

36. The ballots provided for in Rule 35, may be by means of ballot papers containing the names of the candidates, one of such papers to be handed to each Councillor present, who shall thereupon place a cross against the name of the candidate voted for, fold his paper, and place it in the ballot box. Upon all the papers being placed in such box they shall be conveyed to the Chairman, who shall thereupon appoint from among the Councillors present two tellers or scrutineers, who shall take the papers, and one of the said tellers shall call from each paper the name of a candidate voted for, and the votes shall be entered and checked by the other teller. The result of the ballot shall then be ascertained and signed by the tellers and be handed by them to the Chairman, who shall declare it. If in the first ballot a candidate receives the votes of a majority of the Councillors present, he shall be appointed; otherwise the names of the candidate or candidates which the Council may decide shall be struck out, provided that the number of candidates shall not thereby be reduced below the number of vacancies; this process shall then be repeated and the number of candidates be reduced till one shall have a majority of the votes of the Councillors present. Provided also that the Council may decide to determine the election by show of hands after any ballots have been taken as above directed. No Councillor shall mark on the ballot papers more votes than there are vacancies to be filled; any paper so marked shall be rejected.

37. When a vacancy occurs in the salaried staff, or an addition is suggested thereto, the Town Clerk shall report it to the Council.

38. There shall be such Standing Committees of the Council as the Council shall from time to time determine; the Mayor shall ex-officio occupy a seat upon all Committees of the Council, and three Councillors shall form a quorum of any Committee. The following shall be the Standing Committees of the Council: -

General Purposes Committee.  
Public Works Committee.  
Waterworks Committee.  
Finance Committee.  
Lighting, Tramway, and Cab Committee.  
Market Committee.  
Recreation, Beach and Parks Committee.  
Locations and Commonage Committee.  
Sewerage Committee.  
Building Committee.

These Committees shall be severally re-constituted at the first meeting of the Council after every annual election of Mayor, and shall continue to discharge their several duties until so re-constituted, notwithstanding any vacancies which may occur by reason of the retirement of any Councillor at the annual elections or otherwise, provided there remain a sufficient number of Councillors to form a quorum.

39. No other Committee than those named in the Rule No. 38 of this Chapter shall be appointed until after notice given in conformity with the 24th Rule of this Chapter.

40. All Committees of the Council at the first Meetings of such Committees after constitution or reconstitution shall severally appoint their Chairman to act for the ensuing year, and shall fill any casual vacancy which may occur in the Office of Chairman at the Meeting following the Meeting at which such vacancy is reported and notice of the filling of such vacancy shall be given to each member of the Committee. All appointments of Chairman of Committees shall be reported to the council at the first Meeting of the council held after such appointments are made.

41. All Ordinary Meetings of the Standing Committees shall be held upon such days and hours as may from time to time be appointed.

42. Notice of every Ordinary Meeting of a Standing Committee shall be posted or otherwise delivered to every Councillor who is a Member of that Committee at his usual

address not later than one clear day before the Meeting. The notice shall state the time and place of Meeting together with the business to be considered thereat.

43. At all Ordinary Meetings of the Committees the business shall be proceeded with in such order as the respective Committees may from time to time direct.

44. Special Meetings of any Committees of the Council may be convened by direction of the Mayor, Deputy or of Acting Mayor, the Chairman, or by requisition signed by not less than two Councillors who are members of the Committee, and delivered to the Town Clerk at least two clear days before the day of the Meeting. The notice convening such meeting shall specify the object of the meeting and no business shall be transacted at a special meeting of any Committee other than that stated in the notice thereof. Two clear days' notice shall be given of Special Meetings of Committees; in case of emergency, however, any Committee may be summoned to meet instantly should the Mayor consider it necessary.

45. All questions and proceedings at Meetings of Committees shall be governed and regulated by the rules governing and regulating the proceedings of the Council, in so far as such rules are applicable.

46. The duties of the several Standing Committees shall be such as the Council may from time [to] time direct or define.

47. All Committees shall submit to the Council at Ordinary Meetings of the Council and at Special Meetings when necessary and when stated in the Agenda of such Meetings, a report of their acts and their proceeds in carrying into effect the purposes of their appointment, with the exceptions of such matters or things as the Council shall have authorised any Committee to manage, regulate, or conclude without further reference to the Council. All Sub-Committees shall report to the Committees by which they are appointed.

48. The Mayor, and in his absence the Deputy Mayor, shall have authority to approve the granting of licences for street shows, performances, etc., and the temporary letting of sites upon Municipal Lands, upon such terms as he may deem fit, subject to any Police Regulation, and provided that no such letting shall be for a longer period than one month. The Mayor and in his absence the Deputy Mayor shall have authority to take action on behalf of the Council in the case of an outbreak of fire, or in any other emergency which may involve expenditure, provided

that such action be reported to the Departmental Committee having charge of the several matters or things at their next meeting.

49. All drafts upon the Bankers to meet duly authorised payments for and on behalf of the Council shall be signed by the Town Treasurer or Acting Town Treasurer, Town Clerk or Acting Town Clerk, and countersigned by the Mayor or Deputy or Acting Mayor.

50. No Councillor shall at any Council or Committee Meeting or at the meeting of any Court or body appointed directly or indirectly by the Council take part in any discussion or vote on any question in which he is either personally or as an agent interested, or in which any member of his family is directly or indirectly interested, provided that no Councillor shall be deprived of the opportunity of attending as a ratepayer and addressing at the appointed time any Council, Committee Meeting or Court on such question.

51. No Councillor shall be accepted as surety for any Officer or Contractor appointed or employed by the Council.

52. The books containing the Minutes of proceedings of the Council, and the Account Books shall not be open to the inspection of enrolled voters, but they shall be at liberty with the consent of the Council to make copies of the same or extracts therefrom between the hours of 10 and 3 o'clock daily except Saturdays, Sundays and holidays.

53. The several Standing Committees of the Council shall have power to act generally for or on behalf of the Council in relation to any of the matters and things placed under their direction, supervision or control as fully and effectually as any existing statute or regulation or any statute or regulation which may hereafter be enacted made or approved.

OFFICE HOURS AND DUTIES OF OFFICERS.

54. The Town Clerk and his Assistants shall daily attend at the Office of the Municipality (Sundays and holidays excepted) at such hours as the Council or Mayor or Deputy Mayor may think necessary.

55(a) The Town Clerk shall take due and proper care of all books, papers and documents belonging to the Municipality, and be accountable for the same to the Council.

(b) The Town Clerk shall receive in the Office of the Municipality all such accounts, reports, statements, complaints, information, applications made in writing, any legal enactments which are to be forwarded or made to the Council, and shall forthwith make due entries thereof in books to be kept for that purpose, and shall submit the same to the Council at their next ensuing Ordinary Meeting.

(c) The Town Treasurer shall receive all monies from whatever source derived, and shall grant receipts, and shall pay the same into such Bank as the Council shall from time to time direct, and shall make all payments on behalf of the Council, and take receipts for the same. He shall produce at each Ordinary Meeting of the Council an account of all monies received and disbursed by him, showing existing balance for or against the Municipality, and supported by the "Bank Book" fully written up.

(d) It shall be the duty of the Town Clerk to conduct all prosecutions, except Police prosecutions, with reference to this Municipality, or for offences against the Bye-laws or Regulations, or depute the council's Attorneys or Agents-at-Law to do the same.

CHAPTER II.

VALUATION.

1. The Council shall from time to time, but not less than once in five years, cause to be made for the Municipality a valuation of all rateable property within the Municipality by a competent person or competent persons as valuers, not being Councillors, and the rates made by the Council shall be made upon such Valuation.

2. Every Valuer shall, before entering upon the Valuation entrusted to him, make before some Justice of the Peace, a solemn declaration in terms following: -

"I, ..... do hereby sincerely and solemnly declare that I will to the best of my knowledge, and without fear, favour or prejudice truly and impartially appraise and value all such property as I shall be required to value in the Municipality of East London for the purpose of assessment, and that I shall conscientiously value the same at and for the full and fair price or sum which such property would in my judgement be likely to realise if bought at the time of

valuation at voluntary sale, and sold upon the usual terms and conditions. And I make this solemn declaration conscientiously, intending to fulfil the same.

Declared at ..... this.....  
day of .....  
Before me "

And every such declaration shall be lodged with and preserved by the Council.

3. The Council may at any time direct that an interim Valuation be made of any property discovered to have been omitted from the Valuation Roll, and of any property sub-divided or permanently improved by the erection of buildings or otherwise, or of any property materially diminished in value by fire, flood, or similar cause between two valuations, and appoint a valuer or valuers for the purpose, and the valuation shall be amended in accordance with the results of such interim valuation when any objections thereto have been finally decided in accordance with these regulations.

4. Every valuer shall, for the purpose of making the valuation as aforesaid, have power to enter at all reasonable hours in the daytime into and upon any rateable property within the Municipality without being liable to any action or other proceeding on account thereof.

5. It shall be lawful for any valuer to put to any person in occupation or charge, or being the owner of any rateable property which such valuer shall have been authorised by these regulations to value, questions upon all such matters as may be necessary to enable such valuer correctly to value such property, and to state the names of the owner and occupier or lessee thereof, and such other particulars as may be necessary to be stated in his valuation with regard to the premises. And if after being informed by such valuer of his purpose in putting such question, and of his authority to put the same, any such person in occupation or charge or any such owner shall refuse or wilfully omit to answer the same to the best of his knowledge and belief, or shall wilfully make any false answer or statement in reply to such questions, such person shall for every such offence be liable to a penalty not exceeding Ten Pounds Sterling, and in default of payment of such fine, to imprisonment for a period not exceeding three months.

6. The Valuer or Valuers shall frame the Valuation Roll in such a manner as to show: -

- (a) The name and address of the Owner
- (b) The name of the Occupier (or if unoccupied to be stated.)
- (c) The description of the Property.
- (d) The name and situation of the Property.
- (e) The Rateable Value.

7. Upon completion of such Valuation Roll it shall lie in the Municipal Office for such period as the Council shall direct for the inspection of every owner, occupier, or lessee of any property included therein, who may on all lawful days and reasonable hours inspect the same, and take extracts therefrom. And the Council shall forthwith by public notice announce for general information that such Roll has been completed and is open for inspection as aforesaid, and that on a day not less than 30 days from publication of such notice, and at a time and place to be fixed in such notice, the Council will hold a Court for the purpose of hearing and determining all such objections to such valuation as may be lodged in writing with the Town Clerk within fourteen days from the publication of the said notice, and that not other objection will be considered.

8. Upon the day and at the place mentioned in such notice, the Council shall hold a Court consisting of the Mayor and such Councillors as may previously have been appointed by the Council to form the same, and shall consider all such objections as aforesaid, and, after hearing any owner, occupier or lessee as aforesaid, or other person on his behalf appointed in writing, shall enquire into the merits of such objections, and shall confirm or correct or alter any valuations objected to as truth or justice shall require.

9. It shall be competent for the said Court acting in manner and in form as hereinbefore directed, to increase or diminish the value put, in and by any valuation which shall be under review of such Court, upon any property.

10. Any person liable to the payment of rates in respect of any property included in any valuation who shall consider that any property included in such Valuation Roll is valued lower than it ought to be may send in to the Town Clerk an objection in writing, setting forth the nature of such property and the value which such objecting ratepayer considers true and just, provided that such objection shall be sent so as to be received by the

said Town Clerk not later than fourteen days before the day appointed for the holding of the said Court.

11. The Town Clerk receiving such objection shall forthwith serve upon the owner, or if he cannot be found upon the occupier of the property in respect of which the value is objected to, a notice in writing, setting forth the exact terms of the objection lodged, and intimating that such objection will come on for consideration at the Court aforesaid.

12. Should the person receiving notice as aforesaid that an objection has been lodged by the person named in such notice against the value put upon the said property, consent that the valuation upon such property may be increased to the amount claimed in and by the objection, such person may in writing inform the Town Clerk that he consents to such increase, and the Town Clerk shall report such consent to the Court as aforesaid at its sittings, and thereupon the value of such property shall be increased accordingly.

13. The Town Clerk receiving such consent as aforesaid shall in case there shall be time so to do, inform the objecting ratepayer that such objection has been admitted, and that it will not be necessary for him to attend the Court to support his objection.

14. In case no such consent as aforesaid shall be given as aforesaid, the person objecting and the person resisting the objection may in person, or by agent appointed in writing, appear before the Court aforesaid upon the day appointed for the sitting thereof, and such Court shall proceed to determine upon such objection.

15. Such Court constituted as aforesaid may adjourn from time to time to such time and place as may be appointed by the Chairman of such Court, and it shall not be necessary to give public notice of such adjournment other than the notice given by the Chairman at such Court.

16. After the determination of all such objections, or in case no such objections shall have been lodged within the prescribed period of fourteen days, such valuation and assessment roll shall be considered fixed, final, and conclusive, and binding upon all parties concerned until the completion in manner aforesaid of the next valuation.

17. All rates made or levied by the Council under the provisions of these Regulations or other wise shall be made upon the valuation of immovable property framed in terms of these Regulations.

18. Every Owner or his Agent disposing of landed property situate within the Municipality shall be obliged to give notice thereof in writing to the Town Clerk.

#### CHAPTER V.

##### REGULATING TRAFFIC AND PROCESSIONS.

1. The drivers of all carts, wagons, carriages and horses shall keep to their left of the street.

2. All funeral processions, while proceeding or returning from the place of internment within the Municipality shall avoid as far as possible, all narrow streets and lanes, and keep to the left of the street along which such funeral procession is proceeding.

3. No cattle, horses, or swine shall be allowed to be driven loose through the Municipality between 8 a.m. and 6 p.m. at any time of the year. Provided, however, that this regulation shall not extend to any animals above described when being driven either from or to any railway station where the same shall have been landed or shall be about to be entrained, or when driven to or from the Pound, or cattle going to or returning from pasture and in all cases such animals shall only be driven through the streets and thoroughfares of the Municipality with and under proper supervision.

4. It shall not be lawful by locking the wheels of any cart or other vehicle or otherwise to test or try any horse or other animal so as to obstruct or injure any street or public place.

5. No person shall leave or cause to be left on the footpath or in any street or thoroughfare at any time during day or night, any vehicle or vehicles with or without animals attached thereto, or any goods, wares, merchandise, packages or material or any description, in such manner that free passage shall thereby be inconvenienced or obstructed: provided however that in case of any wagon or other vehicle loading or unloading a period of three hours during the day time from the commencement of such loading or unloading shall be allowed for the removal of such wagon or other vehicle and its contents, and provided further that when such loading or unloading vehicle shall have harnessed or yoked thereto such a number of horses or cattle as to block the street

in any way or impede or obstruct the free passage to and from any adjoining property, and any public street or thoroughfare, the person in charge of such vehicle shall be obliged to outspan such horses and cattle or such portion thereof and remove them to some other place so as to prevent a continuance of such obstructions.

6. No person having the care or charge of any cart or carriage shall ride on any part thereof, or on any animal drawing the same, without having or holding the reins, or being within such distance as to have complete control over the draught animals.

7. No person having the care or charge of any cart or vehicle of any description shall be allowed to ride on the shafts of such vehicle.

8. Every person driving a vehicle of any description whatsoever in the interval between thirty minutes after sunset and thirty minutes before sunrise on any public road or thoroughfare within the Municipality shall carry and display a sufficient lighted lamp on both sides of the same.

9. No person shall, by negligence or ill-usage in driving cattle, cause any mischief to be done by such cattle, or shall in any way misbehave himself in the driving, care, or management of such cattle, nor shall any other person wantonly pelt, drive or hurt the same.

10. No cyclist or driver of a motor-car, when travelling upon any public road within this Municipality, shall proceed at any greater speed than 10 miles an hour.

11. It shall be incumbent upon cyclists to carry from sunrise to sunset a bell or horn, and cause the same to be sounded so as to give timely warning to pedestrians or others in the roadway of their approach. Cyclists shall also carry from sunset to sunrise a lamp, which shall be efficiently trimmed and lighted and also a bell or horn which shall be sounded at each turning and crossing, and upon approaching any person or obstacle in the road.

12. No cyclist shall ride or drive his cycle across or upon any footpath within the limits of the Municipality, and shall strictly observe the rules of the road prescribed for vehicles.

13. All wagons and carts used for the conveyance of goods driven through the streets, or within the Municipality, shall have the name of the owner legibly

painted on the off-side of the forepart thereof, or on a tin plate affixed thereto in a conspicuous place.

#### CHAPTER VII.

##### REGULATIONS AS TO STREETS, FOOTWAYS, ETC.

1. The word "portico" shall mean and include every awning, portico, porch, verandah, shade or covering, upon or across any public footway, for the purpose of shade or shelter, together with the support other than the building of which it shall be the portico.

2. The owner of any house or premises abutting upon any public footway or street desiring to erect or place against or in front of such house or premises and upon or across such footway or street, a portico, shall deposit at the Office of the Town Engineer a plan and specification of such portico for the approval of the Council or otherwise, and every such plan and specification shall be open to inspection by any ratepayer or person interested at all reasonable times. Every such portico shall be supported by upright pillars or supports fixed on the outer line or kerb of the footway, and shall be in every part thereof of such height from the ground not less than eight feet as the Council may determine. No owner of such house or building as aforesaid shall be entitled to erect such portico until the written consent of the Council shall have been obtained.

3. If before the coming into operation of this regulation any portico shall have been erected or placed against or in front of any building, and upon or across any public footway, otherwise than shall have been consented to by the Council, or if any projecting window, balcony, step, cellar or cellar-door or window, or steps leading into any cellar or otherwise, lamp post, lamp iron, sign, sign post, sign iron, show board, window-shutters, wall, gate, fence or opening, or any other projection or obstruction, placed or made against or in front of any building after the coming into operation of this regulation, shall be an annoyance in consequence of the same projecting into, or being made in or upon, or endangering or rendering less commodious the passage along any footway or street, it shall be lawful for the Council to give notice to the owner or occupier of such building to remove or alter such portico, or to remove, or in such manner as the Council shall by notice require to alter such projection or obstruction, and such owner [or]

occupier shall within fourteen days after the service of such notice upon him remove, or in manner aforesaid respectively alter such portico, or such projection or obstruction as aforesaid respectively; and if the owner or occupier of any such building neglect or refuse for fourteen days after such notice so served to remove any such portico or such projection or obstruction, or to alter the same in manner aforesaid respectively, he shall be liable to a penalty not exceeding ten pounds for every such offence, provided that the Council shall make reasonable compensation to be ascertained, if the parties differ, by arbitration, to every person who shall incur any loss or damage by such removal or alteration, except in places where the portico, projection or obstructions shall have been erected, placed or made without lawful right, or may be removable under some other Act or Law, in which case no compensation shall be made.

4. Every occupier or owner of any building against or in front of which there shall be any portico shall keep the same clean and in good repair, and it shall be lawful for the Council to give notice to any owner or occupier to clean or repair such portico.

5. Every such owner who shall hereafter construct and erect any such portico shall upon such construction and erection, be obliged to have an improved pavement made and constructed under every such portico to the satisfaction of the Town Engineer, or other duly appointed Officer of the Council, and the costs and expenses of the construction of such pavement shall be borne by the owner.

6. It shall be lawful for the Council from time to time to cause to be painted or affixed on a conspicuous part of some house or building at or near each end, corner or entrance of, every street, and in the direction of the line of such street, the name of such street in legible characters, and the Council may, where more than one street or road in the Municipality is called by the same name, alter the name of any of all such streets or roads to any other name which to the Council may seem fit; and before any name is given to any new street or road, notice of the intended name shall be given to the Council, and if there be any street or road in the Municipal District called or about to be called by the same name, the Council may, by notice, stating that there is already a street or road in the Municipality called or about to be called by the same name, and describing the locality thereof, given to the person by whom notice of such intended name was given to them, at any time within fourteen days of the receipt of such last-mentioned notice, object to such intended name; and it shall not be lawful to set up any

name to any street or road until the expiration of fourteen days after notice thereof has been given as aforesaid to the Council or to set up any one name objected to as aforesaid.

7. The Council may from time to time, as they think fit, mark such houses or buildings with numbers for the purpose of distinguishing the same, and shall renew the numbers of such houses as often as it may be deemed necessary to do so.

8. If any person willfully and maliciously destroys, pulls down, obliterates or defaces the name of any street or road, or the name or number of any house or building, or paints, affixes or sets up a name to any street or road, or number, to any house, or building without the consent of the Council, he shall, for every such offence, be liable to a penalty provided for a contravention of these regulations, and it shall be lawful for the Council to cause such name or number so unlawfully painted, affixed, or set up, to be obliterated or destroyed.

9. The Council shall cause to be kept a register [for] all alterations made by them in the name of streets and roads, and such register shall be kept in such form as to show the date of every such alteration, and the name of every street or road previous to such alteration and the new name thereof.

10. Every person erecting, altering, or repairing any building, or making any hole in any street or footpath within the Municipality, where by reason of such work any street or footpath may be obstructed or rendered inconvenient for traffic, shall be permitted to enclose such portion of the road and footpath as may be approved by the Council, but not exceeding ten feet of the roadway together with any adjacent footpaths, or if there be no roadway, but only a footpath then not exceeding one-half of the footpath, and shall put a hoarding of close fence at least six feet high, and shall form and preserve a footpath round such hoarding with hand-rail and post to the satisfaction of the Town Engineer, so that all building material and rubbish made be enclosed, and such building separated from the street or footway, and such harding or footway shall be kept in good order and sufficiently lighted at nights during the progress of such works, and the side-channel or street gutter adjacent to such buildings shall at all times be kept clean from rubbish and building material by such person, altering, repairing or erecting any buildings, so that no damage may be caused to any adjoining buildings or properties by flooding, by reason of any obstruction in the channel or

gutter and such hoarding or footway as aforesaid, as well as any rubbish or building material shall be removed, and the street or footpath left completely free and uninterrupted immediately on receipt of notice from the Council to do so.

11. If any person who ought by these bye-laws to remove any matter or thing or make good any footpath or street or road shall fail to do so, whether such person shall have been convicted or not of any offence under this subdivision, the Council may remove such matter or thing, or make good such street or footpath, and may recover the expense of so doing from the person so making default before any competent court.

12. In no case shall any such building materials or other things, or such hole as last mentioned respectively, be allowed to remain any unnecessary time, under a penalty not exceeding five pounds, to be paid for every such offence by the person who, whether by order of or authority of the Council or not, causes such materials or other things to be laid or such hole to be made.

13. When any person shall have caused the whole or any portion of a stoep, portico, or other obstruction abutting on any street, to be removed for any purpose whatever the same shall not be rebuilt except to form a low pavement or footway, in compliance with the regulations on footways, except in such cases or on such conditions as the Council may deem necessary.

14. (a) The Council may give notice to the occupier or owner of any house or buildings to remove or alter any stoep, shed, projecting window, step, cellar-door or window, sign, sign post, sign iron, show board, window-shutter, wall, gate or fence, or any other obstruction or projection erected or placed after the coming into operation thereof, against or in front of any house or buildings, and which is an obstruction to the safe and convenient passage along any street.

(b) And such occupier or owner shall, within fourteen days after the service of such notice upon him, remove such obstruction, or alter the same in such manner as shall have been directed by the Council, and in default thereof shall be liable to the penalty provided for a breach of these regulations.

(c) And the Council, in case of default, may remove such obstruction or projection, and the expense of such removal shall be paid by the occupier or owner so making default, and shall be recoverable as damages; provided

that, except in the case in which obstructions or projections were made or put up by the occupier, such occupier shall be entitled to deduct the expense of removing the same from the rent payable by him to the owner of the house or building.

(d) If any such obstructions or projections were erected or placed against or in front of any house or building in any such street before the coming [into] operation hereof, the Council may cause the same to be removed or altered as they think fit.

(e) Provided that they give notice of such intended removal or alteration to the occupier or owner of the house or building against or in front of which such obstruction or projection shall be thirty days before such alteration or removal is begun; and if such obstructions or projections shall have been lawfully made, they shall make compensation to every person who suffers damages by such removal or alteration, such compensation, in case of dispute, to be settled by arbitration.

15. (a) All doors, gates, and bars put up after the coming into operation hereof, and which open on and upon any street, shall be hung or placed so as not to open outwards, except when in the case of public buildings the Council allow such doors, gates or bars to be otherwise hung or placed. And if (except as aforesaid) any such door, gate or bar be hung or placed so as to open outwards on and upon any street, the occupier or owner of such house, building, yard or land, shall, within eight days after notice from the Council to the effect, cause the same to be altered so as not to open outwards.

(b) And, in case he neglects so to do, the Council may make such alteration, and the expense of such alteration shall be paid by such occupier or owner, and shall be recoverable from him as damages, and he shall, in addition, be liable to a penalty not exceeding forty shillings.

(c) If any such door, gate or bar was, before the coming into operation hereof, hung so as to open outwards upon any street, the Council may alter the same so that no part thereof when open shall project over the public way.

16. When any opening is made in any pavement or footpath as an entrance into any vault or cellar, a door or covering shall be made by the occupier of such vault or cellar, or iron or such other material and in such manner as the Council direct, and such door or covering shall from time to time be kept in good repair by the occupier

or owner of such vault or cellar. And if such occupier or owner do not within a reasonable time make such door or covering, or if he made such door of covering contrary to the direction of the Council, or if he do not keep the same, when properly made, in good repair, he shall, for every such offence, be liable to a penalty not exceeding five pounds, the penalty provided for a breach of these regulations.

17. No owner of property which has been subdivided and sold in building lots shall be entitled to close any roads or streets shown upon any plan which has been approved of by the Council.

#### CHAPTER IX.

##### REGULATION STORAGE AND USE OF EXPLOSIVES, ETC.

1. No person shall be allowed to keep or store more than 10 lbs of gunpowder, dynamite, gun-cotton, nitro-glycerine, or any fireworks, Bengal lights, Maroon matches or other explosive in any place or building within the limits of the Municipality, unless such building be a Government magazine, or other private magazine approved of by the Council for the purpose; nor shall any person keep more than 100 gallons of petroleum, paraffine, kerosene or other inflammable and dangerous oils or substances in any building, except in such place or places as shall have been approved of in writing by the Council. Nor shall any person establish any match manufactory or carry on any trade for the manufacture of manipulation of any explosive materials, fireworks, petroleum, paraffine, kerosene, or other inflammable [sic] oils or substances in any place of building within this Municipality without the permission or licence of the Council in writing first had and obtained; and the Council, by its proper officers, shall at all reasonable times have the right to enter and inspect every such place approved of or licensed for the storage of explosives, and every such manufactory, and in its sole and absolute discretion to withdraw such permission or licence for such store or manufactory, upon finding good and sufficient grounds for such withdrawal. And the Council, through its proper Officers, shall also have the power to enter upon and search any building or store where it is reasonably supposed that any of the abovenamed explosives are kept, or manufactory or trade as aforesaid is carried on without permission or licence having been first obtained; or where there is reason to believe that a greater quantity of explosives is kept than

is permitted in the premises. No person shall remove or transport any gunpowder, dynamite, or other explosive materials, through any of the streets of the Municipality without first having obtained the sanction of the Council, and unless an officer of the Council shall have seen that the same is properly secured and covered over and protect by a tarpaulin or other sufficient protection, and accompanied by a proper guard. And any person found guilty of any breach of this regulation shall, on conviction, be liable to a fine of not exceeding £10, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three calendar months.

2. No person shall use any gunpowder, dynamite, or other explosive for blasting or similar purposes within the Municipality, without the permission of the Council first had and obtained, or without strict observance of such conditions as to public notice and other means for the protection of the public, and of buildings, as the Council may in each case determine.

#### CHAPTER XV.

##### FERRY AND PONTOON REGULATIONS.

1. The Council may, if they shall so think fit lease their rights of Ferry and of Pontoon at the place or places on the Buffalo River already established, or which may hereafter be established by the Council, to such person or persons, and for such periods, and on such terms and conditions as the Council may from time to time determine.

2. No person or persons shall establish any ferry or pontoon across the Buffalo River within the limits of the Municipality.

3. No person or persons (save and except such person or persons to whom the Council may have leased their rights as aforesaid) shall ply for hire as a ferryman across the Buffalo River within the limits of the Municipality.

4. No person shall damage, destroy, injure, or in any way molest or interfere with any pontoon or ferry-boat, the property of the Council or of their lessees, servants or agents, or any tackle or appliances used for working the same or in way connected therewith. Any person

contravening this regulation shall be liable to the penalty hereinafter mentioned in addition to the payment of compensation for damages arising from such act.

5. No person shall obstruct any approach to any duly authorised Pontoon or Ferry, or in any way interfere with the working of such Pontoon or Ferry or the convenience of the public using the same.

6. The Tolls payable by persons and traffic crossing at the said Pontoon and Ferry shall be as follows: -

(a) At the crossing place known as the "Pontoon." Between the hours of sunrise and sunset.

	s. d.
For every saddle horse . . . . .	0 6
For every loose horse or head of cattle . . . . .	0 2
For every full sized ox-wagon and cattle drawing same . . . . .	2 6
For every vehicle on wheels, except Ox-wagons, German Spiders, and Scotch Carts, per wheel . . . . .	0 2½
For each animal drawing same . . . . .	0 1½
For each small Ox-wagon, Scotch Cart or German Spider, with 8 bullocks drawing same . . . . .	2 0
For each small Ox-wagon, Scotch Cart, or German Spider, with 6 bullocks drawing same . . . . .	1 6
For each small Ox-wagon, Scotch Cart, or German Spider, with 4 bullocks drawing same . . . . .	1 3
For each small Ox-wagon, Scotch Cart, or German Spider, with 2 bullocks drawing same . . . . .	1 0
For each Wheelbarrow and boy with same . . . . .	0 3
For each Boat or Pig . . . . .	0 0½
For each Sheep, when number under 50 . . . . .	0 0½
For each Sheep, when number over 50 . . . . .	0 0½
For each Ostrich . . . . .	0 2
For each Foot Passenger . . . . .	0 1

Any excess of weight over 8,000 lbs. which may be found on any wagon shall be charged for at the rate of One Penny for every 100 lbs. weight so in excess, and carriers are required to produce the waybills of every wagon to the Pontoon-keeper when called upon to do so.

Between the hours of sunset and sunrise.

Foot Passengers . . . . . 6d. each

All other traffic double the above rates.

Provided, however, that the Council shall issue printed tickets entitling Horsemen and Carts or other Vehicles on wheels drawn by one or two horses or oxen to a passage across the river between the hours of sunrise and sunset only upon rendering up one such ticket for each such passage, such tickets to be issued by the Council at the following rates, viz.: -

	s. d.
For each Horseman . . . . .	0 2
For each Cart or other Vehicle on wheels drawn by one or two Horses or Oxen . . . . .	0 4

(b) At the crossing place known as the "Ferry," being for foot passengers only: -

Between the hours of 5 o'clock a.m. and 8 o'clock p.m. from the 1st October to 31st March, and 6 o'clock a.m. and 7 o'clock p.m. from 1st April to 30th September in each year.

	s. d.
For each Foot Passenger, one penny, payable either in cash or by Municipal metal token of the value of . . . . .	0 1
For each parcel carried by Foot Passenger exceeding 15 lbs. in weight and not exceeding 50 lbs. . . . .	0 3

For any Passenger's baggage exceeding 50 lbs. and not exceeding 500 lbs. in weight special arrangements must be made with the Ferryman, the charge, however, for entire use of boat not to exceed 1s. 6d. No weight in excess of 500 lbs. to be taken under any circumstances.

Before or after the abovementioned hours.

	s. d.
For each Foot Passenger . . . . .	0 6
For each Parcel within the weights above mentioned . . . . .	0 6

7. The Council or the lessee for the time being of the Council's rights shall provide at the Ferry separate service of boats and other necessary appliances for conveyance and carriage of Europeans as distinguished from Asiatics and Natives.

8. Any person contravening any of the Regulations contained in this Chapter shall be liable, on a conviction, to a penalty not exceeding £10, or, in default of payment, to imprisonment not exceeding three months.

CHAPTER XVI.

COMMON LANDS.

1. Every occupier of a house not situated in any Native Location within the limits of the Municipality shall be entitled to depasture on the Town Commonage such number of animals, and not more, as hereunder set forth, provided that the animals so depastured are his bona fide property or at the time in his employ, viz.: -

The occupier of premises of the annual value of not less than £10 . . . . .	2 animals
The occupier of premises of the annual value of more than £10 and less than £50 . . . . .	6 animals
The occupier of premises of the annual value of £50 up to £100 . . . . .	12 animals
The occupier of premises of the annual value of £100 and upwards . . . . .	18 animals

2. All persons carrying on the trade of dairyman or butcher, or any other trade which the Council shall deem entitled to similar privileges, shall, anything in the foregoing regulation to the contrary notwithstanding, be allowed to depasture such further number of animals in addition to the above as may be required for the use and carrying on of such trades, being actually in his own property, not exceeding 100 head of horned cattle, horses, asses or mules, 250 sheep, goats, or swine at any one time, upon obtaining a licence from the Council so to do, and on payment in advance of such sum as in each case the Council may deem fit; but the Council shall not be obliged to grant any such licence, and may refuse to grant the same, or may at any time revoke such licence without assigning any reason for so doing.

3. Any person or persons coming into the Town, exclusive of the Native Locations, and not being otherwise entitled to depasture animals (provided that they are free from contagious disease) as he may have brought for his convenience or for sale, upon the Commonage, subject to the rules and regulations relating thereto, for a period of not exceeding 48 hours, after which time such person or persons so remaining and desirous of depasturing his animals upon the Commonage shall be entitled to do so upon paying in advance to the Council the sum of ¼d. per head per day for every horse, mule, or head of horned cattle, and one shilling per hundred or fraction of one hundred for sheep or goats.

4. No person shall turn loose or allow to be loose upon the Commonage or in any plantation, street, road, or other public place within the Municipality any bull, stallion, horse, or stallion ass, under penalty of £5 for a stallion and £2 for a bull for each offence.

5. All cattle, horses, sheep, or goats or other animals other than those authorised by the foregoing Regulations trespassing upon the Commonage may be impounded.

6. Any person turning loose or allowing to be loose upon the Commonage or in any plantation, street, road or public place any animals infected with a contagious disease shall, upon conviction, be liable to a penalty of £5.

7. Any animal found on the Commonage or in any plantation, street, road, or public place within the Municipality suspected of being infected with any contagious disease shall be submitted by the Commonage Ranger or other Officer of the Council to the inspection of a Veterinary Surgeon or farmer, or some other competent person, and on his report stating the disease is contagious, it shall be lawful for the Council to cause such animal to be destroyed and buried, and the Council may recover from the owner of such animal the expense of such inspection, destruction, and burial, together with costs of recovering the same.

8. Any animal found dead on the Commonage or in any plantation, street, road, or other public place within the Municipality shall be forthwith buried by an Officer of the Council at such place as may be appointed for that purpose, and the Council may recover from the owner of such animal all the charges and expenses incurred in so doing together with the cost of recovering the same.

9. No person shall erect any kraal, hut, or other erection or fences, or in any other way occupy or make use of for any purpose whatever any portion of the Commonage without the permission or licence of the Council first had and obtained.

10. No person shall make or use any road over the Commonage other than such public road as shall be allowed by the Council from time to time.

11. No person shall hold any public auction on any part of the Commonage or in any street or on any lands held by the Council, except public markets, declared to be such by the Council, or in such places as may be specially permitted by the Council from time to time.

12. No person shall outspan within the limits of the Municipality, except at such place or places as may from time to time be appointed by the Council.

13. The Council may from time to time close any road or roads running over or across the Commonage or any part thereof, subject to the legal rights of any persons acquired thereto.

14. No person shall be entitled to hunt, shoot, or discharge any firearm on the said Commonage or on any part thereof.

15. Any person convicted of contravening any of the preceding Regulations shall be liable for each offence to a penalty not exceeding £10 or, in default of payment, to imprisonment not exceeding three calendar months.

#### CHAPTER XVIII.

##### NATIVE LOCATIONS.

1. The Locations at present existing shall, until abolished or altered, be the Locations referred to in these Regulations.

2. It shall be lawful for the Council from time to time to appoint a Superintendent or Superintendents of the Locations, who shall, if the Council so think fit, reside within the boundary of such Locations in a house or houses provided for that purpose, by the Council or otherwise, and to remove such Officer or Officers and appoint another or others, and also, if necessary, to appoint from time to

time a Deputy Superintendent or Deputy Superintendents, who shall, while acting as such, have the same powers and perform the same duties as the Superintendent or Superintendents.

3. It shall be lawful for the Council from time to time to appoint a Headman or Headmen of each Location, who should reside within the Location of which he is the Headman, and to remove such Officer or Officer and appoint another or others.

4. Any person desiring or wishing to occupy or rent any hut, site, or building of any kind, or desiring to erect a hut or dwelling in any Location, shall make application to the Superintendent or his duly appointed Deputy, and such applicant shall upon a hut, building, or site being pointed out to him first sign a lease in duplicate embodying such terms and conditions regarding the rent and fees payable, the class or nature of hut or building to be erected, as well as such other matters as the Council shall decide upon, and such hut, building, or site shall be held on the terms and subject to the conditions in such lease contained, as well as subject to the terms of these Regulations, provided that such Superintendent or his Deputy may refuse any native as tenant if they think fit.

5. Each site in a Location shall measure 40 English feet square, i.e. 40 feet by 40 feet, and every occupant of a site shall have his or her boundary pointed out by the Superintendent or his lawful Deputy. No occupier shall be allowed to erect more than one hut upon any one site, and shall not erect an additional structure of any kind thereon, nor shall any one resident in such Location be entitled to own more than one site without the express permission of the Council thereto given in writing, under the hand of the Superintendent of the Location or his lawful Deputy.

6. No hut or room in any building in any Location shall be occupied as a sleeping apartment by more persons than shall allow of 300 cubic feet space for each adult and 200 cubic feet space for each child under 12 years of age; and every lessee of such hut or building shall be provided with a certificate by the Superintendent of the Location or his lawful Deputy showing the number of adult persons and children allowed to reside in such hut or room, and thereupon shall become liable for the penalty for breach of this Regulation.

7. No holder of any lease referred to in these Regulations shall be allowed to sub-let or assign his or her site, hut, building, or any part thereof, except to a bona fide boarder or lodger, as provided in these Regulations, without the written consent of the Superintendent or his Deputy.

8. In the event of any holder of a lease referred to in these Regulations, desiring to relinquish such site or transfer such lease before the date of expiration thereof, an desiring to arrange with some other native to occupy such site or take over such lease, he or she shall bring such native to the Superintendent or his duly appointed Deputy, as the case may be, who, on being satisfied that the proposed native is a fit and proper person to reside in such Location, shall endorse the cession of such lease for the remainder of the term for which it was granted and has to run, upon payment of a transfer fee of 2s. 6d. for each site transferred, provided that no such transfer shall be allowed until all amounts due to the Council in respect of such site, hut, or building shall have been paid.

9. All natives leaving their site, hut, or building for a temporary period of 48 hours and upwards shall give notice thereof to the Superintendent or his Deputy, and every such native leaving such site, hut, or dwelling for such period without closing the same to all other residents during such absence shall, in addition to giving such notice as aforesaid, be bound to inform the Superintendent or his Deputy of such substitute as shall undertake the responsibilities of the occupancy of such hut or dwelling during such absence, and shall be bound to obtain the written consent of the Superintendent or his lawful Deputy to such substitution, and it shall be a condition of such arrangement that such substitute shall appear before the Superintendent or his Deputy for the purpose of undertaking the responsibilities of occupancy of such site, hut, or building during such absence. All natives leaving as aforesaid without the written consent of the Superintendent or his Deputy first had and obtained, shall, unless good cause be shown why the said consent was not obtained, be held to have abandoned the said huts or buildings, and to have forfeited all rights and claims thereto, and all persons found residing thereon or therein without such permission as aforesaid shall incur the penalties provided for a breach of these Regulations, and such site, hut, or building may be sold or destroyed at the option of the council upon the complaint of the Superintendent or his Deputy.

10. Any native desiring to become an inhabitant of a Location without erecting any hut or dwelling may, on satisfying the Superintendent that he or she follows or intends to follow some lawful occupation, receive from the Superintendent a twelve hours' permit for the purpose of finding some registered occupier of a site with whom he or she can reside, and if at the expiration of the said permit of twelve hours such person does not satisfy the Superintendent that such residence has been found, he or she shall be removed in the manner provided in Section 13 of Act 11 of 1895.

11. The Superintendent shall keep a register of all huts or dwellings and other buildings in the Location, together with the names and occupations of all persons residing therein, and shall fix or cause to be affixed on every hut or dwelling a tin plate or board on which shall be painted the number of the hut on which the tin place or board is so affixed. Such register shall be called "The Location Register," and shall be open at all reasonable hours for the inspection of any person who shall have obtained a written order from the Mayor for that purpose.

12. For the purpose of enabling the Superintendent to keep the Location Register properly, every registered occupier of a site shall, when applying for his site permit, give notice to the Superintendent of the names and occupations of those who are to reside thereon, and shall also state whether he or she intends to take lodgers or not.

13. Every registered occupier of a hut site shall, without being requested to do so, forthwith give notice to the Superintendent of the names and occupations of any person who may come to reside with him or her after the site permit has been issued.

14. The Superintendent shall keep a register of all persons applying to him for permission to erect such huts or dwellings or for permission to reside with any registered occupier of a hut or dwelling, in accordance with a form to be supplied by the Council, which register shall set forth the name, race, and occupation of each applicant, and when permission is refused, the reason for refusal; and an abstract of such register shall be submitted to the Council every month for their information, and the number of inmates of any hut or domicile.

15. Any person who shall have been refused permission by the Superintendent to erect a hut or dwelling, and any person who shall have been refused permission by the Superintendent to domicile himself with any registered occupier of a hut or dwelling, may make application to the Council, who shall finally decide upon all such applications.

16. It shall be the duty of every inhabitant of the Location, without his receiving notice so to do, forthwith to give notice to the Superintendent of his having changed his occupation or his having entered upon service with a new employer, or of his removal from one hut to another.

17. No person shall bring to or have or keep in any Location any pigs, nor shall any person keep therein any cattle, sheep, goat, or horse for a longer period than 12 hours, unless such cattle, sheep, goat, or horse be kept in a proper manner, in a suitable stable, cowshed, or building, erected with the permission of the Superintendent or his duly appointed Deputy, given in writing, and shall have been branded, and the brand duly registered in the books of the Superintendent.

18. No adult native other than the holder of a site permit shall be permitted to reside or shall reside in any Location, unless and until he or she had received from the Superintendent or his duly appointed Deputy a permit so to do, which shall be called "Location Permit," and shall set forth the name of the registered occupier and the registered number of the hut or dwelling in which such adult native shall reside, which permit shall be available for two months from the date of the issue thereof, and may thereafter be renewed for a longer period from time to time, provided that the Superintendent is satisfied that the holder hereof is following some lawful calling, and provided that he or she has not been convicted of any crime or misdemeanour, or a breach of any Municipal Regulations, and provided, further, that in case of conviction the Superintendent may forthwith cancel such permit before its expiration.

19. The occupation rent, or hut tax payable under the provisions of Section 14 of Act 11 of 1895 in respect of each sit or hut shall, including the charge for water, be as follows: -

For each site or hut where lodgers are taken in, not exceeding 10s. per month.

Where lodgers are not taken in, not exceeding 2s. 6d. per month.

20. No horses, cattle, sheep, goats, or pigs belonging to or in the possession or custody of any inhabitant of a Native Location shall graze or be permitted to graze upon the Municipal Commonage without the consent of the Council or their Officers.

21. Any pigs found in any Location, and any cattle, sheep, goats, or horses found therein contrary to the provisions of the 17th Regulation, and any horses, cattle, sheep, goats, or pigs belonging to any inhabitant of a Location found grazing on the Commonage, and for which no permit to graze as in the last preceding section mentioned, has been granted, shall be impounded, and dealt with as other impounded animals, and the owner or possessor thereof shall be liable to the penalty imposed for a breach of these Regulations.

22. It shall be the duty of the Superintendent, with the sanction of the Council, to point out from time to time a place or places where rubbish, slops, filth, or litter of any kind may be deposited, and places where earth closets may be erected, or where pits to be used as privies may be dug, and no person shall deposit any rubbish, slops, filth, or litter in any place or places other than those so pointed out.

23. Every registered occupier of a hut site, hut, or building shall keep or cause to be kept such site, hut, or building clean and free from weeds and rubbish or any kind, and shall keep such hut or building in good repair, and shall whitewash the inside of such huts once every three months if required by the Council, the Council finding lime for this purpose free of charge.

24. No shop or trading station or trading of any nature shall be allowed within the Location, except with the approval and during the pleasure of the Council.

25. Any hut which may have been left unoccupied without the sanction of the Council for the space of two successive months shall be deemed to have been abandoned, and may be removed, destroyed, or sold by the Superintendent after receiving orders from the Council for that purpose.

26. All unauthorised huts or buildings, whether in any Location or upon the Commonage, shall forthwith be destroyed or sold by the Officers of the Council, after receiving orders from the Council for that purpose.

27. No person other than a native or Asiatic, or the duly appointed Officer of the Council, shall reside in any Location, and no person other than an Asiatic or the duly appointed Officer of the Council shall reside in any Location or Lodging-houses specially provided for Asiatics.

28. It shall be lawful for the Health Officer, Sanitary Inspector, Superintendent or his Deputy Headman, or other person duly appointed by the Council at all reasonable times to enter any hut or building for the purpose of sanitary inspection or to prevent overcrowding, and every occupier or tenant of a hut or building shall forthwith conform to any lawful order of the Health Officer, Sanitary Inspector, or Superintendent to clean such hut or dwelling, or cause such number of persons to be reduced to such an extent as shall give the required number of cubic feet to each adult and child residing therein.

29. Should the Superintendent, Headman, or any other appointed Officer of the Council request admission to any hut or dwelling in any Location for the purpose of making an inspection upon reasonable grounds that these Regulations are not being complied with or that some crime is being committed, or for sanitary inspection, and should the owner or occupier of such hut or dwelling refuse such admission or unnecessarily delay in allowing the same, or should any person interfere with the Superintendent, of Headman, or other duly appointed Officer of the Council in the discharge of his duty, such person or persons shall be liable to a penalty provided for a breach of these Regulations.

30. It shall not be lawful for any adult person within the Location to appear outside any hut or dwelling without being clothed with such articles of dress as decency requires, and any person found committing any indecency or making any indecent exposure shall be summarily apprehended and lodged in gaol.

31. Any inhabitant of the Location desirous of keeping any dog shall have such dog registered by the Superintendent, and shall pay the licence for such dog of five shillings, or such sum as may be fixed by the Council, for every year or part of a year. This licence shall be payable annually on or before the 7th January, and from time to time whenever any dogs come into the possession of any inhabitant. And all dogs that are not so registered, and that are unclaimed within twenty-four hours, may be lawfully destroyed by order of the Superintendent.

32. No natives, save as are specially exempted by the provisions of Act 11 of 1895, or any other Act conferring similar privileges upon natives, shall reside within the limits hereinafter set forth, and no natives or Asiatics, save such as are specially exempted as aforesaid, shall between the hours of 8 p.m. and 5 a.m. be in the streets, public places, or thoroughfare within such limits without a pass or certificate signed by their employer or the Inspector of the Police or the Superintendent of Locations, which said pass or certificate shall bear the date of issue thereof, and shall be available only for the period commencing at 8 p.m. on such date. The limits above referred to shall be as follows, viz.: -

From the [beach] of the West Bank of the Buffalo River in a straight line to [Baker's] Wells, thence to the Eastern Corner of the Harbour Works Reserve, thence in a straight line to Fort Glamorgan, thence to the Cross Roads, thence in a straight line to the Pontoon, thence across the Buffalo River to the pontoons on the East Bank of the said River, thence following the Right Bank of the First Creek River to the N.W. corner of Acre Lot No. 15, Block C, thence continuing on the Right Bank to the intake of the Railway Reservoir, thence to the Second Railway Crossing at the upper end of Oxford-street, thence in a straight line to the corner of Lot 53, German Village Allotments, thence following the Left Bank of the Blind River to the Harbour Board Works fence, thence following the said fence Southward to the Sea, thence along the Sea Coast, crossing the Buffalo River at its mouth to the point first mentioned on the West Bank of the Buffalo River.

33. Any person convicted of contravening any of the foregoing Regulations shall be liable for each offence to a penalty not exceeding £5, or, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding three months, unless the penalty be sooner paid.

CHAPTER XIX.

## PARK REGULATIONS.

1. No person shall be allowed to enter or leave any Public Park Walk, Pleasure Ground, or Plantation within the Municipality except by the gates or turnstiles provided for the purpose, and only at such times as are appointed.

2. No person shall be allowed to light a fire within any Public Walk, Pleasure Ground, or Plantation without the express permission of the officer in charge, and only at such place as he may point out.

3. No person shall be allowed to bring any dog into any Public Park Walk, Pleasure Ground, or Plantation unless led by a chain or other sufficient attachment by some person capable of controlling such dog, and any dog found straying or hunting therein may be destroyed.

4. No person shall be allowed to discharge a fire-arm of any description, air gun or catapult, or use any weapon whatever within such Public Park Walk, Pleasure Ground, or Plantation, nor shall any person set off any fireworks therein.

5. No person shall be allowed to kill, injure, or molest any animals, bird, or fish within any Public Park Walk, Pleasure Ground, or Plantation.

6. No person shall be allowed to use any Public Park Walk or Pleasure Ground for holding meetings or for religious purposes without the consent in writing of the Council first had and obtained, and subject to such regulations as may be imposed by the Council.

7. No persons shall allow any animals of any description to stray in any Public Park Walk, Pleasure Ground, or Plantation, and any animal so found in such place shall be impounded by the Caretaker or any other official of the Council.

8. No persons shall plant, prune, cut down, remove, or in any way damage or destroy any tree, bush, plant in any Public Park Walk, Pleasure Ground, or Plantation, nor shall any person cut down, remove, or in any way damage or destroy any guard or support erected round or for the protection of any bush or plant.

CHAPTER XX.

## REGULATIONS ON PUBLIC WASH-HOUSES.

1. From and after the promulgation of these Regulations all washing of clothes in any of the public streams of water within the limits of this Municipality without the special consent of the Council is strictly prohibited, and when the Council shall have constructed Public Wash-houses the Council, upon giving one month's notice to that effect, shall be entitled to cancel all permits previously granted, and may require after the expiration of such notice that all public washing of clothes shall be done in the Public Wash-houses erected for that purpose, and the following Regulations of this Chapter shall thereupon become of full force and effect.

2. Every person resorting to the Public Wash-houses shall be obliged to apply for and obtain from the authorised money-taker a ticket with the number of the washing trough marked thereon, which such person may be permitted to use; and shall pay a fee of threepence or such other fee, not exceeding sixpence, as the Council may from time to time fix for the use of such washing trough per day, such ticket to be returned before quitting the Wash-house for the day to such duly authorised persons as the Council may appoint.

3. Every person resorting to the Public Wash-houses shall at all times exercise reasonable and proper care in the use of any washing trough.

4. No person shall while using or before or after using any washing trough deposit any clothes or other articles or any receptacle for clothes or other articles in such manner or position as to disturb or interrupt any other person in the proper use of any washing trough.

5. No persons shall at any time, while being in the premises, by any disorderly or improper conduct disturb or interrupt any other person in the proper use of any washing trough or any officer employed by the Council in the proper execution of his duty.

6. No person shall by forcible or improper means use any washing trough before any person, who, having previously obtained the necessary ticket from the money-taker, shall be entitled to prior admission to the use of such washing trough.

7. No person shall wilfully or improperly remove or displace or wilfully or carelessly soil, dirty, injure, or destroy any clothes or other articles brought to be washed by any other person resorting the Wash-houses.

#### CHAPTER XXI.

##### DOGS AND DOG LICENCES.

1. No person shall suffer to be at large at any time any animal to the annoyance or danger of life or property, or allow any bitch in heat to be at large; not shall any person keep any dog who, by constant and excessive barking, shall be a nuisance to the neighbourhood.

2. All dogs within the Municipality shall be registered by their owners in a register to be kept for that purpose at the Municipal Office.

3. For every dog exceeding the age of six months a tax of two shillings and sixpence, which shall expire on the 31st of December in each year, shall be paid by the owner, a receipt for which shall be given on a printed form by the Municipal Clerk, as also a metal badge, with the Municipal stamp on one side and the year and number on the other. The aforesaid tax shall be due and payable on the 1st day of January in each year, and at any time thereafter when the owner becomes possessed of a dog for which no tax has as yet been paid. The amount payable for a portion of a year shall be the same as for a whole year.

4. In case of the sale, disposal, or death of any dog, the registration certificate may be transferred to another dog by endorsement of such certificate by the Municipal Clerk on payment of a fee of 1s. and production of the Municipal dog badge.

5. All licences and all certificates of registration which require to be issued and renewed by the Municipal Council shall expire and terminate on the 31st day of December of the year in which the same shall have been issued.

6. The Council may establish or permit any person to establish kennels or a dog shelter, to which lost, stray, ownerless, or unregistered dogs, or dogs found in any street or public place within the Municipality may be sent by any police officer, constable, street-keeper, or any officer or servant of the Municipality.

7. All dogs received into the said kennels or dog shelter shall be forthwith advertised in a local paper, and all dogs unclaimed within three days after the publication of such advertisement may be destroyed, sold, or otherwise disposed of by the Council, provided that if any person claim any such dog within the time above specified or before the publication of such advertisement he shall be compelled to pay all reasonable expenses connected with the seizure, maintenance, and advertisement (if any) of such dog before releasing it.

8. All dogs found in any street within the Municipality without having a collar, or which are not registered, or the tax in respect of which is unpaid, may forthwith be destroyed by any police officer, constable, street-keeper, or other Municipal officer or servant, anything to the contrary above specified notwithstanding, provided, however, that no dog accompanying any person in charge of a wagon or being with or in charge and under the control of any person, shall be liable to be destroyed by reason of the want of any collar or badge, or non-registration, or through not being licensed.

9. Any dog suffering from any acute form of disease allowed to wander in any street or thoroughfare may be forthwith destroyed by any of the aforementioned officials.

10. The owner of any dog who shall fail to register his dog and pay the necessary licence fees therefor on or before the 1st February in each year shall, upon conviction, be liable to a penalty not exceeding £5, or, in default of payment, to imprisonment for a period not exceeding three months, which penalty or imprisonment shall be in addition to the amount of licence due.

#### CHAPTER XXII.

##### REGULATIONS FOR DAIRIES, COWSHEDS AND MILKSHOPS.

Framed under the Provisions of Section 9  
of Act 23 of 1897.

1. Every person carrying on the trade of a cow-keeper, dairyman, or purveyor of milk within the area under the jurisdiction of the Council shall be required to apply to the Council to be registered as such cow-keeper, dairyman, or purveyor of milk.

2. The Council shall issue to such person a certificate of registration free of charge, and until such certificate be granted no person shall be entitled to carry on such business. Such certificate shall last during the current year, but upon application may from time to time be renewed.

3. It shall be lawful for the Council to refuse any such application should the requirements of the regulation not be complied with.

4. The premises on which any person may carry on the trade of a cow-keeper, dairyman, or purveyor of milk shall be provided with water free from contamination obnoxious ingredients, and no person shall be registered as aforesaid unless the premises are so provided.

5. All dairies used for storing milk shall be so arranged as not to be subject to animal effluvia, and shall be satisfactorily drained. Such dairies shall not be employed for other domestic purposes.

6. Fourteen days' notice shall be given to the Council before the occupation of any building or any portion of a building for dairy purposes, so as to allow time for inspection thereof.

7. It shall not be lawful for any person registered as aforesaid to use a milk store or milk shop in his occupation or permit the same to be used as a sleeping apartment or for any other purpose incompatible with the proper preservation of the cleanliness of the milk store or milk shop and of the milk vessels or the milk therein, or in any manner likely to cause the contamination of the milk therein.

8. No person registered as aforesaid shall permit any water-closet, earth-closet, privy, cesspool, or urinal to communicate directly with or ventilate into any dairy or any room used as a milk store or milk shop. Nor shall he be allowed to keep swine in any building or shed used for keeping cows.

9. The premises occupied for the purposes of trade by every person registered as aforesaid shall be inspected at least every six months, and if found in an unsatisfactory condition the licence may be temporarily withdrawn or the renewal thereof refused until such premises are put in a satisfactory condition.

10. No milk shall be kept for sale on premises not previously approved of by the Council as regards lighting, ventilation, air-space, cleansing, drainage, and water supply.

11. Every shed in which cows are kept shall contain at least 600 cubic feet of space and a floor area of at least 10 feet by 6 feet for each cow, and shall be properly ventilated, and the floor in all such stalls and milking sheds shall be constructed in such manner as to enable the drainage to run off freely.

12. Grazing ground, whether private or public, whereon are depastured cows whose milk is intended for sale, may be inspected from time to time by the Sanitary Inspector, or such person as may be deputed by the Council to inspect the same, and if found to be of a nature likely to injure the milk, their use shall be prohibited.

13. Milk shall not be transmitted or exposed for sale in any form: -

(a) When produced by an animal suffering from tuberculosis or manifestly the subject of constitutional, acute, or infectious disease, or suffering from abscess, inflammation, painful swelling, or other affection of the udder, or by any animal not completely recovered from the febrile state and other symptoms incident to parturition; all such milk as hereinbefore mentioned shall, moreover, not be sold or used as food for swine or other animals unless and until previously boiled.

14. On the occurrence of symptoms of acute disease in any animal or of a large or sudden diminution in the yield of milk, the milk shall be set aside, and not be exposed or transmitted for sale.

15. In the event of any person who may be employed about any dairy or about or in charge of the cows of such dairy, or anyone occupying the same dwelling-house with such person, being affected with or suffering from diphtheria, diphtheretic [sic] sore throat, or any disease of an eruptive, contagious, or infectious nature, whether affecting one person or more, the infected individuals shall be isolated and the fact notified to the Medical Officer of Health.

16. No dairyman or vendor of milk shall allow any person suffering from any such complaint or infectious disease as mentioned in Regulation 15 of this Chapter, or being in contact with any person so suffering, to milk

cows or to handle vessels used for storing milk, or in any way to take part or assist in the production, storage, or distribution of milk.

#### CHAPTER XXIII.

##### ASSIZE OF WEIGHTS AND MEASURES.

1. Weight scales, as distinguished from spring scales, shall alone be used for the purpose of trade within the Municipality.

2. For all weights which shall require alteration a uniform charge of sixpence shall be made on each.

3. No weight shall be stamped that does not bear the value or amount of weight impressed upon it.

4. The proprietor of any weighing machine shall have the power to require the attendance of the Assizer at his house or store for the purpose of assizing such weighing machine on his previously paying the Assizer the expense of conveying the standard weights or duplicates thereof to the weighing machine of such proprietor, and of returning the same, and upon payment of five shillings, in addition to the charges already imposed, to the revenue of the Council.

5. All persons keeping or employing any weights or measures, scales or balances as aforesaid for the purpose of trade or dealing shall be obliged to have their several weights and measures, scales and balances assized, and any person neglecting or refusing so to do, and employing any weight, measure, scale, or other weighing machine not so assized or defective in weight or measure, shall incur or become liable to the payment of a fine not exceeding ten pounds sterling, or to imprisonment for a period not exceeding three months, in addition to the fee for such assizement and all such weights or measures, together with any defective scales or other weighing machines found in use shall be seized with a view to their being destroyed, and shall be destroyed accordingly in the presence of the Assizer and two more Councillors, who shall report such seizure and destruction to the Town Office.

6. Persons commencing business after the expiration of the period aforesaid, or employing any new weights, measures, scales, or balances, shall, on application to

the Assizer be allowed and entitled to an assizement on paying the usual fee.

7. It shall be the duty of the Council as frequently as they shall deem proper to appoint one or more persons for the purpose of visiting and entering into any shop or store, or other place where any merchandise or wares are sold by weight or measure, and examine the several weights and measures kept thereat for the purpose of trade or dealing. And it shall be lawful for such person or persons aforesaid at any time of the day to visit and enter into any such shop store, or place of trade, and to require that the weights and measures, scales or other balances used there shall be produced for the purpose of being so examined, and any owner or proprietor of such shop or store or places of trade, or any person in his or her employ therein, refusing to produce, or knowingly keeping back any such weights, measures, scales, and other balances when thereto required, or any person whatever in any way obstructing such person or persons in the execution of his or their duty as aforesaid shall incur and become liable to the payment of a fine not exceeding £10 sterling, and, upon failure to pay such fine, to imprisonment with or without hard labour for a period not exceeding three months.

##### MISCELLANEOUS REGULATIONS.

1. No person shall open or work any brick-yard, quarry, stone-pit, gravel-pit, clay-pit, or sand-pit on the Municipal Commonage, except at such spot or spots as the officer appointed thereto by the Council may fix or point out, and without having first obtained a yearly licence for the same from the Council, for which a fee shall be paid in advance, according to the following tariff, or at such rate as may from time to time be fixed by resolution of the Council:

For every brick-yard or brick-kiln . . . .	15	0	0
For every quarry or pit for stone or grave	15	0	0
For every clay-pit or sand-pit . . . . .	1	10	0

And such licence shall not be transferable without the consent of the Council.

2. Every such brick-yard shall be 100 yards square or such other dimensions as the Council may from time to time decide upon by resolution, and shall be properly and effectually fenced in by the Licencee.

3. Every such quarry or pit shall, until filled up, be properly fenced in, so as to prevent damage to persons or animals, by the Licencee of the same.

4. Any such brick-yard, quarry, or pit which shall be left unused or neglected for two months shall be deemed to have been abandoned and the rights thereto forfeited.

5. Every person bathing in the sea or the Buffalo River, and any of its creeks, or in any public baths or bathing houses, shall wear a proper bathing costume, and no Asiatic or native shall be allowed to bathe in the sea or in the Buffalo River at any place which may be specially set apart by bye-laws as a bathing-place for Europeans.

6. No person shall injure, damage, or destroy or commit a nuisance in any of the shelters erected by the Council on the beach for the convenience of bathers, or use such shelter for any other purpose than that for which it is erected.

7. Natives and Asiatics shall not be allowed or authorised to congregate, stand, or walk upon any pavement in any street, thoroughfare, or square which the Council may from time to time by resolution declare to be a principal street, thoroughfare, or square, provided that this regulation shall not be put into force until after reasonable public notice shall have been given as to any such resolution affecting any such street, thoroughfare, or square aforesaid.

8. No person shall be allowed to keep a hive of bees in the neighbourhood of any thoroughfare in the Municipality to the annoyance of the public.

9. Any person or persons who shall in any way injure, damage, or destroy any part of the construction, installation, appurtenances, appliances, and plant in connection with any Electric Lighting Works or other means of lighting the Municipality, or any part thereof, shall upon conviction be liable to a penalty not exceeding £10 sterling, and, in default of payment, to imprisonment, with or without hard labour, for any period not exceeding three months, unless such fine be sooner paid.

10. From and after the promulgation of these Regulations all Municipal Regulations previously in force within the Municipality shall be and are hereby repealed, save and except the Tramway Regulations promulgated and proclaimed in the Government Gazette of 3rd August, 1900,

and 1st October, 1901, and Regulations regarding Kafir Beer promulgated in Government Gazette No. 7,561, dated 8th December, 1893, and Chapter VI., relating to vehicles plying for hire, etc., promulgated in Government Gazette of 31 December, 1901, and Regulations framed under the 7th Section of the Public Health Amendment Act, 1897, promulgated in Government Gazette of 29th July, 1902.

11. Where provision has been made in any clause of the Building Regulations for water closets and drainage which are contingent upon the carrying out of a sewerage scheme these provisions are not to be put into effect until such sewerage scheme has been installed.

12. For and in respect of any contravention of the provisions of any of the regulations in this or any of the foregoing chapters of these regulations, including the regulations promulgated in the Government Gazette of 3rd August, 1900, 1st October, 1901, 31st December, 1901, and 29th July, 1902, the contravention of which no penalty is expressly provided, any person shall upon conviction be liable for each offence to a penalty not exceeding ten pounds sterling, and in default of payment of such fine to imprisonment, unless such fine be sooner paid, for any period not exceeding three months.

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In the interpretation of these Regulations, unless the context be inconsistent with the meaning hereby assigned:

"Horses" shall include mules, asses, colts, fillies, foals and mares.

"Cattle" shall include bulls, cows, oxen, heifers, and calves.

"Sheep" shall include rams, ewes, wethers, and lambs.

"Streets" shall include any highway, road, bridge, lane, footpath, square, court, alley, and passage, whether the same respectively be thoroughfare or not, or any part thereof.

"New Street" means any street which may hereafter be formed or laid out, and a part of any such street; any street the maintenance of the footways or roadways whereof is not, previously to the approval of these Regulations, been taken into charge and assumed by the Council, and a part of any such streets and all streets partly formed or laid out.

"Width" applied to a street means the clear width of the carriage and footways only, exclusive of any steps or projections, gardens, forecourts, open areas, and other spaces in front of the house or buildings erected or intended to be erected therein.

"Centre of the Roadway" means in cases where the centre of the roadway has been defined by the Council or Town Engineer, such defined centre, notwithstanding any widening of the road or change in the line of the building frontage.

"Base" applied to a wall means the under-side of the Course immediately above the footings.

"Topmost Storey" means the uppermost storey in a building, whether constructed wholly or partly in the roof or not, and whether used or constructed or adapted for human habitation or not.

"Party Wall" means:

(a) A wall forming part of a building and being used or constructed to be used in any part of the height or length of such wall for separation of adjoining buildings connected therewith belonging to different owners or occupied or constructed or adapted to be occupied by different persons; or

(b) A wall forming part of a building and standing in any part of the length of such wall to a greater extent than the projections of the footings on one side on grounds of different owners.

"Party Structure" means a partition, arch, floor, or any other structure separating buildings, storeys, or rooms which belong to different owners or which are approached by distinct staircases or separate staircases from without and includes a party wall.

"External Wall" means an outer wall of a building, not being a party wall, even though adjoining to a wall of another building.

"Cross Wall" means a wall used or built in order to be used for the separation of one part of any building from another part of the same building such building being wholly in one occupation.

"Public Building" means a building used or constructed, or adapted or altered so as to be used either ordinarily or occasionally as a church, chapel, or other place of public worship, or as a hospital, workhouse, college,

school, theatre, public hall, public concert-room, public ball-room, public lecture-room, public exhibition-room, or public library, or as a public place of assembly for persons admitted thereto by ticket or otherwise, or used or constructed or adapted or altered so as to be used either ordinarily or occasionally for any other public purposes.

"Building of the Warehouse Class" means a warehouse, factory, manufactory, brewery, or distillery.

"Store or shop of office building" means a store or shop or an office where it is not intended that any person shall reside.

"Domestic Building" means a dwelling house or an out-building appurtenant to a dwelling house, whether attached thereto or not, or shop premises where it is intended that any person shall reside, or any other building not being a public building or store or office building or of the warehouse class.

"Dwelling House" means a building used or constructed or adapted to be used wholly or principally for human habitation.

"Drain and Sewer" means any sewer or main drain constructed in, under, or upon the surface of any public street or way, or any sewer or drain which is vested in the Council, or any private drain used or intended to be used for the drainage of any house or premises, and the conveyance of such drainage from such house or premises to any sewer.

"Combined Drain" means any private drain used or intended to be used for the drainage of two or more houses or premises.

"Owner" means the person for the time being receiving the rent of any lands or premises, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rental.

"Town Engineer" means the officer for the time being holding office under the Council as Town Engineer, Engineer and Surveyor, or appointed or authorised by the Council to discharge the duties of that office.

"Medical Officer of Health" means the medical officer for the time being holding office under the Council as Medical officer of Health, or appointed or authorised by

the Council to discharge the duties of that office, as defined by any statute or enactment, of the Rules, Order, or Regulation of the Council.

"House Refuse" means ashes, cinders, vegetable refuse, and rubbish, but does not include the refuse of any trade manufacture or business, or any building materials.

"Sanitary Convenience" means any urinal, water-closet, earth-closet, and any similar convenience.

"Municipality" shall mean the Municipality of East London as incorporated by law.

"Council" shall mean the Municipal Council of East London for the time being.

"Mayor" shall include the Acting Mayor.

Natives and Asiatics shall bear the interpretations placed upon them in Section 25 of Act 11 of 1895.

Words of the Singular Number shall include the plural, and vice-versa, and words of the masculine gender shall include the feminine.

The Town Clerk, Chief Constable, or other person whom the Council may appoint by resolution or power of attorney, may lawfully prosecute in all cases falling under the provisions of these regulations.

DECEMBER 1902 [1]

REGULATIONS.CHAPTER III.PREVENTION AND SUPPRESSION OF NUISANCES  
And GENERAL SANITARY PROVISIONS.

1. The occupier of any premises shall not keep or allow to be kept any animals or bird on such premises, in such a place, or in such a manner as to pollute or to be likely to pollute any water supplied for use, or used, or likely to be used, by man for drinking or domestic purposes, or for manufacturing drink for the use of man, or any water used in any dairy.
2. No person shall keep any horse or other beast of draught or burden, or any cattle, in any building, the floor of which is not paved and sloped as to effectually carry off all liquid matter therefrom to a properly constructed receptacle.
3. The owner of every premises in connection with which there is any yard or open space, shall, where it is necessary for the prevention or remedy of insanitary conditions that all or part of such yard or open space shall be paved, forthwith to the satisfaction of the Council cause the same to be properly paved with a hard, durable, and imperious pavement, evenly and closely laid, and so sloped to a properly constructed channel as effectually to carry off all rain or waste water therefrom, and he shall cause such pavement to be kept in proper repair.
4. Every occupier of premises shall remove or cause to be removed, or allow to be removed by the Council or its Contractor, as often as it shall direct, with such precautions and within such hours as may from time to time be fixed by the Council, all the house refuse of such premises, and he shall provide to the satisfaction of the Council means for storing the said refuse in a dust-bin or dust-box not to exceed 2 ft. in depth and 3 ft. in width or length, so that it shall not become, between the intervals of removal, a nuisance injurious to health.
5. When any house shall be without a dust-bin, and the Council does not require that such shall be provided, the occupier shall provide and use a movable dust-box, and shall cause such dust-box when filled to be conveniently placed for removal on the days and at the hours appointed by the Council for its removal by the scavenger. In every case where the Council shall in writing permit any person to construct an ash-pit in connection with any building, such ash-pit shall be constructed at a distance of 6 ft. at least from a dwelling house or public building or any building used as a school, or in which any person may be, or may be intended to be used, employed in any manufacture, trade, or business.
6. Every occupier of a yard, place, or premises where horse, cattle, pigs, or other animals are kept, shall provide upon such premises to the satisfaction of the Council a substantial and suitable receptacle for dung, manure, and other solid refuse arising on the premises, and a trapped drain for carrying all liquid drainage into a properly-constructed receptacle. If no provision for the removal of such dung, manure, and other solid refuse be made by the Council every occupier shall himself remove such dung and other solid refuse at such intervals of time with such precautions, and within such hours as may from time to time be fixed by the Council.
7. In case there shall be any accumulation of ashes, dust, dirt, rubbish, filth, manure, dung, or soil collected in any house, stable, or cow-house, or in any court, yard, lane, or other place not being a highway, and notice under the hand of the Sanitary Inspector or his Deputy of the Council shall have been given to or left at the place of abode of the owner or occupier of such house, stable, or cow-house, requiring him to remove such accumulation, and to cleanse, whitewash, or otherwise purify such house, stable, cowhouse, or any court, yard, land, or other open space not being a highway, with a time to be therein mentioned (not less than 24 hours from the delivery of such notice), and such owner or occupier shall omit to comply with such notice, then, and in every such case, the owner or occupier to or for whom such notice shall have been given or left as aforesaid, shall, for every such omission, upon conviction, pay such sum or penalty as is hereinafter provided; and the accumulation may forthwith, after the expiration of such notice, be

removed by the Council at any reasonable time or times. The expense of such removal shall be recoverable from the person in default in any competent Court.

8. All occupiers of houses in the Municipality shall, when required by the Council, provide a suitable tub, of a size and pattern approved of by the Sanitary Inspector or his Deputy, for the reception of bedroom and kitchen slop-water, and any occupiers when so required refusing or neglecting to use such tub, or allowing such bedroom or kitchen slop-water or other offensive matter to run into any drain or water-course, or on to any street, or over the surface, or into the ground of any premises, shall be deemed to have contravened this regulation. This regulation shall not apply to those houses having already a private underground drainage or pipes into the sea.

9. In case any water-closet, sink, private drain, or yard shall be in a foul or offensive state, so as to require cleansing or emptying, and notice under the hand of the Sanitary Inspector, or his Deputy, of the council shall have been given to the occupier, or left at his place of abode or business, and left with any householder entitled to the use of the said privy or other such place as aforesaid, requiring such occupier or householder to cleanse or empty the same within a time to be therein mentioned, and such occupier or householder shall omit to comply with such notice, then, and in every such case, the occupier or householder to whom such notice shall have been given or left as aforesaid, shall for every such omission, upon conviction, pay such sum as is hereinafter provided, and the filth or soil of the said privy or other place may forthwith, after the expiration of such notice, be removed or cleansed by the Council. The expense of such removal or cleansing shall be recoverable from the person in default. The time mentioned in the aforesaid notice shall not be less than 24 hours from the delivery of such notice, except when there exists an epidemic or dangerous disease, which may be aggravated by the effluvia from the matter required to be removed or cleansed, in which case the removal or the cleansing shall be accomplished forthwith after the delivery of such notice.

10. Every occupier of a yard, place, or premises, where empty packing-cases, crates, hampers, baskets, or boxes are stacked or stored, shall take care that such articles are not allowed to be put away when containing hay, straw or other packing materials likely to become a nuisance or to take fire.

11. No person shall throw, or suffer to be thrown, any water or other liquid into any ashpit, or on the surface of any passage, yard, or street, except at such places as are provided with proper gratings for the removal of waste water, or except for the purpose of cleansing such passage, yard, or street.

12. All wells on public and private property shall have a strong and safe cover, and the Council may cause any well to be covered at the expense of the owner thereof, should he fail to do so within ten days after notice has been given by the Council.

13. The owner of any well, the water of which shall be found to be used for drinking purposes, and to be unfit for the same, shall be compelled to empty and cleanse same upon five days notice from the Council to do so.

14. No person shall create any nuisance which may tend either to injure the health or in any way affect the safety or rights of the inhabitants.

15. No meat or carcase [sic] of any slaughtered animal shall be conveyed through the streets and public places of the Municipality, except the said meat be properly covered up.

16. Any person using or intending to use any shop, room, or other place for the purpose of preparing, baking, or exposing, or causing to be prepared, baked or exposed for sale therein any bread, shall forthwith give notice to the Council.

17. The occupier of a manufactory, brewery, slaughter-house, knacker's yard, butcher's, or fishmonger's shop, or of any premises where a dunghill may exist, shall not allow any offensive matter to run out of such manufactory, brewery, slaughter-house, knacker's yard, butcher's or fishmonger's shop or dunghill, into any uncovered place, whether or not surrounded by a wall or fence, so as to become a nuisance.

18. No person shall discharge or cause or permit to drain from any manufactory, gas works, chemical works, dye-house, brewery, distillery, tannery, or trade premises where chemical processes are carried on into any open street gutters or drains any substance or fluid which of itself, or in combination with any other matter or thing in such gutter or drain would cause or lead to a nuisance or injury to health.

19. The owner of any premises who shall provide thereon a tank, cistern, or other receptacle to be used for storing of water, or likely to be used by man for drinking or domestic purposes, for manufacturing drink for the use of man, shall cause the same to be so constructed and placed that it may conveniently be cleansed.

20. The owner of any premises on which a tank, cistern, or other receptacle not provided by the occupier of such premises is used for storing of water used, or likely to be used by man for drinking or domestic purposes, or manufacturing drink for the use of man, shall cause every such tank, cistern, or other receptacle which is erected outside a building, or which, being erected inside a building, is not placed in a suitable chamber, or otherwise constructed or placed so as to prevent the pollution of the water therein, to be provided with a proper cover.

21. (a) The occupier of any premises upon which a tank, cistern, or other receptacle is used for storing water used, or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man shall keep the same in a cleanly state.

(b) He shall cause every such tank, cistern, or other receptacle which is erected outside a building, or which, being erected inside a building, is not placed in a suitable chamber or otherwise constructed or placed so as to prevent the pollution of the water therein, to be kept at all times properly covered. Provided that in every case where any tank, cistern, or other receptacle used for storing of water used or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man, is used for supplying water to persons occupying two or more separately-occupied premises, the foregoing requirements shall apply to the owner of such premises instead of to any occupier thereof.

(c) The person in occupation of, or having the charge, management, or control of the premises, or if there be no such person, then any person in occupation of or having the charge, management, or control of any part of the premises, and in case of any premises the whole of which is let to lodgers, the owner shall, for the purposes of this bye-law, be deemed to be the occupier.

22. No person, the owner or proprietor of any horse or other animal, shall be allowed to leave such horse or other animal, when dead, anywhere within the Municipality, but shall bury the same within 24 hours, not less than 4 ft. deep below the surface, and at such places as the

Council may from time to time fix and determine, failing which the Council may do so at the owner's expense.

23. No person shall permit any wells, brickmaking holes, or other dangerous holes, ponds, ditches, or drains on his or her property, or on property for which he or she is occupier, manager, or agent, to remain unprotected by proper fencing or covers to the danger of passengers, or any of the inhabitants, or to the danger of any animal falling therein.

24. No person shall dig or carry away any clay, sand, gravel, ironstone, limestone, shells, or other materials from the waste lands of the Municipality, except upon application in writing, and leave being thereto given, subject, moreover, to such terms and directions as the Council shall, in every individual case, think fit, and upon payment of such licence as the Council may fix, and such person shall, when required, exhibit such permit to any officer or other person appointed by them.

25. No person shall set fire to any grass, bush, or tree on any open land within the limits of this Municipality, without the consent of the Council.

26. No person shall carry on the business of fish-curing, drying and curing of skins, or any other noxious or offensive trade or occupation within the limits of the Municipality in such manner as to be prejudicial or injurious to the health or comfort of the inhabitants.

27. No person having the control of any dwelling or public building shall permit or suffer the same to be occupied, whether by day or by night, so as to cause overcrowding. Any building shall be deemed to be overcrowded which is not lighted and ventilated to the satisfaction of the Council, and which does not provide the following minimum accommodation per inmate, namely:

(a) In rooms occupied as sleeping apartments: Per inmate under the age of 12, 200 cubic feet. Per inmate over the age of 12 years, 400 cubic feet of air space.

(b) In rooms occupied other than sleeping apartments by individuals for consecutive periods of not less than two hours, per inmate under the age of 12 years, 150 cubic feet. Per inmate over the age of 12 years, 300 cubic feet of air space.

(c) In Schools. - 12 square feet of floor area and 150 cubic feet of air space per scholar.

28. In the event of there being found at any time that any dwelling or public building is being overcrowded in contravention of the last preceding regulation, the person or persons having the control thereof shall within 24 hours after the case has been brought to his or their notice by the Council or any Officer of the Council, cause such number of persons to be reduced to comply with the aforesaid regulation, and should such person or persons aforesaid fail to do so he or they shall be liable to the penalty provided in these regulations for breach thereof.

29. The Sanitary Inspector or other Municipal Officers shall have power at all reasonable times to inspect and examine any poultry, game, flesh, fish, fruit, vegetable, cornflour, or food of any kind exposed or intended for sale, or being in possession of any salesman, dealer, or market agent, and upon discovering bad or unwholesome food, shall inform the Medical or Health Officer, who shall have power to confiscate and destroy the same, and any person exposing or offering any such goods for sale shall on conviction be liable to the penalty provided for a contravention of these regulations.

30. All hawkers, when selling fruit or vegetables within the Municipality by weight or measures, are hereby required to carry stamped weights or measures bearing the Government or Municipal stamp.

31. Any person who shall store any fruit or vegetables intended for sale in any room, etc., used for dwelling or domestic purposes, or shall use or permit any other person to use for dwelling or domestic purposes any room on his premises where fruit or vegetables are stored as aforesaid, shall, upon conviction, be liable to the penalty provided for a contravention of these regulations.

32. No cesspool or pit dug in the earth for the reception of rubbish or noxious or offensive matter shall be permitted within the Municipality, and every person who shall have a cesspool in connection with a building previous to the passing of these regulations shall, on notice of thirty days being given in writing, remove all connections, drains, or pipes of such cesspool or pit, and cause the same to be properly cleaned out, and filled up with such material as may be approved of by the Sanitary Inspector or other proper Officer of the Council.

33. The owner or occupier of every house or premises or part of a house or premises situate [within] the Municipality, occupied by a separate family or by a number of persons in common, and which premises are not provided

with a patent water closet discharging into a sewer, shall provide and maintain for the same an earth closet or earth closets, duly constructed, fitted, and ventilated to the satisfaction of the Council.

34. The owner or occupier of every such house or premises as aforesaid shall furnish every such earth closet with at least two movable tubs or receptacles for the reception of night soil or excreta. Such tubs or receptacles shall be made of iron or other metal, and shall be of such size and pattern as the Council may require, having regard to their suitability for removal purposes.

35. Such owner or occupier shall be obliged to purchase from the Council, who shall have to supply such tubs or receptacles as aforesaid at a price payable in installments not exceeding 1s. sterling per month for each tub or receptacle, reckoned from the date of delivery. The Council shall keep every such tub or receptacle in good condition and repair, and shall without any extra charge renew and replace any tub or receptacle which shall become damaged, worn out, and unfit for use; provided, however, that should such tub or receptacle be lost, stolen, destroyed, damaged, or made useless by any act not directly attributable to the Council, its servants, or contractors, then the Council shall be entitled to recover in a lump sum from such owner or occupier the price of such tub, less such amount as shall have already been paid to the Council in instalments.

36. The occupier of every such house or premises as aforesaid shall keep every such earth closet and the exterior of every such tub or vessel in a state of cleanliness, and shall not put or allow to be put into such tub or vessel any other matter than night-soil, urine, dry earth, ashes, as well as disinfectants and deodorising substances of non-corrosive nature.

37. In case any such house or premises is let to more than one family in tenements, then the Council may require that there shall be a separate closet for each family, and in all cases the Council may, if it be found necessary, require that the owner or occupier of any house or premises shall provide an additional tub or tubs.

38. Every occupier shall be compelled to have his night-soil removed at least once a week by the Municipal Sanitary Wagon or the contractor, provided that the Sanitary Inspector may order the night-soil to be removed more often if it appears to be necessary.

39. The occupier of every such house or premises or part thereof shall cause the tub to be emptied or removed in proper time, so that no over-flow of night-soil takes place.

40. Every person who shall empty or assist in emptying any privy, earth-closet, or cesspool, or who shall remove night-soil, sewage, or other like offensive matter, shall perform such matter in a quiet, orderly, and speedy manner, and shall use such disinfectants, deodorisers, and employ such means of preventing disagreeable or hurtful effects as shall be directed by the Council; and the work shall be performed between the hours of 10 p.m. and 5 a.m.

41. When any night-soil, sewage, or other like offensive matter has to be carried through a street or thoroughfare, it shall be carried only between the hours of 10 p.m. and 5 a.m., and only in covered vessels, so constructed that their contents cannot escape.

42. The Council shall provide depositing sites for such night-soil.

43. No cart for removing night-soil, sewage, dung, ashes, or other offensive matter from any cesspool, ashpit, or receptacle shall remain in any street or thoroughfare longer than shall be necessary for the loading or unloading thereof, and such cart, if in an offensive condition, shall not be left in any yard or place except such as may be fixed by the Council. Every cart used for the removal of night-soil shall be provided with a sufficient cover.

44. The Council may from time to time provide such means as it may deem necessary for the removal of night-soil from all private houses, and every householder shall pay for such removal such reasonable sum as the Council may from time to time fix for that service, such charge shall not, however, exceed two shillings a bucket so removed.

#### CHAPTER IV.

##### NUISANCES IN STREETS

1. No person shall suffer any swine, poultry, sheep, horses, or cattle of any kind, or bitches in heat, to stray about or be driven along the streets, lanes, squares, or passages within the Municipality for the

purpose of being hawked about for sale; nor shall any person be allowed to cure or expose for sale any fish in any street, or on any stoep, except with the previous consent of the Council; provided, however, that nothing herein contained shall prevent persons from hawking fish or poultry about for sale; and the Police or any authorised Officers of the Council are hereby authorised to kill any such swine or poultry or bitches in heat as are found at large in any public street, lane, or thoroughfare, and impound any such sheep, horses, or cattle, and such animals upon being impounded shall not be released until a fine of sixpence, if the said offence be committed in the day time, or eighteen pence, if after dark, for each animal shall have been paid, in addition to Pound fee, which first named amounts shall be recoverable by and paid to the Town Council.

2. All hawkers of poultry shall be obliged to provide themselves with proper hencoops or baskets, in which the poultry is to be placed when carried about for sale; and no person shall carry poultry for sale tied by the legs.

3. No person shall beat, dust, brush, or shake any mat, rug, carpet, or other like article in any street or public foot-way, except before 8 a.m.

4. It shall not be lawful for any person to place or permit to be placed in the public streets any stall board, chopping block, show board on hinges, or otherwise, or to set up or continue any pole, blind, awning line, or any other projection into any public street from any window, parapet, or other part of any house, shop, or other building, not to place or permit to be placed in any street, square, or other public thoroughfare any baskets, wares, merchandise, cask, or goods of any kind for the purpose of sale of otherwise without having first obtained the consent of the Council, and provided that in receiving and delivery of merchandise reasonable time shall be allowed for so doing.

5. The streets, thoroughfares, pavements, and side-walks shall not be obstructed by any person or persons loitering or remaining collected together or squatting thereon so as to impede the free thoroughfare, not shall any person or persons use and occupy the sidewalks for the sale of wares, and whenever the Police or Municipal Officer shall order and direct any such person or persons to move on, the said order and direction shall be at once complied with.

6. If in the course of loading or carrying any wood, seaweed, dead fish, stable litter, or animals, any of such wood, seaweed, dead wood, stable litter, or animals should be dropped in any street or thoroughfare, the person engaged in such loading or carrying shall well and carefully take or sweep up the litter which they may have caused.

7. No persons shall assemble in any street, lane, avenue, park or public gardens, public recreation ground, square, thoroughfare, or road within the Municipality for the purpose of gambling, fighting cocks or dogs.

8. It shall be lawful for the Council temporarily to close or block up, or permit to be closed or blocked up, any road, street, or other thoroughfare for the purpose of repairing the same, or for any other purpose which to them may seem fit. Provided that when any building abutting on or contiguous to any street is being erected or repaired, no rubbish or building material shall be allowed to remain in such street, except with the necessary protection, as set out in Regulation 10 of Chapter VI.

9. No person shall bore or cut stone or slake, screen, or sift lime or mix mortar in any public street or square, not upon any pavement, without the consent in writing of the Council, and under such conditions as the Council shall deem necessary.

10. No person shall dig any excavation, pit, or hole for any purpose whatsoever in any street, thoroughfare, or waste land without the consent in writing of the Council first had and obtained, which written consent of the Council shall set forth such special conditions as the case may in the opinion of the Council require; and any person contravening this Regulation shall be liable, in addition to the infliction of a fine, for any damage caused thereby, and to pay the cost of filling up such excavation, pit, or hole, should he neglect or refuse to fill it up on being ordered to do so.

11. No person shall without the written consent of the Council open or allow any holes to be excavated for vaults, foundations, or buildings, or other purposes in the public streets or ground without being properly fenced or railed in and a light placed thereat in manner as aforesaid.

12. It shall be lawful for the Council, and they are hereby empowered, to remove, or cause to be removed at the expense of the Municipality, any stoep, steps, or other obstruction projecting into or encroaching upon public

squares, streets, or pathways within the Municipality; provided that nothing in this regulation contained shall effect private rights.

13. No barbed wire fencing and no horse post shall be put up in or bordering on any street or thoroughfare without special permission from the Council first had and obtained.

14. No person shall set or cast poison in any public thoroughfare or place for the destruction of any animal or for any other reason whatsoever.

15. It shall not be lawful to fill a cask at any of the public fountains, pumps, wells, or running streams, except at such places and under such conditions or regulations as shall hereafter be notified by public notice.

16. No person shall plant, prune, cut down, remove, or in any way destroy any trees, bushes, or plants on the Commonage, or in any street or public place within the Municipality, nor shall any person cut down, remove, or in any way destroy any guard or support erected round or for the protection of any such trees, bushes, or plants, except with the written consent and under the supervision of the Council, and no person shall deface, damage, or destroy any notice board, public notice, fence or hoarding erected or placed by the Council in any street or public place.

17. No person shall allow any tree or bush to overhang any public road or thoroughfare so as to cause danger or obstruction to passengers on such road or thoroughfare.

18. The occupier of any premises or any other person shall not obstruct or interfere with the owner of such premises, or with any person duly authorised by him in that behalf, in the execution of any work to which the foregoing bye-laws relate.

19. No music of any kind whatsoever shall be played in the streets or public places within the Municipality after 12 o'clock at night, except that of his Majesty's Forces, or any enrolled Volunteer Corps, without the consent of the Council.

20. No person shall be allowed in any street, lane, or square within the Municipality to water, feed, or fodder any horse or other animal, or to clean, groom, break in, or train any horse or other animal, or shall bleed or farry [sic] any horse or other animal, or clean, make, or

repair, or outspan any cart or other vehicle, except in cases of accident, or where repair on the spot is necessary, and except at such places as the Town Council shall appoint or as shall be appointed by public notice from time to time.

21. No persons shall be allowed to affix any posting bills or other papers or writing against or upon any street or public thoroughfare or upon any pavement therein, or to write upon, soil, deface, or mark any such street, public thoroughfare, or pavement with chalk or paint, or in any other way whatever, or wilfully break, destroy, or damage any part of any such street, public thoroughfare, or pavement, of any fixture or appendage thereunto, or any tree, shrub, or seat in any park, public work, square, garden, or street.

22. No owner or occupier of any house or premises of any kind within the Municipality shall permit or suffer the water from the roof or top of such house or premises, or from any balcony, verandah, or portico belonging thereto, to be conveyed or pass or fall to the ground or on to any street or public thoroughfare otherwise than by or through suitable eaves, troughing, and down pipes, in which case such water shall be led at the expense of such owner or occupier by means of proper iron piping placed under the footway or in any other manner the Council may direct into the gutter or drain in such street or thoroughfare.

23. No public sale shall be held, or goods exposed for sale by auction or otherwise, in any public street or thoroughfare, except by the consent of the Council obtained in writing for that purpose, or except at such place or places as the Council shall from time to time appoint for that purpose.

24. No person shall carry any step-ladder, boards, planks, basket, bundles of wood or bushes, or similar obstructive package along or upon any public footpath or pavement in any public street or thoroughfare for the use of pedestrians within the Municipality as to obstruct or incommode passengers.

## CHAPTER VIII.

### BUILDING REGULATIONS.

1. When any new building, shed, verandah, or other structure of whatever nature is to be erected, altered, added to, or removed within the limits of the Municipality, it shall be the duty of the owner, architect, and builder for whom and by whom such building, shed, verandah, or other structure of whatever nature is to be erected, altered, added to, or removed for re-erection, to give notice in writing to the Council of his or their intention to do so, such notice being accompanied by plans, sections, and elevations for every floor, and full specifications, if required by the Officers of the Council, of the proposed works and situations of same, such plans to be drawn to a scale of not less than one inch to eight feet, and to be accompanied by a schedule, to be supplied by the Council describing the materials of which the proposed building is to be constructed, and the intended mode of drainage, ventilation, and water supply; and it shall not be lawful for any person to erect, structurally alter, remove, or add to any building as aforesaid without giving the notice and submitting the plans mentioned in this regulation, not to interfere with or encroach upon the line and direction of any street or thoroughfare without the written approval and concurrence of the council, and the Council may cause any building being erected so as to encroach upon any street or thoroughfare to be pulled down or removed at the expense of the owner thereof.

2. The plans, schedules, sections, elevations and specifications mentioned in the preceding Regulation shall severally bear the name and address of the owner or person intending to defray the cost of erecting the building to which they relate, and shall be signed by him, by the architect, or owner. All plans submitted to the Council for approval shall show the line and width of the road which it is propose to face, and the line of any adjoining property, ground line, and height of foundations above the level of the said road. All plans to be in duplicate, the duplicate to be retained by the Council. No drawings shall be in pencil. All such plans, sections, and elevations shall have figured dimensions affixed, or a scale attached, from which the necessary measurements can be made.

3. The Town Engineer shall within 14 days after receiving a notice and plans, sections, elevations, schedules, and specifications in respect of a proposed new building or of a proposed conversion or alteration of an

old building, or of an addition to or removal for re-erection of any building, signify to the person sending same whether the Council approves or disapproves thereof; if he disapproves, he shall give the person intending to build notice of the alterations in the plans, sections, elevations, schedules, or specifications which he requires to be adopted.

4. After the plans, sections, schedules, and specifications of any intended new building or alteration to buildings have been deposited and sanctioned no material or structural alteration or deviation from such plans, sections, schedules, or specifications shall be made in such building at any time either before or after completion, unless notice of every such proposed alterations or deviation, with plans, sections, and specifications descriptive thereof shall first have been deposited at the office of the Town Engineer in like manner and within the same time in every respect as is required in the case of a new building.

5. No person shall carry out any work or do anything in pursuance of such plans for which sanction has been refused, nor shall any person proceed to erect, add to, or alter any building or other structure without the previous sanction and approval of the Council.

6. The Town Engineer, or other duly authorised Officer, shall inspect any works and buildings in progress of construction, or alteration, or addition, or removal for re-erection at any reasonable time, but at least 24 hours' notice in writing must be given to the Town Engineer or other builder before commencing to put in concrete or other foundations, or before laying or covering up any drain for the conveyance of sewage, and like notice shall be given after completion of any works which may have been required by the Council to be done in amendment of any irregularity, and before such work shall be covered up.

7. If during the erection of any building it shall appear to the Town Engineer, Building Inspector, or other qualified person appointed by the Town Council that any material structural alteration is being made in the plans approved by the Council, or that bad or inferior work or materials are being put in, it shall be competent for such Officer to issue a written notice calling upon the architect or builder or owner to show cause for such deviation or bad workmanship, and if he or they shall fail to show such cause to the satisfaction of the Town Engineer within seven days it shall be competent for the Town Council to order such work to be carried out in

accordance with the plans, or to be suspended, and, in default, the owner shall be subjected to the general penalty set forth in the Regulations. And it is hereby provided that any such oversight of buildings by the Officers of the Town Council, as set forth in this and other clauses or sections of these Bye-laws, shall not be held to release any architect or builder from their legal responsibility for the due and efficient performance of work undertaken by them.

8. If the Town Engineer or other duly authorised Officer in inspecting any building or works find the same to be so advanced that he cannot ascertain without the same being cut into, or laid open, or pulled down whether such Regulations as are applicable thereto, or any of them, have been complied with, and if he has good and sufficient reason to believe that any of such Regulations have not been complied with, it shall be lawful for the Engineer, or other Officer as aforesaid, after such inspection to give to the builder, architect, or owner notice in writing by delivering the same at the residence or place of business of such builder or other person; and such notice shall require the said builder or other person, within seven days after the service of such notice in the manner aforesaid, to cause so much of the said building or works as prevents the engineer or other Officer from ascertaining whether the regulations or any of them have been complied with, to be to a sufficient extent cut into, laid open, or pulled down. Provided that if a delay in inspection by the Engineer or other authorised Officer shall result from the neglect of the builder, or owner, or the authorised agent of such builder or owner to give such notice as is required all damages and expenses for cutting into shall be borne by the builder, owner, or agent aforesaid, whether on inspection it shall be discovered that these Regulations have been complied with or not; and these damages and expenses shall be in addition to and not in substitution for the general penalty provided for in these Regulations.

9. The Engineer or other duly authorised Officer, when he discovers that an offence has been committed, shall give to the builder or architect, owner or agent of the property a notice in writing requiring the builder, architect, owner, or agent within a reasonable time from the serving of such notice such time, not to be more than seven (7) days, to cause everything done contrary to the Regulations to be undone, or amended, or to do anything required by these Regulations to be done which has been omitted.

10. If such builder, owner, or agent refuses to comply with such notice, the council may cause any work done or left undone as aforesaid, to be removed, altered, pulled down, done, or otherwise dealt with as the case may require.

11. Any expenses incurred by the council in carrying out any work or doing anything as in the last section mentioned shall be recovered in a summary manner from the builder, architect, owner, or person in default, who shall also be liable, on conviction, to the penalty hereinafter provided for the offence as for a breach of these Regulations.

12. Within one month after the completion of any building or work respecting which a notice is required by these Regulations to be given, the builder, architect, or owner by whom such work has been done shall give notice to the Council to the effect that the building or the work is complete, whereupon the Town Engineer, or other authorised Officer, shall inspect such building or works, and issue his certificate of approval, or shall report to the Council his reasons for refusing to do so. The sanction of the Council to any plans for the construction of a new building, or for alterations to any existing building, shall be null and void, if the erection of the work so sanctioned shall not have been commenced within six months after such sanction.

13. No part of any new building, structure, or erection, except water pipes and their appurtenances, copings, cornices, fascias, window dressings, and other like architectural decorations shall, without the consent in writing of the Council, extend beyond the general line of buildings in any street, road, place, or row of houses in which the same is situated, in case the distance of such line of buildings from the back line of the footway does not exceed thirty feet, or within thirty feet of the back line of the footway, when the distance of the line of buildings therefrom amounts to or exceeds thirty feet. And such general line of building in each and every street shall be decided by The Town Engineer, whose decision, if and when adopted by resolution of the Council shall in all cases be final and conclusive. The Council may, however, allow, upon such terms as they shall think fit, any building to be set forward to any such adopted line of buildings. When any old or existing house or building, or any part thereof which projects beyond the front of the house or building on either side thereof, has been taken down in order to be rebuilt or altered, the Council may require the same to be set backwards to the adopted building line in such street in such manner as the Council

may direct for the improvement of the street, provided always that the Council shall make full compensation to the owner of any house or building for any damage he thereby sustains.

14. No house or building shall be erected upon any site or portion of any site which shall have been filled up or covered with any offensive or unwholesome waste or refuse, or materials impregnated with foecal [sic] or animal or vegetable matter, or upon which any such waste, refuse, or matter may have been deposited, unless and until such waste, refuse, or matter, or any soil which has been rendered unwholesome by the deposit of such waste, refuse, or matter shall have been properly removed by excavation or otherwise from such site.

15. Every house or building shall be so constructed and at such a level as will permit of the lowest floor of such house or building being properly drained by gravitation, or by pumping, should the Town Engineer consider it necessary.

16. The foundation of the walls of every new building shall rest on footing placed on solid ground, concrete, or some other solid sub-structure. When concrete or other material is used as a foundation, such foundation shall in all cases be at least 3 in. on either side wider than the lowermost course of brickwork, which is to rest thereon, and the trenches for all foundations shall be properly levelled and stepped if necessary.

17. All footings shall be either of brick, stone, or concrete laid in good lime, mortar, or cement. The projection of the footing on each side of the wall shall be at least equal to one-half of the thickness of the wall at its base, unless an adjoining wall; the diminution of every footing shall be formed in regular off-sets, or in one effect at the top of the footing, such footing, and the height from the bottom to the base of the wall shall be at least equal to two-thirds the thickness of the wall of the superstructure.

18. No wall of a new building shall be so constructed that any part of such wall, not being a projection intended solely for the purposes of architectural ornament, or a properly-constructed corbel, shall overhand any part beneath it. Provided always that no projection allowed by this Regulation shall be more than the thickness of the said wall at the point or place of projection.

19. In every wall of a new brick or stone building there shall be laid below the intended level of the lowest floor, and not less than six inches above the surface of the ground adjoining either side of each wall, a course of damp-proof bricks or sheet lead, slate or any other approved damp-proof material, and such brick or material shall be securely laid in cement or lime mortar.

20. No person shall erect or set up in any place any structure of wood and iron, or consisting mainly of wood or iron, or any erection of a movable or temporary character without leave or sanction in writing first had and obtained from the Council for the erection or setting up of such structure or erection in such place, and every such licence may contain such conditions with respect to such structure or erection, and the time for which it is to be permitted to continue in such place, as the Council may think expedient.

21. Every party arch or party floor, and every arch or floor over any public way or any passage leading through or under a building or part of a building to premises in other occupation shall be formed of brick stone or other incombustible materials. If an arch or brick or stone be used it shall be of the thickness of 8½ in. at least, and the centre of such arch shall be higher than the springing at the rate of 1 in. at least for every foot, and also for any fractional part of a foot or span. If an arch or floor or other incombustible material be used, it shall be constructed in such a manner as may be approved by the Town Engineer

22. The levels of all buildings and the class of architecture of buildings shall be subject to the approval of the Council through the Town Engineer or other authorised officer, and in determining [sic] as to the same regard shall be had to the gradients of existing and proposed streets, and the nature of existing or proposed buildings in the vicinity, and to the general environments, and the Council shall be entitled to disapprove of the erection of buildings of an objectionable character. And the Council shall be further entitled to prevent the alteration, erection, or use of any building, the class or character of which are either in themselves, or from the circumstances or nature of the locality in which they are placed, a disfigurement to the town or an annoyance to the inhabitants thereof.

23. It shall not be lawful for any person to use in the mixing of mortar for building purposes any water containing sewage or offensive matter.

24. Every external wall of a new building shall be constructed of sound, hard brick stone or other incombustible and hard substance, save and except wood and iron buildings that may be approved by the Council; but if a proposed structure is not designed to be used as a human habitation, and it would appear that no danger of the spread of fire is to be apprehended, this regulation may be modified according to the discretion of the Council.

25. Every wall built of brick, plain cut stone, or other plain substances laid horizontally, piece upon piece, course upon course, shall be properly bonded, and solidly put together with good mortar or cement. Every wall built of rough stone, flint boulders, or broken bricks, or of whole bricks, cut stone or other plain substances, laid otherwise than as specified, or of rubble, or of any substance not having plain surfaces, and not laid horizontally, shall be of a thickness one-third greater than those prescribed in these Regulations. In any new building every return wall which may be built at an angle with another wall shall be properly bonded therewith.

26. In the case of every new building, every room which shall be situated in the lowest storey of such building, and shall not be built over a basement or cellar, and provided with a boarded or other floor, there shall be for the purposes of ventilation between the under side of every joist on which such floor may be laid, and the upper surface of the ground a clear space of at least 9 in. where practicable in every part, but if the ground surface or site of such building be properly covered with asphalt [sic], or with good cement concrete at least 4 in. thick, a clear space as aforesaid, at least 3 in., shall be sufficient. In every case such space as aforesaid shall be thoroughly ventilated by means of suitable and sufficient air bricks, or by some other effectual method.

27. Stone used for construction of walls must be free from vents, cracks, or sand holes, and be laid on its natural bed.

28. The mortar to be used for external plastering must be composed of fresh burnt lime and clean, sharp sand or grit, in the proportion of one of lime to two of sand or one of cement to four of sand.

29. The top of every party-wall and parapet wall shall be finished with one course of hard, well-burnt bricks, set on edge in cement, or by a coping of stone or any other waterproof and fire-resisting material properly secured.

30. No person shall cover any new building within the limits of the Municipality with thatch, reed, or other combustible material without the special permission of the Council first had and obtained in writing.

31. No joist, beam, or other wood-work in or upon any walls (except bressummers [sic], and storey posts under the same, and doors and windows and ornamental woodwork of a shop) shall be brought nearer than 4 in. to the external face of the wall unless with the previous sanction of the Council. Every joist of a ground floor shall rest upon proper brick or stone sleeper walls or sleeper piers and wood sleepers. In the construction of a new building no joist shall be used of less width and thickness than:

For bearings of 6 ft. 4½ in. by 1½ in., for ground floors only.

For bearings of 12 ft. 6 in. by 3 in., centres not more than 18 in.

For bearings of 16 ft. 9 in. by 3 in.

For bearings of 20 ft. 11 in. by 3 in.

32. Every bressummer shall be of the same breadth as the wall which is to rest upon it, and the end thereof shall have at least the total width of the bressummer for wall-hold, and shall be laid on stone or painted iron templates of at least the full breadth of the bressummer, which shall be supported by hard brick and cement mortar, or other equally strong and substantial material as may be approved of by the Town Engineer or other duly authorised officer.

33. Every pillar or storey post shall be of stone, cast iron, concrete, wood, or good laid bricks laid in cement, and of sufficient strength to carry the superincumbent weight, and shall be properly caulked or stubbed into a piece of hard stone, concrete, or wood with sufficient foundation.

34. Every balcony, verandah, porch, portico, or similar erection shall be well and sufficiently tied to the building to which it belongs to the satisfaction of the Town Engineer or other duly authorised officer.

35. The external parts of every roof, flat, or gutter of a new building or of an old building hereafter to be uncovered, and of every dormer, lantern, light, or other erection, upon such room or flat, shall be covered with slate tiles, glass, stone (natural or artificial), cement, metal, or other similar incombustible material; but these requirements shall not apply to the necessary doors, windows, and window-frames, which may be of wood. There shall be constructed in the roof or flat of any attached two-story building and upwards a trap-hatch not less than 2 ft. square (with a fixed ladder to give access thereto), so arranged as to facilitate the escape of the inmates in event of fire. Every roof of a new building which is intended to be covered with slates or tiles shall have a pitch of at least 1 in 4.

36. The plane surface of the roof of any building shall not incline from the external or party wall upwards at a greater angle than 75 degrees with the horizon, provided, however, that such angle or inclination shall not apply to towers and spires.

37. The roof, flat, or gutter of every building, and every balcony, verandah, or other projection must be so arranged and constructed and supplied with gutters and pipes so as to carry off the rain water, as provided in Regulations No. 2 and 3, Chapter X.

38. The floor of every room in a domestic building, unless the same be boarded, shall be constructed of solid wood, bedded on concrete, cement on concrete hard brick laid in cement, mortar, tiles, stone flags, or other approved material.

39. Every person who shall construct a new domestic building shall erect the stairs in such building with a tread of not less than nine inches for each step. The width of the tread in winding staircases shall be measured in the centre of the tread, and every person shall construct such stairs with a proper balluster, handrail ballustrade, of a height of not less than two feet six inches measure perpendicularly at right angles for each step.

#### CHIMNEYS, FLUES, HEARTHES, &c.

40. Every chimney, chimney breast, or pier shall be built up from foundations or footings similar to those of the wall in or adjacent to which it shall be set. Nevertheless, the necessary brick work of a chimney may be built on sufficient corbels of brick, stone, or other incombustible material, provided that such brick work

projects no more than nine inches beyond any part of the substructure thereof, and that all work on corbels be properly bonded and tied into the wall from which the same shall project.

41. Every flue, unless formed of glazed stoneware pipes of sufficient thickness or other approved materials, shall be built of good bricks or suitable stone, and properly rendered or pargetted inside. The back of every chimney opening shall be from the hearth up to the height of 12 inches above the mantel, at least  $4\frac{1}{2}$  inches thick.

42. Every chimney shall have a hearth of stone, slate, marble, brick tile, cement, or other proper and incombustible materials, laid and bedded wholly on some incombustible substance; the thickness of the hearth and its beds shall not be less than 3 inches. The hearth shall extend outwards beyond the chimney opening, so as to afford a clear breadth of at least 14 inches in the room and a length of at least 6 inches longer than the opening on each side thereof.

43. No timber of wood-work, including wooden plugs, shall be placed nearer than 9 inches to the inside face of any chimney opening or flue. No part of any chimney or flue shall be made dependent on wood-work for its support.

44. No opening shall be made in any chimney or flue (except for the purpose of inserting a ventilator), save with the sanction in writing of the Council on satisfactory arrangement being shown, and every opening for a ventilator must be at least 9 inches distant from any timber or other combustible substance.

45. No pipe for the conveyance of smoke or steam shall have its outlet in or against any face of a building so that its contents may be discharged in or over any public thoroughfare or under any window. No pipe as aforesaid shall be in any part of its course fixed nearer than 14 inches to any wood-work or other combustible material, save with the sanction of the council on satisfactory arrangement for preventing danger from fire being shown.

46. Every oven, furnace, steam boiler, copper, close fire, or stove (except movable charcoal), gas, or ironing stoves) intended for the purpose of any trade, business, manufacture, hotel, tavern, or eating house, shall have an independent wall or casting of such thickness as the Council may direct, and the floor under and all around such oven, furnace, etc., for a distance of three feet, shall be formed of some incombustible materials.

47. Every chimney shaft, flue, or stack of chimneys hereafter to be built or raised shall be carried up in brick or stone work, at least  $4\frac{1}{2}$  inches thick all round, to a height of not less than 18 inches above the highest ridge of the roof adjoining thereto.

48. In cases where a party wall is adjacent to land intended to be built upon, the situation of every chimney opening and the course of every flue constructed in such party wall shall be distinctly indicated on the exterior of such party wall by lines of white paint not less than 3 inches wide.

49. When two or more buildings adjoin one another, and they are to be occupied by different owners or tenants, every extern and every party wall shall be carried up above the roof or gutter, so as to form a parapet of not less than 12 inches high, measured at right angles to the slope and above the covering of the roof, or above the highest part of the gutter, as the case may be.

50. The external or party walls shall be made throughout the different storeys of the minimum thickness shown in the following table, arranged according to the heights and lengths of the walls, and calculated for walls up to 100 feet in height, and supposed to be built of bricks, the height of storeys being subject to the conditions hereinafter given.

TABLE A.

## THICKNESS OF WALLS OF DWELLING HOUSES

Height up to 25 Feet.	Length up to 30 Feet. From base to top of wall, 8½ inches.	Length Unlimited. Wall below Topmost Storey, 13 inches; Topmost Storey, 8½ inches; Remainder, 8½ inches.	
Height up to 30 Feet.	Length up to 35 Feet. Wall below 2 Topmost Storeys, 13 inches; 2 Topmost Storeys, 8½ inches; Remainder, 8½ inches.	Length Unlimited. Wall below Topmost Storey, 13 inches; Topmost Storey, 8½ inches; Remainder, 8½ inches.	
Height up to 40 Feet.	Length up to 35 Feet. Wall below 2 Topmost Storeys, 13 in. 2 Topmost Storeys, 8½ in. Remainder, 8½ in.	Length Unlimited. 1 Storey, 17½ in. Rest of Wall below Topmost Storey, 13 in. Topmost Storey, 8½ in. Remainder, 8½ in.	
Height up to 50 Feet.	Length up to 30 Feet. Wall below Topmost Storey, 13 in. Topmost Storey, 8½ in. Remainder, 8½ in.	Length up to 45 Feet. 1 Storey, 17½ in. Rest of Wall below Topmost Storey, 13 in. Topmost Storey, 8½ in. Remainder, 8½ in.	Length Unlimited. 1 Storey, 21½ in. 2 Storeys, 17½ in. Remainder, 13 in.
Height up to 60 Feet.	Length up to 30 Feet. 1 Storey, 17½ in. Remainder, 13 in.	Length up to 50 Feet. 2 Storeys, 17½ in. Remainder, 13 in.	Length Unlimited. 1 Storey, 21½ in. 2 Storeys, 17½ in. Remainder, 13 in.
Height up to 70 Feet.	Length up to 40 Feet. 2 Storeys, 17½ in. Remainder, 13 in.	Length up to 55 Feet. 1 Storey, 21½ in. 2 Storeys, 17½ in. Remainder, 13 in.	Length Unlimited. 1 Storey, 26 in. 2 Storeys, 21½ in. 3 Storeys, 17½ in. Remainder, 13 in.
Height up to 80 Feet.	Length up to 40 Feet. 1 Storey, 21½ in. 2 Storeys, 17½ in. Remainder, 13 in.	Length up to 60 Feet. 1 Storey, 21½ in. 2 Storeys, 17½ in. Remainder, 13 in.	Length Unlimited. 1 Storey, 26 in. 2 Storeys, 21½ in. 3 Storeys, 17½ in. Remainder, 13 in.

Height up to 90 Feet.	Length up to 45 Feet. 2 Storeys, 21½ in. 2 Storeys, 17½ in. Remainder, 13 in.	Length up to 70 Feet. 1 Storey, 26 in. 2 Storeys, 21½ in. 2 Storeys, 17½ in. Remainder, 13 in.	Length Unlimited. 1 Storey, 30 in. 2 Storeys, 26 in. 1 Storey, 21½ in. 2 Storeys, 17½ in. Remainder, 13 in.
Height up to 100 Feet.	Length up to 45 Feet. 2 Storeys, 21½ in. 3 Storeys, 17½ in. Remainder, 13 in.	Length up to 80 Feet. 2 Storeys, 26 in. 2 Storeys, 21½ in. 2 Storeys, 17½ in. Remainder, 13 in.	Length Unlimited. 1 Storey, 30 in. 2 Storeys, 26 in. 2 Storeys, 21½ in. 2 Storeys, 17½ in. Remainder, 13 in.

In using the above table the height of the wall is to be reckoned on the first vertical column on the left hand of the table, and the length of the wall on the corresponding horizontal column. The thickness of the wall in each storey is given in inches, and begins with the wall from the base upwards.

52. If any external or party wall, measured from centre to centre, is not more than 25 feet distant from any other external or party wall to which it is tied by the beams of any floor or floors other than the ground floor of any storey formed in the roof, the length of such wall is not taken into consideration.

53. If any storey exceeds in height sixteen times the thickness prescribed for the walls of such storey in the above table the thickness of each external and party wall throughout such storey shall be increased to one-sixteenth part of the height of the storey, and the thickness of each party wall below that storey shall be proportionately increased, subject to the provisions herein contained respecting distribution in piers, but any such additional thickness may be confined to piers properly distributed, of which the collective widths amount to one-fourth part of the length of the wall.

54. The thickness of any wall of a new building, if built of suitable materials, other than such bricks as aforesaid, shall be deemed to be sufficient if made of the thickness required by the above table, with this exception, that in case of walls built of stone or any other materials in which the beds of the courses of the masonry are not laid horizontally, the thickness shall be increased to one-third greater than that prescribed for walls built of brick, but in other respects of the same description, height, and length, and any person may construct any external wall of a building as a hollow wall if such wall be constructed in accordance with the following rules: -

1. The inner and outer parts of the wall shall be separated by a cavity, which shall throughout be of a width not exceeding 3 inches.

2. The inner and outer parts of the wall shall be securely tied together with suitable bonding ties of adequate strength, formed of galvanized iron or iron tarred and sanded, or of glazed stoneware. Such ties shall be placed at distances apart, not exceeding 3 feet horizontally and 18 inches vertically.

3. The thickness of each part of the wall shall throughout be not less than 4½ inches.

4. The aggregate thickness of the two parts excluding the width of the cavity shall throughout be not less than the minimum thickness prescribed by the bye-laws in that behalf for an external wall of the same height and length, and belonging to the same class of building as that to which the hollow wall belongs.

55. The external wall of all out-offices (with the exception of coal stores, tool-sheds, and such like erections), and the partition wall of yards shall be at least 9 inches thick and 7 feet high. Should any question arise as to what is to be deemed an out-office for the purpose of this Regulation the decision thereupon shall rest with the Council.

56. All buildings, except public buildings, and buildings of the warehouse class shall, as respects the thickness of their walls, be subject to the rules given for domestic buildings.

## PUBLIC BUILDINGS, WAREHOUSES, AND FACTORIES.

57. The external and party walls of public buildings and buildings of the warehouse class shall at the base be made of the minimum thickness shown in Table B, calculated for walls up to 100 feet in height, and supposed to be

built of good bricks, of the size ordinarily known as 9-inch brick or of a suitable stone or other blocks of hard and incombustible substance, the beds of courses being horizontal.

TABLE B.

## THICKNESS AT BASE OF WALL.

Height up to 100 Feet.	Length up to 55 Feet. Base, 26 inches.	Length up to 70 Feet. Base, 30 inches.	Length Unlimited. Base, 34 inches.
Height up to 90 Feet.	Length up to 60 Feet. Base, 26 inches.	Length up to 70 Feet. Base, 30 inches.	Length Unlimited. Base, 34 inches.
Height up to 80 Feet.	Length up to 45 Feet. Base, 21½ inches.	Length up to 60 Feet. Base, 26 inches.	Length Unlimited. Base, 30 inches.
Height up to 70 Feet.	Length up to 30 Feet. Base 17½ inches.	Length up to 45 Feet. Base, 21½ inches.	Length Unlimited. Base, 26 inches.
Height up to 60 Feet.	Length up to 35 Feet. Base, 17½ inches.	Length up to 50 Feet. Base, 21½ inches.	Length Unlimited. Base, 26 inches.
Height up to 50 Feet.	Length up to 40 Feet. Base, 17½ inches.	Length up to 70 Feet. Base, 21½ inches.	Length Unlimited. Base, 26 inches.
Height up to 40 Feet.	Length up to 30 Feet. Base, 13 inches.	Length up to 60 Feet. Base, 17½ inches.	Length Unlimited. Base, 21½ inches.
Height up to 30 Feet.	Length up to 45 Feet. Base, 13 inches.		Length Unlimited. Base, 17½ inches.
Height up to 25 Feet.			Length Unlimited. Base, 13 inches.

The length in all cases is to be taken without reference to any external cross-walls. The above table is to be used in the same manner as the table previously given for the walls of dwelling house, and is subject to the same qualifications and conditions respecting walls not more than 25 ft. distant from each other.

58. For the purposes of the Regulations with respect to the structure of walls of new buildings the measurement of height of storeys and height and length of walls shall be determined by the following rules:

(a) The height of storeys shall be measured as follows:

(1) The height of any storey other than a topmost storey shall be measured from the level of the upper surface of the floor of the storey up to the level of the upper surface of the floor of the storey next above it.

(2) The height of a topmost storey shall be measured from the level of the upper surface of the floor up to the level of the under side of the tie of the roof or other covering, or if there is no tie, then up to the

level of half the vertical height of the rafters or other support of the roof.

(b) The height of a wall shall be measured from the top of the footing to the highest part of the wall, or in the case of a gable to half the height of the gable.

(c) Walls shall be deemed to be divided into distinct lengths by return walls, and the length of a wall shall be measured from the centre of the one return wall to the centre of another; provided that such return walls are external, party, or cross walls of the thickness prescribed by the regulations, and are bonded into the walls so deemed to be divided.

59. The thickness of a cross wall shall be two-thirds of the thickness hereinbefore required for an external or party wall of the same dimensions and belonging to the same class of buildings, but never less than 8½ inches, and no wall sub-dividing any building shall be deemed to be a cross wall unless it is carried up to two-thirds of the height of the external or party wall, and unless the recesses and openings therein do not exceed one-half of the vertical surface of the wall in each storey. But if such cross wall supports a superincumbent external wall, the whole of such cross wall shall be of the thickness prescribed by the Regulations in that behalf for an external wall or a party wall of the same height and length and belonging to the same class of building as that to which such cross wall belongs.

60. The thickness of the external wall of public buildings or buildings of the warehouse class at the top, and for 16 feet below the top, shall be 13½ inches, and the intermediate parts of the wall between the base and such 16 feet below the top shall be built solid throughout the space between straight lines drawn on each side of the wall, and joining the thickness at the base to the thickness at 16 feet below the top, as above determined; nevertheless, in walls not exceeding 30 feet in height the external walls of the topmost storey may not be less than 9 inches in thickness, provided the height of that storey does not exceed 10 feet.

61. If in any public building or a building of the warehouse class the thickness of the wall of any storey, to be determined by the rules hereinbefore given is less than one-fourteenth part of the height of such storey, the thickness of the wall shall be increased to one-fourteenth part of the height of storey and the thickness of such external wall below that storey shall be proportionately increased, subject to the provision herein contained

respecting distribution on piers, but any additional thickness may be confined to piers properly distributed, of which the collective widths amount to one-fourth part of the length of the wall.

62. In no case shall an additional storey be constructed on the top of any house, store, or building, unless the existing wall shall in the opinion of the Town Engineer afford a sufficient solid sub-structure.

63. Every building used or intended to be used as a public building, theatre, or hall, or any other building which may contain one or more rooms for the reception or more than fifty persons, shall be provided with such facilities for the prevention and extinction of fire as shall be approved or deemed requisite by the Council, and all such appliances shall always be maintained in good and efficient order; and no alteration shall be made with or to such appliances without the written consent of the Council.

#### FIRE EXITS TO PUBLIC BUILDINGS.

64. Every building used or intended to be used as a public building, theatre, or hall, or any other buildings as may contain one or more rooms for the reception of more than fifty persons, shall be provided with such facilities of access and egress that every outer or street door shall be made to swing outwards; and shall always be fully open, and secured in that position with proper fastenings, during the continuance of every meeting or performance, until the theatre, hall, or room as aforesaid be close for the night; all inside doors used for access or exit of the audience shall be made to swing outward, and shall not be provided with fastenings or locks, bolts, or otherwise, except as shall be approved in writing by the Council; these doors shall not be fastened otherwise than by such fastenings as shall be approved by the Council as aforesaid. No corridor or passage shall be obstructed by any projection, shaft, or cloak, refreshment, ticket, or other room: every aisle shall be at least 3 feet 6 inches wide in the narrowest part, and shall contain no unnecessary bends, turns, or angles. Any exit shall not be of any less than the width of the corridor or passage leading to it. The amount of floor space in the auditorium for the audience shall not be less than 350 superficial feet for every 100 persons, exclusive of gangways. Gradients or inclined planes are to be employed instead of steps, whenever practicable, to overcome differences of levels in aisles, passages, galleries, or other parts of the floors of such buildings aforesaid. No passage leading to any staircase communicating with any

entrance or exit shall be less than 4 ft. 6 in. in width, but for a building to accommodate more than 400 persons 6 in. in width shall be added for each 100 persons until a maximum of 9 ft. is obtained. Any building as aforesaid intended for the accommodation of 300 persons shall have two exits at least; for 500 persons three exits; and thereafter an additional exit for every additional 200 persons intended to be accommodated.

When several divisions are made in a building, such as stage, stalls, pits, gallery, each such division or part occupied by the audience or performers shall be provided with distinct and separate staircase, passages and exits, which shall be so constructed as to prevent the audience or performers from the several parts as aforesaid meeting within the building. All enclosed passages, corridors and stairways shall have on both sides a strong hand-rail firmly secured to the wall. All landings and flights of stairs in such buildings as aforesaid shall be of iron (wrought or cast), stone or brick, or other approved fireproof material, and such stairs shall be short, straight, easy flights, the treads not less than 11 in. and the riser not more than 7 in. All such stairways leading to the upper galleries shall be enclosed by walls of masonry on both sides, and shall have suitable and sufficient landings, stairways, for the exit from any room or place or division as aforesaid, intended to accommodate 50 persons, shall be at least 4 ft. 6 in. wide, and 10 in. must be added to the width for every additional 50 persons intended to be accommodated in each room, place, or division. Each gallery or stage shall be provided with not less than two stairways and exits, and every stage shall be fitted with fire-proof shutter, completely separating such stage from the auditorium, and no stage shall communicate directly with the auditorium or portion of the building reserved for the accommodation of the public. Sufficient means for the efficient ventilation shall be provided and kept in proper order, to the satisfaction of the Council. All provisions contained in this Regulation shall be carried out to the satisfaction of the Council, and free access to any part of such building shall at all times when open and at all other reasonable times be permitted, and every facility given to any duly authorised official of the Council to inspect any appliance, matter, or thing required by this Regulation.

#### SANITARY OFFICES TO BUILDINGS.

65. Every building used as a dwelling house, place of business, range of offices, school, hotel, public-house, canteen, factory, workshop, and all public buildings shall be provided with sufficient and suitable sanitary

accommodation and conveniences, regard being had to the number of persons dwelling or employed or in attendance at such building or place. Where persons of both sexes are, or are intended to be, employed or in attendance, separate accommodation and conveniences for persons of every sex shall be provided.

66. No earth-closet or water-closet shall be of smaller internal dimensions than the following:

Depth from front to back, 5 ft.

Breadth, 3 ft. 6 in.

Height from floor to ceiling, 7 ft. 6 in. in the lowest part.

The floor of every earth-closet shall not be less than 6 in. above the ground immediately adjoining, and shall be constructed of flags, cement, bricks, tiles, or other impervious material, and the part immediately beneath the seat in which receptacle is placed shall have an inclination or slope of at least 1 in. towards the tub door.

67. The owner, occupier, or person having control of any building in connection with which there may be sanitary accommodation and conveniences as required by these regulations, shall be compelled to keep and maintain the same in clean and in good order, and shall keep and maintain every water-closet in good and proper working order, and otherwise complete in every respect, and upon failure so to do, such owner, occupier, or person having control as aforesaid shall be liable to the penalty imposed for a contravention of these Regulations.

68. If the Council shall be of the opinion that any house is not provided with a sufficient earth-closet or water-closet, or that any existing earth-closet or water-closet is defective in any manner or things required in these Regulations, or not in proper working order, it may require the owner or occupier of the premises wherein is situated each earth-closet (as the case may be) to make good such defect in or put into proper working order such earth-closet or water-closet to the satisfaction of the Council within one week of the service on him by the Council of a written notice to that effect. In default it shall be lawful for the Council to execute the works, and to recover the expenses from the owner or occupier in default.

69. Every person who shall construct an earth-closet or water-closet in connection with any building shall construct such earth-closet or water-closet in such a position that in case of an earth-closet at least two of its sides shall be external walls, and in the case of a water-closet at least one of its sides shall be an external wall; and every person who shall construct an earth-closet or water-closet in connection with a building, whether the situation of such earth-closet or water-closet be or be not within such building, shall construct in one of the walls of such earth-closet or water-closet, and as near the roof or ceiling as may be possible, a window or other opening of not less than 2 ft. by 1 ft., exclusive of the frame, and opening directly into the open air, and so constructed that one-half at least may be opened, and so that the opening may extend in every case to the top of the window.

70. Every earth-closet shall be provided with a proper bucket door, which shall not be exposed to the public view; and every privy, earth-closet, or water-closet shall not be constructed so that the entrance door opens to the public view of any street or public thoroughfare.

71. Every person who shall construct a water-closet in connection with a building shall forthwith furnish such water-closet with a separate cistern, service box, or flushing-box, of adequate capacity, which shall be so constructed, fitted with proper ball-cock, and placed so as to admit of the supply of water for use in such water-closet being without any direct connection with any service-pipe or water-tank upon such premises, and any part of the apparatus of such water-closet, other than such cistern service-box or flushing-box, and shall provide sufficient quantity of water for the same. He shall to the satisfaction of the Council provide such water-closet with a proper soil-pan and syphon-trap, the whole properly jointed and fixed in position, and shall not construct or fix in or in connection with the water-closet apparatus any trap known as the "D" trap or known as the "pan" and "plug" closets.

72. Every person who shall construct an earth-closet in connection with a building shall provide in or in connection with such earth-closet a moving receptacle for night-soil or excreta. Such earth-closet shall be so constructed as to admit of such receptacle being placed and fitted beneath the seat in such a position as may effectually prevent the deposit on the floor or sides of the space beneath such seat or elsewhere than in such receptacle for night soil or excreta which may from time to time fall or be cast through the aperture of the seat,

and so as to permit of the frequent and effectual application of a sufficient quantity of dry earth or other disinfecting and deodorising substance to any night soil or excreta within such a receptacle. Such earth-closet shall be so situate as to permit of ready access to that part thereof in which such receptacle may be placed or fitted, and the convenient removal of such receptacle, and so that the receptacle may be removed without being carried through any dwelling house or building whatever. Every person shall furnish such earth-closet with a reservoir or receptacle of suitable construction and adequate capacity for dry earth or other deodorising substance, and he shall construct and fix such reservoir or receptacle in such a manner and in such a position as to admit of ready access to such receptacle for the purpose of depositing therein the necessary supply of dry earth or other deodorising substances. Every person shall construct such earth-closet so that the contents of such receptacle may not at any time be exposed to any rainfall or to any drainage of any waste water or liquid refuse.

#### SIZE OF ROOMS AND VENTILATION.

73. In a new building every room which is capable of being used as a human habitation, and is not in the roof of said building, shall be in every part at least 10 ft. high from floor to ceiling. Every room intended to be used as a human habitation, which is in a roof, shall be at least 9 ft. from floor to ceiling, over not less than one-half its area.

74. In a new building every room, attic, and cellar, which is capable of being used as a human habitation, shall have [at] least one window opening directly into the external air, and the total area of such external window or windows (if there be more than one), clear of the sash-frame, shall be at least one-tenth of the floor area of such room, and in no case less than 9 sq. ft. When the area of an attic exceeds 225 sq. ft., it shall suffice that such window space as aforesaid be one-twelfth of such area. At least as much as the upper half of every such window shall be made to open at the full width, and one at least of such windows shall be at the top at least 7 ft. 9 in. above the level of the floor.

75. Every room in any new building intended to be used as a factory or for public assembly shall be provided with such facilities for ventilation as the Council may deem requisite.

76. Every person who shall erect a new domestic building shall cause every habitable room of such building which is without a fireplace and a flue properly constructed, and properly connected with such fireplace, to be provided with special and adequate means of ventilation by a sufficient aperture or air-shaft, which shall provide an unobstructed sectional area of 50 sq. in. at the least.

77. In every building hereafter constructed or adapted to be occupied in separate tenements by more than two families, the staircase used in common shall be ventilated upon every storey above ground storey by windows or sky-lights opening direct into the outer air, or shall be otherwise adequately ventilated; and the principal staircase of a dwelling house not included under the above definition shall be ventilated by a window or sky-light to the external air.

78. No kraals, sheds, or stables for sheep, cattle, goats, pigs, or horses, or other animals shall be allowed within the limits of the Municipality without written consent of the Council for that purpose having been obtained.

79. Every person or his agent or occupier, who shall have obtained such consent to construct or keep a kraal, shed, or stable, etc., for animals of any description whatsoever shall construct the floor of cement, concrete, asphalt, flags laid in cement, mortar, or other approved materials, and shall have an incline or fall (in such direction as may be approved by the Council) of not less than 1 in 24. All surface drains from or in such kraals, etc., shall be constructed of cement, or other approved materials, and in such positions as may be requisite. Every such kraal, shed, or other such place for animals, and all such drains shall be kept in good and proper repair, and every owner or occupier of such place shall cleanse and keep free from filth the interior and every part of such premises.

80. Every building to be erected for use as a dwelling house shall have in the rear or at the side thereof, or partly in the rear and partly at or on the side (but so that there shall be at least 100 sq. ft. in the rear), an open space exclusively belonging thereto, which shall amount in the aggregate to the following extent: Where such building has a frontage not exceeding 15 ft. such extent of open space shall be at least 150 sq. ft.; where such building has a frontage exceeding 15 ft. and not exceeding 20 ft., the extent of open space shall be at least 200 sq. ft.; where such building has a frontage

exceeding 20 and not 30 ft., the extent of open space shall be at least 300 sq. ft.; where such a building has a frontage exceeding 30 ft., the extent of open space shall be at least 450 sq. ft., and be free of any erection thereon above the level of the ground except a water-closet or earth-closet. If such building shall be of one storey there shall be in no case less than 10 ft. between it and the nearest adjacent property at the back; if of two storeys, not less than 15 ft.; if of three storeys, not less than 20 ft., and 5 ft. for every additional storey. When, however, thorough ventilation of such open space is secured, or when in connection with the proposed re-building of dwelling houses these requirements cannot be adhered to without a considerable sacrifice of property, the Council may in its discretion modify them in special cases.

81. Any private entry or passage from a street by the side of or under any building shall have a width of at least 3 ft., and every private entry or passage as aforesaid, whether already in existence or being constructed, shall have a properly-formed floor of cement, brick and cement, concrete, flagstones, or other approved material, and should the floor of any such private entry or passage be used for the purpose of conveying drainage, then either a proper pipe or a gutter of cement or stone, constructed with a smooth surface, and all jointed pointed in cement mortar shall be laid down and maintained in good and sufficient order and repair.

82. The owner or occupier of any property within the limits of the Municipality shall keep all lanes and yards in connection with such property in good and thorough repair and order, and properly drained, to the satisfaction of the Council.

83. If any building or wall or anything affixed thereon be deemed by the Council to be in a ruinous state, or dangerous to passengers or to the occupiers of the neighbouring buildings or property, or to the owner and occupier of the buildings aforesaid, written notice shall be given to the owner, occupier, or agent of such building or wall or fixture, to forthwith take down, secure, or repair such building, wall, or fixture as may be deemed necessary by the Council. The Council shall have the power to protect the public by immediately causing a proper hoard or fence to be erected. And such owner, occupier, or agent shall begin to repair or take down or secure such building, wall, or other thing within the space of three days after any such notice has been so given as aforesaid, and complete such repairs, take down, or secure as speedily as the nature of the case will

admit. The Council shall on the expiration of three days (or sooner if required for public safety) take such steps as may be requisite to take down, repair, or otherwise secure in such manner as may be found necessary. All the expenses of putting up every fence and of taking down, repairing, or securing such building, wall, or other thing shall be paid by the owner or occupier thereof.

84. The Council may give notice to the owner or occupier of any house, store, or building to remove any hoist, life, or other machine abutting on or overhanging any public thoroughfare for the conveyance of goods or merchandise from the ground to any storey or the outside of such building. And the owner, occupier, or agent shall, within 30 days after such notice being served upon him, remove such obstruction or projection, proved that if such projection or obstruction shall have been in existence at the date of the passing of the Act 11 of 1895, and shall have been made with the knowledge of the Council, the owner shall be entitled to compensation for any damage which he may sustain by reason of such removal or alteration.

#### CHAPTER X.

##### DRAINAGE REGULATIONS.

1. Every house and building shall be provided with a proper and efficient system of drainage to be approved by the Council, which shall be separate and distinct from the drains of any other house or building not included in the same curtilage, and the work shall be executed according to the Regulations relating thereto.

2. No rain-water pipe shall have its outlet into or be connected with an ashpit or dustbin or sewer, or shall so discharge itself as to render the foundations of any building damp. Every such rain-water pipe shall discharge itself into a proper surface drain or drains so as efficiently to conduct the water away from the foundations of any buildings.

3. The owner or occupier of every house or building within seven days next after service of a notice by the Council for that purpose, shall put up a shoot or trough of the whole length of such house or building, and shall connect the same either with a similar shoot on the adjoining house or building or with a pipe or trunk to be fixed to the front or side of such first-mentioned house

or building, from the roof to the ground, to carry the water from the roof thereof in such manner that the water from such house or building or the shoot or trunk affixed thereto, or from any portico or projection therefrom, shall not cause dampness in any walls or foundations of such building nor fall upon or flow over any road, street, or public way, and no such pipe or trunk shall be so closed or constructed so as to be an obstruction to the safe and convenient passage along any road or footway, and (in all cases where the Council shall decide not to do the work itself, by virtue of the right reserved to them in these Regulations) such owner shall construct or lay from and in continuation of such pipe or trunk to the water channel or gutter at the outer edge of the footway hereinafter called the channel, and through, under, and transversely to the footway, such covered drain or trunk for carrying such water to such channel or gutter in such manner as shall be authorised or directed by the Council in that behalf, and shall thereafter keep in good condition every such shoot, trough, pipe, drain, and trunk, and every such drain shall be constructed, laid, and repaired subject to the inspection of such officer as the Council shall have appointed in that behalf.

4. Every owner or occupier of land in, adjoining to, or near any street or road, if such land shall be so situated that the surface or storm water from or upon the same overflows or tends naturally, if not otherwise discharged, to overflow any footway of such street or road, shall within seven days next after the service of notice by the Council for that purpose, construct and lay from such point, upon such notice, by plan appended or otherwise, and higher in level than the bottom of the channel at the outer edge of the footway to the said channel, and through, under, and transversely to the footway, and keep in good condition such covered drain or trunk as, subject to the like inspection, as in the last preceding section mentioned respectively.

5. The Council shall fix from time to time the width and levels of all footpaths within the Municipality, and any gutter running across the footway must be covered or otherwise constructed, as the Council may direct, at the expense of the owner of the property which the said gutter is to serve, and all pavements shall be laid down according to the plans of the Council, whose consent, as well as for constructing stoeps, steps, erecting posts, and planting trees, must be asked and obtained in writing before any action be taken by the application.

6. In streets or roads the crossing over the channel shall be such suitable bridge as shall leave a free passage for the water underneath the same, and shall be of such materials, form, length, size, strength, and fall as shall have been respectively appointed by the Council in that behalf, and the surface of such crossing so far as the footway extends shall be so made good by paving, macadamising, gravelling, or otherwise that the necessary traffic by animals or vehicles over the same shall not cause any damage thereto, but that such crossing shall be as sound and commodious for the passage of persons using the footway as the other portions of such footway adjoining such crossing.

7. No person making any crossing shall be deemed guilty of an offence by reason only of such departure in making such crossing from the notice or specification relating thereto, unless the Officer of the Council appointed as hereinbefore provided to inspect the making of the crossing shall have reported in writing such departure to such person who for the space of seven clear days after such notice have failed to erect or supply such departure.

8. If any crossing shall have been made in any respect contrary to the foregoing bye-laws, or any order made thereunder, it shall be lawful for the Council, by notice in writing, to call upon the person who has so made the same to rectify the work, and should he fail to do so within the time specified in the said notice, it shall be lawful for the Council, if they should see fit, to cause the same to be altered, so as to conform thereto, and to such regulation respectively, and to recover the expenses of such alteration from the owner of the land to which such crossing shall lead, in any competent Court; but they shall not so recover in those cases of departure from the notice or specification in the last section mentioned, which the Council or their officer might respectively have given notice of or reported, but failed to give notice of or report respectively in manner and within the time provided in the preceding section.

9. If any private street or road shall meet at an angle the footway of any public street or road, and there shall be no crossing upon and across such footway and the channel adjacent thereto from such private street or road to such public street or road, it shall be lawful for the Council, if they shall see fit, to make, in accordance with any regulation in force in that behalf, a crossing upon and over such footway and channel of the description hereinbefore provided with respect to other crossings, and to recover from the owner of each of the properties

abutting on such private street or road having a right thereto such portion of the expenses of such making as shall bear to the whole of such expenses the same proportion as the rateable value of such property bears to the whole rateable value of all the properties so abutting.

10. If any crossing across or over any footway or channel to any land or way appurtenant thereto, or to any private street or road, shall have been made before the coming into operation of this Regulation, but in respect shall not be in accordance with any order made hereunder, the Council may, if they shall see fit, cause the same to be altered so as to conform to such order at their own expense.

11. If any crossing shall be out of repair, and the persons liable hereunder to maintain or repair the same shall for seven days after notice from the Council to that effect neglect properly and completely to repair the same, they shall be liable to the penalty provided for a contravention of these Regulations, and the Council may, if they shall see fit, effect such repair, and recover the same from such person before any competent Court.

12. It shall be lawful for the Council from time to time to make orders for all or any of these purposes following, that is to say:

For regulating the width, depression, and inclination of bridges and other crossings over footways and channels, and the materials for making and constructing the same, and the mode of laying and bedding such materials either absolutely or with relation to the levels, inclination or fall of the footway or channel, or otherwise in like manner.

13. In the event of the owner, occupier, or other person liable failing to do or construct any work or thing required to be done by him within the time as provided in the foregoing regulations of this Chapter, then the Council may forthwith, without further notice, do, perform, and construct the whole or any part of such works itself at the expense of such owner or occupier, and in such case the Council shall be entitled to charge the owner or occupier with the actual cost of such work, together with a reasonable amount for supervision and use of tools, implements, and plant; provided that it shall not be necessary for the Council to commence any such work until the estimated cost shall have been paid by such owner or occupier to the Town Treasurer, and if the estimated cost shall be found to be in excess of the

actual cost and expenses, the overplus shall be forthwith repaid to the owner or occupier by the Council; but should the actual cost and expenses exceed the estimated cost then the Council shall be entitled to recover the difference.

14. Where the Council shall construct or have already constructed or laid down in any street or other thoroughfares or other places any sewer or earthenware pipes or other drains for the purpose of carrying off sewage, the owners or agents or occupiers of any house store, cellar, stable, or other building situated in or draining by means of or through any lanes or passages into that particular street, thoroughfare, or other place, shall, on being required by the Council so to do, cause the drainage thereof to be conveyed to such sewer or pipe or drain, by glazed earthenware pipes or other method approved of by the Council. He shall also cause to be provided, erected, and connected with such sewer, pipe, or other drain, by proper drain pipes, a sufficient water-closet, with proper doors, and also furnished as regards the water-closet with proper sufficient water supply apparatus, water supply, approved trap, soil-pan, ventilator, and other suitable works and arrangements, so far as may be necessary to ensure the efficient operation thereof. All closets constructed previous to the passing of this Regulation shall be connected in the above manner to this sewer and drain, as if it were a new water-closet.

The whole of the water joints are to be made of cement mortar, or such other material as the Town Engineer may recommend, and as shall be approved by the Council, and to the satisfaction of the Town Engineer or any other duly authorised officer, and in the case of every owner, agent, or occupier failing and neglecting to do or make such connection as aforesaid after the said sewer or drain shall have been laid down and completed, and after one month's notice in writing from the Council to carry out such work, the Council or any person specially appointed for that purpose shall be authorised, and are hereby empowered, to enter upon the premises of such defaulter, and to cause the work to be performed in such a manner as to them may seem meet, and to recover the amount of the expense of such work, and also the expenses attending the recovery from such proprietor before any competent tribunal, and every proprietor shall, moreover, be liable upon conviction to the penalty provided for a contravention of these Regulations.

## CHAPTER XI.

### WATER REGULATIONS.

1. Every person desiring to have water supplied to his premises shall make application for the same to the Council, who shall be obliged to grant such application in case the premises are situate in a street in which a water main has been laid down, and in all other cases the Council may grant, refuse, or modify the application in such manner as they may think fit, and impose such conditions in respect of such supply as they may deem expedient.

2. No such application shall be granted until the applicant shall have paid the charge appointed by the tariff framed annually under the provisions of Section 12 of Act 15 of 1882, together with the estimated cost of connection with the main or service pipe. No person shall tap any main or service pipe, except the officer appointed thereto by the Council.

3. Upon the granting of such application, modified or otherwise, the Town Engineer or other officer appointed by the Council for that purpose shall at the cost and expense of such applicant cause a connection pipe to be attached to the nearest main or service pipe, with the necessary cocks or meter to regulate the supply of water, and carried to such spot or spots upon the property of such applicant as to the Town Engineer or other officer appointed as aforesaid may seem fit and proper, and the applicant shall at his own cost and expense, and under the inspection and in compliance with the direction of the Town Engineer or other such officer as aforesaid, from such spot or spot as last abovementioned connect and lay the necessary pipes and water leadings for the purpose of conveying and conducting the supply of water to his property, provided that the said officer shall not be obliged to perform the work aforesaid until the estimated cost of such work shall have been paid to the Town Treasurer, and for such work the Council shall be entitled to charge the actual cost thereof, together with a reasonable amount for supervision.

4. Every person obtaining a water leading shall provide, if required by the Council, a proper water tank, with the necessary cocks and other requisites, and shall keep all tanks, pipes, cocks, taps, and other fittings connected therewith in good repair, and shall prevent any waste of water. In the event of any waste or loss of water, whether by leakage, defective tanks, pipes, cocks, taps, fittings or otherwise, being discovered on any

premises, the Council, or the person or persons appointed by it, shall give the owner or occupier of such premises or the person who applied for such water leading, notice thereof, and require him to put an end to the same forthwith, and should such notice not be complied with within twelve hours after receipt thereof, the Council or its officer or officers may cut off the pipe by which the water is supplied to such premises. Provided that should such breakage or waste occur in any pipe or portion of a pipe laid under any street or road, the said pipe may be forthwith cut off without notice, if necessary. Any person wilfully or by neglect causing or allowing any leakage or waste water to take place on any premises, shall be liable, on conviction, to the penalty provided for a contravention of these regulations.

5. The amount fixed by the Council to be paid annually for each water leading shall be due and payable at the Town Office on the 1st day of January in each year; provided always that if an application be acceded to between the 1st January and 31st March inclusive the applicant shall be obliged to pay for the whole of that year; if between the 1st April and 30th June inclusive, the applicant shall pay for three-quarters of that year; if between the 1st July and 30th September inclusive, the applicant shall pay for the half year; and if between the 1st October and 31st December, the applicant shall pay for one quarter only of that year, and the amount due in respect of all intermediate grants of water leadings shall be due and payable within one month after the application shall have been acceded to.

6. Every person shall pay the amount due in respect of his water leadings within seven days after the same shall have become due; and in the event of non-payment as aforesaid, the Council or its officer or officers are hereby authorised to stop or cause to be stopped the supply of water by such leading or leadings, and to sue for the amount due in respect thereof, as they may think fit.

7. The Council may at any time or times stop the supply of water by any leading or leadings or through any main or service pipe for the purpose of renewing, repairing, cleansing, or re-laying any such main or service pipe or leading.

8. The Council may at any time, for good and sufficient reason, such as drought or repairs to waterworks, by public notice signed by the Mayor, or, in his absence, the Acting Mayor or Chairman of Waterworks Committee, cause the supply of water throughout the

Municipality, or to any part or parts thereof, to be limited or restricted, and may by such notice fix the hours between which the supply will be allowed to run, and may limit the amount of water to be taken through each leading, and may prohibit the use of water for garden purposes, either altogether or between such hours as may be fixed in the said notice; and upon such notice being issued the Council or the Mayor, or Acting Mayor, or Chairman of Waterworks Committee, as such the case may be, is hereby authorised to take all such steps as may be necessary for carrying out such notice by limiting, restricting, and, if necessary, by stopping the supply of water accordingly; provided that twenty-four hours' notice in writing to the holders of leadings affected or by a public advertisement being given before such limitation or restriction be put in force.

9. No reduction, stoppage, or decrease in the supply of water for any of the reasons aforesaid shall in any way affect the amount payable in terms of these regulations or render the Council liable for any damage which may have accrued to or being sustained by any person or persons by reason thereof.

10. No person shall take or cause to be taken any water from any leading or any cock, pipe, or tap belonging thereto, or connected therewith, situated upon the premises of any other person or persons for use on any other premises without the consent of such person and the Council.

11. No person upon whose premises, whether as owner or occupier, any water leading has been placed shall supply, sell, or otherwise dispose of to any person (other than members of his own household or the occupants of such premises) or allow any person (other than above mentioned) to take water from such leading or any pipe, cock, or tap belonging thereto or connected therewith.

12. Where premises are so situated that more than one householder might obtain a supply of water from the same leading, it shall be lawful for the Council, before granting any application for a leading to by one or more of such premises, to require that a separate leading be taken for each such premises.

13. The owner or occupier of every house in a street having a water main and entitled to a supply of water may be required by the Council to cause a separate connection or water leading to be made to every house of the value of £100, and upon his failure, after due notice to do so, the Council, by its duly authorised officials, is hereby

empowered to proceed and enter upon such premises and complete what may be deemed necessary for such water supply, and the whole expense cause or incurred shall be payable by such owner.

14. The Council may compel every owner of any dwelling house in a street having a water main within the Municipality to connect such dwelling house with the main water leading for the supply of water to such house or houses, and every house of a value of £100 and upwards shall be obliged to take not less than 100 gallons of water per diem, and houses of a less value than £100 shall be obliged to take not less than 50 gallons per diem, provided that every such owner or occupier as aforesaid, after a water leading shall have been made, may be charged by the Council with the water rate, reckoned on the basis aforesaid, and whether he take such water or not.

15. No person who has obtained a leading for household purposes only shall use any water therefrom for garden purposes or for any other than strictly household purposes.

16. It shall be the duty of every person on leaving any house or other premises or property to which a water leading has been allowed to give notice thereof to the Council, and to request that such water leading may be discontinued, and every person refusing or neglecting to give notice as aforesaid shall be and remain liable for the payment of the amount due for the same as aforesaid until such notice shall have been given.

17. It shall be the duty of the Waterworks Inspector or some other duly appointed official of the Council and all employees of such Department to attend and assist at all times in case of fire.

18. No person shall injure or leave open, so that the water runs to waste, any public fountain, pump, cock, water pipe, sluice, water course, or any other thing connected with the supply and distribution of water within the Municipality.

19. Any person convicted of contravening any of the Regulations contained in this Chapter shall be liable to the penalty provided for contravention of these Regulations.

## CHAPTER XII.

### MARKET REGULATIONS.

1. A market or markets shall be held for the sale of all produce at such place or places on such days and at such hours as the Council may from time to time appoint by resolution.

2. The market buildings, market place, and all matters and things concerning the sale of the articles above enumerated shall be under the superintendence of the Market Master, and of such other persons as may be appointed by the Council.

3. The Market Master or his duly appointed assistants or representatives shall sell by public auction all produce, live stock, and other articles brought to the market for sale in such quantities as the Market Master may from time to time decide in its turn in the ordinary manner.

4. All live poultry brought upon the market for sale shall be well exposed in pens, crates, or boxes, well open for public view, and not tied by the legs.

5. All green vegetables, fruits, meat, and fish brought to the market, and not intended to be sold by auction in the first instance, shall be exposed for sale upon tables in the covered market buildings, or at a spot set apart for that purpose by the Council, who may supply stalls or other accommodation, for which a fee of 3d. for each 3 ft. of frontage or under shall be charged per day, and paid by the proprietor or person in charge of such articles, but all butter brought to market shall be placed on tables set apart for that purpose in the covered market buildings, and a charge shall be made to each owner or consignor of not less than 3d. and 2½ per cent. market dues.

6. All auctioneers selling, after obtaining the consent of the Council for that purpose, and paying such fee as may from time to time be fixed by the Mayor or Town Council, on the market place, and after the market is over, shall pay to the Town Office 1 per cent. as dues, and all such auctioneers shall furnish to the Council, on the seventh day of each month, a statement of all stock, etc., sold by them on the market during the previous month, and the Council shall be empowered to prevent any sale being made by any auctioneer, whose monthly statement is in arrear.

7. The Market Master or other functionaries shall not be allowed to purchase or sell on their own account, or be directly or indirectly interested in the sale or purchase of any article sold on the market, except for their own private consumption.

8. The Council shall have the power to order and fix, through the Market Master, or other Officer appointed for the purpose, the several places where wagons or other vehicles bringing goods for sale shall stand upon the public market, as also where any article or articles which may be brought for sale thereupon shall be placed; and any person refusing to comply with such directions shall be liable to a fine not exceeding £5, the penalty for a contravention of these regulations.

9. The Market Master or his representative shall demand and take from the proprietor or person in charge of every wagon or other vehicle entering the market place with produce or other articles a registry fee of sixpence, and from the proprietor or person in charge of all produce of articles brought otherwise to the market and exposed for sale a registry fee of one penny, and no person shall withdraw his vehicle until such fee has been paid. Any person refusing to pay such fee, or otherwise contravening this regulation, shall be liable to the same penalties as those set forth in the last preceding regulation.

10. No person shall be allowed to ride, drive, or lead into the market place during the market hours, so as to interfere or impede the market, any horse or horses or other animals, whether in harness or not, or whether attached to any vehicle or not, except for sale on the market, and except also that such horse or other animals be then and there taken to some part of the market place appointed for such purpose.

11. All sellers upon the market, whether by auction or otherwise, shall pay the [Market] Master or his representative, in addition to the registry and space fees above mentioned, as market dues, 2½ per cent. upon the gross amount of sales of all produce goods or articles placed upon the tables, and 2 per cent. on that of all other produce, live-stock, or articles; and in case any produce, live-stock, or other articles shall have been put up for sale by auction and declared not sold, the proprietor or person in charge thereof shall in each case pay an "unsold fee" of one shilling.

12. All produce and articles brought to the market for sale, and which may be sold privately before or during the market, shall pay the same dues as if sold by auction on the market by the Market Master.

13. Any person liable for and neglecting to pay the market dues, as herein provided, shall, upon conviction by the Magistrate, be liable to a penalty not exceeding £10, or imprisonment not exceeding three months, which shall be in addition to the amount of dues claimable.

14. In all disputed cases between the bidders, the decision of the Market Master shall be final and binding upon all parties, provided that no disputes between bidders shall be recognised after the Market Master shall have uttered the word "gone" in each case, but the proprietor shall have the right of declaring "no sale."

15. All sales on the market by the Market Master shall be for cash, and no private arrangement, made by any person with the Market Master for any other mode of payment shall be recognised by or be held binding upon the Council, and the Market Master shall be responsible to the seller for payment in cash of the amount for which the articles have been sold by auction, less commission and other authorised fees and dues, upon production of proof that such articles, if required by any regulation to be delivered by the seller to the purchaser, have been so delivered by him.

16. Every article that requires weighing must be weighed at the market scales before it is removed from the market, and the Market Master shall mark such weight and the price of the article upon the delivery note which shall be required by him.

17. The Market Master shall deliver a sale note to every person for whom he shall have sold produce or other articles on the market, setting forth the name and address of the purchaser, quantity, and, when necessary, the weight of the articles sold, the description, the prices of the different articles, and amount thereof, and the date of sale.

18. The seller on the market shall within a reasonable time, and before 1 o'clock, deliver to the buyer at his store or place of residence (butter excepted, which must be delivered within two hours after the sale thereof), at the option of the buyer (provided the same is situated within the town), the articles purchased, without making any charge whatever for so doing; provided, however, that no such seller shall be obliged to deliver any article as

aforsaid when the amount of the purchase money for all the articles bought by the particular purchaser from the particular seller is under five shillings.

19. Any person who, without reasonable cause, shall refuse to receive or pay for any article so bought, or who shall cause any unnecessary delay to the seller, shall be liable to a fine not exceeding £5, in addition to any damage caused to the seller by reason of such delay.

20. No person shall leave later than 2 p.m. on the day of sale, upon the market place or upon the tables in the market building, any article purchased by him below the value of five shillings.

21. The Market Office shall be open to the public daily for transaction of business from 11 o'clock a.m. to 3 o'clock p.m., except on Saturday, all accounts for which day are payable on Monday immediately following, between the hours of 10 o'clock a.m. and 3 o'clock p.m. All accounts must be paid on the day of purchase (with the exception of purchases made on Saturday), failing payment, a fine of five per cent will be charged.

22. No payment shall be made by the Market Master, except to the seller or person in whose names the articles may have been sold, or his duly authorised agent, and subject to the right of retention hereinafter specially provided: The Market Master shall be obliged to pay the amount to which such seller or person is entitled, less market and all other duly authorised charges, within a reasonable time after such seller, or person, or agent shall have delivered to him the sale note duly receipted by the purchaser.

23. The Council shall be responsible to the sellers on the market for the proceeds of all sales thereon made by the Market Master, provided that, in the event of non-payment by the Market Master, notice in writing thereof be given to the Town Office within 48 hours after the sale.

24. Neither the Market Master nor the Council shall be responsible nor in anywise liable for the quality or quantity of any articles sold or offered for sale upon the market.

25. All persons offering or exposing forage, grain, meal, potatoes, butter, wool, or brandy for sale on the market shall be bound before such offer or exposure for sale, if required to do so, to deliver to the Market Master a sample of such produce or specified article, for

comparison with the article which is to be sold upon the market, such sample to be ticketed and retained by the Market Master for 24 hours, and if not then applied for, to be appropriated for Municipal purposes.

26. The seller shall be responsible and liable for the quality or bulk of all articles sold according to samples or in bulk.

27. All flesh, meat, game, poultry, fish, fruits, vegetables, or other provisions found in the market which appear to the Market Master to be unwholesome, diseased, or unfit for food, may be seized and retained by the Market Master, in order that the same may be examined by the Health Officer or some other competent person to be named by the Council, and if condemned by him, the same shall be confiscated and destroyed, and it shall be competent for the Health Officer, Sanitary Inspector, or other person appointed by the Council to visit the market at any time, and to examine the articles exposed for sale, in order to ascertain if they be good and wholesome.

28. Every purchaser of any of the provisions in the last clause mentioned shall be bound to pay to the Market Master the purchase price thereof, but in case he refuse to take, accept, or receive the same, or in case the Market Master retain the same for inspection as being diseased, unwholesome, or unfit for use, the Market Master shall be entitled to withhold the purchase price from the seller, pending the decision of the Health Officer, Sanitary Inspector, or other competent person. And in the event of such provisions being found to be diseased, unwholesome, or unfit for use by such official, the same shall be dealt with as condemned, as provided for in the preceding regulation, and the purchase price refunded to the purchaser.

29. The seller shall in such last mentioned event be liable for the market dues in respect of such sale, and in addition shall, upon conviction, be liable for the penalty provided for selling and exposing for sale diseased and unwholesome provisions or articles for consumption.

30. The Market Master shall have the right to refuse to sell any meat or other article for consumption as aforsaid which may appear to him to be diseased, unwholesome, or unfit for use.

31. The Market Master shall be entitled, and is hereby authorised to call upon any purchaser to pay cash for the articles purchased as soon as it has been knocked down to him, and in the event of non-compliance, the article shall forthwith be again put up for sale.

32. The Market Master shall keep a correct account of all moneys received and paid by him, and of all produce of other articles he may have sold, and shall keep such books of account as the Council may from time to time direct. All fees and dues received by him shall be paid at the Town Office every Monday morning before 12 noon.

33. The Market Master shall conduct the business of the market in strict conformity with these regulations, and with such orders as he may from time to time receive from the Council.

34. No person shall wash, or clean vegetables or fish, or pluck the feathers from poultry, or deposit any rubbish or refuse of any kind on the market place or within the market buildings.

35. No person shall throw upon the floor of the market buildings any orange or any other peel or vegetable substance.

36. No person shall be allowed to hawk or carry about for sale any article, matter, or thing upon the market.

37. The Market Master may, whenever he has any reasonable suspicion that the property sought to be sold is stolen property, and not the property belonging to or in the lawful possession of the seller, after inquiry, refuse to allow such property to be sold.

38. All persons bringing produce to the market for sale shall conform to the instructions of the Market Master as to the particular stall, or stand, or place therein which they shall use for the exhibition and disposal of such produce.

39. No market agent or seller shall be permitted to bid for any produce or goods which he is offering for sale, and the Market Master shall refuse to accept any such bid.

40. Applications to act as market agents should be made in writing to the Town Council through the Market Master; the fee for each licence is £5 per annum, payable in advance.

41. No person, other than the market officials, market agents, and agents' clerks, shall be allowed within the enclosure in which sales of fruit, etc., are proceeding.

42. Any person contravening any of the regulations of this chapter, to which no other penalty is attached, shall be liable on conviction to a penalty not exceeding £10, or in default of payment, to imprisonment, with hard labour, not exceeding three months.

#### CHAPTER XIII.

##### PUBLIC CEMETERIES.

(Framed under the Provisions of Act 23 of 1880 and Act 3 of 1883.)

1. The Public Cemeteries which are at present established or which may in future be established within the Municipality shall be subject to the provisions of Act No. 3 of 1883.

2. All orders for interment must be given to the Cemetery Keeper in writing, and all dues and fees paid to him or to the Town Clerk before any ground can be opened.

3. All orders for interment must be in the form provided by the Council, and contain a statement of the Christian and Surname, calling, or description, and the age of the person to be buried, the date of death, where it occurred, the day and hour of the intended burial, in what portion of the cemetery it is to take place, and the situation, description, or depth of the vault or grave required.

4. The name of the Minister whom friends of the deceased may wish to officiate at the funeral should, if possible, be given with the order for interment, either to the Cemetery Keeper or to the Town Clerk, who will make the necessary arrangements.

5. Orders for interment must be given at the earliest possible moment, and where a notice of less than 12 working hours shall have been given, the Council will not be responsible for any delay which may occur at the grave. For brick graves or vaults a lengthened notice will be required, and the Council cannot be responsible for their preparation within a given time.

6. All graves for adults shall be at least five feet deep, and for children four feet six inches, and where deeper graves are required, such must be distinctly mentioned in the order for interment.

7. Grave spaces of nine feet in length and six feet in breadth may be purchased at any time on application to the Town Clerk for the sum of £2 each, and upon such purchase being duly registered by the Town Clerk, and a certificate thereof granted by him to the purchaser; such space shall be the property of the purchaser, subject, however, to its being used for purposes of interment only, and subject also to all such regulations as may from time to time be in force in regard to the maintenance and management of the cemetery in which the said space may be situated.

8. Whenever more internments than one are contemplated in the same grave, the last interment shall not be less than five feet from the surface. No removal of coffins for the purpose of deepening or enlarging graves will be allowed.

9. Wooden coffins shall be allowed in common graves only, and air-tight metallic coffins shall be used in all vaults.

10. All graves shall be prepared by the Cemetery Keeper appointed by the Council, except in cases of persons buried by the Military or other public authorities, in which case the grave shall be prepared under the direction of the Cemetery Keeper, and in conformity with regulations applying to ordinary graves.

11. No gravestone, monument, or railing shall be erected, or trees or shrubs planted by any private person, except over, around, or upon grave spaces, the freehold of which has been purchased.

12. No gravestone, monument, or railing shall be erected in any part of the cemetery without the approval of the Council for that purpose being first had and obtained, and no railing shall in any case exceed a height of 2 feet 6 inches from the ground, including kerbstones for the same.

13. No trees or shrubs likely to increase so as to cover a larger space than the grave space purchased, shall be allowed to be planted, and the Council shall have the power at any time if it think fit to remove or prune any trees, plants, or shrubs which may exceed the limits of the land purchased.

14. All private graves, with the monuments, gravestones, and enclosures (if any) of the same shall be kept in good order and repair by the owners of the same, and in case of their not being so kept in good order and repair by the owners thereof, the Council shall have the power, after having given three calendar months' previous notice to the owners of their intention so to do, of effecting any repairs, or any such removal of gravestones, monuments, or enclosures as to them may seem fit, for the purpose of preserving uniformity and neatness in the appearance of the cemeteries.

15. No grave shall be reopened for a fresh interment, except a grave which may have been specially prepared with a view to such reopening. In reopening such a grave for a fresh interment, the last coffin shall not be exposed, but shall be left with at least one foot of earth upon or above it.

16. No person or body of persons shall be allowed to fence off, plant trees or shrubs in, or in any way interfere with any portion of a cemetery, not being a private grave space, which shall have been purchased; but the Council may, upon the request of any religious denomination, and in such manner as the Council shall see fit, set apart such quantity of ground as the Council shall think expedient or necessary for the burial of persons belonging to that denomination; and thereupon such denomination shall be permitted to consecrate or perform any other religious rite or ceremony upon such ground, and only persons belonging to such denomination shall thereafter be buried therein, except with the consent of the representatives of that denomination for that purpose first had and obtained.

17. Any public chapel which may at any time be erected by the Council in any cemetery shall be at the use and disposal for the purpose of funerals only, to any persons or persons who may wish to use the same, and the Council shall have the power, if they shall so think fit, to allow any religious denomination which may have obtained the exclusive right of burial in that particular portion of the cemetery to erect thereon any such chapel as may be approved by the Council: provided that the same shall be used only for funeral and not for ordinary religious services, shall be kept and maintained in order and repair by the denomination erecting it.

18. The cemeteries will be open to the public daily, but no person will be allowed to trespass on any flower or shrub bed, and perfect decorum must at all times be observed by all persons.

19. No vehicles or horses, except those in attendance on funerals, shall enter any cemetery without a special order from the Town Clerk.

20. Any person who shall wantonly or willfully destroy, or do, or cause to be done, any damage to any monument, vault, tombstone, building, erection, path or roadway, railing, fence, tree, shrub or plant, in or belonging to any cemetery, or daub or disfigure any wall thereof, or put up any bill or placard therein, or on any wall or fence thereof, or play at any game or sport, or discharge any firearm (save at a Military funeral), air-gun, or catapult therein, or wantonly or wilfully disturb, or attempt to disturb or annoy, any persons assembled therein for the purpose of a burial, or commit any nuisance therein, or otherwise in any way contravene or break any lawful regulation in force regarding any cemetery, shall be liable upon conviction to a fine not exceeding £10, or in default of payment, to imprisonment, not exceeding three months.

21. Any person who shall destroy, injure, or remove any flowers, wreaths, or other articles placed upon any grave shall be liable upon conviction to the penalties mentioned in the preceding regulation.

22. Nothing in the foregoing regulation contained shall be held or construed so as to prevent the Council or any person injured by such damage from recovering a reasonable sum as damage or for compensation, irrespective of the aforesaid penalties, in any Court of competent jurisdiction, provided that such damage or compensation shall not be recoverable by the Council and such person in respect of the same act or offence.

23. Any animal which is liable to be impounded under the Pound Regulation in force within the Municipality found trespassing in any cemetery may be impounded by the Council or by any officer or servant employed by them, and the owner of any animals so impounded shall be liable to pay, in lieu of any other trespass money, the sum of ten shillings in respect of each animal so found as aforesaid, exclusive of mileage, herding, and other pound fees, payable according to the said Pound Regulation.

24. The Town Clerk shall keep plans of all cemeteries under his control, and the grave spaces therein, and a register showing all grave spaces sold, and details of all burials which have taken place in any such cemetery, giving the place of burial, name, age, sex, and race of the corpse, and the same shall be open to the inspection

of the public at any time during office hours, free of charge, and the Town Clerk shall, whenever so required, furnish certificates of sale or transfer of any grave spaces and certified extracts from such registers upon payment of the fee for that purpose as provided in these regulations.

25. It shall be the duty of the Cemetery Keeper to attend to the preparation of all graves, the filling up and turving over of the same, the opening and closing of the cemetery gates, the opening and closing and keeping in order and fit for use of any public chapel erected in any cemetery, the maintaining in order of all fences, paths, flower and shrub beds, trees and grass within the cemetery, and generally to see to the proper carrying out of all regulations regarding any cemetery, and to receive, execute, and carry out all such orders as he may from time to time receive from the Town Clerk.

26. The following shall be the fees payable to the Council in respect of interments and certificates and extracts from registers, but the Council shall have the power to remit the payment of any fees in cases of interment of persons who shall be shown to the satisfaction of the Council to be paupers: -

	s. d.
For interment in common graves:	
1. Still-born children . . . . .	7 6
2. Children under ten years of age . . . . .	15 0
3. Adults . . . . .	20 0
For interment in purchased graves:	
1. First interment (in addition to purchase fee) . . . . .	15 0
2. For every subsequent interment in the same grave . . . . .	20 0
For register and office fees:	
1. Certified extracts from register, each . . . . .	5 0
2. Certificate of purchase of grave space . . . . .	5 0

## CHAPTER XIV.

## POUNDS.

1. It shall be lawful for the Council to establish and maintain within the Municipality one or more pounds, to be termed the Municipal Pounds, which shall be kept at such places and by such Pound masters and on such conditions as the Council may from time to time appoint, provided that nothing herein contained shall prevent the Council from leasing such Pound to any person or persons at any time and for any period.

2. All pigs, poultry, or pigeons found trespassing in or upon

- (a) Any garden, vineyard, orchard, or plantation.
- (b) Any place upon which any species of cultivated crop is growing, or upon which such crop, having been gathered, is still lying.
- (c) Any place containing grain.

may be destroyed by the proprietor or any person acting under authority. And any dog found trespassing at any time in a fenced camp or enclosed place in which there are game or animals, may be destroyed, provided that the owner of any dog, or any person having a dog in his possession or under his control, shall, nevertheless, be liable to make good any damage done by such dog to any game, ostriches, or animals in any fenced camp or enclosed place.

3. Any person finding cattle, horses, asses, mules, pigs, goats, or sheep trespassing upon his property or upon property in his possession, occupation, or control within the Municipality is hereby authorised and empowered to send the same to the nearest Municipal Pound, and no person shall detain such cattle or other animals as above mentioned in his possession beyond 24 hours after the same have been found trespassing, under a penalty, upon conviction, not exceeding £5, or, in default of payment, to imprisonment not exceeding three calendar months.

4. All cattle or other animals as above-mentioned found trespassing may be sent to the Pound, and no animals impounded as aforesaid shall be turned out to graze within one hour after sunrise.

5. It shall be the duty of the Pound Master, or in his absence the person in charge of the Pound, to grant to the person delivering trespassing animals as aforesaid a certificate, stating the number and description of the animals taken to be impounded, and the name of the person

by whose authority the said animals have been sent, a copy of which certificate he shall enter in a book to be kept for that purpose, and styled "Pound Certificate Book."

6. Every Pound Master shall keep a Pound Book, in which shall be legibly entered the following particulars:

- (1) The date when and the cause for which all animals received by him are impounded.
- (2) The number and description of such animals.
- (3) The name and residence of the person impounding such animals, and the name and residence of the owner or supposed owner.
- (4) The date and particulars of the release or sale of the animals, as the case may be.
- (5) Any other matters which he may be directed by the Council to ascertain and record.

7. The said entries shall be made at the time the acts recorded were done, or so soon thereafter as possible, but not after any dispute concerning them has arisen. And generally in regard to the form in which entries in the Pound Book are to be made, the Pound Master shall follow such directions as he may receive from the Council.

8. Every Pound Book shall be kept at the residence of the Pound Master, and shall at all reasonable times be open for the inspection of the Town Clerk or any Councillor, and of any member of the police force free of charge, and shall similarly be open for the inspection of every person upon payment of 6d. for each inspection. And every Pound Master shall grant extracts signed by himself from his book to every person demanding the same, upon payment of 1s. for every such extract not exceeding 100 words, and 6d. for every subsequent 100 or part of 100 words.

9. Every Pound Master shall once a fortnight transmit to the Council a copy of all entries made in his Pound Book since the date of the previous transmission, and the Town Clerk shall preserve all such copies in his office for the inspection of all such persons desiring to see them.

10. Every Pound Master shall take his Pound Book with him to every sale of animals impounded in his Pound, and such book shall be open at the place of sale free of charge to all persons desirous of inspecting it.

11. All horses, cattle, or other animals sent to the Pound, and found to be infected with any contagious disease shall be kept separate from all the other

impounded stock, and the Pound Master shall, upon the certificate of two competent persons authorised thereto by the Mayor, cause such animals (not being sheep or goats affected merely with scab) to be destroyed and buried, and may recover all expenses incurred thereby, including the cost of examination and certificate aforesaid, from the owner of such animals.

12. Every Pound Master shall, with regard to sheep or goats in his Pound, which may be infected with scab, keep such sheep or goats entirely separate at all times from other impounded animals, and he shall dip or dress with one of the recognised dips every such infected sheep or goat as often as may be reasonably necessary. And the owner of every such affect sheep or goat shall be bound to pay the Pound Master in respect of such dipping or dressing the sum expended for every such sheep or goat so dipped or dressed.

13. Every Pound Master shall take proper care of any animal impounded, and shall be responsible to the owner of any such animal for any damage or injury sustained by reason of any neglect or default on the part of himself or any person acting for him or on his behalf.

14. In the case of the death or injury of any impounded animal, the Pound Master shall forthwith enter in his Pound Book a description of such animal and the cause of its death or injury, and give notice thereof to the Council.

15. No Pound Master shall ride or otherwise work or use for his own benefit or that of any other person any impounded animal.

16. Every Pound Master is hereby empowered and authorised to demand and take from every person applying for any impounded animals, and to pay to the person delivering any animal or animals to be impounded mileage at the rate of 6d. for each mile or part of a mile, such animal or animals shall have been brought to the Pound, provided always that such mileage shall not be paid to more than one person, unless, by reason of the number or nature of the animals, it shall appear to the Pound Master that more persons than one were required to bring such animals to the Pound, and provided, further, that when the person so delivering the said animals is not himself the proprietor of the land trespassed upon or the caretaker for the proprietor, then he shall produce a written memorandum signed by such proprietor or caretaker, giving a description of the animals, and authorising the bearer

to convey them to the Pound, and every such memorandum shall be preserved by the Pound Master as a voucher.

17. Every Pound Master is hereby authorised and empowered to demand or retain (as the case may be), in respect of every animal found trespassing in any public street or thoroughfare within the Municipality, and impounded with him, the following fees over and above any other fees and charges provided for in the Regulations, viz.:

	s. d.
If the offence be committed between sunrise and sunset, for each animal . . . . .	0 6
If the offence be committed after sunset and before sunrise, for each animal . . . . .	1 6
And these fees shall be payable to the Town Treasurer.	

18. Every Pound Master is hereby authorised and empowered to demand or retain (as the case may be), in respect of every animal impounded with him the fees following, that is to say:

	s. d.
For every horse, mule, or ass . . . . .	1 0
For every head of horned cattle . . . . .	0 6
For every goat . . . . .	0 2
For every pig . . . . .	2 6
For every sheep up to 12 in number . . . . .	0 1
For every sheep over 12 in number . . . . .	0 0½

19. Every Pound Master shall be entitled to demand or retain (as the case may be), over and above the fees in the last preceding Regulation mentioned, a further fee for every day during which any animal shall be herded, grazed, or fed by him in accordance with the following tariff, viz.:

	per diem.
For goats or pigs up to 12 in number . . . . .	2 0
For every horse, mule, ass, or head of horned cattle . . . . .	0 6
For goats or pigs above 12 and up to 50 . . . . .	5 0
For each goat or pig above 50 in number . . . . .	0 1
For sheep, each dozen or part of a dozen . . . . .	0 6

20. Every stallion horse or ass above the age of two years, bull above the age of two years, every sheep ram, goat ram, or boar above nine months, and every animal which from contagious disease, dangerous vice, or other reason shall be unfit to run with the remaining herd, shall be kept and fed separately, and the Pound Master

shall be entitled to receive or retain (as the case may be), for the keeping and feeding of each such animal the sum of 2s. 6d. per diem.

21. In addition to the fees above provided, every Pound Master shall be entitled to receive a fee of 3d. per head for every horse, head of cattle, or ostrich above the age of one year impounded in his pound, and bearing no registered brand, so long as the Regulation of Brands Act is in force in the Division of East London.

22. The fees mentioned in the last four preceding sections shall be paid to the Pound Master for his own use by the owner of the animals impounded, and the said fees, together with the mileage paid by the Pound Master as aforesaid provided shall be a charge upon such animals, and such animals may be detained by the Pound Master in security of the said fees and mileage.

23. Every Pound Master shall for his attendance at every pound sale be allowed a fee of 10s., to be paid proportionately out of the proceeds of the animals sold at such sale.

24. The owner of any animal lawfully impounded for trespass upon

- (a) Any garden, vineyard, orchard, or plantation.
- (b) Any place upon which a cultivated crop is growing or upon which such crop, having been gathered, is still lying, or upon which plants, shrubs, or trees have been planted.
- (c) Any yard, floor, or place containing grain or dried fruit shall, subject to the provisions hereinafter contained, be liable to pay trespass money to the proprietor of the place trespassed upon, calculated according to the following tariff, viz.: -

Every horse, mule, ass, head of horned cattle, goats, and pigs, per head . . . . .	2s. 6d.
Every sheep up to 50 . . . . .	1s. 0d.
Every sheep in excess of 50 . . . . .	6d.

if the land trespassed upon is enclosed with a sufficient fence and gates, and if such land is not so enclosed, half the above rates respectively, provided that

(1) Any proprietor or caretaker for any proprietor sending animals to the pound under this section shall at the same time send a signed memorandum to the Pound Master setting forth the number and description of the animals, and the species of property upon which they have trespassed.

(2) When the person impounding elects to claim damages calculated according to the above tariff, the memorandum shall state the amount so claimed. But if he elects to refer the amount of damage to assessment and award, as hereafter provided, or if he elects to proceed for damages by action, the memorandum shall state such election on the part of the person signing it.

(3) If the memorandum delivered with the animals does not state the species of place or property upon which they have trespassed, then they shall be considered as impounded for trespass under the next and succeeding regulation.

(4) When such animals are taken to the pound by the proprietor or caretaker aforesaid in person, then the verbal statement of such proprietor or caretaker upon the matters referred to in the preceding subsections of this Regulation shall be taken and recorded by the Poundmaster, who shall enter each memorandum of damages, whether verbal or written, in a book to be kept for the purpose, and entitled "Damage Book".

The owner of any animals lawfully impounded for trespass upon any uncultivated ground, including streets, public roads, or commonage, or any place not of the description in the last preceding Regulation given shall be liable to pay trespass money to the proprietor of the property trespassed upon the following rates, viz.: -

For every horse, mule, ass, head of horned cattle, or pig . . . . .	Ninepence
For every goat and sheep up to 50 . . . . .	Fourpence
For every goat and sheep above 50 . . . . .	Twopence

25. In case any property shall be trespassed upon twice within the space of fourteen days by the same animal or animals belonging to the same owner, then the said owner shall be liable in respect of the second trespass to pay twice the amount of trespass money which would have been payable under these Regulations had such second trespass not been a repeated trespass.

26. No Poundmaster shall release any impounded animal until there shall have been paid to him, over and above all other fees and charges, the amount of all damages or trespass money due and payable under either of the three last preceding Regulations, or under either of the following Regulations, in respect of such animals. And in the case of the release of any such animals without

payment of the damage or trespass money aforesaid, the Poundmaster shall be liable for such damages or trespass money.

27. If any proprietor shall consider the amount of trespass money claimable under these Regulations inadequate for the damage done to his property by animals trespassing thereon, he may demand that such damage may be assessed by the Town Clerk or other Officer of the Council appointed thereto by the Mayor. In every such case the following provisions shall apply: -

(1) The proprietor intending to have the amount of damages assess as aforesaid shall give notice to the owner of the animals (where he is known) and the Town Clerk within twelve hours after the trespass has been committed.

(2) If the owner is unknown, the Town Clerk or Officer appointed as aforesaid shall make the assessment in the presence of a Justice of the Peace.

(3) The Town Clerk or Officer appointed as aforesaid shall appoint a convenient time for the inspection of the property trespassed upon, of which he shall give the owner of the animals (if known) and the proprietor notice.

(4) The Town Clerk or Officer appointed as aforesaid and the Justice of the Peace as aforesaid shall each be entitled to receive from the complainant the sum of seven shillings and sixpence, together with cab-hire, which charge, as well as the damages assessed, shall be paid to the complainant by the owner in case the damages assessed shall exceed the amount which would under any of the above Regulations have been claimable.

(5) Every award made hereunder shall be in writing, and shall be signed by the person making the same and by the Justice of the Peace, should he be present, in terms of sub-section 2 hereof, and it shall state the amount at which the damage has been assessed, and also whether the complainant or owner of the animals is liable to pay the damage for the award; and the award so made shall be final.

(6) Every such award shall be handed to the complainant, who shall send a true copy thereof to the Poundmaster of the Pound to which the animals have been sent, and thereupon the assessed damages and

charges, if allowed, shall become a charge upon the animals impounded.

28. Every member of the Council and every Streetkeeper and other Officer of the Council, and also every person authorised in writing by any of the above persons may impound any animals found trespassing upon the Commonage or straying upon any street, public road, public place, plantation, or any Municipal property.

29. All animals impounded under the preceding Regulation shall be sent to the same Pound as would have been the case had the said Commonage, street, public road, public place, plantation, or Municipal property been private property, and they had trespassed thereon; and the same mileage, pound fees, and trespass money shall be payable as if the said places were private property. But the mileage shall be paid to the person taking the animals to the Pound, and the trespass money shall be paid to the Town Clerk or to some person entitled to receive it for him.

30. Nothing in these Regulations contained shall be constructed so as to prevent any person complaining of trespass from seeking redress in any competent Court; provided that

(1) No person who shall have once claimed trespass money under the tariffs set forth in Regulations shall be competent afterwards to require an assessment by the Town Clerk or other Officer appointed thereto by the Mayor, nor shall any person who shall have once claimed either such trespass money or assessment be competent afterwards to seek redress by legal process.

(2) Whenever any complainant shall decide to proceed at law for the recovery of damages for any alleged trespass, the owner of the animals impounded for such alleged trespass shall be entitled to release the same upon payment of mileage and pound fees.

31. No person shall rescue or attempt to rescue or incite or assist any person to rescue or attempt to rescue any animals lawfully impounded or lawfully seized for the purpose of being impounded under a penalty of not exceeding Ten Pounds, or, in default of payment, to imprisonment, with or without hard labour, not exceeding three months, for each offence.

32. Whenever any impounded animals shall not be released within seven days from the date of their impoundment, the Poundmaster shall advertise the same for public sale in one or more of the local papers, setting forth the species, marks, and distinguishing peculiarities (if any) of such animals; and in regard to horses and cattle, their colour also; and the time and place for such sale; provided that no animal shall be put up for sale unless it has been impounded for at least three weeks, except with the consent of the owner.

33. At every such sale all animals, except sheep or goats, shall be sold singly. Sheep and goats shall be sold in lots of not more than ten, and in no case shall sheep and goats, or sheep or goats, with different marks or brands be sold together in the same lot.

34. At every such sale the animals shall be sold for cash, and the proceeds less the expense of advertisement and sale, and the amount of pound fees and other fees and charges properly payable in respect of such animals, and less the amount of any damage due or assessed under the above Regulations, shall be forthwith, upon receipt, be handed by the Poundmaster to the Town Clerk, to be by him paid to the owners of the animals sold according to their respective rights; provided that: -

(1) If in any case the animals sold shall not realise sufficient to satisfy all such expenses, fees, charges, and damages as aforesaid, the proceeds shall first be applied to the payment of the expenses of advertisement and sale, and the balance of such expenses, fees, charges, and damages as aforesaid shall be recoverable by the Poundmaster from the respective owners by action in any competent Court.

(2) Any money, being the proceeds of the sale of any impounded animal sold as aforesaid, which shall remain in the hands of the Town Clerk for a period of twelve months without being claimed by the owner of such animal, shall become the property of the Municipal Council.

(3) Every Poundmaster shall be obliged, after the sale of any head of cattle, horse, ass, or mule, and before delivery to the purchaser, to brand the same with the letters "E.L." for which branding he shall be allowed a fee of one shilling and sixpence in each case. Every Poundmaster contravening this provision shall be liable to a fine of £2 in each case.

35. The foregoing Regulations shall apply to all animals impounded in any Pound for trespass within the Municipality. But all questions respecting trespass committed beyond the limits of the Municipality shall be determined and the damages claimable therefrom shall be regulated by the Pound Laws from time to time in force within the Colony.

#### CHAPTER XVII.

##### PREVENTION AND EXTINGUISHING OF FIRES.

1. It shall not be lawful to make or keep within the Town any stock of hay, corn, straw, or other produce within one hundred feet from any adjoining land, or from any building, if not placed under roof or cover.

2. Every person who shall make or place any stack of hay, corn, straw, or other produce, or place, as or for the covering of any such stock, any inflammable material, or deposit any combustible material or light any fire contrary to the provisions of these Regulations, and every occupier of any premises whereon any stack or any such covering shall be, or any combustible materials shall have been deposited, if the same, though lawfully made, placed, or deposited before the coming into force of these Regulations, shall be there contrary to the provisions of these Regulations, if he shall not within seven days after notice from the Council so to do remove such stack, covering, or materials, shall forfeit, on conviction for every such offence a sum not exceeding Five Pounds.

3. It shall not be lawful for any person to make or place, or to keep, or continue any fence of brushwood, bushes, or other like material, and every person who shall make or place any such fence, and every owner or occupier of any premises who for seven days after notice from the Council to remove any such fence thereto appertaining, if lawfully made or placed before the coming into operation of these Regulations, shall suffer any such fence or any part thereof to remain, shall forfeit, on conviction, for every such offence a sum not exceeding Five Pounds.

4. The Council may purchase or provide such engines for extinguishing fire, and such water buckets, pipes, and other appurtenances for such engines, and such fire escapes and other implements for safety or use in case of fire, and may purchase, keep, or hire such horses for drawing such engines as they think fit; and may purchase,

build, provide, or hire places for keeping such engines, with their appurtenances, and for the horses, and for the accommodation of the person charged with the management thereof, and may employ a force or firemen, to be called "The Municipal Fire Brigade," which shall be under the command of an Officer appointed by the Council, and styled the "Superintendent" of the Fire Brigade, and the Council may make rules for the regulation of the said force, and may therein prescribe who shall be the Officer in charge of the Brigade at any time when the Superintendent is absent or incapacitated from acting, and may also give such firemen and all other persons such salaries and rewards for their exertions in case of a fire as the Council may think fit. In the absence or incapacity of the Superintendent, unless it be otherwise prescribed in the Regulations, the senior in rank in the Brigade present at any fire shall assume the duties of the Superintendent and be the Officer in charge for the time being.

5. On the occasion of any fire within the Municipality the Superintendent of the said Brigade or the Officer in charge, or (though such Brigade shall have been formed) the Chief Constable shall from the time he arrives at the fire have control over the property on fire, and over such other property as may be considered by him at risk, and shall so continue until he reports to the Council that the fire has been extinguished. He may in his discretion avail himself of the assistance, and if he does accept such assistance, shall take command of any persons who may voluntarily place their services at his disposal, and generally he may take any measures that may appear expedient for the protection or saving of life and property, with power by himself, his men, or any person under his command to enter upon, break into, or through, or take possession of, pull down, or destroy any buildings or other property for the purpose of protecting and saving life or property, or putting an end to or preventing the spread of fire, doing as little damage as possible; and for these purposes he shall have access to and liberty to draw water from all tanks, cisterns, pipes, or other supplies of water, whether on Municipal or other property. The persons volunteering as aforesaid, and any person whose services may be temporarily engaged for the time they are assisting, shall be deemed to be members of the said Brigade, and the Superintendent or the Officer in

charge shall have power to dispense with the services of any of them at any time.

6. The occupier or owner of any house or building standing by itself in such a position as to preclude reasonable danger of the spread of fire, may in his discretion and at his risk refuse the services of the Fire Brigade.

7. The Brigade and all persons acting under the orders of the Superintendent or other Officer in charge are hereby indemnified and exempted from all claims or demands whatever by reason of anything necessarily done in the execution of their duty, and the Mayor, Acting Mayor, and Council are hereby indemnified and exempted from all claims or demands whatsoever by reason of any damage done upon sufficient necessity by them, the Brigade, and other persons aforesaid.

8. The Superintendent or the Officer in charge shall make a report in writing to the Town Clerk on every fire he attends, and shall also send a similar report to the Resident Magistrate of the District forthwith after the fire.

9. The Council may from time to time by resolution fix and adopt a tariff of charges for the services of the Brigade and the use of the fire engines and appliances in connection with fire at any dwelling house or out-building, or any other premises, or in connection with fire on any land or in any bush or plantation of trees and shrubs of any kind within the Municipality.

10. The owners of any building or land upon which the fire shall take place shall be liable to the Council for the amount charged under such tariff, as mentioned in the last preceding section, and in the event of the buildings or lands or more than one owner being affected by such fire, the charges for service of the Brigade and engines and appliances shall be distributed between such owners in such proportion as the Superintendent or Officer in charge shall certify in writing. The Council shall be entitled to recover in any Court of competent jurisdiction the amount or proportionate amount due by any such owner.

AUGUST 1903 [1]

AMENDED REGULATION

Chapter XVIII, No. 32. - No Natives or Asiatics save such as are specially exempted by the provisions of Act 11, of 1895, or any other Act conferring similar privileges upon natives, shall reside within the limits hereinafter set forth, and no Natives or Asiatics, save such as are specially exempted as aforesaid, shall between the hours of 8 p.m. and 5 a.m. be in the streets, public places, or thoroughfare within such limits without a pass or certificate signed by their employer or the Inspector of the Police or the Superintendent of Locations, which said pass or certificate shall bear the date of issue thereof, and shall be available only for the period commencing at 8 p.m. on such date. The limits above referred to shall be as follows, viz.: -

From the [beach] of the West Bank of the Buffalo River in a straight line to [Baker's] Wells, thence to the Eastern corner of the Harbour Works Reserve, thence in a straight line to the Cross Roads, thence in a straight line to the Pontoon, thence across the Buffalo River to the Pontoons on the East Bank of the said River, thence following the right bank of the First Creek River to the N.W. corner of Acre Lot No. 15, Block C, thence continuing on the Right Bank to the intake of the Railway Reservoir, thence to the Railway Crossing at the upper end of Oxford Street, thence in a straight line to the corner of lot 53, German Village Allotments, thence following the Left Bank of the Blind River to the Harbour Board Works fence, thence following the said fence Southward to the Sea, thence along the Sea Coast, crossing the Buffalo River at its mouth to the point first mentioned on the West Bank of the Buffalo River.

AUGUST 1903 [1]

ADDITIONAL REGULATION

No native, being a Kafir, Fingo, Basuto, Hottentot, Bushman, or the like, save such as entitled to the privileges conferred upon registered voters by the Act No. 39 of 1887, shall carry or use within the Municipality of East London any knobkerrie, cudgel, bludgeon, or other weapon of any description, and any such knobkerrie, cudgel, bludgeon, or other weapon so used or carried in contravention of this regulation may be seized by any police officer or constable, or by the Inspector of Native Locations, and on conviction of the offender may be declared forfeited and be destroyed.

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1. Government Gazette, 4.9.1903. Proclamation 264 of 1903.

SEPTEMBER 1903 [1]

CHAPTER VI.

REGULATIONS FOR VEHICLES.

1. Every vehicle for the conveyance of passengers plying for hire, and every vehicle plying for hire with the Municipality, (together with the horse or horses, or other animals and the harness thereon), before being so employed, must be exhibited in front of the Municipal Office, or at such other place, and at such times as the Council may require for the purpose of being examined by such persons as the Council may appoint, in order to ascertain whether such vehicle is in good repair, and is fit and proper in other respects for the work to be performed, and affords sufficient room for the number of persons it is intended to carry, and in order that such number of persons may be fixed, and such vehicle, if approved, be numbered, licensed, and registered, and the proprietor of such vehicle shall annually pay for every four-wheeled vehicle licensed to carry more than four passengers, the sum of two pounds, for every other four-wheeled vehicle the sum of one pound ten shillings, and for every two-wheeled vehicle the sum of one pound sterling, on receiving from the Town Clerk a certificate of such registration, and of the number of passengers to be conveyed by such vehicle; provided that such certificate may be transferred with the consent of the Council, upon payment to the Council of two shillings and sixpence for such transfer.

2. Such registration and payment shall be renewed annually, so long as any such vehicle shall be employed or ply for hire as aforesaid; and provided also that every such vehicle so registered and employed, as aforesaid, shall be exhibited for inspection at such place and times as the Council may require, at least once in every six months, and every such registration shall be endorsed on the register.

3. No vehicle shall be entitled to ply for hire until passed and registered and a licence for such purpose shall have been granted and the proprietor of any such vehicle so plying for hire without having taken out the necessary licence shall upon conviction be liable to a penalty not exceeding five pounds: provided that the Council may refuse to issue or may withdraw any licence issued upon

proof to their satisfaction that the proprietor of any such vehicle is not a person of good repute or character.

4. Proprietors of all registered vehicles shall be bound to keep them clean and in a state of good and efficient repair, and the harness provided shall be sufficient and in good repair, and they shall provide a duly qualified driver of good character, decently attired, for the same, who shall annually apply for and receive a licence from the Town Clerk (which licence may, with the consent of the Council and without any charge being made therefor, be transferred to another or other driver or drivers from time to time in case such transfer should be necessary) for which he shall pay ten shillings; which licence or duplicate thereof he shall be bound to produce on demand and every omnibus shall be attended by at least one duly qualified conductor. The animals employed in working all vehicles shall at all times be kept in good working condition.

5. All vehicles registered as aforesaid must have the registered number, together with the number of passengers each is licensed to carry affixed to some conspicuous part of the outside of the said vehicle in legible characters, the number to be in figures of not less than two inches in height, and each driver or conductor shall be obliged to wear in some position where it can be easily seen a badge to be obtained at the Municipal Offices.

6. No vehicle plying for hire within the limits of the Municipality shall be allowed to carry a greater number of passengers than that painted upon it and registered in the books of the Municipality, and all omnibuses shall have painted on the inner side of the door of each vehicle the names of the places to which they run and fares payable to and from each place. Two children under ten years of age shall reckon as one adult, and every cab must have affixed in a conspicuous place on the inside the fares payable within the limits of such Municipality.

7. The Fares for Passenger Traffic within the Municipality shall be as follows: -

(a) For Cabs drawn by a horse or horses: -

(1). From any one part of the town East Bank to another part including Southernwood, Belgravia, the Beach Cottages and the Landing Stage, single journey for each person 1s., return journey 1s. 6d.

(2). From any one part of the Town to another of the East Bank, including Recreation Ground and Agricultural Showground, excluding the Beach Cottages, Southernwood, Belgravia, and the Landing Stage, single journey for each person, 6d., return journey, 9d.

N.B. The 6d. fare in the direction of the Beach is limited by Rhodes Street in a line with Chamberlain's Corner, Inverleith Terrace.

(3). From any part of the Town East Bank to the Town on the West Bank (in addition to the Pontoon fee of 2s.) single journey for each person 3s., return journey 4s. 6d.

(4). A ride from any part of the Town west of the Railway Line through the Park and back to the same place, for each person 2s.

(5). A ride from any part of the Town east of the Railway line, i.e. Southernwood or Beach, through the Park and back to the same place, for each person 3s.

(6). For the time a vehicle is kept waiting a charge of 6d. (not each person) for every quarter of an hour will be made in addition to the above fares.

#### TARIFF BY TIME.

The following are the charges for the hire of vehicles by time (and not for each person riding in it), but the charge in no instance shall be less than for one hour and the vehicle to be left within the limits of the town. For one person per hour 2s. 6d.; for each additional person up to four inclusive, per hour 1s.; for each additional person over four, per hour 9d.; children under 12 years of age half-price.

(b) For Motor Cars plying as cabs: -

(1). From any one part of the Town East Bank to any other part of the Town East Bank single journey for each person 1s., return journey 2s.

(2). From any one part of the Town to another of the East Bank, including Recreation Ground and Agricultural Showground, excluding the Beach Cottages, Southernwood, Belgravia, and the Landing Stage, single journey for each person, 1s., return journey, 2s.

(3). From any part of the Town East Bank to the Town on the West Bank (in addition to the Pontoon fee of 2s.) single journey for each person 3s., return journey 4s. 6d.

(4). A ride from any part of the Town west of the Railway Line through the Park and back to the same place, for each person 2s.

(5). A ride from any part of the Town east of the Railway line, i.e. Southernwood or Beach, through the Park and back to the same place, for each person 3s.

(6). For the time a vehicle is kept waiting a charge of 2s. (not each person) for every quarter of an hour will be made in addition to the above fares.

#### TARIFF BY TIME.

The following are the charges for the hire of vehicles by time (and not for each person riding in it), but the charge in no instance shall be less than for one hour and the vehicle to be left within the limits of the town. For one person per hour not exceeding 5s.; for each additional person up to four inclusive, per hour 2s.; for each additional person over four, per hour 2s.; children under 12 years of age half-price.

8. When hired by time or distance the driver shall be bound to drive at a proper speed, i.e. not less than six miles per hour on hard road, unless requested to drive at a slower rate.

9. Every registered vehicle when in the public street shall be deemed to be plying for hire, and the driver thereof shall not refuse to accept an offer of engagement unless actually hired at the time, the proof of which shall lie on the driver by exhibiting a board with the word "engaged" painted thereon.

10. Every passenger shall be allowed twenty pounds of luggage without extra charge, over that weight the charge for excess to be at the rate of 3d. (threepence) for every twenty pounds or part of that weight.

11. Every driver of a registered vehicle shall, on being engaged, produce his number if requested to do so by a passenger.

12. In case of dispute between the hirer and the driver, the hirer may require the driver to proceed to the nearest police station where the complaint will be entered and enquired into, and if well founded the party offending will be prosecuted.

13. All property left in registered vehicles shall be sent to the police station within twelve hours if not sooner claimed by the owner, such owner on proof of ownership and on payment of sixpence for the driver, and the charges, if any, payable to the police for safe custody, shall be entitled to delivery thereof.

14. Vehicles plying for hire shall not be allowed to stand in the public street except at such places and in such order as the Council shall from time to time make known, and unless otherwise provided all vehicles plying for hire shall stand in rank one behind the other on the proper and appointed stands, and every vehicle arriving at a stand where there are other vehicles shall take the last place thereon; and when any person calls a vehicle generally without naming or indicating any one in particular, the first vehicle in the rank shall be taken to be the one called, and no other vehicle shall leave the rank to such call.

15. No driver of any registered vehicle shall use in his said vehicle a jibbing horse, and shall if convicted a second time be liable to have his licence cancelled in addition to penalty.

16. The driver of any registered vehicle shall not be obliged to carry any person in a state of intoxication, filthy, or affected with any contagious disease.

17. If any driver or conductor is convicted of any charge connected with his occupation, the Magistrate may demand his licence and endorse thereon the nature of the offence and the penalty imposed, and in case of a second or subsequent conviction the licence may be cancelled by the Council.

18. A copy of these regulations, with the tariff of charges as framed by the Council for the time being shall be supplied by the Town Clerk for the proprietor of every vehicle, who shall be bound to affix the same in some conspicuous place inside such vehicle.

19. All wagons, carts, drays, rickshaws or other vehicles plying for hire or used for the purpose of trade within the Municipality, shall have the name of the owner thereof legibly painted on the left side thereof in legible letters not less than two inches in size.

20. Every proprietor of any wagon, dray or cart, rickshaw or other vehicle plying for hire as common carriers shall annually pay for, and after inspection and approval as provided for in Clause 1 of these regulations, shall receive from the Town Clerk a licence and number on a tin plate for such vehicle upon payment of a licence according to the following tariff, and every resident householder shall be liable to pay at the Town Office on or before the 3rd January in each year the subjoined taxes in respect to carriages or vehicles in use of such resident householder.

(a) For every four-wheeled vehicle drawn by horses, mules, asses, or oxen, used for the transport of goods or other purposes of any kind, £2.

(b) For every vehicle with less than four wheels, drawn by one or more horses, mules, asses or oxen used for the transport of goods or for the purpose of any trade, £1 10s.

(c) For every rickshaw, 10s. per annum or part of a year.

(d) On every vehicle for private use, drawn by one horse, mule, or other animal, 10s.

(e) On every vehicle for private use drawn by two horses, mules, or other animals, £1.

21. All licences referred to in this chapter shall be payable at the Town Office not later than the 3rd day of January in each year; provided, however, that in respect of any vehicle brought into use between the 1st January and the 30th June in any year, such licence shall be paid as if for a whole year, and in respect of any vehicle brought into use between 1st July and 31st December in any year half the said licence shall be payable, and all the said licences shall terminate on the 31st December next following the date of such licence.

22. The owner of any vehicle referred to in this chapter who shall neglect or refuse to register the same, or to pay the licence therefor bringing the same into use shall be liable to a penalty not exceeding £10 or in default of payment to imprisonment, with or without hard labour, not exceeding 3 months.

23. Any person contravening any of the Regulations in this chapter, for which no special penalty is provided, shall be liable upon conviction to a penalty not exceeding £10.

24. The driver of any vehicle as aforesaid having engaged himself to convey a fare or carry goods or merchandise of any description shall be bound to convey or carry same to where directed.

25. Any person having engaged a vehicle and refusing to pay the proper fare, shall be liable upon conviction to the penalty imposed for a breach of the Regulations.

26. The Council may, in any case where it is considered necessary insist upon brakes being fixed to and on vehicles plying for hire.

27. No driver of a vehicle shall permit any person to stand upon the spring step or outside portion of such vehicle while in motion, and no person shall be allowed to stand upon the spring step or outside portion of any vehicle while in motion.

28. The driver of any vehicle having made an engagement to take up a fare, goods, or freight at a given time, and failing to do so, shall, in addition to the penalties contained herein, be liable to have his licence cancelled or suspended at the discretion of the Council, after conviction by the Magistrate.

OMNIBUS TO BE STOPPED FOR TAKING UP AND  
SETTING DOWN PASSENGERS ON SIGNAL.

29. Every conductor or driver of an omnibus in which there is sufficient accommodation shall, upon being hailed by a person desirous of travelling by such omnibus, stop the same and take up such intending traveller with all convenient speed, having due regard to the Regulations relative to the control of vehicles and the public traffic generally, and shall also, upon being requested to do so by any passenger likewise, stop such omnibus with all convenient speed for the purpose of setting down any passenger who may be desirous of alighting from such omnibus, and due provision shall be made for convenient communication between the passengers and the conductor and the driver. No person shall enter, or mount or alight from any omnibus, or attempt to enter, mount, or alight from an omnibus while such omnibus is in motion.

CONVEYANCE OF DEAD BODIES SUFFERING FROM CONTAGIOUS  
DISEASES PROHIBITED.

30. The conductor or driver of any omnibus shall not knowingly convey in or upon such omnibus the dead body of any person suffering from any infectious or contagious disease.

CONVEYANCE OF INTOXICATED PERSONS PROHIBITED.

31. No person in a state of intoxication who may be an annoyance to other passengers shall be permitted to enter or mount upon any omnibus, and if in or upon any such omnibus shall be immediately removed by or under direction of the conductor.

SAFETY OF PASSENGERS: LIGHTS.

32. Every omnibus, and all other vehicles, shall be so constructed as to provide for the safety of the passengers and for the safe entrance to and exit from and accommodation in such omnibus, and shall, when in use between sunset and sunrise, carry and display two lamps affixed thereto and so placed as to exhibit a white light within a reasonable distance in the direction toward which the omnibus or other vehicle is proceeding or is intended to proceed, and to exhibit a red light so visible in the reverse direction, and such lamps shall be affixed on each side of such omnibus or other vehicle in front of or adjacent to the front wheel thereof, and shall be in such position as to be free of all obstruction to the light. There shall also be provided inside such omnibus a lamp or lamps of such construction and such position as to afford adequate light to passengers inside such omnibus between the hours of sunset and sunrise.

VENTILATION, CLEANLINESS AND SAFETY OF OMNIBUSES.

33. The owner or owners of every omnibus plying for hire shall cause the same to be so furnished and fitted as to secure ventilation, cleanliness and due provision for the safety and convenience of every person therein conveyed. Such owner or owners shall cause the roof or covering of such omnibus to be made and kept water-tight and shall provide such omnibus with proper windows and shutters set in suitable frames, and shall keep and maintain such shutters and all parts of such omnibus in good and efficient condition to the satisfaction of the Inspecting Officer.

OMNIBUS TO START AT STATED TIMES.

34. The owner and owners and the conductor and driver of every omnibus shall cause such omnibus to start punctually from the places and at the times stated, which times and places shall be shown upon a table in such omnibus placed in some convenient part thereof, and shall maintain such table legible and undefaced, provided that such omnibus shall only be entitled to start from such places within the Municipality as the Council may appoint.

NUMBER OF PERSONS TO BE CARRIED.

35. The owner or owners shall not cause or suffer to be conveyed at any one time in or upon any omnibus a greater number of passengers than will admit of the provision for sixteen inches from side to side, and fifteen from front to back of every seat in respect of each person conveyed in or upon such omnibus, and also of adequate accommodation to enable every such person to sit at ease.

NOTICE TO BE EXHIBITED WHEN OMNIBUS FULL.

36. When an omnibus contains the full number of passengers it is licensed to carry a notice to that effect shall be placed by the conductor in a conspicuous position outside such omnibus.

OVERCROWDING OF OMNIBUS.

37. When an omnibus contains the full number of passengers which it is licensed to carry, no additional person shall enter, mount, or remain in or upon any such omnibus when warned by the conductor or driver to desist therefrom, and any person persisting in entering, mounting or remaining in or upon any such omnibus shall be liable to the penalties provided for a breach of these regulations.

MOTOR CARS.

38. No vehicle propelled by mechanical power shall exceed seventeen thousand nine hundred and twenty pounds in weight unladen. Every such vehicle shall be so constructed that no smoke or visible vapour is emitted therefrom except through any temporary or accidental cause, and shall comply with the following regulations; such vehicles are in the following regulations referred to as motor cars. Provided that a motor car shall be deemed to be a carriage within the meaning of the Regulations of the Municipality, and if used as a carriage of any particular class or kind shall be deemed to be a carriage of that class or kind, and the regulations relating to carriages of that class or kind

shall apply accordingly. In calculating for the purpose of the regulations relating to motor cars, the weight of a vehicle unladen, the weight of any water, fuel or accumulators used for the purpose of propulsion shall not be included.

39. Every motor car shall, when in use between sunset and sunrise carry and display two lamps affixed thereto, and so placed as to exhibit a white light within a reasonable distance in the direction towards which the motor car is proceeding or is intended to proceed, and to exhibit a red light so visible in the reverse direction and such lamps shall be affixed on each side of such motor car in front of or adjacent to the front wheels thereof, and shall be in such a position as to be free from all obstruction to the light.

40. The driver of every motor car shall, when necessary, by sounding a bell or other instrument, give audible and sufficient warning of the approach of such motor car.

41. No person shall cause or permit a motor car to be used in any street, or shall drive or have charge of a motor car when so used unless the conditions hereinafter set forth shall be satisfied: -

(1) The motor car if it exceeds in weight unladen five hundred and sixty pounds shall be capable of being so worked that it may travel either forwards or backwards.

(2) The motor car shall not exceed six and a half feet in width, such width to be measured between its extreme projecting points.

(3) The tyre of each wheel of the motor car shall be smooth, and shall where the same touches the ground, be flat and of the width following, namely:

(a) If the weight of the car unladen exceeds four thousand four hundred and eighty pounds, but does not exceed six thousand and twenty pounds, not less than five inches.

(b) If such weight exceeds six thousand seven hundred and twenty pounds but does not exceed eleven thousand two hundred pounds, not less than six inches.

(c) If such weight exceeds eleven thousand two hundred pounds but does not exceed fifteen thousand six hundred and eighty pounds, not less than eight inches.

(d) If such weight exceeds fifteen thousand eight hundred and sixty pounds, not less than ten inches.

Provided that where a pneumatic tyre or other tyre of a soft and elastic material is used the tyre may be round or curved and there may be upon the same projections or bosses rising above the surface of the tyre if such projections or bosses are of the same material as that of the tyre itself, or of some other soft and elastic material and the regulations as to the width of the tyre shall not apply.

42. Every motor car shall have two independent brakes in good working order, and of such efficiency that the application of each to such motor car shall cause two of its wheels on the same axle to be so held that the wheels shall be effectively prevented from revolving, or shall have the same effect in stopping the motor car as if such wheels were so held. Provided that in the case of a motor bicycle this regulation shall apply as if, instead of two wheels on the same axle, one wheel was therein referred to.

43. Every motor car shall be so constructed as to admit of being at all times under such control as not to cause undue interference with passenger or other traffic on any street.

44. In the case of a motor car constructed or used for the carriage of goods, the name of the owner and the place of his abode or business, and in every such case and in the case of every motor car weighing unladen three thousand three hundred and sixty pounds or upwards, the weight of the motor car unladen shall be painted in one or more straight lines upon some conspicuous part of the right or off side of the motor car in large legible letters in white upon black not less than one inch in height.

45. Every motor car and all the fittings thereof shall be in such condition as not to cause or be likely to cause danger to any person on the motor car or on any street.

46. There shall be in charge of every motor car when used in any street a person competent to control and direct its use and movement.

47. No person shall drive a motor car at any speed greater than is reasonable and proper, having regard to the traffic on the street, or so as to endanger the life or limb of any person or to the common danger of passengers.

48. No person shall under any circumstances drive a motor car at a greater speed than ten miles an hour. If the weight, unladen, of a motor car is three thousand

three hundred and sixty pounds, and does not exceed four thousand four hundred and eighty pounds, he shall not drive the same at a greater speed than eight miles an hour, or if such weight exceeds four thousand four hundred and eighty pounds at a greater speed than six miles per hour.

49. No person shall cause a motor car to travel backwards for a greater distance than may be required for the purpose of safety.

50. No person shall negligently or wilfully cause any hurt or damage to any person, carriage, horse or cattle, or to any goods conveyed in any carriage on any street, or, when on a motor car, be in such a position that he cannot have control over the same, or quit the motor car without having taken due precautions against its being started in his absence, or allow a motor car or a vehicle drawn thereby to stand on such street so as to cause any unnecessary obstruction thereof.

51. No person shall negligently or wilfully prevent, hinder, or interrupt the free passage of any person, carriage, horse, or cattle on any street, and shall keep a motor car and any vehicle drawn thereby on the left or near side of the road for the purpose of allowing such passage.

52. Any person in charge of a motor car shall, on the request of any police constable or any person having charge of a restive horse, or on any such constable or person putting up his hand as a signal for that purpose, cause the motor car to stop and remain stationary as long as may be reasonably necessary.

53. If the motor car is one to which Regulation No. 44 applies, and the particulars required by the Regulation are not duly painted thereon, or if the motor car is one to which the Regulation does not apply, the person driving or in charge thereof, shall on the request of any constable or on the reasonable request of any person state his name and place of abode and the name of the owner and the place of his abode or business.

54. Every person before using a motor car upon any street, shall obtain a licence from the Council authorising the user of such motor car, and shall cause to be permanently affixed to such motor car in a conspicuous manner such number as the Council may assign: and such licence shall be granted by the Council if they so think fit upon the payment, if such motor car is used for *Goods Traffic*, of a licence fee of five pounds sterling; if such motor car is used for passenger traffic, of two pounds ten shillings sterling, and such fees shall be due and payable,

in advance at the Town Office, not later than the 3rd of January each year; provided, however, that in respect of any vehicle brought into use between the 1st January and 30th June in any year such licence shall be paid as if for a whole year, and in respect of any vehicle brought into use between 1st July and 31st December in any year half the said licence shall be payable, and all the said licences shall terminate on the 31st December next, following the date of such licence; but no licence shall be issued in respect of any motor car which may be so constructed or used as to create undue noise or sound whilst in motion, or which may be calculated to be a public nuisance at Common Law.

#### PETROLEUM FOR MOTOR CARS.

55. The following Regulations shall apply for the keeping and use of petroleum for the purpose of motor car, but save as herein provided, the provisions of the Regulations of the Municipality relating to the storing, carriage, removal and use of petroleum shall apply to all petroleum kept or used or sold for the purposes of motor cars: -

(1) Petroleum shall not be kept, used, or conveyed except in tanks or cases of metal so made and closed that no leakage, whether of liquid or vapour, can take place therefrom, and so substantially constructed as not to be liable, except under circumstances of gross negligence or extraordinary accident, to be broken or become defective or insecure in course of conveyance or use: and every sir inlet in any such tank or case shall be at all times, except when the valve (if any) is required to be removed for immediate use or repair, protected by securely affixed wire gauze, the openings in which shall not be less in number than 400 to the square inch.

(2) Every tank or case shall be clearly stamped or securely labelled with a legible metallic or enamelled label with the words "mineral spirits, highly inflammable, for use with motor cars."

(3) The amount of petroleum to be in any one such tank or case at one time shall not exceed twenty gallons.

(4) There shall not be at the same time on or in any one motor car more than two of such tanks as aforesaid.

(5) Before repairs are done to any such tank or case that case or tank shall, as far as practicable, be cleaned by the removal of all petroleum and of all dangerous vapours derived from the same.

(6) When petroleum for use in, or in connection with, any motor car is not being so used it shall be kept either in accordance with the Regulations of the Municipality relating to the storage of petroleum, or in such tanks and cases as aforesaid: provided that the amount of petroleum which may be so kept in tanks or cases as aforesaid shall not exceed the amount of petroleum which may be kept on or in any one motor car at the same time, and that the tanks or cases shall be kept in the open air, or in some suitably ventilated place.

(7) The filling or replenishing of a tank with petroleum shall not be carried on, nor shall the contents of such tank be exposed by artificial light, except a light of such construction, position or character as not to be liable to cause danger, and no artificial light shall be brought within proximity of the place where any tank containing petroleum is being kept.

(8) In the case of all petroleum kept or conveyed for the purpose of or in connection with any motor car,

(a) all due precautions shall be taken for the prevention of accidents by fire or explosion, and for the prevention of unauthorised persons having access to any petroleum kept or conveyed, and to the vessels containing or intended to contain or having actually contained the same: and,

(b) every person managing or employed on or in connection with any motor car shall abstain from every act which tends to cause fire or explosion, and which is not reasonably necessary, and shall prevent any other person from committing such an act.

56. Any person who shall offend against any of the forgoing Regulations shall, unless a penalty is specially provided for the offence, be liable for every such offence to a penalty not exceeding Ten Pounds (£10) sterling, and to the payment of all expenses incurred by the Council in consequence of the breach of any such Regulation: in default of payment any such person shall be liable to imprisonment for three calendar months, with or without hard labour.

DECEMBER 1903 [1]

Chapter 21. - Dogs and Dog Licences.

No. 3. For every dog exceeding the age of six months, a tax of five shillings, which shall expire on the 31st day of December in each year, shall be paid by the owner, a receipt for which shall be given on a printed form by the Municipal Clerk as also a metal badge with the Municipal stamp on one side and the year and number on the other. The aforesaid tax shall be due and payable on the 1st day of January in each year, and at any time thereafter when the owner becomes possessed of a dog for which no tax has as yet been paid. The amount payable for a portion of a year shall be the same as for a whole year.

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1. Government Gazette, 18.12.1903. Proclamation 370 of 1903.

DECEMBER 1903 [1]

ADDITIONAL REGULATION

Chapter VI

REGULATION OF TRAFFIC

No driver of any spring wagon, lorry, or other four-wheeled vehicle capable of carrying two thousand lbs., or more, drawn by one or more animals, springless Scotch cart, or tumbrel, drawn by one or more animals, traction engine, motor lorry, or other automobile, capable of carrying two thousand lbs., shall drive at a greater speed than four miles an hour in any street, thoroughfare, or square which the Council may from time to time by resolution declare to be a street, thoroughfare or square, set aside for the purpose of this Regulation.

This Regulation shall not apply to vehicles used exclusively for passengers. Any person convicted of a contravention of this Regulation shall upon conviction be liable to a penalty not exceeding ten pounds.

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1. Government Gazette, 25.12.1903. Proclamation 376 of 1903.

DECEMBER 1903 [1]

AMENDED REGULATION

MISCELLANEOUS REGULATIONS, No. 7.

Natives and Asiatics shall not be allowed or authorised to congregate, stand or walk upon any sidewalk or pavement in any street, thoroughfare, or square which the Council may from time to time by resolution declare to be a principal street, thoroughfare or square, provided that this regulation shall not be put into force until after reasonable public notice shall have been given as to any such resolution affecting any such street, thoroughfare or square aforesaid; provided, however, that this regulation shall not apply to such Natives as are, by Act 39 of 1887, exempted from the operation of certain disqualifying Acts of Parliament, or such as have received certificates of good character from the Resident Magistrate, and such as are exempted by the proviso to Section 5 of Act 11 of 1895.

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1. Government Gazette, 12.1.1904. Proclamation 391 of 1903.

MAY 1905 [1]

ADDITIONAL REGULATION

No driver of any registered vehicle plying for hire shall, for the purpose of securing a fare or fares, approach and drive close up to any tram car or cars, from which passengers have immediately alighted or are alighting, so as to impede or interfere with the free passage of the public lawfully using the street or streets, and of the passengers alighting from such tram car or cars, and any contravention of this regulation shall render the offender liable upon conviction to a penalty not exceeding £10.

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1. Government Gazette, 9.6.1905. Notice 559 of 1905.

JULY 1905<sup>[1]</sup>ADDITIONAL REGULATION

No person shall, without the consent of the Council, deposit, or allow to be deposited, or allow to accumulate, in any uncovered yard, passage, alley, or open space within 30 feet of any building within the Municipality, any Loose Wood (except ordinary household firewood for private use), Packing Case, Empty Cases or Boxes, Forage, Straw, or other combustible or inflammable matter or material. The Sanitary Inspector or such other officer as the Council may appoint shall have the power to enter on any building or premises where he may have good and sufficient reason to believe that there exists any accumulation of Loose Wood, Packing Cases, Empty Cases or Boxes, Forage, Straw or other combustible or inflammable matter or material, or anything which in his opinion might be dangerous in case of fire. He shall also have the power to order the same to be removed, and if the owner, or occupier neglects, refuses or fails to comply with such order forthwith, he shall have the power to cause the removal of such Loose Wood, Packing Cases, Empty Cases or Boxes, Forage, Straw, or other combustible or inflammable matter or material, or anything which in his opinion might be dangerous in case of fire, as aforesaid, at the risk of such owner or occupier, and the cost of such removal shall be a debt due to the Town Council by the party offending (whether owner or occupier as the case may be) and shall be recoverable by suit in any Court of competent jurisdiction. Provided that the person contravening the provisions of this Regulation shall be further liable, on conviction, to a penalty of not more than ten pounds (£10) sterling, or in default of payment three months' imprisonment with hard labour. From and after the date of promulgation of this the above Regulation, Municipal Regulation No. 10, Chapter 3, is repealed.

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1. Government Gazette, 21.7.1905. Notice 722 of 1905.

APRIL 1906 [1]

NEW REGULATION No. 34 OF CHAPTER 13  
OF THE MUNICIPAL REGULATIONS.

(Framed under the provisions of Section 38  
of Act No. 23 of 1880 and Section 5  
of Act No. 11 of 1895.)

34. Occupiers of huts or dwellings within the Locations will be permitted to receive Native visitors from outside the Municipality, such visitors to be allowed to sojourn with them for a period not exceeding three days, calculated from date of permit, provided, however, that each visitor shall first provide himself or herself with a permit, to be obtained from the Superintendent free of cost to the applicant, such permit to be known as the visitor's permit, which shall be in the following form: -

Visitor's Permit.  
East London Municipality.

.....190....

.....Location.

Permission is hereby given to .....  
of ..... to visit ..... of  
hut or dwelling No..... and to sojourn with him  
or her for a period not exceeding three days from date hereof.

.....  
Location Superintendent.

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1. Government Gazette, 20.4.1906. Notice 480 of 1906.

NOVEMBER 1907 [1]

ADDITIONAL REGULATION

(Framed under Act 11 of 1895)

No person shall crack, flourish, or extend the lash of any wagon whip, within or upon any street, road, thoroughfare, or public place within the Municipality, and every wagon whip shall be looped while being carried through or along any such street, road, thoroughfare or public place.

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1. Government Gazette, 13.12.1907. Notice 1325 of 1907.

DECEMBER 1908 [1]

ADDITIONAL REGULATIONS.CHAPTER IXFor Controlling and Regulating the Keeping  
and Conveyance of Carbide of Calcium.

(Under Act No. 11 of 1895, Section 5, Sub-section 12)

1. These regulations may be cited for all purposes as "The Carbide Regulations."

2. For the purpose of these regulations the following expressions shall have the several meanings hereby assigned to them, unless the contrary intention appears: -

"Registered Premises" shall mean premises registered by the Council as required by these regulations for the storage of carbide of calcium.

"Person" shall mean and include any individual, partnership, company or body of persons, whether incorporated or not.

"Occupier" shall mean and include any person in actual occupation of land or premises, without regard to the title under which he occupies, and in case of premises sub-divided and let to lodgers or various tenants, the person receiving the rent payable by the lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein, and shall mean in the case of a firm or partnership all or any one or more of the members of such firm or partnership, and in the case of any public company and of any body of persons not being a firm or partnership in the ordinary meaning of these terms, the secretary or manager of such company or body, or should there be no secretary or manager, then any member of the Board of Directors or Managing Board or Committee of such company or body.

"Carbide" shall mean carbide of calcium.

"Carriage" includes any carriage, wagon, cart, truck, vehicle or other means of conveyance by land, in whatever manner the same may be drawn or propelled.

"Inhabited Building" shall mean any building in which people dwell or assemble.

"Store" shall mean any building substantially constructed of unflammable material, and so situated as not to be in dangerous proximity to any inhabited building, or to any fire, forge, furnace or light.

3. No person shall keep or store or cause or permit or suffer to be kept or stored within the limits of the Municipality of East London a greater quantity than 28 lbs. of carbide except in premises approved and registered as hereinafter provided by the Town Council for the keeping and storing of carbide of calcium, and except in accordance with these regulations.

4. No person shall keep or use any carbide on any unregistered premises except in accordance with the following conditions: -

(a) The quantity of carbide at any one time shall not exceed 28 lbs., and it shall be kept in substantial air-tight metal (not being copper) vessels containing not more than 2 lbs. each.

(b) Only one vessel shall be opened at a time, and after use, if any carbide remain therein, such vessel shall be at once re-closed.

(c) The carbide shall not be stored in any cellar, but in all cases must be placed on a floor above the ground level apart from any liquids or inflammable goods, and where it is not exposed to moisture likely to be flooded in the event of a fire and in a position away from inflammable goods or liquids. The building or compartment in which the carbide is so placed or stored must be well ventilated to the open air with ventilators placed both near the floor and roof and opposite each other on two sides of the building. Every vessel containing such carbide shall bear a conspicuous label bearing the words "Carbide of Calcium, dangerous if not kept dry," and the following caution: "The contents of this package are liable, if brought into contact with moisture, to give off a highly inflammable gas."

No pieces of carbide shall be thrown down any drains without having been first immersed and allowed to remain in at least 10 times their bulk of water.

5. Every person intending to keep or store carbide in any quantity in excess of 28 lbs. upon any premises shall send to the Council an application on a form to be provided for the purpose by the Council for the registration of such premises, and in every such application the applicant shall give the following particulars and information: -

- (a) His full name and calling.
- (b) The situation and address of the premises.
- (c) The proposed place and method of storage.
- (d) The quantity of carbide proposed to be kept.
- (e) The purpose for which the carbide is proposed to be kept and he shall also furnish (in duplicate) to the Council a plan section and elevation of the premises, and showing the proposed store, its position and level with regard to adjacent buildings, and the ventilating arrangements. The plan to be drawn to scale or have dimensions figured in ink on it.

6. The Council shall not register any premises unless and until the plan thereof mentioned in Clause (e) of the preceding regulation has been approved by the Council, and unless and until the building upon such premises has been certified by the Town Engineer or other officer appointed by the Council for that purpose as being in accordance with the approved plan. The registration in respect of any such premises shall cease to be effective at midnight on the 31st December in each year; but in the event of a person desiring his premises to be registered for a further period, notice in writing to this effect shall be given to the Council 14 days prior to the 31st December.

7. No person shall keep or store or cause or allow any carbide of calcium to be kept or stored on any registered premises except subject to the following conditions: -

- (a) Such carbide shall be kept only in strong metal (not copper) vessels.
- (b) Every vessel containing carbide shall be kept in a dry and well ventilated store provided with ventilators both near the floor and the roof and opposite each other on two sides of the building. And no such vessel shall be kept in any dwelling-house.

(c) Every such vessel shall be constructed and closed so as to prevent the admission of water or atmosphere.

(d) No such vessel shall be of such capacity as to contain more than 140 lbs. of carbide.

(e) Every such vessel having a greater capacity than 2 lbs. shall be provided with a lock, or be placed in a locked receptacle, the door or lid of which shall be kept locked except at such times when such vessel is being filled, or when carbide is being removed therefrom from time to time.

(f) No such vessel shall be used for any other purpose than for the storage of carbide.

(g) Due provision shall be made to prevent any unauthorised person having access to any carbide.

8. No person shall without the permission in writing of the Council, keep more than 280 lbs. weight of carbide in any store where such store is attached to, though not in direct communication with, any inhabited building. Where quantities in excess of 280 lbs., up to 5 cwt. are kept in any store, such store shall be detached from any inhabited building.

9. Where carbide of calcium is stored in excess of 5 cwt. it must be stored in hermetically sealed vessels in a building used exclusively for this purpose. The building must be thoroughly dry, water proof, well ventilated with ventilators placed both near the floor and the roof and opposite each other on two sides of the building, without artificial light or heat and situate at least 25 feet from any other building.

10. No person shall keep, sell, or expose for sale, or convey any carbide, unless such vessel containing such carbide shall bear a conspicuous label bearing the words: "Carbide of Calcium, dangerous if not kept dry," and the following caution, "The contents of this package are liable, if brought into contact with moisture, to give off a highly inflammable gas," and also the name and address of the owner or vendor.

11. No person shall convey any carbide to or from any premises, except subject to the following conditions: -

- (a) Such carbide shall be conveyed in hermetically closed, substantially constructed metal vessels.

- (b) It shall be conveyed in a closed cart unless covered with tarpaulins.
- (c) Every precaution shall be taken by such person to prevent any risk of accident by fire or explosion, or of the access of unauthorised persons to any vessel containing carbide.

12. No person shall keep any carbide which is not commercially pure, provided always that no carbide containing any impurity liable to generate phosphoretted or silicuretted hydrogen in such quantities as to render the gas evolved liable to ignite spontaneously, shall be considered to be commercially pure under these Bye-laws.

13. For the purpose of these Bye-laws or of detecting any breach thereof any official of the Council or member of the police, authorised in writing by the Resident Magistrate, may, during the hours specified in such authorisation, enter and inspect any premises or vehicle used or suspected by him to be used for manufacture, sale, storage or conveyance of carbide, and for the purpose of such inspection may make any inquiries of any person, and take any sample of any substance found in such premises or vehicle; such officer may further, in the course of such inspection, open or require to be opened any vessel, jar or case or other receptacle suspected by him of containing carbide. Any person disobeying, hindering, obstructing, refusing admittance or information, or giving false information to any such official or member of the police when making or attempting to make such inspection shall be liable to a penalty not exceeding £20 for every such offence.

14. Where any such official or police officer has obtained any samples as above provided and intends to cause the same to be tested, he shall declare his intention to the occupier of the premises on which such samples have been obtained or other person present on his behalf, and shall, if required, divide the samples in three parts to be then and there separated, and mark, seal, or fasten up each part in such manner as its nature will permit. He shall deliver one of the parts to the occupier or other person, retain another for future comparison, and, if he thinks fit, cause the remaining part to be tested for the purpose of ascertaining whether any contravention of these Bye-laws has taken place or not.

Where any such official or police officer has reasonable cause to believe that any carbide found by him is not commercially pure, or is kept, used or conveyed

contrary to the provisions of these Bye-laws, he may seize and detain the same, and may either require the occupier of the place in which it is seized to detain the carbide in that place or in any other place under his control, or may remove it in such a manner and to such place as will in his opinion least endanger the public safety, and there detain it or take such other measures as may be necessary for the protection of the public.

16. The officer appointed by the Council for the purpose shall cause a register to be kept of all places for the time being registered under these Bye-laws, and any ratepayer or any person registered under these Bye-laws shall be entitled at all reasonable times to inspect and take extracts from such registrar on payment of a fee of one shilling.

17. Where any accident has been, or may have been occasioned by an explosion or fire in connection with any carbide, the person on whose premises the accident happened, or his representative, shall cause the same to be notified to the Council.

18. Any person who shall commit any breach of these Bye-laws, or of any of the conditions laid down therein, shall on conviction be liable to a penalty not exceeding £20, and to a further penalty of £10 from every day during which the breach shall continue.

#### CHAPTER XVII

(Under Act 23 of 1880, Section 38.)

#### Regulations with respect to Fire Alarms.

11. Any person knowingly or carelessly giving or causing to be given a false alarm of fire to the Municipal Fire Brigade or to any officer thereof, whether by means of a street fire alarm, statement, message or otherwise, or any person who willfully, wantonly or maliciously breaks, rings or otherwise tampers or interferes with any fire alarm or fire alarm apparatus within the Municipality of East London without lawful excuse, shall upon conviction be liable for each offence to a penalty not exceeding £10 sterling.

#### Fire Brigade: Preferent Right of Way.

12. The vehicles and all other appurtenances of the Fire Brigade and the members of the Brigade, whilst proceeding to a fire or in the execution of their duties, shall at all times have a first or preferent right-of-way over all classes of vehicular and pedestrian traffic in

any street, roadway, thoroughfare or open space within the Municipality, and any person wilfully obstructing, impeding or preventing the aforesaid first or preferent right-of-way, or interfering with any of the members of the said Brigade in the performance of their duties, shall upon conviction be liable for each offence to a penalty not exceeding ten pounds sterling.

CHAPTER XII.

Re Market Buildings.

(Under Act 23 of 1880, Section 38.)

41a. No person, being the owner or being in charge or possession of any dog shall bring such dog into the Market Buildings, nor shall any such person suffer or allow any such dog to wander or stray or follow him into the said Market Buildings.

41b. Any dog found within the Market Buildings, may, unless the owner is immediately forthcoming to claim and remove the same be captured and removed to the dog shelter by any police officer, constable, street-keeper or other Municipal officer or servant and dealt with thereafter as provided in Regulation No. 7, Chapter XXI, of the Municipal Regulations.

41c. No person shall smoke or expectorate with the Market Buildings.

CHAPTER XXIV.

Bathing on Beach.

(Framed under Section 5 of Act 11 of 1895.)

5. No native or Asiatic shall bathe in the sea from the foreshore within the following areas, viz.: -

- (1) On the West Bank, the area between the Western wall, and the Eastern side of the Old Cemetery.
- (2) On the East Bank, the area between the South Breakwater and a point, indicated by a finger-post midway between the limekilns and the Blind River.

both of which areas are hereby specially set apart as bathing places for Europeans only; Provided that the limits of the said areas and the nature of the prohibition shall be at all times clearly indicated by notice boards to be erected and maintained by the Council. Any person contravening this regulation shall upon conviction be liable to a penalty not exceeding £10.

JANUARY 1909 [1]

REGULATIONS IN LIEU OF CHAPTER XXII OF THE EAST LONDON MUNICIPAL REGULATIONS, PROMULGATED IN GOVERNMENT GAZETTE No. 8509, DATED 13th JANUARY, 1903.

Regulations under Section 9, Sub-Section 5(c) of the Public Health Amendment Act, 1897, for the registration of Cowkeepers, Dairymen and Purveyors of Milk, the regulation of Cowsheds, Dairies and Milkshops, and for regulating the collection, storage, preparation and distribution of Milk for sale.

1. Throughout these regulations the following terms shall have the meanings hereby respectively assigned to them: -

"Milk" shall mean and include all varieties and kinds of milk, as well as skim milk, separated milk, butter milk and cream, excepting condensed and preserved milk contained in hermetically sealed tins or vessels.

"Cowshed" shall mean and include any building or premises, or part of any building or premises together with the appurtenances thereto, in which cows for the production of milk intended for sale are kept, housed, or milked.

"Dairy" shall mean and include any building or premises, or part of any building or premises, together with the appurtenances [sic] thereto, in which milk intended for sale is kept, deposited, or prepared for sale.

"Milkshop" shall mean and include any building or premises, or part of any building or premises, together with the appurtenances thereto, in which milk is sold or kept, deposited or exposed for sale.

"Milk-vessel" shall mean and include every receptacle, vessel, utensil, measure, apparatus, or thing together with any lid, cover, stopper or other loose part thereof likely or liable to come into contact with the contents of such receptacle, vessel, utensil, measure, apparatus or thing used for the collection, conveyance, keeping, storage, preparation, measurement, delivery or distribution of milk.

"Cowkeeper" shall mean and include any person keeping any cow for the purpose of selling milk.

"Dairyman" shall mean and include any person following the trade or business of a dairyman in possession of occupation of or keeping any dairy.

"Purveyor of milk" shall mean and include any person in possession or occupation of or keeping any milkshop, or who shall sell milk or expose milk for sale, whether on private premises or in any street or other public place within the area of the Municipality.

Cow-keepers, Dairymen and purveyors of milk to be registered.

2. No person shall carry on the trade or business of cowkeeper, dairyman or purveyor of milk upon any premises or shall sell or expose for sale any milk in any street or other public place within the area of the Municipality unless registered by the Council as a cowkeeper, dairyman or purveyor of milk as the case may be, and in possession of a certificate to that effect in force and current at the time being, and any person carrying on the business of a cowkeeper, dairyman or purveyor of milk without being registered and in possession of a certificate as aforesaid shall be liable on conviction to a penalty not exceeding £20.

Application for registration to be made to the Council.

3. Every person desiring to be registered as a cowkeeper, dairyman or purveyor of milk within the area of the Municipality shall submit a written application for registration at the office of the council; such application shall be submitted 14 days before the date upon which he desires to enter upon such trade or business and may be made for registration of the same person in any or all of the capacities of cowkeeper, dairyman or purveyor of milk.

The Council may refuse Application.

4. It shall be lawful for the Council to grant such application or to refuse the same if the Council shall, after due enquiry and for good reason, deem it expedient so to do, provided that in all cases where such application is refused the reason for such refusals shall be forthwith specified and notified in writing by the Council to the applicant; and provided further that any refusal shall not debar the applicant from making at any time, a subsequent application of applications for registration.

Issue of Certificate of Registration:  
period of currency thereof.

5. Such registration shall be free of charge and a certificate of registration shall be issued by the Council free of charge to each person so registered. Such certificate shall, unless previously withdrawn or cancelled by the Council as in these regulations provided, be in force from the date of such registration up to and including the 31st day of December next ensuing. Should a renewal thereof be desired, written application therefor must be made at the office of the Council at least 14 days before the date of expiry of the current certificate.

Particulars to be specified in certificate.

6. Such certificate shall state the full name and address of the person to whom it is granted and the capacity in which he is registered, whether as a cowkeeper, dairyman or purveyor of milk as the case may be, or in all or any of these capacities, and shall specify and define the premises, if any, in respect of which such certificate is granted.

Inspection to be made by the Council  
before granting certificate.

7. No such certificate of registration shall be granted unless the Council, after due enquiry and inspection, shall have approved of the premises, if any, so specified and defined, together with all utensils, vehicles, apparatus and things used or intended to be used for dairying purposes in connection therewith, are suitable for the purpose for which they are used or intended to be used.

Change of address to be notified.

8. Every person to whom such certificate has been granted shall forthwith notify in writing the Council of any change of address or any material departure from the terms of such certificate or alteration of any premises or in any manner of use thereof specified in such certificate.

Alterations or additions to Certificates.

9. In the event of the person to whom such certificate is granted desiring any alterations in or any additions to the terms of such certificate, he shall give 14 days' written notice thereof to the Council, in like manner as is provided under regulations numbered 3, 4, 5, 6 and 7 hereof in respect to applications made for registration, but no charge shall be made by the Council in respect of such alteration or addition.

Inspections may be made by Health Officer  
or other duly authorised officer.

10. Any officer duly authorised by the Council granting any certificate to any cowkeeper, dairyman or purveyor of milk as in the preceding regulations provided, or the Medical Officer of Health for the Colony or any officer duly authorised by him, may at any time enter upon and inspect any premises specified and defined in any certificate and may inspect any person or any cow or other animal thereon, and may milk or otherwise procure a sample of milk from any such cow or any other animal yielding milk, and may inspect any milk vessel, apparatus, vehicle or other thing used by or in the possession of such cowkeeper, dairyman or purveyor of milk for dairying purposes or for the collection, keeping, storage, preparation, transmission or sale of milk whether or not on such premises, and may take for the purpose of examination a sample of any milk contained in any such vessel or on any such vehicle.

Any such officer may prohibit the sale  
or disposal of unwholesome milk.

11. Any such officer may prohibit any person in possession or charge of any milk which appears to such officer to be unwholesome, injurious or dangerous for human consumption from selling or disposing of the same for a reasonable time sufficient to admit of such milk being inspected and examined by the Health Officer or a medical practitioner duly authorised thereto by the

Council, and may direct the manner, place and custody in which such milk shall be kept pending such inspection and examination. The Health Officer or medical practitioner authorised as aforesaid shall be forthwith notified of such prohibition and shall inspect and examine the milk as soon as may be, and shall, within a reasonable time, notify his decision to such person. Provided that if in any case there shall be grounds for suspecting that such prohibition will not be effective, such officer may seize or remove or cause to be removed, any such milk for inspection and examination by the Health Officer, provided that whenever such milk is seized he shall furnish the owner or person in charge with a receipt therefor.

The Health Officer or a duly authorised medical practitioner may, with the owner's consent, destroy unwholesome milk.

11. If on inspection and examination Health Officer or medical practitioner duly authorised by the Council is satisfied that any milk for sale is unwholesome, injurious or dangerous for human consumption, he may, if the person in possession or charge of such milk consent in writing thereto and irrespective of any penalty which may have been incurred for contravention of these regulations, order the destruction thereof in such manner and by such persons as he may direct. In the event of such consent being refused such officer or medical practitioner may seize or remove such milk or prohibit the person in possession or charge thereof from selling or disposing of the same and may direct the manner, place and custody in which such milk shall be kept pending a decision by the Resident Magistrate or Justice of the Peace having jurisdiction within the district of East London as to the fitness for sale and the disposal of such milk.

If consent refused, application to be made to Magistrate.

12. When any milk is seized or removed or any person in possession or charge thereof prohibited from selling or disposing of the same as in the last preceding regulation provided, the Health Officer or medical practitioner so doing shall forthwith make application to the Resident Magistrate or Assistant Resident Magistrate or in the event of neither the Resident Magistrate nor the Assistant Resident Magistrate being available and owing to the perishable nature of the said milk it is inadvisable to keep the said milk until such time as the Resident Magistrate or Assistant Resident Magistrate is available, then to any Justice of the Peace having jurisdiction within the district of East London for an order requiring

the destruction of such milk, and shall inform such person of the making of an application for the purpose of his being heard - if he so desires - in opposition thereto.

Magistrate to make enquiry and if satisfied that milk is unwholesome, order its destruction.

Every Resident Magistrate or Assistant Resident Magistrate or Justice of the Peace to whom application has been made as aforesaid, shall as soon as possible, make enquiry regarding the same, obtaining such evidence as he may deem necessary, and if satisfied from the evidence that any milk in respect of which such application has been made is unwholesome, injurious or dangerous for human consumption shall, irrespective of any penalty which may be inflicted for a contravention of these regulations, issue such order as he may deem necessary for the purpose of forthwith ensuring that such milk is destroyed.

Prohibition order.  
Penalty for contravention of.

13. Any person prohibited as in the preceding regulations Nos. 10 and 11 provided, from selling or disposing of any milk who shall during the period of such prohibition sell or otherwise dispose of any such milk or fail to carry out the directions of the local authority regarding the manner, place and custody of the same, shall incur the maximum penalty provided for a contravention of these regulations.

Colonial Veterinary Surgeon or officer duly authorised by him may enter upon premises and examine animals thereon.

14. The Colonial Veterinary Surgeon may by himself, or by any competent officer duly authorised thereto by him enter at any time upon any premises in which any cow for the production of milk for sale is kept or housed or milked, and examine any cow or other animal therein, and, should there be reason to believe or suspect that any such cow or animal is suffering from any contagious or infectious or other disease to render milk produced by such cow or animal unwholesome or injurious or dangerous for human consumption, may carry out such investigations, including the inoculation of any such cow or animal, as he may deem necessary to determine whether such cow or animal is suffering from such disease.

The Council required to cause periodical inspection of dairy premises and utensils.

15. The Council shall cause every cowshed, dairy or milkshop situated within the area of the Municipality in respect of which a certificate of registration has been issued to any person as in the preceding regulations provided, to be inspected by a Health Officer or other duly authorised officer of the Council as often as may be necessary, but not less frequently than once in every six months, in order to ensure that such cowshed, dairy or milkshop, together with all milk-vessels, articles or vehicles thereon, or used in connection therewith, are at all times maintained and kept in a satisfactory condition and in accordance with these regulations, and that no person is employed in or about such cowshed, dairy or milkshop who is suffering from any infectious or contagious disease, or whose person or clothing is dirty or likely to be in an infectious state or so as to be liable to render any milk contaminated or unwholesome or injurious or dangerous for human consumption and that all cows or other animals kept in such cowshed are in good health and not suffering from any illness or kept so as to be likely or liable to render any milk contaminated or unwholesome or injurious or dangerous for human consumption, and that no contravention of these regulations is taking place. Should any such cowshed, dairy, or milkshop or any such milk vessel, article or vehicle be found to be in an unsatisfactory condition or not in accordance with these regulations, or any such person be found to be suffering from any infectious or contagious disease or his person or clothing dirty or likely to be in an infectious state or so as to be liable to render any milk contaminated or unwholesome or injurious or dangerous for human consumption, or any cow or other animal be found to be suffering from any illness or so kept as to be likely or liable to render any milk contaminated or unwholesome or injurious or dangerous for human consumption, or should it be found that any contravention of these regulations is taking place, such certificate of registration may, irrespective of any penalty provided by or inflicted under these regulations, be withdrawn or cancelled or the renewal thereof refused by the Council provided that in every such case the reasons for such withdrawal, cancellation or refusal shall be forthwith specified and notified in writing by the Council to the person concerned, and provided further that the Council may annul such withdrawal, cancellation or refusal, upon becoming satisfied that the cowshed, dairy, milkshop, milk-vessel, article or vehicle, as the case may be has been made satisfactory and in accordance with these regulations, or that the person is no longer suffering

from contagious or infectious disease or dirty or infectious in his person or liable to render any milk contaminated or unwholesome, or injurious or dangerous for human consumption, or that the cow or other animal is no longer suffering from illness, or so kept as to be likely or liable to render any milk contaminated, unwholesome, injurious or dangerous for human consumption.

Registered persons required to furnish on demand names and addresses of persons supplying them with milk and of customers.

16. Every cowkeeper, dairyman or purveyor of milk registered hereunder by the Council shall, upon demand by a Health Officer or other duly authorised officer of the Council, or by the Medical Officer of Health for the Colony, or any officer duly authorised by him, furnish to such Health or other officer the names and addresses of all persons supplying to such registered person milk intended for sale or preparation for sale, and the name and address of the person who supplied to him any particular sample of milk in his possession, and a full and complete list of the names and addresses of all his customers, and shall give such assistance to discover the residence of all or any such persons or customers as may be deemed necessary by such Health or other officer.

Inspection of cow-sheds, dairies and milkshops situated beyond the area of the Municipality.

17. Cowkeepers, dairymen and purveyors of milk from outside areas must furnish the local authority when they desire to dispose of milk within this Municipality, with satisfactory proof in the form of a certificate duly attested to and vouched for by some representative person, the Chairman of a Village Management Board or a Field-Cornet, if in a country district, or if resident within a Municipality by a responsible representative of the latter to the effect that the provisions of the cowkeepers and dairies regulations, in regard to their cows, premises and utensils, etc., are being satisfactorily complied with, before being registered and allowed to sell milk in this area.

The Council may refuse any such application unless accompanied by a satisfactory certificate on the lines heretofore referred to and may cause the cancellation of any certificate of registration at any time, upon its being ascertained that the conditions required by these regulations are not satisfactorily complied with. All such certificate of registration shall be subject to the provisions of these regulations, and any contravention

thereof will render the offender liable to the penalties herein provided.

No cowkeeper, dairyman or purveyor of milk shall sell or dispose of milk within the Municipality unless from his own dairy or unless received from some other duly registered cowkeepers or dairyman's supply.

18. In the case of any cowshed, dairy or milkshop in the possession, occupation or use of any such registered person, or of any person supplying milk for sale or preparation of exposure for sale to any such registered person, being situated beyond the area of the Municipality, it shall be lawful for any Health Officer or duly authorised officer of such Council at any reasonable time to enter upon and inspect, subject to the consent of the owner, occupier or person in charge thereof, such cowshed, dairy or milkshop, together with all cows and other animals, milk vessels, articles or vehicles thereon or used in connection therewith, for the purpose of ascertaining that they are maintained and kept in a satisfactory condition and in accordance with these regulations, and that no person is employed in or about such cowshed, dairy or milkshop who is suffering from any infectious or contagious disease or whose person or clothing is dirty or likely to be in an infectious state or so as to be liable to render any milk contaminated, unwholesome, injurious or dangerous for human consumption, and that all cows or other animals kept thereon are in good health and not suffering from any illness or so kept as to be likely or liable to render any milk contaminated, unwholesome, injurious or dangerous for human consumption. Should such consent be refused, or should any such cowsheds, dairy or milkshop or any such milk vessel, article or vehicle be found to be in an unsatisfactory condition, or not in accordance with these regulations, or any such person be found to be suffering from any infectious or contagious disease, or his person or clothing dirty or likely to be in an infectious state or so as to be liable to render any milk dangerous for human consumption, or any cow or other animal be found suffering from any illness or so kept as to be likely or liable to render any milk contaminated, unwholesome, injurious or dangerous for human consumption, the Council may, by written order, addressed to such registered person, prohibit the receipt for sale or keeping, preparation, exposure or distribution for sale within the Municipality of any milk from such cowshed, dairy or milkshop until such time as the Council may deem fit to annul such prohibition; any such registered person thereafter continuing to receive for selling or keeping, preparing, exposing or distributing for sale any such milk shall be

liable to the penalty provided by regulation No. 39 hereof, and the Council may forthwith withdraw or cancel or refuse to renew the certificate of registration of such person until such time as the Council shall be satisfied that no breach of this regulation is likely to occur.

Penalty for obstructing any Health Officer or other duly authorised Officer in the performance of his duty or refusing to give information.

19. Any person obstructing any Health Officer, Sanitary Inspector or other duly authorised officer as aforesaid making any inspection, as in the foregoing regulations provided, or obstructing any such officer in the performance of any duty lawfully undertaken thereunder, or refusing to give any information or assistance required of him thereunder shall be liable to the penalty provided by regulation No. 39 hereof.

Cowsheds: requirements to be conformed to in respect of.

20. Every cowshed in respect of which a certificate of registration is granted as aforesaid, or is in force shall be constructed, maintained and kept as follows: -

To be properly constructed and suitably situated.

(a) Every such cowshed shall be properly constructed of suitable materials and so situated as to give access to sufficient light and pure air.

To be properly lighted.

(b) Every such cowshed shall be sufficiently lighted with windows or openings in the walls or roof thereof.

To be properly ventilated.

(c) Every such cowshed shall be sufficiently ventilated by openings in the walls or roof thereof communicating directly with the external air, to keep the air in the cowshed in a wholesome condition.

(d) Every such cowshed shall contain at least eight hundred cubic feet of air space and at least fifty square feet of floor space for each cow occupying such cowshed; provided that in calculating the air space for the purpose of this regulation no space shall be reckoned which is more than sixteen feet above the floor, but, if the roof or ceiling be inclined, then the mean height of the same above the floor may be taken as the height thereof for the purpose of this regulation. And provided

further that if any ox, bull, mule, ass, sheep or goat be kept in such cowshed, every such ox, bull, horse, mule or ass so kept shall be reckoned for the purposes of this regulation as requiring the space herein required to be provided for one cow, and every such sheep or goat as requiring at least three hundred cubic feet of air space, and at least twenty square feet of floor space, and provided further that the Council may decide that this regulation shall not apply in the case of any cowshed constructed and used before the date of coming into effect within the area of the Municipality of these regulations until the lapse of any period not exceeding two years after that date, but no cowshed, anything in this proviso notwithstanding, shall contain less than six hundred cubic feet of air space for each cow occupying such cowshed.

Any cowkeeper allowing any cowshed in his use or occupation to be occupied by cows or cows and oxen, bulls, horses, mules, asses, sheep or goats, so that each cow or other animal has less air space or floor space than is required by this regulation shall be liable to the penalty provided by the regulation No. 39 hereof.

To have a suitable floor.

(e) Every such cowshed shall have a floor composed of cement or other impermeable, non-absorbent and easily-cleaned material, with a sufficient fall to a suitable channel leading to a suitable catchpit in the open air at a proper distance from any door or window of such cowshed, or to some other suitable place which is so situated. No catchpit or other such place shall be situated within such cowshed.

To be kept clean.

(f) Every such cowshed shall be thoroughly cleansed from time to time as often as may be necessary to secure that such cowshed shall be at all times reasonably clean and sweet.

Interior to be periodically lime-washed.

Every part of the ceiling or interior of the roof and the walls of every such cowshed shall be properly lime-washed at least twice in every year, that is to say, once during the month of May and once during the month of October, and at such other times as may be necessary: provided that this requirement shall not apply to any part of such ceiling, roof or walls as may be properly painted or varnished or constructed of or covered with any

material such as to render limewashing unsuitable or inexpedient, and that may be otherwise properly cleansed.

The floor of every such cowshed shall be thoroughly swept and all dung and other offensive matter shall be removed therefrom as often as may be necessary and not less frequently than once daily.

In every such cowshed any bedding shall be at all times kept in a dry, clean and wholesome conditions.

Suitable and sufficient supply of water to be provided.

(g) Every cowshed shall at all times be provided with a suitable and sufficient supply of water.

Every receptacle in which any water may be stored in connection with such cowshed shall be constructed of non-absorbent materials suitable for the storage of water in a pure state, and shall not communicate directly with any sanitary convenience, sewer or drain, and shall be properly covered and ventilated and so placed as to be at all times easily accessible for inspection and cleansing.

Every such receptacle shall be emptied and thoroughly cleansed from time to time as often as may be necessary to prevent the pollution of any water that may be stored therein.

Suitable and sufficient sanitary convenience to be provided.

(h) Every such cowshed shall be provided for the use of persons employed therein with suitable and sufficient sanitary convenience which shall be maintained at all times in a cleanly condition and in good order.

Cowshed not to contain or communicate directly with any sanitary convenience or cesspool.

(i) No sanitary convenience, drain or sewer, or cesspool shall be situated within or communicate directly with or ventilate into any such cowshed.

Birds or certain animals not to be kept in cowshed.

(j) No dogs, swine or other animals, other than oxen, bulls, horses, mules, asses, sheep or goats, and no poultry, pigeons or other birds shall be allowed or kept in any such cowshed.

Dairy or milkshop to be provided in connection with every cowshed.

(k) There shall be provided in connection with every cowshed a dairy, milkshop or other suitable building or part of a building in which milk may be stored or prepared for sale, and receptacles for containing milk may be properly cleansed, not directly communicating with or ventilating into such cowshed, and constructed, maintained and kept in accordance with these regulations.

Dairies and milkshops: requirements to be conformed to in respect of.

21. Every dairy or milkshop in respect of which a certificate of registration is granted as in the foregoing regulations provided shall be constructed, and maintained and kept as follows: -

To be of sufficient size, properly constructed and suitably situated.

(a) Every such dairy or milkshop shall be of sufficient size and properly constructed of suitable materials and so situated as to give access to sufficient light and pure air.

To be properly lighted.

(b) Every such dairy or milkshop shall be sufficiently lighted with windows or openings in the walls or roof thereof.

To be properly ventilated.

(c) Every such dairy or milkshop shall be sufficiently ventilated by openings in the walls or roof thereof communicating directly with the external air, to keep the air therein in a wholesome condition.

To have a suitable floor.

(d) Every such dairy or milkshop shall have a floor composed of cement or other impermeable non-absorbent and easily-cleansed material, with a sufficient fall to a suitable open channel leading to a suitable catchpit situate in the open air at a proper distance from any door or window of such dairy or milkshop or to some other suitable place of disposal which is so situated. No catchpit or other such place shall be situated within such dairy or milkshop.

To be kept clean.

(e) Every part of the interior of such dairy or milkshop shall be thoroughly cleansed from time to time as often as may be necessary to secure that such dairy or milkshop shall be at all times thoroughly sweet and clean. The floor of every such dairy or milkshop shall be thoroughly cleansed with water at least once daily.

Suitable and sufficient supply of water to be provided.

(f) Every such dairy or milkshop shall at all times be provided with an adequate supply of good and wholesome water for the cleansing of such dairy or milkshop and of any vessels that may be used therein or in connection therewith for containing milk or the products of milk, and for all other reasonable and necessary purposes in connection with the use of such dairy or milkshop.

Every receptacle in which any water may be stored in connection with such dairy or milkshop shall be constructed of non-absorbent materials suitable for the storage of water in a pure state, and shall not communicate directly with any sanitary convenience, sewer or drain, and shall be properly covered and ventilated and so placed as to be at all times easily accessible for inspection and cleansing. Every such receptacle shall be emptied and thoroughly cleansed from time to time as often as may be necessary to prevent the pollution of any water that may be stored therein.

Means for producing steam or boiling water to be provided.

(g) Every such dairy or milkshop shall at all times be provided with adequate means for producing steam or boiling water in sufficient quantity for the purpose of properly cleansing and sterilising any vessel that may be used therein or in connection therewith for containing milk.

Proper sanitary convenience to be provided.

(h) Every such dairy or milkshop shall be provided for the use of persons employed therein, with a suitable and sufficient sanitary convenience, which shall be maintained at all times in a cleanly condition and in good order.

Dairy or milkshop not to communicate directly with any sanitary convenience or cesspool.

(i) No sanitary convenience, drain, sewer or cesspool shall be situate within or shall communicate with or ventilate into any such dairy or milkshop.

Animals or birds not to be kept in dairies or milkshops.

(j) No dogs, swine, or other animals and no poultry, pigeons, or other birds shall at any time be allowed or kept in any such dairy or milkshop.

Cleansing, sterilising of milk-vessels.

22. Every cowkeeper, dairyman, or purveyor of milk shall from time to time as often as may be necessary cause every milk vessel that may be used by him in connection with any cowshed, dairy, or milkshop in his occupation, to be thoroughly cleansed and sterilised with steam or clean boiling water, and shall otherwise take all proper precautions for the maintenance of every such milk-vessel in a constant state of cleanliness.

He shall on every occasion when any such milk-vessel shall have been used to contain milk or any products of milk, or shall have been returned to him after having been out of his possession, cause such vessel to be forthwith so cleansed and sterilised.

Milk not to be placed in unclean milk-vessels.

23. No cowkeeper, dairyman or purveyor of milk shall keep milk for sale in, or cause or suffer any such milk to be placed in any milk-vessel which is not thoroughly clean.

Milk-vessels to conform to requirements.

24. Every milk-vessel used by any such cowkeeper, dairyman, or purveyor of milk shall be made of such material and so shaped or designed as to admit of any milk-vessel being easily cleansed and sterilised.

For the purpose of this regulation the Council may from time to time prescribe the materials, shape or design to be conformed to in respect of milk-vessels used or intended to be used for the keeping, conveyance, delivery, or distribution of milk within the Municipality, and any such cowkeeper, dairyman or purveyor of milk thereafter so making use of any milk-vessel not conforming to such

prescript shall be guilty of a contravention of this regulation and shall be liable to the penalty provided by regulation No. 39 hereof: provided always that no such prescript shall be of force or effect until after the expiration of at least six months from the date of first giving notice thereof by the Council by publication in one or more newspapers circulating within the Municipality and by written notice addressed to each and every cowkeeper, dairyman and purveyor of milk registered within the said area.

Name and registered address of registered person to be legibly printed on vehicles used for the conveyance of milk: vehicle to be kept clean.

25. Every cowkeeper, dairyman or purveyor of milk shall cause his name and registered address to be legibly and conspicuously painted upon every cart, barrow or other vehicle used or employed by him for the conveyance and distribution of milk for sale, and shall at all times maintain every such cart, barrow or other such vehicle in a thoroughly clean condition.

Cowkeepers, dairymen and purveyors of milk to take precautions to prevent infection or contamination of milk.

26. Every cowkeeper, dairyman or purveyor of milk shall take all reasonable and proper precautions in and in connection with the collection, storage, preparation and distribution of any milk, and otherwise to prevent exposure of any milk to any infection or contamination.

Milk not to be deposited in any place where it would be liable to become infected or contaminated.

27. No cowkeeper, dairyman or purveyor of milk shall deposit, store or keep any milk intended for sale: -

(a) In any room or place where it would be liable to become infected or contaminated by impure air, or by any offensive, noxious or injurious gas, emanation, exhalation, effluvia or substance; or

(b) In any room used as a kitchen or as a living, sleeping or work room; or

(c) In any room or building or part of a building communicating directly, by door, window, or otherwise, with any sanitary convenience or with any room used as a sleeping room or in which there may be any person suffering from any infectious or contagious disease or

which may have been used by any person suffering from any such disease and which may not have been properly disinfected thereafter; or

(d) In any room or building or part of a building in which there may be any catchpit or drain; or

(e) In any milk-vessel not properly covered so as to effectually prevent the contamination of the milk contained therein.

Occurrence of infectious disease in any person employed in or about any cowshed, dairy or milkshop to be forthwith notified.

28. Every cowkeeper, dairyman or purveyor of milk shall forthwith notify to the Council the occurrence in any person or any member of the family of any person employed in or about any cowshed, dairy or milkshop in the use or occupation of, or from which milk is supplied to, such cowkeeper, dairyman or purveyor of milk, of any throat complaint affecting two or more persons, or of any disease of an eruptive or infectious nature, whether affecting one person or more, and such cowkeeper, dairyman or purveyor of milk shall forthwith cause the affected person to be properly isolated.

Persons suffering from infectious disease and persons likely to be infectious not to be allowed in any cowshed, dairy or milkshop, or to handle milk or milk vessels.

29. No cowkeeper, dairyman or purveyor of milk shall allow any person suffering from any infectious or contagious or eruptive disorder, or having any discharging ulcer or sore, or being in attendance on any person suffering from any infectious or contagious disorder or any person who has been in contact with any person so suffering but has not been thoroughly disinfected thereafter, to milk cows or to handle any milk-vessel, or to be in any cowshed or milkshop, or in any way to take part or assist in the collection, preparation, storage or distribution of milk, or in any other way to assist in the business of such cowkeeper, dairyman or purveyor of milk.

Persons and clothing. Those employed in dealing with milk to be clean and free from dirt likely to contaminate milk.

30. Every cowkeeper, dairyman or purveyor of milk shall cause the person and clothing of every person employed in or about any cowshed, dairy or milkshop in the use or occupation of such cowkeeper, dairyman or purveyor

of milk, or employed in the conveyance of or distribution of milk or otherwise assisting such cowkeeper, dairyman or purveyor of milk in his business to be at all times clean and free from dirt likely or liable to render any milk contaminated, unwholesome, injurious or dangerous for human consumption.

No cow to be milked unless udder and teats of cow and hands of milkers are thoroughly clean.

31. No cowkeeper shall milk or cause or suffer any cow belonging to him or under his control to be milked for the purpose of obtaining milk for sale: -

(a) Unless at the time of milking, the udder and teats of such cow are thoroughly clean, and,

(b) Unless the hands of the person milking such cow are thoroughly clean and free from all dirt, infection and contamination.

Milk of cows so fed as to be likely to render their milk injurious to health not to be sold.

32. No cowkeeper, dairyman or purveyor of milk shall sell or prepare, transmit or expose for sale any milk the product of cows fed on forage or depastured on grazing grounds liable to render such milk unwholesome, injurious or dangerous for human consumption.

Milk exposed to infection or departing from the normal or milk from diseased cows not to be sold.

33. No cowkeeper, dairyman or purveyor of milk shall sell or prepare, transmit or expose for sale milk: -

(a) Which has been or is likely to have been contaminated or exposed to any infection or is in a condition likely or liable to prove unwholesome or injurious or dangerous to the health of man.

(b) When presenting any marked deviation from the normal composition or ordinary characters or appearances as regards colour, odour, taste or general conditions, or

(c) When produced by any animal manifestly the subject of constitutional, acute or infectious diseases, or suffering from any of the diseases mentioned in the succeeding regulation No. 34 hereof, or by any animal within at least twenty-four hours after, or not completely recovered from, the feeble state and other conditions incident to parturition.

34. Every cowkeeper shall forthwith notify to the Council in respect of cows or other animals in any cowshed or on any premises in his occupation: -

Occurrence of anthrax, foot and mouth disease or glanders in any cow or other animal on any premises to be notified.

(a) The occurrence recently or at the time being in any such or other animal of any of the following diseases: - Anthrax, Foot and Mouth Disease of Glanders; or

Occurrence of certain other diseases in cows to be notified.

(b) The occurrence at the time being in any such cow of any of the following diseases: - Cattle Plague or Rinderpest, Red-Water or Texas Fever, African Coast Fever, Contagious Pleuro-pneumonia or Lung Sickness, Tubercular Diseases of the udder or other part, inflammation or swelling of or discharge from the udder, or any general wasting disease.

Milk from cows infected with, or exposed to the infection of anthrax, foot and mouth disease or glanders not to be sold.

35. Milk from any cow at the time being recently in any cowshed or on any premises in which any animal is suffering or has recently suffered from Anthrax, Foot and Mouth Disease or Glanders, or from any cow which has otherwise recently been exposed to the infection of any such disease whether such cow is so suffering or not, shall not be sold or stored, prepared transmitted or exposed for sale until such time as the Council shall be satisfied that such milk is not likely to be unwholesome, injurious or dangerous for human consumption; upon being so satisfied the Council shall forthwith sanction in writing, the sale and storage, preparation, transmission or exposure for sale of such milk.

Use of infected milk for the feeding of animals restricted.

36. Nothing in the last two preceding regulations shall be taken as preventing the use of any such milk for the purpose of feeding animals: providing that such milk shall in every such case have been first thoroughly boiled, and provided further that such milk shall not have been produced by a cow suffering from Anthrax.

Milk in the possession of any registered cowkeeper, dairyman or purveyor of milk to be deemed to be intended for sale until the contrary is proved.

37. Any milk found in the possession of any registered cowkeeper, dairyman or purveyor of milk or in any cowshed, dairy or milkshop, vehicle or milk-vessel in the possession or use of any registered cowkeeper, dairyman or purveyor of milk, shall be deemed to be intended for sale for human consumption until the contrary shall have been proved to be the case by such cowkeeper, dairyman or purveyor of milk.

Regulations to apply, mutatis mutandis, to milk intended for human food, other than cow's milk.

38. The foregoing regulations shall apply *mutatis mutandis* to the sale or production, collection, storage, keeping, preparation, transmission or exposure for sale of milk intended for human consumption from any animal other than the cow, and to the keeping of any such animal and for the production of such milk.

Penalty for contravention of regulations.

39. Any person guilty of -

(a) Receiving any milk for sale, or for preparation, transmission or exposure for sale, well knowing that the sale or preparation, transmission or exposure for sale of such milk is prohibited by these regulations or any order lawfully made thereunder, or

(b) Obstructing, or abetting, or assisting any person in obstructing any Health Officer or other duly authorised officer in the performance of any lawful duty or act under these regulations or any other lawfully made thereunder, or

(c) Failing or neglecting to carry out, or preventing any person from carrying out any act or duty required to be carried out by these regulations or any lawful order thereunder, or

(d) Performing any act or doing anything or aiding, abetting, or assisting in the performance of any act or the doing of anything in contravention of these regulations or of any order lawfully made thereunder, or

(e) Otherwise guilty of a contravention of any of these regulations or of any order lawfully made thereunder,

shall be liable on conviction to a penalty not exceeding twenty pounds, or in the case of a continuous offence, to a daily penalty not exceeding forty shillings, after written notice thereof from the Municipality to such person.

JUNE 1909<sup>[1]</sup>ADDITIONAL REGULATION

(Framed under Section 11 of Act 11 of 1908.)

The owner or person in lawful possession of every greyhound or bastard greyhound within the Municipal area of East London shall pay to the Town Treasurer at the Municipal Office an annual tax of five pounds (£5) for every greyhound or bastard greyhound owned by him or lawfully in his possession, which tax shall be payable within fourteen days after the promulgation of this regulation or as soon thereafter as he becomes the owner or in possession of such dog for the year 1909.

The payment for 1910 and subsequent years shall be made at the said place on or before the fourteenth day of January in each year, or as soon thereafter as any person becomes the owner or in possession of any such greyhound or bastard greyhound.

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1. Government Gazette, 15.6.1909. Notice 646 of 1909.

JULY 1911<sup>[1]</sup>

ADDITIONAL REGULATION

(Framed under Act No. 11 of 1895.)

RUINOUS OR DILAPIDATED BUILDINGS.

Where a building or structure is considered by the Town Council to be in such a state of disrepair, or so far dilapidated as thereby to have become and to be unfit for use or occupation, or is from neglect or otherwise in a structural or other condition prejudicial to the property in or the inhabitants of the neighbourhood, the Town Council may issue an order requiring the owner, agent or occupier of such building or structure referred to as a neglected building, to take down, or repair, or rebuild the neglected structure or any part thereof, or to fence the ground on which it stands or any part thereof, and put the same in a state of repair or good condition to the satisfaction of the Town Council, within a reasonable time to be fixed by the Town Council, and every person who shall fail or neglect to obey such order as aforesaid, shall upon conviction be liable to a penalty not exceeding £10.

And it shall be competent for the Council to cause the building to be taken down or repaired or the ground on which it stands to be fenced, or such other work as may be necessary to be done at the expense of such owner or other person in default.

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1. Provincial Gazette, 18.8.1911. Notice 335 of 1911.

AUGUST 1911 [1]

Regulations  
to provide for better securing the safety  
of the Public at Cinematograph Exhibitions.  
 (Framed under Act No. 11 of 1895.)

Part I. - (General) Interpretation Clause.

1. In the construction of these regulations, the following words shall have the meaning hereunder respectively assigned to them:-

(a) "Council " shall mean the Town Council of the Municipality of East London.

(b) "House or Place" shall be deemed to include any dwelling-house, building, room, office, penthouse, shed, tent, field, or enclosure, space, or any other place within the limits of the Municipality.

(c) "Cinematograph Exhibition" shall mean an Exhibition of pictures or other optical effects by means of a Cinematograph or other similar apparatus for the purpose of which inflammable liquids are used.

Non-Appliance to Private Premises.

2. None of these regulations shall apply to an exhibition given in a private dwelling-house to which the public are not admitted, whether payment or not.

Provisions against Cinematograph Exhibitions  
except in Licensed Premises.

3. A Cinematograph Exhibition shall not be given elsewhere than in a premises licensed for the purpose in accordance with the provisions of these regulations.

Provisions as to Licences.

4. The Council may grant licences to such persons as they think fit to use the premises specified in the licence aforesaid on such reasonable terms and conditions, and under such reasonable restrictions as the Council may, by the respective licences determine. Provided that if any applicant for a licence shall feel himself aggrieved at any stipulation or condition imposed by the Council, he

may refer the matter to the Administrator whose decision in the matter shall be final.

Duration of Licence.

5. Every licence shall be in force and effect up to, and including the 31st day of December next, ensuing.

Transfer of Licence.

6. The Council, may, upon application, transfer any licence granted by them to such other person as they think fit.

Notice of Application.

7. Every person shall give fourteen days' notice in writing to the Town Clerk of his intention to renew his licence or to ask for its transfer to some other person.

Penalties.

8. If the owner of a Cinematograph or other apparatus use the apparatus or allow it to be used, or if the occupier of any premises allows the premises to be used in contravention of the provisions of these regulations or of the conditions or restrictions upon or subject to which any licence relating to the premises has been granted under these regulations, he shall be liable on summary conviction to a penalty not exceeding ten pounds sterling (£10) and to a continuing penalty not exceeding two pounds (£2) for every day during which the offence continues, and the licence (if any), shall be liable to be revoked by the Council.

Power of Entry.

9. A Constable, or any Officer, specially appointed by the Council, may at all reasonable times, enter any premises, licensed or not in which he has reason to believe that such an exhibition as aforesaid is being, or is about to be given, with a view to seeing whether the provisions of these regulations and the conditions of any licence granted thereunder, have been complied with, and if any person prevents, or obstructs the entry of a Constable or any Officer as aforesaid, he shall be liable

upon summary conviction to a penalty not exceeding ten pounds sterling (£10).

Application of Regulations to Special Premises.

10. Where the premises in which it is proposed to give such exhibition as aforesaid are premises used occasionally or exceptionally only, and on not more than fourteen days in any one calendar year for the purpose of such an exhibition, it shall not be necessary to obtain a licence for those premises under the regulations if the occupier thereof has given the Council not less than fourteen days' notice in writing of his intention so to use the premises and complies with the provisions of regulation Nos. 11 to 16 inclusive hereof, and with any conditions imposed by the Council and notified to the occupier in writing under the hand of the Town Clerk.

Part II. - Structural Requirements.

11 (a) No building shall be used for a Cinematograph Exhibition or other Exhibition of a similar nature to which these regulations apply, unless it is provided with such number of clearly indicated exits as the Council may require, the same to be so placed and maintained as readily to afford the audience a safe means of egress.

Seating.

(b) The seating in the building shall be so arranged as not to interfere with the free access to the exits, and no seat shall have more than eight seats intervening between it and an aisle on either side, and the gangways and the staircases and the passages leading to the exits shall, during the presence of the public in the building, be kept free from chairs, or any other obstruction whatsoever.

Ventilation.

(c) Adequate ventilation must be provided so as to ensure a constant and efficient circulation of fresh air.

Part III. - Fire Appliances.

12. Fire appliances, adequate for the protection of the premises shall be provided, and shall include, at least, the following, namely a damp blanket, two buckets of water, and a bucket of dry sand. In premises habitually used for the purposes of a Cinematograph, or other similar Exhibition, there shall also be included a sufficient number of hand grenades, or other portable

extinguishers. During a performance such appliances shall be in the charge of some person specially nominated for that purpose, who shall see that they are kept constantly available for use. The fire appliance shall be so disposed that there shall be sufficient means of dealing with fire readily available for use within the enclosure, and before the commencement of each performance, the cinematograph operator shall satisfy himself that these appliances are in working order.

Part IV. - Enclosures.

13. The following requirements shall apply in all cases and to all classes of buildings used for Cinematograph and other similar exhibitions: -

(a) The Cinematograph apparatus shall be placed in an enclosure of substantial construction made of, or lined internally with fire-resisting materials, and of sufficient dimensions to allow the operator to work freely.

(b) The entrance to the enclosure shall be suitably placed and shall be fitted with close fitted doors constructed of fire-resisting material.

(c) The opening through the necessary pipes and cables pass into the enclosure shall be efficiently bushed.

(d) The openings in front of the enclosure shall not be larger than necessary for effective projection, and shall not exceed two for each lantern.

Each opening shall be fitted with a screen of fire-resisting material which can be released both inside or outside the enclosure, so that it automatically closes with a close fitting joint.

(e) The enclosure shall be arranged so that all necessary openings can, in case of emergency, and after the exit of the operator, be promptly closed, and so that they will then effectively prevent the escape of flame or smoke into the auditorium.

(f) If the enclosure is inside the auditorium, either a suitable barrier shall be placed round the enclosure at a distance of not less than two feet from it, or other effectual means shall be taken to prevent the public from coming into contact with the enclosure.

(g) No unauthorised person shall go into the enclosure or be allowed to be within the barrier.

(h) No smoking shall at any time be permissible within the barrier of the enclosure.

(i) No inflammable article shall unnecessarily be taken into, or allowed to remain in the enclosure.

Regulations applicable to Specified Classes of Buildings.

(j) In the case of buildings used habitually for Cinematograph or similar exhibitions, the enclosure shall be placed outside the auditorium, and in the case of permanent buildings used habitually as aforesaid, the enclosure shall also be permanent.

Part V. - Lanterns, projections and films.

Lanterns.

14. Lanterns shall be placed on firm supports constructed of fire-resisting material, and shall be provided with a metal shutter which can be readily inserted between the source of light and the film gate.

The film gate shall be of a massive construction and shall be provided with ample heat-radiating surface. The passage for the film shall be sufficiently narrow to prevent flame travelling upwards or downwards from the light opening.

Projectors.

Cinematograph projectors shall be fitted with two metal film boxes of substantial construction, and not more than fourteen inches in diameter, inside measurement, and to and from these films shall be made to travel. The film boxes shall be made to close in such a manner and shall be fitted with a film slot so constructed as to prevent the passage of flame to the interior of the box.

Spools.

Spools shall be chain or gear-driven, and films shall be wound upon spools so that the wound film shall not at any time reach or project beyond the edges of the flanges of the spool.

During the exhibition all films when not in use shall be kept in closed metal boxes.

Part VI. - Lighting.

15. Where the general lighting of the auditorium and exits can be controlled from within the enclosure, there shall also be separate and independent means of control outside and away from the enclosure. No illuminant, other than electric light or lime light shall be used within the lantern.

Electric Light.

16. (a) Within the enclosure the insulating material of all electric cables, including "leads" to lamps shall be covered with fire-resisting material.

(b) There shall be no unnecessary slack electric cable within the enclosure. The "leads" to the Cinematograph lamp shall, unless conveyed within a metal pipe or other suitable casing, be kept well apart both within and without the enclosure, and shall run so that the course of each may be readily traced.

(c) Cables for Cinematograph lamps shall be taken as a separate circuit from the source of supply, and from the supply side of the main fuses in the general lighting circuit, and there shall be sufficient switches and fuses inserted at the point where the supply is taken, and in addition an efficient double pole switch shall be fitted at the commencement of the lamp circuit within the enclosure. No fuses shall be placed inside the enclosure unless totally enclosed in a fire-proof box. When the Cinematograph lamp is working, the pressure of current across the terminals of the double pole switch inside the enclosure shall not exceed 110 volts.

(d) Resistance shall be made entirely of fire-resisting material, and shall not be so constructed and maintained, that no coil or other part shall at any time become unduly heated, that is to say, such resistances shall not be allowed to become so heated that a piece of newspaper placed in contact with any part thereof will readily ignite. All resistances, with the exception of a resistance for regulating purposes shall be

placed outside the enclosure, and, if reasonably practicable, outside the auditorium. If inside the auditorium, they shall be adequately protected by a wire guard or other efficient means of preventing accidental contact.

(e) The operator shall satisfy himself before the commencement of each performance that all the cables, leads, connections and resistances are in proper working order. The resistances, if not under constant observation shall be inspected at least once during each performance. If any fault is detected current shall immediately be switched off, and shall remain switched off until the fault has been remedied.

Part VII. - Alternate Lighting.

17. Any house or place lighted by electricity, shall have an oil lamp, to be approved by the Town Engineer, affixed over every exit on the inside of the hall or room in which any performance is being held, which lamp shall be kept lighted during the whole of any performance and shall not be extinguished until the whole of the audience shall have left the house or place.

Part VIII. - Licences.

Special conditions in Licences.

18. Every licence granted under these regulations shall contain specific conditions for the carrying out of Regulation No. 11 and Regulation No. 13 (a) to (j) inclusive in the building for which the licence is granted, provided that whenever any applicant for a licence shall feel himself aggrieved by any stipulation or condition imposed by the Council in terms hereof, he may refer the matter to the Administrator whose decision shall be final.

Part XI. - Power to modify regulations.

19. With regards to the foregoing regulations No. 1 to No. 18, both inclusive, if the Town Engineer is of opinion that compliance with any or all of them is impracticable, or, in the circumstances unnecessary for securing the safety of the public, and such opinion shall have been stated in express words in the licence, the regulation or regulations so specified shall not apply.

OCTOBER 1911 [11]

Regulations with regard to Public Places of Recreation.  
(Framed under Act No. 23 of 1880, as amended  
by Act No. 11 of 1895.)

1. No person, association of persons, or company shall keep open for public entertainment or use any theatre, bioscope theatre, concert hall, dancing saloon, skating rink, or place of similar nature without having been previously granted a licence therefor by the Council, under the hand of the Town Clerk, and no licence shall be granted unless or until the Council is satisfied that the premises are suitably situated, and that they are fit for the purposes for which they are intended, having regard to the health and safety of the public and those for whose use they are intended; and no licence shall be granted if the Council considers that a public nuisance will result.

2. A licence hereunder shall be liable to be cancelled at any time by the Council on the ground that the premises are allowed to be overcrowded, or have become unfit, having regard to the health and safety of the public or those frequenting the premises, or on the ground that a public nuisance has resulted or is anticipated; provided that no licence shall be cancelled unless at least seven clear days' notice shall have been given to the holder of the licence calling upon him to show cause, on the day named, why the licence should not be cancelled, and stating the grounds of intended cancellation.

On a licence being cancelled the premises shall no longer be kept open.

3. The Council shall cause to be endorsed on each licence the days and the hours upon and during which the premises shall alone be kept open; and may impose conditions with a view to (1) the prevention of fire and over-crowding, and (2) the safeguarding of the safety and convenience of the public and frequenters.

4. There shall be affixed or set up, as the case may be, and kept on the most conspicuous place on the outside of every entrance of every house or place so kept or used, and so licensed as aforesaid a notice in the following words: - "Licensed by the Council for....." with the addition of the words showing the purpose or purposes for which the same is licensed. Such notice shall be painted in large capital letters at least two inches in length and of

proportionate breadth, and in such manner as to be clearly visible.

5. No person, not being the holder of a licence, shall be permitted to manage or conduct any house or place licensed under these regulations without the sanction of the Council in writing first had and obtained under the hand of the Town Clerk.

6. Every licensed person, and every person employed by him, shall during the time of opening and closing inserted in the licence, give free access to such house or place, to any officer or sergeant of police, or to any constable who may be thereto authorised by an officer or sergeant of police, or to any officer or member of the Municipal Fire Brigade.

7. Any licence-holder, or the person for the time being having the management or control of the licensed premises contravening any of the above regulations or any conditions imposed thereunder, shall be liable to a fine not exceeding £20.

8. All licences shall expire on the 31st December of the year of issue.

9. Fourteen days' notice shall be given to the Council of all applications for licences, renewals, and transfers.

10. No licence shall be transferred except to a transferee approved by the Council.

11. All licensed holders shall comply with all existing regulations of the Council, and any regulation or regulations which may be hereafter promulgated in so far as such new regulation or regulations may affect the control and management of premises licensed under these regulations.

12. Every person who shall offend against any of the foregoing regulations shall, unless a penalty is specially provided for the offence, be liable for every such offence to a penalty not exceeding five pounds (£5) sterling, and to the payment of all expenses incurred by the Council in consequence of the breach of any such regulations; in default of payment any such person shall be liable to imprisonment for three calendar months with or without hard labour.

JUNE 1912<sup>[1]</sup>

TARIFF OF CHARGES FOR THE SUPPLY OF ELECTRICITY  
FOR LIGHTING, HEATING, COOKING AND POWER.

Minimum Charge 5s. per month, plus Meter Rental.

Single Phase Alternating Current 110 volts 50 cycles,  
Ordinary Rate 9d. per unit.

Supply through Two-rate Meter, 5 p.m. to 12 midnight,  
9d. per unit; 12 midnight to 5 p.m., 3d. per unit.

No alternating Current Motor of more than one Brake  
Horse-power may be installed without the special sanction  
in each case of the Town Electrical Engineer.

For Power Only.

Direct Current 550 Volts.

First 500 units, per month, 3d. per unit.

Next 500 units, per month, 2d. per unit.

Next 1,000 units, per month, 1d per unit.

All over 2,000 units, per month,  $\frac{3}{4}$ d. per unit.

The Council are prepared to enter into contracts for  
the supply of Direct Current for power purposes at Tariff  
Rates to consumers guaranteeing a minimum revenue of  
7s. 6d. per month per Brake Horse-power installed.

Meter Rentals.

Ordinary Meters for Lighting, Heating, Cooking and  
Power, 9d. per meter per month.

Two-rate Meters for Lighting, Heating, Cooking and  
Power, 2s. per meter per month.

No rental is charged for Direct Current Power Meters.

Consumers' Deposits.

When the Council require it, a sum is to be deposited  
with the Town Treasurer as security for the payment of any  
charges due, or which may become due, to the Council, the  
amount of such deposit being based upon the size of the  
consumer's installation as follows: -

For Private Residences: Up to and including 10 lamps,  
10s., with 1s. for each additional lamp, to a maximum  
of £5.

For Hotels, Boarding-houses, and Business Premises:  
As above, with a maximum of £10.

For Power Purposes: Ten shillings per horse-power,  
with a minimum of £1 and a maximum of £10.

It being distinctly understood that such deposit will  
not be regarded as in payment, or part payment, of any  
accounts due for electric current.

The Council further reserve the right to require a  
deposit in excess of the amount above provided, should the  
Town Treasurer consider such extra deposit necessary.

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1. Provincial Gazette, 5.7.1912. Notice 135 of 1912.

FEBRUARY 1913 [1]

ADDITIONAL REGULATIONS.

(Framed under Act No. 11 of 1895.)

CHAPTER 24.

5b. No person shall be allowed to bring any dog on the Orient Beach unless led by a chain or other sufficient attachment by some person capable of controlling such dog.

5c. Any dog found wandering or at large upon the Orient Beach may be captured and removed to the nearest Municipal Kennels or dog shelter by any police officer or constable or by any Municipal officer or duly authorised servant and dealt with thereafter as provided in Section 7, Chapter 21, of the Municipal Regulations.

5d. No person shall lead, ride or drive any horse on the sands, grass, lawns or turf on the Orient Beach.

5e. No person shall use any surf board, canoe or other similar device in the sea at or within the area known as Orient Beach, except within such limits as may be from time to time be defined by the Council and indicated by notice boards to be erected and maintained by the Council. For the purpose of this and the three preceding regulations the Orient Beach shall be that portion of the foreshore bounded on the south by the Indian Ocean, north by the Esplanade, Signal Hill and Harbour Reserve, east by the Rocket House, and west by the Buffalo River.

AUGUST 1913 [1]

AMENDED REGULATION No. 4, CHAPTER 3  
OF THE MUNICIPAL REGULATIONS.  
(Framed under Act No. 23 of 1880, Section 38,  
as amended by Act 11 of 1895).

4.(a) Every occupier of a dwelling or premises within the Municipality shall provide and maintain at his own cost one or more receptacles as may in the opinion of the Council be necessary for refuse or rubbish. Every such receptacle shall be constructed of strong galvanised iron and fitted with handles and a suitable lid or cover, and shall be of such size and shape as may be approved of by the officer duly authorised by the Council in that behalf.

(b) Every such occupier shall remove [sic], or cause to be deposited, in the said receptacle or receptacles all refuse or rubbish which may at any time be in or on any such dwelling or premises.

(c) Every such occupier shall remove, or cause to be removed, or allow to be removed by the Council or its contractor, from every such receptacle as often as it shall direct, with such precautions and within such hours as may from time to time be fixed by the Council, the refuse or rubbish deposited in every such receptacle.

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(Republished with corrections).

SEPTEMBER 1913 [1]

Schedule.

West Bank of the Buffalo River. - From the mouth of the Ingqenga River as shown on Mr. Surveyor Murray's plan 619 DK filed in the Surveyor-General's Office, Cape Town; thence in a Northerly direction along the middle of said river to its source at the North-Eastern beacon of Lot 5, Cove Rock Sections; thence in a straight line to beacon marked 3 on Mr. Surveyor Murray's plan, common to Lots 8 and 9 Cove Rock Sections; thence along the boundary of Lot 8 Cove Rock Sections (so as to exclude it) from Beacon 3, through Beacon 2, to Beacon marked 1; thence to the Buffalo River in a direct line with point marked CC on aforementioned plan; thence in an Easterly direction down the Southern bank of the Buffalo River to the sea coast line; thence in a Westerly direction along the sea coast line at high water mark of ordinary Spring Tides to the mouth of the Ingqenga River, the point first named.

East Bank of the Buffalo River. - From the mouth of the spruit in the bend of the Buffalo River above the Second Creek as marked A on Mr. Surveyor Murray's plan 619 DK filed in the Surveyor-General's Office, Cape Town; thence in a direct line through beacon marked B to beacon marked C on said plan; thence along the boundary of roadway (so as to exclude it) to the Amalinda River as marked C, D and E on said plan; thence along the middle of said river to a point marked F on said plan; thence along roadway (so as to exclude it) to Beacon G marked on said plan; thence in a straight line to a point at the intersection of the East of Hebbes Street with the South side of Garcia Street; thence along Garcia Street (so as to exclude it) to beacon marked H on Mr. Surveyor Murray's plan aforementioned; thence in a direct line to beacon marked I; thence in a straight line prolonged through said Beacons H and I to its intersection with roadway situated on Western side of Lot 25; thence in a Southerly and Easterly direction along said roadway (so as to exclude it) through Beacons K, L, M, N and O to a point opposite the South-Eastern beacon of Lot 57a marked P on said plan; thence to and along the Eastern boundary of Lot 57a in a direct line to the Ihlanza or Unkunguis River; thence down the middle of said river to its mouth; thence along the coast line at High Water Mark of ordinary Spring Tides to the Harbour Works Fence marked G on Mr. Murray's plan aforementioned; thence along the boundary of Harbour Works Reserve as shown on said plan so as to exclude it from the Municipality to the Buffalo River; thence in a Westerly direction along the Northern bank of the Buffalo River to the mouth of spruit marked A on aforesaid plan, being the point first named.

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1. Provincial Gazette, 3.10.1913. Proclamation 237 of 1913.

SEPTEMBER 1913 [1]

## AMENDED REGULATION.

(Framed under Act No. 23 of 1880 as amended  
by Act No. 11 of 1895.)

Existing Regulation No. 48 of Chapter I. of the East London  
Municipal Regulations is hereby amended to read as follows: -

48.(a) The Mayor, and in his absence the Deputy-Mayor, shall have authority to approve the granting of licences for street shows, performances, etc., and permits for the temporary occupation of sites upon Municipal lands, including sites for beach camping purposes, side shows and public amusements, upon such terms as he may deem fit, subject to any police regulation, and provided that no such occupation shall continue for a longer period than two months. The Mayor, and in his absence the Deputy-Mayor, shall have authority to take action on behalf of the Council in the case of an outbreak of fire, or in any other emergency which may involve expenditure, provided that such action be reported to the Departmental Committee having charge of the several matters or things at their next meeting.

(b) No owner or site-holder of land on the foreshore except the Municipality shall be allowed to sub-let for remuneration such land or site for beach camping purposes, side shows or public amusements, without first obtaining a licence from the Town Council, in respect of which licence a fee of £2 shall be payable monthly.

OCTOBER 1913 [1]

AMENDED REGULATIONS.CHAPTER V.

Regulation No. 10, of Chapter V. of the Regulations of the Municipality of East London (promulgated in Government Gazette No. 8509, dated 13th January, 1903), is hereby repealed.

CHAPTER VI.

Regulation No. 47 of Chapter VI, of the Regulations of the Municipality of East London (promulgated in Government Gazette No. 8584, dated 2nd October, 1903), is hereby repealed and the following substituted therefor: -

47. No person shall drive a motor-car, motor-cycle, bicycle, tricycle or velocipede upon a public road -

- (a) Recklessly or negligently; or
- (b) At a speed or in a manner which is dangerous to the public, regard being had to all circumstances of the case, including the nature, condition and use of the road, and to the amount of traffic which is actually, or which might reasonably be, expected to be at the time thereon.

Regulation No. 48 of Chapter VI, (promulgated in Government Gazette No. 8584, dated 2nd October, 1903), is hereby amended to read as follows: -

48. No person shall under any circumstances drive a motor-car, motor-cycle, bicycle, tricycle or velocipede at a greater speed than twenty miles an hour. If the weight, unladen of a motor-car is three thousand three hundred and sixty pounds, and does not exceed four thousand four hundred and eighty pounds, he shall not drive the same at a greater speed than eight miles an hour, or if such weight exceeds four thousand four hundred and eighty pounds, at a greater speed than six miles an hour.

MAY 1914 [1]

ADDITIONAL REGULATIONS

(Framed under the provisions of Section 9 (7)  
of Act 23 of 1897.)

No European, except servants of the Council on duty, constables or policemen, shall be in the Locations between the hours of sunset and sunrise without the written permission of the Locations Superintendent, under the penalty for a breach of these regulations.

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1. Provincial Gazette, 22 May 1914. Notice 161 of 1914.