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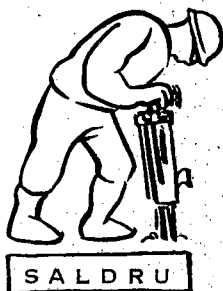
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African Farming and the 1913 Natives' Land Act :  
Towards a Reassessment

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African Farming and the 1913 Natives' Land Act:

towards a reassessment

Scholars of South African history have tended to neglect the circumstances surrounding the passing of the 1913 Natives Land Act, which has generally been accepted as marking a fundamental turning point between Blacks and Whites on the land (1). This tendency to focus on historical causation at the legislative level is probably in part due to the influence of Sol Plaatje's Native Life in South Africa, which has influenced historians' views on the Act (2). This book, however, was written in 1914, when the immediate effects of the Act were still being felt, and concentrated to a remarkably high degree on its legislative background, while at the same time exhibiting a strong tone of moral outrage as to the Act's exact effects (3). On the day that the Act came into force, for example, June 20, 1913, the Africans were seen by Plaatje as being reduced to the condition of "a pariah in the land of his birth" (4). At the same time, it was argued that "the authorities were waging a war of extermination against the Blacks; and that they were bent upon reducing the independent Black peasantry to a state of thralldom" (5).

Sol Plaatje's work must undoubtedly be seen as having a crucial influence on African political consciousness at a time when the African National Congress (originally called the South African Native National Congress) was still in its infancy (6), but this ideological development needs to be separated from the material changes that were occurring on the land in South Africa. Indeed, a re-assessment is needed of the exact impact of the 1913 Land Act and its setting within an overall process of structural change brought on by the development of settler-dominated agriculture and the continuing need of mining for a large supply of

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cheap Black labour. This paper seeks to make a contribution towards such a re-interpretation.

The key question that emerges from a study of the 1913 Land Act is in whose interests was it designed to serve? Francis Wilson has suggested that the main effect of the Act was to "fuse those idealists, who felt that partition alone was a realistic means of protecting Africans from total domination by Whites, with those more selfish and more numerous people who wanted economic integration without the uncomfortable social and political consequences" (7). In addition, Wilson argues, there was the need to destroy an independent Black peasantry and reduce them to a proletarian status in order to serve the needs of White agriculture (8). But it is not clear from this which interests within White agriculture were seeking this and which were not.

From an analysis of the statements by those who were in favour of the 1913 legislation, it seems clear that the interests who favoured territorial segregation on the land were not archaic and semi-feudal landowners who wished to preserve master servant relationships on the land in the original frontier tradition. Rather the impression is given that it was the modernising sections of settler agriculture who saw the elimination of African squatting and farming on the halves as essential if "closer settlement" and capital-intensive agriculture were to be achieved (9). These latter interests can be seen as a product of a pressure for a new and more entrepreneurially-orientated agriculture after the establishment of British imperial hegemony after the Boer War.

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Implicit within this was a vision of a new and more modern system of agriculture which would eliminate such elements as squatting and "kaffir farming" which were now seen as obsolete. As the South African Agricultural Journal, for example, argued:

The new law (the 1913 Act) strikes a death-blow at the 'kaffir farming' which it has been the earnest wish of every progressive landowner to see abolished ... It is safe to say that this Act will considerably affect labour conditions in many parts of the Union. It will mean the clearing off of a large number of natives from European farms, the natives simply being allowed to work in return for a wage. The result will be good, clear straightforward farming, whilst land in non-native areas that is not being farmed by Europeans will simply remain idle (10).

Such a view needs to be linked to the whole policy of closer settlement on the land which gained a fillip by the Land Settlement Act of 1912 which sought to give financial assistance to would-be settlers as part of a strategy for the creation of commercial agriculture. The ancestry of this scheme can be really traced to the Milner administration in the Transvaal which, while acting in close accord with the mines, nevertheless saw that the creation of a "British" South Africa necessitated the encouragement of settlers of British stock settling on the land (11). This, however, necessarily clashed somewhat with the existence of a large number of African squatters who lived on vacant Crown land and land owned by land companies, many of whom, like Transvaal Consolidated Lands, had important financial links with the mines (12). These African squatters can be seen as representing an obstacle to closer land settlement for a number of reasons. Firstly, they took up valuable land: in the Transvaal, for example, 180,427 Africans were estimated to live on some 30,840 square miles (13). Secondly, there was the potential for African competition with White settlers in an infant agricultural market: as can be seen from Table 1, for example, there were a considerable

number of African-owned farms in 1903, especially in the Western Transvaal. Although these may not necessarily have represented a direct threat to settler agriculture as, for example, African peasant competition did to White settlement in Rhodesia (14), it can be seen as a possible future problem.

Table One

Dispersal of Africans in the Transvaal, 1903

	Area in sq. mls.	Est. Pop.	Density per sq. ml.
Govt. Locations	2,054	111,919	54,0
Farms owned by Africans	712	41,180	57,8
Undefined Locations:			
a) Private Farms	3,932	134,880	34,3
b) Govt. Farms & Crown Lands	1,175	81,820	69,0
Remainder	103,323	235,867	2,2
<u>Total</u>	111,196	605,666	av. 5,4

Source: Transvaal Native Affairs Department, Annual Report, 1904.

Sir Godfrey Lagden, for example, who was Commissioner of Native Affairs under Milner, argued in a memorandum in 1904 that "It is clearly undesirable for us at the present time to take transfer of land on behalf of natives unless we can impose such conditions upon the transfer as are likely to meet contingencies of future policy" (15) and the whole thrust of policy in the years before Union was to discourage the purchase of land by

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Africans unless it was held in trust by the Commissioner of Native Affairs (16). This policy seems to have been largely successful because, despite the victory of an African farmer in the case of Rex v Tsewu in 1905, Black farmers do not seem to have acquired land in any considerable quantity before Union (17).

There was however a third and more crucial reason why African squatters were seen as an obstacle to closer land settlement in the years after the Treaty of Vereeniging. This related to the question of labour which was chronically short on the farms. African squatters had done well in the Boer War from the sale of produce while settler agriculture was disrupted by hostilities (18) and much of British imperial policy after 1902 was concerned with restoring the status quo ante on the land. In 1903, for example, the Commissioner of Lands wrote to Lagden to say that while "in the interests of future settlers it is most desirable to retain a certain number of natives on Crown lands and to have them contented" this was, nevertheless, "impossible of accomplishment whilst discontented and loafing natives from private farms are allowed to trek on to Crown lands" (19). This, therefore, necessitated the implementation of the Squatters Law (the "Plakkers Wet") of 1895 which had been introduced by the Kruger government. This began to be implemented by Lagden in a serious manner by August, 1903 (20).

The practicality of such a measure as the 1895 Act was not, however, lost on Lagden who was aware of the immense difficulties that rigorous enforcement of the law would entail. As he wrote to Sir George Farrar in September of 1903:

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The prevailing conditions have been the growth of many years and of very many systems and it would be most unwise if not stupid to attempt any sudden derangement or dislocation calculated to disturb the untutored mind which is apt to get in a panic if made to hurry too fast" (21).

Thus, while farmers generally were anxious to see the 1895 provisions regorously enforced (22), Lagden instructed his Native Commissioners to enforce the Law only in places "where there is a manifest abuse of farming Natives" (23). This caution was also probably a result of the sensitivity of the Milner administration as a whole to the hostility to the 1895 provisions by the large land companies, especially as they had important links with the mining houses. W. Windham, Secretary of Native Affairs, wrote to his Native Commissioners in November 1903, for example;

I am frequently receiving letters from Sir Godfrey Lagden urging us to stay our hands in connection with the Squatters Law. The question has assumed a critical stage and it is absolutely necessary for us not to sit tight and do nothing which can possibly be accounted against us by those who are in strenuous opposition to our enforcement of the law (24).

These political difficulties were compounded by the fact that by 1904 it began to become clear from the various reports of the Native Commissioners in the Transvaal that the Squatters Law per se would be virtually impossible to implement in isolation and had to be seen within the context of an overall native policy. As S.W.J. Scholefield argued, as Native Commissioner for the North West Transvaal:

The Squatters Law can only, in my opinion, be considered in conjunction with the vexed question of land settlement and with the education of Natives. In fact, the whole question of Native policy is involved.(25)

Furthermore, there were the logistical problems of the fact that in some areas the 1895 Law could not be rigorously enforced because the provision that only five families were allowed to remain on any one farm would mean a large surplus of Africans with no farms to go to. In the Hammanskraal district, for example, it was reported that "efforts to induce Natives to

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transfer to farms where they were required were unsuccessful - practically all Natives who moved going to such places as they pleased" (26).

As a result of these obstacles, Lagden by June of 1904 was beginning to have serious doubts about the efficacy of the 1895 Law. As he wrote to Hogge, Native Commissioner for the Eastern Transvaal:

If this law which is well known in the Transvaal is not capable of being carried out without bloodshed then I think the law must be bad and should be amended (27)

It also seems clear that much of this doubt on Lagden's part was due, to some considerable degree, to the fact that there was considerable African resistance to the attempts to enforce the Squatters Law. The Native Commissioner for the Northern Division in the Transvaal, for example, reported in November 1904 that great difficulty was being experienced in getting African squatters to enter into any agreements with White landowners since most agreements were of a verbal and not of a written nature (28). In addition, by 1902 there was at least one important political movement amongst Africans in the form of the Zoutpansberg Native Vigilance Association, which was formed by Levi Khomo, and in 1904 it was to form the basis of the Transvaal Native Vigilance Association. The T.N.V.A. in 1904 had a recorded membership of 226 (29) but, despite its tiny size, undoubtedly gave the Native Affairs Department some cause for concern in that it held a meeting of chiefs from all over the Transvaal on 1st May 1904 (30). This worried Wheelright, Native Commissioner for the Northern Transvaal, since the meeting was being held at Pietersburg, which he felt demonstrated that the Association was being run on independent lines (31). In

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addition, it came on top of an interview that Nkhomo had had with the Secretary of Native Affairs on the 8th April, 1904 when he had complained of Africans being turned off their farms by farmers who usually only gave notice when an African had valuable ground with standing crops (32).

This political consciousness expressed by Africans undoubtedly had a considerable influence on the Milner administration and further research is needed on its relationship to the findings of the South African Native Affairs Commission of 1903-1905. Between 1904 and 1906 there was a particularly important "Black Peril" scare in the Transvaal which was linked to the resistance in Zululand and which was eventually to crystallise as the Bambata Rebellion in 1906 (33). Lagden, while inclined to be sceptical of the more extreme fears of an African insurrection within the white population, was nevertheless concerned at the "unusual amount of communication ...passing of late between chieftainships in the various territories" (34). One of the key reasons for this growth in political consciousness, Lagden ascribed to the government's policy on land. As he wrote to the editor of "Die Volkstem", for example;

...throughout the whole of South Africa there was and has been ever since the War a wave of unrest. That unrest has been due to a great many causes. Amongst others I think the principle one was that many of the natives believed that they were to be reinstated on old lands formerly taken from them and to be given land confiscated from the Boers. They have had to be rather roughly disillusioned on this point and they have suffered a good deal of disappointment as a consequence (35)

By the middle of 1904, furthermore, one year after the initial attempt to enforce the Squatters Law, government policy in the Transvaal became stalled and no more rigorous attempts to enforce

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it were to be made before Responsible Government in 1907. The strategy, in fact, was by and large to switch to one of encouraging Africans to enter into contracts with landlords (36) and by October of 1905 there had still not been evolved any coherent policy for applying the provisions of the 1895 Act (37). Indeed, Lagden, after returning from leave, wrote early in 1906 that "no effective administration of the Squatters Law is possible until the law has been amended and that in view of impending constitutional changes it will be left to the new legislature to consider what form the amendments to the law shall take" (38).

The Milner administration in the Transvaal, therefore, can be seen as trying and failing to implement a coherent policy with regard to squatting. This was to have severe long-run political implications for the inability to solve satisfactorily the whole squatting issue can be seen as having the effect of building up pressure for a more drastic policy which would have a more rigorous effect than anything that had been offered by Lagden. In particular, this pressure has to be located within the political dynamics engendered by Het Volk which won the election in the Transvaal in 1906 and went on to run the government of the Transvaal after Responsible Government in 1907 (39). As early as 15th January 1907, the Secretary of Native Affairs, Windham, promised the District Secretary of Het Volk in the Zoutpansberg district of Nauwte that a Squatters Law Amendment Bill would be introduced in the next parliamentary session (40) and this was undoubtedly a promise within a situation that introduced a different set of political constraints to those of Milnerite imperialism. The failure to introduce the Bill in the first session after Responsible Government produced an implicit warning from the same Het Volk District Secretary;

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... the intentions of the Government are regarded so far, as satisfactory; but with last session's experience so fresh in their minds the people of this district are dissatisfied at further postponement of the execution of their wishes;

As a consequence, in 1908 the Transvaal government introduced the Native Occupation of Lands Bill which "was based as far as possible upon certain principles recommended by the South African Native Affairs Commission" (42). The main objectives of the Bill were to reduce the number of Africans allowed to live on any one private farm as well as establishing African townships and village settlements (43). As such, the Bill sought to appease those interests that wanted the elimination of "kaffir farming" and thus ran the risk of alienating those established landed interests in such bodies as the Transvaal Landowners Association who gained considerable financial advantage from land which they could lease out to African tenant farmers, while at the same time retaining the mineral rights beneath the ground. When the Bill was first published, therefore, these latter vested interests started a campaign of opposition to the Bill. "The Star" for example, attacked the government for "plunging into a question which raises the gravest issues for the whole of South Africa by trying to deal with what after all is only one aspect of it" (44) while at a meeting of the Transvaal Landowners Association, the president, Captain Madge pointed out that "any injudicious attempt to enforce the Squatters Act will result in the purchase of land by natives" (45).

The Landowners Association then went on to send a memorandum to the Secretary of Native Affairs together with a letter which argued that the Bill would not succeed in its objective of increasing the farm labour supply "as the demand for labour in the Bushveldt is small and irregular, while on the High Veldt where there is some demand, there are few Natives". This meant that

"The only alternative is to compel the Natives to reside permanently on the High Veldt", but this, however, "is, from the motives of humanity, not desirable" (46). In addition, it is clear that the Bill not only failed to appease the landowning interests but also did not satisfy white farmers either. "I am quite convinced", wrote one correspondent from Nylstroom to the Minister of Native Affairs "... that the general dissatisfaction at present existing amongst our people will in no way be abated or diminished by it (the Bill) as there is no provision made against natives squatting on Crown lands and the low annual rent of £1 per annum" (47).

Undoubtedly, both these points of view were crucial in the government's decision not to press on with the Bill (48). However, there was the further consideration of an overall "native policy" for a Union of South Africa which forbade the passing of any important legislative measures which were going to influence in any significant way black-white relationships in South Africa. Richard Solomon, for example, wrote to Smuts:

Will you tell General Botha, since I wrote to him about the two Native Bills (the native taxation and Occupation of Lands Bills), I have had sent to me the official memorandum accompanying the Bills when sent to the Landowners Association. I fully see the reasons for their introduction but if I may be allowed to say so I would urge caution on Native legislation pending unification ... can't you propitiate the landowners by making the tax on each family resident on a farm much smaller. What I am afraid of and I tell you in all earnestness (is) that if the effect of the Act is that the Natives cultivating land on private farms are ejected and get no other land, you will be blamed with having done this to force them to labour. I would sincerely like to avoid this for you know it would make a very bad impression. I do hope therefore you will all seriously consider the views of the Landowners Association in connection with the Bill (49)

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These arguments were probably decisive on government thinking for no new legislation was considered before Union (50) and the policy of the government was to return to the position of Lagden in 1903 and seek to implement the 1895 Squatters Law (51).

The failure of these successive attempts to tackle the squatting issue in the Transvaal before Union can be seen as crucial for the development of Union policy after 1910. Indeed, it seems highly probable that the momentum of political pressure that was initiated after Union and which was to culminate in the 1913 Natives Land Act was due, in considerable part, to the frustration of previous attempts to legislate on the issue. In addition, a new dimension was added to policy making by the increasing saliency within the South African political system by the time of Union of the ideology of segregation. This concept, as Martin Legassick has argued, can be seen as an ideological rationalisation of capitalist industrialisation in a racially divided society (52). It also, as in the American South in the Jim Crow era, was a political response to attempts by Blacks to gain access to political power (53).

The real significance of segregation in terms of land policy was that it took up existing master servant practices which had been maintained on an ad hoc basis in the colonial era and systematised them into a coherent and rational policy to buttress an agriculture that was starting to become commercialised. Taking South Africa as a whole, for example, 4,562 settlers were settled on 5,219,072 morgen of land estimated to be worth £2,353,592 between 1910 and 1918 (54). Many of these were aided by the Land Settlement Act of 1912 which was specifically designed to encourage the establishment of white settlers on the land in South Africa.

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In addition, some land companies began to realise the potential of encouraging white settlement on their land as opposed to leasing it out to African tenants. In 1913, for example, Lewis and Marks established the Union Land Settlement Company with a nominal capital of £1 million and acquired 162 farms in the Transvaal (1,034,225 acres), 5 in the Orange Free State (33,495 acres) and 42 in Bechuanaland (252,146 acres) (55).

As a result of these policies on land settlement, the pressures for a legislative solution to the squatting issue began to build up in the period after Union. The significance of this new agitation was that the original pressure in the Transvaal was now widened by the entry of farmers in the Orange Free State and Natal into the political arena. As one farmer from Natal wrote to "The Farmers Weekly":

The scarcity of land and the want of labour is being more heavily felt daily, and with land of the European reserves occupied by natives, it is the Europeans and not the natives who are, and will continue to be the sufferers. I fail to see how the difficulty is to be overcome unless we segregate the races and confine each to his own reserve (56).

The importance of a position such as this was that it challenged the principle that had hitherto prevailed in all the former colonies, except the Orange Free State, that African farmers could buy land anywhere (57). As the 1910 Blue on Native Affairs, for example, was careful to point out the previous legislation on squatting did not involve the direct limitation of African settlement on private property (58). The new principle of confinement of the races (what Edgar Brookes was to christen "possessory segregation") was a new and more radical doctrine and was to be incorporated into the rural agitation by white farmers after Union.

This agitation soon focused on another legislative proposal to regulate squatting that emerged from the Native Affairs Department in 1912 while it was still under the Cape Liberal Henry Burton. The significance of this Bill was that it was published at the same time as the Land Settlement Bill and in the case of the clauses relating to Africans squatting illegally on Crown land, the wording in both Bills was identical (59). Clearly, therefore, the Squatting Bill was seen by the government as part of a wider policy to encourage closer land settlement and the reduction in squatting. There was, however, a clear intention by the government at this stage not to tackle the wider issue of land ownership which was at the core of the segregationist ideology. As the stand-in to the Secretary of Native Affairs wired General Botha:

It does not deal with holding of land by natives except for clause regulating right of communal or tribal purchase by natives and allows even such holding when approved by the Governor General or in areas defined from time to time by Parliament...It is aimed at admitted evil of Kaffir farming and not at introduction of forced labour in any way (60).

This policy, as Burton wrote to Rissik, was clearly a modification of the Transvaal Occupation of Lands Bill of 1908 and was not intended as a specifically segregationist measure in the sense of territorial demarcation (61). As such, therefore, it failed to appease white settler demands which by 1912 were gaining considerably in their political momentum. The Ixopo Agricultural Society in Natal, for example, rejected the Bill because there was no "kaffir farming" in their region (62) while the East London farmers attacked the measure because of its failure to prohibit the African purchase of land in European areas (63). This hostility to the weakness

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of the Bill on the question of land purchase was also repeated at the Boerebond Congress at Kroonstad in February 1913, though by this time the measure had been dropped (64).

It is thus highly probable that Burton's decision to withdraw the Bill was due in considerable part to the hostility by white farming interests, as opposed to the pressure exerted by the newly formed South African Native National Congress as Sol Plaatje maintains (65). It was clear in fact that for many farmers nothing less than a full scale segregationist measure would do. As Ernest G. Long, for example, a farmer at Lichtenburg, wrote to "The Farmers Weekly":

It is very easy for the natives to hire ploughing or grazing rights and put one of their number in charge of the field or herds, assisted by young ones, the children of the others, whom he can class as his servants. In this way the natives of Bechuanaland have evaded paying of poll tax for years by residing in the Mafeking district, where taxation is light, and coming over to Lichtenburg at certain seasons to plough and harvest for themselves as may be necessary and sending their women to do the weeding (66).

Similarly another farmer wrote from Mooi River in Natal:

The farm boys who turn out to work under the present day conditions only do so under sufferance. What chance have the small holders of obtaining labour when he has only land enough upon which to scrape his own living, with in addition native kraals all round the outside of his boundary, the inmates of which steal half of all the ground, stores and produce (67).

This pressure for segregation only began to start making its weight fully felt when General Hertzog became Minister of Native Affairs in June 1913. Hertzog, as Martin Legassick has shown, was strongly influenced by the ideology of segregation and was concerned to provide a "favourable solution" for the "most salient problems" of the whole "native" issue (68).

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It seems clear that in the time that Hertzog was at Native Affairs until his exclusion from the Botha cabinet after the De Wildt speech in December 1912, a new course was initiated in native policy. As Hertzog wrote to a segregationist acquaintance, Fred Bell, in November 1912, he hoped within a month "to have the whole matter far enough advanced for discussion with my colleagues" (69). As a result of this evolution of policy, it seems highly probable that a draft Bill emerged by December of 1912 which was to have a significant effect on the legislation of the following parliamentary session of 1913. The reasons for this can be pieced together from the verification for the existence of such a Bill by one of Hertzog's biographers who knew the General very well (70), together with Hertzog's admittance of the existence of such a Bill in a letter to Edgar Brookes of 1924. "I had already discussed my views with the late Mr. Sauer on the subject" wrote Hertzog "and had handed him a copy of the draft Bill some day prior to the 12th. The result was that in 1913 my former colleagues made an attempt to adapt the policy sought to be initiated by me and introduced the Native Land Bill, which, ... for want of genuine parentage, resulted in the abortion of the Native Land Act of 1913" (71).

These statements regarding the existence of such a Bill, together with Hertzog's argument that his Bill was different to the one introduced by Sauer, seems borne out by the existence of a draft Bill that is labelled Hertzog's in the Bisset Berry papers. The interesting feature of this Bill was that, while it provided for territorial demarcation between white and black

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areas, the African area was divided into "mixed" and "reserved" divisions (72). These two latter provisions undoubtedly provided for a greater degree of latitude in the disposal of land to Africans than the 1913 Bill was to do and the idea of a "mixed" area of black and white farming which allowed for freehold land tenure was one which was to be advocated by some Africans, like D.D.T. Jabavu, to the Beaumont Commission, though without effect (73). With regard to squatting, however, the Bill was very tough, with no squatters being allowed to settle on any farms in the European division (74). This provision was to be incorporated into the 1913 Bill and was to be interpreted in the Orange Free State, especially, as legalising the expulsion of African squatters from European-owned farms (75).

The reasons for this difference between the legislation proposed by Hertzog and that actually carried out in 1913 are intriguing. Undoubtedly, they relate to some significant degree to the coalition of different sections of capital in the South African post colonial state. Even before Union, General Botha had placed considerable emphasis on the need for mining and agriculture to go hand in hand (76) and it was this alliance which was to be jeopardised by the removal of Hertzog from the cabinet in 1912. This was evident, for example, in the fact that the South African Party organisational framework virtually collapsed in Hertzog's native Orange Free State after his expulsion from the government (77). Thus by the time the Land Bill of 1913 was introduced there was a significant cleavage between mining and agrarian capital which was undoubtedly to be a key factor behind the 1914 Rebellion (78).

The 1913 Natives Land Bill, therefore, can be seen as a measure that was introduced by a government that was more narrowly based on mining capital than the one conceived by Hertzog. Thus, while the Bill was clearly designed to appease agricultural

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interests, its interim nature, together with the fact that rather less land was provided by the measure than Hertzog's Bill probably would have done, lead to the conclusion that the Bill has in many ways to be seen as a compromise. Indeed, instead of being a decisive turning point in the relations between black and white on the land, the Bill can be seen as yet another attempt in a long line of measures designed to tackle the squatting issue. This purpose of the Bill was explained by E.L. Matthews, one of the government's law advisers:

The Squatters Laws are not repealed; in fact they are expressly kept alive by Section six, but the provisions of the Act are super-imposed upon them, and in the event of a conflict the Act will prevail. One of the clauses of the Act relates to the Transvaal...It is in the Transvaal where the squatting evil has existed to the greatest extent. On the other hand, it is impossible to dispossess these squatters, many of whom, or their progenitors, have been on the land from time immemorial.

If, therefore, natives are farm labourers...there will be no limit to the number who may reside on the property. Where, on the other hand, the existing natives are not such farm labourers, they are saved from dispossession till Parliament acts upon the report of the Beaumont Commission. (79)

This latter provision was not, however, maintained in the Orange Free State where farmers started to expel squatters unless they took on the status of a farm labourer (80). Many of these squatters, as Plaatje and R.W. Msimang documented, wandered around from farm to farm losing their livestock in the process (81). It seems clear, though, that some actually left the Orange Free State. The Reverend James M. Molebaloe, for example, recorded that many Africans from the Orange Free State and the Transvaal settled in the South Western districts of the Transvaal after 1913 in the reserves there (82).

It also seems clear, however, that in some areas the Land Act did not have the immediate and drastic effects that is implied by Plaatje's analysis. In the Lichtenburg area, for example, there were complaints from farmers a year after the passing of

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the Act of extensive stock theft by African squatters. The blame for this was ascribed to the failure of the government to prosecute land companies maintaining African squatters on their land in contravention of the 1913 Act:

It is our belief that the situation results from the neglect of the Honourable Government to carry out the Natives Land Act because the Kaffirs have come to think that the Land Companies are the government of the land and possess special capabilities to evade the law.

This state of affairs, the farmers argued, led to a situation where they were being seriously threatened by African competition:

On the one side we are becoming bankrupt through theft and on the other hand there is so much grain reaped by the natives on the Companies grounds under new contracts that have been concluded since the Natives Land Act came into force that we can get no price for our grain, also there is no native labour to come by so there is no wonder that there is a spirit of rebelliousness in the land. (83)

The last reference to a "spirit of rebelliousness" is important since it indicates important economic reasons behind the rebellion of 1914 which had a strong basis of support in the Lichtenburg area (84). In addition, the alleged failure of the Land Act to appease rural agitation amongst white farmers explains in part the success of Hertzog's Nationalist Party in the 1915 election when it won 27 seats and 30,8% of the total vote. (85). The precedent of Rhodesia, where there had been a refusal by many farmers to pay taxes in 1911-12 (86), was possibly quite strong in this period after Union. Before the Land Bill had been introduced, for example, there had been talk in the columns of "The Farmers Weekly" of the establishment of a farmers party (87), but this political agitation was mostly absorbed, it seems, by the Nationalists. This alienation of agrarian capital from the alliance with mining capital was to play an important role in the thrust behind white politics in the next decade and was to help in the acquisition of a base for the gaining of political power by the Nationalists, in alliance with the Labour Party,

at the 1924 election on a strongly segregationist platform (88). The publishing of another Land Bill in 1926 which sought further measures against squatting together with territorial segregation is further indication of the failure of the 1913 Act to provide any long term solution to the whole squatting issue. It was not to be for another ten years, however, when the "final solution" to the land question was to be attained with the passing of the 1936 Native Trust and Land Act in conjunction with the Representation of Natives Act which removed the Cape African voters from the common role and placed them on a separate franchise.

This need to seek further legislation indicates the comparative weakness of the 1913 Act and, though Francis Wilson has argued that the Act "dealt a death blow" to the system of farming-on-the-half "from which it never recovered" the Act failed to control squatting. (89). Even in the Orange Free State, which was the area where the effects of the Act were so drastically felt, there is evidence that by the early 1920s there was renewed labour shortage in some areas through the persistence, and indeed expansion, of African squatting. In Ladybrand, for example, the magistrate reported in 1919:

Farm labour is none too plentiful at present. The European is apparently too expensive a luxury and the native works just when he has to. A plentiful supply of native labour can be procured provided the farmer supplies grazing for stock and ground and facilities for planting crops, but owing to closer settlement and reduction in the size of farms few owners can afford to give these privileges (90).

Similarly at Bloemhof in the same year the magistrate reported:

It is obvious that at the present time the agriculturalist is obliged to requite...a given quantity of work from his squatters for fear that they should leave him and "lonza" to the man possessing an abundance of land where, stock raising being the principal occupation, the cultivation of crops is a matter more or less of secondary consideration (91)

/These .....

These conditions seem to persist in the Orange Free State for even as late as 1939 a survey carried out by the Institute of Race Relations by Leo Marquard found that there was widespread evasion of the laws on squatting (92).

The conclusion that is reached, therefore, from this analysis is that the 1913 Natives Land Act was not nearly such a crucial turning point in black-white relations on the land as many historians have tended to suppose. While Plaatje's work was important in drawing attention to the harsher aspects of the legislation and the immense hardships suffered by many African peasant farmers, the closeness of Native Life in South Africa to the actual event itself prevented a more balanced historical interpretation. Further research will possibly reveal that the key turning point comes much later in the period after the 1936 Native Trust and Land Act when the onset of the Second World War, combined with the growth of a militant and mass-based Afrikaner nationalism, produced an agricultural revolution on the land and the consolidation of farms into large and capital intensive holdings which resulted in the proletarianisation of the African farm labour force (93). It was only in this period that the real transformation of the African peasants' status was to be truly felt.

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August, 1976.

## References

1. W.M. MacMillan, for example, saw the Act as "epoch making", W.M. MacMillan, Complex South Africa, London, 1930, p 122. See also Francis Wilson, "Farming, 1866-1966" in Monica Wilson and Leonard Thompson (eds), The Oxford History of South Africa, Volume II, Oxford, The Clarendon Press, 1971, p 127 and Colin Bundy, "The Emergence and Decline of a South African Peasantry", African Affairs, Vol 71, no 258, p 384.
2. For example, Wilson op. cit. p 130;
3. Plaatje can be considered an excellent pamphleteer. In addition to being editor of Koranta ea Bechoana and Tsala ea Batho, he also wrote such pamphlets as Some of the Legal Disabilities Suffered by the South African Native, London, 1919 and The Mote and the Beam, New York, 1921.
4. Sol Plaatje, Native Life in South Africa, third edition, London, n.d., p 17
5. *ibid*, p
6. The South African Native National Congress was formed in 1912. See Peter Walshe, The Rise of African Nationalism in South Africa, London, C. Hurst and Col, 1971.
7. Wilson, op cit. pp 130-131
8. *Ibid* p 129
9. This point is not necessarily a new one. W.M. MacMillan, for example, argued that the Land Act was "due to the influence of the new school of segregationists", W.M. MacMillan, Bantu, Boer and Britain, Oxford, The Clarendon Press, 1963, p 366. See also W.K. Hancock, Survey of British Commonwealth Affairs, Oxford University Press, 1942, pp 72-74
10. South African Agricultural Journal, Vol VI, No. 1, July 1913
11. See, in particular, D. Denoon, A Grand Illusion, London, Longman Green and Col, 1973 pp 73-75; G.H.L. le May, British Supremacy in South Africa, Oxford, the Clarendon Press, 1965, Chapter 7, 'The Failure of Milnerism!'
12. Transvaal Consolidated Lands was described by "The African Review" as "One of the biggest and most important land and exploitation companies in South Africa. It had a capital of £800,000 and belonged to the Wernher-Beit group and had extensive holdings in the Northern Transvaal, acquiring 28,837 acres in 1902 alone, The African Review, March 28th 1903. See also J.B. Taylor, A Pioneer Looks Back, London, 1939, pp 141-142.

13. Transvaal Native Affairs Department, Annual Report, 1904.
14. G. Arrighi, "Labour Supplies in Historical Perspective: A Study of the Proletarianization of the African Peasantry in Rhodesia; Journal of Development Studies, Vol. 6, no. 3, 1970, pp 197-234; I.R. Phimister, "Peasant Production and Underdevelopment in Southern Rhodesia; 1890-1914", African Affairs, vol 73, no. 291, April 1974, pp 217-228.
15. SNA 42/554/1904 Memorandum by Sir Godfrey Lagden to Secretary of Native Affairs, 15th July 1904. See also SNA 56/1797/1905 Circular No 35/1905 entitled "Acquisition of land by Natives".
16. SNA 25/8668/10 Edward Dower to the Minister of Native Affairs, 29th June 1910.
17. Wilson op cit, p 129. In the debate on the Land Bill it was estimated that Blacks had bought less than 1000 morgen each year for the past twelve years.
18. P. Rich "The Agrarian Counter-Revolution in the Transvaal and the Origins of Segregation, 1902-1913", Unpublished Paper, University of the Witwatersrand, 1975.
19. SNA 18/642/1903 Commissioner of Lands to Lagden, 5th June 1903.
20. SNA 30/1390/03 Circular 79/03 "Enforcement of Squatters Law", 6th August, 1903.
21. SNA 35/1963/1903 Lagden to Sir G. Farrar, 22nd September 1903.
22. SNA 30/2571/1903 E.H. Hogge to Secretary of Native Affairs, 26th October, 1903.
23. SNA 30/2398/03 Minute No. 98/03 Enforcement of Squatters Law, 4th November 1903.
24. SNA 30/2398/03 Windham to Native Commissioners, 19th November 1903.
25. SNA 30/1390/03 S.W.J. Scholefield to Secretary of Native Affairs, 15th January.
26. ibid, Sub Native Commissioner, Hamanskraal to the Acting Native Commissioner, Central Transvaal, January 22nd, 1904.
27. SNA 33/1698/03 Lagden to Hogge 12th June 1904.
28. SNA 49/2577/04 Acting Native Commissioner, Northern District to Secretary of Native Affairs, 3rd November, 1904.
29. SNA 47/2019/1904 C.A. Wheelright, Native Commissioner, Northern Division, Minute to Secretary of Native Affairs, 30th August 1904.

/30. SNA 44/847/04 ....

30. SNA 44/847/04 Telegram Native Commissioner, Zoutpansberg to Secretary of Native Affairs, 2nd May 1904.
31. *ibid*, Wheelright to Windham 21st April 1904; Windham to Wheelright 22nd April 1904.
32. SNA 43/749/1904 Notes at an interview between the Secretary of Native Affairs and Levi Khomo in Johannesburg on the 8th Day of April 1904.
33. Shula Marks, Reluctant Rebellion, Oxford, The Clarendon Press, 1970; "The Zulu Disturbance in Natal" in Robert I. Rotberg and Ali Mazrui (eds), Protest and Power in Black Africa, New York, Oxford University Press, 1970, pp 213-257.
34. SNA 42/1258/04 Lagden to Leuchars June 10th 1904.
35. SNA 45/1258/04 Lagden to the Editor, "Die Volkstem", 9th June 1904.
36. SNA 56/1699/1905 Secretary of Native Affairs to the Secretary, Transvaal Landowners Association, 30th June 1905.
37. SNA 50/3090/1904 Secretary of Native Affairs to the Private Secretary to His Excellency the Lieutenant Governor, October 2nd 1905.
38. SNA 50/3090/1904 Lagden to Secretary of Native Affairs, January 30th 1906.
39. See, in particular, Noel Garson "'Het Volk': The Botha-Smuts Party in the Transvaal, 1904-II", The Historical Journal, IX, I (1966), pp 101-32.
40. SNA 80/3953/07 Secretary of Native Affairs to A.P. Unkless, 15th January 1907.
41. *ibid*, Unkless to Secretary of Native Affairs, 18 January 1908.
42. See Transvaal Native Affairs Department, Annual Report, 1908.
43. The Transvaal Government Gazette Extraordinary, Pretoria, 23rd May 1908
44. The Star, May 30 1908.
45. Transvaal Landowners Association, Report of the Members of Committee for the Year ending 31 October 1908, p 17.
46. Transvaal Landowners Association, pamphlet entitled "Copy of Letter drawn by the "Squatters Act Sub-Committee" of the Transvaal Landowners Association, addressed to the Secretary Native Affairs of the Transvaal", 29 April, 1908,

/See .....

See also Transvaal Landowners Association, "Copy of Notes on the "Squatters Act" or "Occupation of Lands by Natives Bill, 1908" addressed to the Members of the "Squatters Act Sub-Committee" of the Transvaal Land-Owners Association, by the Secretary", Johannesburg, 10 February 1908. In these notes, the Secretary of the Association, H.A. Baily, clearly indicated the anti-segregationist position of many of the larger landowning interests:

The extension of the Location system is the only proper method of dealing with this question. The Boer leaders have openly stated their views on the matter. If the system of segregation of natives on Crown land is not practical, the alternative is to regulate the terms of the settlement of Natives on private land, but no limit can be placed on the numbers allowed to squat. This may not be an ideal system, but it is, short of semi-slavery, the only practical solution.

47. SNA 58/2962/05 R. Grenville to the Minister of Native Affairs, 28 April, 1908. In addition, there was hostility to the Bill from farmers on the Low Veld who saw their area being turned into a reserve for labour for farms on the High Veld. "Bush Veld Farmer", for example, wrote to "The Transvaal Leader" and complained that the Occupation of Land Bill meant "that the High Veld Farmer may have his native labour reserve in either the Middle or Low veld and saddle us with undesirable neighbours, who, instead of being a benefit, as providing the local labour supply, are a source of danger, worry and loss", The Transvaal Leader, 29th June 1908. The economic and class basis of this cleavage between High and Low Veld in the Transvaal needs further research on a local basis.
48. The Bill was withdrawn on August 21st "in the face of the evident opposition of hon. members of the opposition benches", Transvaal Legislative Assembly Debates, Second Session, First Parliament, 1908, col 1893.
49. R. Solomon to Smuts 13 June, 1968 in W.K. Hancock and Jean van der Poel (eds), Selections from the Smuts Papers, volume II, Cambridge, Cambridge University Press, 1966, p 436
50. Transvaal Native Affairs Department, Annual Report, 1910.
51. Transvaal Native Affairs Department, Annual Report, 1909.
52. See, especially, Martin Legassick, "The Making of South African "Native Policy" 1903-1923: the origins of segregation", London, Institute of Commonwealth Studies, unpublished mimeo; "British hegemony and the origins of segregation, 1900-1914", London, Institute of Commonwealth Studies, unpublished mimeo; "Race, Industrialization and Social Change in South Africa: The Case of R.F.A. Hoernle", African Affairs, vol. 75, no. 299, April 1976, pp 224-239
53. See C. van Woodward, The Strange Career of Jim Crow, New York, Oxford University Press, 1966; Judith Stein, "'Of Mr. Booker T. Washington and Others': The Political Economy of Racism in the United States", Science and Society, Vol., XXXVIII, no.4, Winter 1974/75, pp. 422-463.

54. Report of the Department of Lands, UG 53-'18
55. The Farmers Weekly, 17th September 1913.
56. The Farmers Weekly, 31 January 1912.
57. NA 313 876/13/814. An accurate summary of the legislative position in the Union before the passing of the 1913 Natives Land Act is to be found in an untitled memorandum prepared by the Native Affairs Department in the House of Assembly dated 28th February 1913. The Orange Free State was the only Province to specifically forbid the purchase of land by Africans, though in the Cape the Private Locations Act of 1909 restricted the purchase of land for tribal or collective occupation while in Natal "by administrative arrangement" Africans were debarred from purchasing any Crown Land. In the Transvaal, Africans were able to purchase land under Tsewu's case of 1905.
58. Union of South Africa, Blue Book on Native Affairs, 1910 pp 47-48.
59. Union Government Gazette Extraordinary, 6 December, 1911. The clauses that were identical were clause 13 (I) of the Bill to "regulate the residence of Natives on land in certain portions of the Union and to prohibit the unauthorised settlement of Natives on any land" and clause 39 (I) of the Land Settlement Bill. The clauses related to the penalties for trespassing on Crown Land.
60. NA 282 7396/684/6 Telegram from Secretary of Native Affairs to General Botha, 28th June 1912.
61. NA 282 7396/684/6. Burton to Rissik, 15th November, 1911.
62. The Farmers Weekly, 14 February 1912.
63. The Farmers Weekly, 18th September 1912.
64. The Farmers Weekly, 26th February 1913.
65. Sol Plaatje, Native Life, p. 30. There was in addition, some objection to Burton's measure from agricultural interests in the Orange Free State. One magistrate from Fauresmith, for example, pointed out that Section 12 of the Bill "would have far reaching effects and is contrary to the whole former policy of the Free State as it opens up the question of Natives becoming "lessess" on property which up to the present has not been encouraged" (NA 282 7396/684/6 Report of Resident Magistrates in Orange Free State on Draft Bill).
66. The Farmers Weekly, 3rd January 1912.
67. The Farmers Weekly, 31st January 1912.
68. See Martin Legassick, "British hegemony and the origins of segregation", op cit; Bell Papers, University of the Witwatersrand, Hertzog to Bell, 16th August 1912. Hertzog also mentioned that he was "pleased to see Maurice Evans suggestions as to a solution". Maurice Evans, author of the book Black and White in South East Africa, argued for a policy of segregation. See also M. Evans, "Present Position of Native Affairs in the Union of South Africa", Journal of the African Society, Vol XII, No XLVIII, 1913, pp 343-353.

69. Bell Papers, Hertzog to Bell, 12th November 1912.
70. C.M. van den Heever, General J.B.M. Hertzog, Johannesburg, 1946, p. 154; see also C.M. Tatz, Shadow and Substance in South Africa, Pietermaritzburg, 1962, pp 17-20.
71. Hertzog Papers, Union Archives, Pretoria, Hertzog to Brookes, March 23rd 1924. This letter was written during Brookes's "segregationist" period when he wrote A History of South African Native Policy, Bloemfontein, Die Nasionale Pers, 1924. In fact, it was as a result of Hertzog's assistance that the book was first published.
72. "Hertzog Bill", Bisset Berry Papers, Queenstown Public Library, n.d. I am grateful to Professor Rodney Davenport for drawing my attention to this Bill which seems to be the original Hertzog draft.
73. Select Committee on Native Affairs, SC 6-'17, Minutes of Evidence, 12th June 1917, p. 569, para. 3995. See also D.D.T. Jabavu, The Black Problem, Lovedale, 1920.
74. "Hertzog Bill", op cit, Section 4, p 1.
75. See T.R.H. Davenport and K.S. Hunt, The Right to the Land, Cape Town, David Philip, 1974, p 42. The justification for this expulsion in the Orange Free State seemed to be under sections 6(c) and 7 and 8(2).
76. For example he said in 1908 at the time of the Occupation of Land Bill: "We have two great industries; the one is the mining industry, the other agriculture and cattle farming. These two go hand in hand", Transvaal Legislative Assembly Debates, Second Session, First Parliament, 1908, col. 298.
77. While only eight Orange Free State M.P.s went with Hertzog when he left the South African Party in 1913, the organisation of the SAP at the provincial level was decimated. At the end of 1913, for example, there was no longer even a provisional executive committee in the Orange Free State, The South African Party, Report of the Head Committee, 1914, Johannesburg Public Library.
78. See, in particular, S. Trapido, "The South African Republic: Class formation and the state", 1850-1900", Institute of Commonwealth Studies, The Societies of Southern Africa in the 19th and 20th Centuries, Volume 3, 1973, for a structural background to the Rebellion.
79. Union of South Africa, Correspondence Relating to the Natives Land Act, London, H.M.S.O., 1914, Cd 7508, pp 20-21. D.W. Kruger inaccurately states that the Act also sought to eliminate squatting; see D.W. Kruger, The Age of the Generals, Dagbreek Book Store, 1958, p 65. Peter Walshe, too, also argues that the Act controlled squatting, Walshe op cit, p 45.

80. Plaatje, op. cit, chap IV. One farmer at Bloemhof said he would employ an African and his family for £2 10s with an additional 10s for each son and 5s for each daughter provided the African went off occasionally with his wagon to earn money whenever and wherever he was told to go, p. 59.
81. Plaatje op. cit. R.W. Msimang, Natives Land Act 1913, Specific Cases of Evictions and Hardships, 1913, "by the authority of the Records Committee of the SANNC".
82. Molteno Papers, B848, pamphlet by Rev. James Molebaloe "The Barolong and Native Affairs Administration Bill", Langa Township, November 1936, p. 2.
83. J 219 3/870/15 L.J. Rootman and others to the Minister of Justice, September 1915.
84. Trapido, op cit, p 60; P. Rich, "The Agrarian Counter-Revolution" op cit, p 21.
85. D. Ticktin, The War Issue and the Collapse of the South African Labour Party; The South African Historical Journal, vol 1, 1969, pp 59-73.
86. Ian Henderson "White Populism in Southern Rhodesia", Comparative Studies in Society and History, 14, 1972, p. 394.
87. The Farmers Weekly, 1st November and 20th December 1911; a party was actually formed in 1914, though its fortunes appear to have been short-lived, The Farmers Weekly, 6th May 1914.
88. C.E.M. O'Dowd, "The General Election of 1924", South African Historical Journal, no. 2, November 1970, pp. 54-76.
89. F. Wilson, op cit, p. 130.
90. J. 279 1/307/19, Annual Report, Ladybrand District, 1919.
91. J 279 1/307/19 Annual Report for Bloemhof, 1919, p 8  
One magistrate at Parys even suggested that farming on the halves was continuing in contravention of the law. The pervasiveness of this, however, needs further research:  
"On the farms native labour appears to be fairly adequate, but the terms of service are as a rule unsatisfactory, and often lead to dispute between master and servant. Frequently, the contract with the native (and perhaps to include his family) is for a year, the remuneration being, say, £3 and so many acres of land to plough and sow. This form of contract is only an evasion of the Natives Land Act, (ploughing and sowing on the halves) and most unsatisfactory. When the Master's crops require attention, the servants are generally in the same position, and a native in this position frequently alleges he was only hired for ploughing and sowing, while the master alleges he is a general servant. This ploughing and sowing arrangement has a great attraction for the native, in fact hardly any will go on to a farm on any other terms, and the farmer does not appear to appreciate how little work he can get done", (emphasis added).

92. South African Institute of Race Relations, Monograph no. 2, Farm Labour in the Orange Free State, 1939, p 14.
93. See, in particular, P. Rich "The Allocation of Labour and the Evolution of Apartheid Ideology", University of the Witwatersrand, 1976, mineo; M. Morris "The Development of Capitalism in South African Agriculture", February 1976, mimeo.