

SF
III
C17A5
1907

A
0
0
1
1
4
6
3
2
2
1

Cape of Good Hope
Parliament
Legislative Council
Select Committee on Ostrich
Feathers Theft Repression Bill
Report



THE LIBRARY
OF
THE UNIVERSITY
OF CALIFORNIA
LOS ANGELES

GIFT OF

THE ARCHIVES DEPARTMENT,
UNION OF SOUTH AFRICA.

2
CAPE OF GOOD HOPE.

REPORT

UNIVERSITY OF CALIFORNIA
OF LOS ANGELES
JUN 5 1961

SELECT COMMITTEE

LIBRARY
GOVT. PUBS. ROOM

ON THE

OSTRICH FEATHERS THEFT
REPRESSION BILL.

Printed by Order of the Legislative Council.

AUGUST, 1907.

CAPE TOWN :
CAPE TIMES LIMITED, GOVERNMENT PRINTERS.
1907.

[C. 1.—1907.]—OSTRICH FEATHERS THEFT REPRESSION BILL.



CAPE OF GOOD HOPE.

REPORT

OF THE

SELECT COMMITTEE

ON THE

OSTRICH FEATHERS THEFT
REPRESSION BILL.

Printed by Order of the Legislative Council.

AUGUST, 1907.

CAPE TOWN :
CAPE TIMES LIMITED, GOVERNMENT PRINTERS.
1907.

[C. 1.—1907.]—OSTRICH FEATHERS THEFT REPRESSION BILL.

ORDER OF THE COUNCIL.

9th July, 1907.

ORDERED.—That the *Ostrich Feathers Theft Repression Bill* be referred to a Select Committee for Report; the Committee to have power to take evidence and call for Papers, and to consist of Messrs. Hurdall, P. D. de Villiers, Bellingan, I. J. van Zyl, H. C. van Zyl and Michau.

CONTENTS.

	PAGE.
Order of Council	ii.
Report	v.
,, (Dutch)	viii.
Proceedings of Committee	xi.
Evidence :—	
M. J. Aschman	1
M. S. Lipschitz	10
W. Thomas, M.L.A.	14
F. J. van der Merwe, M.L.A.	19
P. W. F. Weyer	24
J. H. Schoeman, M.L.A.	30
Hon. V. Sampson, K.C., M.L.A., Attorney- General	38



REPORT

OF THE

SELECT COMMITTEE appointed by Order of the Legislative Council dated the 9th July, 1907, to report upon the Ostrich Feathers Theft Repression Bill ; the Committee to have power to take evidence and call for papers, and to consist of Messrs. HURNDALL, P. D. DE VILLIERS, BELLINGAN, I. J. VAN ZYL, H. C. VAN ZYL and MICHAU.

Your Committee beg to report that they have considered the Bill referred to them and also the evidence which they have taken on the subject. They are unanimously of opinion that Legislation dealing with Ostrich Feather Thefts is urgently required, and should be introduced this Session.

Your Committee do not think that the Bill as introduced into the Council by the Honourable the Attorney-General quite meets the case, and are of opinion that it requires so many amendments that they would recommend its withdrawal and the substitution of another Bill in lieu thereof on the following lines :—

- (1) Licences to purchase Feathers and Ostrich Feather Brokers' Licences should be issued by Resident Magistrates upon being satisfied that the applicants are fit and proper persons to hold them.
- (2) No licence as aforesaid should be issued to any person who shall at any time previous have been convicted of the theft of Ostrich Feathers or of receiving Ostrich Feathers knowing them to have been stolen, and no licence should be issued to any person who,

within three years previous to and calculated up to the date of the application for such licence, has been convicted of a contravention of any of the provisions of this Act or of Act No. 32 of 1883.

- (3) District Licences at (£5) each available only in the district in which they are taken out, and General Licences at (£25) available any where in the Colony, should be issued to buyers of Ostrich Feathers or Ostrich Feather Brokers.
- (4) Holders of a General Licence should be required to notify the Civil Commissioner, Resident Magistrate or Police at a Police Station on entering any district for the purpose of purchasing Feathers.
- (5) Owners of Ostriches should be required to register themselves as such within three months after the promulgation of this Act, such registration to be made by application to a Resident Magistrate, a Field Cornet, or the Cape Police, and the certificate of registration to be kept by the applicant. The Register containing the names of owners of Ostriches should be kept in the office of the Resident Magistrate of the district and should be open to inspection by buyers of Feathers.
- (6) Each travelling buyer should be required to take out a licence to purchase Feathers and to keep a register in the English and Dutch language detailing his purchases.
- (7) No purchasers of Feathers should be permitted to buy from any but registered owners of Ostriches.
- (8) The buyer of Feathers should be required to give the seller a duplicate receipt describing the Feathers he has purchased.

- (9) The Cape Police or any Field Cornet should have the right at any time to inspect the registers of any Ostrich Feather buyers and brokers, and to check therewith any Feathers in the possession of such buyers or brokers.
- (10) The purchaser of the Feathers of Wild Ostriches should be required to give satisfactory proof to the Resident Magistrate of the district that he has purchased them from an owner of Wild Ostriches or from any person who is in legal possession of the feathers.
- (11) Heavy penalties should be inflicted for contravention of any Section of the Act.

P. W. MICHAU,

Chairman.

Committee Rooms,
Legislative Council.
13th August, 1907.

RAPPORT

VAN HET

GEKOZEN COMITÉ, aangesteld op last van den Wet-gevenden Raad gedateerd 9 Juli. 1907. om rapport uit te brengen over het *Struisvederen Diefstal Onderdrukings Wetsontwerp*, het Comité macht te hebben getuigenis in te winnen en om papieren te vragen en te bestaan uit de Heeren HURNDALL, P. D. DE VILLIERS, BELLINGHAN, I. J. VAN ZIJL, H. C. VAN ZIJL en MICHAU.

Uw Comité wenscht te rapporteeren dat het overwogen heeft het Wetsontwerp naar zich verwezen, alsook het getuigenis door zich in deze zaak genomen. Het is unaniem van gevoelen dat Wetgeving handelende over het stelen van Struisvederen hoogst noodzakelijk is en behoort nog met deze Sessie ingediend te worden.

Uw Comité is niet van gevoelen dat het Wetsontwerp, zooals ingediend bij den Raad door Zijn Edelen den Procureur-Generaal aan zijn doel beantwoordt en is van gevoelen dat daar het zooveel amendementen vereischt, het aanbevelen zou dat het worde teruggetrokken en dat een ander Wetsontwerp in plaats ervan worde gesteld en wel op de volgende basis :—

- (1) Licenties ter kooping van struisvederen en struisvederen makelaars licenties behooren door de Resident Magistraten te worden uitgereikt wanneer zij ervan overtuigd zijn dat de applicanten geschikte en behoorlijke personen zijn om ze te houden.
- (2) Een licentie als voornoemd zal aan eenigen persoon worden uitgereikt, die te eenigen tijd te voren schuldig bevonden is van

het stelen van struisvogelvederen of van struisvogelvederen ontvangen te hebben, wetende dat zij gestolen zijn, en geen licentie zal worden uitgereikt aan eenigen persoon, die binnen drie jaren te voren en gerekend tot op den datum van de applicatie voor zoodanige licentie veroordeeld werd wegens de overtreding van eenige van de bepalingen van deze Wet of Wet No. 32 van 1883.

- (3) Distrikt Licenties tegen (£5) elk gangbaar slechts in de distrikten waarin zij zijn uitgenomen, en Algemeene Licenties tegen (£25) gangbaar overal in de Kolonie, behooren uitgereikt te worden aan koopers van struisvederen of struisvederen make-laars.
- (4) Van houders van een Algemeene Licentie behoort vereischt te worden dat zij kennis zullen geven aan den Civielen Commis-saris, Resident Magistraat of aan de Politie bij een Politie Station, wanneer zij eenig Distrikt binnen komen met het doel om vederen te koopen.
- (5) Van eigenaars van struisvogels zullen verlangd worden dat zij zich als zoodanig registreeren zullen binnen drie maanden na de afkondiging van deze Wet, zoodanige registratie te worden gedaan op applicatie bij den Resident Magistraat, een Veldkornet of de Kaapsche Politie, en het certificaat van registratie door den applicant te worden gehouden. Het register bevattende de namen van eigenaars van struisvogels behooren gehouden te worden in het Kantoor van den Resident Magistraat van het distrikt en behoort open te zijn voor inspectie aan koopers van vederen.
- (6) Van elk reizende koper zal verwacht worden een licentie uit te nemen om vederen

te koopen en een register te houden in de Engelsche of Hollandsche talen, uiteenzettende het door hem gekochte.

- (7) Geen koopers van vederen zullen toegelaten worden vederen te koopen van eenigeen dan alleen van geregistreerde eigenaars van struisvogels.
- (8) Van den koper van vederen zal verlangd worden aan den verkooper een duplicaat kwitantie te geven, beschrijvende de vederen die hij gekocht heeft.
- (9) De Kaapsche Politie of eenig Veldkornet zal het recht hebben te eenigen tijd de registers te inspecteeren van eenig struisvederen koopers en makelaars en daarmede te controleeren eenige vederen in het bezit van zoodanige koopers of makelaars.
- (10) De koper van de vederen van wilde struisvogels zal een bevredigend bewijs moeten geven aan den Resident Magistraat van het Distrikt dat hij ze gekocht heeft van een eigenaar van wilde struisvogels of van eenigen persoon, die en wettig bezit is van de vederen.
- (11) Zware straffen behooren toegepast te worden voor de overtreding van eenige artikels van de Wet.

P. W. MICHAU,

Voorzitter.

Comité Kamer,

Wetgevende Raad,

13 Augustus, 1907.

PROCEEDINGS OF COMMITTEE.

PROCEEDINGS OF THE SELECT COMMITTEE appointed by Order of the Legislative Council, dated the 9th July, 1907, to Report upon the *Ostrich Feathers Theft Repression Bill*, the Committee to have power to take evidence and call for Papers, and to consist of Messrs. HURNDALL, P. D. DE VILLIERS, BELLINGAN, I. J. VAN ZYL, H. C. VAN ZYL and MICHAU.

Thursday, 11th July, 1907.

PRESENT :

Mr. Michau.
Mr. Hurndall.
Mr. I. J. van Zyl.

Mr. Bellingan.
Mr. H. C. van Zyl.

Order of Council of 9th July, 1907, appointing Committee read.

Resolved : That Mr. Michau be Chairman of this Committee.

Resolved : That Messrs. Maurice S. Lipschitz and M. J. Aschman, be summoned to give evidence at next meeting.

Resolved : That Mr. Philip Weyer, of Darlington, be summoned by wire to give evidence on Thursday, 18th July.

Adjourned until Friday, 12th July, at 10.30 a.m.

Friday, 12th July, 1907.

PRESENT :

Mr. MICHAU (Chairman).

Mr. Hurndall.
Mr. I. J. van Zyl.
Mr. P. D. de Villiers.

Mr. Bellingan.
Mr. H. C. van Zyl.

Minutes read and confirmed.

Messrs. N. J. Aschman and M. S. Lipschitz, examined.

Resolved : To examine Messrs. F. J. van der Merwe, M.L.A., and Mr. W. Thomas, M.L.A., at next meeting.

Adjourned until Tuesday, 16th July, 1907, at 10.30 a.m.

Tuesday, 16th July, 1907.

PRESENT :

Mr. MICHAU (Chairman).

Mr. P. D. de Villiers.		Mr. Hurndall.
Mr. I. J. van Zyl.		Mr. Bellingan.

Minutes read and confirmed.

The Chairman reported that Mr. F. J. van der Merwe, M.L.A., had informed him that he had neglected to obtain leave from the House of Assembly to give evidence and consequently regretted that he would be unable to appear that day.

Mr. W. Thomas, M.L.A., examined.

Resolved : To examine Mr. F. J. van der Merwe, M.L.A., at next meeting.

Resolved : To examine Messrs. J. H. Schoeman, M.L.A., and H. J. Raubenheimer, M.L.A., on Friday, 19th July, 1907.

Adjourned until Thursday, 18th July, 1907, at 10.30 a.m.

Thursday, 18th July, 1907.

PRESENT :

Mr. MICHAU (Chairman.)

Mr. P. D. de Villiers.		Mr. Hurndall.
Mr. I. J. van Zyl.		Mr. Bellingan.
Mr. H. C. van Zyl.		

Minutes read and confirmed.

Messrs. F. J. van der Merwe, M.L.A., and P. W. F. Weyer, examined.

Adjourned until Friday, the 19th July, 1907, at 10.30 a.m.

Friday, 19th July, 1907.

PRESENT :

Mr. MICHAU (Chairman.)

Mr. H. C. van Zyl.		Mr. Hurndall.
Mr. I. J. van Zyl.		Mr. P. D. de Villiers.
Mr. Bellingan.		

Minutes read and confirmed.

The Chairman stated that Mr. Raubenheimer, M.L.A., was absent from Cape Town and consequently would be unable to appear that day to give evidence.

Mr. J. H. Schoeman, M.L.A., examined.

Resolved: To examine the Honourable the Attorney-General and Mr. H. J. Raubenheimer, M.L.A., (should that gentleman have returned to Cape Town) at the next meeting.

Adjourned until Tuesday, 23rd July, 1907, at 10.30 a.m.

Tuesday, 23rd July, 1907.

PRESENT :

Mr. MICHAU (Chairman).

Mr. H. C. van Zyl.
Mr. I. J. van Zyl.
Mr. P. D. de Villiers.

Mr. Hurndall.
Mr. Bellingan.

Minutes read and confirmed.

The Clerk read a letter from the Private Secretary to the Attorney-General intimating that Mr. Sampson was unable to attend that meeting to give evidence, owing to indisposition.

The Clerk stated that Mr. H. J. Raubenheimer, M.L.A., had not yet returned, and would consequently not be able to give evidence that day.

The Committee adjourned until Tuesday, the 8th proximo.

Thursday, 8th August, 1907.

PRESENT :

Mr. MICHAU (Chairman).

Mr. H. C. van Zyl.
Mr. I. J. van Zyl.
Mr. Bellingan.

Mr. Hurndall.
Mr. P. D. de Villiers.

Minutes read and confirmed.

The Honourable V. Sampson, K.C., M.L.A., Attorney-General, examined.

Witness put in the following documents :—

Letters from Secretaries Oudtshoorn Fruit Growers' Association, Koonap Farmers' Association, Somerset East Farmers' Association and Bathurst (West) Farmers' Associations.

All offering suggestions with regard to the *Ostrich Feather Theft Repression Bill* (not printed).

The Committee deliberated.

- Resolved : That the Chairman, together with Messrs. Hurndall and I. J. van Zyl, draft a report and submit it at the next meeting.
Adjourned until Tuesday, the 13th instant.

Tuesday, 13th August, 1907.

PRESENT :

Mr. MICHAU (Chairman).

Mr. I. J. van Zyl.	}	Mr. Hurndall.
Mr. Bellingan.		Mr. P. D. de Villiers.

Minutes read and confirmed.

The Chairman brought up the Draft Report of the Sub-Committee.

Draft Report considered and amended.

Resolved : That the Draft Report, as amended, be adopted.

Resolved : That the Chairman report accordingly.

MINUTES OF EVIDENCE.

SELECT COMMITTEE ON THE OSTRICH FEATHERS THEFT REPRESSION BILL.

Friday, 12th July, 1907.

PRESENT :

Mr. MICHAU (Chairman).

Mr. P. D. de
Villiers.
Mr. Hurndall.

Mr. I. J. van Zyl.
Mr. Bellingan.
Mr. H. C. van Zyl.

Mr. Moritz Jacob Aschman, examined.

1. *Chairman.*] Are you an ostrich farmer or a buyer of ostrich feathers?—At present I am a buyer in Oudtshoorn, but I was an ostrich farmer for many years. Mr. M. J. Aschman.
July 12, 1907.

2. Do you know the object of this Committee?—Yes.

3. Have you read the *Ostrich Feathers Theft Repression Bill* which has been introduced into the Legislative Council?—Yes.

4. Do you approve of it as a whole, or do you take exception to some of the clauses?—I take exception to a good many of the clauses.

5. Have you any objection to Clause Two—ostrich feather buyers' licences?—No, I have no objection to that as far as the licence is concerned, but, in order to suppress thieving, we should make the Act of 1883 more stringent.

6. Do you think the £50 proposed for surety not high enough?—On the contrary, I object to the sureties altogether.

7. But are you in favour of a licence fee?—Yes, certainly.

Mr. M. J.
Aschman.
—
July 12, 1907.

8. What amount would you suggest?—I feel it my duty as an old feather buyer to assist Government and the country to suppress thefts, but I am afraid a large increase in the licence fee will not catch the thief. Personally, I may say, and it is also the feeling of the general public, that the licence should be increased to a moderate sum—£10—but not to any large extent.

9. Are you in favour of allowing travellers to purchase feathers, or would you advise that only local feather buyers should be permitted to purchase feathers in the district?—I am in favour of free trade. Any person should be allowed to buy so long as he conducts himself as an honest man, and obeys the law.

10. If a buyer at Port Elizabeth takes out a licence for Port Elizabeth, would you be in favour of allowing him to go over the whole Colony to buy feathers on that licence, or would he have to take out another for each district?—No, the one licence should be sufficient for all, as it will make competition keener.

11. Are you in favour of any buyer reporting himself to any magistrate, police station or J.P. on his arrival in any district?—No, I am opposed to that, as it would impose unnecessary hardship, and at the same time it would not suppress thieving or be a check on the buying of stolen feathers.

12. *Mr. De Villiers.*] Are you in favour of a “smouser”—a pedlar of other goods—having a feather buyer’s licence and buying feathers at the same time?—Yes, I am in favour of that. It is on account of these people that the ostrich feather trade has reached its present important position.

13. But they are the people who buy feathers from coloured labourers and “bywomers” and the owner of the ostriches knows nothing about it?—My opinion is that as long as a man conducts his business in an honest and legitimate manner, and keeps a register, it is beneficial for the producer as well as the trade generally that he should be

allowed to carry on his business. As far as I can gather this Bill aims at putting a good deal of hardship on the producer and the buyer but not on the thief. I am in favour of making the punishment very severe for the thief and the person who buys the stolen feathers.

Mr. M. J.
Aschman.
—
July 12, 1907.

14. The "smouser" buys the feathers from "bywonders" and coloured people and takes them to the village and sells them there to some one else, and that is where the trouble comes in?—Yes, but if the buyer has to enter particulars as to where he got the feathers, &c., in his register, it would be all right.

15. You agree that if the police desire it he should be compelled to show them the feathers and give all particulars concerning their purchase?—Yes, I fully agree with that as long as it is at a reasonable time.

16. *Mr. H. C. van Zyl.*] You are not in favour of the applicant for a licence having to procure sureties?—No, it would not work at all well, as it would reduce competition.

17. *Mr. Hurndall.*] You say you are against sureties, but in favour of the licence fee being higher. What is the licence fee at the present time?—£5.

18. Does that enable a firm to send a number of buyers into the country to buy feathers on one licence?—No; but I may say that in the Eastern Province and Port Elizabeth particularly they do practise that, but in Oudtshoorn, we take out a separate licence for each buyer. The question cropped up a fortnight ago at Port Elizabeth, and I feel it my duty to bring the matter to your notice.

19. And each one should keep his own register?—Yes.

20. You think buyers would be satisfied to pay a £10 licence?—Yes. They would not grumble at that.

21. *Mr. Bellingan.*] Do not you think if the licence fee is raised it would reduce the number of

Mr. M. J.
Aschman.

July 12, 1907.

buyers?—My opinion is that the licence can be raised, but only moderately. If you make it too high the producer will have to pay for it and not the trader.

22. Can you mention any cases of traders having bought feathers from servants?—No, not as far as I know. We have many feather buyers at Oudtshoorn, and if one buys a feather say for 10s. he will enter all particulars in his register, and will see that one of the family owns ostriches, but I do not know of a case where a man has bought feathers from servants or “bywoners” who have no ostriches.

23. *Mr. I. J. van Zyl.*] What do you think would be a fair licence fee?—£10.

24. Do you think it advisable that a feather buyer who is duly licensed but goes into another district than the one in which he has taken out the licence, should first acquaint the magistrate of that district that he is a registered buyer?—No. I do not think that it would work well, as it would disclose his business.

25. But a person may take out a licence in Cape Town, where there are no ostriches, and go to Oudtshoorn where he is not known. Do not you think that it is advisable that such a person before he gets into another district than that where he took out his licence, should notify the magistrate that he is a feather buyer?—No, I do not think so. I have lived in Oudtshoorn for 26 years, and I go to Port Elizabeth frequently to buy feathers. If I am to acquaint the magistrate every time I go it would rather upset my arrangements.

26. *Chairman.*] You buy in the public market?—No, from an agent.

27. *Mr. I. J. van Zyl.*] I only asked the question in order to place some check on illicit feather buying. A buyer could give notice by telegram if he likes to the magistrate, as long as he gives notice?—It would not work well. As the law stands now the police have the right to examine his register.

28. *Mr. Bellingan.*] You said the licence should be raised to £10. Would you say the licence should be £10 for each district?—No, for the whole Colony.

Mr. M. J.
Aschman.

July 12, 1907.

29. There may be too many buyers then?—So much the better for the producer.

30. I think it ought to be £10 for each district?—Then the producer would have to pay for it.

31. *Chairman.*] Have you any objection to Clause No. Three—disqualifications for licence holders? Do you think any person who has been convicted of the theft of ostrich feathers, or of receiving stolen ostrich feathers, should not be given a licence for three or four years after?—No, I object to law acting retrospectively. I think the penalty is too severe. I think after the first conviction there should only be a mild penalty, and after the second it should be more severe. I consider it is an unjust clause as a man may turn over a new leaf and become honest. If this clause is adopted he would be deprived of his living. I think it should be more lenient in case of a first offence.

32. Clause Four—Power of Police Officers—Sometimes it happens that the police do not inspect the registers of buyers for months. Do not you think that they should be compelled to inspect the registers of all buyers at least once a month?—Yes. I am strongly in favour of that.

33. *Mr. Hurdall.*] Do you think that could be carried out in the case of a person travelling about the country?—Yes, if he travels about any constable can go and inspect his register, and put down the date of the inspection and initial it.

34. Do you think it is practicable?—Yes.

35. *Mr. Bellingan.*] Do you think if a feather buyer goes about buying feathers he should inform the police of the district how many feathers he has bought, and give them all particulars?—No, it is the duty of the police to look for offenders. When their suspicions are aroused they ought to

J. watch the suspicious characters. If they have to
an. be notified it would be a great drawback to free
1907. trade, and I do not think that is workable.

36. You have been an ostrich feather farmer as well as a buyer?—Yes.

37. As a buyer say you buy 10 lb. of feathers from a farmer and one lb. from one of his servants and in your register you state that you bought 11 lb. of feathers from the farmer, and say nothing about the lb. you bought from the servant. How could that be checked?—It would be unlawful to do that.

38. But how are you going to check it?—The feather buyer would be guilty of fraud if he did that.

39. *Chairman.*] Do not you think it would be a good thing if a buyer was compelled to give the farmer from whom he buys the feathers a duplicate copy of the entry he has made in his register?—Yes, that would be a check. I am satisfied with that.

40. *Mr. I. J. van Zyl.*] You said you were in favour of the police inspecting the books of the feather buyers every month, but if a buyer from Cape Town goes to Oudtshoorn and is back again in Cape Town within the month, what would be the use of the inspection by the police in Cape Town? Do not you think it is advisable that the books of such feather buyers should be inspected in the different districts in which they buy before he leaves them?—No. I do not agree with that. My opinion is that as long as a buyer knows that his books must be inspected once a month by the police he will see that his books are kept in proper order. I am not in favour of what you propose.

41. *Chairman.*] Clause Five — Registration of ostriches. You have been an ostrich farmer—would you be in favour of compelling every ostrich farmer to register his birds?—No. I do not see why the producer who works hard should have this addi-

tional hardship imposed upon himself without it benefiting him in any way. It is his duty to sell his feathers to men whom he considers honest. I am in favour of ostrich farmers registering themselves as owners of ostriches, so that if a buyer goes to a farmer to buy feathers he should ask him whether he is a registered owner of ostriches, and should ask him to produce his certificate, if he deems desirable.

42. Or a buyer could go to the magistrate and find out who are the registered owners of ostriches in the district?—That would be troublesome.

43. You are not in favour of owners registering the number of birds they possess but only that they possess ostriches?—Yes, that is my opinion.

44. *Mr. Hurndall.*] Would you agree that no buyer should be allowed to purchase feathers from an owner who is not registered as such?—Yes. I would make it that a buyer has no right to buy from a man who is not registered.

45. In the event of a man not registering he is bound to go and sell his feathers in the town?—Yes.

46. That would prevent any buyer purchasing feathers from natives and coloured people?—Yes.

47. *Mr. H. C. van Zyl.*] The man who is not registered must sell his feathers in a public market. He should not be allowed to sell to traders?—He should have the right, but the trader should not be allowed to buy.

48. *Chairman.*] Clauses Six to Twelve all deal with the subject of registration. Clause Thirteen—Exemptions. Wild ostrich feathers. Under this Bill owners of wild birds are exempt from registering. Do you agree with that?—No I do not agree with that. He must register himself as an owner of ostriches. There should be no class legislation.

49. *Mr. Hurndall.*] But a large number of wild ostrich feathers come down from the interior. What about them?—Those are feathers from out-

Mr. M. J.
Aschman.

side the Colony. They go direct to the markets, and are sold by agents.

July 12, 1907.

50. (*Chairman.*) Would you be in favour of compelling farmers to give notice to their neighbours before they commence plucking?—No. I am very much against that. It would impose a hardship without benefiting him in any way. My opinion, if I may express it, is that the producer and buyer should not be hampered. I want to catch the thief and the receiver of stolen feathers, but there should be no restriction on free and legitimate trade.

51. What is your opinion with regard to brands for ostriches? Do not you think it would be a good thing to have registered brands approved by Government?—No. I am not in favour of that. In regard to Oudtshoorn, I may say that there is not a bird over a certain age which has not a brand. The chickens of course are not branded.

52. But the conditions in Oudtshoorn are of course different from the rest of the Colony, as there the birds live on lucerne, and the farmer is always with his birds, but in other places where the birds are not in camps and run about over a large extent of country the neighbours may not be honest, and they may brand the birds in some other way, and it is to prevent that that I think a brand register is necessary. Also, if a bird is sold, I must put a brand on it, and that brand should be registered?—But how about registering wild birds? They also come under the Act.

53. Have you any other suggestion to make?—My only suggestion is that the Act of 1883 as it now stands should be made a little more stringent. I think if the police are given a little more power to deal with suspicious people it would be sufficient. Many Oudtshoorn farmers have signed petitions against the proposed new Bill. They say, "Stick to the old Act, but make it more stringent." I wish to make it clear to you that in Oudtshoorn there are not many feathers stolen.

54. In which way do you recommend that the old Bill should be made more stringent?—In regard to the punishments for thieves and for the buyers of stolen feathers.

Mr. M. J.
Aschman.

July 12, 1907

55. You say the farmers of Oudtshoorn are against the new Bill?—Yes, against the whole of it.

56. *Mr. I. J. van Zyl.*] Do not you think it is advisable that provision should be made in the Bill compelling a feather buyer not to buy feathers from a "bywoner" without the knowledge of the owner of the farm?—I would give him the right to buy as long as he finds that the "bywoner" is a registered owner of birds. I have heard it suggested by a certain class that a Board should be instituted, the same as under the General Dealers' Licence Act, for the purpose of issuing the licences to feather buyers. I may say that I am quite against a Board, as it will not work well. The magistrate should issue the licence.

57. *Mr. Hurndall.*] In regard to the present Bill, can you suggest any improvement in the class of book you are keeping for registering the feathers you purchase?—I can suggest this much, that each buyer should give the seller a duplicate receipt, that would be sufficient.

58. You think the book you keep at present is a sufficient check?—Yes, it shows when the feathers were bought, from whom they were bought, their weight, etc.

59. *Chairman.*] Do the police as a rule inspect your books?—No, unless some query arises in the district.

60. You are an old buyer, but in regard to new buyers, do they inspect their books?—If they have any suspicions, they do. I may say that in the Oudtshoorn and Calitzdorp districts 210 feather buyers' licences have been issued. From June, 1904, to June, 1907, there were only five cases in regard to feather thefts brought before the Magistrate's Court, and of these only two resulted

Mr. M. J.
Aschman.
—
July 12, 1907.

in convictions. One was a European farmer and the other a coloured man. I mention this to show how honestly the feather industry is conducted in Oudtshoorn.

61. *Mr. Hurndall.*] You are of opinion then that the Ostrich farmers in Oudtshoorn do not suffer much from feather thefts?—Yes. Until three years ago I farmed with two thousand birds, and only on one occasion did I lose any feathers. Then five male ostrich birds were plucked, and I found after a searching enquiry that the thief was one of my own men. The farm is about 4,000 morgen. All the thefts of feathers are done by “bywoners” or servants.

62. Do not you think that people in other districts whose ostriches have to run on the veld would be in favour of an alteration of the Act in this connection?—No, I do not think so.

63. *Chairman.*] Have you any other suggestion to make?—I have heard it suggested that the register should be kept in English and Dutch only, but I am against that, as we often get Germans and Frenchmen who come to purchase feathers in this country for the manufacturers, and they keep their books in their own language. If this were not allowed, these people would keep away, and competition would not be so keen. The same with regard to Yiddish. The registers should be kept in any European language the buyers please.

64. *Mr. I. J. van Zyl.*] Where would you get the police who would understand all those languages?—Well, you have police now who do not even understand Dutch.

Mr. Maurice Sabse Lipschitz, examined.

Mr. M. S.
Lipschitz.
—
July 12, 1907.

65. *Chairman.*] You know the objects of this Committee?—Yes.

66. Have you acquainted yourself with the provisions of the *Ostrich Feathers Theft Repression Bill*?—Yes.

67. I understand you are an ostrich farmer in Oudtshoorn?—Yes. Mr. M. S.
Lipchitz.

68. Are you a buyer of ostrich feathers as well? July 12, 1907.
—I do buy a little, but my chief business is farming, which I have carried on for 15 years.

69. Have you much trouble in Oudtshoorn with regard to the theft of ostrich feathers?—No. I personally have had one case, but there have only been two convictions altogether in the last three years. In my case the thief was my own neighbour, and an ostrich farm owner.

70. With regard to this Bill, do you agree with it, or are there clauses you object to?—There are clauses I object to.

71. In regard to Clause Two, are you in favour of having a higher licence fee than at present for feather buyers?—Yes, I think it should be raised to £10.

72. Are you in favour of licence holders providing sureties?—No, I am not in favour of that, because strangers may find difficulty in obtaining sureties, and would therefore be kept out of the business. I think we should have as many buyers as possible, in order to have competition.

73. Are you in favour of a buyer who has been convicted of stealing ostrich feathers or receiving stolen feathers being prevented from obtaining a licence within a few years after?—Yes, he should be prevented for two or three years.

74. With regard to the powers of police officers, what do you think of that clause?—I think the police should have a little more power than they have under the Act of 1883. Now, when feathers are stolen one has to go to the village to get a warrant from the Magistrate before the person suspected can be searched, and by that time the feathers are taken away or hidden. It would be better if the police could go to the man suspected without first having to get a warrant to search.

75. Do you agree that a person who takes out a licence at Port Elizabeth should be able on that

Mr. M. S.
Lipschitz.

July 12, 1907.

licence to buy feathers anywhere in the Colony?—
Yes. I think it would be better to have one
licence for the whole Colony.

76. Would you then be in favour of such person
who has taken out his licence in Port Elizabeth
being compelled to show it to the police of another
district when he wishes to buy feathers in
that district?—That would mean delay and incon-
venience.

77. You know the purpose of this Bill is to
repress thieving. Now, there is a clause in the
Bill that every ostrich farmer should register his
birds. Do you agree with that?—No, but I should
think that every owner of ostriches should register
that he is an owner of ostriches. Then when a
buyer came to a farm he can say to the owner,
“Are you a registered owner of ostriches?”

78. Are you in favour of any buyer buying from
a man who is not a registered owner?—No. I am
also against a buyer buying from children. They
know they cannot buy from black children, but
they buy from white children. If a child has
feathers which it has picked up in a camp,
they should be given to the father or guardian to
sell.

79. *Mr. Bellingan.*] What should be the age of
a child before it should be permitted to sell
feathers?—Fifteen or eighteen years. But now
they begin to sell feathers as soon as they can
speak.

80. *Chairman.*] Are you in favour of a farmer
being compelled to give his neighbours notice of
his intention to commence plucking?—No, that
would be very troublesome.

81. Do you think it would be a check on thiev-
ing?—I do not see that it would be. It would not
be in the Oudtshoorn district.

82. Do not you think it would be a good thing to
have a Brands Registration Act in connection with
ostriches—that is that owners should have their
brands registered? Do not you think that would

stop thieving?—It would be a good thing, but I do not think that it would have any effect in stopping thieving.

Mr. M. S.
Lipschitz.

July 12, 1907.

83. Have you any suggestions or proposals to make to the Committee?—Only that the Police should have more authority.

84. *Mr. Bellingan.*] Can you mention any cases in your district of servants selling feathers to feather buyers?—No, not in the last three years. In the case where I lost feathers my neighbour's son was caught.

85. *Mr. Hurndall.*] You do not suffer much from feather thefts in the Oudtshoorn district?—No, not very much. In the last three years there have only been two or three convictions.

86. Are you acquainted with ostrich farming in other parts of the Colony—in the Eastern Province, for instance?—No, I have no knowledge of it. Our birds feed on lucerne and are kept in small camps. On rare occasions they run on the veld.

87. Then you can always detect if any feathers are stolen?—Yes. The only trouble is with the children, and the parents encourage them, and it tends to teach them to tell untruths.

88. *Mr. I. J. van Zyl.*] Do not you think it would be a good thing that feather buyers who have taken out a licence in one district should give notice to the magistrate when they go into another district to buy feathers?—No, I think there would be great trouble and much inconvenience in connection with that.

89. You might notify the magistrate by telegram?—There might not be a telegraph office there, and this would cause a lot of trouble and inconvenience.

90. *Mr. de Villiers.*] Do you think it is necessary to make the old Act more stringent?—Yes, as far as the police are concerned. They should have more power, and should be allowed to search without a warrant on suspicion.

Tuesday, 16th July, 1907.

PRESENT :

Mr. MICHAU (Chairman .

Mr. P. D. de Villiers.		Mr. Hurndall.
Mr. H. C. Van Zyl.		Mr. Bellingan.

Mr. William Thomas, M.L.A. examined.

91. *Chairman.*] You are a Member of the House of Assembly?—Yes.

92. You are an ostrich farmer?—Yes.

93. The object of this Committee is to enquire into the *Ostrich Feather Thefts Repression Bill* which has been laid before the Council. Are you acquainted with it?—Yes.

94. Do you approve of the Bill?—I do not approve of it altogether.

95. To which clauses do you take exception?—In the first place the clauses we objected to most one has been struck out that is with regard to giving neighbours notice of intention to pluck and the other is the registration of birds. In Central Albany and in Bathurst they only had these two objections, further than that they agreed to the Bill as it stands. I will put in a letter I received from the Koonap Farmers' Association in which they offer suggestions and alterations.

Koonap, June 25th, 1907.

W. Thomas, Esq., M.L.A.,

Cape Town.

Dear Mr. Thomas,

As requested at the Meeting held yesterday I enclose you results of Ostrich Feather Bill after it passed the Meeting. There were about thirty-five at the Meeting including five feather buyers, the remainder being all farmers who farm ostriches including the Douglass's, Page's, Wilmot, Kent, Bosch, from the Albany side, and all the principal men interested in ostriches on our side.

I hope you, together with the members representing ostrich men, will use your influence with the Attorney-General and get him to alter the Bill in such a way as to meet the men who have to farm under it.

I am, Sir, yours, &c.,

GEO. S. TOMLINSON,

Hon. Sec. Koonap Farmers Association.

Mr. W.
Thomas,
M.L.A.

July 16, 1907.

*Thefts of Ostrich Feathers Bill.*Mr. W.
Thomas,
M.L.A.

July 16, 1907.

Clause One.—Passed as printed.

Clause Two.—To delete all the words after “Fee” in the third line and in place thereof add the following:—
“That he shall first obtain permission from a Board nominated by the Government, and any applicant being refused a licence by the Board to have the right of appeal to a Judges Court.”

Clause Three.—Passed as printed.

Clause Four.—After the word “produce” in the third line delete the words “The book referred to in section 2 of Act 32 of 1883,” and substitute for them the following:—
“His book, which shall be a book with counterfoil. The counterfoil to be filled in and signed by him on purchase of Feathers and handed to the seller giving exact weights of the different classes of Feathers purchased. The farmer to keep this for thirty days and produce it to any police officer when requested within that period.”

Clause Five to Clause Sixteen.—To be struck out.

Clause Seventeen.—Passed as printed.

Clause Eighteen.—Struck out and replaced with the following: “That every person possessing or holding ostriches shall once during every six months give all his neighbours notice that he intends to collect his ostriches on a certain day, and the neighbours to have the right on that day to go to the farm and also to watch the collecting.

New Clauses suggested:—

1. That no Licensed Feather Buyer can employ an agent to buy for him unless this agent is also in possession of a Feather Buyer's Licence.
2. No farmer be permitted to allow his ostriches to breed indiscriminately on the veld and their chicks allowed to grow up and remain wild.
3. That no Licensed Feather Buyer (except at auction sales) shall buy feathers outside the district in which he obtained his licence without first getting permission from the Board, in any other district he wishes to enter, for the purpose of feather buying.

Koonap Farmers' Association.

GEO. S. TOMLINSON,
Hon. Sec.

96. Do you approve of the suggestions made by the Koonap people?—Yes, fully.

97. The men who make them are all ostrich farmers?—Yes.

Mr. W.
Thomas,
M.L.A.

98. In your part of the country do you suffer losses from thefts of ostrich feathers?—No, not much, but we have had thefts.

99. Do you think it is necessary to have legislation in that direction?—I certainly think so.

100. Have you any further suggestion to make in addition to the letter you have handed in?—I thoroughly approve of what is suggested by the Koonap Association, except the second new clause they propose. I do not quite know what they mean. In the bush veld we often have birds breeding without knowing it, and when we find it out the birds are grown up. I do not fully understand why they wish that stopped.

101. Besides this, have you any other objection to the Bill as printed?—No. With regard to the proposed Board for issuing licences, I would say that some are of opinion that applications for licences should be made from the Divisional Councils being the local body, and perhaps understanding the matter better than the Civil Commissioner.

102. Do not you think by placing so many restrictions in the way of feather buyers of getting licences we lessen competition?—There is a danger of that, but I do not think these suggestions go too far in that respect.

103. Are you in favour of limiting the rights of licensed people to buy in a certain district or anywhere in the Colony?—I would limit them to one district where they are licensed.

104. You see no objection that in doing that you would limit the number of buyers?—There is a danger of that I see, and at last they might form a ring; but I do not think limiting to a district would have that effect.

105. You have to be careful not to create a monopoly?—Just so.

106 *Mr. Hurndall.*] You are aware that farmers sustain heavy losses owing to the theft of feathers?—Yes.

107. In what parts of the country?—I know of one case where 34 birds or £34 worth of feathers were taken, and the thief was not trace d.

108. Have you heard of other thefts being committed in other parts of the country?—Yes, I heard of another case of one or two birds being plucked in lower Albany.

109. Have you heard that it is a general complaint throughout the midlands?—Yes, I have heard a good many complaints.

110. It is not only the loss of the feathers, but damage done to the birds through the plucking of green feathers that is complained of?—Yes, I have had birds come back with feathers cut off with a knife; it is very plain that a knife was used, because with a clipper the cuts would not have been so jagged.

111. If the owners of ostriches were registered and buyers were compelled to buy only from registered owners, that would be a safeguard?—Yes, to a certain extent, and if the registration were done through the visiting police there would be no difficulty. I find a difficulty in registering because I have a bush farm and do not know where all my birds are collected.

112. Are you in favour of owners registering themselves as possessors of birds?—Yes.

113. And buyers should be compelled only to buy from registered owners?—Yes.

114. That would prevent buyers purchasing from natives?—Just so. I had to herd a lot of birds once and my servants used to bring feathers tramped out and all of a sudden this stopped and I believe this was because the feathers were sold to passing buyers.

115. *Chairman.*] Who are the greater sinners in buying—the “smousers” or the local men?—I think those in the trade and “smousers” too. I do not think it is done by any farmers or by any shopkeepers.

116. *Mr. Hurndall.*] Have you any knowledge

Mr. W.
Thomas,
M.L.A.

July 16, 1907.

Mr. W.
Thomas,
M.L.A.

July 16, 1907.

of the registers these buyers are supposed to keep under the present Act?—No, I have no knowledge of them at all but I believe they are supposed to keep a register. My son is a feather buyer and he certainly keeps a register.

117. In keeping that register do you think it would be any hardship giving a counterfoil to the farmer?—In some cases it would be because we have one or two feather buyers who are good men but not scholars. An entry in this case would have to be made by the man selling the feathers or somebody else; but that would be an advantage because it would give the police a chance of tracing the feathers. I do not think if that was insisted upon that it would lessen the number of buyers.

118. In giving that counterfoil would there be any hardship in describing the weight or descriptions of the feathers?—There would be no hardship at all because they thoroughly understand it and can well describe the feathers.

119. *Mr. Bellingan.*] You said that feather buyers who were licensed should only be permitted to buy in the district in which they are licensed. Should the amount of the licence remain at £5 or should it be increased?—I am afraid if the licence were raised too much it would limit our buyers.

120. *Chairman.*] Up to what amount would you suggest that it should be raised?—I am not much in favour of raising it above what it is at present. The question is in deciding who is to hold the licence.

121. You have no further suggestions to make?—No, but I would just say that one association thought that the buyer should give the seller a receipt on which he describes the feathers also. That both the seller and buyer should have this counterfoil showing exactly the class and quality of feathers bought and sold.

122. With reference to registration of ostrich brands do you think that would help to suppress thieving?—No, but it would have a good effect in

enabling farmers to find their lost birds. As a rule every farmer has brands but the brands are not registered.

123. Do not you think farmers should also have a "check" brand which they should use in case they sell birds, and this should also be registered? You are not opposed to that?—No.

Mr. W.
Thomas,
M.L.A.

July 16, 1907.

Thursday, 18th July, 1907.

PRESENT:

Mr. MICHAU (Chairman).

Mr. H. C. van Zyl.

Mr. Hurndall.

Mr. I. J. van Zyl.

Mr. Bellingan.

Mr. P. D. de Villiers.

Mr. Frans Johannes van der Merwe, M.L.A.,
examined.

Mr.
F. J. v. d.
Merwe,
M.L.A.

124. *Chairman.*] You are a Member of the House of Assembly?—Yes.

July 18, 1907.

125. You are a farmer in the Calvinia district?—Yes.

126. You know the object of the Committee?—Yes.

127. Are you acquainted with the *Ostrich Feathers Theft Repression Bill* which has been introduced into the Council?—Yes, I have looked through it.

128. You are also an ostrich farmer?—Yes; not on a very large scale, but I do go in for ostrich farming as well.

129. Do you suffer much from thefts of ostrich feathers?—Not very much, but I have found that feathers have been cut off my birds or plucked out, but I do not know who the thieves were.

130. You think there is good reason for having legislation to stop these thefts?—Yes.

131. Do you agree with the Bill which has been introduced?—I have certain objections to it, but on the whole I agree with it. There should be provision to deal with these thefts.

Mr.
F. J. v. d.
Merwe,
M.L.A.

July 18, 1907.

132. Will you tell the Committee to which Clauses you object?—To the Clause which provides that an owner of ostriches must give notice if any of his birds are missing. That is impossible because often the ostriches are kept in very large camps and probably a month has elapsed before you know one is missing or is dead. It is also a nuisance to have to give notice if a bird has died.

133. You are against the birds being registered?—Yes.

134. Are you in favour that the owner of ostriches should be registered as such?—Yes.

135. I will go through the Bill from the beginning. Are you in favour of buyers' licences being taken out, and that they should be higher?—I think they could be made a little higher, but not too high, because then only a few people would be able to take them out.

136. Would you say £10?—Not higher than that.

137. Are you in favour that buyers should provide sureties of £50 before they are issued licences?—No, I do not see why they should have to provide sureties.

138. Do you think a man who has one licence should be able to purchase ostrich feathers anywhere in the Colony on that licence or only in the district in which the licence has been taken out?—No, I think they should have the right to buy anywhere in the Colony on the one licence.

139. Are you in favour of the buyers being compelled to give notice to magistrates, field-cornets or police officers when they come into different districts for the purpose of buying feathers than that in which they have taken out their licences?—Yes, I am in favour of that.

140. Would you be in favour of the buyer being compelled to give a duplicate receipt, when he buys feathers from any registered owner of ostriches, to such registered owner?—Yes, that would help to suppress thieving.

141. Are you in favour of ostrich owners registering their brands for ostriches in the same way as they do for cattle? Will that help to stop thefts?—I am not against it, but I do not see that it would stop thieving.

Mr.
F. J. v. d.
Merwe,
M.L.A.

July 18, 1907.

142. It has been suggested that owners of ostriches should give notice to their neighbours before they collect their birds for plucking. Are you in favour of that?—No I am not, and it would be a nuisance. As far as I am concerned though they may come and look at my camp any time they please.

143. Are you in favour of giving the police more power so that they can search any person they suspect without first having to obtain a search warrant?—Yes, I think that would be a good thing.

144. Do they examine the registers of buyers now?—No. I do not think so.

145. Are you in favour of the registers which are kept by buyers being kept in other languages than Dutch and English?—No, only in Dutch and English.

146. Not in German or Yiddish?—No.

147. Are you in favour of children being allowed to sell ostrich feathers?—No.

148. Are you in favour of a buyer not being allowed to buy ostrich feathers from a person who is not a registered ostrich owner?—Yes.

149. *Mr. J. J. van Zyl.*] In the proposed Bill provision is made that no one who has been found guilty of stealing feathers or of having bought stolen feathers shall be given a licence until two or three years afterwards. Are you in favour of that?—Yes.

150. Do not you think it advisable that provision should be made in the Bill that "bywoners" who are registered as owners of birds in the way we propose, shall not have the right to sell their feathers, or that no one shall be allowed to buy the feathers without the consent of the owner of the

Mr.
F. J. v. d.
Merwe,
M.L.A.

farm?—Yes, I would be in favour of the owner of the farm knowing about it before they were allowed to sell.

July 18, 1907.

151. I understood that you said that if anyone took out a licence he should have the right to buy anywhere in the Colony. Do not you think it advisable that such a buyer when going out of one district and into another should give notice either by letter or telegram to the magistrate of the district where it is his intention to buy?—Yes. I am in favour of that.

152. Would you make it compulsory for an owner of ostriches to register himself as such owner?—After the Act is in working order I should say that he should register himself within a certain time. I think it is advisable that it should be made compulsory that they should be registered.

153. *Mr. Hurndall.*] Whom do you think it would be better should issue licences to feather buyers—the magistrate or the Divisional Council?—I think the Divisional Council.

154. That body would have the right to say “Yes” or “No”?—Yes, I am in favour of that.

155. What is your veld?—It is small bush veld.

156. I suppose your camps are very large?—Yes, one camp is very large.

157. Are there more such large camps in your district?—Yes.

158. Do the people who own them also complain that their birds are plucked by thieves?—Yes.

159. Where do you think the feathers are stolen?—The birds are tame and come to the road or the thieves go into the veld and pluck the birds.

160. What do they do with the feathers which they have stolen?—They sell them to travelling buyers and “smousers,” of whom there are many.

161. Who are the biggest thieves?—It is difficult to say. The thieves may be your own “bywoners” or servants, or the people who come to see them.

162. Are you in favour of a farmer being allowed

to let his birds just grow up wild in the veld?—Yes. If he has a large camp, it cannot be helped.

163. *Mr. H. C. van Zyl.*] What do you think would be the best way of discovering the thieves and putting a stop to the stealing of feathers?—It would help a lot if the buyer was not allowed to buy from an unregistered owner.

164. The Chairman spoke about having registered brands for ostriches, but if the farmer sells birds, do not you think there would be trouble afterwards, or would it be possible to erase the brand or have a “check” brand?—Yes, that should be done.

165. You say you are of opinion that a feather buyer should give a duplicate receipt to the seller stating the weight and description of the feathers he has bought. For how long do you think that certificate should hold good?—About eight months.

166. Do not you think that would be too long to have to keep the certificates?—No, I do not think so.

167. *Mr. de Villiers.*] Are there wild ostriches on your farm?—Not in the camps, but there are some on my property.

168. Do the tame birds ever escape from the camp and join the wild ones?—Yes.

169. Do you know whether these wild birds are shot for their feathers?—Yes, sometimes.

170. In order to get the feathers?—Yes.

171. Those who shoot them are thieves?—I cannot say that, but if I shot birds on another man's property I should consider myself such.

172. I suppose people pluck the feathers of tame birds also which escape from your camp?—Yes.

173. Do you sell feathers to travelling buyers, or do you send them to town?—No, I sell to the travelling buyers.

174. Do you think the ostrich owner who sends his feathers to Port Elizabeth or Cape Town to sell on the market should also be registered as an owner?—Yes, all owners should be registered.

Mr.
F. J. v. d.
Merwe,
M.L.A.

July 18, 1907.

Mr. F. J. v. d. Merwe. M.L.A.
 July 18, 1907. 175. *Chairman.*] Have you any other suggestion which you can make to the Committee?—No, what I have said is what I think should be done with regard to the sale and purchase of ostrich feathers.

Mr. P. W. F. Weyer.
 July 18, 1907. *Mr. Philip Willem Ferdinand Weyer.* examined.
 176. *Chairman.*] You are a farmer in the District of Somerset East?—Yes.

177. You go in a good deal for ostrich farming?—Yes.

178. You have large camps?—Yes. I have seven or eight camps, and they extend over 16,000 morgen.

179. Have you any trouble with regard to ostrich feather thefts?—Yes, owing to the size of my camps, it is impossible to watch all the birds.

180. By whom are these thefts committed?—Chiefly by poor whites.

181. Who put them up to stealing feathers?—I think the “smousers” and the travelling feather buyers; the difficulty of discovering the thefts encourages them.

182. Do you think it is possible to introduce legislation to put a stop to thieving?—Yes. I have lost from £250 to £300 worth of feathers.

183. Are you acquainted with the *Ostrich Feathers Theft Repression Bill* which has been introduced into the Council?—Yes.

184. Do you agree with it?—Not altogether, because it is too complicated, and too troublesome for the farmer himself.

185. Will you state what is your objection to the Bill?—I should like to give my opinion as to what I think should be done to improve the Bill and shorten it. I think that it is very necessary that the return of the sale should be made in duplicate—the one to be signed by the buyer and the other by the seller. The buyer should give the one he has signed to the seller who should send it to the nearest police station as soon as possible thereafter.

186. Within what time?—Within 14 days of the sale. The police shall have the right to inspect the buyer's books once a month. These books should be kept in English or Dutch.

Mr.
P. W. F.
Weyer.
—
July 18, 1907.

187. You are not in favour of a buyer being allowed to keep his book in any other language?—No. To continue—No farmer should have the right to sell feathers, or no buyer should be allowed to buy feathers from anyone who is not a registered land owner or a lessee of the land, except when he has received permission from the owner of the farm on which he is living. This also holds good in the case of farm children, unless they have written consent from their guardians. I am in favour of there being a compulsory registration of brands for ostriches, and also of "check" brands in case of sales of birds. Higher fines should be inflicted on people who are found branding birds with brands of which they are not the registered owners, and also having a registered branding iron in their possession which does not belong to them. I am also of opinion that no licences should be issued to buyers without the consent of the Divisional Council.

188. Are you in favour of people who apply for buyer's licences being required to give sureties?—I do not think that would help.

189. Are you in favour of the licence being raised?—It would be a good thing for the Treasury, but would not affect the thefts of feathers.

190. Are you in favour of the registration of ostriches?—Yes.

191. As provided in the Bill?—No, only that a man is an owner of ostriches.

192. Not of the number of birds he possesses?—No, I do not think there is a farmer who farms on a large scale who can say how many birds he has.

193. Would you be in favour of a buyer not being allowed to buy feathers from anyone who is not a registered owner of ostriches?—Yes, I would be in favour of that.

Mr.
P. W. F.
Weyer.

194. It would not be very difficult to do that?—
No.

July 18, 1907.

195. *Mr. de Villiers.*] Are you in favour of the birds being registered?—No. The brands should be registered, and there should be a Government stamp as well on each registered branding iron.

196. If a farmer is registered as an ostrich farmer, should he also register his brand?—Yes.

197. Are you in favour of an ostrich farmer giving notice to his neighbours that he is collecting his birds for plucking?—It would be a good thing, but it is not workable. I should say that if a neighbour desires to be present and lets the owner know it, he should tell him the day within a week, but not any particular day he intends to pluck.

198. *Mr. H. C. van Zyl.*] What is the use of the seller signing a duplicate copy of the certificate setting forth the weight and description of the feathers sold and giving it to the buyer, seeing that the latter has to enter these particulars in his book? Is it not sufficient that the latter should give the duplicate to the seller, so that when the police examine the book and are suspicious they can go to the seller and check it?—No. I think that would be troublesome, because if what I suggest is carried out the policeman could examine the copy which has been signed by the seller and compare it with the copy signed by the buyer which he would have in his pocket. I should say if the seller keeps his certificate at home, and the police have to go there to check it with the books of the buyer, many cases would go undetected. My intention is to get an Act which would catch the buyer who buys stolen feathers. We must protect the honest seller and the honest buyer, but we have dishonest buyers and sellers.

199. *Mr. Hurdall.*] You have been a heavy loser through thefts of your ostrich feathers?—Yes, every month I lose feathers.

200. You are aware that it is a general complaint throughout the Midland districts?—Yes, and it is very difficult to catch the thieves. We have only had two convictions as far as I know altogether, and there must be innumerable cases of thefts.

201. There has been a good deal of agitation by Farmers' Associations in favour of some legislation being introduced to deal with this?—Yes.

202. You think that it is necessary that such legislation should be introduced for the protection of the farmer?—Yes, or the farmers will be driven to desperation, and I do not know what they will do.

203. Do you know Oudtshoorn?—I have travelled through it.

204. The conditions with regard to ostrich farming are different there from what they are in the Midlands?—Yes, the ostriches there are kept in camps which I should say are a few thousand yards square.

205. And in the Midlands?—The camps extend over miles of bush country, and river veld which gives thieves a chance to steal as many feathers as they like undetected.

206. You cannot detect losses of feathers until some time after they have been stolen?—That is so.

207. Who purchases these stolen feathers?—Mostly travelling buyers.

208. You do not think they are sent to towns?—No, I do not think so.

209. Are you aware of a man taking out a licence in a town and sending out agents to buy feathers on the same licence?—I have been told so, but cannot say positively that it is so.

210. It is not only the loss of the feathers when stolen that you complain of, but often the birds are ruined for life through green feathers having been plucked?—Yes.

211. And sometimes the birds are killed for the sake of the feathers?—Yes.

212. That is done by natives?—In some instances where they have a buyer who suits them.

Mr.
P. W. F.
Weyer.
—
July 18, 1907.

Mr.
P. W. F.
Weyer.
July 18, 1907.

213. One Farmers' Association passed the following resolution: "That every person possessing or holding ostriches shall once during every six months give all his neighbours notice that he intends to collect his ostriches on a certain day, and the neighbours to have the right on that day to go to the farm and also to watch the collecting." Are you in favour of that?—No, it would be impossible to carry that out.

214. Another resolution was that no farmer should be permitted to allow his ostriches to breed indiscriminately on the veld and their chicks allowed to grow up and remain wild?—I am not in favour of that because I allow mine to grow up wild for the sake of not having their feathers stolen.

215. Here is another resolution: "That no licensed feather buyer shall buy feathers outside the district in which he obtained his licence without first getting permission from the Board in any other district he wishes to enter for the purpose of feather buying?—I am not in favour of that, but he should get the sanction of the Divisional Council.

216. You think every buyer when he enters another district in order to buy feathers should first obtain the sanction of the Divisional Council?—Yes, and I should like to make that a little more stringent. Even if the Divisional Council sanctions it there should be some further check on that buyer, and that is that when he comes to the district or leaves it his feathers should be examined and checked with the counterfoils in possession of the police.

217. *Mr. Bellingan.*] I understood you to say that ostrich brands should be registered and that there should also be a Government stamp on the branding iron?—Yes.

218. And if the birds are sold, what then?—I would have another small brand put on the bird which should also be registered. I think it is very

necessary that the brand should be registered, because there are almost as many birds stolen as feathers.

Mr.
P. W. F.
Weyer.

July 18, 1907

219. Do not you think it would be a good thing if the police had more power, so that they could search suspected persons without first having to obtain a warrant?—Yes, I am wholly in favour of that.

220. *Mr. I. J. van Zyl.*] I understand that you said that you are not in favour of a buyer who has a licence to buy in the whole Colony being allowed to go out of one district into another without giving notice to the Divisional Council?—Yes, that is my opinion.

221. Do not you think it would be advisable in order not to make it too troublesome to the buyer that when he goes out of a district he should give notice to the Magistrate?—I think if he gives notice to the nearest police station it would be better.

222. If a buyer has to obtain the consent of the Divisional Council of each district before he can buy in such district, then he would not have a licence for the whole Colony, because some Divisional Councils only meet once in two months. Do not you think that would be troublesome?—I see that; but it might be made permissive in some districts, but I should very much like to see the travelling buyers being compelled to give notice.

223. The reason why I ask this question is because it appears to me that it would be easier for the buyer, as he could give notice by letter or telegram to the magistrate, who is always in communication with the police station?—I am in favour of it, so long as there is a check on the buyer.

224. *Chairman.*] You agree that the Bill should be of such a nature as not to lessen competition amongst buyers?—Yes, I see the danger of that, but all that I think necessary is that the buyer's feathers should be inspected when he enters the district and when he leaves it, otherwise we have no check.

Mr.
P. W. F.
Weyer.
—
July 18, 1907.

225. *Mr. Hurndall.*] You do not think it would be any hardship on the buyer having to give the seller a counterfoil or duplicate receipt?—There would be no hardship whatever.

226. This duplicate stating the weight and description of the feathers?—Yes.

227. That would prevent the buyer doing away with rubbishy feathers and making up the weight with good feathers?—Yes.

228. *Chairman.*] Could the present register used by the buyers be so arranged that a counterfoil be added to it?—Yes.

229. *Mr. Bellingan.*] Would it not be very troublesome for farmers to have to send the duplicate receipt or counterfoil given to them by the buyers to a police station?—No. I think it is our duty to do all we can to put a stop to the thefts of ostrich feathers.

230. *Chairman.*] Have you any other suggestion to make?—No.

Friday, July 19th, 1907.

PRESENT :

MR. MICHAU (Chairman.)

Mr. P. D. de Villiers,

Mr. Hurndall.

Mr. I. J. van Zyl.

Mr. H. C. van Zyl,

Mr. Bellingan.

Mr. Johannes Hendrik Schoeman, M.L.A., examined.

Mr.
J. H. Schoe-
man, M.L.A.
—
July 19, 1907.

231. *Chairman.*] You are a Member of the House of Assembly?—Yes.

232. You farm and live in Oudtshoorn?—Yes.

233. You are an ostrich farmer?—Yes.

234. I suppose you have made yourself acquainted with the *Ostrich Feathers Theft Repression Bill* which has been introduced into the Council?—Yes.

235. Do you agree with the Bill, or have you any objections to it?—I have objections.

236. Will you state shortly to which clauses you object?—If the Committee wishes it then I should like to state shortly what are my wishes and the wishes of those engaged in the ostrich feather industry with regard to the Bill. First of all, I must tell the Committee that at a meeting of my constituents in Oudtshoorn the whole Bill was condemned, with the exception of a few clauses which it was thought could be accepted. What we wish and what is the wish of every ostrich farmer in the country is to catch the feather thieves and not a Bill which would be troublesome to the ostrich owner and to those who buy the feathers. Now, the proposed Bill would be more of a trouble to these people than it will be of use in catching thieves. We have gone carefully into the Bill, and we have agreed that the great thing to do is to get the thief into such a position that he cannot sell the stolen feathers, and in order to do this we propose that each ostrich farmer should be registered as an owner of ostriches—not that he should be registered as the owner of any particular number of birds; further, that every feather buyer who travels about for the purpose of buying feathers must keep a register, and that he shall not be allowed to buy from a farmer or anyone else who is not a registered feather buyer, but only from those who are registered. Further, he must give a duplicate receipt to the seller describing the feathers he has purchased. Then all Magistrates, field-cornets or police, should have the right at any time if they have any suspicions to examine a buyer's register to see whether his description of the feathers agrees with that on the duplicate receipt which the seller has. That is the best way we consider to catch the thief, and that is one of the suggestions the Oudtshoorn people have made. Then we thought the licence should continue to be issued as it is to-day by the postmaster, and anyone wishing it should be able to go to him and get his licence; but we are of opinion that it should be

Mr.
J. H. Schoe-
man, M.L.A.
—
July 19, 1907.

Mr.
J. H. Schoo-
man, M.L.A.
—
July 19, 1907.

raised slightly—from £5 to £10. If the licence is made too high, it might happen that only a certain class of people would be able to take out licences, and also there is the danger that farmers would not get full value for their feathers.

237. It has been suggested that the seller should send the duplicate receipt he receives from the buyer to the nearest police station within a certain time after the sale. Would you be in favour of that?—I do not know that there would be much objection to that; but you know some farmers are rather backward in their business, and I am afraid they might lose their duplicate receipts if they keep them for any time.

238. But if they are to be of any use to the police they should be sent at once?—That is so.

239. Are you in favour of a man applying for a licence to buy feathers being required to provide sureties?—No, I do not think that would work well. This is a free land, and every man should have the right to do business, and if he is dishonest in that business, he should be punished.

240. Are you in favour of one licence holding good for the whole Colony, or only for the district in which it is taken out?—For the whole Colony. We have a large number of feather buyers in Oudtshoorn, and they do not remain in that district only, but go to Port Elizabeth, where they buy feathers which they often bring to Oudtshoorn, and there they are sold sometimes for a bigger price.

241. Say a buyer buys a lot of feathers at Oudtshoorn and it may be that he has been dishonest in business, but he leaves the district the same night, what check have the police at Port Elizabeth on him, and how can they say whether he came honestly or otherwise by the feathers? Do not you think that before he leaves any district, he should have his feathers examined by the Magistrate or field cornets or the police, so as to have them

checked?—I do not know what the good of that would be.

242. The duplicate given to the farmer will of course help, but what is the use of that if a man can leave a district without giving the police a chance of examining his books or feathers?—You would put such a buyer in a troublesome position if there is no magistrate or police close by. Where is a man to go? Say, for instance, he goes from Somerset East to Cradock, and on the first farm he comes to the farmer has a parcel of feathers, which he buys. Very likely there will not be a magistrate, a field-cornet, Justice of the Peace, or any police there to examine the feathers.

243. Are you in favour of the registration of ostrich brands?—No, I do not know if that would be necessary. Every farmer has his brand now, and if you have an Act making it compulsory it would be awkward when birds are sold. I do not see what use it would be in catching the thief, and the object of legislation should be to catch the thief and not trouble the farmer too much.

244. But there are thefts of ostriches as well as of feathers?—Yes, but an owner who has branded his birds can always identify them.

245. The brands may be erased?—You can always see that.

246. Are there many complaints in the Oudtshoorn district about ostrich feather thefts?—No, not many.

247. The birds are kept in smaller camps there than in the Midlands?—I would not say that. We have camps of from 2,000 to 3,000 morgen. During the winter our birds go into the veld camps. If you drive your birds into the veld you never get the same number back again; there are always a few missing.

248. *Mr. de Villiers.*] In order to get over the difficulty of a feather buyer having to give notice to the magistrate, or a field-cornet or the police before he leaves a district would

Mr.
J. H. Schoe-
man, M.L.A.
—
July 19, 1907.

Mr.
J. H. Schoe-
man, M.L.A.
—
July 19, 1907.

it not be better if a feather buyer's licence remained at £5. and was only available for the district in which it was taken out?—I do not know, business is a wonderful thing, and you cannot restrict it too much. A buyer may get a telegram from a farmer in another district stating that he has a parcel of feathers for sale. how is he going to manage? We say rather make the licence a little bit higher. We have over 200 feather buyers in the Oudtshoorn district alone, and if the licences are increased to £10 each that means an addition of £1,000 to the revenue of the Colony, and the feather buyers have no objection to the increase.

249. *Mr. H. C. van Zyl.*] You said you thought that it was a good thing that a feather buyer should give a duplicate receipt to the seller describing the feathers he has bought. Do you think the seller should in addition give the buyer a copy of it?—I do not see the use of that. He could see that the buyer describes the feathers correctly in his register.

250. *Mr. Hurndall.*] In the Oudtshoorn district does every buyer take out a separate licence, or do people in the town take out one licence and send agents round to buy feathers on that licence?—I think if a man takes out a licence he should go out himself.

251. Have you heard that in Port Elizabeth firms take out a licence and send several agents out to buy on the one licence?—I have heard that; but it is a wrong thing to do.

252. You are in favour of only one man being allowed to buy on each licence?—Yes, and being registered as the owner of that licence.

253. You have probably heard that people in the Eastern Province are heavy losers through ostrich thefts?—Yes, I understand so.

254. And that Farmers' Associations have been asking for legislation to assist in putting a stop to the thefts?—Yes.

255. You say you are in favour of a man getting

a licence from the postmaster. Do not you think it would be better if he had to apply to the magistrate or the Divisional Council for it?—Usually the magistrate has his hands so full that he has no time to give much attention to that. I do not see any harm in it, but the idea is that as many as possible should get licences.

256. The Divisional Council would have the right to refuse to issue a licence or otherwise?—That would be dangerous, as it might lead to a monopoly, and where would the farmers come in then? I hope the Committee will not take such a step as to advise that or the appointment of a Board to issue licences.

257. You must know that farmers in the Eastern Province have their camps in bush veld, and complain largely of thefts of feathers, therefore, you think it is necessary that legislation should be introduced to protect these people?—Certainly.

258. *Mr. I. J. van Zyl.*] I understand that you are against feather buyers having different licences for different districts. But do not you think it is advisable that a feather buyer when he goes from one district to another to buy should give notice to the magistrate of the district where he intends to buy, by telegram or letter at the least, as the magistrate is in communication with the different police stations, and they can, therefore, inquire into the buyer's dealings?—I do not see how it would help. We must try to have a Bill that will work as easily as possible. It is always difficult to make an Act to suppress thefts, but we must try to put a stop to it as far as possible.

259. I agree with you that it would be a good thing to do as you suggested in regard to ostrich farmers being registered as the owners of ostriches, and that buyers should only buy from registered persons, but you have not suggested how the thief is to be caught?—Only by means of the duplicate receipt which the buyer has to give the seller.

Mr.
J. H. Schoe-
man, M.L.A.
—
July 19, 1907

Mr.
J. H. Schoe-
man, M.L.A.
—
July 19, 1907.

260. But you say the buyer should be allowed to go out of the district without his books or feathers having previously been inspected?—But you must understand that a thief may steal as cleverly as possible, but the duplicate will be there, and if there is any suspicion of unfair dealing the police will know and will warn people to watch him. You must trap him in his own district, not in the district where he is going to buy.

261. How would you trap him?—The police, the magistrate and field-cornets are there.

262. But the farmer is not there?—But you have his duplicate receipt, and you can write to the farmer or telegraph asking him to send a description of the feathers bought from him.

263. *Chairman.*] Then the question arises, should not the seller give a receipt to the buyer as well?—It would do no harm, but would be troublesome.

264. *Mr. Bellingan.*] A feather buyer leaves the district of Uitenhage, for instance, and goes to Steynsburg or Jansenville. If he buys feathers there and then leaves that district, should it not be his duty to go to the police and show his books before he leaves the district, because otherwise how would you trap him?—I understand the difficulty because such a man could steal and clear out at once, but still you have the check in the counterfoil.

265. In what language do you think the buyers' register should be kept?—In English or Dutch.

266. Not in any other language?—No. Sometimes a foreigner comes here who does not know any English or Dutch, and he has to use some other language, but I think in that case such a person should employ some one to enter the particulars in his book in either English or Dutch.

267. When a man is finished buying feathers in a district do you think he should go to the police and show his books to them?—If they are needed.

268. We should not have legislation which would

make it easy for a buyer to buy stolen feathers?—Yes, but we should not increase the buyers' expenses, because the farmer would feel it in the end, because they will not pay so much for the feathers.

Mr.
J. H. Schoe-
man, M.L.A.
July 19, 1907.

269. The ostrich farmer should make his own price?—Yes, but you do not always get it.

270. *Chairman.*] Are you in favour of children being allowed to sell feathers without the consent of their guardians or the owners?—Certainly not.

271. Are you in favour of "bywoners," although owners of ostriches, not having the right to sell feathers without the consent of the owner of the farm?—The proprietor of the farm always knows what the "bywoners" own.

272. In the Eastern Province the camps are so large, and there are "bywoners" and poor whites on farms who can dispose of feathers without the owner of the farm knowing anything about it. You are, however, in favour of no buyer being able to buy from a man who is not registered as an owner of ostriches?—Yes.

273. *Mr. Bellingan.*] You say children should not be allowed to sell feathers without the consent of the owner of the ostriches—up to what age would you say?—I should like to say I have a number of people on my farm, but, I will not allow them to sell feathers. I sell the feathers for them, and give them the money. They are quite satisfied with the arrangement, because as a rule I get more for the feathers than they would. Even if they own birds I do not allow them to sell the feathers themselves. Sometimes the children pick up the feathers which fall on the ground during a plucking and I buy these for 1d. or 3d., but on my farm it is a rule that no servant may sell a feather. I allow them to go into the kraal after a plucking to pick up the loose feathers, but they have to bring them to me: so that the thieving is not there. It is somewhere else.

274. *Chairman.*] Have you any other suggestions to make?—No, but I do not know whether it is

Mr. J. H. Schoeman, M.L.A.
July 19, 1907.

the intention of the Committee to have a very long Bill. A short Bill with one or two clauses is all that we require to catch the thieves.

275. You think the police should have more power in regard to searching suspected persons?—Yes, and I go further, if they meet a feather buyer on the road whom they suspect, they should have the right to examine his feathers without first obtaining a search warrant.

Thursday, 8th August, 1907.

PRESENT :

Mr. MICHAU (Chairman).

Mr. I. J. van Zyl.

Mr. H. C. van Zyl.

Mr. Hurndall.

Mr. P. D. de Villiers.

Mr. Bellingan.

The Honourable Victor Sampson, K.C., M.L.A.,
examined :

276. *Chairman.* You are the Attorney-General?—Yes.

277. You introduced a Bill into the Council dealing with Ostrich Feather Thefts?—Yes.

278. That Bill was circulated among Farmers' Associations and others?—Yes.

279. Did you receive any comments or suggestions with regard to that Bill?—Yes, I received a good many, and I have some here which I should like to hand in. I hand in copies of letters from the Secretaries of the Oudtshoorn Fruitgrowers Association, Koonap Farmers' Association, Somerset East Farmers' Association and the Bathurst West Farmers' Association (*not printed*), all making certain suggestions with regard to the Bill. These are all the amendments I can find, and I think they cover pretty well every one of the remarks that I have gathered from different persons with regard to the Bill. Some of them want licences to be issued by

Hon. V. Sampson,
K.C., M.L.A.

Aug. 8, 1907.

a Board, and some of them want the licences to be increased in prices. Others are strongly opposed to any interfering with the licences at all, or with the number of the buyers, especially gentlemen like M. Raubenheimer and others from Oudtshoorn, and I think the Bathurst people also. They say it would be a mistake to have a Board or increase the price of the licence or to interfere in any way with the feather-buyer, because the remaining feather-buyers will form a ring. They strongly urge that nothing should be done at all and that there should be as many feather-buyers as possible, and that the way in which they should buy should be regulated. Then the next suggestion is, that they think the feather-buyer should give the seller of the feathers a duplicate of his entry in his books showing the weight and price of the feathers bought, the description and so on, and the seller should keep that duplicate. They think further that police should be entitled to go to a touchganger, and examine his feathers. Suggestions have also been made that this might be extended to Field-Cornets and Justices of the Peace. Field Cornets I think might do, but Justices of the Peace are a body we might leave out. I do not object to Field-Cornets, but I do not want to put people to too much trouble, and the Justices of the Peace are a different class of men. Then with regard to the registration of birds, a great number of people are against registration of any kind whatever. I do not think they all understand what was meant. I only wanted to put registration in to get the owner of birds to have something in his possession to show a feather-buyer that he is an owner of birds, so that the feather-buyer should not be able to buy from a coloured man or a bywoner, or along the road from anybody, and it should be made in my opinion a crime for a feather buyer to buy feathers from a man who is not an ostrich owner, and it should rest on the feather buyer to show that the man he bought from is an owner of

Hon.
V. Sampson,
K.C., M.L.A.

Aug. 8, 1907.

Hon.
V. Sampson,
K.C., M.L.A.
—
Aug. 8, 1907.

ostriches, and to help him I wanted the ostrich farmer to have a certificate that he is an owner; but as there is so much misunderstanding, let us knock out all reference to numbers and merely provide that any owner who wishes to sell feathers to a feather buyer should be required to register himself as an owner of birds. Of course, if you put registration in, you must do something about wild ostriches. I put in a clause that if a person wants to sell the feathers of wild ostriches, he must go to the magistrate. Then you would have to put in the Bill a clause that after a certain date a man would not be able to sell ostrich feathers without registration. I think that covers the alterations that are wanted.

280. You are giving, more or less, the opinions of different meetings and the suggestions you have received?—Yes.

281. As to registration, any amount of complaints have been made, but you are in favour of having owners registered as owners?—Yes, if you want to do away with buying from kafirs.

282. Would you be in favour of no buyer being allowed to buy from anybody except registered owners?—Yes.

283. Even the children of registered owners must get permission from the owners?—You must not make it too difficult. Children I look upon as the agents of the owner. I think you need not bother about white children; they will not steal. It is the "volk."

284. With reference to licences, would you be in favour of a Board issuing them, or would you prefer that the Civil Commissioner should do so?—The idea of the Board is to try and find out who is the honest man and who the dishonest. It is for them to distinguish between white people. They cannot distinguish between a well-dressed man and a badly dressed man, as possibly, the well-dressed man is the greater scoundrel. The Board will lessen the number of buyers, and thereby you lessen competition.

285. Would you be in favour of one licence covering the whole Colony, or would you have different licences for different districts?—Different licences for different districts. We want to have some hold on a man. I have seen a lot of it in connection with prospecting. A man takes out his licence in Cape Town, and buys feathers in Oudtshoorn, the Civil Commissioners do not know whether he has a licence or not, whereas, if he took one out in Oudtshoorn, the police and everybody would know it.

286. Would you be in favour of licences being issued only to buyers who have a recognised place of business, or would you allow anybody to go about from farm to farm, and buy?—If you are going to search recognised places of business, it would do, but it is a difficult thing to go into a business place and ask for the books in order to examine them. If a man must have a recognised business in order to get a licence then a man might set up a business near your farm, and you would have a place where all your servants could go and sell feathers at night. Now they do not know when a man is coming, but if they had a shop the "volk" would know where to go to, to sell the feathers.

287. If we had a clause in the Bill preventing any buying from unregistered owners, that would prevent what you fear?—But you must remember people break the laws.

288. The difficulty seems to be with the buyers who go from farm to farm. If it is advisable to limit licences so that only established places of business could get them, that would stop illicit buying at once, but, of course, we lessen competition by that?—Yes.

289. You would not be in favour of a permissive Bill, in this way that where the majority of the farmers wish to restrict licences only to recognised established businesses—for instance, Oudtshoorn would never consent to do away with "smousers,"

Hon.
V. Sampson,
K.C., M.L.A.
—
Aug. 8, 1907.

Hon.
V. Sampson,
K.C., M.L.A.
Aug. 8, 1907.

but in other parts we find large numbers of farmers are in favour of licences being issued only to established business places—they should be permitted to do so?—If you issue licences for different divisions, then you can easily make it permissible.

290. Would you be in favour of the buyer giving a receipt to the seller containing the weights and description of the feathers?—Yes, and I think you ought to have some provision that the farmer must show it to the police if asked to do so.

291. Do not you think it advisable, in order to make that effective, that the seller must hand the receipt to the police within a certain time?—That interferes with the farmer's business, as he would have to hunt after the police. If there is any suspicion, and the police want to see the receipt, the seller would show it. I think you should say that the seller must keep the duplicate receipt for three or six months after he sold the feathers.

292. Do you think there would be any objection to have a clause in the Bill to compel owners to at least once a year collect all their birds and give their neighbours notice of their intention to do so?—There has been such a lot of trouble about that that I had to withdraw Section 18. I think if a man asked to be allowed to see the birds the next time they are collected that he should have the right to do so, but that is as far as you should go. I must say that the farmers have been tremendously against the whole of that provision, but on the other hand I was told that at Grahamstown a man asked his neighbour to let him know when he was collecting his birds, and he replied in fourteen days, but he collected them the next morning, and plucked and re-marked three of that man's birds. What are you going to do with such men?

293. Would you be in favour of a compulsory registration of brands of ostriches as a check?—I do not know enough about brands of ostriches, but I have heard they are very difficult to distinguish.

294. Would you be in favour of giving the police more power to search for stolen feathers without warrants in cases where they have strong suspicion?—The police at the present moment have the right to search on a warrant if they have reasonable belief that the stolen feathers are there. The only other thing you could do is to give the police the right to search although he has not reasonable evidence; but what is the objection to the police getting a warrant if they have suspicion?

295. Because by the time they got back to the party concerned the feathers would be got rid of, and there would be no possibility of tracing them?—Under the Bill you can call upon any buyers to show feathers.

296. I mean private individuals and servants?—In that case you would have to alter the general law, because it is not only with regard to feathers, but also sheep skins, and I would like to consider the question from a broader point of view than ostrich feathers only.

297. You have some objection to that?—I do not think you should deal with it partly. You should alter the general law, but it is a dangerous thing to do.

298. Under the present Act, has a licence holder power to engage an agent to act for him?—All people who have licences can have agents—for instance a shopkeeper gets a retail licence, and you cannot prevent an assistant serving over the counter as long as it is done in the name of the holder of the licence and what the assistant does in his name, binds him; but I think it would be a good thing if no assistant were allowed to buy feathers unless he had written authority from his master.

299. Do the police ever inspect the registers which are kept at the present time?—I should not think very often. In Port Elizabeth they may, but I have no knowledge of what they do with regard to that.

Hon.
V. Sampson,
K.C., M.L.A.
—
Aug. 8, 1907.

Hon.
V. Sampson,
K.C., M.L.A.
—
Aug. 8, 1907.

300. At the present time the registers may only be kept in the English and Dutch languages?—I am not sure.

301. Would you be in favour of the register being kept in any language?—No, you must keep the register in such a language as the people who have to look at it can understand.

302. *Mr. de Villiers.*] I understand you are in favour of making licences available only for the districts in which they are taken out?—Yes, I think so, because you would be able to have more control over the buyer.

303. The licence to be £5?—I would not alter the amount of the licence now. Except from the point of view of the revenue, it does not matter, because whether the licence is £5 or £10, if it is a paying business, it will be taken out.

304. With regard to wild ostrich feathers, I do not quite understand you?—Well, in some districts a man will say, "The feathers I sold are wild ostrich feathers, and will not come under the Act." Now I want him to get a certificate from the magistrate or field-cornet that they are wild ostrich feathers.

305. People go and shoot ostriches for the sake of the feathers, and sell them as wild ostrich feathers to general dealers in the village?—A feather buyer will not be able to buy them unless he has satisfied the magistrate that they are *bona fide* wild ostrich feathers.

306. But if a man shoots wild ostriches running on somebody else's farm how would you prevent that?—That has not been provided for in the Act. But you could prosecute him for trespass. It has nothing to do with this Act. We are only protecting the domesticated ostrich.

307. *Mr. Hurdall.*] With regard to the licences in some districts, each buyer has his own licence, and in other districts, say, Port Elizabeth, one man takes out a licence and sends out any amount of agents to buy feathers on that one licence?—I do

not think they should do that, and for revenue purposes you could make a law that a man should trade by himself, and if he wants assistants, he should take out another licence for each. That would be for revenue purposes. You object to a man doing a large trade on a £5 licence. I think it ought to be stopped, and Government should get some more money out of it.

308. *Mr. Bellingan.*] If an agent gets feathers from a farmer to sell, should he have a licence?—Everyone who trades in feathers must have a licence.

309. You would leave the registration in the hands of a Field-cornet?—Yes, it was never my intention that a man should go to a Magistrate. My intention was that a Field-cornet or Police Officer would sit in every ward for a week, and give the farmers certificates. Now I would suggest that a Field-cornet should give such certificate at any time during the year.

310. Will the Field-cornets be paid extra for this work?—Is it much trouble? There would be a book, and all he would have to do would be to enter the man's name in that book.

311. But a Field-cornet gets no salary, and he may be called from his private work to attend to this registration?—Yes, there is something in that, but we want to make it as easy as possible for the honest man and the white man.

312. *Mr. I. J. van Zyl.*] With regard to the selling of wild ostrich feathers in my part of the country a good many wild birds are destroyed for the feathers, and I should be glad if you could see a way to make provision in the Bill that anyone who sells wild ostrich feathers should show that the birds were shot on his own ground?—That is difficult because you might then prevent a man going out of the Colony where there are no farms at all to shoot wild ostriches, and sell their feathers. If all wild ostriches were on farms it would be all right, but you get lots in the

Hon.
V. Sampson,
K.C., M.L.A.
—
Aug. 8, 1907.

Hon.
V. Sampson.
K.C., M.L.A.
—
Aug. 8, 1907.

Kalahari, and you would prevent men from selling their feathers. At the present moment you have to take out a £10 licence to be able to shoot wild ostriches.

313. I have a farm and it is fenced in, and last year I had 100 wild birds on it and now I have found that the lot have been shot. I know who did it, but cannot prove it. We must try to keep a check on that sort of thing?—You have a check now. The Trespass Act provides that you can punish anyone shooting anything within your fences. I think the remedy would be if everyone has to prove where he got the feathers which he sells—that is, any one who is not a registered owner. I quite see the point, but a man may prove that he got the feathers from birds in the Kalahari, but according to this Bill he would have to prove to the Magistrate that they were wild ostrich feathers, and the Magistrate should ask him where he shot the birds, and if he found the birds were shot on private property he could keep him until he made further inquiries.

314. *Chairman.*] It has been suggested that every buyer should report himself to a Police Officer, Justice of the Peace or Field-cornet before leaving a district. If that is done, do not you think it would be placing too many restrictions on the sale of feathers?—I should like to see a check on the buyers by simply making them take out a separate licence for each district. Supposing they had a licence to go all over the country and they reported in each district, you mean to say each time the books would be examined and their feathers checked?

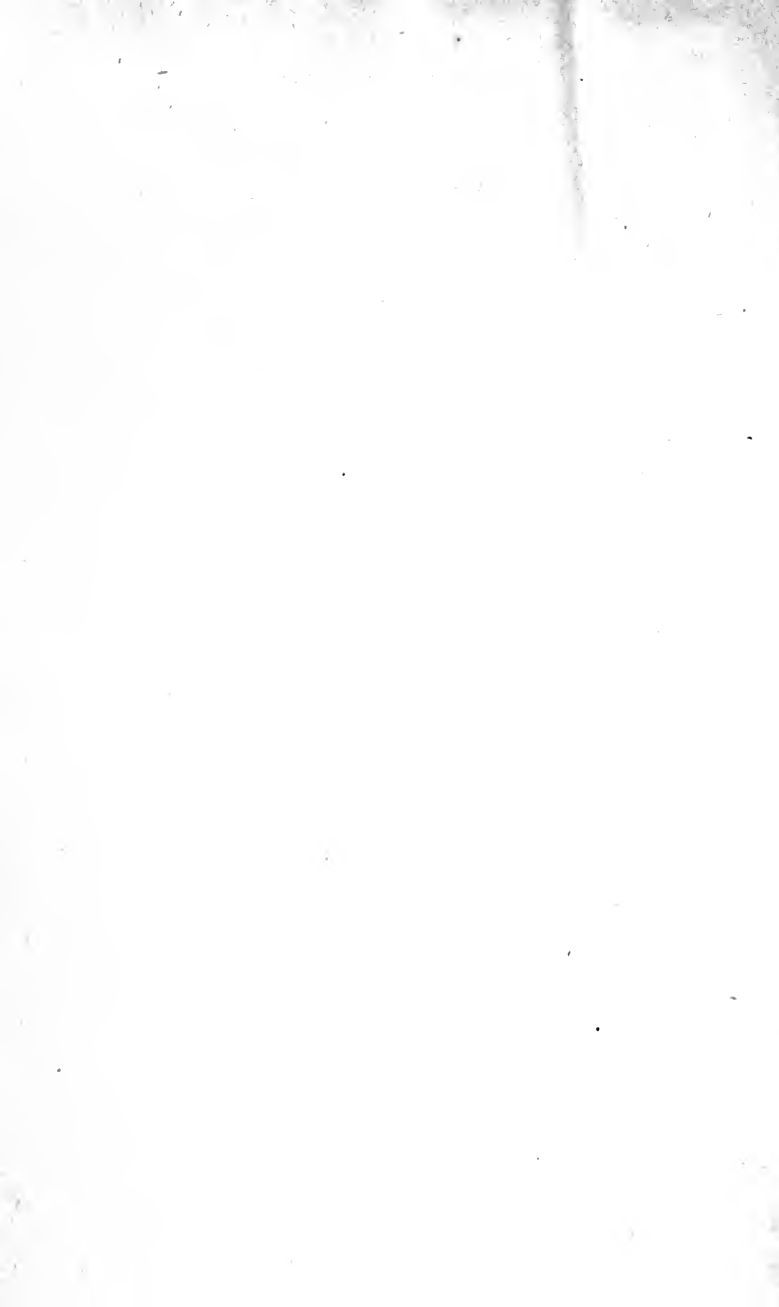
315. Yes, to find whether they correspond with the registers?—If you only limit them to one district for each licence, you avoid that difficulty.

316. Then would you be in favour of making a distinction between a general licence for the whole district and a licence for a particular district only?—I am in favour of a separate licence for each dis-

trict, and not a general licence. It seems to me you would be able to have more control over the buyers. According to my Bill, a policeman can drop upon a buyer at any moment, but if the latter has to go to the policeman he would first adjust his register and feathers. There would not be any harm possibly in saying that a man before he leaves a district must show his book and feathers to the police. He ought to notify them before he leaves a district to see his book, counterfoils and feathers; that is to say, if he is travelling about the country.

317. The travelling buyers are the people who give all the trouble, and it is the aim of this Bill to try to stop it?—Yes. But there are not always opportunities of getting the police in a district. For instance, if a buyer were travelling through the Cradock district, and was at Quagga's Hoek just before getting into the Graaff-Reinet district, has he got to go all the way back to Cradock to show his book?—Of course, if there were police in every ward, it might do. I do not know much about the Cape Police, but I doubt if there are.

Hon.
V. Sampson,
K.C., M.L.A.
—
Aug. 8, 1907.





UNIVERSITY OF CALIFORNIA LIBRARY
Los Angeles

This book is DUE on the last date stamped below.

Form L9-75m-7, '61 (C1437s4) 444

THE LIBRARY
UNIVERSITY OF CALIFORNIA
LOS ANGELES

Gay
PAMPI
S1
S1

SF
111
C17A5
1907

A 001 146 322 1

