

**Policing the Witwatersrand: A history of the South African  
Republic Police, 1886-1899**

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**This thesis has been submitted in accordance with the requirements  
for the degree of  
Doctor of Philosophy in the faculty of the Humanities,  
for the Centre of Africa Studies at the University of the Free State  
Bloemfontein**

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**February 2016**

## Declaration

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## Abstract

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This thesis fills a lacuna in the historiography of the institutional dimensions of colonial policing in southern Africa. The discovery of gold on the Witwatersrand in 1886 led to the rapid industrialisation of the South African Republic's agrarian based economy. The mines and resultant industries attracted a diverse group of people from across southern Africa and beyond to the newly established town of Johannesburg. The government, however, struggled to accommodate the needs of this society and was intermittently branded as an impediment to development and progress. Located within the broader framework of colonial history, the establishment and development of a police force offers a particular lens through which to examine the political, social and economic forces that characterised this period. This thesis aims to account for the institutional development of the South African Republic Police. Concomitantly, it places these developments within the context of late nineteenth-century state formation in colonial southern Africa.

Based on a close inspection of archival sources, the thesis follows a largely chronological narrative, in which particular themes accounting for the development of the police are highlighted. It gives a detailed analysis of the bureaucratic and administrative strife between the officials tasked with law enforcement and colonial administration. The thesis argues that the alleged inefficiency of the police was directly linked to the battle for command and control of the force. By examining aspects of recruitment, reorganisation and reform, the thesis also addresses conceptions of colonial identity and politics. Race, class and ethnicity influenced interaction within the police force, but also had important consequences for the relationship between the police and the wider society. The evolution of the police is therefore investigated by accounting for aspects relating to crime and crisis; the view of the police held by the policed; the interaction between the police and the mining industry, and the role the police played in heightening the tension between Pretoria and London in the run-up to the South African War. By accounting for the institutional development of the police, more insight is gained into the role of the

police in colonial society. The latter also casts more light on our understanding of the South African Republic's administrative functioning and its internal politics.

**Key words:** Police; Policing; bureaucracy; maladministration; reform; corruption; crime; South African Republic; nineteenth-century; colonialism

## Opsomming

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Hierdie studie vul 'n leemte in die historiografie van die institusionele dimensies van koloniale polisiëring in Suider-Afrika. Die ontdekking van goud aan die Witwatersrand in 1886 het gelei tot die snelle industrialisasie van die Zuid-Afrikaansche Republiek se landbou-georiënteerde ekonomie. Die myne en die voortspruitende nywerhede het 'n diverse groep mense van regoor Suider-Afrika en die buiteland na die nuutgestigte dorp, Johannesburg, gelok. Die regering het met tye gesukkel om aan die gemeenskap se behoeftes te voldoen en is gevolglik gebrandmerk as wisselvallig en beskou as 'n hindernis tot ontwikkeling en vooruitgang. Gegewe die raamwerk van koloniale geskiedenis, bied die vestiging en ontwikkeling van 'n polisiemag in hierdie tyd 'n bepaalde lens waardeur die politieke, maatskaplike en ekonomiese kwessies wat hierdie tydperk gekenmerk het, ondersoek kan word. Die doel van hierdie tesis is om die institusionele ontwikkeling van die Zuid-Afrikaansche Republiek Polisie te ondersoek. Terselfdertyd plaas dit hierdie ontwikkeling binne die konteks van negentiende-eeuse staatsontwikkeling in koloniale Suider-Afrika.

Op grond van 'n noukerige ontleding van 'n verskeidenheid argivale bronne, volg die tesis 'n grootliks kronologiese narratief waarin bepaalde temas aangaande die ontwikkeling van die polisie uitgelig word. Dit gee 'n gedetailleerde analise van die burokratiese en administratiewe tuis tussen die amptenare wat verantwoordelik was vir wetstoepassing en koloniale administrasie. Die tesis voer aan dat die beweerde ondoeltreffendheid van die polisie direk gekoppel moet word aan die stryd om bevel en beheer oor die mag te bewerkstellig. Deur aspekte rakende werwing, herorganisasie en hervorming te ondersoek, spreek die tesis ook tot begrippe oor koloniale identiteit en politiek. Ras, klas en etnisiteit beïnvloed interaksie binne die polisiemag, maar het ook belangrike gevolge vir die verhouding tussen die polisie en die breër gemeenskap. Die evolusie van die polisiediens word dus ook ondersoek deur verantwoording te doen oor aspekte wat verband hou met misdaad en krisis; die beeld

van die polisie by die samelewing; die interaksie tussen die polisie en die mynbedryf en die rol wat die polisie gespeel het tydens die toenemende spanning tussen Pretoria en Londen in die aanloop tot die Anglo-Boereoorlog. Deur die institusionele ontwikkeling van die polisie te bestudeer, word meer insig verkry in die rol wat die polisie gespeel het in die vorming van die koloniale samelewing. Laasgenoemde werk ook meer lig op ons begrip van die administratiewe funksionering en interne politiek van die Zuid-Afrikaanse Republiek.

**Slutelwoorde:** polisie; polisiëring; burokrasie; wanadministrasie; hervorming; korrupsie; misdaad; Zuid-Afrikaanse Republiek, negentiende-eeu; kolonialisme

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## List of Abbreviations

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CO – Colonial Office

DO – Dominion Office

HPRA – Historical Papers Research Archive

JHB – Archive of the magisterial district of Johannesburg

KCAL – Killie Campbell Africana Library

KG – Archive of the commandant general

LEY – Archive of Dr. W.J. Leyds

MHG – Archive of the Master of the High Court

NAB – Pietermaritzburg Archives Repository

NASA – National Archives of South Africa

PMO – Archive of the provost Marshall's office

RAP – *Rijdende Artillerie en Politie*

SAPA – South African Police Archive

SP – Archive of the state attorney

SS – Archive of the state secretary

SSA – Archive of the state secretary: foreign affairs

TAB – Transvaal Archives Depository

TNA – National Archives of the United Kingdom

TNU – Transvaal National Union

URN – Executive Council Resolutions

ZAR – South African Republic

ZARP – South African Republic Police

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## Dedication

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This thesis is dedicated to the memory of my grandmother,  
Jessie Muller  
(1926 to 2015).

# Chapter One

## Introduction: Policing histories, methodology and structure

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### Introduction

The history of policing offers the historian a particular lens through which to examine the past. In this instance, it affords a nuanced interpretation of late nineteenth-century state formation, within the confines of colonialism and industrialisation. Stanley Trapido argues that ‘the concept of modernisation and the modernising state are deeply embedded in the ideology, politics and class structures of particular societies’.<sup>1</sup> Once characterised by Sir Alfred Milner, British High Commissioner in the Cape, as a ‘medieval race oligarchy’,<sup>2</sup> the nature of the South African Republic (ZAR) has been much debated.<sup>3</sup> Should this late-nineteenth-century state be viewed as modern or a rural backwater? Evidence for the latter is frequently taken to be the alleged corruption and inefficiency of the South African Republic Police (Zarps).<sup>4</sup>

This study begins by addressing what Charles van Onselen calls the lack of ‘a convincing historical account of the institutional dimensions of the police’ in South African historiography.<sup>5</sup> The study focuses specifically on the establishment and development of a police force on the Witwatersrand during the period 1886 to 1899. This was a time when the political, economic and social complexities of a rapidly

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<sup>1</sup> S. Trapido, ‘Imperialism, Settler Identities, and Colonial Capitalism: The Hundred-year Origins of the South African War’, in R. Ross, A.K. Mager & B. Nasson, (eds), *The Cambridge History of South Africa*, Vol 2 (Cambridge: Cambridge University Press, 2011), 66–101, 78.

<sup>2</sup> C. Headlam, (ed.), *The Milner Papers: South Africa, 1897–1899* (London: Cassel, 1931), 234.

<sup>3</sup> See: J.S. Marais, *The Fall of Kruger’s Republic* (Oxford: Oxford University Press, 1961), 23–27; H.J. and R.E. Simons, *Class and Colour in South Africa, 1850–1950* (Harmondsworth: Penguin Books, 1969), 61–62; S. Marks and S. Trapido, ‘Lord Milner and the South African State’, *History Workshop*, 8 (1979), 50–80; C. van Onselen, *New Babylon, New Nineveh: Everyday Life on the Witwatersrand: 1886–1914* (Johannesburg and Cape Town: Jonathan Ball, 2001), 7–27; H. Giliomee, *The Afrikaners: Biography of A People* (Charlottesville: University of Virginia Press, 2003), 234–239; Trapido, ‘Imperialism, Settler Identities, and Colonial Capitalism’, 82–87.

<sup>4</sup> Van Onselen, *New Babylon, New Nineveh*, 66–67.

<sup>5</sup> Ibid., ‘Jewish Police Informers in the Atlantic World, 1880–1914’, *The Historical Journal*, 50(1), 2007, 142.

industrialising state were leading to increased tension between Pretoria and London. This strife, however, had longstanding historical roots. The discovery of gold on the Witwatersrand in 1886 heightened this tension. Metaphorically, it has been portrayed as a clash between industrialisation and stagnation, champagne drinking mining magnates and tobacco spitting farmers, the progressive metropole versus the conservative traditionalist enclave, the Burgher versus the Uiltander; indeed an epic battle between Boer and Briton. The reality is somewhat more complex. But undeniably, from 1886 onwards, Pretoria's administration, bureaucracy and state institutions increasingly provided an easy scapegoat for mounting antagonism.<sup>6</sup>

The alleged corruption and maladministration of the Johannesburg police force provided a flashpoint for this broader clash of ideologies. Certainly, there are many press reports and contemporary accounts in support of these claims. This study seeks to answer the question as to why this was the case. Consequently, the thesis presents itself as an institutional biography. It examines the relationships that existed between the state and the police, but more specifically the connections between the various officials concerned with law enforcement on the Witwatersrand. The latter is achieved by highlighting the familial and political networks that existed between these officials. By foregrounding the agency, greed, jealousy, mistrust and conflict, but also the cooperation and alliances between these officials, a framework is identified through which the institutional development of policing within this society is analysed and explored.

The historical development of policing in the ZAR can firstly be traced to the policing structures that existed in the Cape Colony by the late 1830s. At the turn of the nineteenth-century, policing in the Cape Colony 'consisted of a haphazard, unprofessional system of voluntary watchmen and night watchmen and "rounders" or

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<sup>6</sup> See for example: C. W. de Kiewiet, *A History of South Africa, Social & Economic*. (Oxford: Clarendon Press, 1941), 131–133; M. H. Wilson and L.M. Thompson, *The Oxford History of South Africa: South Africa 1870-1966* vol. 2 (Oxford: Clarendon Press, 1971), 313–324; P. J. Cain and A. G. Hopkins, *British Imperialism: Innovation and Expansion, 1688-1914* (London & New York: Longman, 1993), 369–381; R. Ross, *A Concise History of South Africa* (Cambridge: Cambridge University Press, 1999), 69; H. Giliomee and B. Mbenga, *New History of South Africa* (Cape Town: Tafelberg, 2007), 206–207.

constabulary *dienaars*'.<sup>7</sup> This system was based on a decentralised form of policing. Within the Cape's urban confines it consisted of two distinct features. The first mirrored the so-called 'hue and cry' system of law enforcement, which had developed from ancient times, but still existed in Europe until the mid-nineteenth century.<sup>8</sup> In urban centres, such as Cape Town, the local government or Burgher Council was responsible for patrolling the city's streets at night. It was compulsory for all adult males to perform duties as night watch men.<sup>9</sup> This system was supplemented by the authority of the so-called *Fiscaal*, who also acted as a public prosecutor. The *Fiscaal* was assisted by white policemen called *dienaars* and a group of *caffre* constables, who were mostly ex-convicts banished to the Cape from the East Indies by the VOC. These policemen had a reputation for 'frequent drunkenness, lack of professionalism, and brutality'.<sup>10</sup>

In the Cape's rural districts, policing fell under the authority of the *landdrost* (magistrate), who was supported by the *wyksmeester* (warden) and field cornet. The *landdrost* dispensed both civil and criminal justice. In rural towns, the warden acted as a police agent. The latter's tasks included reporting to the *landdrost* suspicious persons and crime. In the outlying areas of rural towns, the field cornet had the responsibility of maintaining the law, as well as investigating and reporting crimes to the *landdrost*.<sup>11</sup> Field cornets were assisted in their policing endeavours by '*Policie-*

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<sup>7</sup> B. Nasson, 'Bobbies to Boers: police, people and social control in Cape Town' in D. M. Anderson and D. Killingray, *Policing the Empire: Government, Authority, and Control, 1830-1940* (Manchester & New York: Manchester University Press, 1991), 237.

<sup>8</sup> See for example: L. Zender, 'Policing before and after the police: The historical antecedents of contemporary crime control', *The British Journal of Criminology*, 46(1), 2006, 88.

<sup>9</sup> K. Elks, 'The Police and Crime in Cape Town, 1825-1850', *Kronos*, 12, 1987, 45. For an excellent analysis of the night watch system in London as implemented before 1829, see E. Renyolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830* (Basingstoke: MacMillan, 1998).

<sup>10</sup> Elks, 'The Police and Crime in Cape Town', 45.

<sup>11</sup> G. N. van den Bergh, 'Die Polisediens in die Zuid-Afrikaanse Republiek', *Argiefjaarboek vir Suid-Afrikaanse Geskiedenis* 38, 1975 (Pretoria: Staatsdrukker, 1980), 2-3. For a detailed account of the function and role of the field cornet, especially in the South African Republic, see: F.A. van Jaarsveld, 'Die Veldkornet en sy aandeel in die opbou van die Suid-Afrikaanse Republiek tot 1870', *Argiefjaarboek vir Suid-Afrikaanse Geskiedenis*, 1950, deel II, (Pretoria: Staatsdrukker, 1950).

*Ruiters*' (Mounted Troopers), the general public and the town's commando, if so required.<sup>12</sup>

Police reform in the Cape during the 1840s saw the development of a more centralised and professional policing system.<sup>13</sup> Reform was influenced by the London Metropolitan Police system that developed in 1829. It was defined by 'preventative patrolling by unarmed constables on fixed night beats'.<sup>14</sup> Although elements of the London Metropolitan system would eventually characterise policing in the ZAR's urban centres, the Cape's rural policing structure informed the development of policing in the Boer settlements after the Great Trek. The political and social disunity among the various pioneer factions that occupied the northern parts of southern Africa from the late 1830s onwards, initially delayed the establishment of distinct policing structures. At first, all matters relating to policing were executed through military institutions. The most notable of these were the commando system and the office of the field cornet.<sup>15</sup>

With the establishment of the Republic of Natalia (1839-1843) and the founding of Pietermaritzburg, more distinct policing structures emerged. This was partly due to the territorial and political subjugation of the local African people. For the settlers, the police became important for maintaining social, political and territorial hegemony.<sup>16</sup> No specific regulations were formulated for the police, however, and the existing Cape tradition of law enforcement was maintained. In Pietermaritzburg, a warden assisted by African officials known as 'police *dienaars*' or '*justitie* Kaffers (sic)'<sup>17</sup> had to keep peace and order. Landdrosts and field cornets also retained their policing

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<sup>12</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 3-4.

<sup>13</sup> Elks, 'The Police and Crime in Cape Town', 46.

<sup>14</sup> M.E. Brogden, 'The origins of the South African Police – Institutional versus Structural Approaches', *Acta Juridica* (1), 1989, 7.

<sup>15</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 5-9.

<sup>16</sup> *Ibid.*, 9-19.

<sup>17</sup> Offensive contemporary historical terminology as used in primary sources and quoted in this thesis are reproduced verbatim and is indicated as derogatory or problematic by the use of *sic erat scriptum* (sic). No offence is intended by the use of reproduction of these words and phrases.



authority, and in many cases policing tasks were left to ordinary burghers and commandos, especially in the outlying areas of the settlement.<sup>18</sup>

In 1852, Britain officially recognised the independence of the settler communities living north of the Vaal River with the signing of the Sand River Convention. This led to the formal establishment of the ZAR on 17 January 1852.<sup>19</sup> The years preceding London's formal recognition were marred by internal discord and political strife among the Voortrekker groups that occupied this area. This remained a concern in the Republic's formative years. Political infighting and ecclesiastical discord among the various settler factions culminated in civil war in 1864. Political discontent continued until the early 1870s. This, as well as fiscal constraints, hampered any substantial development in formal law enforcement structures. Yet, due to the establishment of towns, the need for more structured policing did arise. Once again, the field cornet and ordinary burghers were mainly responsible for maintaining law and order. However, by 1853, bigger towns, such as Potchefstroom, Rustenburg and Lydenburg had dedicated police constables to assist the landdrosts in keeping the peace. Financial constraints stifled the development of these town police forces. A decade later, the government still only budgeted for one white constable and five African constables for Potchefstroom, and four African constables for the towns of Pretoria, Rustenburg, Lydenburg, Marthinus Wesselstroom and Utrecht.<sup>20</sup>

The 1858 *Grondwet* (constitution) made provision for the appointment of a state attorney. This official would come to exercise the most important role in the development of formal policing the Republic. A set of instructions issued by the government in 1870 confirmed the state attorney's authority as head of policing in both rural and urban areas. Although this technically centralised the administrative control of the police, in reality, in the 1870s, the state attorney still ceded much of the

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<sup>18</sup> Ibid.

<sup>19</sup> Giliomee, *The Afrikaners*, 175.

<sup>20</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 86-87.

actual command over the police to the commandant-general, as well as landdrosts, field cornets, justices of the peace and sheriffs of the courts.<sup>21</sup>

The presidency of Thomas François Burgers (1872-77) saw political and economic reform implemented in the ZAR. During his term in office, the first ‘formal’ police structures were put in place for rural policing. The enforcement of political supremacy over the various African peoples residing in this area, by military campaigns as well as by peaceful negotiations, required the settlers to establish formal policing arrangements in order to exert control over these communities.<sup>22</sup> Due to financial difficulty, a volunteer based police corps characterised by uniforms, breach loading riffles and competent leadership was introduced during this period. This group consisted of both whites and blacks.

Rural policing during the 1870s and 1880s focused mainly on punitive measures, in that the police pursued transgressors after they had committed an offence. Importantly, field cornets and Bantu (sic) commissioners also had to maintain law and order among African people residing within the Republic’s borders. One of the main concerns during this period was the trafficking of rifles and ammunition to the Bapedi residing on the country’s eastern border. The latter led to the role of rural police changing over time, from being mainly punitive to greater emphasis being placed on crime prevention. In 1876, for example, Burgers appointed three officials as Bantu (sic) commissioners who were also given the titles of police chiefs. The police force under their command consisted mainly of black constables who were mandated with the tasks of collecting taxes, issuing passes and delivering post. Their main responsibility was, however, to maintain peace and order among the African tribes and to continue with the weapons blockade against the Bapedi chief, Sekhukhune.<sup>23</sup>

The discovery of gold in the eastern regions of the Republic led to the first gold rush in the early 1870s. The government’s regulations for goldfields stated that the

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<sup>21</sup> Ibid., 93.

<sup>22</sup> J. S. Bergh, *Geskiedenisatlas van Suid-Afrika: die vier noordelike provinsies* (Pretoria: J.L. van Schalk, 1999), 153–209.

<sup>23</sup> Van den Bergh, ‘Die Polisie diens in die Zuid-Afrikaansche Republiek’, 42.

administration would reside in the hands of a gold commissioner (later mine commissioner), whose legal administrative duties would be similar to that of a landdrost. The regulations also made explicit provision for the establishment of a police force on the goldfields. Thus, with gold diggings established at Pilgrims Rest and at Lydenburg in 1873, law enforcement structures soon followed.<sup>24</sup> Bulpin claims that for the most part, the diggers of Pilgrim's Rest were a hard-working and surprisingly orderly crowd. ... Of course there were fights and drunkenness, which was natural in men living so rugged a life; but there was hardly any real criminality'.<sup>25</sup>

However, the war against Sekhukhune and the Babedi had far reaching consequences for the administration of the goldfields. The gold commissioner only had a handful of police constables with which to maintain law and order over about 500 diggers. Due to the threat of a Bapedi attack on the goldfields, and the apparent incapability of the government to provide for the diggers' protection, Pretoria's authority over the diggers came to a grinding halt. The latter formed a vigilance committee and openly rebelled against the government. Although this rebellion was eventually put down by government forces, it sowed the seed of mistrust between Boer and digger, which haunted Pretoria when goldfields were subsequently established in Barberton in 1883 and on the Witwatersrand in 1886.<sup>26</sup>

In March 1877, the *Volksraad* (legislature) authorised the establishment of a state department for police and military service. This was as a result of an accusation made by the secretary for native affairs in the British colony of Natal, Theophilus Shepstone that Pretoria would be unable to defend itself in the event of war with any of the African tribes residing within the country and on its borders. The force would consist of a captain, three officers and 100 rank-and-file constables. On 6 April 1877, the first 25 recruits arrived in Pretoria. This nascent police force was officially called the

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<sup>24</sup> Ibid., 116.

<sup>25</sup> T.V. Bulpin, *Lost Trails of the Transvaal* (Cape Town: Thomas Nelson and sons, 1965), 149.

<sup>26</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 118.

*Tranvaalsche Jagers*.<sup>27</sup> However, it was short lived, as on 12 April 1887, Britain annexed the Republic.<sup>28</sup>

The period of British Annexation (1877-1881) saw various schemes introduced by the British administration to establish a permanent police force in the country. These included a Zulu police force (1877-1878), the so-called Provisional Armed and Mounted Police (1878), and the Transvaal Mounted Police (1879-1881). However, these attempts failed, or met with different levels of success.<sup>29</sup> After the Boers regained power in 1881, a more concerted attempt was made by the government to centralise the command and employment of police in both the rural and urban areas of the Republic. Nevertheless, the cost considerations, and the unpopularity of the job, remained some of the main deterrents which resulted in inadequacy and, in some cases, dubious characters being appointed as police officers.<sup>30</sup>

In 1882, the *Rijdende Artillerie en Politie Corps* (RAP) was formed under command of Commandant Henning Pretorius. Although the regulations of this corps stated that patrols had to be formed to prevent crime and apprehend criminals throughout the Republic, the nature of this force was based purely on military organisation. It mainly functioned in Pretoria.<sup>31</sup> In other towns and the outlying rural areas, policing still remained the concern of landdrosts, gold commissioners, field cornets and such limited police officers and constables as were appointed to assist these individuals in maintaining law and order. It was, however, the discovery of the goldfields on the Witwatersrand in 1886 that led to the development of proper policing structures in the Republic.

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<sup>27</sup> Ibid., 50-51.

<sup>28</sup> Giliomee, *The Afrikaners*, 189.

<sup>29</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 52-64.

<sup>30</sup> Ibid., 107-108.

<sup>31</sup> Ibid., 69-70.

## **Policing Histories: a select bibliography of trends and approaches**

In recent decades, the history of the police and policing has become a major area of study across a range of disciplines within the social sciences. Criminologists, sociologists, political scientists and historians view the origins and development of policing as a particular lens through which to interpret our understanding of humanity. For historians, the study of the history of the police has become a much more nuanced study, firmly rooted within the confines of social history. Since the development of the Annales School in the 1930s, there have been concerted attempts by historians to broaden historical analysis by not solely focussing on the Rankean approach with its emphasis on political history and the development of the nation state. This new movement sought to focus on a broader approach to historical investigation by incorporating contributions to the historical field by other disciplines within the social and economic sciences.

During the twentieth century, two branches of theoretical interpretation emerged from this school: economic history, with its focus on business history and the history of the macro economy; and social history, which in the latter half of the twentieth century develop into a genre of its own.<sup>32</sup> John Tosh argues that a definition of social history is problematic, but identifies three distinct fields that he believes have emerged. First, there is the ‘history of social problems’, such as crime, poverty and disease. Secondly, Tosh identifies ‘the history of everyday life’, which looks at the history of life in the home, the work place and the community. And lastly, there is the study of ‘history from below’, which focuses on the history of labour.<sup>33</sup> Significantly, the history of policing extends its tentacles directly or indirectly across all these fields of social history.

Policing as an academic study was first explored by sociologists, political scientists and anthropologists. As Roger Lane states, ‘the debt historians have owed social

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<sup>32</sup> J. Tosh and S. Lang, *The Pursuit of History: Aims, Methods, And New Directions in the Study of Modern History* (Harlow: Longman, 2006), 126–131.

<sup>33</sup> *Ibid.*, 131–132.

scientists has been evident from almost the beginning as, very simply, they got there first'.<sup>34</sup> Both Lane and Robert Reiner credits sociologist Michael Banton's study, *The Policeman in the Community* (1964), as setting a 'firm commitment to ideals of scholarship rather than to sensationalism' within this field of research.<sup>35</sup> Reiner argues that Banton's work 'in some respects ... was ahead of its time'. It offered academics in this field several approaches which still dominate analysis of policing today.<sup>36</sup> Most notable were the themes of 'police suspiciousness, internal solidarity, and social isolation'.<sup>37</sup>

Banton's influence extended well into the 1970s, when his conferences on 'The Sociology of the Police' at the University of Bristol drew both British and American police researchers. A key theme to emerge at these conferences was an interest in police culture. Studies sprouting from these conferences focused particularly on 'close participant observation of police patrol work' that sought to expose the 'occupational culture of operational police work'.<sup>38</sup> By the mid to late 1970s, research into policing had also attracted revisionist researchers. Several Marxist interpretations of policing saw the light. In America, in 1975, the Center for Research on Criminal Justice at Berkeley, California, published *The Iron Fist and the Velvet Glove, an analysis of the U.S. police*. This work departed from other socialist studies in that it focused on how the state used the police as a repressive institution to support a capitalist economy.<sup>39</sup> Michael Brogden's essay, 'A Police Authority: The Denial of Conflict',<sup>40</sup> published in 1977, is regarded as 'pioneering' in 'radical studies' of policing in Britain.<sup>41</sup> As will become evident, Brogden's theories had important consequences for the historical interpretation of police histories in general and South Africa in particular.

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<sup>34</sup> R. Lane, 'Urban Police and Crime in Nineteenth-Century America', *Crime and Justice* (15), 1992, 2.

<sup>35</sup> Ibid., 2; R. Reiner, 'Police Research in the United Kingdom: A Critical Review', *Crime and Justice* (15), 1992, 439. See: M. Banton, *The Policeman in the Community* (London: Tavistock, 1964). Lane also extends the credit owed by historians to other social scientists such as, J.H. Skolnick, J.Q. Wilson and W. Westley.

<sup>36</sup> Reiner, 'Police Research in the United Kingdom', 440.

<sup>37</sup> Ibid.; see also, J.H. Skolnick, *Justice without trial* (New York: Wiley, 1966).

<sup>38</sup> Reiner, 'Police Research in the United Kingdom', 441.

<sup>39</sup> Center for Research on Criminal Justice, *The Iron Fist and the Velvet Glove, an analysis of the U.S. police* (Berkeley: Center for Research on Criminal Justice, 1975).

<sup>40</sup> Brogden, 'A Police Authority: The Denial of Conflict', *Sociological Review* (25), 1977, 325-49.

<sup>41</sup> Reiner, 'Police Research in the United Kingdom', 441-442.

Before the late 1960s, accounts of police history in Britain and America were mainly written by professionals related to the armed forces and civil service, as well as amateur historians. In Britain, the works of William Melville Lee (1901), Charles Reith (1948) and Thomas Critchley (1967) set important themes for future historians to elaborate on.<sup>42</sup> Ceril Robinson identifies four themes. First that the origins of the police arise from the division of society into the ‘good and bad’; second the growth of the police is linked to protecting the ‘weak against the powerful’; third, police success depends on public support and lastly, that ‘historically the business of policing has been confined to the people themselves’.<sup>43</sup> Robinson argues these themes are also explored in the work of Leon Radzinowicz, arguably one of the first professional academics to engage with matters relating to crime, the law and policing in Britain.<sup>44</sup> Radzinowicz was the first Wolfson Professor of Criminology and the founding director of the Cambridge Institute of Criminology (1959). Between 1948 and 1986, his five volume magnum opus, *A History of the English Criminal Law Since 1750*, saw the light. As Roger Hood explains, this work ‘is less about criminal law per se and more about the realities of crime, the policies adopted to combat it, and the ways in which these policies were put into effect through the institutions of policing and punishment in the emerging modern liberal state’.<sup>45</sup> Undeniably, Radzinowicz’ work influenced many historians and criminologists in their analysis of police history.

In America, Roger Lane’s *Policing the City: Boston, 1882-1885* (1967) and James Richardson’s *The New York Police: Colonial Times to 1901* (1970) are considered the first ‘scholarly histories’ of the police.<sup>46</sup> These works made use of the traditional sources used by historians, such as newspapers, government records and biographies

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<sup>42</sup> See for example the work of W.L. Melville Lee, *A History of Police in England* (London: Methuen & Co, 1901); C. Reith, *A short history of the British Police* (London, Oxford University Press, 1948); T. A. Critchley, *A History of Police in England and Wales* (London: Constable, 1967).

<sup>43</sup> C.D. Robinson, ‘Ideology as History: A look at the Way Some English Police Historians Look at the Police’, *Police Studies*, 2(2), 1979, 35-49.

<sup>44</sup> *Ibid.*, 42-44.

<sup>45</sup> R. Hood, ‘Leon Radzinowicz, 1906-1999’, *Proceedings of the British Academy*, III, (2001), 646.

<sup>46</sup> Lane, ‘Urban Police and Crime in Nineteenth-Century America’, 4.

to produce institutional histories.<sup>47</sup> By 1975, more historians were studying police history. However George Mosse could still declare in his introduction to *Police Forces in History* that:

Police History is as yet in its infancy. ... Historians have analyzed almost every aspect of the men, movements and states which rule over us; it seems high time to examine in greater depth the prime instrument of power of the modern state.<sup>48</sup>

Three years later, a seminal study by Wilbur Miller entitled, *Cops and Bobbies: Police Authority in New York and London, 1830-1870* appeared. More so than any other police history at the time, this study set the benchmark for comparative studies in police origins. Influenced by Max Webber's concept of legitimacy, Miller contrasts how police forces in London and New York legitimised themselves. Miller concludes that in London, the police identified with the rule of law at the expense of identifying with society, whereas in New York, the police force placed more emphasis on fostering a sense of legitimacy within the community as 'arbiters of justice'.<sup>49</sup> Miller's masterly study places the role of policing in the context of nineteenth-century political and legal systems, and points out how the latter informed the relationship between the police and the public.<sup>50</sup> David Johnson's monograph, *Policing the Urban Underworld*, appeared in 1979. This study was unique at the time for its focus on the interaction between policemen and criminals. Johnson argued that criminals informed police behaviour in metropolitan cities in America. Crime thus becomes an important catalyst for the development of the police. He demonstrates the increasing dependence on the police to control order and tension within modernising American cities. Concurrently, the study also investigates the tension that this dependence on the police created in American society.<sup>51</sup>

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<sup>47</sup> Ibid.

<sup>48</sup> G.L. Mosse (ed), *Police Forces in History* (London: Sage Publications, 1975), 5.

<sup>49</sup> E. H. Monkkonen, *Police in Urban America, 1860-1920* (Cambridge: Cambridge University Press, 1981), 6.

<sup>50</sup> W.R. Miller, *Cops and Bobbies: Police Authority in New York and London, 1830-1870* (Chicago: University of Chicago Press, 1977).

<sup>51</sup> D. R. Johnson, *Policing the Urban Underworld: The Impact of Crime on the Development of the American Police, 1800-1887* (Temple University Press, 1979).



By the early 1980s, historians interested in the history of policing had identified several themes and trends which offer useful insight into this field of study. Eric Monkkonen's 1981 study, *Police in Urban America, 1860-1920*, developed many of the conceptual themes first identified by Miller. Yet, Monkkonen's work was also very critical of the work on the history of policing done by Lane, Richardson, Miller and Johnson. He argued that a 'major failing of all these works is their assumption that the nineteenth-century creation of the institution of the uniformed police was "natural" occurrence – an outcome entirely predictable from the growth of cities and urban crime'.<sup>52</sup> Needless to say, Richardson and Johnson's reviews of Monkkonen's work were not all that positive.<sup>53</sup>

Undeterred by his peers' criticism Monkkonen identified several conceptual frameworks through which historians interpreted police history in 1982. He argues that as 'the history of the police is so much a part of the history of the city, it is essential that the history of the city provide the first and most dominant framework within which to analyze the police'.<sup>54</sup> Secondly, Monkkonen asserts that the introduction of the police uniform forms an important point of departure from which to analyse the police as an institution. He asserts that the uniform 'finalized the unique position of the police as a semi-military presence in the city', and symbolises the availability of the police, but also hierarchal structure which, in turn, reflects on proper police administration.<sup>55</sup>

Monkkonen also identified the 'social control thesis', with its discourse revolving around the police being 'established to control immigrants or workers and that they worked directly for the labour management needs of local capitalists'. The social control thesis does not necessary hint only at repressive police action. In the

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<sup>52</sup> Monkkonen, *Police in Urban America, 1860-1920*, 6. Monkkonen does not refer to Johnson by name, but takes a general swipe at studies of crime in the nineteenth-century by stating 'with few exceptions, [they] have been brief and disappointing'.

<sup>53</sup> See: D.R. Johnson, 'Review', *Social Science History*, 7(4), 1983, 489-491 and J.F. Richardson, 'Review', *The Journal of Interdisciplinary History*, 13(2), 1982, 379-381.

<sup>54</sup> E. H. Monkkonen, 'From Cop History to Social History: The Significance of the Police in American History', *Journal of Social History* 15, no. 4 (1982), 577.

<sup>55</sup> Ibid.

nineteenth-century, the police also provided various welfare services. These included giving overnight shelter to homeless people in stations, running soup kitchens and returning lost children to their families. Monkkonen points out that ‘this range of services gave the police considerable scope for class-orientated social control activities’.<sup>56</sup>

He further identifies the conceptual framework of ‘order and disorder’. Monkkonen asserts that, although there are various complexities surrounding issues of order and disorder, it is evident that in the nineteenth-century cities, the police employed their power and status within society to preserve and create order. He concludes that ‘the actual public orderliness of cities provides the daily working context for the uniformed police’.<sup>57</sup> Lastly, Monkkonen refers to the assessment of criminal behaviour and the influence this would have had on the formation of the police. Monkkonen is, however, critical of crime as a sole interpretative framework within which to analyse the history of policing. Although he asserts that crime prevention and the maintenance of law and order were the main reasons why the uniformed police was first introduced in Great Britain, and consequently in the United States of America, criminal behaviour itself remains quantitative and changes constantly, which does not necessarily influence the role or functioning of the police in society. Monkkonen’s research demonstrates that during the nineteenth-century, developing urban cities were much more disorderly than dangerous. Conversely, in the twentieth century, cities have become more orderly, but increasing crime rates have also made cities more dangerous.<sup>58</sup>

The remainder of the 1980s saw the publication of several important studies on the history of the police. Sydney Haring published *Policing a Class Society: The Experience of American Cities, 1865-1925* in 1983. Located firmly in the Marxist camp, Haring’s work critiques the histories of policing produced up to that time. For Haring, the police was a repressive tool used by industrial capitalists to control the

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<sup>56</sup> Monkkonen, 'From Cop History to Social History', 581–582.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid., 582.

working class in different ways. As examples to support his thesis, he specifically singles out strikebreaking, as well as police control over workers' recreational activities, such as drinking and gambling. It was thus class conflict that moulded the police into an 'efficient, well-organized, and disciplined system that was capable, for the first time, of asserting a powerful regulating effect on urban life – of policing urban society'.<sup>59</sup>

Clive Emsley's seminal study *Policing and Its Context, 1750-1870* (1984) provides a comparison of the origins and expansion of policing. It focuses specifically on eighteenth and nineteenth-century development in British and French policing, and how the latter informed police development in America and Prussia.<sup>60</sup> Many of Emsley's conclusions are shared in the work of Phillip Smith, *Policing Victorian London: Political Policing, Public Order and the London Metropolitan Police*, published in 1985. Emsley and Smith are much more critical about the role of police in society, in particular when compared to previous accounts such as those provided by Melville Lee and Critchley. These works do not disregard the importance of police reform in the nineteenth-century, but gives a more warts-and-all account of policing. This is especially true of the police bias in favouring the rich over the poor, and arguing that the police were less effective in dealing with crime than other historians have asserted.

At this point in the overview, it would be useful to consider the origins of the police as an institution in western society. The upholding of law and order is not a unique concept to modern society. Throughout human history particular structures developed within different societies to maintain law and order. Elements and aspects associated with policing in western society can be traced back to the ancient Greeks and Romans. However, these systems did not have the features of organised policing that we take for granted today.<sup>61</sup> These features arguably centre on concepts of

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<sup>59</sup> S.L. Harring, *Policing a Class Society: The Experience of American Cities, 1865-1915* (New Brunswick: Rutgers University Press, 1983), 27.

<sup>60</sup> C. Emsley, *Policing and Its Context, 1750-1870* (New York: Schocken Books, 1984)

<sup>61</sup> W. Nippel, *Public Order in Ancient Rome* (Cambridge: Cambridge University Press, 1995); C.J. Fuhrmann, *Policing the Roman Empire: Soldiers, Administration, and Public Order* (Oxford,

specialisation, professionalism and state-ownership, and are particularly linked to the development of the ‘modern’ Anglo-American police system.<sup>62</sup>

The Anglo-American police system is traditionally viewed as a nineteenth-century creation, and in essence taken to be a convergence of the following three policing models. Firstly, in France, under Napoleon, a state military police model developed. The Gendarmerie evolved from the ‘Maréchaussée’, which had a dual military and civil function since the sixteenth century. This particular form of policing accompanied the expansion of the French Empire throughout Europe. Clive Emsley defines the aims of the Gendarmerie as ‘to enforce and preserve the state’s perception of order and tranquillity, to be the eyes and ears of government in the countryside, and to bring in the conscripts and sometime also the taxes’.<sup>63</sup> Secondly, in Britain, two forms of policing developed during this period. In 1829, Sir Robert Peel established the Metropolitan Police of London. The set of rules and regulations which governed the establishment of this force transformed the concept of policing in the nineteenth-century. It saw to the creation of a uniformed force, with distinct features to distance itself from the military. Emphasis was placed on the prevention of crime, rather than the suppression of disorder.<sup>64</sup> In contrast to the latter, in 1836, the Irish Constabulary was established as a civic police force in Ireland. Due to the nationalist threat, it was organised as an armed colonial police force, and thus had a quasi-military nature. The men had to live in barracks, were discouraged from marrying and could not serve in the countries of their birth. This led to a ‘structural distance’ developing between the constabulary and the public.<sup>65</sup>

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Oxford University Press, 2012); S.B. Pomeroy, S.M. Burstein, W. Donlan, J.T. Roberts, and D. Tandy (eds), *Ancient Greece: A Political, Social and Cultural History* (Oxford: Oxford University Press, 1999).

<sup>62</sup> R.I. Mawby, ‘Models of policing’, in T. Newburn (ed), *Handbook of Policing* (London & New York: Routledge, 2011), 18.

<sup>63</sup> Emsley, *Gendarmes and the State in nineteenth-century Europe* (Oxford: Oxford University Press, 1999) 155.

<sup>64</sup> See for example: Emsley, *Crime and Society in England, 1750-1900* (Harlow: Pearson, 2005), 229-245; S. H. Palmer, *Police and Protest in England and Ireland, 1780-1850* (New York: Cambridge University Press, 1988).

<sup>65</sup> S. H. Palmer, *Police and Protest in England and Ireland, 1780-1850* (New York: Cambridge University Press, 1988), 117; see also, W.J. Lowe and E.L. Malcolm, ‘The domestication of the Royal Irish Constabulary, 1836-1922’, *Irish Economic and Social History*, 19, 1992, 27-48.

However, in 1987, sociologist Michael Brogden published an article which took aim at most police histories produced by historians during the late 1970s and early 1980s. The essay criticised historians' interpretation of the emergence of the police, stating it contained a 'causal flaw'. In summation, he argued that historians 'confuse what the police ended up actually doing with the reason for their coming into existence. Police duties are conflated with intended police functions, the latter being deduced from documentation of the former'.<sup>66</sup> Brogden especially took umbrage at the persistent viewpoint which located the roots of modern policing within the 'convergence' of the Irish Constabulary and London Metropolitan models. As mentioned above, these models became synonymous with policing in Britain, America and parts of Europe. Importantly, the view became entrenched that these models were exported to the global north's colonies, and formed the bases of colonial policing.

Already in 1952, Sir Charles Jeffries, a civil servant, wrote what can be considered the first seminal study on colonial policing. Significantly, Jeffries also linked the development of British 'colonial policing' with the Irish Constabulary and London Metropolitan policing models.<sup>67</sup> Jeffries wrote:

from the point of view of the colonies there was much attraction in an arrangement which provided what we should now call a 'paramilitary' organisation or gendarmerie, armed, and trained to operate as an agent of the central government in a country where the population was predominantly rural, communications were poor, social conditions were largely primitive, and the recourse to violence by members of the public who were 'against the government' was not infrequent. It was natural that such a force, rather than one organised on the lines of the purely civilian and localised forces of Great Britain, should have been taken as a suitable model for adaptation to colonial conditions.<sup>68</sup>

In a similar vein, Stanley Palmer argued that:

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<sup>66</sup> Brogden, 'The emergence of the police – the colonial dimension', *The British Journal of Criminology*, 27(1), 1987, 8.

<sup>67</sup> C.J. Jeffries, *The Colonial Police* (London: Max Parrish, 1952), 30-31.

<sup>68</sup> Ibid.; see also, R. Hawkins, 'The "Irish Model" and the empire: a case for reassessment' in Anderson and Killingray (eds), *Policing the Empire: Government, Authority, and Control, 1830-1940*, 18.

In the history of the modern world, it is well known that the British Isles have exercised an influence entirely disproportionate to their size. In the history of modern police, Ireland's contributions are little known. The time is long overdue to recognize the importance of this small island in the development of police in the British archipelago and beyond.<sup>69</sup>

Brogden denounced this belief, and suggested 'that far from British practice informing and directing the empire, it was imperial experience that informed Britain'.<sup>70</sup> He argues that Anglo-American police histories generally erred in their assumption that these models were the only available explanation within which to frame the development of modern policing.<sup>71</sup> Brogden argues that the origins of modern policing should be sought in a more detailed analysis of the preventative police model, policing as the administration of state affairs, the influence of commercial policing, democratic forms of police organisation and then colonial police work, 'that originated in response to the same manifest imperatives of riot, crime, social disorganisation, ordering and class control'.<sup>72</sup>

However, Brogden's assertions, too, came in for much criticism. John Styles, for example, argued that 'it is most unlikely that policing Britain's extra-European colonies had a significant influence during the major part of the protracted period of police emergence in England. Most of the colonial forces were established in the second half of the nineteenth-century, the period that saw the most dramatic expansion of formal empire'. Styles does not deny that there could have been colonial policing influences on Britain's police forces, but argues that, in terms of chronology, this would have occurred in the late nineteenth-century and cannot be linked to the Metropolitan model.<sup>73</sup> More recent historical research seems to confirm Styles's assertions. Elaine Reynolds and Andrew Harris argues that policing in London in

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<sup>69</sup> S. H. Palmer, *Police and Protest in England and Ireland*, 545.

<sup>70</sup> Anderson and Killingray (eds), *Policing the Empire: Government, Authority, and Control, 1830-1940* (Manchester: Manchester University Press, 1991), 12. See also: R. Hawkins, 'The "Irish Model" and the empire: a case for reassessment' in Anderson and Killingray (eds), *Policing the Empire*, 18-32.

<sup>71</sup> Brogden, 'The emergence of the police', 8.

<sup>72</sup> *Ibid.*, 8-10.

<sup>73</sup> J. Styles, 'The emergence of the police: explaining police reform in eighteenth and nineteenth century England', *British Journal of Criminology*, 27(1), 1987, 15-22.

1829 had been the product of local development as pioneered by parish watches, rather than assimilated ideas from abroad to be imposed by central government in the formation of a professional police force.<sup>74</sup>

Although Brogden's transfer thesis, in terms of the outpost dictating initial police reform in London, now seems inaccurate, it sparked a much more nuanced interpretation of colonial policing. In 1991, David Anderson and David Killingray's *Policing the Empire: Government, Authority, and Control, 1830-1940* was published. It gives extensive consideration to Brogden's criticism. It concludes that, although Brogden's view brings

an important corrective to the study of the relationship between British and colonial policing, it is more helpful to the historian of policing in Britain than the historian of colonial policing. From a colonial perspective Brogden's view needs further, and important, modification: the empire was a system in which ideas flowed not only outward from the metropole and back again, but between the various colonies themselves. In some very real senses imperial policing was part of a single system – bounded by shared institutions and common expectations.<sup>75</sup>

Conversely, Richard Hawkin's essay in this collection disproves the belief that colonial police forces were a direct transfer of the Royal Irish Constabulary model, with scatterings of ideas and organisation adopted from the Metropolitan model. Hawkin aptly demonstrates that local conditions informed and also required adaptation of these models in colonial societies.<sup>76</sup> Ultimately, the collection of essays in this particular book serves as an empirical rebuttal of using police models to try and account for the establishment and development of policing in colonial, and arguably, broader society. Policing developed among much more nuanced lines and, importantly, was not a static process. Thus, even if initially influenced by the gendarmerie, the Irish, the London or another model, local conditions as well as

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<sup>74</sup> See, for example, E. Renyolds, *Before the Bobbies*, 1998 and A.T. Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (Columbus: Ohio State University Press, 2004).

<sup>75</sup> Anderson and Killingray (eds), *Policing the Empire*, 13.

<sup>76</sup> R. Hawkins, 'The "Irish Model" and the empire: a case for reassessment' in Anderson and Killingray (eds), *Policing the Empire*, 18-32.

established legal precedents shaped the development of policing in colonial societies over time. Yet, the debate is far from settled. In 2008, for example, Georgina Sinclair, after considering issues pertaining to the training of Irish Constabulary officers, reform of the force, and the circulation of officers, insisted that ‘the use of the Irish model of policing as a framework for emerging police forces spread far and wide across the British Empire-Commonwealth’.<sup>77</sup>

The debate on the origins of colonial policing is only one of many themes considered in this field of historical research. Anderson and Killingray’s 1991 study, *Policing the Empire*, was followed in 1992 by *Policing and Decolonisation: Nationalism, Politics and the Police, 1917-1965*.<sup>78</sup> Together, these two works have made an important contribution to our understanding of colonial policing and pointed out several themes historians of colonial policing need to consider in their work. One of the more important issues is the nature and experience of colonial policing. Anderson and Killingray explain that

the study of the exercise of power and the establishment and maintenance of authority lie at the very heart of the historiography of empire: as the most visible public symbol of colonial rule, in daily contact with the population and enforcing the codes of law that upheld colonial authority, the colonial policeman – be he a European officer or a local native recruit – stood at the cutting edge of colonial rule.<sup>79</sup>

Thus, state authority and control within the colonial setting is an important theme to consider in the history of colonial policing. An important point made by Anderson and Killingray is the connection between policing and the legal and administrative control exercised in colonial societies. For example, a colonial administrator would be responsible for both regulating the police and dispensing justice. Thus, the hybrid

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<sup>77</sup> G. Sinclair, ‘The ‘Irish’ policeman and the Empire: influencing the policing of the British Empire-Commonwealth’, *Irish Historical Studies*, 36(142), Ireland and the British Empire-Commonwealth, 2008, 173-187.

<sup>78</sup> Anderson and Killingray (eds.), *Policing and Decolonisation: Nationalism, Politics and the Police, 1917-1965* (Manchester & New York: Manchester University Press, 1992).

<sup>79</sup> Anderson and Killingray, *Policing the Empire: Government*, 2.



legal and administrative systems of particular colonial settings meant that distinctive patterns of policing developed in different colonies.<sup>80</sup>

Anderson and Killingray argue that a ‘general pattern’ in the development of colonial policing is evident. They assert that colonial policing in the nineteenth-century centred on the protection of property, the protection of the ‘propertied classes’, and the maintenance of social order, rather than on preventing or detecting crime. However, as colonial policing developed, the role of these forces changed to focus largely on issues of crime, which resulted in the emergence of civilian policing. Yet, due to political factors and access to resources, this trajectory was uneven.<sup>81</sup>

Anderson and Killingray identify several more themes that historians of colonial policing need to consider. These include the similarities and differences in policing the colonial frontier versus urban centres; patterns of colonial recruitment and particularly issues pertaining to race and class; the ‘policing’ role played by ‘other uniformed bodies’, for example sanitary constables and mine security officers; the role the police played in upholding indirect rule and, importantly, how policing informed ‘social construction as well as political domination’ in colonial societies.<sup>82</sup>

### **South African policing histories**

The history of policing in South Africa has not escaped the debates that rage among historians of policing. As explained by Elrena van der Spuy in her overview of the literature on police in South Africa before 1990, the historiography ‘can best be described as a motley collection, uneven in quality and consisting of official documents, “in-house” publications, biographical reminiscences, journalistic accounts, and, more recently, academic analyses’.<sup>83</sup> Race and class ideologies remain important concepts within which to locate South African police histories. Yet, South

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<sup>80</sup> Ibid., 5.

<sup>81</sup> Ibid., 6.

<sup>82</sup> Ibid., 6-10.

<sup>83</sup> E. van der Spuy, ‘Literature on the Police in South Africa: An Historical Perspective’, *Acta Juridica* (1), 1989, 262.

Africa provides a somewhat unique opportunity to study colonialism in its various guises. In most studies on colonial policing, as Jeffries maintains, ‘the police force protects a social order and enforces a system of law based not on the will of the indigenous population, but on that of the alien power’.<sup>84</sup> This then explains the development of ‘militarism’ within the South African Police. Van der Spuy highlights an important point by arguing that future researchers need ‘to treat the obstinate legacy of militarism of the South African Police not as idiosyncratic, but rather as derived from the very structure of a colonial-type society’.<sup>85</sup> However, in the case of ‘colonial policing’, as it developed on the Witwatersrand between 1886 and 1899, such a stark black and white analysis of the past faces a more complex reality. Late nineteenth-century policing on the Witwatersrand cannot simply be reduced to the prevalent ‘alien power’ versus ‘indigenous population’ dichotomy.

Sociologist Michael Brogden wrote a key essay on the origins of the South African police in which he contrasts institutional and structural approaches which can be used to explain the development of the police. According to Van der Spuy, Brogden’s analysis of the ‘colonizing function’ of the police in nineteenth-century South Africa should be viewed as a ‘pioneering piece of research’, which academics should consider in their analysis of the history of policing in South Africa.<sup>86</sup> For Brogden, ‘South African police history is like early Christian accounts of the Vikings: rapacity is on one side, civilization is on the other. The Christians kept written records; Viking oral tradition resulted in a one-sided history’.<sup>87</sup> Brogden argues that the history of policing in South Africa is ‘unique’, as ‘there are no neat theoretical models into which to pour the South African experience’. He claims this was because of the country’s interlaced complexity of class and race. He gives the ‘inter-white police oppression’, which characterised policing in Johannesburg both before and after the South African War, as an example to substantiate his point.<sup>88</sup>

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<sup>84</sup> Van der Spuy, ‘Literature on the Police in South Africa’, 264.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> Brogden, ‘The origins of the South African Police’, 2.

<sup>88</sup> Ibid., 3. Brogden claims that the South African Constabulary’s police commandant, for example, implemented a pass system for Boers in Johannesburg in 1902. For an excellent analysis of the history of the South African Constabulary during this post-war period see: A. Grundlingh,

Brogden argues that policing in South Africa has its roots in three systems. First, the Anglo-American approach as represented by the London and Irish models. He points out that this particular interpretation on its own, however, ignores the structural and contextual peculiarities of South African society and how this influenced policing.<sup>89</sup> Second, he points to the ‘Afrikaner ingredients’, which he traces back to the practices followed at the Cape. He argues that ‘policing had little to do with a notion of “crime” as commonly used, but more to do with the defence of expanding settler society’. He asserts that many of these policing structures remained in place after the establishment of British rule, first in the Cape and later in Natal. He points out that, for example, the Durban Metropolitan Police, established in 1846, was soon restructured on ‘traditional Boer lines as the Natal Mounted Police and later consolidation with the accommodation of such forces as the Zululand Mounted Police’. He claims that the ‘primary function of that force was to control the scattered black population’.<sup>90</sup> However, his analysis of Afrikaner influences on policing as pertaining to the development of the Zaps on the Witwatersrand contain both factual errors and unfounded generalisations.<sup>91</sup> He states that the formation of the police in Johannesburg can be seen as ‘the zenith of Afrikaner-style policing’. Adding that it:

...represented the transition of the predominantly Boer, ad hoc commando system, with its sporadic forays against the indigenous communities and black migrants, into an occupying coercive force designed to maintain the supremacy of Boer customs, values, institutions and property against a new “alien” (white and black) industrial proletariat. Consisting of entirely Dutch speakers, it represents the transition of policing from the major form of social control in a rural economy to the key device for controlling wage-labour of

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““Protectors and Friends of the People”? The South African Constabulary in the Transvaal and Orange River Colony, 1900-08”, in Anderson and Killingray (eds), *Policing the Empire: Government*, 168-182 and Van Onselen’s ‘Who Killed Meyer Hasenbusch?: Organized Crime, Policing and Informing on the Witwatersrand, 1902-8’, *History Workshop Journal*, 67, 2009, 1-22.

<sup>89</sup> Brogden, ‘The origins of the South African Police’, 7-8.

<sup>90</sup> *Ibid.*, 9.

<sup>91</sup> Brogden states that gold was discovered on the Witwatersrand in 1877 and the Republic founded in 1887. He also wrongly states in a footnote that Field Cornet ‘Lombard’ was responsible for the death of Thomas Edgar, the *Uitlander* who was shot by the Zarp Police Constable B. Jones in 1898, which caused considerable tension between London and Pretoria in the run-up to the South African War.

the new industrial capitalism. In its objectives and practices, it combined both racial and materialistic objectives.<sup>92</sup>

However, the above is a generalisation which is not borne out by the historical record, as will be revealed in this thesis. Brogden, lastly asserts that the development of South African policing should also be explained in relation to the indigenous legal and policing practices that existed among Africans.<sup>93</sup>

More sensibly, Brogden points out that traditional histories of the police had, at times, failed to take into account a set of 'structural relations' within which policing is entrenched. He states that 'policing does not have a direct instrumental connection to the state or, more precisely, to the dominant group that rules through the state'. He argues that the law gives the police legitimacy and 'mediates' the relationship between the state and the police. Secondly, he contends this does not mean police work can be reduced to 'law-work'. He defends this assertion by claiming that 'power is exercised not just in a directly coercive form through law, but also administratively through a series of devices which superficially are not directly repressive'. Lastly, he states that a structural analysis of police origins needs to be located within the relationship that existed between the police and other state institutions. The latter is especially relevant for colonial policing, as 'policing was part of a seamless web of institutional practices through which the imperial state constructed and legitimated its sovereignty over the colonial territory'.<sup>94</sup>

Within the South African context, Brogden states that the pass system, 'the central edifice of police power and critical to the construction of policing', is an example of police work as 'law-work'. Yet, his analysis in this regard as well, does not fit the historical record. He argues that in the South African case, and then specifically on the Witwatersrand of the 1890s, the police and the pass system became 'inextricable entwined'. He then gives the example of the enforcement of the pass laws on 'Cape Coloureds'. He argues that this gave the ZARPs 'near-unlimited inquisitorial power to

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<sup>92</sup> Brogden, 'The origins of the South African Police', 10.

<sup>93</sup> Ibid., 10-11.

<sup>94</sup> Ibid., 14.

act against those non-Afrikaners who incurred their personal displeasure or, as a collective, threatened the sovereignty of the Transvaal government'.<sup>95</sup> However, this thesis will point out that the policing of the pass laws, as applied to both African migrant workers and the Cape Coloured community, was much more nuanced and complex than simply a mechanism exploited by the police to enforce racial and class based prejudice. Nor did the police have 'near-unlimited' power at any point before the war to exercise such power without consequences. His assertion that 'specific legal powers emphasised the fact that the major functions of policing was to maintain the subordination of non-white populations',<sup>96</sup> is thus debateable.

For Brogden, police administration, 'more so in South Africa than elsewhere in the imperial domain, had a hidden structural agenda'. One in which the administrative functioning of the police masked 'regulatory and control functions'.<sup>97</sup> He concludes that using policing as a lens through which to view nineteenth-century imperialism may lead 'to a further mistaken emphasis of police coercion'. He argues that only 'by recognising the links with other developing apparatuses of the colonial state, can one begin to appreciate the more complex way in which the South African state was created as a hybrid product of European imperialism'.<sup>98</sup> This claim is indeed deserving of further analysis, and this thesis certainly aims to place policing within the broader context of the political, economic and social complexities that informed the interaction between people at that time. Brogden's essays serves as a reminder to the historian that greater attention needs to be given to institutional versus structural approaches within the analyses of the origins, but also the development of policing.

Several studies exploring the development of nineteenth-century colonial policing in the ZAR have been published in the past century. The first group of these studies focus broadly on providing an overview of the Republic's policing history, within the framework of change over time. The most important of these is the work of historian Gert van den Bergh. Van den Bergh's masters' dissertation, completed in 1957, was a

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<sup>95</sup> Ibid., 14-15.

<sup>96</sup> Ibid., 16.

<sup>97</sup> Ibid., 17.

<sup>98</sup> Ibid., 18.

study of policing in the Republic up to the period of 1881.<sup>99</sup> Van den Bergh continued his research into the history of policing for his doctoral studies, which he completed in 1972. His thesis included his previous masters' research, but also expanded the study to include the period 1881 to 1900. Thus, his thesis gave an extensive overview of the history of policing in the Republic, from Voortrekker times to the South African War.<sup>100</sup> In 1980, the study was published as part of the National Archive of South Africa's yearbook series as 'Die Polisie diens in die Zuid-Afrikaanse Republiek'(The Police Service in the South African Republic).

Van den Bergh's study gives a very thorough account of the formation and development of a police service in the ZAR. Van den Bergh certainly needs to be commended for his detailed and meticulous narrative, and the work is testimony to years of archival research. As it stands, this work will remain an important source for future researchers when studying policing in the Republic. The work can be regarded as an 'archive between covers', which reads like an inventory or bibliography of all available primary sources on the history of policing. It is not an easy read. The reason for this is the manner in which the study is divided. Although there is an overarching chronological structure, the work is subdivided into sections which deal thematically, in minute detail, with the bureaucratic and administrative developments within the police force. However, these themes are scattered throughout the overarching chronological account, and thus the sections are in some parts very repetitive, and in others there is little understanding of how change took place over time. The work cannot summarily be dismissed as a purely nationalist political interpretation of Afrikaner history. It certainly bears the trademark of many Afrikaner historians of the time, in that their research was decontextualised from broader developments within the field of history. There is no evidence that Van den Bergh considered emerging academic trends in police history. At the very least, one would have expected a mention of Sir Charles Jeffries's work on colonial policing. Thus, as a historical analysis of nineteenth-century policing, the study certainly has many shortcomings.

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<sup>99</sup> G.N. van den Bergh, 'Die Polisie diens in die Suid-Afrikaanse Republiek tot 1881', (MA Dissertation: Potchefstroom University for Christian Higher Education, 1957).

<sup>100</sup> Ibid., 'Die Polisie diens in die Zuid-Afrikaanse Republiek', (PhD Thesis: Potchefstroom University for Christian Higher Education, 1972).

Another study which endeavours to highlight the impact of industrialisation on the development of policing in the Republic, but with specific focus on the Witwatersrand, is that of Eddie Koch. His study was published in 1978 and is entitled: 'The development of the police force on the Witwatersrand 1886-1906'. Koch's account is encased in the structural Marxist theory of Nicos Poulantzas.<sup>101</sup> Koch argues that the origins of the ZARs were similar 'to the English example to the extent that it has its origins in the rapid industrialisation that followed the discovery of gold in 1886'. Yet, he stressed that there are three important dissimilarities. The first is the observable 'disjuncture' between the police, the needs of the capitalists, and the state's provisions. Secondly, he argues that 'the police were not required to contain an explicit working class offensive, but to secure the conditions of production in a less direct way'. Thirdly, he states that there was a 'degree of violence employed by the state, over and above ideological methods of containing class struggle.'<sup>102</sup> Yet, despite referring to the work of Van den Bergh in his footnotes, Koch begins his analysis with the false claim that 'there is no evidence to suggest that before the discovery of gold any officials were charged specifically with police duties in the Transvaal'.<sup>103</sup> This misrepresentation makes it easier for Koch to support his thesis that it was the discovery of gold which informed the formation of the ZARs. That being said, Koch's essay does highlight much of the class conflict which emerged during the final decade of the nineteenth-century. However, with his overt focus on providing a class analysis within which to cast the development of policing on the Witwatersrand, Koch ignores the agency of the police administrators, bureaucrats and police officers, who were also instrumental in shaping the forces which influenced policing at this time.

The second set of studies of policing in the ZAR locates the origins and development of the ZARs in relation to the establishment of the South African Police in 1913. The semi-popular work of Lennox van Onselen, published in 1960, provides a brief overview of nineteenth-century colonial police forces as a precursor to the

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<sup>101</sup> E. Koch, 'The development of the police force on the Witwatersrand 1886-1906', *Africa Perspective*, (8), 1978, 67.

<sup>102</sup> *Ibid.*, 66.

<sup>103</sup> *Ibid.*, 70.

development of policing in the twentieth century. His succinct four page overview of the development of the ZARs highlights many of the trials and tribulations which affected the force's efficiency. Despite one or two factual errors, Van Onselen pinpoints the broader political, economic and social issues, as well as some of the administrative and regulatory concerns which impeded the development of the force.<sup>104</sup> In a similar vein, but much more recently, John Brewer also considers the colonial policing model in his seminal study, *Black and Blue: Policing in South Africa*.<sup>105</sup> Brewer argues that the police in South Africa retained many of the characteristics of colonial policing.<sup>106</sup>

Brewer argues that the 'Afrikaner tradition' of policing was built not on disorder or fear of crime, but rather 'to defend settler territory and regulate interaction with the overwhelming number of Blacks with whom they shared territory'.<sup>107</sup> He asserts that issues of crime and race influenced Afrikaner thinking, and led to the establishment and development of police forces in the two former Boer Republics. It entrenched a tradition which, he argues, was carried over into Afrikaner nationalist criminology during the height of apartheid. Brewer, however, does not pay detailed attention to the ZARs, and stresses that the later militarized nature of the South African Police also developed from British colonial police forces in the Cape and Natal colonies.<sup>108</sup> He thus gives a very detailed overview of colonial policing in the Cape and particularly Natal. Yet, he argues that many of these forces' military traits were characteristic of the ZARs too.<sup>109</sup> This thesis will strive to provide a more nuanced understanding of Afrikaner policing, especially relating to 'duties over and above those considered as normal civil police work ... [and] specifically, the monitoring and control of race relations'.<sup>110</sup>

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<sup>104</sup> L.E. van Onselen, *A Rhapsody in Blue* (Cape Town: Howard Times, 1960).

<sup>105</sup> J.D. Brewer, *Black and Blue: Policing in South Africa* (Oxford: Clarendon Press, 1994).

<sup>106</sup> *Ibid.*, 10-11.

<sup>107</sup> *Ibid.*, 15.

<sup>108</sup> *Ibid.*, 16.

<sup>109</sup> *Ibid.*

<sup>110</sup> *Ibid.*



The third body of literature deals with the origins and development of the ZAR's secret service department. The secret service department, as a distinct division of the republic's police force, was established in December 1895. However, it had been in the protection of property, the protection of the 'propertied classes', and the maintenance of social order, rather than on existence from at least 1889. During the pre-1895 period, many of the Republic's detectives would concern themselves with matters relating to state security and espionage. From time to time, the state attorney's office would also appoint private detectives as ad-hoc secret agents. With the appointment of Ewald Esselen as state attorney in 1894, the first two permanent secret agents were appointed. After the Jameson Raid, the secret service department functioned from within the office of the police commissioner, until June 1899, when it was transferred back to the control of the state attorney. The first 'historical' account of the secret service was published in 1899 by A.E. Heyer and is entitled: 'A brief history of the Transvaal secret service system from its inception to the present time; its objects, its agents, the disposal of its funds, and the result as seen to-day -War against Great Britain'. This booklet is, however, a piece of propaganda, and certainly not an accurate historical account of the secret service in the Republic.<sup>111</sup> In 1900, *Kruger's secret service: By one who was in it*,<sup>112</sup> was published by Douglas Blackburn. This book was followed by another publication by Blackburn in 1911, this time co-authored with W. Waithman Caddel, and entitled: *Secret Service in South Africa*<sup>113</sup>.

*Kruger's secret service* is an autobiographical work, while *Secret Service in South Africa* gives a more dispassionate overview of the secret service, as well as the detective and police departments in the ZAR. These works offer some fascinating insight into the world of intrigue and rumour, but should be approached with caution. Although there is archival evidence of Police Commissioner Daniel Schutte

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<sup>111</sup> A.H. Heyer, *A brief history of the Transvaal secret service system from its inception to the present time; its objects, its agents, the disposal of its funds, and the result as seen to-day -War against Great Britain* (Cape Town: Wm. Taylor, 1900).

<sup>112</sup> D. Blackburn, *Kruger's Secret Service by one who was in it* (London: John Macqueen, 1900).

<sup>113</sup> Blackburn and W. Waithman Caddell, *Secret Service in South Africa*, London, New York, Toronto & Melbourne: Cassel & Company, 1911).

employing Blackburn as an informant, this appointment was short-lived. Schutte denounced Blackburn as a fraud, as the latter had absconded with money that was intended for a secret mission to Bulawayo.<sup>114</sup> Blackburn and Caddel's account of the secret service, as published in 1911, was completed with the help of some of the Republic's more notorious ex-detectives, including Robert Ferguson, Richard Beatty and Fred de Witt Tossel.<sup>115</sup> As will become evident in this study, these men had less than stellar reputations in Johannesburg in the period leading up to the South African War.

Gert van den Bergh considers aspects of the secret service in his study on policing in the ZAR, but the first real thorough examination of the service was completed in 1999. Hendrik Kamffer's doctoral thesis: *Om een scherpe oog in't zeil te houden: Die Geheime Diens in die Zuid-Afrikaansche Republiek* offers a substantial contribution to our understanding of the functioning of the Republic's secret service.<sup>116</sup> Kamffer's study examines the origins and development of the secret service, and primarily deals with intelligence gathering and espionage during the period 1888 to May 1900. The study places the establishment of the secret service in the context of increasing tension between Pretoria and London during the last decade of the nineteenth-century. Although largely chronological, the chapters also have a strong thematic approach. Overall, the study offers the reader a good overview of the secret service, although more attention could have been given to locating the secret service within the police department from whence it functioned for the majority of its existence.

Finally, there is the work of Charles van Onselen. Although not directly concerned with the establishment and development of the Zarps, his work deserves special mention. Van Onselen has made a very important contribution to our understanding of colonial policing in the Republic in many of his studies. Various aspects relating to

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<sup>114</sup> See National Archives of South Africa (NASA), Transvaal Archives Depot (TAB), archive of the state attorney (SP) 885, GR87/99, Police Commissioner Schutte to office of the state attorney, 28 July 1899.

<sup>115</sup> Blackburn and Caddell, *Secret Service in South Africa*, v.

<sup>116</sup> H.J.G. Kamffer, 'Om een scherpe oog in't zeil te houden: Die Geheime Diens in die Zuid-Afrikaansche Republiek', (PhD Thesis, Potchefstroom: University of Potchefstroom for Christian Higher Education, 1999).

policing in the ZAR can be traced in his work: *New Babylon, New Nineveh: Everyday Life on the Witwatersrand 1886-1914* (1982); *The Fox and the Flies: The World of Joseph Silver, Racketeer and Psychopath* (2007); *Masked Raiders: Irish Banditry in Southern Africa: 1880-1899* (2010); and *Showdown at the red lion, the life and times of Jack McLoughlin, 1859-1910* (2015).<sup>117</sup> What sets Van Onselen's work apart from other historical studies on policing is his ability to interweave the various strands of everyday life in the ZAR and then link it to the development of the policing system in the Republic.

Van Onselen draws a distinction between studies which he calls the 'histories of law enforcement' and the 'history of policing'. The former focuses on the history of the bureaucratic and institutional development of the police. These are policing histories which focus largely on 'the origins, development, staffing, and organization of police forces'.<sup>118</sup> The latter considers the 'terrain of process' and grounds police history within the 'social realities that underpin the shifting sands of state-formation and society'. To achieve this, Van Onselen argues that 'changing patterns of cultural dominance, the evolving prejudices of majorities, fluctuations in gender ratios, transitional demographic profiles, alternating sources of immigrant flows, shifts in labour markets and their capacity to absorb natives and newcomers, the coalescing and separating of crimes against people and property, competing urban myths, and manipulated visions of national identity' must be considered in considering the historical development of the police.<sup>119</sup>

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<sup>117</sup> Van Onselen, *New Babylon, New Nineveh: Everyday Life on the Witwatersrand 1886-1914* (Johannesburg & Cape Town: Jonathan Ball, 2001); *The Fox and the Flies: The World of Joseph Silver, Racketeer and Psychopath* (London, Johannesburg, & New York: Jonathan Cape, 2007); *Masked Raiders: Irish Banditry in Southern Africa: 1880-1899* (Cape Town: Zebra Press, 2010); and *Showdown at the red lion, the life and times of Jack McLoughlin, 1859-1910* (Johannesburg & Cape Town: Jonathan Ball, 2015).

<sup>118</sup> Ibid.

<sup>119</sup> Van Onselen, 'Jewish Police Informers in the Atlantic World', 144-143.

## **Aims, objectives and structure**

This thesis does not draw on one overarching theory and also does not claim to address all of the above mentioned themes identified by Van Onselen and, indeed, other historians of colonial policing. It is an institutional history with a marked emphasis on charting the bureaucratic and administrative development of policing on the Witwatersrand in the late nineteenth-century. Thus, there is specific focus on the institutional dimensions which impacted on the development of the ZARs. However, the study does not only focus on the emergent institutional structures of the police, but also considers 'the terrain of process'. The thesis will therefore contextualise the development of the police within the political, social and economic changes which informed state formation in this particular society.

The institutional development of a police force on the Witwatersrand will be examined through investigating the human agency of the officials concerned with policing on the Witwatersrand. The thesis traces the balance of power between bureaucrats within the police force, at once hierarchal, but also complex and fluid. The interactions of these officials were characterised by coercion, lying, spying, self-interest, blame shifting and bruised egos. The thesis thus explores how the latter impacted and informed the institutional development and functioning of the police. A central theme that emerges from this is the issue of institutional reform. The thesis will point out that reform attempts were undermined by the ZAR's internal politics and factions.

Conversely, the thesis also considers the nature and experience of policing from the perspective of the policed. The police assume a central position in broadening our understanding of state power. Much emphasis is placed on the police as one of the primary institutions used by the state to coerce and control society. Thus, policing is generally synonymous with the abuse of power, coercion and violence. This thesis will, accordingly, also consider several of the themes pointed out by Anderson and Killingray, especially issues relating to the evolving patterns of authority,

accountability, consent, coercion and control. Of particular interest will be themes exploring national identity, class and race prejudice, as well as crime. These issues had a marked impact on the relationship which developed between the police and the Rand's community.

The narrative following on from this introductory chapter therefore attempts to give a comprehensive history of policing on the Witwatersrand for the period 1886 to 1899. The chapters follow a chronologic structure and consider a range of themes and aspects related to policing. Chapter Two examines the period 1886 to 1890. It gives an overview of the founding and proclamation of the goldfields, with specific emphasis on the state's administrative response to establish a police force. From its very establishment, the police force was marred by administrative and bureaucratic discord between state officials vying for control of this institution. The chapter introduces the reader to several prominent individuals, who would come to play a defining role in the development of policing on the Witwatersrand throughout the 1890s. Some of the central themes explored are rules and regulations, discipline, punishment, race, nationalism and the arming of the force. The chapter will sketch a socio-economic impression of the time, which will enable the reader to better understand the internal workings and structure of the police as an institution, within the context of regulating and controlling society on the Witwatersrand.

Chapter Three considers the period 1890 to 1895. This chapter affords greater detail to the emerging tension between London and Pretoria, and the aggravation thereof by police action in Johannesburg. The illicit liquor trade and gold thefts are highlighted as apparent failures of policing, especially given the mining industry's demands that Pretoria provide it with a more efficient police force. This period witnessed the centralisation of the force, in which a clear hierarchy of command and control was established. However, this also led to heightened discord among members of the police force. The chapter thus considers the agency of some police officers in undermining attempts at reform. The battle waged in the police force is also a

metaphor for wider political discord between the conservative and progressive factions in ZAR politics.

Chapter Four examines the period 1895 to 1897. The Jameson Raid came in the wake of considerable changes in the control of the police force. By this time, the ZARs were increasingly viewed in a negative light by the *Uitlanders* (foreigners), which necessitated their removal from Johannesburg's streets during the rebellion. The chapter accounts for the Reform Committee's policing of the town during that eventful week in January 1896. It conversely also considers the role which senior police officers played during the Raid as representatives of the government in Johannesburg. The period after the Raid saw a definite increase in police numbers, and a gradual militarisation of the force. The detective department was also reconstructed. Importantly, the administrative control of the charge offices was taken over by the public prosecutor's office. The chapter will point out how this resulted in a more competent relationship between the police and the courts. It also laid the foundation for more discord between senior government officials for control of the police force.

Chapter Five assesses the relationship between the state, the police and the mining industry during the period 1897 to 1899. It pays particular attention to the detective department and the latter's failure to address the crimes that plagued the capitalists. It also pays attention to the policing of morality, and the struggles the latter unleashed in the battle for control of the detective department.

Chapter Six should be read in relation to chapter Five, as it explores the same time period. Its focus is, however, on the growing tension between London and Pretoria in the run-up to the South African War, and especially the complaints of British subjects regarding the policing of pass laws, the so-called Edgar incident, the murder of Mrs Applebe and the conspiracy case. It concludes with a brief overview of the ZARs' role during the South African War, and gives the epilogues of some of the more prominent

characters who had shaped the development of policing during the late nineteenth-century.

Chapter Seven concludes the thesis, and will attempt to contextualise and tie together the arguments and approaches identified in the introduction. The conclusion will highlight that it is impossible to dissociate the development of this particular police force from the colonial state's evolving politics and policies. It will also highlight the complexities which informed the development of the police in the diverse society which established itself on the Witwatersrand in the late nineteenth-century. Ultimately, in this specific case, a history of policing affords us a view of some of the similarities and contradictions which underlined state formation in this particular settler society.

## **Methodology**

Writing an institutional history of nineteenth-century policing exposes one to a 'society which is strongly shaped by male images, masculinist language, and the more mundane dominance of men in public life'.<sup>120</sup> The latter is not a real revelation if one considers that the very nature of nineteenth-century state formation side-lined many members of society to the periphery of the official processes. As is the case in many government archives, there is a noticeable absence of the voices of those members of society who are not bureaucratic officials and state administrators. Yet, this does not mean that these archives do not afford one with a multidimensional view of society at the time. It simply acknowledges that these voices are often located between the official lines of history. Governments' administrative responsibilities necessitate accountability. Archival repositories are therefore a reflection of the 'elaborate infrastructure' that states set in place to rule and govern. As Ann Stoler contends, 'paper trails of weekly reports to superiors, summaries of reports of reports, and recommendations based on reports all called for systematic coding systems by which they could be tracked. Colonial statecraft was an administrative apparatus to gather,

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<sup>120</sup> J. Robinson, '(Dis)locating Historical Narrative: Writing, Space and Gender in South African Social History', *South African Historical Journal*, 30 (1994), 156.

draw together, and connect – and disconnect – events, to make them, as needed, legible, insignificant, or unintelligible as information’.<sup>121</sup>

This study is primarily based on documents located at the **National Archives of South Africa** (NASA) in Pretoria. This institution holds two main archival groups. The Transvaal Archives Depository (TAB) consists of archival collections relating to the former Transvaal Province, as well as its various legal predecessors, including the government records of the then South African Republic (ZAR). The other main archival group holds the various archival collections relating to the successive national South African governments for the period 1910 to present.

Collectively, the archives of the former South African Republic are staggering in terms of size and range. It stores documents from the very early Voortrekker days (1837) to the end of the South African War (1902). The most important formal archival groups consulted for this particular study are:

- The archives of the state secretary (SS),
- The archives of the state attorney (SP),
- The archives of the Magisterial District of Johannesburg (JHB),
- The resolutions of the Executive Council (URN), and
- The official publications of the South African Republic (ZAR).<sup>122</sup>

The National Automated Archival Information Retrieval System (NAAIRS), which can be accessed through the NASA’s website, remains one of the most important tools for locating information within these collections. Once a researcher understands the functioning and sensitivity of the online search system, it is fairly easy to use – albeit not always very user-friendly. Nevertheless, to be successful in one’s research

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<sup>121</sup> A.L. Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton and Oxford: Princeton University Press, 2009), 29.

<sup>122</sup> Please note that I have translated Dutch primary source material into English and quoted the translation. I take full responsibility for any errors and omissions which may have occurred during the translation process.



endeavours, one cannot only rely on the online search system. Successful research at this institution depends on using both the online search system and the physical inventories located in the reading room. The latter remains the most valuable tool for understanding how records were archived. They also remain the only tool in accessing some collections that are not available electronically.

As will become clear in this thesis, the development of the police on the Witwatersrand was marred by bureaucratic strife and administrative battles for control of the force. The latter is reflected in the scattering of documents related to policing, across several archival collections. The **archive of the state attorney** arguably forms the backbone for any researcher interested in the history of policing in the Republic. As mentioned before, the state attorney was the most senior official concerned with policing. This collection is divided into four main sections: head office, the detective and secret service departments, the police department and the department of prisons.<sup>123</sup> Documents located in the first three sections were particularly relevant for this study.

The archive of the state attorney is, for the most part, electronically searchable on the NAAIRS system. However, documents need to be located by keyword searches and one cannot simply browse the full collection online. In order to understand the process of locating documents in this archival group, one has to understand that each document, or sometimes a file of documents, was given an individual number by the administrative staff during the period when the document was created. For the archive of the state attorney, documents were mostly numbered with the acronym 'SPR', followed by the number of the document and the year in which it was created. Thus, a keyword search for a particular issue would reveal the file name that deals with the issue, and should provide one with both the volume number and the 'SPR'-reference number to locate the document.

Yet, locating documents within this collection is somewhat more complicated. It

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<sup>123</sup> For a detailed overview of how documents were sorted in these collections refer to: NASA, TAB, Inventory List, T89, 'Argief van die Staatsprokureur'. This list is located in the reading room.

would seem that when the databases were created for most of these early archival groups, the cataloguers relied on contemporary control registers created by the administrative staff to index the electronic collection. For this particular archival group, it would seem that the control register was never verified to confirm the actual location of a particular document within a specific file or volume. Thus, even though the electronic entry proves that a particular document does exist, it is not always located within the given volume number for retrieval. This is particularly frustrating for this archival collection. Documents are thus often not located in the volume number given by the electronic system or the printed inventory. The main reason for this is that many of these documents were circulated among other government departments at the time. Depending on the importance or relevance of the document, these documents were thus absorbed into other archival collections, such as the archives of the state secretary and foreign secretary. One therefore never quite knows whether a particular document in this group will be in the file you requested. If not, locating the documents are somewhat more complex, and one then has to make use of the contemporary control books to see if one cannot discover where the document ended up.

The **archive of the magisterial district of Johannesburg** is not available to search online at all. The only way to access this collection is through using an inventory list located in the reading room.<sup>124</sup> This collection is a valuable and irreplaceable source for the early history of Johannesburg from 1886 to 1902. Sections within this collection which are useful for the history of policing include: the office of the special landdrost, the liquor licence commission, the police charge office, the detective department, the criminal courts section and the collection of the public prosecutor.

Unfortunately, many of the documents in this archival group, as is the case with documents in the archive of the state attorney, are not properly cared for and preserved. It is evident that at some point a few of the documents, especially the letter copy books, suffered water damage. Luckily, the documents are still legible, and the

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<sup>124</sup> See: NASA, TAB, Inventory T44, 'Argief Johannesburg'.

damaged volumes are in the minority. Most of the documents are simply located between two hardboard covers and fastened with two disintegrating strings of flat ribbon. The covers are brittle and many of the edges of the documents are very fragile and fraying. In many cases, the cardboards inserted at the side of the bound volume to indicate the record name and number are also in a very bad condition, and in some cases the volume numbers are actually missing. It is only by some system of luck that the records actually end up on one's table for viewing. It is noticeable that most of the damage to these documents actually occurs during the retrieval process, when these flimsily bound volumes are simply stacked on one another in trolleys when brought from the strong rooms. This damages the exposed edges of the documents bound between the disintegrating covers. A simple solution to this problem would be to store these in archival boxes. This has already been done for some of these volumes. Future researchers should note, however, that as these previously bound volumes were fairly large, the records were split into several archival boxes. This change in the physical kept state of the records is, however, not indicated in the inventory, and where the inventory reflects only one volume number; in reality this volume has now been subdivided. Thus, in requesting documents from both the SP and JHB collections, it is always important to ask the retrieval staff to check whether this is indeed the case, before giving up in locating a document.

The **archive of the state secretary** is the most important archival collection dealing with the history of the former South African Republic.<sup>125</sup> This is reflected in the care that was at one point given in the preservation of these documents. Physically, the documents have carefully been taped in and, in some cases, pasted into sturdy bound volumes. Each volume also has a handwritten page in the beginning of the volume with notes by an archivist, indicating whether any of the documents in the volume are missing and where possibly the documents can be located. Each incoming document for the state secretary's attention was awarded an R-number to file and to keep track of the document, as it would make its rounds for perusal and comments between the various state departments. Remarkably, this is actually indicated on the electronic

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<sup>125</sup> NASA, TAB, Inventory List, 'Inventaris van die argief van die staatsekretaris Z.A.R. 1829-1900'.

search engine, but is often missed by researchers, as it is the last entry on the information list created by the computer. Thus, it would state that a particular document with a specific R-number can now be found within another file, and will list the R-number where this document can be located through searching for the correct volume number in the handheld inventory. Although this is usually the solution to locating seemingly missing R-number documents in this archival group, it does sometimes happen that the documents remain missing, and the researcher is referred to the so-called original 'kontrole boeke' (control registers) to try and locate the documents. These registers remain an invaluable aid in locating missing documents. Created by bureaucrats to keep track of the movement of documents between the various state departments, it would also indicate which new R-number the document had ended up with. Unfortunately, it is also true that sometimes the record would only indicate that the document was removed by this particular person on this specific date, and no entry is made to show that the document had been returned to the office of the state secretary, and thus remains misfiled or missing, possibly destroyed. These documents remain untraceable, even though there is an electronic entry of it on the NAAIRS system which was, as mentioned earlier, was created with the original register books kept in the state secretary's office. Thus, even though the actual document cannot be located, there is still a record to show that it did exist at one point in time. Because of its central importance in the administration of the government, many of the missing SPR- numbered documents from the archive of the state attorney actually ended up in the archives of the state secretary, but as this is not indicated in the inventories, one usually come across these documents by serendipity.

Other important collections accessed at the NASA include contemporary government publications. The most important of these are the **Minutes of the First and Second Volksraad** as well as the **annual official reports of the police and prisons department** from 1891 onwards. Similarly, Executive Council **resolutions** remain a valuable source. The Executive Council was the highest authority of the ZAR government and consisted of the state president and a select number of individuals who met to decide on issues of local and national importance. Unfortunately, the

actual minutes of the Executive Council meetings were not kept and only the final resolution on a particular matter was recorded.

The NASA also has a considerable number of privately donated collections. For this study, the **Van Dam Collection**<sup>126</sup> proved extremely useful. Gerhard van Dam served on the police force in Johannesburg from 1893 as second lieutenant, and from 1896 as the town's police commandant. His memoir of his time in the Zarps is an important source. It is one of the only voices we have which provides us with an insider account of the police, albeit from a personal perspective. His memoirs are not without criticism, and for this study were subjected to critical scrutiny. They were clearly penned with the benefit of hindsight, and written some years after he retired from his career as police officer. However, they prove especially useful in providing Van Dam's perspective on the police within the context of the political and social developments at the time. Of course his views are influenced by his own ideology and prejudice, but it remains a unique glimpse into the life of a figure who was central to the development of the police in Johannesburg.

A wide range of newspapers were consulted for this study. These newspapers give a broad and diverse overview of journalism for the period 1886 to 1899. They include

- *De Volksstem*
- *De Land en Volk*
- *The Star*
- *The Standard and Diggers' News*
- *The Transvaal Critic*
- *The Press*
- *The Transvaal Leader*

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<sup>126</sup> There are three collections in the NASA which contain information on Van Dam. The first is Van Dam's own collection (A. 788) which includes his handwritten memoir. The second collection (A. 1335) contains an abridged type written copy of Van Dam's memoir. A third collection by J. Ploeger (A. 1044) is a fully typed copy of Van Dam's memoir. For this study the original handwritten and abridged typed memoir were used. See also, J. Ploeger, 'Uit die herinneringe van Maj. G.M.J. van Dam, Kommandant van die Staatspolisie aan die Witwatersrand', *Africana* (28)6, 1989.

Because of editorial bias, one has to carefully consider misrepresentation and dubious reporting on issues relating to the police. This is true for both pro and anti-government newspapers. Yet these sources proved extremely useful in providing insight, and offer a counter balance to the official government records. As will be revealed in this thesis, the government was very much aware of negative reporting on the ZARPs in the press in general. Articles were also circulated among the state officials from time to time when Pretoria wanted confirmation as to the veracity of press reports.

The **South African Police Archives** is located just off Church Square in Pretoria's city centre. One of the main constraints of doing research at this institution is that the researcher does not have access to its database or any inventories indicating what collections are actually preserved and accessible to the public. One has to rely on the archivist to search the collection for you. The most important collections consulted at this archive were:

- Van Dam Collection
- Tossel Collection
- Schutte Collection
- Trimble Collection
- *The Nongqai* (South African Police magazine for the period 1907-1961)

A very crude system of archiving documents was developed by the clerks who initially archived material at this institution. Documents, without considering relevance, age or content, would all be grouped together and placed in the same archival box. Thus, in a box that holds, for example, late nineteenth-century documents, one would also find more recent material relating to general police matters and issues in the late twentieth century. It would seem that newspaper cuttings make up the bulk of the information available at this archive. There are, however, photographs and other relevant documents on some of the individuals who are central

to this study. An important source of information at this archive is the police magazine, *The Nongqai*. Finding individual copies or complete print-runs of this magazine at South African libraries or archival institutions is very rare, and even the SAPS archive does not have some of the very first magazines in its own collection. Although the magazine is a semi-popular source, it does contain articles which reflect on the history of the origins and development of policing in Johannesburg during the late nineteenth-century.

The **Chamber of Mines' annual reports** proved especially useful for the mining industry's views of the police. It is evident the policing of the liquor, gold and pass laws caused considerable umbrage with the mining industry. The reports offer a fairly detailed account of how the Chamber tried to influence Pretoria into providing a more coercive form of police control and regulation to serve the industry's needs. The **Historical Papers Research Archive** at the University of the Witwatersrand houses two important photographic collections on early Johannesburg. The Barnett Collection gives a rich and revealing overview of late nineteenth-century life in the ZAR. *The Star* newspaper holds the copyright to these images and they are reproduced in this thesis for non-commercial purposes. The Patrick Pearson Collection similar includes many photographs and illustrations of street scenes in early Johannesburg. The **Killie Campbell Africana Library** in Durban contains the private papers of former ZAR detective Andrew Trimble. The documents, however, are more revealing of Trimble's later life although it does contain some papers relating to the brief period he was based in Johannesburg. The Edith Trimble collection at the **Pietermaritzburg Provincial Archive** contains an almost 2000 page hand-written biography of Trimble by his daughter, Edith. The biography is based on several primary and secondary sources as well as Trimble's recollections of her father's reminiscences and stories. Although Edith Trimble's own world views and ideologies are also exposed in the text it offers a 'voice' to an important character in the development of the detective department in Johannesburg.

The **National Archives of the United Kingdom (TNA)** had some very useful

information on the ZARps. The records consist of a range of official correspondence between London and Pretoria on issues in which the role of the police was especially suspect and scrutinised. These were helpful in giving not only the views of the British Government within the broader political strife between the two countries, but also afford voices to many people who felt wronged by police action at the time. These white and black British subjects wrote scores of letters to London bemoaning harsh police action. The sources further provided the British officials residing in South Africa's personal views on some of the officials concerned with policing in the ZAR. The main archival groups consulted at the TNA were the colonial office and dominium office records. The colonial office archival group mainly consist out of a selection of papers on certain issues which were published in the so-called Blue Books. Although these were consulted and used, the dominium office records proved much more useful and revealing. These files contain a fair amount of correspondence, especially between the various successive British Agents in Pretoria and the British high commissioners at the Cape. It also contains many of the original documentation that ended up being included and printed in the Blue Book series. Thus, read together, these two archival groupings give a fairly good overview of London's opinion on a range of matters which affected its relationship with Pretoria, and in which the ZARps played a role.

Two archives which potentially could have shed more light on policing in Johannesburg during this period, but which were not consulted, are the Brenthurst Library and the Harold Strange Library of African Studies at the Johannesburg Public Library. In both cases, I struggled to gain access to these facilities. However, searches of these institutions' holdings, as available on the National Archives of South Africa's National Automated Archival Retrieval System (NAAIRS), revealed no specific information on the South African Republic Police. This, of course, does not mean that there may not potentially be collections within its holdings which might prove relevant to this study. However, within the broader context and analysis of this thesis, these sources would serve as further examples to substantiate points already highlighted. Given the extent of information gathered, and the range of archival



sources consulted during the course of this research project, I am confident that this study gives a detailed analysis, and provides new insight into our understanding of the Zaps on the Witwatersrand for the period 1886 to 1899.

## **Chapter Two**

### **‘Near the Church, and far from God’: Gold, crime and punishment – policing the Witwatersrand, 1886-1890**

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#### **Introduction**

The period between 1886 and the turn of the last decade of the nineteenth-century saw various social, bureaucratic and political factors leading to the establishment and development of a police force on the Witwatersrand. The maintenance of law and order was one of the first administrative measures the government saw to when it proclaimed the goldfields. However, from the start, the government’s reaction to establishing a police presence was reactive and slow compared to the frantic pace at which the goldfields developed. This chapter will account for the humble beginnings of the South African Republic Police Force (Zarps) on the Witwatersrand and pay particular attention to the issues of control and regulation of the force. Significantly, it will point out that commanding officers did, in fact, have rules and regulations with which to control and discipline rank-and-file officers. Yet, the lack of discipline remained an ever present concern during this period. Punishment, such as fines, imprisonment or dismissal did little to deter or prevent insubordinate behaviour among officers. This period was further characterised by numerous administrative and bureaucratic disputes over the control and management of the police force. The chapter also explores issues relating to the class and race of police officers and the wider political significance of these factors.

#### **From a tent to a shack**

The discovery of gold on the Witwatersrand in 1886 placed the ZAR on a road towards rapid industrial development. The country’s predominantly rural economic, political and social structures were confronted by the progress – and an array of social ills – that characterised industrialisation and modernisation in states and cities

throughout the nineteenth-century world. In this instance, the impact of these disruptive forces was compounded by the fact that the ZAR was still very much a developing state with an agrarian based economy. Under the leadership of President Stephanus Johannes Paulus (Paul) Kruger, the Republic's government had to deal with a range of new social and administrative concerns, especially in the newly established town of Johannesburg and its immediate surroundings.<sup>1</sup> This meant that the government was under increasing pressure to address these issues with a bureaucracy not yet designed to meet the challenges of a modernising state. The most important of these was the influx of *Uitlanders*, migrant black labourers and the resultant expanding urbanisation of rural Afrikaners, all of whom wanted to try their luck at striking it rich on the emerging gold mines of the Witwatersrand.<sup>2</sup> An estimated 3,000 diggers descended on the Witwatersrand in 1886. A decade later, 100,000 people resided in the area.<sup>3</sup>

The establishment of gold diggings at Pilgrims Rest (1873), Lydenburg (1873) and Barberton (1884) in the eastern districts of the country had taught the government a few valuable lessons in administering mining towns.<sup>4</sup> In August 1885, the Republic's Gold Law came into force. This law enabled the government to set up proper structures for better administration of the goldfields. It recognised the rights of land owners, individual diggers, mining companies and the government. State land could be declared public diggings with the approval of the Executive Council. Similarly, with the approval of land owners, Pretoria could also declare private farms as diggings. The law stipulated that prospectors had to be issued with government licences.<sup>5</sup> Pretoria amended the law several times to keep pace with the development

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<sup>1</sup> Van Onselen, *New Babylon, New Nineveh*, 2.

<sup>2</sup> See for example: A. Jeeves, 'The control of Migratory Labour on the South African Gold Mines in the Era of Kruger and Milner', *Journal of Southern African Studies*, 2 (1) 1975, 3-29; L. Lange, *White, Poor and Angry: White working class families in Johannesburg* (Aldershot & Burlington: Ashgate, 2003); E.L.P. Stals, *Afrikaners in die Goudstad, deel I* (Kaapstad: HAUM, 1978).

<sup>3</sup> Van Onselen, *New Babylon, New Nineveh*, 2.

<sup>4</sup> D.J. Pieterse, 'Die geskiedenis van die mynindustrie in Transvaal, 1838-1886', *Argieffjaarboek vir Suid-Afrikaanse Geskiedenis*, 6 (Cape Town: Cape Times, 1945), 145-156; G.M. van der Waal, *Van Mynkamp tot Metropolis, die boukuns van Johannesburg, 1886-1940* (Pretoria: Chris van Rensburg Publikasies, 1986), 3-4.

<sup>5</sup> Von Brandis' original printed copy of the Gold Law can be found in National Archives of South Africa (NASA), Transvaal Archives Depository (TAB), List of Official Publications of the South

of the mining industry. Men such as Barney Barnato and George Albu, who made their fortunes on the Rand, declared this act the best of its sort in the world. In 1898, Albu stated that the Gold Law ‘placed in our hands as our own, probably a higher percentage of the ... extracted mineral than is done by the mining laws of any other country’.<sup>6</sup>

The discovery of the main reef of gold-bearing conglomerate on the Witwatersrand in the first half of 1886, rapidly set in motion a number of events which would lead to the formal establishment of Johannesburg in September of that year. A farmer, G.C. Oosthuizen, informed Pretoria in June 1886, that prospectors had found ‘payable gold’ on his farm *Langlaagte*.<sup>7</sup> Although this was not the first gold deposit found in this area, it was to become the most important find in the history of southern Africa.<sup>8</sup> George Harrison, an Australian prospector, who is credited with the discovery of the gold reef on *Langlaagte*, appeared before an official of the Mines Department in Pretoria to confirm his discovery in late July 1886.<sup>9</sup>

The news of this discovery sparked a gold rush that led to a hoard of diggers descending on the farm.<sup>10</sup> Two days after Harrison appeared in Pretoria, the speculator Colonel Ignatius Phillip Ferreira and 72 other diggers petitioned the

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African Republic (ZAR) 151, ‘The Gold Law of the South African Republic as amended by *Volksraad* and passed July 28, 1886’ (Pretoria: John Keith, 1886).

<sup>6</sup> J.S. Marais, *The Fall of Kruger’s Republic* (Oxford: Oxford University Press, 1961), 3; L.J. Twyman, ‘Paul Kruger en Johannesburg: 1886-1895’, (Master’s dissertation, University of Potchefstroom for Christian Higher Education, Potchefstroom, 1965), 67-68.

<sup>7</sup> NASA, TAB, archives of the state secretary (SS) 1225, R2665/86, G.C. Oosthuysen (sic) to the ZAR government, 9 June 1886.

<sup>8</sup> Gold was first discovered in the area in 1884 by the brothers, H.W. and F.P.J. Struben. They found the promising Confidence Reef, but failed to realise its riches were not located in quartz reef, but rather in conglomerate form, the latter which was unknown to local prospectors. In 1885, S.J. Minnaar discovered payable gold on the farm *Kromdraai* located about 16 kilometers north of the present-day town, Krugersdorp. See: M.S. Appelgryn, *Johannesburg, Origins and Early Management, 1886-1899* (Pretoria: University of South Africa, 1984), 4-5; E.L. and J. Gray, *Payable Gold* (Cape Town: Central News Agency, 1937), 53-73.

<sup>9</sup> NASA, TAB, SS 1225, R2665/86, testimony of G. Harrison, 24 July 1886. See also, G.A. Leyds, *A History of Johannesburg* (Cape Town: Nasionale Boekhandel Beperk, 1964), 13; Appelgryn, *Johannesburg, Origins and Early Management, 1886-1899*, 6-12.

<sup>10</sup> Leyds, *A History of Johannesburg*, 13.

government to declare the area a public digging.<sup>11</sup> However, the same day saw a letter from Field Cornet J.P. Meyer, stating farmer Oosthuizen was threatening to take the law into his own hands, as the diggers were trespassing on his property. The farmer had sold the farm's grazing rights to other farmers in the area and thus, legally, he could not allow the diggers to disturb his property.<sup>12</sup> This very first standoff between Boer and diggers was to develop into a metaphor that would characterise the relationship between the South African Republic (ZAR) government and the hundreds of thousands of multinational and multiracial foreigners who would flock to the Witwatersrand to try their luck at striking it rich in the years before the South African War (1899-1902).

Pretoria appointed a commission on 3 August 1886 to investigate the viability of the new goldfields. The government had to determine which farms should be proclaimed as public diggings and where it could establish a township.<sup>13</sup> State Attorney Willem Johannes Leyds also needed time to investigate and take into consideration the affected farmers' grazing and water rights before finalising the proclamations.<sup>14</sup> This commission reported its findings on 12 August 1886.<sup>15</sup> Four days later, the Executive Council issued a resolution informing the public it would declare certain farms on the Witwatersrand as public diggings.<sup>16</sup>

With the Witwatersrand barely four hours away by galloping horse from the country's capital, Pretoria commenced by putting in place administrative structures to regulate and control this new development. Pretoria appointed Carl Fried(e)rich Peter Jacob von Brandis as the first commissioner of mines and landdrost for the diggings at the end of August 1887.<sup>17</sup> Born in Germany, Von Brandis had settled on the Cape

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<sup>11</sup> NASA, TAB, SS 1225, R2665/86, petition: I.P. Ferreira and others to the ZAR government, 26 July 1886.

<sup>12</sup> Ibid., J.P. Meyer to the ZAR government, 26 July 1886.

<sup>13</sup> J.S. Bergh, *Geskiedenis atlas van Suid-Afrika: Die vier Noordelike provinsies* (Pretoria: Van Schaik, 1998), 316.

<sup>14</sup> Leyds, *A History of Johannesburg*, 13.

<sup>15</sup> Bergh, *Geskiedenis atlas van Suid-Afrika*, 316.

<sup>16</sup> NASA, TAB, Executive Council (UR), Resolution 168 of 1886, 16 August 1886.

<sup>17</sup> J. Ploeger, 'Von Brandis, Carl Fred(e)rich Peter Jacob' in W. de Kock, *Dictionary of South African Biography*, Vol I, (Cape Town: Nasionale Boekhandel Beperk, 1968), 850.

Colony's eastern frontier in 1857. He moved to the Transvaal in 1868, where he held various administrative positions and saw military action in the British campaign against Sekhukune during the period of British administration, 1877-81. After the Boers regained their independence in 1881, Von Brandis moved to Pretoria in 1882, where he became chief clerk in the state attorney's office. The experience he gained during this period made him the ideal candidate for his new position on the Witwatersrand. He would come to play a central role in developing the goldfields and became known as the 'Father of Johannesburg' in recognition of his contribution to establishing the city.<sup>18</sup>

On 20 September 1886, Von Brandis stood on a whisky box in the middle of the *veld* to declare the first farms, *Driefontein* and *Elandsfontein*, as public diggings.<sup>19</sup> A week later the government also proclaimed the southern portion of the farm *Doornfontein* and the farm *Turfontein* public diggings. This was followed by proclamations for the government owned land, *Randjieslaagte*, and the farm *Langlaagte* on 4 October 1886. Subsequently, Pretoria also proclaimed the farms *Paardekraal*, *Vogelstruisfontein* and *Roodepoort* as public diggings on 11 October 1886.<sup>20</sup>

In late-August 1886, before the formal proclamation of the diggings, Von Brandis advised the government to set up a police force on the Witwatersrand.<sup>21</sup> Von Brandis argued that if the police could maintain law and order from the outset, then the size of the police force could later be reduced. He reasoned that 'if men were not kept in order from the beginning, later attempts to be strict would be ineffectual'.<sup>22</sup> The commissioner of mines initially advised Pretoria to appoint a chief constable, as well as six white and four African constables. Yet, unpersuaded by Von Brandis' warning, Pretoria only gave permission for the appointed of two white and two African

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<sup>18</sup> Ibid., 850-851.

<sup>19</sup> Ibid., 851.

<sup>20</sup> Bergh, *Geskiedenis atlas van Suid-Afrika*, 316; see also NASA, TAB, UR, Resolution 213 of 1886, 3 September 1886.

<sup>21</sup> NASA, TAB, SS 1270, R4245/86, Von Brandis to state secretary, 30 August 1886.

<sup>22</sup> Ibid.

constables, as well as a chief constable to police the entire diggings.<sup>23</sup> This would set a pattern whereby Pretoria seemed to respond in afterthought when providing an adequate police force on the Witwatersrand, especially when measured against the rapid rate at which the settlement was expanding. Pretoria did approve Von Brandis' recommendation of John McIntosh, a 'sober' and 'obedient' prison warder from Barberton, for the position of chief constable.<sup>24</sup>

The town the world would eventually call Johannesburg, did not develop as a single entity, but rather as several different townships. At first the miners settled in camps. The most important of these were Ferreira's Camp, Meyer's Camp (Natal Camp) and Langlaagte Camp. Ferreira's Camp was the largest and located at the centre of the goldfield.<sup>25</sup> The government established its township on a strip of state-owned land called Randjieslaagte. It named the township Johannesburg in honour of Johann Rissik and Christiaan Johannes Joubert. Pretoria had requested these two men to survey the farm and to determine the best site for establishing a town.<sup>26</sup> By the end of 1886, land surveyor Josias de Villiers, had marked out a village of 986 stands.<sup>27</sup> Marshallstown and Ferreirastown were the first private townships in the area. These were later followed by others, such as Doornfontein, Fordsburg and Jeppestown.<sup>28</sup>

With Von Brandis' responsibilities increasing daily, the government decided to separate the post of commissioner of mines and landdrost in November 1886. Pretoria promoted Von Brandis to the position of 'special landdrost' for the Witwatersrand goldfields. Jan Eloff, former public prosecutor and clerk in Von Brandis' office, took

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<sup>23</sup> NASA, TAB, UR, Resolution 201 of 1886, 31 August 1886 and UR, Resolution 192, 27 August 1886.

<sup>24</sup> NASA, TAB, SS 1270, R4090/86, landdrost of Barberton to State President Kruger, 23 August 1886. The letter erroneously refers to McIntosh as McIntyre.

<sup>25</sup> Appelgryn, *Johannesburg, Origins and Early Management*, 1886-1899, 17.

<sup>26</sup> E.L. and J. Gray, *Payable Gold*, 132; Leyds, *A History of Johannesburg*, 15; Appelgryn, *Johannesburg, Origins and Early Management*, 1886-1899, 21-30.

<sup>27</sup> L.E. Neame, *City Built on Gold* (Cape Town: Central News Agency, 1959), 8-9.

<sup>28</sup> *Ibid.*, 16. The establishment of private townships was illegal according to the Gold Law, and Pretoria found itself embroiled in legal disputes to address this issue. However, measured against the rapid rate at which the settlement expanded and the limited amount of government land available, Pretoria had to allow these developments. The government afterwards levied stand fees to pay for administrative and civic services in these locations. See: Gray, *Payable Gold*, 215-226, and Lange, *White, Poor and Angry*, 41-43.

over as commissioner of mines.<sup>29</sup> A contemporary government official described the role of the special landdrost as a ‘strange position’ to hold. As special landdrost, Von Brandis ‘is an official who represents the government of the South African Republic, but also functions as some sort of intermediary through which a person can approach the government and note its wishes’.<sup>30</sup> Von Brandis would also oversee the administration of both civil and criminal justice on the Witwatersrand. The amendment to the Gold Law in 1886 also gave the special landdrost direct control over the police force on the Witwatersrand.<sup>31</sup>

Von Brandis was besieged by the social and administrative tasks required in establishing a town from scratch on the dusty plains of the southern African Highveld. The fast pace of the settlement's growth during these first few months was evident in the special landdrost's issuing licenses for twenty-six hotels, four bakeries, five butcheries and four shops during October 1886.<sup>32</sup> He had to attend to daily complaints about sanitary conditions in the settlement. One of the more persistent complaints was the stench and sight of slaughtered cattle at the slaughtering poles erected in the centre of the town.<sup>33</sup> In order to improve the hygiene and health in the various townships, where the threat from diseases such as typhoid fever, cholera and dysentery were everyday realities, the inhabitants elected a Diggers' Committee in November 1886.<sup>34</sup> The Diggers' Committee would work with the government to administer the settlement. The Committee saw to the appointments of Dr Hans Sauer as the town's first district doctor, and also appointed a health inspector.<sup>35</sup>

Two weeks into 1887, and barely four months after Johannesburg's formal establishment, the special landdrost, alarmed by the town's rapid development,

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<sup>29</sup> J.H. van Dyk, ‘Jan Eloff’ in D.W. Krüger and C.J. Beyers (eds), *Dictionary of South African Biography*, Vol III, (Pretoria: Tafelberg for Human Sciences Research Council, 1977), 269-270.

<sup>30</sup> NASA, TAB, JHB 840, special judicial commissioner to state president and Executive Council, [?] February 1890, 62-69.

<sup>31</sup> J.G. Kotzé, *De Locale Wetten en Volksraad-besluiten der Zuid-Afrikaansche Republiek, 1886-1887* (Pretoria: Staatsdrukkerij, 1888), 69.

<sup>32</sup> Appelgryn, *Johannesburg, Origins and Early Management, 1886-1899*, 38.

<sup>33</sup> NASA, TAB, JHB 89, see for example, C.E. Wright to Von Brandis, 3 January 1887 and J. [?] to Von Brandis, 4 January 1887.

<sup>34</sup> Leyds, *A History of Johannesburg*, 22.

<sup>35</sup> Appelgryn, *Johannesburg, Origins and Early Management, 1886-1899*, 44.



petitioned the government for the appointment of additional police officers. Von Brandis insisted he could no longer account for the safety, peace and order of the people residing in the town. It was clear from his letter the police were finding it increasingly difficult to uphold law and order on the Witwatersrand. The force was thinly stretched in providing both day and night patrols. It also had the responsibility of guarding prisoners. Von Brandis stressed that he did not have enough men at his disposal to carry out all these duties. As the police officers had to attend to matters on the fields, the town's police office could no longer be left unattended as 'daily, people were erecting houses and within two or three months all the stands sold would be inhabited'.<sup>36</sup> Pretoria heeded this request and by March there were eight white police officers employed on the Witwatersrand. Most of these men had 'English' surnames. They were J. McIntosh, W. Crowson, P. Fyffe, R. Ferguson, J.F. Gertenbach, J. Thomas, W. Henderson, H. Cartwright and J. Disel.<sup>37</sup> Two men were troopers in the mounted police and six were stationed as foot police officers. The government had also issued the police officers with uniforms and badges. The uniform of the chief constable was 'similar to the one worn by the functionary holding the same position in [Pretoria]'.<sup>38</sup> In the same year, journalist Edward Mathers described the police as a 'natty-looking lot of men, dressed in canary cord clothing and apparently well supplied with cigars'.<sup>39</sup>

During this period, the first signs of discord between the officers and Pretoria emerged. The policemen petitioned Von Brandis for better remuneration and complained about their poor working conditions. Due the town's meteoric growth, they had to perform their duties day and night. To aggravate matters, they had the use of a dilapidated tent as both an office and barracks.<sup>40</sup> The tent was bought for £6<sup>41</sup> and

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<sup>36</sup> NASA, TAB, Johannesburg Landdrost Archive (JHB) 110, Von Brandis to state secretary, 15 January 1887.

<sup>37</sup> NASA, TAB, SS 1380, R2379/87, petition: J. McIntosh and others to Von Brandis, 15 March 1887.

<sup>38</sup> NASA, TAB, JHB 89, J. van Reenen to Von Brandis, 17 February 1887.

<sup>39</sup> E.P. Mathers, *The Gold Fields Revisited* (Durban & Pietermaritzburg: P. Davies & Sons, 1887), 251.

<sup>40</sup> Ibid.

<sup>41</sup> NASA, TAB, JHB 89, J. van Reenen to Von Brandis, 17 February 1887.

located close to Von Brandis' corrugated iron office in Market Street.<sup>42</sup> The men complained the tent was unsuitable as an office and therefore they and the African constables were left to fend for themselves on the street. The tent was too small to house the number of officers who had to live in it. This situation would become worse once the Highveld's cold winter arrived. The officers despondently compared their dismal situation to those of better-treated police officers at Barberton and Pretoria. They claimed that even though they received the same salary, they did not receive the same benefits, such as rations and decent accommodation.<sup>43</sup>

In early-April 1887, Chief Constable McIntosh again raised these concerns with Von Brandis. He viewed the lack of government interest in the well-being of the force as a personal affront. He complained the government had promised him an increase in his salary if he did his duty well. To make matters worse, he had to use his own horse for official police duties and received no compensation towards the animal's upkeep.<sup>44</sup> Faced with what seemed to be reasonable demands from a demoralised police force, Von Brandis approached Pretoria and asked for the force to be increased. He requested an increase of between 15 and 20 troopers for the mounted police and asked permission to appoint 15 extra police constables to the foot police. The special landdrost repeated the officers' earlier demands for a pay increase as well as improved rations, in the form of bread and meat. To address the looming housing concern the changes would bring about, Von Brandis suggested that the government could purchase six tents for the officers to live in.<sup>45</sup>

The government's reluctance to set up proper policing structures during this period probably turned on the uncertainty of not yet knowing what the long-term sustainability of the diggings would be. Nevertheless, in response to these complaints, the government increased the force to ten mounted police and ten foot police officers. It also gave permission for the purchase of a corrugated iron house for the officers to

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<sup>42</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 138.

<sup>43</sup> NASA, TAB, SS 1380, R2379/87, petition: J. McIntosh and others to Von Brandis, 15 March 1887.

<sup>44</sup> Ibid., McIntosh to Von Brandis, 2 April 1887.

<sup>45</sup> Ibid., Von Brandis to the state secretary, 2 April 1887.

live in.<sup>46</sup> This shanty was erected on the corner of Kort and Market streets.<sup>47</sup> It is unclear whether Pretoria conceded to any of the officers' other demands. The government did give Von Brandis permission to buy winter uniforms and coats for the men, as the chill of the early autumn winds made it increasingly difficult for the officers to perform their duties at night.<sup>48</sup>

The government's indifference also extended to building a proper prison. By April 1887, the first mud-built prison was on the verge of collapse.<sup>49</sup> The government eventually bought a corrugated iron house for use as a temporary goal.<sup>50</sup> In October 1887, the town's criminals were welcomed to Johannesburg's first permanent prison located between Twist, De Villiers, Quartz and Plein Streets. The Zaps also relocated to this premises. The government assigned three rooms in the new building for use by the police force. One room was used as an office, another as a cell and the third reserved for the officers' accommodation. Due to cramped conditions, many police officers preferred private accommodation, which resulted in the force being scattered throughout the town. This impeded the quick assembly of the force for emergencies, such as fires or major disturbances.<sup>51</sup>

The newspaper, *De Volksstem*, lamented Pretoria's establishment of legal structures to deal with crime in the settlement. Writing on the increase of crime in Ferreira's Camp at the end of October 1886, the newspaper claimed this camp 'until recently enjoyed a singular immunity from crime of a serious nature'. This was mainly due to vigilante justice by the camp's 'commandant' which had a 'wholesome and deterrent effect' on the populace. It bemoaned 'that with the establishment of a goal and force of police and other paraphernalia of civilisation, this happy state of affairs is coming to an end'.<sup>52</sup> The public's correspondence with Von Brandis during the early months of the settlement's existence reveals that theft was the most common complaint for which

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<sup>46</sup> NASA, TAB, UR, Resolution 137 of 16 April 1887.

<sup>47</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 138.

<sup>48</sup> NASA, TAB, SS 1385, R2654/87, telegram, Von Brandis to the state secretary, 24 April 1887.

<sup>49</sup> NASA, TAB, SS 1380, R2379/87, Von Brandis to the state secretary, 2 April 1887.

<sup>50</sup> NASA, TAB, UR, Resolution 135 of 16 April 1887.

<sup>51</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 138.

<sup>52</sup> *De Volksstem*, 26 October 1886 as quoted in Gray, *Payable Gold*, 144-145.

the public requested police assistance. The theft of livestock, especially cattle and horses, was especially prevalent. One person reported the theft of a stash of weapons from a wagon, while other thefts included more mundane items such as clothing and food.<sup>53</sup> Excessive inebriation was at the heart of the rising crime rate.<sup>54</sup> At the end of May 1887, Von Brandis informed the government the town was 'one big canteen'. He recommended appointing a commission, which would administer the granting of liquor licences to canteens and hotels. If Pretoria did nothing to address this issue, he concluded, the police force would have to be increased at great costs to the government, if law and order were to be maintained.<sup>55</sup>

Illicit liquor selling on the Witwatersrand would become one of the major social concerns of the time. Liquor abuse came to highlight society's racial and class prejudices during this period. On the mines, where thousands of African male migrant workers were employed, the illicit liquor trade flourished. In her memoirs of early Johannesburg, Florence Phillips, the wife of one of Johannesburg's most influential pioneers, Lionel Phillips, explained what was sold as liquor to Africans was in fact 'raw potato spirit' and 'tobacco juice and other noxious ingredients'. She described drunken labourers as 'more like demons than men, or the smiling cheery creatures one had always been accustomed to see'. Yet, she argued the real fault lay in inadequate policing of the liquor trade. She wrote: 'I was told that it was because the liquor laws were so badly administered; their provisions are good, but the police are most inadequate and corrupt, and allow the illicit traffic in liquor to be carried on under their eyes, it is even said to their profit.'<sup>56</sup>

Alcohol abuse spilled over into the spread of other social ills. By July 1887 prostitution, and the diseases associated with it, was of such a concern that Von Brandis sent a telegram to the state secretary in which he sought permission for a

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<sup>53</sup> NASA, TAB, JHB 89, see for example: B.P. Uys to Von Brandis, 21 December 1886; M. Morris to Von Brandis, 10 February 1887; C.J.S. Smith to Von Brandis, 7 February 1887; telegram: Hinckin [?] to Von Brandis, 6 June 1887.

<sup>54</sup> *De Volksstem*, 26 October 1886 as quoted in Gray, *Payable Gold*, 144-145.

<sup>55</sup> NASA, TAB, SS 1401, R3466/87, Von Brandis to the state secretary, 23 May 1887.

<sup>56</sup> Mrs. Lionel Phillips, *Some South African Recollections*, (London: Longmans, Green and Company, 1900), 33.

house to be bought where ‘whores’ could be put up so the district doctor could attend to them. He also wanted permission for such women to be locked and guarded, as they were very sick and at risk of infecting the entire town.<sup>57</sup> When the government failed to respond, the special landdrost followed up his telegram with another and wanted to know if he could round up and send the ‘lewd women here infected with *vuilziekte* (Syphilis)’ to Pretoria. Von Brandis was so shocked by the state of affairs, he concluded his telegram with: ‘Or what must I do with them? Here is no place for them? And already men are sick because of these wretched creatures. Answer immediately’.<sup>58</sup> With the veiled threat of syphilitic women being sent to the country’s capital, the state attorney reluctantly recommended that a place of treatment be made available to them. According to the law against the spread of infectious and contagious diseases of 1887, the government had the authority to designate areas where those suffering from syphilis could be treated. Pretoria finally granted Von Brandis the necessary authorisation for the medical treatment of prostitutes, but the government was adamant the costs involved had to be kept as low as possible.<sup>59</sup>

During this time, the government did not mandate the Zarps to formally police prostitution. Von Brandis persuaded Pretoria to establish a Sanitary Board in December 1887.<sup>60</sup> This board eventually replaced the functioning of the Diggers’ Committee.<sup>61</sup> The government also granted the Sanitary Board the necessary powers to control prostitution.<sup>62</sup> Van Onselen argues this was because of ‘strong overt and covert support for prostitution that came from canteen keepers and other interested groups such as landlords who benefitted from high brothel rents – which discouraged the Sanitary Board from taking legal action against any of the “women of ill-fame” in early Johannesburg’.<sup>63</sup> It was only after 1895, when the trade in human trafficking on

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<sup>57</sup> NASA, TAB, SS 1416, R4069/87, Von Brandis to the state secretary, 1 July 1887.

<sup>58</sup> Ibid., R4025/87, Von Brandis to the state secretary, 18 July 1887.

<sup>59</sup> Ibid., R4069/87, state attorney to state secretary, 21 June 1887.

<sup>60</sup> Leyds, *A History of Johannesburg*, 29.

<sup>61</sup> Appelgryn, *Johannesburg, Origins and Early Management, 1886-1899*, 55.

<sup>62</sup> Van Onselen, *New Babylon, New Nineveh*, 111.

<sup>63</sup> Ibid.

the Witwatersrand increased and wide-spread organised prostitution infected the town, that the government adopted much more stringent methods.<sup>64</sup>

The Sanitary Board had wide-ranging responsibility for Johannesburg's urban development. However, the Board's power was limited, as its authority was subject to the whims of central government. The Board was responsible for collecting sanitary pails, rubbish and slop water, making roads, passing building plans and levying rates and taxes. It could also make regulations for the control of traffic and decide who could or who could not walk the town's dusty streets. For its part, Pretoria was responsible for granting concessions which would see to the town being provided with water, gas, electricity and a tramway. Although the government granted Johannesburg limited local administration, the maintenance of law and order firmly remained in Pretoria's clutches. The Board had to appoint its own constables to enforce the regulations it was responsible for.<sup>65</sup>

### **Anyone, but De la Rey**

In September 1887, on the first anniversary of Johannesburg's foundation, Von Brandis took steps to reorganise the administration of the town's criminal justice system. Struggling under the weight of his office's responsibilities, he told the government that his workload was increasing daily and he desperately needed help. Von Brandis requested Pretoria to appointment a 'police or assistant landdrost'. The latter would assume responsibility for administering criminal justice. He also wanted the government to appointment an 'inspector' of police, who would see to the day-to-day management of the police force. Pretoria responded by appointing the nineteen-year-old Jacobus C. Juta, who was a clerk in the special landdrost's office, as assistant landdrost.<sup>66</sup> While Von Brandis would be responsible for administering civil law, Juta would see to the meting out of criminal justice. According to the Gold Law, the overall responsibility of the police force, however, remained in Von Brandis' hands.

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<sup>64</sup> Ibid., 109-164.

<sup>65</sup> Leyds, *A History of Johannesburg*, 29. See also: *Constitution Powers, Rules and Regulation of the Johannesburg Sanitary Committee* (Johannesburg: Argus Printing and Publishing Company, 1890).

<sup>66</sup> NASA, TAB, SS 1445, R5380/87, Von Brandis to state secretary, 8 September 1887.

For the post of ‘inspector’ or police commandant, Von Brandis recommended Charles Cronin. The latter’s eventful military career encompassed campaigns against the Basotho of Moshoeshoe in the 1860s and the Ninth Frontier War (1877-1878) against the Xhosa in the Cape Colony.<sup>67</sup> Von Brandis may have urged Cronin’s appointment, as the men had fought together during the Basotho campaigns.<sup>68</sup> The government agreed with Von Brandis that more control was needed over the police force. The Executive Council provided for both the posts of a police commandant and police lieutenant for Johannesburg.<sup>69</sup> However, the government’s choice for police commandant did not fall on Cronin, but rather on ‘Groot’ (Big) Adriaan Johannes Gysbertus de la Rey.<sup>70</sup>

De la Rey, and another important figure in the Zarps’ history, Gerrit Johannes Van Niekerk,<sup>71</sup> had played a leading role in establishing the Republic of Stellaland in 1883. This territory was won as payment for aid given by De la Rey, Van Niekerk and other Boer mercenaries to the Korana chief, Mossweu (Massouw). After the defeat of Mossweu’s rival, the Tlhaping chief Mankurwane, granted the Boers farms.<sup>72</sup> In 1884, however, the Republic of Stellaland and the Republic of Goshen, also established after Boer intervention in the war between Moswete and Montshiwa, disappeared from the map when Britain proclaimed sovereignty over both areas.<sup>73</sup> It was during this period of strife with the British that Van Niekerk and De la Rey were accused of murdering James Honey in 1883. De la Rey fled from the territory before he could face justice. A court acquitted Van Niekerk.<sup>74</sup>

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<sup>67</sup> NASA, TAB, SS 1466, R6381/87, Von Brandis to state secretary, 10 September 1887.

<sup>68</sup> J. Ploeger, ‘Von Brandis, Carl Fred(e)rich Peter Jacob’ in W. de Kock, *Dictionary of South African Biography*, Vol I, (Cape Town: Nasionale Boekhandel Beperk, 1968) 851.

<sup>69</sup> NASA, TAB, UR, Resolution 380 of 1887, 22 September 1887.

<sup>70</sup> NASA, TAB, UR, Resolution 365 of 1887, 15 September 1887; see also: SS 1466, R6381/87. According to John X. Merriman, De la Rey was a friend of Rhodes and later godfather to one of De la Rey’s children. See: P. Lewsen (ed), *Selections from the Correspondence of J.X. Merriman, 1870-1890* (Cape Town: Van Riebeeck Society, 1960), J.X. Merriman to J.B. Currey, 28 September 1887, 267 and fn. 90.

<sup>71</sup> Gerrit Jacobus (Gert) van Niekerk was appointed as police commissioner in March 1895.

<sup>72</sup> J.A. Heese, ‘Adriaan Johannes Gysbertus de la Rey’ in D.W. Krüger and C.J. Beyers (eds), *Dictionary of South African Biography*, Vol III, (Pretoria: Tafelberg for HSRC, 1977), 205.

<sup>73</sup> Bergh, *Geskiedenis atlas van Suid-Afrika*, 244-245.

<sup>74</sup> Heese, ‘Adriaan Johannes Gysbertus de la Rey’, 205.

When Johannesburg's public heard the government had appointed the 'notorious ruffian'<sup>75</sup> De la Rey as police commandant, it unleashed a torrent of protest. For many people, the new police commandant was a murderer at large, a man with a criminal record, who had fled from justice and someone who could not be trusted to see to the safety of person and property in the town. John X. Merriman viewed the appointment as 'so utterly monstrous that it can only be described as a deliberate insult to the community'.<sup>76</sup> Coincidentally, De la Rey's appointment coincided with President's Kruger second visit to the mining town. Kruger was passing through Johannesburg on his way to the Orange Free State for trade negotiations with President Brand at Bloemfontein.<sup>77</sup> At a dinner held in honour of the President and in celebration of the town's first anniversary, an excited crowd gathered outside the building to voice their anger at the government's decision.<sup>78</sup> Kruger went out to address the crowd and was met by a rendition of 'God save the Queen'.<sup>79</sup> This demonstration was followed by a formal petition to the government a few days later, denouncing the commandant as 'irascible', 'indomitable' and 'incompetent'. It insisted this appointment would lead to the disintegration of the 'friendly relationship' that existed between the ZAR and the government of the 'Queen of England'. If the appointment was 'made known to the world it would cause the destruction of these gold fields, which would hamper the growth and progress of this Republic'.<sup>80</sup>

Von Brandis was so alarmed by this heated campaign that he warned the government he could not guarantee De la Rey's safety in Johannesburg. The special landdrost had the greatest of difficulties in containing the protest. He told the police commandant

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<sup>75</sup> P. Lewsen (ed), *Selections from the Correspondence of J.X. Merriman, 1870-1890* (Cape Town: Van Riebeeck Society, 1960), J.X. Merriman to Mrs. A. Merriman, 24 September 1887, 265-266.

<sup>76</sup> Ibid., 265-266.

<sup>77</sup> Ibid., 265.

<sup>78</sup> L.J. Twyman, 'Paul Kruger en Johannesburg: 1886-1895', 105-106.

<sup>79</sup> P. Lewsen (ed), *Selections from the Correspondence of J.X. Merriman, 1870-1890* (Cape Town: Van Riebeeck Society, 1960), J.X. Merriman to Mrs. A. Merriman, 24 September 1887, 266.

<sup>80</sup> NASA, TAB, SS 1471, R7037/87, 29 September 1887. The Vigilance Committee who signed this petition called itself the 'publieke uitvoerende Commissie' and the 'Comité van Publieke Waaksaamheid' in Dutch. Of the twelve men who signed the petition, the following names are intelligible: Alex C. Bailie, I.P. Ferreira, C. Cowen, R.H. Cooke, Thos Geo Lawrence, Newman Marks, [?] Hemming, William Quinn, F.H. Bailin [?], J.S. Harrison and C. Ross.



that, in view of the public's mood against him, he should rather resign. So strong were feelings against the appointment that the public informed Von Brandis they would even pay De la Rey's salary of £350 for a whole year, if only he would resign. The deputation put it to Von Brandis that, though they wanted to obey the law and maintain order, and would remain loyal to the government they would rather have anyone, but De la Rey, appointed as their police commandant.<sup>81</sup>

Not for the last time, Pretoria found itself facing the wrath of a scorned *Uitlander* community. The government saw the reaction as an affront to its decision in the matter and insisted that the people of Johannesburg's interpretation of the appointment were wrong. As State Secretary Willem Eduard Bok explained to Von Brandis, the authorities

only had in view to make this appointment so as to drive fear into and act as a deterrent to evildoers, to which purpose the services of the mounted police is actually required and which calls for firm men, such as which De la Rey is known for with the government. He is a man who would carry out orders and respect the law, which would be a great victory to the calm and peaceful community of Johannesburg and to the protection of the peaceful diggers. It grieves the government that now, once the gentlemen De la Rey is appointed, he cannot be dismissed from his office without sufficient conviction, but if the gentleman De la Rey would ask the government to be dismissed, the government would adopt this request and look for someone else to fill this position.<sup>82</sup>

The public's hostile response baffled De la Rey. He told Pretoria he was waiting for the government to inform him of his responsibilities as police commandant. De la Rey mentioned he had already received applications from men interested in joining the force and he 'was determined to accept the position'. As to the threat against his person, he wrote that he did 'not fear the people, only the Lord', but requested the government to answer immediately.<sup>83</sup> The state secretary kept President Kruger, who

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<sup>81</sup> NASA, TAB, SS 1471, R6832/87, petition: Vigilance Committee, 27 September 1887.

<sup>82</sup> Ibid., R6700/87, from the state secretary to Von Brandis, 28 September 1887.

<sup>83</sup> Ibid., R7035/89, De la Rey to Vice President N.J. Smith and members of the Executive Council, 28 September 1887.

was at Kroonstad in the Free State at the time, abreast of the situation. Unexpectedly, Kruger heeded the public's intense reaction and sent a telegram to his government, signalling the end of De la Rey's short-lived career as police commandant. The president wrote: 'As it has been revealed that De la Rey has no purpose as an official in this place, I would recommend that he be dismissed with the issuing of his salary for one year. The payment of his salary must cease if he is appointed to another position within this period.'<sup>84</sup> With the president now personally involved, the matter reached a speedy conclusion. The Executive Council approved the terms of his resignation and Johannesburg was rid of its unpopular police commandant.<sup>85</sup>

Seeing which way the wind was blowing, other aspirant contenders were quick to apply for the position of police commandant. Three individuals, all of whom had experience of military service, and the support of various sections of the public, stood out as potential candidates. The Vigilance Committee supported Gustaaf Willem Lund Mostert.<sup>86</sup> He was described as 'a man of calm temperament, cool judgement, disciplined experience, and in every respect well fitted for the office he seeks'. The memorial praised Mostert's military service and also pointed out that he had experience of dealing with 'disturbance where life and property were jeopardized'.<sup>87</sup> The town's police officers supported Chief Constable John McIntosh who, according to them, had 'always borne an unblemished character, and always faithfully discharged his duties to the state'.<sup>88</sup> Another contender was Major J. Tennant. Judging by the amount of signatures to his memorial compared to those of the other candidates, he had the overwhelming support of the general public. They described Tennant as someone 'of well-known personal worth, firm and conciliatory ... to everyone, rich and poor, black and white, native or immigrant, his conduct is one of uniform kindness and consideration'.<sup>89</sup> But unpersuaded by public sentiment and still

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<sup>84</sup> Ibid., R6982/87, telegram, Kruger to state secretary, 1 October 1887.

<sup>85</sup> Ibid., R6700/87, De la Rey to the state president and members of the Executive; 5 October 1887; NASA, TAB, UR, Resolution, 398a of 1887, 5 October 1887.

<sup>86</sup> NASA, TAB, SS 1466, R6381/87, Memorial in support of G.W.L. Mostert, 19 October 1887. George Farrar and Dr Hans Sauer were two notable signatories of this memorial.

<sup>87</sup> NASA, TAB, SS 1466, R6381/87, Memorial in support of G.W.L. Mostert, 19 October 1887.

<sup>88</sup> Ibid., Memorial in support of J. McIntosh, 15 October 1887.

<sup>89</sup> Ibid., Memorial in support of Major Tennant, no date.

reeling from the embarrassment caused by De la Rey's appointment, the government decided the post of police commandant should go to Daniel Egnatius Schutte.<sup>90</sup>



**Figure 1: Police Commandant Daniel E. Schutte. (NASA: TAB, 8037)**

Schutte's application letter was brief and to the point. He listed no relevant experience. He cited as references State Secretary Bok (to whom he addressed the letter), State President Kruger, Vice President Nicholaas Smith, Commandant General Pieter (Piet) Jacobus Joubert and Koos Wolmarans a member of the Executive Council, who was also his brother-in-law. Schutte did have military experience. He

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<sup>90</sup> A. Wessels, 'Daniel Egnatius Schutte' in C.J. Beyers and J.L. Basson (eds), *Suid-Afrikaanse Biografiese Woordeboek*, Deel V, (Johannesburg: Chris van Rensburg Publikasies, 1987), 739.

had served as General Joubert's deputy during the First Anglo-Boer War (1880-81) and had participated in several of the Republic's campaigns against African chiefdoms.<sup>91</sup> With his loyalty to the government unquestioned, Schutte trumped the other candidates despite his lack of police experience. The appointment gave the government an opportunity to reassert its authority over Johannesburg. As a sop to the Vigilance Committee, Pretoria appointed its preferred candidate, Lund Mostert, as police lieutenant.<sup>92</sup> President Kruger confirmed the appointments, but for reasons unknown, the Executive Council did not issue a formal resolution on the matter.<sup>93</sup>

At first, Von Brandis was uncertain whether Pretoria had appointed Schutte as commandant for both the mounted and foot police. He requested the state secretary to confirm this to him in writing.<sup>94</sup> Bok replied this was indeed the case.<sup>95</sup> He followed up with a letter to Von Brandis, written in January 1888, stating that Schutte would be solely responsible for the day-to-day administration of the police.<sup>96</sup>

### **Dutch, discipline, and drunkenness**

The gold reef that was discovered in 1886, extended east and west of the original strike. Soon, numerous other farms in the Witwatersrand district were declared public diggings. The government declared Boksburg a public digging in 1887 and Krugersdorp was proclaimed as such the following year. If the establishment and growth of these towns was something of an anti-climax compared to the rapid pace of development in Johannesburg, it was still necessary for the government to set up administrative structures to preserve law and order on these fields. The government also placed the administration of the police in these towns under Commandant Schutte's authority.<sup>97</sup> At the end of November 1888, Sergeant W. Jordaan of the

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<sup>91</sup> Ibid.

<sup>92</sup> NASA, TAB, SS 1466, R6381/87, see minute entry dated 1 November 1887.

<sup>93</sup> Ibid., minute dated 10 November 1887 and State Secretary Bok: 'Geen uitv. Raadsbesluit ... hierop betrekking hebbende', 24 November 1887.

<sup>94</sup> NASA, TAB, SS 1471, R6700/87, Von Brandis to state secretary, 11 November 1887.

<sup>95</sup> NASA, TAB, SS 1466, R6381/87, telegram, state secretary to Von Brandis, 17 November 1887.

<sup>96</sup> Ibid., state secretary to Von Brandis, 21 December 1887.

<sup>97</sup> NASA, TAB, JHB 1721, Juta to the justice of the peace, Boksburg, 19 June 1888.

Boksburg Zarfs asked for more mounted police officers to be stationed in this town. He informed the government that there were five hotels located on the farms Benoni and Vlakfontein, at least a thousand African workers employed on the mines in this area, and numerous complaints of drunkenness and disturbance of the peace.<sup>98</sup> Schutte, however, denied the request. He insisted that the three troopers, two foot police and one African constable posted in this town and its surroundings were sufficient to maintain the law.<sup>99</sup> At Krugersdorp, the police force was somewhat larger, with 13 officers in total.<sup>100</sup> These figures, however, pale in comparison to Johannesburg, which already had 70 police officers employed by March 1888.<sup>101</sup>

Commandant Schutte initially struggled with his responsibilities. In late December 1887, Von Brandis reminded him that the mounted police had to patrol the town more frequently and arrest anyone who drives furiously in the streets. Schutte also had to post African constables at the most frequented shops, hotels and at the landdrost and commissioner of mines's offices. The commandant also had to deploy his troops on Sundays to see to it that all shops were closed and no meetings of Africans took place in or near the town.<sup>102</sup> Shortly after assuming this post, Schutte requested leave, and Pretoria appointed Lieutenant Mostert as acting commandant. Mostert used this opportunity to bring about changes in the structure of the force. During the period in which Mostert was acting commandant, he made a favourable impression on his men and 'taught them a lot about policing'. He also appointed Corporal E.H. Februgge as a clerk in the commandant's office to improve the administration. This decision, however, would come back to haunt the lieutenant a few months later.<sup>103</sup>

During this time, a dispute erupted between Chief Constable McIntosh and police officer Frederick de Witt Tossel. Mostert demoted McIntosh and appointed Tossel as chief constable. This decision was, however, overruled by the landdrost the following

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<sup>98</sup> NASA, TAB, SP 14, W. Jordaan to Schutte, 13 November 1888.

<sup>99</sup> Ibid., Schutte to F.J. de Beer, 14 November 1888. See also, NASA, TAB, SS 1936, R4977/89, Montague White to the state secretary, 17 May 1889.

<sup>100</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 133.

<sup>101</sup> *Diggers' News*, 'The Police', 10 March 1888.

<sup>102</sup> NASA, TAB, JHB 110, Von Brandis to Schutte, 26 December 1887.

<sup>103</sup> NASA, TAB, SP, 13, affidavit of Philip Constable, no date.

day. Instead, trooper James Thomas was appointed as the Zarps' new chief constable in Johannesburg. It would seem Von Brandis had other plans for Tossel, as he was soon after appointed chief police constable of Krugersdorp. Tossel was rumoured to have been born in Cornwall, England, and baptised as Llewellyn May. He immigrated to the Cape Colony as a young boy, where he worked as an overseer on the docks and later a security guard on the route between the diamond diggings and Wellington. At the age of 23, he was lured by the promise of wealth to the Rand, where he changed his name to Tossel and joined the Republican police force. Here, he gained a reputation for speaking fluent Dutch with an American accent, leaving those who met him none the wiser as to his true identity.<sup>104</sup>

In August 1889, Tossel became one of the most well-known Zarps in the Republic. On the morning of 29 August, two of the Rand's most notorious bandits, Jack McKeone and Dick Turpin, held up and robbed the Standard Bank in Krugersdorp of about £2,000 in cash and £1,500 in gold sovereigns.<sup>105</sup> The *Diggers News* reported it as 'the most audacious robbery that has yet taken place in the Transvaal'.<sup>106</sup> With the two robbers fleeing the scene on horseback, Krugersdorp's chief of police jumped on his horse and gave chase. Tossel pursued the robbers, at one point during the chase switching his horse for 'Atlas', the racing steed of the owner of the Witpoortjie Hotel. With a fresh set of equine legs under him, the chief constable easily made up the advantage the two robbers had gained on him, and after successfully cutting them off, a shootout ensued. McKeone was wounded in the arm and both he and Turpin surrendered. Although the gold sovereigns were never recovered, most of the paper money was found. Tossel was hailed to wide acclaim as a hero of the police force. As

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<sup>104</sup> H. Zeederberg, 'President Kruger's foreign police chief' in *Personality*, 12 February 1979, 67. A copy of this article can be found at The South African Police Archive (SAPA), File: 17/A (3976). See also: Zeederberg, 'Fred. Tossel of the ZARPS', in *Sarp: Magazine for the South African Police*, June 1966, 11-12, 61.

<sup>105</sup> For a riveting account of this daring robbery and other exploits by McKeone and Turpin see: Van Onselen, *Masked Raiders: Irish Banditry in Southern Africa: 1880-1899* (Cape Town: Sebra Press, 2010), 51-70.

<sup>106</sup> *Diggers' News*, 'Bank Robbery', 31 August 1889.

a reward from Pretoria, the Krugersdorp chief of police was promoted to the rank of lieutenant and also given a bonus.<sup>107</sup>



Figure 2: F. de Witt Tossel (SAPA: File 6 17/4)

Towards the end of 1887, lack of discipline among the constables in the police force was a growing concern. The public wrote numerous letters of complaint to Von Brandis about the Zarps' behaviour in Johannesburg. One complainant accused Constable O.H. Short of being 'ignorant of his duty and an unprincipled liar'. Short had entered a man's private lodgings without a warrant and insulted the fellow by

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<sup>107</sup> Van Onselen, *Masked Raiders*, 55. Also see numerous press cuttings referring to the life of Tossel in SAPA, File 17/A (4034); File 17/A (4008); File 17/12 (3976).

accusing him of causing a disturbance in a hotel.<sup>108</sup> Similarly, S.L. King accused Constable Robert Ferguson of dragging him through the streets to the Standard Café, much to King's embarrassment. Someone had accused King of stealing chairs from this establishment. However, the café's barman denied any knowledge of missing chairs; and claimed that he had never seen King before.<sup>109</sup> A concerned 'burgher' (citizen), who wrote to Von Brandis using the pseudonym 'ratepayer', had the following to say about the Zarps: 'of the laxity of the police of this place you have only to frequent these places of amusement and dancing saloons and there see the interest displayed by your police force. It appears to me that they are simply retained, to protect such places'.<sup>110</sup>

At least, one Zarp took offence at the negative perceptions circulating about the police at this time. Constable W. Crowsen wrote a letter to Assistant Landdrost Juta in which he drew attention to the 'unbecoming language' of a lawyer who addressed him in court while he was giving evidence. He stated the man called him the 'bully of the Police Force [and that] the Police were in the habit of backing or supporting fighting thereby implying that instead of keeping other people within limits of the law, they encouraged them to break the law'.<sup>111</sup> Although this Zarp clearly believed the negative image of the police was exaggerated, it is evident there was some truth to these sentiments. In November 1887, Juta complained to Von Brandis that it was impossible for him to do his duty properly without the help of good and trustworthy constables. His complaint followed the court appearance of Constable C. Leheuan. The court found the constable guilty of negligence, as a prisoner had escaped from prison under the constable's watch. Juta also complained to Police Commandant Schutte. He drew Schutte's attention to an article that appeared in the *Daily News*, in which Constable H. Williams stood accused of giving contradictory testimony, as a result of which the court found his evidence unreliable. Juta pointed out that these constables were guilty of drunkenness on many occasions.<sup>112</sup>

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<sup>108</sup> NASA, TAB, JHB 89, anonymous letter of complaint to Von Brandis, 26 September 1887.

<sup>109</sup> Ibid., S.L. King to Von Brandis, 9 October 1887.

<sup>110</sup> Ibid., 'Ratepayer' to Von Brandis, 7 November 1887.

<sup>111</sup> Ibid., Police Constable W. Crowsen to Juta, 22 September 1887.

<sup>112</sup> Ibid., Juta to Von Brandis, 16 November 1887.



Von Brandis received a steady stream of letters from men who wanted to join the police. These men represented a cross-section of the white male community living on the Witwatersrand. Both colonial Afrikaners and republican Boers, a broad selection of colonial Irish and English, as well as a selection of more recently arrived men from across the white settled world, petitioned the special landdrost to join the ZARPs. Some of these men claimed military experience on the colonial battlefields, while others, such as A.L. Hamington and J.D. Mahon, claimed ‘considerable experience in detective work in England, Australia and also in this country and knowing the class of men here, we will try to give every satisfaction to the Government’.<sup>113</sup> Not all of these men were successful in their attempts at gainful employment on the force. The main reason for this was the nature of the Republic’s bureaucracy. Although there was seemingly always a constant need for more police officers in Johannesburg, Von Brandis’ hands were tied by the fact that only the Executive Council could give approval for the appointment of more police officers. Many of these men were drifters and by the time Pretoria had granted permission to increase the force, they had moved on or had found better paying jobs elsewhere in the town.

In July 1887, the lack of police constables forced the special landdrost to approach the auditor general for emergency funds. This was to appoint nine men as special police officers in order to arrest a group of white men who had robbed Africans of their wages at Roodepoort. He made it clear that he did not have the necessary manpower to spare, and therefore had to appoint special constables.<sup>114</sup> In April 1888, Schutte again complained to the government that eight of his officers had to leave for Pretoria for a few days, as they were witnesses in a High Court case. Thus, during this period, the men would be unavailable for ordinary police work. The government, however, brushed aside his request for additional men.<sup>115</sup>

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<sup>113</sup> Ibid., A.L. Hamington and J.D. Mahon to Von Brandis, 29 June 1887.

<sup>114</sup> NASA, TAB, JHB 110, Von Brandis to auditor general, 14 July 1887.

<sup>115</sup> NASA, TAB, SS 1555, R1260/88, state secretary to Von Brandis, 5 April 1888.

At the same time, there was some pressure on Von Brandis to appoint well-connected individuals to the force. In one specific case, Koos Wolmarans, a member of the Executive Council, 'recommended' to Von Brandis the appointment of brothers Smit as mounted police officers. Wolmarans made no reference to the men having any relevant experience other than stating that they were 'good chaps'. Wolmarans also wanted the special landdrost to appoint one Ben Botes, who had served under him in the Anglo Boer War of 1880-81, as a constable. He described Botes as obedient and diligent, but hinted that the man was once a drunk. Wolmarans added that Botes had 'for a while now been sober and had given me his word that he would not turn to liquor again'. Wolmarans did conclude his letter to the special landdrost with the assurance that, if Botes turned out to be incompetent, he could be dismissed.<sup>116</sup> Von Brandis appointed all three of these men.

The police force soon became the biggest employer of Afrikaners on the Witwatersrand. Remarkably, in this pre-1890 period, Von Brandis appointed both ZAR *burghers* and foreigners as white police officers. The *Diggers' News* was very critical of Schutte after the new police commandant 'had ordered that his department shall be conducted exclusively in Dutch, though a great part of his men are English'.<sup>117</sup> Due to the relatively small number of urbanised Afrikaners who wanted to join the police force, new recruits were drawn from the rural districts. Many of these young Afrikaner men, having been weaned on the *veld*, were excellent horse riders and marksmen.<sup>118</sup> Yet, many were also illiterate and unfamiliar with the ways of the world.<sup>119</sup>

Class and ethnic conflict between Boers and *Uitlanders* would manifest as two of the more persistent impediments to the ZARs' efficiency. This was especially true for the post-1890 period, when the government's naturalisation law, stipulating that only

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<sup>116</sup> NASA, TAB, JHB 89, J.M.A. Wolmarans to Von Brandis, 28 September 1887.

<sup>117</sup> *The Diggers' News*, 'For bread a stone', 7 February 1888.

<sup>118</sup> On the issue of Boer masculinity see: S. Swart, 'A boer, and his gun and his wife are three things always together': Republican masculinity and the 1914 rebellion, *Journal of Southern African Studies*, 24:4 (1998), 737-751; R. Morrel, 'Of Boys and Men: Masculinity and Gender in Southern African Studies', *Journal of Southern African Studies*, 24:4 (1998), 616-619.

<sup>119</sup> Stals, *Afrikaners in die Goudstad*, 63.

Afrikaners could hold positions in the civil service, was implemented. Any newcomer to the Republic who wanted to become a naturalised *burgher* had to register with the Field Cornet or with a Justice of the Peace upon arrival in the country. Once the person was registered, he or she could apply for naturalization after a two-year stay. Most newspapers were convinced that ‘superior authority is evidently of [the] opinion that a police force exists, not for the performance of police duties, but in order that employment may be found for good Afrikaners who are not above that kind of work’.<sup>120</sup> To the *Uitlander* community, the Boer policeman would become a symbol of oppression and backwardness. Some members of the public began to obstruct the force in the conduct of its duties. It soon became the object of public ridicule.<sup>121</sup>

### **Laws, regulations and dismissals**

While Schutte and Mostert were finding their feet in managing the police force, issues of regulation and control became of increasing importance. Lack of discipline had to be addressed. At the end of December 1887, a list entitled ‘Laws and Regulations for the Police at Johannesburg’, consisting of 36 articles, was compiled and sent to Von Brandis.<sup>122</sup> It is unclear who compiled the list. The handwriting does not match either that of the commandant or the lieutenant. Nevertheless, there is evidence that these rules and regulations were enforced after 1887. The existence of the list stands in stark contrast to assertions later made by Schutte that he had no rules and regulations with which to hold the force accountable.<sup>123</sup>

The list can be read as both a set of regulations and a set of instructions to the mounted and foot police officers. The regulations are extensive in scope. First of all, they confirmed that the authority of the force resided with the commandant and the police lieutenant, the latter of whom would assume control of the force in the absence of the commandant. They provided for the division of the town into wards, where foot

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<sup>120</sup> *The Star*, 5 July 1889, as quoted in Stals, *Afrikaners in die Goudstad*, 63.

<sup>121</sup> *Ibid.*, 63.

<sup>122</sup> NASA, TAB, JHB 89, document entitled: Laws and Regulations for the Police at Johannesburg, 27 December 1887.

<sup>123</sup> *Standard and Diggers' News*, ‘The greatest state scandal’, 11 October 1894.

constables or 'town police' would be stationed, and who would have to give an account of themselves if they were found patrolling in a ward which they were not assigned to. They made a clear distinction between day and night shifts, with all shifts equally divided into the same amount of hours. The list stipulated that once out on watch, officers could only leave their posts if they were needed to break up a fighting party, and if a murder or death had occurred. They could also leave their posts if there was any unrest or if there was a fire. The police had to ensure that there was no theft or looting in the latter two instances. Officers could also leave their watch if an officer's presence was requested or required by the public, or when an arrest had been made and the person had to be escorted to the police station. It also stipulated that no officer could leave his post before he was relieved of duty by his successor.<sup>124</sup>

The regulations also emphasised the militaristic nature of the force. The men had to be marched to their posts by a deputy officer and marched back to the barracks once their shift had ended. Furthermore, every constable, trooper or deputy officer who met the commandant, lieutenant, special and assistant landdrosts or the mine commissioner on the street or at a public venue, would have to salute 'in a military manner'. However, if on duty after sunset, they did not have to salute, but could simply approach their superiors and report on the circumstances. The regulations stated that 'it is not desirable that too much social interaction occurs between the deputy officers and the troops, as this would be detrimental for military discipline and the carrying out of duties properly. Every deputy officer would also see to it that he is treated with the necessary respect, as not to be undermined by his subordinates'. The force would also be drilled, and there would be a parade every Friday afternoon.<sup>125</sup>

Deputy officers would be in command of the force at night and would also inspect the force in the evening. One of these officers had to be on duty at the police station at all times, and had to keep records of all that occurred during the night. During the day, the charge of the station would be placed in the hands of the 'most trustworthy and

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<sup>124</sup> NASA, TAB, JHB 89, document entitled: 'Laws and Regulations for the Police at Johannesburg', 27 December 1887.

<sup>125</sup> Ibid.

capable person' on duty. It was expected of the officers on duty at the charge office to keep records and to account for any money or items of value taken from prisoners once arrested. It was also the duty of the deputy officer to inform the commandant or lieutenant if they suspected that an unlawful arrest was made. It was further expected of the officers to promptly obey their deputy officer, and they could only complain to the commandant if they thought their orders were wrong or illegal. It emphasised that disobedience to a deputy officer was a very serious offence.<sup>126</sup>

As far as the issues of disobedience and discipline were concerned, the regulations stipulated a list of offences, as well as the punishment that would be meted out to those officers who transgressed. Officers on duty were not allowed to enter canteens or hotels, unless they had to suppress a racket or remove fighting parties from the premises. They were not allowed to be drunk on duty or to engage in small talk on the streets, nor were they allowed to be absent from duty or from parade. It was also expected of them to ensure that they obtained sound evidence to use as testimony in court cases. Depending on whether it was a first, second or third offence, punishment differed according to the circumstances. In all cases, offenders had to be brought before the commandant or a deputy officer, who would then record the offence and decide on the type of punishment. These ranged from warnings, fines, jail time and dishonourable discharge from the force. Fines could not exceed more than half the officers' salary, and imprisonment could not be for a period longer than three months with hard labour. An added stipulation for the mounted police was that they did not have the right to ride or sell their government issued horses without the consent of the commandant, and were responsible for keeping their horses in a good condition.<sup>127</sup>

The historical record shows that these laws and regulations were enforced. Commandant Schutte sent a report to Van Brandis recording thirteen cases of misconduct for February 1888. For the transgression of using offensive language, Constable P. Fyffe was found guilty, seriously reprimanded and warned that at his next offence he would be dismissed from the force. Constable August Winterboer was

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<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

dismissed for being drunk and absent from night duty and Constable Johan Wilson was also fired for being drunk and disturbing the peace in the barracks. Constable H. van der Bijl was found guilty of talking to a private person about police business and reprimanded. However, he was dismissed from the force later that month, when he did not salute the lieutenant and used threatening language. Constable Dirk Koedijk was dismissed for insubordination and Constable W. Thomas was fined £1 and discharged for being drunk on duty. For being absent without leave and from patrol, Constables H. Panzer and G. Troutment were fined £2.10 each and also placed under arrest in the barracks for 48 hours and one week respectively. Similarly, W. Thompson, W. Baraclough and E. Parker were found guilty of drunkenness and being unfit for service. They were fined and placed under arrest.<sup>128</sup>

In June 1888, State Attorney Leyds decided to launch his own investigation into allegations that there were individuals with less than stellar reputations, and even escaped prisoners from other parts of southern Africa, employed on the force. The state attorney approached the police commissioner at Kimberley and requested that a member of his force come and investigate these allegations. Subsequently, Chief Detective Chadwick arrived in Johannesburg to investigate these issues, and was instructed to report his findings directly to Leyds. Pretoria instructed the assistant landdrost to ensure that Chadwick received all the support he needed during the course of his investigation. After Chadwick reported to Leyds, a number of police officers were dismissed from the force.<sup>129</sup>

There is also evidence Assistant Landdrost de Beer had intended to compile a set of police regulations and to send them to the government in 1889. De Beer later explained to the state attorney that he tried to fashion these regulations on the 'Statute Law' of the Cape Colony, but found many of them unsuitable for Johannesburg and therefore did not include them in his version. He pointed out, for example, that he had to include regulations on the display of 'immoral portraits' and also had to tailor the

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<sup>128</sup> NASA, TAB, JHB 90, report of transgressions treated by the police commandant during February 1888, 8 March 1888.

<sup>129</sup> L.E. van Niekerk, *Kruger se regterhand, Biografie van Dr. W.J. Leyds*, (J.L. van Schaik: Pretoria, 1985), 49; NASA, TAB, SP 392, secretary of the state attorney to De Beer, 18 October 1888.

rules to the requirements of the Liquor Law.<sup>130</sup> Although there is evidence of senior officials taking discipline seriously on the force, it remains true that many of the officers remained ill-disciplined, and complaints about their conduct would continue to stream in.

In May 1889, the government's attention was also drawn to the lack of discipline among the African police constables. De Beer informed Pretoria that he had great difficulty in upholding discipline among African constables and 'for the safety of Johannesburg' it was necessary for the government to address the issue. The assistant landdrost informed the state attorney the 'coloured [and] black constables here are not fulfilling their duty and ... they are regularly drunk whilst on duty, and make themselves guilty of dereliction of duty, disturbing the peace, extortion [and] bribery'. De Beer, who 'on a daily basis', had to dismiss African constables from the force, made it clear that it was difficult for him to find 'good men' as replacements, because the salary offered to African constables was too meagre. He noted that the mines offered Africans labourers £4 a month with food and shelter. He suggested the government hire Zulu or Swazi men for a period of at least a year, paying them £2 a month, and providing them with clothing and rations.<sup>131</sup>

Only in August 1889 did the Executive Council finally approve a resolution for the appointment of Zulu men as police constables, explicitly stating that 'Makatese Kaffers'<sup>132</sup> (sic) had little worth as law officers.<sup>133</sup> However, finding suitable Zulu constables proved to be a major problem. Although the budget of 1889 provided for the appointment of 21 African police constables and 21 African prison warders, none of the native commissioners in the Republic's eastern districts could supply the number of men required. Another issue was the meagre wages, which the government

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<sup>130</sup> NASA, TAB, JHB 1721, De Beer to state attorney, 27 April 1889.

<sup>131</sup> NASA, TAB, SS 1936, R4983/89, De Beer to state attorney, 2 May 1889.

<sup>132</sup> The terms 'Makatese' or 'Mantatese' were colloquial names used by white frontier farmers to refer to Africans who migrated into the Cape Colony in the early decades of the nineteenth century due to the Mfecane or so-called 'scattering'. The latter was a result of widespread chaos and warfare among African communities in southern Africa. The term derives from the popular rule of Queen Regent Manthatisi of the Tlokwa people after the death of her husband in c. 1815. See: J.S. Bergh and A.P. Bergh, *Tribes & Kingdoms*, (Cape Town: Don Nelson, 1984), 23-24.

<sup>133</sup> NASA, TAB, UR, Resolution 550 of 1889, 15 August 1889.

tried to address by raising the salary of African policemen in Johannesburg to £3 a month. By comparison, Africans working for the government in the Postal Department already received wages of £4.10s a month.<sup>134</sup>

In March 1890, Johannesburg's chief prison warder told Assistant Landdrost de Beer that five African prison warders had aided several prisoners to escape 'because they are friends or are related to one another'.<sup>135</sup> When asked by the chief warder what had happened to the plan to employ Swazis or Zulus as law enforcement officers, De Beer replied despondently that he had written to the government countless times on the matter, but to no avail.<sup>136</sup> Later that month, the native commissioner of Piet Retief managed to send 20 men to Johannesburg, but asserted that it was increasingly difficult for him to get 'groote kaffers' (sic), as he also had to send Africans to other government departments in need of labour.<sup>137</sup> Most of the native commissioners stated that they only had access to 'Maketezen' men. They suggested that the assistant landdrost should consider shortening labour contracts to six months, as the 'most trustworthy kaffers (sic) are those who are married and one year contracts are too long for them'.<sup>138</sup> As part of their contracts, the men were entitled to three uniforms per year and rations. These uniforms seem to have been reissued. Commandant Schutte only ordered new uniforms for African constables in 1891, informing Pretoria that the old uniforms were in a threadbare state.<sup>139</sup> Very little is known about the conditions in which African police officers performed their duties. For this early period of Johannesburg's existence, very little was reported in the press about their behaviour.

### **An unarmed army**

One striking characteristic of the police in the late 1880's was that they were 'totally unarmed'. In January 1888, Commandant Schutte informed Von Brandis and State

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<sup>134</sup> Ibid., Resolution 787 of 1889, 18 December 1889.

<sup>135</sup> NASA, TAB, SS 1936, R4983/89, chief warder of the Johannesburg Prison to De Beer, 12 March 1890.

<sup>136</sup> Ibid., De Beer to Johannesburg's chief prison warder, 13 March 1890.

<sup>137</sup> Ibid., Native commissioner at Piet Retief to secretary of Native affairs, 24 March 1890.

<sup>138</sup> Ibid., J.A. Erasmus to the Native commissioner at Lydenburg, 27 August 1890.

<sup>139</sup> NASA, TAB, SS 2754, R3196/91, Schutte to N. de Beer, 16 March 1891.



Secretary Bok that the police force was without weapons. He called upon the government to supply the officers with rifles, revolvers and sabres, as they were increasingly finding themselves in difficult situations. The letter was in direct response to the police arresting an African man for the sexual assault of a 'respectable' white woman at Langlaagte.<sup>140</sup> When the offender appeared at the provisional trial, the police had the greatest difficulty in controlling the huge crowd that had gathered at the court and who wanted to have the man lynched. Schutte wrote that:

When he had to be returned to prison, we had no choice but to put him in a car and, under the escort of almost the entire police force, take him back to prison. It was quite an effort on the side of the police not to let him fall in the hands of the public, who were furious. Now there have been attempts to break open the new jail. These people have been arrested, as all the prisoners are standing ready to escape. If this kaffir (sic) has to appear again, there will be widespread disorder and measure will have to be taken so that order prevails.<sup>141</sup>

Von Brandis struggled for hours to disperse the crowd after the man's appearance in court. He stressed to the government that the situation required the police force to be

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<sup>140</sup> NASA, TAB, SS 1573, R1881/88, report of criminal attack and rape by a kaffir (sic) on a white woman, 10 January 1888. (Translated from the original Dutch file name). In 1894 sexual assaults by African men on white women caused considerable panic among Johannesburg's white community. The press dubbed it a 'social pest' and called on 'Judge Lynch' to administer justice. *The Star* blamed the government's legal system for the perceived escalation in these attacks. The landdrost court's maximum sentences for such offences were six months imprisonment and 25 lashes. The community felt the law was too lenient and did not act as a deterrent in preventing this crime. Pretoria responded by decreeing that all cases of sexual assault would be tried in the Circuit Court. This court could sentence offenders to both a minimum of three years imprisonment and 25 lashes, or institute the death penalty. Accordingly, there was a marked decrease in this crime in the post-1894 period. See: *The Diggers' News*, 'The Kafir (sic) Pest', 14 March 1889; *The Star*, 'Law or lynch law', 1 October 1894; J.J. Fourie, 'Die koms van die Bantoe na die Rand en hulle posisie aldaar, 1886-1899', *Argiefjaarboek vir Suid-Afrikaanse Geskiedenis*, 42(1), (Pretoria: Staatsdrukker, 1983), 253. Fourie states that one reason for the attacks can be found in the unequal ratio of African men to women on the Rand. This was because of the migratory labour system, which resulted in the lack of a balanced family life. Secondly, they claimed that recent white settlers were ignorant and employed African men as 'houseboys' which bred familiarity and resulted in rape. See: Fourie, *Die koms van die Bantoe na die Rand*, 253-254. Van Onselen argues the 'black peril' waves gripping Johannesburg in the 1890's were linked to the periods of economic downturn and the mood of uncertainty which prevailed as a result. See: Van Onselen, *New Babylon, New Nineveh*, 257-267.

<sup>141</sup> NASA, TAB, SS 1573, R1881/88, report of criminal attack and rape by a kaffir (sic) on a white woman, 10 January 1888. (Translated from the original Dutch file name).

armed 'post haste'.<sup>142</sup> He informed Commandant General Piet Joubert, who was in charge of the government's armament store, that he needed short Martini Henry rifles, revolvers and sabres for the 30 mounted police officers and revolvers and ammunition for the 25 members of the foot police.<sup>143</sup> However, the government could only supply 34 Martini Henry rifles, 9 revolvers and 7 sabres.<sup>144</sup> When the state secretary visited Johannesburg in March 1888, he discovered the foot police were still unarmed. The police force as a whole was still in short supply of revolvers, batons, whistles and lanterns.<sup>145</sup> The best the government could do was to supply an additional 18 revolvers and place an order for the other outstanding items. The government's supplier struggled to fill the order. Pretoria could only issue the police force with more revolvers, lanterns and whistles nine months later.<sup>146</sup>

The *Diggers' News* was sceptical about the increasingly militaristic nature of the ZARs. An editorial argued that:

Soldiers we do not want. Drilled policemen for a scattered district like this will be better than useless. What is wanted is a force of men who had some previous knowledge of the practice of police in so far as regards the detection of crime after it has been committed, as well as the courage to face it, if committed, and thereby haply prevent such deeds as are a disgrace to Johannesburg annals.<sup>147</sup>

When, in August 1889, a police constable drew his revolver in the street, the paper reacted negatively. The newspaper declared the town's policemen could not be trusted with weapons. It compared the situation to other parts of the world where policemen had to be 'trained for years' to be able to carry revolvers. The editorial defended the need for law enforcement officers. It argued that a policeman was 'a necessary evil'. It, however, expressed the hope that, if the authorities still deemed it necessary to

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<sup>142</sup> Ibid., note added to report above and signed by Von Brandis.

<sup>143</sup> Ibid., Von Brandis to Piet Cronje, 22 January 1888.

<sup>144</sup> Ibid., H.P.N. Pretorius to Cronje, 1 February 1888.

<sup>145</sup> Ibid., state secretary to Von Brandis, [?] March 1888.

<sup>146</sup> Ibid., Von Brandis to J.F. de Beer, 20 December 1888.

<sup>147</sup> *Diggers' News*, 'Editorial', 24 March 1888.

issue the police force with lethal weapons, it would give better training to the town's policemen in their use.<sup>148</sup>

### **Von Brandis: 'What did I do to lose the government's trust?'**

By the end of January 1888, Assistant Landdrost Juta was increasingly frustrated both by the behaviour of the police force and the lack of control he exercised over it. One particular point of concern was that the police arrested 'respectable' residents without Juta's office issuing arrest warrants. The issue of 'respectability' in this frontier community was multifaceted, and enveloped both notions of class and race. Writing to Von Brandis about the matter, Juta described a case where a constable arrested a white man after a 'coolie' (sic) had accused the man of breaking down his door. This misdemeanour could not be proven against the arrested person once he appeared in court.<sup>149</sup> Von Brandis took up the matter with Commandant Schutte and ordered him to tell his men they should act within the constraints of the law and not arrest any 'white respectable' inhabitant without an arrest warrant. The only exceptions were if the safety of the public was threatened, if there was a chance of the offender escaping, or if someone was caught in the act of breaking the law.<sup>150</sup>

Juta's frustration with the status quo strained his relationship with Von Brandis. The latter informed the assistant landdrost that he had nothing whatsoever to do with the regulation of the police or the prison. Vexed by the situation, Juta wrote to State Attorney Leyds, asking what procedure he should follow if the court had to issue an urgent arrest warrant. He asked whether he should first call on Von Brandis, who was 'busy the whole day with civil cases', before he could call on a constable. He complained that hotels and canteens were not closing at prescribed times. To make matters worse, Lieutenant Mostert did not offer Juta the necessary support to enforce the law in this matter.<sup>151</sup> The Sanitary Board also took up this particular issue with Von Brandis in early February. It told the special landdrost that the '[p]olice of

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<sup>148</sup> Ibid., 24 August 1889.

<sup>149</sup> NASA, TAB, JHB 1721, Juta to Von Brandis, 24 January 1888.

<sup>150</sup> NASA, TAB, JHB 110, Von Brandis to Juta, 25 January 1888.

<sup>151</sup> NASA, TAB, JHB 1721, Juta to Leyds, 25 January 1888.

Johannesburg is not doing their duty regarding the closing of canteens here on Sundays and at 10 at night according to the regulations as set out in the liquor law'.<sup>152</sup> That the situation was worsening can be seen in the next letter from Juta to Pretoria. Firstly, he wanted to know whether he was the ex-officio Justice of the Peace; secondly, whether he could cancel canteen owners' licences who had repeatedly disobeyed the Liquor Law and finally, whether he had the right to dismiss or punish a police constable who had made himself guilty of an offence – or whether this could only be done by the special landdrost.<sup>153</sup>

State Attorney Leyds immediately took up the matter with State Secretary Bok. He told Bok that, in both Barberton and in Johannesburg, difficulties had been reported in the relationship between the police and the assistant landdrosts. Although the Gold Law placed the police under the authority of the special landdrosts on the goldfields, the state attorney felt the time had come to change this state of affairs. Common sense dictated that the control and oversight of the police should rest in the hands of the assistant landdrosts.<sup>154</sup> Therefore, in March 1888, the Executive Council passed a resolution stating the assistant landdrosts on the goldfields would now also be the respective chiefs of police in their towns.<sup>155</sup> Pretoria issued a circular to all special landdrosts, assistant landdrosts and mine commissioners on the goldfields, informing them that according to Article 6 of Law 8 of 1887, the state attorney had supreme command of the prisons and police. It requested that all correspondence to the government regarding prisons, prisoners and police matters be addressed to the state attorney.<sup>156</sup> In future, police lieutenants would report to the police commandant, who in turn would be subjected to the control of the assistant landdrost, who in turn would report to the state attorney.

Once Von Brandis realised he would no longer be in control of the police force, he took the matter personally. He wrote to the state attorney:

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<sup>152</sup> NASA, TAB, JHB 90, Mines Commissioner Eloff to Von Brandis, 8 February 1888.

<sup>153</sup> NASA, TAB, JHB 1721, Juta to Leyds, 30 January 1888.

<sup>154</sup> NASA, TAB, SS 1551, R1060/88, Leyds to Bok, 1 February 1888.

<sup>155</sup> NASA, TAB, UR, Resolution 140 of 1888, 3 March 1888.

<sup>156</sup> NASA, TAB, JHB 90, circular CB4/88, 9 March 1888.

I have worked day and night for the government and the police force and prisons with such sacrifice to establish a good watch. Now that everything is in order, I am slapped in the face and my assistant takes over – which now truly means the Special Landdrost will be under the authority of the Assistant Landdrost. What will the public, whose trust I hold, think of this measure. What is my crime? What did I do to lose the government's trust? Name the charges and the crime I committed and who the complainants are? The Gold Law places the Police under the authority of the Special Landdrost, and the prisons also stand under his supervision. What are the reasons for treating me in such a manner? What did I do?<sup>157</sup>

Incensed, Von Brandis demanded that the state attorney overturn the Executive Council's resolution and follow proper procedure in first amending the Gold Law at the next sitting of the *Volksraad*.<sup>158</sup> Leyds grew impatient with Von Brandis' protestations and made it clear to the government that, even though the special landdrost felt that the regulations were aimed at him, this was never the case. He was adamant that 'it is about the principle and not the person'. He thought Von Brandis and the special landdrost of Barberton were becoming too big for their boots and 'wrongly saw themselves as the chiefs of their goldfields'.<sup>159</sup> By mid-June 1888, Von Brandis had still not come to terms with the changed situation. He mockingly suggested to the government that, with the police and prisons now under the assistant landdrost's authority, the latter should also assume responsibility for administering the prison hospital as, 'according to government's opinion, he is the most suitable person' for such tasks.<sup>160</sup>

## **Murders and Memorials**

While Pretoria addressed questions about the control and order of the police force, Johannesburg's crime levels were rising. The lack of an adequate and armed police force contributed to this state of affairs. At the end of January 1888, Lieutenant

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<sup>157</sup> NASA, TAB, SS 1551, R1060/88, Von Brandis to Leyds, 20 March 1888

<sup>158</sup> Ibid., telegram: Von Brandis to Leyds, 10 April 1888; see also, Von Brandis to Leyds 13 April 1888 and 6 May 1888.

<sup>159</sup> Ibid., Von Brandis to Leyds, 24 March 1888; Leyds to Bok, 18 May 1888

<sup>160</sup> NASA, TAB, JHB 110, Von Brandis to Bok, 15 June 1888.

Mostert implored the government to increase the police force. Every day, 40 to 60 people appeared in court. Horse and cattle theft remained especially prevalent.<sup>161</sup> The press was becoming even more disillusioned with the police force. The commandant's order that the department would conduct business in Dutch and not English was a bitter pill. The *Diggers' News* asserted:

The mining community have not deserved such treatment. They have proved themselves law-abiding and peaceably disposed; and the inhabitants of Johannesburg in particular have done their utmost to sustain the Government in enforcing the law. We were talking the other day to a gentleman who has been in nearly every mining centre in the world. He expressed his astonishment – not at the gold here or the rapid growth of the place, but at the good order which prevailed.<sup>162</sup>

Early in 1888, matters took a turn for the worse when a number of unsolved murders plagued the town. As masterfully explored by Charles van Onselen, these crimes were linked to the infiltration of Johannesburg by the so-called Irish Brigade.<sup>163</sup> Von Brandis realised the public was outraged and warned Pretoria it should double the number of foot police to 50 men, as the 25 men then employed were not sufficient in relation to the size of the town. He wanted the government to act before the public began drawing up petitions on the matter. Pre-emptive action would demonstrate that 'government is paying attention to this issue on the request of its officials and that their meetings are not necessary'.<sup>164</sup> But Von Brandis was too late in his attempts to jolt the government into action. On 13 February, the public held a mass meeting and three petitions were circulated. When the petitions reached Von Brandis two days later, he viewed them in such a serious light that he did not translate them into Dutch, but immediately forwarded them to the government.<sup>165</sup> The three petitions, drawn up by the Vigilance Committee, were addressed to President Kruger and the Executive Council. The first petition addressed the dismal state of the police force. It expressed

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<sup>161</sup> NASA, TAB, JHB 90, Mostert to state secretary, 30 January 1888.

<sup>162</sup> *The Diggers' News*, 'For bread a stone', 7 February 1888.

<sup>163</sup> Van Onselen, *Showdown at the red lion, the life and times of Jack McLoughlin, 1859-1910*, (Johannesburg and Cape Town: Jonathan Ball Publishers, 2015), 159-162.

<sup>164</sup> NASA, TAB, JHB 110 Von Brandis to Leyds, 15 February 1888.

<sup>165</sup> *Ibid.*, Von Brandis to state secretary, 17 February 1888.

concern about an ‘increasing influx of vagrants and dangerous classes’ and insisted ‘skilled officers’ had to be appointed, as many criminals escaped detection. As evidence, the petition pointed out ‘none of the murders committed in this neighbourhood during the past twelve months have been traced [and] in addition many other crimes against personal property remain undetected’. It called on Pretoria to establish a detective department and a rigid enforcement of the Vagrant Law.<sup>166</sup> The second petition blamed the increasing crime in the town on the lack of street lighting and wanted the town to be lit at night.<sup>167</sup> The third petition again emphasised the community felt insecure, the police force was inadequate and that steps had to be taken to ensure the force patrol the streets ‘during all hours of the night in all weathers’.<sup>168</sup>

Von Brandis pointed out to Pretoria the signatories were ‘people who are loyal and only have the goal in mind, to meet and help the government and [who] do not want to make trouble. And I as an ordinary official of this Republic and Government can with good feeling strongly request the government to implement all the requests these memorials ask for’.<sup>169</sup> These petitions arrived at a time when internal strife among the officers was rampant, which hardly improved an already fraught situation.

### **Boer Lieutenant versus *Uitlander* Detective**

The call for establishing a Detective Department on the Witwatersrand came after the Executive Council had already, in November 1887, approved the appointment of a full-time detective for the Witwatersrand.<sup>170</sup> Robert Ferguson, who was one of the first police constables appointed on the Rand, was promoted to this position on Von Brandis’ recommendation. The 26-year-old Ferguson was born in Glasgow, Scotland.<sup>171</sup> Ferguson ‘adopted the sea’ as his profession before leaving his ship in

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<sup>166</sup> *Diggers' News*, ‘Memorials to the government’, 18 February 1888.

<sup>167</sup> *Ibid.*

<sup>168</sup> *Ibid.*

<sup>169</sup> NASA, TAB, JHB 110, Von Brandis to state secretary, 17 February 1888.

<sup>170</sup> UR, Resolution 450 of 1887, 05 November 1887.

<sup>171</sup> W.K. Hancock and J. van der Poel (eds), *Selections from the Smuts Papers, Vol. 1, June 1886 May 1902* (Cambridge University Press: Cambridge, 1966), 322.

Cape Town and entering the railway service. He later went to Kimberley and joined the town's police force.<sup>172</sup> It is not clear when he made his way to the ZAR. A police record book entry describes him as five foot 11 inches tall, with a well-shaped jaw, a round forehead, dark eyes, greying brown hair and a moustache.<sup>173</sup> In February 1888, the *Diggers' News* had nothing but praise for this particular detective, 'whose efficient services in the past – almost unaided – deserve such recognition'.<sup>174</sup> The following month, State Attorney Leyds directed the government to appoint Francis Brant as a part-time special detective in Johannesburg. Although Leyds had 'no doubt the local police and detectives are using their best efforts to capture the perpetrators', he wanted another man on the job, who would have the sole task of thoroughly investigating the murders that had been committed in the town.<sup>175</sup> Pretoria did, however, appoint more full-time detectives for Johannesburg during this period. James Watt, born in the Cape Colony, joined the detective service in late 1887 and Joseph Edward Poole, who was born in Cornwall, joined on 23 May 1888.<sup>176</sup>

At this point in time, Pretoria felt that, given the specialised duties expected of detectives, experience outweighed potential political implications. Thus, most of the detectives were not initially naturalised burghers of the Republic.<sup>177</sup> This did not sit well with some members of the force, who claimed superiority on the grounds of being 'sons of the soil'. It soon became clear that all was not well with the relationship between the Zarps and the town's chief detective. Towards the end of February 1888, Von Brandis, who had most likely received a complaint from Ferguson, ordered the then acting Police Commandant Mostert to tell his men that, for

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<sup>172</sup> *The Transvaal Leader*, 'Ex-police official killed', 12 December 1910; *The Star*, 'Obituary: Mr. Robert Ferguson', 12 December 1910.

<sup>173</sup> NASA, TAB, SP 867, "Speurpolisie: register van speurders in diens en volle beskrywings, 1887-1899".

<sup>174</sup> *Diggers' News*, 'The proposed detective department', 18 February 1888.

<sup>175</sup> NASA, TAB, SS1585, R2452/88, letter from Leyds to the state secretary, 21 March 1888; Van den Bergh states Brant was one of the first sleuths to be appointed by the government on the Witwatersrand. Yet a register of names of all the detectives on duty in the ZAR at this time does not list Brant as a government appointed detective at all. An article in the *Diggers' News* of 31 August 1889 also refers to Brant as a 'private detective' when he appeared in court on a charge of assault. See: Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 140.

<sup>176</sup> NASA, TAB, SP 867, Speurpolisie: register van speurders in diens en volle beskrywings, 1887-1899.

<sup>177</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 141.



the good of the government and the public, the constables and troopers needed to serve Ferguson faithfully and give him any information and assistance when required. Von Brandis informed Mostert that he would hold him personally responsible ‘when secretly or openly’ the police resisted this order.<sup>178</sup>

Mostert did not react well to the special landdrost’s threat. He replied that it ‘grieved’ him to receive such a letter. He then went on to explain his reservations about Ferguson in more detail. Apparently, a quarrel relating to reward money had broken out. Detective Ferguson had claimed a reward offered for a missing gold watch that a member of the public had recovered. Mostert felt Ferguson did not deserve the reward. This angered the detective, and he told Mostert he no longer wanted the police to bother him in the carrying out of his duties. Part of the problem related to Ferguson’s rank in the police department. Mostert and Police Commandant Schutte regarded themselves as ‘senior officials’, and not ranked equally or beneath Ferguson. They felt that, ‘as is the case in the rest of the world, detectives are ranked below officers’. Mostert insisted that the police had never withheld information from Ferguson. He would, however, instruct his men to ignore Ferguson’s request not to be ‘bothered by the police’ and to give the detective assistance in future.<sup>179</sup> Mostert was, however, not going to let the issue slide that easily, and on the same day of his reply to Von Brandis, he also wrote to Ferguson and instructed him to, in future, correspond with the police office in Dutch, for any correspondence ‘written in English ... no notice will be taken of’.<sup>180</sup>

The relationship between Detective Ferguson and Lieutenant Mostert remained strained. In May 1888, Ferguson wrote to Von Brandis, again complaining about Mostert’s behaviour. The latest incident came after Von Brandis instructed Ferguson to investigate the dealings of some auctioneers operating in the town. Police Commandant Schutte gave Constable P.C. Mckay leave to do special duty for Ferguson in the matter. However, when Mckay informed Mostert of this, the

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<sup>178</sup> NASA, TAB, JHB 110, Von Brandis to Mostert, 25 February 1888.

<sup>179</sup> NASA, TAB, JHB 90, Mostert to Von Brandis, 27 February 1888.

<sup>180</sup> NASA, TAB, JHB 90, Mostert to Ferguson, 27 February 1888.

lieutenant told the constable 'that he and the Commandant had put their heads together and resolved that anyone who did special duty for [Ferguson] would be discharged'. Mostert added that he did not like Ferguson and would soon see him out of service. Ferguson despondently explained:

men are afraid to do any duty for me, unless they do it in an inefficient manner as the Lieut[enant] hinted McKay ought to do. Evidently Lieut[enant] Mostert's (sic) aim is to get the Detective Dep[artment] under his control as he remarked that he would have the Dep[artment] under police supervision, which of course would be fatal to me, but I am sure that I can rely upon your supporting me as you have always done in enabling me to carry out my duties and instructions to the best of my ability, under the existing arrangements I find it very difficult to discharge my duties effectively.<sup>181</sup>

Von Brandis must have intervened in the matter. Barely a week after Ferguson's letter to the special landdrost, Ferguson once again lodged a complaint with Lieutenant Mostert. This time, he complained about the behaviour of trooper Phillip Fyffe. Fyffe refused to give information to Ferguson about a suspect arrested on suspicion of murder. Fyffe was apparently also drunk when Ferguson approached him for information. Mostert passed the complaint on to Commandant Schutte, who summoned Constable Fyffe to give an account of his conduct. Fyffe, who had only been on the job for a few months, had already appeared before the commandant for a number of offences, which included drunkenness and insubordination – never mind refusing to share information with Ferguson. His most recent offence was one of brutality against his chief constable, and he had been warned that at his next offence he would be dismissed. However, before Schutte could dismiss Fyffe, the latter informed the commandant that he wanted his immediate discharge.<sup>182</sup>

Finally, in August 1890, State Attorney Krause confirmed to Ferguson his appointment was equal in rank to Police Commandant Schutte. Krause made it clear that the chief detective could only receive orders from the state attorney or the

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<sup>181</sup> Ibid., Ferguson to Von Brandis, 21 May 1888.

<sup>182</sup> NASA, TAB, JHB 90, Schutte to Assistant Landdrost Juta, 31 May 1888.

assistant landdrost, and not from the ordinary police. The state attorney added that, if Ferguson needed aid from ‘subordinates’, the police had to comply fully with his request.<sup>183</sup>

### **Run out of town by a car and horse**

Ferguson was not the only law officer who had a grievance against Lieutenant Mostert. In April 1888, Constable E.F. Februgge, the officer who Mostert appointed as clerk in the commandant’s office, laid a complaint against Mostert and Chief Constable Thomas. He declared in a sworn affidavit that these officers had taken bribes from canteen owners.<sup>184</sup> The state attorney gave the acting Assistant Landdrost, A.L. Schuurman, instructions to investigate the complaint. Most witnesses stated they had only ‘heard’ or were ‘told’ that Mostert and Thomas had received bribes. The people accused of giving money to the two officers all stated under oath that they had not paid any money to, or indeed, tried to bribe the police officers. Schuurman therefore declared that, based on the evidence in front of him, he could not suspend Mostert and Thomas. Significantly, Ferguson had also testified against Mostert. The detective claimed that one Louwe Meyers had told him how Mostert had informed him (Meyers) that, if he wanted a licence, he should give a £5 bribe to Chief Constable Thomas. This money would then be shared with Mostert.<sup>185</sup> Ferguson certainly felt this was the reason why Mostert had been so vindictive towards him, stating that

I cannot account for him showing this animosity towards me, unless it is because he blames me for having him reported for receiving bribes from the canteens, he has openly stated in public that I was the instigation of his being reported.<sup>186</sup>

Although the testimonies could not prove the complaints against Mostert, it is clear that he appreciated the serious implications of the matter, and therefore tried to gather

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<sup>183</sup> NASA, TAB, SP 880, Krause to Ferguson, 18 August 1890.

<sup>184</sup> NASA, TAB, JHB 1721, A.L. Schuurman to E.F. Februgge, 14 April 1888.

<sup>185</sup> Ibid., Schuurman to state attorney, 8 May 1888.

<sup>186</sup> NASA, TAB, JHB 90, Ferguson to Von Brandis, 21 May 1888.

evidence to clear his name. Mostert claimed Februgge's complaint against him stemmed from a disagreement between the two men. This was in relation to an order given to Februgge to translate and keep records in the charge office in Dutch. When the lieutenant reprimanded Februgge for failing to carry out his instructions, he reacted badly.<sup>187</sup> Sergeant Major Phillip Constable's affidavit in support of Mostert stated that he had never known the lieutenant to accept any gifts or take any money from individuals in Johannesburg. He did, however, mention that Mostert had accepted a cart and a horse when he was pressured into doing so by 'friends'. A cart which Mostert then tried to return, once he realised that a collection list to pay for the cart was doing the rounds in town. Apparently, the lieutenant 'did not want anything to do with the canteen holders' among whom this list was being circulated.<sup>188</sup>

In his explanation to the state attorney, Mostert mentioned that at one time canteen and hotel owners had offered him £150 as a 'gift', but he did not accept the money, and reported the attempted bribe to Von Brandis. Regarding the cart, he claimed three of his 'best friends' had pressured him into accepting it, on the threat of their friendship ending if he did not.<sup>189</sup> Mostert also included a letter from the editor of *The Standard*, Henry Brown, who stated that an article he wrote about corruption in the police force never mentioned Mostert or the commandant. Mostert pressed the editor to provide his evidence on the matter, but Brown stated: 'I am not at liberty to state as the time which has elapsed since the article appeared prevents me from being able to authenticate what I then stated. The principal witnesses now being absent'.<sup>190</sup> In his testimony in front of acting Assistant Landdrost Schuurman, Brown claimed he was 'told' police officers were taking bribes when issuing licences, and although he had all the evidence in front of him when he wrote the story, he no longer had it on his person.<sup>191</sup>

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<sup>187</sup> NASA, TAB, SP 13, Mostert to state attorney, 17 July 1888.

<sup>188</sup> Ibid., affidavit of Philip Constable, no date.

<sup>189</sup> Ibid., Mostert to state attorney, 17 July 1888.

<sup>190</sup> Ibid., Brown to Mostert, 19 July 1888.

<sup>191</sup> NASA, TAB, JHB 1721, Schuurman to state attorney, 8 May 1888.

Mostert remained under suspicion by his colleagues. By August 1888, the matter had still not been resolved, and Commandant Schutte asked the state attorney to bring the matter to a close, as police officers were refusing to serve under Mostert any longer.<sup>192</sup> Mostert had no alternative but to resign from the force in Johannesburg, and was redeployed as commanding officer of the mounted police at Smitsdorp.<sup>193</sup>

The search for Mostert's replacement once again turned into a bureaucratic struggle between Von Brandis and Commandant Schutte. Von Brandis viewed the matter as a fresh opportunity for Pretoria to appoint Charles Cronin.<sup>194</sup> For the newly appointed Assistant Landdrost F.J. de Beer, who was Jutta's replacement, the issue was of great concern, as it placed him in the middle of an administrative tussle between Von Brandis and Schutte. De Beer complained to the state attorney that, 'because of my short stay here, I am not in a position to give judgement in this matter and I base my opinion on the recommendation of the Special Landdrost and the former Assistant Landdrost'.<sup>195</sup> Schutte decided to go to Pretoria to discuss the issue personally with the state attorney, and De Beer informed Von Brandis that he too should take up the matter directly with the government.<sup>196</sup> Schutte won this battle. In November 1888, J.P. Heugh was appointed as Mostert's replacement. Heugh had several years of experience as a police officer in the Cape Colony and was fluent in English, Dutch and German.<sup>197</sup> The government subsequently appointed Cronin as Pretoria's chief constable,<sup>198</sup> and only much later as a detective in Johannesburg. In 1899, Schutte dismissed him from the police force for fraud.<sup>199</sup>

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<sup>192</sup> NASA, TAB, SP 13, telegram: Schutte to Leyds, 21 August 1888.

<sup>193</sup> NASA, TAB, SP 392, Leyds to De Beer, 18 August 1888; JHB 90, Schutte to Von Brandis and Eloff, 8 October 1888.

<sup>194</sup> NASA, TAB, JHB 1721, Jutta to state attorney, 6 July 1888.

<sup>195</sup> *Ibid.*, De Beer to Von Brandis, 28 August 1888.

<sup>196</sup> *Ibid.*

<sup>197</sup> NASA, TAB, SS 1471, R6982/87, J.P. Heugh to ZAR government, 25 October 1887.

<sup>198</sup> *Staats-Almanak der Zuid Afrikaansche Republiek voor het jaar 1892* (Pretoria: Staatsdrukkerij: 1891), 137.

<sup>199</sup> See Chapter Five, fn 67.

## **The doctor, the hunting crop and a smack of police brutality**

While the scandal surrounding Lieutenant Mostert was raging on, the relationship between Johannesburg's public and the police was hardly improving. The *Diggers' News* asserted in an editorial that Johannesburg had been invaded by a 'band of desperadoes ... the members of which have been recruited from among the most vicious and daring of the numerous loafers who have made Johannesburg their campaigning ground'. Hinting at the allegations of corruption in the force, the newspaper stated that:

It must be confessed that the police of late have been very busy, but it is open to question whether their activity has been for the public good, or strictly within the bounds of their duty. It would not be true to state that the police have lately given the public satisfaction. The horrible murders that startled Johannesburg some time back are yet enveloped in mystery and the murderers at large; outrage and robbery, robbery and outrage pass undetected and the public bewildered ask: 'Where are the police?' There is something rotten in the state of Denmark. As if to show their contempt of the police, some dangerous loafers have chosen Kerk Street – the street directly in front of the police barracks – as the favourite scenes of their operations. It is really dangerous to walk through Kerk Street after dark, though the police barracks are within a stone's throw of it. It is we think a case of 'Near the Church, and far from God'.<sup>200</sup>

The editorial called for an investigation into the operations of the police, and in particular the case of Doctor David Peter Duirs, who claimed to be the victim of 'police brutality'.<sup>201</sup>

Apparently, Duirs had assaulted Constable Samuel Smith by hitting him on his head with a hunting crop. Smith stated that he could not remember what happened afterwards, as he was 'out of his mind'. Constable Christiaan Burmeester explained that he and Smith had been on patrol that evening and came across Duirs, who was trying to get rid of a pestering dog. When Smith went to Duirs' assistance, Duirs hit

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<sup>200</sup> *Diggers' News*, 30 June 1888.

<sup>201</sup> *Ibid.*

the constable on the head. Burmeester took the hunting crop from the doctor, who then ‘fell’ into a hole. Meanwhile, Smith’s cries at having received a ‘deathblow’ drew Constable William Smith’s attention, who, on approaching Duirs, found him armed with what appeared to be Constable Samuel Smith’s revolver. William Smith then commanded the doctor to accompany him to the barracks, so that Corporal Hendrik Jacobus Henning could investigate the matter. Duirs allegedly told the constable to ‘go to hell’, and threatened him with the hunting crop. At this point, William Smith overpowered the doctor and dragged him to the police office. As Duirs refused to give up the revolver, the constable used force to disarm him. The doctor was thrown to the ground and Constable William Smith sat on the man in order to handcuff him. Duirs became very angry at this point, shouting ‘murder’ and threatening to see to it that the ‘damned’ police pay for the arrest.<sup>202</sup>

Corporal Henning insisted the doctor was never physically harmed, but it had been necessary to throw him to the ground in order to arrest him. Henning admitted he did not know at first the man arrested was a ‘prominent member’ of Johannesburg’s society. He denied the police had instructions not to take ‘respectable’ people to goal, saying one person was treated the same as the other. This was rather different from Juta’s instructions, concerning the arrest of the town’s white inhabitants, and indeed from the testimony of Lieutenant Mostert, who reaffirmed in court that such instructions had indeed been issued to the police.<sup>203</sup>

According to Duirs’ testimony, he was ‘hustled’ by the constables when he told Constable Smith not to throw a stone at the dog. Constable Burmeester then hit him, and he only struck Smith with a hunting crop when the officer threw a punch at him. The doctor believed he was then ‘pushed’ by Burmeester, and fell into a hole. He admitted that once back on his feet, he started to assault Burmeester, but was stopped when another person took hold of him. He claimed he did not know the men were police officers. Yet, both police officers testified that they were wearing their uniforms at the time of the incident. When Duirs bent down and picked up a revolver

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<sup>202</sup> NASA, TAB, SP 13, extract from the minute book of the assistant landdrost, 20 July 1888.

<sup>203</sup> Ibid.

from the ground, he realised it was one of the constables', and he shouted: 'My God here is one of your own revolvers'. He said that he also told the men he was a doctor, to stress his importance and status in the town. At this point, things went from bad to worse for Duirs. He resisted arrest and was then thrown to the ground and badly assaulted.<sup>204</sup>

Thomas du Plessis, an eyewitness who testified in favour of the doctor's version of events, said Constable Samuel Smith was extremely angry. Smith had threatened to shoot the '*bliksem*' (blackguard), but was held back by his father, who had arrived at the scene. Du Plessis further stated that Constable William Smith stepped on Duirs' neck and pushed his face into the ground. The doctor then groaned, as if he was being smothered and shouted 'My God is there no one to help me'. The District Doctor, Hans Sauer, testified that the wound on Smith's forehead was not very serious. Duirs, however, had bruises on his head, chin and wrists. According to Mostert, both Smith and Duirs had acted 'half silly' in the charge office later that evening. Mostert stated Smith had been on the force for seven months and that he was a good and obedient man.<sup>205</sup>

After the court considered all the testimony, it found Duirs guilty of provocation, but granted there were mitigating factors and sentenced him to either a £1 fine or a week in prison. The court found the two Smiths guilty of grievous assault and each constable was sentenced to a £5 fine or a month in prison. They were also summarily dismissed from the force for assaulting an arrested man.<sup>206</sup> The two men appealed their dismissal, but the state attorney upheld their sentences.<sup>207</sup>

Individual cases of police corruption, brutality and the lack of discipline on the force were much more likely to make the headlines than praise for a job well done. The *Diggers' News* noted this when it reminded Johannesburg's public that 'a policeman's

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<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid., note dated 24 August 1888; added to letter from Schuurman to the state attorney, 3 August 1888.



life is not by any means a happy one. His duties are no sinecures, he has to do the most unpleasant ones'.<sup>208</sup> Yet, there was the odd occasion of praise for the ZARPS. In June 1888, when the Klerksdorp diggings were proclaimed, Johannesburg's authorities sent Sergeant Philip Constable and seven of his troopers to maintain law and order during the event. The commissioner of mines at Klerksdorp, W.H. Neetling wrote to Von Brandis afterwards, thanking him for sending these police officers and praising their 'excellent manner and treatment of the public'. He singled out Sergeant Constable, and wrote that this officer, with his 'obligingness and his willingness to help, won the hearts of many inhabitants' of the town.<sup>209</sup>

### **Enlighten this otherwise benighted camp**

In August 1888, Assistant Landdrost de Beer informed Commandant Schutte that a police officer was to be stationed at the Stock Exchange during business hours. The officer would have to regulate traffic, keep order and give information to the public regarding the directions and locations of streets, shops and public offices. De Beer emphasised to the commandant the officer had to be polite and friendly.<sup>210</sup>

Pretoria was also using the detectives and police for surveillance. As a result, one C.K. White was put under the force's watchful gaze for his 'political principles'.<sup>211</sup> White held political rallies in Barberton and was making his way to Johannesburg. The state attorney ordered De Beer to appoint 'trustworthy' police officers to keep tabs on the man, for they could later be called as witnesses. He wanted detailed reports on White's conduct during his visit to the Rand.<sup>212</sup> De Beer informed Leyds that White behaved 'quietly' during his stay in Johannesburg, and that his political principles were not very popular on the Rand.<sup>213</sup>

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<sup>208</sup> *Diggers' News*, 24 August 1889.

<sup>209</sup> NASA, TAB, JHB 1721, Neetling to Von Brandis, 26 June 1888.

<sup>210</sup> *Ibid.*, De Beer to Commandant Schutte, 27 August 1888.

<sup>211</sup> *Ibid.*, assistant landdrost to the state attorney, 14 September 1888.

<sup>212</sup> NASA, TAB, SP 392, secretary of the state attorney to De Beer, 7 September 1888.

<sup>213</sup> NASA, TAB, SP 13, De Beer to Leyds, 14 September 1888.

In September 1888, the government granted the tender for the lighting of Johannesburg. The press welcomed this step as a safeguard against the ‘increase of crime by night’, and hoped the measure would ‘enlighten this otherwise benighted camp’.<sup>214</sup> Yet, conditions in the town remained precarious. The prison was full to bursting.<sup>215</sup> In October, five of the Rand’s most notorious criminals attacked their warders and managed to escape from a quarry where they were doing hard labour.<sup>216</sup> This period also saw an increase in robberies by ‘footpads’, who mostly operated in gangs and targeted their victims at night. Calls were made for the mounted police to patrol the streets, as the foot police had proven ineffectual.<sup>217</sup> Vagrancy was singled out as one of the main causes for the robberies. It was claimed that ‘gangs of these men who are all able to work, are to be seen hanging about the public thoroughfares, yet they are allowed to roam about at their own sweet will much to the annoyance of the public. The police either have not the power to arrest vagrants or they neglect their duties’.<sup>218</sup>

The *Diggers’ News* called for stronger punishment, suggesting that criminals, once caught, should at least be given 50 lashes with ‘the cat’.<sup>219</sup> Lashings were a frequent spectacle in Johannesburg. Journalist Edward Mathers even described this brutal form of punishment as one of town’s attractions. ‘[I]t is one of the favourite “sights” at Johannesburg to have a look at the morning floggings’, he wrote.<sup>220</sup> In 1892, the District Surgeon recorded no less than 6,869 lashes inflicted under his supervision.<sup>221</sup> In December 1889, the flogging of a young African man, who had been charged and found guilty of desertion and sentenced to 15 lashes, made the press. The *Observer* wrote that his back, from his shoulders downwards, was ‘one mass of raw flesh’, describing it as a ‘horrible and bloodcurdling’ sight.<sup>222</sup> Initially reserved as

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<sup>214</sup> *Diggers’ News*, 15 September 1888.

<sup>215</sup> NASA, TAB, JHB 1721, assistant landdrost to Von Brandis, 18 September 1888.

<sup>216</sup> *Diggers’ News*, ‘Escape of prisoners’, 13 October 1888.

<sup>217</sup> *Ibid.*

<sup>218</sup> *Diggers’ News*, 16 May 1889.

<sup>219</sup> *Ibid.*, 13 October 1888.

<sup>220</sup> E.P. Mathers, *The Gold Fields Revisited* (Durban & Pietermaritzburg: Davies & Sons, 1887), 250-251.

<sup>221</sup> Anon., ‘Police courts and prisons in early Johannesburg’, *Nongqai*, January 1937, 9.

<sup>222</sup> As published in the *Diggers’ News*, 29 December 1889.

punishment for Africans, this form of punishment was also extended to the ZAR's white inhabitants in May 1892. Much to the dismay of the press, whites could now also be flogged if they 'had fallen foul of the law and prison regulation'.<sup>223</sup>

Drunkenness among Johannesburg's black population continually made the headlines of the *Diggers' News* during this period. The newspaper lamented that 'The Kaffir (sic) in a sober state, is a tractable fellow, but when roused by the demon of drink, is a madman. It is said that the police are actively investigating the dens wherein Kaffirs (sic) can obtain liquor, and it is to be hoped that they will succeed in rooting out all those responsible for a most dangerous state of things'.<sup>224</sup> The police, however, were not entirely incompetent when it came to securing convictions for transgressions of the liquor law. On the evidence of Sergeant Nelson and Corporal Ryan, seven out of eight canteen owners who contravened the law by staying open after nine o'clock at night were found guilty, and each fined £5.<sup>225</sup> The policing of the liquor trade was handicapped by the lack of cooperation from the liquor licensing board. The police were left in the dark as to which hotels and canteens had been granted licenses by the board. Assistant Landdrost de Beer had to request this information from Mine Commissioner Eloff, and it was only in October 1888 that copies of the list were available to the police.<sup>226</sup>

In the final days of 1888, the police's attention was drawn to the issue of gambling. De Beer informed the Johannesburg Turf Club that he had given instruction to the police to remove all play tables from the track.<sup>227</sup> The Club, however, did not take much notice of the clampdown on gambling, and play continued until Commandant Schutte intervened and removed all the tables, putting an end to all gambling on the racing track.<sup>228</sup> This crack-down by the police on gambling was very unpopular with the racing public, and Von Brandis warned Schutte to avoid clashes with the public as

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<sup>223</sup> Van Onselen, *Showdown at the Red Lion*, 177.

<sup>224</sup> *Diggers' News*, 'Lethal Liquor', 22 September 1888.

<sup>225</sup> Ibid., 'Contraventions of the liquor law', 10 March, 1888.

<sup>226</sup> NASA, TAB, JHB 1721, De Beer to mines commissioner, 27 September 1888.

<sup>227</sup> Ibid., De Beer to chairperson and members of the Johannesburg Turf Club, 27 December 1888.

<sup>228</sup> Ibid., De Beer to J.M.A. Wolmarans, 29 December 1888.

much as possible.<sup>229</sup> It would seem the attempt to end gambling was carried out even though the law did not make provision for any punishment at the time. Assistant Landdrost de Beer informed the government that, in the case of one Otto Crank, who was arrested for gambling on the race track, there was no money to be confiscated. He wanted to know whether he was allowed to issue a £5 fine to Crank, as this was the punishment for transgressing the Gambling Law in the Cape Colony.<sup>230</sup>

The *Diggers' News* welcomed the government's tougher stance on gambling. The newspaper pointed out that, although the police was aware of 'various canteens, in the back rooms of which Faro banks are regularly held', the force did not do enough to arrest the 'nefarious trade carried on within'. Back room gambling, much to the horror of the press, was a class leveller and the editorial bemoaned the fact that:

When the senses become dulled to the filthy and stifling atmosphere impregnated with foul tobacco smoke, reeking spirits and virulent odours emanating from the bestial hangers-on inseparable from these resorts, to your surprise you behold the young and gentlemanly broker, the professional gentleman and the company promoter, sitting shoulder to shoulder, and hobnobbing with the veriest scum the earth ever produced. Hebe and villainous-looking proprietor, must be known to the instruments of our criminal laws, and stringent orders for their suppression from the Public Prosecutor would at once break down the wonderful vis inertiae shown by the police, and pierce the barriers of bribery and corruption by which these cesspools of vice are surrounded.<sup>231</sup>

The government agreed that this matter had to be addressed. By June 1889, a draft law on gambling was doing the rounds. The law would give policemen the authority to enter any house 'forcibly' if it was suspected of being a gambling den, and arrests could be made without a warrant. As was the case with the implementation of the liquor law, informants were encouraged. They would receive half of the imposed fine after a successful conviction.<sup>232</sup>

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<sup>229</sup> NASA, TAB, JHB 90, Von Brandis to Schutte, 29 December 1888.

<sup>230</sup> NASA, TAB, JHB 1721, De Beer to the state secretary, 1 January 1889.

<sup>231</sup> *Diggers' News*, 23 March 1889.

<sup>232</sup> *Ibid.*, 'Gambling law', 1 June 1889.

While the clampdown on gambling was going on, another spectacular clash played itself out on the property of the City and Suburban mine. The *Diggers' News* reported that a fight had occurred between a large body of Zulu workers and a number of Sothos and Shangaans, who also worked on the mine. What makes this case particularly noteworthy is that the Zulu workers were 'apparently marshalled and aided and abetted by a mounted policeman on a black horse'. The fight lasted for two hours and resulted in 'several broken heads' and other injuries. It only came to an end when 'a small body of mounted constables came down from the race course and dispersed the combatants'. The police marched about 30 Zulu workers off to gaol. The newspaper trumpeted that 'the police man who egged on the Zulus should at once be made an example of. He should be easily found out and his punishment should be short, sharp and decisive'.<sup>233</sup> There is no record, however, of any action being taken against this officer.

The year 1889 once again put police brutality under the spotlight. The *Diggers' News* reported that a constable had been charged and brought before Assistant Landdrost de Beer for kicking a 'drunken, wounded and helpless prisoner'. De Beer sought to make an example of the constable, stating he would not let such a 'heinous' case of assault go unpunished. He instructed Commandant Schutte to charge the officer with a breach of discipline and with brutal behaviour.<sup>234</sup> The newspaper also reported that the police had arrested an African who confessed to the murders which had plagued the town the preceding year. Although the paper reported that the police gave 'some credence' to the statement of the 'self-accused murderer', nothing else was reported on the case.<sup>235</sup> De Beer also had his hands full with another outbreak of syphilis in the town. He informed the government that in his opinion, the District Doctor's report did not sufficiently emphasise the 'ill' the 'hundreds of prostitutes' were spreading in the town. De Beer called on the government to take stronger action and wanted a law

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<sup>233</sup> Ibid., 'A native fight', 29 December 1888.

<sup>234</sup> Ibid., 'The charge against the police', 19 January 1889.

<sup>235</sup> Ibid., 'The Johannesburg Murders', 12 January 1889.

similar to the Contagious Diseases Act in the Cape Colony to be applied in Johannesburg.<sup>236</sup>

The year 1889 also commenced with a serious drought, which threatened Johannesburg with famine. The problem was not caused by crop failure, as many farmers in other parts of southern Africa had good harvests, but rather one related to the availability of transport. The town was not yet linked by rail to the outside world and had to rely on transport riders for all its supplies. With little grazing on the routes and the short supply of feed, transport riders struggled to keep up regular delivery. The government tried to address the concern with days of prayer and the suspension of duties on food. This was, however, to no avail. Stores and shops were rushed by the town's inhabitants in their panic to stock up on foodstuffs and daily essentials. This resulted in rapid price inflation. By October 1889, the Chamber of Mines was concerned that the mines would not be able to feed its African labour force, and that the men would desert and loot the town. The Chamber persuaded the government to offer a £20 bonus to the first 250 wagons to reach Johannesburg. This measure had the desired effect, as supply wagons slowly began to trail in from the Free State, Natal and Cape colonies.<sup>237</sup>

To make matters worse, the initial prosperity of mining operations slumped after 1889. The Witwatersrand reef consisted of low-quality ore, which in the richest sections would only yield one ounce of gold for every three tons of ore mined. Mining was capital intensive from the start, as gold could only be recovered from the rock by chemical extraction. The situation worsened when it became clear that after a certain depth, gold particles were tied into a pyritic layer and the recovery of gold by amalgamation to mercury was no longer a viable form of extraction. The period 1890 to 1894 saw two important developments to address this issue. Firstly the introduction of the MacArthur-Forest process, whereby gold was dissolved in a cyanide solution and precipitated with zinc metal. This method of extraction proved successful and

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<sup>236</sup> NASA, TAB, JHB 1721, De Beer to the state attorney, 7 February 1888.

<sup>237</sup> E.A. Cripps, 'Provisioning Johannesburg, 1886-1906', (Master's dissertation, University of South Africa, 2012), 45-48.

meant that a significantly higher percentage of gold could be recovered from the pyritic ore. Secondly, mining companies realised that deep level mining would be much more capital intensive than initially anticipated and consequently consolidated their holdings into larger groups. This realignment brought about greater confidence in the long-term viability of mining on the Witwatersrand, and by mid-1895 Johannesburg, was in the midst of an economic boom.<sup>238</sup>

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<sup>238</sup> Van Onselen, *New Babylon, New Nineveh*, 13-14.

## Chapter Three

### **“The Greatest Scandal” – Personality and power in the South African Republic Police Force, 1890-1895**

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#### **Introduction**

The turn of the last decade of the nineteenth-century was a turbulent time for the Witwatersrand. The period between 1890 and 1895 saw various attempts made at reforming the police. This chapter explores the policing of protest and pass laws, as well as the emerging diplomatic fault lines between the Republic, Great Britain and the *Uitlander* community. It investigates the attempts made to centralise the administration of the police and points out how the political and familial networks of top police officials, begin to reveal some of the bureaucratic constraints in the force. To place the latter in context, the chapter examines the allegations of police inefficiency when it came to the policing of the illicit liquor and gold trades. Following on from this, the next section considers the steps taken by State Attorney Ewald Esselen to infiltrate the police force on the Witwatersrand in an attempt to expose allegations of corruption and mismanagement. These attempts are frustrated by the personalities of the various officials, which cast doubts on the sincerity of Esselen’s reform efforts. The state attorney’s attempted reform of the police force became a battle in the war for power between the so-called conservative and progressive factions in ZAR politics. The combination of bureaucratic infighting, political tension and influential lobbying against the state attorney’s choice of chief detective for the Republic ultimately discouraged any attempts at meaningful police reform and came at an even higher cost to Esselen’s reputation.

#### **Diplomatic quarrels: policing protest and pass laws**

The cycles of boom, bust, and boom brought with them an increase in crime and other social ills. Keeping law and order in Johannesburg was crucial to the Kruger government’s control over social, economic and political structures in the Republic.



Yet the state's actions in successfully addressing crime are questionable. The press across the political divide, but in particular the English press, hardly held the efforts made by the police in high regard. *The Observer* called on Pretoria to cast out the majority of the force, which consisted of Afrikaners, as soon as possible.<sup>1</sup> *De Volksstem* published a letter written under the pseudonym: *Een ware Afrikaner* (A true Afrikaner), rebutting this assertion. This member of the public took offence to the *Uitlander* community's perceived hostility to the police. He complained the force was being 'ridiculed in the eyes of the world, if not in the papers, then on the streets', adding that Afrikaners were being marginalised at the expense of new recruits for the force. He saw the latter as a challenge to Afrikaner nationality. If not addressed, this matter would ultimately lead to the loss of the Republic's independence.<sup>2</sup>

The police, as a symbol of government authority, became a target for *Uitlander* grievances. This was most evident during State President Kruger's fourth visit to Johannesburg in March 1890.<sup>3</sup> The public met the president's arrival in the town with fanfare. *The Star* reported that 'it seemed as if the whole town had turned out with one accord to do honour to the head of the state ... President Kruger has had a reception at the hands of the population of Johannesburg which should obliterate the last lingering remnant of suspicion in his mind as to the readiness of the people of the gold-fields to recognise in all loyalty the institution of the country and the government of which he is the head'.<sup>4</sup> This outpouring of support, however, proved to be the proverbial calm before the storm.

The president was scheduled to make a public address at the Wanderers' sports ground. The first sign of the looming trouble appeared when a police officer accused a member of the public of assaulting him while the crowd was filing into the ground. This man was apparently drunk and had bumped into the officer while he tried to control the gathering crowd.<sup>5</sup> After Kruger's speech, which some segments of the

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<sup>1</sup> *De Volksstem*, 6 February 1890.

<sup>2</sup> *Ibid.*

<sup>3</sup> Twyman, 'Paul Kruger en Johannesburg: 1886-1895', 112.

<sup>4</sup> *The Star*, 'The President's visit', 4 March 1890.

<sup>5</sup> *Ibid.*, 'Sequel to the President's visit', 6 March 1890.

*Uitlander* community found disappointing, some in the crowd voiced their displeasure by marching on the government building. *The Star* reported the police were conspicuous in their absence, as the authorities thought the protest would be peaceful. Yet, emotions were soon swept up and some of the protesters pulled down the Republic's flag from the front of the building and tore it apart, to the great excitement of the crowd. The protesters decided to march on the house of Special Landdrost von Brandis, where Kruger was staying as a guest and privately receiving deputations. The newspaper reported that the incident could have been avoided if the police exercised better crowd control, since a show of force would easily have scattered the group.<sup>6</sup>

Once at Von Brandis's house, the crowd burst out in renditions of pro-British songs. A member of one of the deputations allowed to have an audience with Kruger, Edward Liebmann, allegedly insulted the president and the *Volksraad*. The authorities asked him to leave the house. Once outside, he harangued the mob in protest against the president – a charge he denied in a letter to the press the next day. He wrote that he had apologised to the president and never instigated the crowd to revolt.<sup>7</sup> Several more police officers arrived on the scene and tried to keep the crowd at bay. The gathering protesters 'severely mauled' some of these men, at which point Captain Von Brandis came out to appease the crowd. *The Star* mentioned that 'the police, of whom there were not very many, behaved most pluckily, but unfortunately they had no head, for as fate would have it Lieut[enant] Heugh was away in pursuit of McKeon (sic)'.<sup>8</sup>

With the president besieged by angry *Uitlanders* and the police left without command, the situation worsened. At one point, the crowd surged forward and one of the pillars at the garden gate gave way. A portion of the fence followed suit. This alarmed the police, who drew their revolvers and threatened to fire at the crowd. Some men ran for cover, armed themselves with bricks and dared the police to open fire. The crowd attempted to pull down the Republican flag in front of the special

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<sup>6</sup> Ibid., 'Visit of the President', 5 March 1890.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

landdrost's house. A policeman – ‘who looked like business’ – ran up to them and threatened to shoot. With tensions flaring, the authorities sent a messenger to the police station for more officers to guard the house. When a group of 25 policemen arrived, the crowd dispersed. A contingent of 30 officers guarded the president during the night.<sup>9</sup> Kruger apparently did not view the incident as a true reflection of the entire town's views, but the episode was a precursor to looming trouble between Pretoria and Johannesburg's *Uitlander* community.<sup>10</sup>

In October 1890, a diplomatic wrangle developed between the Republic and Great Britain. The matter related to the policing of the pass laws and the treatment of British Cape Coloured ‘subjects’ residing in Johannesburg. A petition by prominent white Johannesburg inhabitants alerted Sir Henry B. Loch, British high commissioner in South Africa and the governor of the Cape Colony, to the treatment of the coloured community – ‘a respectable, law abiding, and industrious class’ – at the hands of the police. The case followed on the prosecution of John Pereira, whom the police arrested for not carrying a pass. Although Pereira appealed his conviction, the Pretoria High Court upheld the sentence. Subsequently, Johannesburg's Cape Coloured community formed an organisation called the Mutual Protection Society and approached the Aborigines Protection Society in London to take up their grievances with the British government. It informed the Colonial Office that, as British subjects, Cape Coloureds were entitled to the government's protection under article 14 of the London Convention of 1884. It pointed out that ‘coloured citizens of the United States and other foreign countries are not subjected to the oppressive treatment accorded to those British Subjects who are particularly of Kaffir (sic) origin’. Giving particulars on their treatment by the police, the petitioners claimed that:

hundreds of us have been arrested and brutally treated in broad daylight and particularly on Sundays when we are arrested going to church. Young men are taken away from their intended brides on their way to chapel, and handcuffed to the ladle of a Transvaal mounted policeman, and dragged to the charge office. The crime being simply “found without a pass”. Even our

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<sup>9</sup> Ibid.

<sup>10</sup> Twyman, Paul Kruger en Johannesburg: 1886-1895, 121.

wives are not exempt from this pass law, we are even afraid to call in medical aid to our sick after 9 o'clock at night, for fear of being arrested.<sup>11</sup>

Loch requested the state secretary to investigate the matter. London deemed the actions of the police to be 'contrary to the spirit of the convention'.<sup>12</sup> Pretoria agreed, at this point, that these particular 'British subjects many of them half castes and educated men from the Cape Colony cannot properly be counted as natives within the meaning of article 14 of the London Convention and that if the action reported is true it is contrary to the spirit of the convention'.<sup>13</sup> However, Assistant Landdrost Nathaniel van den Berg explained to the government that he never gave a direct order specifically calling on the police to arrest Cape Coloureds violating the pass laws. He asserted that such an order would have been impossible to carry out, 'as with so many coloureds here we do not know who is a British Subject or not'. Commandant Schutte confirmed the police arrested all coloureds, regardless of origin, if found without a pass, and during that particular week the police arrested about 130 coloureds for pass law contraventions. Of these, only four identified themselves as Cape Coloureds.<sup>14</sup>

In January 1891, Pretoria denied that coloured subjects of the United States received more favourable treatment than those of Britain. The state secretary was adamant that no such law existed in the Republic and the 'government has never tolerated and will never tolerate such a course of action'. It pointed out to Loch that the pass law which made the arrest of 'natives from beyond the country' legal had been enacted in 1880, during the British administration of the Transvaal.<sup>15</sup> The Colonial Office subsequently informed the Aborigines Protection Society that the then Secretary of Natives Affairs in the Transvaal, H. Shepstone, had strongly supported no amendment to the pass law during the negotiations which resulted in the Pretoria Convention of 1881. The Boer delegation accepted these terms and the British government would have great

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<sup>11</sup> The National Archives of the UK (TNA), Dominions Office (DO) 119/44, Aborigines Protection Society to Colonial Office, 22 October 1890.

<sup>12</sup> NASA, TAB, JHB 1709, telegram: British High Commissioner to state secretary, 27 November 1890.

<sup>13</sup> Ibid., telegram: state secretary to assistant landdrost, 27 November 1890.

<sup>14</sup> NASA, TAB, JHB 1722, assistant landdrost to state secretary, 28 November 1890.

<sup>15</sup> TNA, DO 119/44, state secretary to high commissioner, 19 January 1891.

difficulty in advocating a case in favour of the complainants. Considering the ZAR's history of racial discrimination, London entertained no hope that Pretoria 'would treat any person of admix European blood ... other than of native descent'.<sup>16</sup>

The Mutual Protection Society did not react passively to the Colonial Office's explanation of the discrimination they suffered in the Republic. In a strongly worded letter they declared to 'have nothing in common with the Aboriginal natives of South Africa, and therefore feel the injustice and humiliation of being placed on the same footing with them. We feel that the time has arrived that we should know our position in this country as well as in South Africa generally, and the question arises does England acknowledge us as her subjects? If so, are we to be protected as such?'<sup>17</sup> They pointed out to Assistant Landdrost van den Berg that many of them belonged to societies whose activities went on until after 21h00. As a result, the landdrost allowed them to stay out at night until 23h00.<sup>18</sup>

The Colonial Office requested Sir Jacobus de Wet, the British Agent in Pretoria, to investigate the complaints of Johannesburg's British Coloured community. De Wet thought that most of the grievances were 'grossly exaggerated'. He reported that the community drew up the initial petition when they feared the strict policing of the pass laws and that the government would force them to relocate to a Coloured location. Unlike British Indians, the British Coloured community was, in fact, not being relocated from their residences, and not one arrested for pass law offences could be traced. De Wet did, however, explain to the high commissioner that there was a feeling of unease and insecurity among the community, as the government might enforce the pass laws at any time and the community was only exempt for as long as they remained law abiding. With no resolution to the matter forthcoming, De Wet informed the British government in October 1893 that the ZAR was adamant that it had the right to enforce pass laws for all 'non-whites', regardless of whether they were British or not. He reported continuing inconstancy in the policing of the pass

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<sup>16</sup> Ibid., Colonial Office to Aborigines Protection Society, 19 March 1891.

<sup>17</sup> Ibid., Mutual Protection Society to the Aborigines Protection Society and the Colonial Office, 4 July 1891.

<sup>18</sup> Ibid. See also, NASA, TAB, JHB 1723, assistant landdrost to Schutte, 3 July 1893.

laws, stating that at times Coloureds and Indians were exempt or given special permits, but at other times the police sternly enforced the law. The British Agent warned that the Republic saw any representations from the British government in the matter as interference in its internal administration.<sup>19</sup>

The mining industry also used passes to control its African labour force. The extent to which the authorities effectively policed the pass law on the Witwatersrand during this period is, however, debatable. In May 1892, the assistant landdrost informed the Chamber of Mines that ‘there is ample grounds for believing there are a considerable number of natives without passes at some of the mines; and many less passes are taken out at the Pass Distributor’s office than there are natives working’.<sup>20</sup> Unless the mines put an end to this practice, the Johannesburg police would be instructed to ‘make an inspection of passes everywhere at irregular intervals’.<sup>21</sup> The main reason for the complaint, however, was a financial one, as the money received from the issuing of passes was the chief source of income for the local hospital.<sup>22</sup> The government seemed less concerned with policing the movement of Africans than reaping the financial benefit that came with the issuing of passes. The Chamber warned the gold companies in 1892, and again in 1893, to comply with the law, as the working of the mines would inevitably be interrupted if regular police visits were implemented.<sup>23</sup>

Within the town itself, the police enforced pass laws more strictly. In September 1893, the Sanitary Board complained to the assistant landdrost that the police were arresting their African constables for pass law transgressions. This was despite the fact that the authorities had issued these constables with identification badges. The police insisted the badges were not legal passes and that many of these constables

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<sup>19</sup> Ibid., De Wet to Lock, 24 October 1893.

<sup>20</sup> *Chamber of Mines: fourth annual report for the year ending 31<sup>st</sup> December 1892* (Argus printing and publishing company, Johannesburg: 1893), 45; NASA, TAB, JHB 1723, assistant landdrost to Chamber of Mines, 9 May 1892.

<sup>21</sup> *Chamber of Mines: fourth annual report for the year ending 31<sup>st</sup> December 1892*, 45.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid. See also, *Chamber of Mines: fifth annual report for the year ending 31<sup>st</sup> December 1893* (Argus printing and publishing company, Johannesburg: 1894), 59.

were walking around at night, making noise and using offensive language when confronted by police officers.<sup>24</sup> In April 1894, the public prosecutor informed various government departments that all Africans in government employment had to be, without exception, in possession of a pass and badge, or suffer arrest.<sup>25</sup>

### **Administrative reform: centralisation and expansion**

In April 1890, an editorial in *De Volksstem* claimed that the state of the police was not as dire as many wanted to believe. The newspapers stated that in the context of the economic and social conditions in the Republic, and the extra pressure the discovery of the goldfields exerted on the state, the manner in which the police had kept law and order was to be marvelled at, much to the ‘jealousy of foreign nations’. It did, however, admit the police force was far from perfect. The newspaper stated there were capable individuals in the top command structures of the force, and the government could not be accused of not spending enough on keeping law and order. The real problem was a lack of conformity and unity, as well as an absence of centralised control over the force. The newspaper opined that, although the state attorney was at the head of police matters, his busy office ought not to be burdened with the internal administration of the police. The editorial suggested that the police force should be united under the command of a ‘police inspector general’, who could take over the day-to-day management of the force.<sup>26</sup>

The eventual appointment of a police commissioner in April 1891 was a chance occurrence marred by petty administrative infighting. With rumours circulating in the press that the government intended to appoint a police commissioner for the Republic, Police Commandant Schutte applied for the position in April 1890. He argued that he was the most suitable candidate for the position, as he had been at the head of the police force in Johannesburg for two years, and during this time no

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<sup>24</sup> NASA, TAB, JHB 1702, Van Dam to Van den Berg, 7 September 1893.

<sup>25</sup> Ibid., JHB 318, Pietersen to the inspector of Natives, health inspector, sanitary and chief prison warden, 5 April 1894.

<sup>26</sup> *De Volksstem*, Editorial: 17 April 1890.

complaints had been made against him.<sup>27</sup> Another serious contender for the post was Commandant Henning Pretorius, the commanding officer of the *Rijdende Artillerie en Politie* (RAP). Pretorius's application stated that he would only consider the position if his annual salary amounted to £1,000 and if he received £350 towards travelling expenses.<sup>28</sup> Pretorius beat Schutte to the position. The government appointed him as police commissioner in September 1890.

Pretoria subsequently appointed Josephus Johannes Wolmarans to replace Pretorius as the RAP's commanding officer. When the government was about to finalise Pretorius' appointment, he realised that his new position came with a significant pay cut. He therefore refused to relinquish his former position to Wolmarans.<sup>29</sup> The situation threatened to become a serious embarrassment for the government, as Pretorius did not want to let Wolmarans into the artillery camp to assume command of the RAP. President Kruger tried to settle the matter. He promised Pretorius the government would increase his salary after he formally accepted the commissionership. Kruger also made it clear to Pretorius the issue was causing considerable damage to the government's reputation.<sup>30</sup> Pretorius reluctantly accepted the offer. However, Kruger could not persuade the *Volksraad* to increase Pretorius' salary, and as a compromise, Pretoria reappointed him in his former position. Drawing a line through the affair, Kruger appointed Wolmarans to the position of police commissioner and inspector of prisons.

The newly appointed police commissioner was connected to one of the ZAR's most powerful political families. The British author and *Times* journalist, Flora Shaw, visited South Africa in the early 1890s and described the family as 'one of the strongest pillars of the Dopper faction siding with Paul Kruger ... and not progressive'.<sup>31</sup> One of Police Commissioner Wolmarans' brothers, Jacobus Marthinus

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<sup>27</sup> NASA, TAB, SS 2335, R6371/90, Schutte to state attorney, 19 April 1890.

<sup>28</sup> Ibid., Pretorius to state secretary, 19 May 1890.

<sup>29</sup> Van den Bergh, 'Die Polisediens in die Zuid-Afrikaansche Republiek', 153.

<sup>30</sup> NASA, TAB, SS 2335, Pretorius to state president and *Volksraad*, 26 February 1891.

<sup>31</sup> Bodleian Library, Oxford, Flora Shaw, Lady Lugard papers, MSS. Brit. Emp. s. 590, Box 8, File 3, folio 120.



Andreas (Koos) Wolmarans, was the head of the Executive Council, while his other brother Andries Daniel Wynand (Danie) Wolmarans was a member of the Executive Council, a member of the *Volksraad* and a close advisor to President Kruger.<sup>32</sup> Of particular interest was the fact that Police Commissioner Wolmarans and his brother Koos Wolmarans were married to two sisters – of Police Commandant Schutte.<sup>33</sup> Wolmarans accepted the commissionership to spare the president any more embarrassment in the matter. Yet, Pretoria had appointed him to a post he did not initially want, and his ineptitude made him a hindrance, rather than an asset, to the police force.<sup>34</sup>



Figure 3: Police Commissioner and Inspector of Prisons Josephus J.H. Wolmarans (NASA: TAB, 10446)

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<sup>32</sup> S.B. Spies, 'A.D.W. Wolmarans' in W.J. de Kock and D.W. Krüger (eds) in *Dictionary of South African Biography, Vol II*, (Cape Town: Nasionale Boekhandel, 1972), 854-856.

<sup>33</sup> J.A. Heese, *Suid-Afrikaanse Geslagregisters: Deel 16*, (Stellenbosch: Genealogiese Instituut van Suid-Afrika, 2008), 441-450.

<sup>34</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 153.

Another clash of personalities occurred in December 1890. Commandant Schutte informed Second Lieutenant Jacobus Phillip de la Cour Schröder of the mounted police that, due to the government's dire financial position, it intended to reduce Johannesburg's police force and to terminate the post of second lieutenant. Schröder submitted his resignation letter to Schutte. Schröder also asked State Attorney Albert Edward Jacobus Krause for a transfer to Pretoria, or to be deployed to Swaziland, where the Republic was stationing a police force.<sup>35</sup> Three days after Schröder submitted his resignation, Schutte wrote to the state attorney for permission to reduce the foot police by 20 men. But contrary to Schutte's earlier assertion that he intended to scrap the post of second lieutenant, the letter included an application letter for this position by Sergeant Major J.F. Schutte.<sup>36</sup>

Schröder's resignation and Schutte's call for the police force to be reduced perplexed State Attorney Krause. The state attorney knew Schröder as a capable and trustworthy official, and implied in his reply to the police commandant that he had lied about terminating this post to get rid of the lieutenant. He sternly informed Schutte there was no legitimate reason for Schröder's dismissal and that 'the request will not be granted [and] Schröder will remain in his post until he asks to be dismissed for another reason'.<sup>37</sup> Schutte tried to clarify his actions by claiming that he did indeed not think the services of a second lieutenant necessary, but after Schröder resigned, he realised this was not the case. However, the police commandant then inadvertently admitted to orchestrating Schröder's resignation. He wrote: 'I have information that the second lieutenant is completely incompetent for his position and even though it grieves me to say this, I cannot trust him. I thus ask for his dismissal and my proposed candidate to be appointed'. The state attorney side-lined Schutte, and informed Assistant Landdrost van den Berg that he had found a vacancy for Schröder in Pretoria. For reasons of austerity, he agreed to reduce the size of the force by 20 men.

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<sup>35</sup> NASA, TAB, SS 2609, R16275/90, Schröder to Krause, 7 November 1890.

<sup>36</sup> Ibid., SS 2609, R16275/90, J.F. Schutte to Schutte and Heugh, 10 November 1890; Schutte to Krause, 10 November 1890. It is not clear if J.G. Schutte was an immediate relation of Police Commandant Schutte. The police commandant did, however, name one of his son's born in August 1886, Jan Francois Schutte. See: NASA, TAB, Argief van die Meester van die Hoogeregshof (MHG) 17513, Estate of the late Daniel Egnatius Schutte.

<sup>37</sup> Ibid., Krause to Schutte, 14 November 1890.

He, however, rebuffed Schutte's request for a new second lieutenant and terminated the position. Krause took exception to the manner in which Schutte had handled the matter, and demanded that all correspondence on the issue be returned to him for further investigation.<sup>38</sup> It is not clear why Commandant Schutte felt he could not trust Lieutenant Schröder. Schröder subsequently became one of the Republic's foremost secret agents.<sup>39</sup> In the years after 1896, Schröder reported directly to Schutte on issues of national security, and the men seemed to have had an amicable working relationship.<sup>40</sup>

The internal strife of the police force mirrored the crumbling state of the town's law court. In October 1890, lawyers, advocates and police officers petitioned the government to address the dismal state of the law court. The building only had three rooms. One was used as an office by the assistant landdrost, another as an office for the public prosecutor, and the third room housed the court itself.<sup>41</sup> Journalist Edward Mathers recalled that 'if two prisoners were being tried together for the same offence one would have to stand outside, that is if the magistrate had to be accommodated with a seat'.<sup>42</sup> The signatories complained about the poor ventilation in the court. During sessions, the court was packed to the rafters with 'people of all colours [and] nationalities, some of who did not give off a pleasant smell'. The petitioners stated that, due to the cramped space and the 'hustle and bustle' created by the people, they struggled to follow the proceedings.<sup>43</sup> Businessmen who traded in Pritchard Street where the court was located, complained and appealed for:

protection against the threatened danger to our interests arising out of the presence of the Criminal Court there. The street is almost entirely given up to soft and fancy good trade. Drapers, chemists, photographers and confectioners line the street on both sides. It is therefore the resort of the elite ladies of the town. The court inevitably attracts a large crowd of kafirs (sic)

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<sup>38</sup> Ibid., Krause to Van den Berg, 21 November 1890.

<sup>39</sup> J.P.F. Moolman and J. Ploeger, 'Jacobus Phillip de la Cour Schröder', in C.J. Beyers and J.L. Basson (eds), *Suid-Afrikaanse Biografiese Woordboek, Deel V* (Pretoria: RGN, 1987), 735-736.

<sup>40</sup> Kamffer, 'Om een scherpe oog in 't zeil te houden', 38, 217, 246-268.

<sup>41</sup> NASA, TAB, SS 2555, R13950/90, petition to the state secretary, 14 October 1890.

<sup>42</sup> Mathers, *The Gold Fields Revisited*, 250.

<sup>43</sup> NASA, TAB, SS 2555, R13950/90, petition to the state secretary, 14 October 1890.

and people of low character filling and crowding the street, and as a result is shunned by our customers and great damage is threatened to our trade.<sup>44</sup>

By 1890, the police quarters at the Twist Street Prison were also in a poor condition. The offices and their surroundings hardly inspired the troops with enthusiasm and a sense of purpose.<sup>45</sup> Yet, with the town's development came improvements to its physical structures and the technological services used by the police. Due to Johannesburg's rapid expansion, the government gave permission for another police station to be built on the corner of Harrison and Bree Streets. This office was located close to the Brickfields. The police occupied the building in April 1890. Due to its central location, it became the main police office in town.<sup>46</sup> The government approved the building of a prison on Hospital Hill, as well as new mounted police barracks located just south of the new prison. The Twist Street prison would now function as a substation, and the prison section converted into barracks for the foot police.<sup>47</sup> In order to streamline policing, the authorities divided Johannesburg into wards. Police officers were allocated to each ward in the hope that they would become intimately acquainted with the area which they patrolled, thus gaining the community's trust. Later, the authorities rented another office in Jeppetown and opened a fourth station in Fordsburg.<sup>48</sup> The Bree Street station in central Johannesburg remained at the heart of police operations. Of the 18,349 arrests made during 1893, 15,015 were recorded at this station, compared to 1,402 at Jeppes Town and 1,932 at Fordsburg.<sup>49</sup>

Importantly, this period saw the development of better communication between the various law enforcement officials in the town. In early 1890, Assistant Landdrost van den Berg asked Pretoria to install telephone connections between the court, the mounted and foot police barracks, as well as the prison. He explained to the government that it often happened that he needed a police officer, but with the police

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<sup>44</sup> Ibid., JHB 1709, petition to the assistant landdrost, 3 December 1890.

<sup>45</sup> Ibid., De Beer to Schutte, 21 May 1890.

<sup>46</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 145.

<sup>47</sup> NASA, TAB, JHB 1709, De Beer to Schutte, 21 May 1890.

<sup>48</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 145.

<sup>49</sup> NASA, TAB, JHB 1710, C. Pietersen to assistant landdrost, 30 October 1891; Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 146.

barracks being ‘somewhat removed’, he had to go to great trouble to obtain the services of a police officer when necessary. Her argued that the ‘cost involved would be offset against the ease with which one could get in contact with the police to arrest transgressors. At the moment, someone first has to go to the commandant’s office, which wastes a lot of time and gives criminals the time to flee’.<sup>50</sup> Telephone lines linking the court and barracks were installed in 1890 and by 1894 there was a direct connection between the foot police barracks and Commandant Schutte’s private house.<sup>51</sup>

Assistant Landdrost van den Berg also turned his attention to updating and formulating the limited police regulations that existed when he assumed office. His predecessor, De Beer, had already argued for the formal promulgation of rules and regulations for the Zarps, in order to clear up any confusion that existed between their duties and those of the Sanitary Board’s constables.<sup>52</sup> Van den Berg asked Wolmarans if any formal regulations for the police actually existed in Johannesburg. He implored the police commissioner to compile rules and regulations urgently. It is evident that Johannesburg’s authorities had problems in legally disciplining police officers, due to the absence of government approved rules and regulations. Wolmarans informed the assistant landdrost that he did not know whether any regulations ever existed. He did, however, undertake to implore Pretoria to appoint a commission to compile police regulations, which would then be put before the *Volksraad* for approval. The police commissioner assured Van den Berg that it would take a ‘short’ while for this matter to be addressed.<sup>53</sup> Two years later, Wolmarans had to admit to the *Volksraad* in his annual report that he had not yet succeeded in this quest.<sup>54</sup>

Wolmarans clearly struggled to find his feet in his new portfolio. In August 1891, the press criticised him for bringing his office into disrepute. *De Land en Volk* reported

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<sup>50</sup> NASA, TAB, JHB 1723, assistant landdrost to chief director of telegraphy, 27 May 1891.

<sup>51</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 146.

<sup>52</sup> NASA, TAB, JHB 1709, De Beer to Schutte, 21 May 1890.

<sup>53</sup> Ibid., JHB 1710, Van den Berg to Wolmarans and Wolmarans to Van den Berg, 6 Julie 1891.

<sup>54</sup> *Verslag van den Hoofcommissaris van Politie en Gevangeniswezen over het jaar 1893* (Staatsdrukkerij: Pretoria, 1894), 3.

on the curious case of a man who had charged a police constable for theft. Yet, the most intriguing aspect of this matter was that it originated from an argument in a bar, between Police Commissioner Wolmarans and the man in question. According to the newspaper, the police commissioner ordered the man's arrest. The police constable subsequently removed the man's watch and chain for safekeeping. When the man appeared in court on charges of public disturbance, the landdrost dismissed the case due to a lack of evidence. When the man wanted his watch and chain returned, the constable who arrested him now claimed he had never taken possession of it. The matter made it to court and Wolmarans was summoned to testify. The police commissioner, however, never showed up, and the landdrost found him guilty of contempt of court. He was fined £1. The newspaper was scathing in its criticism of Wolmarans. It wrote: 'In the first instance, why was the police commissioner in a canteen? Does it honour his position to have an argument with a private individual in a canteen, have the man arrested and then cannot prove a case against him? And lastly, who can one trust if the chief police commissioner has to be fined for contempt of court?' It called for the post of police commissioner and police commandant to be united, and asserted it was a waste of state resources to have both appointments.<sup>55</sup>

The disappearance of arrested individual's personal possessions was a recurring problem in the administration of the town's criminal justice system. The authorities simply shrugged most of the complaints of theft made against the police and prison officials. To his credit, arguably to try and address this concern or probably to prevent another run in with the law, Commissioner Wolmarans took steps to address this issue in December 1891. He issued a circular stating that the police had to record all belongings removed from arrested individuals, and these items had to be stored safely. He told Commandant Schutte that he personally would be held accountable if any more items went missing. He also ordered the chief prison warder to keep a register for the transfer and safe keeping of personal items belonging to individuals the court had committed to prison.<sup>56</sup>

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<sup>55</sup> *De Land en Volk*, 'Ons politie', 12 August 1891.

<sup>56</sup> NASA, TAB, JHB 1710, circular issued by Wolmarans, December 1891.

Towards the end of 1891, Commandant Schutte and Lieutenant Heugh complained to Assistant Landdrost van den Berg about their responsibilities. Officially, Pretoria had appointed them as commanding officers of the mounted police, but in reality they also commanded the foot police. They therefore wanted their contracts renegotiated to stipulate that they were appointed to oversee both these sections of the force.<sup>57</sup> However, as mentioned previously in Chapter Two, when Schutte first enquired about the matter, the state attorney made it clear he had command of the entire police force on the Witwatersrand. Brother-in-law and police commissioner Wolmarans supported Schutte's request, but he was probably hinting at the true reason for this demand when he mentioned that Schutte still earned the same salary as when he was appointed in 1887. The police commissioner agreed that Schutte's responsibilities had increased, as he was technically in control of not only the police force in Johannesburg, but also of Krugersdorp, Boksburg, Heidelberg, Florida and other areas of the Rand. Despite this fact, Wolmarans did not support a pay increase for the commandant and simply suggested that Schutte should receive an extra annual subsidy to buy feed for his horses.<sup>58</sup> However, the state attorney decided to amend both Schutte and Heugh's contracts to explicitly indicate their authority over both sections of the force. The request for an increase in salary was put to the *Volksraad*.<sup>59</sup> Pretoria obliged Schutte. The government reappointed him as police commandant for the entire police force on the Witwatersrand and provided him with an annual salary of £500.<sup>60</sup>

The welfare of African constables recruited from the Piet Retief district also became a cause for concern during this period. When two of the constables took ill, the district doctor refused them medicine. He argued that the government would not reimburse him for rendering his services to Africans. Assistant Landdrost van den Berg reminded Commissioner Wolmarans that they were not 'ordinary constables', but 'police kaffirs (sic) from Piet Retief' and requested permission to buy them medicine

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<sup>57</sup> NASA, TAB, SS 3104, R14621/91, Van den Berg to state secretary and state attorney, 5 November 1891.

<sup>58</sup> NASA, TAB, SS 3104, R14621/91, Wolmarans to state secretary and state attorney, 19 November 1891.

<sup>59</sup> *Ibid.*, state attorney to state secretary, 24 November 1891.

<sup>60</sup> *Ibid.*, contract of appointment for Daniel Egnatius Schutte, 12 December 1891.

from the police expense budget.<sup>61</sup> The welfare of these men remained a concern. In 1893, the African constables complained to the government about the quality of their food rations. Constable Frank George laid the complaint and was supported by constables Tom, Moses, Umzindo, Pieter and Jan, as well as four other constables who were on duty at the time and who did not sign the petition. The constables complained the food they received was insufficient and they often had to buy food out of their own pockets. They claimed the amount of meat supplied was not enough to feed 10 constables and that the meat was mostly bones anyway. Similarly, the maize porridge provided 'was often not enough and many times uncooked'.<sup>62</sup>

Lieutenant Heugh investigated this complaint and found the constables had sufficient reasons to be unhappy. He reported that the prison officials, who had to provide the constables with their rations, had on several occasions informed them there was no food, and consequently the constables had to buy their own food. He recommended that the government investigate the contractor for irregularities.<sup>63</sup> The chief prison warden, C. Witzel, was also implicated. Witzel, however, disagreed with the constables' assertions and stated that they 'are always supplied with the best food and in some cases even receive more than their usual rations'. He asserted that if the constables received no food it was their own fault, as they did not come to collect it, and many times food had to be thrown away for this very reason. Witzel claimed the constables received the same food as the white prisoners, and the latter would have been the first to complain if the food was undercooked.<sup>64</sup> Lieutenant Heugh, however, remained unconvinced and asserted that there was no reason not to believe the African constables' complaint was just.<sup>65</sup>

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<sup>61</sup> NASA, TAB, JHB 1723, Van den Berg to Wolmarans, 8 June 1891.

<sup>62</sup> NASA, TAB, JHB 1712, Heugh to Van den Berg, 22 July 1893. File includes a signed affidavit by the African constables, 29 July 1893.

<sup>63</sup> Ibid., Heugh to Van den Berg, 22 July 1893.

<sup>64</sup> Ibid., Witzel to Van den Berg, 22 July 1893.

<sup>65</sup> Ibid., Heugh to Van den Berg, 29 July 1893.





Figure 4: African constables c. 1895 (HPRA, Barnett Collection)

In 1892, Police Commissioner Wolmarans submitted his annual report on the state of the police and prisons to the *Volksraad*. It is evident from the debate the commissioner's report elicited that many of the members were less than impressed with Wolmarans' progress as police commissioner. Some members argued the commissionership was superfluous and an unnecessary expense for the government. They pointed out the administration of the police and prisons remained the responsibility of the landdrosts and assistant landdrosts. Wolmarans tried his best to refute this claim. He argued that he relied on the support of the landdrost and assistant landdrosts. He added that the government could not expect him to be stationed in

every town to oversee its police force. To justify his appointment, he proclaimed to the *Volksraad* that he had already saved the government £11,000 since assuming office. State President Kruger intervened during the debate. He agreed with the police commissioner that his post was warranted, as was testamentated by the fact that it had already saved the government a lot of unnecessary expenses. The president was certain the position would bring about uniformity in administrating the police, and would make it easier to discover any overspending in future.<sup>66</sup>

With Kruger's support confirmed, Wolmarans now turned to the task of bringing about changes to the police force structure. These changes, once again, led to bureaucratic struggle and discord. In December 1892, he informed Assistant Landdrost van den Berg that the police would no longer be allowed to perform duties in court for which they had not been appointed. The assistant landdrost wrote to the police commissioner informing him that he made use of four police officers during his court sittings. Trooper P. Dietzsch of the mounted police assisted the public prosecutor as a clerk; Constable H. Hodgkison acted as a translator in Zulu and Constable L. Coetzee as a translator in Sotho. Another sergeant had the responsibility of escorting defendants into court and keeping order.<sup>67</sup> Van den Berg was not willing to part with these police officers. He immediately informed the state attorney that Wolmarans had threatened the removal of the policemen so that they could be deployed to the streets. Van den Berg argued that he tried at least 1,000 cases a month, and was adamant the court could not function without the support of these police officers. Van den Berg claimed the Gold Law placed the landdrosts in command of the police force on the goldfields. Thus, he had the final say in the matter and not the police commissioner.<sup>68</sup> Wolmarans tried to persuade the state attorney that the police officers could not be used for duties other than those which the government had appointed them for. He added the government could appoint other officials as clerks and translators.<sup>69</sup> The police commissioner failed to persuade State Attorney

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<sup>66</sup> *Notulen der verrichtingen van den Eersten Volksraad der Z.A.Republiek, 1892* (Pretoria: Staatsdrukkerij, 1892), 248 and 252.

<sup>67</sup> NASA, TAB, SS 3567, R14840/92, assistant landdrost to Wolmarans, 7 December 1892.

<sup>68</sup> *Ibid.*, assistant landdrost to state attorney, 12 December 1892.

<sup>69</sup> *Ibid.*, Wolmarans to state attorney, 22 December 1892.

Krause. Krause felt that, since police officers had to be present in court to keep order, the court could also use them as clerks and translators and save the government some money in the process. Wolmarans did not have the courage of his convictions to take the matter any further, and decided to let it rest.<sup>70</sup>

The police commissioner, however, had the support of the state attorney in another matter. In June 1892, the Sanitary Board once again lobbied Pretoria to increase the number of police officers in Johannesburg, referring to the ‘remarkable growth of the population in the last few months’. In August 1892, Wolmarans outlined a plan to bring about better distribution of the police force in the republic. He explained to the state secretary and state attorney that his inspections to the various goldfields had found that the government had appointed too many police officers in some areas and too few in others. Wolmarans wanted permission to move police officers from one area to another to bring about a better distribution of the force. He particularly wanted to move mounted police officers to the Republic’s western borders to stop smuggling.<sup>71</sup> Although the state attorney supported Wolmarans in this endeavour, the auditor general did not give his consent. He argued Pretoria would first have to amend the approved budgets for the various districts before any officers could be shuffled between them. The auditor general, did, however, as a special concession, allow the transfer of some members of the police force in Johannesburg to an outpost at Elandsfontein, which was located in the same district.<sup>72</sup>

Wolmarans, with the support of the state attorney, decided to use this special permission to bring about a better reorganisation of the police force. He transferred some officers from one district to another and reduced the number of men in other districts.<sup>73</sup> The auditor general was not pleased when he discovered the extent of the police commissioner’s reshuffling of officers. He pointed out that he had only

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<sup>70</sup> Ibid., state attorney to state secretary, 23 December 1892 and state attorney to Wolmarans, 30 December 1892.

<sup>71</sup> NASA, TAB, SS 3426, R9091/92, Wolmarans to state secretary and state attorney, 9 August 1892.

<sup>72</sup> Ibid., minute signed by the auditor general, 8 August 1892.

<sup>73</sup> Ibid., Wolmarans to the state attorney, state secretary and auditor general, 20 December 1892.

approved the transfer of police officers from Johannesburg to Elandsfontein, as there would be no budgetary implications.<sup>74</sup> Although Krause supported Wolmarans, State Secretary Leyds agreed with the auditor general. The parties decided to put the matter to the *Volksraad* for ratification.<sup>75</sup> The Executive Council agreed with Krause and Wolmarans, and on 8 March 1893 granted the necessary authorisation to permit the transfer of police officers between districts.<sup>76</sup>

Arguably the most important change brought about by this realignment, was the appointment of a new second lieutenant for Johannesburg. Gerard Marie Johan van Dam, formerly stationed at Klerksdorp, was transferred to Johannesburg.<sup>77</sup> Van Dam had known Commandant Schutte during the First Anglo-Boer War of 1880-81.<sup>78</sup> He mentions in his memoirs that, at the time of his appointment in Johannesburg, the police consisted of 35 troopers, 150 foot policemen and some African constables, with a separate detective department headed by Robert Ferguson.<sup>79</sup> According to Van Dam, upon being introduced to Lieutenant Heugh, whom he described as ‘a colonial Englishman’, he could infer that Commandant Schutte was not impressed with Heugh. This impression rubbed off on Van Dam. The second police lieutenant found the administration of the police chaotic. He wrote that Heugh left all regulations over to his deputies, and did not take much pride in his work. Van Dam also inferred some hostility from Heugh. The latter was not eager to accompany the new lieutenant on a tour of the town, or to point out places of interest.<sup>80</sup>

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<sup>74</sup> Ibid., auditor general to state attorney, 22 December 1892.

<sup>75</sup> Ibid., state attorney to state secretary, 21 February 1893 and state secretary to state attorney, 22 February 1893.

<sup>76</sup> NASA, TAB, UR, Resolution 129 of 1893, 8 March 1893.

<sup>77</sup> NASA, TAB, SS 3426, R9091/92, Van Dam to state secretary, 22 June 1893; SAPA, Van Dam collection, File 6/13/1C, letter of appointment: G.M.J van Dam, 17 April 1893; H.N. Kotze, ‘Kommandant G.M.J. van Dam’ in *The Nongqai*, XLIII(12), December 1952, 1237.

<sup>78</sup> NASA, TAB, Accession 1335, ‘Manuskrip van kmdt. G.M.J van Dam’, 72.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.



Figure 5: G.M.J. van Dam (NASA: TAB 32825)

Once he found his feet, Van Dam embarked on a quest to reorganise the Zarps. In his recollections, Van Dam referred sardonically to the case of one particular officer, Sergeant Major Dereks, as an example of the type of men he encountered on the force. He described Dereks as a ‘big, heavy fellow, with the enthusiasm only to be read on his face’. Allegedly, Dereks never patrolled the streets but availed himself with nonsensical tasks in the charge office.<sup>81</sup> One evening Van Dam ordered Dereks out on night patrol. The sergeant major did not return for duty the following evening, but sent a note to Van Dam claiming he was sick. Van Dam asked a doctor to visit the sergeant major, who subsequently informed him that lieutenant Dereks was not sick,

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<sup>81</sup> Ibid., 73

but had stiff muscles from his patrol the previous evening. Dereks resigned from the force shortly thereafter. Van Dam asserted that this particular case highlighted the authorities' woeful consideration in appointing fit and capable men to the force.<sup>82</sup>

The superior officers employed men with no thought given to their long-term suitability for service. Van Dam pointed out that many of these men were older than 50 years. As to their demeanour, he despairingly recalled that in 'their duty on the streets, the slackness and indifference were clearly evident'.<sup>83</sup> Van Dam criticised both Commandant Schutte and Lieutenant Heugh for the dreary state in which he found Johannesburg's police force. He admitted that many of the officers were more at home drinking in the canteens than patrolling the streets. Hinting at corruption on the force, he stated that they were more concerned with making money than gaining knowledge about their profession. Van Dam felt the men were not solely to blame, as without proper training, one could not expect much else of them.<sup>84</sup>

Lieutenant Heugh was not enthusiastic about Van Dam's attempts to improve the police service and did not offer any assistance. Van Dam claimed that Heugh was rarely at the office during the day, and when he had to be there, he would only oversee shift changes and then leave.<sup>85</sup> This led to friction between the two officers. Van Dam wanted one of the lieutenants on duty at the charge office to oversee the officers. Heugh did not want to commit to night duty and claimed the situation was not as grave as Van Dam asserted. Van Dam set out to produce a booklet of rules and regulations for the force. The booklet contained a set of duties for the Zarps and included legal extracts dealing with offences such as murder, burglary and theft. He printed several hundred booklets from his own pocket and distributed them among police officers. The lieutenant also provided training sessions twice weekly where he would explain the rules and regulations in more detail. He sent a copy of the booklet to the police commissioner and state attorney, informing them he wanted to compile a

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<sup>82</sup> Ibid., 74.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid., 75.

<sup>85</sup> Ibid.

more detailed version.<sup>86</sup> According to Van Dam, the state attorney was impressed with his efforts and supported him in his quest to compile a comprehensive guide. Yet, nothing came of this until 1898. Van Dam's labours soon had a positive effect on the force's efficiency. He wrote: 'my influence was effective, they began to take an interest in their work and the earlier indifference and slackness began to disappear.'<sup>87</sup>

It is evident that Van Dam took much exception from being demoted as police commandant of Klerksdorp to Johannesburg's second lieutenant. Van Dam believed that his authority was equal to Lieutenant Heugh. Yet, Heugh and members of the public regarded him lower in rank. He complained to the state attorney about this issue. Van Dam claimed seniority over Heugh, as he had been in the government's service much longer. However, the archival record contradicts Van Dam's later recollection. In a letter to the state attorney, Van Dam asserted that he and Heugh worked well together. However, Van Dam did take up the issue of his demotion. He requested Pretoria to appoint him as deputy police commandant for the Witwatersrand.<sup>88</sup> The government, however, did not grant his request.

In 1893, Assistant Landrost van den Berg devised a plan to streamline the functioning between the police and courts by establishing a central administrative bureau. He appointed Carl Christiaan Pietersen as a police administrator to the charge office. Pietersen found the charge office in a shambles and immediately set about the task of ordering and cataloguing documents.<sup>89</sup> From his meticulously kept carbon copy book and his exceptionally neat handwriting, one gains the impression of a man who was eager and capable of sorting out the police's administrative problems. However, Pietersen's work environment was strained and his patience continuously tested by police officers who did not recognise his authority.<sup>90</sup>

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<sup>86</sup> Ibid.

<sup>87</sup> Ibid., 76.

<sup>88</sup> NASA, TAB, SS 3426, R9091/92, Van Dam to state secretary, 22 June 1893.

<sup>89</sup> Van den Bergh, 'Die Polisiediens in die Zuid-Afrikaansche Republiek', 147-148.

<sup>90</sup> NASA, TAB, JHB 318, Pietersen to Commandant Schutte, 18 February 1894.

In a letter of complaint to Commandant Schutte, he explained that in the evenings police officers used his office as a thoroughfare to their rooms in the barracks. He arranged with the sergeant in charge of the barracks, Sergeant Muller, for the men to rather walk through the sergeant's room. Lieutenant van Dam had ordered that nobody but Pietersen and his clerks were allowed access to the charge office. However, on three separate occasions a drunken Sergeant Maas disobeyed this order. Pietersen complained to Lieutenant Heugh, but nothing was done in the matter. When Maas once again disobeyed the order, Pietersen confronted him. Maas snarled he would not take orders from an administrator and in a 'brutal and lowly manner' swore at Pietersen. Maas had a reputation for having a foul mouth. Pietersen seemed dejected by the affair and pointed out that, as he did not have a police rank, the officers viewed him as of an inferior or equal status.<sup>91</sup>

Pietersen's correspondence with the Johannesburg hospital casts an interesting light on the relationship between the police and black victims of crime. As administrator, he requested the hospital to provide medical aid to these individuals. This was necessary, as they would be needed act as witnesses in court. Many of the victims' injuries were as a result of aggravated assault. These included blows to the head with a knobkierrie, stab wounds with knives and broken bottles, as well as a broken arm caused by a blow from an axe.<sup>92</sup> In one case an alleged offender named Kolossa ran away from the police and in his escape jumped and fell on an iron pump, which resulted in serious internal injuries from which he later died.<sup>93</sup> Pietersen also sent a prisoner to the district doctor who complained that a fellow 'coloured' inmate had sodomised him.<sup>94</sup> The police also had to retrieve black people's corpses from the location, mines or in the *veld* and remove them to the prison where the district doctor performed post-mortem autopsies.<sup>95</sup>

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<sup>91</sup> Ibid., Pietersen to Commandant Schutte, 18 February 1894.

<sup>92</sup> Ibid., Pietersen to the Johannesburg hospital: 30 March 1894, 5 July 1894, 7 July 1894, 8 July 1894, 14 July 1894 and 18 July 1894.

<sup>93</sup> Ibid., Pietersen to Johannesburg hospital, 7 July 1894.

<sup>94</sup> Ibid., Pietersen to district doctor, 17 September 1894.

<sup>95</sup> Ibid., Pietersen to Johannesburg Prison, 14 July 1894 and 10 August 1894.



It is evident that Pietersen took his appointment seriously. In September 1894 he made several suggestions in view of improving the charge office's administration. He pointed out that the charge office had to fall under the authority of the public prosecutor, to whom he had to be responsible. This would streamline police investigations with prosecutions in court. If the public requested police assistance, he first had to decide whether the case had merit before sending out officers to investigate. Arrested individuals first had to appear before him, and only then could they be taken into custody. He wanted the ability to set bail for less serious transgressions. If prosecution was necessary, he would complete a charge sheet, assemble the evidence and provide the file to the public prosecutor. Finally, he wanted to appoint his own clerks and wardens, who would only serve as administrative officials and not do duty on the streets as police officers.<sup>96</sup> As pointed out by Van den Bergh, these suggestions by Pietersen were progressive and won favour with the government. Many were implemented after 1895.<sup>97</sup>

### **A dictionary of foul language: policing the illicit liquor and gold trades**

The attempts at centralisation and administrative reform in the force should be put in the context of policing crime during this period. Already in April 1890, the Chamber of Mines grew increasingly concerned about the Zarp's inefficiency in policing the liquor trade in Johannesburg. The chamber wrote to Special Landdrost von Brandis:

It appears that canteens of the worst character are thickly established along the line of reef and that the sale of liquor is practically unrestricted: the consequence being that the supply of Kaffir labour on the mines is rendered uncertain; and that frequent accidents and occasional deaths occur. The Chamber is further informed that the detection of this offence of the sale of liquor to Natives, by means of trapping has been virtually discontinued. In any case it appear that the police force, through the insufficiency of its numbers, or for some or other reason, does not exercise sufficient vigilance

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<sup>96</sup> Ibid., Pietersen to Van den Berg, 3 September 1894.

<sup>97</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 149.

in detecting and preventing this offence, which is every day going on upon a large scale.<sup>98</sup>

To address this concern, Pretoria issued a circular prohibiting the issuing of new liquor licences. Canteen keepers who had licences could keep them and apply to Pretoria for renewal. If special circumstances warranted issuing a new licence, an application with a police report had to be submitted to the government for consideration.<sup>99</sup>

The methods used by the police to detect contraventions of the liquor law during this period are set out in a police report book for the period June to November 1890. These daily entries afford a glimpse into some of the police officers' duties during this time. In the morning constables reported at the mounted police barracks where they awaited the police commandant or one of the lieutenants' instructions. From here, they proceeded to the criminal court and testified in any cases on arrests made by them the previous day. From the court, the constables made their way to the mine commissioner's office. Here they performed duties in the pass office. Depending on the instructions issued in the morning, they were sometimes given the rest of the afternoon off, or had to patrol the streets. During their night shift they patrolled the streets and inspected canteens, bars and hotels. When the situation warranted it, the constables had to do plain clothes duty and place canteens and hotels under surveillance. They had to keep notes of any contraventions observed. The constables handed over this information to the detective department for further investigation.<sup>100</sup>

On Friday, 15 August 1890, for example, Constable Ferreira recorded that he and Constable Mobbs reported at the police barracks to Lieutenant Schröder. They had lists of hotels and canteens which had special permission to be open to midnight, and of hotels and bars which the authorities closed down in July and August 1890 for disregarding the liquor law. Lieutenant Schröder ordered the constables to keep an eye on the Wynberg Hotel, which was rumoured to be selling liquor to Africans

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<sup>98</sup> NASA, TAB, JHB 1709, Chamber of Mines to Von Brandis, 7 April 1890.

<sup>99</sup> Ibid., circular: state secretary to landdrosts, mines commissioners etc. April 1890.

<sup>100</sup> NASA, TAB, JHB 270, 'Dagboek van Dienst', 15 August 1890.

without the necessary permission. On this particular day there were no cases in which they had to testify in court and thus the two constables reported for duty at the pass office. At 17h00 they set off to the Wynburg hotel, patrolling Fraser, Church, and Sauer Streets, Marshall Square, and Main Street on the way. They kept the hotel under surveillance until 21h00. During this time, they allegedly saw one African man enter the building and three leaving it. A member of the public informed them that the previous Sunday he had observed three African constables, employed by the Sanitary Board, enter the hotel. They gave this information to Chief Detective Robert Ferguson for further investigation.<sup>101</sup>

As this source attests, various canteen owners were brought before Assistant Landdrost van den Berg for contraventions of the liquor law. Yet these investigations and prosecutions still did not have the desired effect, and contraventions of the liquor law remained rampant. In December 1890, the Chamber again complained to Pretoria that although 'heavy fines had been inflicted on various canteen keepers who have broken the law in this respect ... the convictions must be more numerous and the system of detection more regular and strict'.<sup>102</sup> The police force came under increasing criticism for alleged corruption and extorting bribes from canteen owners. In March 1891, *De Land en Volk* wrote in an editorial that to

describe our police force, one has to have a dictionary of foul language. The body is rotten - that is possibly the best and only way to express it. The night police are regularly bribed by canteen owners with brandy to keep their eyes closed if the canteens are open until late at night. If a canteen keeper does not want to give liquor to a constable, he is reported and fined by the landdrost. To address these issues, a diligent and true Afrikaner should be appointed as chief constable, someone who knows his duty and who is not a drunk.<sup>103</sup>

Johannesburg certainly gained a reputation for lawlessness, but it is difficult to estimate what percentage of crime during this period was alcohol related. In his memoirs of this time, Lieutenant van Dam wrote 'the city was full of life, especially

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<sup>101</sup> Ibid.

<sup>102</sup> NASA, TAB, JHB 1709, Chamber of Mines to Assistant Landdrost van den Berg, 1 December 1890.

<sup>103</sup> *De Land en Volk*, 'Ons polisi mag', 24 March 1891.

on Saturday evenings when the mine workers came to town to visit the canteens in their hundreds. One heard loud music and singing and at times fights would break out and the police had to be called in. But there was very little grave crime, there were lots of money among the mine workers and the administrators and very few suffered, the biggest burden was drunken Kaffirs (sic) and other Coloureds in the city and along the mines'.<sup>104</sup>

At the end of March 1892, a police report submitted to the government cast some light on crime in Johannesburg for the period April 1891 to March 1892. As the table below indicates, the police made 9 412 arrests. The courts also collected a sum of £1336.10.9 in fines. From the figures, it is evident the most prevalent crime was classified as 'petty offences'. Unfortunately, the historical record does not specify what offences were classified under this term. Africans made up the majority of people arrested for 'drunkenness and disturbance of the peace'. In relation to the high number of arrests made for drunkenness, the police only arrested 138 people for contravening the liquor law. Of note is the relatively low numbers of arrests for more violent crimes. During this time, eighteen arrests were made for murder and nine for rape. However, assault seemed to be a chief concern and police arrests were high across the town's racial divide. Theft was certainly also a major concern, with the police making 829 arrests, whereas there were fewer arrests for burglaries and robberies.<sup>105</sup>

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<sup>104</sup> NASA, TAB, Accession 1335, 'Manuskrip van kmdt. G.M.J. van Dam', 76.

<sup>105</sup> NASA, TAB, JHB 1711, report of police arrests in Johannesburg for the period: 1 April 1891 to 31 March 1892, 31 March 1892.

Crimes classified according to race	European	African	Asian	Crimes not classified according to race	
Assault	358	405	104	Incest	0
Abduction	0	0	0	Gambling Law	30
Extortion	0	0	0	Liquor Law	138
Fraud	58	12	7	Fraudulent bankruptcy	2
Arson	1	0	0	Forgery	5
Theft	220	547	62	Gold Law	7
Drunkenness and disturbance of the peace	358	1087	50	Health regulations	593
Petty offences	430	3598	102	Domestic disturbance	76
Burglary	24	23	0	Master and Servants Law	548
Contempt of court	14	7	0	Defamation and libel	5
Trespassing	42	169	8	Land theft	0
Prison escape	0	0	0	Animal abuse	29
Murder and attempted murder	9	9	0	Perjury	5
				Escape	85
				Postal Law	1
				Robbery	33
				Sodomy	1
				Resisting police	84
				Rape	9
				Vagrancy	19
				Sunday Law	36
<b>Total</b>	<b>1514</b>	<b>5857</b>	<b>333</b>		<b>1708</b>
<b>Grand Total</b>	<b>9412</b>				

Table 1: Report of police arrests in Johannesburg for the period: 1 April 1891 to 31 March 1892.  
Source: NASA, TAB, JHB 1711, 31 March 1892.

Police Commissioner Wolmarans' annual report of 1891 already pointed out crime was on the increase. The report blamed uncontrolled sale of illicit liquor as one of the reasons for this. Wolmarans explained that he did not request Pretoria to increase police numbers during this period as he did not want to put more strain on the state's dire financial situation.<sup>106</sup>

The Chamber of Mines submitted recommendations to the government on how illicit liquor sales could be addressed. In a memorial dated September 1892, the Chamber pointed out the total white population on the Rand was about 18,000 and 320 liquor license applications had been made. It estimated if one-half of the population was women and children, there would be one canteen for every 30 white men in town.<sup>107</sup> The latter caused some anxiety to the Chamber, but it is evident that the organisation was much more alarmed about the effect indiscriminate liquor sales had on the African workforce. It placed emphasis on the financial loss suffered by mine as a result of this and their labourers' conduct, rather than expressing a concern in the escalating crime rate. The Chamber blamed poor policing for this and declared that

The consequences of this reckless multiplication of canteens have been witnessed in the scores of violence which have been the special characteristics of Sundays along the line of the Main Reef. In some cases, the drunken faction-fights which have taken place have been stopped with the utmost difficulty, and then only after some of the combatants had been killed and others had sustained injuries. The demoralization and deterioration of the natives have indeed been the direct results of the wide-spread evil of drunkenness; and the Companies have been put to heavy loss through the unfitness of a large proportion of the natives for work in the early days of the week.<sup>108</sup>

In November 1892, *The Star* published an article entitled: 'The curse of the canteens'. It reported on a town meeting where prominent individuals suggested how Pretoria could address illicit liquor sales and stop the indiscriminate granting of liquor licenses

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<sup>106</sup> *Verslag van den Hoof-Commissaris van politie en wd. inspecteur van gevangenissen over het jaar 1891* (Staatsdrukkerij van de Zuid-Afrikaansche Republiek, Pretoria, 1892), 6.

<sup>107</sup> *Chamber of Mines, Fourth annual report for the year ending 31<sup>st</sup> December 1892*, 50.

<sup>108</sup> *Ibid.*, 51

to canteen operators. The article claimed ‘thousands’ of Johannesburg’s inhabitants attended the meeting and listened to the various speeches. Police corruption was singled out as one of the main concerns. One speaker reiterated ‘the police of Johannesburg was a large enough and efficient body ... but he thought it scarcely likely that their pay was high enough to prevent acceptance of something in another form’.<sup>109</sup> Marred by allegations of corruption and inefficiency, the police was not oblivious to the problems it had in addressing this concern. On the same day that *The Star* reported on this town meeting, it also carried an article which reported that Commandant Schutte and three police constables had raided canteens at Fordsburg and in the vicinity of the mines. Here they found several places where Africans were able to obtain alcohol without any difficulty.<sup>110</sup> Lieutenant Van Dam who, as pointed out earlier, was not uncritical about police inefficiency and possible corruption, viewed the situation as hopeless. He blamed the illicit liquor trade on ‘low class Russians or Polish Jews’ who owned many of these canteens and who would use various ways to evade the law, despite the police’s best efforts. The only solution that Van Dam could contemplate was for Pretoria to increase the size of the police force, so that a police officer could be stationed at every single canteen to keep an eye on its operations. Thus, for the lieutenant, the lack of personnel weighed heavier than allegations of police corruption.<sup>111</sup>

In light of the above, the government decided to amend the Liquor Law. The Chamber of Mines pointed out two significant issues the new law would address. Firstly, canteen keepers had to keep the permits employers issued to African workers enabling them to buy liquor for one month. Previously, canteen keepers had to destroy the permits immediately, which meant ‘a canteen-keeper could always plead that he had sold liquor on a permit, but, in accordance to the law, had been compelled to destroy the evidence which would have established the fact that his business was conducted in

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<sup>109</sup> *The Star*, ‘The curse of canteens’, 28 November 1892.

<sup>110</sup> *Ibid.*

<sup>111</sup> NASA, TAB, Accession 1335, ‘Manuskrip van kmdt. G.M.J. van Dam’, 76. For more on the question of Jewish involvement in the illicit liquor trade, refer to Van Onselen, *New Babylon, New Nineveh*, 80-87 and R. Mendelsohn and M. Shain, *The Jews in South Africa* (Johannesburg & Cape Town: Jonathan Ball Publishers, 2008), 44-45.

a lawful and proper manner'.<sup>112</sup> Secondly, Pretoria intended to set up a commission to deliberate over the granting of licenses to canteen keepers. In Johannesburg, Assistant Landdrost van den Berg would chair this commission. He would be assisted by Government Commissioner P.G. Maré, Police Commandant Schutte, Lionel Phillips the chairman of the Chamber of Mines and E. Hancock, the chairman of the Johannesburg Sanitary Committee.<sup>113</sup> Liquor licence applicants had to give notice of their intent in the *Government Gazette* and in local papers a month before the commission would sit. This would allow the public and police to advocate against the commission granting a licence to a particular applicant.<sup>114</sup>

Some evidence exist that the new measures had a positive effect on policing the 'legitimate' liquor trade. In one particular case, the detectives arrested a canteen owner named Joseph Levey for keeping his bar open until half past one on a Sunday morning. Levey tried to bribe the detectives into dropping the case. The detectives, however, handed the money over to Chief Detective Ferguson, who sent it to Landdrost van den Berg as evidence. The court sentenced Levey to a £15 fine or a month's imprisonment for violating the liquor law and for trying to bribe police officers.<sup>115</sup> The Chamber of Mines' annual report for 1893 pointed out that, although more police supervision was required along the Main Reef to curb illegal liquor sales and address faction fights, the improved regulation of the legitimate trade had shown positive results. The report stated,

while the native liquor trade must continue to be a subject of grave concern, it is evident that within the past 18 months there has been a considerable improvement in the condition of things which existed when the issue of license was in the hands of a central Board at Pretoria, and when police supervision was laxer than it is now.<sup>116</sup>

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<sup>112</sup> *Chamber of Mines, Fourth annual report for the year ending 31<sup>st</sup> December 1892*, 46.

<sup>113</sup> *Ibid.*, 49

<sup>114</sup> NASA, TAB, Accession 1335, 'Manuskrip van kmdt. G.M.J. van Dam', 76.

<sup>115</sup> NASA, TAB, JHB 1712, Ferguson to Van den Berg, 28 July 1893.

<sup>116</sup> *Chamber of Mines, Fifth annual report for the year ending 31<sup>st</sup> December 1893*, 52.



If stricter policing of the 'legitimate' liquor trade in Johannesburg had brought about improvement, this was not the case in Boksburg and Krugersdorp. The Chamber of Mines told Pretoria in April 1894 that mining companies in these two towns were still exposed to the 'evils of an unrestricted liquor traffic' and the 'canteens have been multiplied to excess'. The significant difference between the licensing board in Johannesburg and the boards in these two towns, were that the latter consisted only of government officials. The Chamber saw this lack of representation as the main concern, and felt that 'persons with a full knowledge of the local condition and requirements and a direct interest in minimizing the mischief resulting from the unrestricted sale of liquor to natives, should be added to the official members of the Licensing Boards'.<sup>117</sup> However, for undisclosed reasons, the government did not see the need for mining companies to be represented on these boards and turned down the Chamber's request.<sup>118</sup>

The theft and sale of illicit gold was another major grievance the mining industry credited to the Zarps' alleged inefficiency. In August 1891, the Chamber warned the government that if Pretoria did not take steps to prevent the theft of gold, it 'will grow into a systematic and organised practice which will be extremely difficult to check or to control'.<sup>119</sup> The Chamber pointed out that the detective department lacked the necessary funds to investigate this issue. It offered to provide funds to employ 'specially skilled detectives' dedicated to eradicating this crime. The Chamber informed the government any revenue recovered from stolen gold would be rechannelled into a fund for gold theft investigations. The Chamber stated that this 'fund should be administered by, or in consultation with, persons engaged in the mining industry'.<sup>120</sup>

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<sup>117</sup> *Chamber of Mines, Sixth annual report for the year ending 31<sup>st</sup> December 1894* (Johannesburg: Argus, 1895), 59-60.

<sup>118</sup> *Ibid.*, 60.

<sup>119</sup> *Chamber of Mines, Third annual report for the year ending 31<sup>st</sup> December 1891* (Johannesburg: Argus, 1892), 44.

<sup>120</sup> *Ibid.*

Pretoria informed the Chamber that it could draw up proposals suggesting how the Gold Law could be amended to address the theft of gold. From the memorial the chamber sent to Pretoria with its suggestions, it is evident that the problem presented was a complicated one. It mentioned that ‘gold is not always taken in the form of pure gold, or even metallic gold, but often in the form of quicksilver, containing a small proportion of gold, or in the form of ordinary amalgam, or slimes, or concentrated, or some unprepared raw product of gold, or product of the gold recovery process, or of some combination of gold, silver, or other metal alloy’.<sup>121</sup> It identified the criminals involved in the trade as a ‘large class of persons ... on the Rand, some of them ostensibly jewellers, some of them without visible means of support’, the latter making a living from buying stolen gold from mining employees and selling it on. The Chamber hoped Pretoria would amend the Gold Law and give permission for the establishment of a ‘public institution or Board, constituted of the representatives of the mining industry’ to address this issue.<sup>122</sup>

However, the government decided against implementing the Chamber’s request. One reason was a ‘general antipathy to the adoption of exceptional measures, and also to a belief entertained by many that that the value of the gold stolen is not very great’.<sup>123</sup> The Chamber estimated that 10,000 ounces of amalgam were stolen annually. After staging a test, it was mortified to discover it could obtain 1,200 ounces on the black market without difficulty. For the chamber, the extent of the problem had been made evident.<sup>124</sup> Yet, the measures proposed by the Chamber to curb the trade in stolen gold elicited fears in Pretoria that ‘a reign of terror would have been introduced on the Rand, with the general public at the mercy of a host of petty bureaucrats who were often I.G.B.s (Illicit gold buyers) themselves’.<sup>125</sup> The Second *Volksraad* rejected the suggestions, as it would afford the mining industry with its own personal police force.

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<sup>121</sup> *Chamber of Mines, Fourth annual report for the year ending 31<sup>st</sup> December 1892*, 60.

<sup>122</sup> *Ibid.*

<sup>123</sup> *Chamber of Mines, Sixth annual report for the year ending 31<sup>st</sup> December 1894*, 124.

<sup>124</sup> T.V. Bulpin, *Lost trails of the Transvaal* (Cape Town: Thomas Nelson and Sons, 1965), 369.

<sup>125</sup> *Ibid.*

The government felt that, as the thefts occurred on mining properties, the companies themselves had to take the necessary precautions to ensure this did not occur.<sup>126</sup>

Nevertheless, at a meeting in April 1894 between the Chamber, President Kruger and the Executive Council, the government relented somewhat. Kruger agreed the situation required action. Yet, 'he would not bind himself to establish a Special Department, but received a proposal to place a sum on the estimates for the maintenance of extra police favourably'.<sup>127</sup> Thus, later that month the chamber submitted a new scheme to the government for consideration. It was willing to match any sum put forward by the government in order to appoint more policemen to investigate the trade in illicit gold. It had some conditions, which included that all 'the police referred to shall be employed wholly in connection with the detection of thefts of gold ... and in taking measures for the suppression of these crimes'. Secondly, it conceded that Pretoria would appoint and control the police.<sup>128</sup> Pretoria reacted favourably to the conditions and put forward a sum of £2,000 for these purposes.<sup>129</sup> The Chamber informed its members the government was ready to meet industry halfway. They subsequently raised the necessary funds and informed the government the scheme could be placed in motion.<sup>130</sup> However, the result of this experiment was a catastrophe, which exposed the underbelly of jealousy, pride, lies, treachery and revenge within the detective department.

### **Thick as thieves: untangling police inefficiency and corruption**

Kruger won the general election of 1893 by only the slightest of margins against his main political rival, Commandant General Petrus Jacobus (Piet) Joubert, who had the support of the so-called Progressive Afrikaners in the Republic.<sup>131</sup> Realising that

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<sup>126</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 171.

<sup>127</sup> *Chamber of Mines, Sixth annual report for the year ending 31<sup>st</sup> December 1894*, 124.

<sup>128</sup> *Ibid.*, 124.

<sup>129</sup> *Ibid.*, 125.

<sup>130</sup> *Ibid.*, 126-127.

<sup>131</sup> For more on the nature of 'Progressivism' in the ZAR see: C.T. Gordon, *The growth of Boer opposition to Kruger, 1890-1895* (Cape Town: Oxford University Press, 1970), 278-9 and S.

there was discord among many burghers regarding the *status quo*, and in a bid to halt the flirtation between the so-called anti-Kruger Progressives and the *Uitlanders*, Kruger decided to appease this group. One of the measures he took was to appoint Ewald Esselen as state attorney in May 1894.<sup>132</sup> Esselen was the chairperson of Joubert's Central Election Committee and one of the leading progressive figures in the Republic. Although born in the Cape Colony, Esselen interrupted his medical studies in Edinburgh to return to South Africa during the First Anglo-Boer War (1880-81). While he was too late to join the fighting, he became friends with Kruger and acted as his unofficial secretary during the negotiation of the Pretoria Convention in 1881. He subsequently returned to London to study law and upon his return to South Africa in 1885 joined the Afrikaner Bond. He was persuaded to move to the Republic and to take up a position as a judge. He resigned from this position in 1890, and in 1891 entered politics, becoming a member of the First *Volksraad* for the district of Potchefstroom. During this period, he became aligned to Kruger's political opponents in the *Volksraad* and began sympathising with the grievances of the *Uitlanders* in Johannesburg.<sup>133</sup>

*De Land en Volk*, the mouthpiece of the progressive Afrikaners under the editorship of Eugène Marais, welcomed Esselen's appointment by stating:

His sincerity, his frankness, his honesty, his patriotism are the words with which Ewald Esselen can be described by all Afrikaners who know him. He is a friend to all honest Afrikaners and within this lays the possible greatness of his future.<sup>134</sup>

Following his appointment, Esselen wrote to Sir Henry de Villiers, the chief justice of the Cape Colony, that he 'came to the conclusion that some steps had to be taken to prevent the personal, religious and family differences, caused by the election, from

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Swart, "'An irritating pebble in Kruger's shoe'" Eugène Marais and *Land en Volk* in the ZAR, 1891-1896', in *Historia*, 48, 2 (2003), 66-87.

<sup>132</sup> Gordon, *The growth of Boer opposition to Kruger, 1890-1895*, 234.

<sup>133</sup> J.G. Kotzé, *Biographical memoirs and reminiscences*, Vol. 2 (Cape Town: Maskew Miller, 1949), 79-82.

<sup>134</sup> *De Land en Volk*, 'Ewald Esselen', 3 May 1894.

being extended and becoming permanent'.<sup>135</sup> His appointment as state attorney by Kruger was strategic in that Esselen had a respectable reputation among the *Uitlanders*, which would therefore provide much-needed conciliation by appeasing *Uitlander* grievances. It also afforded Kruger the opportunity to keep a closer eye on his main political opponents by bringing the Progressives back into the laager. This process of *toenadering* (rapprochement) by Kruger was to have serious consequences for the control of power within the Republic's police force. When the dust settled, it had caused serious damage to Esselen's reputation and led to his resignation as state attorney in November 1895.

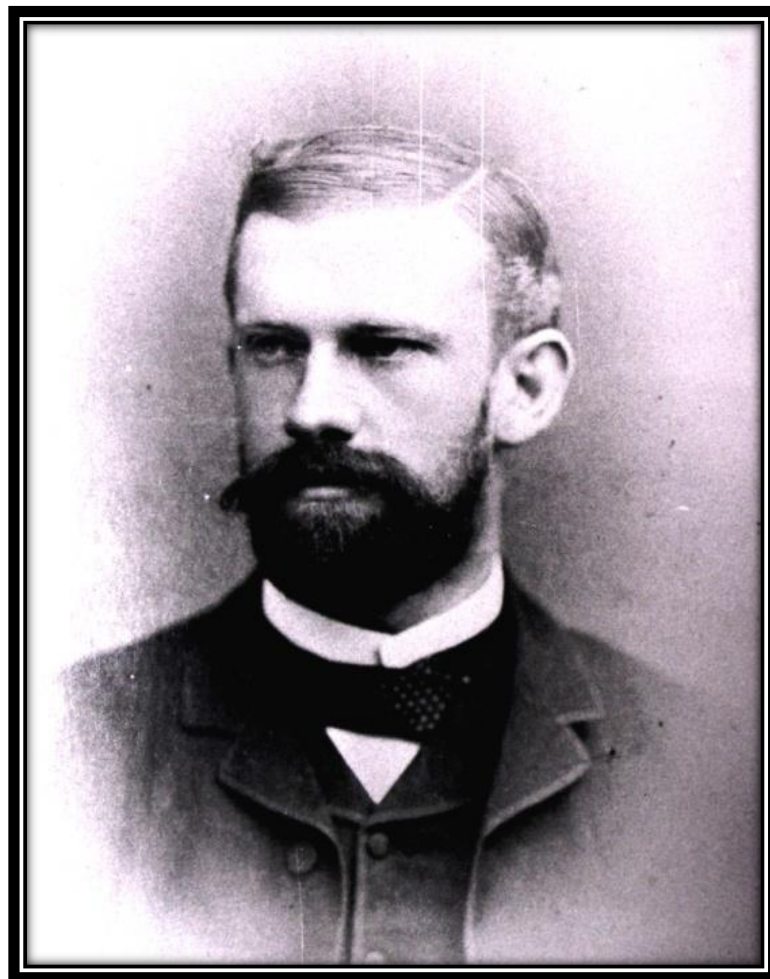


Figure 6: State Attorney Ewald A. Esselen (NASA: TAB, 15911)

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<sup>135</sup> Marais, *The Fall of Kruger's Republic*, 58.

When Esselen took up his position as state attorney, it was evident that the Zarps were in desperate need of reform. From its most senior administrative officials at the top, to its foot police at the bottom, drifted a discernible stench of corruption, nepotism and inefficiency. Johannesburg also experienced an increase in crime at this time. The *Standard and Diggers' News*, in an article entitled 'Crime at the Rand', reported on 'another' murder in Johannesburg and exclaimed that:

Johannesburg does not get horrified any more, no matter what the occasion. Besides, when you get a murder every other week ... your stock of mental notes of admiration and exclamation begins to run low and you want a new sensation... the Rand will get a bad name ... unless there is both a reform in police matters and an entire re-organisation of the detective force.<sup>136</sup>

Esselen was under pressure to reform the police and, specifically, to address the issue of illicit liquor sale and gold theft on the Rand. By 1895, there were between 750 and 1,000 canteens operating in the Witwatersrand area.<sup>137</sup> In order to achieve this goal, Esselen wanted a free hand in reorganising and reforming the detective and police forces.<sup>138</sup> He immediately began gathering information about the day-to-day running of the police department in Johannesburg and, to bring him up to date, co-opted both secret agents and ordinary detectives as informants. The clandestine methods used by Esselen in this endeavour soon made for a volatile mix of distrust, malicious rumours and discord in the police force. By first trying to ascertain the extent of mismanagement in the Zarps, which created the impression of inaction, and added to this the fact that he found it difficult to stay out of politics, Esselen was criticised in the press for not doing his work. The *Transvaal Advertiser* stated in October 1894 that the state attorney should note that 'it is far more important that our police and prisons should be brought into proper order by the State Attorney than that he should waste his time upon trying to bring about chimerical political unity in the Republic'.<sup>139</sup>

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<sup>136</sup> *Standard and Diggers' News*, 'Crime at the Rand', 5 October 1894.

<sup>137</sup> Van Onselen, *New Babylon, New Nineveh*, 66.

<sup>138</sup> J.P. FitzPatrick, *The Transvaal from Within, a private record of public affairs* (London: William Heinemann, 1899), 97.

<sup>139</sup> NASA, TAB, SP 238, unregistered letter from Donovan to Esselen, 22 June 1894.

Esselen's job was complicated by the fact that he did not know who in the police force could be trusted to implement his reform. In June 1894, Esselen appointed the first secret agents to spy on the activities of various foreigners and political organisations operating on the Witwatersrand as possible threats to the Republic's independence.<sup>140</sup> One of these men was George William Taylor, who took his oath as a secret agent for the Republic at the end of July 1894. Taylor would become one of the Republic's foremost spies. He wrote weekly reports to Esselen, not only on political developments on the Rand, but also on other social issues, such as the state of crime and, critically, the intrigues and scandals in the police department.

In one report to Esselen in August 1894, Taylor gives a glimpse of the ill-treatment Africans received at the hands of the justice system in Johannesburg. He explained that regardless of whether arrested Africans pleaded guilty or not guilty in court, no distinction was made in the severity of their sentences. He mentioned that in one case several men were arrested and charged for resisting arrest by an African constable. In court the constable identified five men for this offence and another youth for not having a pass. Taylor wrote that the evidence was poorly translated and in the end the youth who committed the pass law offence was found guilty of assault. All the convicted men were sentenced to a £5 fine or 14 days in prison. This was despite the fact that in several other cases, pass law offenders were only fined 10 shillings. In another case, Taylor assisted a policeman to arrest a man for assaulting another man with an axe. He writes: 'This attempted assault took place at a Jew[']s store who the boy ... said did an illicit liquor trade but the police took no steps to obtain the attendance of the one who was assaulted and when the case came on the prosecutor did not appear and the case was not gone into. I have no doubt that the Jew kept away the Kafir (sic) from appearing against the other'.<sup>141</sup>

Taylor, reporting to Esselen on the state of crime and the inefficiency of the police force in Johannesburg, stated that there was a:

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<sup>140</sup> Kamffer, 'Om een scherpe oog in't zeil te houden: die geheime diens in die Zuid-Afrikaansche Republiek', 53.

<sup>141</sup> NASA, TAB, SP 238, report no. 3, Taylor to Esselen, 12 August 1894.

great amount of undetected crime which is taking place here ... the detective department is in such a bad repute that directors do not care to put any cases of this kind in to their hands in fact it is openly stated that the whole force both detectives and police are simply a family circle and a hot bed of bribery and corruption. It is no secret that Ferguson the chief detective is interested in the Old Fellows Arms canteen which is about as rough a bar as there is in town. In fact the Johannesburg detective force is regarded with uttermost contempt and mistrusted by everyone.<sup>142</sup>

It is evident that Chief Detective Ferguson had gained a less than stellar reputation on the Rand. In order to flush out the accusations of corruption made against the police and the detectives, Esselen decided to approach Detective Lionel Bennet Donovan in June 1894. He asked Donovan to provide him with reports relating to any illicit activities on the force.<sup>143</sup>

Detective Donovan began reporting to Esselen on a regular basis about the activities of the police force. At a private meeting held at Esselen's house in Pretoria in June 1894, the state attorney requested Donovan to start gathering information which could be used to discredit the chief detective of Johannesburg, Robert Ferguson, Police Commandant Schutte, Assistant Landdrost van den Berg and Lieutenant Heugh.<sup>144</sup> Reports from Donovan, as well as Esselen's other spies, implicated Chief Detective Ferguson as the main suspect in the theft of gold amalgam, as well as for accepting bribes from canteen owners in the illegal liquor trade. However, Ferguson became aware of the fact that Esselen was investigating him. In a letter dated 22 June 1894, Donovan informed Esselen that: 'since my return from Pretoria Ferguson has quietly avoided questioning me re[garding] your object in sending for me which fact convinced me that he suspects something [is] wrong...'<sup>145</sup>

Worried that Ferguson was on to him, Donovan reported to Esselen that the chief detective was disposing of all his fixed property in Johannesburg, including shares he had in the Bristol Bar. There were rumours that Ferguson planned to resign.

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<sup>142</sup> Ibid., report no. 2 from G.W. Taylor to Esselen, 4 August 1894.

<sup>143</sup> See SP 238 for various unregistered reports from Donovan to Esselen for the year 1894.

<sup>144</sup> NASA, TAB, SS 4634, R546/95, affidavit of LB Donovan, 19 May 1895.

<sup>145</sup> Ibid., unregistered letter from Donovan to Esselen, 22 June 1894.



According to Donovan, Lieutenant Pietersen, the administrator in the charge office, was working hand-in-hand with Ferguson and spreading malicious rumours about Donovan. Donovan informed the state attorney that his informant had given Ferguson tips on finding parcels of stolen gold, but when the case was brought to court, the gold had suddenly turned into brass. He mentioned that J.W. Wood, who worked as an assayer at the Bank of Africa, and who was used by the police department to analyse gold and amalgam, was working with Ferguson.<sup>146</sup> With the illicit liquor trade and gold thefts continuing unabated, and with the cloud of suspicion cloaking Ferguson, Esselen decided to intervene and sent the chief detective of Pretoria, William Henry Ueckermann, to the Witwatersrand to start trapping canteens in a bid to curb the illicit sale of liquor on the Rand.<sup>147</sup> Esselen attempted to throw Ferguson off the scent of his and Donovan's secret investigation. The state attorney met with Ferguson and explained to him that Donovan would assist Ueckermann in trapping canteens and would no longer report to the chief detective.<sup>148</sup>

However, Ferguson was not prepared to go down without a fight and decided to gather some compromising information of his own. He allegedly tried to bribe people into giving false declarations against Detective Donovan.<sup>149</sup> Upon hearing of this, and in a second attempt to abate Ferguson's suspicions, Esselen instructed Donovan to return to reporting to Ferguson for duty, and not to Ueckermann.<sup>150</sup> Donovan's inability to keep the trust of his commanding officers made it increasingly difficult for Esselen to gather any evidence of criminal activities in the police force. The animosity between the two detectives had grown to such an extent that Ferguson told Donovan he did not want him at the office. Donovan informed the state attorney that Ferguson had succeeded in prejudicing Commandant Schutte against him. Donovan also reported that his investigation was putting pressure on Ferguson. The chief detective

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<sup>146</sup> NASA, TAB, SP 238, Donovan to Esselen, 19 August 1894.

<sup>147</sup> Ibid., unregistered report of Ueckermann to Esselen on canteens on the Witwatersrand Goldfields, 28 August 1894.

<sup>148</sup> NASA, TAB, SS 4634, R 546/95, affidavit of L.B. Donovan, 19 May 1895.

<sup>149</sup> Ibid., unregistered letter from Donovan to Esselen, 30 August 1894.

<sup>150</sup> Ibid.

seriously considered resigning, but Police Commandant Schutte had apparently begged Ferguson not to do so, as the ‘unpleasantness would soon blow over’.<sup>151</sup>

Commandant Schutte also had reason to be concerned. Already in July 1894, Donovan had informed Esselen that Schutte had been lending his own money to various members of the police force at exorbitant interest rates, and that many officers ‘were heavily indebted in this manner’.<sup>152</sup> This fact was again brought to the state attorney’s attention early in August by secret agent Taylor, who wrote to Esselen: ‘It appears that Commandant Schutte is in the habit ... of combining the calling of money lending with that of Commandant of Police and thus a man may be grossly incompetent for his duties, but the fact to his owning the Commandant some money prevents his being discharged and the efficiency for the service suffers in consequence’.<sup>153</sup> The state attorney swiftly put an end to Schutte’s private bank, much to the dismay of one literate Zarp who wrote to *The Star* bemoaning this fact. He hinted that the officers would now have to borrow money from liquor sellers. He wrote:

The private bank has existed for years already, and has been a boon to the police. Before the Commandant started his little private bank, the police always used to borrow money from the canteen-keeper and others, and it placed them in a most awkward position to carry out their duties towards the canteen-keeper. They also had to pay twice the amount of interest, as they are not in the necessary position to carry their duties out, and are not dependent on anybody. If the Commandant refuses to lend money, somebody else will do it and we shall have to pay more interest. You may say the police have no right to borrow money. Well Sir, there are circumstances which make you borrow money, and you can’t help yourself.<sup>154</sup>

*The Critic* was scathing in its criticism and called it a ‘childlike and bland confession’. The newspaper emphasised that this whole issue just demonstrated how

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<sup>151</sup> Ibid., letter from Donovan to Esselen, 10 September 1894.

<sup>152</sup> NASA, TAB, SP 238, unregistered letter from Donovan to Esselen, 13 July 1894.

<sup>153</sup> Ibid., report no. 2: G.W. Taylor to Esselen, 4 August 1894.

<sup>154</sup> Republished by *The Critic*, 17 August 1894.

demoralised the average police officer was. It called for a commission of enquiry to investigate the state of affairs.<sup>155</sup>

To further complicate matters, during this same period, a large sum of money disappeared from Commandant Schutte's office.<sup>156</sup> Taylor informed Esselen that the stolen money 'was left in the office in a little black bag so that the men could call personally for their pay and have whatever sums they had borrowed during the month deducted. And the careless manner in which the money was left laying about proved ample inducement for someone to steal it. The circumstances of the case I think sufficiently warrant the assumption that the thief was thoroughly conversant with the internal workings of the office'.<sup>157</sup> Lieutenant van Dam suspected that the theft was an inside job. Soon after, Commandant Schutte's clerk, C.P. Wolhuter, was fired for the theft. Yet, Van Dam believed Wolhuter was innocent, and blamed the theft on the government's tardiness in supplying the commandant's office with a safe, even though Schutte had requested one. According to Van Dam there was enough evidence to prove that Wolhuter was not the thief, and that without a safe the clerk had no choice but to leave the money in a cupboard. He felt the dismissal was unfair, and although there were strong suspicions as to who the real culprit was, there was no evidence that could prove this.<sup>158</sup>

Schutte thus came under increasing pressure from the press, the public and from the rumours that the state attorney was also investigating him for irregularities. The police commandant was certainly not oblivious to the problems in the police force – already in July 1894 he had sent a letter to Esselen requesting 60 more police officers for Johannesburg.<sup>159</sup> However, due to bureaucratic constraints, in that the First *Volksraad* had to approve such a measure, and due to the fact that Esselen was still investigating the true state of affairs in the police department, the much-needed manpower could

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<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

<sup>157</sup> NASA, TAB, SP 238, report no. 2: G.W. Taylor to Esselen, 4 August 1894.

<sup>158</sup> NASA, TAB, Accession 1335, 'Manuskrip van kmdt. G.M.J. van Dam', 76.

<sup>159</sup> NASA, TAB, SS 4817, SPR 2911/94 with R11377/94, letter from Schutte to Esselen, 19 July 1894.

not immediately be appointed. In September 1894 the *Volksraad* approved the state attorney's request for the introduction of better measures to aid the police force in policing the liquor laws in Johannesburg.<sup>160</sup> Esselen's intentions were not welcomed by everyone and *The Critic* worried that 'the little scheme' would lead to the Zarps becoming the 'nucleus of a standing army'. The newspaper asserted that, as Esselen would now control the whole police force, 'he will certainly have to let his moustache grow again to be in keeping with his newly-acquired military position'.<sup>161</sup>

In September 1894, Taylor informed Esselen that his plan to investigate the top law enforcement officials in Johannesburg had been laid bare in the press. Esselen suspected of ulterior motives in unleashing the 'Ueckermanian Reign of Terror' on Johannesburg's canteen keepers. The *Standard and Diggers' News* stated in an article:

It would almost seem that Mr. Ueckermann's much-vaunted lofty desire has scarcely been so much the better regulation of the liquor traffic and purging of liquor vice, as the consummation of a pretty bit of Pretoria intrigue aimed at the downfall of certain local officials. Is it or is it not a fact, that coercion and intimidation have been employed – that immunity from prosecution has been promised and held out as bait to several gentlemen in the ... canteen profession to play the sneak and [unreadable] on officials? If so, is such plotting done with Mr. Esselen's knowledge and consent and does he look upon such tactical terrorism as quite justifiable and in consonance with the high position he graces?<sup>162</sup>

The newspaper called on Esselen to look into the 'doings and sayings of the young lions he has let loose upon the community', adding that 'if there had been official laxity, let it be dealt with in a direct and dignified manner. But for goodness sake, do not let it be said that Pretorian emissaries are going about the highways and byways making terms for information and consenting to condone liquor-offences if only this or that canteen-keeper will make an affidavit against \_\_\_\_\_, or \_\_\_\_\_, or \_\_\_\_\_'.<sup>163</sup> It was evident that what was supposed to have been a cloak-and-dagger

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<sup>160</sup> Ibid., minutes of the First *Volksraad*, 14 August 1894.

<sup>161</sup> *The Critic*, 17 August 1894.

<sup>162</sup> See *Standard and Diggers' News*, cutting in NASA, TAB, SP 238, report no. 7: Taylor to Esselen, 16 September 1894.

<sup>163</sup> Ibid.

investigation had been exposed, and that the new scheme to reform the police would have several victims, which had been foreshadowed by the rumours of Esselen's investigation.

In an attempt to safeguard himself from the unfolding events, Commandant Schutte was extremely forthcoming about ill-discipline in the police force and the measure taken to address this concern. *The Critic* reported that in September 1894, the Commandant had investigated 19 cases of police misconduct which included drunkenness, abusive language, sleeping on duty and neglect of duty. Four constables were fired from the force and £11.10 was collected from fines issued to several constables for various misdeeds.<sup>164</sup> *The Critic* had particularly scant confidence in the police force's abilities. When two constables, suffering from small-pox, were removed to the hospital, the newspaper's editor and owner, Leopold Hess, caustically exclaimed, 'I rejoice to learn ... [the] Zarps have at least caught something!'<sup>165</sup>

Then, in October 1894, Commandant Schutte, in an extraordinary step, wrote a letter to the press, admitting that the mismanagement of the police force had reached such proportions that any attempt at reform was going to be an uphill battle. Schutte stated despondently:

I acknowledge the rottenness of the entire police force, but decline to accept the disgrace attached thereto, having striven to reorganise the same, but failed through lack of support.<sup>166</sup>

The incompetence and dishonesty of this institution were of such a magnitude that the commandant declared that the '*esprit de corps* is shattered through the non-existence of binding regulations'.<sup>167</sup> He explained that the rules and regulations, which ought to govern the administration of the police, were simply absent or not enforced. Schutte lamented that the law of naturalisation precluded him from appointing anyone but

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<sup>164</sup> *The Critic*, 5 October 1894.

<sup>165</sup> *Ibid.*

<sup>166</sup> *Standard and Diggers' News*, 'The greatest state scandal', 11 October 1894.

<sup>167</sup> *Ibid.*

naturally born citizens of the Republic to serve as police officers, and this only compounded the maladministration as:

the young burghers of the country are not the material to make policemen of ... Having obtained the age of maturity, without any training whatever, moral or otherwise, [they] can hardly be able to realise the responsibility of positions they are entrusted into; and to make matters worse, how is it possible to include ideas into anyone unable to read or write?<sup>168</sup>

The naturalisation law was, at times, ignored by the police commissioner and commandant when appointing rank-and-file officers. However, Pretoria needed to give permission for the appointment of senior officers. The naturalisation law had its origins in the state's experience of appointing foreigners in the police force on the Lydenburg diggings in the 1870s.<sup>169</sup> Pretoria feared 'making place for *Uitlanders* who nobody knows and who could be vagabonds'.<sup>170</sup> By 1893, Pretoria made it increasingly difficult for the police commissioner and police commandant to appoint foreigners. Although some *Volksraad* members pleaded that experience and intelligence had to be the most important criteria for appointing police officers, Pretoria could not be persuaded.<sup>171</sup>

The commandant went on to complain about the poor quality of the force's uniforms and boots. He lamented that in terms of salaries, the men received the same wage, regardless of years of service. Schutte used the police's poor salaries as a means to defend the fact that many of his men were indeed corrupt. He asserted: 'Can the men be expected to do their duties conscientiously; and how can it be possible for me to defend the honesty of any of my men, knowing the numerous temptations that lie in their way.'<sup>172</sup>

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<sup>168</sup> Ibid.

<sup>169</sup> See Chapter One, fn 24.

<sup>170</sup> *Notulen der verrichtingen van den Eersten Volksraad der Z.A.Republiek, 1893* (Pretoria: Staatsdrukkerij, 1893), art. 226.

<sup>171</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 163.

<sup>172</sup> *Standard and Diggers' News*, 'The greatest state scandal', 11 October 1894.

Schutte's letter to the press made it clear that he had absolved himself from taking any blame for the maladministration of the police. He brazenly asserted that it was the 'Heads of Departments at Pretoria' who were to blame for the 'chaos' and 'evils' in which the force found itself.<sup>173</sup> Schutte was thus blaming his brother-in-law, Police Commissioner Wolmarans, for the desperate state of the police force. Knowing that the irregularities around him had been exposed, he took the only option left to him and wrote this very public letter to the press, thereby desperately trying to distance himself from the scandal in the force. He was careful not to blame Esselen for any of the irregularities and concluded his letter by stating:

All previous State Attorneys have made my force their *bête noir*, but, nevertheless have had their hands too full to suggest some remedies or give heed to my requests. Now that our worthy State Attorney, Mr. Esselen, has taken the reins of administration, and he is bent on cleansing the Augean Stables, I hope for better things, since he, with his wider experience and more extensive training, may possibly grasp the situation more clearly, and effectively remedy its evils.<sup>174</sup>

Schutte's rant in the press elicited both support and disdain from the readers of the *Standard and Diggers' News*. One of Schutte's detractors wrote to the editor that 'it speaks badly for the gallant Police Commandant's sense of manliness and loyalty to the Government he serves, for him to attempt to shield himself at the expense of his masters'. Adding, on the issue of ill-discipline in the force, that 'any novice knows that the discipline and efficiency of any corps ... do not depend on the rank and file of that corps or body but depends wholly and solely on the commander and officers'.<sup>175</sup>

The *Standard and Diggers' News*, in its editorial entitled, 'The greatest scandal', was sympathetic towards Schutte. It stated that he 'stands exonerated, and must henceforward have the sympathy of the public with him in his difficult task of preserving the peace with a Force that is undermanned, under-equipped, and under-

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<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid., 'Letter to the Editor', 13 October 1894.

paid'.<sup>176</sup> Notwithstanding the fact that Schutte absolved Esselen from blame in the matter, *De Volksstem* printed an editorial reprimanding the state attorney for his covert ambitions, stating that 'Esselen has the right to desire to be State Secretary or State President one day. But the burghers have the right to demand this of him – that he be a good State Attorney'.<sup>177</sup>

Taylor, assessing the public mood in Johannesburg after the publication of Schutte's letter, remarked that the 'Imperial Party', especially, wanted to make political gain out of the disgraceful state of the police department. He wrote to Esselen:

they seize upon any and every pretext reasonable or unreasonable to accentuate any discontent that may exist among any portion of the population and Commandant Schutte's letter to the *Standard and Diggers' News* coming as it did when a wave of very serious crime seemed to be passing over the town and making the sweeping charges it did against the government has given these people an opportunity of scoring very heavily and they have availed themselves of this opportunity to the full.<sup>178</sup>

Schutte had played his cards brilliantly. Esselen must have known that, especially with rumours circulating that he was investigating senior officials in the police administration, he would have to tread more carefully in realising his aims. Technically, he was left where he started when he assumed office, as he still did not know whom he could trust and whether any of the officials, detectives or officers were corrupt.

To add more legitimacy to Schutte's words and seemingly to reaffirm the commandant's accusations of his men, the *Standard and Diggers' News* published an article with the headline: 'Murder by a policeman – a woman kicked to death'. It reported that police constable Laurens Cornelius van Vuuren had, in a drunken rage, kicked Jeanette Sampson in the abdomen, after 'savagely' hitting her first on the head. This happened after the police officer entered the back of the premises and started

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<sup>176</sup> Ibid., 'The greatest state scandal', 11 October 1894.

<sup>177</sup> *De Volksstem*, 17 October 1894 as quoted in: Gordon, *The growth of Boer opposition to Kruger*, 235.

<sup>178</sup> NASA, TAB, SP 238, report no. 11: G.W. Taylor to Esselen, 14 October 1894.



‘paying violent attentions to one Elsie, an attractive and dashing Kafir (sic) girl who was employed by the mistress of the house to aid her in the performance of the usual domestic duties’. Apparently Sampson wanted to intervene when Van Vuuren’s attention to her maid became violent and she ended up paying for it with her life. Both Van Vuuren and Elsie were locked up in gaol following the death: Van Vuuren on a charge of murder, while Elsie, ‘the cause of all the trouble’, was detained as a witness.<sup>179</sup> Van Vuuren was sentenced to six years in prison for manslaughter.

### **Thinking outside the laager: the beginning of the end for Esselen**

A month after Schutte’s letter was published by the *Standard and Diggers’ News*, Esselen submitted his own report on much-needed police reform to the government.<sup>180</sup> Esselen’s report confirmed all the accusations made by Schutte to the press about the dire state of the force. He wrote that he had found grave breaking of the law on the Witwatersrand, while the force was too small, demoralised and ill-disciplined. In short, the force was in chaos. He suggested a number of steps to rectify the situation. Most controversially, as it would come to be seen, Esselen saw the solution to addressing the mismanagement of the force by starting at the top. He proposed the separation of the post of chief commissioner of police and inspector of prisons. He suggested that the assistant landdrost could not be expected to be responsible both for the police and the sentencing of criminals. Thus, the police in Johannesburg had to be placed under the command of the police commandant, who would report to the police commissioner, who in turn would report to the state attorney. He concluded his report with a not too subtle stab at Police Commissioner Wolmarans, stating that he was left dumbfounded that, notwithstanding the repeated calls for police reform in Johannesburg and the rest of the Republic, no scheme for its improvement had been suggested to the government.<sup>181</sup> The Executive Council approved all of the state

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<sup>179</sup> *Standard and Diggers’ News*, ‘Murder by a policeman – a woman kicked to death’, 13 October 1894.

<sup>180</sup> NASA, TAB, SS 4817, R11377/94, Esselen to Leyds, 13 November 1894.

<sup>181</sup> *Ibid.*

attorney's requests to implement reform measures in the police force, and Esselen could now go ahead with restructuring the force.<sup>182</sup>

Donovan's inability to expose any irregularities relating to Chief Detective Ferguson and Commandant Schutte, who had successfully absolved himself from any wrongdoing in the eyes of the press, forced Esselen to turn to outside help to instigate his reform of the police. In October 1894, the state attorney took an extraordinary step. He wrote a letter to the attorney general of the Cape Colony, asking for the services of a trustworthy and experienced police officer, for a period of six months, to assist him in his task of restructuring Johannesburg's detective department.<sup>183</sup> As per the previously mentioned agreement, the appointment was financed jointly by the government and the Chamber of Mines.<sup>184</sup>

Detective Andrew Trimble from Kimberley was given leave to aid Esselen in this endeavour. Pretoria temporarily appointed him as the Republic's acting chief detective. He would also take over the running of the Johannesburg detective office from Chief Detective Ferguson. Trimble, born in Ireland in 1861, had a reputation as a 'Jack of all trades'. He made his way to South Africa as part of the 6<sup>th</sup> Inniskilling Dragoons to fight the Boers during the First Anglo-Boer War, 1880-81, but arrived too late to take any active part in the fighting. He joined the Durban borough police force, where he acquired the Zulu name, *Nkayishana* (the resourceful one). He later made his way to Kimberley, where he served in the detective department.<sup>185</sup>

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<sup>182</sup> Ibid., Executive Council Resolution, dated 27 November 1894.

<sup>183</sup> NASA, TAB, SP 462, Esselen to Attorney General in Cape Town, 23 October 1894.

<sup>184</sup> Gordon, *The growth of Boer opposition to Kruger, 1890-1895*, 234.

<sup>185</sup> B.J.T. Leverton, 'Andrew Trimble' in D.W. Krüger and C.J. Beyers, *Dictionary of South African Biography, Vol III*, (Cape Town: Tafelberg-Uitgewers, 1977), 786.



**Figure 7: Acting-Chief Detective Andrew Trimble and his wife, (KCAL: Trimble Collection)**

However, at this point, the state attorney's plotting came back to haunt him. At the end of November 1894, Secret Agent Taylor informed him that there was 'considerable commotion' in the detective division of the police force following the appointment of Trimble. Taylor did add that 'outside of the ranks of the force and their particular friends, it is regarded as an improvement'.<sup>186</sup> The department's stalwarts were making life difficult for the new chief detective. Not yet a week on the

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<sup>186</sup> NASA, TAB, SP 238, report no. 19: Taylor to Esselen, 26 November 1894.

job, Trimble informed Esselen that it was ‘impossible for me to bring about an efficient working of the Detective Department here, owing to alleged irregularities existing between the present Chief Detective Ferguson and Detective Donovan’. According to Trimble, Ferguson had accused Donovan of being a thief and a liar. Donovan, in turn, had accused Ferguson of being an illicit gold buyer, with interests in canteens. Trimble asked the state attorney to appoint an ‘independent gentleman’ to enquire into the matter.<sup>187</sup> When the quarrel made it into the press, Esselen had no choice but to appoint a special commission of inquiry.<sup>188</sup> To this end, he requested his confidant, Special Judicial Commissioner J.F. de Beer, to investigate the fall-out between the two detectives.<sup>189</sup>

By the end of November 1894, while De Beer was conducting his investigation into the detective debacle, applications for the new, separate portfolio of chief police commissioner flooded into the state attorney’s office. Although Commandant Schutte had again applied for the position, Esselen recommended Gerrit Jacobus (Gert) van Niekerk to replace Wolmarans as police commissioner. The press, across the political divide, welcomed Van Niekerk’s appointment. He had had an illustrious military career and *De Volksstem* declared that he had the ‘competence and diligence’ to reform the police.<sup>190</sup> Esselen wrote to State Secretary Leyds that the ‘absolute incompetent’ Wolmarans – as he was labelled in the *Transvaal Advertiser*<sup>191</sup> – would be recalled and appointed as inspector of prisons.<sup>192</sup> Significantly, Schutte would retain his position as police commandant of Johannesburg.

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<sup>187</sup> NASA, TAB, SS 4634, R546/96, Trimble to Esselen, 24 November 1894.

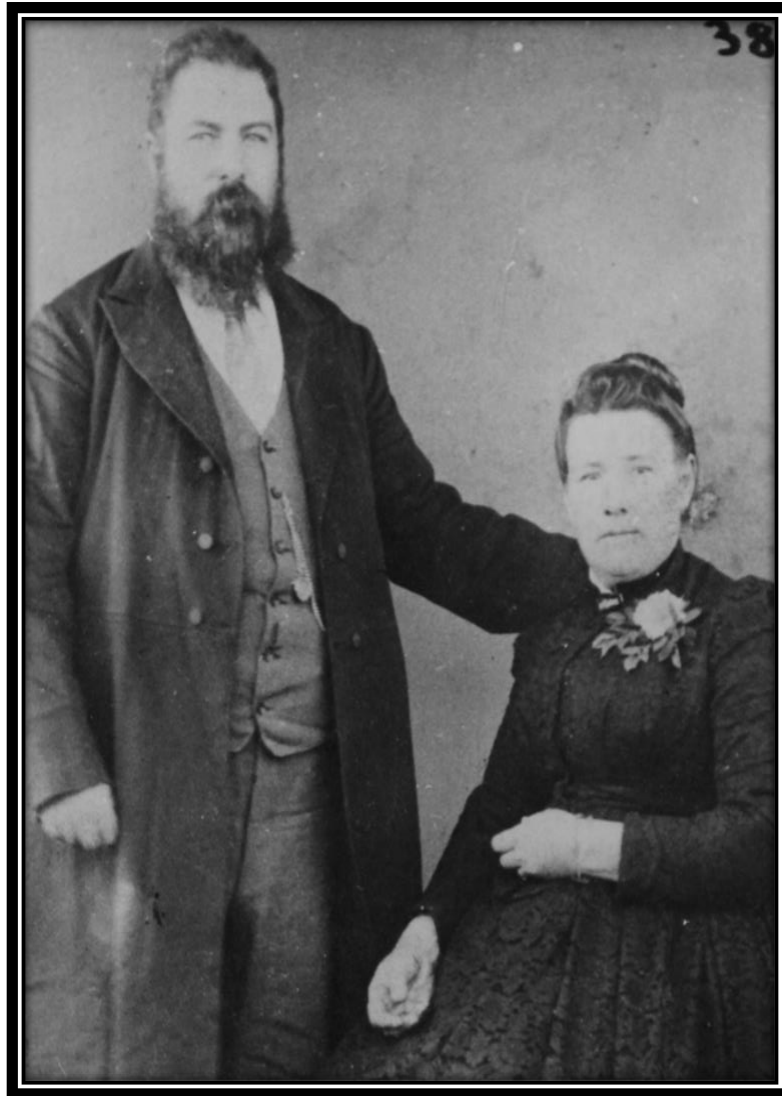
<sup>188</sup> *The Star*, ‘Local detective department – a secret enquiry’, 8 December 1894.

<sup>189</sup> NASA, TAB, SP 238, report no. 21: Taylor to Esselen, 8 December 1894 and NASA, TAB, SS 4634, Esselen’s secretary Rorke to J.F. de Beer, 5 December 1894, *The Star*, ‘Local detective department – a secret enquiry’, 8 December 1894.

<sup>190</sup> *De Volksstem*, ‘Het detectief-kabaal’, 13 March 1895.

<sup>191</sup> *Transvaal Advertiser*, ‘Editorial’, 11 October 1894.

<sup>192</sup> NASA, TAB, SS 4817, R11377/94, Esselen to Leyds, December 1894.



**Figure 8: Police Commissioner Gert J. van Niekerk and his wife, Hester. (NASA: TAB, 3804)**

The new scheme made provision for 251 policemen to be stationed in Johannesburg, which would result in an increase to the force of 63 men. Both divisions of the force would be headed by Commandant Schutte. For the mounted police, provision was made for the appointment of one lieutenant, three sergeants and 28 troopers. For the foot police, the government approved the appointment of three lieutenants, 20 sergeants, 180 white constables and 15 African constables. In Boksburg, the force would be strengthened to 18 men, who included one lieutenant, 13 troopers and 4 constables. In Krugersdorp, provision was made for one lieutenant and 17 troopers.<sup>193</sup>

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<sup>193</sup> NASA, TAB, SS 4817, R11377/94, Appendix A: Politie-Macht – Witwatersrand Goudvelden.

Lieutenant Heugh, possibly angered by the changes, resigned from the force.<sup>194</sup> Esselen appointed Van Dam as first lieutenant of Johannesburg's mounted police.<sup>195</sup> Lieutenant Jacob Wynand Bosman was promoted to first lieutenant of the foot police. Pretoria finally appointed the administrator of the charge office, Charl Pietersen, to the rank of second lieutenant.<sup>196</sup> Pietersen also received extra staff to assist him in his administration of the force. The clerks stationed at the various police stations would receive reports, accept bail payments and investigate cases before putting them on the court role. They would assist the public prosecutor in compiling cases before the matters reverted to trial. Arrested individuals would be locked-up in jail cells in the police stations during the day, but would be transferred to the prison on Hospital Hill at night, before appearing in court the following day.<sup>197</sup>

Special Judicial Commissioner De Beer submitted his report on Donovan and Ferguson's mutual accusations to Esselen at the beginning of January 1895. From the report, it is evident that De Beer struggled to decide which of the evidence provided by the two parties' witnesses and affidavits to believe. He came to the conclusion that the accusations against Ferguson could not be substantiated and that, although Donovan had been unfairly treated by Ferguson with regard to the payment of reward money for a case Donovan had helped to solve, there was no real evidence to substantiate Ferguson's claims that Donovan was a liar and thief. De Beer did, however, recommend that in order to put an end to the strife in the detective department, Donovan had to be removed from Johannesburg immediately and be given work elsewhere in the Republic.<sup>198</sup>

Before Esselen could give any real thought to De Beer's recommendation, the police arrested Donovan on a charge of accepting a £15 loan from a canteen owner named Harris Greenstone. Detective Trimble found Donovan guilty of dishonest behaviour and bringing the detective department into disrepute. He was fired from the force in

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<sup>194</sup> Ibid., Pietersen to Esselen, 18 March 1895.

<sup>195</sup> SAPA, Van Dam collection, File 1/12B, letter of appointment: G.M.J van Dam, 20 April 1895.

<sup>196</sup> NASA, TAB, SS 4817, R11377/94, auditor general to state secretary, 24 May 1895.

<sup>197</sup> Van den Bergh, 'Die polisiediens in die Zuid-Afrikaansche Republiek', 159.

<sup>198</sup> NASA, TAB, SS 4634, R546/95, report: J.F. de Beer to Esselen, 2 January 1895.

January 1895.<sup>199</sup> Donovan, however, decided to appeal his dismissal to State President Kruger. He viewed his dismissal as being politically motivated and unfair. He emphasised that his dismissal was linked to Esselen's request that he investigate Ferguson for criminal activities and, consequently, Ferguson had prejudiced his reputation with Trimble. He did, however, admit to accepting a 'loan' from Greenstone, but argued it was purely a legitimate business transaction.<sup>200</sup>

Donovan went on to publish an affidavit in the *Standard and Diggers' News*, in which he placed on the record all of his dealings with Esselen in the run-up to his dismissal. He stated that Esselen had asked him to obtain evidence and affidavits to prove that Ferguson had illegal dealings with various Jewish canteen owners. Esselen was said to have assured Donovan that he would protect him against Ferguson, while threatening that if Donovan revealed his doings, Esselen would have him dismissed from the force and prosecuted. Donovan asserted that he and Ueckermann had received instructions from the state attorney to obtain affidavits against Ferguson, Heugh, Van den Berg and Schutte for mismanaging the force. The most incriminating section of the testimony was, however, Donovan's allegation that Esselen had planned a trap for Ferguson by making use of an intermediary, a lawyer named Henry Charles Hull. The plot was to trap Ferguson for illegal gold buying. However, once informed of the plan, Donovan raised the point that, as chief detective, Ferguson had the authority to buy gold amalgam, and therefore the plan would come to nothing. In order to sidestep this dilemma, Esselen informed Ferguson that no one in the detective department was allowed to buy gold any longer. In October 1894, Hull notified Donovan that he had to meet the managing director of the Crown Reef Mine, who would hand him the amalgam with which to trap Ferguson. The services of an ex-convict, James Malcolm, were enlisted. He was to approach Ferguson and to sell him the gold. This illicit transaction took place on the evening of 18 October. It was decided to lay another trap for Ferguson, and this time, Malcolm sold Ferguson 41 ounces of amalgam on the evening of 20 October. However, their initial triumph at having successfully captured Ferguson red-handed in illegal gold buying backfired

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<sup>199</sup> Ibid., SS 4323, Trimble to Esselen, 12 January 1895.

<sup>200</sup> Ibid., Donovan to state president, 19 January 1895.

when Ferguson sent his weekly report to Esselen, and mentioned he had bought the amalgam. Donovan was left in the cold and wanted to know from Esselen whether he was to tender his resignation for not successfully trapping Ferguson. Esselen reassured Donovan that he had nothing to be concerned about, and that he was obtaining Trimble's services to reorganise the detective department. Esselen apparently promised Donovan that, as soon as Trimble arrived, he would have Ferguson dismissed and Donovan appointed as chief detective in Johannesburg. Esselen allegedly also promised Donovan that, as soon as Trimble's contract as temporary chief detective of the Republic was over, he would be appointed to this position.<sup>201</sup>

Donovan's statement to the press was reprinted as a pamphlet and caused a considerable stir as it circulated through Johannesburg.<sup>202</sup> By the end of December, Esselen was informed that the relations between Trimble and other officials were not harmonious and that Landdrost van den Berg did not recognise the detective's authority at all.<sup>203</sup> As a result of Donovan's statement, Ferguson submitted his resignation to Trimble on 24 January 1895. In a subsequent letter addressed to State President Kruger and the Executive Council, he stated that his main reason for doing so was Esselen's continuous persecution. Ferguson explained that he did not make his decision in hatred. But he had to point out that 'there is something terribly wrong in the current state of affairs'. He stressed his availability to work for the government in his private capacity, for he was planning to start a private detective office. He made it clear, however, that he did not want Esselen to be involved if any such arrangements were made.<sup>204</sup>

Charles van Onselen explains that Ferguson's resignation should also be viewed in context to his strained relationship with one of the Rand's most notorious criminals.

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<sup>201</sup> NASA, TAB, SS 4634, R1856/95, pamphlet entitled: "Hoe men reformeert. De heer Donovan en de heer Esselen. Eene belangrijke verklaring."

<sup>202</sup> NASA, TAB, SP 238, report no. 25: Taylor to Esselen, 13 January 1895.

<sup>203</sup> Ibid., report no. 23: Taylor to Esselen, 29 December 1895.

<sup>204</sup> NASA, TAB, SS 4634, R1856/95, letter from Ferguson to the state president and members of the Executive Council, 11 February 1895.



On 26 January 1895, Jack McLaughlin, shot dead his one time friend and fellow safe robber, George Stevenson. In January 1894, McLaughlin, Stevenson and two other members of the Irish Brigade, broke into the Pretoria station and cracked open a safe. Escaping by train from Irene to Johannesburg, the men aroused the suspicions of the conductor, H.E. Gill. Stevenson got off at the first stop. The three remaining men were locked into the coach by Gill. Nearing Johannesburg, McLaughlin jumped off the train. The other two men were caught at Park Station. Stevenson was caught shortly afterwards and turned state witness, as well as police informant, against McLaughlin. Van Onselen states that Ferguson's turning of Stevenson sowed the seed of revenge with McLaughlin. With the latter's sense of masculinity and Irish identity offended, he sought to get even with all those who he felt had wronged him. This list included Ferguson. During his escape, McLaughlin also shot and killed Hadji Mohammed Yssuf.<sup>205</sup> Former detective Ferguson was apparently informed of McLaughlin's whereabouts, but refused to answer the call. The press was scathing in its criticism of Ferguson. The detective defended his actions by stating that he did not care to impose on Trimble's territory, and was bitter at the treatment he had received from Pretoria.<sup>206</sup>

The dismissal of Donovan and the resignation of Ferguson continued to make headlines in the press. Trimble, and consequently Esselen, came under continued pressure to perform their duties. The *Land and Volk* newspaper placed the blame for the debacle on the 'Jewish' canteen owners, claiming that it was a conspiracy to get Esselen's right-hand man, Detective Trimble, fired.<sup>207</sup> *De Volksstem* viewed the matter as a conspiracy against the state attorney, writing that 'the responsibilities of our s[tate] a[ttorney] is already grave enough that he should be burdened with all sorts accusations from menacing conspirators'.<sup>208</sup> It is evident that the canteen owners were terrified of Esselen and the new detectives he had appointed. Van Onselen, in his seminal work *New Babylon, New Nineveh* demonstrated how the Chamber of Mines was instrumental in assisting Esselen in his crusade against the canteen keepers. As

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<sup>205</sup> Van Onselen, *Masked Raiders*, 190-191 and 197-199; *Showdown at the Red Lion*, 163 and 296.

<sup>206</sup> Van Onselen, *Showdown at the Red Lion*, 283.

<sup>207</sup> *De Land en Volk*, 'Een Johannesburg complot', 7 February 1895.

<sup>208</sup> *De Volksstem*, 'Het detectief-kabaal', 13 February 1895.

pointed out by Van Onselen, neither the Chamber nor, it would seem, Esselen entirely considered the interests of the intra-ruling class politics in the matter. Pretoria was lobbied by indignant canteen owners, represented by the Witwatersrand Licensed Victuallers' Association, as well as the Fordsburg *Waakzaamheid Vereeniging* (Vigilance Society) against the confirmation of Trimble's permanent appointment to the Zarps.<sup>209</sup>

It was apparent that public opinion against Esselen was becoming more hostile, and a petition against him was doing the rounds in Johannesburg. There was talk that Esselen was surrounding himself with supporters of Cecil John Rhodes, and that the state attorney was not to be trusted.<sup>210</sup> According to Taylor, the petition was inspired by Assistant Landdrost van den Berg, and supported by Ferguson. He stated, however, that the petition 'is by no means an expression of genuine public opinion, nor is it the outcome of any public indignation or discontent'.<sup>211</sup> It would seem that there either was some ill will between Van den Berg and Esselen, or that deliberate attempts were made to bring about discord between the state attorney and the assistant landdrost. A pamphlet entitled: '*Hoe men thans wenscht te reformeeren!*' (How one wishes to bring about reform!), which included two affidavits by the ex-convicts, Arthur C. Doyle and James G. Malcolm, alleged that Esselen and Trimble had approached them to gather evidence against Van den Berg in order to expose him as a Jew and as being as thick as thieves with the Jewish canteen keepers. *The Star* interviewed Van den Bergh about the circular. The assistant landdrost stated that he viewed it as a malicious attempt by two disgruntled men whom he had sentenced to prison, and that it was an attempt to create ill-feeling between him and Detective Trimble. Trimble denied the claims made by Malcolm and Doyle to the press, stating that it was a lie.<sup>212</sup>

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<sup>209</sup> Van Onselen, *New Babylon, New Nineveh*, 66. See also: NASA, TAB, SP 238, Special reports by Trimble to Esselen, 3 February 1895 and 18 February 1895.

<sup>210</sup> NASA, TAB, SP 238, 'Special Report', Taylor to Esselen, 17 February 1895.

<sup>211</sup> Ibid., 'Special Report', Taylor to Esselen, 3 February 1895

<sup>212</sup> NASA, Pietermaritzburg Archives Repository (NAB), Accession: 1297, E. Trimble, Biography of Andrew Trimble (1861-1934), unpublished manuscript, 526 and 527.

Trimble and Police Commandant Schutte's relationship was tense from the moment Trimble assumed his position as chief detective. In early January 1895, Trimble informed Esselen that the Zarfs were ill disciplined. On New Year's Eve Trimble had found policemen dressed in uniform drinking in bars, while they were supposed to be on duty. On other occasions he had also found police officers sleeping while on duty.<sup>213</sup> When Schutte was informed of the allegations against the police that Trimble had made to Esselen, he was livid that Trimble had not informed him, but had decided to write to Esselen instead.<sup>214</sup> Police Commissioner van Niekerk agreed with Schutte and informed Esselen that from now on, Trimble first had to report such allegations to the police commandant, and if Schutte did not take notice of these, then Trimble could report to Van Niekerk, who would in turn reprimand his police commandant.<sup>215</sup> Esselen simply replied: 'Good'.<sup>216</sup>

In early March 1895, three murders, committed within 48 hours from one another, shocked Johannesburg. An unlucky strider discovered the mutilated body of man named Casey. The press reported that nothing had been stolen from the victim. The government immediately promised a £300 reward for any information leading to the arrest of the murderer.<sup>217</sup> The second murder was that of a man named Alec Cruikshank. He was shot at point-blank range after an argument. His alleged murderer, 'an American Jew' named Eliel, fled the scene, but was apprehended in Bloemfontein after Johannesburg's detective department released a sketch portrait and description of the man to the press.<sup>218</sup> The press described the third murder as 'the most terrible of all'. The body of George Carney, the assistant postmaster of Johannesburg, was stumbled upon at Langlaagte Estate. He had been shot through the eye and there was no indication that anything had been stolen from him.<sup>219</sup>

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<sup>213</sup> NASA, TAB, SP 805, Trimble to Esselen, 9 January 1895.

<sup>214</sup> Ibid., Van Niekerk to Van den Berg, 29 January 1895.

<sup>215</sup> Ibid., Van Niekerk to Esselen, 31 January 1895.

<sup>216</sup> Ibid., Esselen to Van Niekerk.

<sup>217</sup> *The Star*, 'The police situation', 7 March 1895

<sup>218</sup> Ibid.

<sup>219</sup> Ibid.

In an editorial, *The Star* threatened that the authorities' failure to protect Johannesburg's inhabitants could lead 'to vigilante justice and lynching, as once happened in San Francisco'. The newspaper stated:

Mr Esselen's obligation is unmistakable. It is his bounden duty as head of police to see that life and property in this town are secure or in the alternative to decline to undertake any further responsibility for departments which he cannot effectively control. His first step should be to insist that a sufficient number of competent men, irrespective of nationality, are employed as detectives and policemen. If the Government persists in objecting to English officials by all means, let it send to New York and engage Americans. But Mr Esselen, if he is to be anything more than a lay figure, must make it quite clear that he intends to have his own way in the matter. Johannesburg is a patient community, but an epidemic of murder - murder which is never detected and never punished - is too much for the forbearance of the most commercial community in the world.<sup>220</sup>

In addition, the newspaper published an interview with an anonymous police officer which only tarnished the image of the police further. This unnamed individual had served in the Cape Mounted Rifles and had been a police officer in Natal and the Cape. He was described as 'an unusually intelligent and communicative member of the force' and the newspaper was proud to have 'discovered that the Zarpine brain is capable of grappling with even more complex questions as than "Wot's the time?"' The officer revealed that, despite the 'part good, part bad' attempted reform introduced by Esselen, the force still received little instruction, 'or only enough to confuse us'. On the question of how well the constables were getting on with the sergeants, the officer replied that those 'men who bring them cigars and other perquisites' did well. The cigars were apparently supplied by canteen keepers, and the officers would 'hide them under the wadding of [their] caps, so that even if a lieutenant came round to inspect, and made us doff our caps, nothing would appear'. Blessed with the gift of the gab, the officer mentioned some officers on the force had started a brass band. He slanted the musical abilities of his fellow officers, stating that 'they have been a month and a half practicing those infernal scales, and can't get further. It is a dreadful shindy, and I, being an unfortunate single man, have to sleep in

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<sup>220</sup> Ibid.

the barracks with it - that is, sleep if I can'. He revealed that the mounted police only patrolled from their homes to a certain point, and did not inspect the mine compounds or attend to complaints. According to the officer, Lieutenant Heugh cursed at them, but he added, 'I am an old "swaddy," and I like him all the better for that'. He mentioned Heugh was the most feared officer on the force and always spoke his mind. Heugh based his command of the force on experience, while Van Dam had read up a lot. This resulted in considerable confusion between the two lieutenants at times. He claimed that the force received no training, and added, 'a manual has been drawn up by Lieutenant Van Dam, based upon the principles laid down in the Cape Police Manual; but unless the contents are most lucidly explained to the men there are few of them who know how to make use of the manual'.<sup>221</sup>

With the police in a state of dysfunction and violent crime escalating, the town's inhabitants called a mass meeting at the Stock Exchange. Taylor informed Esselen that the meeting 'was one of the largest public meetings I have ever witnessed in Johannesburg'. When the police was mentioned, 'considerable hooting took place' and when the force was 'characterised ... as rude and [an] indigestible mass ... [the speaker] was loudly applauded'.<sup>222</sup> Lionel Phillips, the president of the Chamber of Mines, presided over the meeting. Various prominent individuals, including Police Commissioner van Niekerk, attended it. J.W. Leonard gave the main address. He called for the control of the police to be removed from the state attorney. According to him, Esselen had too many other responsibilities to oversee the police force as well. He called for the police commissioner to 'be a man in the position of a staff officer, [who] with an absolutely free hand [and] with the full confidence of the government' could head the police.<sup>223</sup>

Leonard highlighted three particular issues of pressing concern. First, Pretoria had to increase the police force for adequate protection of the town. Second, the government had to amend existing regulations to allow for the appointment of capable detectives

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<sup>221</sup> *The Star*, 'Tonight's meeting', 8 March 1895.

<sup>222</sup> NASA, TAB, SP 238, 'Special Report', Taylor to Esselen, 8 February 1895

<sup>223</sup> NAB, Accession: 1297, E. Trimble, Biography of Andrew Trimble (1861-1934), unpublished manuscript, 505.

without regard to their nationality. Finally, the authorities had to see to the town being properly lighted without delay.<sup>224</sup> Abe Bailey gave feedback on a deputation which had met with President Kruger to discuss these concerns. According to Bailey, Kruger had ‘agreed to all suggested reforms without the smallest argument’. The president granted that the regulation which stipulated only burghers could serve on the force had to be altered, but was adamant that whoever was appointed still needed to be naturalised. According to Bailey, the president even suggested that detectives could be recruited from Paris or America, to which the crowd interjected: ‘why not London?’ Kruger agreed the police had to be better paid and receive better pension, medical and housing benefits. He also confirmed that Pretoria would instruct the Sanitary Board to see to the lighting of the town immediately.<sup>225</sup> Police Commissioner van Niekerk went on to address the crowd and expressed his willingness to work hand-in-hand with the people of Johannesburg to see to their concerns. *The Star* reported that his speech ‘received such an ovation as has seldom fallen to the lot of a representative of the Government in Johannesburg’.<sup>226</sup>

In the Casey murder, the police arrested the victim’s wife, Maria Casey, and charged her with complicity to murder. The police alleged that she had solicited the services of a neighbour, George Figules, to kill her husband. Figules approached the detective department, possibly with the reward money in mind, and swore to her involvement under oath. He told the police that he did not commit the murder, but suspected she might have acquired the services of another person. Figules, however, became the prime suspect in the case when his 5 year-old daughter stated that she had seen him arrive home on the night of the murder drenched in blood and with a knife hanging from his belt. However, he claimed he had killed a pig. The child later changed her testimony in court. There were, however, other witnesses who condemned Figules. This included his brother-in-law, who stated that Figules had acted peculiarly on the night of the murder. Two more witnesses testified that they saw a man at the Langlaagte Estate on the night of the murder. However, due to the lack of physical

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<sup>224</sup> Ibid., 507.

<sup>225</sup> Ibid., 509.

<sup>226</sup> Ibid., 510; *The Star*, ‘The police situation’, 9 March 1895

evidence and the witnesses' conflicting statements, the state declined to prosecute Figules.<sup>227</sup>

Eliel, Alec Cruikshank's alleged murderer, only stood trial in June 1895. He claimed that he had acted in self-defence. The jury agreed and found him not guilty of murder. *The Star* thought this verdict rather suspicious, especially since Eliel had fled Johannesburg for Bloemfontein. The newspaper claimed that not all the facts were made known in court. It reported that on the night in question, Eliel and Cruickshank had two altercations, and it was only after the first argument that Eliel had gone to retrieve his revolver, which should have made a strong case for premeditation.<sup>228</sup>

The investigation into the murder of George Carney revealed that Carney had suspected his co-worker, Johannes Dempers, of theft from the Post Office. On the evening of the murder, the two men were seen walking home together. When the police interviewed Dempers he claimed he and Carney had split up at one point, and went their separate ways. The post mortem put the time of death at about 18h30 that evening. Dempers's sisters stated that he had arrived home between 18h15 and 18h30, which made it unlikely for him to be the murderer. However, the evidence collected by Detective Trimble on the crime scene would suggest otherwise. Trimble recovered the bullet casing from the scene, as well as the bullet extracted from Carney's skull by the district surgeon during the autopsy. When Dempers was asked to produce his revolver, there were signs that it had recently been fired. Trimble asked him to turn over the boots he had worn on the evening of the murder. Dempers raised suspicions when he told the detective he had sent them to a shoemaker to be resoled. The police obtained the boots and escorted Dempers to the crime scene. Here they made him put on the boots and walk around so the detectives could compare his footprints to the prints at the scene. The detectives were confident that they had a definite match, even though the shoes had been resoled. However, to compound matters, witnesses who arrived on the scene shortly after the murder, stated they had seen the footprints of

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<sup>227</sup> NAB, Accession: 1297, E. Trimble, Biography of Andrew Trimble (1861-1934), unpublished manuscript, 528.

<sup>228</sup> *Ibid.*, 536-539.

both a man and a woman at the crime scene. This cast some doubt on the public prosecutor's case, and although a gun maker testified the bullet from Carney's skull exactly fitted the revolver, the court found Dempers not guilty. In this case, *The Star* agreed with the verdict, reporting that the evidence 'was slender, contradictory and almost circumstantial'.<sup>229</sup>

According to Trimble the increasing crime rate in Johannesburg could be attributed to the constant arrival of 'infamous persons' from the Republic's neighbouring states. He wrote:

Many of them come from Breekwater in Cape Town, where they had been imprisoned for a long time for a range of serious crimes, such as house burglary, theft and highway robbery. Many of the highway robbers are known to me from Kimberley, where Kaffirs (sic) return home with their hard-earned pennies, and are robbed and not infrequently murdered. The Cape government reduced the period of imprisonment and these freed bandits now seem to have gathered in Johannesburg, where without doubt they expect a wide labour field and soon will be the terror not only of coloureds (sic), but also of the white inhabitants of this city.<sup>230</sup>

The chief detective beseeched Pretoria to arrest these 'bandits' and expel them from the Republic with a stern warning that if they returned, they would be prosecuted. He asserted that the Republic could not gain a reputation for harbouring known offenders, as 'criminals of the lowest kind the world had ever seen' would flock into the ZAR.<sup>231</sup>

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<sup>229</sup> Ibid., 548.

<sup>230</sup> NASA, TAB, SP 805, Trimble to Esselen, 16 April 1895.

<sup>231</sup> Ibid.





**Figure 9: Detective Trimble and a mounted group of detectives in front of the Detective Department (HPRA: Barnett Collection)**

By April 1895, the agitation against Trimble was still actively pursued by, among other people, former Detective Donovan, who stated that ‘they will leave no stone unturned to attain the end they have in view’.<sup>232</sup> Taylor informed Esselen that ‘they are working strongly on the national prejudices of the burghers here and express every confidence in being able to prevent Detective Trimble’s appointment from being confirmed in the *Volksraad*’.<sup>233</sup> Taylor reported that on the streets of Johannesburg the Zarps were increasingly viewed in a negative light by the *Uitlander* community. He wrote to Esselen that ‘the moment [a policeman] puts in an appearance anywhere to do his duty, [he] at once becomes a political institution and his presence is made the occasion for uncomplimentary remarks about the Boer and the Boer Government’.

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<sup>232</sup> Ibid., SP 238, report no. 42: Taylor to Esselen, 14 April 1895.

<sup>233</sup> Ibid.

<sup>234</sup> Ibid., report no. 43: Taylor to Esselen, 21 April 1895.

Trimble, however, also had his supporters. In early April, *The Star* sang the detective's praises. It claimed that 'within the past four or five months, under the guiding hand of Mr. Trimble ... the local detective force has been entirely reorganised, and placed on a basis something like commensurate to the requirements of the town, which, it is admitted, shelters some of the smartest criminals in the world'.<sup>235</sup> It praised Trimble for succeeding against the odds in his endeavour, especially with the opposition he had encountered from 'certain interested quarters'. The article mentioned that there were more responsible officers on duty, and 'that in case of an emergency half-a-dozen men could be turned out at any hour'. Trimble had bought several horses for the department and two bicycles. The detective was further praised for his 'special pains upon the remodelling of the native detective department, his experience in Kimberley having shown him the great use that can be made of Natives, not only in tracing crimes amongst their own class, but among whites as well'. African detectives now had their own office at the back of the main building, 'with an European always on duty to receive reports brought in by the native contingent'. The detectives were now subjected to 'hard and fast rules', which had to be followed strictly.<sup>236</sup> The article, however, did not have any praise for the Zarps and Commandant Schutte. It stated,

the detective force is seriously handicapped in not having the support of an adequate police force. For a long time there has been talk of remodelling the force commanded by Commandant Schutte; but what is wanted is a smarter type of man and officer who knows something about police duty. The system of patrolling the town now in vogue, is totally inadequate and it is imperative that there should be the introduction of beats as in every big European city. What is greatly needed is a law founded on similar lines to the "Police Offences Act" of Great Britain, which no more useful measure has ever been passed for aiding both in the prevention and detection of crime. Many cases have occurred in Johannesburg in which moral proof of crime can be clearly established, but in the absence of legal proof, a person, though obviously guilty, has had to be discharged! The principle of making it incumbent upon a prisoner to establish his innocence – in certain clearly defined cases – may not be one that commends itself to popular feeling, but in dealing with

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<sup>235</sup> *The Star*, 'Crime in Johannesburg: detectives and their work', 4 April 1895.

<sup>236</sup> *Ibid.*

“suspects” and people in possession of property under suspicious circumstance, the principle was accepted in London, though not without some opposition.<sup>237</sup>

May 1895 was a challenging month for the beleaguered state attorney. He was informed that there would be a commission of enquiry into Trimble’s appointment, and the commission would also investigate Donovan and Ferguson’s accusations of being persecuted. When the commission convened, various members of the detective department, as well as other individuals concerned with the issues under investigation, took the stand. During the commission’s sitting, it emerged that Pretoria’s chief detective, Ueckermann, now also had his knife in for Trimble. Ueckermann explained there were rumours that Trimble was investigating various irregularities which he had apparently been linked to. Trimble had allegedly recruited the services of a canteen keeper named Maggie White, alias Wilson, alias O’Conoll – to find out if Ueckermann was in the habit of receiving money from people connected to the illicit liquor trade. Ueckermann also accused Trimble of sending him two sickly horses which he had to use for official duties, adding that Trimble had bought the horses from Kimberley.<sup>238</sup> Arthur ‘Biddy’ Doyle, who had implicated Trimble in a conspiracy to find out whether Assistant Landdrost van den Berg was a Jew, testified that he knew Trimble and another Johannesburg detective, Richard Burgess, from Kimberley. He stated that Trimble, Burgess and another detective named Muller, had once arrested him for illicit diamond buying. However, when the case came to court the authorities discovered that the detectives had only surrendered two of the five diamonds found on him. The court then dismissed the case against him. It would seem that Doyle had some personal grievance with Trimble dating back to their time in Kimberley. Doyle, however, had a less than stellar reputation on the Rand. He admitted he had been in prison four times, of which two sentences were served in Johannesburg, but he now considered himself rehabilitated and claimed his housebreaking days were quite behind him.<sup>239</sup>

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<sup>237</sup> Ibid.

<sup>238</sup> NASA, TAB, SS 4633, R546/95, testimony of W.H. Ueckermann, 7 May 1895.

<sup>239</sup> Ibid., testimony of A.C. Doyle, 8 May 1895.

Donovan testified at length about his relationship with Trimble and Esselen. It is evident that he still harboured a grudge against Trimble for his dismissal. Interestingly, Ferguson testified that if he were Trimble, he would probably also have dismissed Donovan. Trimble made it clear that he had issued strict instructions that no detectives were allowed to accept money in bribes or loans from canteen keepers. Greenstone had already been trapped twice, thus Donovan had to know he was looking for trouble by approaching this canteen keeper for a loan.<sup>240</sup> Public Prosecutor Louis Johannes Jacobz testified that he had nothing but praise for Trimble. He stated that most of the crime in Johannesburg was alcohol related, and Trimble had done an excellent service in his policing of the liquor laws.<sup>241</sup> Johannesburg's Field Cornet, Frederick Edward Kretschmar, testified that Trimble had registered for naturalisation when he arrived in the Republic in December 1894. So too had many of the detectives Trimble had recruited, most of whom were former colleagues of Trimble's from Kimberley. He pointed out that before Trimble's appointment, many police officers were, in fact, not naturalised. Many of these men were given this privilege and had, in reality, not served the two years required. Kretschmar felt that Trimble had done everything necessary to meet the law.<sup>242</sup>

When Trimble testified, he placed it on the record that, although he had served with the 6<sup>th</sup> Inniskilling Dragoons, he never had the opportunity to fight the Boers. Yet, if he had received such an order, he would have done so. He added that he would similarly now be willing to take up arms for the Republic, if Pretoria ordered him to. He proclaimed, 'I care nothing for England. I am an Irishman'.<sup>243</sup> He asserted that he had no knowledge of state secrets, his department's finances were in order, and the state attorney had approved the appointments he had made to the detective department. Trimble explained that he had wanted to appoint some Republicans as detectives, but 'the class of burghers which applied to be enrolled ... were not the class of men for detectives. They were principally discharged policemen, cabmen and

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<sup>240</sup> Ibid., testimonies, Donovan, 7 May 1895 and Trimble, 10 April 1895.

<sup>241</sup> Ibid., testimony, L.J. Jacobsz, 17 May 1895.

<sup>242</sup> Ibid., testimony, F.E. Kretschmar, 14 May 1895.

<sup>243</sup> NAB, Accession: 1297, E. Trimble, Biography of Andrew Trimble (1861-1934), unpublished manuscript, 679.

loafers, men not fit and proper persons to be 3<sup>rd</sup> class constables. I wanted respectable farmers' sons with a little education, strapping young fellows that would not be afraid to go into anything. No respectable farmer's son would enter the Johannesburg police force as present[ly] constituted'.<sup>244</sup> He admitted to buying horses from Kimberley, but only because he could not find horses at a fair price in Johannesburg. He testified that as soon as he 'asked the price and the sellers found that the horses were for the government, they would open their mouth so wide that I could not deal with them'. He accused Ueckermann of lying, and added the horses were in a good condition when he sent them to Pretoria.<sup>245</sup>

To add to Esselen's troubles during this period, former Police Commissioner Wolmarans decided to protest his demotion to prison inspector. Wolmarans sent a petition of grievances to Kruger and the Executive Council. He postulated that he was not to blame for the sorry state of the police, as the government had ignored all his calls for reform. He complained that Esselen had treated him with disrespect. Apparently, he was only informed his office was going to be split into two portfolios on the day Esselen summoned him to take the oath for his new position.<sup>246</sup> At this meeting, he was informed that Van Niekerk had already been sworn in as chief police commissioner the previous day. He was indignant about the fact that he had not been given an opportunity to decide which of the two posts he would have liked to hold. He demanded a commission of inquiry and wanted his old position returned to him, adding that Van Niekerk could serve as his clerk. Wolmarans also added that he had discussed the issue with Van Niekerk, and the latter supported him in his endeavour.<sup>247</sup> Significantly, Wolmarans informed the government that it was widely known he was being ostracised due to political difference and personal hatred of him by the state attorney. He concluded that if his wishes could not be realised, he would

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<sup>244</sup> Ibid., 679-680.

<sup>245</sup> Ibid.

<sup>246</sup> NASA, TAB, SS 4799, R4579/95, petition, J.J.H. Wolmarans to the state president and members of the Executive Council, date stamped as received on 8 May 1895.

<sup>247</sup> Ibid.

have to resign, although this move, he added, would only delight Esselen, as the state attorney was hateful and keen to have him permanently removed.<sup>248</sup>

Esselen immediately demanded a clarification from his new police commissioner as to the veracity of Wolmarans' assertions.<sup>249</sup> Van Niekerk replied he was left dumbfounded by Wolmarans' audacity to imply that he was unhappy about the state attorney's decisions. He stated that Wolmarans had informed him he was going to petition the government, but it was to reunite the posts of police commissioner and inspector of prisons under Van Niekerk's authority.<sup>250</sup> He insisted that he had never told Wolmarans he would be happy to serve under him as his clerk. With Esselen reassured of his new police commissioner's loyalty, Wolmarans's game was up. Although he was still in his post as inspector of prisons by the end of 1895, he soon retired to the Zoutpansberg, where he assumed the post of Native commissioner for Klein Spelonken, and faded into obscurity.<sup>251</sup>

To put even more strain on Esselen, secret agent Taylor informed him in mid-May 1895 that a 'very serious discontent has broken out among the foot police' in Johannesburg. According to the information gathered by the secret agent, the issue was as a result of the constables not having been paid. The men asked to see Commandant Schutte several times about the issue, but were refused in each case by Lieutenant Bosman. On one particular evening, a little before 20h00, Lieutenant Bosman lost his temper, cursed the men and ordered them to go on duty. The men, however, resented Bosman's treatment and refused to go on duty until they had seen Commandant Schutte. At this point the lieutenant drew his revolver and threatened to shoot any man who refused to obey his orders. The police constables received the 'threat ... with hooting and laughter[,] one man raising his cap and bearing his forehead for the Lieutenant to fire at'. Bosman could not persuade the other constables to strong-arm the so-called 'mutineers', which resulted in them hooting

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<sup>248</sup> Ibid.

<sup>249</sup> NASA, TAB, SS 4799, R4579/95, Esselen to Van Niekerk, May 1895.

<sup>250</sup> Ibid., Van Niekerk to Esselen, May 1895.

<sup>251</sup> NASA, TAB, Argief van die Meester van die Hooggeregshof (MHG) 16774, Estate of the late Josephus Johannes Hermanus Wolmarans.

and jeering the lieutenant until he left the barracks and went to fetch the Commandant. Schutte managed to regain control of the situation and the men finally went on duty, although they ‘were to be found during the remainder of the night grouped in little knots about the streets talking about the affair’. Taylor informed Esselen the police at the Doornfontein barracks were rebellious and refused to go on duty because they had not being paid. He stated that, as punishment for their behaviour, a notice was posted at the charge office stating the 60 men who refused to go on duty were to be fined £1 each. The men stated that if the fines were imposed, they would rather rebel than pay up. Taylor criticised Bosman’s conduct in the matter and stated that if he had ‘used a little more tact the mutiny would not have assumed’.<sup>252</sup>

However, the matter had not been resolved. Commandant Schutte offered the men an instalment of £10 on their overdue pay, but this was refused by some of the men, who made it clear to the commandant that they would not accept anything less than their full pay. Commandant Schutte went on to fine one of the constables and dismissed one Constable Erasmus from the force. Twelve of the constables, however, ‘expressed their intention of standing by Erasmus to the last and demanded that they be punished the same as Erasmus or that he be reinstated, and these men have the sympathy of very nearly the whole force’.<sup>253</sup> The situation was only abated when Police Commissioner van Niekerk met with the men and took note of their grievances. Taylor mentioned that the men were still upset about the manner in which they were treated by Bosman, and some claimed that if he did not resign from the force, they would.<sup>254</sup>

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<sup>252</sup> NASA, TAB, SP 238, report no. 47: Taylor to Esselen, 14 May 1895.

<sup>253</sup> Ibid., report no. 48: Taylor to Esselen, 17 May 1895.

<sup>254</sup> Ibid.



Figure 10: Lieutenant Jacobus Wynand Bosman (NASA: TAB 31637)

The disorganisation of the force was evident on the streets of Johannesburg.<sup>255</sup> *The Star* reported that the Zarps had told Commissioner van Niekerk their pay had been delayed on numerous occasions. The newspaper wrote that the withholding of the pay by the auditor general was part of a conspiracy to further tarnish Esselen's image. Before the state attorney introduced his reform measures, a third class police constable received £13 a month in payment. Under the new scheme, constables would receive between £12.10/- to £15, and receive free accommodation, free medical care, as well as light and coal. It reported that:

a constable would be £3 or £4 better off, and the rate of pay reasonable – better in fact, than in any other South African Town. But the clique opposing Mr. Esselen from the first had done all they could to hamper him in this, and

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<sup>255</sup> Ibid., report no. 49: Taylor to Esselen, 19 May 1895.



there could be little doubt that the recent action of the Auditor-General's department was instigated by those against Mr. Esselen and everything that made for good government.<sup>256</sup>

On 21 May 1895, the commission of inquiry into the detective debacle reported its findings. It concluded that, notwithstanding some of the witnesses' testimony to the contrary, Trimble was indeed an honest, trustworthy and capable official. However, the commission found his appointment was illegal, as he was not a naturalised citizen of the Republic. The fact that he was also still in 'service to the Government of Her Majesty the British Queen', placed him in an ambiguous position regarding his loyalty as the Republic's chief detective. With regards to Donovan's dismissal, the commission ruled the punishment was warranted, but that the manner in which the case was handled could not be aligned with the transgression committed. It concluded that the proceedings in this case were in conflict with Law 10 of 1888, as the investigation and transcription thereof was done in English, 'a language foreign to the republic'. The commission ended its report by stating that Ferguson's complaints against Esselen could not be investigated, as the state attorney was required under law to be part of such an investigation.<sup>257</sup>

It would seem that the commission's upholding of Donovan's dismissal would have counted in Esselen's favour. Donovan was now, for all official purposes, a disgraced detective who got caught taking a loan from a canteen keeper. And who, upon his dismissal for this transgression, decided to blame the state attorney by claiming that Esselen had asked him to investigate various senior officials in Johannesburg and instructed him to ensnare Ferguson. Ferguson, by resigning from the force and stating his mistrust of Esselen as the main reason, certainly believed Donovan's version of events. The official record reveals that Donovan's assertions in his circulated pamphlet did contain elements of truth. Esselen did inform Ferguson that all permits

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<sup>256</sup> *The Star*, 'Mr. Esselen's position', 17 May 1895. See also: 'Mr. Esselen's dilemma', 16 May 1895.

<sup>257</sup> NASA, TAB, SS 4633, R546/95, 'Rapport der Commissie van onderzoek re "Trimble"', 21 May 1895.

for the buying of gold amalgam had to be cancelled.<sup>258</sup> The state attorney had received a letter from Hull stating that Donovan had arranged to buy and dispose of the amalgam.<sup>259</sup> And after the trap failed, Donovan wanted to know from Esselen what he was to do with James Malcolm, the person who was used to trap Ferguson. Donovan had written, ‘now that F[erguson]’s case has fallen through what am I to do with Malcolm he is valuable to us in many other matters’.<sup>260</sup> Ferguson’s accusations against Esselen might not have been as far-fetched as it was made out to be.<sup>261</sup>

After the commission of inquiry was concluded, Ueckermann and Donovan joined forces against Trimble.<sup>262</sup> Ueckermann was increasingly dissatisfied with his position under Trimble, and became more vocal about his own involvement with Donovan and Esselen to get rid of Ferguson. He boasted to Andrew Brink, the clerk in the detective department, that Detective Doyle ‘had sold out his “baas” (Ferguson) for a pound and that he only had to buy Doyle liquor for him to spill the beans’. He also insinuated that Esselen had a drinking problem.<sup>263</sup> Secret Agent Taylor informed Esselen that Ueckermann’s brother, Fred Ueckermann, who worked in the state attorney’s office, was going about Johannesburg exclaiming that ‘His Royal Highness the president said “Everything is sound, Esselen and Trimble will have to go soon”’, and that he had been promised the job of public prosecutor in Johannesburg.<sup>264</sup> When the situation became untenable, the state attorney gave instructions to Trimble to suspend Ueckermann. On 28 May, Trimble confirmed to Esselen that he had carried out his orders. Trimble told Ueckermann to account for his conduct by sending the state attorney an explanation. Ueckermann, however, refused to do so and claimed that he did not have report to either Trimble or Esselen. Trimble was clearly upset about Ueckermann’s stance and wanted to charge the detective with insubordination.<sup>265</sup>

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<sup>258</sup> NASA, TAB, SP 462, Rorke to Ferguson, 21 September 1894.

<sup>259</sup> Ibid., SP 238, Hull to Esselen, 5 October 1894.

<sup>260</sup> Ibid., Donovan to Rorke, 8 November 1894.

<sup>261</sup> *De Land en Volk* branded Donovan a liar. See *De Land en Volk*, ‘Een Johannesburg complot’, 7 February 1895.

<sup>262</sup> Ibid., report no. 46: Taylor to Esselen, 11 May 1895.

<sup>263</sup> NASA, TAB, SP 81, file marked ‘geheim’ (Secret), G.R. 42/95, affidavit, A.F. Brink, 18 May 1895.

<sup>264</sup> Ibid., G.R. 46/95, M. Paul to Esselen, 20 May 1895.

<sup>265</sup> Ibid., G.R. 42/95, Trimble to Esselen, 28 May 1895

At a meeting of the Fordsburg *Waakzaamheids Vereeniging* (Vigilance Society) in June 1895, it was made clear that this organisation, of which Donovan and Ferguson had become members, was going to do everything in its power to have Detective Trimble removed from his position. It drew the burghers of Johannesburg's attention to the fact that Trimble and his staff had failed to secure convictions in the cases they had brought before the courts, particularly the murders committed in March 1895. The organisation 'strongly advised [its] members not only to work hard to obtain the dismissal of detective Trimble, but also to try and get those who had appointed him punished for breaking the law in appointing a man who was not a burgher of the state'.<sup>266</sup>

In the meantime, Esselen had his hands full with the drafting of a new police law to replace the current law, which dated to the period of British administration. Esselen explained to the *Volksraad* that he wanted more powers to be given to the police commissioner in order to improve the administration of the force. A commission was subsequently appointed which had to review the act before submitting it to the *Volksraad* for further debate. The act was finally promulgated into law at the end of July 1895 as the '*Politie Wet*' (Police Law).<sup>267</sup> The law's main contribution was to confirm the processes of centralisation that had emerged in the early 1890s.<sup>268</sup>

The law was a codification of existing regulations and measures pertaining to the functioning of the police. It sought to clear up any confusion and contradictions and to legalise some of the practices that had evolved in the administration of the police. It provided for the appointment, dismissal, stationing, promotion, discipline, arming and salary scales for all the officers on the force. The law also made it legal for the ZARPs to be called to commando in the event of war. The position and responsibilities of the police commissioner were confirmed. However, it explicitly stated that his authority was subject to Pretoria's control, and to the regulations stipulated in the law.

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<sup>266</sup> NASA, TAB, SP 238, report 55: Taylor to Esselen, 29 June 1895.

<sup>267</sup> *Notulen der verrichtingen van den Eersten Volksraad der Z.A.Republiek, 1895* (Pretoria: Staatsdrukkerij, 1895), 343-345.

<sup>268</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 158-159

Significantly, Article 39 stated that the state attorney would have ‘superintendence’ over both the police and detective divisions. This made it clear that the police commissioner was subject to the state attorney’s control. Although the law explicitly codified some transgressions for which police officers could be fined and dismissed, Article 10 made provision for the commissioner to draw up detailed rules and regulations by which officers had to abide. The official’s tardiness in compiling these rules and regulations increasingly led to disciplinary problems on the force. Importantly, Article 6 made it clear that only ‘enfranchised burghers’ could join the police force.<sup>269</sup>

The latter stipulation made it possible for the *Waakzaamheids Vereeniging* to intensify its campaign against Trimble. The organisation soon found an ally within the Executive Council who supported its campaign against the acting chief detective and, by implication, Esselen. This was none other than the disgraced former Commissioner of Police and Inspector of Prisons, Josephus Wolmarans’ brother, Koos Wolmarans. The fact that the new Police Law of 1895 still did not allow anyone but naturalised citizens to serve in the police force, made it easy for brother Wolmarans to insist on the detective’s dismissal.<sup>270</sup> The added pressure on Esselen from the conservative faction in the Executive Council convinced him that the matter had become a question of confidence in his ability as state attorney.<sup>271</sup> Marred by commissions of enquiry, rumours of abuse of power, and petitions against the permanent appointment of the Republic’s acting chief detective, the office of the state attorney was in a beleaguered position. On 14 November 1895, the Executive Council met to discuss the matter. A resolution was taken not to confirm Trimble’s appointment as chief detective, and to dismiss all non-naturalised detectives from the force with the granting of a month’s salary.<sup>272</sup> The press stated that President Kruger, Wolmarans and Johannes Koch voted against Trimble’s appointment. Two other members of the council were away

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<sup>269</sup> *Notulen der verrichtingen van den Eersten Volksraad der Z.A.Republiek, 1895*, 343; *De Locale Wetten en Volksraads-besluiten der Zuid-Afrikaansche Republiek, 1895* (Staatsdrukkerij, Pretoria, 1895), 54-61.

<sup>270</sup> NASA, TAB, SS 4945, R7901/95, J.M.A. Wolmarans to Leyds, 14 August 1895.

<sup>271</sup> Gordon, *The growth of Boer opposition to Kruger, 1890-1895*, 235.

<sup>272</sup> NASA, TAB, UR, Resolution 775 of 1895, 13 November 1895.

on business when the decision was made, and acting State Secretary Cornelis van Boeschoten was outvoted, one to three. Consequently, Esselen resigned as state attorney. President Kruger informed Esselen that the decision was purely based on a point of law and asked Esselen to inform Trimble that if he continued to reside in the Republic until he was naturalised, he would qualify for the position and no objection would be made as to his reappointment. Kruger also assured the public that Esselen's retirement was keenly felt.<sup>273</sup>

Disillusioned with his failed approach of *toenadering* towards the Progressives, Kruger replaced Esselen as state attorney with the Hollander, Herman Coster. The latter made it clear to Kruger that he would only accept the position if his duty was to be legal adviser to the government. He did not want anything to do with the politics or administration of the police. Coster met with Police Commissioner van Niekerk and both agreed that, according to the Police Law of 1895, the administration of the police was the responsibility of the police commissioner. Coster put this in writing, but added that this still meant the police had to assist the state attorney and public prosecutors by apprehending criminals, as well as in other matters in which the assistance of the police would be necessary.<sup>274</sup> Pretoria agreed with the new state attorney, and gave Van Niekerk full control over the police force.<sup>275</sup> Although former Detective Ferguson applied to be reinstated as chief detective, the post was offered to the Lieutenant G. Louw of Machadodorp. Louw, much to his displeasure, had to give up the post even before taking it up, as Pretoria then decided to appoint Lieutenant De Wit Tossel of Krugersdorp instead.<sup>276</sup> The press reported that Tossel's appointment seemed to be a 'popular' choice. At a banquet held in his honour in Krugersdorp he was celebrated by his colleagues and 'every man of importance'. The new chief

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<sup>273</sup> NAB, Accession: 1297, E. Trimble, Biography of Andrew Trimble (1861-1934), unpublished manuscript, 771.

<sup>274</sup> NASA, TAB, SS 5575, R12311/95, Coster to van Niekerk, 3 December 1895.

<sup>275</sup> Ibid., acting state secretary to Van Niekerk, 23 December 1895.

<sup>276</sup> NASA, TAB, SS 5076, R11307/95, Louw to Van Niekerk, 22 October 1895; telegram, Van Niekerk to Louw, 22 November 1895.

detective was also presented with a purse of £500.<sup>277</sup> President Kruger's grandson, Sarel Eloff, was promoted to first police lieutenant at Krugersdorp.<sup>278</sup>

The *Standard and Diggers' News* favourably reported on Coster and Tossel's appointments. It stated that both men were suitably qualified for their new positions. However, it lamented Coster's decision to relegate the responsibility of police matters to Commissioner Van Niekerk. The newspaper argued that it was

equivalent to sacrificing at one fell stroke all that Mr. Esselen stood out for. ... We are not, be it understood, quarrelling with Mr. Coster for shedding the mantle of the politician and laying aside all claim to be accepted as a champion of this or that cause. It is not necessary and it is not desirable that the State-Attorney should be a man of pronounced politics: it was in some sort the cause of Mr. Esselen's "failure" that his politics were pronounced or were supposed to be pronounced.<sup>279</sup>

Dismayed by the events, Trimble took some solace in vengeance for being drawn into the fray. *The Star* reported that Trimble had 'a brief and business like encounter' with former detective Ueckermann in Commissioner Street. Ueckermann accosted Trimble, to which Trimble replied with a fist to Ueckermann's jaw. A brawl ensued and Ueckermann received a fair pounding. Ueckermann retreated, but made threats of future revenge. Trimble's daughter recalled that this was meted out soon after. She wrote, 'that in an attempt to injure and perhaps frighten him out of the Transvaal, in the middle of the night, a horde of Boers burst into the bedroom occupied by my father and mother, with their 2½ year-old son, in the Central Hotel, and attacked my father. He strongly fought them back and with the remonstrances (sic) of the proprietor and the other residents they withdrew'.<sup>280</sup> *The Star* wrote of the fist fight between the two detectives that it 'was in a high degree undignified and unethical, it being the most undesirable object lesson in the world for two people connected with

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<sup>277</sup> *Standard and Diggers' News*, 'Banquet to Lieut. Tossel', 3 December 1895.

<sup>278</sup> Ibid., 'The new lieutenant', 10 December 1895.

<sup>279</sup> Ibid., 'Filling the vacancies', 27 November 1895.

<sup>280</sup> NAB, Accession: 1297, E. Trimble, Biography of Andrew Trimble (1861-1934), unpublished manuscript, 556.

the force of law and order to apply the doctrine of physical violence in the main street of the town'.<sup>281</sup>

In early December, the *Natal Mercury* interviewed Esselen while on a holiday in Durban. The former state attorney, who 'came to sacrifice himself on the Altar of Trimbleism', still declared his unequivocal support of President Kruger.<sup>282</sup> According to Esselen, the president had already indicated he would consider a more 'liberal' view in restructuring the government. Esselen wrote that Kruger had

so far shown himself to be a very shrewd man, and that he is not blind to the position of affairs. There are indications that he is fully alive to the situation; only he is not inclined to hasten any change. He sees that the time is approaching for the better fusion of the old inhabitants and the newcomers, but he will not venture upon any definite policy till the time is ripe for it; then he will, I think, be prepared for it.<sup>283</sup>

The former state attorney added that despite the simmering political tension in the Republic, people should not worry as '*alles zal recht komen!*' (everything will turn out all right in the end).<sup>284</sup> Despite Esselen's defence of Pretoria, *De Volksstem* lamented his resignation. The Dutch newspaper was adamant that this was 'a crisis which should never have occurred.'<sup>285</sup>

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<sup>281</sup> Ibid., 774.

<sup>282</sup> As reported in the *Standard and Diggers' News*, 'But will it?', 10 December 1895.

<sup>283</sup> Ibid., 'The political situation', 9 December 1895.

<sup>284</sup> Ibid. – 'Everything will turn out alright'.

<sup>285</sup> As quoted in: Gordon, *The growth of Boer opposition to Kruger, 1890-1895*, 236.

## Chapter Four

### **Crisis and reorganisation: The Jameson Raid and police reform on the Witwatersrand 1895-1897**

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#### **Introduction**

By late November 1895, Police Commissioner van Niekerk was in full control of all police matters affecting the Republic. The commissioner would be responsible for managing the police, detective and secret service departments. Police Commandant Schutte told the press the department would recruit more mounted and foot police for Johannesburg. The government had also approved the building of new police barracks south of the prison on Hospital Hill. Building would begin in January 1896. This new structure would house about 500 Zarps and have single and married quarters. Schutte estimated the cost of the new building at £100,000. Commissioner Van Niekerk would also meet with the owners of private townships such as Doornfontein, Marshalltown, Fordsburg, and Jeppestown to discuss extending formal policing into these areas. As these townships were privately owned, the government had previously assumed informal responsibility towards their upkeep. Van Niekerk was ‘most anxious not to leave a stone unturned in order to provide this important town of Johannesburg, and its suburbs with a staff of police which its size and extent demand’.<sup>1</sup> An advertisement for police officers in early December stated applicants had to be ‘burghers of the land’, in good health and at least 5 feet and 7 inches tall.<sup>2</sup>

One of the first actions taken by newly appointed Chief Detective Tossel in reorganising the detective department, was to dismiss detectives R.C. Burgess, C. Wilson, W. Miller, A.F. Brink and J.N Oosterlaak. Detective Trimble had appointed these men, and all of them were non-naturalised individuals.<sup>3</sup> On 3 December 1895, a farewell dinner was given in honour of Trimble. His former colleagues presented him with a gold watch and chain. Apart from Johannesburg’s detectives and former detectives, the new chief detective Tossel, a representative from the state attorney’s

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<sup>1</sup> *Standard and Diggers’ News*, ‘The police programme’, 30 November 1895.

<sup>2</sup> *Ibid.*, ‘An increase of police’, 5 December 1895.

<sup>3</sup> NASA, TAB, SS 5076, R11307/95, De Witt Tossel to Van Niekerk, 10 December 1895.



office and Detective Doyle of the Pretoria detective department attended the event. Trimble's former colleagues sang his praises. As a possible stab aimed at Tossel for dismissing the non-naturalised detectives from the force, Trimble's ex-secretary, A.F. Brink, accused Pretoria of not needing an 'honest man' to head the detective department. In giving his farewell speech, Trimble commended the men who had served under him. He stated:

In reviewing the work of the past 12 months and the difficulties they had had to contend against, for himself he could say he had endeavoured to do his duty faithfully – (hear, hear) – and those present had also done their's (sic) nobly and well. (Applause.) They had done their duty in such a way as to bring credit upon themselves, credit to him, and credit to the Government, and more especially to ... the State Attorney's Department. (Applause.) They had the pleasure of serving under Mr. Esselen for 12 months and fighting against crime in this Republic. Not only had they to combat with prowlers in quest of their neighbours goods, but they had also to fight against officials in Johannesburg who had been against them. They had also had to fight against the lowest of the low – against the canteen keepers. A great change for the better had taken place and he hoped sincerely that Mr. Tossel would take the same strong hand that he had taken and carry out the work which had been commenced. If that were done, great good to Johannesburg would be the result. They had been hampered through the want of a good police force. They all knew that the police force of Johannesburg was incompetent. There were only a few good men amongst them, and these had been connected with the Detective Department.<sup>4</sup>

Trimble intended to open a private detective agency in Johannesburg and to employ most of the former detectives the government had dismissed. He closed his speech by lambasting the government for its naturalisation policy and the manner in which this 'most un-Christian act' had affected the lives of so many men and their families.<sup>5</sup>

Trimble's farewell speech placed Chief Detective Tossel 'in a rather invidious position'. He regretted being at an event where he had to 'listen to words to the

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<sup>4</sup> *Standard and Diggers' News*, 'Presentation to Mr. Trimble', 3 December 1895.

<sup>5</sup> *Ibid.*

detriment of the Government and he thought some consideration should have been shown to him'.<sup>6</sup> Tossel replied that

He really could not agree with what had been said, although he supposed that in the words of Scripture "out of the fullness of the heart the mouth speaketh." In accepting the position of Chief Detective, no one knew better than he that it was a difficult place to fill, especially having such an able predecessor ... and more particularly a new staff. If he succeeded in giving the same satisfaction to the public as Mr. Trimble had, he would feel very pleased indeed.<sup>7</sup>

However, the new chief detective had little admiration for Trimble's administration of the detective department. He informed Police Commissioner van Niekerk that he had never come across such a 'higgledy-piggledy affair'.<sup>8</sup> According to the new chief detective, there had been no meaningful reorganisation of the detective department. He complained that there were no minute books and the few official reports and books that were kept, were in a dishevelled state. Each detective had been a 'law unto himself' and no proper service had been forthcoming. He stated:

The city is full of thieves and robbers whose abodes and hideouts are unknown to members of the department. Every day hundreds walk around dressed as gentlemen, furnished with precious stones and money, although they had had no work for the past 12 months. Truly, if I had to expand on this point it would take me one full week to give a detailed account.<sup>9</sup>

Tossel estimated that there were at least 2 000 criminals operating in Johannesburg. The chief detective was alarmed by the *laissez-faire* policing enjoyed by the town's underworld. He was convinced that within six months criminals would shoot members of the detective force, or the detectives would resort to gunning down criminals in the conduct of their duties. He proposed appointing 20 detectives in three classes, with salaries ranging from £25 to £35 a month. He stressed that he would not be able to obtain the services of capable and trustworthy men for anything less than

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<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> NASA, TAB, SS 5076, R11307/95, De Witt Tossel to Van Niekerk, 10 December 1895 and De Witt Tossel to Van Niekerk, 6 December 1895.

<sup>9</sup> Ibid.

these amounts. As motivation, he mentioned that accommodation expenses alone ranged from £6 to £10 a month. The chief detective sought a further £300 each month for hiring private detectives and for reimbursing informers, such as pawnbrokers.<sup>10</sup>

The dire state of the police was once again making headlines in the press. The *Standard and Diggers' News* reported on the arrest of a canteen keeper for supplying Zarfs with liquor while dressed in uniform.<sup>11</sup> During the same period, Tossel received an anonymous letter bemoaning other irregularities on the force. The writer accused the police of not understanding the 'virtue of silence is golden'. He specifically singled out Detective Peter Campbell for not being able to 'keep his mouth shut'. He added that when Campbell 'enters billiard rooms he wears his appointments so conspicuously that a stranger notices them sticking out through his short coat'. He accused another officer of informing a landlord that the police would search his property the following day. The writer also did not have much praise for the foot police. He wrote that he had witnessed them sitting on duty, lying down in doorsteps and leaning up against pillars, walls and lamp posts. He added that during the night, the officers walked their beats in the middle of the street, and not on the sidewalk, and therefore did not check the doors or padlocks of the shops and stores they passed. Many of the men did not carry their staffs, handcuffs or whistles either. He went on to bemoan the familiarity existing between senior officers and the rank-and-file constables.<sup>12</sup>

The chief detective confirmed these allegations to Commissioner Van Niekerk. He felt that the department was 'nothing but a source of news for the public and the local newspapers'. Tossel insisted he would fire any man whom he found speaking to the public about police business. He also decided to transfer Detective Campbell to Pietersburg.<sup>13</sup> The reorganisation in the detective department following Trimble's dismissal caused some misgiving among the public. *The Star* reported that some

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<sup>10</sup> Ibid.

<sup>11</sup> *Standard and Diggers' News*, 'Drinking in uniform', 3 December 1895.

<sup>12</sup> NASA, TAB, SP 880, anonymous letter signed 'sworn is as special' to De Witt Tossel, 11 December 1895.

<sup>13</sup> Ibid., De Witt Tossel to Van Niekerk, 13 December 1895.

confusion resulted, as the department had moved buildings.<sup>14</sup> The detective office moved from the corner of Rissik and Anderson streets to 5 rooms in the Transvaal Hotel on the corner of Loveday and De Villiers streets. The *Standard and Diggers' News* stated that the new location was close to the charge office and Park Station, but the 'public perhaps will find them less conveniently situated than the old quarters'.<sup>15</sup> The public objected to the relocation of the detective department to a hotel. However, the press had erred and a few days later the newspaper printed a retraction. It stated that the department had moved to the Transvaal Hotel Chambers, which were located opposite the hotel. The newspaper reassured the public of the new premises' suitability, and added that it offered 'the additional advantages of electric lighting and telephonic connection'.<sup>16</sup>

On 21 November 1895 the Chamber of Mines occupied its new building. By all reports, the ceremony was the social highlight of the year and attended by all of Johannesburg's elite society. The newly elected President of the Chamber of Mines, Lionel Phillips, launched a scathing attack on the government in his inaugural address. Phillips took the opportunity to assert that the immense growth of Johannesburg was because of the vigour of its community and the strength of the gold industry, this despite hostility from the country's legislature. Phillips took exception to the policy of exclusion in the *Volksraad*, compulsory education in Dutch for English-speaking children and the attempts made at interference with the Press and freedom of speech. He highlighted the detective debacle as the community's latest grievance. The Chamber's president referred to the inadequacy of the police force and the spiralling crime rate. He especially took umbrage at the government's refusal to engage *Uitlander* detectives. Hinting at the dark clouds forming on the horizon, Phillips hoped the government would see that its policies were impossible. He furthermore 'deprecat[ed] any desire to see an upheaval, which would be disastrous from every point of view, and would probably end in bloodshed'.<sup>17</sup>

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<sup>14</sup> *The Star*, 'Alleged garroting', 9 December 1895.

<sup>15</sup> *Standard and Diggers' News*, 'The Detective Force', 6 December 1895.

<sup>16</sup> *Ibid.*, 'The new 'tec offices', 10 December 1895.

<sup>17</sup> *The Star*, 'Mr. Phillip's speech', 21 November 1895.

The political activities of the *Uitlanders* led to the establishment of the Transvaal National Union (TNU) in August 1892.<sup>18</sup> This body mainly represented the interests of the Witwatersrand's middle and professional classes. It hoped to achieve its reform objectives by making use of public meetings and petitions to the press and government. In 1894, Charles Leonard was elected as its president. Gradually, the capitalist class began to take more interest in the political activities of the TNU.<sup>19</sup> This development was partly as a result of increased tension between Pretoria and the *Uitlanders*. One of the more pertinent issues was the granting of the franchise to foreigners residing in the Republic. Already in 1890, the government tried to appease the lack of representation granted to the *Uitlanders* by introducing a *Second Volksraad*. This body was accorded powers to deal with social and economic matters relating to Johannesburg and the mining industry. However, any tabled legislation by the *Second Volksraad* could only become law after approval by the *First Volksraad*. Significantly, although foreigners who had been naturalised for two years could vote in the election for the *Second Volksraad*, residency to vote for the *First Volksraad* was increased from five to 14 years.<sup>20</sup>

Forced conscription of British subjects to perform military service for the Republic in the war against the African Chief Malaboch caused considerable anxiety in May 1894. The matter, which Pretoria viewed as a domestic dispute, affected its relations with London when the High Commissioner in Cape Town, Sir Henry Loch, was dispatched to the ZAR to intervene. The tension between the *Uitlanders* in Johannesburg and the ZAR government was reaching boiling point at this time. Although President Kruger welcomed Loch's visit to the Republic, he was apprehensive of the High Commissioner's intended visit to Johannesburg. Kruger beseeched Loch, as 'an act of international friendship', not to visit the town, as 'it would not be impossible that a collision would arise'.<sup>21</sup> Loch consulted with the concerned parties in Johannesburg and 'after careful consideration they came to the

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<sup>18</sup> D. Rhoadie, *Conspirators in Conflict* (Elsies River: Tafelberg-Uitgewers, 1967), 19-20.

<sup>19</sup> Ibid.

<sup>20</sup> Marais, *The Fall of Kruger's Republic*, 53.

<sup>21</sup> TNA, DO, 119/281, Kruger to Loch, 26 June 1894.

opinion that there was much in the view expressed by the President'. They decided that Lock would receive all deputations in the capital.<sup>22</sup>

President Kruger welcomed Loch to Pretoria at the train station. An excited crowd flocked around the presidential carriage when the High Commissioner and Kruger climbed into it to leave the station. Two men jumped onto the carriage with a Union Jack. President Kruger, uttering his disapproval, was subjected to the crowd singing 'Rule Britannia' and 'God save the Queen'. In the prevailing excitement, the horses were unharnessed and the carriage drawn through the streets by a band of merry 'Englishmen' to the hotel where Lock was staying. Here the president, much to his humiliation, was abandoned in the horseless carriage. A group of burghers hastily assembled and pulled Kruger back to the government office.<sup>23</sup> Despite this incident, Pretoria was persuaded by Lock to abandon its conscription policy. However, the complaints brought to Lock's attention necessitated the High Commissioner to inform London that these grievances were cause for concern.<sup>24</sup>

The influence and ambitions of the wealthiest man in southern Africa and Prime Minister of the Cape Colony, Cecil John Rhodes, added more fuel to the simmering tensions on the Witwatersrand. The conspiracy against the Republic, which came to fruition at the beginning of 1896, could trace its roots to Rhodes' influence in London appointing Hercules Robinson as British High Commissioner in December 1894.<sup>25</sup> This appointment assured Rhodes the fidelity of the Colonial Office in his imperialist endeavours to bring about the downfall of the Republic. The coming to power of the Unionist government under the leadership of Lord Salisbury in June 1895, and the appointment of Joseph Chamberlain as colonial secretary, further strengthened his case.<sup>26</sup>

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<sup>22</sup> Ibid., Loch to Lord Ripon, 4 July 1894.

<sup>23</sup> Ibid.

<sup>24</sup> C.F.J. Muller (ed), *500 Years: A history of South Africa* (Pretoria & Cape Town: Academica, 1969), 251-252.

<sup>25</sup> Rhodie, *Conspirators in Conflict*, 18.

<sup>26</sup> Muller, *500 Years: A history of South Africa*, 253.

In September and October 1895, another diplomatic crisis erupted between Pretoria and London. After the completion of the Delagoa Bay railway, which linked the Republic with a harbour free of British interest at Lourenco Marques, the Cape lowered its railway tariffs in an attempt to retain most of the Witwatersrand's rail traffic. In order to protect the Delagoa Bay railway, the Kruger government increased tariffs on the ZAR's side of the Cape railway line. In response to this, goods transported to the Republic on the Cape railway were unloaded at the Vaal River, which formed the ZAR's border. Once the goods were loaded onto ox wagons, the wagons had to cross the river on drifts (fords), before it could continue its overland journey to the Witwatersrand. To counteract this step, Pretoria decided to close the drifts on its side of the river. The protectionist measures taken by Pretoria led to much discontent in Cape Town, and with the support of Britain and the threat of war; the Republic relented and reopened the drifts.<sup>27</sup> Assured of London's support, Rhodes embarked on his plan to cause the internal destabilisation of the Republic.

In order to achieve his dream of a British federation, and to bring about British administration in the South African Republic, Rhodes realised that he would need the support of the *Uitlander* community on the Witwatersrand.<sup>28</sup> This necessitated closer ties with the TNU. In October 1895, a meeting between Rhodes and some of Johannesburg's most prominent individuals took place in Cape Town. In attendance were the prime minister, his brother Colonel Frank Rhodes, Lionel Phillips, Charles Leonard and the American mining engineer John Hays Hammond. It was at this meeting that the final details were forged into the plan that would bring about Rhodes' endeavour. The plan was to instigate an *Uitlander* rebellion in Johannesburg, which would coincide with the invasion of the Republic by an armed force of men from Bechuanaland. This group would be under the control of the administrator of the British South Africa Company in southern Rhodesia, Dr. Leander Starr Jameson.<sup>29</sup>

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<sup>27</sup> I.R. Smith, *The origins of the South African War, 1899-1902* (New York & London, Longman: 1996), 62-6.

<sup>28</sup> D. Rhoadie, *Conspirators in Conflict*, 21.

<sup>29</sup> *Ibid.*, 28-34.

Esselen's resignation could therefore not have come at a more disastrous time for the management of the police force in Johannesburg. Intelligence sources had informed the government of suspicious activities in the town and on the Republic's western borders, where Jameson and his armed bandits were gathering. Yet, the vacuum left by Esselen's resignation meant that there was little liaison regarding these concerns between the newly appointed State Attorney Coster, Commandant General Piet Joubert and Police Commissioner van Niekerk.<sup>30</sup> By mid-December 1895, President Kruger left Pretoria for a tour of the countryside. Pressed at Bronkhorstspuit about rumours of a plot in Johannesburg, the president infamously replied: 'you must give the tortoise time to put out its head before you can cut it off'.<sup>31</sup> Kruger did, however, cut his trip short and returned to Pretoria on 26 December. Yet, when he was warned by Chief Justice Kotzé a few days later that 'an event of the gravest character was about to happen on the Rand', the president informed the judge on 29 December that he still had no definite information to act on.<sup>32</sup> Similarly, when acting State Secretary Cornelis van Boeschoten requested Commandant General Joubert to return from Wakkerstroom to Pretoria, the commandant general thought the cause for alarm was premature. He did, however, decide to return to the capital, with strict instructions to his secretary to keep this a secret.<sup>33</sup>

Meanwhile, the main conspirators in Johannesburg were putting their plan for Johannesburg's rebellion into action. During the same period, former detective Trimble returned to Johannesburg to open a private detective agency. He, however, soon found himself drawn into the fray of conspiracy. On 18 December he was asked by Colonel Frank Rhodes if he would be willing to organise a police force for the town when the uprising took place. After deliberating for a day, Trimble swore an oath of allegiance to the leaders of the Reform Movement. He declared: 'I have decided to put my neck in the same noose with yourselves. If we are hanged we shall

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<sup>30</sup> J. van der Poel, *The Jameson Raid* (Cape Town, London & New York: Oxford University Press, 1951), 103-105.

<sup>31</sup> *Ibid.*, 103.

<sup>32</sup> D. Rhoadie, *Conspirators in Conflict*, 55-56.

<sup>33</sup> *Ibid.*, 55.



all be hanged together'.<sup>34</sup> Trimble informed Colonel Rhodes that he would enlist all the town's known criminals in his force. He explained:

It's not only setting a thief to catch a thief, it's setting the converted to catch the unconverted, into which they will take even more zeal. One of my policemen who has done time for housebreaking will see himself shot before he will allow looting or housebreaking in the event of a rising. And their knowledge of the dark corners of this city, its illicit stills and its fences, will be invaluable. Of course, I'll officer them with my own men, men who I know and whom I can trust, and if we have any serious rioting in Johannesburg you can hang me on a lamp-post.<sup>35</sup>

Despite Trimble's confidence in his policing abilities, the so-called Reformers started to doubt the success of their scheme. Many of the ordinary men of Johannesburg were not prepared to take up arms against the government.<sup>36</sup> This placed the conspirators in a difficult position. They had signed and handed a letter to Jameson for use as a guise in order to legitimise an armed invasion of the Republic. The letter read that Jameson would come to the aid of Johannesburg once the town rebelled against the government. The letter tied a hangman's noose around the necks of the leaders of the rebellion. Realising the time was not right for revolt, the men attempted to postpone the raid, ordering Jameson not to enter the Republic. They decided to start instigating negative public sentiment against the government instead.<sup>37</sup> Under the auspices of the TNU, and in the name of Charles Leonard, a manifesto with *Uitlander* demands was published on 26 December 1895 and a public meeting scheduled for 6 January 1896. At this meeting, which was never held, a course of action to obtain their demands would be decided on.<sup>38</sup>

The manifesto claimed that the *Uitlanders* 'were the vast majority in this State ... yet in all matters affecting our lives, our liberties, and our properties we have absolutely

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<sup>34</sup> I. Colvin, *The Life of Jameson vol. 2* (London: Edward Arnold & Co, 1922), 89.

<sup>35</sup> NAB, Accession: 1297, E. Trimble, *Biography of Andrew Trimble (1861-1934)*, unpublished manuscript, 848.

<sup>36</sup> See for example, NASA, TAB, SP 95, letter by 'Transvaal-Français' to *The Star*, 21 December 1895; NASA, TAB, SS 5165, R480/96, several signed petitions from Johannesburg's Hollanders pledging their loyalty to the government, 28 December 1896.

<sup>37</sup> Van der Poel, *The Jameson Raid*, 60-61; 77.

<sup>38</sup> *The Star*, 'The Manifesto', 26 December 1895.

no voice'.<sup>39</sup> Significantly, the manifesto made no mention of crime, nor did it directly mention the ZARs as a grievance. It claimed the *Uitlanders* were most heavily burdened by 'taxation ... without representation'. It held that Pretoria was squandering their taxes on the 'Secret Service Fund', which it called a 'dark mystery'. It took umbrage at Pretoria's treatment of the judiciary and the implications this had for *Uitlanders*' receiving a fair trial. It complained in general about rampant 'bribery and corruption' in the country's administration. It called Pretoria's administration of 'Native affairs' scandalous. It further complained about the state's education policy, which only catered for education in Dutch, and the dominance of the Hollander faction in the railway industry. Other economic grievances pointed out in the manifesto related to Pretoria's customs and trade regulations, as well as its policy of granting concessions and monopolies.<sup>40</sup>

With the head of the tortoise now emerging, it became apparent to Pretoria that something sinister was stirring. On 27 December, Police Commissioner van Niekerk petitioned the government to increase the number of police officers in Johannesburg immediately.<sup>41</sup> Although the government approved the request, these appointments were not made in time to have any effect in quelling the brewing rebellion.<sup>42</sup> The Commissioner also wanted instructions from Pretoria as to how the police force had to respond to any acts of violence against government offices and the National Bank in Johannesburg. Van Niekerk, awaiting a reply from the government, instructed Commandant Schutte not to interfere with the meetings held by the TNU.<sup>43</sup> On 28 December 1895, Secret Agent George Taylor made it clear to the police commissioner that Johannesburg was in a state of panic and chaos. He wrote that the situation was extremely serious, and not only were certain nationalities, like the Australians, planning to side against the government, but the government also had to take steps to maintain control of the town. Chaos erupted at the railway station, where especially women and children were squashed into overcrowded trains in order to

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<sup>39</sup> Anon. *From Manifesto to Trial*, Reprint no. 55 (Pretoria: The State Library, 1970), 5.

<sup>40</sup> *Ibid.*, 1-16.

<sup>41</sup> NASA, TAB, SS 5140, R1270/95, Van Niekerk to state secretary, 27 December 1895.

<sup>42</sup> NASA, TAB, UR resolution, 904 of 1895, 27 December 1895.

<sup>43</sup> NASA, TAB, SS 5140, R1270/95, Van Niekerk to state secretary, 27 December 1895.

evacuate from the town. Shops were being boarded up and the price of food had doubled in price overnight. He exclaimed:

Trimble is enlisting men for the revolutionary party. It is also stated that the leaders of the party are going to hold a meeting at the waterfall about fifteen miles from here on the 5th of January to decide on their plan of action and I would beg that I may be provided with funds to hire a horse to go out there as well as to go out and inquire about the maxim guns. The Germans and the Americans have decided to support the Government and I feel confident that if a little force was shown in Johannesburg this movement would at once collapse.<sup>44</sup>

Yet for the next few days, the government seemed to be in a state of inactivity. Commandant Schutte reprimanded the police commissioner for not taking the situation seriously. He wrote that the situation was much more serious than the police commissioner thought, and clashes were unavoidable. He was certain 'something great would happen before January'. He informed Police Commissioner van Niekerk that his intelligence had reported that the revolutionaries were in possession of 3000 rifles and a million rounds of ammunition.<sup>45</sup> The police commissioner's secretary, H.C. Bredell, informed the government that Johannesburg was in '*rep en roer*' (bustling with activity). African mine workers were leaving the district in 'their thousands' and rumour had it that there were at least 12 Maxim guns in the town, as well as thousands of rifles and rounds of ammunition.<sup>46</sup> On 31 December, with no government answer forthcoming, and still at a loss as to how he should deal with the situation, Schutte told Van Niekerk that a clash of arms was now unavoidable. He was confident that his police would be able to take a stand against the rebels.<sup>47</sup> The inaction of the government caused Chief Detective de Witt Tossel to lose all sense of piety. In a moment of blasphemous anger, he sent a message to the police commissioner, snarling: 'In God's name send us weapons, as the city is in the hands

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<sup>44</sup> NASA, TAB, SP 880, report no. 80: G.W. Taylor, 28 December 1895.

<sup>45</sup> Ibid., Schutte to Van Niekerk, 29 December 1895.

<sup>46</sup> NASA, TAB, SP 881, report of H.C. Bredell, 31 December 1895.

<sup>47</sup> NASA, TAB, SP 880, Schutte to Van Niekerk, 31 December 1895.

of armed English, villains and thieves ... send us help or we will have to throw in the towel and leave the city'.<sup>48</sup>

Schutte and Tossel did not yet realise that the Government's attention was drawn to a more serious threat. Jameson and his troops, against the wishes of the Reform Committee, had crossed into the Transvaal on the evening of 29 December 1896.<sup>49</sup> On Monday 30 December 1895, Kruger issued a proclamation warning the 'trouble makers' in Johannesburg to keep within the bounds of the law. The president declared that if they did not heed the warning, they would have to answer for their deeds.<sup>50</sup> With Pretoria's attention focussed on stopping the raiders from reaching Johannesburg, the government appointed a Government Commission in Johannesburg to salvage any authority it still held in the town.<sup>51</sup> This commission consisted of Mines Commissioner Johannes van der Merwe, Police Commandant Schutte, Criminal Landdrost Nathaniel van den Berg and Lieutenant Hubertus de Korte as secretary.<sup>52</sup> Commandant Schutte addressed a crowd assembled at the Government Building on 31 December and stated that he was prepared to maintain the independence of the Republic at all costs. He asserted that, if necessary, they would resort to arms, but he expressed the hope that this would not be the case.<sup>53</sup>

With the town in a grip of panic, the well-organised Reform Movement assumed control of Johannesburg and set up office in the Goldfields Building. The Reformers established the Johannesburg Reform Committee. The executive body of the Committee consisted of Lionel Phillips, Colonel Frank Rhodes, George Farrar, John Hays Hammond and Percy FitzPatrick, who acted as its secretary. Although some of Johannesburg's most prominent citizens joined the group; including doctors, lawyers, merchants, financiers and company directors, the men did not represent the town as a

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<sup>48</sup> Ibid., De Witt Tossel to Van Niekerk, 31 December 1895.

<sup>49</sup> Van der Poel, *The Jameson Raid*, 93-95.

<sup>50</sup> NASA, TAB, SP 92, Proclamation by S.J.P. Kruger in the *Staatscourant*, 30 December 1895, see also, NASA, TAB, SS 5165, R480/96.

<sup>51</sup> NASA, TAB, UR, Resolution 912 of 1895, 30 December 1895, copy in: SS 5165, R480/96.

<sup>52</sup> Ibid.

<sup>53</sup> *The Standard and Diggers' News*, 'Government officials', 1 January 1896; *The Star*, 'Government plans', 31 December 1895.

whole.<sup>54</sup> The officials of the Government Commission took up occupation in the Government Building and secured control of the telegraph and post office. The Reform Committee ordered Commandant Schutte and Criminal Landdrost van den Berg to recall all the Zarps from the streets, as the Committee could not guarantee the government police's safety.<sup>55</sup>

The Zarps, as a symbol of government authority, found themselves targets of an angry public. Numerous reports of intimidation, as well as verbal and physical assaults against police constables were being reported. Constable Hendrick de Villiers, while on his beat, was told by an 'English' man that if he dared to walk across Marshall Square, he 'would never see the light of day again'.<sup>56</sup> Constable Andries Otto recalled how he was surrounded by an armed and 'rough' mob. The men threatened the constable and ordered him to arrest two 'harmless' African youths. He declined and reported the incident to his sergeant, who then instructed him to call off the street every policeman he could find.<sup>57</sup> Constable Jacobus Rosslee recounted English insults hurled at him, and receiving orders to vacate the streets. He was 'brutally accosted' and surrounded by armed men on two occasions before he reached the police station.<sup>58</sup> The intimidation of the Zarps, and the Reform Committee's stance that it could not vouch for the police's safety, forced Landdrost van den Berg to issue a statement which recalled all police officers from the streets in order to avoid any unnecessary clashes and the spilling of blood.<sup>59</sup>

Commandant Schutte's sources informed him the rebels were securing defensive positions in the town. There were rumours circulating that the rebels would attempt to take control of the well-fortified prison on Hospital Hill. Schutte immediately ordered

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<sup>54</sup> D. Rhodie, *Conspirators in Conflict*, 69.

<sup>55</sup> NASA, TAB, SP 95, testimonies of D.E. Schutte and N. van den Berg before the Preliminary Enquiry Committee into the Raid, 3 and 4 February 1896. See also: Anon. *From Manifesto to Trial*, Reprint no. 55 (Pretoria: The State Library, 1970), 81-84 and 96-97.

<sup>56</sup> *Ibid.*, testimony: H. Villiers, 5 February 1896; see also: *From Manifesto to Trial*, 104.

<sup>57</sup> *Ibid.*, testimony: A. Otto, 5 February 1896; see also: *From Manifesto to Trial*, 104-105.

<sup>58</sup> *Ibid.*, testimony: J. Rossling, 5 February 1896; see also: *From Manifesto to Trial*, 105.

<sup>59</sup> *Ibid.*, testimony: N. van den Berg, 3 February 1896; see also: *From Manifesto to Trial*, 81-84.

the 280 withdrawn police officers to take control and guard the prison.<sup>60</sup> Lieutenant van Dam viewed Schutte's action as 'baffling'.<sup>61</sup> He got the impression that the Commandant was 'indifferent' to the situation.<sup>62</sup> According to him, the decision was strongly criticised by the ordinary police.<sup>63</sup> With the Republican police withdrawn from the streets, and news of Jameson's advance circulating through the town, the men of Johannesburg formed military units and began drilling and marching through the streets of the town. The sight of the armed militias riding through the streets disheartened the Government Commission. It informed Pretoria the situation was 'extremely dangerous and miserable'; adding that armed conflict now seemed inevitable.<sup>64</sup> Commandant Schutte informed the state secretary that it would be impossible for him to counter the rebels with only his police force.<sup>65</sup>

In Krugersdorp, Police Lieutenant Sarel Johannes Eloff decided to take eight of his troopers and to ride out to confront and stop Dr Jameson and his advancing column. Eloff encountered the raiders at Zwartlaagte and instructed his men to remain behind while he rode out to ascertain the situation. Once he met up with the raiders, he informed them that he wanted to speak to their leader and that he had come to stop them. The raiders placed Eloff under armed guard, and an hour later, disarmed him. They told Eloff they would confiscate his horse and he had to stay there until the following day. Jameson issued him with a receipt and told the lieutenant he could collect his belongings once back in Johannesburg, or they would hand over his property to the government. Eloff protested against his disarmament and being left stranded without a horse. Jameson returned the horse and made the lieutenant promise he would remain on the spot for two hours before leaving. Eloff later stated that he complied with this order and received good treatment from the raiders.<sup>66</sup>

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<sup>60</sup> Ibid., testimony: D.E. Schutte, 4 February 1896; see also, *From Manifesto to Trial*, 96-97.

<sup>61</sup> NASA, TAB, Accession: 788, Van Dam collection, File 4: Eenige herinneringen door Komdt. G.M.J. van Dam, 84.

<sup>62</sup> NASA, TAB, Accession 1335, manuskrip van kmdt. G.M.J. van Dam, 27.

<sup>63</sup> NASA, TAB, Accession 788, Van Dam collection, File 4, 84.

<sup>64</sup> NASA, SS 5166, R480/96, telegram: Government Commission to state secretary, 31 December 1896.

<sup>65</sup> Ibid., telegram: Schutte to state secretary, 31 December 1896.

<sup>66</sup> NASA, SP 879, affidavit, S.J. Eloff, 10 January 1896.

Trimble placed several advertisements in *The Star* calling on men to join his police force.<sup>67</sup> On 31 December 1895, Colonel Rhodes requested Trimble to ‘please keep as many men as you can in readiness’.<sup>68</sup> Although there are no records to confirm the exact numbers, Trimble mustered a force of about 300 men for his Town Police.<sup>69</sup> The former detective issued the enlisted men with rifles and white armbands with the word ‘police’ printed on them for identification.<sup>70</sup> Trimble, at one point, had to inform Rhodes that he was in need of more rifles, as applications continued to stream in and he had already distributed 280 of the rifles given to him by the Committee.<sup>71</sup> Once enlisted, the men were instructed in the basics of drill, the use of a rifle and informed of their duties.<sup>72</sup> Trimble’s involvement in the scheme naturally shed more suspicion on former State Attorney Esselen’s resignation only a few weeks before the rebellion. *De Volksstem* wrote that it ‘cast a strange light on some recent occurrences’.<sup>73</sup> Esselen, however, sent a telegram from Cape Town to State President Kruger, denouncing Jameson’s ‘treacherous’ and ‘irresponsible’ raid into the Republic. Esselen ‘fully trusted’ Kruger and the government would take all the necessary steps to ensure the Republic’s right to independence.<sup>74</sup>

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<sup>67</sup> NASA, SP 92, Original advertisement order signed by A. Trimble, 28 December 1895.

<sup>68</sup> NASA, SP 93, F. Rhodes to Trimble, 31 December 1895.

<sup>69</sup> See: *The Standard and Diggers’ News*, ‘The Town Guard’, 3 January 1896.

<sup>70</sup> *The Star*, ‘Trimble’s corps’, 4 January 1896.

<sup>71</sup> NASA, TAB, SP 93, Trimble and F. Cummings to F. Rhodes, 31 December 1895.

<sup>72</sup> *The Standard and Diggers’ News*, ‘Trimble’s Police’, 1 January 1896.

<sup>73</sup> *De Volksstem*, ‘De crisis’, 8 January 1896.

<sup>74</sup> NASA, TAB, SS 5166, R480/99, telegram: Esselen to Kruger, 31 December 1895.



Figure 11: An original armband used by Trimble's Town Police during the Jameson Raid in Johannesburg. (NASA, TAB: SP 93)

The police force consisted of a large number of men who had a less than honourable reputation, and it would seem an even greater aversion to the use of soap. Thomas Lumsden, who served on the force, and complained about his lodgings and the reputation of his fellow brothers-in-arms, lamented his fate as follows:

The floor of the loft ... was simply belittered with the forms of citizen warriors the greater part of whom being made up of the great unwashed of Johannesburg (in fact all the scum of the town seemed to have been crammed into the place) it is needless to say that the stench in this veritable black hole of Calcutta was something awful. Vermin began to travel from the dirty sons of Adam on to those respectable cleanly individuals who unfortunately found themselves in company of the queerest description. Swearing and foul language was indulged in by those induced for such exercises to their hearts content and I can truly say I never spent a more miserable time in my life and was glad when the light of morning announced the advent of another day.<sup>75</sup>

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<sup>75</sup> NASA, SP 95, affidavit by T. Lumsden, no date. See also: SP 95, testimony of T. Lumsden before the Preliminary Enquiry Committee into the Raid, 11 February 1896 and *From Manifesto to Trial*, 152-153.



It is evident that some of the men had less than reputable motives. The Reform Committee informed Trimble that a number of his men were selling their rifles.<sup>76</sup> One constable stood accused of improper behaviour when he was caught illegally issuing and pocketing fines of pass law offenders.<sup>77</sup> Alarming, one sergeant reported to Trimble that a constable ‘on duty at the Standard Bank was using his rifle on the public passing’.<sup>78</sup> However, not all the men were ruffians. One officer wrote to his ‘darling wife’ he ‘found [work with] the police, as nothing else offered ... 20/- a day and food [,] as all shops and business places are closed’.<sup>79</sup> He worked day and night and had no opportunity to change his clothes. To make matter worse, he had lost his boots and was ‘hard up as they will not pay till this is over and then I must look for something else’.<sup>80</sup>

The people of Johannesburg held Trimble’s police accountable for their safety. During the evening of 2 January, a shop’s windows were shattered and the store looted. The store owner furnished Trimble with a bill for the damages.<sup>81</sup> The few surviving reports submitted by the Town Police to Trimble point to an array of crimes committed during this period. For example, the police arrested a man for setting off ‘Chinese crackers’ and alarming the public.<sup>82</sup> The force arrested an African man for breaking and entering and another for the theft of cigarettes from a shop.<sup>83</sup> In a report by the ‘Australian contingent’ of the foot police, the officer reported ‘a woman was being knocked about by a man supposed to be her husband and that a Kaffir (sic) had broken into a house’.<sup>84</sup>

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<sup>76</sup> NASA, SP 93, Reform Committee to Trimble, 3 January 1896; NASA TAB, SS 5160, R480/96, ‘Supplement to “Cape Times”’, 5 January 1896.

<sup>77</sup> Ibid., J.D. McMillan to Trimble, 6 January 1895 (sic).

<sup>78</sup> Ibid., W. Jenkins to Trimble, 5 January 1896.

<sup>79</sup> The letter was never delivered and can be found in NASA, TAB, SP 93, Edward to Mrs. E. Sergeant (?), Elliot District, Cape Colony, 4 January 1895.

<sup>80</sup> Ibid.

<sup>81</sup> NASA, TAB, SP 93, M.A. Parker to Trimble, 2 January 1896.

<sup>82</sup> Ibid., Sergeant E. Lake to Trimble, 7 December (sic) 1896.

<sup>83</sup> Ibid., Unnumbered report to Trimble, 7 January 1896.

<sup>84</sup> Ibid., ‘Report 123’, 2 January 1896.

The *Standard and Diggers' News* reported that there had been a large 'exodus' of Africans from the mines and Johannesburg.<sup>85</sup> When it came to policing the movement of Africans during the rebellion, the Town Police removed about 350 Africans who were found without passes to a special compound at the Ferreira Mine, where they were detained under armed guard.<sup>86</sup> The harsh treatment of Africans during this period can be attributed to what the *Standard and Diggers' News* called 'the Native danger' and a fear of an African uprising.<sup>87</sup> Thus, any disturbances or looting by Africans were dealt with swiftly. When the Reform Committee was informed a group of Africans had broken into a store on the City and Suburban Mine, a group of armed men was immediately dispatched to deal with the situation. *The Star* reported on a similar disturbance at the Princess Estate, which was only quelled after several Africans were shot. It was further reported that a store on the Jubilee Mine had been burned down and the store of another proprietor had been looted and the storekeeper threatened with violence.<sup>88</sup>

The alleged arming of Africans by the Reform Committee caused considerable anxiety among the members of the Government Commission. Several people later testified in front of the provisional enquiry that they had seen Africans and Coloured people armed and drilled during the rebellion.<sup>89</sup> When Commandant Schutte was initially informed of these sightings, he immediately sent Zarp troopers to several mines to investigate the claims. Sergeant Robinson reported that, although he came across numerous Africans travelling with their bundles from the mines, he observed that all was quiet and peaceful. The sergeant could report no signs of excitement. Several other officers made similar reports to the police commandant.<sup>90</sup> Schutte informed Police Commissioner van Niekerk that his men could find no evidence to

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<sup>85</sup> *The Standard and Diggers' News*, 'An exodus of Kaffirs', 1 January 1896.

<sup>86</sup> *The Standard and Diggers' News*, 'Spilling the liquor', 6 January 1896.

<sup>87</sup> *Ibid.*, 'The Native danger', 2 January 1896; see also: 'Incendiary by Kafirs (sic)', 1 January 1896.

<sup>88</sup> *The Star*, 'Looting at the City & Suburban', 2 January 1896.

<sup>89</sup> See for example: NASA, TAB, SP 95, testimony: J.W. Bosman, 5 February 1896; see also: *From Manifesto to Trial*, 101-102; testimony: I.D. de Vries, 5 February 1896; see also: *From Manifesto to Trial*, 108.

<sup>90</sup> NASA, TAB, SP 92, minutes and loose documents of the Government Commission at Johannesburg, 73-75.

support the claims made of armed Africans.<sup>91</sup> The Reform Committee assured the government that if there was any truth to the allegations that coloured people had drilled, this would stop. The Reformers added:

The Committee beg to give you the most positive assurance that it has never armed, or contemplated arming, any coloured person in this country. Nothing could be further from its intention or wish than so to violate what is the well-known sentiment of all sections of the community, and they beg you to give the most emphatic contradiction to any reports which might lead the public to believe for one moment that they would place arms in hands of natives.<sup>92</sup>

At the outbreak of hostilities in Johannesburg, the Government Commission issued a proclamation closing all canteens until further notice.<sup>93</sup> Trimble's force used the proclamation to deal swiftly with any transgressions of this nature. James Liddel, an inspector on the force, stated that when the police arrested intoxicated Africans in the streets, many of them were flogged in the backyard of Trimble's office.<sup>94</sup> A similar fate also befell one Daniel Slater, who broke into a liquor store, and who was apparently so intoxicated while being flogged that he could not remember the whipping the next day. He could not testify to the provisional enquiry into the Raid whether the flogging actually did, in fact, take place.<sup>95</sup> When in another case the court found a canteen keeper guilty of selling liquor, a force was sent to close down the canteen and destroy all the liquor on the premises. Reports were also published in the press of the Reform Committee buying up alcohol from canteens in order for it to be destroyed. It is clear from the nature of the enquiry that followed Trimble's actions during the rebellion, that Pretoria believed he overstepped his authority as a law enforcer. That the former detective convened his own court caused the government considerable umbrage. Landdrost van den Berg testified to the provisional enquiry that a deputation from the Reform Committee told him, much to his anger, that Trimble had been hearing criminal cases. The landdrost was incensed, and adamant

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<sup>91</sup> Ibid., copy of telegram, Schutte to van Niekerk, no date, 71.

<sup>92</sup> Ibid., Reform Committee to Government Commission, 4 January 1896.

<sup>93</sup> *The Star*, 'Government Notice' dated 1 January 1896, published on 2 January 1896.

<sup>94</sup> NASA, TAB, SP 95, testimony: J. Liddel, 22 February 1896.

<sup>95</sup> Ibid., testimony: D. Slater, 11 February 1896; see also: *From Manifesto to Trial*, 156.

that he alone had the authority, as granted by the state president, to try criminal cases. Trimble, he insisted, had acted outside the bounds of the law.<sup>96</sup>

*Standard and Diggers' News* reported that a group of men, known as 'the boys', took advantage of the Zarfs' withdrawal and openly defied Trimble's authority by gambling in the streets. So brazen were the men that they placed roulette tables and other gambling devices on Market Square and in other open spaces on the town's streets. The newspaper wrote that it 'reminded one of the state of things that existed in what are understood to have been "the good days" of the Rand'. After Trimble informed his 'boxers' of the illegal gambling, the men set out to put an end to the entertainment. The police smashed the tables and confiscated the gaming machines.<sup>97</sup> However, on 13 January the *Standard and Diggers' News* reported that Trimble's raid had been to little avail, and street gambling continued. It reported that gambling in open spaces continued well beyond the restoration of the Zarfs' authority to the streets. The situation was so out of control that even children 'speculated [with] their modest sixpences'. Even though the Republican police and detectives stepped in and arrested some of the gamblers, similar acts were simultaneously committed in other parts of the town.<sup>98</sup>

The English press praised Trimble's policing of Johannesburg during this period. The *Standard and Diggers' News* wrote that Trimble's men were 'worthy of their hire'.<sup>99</sup> *The Star* reported that 'nothing could be more reassuring to the inhabitants of Johannesburg than the fact that the maintenance of law and order within the municipal area has been entrusted to Mr. Trimble. No greater tribute could be to the ex-chief detective than the extraordinary rush there has been for the enrolment in the police and general corps that he has recruited'.<sup>100</sup> This view was echoed by FitzPatrick, who stated that under Trimble's guidance 'perfect order was maintained – indeed, the town

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<sup>96</sup> Ibid., testimony: N. van den Berg, 3 February 1896; see also: *From Manifesto to Trial*, 81-81.

<sup>97</sup> *The Standard and Diggers' News*, 'Open gaming', 6 January 1896.

<sup>98</sup> *The Standard and Diggers' News*, 'Street gaming', 13 January 1896.

<sup>99</sup> Ibid., 'Worthy of their hire', 7 January 1896.

<sup>100</sup> *The Star*, 'Mr. Trimble's corps', 4 January 1896.

has never before or since been so efficiently controlled as during this period'.<sup>101</sup> Lady Phillips stated in her memoirs that the best thing Pretoria could do was to remove 'their wretched police'. She was also under the illusion that the period was marked by 'only a single instance of crime recorded'.<sup>102</sup> Yet this praise was in spite of reports appearing in the same newspapers of looting by African mineworkers on mines and shops on the outskirts of the town, as well as other occurrences of petty crime. The papers did, however, underline that this was an extraordinary time in the history of policing in the city. With the uncertainty of what was to be Johannesburg's fate, there was a suspension of normal social life. As the *Standard and Diggers' News* recorded:

Saturday night is generally a somewhat noisy time in Johannesburg, but on this Saturday night there were no family parties ... and no miners who had come in especially for relaxation which in time passed they sought each in his own peculiar way. There were in consequence only the usual crowds of the day time about the streets. The Music Halls ... looked strange with the bars closed and the waiters and barmen absent.<sup>103</sup>

Once withdrawn from the streets, very little information survived on the activities of the ordinary members of the ZARPs. Yet the statement made by Blackburn that the ZARPs 'were in a state of funk', is an exaggeration.<sup>104</sup> In an article entitled 'A Zarpine Holiday', the *Standard and Diggers' News* wrote: 'during these stirring times the ordinary members of the Zarpine host are enjoying a well-earned holiday, having been granted leave'. Constable S. Engelbrecht 'and a batch of his comrades were tickled to death ... at the spectacle of bebadged "Police" all engaged in the deportation of one slenderly-built Kafir (sic), who had had too much liquor'.<sup>105</sup> Lieutenant van Dam recalled that the ZARPs were taunted by the *Uitlanders*, who shouted at the police: 'well, what are you going to do now?'.<sup>106</sup> There is evidence that Lieutenant Bosman stabbed one Alfred Perkins after he insulted the police officer at the Cosmopolitan Hotel. When the case came to trial after the crisis, the court found

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<sup>101</sup> FitzPatrick, *The Transvaal from Within*, 143.

<sup>102</sup> Mrs. Lionel Phillips, *Some South African Recollections*, 99.

<sup>103</sup> *The Standard and Diggers' News*, 'The streets', 6 January 1896.

<sup>104</sup> D. Blackburn and W. Waithman Caddell, *Secret Service in South Africa*, London, New York, Toronto and Melbourne: Cassel & Company, 1911), 283.

<sup>105</sup> *The Standard and Diggers' News*, 'A Zarpine holiday', 4 January 1896.

<sup>106</sup> NASA, TAB, Accession 1335, 'Manuskrip van kmdt. G.M.J. van Dam', 27.

Bosman not guilty of attempted murder and the landdrost ruled the wound was a result of Perkins resisting arrest.<sup>107</sup>



**Figure 12: Group photo of the ZARPs in Johannesburg taken during the Jameson Raid in 1896 (NASA: TAB 31635)**

Commandant Schutte, who was much aggrieved with the situation in Johannesburg, made plans to retake the town by force. A group of 800 men, consisting of Germans, Hollanders and burghers, was sworn in by the police commandant as special constables. These men were to remain unarmed, unless their services were called on to protect life and property in Johannesburg.<sup>108</sup> On Sunday 5 January 1896, Commandant Schutte was still convinced that there would be an armed conflict between the government and the rebels. In a telegram to Commandant General Piet Joubert, the police commandant instructed the government to inform him of the eventual ultimatum, as well as the time and point of attack. He requested the government to send him arms and ammunition, as his force of volunteers and ZARPs would be able to occupy the northern outcrop of the town. Once he had received his orders, the plan was to place the foot police and volunteers in a line, from the prison

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<sup>107</sup> *The Standard and Diggers' News*, 'Case of Lieut Bosman', 11 March 1896.

<sup>108</sup> NASA, TAB, Accession 1335, 'Manuskrip van kmdt. G.M.J. van Dam', 27.

to the right of Hospital Hill, stretching to the Lippert's plantation. The police commandant was adamant that if the government did 'not give secret and adequate notice, then we shall be surrounded ... and will surrender into their hands'.<sup>109</sup> However, Commandant General Joubert reprimanded Schutte for his belligerent stance. He reminded Schutte of his orders not to give cause for provocation that could lead to conflict. He also told the police commandant that he would bear the brunt of the consequences if he 'deliberately and prematurely' stoked the fire.<sup>110</sup> Commandant Schutte was taken aback by the Commandant General's reprimand. He dismissed it as a misunderstanding, stating that 'my intention was exclusively and only to agree with you if something should happen. I am responsible here and have done my duty to consult with you. The entire Commission is doing everything to keep peace and order'.<sup>111</sup>

On Monday 6 January 1896, Pretoria informed the Government Commission in Johannesburg that an ultimatum of unconditional disarmament had been issued.<sup>112</sup> Commandant Schutte demanded clarification on the government's response if the Reform Committee did not agree to the ultimatum. At a loss as to what Pretoria expected of him, he wrote:

What must we do with the thousands of sworn in special constables and other loyal people who are willing to take up arms for the Republic, but who are unarmed? What about the numerous women and children? On behalf of the majority [of people] siding with the government, we ask the government to come up with a plan to evacuate all the above-mentioned people from Johannesburg.<sup>113</sup>

The government replied that there was every indication Johannesburg would lay down its weapons peacefully. It reminded the Government Commission not to provoke any reaction which could lead to conflict and impede the situation.<sup>114</sup> On 7 January 1896,

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<sup>109</sup> NASA, TAB, SP 92, minutes and loose documents of the Government Commission at Johannesburg, telegram from Schutte to Joubert, 5 January 1896, 83.

<sup>110</sup> Ibid., Joubert to Schutte, 5 January 1896; see also, NASA, TAB, SS 5166, R480/96.

<sup>111</sup> Ibid., Schutte to Joubert, 5 January 1896, 101; see also, SS 5166, R480/96.

<sup>112</sup> Ibid., De Beer to Government Commission, no date.

<sup>113</sup> Ibid., Government Commission to Government, 6 January 1896, 125.

<sup>114</sup> Ibid., De Beer to Government Commission, 7 January 1896.

the British High Commissioner informed his agent in Pretoria, Sir Jacobus de Wet, that he had to instruct the people of Johannesburg to surrender. He added: 'If they do not comply with my request they will forfeit all claims to sympathy from Her Majesty's Government... as the lives of Jameson and the prisoners are now practically in their hands'.<sup>115</sup> The Reform Committee unanimously resolved to accept Pretoria's ultimatum.<sup>116</sup>

On the same day, Police Commissioner van Niekerk instructed Commandant Schutte to return his ZARPs to the streets. The police had to maintain law and order and not give cause for any conflict.<sup>117</sup> Schutte informed Pretoria that he had appointed some of the German and Hollander volunteers as 'special constables'. The police commandant could not yet return his ZARPs to the streets, as they had to guard the arms and ammunition surrendered by the Reform Committee.<sup>118</sup> However, Lieutenant Eloff of Krugersdorp disobeyed Van Niekerk's order when he rode into Johannesburg with a group of armed men, including seven police officers in uniform, and fired a round of blank ammunition in the streets. The Government Commission informed Pretoria that fortunately, the rebels were surrendering their weapons at the time; otherwise the situation could have spiralled out of control and would have been fatal. Commandant Schutte severely reprimanded Eloff, but the lieutenant replied in a 'brutal manner' that he was only sorry he had not used live ammunition and that he thought nothing of the commandant general and his orders. The Commission was scathing in its criticism of Eloff. It agreed that he was not fit to be a responsible commander. Commandant Schutte locked him up for the evening and informed the government that if it did not take steps against Eloff, the Commission would not take responsibility for any conflict arising from the event.<sup>119</sup>

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<sup>115</sup> Ibid., telegram from British High Commissioner to Jacobus de Wet, 7 January 1896.

<sup>116</sup> NASA, TAB, SP 92, Reform Committee notice, 7 January 1896.

<sup>117</sup> Ibid., minutes and loose documents of the Government Commission at Johannesburg, telegram from Van Niekerk to Schutte, 7 January 1896.

<sup>118</sup> NASA, TAB, SS 5167, R480/96, telegram: Schutte to the government, 7 January 1896.

<sup>119</sup> Ibid., Government Commission to commandant general, police commissioner and the government, 7 January 1896.



Once the rebels surrendered, the government immediately implemented measures to collect all arms and ammunition supplied to the town defence.<sup>120</sup> By 1 February 1896 the Reform Committee had surrendered about 3,000 rifles and 3 Maxims to the government.<sup>121</sup> With the rebellion drawing to a close, the press reported that ‘notwithstanding the great crowds ... Johannesburg has never been more orderly. The special police found absolutely no difficulty ... the people generally were far too anxious to do anything, but preserve an orderly demeanour’.<sup>122</sup> In the aftermath of the rebellion, the Zarps were still convinced the Reformers had not surrendered all their weapons and ammunition. The police left no stone unturned in their search for weapons. Police Commissioner van Niekerk instructed Detective de Witt Tossel to search the ‘English’ cemetery ‘thoroughly’ for any hidden arms.<sup>123</sup> No weapons were found.<sup>124</sup> There were rumours and reports from some secret agents to the government that the Reformers had stashed weapons in some of the mines. The Robinson Mine was singled out, and several unannounced police raids took place at this mine. The mine’s board made a formal protest against the sporadic searches for arms, as the miners refused to work under such conditions. It threatened to shut down all operations and to hold the government responsible for any losses arising from this measure. Pretoria ordered Commandant Schutte not to initiate any more raids on the mine, unless the Government Commission could furnish the government with a detailed report as to why these searches ought to continue.<sup>125</sup> On 14 February, the police reported to the Commission that the last inspection of the Robinson Mine had taken place in a friendly manner, and they had found no weapons.<sup>126</sup>

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<sup>120</sup> *The Star*, ‘Reform Committee Notice’, 8 January 1896. See also, NASA, TAB, SP 92, ‘Important Notice’, 7 January 1896 and SS 5167, R480/96, telegram: secretary of Reform Committee to high commissioner, 7 January 1896.

<sup>121</sup> NASA, TAB, SS 5181, R480/96, telegram: Government Commission to commandant general, 3 February 1896.

<sup>122</sup> *Ibid.*, 7 January 1896.

<sup>123</sup> NASA, TAB, SP 892, Van Niekerk to Tossel, 27 January 1896.

<sup>124</sup> *Ibid.*, SP 879, Tossel to van Niekerk, 27 January 1896.

<sup>125</sup> NASA, TAB, SS 5175, R480/96, acting state secretary to Government Commission, 10 February 1896.

<sup>126</sup> *Ibid.*, minutes of the Government Commission, 14 February 1896.

During the evening of 9 January and the early morning hours of 10 January, the government issued arrest warrants for members of the Reform Committee.<sup>127</sup> The detectives and police officers were under strict instructions to go about this task in a tactful manner. The reformers acted unsurprised, and did not object to their arrests. Some members, such as Lionel Phillips and J.W. Leonard, arranged with Commandant Schutte to surrender at pre-arranged locations.<sup>128</sup>

An arrest warrant was also issued for ex-detective Trimble. In his last meeting with Trimble, Colonel Francis Rhodes gave the detective a letter addressed to his brother, Cecil John Rhodes, stating: 'Trimble has rendered us all good service during the last month, if you can do anything for him I shall be glad'.<sup>129</sup> Trimble, however, had no plans to surrender. When Detective Doyle and two other detectives came to affect the arrest at Trimble's office, the latter pointed out to Doyle that the warrant had a technical error. Trimble stated that the warrant did not make provision for an arrest at night, and that Doyle had to return to the public prosecutor to correct this mistake. By this time, a contingent of Zarps had surrounded Trimble's office and Doyle felt confident in leaving Trimble to obtain the correct warrant. Another detective allegedly warned Trimble to make a run for it, as the police intended to shoot him. Trimble disguised himself as an old Boer, slipped out the back of the building and waited for Doyle to return. Once the police discovered his escape, Trimble purportedly partook in the search for himself. He hid out at a friend's house in Johannesburg for another three weeks, while police searches were carried out on the mines and as far as Bechuanaland to try and locate him. Yet again donning his fake white beard, he went to Heidelberg, where he boarded a train to Natal. He splattered his beard with whiskey, climbed into bed and pretended he was drunk. Trimble alleged that the train was searched several times before it crossed the border. He was, however, not discovered, and made good his escape to Durban.<sup>130</sup>

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<sup>127</sup> *The Standard and Diggers' News*, 'Arrests last night', 10 January 1896.

<sup>128</sup> D. Rhodie, *Conspirators in Conflict*, 18.

<sup>129</sup> Killie Campbell Africana Library (KCAL), Trimble Collection, F. Rhodes to C. Rhodes, 8 January 1896.

<sup>130</sup> Colvin, *The Life of Jameson vol. 2*, 142-143; see also: NAB, Accession: 1297, E. Trimble, Biography of Andrew Trimble (1861-1934), unpublished manuscript, 1025-1036.

Trimble's escape apparently caused President Kruger much annoyance. Kruger allegedly only showed his outrage about the unfolding events in Johannesburg when he learned of Trimble's involvement.<sup>131</sup> Trimble's office was raided by the police. A week after his escape, someone attempted to burn down the building.<sup>132</sup> Papers found in the former detective's office were used as evidence in the provisional enquiry against the members of the Reform Committee. By the beginning of February, a secret agent informed Pretoria that Trimble was in Durban, and possibly on his way to England. Pretoria feared that he had certain documents in his possession which could compromise the Republic's security.<sup>133</sup> Trimble's ghost still haunted Pretoria several months later. There were rumours that the former chief detective still had spies in the detective department who were supplying him with confidential matters relating to the government.<sup>134</sup>

#### **'Chaos, death and desolation': the dynamite explosion and Wanderers' fracas**

A week after hostilities ended in Johannesburg, Police Commissioner van Niekerk was adamant that a substantial increase of the police force was necessary. With the 'treacherous rebellion' foremost in his mind, he argued for the increased militarisation of the Republic's police. The commissioner wanted the country divided into wards, each with its own police commandant, 'who, at a moment's notice, should be ready to perform active duty in defence of the country'.<sup>135</sup> The Executive Council, however, did not agree with the drastic measures proposed by Van Niekerk. Nevertheless, as a temporary measure, Pretoria did approve the expansion of the police. It made provision for the extension of Johannesburg's force to 400 foot police officers and 200 mounted troopers.<sup>136</sup>

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<sup>131</sup> Blackburn and Caddell, *Secret Service in South Africa*, 287.

<sup>132</sup> *The Standard & Diggers' News*, 'Fire at Trimble's offices', 15 January 1896.

<sup>133</sup> NASA, TAB, SP 881, F. de Beer to Schutte, 1 February 1896.

<sup>134</sup> *Ibid.*, SP 892, T. Kruger to Ferguson, 4 November 1896.

<sup>135</sup> NASA, TAB, SS 5155, R251/96, Van Niekerk to state secretary, 13 January 1896.

<sup>136</sup> NASA, TAB, UR, Resolution, 12 of 1896, 17 January 1896.

Lieutenant Van Dam informed the Government Commission and police commissioner that, due to the transfer of foot police officers to the mounted police, there was a shortage of 151 men for the foot police. Van Dam pointed out to the government that there simply were not enough naturalised burghers to fill these vacancies. He suggested filling the posts with non-naturalised men who had sworn an oath of loyalty to the government. He argued that many of these men had lost their jobs in supporting the government and were never compensated for their services to Pretoria during the rebellion.<sup>137</sup> Police Commissioner van Niekerk supported this proposal.<sup>138</sup> Remarkably, the government granted the request, and non-naturalised burghers who had proven themselves loyal to the government were allowed to serve in the foot police.<sup>139</sup> Many of the men appointed were Germans and Hollanders, who had served as special police and volunteers during the final days of the uprising.<sup>140</sup>

However, the appointment of the new recruits did elicit criticism from some members of Johannesburg's community. At the end of January 1896, Commandant General Joubert informed the Government Commission that 'English workmen' had complained to him about the treatment they were receiving from the German and Hollander 'special police'.<sup>141</sup> The press reported that two brothers, one of whom was the secretary of the Jewish school, had come across two burghers engaged in an act 'punishable by law'. When confronted, the two alleged criminals physically and verbally assaulted the passersby. When the German police arrived on the scene, instead of offering assistance, they proceeded to join in on the beating.<sup>142</sup> Van Niekerk ordered an investigation into the allegations, as he had not given permission

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<sup>137</sup> NASA, TAB, SS 5159, R317/96, Van Dam to Government Commission and Van Niekerk, 16 January 1896.

<sup>138</sup> Ibid., Van Niekerk to state secretary, 16 January 1896.

<sup>139</sup> NASA, TAB, UR, Resolution 10 of 1896, 16 January 1896.

<sup>140</sup> C. 7933, *Correspondence of the Recent Disturbances in the South African Republic* (London: Eyre & Spottiswoode, 1896), telegram: Robinson to Chamberlain, 8 February 1896, 31.

<sup>141</sup> NASA, TAB, SS 5181, R480/96, telegram: commandant general to Government Commission, 31 January 1896. See also, SS 5210, R2048/96, telegram: Cartwright to state secretary, 29 January 1896; C. 7933, telegram: Robinson to Chamberlain, 8 and 10 February 1896, 31-32.

<sup>142</sup> *The Standard and Diggers' News*, 'The German "police"', 29 January 1896.

for the stationing of a special police force in Johannesburg.<sup>143</sup> The Government Commission informed Joubert that the special police were no longer in service, but that the government had appointed these men as foot police. There was some confusion as to their authority, since these officers were not yet outfitted in uniform. As a temporary measure, reminiscent of Trimble's Town Police, these men were given a white armband to wear, on which was printed a number and a stamp bearing the insignia of the office of the Police Commissioner.<sup>144</sup>

Police Commissioner van Niekerk informed the government that the matter was not as serious as the complainants asserted, but he did request Commandant Schutte to investigate the matter.<sup>145</sup> Finding suitable men to serve as policemen remained a challenge. In May 1896, the government received an offer from one J.A. O'Flaherty to recruit 1 000 men from the Irish Constabulary Force for duty in Johannesburg.<sup>146</sup> There is no evidence that Pretoria seriously considered this proposal other than State Secretary Leyds ordering an investigation as to O'Flaherty's identity.<sup>147</sup> According to Johannesburg officials, he was a 'respectable' person and had worked in the banking industry. He had, in the meantime, already left Johannesburg to see to other interests in Durban.<sup>148</sup>

Police Commandant Schutte requested the government to increase the salaries of all officers in the police force.<sup>149</sup> Although the increases would be minimal, Schutte thought the matter crucial in order to bring about better discipline and distinction between ranks. The government agreed with the police commandant and approved the suggestion, as set out in the two tables below.<sup>150</sup> In the lower ranks, troopers in the

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<sup>143</sup> NASA, TAB, SS 5181, R480/96, telegram: commandant general to Government Commission, 31 January 1896. See also, SS 5210, R2048/96, telegram: Cartwright to state secretary, 29 January 1896.

<sup>144</sup> Ibid., copy of reply to Joubert from the Government Commission, 1 February 1896; see also, NASA, TAB, SP 879, telegram: Government Commission to Van Niekerk, 27 January 1897.

<sup>145</sup> NASA, TAB, SS 5210, R2048/96, minute: Van Niekerk to state secretary, 4 March 1896.

<sup>146</sup> Ibid., SS 5452, R6721/96, O'Flaherty to state secretary, 27 May 1896.

<sup>147</sup> Ibid., minute issued by state secretary, 9 June 1896.

<sup>148</sup> Ibid., Ferguson to second criminal landdrost, 7 September 1896; Van den Berg to state secretary, 8 September 1896.

<sup>149</sup> NASA, TAB, SS 5256, R1869/96, Schutte to Van Niekerk, 18 February 1896.

<sup>150</sup> NASA, TAB, UR, Resolution 144 of 1896, 24 February 1896.

mounted police would receive a monthly salary of £20 and constables in the foot police £13.6.8.

What these figures do not point out is the high cost of living in Johannesburg at the time. The average workers family had to budget for a total of £20.6s per month to meet expenses. These expenses included rent, meat, bread, milk, groceries and fuel. Other expenses such as, clothing, school fees, doctors' bills, railway fees and a 'kitchen boy' would add £10 more to the budget.<sup>151</sup> In 1897 mine workers brought the high cost of living to the attention of the Industrial Commission of Enquiry. Miner R. Barrow testified how he struggled to support a family on a monthly wage of £23.16.8.<sup>152</sup> However, the police were provided barrack accommodation. The authorities made provision for both married and single quarters. Thus, Pretoria could argue to some extent that the wages were fair. The average rent for a house during this period was about £6.10s. The police rules and regulations, as published in 1898, explicitly stated that it was expected of police officers to reside in the barracks. However, married officers could apply for permission to stay with their families in other parts of the town.<sup>153</sup>

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<sup>151</sup> Lange, *White, Poor and Angry*, 106.

<sup>152</sup> Ibid. See also, *Standard and Diggers' News*, 'The Married Miner', 8 May 1897.

<sup>153</sup> *Regulaties en instructies voor de politie en speurpolitie der Zuid-Afr. Republiek* (Pretoria: Staatsdrukkerij, 1898) 6-7.

<b>Mounted Police</b>				
<b>Rank</b>	<b>Number appointed</b>	<b>Monthly Salary</b>	<b>Annual Salary</b>	<b>Increase per month</b>
<b>First Lieutenant</b>	1	NA	£450	NA
<b>Second Lieutenant</b>	1	NA	£350	NA
<b>Sergeant Major</b>	2	£24.10	£294	£4.10
<b>Sergeants</b>	6	£22.10	£275	£2.10
<b>Corporals</b>	16	£21	£252	£1
<b>Troopers</b>	176	£20	£240	NA
<b>Foot Police</b>				
<b>Rank</b>	<b>Number appointed</b>	<b>Monthly Salary</b>	<b>Yearly Salary</b>	<b>Increase per month</b>
<b>First Lieutenant</b>	1	NA	£400	NA
<b>Second Lieutenant</b>	1	NA	£350	NA
<b>Third Lieutenant</b>	1	NA	£300	NA
<b>Fourth Lieutenant</b>	1	NA	£300	NA
<b>First Lieutenant (Instructor)</b>	1	NA	£300	NA
<b>Second Lieutenant (Instructor)</b>	1	NA	£275	NA
<b>Sergeant Major</b>	4	£16	£192	£1.8.4
<b>Sergeants</b>	16	£15	£180	£0.8.4
<b>Corporals</b>	24	£14	£168	£0.13.4
<b>Constables</b>	356	£13.6.8	£160	NA

**Table 2: Salaries for police officers in 1896**

On Wednesday afternoon, 19 February 1896, Johannesburg rocked to a standstill when a violent explosion echoed through the town's streets. In light of the rebellion, which had just been quelled, the explosion caused considerable panic and confusion among the public. Rushing into the streets, some believed 'shells were bursting in the town'.<sup>154</sup> People hurried to the site of the explosion, which was located in the vicinity of the 'Malay' and 'Coolie (sic) location'. About 300 meters from the railway station 'a scene almost beyond belief' came into view. Part of the railway line was gone and a crater measuring about 200 meters in length was blown into the ground.<sup>155</sup> Lieutenant Bosman, who was in his office at the Bree Street police station, immediately mounted a horse and galloped off in the direction of the dust and smoke rising over Fordsburg. Lieutenant van Dam and about 150 foot and mounted police

<sup>154</sup> *The Star*, 'The disaster', 20 February 1896.

<sup>155</sup> *Ibid.*

officers followed on Bosman's heels.<sup>156</sup> Once at the scene of the explosion, the Zarpes were confronted with a ghastly sight. *The Star* wrote:

In the centre of a crowd of mixed humanity a sight fit to make the blood run cold could be seen the face of a Hottentot (sic) besmeared with blood – nostrils dilated, and flesh hanging on all sides, but the head and brains were gone – probably dashed into a thousand atoms. A later visit to this huge and terrible sepulchre showed a heap of entrails and other remains that had been collected by the shocked crowd. Big pieces of flesh from the neck of some poor kaffir (sic) could be seen, charred until it was a task to discern whether the mass was flesh or burned India rubber – but for a fleshy part here and there it would have been difficult to judge what the gruesome looking pieces consisted of.<sup>157</sup>

The suburbs of Fordsburg and Braamfontein were inhabited by many middle class and poor people, which included many police offers.<sup>158</sup> The *Johannesburg Times* described the scene as one of 'chaos, death and desolation'. Many of the corrugated iron and shanty houses in a 50-metre radius of the explosion had been mangled and obliterated.<sup>159</sup> The Zarpes immediately set about pulling children from the ruins of the flattened houses. More police and cabs were sent for. The police handed out water, soda water and stimulants to the surviving victims and shocked onlookers. The Zarpes were aided in their task by many volunteers and the wounded and dead taken to a makeshift hospital at the Wanderers' sports ground. Later, reflecting on the scene, an emotional Lieutenant Bosman stated the situation was 'fearful' and the mere 'recollection is horrible'. The lieutenant was especially moved by the injured children, and in disbelief hinted at the intensity of the blast when he recalled that he had picked up a human hand 300 meters from the scene.<sup>160</sup> The disaster was especially sorely felt by the police, as many of them lived in the area with their families. The *Standard and Diggers' News* recorded:

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<sup>156</sup> *The Johannesburg Times Weekly Edition*, 'An awful Catastrophe', 22 February 1896.

<sup>157</sup> *The Star*, 20 February 1896

<sup>158</sup> TNA, DO 119/300, Dynamite explosion at Johannesburg in February 1896, telegram: acting British Agent to high commissioner, 7 March 1896.

<sup>159</sup> *The Johannesburg Times Weekly Edition*, 'An awful Catastrophe', 22 February 1896.

<sup>160</sup> *Ibid.*



One policeman, as soon as he was relieved from duty, made with all possible speed for his house and there found the whole place demolished, his wife and two little children all dead, and absolutely the only thing that could be found in the ruins was his family bible. The poor fellow, bereft of all that was dear to him, wept bitterly, but alas, this is only one case of many.<sup>161</sup>

For once the prompt response and actions of the Republican police were lauded by the English press. The *Johannesburg Times* published by-lines of ‘praise to the police’ and ‘promptly and efficiently’. The paper added the ‘police deserve the highest praise for the promptitude they displayed in securing all cabs and conveyances in town’.<sup>162</sup> *The Star* even went so far as to refer to the police as ‘faithful Zarps’.<sup>163</sup> Groups of police officers guarded the bodies of the dead, and there were no reports of looting.<sup>164</sup> Police Lieutenant Van Dam recollected that the police were busy deep into the night, searching for survivors and gathering the dead – and what remained of them.<sup>165</sup>

The day after the explosion, President Kruger, Police Commissioner van Niekerk and other government officials arrived in Johannesburg to view the carnage and to visit the injured. The party was met by Commandant Schutte and Lieutenant Van Dam. The train came to a halt about 50 yards from the scene, and a guard of honour was drawn up by the mounted police in two lines stretching from the train to the crater, so the president could make his way to the scene without the excited public rushing towards the president and trampling him. The police security around the president was strict. The ‘enthusiastic’ crowd was kept at bay while Commandant Schutte gave Kruger an account of what had happened.<sup>166</sup> *The Star* reported Kruger showed little feeling as he took in the scenes of devastation. However, once the president was escorted to the Wanderers and saw the long line of black coffins, he ‘exhibited considerable emotion’. The newspaper stated: ‘speaking with evident difficulty, and with much feeling he expressed his appreciation of the kindness that had been displayed towards the sufferers, adding that such conduct would meet with its reward,

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<sup>161</sup> *The Standard and Diggers’ News*, ‘The bereaved police’, 20 February 1896.

<sup>162</sup> *Ibid.*

<sup>163</sup> *The Star*, ‘The disaster’, 20 February 1896.

<sup>164</sup> *Ibid.*

<sup>165</sup> NASA, TAB, Accession: 788, Van Dam collection, File 4, 88-89.

<sup>166</sup> *The Johannesburg Times Weekly Edition*, ‘An awful Catastrophe’, 22 February 1896.

and that the Government might be relied upon to do its duty in the matter'.<sup>167</sup> The event was described as 'one of the most painful ever witnessed in South Africa'.<sup>168</sup> According to the British Agent in Pretoria, no 'Englishmen' were killed. Her Majesty Queen Victoria also expressed her 'deep regret' and 'sympathy' with Kruger and his 'people'.<sup>169</sup> The police estimated about 50 people died in the explosion, and collected four crates of unidentified remains.<sup>170</sup>

On 25 May 1896, an event held at the Wanderers' Sports Ground turned into a battle between the police and 'a number of rowdies, [who] inflamed by drink, permitted their horseplay to proceed too far, and a row was the consequence'.<sup>171</sup> The *Standard and Diggers' News*, contrary to other newspaper reports, stated that the riot had no political significance.<sup>172</sup> This claim was supported by intelligence gathered by the police and reported to Pretoria.<sup>173</sup> Motives aside, it is evident that the police received quite a lashing at the hands of the unruly crowd. Afterwards, the Zarps arrested several people for 'molesting and assaulting' the police.<sup>174</sup> Several members of the force had been roughly handled and kicked about. On display at the charge office was a collection of the Zarps' distinct white helmets. These were battered out of shape and 'smothered liberally in the red mud of the sports ground'. Police handcuffs and whistles had also gone missing during the fray.<sup>175</sup>

Tensions were inflamed by rumours that Constable F. De Vine, who was knocked about and trampled, had died from the internal injuries he had received. These rumours originated from a doctor's bleak prognosis after he treated the Zarp. The constable, although seriously injured, was, in fact, licking his wounds at the Doornfontein Police Barracks. Reflecting on the incident, he reported to the press

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<sup>167</sup> *The Star*, 'The disaster', 20 February 1896.

<sup>168</sup> *Ibid.*

<sup>169</sup> TNA, DO, 19/300, secretary of state to Kruger, 22 February 1896.

<sup>170</sup> NASA, TAB, Accession: 788, Van Dam collection, File 488.

<sup>171</sup> *The Standard and Diggers' News*, 'Monday's Row, 27 May 1896.

<sup>172</sup> *Ibid.*

<sup>173</sup> NASA, TAB, SP 879, Ferguson to Van Niekerk, 27 May 1896.

<sup>174</sup> The names of the arrested men were: Jacob Max Goldberg, H. Visser, Ernest Desanty, Hyman Gordon, Andrew Allen Duff, Chas Barrabel, and Thos Burns. See: *The Standard and Diggers' News*, 'Rand Rowdyism', 27 May 1896.

<sup>175</sup> *Ibid.*

‘that police life is hard and I would rather encounter the Matabeles (sic) than take on the roughs here’. Another Zarp, D.C. Snyman, suffered a dislocated hip, and another member of the force, Corporal H. Dereksen, had extensive internal injuries and external bruises.<sup>176</sup> In response to the riot, the government decided to temporarily suspend all sporting and cultural activities at the Wanderers’ and to close the venue.<sup>177</sup>

In the aftermath of the Raid, several resignations and dismissals within the police force sent shock waves through the police department. At the end of February 1896, Chief Detective de Witt Tossel submitted his resignation to the government. De Witt Tossel informed the government his wife’s health was suffering in Johannesburg, and requested the government to reinstate him in his former position of police lieutenant in Krugersdorp.<sup>178</sup> *De Land en Volk*, however, reported the ‘courageous and diligent’ chief detective’s resignation was linked to the ‘conduct of some officials’ and that De Witt Tossel had confessed in a private conversation that the situation had become untenable.<sup>179</sup> The archival record does not offer any more insight into this assertion. It does, however, seem that Tossel and Police Commissioner van Niekerk had some disagreement about the manner in which Tossel dismissed some of his detectives and made new appointments. Tossel did not approach Van Niekerk to approve his changes, which is evident from Van Niekerk’s reprimand to Tossel that future he wanted written notice before Tossel made any changes to the department.<sup>180</sup> The government could not reinstate him to his former position, but appointed him as lieutenant of the Klerksdorp and Potchefstroom police and surrounding goldfields at the beginning of April 1896.<sup>181</sup>

The resignation left the position of chief detective vacant. Police Commissioner van Niekerk recommended the reinstatement of former Detective Robert Ferguson in this

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<sup>176</sup> Ibid.

<sup>177</sup> Ibid., NASA, TAB, SP 879, Ferguson to Van Niekerk, 27 May 1896.

<sup>178</sup> NASA, TAB, SS 5298, R3069/96, De Witt Tossel to Van Niekerk, 29 February 1896.

<sup>179</sup> *De Land en Volk*, ‘Het speurder’s departement’, 2 April 1896.

<sup>180</sup> NASA, TAB, SP 805, minute: Van Niekerk to Tossel, 23 March 1896; Tossel to van Niekerk, 25 March 1896.

<sup>181</sup> NASA, TAB, UR, Resolution 542 of 1896, 25 June 1896.

position.<sup>182</sup> Ferguson had already requested Pretoria to reinstate him as Johannesburg's chief detective in August 1895, when there were rumours circulating that the Executive Council would not confirm Trimble's permanent appointment.<sup>183</sup> In the aftermath of the rebellion, Ferguson had acted as a justice of the peace and was responsible for gathering affidavits from all the individuals involved in the matter. Pretoria requested him to search the area where Jameson had surrendered for any evidence to use against the raiders. Ferguson was also instrumental in the search for possible weapons hidden on the mines.<sup>184</sup> The government approved his appointment and he resumed his duties as chief detective on 1 April 1896.<sup>185</sup>

Ferguson's reappointment sparked some controversy in the press. *De Land en Volk* erroneously labelled him as the 'man dismissed after Esselen's investigation'.<sup>186</sup> Ferguson reminded the government that he had resigned. He claimed the support of Captain von Brandis and, most importantly, Police Commandant Schutte, in his quest for reinstatement to his former position.<sup>187</sup> Reflecting on Ferguson's reappointment, *The Star* stated derisively, 'we scarcely know who is most deserving of congratulations upon the temerity displayed – Mr. Ferguson or the Government'.<sup>188</sup> *The Standard and Diggers' News*, however, felt that Ferguson had 'proved, during his previous term of office, that, as Chief Detective, he is the right man in the right place'.<sup>189</sup>

A day after Ferguson assumed office, former detective Lionel Donovan asked the new chief detective for reappointment.<sup>190</sup> Ferguson contemplated the issue for a month before asking Police Commissioner van Niekerk to reinstate his former rival, turned brother-in-arms, as a detective. Referring to the previous animosity between the two

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<sup>182</sup> NASA, TAB, SS 5298, R3069/96, Van Niekerk to state secretary, 23 March 1896.

<sup>183</sup> Ibid., Ferguson to Van Niekerk, 7 August 1896.

<sup>184</sup> NASA, TAB, SP 95, several affidavits collected by Ferguson on 21 January 1896.

<sup>185</sup> NASA, TAB, SS 5298, R3069/96, minute: acting state secretary to Van Niekerk, 30 March 1896.

<sup>186</sup> *De Land en Volk*, 'Het speurder's departement', 2 April 1896.

<sup>187</sup> NASA, TAB, SS 5298, R3069/96, Ferguson to Van Niekerk, 7 August 1895.

<sup>188</sup> *The Star*, 2 April 1896.

<sup>189</sup> *The Standard and Diggers' News*, 'Official Appointments', 27 March 1896.

<sup>190</sup> NASA, TAB, SP 805, Donovan to Ferguson, 2 April 1896.

men and Esselen's role in the matter, Ferguson wrote to the police commissioner that Donovan

was employed by me as detective from 1891 to about June 1894, but after the trouble with Esselen and Trimble he turned against me. Later he realised he was simply used as a tool by the former state attorney and wanted to compensate me for the malice he had caused me. After I took control of the investigation against the Reform Committee he asked me to give him temporary work. He is a capable man and I do not want to repudiate him now that he is poor. I would, however, recommend that he is employed outside of Johannesburg, as his immediate reappointment in Johannesburg would be too conspicuous.<sup>191</sup>

Van Niekerk agreed with Ferguson's proposal and decided to appoint Donovan as a detective in Pietersburg, as the town was in need of a 'trustworthy and diligent' law officer.<sup>192</sup>

Some of the more perplexing dismissals and demotions, however, occurred within the ranks of the Zarps. Without any hint as to the reasons why, the *Standard and Diggers' News* reported that Lieutenant Bosman had been demoted to sergeant and transferred to Pretoria.<sup>193</sup> However, the former lieutenant informed the paper that he had in fact been dismissed from the force due to 'the outcome of recent circumstances'.<sup>194</sup> The paper added that Commandant Schutte had 'had a lot of trouble with his Lieutenants lately'.<sup>195</sup> A similar fate befell Lieutenant Carl Pietersen. The administrator of the charge office was fired from the force. Pietersen's dismissal is peculiar, in that he clearly had no inkling he soon would be jobless. The government also left him in the dark as to the reason which precipitated this course of action, and simply stated that

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<sup>191</sup> Ibid., Ferguson to Van Niekerk, 4 May 1896.

<sup>192</sup> Ibid., Van Niekerk to Ferguson, 7 May 1896. See also, SP 879: Ferguson to Van Niekerk, 27 May 1896. Detective W.H. Ueckermann, the other detective implicated in the detective debacle with Esselen, was reappointed as a special detective by Police Commissioner Schutte in August 1898. Ueckermann had to trap canteens involved in the illicit liquor trade in districts outside the boundaries of the Witwatersrand Goldfields and Pretoria. See: NASA, TAB, SP 809, Schutte to Ferguson, 28 July 1898.

<sup>193</sup> *The Standard and Diggers' News*, 'Police changes', 3 March 1896.

<sup>194</sup> Ibid., 'A Zarpine dilemma', 6 March 1896.

<sup>195</sup> Ibid.

he was dismissed in terms of Article One of Law no. 11 of 1895.<sup>196</sup> Pietersen wrote several letters to the police commissioner and state secretary requesting the reasons for his dismissal. He wanted to know whether his discharge was honourable and if not, whether he was entitled to answer to any complaints made against him.<sup>197</sup> Police Commissioner van Niekerk informed the government that Pietersen's case was strictly confidential. Van Niekerk went on to inform Pietersen that the government considered the matter closed and did not want any further correspondence on the issue.<sup>198</sup> However, in May, replying to a letter Pietersen had written to Van Niekerk, the police commissioner stated that the government would always appreciate any information on crime or political conspiracies, but Pietersen could not be accepted as a member of the fraternity and any information supplied would be his own responsibility.<sup>199</sup>

Bosman's replacement, a man sent over from Pretoria, only occupied the position for a few days before informing Schutte that 'he did not understand Johannesburg, and wanted to get back to the Capital'.<sup>200</sup> The government appointed Ignatius Wilhelm Marthinus van Dijk Mathey to take over the administration of the charge office from Pietersen.<sup>201</sup> The press reported that Commandant Schutte had to leave Johannesburg immediately for Pretoria to discuss the situation with the government.<sup>202</sup>

The implicated irregularities in the police force showed few signs of improving. It emerged during evidence given at a trial that a particular house in Ferreira's Camp was a local drinking spot for the police. The Zarps arrested the owner for disturbing the peace after he got into an altercation with a friend in the street, and subsequently caused a domestic dispute when his wife threw him out of the house. Under cross-examination, and no doubt still licking his wounds after his arrest, he turned on the police and informed Landdrost Beyers that 'his house was a drinking show for the

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<sup>196</sup> NASA, TAB, SP 892, Van Niekerk to Pietersen, 5 March 1896.

<sup>197</sup> NASA, TAB, SS 5268, R2275/96, Pietersen to state secretary, 4 March 1896; Pietersen to Van Niekerk, 10 March 1896; Pietersen to state secretary, 10 March 1896.

<sup>198</sup> NASA, TAB, SS 5268, R2275/96, minute: Van Niekerk to state secretary, 20 March 1896.

<sup>199</sup> NASA, TAB, SP 892, Van Niekerk to Pietersen, 15 May 1896.

<sup>200</sup> *The Standard and Diggers' News*, 'A Zarpine dilemma', 6 March 1896.

<sup>201</sup> NASA, TAB, SS 5488, R7712/96, Mathey to state attorney, 1 September 1896.

<sup>202</sup> *The Standard and Diggers' News*, 'A Zarpine dilemma', 6 March 1896.

police'. Beyers stated that the case proved the adage that 'familiarity breeds contempt'. He was scathing in his criticism of the Zarps' drinking habits and stated:

How could they expect the public to respect the police, as they ought to be respected, if they conducted themselves as showed by the evidence adduced in this court? If it was true ... it was scandalous. The public paid the police and it was the duty of the police to assist rather than hinder the public.<sup>203</sup>

Then, in mid-March 1896, acting on a tip-off, the police arrested Lieutenant de Korte for suspected treasonous activities. The informant alleged that De Korte had received a £120,000 investment for assistance he rendered to the Reform Committee. The informant further claimed that the Reformers had promised De Korte a remunerative post after completing a three-year mining course. The police raided De Korte's home, where they discovered several papers, initially taken from Trimble's office, which the lieutenant had not handed over to the government. No evidence, however, could be found that De Korte had had any underhanded dealings with the Reformers. Although possessing some of Trimble's papers were suspicious, the lieutenant explained that he had thought them unimportant, and had not had the time to sort them and hand them over to State Attorney Coster. The government accepted this explanation. De Korte, nevertheless, tendered his resignation shortly thereafter, and Pretoria accepted.<sup>204</sup> The arrests of Detective J.P. Doyle and his brother for contravening the Customs Law also caused a sensation. The police discovered 10 rifles and about 2,000 rounds of ammunition when they searched the detective's home.<sup>205</sup> Lieutenant Van Dam reflected in his memoirs that Pietersen's dismissal and De Korte's resignation was due to 'apparent wrongdoing' during the rebellion.<sup>206</sup> *The Standard and Diggers' News* did reserve some praise for the newly appointed lieutenants who replaced these men. It stated that these officers had already proved capable and had sacked 'no fewer than thirty of the miserable type of police ... and a better class of men engaged in their stead'.<sup>207</sup>

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<sup>203</sup> *The Standard and Diggers' News*, 'Police drinking house', 11 March 1896.

<sup>204</sup> *The Star*, 16 March 1896.

<sup>205</sup> *The Standard and Diggers' News*, 'Rifles and ammunition', 16 March 1896.

<sup>206</sup> NASA, TAB, Accession: 788, Van Dam collection, File 4, 89.

<sup>207</sup> *The Standard and Diggers' News*, 'The police force', 12 March 1896.

In the meantime, the administration of criminal justice in Johannesburg was once again fraught with bureaucratic constraint and official laxity. The newly appointed charge office administrator, Mathey, had to inform Command Schutte that he was struggling to keep the administration of his office in good order. He gave a specific case as an example: Johannesburg's Chief Prison Warden, Menton, had given bail to an accused individual who had to appear in court. Menton's action occurred after the charge office had already processed the individual by committing him to prison to await trial, placing his name on the court roll to face justice.<sup>208</sup> Menton explained that he knew the young man, and that he belonged to 'respectable family' in town. He justified his posting bail and letting the man go, as the 'ashamed' fellow's face was full of blood, and added that his offence was 'merely' drunkenness. The government reprimanded Menton for his action, after which the chief warden assured the government he would not interfere with the responsibilities of the charge office again.<sup>209</sup>

Discord between some of the officers further hampered the police in the performance of their duties. One such case came to light in June 1896. The magnitude of the animosity in the Boksburg division of the force forced Commandant Schutte to order an investigation into the state of affairs. Professional rivalry seemed to have developed between First Lieutenant W.A. Jordaan and Sergeant T. van der Westhuizen. In the subsequent investigation, Jordaan admitted that he considered Van der Westhuizen a 'good friend' and had regularly played billiards with him in one of the town's canteens.<sup>210</sup> However, among other complaints, the lieutenant now accused the sergeant of socialising in canteens in his uniform, and alleged that Van der Westhuizen had accepted money from a canteen keeper.<sup>211</sup>

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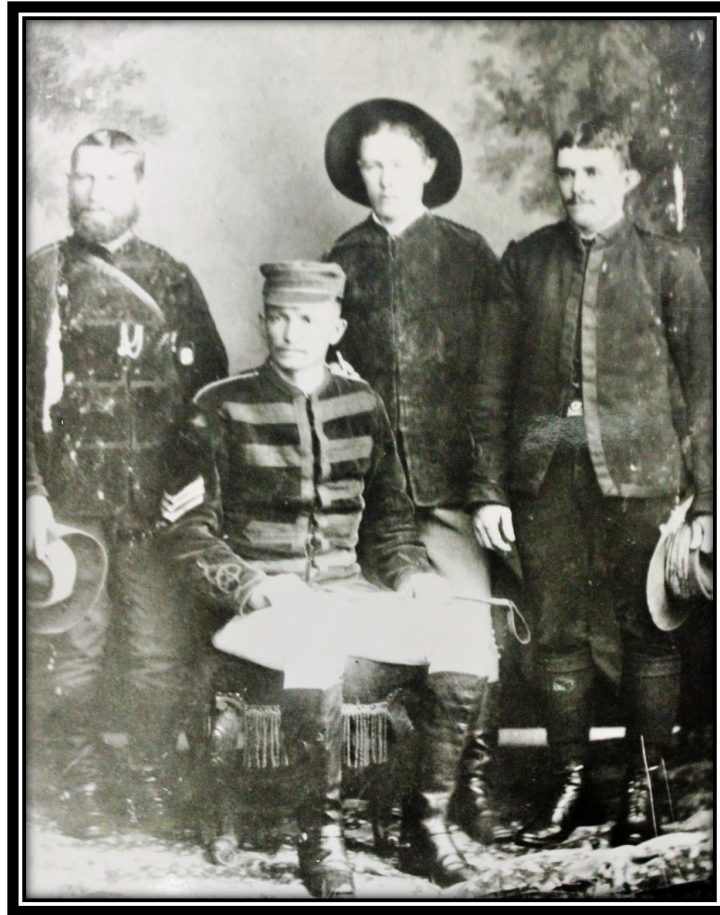
<sup>208</sup> NASA, TAB, JHB 315, Mathey to Schutte, 17 February 1896.

<sup>209</sup> NASA, TAB, JHB 315, Menton to public prosecutor, 21 February 1896.

<sup>210</sup> NASA, TAB, SS 5760, R12799/96, Van Dam to Schutte, 2 October 1896.

<sup>211</sup> Ibid.





**Figure 13: Joe Enley, W.A. Jordaan and H.J. Meyers of the Boksburg Police  
(NASA: TAB 2515)**

The matter dragged for several weeks before Lieutenant van Dam, who had to investigate the case, reported to Schutte that he could find no evidence to support any of the claims made by Jordaan, and suspected that another dismissed officer, J.L. Jordaan, who was a relation of first lieutenant, had concocted the charges.<sup>212</sup> Van Dam obtained evidence that Lieutenant Jordaan had developed a dependency on the bottle. He wrote: ‘Jordaan had been drunk at several events and had committed disgraceful deeds while dressed both in civilian clothes and in uniform’. The Boksburg force was in a ‘dreary’ state. The public had, to no avail, lodged several complaints with the lieutenant as to the conduct of his men. There was no discipline, and the rank-and-file police officers did as they pleased. Van Dam put the blame squarely on Jordaan’s shoulders. He added that the Boksburg police was a ‘family

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<sup>212</sup> Ibid.

enterprise' and that a 'clique' had formed, which perpetuated the maladministration. To address the blatant nepotism and discord in the force, Schutte ordered a transfer between several officers in Johannesburg and Boksburg.<sup>213</sup> In light of the accusations made against him, Lieutenant Jordaan submitted his resignation and threatened to take steps against his erstwhile friend, Van der Westhuizen.<sup>214</sup> Once informed of the commandants' orders, the policeman's relatives resigned from the force.<sup>215</sup>

The police commissioner's report for 1896 reveals an alarmingly high rate of dismissals from the police force for that year. As summarised in Table 2, at least 315 officers were dismissed from the force for a variety of reasons. This included 79 police officers who voluntarily resigned from the force, and one constable caught with his pants around his ankles in a brothel.<sup>216</sup> It is not clear why the force had such a high rate of attrition. The police offered Afrikaner men the means to a living, but as pointed out earlier, the salary within the lower ranks was not enough to maintain a family on the Rand. Thus, many men used the police as a stepping stone into the working class, and soon moved on to other forms of employment. Liz Lange gave the example of Bernarnd Shultz, who served in the police between 1895 and 1897. During this period he and his wife, Catherine, had three children. With more mouths to feed, Schultz resigned from the force and found work as cab driver.<sup>217</sup> It is also evident that drunkenness, illness and bad behaviour resulted in a significant number of dismissals from the force in a one year period.<sup>218</sup> In one particular case of 'mutinous conduct,' the *Standard and Diggers' News* reported a drunken trooper had lashed out at bystanders with his sabre and then turned his rifle on a superior officer. Clearly, the Zarps' behaviour was cause for concern and the newspaper wrote:

In any European Country such conduct would meet with the most condign punishment, and it is to be trusted the authorities will not hesitate to seize the

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<sup>213</sup> Ibid., Schutte to Jordaan, 19 October 1896.

<sup>214</sup> Ibid., telegram: Jordaan to Schutte, 8 October 1896.

<sup>215</sup> Ibid., J. Jordaan, F.J. Marais, B. Marais, D.J. Marais to Schutte, 26 October 1896.

<sup>216</sup> Rapport van den Commissaris van Politie over het jaar 1896 (Staatsdrukkerij: Pretoria, 1897), 10-20.

<sup>217</sup> Lange, *White, Poor and Angry*, 23.

<sup>218</sup> *Rapport van den Commissaris van Politie over het jaar 1896* (Staatsdrukkerij: Pretoria, 1897), 10-20.

opportunity of stamping out a nuisance which is rapidly becoming a menace to the public peace. The first duty of police is to act as guardians of the peace. And when the men entrusted by the Government use these as weapons against an unarmed public, it is high time the authorities intervened and proved that the responsibility of a police man is no less onerous than his authority.<sup>219</sup>

Any special arrangement in place as to the appointment of non-naturalised burgers came to an end in September as is evident in the dismissal of 23 men for this ‘transgression’. As a result, the department would have suffered from constant staff shortages, unable to compensate for the vacancies left by the dismissals. This was in addition to the report stating that the police force on the Witwatersrand was too meagre to meet the necessary requirements to serve the Rand’s ever expanding population.<sup>220</sup>

Suicides among police officers were not prevalent, although one case did occur in September 1896.<sup>221</sup> Trooper Danie Kriege had shot himself in the head in the dormitory of the mounted police barracks. From Kriege’s colleagues it was gathered that the trooper had been drinking heavily, and suffered from a broken heart, as his ‘sweetheart had refused to write to him’. He told his fellow officers in a drunken rant that he was contemplating suicide, but his ‘comrades suspected no danger’. The *Standard and Diggers’ News* reported Kriege ‘bore a good character in the force’.<sup>222</sup>

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<sup>219</sup> *The Standard and Diggers’ News*, ‘Police Rioters’, 19 September 1896.

<sup>220</sup> *Rapport van den Commissaris van Politie over het jaar 1896* (Staatsdrukkerij: Pretoria, 1897), 10-20.

<sup>221</sup> *Ibid.*, 3.

<sup>222</sup> *The Standard and Diggers’ News*, ‘A policeman’s end’, 16 September 1896.

Reason for dismissal	Mounted Police	Foot Police	African Police
Voluntary	5	57	17
Drunkenness	10	50	2
Illness	14	44	2
Bad behaviour / disobedience	4	26	0
Desertion	4	20	0
Non-naturalised	0	23	0
Unsuitable	8	1	1
Neglect of duty	1	6	0
Refusal to be sworn in	0	6	0
Theft	1	3	0
Died	0	3	0
Infectious disease (including one case of syphilis)	0	3	0
Executive Council decision	0	2	0
Sleeping on duty	0	1	1
Dishonourable discharge by the landdrost	0	1	1
Suicide	1	0	0
Found in a brothel feigning illness	0	1	0
<b>Total</b>	<b>48</b>	<b>247</b>	<b>24</b>
<b>Grand Total</b>	<b>319</b>		

**Table 3: Reasons for and number of police officers dismissed from the police force in Johannesburg for 1896.<sup>223</sup>**

The police commissioner's report did have some praise for the police. It stated that during the rebellion the police had served the country in an 'excellent manner' and were ready at all times to serve in very difficult circumstances.<sup>224</sup> The report also made special mention of the services rendered by the Johannesburg Mounted police during the rinderpest epidemic of late-1896. It stated that the officers were on

<sup>223</sup> *Rapport van den Commissaris van Politie over het jaar 1896* (Staatsdrukkerij: Pretoria, 1897), 10-20.

<sup>224</sup> *Ibid.*, 4.

continuous duty for a four month period, and had aided the guards, who had been appointed to monitor the sickness, without any extra allowance or compensation.<sup>225</sup>

### **The public prosecutor who poked his nose where it did not belong**

In May 1896, Pretoria appointed Frederick (Fritz) Edward Traugott Krause as first public prosecutor and acting attorney general of Johannesburg. Krause, who was born in Bloemfontein, obtained his doctorate in law from the University of Amsterdam in 1893. He was admitted to the Middle Temple in England that same year, but he did not practice there as an advocate. On his return to South Africa latter that year, the Transvaal government admitted him to the bar in the ZAR.<sup>226</sup> He soon came to the attention of State Attorney Coster, who appointed him as a junior prosecutor. Krause assisted Coster in the successful prosecution of the Reform Committee members for treason against the Republic. Krause's ambition and nationalist zeal persuaded Coster to appoint him to his new position in Johannesburg.<sup>227</sup> The appointment of the 28-year-old public prosecutor as representative of the state attorney in Johannesburg would result in important changes to the administration of criminal law in the town, and left some officials fuming in the process.

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<sup>225</sup> Ibid.

<sup>226</sup> J.N.R. van Rhyn, 'Krause, Frederic (Fritz) Edward Traugott', D.W. Kruger and C.J. Beyers (eds), *Dictionary of South African Biography*, Vol 3, 491-492.

<sup>227</sup> Van Onselen, 'The Modernization of the Zuid Afrikaansche Republiek: F. E.T. Krause, J. C. Smuts, and the Struggle for the Johannesburg Public Prosecutor's Office, 1898-1899,' *Law and History Review* 21, 3, (2003), 496.



**Figure 14: Dr. F.E.T. Krause, First Public Prosecutor (NASA: TAB 30801)**

Not yet a month into his new post, Krause submitted a detailed report which exposed the ‘intolerable’ and ‘chaotic’ administration of criminal law in the town.<sup>228</sup> The report gives one some excellent insight into the administrative relationship existing between the police and the courts at that time. The public prosecutor’s department consisted of a first and a second prosecutor and two clerks. One of the clerks, a police officer, acted as a messenger. His services were a mere courtesy accorded by Police Commandant Schutte to the public prosecutor. Two criminal landdrost courts were charged with criminal jurisdiction. The first court tried all general cases of a serious

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<sup>228</sup> NASA, TAB, SS 5487, R7712/96, ‘Report of the First Public Prosecutor’, 1 June 1896.

nature, as well as all provisional enquiries. The second court tried all police cases and any matters spilling over from the first court. Krause pointed out that in the first court, the second public prosecutor would represent the state and was assisted by a 'court sergeant', who had to act as interpreter as well as the receiver and guardian of *corpora delicti*.<sup>229</sup> Much to Krause amazement, there was no public prosecutor representing the state in the second court. That task was the responsibility of the 'court sergeant'. In both courts, police officers were tasked with the duties of bailiffs and had to escort the accused, call witnesses and see to other tasks, such as interpreting. There were no professional interpreters, except one appointed for 'coolie (sic) languages'.<sup>230</sup>

Police control extended to the charge offices which, together with the public prosecutor's department, had to see to the administration of criminal law in Johannesburg. The charge offices formed part of the town's police stations or barracks. Police officers saw to the administration and were supported by clerks. Commandant Schutte also appointed some police officers to aid the clerks and to search and accompany arrestees to the cells. The main charge office was in Bree Street, and three sub-offices were located in Fordsburg, Doornfontein and Jeppe's Town. The main charge office had four rooms, two holding cells for accused white males, two cells for 'non-white' males and a 'small' cell for both 'white and coloured' women. In Fordsburg and Jeppe's Town there was only one office and one cell for all of the accused. Doornfontein had one office and two cells.<sup>231</sup>

When Krause inspected the charge office, he was accompanied by the town's district surgeon, Dr. T.C. Visser, who inspected the holding cells at the various charge offices and submitted a report on their conditions to Pretoria. The report sketched a bleak image of the conditions the incarcerated were subjected to. All the holding cells inspected were overcrowded. Visser wrote that at Fordsburg, 'men [and] women, both

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<sup>229</sup> Van den Bergh explains that *corpora delicti* refers to information kept by the police on well known criminals, such as descriptions and photos, as well as crime statistics, court reports, charge sheets and warrants. See Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 230-231.

<sup>230</sup> NASA, TAB, SS 5487, R7712/96, 'Report of the First Public Prosecutor', 1 June 1896.

<sup>231</sup> Ibid.

white and coloured, are locked up together’, which according to him was ‘a very serious condition of things’. Due to the overcrowding, ventilation in the cells was non-existent, and all the urinals were blocked. Although sanitary pails were kept in all the cells, and these were emptied on a daily basis, the buckets were only washed once a week and thus the stench was intolerable. The blankets were never washed or aired, and were full of vermin. Visser made several suggestions to improve the conditions and concluded his report by beseeching Pretoria to take the matter seriously as, ‘the sooner the Authorities remedy the various evils which exist in the Charge Offices, considered from an Hygienic point of view, the better it will be for the healths (sic) of the inmates and for the reputation of a Town which is considered the leading Town in South Africa’.<sup>232</sup>

Krause’s report praised the detective department, in spite of the constraints it faced. However, Chief Detective Ferguson still had trouble finding skilled and trustworthy men to appoint. The public prosecutor, nevertheless, had nothing but praise for Ferguson who, according to Krause, had ‘done everything possible to help me and seems to be a well-informed individual who is rightly suited to this type of work’. Krause also had a good word for Chief Warden Menton with regards to the administration and the cleanliness of the prison. Krause did, however, qualify his praise, and stated that his view was based on one visit to the gaol. There was still much room left for improvement.<sup>233</sup>

It is evident from Krause’s report that he believed the police department was overreaching itself in the administration of criminal cases. He felt that the police were there to carry out orders given to them by the prosecution in the indictment of criminals. The police had no legal sanction to decide whether a case merited prosecution or not. To demonstrate the police’s encroachment into the realm of criminal administration, Krause gave a detailed example, which explained the procedure followed at the charge office, and which highlighted some of his concerns. He wrote:

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<sup>232</sup> Ibid., ‘Special Report’ by T.C. Visser, no date.

<sup>233</sup> Ibid., ‘Report of the First Public Prosecutor’, 1 June 1896.



Say somebody is accused of theft or assault. The accuser calls a police officer and the accused is arrested. Together they all proceed to the charge office, where a clerk behind a counter takes down the name of the accuser, accused and witnesses in a complaint book. This person, in his great wisdom, then performs the task of the public prosecutor on the spot, and judges the merit and gravity of the complaint. If he is of the opinion that the charge is true, the accused is searched by one of the police officers on duty, to see if he has any money or other articles in his possession. That the searches are not always done in a gentle and polite manner speaks for itself, considering the intellectual capacity of the individuals usually on duty. After being searched, any money found on the accused is confiscated and a receipt issued. Any other articles are also taken into possession and recorded. I do not now wish to elaborate on the way in which records are kept and the state in which I discovered the books. If the accused has enough money on him to make bail before his appearance, the clerk grants bail and a receipt is issued. What right this person has to grant bail, I, as of yet, still need to discover. I could also not find any legal measure which afforded one police officer the right to record a complaint by another police officer against a person. Logically speaking, this is what it amounts to. Naturally, if a person can post bail, he is not searched and is only warned to appear in court the next day. If the accused cannot post bail, he is locked up in one of the cells. At eight, all accused are taken from the cells to arrive at the court at nine. All Corpora delicti and bail monies are sent along with them, and handed over to the court sergeant. The confiscated money and articles remain behind at the charge office. The clerks at the charge office compile charge sheets and decide, in their wisdom, which cases are of a serious nature and should be brought for hearing before the first criminal landdrost, and which are of less grave concern and can be tried by the second criminal landdrost. These two sets of charge sheets are then given to the court sergeant and constitute the criminal roll. I can mention in passing that the different charge offices are 'museums of curiosity' with all the articles the accused have not yet collected. There is a remarkable amount of cash present at the chief charge office, which have been found in possession or has been posted as bail, and which has not yet been collected. This money is currently used to meet the running expenses of the charge office, naturally under the issuing of a receipt!! If the person receives a prison sentence, he is taken to the prison by the police, but his money and possessions remain in the hands of the charge office authorities. The fact that convicted prisoners and their possessions are kept in two locations naturally gives cause for serious irregularities and discomfort. And yet it seems to me the fact that the officials present illegal

behaviour is the natural result of the counterproductive state of affairs in the administration of criminal law that exists here.<sup>234</sup>

Krause was adamant that the situation had to change as soon as possible. He stated that he would find it intolerable to remain in his position as chief representative of the state attorney's office if this did not happen. His report therefore included extensive suggestions for the improvement of administering criminal law in Johannesburg.<sup>235</sup>

These suggestions were recommended to the government by State Attorney Coster.<sup>236</sup> Remarkably, Pretoria 'for the most part' agreed with Krause. It issued a resolution, granting permission for several appointments. These appointments brought the administration of criminal law under the auspices of the public prosecutor, thereby removing it from the hands of the police. A third public prosecutor, several more clerks, a 'white' interpreter in African languages, and an accountant were appointed to Krause's office. With regards to the main charge office, permission was granted for the appointment of an administrator, who would be assisted by three clerks. Pretoria also provided for the appointment of three clerks who would act as special justices of the peace, and two more clerks for general duties. A small sum was advanced to the charge office's administrator to meet the office's daily expenses. The government, however, kept the administration of the three sub-stations in the hands of the police. This was due because all of the accused who were taken into custody at these stations were transferred to the main charge office for processing before trial.<sup>237</sup>

The Executive Council went on to approve the appointment of three female '*onderzoeksters*' (searchers) at the main charge office. They would be responsible for searching and escorting accused women to the cells, at a weekly salary of £0.25.<sup>238</sup> In his report, Krause had pointed out that male officers searched female accused, which 'was not only undesirable, but not tolerated in any civilised country'. He suggested

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<sup>234</sup> Ibid.

<sup>235</sup> Ibid.

<sup>236</sup> Ibid., minute: Coster to state secretary, 15 June 1896.

<sup>237</sup> NASA, TAB, UR, Resolution 703 of 1896, 11 August 1896.

<sup>238</sup> Ibid., see also, NASA, TAB, SS 5488, R7712/96, Mathey to Van Niekerk, 17 May 1896.

that the wives of police officers were good candidates to fill these positions.<sup>239</sup> Once appointed, Krause asserted that the women were ‘officials’, and not ‘officers’. Their appointments would run on a week-to-week basis.<sup>240</sup> In August 1898, Pretoria made the posts permanent at an annual salary of £65 per annum.<sup>241</sup> Amalia Fell and Sussara Cooper occupied the positions from September 1896, and the charge office appointed Anna Coetzee in April 1898.<sup>242</sup> In their application letters, all three women swore their husbands were naturalised burghers of the Republic and that they were members of the Dutch Reformed Church.<sup>243</sup>

Pretoria also authorised the purchase of a prisoner cart with four mules for the transport of white accused from the prison to court.<sup>244</sup> Krause deplored the fact that ‘white people, on a daily basis, had to come to court in the company of kaffirs (sic)’. The public prosecutor reminded the government that the Republic’s laws explicitly stated there was to be no equality between white and black.<sup>245</sup> Chief Warden Menton had already requested a ‘police vehicle’ in May 1896. He also pleaded for the respectability of the awaiting-trial prisoners, some of whom, he argued, belonged to ‘respectable families’, and who had to suffer the embarrassment of marching from prison to court in the company of people arrested for drunkenness and vagrancy.<sup>246</sup> First Criminal Landdrost van den Berg agreed with Menton. He pointed out to the government that many of the accused were not yet guilty of any transgression. He added that it was a ‘cringe-worthy spectacle’ to witness. Seeing white females shackled together in the mass of people escorted to the court made him especially uncomfortable. He argued that the cart would give the police more manpower, as it would free up some of the police escorts who had to march prisoners to court for regular duty.<sup>247</sup>

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<sup>239</sup> NASA, TAB, SS 5487, R7712/96, report of the first public prosecutor, 1 June 1896.

<sup>240</sup> Ibid., minute: Krause to state attorney, 2 January 1897.

<sup>241</sup> Ibid., 6 August 1898.

<sup>242</sup> Ibid., Krause to state attorney, 2 June 1898.

<sup>243</sup> Ibid., A.W. Coetzee to state secretary, 20 May 1898; S.G. Cooper to state secretary, 20 May 1898; A.S. Fell to state secretary, 20 May 1898.

<sup>244</sup> NASA, TAB, UR, Resolution 703 of 1896, 11 August 1896.

<sup>245</sup> NASA, TAB, SS 5487, R7712/96, report of the first public prosecutor, 1 June 1896.

<sup>246</sup> Ibid., Menton to Van den Berg, 29 May 1896.

<sup>247</sup> Ibid., Van den Berg to state attorney, 16 June 1896.

Krause's report and the government's reaction to it set the scene for a less than cordial relationship between the various top officials concerned with criminal justice in Johannesburg. A week after the government's resolution, acting State Attorney Schagen van Leeuwen fired the first shot. He informed Police Commissioner van Niekerk that all the police located at the Bree Street charge office had to vacate the premises and relocate to the Doornfontein barracks by mid-September.<sup>248</sup> Amused, Police Commandant Schutte informed his commanding officer that the government had never, in fact, built a charge office. Instead, several rooms at the Bree Street police barracks had been specially converted into a charge office to streamline the administration between the police and the courts. He added contemptuously that if the state attorney wanted to take occupation of the entire building by mid-September, about a '170 police officers would have to disappear into thin air'. He argued that the state attorney's suggestion to relocate the Zarps to the Doornfontein station was impractical. The station was too far away for the officers to perform their duties in the western parts of the town. Schutte was immovable, and added that Pretoria had made no mention in its resolution about relocating the police.<sup>249</sup> Police Commissioner van Niekerk agreed with Schutte and informed Pretoria that it would be impossible to move the police. He did, however, suggest a possible long-term solution. Van Niekerk had provisionally acquired four plots from a syndicate on Marshall's square for the purpose of building a police barracks which, once built, would free up the Bree Street barracks.<sup>250</sup> Van Leeuwen requested the Executive Council to send some of its members to the charge office to inspect the situation and to suggest a resolution.<sup>251</sup> It is not clear what the government's decision was, but on 15 September 1896, the section of the Bree Street barracks which had functioned as the main charge office came under the control of the public prosecutor's department.

With his requests, for the most part, met by Pretoria, Krause took charge of the administration of criminal law in Johannesburg. In January 1897 Krause submitted

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<sup>248</sup> Ibid., minute: Van Leeuwen to Van Niekerk, 18 August 1896.

<sup>249</sup> Ibid., minute: Schutte to Van Niekerk, 21 August 1896.

<sup>250</sup> Ibid., minute: Van Niekerk to state secretary, 3 September 1896.

<sup>251</sup> Ibid., minute: acting state attorney to state secretary, 24 August 1896.

statistics to the government in support of more appointments to his department. These hint that the public prosecutor had a particular enthusiasm for his work. Krause indicated that, since his assumption of control in mid-September 1896, there had been an average of 172 cases processed at the charge office, compared to only 95 cases per day when the charge office was still administered by the police. This was due to stricter enforcement of the pass laws. As a result, the charge office was open ‘day and night’. He complained that his personnel were overworked, and he deplored the fact that they could not attend church on Sundays, ‘which is naturally not only unfair, but also unjust’.<sup>252</sup> However, it would seem the government took little notice of Krause’s pleas, and he had to make do with the staff appointed to him.

In September 1897, with the charge office under his control for a year, he again informed the government of the need to appoint more personnel. He wrote to Pretoria that his department had processed 44,540 arrests and collected an amount of £41,958.17.0 in fines, issued 2038 warnings and dealt with 2407 reports. To put these figures into perspective, he added that an amount of £28,793.73 in fines was collected for the period January 1895 to the end of May 1896. Krause also pointed out that Johannesburg now had three criminal courts, and due to the proposed extension of the municipal boundaries, more pressure would fall to the public prosecutor’s office. He ended his letter with a derisive reprimand to the government. He wrote: ‘I hope the government will not again use the weak argument that there is no money in the state coffers to cover these expenses; this excuse only affirms that [the government] has no concept of political economy principles’.<sup>253</sup> Pretoria only approved Krause’s requests in January 1898.<sup>254</sup> This did not go without a stern warning from the Executive Council to the public prosecutor about the ‘uncalled for tone’ in his minute.<sup>255</sup> Krause appointed more administrative staff and informed the state attorney it ‘grieved’ him

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<sup>252</sup> Ibid., minute: Krause to state attorney, 2 Jan 1897.

<sup>253</sup> Ibid., 30 September 1897.

<sup>254</sup> NASA, TAB, UR, Resolution, 30 of 1898, 12 January 1898.

<sup>255</sup> NASA, TAB, SS 5487, R7712/96, minute: secretary of the Executive Council to state attorney, 18 January 1898.

that the government interpreted his argument as disrespectful. He did not offer an apology, however.<sup>256</sup>

Krause seemed to have had a knack for irritating his compatriots and, in the words of Commandant Schutte, ‘poking his nose where it did not belong’.<sup>257</sup> With the administration of criminal justice now firmly under the public prosecutor’s control, Commandant Schutte accused Krause of meddling in the administration of the police. This was a serious complaint, as it highlighted; once again, the power struggles between officials in their battle to exert control over the force. Due to the lack of legally sanctioned police rules and regulations, the issue as to who controlled the force, remained vague.

J.M. Coetzee, first lieutenant of the foot police, alerted Commandant Schutte to Krause’s apparent undermining of senior police officers’ authority over the rank-and-file policemen.<sup>258</sup> Sergeant Major S.A. Smit had informed Coetzee that he had experienced considerable difficulty in exerting control over his men. This came about when he commanded a constable to notify all the foot police that they had to appear in the parade on a Sunday. The constable lodged a complaint with Krause about the matter. It would seem that the constable had lied to the public prosecutor by making him believe the policemen were drilled every Sunday. Smit was summoned to Krause’s office. He explained to the public prosecutor the men were not drilled on Sundays, but that the commanding officers expected the entire force to assemble on parade one Sunday a month, as this was the only opportunity for them to address the rank-and-file policemen and to issue orders. Krause suggested this arrangement had to change. However, Smit held firm in his defence of the status quo. Krause relented and instructed the complainant to obey the orders of his senior officers. The public prosecutor subsequently informed Smit that he ‘did not want to meddle in police affairs’.<sup>259</sup>

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<sup>256</sup> Ibid., Krause to state attorney, 2 March 1898.

<sup>257</sup> NASA, TAB, SS 5775, R13072/96, Schutte to Van Niekerk, 17 September 1896.

<sup>258</sup> NASA, TAB, SS 5775, R13072/96, Coetzee to Schutte, 7 September 1896.

<sup>259</sup> Ibid.

However, Krause's plea of indifference to the police's administration is contradicted by several other affidavits submitted to Commandant Schutte. These statements claimed that the public prosecutor was still interfering in police business. Sergeant Major Smit complained that when he reprimanded a constable for not washing and for slovenly dress, the latter informed him that even though he was a police constable, he would from now on only take orders from the public prosecutor.<sup>260</sup> Another police constable reported his colleague, P. van der Heever, for colluding with Krause and for spreading lies about the regulation of the force under Schutte. Apparently, Van der Heever had informed Krause that he was aware of several occasions on which police officers had entered canteens in uniform and had not been punished by the police commandant for this transgression. Van der Heever also told his fellow constables that their commanding officers had no legal right to place them under arrest for transgressions, as there were no binding regulations with which to enforce discipline in the police. He also said the public prosecutor had told him he was as 'clever' as any of the commanding officers, and that Police Commandant Schutte would not be left in his position for another three months.<sup>261</sup>

Lieutenant Coetzee informed Schutte that it was becoming 'impossible' for commanding officers to regulate and discipline the force, as the rank-and-file officers were questioning their seniors' authority.<sup>262</sup> As could be expected, Schutte was infuriated by the deteriorating situation, and especially by Krause's interference in the matter. He informed Police Commissioner van Niekerk his own authority was now being questioned. A trooper had sued a commanding officer for damages he suffered due to his incarceration. The court dismissed the case with costs. However, Krause offered the claimant's legal team assistance in appealing the matter. The police commandant complained that Krause's blatant 'willfulness' and 'uncalled for interference' made the situation untenable.<sup>263</sup> The police commandant's own failure to put pressure on Van Niekerk's office to draw up police regulations had come back to haunt him. He admitted to using his own discretion in disciplining and dismissing

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<sup>260</sup> Ibid., S.A. Smit to Coetzee, 5 September 1896.

<sup>261</sup> Ibid., affidavit by H. Kreft, 4 September 1896.

<sup>262</sup> Ibid., Coetzee to Schutte, 7 September 1896.

<sup>263</sup> Ibid., Schutte to Van Niekerk, 17 September 1896.

police officers for transgressions, but no officer had ever questioned his authority before. It was evident that the government had to draw up police regulations post haste. Schutte informed Pretoria that he would soon struggle to perform his duties in exercising proper control over Johannesburg's police officers.<sup>264</sup>

The lack of regulations had also been a central concern in a debate between members of the *Volksraad*. Acting State Attorney van Leeuwen had to explain to the government why no progress had been made in the matter. The *Volksraad* was under the impression that article 11 of the Police Law made provision for regulations, and Pretoria had appointed a committee to effect this. Van Leeuwen confirmed that this had indeed been the case, and Schutte, Van Dam and former Police Commissioner Wolmarans did commence with the project, but former State Attorney Esselen had then given the task to former detective Trimble instead. According to Van Leeuwen, Trimble did submit the regulations, but Police Commissioner van Niekerk had requested the appointment of a legal counsel to review the regulations. The appointed advocate informed the government that it had to compare the regulations to those of England, France and Germany. This had not yet been done.<sup>265</sup>

Van Niekerk, now alarmed by the stance of affairs, immediately informed the government that the Police Law of 1895 had to be amended and article 39 removed to quash any illusions that the public prosecutor might have about who was in charge of the Republic's police. He made no mention, however of drafting police regulations.<sup>266</sup> Krause's action elicited vehement criticism in the *Volksraad* and one of the members accused the public prosecutor of openly supporting the police officers in commuting mutiny.<sup>267</sup> The government ordered State Attorney Coster to impel Krause to give an account of his conduct.<sup>268</sup> Krause seemed to have held on to the minute, and only in December 1896 did he inform the state attorney that it would no longer be necessary

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<sup>264</sup> Ibid.

<sup>265</sup> *Notulen der verrichtingen van den Eersten Volksraad der Z.A.Republiek, 1896* (Pretoria: Staatsdrukkerij, 1896), 526.

<sup>266</sup> NASA, TAB, SS 5775, R13072/96, Van Niekerk to state secretary, 19 September 1896.

<sup>267</sup> *Notulen der verrichtingen van den Eersten Volksraad der Z.A.Republiek, 1896*, 527.

<sup>268</sup> NASA, TAB, SS 5775, R13072/96, Coster to Krause, 26 September 1896.



for him to explain his actions. Significantly, he did not deny the allegations, but only stated that he and Police Commandant van Dam had come to an agreement, and that was the end of the matter.<sup>269</sup>

In the period between September and December 1896, Krause reorganised the charge office and asserted his control over the administration of criminal justice in Johannesburg. Yet there was another reason why the issue as to the authority over the police was provisionally shelved. Ironically, Krause's prediction that Schutte's stint as police commandant was drawing to a close, was realised, but probably not in the way the public prosecutor had imagined. On 24 October 1896, the *Standard and Diggers' News* informed the public, '*Le Roi est Mort!*' Police Commissioner van Niekerk had died the previous day.<sup>270</sup> Van Niekerk, who was 47 at the time of his death, had struggled with his health and reportedly died of Bright's disease.<sup>271</sup> The newspaper recalled the late police commissioner's illustrious place in the ZAR history. It added that, although he was at the forefront of implementing many necessary changes to the police, his illness prevented him from executing many other reforms he had had in mind. Van Niekerk seemed to have been a 'very popular and ... well known figure' with the public, and all the flags on government buildings were flown at half-mast in his honour.<sup>272</sup>

The Dutch newspapers echoed the praise for Van Niekerk. *De Volksstem* gave a very patriotic account of his life. The newspaper wrote even though his death was expected, it still came as a blow. It praised Van Niekerk for being the first person who called former detective Trimble's loyalty to the Republic into question. It commended him, for in spite of his illness he had carried on, to the very end, to bring about reform and an increase in the police force.<sup>273</sup> *De Land en Volk*, whose anti-government stance had somewhat abated in the aftermath of the Jameson Raid, called the late police

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<sup>269</sup> Ibid., Krause to Van Dam, 5 December 1896; Krause to state attorney, 11 December 1896.

<sup>270</sup> *Standard and Diggers' News*, '*Le Roi est Mort!*', 24 October 1896.

<sup>271</sup> Ibid.

<sup>272</sup> Ibid.

<sup>273</sup> *De Voksstem*, '*Wijlen Gerrit van Niekerk*', 24 October 1896.

commissioner 'a pillar' of the Afrikaner cause. It stated that a grateful nation would not forget Van Niekerk any time soon.<sup>274</sup>

Upon Van Niekerk's death, the government finally invited Police Commandant Schutte to take up the position of police commissioner, a post he had fruitlessly applied to twice before. The appointment was confirmed in November 1896. *De Land en Volk* wrote: 'It would be difficult to find a Transvaaler more suited or capable for the position. In every way (regarding experience and zeal), he is a worthy successor to the gentleman Van Niekerk'.<sup>275</sup> Although the *Standard and Diggers' News* reported on Schutte's promotion, it reserved its praise for Lieutenant Van Dam. Van Dam was promoted to Schutte's former position as police commandant for the Witwatersrand.<sup>276</sup> The newspaper congratulated him thus:

As a man and as an officer he bears an unblemished character. Unostentatious, and not inflated with the glories of his gilt braided position, Mr. Van Dam has ever been reluctant to advertise himself to the public, but his services have been none the less meritorious and useful. His little police code, theoretically applicable, well conceived and worthy of study by more enlightened Zarps than the town possesses is a sufficient indication of the fact that he is well up in his work. The strongest argument that can be made in sympathy with Mr. van Dam's possible aspirations to the Commandantship, is the fact that during his long term in office his bitterest enemies have been compelled to admit that his sense of duty and discipline, and honest efforts to raise the standard of local Zarpdom have commanded the respect of all.<sup>277</sup>

Once he assumed his new position, Schutte did not waste another minute to petition the government to establish a committee to draw up regulations for the police and detective departments.<sup>278</sup> It is not clear whether Schutte's zeal was due to Krause's encroachment on the administration of the police, or whether the new police commissioner wanted to assert and maintain his authority. The government approved

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<sup>274</sup> *De Land en Volk*, 'In memoriam', 29 October 1896.

<sup>275</sup> Ibid., 'Hoofd Commissaris', 12 November 1896.

<sup>276</sup> SAPA, Van Dam collection, File: 1/12B, letter of appointment, Schutte to Van Dam, 24 May 1897.

<sup>277</sup> *Standard and Diggers' News*, 'On his merits', 6 November 1896.

<sup>278</sup> NASA, TAB, SS 5916, R16490/96, Schutte to the state secretary, 24 November 1896.

his request, and in early 1897 the police commissioner could report to Pretoria that the regulations had almost been completed.<sup>279</sup> Unfortunately, the remainder of the minutes dealing with this issue were not archived, and as a result the record is incomplete.<sup>280</sup> However, Schutte's annual report for the year 1897 gives some insight into what transpired. It would seem the commission appointed to draw up regulations decided that a complete overview of the Police Act of 1895 was necessary. The commission consisted of Commandant van Dam, Major Erasmus and Advocate Curlewis. Their proposals were submitted to the Executive Council and then tabled before the *Volksraad* for approval. However, the *Volksraad* then instructed the Executive Council to first complete the task of drawing up regulations to comply with article 10 of the Police Law of 1895, thereby ensuring that there were rules and regulations in place to deal with police discipline. Once these regulations were drawn up, the *Volksraad* would consider amending the Police Law during its 1898 sitting. Schutte mentioned in his report that the committee had compiled the regulations by the end of 1897, and had submitted it for the government's approval.<sup>281</sup> The detective department received its consignment of booklets in June 1898, and Pretoria instructed officers to keep the booklets in good condition. The detectives had to return the booklets upon leaving the force.<sup>282</sup>

The booklet consisted of several sections. The first section dealt with the overall composition of the force and regulations regarding the appointment and dismissal of police officers. Zarfs could not be younger than 21 years of age and had to commit to a minimum contract of three years of continuous service. Unmarried officers had to stay in the barracks and had to ask written permission if they wanted to get married. This section also made provision for promotions within the force. It also included a set of general regulations. These stipulated that officers would be given a three month period in which to get acquainted with street names, the location of government buildings and fire hydrants. It dealt in more detail with regulations relating to leave,

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<sup>279</sup> Ibid., Schutte to state secretary, no date.

<sup>280</sup> See: SS 5916, R16490/96, Schutte's minute to the state secretary ends mid sentence and although it states that it continues overleaf, the documents following deal with unrelated matters.

<sup>281</sup> *Rapport van den Commissaris van Politie over het jaar 1897* (Staatsdrukkerij: Pretoria, 1897), 2.

<sup>282</sup> NASA, TAB, SP 808, Bredell to Ferguson, 18 June 1898.

armament, uniforms, accounts, religion, inspections, discipline, insubordination, treason, cowardice, mutiny and rebellion, disturbance of the peace, deception, self-mutilation, desertion and abuse of power.<sup>283</sup>

The second section gave a more detailed set of general instructions for the different ranks of the force. Officers and inspectors were expected to instruct the rank-and-file officers in their tasks and to warn them about ‘foul language and swearing’. They also had to ensure the force was properly dressed, and had to carry out inspections of the Zarps during both night and day duty. Officers and deputy officers were reminded to set an example for rank-and-file officers. It was expected of them to have friendly, yet firm relations with their men. Detailed instructions were issued regarding politeness, obedience, cleanliness, attentiveness, mistakes, respect, officiousness, drunkenness, transgressions, religious practices, agitation against police officers, correspondence, newspapers, drill, money lending, keeping secrets, treatment of arrestees or prisoners, taking statements from arrestees, the character of arrestees, gifts, government property, found items, relationships with prison officials, interrogation, identification of arrestees, numbers on uniforms, expenses, complaints against the police, selling of liquor to the police, unlawful pawning, sick notes, and the definition of Africans and Coloureds.<sup>284</sup>

The rules and regulations further stipulated how the Zarps had to perform their duties. It contained detailed instructions on how to affect arrests with, or without a warrant. It defined what a warrant was and how to obtain one. It explained how to enforce a search warrant and how the police had to carry out their duties when called to put out fires. It gave a detailed list of features that had to be noted when taking down a description of a suspect. It also stated the procedure to follow in hiring public cabs, keeping cells clean and locking up arrestees. It explained how to act if someone made threats against another person. Further instructions included how to give evidence in court, how to frisk someone before locking them up, how to transport arrestees from

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<sup>283</sup> *Regulaties en instructies voor de politie en speurpolitie der Zuid-Afr. Republiek* (Pretoria: Staatsdrukkerij, 1898) 1-17.

<sup>284</sup> *Ibid.*, 18-29.

the charge office or prison to court. It detailed what procedure to follow if a person laid a charge or complaint, and what the police had to do if they found a corpse. It listed the procedure to follow when arriving at the scene of an accident. It stipulated how the Zarps had to patrol the streets, police public spaces, and deal with suspects. The booklet further stipulated that licences were required for billiard tables. When it came to the policing of canteens, the officers had to see to it that canteens keep lawful hours, note the way in which business was conducted and report irregularities. They could not enter canteens, unless they were called to deal with a disturbance. Further information was given on how to describe lost items and how to deal with public meetings. It gave a set of traffic rules to enforce with regards to bicycles and vehicles. It explained what officers had to do if they came across lost children or sick animals.<sup>285</sup>

The section that followed stipulated the Zarps' duties when dealing with specific types of crimes. Detailed instructions were given on how to deal with assault, aggravated assault, rape, the assault of police officers, abortion, arson, aiding and abetting escaped prisoners, boxing for prizes or money, clubs and gambling, the liquor law, suspected glanders fever in animals, suspicious eatables, the damaging of fountains, house robbery, playing hazards, concealing birth, vagrancy, complicity in crime, extradition of criminals to the Cape, Natal and Orange Free State, animal abuse, prostitution, solicitation, rebellion, placards and notices in contradiction to public morals, disturbance of the peace, endangering of railways and the telegraph, fighting parties, counterfeit coin, keys and documents, disguises, firearms, and the Sunday Law.<sup>286</sup>

The booklet also contained a section at the back dealing specifically with the rules and regulations pertaining to the detective department. It consisted of 22 articles which had to be followed and obeyed. These stipulated that detectives were not to cause political or religious offence. They were not allowed to belong to secret organisations, except the Free Masons, and this only with the knowledge and approval of the

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<sup>285</sup> Ibid., 29-42.

<sup>286</sup> Ibid., 43-53.

authorities. Detectives were expected to keep diaries and make notes. They had to deal gently with the public and arrestees. They were not allowed to give information to the press. It defined 'serious offences' as sleeping on duty, disobedience, rudeness, being late or absent from duty without a valid reason, letting a prisoner escape due to cowardice and not responding to a court summons. They had to wear their badges while on duty and could call on the police to offer them assistance. They were not allowed to accept gifts or rewards without permission and a register book of all received gifts and rewards had to be kept at the office. Finally, it stated that the detectives were also subject to the rules and regulations of the ordinary police.<sup>287</sup>

On 11 August 1896, Mathey informed Krause that due to the amended pass law, Law 23 of 1895, coming into effect, the number of related arrests had increased dramatically. Most of the Africans brought into the charge office were guilty of transgressing articles 9 and 10. Mathey opined that the new amendments should not be so strictly enforced straight away, and the police first ought to inform Africans and their employers of the new requirements as stipulated in the law, before embarking on wide-scale arrests. He asserted that a clampdown on Africans would result in frightening workers away from the goldfields, and would halt any new arrivals, which would result in the mining industry suffering from labour shortages. He asked for Krause's opinion in the matter.<sup>288</sup> By the end of 1896, the charge office was still being inundated with pass law transgressors, and Mathey had to complain to Krause about the situation once more. He stated that the pass law inspectors were too zealous in their endeavours. They were arresting Africans who had passes and identification badges on them, but which were not visibly displayed. He also complained that many transgressors were rearrested by the police after they had posted bail, this despite the fact that they had a receipt and were clearly making their way to the pass office. He complained that many of them were locked up again, and unnecessarily 'robbed of two hours of their freedom'.<sup>289</sup>

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<sup>287</sup> Ibid., 57-61.

<sup>288</sup> NASA, TAB, JHB 318, Mathey to Krause, 11 August 1896.

<sup>289</sup> Ibid., 2 November 1896. See also, affidavit of Police Constable P. Marder, 2 November 1896; Charge Office Clerk J.G. van Dijk, 2 November, and Charge Office Clerk S.O. Reinecke, 2 November 1896.

There was a noticeable increase in burglaries and thefts in some parts of the town during this period. Johannesburg's inhabitants held a mass meeting to appeal for more police officers from the government. The Sanitary Board requested a meeting with Pretoria to discuss their complaints. As Police Commissioner Schutte was in Johannesburg at the time, Pretoria told the board to arrange a meeting with him.<sup>290</sup> The board requested more police officers in Doornfontein, Braamfontein and on the land belonging to the City and Suburban Company. Schutte first wanted to ascertain from the commissioner of mines whether the City and Suburban Company was, in fact, contributing financially to the state coffers, which would then afford it the right to police protection.<sup>291</sup> The commissioner replied that the company indeed paid its stand licences regularly.<sup>292</sup> In the meantime, Police Commandant van Dam investigated the complaints and agreed that it was necessary to appoint more police officers in these areas.<sup>293</sup> Schutte subsequently informed Pretoria that he supported the request. At the beginning of April, the Executive Council gave permission for the stationing of 25 more foot police officers in these areas.<sup>294</sup>

A letter signed by one 'Asmodeus' and published in the *Standard and Diggers' News* in August 1896 defended the police against claims of inefficiency and maladministration. The author wrote that Commandant Schutte and his officers were 'doing their utmost to advance the efficiency of the service'. He also argued that the Zarps were 'physically and intellectually ... quite equal to the generality of police in South Africa, and surely no man of sense will have the temerity to say that they are not equal in every sense of the term to the Tommy Atkins of the British Army'. The author especially singled out administrator Mathey of the charge office. He wrote that Mathey was 'well known to be courtesy itself, and I am convinced that every one who has had business transactions with him will admit that he has always exerted himself

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<sup>290</sup> NASA, TAB, SS 6127, Sanitary Board to Schutte, 21 January 1897; Schutte to Sanitary Board, 22 January 1896.

<sup>291</sup> Ibid., telegram: Schutte to commissioner of mines, 28 January 1897.

<sup>292</sup> Ibid., telegram: commissioner of mines to Schutte, 28 January 1897.

<sup>293</sup> Ibid., minute: Van Dam to Schutte, 24 March 1897.

<sup>294</sup> NASA, TAB, UR, Resolution 296 of 1897, 7 April 1897.

to meet their wishes within the scope of his official capacity'. He admitted that there were times when the police had made 'an error in judgment', but argued that no man was 'infallible'. He added that Matthey's staff was 'not only an intelligent and competent body of men, but civil and obliging to every one, irrespective of personality; which is saying a deal when we take into consideration the onerous duties those men have to perform'.<sup>295</sup>

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<sup>295</sup> *The Standard and Diggers' News*, 'Our police and their detractors', 25 August 1896.



## Chapter Five

### **‘Let justice be done though the heavens fall’: Conspiracy, intrigue and attempts at police reform, 1897-1899**

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#### **Cattle versus gold: the Industrial Commission of Enquiry**

In March 1897, Police Commissioner Schutte informed Pretoria that he was pleased to report two people had been arrested for gold theft in Johannesburg. He boasted that this significant event came about after he personally paid a visit to the town and had a talking-to with his subordinates.<sup>1</sup> In all probability, the mining industry would have laughed and then cried if the government made this communication public at the time. Pretoria’s poor policing of the pass, liquor and gold laws still frustrated the mining industry. This issue was further compounded by the government’s monopolies and concession polices, and what the mining industry believed to be excessive duties on foodstuffs and railway tariffs for coal. At the end of March 1897 Pretoria appointed a commission to investigate these and other concerns that plagued the mining industry.<sup>2</sup> The commission sat at the beginning of May 1897. The government was represented by several officials, including C.J. Joubert, the commissioner of mines, and Johannesburg’s special judicial commissioner, J.F de Beer. The mining industry was represented by several witnesses, which included James Hay, the president of the Chamber of Mines, George Albu, who was the chairman of the Association of Mines and James Percy FitzPatrick, who represented the Eckstein mining group.<sup>3</sup>

The testimonies before the commission cast a fascinating light on the administration and enforcement of government policy on the Witwatersrand. Interestingly, it would seem the mining industry was fairly content with the laws governing illicit liquor sales, gold thefts and the movement of African mine workers. Hay, for example,

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<sup>1</sup> NASA, TAB, SP 892, Schutte to Coster, 19 March 1897.

<sup>2</sup> NASA, TAB, UR, Resolution, 264 of 1897, 24 March 1897.

<sup>3</sup> *The Mining Industry: Evidence and Report of Industrial Commission of Enquiry* (Johannesburg: Times Printing and Publishing Works, 1897), iv.

testified that the measures were at least in theory ‘favourable’ to the industry. However, most of the witnesses were very critical about the administration and enforcement of these laws. The president of the Chamber of Mines felt that if only a ‘good detective department’ existed on the Rand, ‘the natives would not be able to get drink and would give full work, and ... we would be able to retain the gold which we now believe is being stolen from us’.<sup>4</sup> Hay stated that even though police supervision had not ceased, people were less afraid of the law, and he believed that if Pretoria improved the staffing of the police and detective departments, they would function better.<sup>5</sup>

Albu maintained that liquor was the ‘curse’ of Johannesburg, and added despondently that the town was ‘a very thirsty place’.<sup>6</sup> As an example of the police’s poor administration of the liquor law, Albu pointed to a case concerning a canteen on the Meyer and Charlton Mine in Jeppestown. The police had successfully trapped this canteen on several occasions in the past, yet in order to continue operating, the canteen simply changed its name and the authorities issued a new liquor licence for the bar.<sup>7</sup> The president of the Association of Mines also complained about the ineffective detective department and stated that at least 20,000 ounces of gold were stolen from the mines on a monthly basis. He suggested that Pretoria establish a separate detective department, which would deal specifically with gold theft. He also wanted the mining industry to act as advisory members when the government made appointments, and thus to exert some control over this police force.<sup>8</sup> These calls were, of course, not novel. Understandably, Pretoria would not be easily persuaded after the debacle following the appointment of Detective Trimble.

FitzPatrick repeated the concerns of the aforementioned witnesses, but was exceedingly more critical about the lack of police enforcement to address these

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<sup>4</sup> *Evidence and Report of Industrial Commission of Enquiry*, 4.

<sup>5</sup> *Ibid.*, 5.

<sup>6</sup> *Ibid.*, 18

<sup>7</sup> *Ibid.*, 12

<sup>8</sup> *Ibid.*, 23

concerns.<sup>9</sup> He strongly believed that the industry would be much better at administrating them than the state.<sup>10</sup> This caused considerably tension between him and Mines Commissioner Joubert. The latter wanted to ascertain what, in fact, was being done by the industry to stop its employees from stealing amalgam, and why this had to be seen as the government's responsibility to police. FitzPatrick replied derisively that even though one locks up one's house to prevent burglaries, 'you cannot do away with the police completely'. Joubert wanted to know whether FitzPatrick would then admit that it was the mining industry, and not the state, that was 'incompetent' in preventing gold theft. Joubert made it clear that the police could not stop all crime, and that this was certainly borne out in places such as England, where there still was crime, even though the country was regarded as 'civilised'. FitzPatrick agreed that 'if there is to be an ideal state of affairs, no police are required at all', but he added that England had 'the best detective service in the world'. He also asserted that he did not believe the Zarps were stealing the gold, but that there was little detection of crime on the force.<sup>11</sup> Although he denied that he would want the police to be under the industry's control, one does get the impression that he had thought about this as a possible solution. He stated to Joubert:

If you thrust on individuals or companies the responsibilities and duties which are generally supposed to devolve on Government, you would give the directors of the mines the right to institute the compound system, to keep boys on the property, and the searching system, so that amalgam thefts would be detected, but those are systems that we would never suggest, nor would the government ever consent to such things.<sup>12</sup>

Joubert, however, maintained that the industry had to assume more responsibility to prevent gold thefts. The debate became an excellent allegory for the 'agrarian versus capitalist' tension that existed in the Republic during this period. Joubert put it to FitzPatrick that he was a cattle farmer, and even though strong legislation existed to deal with stock theft, could he honestly hold the government to account if his cattle were stolen? Surely the role of the police was there to assist him with recovering his

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<sup>9</sup> Ibid., 49

<sup>10</sup> Ibid., 49

<sup>11</sup> Ibid., 62.

<sup>12</sup> Ibid.

stolen property. FitzPatrick strongly disagreed, and stated that the police should also do their best to prevent the crime from happening in the first place – without doubt Joubert would blame the government if it made no efforts to check the thefts. He added: ‘the detection of one theft would prevent a recurrence. It is difficult to trace amalgam once it is stolen. You can trace a bullock. You cannot carry a bullock in your pocket, but you can carry a lot of amalgam in your pocket. Therefore, there is all the more necessity for detective measures’. At this stage, the debate ventured into the realm of absurdity, as Joubert attacked FitzPatrick’s argument by claiming that ‘cattle thefts are often undetected [as] the thief might kill and eat the ox’.<sup>13</sup>

Joubert was also very critical about the role that FitzPatrick would have liked to assign to the police in enforcing the pass laws.<sup>14</sup> The case here centred specifically on the desertion of African workers from the mines, and the inability of the pass office and the police to apprehend the deserters. This was clearly a different issue to the usual police enforcement of the pass laws, which mainly revolved around arresting Africans in the town itself for not properly displaying their passes, or for being vagrants without the necessary paperwork to legalise their stay in Johannesburg. Special Judicial Commissioner De Beer encased his argument in the racial prejudices of the time. He argued that the mining industry had to be aware of the ‘peculiarity of natives’, and therefore controlling their ‘coming and going’ was ‘exceedingly difficult’.<sup>15</sup> There is, however, evidence that the police did perform raids around the mines where they suspected Africans without passes resided. In May 1897, Commandant van Dam and a group of mounted police raided a location near the George Goch Mine after numerous complaints were made about the state of affairs in this particular location. The police found 140 African men without passes, or without the right to stay in the location. The men who did not work on the mine were removed to the Johannesburg location, so that the police could ‘keep a more vigilant eye upon them’ in future.<sup>16</sup>

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<sup>13</sup> Ibid., 63

<sup>14</sup> Ibid.

<sup>15</sup> Ibid., 64

<sup>16</sup> Ibid., ‘George Goch Kafirs (sic)’, 14 May 1897.

This 'curious effect' of the pass laws had been pointed out by the *Standard and Diggers' News* the previous year. It explained that Africans were thwarting the law and the 'Company which [had] paid for his conveyance to the Rand'. If African workers wanted to desert their current employment, they only had to destroy or throw their pass away, get arrested by a police officer as an unregistered worker, and be imprisoned. Once in goal, they were free to enter into a new contract with a 'rival' mining company. The issue was further compounded by 'professional vagrants', who had several forged passes in their possession to 'hoodwink the sapient Zarp who bows the knee to most things documentary, wholly unconscious of their internal discrepancies'.<sup>17</sup>

The newspaper also reported on police corruption in the pass office itself. In early July 1896, a police officer named Ernet Stubbing appeared in court for eliciting bribes from Africans applying for passes at the pass office. Officials alleged that Stubbing had been taking £0.1.6 from the applicants, and thus made sixpence for every pass issued. Landdrost van den Berg felt that the matter proved the pass office was understaffed, as policemen should not act as clerks, and should not have access to the money. He added that it 'affords great temptation to a man in the position of the accused'. Stubbing denied the charges against him. He argued that 'if every Kafir (sic) gave him sixpence he would soon become a rich man, and would not remain in the Police Force'. C.C. Mathey, who defended Stubbing, asserted that no fraud had been committed, as his client never asked for the money, the African men gave it to him voluntarily. Stubbing allegedly considered the money a reward for helping the men obtain their passes quickly. Landdrost van den Berg disagreed. He found Stubbing guilty and sentenced the police officer to three weeks imprisonment with hard labour. Van den Berg implored the government to remove any temptation from police officers stationed at the pass office, as they had 'to preserve order' and not handle money.<sup>18</sup>

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<sup>17</sup> *Standard and Diggers' News*, 'The pass law', 29 August 1896.

<sup>18</sup> *The Standard and Diggers' News*, 'A Zarp in trouble', 3 July 1896.

In the period following the Industrial Commission's conclusion of its business, illicit liquor sales to Africans on the mines remained a pressing concern. A 'Disgusted' reader of the *Standard and Diggers' News* wrote a letter to the paper, complaining about 'disgraceful orgies' on some of the mining properties. He wrote:

Kafirs (sic) are rolling about drunk from early morning until midnight. The police patrol at intervals, but absolutely take no notice of what goes on. I myself have picked drunken kafirs (sic) out of the path of wagons and off the railway line, to save them from a certain death. Boys (sic) cannot be blamed for drinking, if bars and stores are allowed to sell poisonous liquor openly. Cannot stringent measures be taken to remedy this disgraceful state of affairs?<sup>19</sup>

Pretoria was not indifferent to these claims, and Johannesburg's police department was asked to account for the veracity of the allegations. Since the police never had an opportunity to defend themselves against similar assertions made before the commission, Commandant van Dam's response offers some insight into the police's perspective. Van Dam maintained that he was baffled by the allegations of 'terrible drunkenness' on the mines. He informed the government that his troopers were regularly patrolling along the mines, and that the court record will prove that arrests did take place, as cases relating to liquor abuse among mine workers were tried on a daily basis. New regulations under the amended liquor law, which was tabled at the end of 1896, were to prohibit the sale of liquor to Africans once it came into effect.<sup>20</sup> The resolution approving the gradual withdrawal of liquor licences on the goldfields was authorised by the Executive Council on 30 March 1897.<sup>21</sup> Van Dam conceded that there could have been an escalation in the abuse of liquor on the mines. However, he believed this was due to canteen keepers still in possession of their old licences selling off their liquor, as they knew their licenses would not be renewed. Van Dam asserted that, although he had 50 of his best men on duty to police this issue, there would be no improvement until the canteens lost their licences completely. In the meantime, he assured the government, the matter would receive his full attention. As

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<sup>19</sup> Ibid., letter to the editor, 30 April 1897.

<sup>20</sup> NASA, TAB, SS 6451, R7543/97, minute: Van Dam to Schutte, 6 May 1897.

<sup>21</sup> NASA, TAB, UR, Resolution 282 of 1897, 30 March 1897.

an immediate measure, he promised to post police officers at all of the town's canteens during the coming weekends, and expressed the hope that this would improve the situation.<sup>22</sup>

During the sitting of the Industrial Commission, another interesting event involving the police occurred, which 'shook the confidence of some amongst the working class'.<sup>23</sup> J.B. Robinson, the owner of the Randfontein mine in Krugersdorp, announced a major reduction in wages. White employees responded with strike action. Attempts by the mine's management to replace the white workers with African workers during the strike failed. The mine's management therefore served the striking white workers eviction notices to vacate their cottages. The mine workers refused, and the police were called in to remove them.<sup>24</sup> Cammack asserts that Kruger supported Robinson during the strike and sent in the police to end the strike. The latter is thus taken as an example of Kruger favouring a capitalist mine owner against the demands of the working class. Cammack points out that in general, Kruger was revered by the white working classes on the Rand as an ally in the struggle against capitalism. The police action in this case therefore caused some concern among the white working class about Pretoria's allegiances.<sup>25</sup> Recalling the event later in life, well-known trade union leader W.H. Andrews stated outright that Kruger's support of the 'poor man and worker' was a 'myth'. Andrews, who was part of the group of miners removed from their cottages by the police, claim that 'this was ruthlessly carried out'.<sup>26</sup>

However, this singular incident cannot be taken as proof positive that a capitalist and police plot existed to suppress the white working masses. Percy FitzPatrick called Robinson a 'madman' for calling in the police to deal with the strikers.<sup>27</sup> The *Standard and Diggers' News* also did not report any heavy-handedness on the part of

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<sup>22</sup> NASA, TAB, SS 6451, R7543/97, minute: Van Dam to Schutte, 6 May 1897.

<sup>23</sup> D. Cammack, 'Class, Politics and War: A Socio-Economic Study of the *Uitlanders* of the Witwatersrand, 1897-1902', (PhD dissertation, University of California, Irvine, 1983), 87.

<sup>24</sup> *Ibid.*, 47.

<sup>25</sup> *Ibid.*, 86.

<sup>26</sup> W.H. Andrews, *Class Struggle in South Africa* (Cape Town: Stewart Printing, 1941), 14.

<sup>27</sup> A.H. Duminy and W.R. Guest (eds), *FitzPatrick: South African Politician Selected Papers, 1888-1906* (Johannesburg: McGraw-Hillbrook Company, 1976), 100.

the police. The mine workers were concerned about the police presence, and wanted to know why the police had been called in the matter, 'as there had not been the slightest sign of any disturbance for the very beginning'. The newspaper also reported that the 'attitude of the officials and police is very sympathetic, and there is no probability of trouble through a riot'.<sup>28</sup> The 'locked-out' miners held a mass meeting the following day, which was attended by a large crowd of 'sympathisers'. The newspaper reported that 'all the speakers referred appreciatively to the conduct of the police, and enthusiastic cheers were given for them'.<sup>29</sup>

The Industrial Commission's report was submitted to Pretoria for consideration at the beginning of August 1897. The government appointed a committee to investigate the commission's findings and suggestions.<sup>30</sup> A month later, the British Agent at Pretoria, Conyngham Greene, reported to London that Johannesburg was in the midst of the worst economic depression ever experienced on the Witwatersrand. He stated that Pretoria's 'vacillating and dilatory action' to deal with the findings of the Industrial Commission were contributing to the dire state of affairs. The British Agent highlighted the plight of shopkeepers, and commented on the sale of lottery tickets for the races 'being larger than ever, people evidently being ready to gamble their last sovereign on the chance of a win'.<sup>31</sup> The economic slump also signalled an increase in the town's crime rate. Conyngham Greene wrote that:

Burglaries and highway robberies are of nightly and I may say daily occurrence, Managers being "held up" in open daylight and relieved of wages entrusted to them for the payment of their hands. Few persons even venture to go out to dinner without carrying a revolver.<sup>32</sup>

When Pretoria finally did submit its report on the findings of the Industrial Commission, it led to 'undistinguished disappointment and even dismay by all sections of the industrial, financial and commercial *Uitlander* (sic) community at the

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<sup>28</sup> *Standard and Diggers' News*, 'Strikes', 5 May 1897.

<sup>29</sup> *Standard and Diggers' News*, 'The strike', 5 May 1897.

<sup>30</sup> *Evidence and Report of Industrial Commission of Enquiry*, v-vi.

<sup>31</sup> TNA, DO, 119/333, British Agent to high commissioner, 24 September 1897.

<sup>32</sup> *Ibid.*



Gold Fields'.<sup>33</sup> Pretoria's subsequent attempts to bring about meaningful police reform to address the illicit trade in gold, liquor and vice in the period leading up to the South African War, threatened to unleash the ghosts of the Esselen debacle once more.

### **Reorganisation and modernisation: a defunct, functioning detective department**

As was evident during the testimony before the Industrial Commission, the police force was much critiqued by the mining industry for its inefficacy. Yet, Pretoria was not completely ambivalent about the state of the police. In November 1896, the government wanted Police Commissioner Schutte to determine 'whether, in fact, any work was being done' in the detective department.<sup>34</sup> The police commissioner replied that he had full confidence in Chief Detective Ferguson's abilities to administer this department. He stated that the main concern in the department was Ferguson's inability to find competent men to enlist as detectives. There were only 11 detectives in Johannesburg at this time. This force was thinly stretched, as some of the men were permanently stationed in Boksburg and Krugersdorp, and also at specific locations, such as Johannesburg's post office and train station. Ferguson was thus left with a handful of men to investigate criminal cases and to administer the law. Despite this difficulty, Schutte stated that Ferguson submitted his monthly reports, and that Krause, as well as the public, were satisfied with his services. The police commissioner was adamant that he had no reason to complain about Ferguson's work ethic, adding that if there were any major concerns, *The Critic* and *The Star* would, 'without question', have reported on these.<sup>35</sup>

It is evident that Schutte had a very good relationship with Ferguson. Yet, the police commissioner was not blind to the chief detective's maladministration when it was brought to his attention. Less than a year after the police commissioner defended the

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<sup>33</sup> Ibid., British agent to high commissioner, 28 October 1897.

<sup>34</sup> NASA, TAB, SP 892, Executive Council to Schutte, November 1896.

<sup>35</sup> Ibid., Schutte to state secretary, 9 November 1896.

chief detective, he had to reprimand Ferguson for poor administration of the detective department. Tjaart Kruger, Schutte's confidential secretary and the youngest son of President Kruger, inspected the detective department in October 1897. He found the department's administration in a shambles.<sup>36</sup> This time there was no laudation from the police commissioner. Schutte was not impressed with the situation. He informed the chief detective that his office 'left much to be desired and was anything but organised'. Ferguson was instructed to improve the detective department's administration, and to keep his records in good order.<sup>37</sup>

Ferguson cannot be blamed for a lack of trying. Shortly after his reappointment as chief detective in 1896, he attempted to streamline the functioning of the police department with that of the detectives' office. Ironically, Ferguson's main complaint was related to the poor compilation of police reports by the ZARPs. This frustrated the adequate functioning of the detective department. When the public reported cases at the charge office that warranted further investigation, the police officers on duty had to record the details and send this over to the detectives for their attention. As set out in Table 2, Ferguson issued a notice to the ZARPs highlighting the information he required from the police before he could order his detectives to investigate reported matters. The notice made it clear that the chief detective expected the police officers to capture as many details as possible, in order to aid the detectives in their duties. Ferguson was adamant that the police had to take note of the time, place and circumstances relating to a case when filing a report.<sup>38</sup> In spite of Ferguson's instructions, the police, continued to compile poor reports, and their report books remained in a dismal condition.<sup>39</sup>

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<sup>36</sup> Ibid., Kruger and Bredell to Schutte, 7 October 1896.

<sup>37</sup> Ibid., Schutte to Ferguson, 7 October 1897.

<sup>38</sup> Ibid., notice issued by detectives' department, 24 June 1895.

<sup>39</sup> NASA, TAB, JHB 315, Ferguson to Mathey, 2 September 1896.

Person	Watches	Chains	Clothing	Livestock
Sex	Gold	Gold	Type of fabric	Height
Name	Silver	Silver	Colour	Sex
Alias or not	Metal or other	Metal or other	Double or single breasted	Age
Nationality	Double or single case	Shape	Make	Colour
Age	Open face	Locket or something else attached	Shape of buttons	Fitted [with horseshoes] or not
Height	Watch number	Marks		Marks
Built	Make			
Weight	Engraved or not			
Skin colour				
Hair				
Beard				
Eye colour				
Nose shape				
Marks and tattoos				

**Table 4: A notice issued by Chief Detective Ferguson to the police setting out the features to note when compiling reports for further investigation.<sup>40</sup>**

Circulars issued by the detective department between 1897 and 1899 reveal an array of crimes committed in Johannesburg during this period. The theft of horses, jewellery and watches, cigars, clothing, money and bicycles were especially prevalent. Each circular contained a date and consecutive case numbers, followed by a short description of the stolen goods. In some cases, such as stolen jewellery, small sketches accompanied the description to better identify the items. On some circulars, postscripts were added to the end of each report if something had been recovered. Judging by the rare occasions when such notes were added to the circulars, it would seem that very few of the stolen items were ever found by the town's police or detectives.<sup>41</sup>

The detective department's administration was further strained by the Republic's bureaucracy – this despite the call for proper administration and reform measures. A case in point was when, in May 1897, Pretoria authorised the appointment of a

<sup>40</sup> NASA, TAB, JHB 315, Notice issued by detective department, 24 June 1896.

<sup>41</sup> See NASA, TAB, JHB 502 and 503 for a collection of these circulars for the period 1897 to 1899.

division in the detective department solely for policing liquor contraventions.<sup>42</sup> Ferguson struggled to obtain qualified burghers to fill these vacancies. The chief detective therefore asked permission from the Executive Council to appoint non-naturalised men to the force. He tried to persuade the government to agree to this measure by claiming that he would only appoint ‘Germans and Danes’ who had proven their loyalty to the Republic during the Raid. To put the government at ease, Ferguson added that he would not appoint any ‘English’ men.<sup>43</sup> Pretoria, however, held firm that such appointments would be ‘irresponsible’ and denied the request.<sup>44</sup> With the search for suitable men becoming a growing problem, the government finally relaxed its naturalisation policy to the point where burghers from the Orange Free State could be considered for these vacancies, but only as a last resort.<sup>45</sup>

The *Standard and Diggers’ News*, in an article entitled ‘Darkest Zarpdom’, continued to criticise Pretoria for its ‘absurd burgher qualification’. The paper claimed that Police Commissioner Schutte was in fact in favour of the restrictions being removed. The Zarps and detectives were no match for the rogues who had learned their trades in other parts of the world. The paper wrote that many of the police officers were

notoriously tatterdemalion takhaars [hicks] from Wolmaranstadt and other interesting places, who are rustically ignorant of the principle and pursuit of constabulary duties. Simple unsophisticated country clowns are asked to try conclusions with skilled goal-birds trained in the best and most finished School of Vice.<sup>46</sup>

The ordinary detective department was also in need of more staff to perform its duties adequately. Due to the increasing crime rate and the rapid pace at which the town was expanding, Chief Detective Robert Ferguson asked the government to appoint 6 more African detectives at £5 per month and two Indian detectives at £10 per month to the

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<sup>42</sup> NASA, TAB, UR, Resolution 368 of 1897, 11 May 1897; see also, *Standard and Diggers’ News*, ‘The liquor grievance’, 12 May 1897. See also, NASA, TAB, SP 844, Schutte to state secretary, 10 May 1897, 183-184.

<sup>43</sup> NASA TAB, SP 807, Ferguson to Schutte, 19 May 1897.

<sup>44</sup> *Ibid.*, cabinet secretary to Schutte, 2 June 1897.

<sup>45</sup> *Rapport van den Commissaris van Politie over het jaar 1897* (Staatsdrukkerij: Pretoria, 1898), 2.

<sup>46</sup> *Standard and Diggers’ News*, ‘Darkest Zarpdom’, 14 May 1897.

department.<sup>47</sup> He had to repeat his request in May 1897.<sup>48</sup> Police Commissioner Schutte, however, only recommended the appointments to Pretoria in November 1897. When Schutte submitted his 1897 report on the state of the detective department to the government, the police commissioner could boast that the functioning of the department had been much improved. Including Ferguson, there were now 30 white and 12 African detectives, as well as three clerks appointed to the department in Johannesburg. As instructed by Pretoria, the first detectives to solely investigate the illicit liquor trade on the Witwatersrand were appointed in June 1897. These appointments totalled 8 white and 14 African detectives, who were divided between Johannesburg, Krugersdorp and Boksburg.<sup>49</sup> The register book of dismissed police officers shows four Indian detectives employed in Johannesburg at a salary of £120 in October 1898.<sup>50</sup> It also recorded that 26 African constables were employed in the police force during the period October 1898 to December 1899, of whom seven were dismissed from the force.<sup>51</sup>

Ferguson's proposed budget for 1898 provides further insight into the restructuring of the detective department. The chief detective asked for his own salary to be raised as, according to him, the restructuring had increased his workload and responsibilities. Johannesburg's detective department would be divided into three classes, with a total of 30 white detectives, their salaries ranging in rank from £450 to £300 per year. Similarly, the number of African detectives would be increased to 16, with salaries ranging between £96 and £60 per year. The budget also confirmed the appointment of 'Liquor Inspectors' for Johannesburg, Krugersdorp, Boksburg and Heidelberg. These detectives would be appointed according to rank, as is evident from the proposed sliding salary scale. Ferguson stated that sliding salary scales would give the men the

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<sup>47</sup> NASA, TAB, SS 6874, R16604/97, Ferguson to Schutte, 16 March 1897.

<sup>48</sup> Ibid., Ferguson to Schutte, 20 May 1897.

<sup>49</sup> *Rapport van den Commissaris van Politie over het jaar 1897* (Staatsdrukkerij: Pretoria, 1898), 2, 41- 43; see also: J.C. van Pletzen, 'Die Speurdiens', in *The Nongqai* XLI(2), February 1950, 134-135.

<sup>50</sup> NASA, TAB, SP 868, 'Register van ontslagen politie in de Zuid-Afrikaansche Republiek', their names are given as: Tom, Peter, David and Frank.

<sup>51</sup> Ibid., their names are given as: Thomas, Tom, George I, Jonas, William, Stephanus, Umgeben, Sugar, Jim I, Jim II, Willem, Pieta, Steits, George II, Charlie, Frank, Jack, Bobeton, John, Chois, Kantoor, Mahas, Madoek, David, Jacob and Kleinbooi.

opportunity to work their way up in the department, and would clear up any misconceptions regarding the authority of senior detectives. Provision was made for the appointment of white, Indian and African detectives. Significantly, Ferguson also budgeted for the appointment of detectives who would only deal with gold theft investigations. He also called on Pretoria to furnish the detective department with a proper building to house its offices, as his department was one of the principal organs of the state, and all the other state departments had decent offices except his.<sup>52</sup>

As part of the detective department's modernisation during this period, Ferguson asked permission to buy two cameras and the necessary chemicals to set up a darkroom. The chief detective argued that the cameras would reduce their workload. The one camera would be used to take 'snapshots', presumably of crime scenes, and the other for portrait photos of criminals.<sup>53</sup> Police Commissioner Schutte supported the request, and stated that it would be useful to have portraits of all the 'bad characters' on file.<sup>54</sup> Pretoria agreed, and gave authorisation for the equipment to be purchased.<sup>55</sup> Along with recording images of criminals, the cameras were used extensively to take portraits of the town's prostitutes.<sup>56</sup> The force was also issued with small and compact 'Webley Bulldog' revolvers, which the detectives could easily conceal.<sup>57</sup> In September 1899, a few weeks before the outbreak of the South African War, Pretoria passed a new law for the 'Institution of an Identification Service' to better establish the identity of criminals and suspects in the Republic. This system which, due to its timing, would never be properly implemented was to be based on the Bertillon method of identification.<sup>58</sup> It legalised the taking of 'portraits and personal

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<sup>52</sup> NASA, TAB, SP 816, Ferguson to Schutte, 26 November 1897.

<sup>53</sup> Ibid., SP 808, Ferguson to Schutte, 8 January 1898.

<sup>54</sup> Ibid., Schutte to state secretary, 12 January 1898.

<sup>55</sup> Ibid., Leyds to Schutte, 18 January 1898.

<sup>56</sup> Reference is made in Van den Bergh's study of an album containing the mug shots of Johannesburg's prostitutes in the South African Police Archive. However, the archivist could not locate this album and stated that at one point it was displayed at a satellite police museum at Gold Reef City. However, this museum was flooded and all the documents and material on display returned to Pretoria, where it had seemingly been misplaced. See: Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 239, fn. 143.

<sup>57</sup> NASA, TAB, SS 6886, R16904/97, import license issued to G.F. Perrins, 3 December 1897.

<sup>58</sup> The Bertillon method was developed by Alphonse Bertillon, a clerk in the police force in Paris. It was adopted as a classification system in 1882. It used anthropometric and statistical data to identify repeat offenders. The system was quickly adopted by European countries and introduced

descriptions' of individuals. The law was fairly detailed on whose descriptions and photographs could be captured. These included persons sentenced to imprisonment of three months or longer, accused individuals committed to trial, and suspected persons who came to the attention of the state attorney. If anyone refused to be photographed, they would be punished as 'recalcitrant prisoners' under articles 10 and 12 of the Prisons Law of 1880.<sup>59</sup>

Blackburn states that Ferguson used to be in communication with Scotland Yard about the 'movements and descriptions of wanted persons'. However, due to the lack of an extradition treaty between the Republic and Britain, the detective could take no official action against the 'fugitives from English law'. Ferguson did, however, use the information to keep a watchful eye on these individuals.<sup>60</sup> There is evidence of cooperation between the detective department and other similar institutions outside of the country's borders. For example, in March 1898, the department was asked by the Oxford Police Station to investigate the whereabouts of one William Stampton, who had left Britain in 1895 and was last rumoured to be travelling with a circus in the ZAR.<sup>61</sup> Ferguson's enquiries could find no trace of the man. It was reported that Stampton was totally unknown to the Circus people in Johannesburg and that he could have been travelling under a different name.<sup>62</sup> Information was also shared between Johannesburg and law enforcement departments in the Orange Free State, Natal and the Cape. In May 1898, for example, J.A.E. Markus, police commissioner of the Orange Free State, sent a circular to Ferguson asking the detective to be on the lookout for one Joachim Martinus Venter, who was wanted for rape. He was described as an 'Afrikaner, dark complexion, hair nearly black, now probably shaved, slender built, height about 5 ft. 8. Age 40 years'. The circular also contained a photograph of the fugitive.<sup>63</sup>

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to the United States in 1887. See: G.J. Guthrie & S. Jenkins, 'Bertillon Files: An untapped Source of Nineteenth Century Human Height Data' in *Journal of Anthropological Research*, 61 (2), 2005, 201-215.

<sup>59</sup> *Standard and Diggers' News*, 26 September 1899.

<sup>60</sup> Blackburn and Caddell, *Secret Service in South Africa*, 177.

<sup>61</sup> NASA, TAB, SP 808, chief constable of Oxford Police Station to Ferguson, 26 March 1898.

<sup>62</sup> *Ibid.*, Ferguson to Schutte, 3 May 1898.

<sup>63</sup> *Ibid.*, File 468/98, 'Notice', 9 May 1898.

The detective department's failures and successes in addressing crime are reflected in its official statistics for the years 1897 and 1898. In 1897, Pretoria was informed that the detective department in Johannesburg had investigated 2,069 criminal cases, and arrested 2,069 suspects, of whom 884 had been successfully convicted. The liquor division for the Witwatersrand recorded that 491 cases were investigated, 491 arrests were made and 386 sentences were passed from the beginning of June to the end of December 1897.<sup>64</sup> The report for 1898 states that the detective department had investigated 2,940 criminal cases, and arrested 2,880 suspects, of whom 1,141 individuals were convicted. The liquor division for the Witwatersrand's 1898 report recorded 2,328 contraventions of the law, 2,379 arrests and 1,704 convictions. It is evident that the criminal division struggled to address general crime and the successful conviction of arrested suspects. Yet, there does seem to have been some success in the liquor division. During the six months period that it was in operation in 1897, it achieved a 79% success rate in convictions. In 1898, the conviction rate for liquor offences averaged 72% compared to only 40% for other criminal investigations during the same period. It is also evident from the reports that, although stiff fines were issued, a significant amount of this money was never recovered. For example, in 1898, the total amount of fines issued for liquor transgressions on the Witwatersrand was £35,415. Yet the authorities could only recover £4,915.50 of that amount during this period. The non-payment of fines was especially rampant in Johannesburg. In 1898, the state only succeeded in collecting £2975.10.0 from fines amounting to £28,690.0.0.<sup>65</sup>

If one considers the statistics presented to the *Volksraad* in the police commissioner's annual reports as an accurate reflection of the ordinary ZARPs' abilities to combat crime, then it reveals a marked drop in arrests for general crimes during the period

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<sup>64</sup> *Rapport van den Commissaris van Politie over het jaar 1897*, 44, the report gives figures for Johannesburg, Krugersdorp, Boksburg and Heidelberg.

<sup>65</sup> *Rapport van den Commissaris van Politie over het jaar 1897*, 44; and *Rapport van den Commissaris van Politie over het jaar 1898*, appendixes I and M.



1896 to 1899. It also points to an 80% successful conviction rate by the town's courts.<sup>66</sup>

Year	Number of crimes	Number of arrests		Number of convictions
		White	Non-white	
<b>1896</b>	39 709	7 696	32 013	30 826
<b>1897</b>	35 817	8 430	27 387	28 800
<b>1898</b>	24 067	4 654	19 413	19 613
<b>1899</b> Data only available for the first half this year	9 760	1 887	7 873	8 319

**Table 5: Witwatersrand crime statistics for the period 1896 to the first semester of 1899**

However, the statistics kept by both the ordinary police and the detective department should be viewed with caution. The May 1899 case of Detective E. Cronin serves as a telling example. Cronin was ordered to investigate the disappearance of £170 from the home of one Gustav Erlank. The latter suspected his brother-in-law of the theft. However, when Erlank went to the detective department to enquire about any progress in the matter, he was informed that, according to their records, the case had been closed.<sup>67</sup> Cronin had made an entry that he suspected Erlank's wife of stealing the money, but later recovered £110 from one Marie Visser and apparently Erlank did not want to prosecute Visser. Erlank, in a subsequent affidavit, swore that he did not know Visser, that he never said he did not want to prosecute her, and that his signature had been forged on the receipt stating that he had recovered £110 of his stolen money.<sup>68</sup> According to Chief Detective James Watt, Cronin had informed him that Erlank suspected his wife of the theft, but did not want to prosecute. A few weeks later, Erlank informed Cronin that he now suspected his sister-in-law, but did not want to give a statement, which hindered the issuing of a search warrant for the sister-

<sup>66</sup> These statistics are from figures kept in NASA, TAB, SP 894 and are also reflected in the annual reports of the police commissioner to the *Volksraad* for the periods 1896, 1897 and 1898. It should also be noted that this table only includes the figures for criminal cases and does not account for arrests made under the liquor laws by the Zarps from 1898 onwards. However, as the liquor and later also the morality laws were specifically dealt with by the detective department, the arrests made by the Zarps for these offences in 1898 and the first half of 1899 do not add significantly to the figures as represented in the table. In 1898 the Zarps made 348 arrests for liquor contraventions, of which 281 cases were successfully prosecuted. In the first half of 1899 the Zarps made 149 arrests for this offence, of which 119 resulted in successful prosecution.

<sup>67</sup> NASA, TAB, SP 897, affidavit: G.Z.E. Erlank, 30 May 1899.

<sup>68</sup> *Ibid.*

in-law's house. However, Erlank then informed the detective department that he now suspected his brother-in-law, as the latter, a poor cab driver, had been buying horses and saying that he would leave Johannesburg for Bulawayo. At this point, Watt inspected the report books and discovered that Cronin had made a report that he had found some of the money, and had returned it to Erlank. Later that afternoon Erlank, and a lawyer came to the detective department, wanting more information about the £110 that was supposedly returned to Erlank. Cronin was called and confessed that he had forged Erlank's signature and that the report he made about the money was false.<sup>69</sup> Cronin's explanation was that he wanted the department's books to reflect an increase in successful detective work, and that he had in fact never received the money.<sup>70</sup> Watt, however, was not satisfied with Cronin's explanation and suspended him pending a full enquiry into the matter.

The subsequent investigation further muddied the matter. Erlank's accusation of his brother-in-law as the thief did not prove to be true, as the detectives obtained sworn statements that he was at work when the money disappeared. It was also proven that the horses the man supposedly bought with the stolen money were, in fact, bought some days before the money was stolen. Erlank also did not give his assistance willingly to the new detectives assigned to the case. The report stated that Erlank worked as a clerk in a butchery, and expressed doubt that he simply would have hidden such a large sum of money in a mere desk in his house. His wife also stated that only she and her sister-in-law were home the day of the theft, and that the desk's key never left her possession. The detective could also find no signs that the desk had been forced open, and concluded that if the money was stolen, only Erlank's wife could have done so.<sup>71</sup> Another detective could not find any trace of the existence of a Maria Visser or Fischer in Johannesburg, and came to the conclusion that Cronin had made the false reports to 'make a name' for himself.<sup>72</sup> Erlank's lawyer, however, informed the detective department that, as the department's records showed that some of his stolen money was recovered, and it had been proven his client's signature had

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<sup>69</sup> Ibid., Watt to Schutte, 28 May 1899.

<sup>70</sup> Ibid., affidavit: E. Cronin, 28 May 1899.

<sup>71</sup> Ibid., report by Detective G. Blumenthal, 5 June 1899.

<sup>72</sup> Ibid., report by Detective J.H. Roome, 22 July 1899.

been forged on the receipt, the money had to be returned to Erlank.<sup>73</sup> However, the department was adamant that it had never received the money in the first place, and that Cronin either had to be ‘mad or drunk’ to issue a false receipt. Given Cronin’s track record, the department refused to believe that he would have been dishonest and kept the money.<sup>74</sup> Cronin was nevertheless dismissed from the force. The reason for his dismissal was recorded as ‘fraud’.<sup>75</sup>



**Figure 15: A police officer in uniform standing next to a lamppost in front of the Stuttaford store (HPRA: Barnett Collection)**

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<sup>73</sup> Ibid., A.B. van Os to Watt, 29 June 1899.

<sup>74</sup> Ibid. minute dated 2 August 1899.

<sup>75</sup> Ibid., Watt to Schutte, 15 June 1899. See: SP 868, ‘Register van ontslagen politie in de Zuid-Afrikaansche Republiek’.

## **Smuts versus ‘the Devil and his angels’: the battle for control of the detective department**

On 8 June 1898, Pretoria appointed 28-year-old Jan Christiaan Smuts as the Republic’s new state attorney.<sup>76</sup> Smuts was born in the Cape Colony in 1870. Highly intelligent and extremely dedicated to his studies, he had a brilliant academic career. In 1894 he graduated with an unprecedented double first in his legal studies at the University of Cambridge. He returned to Cape Town in 1895, and actively supported the political partnership of ‘Onze’ Jan Hofmeyr and Cecil John Rhodes. However, Smuts denounced Rhodes after the latter’s involvement in the Jameson Raid was exposed. Smuts gave up his British nationality and emigrated to the ZAR. He set up a law firm in Johannesburg before accepting the position of state attorney in 1898.<sup>77</sup> Smuts was described by one of his confidants as a man of ‘unimpeachable honour’.<sup>78</sup>

Barely settled in his new office, Smuts embarked on a campaign to regain control of the detective and secret service departments, which had been ceded by former State Attorney Coster to the late Police Commissioner van Niekerk in November 1895.<sup>79</sup> In late July 1898, Smuts informed Pretoria that article 6 of Law 8 of 1887 stated explicitly that the state attorney had supreme supervision over prisoners and the police, and could request reports from public prosecutors and make recommendations to the state president about any irregularities exposed in prisons or in the police force.<sup>80</sup> Smuts’s quest to address crime in Johannesburg by reforming the police department would bring him in direct conflict with Police Commissioner Schutte, Chief Detective Ferguson and First Public Prosecutor Krause.

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<sup>76</sup> W.K. Hancock and J. van der Poel (eds), *Selections from the Smuts Papers, Vol. 1, June 1886-May 1902* (Cambridge University Press: Cambridge, 1966), 147.

<sup>77</sup> For more on the life of J.C. Smuts and early Cape Politics, see W.B. Hancock, *Smuts: The Sanguine Years, 1870-1919* (Cambridge: Cambridge University Press, 1962); H. Giliomee, *The Afrikaners: Biography of a People*, 193-227; Marais, *The Fall of Kruger’s Republic*, 219-220.

<sup>78</sup> F.R.M. Cleaver, *A Young South African: a Memoir of Ferrar Reginald Mostyn Cleaver, Advocate and Veldcornett* (W.E. Hortor, Johannesburg, 1913), 19.

<sup>79</sup> See Chapter Three, fn 275.

<sup>80</sup> Hancock and Van der Poel (eds), *Selections from the Smuts Papers*, 193; NASA, SP 528, Smuts to state secretary, 628. See also, *De Locale Wetten en Volksraads-besluiten der Zuid-Afrikaansche Republiek, 1886-1887* (Staatsdrukkerij, Pretoria, 1888), 130-131.

One of the first skirmishes in this clash of personalities occurred barely a week after Smuts's appointment. The conflict was linked to the illicit gold trade, and the events that unfolded would once again cause considerable damage to the detective department's already beleaguered reputation. The flourishing of the illicit gold trade was linked to Pretoria's grossly naive generosity in issuing gold buying permits to the detective department. These permits were, in turn, used by agents, employed by detectives as middle men, to trap illegal gold buyers and sellers. However, many agents became gold-runners themselves, and developed a flourishing trade in permits. This made it increasingly difficult for the detectives to arrest suspected individuals, as permits verifying their right to buy gold could easily be produced.<sup>81</sup>

To compound this problem even further, Pretoria decided to appoint 'secret' detectives in the employ of the Consolidated Gold Fields Company, under the authority of Henry Birkenruth and N.J. Sapte, also armed with permits to trap illegal gold buyers. From a 'statement of accounts' sent by Sapte to the state attorney's office, it would seem that this arrangement was already in place at the beginning of May 1898. Joshua William Treu was appointed as 'secret' detective and assisted in his endeavours by one Count Charles de Sarigny and R. Crawford. This confounding situation came under the attention of First Public Prosecutor Krause on 24 May 1898, more than a week before Smuts was officially appointed. Treu was going about Johannesburg boasting that he had a state issued permit which allowed him to buy and sell gold.<sup>82</sup> Chief Detective Ferguson, for his part, was informed of the encroachment on his turf on 27 May 1898 by none other than Treu's sub-agent, Crawford. To complicate matters even more, it would seem that Sapte only officially requested Pretoria to furnish Treu with a permit on 31 May 1898. With Johannesburg's law enforcement officials now fully aware of Treu and co's investigations, Pretoria officially appointed Treu as a 'detective for certain purposes' on 2 June 1898.<sup>83</sup>

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<sup>81</sup> Hancock and Van der Poel (eds), *Selections from the Smuts Papers*, 193; see: *The Star*, 'The Gold Law', 18 June 1898 and *The Star*, 'The gold buying scandal', 25 June 1898.

<sup>82</sup> NASA, TAB, SP 172, SPR5124/98, Krause to state attorney, 24 May 1898.

<sup>83</sup> *Ibid.*, SP 173, SPR5622/98, state secretary to state attorney, 2 June 1898.

It would not be implausible to reason that Ferguson viewed Treu's appointment as a blow to his pride. Even more importantly, it would seem that the state attorney's office was, at this point, not yet aware that Ferguson knew about the appointment. Ferguson only informed Smuts in July that he had known about Treu's activities since the end of May.<sup>84</sup> It is also not unlikely that Krause confirmed Treu's appointment to Ferguson, and that together the men instigated a plan to take care of the situation. This is certainly what Treu believed when he later informed Smuts of his suspicions.<sup>85</sup>

The matter became a serious blunder when, on 17 June 1898, Ferguson trapped and had De Sarigny and another fellow named James Spittle arrested for illicit gold buying. The 300 ounces of amalgam used to trap these men were bought by Ferguson for £450.17.11 from the Robinson Gold Mining Company through Messrs. H. Eckstein & Co. on 14 June 1898.<sup>86</sup> Whether arranged as such or not, Ferguson's middleman, a person named Max Adler, absconded with the money the count had used to pay for the gold, and thus only the gold was recovered from De Sarigny.<sup>87</sup> According to Smuts, this was one of Ferguson's old tricks.<sup>88</sup>

De Sarigny and Spittle claimed that they had been acting in their 'official' capacities under Treu's instructions when they bought the gold from Adler. Ferguson was livid. On 18 June he complained to Police Commissioner Schutte about the situation. Schutte was away on an official tour of the Soutpansberg, and his secretary, Bredell, informed the detective that given the 'importance of the case', he had to await further instructions from the police commissioner before he could act.<sup>89</sup> Schutte too was outraged by Smuts's actions. On 27 June he informed the state attorney that it had become 'impossible ... in the present circumstances' to police the gold law, and he

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<sup>84</sup> NASA, TAB, SP 465, telegram: Watermeyer to Ferguson, 29 July 1898; SP 193, GR 8/98, Ferguson to Smuts, 29 July 1898.

<sup>85</sup> Ibid., SP 193, letter marked 'confidential' from Treu to Smuts, 11 July 1898.

<sup>86</sup> Hancock and Van der Poel (eds), *Selections from the Smuts Papers*, 193.

<sup>87</sup> Ibid., 190-191.

<sup>88</sup> Ibid.

<sup>89</sup> NASA TAB, SP 892, Bredell to Ferguson, 20 June 1898, 367.

thought it better that the law be separated from the responsibilities of his department.<sup>90</sup>

However, three days after Schutte's reprimand, Smuts was in possession of his first sworn affidavit claiming that Ferguson was a corrupt law officer. This was due to the action of Major Sapte, who had persuaded a former dishonourably discharged detective and known gold thief, Carl Johan Frederick Hartung, to inform on Ferguson. Hartung was confident that he could prove his loyalty to Smuts by catching some of the major criminals connected to these crimes. It was, however, the accusations Hartung made against Ferguson that got him the state attorney's attention. In his affidavit, Hartung asserted that he had, in the last ten months, sold amalgam to the value of £1 800 to the chief detective. He also claimed to have seen Ferguson disposing of some of the gold.<sup>91</sup> Smuts was so eager to obtain evidence against the chief detective that he met with Hartung the following day to discuss his claims.<sup>92</sup> It is not known what was discussed at this meeting, but in a letter to the state attorney a few days later, Hartung corrected some of the information he had mentioned to Smuts regarding his encounters with Ferguson.<sup>93</sup>

De Sarigny also took to his pen, and complained to Smuts that he had been ill treated after his arrest by 'some officials' at the charge office, and that his name had been tarnished in the press. The count claimed that, due to the government pursuing the matter without stating that he had acted 'honourably ... and for the good of the Mining Industry', his character was being tainted in the eyes of the public.<sup>94</sup> Smuts did not reply to the count. The state attorney did, however, decide it wise to withdraw the permit that had been issued to Treu.<sup>95</sup> On hearing this, Sapte send Smuts a 'statement of accounts' which showed that the company had lost £298.16.6 during the period Treu had his permit, as Count de Sarigny had, in some traps, purchased 'spurious'

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<sup>90</sup> Ibid., SP 892, Schutte to Smuts, 27 June 1898, 368.

<sup>91</sup> Ibid., SP 193, affidavit C.J.F. Hartung, 30 June 1898.

<sup>92</sup> Ibid., SP 465, Smuts to Sapte, 30 June 1898.

<sup>93</sup> Ibid., SP 193, Hartung to Smuts, 4 July 1898.

<sup>94</sup> Ibid., De Sarigny to state secretary and Smuts, 1 July 1898.

<sup>95</sup> Ibid., Sapte to Smuts, 6 July 1898.

gold. The company now wanted to recover this money by selling the gold the state detectives had taken off De Sarigny. Sapte enquired whether the gold could be returned to Treu and then sold.<sup>96</sup>

On Friday 7 July 1898, the state attorney instructed the public prosecutor's office to hand over the amalgam that was found in possession of De Sarigny and Spittle to Treu.<sup>97</sup> However, when Treu went to ask Krause for the gold, the first public prosecutor informed him he had already returned it to Ferguson.<sup>98</sup> Treu was clearly upset by this turn of events, and on the same day wrote another letter to Smuts, which he marked 'confidential'. The letter cast suspicions on Ferguson and Krause. Treu alleged that Ferguson was informing on Pretoria to the anti-government newspaper, *The Critic*. He then went on to cast doubt on Ferguson and Krause's loyalty. He wrote:

There is a distinct appearance of collusion between Dr. Krause ... and Mr. Ferguson ..., otherwise why was your order to return the amalgam not complied with? As has been stated before ... if [they] were acting bona fide on behalf of and in the interest of the Government of this State, why should they do everything to thwart me in ... carrying out the instructions of the Government to unearth the I.G.B. crime and to have criminals exposed? Why should they employ agents to try and damage my character in the eyes of the Government? If the detective department is honest and discreet how is it that the scum of Johannesburg can tell me from time to time what the movements present and future of the Detective department are.<sup>99</sup>

Treu claimed it was strange that the chief detective had only trapped De Sarigny with 422 ounces of amalgam, as the count allegedly saw 2,000 ounces of gold in Adler's house a few days before. Treu asserted that it would be 'interesting to know who was the actual possessor of the 422 oz of amalgam' bought by De Sarigny and Spittle.<sup>100</sup>

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<sup>96</sup> Ibid.

<sup>97</sup> NASA, TAB, SP 465, state attorney's secretary, P.J.A. Watermeyer to public prosecutor, 7 July 1898 and Watermeyer to Sapte, 7 July 1898.

<sup>98</sup> Ibid., SP 193, Treu to Smuts, 11 July 1898.

<sup>99</sup> Ibid., letter marked 'confidential' from Treu to Smuts, 11 July 1898.

<sup>100</sup> Ibid.



Smuts, already doubting Ferguson's trustworthiness after his meeting with Hartung, decided to follow up on Treu's allegations. The state attorney instructed Treu to investigate Ferguson. Smuts warned Treu that his investigation had to be conducted cautiously.<sup>101</sup> The state attorney then instructed Ferguson to send him the affidavits he had taken from Spittle.<sup>102</sup> Smuts also asked Ferguson to account for where he had acquired the gold to trap De Sarigny and Spittle, and to state on which date he had obtained it.<sup>103</sup> Ferguson replied to Smuts that he had bought the gold from the Robinson Gold Mining Company through Messrs. H. Eckstein & Co. on 14 June 1898.<sup>104</sup> Smuts asked Henry Birkenruth to ascertain the veracity of Ferguson's claim. Smuts seemed to have been under the impression that Ferguson had bought the gold from the Robinson Deep Mining Company and not Robinson Gold Mining Company.<sup>105</sup> The state attorney thus had hoped to catch Ferguson in a lie. Birkenruth, however, replied to Smuts that the manager of the Robinson Deep had not supplied Ferguson with gold. Ferguson's statement in the matter was therefore true. Birkenruth added despondently: 'Messer. Eckstein confirms the correctness of Ferguson's statement, there is therefore nothing further to be said in this particular matter'.<sup>106</sup>

However, the matter was far from settled. At the end of July, Treu wrote a report to Smuts relaying some of the information he had gathered on Ferguson. According to Treu's informer, another former detective named Freddy Holm, he and Detective J.P. Doyle had no love for the chief detective. Their disdain towards Ferguson related to a case whereby a man named Pat O'Reilly had been arrested by Ferguson, before Doyle could secure gold through O'Reilly in an investigation against the 'Jew Cohen'. Holm stated that Ferguson's chief partners in crime were one 'Captain Hicks Hickey', 'Dr. Matthews' and 'Chinaman Wolff'. Treu also informed Smuts that another of Ferguson's old acquaintances from the notorious Esselen days, Malcolm, was still 'in no means friendly disposed' to the chief detective.<sup>107</sup> Yet, Treu evidently struggled to

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<sup>101</sup> NASA, TAB, SP 465, state attorney's secretary, P.J.A. Watermeyer to Treu, 20 July 1898.

<sup>102</sup> Ibid., Watermeyer to Ferguson, 21 July 1898.

<sup>103</sup> Ibid., 22 July 1898.

<sup>104</sup> Hancock and Van der Poel (eds), *Selections from the Smuts Papers*, 193.

<sup>105</sup> NASA, TAB, SP 193, Sapte to Smuts, 21 July 1898.

<sup>106</sup> Ibid., Birkenruth to Smuts, 29 July 1898.

<sup>107</sup> Ibid., Treu to Smuts, 30 July 1898.

find any concrete proof against Ferguson, and a month later, seemingly out of desperation and exploiting the racial prejudices of the time, informed Smuts that Ferguson was married 'to a slightly off coloured woman by antinuptial (sic) contract'. Treu went on to allege that Ferguson was warning canteen owners before they were trapped and raided by the police.<sup>108</sup> There was also a rumour floating around that Ferguson had been misappropriating funds indented for the salaries of the Indian detectives. At this time there were no Indian detectives on the books, and it was alleged that Ferguson was using this money to fill up his and Detective Donovan's own pockets under the guise of using the money to pay for police traps.<sup>109</sup>

Then, in September, at the annual meeting of the Jumpers General Mining Corporation, the board's chairman, W.H. Rogers, launched a scathing attack on the ineptitude of the detective department and the office of the first public prosecutor to curb the illicit liquor and gold trades. Rogers claimed that he had on more than one occasion approached First Public Prosecutor Krause to be granted permission to pursue cases of gold thefts independently from the detective department. These requests were denied and the detective department instructed to investigate the matters. However, the latter made 'a mess of it', as the department 'was practically under no head [and] the staff were ... free to do as they like'.<sup>110</sup>

The following day, in a headline article entitled: 'Gold thefts scandal', Krause was interviewed by the *Standard and Diggers' News* about Roger's accusations. Krause admitted that Rogers had approached him for 'private men ... to be sworn in and handed permits to buy gold', but that the public prosecutor informed Rogers that he would be acting 'beyond [his] authority and outside the law' if he allowed this. Krause went on to defend Ferguson, as Roger called the chief detective a 'rotter'. He stated that Ferguson had never violated his trust, but preserved the benefit of the doubt; if the mining industry could supply him with evidence that Ferguson was indeed corrupt, he would see to the chief detective's dismissal. According to Krause,

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<sup>108</sup> Ibid., Treu to Smuts, 2 August 1898,

<sup>109</sup> Van den Bergh, 'Die Polisiediens in die Zuid-Afrikaansche Republiek', 244.

<sup>110</sup> *Standard and Diggers' News*, 'Company meeting', 28 September 1898.

the antagonism against Ferguson was politically motivated and rooted in the eagerness of the mining industry to get the advisory board it had lobbied for during the Industrial Commission. Krause was especially scathing about the role played by one of Johannesburg's private detective bureaus in the matter. Krause had promised this agency assistance in its pursuit of illicit gold buyers. However, a 'ludicrous fiasco' occurred when Private Detective W.B. Cooper's middleman, a person named Peacock, ended up buying gold in a trap organised by Ferguson and the state detective department. Krause opined that the blame for the trade in illicit gold resided with the mines, and stated that neither he nor Ferguson could 'see what [was] going on inside a battery ten miles away'. The normal course of action for the detective department was to try and trap the buyers. Krause had been assured by Ferguson that there were very few of these remaining in Johannesburg.<sup>111</sup>

The newspaper then interviewed the chief detective. Ferguson stated:

The statements Mr Roger elect to make concerning me I can afford to ignore and despise. I am convinced I am as honest and as trustworthy a man as Mr Rogers. ... The Detective Department has always been a convenient butt for chairmen of companies. I have never taken the trouble for reply, as the allegations have always been of a vague nature. I shall be able to protect myself and probably they would be sorry they made it. In any case, directors would be much better employed in looking after their shareholders' interests ... than by a stereotyped rail against Government and Detective Department. I am convinced that the last two years the department has done excellent work, especially in I.G.B. prosecution.<sup>112</sup>

It was, however, the allegations made in the *Johannesburg Times* that infuriated Ferguson. The paper wrote that private detectives Cooper and Chas Agar Ellis had, in fact, not acted out of their own accord, but had been appointed by Smuts as special detectives to investigate the illicit sale of gold and liquor. The newspaper was scathing in its criticism of Smuts. It wrote that justice was being 'prostituted', as the

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<sup>111</sup> Ibid., 'Gold thefts scandal', 29 September 1898.

<sup>112</sup> Ibid.

private detectives thrived ‘not upon a diminution but upon an increase of the evils arising out of gold and liquor cases’. According to the paper, the private detectives,

armed with this official authority, and taking full advantage of the erroneous feeling existing in certain quarters against the official Detective Department, the private detectives canvas the Mining Companies for payment of a special fee in trapping cases. ... If such tactics and methods as these are to be stamped with the seal of State approval and encouragement, it is a greater scandal than has ever yet disgraced the annals of local justice. We respectfully call upon Mr. Smuts to withdraw his permits to Messrs. Cooper and Ellis, and to any other persons of the same character.<sup>113</sup>

The newspaper stated that if the state attorney suspected the local detective department of being corrupt and incapable of dealing with the administration of the liquor and gold theft laws, he had to own up to this fact and provide the necessary proof. The state could then officially appoint men who held its trust, and reorganise the police force so that it would ‘command the confidence both of industry and of the general public’.<sup>114</sup>

The incident in question related to a liquor trapping case whereby Herbet Horwitz, a canteen owner, had to appear in court after three African men used as ‘traps’ by Sydney Pate, a private detective in employ of Cooper and Ellis, managed to buy a bottle of liquor from Horwitz’s bar. Cooper and Ellis then approached the public prosecutor’s office to issue a warrant for Horwitz’s arrest. Krause, however, stalled in issuing the warrant for a few days, as he first wanted to see what the outcome would be in a similar case that was due in court. The private detective bureau had an arrangement with some of the mining companies that it would be paid £50 by the company for any successful convictions of liquor trapping cases. While waiting for Krause to issue the warrant, the private bureau approached the Crown Reef General Mining Company, and enquired as to whether it would pay out the money for a successful prosecution in the above case. The company, however, informed Cooper and Ellis that it would only pay the money if white employees of the illicit canteens

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<sup>113</sup> *The Johannesburg Times*, ‘Prostituted Justice’, 1 October 1898.

<sup>114</sup> *Ibid.*

were trapped. It would seem that this was not the case in this specific instance. Angered by the mining company's refusal to pay up, the private detective company then destroyed the bottle of liquor it bought from Horwitz. When Krause went on to issue the warrant, it thus emerged that there was no physical evidence against Horwitz, and that the African men used as 'traps' by Cooper and Ellis had been paid out and were no longer available to testify in the case. Krause summoned Cooper to take the stand and explain the matter, but a medical certificate was produced stating that he suffered from 'mental strain and collapse'. With no evidence against Horwitz, he was discharged by Landdrost Schuurman.<sup>115</sup>

Ferguson forwarded the newspaper clippings pertaining to these issues to Police Commissioner Schutte. He fumed that it was 'high time that this state of things should come to an end'.<sup>116</sup> Schutte wrote to Smuts, asking him to explain the matter and to state whether, in fact, Cooper had been appointed as a special detective by the state attorney.<sup>117</sup> There is no indication that Smuts replied to Schutte. Yet, on 27 September 1898, Smuts sent a confidential telegram instructing his confidant, Second Public Prosecutor Ferrar Reginald Mostyn Cleaver, to recall Cooper immediately, and to take back his appointment as 'special detective', as issued by the state secretary. Smuts had been informed that the appointment 'was not in order'.<sup>118</sup> That Smuts was aware of a potential scandal is hinted at in his sending a follow-up telegram to Cleaver a few hours later, enquiring whether his instructions had been carried out.<sup>119</sup>

A day after withdrawing Cooper's special appointment, Smuts referred to the detective as a 'private person'. He reprimanded Third Public Prosecutor Broeksma for entrusting Cooper with bringing over affidavits to Pretoria in another case.<sup>120</sup> Broeksma defended his actions, stating Cooper had informed him that Smuts had appointed him as a 'special constable', and had also testified to this fact in court.<sup>121</sup>

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<sup>115</sup> *The Standard and Diggers' News*, 'Detective Exposee', 1 October 1898.

<sup>116</sup> NASA, TAB, SP 809, Ferguson to Schutte, 3 October 1898.

<sup>117</sup> *Ibid.*, SP 809, Schutte to Smuts, 7 October 1898.

<sup>118</sup> *Ibid.*, SP 465, Smuts to second public prosecutor, 27 September 1898.

<sup>119</sup> *Ibid.*

<sup>120</sup> NASA, TAB, SP 183, SPR 9134/98, Smuts to Krause and Broeksma, 28 September 1898.

<sup>121</sup> *Ibid.*, Broeksma to Krause and Smuts, 30 September 1898.

Krause, in support of Broeksma, informed Smuts that he would still bring ‘some facts’ to his attention about ‘this co-called “Private” Detective Bureau’.<sup>122</sup> Smuts replied to Broeksma that he had misunderstood the tone of his letter, as he never ‘intended laying any blame’ on the third public prosecutor. He simply wanted the affidavits as soon as possible, as ‘it would seem that some parties were dragging the name of the state president through the mud’.<sup>123</sup>

Undeterred by the unfolding events in Johannesburg, Smuts decided to forge ahead, and put his case against Ferguson to the Executive Council. Pretoria instructed Schutte on 2 November 1898 to dismiss Ferguson. Schutte was informed that Ferguson had tried to forge documents with the intention to mislead a ‘top official’, and was involved in other ‘ambiguous’ activities. Smuts had successfully persuaded the Executive Council that Ferguson was a ‘danger’ to the state.<sup>124</sup>

On learning of his impending dismissal, Ferguson beseeched Schutte to take up his case with the Executive Council. The chief detective was adamant that the matter ‘was based on a misunderstanding’. Ferguson wanted an opportunity to defend himself, and to be present when the matter was discussed. Schutte made a passionate appeal on Ferguson’s behalf. The police commissioner pleaded that it would be ‘reasonable and Christian’ to afford the chief detective an opportunity to defend himself. He added that he was under the same impression as the Executive Council regarding the matter, but that in the meantime, he had heard more details of the case and saw it as his ‘holy duty’ to bring the matter before the executive once again. Schutte saw the government’s loss of trust in Ferguson as a poor reflection on his own abilities as police commissioner. He pleaded for a commission of enquiry to be appointed, ‘to give both parties an opportunity to prove their guilt or innocence’.<sup>125</sup> Although the government gave serious consideration to this request, no commission

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<sup>122</sup> Ibid., Krause to Smuts, 3 October 1898.

<sup>123</sup> Ibid., Smuts to Krause and Broeksma, 6 October 1898. The file does not contain the affidavits referred to, it is thus unclear why and who was tarnishing Kruger’s name. The affidavits were made by Cooper, Ellis, S.H. Pate and R. Andrews and were in the end delivered by registered mail to the state attorney’s office.

<sup>124</sup> NASA, TAB, SP 887, state secretary to Schutte, 2 November 1898, 147, entry 229.

<sup>125</sup> Ibid., SP 892, 7 November 1898.

of enquiry was instigated. In all probability, Smuts could not afford a public enquiry, as it would have revealed his covert actions in acting against Ferguson, Krause and Schutte. An inquiry would also have infringed on state security if secret matters were, as a result, to be made public.<sup>126</sup>

Nevertheless, on 11 November 1898, Ferguson was called to Pretoria and given the opportunity to account for the state attorney's accusations against him. Ferguson in turn, made accusations against 'a very high official, which proved to be unfounded'.<sup>127</sup> The session lasted until late in the evening.<sup>128</sup> A decision in the matter was only reached after what was described as a 'violent scene in the Executive Council'.<sup>129</sup> Schutte had to inform his chief detective that the Executive Council had resolved to give him the opportunity to do the honourably thing and resign within in two days. Failing to do so would result in his immediate dismissal.<sup>130</sup> Ferguson resigned and asked Pretoria to furnish him with all the documents pertaining to his case.<sup>131</sup> The government denied this request.<sup>132</sup> Smuts had won his first major battle for control of the detective department and secret service.

The British Agent viewed Ferguson's dismissal as a victory for the mining industry. Smuts was hailed as a hero to whom the industry owed 'its deliverance'. He bemoaned the fact that Schutte's defence of Ferguson had not led to the police commissioner's own resignation. London was made aware that Schutte possessed 'powerful influence' in the government, and that it would be unlikely for the police commissioner to follow in Ferguson's footsteps.<sup>133</sup> Yet, Smuts did convince the Executive Council to bring a motion before the *First Volksraad* to debate whether the detective force should be removed from Schutte's control.<sup>134</sup>

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<sup>126</sup> *Notulen der verrichtingen van den Eersten Volksraad der Z.A.Republiek, 1898* (Pretoria: Staatsdrukkerij, 1899), 1200.

<sup>127</sup> *The Standard and Diggers' News*, 'The Chief Detective', 12 November 1898.

<sup>128</sup> *Ibid.*

<sup>129</sup> TNA, DO 119/320, Fraser to high commissioner, 16 November 1898.

<sup>130</sup> NASA, TAB, SP 892, Schutte to Ferguson, 11 November 1898.

<sup>131</sup> *Ibid.*, SP 887, Ferguson to Schutte, 12 November 1898, 150, entry 244.

<sup>132</sup> *Ibid.*, state secretary to Schutte, 1 December 1898, 153, entry 259.

<sup>133</sup> TNA, DO 119/320, Fraser to high commissioner, 16 November 1898.

<sup>134</sup> *Ibid.*

A few days after Ferguson's resignation, the *Standard and Diggers' News* published an interview with the former chief detective. Ferguson stated that he was at a loss to explain his dismissal. He said:

I am described by the State Attorney, Mr Smuts, in a communication to the Government, as a sort of 'Dreyfus', likely to create a revolution in the country and though a particularly smart man, singularly unsuccessful in getting at the 'groote misdadigers' [big criminals]. He means that I let the big I.G.B.'s slip through my fingers.<sup>135</sup>

Ferguson went on to explain that he had been 'harassed' by several individuals, who had claimed to have the confidence of Smuts and the Secret Service, and who had spread rumours and 'ridiculous stories' about him to the government. Ferguson claimed that

Among these was Mr T[reu], who I met through the Sarigny-Spittle gold case. There was also Mr Beech; and Mr Cooper of the Private Detective Bureau. ... I fell foul of Mr Cooper in the Peacock-Gold Fields case. You remember that Mr Peacock was authorised by Mr Birkenruth, of the Gold Fields Company, to buy some suspicious amalgam, which was officially mine. Mr Cooper worked up the case for a fee. But Peacock only hooked a parcel, which was my own trap gold. ... I have heard some stupid rumours abroad that I am described as being convicted in Natal for horse thefts, and of running a mine on tribute for I.G.B purposes. But I dismiss the silly statements as vile talk. The only gold-property I ever had anything to do with I lost money on.<sup>136</sup>

Asked by the journalist to explain the attitudes of Smuts and some members of the Executive Council against him, Ferguson stated:

They have been misled, I think, by powerful factors. Some time ago it was confidentially reported to me by Dr FET Krause, First Public Prosecutor, that there were certain irregularities in the Pass Office. In the ordinary course of duty I sent a man down to the Pass Office. This aroused the resentment of Mr

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<sup>135</sup> *Standard and Diggers' News*, 'Ferguson's dismissal: ex-chief detective interviewed', 15 November 1898.

<sup>136</sup> *Ibid.*



Phanie (sic) Kock, Mr Jan Kock's brother. ... I believe that various gentlemen with influence have the ear of the State Attorney, and Messrs Reitz and Burger, and they are unduly using that influence to my disadvantage. All I ask is fairplay. When I wrote that letter to the Commissioner of Police on October 11th, it was I who asked for an investigation. Take note of that. I am prepared to meet my accusers on every point. I even succeeded in gaining this enquiry. Last Tuesday afternoon I met the Commissioner of Police with the members of the Executive Council in the Council Chamber and the outcome was that a commission, consisting of Messrs JF de Beer (Inspector of Offices), PG Mare (Landdrost of Boskburg), and Hans Minnaar (Registrar of Deeds), was appointed to investigate the charges against me. But before that Commission sat – last Thursday – I was summoned to Pretoria. ... I was again called to the Executive Council, where various questions were put to me. I was afterwards congratulated by the Commissioner of Police on the clearness with which I elucidated every matter that was brought up. My subsequent dismissal I cannot explain, though I must accept it. ... The president had the prerogative of discharging any public servant at a moment's notice without explanation. In [my letter of resignation] I draw attention to the fact that no opportunity has been offered me to defend myself and that the dismissal is harsh and unfair. ... I believe that the hesitation on the part of the State Attorney is partly caused by a desire not to bring about an exposé which such an investigation would entail. When, however, Pretoria appreciates the extent to which it has been hoodwinked it will give me a fair trial.<sup>137</sup>

Ferguson concluded the interview by saying that he would not be 'hardup' for money during the next six months, but that he had 'to begin life over again'.<sup>138</sup>

In late November 1898 the *First Volksraad* debated whether the control of the detective department should be ceded to Smuts. The state attorney had the support of the Chamber of Mines, who had already submitted a memorial to Pretoria in September 1898, pleading for the departments tasked with the illicit gold and liquor trades to be placed under the immediate supervision of the state attorney.<sup>139</sup> When the *Volksraad* first debated whether to allow the motion, it was already evident that the

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<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> *Chamber of Mines: tenth annual report for the year ending 31<sup>st</sup> December 1898* (Argus printing and publishing company, Johannesburg: 1899), 167-168.

matter would be a heated one. *Volksraad* member Jan de Beer defended Ferguson, stating that former chief detective ‘was despised in his own country (England) just because he was a thorough Republican, because he worked, pleaded for, and loved the Transvaal, and for the patriotism to his adopted country he was discharged without the change to plead his case’. The motion was nevertheless adopted.<sup>140</sup> During the main debate a few days later, a vehement discussion followed, and it was evident that the house was split on the matter. Police Commissioner Schutte clearly had the support of his brother-in-law, Koos Wolmarans. The latter revived the ghost of the Jameson Raid, and reminded the *Volksraad* of how State Attorney Esselen, as the then head of the detective department, had failed in his task to safeguard the Republic and had appointed Trimble. Police Commissioner Schutte agreed that the later had been disastrous, and had added to his own failure to learn about the conspiracy sooner, as Trimble had reported directly to Esselen, leaving the police in the dark.<sup>141</sup>

Wolmarans was adamant that the motion was linked to Ferguson’s dismissal, who had never been truly awarded the opportunity to defend himself. As a member of the Executive Council, who had supported the chief detective’s dismissal, *Volksraad* member Jacobus de Kock defended the state’s decision. He argued that there had been a break in trust between Pretoria and the chief detective. He re-emphasised that any public enquiry would expose state secrets. Wolmarans asserted that he ‘did not want to take Ferguson’s side’ in the matter, but the fact that the case had been dealt with in the ‘dark’ had led to agitation from the public and press.<sup>142</sup> During the course of the debate, State Secretary F.W. Reitz supported Kock, and stated that Ferguson’s accusations against Smuts were ‘impudent’ and ‘impertinent’ and his dismissal was justified.<sup>143</sup>

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<sup>140</sup> *Notulen der verrichtingen van den Eersten Volksraad der Z.A.Republiek, 1898* (Pretoria: Staatsdrukkerij, 1899), 1199.

<sup>141</sup> *Notulen der verrichtingen van den Eersten Volksraad der Z.A.Republiek, 1898* (Pretoria: Staatsdrukkerij, 1899), 1199.

<sup>142</sup> *Ibid.*, 1200.

<sup>143</sup> *Ibid.*, 1205.

Wolmarans condemned the fact that Smuts had been allowed to appoint his own ‘special detectives’ to spy on government officials.<sup>144</sup> Smuts, however, rebutted this claim and stated that since his appoint as state attorney, he had not appointed any detectives, ‘not even for the purpose of buying gold’, and that the previous state attorney was responsible for the appointments.<sup>145</sup> Wolmarans was not convinced. Kock then came to Smuts’s defence and stated that it was the Executive Council that had the authority to appoint ‘jurists to advise the government in difficult cases, and that the *Volksraad* had allowed the Executive Council to use its own discretion in choosing these people’.<sup>146</sup> *Volksraad* member Louw also refused to buy into Smuts’s claim that he had not appointed ‘special detectives’. Smuts stated that only Schutte could appoint ‘secret agents’. Louw then stated bitingly that the state attorney was asking the *Volksraad* to believe that it was Schutte who had appointed the ‘special detectives’, in order for them to be trapped by the state detectives. Smuts maintained that he was legally prevented from appointing detectives. Louw replied that the matter confounded him.<sup>147</sup>

*Volksraad* member Dieperniek stated that it was evident the detectives were not doing their duties in Johannesburg. He argued that Schutte already had his hands full with the administration of the ZARs. Another member disagreed with the legal arguments being offered, which implied that the Police Law of 1895 would have to be amended to bring the detective department under the state attorney’s control. The law, in its existing form, technically made the state attorney the head of the police.<sup>148</sup> On a question to Smuts and Schutte as to whether there had been any claims that Ferguson had interests in canteens, both answered that no such claims were made to them. One member, L. Meijer, stated that no notice ought to be given to all the rumours circulating about the detective department, otherwise every single detective would have to be locked up. The public prosecutors and state attorney had to prove the claims. But he also felt that Schutte was already overstretched with the administration

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<sup>144</sup> Ibid., 1200.

<sup>145</sup> Ibid.

<sup>146</sup> Ibid.

<sup>147</sup> Ibid., 1204.

<sup>148</sup> Ibid., 1201.

of the police, let alone the detective department and secret service. He also stated that Kock's reasoning on the Ferguson matter was 'unhealthy', as it meant that detectives who committed crimes would simply be given a free pass to resign, for fear of what they would reveal in an open court.<sup>149</sup> When the matter was finally put to a vote, Schutte emerged victorious over Smuts by a single vote.<sup>150</sup> The police commissioner retained control of the detective and secret service departments.

The matter, however, was far from settled. The air was still thick with rumour and intrigue. Schutte was informed by detective Doyle that he had been approached by men claiming to be in the employ of Smuts to gather compromising evidence against Ferguson. According to Doyle, one of the men told him his appointment in the detective department would be guaranteed in exchange for any information that would see to Ferguson's dismissal.<sup>151</sup>

On 1 December 1898, in a move that seemed to be retaliation against Smuts, Treu was arrested on charges of plotting to murder the former chief detective.<sup>152</sup> At the provisional examination into the matter, Krause called as witness Isaac Lionel Jacobs. Jacobs testified that he was 'supposed to be employed by Mr Treu and Mr Smuts' to shadow Ferguson. Jacobs asserted that he received his appointment from the secretary of the *Volksraad*, Fortuin. He testified that Treu had 'turned to Malcolm, Spittle and the count and said that if it cost him his last penny, he would work Ferguson out of his billet'.<sup>153</sup> Doubt was cast on the truth of Jacobs' testimony, as Treu's defence claimed that he was a 'loafer'. Smuts evidently believed that Krause's line of questioning was leading the witness, with the purpose to besmirch his character, and demanded to know from the first public prosecutor 'whether the questions put into your mouth, as well as Jacobs's answers, are substantially correctly reported. Further, I wish to know whether you had spoken to Jacobs before calling him as a witness and examining him.

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<sup>149</sup> Ibid., 1203.

<sup>150</sup> Ibid., 1206-1207.

<sup>151</sup> NASA, TAB, SP 881, Doyle to Schutte, 23 November 1898.

<sup>152</sup> Hancock and Van der Poel, *Selections from the Smuts Papers, Vol. 1, June 1886-May 1902*, 191.

<sup>153</sup> *The Standard and Diggers' News*, 'The trial of Treu', 11 January 1899.

Please answer immediately'.<sup>154</sup> A few days later, Smuts asked Krause to send him Jacob's affidavit, as Secretary Fortuin wanted to sue Jacobs for perjury.<sup>155</sup>

It is evident that Krause enjoyed every second of examining the witnesses he called to the stand. This was especially true when he called Alexander Oliphant. Much to Oliphant's astonishment, Krause produced a letter which Treu had written to Oliphant. In the letter, dated 20 November 1898, Treu boasted that he had succeeded in forcing Ferguson's resignation, and claimed that he had managed to put the detective department under Smuts' control. This latter claim was, however, a misconception on Treu's part, as the supposed *Volksraad* vote he referred to was, in fact, a vote that determined the motion to do so would be debated and decided on 24 November 1898. At this session, as has been pointed out, Schutte retained his control over the detective department. Treu, however, asserts in the letter: 'I have that which is sweet – REVENGE'. Krause repeated these words to the court in jest, pointing out that the tables had been turned.<sup>156</sup>

Krause then came down on Oliphant with all his might. Recalling Smuts's assertion to the *Volksraad* that he had no real evidence about Ferguson's alleged involvement in the liquor trade, Krause pressed Oliphant to reveal the compromising information he had gathered against Ferguson. Oliphant admitted that he had no information that could prove anything against the former chief detective. He also stated that Treu had told him that Krause, several members of the cabinet, and Schutte had 'to go'. To which Krause replied, 'I'm in good company', and the court erupted in laughter. The charge of conspiring to murder Ferguson was sworn to by Pat O'Reilly and, conveniently, a similar affidavit was sworn to by Max Adler, who stated that Count de Sarigny, upon being trapped, had offered him a large sum of money to get rid of Ferguson. Assistant public prosecutor, J.H.L. Schumann, believing that Ferguson's life was in danger, then issued an arrest warrant for Treu. In trying to highlight the alleged irregularity with which the public prosecutor's office had acted in the matter,

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<sup>154</sup> NASA, TAB, SP 465, telegram: Smuts to Krause, 11 January 1899, 61.

<sup>155</sup> Ibid., telegram: Smuts to Krause, 16 January 1899, 67.

<sup>156</sup> *The Standard and Diggers' News*, 'The trial of Treu', 11 January 1899.

Treu's defence got Schumann to admit that Ferguson was present when he issued the warrant, and that Ferguson had decided to press charges against Treu only, and not the count. The matter was further complicated when it emerged that George Frederick Holm had thrashed Treu with an 'agter-os' sjambok he had obtained from the backyard of the detective office. Holm swore that nobody from the police force had paid him or instructed him to beat Treu. He assaulted Treu because the latter had dragged his wife's name into the matter, and Treu still owed him money for collecting affidavits against Ferguson, Schutte, Krause and Dr. Matthews. He stated that he had entered the Colonial Civil Service and had been a gaoler and Chief of the Mounted Police.<sup>157</sup> The case was later dropped, but Ferguson continued to make threats against Treu. The latter wrote to Smuts, asking for protection.<sup>158</sup> Smuts instructed Schutte to post a police officer at Treu's house straight away, in order to protect the man from a possible assault by Ferguson and Holm.<sup>159</sup>

### **'The Social Evil': Policing Morality**

While Smuts was waging a war against Ferguson, he was also battling the trade in 'vice' in Johannesburg. As the town expanded, it was infiltrated by pimps and prostitutes, who prospered on the organised sex trade, and all the social ills related to it. This was partly due the extension of the railway line to Delagoa Bay, which made it easier for European pimps and prostitutes to make their way to the Rand.<sup>160</sup> Already in June 1895, former detective Trimble complained to Pretoria that something had to be done for the town's 'fallen women'. He suggested that the government donate a piece of land, so that a 'home' could be established for 'young girls ... who have given into prostitution partly because of poverty, and other reasons and are as a result possessed with a certain illness'.<sup>161</sup> He gave the example of a 13 year-old 'daughter of the land' who, even though he had returned her to the care of her mother, would stray

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<sup>157</sup> Ibid.

<sup>158</sup> NASA, TAB, SP 221, GR 51/99 Treu to Smuts, 1 May 1899.

<sup>159</sup> NASA, TAB, SP 465, Smuts to Schutte, 6 May 1899, 121; SP 887, Schutte to Van Dam, 6 May 1899, 177, entry 78.

<sup>160</sup> Van Onselen, *New Babylon, New Nineveh*, 116.

<sup>161</sup> NASA, TAB, SS 4843, R R5739/95, Trimble to state attorney, 1 June 1895.

once more in the future.<sup>162</sup> Trimble was supported by the deacon of St Mary's, J.T. Darragh, who informed the government that the church would give its support to the establishment of such a home.<sup>163</sup>

Pretoria seriously considered Trimble's suggestion, and the commissioner of mines was asked to identify a vacant plot where such a house could be established. However, the only government land still left in Johannesburg was located in Braamfontein, and had already been divided into claims.<sup>164</sup> As the high court had promulgated the land as such, the state attorney was informed that the land could not be used for other purposes.<sup>165</sup> When State Attorney Coster took over from Esselen, he was too happy to send the minute to Police Commissioner van Niekerk, stating that a case of this nature was no longer his department's concern.<sup>166</sup> The minute gathered dust in the police commissioner's office for several months. Pretoria wanted to know from Chief Detective Ferguson what had happened in the matter. Ferguson informed the government that he was unaware of the existence of such a proposal and that the file was not at his office.<sup>167</sup> When it was finally located in the police commissioner's office, it was returned to the state attorney in July 1896. The mine commissioner informed Pretoria that there were some plots of land available at Auckland Park.<sup>168</sup> Subsequently, in September 1896, the acting state secretary forwarded the matter to the government for consideration.<sup>169</sup> The Executive Council was, at that time, drafting new legislation to control prostitution.

In an editorial on the issue, the *Standard and Diggers' News* stated that 'President Kruger's strong and Spartan attitude with regard to the "Social Sore" question will commend itself to all clean minded people, and his plea for total abolition of the evil cannot fail to ingratiate him with the "Non-conformist Conscience"'. The newspaper,

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<sup>162</sup> Ibid.

<sup>163</sup> NASA, TAB, SS 4843, R4273/95, Darragh to state secretary, 7 June 1895.

<sup>164</sup> Ibid., SS 4843, R5739/95, minute addressed to the commissioner of mines, 9 September 1895.

<sup>165</sup> Ibid., commissioner of mines to state attorney, 5 November 1895.

<sup>166</sup> Ibid., Coster to Van Niekerk, 6 December 1895.

<sup>167</sup> NASA, TAB, SS 4843, R4273/95, Ferguson to commissioner of mines, 7 June 1895.

<sup>168</sup> Ibid., commissioner of mines to state attorney, 3 September 1895.

<sup>169</sup> Ibid., Van der Linden to Executive Council, 8 September 1895.

however, warned that even though it was ‘imperative’ that the traffic of young women should be restricted, prostitution should be legalised and regulated, as it could never be abolished entirely. ‘Let us look facts in the face. Men of sound sense will not strain at the gnat of police control while swallowing the camel of unbridled vice,’ the editor contended<sup>170</sup> The paper congratulated Landdrost van den Berg on sentencing a prostitute to hard labour, rather than imposing a fine ‘upon a woman who could cheerfully deposit a bail of £50, and wait with *sang froid* and a chequebook for the result of a trial that did not bring a blush to her cheek’.<sup>171</sup>

Pretoria was, indeed, considering legalising state-regulated prostitution. The proposal was supported by State Attorney Coster. It followed on the recommendation of one Dr. A. Liebaert, who informed Pretoria that controlled prostitution would see to a decline in the illnesses associated with this ‘vice’. The Executive Council, persuaded by Liebaert’s report, intended to issue regulations for Johannesburg, whereby prostitutes would be able to practice their trade.<sup>172</sup> However, the town’s public and religious organisations were not easily persuaded. Pretoria was inundated with petitions protesting the government’s intention. The Johannesburg Women’s Committee, who represented the ‘mothers and women of the big city’, sent a petition with hundreds of signatures and measuring ‘80 feet’ to Pretoria, in support of the prohibition of prostitution in the Republic.<sup>173</sup> It pleaded that the ‘houses of ill fame’ should be declared illegal, and that all those associated with the brothels should be criminally prosecuted. The petition, amongst other points, stated:

The extent and terribleness of the evil as exists in our midst, has made such a painful impression on us, that we are forced to ask that the punishment under the law would be imprisonment without the option of a fine, or banishment from the borders of this Republic.<sup>174</sup>

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<sup>170</sup> *Standard and Diggers’ News*, ‘The Social Sore’, 15 October 1896.

<sup>171</sup> *Ibid.*

<sup>172</sup> M.S. Appelgryn, ‘Prostitusie in die Zuid Afrikaansche Republiek’ in *Codicillvs XIII*(1), May 1972, 26-27.

<sup>173</sup> NASA, TAB, SS 5768, R12982/96, telegram: Mrs. Meiring to State Secretray, 22 September 1896.

<sup>174</sup> NASA, TAB, SS 5769, R12982/96, petition to the Executive Council, no date.



This view was also supported by Johannesburg's prominent Protestant *dominees* (clerics), who sent in a detailed proposal to Pretoria for regulating the suppression of brothels. It proposed fines and imprisonments for pimps, prostitutes and their clients. In the context of the racial prejudice of the time, it added that 'in the case of a European white woman practicing prostitution or having carnal relations with a native or aborigine, and who is not married to [the aforementioned], she will immediately and perpetually be banned from this state'.<sup>175</sup> The reverends added that they were praying that the Executive Council will be blessed with 'wisdom from above' in its deliberation on the matter.<sup>176</sup>

The so-called 'Wit Kruis Bond' (White Cross League), which received its mail at the Young Men's Christian Association, was of the opinion that 'the evil was probably not as dreadful as when the agitation against it started, but it remained a threatening danger to society'.<sup>177</sup> However, not all of Johannesburg supported the outright banning of all 'French girls' from the town. In one petition, the excuse was made that having prostitutes on the streets meant that the town's 'respectable' ladies always had to be in the companionship of a male chaperone, and that given the nature of the times, this would not change even if the prostitutes were run out of town.<sup>178</sup> When a similar petition was sent to Pretoria in March 1897, the *Standard and Diggers' News* implored the government to inspect every signature to ascertain the identities of these 'shameless' people. It even suspected the police in the matter. The paper wrote:

Who signs such documents [?] Is it the tradesmen who fear their custom will be injured by the migration of the lowest class, even of the abhorrent traders in bodies? Is it the publicans, trembling that their profits will be diminished by the closing of houses where bad drink was notoriously retailed at exorbitant prices? Can it be the Zarps, who are dismayed lest they forfeit that Delilah-welcome that leads to the Charge Office? Is it the Kafirs (sic) who deprecate a Bill that strikes at the liberty, equality and fraternity with the

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<sup>175</sup> Ibid., SS 5147, R12731/95, 'Proposed regulation for the suppression of houses of ill fame', no date; Protestant church reverends to the Executive Council, 25 November 1896.

<sup>176</sup> Ibid., Protestant church reverends to the Executive Council, 25 November 1896.

<sup>177</sup> Ibid., 'Wit Kruis Bond' to Executive Council, 11 January 1897.

<sup>178</sup> Ibid., petition to the Executive Council, stamped as received on 25 February 1897.

white man? Or is it a combination of macquerots and unprincipled house-owners deploring the loss of a vile income?<sup>179</sup>

A London based organisation, ironically called ‘The Personal Rights Association’, wrote in support of the government’s intended clamp down on prostitution. It stated that it had been instrumental in repealing the contagious diseases acts in Britain, which at the time seemed to have ‘legalised’ prostitution, as long as prostitutes underwent regular medical checkups.<sup>180</sup> The petition stated that it had:

learnt with indignation and regret that an attempt is being made by residents of Johannesburg, presumably mostly aliens, to obtain, from the Government of the South African Republic, consent to a system of State-Regulated Prostitution, which involves the grossest invasion of personal rights, for the purpose of affording a guarantee to men who indulge in debauchery.<sup>181</sup>

It implored the government to stand fast, as ‘the persons who are moving in the background in this matter, and constitute its real motive force, may be British subjects’. It concluded by expressing the hope that the people of the ZAR, who are ‘respected for their love of home and domestic virtues will not be allowed to be made the tools of the dissolute aliens’.<sup>182</sup>

In early February, the ‘morality law’, as it became known, was published as Law 2 of 1897. It was to be implemented from March of that year. Many of the suggestions put to the government by the various petitioners were included. It forbade public solicitation, all forms of prostitution, and the keeping of brothels. Punishment meted out by the law could include a fine, imprisonment (with or without hard labour), lashes (which were reserved for ‘coloured men’), or possible banishment from the Republic. The law also forbade all ‘white women of voluntary carnal intercourse with a coloured man’. An amendment to the law in July 1897 defined a ‘coloured man’ as ‘all coloured men, men belonging to the African races of South Africa, “coolies” (sic),

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<sup>179</sup> *Standard and Diggers’ News*, ‘An impudent petition’, 5 March 1897.

<sup>180</sup> Ibid., pamphlet entitled: ‘the official surrender of the contagious diseases act’, no date.

<sup>181</sup> Ibid., petition to Kruger and the ZAR government by The Personal Rights Association’, date stamped as received on 18 January 1897.

<sup>182</sup> Ibid.

Arabs and Malays'. The law further forbade and set punishment for sexual relations between 'parents, guardians, religious instructors, and school teachers ... with minors'. It also sought to protect the innocence of employed minors and subordinates in work institutions and factories. It further prohibited relations between officials and inmates in hospitals, prisons, mental institutions or places of goodwill.<sup>183</sup>

For all the restrictions and penalties placed on prostitution, the sex trade continued to flourish. Human trafficking and the enslavement of women in brothels were brought to Pretoria's attention by foreign governments. Although such cases were investigated by the police, the underground nature of the trade and the easy movement of women in and out of the Republic meant that, by the time the police had enough meaningful information to act upon, the individuals concerned had moved on or simply disappeared. In one such a case, a French girl named Marie Lepelletier, was reported by her father as having been lured into the clutches of the trade under false pretences. The French government asked for the matter to be investigated.<sup>184</sup> Although State Attorney Coster instructed Krause to do so in January 1897, it was only after repeated reminders that Chief Detective Ferguson informed the government in March 1897 that he could find no trace of her.<sup>185</sup> A month later the French Consul informed Pretoria that it could stop searching for the girl, as she had probably left the Republic.<sup>186</sup>

By the end of April 1897, the *Standard and Diggers' News* published the first of many articles relating to the poor enforcement of the morality law. It stated that 'vice still flaunts' the streets and that many 'less respectable' policemen were 'amenable to *pour-boires*, and doth wink at malpractices'. Much to its horror, 'the self-respecting woman is confronted on the pavements at all hours of the day by gaudy, bizarre-looking creatures whose pathetic profession is plainly announced'. It concluded: 'Will

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<sup>183</sup> J.A. Schagen van Leeuwen, *De Locale Wetten en Volksraad-besluiten der Zuid-Afrikaansche Republiek, 1897* (Pretoria: Staatsdrukkerij, 1898), Law 2 of 1896, 9-11. For amendments made in July 1897, see: SS 5142, R12731/95.

<sup>184</sup> NASA, TAB, SP 125, SPR 262/97, French Consul to Coster, 11 January 1897.

<sup>185</sup> *Ibid.*, Coster to Krause, 11 January 1897; Krause to Coster, 25 January 1897; Coster to Krause, 18 February 1897; Krause to Ferguson, 20 February 1897; Ferguson to Krause, 31 March 1897.

<sup>186</sup> *Ibid.*, French Consul to Coster, 15 April 1897.

Commandant van Dam please note?’<sup>187</sup> Pretoria wanted answers as to the allegations made in the press. First Lieutenant Tossel explained that the town’s public prosecutors were adamant they would only prosecute if the police supplied them with ‘the cleanest and strongest’ of proof. He admitted there still were ‘bad women’ walking the streets, but denied that the situation was as out of control as the *Standard and Diggers’ News* was claiming. Tossel assured Commandant van Dam that he was using his ‘best men’ to police the issue, as not all police officers were capable of policing morality, and only the ‘cleverest and brightest’ will do.<sup>188</sup>

At the end of 1897 Tossel was implicated in corrupt activities relating to the trade. Van Dam asserted that Tossel had allegedly received bribes from brothel owners to protect prostitutes. When the matter was investigated, numerous prostitutes made affidavits against Tossel. However, the matter was dealt with internally; as Van Dam felt that the matter would cause too much harm to the police if dealt with publically. Tossel denied the allegations and refused to resign. Krause was, however, adamant that the affidavits were damning and that Tossel was guilty. The public prosecutor warned that if the lieutenant did not resign, he would be arrested.<sup>189</sup> Tossel handed in his resignation to Van Dam on 1 February 1898. The lieutenant claimed, once again, that he was doing so because his wife’s health suffered in Johannesburg, and he requested to be appointed elsewhere in the Republic.<sup>190</sup> Police Commissioner Schutte approached State Attorney Coster for advice in the matter. Tossel’s resignation was subsequently accepted, and Krause informed.<sup>191</sup> Tossel was replaced by Wilhelm Ferdinand Pohlman.<sup>192</sup>

The ‘upright’ Lieutenant Pohlman was later accused in court by Constable Gert Rautenbach of committing irregularities with appointments. Rautenbach proclaimed

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<sup>187</sup> *Standard and Diggers’ News*, ‘A dead letter’, 29 April 1897.

<sup>188</sup> NASA, TAB, SS 6451, R7543/97, minute: Tossel to Van Dam, 5 May 1897. See also, *Standard and Diggers’ News*, ‘The social sore’, 22 May 1897.

<sup>189</sup> NASA, TAB, Accession 788, Van Dam collection, File 4, 98-99.

<sup>190</sup> NASA, TAB, SS 7085, R3258/98, Tossel to Van Dam, 8 February 1898.

<sup>191</sup> *Ibid.*, Schutte to Coster, 2 February 1898; Coster to Schutte, 5 February 1898; Van Dam to Krause, 7 February 1898.

<sup>192</sup> *Ibid.*, Schutte to state secretary, 16 March 1898.

that ‘as long as that confounded Pohlman is lieutenant we can’t get in the Force unless we have money – for he only takes on people for money’. The lieutenant denied the allegations made against him. During the course of the investigation that followed, it emerged that another constable, Barend van Vuuren, was the actual ‘slanderer’. Landdrost van den Berg stated that the ‘case was the outcome only of police prattle, palaver, and *praatjes* (idle talk)’. The landdrost acquitted Lieutenant Pohlman and warned against the ‘danger and inexpedience of talking indiscreetly’. The trial was attended by Commandant van Dam, who was reported to be an ‘attentive listener to the proceeding from an obscure corner in the well of the Court’.<sup>193</sup>

Commandant van Dam had reason to be worried about accusations of irregularities in the police force. The Tossel saga illustrated that drastic change was necessary in the policing of the morality law. Pretoria decided to approve the formation of a morality division, directly accountable to Commandant van Dam.<sup>194</sup> It would be headed by Detective John Joseph Donovan, Tossel’s brother-in-law.<sup>195</sup> Tossel’s dismissal would come to haunt Public Prosecutor Krause a few months later, when widespread inefficiency and intrigue among Johannesburg’s law officials was exposed. These developments formed part of State Attorney Smuts’s crusade against the public prosecutor’s office and police department. This episode needs to be viewed in parallel to the previously mentioned saga of Smuts versus Krause and Ferguson.

In August 1898, possibly as part of the investigation that Treu was conducting against Krause and Ferguson, several affidavits were forwarded to Smuts stating that Krause was protecting brothels and prostitutes against police investigation. In a move that reportedly ‘confounded’ Commandant van Dam, Tossel was redeployed to Pretoria as the town’s head detective.<sup>196</sup> In an affidavit to Smuts, Tossel stated that, before his new appointment could take effect, he was ordered by Police Commissioner Schutte to ascertain whether Krause would object to his appointment. When Tossel met with Krause in late-June to discuss the matter, the public prosecutor allegedly made Tossel

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<sup>193</sup> *Standard and Diggers’ News*, ‘Police “praatjes”’, 15 November 1898.

<sup>194</sup> NASA, TAB, SP 193, SPGR 14/99, Krause to Van Dam, 9 November 1898.

<sup>195</sup> Van Onselen, *The Fox and the Flies*, 164.

<sup>196</sup> NASA, TAB, Accession 788, Van Dam collection, File 4, 98-99.

sign a document in which he declared that he had no ill will towards Krause. Tossel claimed that he signed the document and handed it to Schutte for the sake of being appointed, as he had to provide for his family.<sup>197</sup>

Tossel believed that his forced resignation in February 1898 was linked to a conspiracy worked up against him by Detective Beatty. Tossel claimed that Beatty had received numerous gifts from brothel owners, who wanted the detective to take over from Tossel as head of the morality police. Tossel's affidavit also claimed that he had seen Beatty 'sitting, drinking and sleeping' in brothels, and as he now had evidence against the detective, wanted the matter investigated.<sup>198</sup> Tossel's assertions were repeated in an anonymous letter to Police Commissioner Schutte on 6 October 1898. This letter stated that Beatty had been dismissed from the force after accepting a 'present in the shape of a gold watch and chain together with a gold match box ... and a diamond ring'.<sup>199</sup> Tossel claimed in another affidavit, which he swore to in August, that at the time of his resignation there were 16 brothels in Johannesburg, but that this number had now escalated to at least 200.<sup>200</sup>

Interestingly, a copy of the anonymous letter also made its way to Smuts, either directly or through the office of the public prosecutor. It revealed more suspicious activities around the policing of the morality law following Donovan's appointment. It also happened to be dated the same day that Inspector Hendrik Edward Cuyler, who took over from Donovan, was dismissed. The writer claimed that at the time of

Lieut. Tossel's suspension several of the large houses here were promised protection by certain officials as an inducement to give evidence against him. Since then, however, every man who has held the position of Inspector of the Morality Law has lost his position directly after raiding one of the houses. Inspector Donovan lost his position after raiding No. 37 Eloff Street, and in open court stated he lost his position because he did his duty. Inspector Cuyler lost his position after raiding No. 42a Bree Street. The parties running both of these houses have openly boasted that no one could harm them, and

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<sup>197</sup> NASA, TAB, SP 193, affidavit sworn by Tossel on 9 August 1898.

<sup>198</sup> Ibid., affidavit sworn by Tossel on 13 October 1898.

<sup>199</sup> NASA, TAB, SP 884, anonymous letter to Schutte, 6 October 1898.

<sup>200</sup> NASA, TAB, SP 193, affidavit sworn by Tossel on 9 August 1898.

if they did, they would lose their positions, which assertion has proven only too true, as the records here will show. ... I think a court of inquiry regarding this matter would benefit Johannesburg very much, as it seems impossible at present to carry out the law, and my firm belief is that the man who is now in charge of the law will soon lose his position, unless something is done at once.<sup>201</sup>

Significantly, Donovan's damning affidavit against Krause was made on the same day as Tossel's. Donovan stated that during the time that he headed the morality police, 'pimps' were brazenly walking the streets and proclaiming to the police that they were under Krause's protection and that Detective Beatty was also their 'close friend'. Donovan further implicated Police Commandant van Dam, who allegedly instructed him not to trap brothels if they conducted their business 'quietly'.<sup>202</sup>

Interestingly, Police Commissioner Schutte, for once, seems to have been removed from the intrigue and the unfolding scandal. Nevertheless, Schutte was informed by one of his secret agents, J.T. Bain, that 'the evil is undoubtedly growing', although 'there is not near so much solicitation in the public streets as there was two years ago, in fact it is rare for the women to walk the streets as formerly, but from their windows and doors it is open and glaring'.<sup>203</sup> In October 1898, Johannesburg's religious community sent several petitions blaming the detective department for poor administration of the morality and liquor acts.<sup>204</sup> A deputation of church leaders also met with Kruger and the Executive Council to discuss the matter. It was agreed that Smuts would be given permission to make some amendments to the morality law.<sup>205</sup>

With all the allegations and rumours floating around, it was only a matter of time before the press got hold of the story. At the beginning of October 1898, Police Commandant van Dam was interviewed by the *Standard and Diggers' News* and

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<sup>201</sup> NASA, TAB, SP 884, anonymous letter to Schutte, 6 October 1898.

<sup>202</sup> NASA, TAB, SP 193, sworn affidavit by J.J. Donovan, 9 August 1898.

<sup>203</sup> NASA, TAB, SP 881, Bain to Schutte, 30 September 1898.

<sup>204</sup> NASA, TAB, SS 7478, R13051/98, see several memorials to the government by the public and church community included in this file.

<sup>205</sup> *Ibid.*, secretary of the Executive Council to Smuts, 14 October 1898.

asked outright whether the police were being bribed. Van Dam denied these allegations. He stated:

I emphatically deny that any of these wretched creatures or their men purchased immunity from prosecution. During April I secured 18 convictions, in May 27, and for the quarter ending June, 1898, 73. The totalled fines made up a sum of £727 10s, as a contribution to the State Treasury from this unpleasant source.<sup>206</sup>

He added:

I have personally patrolled the town night after night and directed the various arrests. As far as possible, I have acted upon every complaint sent in to me. The suggestion that my men are bribed is a vile slander. If you know of any such case I beg you to bring it before me. That man shall go to prison. If you have any suspicions concerning my personal probity, I should be charmed if you would go to the Public Prosecutor without delay.<sup>207</sup>

The journalist put it to the police commandant that prostitutes were still flaunting their trade in public. Van Dam maintained that the Zarps had, in fact, been successful in curbing public solicitation, and had rid some of the town's prominent streets of its prostitutes. Van Dam was adamant that it was not the police who should be blamed, but rather the law. When it came to the suppression of brothels, he stated:

I have recently secured several evictions, one notable one in Sauer Street; but the Law and the nature of the offence often paralyse my hand. How can I get convictions without proof positive of the crime? I cannot act upon the obvious ... to prove my cases I must resort to the trapping system, and no decent man, you can understand, would offer himself as the agent provocateur in such matters.<sup>208</sup>

To highlight the difficulty of enforcing the morality law, Van Dam stated that even though he could, by law, arrest any women who 'grimace and lisp and beckon at open windows', he could not arrest every woman who sits in front of a window. He added that 'many a virtuous woman awaits her husband or her brother's homecoming at an

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<sup>206</sup> *Standard and Diggers' News*, 'The social evil', 1 October 1898.

<sup>207</sup> *Ibid.*

<sup>208</sup> *Ibid.*



open window'. Even though the law allowed for landlords who knowingly rented out rooms to prostitutes to be prosecuted, many simply looked the other way and extorted huge rents from the women. Most then acted 'shocked beyond measure when a conviction takes place', but feigning 'artless ignorance', simply rented out their rooms again. The police commandant then gave the example of a woman who had rented out rooms in her house, only to discover the 'traffic engaged' by her new tenants. However, as there was no real proof to substantiate her suspicions, the woman could only get rid of the 'creatures' after issuing a month's notice, as it would, in fact, take longer for the court to issue an eviction notice. Van Dam faced the same restrictions when taking action against pimps. He stated that every brothel housed 'one such despicable blackguard ... but how am I do get at them? For what statutory offence?'<sup>209</sup>

Smuts grimaced at the unfolding scandal in the public prosecutor's office and the police department. By 13 October he had several more damning affidavits against Krause and Van Dam. Former Inspector Cuyler supported the accusations made against Krause in the aforementioned anonymous letter.<sup>210</sup> He stated that Van Dam took him to see Krause shortly after the public prosecutor became aware of the allegations against them. Krause asked him outright whether he believed that he was protecting some brothels. Cuyler told Krause that this was indeed his impression, especially regarding the brothels located at 37 Eloff Street, 33 Loveday Street, 19 Sauer Street and 42a Bree Street. Krause reportedly replied that this was 'a damn lie', that Cuyler had to do his duty, and that Krause had nothing to do with the policing of the morality law. However, when Cuyler proceeded to trap 42a Bree Street, he was summoned to Van Dam's office and relieved of his position. There, he was apparently confronted by a doctor, who accused him of wanting to take his 'clients' away from him. Cuyler's affidavit then went on to substantiate many of Donovan's claims. These included that the 'pimps' named Mitchell, Cukoo, Oscar and Frank had stated that they were under Krause's protection. These men also fired their guns in the Golden Lion Bar one evening, and stated that the police could do nothing to them. Cuyler further alleged that Donovan was dismissed after a raid on 37 Eloff Street, where the

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<sup>209</sup> Ibid.

<sup>210</sup> NASA, TAB, SP 193, sworn affidavit by H.E. Cuyler, 9 August 1898.

‘madam’ similarly claimed to be under the public prosecutor’s protection. He also claimed to have seen Krause being on familiar terms with an American ‘pimp’ named Emil.<sup>211</sup>

This particular matter came to a head when Donovan submitted another affidavit on 4 November. It formed part of a provisional enquiry by the state into Francois Benjamin and Mathilda Berte alias Herman for contravening the morality law after the police had trapped 19 Sauer Street. He repeated his accusations against Krause and Van Dam in front of Landdrost van den Berg.<sup>212</sup> Krause was not going to take the accusations lying down, and his troops rallied to his cause with several affidavits in his defence.<sup>213</sup> These, perplexingly, included another affidavit by Cuyler, now claiming that all of Donovan’s assertions had been false.<sup>214</sup> One possible explanation for this was that Cuyler, who was still employed as a police officer, had no choice but to dismiss Donovan’s accusations, for fear of arousing any suspicion that he had, in fact, been one of the people who was informing on Krause and Van Dam to Smuts.<sup>215</sup>

In his 10 page affidavit, Krause stated that he ‘believed’ he had informed former State Attorney Coster that it would be hard to implement the morality law, because it would be ‘difficult’ to prove cases considering the loopholes in the act.<sup>216</sup> He also felt that it would ‘demoralise’ the public if the police used the ‘trap’ system. He stated that he and the then acting State Attorney van Leeuwen later agreed that prostitution was a ‘necessary evil and could not be destroyed, but it could be controlled’. They agreed that if no complaints were made against a brothel, and it conducted its business quietly, it would be left in peace. This was based on a principle that ‘everyone’s house

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<sup>211</sup> Ibid., sworn affidavit by H.E. Cuyler, 9 August 1898.

<sup>212</sup> Ibid., SPGR 14/99, sworn affidavit by J.J. Donovan, 4 November 1898.

<sup>213</sup> Ibid., SPGR 14/99, see statements made by M.T. Murphy, 5 November; W.A. de Klerk, 5 November 1898; E.C. Maherz, 5 November 1898; H.E. Cuyler, 5 November 1898; C.C.J. van Rensburg, 5 November 1898, C. Broeksma, 9 November 1898; W.G. van Enter Schuurman, 7 November 1898; J.H.L. Schuurmann, 5 November 1898; I.W.M van Dijk Matthey, 7 November 1898.

<sup>214</sup> Ibid., SPGR 14/99, sworn affidavit by H.E. Cuyler, 5 November 1898.

<sup>215</sup> See fn 210 above.

<sup>216</sup> In a follow-up note, Krause asserted that Coster informed him that he was in Europe at the time this conversation would have taken place, and thus Krause explained that he must have had the conversation with then acting State Attorney Jules Anne Schagen van Leeuwen. See, NASA, TAB, SP 193, SPGR 14/99, minute: Krause to Smuts, 11 November 1898.

was their castle and holy'. However, if any complaints were to be received, his instructions were that the cases in question had to be investigated. Krause became aware of the allegations made against him in September 1898. He then instructed Commandant van Dam that, from now on, the law had to be 'strictly' enforced. Matthey, the administrator of the charge office, was instructed to give the police as much support as possible. He rebutted Another member disagreed with the legal arguments being offered, which implied that the Police Law of 1895 would have to be amended to bring the detective department under the state attorney's control. The law, in its existing form, technically made the state attorney the head of the police Donovan's claims as lies, and stated that he was enclosing affidavits by numerous individuals in his defence. He also claimed that he had received an anonymous letter in August 1898, with complaints against a house at 33 Loveday Street, which also mentioned 'some police dismissed by me in February 1898'. He had discussed the matter with Van Dam, but decided that no notice should be given to anonymous letters, as most of these were from the so-called 'De Silvio Villa clique'. The latter was 'bitter' and 'hostile' to the people who had testified against Lieutenant Tossel. Soon after this meeting, Donovan came to Krause asking for a warrant to raid 33 Loveday Street, quoting the same letter. Krause then told Donovan that he had enough evidence that it had been a malicious complaint. He warned Donovan not to use his office to persecute people. Krause denied the warrant and told Donovan to return when he had more proof than an anonymous letter. Krause stated that this matter was not kept secret, and that he had informed Van Dam and other officials about the issue. Donovan was also free to obtain a warrant from any other official. The public prosecutor asserted that this was the only time that his issuing of a warrant in terms of the morality law had been 'postponed'. Krause stated that Donovan's claim was one of revenge, as Donovan believed that Krause was responsible for his dismissal. He also added that he had received information from the police department in Port Elizabeth, which stated that Donovan had been sacked from that department for 'incompetence'. Krause wanted Donovan arrested and prosecuted for perjury.<sup>217</sup>

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<sup>217</sup> NASA, TAB, SP 193, SPGR 14/99, sworn affidavit by F.E.T. Krause, 5 November 1898. Also see: telegram, chief constable of Port Elizabeth to Krause, 7 November 1898.

Fourth Lieutenant Michael Thomas Murphy swore that when he took over as head of the morality squad in October 1898, Krause told him to implement the law as strictly as possible, and that he would receive assistance from any official in the charge office, as well as at the public prosecutor's office. He also refuted, point-by-point, the allegations that certain houses had not been investigated by the police. He stated that 19 Sauer Street and 42a Bree Street had been trapped by police officers Cuyler and Van Rensburg, and that this case was pending. Secondly, that 37 Eloff Street had been trapped by the same police officers, and that the 'madam' had been sentenced to a month's imprisonment. Finally, that the case for 33 Loveday Street was pending, and that the provisional enquiry against 19 Sauer Street had been closed the previous day.<sup>218</sup>

It is evident that Krause suspected collusion between Donovan and Tossel. Van Dam certainly believed that Tossel was behind the conspiracy, and later wrote that Tossel proved himself to be a '*gemeene schurk*' (blackguard).<sup>219</sup> Krause also came to suspect that Smuts was spying on him through public prosecutor Ferrar Reginald Mostyn Cleaver. Cleaver had been acting as second public prosecutor in Johannesburg since August 1898.<sup>220</sup> In that same month, Krause was lobbying Smuts to appoint more full time public prosecutors in Johannesburg, since he was struggling to keep his office functioning.<sup>221</sup> Smuts recommended Cleaver's permanent appointment as second public prosecutor, and Krause formerly appointed Cleaver as second public prosecutor on 15 November 1898.<sup>222</sup> Van Onselen contends that Smuts used Cleaver to infiltrate the public prosecutor's office and to keep an eye on Krause.<sup>223</sup> Cleaver certainly felt his that colleagues were ostracising him, and recorded that his 'every step was watched and scrutinized'.<sup>224</sup>

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<sup>218</sup> Ibid., SPGR 14/99, sworn affidavit by M.T. Murphy, 5 November 1898.

<sup>219</sup> NASA, TAB, Accession 788, Van Dam collection, File 4, 98-99.

<sup>220</sup> NASA, SS 7259, R7393/98, Cleaver to state secretary, 12 October 1898.

<sup>221</sup> Ibid., Krause to Smuts, 1 August 1899.

<sup>222</sup> Ibid., Krause to Smuts, 15 November 1899.

<sup>223</sup> Van Onselen, 'The Modernization of the Zuid Afrikaansche Republiek', 510-511.

<sup>224</sup> F.R.M. Cleaver, *A Young South African: a Memoir of Ferrar Reginald Mostyn Cleaver, Advocate and Veldcornett* (W.E. Hortor, Johannesburg, 1913), 2.

Cornelis Broeksma, another public prosecutor, alerted Krause to Smuts's possible involvement in the matter. Broeksma stated that he had seen Donovan, along with police officers Salmon Gerhardus Maritz and one Smith, exiting Cleaver's office.<sup>225</sup> Broeksma instructed Lieutenant Murphy to find out from Maritz and Smith what they discussed with Donovan and Cleaver. Maritz and Smith told Murphy that 'they had done nothing at Cleaver's'. Broeksma knew they were lying, as he had been told that both men had made affidavits in front of Cleaver. Broeksma and Murphy then confronted the two police officers. At first, the officers denied making any affidavits, but then admitted that they had signed a document. Broeksma persisted in his interrogation and finally got the men to confess that they had sworn an oath to Cleaver that Krause had refused to give Donovan a warrant. Broeksma then berated them for actually revealing the information to him, stating that if they had acted honestly in the first place, they would not have lied to him. They could always have claimed that it was a private matter, and therefore did not want to discuss it.<sup>226</sup>

Krause knew that he had to gather his allies. On 9 November 1898, he wrote to Commandant van Dam. He included the affidavits, drawing Van Dam's attention to the fact that Donovan had sworn that the police commandant had promised protection against arrest and prosecution to the 'pimps'. Krause was preparing to shift the blame onto Van Dam. He requested the police commandant to state whether there was a 'bit' of truth in the allegations, and reminded him that the implementation of the morality law was Van Dam's responsibility. Krause wanted answers to eight very specific questions relating to Donovan's accusations.<sup>227</sup> In a post script to the letter, Krause also wanted to know whether Van Dam knew anything about Maritz and Smith's actions. He requested Van Dam to ask them 'where' and 'when' he had not issued a warrant, and against 'which' brothels, 'who was present, and where their statements were'; adding, 'I know nothing about this'.<sup>228</sup>

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<sup>225</sup> NASA, TAB, SP 193, SPGR 14/99, sworn affidavit by C. Broeksma, 7 November 1898.

<sup>226</sup> Ibid.

<sup>227</sup> Ibid., minute: Krause to Van Dam, 9 and 10 November 1898.

<sup>228</sup> Ibid.

Van Dam replied a few days later. He claimed that shortly after he took control of policing the morality law, Donovan and '3 or 4' other people came to him stating that an agreement had been made with Krause that cases against brothels would only be investigated if complaints were made against these houses. He asserted that he had never offered, nor was he asked, to give protection to any brothels. Furthermore, he had instructed his men to obtain warrants directly from Krause, because of the arrangement that had been agreed to, even though his men were free to obtain warrants from other officials. With regards to the accusation that Krause had refused to issue Donovan a warrant for 33 Loveday Street based on the anonymous letter, Van Dam stated that he had instructed Donovan to watch the house and to obtain statements against it. He was under the impression that Donovan had done this when the latter approached Krause for the warrant. When Krause refused the warrant, Donovan had told Van Dam that Krause believed the case was 'made-up'. He claimed that this was the only time that he could remember Krause denying the issuing of a warrant. As for the statements made by Maritz and Smith, they told Van Dam that they had never been denied warrants, since they had never asked for any. They were, however, present when Donovan asked for warrants against 19 Sauer Street, 37 Eloff Street and 42a Bree Street. They heard Krause say: 'what do you want to trap those places for; they have always been very quiet'. Where after Maritz and Smith reportedly left the office, leaving Donovan behind.<sup>229</sup>

Krause was now ready to put his case to Smuts. It is evident that the public prosecutor was especially concerned about Maritz and Smith's allegations. He wrote that their claims were lies, and that he could not recall any such conversation ever taking place. He added that their claims did not match up with those made by Donovan. Donovan had never made any mention of this particular incident in his affidavits. The two men also stated that they had never approached the public prosecutor for any warrants, which contradicts their claim that they were with Donovan when he supposedly came to ask for a warrant. Even this was 'improbable', as no warrants could be issued on a verbal request. Krause stated that he would leave the matter in Smuts's hands, but that

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<sup>229</sup> Ibid., minute: Van Dam to Krause, 11 November 1898.

he wanted his character ‘cleansed’. Krause also added that if Smuts did not want to issue an arrest warrant for Donovan ‘because of reasons made known to me by you’, the state attorney would have to instruct the public prosecutor to reopen the provisional enquiry into the matter, and call Krause, Van Dam and several witnesses to give account in an open court.<sup>230</sup>

Smuts only replied to Krause 10 days later. He simply informed Krause that he should act as stated in the suggestion at the end of the minute, and that the agreement he had made with the previous state attorney should not be made public.<sup>231</sup> Krause replied that he had reopened the provisional enquiry.<sup>232</sup> The provisional enquiry was held in front of Landdrost van den Berg. Donovan repeated his accusations against Krause. In an unprecedented move, Krause took the stand and defended his actions. Van den Bergh then ruled that the case would be referred to Smuts.<sup>233</sup> A few days later, Krause asked Smuts to send him the confidential minutes in the matter, as the provisional enquiry had been concluded and he, ‘in one way or another, wanted to finalise the case’.<sup>234</sup>

In the weeks that followed, Smuts worked on the amendments to the morality law. The amendment would see much harsher sentences meted out against offenders. Successful prosecution would result in deportation and banishment from the Republic.<sup>235</sup> Kruger signed the act into law on 15 December 1898.<sup>236</sup> These events must be placed in the context of the developments in Johannesburg’s underworld at the same time. In late-October 1898, a schism took place in the so-called ‘American Club’ after some of the pimps decided to break away from the organisation. In a move that ultimately came to spell his end, Joseph Silver, one of Johannesburg’s most notorious pimps, instigated charges of ‘theft by means of fraud’ against his former allies. This move finally gave Johannesburg’s law officials an opportunity to expose

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<sup>230</sup> Ibid., minute: Krause to Smuts, 11 November 1898.

<sup>231</sup> Ibid., minute: Smuts to Krause, 21 November 1898.

<sup>232</sup> Ibid., minute: Krause to Smuts, 23 November 1898.

<sup>233</sup> Van Onselen, ‘The Modernization of the Zuid Afrikaansche Republiek’, 510-511.

<sup>234</sup> NASA, SP 193, telegram: Krause to Smuts, 2[?] November 1898.

<sup>235</sup> Van Onselen, ‘The Modernization of the Zuid Afrikaansche Republiek’, 510-511.509.

<sup>236</sup> NASA, TAB, SS 7478, R13051/98, Act no. 23 of 1898.

the inner workings of this particular group.<sup>237</sup> However, Third Public Prosecutor Broeksma was no match for the pimps' legal counsel, and inadvertently the morality squad and the public prosecutor's office were implicated in a myriad of 'charges and counter charges'. The case was subsequently thrown out of court.<sup>238</sup>

Mostyn Cleaver nevertheless tried to exploit the cracks that had emerged. He set about collecting affidavits, but struggled in the strained circumstances in he was forced to do his work.<sup>239</sup> Shortly after Lieutenant Murphy assumed his position as head of the morality division, he was on Joseph Silver's pay roll.<sup>240</sup> Murphy's treachery was exposed by none other than Special Constable Maritz and his partner, Stoffel van Vuuren. These two men obtained a warrant for a brothel. However, when the matter came to court, Murphy contradicted the two officers' testimony, resulting in the case being thrown out.<sup>241</sup> Maritz then went to Pretoria to see Smuts about the matter, as there were rumours circulating that he would be arrested for perjury. Smuts told Maritz to return to Johannesburg. He was instructed to inform the state attorney when he was arrested. On his return, he was taken into custody, but when he appeared in court, Van Vuuren stood up for him and the case was dismissed. Maritz was, however, sacked from the force. Smuts called Maritz to his office, where the constable repeated, again, the earlier allegations that there was a struggle to obtain warrants against suspected brothels. The state attorney then instructed Maritz to return to Johannesburg and to report to Cleaver. The two men, along with a contingent of mounted police, raided several brothels on the night of 9 January 1899. The raid was a spectacular success, and many of Johannesburg's most notorious pimps and madams were arrested, including Joseph Silver.<sup>242</sup>

The arrests exposed the morality police's complicity in abetting the vice trade. Cleaver informed Smuts a few days later that 'grave accusations' had been made

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<sup>237</sup> Van Onselen, 'The Modernization of the Zuid Afrikaansche Republiek', 510-511.

<sup>238</sup> Ibid., 512.

<sup>239</sup> Ibid., 512.

<sup>240</sup> Van Onselen, *The Fox and the Flies*, 165.

<sup>241</sup> M. Martiz, *My lewe en strewe* (Johannesburg, 1939), 7.

<sup>242</sup> Cleaver, *A Young South African*, 3.



against the police, and it was no longer possible for him to trust or work with them.<sup>243</sup> The state attorney informed Cleaver that he had his full support to deal with the matter as he saw fit.<sup>244</sup> Cleaver met with Commandant van Dam. The latter recalled all police officers on special duty in the morality division, until the case was resolved.<sup>245</sup> However, the matter took another turn when Cleaver arrested Lieutenant Murphy a few days later. Cleaver's actions did not sit well with Police Commissioner Schutte, who informed Smuts about it. It would seem that Cleaver had acted in spite of Smuts' instructions that Murphy 'should not be arrested, unless there was strong evidence'. Smuts immediately wanted to know if this was the case, so as to prevent any 'trouble' with the police.<sup>246</sup> Cleaver informed Smuts that he had acted on the testimony of Maritz and Van Vuuren, as well as several other affidavits he had collected. It would seem that Murphy was trying to persuade some officers to give false statements by claiming that some innocent men were pimps, which would result in the charges against Silver and company being withdrawn. Murphy also approached Krause directly to have the case withdrawn. Cleaver was left with no option but to issue a warrant to prevent the bribing of witnesses, as well as perjury. Krause was not impressed by this move, and had 'a long discussion' with Cleaver about the matter. It was decided that any further proceedings in the matter would have to wait until the Donovan issue was resolved.<sup>247</sup> The air was still laden with intrigue. During Silver's trial, he informed the judge that Cleaver was trying to elicit information that would see to the disgrace and dismissal of Krause and Donovan.<sup>248</sup>

Krause left Johannesburg at the end of January to recover from 'strain', and was reported to be in desperate need of some rest.<sup>249</sup> Cleaver later recalled that Murphy had the support of the 'Synod and the Y.M.C.A', as well as some members of the police force, who pleaded with him to suspend his investigation.<sup>250</sup> This was

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<sup>243</sup> NASA, TAB, SP 195, Cleaver to Smuts 11 January 1899.

<sup>244</sup> Ibid., Smuts to Cleaver, 11 January 1899.

<sup>245</sup> Ibid., Cleaver to Smuts, 21 January 1899.

<sup>246</sup> Ibid., SP 193, Smuts to Cleaver, 20 January 1899.

<sup>247</sup> Ibid., Cleaver to Smuts, 21 January 1899.

<sup>248</sup> Van Onselen, 'The Modernization of the Zuid Afrikaansche Republiek', 515.

<sup>249</sup> Ibid.

<sup>250</sup> Cleaver, *A Young South African*, 3.22-23.

confirmed when, a few days after Murphy's arrest, Pretoria received a letter from the Witwatersrand and District Church council which praised the detective department, and specifically Lieutenant Murphy, for the diligent manner in which the morality law had been enforced in the previous three months. It asked the government to persevere in its quest, as this would further curb the 'evil' it had complained about to the government in October 1898.<sup>251</sup> Despite being physically threatened by pimps, and attempts of blackmail in anonymous letters, Cleaver stood firm in his 'cleansing of the Augean stable'.<sup>252</sup> Silver was later found guilty and sentenced to two years imprisonment, but not before Lieutenant Murphy was exposed in court for his alleged complicity in the matter.<sup>253</sup>

In March 1899, Krause fired off a telegram to Smuts, informing him that Cleaver was keeping him out of the loop when it came to certain matters affecting the public prosecutor's office. He demanded that the state attorney reprimand Cleaver. Krause claimed that, as the head of the department, he had the 'right to see and know everything' that passed between Smuts and Cleaver. It emerged that Krause had taken up this issue with Smuts before, at a meeting in Pretoria. On that occasion, the state attorney 'did not have any issue' with Cleaver passing on information to Krause.<sup>254</sup> However, Cleaver now informed Smuts that he would not consider such an arrangement 'advisable'.<sup>255</sup> Clearly, the strife in Johannesburg's public prosecutor's office was far from settled. However, Smuts's efforts to rid Johannesburg of its pimps and prostitutes in the months preceding the South African War met with wide acclaim.<sup>256</sup> Nevertheless, it was only when the war broke out that the 'army of vice' left Johannesburg; arguably for safety, but more probably for the lucrative trade that was to be had in the coastal cities with the arrival of the British soldiers.<sup>257</sup>

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<sup>251</sup> NASA, TAB, SS 7478, R13051/98, Witwatersrand and District Church Council to state secretary, 24 January 1899.

<sup>252</sup> Cleaver, *A Young South African*, 24-25.

<sup>253</sup> *The Standard and Diggers' News*, 'When police fall out', 16 February 1899.

<sup>254</sup> NASA, TAB, SP 221, telegram: Krause to Smuts, 6 March 1899.

<sup>255</sup> *Ibid.*, Cleaver to Smuts, 4 March 1899.

<sup>256</sup> J.A. Hobson, *The War in South Africa, its causes and effects* (James Nisbet & Co., London, 1900), 81.

<sup>257</sup> Van Onselen, *New Babylon, New Nineveh*, 147-148.

## Chapter Six

### **Republicanism versus Imperialism: The role of the police in the outbreak of the South African War, 1897-1899**

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#### **Introduction**

In the aftermath of the Jameson Raid, the Transvaal branch of the South African League supplanted the Transvaal National Union as the main organisation representing the political aspirations of that segment of the *Uitlander* community which advocated full-scale British intercession into the ZAR's affairs. In its correspondence with London, the league stated that Pretoria would 'prove a permanent menace to the peace of South Africa'.<sup>1</sup> It called on Britain to immediately 'take steps to insist upon the removal of the disabilities under which the *Uitlander* (sic) population labours'.<sup>2</sup> Consequently, the period leading up to the outbreak of the South African War in 1899 was marked by increasing strife between imperialists and republicans. The alleged abusive actions and inefficiency of the ZARs were to become one of the league's major rallying points. The grievances against the police included allegations of brutality against Cape Coloured persons in executing the pass laws, the Edgar incident in December 1898, the unsolved murder of Mrs. Appleby and the 'conspiracy case' in May 1899. However, despite the *Uitlanders'* criticism of the ZARs during this time, J.A. Hobson recorded that:

People sometimes told me that the 'Zarp' answered Englishmen uncivilly, and that other officials put impediments in the way of Englishmen transacting business unless their palms were greased. This may have been so; the country Boer drafted into the police force was certainly ignorant, probably rude in manner, and more than possibly corrupt; but to suggest that out of such matters intolerable grievances could be constituted is a bold defiance of common sense. So far as the evidence of a visitor is permissible, I may say that I experienced none of that incivility of matter or manner in

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<sup>1</sup> TNA, DO, 119/315, South African League to the British Agent, 27 February 1897.

<sup>2</sup> Ibid.

dealing with postal and other civil officials which English people expect in France or Germany.<sup>3</sup>

Despite Hobson's observations, it is evident that the Zaps' behaviour at this time was not irreproachable. This chapter will highlight that continuing strife between Police Commissioner Schutte and State Attorney Smuts also added to the police being made an easy scapegoat for wider political grievances.

On a Saturday afternoon in late-March 1897, in a public bar in Krugersdorp, Lieutenant Sarel Eloff, of Jameson Raid fame, 'behaved in a manner likely to cause a breach of the peace between the Boer and *Uitlander* population'.<sup>4</sup> The English community accused Eloff of drunken behaviour while dressed in uniform and acting in his official capacity. However, the diplomatic scandal that erupted around President Kruger's grandson related specifically to an accusation that, during his drunken stupor, Eloff had snarled that 'all Englishmen were Bastards, and ... the Queen a bloody whore'.<sup>5</sup> Swearing at the assembled crowd in English and Dutch, Eloff allegedly lashed out to strike an 'Englishman without provocation'. The police lieutenant went on to encourage his troopers to 'hustle unoffending Englishmen'. Some prominent individuals, which included a 'few influential Afrianders', intervened and brought the situation under control.<sup>6</sup>

The incident caused Pretoria considerable embarrassment, as London demanded that there should be repercussions for Eloff's behaviour. The British Agent at Pretoria, Conyngham Greene, especially viewed the insult hurled at his 'August Sovereign' to be of such a brutal nature, that he stated in his letter to Pretoria, he 'must decline to repeat it'.<sup>7</sup> President Kruger assured London of his 'personal respect' for Queen Victoria. The government had, in fact, already suspended Eloff before it received

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<sup>3</sup> Hobson, *The War in South Africa, its causes and effects*, 61-62.

<sup>4</sup> TNA, DO, 119/333, W.D. Turner and others to the British Agent, 29 March 1897.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid., Conyngham Greene to state secretary, 30 March 1897.

London's communication on the matter.<sup>8</sup> Pretoria stated that 'the matter will now, after receipt of further advices, be proceeded into in such a manner as the circumstances appear to require'.<sup>9</sup>

Interestingly, the British High Commissioner initially advised London that he thought 'it ... undesirable to incur suspicion of wishing to make political capital out of [an] incident which originated in drink and for which I gather that all parties are very sorry'. He added that he had 'arranged privately with the authorities that E[loff] should resign his Commission and write [an] ample letter of apology which will be communicated to me officially by the Minister for Foreign Affairs. In receipt of [the] above I will declare [the] incident to be closed, leaving the Government to deal with the Offender in the ordinary way, which will I believe mean [a] fine of about 50 pounds'.<sup>10</sup> London agreed with his proposal to bring the matter to an amicable end.<sup>11</sup>

However, this private agreement ceased to exist when Pretoria decided to put Eloff on trial.<sup>12</sup> The court found Eloff not guilty, and declared that the charges could not be proven. This was mainly because a string of witnesses swore in Eloff's defence that he had never slandered the Queen.<sup>13</sup> The witnesses called by the prosecution were mainly 'race course loungers, and persons who carried no weight, and had no social position' which strengthened Eloff's defence.<sup>14</sup> London believed that the verdict smacked of nepotism, as the judge was a relation of Eloff's father. To muddy diplomatic relations even further, the British Agent reported that the government had promoted the 'unworthy' Eloff to first lieutenant of the police force in Pretoria. Greene felt that 'under the circumstance and considering the vulgarity of the whole

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<sup>8</sup> NASA, TAB, SS 6306, R4673/97, Schutte to Van Dam, 30 March 1897; Coster to state secretary, 30 March 1897.

<sup>9</sup> TNA, DO, 119/333, acting state secretary to Conyngham Greene, 31 March 1897.

<sup>10</sup> Ibid., high commissioner to secretary of state, London, 9 April 1897.

<sup>11</sup> Ibid., secretary of state to high commissioner, 10 April 1897.

<sup>12</sup> Ibid., Conyngham Greene to high commissioner, 27 April 1897.

<sup>13</sup> NASA, TAB, SS 6306, R4673/97, judgment in the State versus Sarel Eloff, 26 April 1897.

<sup>14</sup> TNA, DO, 119/333, Conyngham Greene to high commissioner, 5 May 1897.

proceedings, I do not think it would be desirable, even if it were possible, to move further in the matter'.<sup>15</sup>

### **'Between badge and badger is only a question of degree': Coloured people and the pass laws**

The Colonial Office did, however, feel it necessary to intervene resolutely when the enforcement of the pass laws on Cape Coloured people once again became a point of contention in early 1897. James Percy FitzPatrick, the former secretary of the Reform Committee and partner in the Eckstein mining group, informed the British Agent that British Cape Coloureds were constantly arrested by the police for not wearing their pass badges. FitzPatrick informed Greene 'their servants ... preferred to return to the Cape Colony rather than submit to the requirement obliging them to wear a badge, as in the case of ordinary Kaffirs (sic)'.<sup>16</sup>

One of the main concerns was the inconsistency in the policing and prosecution of the offence. This caused considerable confusion among the Cape Coloured community. The landdrost court, for example, issued special permits for some Cape Coloured people to stay out later than 9 pm, and it provided some individuals with the right not to display their pass badges on their arms. There were also allegations that some officials fined transgressors for more than the law provided for.<sup>17</sup> Johannesburg's coloured community felt that the harsh enforcement of the law was mainly a source of revenue for the government. This was evident in police aggression when enforcing the law, especially in the first few days of the month.<sup>18</sup>

The *Standard and Diggers' News* criticised the police in its handling of the issue. The paper wrote that the police

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<sup>15</sup> Ibid., Conyngham Greene to high commissioner, 5 May 1897

<sup>16</sup> TNA, DO, 119/44, Loch to Milner, 3 April 1897.

<sup>17</sup> Ibid., Green to Milner, 6 May 1897.

<sup>18</sup> Ibid., W.H.P. Luiden to Greene, 28 June 1897. See also, *Standard and Diggers' News*, 'A police raid', 22 September 1896 in which the newspaper refers to the police clampdown on 'Cape boys'(sic) as 'strange and sudden'.

should know that the law is passed for the benefit of the public, not to oppress it. Between badge and badger is only a question of degree. And this degree must be observed by the officials. No one can blame a constable if, in simply following his superiors, he hales coachmen and men in responsible positions to the Charge Office with indignity. The blame lies with his superiors. They should draft off a number of the more intelligent members of the Force and give them instructions not to interfere with the liberty of men who are not likely to abuse that liberty and who, by education and good character have earned a right to be treated differently from the scarcely reclaimed savages and riff-raff illegitimates.<sup>19</sup>

Greene met with Kruger to discuss the matter. The main complaint from London was that the Republic had enacted the pass laws specifically to aid the mining industry in controlling its African labour on the goldfields. It was, therefore, an unwarranted geographical consequence which saw Cape Coloureds prosecuted for pass law offences on the Witwatersrand. The act's resolutions did not apply to Coloured people who, for example, lived in Pretoria.<sup>20</sup> Kruger received the complaint in an amicable spirit and insisted he would never allow any unjust treatment of persons by his officials. If it could be proven that the officials had exacted larger fines from Cape Coloured people compared to 'ordinary Kaffirs (sic)', they would be punished. The President also told Greene that it would be 'a pleasure for him to consider the representations' made by the British Agent.<sup>21</sup> Sir Alfred Milner, British High Commissioner in the Cape, nevertheless, cautioned against optimism about Pretoria's undertaking to address the issue. He instructed Greene that 'if further instances of harsh action by [the] Police are brought to your notice you are authorised if you think fit, to at once make remonstrance to [the] acting State Secretary, or even [the] President'.<sup>22</sup>

The matter, however, took an unanticipated turn when Criminal Landdrost Broeksma gave his judgement in the State versus P. Daniels. The police had arrested Daniels for

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<sup>19</sup> *Standard and Diggers' News*, 'Badging the Cape Men', 6 March 1897.

<sup>20</sup> TNA, DO, 119/44, Greene to Milner, 12 July 1897.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*, Milner to Greene, 2 August 1897.

transgressing the pass law.<sup>23</sup> In a letter to the press, Daniels recounted the police brutality he had suffered during his arrest. He stated that he was physically and verbally assaulted while being dragged to the charge office.<sup>24</sup> Pretoria took these charges against the police officers very seriously and instructed Landdrost van den Berg to investigate the matter. The two police constables submitted affidavits to the government, protesting the allegations made against them. They claimed that they had not assaulted Daniels.<sup>25</sup> The state, however, could not pursue the case against the constables, as Daniels never submitted an official affidavit to the court.<sup>26</sup>

When Daniels appeared in court for his 'pass offence', Broeksma concluded that many of the arrests and fines issued to Cape Coloured people for pass law offences had, in fact, been illegal. According to Articles 1 and 15 of the Sanitary Board's regulations, an independent individual who had a professional trade did not require a pass.<sup>27</sup> Landdrost Broeksma ruled that the pass law did not supercede the board's regulations. Thus, as Daniels could prove to the court that he was a self-employed tailor, he was free from the pass law's restrictions.<sup>28</sup> The precedent set by this judgement threatened to turn into a serious fiasco for Pretoria. It would afford Coloured people formerly imprisoned or fined the grounds for compensation. London, however, informed Pretoria that it would advise victims against suing the Republic.<sup>29</sup> This was because Kruger had kept his word, and in 'his best biblical vein' had lobbied the *Volksraad* to amend the pass laws.<sup>30</sup> Pretoria, however, informed London that the judgement was based on a misrepresentation, and there had been no appeals by convicted offenders. However, it added that if these 'these people' felt wronged, they were free to approach the courts of the Republic. Pretoria decided that, in the principle

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<sup>23</sup> *Standard and Diggers' News*, 'Atrocious, if true', 26 July 1897. See also, NASA, TAB, SP 145 for a copy of the court minutes.

<sup>24</sup> *Ibid.*

<sup>25</sup> NASA, TAB, archive of the state secretary: foreign affairs, (SSA), 564, RA 4043/97, affidavits of C.J. van Tonder and K.W. Muller, 21 July 1897.

<sup>26</sup> *Ibid.*, Von Boeschoten to Greene, 28 July 1897.

<sup>27</sup> TNA, DO, 119/44, minutes of the State versus P. Daniels, no date; Greene to Milner, 6 August 1897.

<sup>28</sup> *Ibid.*, minutes of the State versus P. Daniels, no date; Greene to Milner, 6 August 1897.

<sup>29</sup> *Ibid.* Greene to acting state secretary, Pretoria, 16 August 1897.

<sup>30</sup> *Ibid.*, Greene to Milner, 13 August 1897. See also, *Standard and Diggers' News*, 'The pass law', 12 August 1897.



of ‘fairness’, it would free all coloured persons or ‘natives’ prosecuted for pass law transgressions. Fines would be returned to the individuals concerned, if they could furnish the government with a receipt and proof that they met the requirements of the amended regulations.<sup>31</sup>

Pretoria published the ‘slight’ amendments to the Pass Law on 19 August 1897.<sup>32</sup> In essence, it read that ‘natives who have attained a higher degree of civilisation’ would be exempt from the provisions of the ordinary Pass Law. However, they would still have to report to the Pass Office in order to procure a certificate for £3 per annum, which would indicate their ‘privileged’ status. The law decreed that ‘all natives who have a profession or trade, or who are carrying on a business, not being in the service of an employer, fall under these provisions’. This included ‘kaffir (sic) missionaries and teachers’, who could obtain the certificate for 10 shillings. The amendments would come into effect on Monday, January 24, 1898.<sup>33</sup>

Pretoria made it clear to London that if individuals who qualified for the provisions in the amended regulations decided not to comply, the courts would continue to prosecute them under the existing legislation. The government also reserved the right to define what constituted an ‘occupation, calling or profession’ for eligible individuals, but added it would instruct officials to ‘interpret the new regulations in the most liberal manner possible.’<sup>34</sup> State Secretary Leyds informed F.W. de Kock, the chief pass inspector, that his office had to issue certificates to all ‘natives’ who provided the necessary proof. Kock could still use his discretion to refuse certificates, but his officials had to investigate all cases. Pretoria also instructed the officials to assist African teachers and preachers who applied for certificates to obtain affidavits supporting their claims, free of charge.<sup>35</sup>

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<sup>31</sup> TNA, DO, 119/44, acting state secretary to Greene, 22 August 1897.

<sup>32</sup> NASA, TAB, UR, Resolution, 631 of 1897, 19 August 1897.

<sup>33</sup> *The Star*, ‘Warning to “privileged” Natives’, 15 January 1898.

<sup>34</sup> TNA, DO, 119/44, acting state secretary to Greene, 22 August 1897.

<sup>35</sup> NASA, TAB, SSA 564, RA 4043/97, Leyds to Koch, 9 November 1897.

Greene, at first, seemed pacified by the steps taken by Pretoria, although he was still dissatisfied about the law not making provision for Cape Coloureds to be out after 9 pm at night. He informed Milner that:

My experience in South Africa now extending to nearly 16 years, convinces me that the regulation as applicable to Kaffirs (sic) and the lower class coloured people, is an useful and necessary one. It is true that it imposes hardships on some very respectable Natives, specially among the Cape Coloured people, but a large number of them, now that a liberal interpretation of the new Pass Law is assured, will be exempt for the regulation.<sup>36</sup>

The British Agent advised caution in handling the matter. He argued that, although Cape Coloured people deserved fair treatment, this could also not be at the expense of the safety and rights of Johannesburg's white community. He continued: 'having regard to the burglaries, outrages and highway robberies, which are of nightly occurrence in Johannesburg, I do not think that public opinion would be in favour of any great relaxation of the existing regulations as to natives not being allowed to be at large after 9 P.M.'<sup>37</sup> The curfew rule was not unique to the ZAR, as it was also written into the bylaws of some towns in the Cape and Natal.<sup>38</sup>

Yet, police brutality against 'Malay' individuals still continued to make headlines in the press. In September 1897, *The Standard and Diggers' News* reported on the arrest of a policeman, Johannes Joubert, for assaulting a coloured man without any provocation. Landdrost Schuurman found the constable guilty and imposed a £15 fine or a month's imprisonment. Schuurman also requested Commandant van Dam to have Joubert fired from the Zarps.<sup>39</sup>

By February 1898, it became evident to London that Pretoria had a different interpretation of the word 'liberal'. Pretoria informed Greene that all coloured people 'who are in service, however civilised' were excluded from the new regulations.

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<sup>36</sup> TNA, DO, 119/44, Evans to Greene, 14 November 1897.

<sup>37</sup> Ibid., Greene to Milner, 24 November 1897.

<sup>38</sup> Ibid., Selborne to Spicer, 1 October 1897.

<sup>39</sup> *Standard and Diggers' News*, 'A brutal policeman', 8 September 1897.

Consequently, complaints were streaming in from British Cape Coloureds who viewed themselves as ‘civilised’, as well as from British subjects who came from territories such as St. Helena and Mauritius, and who argued that, even though Pretoria considered them ‘non-white’, they were not indigenous Africans and therefore not subject to the Republic’s pass laws. The Republic’s racial categorisation and accompanying definitions caused considerable umbrage with London. Greene wrote:

I venture to think it will be very inadvisable to allow the Transvaal Government to absorb any more of our people in the comprehensive term ‘Kleurling’ [Coloured], and to draw the line just as they please at to which of the inhabitants of our possessions they may consider to be “Natives” (inboorlingen) in the sense of Article XIV of the London Convention, or to arrogate to themselves the assumption that the word ‘Native’ in the Convention is identic with ‘Coloured Person’, or (in Dutch) ‘inboorling’ with ‘kleurling’.<sup>40</sup>

Milner concurred and called the matter ‘preposterous’. He added, ‘the fact that a man appears to be coloured or even is coloured, does not make him a member of one of the aboriginal races of Asia and a “coolie”, “Malay” etc. There are many persons of pure European descent – Spaniards, Italians, Portuguese and even Frenchmen – who are quite as dark in complexion’.<sup>41</sup>

Pretoria, for its part, was under the impression that the Cape Coloured people’s main concern was the requirement to wear arm badges. When the *Volksraad* debated the matter, all members were in favour of scrapping the requirement, and hoped that the general complaint of the Cape Coloured people would dissipate.<sup>42</sup> Yet, the police continued to arrest people for not wearing badges, much to the annoyance of the British Agent. Greene felt that the government passed regulations without adequately informing its officials of the changes, or otherwise, the officials simply continued with unscrupulous behaviour. State Secretary Leyds assured Greene that he would severely reprimand any officials in breach of the new regulations, and in spite of the

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<sup>40</sup> TNA, DO, 119/44, Greene to Milner, 28 February 1898.

<sup>41</sup> Ibid., Milner to Greene, 11 March 1898.

<sup>42</sup> Ibid., Greene to Milner, 25 April 1898

continuing saga, the government was ‘anxious to treat the matter in the most liberal spirit’.<sup>43</sup>

Chamberlain warned Milner that, even though any maltreatment of British subjects in the ZAR should be dealt with, he thought it wise not to ‘press upon the Government of the South African Republic any grievances which are not of a substantial character’, as ‘the position of British Indians in Natal[,] where they are subject to certain disabilities[,] ... might render it difficult for Her Majesty’s Government to criticise or to resist the action of the Government of the South African Republic in similar circumstances’.<sup>44</sup> Chamberlain, however, approached jurists at the Royal Courts of Justice for a legal opinion on the validity of Pretoria’s interpretation of Article XIV of the London Convention. Their report concluded that it was ‘quite clear the expression “natives” (inboorlingen) ... applies only to the native aboriginal races of South Africa, and does not include half-castes ... and we cannot see any ground for the contention of the Transvaal Government that a coloured person is necessarily “a native” with the meaning of Article XIV.’<sup>45</sup>

The matter lingered, but then exploded into a diplomatic battle. On the evening of 29 October 1898, Field Cornet Hermanus Stephanus Lombaard, labour inspector of the pass office, Jacobus Stephanus Kock, several pass officials, and a group of police officers performed raids on several houses of Coloured persons, and arrested about 40 people for pass law offences. The officials made the arrests without warrants. The British Agent regarded the raids as retaliation to ‘Coloured British Subjects’ refusal to be commandeered for service in the Republic’s expedition against Chief M’pefu of the Magato.<sup>46</sup>

Police Commandant van Dam claimed the matter only came to the British government’s attention several weeks later, when the issue was blown up in the press

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<sup>43</sup> Ibid.

<sup>44</sup> Ibid., Chamberlain to Milner, 22 June 1898.

<sup>45</sup> Ibid., Law Officers to Colonial Office, 13 July 1898.

<sup>46</sup> Ibid.

after agitation by the South African League.<sup>47</sup> Yet, some police officers were clearly abusing their powers, even before this event transpired. A letter published in *The Star* alleged that, in one case, a policeman extorted money from the ‘mistress’ of an African ‘boy’ for not having a pass. The same constable later asked a ‘Cape boy’ for his pass and badge. An altercation occurred between the two, and the young man ran away. The constable then drew his revolver and fired two shots, which fortunately missed. A crowd assembled and the ‘constable got funkey and took to his heels and ran away’. Someone took down his number and reported him to the charge office. The police arrested the constable; he appeared in court, and was sentenced to three months imprisonment.<sup>48</sup>

By early December, the acting British Agent at Pretoria, Edmund Fraser, had forwarded several affidavits to London, detailing the events that transpired on the evening of the raids.<sup>49</sup> Pretoria appointed a government commission to investigate the matter. Significantly, on 22 December 1898, Smuts recorded a conversation that he had with Fraser. Fraser informed the state attorney that he wanted Lombaard temporarily suspended. Smuts felt this was unnecessary, as the government had appointed a commission to investigate the claims. Fraser informed Smuts that, in his opinion, ‘the time had come to make an end of all this by showing the Boers that England is master in South Africa. ... He said that England was very dissatisfied about the maladministration and especially about the ill-treatment of her subjects which was worse here than elsewhere. On this point England would take action’.<sup>50</sup> Fraser then declared that London would wage its campaign against the Republic on matters ‘everyone could understand, things like those revealed in the affidavits’. Smuts wrote that he connected ‘these things with the rumours in the newspapers that England is strengthening her forces in South Africa and that she is going to make serious representations to this government’.<sup>51</sup> In light of this conversation, it will become

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<sup>47</sup> NASA, TAB, Accession 788, Van Dam collection, File 4, 101-102.

<sup>48</sup> *The Star*, ‘The police and revolvers’, 27 December 1898.

<sup>49</sup> TNA, DO, 119/44, Fraser to acting high commissioner, 10 December 1898.

<sup>50</sup> Hancock and Van der Poel, *Selections from the Smuts Papers, Vol. 1, June 1886-May 1902*, 212-213.

<sup>51</sup> *Ibid.*

evident that the state attorney increasingly viewed London's demands towards Pretoria with suspicion.

At the inquiry, the complainants' testimonies condemned Lombaard, De Kock and the police officers for using excessive force in their conduct of the raids. Many complainants alleged that the police had kicked their doors open and had dragged them from bed. One person claimed that a young woman, Mabel van Blommestein, who was suffering from pneumonia at the time, developed a 'nervous condition' after the raid and later died. Another man testified that his wife went into early labour due to the stress suffered by the event. Some witnesses alleged that Lombaard handcuffed a man named L.A. Williams, hitting him on his head for 'impudence', and having him choked on his orders.<sup>52</sup> In his defence, Lombaard claimed that he had obtained the necessary permission for the raid from First Public Prosecutor Krause. He declared that he acted professionally, but admitted to giving Williams a 'blow with the flat hand' for swearing at him. Two police constables assigned to the pass office, Phillipus Rudolphus Nel and P. Jansen van Rensburg, both claimed that they had not used any violence in carrying out their duties.<sup>53</sup>

After hearing the evidence, the commission concluded that the officials should have acted with more foresight in the matter. However, it felt that the testimony did not support the charges of brutality.<sup>54</sup> According to Fraser, Smuts advised the Executive Council that, although the officials 'erred in making the ... raid ... after dark, in view of the fact that no definite instructions has been issued by the Government last year as to special treatment for Cape Coloured people, he could find no sufficient reasons for further punishing the officials concerned'.<sup>55</sup> Consequently, much to London's disapproval, Pretoria reinstated Lombaard and took no action against the officials and constables implicated in the matter.<sup>56</sup> Fraser informed Milner that on asking for the

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<sup>52</sup> For unknown reasons Williams was not called to testify in front of the commission. See: C 9345, *Papers relating to the complaints of British Subjects in the South African Republic* (London: Darling & Son, 1899), Milner to Fraser, 10 March 1899, 101.

<sup>53</sup> C. 9345, minutes of Government Commission, 28 and 29 December 1898, 93-98.

<sup>54</sup> Marais, *The Fall of Kruger's Republic*, 236.

<sup>55</sup> TNA, DO, 119/44, Fraser to acting high commissioner, 25 January 1899.

<sup>56</sup> Marais, *The Fall of Kruger's Republic*, 236.

‘official evidence’ given in front of the commission, Smuts had referred him to the version published in *The Star* and stated that this ‘might [serve] as a full report’. Significantly, Fraser informed Milner that

in letting these charges pass without further notice, this Government was to a great extent influenced by recent events during the Edgar Demonstration, and by the fact that the South African League had made mention of the charges in question in their recent Petition, so that any punitive action by this Government would have had the appearance of deferring to the opinion of the League, which has raised so much resentment among the Burghers.<sup>57</sup>

Milner instructed Fraser to demand answers from the Republic about its decision, and informed London of the developments.<sup>58</sup> The high commissioner was especially scathing of the conclusions reached by Smuts. He later stated to Chamberlain he was under the impression that Smuts had referred Fraser to *The Star* for a copy of the official report.<sup>59</sup>

In defence of its actions, Pretoria insisted that Fraser had misinformed Milner and London. According to State Secretary Reitz, Smuts never referred Fraser to the ‘wholly inaccurate and faulty report’ in *The Star*. He added that the state attorney was well aware of the arrangement made in the relaxation of pass law restrictions on certain Cape Coloured persons. It was evident to Pretoria that the South African League had used the issue to ‘display their animosity against the government’. It felt that the league ‘had no desire to help these persons or seek the truth’. Pretoria also defended the role of the police by claiming that Coloured people ‘are so impudent and provocative that the cases of actual rough treatment, which are regretted by this Government, on the part of the police were only the natural consequences thereof. No police in the world, however, long-suffering and well-disciplined, could put up with the provocation of these persons, who usually belong to the lowest moral class of society’. Pretoria did, however, concede that the police’s treatment of Cape Coloured people was, at times, ‘difficult to defend’. But, it pointed out, none of the individuals

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<sup>57</sup> TNA, DO, 119/44, Fraser to Milner, 25 January 1899. See also, C. 9345, 34.

<sup>58</sup> C. 9345, Milner to Fraser, 10 March 1899, 100-103.

<sup>59</sup> Ibid, Milner to Chamberlain, 14 April 1899, 104.

concerned could produce the certificate which exempted them from the regulations of the pass law. It reminded London that the Republic's courts remained accessible to the complainants, if they wanted to pursue legal action.<sup>60</sup>

Milner defended Fraser's handling of the issue to Chamberlain. The high commissioner admitted to misquoting Fraser on the 'official evidence' versus 'official report' matter, but stated that Pretoria's reply still brought forth certain conflicts between Fraser's report and of Smuts' actions in the matter. For one, Smuts now denied ever referring Fraser to *The Star*. Secondly, if Smuts had known about the regulations being relaxed, the state attorney's justification of Lombaard's reappointment was invalid. Thus, in effect, Pretoria had not furnished London with any explanation of its actions. Milner agreed with Pretoria that 'the lower class of coloured people are often very irritating and very rude, though I may doubt whether the degrading treatment accorded to them in the South African Republic is calculated to cure them of these or any other faults incident to their low stage of civilisation'. The high commissioner, however, remained scathing of the police's role in the matter. He wrote:

I entirely fail to see how particular coloured people, against whose character the police themselves admitted that they knew nothing, could have "provoked" the police by being in bed at night, or what conceivable justification there was for making a raid "without lawful warrant" upon them under those circumstance – whether or not such a raid was accompanied by the violence resulting in death and premature delivery. I still think, as I have told the Government of the South African Republic, that the officers of justice who are capable of such pranks, are "totally unfit for their duties," and I consider that the Government shows a very insufficient regard for its own character in allowing such conduct to pass without punishment of reprimand.<sup>61</sup>

Pretoria and London continued to square off on treatment of Cape Coloured people in the final months leading up to the outbreak of the South African War. In late July 1899, British Agent Greene informed Milner that Field Cornet Lombaard and a 'posse of Mounted Police' had threatened a group of Coloured people. Lombaard warned

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<sup>60</sup> Ibid., Reitz to Greene, 22 March 1899, 105-107.

<sup>61</sup> Ibid., Milner to Chamberlain, 14 April 1899, 104-105.



that if the people did not relocate to the new location which the government had set aside for them, their houses ‘would be pulled down and transferred piecemeal’.<sup>62</sup> Smuts, however, informed Greene that Lombaard never instructed the people to move, but simply ‘conferred with the Malays and Kaffirs (sic) living in the old location about their eventual removal, but has done nothing further’.<sup>63</sup> Yet, a few days later, Greene sent Milner several affidavits collected from Cape Coloured individuals complaining about the bombastic and threatening manner in which Lombaard had put the matter to them.<sup>64</sup>

### **The Edgar Case**

A few days before Fraser threatened Smuts, and amid the Lombaard scandal, Constable Bart Stephanus Jones killed an *Uitlander* named Thomas Jackson Edgar. Jones was the son of a former coachman to Queen Victoria, but had been naturalised in the Republic on account of his ‘quality as a policeman’.<sup>65</sup> For the British *Uitlander* community in Johannesburg, and for the British government, this particular event highlighted, more so than any other, the alleged inefficiency, incompetence and brutality of the police in the final months leading up to the South African War.

In the early morning hours, just after midnight, on 19 December 1898, Edgar, who was a boilermaker, returned home from a night out drinking. A few metres away from the rooms he and his wife, Bessie, rented at Flories Building in Ferreira’s Town, he had an altercation with a man called Forster. Forster, who had also been drinking, shouted, ‘*voertsek*’ (sod off).<sup>66</sup> Edgar, thinking that the insult was hurled at him, confronted Forster. Arthur Frederick Sheppard, Forster’s friend, told Edgar that Forster had shouted at a dog. Edgar threw a punch at Forster’s head, knocking him out

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<sup>62</sup> TNA, DO, 119/44, Greene to Milner, 21 July 1899.

<sup>63</sup> Ibid., Smuts to Greene, 21 July 1899.

<sup>64</sup> Ibid., Greene to Milner, 2 August 1899.

<sup>65</sup> D.W. Krüger, *Paul Kruger, 1883-1894*, Deel II (Johannesburg: Afrikaanse Pers-Boekhandel, 1963), 268.

<sup>66</sup> *Voertsek* is an invective commonly directed at dogs, meaning ‘scram’. This makes it all the more insulting when directed at a person, in which case it is interpreted as ‘sod off’.

cold. Thinking that Forster was dead, Sheppard shouted for the police. Edgar fled the scene and locked himself in his house. A few minutes later two police officers, Wynand Muller (Mulder) and Franz Daniel Rooth, arrived on the scene. Constables A.F. Roux and Jones arrived on the scene shortly thereafter. The policemen all thought that Forster was dead.<sup>67</sup> Sheppard and several bystanders encouraged the police to arrest Edgar.<sup>68</sup>

According to Bessie Edgar, she heard her husband coming up the street and some conversation in an African language. She also heard someone shouting, 'Voertsek'. Her husband entered their dwelling and told her to keep quiet. She was unaware of the physical fight that had just taken place between her husband and Forster. Suddenly, there were people shouting in the street, and calls for her husband to open the door. Someone tried to force open their bedroom window, at which point her husband made his way to the front door. Before he could open the door, it was forced open. A man rushed forward and shot Edgar. She claimed in an affidavit that her husband did not have a weapon in his hand.<sup>69</sup> At the provisional inquiry, she stated that the police never asked them to open the door.<sup>70</sup> She also claimed that she had never seen the iron bar recovered from the scene before.<sup>71</sup> At the trial, however, she testified to 'know this stick; it usually lies in the house'.<sup>72</sup>

The police officers' account of the events differed. According to them, when Constable Roux looked through the bedroom window, he saw Edgar armed with a stick, which had a screw attached to it. The policemen knocked on the door and identified themselves. When Edgar failed to open the door, three of the officers decided to force it open. When the door gave way, Jones was the first to rush forward, only to face the stick-wielding Edgar. Witnesses described Jones as a 'tall big man

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<sup>67</sup> *The Star*, 'The Edgar Tragedy', 29 December 1898, as published in C. 9345, 119.

<sup>68</sup> *The Standard and Diggers' News*, 'The Edgar Case', 24 December 1898.

<sup>69</sup> C. 9345, affidavit of Bessie Jane Edgar, 110.

<sup>70</sup> See, 'The widows' story' in *The Standard and Diggers' News*, 'The Edgar Case', 24 December 1898.

<sup>71</sup> *The Star*, 29 December 1898, as published in C. 9345, 122.

<sup>72</sup> C. 9345, 'In the case of the State versus Bart. Stephanus Jones', 150.

with a black moustache'.<sup>73</sup> Edgar reportedly hit Jones on the head twice, on which account the policeman drew his revolver and shot Edgar. Edgar fell forward onto his face. A doctor officially declared him dead later a few hours later. In the chaos that followed, some witnesses reported that Jones fled the scene.<sup>74</sup> Another account stated that, even though he was seriously injured, he ran to call the district doctor to come and see to Edgar, whereafter he reported the case to the Bree Street charge office and was placed under arrest for murder.<sup>75</sup> The charge office reported the incident to the detective department. Once on the scene, Detective Jacob John Waldeck turned Edgar's body over, and found the rod wielded by Edgar, drenched in blood.<sup>76</sup> The detectives made a sketch of the scene and took affidavits from witnesses and onlookers. The public prosecutor's office sent the papers to State Attorney Smuts.

At the provisional inquiry into Edgar's death, the district doctor who performed the autopsy testified that he had found alcohol in Edgar's stomach. This contradicted an earlier report by *The Star*, claiming that Edgar had been 'perfectly sober'.<sup>77</sup> The doctor further testified that he had examined Jones. The constable had bruises on his left arm and a wound on the left side of his head. The doctor stated that 'considerable violence was used' to inflict these injuries.<sup>78</sup> The *Standard and Diggers' News* reported that 'if the blow had been diverted an inch it would probably have proved fatal'.<sup>79</sup> Forster never recovered from Edgar's punch, and died about a month later.<sup>80</sup>

The witnesses' accounts and the physical evidence collected at the scene were not the main dispute following from the event. The diplomatic quarrel that ensued centered on the legality of police officers entering a house without a warrant, and consequently killing a person. The actions of the South African League, and the attitude adopted by

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<sup>73</sup> TNA, DO, 119/347, affidavit of D. Friedman, 21 December 1898.

<sup>74</sup> Ibid.

<sup>75</sup> *The Star*, 29 December 1898, as published in C. 9345, 120.

<sup>76</sup> Ibid., 118. Some witnesses recalled that it was Detective White who arrived on the scene. White did not testify at either the provisional enquiry or at the trial, and Detective Waldeck seemed to have been in charge of the investigation.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> *The Standard and Diggers' News*, 'Jones injuries', 28 December 1898.

<sup>80</sup> NASA, TAB, Accession 788, Van Dam collection, File 4, 103.

Greene and British Vice-Consul for the Witwatersrand, John Emrys Evans, compounded the diplomatic quarrel. The event also caused more tension between Smuts and Krause. On the day after Jones's arrest, Krause altered the charge to culpable homicide, and granted him bail. He also reduced the bail from £500 to £200. Jones's fellow police officers stood surety for the money, which would be deducted monthly from their pay.<sup>81</sup>

The South African League immediately began collecting affidavits from witnesses.<sup>82</sup> These statements were sworn before Vice-Consul Evans and afterwards published in *The Star*. These accounts, which included one by Bessie Jane Edgar, were critical of the police action during the night in question. In essence, they stated that Jones shot Edgar 'without any sufficient provocation'.<sup>83</sup> Krause was furious. He accused both Vice-Consul Evans and *The Star* of trying to gain 'political capital' from the matter, and jeopardising the state's case. The public prosecutor felt that the statements would prejudice the jury and jeopardise Jones's right to a fair trial. The landdrost agreed with Krause, and ruled that the matter had to be accounted for during the trial.<sup>84</sup> Krause informed Smuts that this proved his actions were justified.<sup>85</sup> *The Star* defended publishing the affidavits, and claimed 'that there is no more contempt of court in publishing these affidavits than there is an ordinary journalistic report of the tragedy'.<sup>86</sup>

The political agitation unleashed by the shooting escalated quickly. An Edgar committee was formed with the support of the South African League. It called for a 'monster' demonstration, where a petition to Queen Victoria would be handed to Evans.<sup>87</sup> Fraser made a formal protest against Jones' release to Smuts. Smuts, for his part, reasoned that 'in the presence of a Boer Jury, his Counsel would have a much

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<sup>81</sup> TNA, DO, 119/347, Fraser to acting British High Commissioner, Sir W.F. Butler, 23 December 1898.

<sup>82</sup> Ibid., see affidavits of B.J. Edgar, D. Bourke and J. Friedman, dated 21 December 1898.

<sup>83</sup> Ibid., Fraser to acting British High Commissioner, Sir W.F. Butler, 23 December 1898.

<sup>84</sup> *The Star*, 'The Edgar tragedy', 23 December 1898.

<sup>85</sup> NASA, TAB, SP 221, telegram: Krause to Smuts, 30 December 1898.

<sup>86</sup> *The Star*, 'The Edgar tragedy', 23 December 1898.

<sup>87</sup> See SP 884 for the original notice issued by South African League to British Subjects residents.

easier task in getting him off under a Charge of Murder than for Culpable Homicide'. Smuts was reluctant to interfere, but instructed Krause to send him an explanation. After examining the newspaper report and affidavits, Smuts felt that Krause had committed 'a grave error' in altering the charge and granting Jones bail.<sup>88</sup> On the strength of the affidavits Fraser sent to Smuts,<sup>89</sup> the state attorney ordered Krause to have Jones rearrested, and added that no bail could be granted before the case came to trial. The charge, however, remained culpable homicide.<sup>90</sup>

Despite these developments, the meeting called for by the South African League went ahead on Saturday 24 December 1898. The meeting brought the police and *Uitlanders* face-to-face in a series of physical altercations. With tensions in Johannesburg running high, the British Agent told his vice-consul to inform British subjects that, although they were free to make representations, 'they should avoid anything in shape of a public meeting outside'.<sup>91</sup> According to acting Chief Detective Watt, 3,000 people assembled on Market Square to protest the shooting. Shortly after 3 pm, a 'Small obstruction' was caused by a police constable in private clothing, who took the side of his colleagues and defended the government. This caused a fight. The mob forced the police to the section of the plain bordering Rissik Street. The crowd assaulted a few burghers, but there were no serious injuries.<sup>92</sup>

*The Press* reported that the matter assumed 'a very serious aspect'. The detectives struggled to keep control of the crowd and blew on their whistles for assistance. Commandant van Dam and a group of mounted police arrived on the scene and managed to bring the crowd under control.<sup>93</sup> The police and burghers found refuge in the post office, where the standoff between Boer and Brit continued.<sup>94</sup> Clement Webb, Vice-President of the South African League, A. Wyberg, President of the South

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<sup>88</sup> TNA, DO, 119/347, Fraser to acting British High Commissioner, Sir W.F. Butler, 23 December 1898.

<sup>89</sup> C. 9345, telegram: Fraser to Butler, 22 December 1898, 108-109.

<sup>90</sup> TNA, DO, 119/347, Fraser to acting British High Commissioner, Sir W.F. Butler, 23 December 1898.

<sup>91</sup> C. 9345, telegram: Fraser to Butler, 24 December 1898, 109.

<sup>92</sup> NASA, TAB, SP 884, Watt to Schutte, 24 December 1898.

<sup>93</sup> *The Press*, 'The Edgar tragedy', 26 December 1898.

<sup>94</sup> *The Star*, 'The Edgar tragedy', 24 December 1898.

African League, J.D. Forster and J.S Dunn, editor of *The Critic*, drove onto the square in a carriage. The crowd moved away from the post office and towards the vehicle. Webb delivered a speech, in which he implored the crowd as ‘British subjects’ to march to the Standard Bank Building, where a petition would be presented to British Consul Evans. He referred to the Edgar incident as a ‘brutal murder’, adding that ‘the police of Johannesburg has always been the observance of law and order though we use all care not to ape the little lamb business, we have got justice on our side’. The crowd marched to the office of the British vice-consul, where he received the leaders on the balcony of the building. Watt estimated that by this time, the crowd had swollen to about 5000 people. Webb addressed the crowd, and read the petition.<sup>95</sup>

Addressed to ‘Her Britannic Majesty, Queen Victoria’, the petition was a scornful indictment of the Zaps. It stated that the *Uitlanders* were an ‘unarmed community’, left to the whims of a police force ‘recruited from the Burgher element, many ... being youths fresh from the rural districts, without experience or tact, and in many instances without general education or a knowledge of English’. It deplored the militaristic nature of the foot police, who were armed with batons and ‘military revolvers’. It claimed the police had assumed an ‘antagonistic attitude’ and displayed a ‘temper’ against British subjects which ‘tends to endanger the peace of a community’. The petition gave an account of the ‘lamentable tragedy’ of the Edgar incident. It summed up these aforementioned points and added that they ‘had no voice in the Government of the country’ and there ‘is no longer an independent Judiciary to which we can appeal’.<sup>96</sup> Evans replied, ‘I shall have much pleasure in forwarding this petition to the proper quarter’. After a sea of hands went up in favour of the petition, the crowd was asked to disperse quietly.<sup>97</sup>

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<sup>95</sup> NASA, TAB, SP 884, Watt to Schutte, 24 December 1898.

<sup>96</sup> Ibid., petition addressed to Queen Victoria, date stamped 27 December 1898.

<sup>97</sup> Ibid., Watt to Schutte, 24 December 1898.



Figure 16: The crowd in front of the Standard Bank Building to present the petition to British Consul Evans after the Edgar incident on 27 December 1898.  
(TNA: DO 119/347)

While this representation was being made to Evans, the police arrested two men in the square for the disturbance.<sup>98</sup> At another altercation in Commissioner Street, a large group of *Uitlanders* surrounded a group of four or five policemen. Katherine Wyberg, the wife of the president of the Johannesburg division of the South African League, drove up in a carriage and persuaded the crowd not to harm the policemen.<sup>99</sup> Later that afternoon, Commandant van Dam divided the mounted police into three groups. He instructed two divisions to patrol the town and the third to monitor the situation at the charge office. The situation had calmed down, and the police reported no other incidents.<sup>100</sup> The ‘anti-British press’ was very critical about the *Uitlanders*’s actions during this episode, but *The Star* maintained that the matter was a simply ‘a storm in a tea cup’.<sup>101</sup> *De Volksstem* warned the *Uitlanders* that next time, Commandant van

<sup>98</sup> *The Star*, ‘The Edgar tragedy’, 24 December 1898.

<sup>99</sup> *The Press*, ‘The Edgar tragedy’, 26 December 1898.

<sup>100</sup> *The Star*, ‘The Edgar tragedy’, 24 December 1898.

<sup>101</sup> *Ibid.*, 27 December 1898.

Dam might not be as patient, and may call in the mounted police to control the crowd at once.<sup>102</sup>

Fraser, who had cautioned against the meeting, did not want to accept the petition. He informed Butler that most of the concerns in the matter had been addressed by Smuts.<sup>103</sup> Fraser blamed Krause's 'extreme error of judgement' for the demonstration. The most serious charge against the police was that of entering a premises without a warrant. The court would decide on this matter once Jones was committed to trial. Fraser dismissed claims that the *Uitlanders* experienced difficulty in obtaining arms for self-protection. Surprisingly, he also had no real concern about the police being armed. He wrote, 'the fact that the Police carry revolvers, although a dangerous fact, is not surprising, at least as regards the outskirt of Johannesburg, when one remembers the disorder that has attended the establishment of any Goldfield'.<sup>104</sup> *The Star* criticised Pretoria for arming a force that had demonstrated a 'lack of judgement, discretion and intelligence'. It described the Zaps as 'rustics' and a 'bumpkin class', who lacked the 'advantage of even the most rudimentary education ... with no experience of town life and town people, they form absolutely the most hopeless and helpless material in the raw and the most impossible and unreliable material in uniform'.<sup>105</sup>

At the provisional enquiry, Krause once again accused *The Star* and Vice-Consul Evans of contempt of court.<sup>106</sup> Krause was scathing of Evans and accused him of 'officious meddling'. Evans informed Fraser that he had nothing to do with the publication of the documents, and although the affidavits were sworn before him, it was his 'right' to assist British subjects in such matters. Fraser regarded Krause's charges as revenge for Smuts instructing him to re-arrest Jones.<sup>107</sup> At this point,

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<sup>102</sup> Ibid., 28 December 1898.

<sup>103</sup> TNA, DO, 119/347, telegram: Fraser to acting British High Commissioner, Sir W.F. Butler, 5 January 1899.

<sup>104</sup> Ibid., Fraser to acting British High Commissioner, Sir W.F. Butler, 28 December 1898.

<sup>105</sup> *The Star*, 'Arms and the Zaps', 23 December 1898.

<sup>106</sup> *The Star*, 29 December 1898, as published in C. 9345, 124-125.

<sup>107</sup> TNA, DO, 119/347, Fraser to acting British High Commissioner, Sir W.F. Butler, 30 December 1898.



Fraser clearly was favourably inclined towards the state attorney's handling of the matter. He was confident that Smuts would agree with him that there had been no contempt of court.<sup>108</sup> *The Critic*, for its part, accused Krause of unprofessionalism and racism.<sup>109</sup> Krause sued the newspaper's editor, J.S. Dunn, for defamation, and when it came to trial, Krause called Jones as a witness. The public prosecutor also took the stand, and declared under oath that he thought Jones was innocent.<sup>110</sup>

Clearly, Krause's conduct had tainted the state's impartiality in the case, but the state attorney had no plans to capitulate to Fraser's demands. On 5 January 1899, he directed Krause to arrest Webb and Thomas Dodd, secretary of the South African League, as the leaders of the 24 December public meeting.<sup>111</sup> A few hours later, he ordered Krause to set bail at £1,000 for Jones, Webb and Dodd.<sup>112</sup> Krause later reduced the bail to £500 each.<sup>113</sup> The police arrested Webb and Dodd for contravening the Public Meetings Act of 1894.<sup>114</sup> The following day, Pretoria made a formal complaint to London about Evans's behaviour, and stated that it no longer recognised him as vice-consul. The letter also stated that the government would afford London 'reasonable time' to replace him. Pretoria accused Evans of being in cahoots with the South African League, and blamed the publication of the affidavits for the political agitation that emerged after the shooting. The Republic also accused Evans of accepting a petition 'full of lies and insults', despite Pretoria's attempts to deal with the matter.<sup>115</sup>

Fraser only replied to Pretoria on 17 January 1899, again defending Evans's actions. He informed Pretoria that Dodd had publicly admitted to giving the affidavits to *The*

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<sup>108</sup> Ibid.

<sup>109</sup> *The Critic*, 24 December 1898.

<sup>110</sup> Headlam, *The Milner papers, South Africa, 1897-1899*, 293.

<sup>111</sup> NASA, TAB, SP 465, Smuts to Krause, 5 January 1899, 59.

<sup>112</sup> Ibid, 60.

<sup>113</sup> C. 9345, Fraser to Butler, 7 January 1899, 131.

<sup>114</sup> The law recognized the right for citizens to assemble, but meetings could be limited or prohibited in the interest of maintaining public order. Meetings to discuss social issues were not allowed in open air. Organisers had to obtain government permission for addresses of any nature. The courts could impose a maximum fine of £500 or two years imprisonment on organisers and leaders who contravened the act. See: *Locale Wetten der Zuid-Afrikaansche Republiek 1894* (Pretoria: staatsdrukkerij, 1894) 55-56.

<sup>115</sup> NASA, TAB, SSA 769, RA 6824/98, Reitz to Frazer, 6 January 1899.

*Star*, and that the vice-consul had no knowledge that this would happen. He, in turn, blamed Krause's actions, namely reducing the charge and freeing Jones, for the unfolding political agitation. He also forwarded another press report in which affidavits had been published, this time in the matter between former Chief Detective Ferguson and Treu, where Krause displayed 'quite an opposite opinion' on publishing affidavits in the press. In this instance, it was the public prosecutor's office that had allegedly forwarded the statements to the press. Fraser stated that Evans had used the word 'pleasure' on receiving the petition as a 'courteous formality', and rejected 'any idea that it was a pleasure to him to transmit a petition which you consider an insult'. Fraser made no mention of having Evans replaced.<sup>116</sup> On the same day that Pretoria received London's reply, Smuts told Krause that he did not expect 'trouble', as Evans's position did not entitle him to meddle in politics.<sup>117</sup> State Secretary Reitz replied to Fraser on 26 January that it could still not agree with the British Agent's interpretation of the events, but 'as you ... have done your best to meet difficulties, and remove them, [Pretoria] willingly accepts the explanations of the circumstance, ... as well as the expression of regret on the part of the Vice-Consul, and desires that the incident may now be regarded as closed'.<sup>118</sup> Yet, the matter lingered, with Evans refusing to accept a subpoena to appear in court as a witness in the trial against Webb and Dodd. Pretoria viewed Evans's refusal as illegal, and made a 'friendly request that the Vice-Consul may be so instructed as to avoid further difficulties and unpleasantness.'<sup>119</sup> With London's approval, Fraser instructed Evans, to in future, refer all deputations and petitions from British subjects on political and general grievances directly to him, 'to avoid the recurrence of demonstrations'.<sup>120</sup>

Nevertheless, at the end of December, Chamberlain informed Milner that the Edgar affair might give London the 'right of remonstrance and action ... which we have not hitherto had'.<sup>121</sup> However, considering the actions of Fraser and Evans, things did not

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<sup>116</sup> Ibid., Fraser to Reitz, 17 January 1899.

<sup>117</sup> NASA, TAB, SP 465, Smuts to Krause, 13 January 1899, 66.

<sup>118</sup> TNA, DO, 119/347, Reitz to Fraser, 26 January 1899.

<sup>119</sup> Ibid., Reitz to Fraser, 7 February 1899.

<sup>120</sup> Ibid., Fraser to Evans, 6 February 1899.

<sup>121</sup> Headlam, *The Milner papers, South Africa, 1897-1899*, 294.

quite work out as the colonial office had hoped. Milner blamed acting High Commissioner Butler for this. Butler had clearly lost confidence in Fraser, and urged Milner to return Conyngham Greene to the post.<sup>122</sup> Butler was scathing of the role played by the South African League in stoking political strife after the shooting. He stated:

I feel assured that the agitation arising out of the Edgar affair has been mainly the work of a political organization which is devoting itself steadily to the cultivation and dissemination of the seeds of civil disquietude in South Africa and which is at present intent upon doing what its promoters are at least honest enough to term the business of “forcing the hands” of the governing power solely in the interest of their own intrigues and speculations. ... The object of gaining a fortnight’s start in the dissemination of a highly coloured sensational and frequently false version of what is often only a sordid and disreputable night brawl in a town notoriously corrupt seems to offer incentive enough to the patrons of this organisation, to induce them to disregard the feelings and opinion of the mass of people who, nearer to the scenes described, are better able to weigh the true value of such testimony.<sup>123</sup>

Chamberlain, clearly not amused, reprimanded Butler for his views.<sup>124</sup> Milner saw the Edgar incident as ‘a shocking story which makes one’s blood boil’,<sup>125</sup> and called Butler a ‘Krugerite’.<sup>126</sup> He returned to South Africa at the end of January. While on board the SS Briton, Milner wrote to Lord Selborne that ‘with me, amusement at Butler’s idiotic proceedings overcomes annoyance’, adding sarcastically, a ‘High Commissioner out-Kruger Kruger appeals to me’.<sup>127</sup> Chamberlain, reflecting on the issue at a later date, informed Milner that Vice-Consul Evans, ‘no doubt from a lack of official experience, acted unwisely in permitting representations to be made to him in public ... instead of his office’. But, Chamberlain did not agree with Fraser’s argument for not sending the petition to London. Fraser contended that this was because it had been published in the press before being presented to Evans.

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<sup>122</sup> Ibid.

<sup>123</sup> TNA, DO, 119/347, Acting British high commissioner Sir W.F. Butler to Chamberlain, 11 January 1899.

<sup>124</sup> Headlam, *The Milner papers, South Africa, 1897-1899*, 294.

<sup>125</sup> Ibid., 301.

<sup>126</sup> Ibid., 303, 473.

<sup>127</sup> Ibid., 301.

Chamberlain doubted this, and felt that Fraser must have had other reasons for his decision.<sup>128</sup>

The South African League, not to be deterred, decided to call another meeting for 14 January 1899, to protest Edgar's killing, as well as the arrests of Webb and Dodd. The league approached Pretoria for permission to hold the gathering in Johannesburg's amphitheatre, a 'wood and iron' building used for circuses and public entertainment.<sup>129</sup> Pretoria had no official objections to the meeting, 'provided proceedings were orderly'.<sup>130</sup> Smuts informed Krause that Pretoria had sanctioned the meeting, and added that he would communicate privately with Police Commissioner Schutte about the police's presence.<sup>131</sup>

Police Commandant van Dam later recounted that Smuts had offered the league the option of having the police present to maintain order. The league, however, refused this offer and asked the police to stay away. As a result, Smuts barred the police from attending the meeting. However, the discord between Boer and Briton had heightened dramatically after Edgar's shooting. Van Dam claimed that he had difficulty in upholding the peace on the streets. The afternoon before the meeting, his sources told him that a group of burghers were planning to attend the meeting. The police commandant boarded the first train to Pretoria, where he tried, unsuccessfully, to convince Smuts and Police Commissioner Schutte to cancel the meeting. On the morning of the meeting, and in a final effort to cancel the event, the police commandant met with President Kruger. He asked the president whether it would not be possible to command Field-Cornet Lombaard to order all burghers to stay away from the meeting. However, by that time, it was already too late for Pretoria to take any effective action, even if it wanted to. Van Dam returned to Johannesburg, empty-handed. In spite of strict orders not to deploy police at the meeting, he decided to take two officers and to make his way to the amphitheatre.<sup>132</sup>

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<sup>128</sup> C. 9345, Chamberlain to Milner, 10 February 1899, 134.

<sup>129</sup> Ibid., Wyberg to Greene, no date, 144.

<sup>130</sup> Ibid, telegram: Fraser to Butler, 13 January 1899, 134.

<sup>131</sup> NASA, TAB, SP 465, Smuts to Krause, 17 January 1899, 69.

<sup>132</sup> NASA, TAB, Accession 1335, 'Manuskrip van kmdt. G.M.J. van Dam', 44.

Van Dam had a legitimate reason for concern. On the day of the meeting, about 300 'poor Burghers' employed in the construction of the Main Reef Road were told by their supervisor, Road Inspector Papenfus, to meet at the amphitheatre. The second landdrost's clerk, one Bosman, addressed the men and escorted them to the Bree Street charge office. Once at the police office, a group of officials told them of a plot to break up the gathering. Third Public Prosecutor Broeksma divided the road workers into groups, each with a foreman. He then told them to make their way back to the amphitheatre. Broeksma ordered the men to take up seats among the crowd and to await his lead. He would take up a position next to the journalists' table, and strike 'the man with the ginger whiskers'.<sup>133</sup> This would signal to the men to initiate a brawl.<sup>134</sup>

When the meeting opened, Wyberg took to the podium and addressed the crowd. It was immediately evident from the hooting and yelling that the meeting had been interloped by a substantial number of burghers. Broeksma called the League's committee a bunch of 'rats'. A 'Boer with a grizzled beard' entered the committee's box and spoke to Dodd. When he left the box, chaos broke out. A group of men, which included several plain-clothes police officers, rushed forward, armed with sticks, and started breaking up chairs. The rest of the men followed their lead and joined in the 'free fighting'. Among the plain-clothes police officers, Lieutenant Murphy, of the morality police, seemed to be one of the ringleaders.<sup>135</sup> One witness later accused him of beating a man until 'his face was streaming with blood'.<sup>136</sup> When Public Prosecutor Schuurman tried to address the crowd, the police ejected him from the box. Murphy and another police officer entered the box and threw out the table and chairs, which the crowd promptly destroyed.<sup>137</sup>

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<sup>133</sup> NASA, TAB, SSA 768, RA 6824/98, affidavit of N.J. Scholtz, 26 January 1899.

<sup>134</sup> Ibid., Frazer to Reitz, 11 February 1899.

<sup>135</sup> Ibid., affidavit of F. Rowland, 16 January 1899.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid., affidavit of N.J. Scholtz, 26 January 1899.

Many of the witnesses testified to the implicit role the police played during the brawl. To one witness, it was evident that the police, ‘if not actually abetting the disturbance, were by their actions encouraging it’.<sup>138</sup> He added that the police ‘stood there laughing and chatting together and seemed to regard the whole thing as an excellent joke’.<sup>139</sup> Senior officers, including Commandant van Dam, were accused of looking on calmly, without attempting to break up the fracas.<sup>140</sup> Lieutenant Flip Oosthuizen rode into the arena on horseback, but simply looked on as the men fought and destroyed furniture.<sup>141</sup>

Van Dam recalled that there was utter pandemonium as people trampled one another to get out of the building. With a bottleneck created at the door, people tried to squeeze through the narrow windows. He stated that when the police finally gained access to the building, the fighting had tempered down.<sup>142</sup> A witness recalled the moment Van Dam, who was dressed in uniform, entered the building. The police commandant stopped a man from setting fire to a pile of the broken furniture. When the crowd recognised the police commandant, they swept him off his feet and carried him from the building on their shoulders. Van Dam addressed the crowd and allegedly said, ‘listen chaps, you have done your duty. Go home and have some Coffee’.<sup>143</sup> With Van Dam looking on, the rioters hoisted Lieutenants Murphy and Muller on their shoulders and carried the men away.<sup>144</sup>

Once in the streets, the rowdy crowd continued to challenge ‘all and sundry “Rooineks” [red necks or limeys] to fight’. The police egged the men on by clapping their hands and cheering.<sup>145</sup> Later that evening, Commandant van Dam told a group of people gathered on the streets to forget what had happened that afternoon. When the crowd replied that they could not, and started hooting at the police, he told them ‘if

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<sup>138</sup> Ibid., affidavit of Ferdinand Saunders, 9 March 1899.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid., affidavit of R. Blakeney, 30 January 1899.

<sup>141</sup> Ibid., affidavit of C.G. Durham, 30 January 1899.

<sup>142</sup> NASA, TAB, Accession 1335, ‘Manuskrip van kmdt. G.M.J van Dam’, 45.

<sup>143</sup> NASA, TAB, SSA 768, RA 6824/98, affidavit of N.J. Scholtz, 26 January 1899.

<sup>144</sup> Ibid., affidavit of P. Burness, 2 February 1899.

<sup>145</sup> Ibid., affidavit of A.V.J. Lockie, 15 February 1899.

you hoot the Police you hoot me, and I have [the] force behind me, and I shall employ it'.<sup>146</sup> Van Dam wrote that after the meeting, he deployed foot police officers to the streets. No complaints were received at the charge office, and no requests for help made. Yet, a few days after the event, he read in the press that the police were now blamed for causing the brawl. The press also alleged that the charge office had refused to accept complaints. Van Dam viewed these accusations as just another attempt by the agitators to turn the public against the police and to 'paint the government black'.<sup>147</sup>

Two days after the event, Fraser informed Butler that the South African League did 'not intend to move at present in the matter ... since they maintain that the whole affair was arranged by the convenience of the Government itself'.<sup>148</sup> Two weeks later, Evans sent Fraser an official report on the matter.<sup>149</sup> Evans's report was based on 28 affidavits the South African League had subsequently gathered on the issue. However, the league decided, for 'some mysterious use of their own', not to give the affidavits to Evans. This placed Fraser in yet another difficult position, as other than Evans's report, he had not received representations from anybody else. Without representations from complainants, he could not officially request Pretoria to explain the matter. In a private conversation the British Agent had with Smuts and Reitz, Smuts told Fraser they would have to wait and see what the league intended to do with the affidavits.<sup>150</sup> A few days later, the league made an official representation to Evans, and handed over the affidavits. Fraser forwarded the statements to Reitz, and demanded answers from the government.<sup>151</sup> Pretoria only replied three weeks later. Its official stance was that the complainants never reported the incident to the relevant authorities, and therefore it could not be investigated. The accusations were thus mere allegations, and no action would be taken against any state officials.<sup>152</sup>

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<sup>146</sup> Ibid., affidavit of J. Moore, 14 February 1899.

<sup>147</sup> NASA, TAB, Accession 1335, 'Manuskrip van kmdt. G.M.J van Dam', 45

<sup>148</sup> C. 9345, Fraser to Butler, 18 January 1899, 136.

<sup>149</sup> TNA, DO, 119/347, Evans to Fraser, 31 January 1899.

<sup>150</sup> Ibid., Fraser to Butler, 7 February 1899.

<sup>151</sup> Ibid., Fraser to Reitz, 11 February 1899.

<sup>152</sup> NASA, TAB, SSA 768, RA 6824/98, Reitz to Conyngham Greene, 3 March 1899.

Police Constable Jones's trial began on 23 February 1899, six weeks after the great brawl. State Attorney Smuts and Second Public Prosecutor Cleaver represented the state. Former Transvaal Judge and now advocate, John Gilbert Kotzé represented Jones. The 25-year-old Judge A. Kock presided over the proceedings. In his closing argument, Cleaver told the jury that even though the state was prosecuting one of its own officials, they had to come to their decision without fear and prejudice. He insisted that Jones did not have the right to force open a door without a warrant. This action was tantamount to housebreaking and, therefore, Edgar had the right to defend himself.<sup>153</sup> Kotzé based his argument on a legal principle which read 'where an officer of justice is restricted in the legal execution of his duty, he may repel force by force, and if in so he kills the party resisting him, it is justifiable homicide'. He also contended that when an official had 'reasonable grounds for suspecting that a crime had been committed, he was not only entitled to arrest, but was bound to arrest the suspected person'. He argued that Jones had thought Forster dead at the time, and asked whether it was the 'duty of a policeman to go away like a coward, after trying to get the supposed murderer to come out of his room? He had to uphold justice, and if he used violence in the carrying out of his duty it was justifiable homicide'.<sup>154</sup>

The jury struggled to make a decision and was, on Smuts' orders, locked up for the night. They returned the following morning with a verdict of not guilty. Judge Kock told Jones that he was a free man, and much to the dissatisfaction of his detractors, stated that he agreed with the verdict. Kock added that he 'hoped the police, under difficult circumstances, would always know how to do their duty'.<sup>155</sup> On leaving the court, Cleaver told his mother, 'we have not heard the last of this. The Judge has knocked a big nail into our coffin to-day'.<sup>156</sup> London instructed Milner to instigate a claim of £4,000 against Pretoria as compensation for Edgar's widow. Pretoria replied to the high commissioner that Bessie Edgar was free to approach the Republic's

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<sup>153</sup> C. 9345, 'In the case of the State versus Bart. Stephanus Jones', 155.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid. 156.

<sup>156</sup> Cleaver, *A Young South African*, 8.



courts, and to take legal action against the state. The matter was later referred to arbitration.<sup>157</sup>

At the end of March 1899, the South African League presented a second petition, containing 21,684 signatures, to Queen Victoria. This time round, Milner accepted the document and sent it on to London. The document was carefully constructed to appeal to the British public as much as to the British government.<sup>158</sup> The petitioners justified their cause as British subjects, who they claimed, constituted the majority of the white population residing in the Republic. Notably, the petition did not specifically lobby for franchise rights, but set out a set of grievances against Pretoria. It accused the Republic of not implementing promised reforms which would have stiffened their rights.<sup>159</sup> The alleged brutality and inefficiency of the ZARPs was highlighted specifically as an example of Pretoria's incompetence. Point 17 of the petition stated:

The constitution and personnel of the police force is one of the standing menaces to the peace of Johannesburg. It has already been subject of remonstrance to the Government of this Republic, but hitherto without avail. An efficient police force cannot be drawn from a people such as the burghers of this state, yet nevertheless the Government refuses to open its ranks to any other class of the community. As a consequence the safety of the lives and property of the inhabitants is confined in large measure to the care of men from the county districts, who are unaccustomed to town life and ignorant of the ways and requirements of the people. When it is considered that this police force is armed with revolvers in addition to the ordinary police truncheons, it is not surprising that instead of a defence they are absolutely a danger to the community at large.<sup>160</sup>

The petitioners, incensed by Edgar's death 'at the hands of a police constable', claimed that the ZARPs had become more aggressive in their attitude towards British Subjects. They blamed Krause for accentuating the matter by his actions. The public prosecutor's office and the judiciary had been tainted as a result, and led to 'the most

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<sup>157</sup> Headlam, *The Milner papers, South Africa, 1897-1899*, 314.

<sup>158</sup> Smith, *The origins of the South African War, 1899-1902*, 257.

<sup>159</sup> *Ibid.*, 258.

<sup>160</sup> *Transvaal Leader*, 'Uitlander petition', 24 March 1899.

intense feeling to prevail in Johannesburg'.<sup>161</sup> The petition afforded London the justification it desired to intervene directly in the Republic's affairs. Within the wider context of the deteriorating political relationship between the two countries, Chamberlain could argue for official demands to be put to Pretoria, which were likely to result in an ultimatum and war if ignored.<sup>162</sup>

### **'Ruffianly scoundrelism': the illicit liquor trade and the murder of Mrs. Applebe**

After Ferguson's resignation in November 1898, Pretoria appointed 37-year-old James Watt as acting chief detective. Watt, born in the Cape Colony, had served as a detective in Johannesburg from 1887.<sup>163</sup> At the time of his promotion, the illicit liquor trade was showing no signs of abating. In early 1899, a source informed Watt that canteen keepers were bribing the detectives in the liquor division. Remarkably, the head of the liquor division, Detective Lionel Donovan, confirmed this allegation to Watt. The acting chief detective obtained two affidavits which accused detectives P. Korek and H. Baxter of accepting bribes from a liquor store owner. Watt summoned the men and proceeded to confront them. Neither of them denied the charges, but accused Donovan of aiding and abetting the liquor trade by only allowing them to trap certain canteens. Both detectives were arrested. A month after his arrest, Baxter approached Watt to make a deal. In return for not being sent to jail, he would inform the chief detective about the corruption in the liquor division. Watt agreed to the terms. Baxter confirmed to the acting chief detective that the men were, indeed, receiving bribes. He added that Detective Donovan was not innocent in the matter either, as he had also received bribes and, as a result, had not done his duty properly. Watt consequently brought the matter to Police Commissioner Schutte's attention. Schutte summoned Watt and Police Commandant van Dam to Pretoria. He gave them strict instructions to take all possible steps to bring the illicit liquor trade under control.<sup>164</sup>

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<sup>161</sup> *Transvaal Leader*, 'Uitlander petition', 24 March 1899.

<sup>162</sup> Smith, *The origins of the South African War, 1899-1902*, 259.

<sup>163</sup> NASA, TAB, SP 867, 'Speur polisie: register van speurders in diens en volle beskrywings, 1887-1899'.

<sup>164</sup> NASA, TAB, SP 897, Watt to Schutte, 7 March 1899.

Upon his return to Johannesburg, Watt informed Donovan that Schutte had ordered a collective effort between the full detective department and the police department, in order to trap canteens in Johannesburg, Krugersdorp and Boksburg. Despite this united front, complaints still flooded into the detective department. Watt carried out an inspection up and down the Main Reef Road one Sunday morning, and was confronted by the 'sorry state of affairs'. He concluded that his only option would be to temporarily suspend Donovan. He hoped that if the division was headed by somebody else for a while, this would make a difference. As there were also complaints coming in from districts adjoining the Witwatersrand, Watt decided to use this as an excuse to get rid of Donovan. The acting chief detective ordered Donovan to leave Johannesburg on an inspection tour of the surrounding districts. However, when Watt informed Donovan that Detective Poole would temporarily take over as head of the detective department's liquor branch, Donovan burst out laughing. The detective told his superior that he now understood 'what was going on', and walked out of Watt's office. Much aggrieved by his impending exile, Donovan complained to Public Prosecutor de Villiers. De Villiers, in turn, informed Watt that, as Donovan had only been appointed as head of the liquor division in Johannesburg; he did not have the authority to inspect other districts. The acting chief detective took umbrage at the interference from the public prosecutor's office. Watt instructed Donovan to report to him the next morning to receive his orders. Donovan did not show up, this despite Watt running into Donovan earlier in that morning and reminding him of their meeting. Watt had to send for the detective again. When Donovan finally appeared, Watt informed him that Detective Parker would take over as head of the liquor division.<sup>165</sup>

The unfolding trouble in the detective department soon reached Police Commissioner Schutte. He sent a telegram to Watt, demanding an explanation.<sup>166</sup> Watt informed Schutte that he would travel to Pretoria to inform the police commissioner about the matter in person. Before Watt left for the capital, he commanded Donovan to go to

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<sup>165</sup> Ibid.

<sup>166</sup> Ibid., telegram: Schutte to Watt, 4 March 1899.

Heidelberg and to compile a report on the illicit liquor trade in that town. Instead, Donovan replied that he could not leave Johannesburg, as he had to appear in court the following week to testify in some of his cases. He could not, however, produce the summons to prove this to Watt.<sup>167</sup> Watt then decided to send him to Boksburg with the same instructions. Donovan did not comply. Watt informed Schutte about this insubordination at their meeting in Pretoria.

On 6 March 1899, Donovan wanted to know from Watt if he would regain control of his office. Watt told Donovan that he would not, and called a meeting with all of Donovan's men. At this meeting, Watt informed the liquor division that he had not been satisfied with Donovan's work, and that he would be given other duties. This public reprimand did not sit well with Donovan. He interjected and asked, impertinently, why Watt did not just dismiss him on the spot. Ignoring Donovan's outburst, the acting chief detective told the rest of men that they too were under suspicion of not doing their work properly, and if this was to continue, he would dismiss them from the force. Donovan and some of his men left the meeting to drown their sorrows in a bar. Filled with liquid courage, Donovan and 5 other detectives returned to Watt's office later that afternoon. Donovan informed Watt that he intended to resign, and accused the acting chief detective of being a 'villain'. Donovan added that he would 'not serve under such a person'. Two other detectives also resigned in support of Donovan.<sup>168</sup>

Donovan submitted an official letter of resignation to Schutte. He insisted that he had always done his work well, and that since Watt's appointment as acting chief detective, the man had placed numerous obstacles in his way, which made it difficult for him to perform his duties. He claimed that Watt had been his enemy for the past three years, and that they had not been on speaking terms. He also accused Watt of being crude and claimed that the matter was a witch-hunt. Finally, Donovan claimed that former Chief Detective Ferguson told him that Watt had only been appointed as a 'dummy', and that Ferguson was still pulling the strings in detective department and

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<sup>167</sup> Ibid., B.A. Gaum and F. Schener to Schutte, 7 March 1899.

<sup>168</sup> Ibid.

secretly reporting to Schutte. Clearly, there had also been a fall out between Ferguson and Donovan. Donovan mentioned that Ferguson was involved in the publication of a 'filthy' newspaper called *The Lantern*, in which his name was being tarnished, presumably as part of Ferguson's revenge. Donovan stated that, as an 'honest' man, he had managed to clear his name, and a co-owner of the paper had been fined £100 for libel. In spite of this, he asserted that Watt regarded him as one of Ferguson's subordinates, and was molesting him for this reason.<sup>169</sup> Watt rebuffed Donovan's allegations. The acting chief detective admitted it was true that they were not been on speaking terms in the years before he took over from Ferguson, but he did not regard Donovan as his enemy. He asked Schutte to be a judge of his character, adding that he had loyally served the police commissioner for several years.<sup>170</sup>

Schutte informed Donovan that his resignation had not been accepted, but he temporarily suspended the detective without pay.<sup>171</sup> The police commissioner instructed his confidential secretary, Tjaart Kruger,<sup>172</sup> to leave for Johannesburg and to investigate the matter. Kruger subsequently briefed Schutte that, despite him ordering Donovan to appear at the investigation, the detective never showed up. He recommended that the police commissioner dismiss Donovan immediately.<sup>173</sup> Schutte agreed and instructed Watt to fire Donovan for misconduct. Detective Poole would replace Donovan as head of the department's liquor division.<sup>174</sup>

In the wake of the internal discord in the detective department, there transpired another event that cast a shadowy light on the Zarp's inefficiency in the eyes of the *Uitlanders*. On 29 April 1899, the wife of a Wesleyan Missionary, the Reverend R.F. Appelbe, and a certain Mr. W.E. Wilson were attacked on their way to choir practice. A group of men descended on the pair and seriously assaulted them. They were

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<sup>169</sup> Ibid., Donovan to Schutte, 7 March 1899.

<sup>170</sup> Ibid., Watt to Schutte, 7 March 1899.

<sup>171</sup> Ibid., telegram: Schutte to Watt, 7 March 1899; Watt to Donovan, 7 March 1899.

<sup>172</sup> Tjaart Andries Petrus Kruger was President Kruger's youngest son and appointed as confidential secretary of the secret service in 1896.

<sup>173</sup> NASA, TAB, SP 881, Kruger to Schutte, 9 March 1899.

<sup>174</sup> NASA, TAB, SP 897, Schutte to Watt, 13 March 1899. See also, SP 868, 'Register van ontslagen politie in de Zuid-Afrikaansche Republiek'.

rushed to hospital. Mrs. Appelbe died from her injuries a few days later. British Agent Greene kept Milner informed about the matter. The newspapers alleged that the couple was attacked by a white man and a group of African men, 'as footprints of bare feet were found in the sand the next morning'.<sup>175</sup> The police struggled to make any headway in its investigation. A week after the event, it had still made no arrests. The public, for its part, proposed forming a vigilance committee, while the press linked the murder directly to the illicit liquor trade. The murder was attributed 'to a deliberate determination on the part of the Illicit Liquor dealers to revenge themselves on Mr. Applebe and Mr. Wilson for the bold opposition they have displayed to this nefarious trade'.<sup>176</sup> According to Greene, the *Transvaal Leader* had brazenly published the names of the dealers exposed to the trade and the detectives who 'connive' at it.<sup>177</sup>

The matter received considerable attention in the press. The *Standard and Diggers' News* called for more street lights. It reminded the government of its duty to provide protection to the people of Johannesburg, and called for the appointment of more police officers. The newspaper linked the crime in Johannesburg to African people residing in the town and its surroundings. It wrote:

We have nearly ninety thousand blacks here to keep under proper control, and the danger to from savages roaming about it such as necessitates the presence of an exceptionally strong force of police – both foot and mounted. While isolated acts of crime will be perpetuated everywhere – even in London, the best policed city in the world – it is none the less a duty to see to it that the viciousness of ruffianly scoundrelism shall be reduced to the lowest possible proportion.<sup>178</sup>

*The Press* was biting about the police's inefficiency. The paper stated that the audacity of such an attack in public demonstrated the 'lawlessness' that prevailed in the town. It added that the 'police and detective administration of the Rand is futile for the preservation of law and order, and for public safety'. It hoped that the

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<sup>175</sup> TNA, DO, 119/321, Greene to Milner, 4 May 1899.

<sup>176</sup> Ibid.

<sup>177</sup> Ibid. See also, Van Onselen, *New Babylon, New Nineveh*, 92-93.

<sup>178</sup> *The Standard and Diggers' News*, 'Sorrow and Crime', 4 May 1899.

rumoured reorganisation of the detective department would improve the state of affairs. It reminded the public of the Joseph Silver case, which exposed Johannesburg as having been infiltrated by the 'lowest classes which infest the worst quarters of New York'. It added,

That the police force is inefficient is plain, and the reasons are also plain. It has up to now been considered a greater qualification to be a 'landzoon' with a knowledge of the 'taal' for an applicant for admission into the police force than to have a knowledge of police work, and this combined with bad pay and bad administration, has led to the collection of a force, which, though qualified to vote at the polls, is about as qualified to police the Rand as to manage a bank. It is not among the "sons of the soil" that the most efficient police are to be found, but in Pinkerton's Office and in Scotland Yard, and it is to these places that we must go for men to combat the present lawlessness which prevails. We know that previous unfortunate experience of the Government in the matter of an important detective must necessarily somewhat prejudice them against the aliens being employed in this position, but we trust that Mr. Smuts and Mr. Tjaart Kruger will find means of convincing the Government that there is no political danger to be apprehended at the present time, more especially as the heads of the administration will be both well known patriots and faithful servants of the State.<sup>179</sup>

The gravity of the affair was not lost on Pretoria. The matter clearly had the potential to result in another diplomatic quarrel. This time, it was clear, far more than before, that most of Johannesburg's population was united on the issue – and against the government. The *Transvaal Leader* reported that meetings by the clergy, the Chamber of Mines, the Association of Mine Managers and the Town Council unanimously condemned Pretoria's administration of the liquor law.<sup>180</sup> Police Commissioner Schutte wanted to know immediately whether the detective department had made any progress in solving this 'serious case', and reprimanded the acting chief detective for not yet sending him a report on the matter.<sup>181</sup> State Attorney Smuts considered the matter serious enough to warrant the offering of a £500 reward for any information

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<sup>179</sup> *The Press*, 'State of the Rand', 5 May 1899.

<sup>180</sup> TNA, DO, 119/321, Greene to Milner, 12 May 1899.

<sup>181</sup> SP 854, Schutte to chief detective, 5 May 1899, 437.

that could assist the police in apprehending the murderers.<sup>182</sup> Police Commissioner Schutte also asked Pretoria for permission to appoint 200 more police officers as a temporary measure.<sup>183</sup> Greene informed Milner that Pretoria had sanctioned this request. He hoped that the appointment of more police officers would ‘grapple more successfully with this terrible scandal’.<sup>184</sup> Chamberlain instructed Milner a few days later to send him a full report, and to ascertain what steps Pretoria was taking to ‘bring the perpetrators to justice’<sup>185</sup>

Smuts, however, had little hope of the police solving the murder. He feared that ‘although the ablest detectives have been employed ... the murder will remain an unsolved mystery’. Interestingly, Smuts did not believe that the murder had any connection with the liquor industry. Greene informed Milner that the state attorney believed it to be ‘the work of Natives, or white men so disguised’.<sup>186</sup> The state attorney possibly based his view on a report obtained by Police Commissioner Schutte on 12 May 1899. The seriousness of the matter had warranted Schutte to appoint a private detective, N.D. Kaplan, to investigate the issue. Kaplan’s report attributed the murder to a case of mistaken identity. He stated he had been informed by certain people that on the night in question, a barmaid had promised to go cycling with a certain man. However, during the course of the day she had met another man, and broke off her engagement with the other fellow. This man, in a drunken fit, supposedly called together a group of his friends and went out searching for the barmaid and her new friend. They crossed paths with Mrs. Applebe and Wilson. In their drunkenness, they assaulted the pair, not realising it was not the people they had been looking for. The detective claimed to know the name of the bar where the woman worked, as well as the names of some of the individuals involved. However, he still had to question Wilson, Mr. Applebe and the police officers who were on duty in Fordsburg at the time of the incident.<sup>187</sup>

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<sup>182</sup> TNA, DO, 119/321, Greene to Milner, 12 May 1899.

<sup>183</sup> NASA, TAB, SP 892, Schutte to Reits, May 1899, 453.

<sup>184</sup> TNA, DO, 119/321, Greene to Milner, 12 May 1899.

<sup>185</sup> *Ibid.*, Chamberlain to Milner, 15 May 1899.

<sup>186</sup> *Ibid.*, Greene to Milner, 17 May 1899.

<sup>187</sup> NASA, TAB, SP 818, GDDM, 23/99, Kaplan to Schutte, 12 May 1899.



It is not clear whether Schutte considered the claims made in the report to be true. Kaplan reported once more to the police commissioner in August 1899. In this report, he mentions that the name of the man responsible was 'Mitchell', and one of his accomplices was called George Davies. Mitchell had apparently confessed to the murder. He was, however, confident that his accomplices would not give him up, for fear of being punished. He had also paid them for their silence. Kaplan informed Schutte that Davies was arrested in July 1899 for robbery, and that Mitchell had in the meantime moved on to Warmbad. The detective told Schutte that he would continue working the case, but wanted payment for the information gathered up to that point.<sup>188</sup> Schutte, however, was not prepared to pay Kaplan. He had initially offered Kaplan 10 shillings a day, with payment only upon successfully bringing the matter to a close.<sup>189</sup> Clearly, the police commissioner, notwithstanding Kaplan's information, regarded the case as unsolved.<sup>190</sup>

The Wesleyan Church certainly believed that the murder was connected to the illicit liquor trade. On Sunday 21 May 1899, after concluding their church service, the men of Wesleyan congregation decided to raid a liquor den opposite the church. Here they found about '50 Kaffirs (sic) drinking with impunity'. They confiscated a bottle of liquor as evidence, and handed it over to the detective department.<sup>191</sup> A few weeks later, in July 1899, another man was murdered in close proximity to where the Applebe murder had taken place. The victim, a William Slade, was walking at night, and was attacked by two men. Before he died, he was conscious enough to state that he had been attacked by two white men.<sup>192</sup> Vice-Consul Evans informed Greene about the incident. He added that the police responded swiftly, and were investigating the matter, although no arrest had been made.<sup>193</sup> Greene informed Milner that he had discussed the issue with Smuts. The state attorney assured the British agent that the

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<sup>188</sup> Ibid., Kaplan to Schutte, 18 August 1899.

<sup>189</sup> Ibid., Schutte to Kruger, 7 August 1899.

<sup>190</sup> Ibid., 26 August 1899.

<sup>191</sup> TNA, DO, 119/321, Greene to Milner, 22 May 1899.

<sup>192</sup> *The Transvaal Leader*, 'The Mayfair assault', 12 July 1899.

<sup>193</sup> TNA, DO, 119/321, Evans to Greene, 20 July 1899.

streets in the Mayfair Township would be lit immediately. He would also order Schutte to deploy more policemen to the area. The state attorney reaffirmed to Greene that the police force in Johannesburg now totalled about 1 000 men, and thus the government had an ample force to protect the town and its surroundings.<sup>194</sup>

Police Commissioner Schutte was under a lot of pressure during this period. It is clear that Ferguson's resignation had added to the internal discord in the detective department. The continuing strife between the former chief detective and Smuts' confidant, Treu, worsened this situation. Added to this was the scandal surrounding the killing of Edgar, the illicit liquor trade continuing unabated, the fall out between Watt and Donovan, and the rumours of a plot being hatched to overthrow the government. These events necessitated Pretoria to reconsider the control of the detective and secret service departments in the hands of the police commissioner. Yet, once again, Schutte was not going down without a fight. Greene wrote to Milner that the police commissioner was 'making desperate efforts to prevent the control of the Department from being transferred. It is reported that the memorial to be presented to the Raad against the transfer have some fifteen hundred signatures, while those in favour of in number only a few hundred'.<sup>195</sup>

### **Plots and Conspiracies**

In the post-Jameson Raid era, the Republic's secret service department was restructured into a resourceful intelligence agency.<sup>196</sup> It consisted of a considerable number of spies, whose espionage extended well beyond the Republic's borders. As the head of the department, Police Commissioner Schutte was kept informed of all suspicious movements, treasonous conversations and possible threats to the country's independence. The Republic's network of spies, informers and infiltrators were an ever-present reality for the *Uitlander* community. In early 1898, the British Agent stated that this reality had caused a mood of 'despair' in Johannesburg. Greene

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<sup>194</sup> Ibid., Greene to Milner, 20 July 1899.

<sup>195</sup> TNA, DO, 119/321, Greene to Milner, 22 May 1899.

<sup>196</sup> Kamffer, 'Om een scherpe oog in't zeil te houden: die geheime diens in die Zuid-Afrikaansche Republiek', 430.

informed Milner that ‘terrorism’ was rampant in the town, and ‘infested by spies and crammed by Detectives, the Clubs, Bars, and Hotels are happy hunting grounds for the police, who know that the right of public-meeting is denied and haunt these places in the hope of obtaining incriminating evidence’. Greene also warned London that, despite a call for ‘wholesome rule’, there was, in fact, ‘little real Imperial sentiment in Johannesburg, and that it was the damage to the material interests of the inhabitants, occasioned by the close connection between politics and business, with consequent uncertainty as to the future, that prompts the present desire for a definite solution, and happy issue – at whatever cost’.<sup>197</sup>

The suspicion between Boer and Briton also cloaked the detective department. In April 1898, for example, a letter written under the pseudonym ‘A hater of spies’ alleged that Detective Richard William Samuel Beatty was secretly employed by Cecil John Rhodes. The letter claimed that Beatty had been giving information about the doings of the government to prominent individuals of the Corner House group. It stated that Beatty was able to pay of his extensive debt, which he ‘certainly has not been able to do from his salary as a detective’.<sup>198</sup> Schutte instructed Ferguson to investigate the allegations.<sup>199</sup> The chief detective reported that Beatty had been employed in the police department for several years, and had been naturalised because of the faithful service he had rendered to the government during the Raid. Ferguson did not believe that Beatty was employed by any enemies of the state, but added that he would keep an eye on the detective’s doings. When asked by Ferguson, Beatty also denied that he had made any substantial debts before joining the detective department.<sup>200</sup>

On 16 May 1899, the *Pretoria News* published a special edition claiming that the police had uncovered ‘an extensive plot against the Independence of the Republic’ in Johannesburg. Acting Chief Detective Beatty and several of his detectives had arrested five ‘English ex-army officers’ at midnight. The newspaper reported that the

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<sup>197</sup> TNA, DO, 119/320, Greene to Milner, 9 March 1898.

<sup>198</sup> NASA, TAB, SP 808, ‘A hater of spies’ to B.J. Viljoen, 3 April 1898.

<sup>199</sup> Ibid., minute: Schutte to Ferguson, 22 April 1898.

<sup>200</sup> Ibid., minute: Ferguson to Schutte, 4 May 1898.

men were ranked as one colonel, one captain and three lieutenants. The ‘prisoners’ were then taken to Pretoria by a special train. State Attorney Smuts had issued the warrants ‘on reliable information’. The newspaper stated the plot had been ‘maturing for four months’. It reported the ‘officers are charged with being employed by the South African League; stayed on the Rand in private capacity, and were engaged in enlisting men for purposes of rebellion, at specified signal’.<sup>201</sup>

The two main conspirators were identified as Richard Floyd Nicholls, a thirty-seven year old miner; and George Patterson, a forty year old Cornishman. Both were ex-non-commissioned officers of the British Cavalry. Nicholls was also, for a time, the local chairman of the South African League’s branch in Fordsburg.<sup>202</sup> The other men arrested were Charles Agar Ellis, a twenty-seven year old former colour sergeant in the British Infantry and a private detective in Johannesburg; John Allen Mitchell, a forty-six year old ex-sergeant major in the Royal Horse Artillery; Edward John Tremlett, a thirty year old civilian Englishman; Robert Poole Hooper, a forty-six year old former military man who had served in India and Matabeleland as a non-commissioned officer; and a forty year old Dane or Swede named Jeane Fries or Vries. The men were all charged with high treason, which was a capital offence.<sup>203</sup>

The men had never held the military ranks the *Pretoria News* assigned to them.<sup>204</sup> But the fact that most of the arrested men were at some point connected to the British Army, implicated Britain in the matter. British Agent Greene immediately called on State President Kruger to distance London from the plot. He expressed his ‘profound regret’ and added that if it was ‘true that they had held the Queen’s commission, it was a most disgraceful affair’. Kruger told Greene that ‘there was no actual proof yet that the persons arrested had been officers in Her Majesty’ service, and that in any case [Greene] might be assured that our present friendly relations would not be

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<sup>201</sup> *Pretoria News*, ‘Arrest of officers’, 16 May 1899.

<sup>202</sup> TNA, DO, 119/80, Greene to Milner, 15 July 1899.

<sup>203</sup> *Ibid.*, Milner to Chamberlain, 18 May 1899; see also, report by W.S. Duxbury to Greene, 9 August 1899.

<sup>204</sup> *Ibid.*, telegram: Greene to Milner, 17 May 1899.

affected by what occurred'.<sup>205</sup> The South African League publically denied that the men were in any way connected to the organisation.<sup>206</sup>

A few days later, Greene informed Milner that there were several rumours afloat in Johannesburg regarding the alleged conspiracy's 'origin and authenticity'. The most persistent theory was that the conspiracy was linked to the tension between Smuts and Schutte for control of the detective and secret service departments. This rumour held that the police commissioner had been looking for a means of 'rehabilitating himself, and of proving the value of his services which had been called into question'. Thus, Schutte 'instructed some of his creatures' to bring about the discovery of a plot against the Republic. This would serve both Schutte and President Kruger's interests. The police commissioner would retain his position, and Kruger would be afforded a 'trump card' in the upcoming negotiations between the Republic and Britain, which were to take place in Bloemfontein. Another hypothesis was that Schutte instigated the plot to divert attention from the 'gross irregularities' connected to the illicit liquor trade, thereby appeasing the pressure from the liquor kingpins 'in whose pay he has always been ... and whose business was being seriously threatened by the recent agitation against this public scandal'.<sup>207</sup>

Greene did not believe that Pretoria was directly involved in orchestrating the plot, but felt that Kruger, in all probability, 'had winked at this well-meant effort of his henchman, Mr. Schutte'. As for the 'genuineness' of the plot, Greene thought that the affair had been 'faked' by 'Government spies and detectives' for their own advancement and with the purpose of implicating the South Africa League. Greene wrote that there had been several rumours of measures against the Boers in the event of hostilities, but he did not pay attention to these, 'as Johannesburg is always a hotbed of rumours and alarms'. He therefore cautioned Milner against concluding that the affair had been instigated by Pretoria, but he did regard the timing of the arrests as suspect. Smuts had shown Greene some of the papers he had collected as evidence,

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<sup>205</sup> Ibid., 16 May 1899.

<sup>206</sup> Ibid., 17 May 1899.

<sup>207</sup> TNA, DO, 119/542, Greene to Milner, 19 May 1899.

and based on these 'it is ... possible that we might find that there is a certain substratum of fact, which has no doubt been carefully built upon by the professional spies of the government'.<sup>208</sup>

Although some historians have critically analysed this peculiar episode in the history of policing in Johannesburg, it continues to pose more questions than answers. From the archival record it is evident that several diverse sources all reported the same 'substratum of fact' regarding a plot against the government being hatched in Johannesburg. Claims that it was simply a battle between Schutte and Smuts, or a plot by the Republic's detectives and secret service agents, do not neatly fit the available evidence. There was an almost deliberate subtext by London to downplay Smuts's role in the events. This despite British dispatches hinting that the state attorney must have played a much more active role in the plot. There is also enough supporting evidence to show that, rightly or wrongly, London held Police Commissioner Schutte in very low regard, and as a result he was made an easy scapegoat in official dispatches to London. Already in the wake of the Lombaard Scandal and Edgar incident, then acting British Agent Fraser informed acting High Commissioner Butler that

I intended to propose to Your Excellency the dismissal of the Head of Police, a notorious and incapable scoundrel named Schutte, whose mal-administration of his Department was certainly responsible for the conduct of the Police on this occasion, and for the simultaneous murder of the Englishman Edgar, as well as for most of the trouble occasioned to the Mining Industry through the laxity in administering the Native Liquor Law. I asked whether any sane person could believe that this man Schutte could live as he did, build the biggest house in Pretoria, and drive the smartest carriage on his pay; and I added that it was within my certain knowledge that Schutte lived upon Bribes which he accepted from illicit liquor-Jews, and that he had divided such earnings with the recently dismissed Chief-Detective Ferguson, against whose dismissal the State Attorney had pitted his resignation only last month before the Executive Council; that, so long as such a man were kept in his office here, so long would any possibility of redress of the Mining Industry's grievances remain impossible, at least from within the Republic. I cared nothing for his being a brother-in-law of a member of the Executive Council, and a near relative of the most

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<sup>208</sup> Ibid.

influential member of the First *Volksraad* (the two Wolmarans); it was a matter of public notoriety that he was an unmitigated scoundrel, and the President could look for no sympathy from outsiders so long as he allowed such men to retain office.<sup>209</sup>

Richard Nicholls came to the attention of Police Commissioner Schutte on 21 January 1899. Acting Chief Detective Watt informed the police commissioner about Nicholls' involvement in the South African League. One of Watt's informers told him that, at one of the league's meetings, Nicholls told another member that he had developed an aversion to the organisation and wanted to give up the cause, as there seemed to be a feeling of apathy among the league's members. He stated that if there were a rebellion in Johannesburg and a few thousand rifles and bicycles were placed on Market Square, most men would take the bicycles and flee. Nicholls was evidently not pleased with the league, and felt that the organisation's executive body kept members in the dark about its future plans.<sup>210</sup> A few days later, on 30 January 1899, Field Cornett H.S. Lombaard informed Kruger and the Executive Council that two informers, one of whom was a man of 'English Nationality' named Robert Sebbold, had told him that the League was hatching a plot to overthrow the government. He wrote that the League had already persuaded the African mine workers to take part in the plot and to attack the 'Boers', and that 'troops' would be stationed close by to assist them in their endeavour. The League also had detailed knowledge about the fort, and how much weapons and ammunition the state had in its arsenal. Lombaard told Pretoria that Sebbold would be willing to gather more information, but wanted the government's assurance that he would be protected. Lombaard felt that there was enough truth in the allegations to warrant further investigation from Pretoria.<sup>211</sup>

There seems to be no indication that Pretoria, at this point, took the matter seriously. However, as the overall head of the secret service, Police Commissioner Schutte seemed to have been kept informed of developments which hinted at possible rebellion. On 11 March 1899, one of the state's secret agents, T. Smith, sent the

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<sup>209</sup> TNA, DO 119/44, Fraser to Butler, 23 December 1899.

<sup>210</sup> NASA, TAB, SP 881, Watt to Schutte, 21 January 1899.

<sup>211</sup> NASA, TAB, SP 221, GR[?]/99, Lombaard to Kruger and Executive Council, 30 January 1899.

‘private and military papers’ of one Captain ‘Pattison’ to the secret service department, along with a list of the officers comprising the latter’s staff. According to Smith, these men knew the location of guns and ammunition in Johannesburg, and would divulge its whereabouts at an upcoming meeting that Smith hoped to attend. Crucially, Smith implicated Patterson as a potential double agent in this ‘movement’. Smith wanted the authorities to send him ‘papers protecting said Capt Pattison for after our meeting I informed him that if any trouble came from this he need not be the least bit alarmed for his personal safety. But he wants it in Black and White’.<sup>212</sup>

A few days later, Smith informed Schutte’s office that the meeting he had hoped to attend never took place. He now also explicitly implicated the South African League, and wrote that Wyburg, the organisation’s president, was ‘suspicious’, as two secret detectives had been watching his movements. Smith also informed the police commissioner that Nicholls was to withdraw as president of the league’s Fordsburg branch in order to assume control of the ‘revolutionary movement’. Smith asked, again, that the clerk to whom he addressed his letter, J. Beukes,<sup>213</sup> ‘send papers to me for Pattisons (sic) Protection’, and requested a permit to carry a revolver.<sup>214</sup> H.C. Bredell, Schutte’s secretary, forwarded this letter to State Secretary Reitz. The latter replied that the government had taken note of its contents.<sup>215</sup> Evidently, Schutte’s office did not keep the matter to itself, as Pretoria was kept informed of a potential plot, which had already been brought to its attention in January.

On 27 March 1899, another person, who simply identified himself with the initials H.C.C, wrote to the ‘Chief of Geheime Dienst’ (Chief of the Secret Service), Tjaart Kruger, stating that he had been approached by a ‘certain party’, who had asked him if he would be willing to join in a movement to have armed men in readiness in the

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<sup>212</sup> NASA, TAB, SP 881, Smith to Beukes, 11 March 1899.

<sup>213</sup> J. Beukes was appointed as a clerk in the Secret Service Department in 1896. Beukes functioned as an intermediary between the various officials concerned with state security. These included most importantly Police Commissioner Schutte and the department’s secretary, Tjaart Kruger, but also the state secretary and the commandant general. See, Kamffer, ‘Om een scherpe oog in’t zeil te houden’, 117 and Van den Bergh, ‘Die Polisie diens in die Zuid-Afrikaansche Republiek’, 302.

<sup>214</sup> NASA, TAB, SP 885, GR321/99, Smith to Beukes, 16 March 1899.

<sup>215</sup> *Ibid.*, Bredell to Reitz, 23 March 1899; Reitz to Bredell, 27 March 1899.



event of trouble between the Republic and Britain. This man claimed: 'I am as patriotic an Englishman as anyone, but I do not believe in setting up against the laws of the country one resides in, during my stay in this town, now 16 months, I have never had anything to complain of, I have enjoyed the same freedom and privileges as I should at home, and I do not think it right that trouble should be met half-way'. He wrote that the man who had approached him was none other than Captain Patterson, and added that Nicholls was also connected to the plot. H.C.C. wanted his name kept secret and informed Kruger that 'the whole scheme may only be a bubble affair on the part of a few, but at the same time it might be more serious, and I therefore feel it my duty to inform you of what has transpired'.<sup>216</sup> Kruger, intrigued by the developments, sent a telegram to H.C.C., asking him for his postal address.<sup>217</sup> A few days later, he revealed his identity as Henry Carter, a 'shorthand and typist' for a solicitor in Johannesburg. He informed Tjaart Kruger that, if issued with a railway pass, he could come over to Pretoria to discuss the matter. He implored the authorities to keep his name secret, for 'I am acting against my people'.<sup>218</sup>

Yet another anonymous informant told Schutte on 6 April 1899 that 'Major Patterson' had approached him to enlist his services in the event of 'trouble between England and the Transvaal'. This communication claimed that the conspirators had 2,000 white men and 800 'Cape boys' (sic), as well as 'sufficient guns to arm 5,000 men'. It claimed that the South African League was not the driving force behind the movement, but 'an officer in Natal'.<sup>219</sup> Two days later, Carter informed Tjaart Kruger that he had given his name to Patterson as 'a participator' in the movement. He also arranged to go with Patterson to meet Nicholls, 'one of the leading spirits in this matter'. Patterson reportedly told Carter that the weapons were not concealed far from Johannesburg. Patterson also told him that former Police Lieutenant Charles Pietersen had offered to draw the movement a plan of Hospital Hill.<sup>220</sup>

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<sup>216</sup> Ibid., GCPM 50/99, 'H.C.C.' to Kruger, 27 March 1899.

<sup>217</sup> NASA, TAB, SP 892, telegram: Kruger to 'H.C.C.', no date, 434.

<sup>218</sup> NASA, TAB, SP 885, GCPM 50/99, Carter to Schutte, 31 March 1899; see also: GDM 50/99, Carter to Schutte, 7 April 1899

<sup>219</sup> NASA, TAB, SP 884, secret agent to Schutte, 6 April 1899.

<sup>220</sup> NASA, TAB, SP 885, GDM 57/99, Carter to Schutte, 8 April 1899.

As it had done before, Schutte's office sent the letter to the Executive Council. Patterson's role as the movement's recruiting agent is difficult to explain. There is no evidence that Schutte furnished Patterson with indemnity papers. However, if one considers Smith's letters, and Patterson's request for these documents, then it is evident that Patterson must have known Pretoria was aware of the plot and, understandably, would have tried to distance himself from it. The fact that he continued to recruit members to the cause therefore suggests that he was keeping up the pretence, in order to obtain more information that could be passed on to Pretoria. However, more research would have to be done to substantiate this conjecture.

Fragments of information relating to the plot continued to make its way to Schutte and Kruger. On 10 April 1899, an 'Irishman' named T. Rock informed Kruger that it was advisable to take extra precautionary steps to secure the Fort on Hospital Hill, as 'men are being organised' in Johannesburg.<sup>221</sup> On the very same day, Police Commissioner Schutte sent a report, accompanied by several of Carter's letters, to the Executive Council. Schutte wrote that he was still gathering information, but the situation reminded him strongly of the scenario before the Jameson Raid. According to Schutte, 3,000 men were secretly being organised to take control of the Fort and police barracks on a pre-arranged date. His informants had told him that arms had been smuggled into Johannesburg, and that the leaders of the movement were 'English Officers'. The name of the chief officer, however, still eluded him. He confessed that it was a difficult task to find the weapons, but that he 'was now working with the right people', and it was only a matter of time before the arms would be located. Schutte then went on to say that it had been brought to his attention, again, that there were people going about Johannesburg, claiming to be secret agents. He specifically mentioned the names 'White' and 'Stafford Parker'. Schutte clearly believed that these men were in Smuts's employ, and wrote that 'if this is true, it would be impossible for me to continue in this manner, the case is botched and the government needs to pay for it'. He linked the situation to the debacle between Ferguson and

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<sup>221</sup> NASA, TAB, SP 881, Rock to Kruger, 10 April 1899.

Smuts's 'special constables', Treu and Cooper, stating that the matter was promising to turn into 'a second Trimble history'.<sup>222</sup> The Executive Council discussed Schutte's report on the same day that he submitted it. Both Smuts and Schutte were present at this meeting, but no records were kept as to what exactly the council discussed. The report simply has a note in the margin, made by State Secretary Reitz, stating that the government had taken note of the information.<sup>223</sup>

Three days later, Secret Agent Smith informed Beukes that former Police Lieutenant Charl Pietersen, who was 'suspected as a political spy', had met with Captain Patterson and had drawn him a rough sketch of the inside of the fort, and promising to keep him supplied with information. In return, Pietersen would receive a position in the revolutionary party.<sup>224</sup> In lieu of this information, Smith was summoned to Pretoria.<sup>225</sup> The following day, the acting secretary of the Executive Council informed Schutte that the government had considered his information. It concluded that any informer who could show the government where the smuggled weapons, cannons and ammunition were hidden would receive a reward equal to the worth of the weapons, and receive indemnity against criminal prosecution.<sup>226</sup> The resolution also gave permission to strengthen the police presence at the fort.<sup>227</sup>

In the midst of this unfolding myriad of intrigue, Schutte also learned that the South African League was planning an open air meeting, in direct defiance of the government. He therefore instructed acting Chief Detective Watt to attend the meeting with some of his men. The detectives had to record the names of the speakers, and note down any other relevant information. Schutte ordered Watt to rush his report back to Pretoria with the help of a 'special messenger'.<sup>228</sup> Schutte also instructed Police Commandant van Dam to avoid all clashes. If the meeting was to be held in the amphitheatre, the police had to secure the police barracks and fort. Schutte instructed

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<sup>222</sup> NASA, TAB, SP 885, GCPM 50/90, Schutte to Reitz, 10 April 1899.

<sup>223</sup> Ibid., note in pencil signed by Reitz on Schutte's report, 10 April 1899.

<sup>224</sup> NASA, TAB, SP 881, T. Smith to J. Beukes, 13 April 1899.

<sup>225</sup> NASA, TAB, SP 892, Beukes to 'Jeffers', 13 April 1899.

<sup>226</sup> See: Secret U.R. resolution no. 16 of 1899, 6 April 1899 in NASA, TAB, SP 881.

<sup>227</sup> NASA, TAB, SP 887, state secretary to Schutte, 8 April 1899, 167, entry 53.

<sup>228</sup> NASA, TAB, SP 892, Schutte to Acta, 14 April 1899, 442-443.

Van Dam not to deploy the foot police in town. They had to remain at the barracks until Van Dam thought 'peace and quiet' had returned to streets.<sup>229</sup> The meeting, however, never took place.<sup>230</sup>

On 18 April 1899, Detective Watt informed Schutte that his department had intercepted a report which had been handed to the South African League. This typed report gave an account of government movements at the fort. It also stated that, despite several attempts, their attempts at obtaining plans for the fort had been unsuccessful. Whoever compiled this report claimed that they had tried to photograph the fort, but that it was too well guarded, and the clandestine photographers were afraid of being arrested for trespassing. The report concluded that a person named W. Douglas Marshall, who had just been released from prison, might be a good person to approach for information.<sup>231</sup> Watt informed Schutte that Marshall had been in the secret service, but that he had been sentenced to a year in prison for fraud. He was released after serving four months of his sentence.<sup>232</sup> Pretoria instructed Schutte to 'keep a watchful eye' on Marshall.<sup>233</sup> A similar typed report was received by the government on 3 May 1899. This time, it read that the security at the fort had been more vigilant in the past two weeks, but that the conspirators had now, in fact, obtained a 'snapshot' of the building. It also alleged that it had a contact in Pretoria, who could furnish the League with 'full particulars of the forts and the respective distances' in the country.<sup>234</sup>

The following day, former Police Lieutenant J.P. Heugh wrote a letter to Schutte in which he enclosed a letter from his 'young brother in law', Charles Agar Ellis.<sup>235</sup> The latter was the very same detective who had been used by Smuts to try and interlope the illicit liquor and gold trades. Ellis wrote in his letter to Heugh that he had

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<sup>229</sup> NASA, TAB, SP 892, Schutte to Van Dam, 14 April 1899, 445.

<sup>230</sup> NASA, TAB, SP 887, Van Dam to Schutte, 17 April 1899, 168, entry 60.

<sup>231</sup> NASA, TAB, SP 885, GR 482/99, attachment to letter from Watt to Schutte, marked 'private', no date.

<sup>232</sup> Ibid., Watt to Schutte, 26 April 1899.

<sup>233</sup> Ibid., secretary of the Executive Council to Schutte, 10 May 1899.

<sup>234</sup> Ibid., SPGR 48/99, anonymous and undated reports date stamped as received by Schutte's office on 3 May 1899.

<sup>235</sup> NASA, TAB, SP 881, Heugh to Schutte, 19 April 1899.

informed State Attorney Smuts of the 'movement' in late March 1899. Ellis met with Smuts's secretary on 24 March 1899, and informed the state attorney that Nicholls, who he confirmed was the chairman of the Fordsburg Branch of the South African League, had asked him if he would like to participate in a political movement. Nicholls explained that the idea was to recruit a large number of men, so that if there were to be any impending trouble between Boer and Briton, the Fort would be seized and Johannesburg would be kept in the hands of the *Uitlanders* until such time as the British troops arrived. He also said that a military man, 'whose name must at present be kept back', was at the head of affairs. Nicholls asked Ellis to join a 'troop' commanded by Patterson. Nicholls also informed Ellis that the movement had 25 000 rifles to distribute when required. Ellis told Smuts's secretary that he could obtain more information, but dropped the matter when he received no reply from Smuts. Ellis maintained that it was 'a bona fide movement and these people mean business'. He added that the movement's plan would come into effect only when war was declared, but he got the impression that 'they would like this movement to take place in any case'.<sup>236</sup>

That same day, Carter reported to Tjaart Kruger on the information he had managed to gather. He had apparently met with Nicholls. The latter told him that, around Christmas 1898, an article appeared in the *Rand Post* stating that Johannesburg would be bombarded in the case of war. It was this claim by the newspaper that inspired the movement. Nicholls also told Carter that an 'Imperial Officer' was the head of the movement. Carter informed Kruger that the movement had no executive, but 'four or five exclusive persons', who were the only people in contact with Nicholls. Nicholls wanted Carter to obtain information that could aid the movement. Carter therefore asked Kruger to supply him with 'bogus' information, so that he could prove he was capable of obtaining government secrets. He also informed Kruger that 'no documents are kept at all'. Carter further stated that he had gotten Patterson drunk four times in the hope of making him talk, but this had been to no avail.<sup>237</sup> The following day, he wrote another report, stating that he had heard about quantities of arms were being

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<sup>236</sup> Ibid., Agar Ellis to John [Heugh], 18 April [1899].

<sup>237</sup> NASA, TAB, SP 885, SPGR 39/99, Carter to Kruger, 19 April 1899.

stored on the Simmer and Jack Mine. His report also referred to one D.M. Joel, who apparently knew the name of the 'general officer ... but would not speak it'. Carter claimed that Joel knew a lot about the movement, and that he had boasted of having friends in 'high circles at Pretoria, mentioning Mr Tjaart Kruger as one'.<sup>238</sup> Schutte, as before, forwarded the information to the Executive Council. The government subsequently informed him that it had noted the report with interest, and that it would like to receive further information on the matter.<sup>239</sup> State Attorney Smuts also confirmed that he had noted the files' contents.<sup>240</sup>

In the meantime, Secret Agent Smith informed Beukes that Nicholls now wanted nothing to do with former Police Lieutenant Pietersen, as he suspected the latter was a 'secret service man'. He informed Schutte the 'revolutionary party' was still recruiting members and looking to buy horses.<sup>241</sup> In a follow-up letter, he wrote that things were 'moving slowly'.<sup>242</sup> At the end of April, another source, one Jack Jones, informed Beukes that he could not establish the real name of the 'commanding officer', but this elusive officer was going about, introducing himself as 'Rockford'. He was described as an Englishman of the Royal Artillery. He was fair-haired, about 42 to 55 years of age, and about 5 feet tall with a 'military appearance'. Jones wanted permission to go to Pietermaritzburg to see some of his military friends, who, he was at pains to point out, were Scots. He was hoping that they could help him find out who this fellow was. He noted with concern that there was a 'spirit of unrest' in Johannesburg. Several Rhodesian men were in town, and claimed it was their duty to help the *Uitlanders* obtain the franchise by force, if the *Volksraad* would not grant it to them. He requested money and ended his letter with 'please trust me and I shall do my utmost for you'.<sup>243</sup>

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<sup>238</sup> Ibid., Carter to Kruger, 20 April 1899.

<sup>239</sup> Ibid., secretary of the Executive Council to Schutte, 28 April 1899.

<sup>240</sup> Ibid., Smuts to secretary of the Executive Council, 28 April 1899.

<sup>241</sup> Ibid., Carter to Schutte, 19 April 1899.

<sup>242</sup> NASA, TAB, SP 881, T. Smith to J. Beukes, 26 April 1899.

<sup>243</sup> Ibid., Jack Jones to J. Beukes, 30 April 1899.

On 1 May 1899, Secret Agent Smith wrote an angry letter to Beukes, claiming that he had not received his pay. 'I have been treated very shabbily while others have been held out every inducement,' he wrote. He claimed that another secret agent could 'dress like a Prince, wear jewellery, and get drunk with bar maids, as do others who are in the Service, but I can't do it'.<sup>244</sup> Smith followed his rant with another letter, in which he informed Beukes that Nicholls was getting suspicious and was aware of three detectives following him. Nicholls reportedly no longer held meetings 'at any house, but out on the veld'. There was also a rumour in town that 'government men' intended to blow up the offices of the *Transvaal Leader* and *The Star*.<sup>245</sup> Police Commissioner Schutte was concerned about a possible attack on the newspaper offices and ordered Police Commandant van Dam and Detective Watt to investigate the matter. If true, they had to take action immediately, so as to avoid any clashes.<sup>246</sup> On that same day, Carter wrote to Kruger, demanding to know why, even though he had sent in 12 reports, he had not yet received any reply. He also added that the movement was progressing slowly, but that it was 'wider known, and is spoken of in the streets'.<sup>247</sup>

On 9 May 1899, Watt sent Schutte two more anonymous reports which had been intended for the South African League. The first of these mentioned that a meeting had been held at Rose Deep, where members of the league decided to oppose any public meeting in Johannesburg that may be in favour of the government. Miners from Glen Deep and Rose Deep would be sent in to form the opposition.<sup>248</sup> Another anonymous report stated that the author and a person named 'Mostert' had had an interview with Henry Head, Secretary of the South African League, and his brother, Gordon Head. The Head brothers did not foresee an amicable settlement to the tensions between London and Pretoria. They claimed that the fort had been built with the purpose of 'reducing the town to ruins and further that the women and children

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<sup>244</sup> Ibid., T. Smith to J. Beukes, 1 May 1899.

<sup>245</sup> NASA, TAB, SP 885, SPGR 47/99, Smith to Beukes, 1 May 1899.

<sup>246</sup> NASA, TAB, SP 892, Schutte to Van Dam, 1 May 1899, 449; Schutte to Watt, 1 May 1899, 450.

<sup>247</sup> NASA, TAB, SP 881, Carter to Schutte, 1 May 1899.

<sup>248</sup> NASA, TAB, SP 885, GR519/99, anonymous and undated typed document, 'copie'.

would be unmercifully shot down'.<sup>249</sup> Watt also mentioned to the police commissioner that a report sent in by Detective Beatty was correct. That report stated that a plan existed for a meeting to be called, during which shots would be fired, and one or two people killed, in order to 'put flame' to the uprising.<sup>250</sup> Pretoria, after noting the content of these reports, instructed Schutte to be vigilant.<sup>251</sup>

Detective Watt also informed Schutte that an African man named 'Konka alias Charlie', whose father is a brother of Zulu King Dinizulu, had come to Johannesburg to warn the Zulu people to return back home, as 'Jameson was returning to Natal and he wanted them to fight against the Transvaal'.<sup>252</sup> Another secret agent, one Erasmus, informed the police commissioner a few days later, on 12 May 1899, that the South Africa League was still agitating against the government and having a petition signed. He also accused the league of 'having other plans to instigate the war'.<sup>253</sup> On the same day, Carter informed Kruger that he had met a man named Porter, 'an ex-lieutenant of the British Army', and two 'Cape men' named Petesen and F. Lawrence. Lawrence had been a sergeant major of the 'Cape Boys' in Matabeleland and was a leader of the 'Cape Boys' in Johannesburg. He stated that it remained difficult for him to obtain any information in writing, but he was planning on holding a meeting at his house. Apparently, he had a phonograph, 'which I will conceal and I may be able to get a record of all that is said'. He also added that some government artillery men had been trying to sell the party information about the fort.<sup>254</sup>

It was with this scattered collection of 'intelligence' that affidavits were collected from Tremlett, Ellis, Mitchell and a person named Guy Waterton or Watterton, on 12 May 1899.<sup>255</sup> Two weeks before, on 29 April 1899, State Secretary Reitz informed

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<sup>249</sup> Ibid., anonymous document dated 9 May 1899.

<sup>250</sup> Ibid., Watt to Schutte, 9 May 1899..

<sup>251</sup> Ibid., secretary of the Executive Council to Schutte, 10 May 1899.

<sup>252</sup> Ibid., Watt to Schutte, 9 May 1899.

<sup>253</sup> NASA, TAB, SP 881, M.G. Erasmus to Schutte or Kruger, 12 May 1899.

<sup>254</sup> NASA, TAB, SP 885, SPGR 45/99, Carter to Schutte, 12 May 1899.

<sup>255</sup> This is according to a database entry on the National Archives database electronic search function. The actual file: NASA, TAB, SP 221, GR54/99, 'Commissioner of Police, Pretoria, sends in sworn statements of Waterton, C Agar Ellis, E.J. Fremlett [Tremlett], and J.A. Michell [Mitchell]



Schutte that Smuts had sent the government an affidavit from a person named Guy Watterton regarding the arrival of troops. Pretoria instructed Schutte to deploy a 'responsible detective' to ascertain the veracity of this statement. Schutte, in turn, asked Detective Watt to investigate the matter.<sup>256</sup> On 10 May 1899, Watt reported to Schutte that, after a thorough investigation, he could conclude that the affidavit was true.<sup>257</sup> On the same day, Pretoria instructed Schutte to arrest the individuals concerned.<sup>258</sup> The statements collected by the previously mentioned men were used by Detective Beatty to arrest the 'conspirators' on 15 May 1899. If the situation was not yet puzzling enough, the subsequent events compounded the mystery even more. After the arrests, Smuts informed British Agent Greene that he had been shadowing Nicholls and Patterson for two months. When the all of the men who were implicated saw that their arrests were imminent, three of them confessed. Smuts informed Greene that, even though he suspected the South African League of being involved, 'he would endeavour that any allegations intended to compromise Her Majesty's Government should be suppressed'.<sup>259</sup> Milner immediately replied to Greene that he viewed the matter as a 'pothouse conspiracy, which spies have carefully nursed'. He disapproved of Smuts's intention to suppress any allegations that Britain was behind the plot, and wanted the matter 'sifted to the bottom'.<sup>260</sup>

According to Greene, Smuts claimed that he wanted 'to make as little of the case as possible; he had not wished to effect arrests just now, but the President had feared that a rising might break out in Johannesburg at any moment and had insisted.' The state attorney also claimed that he did not want any insinuations against Britain being 'bandied' in court, and thought it would be better to take up such accusations directly

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re recruitment of troops, 12 May 1899', could not be found in SP 221, and the database provides no other hint as to its actual location.

<sup>256</sup> NASA, TAB, SP 887, state secretary to Schutte, 29 April 1899, 170, entry 70.

<sup>257</sup> Ibid., Watt to Schutte, 10 May 1899, 172, entry 90.

<sup>258</sup> Ibid., state secretary to Schutte, 10 May 1899, 170, entry 94.

<sup>259</sup> C. 9521, 'Further correspondence relating to the South African Republic', (London: Darling & Son, 1899), Greene to Milner, 16 May 1899, 1.

<sup>260</sup> Ibid., Milner to Greene, no date, 2.

with London.<sup>261</sup> Milner would have none of it, and was adamant that the matter should be ‘brought to the test of judicial investigation’.<sup>262</sup>

Fears that the matter would become a point of contention between Kruger and Milner at the Bloemfontein Conference, which was held between 31 May and 5 June 1899, never materialised.<sup>263</sup> Britain did, however, criticise the ZAR’s consular office in London for forwarding information on the arrests to the Reuters Agency. The matter therefore received some attention in the international press in the days leading up to the conference.<sup>264</sup> It also emerged that Pretoria had taken a week to forward a letter from Nicholls to Greene. In the letter, Nicholls pleaded with Greene to come and see him before the preliminary trial commences.<sup>265</sup> Nicholls had no means to provide for his own defence. Thus, a day before the conference started, Milner asked Smuts to postpone the preliminary trial by a week, and inquired whether Pretoria would take issue if London retained legal counsel for the defendants. The state attorney agreed to these terms, but suggested that, instead of the British Agent approaching a law firm, London could inform Pretoria which law firm it wanted to represent the accused. The republic would then appoint the firm, and Britain would be viewed as impartial.<sup>266</sup> Milner insisted that this was not necessary. Smuts was somewhat displeased, but relented. As long as the council did not state that it was retained by a third party, ‘there can be no objection to his appearance’.<sup>267</sup> Advocate W.S. Duxbury was retained to represent Nicholls.<sup>268</sup> Smuts informed his office that he had promised Milner he would hand over all the testimony which implicated Britain in the conspiracy. He

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<sup>261</sup> Ibid., Greene to Milner, 19 May 1899, 3.

<sup>262</sup> Ibid., Milner to Greene, no date, 3.

<sup>263</sup> See, *Notulen der Verrichtingen van de Conferentie op 31 Mei 1899 en volgende dagen te Bloemfontein in den Oranje-Vrijstaat gehouden tusschen ZijnHoogEdele den Staatspresident van de Zuid-Afrikaansche Republiek en Zijne Excellentie den Hoogen Commissaris* (Pretoria: Staatsdrukkerij, 1899)

<sup>264</sup> TNA, DO, 119/80, telegram: Chamberlain to Milner, 26 May 1899.

<sup>265</sup> Ibid., Nicholls to Greene, 22 May 1899. A similar letter from Nicholls to the United States consul at Pretoria, dated 27 May 1899 was only delivered on 10 June 1899. Nicholls based his request for help from the United States on the fact that his father had been a naturalised American subject and that he had voting rights in the State of Michigan. See: TNA, DO, 119/80, report by W.S. Duxbury to Greene, 9 August 1899.

<sup>266</sup> Ibid., Smuts to Fiddes, 31 May 1899; see also, *The Press*, ‘The conspirators’, 2 June 1899.

<sup>267</sup> TNA, DO, 119/80, Smuts to Fiddes, 1 June 1899.

<sup>268</sup> Ibid., report by W.S. Duxbury to Greene, 9 August 1899.

wanted this to happen during the preliminary trial, but he also wanted Greene to be informed which of the arrested individuals were claiming that Patterson or Nicholls were working under British instructions, as London had a right to cross-examine these witnesses.<sup>269</sup>

Assistant State Attorney Louis Jacobsz then met with Greene, and informed him that Hooper and Mitchell claimed that Nicholls had told them ‘he was acting under instruction of a British officer directly from the War Office’. Similarly, Tremlett and Ellis claimed that Nicholls had told them ‘he was a subordinate of an Imperial officer in Johannesburg’.<sup>270</sup> A few days later, Greene informed Milner that Patterson ‘is even more directly affected than Nicholls’, and he had instructed the law firm of Messrs. Tancred and Lunnon to undertake Patterson’s defence. He also claimed that the arrests were made based on the statement of a man named Watterton or Waterton, who had acted as a ‘go-between between the Government and the prisoners’.<sup>271</sup>

The preliminary trial was held between 7 and 13 June 1899, and revealed damning testimony in the state’s case. Greene’s suspicions about Pretoria’s possible role in the plot were heightened when three of the arrestees, Tremlett, Ellis, and Mitchell, had charges against them dropped when the provisional enquiry commenced on 7 June 1899. The men had turned state witnesses against Nicholls, Patterson, Hooper and an Australian named Christopher Butler. Detective Beatty had arrested Butler some time later, in connection to the plot.<sup>272</sup> Jeane Fries, had by that time already been released on Smuts’ orders.<sup>273</sup> The state gave no reasons for his release, and it did not call Fries as a witness during the preliminary trial.<sup>274</sup>

In court, it emerged that Detective Beatty and Police Commissioner Schutte had tried to obtain statements from Nicholls.<sup>275</sup> The state also desperately tried to prove a link

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<sup>269</sup> NASA, TAB, SP 221, GR 78/99, Smuts to office of the state attorney, 31 May 1899.

<sup>270</sup> C. 9521, Greene to Milner, 31 May 1899, 5-6.

<sup>271</sup> *Ibid.*, Greene to Milner, 2 June 1899, 7.

<sup>272</sup> TNA, DO, 119/80, *Ibid.*, Greene to Milner, 9 June 1899.

<sup>273</sup> *Ibid.*, Greene to Milner, 18 May 1899.

<sup>274</sup> *Ibid.*, report by W.S. Duxbury to Greene, 9 August 1899.

<sup>275</sup> *Ibid.*, Greene to Milner, 7 June 1899.

between Patterson and some ‘big people’. The correspondence presented as evidence was, however, several years old and included a telegram from Rhodes regarding a cure for horse sickness. Significantly, under cross-examination, Detective Beatty ‘admitted he had been employed by Schutte to work up the case’. The detective had employed Tremlett and Ellis to help him in his quest.<sup>276</sup> Beatty admitted that, on the original affidavit submitted by Tremlett, which contributed directly to the arrests; no accusations were made against Tremlett, Ellis, Fries or Butler. Despite this, all the men were charged with high treason. Tremlett and Ellis had obviously been arrested solely to spy on the men while in prison. Advocate Duxbury forced Beatty to admit the High Court had, on two occasions, ‘denounced him as a person to whose evidence given on oath no credibility could be attached’.<sup>277</sup> With the state’s case seriously tainted by ‘irregularities and illegalities’, Duxbury called for the case to be thrown out of court. The landdrost, however, did not concede to the request.<sup>278</sup> Several other witnesses stated that the plot was simply ‘canteen talk’.<sup>279</sup>

In Duxbury’s closing argument, he contended that the state had submitted no evidence to prove a case of high treason. He called for the immediate release of Butler and bail for the other accused, and argued that the case ‘was a serious one as it affected the honour not only of the accused, but of ... Great Britain’. He reiterated that the South African League was not connected to the alleged plot, and Nicholls had resigned from the league in March 1899.

The state concluded that it was not responsible for any of the witnesses’ statements which claimed the movement was supported by the British military. It added that it did not, nor did it intend to, base its case on such a claim. The state also had no objection to the judge granting bail. The matter was adjourned and the papers forwarded to State Attorney Smuts for consideration.<sup>280</sup> The state subsequently

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<sup>276</sup> Ibid., Greene to Milner, 9 June 1899.

<sup>277</sup> Ibid., Greene to Milner, 12 June 1899.

<sup>278</sup> Ibid., Greene to Milner, 12 June 1899.

<sup>279</sup> Ibid., Greene to Milner, 13 June 1899.

<sup>280</sup> Ibid., Greene to Milner, 14 June 1899.

released Butler, but the other accused were to be committed for trial in August 1899.<sup>281</sup>

Smuts used the interim weeks to try and obtain more evidence. There were rumours of Smuts trying to persuade Patterson to turn state witness against Nicholls and the South African League.<sup>282</sup> However, things started unravelling when some of the witnesses began to recant their statements. On 18 July 1899, Henry Carter informed Pretoria that A. Tayfield, who was supposed to have been a state witness at the trial, had ‘gone over to the other side’, and would now testify for the defence. Much alarmed, Carter wrote:

As you are aware, he is fully conversant with the part I took in the case, and when he could get no money from you he went over to the other side, if he is called as witness, he will of course say all he knows about my connection with the case. As it is, I have scarce a friend in the town through the case, and through the fire I am practically penniless, those who would have been friends to me having cast me off through the case, and if Tayfield gives evidence for the defence he will not only considerably damage your case, but will render it necessary for me to leave Johannesburg altogether, and that means absolute ruination to me. Cannot you get me out of the difficulty somehow? I worked for you faithfully, and against my own countrymen, and the result to me is this. Cannot Tayfield be prevented from giving evidence somehow?<sup>283</sup>

By this stage, Smuts knew that he would not be able to proceed with the prosecution. Yet, on 29 July 1899, he still wanted to know from Public Prosecutor Krause why some of the information Detective Beatty claimed to have collected for the trial was never forwarded to his office.<sup>284</sup> Krause replied that the detective only informed him of the information after Smuts had told Krause to let the matter rest. Krause explained that the information, which had been collected from two ‘Cape boys’, was of little relevance. In the meantime, the second public prosecutor who was investigating the

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<sup>281</sup> Ibid., Greene to Milner, 8 July 1899.

<sup>282</sup> Ibid., Greene to Milner, 15 July 1899.

<sup>283</sup> NASA, TAB, SP 221, SPGR 114/99, Carter to Kruger, 18 July 1899.

<sup>284</sup> NASA, TAB, SP 213, Smuts to Krause, 29 July 1899.

matter informed Krause that ‘in his life he had never heard so much “bar talk”’.<sup>285</sup> Thus, the state scrapped the trial and Smuts released the men from prison.<sup>286</sup>

On 4 August 1899, Tremlett wrote a letter to Tjaart Kruger, putting his version of events on the record. He stated that at the beginning of May 1899, Detective Beatty approached him to work on the ‘plot case’. Police Commissioner Schutte told him he would get his ‘expenses and something else’. Beatty arranged a meeting between Tremlett and Schutte at the latter’s house. Here, Schutte allegedly told Tremlett that he would be given a ‘couple of thousand for your services and see that you are fixed up in a good billet.’ On 15 May 1899, the police arrested and informed him he would be released within two days. But he ended up spending a month in prison and being charged with high treason. ‘[S]till thinking I would be well treated I stood to my guns and proved myself a true servant of the government,’ he wrote. Tremlett claimed that he was on the verge of being kicked out his house and being left to starve. He concluded his letter by asking for an appointment in the secret service.<sup>287</sup>

Schutte denied ever offering Tremlett ‘thousands of pounds and a good position’. The police commissioner did, however, agree with Tremlett that he had not been paid, adding that he meant to pay the man 15 shillings per day for the period he worked for the secret service department.<sup>288</sup> Kruger, however, informed Schutte that he did not know about this arrangement, and that Schutte had to attend to the matter himself.<sup>289</sup> Tremlett’s plea for assistance was followed by a similar one from Henry Carter on 8 August 1899. Carter wrote to Tjaart Kruger, asking assistance for his ‘current position’, which was due to his testifying in the conspiracy trial. Kruger forwarded the letter to Schutte on 11 August 1899.<sup>290</sup> From subsequent events, it is clear that Carter’s request for help was also denied. Importantly, on 25 August 1899, Kruger received a letter from newly appointed Chief Detective Marthinus Smuts De Villiers,

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<sup>285</sup> Ibid., Krause to Smuts, 1 August 1899.

<sup>286</sup> Ibid., report by W.S. Duxbury to Greene, 9 August 1899.

<sup>287</sup> NASA, TAB, SP 818, GDDM 57/99, Tremlett to Kruger, 4 August 1899.

<sup>288</sup> Ibid., Schutte to Kruger, 7 August 1899.

<sup>289</sup> Ibid., Kruger to Schutte, 7 August 1899.

<sup>290</sup> NASA, TAB, SP 853, Kruger to Schutte, 11 August 1899, 26.

stating that the rumours of an attack on the fort were ‘the usual conversation among a certain class of *Uitlanders*’. The detective could find no organised plan to attack the fort, but added that he would keep a watchful eye on events in Johannesburg.<sup>291</sup>

In a detailed report from Advocate Duxbury to British Agent Greene, he set out his suspicions and analysis of the event. The Australian man, Butler, informed Duxbury that after Beatty arrested him; the detective, instead of taking him to prison, took him to two bars where Beatty bought him drinks and a cigar.<sup>292</sup> Duxbury saw Butler’s arrest as ‘one of the most disgraceful features of the whole case’, adding the man bore ‘the best of characters’.<sup>293</sup> Duxbury also had no doubt the first man to be released, the vanished Dane or Swede, Fries/Vries, was a detective. He suspected the man was ‘not so complacent as Ellis and Tremlett and judiciously tempered his zeal with a little wholesome discretion’.<sup>294</sup> For Duxbury, it was evident that Mitchell and Hooper ‘were Tremlett’s creatures’ in Beatty’s scheme to prove the existence of a plot. He also believed that Patterson had been employed by Police Commissioner Schutte ‘from the inception of the proceedings taken by the Detective Department and that the remuneration for his assistance in the matter was to be a good figure for every “concealed” fire-arm which he might be enabled to discover or produce’. Duxberry believed that Nicholls was ‘the only honest person in the collection’. He wrote that Nicholls is a

respectable working miner with a fad for military affairs. There is very little doubt that he actually entertained the notion of forming some kind of organization for the purpose of the protection of Johannesburg and its non-burgher inhabitants in the event of an attack on the town from the Fort as threatened in the ‘Rand Post’ article of 23<sup>rd</sup> December, 1898, and this he not only freely admits, but it was also stated by Cammack, one of the witnesses for the prosecution. And this indeed is the essence of the whole ‘conspiracy’ – the talk of one man who, in common with many others in Johannesburg and elsewhere, was alarmed by threats published in what is looked upon as a

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<sup>291</sup> NASA, TAB, SP 853, De Villiers to Kruger, date stamped as received on 25 August 1899, 41.

<sup>292</sup> TNA, DO, 119/80, report by W.S. Duxbury to Greene, 9 August 1899.

<sup>293</sup> Ibid.

<sup>294</sup> Ibid.

semi-official Dutch organ of an attack on Johannesburg and its inhabitants on the outbreak of hostilities between England and this Republic.<sup>295</sup>

Duxbury, again, laid the blame for the debacle on Police Commissioner Schutte and Detective Beatty in the former's battle with Smuts for control of the detective department. He alleged that Smuts had 'pigeon-holed' the information, but Schutte had 'pounced upon' the opportunity to work the case in order to prove his worth to the state. The police commissioner and detective then used 'subordinate' detectives to obtain affidavits. Ellis, Tremlett, Mitchell and another private detective, Carter, swore the affidavits in front of Schutte, who then took them to Smuts. Beatty specified that the charge should be high treason. The state attorney, assistant state attorney and public prosecutor of Johannesburg signed the warrants, and the police effected the arrests. Duxbury believed that Smuts was not 'willfully' part of the scheme. Nevertheless, he concluded that Smuts 'was deceived by the Detectives, and yet at the same time I fail to understand why in a matter of such magnitude he allowed himself to sign a warrant for the arrest of persons charged with such a serious crime as high treason, on the strength of an affidavit signed by a detective who, on the very day such affidavit was signed, had been denounced by the Chief Justice from the Bench of the High Court as a perjurer'.<sup>296</sup>

After his release, Nicholls wrote a letter to *The Star* to record his version of the events. He stated he had known about his impending arrest for three weeks before it took place, but never attempted to flee Johannesburg. In goal, Ellis and Tremlett had tried their best to churn a confession from him. They told him London and the Rand capitalists were implicated, and he would be left to take the fall for their conspiracy. Ellis and Tremlett used the fact that the South African League had denounced him as proof of this. The men 'begged and prayed' for Nicholls to turn state witness. Nicholls claimed he, in fact, had sent for Police Commissioner Schutte to come and see him in prison. He told the police commissioner he was innocent, and did not possess any rank in the British Army. He offered to swear to this in an affidavit, but Schutte did

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<sup>295</sup> Ibid.

<sup>296</sup> Ibid., report by W.S. Duxbury to Greene, 9 August 1899.



not believe him. The police commissioner was adamant that Nicholls was not the main conspirator, and demanded the name of his 'chief'. Schutte informed Nicholls that he had evidence of arms and money being smuggled into the republic. Schutte's visit was followed by one from Detective Beatty. The detective informed Nicholls that 'his own side had turned against him, and one of the miners wanted to get leave to go to Pretoria and shoot him dead'. Nicholls subsequently wrote a letter to Greene and American Consul-General Stowe in Cape Town, requesting help for his defence. When Ellis and Tremlett heard that Advocate Duxbury had been appointed to represent Nicholls, their 'rage knew no bounds' and they swore, 'curse be the British flag'.<sup>297</sup>

The press also mentioned that Duxbury had obtained affidavits from Thomas Dashwood Bundy, who implicated Tjaart Kruger and then Public Prosecutor Smuts de Villiers in the affair. Kruger allegedly told Bundy, 'do all you can to prove this to be a case of conspiracy on the part of the British Government, as it will strengthen my father's hands'. Bundy also swore Beatty had relied on him to find evidence 'to bring the League in'.<sup>298</sup> Remarkably, Charles Agar Ellis also turned on the government, and claimed that Tremlett had approached him on about 10 May 1899 to help work up the case. This was on the instructions of Detective Beatty, who was acting on behalf of Police Commissioner Schutte. The police commissioner had apparently promised Tremlett £2,000 if he succeeded in his quest. Ellis stated that Beatty promised him a billet in the secret service after the matter was concluded. Tremlett and Ellis were also apparently visited by Tjaart Kruger while in gaol, and told to 'keep their spirits up'. Ellis stated that it was only after his release, when he started to make inquiries into the affair, that 'he gathered it was a made affair for political purposes'. As a British subject, he now wanted to distance himself from the matter.<sup>299</sup>

In November 1899, Henry Carter also swore a statement, setting out his role in the matter. He stated that sometime in March 1899, he became aware of rumours that men

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<sup>297</sup> *Cape Argus*, 'The conspirators', 7 August 1899, in TNA, DO 119/80.

<sup>298</sup> *Ibid.*

<sup>299</sup> *Ibid.*

were being enlisted in Johannesburg for some purpose. On a visit to Pretoria, he met a man named Waterton, who told him that he was working as a police informer. Waterton also told Carter that the latter's name was on a list of men who would attempt to overthrow the government. On hearing this, Carter went to see Schutte and demanded that his name be taken off the list. Tjaart Kruger tried to persuade him to assist in discovering the affair. Carter apparently refused 'to do anything of the sort'. Back in Johannesburg, Carter was approached by Patterson to join the movement. He went with Patterson to meet with Nicholls. A few days later, he received a railway pass from Schutte to meet with the police commissioner in Pretoria. At this meeting, Kruger and Schutte reportedly told Carter that the British agency had full knowledge of the matter, and was working with Pretoria to stop the enlisting, as it would hamper the negotiations. Carter still refused to be part of the plot, unless he had proof that London was partial to the investigation. A few days later Schutte and Kruger apparently showed him a letter to this effect 'which appeared to be in British official paper'. On his return to Johannesburg, Carter enlisted the help of a man named Tayfield to help uncover the affair. Tayfield did not prove useful. By this time, Patterson would come over to Carter's house every day for drink, and Tayfield started threatening him with exposure if he did not give him money. Soon afterwards, the men were arrested and Carter and Tayfield summoned to Pretoria to make statements. Tayfield was apparently too drunk to give an affidavit. Carter later had to give evidence at the preliminary trial. After his testimony, Kruger again approached him to make a 'stronger' statement, and to implicate the South African League. Carter then realised that he had been duped. Kruger tried to bribe him into making a statement, but Carter threatened to expose the affair in the press. He tried to escape from the office, but the door was locked. Kruger threatened him with arrest and forced him to sign a statement promising not to expose the government's underhandedness in the matter. On his return to Johannesburg, Carter found himself ostracised by his friends and 'lost everything' he had. He was now penniless and had 'gone without food for two days at a time'. Carter concluded that he was breaking his silence on the matter, 'as the days of the Transvaal now seem numbered', and 'in case any accident may happen to me, to show that far from being of Dutch sympathies, I have every reason

to be against them'.<sup>300</sup> Carter's statement is somewhat contradictory to the archival record, which clearly indicates that he approached Kruger and Schutte out of his own free will. But his statement has to be seen in the context of the political situation, which had radically changed by November 1899 because of the war.

The conspiracy case debacle was one of the main reasons given for Pretoria's decision to remove the detective and secret service departments from Police Commissioner Schutte's control, and to place them under Smuts. Yet, it is clear that Schutte's role in the matter could not simply be ascribed to 'working up' the case to retain his power. In fact, British Agent Greene admitted that, when the *Volksraad* debated the transfer of power from the police commissioner to the state attorney, Schutte had, in fact, submitted a report in which he had asked to be relieved from further supervision of the 'execution of the Gold Thefts Law, the Liquor Law, the Morality Law, and the Secret service'. Schutte recommended Tjaart Kruger's appointment as the head of the secret service, and Detective Beatty as the new chief detective.<sup>301</sup> The debate took place on 12 and 13 May 1899, thus a few days before the arrests were made in the plot, but after Pretoria had ordered Schutte to arrest the men. The *Volksraad* carried the motion in favour of the transfer with 16 votes to 12.<sup>302</sup>

It is evident that there were, however, still rumours circulating that the transfer was due to continuing strife between Schutte and Smuts. On 30 May 1899, for example, Secret Agent Schröder informed Tjaart Kruger to be vigilant, as informers were tarnishing him and Schutte in the eyes of the government, all in an effort to elevate Smuts. There were also rumours in Pretoria that the control of the secret service would be placed under Smuts. Schröder claimed that the campaign in favour of this change was driven by the anti-government newspapers *Transvaal Leader*, *The Press*, *The Star* and *De Land en Volk*.<sup>303</sup>

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<sup>300</sup> TNA, DO, 119/80, sworn affidavit of H.C. Carter, 18 November 1899.

<sup>301</sup> TNA, DO 119/321, Greene to Milner, 15 June 1899.

<sup>302</sup> Ibid.

<sup>303</sup> SP 881, unsigned 'memorandum' by Schröder to either Kruger or Schutte, date stamped received on 30 May 1899.

Schröder's report came after the fact, as by this time, the matter had already been decided. However, the fact that this real or imagined clash of personalities existed between the police commissioner and the state attorney did, in the end, provide enough fuel for the various spies and other 'creatures' to spin the matter into a narrative that laid the blame for the debacle squarely on Schutte's shoulders. This despite the fact that Smuts also knew about the matter since at least March 1899, and had been kept informed of Schutte's reports to the government. It should also be borne in mind that the affidavit on which the arrests were effected, the one submitted by Guy Waterton, was, in fact, obtained by Smuts. Whereafter Pretoria instructed Schutte to gather more affidavits and to arrest the men. The fact that Smuts still decided to continue with prosecution, even after the debacle had been exposed in court, also indicates that it was not merely a case of the state attorney exploiting the plot to usurp Schutte's control, as by that time, he was already assured of the detective and secret service departments' transfer to his office. Before a final conclusion can be reached in this case, the relationships between the informers and the implicated individuals need to be considered in more detail. What incentive and reward did the private detectives and informers gain in working up this case into a plot to overthrow the government? The South African League's explicit attempt to distance itself from the unfolding event also deserves more scrutiny.

The transfer became official on 13 June 1899, and Smuts immediately set his plans of 'clearing the Augean stable' in motion. On 25 June 1899 detectives Watt, Beatty, G. Blumenthal, M.A.T. Hellegens, J.E. Pool, C.V. Baster/Baxter, W.H. Gertenbach, T.J. Bundy, and J.P. Doyle either resigned or were dismissed from the force.<sup>304</sup> Former detective Lionel Donovan was reappointed as Head of the Criminal Division; T.R. Menton became Head of the Liquor Division; A. Burchardt was the new Head of the Morality Division and J.W. Parker assumed his position as Head of the Gold Thefts section of the detective department.<sup>305</sup> Smuts appointed Public Prosecutor Marthinus

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<sup>304</sup> NASA, TAB, SP 868, 'Register van ontslagen politie in de Zuid-Afrikaansche Republiek'.

<sup>305</sup> TNA, DO 199/321, Greene to Milner, 29 June 1899; NASA, TAB, SP 881, DDM 825/99, R.W.S. Beatty sends in his resignation as detective of the South African Republic, 24 June 1899.

Smuts de Villiers as Johannesburg's new chief detective.<sup>306</sup> Greene informed Milner that

I do not propose to criticise at present any of the above appointments beyond saying that the names of the two first officials are familiar to me. If the new staff should succeed in grappling successfully with the colossal problem before them, they will deserve well of Boers and *Uitlanders* alike. As regards Mr. Schutte, it is rumoured that he is very sulky at the ready acceptance of this proffered resignation of the Detective Department, and even meditates resigning this office as Chief Commissioner of Police at no distant date. This is, I am afraid, one of those rumours which are too good to be true, but it will certainly not be Mr. Smuts's fault if Mr. Schutte does not soon see reason to admit the laxity and inefficiency of the work which he has up till now been supposed to control.<sup>307</sup>

Yet, Police Commissioner Schutte seemed resigned to the idea, and instructed the officials within the detective department to make the transfer as painless as possible by having everything in order when the new chief detective took over.<sup>308</sup> Smuts also accepted Schutte's proposal that Tjaart Kruger should stay on as head of the secret service department.<sup>309</sup>

The final few months before the war saw more attempts by former law officers to infiltrate the secret service and detective departments. In late June 1899, for example, 'G.J. Home/G.F. Holme', the man who had once beaten Smuts's informant Treu with a sjambok wrote a letter to Smuts stating that former chief detectives Ferguson and Watt had employed him to inform on the activities of the South African League. He claimed to have kept both former detectives well posted, and wanted to know whether he should continue spying on the league and report his findings to Pretoria.<sup>310</sup> Tjaart Kruger, however, had no record of Home's arrangement with the former detectives, and requested an investigation. Newly appointed Chief Detective De Villiers

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<sup>306</sup> NASA, TAB, SS 7942, R9233/99, Smuts to state secretary, 26 June 1899; SP 854, Smuts to Smuts de Villiers, 27 June 1899, 483.

<sup>307</sup> TNA, DO 199/321, Greene to Milner, 29 June 1899

<sup>308</sup> NASA, TAB, SP 854, Schutte to acting chief detective Johannesburg, 14 and 15 June 1899, 472 and 475.

<sup>309</sup> NASA, TAB, SP 465, Smuts to state secretary, 19 June 1899, 167.

<sup>310</sup> NASA, TAB, SP 818, GDDM 2/99, 28 June 1899.

informed Smuts that Home was an ‘absolute villain’, and he could find no records to substantiate the claim.<sup>311</sup> Detective Lionel Donovan also informed De Villiers that Home was, in fact, the same person who had assaulted Treu and testified in the Ferguson versus Treu case. He claimed that Home was one of Ferguson’s spies.<sup>312</sup> At the end of August 1899, Secret Agent Thomas Smith informed Tjaart Kruger it had come to his attention that a number of the formerly dismissed detectives were unabatedly agitating against the detective department. He claimed that these men were disgruntled and were struggling to find work in the present circumstances. He warned that it was not necessary for him to explain how dangerous this opposition was.<sup>313</sup> It is not clear how much importance Pretoria attached to these reports.

### **War and Demise**

A few days before war was officially declared, the government ordered the commandeering of former detectives Ferguson and Beatty. However, Ferguson, upon hearing this, left his family in Johannesburg and fled the country. On 9 October 1899, Detective Wilson informed acting chief detective J.M. Menton that former detectives Ferguson, Beatty and Poole had left Johannesburg for Delagoa Bay, after boarding a train at the Elandsfontein Station. The *Transvaal Leader* reported that the ‘Commandeered Ex-Detectives’ arrived safely in Delagoa, and were planning on leaving for Durban. There was also ‘no truth in rumour that they are travelling on Transvaal Government business’.<sup>314</sup>

Following his escape, Ferguson made his way to Natal. In September 1900, he joined the Imperial Transport Service in Pietermaritzburg.<sup>315</sup> He served for several months, until he was dismissed as an ‘undesirable pending the cessation of hostilities’.<sup>316</sup> Ferguson petitioned Lord Kitchener for permission to return to Johannesburg to rejoin

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<sup>311</sup> Ibid., De Villiers to Kruger, 14 July 1899.

<sup>312</sup> Ibid., Donovan to De Villiers, 14 July 1899.

<sup>313</sup> NASA, TAB, SP 818, GDDM 57/99, Smith to Kruger and Smuts, 28 August 1899.

<sup>314</sup> Ibid., GR1894/99, Wilson to Menton, 9 October 1899; see also, GR1955/99, letter by one McGregor, 9 October 1899. See also: *Transvaal Leader*, 9 October 1899.

<sup>315</sup> NASA, TAB, PMO 39, 2676, Ferguson to Lord Kitchener, 13 November [?].

<sup>316</sup> Ibid., J.Cooke to Provost Marshal, 18 November 1901.

his family and to resume his business. He admitted to supplying Clem Webb of the South African League with ‘information’ on the strength of the Boer military, ‘about two months prior to the outbreak of hostilities’. Ferguson clearly feared that his past activities in Johannesburg would jeopardise his quest to return to the mining town. He wrote: ‘I would point out to your Lordship that in the execution of the duties of my office as Chief Detective, I doubtless made many enemies, who would not be slow to poison the ears of the Authorities against me’. He added that he wanted ‘to be allowed to return to rebut the false allegations, more particularly after the services I rendered to the Imperial Authorities’.<sup>317</sup> The British authorities made enquiries into Ferguson’s claims of being a spy. This was validated, and Ferguson was credited with warning ‘several of the prominent *Uitlanders* ... to leave the country, and undoubtedly saved them from arrest’.<sup>318</sup> However, the authorities felt, judging from the reports it gathered, that it did ‘not appear desirable’ for Ferguson to return to the Rand at that time.<sup>319</sup> However, Ferguson did succeed in returning after the war, and seemed to have resumed his profession as a private detective. He died on 11 December 1910, after being run over by a car.<sup>320</sup>

Police Commissioner Schutte was determined that the ordinary Zarps would not be held responsible for any more clashes with the *Uitlanders*. At the beginning of July 1899, Schutte instructed Commandant van Dam to order police officers on the Witwatersrand Goldfields, and in particular Johannesburg, not to use their fire-arms under any circumstances whatsoever. He stated that there was a plan by the ‘roughs’ to cause a fracas, and to provoke the police into firing their weapons. This would inflame a critically tense situation. Any Zarp who disobeyed this order would immediately be dismissed. He added that ‘no cause must be given from our side to the warmonger party to make the matter worse’.<sup>321</sup> Van Dam had, at that point, already instructed the foot police patrolling the inner-city’s streets to do so unarmed. The only

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<sup>317</sup> Ibid., Ferguson to Lord Kitchener, 13 November [?].

<sup>318</sup> Ibid., O.F. Brothers to Chadwick, 25 November 1901.

<sup>319</sup> Ibid., provost marshal to private secretary, 2 December 1901.

<sup>320</sup> *The Transvaal Leader*, ‘Ex-police official killed’, 12 December 1910; *The Star*, ‘Obituary: Mr. Robert Ferguson’, 12 December 1910.

<sup>321</sup> NASA, TAB, SP 885, SPGR 110/99, Schutte to Van Dam, 1 July 1899.

exceptions were the streets in Fordsburg and Jeppestown, where he had given them strict instructions to act cautiously.<sup>322</sup> State Attorney Smuts also agreed with Schutte that, as a temporary measure, the disarming of the Zarps was recommended.<sup>323</sup>

When the South African War broke out 11 October 1899, Pretoria declared martial law in Johannesburg. The government deployed Police Commissioner Schutte to Johannesburg as the town's special commandant. Schutte's secretary, H.C. van Bredell, was appointed as acting police commissioner. Pretoria appointed a '*Rust en Orde*' (Peace and Order) Commission, which had to see to law and order being maintained in the town. Schutte was appointed as its chairperson. He would be assisted by Public Prosecutor F.E.T. Krause and Landdrost N. van den Berg.<sup>324</sup>

At the time, the Zarps consisted of 11 officers, 57 deputy officers and 848 ordinary police officers. Van Dam realised that the Zarps would be called up for commando sooner rather than later.<sup>325</sup> Other than the state artillery, the Zarps were the only other professional force in the Republic that had had extensive military training.<sup>326</sup> He ordered 300 extra horses, so that the foot police could be converted to mounted troopers. On Monday 23 October 1899, Pretoria ordered the Zarps to the Natal front. Pretoria instructed Special Commandant Schutte to assume command over the police commando. For Van Dam, this came as a 'great disappointment'. He wrote, 'for four years I tried my best to form a good and disciplined corps, and now that the opportunity finally came for me to see the fruit of my labours another, who had never done anything, would benefit there from'.<sup>327</sup> Commandant van Dam objected, and as Schutte was not keen on leaving for the front, the two men persuaded Pretoria that Van Dam should lead his men into battle. Van Dam selected all the unmarried men to leave on commando. Their Martini-Henry rifles were replaced with Mausers. The

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<sup>322</sup> NASA, TAB, SP 885, SPGR 110/99, Van Dam to Schutte, 3 July 1899.

<sup>323</sup> Ibid., Smuts to Schutte, 6 July 1899. See also: SP 893, Schutte to Van Dam, 3 July 1899.

<sup>324</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 316.

<sup>325</sup> NASA, TAB, Accession 1335, 'Manuskrip van kmdt. G.M.J. van Dam', 64.

<sup>326</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 316.

<sup>327</sup> NASA, TAB, Accession 1335, 'Manuskrip van kmdt. G.M.J. van Dam', 64.



troopers' sabres were put into storage, and all steps were taken to reduce the weight the horses would have to carry.<sup>328</sup>

Van Dam, accompanied by Lieutenants P.R. Oosthuizen, F.H. Pohlman, M. Murphy, J. van Zyl and N. van der Westhuizen, as well as 150 mounted troopers and 250 foot police officers, left Johannesburg by rail on the afternoon of 26 October 1899. They arrived in Glencoe, Natal, the following morning. The ZARs participated in several successful campaigns against the British. Their first campaign, the so-called Battle of Nicholson's Nek, was a major victory for the Boers. The British would later refer to it as 'Mournful Monday'. For Van Dam, victory in this battle was important, as it affirmed the trust between the officers and the men, and highlighted the importance of discipline.<sup>329</sup> In July 1900, President Kruger instructed Commandant van Dam to negotiate with the Swazi Chief Umbudula, as there were rumours of troops in no-man's-land territory. He and his two companions were overpowered by the Swazis and the British unit of Steinacker's Horse. Van Dam was seriously injured during this encounter, and was allowed to make his way to Lourenco Marques to seek medical help. From there, he departed to Natal, where he was incarcerated as a prisoner of war. After the war, he left South Africa for the United States of America, where he joined General B.J. Viljoen's so-called 'Boer Circus'.<sup>330</sup> He returned to South Africa early in 1906, and in May was appointed as a supervisor in the South African Constabulary (SAC), as part of the Special Burgher Force at Krugersdorp.<sup>331</sup> The Special Burgher Force ceased to exist in 1908, and the SAC was replaced by the Transvaal Police Force. Pretoria subsequently appointed him as Transvaal Police Inspector in 1908, and he served as police commandant in Rustenburg.<sup>332</sup> Some time later, he was promoted to district police commandant for Potchefstroom.<sup>333</sup> After the

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<sup>328</sup> NASA, TAB, Accession 1335, 'Manuskrip van kmdt. G.M.J. van Dam', 64.

<sup>329</sup> Ibid., 70.

<sup>330</sup> Van den Bergh, 'Gerhard Marie van Dam', *Suid-Afrikaanse biografiese woordeboek, Deel II* 786; A photo album containing photos of the Boer Circus's performances can be located in NASA, TAB, Accession: 788, Van Dam collection.

<sup>331</sup> SAPA, Van Dam collection, File 6/13/1C, Certificate of discharge from the South African Constabulary: G.M.J van Dam, 15 January 1908.

<sup>332</sup> SAPA, Van Dam collection, File 6/13/1C, H.C. Bredell to Van Dam, 20 August 1908.

<sup>333</sup> SAPA, Van Dam collection, File 6/13/1C, Potchefstroom town clerk to Van Dam, 30 December 1916.

Transvaal Police was incorporated into the South African Police in 1913, Van Dam was appointed as a major, and served as the district commandant of Pretoria.<sup>334</sup> He retired from the police force in 1919.<sup>335</sup> Van Dam died in 1940, at the age of 84, in Pretoria.<sup>336</sup>

A special police force replaced the Zarps in Johannesburg. Public Prosecutor Krause devised a plan which divided the town into several administrative units for policing.<sup>337</sup> The committee established two police divisions, one to police the town and another to police the mines. Any man, except those of British nationality, could volunteer to join the force. They were not paid, but they did receive rations. They were also not provided with uniforms, and were simply issued with badges for identification. Most of the men who joined were 'unfit' for military service, and belonged to the poorest of Johannesburg's community. Despite Commandant-General Piet Joubert's suggestion at the beginning of the war that 'objectionable characters' had to be removed from the city, many of these men ended up in the special police force.<sup>338</sup> The press claimed that the 'force was made up of Russian Jews who, in peace-time, supplied blacks with illicit liquor or scavenged bottles for a living'. The force quickly gained a reputation for looting and unofficially commandeering goods and food supplies. Cammack asserts that many of the men were not criminals, but simply poor or unemployed, who took advantage of the spoils abandoned by the *Uitlanders*. They justified their looting by claiming that the *Uitlanders* were responsible for the war in the first place.<sup>339</sup> Although the authorities issued strict instructions that the special police could not gain access to private property without warrants, this had little effect, and complaints about looting by the police continued to stream in. Looting was generally one of the main crimes committed during this period, and several gangs operated on the Witwatersrand. This included groups of

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<sup>334</sup> SAPA, Van Dam collection, File 1/12B, 'Commandant Van Dam', document number: 4/8/5/82(131).

<sup>335</sup> SAPA, Van Dam collection, File 6/13/1C, deputy commissioner of police to Van Dam, 7 June 1918.

<sup>336</sup> NASA, TAB, MHG 200/40, 'Estate of the Late Gerard Marie Johan van Dam'.

<sup>337</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 318-319.

<sup>338</sup> D. Cammack, *The Rand at War, 1899-1902, The Witwatersrand & the Anglo-Boer War* (London: James Currey, 1990), 63-64.

<sup>339</sup> *Ibid.*, 64.

women, who raided shops and government stores. Gold thefts from the mines also remained a serious concern.<sup>340</sup>

The government sacked former Police Commissioner Schutte as Johannesburg's special commandant in April 1900. This was due to an explosion that destroyed the Begbie factory in town. The factory, which produced explosives for the mines before the war, had been converted into an arms and ammunition factory by the Boers. The cause for the explosion was never established, but Pretoria held Schutte accountable for the incident. Schutte left for the front soon thereafter, but after the British occupied Pretoria, he surrendered voluntarily, and was sent as a prisoner of war to East London. After the war, he withdrew from public life.<sup>341</sup> He died of heart failure on 8 March 1911, aged 56. His death notice gave his occupation as 'farmer'.<sup>342</sup> Schutte left a substantial estate of about £30,000, which included several shares in farms and properties.<sup>343</sup> *The Transvaal Leader* wrote:

Mr. Schutte was at one time one of the chief figures in Pretoria officialdom, and has always been among its more important citizens. He was a great friend and supporter of President Kruger, and, like the old President himself, was fond of getting his own way and generally got it; at the same time he was a genial and popular man, and the news of his demise will be received with regret by pre-war Pretorians. His name is bound up with the history of the Transvaal during one of its most interesting periods.<sup>344</sup>

After Schutte's dismissal, Public Prosecutor Krause took over as Johannesburg's special commandant. It was therefore also Krause who surrendered the town to Lord Roberts on 31 May 1900. Krause was allowed to stay on in Johannesburg, but his presence was soon deemed undesirable, and he was paroled as a prisoner of war. Krause left the country and arrived in England in April 1901. He was arrested for high treason in October 1901. The arrest followed on a vendetta he had against J. Douglas

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<sup>340</sup> Van den Bergh, 'Die Polisie diens in die Zuid-Afrikaansche Republiek', 322.

<sup>341</sup> A. Wessels, 'Daniel Egnatius Schutte' in C.J. Beyers and J.L. Basson (eds), *Suid-Afrikaanse Biografiese Woordeboek, Deel V*, (Johannesburg: Chris van Rensburg Publikasies, 1987), 740.

<sup>342</sup> *The Transvaal Leader*, 'An historic Name', 10 March 1911.

<sup>343</sup> NASA, TAB, MHG 17512, Estate of the Late Daniel Egnatius Schutte.

<sup>344</sup> *The Transvaal Leader*, 'An historic Name', 10 March 1911.

Forster, the former president of the South African League. Krause accused Forster of anti-Boer propaganda. He then wrote a coded letter to former Third Public Prosecutor Cornelis Broeksma, who still resided in Johannesburg, and told him to get rid of Forster in a 'legal manner'. The letter was, however, intercepted. Broeksma was executed a few months later for smuggling information on the Boer plight to Europe. The charges of high treason against Krause were dropped, but he was immediately rearrested and stood trial for incitement to murder. The court found Krause guilty and sentenced him to imprisonment. He was released in 1903 and returned to South Africa in 1904. The British authorities only granted Krause permission to return to the Transvaal in 1905. Krause served on the Johannesburg Municipal board and later became a member of the Transvaal Legislative Assembly. King Edward VII pardoned him in 1909, and in 1912 he was granted the honour of becoming a member of the King's Council. He subsequently established a thriving legal practice in Johannesburg, and later served as a judge in both the Transvaal and Orange Free State. He died in Pretoria, on 22 August 1959.<sup>345</sup>

The last major battle in which the Johannesburg ZARPs fought as a unit occurred on 26 August 1900, in the eastern Transvaal, near the town of Belfast. After Van Dam's capture, Lieutenant Flip Oosthuizen assumed command of the force. The Boers numbered about 5,000 men under the overall command of General Louis Botha. General Sir Redvers Buller, under the command of Lord Roberts, and about 20,000 soldiers of the British Empire, marched against the Boers. The British were intent on occupying the town of Machadodorp, where the Boer government had temporarily established its seat of power. General Botha positioned 74 ZARPs on a ridge located on the farm Bergendal, directly in the firing line of the advancing British forces. The ZARPs were extremely vulnerable on the ridge, as they were exposed on three sides. The British unleashed a deadly attack. Commandant Oosthuizen ordered his men to fall back, but British columns blocked their retreat. With 40 cannons and an unspecified amount of Maxims at their disposal, the British began mowing down the

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<sup>345</sup> J.N.R. van Rhyen, 'Frederick (Fritz) Edward Traugott Krause' in D.W. Krüger and C.J. Beyers (eds), *Suid-Afrikaanse biografiese woordeboek, Deel III*, (Kaapstad: Tafelberg, 1977), 491-492.

Zarps. Lieutenant Pohlman was killed, and Commandant Oosthuizen seriously injured. The wounded commandant, unable to carry on in battle, encouraged his men to fight to the death, while he lay bleeding on the ground. In the words of Van Dam, 'the white flag was never raised, and it never would have been, encouraging one another, the men stood their ground and fired as best they could at the advancing enemy'.<sup>346</sup> L.S. Amery wrote that 'smoke and sulphurous gases and rocks shooting up into the air made the place look like a Vesuvius in eruption'.<sup>347</sup> Five hours later, and the British had defeated the Boers. Accounts as to how many Zarps were killed that day differ. Van Dam claims that, besides Lieutenant Pohlman, four deputy officers and 26 Zarps died. Commandant Oosthuizen and 34 other wounded Zarps were taken as prisoners of war.<sup>348</sup> The battle spelled the end for the Zarps as a force. The remaining men who managed to escape, or who were not present at this battle, were dispersed among the other Boer commandos. A few days later, Lord Roberts proclaimed the South African Republic a British territory. This did not, however, bring an end to the war, but only initiated the next phase of guerilla warfare. Peace was finally declared at the end of May 1902.

General Buller, in his firsthand account of the Zarps' last stance, stated that 'the enemy stood their ground with great gallantry ... keeping up the fire until actually made prisoners'.<sup>349</sup> Arthur Conan Doyle declared that 'the Boer position was held by a detachment of Johannesburg Police, who may have been bullies in peace, but were certainly heroes in war'.<sup>350</sup> L.S. Amery recalled in *The Times* history of the war: 'The police fought magnificently. Probably no other men in the Boer army could have stood the fire which they bore so well, not because there were not individuals among them equally courageous, but simply because it requires corporate discipline to remain so steady and to aim straight in such terrifying circumstances. This the Zarps had, the other Boers had not as yet'.<sup>351</sup> Journalist John Stuart of the *Morning Post*

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<sup>346</sup> L.S. Amery (ed), *The Times History of the War in South Africa, 1899-1902*, Vol. IV (London: Sampson Low, Marston and Company, 1906), 452.

<sup>347</sup> NASA, TAB, Accession 1335, 'Manuskrip van kmdt. G.M.J. van Dam', 149.

<sup>348</sup> Ibid.

<sup>349</sup> *Imperial Blue Book*, no. 7, 13 September 1900, 102.

<sup>350</sup> A.C. Doyle, *The Great Boer War* (London: Smith, Elder & Co., 1900), 496.

<sup>351</sup> Amery (ed), *The Times History of the War in South Africa, 1899-1902*, 459.

glorified the fallen policemen hence: ‘the Boer dead lay where they had fallen, alone in their trenches – the blood lay at the mouths of their wounds like frozen port. ... The faces were yellowed and a powder of dust lay over them. ... They were massive in their repose, these dead Vulcans – unbroken peace to their souls, for they were brave men’.<sup>352</sup> The irony of the contemporary veneration of the ZARPs after their final defeat was not lost on Thomas Pakenham. He wrote, ‘How ironic that the notorious “bully boys” of Johannesburg, the epitome of the brutal Boer, who had helped precipitate the war by shooting Tom Edgar, should now come to be regarded by the British as heroes cast in their own mould’.<sup>353</sup>

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<sup>352</sup> As quoted in B.G. Shultz, ‘Die Slag van Bergendal (Dalmanutha)’ (Master’s dissertation, University of Pretoria, Pretoria, 1974), 187.

<sup>353</sup> T. Pakenham, *The Illustrated Boer War* (Johannesburg: Jonathan Ball Publishers, 1993), 232-233.

## **Chapter Seven**

### **Conclusion**

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This study has sought to fill a lacuna in southern African historical studies by examining colonial policing in the nineteenth century. The aims of this thesis were twofold. Firstly, to examine the institutional development of a police force on the Witwatersrand during the period 1886 to 1899. Secondly, to place the institutional development of the force in the context of the evolving political, social and economic factors which characterised the ZAR at this time. The latter allows the history of policing to provide us with a particular analysis, which sheds light on late nineteenth-century state formation in colonial southern Africa. It is impossible to dissociate the development of the police from the colonial state's evolving politics and policies. As a result, the thesis was able to elucidate wider connections between issues of internal political discord, the strain between the mining industry and the state, class and racial tensions as manifested in the relationship between Boer and Briton, and the broader imperial implications of strife between Pretoria and London.

The society which established itself on the Witwatersrand after the discovery of gold in 1886 necessitated the development of a distinct form of colonial policing. It confronted Pretoria, more so than previously, with aspects of colonial policing which not only sought to subject and control the Republic's indigenous African peoples. The chance for riches drew a diverse group of people to the Witwatersrand. This group mirrored a cross-section of late nineteenth-century southern African society, representing all its racial and class distinctions. Pretoria was thus confronted with a group of people from various nationalities who, at times, found it difficult to accept its authority.

As indicated in Chapter One, historians have identified several themes which dominate the historiography of the police and policing. The most pertinent themes this thesis, in accounting for the development of the police, were bureaucratic and

administrative strife; the battle for command and control; aspects of recruitment, reorganisation and reform; locating race and class within the police force and broader society; the impact of crime and crisis on the development of the force; the evolving view of the police held by the policed; the relationship between the police and the mining industry, and the role the police played in heightening the tension between Pretoria and London in the run-up to the South African War.

As pointed out in Chapter One, the origins of the ZAR's police force can be traced to the distinct rural and urban policing structures that developed in the Cape Colony in the late eighteenth and early nineteenth century. After the Boers regained independence in 1881, policing became one of the functions afforded to the RAP. The latter, however, functioned predominantly as a rural policing body. A decentralised system of policing still prevailed in most of the towns. In urban centres, the control and command of the police force resided with various judicial officials, but principally with the landdrost. By the time of the formal proclamation of the Witwatersrand goldfields in September 1886, Pretoria had already authorised the appointment of a police force for the diggings. Nevertheless, Chapter Two reveals that the government's initial foresight when establishing a police force for Johannesburg was hampered by its reluctance to appoint an adequate number of officers to police the diggings. The government responded tardily to the rapid rate at which the town was expanding. During the pre-Jameson Raid era, effective policing, in terms of police numbers, was always a few steps behind the rapid march of the numerous ills that gave the Rand its notoriety.

What the police force lacked in numbers, was not compensated for in terms of discipline and competence. The force quickly gained a reputation for laxity, ineptitude and dishonesty. This image of the force was a result of Pretoria's recruitment of mostly rural Afrikaners to serve as policemen. The force was initially composed of mostly English speaking individuals, but this changed when pressure was placed on Johannesburg's authorities to appoint 'sons of the soil'. As mentioned in Chapter Two, there is at least one example of the prominent ZAR politician Koos Wolmarans



requesting Special Landdrost Carl von Brandis to appoint men who did not seem particularly suited for the job. The government's naturalisation policy placed a qualification on the men who could apply to join the force. This contributed to the appointment of the 'rustically ignorant' as police officers. Initially, Johannesburg's police authorities could circumvent these laws, as Pretoria only had to approve and confirm the appointment of senior police officers. Yet, as Chapter Three reveals, in the post-1890 period, the naturalisation requirement would increasingly be used by politicians and factions within the police force to undermine attempts at police reform. This particular issue also highlights the emerging tension between the Witwatersrand's community and Pretoria, as appointments were viewed as political in nature. Many *Uitlanders* viewed the police as part-and-parcel of the political elite and argued that appointments should come from within the community.

A case can also be made that many of the police officers, due to their rural and unsophisticated background, were unsuited for the task which confronted them in Johannesburg. Yet, this thesis argues that this was compounded by the struggle for command and control over the police force by top officials involved in its administration. The hierarchical and interpersonal abuse within this institution is, therefore, the central theme explored in this thesis. It is argued that the contemporary negative perceptions about the police can be linked to the bureaucratic shortcomings and internal strife of the police force. Importantly, the thesis, unlike the work of Van den Bergh and Koch, points out how this struggle for control was linked to political and familial allegiances, but also the agency of the various officials concerned. Within this context, many of these officials exploited the problems associated with the police force to further their own agendas.

African police constables were recruited from Natal and the Republic's eastern districts. Particular emphasis was placed on the appointment of Zulu and Swazi men as police constables. As pointed out in Chapter Two, complaints of drunkenness, insubordination, corruption and lack of discipline were made against African constables in 1889. The historical record is not very revealing about the role played

by African constables on the Rand. Compared with the number of their white brethren, they formed a small part of the overall police structure on the Witwatersrand. It would seem that they were mainly posted at principal shops, hotels and at government buildings, and accompanied white troopers and constables on inspections and the trapping of canteens, bars and hotels. Policing was an unpopular form of employment for Africans, as it paid much less than other government work and work on the mines. Nevertheless, as discussed in Chapter Three, the authorities took African constables' welfare seriously. Thus, when the African constables made claims of poor rations, the police administration intervened to address these concerns. No evidence could be obtained to support Michael Brogden's claim that the development of policing in South Africa can be explained in context to the indigenous legal and policing practice of African societies.

Due to the decentralised nature of policing in the republic, conflict between various government officials as to command over the force was bound to arise. As discussed in Chapter Two, the control and command of the police initially resided with the area's special landdrost. In 1887, Pretoria approved the appointment of a police commandant for the Witwatersrand, who would see to the day-to-day administration and command of the ZARPs. This latter resulted in Pretoria appointing the extremely controversial 'Groot' Adriaan de la Rey as police commandant. However, due to pressure and threats of violence from Johannesburg's community, Pretoria, in this case, relented to the cries of the *Uitlander* community and appointed Daniel Schutte as police commandant. Schutte had no policing experience, but was well connected in terms of his familial and political affiliations. Schutte was a staunch Krugerite, and related by marriage to the very powerful Wolmarans family. It is thus argued that part of Schutte's characteristic complacency, especially during his stint as the Witwatersrand's police commandant, is related to the support he had within the Executive Council and the *Volksraad*.

The reallocation of control over the police force, from Von Brandis to his assistant landdrost, as discussed in Chapter Two, can be considered the first salvo in the battle

for control and command over the police force. Pretoria reasoned that, as the assistant landdrost had to see to criminal justice in Johannesburg, this official thus had a greater need to control the police force. This was especially necessary in order to bring about symbiosis between the police and the courts. The police had to see to crime prevention and detection, while the assistant landdrost had to see to the prosecution of criminals. This transfer, formalised in March 1888, gave then State Attorney Willem Leyds the opportunity to assert his authority as supreme head of the Republic's police force. Importantly, this led to the formation of charge offices in Johannesburg, from whence a centralised system of administration developed between the police and the courts. The battles for control between the police and justice administrations, in this particular case, confirms Anderson and Killingray's assertion that there is a distinct connection between policing and legal and administrative control within colonial societies.

As specified in Chapter Two, a hierarchal structure of police control and command was thus established. Rank-and-file policemen would report to senior officers, such as sergeants and lieutenants, who in turn would report to the police commandant. The latter official would be subjected to the control of the assistant landdrosts, who in turn would report to the state attorney. However, this meant that the local administration of the police would fall upon the shoulders of the very official who had to administer justice, and in effect created a conflict of interest. Therefore, in 1890, Pretoria decided to appoint a police commissioner, who would assume command over the administrative functioning of the ZAR's urban and rural police. Pretoria, in essence, wanted this new official to streamline the control of the force as exercised by the state attorney's office, with the police officials in charge of the actual command of the police in the country's various rural and urban centres.

As explored in Chapter Three, Pretoria's appointment of Josephus Wolmarans as the Republic's first police commissioner came in the wake of another public scandal. Wolmarans's lack of experience and enthusiasm made him a liability, and arguably worsened and entrenched many of the administrative problems which became

synonymous with the police during the final decade of the nineteenth-century. Nevertheless, the establishment of the post of police commissioner did seek to establish boundaries between the officials concerned with control and command over the force. However, this thesis asserts that this did not solve these constraints, but in effect compounded bureaucratic and administrative problems even further.

The appointment of the 'progressive' State Attorney Ewald Esselen in 1894, is discussed in Chapter Three as one of the prime examples of how police inefficiency, aggravated by intra-Boer class and political struggles, came to hamper any attempts at meaningful police reform. In order to understand the unfolding events after Esselen's appointment, the demands of the mining industry on the police is of importance. Successive annual reports by the Chamber of Mines highlighted three issues in which it felt the police failed in its duties. These were the policing of illicit liquor sales, the theft of gold and the regulation of the pass laws. Pretoria could not concede to the mining industry's demand to appoint its own police force to deal with these issues. The government, did, however, reach a compromise with the mining industry to jointly finance the appointment of more detectives to address its concerns. As part of Esselen's attempts to reform the police during this period, Pretoria appointed Andrew Trimble from Kimberley as the Republic's acting chief detective. In policing illicit liquor sales on the Rand, it is evident that Trimble enjoyed a measure of success and as a result, the canteen owners were terrified of the detective. Yet, Trimble's appointment was marred by Esselen's previous attempts to infiltrate the police force. The latter resulted in a web of conspiracy and intrigue, and accusations of corruption and maladministration flourished. Pretoria was lobbied by indignant canteen owners, as well as organisations representing former police officers and ex-detectives, all opposed to the confirmation of Trimble's permanent appointment. Esselen's demotion of Police Commissioner Wolmarans, and the appointment of Gert van Niekerk in his stead, brought the state attorney in direct conflict with the ZAR's conservative political faction and, importantly, the Wolmarans family. It was thus, with the support of Koos Wolmarans, that enough pressure was brought to bear on Pretoria not to permanently appoint Trimble as chief detective. The anti-Esselen brigade made

use of the newly promulgated Police Law of 1895, which retained the naturalisation clause, to get rid of Trimble. Although this law also reaffirmed the state attorney's authority as supreme head of the police force, Esselen clearly could not implement his reform measures while the political conservative faction dominated the Executive Council. Disgruntled and defeated, Esselen resigned from the government.

Importantly, Esselen's attempts at reforming the police did expose many of the constraints and complacencies of the Zarps' senior officials. One of Esselen's 'victims' was the chief detective of Johannesburg, Robert Ferguson. Although Ferguson was not found guilty of any wrongdoing during this period, he did resign from the police and claimed that Esselen had a vendetta against him. Another pawn used by Esselen, Detective Lionel Donovan, was dismissed from the force by Trimble for accepting a loan from a canteen owner. Similarly, Police Commandant Schutte also came under intense scrutiny during this period for his own incompetence. In order to distance himself from the unfolding scandal, Schutte went so far as to expose the police department's problems in the press.

For the most part, the public and press sympathised with Schutte. The police commandant was, however, desperate enough in this attempt to distance himself from the maladministration of the force to sacrifice his own brother-in-law, and all other senior officials whom he could blame for the Zarps' problems. One particular point in Schutte's letter deserves further scrutiny. The lack of discipline on the police force was ascribed to the lack of rules and regulation with which to govern the force. Yet, as pointed out in Chapter Two, written rules and regulations did exist for the force as early as December 1887. There is also evidence that these rules and regulations were enforced. However, by the early 1890s, whatever rules and regulations remained in place, were noticeably insufficient. As discussed in Chapter Three, this issue was taken up by the incompetent Police Commissioner Wolmarans, but never formally addressed. The appointment of Gerhard van Dam as a police lieutenant in 1893 arguably brought about the most important reform of the Zarps during the 1890s. Van Dam drew up and published rules and regulations, and also provided training for

police officers to instruct them in their responsibilities. Thus, Schutte's claims in 1894 are not borne out by the historical record. However, the Police Law of 1895 made explicit provision for rules and regulations to be drawn up, which had to be approved by the *Volksraad*. Thus, such rules and regulations as existed during this period were, in effect, not legally binding. As shown in Chapter Four, this fact was exploited by Public Prosecutor Fred Krause after he assumed control of the police charge office in 1896. To Schutte's credit, when he assumed the position of police commissioner in late-1896, he took steps to address this issue, and legally sanctioned rules and regulations were finally in place by 1898.

Chapter Four addresses the pivotal role the Jameson Raid played in the development of the force during the period 1896 to 1899. Once again, during this period, internal strife and conflict had important consequences for the development of the police. As discussed at the end of Chapter Three, State Attorney Herman Coster, who succeeded Esselen, informally relinquished any control he had over the police force to Police Commissioner van Niekerk. Thus, in a critical period in the country's history, there was a transfer of control over the police, detective and secret service departments. As pointed out in Chapter Four, this arguably contributed, to some extent, to the inability of the police force to maintain control of Johannesburg when the rebellion occurred. In what has to be the most embarrassing moment in the force's history, the government, on the advice of the Reform Committee, recalled the ZARps from the street for their own safety. To rub even more salt into the wounds of the government police, the policing of the town was taken over by former Detective Trimble. The first section of Chapter Four explores this remarkable period in the history of Johannesburg's policing. This particular episode has received no attention in the existing historiography of ZAR policing. The thesis comes to a somewhat different conclusion with regards the generally held contemporary belief that Trimble and his men were better at law enforcement than the ZARps. It is argued that, due to the coercive measures employed by Trimble, which included rounding up and locking up African mine workers and enforcing corporal punishment, the fact that there was a government issued ban on the sale of liquor, and since many of the shops and mines

were, in effect, closed during this period, one cannot accurately draw any definitive conclusions on the matter.

The Jameson Raid, did, however, herald concrete attempts by the authorities to reorganise the police force. The numbers of the force rose sharply in its aftermath. Yet, as Chapter Four reveals, departures from the force remained a serious concern. Although issues surrounding discipline contributed to those leaving, most left on own accord. This could partly be explained by the low salaries the men received, and possibly due to the increased militarism of the force. The police regulations, as discussed in Chapter Four, espoused militaristic notions of discipline, such as drilling and residing in barracks. The detective department also saw much-needed reform measures introduced during this period. Pretoria reappointed Robert Ferguson as the town's chief police detective. Chapter Four notes that Ferguson did try and improve the functioning of his department, but illicit liquor sales, gold thefts and prostitution continued unabated. However, the transfer of the administrative control over the charge office, from the police to the public prosecutor, during the latter part of 1896, was the most important change in police administration in the aftermath of the Raid. Public Prosecutor Fred Krause took no prisoners in securing control of the town's charge offices, and in some sense laid the foundation for the restoration of control over the detective and secret service departments by the state attorney in 1899.

Yet, once again, the agency of the various officials concerned with law enforcement hampered any real attempts at meaningful police reform in the years running up to the South African War. Chapters Five and Six pay specific attention to the attempts made by State Attorney Jan Smuts to regain control over the police force, which had been informally ceded to the police commissioner. By this time, Police Commissioner van Niekerk was dead, and he had been succeeded by Schutte. Smuts's attempt to regain control of the police force was not as explicitly evident as the earlier attempts made by Esselen. As discussed at length in these two chapters, several factors contributed to Smuts's slightly more subtle crusade. Firstly, the mining industry had their hopes both renewed and shattered in 1897 that Pretoria would adequately address their grievances

of lax police control over illicit liquor sales, gold theft and pass regulations. After the Trimble debacle, Pretoria was much wearier of entering into law enforcement arrangements with the industry, and rejected renewed calls by the mining industry for its own police force. Coupled with an economic downturn, unfair state monopolies and concessions, and the lack of adequate policing on issues which affected the mining industry, the latter became increasingly despondent with the Kruger regime. Secondly, Smuts did not have the support of his own department in Johannesburg. First Public Prosecutor Krause did not care for what he viewed as the state attorney's encroachment on his turf. Smuts attempted to rectify this by appointing his confidant Mostyn Cleaver as second public prosecutor. Finally, Smuts had to be cautious in not upsetting the conservative faction of the government, and certainly could not afford to alienate Police Commissioner Schutte by openly calling for his head.

As explored in Chapter Five, Smuts had to proceed much more guardedly in realising his aims. He appointed private detectives to investigate crimes relating to illicit liquor sales and gold theft. This move brought him in direct conflict with Chief Detective Ferguson. Thus, in an attempt to regain control of the detective department Smuts firmly set his sights on getting rid of Ferguson. As this thesis explores in detail, rumours of corruption drifted around Schutte, as well as Ferguson, during the course of their police careers. However, as is generally the case, claims of corruption are easily made, but much more difficult to prove. In fact, no concrete archival evidence could be traced that any of the top officials in the police were, indeed, corrupt. Ferguson's 'dismissal' as chief detective by State Attorney Smuts in 1898 is often regarded in the historiography as a clear-cut example of Pretoria getting rid of a 'corrupt' official. Yet, as is pointed out in Chapter Six, this event was much more multifaceted. It was compounded by issues of personal strife and internal bureaucratic discord. The state attorney's use of private detectives offended Schutte, Ferguson and Krause. Schutte and Krause certainly did not believe the accusations of corruption against Ferguson. In the end, the Executive Council sided with Smuts, and gave Ferguson a choice between dismissal and resignation. Ferguson resigned the following day. Ferguson did, ultimately, prove himself to be a traitor to the Boer



cause. Yet, the fact that the government commandeered Ferguson for service at the outbreak of the war, also casts some doubt on whether Pretoria knew of the ex-detective's exploits as an anti-government informer for the South African League in the months preceding the war.

Nevertheless, Smuts forcing of Ferguson's resignation did not result in him attaining his goal of gaining control over the detective and secret service departments. When this matter was put to a vote in the *Volksraad*, Police Commissioner Schutte retained his control by one vote. It is evident that, although this was hardly a convincing victory, Schutte still had the support of the Wolmarans faction within the *Volksraad*. However, as explored in Chapter Six, Schutte was, literally days later, confronted by what was to become a snowball of events which further tarnished the tattered image of the police. The corruption in the police morality squad, the shooting of Thomas Edgar, the allegations of abuse by Cape Coloureds in the policing of the pass laws, the unsolved murder of Mrs Applebe – which was linked to the illicit liquor trade, as well as the so-called conspiracy trail, ultimately sealed Schutte's fate. When Smuts, once again, put his demand for control of the detective and secret service departments to the *Volksraad* in June 1899, the proposal was approved. By this stage, Schutte too had had enough and was eager to make the transfer as painless as possible. Smuts immediately reorganised the detective department and certainly earned the praise of his contemporaries. It is, however, difficult to gauge the success of policing during the short period he was in control, as by October 1899, Pretoria and London were at war.

A complex relationship developed between the police and the policed during the period 1886 to 1899. As indicated above, internal strife over command and control of the force tarnished the image of the ZARPs. The latter was reported on with glee and much sarcasm in the press. This thesis argued that this negative perception of the police was due to the complacency and self-interest of many of the individuals concerned with law enforcement. Yet, it is also evident that class and racial differences between the police, who were mainly burghers, and the *Uitlanders* also played an important role in establishing this negative image. The problem manifested

itself for several reasons. Importantly, the police came to represent to the *Uitlanders* what they perceived as Pretoria's archaic and inefficient policies. Although it is certainly true that many members on the force gave it a bad reputation, there were also deep-seated class and racial ideologies at work.

As mentioned in Chapter Two, these class and racial factors already manifested in the pre-1890 period. It was evident both in the relationship between Afrikaner and English officers, but also in the relationship between the police and the public. Thus, ethnic battles were fought internally in the police force, but also in the wider public. An example of this was the use of language as a tool of political exclusion. English police officers, as well as the public, were instructed to communicate with the police department in Dutch. On the streets, class and ethnicity within Johannesburg's white community also dictated whether the police could, in effect, perform arrests. Police officers were, for example, not allowed to arrest a white individual before obtaining an arrest warrant, unless the police had caught the person in the act of breaking the law. An interesting point to highlight is that the police was not initially armed by the state. Although the press and memorials to the government asserted that crime was of increasing concern, it was only after the police almost lost control of a crowd who threatened to lynch an African man for sexually assaulting a white woman, that Pretoria set out to arm the force. As mentioned in Chapter Six, the use of firearms by the ZARPs was later viewed by the anti-Pretoria *Uitlander* community as a manifestation of police brutality. This was especially highlighted by their petitions to London after the Edgar incident. With tension simmering, Pretoria tried to appease the situation by, as a temporary measure, disarming the ZARPs in June 1899.

Caught in the racial and nationalist strife between Boer and Briton, the police evidently struggled to win the hearts of the Witwatersrand's white community. Yet, the evidence suggests that this had less to do with traditional repressive actions, such as coercion and control, which is often associated with the colonial police. When, for example, as mentioned in Chapter Five, the police intervened to remove striking white mine workers from their cottages, the workers lauded the police for their sympathy

and the considered manner in which the removal was effected. Similarly, in times of crisis, such as the Braamfontein explosion, the antagonistic English press praised the police for the swift and organised manner in which it dealt with the emergency. However, within the context of the broader political tension which developed between Pretoria and London, the police was an easy scapegoat for *Uitlander* grievances and Imperial ambitions. However, as discussed in Chapter Six, after the Edgar incident, any semblance of police neutrality, if this ever existed, evaporated. Thus, account is given of events where the police were either at the receiving end of *Uitlander* aggression, or themselves guilty of intimidation and violence.

The relationship between the police and Johannesburg's black community also received attention in this thesis. Due to the Republic's legal principal of no equality between white and black in state and church, examples of repressive police action against the various segments which accounted for the Witwatersrand's black community are numerous. Yet, even within the confines of the racial prejudice of the time, class and respectability also played an important part in the policing of black people. As first pointed out in Chapter Three, and again elaborated on in Chapter Six, the policing of British 'Cape Coloured' subjects caused considerable diplomatic tension between London and Pretoria. This particular event highlights the absurdity of policing people solely on their race. Yet, within Johannesburg, 'professional' Coloured people could be granted certain privileges. For example, already in 1890, did the assistant landdrost make provision for some members of the Coloured community to be allowed out later in the evenings than the law dictated. Similarly, in 1898, some Coloured people were exempted from obtaining passes and displaying pass badges. But, as asserted by Police Commandant Schutte in 1893, this was tricky to police. The Zarps found it difficult to distinguish between the different 'classes' of Coloured people who resided on the Rand. As pointed out in both these chapters, the policing of the pass laws were also linked to the financial reward afforded to the state by the issuing of passes. Similarly, the brutal clampdown on a section of the Coloured community in 1898, by Field Cornet Lombaard and the police, was also rooted in Lombaard's own disgruntlement in failing to conscript Coloured men for the war

against Chief M'pefu of the Magato. Thus, the policing of the pass laws, as applied to 'British Coloured subjects', was at times relaxed and at other times strictly enforced. This stands in stark contrast to the claim made by Michael Brogden, as discussed in Chapter One, that the ZARPs' treatment of the Coloured community in policing the pass laws can be considered 'the central edifice of police power and critical to the construction of policing'. If anything, this thesis has pointed out that the policing of pass laws was much more complex and nuanced than merely a mechanism to exploit and enforce racial and class-based prejudice. It points out that the ZARPs never had 'near-unlimited' power at any time before the South African War to control and regulate the movement of Cape Coloured people without fear of consequence.

The policing of Africans residing on the Witwatersrand was directly linked to the mining industry's labour needs. Due to low-quality ore, mining on the Witwatersrand was capital intensive and the mines were in need of cheap African labour to sustain their operations. As established in Chapter Two, and explored throughout the thesis, the mining industry soon viewed the state's regulation and control of African labour as problematic. The latter was as a result of alcohol abuse among African workers, the theft of gold and the lax enforcement of the pass laws. If the establishing and development of the police is rooted in the effective oppression of the labouring classes, then certainly in the eyes of the Witwatersrand's mining industry, the ZARPs failed spectacularly in their task.

The 1897 Industrial Commission of Enquiry, as discussed in Chapter Five, gives a condensed overview of the concerns which plagued the mining industry since 1886. The inefficiency of the police features prominently in the evidence given before of the commission. By this time, it was estimated that the theft of gold amounted to a loss of 20,000 ounces per annum for the industry. The mining industry also argued that illicit liquor sales hampered the productivity of its African workforce and thus reduced labour productivity and profit. As pointed out in Chapter Three, the police mainly relied on a trapping system to detect contraventions of the liquor laws. Although there is evidence of canteen owners being charged and convicted for the transgression of

the liquor law, there were also numerous press reports of police officers accepting bribes. This form of police corruption was even admitted to in the press by Police Commandant Schutte in highlighting the poor salaries of his men. As mentioned in Chapter Three, Pretoria responded in 1893 by setting up a liquor licence commission, which had to regulate the granting of liquor licences. By 1897, it also amended the liquor law to enforce a total ban on liquor sales to Africans. Yet, these measures had little effect, and successive reports of the Chamber of Mines highlighted poor police enforcement of the applicable laws as the main reason for the flourishing illicit liquor and gold trades.

The policing of the movement of Africans in Johannesburg's urban areas was much stricter when compared to the more 'complicated' policing of the pass laws in the case of the 'Cape Coloured' community. The police had much less control over the movement of Africans in the vicinity of the mines. As discussed in Chapter Five, the mining industry was very critical of Pretoria's inability to track down and punish deserters or African labourers who exploited the administration of the pass laws to defect to another mine with the promise of better wages and treatment. As mentioned in Chapter Two, however, the mining industry did itself not always comply with the regulations of the pass law. In 1892, Pretoria had to inform the Chamber of Mines that if all African labourers were not registered, the police would have to commence with regular inspections which would interrupt mining operations. Similarly, in 1897, Police Commandant van Dam and a contingent of the mounted police removed 140 unregistered African men from the location of the George Goch Mine. This suggests that the mining industry, too, was to blame for undermining the Republic's pass laws. Yet, no evidence could be found that the mines were regularly subjected to police searches for unregistered African labourers. Thus, there is little evidence to assert the ZARPs were established solely to control migrants and serve the 'capitalist needs' of the mining industry. This stands in contrast to the so-called 'social control thesis', as termed by Eric Monkkonen, and which had been used by historians such as Sydney Haring to explain the development of policing in American cities.

Pretoria did not disregard the complaints made by the mining industry during this period. The various amendments to the liquor law, the appointment of Trimble, and the agreements made to buy gold from some of the mines to sell on the black market in order to trap the buyers of illicit gold, attest to this fact. Eddie Koch asserted in his study that the authorities neglected the detective department after the Jameson Raid, and that this contributed to the poor policing of these two particular issues. Yet this seems to be a misrepresentation, or at least an oversimplification of the issue. Chapter Five of this thesis points out that there were marked attempts at modernising and reorganising the detective department during the period 1896 to 1898. In May 1897 Pretoria, for example, authorised the establishment of a liquor division within the detective department, solely to investigate matters relating to the illicit liquor trade. Undeniably, rumours of corruption remained rife. Ferguson's resignation in late 1898 did little to bring about improvement. In fact, as mentioned in Chapter Six, in early-1899, the detective department was once again marred by internal strife between the detectives. The department saw allegations of corruption made against Detective Lionel Donovan, now reappointed as head of the liquor division. This resulted in animosity between Donovan and acting Chief Detective James Watt and ultimately led to Donovan's resignation.

It is difficult to come to a final conclusion about the Zarps' success in addressing crime on the Witwatersrand during the period 1886 to 1899. As pointed out in Chapter One, crime as a sole marker to interpret police efficiency is compounded and influenced by a variety of factors. These include changing patterns of criminal behaviour, which can be influenced by various economic, social and, indeed, political factors. Chapter Two points out that the petty crime which characterised Johannesburg's formative months soon made way for crimes of murder and assault. Yet, throughout the period under investigation, although there were calls on Judge Lynch to administer justice, the community on the Witwatersrand seemingly never took the law into their own hands. This was certainly unlike the reported lawlessness and vigilantism which characterized gold diggings in the United States of America and Australia during the nineteenth-century. Future research and a comparative study

may reveal further insight into why this was the case. Pretoria's authority to enforce law and order was duly recognised. Thus, the community vented its frustration at the escalating crime rate in the press and in memorials to the government. Vagrancy, robberies, drunkenness and gambling were some of the main concerns expressed in the press in the pre-1890 period. Lashes were duly administered to some of the convicted as public entertainment. Other forms of punishment included fines and imprisonment.

As discussed in great detail in Chapters Three and Four, the press and contemporary inhabitants of Johannesburg blamed the escalating crime rate on the bureaucratic discord and inefficiency of the police and detective department, as well as Pretoria's refusal to employ non-burgher police officers and detectives. Prominent *Uitlanders*, such as Lionel Phillips and Charles Leonard, made much use of these factors to agitate against the police and Pretoria in the run-up to the Jameson Raid. In the period after the rebellion, annual crime statistics were kept and published in the police commissioner's annual report to the government. If these figures are to be trusted, then there was a noticeable decline of arrests made by the police during the 1896 to 1899 period. However, more thorough research needs to be done on this issue. If the archival record can reveal the weekly or monthly crime reports on which these figures were based, then one could better ascertain whether the drop in arrests was due to an actual decrease in crime itself and not simply due to the police arresting fewer individuals while the actual crime rate was increasing. Yet, as mentioned previously, this period did see much more intensive efforts at police reform and thus, a drop in the crime rate due to police efficiency could be plausible.

If general crime either decreased or became so entrenched that it did not warrant special comment, this was certainly not the case with prostitution. As pointed out in Chapter Two, prostitution was initially controlled and regulated by Johannesburg's Sanitary Board. However, from 1895 onwards, organised prostitution and human trafficking gripped the town. Pretoria was petitioned by Johannesburg's community to pass legislation to address issues of morality. The passing of the morality law thus gave the police the necessary mandate to enforce this law. Yet, as discussed in

Chapter Five, prostitution continued to flourish. This was compounded by officials such as Public Prosecutor Krause and Police Commandant van Dam taking a somewhat relaxed approach to the policing of vice. Corruption once again enveloped the force, and Lieutenant Fred de Witt Tossel had to resign on account of accepting bribes in lieu of offering his protection to some brothel owners and prostitutes.

As explored in Chapter Five, when State Attorney Smuts appeared on the scene in 1898, he soon found himself embroiled in another scandal which implicated some of Johannesburg's most prominent law enforcement officers. This was at the same time that Smuts was investigating Ferguson and making his move to assume control of the detective and secret service departments. Ill will between some of the ZARs on the morality squad, and the schism in one of the Johannesburg prominent vice rings, afforded Second Public Prosecutor Cleaver the necessary evidence to move not only against the pimps, but also the police, and in particular the chief of the morality division, Lieutenant Michael Murphy.

Evidently, the exposure of corruption in the police force during the course of this episode, but also the diplomatic tension which developed in the wake of the Edgar and Applebe incidents, caused considerable harm to the ZARs' image in the months preceding the war. Importantly, Police Commissioner Schutte must have known that it seriously weakened his chances of retaining control of the detective and secret service departments. One particular issue discussed in Chapter Six, the so-called conspiracy case, more so than any other episode revealed the underbelly of police intrigue, political conspiracy and diplomatic scandal. This case is either much more complicated than accounted for, or very revealing of police underhandedness. Before a final verdict can be reached on this event, more research needs to be done to establish the role of the South African Union in the matter. The debacle proved to be the final nail in Schutte's coffin as supreme head of the various divisions of the police service in the ZAR. It was also the last major scandal in which the police force would be implicated before the outbreak of the South African War in October 1899.



This thesis has shown that a history which focuses on the institutional development of a colonial police force can facilitate and broaden our understanding of the functioning of the state in relation to the broader political, social and economic realities which informed its policies and practices. This study also revealed that much more research needs to be done on the networks that existed between the various individuals connected to the Kruger state. Investigating the political, familial, social and economic connections between these individuals can, on the one hand, enhance our understanding of late nineteenth-century state formation. On the other, it also affords a voice to lesser-known individuals who were in the trenches of colonial administration. Their incompetence, jealousy and greed, but also their efficiency, concern and moderation reveals how their actions on the periphery of the past had important consequences in the unfolding of history.

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