

## African reaction to white penetration: The central districts of the Transvaal in the 1870's

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In the past historians have tended to emphasise violence and warfare in the relationships between black and white in the Zuid-Afrikaansche Republiek (ZAR) or Transvaal, concentrating on the outlying districts or open frontier regions. More is perhaps known of these relationships and less about the more subtle, though dynamic nature of relationships in the 1870's in the central parts of the ZAR or closing frontier. Several books, academic dissertations and articles have been produced on, for example, conflict and warfare with the Pedi, the Venda, the Hanawa, the Ndzundza Ndebele and the African communities in the vicinity of the northeastern escarpment.<sup>1</sup> Also, with regard to the "early Transvaal", before the mineral age, one can take the view that in general it is a relatively neglected period in South African historical writing.<sup>2</sup>

For the purpose of analysing the relationship between black and white in the central districts of the ZAR in the 1860's and early 1870's, the proceedings and documents of the little-known 1871 commission on Native Affairs in the ZAR<sup>3</sup>

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  - 1. J.S. BERGH (Ed.), *Geskiedenisatlas van Suid-Afrika – die vier noordelike provinsies*, (J.L. van Schaik Publishers, Pretoria, 1999), pp. 161-163, 169-170, 174, 184, 191-192, 197-198, 199, 200, 204-205, 209-210, 213.
  - 2. J. DU BRUYN, "Early Transvaal – a historiographical perspective" in *South African Historical Journal*, No. 36, 1997, p. 136.
  - 3. See forthcoming publication: J.S. BERGH and F. MORTON (Eds.), *African labour, land and tax in the ZAR: The 1871 Commission for Native Affairs*. This is an annotated source publication of the documents pertaining to the 1871 Commission. It also contains a substantial explanatory introduction. The manuscript is with a publisher at the moment and will hopefully be published this year. Prof. F. Morton is head of the department of History at Loras College, Iowa, U.S.A.

will be used as point of departure. Despite the fact that the commission undertook the most comprehensive investigation into race relations in the Transvaal up to that stage, very few historians are aware of the existence of the commission and the important information contained in its documents on black/white relationships, especially with regard to the central districts of the Transvaal. The voice of the commission is – for various reasons – almost silent in South African historiography. Of the handful historians who refer to the 1871 commission, most merely utilized the report of the commission<sup>4</sup> and probably missed the important testimonies, correspondence and minutes. Very few have managed to locate these documents which are concealed amongst the supplementary documents of the State Secretary of 1871 in the Transvaal Archives.<sup>5</sup>

During 1870, several petitions from almost all districts of the ZAR, complaining about the lack of subservience of Africans, were received by the Volksraad.<sup>6</sup> In response to these petitions, the Volksraad decided

to appoint a commission of Investigation from its ranks comprising five members in order to investigate all petitions pertaining to native servants and native laws, to gather all information that it requires and submit a report to the Council as soon as possible. (*Translation*)<sup>7</sup>

The commission concluded its business in less than two months – between 11 September 1871 and 1 November 1871.<sup>8</sup>

The 1871 commission for Native Affairs was appointed during an important phase in the history of the ZAR and of its relations with its African inhabitants. The State was in the process of consolidating itself, and one can regard the 1871 commission as an effort on the Volksraad's part to rationalise and strengthen control of African labour and land and to generate income through taxes on African subjects.

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4. See for example P. VAN BILJON, *Grensbakens tussen blank en swart in Suid-Afrika*, Juta & Kie Beperk, Cape Town, 1947, pp. 338-342 and J.D. HUYSER, *Die natuerlike-politiek van die Suid-Afrikaanse Republiek*, D. Litt., U.P., 1936, pp. 174 and 186.
  5. See for example W.A. STALS, *Die kwessie van natuerlike-eiendomsreg op grond in Transvaal, 1838-1884*, *Archives Year Book for South African History* 1972 II, pp. 13-14; J.S. BERGH, *Die Berlynse Sendinggenootskap in Pretoria en omgewing, 1866-1881*, Unisa, 1973, pp. 105 et seq. Stals does not focus on the Commission at all and only devotes one and a half page to it. Bergh also merely uses those documents of the Commission pertaining to intergroup relations from a missionary perspective.
  6. NATIONAL ARCHIVES REPOSITORY, PRETORIA, Transvaal Archives (Forthwith TA), SS 139, Supl. 90/1871, pp. 307-308.
  7. *Minutes of the Volksraad*, 7 September 1871, articles 28 and 29.
  8. TA, SS 139, Supl. 89/1871, *Minutes of the Meetings of the Commission for Native Affairs*, 11 September 1871 – 1 November 1871, pp. 285-306.

Of the 27 persons who presented testimonies before the commission, seven were field-cornets, five members of the Volksraad, three missionaries, two landdrosts, the Commandant-General, a commandant, the Registrar of Deeds, a public prosecutor and a trader. Significantly Africans were also given the opportunity to state their opinions frankly. Five African chiefs or councillors testified.<sup>9</sup> In addition the commission also received correspondence from various individuals.<sup>10</sup>

Geographically, the commission had as its focal point the districts of Pretoria and Rustenburg – which constituted the heart of the central districts. Thirteen persons from the district of Pretoria presented testimonies, twelve from the district of Rustenburg, three from the district of Lydenburg and one each from the districts of Utrecht and Zoutpansberg. This is because the commission set itself the task of completing the report during the Volksraad session of 1871,<sup>11</sup> which had a restrictive effect on who was able to appear before the commission. Obviously, fewer people from outlying districts were available to come to Pretoria to make declarations. For the district of Rustenburg, the commission made the concession that declarations could be made before the landdrost of Rustenburg, Mr. P.J. van Staden, in Rustenburg.<sup>12</sup> It would appear that delegates from Lydenburg, Utrecht and Zoutpansberg were in Pretoria by chance during the sittings of the commission – for example, members of the Volksraad from Lydenburg and Utrecht, and a trader from Zoutpansberg.

African communities in the central districts of the Transvaal experienced by 1871 considerable pressure from the ZAR government and white farmers on various fronts – for example labour, land, commando service, taxes, passes and the carrying of firearms. This article will focus on aspects pertaining to labour and land.

In the central districts African labour increasingly became an article sought after by government and white farmers. It should be remembered that by 1871 the ZAR government and the farmers had to compete with the Diamond Fields, where Africans could get more attractive cash remuneration. Also, African communities in the central districts were aware of the freedom in this regard of those communities in the outlying districts, who were not yet subjugated by ZAR forces. As a result the central communities also became less inclined themselves to satisfy the never ending demands of government and farmers.

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9. TA, SS 139, Supl. 86/1871 and 91/1871 – 116/1871, pp. 280, 310-402.

10. TA, SS 139, Supl. 81/1871 – 86/1871, pp. 249-282.

11. TA, EVR 214, No. 78, Report of the Commission, 1 November 1871, pp. 340-357, entry number 40.

12. TA, SS 139, Supl. 89/1871, Minutes of the Meetings of the Commission, 20 September 1871, entry number 24.

Thematically, the 1871 commission focused its attention on the availability of African labour to white farmers. As mentioned, the very existence of the commission can be ascribed to this issue. This was the most pressing aspect of the white settlers' relationship with Africans. A close study of the documents of the Landdrost of Pretoria during the 1850's, 1860's and early 1870's confirms this. Farmers were constantly complaining about labour problems and labour shortages.

The white settlers were from the beginning dependent on African labour for their farming activities. They tried in various ways to secure this labour. Since the African communities in the central districts were from an early stage under the *de facto* control of central and local government, the white settlers expected government to take measures with regard to the subservience of Africans in that region. In November 1864 a comprehensive ordinance had been issued with guidelines on matters such as the provision of labour by Africans, liability of Africans for taxation and the carrying of guns by Africans. These stipulations were expanded and consolidated in the so-called "Kaffer law" of 1866. In turn, this law was amended in 1870.<sup>13</sup> It is obvious that one of the important aims was to coerce Africans to supply labour to the government and white farmers. A study of relations between, for instance, the Kgafela Kgatla and white officials and farmers in the vicinity of the Pilanesberg in this period, also reveals the application of forced labour practices to supply the demand.<sup>14</sup> Apart from harsher actions by local officials and farmers to obtain labour, the pass system and taxes were indirectly employed to induce Africans to supply labour.<sup>15</sup> It is also clear that "inboekseling labour" (indentured labour) played an important role in the early history of the Transvaal.<sup>16</sup>

Apart from the above governmental measures, individual white farmers or groups of farmers also took the initiative to secure African labour for themselves. To the north of Pretoria a contract was, for example, concluded in 1856 and renewed in 1870 between a group of farmers who referred to themselves as "belanghebbers" (interested people or shareholders) and the Mosha Kgatla. This entailed that the Mosha Kgatla could settle on land provided for them by the white farmers in exchange for their labour. (Copies of this contract are in the Government Archives amongst the documents of the

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13. J.S. BERGH (Ed.), *Geskiedenisatlas van Suid-Afrika – die vier noordelike provinsies*, p. 171.
  14. B.K. MBENGA, "Forced labour in the Pilanesberg: The flogging of Chief Kgamanyane by Commandant Paul Kruger, Saulspoort, April 1870" in *Journal of Southern African Studies* 23(1), (March 1997), p. 136.
  15. B.J. KRUGER, "Bantoearbeid in die Suid-Afrikaanse Republiek soos benader deur die Boere en die send elinge" in *Historia* 11(2), June 1966, pp. 82-83.
  16. W. BEINART (Et. al.), *Putting a plough to the land – accumulation and dispossession in rural South Africa, 1850-1930* (Ravan Press, Johannesburg, 1986), p. 23.

1871.)<sup>17</sup> Similar contracts were also concluded between white farmers and the neighbouring Moseleha Kgatla and Hwaduba.<sup>18</sup> Both the initiative by white farmers as well as the coercive measures of government however frequently led to friction with the African community.

Besides labour African communities in the central districts experienced the most pressure with regard to the availability of land to them. White settlers had already obtained land in the central districts as early as their first two years of settlement to the north of the Vaal River in 1839 and 1840. Large portions of land previously occupied by Africans were taken over by white settlers. It would also appear that at least in some cases land promised to African communities in the pioneering phase of white settlement has eventually also become white farms. Mokgatle Thethe of the Fokeng mentioned for example in his testimony before the 1871 commission:

The late Hendrik Potgieter had given me the land where I live now, the [white] people took the land from me. I don't know why. The farm Boekenhoutfontein of Master Paul [S.J.P. Kruger] was my field as far as the spruit [small stream] and on this side to the (boundary) line of the farm of Jan Botha. The land of Turffontein, that was now sold by Master Paul [S.J.P. Kruger] to [J.H.C.] Penzhorn, was also given to me by the late Master Hendrik [Potgieter].<sup>19</sup>  
(Translation)

By 1871 land was becoming a scarce commodity in the central districts.

During this phase in the history of the ZAR, African land rights depended to a large degree on white perceptions of Africans in general. Africans within the ZAR, in the eyes of the Volksraad, remained subjects rather than citizens. As early as 1844, white settlers in the Transvaal had made it clear, in the so-called Thirty-Three Articles, that there would be no equality between black and white. This principle was re-emphasised in the 1858 Constitution of the ZAR (article 9). Furthermore, in June 1855, the Volksraad took a decision that all people of colour were to be excluded from citizenship. One of the implications of the 1855 Volksraad decision was that Africans could not obtain land in freehold. They were thus completely dependent on the goodwill of the white authorities

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17. TA, SS 139, Supl. 83/1871, Renewal of Contract ..., 1 November 1870, pp. 253-256.

18. TA, SS 139, Supl. 93/1871, Declaration of Makapane Ntshaupe, 14 September 1871, pp. 320-321, 323 and Supl. 105/1871, Declaration of Mathibe Kgosi (Swartbooi), 27 September 1871, pp. 353-354.

19. TA, SS 139, Supl. 115/1871, Testimony of Mokgatle Thethe, 27 September 1871, pp. 394-395.

in this regard. They were also only allowed to stay on those tracts of land demarcated for them during “good behaviour”.<sup>20</sup>

In his declaration before the commission, Commandant General Paul Kruger said with regard to Africans and land:

It would be fortunate if all natives lived with their lords and masters on private farms, but it would not be advisable to force them to do so and it is not good to have large native kraals on private farms where there are *hoofd kapiteins* (important chiefs). It would be much better that such large tribes live on Government land.<sup>21</sup> (*Translation*)

and

The natives may not have land in their own name as long as they are so uncivilised.<sup>22</sup> (*Translation*)

The commission eventually recommended “that native tribes must live on Government land”.<sup>23</sup> After a lengthy discussion the Volksraad took the following decision on this matter:

The Volksraad resolves to approve the recommendation of the Commission under the letter A and to instruct the Government to reserve land or attempt to procure the same, suitable for native locations, if possible divided in the different districts, or for the purchase by native tribes, subject to the provision that they may not dispose of the land in any way other than with the approval of the Government, who shall have the right in the case of resale, to again acquire the land preferentially for itself against payment of the original purchase price and the improvements effected and, furthermore, that the residents shall be subject to the laws and provisions already promulgated or still to be promulgated in respect of blacks (kleurlingen).<sup>24</sup> (*Translation*)

Despite the commission’s emphasis on labour and land matters, it also dealt with a variety of other issues as well, amongst others African passes and taxes and the right of Africans to own and carry firearms. References to perceptions of whites and Africans and the nature of relevant institutions in the ZAR at the beginning of the 1870’s are frequently made. (The commission gathered

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20. See forthcoming article with H. FEINBERG on *Race and the land question in South Africa: The trusteeship question during the 19<sup>th</sup> and 20<sup>th</sup> centuries*. The main aim of the authors is to trace the history of the practice of trusteeship in the Transvaal and the meaning of that term in the 19<sup>th</sup> and 20<sup>th</sup> centuries. They try to answer questions such as to what degree did the trusteeship system affect African ownership rights and what was the relationship between the trustee and the African owners of the land? Prof. Feinberg is connected to the History Department, South Connecticut State University, Connecticut, U.S.A.

21. TA, SS 139, Supl 116/1871, Declaration of S.J.P. Kruger, 13 October 1871, entry 5, pp. 396-402.

22. *Ibid.*, entry 18.

23. TA, EVR 214, No. 78, report of the Commission for Native Affairs, pp. 340-357, recommendation a.

24. *Minutes of the Volksraad*, 14 November 1871 article 347.

important information, which is now a valuable resource to historians and others interested in this period or theme.)

How did the African communities in the central districts respond to white pressure with regard to labour and land?

African communities in the central districts responded in various ways to white pressure. Perhaps the most dramatic response of a community was to leave the ZAR altogether. Migration as a means to escape difficult conditions was not a new phenomenon amongst African communities. It is for instance well known that during the period of occupation of a large area north of the Vaal River by the Khumalo Ndebele, some African communities left that area – for example the Rolong communities who migrated to Thaba Nchu, adjacent to the Basotho Kingdom of Moshweshwe. Also, shortly after the permanent settlement of whites in the Transvaal, African communities occasionally migrated. A few cases of Tswana communities who left the Transvaal in the 1840's, 1850's and 1860's are known.<sup>25</sup> Even as late as the 1890's the Birwa of Mapene left Blouberg to settle in Mashonaland – apparently because of their dissatisfaction on land allocated to them by the ZAR government.<sup>26</sup>

But perhaps the best known example in this regard is the Kgafela Kgatla of Kgamanyane Pilane who left Saulspoor in the Pilanesberg in 1870 to establish themselves in the vicinity of the Kwena of Sechele in the present Botswana. Because of the loss of labour and taxes (approximately £1 200 per annum) which the ZAR suffered, the 1871 commission regarded that incident in a serious light. Several persons referred to Kgamanyane's departure in their testimonies before the commission. His migration was apparently caused by *inter alia* excessive labour demands by government officials and local white farmers together with unsatisfactory remuneration; shortage of land; payment of taxes; and the conflicting interpretation and application of the law by the Landdrost of Rustenburg on the one hand and the commandants and Commandant General on the other hand. The final straw seemed to have been the flogging of Kgamanyane in April 1870 by Boer officials – something which he and his people regarded as very humiliating.<sup>27</sup>

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25. B.K. MBENGA, Forced labour in the Pilanesberg: "The flogging of Chief Kgamanyane by Commandant Paul Kruger, Saulspoor, April 1870" in *Journal of Southern African Studies* 23(1), (March 1997), p. 139.

26. J.S. BERGH (Ed.), *Geskiedenisatlas van Suid-Afrika: Die vier noordelike provinsies*, p. 204.

27. TA, SS 139, Supl. 96/1871, Testimony of P.J. van Staden, 19 September 1871, pp. 327-338, Supl. 107/1871, Testimony of H.L. Gonin, 28 September 1871, pp. 358-363, Supl. 109/1871 Testimony of P.J. van der Walt, 2 October 1871, pp. 369-373, Supl. 110/1871, Testimony of H.P. Malan, 3 October 1871, pp. 373-378; and EVR 214, No. 78 Report, pp. 340-357, entries 11-16.

Another way of responding to white pressure was for African communities to migrate within the central districts away from harsh local conditions to areas where more moderate terms were available. This happened for example with the Moseitlha Kgatla under Makapane Ntshaupe in 1872 and the Motsha Kgatla under Maubane Moepi in 1873.<sup>28</sup> The 1871 commission took note of the conditions under which these two communities were living and which eventually led to their migration. As already pointed out both the Motsha and the Moseitlha concluded contracts with local white farmers (“belanghebbers” or shareholders) to the effect that they could settle on land provided for them by the farmers in exchange for their labour. By 1871 it however became clear to these communities that in practice the application of the contract were one sidedly to the advantage of the white farmers. In their testimonies before the commission they complained *inter alia* that the land was not enough for them to make a living on; that their people had in terms of the contracts not been paid adequately; and that their followers were occasionally beaten up by local officials and farmers.<sup>29</sup> Makapane felt so strongly about these harsh conditions that he stated before the commission:

We do not want to be among the (white) people but on the borders;

and

I merely wish to live far from the white people.<sup>30</sup>

In the case of Maubane he also complained that the Motsha did not enter into the contract with the white farmers voluntarily.<sup>31</sup>

It was against this background that Makapane Ntshaupe and the majority of the Moseitlha Kgatla left the vicinity of the Apies River and settled some hundred kilometers to the northwest in the Waterberg Mountain area in 1872. A year later the Motsha Kgatla of Maubane Moepi relocated to farms bought for them by their missionary Otto Sachse some 70 km to the northeast.<sup>32</sup>

With regard to land ownership, some African communities succeeded in getting around the restrictions. They initiated, often with the assistance of missionaries or agents, land purchases with local land owners, by asking missionaries and other sympathetic whites to buy land for them and to have it transferred into the white's names. An understanding was then reached between the African

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28. TA, U.R.4, Executive Council Resolution, 21 June 1872 article 131; and U.R.5, Executive Council Resolution, 14 June 1873 article 31.

29. TA, SS 139, Supl. 93/1871, Testimony of Makapane Ntshaupe, 14 September 1871, pp. 320-321, 323; and Supl. 104/1871, Testimony of Maubane Moepi, 25 September 1871, pp. 351-352.

30. TA, SS 139, Supl. 93/1871, Testimony of Makapane Ntshaupe, 14 September 1871, p. 321.

31. TA, SS 139, Supl. 104/1871, Testimony of Maubane Moepi, 25 September 1871, p. 351.

32. See footnote 26.



community and the missionary in which the missionary promised to keep the land in trust for the community. This happened for example, in the case of the Fokeng near Rustenburg and the Motsha Kgatla north of Pretoria.<sup>33</sup>

In their testimonies before the 1871 commission Mokgatle Thethe of the Fokeng near Rustenburg and his missionary, Christof Penzhorn, confirmed their joint purchase of two farms, Beerfontein and Turffontein, from Commandant General Paul Kruger in 1868.<sup>34</sup> This was probably the first transaction of its kind by the Fokeng. They used this method to acquire land very successful during the 19<sup>th</sup> century. At the turn of the century they owned at least 22 farms.<sup>35</sup>

Although African communities in the central districts experienced penetration of white settlers into their territories at a much earlier stage than those communities in the outlying districts, they responded in their own way quite effectively to those pressure. Their response was less violent and perhaps more resourceful given their limitations near to the seat of the white administration.

### *Opsomming*

#### **Reaksie van swartmense op blanke indringing: Die sentrale distrikte van Transvaal in die sewentigerjare**

Hoewel daar in die verlede meer klem in die Suid-Afrikaanse historiografie op geweld en oorlogvoering in die verhouding tussen blank en swart gelê is, was die verhouding in die sentrale distrikte van die Zuid-Afrikaansche Republiek (ZAR) in eie reg dinamies. Aan die hand van veral die dokumente van die minder bekende kommissie van 1871, wat ondersoek oor rasseaangeleenthede in die ZAR ingestel het, maar in 'n groot mate net op die sentrale distrikte gefokus het, word 'n ontleding van hoofsaaklik aangeleenthede wat met arbeid en grond verband hou, gedoen. Die innoverende wyse waarop swartmense op blanke indringing en druk gereageer het, is die mees opvallende kenmerk in hierdie verband.

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33. See forthcoming article with H. FEINBERG on Race and the land question in South Africa: The trusteeship question during the 19<sup>th</sup> and 20<sup>th</sup> centuries.
  34. TA, SS 139, Supl. 108/1871, Testimony of Christof Penzhorn, 29 September 1871, pp. 363-369; Supl. 115/1871, Testimony of Mokgatle Thethe, 27 September 1871, pp. 393-395.
  35. Report by the Commissioner for Native Affairs relatives to the acquisition and tenure of land by natives in the Transvaal, pp. 96-97, 101, 105.