

The Native's Land Act, 1913

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THE two most important commissions to look into African affairs before Union — the Cape Native Laws Commission of 1883 and the South African Native Affairs Commission of 1903-5, both recognized the success of African peasant farming and accepted the principle that individual tenure should be promoted wherever it was asked for by a black community.

One black farmer who did well was Emmett Mahonga of Glen Grey, who described to a government commission in 1916 how well he was doing with his horses, cattle and sheep, and how he produced a great variety of cereal crops for the market, won prizes at shows, fenced his land, and so on. These black farmers were either landowners in their own right, like Mahonga, or they lived on white-owned land, working for the landowner, or paying rent, or both. Many began to do so well that they found it unnecessary to work for the man on whose land they lived, especially if they received breeding stock from their employers and could start to build up their own herds.

From about 1870 it became increasingly difficult for anybody, white or black, to buy a farm. This was because the best-watered land had already gone to the white pioneers, and not only to them, but also to land companies — bodies like the Natal Land and Colonization Company, and Henderson Transvaal Estates — which had been able to obtain large blocks very cheaply by making deals on the London stock exchange. Land bought for as little as a shilling an acre could be made to yield a considerable income from rent paid by blacks who were living on it at the time the transaction took place.

Blacks were free to buy land in the Cape, but not in the Boer republics, and they found it hard to get in Natal. But if they could do well as share-croppers, as many of them did, the payment of rent was not a hardship.

In the last two decades of the century, however, as scarcity pushed land prices up, and the growth of the urban centres encouraged landowners to farm on a bigger scale, the pressure on squatters began to increase. They could be a drain on the resources of the farm, and if they were independently prosperous they were not likely to be useful as labourers. It therefore suited the farmer to get rid of them. The rinderpest (1896-97) and the Anglo-Boer War of 1899-1902 forced many landowners to do this. But at the same time other white landowners, especially Afrikaner victims of the war, found

themselves at the mercy of their creditors, and were obliged to sell.

In the Orange Free State, no black could own land, unless he had acquired one of the mission property farms in the Thaba'Nchu district. So the white farmers there had only one major strategy to consider: how to get rid of the black share-cropper who did not want to work for his landlord, and perhaps put a poor white in his place.

In the Transvaal, too, there was at first a ban on black landownership, for all black-occupied land was supposed to be held in trust by the Executive Council. But in 1905 this rule of Kruger's Republic was shattered by a Supreme court judgement to the effect that blacks could be landowners. In Tsewu's case (1905) the court set aside the existing rule on the ground that, as it had been established by mere resolution of the Volksraad and not properly enacted, it had no force of law.

Under less abnormal circumstances, this might have made little difference. But in the Transvaal at this time things were not normal, bankrupt whites and land-hungry blacks being around in unusually large numbers. To understand the presence of the latter, one merely has to look at the map in the first volume of Sir Godfrey Lagden's Native Affairs Commission Report of 1905, which shows how little land had been left for black occupation in Kruger's Republic.

The judgement in Tsewu's Case made it lawful for Africans to buy white farms. In consequence, they began to form syndicates, generally under the leadership of headmen, and bought at capitalist prices land which under multiple ownership could hardly have been used for anything but subsistence — an indication, surely, of their desperate need for land.

Thus Headman Matheus Legoati told the Beaumont Commission of 1916 how he and 55 others had paid £10 000 for a 500-morgen farm, Bultfontein No 293 in the far western Transvaal. He went on to explain that this was one of six farms they had bought, five already having been paid for.

Objections to the presence of black squatters on white-owned land, mainly in the Free State, and objections to the purchase of white-owned land by black syndicates, mainly in the Transvaal, provided most of the head of steam which resulted in the 1913 Natives' Land Act.

The main point to grasp is that the imposition of segregation on a community whose access to land was shrinking as a result of population growth was a most effective



1919 deputation to Versailles and London (back, l to r: J L Gumede, L T Mvabaza, R V Selope Thema; front l to r: Solomon Plaatje, Rev H Ngoayiya) representing the first attempt to persuade the international community to intervene on behalf of disenfranchised and oppressed Africans in SA, SWA and the Congo

way (whether intended or not) of strangling black commercial agriculture. It is often said nowadays, especially by white farmers, that 'the African is a pastoralist, not a farmer'. Such a generalization, coming from experts, has to be taken seriously; but it is also arguable that 'the African is not a farmer because he was prevented from becoming one'. Nor, in most cases today, is he a pastoralist either, for the pressure of population on land in the Homelands today is such that a relatively small number of those who live in Homeland villages have access to commonage grazing.

It should occasion little surprise, therefore, to read that Union governments turned their backs on the policy of promoting peasant farming from 1922 onwards. In that year the Smuts Cabinet adopted recommendations of the Vos Report to move away from individual title for blacks, even though its author, who had looked into perpetual quitrent tenure in the Glen Grey district since 1894, had reported an 83,7% success rate. (Only 1312 of 7987 cases examined had defaulted).

The Tomlinson Commission of 1955 put in a very strong plea for a return to individual tenure and the encouragement of successful farmers by the grant of economic land units. But the Verwoerd Government turned this down for the reason that, if it had been allowed, there would not have been enough land into which to pack all those 'surplus Bantu' who had to be removed from the white areas for ideological reasons. It was not even thought worthy of consideration that farming rights should be extended to genuine black farmers on a competitive or any other basis outside the black areas. This was an absolute taboo in terms of the ideolo-

gical principle adopted in the Land Act, that of territorial segregation.

Two subsequent extensions of the 1913 legislation served to compound its calamitous influence. One was the abandonment in 1936 of the principle of released areas laid down in the original Act, in favour of the setting aside of quotas of unspecified land for transfer in each province. This meant that the Government was not tied down to the transfer of particular areas, but was given much greater freedom to take land away from one group and give it to another. 'Black spot' removals had not been possible as such under the 1913 Act; but now they were, and it is above all in the removal of black spots where the black residents have done well for themselves, as at Driefontein, and at Mgwali in the 'white' corridor between Ciskei and Transkei, and among the Mfengu (Fingos) who were removed by force from Humansdorp to Elukhanyisweni, that the most bitter resentment had been aroused.

The 1913 Land Act was microcosmic in its immediate consequences by comparison with the effects of the legislation which grew out of it. But it was the first really substantial interference by a white South African legislature in the economic freedom of a voiceless section of the population. It set in motion a process which dwarfs such unsavoury developments as the highland clearances in Scotland in the early 19th Century. It massively promoted the interests of the landowners with political power in the name of Development, or Group Security, or both. But we may well wonder whether Arrested Development, with concomitant insecurity, has not been the actual result in many parts of South Africa.