

# Game protection in the Orange Free State 1848 - 1910

by

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## Introduction

The history of wildlife protection in Southern Africa has been neglected by professional historians, leaving the task almost entirely in the hands of journalists and natural scientists, untrained in the procedures of historical research. Until recently the radical revisionists focussed the attention largely on urban transformation. It was only during the late 1980's that the crucial links between town and countryside began to be explored and wildlife, next to land and labour, came into the picture.<sup>1</sup>

The well-researched works by E.J. Carruthers and S. Brooks drew the attention to the complex subject of wildlife protection in South Africa. They indicated that the history of game was more than just a moral crusade involving poachers and preservers as displayed by J. Pringle in his book with the apt title of *The Conservationists and the Killers*.<sup>2</sup> The researcher of game protection has to be aware not to reduce the relationship between man and nature simply to an emotional and moral one, i.e. as one of preservation (pursued by the "good guys") and exploitation (pursued by the "bad guys"). R. Williams argued that the study of nature only took on meaning in its

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Compare H. BRADFORD, "Highways, Bayways and Cul-du-Sacs: The Transition to Agrarian Capitalism in Revisionist South African History" in *Radical History Review*, 46 (7), 1990; S. BROOKS, *Playing the Game: the struggle for wildlife protection in Zululand, 1910-1930* (MA dissertation, Queens University, Kingston, 1990); E.J. CARRUTHERS, *Game protection in the Transvaal, 1846-1926*, (Ph.D, University of Cape Town, 1988), S.F. DU PLESSIS, *The past and present geographical distribution of the perissodactyla and artiodactyla in South Africa*, (M.Sc., University of Pretoria, 1969).

2. J.A. PRINGLE, *The Conservationists and the Killers* (Cape Town, 1982).

human context. He emphasised the impact of the different cultures in society on nature, including their material interests.<sup>3</sup>

Historical research on game in the Free State has been neglected up to now, despite the literature on the process of ecological change in South Africa and the revived interest among historians and social scientists. Such negligence was partly due to the focus on urban transformation and the attraction of the forested areas of the Transvaal and Natal, where game survived in and outside the protected areas. The flats of the Free State, almost devoid of game by 1890, discouraged historically minded research interests.

In the wake of scholars like Carruthers and Brooks, this article therefore, firstly aims to broadly explore the relationship between man and game, one of nature's most valuable assets, in the Free State since 1848 to 1910. It shall focus more specifically on the clash of interests among certain culture groups and social classes. These included the neighbouring Basothos, the Afrikaans-speaking landowners (Boers), the landless, destitute Afrikaners, generally known as the poor whites (*bijwoners*) and the sportsmen.<sup>4</sup>

A second aim is to explain why the vast numbers of game became virtually extinct within approximately 40 years after the Orange River Sovereignty was established in 1848. Was it, generally speaking, the sportsmen (including the so-called imperial hunters), the farming population or the Africans who were responsible for the vast decline in game numbers? In this context the article will try to determine the impact of specific economic interests on, and the attitudes of the relevant groups, towards game.

In the third instance a comparison will be drawn between the rates of success achieved by the game protectionist policies of the Free State Republic and its successor, the Orange River Colony (ORC).<sup>5</sup> British rule of the ORC only covered the period 1901 to 1910, against Republican rule that lasted 46 years. Nonetheless, the British boasted extensive experience of wildlife protectionism for some centuries.<sup>6</sup> It is thus not so far-fetched to expect some progressive influence on game protection in the ORC for the ten years of

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3. R. Williams, *Ideas of Nature, Problems in Materialism and Culture* (London, 1980), p. 67. For an overview of the general trends in human relationships with nature in Britain, the United States of America and South Africa, consult S. Brooks, *Playing the Game*, Introduction.

4. E.J. CARRUTHERS, "Game Protectionism in the Transvaal, 1900 - 1910" in *South African Historical Journal* (20), 1988, pp. 34-35.

5. The term "protection" is preferred in this article because it encompasses the meanings of both preservation and conservation, which are limited in meaning. Consult E.J. CARRUTHERS, "Game protectionism in the Transvaal, 1900-1910" in *South African Historical Journal* (20), 1988, p. 33, for an explanation of these terms. See also S. Brooks, *Playing the Game*, p. xiv, footnote 8.

6. For a history of game protectionism in England, consult C.C. Trench, *The Poacher and the Squire* (London, 1967).

colonial rule.

The period between 1901 and 1910 may by comparison indeed serve to highlight the weak and strong points of the game protectionist policy of the preceding Republican period. On the international front many countries, such as the United States, introduced more effective protectionist legislation as they became increasingly aware of the vulnerability of natural resources to over-exploitation by 1900. The conference in London in April 1900, organised by the British Foreign Office and attended by representatives of seven imperial powers, including Britain, France and Italy, aimed to regulate game protectionism in the underdeveloped region of colonial Africa. This conference marked the inception of formal co-operation between the imperial powers in protectionist matters. It also stimulated the founding of the Society for the Preservation of Wild Fauna of the Empire in 1903. Its proceedings were, however, never formally notified. The outcome was that landed interests in particular countries persuaded their governments not to curtail economic development by placing limitations on the exportation of wild animal products. These governments consequently remained irresolute on the question of protecting and exploiting wildlife simultaneously.<sup>7</sup> To what extent British Colonial rule would succeed to fulfil the new international partiality for wildlife protection in the ORC is thus worthwhile to investigate, especially after pressures for protection in government circles became stronger in British Colonial Transvaal after 1900.

Well-known imperial sports hunters like C.W. Harris and Andrew Smith expressed their amazement over the incredibly large numbers of different game species on the plains of the Free State and parts of the Karoo, south of the Orange River in the 1830's. T.C. Robertson, relying on the diary notes of Harris and Smith, estimated the game population of the Free State on the eve of 1848 at two million wildebeest, half a million quagga and six million blesbuck, springbuck and hartebeest.<sup>8</sup> Only six years later, the sports hunter Gordon Cumming, noted to his astonishment the thousands of skulls of springbuck and wildebeest which covered the plains of the Free State.<sup>9</sup>

In the face of the pressing political situation in the region, the British ruled Orange River Sovereignty (1848-1854) left legislation for the protection of

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Cd 3189, Correspondence relating to the preservation of wild animals in Africa, 1906, pp. 86-91; Also compare E.J. CARRUTHERS, *Game Protectionism in the Transvaal, 1900-1910*, pp. 34, 37; J.M. MacKenzie, *The Empire of Nature*. (Manchester University Press, Manchester, 1988), pp. 207-211.

8. W.C. HARRIS, *The wild sports of Southern Africa* (Cape Town, 1963), Chapter xxxiii. For a detailed enumeration of game species, compare J. SANDERSON, "Memoranda of a trading trip into the Orange River (Sovereignty) Free State..." in *Proceedings of the Royal Geographical Society, 1855-1892*, Great Britain, (30), 1860, pp. 237-238, 254; I. PLAYER, *Groot Wild* (5) (Kaapstad, 1972), pp. 244, 250; *Annals of the Transvaal Museum, Pretoria* 27 (4), 31 March 1971, p. 8.
9. J.A. PRINGLE, *The Conservationists and the Killers*, pp. 38, 40.

game in abeyance.<sup>10</sup> The farming population and military officers of the Sovereignty, including those Africans and Coloureds who had access to firearms and horses, were almost wanton in their destruction of game. The Africans included the Basotho sub-chiefs in the Winburg and Smithfield districts and in the Eastern Free State, who were actually subjects of the Basotho paramount, Mosheshwe. The Coloured people concerned were the Griqua chiefs Adam Kok and Gert Taaybosch in the south western Free State. The Africans and Coloureds numbered approximately 75 000, while the White population counted 15 000.<sup>11</sup> These groups shot game for different purposes, such as for subsistence or economical reasons (ivory and hides), for trophies (for the military to prove their courage in the hunting field), or merely for tasty portions of meat ("biltong") and sometimes just for fun. They were under the false impression that the supply of game was inexhaustible.<sup>12</sup> The hunting activities of the military officers under the cloak of sportmanship (including the imperial sports hunters) has to be treated with suspicion. The line to be drawn between hunting for sport and the senseless slaughter of game is debatable.<sup>13</sup> This issue cropped up again in the Orange River Colony during and after the South African War (1899-1902) when officers of the British occupational forces went hunting for the few remaining game in the Colony. By the end of the 19<sup>th</sup> century there was no longer any public admiration for the actions of the army officers and other imperial sports hunters who had slaughtered thousands of animals in South Africa. The actions of these so-called sports hunters were generally considered as needless, wasteful and unsporting. It seems that the exercise of discretion and compassion towards animals distinguished the real sports hunter from the butcher, but it is doubtful whether these officers exercised any discretion. H.A. Bryden remarked that writes condemned hunters who seemed proud of their wantonness (vanity). Praise was reserved for those who were most sparing and least wasteful.<sup>14</sup>

### The Basotho hunting parties

Wildlife in the Free State was also exposed to hunting parties from Basotholand. The districts of Bloemfontein, Winburg, Smithfield, Bethlehem and Harrismith had always been their traditional hunting grounds.<sup>15</sup> The Free State Government was not concerned about the game raided by the Basotho as

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10. *The Friend*, 10.6.1850.
  11. *The Friend*, 1.9.1853, Leader; 21.10.1852, The Youngest British Colony.
  12. B.J. BRIDGE, "Protection or Extermination" in *African Wild Life*, 8 (1), March 1954, pp. 36-38.
  13. *The Friend*, 3.2.1851, Notes; 10.7.1852, Leader.
  14. H.A. BRYDEN, *Nature and Sport in South Africa* (London, 1897), p. 299; Also compare E.J. CARRUTHERS, Game protection in the Transvaal, 1846-1926, p. 204.
  15. *The Friend*, 27.1.1851, Our Boundary with Moroka.

they trampled the pastures and gardens of the burghers. The increasing theft of the burghers' horses, sheep and cattle during these raids upset the Government and the burghers. The sub-chiefs of Mosheshwe ignored his agreement with the Government to first obtain letters of approval from him for hunting on Free State territory.<sup>16</sup>

The Basotho raids into the Free State territory certainly had a mitigating effect on the game herds. A few thousand head of buck were slaughtered on different occasions as hunting parties of up to 500 men of different sub-chiefs set out with wagons to collect the game. The press reports and discussions in the Free State Volksraad left no doubt about the excessive slaughter of game by the Basotho and also to a lesser extent by the Rolong of Thaba Nchu. The retaliating excursions of the burghers on the Basotho herds and crops during the wars of 1858, 1865 and 1867 coerced the Basotho to live primarily off game for months on end. In itself the severe snow storm of 1853 and the prolonged droughts of the 1860's and early 1870's, including the devastating locust plagues during these periods of drought, depleted the veldt of the central and south-western districts of grass and water, destroying the game, particularly springbuck, blesbuck and wildebeest in their tens of thousands.<sup>17</sup>

### **The Game Act of 1858**

The first game law of the Free State, the Ordinance to Prevent the Killing of Game, No 1 of 1858, allowed landowners and occupiers of land a free hand to hunt game on their farms. Anybody else who wished to hunt wildebeest, blesbuck, springbuck or any wild buck (including birds like ostriches) first had to obtain the written or oral consent of the relevant landowner or occupier of land. *Bona fide* travellers did not need such consent, but could only hunt game for daily use. Hunting on Sundays was prohibited to anybody. A maximum fine of £10 was applicable for breaking any of these regulations.<sup>18</sup>

The 1858 Game Law followed the example of the Cape Colony and Britain in as far as the rights of landowners, occupiers of land and travellers were concerned. It however deviated from these countries for not introducing the rule of a closed season and a licence to kill game in the open season. The spirit of this law was typical of a legislative body (Volksraad) which consisted mainly of members being farmers themselves, who wanted to protect the economic rights of the farming population, to hunt game for food or when it

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16. Suid-Afrikaanse Argiefstukke, Notule van die Volksraad van die Oranje-Vrystaat, III, 1858, Bylaag 145 (c), p. 437.
  17. *The Friend*, 27.1.1870, Winburg; 2.12.1869, Random thoughts, 31.10.1878, Leader.
  18. Ordonnantie Boek van den Oranje Vrijstaat, (Bloemfontein, 1854-1877) Articles 4-6, p. 151.

trampled their pastures and gardens. Indeed, the whole of the Government's imported supply of gunpowder was used for the hunting of game for food before 1865. W. Collins, a prominent lawyer in Bloemfontein, blamed the non-appliance of the Game Law on the apathy and connivance of certain government officials, unfortunately without highlighting this accusation.<sup>19</sup> This Law was actually nothing more than a confirmation of the existing general attitude of the Free State population towards game hunting. It totally missed in its aim to prevent the needless killing of game, let alone game protection.

The 1860's continued as the hey-day for game hunting. The traders and urban markets turned game hunting into a profitable enterprise for the farming population. Both large and small game were offered for sale in wagon loads at the larger markets of Bloemfontein and Kimberley. The Central Free State between the Riet and Modder Rivers were covered by large numbers of springbuck, blesbuck, and wildebeest. The Harrismith district in the Eastern Free State was described by correspondents of *The Friend* as a hunter's paradise - lions, tigers, wildebeest, blesbuck and springbuck of different kinds were superfluously available for hunting. Farmers also welcomed hunters from Natal, Transvaal and the Cape Colony to hunt the packs of lions which preyed on their cattle.<sup>20</sup> One firm in Kroonstad exported 157,000 wildebeest and blesbuck skins in 1866. Shipments of 485 786 blesbuck, wildebeest and zebra skins from Durban were reported in 1870 and 1871. The assumption was that the bulk of the shipment came from the Eastern Free State. In Boshof in the Western Free State six to seven wagon loads of game were shot on a weekly basis, so that eventually more than 2 000 head of game were provided to the Bloemfontein and Kimberley markets.<sup>21</sup> The demand for game hides at the Port Elizabeth Export Market was also an important impetus to the hunters and traders to increase their deliveries. The hides were sold at approximately three to six shillings each, depending on their size and quality. The press estimated that more hides had been sold in 1870 than during any previous season.<sup>22</sup>

The Game Law of 1858 was clearly not geared to curb such an excessive slaughtering of game, regardless of the authorities' inability to enforce the

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19. W. COLLINS, "*Free Statia*" or *Reminiscences of a lifetime in the Orange Free State* (Bloemfontein, 1907), p. 366; *The Friend*, 27.1.1870; 3.2.1870; 25.11.1869, Gunpowder Contract; J.M. MACKENZIE, *The Empire of Nature*, pp. 202-204.
  20. *The Friend*, 31.10.1857; 10.3.1858; 12.8.1859; 1.7.1859; 28.8.1860; A.C. BROWN, *The History of Scientific Endeavour in South Africa*, Royal Society of South Africa (University of Cape Town, 1977), p. 139.
  21. W. COLLINS, *Free Statia*, p. 366; A.R. Badenhorst, 'n Kultuur-historiese beeld van die Vrystaat in die vroeë Brand-era (D.Phil, Universiteit Stellenbosch, 1990), p. 99; D.J. JACOBS, "Landbou en Veeteelt in die OVS, 1864-1888" in *Argiefjaarboek vir Suid-Afrikaanse Geskiedenis*, I, 1869, pp. 181-182; *The Friend*, 17.8.1860.
  22. *The Friend*, 25.11.1869, Cronstadt; 30.9.1869, Latest from Harrismith.

law. For instance, up to 1870, the Harrismith magistracy remained silent on the excessive hunting practices in the district. This was, in the absence of any indication to the contrary, ostensibly also the case in the other districts of the Free State.<sup>23</sup> The Magistrate of Bloemfontein seemingly turned a blind eye when Prince Alfred of England and his entourage visited Bainsvlei near Bloemfontein in 1860, killing several thousand head of wildebeest, quagga, springbuck, blesbuck and other game. Two years later A.H. Bain allowed 500 Africans to hunt another 1 500 head of game on his farm.<sup>24</sup> Indeed, the press revealed that 50 per cent of the farms in the central, western and southern districts no longer had any game left in 1870.<sup>25</sup>

The slaughter of these animals were not out of compassion, necessity or discretion, but in the words of Brydon, out of wantonness. Sportsmanship was out of the question, because these hunters, including the prince, acted wastefully and with no regard to compassion. Those hunters and the farmers who shot game for the urban markets were actually in no better position, because with financial gain in mind only, they shot game primarily for hides, wasting the meat, thus displaying no compassion nor any sense for game protection.

The first truly concerned voices which indicated a dawning sense for game protection were heard from the correspondents of *The Friend* in Bethlehem (1868) and Harrismith (1870). They denounced the wholesale slaughter of game for their hides only. They regarded it as a wasteful and totally senseless practice. Some tax on hides and a game licence to limit the uncontrolled hunting of game were proposed.<sup>26</sup>

### The Game Law of 1872

A ray of hope dawned for game in 1872 when a few members of the Volksraad proposed stronger protection regulations for game. They contended that a civilised community had to protect its game resources and make it useful to the community in a responsible manner. This was the first time that game protection was officially emphasised in the Introduction and Article 1 of the Ordinance to Prevent the Killing of Game, No. 3 of 1872. Important was the stipulation explicitly prohibiting the hunting of any game for its hides. Game could only be hunted to provide in the need for meat and then only with the written consent of the landowner or the occupier of land. Proposals to include closed hunting seasons and hunting licences failed because the

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23. *The Friend*, 7.9.1871, Harrismith; 7.12.1871, Harrismith, 22.2.1872, Harrismith.

24. *The Friend*, 13.6.1862, Grote jagt; 27.4.1866, A Hunting Party; K. Schoeman, *Bloemfontein, Die ontstaan van 'n stad, 1846-1946* (Kapaad, 1980), p. 39.

25. *The Friend*, 20.3.1868, Particulars of a tour ....

26. *The Friend*, 17.7.1868, Latest from Bethlehem; 6.1.1870; 23.6.1870, Bethlehem; 4.8.1870, Harrismith; 7.9.1871, Harrismith; 7.12.1871, Harrismith.

majority in the Volksraad opposed such drastic limitations on the farmers' hunting prospects.<sup>27</sup>

The dropping of closed hunting seasons and hunting licenses weakened the effectiveness of the 1872 Law seriously. These stipulations could have played a decisive role in regulating the number of hunters and to allowing game herds to recuperate after the hunting seasons. Another weakness was the allowance to hunters to provide in their need for meat. A liberal interpretation of this stipulation would lead to large-scale hunting expeditions in order to sell game in large quantities at urban markets, to export the meat to neighbouring states, or to produce dried meat (*biltong*) for marketing purposes.<sup>28</sup> Thus, game in the Free State continued to decline on a large scale after 1872 because of omissions in a law drawn up by members of the Volksraad to whom the economic exploitation of game was still more important than its protection.

The law in practical terms failed to achieve its goal to curb the excessive hunting of game, so much so that springbuck and blesbuck were regarded as a rarity in the south-western districts of Rouxville, Smithfield, Bethulie, Philippolis, Fauresmith and Jacobsdal in 1881. Northwards the Kroonstad market was experiencing a marked under-supply of wildebeest carcasses. Correspondents of *The Friend* warned that these animals were getting scarce and expected them to be a thing of the past in a few years' time. As the 1870's drew to a close there was also a significant decrease in the marketing of game and in the selling of arms and ammunition in these districts, which is a fair indication that the depleted game numbers discouraged any further excessive game hunting.<sup>29</sup>

Once again natural causes also had a role to play in the decreasing game numbers. The severe drought of 1877-78, which reminded of the previous droughts of 1850 and 1862 when thousands of animals of all kinds had died, coupled with the commercial depression which hit the South African states during 1879-83, placed enormous pressure on game. The succeeding drought of 1884-85 caused farmers to lose up to 60 per cent of their stock. Game losses were inevitable, not only from nature's side but also from the side of the landowners, their lessees and the economically inactive class of people (poor whites) who had to rely almost exclusively on game to survive the economic depression and the droughts. The greener pastures of the north-

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27. Ordonnantie Boek van den Oranjevrijstaat (Bloemfontein, 1854-1817), p. 237.

28. *The Friend*, August 1874, August-November 1875, September 1876 - July 1877. "Market Prices".

29. *The Friend*, 23.7.1874, Bloemfontein Market Prices; 10.4.1873, Ladybrand Market; 29.5.1873, Cronstadt; 5.6.1873, Leader; *De Express*, 4.8.1881.



western Free State enticed game herds thereto for survival.<sup>30</sup>

### The Game Law of 1884

The Game Law of 1884 rendered no protection to game. It recalled the 1858 Game Law, but supplemented the 1872 Game Law only in that landowners and occupiers of land could lodge a civil case against anybody who caused them material damage under the game act.<sup>31</sup> Renewed proposals for game protecting measures such as closed seasons and game licences, were vetoed by a majority in the Volksraad. These members were averse to the idea of paying for a licence to shoot game on their own land, and afraid that such innovations could mitigate their right to the game on their land.<sup>32</sup>

A more positive development for game protection was the individual endeavours of five farmers in the Kroonstad and Winburg districts, setting aside more or less one third of their respective farms for the protection of their wildebeest, blesbuck and springbuck. A mere 2 000 blesbuck and springbuck and 1 000 wildebeest were estimated to be present on the five farms in these districts. The approximately 30 wildebeest which roamed the Hoopstad and Boshof districts, including those in the Kroonstad and Winburg, were probably the only ones left in the Free State districts then.<sup>33</sup> The South African War years of 1899-1902 depleted the wildebeest numbers to a mere 300 more or less.<sup>34</sup>

P. Marais, one of the game protectionists in the Kroonstad district, significantly remarked in the early 1890's that his fellow farmers had no regard for game protection. They were generally of a voracious nature, prone to kill the game herds troops on their farms in the twinkling of an eye should they break out of their fences, selling them for a few sovereigns - short-sighted though it was.<sup>35</sup>

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30. *The Friend*, 17.12.1885, *The Hard Times*; 18.10.1883, *Local News*; 3.1.1884, *The Drought*; See *The Friend*, 29.3.1883 and 19.8.1888, *Trade Prospects*, for an explanation of the Commercial Depression.
  31. Ordinance for the Protection of Game and Wild Birds, No 13 of 1884.
  32. Notulen der verrichtingen van den Hoogedelen Volksraad (Bloemfontein 1886), 21.5.1886, pp. 244-245; *The Friend*, 1.4.1886, *Local News*; 27.5.1886, *Preservation of Game*.
  33. H. BROCKLEBANK, "A Sporting trip in the Orange River Colony" in *National Review*, 1909, pp. 100-101; *The Friend*, 20.11.1889, *De Weg naar de Goudvelden*; 9.8.1898, *Pres. Steyn's Shooting Trip*.
  34. H. BROCKLEBANK, "A Sporting trip in the Orange River Colony" in *National Review*, 1909, p. 101; *Annals of the Transvaal Museum*, 27 (4), 31.3.1971, p. 39; *The Friend*, 20.11.1889, *De Weg naar de Goudvelden*.
  35. H. BROCKLEBANK, "A Sporting trip in the Orange River Colony" in *National Review*, 1909, p. 101.

It is clear that the fate of game in the Free State depended on two opposing viewpoints in 1890. A few farmers like Marais and some press correspondents were protectionists of game and thus far-sighted, while the Volksraad, consisting primarily of farmers, represented the opinion of the majority, short-sighted as it was. This point of view was one of carelessness, still considering game at such a late stage as an economic asset to be fully exploited for its meat and hides. The game legislation which was more imbued with protecting the land rights of the farmers at the cost of game conservation, was typical of the selfish attitude of the Volksraad. The English press expressed the attitude of the Volksraad as follows:

Let us use up the natural products of the soil, and posterity and the future shift for themselves.<sup>36</sup>

### **The Game Law of 1898**

The Game Law which was published as Chapter 135 in the Statute-book of the Orange Free State in 1892, was nothing more than a summary of the preceding game legislation.<sup>37</sup> The two succeeding game laws, No. 3 of 1894 and No. 17 of 1898, were however a positive improvement on existing legislation. It will suffice to discuss only the Game Law of 1898, as the one of 1894 differed from Chapter 135 only for the first time, by making provision for a closed season, prohibiting game hunting from 1 September to 20 January of every year. Article 10 of the 1898 Game Law extended the closed season from 1 September to 28 February and determined explicit fines and jail sentences for trespassers. Nobody was allowed to hunt (with dogs or otherwise) game on the farm of a landowner or occupier of land, or even on municipal land, without the written consent of the relevant person or local authority.<sup>38</sup> The kinds of game included under Article 1 were wildebeest, hartebeest, blesbuck, springbuck, rietbuck, oribi, rhebuck, klipspringer, steenbuck, duiker and grysbuck.

The Game Law of 1898 enabled a local authority, or the majority of farmers of a ward, to apply to the Government for permission to prohibit game hunting on such municipal land or ward for a period of up to three years. Only owners of land were entitled to hunt and sell the meat, hides or any other part of game shot by them on their farms. The landowner, or occupier of land, was entitled to hunt (even in the closed season) excessive game trampling their pastures or cultivated lands. The decision on whether such drastic measures were necessary could be made by the relevant owner or occupier of land. Owners could also take action in a civil court against

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36. *The Friend*, 16.4.1890, An important agricultural question.

37. Wetboek van den Oranjevrijstaat, (Bloemfontein, 1892), Articles 9-13, pp. 814-815.

38. Articles 10 and 14.

trespassers for illegally hunting on their land.<sup>39</sup>

The weak spot in the 1898 Law was to allow landowners and occupiers of land to decide for themselves when to shoot game destroying their crops or pastures. Unprincipled farmers, having no sporting instincts or sense of honour, could certainly exploit such a loophole to their own financial advantage.<sup>40</sup>

The Game Law of 1898 was supplemented by Ordinance No. 8 of 1891, Article 1, which prohibited the purchase or exchange of any kind of hide, thus including the hides of game, from or with any African, unless the latter was provided with a permit from his employer, Justice of the Peace or Field-Cornet. The aim of this law was to curb the theft of animal hides. Indirectly, it also curbed the hunting expeditions of Africans and their economic entrepreneurship. African landowners in the Free State were exempted from this law.<sup>41</sup> It also failed to curb game raids by Basotho hunting parties consisting of 100 men or more, trespassing in the Ladybrand district. These culprits were well aware that there was no effective border police to apprehend them.<sup>42</sup>

Game legislation was put under great pressure when the commercial depression started to abate in 1898. New markets opened at Johannesburg after the discovery of gold, and at Kimberley after the extension of the railway from Cape Town.<sup>43</sup> The poor whites and African squatters who relied almost exclusively on game hunting for a living, put the remaining game herds in the Free State under severe stress. The English press reported on the disastrous effect of the hunting excursions of the white farming community and especially of the poor whites on the game numbers. The poor whites had indeed, as they boasted, "cleaned out the land" of game. The many unoccupied farms throughout the country allowed for illegal hunting (in and out of season) by poor whites and African squatters. It was estimated that 75 per cent of those who offered game for sale at the urban markets were not landowners, but these poor whites and black squatters who roamed the occupied and unoccupied farms at night-time to collect game. The serious locust plague in the south-western districts depleting the veldt of grass in 1892, followed by the disastrous rinderpest in 1896, forced the farming community of about 77 000 souls to rely abnormally on game to supplement

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39. Articles 11, 14, 16-21. See also Notulen der verrichtingen van den Hoogedelen Volksraad, (Bloemfontein, 1898), 26.4.1898, pp. 177-179.

40. *The Friend*, 17.10.1893, Leader; E.J. CARRUTHERS, Game Protectionism in the Transvaal, 1900-1910, p. 53.

41. Articles 1 and 8.

42. *The Friend*, 7.10.1869, Ladybrand; 9.12.1869, Ladybrand.

43. *The Friend*, 21.11. 1888, Jottings from Heilbron; 6.3.1889, Jottings from Senekal.

their food provisions.<sup>44</sup>

It is appropriate to consider the possible game populations in the Free State round about the South African War, because the post-war British Colonial Government introduced a new dispensation with regard to game. In the absence of official statistics, estimates of game numbers will have to suffice. The Bloemfontein market was still well supplied with springbuck and blesbuck, but not in "countless" numbers any more. A correspondent of *The Friend*, travelling in the southern and western Free State, reported that these regions were almost devoid of any game. The hartebeest, eland, the bridled wildebeest, and perhaps the common wildebeest, were all nearly or totally extinct in the western, northern, and eastern districts. An estimated 20 hartebeest still existed in the Hoopstad district. The Kroonstad district was probably the only region in the north where wildebeest were still in existence.<sup>45</sup> The approximately 220 hartebeest and 400 wildebeest in the Boshof and neighbouring Hoopstad districts were probably the only left in the Free State shortly after the war.<sup>46</sup>

Official reports from magistrates reveal that springbuck and blesbuck were present in the following districts, only herds of a few hundred not more than 3 000 in 1903/1904: Kroonstad, Lindley, Winburg, Heilbron and Ventersburg in the northern Free State; Harrismith and Senekal in the eastern Free State; Jagersfontein, Jacobsdal, Fauresmith, Boshof, Philippolis, Hoopstad and Bethulie in the south-western Free State and Bloemfontein and Thaba Nchu in the central Free State. The remaining districts of Vrede, Smithfield, Rouxville, Wepener, Bethlehem, Ficksburg and Ladybrand were so devoid of game that their resident magistrates did not regard it worthwhile to submit any game report.<sup>47</sup>

After more than 35 republican years, there was still no trace of any prosecutions under the game legislation. No visible steps in the interest of game protection were taken either by the local or central governments, or by relevant institutions like the Agricultural Societies and Rifle Associations to

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44. *The Friend*, 18.11.1892, Clouds looming; 28.4.1891, Census 1890; 17.10.1893, Leader; 3.1.1899, A Retrospect. For more detailed information on the "poor whites," consult *The Friend*, 17.10.1893, Leader, and 11.5.1895, Poor Whites.

45. *The Friend*, 17.10.1893, Leader; 28.12.1894, Notes from Hoopstad; 9.8.1898, Pres. Steyn's Shooting Trip.

46. Free State Archives, Bloemfontein (FAB), CO 291/3826/04, Extract of letter by Divisional Commandant, SAC, to Colonial Secretary, 27.5.1904.

47. Compare the documents in the following CO files: FAB, CO 182/4381/03; CO 185/4668/03; CO 185/4654/03; CO 215/6879/03; CO 225/7589/03; CO 229/8440/03; CO 189/4978/03; CO 246/177/04; CO 270/2013/04; CO 342/8215/04; CO 309/5365/04; CO 296/4255/04; CO 304/4942/04; CO 313/5704/04; CO 335/7593/04; CO 358/9592/04; CO 168/3282/03, P. Fitzpatrick to H.F. Wilson, 27.4.1903; CO 23/2068/01, H.F. Wilson to Vice-Administrator, 15.6.1901.

actively propagate game protection or legislation. The overall impression is one of general disinterest in game protection by the people and institutions concerned with natural resources. Such lax attitude was reflected by the weak attendance of the Agricultural Societies in the 1890's.<sup>48</sup> During the republican period game protection depended entirely on a small number of far-sighted individuals.

### **The Orange River Colony**

The British Civil Administration of the Orange River Colony (the former Republic of the Orange Free State) came into existence as early as June 1901. It soon received reports from magistracies that members of the British Army and African Scouts for the Army were literally hunting game from morning to night, every night without permission of the landowners.<sup>49</sup> As the civil administration had no authority over persons subject to military law, the Commander-in-Chief ordered his Divisional Commanders to control all unauthorised shooting or poaching of game in accordance with the Republican Game Law of 1898, which was also enforced by the Civil Administration.<sup>50</sup>

Proclamation 6 for the Protection of Game of May 1902, was promulgated soon after peace was concluded between Britain and the two South African Republics. The proclamation was effectively enforced by the South African Constabulary (colonial police). Thirty two persons, Africans as well as Whites, were prosecuted under this proclamation.<sup>51</sup> Articles 2 and 6 were frequently infringed by the public. Article 2 required game licences of £1 for two weeks' hunting and £3 for up to 12 months' hunting, endorsed by the written consent of the landowner or occupier of the land. Article 6 prohibited any person, including landowners, to sell or export the meat of antelope, despite the petition of eight Kroonstad farmers to relax this article. These stringent measures aimed to curb the excessive game slaughtering by the military and civilians during the unsettled post-war period.<sup>52</sup>

The Government was assisted by the Law on the Possession of Arms and Ammunition, No. 15 of 1902, to further curb the slaughter of game. This law

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48. *The Friend*, 16.4.1890, An important agricultural question; 13.2.1891, Ons Landbou Genootskap.
  49. FAB, CO 15/1245/01, Shooting of buck on farm by native scouts, 27.4.1901.
  50. FAB, CO 63/979/02, Circular memo 1658, Bloemfontein, 6.4.1902; CO 61/840/02, H. Goold-Adams to GOC 21.3.1902.
  51. FAB, CO 80/2324/02, Colonial Secretary to Resident Magistrate, Winburg, 15.7.1902; CO 324/6773/04, South African Constabulary Crime Report, July 1903 - June 1904.
  52. FAB, CO 292/3942/04, Secretary Public Meeting to Resident Magistrate, Jacobsdal, 27.5.1904; CO 299/4570/04, Petition for relaxing Proclamation 6 of 1902, 22.6.1904 and J.A. Ashburnham to L.Kim, 9.7.1904.

permitted the possession of rifles only to landowners and occupiers of land, including Coloured people like the Griqua, who could prove that animals of prey (jackal) and wild birds were destroying their stock or crops.<sup>53</sup> The applications of Africans and Coloureds who did not own land were considered on merit. Recommendations from the police and resident magistrate, or prove of a trading licence, counted in their favour. Hunters from outside the Colony also had to apply for licences for each rifle, including a hunting licence. The succeeding Arms and Ammunition Ordinance, No. 23 of 1908, confirmed these conditions, only cancelling the permit to import arms and ammunition.<sup>54</sup>

The Government deemed it necessary to reconsider the existing game legislation in 1905, being informed by the police that the farming population was fraudulently abusing Articles 2 and 6, shooting game on their farms at will, even ignoring the closed season rule.<sup>55</sup> The new colonial game law which transpired in 1905 aimed at consolidating and amending the existing legislation to cope with the changed political circumstances in respect of game in the Colony. In the wake of the Republican market hunters, droughts, rinderpest and South African War, the destruction of most of the larger indigenous wildlife in Britain made the ruling imperialists quite sensitive to saving the remaining game in the colonial situation. As in the Transvaal Colony, British enthusiasm for game protection was related to the importance of wildlife protection in the imperial context. The game saving measures of the Orange River Colony thus has to be seen against the backdrop of the April 1900 International Conference in London to regulate game protection in colonial Africa and the succeeding Society for the Preservation of the Wild Fauna of the Empire, founded in 1903.<sup>56</sup>

Article 1 of the 1905 Game Law took pity on some game species mentioned in the 1898 Game Law. The authority of the Lieutenant-Governor to declare any wild animal not mentioned in Article 1 to be protected, was a token of the Colonial Government's concern over the endangered game in the Colony.<sup>57</sup>

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53. FAB, CO 246/177/04, Colonial Secretary to Acting Resident Magistrate, Philippolis, 15.1.1904; CO 271/2071/04, H. Pilkington to Colonial Secretary to Resident Magistrate, Jacobsdal, 5.2.1904.
  54. FAB, CO 416/2719/06, B.T. Blackwood to Advisor Native Affairs, 31.5.1906; CO 460/4304/1/07, H.F. Wilson to General Commanding Officer, SAC, 18.6.1907; CO 594/1703/1/08, C. le Camp to Secretary Transvaal Game Protection Society, 25.5.1908; CO 401/4337/07, H.F. Wilson to Secretary, Transvaal Game Protection Society, 21.2.1907.
  55. FAB, CO 330/7233/04, A.H. Fischer to Divisional Commandant, Fauresmith, 12.9.1904.
  56. For the game saving situation in the Transvaal after the war, consult E.J. CARRUTHERS, "Game protectionism in the Transvaal, 1900-1910" in *South African Historical Journal*, 20, 1988.
  57. FAB, ORC 7, Debates, Legislative Council, 1905, p. 35.

Hunting licenses to control hunters and the numbers of game being shot, and the reaffirmation of the closed season, favoured game. The landowner, his sons, and the occupier of land were still allowed to hunt without a licence, any game destroying their pastures or gardens, after proving such destruction to the magistrate, *before* embarking on the hunt. This condition was an improvement on the 1898 Game Law which required proof of damage *after* the hunt, which allowed for fraudulent misrepresentation. Another improvement on the 1898 Act was the prohibition on landowners, their sons and occupiers of land to invite other persons or parties to hunt game on their land.<sup>58</sup> Funds derived from the hunting licences were divided between the Department of the Treasury and the Game Protection Society of the Colony.

Article 7 reflected the concern of Government over the hartebeest, kudu and eland which were on the brink of extinction. These antelope could only be hunted with the written approval of the Lieutenant-Governor or Governor. It was expected that these animals would soon be so few that they would have to be imported. A hunting ban of three years was applicable on imported wild animals. The stipulation of the 1898 Law in respect of municipal authorities who could ban all kinds of hunting of game on municipal land, was reaffirmed.<sup>59</sup>

Articles 12 to 14 on the much debated import and export of game meat, replaced Article 6 of the 1902 Proclamation. Contrary to the 1902 Proclamation, these articles allowed landowners, tenants and occupiers of land to export and trade game at neighbouring markets such as Kimberley, Bloemfontein and Johannesburg. Persons from outside the Colony were allowed to hunt game after obtaining the written approval of the landowner, tenant or occupier of land and the magistrate of the relevant district.<sup>60</sup>

It soon became evident that Articles 12 to 14 were working against the other game protective conditions of the 1905 Act. Exploiting these Articles to the full, market hunters, which included the African hunters from Basotholand, poor whites and the farming population generally, continued the wholesale slaughtering of game. In 1906 approximate 13,000 springbuck and blesbuck were hunted in the districts of Bloemfontein, Boshof, Winburg and Senekal. From the Fauresmith and Petrusburg districts wagon-loads of springbuck were conveyed to the urban markets. The magistrates of the districts of Philippolis, Parys, Vredefort, Hoopstad, Bethulie, Ladybrand, Edenburg, Ficksburg, Harrismith, Frankfort, Thaba Nchu, Lindley, Kroonstad, Smithfield and Wepener, which constituted the greater part of the Colony,

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58. FAB, ORC 7, Debates, Legislative Council, 1905, pp. 35-36.

59. FAB, ORC 7, Debates, Legislative Council, 1905, pp. 37-38.

60. FAB, CO 386/1803/06, Resident Magistrate, Jacobsdal to Colonial Secretary, 23.3.1906.

reported that there were only few or no game left in their districts.<sup>61</sup> Thus, by 1906 game was hunted in only six districts, mostly situated in the south-western part of the Colony, while the remaining 15 districts in the central and north-eastern parts had virtually no game left. The eastern districts of Harrismith, Ladybrand, Thaba Nchu, Wepener, Smithfield and Ficksburg were of course exposed to the customary, but illegal hunting incursions from the nearby Basotholand.<sup>62</sup>

Evidently, the long-awaited clash of interests surfaced in 1906 when the inhabitants of the Senekal district, the local farmers' union of the Petrusburg district, the police and magistrates of the colony's districts, including the Lieutenant-Governor, Sir H. Good-Adams, publicly objected to the uncontrolled hunting of game.<sup>63</sup> The farming population generally displayed no interest in game protection, because neither the 44 farming associations of the Colony (with 1 600 members), nor the Director of Agriculture, made any reference to the dire need for game protection in their annual reports until 1910. Goold-Adams, himself a keen sports hunter, endeavoured to revive the defunct ORC Game Protection Society in 1909. The Society, like the farming associations, had the potential to play a decisive role in changing the farmers' attitudes against irresponsible game destruction. However, the Society, which was established in 1902, did not once meet to discuss measures for protecting or promoting game in the Colony. The last nail in the coffin for game protection was the refusal of the Central Farmers Association to actively participate in steps for game protection. The Association regarded the 1905 Game Law as sufficient for protecting game.<sup>64</sup>

The colonial magistrates and police officers in the towns tried in vain to convince the farming population to exercise discretion when they acted against game competing with their stock for pasture. The prospects of financial gain on the urban markets, but perhaps also peculiar circumstances like the English speaking officials who had to enforce the law while trying to educate the farmers about game protection only a few years after the

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61. FAB, CO 371/1237/06, Sale and Export of Game, 26.2.1906; CO 386/1803/06, P. van Niekerk: Permission to enter ORC, 23.3.1906; CO 449/3887/2/06, H.F. Wilson to Acting Resident Magistrate, Boshof, 20.7.1907, *The Friend*, 21.11.1906, Farmers' Congress.

62. FAB, CO 371/1237/06, *Sale and Export of Game*, 26.2.1906.

63. FAB, CO 424/2976/06, Secretary Central Farmers' Association to Colonial Secretary, 11.6.1907.

64. FAB, ORC 147, Department of Agriculture, First Annual Report, 1904-1905; ORC 148, Second Annual Report 1905-1906; ORC 175, Address, Director of Agriculture before Legislative Council, July 1906; FAB, CO 424/2976/06, Secretary, Central Farmers' Association to Colonial Secretary, 11.6.1907; CO 329/7180/04, C.E. Crane to Divisional Commandant SAC, 11.9.1904. More information on game protection societies in South Africa in J.A. PRINGLE, *The Conservationists and the Killers*, p. 41.



humiliating South African War, weighed heavier than considerations for game protection.<sup>65</sup>

Nonetheless, despite the indifference of the Afrikaans-speaking farming population and geographical obstacles like impassable roads in large, extended districts, the law-enforcement efforts of the colonial police were more successful than their indifferent Republican forerunners. This qualified success could be ascribed to their imperial convictions about game protection and the assistance they received from those few game protective farmers to apprehend the illegal game poachers. This was indeed the case in the Boshof and Hoopstad districts where three farmers informed the police about the systematic poaching of game by some farmers in these districts.<sup>66</sup>

The town councils were entitled by Article 10 of the 1905 Game Law to prohibit game hunting on their respective municipal lands. Of the 24 towns in the Colony, only Smithfield, Kroonstad, Vrede and Thaba Nchu reacted favourably. Marquard, Theunissen and Bultfontein allowed hunting explicitly, while the remaining 17 towns, including Bloemfontein, did not react at all, probably because they were part and parcel of the general feeling of indifference of the population towards game protection, or because there was no more game left on their municipal lands.<sup>67</sup>

## **Conclusion**

As in mid-Nineteenth Century Transvaal, the game herds in the Free State Republic were exploited for many purposes such as profit, subsistence and sport. The vulnerability of game to over-exploitation was evident in the Free State by 1890. Game protectionism was, except for a few knowledgeable individuals, practically non-existent.

There were mainly four interest groups that displayed a medley of motives and attitudes. The most formidable group was the landless poor white group who was responsible for the destruction of at least 75 per cent of the Free State game, acting both as subsistence and market hunters. The white landowning group, including the occupiers of land who were mainly involved in game marketing, manipulated the game legislation dishonourably in their

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65. FAB, CO 371/1237/06, Sale and Export of Game, 26.2.1906; CO 291/3826/04, Extract of a letter by Divisional Commandant, SAC to Colonial Secretary, 27.5.1904.

66. FAB, CO 542/658, Under-Colonial Secretary to Acting Assistant Inspector-General, SAC, 19.5.1908; Resident Magistrate, Hoopstad to Colonial Secretary, 18.8.1908; CO 168/3282/03, P. Fitzpatrick to H.F. Wilson, 27.4.1903; CO 462/4421/07, B.T. Blackwood to Resident Magistrate, Senekal, 19.3.1907.

67. See documents in the following files: FAB, CO 265/1611/04; CO 341/8105/04; CO 405/2375/1/06; CO 417/2775/1/06; CO 424/3006/06; *The Friend*, 5.3.1910, Country Day by Day.

favour. One may assume that this group, together with the subsistence hunting parties of the Basotho and the sports hunters, exploited the remaining 25 per cent of the game. Game in the Free State was indeed doomed from the start, because it was in the hands of the very interest group - embracing the ruling and farming interests - who were supposed to protect the game herds from being slaughtered indiscriminately.

British enthusiasm for game protection after the South African War came too late. Natural disasters and geo-political drawbacks like the impassable gravel roads in the large districts, strained relations between the Afrikaans-speaking farmers and the British representatives of law and order in the colony after the humiliating war, handicapped law-enforcement seriously. Institutions like the Volksraad, the Agricultural Unions, the colony's Game Protection Society as well as the press were supposed to be knowledgeable on the country's natural resources and geared to reach and educate the whole population. However, they themselves represented the peoples' general lack of interest in game protection.

R.F. Fuggle and M.A. Rabie rightly remarked that man-induced threats, influences or interests (economically or otherwise), often the result of inadequate knowledge, remained the greatest threat to nature conservation.<sup>68</sup> The farming population, so imbued with their traditional stock farming and agricultural practices, too easily relegated any animals that were incompatible with their farming activities, to the status of 'problems' or 'commercial animals'. The latter classification left them prone to ruthless exploitation. It ultimately transpired that their practices of improper agriculture were in fact the real ecological problem.

## **Opsomming**

### **Wildbewing in die Oranje-Vrystaat, 1848-1910**

Hierdie artikel ondersoek die verhouding tussen die inwoners van die Oranje-Vrystaat en die wildstapel met die doel om die oorsake vir die dramatiese vermindering van die wildgetalle vas te stel. Die grond- en werklose armblanke, asook swart plakkers, was ter wille van oorlewing en kontantgewin, waarskynlik vir die uitroei van 75 persent van die wildgetalle verantwoordelik. Omstandighede soos die verwoestende Basoeto-oorloë, die sporadiese droogtes en sprinkaanplae, en die runderpes van 1896 het die hoofsaaklik Afrikaanssprekende grondeienaars en die naburige Basoetovolk genoop om die oorblywende

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68. R.F. FUGGLE and M.A. RABIE, *Environmental Management in South Africa* (Cape Town, 1996), pp. 274-275.

wild ter wille van oorlewing te vernietig. Die dominante invloed van grondeienaars in die Volksraad het hulle in staat gestel om wildmaatreëls vir finansiële gewin te manipuleer. Die bydrae van die sogenaamde sport- of imperiale jagters tot wildduitroeiing kan nie onderskat word nie – veral as in ag geneem word ‘eerbaarheid’ van sommige sportmanne verdag voorkom. Die Brits-koloniale bewind in die Vrystaat (1901-1910) het, ten spyte van imperiale wildbeskermingsideale en doeltreffende wetgewing, nie daarin geslaag om die vernietiging van wild deur die invloedryke grondeienaars en arm blankes te stop nie.