

## **Protest in South Africa: Prominent Black Leaders' Commentary on the Natives Land Act, 1913-1936\***

*Harvey M. Feinberg\*\**

John Dube, the first President of the newly inaugurated South African Native National Congress, told an African audience at Eshowe in 1912: "If we have no land to live on, we can be no people."<sup>1</sup> Almost fifteen years later, two white members of the Native Affairs Commission showed that they, too, understood Dube's point: "Land means everything to the Native people. It is the basis of their national life."<sup>2</sup> Many South Africans also believed, in the words of Chief F.F. Zibi, that the "land question is the native question".<sup>3</sup> These statements emphasise a consistent theme of South African history from at least the end of the nineteenth century: the immeasurable significance of land to black South Africans.<sup>4</sup>

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\*\* Harvey Feinberg is Professor Emeritus of History at Southern Connecticut State University, New Haven, and Research Collaborator in the Department of Historical and Heritage Studies, University of Pretoria. He is investigating black-owned farms, government land policy and territorial segregation between 1913 and 1936.

1. National Archives of South Africa, Pretoria (hereafter NASA): NA 268, 3098/12/F639, Notes of a speech by John Dube at a meeting at Eshowe, 30 November 1912. Dube was also the Principal of Ohlange Institute and founding editor of *Ilanga Lase Natal* until 1915. He studied theology in the United States and was ordained by the Congregational Church.
2. NASA: NTS 8623, A.W. Roberts & P. van Niekerk, NAC members, Report on their 1926 tour, 11 January 1927.
3. "European and Bantu." Unpublished papers and addresses read at the Conference on Native Affairs, held under the auspices of the Federal Council of the Dutch Reformed Churches at Johannesburg, 27 to 29 September 1923.
4. NASA: GG 1558, 50/1143, Governor-General to London – Very Secret, 7 November 1924. The Governor-General referred to African views about

Another part of South African history, receiving much less attention from historians, involves prominent black South Africans who, between 1913 and 1936, had many opportunities, both publicly and privately, to discuss their views about political and economic life in South Africa, as well as to urge their fellow Africans to unify themselves in order to challenge various government policies affecting blacks. These South Africans spoke out in a variety of fora. In the first place, a number of black newspapers existed, where Africans expressed their views in editorials, columns and letters to the editors. Secondly, after P.K.I. Seme, John Dube, Sol Plaatje and others founded the African National Congress (ANC – originally called the South African Native National Congress), the organisation held annual meetings. Other organisations or regional divisions of the ANC also held meetings periodically. At least 28 such meetings were held until 1936. In the third place, officials invited blacks to testify before government commissions, such as the Natives Land Commission, or Parliamentary Committees, such as the 1917 Select Committee on Native Affairs and the Select Committee on the Hertzog Bills (1927).<sup>5</sup> Fourthly, the 1920 Act establishing the Native Affairs Commission mandated that the Commission sponsor conferences for African leaders, and at least six such conferences were held between 1922 and 1930. The government invited African leaders to evaluate the two remaining Hertzog Bills at five regional conferences during September 1935.<sup>6</sup> Also, Europeans and Africans participated in at least seven privately organised conferences during the 1920s and early 1930s,

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government policies and pointed out that the Africans “emphasise the fundamental principle governing the satisfactory solution of the native problem in the Union – I refer to the necessity of providing more land for the natives.” Also see: Union of South Africa, *Report of the Native Affairs Commission for the Years 1925 and 1926* (Government Printer, Cape Town, 1927); Annexure II, Minutes of the Native Conference, Pretoria, 3 to 5 December 1925, p 36 (D.D.T. Jabavu stated that “the land question overshadowed all other questions”); “The Four Bills” – Editorial, *Umteteli Wa Bantu*, 19 June 1926, p 2 (“That the land question is the Native question is nearly the whole truth”); Union of South Africa, House of Assembly, *Report of the Select Committee on the Subject of the Union Native Council Bill, Coloured Persons Rights Bill, Representation of Natives in Parliament Bill, and Natives Land (Amendment) Bill* (Government Printer, Cape Town, 1927), p 261 (Testimony of Reverend A. Mtimkulu: “It is a well-known fact that the crux of the native question is the land question”).

5. The four bills were titled: Natives Land Act (Amendment) Bill; Representation of Natives in Parliament Bill; Union Native Council Bill; and Coloured Persons Rights Bill.
6. Pietermaritzburg – 4 September 1935; Pretoria – 6 September 1935; Mafeking – 13 September 1935; King William’s Town – 18 September 1935; Umtata – 23 September 1935.

two of which were sponsored by the Dutch Reformed Church. In the fifth place, selected educated African leaders and chiefs occasionally met with officials of the Native Affairs Department, cabinet ministers, or even with the Prime Minister to air their complaints or distress. Finally, individuals, such as D.D.T. Jabavu and H. Selby Msimang, published pamphlets about the treatment of Africans by the governments of Louis Botha, Jan Smuts and J.B.M. Hertzog. Thus, between 1910 and 1936, educated black South Africans and traditional leaders had many opportunities to discuss land policy, as well as other issues distressing them, and records of their statements and opinions are available. One very important focus of their commentary was the Natives Land Act, Act Number 27 of 1913, and its impact.<sup>7</sup>

The aim of this article is to examine the African voices: what Africans knew, said and acknowledged concerning land. This article will evaluate what was said and what was not said about land policy. The realities of a changing land policy (especially between 1918 and the late 1920s) will be compared with what Africans said about that policy. I will also compare public explanations of the Native Affairs Department with the comments of Africans about the implementation of the Natives Land Act. Finally, I will attempt to determine why a difference existed between the public discussion of land issues and the reality of Africans seeking to buy land – a quest which led to a large increase in the number of African landowners after 1918, despite the prohibition against Africans buying land under the 1913 Land Act.

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7. Thus, the sources for this article include the following, for the years 1913 to 1936: editorials, articles and letters from newspapers with black editors, the most important of which were *Imvo Zabantsundu*, *Ilanga Lase Natal*, *Umeteli wa Bantu* and *The Bantu World*. *Abantu Batho*, the organ of the ANC for about twenty years, could be a very important source, but most of the editions seem to have been lost. In addition, I am building on speeches to organisations, including the African National Congress, by men such as Z.R. Mahabane, S.M. Makgatho and Doctor A.B. Xuma; testimonies to the Land Committees and Select Committees on Natives Affairs by, amongst others, Saul Msane, Jonas Mapope, and D.D.T. Jabavu; and reports of meetings of African leaders with government ministers, such as F.S. Malan and the Prime Ministers. I examined evidence from the proceedings and resolutions of the Governor-General's conferences, sponsored by the Native Affairs Commission, two Dutch Reformed Church conferences (1923 and 1927), European-Bantu conferences, as well as resolutions from the annual conferences of the ANC. Evidence also comes from lectures and pamphlets by, for example, Doctor A.B. Xuma and D.D.T. Jabavu, a few letters by Sol Plaatje, and documents from various archives in South Africa.

## Background

During the nineteenth century, Europeans introduced the idea of land as a commodity which could be bought and sold into the Transvaal, Orange Free State and Natal. After the conquest, when some Africans desired land, they followed the European system of buying with title deeds and registering their land with the appropriate government officials, such as the Registrar of Deeds in the Transvaal. However, before the formation of the Union of South Africa, different systems existed for buying land in the four parts of South Africa. In the Cape and Natal, purchase by blacks was possible, whereas this right was not allowed in the Orange Free State. In the Transvaal, a trusteeship system emerged in the later nineteenth century, where Africans purchased land, but the land was registered in the name of a government official “in trust” for the owners.<sup>8</sup> However, following a decision of the Supreme Court of the Transvaal on 4 April 1905, which stated that Edward Tsewu, a black South African, had the right to register land he purchased in his own name, Transvaal Africans bought 286 farms between 1905 and 1912, and another 113 farms between 1 January 1913 and 19 June 1913.<sup>9</sup>

## The Union Government and Land

Parliament passed the Natives Land Act in June 1913. The Act included two very important provisions: in the first place, Section 1(1) prohibited Africans from buying land in freehold outside of designated “scheduled areas”, which included the reserves, locations and many farms owned by individuals or groups of Africans at that time. The Act also prohibited whites from buying land in the reserves. The scheduled areas equalled about ten million morgen (just over seven per cent of the area of South Africa). The land buying restrictions of the Act applied to the Transvaal and Natal. Before 1913, the Orange Free State did not allow Africans the right to buy land; Section 8(2) of the Land Act specifically excluded the Cape Province, and a court case, *Thomson and Stilwell versus Kama* (1917), confirmed that the Act could not be enforced in the Cape because the voting privilege was based on economic qualifications. Equally important, Section 1(1) of the Land Act included an exception clause, allowing the government to approve black purchases. The existence of this clause was crucial to developments in the 1910s and 1920s.

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8. J. Bergh & H. Feinberg, “Trusteeship and Black Landownership in the Transvaal during the Nineteenth and Twentieth Centuries,” *Kleio*, 36, 2004, pp 170-193.

9. NASA: LDE 728, 12473/2.

In the second place, the Act included provisions (Sections 6 and 7) which were an attempt by members of Parliament to restrict the opportunity for squatters and sharecroppers to continue to remain on white-owned farms in this capacity, especially in the Orange Free State. The aim of the anti-squatting sections was to force blacks to become labour tenants. As a result, a large number of Africans and their families were thrown off the land or chose to leave, rather than give up the privileges they were enjoying, especially in the Orange Free State. This change and forced exodus occurred even though Sections 6(c) and 8(1a) of the Act delayed actual implementation of the anti-squatting provisions until a Land Commission reported or Parliament acted on the commission's recommendations.

In addition, the Act established the Natives Land Commission, which in 1916 recommended the addition of about 8,5 million morgen. Government incorporated these recommendations into the Native Affairs Administration Bill of 1917. However, blacks and whites seriously criticised the commission's recommendations. This criticism led to the appointment of five new provincial committees (two for the Transvaal) to evaluate land allocations included in the Bill. Because of the vocal white opposition to the amount of land recommended for black occupation, the local committees reduced the Land Commission's allocations to about 7,5 million morgen, but Parliament failed to give legal sanction to setting aside even this smaller amount for Africans, because the government decided not to bring the bill before this body in 1918. In short, the legal amount in 1918 remained at 10 million morgen (seven per cent), although the anticipated maximum amount of land for Africans, according to government plans and the recommendations of the committees, was to be about 12,5 per cent of the area of South Africa, for almost 70 per cent of the population.

Prime Minister Hertzog realised the need for more land for Africans. Consequently, in 1927, he introduced a new land bill, the Natives Land Act (Amendment) Bill into Parliament, with the aim of using the recommendations of the Natives Land Commission and the five local committees as the basis for allocating additional land. This bill, however, was specifically linked to another bill which would repeal the constitutional provision guaranteeing the voting rights of Africans in the Cape Province. Because of the difficulty of marshalling a supermajority of votes for this repeal, Parliament did not authorise the government to go beyond the seven per cent minimum until 1936, when Parliament passed the Native Trust and Land Act.

Even though the opportunities to speak out and protest were numerous, black South Africans still suffered from discrimination and reduced economic opportunities between 1913 and 1936, especially during the 1920s. Although land was not the only problem with which the educated leaders were concerned, it was the most important matter.<sup>10</sup> Historians cannot ignore the daily discrimination and humiliations in a racially divided society where the dominant white minority did not believe in racial equality. Consequently, even though the opportunities to speak existed, African leaders found it impossible to prevent Parliament from passing discriminatory laws.

In general, most of the leaders cited in this article were well-educated, Christian (within the mainline churches) and politically active. Several of these men were born in Natal, the rest in the other three provinces. They studied at a small number of missionary run secondary schools, such as Lovedale or Healdtown. A number also pursued higher education in the United States of America or Great Britain, while others only travelled to these countries. Many were part of the ANC or its provincial branches, and most held leadership positions in their organisations, including several presidents-general of the ANC. Their careers varied, although a number were trained as teachers. These men were lawyers, journalists, newspaper columnists, editors and clergymen. One was a medical doctor. Most could be considered as politically conservative within the South African context, but a small number promoted more radical political views and a more activist agenda.

### **Bitterness towards the Natives Land Act**

After Parliament passed the Natives Land Act, no African within my sample had anything positive to say about this law.<sup>11</sup> In the early years after 1913, important leaders expressed disappointment (1914) and talked of their distress over the loss (“deprivation”) of rights (1914, 1917). Suspicion (1914) about white motives was part of the commentary. Between 1915 and 1930, their language became much stronger. For example, one document includes an angry reference to “the iniquity of the notorious Natives Land Act” (1915); other vituperative comments stressed the “horrors of the Natives Land Act” (1917); leading to

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10. Other problems included job discrimination, passes, low wages, inadequate educational opportunities, unfair taxes and injustice in the courts. After land, these were the issues most criticised.
  11. J.T. Jabavu, long-time editor of *Imvo Zabantsundu*, supported the Natives Land Bill during the debate; after 1913 he suffered ostracism by his peers and diminished influence among Africans as a result.

“suffering” (1919); an Act which operates “mercilessly” (1919); additional comments pointed to the “atrocities”, “mischief” and “pitiless yoke” of the Act, with “all its sorrows” (1919). Its “cruel operation” aroused and antagonised “Native feeling” (1920), causing “untold hardships” (1921). Africans denounced this “iniquitous” (1920, 1922), “notorious” (1923), “vicious” (1924) law, which was described as being like “lysol”, a “poison”, the “most cruel [law] ever devised” (1926) and a “constant, caustic irritant” (1930). This antagonism is the foundation on which all commentary about land policy was built.

### **Squatting**

Because the Land Act prohibited Africans from buying land outside the reserves after 19 June 1913, one would have assumed that the bitterness just described, would have been aimed at this new prohibition which was intended to stop the increased black buying of Transvaal farms from 1905 and especially after the formation of the Union of South Africa in 1910. However, between 1913 and the early 1930s, black South African leaders were angrier about the suffering and hardships (a word consistently used) non-landowning Africans endured as a result of the anti-squatting and anti-sharecropping provisions of the Land Act, than with the impact of the restriction on buying land. Many more people were affected and the results were far more tragic. In 1914, the South African Native National Congress sent a petition to the British Parliament which listed six “classes of sufferers” as a result of the Natives Land Act, including people forced off land and wandering around the countryside, those who lost crops and those forced to work on white farms under new conditions which did not allow them also to be sharecroppers. There is no reference to those who might have suffered because they could no longer buy land.<sup>12</sup>

For example, John Dube met with the Chief Native Commissioner, the Magistrate and the Mayor of Newcastle in August 1913. Responding to the Mayor’s comments, Dube emphasised that the Natives Land Act was of great importance to Africans. In the next sentence, he referred to the people pushed off farms.<sup>13</sup> Richard Msimang, a lawyer, and Sol Plaatje, the first Secretary-General of the ANC, collected examples of evictions and the subsequent privations in 1913 and 1914. Msimang

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12. “An Appeal to the Members of the Imperial Parliament and Public of Great Britain” (A Petition from the South African Native National Congress, 1914), in T. Karis & G. Carter, *From Protest to Challenge I* (Hoover Institution Press, Stanford, 1972), pp 130-133.

13. “The Natal Native Congress”, *Ilanga Lase Natal*, 13 August 1915.

published a pamphlet on the subject.<sup>14</sup> Plaatje's book, *Native Life in South Africa*, the most well-known description of the aftermath of the Natives Land Act, dramatised the terrible effects of the anti-squatting policy, showing the suffering of Orange Free State Africans in the months after the Act became law, as a result of blacks leaving white-owned farms to avoid becoming labor tenants or being forced off farms they had been living on for years as sharecroppers, because they refused demands for a change in their status.<sup>15</sup> The 1913 exoduses and evictions occurred despite the provisions of the Act referred to above, which delayed implementation of the anti-squatting sections until after the Natives Land Commission submitted its report to Parliament, which it did in 1916. These evictions and the resulting migrations continued during the 1910s and well into the 1920s. In 1917, Plaatje still worried about the "unfortunate wretches like the daily increasing number of victims of the Natives' [sic] Land Act [who] are left to shift for themselves. Thirty-seven families in the Pretoria district will be evicted this month, 21 [sic] families in Potchefstroom and more round Heidelberg."<sup>16</sup>

After the failure to expand the amount of land available to Africans legally (1917-1918), Reverend Z.R. Mahabane reminded his audience at a Cape Provincial Congress meeting in 1921 of the harm done because the Land Act had "inflicted untold hardships on thousands of landless Natives, many of whom became homeless".<sup>17</sup> The editor of *Ilanga Lase Natal* in 1923 also repeated the homeless point, referring to the many Africans who had "become wanderers".<sup>18</sup> The following year, the same newspaper complained that the "Act has made it intolerable for Natives to live on European farms under servile conditions".<sup>19</sup> The ANC resolved in

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14. R.W. Msimang (ed), *Natives Land Act 1913 Specific Cases of Eviction and Hardships* (Friends of South African Library, Cape Town, 1996). The original pamphlet appears to have been published in 1914.
  15. Sol Plaatje, *Native Life in South Africa* (P.S. King and Co., London, 1916).
  16. Sol Plaatje to Mrs. Cobden Unwin, 10 July 1917, in B. Willan (ed), *Sol Plaatje, Selected Writings* (University of Witwatersrand Press, Johannesburg, 1996), pp 227-228. For more information about Sol Plaatje, see B. Willan, *Sol Plaatje, South African Nationalist* (Raven, Johannesburg, 1984).
  17. "The Exclusion of the Bantu" – Address of the Reverend Z.R. Mahabane, President, Cape Provincial Congress, 1921, in Karis & Carter, *From Protest to Challenge I*, p 292. Mahabane was ordained as a Methodist minister in 1914. He served as President-General of the ANC in 1924-1927 and 1937-1940.
  18. "Natives' [sic] Land Act Statement" – Editorial, *Ilanga Lase Natal*, 31 August 1923, p 7.
  19. "The Poor Blacks" – Editorial, *Ilanga Lase Natal*, 18 July 1924, p 7. The editor also noted that whites on government farms in Zululand "have driven



1926 to inform the government and white farmers about African suffering because of the Land Act.<sup>20</sup>

Doctor A.B. Xuma explained to his audience at the 1930 Conference of the European and Bantu Christian Student Association at Fort Hare that because of the evictions from white-owned farms, the reserves had become "crowded to overflowing". He added that black's livestock had gone and they were "landless and poverty-stricken".<sup>21</sup>

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away all Natives except such as are willing to comply with the provision of the Natives Land Act".

20. "Bloemfontein Convention", *Umteteli WaBantu*, 9 or 16 January 1926. The ANC meeting opened at Bloemfontein on 1 January 1926. Its resolutions included: "(12) The convention desires to bring to the notice of the Government, as well as members of the farming community, the hardships from which Native African people living as squatters on European-owned farms are suffering as a result of the operation of the Natives Land Act of 1913, and the convention strongly urges the Government to consider an amendment to the Act so as to restore the status quo before the passing of the Act of 1913."
21. A.B. Xuma, "Bridging the Gap between White and Black in South Africa". Address to the Conference of European and Bantu Christian Student Association at Fort Hare, 27 June 1930 to 3 July 1930, p 7. Xuma earned a Bachelor's degree and his Medical Doctor degree in the United States. He was President-General of the ANC between 1940 and 1949. See also: "South African Native National Congress", *Ilanga Lase Natal*, 13 August 1915, about the fourth Annual Meeting of 30 July 1915 to 3 August 1915. At this meeting, Doctor W. Rubusana, the only black member of the Cape Provincial Council from 1910 to 1914, referred to the evictions and lease terminations, as well as the hardships which ensued. "Official Drift" – Editorial, *Umteteli Wa Bantu*, 8 July 1922, p 2. "In 1913, the Native [sic] Land Act gave definite form to the anti-Native trend of European thought. It was a sop to the Negrophobe tendency of the day; and to those Europeans who had rid themselves of the unreasoning prejudice which characterised the majority it was promised that the more objectionable features would shortly be weeded out, and that amendments then under consideration would rob the measure of its admitted harshness. The Act stands to-day in its original form, and for nine long years Natives have waited to be relieved of the suffering which it has inflicted." J. Gumede and others, "Urban Areas Bill: Statement by the Deputation to Gen. Smuts", *Ilanga Lase Natal*, 6 July 1923, p 7. Gumede and his colleagues suggested to Smuts that Africans were going to the cities because of the Land Act, because farmers were evicting them to avoid potential fines. "Natives' Land Act Statement" – Editorial, *Ilanga Lase Natal*, 31 August 1923, p 7: "What also contributes so much to the misunderstanding is the knowledge that the practical operation of the Act has been working all along against that Native. There are so many of them rendered homeless and become wanderers." "The Poor Blacks" – Editorial, *Ilanga Lase Natal*, 18 July 1924, p 7: "... and the Natives Land Act has made it intolerable for Natives to live on European farms under servile conditions not allowing any form of

From this discussion, one can see that Africans lost the use of land well into the 1930s because of the anti-squatting provisions of the Land Act. The Land Act gave white farmers the power to eject Africans when they (the whites) wished to follow the law and, slowly, more farmers began to do so. Thus, the consequences of an Act passed in 1913, extended long beyond the date on which the law had come into effect, and African leaders continued to express their distress at a continuing iniquity, which grieved the leaders more than any other provision of this law.

### **The Need for Land**

In 1913, during the debate over the Natives Land Bill, various people admitted that many reserves were overcrowded. Prime Minister Botha and others assured Africans that more land would be made available after the Bill had been passed, and the Act created the Natives Land Commission to determine where and how much additional land should be set aside for the black majority. Prime Minister Botha, in subsequent years, talked about the promise of more land that had to be fulfilled, but he pulled back in 1918 because of the controversy over the Native Affairs Administration Bill (discussed above). After 1913 and into the 1920s, Africans complained that overcrowding was increasing,<sup>22</sup> and most South Africans (white, black, and especially government officials) agreed. Africans also declared that the new land that the Natives Land Commission, the five local committees and the Natives Land Act (Amendment) Bill recommended for rural Africans, was inadequate for at least two reasons: the poor quality of the land and the genuine concern that the additional seven to eight million morgen was not enough to meet the current needs or the future growth of the African population. Census data reinforced the concern about population growth: the census of 1911 estimated an African population of 4 019 006 (67,28 per cent of the South African population). By 1927, the government estimated that there

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development to a higher state of life. Thousands upon thousands of Natives would be glad to get away from these farms if there were suitable lands for them in Native areas." The editor also noted that whites on government farms in Zululand "have driven away all Natives except such as are willing to comply with the provision of the Natives Land Act, ..."

22. See: S. Plaatje, "Some of the Legal Disabilities Suffered by the Native Population of the Union of South Africa and Imperial Responsibility" (originally published in London in 1919), in Willan (ed), *Sol Plaatje, Selected Writings*, p 251; A.B. Xuma, "Bridging the Gap between White and Black in South Africa". Address to the Conference of European and Bantu Christian Student Association at Fort Hare, 27 June 1930 to 3 July 1930, p 7.

were 5 105 000 Africans in the Union.<sup>23</sup> Human congestion on the reserves, together with increasing numbers of livestock, led to deterioration of the land in many African areas, and blacks continued to emphasise their need for more agricultural and grazing space, as well as the crucial access to water. Leaders also condemned the very high density of population in African areas as opposed to white areas.<sup>24</sup> Other reasons for land hunger included the desire for security of tenure, to avoid the legitimate worry, as we have seen, of being forced from a farm by the white owner to avoid the demands of labour tenancy. Finally, history and kinship were important to many: the land was “ancient tribal land” and the graves of the ancestors, “which we hold sacred”, were located on selected farms.<sup>25</sup>

### Quality of Land

Prominent Africans spoke more about the quality of the land available for Africans, than about the loss of the right to buy land. Periodically, Africans spoke about the poor quality of the land on which they lived or which was available to them. After noting that the government had set aside only twelve and a half per cent of the land for Africans, Sol Plaatje stated that much of that land was “awarded to the blacks by reason of its unsuitability for cultivation and its unhealthy climate”.<sup>26</sup> R.V. Selope

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23. NASA: NTS 3519, 353/308, Table dated April 1927.
  24. Testimony of Reverend Abner Mtinkulu, 30 May 1927. *Report of the Select Committee on the Subject of the Union Native Council Bill, Coloured persons Rights Bill, Representation of Natives in Parliament Bill, and Natives Land (Amendment) Bill* (Government Printer, Cape Town, 1927), p 262. Mtinkulu said: “Coming to the question of land, the ratio at present is 105 morgen to every European and 3 morgen to every native.” Reverend Mtinkulu was ordained in the Wesleyan Methodist Church, but eventually left this church to become a leader in the independent Bantu Methodist Church.
  25. NASA: GG 1547, 50/662, Chief Mamabolo to Governor-General, 3 October 1916. Chief Mamabolo refers to land lost in the past and its quality. “We do not cast longing eyes to the land of our forefathers, except that in the neighbourhood of Haenertsburg in one of the farms are the graves of the earliest chiefs, which we hold sacred.”
  26. S. Plaatje, “Some of the Legal Disabilities Suffered by the Native Population of the Union of South Africa and Imperial Responsibility” (originally published in London in 1919), in Willan (ed), *Sol Plaatje, Selected Writings*, pp 250-257. Also see: NASA: NTS 3410, 2/308, file 3, Darius B. Motsepe to Native Commissioner, Pretoria, 17 November 1945. Motsepe wrote on behalf of “the buyers Association of the Mamogalieslaagte farm No 76 District Brits.” He was the chairman. He said that they wanted to rent a portion of Uitvalgrond 376 which bordered on their land. Mamogalieslaagte “has

Thema emphasised the unhealthy nature of certain areas when he noted that land reserved for Africans “is mostly situated in the malaria and barren districts”.<sup>27</sup> The editor of *Ilanga Lase Natal* wrote that the land available for Africans was undesirable to Europeans, a point that government officials also acknowledged in their correspondence.<sup>28</sup> Reverend Abner Mtimkulu also emphasised the inadequacies of African land when he observed that Africans “generally have the hills and stony places”.<sup>29</sup>

While some African farms included good soil, such as black turf, and adequate water in the Pretoria district, for example, others did not, and officials acknowledged the conditions complained of above. The phrase “only suitable for Native occupation” appears in Native Affairs Department correspondence, and official descriptions confirmed that African land included sandy soil, mountainous terrain, or inadequate water. One memorandum concerning a Transvaal farm referred to a portion of the land as “barren and waterless”.<sup>30</sup>

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- inadequate arable land in that a big portion of it is rocky and thereby unsuitable for agriculture.”
27. R.V. Selope Thema, “South African Native Policy”, *Ilanga Lase Natal*, 28 May 1920, p 7. “Hence the land reserved for native occupation is not only inadequate, but is mostly situated in the malaria and barren districts.”
  28. “An Iniquitous Slogan” – Editorial, *Ilanga Lase Natal*, 25 March 1927, p 7. “It seems to be the policy of all the Governments here to root out the Native from the soil, that is, such as is profitable or make a show of allowing the Native to purchase land by giving him such portions as few Europeans care to have.”
  29. Testimony of Reverend Abner Mtimkulu. *Report of the Select Committee on the Subject of the Union Native Council Bill, Coloured persons Rights Bill, Representation of Natives in Parliament Bill, and Natives Land (Amendment) Bill* (Government Printer, Cape Town, 1927), p 262.
  30. See, for example: NASA: EC 62, 986/05, Memorandum about Jackhalsdans 350, 7 April 1905. No identification is provided, but it might have been by someone from the NAD. The writer refers to a 700 morgen portion of the farm, owned by an African, Jacob Solomon. See also: NASA: LDE 632, 11247, Acting Secretary for Native Affairs to Secretary for Lands, 19 June 1911. The letter concerned locations in the Zoutpansberg district. The locations in the area were small and “of poor resources, though destined for a numerous population”. The region of locations and land the Native Affairs Department wanted for Africans was “considered unhealthy for European occupation,” NASA: NA 246, 5977/1911/F596, Memorandum to the Minister of Native Affairs, from Acting Secretary for Native Affairs, 3 November 1911. A handwritten note on the memorandum is by Henry Burton, Minister of Native Affairs, 4 November 1911. He talked with the attorney for the Schutte estate. “He assures me that this ground is in no sense suitable for European occupation, being a sandy tract unfit for

When Prime Minister Hertzog offered Africans more land in the Natives Land Act (Amendment) Bill by creating "released areas", Africans complained about the same problems: poor quality and insufficiency. They also claimed that Africans already occupied much of the land included in the released areas.

### **Segregation**

The principle of segregation was enshrined in the Natives Land Act, a principle whites emphasised on more than one occasion after 1913. The African leaders' belief that there was not enough land for a people who equaled almost 70 per cent of the population and the reality of serious overcrowding of the reserves, meant that when African leaders discussed segregation, they consistently said that it was impossible. They said that segregation could not come about if there was not enough land for Africans to allow for a real separation of the races. Certain African leaders spoke about the possibility of accepting segregation if a fair division of the land could be agreed upon and if whites were willing to give up a substantial portion of what they claimed. Since African leaders believed that white fairness was impossible, they repeatedly emphasised that segregation could not and did not exist in South Africa yet.

African attitudes towards segregation contributed to their anger at the Natives Land Act. Historians are divided over whether Africans favoured segregation or not after Parliament passed the Natives Land Act.

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cultivation and only fit for cattle grazing." NASA: NA 278, 4168/1911/F684, Secretary for Native Affairs to the Secretary for Lands, 25 August 1915. About Crown Lands in the Pilgrims Rest area: these lands were "unsuitable for occupation by Europeans and ... have been recommended as additional native areas." NASA: NTS 3425, 24/308, Part I, MacRobert & De Villiers to Secretary for Native Affairs, 4 July 1922. Onverwacht 576, Pretoria, a portion, equalling about 100 morgen, was owned by Africans. "The Natives resident on the land, however, have practically no grazing, and in a dry season have no water." NASA: NTS 3543, 493/308, Magistrate of Pietersburg to Managing Director, Land and Agricultural Bank, 14 December 1926. "The Farms, as you know, are situated in mountainous country, and only suitable for Native occupation." NASA: NTS 3597, 926/308, Additional Native Commissioner, Pietersburg to Secretary for Native Affairs, 17 March 1932. Land in which Africans have an interest, "being mountainous and fit for Native occupation." NASA: NTS 3546, 507/308, Assistant Native Commissioner, Bochem to Additional Native Commissioner, Pietersburg, 5 January 1935. Jeremia Mahupye and others want to buy a portion of Koekoek 1007, Pietersburg: "the 200 morgen already owned by Jeremia and his followers has [sic] no water on it and adjoins the portion now proposed to be purchased".

The evidence I have examined supports the view that many Africans opposed segregation. In the context of the debate over the Native Affairs Administration Bill, Africans attending a conference in the Eastern Cape resolved that the conference “emphatically disapproves of ... the underlying principle [of the Bill], ... namely segregation in its present form”.<sup>31</sup> In 1920, R.V. Selope Thema opposed the principle of “territorial separation” in writing.<sup>32</sup> That same year, appearing before the Select Committee on Native Affairs, Z.R. Mahabane emphatically stated: “I represent the Native Congress and the members of that Congress are opposed to the policy of segregation.”<sup>33</sup> Members of the Native Affairs Commission who toured South Africa in 1926 and met with many African groups, also wrote in their report that Africans they spoke with in Potgietersrust opposed segregation.<sup>34</sup> This opposition was based on a realistic understanding that whites would never share the land in a fair manner with the African majority. Concomitantly, the few men who spoke about accepting segregation if the government were to force it upon Africans, said that they would support the principle only if enough land was set aside to meet the needs of the current population in the 1910s and 1920s, and anticipated the needs of future generations. Reverend J.S. Mazwi told Prime Minister Smuts that “there was a widespread fear

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31. NASA: GG 350, 7/1677, Resolution from the Native Conference, Eastern District, Cape Province, 23 tot 24 March 1917 with a letter dated 24 March 1917.
  32. R.V. Selope Thema, “South African Native Policy”, *Ilanga Lase Natal*, 28 May 1920, p 7.
  33. Testimony by Reverend Z.R. Mahabane, President, Cape Province Native Congress, before the Select Committee on Native Affairs, 15 June 1920, in Karis & Carter, *From Protest to Challenge* I, p 118. From Minutes of Evidence #130: “Mr. Keyter: ‘You have stated that the majority of the natives are against segregation. In 1917 they were not against it, so since then have they changed their minds?’  
Mahabane: ‘I do not know who gave evidence in 1917, but in 1913 when the Land Act was passed, we objected to it because it contained that principle of segregation and we also objected to the 1917 Bill on the same grounds mainly.’  
Keyter: ‘#131. You are personally against segregation, but not the majority of the natives?’  
Mahabane: ‘I represent the Native Congress and the members of that Congress are opposed to the policy of segregation. I represent the Free States natives who belong to the Congress.’”
  34. NASA: NTS 8623, 41/362, I, A.W. Roberts & P. van Niekerk, NAC members, report on their 1926 tour, 11 January 1927.

that if the government carried out a scheme of segregation in land an insufficient extent would be given to the Natives".<sup>35</sup>

Equally important is the consensus among blacks and whites that territorial segregation had not been fully implemented by the end of the 1920s. During the 1926 Governor-General's Native Conference, which focused on the segregation bills published by Prime Minister Hertzog, Selope Thema told those attending that the "Government was abandoning the principle of the 1913 Act and only releasing certain areas. Thus it admitted the injustice of the Land Act and **that the separation of the races was a failure** [emphasis added]". Thema then presented a motion:

This Conference, **realising that the Government have abandoned the policy of segregation** [emphasis added], recommends that the whole country be released from the operation of the Natives Land Act, 1913.<sup>36</sup>

One might also suggest that Hertzog's land bill, the Natives Land Act (Amendment) Bill – originally introduced in Parliament in 1927 – would actually have increased the integration of farmers, because of the provision allowing for Africans and whites to buy land in so-called released areas.

In total, African leaders correctly concluded that a major goal of the promoters of the Natives Land Act, namely rural segregation, had not been achieved. However, the segregation discussion failed to consider the land buying which was occurring and that many of the farms that blacks purchased, were outside the scheduled areas. In fact, a small amount of integration of farms in the rural Transvaal, at least, was already occurring because a large number of the black farmers who bought land under the exception clause had white neighbours.<sup>37</sup>

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35. NASA: NTS 1694, 32/276, Notes from a meeting of the Prime Minister and African leaders, Cape Town, 20 August 1920. Smuts' reply to Reverend Mazwi was: "they could be assured that an equitable extent of land would be set aside ..."
  36. Union of South Africa, *Report of the Native Affairs Commission for the Years 1925 and 1926* (Government Printer, Cape Town, 1927); Annexure IV, Minutes of the Native Conference, Pretoria, 3 to 5 December 1925, p 76.
  37. This conclusion is based on my research on African-owned farms between 1910 and 1936, including many farms purchased after 1913. See the Land Transfer records at the Deed Office and the National Archives of South Africa. Also see H. Feinberg & A. Horn, "Towards Segregation? Evaluating New Data on the Purchase of Farms by Black South Africans between 1913 and

## Land Buying

Actual references to the land buying restriction in the Natives Land Act are rare. Fewer still even mention the exception clause. Sol Plaatje referred to the prohibition in a 1919 pamphlet, but failed to mention that the government had the power to grant Africans permission to buy (and also lease) property.<sup>38</sup> D.D.T. Jabavu came closer to the reality, but he is not unmistakably clear (and is partially incorrect because the Cape Province did not fall under the law, which I discussed earlier). He wrote that the ability to buy or lease land “has been seriously circumscribed everywhere by the Land Act of 1913”.<sup>39</sup> Only H. Selby Msimang, a longtime activist and newspaper columnist, clearly wrote about land buying.<sup>40</sup>

In 1923, the government published a statement in several African languages about its land policies since 1913, with details about the possibilities for buying land.<sup>41</sup> At least three African newspapers and one white newspaper published the entire document.<sup>42</sup> At a 1923 African-European conference sponsored by the Dutch Reformed Church, this document was only acknowledged by one participant, namely Chief F.F. Zibi, who reminded his listeners of the main provisions of the Land Act. He also noted that the government could approve exceptions to the buying prohibition. However, he then proceeded to show his total

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1936,” presented at the South African Historical Society Meeting, Cape Town, 27 June 2005.

38. S. Plaatje, “Some of the Legal Disabilities Suffered by the Native Population of the Union of South Africa and Imperial Responsibility” (originally published in London in 1919), in Willan (ed), *Sol Plaatje, Selected Writings*, p 251: “prohibitions imposed by parliament” since 1910 – [g.] “Natives are prohibited from buying fixed property in the Union except in tribal locations, that are already overcrowded and where tribal lands, being legally inalienable, cannot be bought or sold. [h.] The lease of landed property to Natives is forbidden in the Union under a penalty of £100 or six months’ imprisonment.”
39. D.D.T. Jabavu, “Native Unrest.” Paper presented to the Natal Missionary Conference, July 1920, in Karis & Carter, *From Protest to Challenge I*, p 123: “Insecurity of land tenure: Like the owning of cattle the possession of land, to Natives, is a natural ambition. But the possibility to buy land or hire it has been seriously circumscribed everywhere by the Land Act of 1913. The worst case is that of the Orange Free State which has rendered confusion for the black man worse confounded ...”
40. H. Selby-Msimang, “The Natives Land Act”, *Umteteli Wa Bantu*, 15 September 1923, p 2; H. Selby Msimang, *The Crisis*, 1936, p 5.
41. NASA: NTS 3431, 35/308.
42. *Ilanga Lase Natal*, *Imvo Zabantsundu*, *Umteteli Wa Bantu*, and the *Cape Times*.



ignorance of the fact that the government had granted almost 600 exceptions between 1913 and 1923, and especially after 1918, by asking: "Are there cases of the Governor-General's approval having been asked for? If so, (a) What is the number of farms bought or leased by Natives in Committee areas?"<sup>43</sup>

An indirect reference can be found in an editorial of 1924 in *Ilang Lase Natal*: "... even the vicious Natives Land Act is incomplete, [but has] a loophole for officers of the government to use their judgement according to their own views of the recommendations of the Beaumont Commission and that of the local committees."<sup>44</sup> Another editorial, published three years later, also alluded to the possibility of acquiring land, but now worried that few Africans could afford the price.<sup>45</sup>

A telling example of an unwillingness to acknowledge government land policies, can be seen in an exchange which took place at the Governor-General's Native Conference in 1926. J.F. Herbst, the Secretary for Native Affairs, acknowledged that the government had not passed new land legislation in 1917, but reiterated that the government could grant permission to buy a farm. Nevertheless, the next day, a Transvaal delegate introduced a resolution which referred to the land issue in this way: "(3) that Natives be allowed to buy land within released areas wherever situated ...". Herbst immediately reminded the delegates about the government's longstanding policy to grant approvals.<sup>46</sup>

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43. Proceedings and Resolutions of the Dutch Reformed Church Conference, September, 1923 (published in *European and Bantu*), in Karis & Carter, *From Protest to Challenge I*, pp 227, 228, 233. "Chief F.F. Zibi: Furthermore, he reminded his listeners that the Land Act
1. prevented buying, leasing, or other interest in land outside the scheduled areas
  2. has a schedule 'in which natives only may buy'
  3. and that 'outside these scheduled areas no black man can buy or hire land'."
44. "Natives and the Election" – Editorial, *Ilang Lase Natal*, 2 May 1924, p 7.
45. "An Iniquitous Slogan" – Editorial, *Ilang Lase Natal*, 25 March 1927, p 7. "The conditions of purchase are prohibitive for the average Native as they get as wages one fiftieth of what an ordinary white employee gets."
46. Union of South Africa, *Report of the Native Affairs Commission for the Years 1925 and 1926* (Government Printer, Cape Town, 1927), Annexure IV, Minutes of the Governor-General's Native Conference, November, 1926, p 69. J.F. Herbst, Chairman: "Local Committees made investigations and submitted proposals. Nothing further was done and the result was that no Native can buy land outside a Scheduled Native Area – except by the grace of the Government" (p 75). J. Morosi (delegate from the Transvaal): "(3) that Natives be allowed to buy land within released areas wherever situated

## Government Policy and African Land Buying

I believe that because of the perceptions shared by educated Africans about the impact of the Natives Land Act, the failure to repeal that law and the failure to open up large areas for African settlement, most African leaders chose not to talk about the opportunities which existed to buy land. They ignored the fact that less educated and uneducated Africans were buying land and that these purchases involved thousands (more likely tens of thousands) of men and women.

The reality is as follows. Using the exception clause, between 19 June 1913 and 31 December 1935, the government approved approximately 3 300 purchases of farms, portions of farms, and lots. In addition, officials granted approval for about 2 800 leases of rural farm land and approximately 1 700 mortgages.<sup>47</sup>

The approval system evolved in the late 1910s and early 1920s. The government hesitated to grant permission during the time that the Natives Land Commission held hearings (1913-1916) to decide about new land for Africans. "Hardship" was the most important criterion used by officials to reach a decision.<sup>48</sup> Officials also hesitated during the debate over the Native Affairs Administration Bill (1917), which I discussed above. After Prime Minister Botha decided not to reintroduce that Bill to Parliament in 1918, he and his key advisors re-evaluated land policy and decided to expand the available land for Africans by administrative action, allowing Africans to purchase farms in areas recommended by both the Natives Land Commission and the local committees. Botha instructed officials to be more flexible and the number of approvals increased dramatically. After Botha's death in 1919, the government of Prime Minister Smuts continued to follow the land policies of his predecessor. In December, 1921, however, ministers agreed to a key change, allowing purchases in areas that either the Natives Land Commission or the local committees recommended, leading to an expansion of the area where the government allowed Africans to buy land with relative ease. This change was publicly announced in

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irrespective of their tribes." "The Chairman pointed out that the Government had granted permission to Natives to buy in the released areas during the last ten years."

47. Section 1 (3) of the Natives Land Act required the Governor-General to submit a report to Parliament annually of the number of exceptions granted. These reports are located in the Library of Parliament, Cape Town.
48. I am not certain whose "hardship" was given greater consideration, the buyer's or the white seller's.

July 1923 (referred to above) in a document which described government land policy since 1913, especially emphasising changes since 1918, allowing for more exceptions to be granted.<sup>49</sup>

Following an evaluation of land policy after his election in 1924, Prime Minister Hertzog showed even greater flexibility than the Smuts government, averaging over 200 permissions for most of the years after 1926. In fact, the Hertzog government granted about 70 per cent of the sales approvals between 1925 and 1936, totalling approximately 2 280. These purchases amounted to thousands of morgen in the Transvaal and Natal. The evidence of land buying was not referred to in any of the speeches, testimonies, resolutions, newspaper editorials or columns I have examined.

Many, if not most of the educated Africans, should have known about government land policy and the system for gaining approval of purchases, for a number of reasons: firstly, because at least two leaders (and perhaps more) owned rural land. P.K.I. Seme, a founder of the ANC, invested in real estate and was a director of an African company, the Native Farmers Association of Africa, Limited, selling lots to Africans. S.M. Makgatho, President-General of the ANC from 1917 to 1924 and a prominent leader in the Transvaal, owned some land and obtained a mortgage. Secondly, if not before, leaders would definitely have learnt about it in 1923, because of the statement published that year, which I referred to above. This policy statement was published in English and several African languages. It appeared in the *Cape Times* of 27 August 1923, and at least three African newspapers, namely *Ilanga Lase Natal* (31 August 1923); *Umteteli Wa Bantu* (1 September 1923); and *Imvo Zabantsundu*. The latter published the statement at least weekly from September to November 1923. Finally, many leaders should have known because of their participation in various conferences and meetings sponsored by the Native Affairs Commission, the Dutch Reformed Church and the Joint Councils.<sup>50</sup> Consequently, prominent Africans could not claim ignorance of land policy and the changes which occurred after 1913.

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49. NASA: NTS 3431, 35/308.

50. In addition, those who read the report of the 1923 conference sponsored by the Dutch Reformed Church, would have found a copy at the end of that document: *European and Bantu*, being Papers and Addresses read at the Conference on Native Affairs, held under the Auspices of the Federal Council of the Dutch Reformed Churches at Johannesburg, 27 to 29 September 1923.

### Perceptions about Black Anger

African leaders, as well as white politicians and other white commentators, periodically commented on African attitudes about race relations and government policies. Both groups stressed their perceptions that there was distrust, unrest, resentment, anxiety and unhappiness within the larger African population.<sup>51</sup>

Professor D.D.T. Jabavu, a member of the faculty of the South African Native College at Fort Hare, projected a picture of unrest in a paper he read before the Natal Missionary Conference in 1920. Jabavu titled his paper "Native Unrest", and the opening paragraph became increasingly strong in the language he used. The Africans, he said in the first sentence, "are in a state of positive discontent". He talked of "growing feelings of distrust", even a "charged atmosphere that has been electrified by racial distrust" and a "loss of faith [and] ... of confidence". He said that Africans did not normally, "or dare not" express their inner feelings to whites, "but nevertheless the feelings are there, and are seething like molten lava in the breasts of these inarticulate people".<sup>52</sup> Other sources talk of "anxiety", "foreboding" and "suspicion", or reiterate Jabavu's suggestion of discontent.<sup>53</sup> On several occasions

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51. Among blacks in my sample, between 1913 and 1935, certain words appeared multiple times in public statements, namely "distrust" at least five times; "unrest" at least six times; and "anxiety" at least five times.
52. D.D.T. Jabavu, "Native Unrest." Paper presented to the Natal Missionary Conference, July 1920, in Karis & Carter, *From Protest to Challenge* I, p 118-119, 123. Between late 1920 and 1930, the comment about a loss of confidence appears in at least five sources, including *Umteteli Wa Bantu*. See also: H. Selby Msimang, *The Crisis*, 1936, p 11, where he wrote in bold letters, "we can no longer loyally serve and be subject to a government which has openly disowned us and told us in brutal language that we can never, never be free."
53. *European and Bantu*, being Papers and Addresses read at the Conference on Native Affairs, held under the Auspices of the Federal Council of the Dutch Reformed Churches at Johannesburg, 27 to 29 September 1923; "Opening of Parliament" – Editorial, *Ilanga Lase Natal*, 25 July 1924, p 7: "A peculiar foreboding seems to possess many Native hearts ... [The Prime Minister's] advocacy of total segregation has been viewed with considerable alarm by many of the better class of Natives". Petition to King George V, from the South African Native National Congress, July 20, 1914, in Karis & Carter, *From Protest to Challenge* I, p 128: "(15) That petitioners say this Native Lands Act [sic] has caused the greatest disappointment to, suspicions among, and the deepest opposition from, the native races". See also: "Why Segregation is Objectionable" – Editorial, *Ilanga Lase Natal*, 15 April 1927, p 7; Amicus Homini Gentis, "The future policy of Natives", *Ilanga Lase*

during the 1920s, members of the African National Congress and the editor of *Ilanga Lase Natal* expressed “alarm” at the trend of the government’s land and segregation policies.<sup>54</sup> The phrases “racial strife,” “racial antipathy,” and “racial bitterness,” were also used to describe African feelings.<sup>55</sup>

White politicians and officials took these words seriously, because they appeared in a variety of private correspondence between 1912 and 1936. The same words were used when whites wrote about African attitudes: discontent, mistrust, anxiety, alarm and suspicion. Various English-speaking whites expressed their concern about African attitudes towards the policies of Prime Minister Hertzog after his election in 1924, especially when the Hertzog bills were being debated. They warned that Africans were “incensed” about the colour bar policies and that African distress was growing.

In addition to this similarity of viewpoints on the subject of African attitudes, whites expressed their fears about the implications in private correspondence. In 1919, in a rare letter, Prime Minister Botha wrote of being “very anxious” about the Native Question.<sup>56</sup> In addition, A.W. Roberts, a member of the Native Affairs Commission, also stated

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- Natal*, 4 January 1929, p 7; A.B. Xuma, “Bridging the Gap between White and Black in South Africa”. Address to the Conference of European and Bantu Christian Student Association at Fort Hare, 27 June 1930 to 3 July 1930, p 19.
54. NASA: GG 1549, 50/759, South African Native National Congress Memorial to King George, 16 December 1918. Resolutions of the Annual Conference of the African National Congress, 28 to 29 May 1923, in Karis & Carter, *From Protest to Challenge I*, p 297; “What of the Native’s Future” – Editorial, *Ilanga Lase Natal*, 24 August 1923, p 7; “Opening of Parliament” – Editorial, *Ilanga Lase Natal*, 25 July 1924, p 7; “Where is Our Hope?” – Editorial, *Ilanga Lase Natal*, 8 March 1929, p 7.
55. R.V. Selope Thema, “South African Native Policy”, *Ilanga Lase Natal*, 28 May 1920, p 7; “The Modified Bills” – Editorial, *Ilanga Lase Natal*, 15 February 1929, p 7; “A Square Deal to Everyone” – Editorial, *Umteteli Wa Bantu*, 11 December 1920, p 2; “Official Drift” – Editorial, *Umteteli Wa Bantu*, 8 July 1922, p 2; “The Native Affairs Department” – Editorial, *Umteteli Wa Bantu*, 5 August 1922, p 2.
56. National Archives of South Africa, Cape Town: F.S. Malan Papers, A 583, file 2, Louis Botha to F.S. Malan, Paris, 5 April 1919: “De Naturellen Kwestie laat zeer veel te mensen over, en over die zaak is ik banje zenewiachtig.”

the problem boldly: “Fear seems to obscure the vision of men, even the best up here [in the Johannesburg-Pretoria area]”.<sup>57</sup>

F.A. Farrer worried that African patience would be exhausted, “sooner or latter [sic],” and John X. Merriman, a respected member of Parliament, told Jan Smuts of his “hope” that the Native Affairs Administration Bill (1917), which was strongly opposed by Africans, “would not result in a Native rising”.<sup>58</sup> A correspondent of John X. Merriman worried that South Africa was “moving towards a crisis in our dealings with the native”, while James Rose-Innes feared an “explosion”. He added: “These [illegible] eruptions are not mere disconnected accidents; they are the signs of disruptive forces underground which sooner or later will bring ruin to the country unless we mend our ways.”<sup>59</sup> Doctor E.C. Long wrote of his concern that the “evil” of mistrust “will grow and that spells future trouble”.<sup>60</sup> Patrick Duncan (Governor-General between 1937 and 1941) noted the

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57. South African Library, Cape Town: Merriman Papers, MSC15, Box 58, Letter 432, Alexander W. Roberts to J.X. Merriman, 5 November 1921.
58. University of Cape Town Archives, Cape Town: Stanford Papers, BC 293, B68.1, F.A. Farrer to W.E.S. Stanford, 7 April 1916: “... and altho [sic] the Native is a very patient creature I am afraid his patience will sooner or latter [sic] become exhausted”; John X. Merriman to Jan Smuts, 22 February 1917, marked “Private”, in W.K. Hancock & J. van der Poel (eds), *Selections from the Smuts Papers* III (Cambridge University Press, Cambridge, 1973), p 452.
59. South African Library, Cape Town: Merriman Papers, MSC 15, Box 53, Letter 159, J.L. van Eyssen to J.X. Merriman, 11 April 1919. Eyssen saw South Africa as “... moving towards a crisis in our dealings with the native. It is not very far off now”; South African Library, Cape Town: Merriman Papers, MSC15, Box 56, Letter 557, J. Rose Innes to J.X. Merriman, 26 December 1920: “Native affairs are in a profoundly unsatisfactory condition, which is made worse by slack administration ever since union ... What are we to expect? Surely an explosion unless there is a complete change of policy. Brownlee is quite right. These [illegible] eruptions are not mere disconnected accidents; they are the signs of disruptive forces underground which sooner or later will bring ruin to the country unless we mend our ways.”
60. South African Library, Cape Town: Merriman Papers, MSC15, Box 57, Letter 3, Doctor E.C. Long to J.X. Merriman, 5 January 1921: “I think mistrust is the keynote of the present attitude of the native in regard to their white rulers, and we can’t help feeling that the Union Govt [sic] could do a good deal to remove this mistrust. If they do not the evil will grow and that spells future trouble.” See also: South African Library, Cape Town: Merriman Papers, MSC15, Box 58, Letter 334, Frank Brownlee to J.X. Merriman, 9 August 1921: “I have had the opinion for some years that unless many points of irritation are removed we will have serious trouble with the natives.”

“menace of fear upon the one side or the rankling sense of oppression on the other”.<sup>61</sup>

### **Conclusion**

There is no doubt that African leaders had numerous opportunities to be heard both by other Africans and by whites. A substantial measure of freedom prevailed for educated Africans who spoke about and protested against government policies.<sup>62</sup> The black press was unfettered and the rights of speech, assembly and petition generally prevailed for those prominent and moderate Africans who followed a constitutional approach to protest, an approach emphasised in the 1919 ANC Constitution.<sup>63</sup> To my knowledge, neither was any African newspaper censored for anything it published, nor was any African newspaper confiscated or banned before 1948.<sup>64</sup>

In addition to interacting with government officials, certain Africans also met with liberal whites at conferences and at meetings of the Joint Councils. But did those in power listen? Government officials said that they were listening and, during the Hertzog years, also said that they were pleased to have the opportunity to meet with and listen to the ideas of Africans.<sup>65</sup> Consistently, however, protests failed to stop

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61. University of Cape Town, Cape Town: Duncan Papers, BC 294, A 23.51, “What of our future?” (Typed manuscript, undated, but probably 1927): “[South Africa] is a land where two great types of the human family, the European and the Bantu which will not mix, have to live together under some form of Government which will allow each the improvement and enjoyment of its human capacities without the menace of fear upon the one side or the rankling sense of oppression on the other.”
  62. To what extent can these leaders be regarded as the sole representatives of black interests? This is an important question. I can only say that they were respected by other educated Africans and were selected for leadership positions. Equally important, numerous records of what they said, exist. Very few similar records are available for the general African population.
  63. “Constitution of the South African Native National Congress”, September 1919, in Karis & Carter, *From Protest to Challenge* I, p 78. It is also clear that those who promoted strikes were at risk, and communists could not freely promote their doctrines. I am not unaware of the new Riotous Assemblies Act (1930) which gave the government powers to curb the freedoms referred to.
  64. Questions arose during World War I concerning a small number of articles published in two African newspapers, but the government concluded that a successful prosecution could not be sustained. See: NASA: NTS 1872, 39/278.
  65. See: Union of South Africa, *Report of the Native Affairs Commission for the Years 1925 and 1926* (Government Printer, Cape Town, 1927), Annexure II, Minutes of the Native Conference, Pretoria, 3 to 5 December 1925; Annexure IV, Minutes of the Native Conference, Pretoria, 2 to 5 November 1926.

legislation Africans deemed to be against their interests or oppressive. In fact, the 1920s and 1930s were difficult times for Africans from a legislative standpoint<sup>66</sup> and try as they may, laws that Africans objected to, such as the Natives Land Act, were not repealed. To prominent Africans, the land issue continued to be very important into the early 1930s, and their anger, bitterness and denunciations of the Land Act did not diminish.<sup>67</sup> Educated Africans blamed the Land Act for various ills facing rural Africans, including landlessness, overcrowding of the reserves, hunger, and the migration of blacks to the cities, with all the problems of urban life encountered there. Some men equated the labour tenant system with slavery.<sup>68</sup> A constant question raised was: "Where are these people to go?" The answers all were unpalatable to Africans.

Black leaders demanded the repeal of the Natives Land Act. They failed to achieve this goal. They demanded more land for Africans, and government officials recognized that this was a critical need. Few whites, however, felt any pressure for rapid action, especially because some strongly opposed giving more land to Africans, something which became very clear after the Natives Land Commission submitted its report in 1916. Prime Minister Hertzog, for almost ten years, held his new land bill hostage to his dominant goal, namely ending the voting privilege for qualified Africans in the Cape Province. There was no sense of urgency.

Ironically, another possibility existed, but African leaders failed to inform the majority of their people about this opportunity to buy land. The leaders presided over many meetings of the ANC (at least annually) and of other organisations, yet the leaders did not inform their black audiences of this chance to buy land and the system which existed to obtain approval. In spite of this failure, ordinary Africans took the initiative to buy land between 1913 and 1936. They requested approval of their purchases, and they came back again if officials at the Native Affairs Department rejected their requests. Land hunger was a strong motivating force for ordinary Africans. They acted in a pragmatic way to

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66. Especially the Mines and Works Amendment Act, 1926, and the Representation of Natives Act, 1936.

67. Other issues were also important to African leaders, especially the colour bar, which excluded blacks from skilled jobs and better wages, and even led in the mid-1920s to layoffs of Africans from the railways. They also spoke out against their political exclusion from Parliament, and in the 1930s, the fight to save the right to vote for Africans in the Cape Province took precedence. However, the attack on the Land Act was the most persistent target of African comment between 1913 and the early 1930s.

68. "South African Native National Congress," *Ilanga Lase Natal*, 13 August 1915. The article quotes Doctor Walter Rubusana on this point.



benefit from the opportunity the Natives Land Act allowed them, but the leaders did not tell their people about the exception clause and ignored the fact that thousands of Africans received government approval to buy land in the Transvaal and Natal. Was this a conspiracy of silence on the part of the leaders? I have found no evidence to suggest this possibility. More likely, the hatred of the injustices associated with the implementation of the Natives Land Act prevented African leaders from being objective. Their perceptions were clouded by their anger.

Nevertheless, did the expressed anger over land policy have an impact on the thinking of government officials and on the changes in land policy in the late 1910s and 1920s? The evidence cited above shows that whites often articulated their anxiety about African attitudes, showing their concern about unrest within the majority population. Clearly some worried about the potential for violence, and occasional outbreaks led to legitimate concern. While some of the remarks about unrest and discontent were clearly made in the context of urban problems, a sufficient number of these comments related to land policies.

Government officials' unfulfilled promises in 1913 that more land would be made available to blacks, serious overcrowding in the reserves and black anger contributed to an easing of the Land Act's buying restrictions, leading administrators to act because Parliament failed to set aside more land. Black anger and the reality of black land hunger created an atmosphere within which officials could justify their actions to those whites who opposed the expansion of African land ownership. Black protests, however, failed to change the white goal of segregation, still not achieved by 1948. Black leaders had the opportunities to protest. They followed the rules for constitutional protest, but with few results to show for their considerable efforts.

#### **Abstract**

This article examines one aspect of the aftermath of the Natives Land Act of 1913, namely the commentary of black South African leaders about the Act and its impact from 1913 to 1936. The article emphasises the continuing anger of educated Africans towards the Land Act. The author also demonstrates that black leaders had many opportunities to discuss their opinions about political and economic life in South Africa and to protest against government policies which were increasingly discriminatory. These opportunities included writing for black newspapers, speaking to black organisations such as the ANC, meeting with whites (private individuals or government officials) at conferences, and testifying before commissions or

parliamentary committees. To prominent Africans, the land issue continued to be very important into the early 1930s, and their bitterness towards and denunciation of the Land Act did not diminish. Because of their attitudes, educated Africans ignored a clause in the Natives Land Act which allowed the government to approve new purchases by Africans of land outside the reserves. In addition, black leaders failed to admit that thousands of Africans benefited from this exception clause in the Land Act by purchasing farms and lots after 1913.

### **Opsomming**

#### **Protes in Suid-Afrika: Kommentaar van Prominente Swart Leiers op die Naturellen Grond Wet, 1913-1936**

Hierdie artikel ondersoek 'n aspek van die nadraai van die Naturellen Grond Wet van 1913, naamlik die kommentaar van swart Suid-Afrikaanse leiers op die Wet en die gevolge daarvan van 1913 tot 1936. Die artikel beklemtoon die deurlopende woede van geleerde swart Suid-Afrikaners teenoor die Grond Wet. Die outeur dui verder aan dat swart leiers talle geleenthede gehad het om hulle menings oor die politiese en ekonomiese lewe in Suid-Afrika te lug en teen regeringsbeleid wat toenemend diskriminerend geraak het, te protesteer. Hierdie geleenthede het die skryf van insette vir swart koerante, toesprake by byeenkomste van swart organisasies byvoorbeeld die African National Congress (ANC), ontmoetings met witmense (beide individue uit die privaat sektor en staatsamptenare) by konferensies, en getuienis voor kommissies of parlementêre komitees ingesluit. Vir prominente swart Suid-Afrikaners het grondsake tot in die vroeë 1930's van die grootste belang gebly, en hulle bitterheid teenoor en veroordeling van die Naturellen Grond Wet het nie afgeneem nie. As gevolg van hulle houding, het geleerde swartes 'n klousule in dié wet, wat die staat toegelaat het om nuwe aankope van grond deur swartes buite reservate goed te keur, geïgnoreer. Verder het die swart leiers nie in die openbaar erken dat duisende swart Suid-Afrikaners by hierdie klousule gebaat het, deur na 1913 plase en persele aan te koop nie.

#### **Key words**

African opinion; buying land; land; land hunger; land policy; Natives Land Act; protest; territorial segregation; 1913.

#### **Sleutelwoorde**

Gebiedsegregasie; grond; grondaankope; grondbeleid; grondhonger; protes; Naturellen Grond Wet; swart mening; 1913.