

**BRITAIN AND THE LABOUR QUESTION IN SOUTH
AFRICA: THE INTERACTION OF STATE, CAPITAL,
LABOUR AND COLONIAL POWER, 1867-1910**

by

GERTRUDE MAYLENE SWIEGERS

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TABLE OF CONTENTS

PREFACE	10
CHAPTER 1: BRITISH COLONIAL POLICY IN SOUTH AFRICA	17
1. Introduction.....	17
2. Ideas and philosophies	17
3. Colonial policy.....	23
3.1 Introduction.....	23
3.2 Responsible government	27
3.2.1 Responsible government and the Cape Colony	31
3.2.2 Crown colony government to responsible government in Natal.....	37
3.2.3 Responsible government and the republics.....	39
3.3 Annexation of territory and withdrawal of British influence in the colonies.....	41
3.3.1 The Cape Colony	41
3.3.2 The Orange Free State.....	47
3.3.3 The Transvaal.....	49
3.4 Confederation.....	68
4. Evaluation	77
CHAPTER 2: DEVELOPMENT OF LABOUR LEGISLATION IN SOUTH AFRICA	82
1. Introduction.....	82
2. Definitions.....	82
3. Employment Contracts.....	84
4. British labour legislation during the nineteenth and early twentieth centuries	87
4.1 Masters and servants legislation	87
4.2 Vagrancy legislation	91
5. Masters and Servants Acts and other employment laws in South Africa	92
5.1 Cape Colony.....	92
5.1.1 Introduction.....	92
5.1.2 The Caledon Proclamation of 1809	94
5.1.3 The introduction of circuit courts and the Cradock Proclamation of 1812.....	97
5.1.4 The Commission of Circuit (1812-1813) and Circuit Courts	98
5.1.5 The Commission of Enquiry of 1823.....	99
5.1.6 Ordinance No. 50 of 1828.....	100
5.1.7 Ordinance No. 49 of 1828.....	101
5.1.8 The Masters and Servants Act of 1841	102
5.1.9 The Masters and Servants Act of 1856	103
5.1.10 Act No. 23 of 1857.....	105

5.1.11 The Masters and Servants Acts of 1868 and 1869	106
5.1.12 The Masters and Servants Amendment Act No. 18 of 1873.....	106
5.1.13 The Masters and Servants Act No. 7 of 1875	107
5.1.14 The Masters and Servants Act No. 30 of 1889	108
5.1.15 The Compulsory Lashing Bill of 1890	108
5.2 Griqualand West	109
5.3 Natal.....	110
5.3.1 Ordinance No. 2 of 1850.....	110
5.3.2 Ordinance No. 13 of 1850.....	111
5.3.3 Act No. 23 of 1865.....	112
5.4 Transvaal.....	112
5.4.1 Ordinance No. 2 of 1864.....	112
5.4.2 Act No. 9 of 1870.....	113
5.4.3 Act No. 13 of 1880.....	114
5.5 Orange Free State.....	115
6. Vagrancy laws.....	115
6.1 Cape Colony.....	116
6.1.1 The Vagrancy Bill of 1834.....	116
6.1.2 Act No. 22 of 1867.....	116
6.1.3 Act No. 7 of 1895.....	117
6.2 Natal.....	117
6.3 Transvaal.....	118
7. Pass laws	119
7.1 Cape Colony.....	119
7.1.1 Act No. 23 of 1857.....	119
7.1.2 The Local Authorities' Increased Powers Act No. 30 of 1895	120
7.2 Natal.....	120
7.3 Transvaal.....	121
7.3.1 The Native Pass Law No. 31 of 1896	121
7.3.2 Natives Pass Law No. 23 of 1899.....	121
7.3.3 Proclamation No. 37 of 1901	121
7.3.4 Proclamation No. 35 of 1901	124
7.3.5 The Urban Areas Native Pass Act No. 18 of 1909	125
7.4 Orange Free State.....	125
8. Evaluation	125

CHAPTER 3: APPRENTICESHIPS AND SLAVERY	132
1. Introduction.....	132
2. Economic environment	132
2.1 The Cape Colony	132
2.2 Natal.....	136
2.3 The Orange Free State.....	138
2.4 Transvaal.....	138
3. Slavery, forced labour and free labour.....	140
4. Emancipation of slaves in the Cape Colony and labour scarcity	143
5. Apprenticeships and child labour.....	144
5.1 Apprenticeships in Britain	144
5.2 Apprenticeship legislation in South Africa.....	150
5.3 The Cape Colony and apprenticeships.....	155
5.3.1 The Mfecane and the labour market in the Cape Colony.....	155
5.3.2 Prize slaves.....	157
5.3.3 Child labour and British juvenile emigration.....	158
5.3.4 Destitute children	162
5.3.5 Indenturing of Xhosa prisoners after the Ninth Frontier War.....	164
5.3.6 Indenturing of Koranna prisoners	168
5.3.7 Indenturing of Bechuana prisoners	171
5.3.8 Missionary schools and the apprenticeship system.....	172
5.3.9 Factory apprentices	173
5.4 Apprenticeships in Natal	173
5.4.1 Liberated slaves	173
5.4.2 Industrial training and apprenticeships	177
5.5 Apprenticeships and slavery allegations in the Transvaal	177
5.5.1 Sechele and the Tswana tribes	177
5.5.2 The siege of Makapansgat.....	181
5.5.3 Proclamations by M.W. Pretorius (1855 and 1857).....	183
5.5.4 San apprentices	183
5.5.5 The apprenticeship system and allegations of slavery	184
5.5.6 Abel Erasmus and the attack on Mazepe	190
5.5.7 The apprenticing of the Maseleroom tribe and the subjugation of Sekhukhune.....	191
5.5.8 The apprenticing of the Mapoch tribe by the Transvaal government	194
5.5.9 Apprenticeships and the Korannas of Massouw	197
5.5.10 Indenturing of Malaboch's tribe	197

6. Evaluation	198
CHAPTER 4: CONVICT AND INDENTURED LABOUR	202
1. Introduction.....	202
2. Convict labour.....	202
2.1 Definitions.....	202
2.2 Convict labour and transportation in Britain.....	203
2.3 Cape Colony.....	207
2.3.1 Convict transportation and the anti-convict agitation	207
2.3.2 Convict labour and public works projects.....	209
2.3.3 Mining companies and the leasing of convicts	213
2.3.4 Farmers and the convict lease system	215
2.4 Natal	216
2.4.1 Convict transportation to Natal	216
2.4.2 Public works projects and convict labour	217
2.4.3 Convict labour and the Langalibalele Rebellion	217
2.4.4 The Bambatha Rebellion and convict labour	221
2.5 Transvaal.....	222
3. Indentured labour	224
4. Indian labour	225
4.1 Natal	225
4.1.1 British background.....	225
4.1.2 The importation of indentured Indian labour	226
4.2 Transvaal.....	237
4.2.1 Indian protest and agitation.....	237
4.2.2 Indentured labour for the public works.....	242
5. Chinese labour	246
5.1 Reactions to the importation of Chinese labour	247
5.2 The Transvaal Labour Ordinance and other legislation	253
5.3 Repatriation of Chinese labour	258
6. Evaluation	262
CHAPTER 5: BRITISH EMIGRATION AND WHITE LABOUR	268
1. Introduction.....	268
2. Emigration from Britain.....	268
3. Immigration to South Africa	280
3.1 Cape Colony.....	280
3.1.1 The 1820 British Settlers.....	280

3.1.2 Emigration after the British Settlers of 1820	282
3.2 Natal.....	287
3.3 Transvaal.....	291
3.3.1 Skilled and unskilled white labour after the Anglo-Boer War.....	294
4. Female emigration	302
5. The British government and the ‘poor white’ problem.....	315
5.1 Bywoners and land settlement	315
5.2 The Relief Works Department	318
5.3 The Poor White problem in the Cape Colony.....	319
6. Evaluation	320
CHAPTER 6: AFRICAN LABOUR AND OTHER LABOUR SOURCES	324
1. Introduction.....	324
2. Colonial policy and the search for a uniform policy towards Africans	324
2.1 The South African Customs Conference (1903).....	326
2.2 South African Native Affairs Commission (1903-1905).....	327
3. Cape Colony.....	329
3.1 African administration and labour	329
3.2 African labour in the Cape Colony	333
4. Griqualand West	344
4.1 Labour supply and labour sources (1870-1876).....	344
4.2 The Griqualand West Labour Commission (1876).....	348
4.3 Labour supply and changes in the mining industry (1876-1882).....	352
4.4 The compound system	353
4.5 Labour migration and main areas of labour supply	355
5. Natal.....	358
5.1 African administration	358
5.1.1 The Location Commission of 1846.....	358
5.1.2 The Land Commission of 1848.....	360
5.1.3 The Native Affairs Commission (1852).....	361
5.1.4 The Royal Charter of Natal (1856)	362
5.2 Internal labour strategies and labour supply in Natal.....	363
5.2.1 Law No. 15 of 1871: Law to Facilitate the Obtaining of Labour.....	365
5.2.2 The public sector and <i>isibahlo</i> labour	366
5.2.3 The public works and ‘togt’ labour.....	368
5.2.4 Labour after the Anglo-Boer War	368
5.3 Migrant labour	369

5.3.1	Amatonga labour.....	369
5.3.2	Zulu labour.....	376
5.3.3	Labour from Delagoa Bay and surrounding areas	378
5.3.4	Labour from St Helena.....	380
6.	Transvaal.....	380
6.1	African administration	380
6.1.1	Location and land laws	380
6.1.2	Taxation	382
6.1.3	Pass laws	382
6.1.4	Industrial Commission of 1893.....	384
6.1.5	Industrial Commission of 1897.....	384
6.1.6	Native commissioners and African administration	387
6.2	Agricultural sector	388
6.2.1	Labour tribute and labour tenancy	388
6.2.2	The Transvaal Labour Commission of 1904 and the agricultural sector	390
6.3	Public sector.....	392
6.4	Mining sector	392
6.4.1	Labour before the Anglo-Boer War	392
6.4.2	The Anglo-Boer War and the gold mines	399
6.4.3	Labour after the Anglo-Boer War	404
7.	Evaluation	426
	CHAPTER 7: THE DEVELOPMENT OF TRADE UNIONISM IN SOUTH AFRICA	433
1.	Introduction.....	433
2.	Definitions.....	433
3.	The rights of trade unions and employer organisations	434
4.	Definitions of strikes and boycotts.....	436
5.	British trade unionism.....	437
6.	South African legislation impacting on trade unions	441
7.	Trade unions in South Africa.....	441
7.1.	Branches of British unions.....	443
7.2	Trade unions in the building industry	444
7.3	Jewish trade unions	445
7.4	Trade unions in the printing industry.....	446
7.5	Mining unions	446
7.6	Unions in the public sector.....	448
7.7	Trades and labour councils	448

8. Strike actions.....	449
8.1 Cape Colony.....	449
8.2 Griqualand West	453
8.2.1 Labour, the New Rush Disturbances and employer organisation	453
8.2.2 The Black Flag Rebellion and the Diggers Protection Society as an employer organisation	456
8.2.3 Employee strikes	459
8.3 Natal.....	461
8.4 Transvaal.....	462
8.4.1 Mining strikes (1897-1905)	464
8.4.2 Strikes and riots by Chinese labourers	466
8.4.3 Strikes by African workers	468
8.4.4 Railway strikes.....	469
8.4.5 The 1907 mining strike	470
8.4.6 Strikes in printing and other industries	476
9. Evaluation	476
CHAPTER 8: CONCLUDING PERSPECTIVES.....	478
ANNEXURE A: CHRONOLOGY	491
ANNEXURE B: KEY FIGURES.....	495
ANNEXURE C: LEGISLATION.....	500
ANNEXURE D: GLOSSARY.....	506
ANNEXURE E: MAPS.....	507
ANNEXURE F: STATISTICS.....	516
TABLE 1: Number of Africans employed by Transvaal mines (members of Witwatersrand Native Labour Association) (1902-1910).....	516
TABLE 2: Number of African labourers employed by the Transvaal government (1905-1910)...	517
TABLE 3: Chinese labourers employed in Transvaal mines (1904-1908).....	517
TABLE 4: British women and children sent to South Africa (1903-1910)	518
TABLE 5: Emigration from Britain (1841-1909).....	519
ANNEXURE G: LABOUR PASSES.....	521
SOURCE LIST.....	523
OPSOMMING.....	576

PREFACE

The legacy of British rule continues to influence perceptions in South Africa. The colonial era and the subsequent apartheid period instituted political, economic and social policies that impacted on the development of the country. In democratic South Africa, political equality has not solved social problems such as poverty, the standard of health, education provision, and service delivery. The South African economy is also severely hampered by fundamental labour problems such as unemployment, an oversupply of unskilled labour, and inequality in the workplace. An important question in contemporary South Africa relates to the legacy of the apartheid and colonial rulers. Who is to blame for the social and economic problems in South Africa? Is it the post-1994 ANC government, apartheid (1948-1994) or can blame also be allocated to Britain for the colonial period of rule (1806-1910)?

This thesis investigates the role of Britain in labour relations in South Africa in the years 1867 to 1910. Although the study does not address any social or economic issues outside of the labour environment it will attempt to clarify Britain's impact on labour during the colonial era, and by implication the influence of Britain on modern South Africa. If it is found that Britain played a major role in structuring labour relations during the colonial era and through that provided a foundation for the labour policies of the apartheid government, there would be some justification in blaming part of the post-apartheid labour issues together with some of the related social and economic problems on British imperialism.

The period from 1867 to 1910 in South Africa was characterised by a severe shortage of labour. The limited labour supply was further strained by the discovery of diamonds in Griqualand West in 1867 and gold on the Witwatersrand in 1886. The increased mining activity facilitated the transition from an agrarian to an industrial society and this resulted in social as well as economic changes in South Africa. The agricultural sector found it difficult to compete with the higher wages paid in the mining and public works sectors and had to employ a number of alternative strategies to secure labour. This included the continued employment of Indian labour on the Natal sugar plantations and the use of imported labour in the Cape Colony. Capital interests on both the diamond and gold mines required cheap labour to ensure high profit margins. The governments of the Cape Colony, Natal, the Transvaal and the Orange Free State interacted with capital interests to ensure revenue from taxes while

migrant labourers accepted employment on the mines to acquire food, cattle, guns and wages to fulfil tax obligations towards the government.

The Anglo-Boer War (1899-1902) dramatically changed the economic and political situation in South Africa. After the war the British government was responsible to ensure that the mines could be reopened on a profitable basis to facilitate the recovery of South Africa's economy. Labour was once again in short supply and various recruitment drives led to the importation of labour from China and other areas outside the South African borders. After the war the labour movement, initially based on the British model of craft unions became more militant. Skilled workers used strike actions to counter capital's desire to change employment conditions and deskill certain positions, and the 1907 strike by white workers indicated white labour's concern with African competition for skilled positions.

Great Britain was acutely aware of the labour situation in South Africa during 1867-1910. The thesis will focus on the manner in which Britain influenced the labour environment by examining the interaction between state, capital and labour and the British colonial power in South Africa. Britain influenced South Africa in various ways. The governments in South Africa were directly influenced by political decisions and colonial policies implemented by the British government, while Britain directly governed colonies before responsible government was awarded. After responsible government was granted, colonial policy, as determined by the British government, influenced the political environment in South Africa and contributed to the main political events.

Events such as warfare, the annexation of territory, the withdrawal of British influence, confederation efforts and colonial policies granting representative and responsible government, all impacted on labour in South Africa. The different wars between British and other groups led to the annexation of land that impacted on the economic independence of African and other groups and in many instances forced them to join the labour force in the colonies. The withdrawal of British influence through the Sand River Convention of 1852 and the Bloemfontein Convention of 1854 led to the adoption of labour systems such as the apprenticeship system in the Transvaal which was equated with slavery in Britain. The grant of self-government to British colonies meant that Britain could no longer control policy or counter measures implemented by the colonial government to extract labour from the African population.

British colonial policy therefore shaped ideas and policies regarding labour in South Africa, and economic development further contributed to changes in the labour environment. Britain also influenced the legislative environment in South Africa since British masters and servants laws and other legislation were used as a basis for the legislation adopted in the colonies. The legislation, although regulating the employer-employee relationship and stipulating required employment conditions, restricted the freedom of employees by instituting criminal sanctions for misconduct such as breach of contract.

The reaction in Britain of civil society groups and the public also impacted on South Africa, and in some cases labour policies had to be tempered due to the negative view in Britain. The use of Langalibalele prisoners by private employers and the apprenticing of Langeberg rebels in 1897, for instance received negative press remarks in Britain, and in the case of the Langalibalele prisoners the legislation controlling the allocation of prisoners was vetoed by the British government. The treatment of Langeberg apprentices was carefully monitored and reported, both to the British government and in the British press.

In many instances colonies were perceived as areas that would solve the problems experienced in Britain. The increase in the convict population in Britain was dealt with by convict transportation to colonies such as Van Diemen's Land and these systems formed the basis for convict administration in South Africa. The focus initially placed on the reformation of convicts, was transferred to the South African system used in the Cape Colony and Natal, while changes in the convict system such as the introduction of non-productive labour also formed part of the convict system in these areas. Overpopulation and unemployment in Britain was addressed through the promotion of emigration to the colonies. Although South Africa never received the same numbers of immigrants than other colonies, the immigration of skilled labour facilitated the industrialisation of the country. It also contributed to the implementation of a colour bar, the introduction of craft unions, and the use of strike action.

Britain also played a role in labour recruitment and supply in South Africa. The recruitment of Indian labourers for the sugar plantations was facilitated by the British government, as was labour importation from areas such as St Helena and Damaraland. Agreements were reached to supply liberated slaves to both the Cape Colony and Natal while the British administration in the Transvaal played an active role in labour recruitment after the Anglo-Boer War. The British administration reached agreements with the Portuguese authorities to import labour from Mozambique, the existing treaty between Britain and China

facilitated the import of Chinese labour, while labour was also secured from British colonies such as the Central African Protectorate.

The thesis will explore the impact of Britain on the labour question in South Africa by investigating the direct and indirect role of the British government, the public and press in Britain, civil society and its influence on British policy, as well as the use of the South African labour question by the British political opposition. Britain's role in recruiting and managing the labour supply in South Africa will be outlined as will the impact of political events and colonial policy on labour in South Africa. The main sources of labour in South Africa will be discussed, as will the British role in securing these labour sources. African administration, the role of taxation and land in labour supply, and the British role and reaction to these issues will be discussed along with the interaction of the British government with the other parties in the labour relationship, namely capital, the colonial state and labour.

This thesis is divided into eight chapters focusing on British colonial policy, the development of labour legislation in Britain and South Africa, slavery and apprenticeship, convict and indentured labour, white labour, African labour, and the development of trade unionism in South Africa. The first chapter focuses on the colonial policies of the British government and the colonial governments' policies and legislation that impacted on the labour environment in South Africa in various ways. The enactment of labour legislation directly influenced labour policies, while political events indirectly influenced the power and independence of African and other groups. Colonial policies and the related main political events form the foundation for the investigation of the labour question in South Africa and the influence of Britain on the labour environment. Responsible government, the annexation and withdrawal of British influence, and confederation will be highlighted as the main colonial policies impacting on South Africa and will be discussed in relation to the political events, illustrating the influence of Britain on the Cape Colony, Natal, Transvaal and the Orange Free State.

Chapter 2 investigates labour legislation as a major influence of Britain on the labour environment in South Africa. It is impossible to discuss labour legislation in South Africa in isolation from legislation in Britain. British masters and servants laws and vagrancy acts formed the basis for the legislation adopted in South Africa. Highlighting the most important provisions of the British legislation will provide a comparative basis for the discussion of South African labour law. The development of South African labour legislation in the Cape

Colony, Natal, Transvaal and the Orange Free State is outlined by emphasising development in masters and servants acts, vagrancy laws and pass laws.

Chapter 3 outlines the economic environment in South Africa during the British colonial period and indicates the main industries and export areas most in need of an adequate labour supply. The concepts of slavery, free labour and forced or coerced labour are contrasted to serve as a framework for discussing the labour environment and strategies applied by employers. The emancipation of slaves and the subsequent labour scarcity within the Cape Colony, as well as labour strategies used by the government and employers in the British colonies and independent states, are highlighted. The chapter will also focus on the use of apprenticeships and child labour to alleviate the labour scarcity in the Cape Colony, Natal and Transvaal.

Chapter 4 focuses on the use of convict and indentured labour in South Africa. Convict labour and transportation in Britain is outlined, forming a comparative basis to illustrate the influence of Britain on convict labour in South Africa. Convict labour in South Africa supplemented the labour supply on public works projects but was also used by private organisations such as the mining companies in Kimberley and the Witwatersrand. The indentured labour systems, whereby Indian labour and Chinese labour was imported into South Africa, are discussed, as well as the British reaction and contribution to these labour schemes.

In chapter 5 the importance of white labour in South Africa is discussed by focusing on immigration from Britain. The reasons for British support of emigration will be outlined as will the focus on female emigration after the Anglo-Boer War. The discussion will not only emphasise the introduction of white labour from Britain but will also assess the British role in creating labour opportunities for destitute Afrikaners after the war. The chapter will also highlight the views of British skilled white labour in the Transvaal, especially with regards to the Chinese labour question and the employment of unskilled white labour on the mines. This serves to illustrate the influence of British views regarding race and class on South African society.

Chapter 6 will outline the different strategies followed by the governments in South Africa with regards to African labour. The efforts to establish a uniform policy towards Africans will be discussed, including the British government's efforts to establish a confederation, and the importance of different commissions in outlining a more standardised

approach to African administration and labour supply. The chapter will discuss the use of African labour in the Cape Colony by outlining its importance in the agricultural, public works and mining sectors. Recruitment and the migration of labour from the main supply areas will also be outlined. African administration in Natal regarding labour will be considered along with the use of migrant labour to supplement the local labour supply. The labour scarcity in the Transvaal contributed to the institution of legislation regarding passes, locations and taxation, and this will be outlined along with the use of labour strategies such as labour tenancy by the agricultural sector. Labour scarcity, recruitment and migration to the mines will be discussed, especially the different areas of labour supply considered to alleviate labour scarcity and ensure the development of the mining industry in the Transvaal.

Chapter 7 focuses on the development of trade unionism in South Africa, from the discovery of diamonds in 1867 to the 1907 strike in the Transvaal. The development of trade unionism in Britain from 1867 onwards, serves as a foundation to the discussion of the development of trade unionism in South Africa. The development of trade unions in South Africa is outlined by focusing on the different unions established in industries such as mining, building, printing and the public sector. The description of strike actions after 1867 highlights the interaction between employees, employers and the state, and focuses on the issues causing strikes, such as poor employment conditions, wage disputes and job security.

After the concluding perspectives that are provided in Chapter 8 a number of annexures are included namely a chronology of the main events, some of the key figures that are referred to in the text, a short glossary of terms used in the text, maps that highlight the places that are referred to and tables of statistical information on labour supply. On a few occasions there will be references in the text to the annexures, but otherwise the reader should when necessary consult the annexures.

Terminology used in the thesis will endeavour to give as little offence as possible and in cases where such a term is present it will not be used to give offence or to illustrate the opinion of the author, but will be to ensure historical accuracy. The term African will be substituted for black while contemporary terms such as Khoikhoi and San will replace the derogatory terms Hottentot and Bushman. Whites may also be referred to as Europeans while the term Asian labour will include both Chinese and Indian labour. The different states and colonies in South Africa will be referred to as the Cape Colony (not Cape of Good Hope), the Transvaal instead of South African Republic, and the Orange Free State instead of the Orange River Colony as it was known after the British annexation in 1900.

Since the research focused on both Britain and South Africa, archives in both countries were visited. In Britain, a number of visits were made to the National Archives at Kew to study documents from the Colonial Office, Public Record Office, Dominions Office and Foreign Office. The London School of Economics, the archives at the School of Oriental and African Studies and the Institute of Commonwealth Studies were also visited for research purposes. Primary documents were obtained from the British Library in London and the People's History Museum in Manchester. In South Africa primary documents were sourced from the government archives in Pretoria, Cape Town, Bloemfontein and Pietermaritzburg. Documents were also obtained from the Cory Library at Rhodes University, the Historical Papers Collection at the University of the Witwatersrand, the Killie Campbell Collections in Durban and the McGregor Museum in Kimberley. The British Parliamentary Papers, British Parliamentary debates and other British government publications were extensively used to investigate the interaction between Britain and South Africa. South African blue books, government gazettes and government publications such as official reports supplemented published primary source information. Digital archives played an important role in the study. Digital pamphlet collections from the University of Manchester, University of Bristol and the London School of Economics accessed via the JSTOR digital library were an important primary source to determine British policies and opinions during the nineteenth century. Digital newspaper archives such as *The Manchester Guardian*, *The Times*, *The Financial Times* and the *Nineteenth Century Newspaper* collection were used to investigate reactions and opinions in Britain, while the World Newspapers Archive allowed access to South African newspapers such as the *Grahamstown Journal*, the *Natal Witness*, the *Rand Daily Mail* and the *Bloemfontein Gazette*. Secondary sources include journals and books both published and digital.

Successful research would not have been possible without the assistance of staff from the different archives visited, and to all those who have assisted in this way I am grateful. I would also like to thank Luther Els and Ilse van der Linde for all their inputs, Annamarie du Preez for her language editing, and my supervisor, Professor André Wessels, for all his patience and guidance. My parents also deserve a special thank you for all their encouragement and support.

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CHAPTER 1

BRITISH COLONIAL POLICY IN SOUTH AFRICA

1. Introduction

The colonial policies of the British government and the colonial governments' policies and legislation impacted on the labour environment in South Africa in various ways. The enactment of labour legislation directly influenced labour policies while political events indirectly influenced the power and independence of African and other groups. Colonial policies and the related main political events form the foundation for the investigation of the labour question in South African and the influence of Britain on the labour environment.

2. Ideas and philosophies

Prevalent ideas and philosophies in Britain during the late eighteenth and early nineteenth centuries influenced colonial policy and, subsequently, also labour policies within the colonies. The enlightenment movement of the late eighteenth century contributed to the development of liberal and democratic societies. Supporters of the enlightenment promoted the belief that humans could develop through exposure to education and science.¹ Cultural progress was one of the main principles of enlightenment theory, and it was believed that all humans aspired to improve their condition, thereby facilitating progress. Progress was not only seen in terms of changes in technology, but also included political, religious and social development.² This emphasis on progress contributed to the expansion of British influence around the world through the discovery of new territories and the subsequent colonisation of indigenous inhabitants. During the last decades of the eighteenth century, the Industrial Revolution in Great Britain contributed to colonisation efforts as new markets were required for manufactured goods, and colonised areas had to supply raw materials to industries in Britain.³

The large empire acquired by Britain during the eighteenth and nineteenth centuries and the belief in British moral and political superiority resulted in the British view that

¹ Blackburn, S., *The Oxford dictionary of philosophy*, p. 115.

² Trigger, B.G., *A history of archaeological thought*, p. 101.

³ Lewis, A., "A critique of mission education in South Africa according to Bosch's mission paradigm theory" in *South African Journal of Education*, Vol. 23, No. 2, 2003, p. 102.

civilisation had to be spread to indigenous groups in the colonies. It was believed that civilisation could be enhanced by economic concepts such as free trade and labour, while religion and the promotion of missionary activities would play a prominent role in the civilising effort.⁴

Several philosophical schools such as naturalism, rationalism and philanthropic thought contributed to new ways of thinking during the early nineteenth century.⁵ The humanitarians had very specific ideas on the relationship between labour and civilisation. They believed that a person who freely chose to sell his labour and was not coerced or enslaved would be a more productive worker. The humanitarians, therefore, promoted free markets and free labour as the only way to spread Christian civilisation in less advanced areas.⁶ Jeremy Bentham, the founder of utilitarianism, deplored slavery since it did not foster universal wellbeing.⁷ Evangelicalism also played an important role in the abolition and emancipation of slaves. The establishment of the Agency Committee in 1831 increased the anti-slavery agitation, and the idea was promoted that slavery should be abolished since it was a sin against God.⁸

The policy of benevolent colonialism propagated by the British government was founded on some of the above ideas, and the government accepted responsibility for the wellbeing and civilisation of colonial subjects. The presence of missionaries within the colonial territories was a visible manifestation of benevolent colonialism.⁹ Religion and missionary activities were also closely linked to commercial activities, and adherents like Samuel Wilberforce, Bishop of Oxford and Winchester, believed that the only way to promote Christianity and encourage civilisation was through the establishment of commerce in British territories.¹⁰

The writings of influential Scottish enlightenment thinkers like John Locke, George Berkeley and David Hume contributed to the development of liberalism and new political and social ideas.¹¹ Cultural change was, for example, seen as a sequence of steps based on

⁴ Magubane, Z., *From noble savage to native problem: Images of South Africans in British colonial discourse, 1806-1910* (D.Phil), p. 115.

⁵ Lewis, p. 102.

⁶ Magubane, p. 179.

⁷ Kilbride, D., "Slavery and utilitarianism: Thomas Cooper and the mind of the old South" in *The Journal of Southern History*, Vol. 59, No. 3, August 1993, p. 470.

⁸ Anstey, R., Da Costa, E.V. and Davis, D.B., "Slavery and the Protestant ethic" in *Historical reflections*, Vol. 6, No. 1, Summer 1979, p. 168.

⁹ Lewis, p. 103.

¹⁰ Porter, A., "Commerce and Christianity: The rise and fall of a nineteenth century missionary slogan" in *The Historical Journal*, Vol. 28, No. 3, September 1985, p. 597.

¹¹ Law, S., *Philosophy*, p. 39.

economic development. Philosophers such as Henry Home proposed a phased approach to human development¹² that influenced British attitudes towards colonisation during most of the nineteenth century. According to this approach, environmental conditions and social influences resulted in differences between humans. Although the approach emphasised the superiority of European civilisation, it made no distinction between people on biological grounds and differed from the racist ideas of the late nineteenth century. Societies were believed to pass naturally through four stages of social development that explained the progress from barbarism to civilisation.¹³ The stages were characterised by increased labour specialisation¹⁴ as hunting communities evolved into pastoral societies that through further progression became agriculturists. Eventually, agricultural communities reached the final stage of development that was a commercial society such as that of Britain.¹⁵

The four phases of human social development that included hunting, herding, farming and commerce were linked to cultural progress. Cultural progress was also divided into three phases of social development that commenced with savagery, then moved to barbarism and culminated in civilisation. Adam Smith argued that commercial societies were characterised by freedom, security, good governance and material benefits. This ensured more labour freedom and the individual's right to select an occupation of choice. Legislation was standardised and contributed to the enforcement of contracts in the labour environment.¹⁶

During the 1830s, utilitarianism and evangelicalism built on the foundations of the developmental approach. The belief was propagated that indigenous groups could be motivated to accept the importance of labour and individual responsibility for improvement, thereby increasing their level of civilisation.¹⁷

The developmental approach also featured in John Stuart Mill's *Considerations on representative government*. Mill and other enlightenment thinkers shared the idea that societies could be classified according to a scale of civilisation. This was used as justification to exclude non-European people, women and slaves from equal rights. Mill differed from other thinkers by equating the developmental stages of societies to differences in

¹² Trigger, p. 101.

¹³ Parry, R., "In a sense citizens but not altogether citizens': Rhodes, race and the ideology of segregation at the Cape in the late nineteenth century" in *Canadian Journal of African Studies*, Vol. 17, No. 3, 1983, p. 379.

¹⁴ Gascoigne, J., *The enlightenment and the origins of European Australia*, p. 148.

¹⁵ Martens, J., "The impact of theories of civilization and savagery on native policy in colonial Natal" in *African Studies Association of Australasia and the Pacific: Africa on a Global Stage*, 2003, p. 2.

¹⁶ O'Neill, D.I., *The Burke-Wollstonecraft debate*, pp. 38-47.

¹⁷ Parry, p. 379.

governance.¹⁸ Mill argued that the best form of government for civilised nations was representative government and that the most suitable form of government for a particular society was dependent on its stage of development.¹⁹ In cases where societies were less developed, representative government would be ill-suited to them.²⁰ Mill stated that the attainment of civilisation depended on the continual performance of repetitive or boring labour. During the stages preceding civilisation people therefore had to change their habits of industry if they wanted to become civilised. This change would only be achieved over a long period unless they were coerced into acquiring industrious habits.²¹ Development towards civilisation could be achieved in two ways. The first was through the leadership of an indigenous leader, but this only occurred in exceptional circumstances. Secondly, people could be assisted via the rule of a civilised nation such as Britain.²²

The continued predominance of philanthropic ideas in Britain placed renewed emphasis on the issue of slavery. The Slavery Emancipation Act of 1833 did not signify the end of world-wide slavery. In many countries, slavery continued while in British colonies the apprenticeship system strongly resembled slavery.²³ In reaction to the continuance of coercive labour policies in the British colonies, philanthropists propagated a new direction of thought that consisted not only of protecting enslaved people but all indigenous groups within the British Empire. In 1835, a Select Committee of the House of Commons was appointed to investigate the protection and civilisation of indigenous people in the colonies.²⁴ The Parliamentary Select Committee on Aboriginal Tribes published their report in 1837. The report formulated the main problems faced regarding the protection of these groups. The report also criticised the indifferent attitude of the British public regarding the treatment of indigenous groups in the colonies. The lack of progress in the civilisation of indigenous tribes was seen as contributing to a perception in Britain that these groups did not have the ability to improve. The committee, however, emphasised that circumstances in the colonies discouraged tribes to embrace civilisation efforts. For example, agriculture was hampered by the appropriation of tribal land by colonists. The committee postulated that the situation of

¹⁸ Jahn, B., "Barbarian thoughts: Imperialism in the philosophy of John Stuart Mill" in *Review of International Studies*, Vol. 31, No. 3, July 2005, p. 611.

¹⁹ *Ibid.*, p. 601.

²⁰ Mill, J.S. *Considerations on representative government*, p. 81

²¹ *Ibid.*, pp. 47-48.

²² Jahn, p. 603.

²³ Swaisland, C., "The Aborigines Protection Society, 1837-1909" in *Slavery & Abolition*, Vol. 21, No. 2, 2000, p. 265.

²⁴ Nworah, K.D., "The Aborigines' Protection Society, 1889-1909: A pressure-group in colonial policy" in *Canadian Journal of African Studies*, Vol. 5, No. 1, 1971, pp. 79-80.

indigenous groups would not improve until the system of government used in the colonies was changed.²⁵

The committee report contributed to the formation of the independent Aborigines' Protection Society (APS).²⁶ The APS focused on the plight of indigenous people within the British Empire and became a second channel of communication from the colonies to the Colonial Office.²⁷ The need for a voice such as the APS, protecting indigenous rights in the colonies, became more pronounced as liberalism declined, especially after the Indian Mutiny of 1857 and the Jamaican Rebellion in 1865. The negative perception regarding indigenous races became widespread, and they were frequently portrayed as savages. The civilising mission propagated by the philanthropists and humanitarians during the first decades of the nineteenth century was perceived as unsuccessful leading to less sympathetic attitudes towards indigenous groups and the implementation of more coercive labour practices in the colonies.²⁸ This outlook towards indigenous groups was prevalent during the period under consideration in this dissertation.

The move towards scientific racism in the British Empire and its colonies had its foundations in theories such as phrenology which were popular during the late 1820s.²⁹ Phrenology was defined as a discipline “in which bumps on the skull could be read to determine psychological characteristics”.³⁰ The basic premise of phrenology focused on the relationship between social behaviour and the shape of the human cranium, and justified the colonisation efforts of the British Empire and the subjection of indigenous races.³¹ Phrenology was perceived as an objective assessment of the capacity or lack of capacity indigenous groups had for acquiring civilisation. The contradicting ideas of science and religion were quite evident within the theory of phrenology since science defined human behaviour as unchangeable (as it was determined by biological impulses) while religion saw humans as the product of their environment and, therefore, capable of change.³² Ideas regarding scientific racism gained popularity during the 1850s. Scientific theories were applied to colonial environments while pseudo-science and cultural views of European

²⁵ Hume Tracts Collection: Select Committee on Aboriginal Tribes, *Report of the Parliamentary Select Committee on Aboriginal Tribes (British Settlements)* (pamphlet), 1837, pp. viii-ix.

²⁶ Nworah, pp. 79-80.

²⁷ Swaisland, p. 277.

²⁸ Parry, p. 380.

²⁹ Magubane, B., “Social construction of race and citizenship in South Africa” in *Racism and Public policy*, 3-5 September 2001, p. 13.

³⁰ Blackburn, p. 130.

³¹ Magubane, B., p. 13.

³² Magubane, Z., p. 193.

superiority merged with missionary propaganda portraying indigenous societies. This led to the perception in Britain that other races were subordinate to Europeans, and this influenced colonial governance during the colonial period.³³ The theory of evolution contributed to the development of scientific racism and was also used to prove the hereditary supremacy of Europeans.³⁴ Charles Darwin's *The origin of species* was used to justify racial ideas and policies although he never commented on the cultural implications of evolution. The philosopher Herbert Spencer linked evolution with human societies and propagated the view that societies through competition gradually developed from a primitive to a civilised state. Karl Pearson and Benjamin Kidd, Social Darwinists of the early twentieth century, equated colonialism and imperialism with Darwinism and believed that the management of indigenous groups would civilise them.³⁵

Liberty was an important concept in British society and was seen as a fundamental right along with a legal code that would protect each British subject's freedom. The rights of citizens were outlined in the Magna Carta of 1215 which safeguarded rights such as personal freedom and property ownership, and every citizen could lodge a complaint if these rights were affected.³⁶ The Magna Carta restricted the control of government and constitutions were adopted that outlined the obligations and rights of citizens and the state.³⁷

The Bill of Rights of 1689 and the Act of Settlement of 1701 entrenched basic human rights such as religion, legislation and freedom.³⁸ Social contract theory of philosophers such as Thomas Hobbes and John Locke encouraged the concept of a contract between citizens and the state that would ensure a stable government as well as the protection and provision of rights to individuals. In 1820 the German philosopher Georg Hegel addressed the concept of human development in relation to liberties and rights. During the first stage, humans were classified as savages who had certain liberties that allowed them to think and act. In the second stage, humans became civilised and were subject to legislation while during the last stage civilised humans gained their freedom but were still bound to a legal code. Hegel emphasised the importance of a contract between the government providing law and order

³³ Curtin, P.D., "Scientific racism and the British theory of empire" in *Journal of the Historical Society of Nigeria*, Vol. 2, No. 1, December 1960, pp. 42-48.

³⁴ Jackson, J.P. and Weidman, N.M., "The origins of scientific racism" in *The Journal of Blacks in Higher Education*, No. 50, Winter 2005/2006, p. 66.

³⁵ Dennis, R.M., "Social Darwinism, scientific racism and the metaphysics of race" in *The Journal of Negro Education*, Vol. 64, No. 3, Summer 1995, pp. 243-244.

³⁶ *On the laws and liberties of Englishmen: Britons ever shall be free!* (pamphlet), 1831, p. 8.

³⁷ Haas, M., *International human rights: A comprehensive introduction*, p. 25.

³⁸ *On the laws and liberties of Englishmen: Britons ever shall be free!* (pamphlet), 1831, p. 10.

and the individual receiving human rights including the right to education, property, religion and freedom of speech.³⁹

In the nineteenth century, the lack of political rights in Britain became contentious and British subjects demanded the extension of the franchise.⁴⁰ The Reform Act of 1832 extended the vote to the middle classes in Britain, but the franchise was still restricted through stipulations including a property qualification. The Reform Act of 1867 extended the franchise in towns, the property qualification was decreased to £12 and tenants were also allowed to vote.⁴¹ The Reform Act of 1884 further extended the franchise to include citizens in all British counties.⁴² The act continued to include a voting qualification that was linked to property. Although not all males qualified to vote, the number of voters increased from 2,6 million in 1832 to 4,4 million in 1886.⁴³

In Britain liberalism increasingly focused on social reforms and the obligation of the government. Poor relief and labour rights were seen as crucial to social reform. The increase in trade union membership and their agitation for improved employment conditions such as shorter working hours and higher wages were supported across all classes in Britain.⁴⁴ Socialism also contributed to a new emphasis on economic and social rights.⁴⁵ Many of these ideas informed public discourse in Britain, influenced colonial policy and changed the perception regarding indigenous groups in the colonies. The ideas also had a major influence on the labour environment through the abolition of slavery, the emphasis on the importance of free labour and the demand for increased labour rights through trade union organisation and social reform.

3. Colonial policy

3.1 Introduction

According to John Molteno, the first prime minister of the Cape Colony, British colonial policy could be divided into three periods. Colonies were responsible for their own government during the first period. The British government followed a policy of non-interference in the governance of colonies and the Board of Trade was responsible for any

³⁹ Haas, pp. 26-28.

⁴⁰ *Ibid.*, p. 25.

⁴¹ Bristol Selected Pamphlets Collection: *Reform*, 1867, pp. 15-18.

⁴² The National Archives Kew (TNA), Cabinet Office (CAB) 41/18/2, Third Reform Act: 4.1.1884.

⁴³ Williams, C., *A companion to 19th-century Britain*, p. 170.

⁴⁴ London School of Economics (LSE) Selected Pamphlets Collection: Morley, J., *Liberalism and social reforms: speech*, 1889, pp. 17-24.

⁴⁵ Haas, p. 25.

commercial interaction. During the second period, the American colonies gained their independence and the British government took full responsibility for the governance of the remaining and any new colonies. However, during the third period, Britain divested itself from its responsibilities and granted representative and responsible government to selected colonies.⁴⁶

In the first period, which commenced in 1650, colonies were governed by a policy known as the Old Colonial System. The most important role of colonies was to serve the interests of Britain by providing raw materials for British industry and being a market for manufactured goods. During the 1760s, Britain decided to adapt its colonial policy by enacting the American Act of 1764. The British government thereby instituted taxation in America for the benefit of Britain and threatened the independent governance of the colonies. The colonists in America declared that Britain had no right to tax them.⁴⁷

During the second period in which Britain directly governed, the colonies had no say in the import of goods from or the sale of their produce in Britain. Colonies were taxed without representation and were obliged to accept both emigrants and criminals sent from Britain. Britain was, however, fully responsible for expenditure on aspects such as military defence. The colonies were often seen as a burden on Britain and many critics believed that colonists caused rather than prevented colonial wars. It was believed that the presence of a large British military force had probably caused colonial governments to be less accommodating and willing to solve disputes with indigenous groups.⁴⁸

In a speech on the civil government of Canada delivered by Sir James Mackintosh in the House of Commons in 1828, he outlined his proposed system of colonial policy. The main components included the following: protecting colonies from the influence of foreign states, allowing them to govern their own internal affairs, ensuring that colonies were responsible for their own expenses, allowing them control over internal expenditure and not restricting trade or the movement of people within the colonies. In his opinion interference in the internal affairs of a colony should only be done under exceptional circumstances.⁴⁹ These principles had a direct influence on colonial policy in Britain and formed the basis of policy implemented by the Liberal Party during their terms of office.⁵⁰

⁴⁶ Molteno, P.A., *The life and times of Sir John Charles Molteno*, Vol. 1, pp. 55-57.

⁴⁷ Burleigh, A.H., *John Adams*, pp. 56-63.

⁴⁸ LSE Selected Pamphlets Collection: Wedderburn, D., *British colonial policy*, 1881, pp. 6-11.

⁴⁹ *House of Commons Debates*, 2.5.1828, Vol. 19, cc300-44.

⁵⁰ LSE Selected Pamphlets Collection: Wedderburn, D., *British colonial policy*, 1881, pp. 9-10.

The colonial policies of the British government varied according to the governing political party.⁵¹ The different viewpoints of political parties and civil society groups in Britain led to constant changes in colonial policy that called for more or less intervention in colonial affairs. Groups adhering to liberalism promoted a policy that focused on minimum intervention in the colonies. They were supported by interest groups that favoured a reduction in colonial expenditure. In contrast, imperialists and humanitarians lobbied for more British control.⁵²

During the first half of the nineteenth century missionary societies had a significant influence on the British government, and Colonial Secretaries took note of any objections to colonial policy made by missionaries. During the 1840s it was, however, evident that the missionary societies were losing some of their influence as more emphasis was placed on the importance of the economy.⁵³ Colonial policies, therefore, changed quite dramatically. During this period Lord Glenelg, Secretary of State for the Colonies, was replaced by the Third Earl Grey and this led to a new focus on economic policy and the reduction of the cost of administration of the British colonies. The previous ideals of civilisation and humanitarianism gradually disappeared from the colonial framework.⁵⁴

The introduction of income tax in Britain in 1842 also changed the relationship of Britain with its colonies. The revenue derived from taxation meant that the income from protective duties could be abolished, and free trade was implemented. Taxpayers in Britain were suddenly directly influenced by government expenditure and were quite sensitive to an increase in the rate of taxation that was for instance influenced by excessive military expenditure in the colonies. Imperialism in the form of the acquisition of new territories was, therefore, unacceptable to a large part of the British public since the increased expenditure on new territories also increased taxation rates.⁵⁵

The growth of free trade in the British Empire was also influenced by the repeal of the Corn Laws by the British parliament in 1849.⁵⁶ The repeal of the laws placed the trade of Britain with the colonies and foreign countries on the same basis.⁵⁷ The principle of free trade also changed the relationship between Britain and the colonies. Before the implementation of

⁵¹ Van der Walt, H.R., *Die Suid-Afrikaanse Republiek in die Britse buitelandse en koloniale beleid* (D.Phil), p. 11.

⁵² Stromberg, J.R., "Maatskappy, state and empire: A pro-Afrikaner revision" in *Journal of Libertarian Studies*, Vol. 14, No. 1, Winter 1998/1999, p. 15.

⁵³ Keppel-Jones, A., *South Africa: A short history*, p. 96.

⁵⁴ Magubane, Z., p. 189.

⁵⁵ Keppel-Jones, p. 97.

⁵⁶ Wilfley, L.R., "How Great Britain governs her colonies" in *The Yale Law Journal*, Vol. 9, No. 5, March 1900, p. 209. The Corn Laws regulated the trade in grain and restricted the import of grain by instituting high import tariffs.

⁵⁷ Grey, Earl, *Colonial policy of Lord John Russell's administration*, Vol. I, p. 9.

free trade, Britain enjoyed a monopoly of trade with its colonies. The situation changed quite radically, however, since colonies could establish their own tariffs and impose their own duties on exports from Britain or other British colonies. The colonies could also make their own decisions regarding the award of preferential treatment to Britain in their markets.⁵⁸ Many of the adherents of the principles of free trade in Britain propagated the abandonment of colonies since the colonies no longer had any mercantile value to Britain. The abandonment of these colonies would have the added advantage of decreasing the costs incurred in protecting the colonies through the supply of military and naval forces. The opposing view held that retaining the colonies would add to the strength of Britain and the loss of colonies would, therefore, have a negative impact on the position of Britain as a world power.⁵⁹

By 1867 these two contrasting opinions regarding the colonial empire were prevalent in Britain. The imperialist opinion continued to focus on the importance of the British Empire and linked the prestige of British citizens and the importance of Britain as a world power to an increase in territory.⁶⁰ The development of British industry and the increase in trade were seen as important benefits of the extension of the Empire.⁶¹ The different colonial products allowed Britain to be less dependent on foreign imports required by the manufacturing industry.⁶²

In contrast, the liberal opinion supported the separation of Britain from its colonial empire and favoured the withdrawal of military forces and the extension of responsible government to the colonies.⁶³ This group believed that the most important role of government was to protect the interests of British citizens within Britain. A large empire in their opinion contributed little to the interests of Britain and its citizens while protectionism by colonial governments also impacted negatively on British trade.⁶⁴ Colonies were initially acquired to provide a market for Britain's surplus goods and excess population, but this was no longer the case.⁶⁵ Statistics from 1861 to 1867 show that with the exception of India exports from the United Kingdom to the colonies declined.⁶⁶ Emigration to the colonies also decreased and in

⁵⁸ Wilfley, p. 209.

⁵⁹ Grey, Earl, *Colonial policy of Lord John Russell's administration*, Vol. I, pp. 10-12.

⁶⁰ Bristol Selected Pamphlets Collection: Dilke, C.W., *Mr Dilke, M.P., on "colonies"*, 1869, p. 3.

⁶¹ Bristol Selected Pamphlets Collection: Gladstone, W.E., *England's mission*, 1878, p. 6.

⁶² Hume Tracts Collection: Martin, R.M., *Colonial policy of the British Empire*, 1837, p. 8.

⁶³ Bristol Selected Pamphlets Collection: Dilke, C.W., *Mr Dilke, M.P., on "colonies"*, 1869, p. 3.

⁶⁴ Bristol Selected Pamphlets Collection: Gladstone, W.E., *England's mission*, 1878, p. 8.

⁶⁵ Bristol Selected Pamphlets Collection: Dilke, C.W., *Mr Dilke, M.P., on "colonies"*, 1869, p. 4.

⁶⁶ Magubane, Z., p. 19.

some colonies no emigrants were received from Britain.⁶⁷ Large expenditures incurred due to military responsibilities also burdened the British taxpayer.⁶⁸

In 1874, the Conservative Party of Benjamin Disraeli won the election due in part to its more imperialist perspective.⁶⁹ Critics of Disraeli's colonial policy during the period 1874-1880 highlighted the weaknesses of the imperialist perspective. The British government's annexation of territory during this period included the occupation of Cyprus, the acquisition of a large part of Afghanistan and the annexation of the Transvaal. The so-called forward policy pursued by Disraeli increased the military, financial and administrative responsibilities of Britain in the colonies and was heavily criticised.⁷⁰

The Colonial Conference held in London in April 1887 was indicative of the new ideas relating to colonial administration. Increased competition among European nations for foreign territory meant that the British government favoured closer ties with its colonies. The close links between Britain and its colonies, especially based on religion, language and history, were emphasised to promote the unity of the British Empire.⁷¹

The different governments ruling Britain up to 1910 continued to struggle with the same persistent issues with regards to colonial policy. To illustrate the different viewpoints evident in British colonial policy, as it relates to southern Africa, policy will be discussed under the following headings: responsible government, annexation of territory and withdrawal of British influence in the colonies, as well as confederation.

3.2 Responsible government

Colonial policy with regard to governance was much debated in Britain. John Stuart Mill in *Considerations on representative government* believed that the relationship between Britain and her colonies with regard to governance was determined by the colonies' level of civilisation. He divided colonies into two groups. The first group consisted of colonies with inhabitants that had a similar level of civilisation to that of Britain, and these colonies could be granted representative government structures. The other group consisted of colonies with low levels of civilisation and had to be governed directly by Britain.⁷² According to Mill, a colony with a representative government would be governed by its own legislature and

⁶⁷ Bristol Selected Pamphlets Collection: Dilke, C.W., *Mr Dilke, M.P., on "colonies"*, 1869, p. 4.

⁶⁸ Bristol Selected Pamphlets Collection: Gladstone, W.E., *England's mission*, 1878, p. 8.

⁶⁹ Van der Walt, p. 7.

⁷⁰ LSE Selected Pamphlets Collection: Wedderburn, D., *British colonial policy*, 1881, pp. 12-16.

⁷¹ LSE Selected Pamphlets Collection: Ireland, W.A., *The growth of the British colonial conception*, 1899, pp. 493-496.

⁷² Jahn, p. 606.

executive that functioned according to democratic principles. The veto of the British Crown and the British parliament would only be used regarding issues that had an impact on the British Empire as a whole. Colonies would, however, not have any input in matters regarding foreign policy, but would be bound by the decisions of Britain. They would also be obliged to supply troops to Britain for warfare but had no say about the decision to engage in conflict.⁷³

The differences between British colonies led to numerous classifications. Lebbeus Wilfley, in an article published in 1900, divided the British colonies into different classes based on climate, racial differences and the form of government used in the colony.⁷⁴ In *The Colonial Office List*, British colonies were divided into three categories that included crown colonies, colonies with a representative government and colonies with a responsible government.⁷⁵ Crown colonies included Ceylon, Jamaica and Mauritius. Their administration and enactment of legislation was under the control of the British government, which appointed all government officials. Colonies with a representative government included Natal, Barbados, Western Australia and British Guiana. The British government in these colonies controlled the executive and appointed officials, but only exercised a veto on legislation. In colonies with a responsible government such as the Cape Colony, New Zealand and Australia, the British government had no control over the colony except for appointing a governor who acted as the British representative. Although the British government reserved the right to veto legislation enacted by such a colony, it was rarely used. In most of these colonies except for the Cape Colony the majority of the inhabitants were of European origin. In contrast, crown colonies and colonies with a representative government normally only had a small number of European inhabitants.⁷⁶ At the end of the nineteenth century colonies were mostly classified as belonging to two groups: colonies with a responsible government and colonies without a responsible government.⁷⁷

In 1839 it was decided that the British government should have full control over the following four areas of colonial governance: the constitution, foreign relations, international trade and public lands. The control with regard to international trade and public lands was soon abandoned since the British government feared the reaction of the colonies. To ensure that a workable constitution was implemented the British government did not force colonies to adopt the British constitution and laws, but each country's constitution was adapted to its

⁷³ Mill, p. 339.

⁷⁴ Wilfley, p. 210.

⁷⁵ Foreign and Commonwealth Office Collection: Hopkinson, S.D., *Crown colonies* (pamphlet), 1900, p. 1.

⁷⁶ LSE Selected Pamphlets Collection: Wedderburn, D., *British colonial policy*, 1881, pp. 33-35.

⁷⁷ Foreign and Commonwealth Office Collection: Hopkinson, S.D., *Crown colonies* (pamphlet), 1900, p. 1.

specific needs. Foreign relations with external powers were fully controlled by Britain while any other governance issues would fall under the management of the colonial government.⁷⁸

The institution of free trade impacted on the relationship between Britain and the colonies and also changed the view of Britain about granting responsible government to the colonies. Colonies such as Australia and Canada were characterised by the dominance of British settlers, and efficient governance was severely affected by the great distances between these colonies and Britain.⁷⁹ When British settlers left Britain for the colonies they still embraced the rights that they possessed as British citizens. In many instances, the settlers felt that they could not be a subject race even if the subjection was due to British governance from home.⁸⁰ These British settlers were familiar with a constitutional form of government and adopted British institutions and laws in the new colonies in Canada, Australia and New Zealand. They were capable of administering these institutions and believed themselves ready for self-government.⁸¹

Responsible government was seen as a solution to the governance problem experienced in the British colonies. Britain, however, feared that awarding responsible government would lead to the separation of colonies from Britain. The loss of the American colonies was in part attributed to the implementation of direct control as well as the imposition of taxes by Britain. The example of the American colonies, therefore, illustrated the importance of extending self-government to the colonies, and the importance of allowing them to make their own decisions regarding internal issues such as taxation and legislation. It was believed that neglecting the will of the colonies about responsible government would cause another war for independence and lead to their permanent separation from Britain.⁸²

The institution of responsible government in the colonies was based on the principles that colonies should be responsible for their own administration and internal defence.⁸³ Large indigenous groups in the colonies, however, presented a problem for the granting of self-government. This problem was addressed by colonial administrators such as Herman Merivale, who promoted indigenous management schemes such as amalgamation and insulation. Amalgamation emphasised a measured approach to assimilation of indigenous groups while insulation focused on the separate development of indigenous groups through a

⁷⁸ Grier, R.M., "Colonial legacies and economic growth" in *Public Choice*, Vol. 98, No. 3/4, January 1999, p. 319.

⁷⁹ Wilfley, p. 209.

⁸⁰ Molteno, p. 54.

⁸¹ Wilfley, pp. 210-211.

⁸² *Ibid.*, p. 209.

⁸³ Earl Grey Pamphlets Collection: Grey, H.G., *Past and future policy in South Africa*, 1879, p. 584.

reserve system. Along with amalgamation, the policy of assimilation tried to ensure that European and indigenous populations would over time become a unified whole. Education and religion were promoted as the main methods through which amalgamation could be achieved, and the position of the indigenous population improved.⁸⁴ The policies of insulation and amalgamation proposed by Merivale and the Colonial Office, however, conflicted with the demands of the white settlers for economic development and their insistence on an adequate labour supply to achieve development.⁸⁵

In order to protect indigenous populations the British government decided to only grant responsible government to British colonies in which the British colonists formed the majority of the population. In colonies where the indigenous population or other races were predominant the colony would be administered by the British government and no grant of self-government would be made. These colonies would be classified as crown colonies.⁸⁶

The granting of responsible government to the colonies benefited Britain in many respects. To start with it reduced the administrative costs of the colonies.⁸⁷ It also decreased the possibility of warfare, thereby curbing military expenses.⁸⁸ Due to the award of responsible government Britain could no longer collect taxes in the colonies and the inhabitants could not be forced to contribute a part of their taxes to British revenue.⁸⁹ The colonies were also not expected to take part in British wars, and the institution of responsible government helped the colonies to take responsibility for their own economic growth. British taxpayers complained, however, since the British government was still responsible for some of the local expenses of the colonies.⁹⁰ The chief source of expense was military expenditure, including payment and transport of troops, and the maintenance of barracks. The British government believed that this expenditure should be reduced and that the colonies should increase their contributions towards their own internal defence.⁹¹

In the 1860s there was a movement in Britain advocating the abandonment of the colonies due to the high costs associated with them. The House of Commons was not in favour of such a move but did propagate decentralisation and responsible government for

⁸⁴ McNab, D., "Herman Merivale and the native question, 1837-1861" in *Albion: A Quarterly Journal concerned with British Studies*, Vol. 9, No. 4, Winter 1997, p. 359.

⁸⁵ *Ibid.*, pp. 383-384.

⁸⁶ Wilfley, pp. 211-212.

⁸⁷ McNab, p. 359.

⁸⁸ Bristol Selected Pamphlets Collection: Forster, W.E., *Our colonial empire: An address delivered before the Philosophical Institution of Edinburgh on Friday, November 5, 1875*, 1875, pp. 13-14.

⁸⁹ Bristol Selected Pamphlets Collection: Watson, R.S., *The history of English rule and policy in South Africa*, 1879, p. 9.

⁹⁰ Bristol Selected Pamphlets Collection: Forster, W.E., *Our colonial empire: An address delivered before the Philosophical Institution of Edinburgh on Friday, November 5, 1875*, 1875, p. 14.

⁹¹ Grey, Earl, *Colonial policy of Lord John Russell's administration*, Vol. I, pp. 42-43.

more of the colonies. In 1862 a resolution of the House of Commons declared that self-governing colonies should be responsible for their own internal security and must also contribute to external defence costs.⁹²

The granting of responsible government to the colonies frequently led to debates regarding the separation of the colonies from Britain. In a pamphlet discussing the relations of the colonies with Britain, Galt stated that the granting of self-government had increased the loyalty of the colonies to British institutions.⁹³

By the latter part of the nineteenth century most of the European settler colonies had received responsible government from Britain. This meant that the governance of these colonies, along with the enactment of legislation, had become part of the colonies' internal administration.⁹⁴ Colonial governments had full control over all aspects of governance except for legislation that could be vetoed by the King in Council.⁹⁵

According to Hopkinson the veto was of little use, and the governor was in most instances controlled by the colony's Executive Council. Britain was only responsible for protecting colonies from foreign intervention.⁹⁶ Crown colonies with large indigenous populations, however, experienced closer British supervision. The weakening of the humanitarian movement and the fact that racial theories had gained more ground meant that the rights of indigenous groups were severely hampered, and British governors implemented policies to keep these populations under strict control.⁹⁷

3.2.1 Responsible government and the Cape Colony

The main reason for the extension of British influence over the Cape Colony in 1806 was the protection of its strategic location from European rivals.⁹⁸ The British Empire in southern Africa was publicised as an endeavour based on humanitarian principles that would not only end slavery but also advance Christianity and civilization.⁹⁹ The enactment of labour

⁹² Knox, B.A., "The rise of colonial federation as an object of British policy" in *The Journal of British Studies*, Vol. 11, No. 1, November 1971, p. 102.

⁹³ LSE Selected Pamphlets Collection: Galt, A.T., *The relations of the colonies to the empire: present and future: Two addresses, delivered in Edinburgh and Greenock*, 1883, p. 11.

⁹⁴ Dorsett, S. and Hunter, I., *Law and politics in British colonial thought*, pp. 83-84.

⁹⁵ Hume Tracts Collection: Martin, R.M., *Colonial policy of the British Empire* (pamphlet), 1837, p. 77.

⁹⁶ Foreign and Commonwealth Office Collection: Hopkinson, S.D., *Crown colonies* (pamphlet), 1900, pp. 2-3.

⁹⁷ Dorsett and Hunter, pp. 83-84.

⁹⁸ Curtin, P.D., "Location in history: Argentina and South Africa in the nineteenth century" in *Journal of World History*, Vol. 10, No. 1, Spring 1999, p. 65.

⁹⁹ Magubane, B., p. 14.

legislation in the Cape Colony such as the Proclamation of 1809, regulating Khoikhoi labour, was justified in view of enlightenment ideas and humanitarianism.¹⁰⁰

Cost reduction played an important role in the initial formulation of British colonial policy for the Cape since it was important to ensure that the colony could pay for its own internal defence. The economy of the colony during the first decades of the nineteenth century was primarily dependent on agricultural produce such as wine. To increase agricultural exports from the colony, Cape wine was granted preferential treatment in British markets, thereby ensuring a regular income for the Cape Colony. This lessened the burden on the British taxpayer and also increased the cooperation of the colony's most important farmers with colonial authorities.¹⁰¹

British sovereignty in the Cape was established by the Convention of London of 13 August 1814. The treaty guaranteed that inhabitants of the Cape Colony would retain their existing rights, Roman-Dutch law would continue to form the basis of the judicial system, and existing land ownership would be respected.¹⁰² The administration and government structures of the Vereenigde Oost-Indische Compagnie (VOC) were retained with minimal changes. The remnants of the slavery system and the use of Khoikhoi labourers on farms formed the mainstay of the labour force in the colony¹⁰³ and labour shortages soon increased pressure on the colonial authorities to supply alternative labour sources and introduce additional labour legislation to control labour within the colony.

The Cape Colony, through the adherence to many pre-existing policies of the VOC, remained predominantly Dutch, and this led to a movement towards the anglicisation of the population within the colony. A change in colonial policy regarding the emigration of British citizens endorsed this movement towards anglicisation. The support for emigration to the colonies was due to the influence of people such as Edward Gibbon Wakefield. Wakefield promoted the idea that emigration would not only solve the overpopulation problem in Britain but also have a beneficial effect on the colonies.¹⁰⁴ In 1820 the arrival of British settlers in the Cape not only changed the demographic composition but also introduced new

¹⁰⁰ Geier, J.A., *The legacy of colonialism: a comparative historical analysis of internal colonialism in the United States and South Africa* (Ph.D.), p. 73.

¹⁰¹ Trapido, S., "From paternalism to liberalism: The Cape Colony, 1800-1834" in *The International History Review*, Vol. 12, No. 1, February 1990, p. 83.

¹⁰² Ulgen, O., "Developing the doctrine of aboriginal title in South Africa: source and content" in *Journal of African Law*, Vol. 46, No. 2, 2002, p. 137, British Parliamentary Papers (BPP) 015, Convention between Great Britain and the United Netherlands, 13.8.1814.

¹⁰³ Curtin, pp. 64-66.

¹⁰⁴ Manning, H.T., "Who ran the British Empire 1830-1850?" in *The Journal of British Studies*, Vol. 5, No. 1, November 1965, p. 92.

commercial ventures. The settlers introduced sheep and the increase in wool production contributed to the growth of the economy.¹⁰⁵

The initial policy followed by the British authorities in the Cape, protecting the position of Dutch administrative and judicial structures, changed after the arrival of the British settlers. The British government felt that its position in the Cape was strategically more secure, and the increase in the British population in the colony meant that the reaction and influence of the Dutch component was no longer a significant factor in policy making.¹⁰⁶ Colonial secretaries after 1830 tried to make the colonies as British as possible, and they encouraged economic connections between Britain and the colonies.¹⁰⁷

The British government not only had a demographic and economic influence on the Cape but also promoted the rights of indigenous groups. In 1828 Ordinance No. 50 awarded civil and legal rights to the Khoikhoi and other previously disadvantaged groups by ensuring their freedom of movement and allowing them to own land.¹⁰⁸ Colonial Secretaries, such as Lord Glenelg (1835-1839), also promoted missionary activities within the Cape Colony as a means of civilising indigenous groups and thereby spreading the British policy of benevolent colonialism. Missionaries convinced the Colonial Office of the positive impact of missionary activities by focusing on the religious and civilising role. They also emphasised the impact of civilisation on the buying power of indigenous races and the subsequent increase in demand for British manufactured goods.¹⁰⁹ Advocates of humanitarian policies in the Cape Colony lost their allies in the Colonial Office during the 1840s. Missionaries, previously outspoken followers of philanthropic causes, became more willing to cooperate with colonial authorities thereby reducing their impact on tempering colonial policy within the Cape.¹¹⁰

In the period before the Cape received representative government in 1853, the governor had full control over the enactment of legislation. The governor was appointed by the British government and assisted by an Executive Council and Legislative Council that were also appointed by Britain. During 1841 a petition by residents of the Cape Colony lobbied for a locally elected Legislative Council. The Governor of the Cape Colony, Sir George Napier, supported the petition, but the Secretary of State for the Colonies, Lord

¹⁰⁵ Geier, p. 73.

¹⁰⁶ Magubane, Z., p. 117.

¹⁰⁷ Manning, p. 93.

¹⁰⁸ Geier, p. 76.

¹⁰⁹ Magubane, Z., p. 19.

¹¹⁰ *Ibid.*, p. 191.

Stanley, refused.¹¹¹ In 1848 Sir Harry Smith, Governor of the Cape Colony, encouraged the grant of representative government to the Cape Colony.¹¹²

In 1853 the Cape Colony was granted representative government by Britain which included a parliament. The governor continued to make the major decisions while the Cape parliament mostly focused on issues related to the British part of the population.¹¹³ The Cape of Good Hope Constitution Ordinance No. 29 of 1852 established a constitution that provided for a Legislative Council and a parliament that would both be freely elected. The Secretary of State for the Colonies, Earl Grey, in granting representative government emphasised that the Cape Colony was not ready for responsible government.¹¹⁴ The Cape Colony received representative government with the understanding that the colony would be responsible for their own internal defence.¹¹⁵ Representative government was restricted to male voters who possessed land valued at £25 or more.¹¹⁶ It also extended the franchise to men who had received a salary over the past twelve months of £50 or more. The constitution stipulated that the Queen could change or veto legislation.¹¹⁷ Ordinance No. 50 ensured that all groups had equal civil rights and race was not used as a criterion for discrimination. Discrimination was, however, present since property ownership determined if a person qualified for the franchise or not.¹¹⁸

The future of indigenous populations in South Africa was a major obstacle to the granting of responsible government in the Cape Colony.¹¹⁹ The influence of the humanitarian movement including missionary societies on colonial policies also hampered the grant of responsible government to the Cape.¹²⁰ In 1860 Molteno submitted a resolution that stated the importance of responsible government to the Cape Colony. The reason for the motion was the fact that the Cape Colony under the representative government had very little control over government expenditure. It was generally felt by Cape inhabitants that representative institutions were not very useful.¹²¹ After the Molteno motion, the next decade was spent in lobbying for responsible government. Internal divisions characterised the movement towards this form of government. The conservative element within the Cape Colony was unwilling to

¹¹¹ Molteno, p. 58.

¹¹² Grey, Earl, *Colonial policy of Lord John Russell's administration*, Vol. II, p. 227.

¹¹³ Giliomee, H.D. and Mbenga, B (eds), *New history of South Africa*, pp. 190-191.

¹¹⁴ Molteno, p. 59; Eybers, G.W., *Select constitutional documents illustrating South African history*, p. 45.

¹¹⁵ *House of Commons Debates*, 8.8.1853, Vol. 129, cc451-462.

¹¹⁶ *House of Lords Debates*, 16.6.1853, Vol. 128, cc247-249; Giliomee and Mbenga (eds), p. 141.

¹¹⁷ Eybers, pp. 45-48.

¹¹⁸ Giliomee and Mbenga (eds), p. 141.

¹¹⁹ McNab, p. 359.

¹²⁰ Keppel-Jones, p. 96.

¹²¹ Molteno, pp. 71-72.

take the responsibility for self-government. Supporters of self-government, however, saw this as the only way to solve the difficult questions the colony faced. The further division into a western and eastern faction within the colony also influenced the issue. The eastern members were opposed to self-government since they believed it would affect their security in the Eastern Cape through the withdrawal of British troops from the area. They also believed that responsible government would empower the western members. The possibility of separation into eastern and western provinces was therefore debated. Sir Philip Wodehouse consulted the Duke of Newcastle on the separation issue but the official feedback was that the British government was unwilling to allow separation since it would encumber the colony's internal defence system.¹²²

The Committee on Expense of Military Defences in the Colonies recommended in 1860 that British colonies should be responsible for their own internal defence. Britain would provide military forces to defend colonies from external threats such as attacks from other European nations.¹²³ In 1861 a Select Committee on Colonial Military Expenditure was formed to investigate colonial military expenses. Arthur Mills, its chairman, asserted that colonies should be empowered to take responsibility for their own governance and internal defence.¹²⁴ Wodehouse was instructed to reduce British military expenditure in the Cape Colony. One of the measures adopted to decrease defensive costs was the annexation of British Kaffraria, a buffer state between the Cape Colony and African territories, to the Cape. Opposition to the annexation was widespread since both the inhabitants of the Cape Colony and British Kaffraria opposed the move. The issue of separation between the western and eastern Cape factions was also affected by the proposed annexation since British Kaffraria would strengthen the eastern section. The British government perceived the area as a huge liability since the local revenue was unable to support British Kaffraria as a separate territory. Wodehouse's actions in regards to British Kaffraria illustrated the weakness of representative government and underlined the importance of achieving self-government. The governor passed an act in the British parliament that permitted the annexation of British Kaffraria without using the constitutional channels in the colony. The British Kaffraria Act of 1865

¹²² *Ibid.*, pp. 75-77.

¹²³ BPP 282, p. 2: Military defence (colonies). Copy of report of the committee on expense of military defences in the colonies, 14.3.1859.

¹²⁴ Davis, L.E. and Huttenback, R.A., *Mammon and the pursuit of empire: The political economy of British imperialism, 1860-1912*, p. 146.

also fixed the number of representatives from British Kaffraria in the Cape parliament and was, therefore, regarded by the Cape as a breach of its constitutional rights.¹²⁵

The importance of responsible government was emphasised by the British government's demand for the withdrawal of British troops if the colony could not maintain them from local revenue.¹²⁶ In 1867 the Secretary of State for the Colonies, the Earl of Carnarvon, in a despatch to the Cape Colony confirmed the decision of the British government to withdraw troops from South Africa. Conditions were outlined which would allow troops to stay in the region. This included the payment by the Cape government of £40 per head for each remaining soldier.¹²⁷ The inhabitants of the Cape Colony petitioned the British government to halt the removal of British troops¹²⁸ since it would increase the risk to the colonists. It was felt that African tribes would perceive the withdrawal of troops as an opportunity to form an alliance against the colony leading to another war on the eastern frontier.¹²⁹ The dire financial position of the Cape Colony also meant that the colony was unable to pay the £40 per head that the British government expected for all remaining troops. The colonists hoped that their petition would delay the withdrawal of British troops until the financial crisis, caused by successive droughts and cattle disease, was resolved.¹³⁰

The Cape Legislative Council in its resolutions regarding the withdrawal of British troops emphasised the fact that the High Commissioner had moved large numbers of Africans into the Transkei territory on the border of the Eastern Districts. This led to added expenses for the Cape Colony since they had to appoint government officials, while it also contributed to fear among the colonists. The Legislative Council emphasised the contributions of the Cape Colony to the British Empire. This included the Cape Colony's position as an important market for British goods totalling imports of £2,5 million pounds per year while the export of goods such as wool contributed to the manufacturing industries in Britain.¹³¹

The opinions regarding the disadvantages of withdrawing troops from the Cape Colony were shared by some commentators in Britain. They believed that it would not only negatively influence the development of the colony but also retard the progress of

¹²⁵ BPP 45, British Kaffraria. A bill [as amended in committee] for the incorporation of the territories of British Kaffraria with the colony of the Cape of Good Hope, pp. 1-2; Molteno, pp. 95-96.

¹²⁶ Molteno, p. 105.

¹²⁷ Foreign and Commonwealth Office Collection: *The military defence of South Africa: A collection of documents and correspondence in reference to the proposed withdrawal of troops from South Africa* (pamphlet), 1867, p. v.

¹²⁸ *House of Commons Debates*, 4.6.1867, Vol. 187, cc1596-1603.

¹²⁹ Foreign and Commonwealth Office Collection: *The military defence of South Africa: A collection of documents and correspondence in reference to the proposed withdrawal of troops from South Africa* (pamphlet), 1867, pp. 1-2.

¹³⁰ *House of Commons Debates*, 4.6.1867, Vol. 187, cc1596-1603.

¹³¹ Foreign and Commonwealth Office Collection: *The military defence of South Africa: A collection of documents and correspondence in reference to the proposed withdrawal of troops from South Africa* (pamphlet), 1867, p. 4.

Christianity and civilisation within the area.¹³² The opposing view, however, argued that the colony should be responsible for its own security and that the eastern frontier should not be protected by contributions from the British taxpayer.¹³³

On 28 November 1872 the Cape Colony received responsible government through the Constitution Ordinance Amendment Act No. 1 of 1872.¹³⁴ The government consisted of a prime minister, John Charles Molteno,¹³⁵ as the head of cabinet that reported to the Cape parliament.¹³⁶

The responsible government awarded to the Cape Colony restricted the intervention of the Colonial Office in the colony as well as in adjacent areas. It gave self-government to a small group of European inhabitants that ruled over a larger African population.¹³⁷ The Cape census of 1865 reported that of the 566 158 inhabitants only 187 439 were European.¹³⁸ The small number of African and other groups eligible to vote could not buffer the rest of the African population against the negative impact of labour legislation and other laws.¹³⁹

3.2.2 Crown colony government to responsible government in Natal

The Voortrekkers established the Republic of Natalia at Pietermaritzburg in March 1839.¹⁴⁰ British fears regarding the control of their strategic route to India surfaced when the visits of foreign ships to Port Natal increased.¹⁴¹ Britain feared that the hostility of the Afrikaners towards the British government would allow a rival nation to gain control over Port Natal thereby undermining its strategic position. It led to the annexation of Natal in 1843 and the departure of many Afrikaners from the colony.¹⁴² Natal formed part of the Cape Colony from 1844 to 1856 when it became a crown colony.¹⁴³ The colony of Natal was established on 15 July 1856 by the Charter of Natal. The constitution provided for a Legislative Council consisting of sixteen members of which twelve were elected, and four were government officials. Although the constitution did not incorporate a colour bar, the contained franchise

¹³² *Ibid.*, p. vii.

¹³³ *House of Commons Debates*, 4.6.1867, Vol. 187, cc1596-1603.

¹³⁴ Brookes, E.A., *The history of native policy in South Africa from 1830 to the present day*, p. 97.

¹³⁵ Walker, E.A. (ed.), *The Cambridge history of the British Empire*, volume 8, p. 498.

¹³⁶ Giliomee and Mbenga (eds), p. 191.

¹³⁷ LSE Selected Pamphlets Collection: Wedderburn, D., *British colonial policy*, 1881, p. 29.

¹³⁸ Cape of Good Hope, *Blue book for the colony of the Cape of Good Hope*, 1870.

¹³⁹ LSE Selected Pamphlets Collection: Wedderburn, D., *British colonial policy*, 1881, p. 29.

¹⁴⁰ Giliomee and Mbenga (eds), p. 146.

¹⁴¹ Cleveland, F.A., "The South African conflict: Its legal and political aspect" in *Annals of the American Academy of Political and Social Science*, Vol. 15, 1900, p. 8.

¹⁴² Curtin, p. 71.

¹⁴³ Knowles, L.C.A. and Knowles, C.M., *The economic development of the British overseas empire*, Volume 3, p. 62.

qualifications excluded most non-Europeans from the vote.¹⁴⁴ The franchise was restricted to males above the age of 21 years who owned property of at least £50 or rented property for £10 or more per year.¹⁴⁵ The British government adhered to their civilising mission and instructed John Scott, the Lieutenant-Governor of Natal, to ensure that religion and education were promoted among the Africans in Natal to enhance their civilisation.¹⁴⁶

In 1865 Law No. 11 addressed the right of Africans to vote in the colony. The franchise was restricted to such Africans who met the required property qualifications, had lived in the colony for twelve years and had been exempted from African indigenous law for a period of seven years. Such Africans also had to provide a certificate signed by three European voters.¹⁴⁷

The grant of responsible government to the Cape Colony in 1872 led to a request from the Natal Legislative Council to also receive responsible government. The British government denied the request and instead sent a special commissioner, Sir Garnet Wolseley, to Natal to institute constitutional changes and improve African administration.¹⁴⁸ Responsible government was not granted since the number of European residents only constituted a small part of the total population. It would therefore have been well advised to continue the existing system of government.¹⁴⁹ Wolseley increased the number of government officials on the Legislative Council while the power of the Lieutenant-Governor was also expanded.¹⁵⁰ Wolseley thought that it would be unfair to the large number of Africans living in the colony to place self-government in the hands of a minority group. It would also jeopardize peace in the rest of the region since he believed that the Natal government would attempt to coerce the African population to join the labour force.¹⁵¹ J.H. Froude, the eminent British historian, believed that the British government had acted correctly in not granting responsible government to Natal. He felt that the conflict with Langalibalele in 1873 was unacceptable and that Britain could not grant self-government to a colony that would suppress the African population in such a way.¹⁵²

¹⁴⁴ Giliomee and Mbenga (eds), p. 192.

¹⁴⁵ Eybers, p. 190.

¹⁴⁶ The National Archives Kew (TNA), Colonial Office (CO) 380/72, Lieutenant-Governor Scott: Charter, commissions, instructions, 15.7.1856, p. 14.

¹⁴⁷ Eybers, pp. 195-196.

¹⁴⁸ Giliomee and Mbenga (eds), p. 192.

¹⁴⁹ Grey, Earl, *Colonial policy of Lord John Russell's administration*, Vol. I, pp. 28-29.

¹⁵⁰ Giliomee and Mbenga (eds), p. 192.

¹⁵¹ LSE Selected Pamphlets Collection: Wedderburn, D., *British colonial policy*, 1881, pp. 30-31.

¹⁵² *The New York Times*, 7.4.1875, p. 1.

Natal received responsible government in 1893 through the enactment of Law No. 14 of 1893.¹⁵³ Although on paper Natal had a non-racial franchise as in the Cape Colony, in 1904 only two Africans qualified as voters in Natal while the total population of Africans in the colony was estimated at one million people.¹⁵⁴

3.2.3 Responsible government and the republics

The constitution of the Orange Free State was instituted on 10 April 1854 after the Orange Free State received independence from Britain. The constitution was revised in 1866 and restricted the franchise to white people born in the state or who had been living in the Orange Free State for a period of three years.¹⁵⁵

In the Transvaal, the constitution enacted in 1858 allowed the settlement of all foreigners who were willing to submit to the state's laws. The constitution stipulated the rights of citizens and included social and religious freedom as well as obligations such as adhering to laws. Equality was also addressed, and the constitution stated that no African or other coloured person would be regarded as the equal of a white citizen. Slavery was also outlawed, and citizens were further obliged to join military expeditions.¹⁵⁶

The Treaty of Vereeniging of 1902 annexed the Transvaal and Orange Free State but also provided for the eventual grant of responsible government to these areas.¹⁵⁷ The Transvaal and Orange Free State were initially administered as crown colonies. In 1905, the newly elected Liberal government decided to disallow the future importation of Chinese labour, and it was felt that self-government should be granted to the Transvaal as compensation for the decrease in labour supply.¹⁵⁸ During their election campaign the Liberal government protested the use of Chinese labour. They were unwilling to accept responsibility for a system which was seen as coercive and open to abuse.¹⁵⁹

The political party *Het Volk* was established in Transvaal in January 1905 with Louis Botha as leader.¹⁶⁰ *Het Volk* and the Responsible Government Association both lobbied for the introduction of responsible government in the colony. The parties agreed that the franchise would be restricted to white men only. *Het Volk* was not in favour of the continued

¹⁵³ Eybers, p. 204.

¹⁵⁴ Giliomee and Mbenga (eds), p. 188.

¹⁵⁵ Eybers, pp. 286-287.

¹⁵⁶ *Ibid.*, pp. 363-367.

¹⁵⁷ Arthur, B. K., *Selected speeches and documents on British colonial policy 1763-1917*, Vol. 2, p. 4.

¹⁵⁸ Hyam, R., "Smuts and the decision of the Liberal government to grant responsible government to the Transvaal, January and February 1906" in *The Historical Journal*, Vol. 8, No. 3, 1965, p. 389.

¹⁵⁹ Hyam, R. and Henshaw, P., *The lion and the springbok: Britain and South Africa since the Boer War*, p. 68.

¹⁶⁰ Giliomee and Mbenga (eds), p. 229.

importation of Chinese labour, but the two parties agreed to allow restricted importation for another five years.¹⁶¹

The composition of the white population in the Transvaal was believed to be quite problematic since an estimated half of the population was of Dutch origin while the other half was British. The Earl of Selborne, the High Commissioner in South Africa, believed that the only sustainable decision would be the granting of responsible government. He supported the extension of representative government as a first step, as it would allow the British government to determine the support for Dutch parties.¹⁶² Selborne feared that the Transvaal Afrikaners wanted to obtain influence under responsible government with the aim of decreasing British influence in South Africa and to replace British officials and public sector workers with Afrikaners.¹⁶³

On 31 March 1905 the Unionist government in Britain issued Letters Patent that granted a representative constitution to the Transvaal, and this was generally known as the Lyttelton Constitution. The constitution was, however, never implemented since the Liberal government after its election decided to grant responsible government to the Transvaal instead.¹⁶⁴

The Prime Minister, Sir Henry Campbell-Bannerman, had already committed himself to the policy of responsible government at a meeting in Dundee, Scotland, on 14 November 1904. Sir Edward Grey, the Foreign Secretary, stated on 16 December 1905 that responsible government was the only way to solve the problems surrounding Chinese labour. The Lord Chancellor, Lord Loreburn, also viewed the granting of responsible government as a solution to the Chinese labour problem. In the absence of responsible government in the Transvaal, the British government was responsible for the administration of Chinese labour. The Liberal government, therefore, compiled a draft constitution recommending responsible government.¹⁶⁵

In their recommendation, the Liberal government restricted the franchise to white inhabitants who had been living in the country for a period of at least six months.¹⁶⁶ The

¹⁶¹ BPP Cd.2563, No. 8, Enclosure, pp. 7-8: *The Star*, 20.4.1905.

¹⁶² CAB 37/81, No. 178, Memorandum addressed to the Earl of Elgin by the Earl of Selborne, 14.12.1905, pp. 3-4.

¹⁶³ CAB 37/81, No. 179, Memorandum by the Earl of Selborne addressed to the Earl of Elgin, 14.12.1905, p. 5.

¹⁶⁴ Hyam R., "Smuts and the decision of the Liberal government to grant responsible government to the Transvaal, January and February 1906" in *The Historical Journal*, Vol. 8, No. 3, 1965, p. 380.

¹⁶⁵ *Ibid.*, pp. 385-388.

¹⁶⁶ BPP Cd.3250, Appendix I, p. 39: The Earl of Elgin to Governor the Earl of Selborne, 31.7.1906.

governor would continue to manage the African population in the Transvaal.¹⁶⁷ The draft constitution was assented to and in December 1906 the Transvaal received responsible government.¹⁶⁸ Transvaal elections were held in February 1907, and the Het Volk party won the majority of seats.¹⁶⁹

In the Orange Free State, numerous reasons were advanced for it not being feasible to grant responsible government. The lack of party politics in the colony was seen as a factor that would hamper responsible government.¹⁷⁰ Despite opposition it was, however, decided to grant self-government to the Orange Free State on the same terms as the Transvaal. This included a legislature of two chambers and the residential qualification of six months.¹⁷¹ In the Orange Free State the Orangia Unie was established by J.B.M. Hertzog, Abraham Fischer and C.R. de Wet in May 1906. In the Orange Free State's election, the Orangia Unie won the majority of seats and Abraham Fischer became prime minister.¹⁷²

3.3 Annexation of territory and withdrawal of British influence in the colonies

A second issue of British colonial policy was the conflicting impulses of the expansion of territory versus the withdrawal of British influence.

3.3.1 The Cape Colony

In the Cape Colony, the difficulties of the frontier problem as well as financial constraints placed on British governors led to inconsistent policy adherence with regard to the frontier area. In 1819 a Xhosa force attacked the Cape Colony. In response the Governor, Lord Charles Somerset, created a neutral, unpopulated area at the end of the war between the Fish and Keiskamma rivers. This area was difficult to defend, and the government allocated the land to colonists after instructing all the African inhabitants to leave. The loss of land seriously affected the Xhosas, and they struggled to survive. After the 1819 war, the settlement of British emigrants in the Eastern Cape led to the establishment of Grahamstown and Somerset as new districts. However, the government failed to ensure a strong military

¹⁶⁷ BPP Cd.3250, No. 1, p. 10: Letters patent passed under the great seal of the United Kingdom, providing for the constitution of responsible government in the colony of the Transvaal, 6.12.1906.

¹⁶⁸ BPP Cd.3250, Appendix II, pp. 39-40: The Earl of Elgin to Governor the Earl of Selborne, 10.12.1906.

¹⁶⁹ Amery, L.S., "The constitutional development of South Africa: A lecture delivered to the Society on June 21, 1918" in *Transactions of the Royal Historical Society*, Vol. 1, 1918, p. 230.

¹⁷⁰ Arthur, p. 9.

¹⁷¹ *Ibid.*, p. 16.

¹⁷² Giliomee and Mbenga (eds), p. 229.

presence on the frontier. In response, publications such as the *Grahamstown Journal* lobbied for increased military interference and expenditure in the Eastern Cape.¹⁷³

The Sixth Frontier War (1834-1835) led to the death of twenty European colonists and 80 Khoikhoi. In addition 455 homesteads were destroyed and thousands of horses, cattle and sheep were lost. As a result the Governor, Sir Benjamin D'Urban, extended the eastern border of the colony to the Kei River, and the new territory was called the Province of Queen Adelaide. During this period, a Select Parliamentary Committee in London was investigating the conduct of colonists towards indigenous people in the colonies. Andries Stockenström, a former magistrate of Graaff-Reinet, testified that the war was due to the application of the reprisal system and the actions of commandos in the Eastern Cape. On 26 December 1835 Lord Glenelg, the Secretary of State for the Colonies, reversed D'Urban's annexation and stated that the Xhosas were justified in attacking the Cape Colony.¹⁷⁴ In his opinion, the Xhosas only attempted to regain possession of lost land occupied by British and Khoikhoi settlements. Glenelg therefore instructed that the Xhosa land should be restored to them, and specific areas should be allocated to each tribe. He also recommended that a Lieutenant-Governor of the Eastern Districts be appointed as Protector of the Native Tribes.¹⁷⁵ The British government criticised the frontier war by stating that warfare with Africans led to the appropriation of their land and their coercion into the labour force. The frontier farmers, therefore, gained land as well as a labour supply while the British government was responsible for the military expenditure.¹⁷⁶

After the Seventh Frontier War (1846-1848) guidelines were issued to regulate colonial policy towards the African tribes. These principles included the following: the extension of British territory in South Africa had to be avoided, armed conflict would only be allowed for the protection of British subjects, and civilisation and Christianity should be promoted among African tribes.¹⁷⁷ In line with these guidelines, Sir Harry Smith instituted a new frontier policy. It was believed that the treaty system was unsuccessful, and Smith, therefore, decided that no more treaties would be concluded.¹⁷⁸ The tribes occupying the area between the Keiskamma and Kei rivers would lose their political freedom and the area of

¹⁷³ *Ibid.*, pp. 102-104.

¹⁷⁴ *Ibid.*, p. 107.

¹⁷⁵ CO 879/1, pp. 28-31: Summary of correspondence relative to the policy pursued towards the native tribes on the Eastern frontier of the Colony of the Cape of Good Hope, including the wars of 1835 and 1846.

¹⁷⁶ LSE Selected Pamphlets Collection: Wedderburn, D., *British colonial policy*, 1881, p. 32.

¹⁷⁷ CO 879/1, p. 30: Summary of correspondence relative to the policy pursued towards the native tribes on the eastern frontier of the Colony of the Cape of Good Hope, including the wars of 1835 and 1846.

¹⁷⁸ CO 879/1, p. 5: Kaffir War [sic], 18.2.1852.

land would be administered by British officials aided by tribal chiefs. The area called British Kaffraria would, therefore, not be annexed to the Cape Colony.¹⁷⁹ Smith insisted that Africans living in this area would be obedient to the British officers in charge. The officers would be supported by a military force; forts would be erected at strategic points and the African tribes would be governed through their chiefs. This system aimed to ensure the security of both people and property in the Eastern Cape, and would also result in the spreading of civilisation through commerce and missionary work. Tribes would be allowed to keep their own lands and customs as long as these adhered to civilised standards. British political agents would help chiefs to settle disputes and guide them towards civilisation.¹⁸⁰

The Secretary of State for the Colonies, Earl Grey, condoned the policy as Smith did not attempt to install a full system of government in the area but rather provided for structures that assisted the chiefs in settling disputes and managing themselves.¹⁸¹ Grey recommended that the chiefs should be paid a salary to compensate for losses due to the British control of the area. In return, the chiefs would have to maintain order and implement the legislation, and the payment of their salary would be conditional on the performance of stipulated duties. To assist the chiefs in fulfilling their duties a number of residents from each district would be employed as constables receiving a small salary. The chiefs would not be able to punish malefactors but had to hand them over to the magistrate. A system of taxation would be instituted to ensure availability of funds for expenditures.¹⁸²

Although it was believed that Africans were making progress towards civilisation, the policy was a failure due to the reduction of military forces on the frontier and the fact that the chiefs were unable to accept the system as it resulted in the loss of authority and status.¹⁸³ During a House of Commons debate in 1853 Charles Adderley, Member of Parliament for Staffordshire North, stated his belief that the origin of the wars in the Cape Colony could be traced to the inconsistent colonial policy instituted by the different colonial secretaries. He also believed that the supply of military forces by Britain was part of the problem and that the Cape Colony should take responsibility for its own defence.¹⁸⁴ Earl Grey ascribed the causes of the Eighth Frontier War (1850-1853) to the loss of power experienced by the chiefs and the suffering of the Xhosas due to persistent drought. He emphasised that the British

¹⁷⁹ Grey, Earl, *Colonial policy of Lord John Russell's administration*, Vol. II, pp. 201-202.

¹⁸⁰ CO 879/1, p. 5: Kaffir War [sic], 18.2.1852.

¹⁸¹ CO 879/1, No. 2, p. 2: Office minutes on Sir Harry Smith's despatches.

¹⁸² Grey, Earl, *The colonial policy of Lord John Russell's administration*, Vol. II, pp. 491-492.

¹⁸³ CO 879/1, pp. 5-7: Kaffir War, 18.2.1852.

¹⁸⁴ *House of Commons Debates*, 8.8.1853, Vol. 129, cc451-462.

government had not caused the war and that British Kaffraria was well governed.¹⁸⁵ The ideas of philanthropy and humanitarianism which were so evident during the Sixth Frontier War and the Glenelg administration became less influential after the Seventh Frontier War. Governors such as Sir Harry Smith doubted the beneficial impact of missionaries in South Africa and the British government was also less inclined to react to missionary complaints. The Eighth Frontier War increased the negative feelings in Britain towards indigenous populations since the total cost of the war was estimated as being about £2 million.¹⁸⁶ The frontier wars and military protection of the boundary placed a huge burden on the British government. In 1855 Sir William Molesworth, Member of Parliament for Southwark, speaking in the House of Commons, estimated that the military expenditure at the Cape was £400 000 to £500 000 per year.¹⁸⁷ The huge expenditure on military operations against African tribes also influenced colonial policy in Britain. The British government was subsequently more willing to allow the Afrikaners in the Orange Free State and the Transvaal to determine their own African policy through the Sand River (1852) and Bloemfontein (1854) Conventions. It also impacted on the Cape Colony and up to 1860 no further annexation of land occurred.

In 1860 a Letters Patent was issued that established the separate British crown colony of British Kaffraria between the Keiskamma and Kei rivers. In 1865 Edward Cardwell, Secretary of State for the Colonies, moved that British Kaffraria should be annexed to the Cape Colony since it was unable to provide for its own defence.¹⁸⁸ On 17 April 1866 the area was annexed to the Cape Colony by Act No. 3 of 1865 and the colony became responsible for the government of the area.¹⁸⁹ In response to the annexation, opponents petitioned that the annexation was done without consulting the colony's inhabitants and that the added security risks due to the annexation should not solely be their responsibility.¹⁹⁰

In its attempt to protect the interests of the British taxpayer as well as the European and African inhabitants of the colony, the Colonial Office frequently changed its colonial policy to accommodate interest groups. The British policy of non-intervention initiated through the Sand River Convention of 1852 and the Bloemfontein Convention of 1854 was frequently derailed by British interventions. While the British government tried to limit its

¹⁸⁵ Grey, Earl, *Colonial policy of Lord John Russell's administration*, Vol. II, p. 255.

¹⁸⁶ Van der Walt, p. 1.

¹⁸⁷ Molteno, p. 57.

¹⁸⁸ *House of Commons Debates*, 16.2.1865, Vol. 177, cc212-216.

¹⁸⁹ Brookes, p. 97.

¹⁹⁰ *House of Commons Debates*, 4.6.1867, Vol. 187, cc1596-1603.

responsibilities, British subjects moved to the interior of the country and demanded the protection of the government whenever they encountered trouble. Philanthropists and missionaries also put pressure on the British government to change the policy of non-intervention, especially in instances when the interests of Africans were affected by the Boer republics.¹⁹¹

The British government officially adhered to a policy of free trade, responsible government and non-extension of territory. There was, however, still interference in the colonies. The Liberal Government of William Ewart Gladstone (1868-1874), although committed to the above guidelines, intervened in the region on numerous occasions.¹⁹² The annexation of Basutoland and Griqualand West by Britain formed part of these interventions and can be seen as part of a more imperialist approach followed by the British government. Giliomee and Mbenga believed that the change in colonial policy was due to economic reasons and that the mining potential of the area motivated Britain to intervene in the area. Economic development, however, affected the labour supply, and migrant labour had to be used to alleviate the labour scarcity in the agricultural, mining and public works sectors.¹⁹³

Sir Philip Wodehouse in 1868 declared that Basutoland would become a British colony. This prevented the Orange Free State from defeating Moshoeshoe and being able to annex land that would allow them to reach the sea at Port St. Johns. Lord Buckingham, the Secretary of State for the Colonies, approved of the annexation.¹⁹⁴ The annexation of Basutoland was severely criticised by the Afrikaners in the Orange Free State due to a provision in the Bloemfontein Convention that stipulated that Britain would not be allowed to enter into a treaty with any African tribe north of the Orange River. The annexation was, therefore, in their opinion, in conflict with the convention.¹⁹⁵ The Free State interpreted the annexation as a breach of faith and this led to a feeling of distrust towards the British government.¹⁹⁶ Supporters of the annexation emphasised that the Orange Free State, due to the settlement of the boundary line, gained land and labour as well as a secure border. The annexation from the British point of view was defended as an attempt by the British government to ensure peace in the area.¹⁹⁷

¹⁹¹ Agar-Hamilton, J.A., "The South African Protectorates" in *Journal of the Royal African Society*, Vol. 29, No. 113, October 1929, p. 15.

¹⁹² Brendon, A., *The decline and fall of the British Empire, 1781-1997*, p. 163.

¹⁹³ Giliomee and Mbenga (eds), p. 194.

¹⁹⁴ Van der Walt, p. 3.

¹⁹⁵ Keppel-Jones, p. 102.

¹⁹⁶ Brendon, p. 163.

¹⁹⁷ Keppel-Jones, pp. 102-103.

In 1871 Griqualand West became a British territory, extending British control over the Kimberley diamond fields.¹⁹⁸ Authority over this area was initially disputed by the Griqua Chief, Andries Waterboer, and by the Orange Free State. Waterboer claimed the area by birthright while the Free State claimed it due to the fact the British government had rescinded its jurisdiction over the area in 1854. President J.H. Brand asserted his right to the diamond fields by appointing a commissioner and assuming legal control over the area.¹⁹⁹

In a despatch by the Earl of Kimberley, the reasons for the interference of the British government were outlined. The British government was unwilling to allow the Orange Free State and the Transvaal to appropriate the lands of Chief Waterboer since this would allow them to extend their suspected slave system and would also lead to the further subjection of African people. The despatch indicated that the British government had no desire to extend its southern African territories. They were only willing to consider annexing the area if Waterboer requested the British government to extend sovereignty over Griqualand West and if the Cape Colony accepted the governance of the area.²⁰⁰

Chief Waterboer in 1870 petitioned the British government to extend British authority over Griqualand West and accept the Griquas as British subjects. The Griqua government emphasised the presence of a large number of British subjects in the area and indicated their reluctance to assume authority over them.²⁰¹ On 27 October 1871 the British government by proclamation accepted Chief Waterboer and the Griquas as British subjects and declared Griqualand West to be a British territory.²⁰²

Griqualand West was not officially annexed to the Cape Colony and in 1876 proposals regarding the proposed annexation of Griqualand West to the Cape Colony led to protests and a public meeting in Kimberley on 17 May 1876. The meeting adopted resolutions to protest against the annexation, and the establishment of the Griqualand West Reform Committee was proposed to administer the movement against annexation. The role of the committee would be to obtain support against the annexation and to send a memorial to the British government.²⁰³

¹⁹⁸ Brendon, p. 163.

¹⁹⁹ BPP C.459, No. 19, p. 36: Lieutenant-Governor Hay to the Earl of Kimberley, 19.9.1870.

²⁰⁰ BPP C.459, No. 28, pp. 65-66: The Earl of Kimberley to Sir Henry Barkley, 17.11.1870.

²⁰¹ BPP C.459, No. 33, pp. 86-88: Lieutenant-Governor Hay to the Earl of Kimberley, 19.11.1870.

²⁰² Bristol Selected Pamphlets Collection: *Protest by the Volksraad of the Orange Free State against the annexation of the Diamond Fields*, 1872, p. 3.

²⁰³ CO 107/2, No. 54, pp. 27-30: Resolutions for public meeting at Kimberley protesting against annexation to the Cape, 5.6.1876.

3.3.2 The Orange Free State

The inconsistency of British colonial policy was illustrated by the actions of Sir Harry Smith when he became Governor of the Cape Colony in December 1847. Smith annexed the Transorangia area as the Orange River Sovereignty and resistance by the Afrikaners led to their defeat at the battle of Boomplaats in 1848. Moshoeshoe, the chief of the Basuto, was also coerced to accept a new boundary line known as the Warden Line.²⁰⁴

The Colonial Office reluctantly condoned the actions of Smith. Earl Grey stated that he would have preferred to reduce the British territory in southern Africa, but he believed that the enlargement of territory was inevitable since, without British authority, the conflict in these areas would have spread to the Cape Colony. The fact that the Orange Free State agreed to take responsibility for its own defence and expenditure on administration convinced Grey that the annexation was a wise course of action.²⁰⁵ It was also believed that retracting the annexation would lead to more conflict.²⁰⁶

The positive attitude of the British government towards the annexation was short-lived. The British government feared increased military expenses in the event that they had to fight both the Dutch Afrikaners and the Africans. The aggressive policy of Smith led to the battle of Boomplaats and the British government feared new conflicts with both the Xhosas and the Basuto. Smith tried to rescue his reputation at the Colonial Office by consenting to the transport of 300 convicts to the Cape Colony, but the refusal of the colonists to accept the convicts made his position even more difficult.²⁰⁷ A few months after the annexation of the Orange Free State it was clear that a large part of the population did not support the annexation. This differed considerably from Smith's report which indicated that the majority of the population was in favour of British rule. The actions of the Boers also contradicted their supposed approval of the annexation, and they refused to aid the British resident in any expedition against African tribes.²⁰⁸

During the early 1850s the Little England movement was gaining ground in Britain, and this led to major changes in colonial policy. One of the main changes was that colonial authorities had to ensure that no further acquisition of territory took place. There was also

²⁰⁴ Giliomee and Mbenga (eds), p. 145.

²⁰⁵ CO 879/1, No. 2, p. 2: Office minutes on Sir Harry Smith's despatches.

²⁰⁶ CO 879/1, p. 7: Kaffir [sic]War, 18.2.1852.

²⁰⁷ Giliomee and Mbenga (eds), p. 140.

²⁰⁸ *House of Commons Debates*, 9.5.1854, Vol. 133, cc49-88.

support in Britain for the abandonment of some areas already under British influence.²⁰⁹ The British defeat against the Basuto at Berea in 1852 convinced the British government that Smith's policy in southern Africa was unworkable, and that action should be taken regarding the Orange Free State.²¹⁰ In 1852 Earl Grey also altered his ideas on colonial policy, and he recommended the withdrawal of British influence from the Orange Free State on the basis that it supported the wishes of the population.²¹¹ External circumstances also impacted on the British government's abandonment of the territory. The Crimean War (1853-1856) made the British government reluctant to increase expenditure in southern Africa. Taxpayers in Britain also protested any additional expenditure and this contributed to the colonial policies implemented in southern Africa.²¹²

The Secretary of State for the Colonies sent Sir George Clerk to the region with instructions to investigate withdrawal of British influence from the Orange Free State.²¹³ Clerk concluded that since the Orange Free State gave no substantial advantage to the British government it should be abandoned. It was also estimated that most of the inhabitants were of Dutch origin, and it was believed that it was only the small number of British subjects who wanted to remain under British rule. The Duke of Newcastle, Secretary of State for the Colonies, also recommended that the Orange Free State be abandoned due to financial liabilities incurred by the British government especially with regards to the conflicts on the frontier.²¹⁴ This led to the Bloemfontein Convention of 1854 that established the Orange Free State as an independent republic.²¹⁵

Critics of the abandonment such as Charles Adderley emphasised opposition to the withdrawal by colonists both in the Orange Free State and the Cape Colony. Many of the Cape colonists feared that the policy would endanger the colony. He also believed that the costs incurred through the abandonment would be larger than the cost to retain the area. He ascribed this to the payment of compensation to parties affected by the withdrawal and the grant made to the Provisional Government to commence their governance. The abandonment was also seen as having a negative impact on the civilising mission in the area.²¹⁶

²⁰⁹ Amery, p. 223.

²¹⁰ Giliomee and Mbenga (eds), p. 145.

²¹¹ *House of Commons Debates*, 9.5.1854, Vol. 133, cc49-88.

²¹² Keppel-Jones, p. 98.

²¹³ *House of Commons Debates*, 8.8.1853, Vol. 129, cc451-462.

²¹⁴ *House of Commons Debates*, 9.5.1854, Vol. 133, cc49-88.

²¹⁵ Amery, p. 223.

²¹⁶ *House of Commons Debates*, 9.5.1854, Vol. 133, cc49-88.

Supporters of the abandonment such as Sir Frederick Peel, Under-Secretary of State for the Colonies, believed that the territory required a large military force to maintain peace. This would result in high military expenses and, therefore, the only viable option was to withdraw British rule and to allow the local inhabitants to take responsibility for their own governance and protection. Sir John Pakington, Member of Parliament for Droitwich, took a fierce stand against the annexation of the area. It had led to speculation in land and 1 011 714 hectares were owned by only 140 British landowners. The property had in many instances been obtained by appropriating land belonging to African chiefs.²¹⁷

After the Bloemfontein Convention, during the governorship of Sir George Grey (1854-1859), some of the inhabitants of the Orange Free State requested that the area be annexed once more. Since Grey was not in favour of the initial abandonment, he encouraged re-annexation. The proposals regarding annexation of the Orange Free State were submitted to Edward Bulwer-Lytton, Secretary of State for the Colonies. Bulwer-Lytton objected to any extension of territory in southern Africa, and Grey was, therefore, instructed to return to Britain.²¹⁸

The British government was unwilling to enter a situation in which they would incur additional financial and military liabilities. The Orange Free State subsequently considered a union with the Transvaal and Marthinus Wessel Pretorius, President of the Transvaal, was elected as President of the Orange Free State, as well. The two republics received their political independence through the Sand River and Bloemfontein Conventions. The British government, fearing the existence of a large independent state in the interior of the country and an extension of slavery to the Orange Free State, decided not to allow the union. The Transvaal and Orange Free State received a communication from Britain which indicated that a union might annul the Conventions. The Transvaal was unwilling to abandon their independence and the union attempt failed.²¹⁹

3.3.3 The Transvaal

The Sand River Convention of 1852 between Britain and the Transvaal Afrikaners was a result of the Little England movement in Britain.²²⁰ The Convention was the outcome of a meeting between a deputation of Transvaal Afrikaners led by Commandant-General A.W.J.

²¹⁷ *Ibid.*

²¹⁸ Molteno, pp. 73-74.

²¹⁹ Keppel-Jones, p. 99.

²²⁰ Amery, p. 223.

Pretorius with British Assistant Commissioners W.S. Hogge and C. M. Owen on 18 January 1852. The agreement was based on a number of important principles. The Transvaal Afrikaners were assured of non-intervention in the management of the Transvaal, and the British government agreed not to infringe on their territory. The Afrikaners in turn agreed to discourage slavery and to allow the movement of British travellers through the Transvaal.²²¹

The Convention would have a major impact on African tribes within the area since the agreed-to British policy of non-interference meant that African chiefs could no longer depend on the support of the British government. The concept of non-interference would be binding on both parties and also forced the British government to renounce all treaties with African nations north of the Vaal River.²²² The Sand River Convention guaranteed that the Transvaal would have the right to manage its own affairs. In the convention the British government promised that they would promote peaceful relations and free trade with the Transvaal. The Transvaal would be allowed to buy its weapons and ammunition in the British colonies. The republic, as well as the British government, was, however, not allowed to sell firearms to African tribes.²²³

The Sand River Convention was approved by a proclamation issued by Sir George Cathcart on 15 April 1852.²²⁴ The policy adopted by the British government was criticised by both missionary and humanitarian groups. The London Missionary Society was concerned about the effect of the Sand River Convention on African tribes. Although some of the provisions in the treaty did safeguard them against practices such as slavery, they believed that Afrikaners historically tended to infringe on the rights and land of African tribes. The independence received by the Afrikaners would, therefore, have a negative impact on African tribes within the Transvaal.²²⁵

The discovery of diamonds in Griqualand West changed the relationship between the Transvaal and African tribes such as the Pedi. Pedi labourers accepted employment on the diamond fields in Kimberley and used some of their earnings to buy firearms and ammunition.²²⁶ The Transvaal Afrikaners interfered with Pedi labour migrants passing through the Transvaal on their return from the diamond fields and appropriated the guns they

²²¹ BPP 1646, No. 6, Enclosure 4, pp. 31-32: W.S. Hogge and C. Mostyn Owen to his Excellency the High Commissioner, 25.1.1852.

²²² BPP 1646, No. 7, Enclosure 2, pp. 36-37: Minutes of a meeting held in the place of Mr P.A. Venter, Sand River, 16.1.1852.

²²³ CAB 37/5, No. 21, p. 2: Sand River Convention, 15.4.1852.

²²⁴ BPP 1646, No. 7, Enclosure 3, pp. 37-38: Proclamation, 15.4.1852.

²²⁵ BPP 1646, No. 9, Enclosure, pp. 116-117: Arthur Tidman to the Duke of Newcastle, 21.1.1853.

²²⁶ James, L., *The rise and fall of the British Empire*, p. 256.

had purchased or received as payment. The return of a considerable number of Pedi labourers with guns contributed to fears that the Pedi would attack the Transvaal. The military strength of the Pedi had increased rapidly due to the acquisition of firearms, and they had also triumphed over the Swazi in a number of conflicts. This challenged the Transvaal's position. Labour supply was also a contentious issue since most of the Pedi migrated to the diamond fields and were unwilling to supply labour within the Transvaal. The Transvaal also claimed land within the Pedi kingdom, but Sekhukhune repudiated the claims.²²⁷

These factors led to the deterioration in the relationship between the two groups and on 2 August 1876 Transvaal commandos under President T.F. Burgers attacked Sekhukhune's stronghold with a force of 2 900 men of whom 2 500 were Transvaal Afrikaners. The attack was repulsed, and the Transvaal Afrikaners were forced to retreat.²²⁸

The British government criticised the war against Sekhukhune as an unjustified war against an independent chief. This view was supported by an 1857 treaty between the Transvaal Afrikaners and Sekwati, the father of Sekhukhune, which determined that the Transvaal Afrikaners deal with Sekwati as an independent chief and fixed the Steelpoort as the boundary between them. The Transvaal, however, claimed that it was an unavoidable expedition to punish a rebellious subject.²²⁹ The attack on Sekhukhune's stronghold failed, and this led to a siege of the stronghold as the Afrikaner force tried to ensure that the tribe capitulate. Captain C.H.H. Von Schlickmann raised volunteers by promising them each a farm in the Pedi territory. Neighbouring villages were attacked by Von Schlickmann and his forces, and the inhabitants, both male and female, were shot as they tried to leave. He defended his actions by stating that the females were difficult to differentiate from afar.²³⁰

Both Lord Carnarvon and Sir Henry Barkly protested against the war and its atrocities. The British government stated that they did not want to interfere with the independence of the Transvaal, but that they had the right to object to actions that could have a detrimental effect on the British colonies in southern Africa.²³¹ A peace treaty was reached between Sekhukhune and the Transvaal government which included the following terms: Sekhukhune would acknowledge the laws of the Transvaal and obey all legislation passed by

²²⁷ Giliomee and Mbenga (eds), pp. 168-170.

²²⁸ CO 879/10/9, p. 10: Deputation to Lord Carnarvon of residents, merchants and others interested in the colonies of southern Africa, 26.10.1876.

²²⁹ *Ibid.*, pp. 8-9.

²³⁰ BPP C.1748, No. 130, p. 158: Governor Sir Henry Barkly to the Earl of Carnarvon, 9.10.1876.

²³¹ CO 879/10/9, p. 15.

the government with regard to the Pedi; and he would also pay a fine of 2 000 head of cattle.²³²

Benjamin Disraeli, the leader of the British Conservative government (1874-1880), was reluctant to extend British influence overseas through the annexation of and expenditure on new territories. Local officials, however, involved the British government in territorial expansion while Disraeli's policy also allowed for expansion if African disturbances threatened groups such as traders, missionaries or colonists.²³³ His government was severely criticised for the increase in overseas territories by interventions such as the annexation of the Transvaal in 1877.²³⁴

The war with Sekhukhune was seen as one of the main reasons for the British annexation of the Transvaal as it was believed that the defeat of the Transvaal forces placed the whole of southern Africa in danger. Peace was concluded with Sekhukhune before the annexation, but it was asserted that the Transvaal was unable to successfully deal with the war and its consequences. It was also believed that the Zulu king, Cetshwayo, would engage the Transvaal in a war, and this would further endanger the region and the British position within the country.²³⁵

Lord Carnarvon perceived the war with Sekhukhune in a negative light. He believed that the war was endangering British interests and forced the British government to decide on a policy to pursue in southern Africa. He believed that the security of the Transvaal and the rest of the region would be facilitated by its confederation with the British colonies.²³⁶ The following problems were emphasised by the British government to condone their actions in the Transvaal: the inability of the state to manage both its European and African subjects, ineffective governance, the inability to collect taxes and the state's weak financial position.²³⁷

Sir Theophilus Shepstone's knowledge of both the Africans and of the districts affected by the war led to his selection as Special Commissioner to the Transvaal Republic.²³⁸ Shepstone's commission entailed that a full inquiry be made into the war with Sekhukhune including the origin and circumstances of the war. He was also tasked to identify ways to prevent the recurrence of such conflicts in the future. Shepstone was authorised to proclaim

²³² BPP C.1776, No. 64, Enclosure, p. 91: Extract from Transvaal Newspaper *Volksstem*, 7.2.1877.

²³³ Brendon, p. 163.

²³⁴ Bristol Selected Pamphlets Collection: Gladstone, W.E., *England's mission*, 1878, p. 9.

²³⁵ *House of Commons Debates*, 31.3.1879, Vol. 245, cc20-127.

²³⁶ CO 879/10/11, No. 105, pp. 144-145: The Earl of Carnarvon to Governor Sir Henry Barkly, 22.9.1876.

²³⁷ BPP C.1776, No. 87, Enclosure, pp. 107-108: Sir Theophilus Shepstone to the Earl of Carnarvon, 6.3.1877.

²³⁸ CO 879/10/11, No. 105, pp. 144-145: The Earl of Carnarvon to Governor Sir Henry Barkly, 22.9.1876.

the annexation of territories that endangered the safety of the British colonies in southern Africa. The proclamation, however, depended on acceptance by the residents of such a territory as well as the approval of the High Commissioner, Sir Henry Barkly.²³⁹

The financial condition of the Transvaal was so serious that Sir Theophilus Shepstone emphasised the fact that the annexation to Britain may be the only way to solve the problem.²⁴⁰ Shepstone was convinced that if he left the country in this condition it would expose the white inhabitants to attacks from Africans proving not only fatal to the Transvaal but also endangering British colonies in the region.²⁴¹ In addition, the interference with the migration of Pedi labour to the Kimberley diamond fields had a negative impact on diamond mining.²⁴²

Divisions within the white population strengthened Shepstone's belief that the next presidential election would lead to a civil war. Since 1867 the Transvaal had abandoned territory in the north of the country to African tribes. This was followed by a loss of control over areas within the boundaries of the Transvaal and some of the African tribes previously subject to the government. Farmers unwilling to leave these areas were unable to count on the protection of the government. They had to enter into agreements with the African chiefs, effecting payments to the chiefs for the right to reside on their land. Similar circumstances were found in the south of the Transvaal but during the previous three months it became more hazardous since farmers had to leave their lands and the Africans took possession of their property. The government's inability to protect farmers led to a loss of confidence in the stability of the government. Trade also declined and the Transvaal was believed to be on the verge of bankruptcy.²⁴³

President Burgers acknowledged the financial position of the Transvaal and the danger posed to British colonies. He, however, believed that the country could remain independent if the Volksraad changed the constitution by conferring adequate power to control the citizens on the executive government.²⁴⁴ He presented a Reform Bill to the Volksraad as a means that could secure the continued independence of the country. The Reform Bill included changes to both the constitution of the Executive Council and the judicial system, as well as the implementation of sufficient measures to regulate finances and

²³⁹ BPP C.1776, No. 13, No. 1, Enclosure, pp. 1-2: Draft of a Commission under the Royal Sign and Signet appointing Sir Theophilus Shepstone to be a Special Commissioner, 5.10.1876.

²⁴⁰ CO 879/11/2, No. 128, p. 160: Sir Theophilus Shepstone to the Earl of Carnarvon, 17.4.1877.

²⁴¹ BPP C.1776, No. 90, p. 125: Letter from Sir Theophilus Shepstone, 12.3.1877.

²⁴² Giliomee and Mbenga (eds), pp. 168-170.

²⁴³ CO 879/11/2, No. 128, Enclosure 1, pp. 163-164: Proclamation Sir Theophilus Shepstone.

²⁴⁴ BPP C.1776, No. 87, No. 1, Enclosure, pp. 107-108: Sir Theophilus Shepstone to the Earl of Carnarvon, 6.3.1877.

tax collection.²⁴⁵ The Permissive Confederation Bill was also considered but was rejected by the Volksraad.²⁴⁶ The revised constitution, presented as part of the Reform Bill, emphasised that the Transvaal wished to remain an independent state but acknowledged the responsibility of the Transvaal towards other states or colonies in southern Africa. A statement declaring the state's willingness to follow a uniform policy towards African tribes and disallowing slavery within the boundaries of the Transvaal was also included.²⁴⁷ The Volksraad, however, did not accept the Reform Bill or the proposed changes to the constitution.²⁴⁸

British colonists who had moved to the Transvaal actively promoted the idea of annexation as the only solution to the problems of the state.²⁴⁹ Lord Carnarvon acknowledged the difficult position in which British subjects at the gold fields found themselves due to the war between the Transvaal and the Pedi. He emphasised, however, that they voluntarily moved to the Transvaal and could not insist that the British government ensure their safety. If the Transvaal government could not protect them they should reconsider the decision to live there.²⁵⁰

Sir Theophilus Shepstone concluded that the British government had no choice but to intervene in the Transvaal since the country was powerless to regain its former stability.²⁵¹ On 12 April 1877 Shepstone annexed the Transvaal to Britain by publishing the required proclamation.²⁵² The proclamation determined that the Transvaal would remain a separate state since it would be a British colony with its own administration and laws. Although the proclamation guaranteed that both white and other groups would be equal before the law, it did not allow for equal civil rights. Britain also assumed responsibility for the financial obligations of the state.²⁵³

In his correspondence with the Colonial Office, Shepstone emphasised the positive reception that followed the annexation of the Transvaal, and indicated that many addresses of congratulations were received from different towns in the Transvaal.²⁵⁴ The address from Potchefstroom was, according to Shepstone, signed by most of its key citizens, congratulated him on the successful completion of the mission and assured the British government of their

²⁴⁵ CO 879/11/5, No. 3, Enclosure 2, pp. 7-8: Extract from the *Volkstem*, 3.3.1877.

²⁴⁶ BPP C.1776, No. 87, No. 1, Enclosure, pp. 108-109: Sir Theophilus Shepstone to the Earl of Carnarvon, 6.3.1877.

²⁴⁷ CO 879/11/5, No. 3, Enclosure 2, p. 8: Extract from the *Volkstem*, 3.3.1877.

²⁴⁸ CO 879/11/5, No. 2, p. 4: Sir Theophilus Shepstone to the Earl of Carnarvon, 6.3.1877.

²⁴⁹ Bristol Selected Pamphlets Collection: Watson, R.S., *The history of English rule and policy in South Africa*, 1879, p. 18.

²⁵⁰ BPP C.1748, No. 146, p. 176: The Earl of Carnarvon to Governor Sir Henry Barkly, 23.11.1876.

²⁵¹ BPP C.1776, No.90, p. 125: Governor Sir Henry Barkly to the Earl of Carnarvon, 27.3.1877.

²⁵² CO 879/11/2, No. 128, p. 159: Sir Theophilus Shepstone to the Earl of Carnarvon, 17.4.1877.

²⁵³ BPP C.1883, No. 6, Enclosure 2, pp. 5-6: Answers to queries, 1.5.1877.

²⁵⁴ BPP C.1814, No. 6, p. 12: Sir Theophilus Shepstone to the Earl of Carnarvon, 15.5.1877.

loyalty to Britain.²⁵⁵ An address from the residents of Pretoria congratulated Shepstone and indicated their acceptance of a policy of confederation in southern Africa.²⁵⁶ A petition was also signed by members of the Volksraad, landowners and other citizens of the Transvaal that condemned the planned deputation of Paul Kruger and Dr E.P.J. Jorissen, Attorney General of the Transvaal, to England, since it only represented a small number of influential citizens. They hoped that the British government would consent to the annexation of the Transvaal and emphasised the chaotic state of the Transvaal before annexation, which in their opinion would have resulted in a civil war. The threat by African tribes was also highlighted.²⁵⁷

The Orange Free State regretted the necessity for annexation of the Transvaal. Sir Bartle Frere, in correspondence with Lord Carnarvon, indicated that the British territories of the Cape Colony and Natal condoned the annexation.²⁵⁸ In a speech in the Cape parliament, Frere stated that most of the people in southern Africa were in favour of the annexation since it would ensure peace for the entire area.²⁵⁹ The annexation was also communicated to the African chiefs in the Transvaal. The chiefs indicated their satisfaction with the annexation and hoped that their grievances would be addressed by the British administration.²⁶⁰ In Natal, Bishop Colenso condemned the annexation of the Transvaal and stated that the annexation was not worthy of the British name.²⁶¹

In the House of Commons, two opposing groups debated the annexation. Mr Edward Knatchbull-Hugessen, Member of Parliament for Sandwich, supported the government's annexation of the Transvaal while critics of the annexation such as Leonard Courtney, Member of Parliament for Liskeard, focused on the contravention of the Sand River Convention. Knatchbull-Hugessen, however, emphasised that there was no breach of the convention since it only allowed the Transvaal Afrikaners to manage their own affairs if they adhered to its stipulations. Slavery was prohibited by the convention, but the numerous reports of slavery in the Transvaal, in his opinion, contravened the treaty. There had been reported instances where slaves were sold publicly in Potchefstroom. A resolution passed by the Natal Legislative Council on 10 August 1868, in which was stated that the Transvaal since 1848 had practiced slavery, was also used as proof of the existence of slavery. It was

²⁵⁵ BPP C.1814, No. 6, Enclosure 2, p. 13: Enclosed Address from Potchefstroom to Sir Theophilus Shepstone, 11.5.1877.

²⁵⁶ BPP C.1814, No. 6, Enclosure 3, p. 13: Enclosed Address from Pretoria to Sir Theophilus Shepstone, 24.4.1877.

²⁵⁷ BPP C.1883, No. 20, pp. 20-23: Administrator Sir Theophilus Shepstone to the Earl of Carnarvon, 9.6.1877.

²⁵⁸ BPP C.1883, No. 14, pp. 14-15: Sir Bartle Frere to the Earl of Carnarvon, 12.6.1877.

²⁵⁹ *The Times*, 4.9.1877, p. 6.

²⁶⁰ BPP C.1883, No. 13, pp. 13-14: Administrator Sir Theophilus Shepstone to the Earl of Carnarvon, 27.5.1877.

²⁶¹ Reitz, F.W., *Een eeuw van onrecht*, p. 16.

felt that as long as the barter of children was allowed in the Transvaal, no headway could be made regarding the civilization of African tribes living within the state.²⁶²

During a debate in the House of Commons, Mr Leonard Courtney, Sir Charles Dilke, Member of Parliament for Chelsea, and Mr Charles Parnell, Member of Parliament for County Meath, defended the rights of the Transvaal people.²⁶³ Mr Courtney believed that the annexation would be detrimental to British interests in southern Africa since the official policy towards the Transvaal was reversed. Through annexation Britain had also taken responsibility for the administration of the Transvaal and the liabilities caused by its previous actions including those concerning African chiefs.²⁶⁴ Critics were dubious of the validity of the annexation on two accounts. Shepstone was advised that he could only annex the territory if the majority of the inhabitants were in favour of such a move. He also had to obtain the consent of the High Commissioner before proclaiming the annexation. Shepstone, however, neglected to obtain the consent of both the citizens of the Transvaal and of the High Commissioner and continued with the annexation on his own terms.²⁶⁵

After the annexation of the Transvaal, the area was seen as another colony ready to solve some of Britain's excess labour problems. Transvaal's land was of the cheapest in the world, and large areas were unused and ready for European settlement. The distance from any of the harbours such as Durban did not favour emigration, but the extension of the railway system from Durban, Cape Town and Natal to the diamond fields and the Transvaal would encourage British emigrants to move to the area.²⁶⁶ The annexation of the Transvaal also benefited Lord Carnarvon's scheme for a South African confederation.²⁶⁷

The first deputation of the Transvaal Afrikaners consisting of Paul Kruger, vice-president of the Transvaal, and Dr E.J.P. Jorissen, visited Britain in 1877 to protest against the annexation.²⁶⁸ On 5 July 1877 the deputation handed a petition to this effect to Lord Carnarvon. Carnarvon in response informed them that it was impossible to reverse the annexation.²⁶⁹ The second deputation in 1878 consisted of Paul Kruger and Commandant-General P.J. Joubert. The deputation claimed that the petitions supporting annexation

²⁶² *House of Commons Debates*, 7.8.1877, Vol. 236, cc545-567.

²⁶³ Bristol Selected Pamphlets Collection: Watson, R.S., *The history of English rule and policy in South Africa*, 1879, pp. 19-20.

²⁶⁴ *House of Commons Debates*, 7.8.1877, Vol. 236, cc545-567.

²⁶⁵ *House of Commons Debates*, 31.3.1879, Vol. 245, cc20-127.

²⁶⁶ Foreign and Commonwealth Collection: Jeppe, F., *A manual of the Transvaal* (pamphlet), 1878, pp. 4-5.

²⁶⁷ Bristol Selected Pamphlets Collection: Watson, R.S., *The history of English rule and policy in South Africa*, 1879, pp. 19-20.

²⁶⁸ McKenzie, F.A., Du Plessis, C.N.T. and Bunce, C.T., *The real Kruger and the Transvaal*, p. 116.

²⁶⁹ *The New York Times*, 6.7.1877, p. 1.

represented only a small proportion of the inhabitants of the country, were generally acquired shortly after the annexation and that it was mostly signed by the population of the towns and the gold fields and not the 6 650 farmers who were largely responsible for maintaining the state. The deputation also protested that the annexation was a contravention of the Sand River Convention. They also objected because the reports concerning disturbances in the Transvaal and the danger to the security of the South African colonies were overemphasized.²⁷⁰

In 1879 Sir Bartle Frere visited the Transvaal and interviewed both the Transvaal Afrikaners and other inhabitants. His aim to discuss the provisions of the future constitution was not successful since a large part of the Afrikaners demanded that the annexation be withdrawn. Sir Michael Hicks Beach, the Secretary of State for the Colonies, believed that it would be detrimental to the Transvaal to re-establish the government that existed before the annexation. The large African population was perceived as satisfied and European settlers obtained land and other property in the country, believing that the annexation would be maintained.²⁷¹

Sir Garnet Wolseley, High Commissioner in South Africa, recommended that the British government should establish a consistent policy in the Transvaal. It should be decided if the annexation objectives merited the presence of a strong military force. In his opinion, the Transvaal was rich in minerals and any future discoveries would significantly increase the British population. He also commented that the expense of maintaining troops in the Transvaal would not be more than maintaining them elsewhere. The ineffectiveness of the Transvaal Afrikaners to defend themselves against chiefs such as Sekhukhune might compromise the position of the European in southern Africa and have a negative impact on British interests by leading to further wars.²⁷²

In 1880 the situation in the Transvaal and the annexation of the country formed an important part of Gladstone's election campaign. He criticised the ruling conservative government of Sir Benjamin Disraeli by denouncing the annexation of the Transvaal.²⁷³ In his Midlothian campaign during 1879 and 1880 Gladstone had condemned the annexation of an independent state.²⁷⁴ On 30 March 1880 Gladstone also stated that he would reverse the

²⁷⁰ BPP C.2128, No. 1, pp. 3-7: Messrs Kruger and Joubert to Sir Michael Hicks Beach, 10.7.1878.

²⁷¹ CAB 37/1, No. 5, pp. 3-4: Sir Michael Hicks Beach to General Sir Garnet Wolseley, 20.11.1879.

²⁷² CAB 37/1, No. 5, p. 11: General Sir Garnet Wolseley to Sir Michael Hicks Beach, 13.11.1879

²⁷³ Foreign and Commonwealth Office Collection: Lord Brabourne, *The truth about the Transvaal* (pamphlet), 1881, p. 9.

²⁷⁴ Bianchi, C., *British imperial attitudes towards the Zulu and the Boers in the era of the wars of subjugation 1879 to 1881* (M.A.), p. 69.

annexation of the Transvaal if he wins the election.²⁷⁵ His speeches concerning the Transvaal were issued in South Africa and were positively received in the Transvaal.²⁷⁶ The Transvaal Afrikaners, therefore, believed that the official policy towards annexation would be changed if the Liberal Party won the elections in 1880.²⁷⁷

Supporters of the Liberal Party perceived the Party's victory in the general election of 1880 as a condemnation of the foreign policy of Sir Benjamin Disraeli. His foreign policy was portrayed as an imperialist strategy that subjugated less powerful nations, although Disraeli defended his actions as protecting British colonial interests.²⁷⁸ After his election victory, however, Gladstone changed his stance on the Transvaal and in June 1880 stated that the British government would not restore the Transvaal's independence. He emphasised that the British government would be willing to grant the Transvaal self-government if they joined the South African confederation.²⁷⁹

There was another factor influencing the British course of action. The question of confederation was to be presented to the Cape Parliament, and Sir Bartle Frere feared that the abandonment of the Transvaal would negatively impact on the proposed confederation.²⁸⁰ The liberals also faced a moral dilemma since they felt that giving the Transvaal Afrikaners their independence would conflict with their ideal of safeguarding Africans against coercion and ill-treatment. Many of the humanitarians and philanthropists in the Liberal Party felt that the annexation of the Transvaal affected the civil liberties of an independent state and could, therefore, not be condoned. In their view, reversing the annexation would, however, lead to the exploitation of African races within the state. It was a difficult decision to make and Gladstone eventually decided not to reverse the annexation.²⁸¹ In a letter to the Transvaal leaders, Gladstone focused on the responsibilities of the British government in the Transvaal, especially concerning the African population. He believed that it would be impossible to annul these obligations.²⁸² The withdrawal of British influence over the Transvaal would affect not only the African population, but also British settlers and loyal Afrikaners.²⁸³

²⁷⁵ Foreign and Commonwealth Office Collection: *The Voters' friend: Being a brief summary of the most recent conduct of Liberal and Conservative governments with valuable statistical information* (pamphlet), 1882, p. 14.

²⁷⁶ Foreign and Commonwealth Office Collection: Lord Brabourne, *The truth about the Transvaal* (pamphlet), 1881, p. 9.

²⁷⁷ Bianchi, p. 69.

²⁷⁸ Bristol Selected Pamphlets Collection: Besant, A., *Egypt*, 1882, p. 1.

²⁷⁹ BPP C.2676, Enclosure 2, p. 46: Mr Gladstone to Mr Kruger and Mr Joubert, 8.6.1880.

²⁸⁰ CAB 37/5, No. 10, p. 3: Memorandum Colonial Office, 29.4.1881.

²⁸¹ Bianchi, p. 70.

²⁸² LSE Selected Pamphlets Collection: *The Transvaal: facts concerning the annexation and the war in 1880-1, and the results of Liberal policy*, 1884, p. 6.

²⁸³ CAB 37/5, No. 10, p. 3: The Earl of Kimberley to Sir Bartle Frere, 20.5.1881.

In a despatch Sir Garnet Wolseley stated that the lack of consistency in British colonial policy had a negative effect on southern Africa. This meant that neither colonists nor Africans believed that the policy would be continued for an indeterminate period. This lack of confidence was increased by conflicting ideas regarding the abandonment of the Transvaal as well as repeated statements by the British government that independence would not be returned to the Transvaal.²⁸⁴ A meeting was held at Paardekraal in the Transvaal in December 1880, which thousands of people attended. On 11 December the meeting announced that a provisional government would be instituted.²⁸⁵ The reluctance of the British to accept the Transvaal Provisional government led to hostilities between the British forces and the Transvaal Afrikaners that commenced in December 1880.²⁸⁶ The war was condemned in Britain and in January 1881, two deputations delivered petitions to Lord Kimberley. The Peace Society asked that the war be stopped to prevent any further fatalities. The Society did not agree with the treatment of Africans by the Transvaal Afrikaners but felt that Britain could not judge the conduct of the Transvaal. A petition from a meeting in Birmingham was also delivered. Sir John Simon, Member of Parliament for Dewsbury, emphasised that the grounds for annexation was unjust and that the hostilities in the Transvaal indicated that inhabitants of the country did not condone the annexation. He believed that Britain should not annex territories for the protection of indigenous groups.²⁸⁷

After the defeat of the British troops by the Boers at the battle of Amajuba on 27 February 1881, an agreement was reached between Sir Evelyn Wood and the Transvaal leaders. During negotiations, the Transvaal leaders accepted the concept of suzerainty. The country would have complete self-government regarding internal affairs but would have no control over external matters. They also agreed to the presence of a British resident in the Transvaal.²⁸⁸

A Royal Commission was subsequently appointed in the Transvaal in 1881. The commission was instructed to investigate issues such as self-government under suzerainty, the role of the British resident, compensation and the protection of African tribes.²⁸⁹ The Earl of Kimberley, Secretary of State for the Colonies, believed that slavery was mostly extinct before the annexation of the Transvaal. The apprenticeship of children was, however,

²⁸⁴ CAB 37/5, No. 10, p. 2: Memorandum Colonial Office, 29.4.1881.

²⁸⁵ Giliomee and Mbenga (eds), p. 195-196.

²⁸⁶ BPP C.2837, No. 123, p. 29: Sir Evelyn Wood to Secretary of State for the Colonies, 22.3.1881.

²⁸⁷ *The Manchester Guardian*, 13.1.1881, p. 8. (*The Manchester Guardian* was founded in 1821 and on 24 August 1859 the title of the newspaper changed to the *Guardian* to reflect its national news coverage)

²⁸⁸ BPP C.2837, No. 123, p. 29: Sir Evelyn Wood to Secretary of State for the Colonies, 22.3.1881.

²⁸⁹ *House of Lords Debates*, 15.7.1881, Vol. 263, cc978-996.

perceived as slavery, and the Secretary of State for the Colonies encouraged the commission to decide on regulations for the apprenticeship system and to ensure that no children were abused or exploited.²⁹⁰ The Transvaal government declared that they were willing to follow the same African policy as that of the Cape Colony, and to adopt a Masters and Servants Act and Vagrancy Law similar to those enforced in the Cape.²⁹¹

In March 1881, a deputation of the South African Association, representing business interests in South Africa, visited Lord Kimberley and requested that independence should not be restored to the Transvaal government. The deputation requested that the British government should maintain British hegemony in South Africa.²⁹²

On 3 August 1881 the Convention of Pretoria was signed by the Royal Commissioners and Transvaal representatives.²⁹³ The convention stated that from 8 August 1881 complete self-government would be granted to the Transvaal subject to the suzerainty of the Queen.²⁹⁴ The convention allowed for the appointment of a British resident in the Transvaal. The British government would control the external relations of the Transvaal including the right to negotiate treaties with foreign nations. All laws passed before or after the annexation of the Transvaal would endure unless a law was in contravention of the agreed convention. Future laws having a detrimental impact on the interests of Africans had to be approved by the British government.²⁹⁵ The circumstances of Africans were addressed by articles 13, 14 and 15 of the convention. Article 13 stipulated that Africans would be permitted to purchase land, but that such land would be transferred to the Native Location Commission. According to Article 14, Africans would be guaranteed freedom of movement and would be able to leave the country for employment purposes. This freedom was, however, stipulated as subject to pass laws in the Transvaal. Article 15 reiterated that slavery or apprenticeship practices resembling slavery would be illegal.²⁹⁶

The duties of the British resident were also outlined in the convention. He would report all cases in which Africans were ill treated to the Transvaal government. The British resident also had obligations with regard to Africans living outside the Transvaal. He had to report all instances in which Transvaal citizens trespassed on African land. The Suzerain could settle any disputes between the Transvaal government and the British resident

²⁹⁰ BPP C.2892, No. 9, p. 11: The Earl of Kimberley to Sir Hercules Robinson, 14.4.1881.

²⁹¹ BPP C.3114, No. 7, pp. 61-63: Appendix, 11.5.1881.

²⁹² *The Manchester Guardian*, 19.3.1881, p. 7.

²⁹³ BPP C.3114, No. 1 in Appendix, pp. 37-44: Convention, 3.8.1881.

²⁹⁴ BPP C.3114, No. 1 in Appendix, pp. 41-42: Convention, 3.8.1881.

²⁹⁵ BPP C.2998, p. 3: Convention for the settlement of the Transvaal territory, 5.4.1881.

²⁹⁶ BPP C.3114, pp. 41-42: Convention, 3.8.1881.

regarding disagreements about African land. The British resident would communicate with African chiefs outside the Transvaal and negotiate treaties if approved by the High Commissioner. He also had a responsibility to arbitrate disputes between Transvaal residents and Africans living outside the Transvaal.²⁹⁷

A number of residents protested against the withdrawal of the British government from the Transvaal. The assurances initially provided by the British government that the annexation would not be reversed meant that property increased in value and capital had been invested in land and other property. It was believed that property would lose its value if the Transvaal received its independence. British residents also feared that they would have to relinquish their British citizenship or lose property and other investments. The African residents also looked to the British government for protection.²⁹⁸ Some of the African chiefs within the Transvaal stated that they would not be willing to accept the rule of the Transvaal Afrikaners again.²⁹⁹ *The Nottingham Evening Post* in Britain reported that African tribes within the Transvaal were perturbed by the proposed reinstatement of the Transvaal government. It was anticipated that the withdrawal of Britain from the Transvaal would be followed by an uprising among the African population.³⁰⁰

The Pretoria Convention was severely criticised in Britain in the light of the allegations of slavery made against the Transvaal. It was stated that the Africans would be forced into slavery under Afrikaner rule. It was, however, quite evident that the question of slavery was overstated.³⁰¹ In the early history of the Transvaal, raids were made on African communities and children were placed under apprenticeship. The practice had, however, decreased and at the time of the convention there was no evidence of existing slavery. After the annexation of the Transvaal, no reports were made regarding the presence of slaves in the country. The much criticised system of apprenticeship was similar to the system that existed in the Cape Colony. After the frontier wars, destitute men and women were apprenticed for a period of three years in the Cape Colony while children were apprenticed for longer periods.³⁰²

²⁹⁷ BPP C.2998, pp. 3-7: Convention for the settlement of the Transvaal territory, 5.4.1881.

²⁹⁸ BPP C.2950, No. 65, Enclosure, pp. 183: Memorial addressed to the Earl of Kimberley.

²⁹⁹ BPP C.2950, No. 66, pp. 183-184: Petition of loyal inhabitants of the Transvaal, 1.5.1881.

³⁰⁰ *The Nottingham Evening Post*, 29.4.1881, p. 2.

³⁰¹ CAB 37/5, No. 10, p. 19: Memorandum Colonial Office, 1881.

³⁰² *Ibid.*

Soon after the Pretoria Convention was signed, complaints were lodged that the Transvaal had breached the convention by attempting to acquire territory in Zululand.³⁰³ F.W. Reitz, State Secretary of the Transvaal, believed that the agreement between the British government and the Transvaal should be based on the original Sand River Convention. He felt that the Boers had to be placed in the same position as before the annexation. The concept of suzerainty in the Pretoria Convention was not acceptable to the Transvaal Afrikaners, and in 1883 a deputation was sent to London to negotiate a new agreement. The Transvaal deputation recommended that the parties should return to the Sand River Convention to govern the relationship. The British government, however, proposed that the Pretoria Convention be changed. Changes included the annulment of the suzerainty clause as well as all articles that gave the British government power to interfere in the internal government of the country. The London Convention also allowed the Transvaal to negotiate agreements with foreign nations if permission was obtained from the British government.³⁰⁴ The Convention of Pretoria was, therefore, replaced by the Convention of London in February 1884.³⁰⁵

The discovery of gold in the Transvaal in 1886 contributed to the economic development of the country through an increase in investment and revenue. A railway link with Delagoa Bay was completed, high customs duties were imposed on goods from the British colonies, and external ties were formed with countries such as Germany. These factors allowed the Transvaal to attain a larger degree of independence.³⁰⁶

The discovery of gold led to an influx of immigrants from different countries, generally known as Uitlanders. The Uitlanders in many respects had little in common since they came from different countries and spoke different languages. Before the Jameson Raid there were a number of instances in which the Uitlanders united to protest against the Transvaal government. In 1890 Kruger visited Johannesburg during a period of mining depression and the president's dismissal of an Uitlander petition outlining their grievances led to rioting.³⁰⁷

In 1894 a further petition was signed by 13 000 foreigners living in the Transvaal. In an attempt to secure equal rights, the Uitlanders requested that the franchise be extended to them, but the request was rejected by the Volksraad.³⁰⁸ Before the Pretoria Convention, only

³⁰³ Foreign and Commonwealth Collection: *The Transvaal surrender: Its results* (pamphlet), 1880, p. 2.

³⁰⁴ Reitz, pp. 19-22.

³⁰⁵ Foreign and Commonwealth Collection: *The Transvaal surrender: Its results* (pamphlet), 1880, p. 3.

³⁰⁶ Giliomee and Mbenga (eds), p. 206.

³⁰⁷ Hammond, J.H., *The autobiography of John Hays Hammond*, Vol. 1, p. 313.

³⁰⁸ BPP C.7933, No. 1, p. 1: *The Times*: The situation in the Transvaal, 28.12.1895.

one year's residence in the Transvaal was required to receive citizenship. After 1882 the law was altered, and a residence period of five years was instituted. In 1890 the residence prerequisite was changed to fourteen years. Uitlanders also had to be at least thirty years old, own property and be a member of a Protestant church before they would be eligible to vote. In 1895, 35 000 Uitlanders signed a petition requesting political rights, but without success.³⁰⁹

The Transvaal National Union was formed in Johannesburg in 1892 as a mouthpiece for the Uitlanders in the Transvaal. The objective of the Union was to remedy Uitlander grievances and to obtain equal rights.³¹⁰ On 27 December 1895 the Chairman of the Transvaal National Union, Charles Leonard, published a manifesto which reviewed the circumstances of the Uitlanders in the country. The manifesto emphasised that the Uitlanders outnumbered the Afrikaners and owned most of the property in the country. The Uitlanders complained about corruption in the government and believed that the Transvaal government's general policy was antagonistic towards British residents. They also complained about the administration of labour and that the prevalent African policy was destroying labour sources and endangering the lives of the country's inhabitants. The Uitlanders requested that every person who took the oath of allegiance would have equal rights within the Transvaal.³¹¹

The Times reported that future conflict between the Transvaal government and the Uitlander population was unavoidable. It was alleged that the Uitlanders as well as a large number of Transvaal Afrikaners were critical of the internal policy followed by the government, while the external policy was seen as threatening to the security of the rest of southern Africa. The article emphasised the position of the large number of unarmed men, women and children who would be defenceless in the event of any conflict, as well as the effect of conflict on property values.³¹²

The Jameson Raid commenced with the entry of Dr Leander Starr Jameson, the Administrator of the Chartered Company territories, and a military force into the Transvaal on 29 December 1895.³¹³ On 30 December 1895 the High Commissioner, Sir Hercules Robinson, informed Joseph Chamberlain, the Colonial Secretary, of the event. Chamberlain

³⁰⁹ Hammond, p. 316.

³¹⁰ BPP C.7933, No. 179, p. 65: Manifesto, 27.12.1895.

³¹¹ BPP C.7933, No. 1, pp. 1-2: *The Times*: The situation in the Transvaal, 28.12.1895.

³¹² *The Times*, 1.1.1896, p. 5.

³¹³ BPP C.8380, pp. 1-9: Report of the Select Committee of the Cape of Good Hope House of Assembly on the Jameson Raid into the territory of the South African Republic, 29.5.1896.

proposed to send telegrams to the officers accompanying Jameson informing them that the British government did not condone an attack on a friendly state.³¹⁴

President Kruger notified the British government that the entry of a military force consisting of British subjects into the Transvaal was a breach of the London Convention. He requested that the British government institute measures to stop the forces. Sir Hercules Robinson, therefore, instructed the British Agent to send a message to Dr Jameson. The message emphasised the fact that the British government disapproved of his action and that he should leave the Transvaal immediately.³¹⁵ Chamberlain was concerned about the British interests in Johannesburg if an armed clash occurred.³¹⁶ He therefore instructed Robinson to request British subjects in the Transvaal to refrain from assisting Jameson, to obey the law and to avoid any large gatherings.³¹⁷

Chamberlain assured the Transvaal that the British government would adhere to the London Convention. The British government did, however, feel that their actions in representing matters outside the convention to the Transvaal government were justified since they had concerns about the circumstances of British citizens living in the Transvaal. Chamberlain highlighted Uitlander grievances such as the franchise and naturalisation. He felt that it was reasonable for people to claim citizenship when born in a country or if they had lived in the country for an acceptable time and they fulfilled reasonable conditions.³¹⁸ Jameson surrendered on 7 January 1896, and the President agreed to deliver the prisoners to the High Commissioner on the border of Natal.³¹⁹

Liberals in Britain did not condone the Jameson Raid but due to the state of foreign affairs in Britain little outright opposition was given. The Liberal Party found it difficult to outline a permanent colonial policy. Liberals mistrusted the concept of empire and emphasised the fact that colonies should be guided towards self-government as soon as possible. The debates following the Jameson Raid emphasised new divisions within the Liberal Party since a split between the Little Englanders and the Liberal Imperialists was evident. The Liberal Imperialist outlook with regards to southern Africa differed little from that of the Conservative Party and Chamberlain.³²⁰ The Jameson Raid, although unsuccessful,

³¹⁴ BPP C.7933, No. 5, p. 3: Sir Hercules Robinson to Mr Chamberlain, 30.12.1895.

³¹⁵ BPP C.7933, No. 8, p. 4: Sir Hercules Robinson to Mr Chamberlain, 31.12.1895.

³¹⁶ BPP C.7933, No. 11, p. 5: Mr Chamberlain to Sir Hercules Robinson, 31.12.1895.

³¹⁷ BPP C.7933, No. 18, p. 9: Mr Chamberlain to Sir Hercules Robinson, 1.1.1896.

³¹⁸ BPP C.7933, No. 49, pp. 18-19: Mr Chamberlain to Sir Hercules Robinson, 4.1.1896.

³¹⁹ BPP C.7933, No. 102, p. 37: Sir Hercules Robinson to Mr Chamberlain, 8.1.1896.

³²⁰ Denholm, A.F., "Lord Ripon and Liberal Party policy in Southern Africa 1892-1902" in *Australian Journal of Politics and History*, Vol. 27, No. 2, 1981, pp. 236-237.

could be credited with forcing the Transvaal government to attend to some of the Uitlander grievances. The Pass Law of 1896 was introduced in an attempt to restrict the desertion of labourers and control competitive recruiting on the mines. Kruger also supported changes in employment conditions such as a decrease in wages during 1896 and 1897 and an increase in the number of shifts per month (from 24 to 30). The Transvaal government also addressed the decrease in African labour due to wage cuts. An agreement was negotiated with the Portuguese which ensured a constant supply of labour from Mozambique. The percentage of Mozambique labourers on the Transvaal mines subsequently increased from 50% in 1890 to 75% in 1899.³²¹ The Jameson Raid also increased the cooperation of mine owners, and the mining companies collaborated to regulate the African labour supply and to reduce wages.³²²

The Jameson Raid had a negative impact on the British government since Britain was criticised for being implicated in a conspiracy against the Transvaal. In the Transvaal, the raid strengthened Kruger's position and led to closer cooperation with the Orange Free State. It also led to renewed anti-imperialist feelings in the state.³²³ Before the Jameson Raid, the Transvaal Afrikaners did not all support Kruger. Some of the younger Afrikaners believed that reform was required in the Transvaal, and deputations visited Kruger to discuss the Uitlander situation. The Transvaal Liberal Party, led by General Piet Joubert, opposed Kruger's government. The party did not share Kruger's negative attitude towards the Uitlanders. The Transvaal liberals also felt resentful due to the large number of Dutch and German citizens who were employed in highly paid public positions.³²⁴

In 1896, after the Jameson Raid, Kruger promised definite reforms, but no substantial improvements were implemented.³²⁵ The Aliens Expulsion Bill was passed in 1897 which allowed the State President to deport any person who was perceived as endangering internal security. The person had to leave the Transvaal within fourteen days, and Uitlanders had no right to appeal the decision. Any Uitlander who refused to leave would be imprisoned for six months and was then deported from the country.³²⁶ A law forcing British citizens to carry passes was proposed but withdrawn due to complaints from the High Commissioner. The liquor traffic among Africans also remained unchecked.³²⁷ John Hammond believed that

³²¹ Maloka, T., "Mines and labour migrants in South Africa" in *Journal of Historical Sociology*, Vol. 10, No. 2, 1997 p. 216.

³²² *The Economist*, 12.9.1896, p. 1182.

³²³ Giliomee and Mbenga (eds), pp. 207-208.

³²⁴ Hammond, pp. 308-309.

³²⁵ *The Times*, 2.5.1899, p. 4.

³²⁶ Foreign and Commonwealth Office Collection: *Handy notes on South Africa for the use of speakers and others* (pamphlet), 1896, p. 3.

³²⁷ *The Times*, 2.5.1899, p. 4.

Kruger feared the extension of the franchise to Uitlanders since he believed that they would elect an Uitlander president or a liberal Afrikaner.³²⁸

Chamberlain portrayed the Uitlander grievances as part of the struggle against the restriction of civil liberties.³²⁹ The franchise question remained a major grievance. After a residence period of two years a British citizen could apply for a certificate of naturalisation. Naturalisation involved taking an oath of allegiance, the payment of £5 and performing military service. Naturalisation also allowed Uitlanders to vote for the Second Chamber but since the First Chamber had a veto over all legislation it was a powerless body. After an additional period of twelve years of naturalisation the person received the right to vote for the First Chamber but this did not include the right to vote for the President. A period of fourteen years was therefore required to obtain the franchise. Since the person relinquished his British citizenship when taking the oath of allegiance, he was disenfranchised for twelve of the fourteen years, and during that period he was therefore neither a British nor a Transvaal citizen. At the time of the 1881 Pretoria Convention, in contrast, the possession of property or a residence period of one year entitled people to citizenship.³³⁰

A petition signed by 21 000 Uitlanders was received by the Colonial Office in May 1899. The petition outlined their grievances as the following: they had no say in the determination of tax rates or the payment of officials, no influence in the Johannesburg municipal government, their newspapers were not allowed freedom of expression and they were not permitted to organise public meetings. The franchise remained an important grievance and the Uitlanders resented the fact that they paid most of the taxes in the country without political representation.³³¹ Other complaints by the Uitlanders included objections to the treatment of Africans and British Indians.³³²

Mine owners and managers also outlined economic grievances, especially with regard to labour in the Transvaal. They believed that it was the responsibility of the Transvaal to ensure a regular supply of both white and African labour to the mines. Through liquor laws the government had to control the intoxication of labourers and reduce the price of food, which impacted on wages. Further grievances included the payment of premiums to African

³²⁸ Hammond, p. 317.

³²⁹ Giliomee and Mbenga (eds), p. 208.

³³⁰ Foreign and Commonwealth Office Collection: *Handy notes on South Africa for the use of speakers and others* (pamphlet), 1896, p. 8.

³³¹ *The Times*, 2.5.1899, p. 4.

³³² CAB 37/50, No. 70, p. 11: Appendix list of causes of complaint against South African Republic, 6.9.1899.

chiefs for the supply of labourers, the payment of extra fees to Native Commissioners to procure labour, the lack of compounds, and the non-enforcement of liquor and pass laws.³³³

The British government, in correspondence with the Transvaal, emphasised that the benefits of the London Convention had been restricted by legislation to only a small number of Transvaal residents. British subjects did not receive the equal rights which the London Convention envisioned and were placed in a subordinate position politically.³³⁴ The subject of equal rights was seen as an important part of negotiations with the Transvaal. It was important to establish the principle that British subjects in southern Africa should not be treated as inferior. It was felt that allowing the Transvaal to become the most powerful nation in southern Africa would threaten the existence of free institutions and civilisation, and leave the African population unprotected.³³⁵

Milner was authorised to meet President Kruger at a conference in Bloemfontein in the hope that they could reach an agreement regarding the Uitlanders. The British government hoped that Kruger's decision to attend the Bloemfontein Conference would lead to proposals to address Uitlander grievances. During the Bloemfontein Conference (31 May to 5 June 1899), Milner emphasised reform of the political system which would give the Uitlanders access to political rights.³³⁶

Milner proposed that the full franchise should be given to foreigners who had been living in the Transvaal for a period of five years. President Kruger disapproved of the proposal since it would create an Uitlander majority and would allow them to control the enactment of legislation.³³⁷ Kruger instead proposed a Reform Bill, which did not allow for long-time residents of the Transvaal to receive the franchise in a shorter period.³³⁸

The Bloemfontein Conference was terminated with no outcome, and afterwards the President made two further proposals. The first proposal contained a seven year retrospective franchise and four additional seats in the mining districts, and was enacted as law by the Volksraad. The British government doubted whether the law would secure political rights for the Uitlanders due to restrictions included. The Transvaal therefore proposed a five year

³³³ *The Manchester Guardian*, 21.7.1899, p. 10.

³³⁴ CAB 37/50, No. 46, p. 2: Draft of despatch from Joseph Chamberlain to High Commissioner, Sir Alfred Milner, 19.7.1899.

³³⁵ *House of Commons Debates*, 17.10.1899, Vol. 77, cc60-160.

³³⁶ CAB 37/50, No. 46, p. 5: Draft of despatch from Joseph Chamberlain to High Commissioner, Sir Alfred Milner, 19.7.1899.

³³⁷ BPP C.9404, No. 1, p. 3: High Commissioner Sir Alfred Milner to Mr Chamberlain, 14.6.1899.

³³⁸ CAB 37/50, No. 46, pp. 6-7: Draft of despatch from Joseph Chamberlain to High Commissioner, Sir Alfred Milner, 19.7.1899.

retrospective franchise and eight additional seats for the mining districts on condition that the British government would stop meddling in the internal affairs of the Transvaal. The British government indicated that they were unwilling to stop interference with regard to the position of British subjects, and the Transvaal government withdrew their proposal and reiterated that the country was an independent state.³³⁹

In September 1899 Joseph Chamberlain outlined the main guidelines for colonial policy in South Africa. These guidelines included: maintaining the position and authority of Britain thereby eliminating all interference by foreign nations, securing equal rights for all Europeans living in the Transvaal, and ensuring that the African population was treated decently. He believed that the Transvaal had discriminated against a large number of white inhabitants by placing them in a subordinate position. The treatment of Africans and British Indians was also unacceptable.³⁴⁰ The stalemate between the British and Transvaal governments subsequently contributed towards the outbreak of the Anglo-Boer War in 1899.

3.4 Confederation

In 1858 the president of the Orange Free State, J.N. Boshoff, promoted a South African federation which would include the British colonies and Afrikaner republics.³⁴¹ The British government, however, only favoured a confederation of the Cape Colony, British Kaffraria and Natal. They were not willing to extend their influence through a confederation with the two Boer republics. Sir George Grey discussed the Orange Free State's willingness to join a confederation in the Cape Parliament. His support for confederation led to his immediate recall by the Secretary of State for the Colonies, Sir Edward Bulwer-Lytton. The change in government in Britain meant that the new Secretary of State for the Colonies, the Duke of Newcastle, allowed Grey to return to South Africa but with strict instructions not to attempt any confederation effort.³⁴²

In November 1868 a despatch from the Duke of Buckingham, Secretary of State for the Colonies, to P.E. Wodehouse indicated Britain's renewed interest in a confederation. Buckingham stated that by suggesting the concept of a confederation to the Afrikaner republics it would benefit the British colonies and help with maintaining peace in South Africa. But M.W. Pretorius, President of the Transvaal, had no interest in joining a

³³⁹ CAB 37/50, No. 70, pp. 5-6: The South African situation, 6.9.1899.

³⁴⁰ CAB 37/50, No. 72, p. 3: Draft Joseph Chamberlain to Sir Alfred Milner, 23.9.1899.

³⁴¹ Amery, pp. 224-225.

³⁴² Van der Walt, p. 2.

confederation. He preferred to maintain the independence of the Transvaal and through negotiations with foreign states the Transvaal was acknowledged by the Netherlands, France and Belgium.³⁴³

The Colonial Office believed that a confederation was a strategy that could solve many of the problems experienced in South Africa. There were already large capital investments of British origin and the inclusion of these areas would be advantageous for future British investments. Civilisation would also be increased since the repressive labour systems prevalent in these areas could be checked. Border disputes leading to armed conflicts could be tempered through a system of confederation. In 1868 the Natal Legislative Council passed resolutions wherein they recommended the annexation of the Orange Free State and the Transvaal. They believed that there were common interests between the British colonies and the Afrikaner states and that the union of all these areas under British rule would advance the development of the whole of southern Africa. The resolutions emphasised that due to the existence of separate territories, disturbances in the surrounding areas could not be addressed in a timely fashion. In their opinion, the independence of the Transvaal also ensured that practices such as child apprenticeships endured. The independence of the Orange Free State was seen as a barrier to progress and to the advancement of civilisation. In their view, progress was retarded by the Orange Free State's opposition to the electric telegraph and the building of railroads and a bridge over the Orange River. Foreign banks were not allowed in the area, the investment of capital was regulated and missionaries were expelled from Basutoland.³⁴⁴

On 6 November 1871 William Gladstone, the British Prime Minister, reported to Queen Victoria that a cabinet meeting authorised Lord Kimberley to encourage confederation efforts in South Africa. The Dominion of Canada would be used as a basis for confederation in the region.³⁴⁵ South Africa presented a huge problem to the British government due to its varied population. It consisted of British colonies, Afrikaner republics and African societies. Confederation would decrease Britain's responsibilities and help to establish a single policy addressing African administration, labour, trade and internal security.³⁴⁶

The Langalibalele rebellion in Natal in 1873 once again focused attention on the situation of the African population in South Africa. Lord Carnarvon acknowledged the

³⁴³ Van der Walt, pp. 4-5.

³⁴⁴ *House of Commons Debates*, 3.3.1871, Vol. 204, cc1275-1296.

³⁴⁵ CAB 41/3, No. 44, Mr Gladstone to Her Majesty, the Queen: 6.11.1871.

³⁴⁶ Giliomee and Mbenga (eds), p. 194.

importance of a uniform system to administrate African affairs, and he felt that there was a great risk to having different systems of African administration. He saw the existence of different governments ruling over small European populations with diverse African policies as a risk factor for indigenous disturbances. There was the danger that African populations would collaborate to attack any of the governments in South Africa. Even if no direct threat from the African populations was present the different governments had to expend resources on police and military forces to guard against attacks from inside and outside their borders. The resources could alternatively be used in the development of communities and the advancement of civilisation. Lord Carnarvon saw the African question as the most important reason for the states and colonies in South Africa to discuss confederation.³⁴⁷

The favourable outcome of confederation in Canada motivated Lord Carnarvon to implement a comparable confederation scheme in South Africa.³⁴⁸ A despatch was sent on 4 May 1875 which proposed confederation to the South African colonies and states.³⁴⁹ In 1875 he sent the historian, Mr James Anthony Froude, to South Africa to investigate the political conditions and to smooth the way for the proposed confederation bill.³⁵⁰ Carnarvon also planned to host a conference to assist with the implementation of confederation.³⁵¹

It was hoped that Mr Froude's presence in the Cape Colony would create a more positive feeling about confederation. At a dinner in Cape Town he outlined the reasons for the proposed conference on confederation. The African policy was highlighted as a major problem that would be addressed by the conference, especially in the light of the Langalibalele rebellion. The boundary question and the position of Griqualand West would also be discussed. The conference would, therefore, allow the colonies and states to discuss the different issues in South Africa and to generate possible solutions. Froude also emphasised that there would be no interference with regard to the responsible government granted to the Cape Colony.³⁵²

The Cape Colony was, however, not in favour of confederation. Responsible government was granted to the colony in 1872 after a long delay due to contentious issues like the cost of defence and problems with African administration. The new government of John Molteno was therefore quite protective of their newly acquired independence. The

³⁴⁷ BPP C.1244, No. 1, pp. 1-3: The Earl of Carnarvon to Sir Henry Barkly, 4.5.1875.

³⁴⁸ Martineau, J., *The life and correspondence of Bartle Frere*, Vol. II, p. 171.

³⁴⁹ CAB 37/1, No. 16, p. 3: Present position of confederation, 1880.

³⁵⁰ Amery, pp. 224-225.

³⁵¹ Van der Walt, p. 8.

³⁵² *Ibid.*, p. 3.

despatch sent by Lord Carnarvon regarding confederation stated that the Cape Colony should join in a conference along with Natal and other areas that were governed as crown colonies. The Cape Colony feared not only its loss of independence but also that the colony would be divided into eastern and western parts. This division was rejected in the Cape Colony before the grant of responsible government in 1872.³⁵³ Since the annexation of British Kaffraria in 1865, the Cape regarded the motives of the British government with suspicion.³⁵⁴ The opinion expressed in public journals as well as by public meetings indicated that a large number of Cape residents were not in favour of confederation.³⁵⁵

There was, however, also a section of the colonists who supported confederation and they were unhappy with the way in which the government dealt with the confederation question. Colonists held public meetings at towns like Graaff-Reinet, Grahamstown and Cradock that passed resolutions stating their regret with regard to the actions taken by the Cape government. Resolutions adopted emphasised that confederation was a worthwhile objective and regretted that no opportunity was allowed for public participation.³⁵⁶

Froude promoted confederation by emphasising the positive reaction to confederation in the Transvaal and the Orange Free State. According to Froude, President Burgers looked forward to a future in which Afrikaners and the British would be one nation. Burgers, however, emphasised that this would only be possible in the distant future. He believed that the Afrikaner states could not stand alone and that the Transvaal benefited from its connection with Britain.³⁵⁷ Lord Carnarvon feared that President Burgers' plans to achieve economic independence for the Transvaal through a railway link to Delagoa Bay would impact negatively on his federation plans. The planned railway line would also affect the importance of Durban as a harbour. The discovery of gold in Lydenburg further threatened the Transvaal's dependence on the British colonies.³⁵⁸

In Britain, humanitarians were not in favour of a confederation since they believed that the withdrawal of British control over South Africa would threaten the position of African groups. The belief that the republics were practising slavery raised fears that this

³⁵³ Amery, pp. 224-226.

³⁵⁴ Molteno, p. 116.

³⁵⁵ *The Times*, 4.8.1875, p. 3.

³⁵⁶ *Ibid.*

³⁵⁷ *The New York Times*, 7.4.1875, p. 1.

³⁵⁸ Van der Walt, p. 9.

practice would be extended, and that the apprenticing of women and children would be escalated.³⁵⁹

The proposed conference would discuss African policy, the administration of justice, and other issues that impacted on the entire South Africa. The British government believed that substantial changes were required to the colonies' African policy and to the application of African law. These changes would ensure the future civilisation of Africans by placing them under British law. Their civilisation would also be assured through the encouragement of education and participation in labour and industry. Sir Henry Bulwer believed that this would enable Africans to understand both the rights and responsibilities of British citizenship.³⁶⁰ The legislation relating to vagrancy and pass laws would also merit attention.³⁶¹ The Conference on South African Affairs commenced on 3 August 1876. The decision of the Cape Colony not to attend did, however, not enhance the prospects of a confederation.³⁶²

Renewed efforts regarding a confederation were initiated after the war between the Transvaal and the Pedi in 1876. The war once again emphasised the importance of a uniform African policy applicable to all areas in southern Africa.³⁶³ In 1877 Sir Bartle Frere was appointed as Governor and High Commissioner to South Africa. During a dinner hosted before Frere's departure for the Cape, Lord Carnarvon emphasised the problematic nature of the African question in southern Africa as evidenced by the Langalibalele Rebellion of 1873, the Transvaal-Pedi War of 1876 and the confrontational nature of relations with the Zulus. The difficulty of the confederation of the different areas in South Africa was also stressed.³⁶⁴

He received special powers to institute the confederation scheme. The South Africa Act of 1877 was enacted by the British Parliament to facilitate the confederation of South Africa.³⁶⁵ The Act would empower colonists to negotiate the terms of the confederation, but the British government provided for the protection of African and other groups within the union government. All legislation affecting these groups had to be approved by the British government.³⁶⁶

³⁵⁹ LSE Selected Pamphlets Collection: Wedderburn, D., *British colonial policy*, 1881, p. 26.

³⁶⁰ BPP C.1401-I, No. 34, Inclosure, pp. 90-91: Speech of his Excellency Sir Henry Bulwer on opening the Fourth Session of the Seventh Legislative Council, 30.9.1875.

³⁶¹ BPP C.1631, p. 66: Speech of the Earl of Carnarvon at the Conference on South African Affairs, 3.8.1876.

³⁶² CAB 37/1, No. 16, p. 3: Present position of confederation, 1880.

³⁶³ BPP C.1732, No. 1, Inclosure, pp. 5-6: Shorthand writer's report, 8.11.1876.

³⁶⁴ *The Times*, 2.3.1877, p. 9.

³⁶⁵ CAB 37/1, No. 16, p. 3: Present position of confederation, 1880.

³⁶⁶ *The Times*, 4.9.1877, p. 6.

The reaction to this act varied between the states and colonies. The Natal Executive Council believed that the South Africa Act would enhance growth and that the central administration of African affairs would be beneficial. The proposed free trade among colonies would also increase the prosperity of Natal planters and merchants. The uniform system under which immigration would be conducted by the South African government with its Agent-General in London would increase emigration to Natal.³⁶⁷ The Orange Free State Volksraad was, however, not willing to sacrifice the country's independence by joining a confederation.³⁶⁸

Opposition from the Cape Colony and the Afrikaner republics to a confederation meant that no progress was made. Carnarvon therefore had to resort to other methods to achieve confederation.³⁶⁹ Carnarvon saw the weak financial position of the Transvaal and the danger of a Zulu attack from its south-eastern border as an opportunity to force the Transvaal to join the South African federation.³⁷⁰

The Ninth Frontier War (1877-1879) and the Anglo-Zulu War (1879) retarded confederation efforts in South Africa.³⁷¹ After the conclusion of the Anglo-Zulu War, Sir Michael Hicks Beach outlined new instructions regarding confederation and Sir Bartle Frere was tasked with facilitating confederation in South Africa. In his despatch Hicks Beach stated that the British colonies should not rely on British troops for protection. Confederation would allow South Africa to be responsible for its own military defence.³⁷²

On 15 September 1879 the ministry in the Cape Colony addressed a minute to Sir Bartle Frere regarding confederation. The minute stated that the termination of hostilities in Zululand meant that Cape ministers would once again consider the confederation question. The proposed settlement plan for Zululand was requested by the Cape ministry since they wanted to compare the African policy outlined for Zululand with the policy adhered to in the Cape Colony. They also wanted to assess whether it would ensure long-term peace in Natal.³⁷³

The position of the different territories in southern Africa with regard to confederation was outlined in a Colonial Office memorandum. The memorandum emphasised that Natal

³⁶⁷ BPP C.1980, pp. 10-11: Minute of the Executive Council on the Permissive Confederation Bill, 24.4.1877.

³⁶⁸ BPP C.1980, No. 7, p. 17: President Brand to the Earl of Carnarvon, 29.5.1877.

³⁶⁹ Van der Walt, p. 8.

³⁷⁰ Giliomee and Mbenga (eds), p. 194.

³⁷¹ CAB 37/1, No. 16, p. 3: Present position of confederation, 1880.

³⁷² *Ibid.*, p. 3.

³⁷³ *Ibid.*, p. 5.

would only receive self-government within a confederation. As long as Natal was a separate colony with a small European population it could not be granted responsible government. In joining the confederation, the Transvaal would be able to administer its local affairs under responsible government.³⁷⁴ In the Queen's speech during the opening of Parliament on 20 May 1880 she stated her support for the proposed confederation in South Africa and emphasised that British rule over the Transvaal would ensure the protection of the African races.³⁷⁵

In a despatch of the Earl of Kimberley to Sir Bartle Frere on 20 May 1880, Frere was instructed to attempt to implement confederation. The annexation of the Transvaal could not be withdrawn, but Kimberley hoped that a successful confederation would enable the grant of responsible government to both the Transvaal and Natal. Frere was also instructed not to allow any further extension of British territory in southern Africa and to ensure peace with African tribes.³⁷⁶

The provisions of the South Africa Act of 1877 enabled the Queen to create a South African Union, but these provisions were only valid up to 1 August 1882. By the end of 1880 the military opposition of the Transvaal Afrikaners indicated that their main objective was to re-establish the Transvaal's independence. Confederation and self-government could only be addressed when peace was restored in the country.³⁷⁷ The Orange Free State was not in favour of confederation. They adhered to a decision taken in 1877 in which they informed the British government that they would not be willing to lose independence.³⁷⁸ The British government promised to grant self-government to the Transvaal and the failure to deliver on this led to disquiet in the rest of South Africa. The Cape Parliament subsequently rejected confederation in June 1880.³⁷⁹ In the instructions to Sir Hercules Robinson in December 1880, the Secretary of State for the Colonies emphasised the importance of confederation not only for South Africa but also for the British Empire. The confederation would lead to peace in the British territories and would also allow Natal to receive responsible government.³⁸⁰ The conflict in the Transvaal and the decision of Mr Gladstone's government to restore the

³⁷⁴ *Ibid.*, p. 6.

³⁷⁵ CAB 37/5, No. 10, p. 4: Memorandum Colonial Office, 1881.

³⁷⁶ CAB 37/5, No. 10, pp. 3-4: The Earl of Kimberley to Governor Sir Bartle Frere, 20.5.1880.

³⁷⁷ BPP C.2754, pp. 3-4: The Earl of Kimberley to Sir Hercules Robinson, 30.12.1880.

³⁷⁸ BPP C.1980, No. 7, p. 17: President Brand to the Earl of Carnarvon, 29.5.1877.

³⁷⁹ Amery, p. 225.

³⁸⁰ CAB 37/5, No. 10, p. 10: Memorandum Colonial Office, 1881.

Transvaal's independence halted all efforts to confederate the states and colonies in South Africa.³⁸¹

Up to the Anglo-Boer War, the focus shifted from an external effort to confederate territories to an internal effort. During the early 1880s Cecil John Rhodes formed a close relationship with the Afrikaner Bond of Jan Hofmeyr. Rhodes supported Hofmeyr on issues such as restricting the African franchise in the Cape, disallowing some imports from Britain and also lobbying for equal rights for Afrikaners. Rhodes and Hofmeyr emphasised an internal approach to confederation and agreed to cooperate to establish a united South Africa under the British government. The Cape Colony would be the most influential entity in this united South Africa. The Cape also wanted to establish a customs union which would create a common market. In contrast, Paul Kruger wanted to ensure the Transvaal's independence by restricting all outside interference. He also rejected a customs union and subsequently imposed heavy duties on Cape goods. Hofmeyr and Rhodes believed that the policies followed by Kruger would discourage the unification of South Africa for an indeterminate period.³⁸²

During the late 1880s the policy followed by the British government in South Africa was based on the extension of British influence through cooperation with the colonies and the republics. This policy was not approved of in all quarters. In 1888 Sir Hercules Robinson condemned it and stated that direct British rule in a future South Africa was no longer viable. He believed that the British government should use its influence to ensure future transfer of African territories to the Cape Colony and Natal.³⁸³

In 1896 direct British control continued to be an important component of the British policy followed in South Africa. Joseph Chamberlain, Secretary of State for the Colonies, emphasised that the British policy in South Africa had two important objectives, namely maintenance of peaceful relations and safeguarding British authority. Confederation was perceived as the only way that these two objectives could be achieved. In the 1890s the German presence in Damaraland as well as French control over Madagascar was perceived as a threat to British rule in South Africa. The problems in the Transvaal were also believed to increase the risk of foreign interference in South Africa.³⁸⁴

³⁸¹ Amery, p. 225.

³⁸² Giliomee and Mbenga (eds), p. 197.

³⁸³ CO 879/31, No. 380, pp. 2-4: Speech delivered by Sir Hercules Robinson at Cape Town, 27.4.1889.

³⁸⁴ Foreign and Commonwealth Office Collection: *Handy notes on South Africa for the use of speakers and others* (pamphlet), 1896, pp. 29-30.

In Natal, confederation was once again debated during the late 1890s. The Natal Progressive League favoured confederation and during a meeting on 25 November 1898 Harry Escombe, a previous Prime Minister of Natal, publicly announced his support for a scheme that would unite the entire South Africa.³⁸⁵ He emphasised that the first steps towards confederation had to be taken by the states and colonies in South Africa. The governments of these areas had to generate solutions for problems such as African policy and would have to propose a plan for unifying all the areas under one constitution.³⁸⁶

The Anglo-Boer War halted confederation efforts and after the war the granting of responsible government to the Transvaal was once again considered. The labour question in the country required a more unified approach. The mining and agriculture industries of South Africa were unable to reach their full potential due to the different resource management policies followed in the colonies. In many instances the demand for labour was located in one colony and the supply in another. Private individuals were tasked with bringing the supply and demand together, but their actions were restricted by the various pieces of legislation regulating the labour environment in the different colonies. The amount of labour available could not be determined until there was one department in South Africa which was responsible for managing the labour supply. Other questions that had to be addressed were the strategies with regard to the immigration of Asians and the management of Africans and other coloured groups.³⁸⁷

Supporters of a confederation promoted it as a way to solve post-war problems in South Africa. It was recommended that a confederation be attempted on the same basis as the establishment of the Dominion of Canada and the Commonwealth of Australia but such a confederation could only be established with the approval of all the South African colonies.³⁸⁸

In his memorandum reviewing the steps to be taken in securing confederation the Earl of Selborne not only emphasised the negative aspects of the separate governments in South Africa, but also focused on the conflicts regarding economic issues such as railways. President Kruger awarded the Delagoa Bay railway a monopoly of Transvaal rail traffic. In return concessions were given that had a negative effect on Cape Colony and Natal rail

³⁸⁵ TNA, Dominions Office (DO) 119/542: Enclosure in secret despatch of 15 February 1899, Governor Walter Hely-Hutchinson to Secretary of State, 28.11.1898.

³⁸⁶ DO 119/542: Enclosure 1, Secret despatch of 15 February 1899, *Natal Mercury*, 26.11.1898.

³⁸⁷ BPP Cd.3564, No. 1, Enclosure 2, pp. 7-8: High Commissioner to Governor of the Cape, 7.1.1907.

³⁸⁸ CAB 37/81, No. 185, Memorandum by the Marquis of Ripon: Constitution of the Transvaal, pp. 1-2: 6.12.1905.

networks and ports. Selborne, therefore, recommended that all the railway networks be consolidated.³⁸⁹

The Native Affairs Commission of 1903 to 1905 was appointed to investigate the formation of a uniform policy towards Africans in South Africa. The Bambatha Rebellion that occurred in Natal 1906 convinced many white residents in South Africa that the country required a uniform system for the management of Africans. Due to the suppression of the rebellion, liberals in Britain supported a confederation since it was believed that it was the only way to protect the Africans. In 1908 the National Convention began negotiations to establish a constitution for a united South Africa. A controversial matter was the African franchise question, but it was decided to address this at a later stage and the Union of South Africa was formed in 1910³⁹⁰ through the enactment of the South Africa Act of 1909. The act protected the franchise rights of citizens of the Cape Colony who were not excluded due to race or colour.³⁹¹

4. Evaluation

The colonial policy instituted by the British government in the colonies impacted not only on the colonial governments but also on capital and labour within the colonies. The British presence in South Africa and the colonial policy guidelines provided by the British government had a major impact on the country, especially with regard to the administration of the different areas. The British government ruled crown colonies and colonies with representative and responsible governments in different ways. Crown colonies were directly controlled by Britain and legislation and political decisions were made by the appointed governor. Britain could therefore directly influence policy concerning indigenous groups and labour. The gradual change in the government structure of the South African colonies culminated in responsible government, which divested Britain from full control over internal affairs. It only allowed for British authority in terms of external relations and a veto on unacceptable legislation enacted by a colonial government. After achieving responsible government the colonies were therefore in control of aspects such as labour legislation. Decisions regarding employment conditions and the labour environment were administered by the colonial governments without input from Britain. This minimised British influence in self-governing colonies, and interference was only evident in instances where allegations

³⁸⁹ *The Advertiser*, 5.7.1907, p. 7.

³⁹⁰ Giliomee and Mbenga (eds), pp. 229-230.

³⁹¹ Eybers, pp. 528-529.

were made of the presence of slavery such as during the Langeberg Rebellion and the subsequent apprenticing of rebels in the Cape Colony in 1897. Although interference from Britain was restricted in colonies with responsible government, the actions of colonial governments and capital were frequently criticised by the British government hoping to influence decision-making in the colonies. Political events and economic issues were also criticised in the House of Commons while humanitarian and civil society groups as well as the British press focused attention on events in South Africa. Opposition parties used political events, allegations of slavery and the abuse of civil, political and labour rights to criticise the governing party and to strengthen their own positions during election campaigns.

The civil and political rights of African and other non-white groups³⁹² were basically non-existent. Although the constitutions of the Cape Colony and Natal provided for non-racial equality with regards to the franchise, voting qualifications ensured that only a small number of African and other coloured groups qualified, leaving the majority of inhabitants disenfranchised. The Transvaal and Orange Free State constitutions were even more discriminatory and determined that the franchise would only be extended to white inhabitants. Civil rights such as freedom of movement were restricted by pass and vagrancy legislation. Indigenous groups in South Africa, therefore, found it difficult to establish and protect their labour rights. The lack of a political voice also led to the enactment of coercive masters and servants legislation, which further eroded civil and labour rights. The loss of land also forced indigenous groups to join a labour force in which employment conditions were strictly controlled and labour rights not protected.

The state of British civil, political and labour rights during the same period also serves to highlight the influence of Britain in South Africa. The rights of British citizens were entrenched in the Magna Carta of 1215 and the Bill of Rights of 1689 which protected rights such as property ownership and religion. Political rights up to the 1830s were, however, restricted to a small minority. The reform acts increased the number of voters by extending political rights to more British voters, but a property qualification restricted the franchise to qualifying males, while females were totally excluded. The Cape Colony and Natal had similar property qualifications which excluded most of the indigenous people. Increased political rights in Britain strengthened the labour movement and allowed workers to demand protection for their labour rights. Restrictions on trade unions were lifted and employment

³⁹² When terms like “non-white(s)” and “coloureds” are sometimes used out of necessity, no negative connotations are implied.

conditions improved. In South Africa the lack of labour rights restricted trade union formation to skilled white artisans during the late nineteenth century. Although strikes and riots occurred among African workers, government control over labour meant that strikes were short-lived. Little improvement was made to employment conditions and unskilled labourers were often replaced by others. The lack of civil and political rights were continued in the apartheid years and only with the institution of democracy in 1994 were human rights including civil liberties and labour rights entrenched in the Constitution. The Constitution placed all inhabitants of the country on an equal footing.

To further assess Britain's role it must be asked whether Britain could have used its control over colonies in South Africa to ensure that a more equal relationship was established between white and other groups through the allocation of civil and political rights. The protracted transition to democracy in Britain during the nineteenth century and the exclusion of many voters from the franchise indicates the lack of equal rights. Why would political rights and full democracy be extended to all the citizens of British colonies if Britain used a property qualification to exclude its own citizens?

Ideas and philosophies that exerted influence on the British mindset also ensured that political rights and civil liberties would not be extended. Although the humanitarian movement and missionary societies attempted to protect the human rights of indigenous people, many other philosophies and theories focused on the lack of development of these groups. Enlightenment theory and scientific racism both placed indigenous groups on the lower levels of development and perceived Britain and its white subjects to have attained the pinnacle of civilisation. Indigenous groups were portrayed as uncivilised and inferior. Although the British government frequently criticised their treatment it did not motivate the government to place them on an equal footing with white citizens. The interest in the extension of equal civil and political rights to indigenous groups also deteriorated during the latter part of the nineteenth century as the humanitarian view of change and universal progress declined. Racist ideas consolidated the belief in indigenous inferiority and their inability to attain a civilised state. It is therefore clear that equality would not be extended to groups deemed inferior. Racist ideas contributed to a change in attitude towards African and other coloured groups in South Africa. This was reflected in the treatment and employment conditions of these groups within the labour environment. Political events such as the many frontier wars in the Cape Colony as well as the Anglo-Zulu War in Natal also facilitated discrimination and contributed to prejudice in the labour environment. The economic

development of South Africa, enhanced by the discovery of gold and diamonds, led to a labour environment in which African groups formed the unskilled base of the labour force while white employees filled management and skilled positions. Annexation of African territories, land appropriation by colonists and increased tax obligations meant that more African labourers joined the labour force and participated in a labour environment with restricted rights and liberties.

The colonial policy applied to South Africa varied according to the governing political party in Britain. The nineteenth century was characterised by the differing attitudes of the Liberal and Conservative Parties towards imperialism, which was evident by the acquisition of new territories in South Africa. In the case of the Orange Free State, the territory was annexed by Britain in 1848, but with a change in government British influence was withdrawn and the territory was once again allowed to become independent. The annexation of the Transvaal in 1877 was defended on various grounds, including dubious allegations of slavery, and was another example of the inconsistent policy towards annexation. Confederation was another aspect of colonial policy in South Africa that had an inconsistent application. Confederation was closely linked with the acquisition of new territories and it failed if the government in power was not in favour of the extension of British influence. Sir George Grey's plans for a confederation in 1858 failed due to a lack of interest by Britain in the acquisition of the Orange Free State. The confederation attempt of Lord Carnarvon in the 1870s was closely linked with the successful annexation of the Transvaal but in reality it failed because of the fallout of this annexation throughout the whole of South Africa.

The changing colonial policy of the British government contributed to many of the major political events in South Africa such as the frontier wars, the creation of the Orange Free State and Transvaal as independent republics, the Anglo-Zulu and Anglo-Boer Wars as well as the creation of responsible governments in the Cape Colony (1872), Natal (1893), the Transvaal (1906) and the Orange Free State (1907). The labour environment was directly influenced by legislation enacted in the self-governing colonies and indirectly through the repercussions of each political event. The wars in South Africa eroded the independence of African communities and led to the appropriation of African land, forcing people from these communities to join the labour force. The independence of the Orange Free State and Transvaal allowed the republics to create a government system in which the African population was disenfranchised, with no inputs with regard to taxation, labour legislation and

pass laws. Africans and other coloured groups were unable to join the labour force on their own terms and in many instances were coerced to become labourers on farms and mines.

The Universal Declaration of Human Rights was adopted in 1948 and determines that all human beings have equal rights and that no discrimination is allowed on the grounds of race, colour, religion or social origin. The declaration also determines that everyone has the right to work, the freedom to choose their own employment and the right to work in favourable conditions.³⁹³ The Constitution adopted in South Africa after 1994 expands on these provisions of the declaration and stipulates that all citizens will have equal rights and privileges. All citizens are also equal before the law and no discrimination is allowed based on race, gender, ethnic group, colour or religion. Slavery is prohibited and citizens are allowed to freely assemble or demonstrate. Freedom of association is protected along with political rights which allow every citizen to vote and to stand for public office. Freedom of movement is entrenched, and the Constitution determines that everyone has the right to freedom of movement and that everyone would be allowed to live anywhere in South Africa. Freedom of trade, occupation and profession gives every citizen the right to select a trade, occupation or profession of their choice. Labour rights are also outlined in the Constitution and every worker has the right to join a trade union and participate in a strike, while child labour is deemed illegal. The inclusion of property rights in the constitution ensures that no citizen can be deprived of his property except if compensation is awarded. The Constitution also protects the health of citizens and determines that everyone has the right to an environment that is not detrimental to their health.³⁹⁴

The rights entrenched in the Universal Declaration of Human Rights and the Constitution of South Africa will assist in the investigation of the link between labour policy, legislation and civil, political and labour rights in the historic period under discussion namely 1867 to 1910. The influence of British legislation and the role of the British government in the development of labour legislation and the determination of employment conditions in South Africa will also be addressed.

³⁹³ “The universal declaration of human rights”, <<http://www.un.org/en/documents/udhr>>, accessed 4.4.2014.

³⁹⁴ Republic of South Africa, “Constitution of the Republic of South Africa, No. 108 of 1996”, <www.gov.za/documents/constitution/1996/a108-96.pdf>, accessed 12.9.2013.

CHAPTER 2

DEVELOPMENT OF LABOUR LEGISLATION IN SOUTH AFRICA

1. Introduction

One of the major influences of Britain on the labour environment in South Africa was in the field of labour legislation. It is impossible to discuss labour legislation in South Africa in isolation from legislation in Britain. British masters and servants laws and vagrancy acts formed the basis for the legislation adopted in South Africa. Masters and servants legislation regulated the relationship between employees and employers and this chapter will, therefore, define the concepts of an employee and employer in both Britain and South Africa. The employment contract will then be discussed and the duties of the employee and employer outlined. The next section provides an overview of British masters and servants legislation and vagrancy acts enacted in Britain. Highlighting the most important provisions of the British legislation will provide a comparative base for the next section focusing on South African labour law. The development of South African labour legislation in the Cape Colony, Natal, Transvaal and the Orange Free State is discussed under the headings of masters and servants, vagrancy and pass laws, and the changes in conditions of service relating to employees.

2. Definitions

The concepts of an employee and employer are central to labour legislation in Britain and South Africa, not only in a historical context, but in modern legislation as well. Historically, an employee in labour legislation was referred to as a servant while an employer within the legislation was referred to as a master. In the Masters and Servants Act of 1856 enacted in the Cape Colony, a servant was defined as “any person employed for hire, wages or other remuneration, to perform any handicraft, or other bodily labour in agriculture or manufactures, or in domestic service, or as a boatman, porter, or other occupation of a like nature”.¹ In the British Masters and Servants Act of 1867 the word “employed” was used to refer to an employee and was defined as including “any Servant (other than a Domestic

¹ *The Cape of Good Hope Government Gazette*, 18.1.1856, p. 57.

servant or Apprentice), Workman, Artificer, Labourer, or other Person who has entered into a Contract of Service with any Employer”.² A servant is defined as “an employee whose function is to render service”,³ while a domestic servant is a person “who resides in master’s house and assists in household chores”.⁴ Domestic service included working “as cleaners, cooks, and in doing home-based childcare”.⁵ In the nineteenth century the definition of a domestic servant varied, however, since women performing farm work were also classified as domestic servants, for example.⁶ An artificer is defined as a “skilled craftsman”.⁷ The definition of a workman is “a man hired to do manual labour”⁸ while a labourer is a “person who does heavy work”⁹ or “a person doing unskilled manual work for wages”.¹⁰ Different types of labourers can be identified such as a manual labourer who is a “person who does heavy work with his hands” and a casual labourer who is a “worker who can be hired for a short period”.¹¹ A day labourer is “an unskilled labourer paid by the day”.¹²

The modern definition of an employee in South Africa is found in the Basic Conditions of Employment Act (BCEA) of 1997. An employee is defined as “any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; and any other person who in any manner assists in carrying on or conducting the business of an employer”.¹³ The key concepts within above definitions centre on the fact that the employee is employed by the employer and receives remuneration for the work he or she performs.

The Cape Masters and Servants Act of 1856 defined an employer as “any person, whether male or female, employing for hire, wages, or other remuneration, any person falling within the definition of the word servant”.¹⁴ In the British Masters and Servants Act of 1867 an employer was defined as “any Person, Firm, or Company, together with his or their Agent, Manager or Factor, who has entered into a Contract of Service with any Servant (other than a Domestic Servant or Apprentice), Workman, Artificer, Labourer, or other Person”.¹⁵ In

² British Parliamentary Papers (BPP) 105, p. 3: Master and servant: A bill to amend the law of master and servant, 1867.

³ Garner, B.A., *A dictionary of modern legal usage*, p. 38.

⁴ Shapiro, I., *The new dictionary of legal terms*, p. 66.

⁵ Sheldon, K., *Historical dictionary of women in Sub-Saharan Africa*, p. 63.

⁶ Holloway, G., *Women and work in Britain since 1840*, p. 19.

⁷ Stevenson, A., *Oxford dictionary of English*, p. 89.

⁸ Fowler, H.W. and Fowler, F.G. (eds), *The concise Oxford dictionary: The classic first edition*, p. 1030.

⁹ Collin, P.H., *Dictionary of business*, p. 160.

¹⁰ Stevenson, p. 984.

¹¹ Collin, p. 160.

¹² Stevenson, p. 447.

¹³ Basic Conditions of Employment Act No. 75 of 1997, p. 8.

¹⁴ *The Cape of Good Hope Government Gazette*, 18.1.1856, p. 57.

¹⁵ BPP 105, p. 3: Master and servant: A bill to amend the law of master and servant, 1867.

modern labour legislation in South Africa like the BCEA of 1997 and the Labour Relations Act (LRA) No. 127 of 1998, an employer is not specifically defined. The meaning of the word employer must, therefore, be deduced from the employee definition and an employer can be defined as a person who employs an employee and remunerates him for services rendered.¹⁶

3. Employment Contracts

Under the common law, an employee could be engaged through a written or oral contract. Since 1677 it became common practice to enter into a written contract to facilitate enforcement of the contract.¹⁷ Regulation of the employment contract in Britain before the Industrial Revolution formed part of the law regulating domestic and family lives, and the majority of employees were employed in domestic positions. The Industrial Revolution and the subsequent establishment of factories, which employed a large number of people, placed new emphasis on the employment contract.

The common law employment contract instituted during this period continues to form the foundation of the relationship between employees and employers. It not only establishes the legal basis for a relationship, but in addition features general principles of contract law such as duress, contractual capacity and undue influence.¹⁸ Contractual capacity involves the legal capability to enter into a contract.¹⁹ Duress includes “compulsion illegally exercised to force a person to perform some act”, for instance being coerced into signing an agreement and working for an employer.²⁰ Undue influence addresses situations in which an employee signs an agreement “under such circumstances as to show or give rise to the presumption that he has not been allowed to exercise a free and deliberate judgement”.²¹

Employment contracts could be agreed to by any person either as an employee or employer.²² A fair contract is safeguarded by factors such as competition in the labour market which helps the employee to negotiate an equitable contract with the employer. In many instances the employee, however, has limited employment options and little negotiating power, especially if the employee is unskilled or if high unemployment is experienced in the

¹⁶ Grogan, J., *Workplace law*, p. 20.

¹⁷ Smith, E.M., *A treatise on the law of master and servant including therein masters and workmen in every description of trade and occupation*, p. 30.

¹⁸ Grogan, p. 3.

¹⁹ Garner, B.A., *A dictionary of modern legal usage*, p. 129.

²⁰ *Ibid.*, p. 300.

²¹ Rapalje, S. and Lawrence, R.L., *A dictionary of American and English law*, p. 1309.

²² Smith, p. 1.

labour market. In the Cape Colony the increase in disputes between employees and employers during the early nineteenth century led to the incorporation of English employment law into existing labour legislation.²³

An employment contract under the common law consisted of an individual agreement concluded between an employer and employee.²⁴ It is defined as a “contract between an employer and an employee showing all the conditions of work”.²⁵

Historically, masters and servants laws in South Africa referred to the contract between an employee and employer as a contract of service while, in modern South African legislation, the contract is referred to as an employment contract. A contract of service, according to the Masters and Servants Act of 1856, “comprises any agreement, whether oral or written, whether expressed or implied, which any person falling within the definitions of the word servant or apprentice shall respectively have entered into or made, according to law, with any person falling under the definition of master, for the performance of any work or labour of any kind”.²⁶ In the British Masters and Servants Act of 1867, a contract of service was defined as “any Contract, whether in Writing or by Parol, to serve for any Period of Time, or to execute any Work; and all the Provisions of this Act in relation thereto shall in every Case apply and be applicable alike to Employer and Employed”.²⁷

In the BCEA a modern contract of employment is defined as “an agreement between two legal personae (parties) in terms of which one of the parties (the employee) undertakes to place his or her personal services at the disposal of the other party (the employer) for an indefinite or determined period in return for a fixed or ascertainable wage, and which entitles the employer to define the employee’s duties and (usually) to control the manner in which the employee discharges them”.²⁸

Smith in 1902 identified the duties of an employee as including the following: the employee had to commence service with the employer and neglecting to do so would lead to prosecution for a breach of contract. He or she had to complete the contract agreed to since desertion would also produce criminal sanctions. Legislation also created implied duties such as accepting orders from the employer, to be honest, hard working and respectful to the employer in light of his position. The remuneration of an employee also implied that the

²³ *Ibid.*, pp. 3-4.

²⁴ Conradie, M., *A critical analysis of the right to fair labour practices* (LL.M), pp. 15-16.

²⁵ Collin, P.H., *Dictionary of law*, p. 85.

²⁶ *The Cape of Good Hope Government Gazette*, 18.1.1856, p. 57.

²⁷ BPP 105, p. 3: Master and servant: A bill to amend the law of master and servant, 1867.

²⁸ Grogan, pp. 23-24.

employee had an obligation to complete his or her designated tasks. The employee was also expected to maintain the employer's property.²⁹ The employer also had duties, of which accepting the employee into employment was the main issue. He also had to employ an employee for the duration of the contract³⁰ and pay the employee the agreed remuneration for services rendered.³¹ The employer also had to provide reasonable notice to the employee when terminating his contract.³²

In a more recent work Grogan outlines the duties of both the employer and employee. The primary duty of an employer is to pay the employee, while the employee's primary duty is to work for the employer.³³ Working for an employer is directly linked to the employee's right to receive wages. In terms of common law if an employee does not work he or she will not receive payment, while an employee who is impeded to do his work by the employer will be entitled to receive his agreed remuneration. Other employee duties include maintaining reasonable efficiency and furthering the employer's business interests. Reasonable efficiency is linked to the proficiency an employer will expect from an employee. It is determined by the position the employee is appointed in and the experience of the employee. Employees are also expected to further the employer's business interests and during working hours are obligated to focus on their assigned work.³⁴

Employees also have an implied duty to be both respectful and obedient. Any misconduct that jeopardises the employment relationship can result in dismissal. Three main duties of an employer are also identified and include providing employment, paying wages, and assuring healthy and safe workplace conditions. Employers also have to adhere to the terms of employment contracts and legislation.³⁵ Both the employer and employee must voluntarily agree to enter a contract and must understand the obligations the contract binds them to.³⁶

Contemporary employment contracts can be either a fixed term or permanent contract. In fixed term contracts, the employee and employer agree on the length of the contract and it will only continue for the specified period, which is linked to the termination date or the completion of a specific project. In the case of a permanent contract, an end date is not

²⁹ Smith, pp. 97-100.

³⁰ *Ibid.*, pp. 154-158.

³¹ Innes, E.A.M., *The law of master and servant: Being a treatise on the law relating to contracts of service, apprenticeship and employment*, p. 109.

³² *Ibid.*, p. 138.

³³ Grogan, p. 24.

³⁴ *Ibid.*, pp. 41-44.

³⁵ *Ibid.*, pp. 46-50.

³⁶ *Ibid.*, p. 24.

specified, and the contract is only terminated by giving notice according to the stipulated notice period.³⁷

4. British labour legislation during the nineteenth and early twentieth centuries

4.1 Masters and servants legislation

The Statute of Artificers of 1562 formed the basis of subsequent master and servant legislation in Britain. The statute addressed aspects such as compulsory service, apprenticeship, sanctions for desertion and the rights and duties of employers and employees.³⁸ Stipulations of the statute empowered magistrates to specify maximum wages and to monitor the employer-employee relationship.³⁹

British labour laws were based on aspects such as age and terms of employment while people working in different trades were also subject to contrary stipulations. Labour laws were not standardised across industries and contracts differed according to geographical location and occupation.⁴⁰ Labour legislation after the mid-eighteenth century emphasised the disciplinary aspects of masters and servants laws.⁴¹

Masters and servants laws had three important elements. Firstly, the employer-employee relationship was a private contract between an employee who performed work and an employer who remunerated the employee. Secondly, masters and servants laws allowed magistrates and justices of the peace to enforce employment contracts. The final element was the punishment of disobedient workers for misdemeanours such as breach of contract. Punishment included imprisonment, coerced labour, fines and the loss of wages.⁴²

The Masters and Servants Act of 1747 was enacted since existing laws were considered to be ineffective in managing employees. The act empowered magistrates and other officials to settle disputes between employees and employers in agriculture, mining, crafting and other industries. Magistrates and justices of the peace could protect the interests of the employee by ordering the employer to pay any wages owed to the employee but could

³⁷ *Ibid.*

³⁸ Hay, D. and Craven, P. (eds), *Masters, servants and magistrates in Britain and the Empire, 1562-1955*, pp. 6-8.

³⁹ Deakin, S., "The contract of employment: A study in legal evolution", ESRC Centre for Business Research, Working Paper No. 203, p. 19.

⁴⁰ Hay and Craven, p. 6.

⁴¹ Deakin, p. 19.

⁴² Hay and Craven, pp. 1-2.

also punish the employee for misdemeanours by ordering the forfeiting of wages or by imprisoning him or her for one month.⁴³

The Masters and Servants Act of 1766 made it illegal for an employee to leave an employer before the end of his or her contract since it had a negative impact on the employer's business. In the event that an employee was convicted of not completing his contract he or she would be imprisoned for up to three months.⁴⁴

During the first part of the nineteenth century the Masters and Servants Act of 1823 empowered employers to report an employee to the magistrate for any breach of contract,⁴⁵ including the non-fulfilment of a service contract. If an employee was found guilty, the magistrate could punish the employee in three different ways. The employee could be sent to jail for up to three months and would not receive any wages during this time. The magistrate could reduce the employee's wages, and finally, the magistrate could terminate an employee's contract⁴⁶ resulting in the loss of full wages.⁴⁷ The act was widely used to punish employees for breach of employment contracts.⁴⁸ In the act, absconding from work and refusing to commence employment under an employment contract were stipulated as offences that would be punished as breach of contract.⁴⁹

Employees also had rights under this act and employees, except for domestic servants, could report their employers for outstanding wages. If the employer was found guilty and neglected to pay the amount owed, the amount could be levied by distress by selling some of the employer's property. In cases in which there was no available distress the employer could be imprisoned for up to three months. The act also allowed for the punishment of agents or managers in place of the employer.⁵⁰ The inferior position of the employee was highlighted by the contrasting conduct when charging employers and employees. An employer charged with breach of contract was requested to attend a hearing. In the case of an employee the magistrate issued a warrant and the police would then arrest the employee.⁵¹

⁴³ Ruffhead, O. (ed.), *The statutes at large*, Vol. 7, pp. 24-25.

⁴⁴ Burn, R., Chitty, J., Bere, M.I. and Chitty, T., *The Justice of the Peace and parish officer*, Vol. 3, p. 534.

⁴⁵ Naidu, S. and Yuchtman, N., "How green was my valley? Coercive contract enforcement in 19th century industrial Britain" in *Harvard Economic History Workshop*, 2010, p. 5.

⁴⁶ Davis, J.E., *The labour laws*, p. 5.

⁴⁷ Frank, C., *Master and servant law: Chartists, trade unions, radical lawyers and the magistracy in England, 1840-1865*, p. 2; Great Britain, *The statutes of the United Kingdom of Great Britain and Ireland, 1807-1868/9*, pp. 143-147.

⁴⁸ Naidu and Yuchtman, p. 6.

⁴⁹ Deakin, pp. 19-20.

⁵⁰ Davis, J.E., pp. 4-5

⁵¹ Frank, p. 2.

In 1844 an attempt was made to broaden the provisions of the Masters and Servants Act of 1823. The proposed changes were aimed at pieceworkers and would have made them subject to the Masters and Servants Act regardless of their trade. Trade unions, however, opposed the reform.⁵² A campaign was organised in 1844 and focused on preventing the adoption of masters and servants sanctions in new industries.⁵³ Petitions were submitted to Parliament against the proposed amendment, which was eventually not passed.⁵⁴

From the 1850s legislation was enacted that redefined employee conditions by restricting working hours and determining wage levels.⁵⁵ The applicability of labour laws was extended to workers in all industries. The penal sanctions linked to breach of contract like imprisonment and the restrictions on trade unions had become contentious and led to numerous protests.⁵⁶

The Masters and Servants Amendment Act of 1864 provided for addressing the complaints of employees and employers. In case of a dispute they could lay a complaint before a judge. He would issue a indictment to the party against whom the complaint was made and could decide if the defendant had to complete his contract, or he could give an order terminating the contract.⁵⁷

In 1865 the House of Commons established a select committee to investigate masters and servants legislation. The findings of the committee included the following: that the existing masters and servants laws were unacceptable, that all cases under the law of masters and servants should be publicly prosecuted, that fines should be the main form of punishment, that the non-payment of a fine should result in payment by distress or imprisonment, and that the court should be empowered to direct the defendant to complete the contract. The committee also recommended that, in serious cases of breach which included injury to a person or destruction of property, the magistrates should have the power to imprison instead of fine the guilty party.⁵⁸ The recommendations of the committee were included in the Masters and Servants Act of 1867.⁵⁹

⁵² Naidu and Yuchtman, p. 6.

⁵³ Hay and Craven., p. 8.

⁵⁴ Naidu and Yuchtman, p. 52.

⁵⁵ Hay and Craven, p. 6.

⁵⁶ *Ibid.*, pp. 6-8.

⁵⁷ BPP 232, p. 2: Masters and servants: A bill to alter and amend the law relating to contracts of service between master and servant, 1864.

⁵⁸ Davis, J.E., pp. 15-16.

⁵⁹ *Ibid.*, p. 18

This act aimed to address disputes between employers and employees caused by the contract of employment. It allowed for any complaints between the parties in an oral or written contract to be heard by a magistrate or two justices of the peace. The information supplied to the magistrate had to outline the grounds of complaint and the amount of compensation claimed for the breach of contract. The magistrate would issue a summons to the defendant to appear before him. The magistrate could enforce the completion of the contract and could additionally direct the party to find sufficient security for the fulfilment of the contract. The magistrate could also terminate the contract and discharge the parties from their obligations. In the case of either a serious injury or the destruction of property, the magistrate would determine the amount of compensation to be made to the affected party.⁶⁰

The act removed some of the severities of the sanctions of previous legislation since fines became the standard way of punishing employees for breach of contract. The law, however, provided for an order to ensure the specific performance of the contract's terms and a magistrate could order an employee to return to work. If an employee was unable to pay a fine, imprisonment continued to be a penalty and penal sanctions for breach of contract remained a potential outcome.⁶¹

Previous masters and servants acts listed the trades to which they applied. The courts, therefore, inferred that the acts did not apply to skilled employees such as managers, agents and clerks. The Masters and Servants Act of 1867 stipulated that it would only apply to servants and labourers.⁶²

These masters and servants laws were copied throughout the British Empire and impacted on employer-employee relationships throughout the world. Until 1875 masters and servants legislation allowed employers to prosecute on a criminal basis, and employees received harsh sentences for breach of contract in Britain.⁶³ During the two decades preceding 1875, it was estimated that between 7 300 and 17 000 employees a year were charged with breach of contract in Britain.⁶⁴

During the second part of the nineteenth century, Britain repealed the existing masters and servants legislation. In 1875 some of the criminal penalties for strikes were removed, and the Employers and Workmen Act replaced the Masters and Servants Act of 1867 as the

⁶⁰ BPP 105, p. 3: Master and servant: A bill to amend the law of master and servant, 1867.

⁶¹ Naidu and Yuchtman, p. 7.

⁶² Deakin, p. 20.

⁶³ Naidu and Yuchtman, p. 1.

⁶⁴ Frank, p. 5.

principal legislation regulating the employment relationship.⁶⁵ Imprisonment for breach of contract was rescinded, thereby increasing the equality of employees and employers in the employment contract.⁶⁶ The act extended additional powers to magistrates to monitor the employment contract and the performance of the employee. The courts were also awarded increased power in settling the claims of employees and employers by allowing the court to offset claims against each other. This in effect meant that an employee's claim for outstanding wages could be offset against the employer's claim for damages due to a breach of contract.⁶⁷ If an employee was found guilty of breach of contract and the court awarded damages to the employer, the employee could provide security for the incomplete part of his contract. The security would be an undertaking by the defendant to perform his contract subject to the payment of the amount specified for non-performance. If the employee did not comply with the provisions of the order of performance, he could be imprisoned for up to fourteen days.⁶⁸

4.2 Vagrancy legislation

In Britain the Vagrancy Act of 1822 was applicable to all persons who left their wives or children destitute and in the care of the poor relief of a parish. It also applied to persons openly exhibiting in streets and other public places and persons begging or encouraging any child to do so. The justice of the peace could imprison such people with a sentence of hard labour.⁶⁹ The Vagrancy Act of 1824 instituted further provisions for the suppression and punishment of vagrancy. The act repealed all previous legislation and divided vagrants into three groups: idle and disorderly persons, rogues and vagabonds, and incorrigible rogues.⁷⁰ Idle and disorderly persons included people refusing to support themselves or their families through employment and thereby causing the family to be maintained by poor relief in a parish or town, travelling salesmen trading without licenses, prostitutes behaving in an indecent manner and working in public streets, and people begging or encouraging children

⁶⁵ Deakin, pp. 24-25.

⁶⁶ Plowright, J., *The Routledge dictionary of modern British history*, p. 96.

⁶⁷ Deakin., pp. 24-25.

⁶⁸ BPP 259, p. 2: Employers and workmen. A bill [as amended in committee] to enlarge the powers of county courts in respect of disputes between employers and workmen, and to give other courts a limited civil jurisdiction in respect of such disputes, 1875.

⁶⁹ BPP 302, pp. 2-4: Bill for consolidating into one act and amending the laws relating to rogues, vagabonds, vagrants and idle and disorderly persons, 1822.

⁷⁰ Bristol Selected Pamphlets Collection: Lambert, J., *Vagrancy laws and vagrants: a lecture, delivered to the members of the Salisbury Literary and Scientific Institution, at their request, on Monday, March 23, 1868*, p. 20.

to do so. These offenders could be imprisoned with a sentence of hard labour for up to one month.⁷¹

Rogues and vagabonds were classified as persons convicted of the offences for a second time. It also included fortune tellers, persons living in unoccupied buildings unable to provide for themselves, and persons begging for charity by using their disability. These offenders would be imprisoned for up to three months with hard labour. Incurrible rogues were persons who escaped from prison, committed any offences for which they had already been punished as rogues and vagabonds, or resisted arrest. They could be imprisoned for up to a year with hard labour.⁷²

The Vagrancy Amendment Act of 1904 determined that a person judged to belong to any of the three classes described above could be detained in a labour colony for a period up to three years.⁷³

5. Masters and Servants Acts and other employment laws in South Africa

5.1 Cape Colony

5.1.1 Introduction

During the period of British rule in South Africa, the demography of the British colonies were characterised by a large number of indigenous people. They gradually lost their land and thereby their means of subsistence. According to Hay and Craven the enactment of labour legislation placed them under the legal control of colonial governments and facilitated their integration into the colonial labour force.⁷⁴ Pass laws were already enacted during the 1780s when the Cape Colony was ruled by the Dutch East India Company. The main purpose of these pass laws was to prevent employees from deserting from their employers.⁷⁵

The Articles of Capitulation of 1806 stipulated that Roman-Dutch law would continue to form the basis for legislation used in the Cape Colony. New legislation was, however, based on British legislation, since British magistrates and judges were increasingly employed,

⁷¹ BPP 332, p. 2: A bill [as amended by a Select Committee] for the suppression of vagrancy and punishment of idle and disorderly persons, in that part of Great Britain, called England, 1824.

⁷² Bristol Selected Pamphlets Collection: Lambert, J., *Vagrancy laws and vagrants: A lecture, delivered to the members of the Salisbury Literary and Scientific Institution, at their request, on Monday, March 23, 1868*, p. 21.

⁷³ BPP 124, p. 1: Vagrancy: A bill to amend the Vagrancy Act, 1824, and to facilitate the establishment of labour colonies, 1904.

⁷⁴ Hay and Craven, pp. 38-39.

⁷⁵ *Ibid.*, pp. 40-41.

and they used British decisions as a reference base for judgements.⁷⁶ Existing Dutch laws were expanded on to implement legislation regarding employment, vagrancy, tax, and land. The presence of slavery had a major impact on labour relations in the Cape Colony. To supplement slave labour, the Dutch East India Company during the eighteenth century attempted to use the indigenous Khoikhoi and other groups as farm labourers by using the Dutch model of service. This model had its origins in legislation from 1721 that allowed the children of Khoikhoi women and male slaves to be indentured. Children were indentured up to the age of 25 years, and subsequent laws ensured that all Khoikhoi children were bound by indenture.⁷⁷

In 1801, W.S. van Ryneveld, British Fiscal at the Cape Colony, compiled a plan for amending the inland policy in the colony. Van Ryneveld believed that the farmers reduced the Khoikhoi to slavery by depriving them of their land and forcing them to become servants. Van Ryneveld had a negative perception of the interaction between farmers and Khoikhoi. His perception was that in most cases the Khoikhoi's best option was to be servants on farms because of their lack of subsistence alternatives. He further believed that vagrancy would contribute to criminal activity.⁷⁸

Van Ryneveld's plan outlined the stipulations with regard to the Khoikhoi. Khoikhoi would not be allowed to remain within the colony unless belonging to one of the following three categories: Khoikhoi employed by farmers, owning cattle and living with their families in licensed settlements, or belonging to the mission schools. Van Ryneveld encouraged mission stations to continue their civilisation of the Khoikhoi since these stations provided a haven from the farmers. The plan stipulated that each Khoikhoi or other employee working on a farm had to be registered by the magistrate of the district. The employment contract had to state the duration of the service period and the employment conditions. The employee would be provided with a certificate from the magistrate, and after the expiry of the contract would receive a written discharge from his employer that would be signed by the magistrate as well. This discharge form would allow the employee to accept employment with another employer. The Khoikhoi settlements in each district and the names of residents had to be registered by the magistrate. The missionary schools within the colony had to be registered, as well. Missionaries had to provide an annual list containing the names of all the Khoikhoi belonging to these schools. People not belonging to one of the above three classes and unable

⁷⁶ Conradie, M., *A critical analysis of the right to fair labour practices* (LL.M), p. 20.

⁷⁷ *Hay and Craven.*, pp. 38-39.

⁷⁸ Theal, G., *Records of the Cape Colony*, Vol. 4, pp. 88-90.

to provide a certificate, would be classified as vagrants. The plan did not condone vagrancy, and vagrants would be arrested and assigned either to the public works or sent to Robben Island.⁷⁹

Certificates had to be renewed annually to prevent abuse of the system and to ensure the maintenance of order with regard to the Khoikhoi. The magistrate's duties were also outlined and included maintaining registers for employed Khoikhoi, Khoikhoi living in registered settlements and for those on the mission stations. The magistrate also had to settle differences between farmers and Khoikhoi employees.⁸⁰

Between 1803 and 1806, the Batavian Republic replaced Britain as the official authority in the Cape Colony.⁸¹ On 9 May 1803 the new government introduced compulsory labour contracts. Employees and employers had to agree and sign labour contracts before a magistrate, and a copy was provided to both the employer and employee while the official kept the third copy. The duration of these contracts was limited to one year. The new regulations also stated that it would be illegal for employees to work for an employer without a written contract, for more than three months. The contract protected the rights of the employee by limiting his accountability for stock losses suffered by the employer. It also allowed him to find a new employer if mistreated.⁸² Corporal punishment was used as a sanction for breach of contract.⁸³

Freund believed that the Batavian contracts did not compare favourably with the British contracts introduced in 1801. This was mainly due to the fact that the officials recording the contract were not limited to magistrates as with the British contracts. Batavian contracts could be attested by field-cornets who in many cases promoted the interests of the farmer. The British contracts also allowed for an inventory of the employee's possessions, thereby preventing theft by the employer.⁸⁴

5.1.2 The Caledon Proclamation of 1809

British rule was re-established in the Cape Colony in 1806. The abolition of the slave trade by the British Parliament in 1807 exacerbated labour shortages in the Cape Colony. The frontier districts in the colony were already severely affected by labour shortages since a

⁷⁹ *Ibid.*, pp. 90-91.

⁸⁰ *Ibid.*, pp. 92-94.

⁸¹ Freund, W.M., "The eastern frontier of the Cape Colony during the Batavian period (1803-1806)" in *The Journal of African History*, Vol. 13, No. 4, 1972, p. 631.

⁸² *Ibid.*, p. 640.

⁸³ Hay and Craven, p. 39.

⁸⁴ Freund, p. 640.

large number of Khoikhoi labourers had left the white farms during this period.⁸⁵ The inability of employers to secure additional slaves or other labour sources led to a critical scarcity of labour.⁸⁶ Masters and servants legislation which were in part modelled on British legislation was introduced by the proclamations of 1809 and 1812.⁸⁷

In an attempt to address the labour problem and regulate labour relations, the Governor at the Cape, the Earl of Caledon, issued a proclamation in 1809. The official aim of the proclamation issued on 1 November 1809 was to protect Khoikhoi labourers in the Cape Colony by ensuring that their employment contracts were regulated, that they had a fixed address and by controlling their movements in the colony.⁸⁸ The fixed address was limited to a mission station or with a white employer.⁸⁹

The proclamation of 1809 outlined the duties of magistrates in each district. This included recording the names of all Khoikhoi servants and issuing passes that allowed the Khoikhoi to move between districts. The proclamation determined that Khoikhoi moving from one district to another had to carry a pass. There was no exception to the pass law as it included instances where a Khoikhoi was travelling in service of his employer.⁹⁰ On arrival in a new district a Khoikhoi had to present his or her pass to a government official to enable settlement in the district. The inability to produce a pass meant that the Khoikhoi was deemed a vagrant and punished accordingly.⁹¹ The proclamation also provided power to all European inhabitants of the colony, and colonists were empowered to request a Khoikhoi to produce his or her pass. As a result the Khoikhoi were placed under the control of white inhabitants of the colony and colonists probably abused this provision to obtain additional Khoikhoi labour.⁹²

The proclamation negatively impacted on the freedom of the Khoikhoi. The Khoikhoi was forced to live as labourers on white farms supplying labour unless they were able to move to mission stations.⁹³ Although the legislation in theory tried to ensure that the Khoikhoi were placed on an equal footing with other free inhabitants of the colony, the proclamation, in fact, restrained their freedom of movement.⁹⁴

⁸⁵ Beck, R.G., *The history of South Africa*, p. 45.

⁸⁶ BPP 584, p. 5.

⁸⁷ Hay and Craven, pp. 40-41.

⁸⁸ BPP 584, p. 5.

⁸⁹ Beck, p. 45.

⁹⁰ BPP 584, p. 5.

⁹¹ Theal, Vol. 7, pp. 211-216.

⁹² BPP 584, p. 5.

⁹³ Beck, p. 45.

⁹⁴ BPP 584, p. 5.

The proclamation of 1809 aimed to regulate the employment relationship. It specified that when the service period exceeded one month, employers had to enter into an employment contract with the employee in the presence of a magistrate or other official representative. The contract would specify the names of the employer and employee, the duration of the contract and the amount and date of payment of wages. A copy of the contract would be provided to each of the parties as well as to the government representative. The wages had to be paid as specified and in cases of deviation the employee could lodge a complaint. If an employee's complaint was found to be justified, the employer had to pay the outstanding wages and the contract of service was terminated. To prevent coercive actions on the part of the employer, the Khoikhoi servants and their families were free to leave the employer at the expiry of the contract.⁹⁵ The employer was not allowed to compel the Khoikhoi employee to render further services in lieu of debt. The employer could only recover debt through legal recourse. This meant that the provision of forced labour as compensation for debts became illegal. The supply of wine or any other spirits in place of wages was also disallowed by the proclamation.⁹⁶

The proclamation also disallowed ill-treatment of employees.⁹⁷ Negative aspects of the proclamation included the fact that it did not address the issue of the maximum length of an employment contract and also empowered local officials to control the distribution of Khoikhoi labour.⁹⁸ Local officials could also discipline Khoikhoi workers by, for instance, inflicting corporal punishment without trial.⁹⁹

Government officials controlled the issuing of passes and the allocation of Khoikhoi labourers to farmers when arrested without a pass. The pass was subject to the discretion of the field-cornet or magistrate, and due to a lack of control over these authorities, the period allowed in passes varied considerably. In the district of Uitenhage for instance an employee was allowed from three to eight days to find another employer, but in some instances the magistrate issued a pass that required the employee to find an employer immediately. Due to the fact that the inhabitants of the district were widely dispersed, the Khoikhoi frequently

⁹⁵ Theal, Vol. 7, pp. 211-216.

⁹⁶ BPP 584, p. 6.

⁹⁷ Trapido, S., "From paternalism to liberalism: The Cape Colony, 1800-1834" in *The International History Review*, Vol. 12, No. 1, February 1990, p. 84.

⁹⁸ Rayner, M.I., *Wine and slaves: The failure of an export economy and the ending of slavery in the Cape Colony, South Africa, 1806-1834* (PhD), p. 116.

⁹⁹ Benton, L., "Colonial law and cultural difference: Jurisdictional politics and the formation of the colonial state" in *Comparative Studies in Society and History*, Vol. 41, No. 3, 1999, pp. 580-581.

found it difficult to find a new employer forcing them into restrictive labour contracts.¹⁰⁰ It was evident that although the Proclamation of 1809 was supposed to improve the circumstances of the Khoikhoi in the Cape, it in fact strengthened the position of farmers. The aspects of the proclamation that were supposed to protect the employees, like the specification of the service period, regular payment of wages and fines for mistreatment, soon fell into disuse due to a lack of enforcement.¹⁰¹ The proclamation was seen as a response to British perceptions of lawlessness on the frontier and it attempted to bring both the Khoikhoi and colonists on the frontier under the jurisdiction of state law.¹⁰²

5.1.3 The introduction of circuit courts and the Cradock Proclamation of 1812

In 1811 Rev. James Read of the Bethelsdorp Mission Station accused farmers of the mistreatment of their Khoikhoi servants. He alleged that Dutch farmers were not held accountable when murdering their Khoikhoi servants, and also of appropriating Khoikhoi children and placing them in a system of slavery.¹⁰³ In correspondence between Read and William Wilberforce, the well-known slavery abolitionist and politician, he claimed that more than 100 servants had been murdered by farmers in the Graaff-Reinet district.¹⁰⁴

These complaints, along with the proclamation of 1809, led to the establishment of a circuit court in 1812. The court heard complaints lodged by Khoikhoi servants against their employers. The lack of progress made in ameliorating the condition of Khoikhoi labourers was ascribed to the presence of Afrikaner judges. The so-called Black Circuit actually increased tensions, not only between the British government and Dutch settlers¹⁰⁵ but also between the Dutch farmers and missionaries of the London Missionary Society (LMS) who were perceived as causing the complaints.¹⁰⁶

The proclamation issued by Sir John Cradock in 1812 tried to remedy the perceived shortcomings of the proclamation of 1809. An important change was in the field of record keeping, and it was legislated that, in future, the authorities in each district would have to transmit to the colonial government records concerning Khoikhoi and other non-white workers within their jurisdiction. This included the number of individuals in each family

¹⁰⁰ BPP 584, p. 7.

¹⁰¹ Boas, J. and Weiskopf, M., "The activities of the London Missionary Society in South Africa, 1806-1836: An assessment" in *African Studies Review*, Vol. 16, No. 3, December 1973, p. 423.

¹⁰² Benton, pp. 580-581.

¹⁰³ Theal, Vol. 8, pp. 125-126..

¹⁰⁴ Boas and Weiskopf, p. 421.

¹⁰⁵ Benton, p. 580.

¹⁰⁶ Boas and Weiskopf, p. 421.

including births and deaths during the twelve month reporting period.¹⁰⁷ The proclamation of 1809 allowed Khoikhoi employees to leave their employers at the expiry of their employment contracts. This right was, however, nullified by the proclamation of 1812 that legalised a ten-year apprenticeship period for the children of Khoikhoi employees.¹⁰⁸

5.1.4 The Commission of Circuit (1812-1813) and Circuit Courts

In 1812 a report of the Commission of Circuit stated that most of the Khoikhoi in the Cape Colony were employed by farmers or as soldiers. The report emphasised that there were only a number of small independent settlements left, mostly in the district of Swellendam. The commission believed that the Khoikhoi were in many instances in a worse situation than the slaves. Although the Khoikhoi were theoretically free, they were in the case of sickness or other misfortune left to their own devices. In contrast, when slaves were unable to work, they were provided for by their employers.¹⁰⁹

Colonists alleged that the mission stations contributed to the scarcity of labour as they were an alternative to wage labour. The Commission of Circuit of 1813 investigated the circumstances of Khoikhoi living on mission stations. The commission criticized the Bethelsdorp Mission Station and Rev. J.T. van der Kemp for allowing the inhabitants too much freedom.¹¹⁰ Lieutenant-Colonel Richard Collins doubted the benefits of missionary work since during a visit to Bethelsdorp in 1809 he observed that of the 600 inhabitants on the mission station only 66 were baptized and only 43 were employed elsewhere.¹¹¹

The Commission of Circuit in 1813 agreed with Collins and concluded that mission stations did not foster the growth of civilisation or the achievement of a work ethic. Sir John Cradock agreed with the commission's findings and stated that mission stations such as Bethelsdorp disadvantaged farmers in the colony.¹¹²

The Cape officially became a British colony in 1814 and the British government sent Commissioners of Enquiry to evaluate the judicial system. The Commissioners proposed notable reforms. Missionaries, however, continued to highlight the circumstances of indigenous servants.¹¹³ Lord Charles Somerset believed that the Circuit Courts played a vital

¹⁰⁷ Theal, Vol. 8, pp. 385-386.

¹⁰⁸ Trapido, p. 84.

¹⁰⁹ BPP 50, No. 7, pp. 111-113: Extract from Mr C.J. Reyneveld's report of the Commission of Circuit to Lieut-General Sir John Cradock, 28.2.1812.

¹¹⁰ Boas and Weiskopf, p. 422.

¹¹¹ Theal, Vol. 7, p. 109.

¹¹² Boas and Weiskopf, p. 422.

¹¹³ Benton, pp. 580-581.

role in mitigating the conduct of the Afrikaners towards their slaves and Khoikhoi employed by them. The institution of Annual Circuit Courts in the Cape Colony, however, led to increased resentment from farmers, especially in the frontier districts. The farmers in these areas criticized colonial authorities and missionary institutions for protecting the rights of Khoikhoi and other coloured servants instead of solving the labour problems experienced by them. This led to a rebellion in the Graaff-Reinet district after a local farmer, Frederick Bezuidenhout, was accused of the abuse of a slave and summoned to appear before the Annual Circuit Court. His failure to attend his hearing contributed not only to his death, but also to the trial and execution of rebels during the so-called Slagtersnek Rebellion. Rebels protested the restraints instituted by British regulations and the rights awarded to the Khoikhoi.¹¹⁴ In addition, the Afrikaners were unwilling to accept the decisions of the circuit court or the authority local officials had in regulating the relationship between employers and employees.¹¹⁵

5.1.5 The Commission of Enquiry of 1823

On 25 July 1822 a Commission of Enquiry was appointed by the British government to investigate conditions in the Cape of Good Hope, Mauritius and Ceylon. The main objectives of the commission were to assess the changes in legislation made in the Cape Colony and to investigate the circumstances of government slaves and apprenticed Africans, especially regarding their employment conditions and future emancipation. The relationship of the colonial government in the Cape with the indigenous tribes and the condition of the Khoikhoi population also formed an important part of the investigation. Due to the lack of labour in the frontier areas, the commission also investigated methods through which free Africans and other groups could be encouraged to join the labour market.¹¹⁶

The Commission of Enquiry highlighted the lack of progress made in improving the condition of Khoikhoi and San labourers in the Cape Colony. Their findings played an important role in the campaign led by Dr John Philip, superintendent of the London Missionary Society in South Africa, to provide the Khoikhoi with more freedom and labour rights. The campaign culminated in Ordinance No. 50 of 1828.¹¹⁷

¹¹⁴ Theal, Vol. 11, pp. 2-6.

¹¹⁵ Rayner, p. 125.

¹¹⁶ BPP 332, No. 1, pp. 3-5: Instructions given to the Commissioners of Enquiry proceeding to the Cape of Good Hope, Mauritius and Ceylon, 18.1.1823.

¹¹⁷ Bank, A., "The politics of mythology: The genealogy of the Philip myth" in *Journal of Southern African Studies*, Vol. 25, No. 3, September 1999, p. 463.

5.1.6 Ordinance No. 50 of 1828

Ordinance No. 50 of 1828 provided the Khoikhoi with the same legal and civil rights as white colonists.¹¹⁸ The ordinance allowed indigenous inhabitants of the colony to acquire land.¹¹⁹ After the passing of this ordinance, no Khoikhoi or other free person would be liable to provide compulsory service. The pass laws were also repealed, and this led to vagrancy no longer being considered an offence.¹²⁰

The ordinance did not nullify indentures or pre-existing contracts, but aimed to protect the Khoikhoi when entering into new labour contracts. The ordinance did not allow the engagement of Khoikhoi and other free persons for periods exceeding one calendar month although the contract was renewable on a monthly basis. In cases where both the Khoikhoi and an employer desired a longer service contract, the parties could appear before a justice or clerk of peace to sign a contract that could not exceed twelve months. No liquor or tobacco would be allowed as payment for services rendered while the belongings of an employee could not be detained at the expiry of the contract. Any disputes between employers and employees would be determined by the resident magistrate of the district. The magistrate would in the case of non-compliance by the employer have the right to discharge the servant from his employment and in the case of outstanding wages order the employer to pay all wages.¹²¹

Dr John Philip, superintendent of the LMS in South Africa, believed that Ordinance No. 50 was lacking in certain areas such as enforcement, and therefore lobbied for an Order in Council, which was issued in January 1829. The Order not only confirmed Ordinance No. 50, but also ensured that the colonial government could not change any stipulations enacted in it without the approval of the King.¹²² The fact that the ordinance was confirmed by an Order of the King increased its impact on labour relations in the Cape Colony.¹²³ The Order in Council for instance stalled the colonists' attempts to enact vagrancy laws.¹²⁴

¹¹⁸ Abrahams, T., "'Coloured politics' in South Africa: The Quislings' trek into the abyss" in *Review of African Political Economy*, No. 29, 1984, pp. 132-133.

¹¹⁹ Boas and Weiskopf, pp. 427-428.

¹²⁰ BPP 339, pp. 3-4: Order in council relative to natives of South Africa.

¹²¹ BPP 50, pp. 169-172: Ordinance of his Honor, the Lieutenant-Governor in Council for improving the condition of Hottentots and other free persons of colour at the Cape of Good Hope, and for consolidating and amending the laws affecting those persons, 17.7.1828.

¹²² Wilson Anti-Slavery Collection: *Case of the Rev. Dr Philip: Superintendent of the missions of the London Missionary Society in South Africa* (pamphlet), p. 4.

¹²³ Hume Tracts Collection: *Report of the Parliamentary Select Committee on Aboriginal Tribes (British Settlements)* (pamphlet), 1837, p. 31.

¹²⁴ Bank, p. 463.

Missionaries adhered to the liberal ideal that the Khoikhoi as free labourers would be able to sell their labour for the highest wage. This did not take the reality of the Cape labour market into account. The deterioration of economic conditions in the colony and the Cape's dependence on agriculture meant that the Khoikhoi had little choice when selecting employment. The Khoikhoi were also unable to purchase land due to general scarcity and competition among white colonists for available land. These circumstances obviously had an impact on crime and vagrancy and the impact of the ordinance on the labour options and freedom of the Khoikhoi was minimal.¹²⁵

5.1.7 Ordinance No. 49 of 1828

Ordinance No. 49 of 1828 permitted entry into the Cape Colony of members of African tribes and other groups including Xhosas, Tambookies, Griquas, San and Bechuanas living outside the colony. The ordinance aimed to supplement the labour supply by allowing the admission of foreigners agreeing to enter into employment contracts with colonists. They would be employed as herdsmen, field labourers, domestic servants or in any other capacity.¹²⁶

Foreigners permitted to enter the colony would be issued with a written pass reflecting the person's name, gender, age, tribe, height, colour, and distinguishing marks. Colonists could only employ foreigners in possession of a written pass. Employing an African foreigner without a pass would make the employer liable to pay a fine for each foreigner. Default of payment could lead to imprisonment of up to three months. Africans could be employed for a period of up to one month, renewable on a monthly basis. If the employer and employee were interested in entering into a longer employment contract, they both had to appear before a magistrate to sign the contract of service. The period of such a contract could not exceed twelve months and the contract would stipulate the provision of food, clothing and accommodation to the foreign employee and his family. As in previous legislation, payment of wages in the form of liquor or tobacco was not acceptable.¹²⁷

In the event that an African was found in the colony without a pass or had been absent from his employer for a period of fourteen days, he could be apprehended. The magistrate could order a contracted African to return to his employer. He could also place the African with his consent in the employment of an inhabitant for a period of twelve months or order

¹²⁵ Boas and Weiskopf, p. 432.

¹²⁶ Salomon, S., *Statute law of the Cape of Good Hope, comprising the placats, proclamations and ordinances, enacted before the establishment of the colonial parliament and still wholly or in part in force*, p. 128.

¹²⁷ *Ibid.*, pp. 129-131

him to leave the colony. If the African attempted to return to the colony, he would be imprisoned with hard labour for up to twelve months.¹²⁸

5.1.8 The Masters and Servants Act of 1841

The emancipation of slaves in 1838 contributed to the enactment of the Masters and Servants Act of 1841. The act was the onset of an increasing body of legislation that covered employment, vagrancy and pass laws.¹²⁹ The act refrained from distinguishing on the basis of colour and was instituted to enact uniform legislation applicable to all groups in the colony. The British government perceived the act as adequate protection for the equal rights of all labourers.¹³⁰

The Masters and Servants Act of 1841 was amended in 1846.¹³¹ In 1849 a full inquiry was made into stipulations of the Masters and Servants Act of 1846. A minute was presented to the Cape Legislative Council by the Governor in 1849 that included petitions from colonists and officials in the colony. Some of the petitions alleged that the law did not adequately address breaches of contract on the part of the employee.¹³²

The Masters and Servants Act of 1846 provided for the forfeiture of wages in the event of a breach of contract. In the opinion of the magistrate of Cradock wages were rarely forfeited, since most employees were in debt to their employers and the forfeiting of wages would, therefore, be ineffectual. According to the magistrate of Colesberg, in many cases wages did not consist of monthly payments but employees were remunerated with livestock or firearms. The resident magistrate of Caledon stated that forfeiting one month's wages for a breach of contract was not an adequate punishment for the offence. He believed that imprisonment and fines were the only punishments to be applied to breaches of contract. It was testified that employees often deserted, committed breach of contract or neglected their duties. The law, however, provided limited redress for employer complaints. In many instances employers neglected to report offences, especially if they lived in remote areas.¹³³

¹²⁸ *Ibid.*, pp. 134-136.

¹²⁹ Hay and Craven, p. 24.

¹³⁰ Chanock, M., *The making of South African legal culture 1902-1936: Fear, favour and prejudice*, p. 424.

¹³¹ Hay and Craven, p. 41.

¹³² *The Advertiser and Mail's Parliamentary debates, in the first session of the first parliament of the Cape of Good Hope, Appointed to meet 30th June, 1854, House of Assembly*, pp. 78-79.

¹³³ *Ibid.*, pp. 80-81.

5.1.9 The Masters and Servants Act of 1856

The Masters and Servants Act of 1856 repealed the Act of 1841.¹³⁴ During the Eighth Frontier War (1850-1853) a large number of the Khoikhoi joined the Africans in revolt, and colonists' security concerns were reflected in the Masters and Servants Act of 1856.¹³⁵ In the act, the validity of a contract of service depended on whether the agreement was made within the Cape Colony. An oral or written contract that did not state the duration was only valid for one month. The act restricted oral contracts to a period of one year while written contracts were also restricted to a year if the contract was not signed in the presence of a magistrate or other official. A contract signed before a magistrate was limited to a maximum duration of five years. The agreement had to include the names of the employer and employee, the capacity in which the employee was engaged and the start and end date. Additionally, the rate of wages had to be specified as well as the day on which payment would be received. The act also regulated notice periods and determined that one month's notice had to be provided to the employer for contracts exceeding one month. This provision was not applicable if the contract did not stipulate a notice period. Weekly contracts required only a week's notice.¹³⁶

Oral or written contracts which stipulated that the employee would live on the employer's premises would include the provision of food and accommodation unless specifically excluded. In the event that an employee's family was included in the contract, they too would be provided with food and accommodation.¹³⁷

If an employee was incapacitated through illness or an accident he would be entitled to his full wages during the first month. He would also receive all other benefits stipulated in his contract for the full period of his incapacity unless it exceeded two months. The employer had the right to cancel the contract after two months of incapacity.¹³⁸

Resident magistrates had authority in all disputes between employers and employees. Any employee could be imprisoned with or without hard labour for up to one month if convicted of any of the following:

- Leaving the employer's premises without permission
- Becoming inebriated during working hours and as a result not performing designated duties

¹³⁴ *The Cape of Good Hope Government Gazette*, 18.1.1856, pp. 57-58..

¹³⁵ Hay and Craven, pp. 41-42.

¹³⁶ *The Cape of Good Hope Government Gazette*, 18.1.1856, pp. 57-58.

¹³⁷ *Ibid.*, p. 58.

¹³⁸ *Ibid.*

- Neglecting to perform work allocated by the employer
- Using property belonging to the employer for personal purposes
- Refusing to obey instructions from the employer or the employer representative
- Causing a disturbance at the employer's house or at the workplace
- Using offensive language towards the employer or employer representative¹³⁹

In the case of a second conviction under the preceding provisions, the offender could be imprisoned and sentenced to hard labour for up to six weeks. An employee could also be imprisoned with or without hard labour for up to two months if convicted of any of the following:

- Deliberate breach or disregard of duty or intoxication causing loss and damage to the employer's property
- Losing property the employee was responsible for
- Attacking or attempting to attack the employer
- Desertion

In the case of a second conviction under the above provisions or more than two convictions within a six month period, the employee could be imprisoned with hard labour for up to three months. The employee's contract period would also be extended by the period of imprisonment.¹⁴⁰

In a court case of October 1863 the harsh nature of the act was illustrated. The case ruled on an incident in which an employee was sent to buy tobacco and flour for his employer, but some of it was missing on delivery. The employee was convicted for neglect of duty since he had lost some of his employer's property and was punished with two months hard labour.¹⁴¹

Wages due to an employee could be recovered by civil action and an employer, if found guilty, could be fined. In the case of assault, the magistrate could order the contract of service to be cancelled.¹⁴²

¹³⁹ *Ibid.*, p. 61.

¹⁴⁰ *Ibid.*, pp. 60-61.

¹⁴¹ Searle, M.W. (ed.), *Cases decided in the Supreme Court of the Cape of Good Hope during the years 1861-1863*, p. 223.

¹⁴² *The Cape of Good Hope Government Gazette*, 18.1.1856, p. 61.

During the second part of the nineteenth and the early twentieth century the Masters and Servants Act of 1856 formed the basis not only of legislation in the Cape Colony but also for legislation in other parts of South Africa such as Natal and the Transvaal. Masters and servants legislation, as well as pass laws and vagrancy legislation, played an important role in controlling the labour environment in South Africa.¹⁴³ The fact that an employee could be criminally prosecuted for a breach of contract also had a major impact on labour in the country. The labour rights of employees were restricted by the fact that minor offences such as disobedience and failure to commence employment could not be redressed on a civil base.¹⁴⁴

5.1.10 Act No. 23 of 1857

The Great Cattle Killing movement of 1856 facilitated the Xhosas entry into the European economy as unskilled labourers.¹⁴⁵ The cattle killing led to influx into the Cape Colony of large numbers of destitute Xhosas and Sir George Grey enacted laws to regulate the Xhosa labourers.¹⁴⁶ Act No. 23 of 1857 regulated the employment of foreign Africans in the Cape Colony and prevented Xhosas from entering the colony except for labour purposes. Passes were issued to foreign Africans, and they could accept employment contracts for up to five years. The act stipulated that employment contracts would be illegal unless concluded in the presence of a magistrate or another official. Magistrates would request and obtain applications from the residents of their districts for the employment of foreign Africans. Applications had to be in writing and had to state the number of employees required and the terms of employment wages they were willing to provide.¹⁴⁷

The contract of service included the name of the employer and employee, the terms of employment, the capacity in which the employee was hired and the start and end date of service. The wage rate was also included as well as the date on which the wages would be paid. Any additional agreements were also specified in the contract. The employer could, with the consent of the employee and the approval of the magistrate, assign the contract of service to another employer. If a contracted African was unwilling to complete his employment contract, he could be imprisoned with hard labour and subsequently removed

¹⁴³ Hay and Craven, pp. 40-41.

¹⁴⁴ Chanock, p. 424.

¹⁴⁵ Schapera, p. 182.

¹⁴⁶ BPP 2395, p. 48: Eighteenth general report of the Emigration Commissioners, 1858.

¹⁴⁷ *The Cape of Good Hope Government Gazette*, 27.3.1857.

from the colony. He could not be imprisoned for more than one month but was released if he consented to complete his contract.¹⁴⁸

5.1.11 The Masters and Servants Acts of 1868 and 1869

The Masters and Servants Act of 1856 was amended in 1868. The amendment allowed for the recovery of wages owed to employees. Employees could submit a complaint to the magistrate, and the magistrate could summon the employer to appear in court. The employer could be fined if found guilty.¹⁴⁹

The Masters and Servants Act of 1869 further amended the Act of 1856.¹⁵⁰ The act stipulated that if an employee was imprisoned, the period of imprisonment would be added to the employee's service contract. The act also protected property owned by the employee.¹⁵¹

5.1.12 The Masters and Servants Amendment Act No. 18 of 1873

The Masters and Servants Amendment Act of 1873 further amended the Masters and Servants Act of 1856.¹⁵² The act stipulated that sanctions such as fines or imprisonment imposed on an employee could not cancel an employment contract. The employee would not be liable for conviction under the act unless the employer lodged his complaint within a month after the date of the offence. If an employee was convicted, the magistrate could also order him or her to pay the employer's costs and expenses. The lodging of complaints by employees became easier since the act allowed them to leave the employer's premises without permission to submit a grievance to the magistrate.¹⁵³

Employers could be convicted of failing to supply the employee with food and other articles stipulated in the service contract, and could be fined and in default of payment could be imprisoned for up to one month. The magistrate could cancel an employee's contract if the employer did not meet the terms of the contract.¹⁵⁴

The validity of the contract was also addressed by the act. A contract would be invalid unless it commenced within one month of the signature date. An exception to this provision was contracts which were entered into before a magistrate. The magistrate would ensure that

¹⁴⁸ *Ibid.*

¹⁴⁹ *The Cape of Good Hope Government Gazette*, 30.6.1868.

¹⁵⁰ *Ibid.*, 15.6.1869.

¹⁵¹ *Ibid.*

¹⁵² Tennant, H., *Laws regulating the rights and duties of masters, servants and apprentices in the Cape Colony*, p. 33.

¹⁵³ *The Cape of Good Hope Government Gazette*, 30.5.1873.

¹⁵⁴ *Ibid.*

the contract was entered into voluntarily and that both the employee and employer clearly understood the terms of the contract.¹⁵⁵

The different categories of misconduct that an employee could be sanctioned for as outlined in the Masters and Servants Act of 1856 were amended. An employee would be punished if he entered into a contract and then failed to commence service on the stipulated date. In the Act of 1856 the employee would then be convicted of misconduct and imprisoned for a period of up to one month. The Act of 1873, however, stated that the employee would be fined up to £1 for these categories of misconduct and in the event of non-payment would be sentenced to imprisonment with or without hard labour for up to one month.¹⁵⁶

For serious acts of misconduct, an employee could under the Act of 1873 be fined up to £3 and in the event of non-payment could be imprisoned with or without hard labour for up to two months. The magistrate could attach additional sanctions to the sentence by ruling that the employee would be kept in solitary confinement with or without a spare diet. No fine paid or period of imprisonment could cancel the employment contract.¹⁵⁷

5.1.13 The Masters and Servants Act No. 7 of 1875

The Masters and Servants Act No. 7 of 1875 gave more power to the employer when making complaints against an employee. The employer could submit a sworn statement to the magistrate indicating that the employee would not appear for a hearing unless he or she was apprehended. The magistrate could then issue a warrant of arrest without any previous indictment or summons.¹⁵⁸ The employer could, however, be fined or imprisoned if the statement was deemed to be false. The act also provided for the prosecution of employees employed on the public works. Any offences under masters and servants legislation could be ruled on by an official responsible for the public works.¹⁵⁹

Farmers were one of the most important pressure groups in lobbying for the enactment of stricter masters and servants laws. They struggled to sustain their labour supply and the discovery of diamonds in Griqualand West as well as public works projects exacerbated the labour scarcity. High wages offered on the diamond mines in Kimberley and by the public works meant that farmers were unable to compete with other employers. The

¹⁵⁵ Tennant, p. 34.

¹⁵⁶ *Ibid.*, pp. 35-36.

¹⁵⁷ *Ibid.*, pp. 36-40.

¹⁵⁸ *Ibid.*, pp. 49-50.

¹⁵⁹ Tennant, H. and Jackson, E.M., *Statutes of the Cape of Good Hope, 1652-1905*, Vol. 1: 1652-1879, pp. 1360-1361.

masters and servants laws placed employees under stricter control through the enforcement of sanctions controlling misconduct and desertion.¹⁶⁰

5.1.14 The Masters and Servants Act No. 30 of 1889

The Masters and Servants Act of 1889 extended the jurisdiction and authority of the resident magistrate to the special justice of the peace. The special justice of the peace could preside over hearings on offences committed under masters and servants legislation and charge an employee if found guilty. The power of the employer was also extended, and if the employer suspected an offence he could order an employee to accompany him to the resident magistrate. If the employee refused, the employer could arrest the employee without a warrant.¹⁶¹

Masters and servants legislation was criticised by humanitarians such as H.R. Fox Bourne since it allowed the resident magistrate to punish labourers by confinement for minor misdemeanours such as negligence, impertinence, drunkenness, desertion or disobedience when a complaint was lodged by the employer.¹⁶²

5.1.15 The Compulsory Lashing Bill of 1890

Throughout the nineteenth century the punishment of servants by their employers along with the sanctions imposed by masters and servants legislation was a contentious issue. In 1894 the Compulsory Lashing Bill, also known as the Strop Bill (Flogging Bill), was submitted to the Cape Parliament. The main objective of the bill was to legalise the flogging of servants.¹⁶³

In the Cape Colony minor judicial duties were bestowed on some farmers who acted as field-cornets. In the absence of the police they were, for instance, allowed to arrest a thief. The Flogging Bill would extend the powers of field-cornets to try minor offences, such as arriving late for work, under masters and servants legislation. In the event that an employee was found guilty, a lashing was compulsory. The bill was opposed by prominent politicians such as Mr Jan Hofmeyr, the leader of the Afrikaner Bond,¹⁶⁴ and was defeated in parliament.¹⁶⁵

¹⁶⁰ Giliomee, H., "Western Cape farmers and the beginnings of Afrikaner nationalism" in *The Journal of Southern African Studies*, Vol. 14, No. 1, October 1987, p. 47.

¹⁶¹ Tennant, pp. 52-53.

¹⁶² Foreign and Commonwealth Office Collection: Bourne, H.R.F., *Blacks and whites in South Africa: An account of the past treatment and present conditions of South African natives under British and Boer control* (pamphlet), 1900, p. 38.

¹⁶³ Sachs, A., *Justice in South Africa*, p. 51.

¹⁶⁴ *The Manchester Guardian*, 30.10.1900.

¹⁶⁵ Lewsen, P., "The Cape liberal tradition – myth or reality?" in *Race*, Vol. 13, No. 1, 1971, pp. 72-77.

Not all employees were included within the definition of a servant as specified in masters and servants legislation. It was, for instance, ruled in 1903 that a manual labourer (navvy) on the railways was excluded from the provisions of masters and servants legislation. Industrial development meant that many of the white workers, including printers and supervisors, were also excluded. Courts subscribed to the view that an employee could only be deemed a servant if his or her position was included in the definition and if an employment contract was in place. Piece workers and day labourers were, therefore, excluded since no contract was agreed to.¹⁶⁶

Squatters were also excluded from the provisions since agreements between them and farmers were civil contracts and masters and servants legislation did not apply. Agreements were not always based on wages but could allow for the provision of livestock or permission to keep stock and cultivate land in exchange for labour.¹⁶⁷ The applicability of masters and servants legislation was, therefore, increasingly limited to agricultural and domestic workers.¹⁶⁸

5.2 Griqualand West

During the early 1870s in Griqualand West there were large numbers of employers competing for the limited labour resources available. This competition led to an increase in wages, and as a result employers lobbied for masters and servants legislation to structure and control the labour environment.¹⁶⁹ Proclamation No. 2 of 1872 was issued by Sir Henry Barkly on 10 August 1872 to amend the Masters and Servants Act of 1856 used in Griqualand West.¹⁷⁰ The proclamation allowed for the appointment of Registrars of Servants to regulate the labour environment¹⁷¹ through the registration of labourers. Oral and written contracts that exceeded one month would only be valid if the contract was registered by the registrar. A register maintained by the Registrar would include the names of the employer and employee and the terms of each contract.¹⁷² Employers had to pay one shilling for the

¹⁶⁶ Chanock, pp. 424-425.

¹⁶⁷ *Ibid.*, p. 429.

¹⁶⁸ Le Roux, R., "The evolution of the contract of employment in South Africa" in *Industrial Law Journal*, Vol. 39, No. 2, June 2010, p. 144.

¹⁶⁹ Hay and Craven, p. 52.

¹⁷⁰ *The Cape of Good Hope Government Gazette*, 17.8.1872.

¹⁷¹ BPP C.2220, No. 17, Enclosure 5, pp. 69-71: Annexure setting forth the laws at present in force relating to Native Labour, 23.5.1876.

¹⁷² BPP C.732, No. 2, pp. 114-116: Proclamation by his Excellency Sir Henry Barkly, 10.8.1872.

registration of the contract. The proclamation also provided for sanctions and determined that an employer engaging an employee without registration would be liable to pay a fine.¹⁷³

When an employment contract was registered the employee would receive a certificate stating his name, the name and residence of his employer, the duration of the contract and the wages to be paid.¹⁷⁴ The proclamation empowered police officers, field-cornets and claim holders to ask an employee to produce his certificate. Failure could lead to a fine or imprisonment up to two months. At the expiry of the employment contract, the employer had to enter the termination date on the certificate. Employers could be punished for failing to comply with this stipulation, and the proclamation prescribed a fine of up to £5.¹⁷⁵ The proclamation also allowed for an employer to search an employee or his home for stolen diamonds. Stolen diamonds would be returned to the employer. The employee could be imprisoned for up to twelve months or could receive up to 50 lashes. Vagrancy was also addressed by the proclamation. Any idle person found in the camp without a signed pass could be arrested and punished by paying a fine or imprisoned for up to three months.¹⁷⁶ The Earl of Kimberley approved of the proclamation issued by Sir Henry Barkly.¹⁷⁷

The Proclamation of 1872 introduced masters and servants legislation in Griqualand West. The sanctions outlined in the proclamation along with the use of an extended police force led to a large number of convictions.¹⁷⁸

5.3 Natal

5.3.1 Ordinance No. 2 of 1850

Ordinance No. 2 of 1850 was enacted to regulate employment contracts and apprenticeship periods. In many respects the ordinance was similar to the masters and servants laws in the Cape Colony. The duration of the contract was, as in the Cape Colony, restricted by the masters and servants legislation. The ordinance determined that an employment contract without a specified term of engagement would only be valid for one month while oral contracts were limited to one year. The validity of written contracts was also addressed, and if a contract was not signed before a magistrate it was limited to three years.¹⁷⁹ The

¹⁷³ *The Cape of Good Hope Government Gazette*, 17.8.1872.

¹⁷⁴ BPP C.732, No. 2, pp. 114-116: Proclamation by his Excellency Sir Henry Barkly, 10.8.1872.

¹⁷⁵ *The Cape of Good Hope Government Gazette*, 17.8.1872.

¹⁷⁶ BPP C.732, No. 2, pp. 114-116: Proclamation by his Excellency Sir Henry Barkly, 10.8.1872.

¹⁷⁷ BPP C.732, No. 49, p. 118: The Earl of Kimberley to Sir H. Barkly, 23.9.1872.

¹⁷⁸ Hay and Craven, p. 53.

¹⁷⁹ BPP 1417, No. 3, Sub-Enclosure to Enclosure 2, pp. 5-13: Ordinance 2 of 1850, 21.3.1850.

magistrate had to ensure that the employee voluntarily agreed to the contract and that both the employee and employer understood the terms of the contract. The contract of service signed by the employer and employee included the following information: the names the of employer and employee, the position employed in, the start date of the contract, the rate of wages and the day on which such wages would be paid. The ordinance addressed notice periods and determined that no monthly contract would expire unless either the employer or employee had provided a month's notice. The ordinance and the Cape Masters and Servants Act of 1856 both protected the right of the employee to receive food, clothing and accommodation unless it was specifically excluded in the employment contract.¹⁸⁰ The provisions of the ordinance relating to the incapacity of servants were similar to legislation in the Cape Colony.¹⁸¹

Resident magistrates within Natal had jurisdiction in all disputes between employers and employees. The employee could be punished for misconduct in Natal just as in the Cape Colony, and the categories of misconduct were similar. An employee could be punished for above misconduct by one month imprisonment or a fine of up to £5. An additional punishment not found in the Cape legislation was incorporated into the Natal Ordinance, namely punishment by a flogging of up to twelve lashes.¹⁸²

The employee also had the right to lodge a complaint regarding the non-payment of wages or the non-delivery of articles specified in the employment contract. The magistrate could order the employer to pay outstanding wages or the delivery of specified articles. In the case of abuse of an employee, the magistrate could determine that compensation should be paid for any injury.¹⁸³ Labour scarcity and the subsequent competition for labour in Natal meant that the ordinance punished any person who tried to induce an employee to leave the service of his employer. Any person found guilty of this offence would be fined.¹⁸⁴

5.3.2 Ordinance No. 13 of 1850

Ordinance No. 13 was enacted on 22 November 1850 and amended Ordinance No. 2.¹⁸⁵ The amendment protected the rights of foreign labourers. Any contract with a foreign labourer had to be written and agreed to before the resident magistrate. Failure to do so would

¹⁸⁰ Cadiz, C.W., *Natal ordinances, laws and proclamation*, pp. 135-136.

¹⁸¹ *Ibid.*, p. 137.

¹⁸² *Ibid.*, pp. 143-144.

¹⁸³ *Ibid.*, p. 144.

¹⁸⁴ *Ibid.*, p. 146.

¹⁸⁵ BPP 1697, No. 28, pp. 84-85: Extract of a dispatch from Acting-Lieut-Governor Colonel E.F. Boys to Sir John Pakington, 11.1.1853.

invalidate the contract. The contract period was also fixed to a maximum period of three years.¹⁸⁶ All written contracts of service entered into in any European country would be valid in Natal unless the stipulations were in conflict with Ordinance No. 2. The contract could not exceed the stipulated three years.¹⁸⁷

In 1858 the recruitment of Amatonga labourers from Portuguese East Africa was proposed to alleviate labour shortages experienced in Natal.¹⁸⁸ The importation of workers from outside Natal, however, encountered some difficulties. The British government did not recognise labour contracts reached outside Natal since they believed that these contracts would in effect place the imported workers in a system of slavery.¹⁸⁹

In 1859 an agreement was reached regarding the importation of Indian labour. This led to the adoption of three laws to control the importation of labour of which two dealt with Indian indentured labour and the third, Law 13 of 1859, provided for the importation of Amatonga workers. The protector of immigrants issued recruiting licenses and registered all contracts with Amatonga workers. These contracts were limited to a period of three years and a heavy penalty was payable if any Amatonga worker was mistreated.¹⁹⁰

5.3.3 Act No. 23 of 1865

A lack of magistrates in Natal led to the enactment of Act No. 23 of 1865 which provided for the appointment of additional persons to facilitate dispute resolution. It allowed the Lieutenant-Governor to appoint persons to administer and carry out the duties normally performed by resident magistrates.¹⁹¹

5.4 Transvaal

5.4.1 Ordinance No. 2 of 1864

Inhabitants of the Transvaal had to recruit labourers from African tribes within the country. Ordinance No. 2 of 1864 regulated the employer's relationship with African employees, especially concerning taxation, labour supply and the ownership of guns.¹⁹² In this ordinance Africans that contravened pass laws or committed other minor crimes were allowed to pay a

¹⁸⁶ BPP 1697, No. 28, Enclosure 2, p. 86: Ordinance for amending the Ordinance No.2, 1850, 22.11.1852.

¹⁸⁷ Cadiz, C.W., *Natal ordinances, laws and proclamation*, p. 168.

¹⁸⁸ Palmer, p. 14.

¹⁸⁹ CO 879/1/23: Papers relative to the management of the Natives in Natal, 1853.

¹⁹⁰ *Ibid.*

¹⁹¹ *Supplement to the Natal Government Gazette*, 20.6.1865.

¹⁹² Bergh, J.S., "African reaction to white penetration: The central districts of the Transvaal in the 1870s" in *Historia*, Vol. 45, No. 1, May 2000, pp. 48-50.

fine or enter an employment contract for up to two years. The ordinance also associated the payment of taxes by Africans with the responsibility of African communities to supply labour to Transvaal employers. Farmers that had African settlements on their land had the right to receive labour from at least five households who were excused from taxation. African tribes who settled in the Transvaal had to provide labour to white employers for a period of one year.¹⁹³

5.4.2 Act No. 9 of 1870

Act No. 9 of 1870 instituted additional measures to increase the labour supply from African tribes.¹⁹⁴ The act attended to the labour needs of white farmers by regulating African labour supply. Farmers who possessed land containing African settlements were still allowed to use the labour of up to five households. These households were now liable to pay taxes. The act also stipulated that Africans failing to comply with pass legislation had to agree to employment contracts. This provision was also applicable to tribes moving into the Transvaal for security reasons.¹⁹⁵

Three categories of African tax payers were identified. The first group consisted of Africans working for farmers and also living on the farms; the second group included Africans working for employers but not living on the premises, and the last group consisted of Africans not supplying any labour. Taxation amounted to two shillings and six pence for the first group, five shillings for the second group and ten shillings for the non-labouring group.¹⁹⁶

The Transvaal Law No. 3 of 1876 required Africans living in large locations to pay a further poll tax of 10 shillings. The Transvaal government, however, failed to enforce this legislation, resulting in little revenue. This contributed to the financial problems of the Transvaal that was used as one of the justifications for the annexation of the Transvaal by the British government.¹⁹⁷

¹⁹³ Bergh, J.S., "White farmers and African labourers in the pre-industrial Transvaal" in *Historia*, Vol. 55, No. 1, May 2010, pp. 21-22.

¹⁹⁴ Bergh, "African reaction to white penetration: The central districts of the Transvaal in the 1870s", pp. 48-50.

¹⁹⁵ Bergh, J.S., "S.J.P. Kruger and the Transvaal hardliners on race policies and practices in the early 1870s" in *South African Historical Journal*, Vol. 58, 2007, p. 145.

¹⁹⁶ Bergh, "White farmers and African labourers in the pre-industrial Transvaal", pp. 21-22.

¹⁹⁷ BPP C.2598, No. 20, Enclosure 2, pp. 321-322: Report on the Transvaal Blue Book for 1878.

5.4.3 Act No. 13 of 1880

Act No. 13 of 1880 was enacted during the British administration of the Transvaal and closely resembled masters and servants legislation in both the Cape Colony and Natal. The act stipulated that no employment contract agreed to outside the Transvaal would be valid, except when in writing and accepted by a magistrate of the Transvaal. If a magistrate validated the contract, it would be valid for the duration as stipulated in the contract but no contract would be valid for longer than three years. Service contracts entered into in Europe would also be valid for a period of up to three years, as would contracts agreed to in a British colony.¹⁹⁸

Regarding the duration of service contracts, provisions were similar to the Cape Colony and Natal legislation in most aspects. A service contract, oral or written, in which the service period was not indicated, would only be valid for a period of up to one month. Oral contracts would not be valid for longer than one year, and no written contract would be valid for more than one year unless the contract was signed in the presence of a magistrate or other official. The duration of written contracts entered into before a magistrate was also limited to a period of up to five years. The employment contract, as was the case in the Cape Colony and Natal, had to indicate the date of the contract, the name of the employee and employer, the start and end date of the contract and the rate of pay, as well as the day on which the wages would be paid. The magistrate would also state that the parties entered into the contract voluntarily. Provision was also made for notice periods, and notice of one month had to be provided.¹⁹⁹

The act corresponded with legislation in the Cape and Natal with regard to the provision of food, clothing and accommodation to the employee, as well as to stipulations concerning the incapacity of the employee.²⁰⁰ A provision that was not included in either the Cape or Natal masters and servants legislation was the stipulation regarding military obligations of the employee. Any person with a contract of service exceeding one month would, in the case of a military campaign, be obligated to remain with his employer until the end of the campaign.²⁰¹

The categories of misconduct that the employee could be punished for corresponded to the misconduct categories defined in the Cape Masters and Servants Act of 1856.

¹⁹⁸ Jorissen, E.J.P., *Codex van de locale wetten der Zuid-Afrikaansche Republiek*, pp. 148-151.

¹⁹⁹ *Ibid.*, pp. 151-154.

²⁰⁰ *Ibid.*, pp. 154-155.

²⁰¹ *Ibid.*, p. 157.

Punishment in Transvaal for misconduct amounted to a fine of up to £1 and imprisonment with or without hard labour.²⁰² For serious misconduct the employee could be fined up to £3 or be imprisoned for up to two months. The serious misconduct categories were similar to the Cape Masters and Servants Act of 1856.²⁰³

5.5 Orange Free State

Masters and servants legislation enacted in 1873 and amended by Act No. 7 of 1881 and Act No. 11 of 1883 determined that African and other coloured employees could enter into either oral or written employment contracts. Written contracts were limited to two years and oral contracts to one year. The contract recorded the names of the employer and employee as well as the duration of the contract, the wage rate agreed on and the date of payment. Sanctions as in the Cape masters and servants legislation focused on failure to commence employment, neglect of work, failure to complete designated tasks, neglecting duty due to intoxication, using property belonging to the employer without permission, disturbing the peace or threatening the employer, destroying property, and disobedience. In the event that an employee lodged a complaint and the magistrate ruled that it was unfounded, the employee could be punished for a minor misdemeanour. Employers could also be punished for mistreating an employee.²⁰⁴

Ordinance No. 7 of 1904 addressed masters and servants legislation in the Orange Free State. The ordinance determined that employment contracts with white employees and agreed to before a magistrate could not exceed three years. Sanctions were outlined for offences such as convincing an employee to leave his employment. Employment contracts with African employees could not exceed two years and all written contracts longer than one year had to be approved by the magistrate.²⁰⁵

6. Vagrancy laws

A vagrant is defined as “a person without a settled home or regular work who wanders from place to place and lives by begging”, and thus vagrancy is seen as “the state of living as a

²⁰² *Ibid.*, pp. 167-168.

²⁰³ *Ibid.*, p. 170.

²⁰⁴ *Wetboek van den Oranjevrijstaat 1891*, pp. 678-681.

²⁰⁵ Macdonell, J. and Manson, E., *Journal of the Society of Comparative Legislation*, Vol. 7, 1906, pp. 170-171.

vagrant".²⁰⁶ Vagrancy laws, along with pass laws, taxation, and masters and servants legislation, played an important role in regulating the labour environment in South Africa.

6.1 Cape Colony

6.1.1 The Vagrancy Bill of 1834

The abolition of slavery in 1807 focused public attention in Britain on restrictive legislation in the colonies. As a result the Colonial Office was forced to ensure that any proposed legislation was not coercive.²⁰⁷ The planned Vagrancy Bill of 1834 was therefore disallowed, since it restricted the freedom awarded to the Khoikhoi through Ordinance No. 50 of 1828. The lack of vagrancy legislation meant that masters and servants legislation and the sanctions provided for in the laws became the principal way to control the labour environment in the Cape.²⁰⁸

6.1.2 Act No. 22 of 1867

Act No. 22 of 1867 was enacted to amend the law relating to the issuing of passes and contracts of service to Africans. The act repealed five acts passed between 1828 and 1860 and also modified some clauses of the Certificate of Citizenship Act No. 17 of 1864 that regulated the admission and employment of African foreigners. The Vagrancy Act of 1867 ensured that all existing contracts between employers and African foreigners under the Masters and Servants Act of 1856 continued. African foreigners were designated as members of any tribe excluding the Fingoes, of which the principal chief lived outside the colony.²⁰⁹ The Vagrancy Act determined that all African foreigners entering the colony had to have passes signed by a government official.²¹⁰ An African who entered the colony without a pass could be fined or imprisoned. Magistrates had the power to issue passes to African foreigners who, after being imprisoned, chose to remain in the colony for labour purposes. It also allowed for the arrest of any idle person found on private lands without a reason. The act exempted Fingoes and other coloured people, in possession of certificates of citizenship from applying for passes.²¹¹

²⁰⁶ Stevenson, p. 1962.

²⁰⁷ Hay and Craven, p. 48.

²⁰⁸ *Ibid.*, pp. 41-42.

²⁰⁹ BPP 4024, pp. 31: Twenty-eighth report of the Emigration Commissioners, 1867-1868.

²¹⁰ BPP C.2220, No. 17, Enclosure 5, pp. 69-71: Annexure setting forth the Laws at present in force relating to Native Labour, 23.5.1876; Tenant, H. and Jackson, E.M., *Statutes of the Cape of Good Hope 1652-1905*, Vol. I: 1652-1879, pp. 1070-1072; Fox Bourne, p. 38. The five acts repealed included: Ordinance No. 49 of 1828, Act No. 23 of 1857, Act No. 27 of 1857, Act No. 24 of 1859 and Act No. 23 of 1860.

²¹¹ BPP 4024, pp. 31: Twenty-eighth report of the Emigration Commissioners, 1867-1868.

The issuing of certificates of citizenship was, however, stopped after the enactment of Act No. 39 of 1887.²¹²

6.1.3 Act No. 7 of 1895

This act was aimed at preventing the destitution of wives and families in the Cape Colony. It addressed circumstances in which a person refused or failed to support his or her family through employment. In the event that this led to destitution of a person or his family, the person would be classified as an idle and disorderly person as in British legislation and could be fined or imprisoned for up to three months. Desertion was also addressed by the act, and a wife deserted by her husband without the means to support herself could lodge a complaint with the magistrate. The magistrate could order the husband to pay an allowance to his wife and family.²¹³

6.2 Natal

Law No. 15 of 1869 was enacted to control vagrancy within Natal. It allowed each district in Natal to enact bye-laws to institute the provisions of Law No. 15 of 1869.²¹⁴ The law was enacted to protect the inhabitants of Natal and to punish idle and disorderly persons and vagrants within the colony. Someone was classified as a vagrant when:

- He or she was found on private property without permission from the owner and was unable to give a reason for being there
- He or she behaved indecently in public

Some of these classifications corresponded with categories found in British vagrancy legislation. The resident magistrate could fine or imprison such a person for up to three months.²¹⁵

A by-law under Law No. 15 of 1869 was subsequently passed at a special meeting in Pietermaritzburg held on 7 March 1871. The by-law allowed for the punishment of African and other coloured persons found within the district after 10 p.m. and before 5 a.m. and who could not explain their reasons for being there. People arrested due to idleness or suspicious

²¹² Union of South Africa, *Report of the inter-departmental committee on the native pass laws 1920*, p. 27.

²¹³ Tennant and Jackson, Vol. III, 1894-1905, pp. 3436-3437.

²¹⁴ *The Natal Government Gazette*, 13.6.1871.

²¹⁵ Cadiz, pp. 787-788.

behaviour or resisting arrest could also be punished under this by-law. On conviction, the person would be imprisoned or fined as stipulated in Law No. 15 of 1869.²¹⁶

6.3 Transvaal

The instructions to field-cornets approved by a resolution of the Volksraad on 17 September 1858 determined that they could arrest any vagrants who entered a district without consent. They could also arrest Africans or other coloured people who were believed to have committed an offence. Field-cornets were also responsible for the issuing of passes to labourers. Applications for engaging African and other coloured employees had to be submitted to the field-cornet, and employers could be fined if they obtained labourers without such permission. The instructions stipulated that it was illegal to sell alcohol to African people. Employers who abused their employees could be fined, and the instructions determined that servants could complain of any instances of mistreatment. A contract of service was compulsory, and the employer and employee had to agree to it in the presence of a field-cornet. Farmers with an African settlement on their lands were allowed to employ four African persons, but they had to be the heads of their families and had to be remunerated for their labour.²¹⁷

Act No. 2 of 1864, published in the government gazette of 29 November, regulated vagrancy and other misdemeanours by Africans and other coloured groups within the Transvaal. The objective of the act was to ensure the safety of all people and property within the country. According to the act no African was allowed to live on government or town land outside of municipalities without written permission from the magistrate. Any African found without a fixed address and without a pass from his employer, chief, magistrate, field-cornet or missionary could be arrested by any citizen and would be punished for vagrancy. An African from outside the Transvaal borders had to have a pass issued by a missionary or his chief. The pass had to indicate his address, purpose of journey, name, duration of travel and number of people travelling. An African that was convicted as a vagrant would receive a fine or imprisonment for up to six months. Alternatively the African could sign a labour contract with a Transvaal resident for one year. The act stipulated that such a labour contract could not exceed two years.²¹⁸

²¹⁶ *The Natal Government Gazette*, 13.6.1871.

²¹⁷ Eybers, G.W., *Select constitutional documents illustrating South African history 1795-1910*, pp. 410-416.

²¹⁸ Breytenbach, J.H. and Joubert, D.C., *Notule van die Volksraad van die Suid-Afrikaanse Republiek*, pp. 271-272.

Act No. 1 of 1881 further addressed vagrancy and defined vagrants as people with no fixed address or a way of sustaining themselves. They could be imprisoned as in Act No. 2 of 1864 while foreigners who were found guilty could be deported from the Transvaal.²¹⁹

The Night Passes Ordinance No. 43 of 1902 addressed vagrancy of Africans within the Transvaal. The ordinance restricted the movement of African residents and stipulated that they were not allowed in public areas between 9 p.m. and 4 a.m. without a pass from their employer.²²⁰

7. Pass laws

Pass laws enacted measures that forced employees to join the labour force and to complete service contracts regardless of the conditions of work.²²¹ The various pass laws that was adopted in the British Cape Colony and Natal, and in the Boer republics to the north of the Orange River, will now be discussed to outline the restrictive effect of these laws on the free movement of Africans and their role in the labour environment.

7.1 Cape Colony

7.1.1 Act No. 23 of 1857

Act No. 23 of 1857 not only regulated the employment of foreign Africans in the Cape Colony but also served as a pass law. Africans who wished to enter the Cape Colony to find employment could obtain a pass from officials appointed by the High Commissioner.²²² If an African foreigner was found within the Cape Colony after the expiry date of his pass or in a place not indicated on the pass, the person could be apprehended by the justice of peace, field-cornet or landowner. If the magistrate found the person guilty, he could be imprisoned for up to six months with hard labour.²²³

In 1883 a report was published of a Select Committee that investigated existing pass legislation in the Cape Colony. The committee emphasised that the introduction of effective pass legislation would benefit the colony. It was recommended that passes should be

²¹⁹ Jorissen, p. 549.

²²⁰ Union of South Africa, *Report of the inter-departmental committee on the native pass laws 1920*, p. 31.

²²¹ Hay and Craven, pp. 42-43.

²²² *The Cape of Good Hope Government Gazette*, 28.8.1857.

²²³ *Ibid.*

compulsory for all Africans but that people with certificates of citizenship should be exempted from passes.²²⁴

7.1.2 The Local Authorities' Increased Powers Act No. 30 of 1895

The Local Authorities' Increased Powers Act No. 30 of 1895 allowed municipalities to institute regulations that would outlaw the presence of Africans in streets or public places between 9 p.m. and 4 a.m. without a written pass. The rule was not applicable to property owners or to Africans that possessed a certificate of good character. The act was known as the Curfew Law and was severely criticised since it could be used in an unjust manner by government officers.²²⁵

7.2 Natal

Pass legislation in Natal included Act No. 48 of 1884, Act No. 21 of 1888, Act No. 49 of 1901, Act No. 3 of 1904, Proclamation No. 199 of 1904 and Proclamation No. 120 of 1910. Passes were divided into four groups: inward and outward passes, identification passes, reference passes and cattle removal passes. Inward and outward passes were temporary passes to identify the pass holder and facilitate travel.²²⁶ Act No. 48 of 1884 provided for the provision of temporary passes to African employees and Law No. 21 of 1888 stipulated that 'togg' labourers had to acquire an identification pass.²²⁷

According to Act No. 49 of 1901 Africans were obliged to procure a pass and employers could only employ Africans possessing the required passes.²²⁸ The objective of the act was to manage African employment. The act excluded farm labourers residing on their employers' land, but Act No. 3 of 1904 remedied this and required a magistrate to investigate their conditions of employment and issue the required passes. Proclamation No. 120 of 1910 determined that no African could travel outside Natal without acquiring a pass for outward travel. During the application process, the applicant had to furnish his or her identification pass. Africans entering the colony had to apply for a pass which would be valid for one year. The proclamation also provided for sanctions and stipulated that Africans without a pass would be fined or imprisoned.²²⁹

²²⁴ Cape of Good Hope, *Report of the Select Committee on the pass laws of the colony*, p. iii.

²²⁵ Foreign and Commonwealth Office Collection: Bourne, H.R.F., *Blacks and whites in South Africa: an account of the past treatment and present conditions of South African natives under British and Boer control* (pamphlet), 1900, pp. 39-40.

²²⁶ Union of South Africa, *Report of the inter-departmental committee on the native pass laws 1920*, pp. 27-28.

²²⁷ *Ibid.*, p. 29.

²²⁸ Macdonell, J. and Manson, E., *Journal of the Society of Comparative Legislation*, Vol. 4, 1902, p. 303.

²²⁹ Union of South Africa, *Report of the inter-departmental committee on the native pass laws 1920*, pp. 28-29.

7.3 Transvaal

7.3.1 The Native Pass Law No. 31 of 1896

The Native Pass Law No. 31 of 1896 provided for the registration of African labourers working on the mines. The act forced labourers to wear a badge and tried to prevent touting and desertion.²³⁰ The law required all Africans to pay 1 shilling per month for their passes. In Johannesburg, African workers had to live in locations and had to adhere to the curfew stipulating that they could not leave the locations after 9 p.m. at night. An African searching for employment on the mines had to exchange his normal pass for a pass that was valid only in the district where he was searching for job opportunities. The pass was only valid for three days and could be renewed for an additional three days by paying 2 shillings. If he was unsuccessful in securing employment, he had to leave the district by paying 1 shilling 6 pennies for a travelling pass. In the event that he obtained employment he had to pay 2 shillings to renew his pass each month.²³¹ The act determined that an African without a pass would be fined or imprisoned.²³² In September 1896, 200 coloured labourers were arrested in the Transvaal as they did not have passes as required by Law No. 31 of 1896.²³³ The law was reported to have improved the labour supply to the mines.²³⁴

7.3.2 Natives Pass Law No. 23 of 1899

The Natives Pass Law No. 23 was provisionally proclaimed on 1 February 1899. The objective of the law was to regulate the supply of African labour to the mines.²³⁵ The Pass Law regulations were never passed by the Transvaal government and Africans continued to be subject to the sanctions of Law No. 31 of 1896.²³⁶

7.3.3 Proclamation No. 37 of 1901

Proclamation No. 37 of 1901 was issued by Lord Milner on 10 December 1901. This proclamation was known as the Native Passes Proclamation of 1901 and regulated the entry of Africans into the Transvaal from outside the country and the return to their homes. It also

²³⁰ BPP C.8423, No. 101, Enclosure, pp. 93-94: Conyngham Greene to the High Commissioner, 31.12.1896.

²³¹ Foreign and Commonwealth Office Collection: Bourne, H.R.F., *Blacks and whites in South Africa: an account of the past treatment and present conditions of South African natives under British and Boer control* (pamphlet), 1900, p. 69.

²³² BPP Cd.904, No. 15, Enclosure, pp. 15-16: Minute: Penalties under the Pass Law and Gold Law of the Transvaal, 15.7.1901.

²³³ Colonial Office (CO 879/43), No. 336, Enclosure 3: Her Majesty's Acting Agent, Pretoria to the High Commissioner, Cape Town, 26.9.1896.

²³⁴ *The Economist*, 12.9.1896, p. 1182.

²³⁵ BPP Cd.714, pp. 39-46: Law No. 23, 1899: Natives' Pass Law on Goldfields, 31.1.1899.

²³⁶ BPP Cd.904, No. 15, Enclosure, pp. 15-16: Minute: Penalties under the Pass Law and Gold Law of the Transvaal, 15.7.1901.

provided for the security of Africans travelling within the Transvaal and for the control of African labourers on the mines. It stipulated that no African would be allowed to enter, travel in or leave the Transvaal unless he had obtained a travelling or general pass. Domestic and farm labourers, as well as exempted coloured persons and Africans employed by the government, would be exempted from these regulations.²³⁷ The proclamation repealed previous legislation, and the new labour passes mandated by the proclamation were perceived as more liberal than those under the previous Transvaal government. It was hoped that the new legislation would assist in the effective regulation of labour.²³⁸

The system of identification of African labourers was simplified since a single passport (See Annexure G for labour passport example) would replace the multiple passes an individual had to be in possession of. This passport would contain a record of all previous service periods and help to identify the labourer. African labourers were exempted from paying for the passport and would not be subject to any other deduction from wages unless this was provided for in the employment contract. Another important provision was that no labour contract could be valid for more than one year unless the Native Commissioner granted permission.²³⁹ Under the previous legislation, no limit was specified for the duration of the contract.²⁴⁰

An African living on private property or in a government location had to have a permit issued by the owner of the farm or private property if he needed to travel. The permit would have a date and state the purpose for which it was issued. An African who wanted to obtain employment in another labour district or wanted to leave the district for his own purposes required an official travelling passport. To prevent vagrancy, any African found without a proper pass could be arrested. No employer could employ an African without an official passport. The passport would be kept by the employer until the service contract expired. At the expiry of the contract, the pass would be returned to the employee recording his discharge and completed service. If presented to a Pass Officer, the African would receive a pass that allowed him to return home. No pass would be issued to an African if he had not

²³⁷ *The Manchester Guardian*, 23.1.1902, p. 10.

²³⁸ BPP Cd.904, No. 21, Enclosure, pp. 29-32: Proclamation by His Excellency the Administrator of the Transvaal, 10.12.1901.

²³⁹ *The Manchester Guardian*, 31.1.1902, p. 7.

²⁴⁰ BPP Cd.904, No. 20, pp. 21-25: Administrator Lord Milner to Mr Joseph Chamberlain, 6.12.1901.

completed his contract of service, unless the employer provided a letter releasing him from the employment contract.²⁴¹

No labourer could be transported to the district without a passport and the passport could only be granted by a government official. The official would ensure that the African understood the terms of the agreement and that the agreement was voluntary. Labour agents who engaged Africans through misrepresentation would be liable for fines or imprisonment and would lose their licenses.²⁴² In the event that a labour agent coerced or misrepresented a labour contract, the African labourer could be sent home at the expense of the labour agent.²⁴³ Inspectors were appointed to ensure that disputes between Africans and employers concerning employment contracts could be resolved. In comparison with previous legislation which gave little power to inspectors, this proclamation allowed them to resolve grievances.²⁴⁴ If an inspector was unable to solve a problem, it could be referred to a magistrate or the Commissioner for Native Affairs.²⁴⁵

An African labourer engaged by a labour agent had to register his passport at the Pass Office within three days of his arrival. The Pass Office recorded the name of the employer and the terms of the agreement in a pass register. The employer would pay a fee of 1 shilling on registration. An African who left the service of an employer before completing his term of service would be fined or imprisoned for up to three months. As soon as the employee was released from prison he had to return to his employer to complete his employment contract.²⁴⁶

A labourer could no longer be flogged for desertion or any other offence under the pass legislation. One of the major problems under the previous legislation was the large number of desertions. This was due to the actions of European employers or agents convincing the labourer to desert one employer for another. Inducing a labourer to desert was made a criminal offence and could incur heavy penalties.²⁴⁷

Employers of more than twenty African labourers had to complete a monthly form that included the number of Africans employed, expired contracts, new contracts and deaths and desertions during the month. Any person who illegally withheld an African's passport or

²⁴¹ BPP Cd.904, No. 21, Enclosure, pp. 31-32: Proclamation by His Excellency the Administrator of the Transvaal, 10.12.1901.

²⁴² *The Manchester Guardian*, 31.1.1902, p. 7.

²⁴³ BPP Cd.904, No. 21, Enclosure, p. 33: Proclamation by His Excellency the Administrator of the Transvaal, 10.12.1901.

²⁴⁴ *The Manchester Guardian*, 31.1.1902, p. 7.

²⁴⁵ BPP Cd.904, No. 20, pp. 21-24: Administrator Lord Milner to Mr Joseph Chamberlain, 6.12.1901.

²⁴⁶ BPP Cd.904, No. 21, Enclosure, pp. 33-34: Proclamation by His Excellency the Administrator of the Transvaal, 10.12.1901.

²⁴⁷ BPP Cd.904, No. 20, pp. 21-25: Administrator Lord Milner to Mr Joseph Chamberlain, 6.12.1901.

neglected to pay wages or subtracted unauthorized deductions from wages could be fined or imprisoned for up to six months.²⁴⁸

7.3.4 Proclamation No. 35 of 1901

Before the Anglo-Boer War, the treatment of Cape coloured employees under the pass laws led to disagreements between the British and Transvaal governments. Proclamation No. 35 of 1901 empowered the Commissioner for Native Affairs to grant certificates to coloured persons, exempting them from applying for passes.²⁴⁹ Exempted people included any ordained coloured minister, any coloured person holding a qualification as an elementary teacher as well as coloured artisans. The proclamation was seen as an improvement, but it was felt that the certificate of exemption was in effect only another kind of pass.²⁵⁰ The Aborigines Protection Society (APS) supported the exemption of coloured people from pass legislation. The requirement that they had to obtain a certificate of exemption which had to be carried with them and exhibited when requested, was perceived by the APS as discriminatory.²⁵¹

Lord Milner viewed the previous labour system as unfair to Africans and believed that it contributed to a loss of productivity and increased operating costs. He believed that the previous system lacked adequate administration. He condoned some of the ideas such as the existence of a passport system underlying the previous legislation, since he believed that unchecked migration to the gold mines would be undesirable. The identification of Africans and the tracking of their movements was seen as an important part of the new labour system which would protect both the African and white populations. Although Milner did not believe that legislation before 1899 included provisions for forced labour, he was of the opinion that many Africans were compelled to agree to unfair service contracts. The improvement of labour legislation was, therefore, the first step in the improvement of the labour system.

There were a number of differences between the previous and new legislation. The first of these was that persons involved in recruiting labour had to obtain a license from the government. The Commissioner for Native Affairs would ensure that such a person was fit for the position and could be relieved if any abuses occurred. Another difference was that labour agents and compound overseers were subject to severe punishments for abuses of the

²⁴⁸ BPP Cd.904, No. 21, Enclosure, pp. 34-35: Proclamation by His Excellency the Administrator of the Transvaal, 10.12.1901.

²⁴⁹ *The Manchester Guardian*, 31.1.1902, p. 7.

²⁵⁰ *Ibid.*, 23.1.1902, p. 10.

²⁵¹ *Ibid.*, 27.1.1902, p. 10.

system. Many of the abuses of the old system were believed to be due to the character of labour touts and compound managers who encouraged African labourers to desert from their employers. The government, therefore, ensured that Africans agreeing to labour contracts were doing so willingly.²⁵²

7.3.5 The Urban Areas Native Pass Act No. 18 of 1909

The act provided for issuing passes in specified urban areas. Africans arriving in an urban area had to appear at the pass office within 24 hours. The prospective labourer had to show his travelling pass and had to secure employment within six days. The employment contract was then registered at the pass office.²⁵³

7.4 Orange Free State

Proclamation No. 2 of 1902 addressed the supply of a labour passport to Africans leaving the colony to work in the Transvaal. Each prospective labourer had to apply for a passport as determined by the Transvaal Proclamation No. 37 of 1901.²⁵⁴ Ordinance No. 2 of 1903 allowed for the exemption of some coloured people from the provisions of the pass law.²⁵⁵

Act No. 9 of 1906 determined that coloured people entering the Orange Free State had to produce a pass from a missionary, a chief or official indicating the purpose of the journey, the duration and destination. Passes had to be stamped within 24 hours and would only be valid for fourteen days. Travelling passes had to be issued for internal travel within the colony and neglecting to obtain a pass could lead to arrest as a vagrant. Vagrants could be contracted to employers by the magistrate.²⁵⁶

8. Evaluation

A feature of the British labour environment during the nineteenth century was the enactment of masters and servants legislation to regulate the employer-employee relationship. Masters and servants legislation allowed for the punishment of workers for misconduct and breach of contract through sanctions such as imprisonment. The Statute of Artificers in 1562 already instituted sanctions for desertion and also outlined the rights and duties of employers and employees. Magistrates were also empowered to monitor the employee-employer

²⁵² *The Manchester Guardian*, 31.1.1902.

²⁵³ Union of South Africa, *Report of the inter-departmental committee on the native pass laws 1920*, p. 31.

²⁵⁴ *Proclamations issued in the Orange River Colony from the date of annexation to the promulgation of the constitution on the 23rd June 1902*, p. 65.

²⁵⁵ Macdonell, J. and Manson, E., *Journal of the Society of Comparative Legislation*, Vol. 6, 1903, pp. 400-401.

²⁵⁶ Union of South Africa, *Report of the inter-departmental committee on the native pass laws 1920*, p. 32.

relationship. The important elements which would form the basis of employment contracts in both Britain and South Africa were already present in this statute. The employment contract thereafter continued to be a private contract between employer and employee which was legally enforced by a magistrate or other official. The punishment for misdemeanours such as breach of contract was also included in all legislation enacted in Britain and South Africa.

Subsequent legislation in Britain focused on the punishment of employees for breach of contract, and imprisonment was often used to sanction employees for minor misdemeanours. This aspect of masters and servants law became objectionable, however, and after 1875 imprisonment for breach of contract was replaced by fines. Vagrancy legislation in Britain provided for the classification and punishment of vagrants and some of these stipulations, such as the concept of an idle and disorderly person, were also adopted in legislation enacted in the Cape Colony.

Masters and servants legislation in Britain formed the basis for labour legislation in South Africa. The enactment of similar laws in South Africa and subsequent amendments meant that labour legislation was enacted in all colonies before the founding of the Union of South Africa in 1910. Initially Dutch and British labour legislation were instituted to regulate the labour relationship between employers and their slaves and Khoikhoi employees. Legislation such as the Caledon Proclamation of 1809 was initially seen in a positive light, and it was believed that it would protect Khoikhoi employees from coercive labour practices. It allowed employees to leave an employer at the expiry of their contract and outlined the employment relationship in a written contract. Employees had the right to complain to magistrates if the employer did not adhere to the contract or mistreated the employee. In theory the proclamation placed the Khoikhoi on an equal legal footing with colonists. Provisions such as the issuing of passes, however, curbed employee freedom of movement and limited their options. If they were unable to live on a mission station, they had little choice but to supply labour to an employer. The proclamation, however, neglected to address important issues such as the maximum length of a contract. The enforcement role of local officials was also neglected and stipulations regarding the payment of wages and the mistreatment of Khoikhoi labourers, which was supposed to ensure the protection of labourers, were disregarded. Enforcement would continue to be a major weakness of legislation in South Africa since the lack of enforcement through inspectors and other mechanisms as well as the failure of employees to report employers for mistreatment would strengthen the position of employers in the labour environment.

The apprenticeship of Khoikhoi children for a period of ten years, included in the Proclamation of 1812, further restricted the movement of Khoikhoi employees. Ordinance No. 50 of 1828 aimed to improve the conditions of Khoikhoi employees in the Cape Colony. It introduced the concept of legal equality for all citizens of the colony, and in theory meant that the Khoikhoi would be free to own land and leave the labour force. However, land was scarce, and most Khoikhoi had no option but to remain in employment. The freedom of movement awarded to the Khoikhoi resulted in white colonists unsuccessfully propagating vagrancy legislation in 1834 to once again curb their free movement.

The emancipation of slaves in the Cape Colony in 1834 changed the fundamental structure of the labour environment. Labour scarcity remained an issue and after the slaves completed their apprenticeships in 1838, employers had to contend with a market in which competition for labour resources was fierce. Employers lobbied for stricter labour legislation, and the enactment of masters and servants legislation from 1841 onwards attempted to regulate the employment relationship through the enactment of sanctions for employee misconduct. Employers found it difficult to counter desertion and other offences and saw stricter labour legislation as the only way to deal with offences by employees. The Masters and Servants Act of 1856 provided for various categories of misconduct, and employees, if found guilty, could be imprisoned for minor misdemeanours. These offences included desertion, intoxication, neglect of duty, causing disturbances, refusing to obey orders and using offensive language. Instead of fining employees, the act provided for a one month prison sentence. The Masters and Servants Act of 1856 formed the basis of masters and servants legislation adopted in Natal and in the Transvaal during the British administration. Subsequent legislation, although focusing on punishment, emphasised the importance of the voluntary nature of a contract. Magistrates had to ensure that employees entered into contracts out of their own free will and that they understood all the stipulations in the employment contract. The Masters and Servants Act of 1873 followed the example of the British legislation, and the punishment for breach of contract was tempered by stipulating that fines would be the standard punishment for offences. Criminal sanctions, however, continued since the non-payment of a fine would lead to imprisonment.

Economic conditions also had an impact on the enactment of legislation. Labour scarcity and the high wages demanded by labourers in Griqualand West led to Proclamation No. 2 of 1872. The proclamation outlined employment conditions and addressed vagrancy, passes and search regulations for diamonds. Transvaal legislation prior to Act No. 13 of 1880

also addressed the labour scarcity in the state, and contravention of the pass laws could be punished by a two-year labour contract. Legislation in Natal, Transvaal and the Orange Free State outlined the most important employment conditions. These included restrictions on the duration of the contract, provisions regarding record keeping, incapacity and notice periods. Misdemeanours were also quite similar.

Vagrancy legislation and pass laws were instituted to allow for more control over the labour environment. In the Cape Colony Act No. 22 of 1867 linked criminal sanctions to vagrancy and later legislation also aimed to prevent the destitution of families just as in British legislation. In Natal the definition of idle and disorderly persons under Law No. 15 of 1864 was similar to vagrancy categories used in the British Vagrancy Act of 1824. Vagrancy and pass laws were closely connected and in the Cape Colony Act No. 23 of 1857 allowed for a prison sentence of six months in the event that an African did not possess a pass. Natal, Transvaal and the Orange Free State classified a person without a pass as a vagrant and punished him accordingly. The combination of masters and servants legislation, pass laws and vagrancy enactments regulated the labour environment, and formed the basis for labour strategies, labour supply, labour recruitment and migration policies followed in the Cape Colony, Natal and the Transvaal.

During the colonial period masters and servants legislation regulated the employer-employee relationship in South Africa and prescribed minimum employment conditions with regard to age levels and notice periods. This legislation outlined the duties and obligations of employers and employees, and employment contracts also contained implied duties. The main duties of an employee included the duty to commence service and to complete employment contracts. Failure to perform these duties was punished under the masters and servants legislation as was the case with implied duties such as dishonesty, disobedience, and not accepting orders. Employers were obligated to remunerate employees, provide work during the entire duration of the contract and give reasonable notice to the employee. Employers also had to adhere to the terms of the employment contract and in the contemporary context the employer must also provide a safe and healthy working environment.

The nature of legislation and its impact on the employment contract meant that in many instances employees could not negotiate a fair contract. Freedom of movement was curtailed by pass laws which meant that employees found it difficult to find a new employer. Passes had to be issued by officials and travelling without a pass could lead to apprehension

as a vagrant and subsequent imprisonment and coercion into accepting a new labour contract with another employer. Desertion was not an option since it was punishable by criminal sanctions and the lack of enforcement of employment conditions by officials, and the difficulties in lodging complaints meant that labourers were deprived of basic civil and labour rights. The lack of political rights meant that they could not lobby for changes in labour legislation, and the lack of opportunities to acquire land and receive training also curtailed their advancement.

In conclusion, it is a worthwhile exercise to compare the employment conditions in the period of British colonial rule in South Africa with the employment conditions as stipulated in labour legislation adopted after the institution of democratic government in 1994. The Basic Conditions of Employment Act (BCEA) No. 75 of 1997 regulates the employment relationship in contemporary South Africa. It stipulates minimum conditions of employment and outlines the guidelines for the employment contract. Modern employment legislation, in contrast to masters and servants laws of the nineteenth and early twentieth century, ensures that working hours do not exceed the prescribed maximum. It also addresses the right to breaks during the working day and the minimum leave allocations regarding annual and sick leave.²⁵⁷

Masters and servants laws in the nineteenth century did not address the question of overtime worked by the employee, and no restrictions were prescribed by the law. In the modern era, the BCEA restricts overtime and an employer may not require an employee to work more than three hours overtime per day or more than ten hours overtime per week. The payment of overtime is also addressed, and it is stipulated that the employee will be paid at one and a half times the hourly rate for each hour of overtime worked.²⁵⁸

During the nineteenth century, the masters and servants legislation was silent on the issue of an employee's leave. British factory legislation at this time allowed factory employees leave of up to eight half days per year. In South Africa, the BCEA currently allows for fifteen days annual leave per year. The Masters and Servants Act of 1856 addressed incapacity of an employee due to sickness or an accident that was not the fault of the employee. This act determined that the employee would be paid for the first month of incapacity and would still receive any stipulated benefits during the second month. Currently the BCEA provides for 30 days sick leave over a three year period, during which the

²⁵⁷ Grogan, p. 6.

²⁵⁸ Basic Conditions of Employment Act No. 75 of 1997, p. 9.

employee will be paid his full wages and receive all benefits due to him. In modern legislation provisions are also made for additional leave in the form of four months unpaid maternity leave and three days family responsibility leave per year.²⁵⁹

Record keeping was prescribed in the masters and servants laws in the Cape Colony, Natal and the Transvaal as well as in Britain, and this stipulation is also found in modern legislation. Masters and servants legislation during the nineteenth century determined that the names of the employer and employee as well as the duration of the contract be recorded. The BCEA determines that every employer must keep a record containing the employee's name and occupation, the time worked, the remuneration paid, the date of birth of any employee younger than 18 years and any other prescribed information. Written employment contracts according to the masters and servants law required that the wage rate be stipulated as well as the day on which payment would take place. The modern employment contract stipulates the remuneration received by the employee, the day on which the employee will be paid, whether daily, weekly, fortnightly or monthly, and any deductions made or benefits received by the employee.²⁶⁰

Legislation in the Cape Colony and other areas stipulated that an employee working for a month or more had to provide notice of one month. Notice periods are also outlined in modern legislation in South Africa, which determines that an employee employed for four weeks or less must give notice of one week only. If an employee has been employed for more than four weeks, but no more than one year, the notice period required is two weeks and for employment exceeding a year, a four week notice period is required.²⁶¹

Early labour legislation in South Africa, such as the Caledon Proclamation of 1809, already addressed termination issues. It determined that employees could not be detained after the expiry of their contracts. Later legislation also protected employee interests by not allowing an employer to retain any employee property. Contracts had a limited duration and written contracts were mostly limited to a period of one year unless entered into before a magistrate, in which case the contract could be valid for a longer period. Modern contracts can either have a fixed term or be a permanent contract. In the case of a fixed term contract, the expiry of the contract would be linked to a specific date or to the completion of the project, and no notice period is required. Permanent contracts can be terminated by either the

²⁵⁹ *Ibid.*, pp. 12-13.

²⁶⁰ *Ibid.*, pp. 15-17.

²⁶¹ *Ibid.*, p. 18.

employee or employer by giving the prescribed notice or by dismissal of an employee due to disciplinary actions.²⁶²

The labour strategies employed by governments within South Africa, as well as by capital interests and other employers, were influenced not only by the colonial policy instituted by Britain but also by the legislative impact of British laws regarding masters and servants and vagrancy. The legislative framework in the different colonies and states regulated the relationship between employers and employees, but the reality of economic conditions such as economic depression and labour scarcity also impacted on the labour environment. This led to the adoption of different strategies to acquire labour, the use of various labour sources and the continued adherence to coerced labour that placed certain restrictions on the freedom and voluntariness of the contract. The next chapter will investigate the use of apprenticeships and child labour as a supplementary source of labour for the agricultural and public works sectors and focus on the coercive aspects of this labour strategy as well as the role of Britain in securing in managing this labour source.

²⁶² Grogan, pp. 69-74.

CHAPTER 3

APPRENTICESHIPS AND SLAVERY

1. Introduction

This chapter outlines the economic environment in South Africa during the British colonial period and indicates the main industries and export areas which were most in need of an adequate labour supply. The concepts of slavery, free labour and forced or coerced labour are contrasted to serve as a framework for discussing the labour environment and strategies applied by employers. The emancipation of slaves and the subsequent labour scarcity experienced within the Cape Colony, as well as labour strategies used by the government and employers in the British colonies and independent states, are then highlighted. The chapter will lastly focus on the use of apprenticeships and child labour to alleviate the labour scarcity experienced in the Cape Colony, Natal and Transvaal.

2. Economic environment

2.1 The Cape Colony

The Cape Colony was occupied by Britain not only for its strategic location but also for its merit as an outlet for manufactured articles produced in Britain. The high level of British imports into the colony, however, led to a large trade deficit. This forced the colonial authorities to generate local income to cover their administrative costs, and the wine industry was perceived as a viable means of generating this revenue.¹ After the abolition of slavery in 1807, Cape wine farmers benefitted from the favourable tariffs the British government awarded to the Cape wine industry.² The importance of Britain as a market for Cape wine was evident in the increase in market share from 7% in 1813 to 88% in 1823.³ The increase in colonial revenues through the production of wine required a stable supply of labour to the wine farms. Slaves formed the majority of the labour force but due to the abolition of slavery the labour supply could no longer be increased by purchasing more slaves. The government

¹ Rayner, M.I., *Wine and slaves: The failure of an export economy and the ending of slavery in the Cape Colony, South Africa, 1806-1834* (Ph.D.), p. 7.

² Dooling, W., “The making of a colonial elite: Property, family and landed stability in the Cape Colony, c1750-1834” in *Journal of Southern African Studies*, Vol. 31, No. 1, 2005, p. 151.

³ Rayner, p. 21.

therefore had to explore other labour sources such as the Khoikhoi and other African groups.⁴ In March 1825 the economy of the Cape came under severe pressure due to the collapse of wine prices following the removal of British preferential tariffs. Wine production declined quite drastically, and many farmers were bankrupted.⁵ During the 1830s the economic situation was improved by the production of wool in the Eastern Cape.⁶ The growth of industries in Britain during this period was increasingly dependent on the supply of raw materials and agricultural goods imported from the colonies. Colonies such as Australia and the Cape Colony exported wool to British textile factories, and wool became the most important export product for the Cape.⁷ From 1846 to 1850 the Cape Colony on average exported wool to the value of £200 000 per year. In 1869 records showed that wool exports had substantially increased to an amount of £1 700 000. It was, however, evident that the development of the Cape economy could not solely depend on the export of wool since production was frequently affected by environmental issues such as droughts.⁸

The economy of the Cape gradually expanded, and by 1856 the economy already included a number of industries and banks. Factors which supported economic development included the increase in a skilled European labour force and the availability of capital. The agricultural sector produced diverse products such as wheat, oats, barley, wine, brandy and maize, while the raising of livestock such as cattle, horses, pigs and poultry also increased.⁹ Agricultural pursuits were not limited to white farmers, since missionary influences and government policies also improved African agricultural techniques.¹⁰ African farmers such as the Mfengu of the Eastern Cape used their interaction with the European economy to increase their agricultural output, and then sold their surplus on the open market.¹¹ The sale of surplus agricultural goods helped Africans to not only pay their taxes and purchase consumer goods, but it also provided an alternative for them to working as wage labourers.¹² Taxes levied by

⁴ *Ibid.*, pp. 80-81.

⁵ Dooling, p. 151.

⁶ Iliffe, J., "The South African economy, 1652-1997" in *The Economic History Review, New Series*, Vol. 52, No. 1, February 1999, p. 90.

⁷ Murray and Post, p. 47.

⁸ Gibson, J.L., *A critical study of the report of the De Villiers Commission on technical and vocational education* (M.Ed.), p. 24.

⁹ Nkosi, M., *The South African economy: Structural changes and implications for the future*, pp. 81-82.

¹⁰ Schapera, I., "Economic changes in South African native life" in *Journal of International African Institute*, Vol. 1, No. 2, April 1928, p. 181.

¹¹ Iliffe, p. 91.

¹² Lewis, J., "The rise and fall of the South African peasantry: A critique and reassessment" in *Journal of Southern African Studies*, Vol. 11, No. 1, October 1984, pp. 1-2.

the British government on Africans included head, poll and hut taxes, and helped to raise income within the British colonies.¹³

The discovery of diamonds in Kimberley in 1867 had a positive impact on the Cape economy, and by 1876 diamonds were the colony's largest export product.¹⁴ Britain continued to be the Cape's main trading partner, and wool, along with diamonds, was the most important export item. Other items exported to Britain included copper ore, ostrich feathers and sheepskins, while the Cape imported clothing, cotton, and iron from Britain.¹⁵

During the early 1870s the population on the Kimberley diamond fields increased rapidly, and along with increased competition on the diamond fields production methods also became more demanding due to the deeper excavations required on the dry diggings. Changes in production methods led to a higher demand for labour, and from 1871 frequent complaints were voiced regarding the scarcity and high cost of labour.¹⁶ Individual diggings were soon replaced by companies, and by the end of 1880 an estimated twenty companies were involved in diamond production in Kimberley. The increase in the number of companies to about 70 led to inflated share prices, and in June 1881 the share prices collapsed. This resulted in many bankruptcies on the diamond fields, the elimination of small diamond concerns, and the formation of large diamond companies in Griqualand West.¹⁷

The 1882 annual report of the Cape Town Chamber of Commerce focused on the commercial crisis in the Cape Colony. The commercial slump was believed to be due to drought, an increase in risky share investments and the disorder of the frontier regions. The cost of operating the diamond mines at deeper levels had been increased by the inflated wages of labourers as well as the high cost of excavations. It was felt that the profitability of the diamond industry would not improve until the diamond supply could be restricted. The export of important trade items such as wool and ostrich feathers also decreased during the year.¹⁸ A further decline in share prices from 30 shillings in 1882 to less than 23 shillings in

¹³ Nunn, N., "Historical legacies: A model linking Africa's past to its current underdevelopment" in *Journal of Development Economics*, Vol. 83, 2007, p. 170.

¹⁴ Worger, W.H., *South Africa's City of Diamonds: Mine workers and monopoly capitalism in Kimberley, 1867-1895*, p. 120.

¹⁵ Martin, F., *The statesman's year-book*, Vol. 14: 1877, pp. 628-629.

¹⁶ Worger, pp. 15-20.

¹⁷ Mabin, A., "Labour, capital, class struggle and the origins of residential segregation in Kimberley, 1880-192" in *Journal of Historical Geography*, Vol. 12, No. 1, 1986, pp. 7-8.

¹⁸ *The Economist*, 9.6.1883, p. 10.

1883, as well as the difficulty of obtaining labourers, meant that by 1883 the control of diamond production was concentrated in the hands of a small number of companies.¹⁹

By 1886 the commercial depression started to subside, and large quantities of diamonds were once again shipped to Britain along with wool, which composed more than half of the total exports. The Cape Colony also exported items such as copper ore, feathers, skins, and hides, while the main imports included clothes, cotton and iron and leather products. The main crops cultivated in the colony included wheat, oats, maize, rye and barley, while the wine industry was also producing large quantities of wine. Public works were escalating as well, and a total length of 2 573 kilometres of railway line had already been completed.²⁰ The discovery of gold on the Witwatersrand in 1886 had a positive impact on all the colonies due to the increased imports to and exports from the Transvaal. Large quantities of gold as well as diamonds and smaller amounts of copper ore were exported through the harbours of the Cape Colony. This contributed to the development of manufacturing industries, while the agricultural industries also exported wool, ostrich feathers, hides, wine, and grain along with angora hair. Britain continued to be the Cape's main trading partner, and a large quantity of imports such as clothing, cotton, machinery and railway carriages came from Britain.²¹

The development of the Cape economy increased labour requirements. During the early colonial period the agricultural sector dominated the economy through the production of wine, wool and other crops. The farmers, however, experienced frequent labour problems caused by the abolition of slavery and the scarcity of other labourers. The discovery of diamonds in Griqualand West also impacted on the colony's labour supply as many labourers left the farms to join the labour force on the diamond fields. The public works projects initiated after the discovery of diamonds increased competition for available labour in the Cape Colony, and the discovery of gold in the Transvaal and the migration of labourers to this area also added another competitive element that decreased the locally available labour force.

¹⁹ Mabin., A., "Labour, capital, class struggle and the origins of residential segregation in Kimberley, 1880-192" in *Journal of Historical Geography*, Vol. 12, No. 1, 1986, p. 8.

²⁰ Keltie, J.C., *The statesman's year-book*, Vol. 24: 1887, pp. 727-729.

²¹ *Ibid.*, Vol. 42: 1903, pp. 201-203.

2.2 Natal

In the early 1850s Natal's revenue base was very small. Direct African taxation contributed more than a third of the total revenues earned, playing a vital role in the development of the colony. The colonial government initially encouraged the cultivation of cotton and sugar by Africans in the reserves. Experiments with cotton and sugar were unsuccessful, however, mainly due to a lack of capital and the small-scale production methods used. Africans were more successful with the production of crops such as maize, and in 1849 African farmers were already exporting surplus maize to the Cape Colony. African farmers used available free land in the reserves for farming and reached agreements with absent owners to cultivate the land in exchange for cash or labour tenancy. The government feared that a change in the reserve system would adversely affect African production and negatively impact on tax revenues. Taxes which would be unfavourable to African agricultural production (such as those passed by the Legislative Council regarding hoes and ploughs) were therefore not allowed by the Lieutenant-Governor.²²

The cotton industry in Britain boomed in the 1850s due to increased international demand from countries like the United States, improved machinery, and an increase in prices. Britain's exports consisted of nearly 40% cotton by 1860. This caused anxiety in the industry because of the Empire's inconsistent raw cotton supply.²³ Cotton cultivation was introduced into Natal in 1847. A joint stock company was established to cultivate cotton. The application was submitted to the Lieutenant-Governor for a free grant of 12 141 hectares of land to facilitate the process.²⁴

The scarcity of labour was seen as one of the main reasons why cotton cultivation did not really take off in Natal. Africans were only willing to work for short periods of time, with the result that cotton planters were unable to secure a constant labour supply. Colonists blamed this on the fact that the Africans were independent producers of maize and not dependent on wage labour. The Natal government decided to increase the cultivation of cotton by encouraging Africans to produce their own cotton. They believed this would be viable since Africans in Natal were already able to produce enough surplus maize to supply

²² Harries, P., "Plantations, passes and proletarians: Labour, and the colonial state in nineteenth century Natal" in *Journal of Southern African Studies*, Vol. 13, No. 3, April 1987, pp. 374-375.

²³ Schnurr, M.A., "Commodity cropping and the delineation of agricultural space in Natal, 1850-1863" in *South African Historical Journal*, Vol. 61, No. 1, 2009, p. 138.

²⁴ British Parliamentary Papers (BPP) 961, pp. 28-29: Eighth general report of the Colonial Land and Emigration Commissioners, 17.5.1848.

the colonists.²⁵ In May 1856 Theophilus Shepstone, the Secretary of Native Affairs, outlined a plan to induce Africans to cultivate cotton. He believed that the payment of hut taxes in cotton was the best way to achieve this.²⁶ This course of action was also promoted within Britain. In a speech by Mr Alfred Southam to the Council of Cotton Supply Association at Manchester, he suggested the cultivation of cotton instead of maize by Africans in Natal. He was also in favour of the payment of hut taxes in cotton.²⁷ Shepstone emphasised the benefits of African cotton cultivation such as an increase in African tax revenue and the increased civilisation of the African tribes. In November 1858 funds were allocated to his scheme for African cotton cultivation, and Shepstone focused his efforts along the uMkhomanzi River where he employed two superintendents to manage cotton cultivation. In other districts resident magistrates were also instructed to implement Shepstone's idea. In 1860 and 1861 the Natal reserves produced approximately 590 kilograms of cotton, meeting the requirements of the British cotton mills according to the Cotton Supply Association. The African cultivators, however, soon abandoned cotton production in favour of maize. This was caused by a rise in maize prices, the low price of cotton internationally, the environmental difficulties experienced in Natal such as drought, the lack of training received and the demanding labour required when cultivating cotton. The Natal government, however, attributed the failure to African laziness.²⁸

The failure of cotton cultivation in Natal meant that sugar became the most important agricultural product, and due to the labour requirements of sugar planters, labour problems became critical. Plantation owners demanded labourers to produce their export crops while the government relied on the taxes paid by African cultivators to increase colonial income. The government had to protect their income by preventing the appropriation of African lands and the break-up of the reserves. Government protection for the reserves and the concession that allowed Africans to squat on the lands of absentee owners forced plantation owners to lobby for immigrant workers. This resulted in the importation of Indian labourers to work on sugar plantations.²⁹

During the 1870s Natal's economy was primarily built on the agricultural sector. The main item exported to Britain was wool imported from the Boer republics, while the local

²⁵ BPP 596, No. 1, Enclosure, pp. 94-96: Speech to the Council of Cotton Supply Association by Alfred Southam, 14.5.1857.

²⁶ BPP 596, No. 2, p. 97: Despatch from Lieutenant-Governor Scott to H. Labourchere, 27.4.1858.

²⁷ BPP 596, No. 1, p. 93: Despatch from H. Labourchere to Lieutenant-Governor Scott, 14.11.1857.

²⁸ Schnurr, pp. 144-153.

²⁹ Harries, p. 372.

agricultural industry contributed sugar and cotton along with ivory and hides for export.³⁰ The discovery of the coal fields in the northern part of the colony diversified the Natal economy. During the 1880s the cultivation of sugar and maize continued to play an important role in securing revenue for the colony, and sugar, along with angora hair, hides and ostrich feathers, were exported to Britain and other countries.³¹ After the Anglo-Boer War, the mining industry in Natal continued to develop through coal mining activities, while agriculture persisted with the production of crops such as sugar and maize.³²

2.3 The Orange Free State

The economy of the Orange Free State was mainly based on farming. The scarcity of water excluded large-scale agriculture, and so sheep farming and wool production became the main focus of the economy. The discovery of diamonds and coal, however, diversified the local economy, and the mining industry became an important contributor to the revenue of the Orange Free State.³³ During the 1890s the main export items from the country included agricultural produce as well as diamonds.³⁴ After the Anglo-Boer War, the main industries in the Orange Free State continued to be agriculture and mining, and the main export items were wool and diamonds. The Orange Free State was, however, very dependent on the import of items such as cotton, blankets, food, wood and clothing.³⁵

2.4 Transvaal

The discovery of diamonds in Griqualand West did not benefit the Transvaal economy to the same degree as it did the Cape Colony, and by the mid-1870s the economic position of the Transvaal had become critical. This was seen as one of the causes of the British annexation of the Transvaal in 1877.³⁶ From 1880 to 1885 the Transvaal experienced a severe economic depression. The British withdrawal from the Transvaal in 1881 caused credit funding to collapse while persistent droughts had a negative impact on agriculture. In 1885 the Transvaal's credit with the Standard Bank was depleted, and the bank refused to extend further loans, leading to a bleak financial outlook.³⁷ In 1886 gold was, however, discovered in the Transvaal. This discovery coincided with a period when the supply of gold did not

³⁰ Martin, F., Vol. 13: 1876, p. 650.

³¹ Keltie, Vol. 23, 1886, pp. 742-743.

³² *Ibid.*, Vol. 42, 1903, pp. 225-226.

³³ *Ibid.*, Vol. 23, 1886, pp. 746-747.

³⁴ *Ibid.*, Vol. 35, 1897, pp. 803-804.

³⁵ *Ibid.*, Vol. 42, 1903, p. 235.

³⁶ Gibson, p. 34.

³⁷ Kruger, P., *The memoirs of Paul Kruger*, p. 179.

meet world demand, contributing to a major increase in government revenue in the Transvaal.³⁸ The agricultural sector also recovered and the main crops included wheat, sugar, coffee and cotton. Cattle, sheep and ostrich farming were also practiced.³⁹

The discovery of gold in the Transvaal dramatically changed the economic environment. Large sums of capital were invested and in 1888-1889 the country acquired a substantial amount from foreign investments. The economic boom only lasted for a short period due to the worldwide economic crisis in 1890, coupled with technological mining difficulties in the Transvaal.⁴⁰ The gold mines were subsequently forced to focus on the improvement of technology to ensure future efficiency. Experienced engineers from countries such as the USA were employed to improve mine management. The introduction of the cyanide process from 1893 to 1894 increased the percentage of gold extracted from the ore, while the cost of production also decreased due to the completion of the Cape railway line to Johannesburg in 1892. The new railway link decreased the cost of transporting machinery and merchandise to the Transvaal. An additional advantage of the railway line was the fact that labour could now be transported to the gold mines at a lower cost. However, the Jameson Raid and the political problems in the Transvaal as well as declining share prices led to a decrease in capital investment in the Transvaal during 1896 and 1897.⁴¹ The development of deep level mines required large capital investment, and finance houses were established to facilitate mining development,⁴² leading to increased investment during 1898.⁴³ The agricultural sector also experienced a serious recession from 1895 to 1897 due to droughts, locusts and rinderpest. Cattle herds in the Transvaal were greatly reduced by the rinderpest epidemic, and this contributed to increases in the prices of agricultural produce.⁴⁴

After the Anglo-Boer War gold mining continued to be the mainstay of the Transvaal economy, and gold was mined not only on the Witwatersrand but also in the goldfields of Barberton. Iron ore deposits were discovered near Pretoria while coal mining in the Transvaal increased due to the opening of new coal fields in Barberton, Middelburg and Pietersburg. Large deposits of low grade copper ore were discovered in the Pietersburg district. The agricultural output was not sufficient to meet the requirements of the inhabitants of the

³⁸ Gibson, p. 34.

³⁹ Keltie, Vol. 23, 1886, pp. 749-750.

⁴⁰ Duncan, A.J., "South African capital imports, 1893-1898" in *The Canadian Journal of Economic and Political Science*, Vol. 14, No. 1, 1948, pp. 20-21.

⁴¹ *Ibid.*, pp. 39-41.

⁴² Phimister, I. and Mouat, J., "Mining, engineers and risk management: British overseas investment, 1894-1914" in *South African Historical Journal*, Vol. 49, 2003, p. 2.

⁴³ Duncan, pp. 20-21.

⁴⁴ *Ibid.*, p. 34.

Transvaal, however, and foodstuffs such as corn, dairy products and groceries were imported. Other imports consisted of wood, leather, chemicals and cottons and woollens, while gold, coal, wool, tobacco, maize and hides remained the main export items.⁴⁵

3. Slavery, forced labour and free labour

Between 1807 and 1834 the economy of the Cape Colony depended on the use of slave labour. The abolition of slavery by Britain in 1807, the emancipation of slaves in 1834 and the subsequent dependence on free labour had a serious impact on the labour environment. Government and employers utilised legislation and various strategies in competing for their share of the labour market. In order to understand the labour strategies employed in not only the Cape Colony, but also in Natal, the Transvaal and the Orange Free State, it is necessary to investigate the difference between slave labour, free labour and forced or coerced labour. After the abolition of slavery, grey areas emerged in the employment of labour in the colonies since many interest groups in Britain and the colonial environment equated slavery with forced or coerced labour. Many of the labour sources employed in South Africa had a certain coercive or forced aspect. This led to criticism from the British government, philanthropic and humanitarian groups, as well as local missionaries, traders and the colonial governments.

The anti-slavery lobby advanced numerous arguments to highlight the negative aspects of slavery. The treatment of slaves was portrayed as unethical, while the unproductiveness of slave labour in contrast to free labour was also emphasised.⁴⁶ The rising importance of the concept of free labour made a major contribution to the abolition of slavery. Due to the influence of Adam Smith it was believed that free labour, in contrast with slave or coerced labour, was more efficient and would benefit both the employee and employer.⁴⁷

In Smith's *An inquiry into the nature and causes of the wealth of nations*, published in 1776, it was proposed that sufficient rewards for free labour would increase the productivity of the labour force. In contrast, slave labour would only be more productive if coercion was used by the employer. Another advantage of free labour was the fact that free workers would be responsible for their own maintenance regarding food, accommodation and clothes.⁴⁸

⁴⁵ Keltie, Vol. 42, 1903, pp. 249-250.

⁴⁶ Engerman, S.L.(ed.), *The terms of labor: Slavery, serfdom, and free labor*, p. 19.

⁴⁷ *Ibid.*, pp. 8-9.

⁴⁸ London School of Economics (LSE) Selected Pamphlets Collection, Hodgson, A., *A letter to M. Jean-Baptiste Say, on the comparative expense of free and slave labour*, pp. 3-6; Smith, A., *An inquiry into the nature and causes of the wealth of nations*, p. 159.

Freeing slaves would therefore increase both their earning potential and their well-being, while their increased efficiency would also contribute to higher revenues for employers.⁴⁹ The concept of free labour emphasised the importance of an employee's voluntary agreement to an employment contract that provided the best possible employment terms to the employee.⁵⁰ It was also argued that labour was only free if employers were unable to induce criminal penalties such as imprisonment for misdemeanours like desertion or non-performance of duties. Criminal sanctions, therefore, gave employers a similar authority over workers as that possessed by slave owners.⁵¹

The economic benefits of free labour did, however, not materialise after slaves were emancipated. Engerman saw this as the reason for the introduction of stricter government control over labour. Government measures to encourage freed slaves to join the labour force included the limiting of land for settlement, the introduction of taxation, and the enactment of vagrancy legislation. These measures forced labourers to join the labour market, while efforts to increase consumption by former slaves also encouraged them to freely join the labour force.⁵² Coercive measures were required to ensure an adequate supply of productive labour. These measures were based on legislation, political and legal action by the government. Natural occurrences like droughts also forced labourers to seek employment. The government further complemented the labour supply by the use of convict labour, forced labour for public works and the expansion of military forces through conscription.⁵³

After the abolition of slavery, the focus of humanitarian and other groups shifted to the prevention of coercive or forced labour practices and the protection of free labour. Forced or compulsory labour is defined in the International Labour Office's Forced Labour Convention of 1930 as "all work or service which is exacted from any person under the menace of any penalty and for which said person has not offered himself voluntarily".⁵⁴ The definition of forced labour as found in the ILO Convention emphasises the extraction of unfree labour through coercive measures, an indication that the connection between forced labour and slavery continues.⁵⁵ Forced labour was also not distinguished by the type of work

⁴⁹ Temperley, H.(ed.), *After slavery: Emancipation and its discontents*, p. 20.

⁵⁰ Drescher, S., *The mighty experiment: Free labor versus slavery in British emancipation*, p. 21.

⁵¹ Fredrickson, G.M., *White supremacy: A comparative study of American and South African history*, p. 216.

⁵² Engerman., pp. 20-21.

⁵³ *Ibid.*, pp. 12-13.

⁵⁴ International Labour Organisation (ILO), "CO29 – Forced Labour Convention, 1930 (No. 29)", <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029>, accessed 12.9.2013.

⁵⁵ Anti-Slavery International and International Confederation of Free Trade Unions (ICTFU), "Forced labour in the 21st century", <http://www.antislavery.org/includes/documents/cm_docs/2009/f/forcedlabour.pdf>, accessed 13.9.2013, p. 2.

expected from the employee but rather by the relationship between the employee and his or her employer or supervisor.⁵⁶ There were exclusions from the definition of forced labour such as the performance of military service or labour due to conviction of a crime and supervised by a government authority.⁵⁷ Prison labour was for instance not condemned by the convention, but specific stipulations were applied to its use. Only convicted prisoners could be used as prison labour and people awaiting trial or imprisoned for political transgressions or due to labour disputes were exempted. Prisoners could not be forced to work for private employers, and prisoners could only be used as convict labour if the work was supervised by government authorities.⁵⁸

Forced labour was further defined as including aspects such as unfree recruitment, working and living under duress or coercive conditions, restrictions on freedom to leave an employer and the use of sanctions. Unfree recruitment could be due to recruitment in which employees were compelled to work for an employer without having any choice, or deceptive recruitment in which the employment conditions were misrepresented, or the employee was promised benefits which did not materialise.⁵⁹ Unfree recruitment was also present in instances in which the employee was kidnapped, freedom of movement restricted during the recruitment process, indebted or sold.⁶⁰

Situations in which an employee was forced by use of compulsion, penalties or the threat of a penalty to work for an employer were classified as forced labour since the employee worked under duress. Sub-standard living conditions or the limiting of an employee's freedom of movement through institutions such as compounds was also categorised as working under coercion. In cases where the employee was unable to leave the employer due to sanctions imposed for non-completion of the contract, the freedom of the employee was curtailed. The non-payment of wages and the employee's decision to continue working to secure the outstanding wages was also seen as a form of compulsion as was the extension of an employee's contract for an indeterminate period due to outstanding debts. The inability of an employee to obtain his travel documents before the completion of his period of service can also be seen as coercion.⁶¹

⁵⁶ International Labour Office (ILO), "Hard to see, harder to count: Survey guidelines to estimate forced labour of adults and children", <<http://www.aihr-resourcescenter.org/administrator/upload/documents/hard.pdf>, 2012>, accessed 12. 9. 2013, p. 27.

⁵⁷ *Ibid.*, p. 11.

⁵⁸ Anti-Slavery International and ICFTU, pp. 3-4.

⁵⁹ International Labour Office (ILO), p. 14.

⁶⁰ *Ibid.*, p. 23.

⁶¹ *Ibid.*, pp. 14-15.

4. Emancipation of slaves in the Cape Colony and labour scarcity

The Slavery Abolition Act was enacted on 28 August 1833. The act determined that all slaves would be emancipated and that compensation would be paid to slave owners for their loss. It also provided for the promotion of habits of industry among freed slaves and the institution of an apprenticeship period. The act stipulated that all slaves who were six years or older on 1 August 1834 would be apprenticed as labourers to their previous owners for a period of four years.⁶²

Employment conditions such as hours of work and punishment for misdemeanours were also regulated by the act. Working hours during the apprenticeship period were restricted to 45 hours per week. Apprentices were allowed to buy their discharge from an apprenticeship even in cases where the employer did not agree. The employer was obligated to provide food, clothing, accommodation and medical assistance to the apprentice.⁶³

The apprenticing of children younger than twelve years was also stipulated. If a female apprentice was unable to support such a child, a Justice of the Peace could apprentice him or her to an employer. The child would be apprenticed up to the age of 21 years, and he or she would be entitled to food, accommodation, clothes and other support from the employer.⁶⁴ The legislation also ensured that employers could not punish apprentices for offences since only a Justice of the Peace was allowed to discipline the apprentice.⁶⁵

The Slavery Abolition Act resulted in the emancipation of an estimated 800 000 slaves in the British Empire in December 1834.⁶⁶ After completion of the four year apprenticeship period, the slaves would become legally free and would be able to join the labour force on a voluntarily basis.⁶⁷ The slave population in the Cape Colony received their freedom on 13 August 1838.⁶⁸ The emancipation of slaves and their release from apprenticeships in 1838 created a major labour problem. The Cape had to find other labour sources and decisions had to be made concerning the importation of indentured labour from India or other countries. The Cape Colony, however, decided not to follow the precedent set

⁶² BPP 492, pp. 1-4: 4 Will. IV. A bill for the abolition of slavery throughout the British colonies, for promoting the industry of the manumitted slaves, and for compensating the owners of such slaves, 1833.

⁶³ BPP 492, pp. 1-6.

⁶⁴ BPP 492, pp. 5-7.

⁶⁵ BPP 492, p. 10.

⁶⁶ Crawford, N.C., *Argument and change in world politics: Ethics, decolonization and humanitarian intervention*, pp. 182-183.

⁶⁷ Thompson, L., *The history of South Africa*, p. 58.

⁶⁸ BPP 560: Report from the Select Committee on Negro apprenticeship in the colonies, 1836, p. 504.

by colonies such as Mauritius which had imported indentured Indian labour, but rather chose to implement other strategies to counter labour scarcity.⁶⁹

The emancipation of slaves and the resulting move towards the use of free labour in the Cape Colony and Natal led to constant complaints of labour scarcity by employers. After the establishment of the Orange Free State and Transvaal republics, labour scarcity also became a major problem in these independent states. Different strategies were implemented to ensure a stable labour supply and to increase existing labour sources. The labour supply was for example supplemented by the apprenticing of African refugees, destitute children, juvenile emigrants from Britain and liberated slaves from captured slave ships. In many instances these apprenticeships were condemned as forced labour, and critics often labelled apprenticeships as disguised slavery.

5. Apprenticeships and child labour

According to Wilkes child labour could be divided into children working in the labour environment as ‘free labour’ children and apprentices. ‘Free labour’ children worked for an employer to earn wages to add to the family earnings. Children in this category could also be employed in a craft or trade business run by their families, or could assist their parents in working on farms. Apprentices were divided into two categories, namely craft apprentices and pauper apprentices.⁷⁰

5.1 Apprenticeships in Britain

The apprenticeship system used in the Cape Colony had its roots in the craft and pauper (parish) apprenticeship systems employed in Britain from the sixteenth century onwards. Craft apprenticeship was a system in which young adults agreed to work for artisans or tradesmen for a specified number of years. In exchange for their labour, apprentices received training in a craft or trade. The Statute of Artificers of 1562 formed the basis for all subsequent legislation on apprenticeships⁷¹ and created a national framework for apprenticeships in Britain.⁷² The statute addressed apprenticeships by stipulating sanctions for desertion and outlining the rights and duties of employers and apprentices.⁷³ It also outlined the basic rules for apprenticeships which included the following: employers older

⁶⁹ Gibson, p. 22.

⁷⁰ Wilkes, S., *The children history forgot: Young workers of the industrial age*, p. 25.

⁷¹ Wallis, P., “Apprenticeship and training in premodern England” in *Working papers on the nature of evidence: How well do ‘facts’ travel?*, No. 22/07, 2007, pp. 3-4.

⁷² Roodenburg, H. and Spierenburg, P. (eds), *Social control in Europe: 1500-1800*, p. 179.

⁷³ Hay, D. and Craven, P. (eds), *Masters, servants and magistrates in Britain and the Empire, 1562-1955*, pp. 6-8.

than 24 years could employ apprentices, the apprenticeship term would be for seven years, and apprentices should be 24 years or older at the completion of the apprenticeship. The legislation also limited employment in most occupations to people who had completed an apprenticeship. Guilds in towns and cities stipulated further prerequisites for the administration of apprenticeships. Apprenticeship contracts were lodged with the guilds, and the records were used to acquire citizenship of the town after the completion of an apprenticeship.⁷⁴ Apprenticeship contracts outlined the details of the agreement. The apprentice would, for example, agree to submit to the authority of his employer, to keep business secrets and not to frequent places such as alehouses. The employer agreed to provide food and accommodation and to instruct the apprentice in a trade.⁷⁵

During the seventeenth century, the families of apprentices often paid a fee or 'premium' to an employer to facilitate an agreement. In most cases the employer provided food and accommodation to the apprentice. Apprentices seldom received wages from their employers, and the duration of the apprenticeship contract allowed employers to recover training costs as well as that of the apprentices' maintenance.⁷⁶ Legislation regulating apprentices often did not progress at the same rate as economic changes. The Statute of Artificers was only applicable to trades which were in existence in 1562. Apprentices employed in new occupations were not subject to the prescribed seven year apprenticeship period or to the specified wage rates.⁷⁷

Apprenticeships changed considerably after the enactment of the Elizabethan Poor Laws in 1601. This legislation aimed to assist the poor⁷⁸ by determining that the parish was responsible to provide aid to them and by instituting workhouses.⁷⁹ To assist destitute children, the apprenticeship system was also extended to include parish or pauper apprentices.⁸⁰ Child destitution and poverty was a serious problem in Britain and put increased financial pressure on the parishes responsible for these children. Apprenticing pauper children to employers was seen as a workable solution for this social problem. Parishes were willing to pay employers a premium equal to a child's maintenance in a workhouse for a period of one year. The fact that an apprenticeship included instruction in a trade or craft was seen as an advantage for both the child and the parish. The cost of the

⁷⁴ Wallis, pp. 3-4.

⁷⁵ Brooks, C.W., *Law, politics and society in early modern England*, p. 376.

⁷⁶ Wallis, pp. 5-6.

⁷⁷ Floud, R. and Johnson, P.(eds), *The Cambridge economic history of modern Britain*, Vol. 1, p. 208.

⁷⁸ Segal, E.A., *Social welfare policy and social programs: A values perspective*, p. 27.

⁷⁹ Ginsberg, L. and Miller-Cribbs, J., *Understanding social problems, policies, and programs*, p. 18.

⁸⁰ Trattner, W.I., *From poor law to welfare state*, p. 11.

premium paid by the parish for apprenticeship was also much less than the money required for maintaining the child in a workhouse over a number of years.⁸¹

The Masters and Servants Act of 1758 addressed poor relief and allowed for the apprenticing of any boy older than thirteen years if his parents were unable to maintain him.⁸² Apprentices were allowed to report their employers for maltreatment and the magistrate in such a case could release the apprentice from his contract. Apprentices could also be imprisoned for misdemeanours such as breach of contract.⁸³

In Britain ideas of the time also emphasised the role of children in the labour force. Jonas Hanway, a philanthropist, promoted the apprenticing of children at a very early age since it would teach work ethics. Hanway did not support indolence, and believed that families should maintain themselves and prevent dependence on poor relief by using all possible resources available to them, including using their children as labourers. Indolence was also seen as contributing to juvenile delinquency.⁸⁴

Parish apprenticeships were soon extended to include not only domestic service and trades, but also factories.⁸⁵ The textile factories established in northwest England lacked an adequate local labour supply and created a market for parish apprentices. The parishes in London and other cities regularly apprenticed children to cotton mills in Lancashire and Yorkshire.⁸⁶ Newspapers were used by both employers and parishes to advertise apprenticeships. Some employers also approached parishes to acquire apprentices or used agents to engage them. The payment of the premium was an important part of the transaction between the factory and the parish, and a number of employers expected an advance payment to employ an apprentice.⁸⁷

The parish apprenticeship system contained a coercive element, and these apprenticeships were often criticised for the number of ways in which the system could be misused.⁸⁸ Parish apprentices were usually younger than craft apprentices when they commenced their apprenticeship contracts, and the term of apprenticeship was also longer. During the eighteenth century parish apprentices were apprenticed to factory owners from the

⁸¹ Honeyman, K., *Child workers in England, 1780-1820*, pp. 22-23.

⁸² Great Britain, *House of Commons sessional papers of the eighteenth century, Bills 1763-1768*, p. 295.

⁸³ *Ibid.*, pp. 5-6

⁸⁴ Wilkes, p. 27.

⁸⁵ Honeyman, p. 34.

⁸⁶ Floud and Johnson, p. 335.

⁸⁷ Honeyman, pp. 34-40.

⁸⁸ *Ibid.*, p. 31.

age of six years, and apprenticeship contracts continued up to the age of 21 years.⁸⁹ The concept of parish apprenticeships was in large part due to the changing social view about children and destitution. Poor children were often perceived as a social threat and as prospective criminals.⁹⁰

The apprenticeship system was regulated by different laws enacted from 1802 onwards. The Health and Morals of Apprentices Act of 1802 determined that no apprentice would be forced to work for more than twelve hours per day. This would exclude the time allowed for meals. An apprentice could not be forced to work between nine o'clock at night and six o'clock in the morning, and the employer had to ensure that every apprentice would be instructed in reading and writing. Any employer who did not act in accordance with this act could be fined.⁹¹

The act required Guardians of the Poor to keep a register of all children apprenticed by parishes. The lack of enforcement through inspections meant that the system remained open to abuse. On 2 July 1816 the Parish Apprentices Act was adopted. This act determined that children could only be apprenticed to employers within a 64 kilometre radius of the parish. An important objective of the act was to curb the large number of apprentices being sent from the London parishes to the factories in the Midlands and the north of England. The act ensured that children would not be estranged from their parents and ensured more accountability regarding the treatment of children. It also declared that the apprenticing of children under the age of nine would be illegal.⁹²

The Factory Act of 1819 provided for the regulation of mills and factories. The act aimed to protect children and determined that no person under the age of sixteen would be employed for more than twelve hours per day excluding meal times. Meal times were stipulated as half an hour for breakfast and an hour for dinner. The children were also only allowed to work between five o'clock in the morning and nine o'clock in the evening. Employers were, however, allowed to recover lost time by extending working hours by one hour a day.⁹³

⁸⁹ Hobbs, S., McKechnie, J. and Avalette, M., *Child labor: A world history companion*, p. 12.

⁹⁰ Honeyman, p. 31.

⁹¹ BPP 60, p. 3: A bill [as amended by the Committee] for the preservation of the health and morals of apprentices and others, employed in cotton and other mills, and cotton and other factories, 1801-1802.

⁹² BPP 60, pp. 49-52: A bill [as amended by the Committee] for the preservation of the health and morals of apprentices and others, employed in cotton and other mills, and cotton and other factories, 1801-1802.

⁹³ BPP 490, pp. 1-2: A bill intituled an act to make further provisions for the regulation of cotton mills and factories, and for the better preservation of the health of young persons employed therein, 1819.

In 1833 a new Factory Act was enacted to manage the working hours of children employed in mills and factories. The act determined that no person under eighteen years of age would be allowed to work at night or for more than twelve hours per day. It also stipulated that no child under the age of nine years could be employed, while children younger than thirteen years of age would not be allowed to work for longer than eight hours per day. Holidays were also prescribed and would consist of eight half-days per year.⁹⁴ Previous attempts to enforce legislation through the appointment of two inspectors did not curb abuses in the employment of children in factories. This act therefore allowed for the appointment of four inspectors. The inspectors would enforce stipulations of applicable legislation and would also ensure that all children working in factories attended school.⁹⁵ As a consequence of the Factory Act of 1833, the employment of children under fourteen years of age was decreased from 28 000 in 1835 to 12 300 in 1838.⁹⁶

Subsequent factory legislation addressed limitations on the number of working hours per week as well as on night work. The Factory Act of 1844 determined that no child or young person and no female of any age could be employed in the factory at night.⁹⁷ The Factory Act of 1847 stipulated that workers under the age of eighteen could not work for more than eleven hours per day, and the number of working hours per week was reduced from 64 to 63.⁹⁸

Stipulations with regard to wages and the provisioning of food and accommodation could be regulated by the law, but with regard to training there was no reciprocity in the apprenticeship contract. Instruction by the employer could not be guaranteed by legislation. In the event that an apprentice left an employer before the expiry of his contract, an employer could argue that he was unable to recover his costs due to the apprenticeship.⁹⁹

The Employers and Workmen Act of 1875 determined that any dispute between an apprentice and his master could be determined by a court of summary jurisdiction. The court

⁹⁴ BPP 607, pp. 1-3: A bill (as amended by the committee) to regulate the labour of children and young persons in the mills and factories of the United Kingdom, 1833; Tapping, T., *The Factory Acts: Comprising the statutes*, pp. 9-12.

⁹⁵ BPP 607, pp. 5-7: A bill (as amended by the committee) to regulate the labour of children and young persons in the mills and factories of the United Kingdom, 1833.

⁹⁶ Anderson, Ekelund and Tollison, pp. 75-78.

⁹⁷ BPP 7, pp. 2-5: Factories: A bill for regulating the employment of children, young persons and women in factories, 1844.

⁹⁸ BPP 13, p. 2: Factories: A bill to limit the hours of labour of young persons and females in factories, 1847.

⁹⁹ Manchester Selected Pamphlets Collection: *The Master and Servant Act, 1867 and the first report of the Royal Commission, 1874: a lecture delivered before the Dialectical Society, London, on 20 January 1875*, p. 17.

could force the apprentice to complete his contract and if the apprentice did not comply he could be imprisoned.¹⁰⁰

The Factory and Workshop Act of 1878 determined that young people and women in textile factories would not be allowed to work at night and could only work between 6 o'clock in the morning and 6 o'clock in the evening. Two hours would be allocated for meals and no young person or woman would be employed continuously for more than four and a half hours without a break. No child under the age of ten years would be employed in a factory or workshop.¹⁰¹

The objective of the Factory and Workshop Act of 1891 was to extend the provisions of the Factory and Workshop Act of 1878. One of the main provisions of the act was to expand stipulations regarding health and safety to all factories and workshops. The age of twelve instead of ten was also set as the minimum age for child employment. Overtime was restricted to five hours in a week. Industrial sanitation formed an important part of the act and if it was determined that a workplace had a negative impact on the health of an employee and the employer neglected to address the problem, the factory or workshop could be ordered to close.¹⁰²

Apprenticeships were already used in the Cape Colony under the rule of the Dutch East India Company. The British restructured existing laws and adopted legislation to incorporate aspects of the craft and parish apprenticeships used in Britain.¹⁰³

In South Africa the number of craft apprenticeships increased due to the development of the South African economy and the subsequent increase in industry. Craft apprenticeships were also used in industrial schools to train Africans and other groups in disciplines such as printmaking and carpentry. It was, however, the parish apprenticeship that had the most influence on apprenticeships in South Africa. The apprenticeship system of emancipated slaves, destitute children, destitute refugees of military conflicts and juvenile emigrants was adapted from the British pauper apprenticeship system and was open to many of the same abuses which the system in Britain suffered from.

¹⁰⁰ BPP 259, p. 3: Employers and workmen. A bill [as amended in committee] to enlarge the powers of county courts in respect of disputes between employers and workmen, and to give other courts a limited civil jurisdiction in respect of such disputes, 1875.

¹⁰¹ BPP 126, pp. 5-11: Factories and workshop: A bill [as amended in committee] to consolidate and amend the law relating to factories and workshops, 1878.

¹⁰² BPP 61, p. 2: Factory and Workshop Act (1878) amendment (No. 2): A bill to extend the Factory and Workshop Act, 1878, 1890-1891.

¹⁰³ Hay and Craven, pp. 38-40.

5.2 Apprenticeship legislation in South Africa

The proclamation of 1812 enacted in the Cape Colony would form the basis of apprenticeship systems adopted not only in that colony, but also in Natal, the Orange Free State and the Transvaal. The proclamation was enacted to regulate the apprenticeship of children between the ages of eight and eighteen. Children who were born while their parents were employed by a farmer and were therefore in a sense supported by the employer could be apprenticed to him. An apprenticeship contract was signed by both the employer and the magistrate, and included information on the mutual obligations of the apprentice and the employer. The employer was obliged to provide food and lodging to the apprentice, had to instruct him in Christianity and also teach him useful agricultural skills.¹⁰⁴ Farmers justified the use of the apprenticeship system since they had to support the child from birth. This system was based on British pauper apprenticeships and according to Hay and Craven closely resembled it since an apprenticeship contract was only agreed on between the magistrate and employer. The approval of the parents or the consent of the child was not required. The proclamation of 1812 hereby also restricted the freedom of the parents since in many instances they decided to stay with the employer while their children were apprenticed.¹⁰⁵

In the proclamation of 8 August 1817, the destitution of San children was addressed. Destitution was blamed on poverty, the difficulty of parents to maintain their children, and the constant movement of San groups from one place to another. Children were often left with white farmers who maintained them until reclaimed by their parents. The situation necessitated regulations to ensure that San children were not sold to farmers by their parents, and prevented farmers from acquiring children through coercion or other means. The proclamation determined that no inhabitant could receive or purchase a child unless the life of the child was threatened, and then only after the field-cornet was informed. Threats to a child's life included famine or any other circumstance which could lead a person to believe that the child should be rescued from destitution. The person had to notify the field-cornet and had to provide a description of the child for the record. The field-cornet also recorded information such as gender, age, names and descriptions of the parents, guardians or other persons whom the child was received from.¹⁰⁶

¹⁰⁴ BPP 584, pp. 8-9.

¹⁰⁵ Hay and Craven, pp. 38-40.

¹⁰⁶ Theal, G., *Records of the Cape Colony*, Vol. 11, pp. 365-366.

The proclamation determined that a person found guilty of encouraging San or other parents to give up their children could be severely punished. It allowed for the apprenticing of children for a period of ten years. The apprenticeship contract would be signed by both the magistrate and the employer, and magistrates had to keep a register of all San child apprentices.¹⁰⁷

A proclamation of 30 June 1803 allowed for the emigration of mechanics and other artisans to the colony as apprentices. In 1818 it was found that the relationship between tradesmen and their apprentices was not well regulated. The Proclamation of 26 June 1818 altered the Proclamation of 1803 and had two important objectives: the first was to oblige employers to fulfil their duty regarding the instruction and treatment of apprentices, and the second was to ensure that apprentices completed their full apprenticeships.¹⁰⁸ An apprentice who left his employer before the completion of the contract could be imprisoned, and a second offence could also lead to corporal punishment.¹⁰⁹ Apprentices who were indentured by their parents or guardians to learn a trade could not leave their employers until they fulfilled their contract. If the employer lodged a complaint about an apprentice, he could be compelled by imprisonment to return to the employer. An apprentice, however, also had the right to lodge a complaint which would be investigated.¹¹⁰

The proclamation of 1812 authorised magistrates to apprentice all Khoikhoi children who reached the age of eight years for a term of ten years to the employers who maintained them. Destitute Khoikhoi children were, however, not provided for in this proclamation.¹¹¹ The proclamation of 9 July 1819 addressed cases in which a child was left destitute due of the death of Khoikhoi or other females in the service of colonists. The colonist had to report the case to the resident magistrate within a period of three months. The magistrate would be authorised to place Khoikhoi or other infants in the care of acceptable colonists. This bound them as apprentices to such individuals up to the age of eighteen years or up to the marriage of a female apprentice.¹¹²

The proclamations of 1817 and 1819 expanded the apprenticeship system to include children without parents and San children. Child apprenticeship was a viable labour option

¹⁰⁷ *Ibid.*, pp. 366-367.

¹⁰⁸ Theal, Vol. 12, p. 14.

¹⁰⁹ *Ibid.*, p. 15.

¹¹⁰ *Ibid.*, p. 17.

¹¹¹ BPP 202, p. 5: Proclamation by his Excellency the Right Honourable General Lord Charles Henry Somerset, 9.7.1819.

¹¹² Theal, Vol. 12, pp. 249-250.

since in many cases it also ensured an adult labour supply.¹¹³ Due to the scarcity of labourers, inhabitants of the Cape Colony used the opportunities created by the proclamations of 1809, 1812, 1817 and 1819 to increase their labour force. Statistics available for the years 1812 to 1823 indicate that of the 3 933 Khoikhoi children born during this period, 2 295 entered the apprenticeship system.¹¹⁴

Ordinance No. 50 of 1828 ensured that Khoikhoi children could no longer be apprenticed without the permission of their parents.¹¹⁵ Khoikhoi parents were allowed to apprentice their children for a maximum of seven years until the child had reached the age of eighteen years for males and sixteen years for females. Children could no longer be kept in service for reasons such as being provided with food or accommodation or having been born while the parents were in service. A fine would be payable for detaining a child in service contrary to the stipulations set out in the ordinance.¹¹⁶

The Masters and Servants Act of 1841 increased the apprenticeship period to 21 years¹¹⁷ while the Masters and Servants Act of 1856 adopted new regulations for apprenticeships. The act allowed a child's parents to contract the services of a child between ten and sixteen years of age. Children could only be apprenticed up to the age of 21. No apprenticeship contract would be valid unless it was in writing and would only be valid up to the age of eighteen years for males and sixteen years for females. Stipulations regarding the maintenance, clothing and instruction of the apprentices had to be included in the contract. Children of sixteen years or older could be apprenticed by their own consent for a period of up to five years. The act also addressed the apprenticeship of destitute children.¹¹⁸ If a child younger than sixteen was wrongfully detained as an apprentice, under the Masters and Servants Act of 1869 a magistrate would have the right to order the restoration of the child to his parents.¹¹⁹

In Natal, Ordinance No. 2 of 1850 regulated apprenticeships. In most aspects the ordinance was very similar to legislation enacted in the Cape Colony. Parents were allowed to apprentice children between the ages of ten and sixteen. The apprenticeship could only

¹¹³ Hay and Craven, pp. 39-40.

¹¹⁴ BPP 584, p. 9.

¹¹⁵ Green, R.F., "The critical position of the 'colored people' in South Africa" in *The Journal of Negro Education*, Vol. 18, No. 1, Winter 1949, p. 85.

¹¹⁶ BPP 339, pp. 1-4: Ordinance of his Honour the Lieutenant-Governor in Council, for improving the conditions of the Hottentots and other free persons of colour at the Cape of Good Hope, 15.1.1829.

¹¹⁷ Chisholm, L., "The pedagogy of Porter: The origins of the reformatory in the Cape Colony, 1882-1910" in *The Journal of African History*, Vol. 27, No. 3, 1986, p. 484.

¹¹⁸ *The Cape of Good Hope Government Gazette*, 18.1.1856, pp. 57-58.

¹¹⁹ *Ibid.*

continue up to the age of 21, and any attempt by the employer to apprentice a child younger than ten was deemed illegal.¹²⁰ The apprenticeship contract had to provide for the maintenance, clothing and instruction of the apprentice.¹²¹ As in the Cape legislation, Ordinance No. 2 of 1850 also allowed for the apprenticing of destitute children. The magistrate of the district had the authority to decide whether a child was destitute and would then apprentice male children up to the age of eighteen years and female children up to the age of sixteen years. A contract of apprenticeship had to be signed specifying the duties of the employer regarding the maintenance of the apprentice.¹²² The contract of apprenticeship had to state the name of the employer and apprentice, the age of the apprentice and the wage rate. No employer was allowed to transfer an apprentice to another person without the consent of the Magistrate and, in cases where the apprentice was older than sixteen, by the apprentice himself.¹²³

Apprenticeships of African and coloured children in the Orange Free State were regulated by Ordinance No. 11 that was enacted on 18 February 1856. The ordinance allowed magistrates in the different districts to apprentice boys up to the age of 21 years and girls up to eighteen years. Apprenticeships were allowed in instances where the child was abandoned by his parents, orphaned, or if the parents voluntarily gave their consent. The employer was obligated to train an apprentice in a specific trade or other job during his apprenticeship period and also had to instruct the child in religion. If a child was mistreated or if the employer did not comply with the provisions of the apprenticeship contract, the employer could be fined and in serious cases the apprenticeship contract could be annulled. The ordinance also stipulated that the apprenticeship contract could not be transferred to another employer, and that it was illegal to apprentice a child who was abducted by the employer or by any other person.¹²⁴

The Transvaal apprenticeship system was frequently criticised due to the belief that it forced children into apprenticeship. Criticism was often linked to allegations of slavery. In the Manifesto published by Piet Retief in February 1837, he stated that the Afrikaners would reject slavery. In 1845 and 1857 instructions were issued that banned slavery in the Transvaal. The Constitution of 1858 also determined that slavery and slave trading would not be allowed in the country. The Sand River Convention of 1852 also included provisions

¹²⁰ BPP 1417, No. 3, Sub-Enclosure to Enclosure 2, pp. 5-13: Ordinance 2 of 1850, 21.3.1850.

¹²¹ Cadiz, p. 138.

¹²² BPP 1417, No. 3, Sub-Enclosure to Enclosure 2, pp. 5-13: Ordinance 2 of 1850, 21.3.1850.

¹²³ Cadiz, pp. 138-140.

¹²⁴ *The Bloemfontein Gazette*, 19.4.1856, pp. 1-2.

regarding slavery. The apprenticeship system was regulated by the Apprentice Law of 1851 and was based on legislation enacted in the Cape Colony, such as the Proclamation of 1812.¹²⁵

The Apprentice Law of 1851 determined that every person who received an African child had to inform the magistrate or field-cornet within eight days, and the employer could be fined if he neglected to do this. The magistrate had to ensure that the child was lawfully acquired, and if not, the child had to be sent back to his parents. Legitimate apprentices were recorded in a register indicating the name of the apprentice and the terms of employment. The apprenticeship period would be up to the age of 25 years. The act determined that the apprentice could not be mistreated and obligated the employer to instruct the apprentice. Mistreating an apprentice could lead to the annulment of the apprenticeship contract. A child presented to a Transvaal official as a symbol of friendship by an African tribe also had to be reported to the magistrate. The magistrate would publish an announcement regarding the arrival of such a child and after three months these children would be allotted to the public. The apprentice law was used in all situations in which children were acquired and employed by employers. This included children obtained during hunting trips, wars or due to barter transactions. The law also provided for the transfer of apprentices from one employer to another.¹²⁶

Voluntariness of transactions played an important role in apprenticeship agreements. A field-cornet had to determine if a child was voluntarily given to the employer. One of the main criticisms levelled at the Apprentice Law of 1851 was the fact that it did not prohibit the acquisition of African children through trade.¹²⁷

Through desertions apprentices indicated their displeasure with the apprenticeship system. Desertions of apprentices were a frequent occurrence, and an important reason for desertion was believed to be the fact that apprentices were not released from their contracts at the expiry of service periods. The apprenticeship system in many instances did not record the age at which the child was apprenticed, and the age of apprentices were in some instances

¹²⁵ Van der Merwe, D., "Not slavery but a gentle stimulus: Labour-inducing legislation in the South African Republic" in *Journal of South African Labour*, Vol. 353, 1989, pp. 356-357.

¹²⁶ Kistner, W., *The anti-slavery agitation against the Transvaal republic 1852-1868*, p. 228; Boeyens, J., "Zwart ivoor: Inboekeling in Zoutpansberg, 1848-1869" in *South African Historical Journal*, Vol. 24, No. 1, 1991, p. 37.

¹²⁷ *Ibid.*, pp. 228-230.

also contested, leading to employers not adhering to stipulations regarding the freeing of apprentices.¹²⁸

5.3 The Cape Colony and apprenticeships

5.3.1 The Mfecane and the labour market in the Cape Colony

The apprenticeship system in the Cape Colony was often used to apprentice refugees entering the colony due to various conflicts and subsequent displacement. The Mfecane, a succession of conflicts and population movements, contributed to the apprenticing of members of different tribes in the Cape Colony. Many historians believe that the Mfecane was responsible for many of the demographic changes which occurred in southern Africa during the 1820s and 1830s.¹²⁹ This period was characterised by population migrations, invasion of territory, armed conflict as well as widespread famine.¹³⁰ An alternative theory regarding the Mfecane saw it as emerging due to the interaction of forces in three areas. These areas included the Eastern Cape where the Afrikaners, British settlers and African nations competed for land and labour sources; the Delagoa Bay region with its trade in ivory and slaves; and the region between the Orange and Vaal rivers where the Griqua, Kora and other groups were involved in armed conflicts and raids.¹³¹

In the Cape Colony, the control of Khoikhoi labour and the use of San servants did not address the critical labour scarcity. This shortage was exacerbated by the abolition of slavery, the ban on using African labour and the scarcity of Khoikhoi labour. Cobbing alleged that the colonists in the Cape Colony had an arrangement with Griqua and other raiding groups to supply them with illegal African labour imported from north of the Orange River in return for guns and ammunition. The women and children brought to the Cape Colony in this way were called Mantatees, and according to official accounts they were seeking refuge.¹³²

The battle at Dithakong in 1823 provided the impetus to the so-called refugees to enter the Cape Colony.¹³³ According to John Melville, the government agent at Griqua Town,

¹²⁸ Delius, P., *The land belongs to us: The Pedi polity, the Boers and the British in the nineteenth-century Transvaal*, pp. 145-146.

¹²⁹ Wright, J., "Political mythology and the making of Natal's Mfecane" in *Canadian Journal of African Studies*, Vol. 23, No. 2, 1989, p. 272.

¹³⁰ Eldredge, E.A., "Sources of conflict in Southern Africa, c. 1800-30: The 'Mfecane' reconsidered" in *The Journal of African History*, Vol. 33, No. 1, 1992, p. 1.

¹³¹ Wright, p. 273.

¹³² Cobbing, J., *Jettisoning the Mfecane (with Perestroika)*, University of the Witwatersrand African Studies Institute, 1988, p. 9.

¹³³ Parsons, N., *Kicking the hornets' nest: A third view of the Cobbing controversy on the Mfecane/Difaquane*, An address to the University of Botswana History Society, 16 March 1999, p. 3; Reid, A.M. and Lane, P.J.(eds), *African historical archaeologies*, p. 286.

many women were left abandoned after the battle and about a hundred were saved, some of whom were transported to the Cape.¹³⁴ Melville sent thirteen of the women to Graaff-Reinet where they were apprenticed for a period of seven years.¹³⁵ The missionary, Robert Moffat, retained several at Kuruman and apprenticed five women in Cape Town during January 1824.¹³⁶

It was believed that the failure of the Bechuana harvest in 1824 motivated a large number of Bechuanas to enter the Cape Colony. According to official sources, the Bechuanas entered voluntarily and asked for employment from Afrikaner farmers. The Bechuanas, however, reported that the Bergenaars, an inland tribe, attacked them and captured their cattle and children. Since they lost their livelihood they then followed the Bergenaars in an attempt to reclaim their children. According to Dr John Philip, the Afrikaner farmers forced them into labour as soon as they entered the colony.¹³⁷ James Backhouse reported that, during a visit to South Africa, he encountered a young Bechuana named Boesak at the Kat River who confirmed the above events. Boesak stated that he was abducted by the Bergenaars and was thereafter employed by a field-cornet named Pretorius.¹³⁸ John Melville attributed the entry of groups such as the Bechuana into the Cape Colony to the farmers, who frequently requested servants from the Griqua tribes. The tribes raided by the Bergenaar groups in the interior often asked the Griquas for sanctuary. The Griquas often sent them to the Cape Colony where they were forced to join the labour force.¹³⁹

The Ngwane was one of the tribes affected by demographic changes in Southern Africa. They entered the Thembu country in the Eastern Cape, and their attacks on the Thembu forced many of them into the Cape Colony. Colonists assisted the Thembu and attacked the Ngwane at Mbholompo in 1828. The defeat of the Ngwane forced many of the tribe members to move to the Cape Colony where they were apprenticed to farmers in the Albany and Somerset districts.¹⁴⁰ Ngwane prisoners captured during the Battle of Mbholompo became labourers in the Cape Colony in 1828 and were commonly called Fingoes.¹⁴¹

¹³⁴ BPP 50, No. 7, p. 226: Extract of a letter from Mr John Melville, Government Agent, Griqua Town to the Landdrost of Graaf Reynet [sic], 31.7.1823.

¹³⁵ BPP 50, No. 7, p. 226: Extract of a letter from the Colonial Secretary to the Landdrost of Graaf Reynet [sic], 27.8.1823.

¹³⁶ Eldredge, p. 20.

¹³⁷ Philip, pp. 84-86.

¹³⁸ Backhouse, J., *A narrative of a visit to Mauritius and South Africa*, p. 322.

¹³⁹ BPP 50, No. 7, p. 227: Extract of a letter from Lord Charles Somerset to the Commissioners of Inquiry.

¹⁴⁰ Lye, W.F., "The Difaqane: The Mfecane in the Southern Sotho area, 1822-24" in *The Journal of African History*, Vol. 8, No. 1, 1967, p. 122.

¹⁴¹ Cobbing, pp. 10-14.

The population displacements of the Mfecane and the manner in which apprenticeships was used to solve the problem of destitute war refugees laid the groundwork for the subsequent use of apprenticeship systems in the Cape Colony. Apprenticeships were subsequently used in dealing with population displacement and refugees on the Cape frontier.

5.3.2 Prize slaves

After the abolition of slavery in 1807, the British parliament adopted stronger measures to suppress the slave trade. This led to the Slave Trade Felony Act of 1811, which determined that involvement in the slave trade was a criminal offence. The capture of ships with slaves on board caused a moral dilemma, however, since these slaves had to be disposed of in a humane way. An apprenticeship clause was therefore added to the Abolition Act of 1807.¹⁴²

In a memorial of Samuel Murray, a Cape resident, the Cape government was requested to encourage the financial welfare of the colony. High slave prices and the problems in obtaining labourers had a negative impact on the development of the Cape. Murray proposed the importation of slaves acquired through the capture of slave ships. These slaves were commonly called prize slaves and were usually apprenticed for a period of fourteen to 21 years.¹⁴³ In 1813 the Cape Governor was instructed to investigate new sources of labour that would on occasion be supplemented by supplies of captured prize slaves sent to the colony.¹⁴⁴

The introduction of prize slaves into the Cape consisted of two stages. The first stage occurred during the Napoleonic wars during which ships with slaves were apprehended. The second stage commenced in 1839 when British naval patrols seized suspected Portuguese slave ships.¹⁴⁵ During the Napoleonic wars naval squadrons at the Cape were able to seize slave ships belonging to nations at war with Britain, and between December 1808 and December 1816, 27 ships were captured. An estimated 2 100 prize slaves were apprenticed, and a census of 1823 indicated that there were 1 118 male and 652 female prize slaves in the Cape Colony.¹⁴⁶

The main objective of apprenticeships was stated as assisting prize slaves in obtaining skills to maintain themselves after the expiry of their contracts. Charles Blair, the Collector of

¹⁴² Wesley, C., "The neglected period of emancipation in Great Britain 1807-1823" in *the Journal of Negro History*, Vol. 17, No. 2, 1932, p. 158.

¹⁴³ Theal, Vol. 9, pp. 20-21.

¹⁴⁴ Saunders, C., "Liberated Africans in Cape Colony in the first half of the nineteenth century" in *The International Journal of African Historical Studies*, Vol. 18, No. 2, 1985, p. 226.

¹⁴⁵ Watson, p. 2.

¹⁴⁶ Saunders, p. 224.

Customs, was allowed to determine if training was lacking at the end of the apprenticeship period and could then decide to re-apprentice the prize slave.¹⁴⁷ The great demand for prize slaves, however, created opportunities for corruption. Friends of Blair received a large number of prize slaves while prominent farmers received apprentices in exchange for a regular supply of their produce. Employers in some instances also attempted to register their prize slaves as slaves.¹⁴⁸

Officially prize slaves' position differed from that of slaves. They were supposed to receive instruction in a specific trade or skill, as well as in religion. According to the apprenticeship contract, the employer also had to provide food and clothing. Employers were not allowed to mistreat any apprentice and could not transfer an apprentice to another person. In reality, apprentices only received instruction intermittently, and their general situation did not differ much from that of slaves. The punishment system for prize slaves was the same as for slaves. After the expiry of their apprenticeship contracts, prize slaves were allowed to select their own employers. Prize slaves who were unable to secure employment within a specified period were, however, provided with an employer. The commissioners of enquiry sent to the Cape Colony in 1823 reported that employers also benefitted from using the children of prize slaves as servants when they were between the ages of five and eighteen years. By the early 1830s, the apprenticeship period of all the prize slaves came to an end.¹⁴⁹

The second group of prize slaves were sent to the Cape due to legislation adopted by the British government in 1839. The legislation allowed the British Royal Navy to search and capture Portuguese ships if they had slaves on board. The British Vice-Admiralty courts could free all slaves held on board captured slave ships. Warships stationed at the Cape were allowed to patrol the coast up to Mozambique and to capture any ships associated with slave trade. In December 1839 the first group, consisting of 709 prize slaves, landed in the Cape. The importation of prize slaves continued up to 1846, and an estimated 3 000 were brought to the Cape Colony.¹⁵⁰

5.3.3 Child labour and British juvenile emigration

The first recorded instances of juvenile emigration occurred in the early seventeenth century due to initiatives by local authorities in Britain to decrease the number of paupers and to

¹⁴⁷ BPP 4, pp. 13-14: The Memorial of Lancelot Cooke, of Cape Town, in the Cape of Good Hope, merchant, 1823.

¹⁴⁸ Rayner, pp. 53-54.

¹⁴⁹ Saunders, pp. 228- 229.

¹⁵⁰ *Ibid.*, pp. 228-235.

counter the perceived risk of vagrants and juvenile offenders.¹⁵¹ During this initiative, a parish in London sent an estimated 1 500 children to Virginia in the USA.¹⁵²

From 1830 to 1924 the practice of sending children to the colonies as apprentices was promoted as charity. It was argued that poor children threatened social stability and should be removed from cities where they would probably become involved in criminal activities. During the 1830s and 1840s juvenile reform was stressed, and emigration was promoted as an opportunity for juveniles to rehabilitate.¹⁵³ People in both Britain and the colonies lobbied for the emigration of children from Britain since it would alleviate problems such as child vagrancy, destitution and delinquency.¹⁵⁴

Child immigrants were perceived as more adaptable to immigration and could be employed to occupy openings in the labour market.¹⁵⁵ The Children's Friend Society at first functioned as the Society for the Suppression of Juvenile Vagrancy from 1830 to 1833 and then as the Children's Friend Society between 1834 and 1841.¹⁵⁶ The society was founded by Captain Edward Brenton. The main objective was to decrease the number of unemployed street children, which was supposed to curb juvenile delinquency. Brenton favoured the training of juvenile offenders instead of punishing them.¹⁵⁷ The society accepted destitute boys, trained them to perform certain jobs and then sent them to prospective employers.¹⁵⁸

The Children's Friend Society was initially perceived as a humanitarian concern. From 1834 to 1841, 2 000 children were sent to colonies such as the Cape Colony and Canada.¹⁵⁹ The Society believed that a program assisting children to acquire agricultural skills and to employ them on farms would be preferable to placing them in workhouses or parish apprenticeships. Parish apprenticeships were objected to since it was believed to be an ineffective way of training children. In a manufacturing environment, employers were in many instances not concerned with training apprenticed children but required the premium they received from the parish as well as cheap labour. Brenton, in contrast, wanted to teach

¹⁵¹ Hendrick, H., *Child welfare: Historical dimensions, contemporary debates*, p. 46.

¹⁵² Morrison, A.N., *Thy children own their birth: Diasporic genealogies and the descendants of Canada's Home Children* (Ph.D.), p. 17.

¹⁵³ Bates, R.J., *Cultivating the British nation, saving the English labourer: A study of working-class childhood, labor and philanthropy (1830-1914)*, pp. 2-4.

¹⁵⁴ Neff, C., "The Children's Friend Society in Upper Canada, 1833-1837" in *Journal of Family History*, Vol. 32, p. 234.

¹⁵⁵ Levine, S.L., "The picanniny wage: An historical overview of the persistence of structural inequality and child labour in South Africa" in *Anthropology Southern Africa*, Vol. 29, No. 3, 2006, pp. 123-124.

¹⁵⁶ Kohli, M., *The golden bridge: Young immigrants to Canada, 1833-1939*, p. 63.

¹⁵⁷ Brenton, E.P., *The Bible and spade*, pp. 132-133.

¹⁵⁸ Bates, pp. 23-24.

¹⁵⁹ *Ibid.*, pp. 13-14.

boys the basics of agricultural labour.¹⁶⁰ The training program of the Children's Friend Society included physical work and rudimentary education in Britain to prepare children for productive employment in the colonies.¹⁶¹

On 10 January 1833 the Society for the Suppression of Juvenile Vagrancy sent the first group of destitute children to the Cape Colony to be engaged as agricultural workers. The first group consisted of twenty boys trained by the society at its agricultural training centre in Essex.¹⁶² Emigration was perceived in a positive light by parishes in Britain, and 40 parishes ceded the responsibility of their children to the society. Parishes supported juvenile emigration since it meant that poor children were permanently removed from parish registers.¹⁶³ The children sent to the Cape were usually between the ages of ten and fourteen. The society was, however, allowed to send children as young as nine and up to sixteen years of age.¹⁶⁴

The society had to ensure that the children were not used as slaves. Apprenticeships were, therefore, regulated by a local committee of the society that acted as guardians and ensured that the stipulations of the apprenticeship contract were adhered to.¹⁶⁵ By 1837, the society had already transported 1 340 children to South Africa but the system was hampered by the fact that juvenile emigrants lacked skills and, therefore, had to compete with indigenous labour for unskilled positions.¹⁶⁶

By 1840 the society experienced serious problems due to allegations that the apprentices were being mistreated. An official investigation did irreparable damage to the society.¹⁶⁷ An inquiry was instituted into the treatment of Cape child apprentices since it was believed that the children were treated in the same way as slaves.¹⁶⁸ The inquiry determined that many of the child apprentices were sent to country districts where they received little education or skills training. In many instances, apprentices became farm labourers or house servants and were not instructed in any trade. According to apprenticeship contracts, apprentices were supposed to receive a weekly payment of four pennies, but only a small

¹⁶⁰ *Ibid.*, pp. 25-27.

¹⁶¹ Neff, p. 235.

¹⁶² Bates, p. 73.

¹⁶³ *Ibid.*, p. 104.

¹⁶⁴ Neff, p. 235.

¹⁶⁵ *Ibid.*, p. 239.

¹⁶⁶ Jordan, T.E., "'Stay and starve, or go and prosper!' Juvenile emigration from Great Britain in the nineteenth century" in *Social Science History*, Vol. 9, No. 2, Spring 1985, pp. 145-149.

¹⁶⁷ Morrison, A.N., *Thy children own their birth: Diasporic genealogies and the descendants of Canada's Home Children* (Ph.D.), p. 17.

¹⁶⁸ BPP 323, No. 22, p. 1: Despatch from Governor Sir George Napier to Lord Russell, 24.2.1840.

number of apprentices received regular wages.¹⁶⁹ Due to the inquiry the local commissioners concluded that it would no longer be viable to receive child apprentices in the Cape Colony.¹⁷⁰ In the Cape Colony the scheme gradually became more unpopular since the colonists suspected that the society sent children with criminal backgrounds to the colony.¹⁷¹

After the inquiry, child emigration did resume for a short time but in May 1841 the last group of children was transported to the Cape.¹⁷² The investigation had a major impact on the society since financial support of patrons decreased. The death of Brenton in 1841 meant that the society officially ceased to function.¹⁷³ A crucial outcome of the supposed ill-treatment of juvenile children in the Cape Colony was to influence public perception in Britain concerning juvenile emigration.¹⁷⁴ *The Times* on 26 May 1841 expressed its pleasure in the disintegration of the Children's Friend Society. The newspaper equated the emigration of children with kidnapping and it was alleged that the Society had profited from transporting destitute boys.¹⁷⁵

In 1838 an independent scheme was proposed by the Cape colonial government which would allow the introduction of farm apprentices from Britain. This scheme would be based on the system established by the Children's Friend Society but would be restricted to boys from ten to fourteen years. The apprenticeship contract would be valid up to the age of 21. The lack of prospects after completion of the apprenticeship and the prevailing low wages paid by colonists were advanced as objections to the scheme. These objections contributed to the failure of this proposal.¹⁷⁶

The British government halted all financial support for child emigration after the inquiry into the operations of the Children's Friend Society. Private emigrations schemes continued, however. From 1842 to 1853 Parkhurst, an institution in Britain that focused on the reform of juvenile offenders, sent 1 500 boys to work as apprentices in the colonies.¹⁷⁷ The Philanthropic Society also operated a juvenile emigration scheme. From 1847 to 1871 the Society sent an estimated 80 to 100 boys to the colonies on an annual basis. These boys

¹⁶⁹ BPP 323, No. 22, Enclosure No. 4, pp. 2-8: Report on the present condition and treatment of the juvenile emigrant apprentices in the colony of the Cape of Good Hope, 24.12.1839.

¹⁷⁰ BPP 323, No. 22, Enclosure No. 4, pp. 2-8: Report on the present condition and treatment of the juvenile emigrant apprentices in the colony of the Cape of Good Hope, 24.12.1839.

¹⁷¹ Whitten, M., *Nipping crime in the bud: How the philanthropic quest was put into law*, p. 219.

¹⁷² Neff, p. 245.

¹⁷³ Morrison, pp. 17-18.

¹⁷⁴ Neff, p. 245.

¹⁷⁵ Bates, p. 11.

¹⁷⁶ BPP 536-I, No. 20, Enclosure, pp. 80-81: Report from the Agent General T.H. Elliot to Under-Secretary Mr Stephen, 13.3.1838.

¹⁷⁷ Morrison, pp. 18-19.

were employed as apprentices on farms. The first group was transported to Algoa Bay in the Cape Colony and Swan River in Western Australia between 1847 and 1848. The public and colonial newspapers in the Cape Colony criticised the emigration efforts of the Philanthropic Society and were not in favour of the introduction of juvenile criminals into the colony. The efforts of the Philanthropic Society were subsequently moved to Canada, and no more juvenile emigrants were sent to the Cape Colony.¹⁷⁸

Bates indicated that between 1880 and 1914 the number of children aided in immigrating to the British colonies once again increased. During these years, juvenile emigration programs to South Africa, New Zealand and Australia recommenced in large part due to deteriorating economic and social conditions in Britain.¹⁷⁹

5.3.4 Destitute children

The Masters and Servants Act of 1856 addressed the social problem of destitute children in the Cape. If a child was abandoned by his or her parents, the magistrate could apprentice the destitute child to a family member or to another suitable person if no family member was available.¹⁸⁰ The act stipulated that destitute children should be disclosed to the magistrate. Notices were published in the *Government Gazette* to determine if a family member was willing to support the child and in some instances indicated the child's particulars such as his or her name, age, race and gender. It also informed the public that the child would be apprenticed within six weeks after the publication of the notice.¹⁸¹

Destitute male children would be apprenticed for up to the age of eighteen years and females up to the age of sixteen years. The apprenticeship contract included stipulations for the support and instruction of every destitute child. No employer was allowed to transfer any apprentice without the written consent of the magistrate. In the event of the death or bankruptcy of the employer, the magistrate would be responsible for re-apprenticing the child if under sixteen years of age.¹⁸²

Children could become destitute due to a number of reasons. One example could be the confinement of parents as convicts or due to mental illness. In the event that a mother or other relative could no longer maintain a child, he or she could also be reported as destitute. According to Visser the apprenticing of destitute children was used in place of a welfare

¹⁷⁸ Bates, pp. 183-184.

¹⁷⁹ *Ibid.*, p. 252.

¹⁸⁰ *The Cape of Good Hope Government Gazette*, 18.1.1856, pp. 58-59.

¹⁸¹ Visser, N., "Destitute children, 1860-1869" in *Historical Approaches*, Vol. 4, 2005/2006, p. 31.

¹⁸² *The Cape of Good Hope Government Gazette*, 18.1.1856, pp. 58-59.

system for children.¹⁸³ In 1857 the fourteen year old Jan Willems was, for instance, offered as an apprentice because his mother was destitute and unable to support him.¹⁸⁴ Another case is that of Thomas Piet, a Khoikhoi boy of ten years, who was advertised for apprenticeship after the death of his mother.¹⁸⁵ Children were often left with farmers or other inhabitants who reported them to the magistrate. In Oudtshoorn a destitute child named Catherine (aged three years) was found living with a coloured woman who declared that the child did not belong to her. Unsuccessful enquiries were made about her parentage after which the child was apprenticed to a Mrs Wade of Oudtshoorn.¹⁸⁶ In another case a child named Morshele was brought to the magistrate by a Mr John Crossley. It was advertised that he would be apprenticed to Crossley if no one claimed him within six weeks.¹⁸⁷ Children also left home due to maltreatment and in 1857 a coloured boy Gabriel was, for example, advertised after he had left home due to parental abuse.¹⁸⁸

Visser indicated that some destitute children were only reported to the magistrate as destitute after a number of years. The Masters and Servants Act of 1856 stipulated that destitute children had to be reported within a month. If a person neglected to report such a child, he could be fined for each month he or she kept the child. Visser, therefore, argued that in many instances the destitute child was probably discovered by the field-cornet, and this forced the person to officially report the child. It therefore seemed likely that not all children were reported to the magistrate or field-cornet and subsequently advertised in the *Government Gazette*.¹⁸⁹

In Cape Town, both orphans and abandoned children formed part of the large group of destitute people found in the city. Destitute children were often housed with paupers in the Slave Lodge. The general British practice was followed in the Cape which perceived these children in the same light as juvenile offenders.¹⁹⁰ In 1869 legislation was passed that regulated the punishment of juvenile offenders. Reformatories were created in 1879 through the enactment of the Reformatory Institutions Act. This act determined that accommodation

¹⁸³ *Ibid.*, p. 32.

¹⁸⁴ *The Cape of Good Hope Government Gazette*, 9.1.1857.

¹⁸⁵ *Ibid.*, 23.1.1857.

¹⁸⁶ *Ibid.*, 1.5.1857.

¹⁸⁷ *Ibid.*, 12.4.1878.

¹⁸⁸ *Ibid.*, 17.2.1857.

¹⁸⁹ Visser, N., "Destitute children, 1860-1869" in *Historical Approaches*, Vol. 4, 2005/2006, p. 35.

¹⁹⁰ Malherbe, V.C., "'Family law and 'the great moral public interests' in Victorian Cape Town, c.1850-1902" in *Kronos*, Vol. 36, No. 1, 2010, p. 10.

would be provided for juvenile offenders younger than sixteen years.¹⁹¹ Magistrates were also allowed to commit destitute children to a reformatory if no apprenticeship could be found. In 1895 new legislation defined a destitute child as of European descent and under the age of fifteen years. If a destitute child was found begging or abandoned, he or she would be committed to a reformatory and subsequently apprenticed.¹⁹²

5.3.5 Indenturing of Xhosa prisoners after the Ninth Frontier War

During the Ninth Frontier War (1877-1879), African women and children were detained by the British troops as prisoners of war. Some of the women, however, returned to their husbands with provisions and ammunition. They also provided information regarding the position and movements of the British forces.¹⁹³

On 15 February 1878 Colonel W. Bellairs instructed the British forces that no women or children would in future be maintained in military camps in British Kaffraria. Women and children living in camps would be expelled with immediate effect.¹⁹⁴ In correspondence with the Secretary of State for the Colonies, Gordon Sprigg emphasised that the expelled women would not endure any hardship since they were invited to obtain employment in the Cape Colony.¹⁹⁵ Government Notice No. 372 of 1878 was proclaimed to administer the employment of these women. The objective of the proclamation was to remove women from a position in which they could supply food and ammunition to the African forces, thereby enabling them to prolong the conflict. Destitute women and children would be sent to King William's Town, and then transported to Cape Town. After the war men searching for their families would be allowed to travel to Cape Town to find relatives. A register containing the names of women and children, their place of residence and the name of a father or husband, would be compiled to facilitate the search for relatives.¹⁹⁶

In May 1878 about 2 000 African women, men and children were transported by ship to Cape Town from the Transkei and other areas affected by the war.¹⁹⁷ It was estimated that a total of between 5 000 and 6 000 women and children were indentured in the western and northern districts of the colony during the war.¹⁹⁸ The Tembu prisoners sent from the

¹⁹¹ Bradlow, E., "Children and childhood at the Cape in the 19th century" in *African Historical Review*, Vol. 20, No. 1, 1988, p. 11.

¹⁹² Malherbe, pp. 1-5.

¹⁹³ BPP C.2144, No. 32, pp. 48-49: Sir Bartle Frere to Sir Michael Hicks Beach, 30.4.1878.

¹⁹⁴ BPP C.2144, No. 32, Enclosure, p. 49: General Order W Bellairs, Colony, Deputy Adjutant-General, 15.2.1878.

¹⁹⁵ BPP C.2144, No. 40, Enclosure, pp. 61-62: Minute on despatch of Secretary of State for the Colonies, 7.5.1878.

¹⁹⁶ *The Cape of Good Hope Government Gazette*, 3.5.1878.

¹⁹⁷ *The Times*, 20.5.1878.

¹⁹⁸ BPP C.2482, No. 11, pp. 24-25: Aborigines Protection Society to the Colonial Office, 17.7.1879.

Transkei in November 1878 were indentured from December 1878 to November 1879.¹⁹⁹ Employers were allowed to apply for these servants through magistrates or special officers appointed for the purpose. These government officials then allotted the men, women and children to applicants. Wages were very low and in some cases no wages were paid by the employers. Although the supply of food and clothes was stipulated in the agreement, it was found that the food was insufficient, and this led to the government publishing a notice specifying the quantities of food to be supplied. The House of Commons criticised the apprenticeship of these people, and the Aborigines Protection Society (APS) soon lodged complaints as well. The APS criticised the fact that no law was promulgated to control the indenturing process. The existing laws made it illegal for Africans to live in the colony without a pass, and a pass was only issued when an African was employed. The APS, therefore, interpreted the process as leaving the Africans little freedom in negotiating the service period and the terms of their service contracts. As soon as they entered the colony they would have no choice but to accept employment since they would be imprisoned for not having a work passes.²⁰⁰

Government Notice No. 22 stipulated that children would not be separated from their parents. Provisions were also included which allowed for the maintenance of aged and frail Africans who were unable to work. They would be allowed to accompany their children or grandchildren. The notice determined that the apprenticeship period would be a minimum of three years.²⁰¹ The APS, however, believed that these stipulations were not adhered to and criticised the separation of children from their parents and husbands from their wives. Young Africans were allegedly treated as destitute children and subsequently apprenticed as farm servants.²⁰²

In January 1879 Tembu prisoners of war were sent to the diamond fields and entered into service contracts for a period of one year.²⁰³ At the conclusion of the Ninth Frontier War the indentured men, women and children were reportedly not allowed to return to their homes. On 25 June 1880 the *Pall Mall Budget* reported that the Tembu women remained as apprenticed servants in the colony.²⁰⁴ This prompted Sir Bartle Frere, the Governor and High

¹⁹⁹ BPP C.2740, No. 33, Enclosure 4, p. 52: J.N.P. de Villiers, Civil Commissioner Victoria West, to Secretary for Native Affairs, 18.8.1880.

²⁰⁰ BPP C.2482, No. 11, pp. 24-25: Aborigines Protection Society to the Colonial Office, 17.7.1879.

²⁰¹ BPP C.2740, No. 33, Enclosure 4, p. 52: J.N.P. de Villiers, Civil Commissioner Victoria West, to Secretary for Native Affairs, 18.8.1880.

²⁰² BPP C.2482, No. 11, pp. 24-25: Aborigines Protection Society to the Colonial Office, 17.7.1879.

²⁰³ BPP C.3113, No. 14, Enclosure, p. 21: Minute by Thomas C. Scanlen, 22.7.1881.

²⁰⁴ BPP C.2740, No. 33, p. 51: Sir Bartle Frere to the Earl of Kimberley, 6.9.1880.

Commissioner, to request information about the position of these women from the Secretary of Native Affairs.²⁰⁵ A notice was also issued in the Cape Colony which stated that apprenticed African women and children in the colony would have to complete their contracts although the war had been concluded.²⁰⁶

The indenture period of the apprenticed women exceeded the general British rule limiting labour contracts to a period of twelve months. An exception was generally made with regard to labourers introduced to the colonies from countries such as India and China. The introduction of Chinese and Indian labourers was characterised by high costs, and therefore apprenticeships were instituted for a period of five years. There was therefore no special justification for the long indenture period of the apprenticed women in the Cape Colony. Sir Michael Hicks Beach, the Secretary of State for the Colonies, conceded that although the apprenticeship of women and children might have been necessitated by conditions during warfare, the conclusion of such a war should have been accompanied by the return of women and children to their homes.²⁰⁷

British official sources reported that a large number of Africans entered the Cape Colony after the war searching for relatives in districts such as Victoria West.²⁰⁸ Some of the Africans passing through the Victoria West district came from the Queenstown area and had passes for a period of three to four months. Their main purpose was to find their families, but some also tried to find employment.²⁰⁹ The presence of these Africans in the colony resulted in a number of desertions and in some cases employers also allowed employees to return home with their husbands. The Civil Commissioner in the Victoria West District reported that no Africans were compelled to remain in service and that employers willingly allowed their employees to leave if requested.²¹⁰

Not all the apprenticed Xhosas left the Cape Colony after regaining their freedom, and in Cape Town some of the indentured labourers settled in the areas now known as Woodstock and Salt River. A large number of the men were employed on the docks at low wage rates.²¹¹

²⁰⁵ BPP C.2740, No. 33, Enclosure 1, p. 51: Minutes.

²⁰⁶ BPP C.2000, No. 41, p. 157: Sir Michael Hicks Beach to Sir Bartle Frere, 3.7.1879.

²⁰⁷ BPP C.2000, No. 41, p. 157: Sir Michael Hicks Beach to Sir Bartle Frere, 3.7.1879.

²⁰⁸ BPP C.2740, No. 33, Enclosure 4, p. 52: J.N.P. de Villiers, Civil Commissioner Victoria West, to Secretary for Native Affairs, 18.8.1880.

²⁰⁹ BPP C.2740, No. 33, Enclosure 5, pp. 53-54: Despatch J.N.P. de Villiers, Civil Commissioner, Victoria West, 8.12.1880.

²¹⁰ BPP C.2740, No. 33, Enclosure 4, p. 52: J.N.P. de Villiers, Civil Commissioner Victoria West, to Secretary for Native Affairs, 18.8.1880.

²¹¹ Kinkead-Weekes, B.H., "A history of vagrancy in Cape Town", *Carnegie conference paper*, No. 11, Cape Town, 13-19 April 1984, p. 5.

In the 1890s they were moved to District Six and joined a community that consisted of dock workers, domestic servants and farm workers that sought better opportunities in the city.²¹²

The British victory over the Xhosas in the war resulted in the loss of livelihood for a large number of Xhosas. These people were forced to join the labour market in the Cape Colony and had no option but to accept low-paying jobs on public work projects and on farms.²¹³ The consequences of the war were not limited to the indenturing of women and children, but also impacted on tribes on the Eastern frontier like the Gaikas and Galekas. The war and the drought forced a large number of Gaikas into destitution. To improve their circumstances they were removed from their former locations and relocated to a new location in the Transkei.²¹⁴ Several also received passes to seek employment in the colony. Since the government only supplied corn to women, children and elderly people, the rest of the Gaika population had no option but to seek wage labour elsewhere.²¹⁵ The government assisted prospective Gaika labourers by obtaining employment for them on the public works in the Cape Colony.²¹⁶

There were also many destitute Galekas scattered throughout the Transkei, and many of these applied to become labourers in the colony.²¹⁷ Allegations were made by Mr Frank O'Donnell, Member of Parliament for Dungarvan in the House of Commons, concerning the forced labour of thousands of prisoners of war on the public works in the Cape Colony. Sir Michael Hicks Beach, however, denied these allegations.²¹⁸

Mr O'Donnell also enquired why the British Parliament had not prohibited the apprenticing of captured African women and children. The apprenticeship system used in the Transvaal had in the past been severely criticised by the British government. Sir Michael Hicks Beach believed that the two systems differed considerably. In the Transvaal, he stated, children could be indentured for 21 years, and the apprenticeship could be sold to another employer. The apprenticing of destitute women and children in the Cape was perceived as a very different system since it was imperative that the women and children be saved from starvation. The apprenticeship period was short, and the terms of the apprenticeship

²¹² Chisholm, p. 484.

²¹³ Mabin, A., "The rise and decline of Port Elizabeth" in *The International Journal of African Historical Studies*, Vol. 19, No. 2, 1986, pp. 292-293.

²¹⁴ BPP C.2252, No. 8, p. 35: Governor Sir Bartle Frere to Sir Michael Hicks Beach, 10.1.1879.

²¹⁵ BPP C.2252, No. 8, Enclosure 1, p. 37: Extract from a letter No. 92 from Chief Magistrate, Transkei, Capt. Blyth to Secretary for Native Affairs, Cape Town, 2.12.1878.

²¹⁶ BPP C.2252, No. 8, Enclosure 2, pp. 37-38: Extracts from letters of the Secretary for Native Affairs to the Governor and High Commissioner, 4.1.1879.

²¹⁷ BPP C.2316, No. 3, Enclosure 7, pp. 6-14: Henry St Johns to Sir Bartle Frere, 14.1.1879.

²¹⁸ *House of Commons Debates*, 8.5.1879, Vol. 245, c1965.

agreement, according to Hicks Beach, did not restrict their freedom. He also stated that it was similar to the apprenticeship system used in Britain.²¹⁹

After the end of the war, missionaries emphasised the importance of civilising African tribes in South Africa, and especially in the Eastern Cape. Proposals were made that a number of young Africans from the frontier area should be apprenticed annually in the western districts of the Cape. The premier of the Cape Colony, Mr Gordon Sprigg, supported this suggestion, although he was wary of the reaction in Britain. The House of Commons did not perceive apprenticeships in South Africa in a positive light and could interpret it as an attempt to reintroduce slavery into the colony. The APS also lodged a complaint about the proposed indenturing since it was seen as an attempt to reintroduce compulsory service and would impact on personal freedom. The APS feared the abuse of apprentices by their employers and further resistance by African groups in South Africa, and consequently the scheme was abandoned.²²⁰

5.3.6 Indenturing of Koranna prisoners

In 1878 the Griquas and Korannas rose in rebellion against the British administration in Griqualand West. The disturbances were attributed to the war against Sekhukhune in the Transvaal as well as to the Ninth Frontier War.²²¹ Rumours that the British had been defeated in British Kaffraria, access to a large number of firearms, and the fact that the whites in the Transvaal had suffered setbacks in their war against Sekhukhune, all gave the Griquas the incentive to revolt.²²² The rebels were, however, not successful, and a proclamation by Colonel Owen Lanyon, Administrator of the diamond fields, confirmed that the rebel armies were dispersed, and hundreds had been captured. A pardon was extended to everyone who was willing to surrender to a magistrate and give up their arms.²²³

Colonel Charles Warren was unable to support the surrendered rebels and, therefore, decided to allocate some of them to public work projects and others to farmers in Griqualand West and the Orange Free State.²²⁴ Destitute women and children were transported to Kimberley or delivered to family or friends who were willing to help them. Lanyon emphasised that children were not to be separated from their parents unless the parents agreed

²¹⁹ *House of Commons Debates*, 22.5.1879, Vol. 246, cc1016-1017.

²²⁰ BPP C.2482, No. 11, pp. 24-25: Aborigines Protection Society to the Colonial Office, 17.7.1879.

²²¹ BPP C.2222, No. 36, Enclosure, pp. 116-117: W Owen Lanyon to Sir Bartle Frere, 19.11.1878.

²²² BPP C.2222, No. 36, Enclosure, Sub-Enclosure I, pp. 119-121: Charles Warren to the Colonial Secretary, Kimberley, 21.9.1878.

²²³ BPP C.2222, No. 37, Enclosure, Sub-Enclosure, pp. 126-127: Proclamation by William Owen Lanyon, 13.11.1878.

²²⁴ BPP C.2252, No. 1, Enclosure 1, pp. 1-4: Extract from Letter from Colonel Warren.

to the separation. Lanyon believed that the indenturing would benefit these people since it would contribute to their civilisation and foster peace in the colony.²²⁵

Employers were invited to apply for apprentices and 821 applications were received. The applications exceeded the 253 women and 273 children available, and only 269 applicants received servants. Women were indentured for one year at 10 shillings per month and also received accommodation, clothes and food. Fourteen male children arrived with the prisoners of war and were apprenticed to different employers. Female domestic servants were in great demand, and it was claimed that another 500 or 600 females apprentices could have been employed if available.²²⁶

In official correspondence Sir Michael Hicks Beach reiterated the destitution of these people, and since their apprenticeship saved them from starvation, the actions of the Griqualand West government were condoned. He felt that their freedom was not comprised since apprenticeships periods were limited to one year. The British government was, however, of the opinion that indenturing could lead to an abusive system and should be terminated as soon as practically possible.²²⁷

Koranna prisoners of war apprehended during the conflict were apprenticed to farmers in the Cape Colony.²²⁸ The prisoners, who were sent to districts such as Victoria West, included not only Korannas but also other African and San prisoners. In 1879 the Civil Commissioner at Victoria West received 99 Africans, consisting of 46 adults and 53 children. They were apprenticed under the stipulations of Government Notice No. 22 of 1878. After the end of the conflict on the northern border of the colony, many Africans also arrived in the district seeking employment while others were searching for their families.²²⁹

In a register consisting of Africans apprehended on the northern border of the Cape Colony or found destitute, seven San adults were indentured in December 1878 while seventeen adults and thirteen children were indentured from January to November 1879. From 17 January to 26 September 1879, 62 destitute Africans were apprenticed in the district

²²⁵ BPP C.2252, No. 1, Enclosure 2, pp. 4-5: W Owen Lanyon to Governor Sir Bartle Frere, 18.11.1878.

²²⁶ *Ibid.*

²²⁷ BPP C.2367, No. 32, p. 82: Sir Michael Hicks Beach to Sir Bartle Frere, 22.5.1879.

²²⁸ BPP C.2676, No. 1, p. 1: Aborigines' Protection Society to Colonial Office, 6.3.1880.

²²⁹ BPP C.2740, No. 33, Enclosure 5, pp. 53-54: Despatch J.N.P. de Villiers, Civil Commissioner, Victoria West, 8.12.1880.

of which 21 were adults.²³⁰ During the same period, two groups of Koranna women travelled to Victoria West seeking employment.²³¹

The Secretary for Native Affairs, William Ayliff, investigated queries regarding the apprenticing of Koranna prisoners in the Victoria West district. He reported that before the women and children were apprenticed they were destitute and starving. The government was unable to support them for an extended period and consequently assisted them in finding employment.²³² Contracts between the Korannas and farmers were viewed as voluntary since they were private agreements between employer and employee regarding service periods and wage rates. In the light of these agreements the government could not interfere and release the Korannas from their service contracts. In 1880 it was reported by the Secretary of Native Affairs that a large number of these Korannas had already deserted from employment. Neither the government nor the employers, however, punished the Korannas for desertion.²³³ A query in the House of Commons in 1881 led to enquiries by the Earl of Kimberley as to whether African prisoners in the Cape Colony were indentured for periods exceeding one year. The practice of indenturing Africans was not denied by the Cape government, and two instances were acknowledged in official correspondence. These included the indenturing of 800 Korannas and the apprenticeship of Tembu prisoners who were transported to Cape Town from the Transkei.²³⁴ In response to the query Thomas Scanlen, Prime Minister of the Cape Colony, stated that both the Koranna and Tembu prisoners were only apprenticed for a period of one year.²³⁵

The apprenticeship system in the Cape was not only debated in the House of Commons, but publications in Britain alleged that the Cape colonists practiced slavery. Verney stated that the apprenticeship of the 99 men, women and children in Victoria West was not restricted to one year but in some instances they were apprenticed for up to fourteen years. The Thembu women were apprenticed for a period of three years and six months.²³⁶ Clark also highlighted the apprenticeship period of the apprentices in Victoria West and indicated that adults were apprenticed for up to three years but the children for periods ranging from ten to fifteen years. The British magistrate defended his actions regarding the

²³⁰ BPP C.2740, No. 33, Enclosure 6, pp. 54-55: Register of natives captured on the northern border or found in a state of destitution and indentured as servants, agreeably with government instructions to the Resident Magistrate, Victoria West.

²³¹ BPP C.2740, No. 33, Enclosure 5, pp. 53-54: Despatch J.N.P. de Villiers, Civil Commissioner, Victoria West, 8.12.1880.

²³² BPP C.2740, No. 33, Enclosure 8, p. 56: William Ayliff, Secretary for Native Affairs, 25.8.1880.

²³³ BPP C.2676, No. 23, Enclosure 2, pp. 44-45: Despatch William Ayliff, Secretary Native Affairs, 17.4.1880.

²³⁴ BPP C.3113, No. 1, p. 1: The Earl of Kimberley to Governor Sir Hercules Robinson, 4.3.1881.

²³⁵ BPP C.3113, No. 14, Enclosure, p. 21: Minute Thomas C. Scanlen, 22.7.1881.

²³⁶ Bristol Selected Pamphlets Collection: Verney, E.H., *Four years of protest in the Transvaal: A poem from the South African Blue Books*, 1881, p. 4.

apprenticing and emphasised the fact that he acted compassionately since the parents were not separated from their children.²³⁷ Clark equated the apprenticeship system in the Cape Colony to that in the Transvaal.²³⁸

5.3.7 Indenturing of Bechuana prisoners

The 1886 Land Commission allocated land to the Tlhaping and Tlharo tribes living in Bechuanaland. The tribes were unhappy with this allocation and in 1887 Mankurwane, chief of the Tlhaping, demanded more land for his tribe. In 1892 the Tlhaping at Taungs lodged a complaint due to the scarcity of grazing land. The administration was indifferent to these complaints and the administrator, Sir Sidney Shippard, stated that a lack of land would force a large number of unemployed young Africans to join the labour force. Along with the complaints about land scarcity, the Bechuanaland Tswana tribes also felt aggrieved about the two annual taxes payable to the government, a hut tax and a wheel tax. In 1890 chiefs such as Toto and Mongale were reprimanded by the government for failing to pay their taxes.²³⁹ In October 1895 British Bechuanaland was ceded to the Cape Colony although the Africans in the protectorate criticised the change.²⁴⁰

In 1896 a large number of Tswana cattle were killed by the rinderpest, and a government notice ordering the shooting of infected cattle was met with hostility. The Tswana believed that the rinderpest was introduced by the white man and thought that the government planned to appropriate their land and their cattle, and reduce them to the status of servants.²⁴¹ By the end of 1896 the Tlhaping and Tlharo rebelled and joined forces in the Langeberg Reserve in Bechuanaland. They resisted British forces for eight months, and a large number of Bechuana died during the rebellion. In August 1897 an estimated 3 600 Bechuana were captured, and 1 873 of them were transported to Cape Town.²⁴² A notice was published in the *Government Gazette* that advertised the captured Bechuana prisoners and

²³⁷ LSE Selected Pamphlets Collection: Clark, G.B., *Our future policy in the Transvaal: a defence of the Boers*, 1881, p. 14.

²³⁸ *Ibid.*, pp. 5-6.

²³⁹ Saker, H. and Aldridge, J., "The origins of the Langeberg rebellion" in *The Journal of African History*, Vol. 12, No. 2, 1971, p. 301.

²⁴⁰ Foreign and Commonwealth Office Collection: Bourne, H.R. Fox, *Blacks and whites in South Africa: An account of the past treatment and present conditions of South African natives under British and Boer control* (pamphlet), 1900, p. 35.

²⁴¹ Saker and Aldridge, pp. 310-311.

²⁴² Foreign and Commonwealth Office Collection: Bourne, H.R. Fox, *Blacks and whites in South Africa: An account of the past treatment and present conditions of South African natives under British and Boer control* (pamphlet), 1900, pp. 35-36.

invited applications. The notice indicated a five year apprenticeship period and stipulated wages for both adults and children, along with the provision of food and accommodation.²⁴³

The Aborigines Protection Society (APS) protested the apprenticeship of the prisoners. The APS believed that the self-government awarded to the Cape Colony did not absolve the British government from its responsibility to enforce adherence to British laws.²⁴⁴ The Conference of the London Missionary Society held in Vryburg on 16 March 1898 also protested the apprenticeship. The conference resolved that the Cape government acted contrary to the principles of British legal procedure which recognised this type of apprenticeship as an amended form of slavery.²⁴⁵

The circumstances of the apprentices were monitored by the Cape government and the Special Commissioner, Mr J. Rose-Innes, visited some of the employers as part of an inspection tour. He reported that the apprentices had limited complaints and that wages were paid as stipulated.²⁴⁶

5.3.8 Missionary schools and the apprenticeship system

The apprenticeship system was also used in education, especially with regards to educating African students at missionary schools in the Cape Colony. The British government's civilisation efforts were supported by missionary churches which established missionary schools to enhance education, civilisation as well as industrial instruction.²⁴⁷ The efforts of Sir George Grey, Governor of the Cape Colony, in 1855 led to the establishment of a number of new mission schools. Industrial schools also received financial support. In the 1860 annual report of the Cape Superintendent General of Education, the importance of vocational subjects in mission schools was highlighted. The report stated that vocational subjects would be taught to African and other coloured students and would include subjects such as gardening, woodwork, shoemaking as well as printing and bookbinding.²⁴⁸

In the Cape Colony, the main African schools were the Free Church Seminary at Lovedale, the Wesleyan Fingo Institution at Heald Town, Kieskamma Hoek[sic] at Grahamstown and Newlands near East London. In 1871 the missionary schools provided schooling to 5 542 Fingo, Xhosa and Tambookie children and industrial training to 269

²⁴³ Dominions Office (DO) 119/328, Bourne, H.R. Fox, *The Bechuana troubles: A story of pledge-breaking, rebel-making and slave-making in a British colony*, p. 39.

²⁴⁴ DO 119/527: Aborigines Protection Society to the Secretary of State, 4.10.1897.

²⁴⁵ DO 119/328: Tom Brown, LMS to Sir Alfred Milner, 7.4.1898.

²⁴⁶ DO 119/328, Mr J. Rose-Innes: Inspection report, 7.2.1898.

²⁴⁷ Bristol Selected Pamphlets Collection: Stevenson, J., *The civilisation of South Eastern Africa*, 1877, pp. 5-6.

²⁴⁸ Gibson, p. 63.

students.²⁴⁹ The Scottish Free Church institution at Lovedale used an apprenticeship system in the education of Africans. Statistics for 1876 reported the following number of apprentices at the institution: eighteen for wagon-making and blacksmithing, 26 for carpentry, four for cabinetmaking, five for letterpress printing and two for bookbinding. All of the male students were involved in farming and road works for two hours a day and of the 93 female students, twelve were instructed in domestic work.²⁵⁰ The schooling of Africans was in many cases not positively received, and some employers preferred not to employ Christianised or mission Africans as they believed that their education made them less useful.²⁵¹

5.3.9 Factory apprentices

A committee was appointed in 1906 to investigate the operation of factories in the Cape Colony. The main objectives of the committee were to determine the employment conditions of employees and apprentices. The committee advised that legislation be adopted which disallowed the employment of children under the age of fourteen years since too many young children were used as labourers. It was further recommended that the working hours for women and young persons under eighteen should be decreased. The Factory Acts in Australia and Britain were used as the basis for comparison regarding child and female labour. The committee also recommended the restriction of overtime to be in line with international legislation. It was found that although child labour was used in factories, the number of children employed as apprentices were limited.²⁵²

The committee also addressed the lack of legislation in the manufacturing industry in the Cape Colony and recommended that a Factory Act be instituted to regulate the increasing number of factories in the colony.²⁵³

5.4 Apprenticeships in Natal

5.4.1 Liberated slaves

On 31 December 1868 the Mixed Commission Court, instituted at the Cape Colony by Great Britain, the United States of America and Portugal, stated that, during the year, no cases of slave trading were presented to the court. It was decided to terminate the commission since it

²⁴⁹ BPP C.709-I, No. 10, Enclosure 3, pp. 233-236: Report of the Superintendent-General of Education for the year 1871, 21.2.1872.

²⁵⁰ Bristol Selected Pamphlets Collection: Stevenson, J., *The civilisation of South Eastern Africa*, 1877, p. 6.

²⁵¹ BPP C.709-I, No. 10, Enclosure 3, p. 237: Report of the Superintendent-General of Education for the year 1871, 21.2.1872.

²⁵² Cape of Good Hope, *Report of the select committee on conducting of factories and fair wage clause*, pp. v-vii.

²⁵³ *Ibid.*, pp. v-vii.

was believed that slave trading was finally abolished on the west coast of Africa. The slave trade, however, still continued on the east coast and patrols by British ships led to the freeing of large numbers of slaves.²⁵⁴ In a report by Mr Frederic Elton, the Vice-Consul in Zanzibar, he emphasised the willingness of Natal to employ some of the former slaves on the coastal plantations. They would be administered under the Refugee Act and be contracted to work for a period of three years. At the expiry of their three year contracts the liberated slaves would be allowed to select a new employer, remain with the existing employer or move to an African settlement.²⁵⁵

Government Notice 177 of 1873 was proclaimed to provide for the employment of liberated slaves in Natal. The importing of liberated slaves was seen as a helpful measure in alleviating the labour scarcity in the colony. The notice determined that one half of the liberated slaves would be allocated to the government works in Natal. According to the notice, adults would be allotted to employers for a period of five years. Children would not be separated from their mothers and employers had to maintain the children as well. In addition to wages, employers had to supply apprentices with food, accommodation, clothes and medical care. The instruction of apprentices was also addressed by the notice, and they had to be taught a domestic skill or trade and receive instruction in the English language. Apprentices would also be exposed to Christianity, and their accommodations had to be separated from those of African servants. The government had the authority to designate employers to whom people could be apprenticed. The contracts of service would be agreed to before the Protector of Indian Immigrants, and the Protector was obligated to keep a register of such contracts of service. The Protector could institute inspections and the government, if recommended by the Protector, could nullify any contract if it was believed that conditions were not fulfilled or employees were maltreated.²⁵⁶

The first liberated slaves arrived in Natal during 1873. The British warship the *Briton* captured a dhow with 120 slaves in the Mozambican channel, but due to ill health only 113 survivors disembarked in Durban.²⁵⁷ They were received by the Protector of Indian Immigrants who was authorised to provide them with all essential requirements. They were placed in barracks which were constructed by the government expecting the arrival of

²⁵⁴ Berlioux, E.F., *The slave trade in Africa in 1872*, pp. 1-2.

²⁵⁵ BPP C.820, No. 40, Inclosure 1, pp. 76-77: Mr Elton, Acting Assistant Political Agent and Vice-Consul, Zanzibar, to Sir Bartle Frere, 20.3.1873.

²⁵⁶ BPP C.1064, No. 59, Inclosure, p. 90: Extract from the 'Natal Mercury' of September 2, 1873 – Government Notice 177 of 1873, 22.9.1873.

²⁵⁷ BPP C.1064, No. 98, p. 147: Rear-Admiral Cumming to the Secretary to the Admiralty, 23.9.1873.

immigrants from St Helena. Clothing and blankets were provided along with daily rations. Elton visited them on several occasions and was concerned that the British government would not approve of the apprenticing of children as domestic servants. In Zanzibar the children would be placed in mission schools, and Colonel Lloyd suggested that the children be placed in an industrial school to receive instruction in the English language as well as in a trade or domestic occupation. Adult males would be allocated to the public works while females would be allotted to employers as domestic servants.²⁵⁸

On 13 March 1874 the British ship *Daphne* captured a slave dhow off Madagascar with 225 slaves on board. One hundred and ninety four slaves were landed in Zanzibar, and the children were placed in the care of English and French missionaries. The provisions made in the *Natal Government Gazette* No. 177 of 1873 and the great demand for labour in the colony meant that many of the men, women and children from this ship were subsequently transported to Natal by mail steamer.²⁵⁹ On 23 April 1874 a further 78 liberated slaves were landed at Natal.²⁶⁰ The Natal government used some of these people to alleviate the labour shortage experienced on public works projects, and 32 liberated slaves, including nine women and two children, were for example allocated to the Colonial Engineer to assist in road repairs.²⁶¹

Elton was sent by Sir Benjamin Pine, the Lieutenant-Governor of Natal, to negotiate with the Governor-General of Mozambique regarding the housing of liberated slaves in a temporary depot in Lourenço Marques.²⁶² Pine requested that the Portuguese government allow the construction of the depot to accommodate slaves captured by British warships. The Portuguese government authorised the depot on the following conditions: liberated slaves had to be allowed the freedom to choose whether they would proceed to Natal as contracted emigrants or remain in Mozambique and accept a local contract. The contracts would be for the maximum of three years, and it was emphasised that the liberated slaves accepting such contracts would be deemed to be free in all respects.²⁶³

Government Notice No. 186 of 1875 informed Natal colonists that the government was willing to receive applications for liberated slaves from employers. The stipulations

²⁵⁸ BPP C.1064, No. 54, Enclosure 2, pp. 82-83: Vice-Consul Elton to Consul-General Kirk, 29.8.1873.

²⁵⁹ BPP C.1168, No. 39, Inclosure, p. 38: Captain Prideaux to Sir Benjamin Pine, 7.4.1874.

²⁶⁰ BPP C.1168, No. 52, Inclosure, p. 46: Vice-Consul F. Elton to Captain Prideaux, 24.4.1874.

²⁶¹ BPP C.1168, No. 57, Inclosure, p. 51: Vice-Consul Elton to Captain Prideaux, 23.5.1874.

²⁶² BPP C.1168, No. 83, Inclosure, p. 85: Lieutenant-Governor Pine to Captain Prideaux, 7.10.1874.

²⁶³ BPP C.1516-I, No. 2, Enclosure, p. 206: Portaria No. 152.

which regulated their allocation were published in Immigration Notice No. 3 of 1875.²⁶⁴ This notice stipulated that the government would pay for one third of the cost of introduction and maintenance of liberated slaves. Employers would have to pay the rest in three annual instalments of £2 each. According to the immigration notice, the Protector of Immigrants would report to the government with regard to the number of liberated slaves landed, the number of deaths during the voyage and the state of their health. The Protector would maintain a register with the names of all the liberated Africans introduced into the colony. The contract period of three years was confirmed by the notice. The notice also addressed the problem of destitute children and determined that boys would be apprenticed up to the age of eighteen and girls up to sixteen years. Apprentices would only receive wages after the age of twelve years due to the training they required.²⁶⁵

In 1876 the British ship *London* captured 94 slaves and Dr John Kirk, agent and Consul-General at Zanzibar, sent them to Natal along with some slaves liberated on previous occasions. One hundred and twenty eight liberated slaves were disembarked in Natal, and most of them were allocated to employers. In his report to the Governor the Protector emphasised that they were well treated.²⁶⁶ The practice of sending liberated slaves to Natal continued during 1877, and 77 were sent to the colony from January to September. The Cape Colony also received two liberated slaves during this period.²⁶⁷ In September 1877 the Natal government once again applied for a large number of liberated slaves from the island of Zanzibar. John Kirk also corresponded with Sir Bartle Frere regarding the Cape Colony's application for liberated slaves.²⁶⁸

During the proceedings of the Royal Commission on Fugitive Slaves, critics of the system of sending liberated slaves to Natal stated that the apprenticeship system was merely a modified form of slavery. The system was, however, defended due to government control over the liberated slaves. The contract of service and the assignment system was protected by legislation, and employers were unable to punish liberated slaves through corporal

²⁶⁴ BPP C.1516-I, No. 1, Enclosure II, p. 205: Extract from the *Natal Government Gazette* – Immigration Notice No. 3 of 1875, 22.6.1875.

²⁶⁵ BPP C.1516-I, No. 1, Enclosure II, p. 205: Extract from the *Natal Government Gazette* – Immigration Notice No. 3 of 1875, 22.6.1875.

²⁶⁶ BPP C.1829, No. 340, Inclosure, pp. 307-308: Lieutenant-Governor Sir Henry Bulwer to the Earl of Carnarvon, 28.8.1876.

²⁶⁷ BPP C.2139, No. 328, Inclosure 1, p. 362: Return showing the disposition of all slaves captured and forfeited to Her Majesty during the year 1877 (from January to September), 14.9.1877.

²⁶⁸ BPP C.2139, No. 328, p. 362: Dr Kirk to the Earl of Derby, 14.9.1877.

punishment. Although they were allocated to employers, it was emphasised that liberated slaves were treated in the same way as any other labourers in Natal.²⁶⁹

5.4.2 Industrial training and apprenticeships

Industrial training was promoted in African mission schools in Natal through annual government grants.²⁷⁰ From a report regarding the position of industrial schools in 1868, it was clear that African children were also placed as apprentices. At the Indaleni Mission four boys were apprenticed, while at Edendale Mission station one boy was apprenticed. The Industrial School at Edendale employed five apprentices to repair wagons, make bedsteads and repair ploughs. According to the Rev. W. Barton, a definite problem in securing apprentices was the fact that Africans were unwilling to apprentice their children for extended periods. The Spring Vale Mission Station supported a printing press with two boys apprenticed for a period of five years. At the new mission station at Umzimbazi, ten Africans were employed in brick making and building as well as ploughing and picking coffee.²⁷¹

Industrial training in Natal, through the provision of vocational education did, however, not show advancement. In 1895 for instance, the Native Inspector for Natal Schools reported on the progress made in the 131 schools that received assistance from the Natal government. He emphasised that the industrial work of the boys was not very useful although the program did contribute to establishing acceptable work practices.²⁷²

5.5 Apprenticeships and slavery allegations in the Transvaal

5.5.1 Sechele and the Tswana tribes

After the Sand River Convention of 1852 the Transvaal government requested all chiefs to attend a meeting, but Sechele, the chief of the baKwena, refused since he stated that he was an independent chief and not subject to any authority. Moselele, chief of the baKgatla, at this time fled from the Afrikaners and asked Sechele for protection. The Transvaal government demanded that Sechele hand Moselele over to them. In a statement Sechele alleged that, due to his refusal, the Transvaal government demanded that he give up all his guns, cattle, corn and children or they would declare war against him.²⁷³

²⁶⁹ BPP C1516-I, p. 6: Minutes of evidence taken before the Royal Commission of fugitive slaves, 11.3.1876.

²⁷⁰ Gibson, pp. 63-64.

²⁷¹ BPP C.149, No. 130, Enclosure, pp. 33-44: Despatch from T. Warwick Brooks, Acting Superintendent Education, to Lieutenant-Governor Keate, 30.4.1869.

²⁷² Gibson, p. 68.

²⁷³ BPP 1758, No. 1, Enclosure No. 1, pp. 83-84: Statement of Sechele, Paramount Chief of the Bakwaina, 21.4.1853.

According to Petrusic the conflict with Sechele was also due to the strategic position of his land, since the northwest route could be used by the British to expand to the north of the Kalahari. As a consequence the Transvaal would be surrounded by British territory, and the Afrikaners feared that they would be unable to prevent this. Sechele, the chief of the baKwena, was believed to be a supporter of the British government, since he allowed British travellers to pass through his territory but denied passage to the Transvaal.²⁷⁴ The Transvaal Afrikaners pressured Sechele to deny the British permission to travel through his country. Sechele refused, and the Transvaal continued to intimidate him to force him to adhere to their demands. In response to the demands Sechele said that the British supported him and supplied him with essentials. He also denied their requests based on his perception of the Afrikaner treatment of tribes such as Mangkopane and Mokopane, and the appropriation of children and cattle from these tribes.²⁷⁵

In his memoirs Paul Kruger contradicted Sechele's reasons for the war and stated that the war was because Sechele was harbouring another African chief, Moselele, who was responsible for a number of murders in the Transvaal.²⁷⁶ The Transvaal attacked Sechele on 28 August 1852 and reportedly appropriated 1 000 children, 200 women and most of the cattle, and burnt the settlement. Sechele turned to the British government for help.²⁷⁷

Walter Inglis and Roger Edwards, missionaries from the London Missionary Society, protested against the enslavement of baKwena children. They wrote a letter to the leader of the Transvaal expedition, Commandant P.E. Scholtz, in which they communicated this protest.²⁷⁸ In the letter the missionaries condemned the separation of children from their mothers and called it unchristian. They stated their belief that the Sand River Convention between the British government and the Transvaal had been violated by the capture of the baKwena children. They also believed that people in the Cape Colony, Britain and Europe would perceive this as slavery.²⁷⁹

The government considered the letter defamatory and, after a trial, the missionaries were expelled from the Transvaal.²⁸⁰ During the missionaries' trial, the magistrate denied the charges of slavery and emphasised the legitimacy of the apprenticeship system. The

²⁷⁴ Petrusic, C., "Violence as masculinity: David Livingstone's radical racial politics in the Cape Colony and the Transvaal" in *The International History Review*, Vol. 26, No. 1, March 2004, pp. 45-46.

²⁷⁵ BPP 1758, No. 1, Enclosure No. 1, pp. 83-84: Statement of Sechele, Paramount Chief of the Bakwaina, 21.4.1853.

²⁷⁶ Kruger, pp. 37-38.

²⁷⁷ BPP 1758, No. 1, Enclosure No. 1, pp. 83-84: Statement of Sechele, Paramount Chief of the Bakwaina, 21.4.1853.

²⁷⁸ BPP 0.4, No. 36, pp. 27-29: Her Majesty's Commissioners to the Earl of Malmesbury, 15.2.1853.

²⁷⁹ BPP 0.4, No. 36, Inclosure, p. 30: Messrs Edwards and Inglis to Mr P.E. Scholtz, 11.8.1852.

²⁸⁰ BPP 0.4, No. 36, pp. 27-29: Her Majesty's Commissioners to the Earl of Malmesbury, 15.2.1853.

magistrate stated that girls were apprenticed up to the age of twenty and boys up to 25.²⁸¹ Walter Inglis, however, countered with some examples of incidences which he perceived as proof of slavery. He told about an African chief who bought his captured daughter from the Afrikaners for three oxen. He stated that it was not morally correct for Christian nations to act in this way towards women and children. According to A.W.J. Pretorius, he discussed the subject of apprenticeship with the Commissioners during the Sand River Convention in 1852, and they confirmed that it was acceptable to apprentice African children and in the process expose them to Christianity.²⁸²

Inglis, after his expulsion from the Transvaal, continued to criticise the Transvaal apprenticeship system. In the *Friend of the Sovereignty and Bloemfontein Gazette* he alleged that the war with Sechele was due to the Transvaal Afrikaners' need for servants. Inglis stated that he had attended a meeting of Commandant Scholtz with the African chiefs in the Transvaal during which Scholtz requested them to supply labourers to the Afrikaners.²⁸³

Sechele, in his pursuit of the return of his children and cattle, visited the British Resident at Bloemfontein on 11 January 1853. He emphasised that his tribe was attacked without any reason and requested the British government to intercede in order to prevent similar events from occurring.²⁸⁴ The opinion of British officials did not favour Sechele. In a report from Sir George Cathcart to the Secretary of State, Cathcart doubted Sechele's innocence and believed that the trade in firearms had probably led to his latest difficulties.²⁸⁵ The Sand River Convention also played a major role in the decision of the British not to support Sechele, since the stipulations in the treaty emphasised British non-interference in the Transvaal. Sir George Cathcart emphasised that he could only interfere in military conflicts when permitted by the British government, and such authorisation would not be forthcoming due to the Sand River Convention.²⁸⁶

The campaign against Sechele also strained relations between the Transvaal and the well-known missionary David Livingstone. During the campaign Theunis Pretorius, a commando member, visited Livingstone's mission station where he reported the discovery of a workshop used for repairing guns. He alleged that Livingstone was hoarding firearms for

²⁸¹ *Friend of the Sovereignty and Bloemfontein Gazette*, 27.1.1853, p. 3.

²⁸² BPP 0.4, No. 36, Inclosure, pp. 28-29: Statement made by Mr Walter Inglis, extracted from the Bloemfontein Gazette, 20.1.1853.

²⁸³ *Friend of the Sovereignty and Bloemfontein Gazette*, 27.01.1853, pp. 1-2.

²⁸⁴ BPP 1646, No. 24, Enclosure 1, p. 112: Statement of Sechele before the British Resident at Bloemfontein, 11.1.1853.

²⁸⁵ BPP 1646, No. 24, p. 111: Despatch from Governor the Hon. G. Cathcart to the Right. Hon. the Secretary of State for the Colonies, 11.2.1853.

²⁸⁶ BPP 1646, No. 24, Enclosure 2, p. 112: Geo. Cathcart, High Commissioner, to H. Green, British Resident, Bloemfontein, 25.1.1853.

Sechele. Since the Sand River Convention prohibited the supplying of firearms to African tribes, Livingstone's actions were perceived as a breach of the convention. Commandant Scholtz appropriated the arms and ammunition, and in Kruger's opinion this subsequently led to Livingstone's campaign against the Afrikaners which depicted them as abusing the African population and practising slavery.²⁸⁷

Since 1843 Livingstone had propagated his belief that the Afrikaners were slave owners. In his book *Missionary Travels*, published in 1857, he recounted visits to Afrikaner households during which he spoke to children who were captured and apprenticed. However, Livingstone did not find much official support for his lobbying against slavery in the Transvaal. In Britain a number of people believed that the enslavement of African children was exaggerated and therefore did not deserve British attention. These opinions were also mirrored in the policy of non-interference adopted by the British government in South Africa after the Sand River Convention. Although his book did generate some negative emotions among humanitarians in Britain, it did not affect the official policy followed by the British government in the Transvaal.²⁸⁸

In July 1853 the British and Foreign Anti-Slavery Society organised a meeting of the Anti-Slavery Society, the Aborigines Protection Society, the London Missionary Society (LMS) and the Peace Society. The organisations drafted a memorandum which highlighted the negative aspects of the apprenticeship system as well as the mistreatment of African tribes in the Transvaal. A further aim of the memorandum was to secure British interference in the affairs of the state through emphasis on the contravention of the slavery clause in the Sand River Convention. Neither the British nor the Cape governments were interested in getting involved in the affairs of an independent state.²⁸⁹

A subsequent attack on another Tswana tribe in which a number of Africans were killed and the property of the British missionary Mr Edwards destroyed, further strained relations between the Transvaal and the LMS. The LMS perceived these acts as a contravention of the Sand River Convention, and stated that unless the British government intervened it would be impossible for the missionaries to work in the Transvaal. It would also condemn Africans within the state to slavery.²⁹⁰ The LMS sent a letter to the Duke of Newcastle, the Secretary of State for the Colonies, in which they outlined their complaints

²⁸⁷ Kruger, p. 41.

²⁸⁸ Petrusic, pp. 46-50.

²⁸⁹ Kistner, pp. 248-249.

²⁹⁰ BPP 1646, No. 9, Enclosure, pp. 116-117: Arthur Tidman to the Duke of Newcastle, 21.1.1853.

against the Transvaal Afrikaners. In response, he instructed Sir George Clerk to investigate the allegations about the use of African children as slaves.²⁹¹

The failure of Sir George Grey, Governor of the Cape Colony, to convince the Transvaal to join the confederation of states and colonies in South Africa, according to Kistner led to a new strategy that tried to increase political pressure on the Transvaal. He used charges of slavery to apply pressure, and the Cape government forwarded reports with slavery allegations to the British government. It was hoped that the British government would decide to intercede.²⁹² Grey was advised by the British government that the apprenticeship system used in the Transvaal did not correspond to the definition of slave trafficking as defined by the Slave Trade Acts. The Slave Trade Acts could, therefore, not provide guidance to any sanctions against the Transvaal. The weakness of the Sand River Convention was believed to be the fact that although the convention prohibited the existence of slavery it did not provide a mechanism to enforce this provision.²⁹³

5.5.2 The siege of Makapansgat

The Afrikaners first came into contact with the Kekana of Chief Mokopane and the Langa of Chief Mankopane in 1837.²⁹⁴ Mankopane, depending on the source consulted, was also known as Magopane, Mapela or Makapan.²⁹⁵ Naidoo believed that the Afrikaners in their quest for land and labour attacked Mokopane in 1847 and 1848 and appropriated women, children and cattle. Mankopane also experienced comparable losses. The Sand River Convention confirmed the Transvaal's status as an independent state, and the government assumed that all African tribes within the territory owed them fealty since they had defeated Mzilikazi to obtain the area. Mankopane and Mokopane were never subject to Mzilikazi and were therefore unwilling to accept the rule of the Transvaal government. They further rejected the system through which farmers could force them to supply labour tributes, the apprenticeship system, and also the restrictions placed on them regarding the acquiring of firearms.²⁹⁶ During 1854 there was growing resistance among the northern AmaNdebele,

²⁹¹ BPP 1646, No. 13, p. 119: Despatch from the Duke of Newcastle to Sir George Russell Clerk, 14.4.1853.

²⁹² Kistner, p. 250.

²⁹³ BPP 0.1, No. 50, pp. 88-89: Frederic R. Surtees, Her Majesty's Arbitrator to the Earl of Clarendon, 1.12.1855.

²⁹⁴ Naidoo, J., "The siege of Makapansgat: A massacre? And a Trekker victory?" in *History in Africa*, Vol. 14, 1987, pp. 177-179.

²⁹⁵ *Ibid.*, p. 175.

²⁹⁶ *Ibid.*, pp. 177-179.

including the Langa and Kekana tribes, against the expansion of Transvaal territory in the area.²⁹⁷

The siege of Makapansgat in November 1854 was seen as the direct result of a visit of Hermanus Potgieter, brother of Commandant-General Hendrik Potgieter, to the capital of Mankopane. Newspapers claimed that Potgieter not only demanded cattle but also African children without offering payment. Potgieter was killed, and Mankopane immediately attacked nearby communities. Other sources claimed that Potgieter continuously demanded cattle and labour from the tribe and that Potgieter's murder of Mankopane's brother led to Potgieter's death.²⁹⁸ Kruger, however, recounted that Mankopane had requested Herman Potgieter to shoot some of the elephants in his territory. During his visit Potgieter, his son and other companions were killed.²⁹⁹ Potgieter had a history of conflict with African tribes and in May 1854, along with a group of nineteen Afrikaners, had also attacked a chief named Ramaglabootla. H.J. van Staden, the field-cornet of the Magaliesberg district, reported that Potgieter appropriated the chief's cattle and abducted a number of women and children. The war council of the Transvaal requested that Potgieter return the cattle, women and children to the tribe. Although Potgieter did not comply, the war council decided not to take action against him.³⁰⁰

It was rumoured that Mokopane and Mankopane had agreed to murder all the European people in their districts. In response commandos led by General Piet Potgieter and Commandant-General M.W. Pretorius attacked the Africans during November and the tribe was driven into caves.³⁰¹ Mokopane refused to surrender, and in the siege that followed, hundreds of members of the Kekana tribe died of starvation. A number did manage to escape, while some of the captured Kekana tribe members were brought before a military court.³⁰²

The Afrikaners apprehended an estimated 400 women and children during the attack and on 17 November another 364 women and children surrendered.³⁰³ Kruger confirmed that the children were apprenticed and defined apprenticeship as a practice whereby children were given to different Afrikaner families under legal guardianship until they reached maturity.³⁰⁴ The siege of Makapansgat, in contrast with the attack on Sechele at Dimawe, did not receive

²⁹⁷ Esterhuysen, A.B., *Let the ancestors speak: An archaeological excavation and re-evaluation of events prior and pertaining to the 1854 siege of Mugombane, Limpopo Province, South Africa* (D.Phil.), pp. 3-4.

²⁹⁸ Naidoo, pp. 173-176.

²⁹⁹ Kruger, P., *The memoirs of Paul Kruger*, p. 43.

³⁰⁰ Naidoo, pp. 173-176.

³⁰¹ Kruger, pp. 43-44.

³⁰² *Ibid.*, p. 47.

³⁰³ Naidoo, pp. 180-182.

³⁰⁴ Kruger, p. 47.

any notice in official British sources. Neither missionary societies nor the British government condemned this attack and the Kekana were dispersed without comment.

5.5.3 Proclamations by M.W. Pretorius (1855 and 1857)

In 1855 the Transvaal president, M.W. Pretorius, issued a proclamation forbidding the kidnapping of children from African tribes. This proclamation was perceived as a confirmation of the continued practice of apprenticing children captured during commando raids on African tribes.³⁰⁵ The proclamation, dated 30 July 1855, also stated that trading African children would in future be illegal. Transvaal inhabitants were requested to return African children that were traded or kidnapped. This practice would in future be punished according to Transvaal laws.³⁰⁶ A proclamation by Commandant-General Stephanus Schoeman issued in the Zoutpansberg in 1855 indicated that kidnapped children were also exported to the Orange Free State. The proclamation emphasised that the trade in African children would be severely punished under the Apprentice Law of 1851.³⁰⁷

In 1857 a further proclamation was issued by Pretorius in which he declared that any future trade in children taken from African tribes would be strictly forbidden. People who offered such children for sale or trade would be fined £500 or imprisoned. The children would also be appropriated by the government. The proclamation declared that the transfer of apprenticeships between employers would only be allowed if approved by a magistrate.³⁰⁸

5.5.4 San apprentices

Official British sources alleged that the apprenticeship system was not limited to the apprenticing of war captives, since the Afrikaners also bartered with the San in the Drakensberg for children. The Afrikaners paid the San a cow per child and the children were then apprenticed.³⁰⁹

Testimony of an escaped San apprentice, Leya, was published to provide evidence of the extension of the Afrikaner apprenticeship system to San children.³¹⁰ According to Leya's testimony, Transvaal Afrikaners from the Magaliesberg captured her when she was young, and she was then apprenticed to an Afrikaner named Pieter Strydom. She managed to escape

³⁰⁵ BPP 0.1, No. 50, pp. 88-89: Frederic R. Surtees, Her Majesty's Arbitrator to the Earl of Clarendon, 1.12.1855.

³⁰⁶ BPP 0.1, No. 50, Inclosure, p. 50: Proclamation by M.W. Pretorius, 30.7.1855.

³⁰⁷ Boeyens, p. 55.

³⁰⁸ BPP 4141, No. 1, Enclosure, p. 6: Proclamation by M.W. Pretorius of the South African Republic, 29.9.1857.

³⁰⁹ BPP 0.1, No. 50, pp. 88-89: Frederic R. Surtees, Her Majesty's Arbitrator to the Earl of Clarendon, 1.12.1855.

³¹⁰ BPP 3159, No. 24, pp. 26-28: Her Majesty's Commissions to Earl Russell, 18.9.1862

and return to her people, but after three years another Afrikaner commando raid led to her renewed captivity. During the commando raid, all the women and children from her village were taken captive, and she became a servant to Christian Pretorius. Her child was taken away from her and sold to another Afrikaner. After Leya's capture she witnessed her owner leave on numerous commando raids, some of which brought back large numbers of San children. Leya's state of servitude was attested to by the fact that she received no wages for the period she worked for Pretorius.³¹¹

Kistner saw the publication of slavery accounts and allegations of the slave trade in the Transvaal as part of the strategy followed by commercial interest groups in Natal to secure British protection. These groups feared competition from the Portuguese at Delagoa Bay and implicated the Transvaal in Portuguese slave trading activities.³¹²

5.5.5 The apprenticeship system and allegations of slavery

Reports of slavery in the Transvaal persisted and *De Republikein*, a Transvaal newspaper, reported in 1865 that slave dealing had become a profitable activity in the Zoutpansberg. Slave trading, according to the newspaper, was openly practiced although the Transvaal constitution specifically prohibited it. Eyewitnesses reported the transport of wagons full of children who were sold throughout the country. These children were mostly appropriated from tribes within the Zoutpansberg. Small parties of Africans were also sent to Delagoa Bay to purchase African children. The newspaper emphasised that as soon as the children were issued with apprenticeship certificates stating that they were orphans, the transaction was legalised by the apprenticeship system. The certificates normally bound the children to an apprenticeship up to the age of 21 years.³¹³ Humanitarian societies such as the APS continued to lobby the British government about child slavery in the Transvaal. The APS believed that the lack of proof regarding slavery in the 1860s was due to the apprenticeship system being used as a cover for hiding slavery practices.³¹⁴

On 1 December 1865 the magistrate of Potchefstroom received a report from J.P. Furstenberg regarding the sale of African children. Furstenberg reported that a certain Carl Schmidt and a man named Heinert had brought children to Potchefstroom to sell to farmers in the district.³¹⁵ The Rev. Ludorf from Potchefstroom confirmed the report that 31 young

³¹¹ BPP 3159, No. 24, Inclosure, pp. 26-28: Newspaper extract, 18.9.1862.

³¹² Kistner, pp. 253-254.

³¹³ BPP 4141, No. 1, Inclosure, pp. 2-3: Extract from 'De Republikein', 12.1865.

³¹⁴ LSE Selected Pamphlets Collection: *The Boers and slavery in South Africa: statement of the Society*, 1881, p. 15.

³¹⁵ Kistner, p. 240.

Africans were sold at Potchefstroom. Schmidt had, according to Ludorf, acquired a certificate of apprenticeship from the Zoutpansberg magistrate for each child. The Potchefstroom magistrate therefore stated that he was unable to prevent the sale of the children.³¹⁶ The Transvaal government proceeded promptly and questioned witnesses who confirmed the allegations made against Schmidt and Heinert. The witnesses testified that the men were planning to barter the children.³¹⁷

The attention of the British government was drawn to the case when Mr G.J. Steyn wrote a letter to Governor P.E. Wodehouse, alleging that 31 African children had recently been sold in the town.³¹⁸ These children were of both sexes and varied in age from three to twelve years. They were publicly sold for amounts varying from £15 to £22 per head or in some cases traded for cattle.³¹⁹ Since this violated the provisions of the Sand River Convention, Governor Philip Wodehouse protested and sent a copy of Steyn's letter to the president of the Transvaal.³²⁰

President M.W. Pretorius assured Wodehouse that a warrant was issued for Schmidt and Heinert's arrest and that they would be prosecuted since slave trading was prohibited. Schmidt apparently obtained the children by using African elephant hunters to attack small African settlements and to abduct the children. President M.W. Pretorius further assured Wodehouse that any trade in African children would be punished by the government.³²¹ The Transvaal Executive Council ordered the arrest of both men and during the trial Schmidt received a fine of 100 Rixdollar while the charges against Heinert were dropped.³²²

Steyn was, however, also arrested and charged with high treason. According to Steyn, the Transvaal government offered to withdraw the charges against him if he recanted his statement. Steyn declined the offer and challenged President Pretorius to prove that the apprenticed children were, in fact, orphans as he claimed. Steyn also demanded an explanation regarding the origin of the large number of orphans in the Transvaal.³²³ Steyn estimated that about 4 000 African children were apprenticed in the Transvaal. He claimed that Africans regarded the apprenticeship system as slavery since they frequently made

³¹⁶ BPP 4141, No. 1, Enclosure, pp. 4-5: J. Ludorf to Sir Philip Wodehouse 30.1.1866.

³¹⁷ Kistner, p. 241.

³¹⁸ BPP 4141: No. 1, Enclosure, p. 7: Sir Philip Wodehouse to the president of the South African Republic, 8.1.1866.

³¹⁹ BPP 4141, No. 1, Enclosure, pp. 1-2: G.J. Steyn to Sir Philip Wodehouse, 4.12.1865.

³²⁰ BPP 4141: No. 1, Enclosure, p. 7: Sir Philip Wodehouse to the president of the South African Republic, 8.1.1866.

³²¹ BPP 4141, No. 1, Enclosure, p. 7: President M.W. Pretorius to Sir Philip Wodehouse, 6.2.1866.

³²² Kistner, p. 241.

³²³ BPP 4141, No. 1, Enclosure, p. 3: G.J. Steyn to Sir Philip Wodehouse, 5.2.1866.

complaints about it. Steyn obtained several affidavits from Africans stating the manner in which the parents were killed and children captured.³²⁴

Wodehouse voiced his unease with the Transvaal laws that allowed for the registration of African child apprentices up to the age of 21 years. The law also allowed for the sale of apprentices from one employer to another.³²⁵ Wodehouse was alarmed by the fact that the law did not specify a limit to the term of apprenticeship, and queried President Pretorius regarding this issue. The law also allowed for hunters, traders and other people to introduce children into the country by merely stating that they were orphaned children.³²⁶ Wodehouse believed that the apprenticeship system in effect permitted slavery and was, therefore, a violation of the stipulation prohibiting slavery in the Sand River Convention. He appealed to the Transvaal to rescind these laws and institute sanctions that would prevent any trade in African children.³²⁷

In response the Transvaal government in July 1866 proclaimed a new law that instituted the position of guardians. Employers who received destitute children would in future be classified as their guardians. The guardians would be held responsible for the treatment of their apprentices.³²⁸ The law was an attempt to adhere to the Sand River Convention while appeasing the High Commissioner in the Cape Colony. The law also ordered officials to ensure that no African children were introduced by traders unless the child was an orphan in need of protection. The sanctions instituted by the law determined that any contravention would be punishable by a fine of £500 or two years imprisonment.³²⁹

Kistner believed that the law did not make any critical changes to the apprenticeship system and only reiterated stipulations in previous legislation. The new law also instituted more stringent sanctions. The proclamation was, however, seen as an important indicator of the Transvaal government's commitment to eradicating slavery.³³⁰ By personally visiting the Zoutpansberg, President Pretorius also attempted to solve the problem of slave trading.³³¹ The contentious issues identified by Wodehouse were, however, not addressed by the law.

³²⁴ BPP 4141, No. 1, Enclosure, p. 4: G.J. Steyn to Sir Philip Wodehouse, 12.3.1866.

³²⁵ BPP 4141, No. 1, Enclosure, p. 7: Sir Philip Wodehouse to the president of the South African Republic, 20.2.1866.

³²⁶ BPP 4141, No. 2, Enclosure, pp. 10 -11: Sir Philip Wodehouse to M.W. Pretorius, 18.10.1866.

³²⁷ BPP 4141, No. 1, Enclosure, p. 7: Sir Philip Wodehouse to the president of the South African Republic, 20.2.1866.

³²⁸ Kistner, p. 242.

³²⁹ BPP 4141, No. 2, Enclosure, p. 10: Extract from the Government Gazette of the South African Republic No. 159, 23.7.1866.

³³⁰ Kistner, p. 242.

³³¹ BPP 4141, No. 1, Enclosure, pp. 2-3: Extract from 'De Republikein', 12.1865.

The Transvaal Afrikaners believed that it was within their rights not to remunerate apprentices due to the expense and trouble spent on their education.³³²

The conclusion of the American Civil War in 1865 and the termination of slavery in the United States of America reinforced the humanitarian campaign to abolish slavery in the rest of the world. An international anti-slavery conference was hosted in Paris during August 1867. The conference resolved to target countries in which slavery was still practiced. A memorandum was forwarded to the Transvaal government on 5 December 1867 that insisted on the country eliminating the practice of slavery. The memorandum stated that the apprenticeship system was a front for slavery and should be declared unlawful. The APS and the British Anti-Slavery Society also sent comparable memorandums to the Transvaal government. The APS requested that the British government intervene to abolish slavery in the Transvaal, but the government was unwilling.³³³

During 1868 further reports were received regarding the apprenticeship system and slavery in the Transvaal. According to the reports, commandos sent by the Transvaal government committed atrocities and frequently killed parents, resulting in high numbers of orphans. These destitute children were then apprenticed in the Transvaal. The governments of both the Cape Colony and Natal were informed about this and in Natal resolutions were passed which condemned the practice.³³⁴ One of the reports was received from Michael Lynch who was part of a commando led by Paul Kruger in 1868. The tribe of Mapela Balanga was attacked and after the engagement a number of women and children were appropriated by the commando. Lynch could not confirm the whereabouts of these children but was told that they were temporarily left with a friendly chief and would later be collected and apprenticed.³³⁵

Another report focused on an attack by Assistant Field-Cornet Piet Cronjé in September 1868 on an African settlement. No official sanction was given to this attack and the field-cornet was subsequently punished while all the captured African children were set free.³³⁶ Cronjé was charged with misusing his position to attack and abduct the members of the tribe who were allocated to farmers in the Schoonspruit district. During this period humanitarian groups in Britain were focusing renewed attention on the treatment of African

³³² *House of Commons Debates*, 3.3.1871, Vol. 204, cc1275-1296.

³³³ Kistner, pp. 255-256.

³³⁴ BPP 4131, No. 21, p. 17: E.L. Layard, Her Majesty's Commissioner, to Lord Stanley, 1.10.1868.

³³⁵ Foreign and Commonwealth Collection: Chesson, F.W., *The Dutch Boers and slavery in the Transvaal Republic: In a letter to F.N. Fowler* (pamphlet), 1869, pp. 31-32.

³³⁶ BPP C.732, No. 19, Inclosure 2, pp. 47-48: Mr D.J. Erasmus, Acting State President, to Sir Henry Barkly, 16.4.1872.

tribes within the Transvaal, and allegations of slavery were widely published. The conduct of Cronjé renewed criticism of the Transvaal, and the Transvaal government therefore punished him to indicate their commitment to reforming practices in the Transvaal.³³⁷

The House of Commons, in response to the reports of continued slavery in the Transvaal, debated the stipulations of the Sand River Convention. According to the convention the British government would not oppose the acquisition of arms and ammunition by the Transvaal in any of the British colonies. Both the British and the Transvaal governments were forbidden from trading in firearms and ammunition with the African tribes. African tribes were therefore unable to protect themselves against the Transvaal government who was able to procure limitless stocks of firearms and ammunition. Some commentators believed that the child apprenticeship system in Transvaal resulted from this decision. During attacks on African tribes children and property were seized, and destitute children were traded under the designation of “black ivory”.³³⁸

On 29 July 1869 *The Daily Southern Cross* reported that the British parliament debated the existence of slavery in the Transvaal, and the newspaper stated that there was enough evidence to believe that the accounts were not overstated. The British government stated that they could not intercede and could only use moral influence with the Transvaal government.³³⁹

A House of Commons debate during 1871 once again emphasised the grey areas in the Transvaal apprenticeship system which caused Wodehouse concern in 1866. Important issues included a lack of regulation concerning the expiration of the apprenticeship period and the liberation of apprentices. There was also unease about the lack of information provided to apprentices regarding their rights and the legislation applicable to them.³⁴⁰

Official Transvaal sources indicated the use of the apprenticeship system as a mechanism to solve the problem of destitute children. In 1874 an application was, for instance, received to apprentice a destitute child named Jonas, aged seven, from the Zoutpansberg area.³⁴¹

³³⁷ Historical Papers, University of the Witwatersrand, Silas T Molema and Solomon T Plaatje Papers, A979.

³³⁸ *House of Commons Debates*, 19.2.1869, Vol. 194, cc128-133.

³³⁹ *The Daily Southern Cross*, 29.7.1869, p. 4.

³⁴⁰ *House of Commons Debates*, 3.3.1871, Vol. 204, cc1275-1296.

³⁴¹ National Archives Repository, Pretoria (TAB), State Secretary (SS), Vol. 170, R634/74: Landdrost Wakkerstroom over inboeking haveloos Kind Jonas, 1874.

Before the annexation of the Transvaal in 1877, rumours of slavery and criticism of the apprenticeship system once again surfaced in official correspondence and the press. In 1876 a letter from Khame, King of the Bagamangwato, to Sir Henry Barkly, was published. Khame asked for the protection of the British government since the Transvaal was interested in his land due to reports of gold discoveries.³⁴² He was also concerned about the conduct of Afrikaners when entering his territory. He alleged that the Transvaal Afrikaners continued their slave dealing practices, and he referred to an instance in 1875 when he observed some Transvaal Afrikaners passing his lands with two wagons full of people being transported to the Transvaal.³⁴³

On 12 December 1876 the *Cape Argus* published a letter in which slavery in the Transvaal was alleged to be a continuing practice.³⁴⁴ In this letter a farmer anonymously claimed that captives had been offered for sale on his farm. They were removed from Sekhukhuni's territory and were being exchanged at the rate of a child for a calf. He also claimed that the number of apprenticed African children was increasing since the Transvaal Afrikaners had been purchasing them from the Swazis at the cost of a horse for a child.³⁴⁵ The *Cape Argus* alleged that the Transvaal Afrikaners not only attacked African settlements to appropriate women, children and cattle, but also traded in slaves. Slave trading activities were accomplished by using Africans who abducted the children of weaker tribes and sold them to the Transvaal Afrikaners. The Transvaal Afrikaners were also charged with selling and exchanging apprentices within the Transvaal.³⁴⁶

Mr Fred Fynney's report in 1876 mentioned the conduct of a Portuguese trader named João Albasini, who was responsible for protecting the Transvaal frontier.³⁴⁷ Albasini ordered a commando that was sent against the Magorr tribe. Magorr was instructed to relinquish all the guns in his possession. The next morning the tribe was attacked, and some of the tribe members were taken as apprentices. A commando was also sent against Chief Lobala. The chief was captured and the children and young people were sold. It was reported that a young boy was sold in the square in front of Albasini's house for the sum of £13.³⁴⁸ President T.F.

³⁴² BPP C.1748, No. 189, p. 251: Governor Sir Henry Barkly to the Earl of Carnarvon, 4.12.1876.

³⁴³ BPP C.1748, No. 189, Inclosure 1, pp. 251-252: Khame, Chief of the Bagamangwato to Sir Henry Barkly, 22.8.1876.

³⁴⁴ *House of Commons Debates*, 7.8.1877, Vol. 236, cc545-567.

³⁴⁵ BPP C.1776, No. 16, Enclosure, pp. 12-13: Extract from the *Cape Argus*, 28.11.1876.

³⁴⁶ BPP C.1776, No. 16, Enclosure, pp. 14-16: Extract from the *Cape Argus*, 12.12.1876.

³⁴⁷ CO 879/10/11, No. 18, Inclosure 1, p. 34: Confidential report by Fred B. Fynney.

³⁴⁸ CO 879/10/11, No. 18, Inclosure 2, pp. 36-37: Confidential Report by Fred B. Fynney.

Burgers, in reaction to the above reports, admitted that the government could not in all instances prevent the misuse of the apprenticeship system.³⁴⁹

Philanthropists felt that trafficking in children prevented the spread of civilisation among the African tribes living in the Transvaal.³⁵⁰ It was difficult to judge the extent of the so-called slavery system in the Transvaal since many instances reported in Britain could not be proved. There was significant repetition in the reporting of events, and missionaries recounted incidents in such a way that it seemed as if the sale of African children occurred on a daily basis. Since most British citizens were not familiar with the situation in the Transvaal, British people in general believed that the allegations were true.³⁵¹

5.5.6 Abel Erasmus and the attack on Mazepe

The actions of Abel Erasmus, a field-cornet of Lydenburg, were emphasised in both official sources and the press. He was portrayed as representing the general attitude of Afrikaners. In November 1876 Erasmus and his allies attacked the kraal of Mazepe,³⁵² an Amepolane chief who recognised the authority of the Transvaal government and paid taxes. It was believed that 40 African men were killed.³⁵³ Six women and eighteen children were captured while cattle valued at £300 was appropriated and divided among the Transvaal Afrikaners.³⁵⁴ The women were allocated to Africans living at Kruger's Post and the children were apprenticed to Transvaal Afrikaners. Six of the children were transported to Lydenburg and the magistrate directed that they should be released.³⁵⁵

Erasmus and his followers contended that the president had authorised them to retain prisoners taken during their military campaign. Attempts to force Erasmus to release the prisoners were therefore fruitless. In response the State Attorney issued an order that the women and children should be released. Erasmus subsequently attacked a settlement in Sekhukhune's territory and the fleeing women and children were put to death. It was alleged that the Transvaal Afrikaners said that since they had been dispossessed of the previous prisoners they would in future kill the women and children instead of capturing them.³⁵⁶

³⁴⁹ *House of Commons Debates*, 7.8.1877, Vol. 236, cc545-567.

³⁵⁰ BPP 4141, No. 1, Enclosure 1, pp. 33-34: Despatch resolutions passed by the Legislative Council, 10.8.1868.

³⁵¹ Bristol Selected Pamphlets Collection: Bamang-Wato, *To Ophir direct or the South African gold fields*, 1868, p. 25.

³⁵² CO 879/11/9, pp. 13-14: Memorandum by Mr Fairfield, 16.2.1877.

³⁵³ BPP C.1776, No. 13, Enclosure 1, pp. 8-9: Extract from the *Transvaal Advocate*, 8.12.1876.

³⁵⁴ CO 879/11/9, pp. 13-14: Memorandum by Mr Fairfield, 16.2.1877.

³⁵⁵ BPP C.1748, No. 166, Inclosure 1, p. 217: Report of J.W. Shepstone, Acting Secretary for Native Affairs, on the state of the Transvaal republic, 2.11.1876.

³⁵⁶ BPP C.1748, No. 178, Inclosure 2, pp. 237-238: Newspaper extract, 31.10.1876.

The use of the apprenticeship system as a mechanism to assist destitute children was referred to in numerous Transvaal government sources, and in 1876 the magistrate of Middelburg received an application for the apprenticing of a twelve year old boy named Stuurman who was destitute. It was asked that he be apprenticed up to the age of 21 years.³⁵⁷ In 1877 M. J. Willemse applied to the magistrate of Nylstroom to apprentice two African children to him up to the age of 21 years. Willemse had supported the children by supplying food and clothes after the father of one of the children had died, and the other's father had left six months before.³⁵⁸

5.5.7 The apprenticing of the Maseleroom tribe and the subjugation of Sekhukhune

In 1877 the Transvaal was annexed by the British government and the practice of slavery was seen as contributing factor towards this situation. The *Transvaal Argus*, a publication seen as supporting the Boers, reported that since slavery was still practiced in the country contrary to the provisions of the Sand River Convention, it could have led to the annexation.³⁵⁹

During the British administration, Sir Theophilus Shepstone had to address the future of Sekhukhune and the Pedi tribes. Shepstone believed that the peace concluded with Sekhukhune by the Transvaal government was inadequate and harmful to both to the Transvaal and other white settlements in South Africa. The peace agreement meant that Sekhukhune believed that his military skills could rival that of white forces in South Africa. It also left other African tribes with the impression that a state such as the Transvaal, governed by Europeans, could be resisted by a single African tribe. Shepstone believed that Sekhukhune's non-adherence to the stipulations of the agreement meant that the Pedi was planning to resume the military conflict.³⁶⁰

The British war with Sekhukhune commenced in 1878 when the tribe of Maseleroom attacked other African tribes residing in the Transvaal. The actions of the tribe and its antagonism against the Transvaal administration led to the military operations against the tribe.³⁶¹ The apprenticeship system, previously criticised by the British government, now became part of the British administration policy in the Transvaal. The subjection of the stronghold of Maseleroom meant that a large number of tribe members surrendered as

³⁵⁷ TAB, SS, Vol. 205, R441/76: Landdrost Middelburg vraagt inboeking hawelose kind, 29.2.1876.

³⁵⁸ TAB, SS, Vol. 127, R405/77: Landdrost Nylstroom, MJ Willemse doet aanzoek om inboeking van kaffers [sic], 24.1.1877.

³⁵⁹ Historical Papers, University of the Witwatersrand, Hunt Donald Papers Collection, No. 1655: *The Natal Witness*, 17.2.1933.

³⁶⁰ BPP C.2144, No. 27, pp. 33-34: Administrator Sir Theophilus Shepstone to Sir Michael Hicks Beach, 16.4.1878.

³⁶¹ BPP C.3381, No. 66, Enclosures, pp. 95-96: Memorandum, 17.3.1882.

prisoners of war and were sent to Pretoria. The British administration believed that it would be impossible to maintain these people for an indefinite period of time. The Transvaal Afrikaners also objected to the settlement of the prisoners in the territory between Pretoria and the war zone. The only viable option was to enter the prisoners into contracts with farmers for a period of three years.³⁶²

One hundred and seventeen Africans from the tribe of Maseleroom were apprenticed at Pretoria on 24 May 1878.³⁶³ The *Volksstem* newspaper criticised these proceedings since the apprenticing was in direct opposition to the British policy against slavery. The newspaper referred to a conference on colonial issues held in 1871 in the Westminster Palace Hotel under the presidency of the Duke of Manchester. On 21 July 1871 Mr F.W. Chesson delivered a speech that focused on the labour of coloured people in the British colonies. In his speech Chesson claimed that no Englishman would condone the establishment of slavery in a country under British authority. A standard was adopted at the conference which equated the Transvaal apprenticeship system to slavery. The adopted document stipulated that coercion should be avoided and that people should have the freedom of choosing their own employers. In contrast to the conference articles, the apprenticeship documents did not give any indication of the Africans' consent to the apprenticeship. The contracts were signed by the employers and not by the African apprentices.³⁶⁴

On 29 August 1878 about 800 members of the Maseleroom tribe including men, women and children were apprenticed to Transvaal citizens at Potchefstroom by the orders of M.M. Osborn, the Colonial Secretary.³⁶⁵ Several families were apprenticed in town, but most were apprenticed to farmers in the district.³⁶⁶ The conditions for apprenticing included that the service had to be voluntary, the labour had to be remunerated in food, clothing, accommodation and wages, and the magistrate had to supervise the system. The magistrate was, therefore, authorised to investigate the conduct of employers and the treatment of apprentices. The conditions also determined that families had to remain together and that adults had to be apprenticed for at least three years. Apprentices would be paid for most of the apprenticeship period except for the first six months. Children were apprenticed for an

³⁶² BPP C.3381, No. 66, Enclosures, pp. 93-95: T. Shepstone to the Colonial Secretary, 27.3.1882.

³⁶³ BPP C.3381, No. 10, Enclosure 2, p. 9: Extract from the supplement to the *Volksstem* of December 10th, 1881: Apprenticing under British rule, 10.12.1881.

³⁶⁴ BPP C.3381, No. 10, Enclosure 2, pp. 8-9: Extract from the supplement to the *Volksstem* of December 10th, 1881: Apprenticing under British rule, 10.12.1881.

³⁶⁵ BPP C.3381, No. 10, Enclosure 2, p. 8. : Extract from the supplement to the *Volksstem* of December 10th, 1881: Apprenticing under British rule, 10.12.1881.

³⁶⁶ BPP C.3381, No. 37, Enclosure, pp. 57-59: Minute from Secretary to British Resident, R. Rutherford, to British Resident, 15.2.1882.

extended term since boys above six years were apprenticed up to the age of eighteen years and girls up to the age of seventeen years. Children younger than twelve did not receive wages but received food, clothes and accommodation. The children of the Maseleroom tribe were, therefore, apprenticed for periods extending to 1894. This practice was termed as slavery by Mr Chesson, and the *Volksstem* criticised the practice on the grounds that the Transvaal government did not apprentice a child without permission from his or her parents.³⁶⁷

In 1882, after the restoration of the Transvaal's independence, a commission was appointed by the Volksraad to inquire into the apprenticing of the men, women and children from the tribe of Maseleroom.³⁶⁸ A report was issued by the commission which severely criticized the British use of the apprenticeship system.³⁶⁹ The supervision of apprentices was also criticised since apprenticeship conditions stipulated that the magistrate had to supervise apprentices and investigate the conditions under which they were apprenticed. The commission conducted interviews with some of the employers, and farmers such as Mr W. Schutte testified that no inquiry was ever made by the magistrate concerning the African apprentices in his employ. The commission, therefore, recommended that the Africans and their children be freed, and their apprenticeship contracts cancelled.³⁷⁰

In 1882 the British government also launched an investigation into the apprenticing of Africans during the British administration in the Transvaal. During the inquiry Mr R. Rutherford, secretary to the British Resident, defended British actions and emphasised that the apprenticing of these people rescued them from starvation and destitution. He also stated that there was no evidence that the apprentices had been forcefully detained.³⁷¹ According to Rutherford certain safeguards ensured that parents and children were not separated during the apprenticeships. It was, however, evident that the longer apprenticeship periods applicable to the children would lead to the separation of children from their parents. In most of the cases the apprenticeship did not last very long since nearly all the men, women and children disappeared within a few days after the commencement of their apprenticeships.³⁷²

Instances of individual apprenticing also took place under the British administration. During the British war with Sekhukhune, Platje, a member of Sekhukhune's tribe, fled and

³⁶⁷ BPP C.3381, No. 10, Enclosure 2, pp. 8-10: Extract from the Supplement to the *Volksstem*, 10.12.1881.

³⁶⁸ BPP C.3381, No. 37, Enclosure, pp. 57-58: Minute from Secretary to British Resident, 15.2.1882.

³⁶⁹ BPP C.3381, No. 37, Enclosure, pp. 57-58: George Hudson, British Resident, to the High Commissioner, 16.2.1882.

³⁷⁰ BPP C.3381, No. 10, Enclosure 2, pp. 8-10: Extract from the Supplement to the *Volksstem*, 10.12.1881.

³⁷¹ BPP C.3381, No. 37, Enclosure, pp. 57-58: George Hudson, British Resident, to the High Commissioner, 16.2.1882.

³⁷² BPP C.3381, No. 37, Enclosure, pp. 57-59: Minute from Secretary to British Resident, R. Rutherford, to British Resident, 15.2.1882.

entered into a service contract with a Mr Steyn for a period of three years. After the expiry of the contract, Platje wished to leave his employer but the farmer was unwilling to release his children from their apprenticeship.³⁷³ In a statement made by Platje before the Acting Landdrost of Pretoria on 6 October 1881, he confirmed that he never consented to the apprenticing of his children. Platje therefore applied to the Transvaal government to return his children.³⁷⁴ The Volksraad in response cancelled their apprenticeship contracts.³⁷⁵

5.5.8 The apprenticing of the Mapoch tribe by the Transvaal government

The Native Affairs Commission convened on 2 October 1882 to settle the boundaries of the country occupied by the tribe of Mapoch in the Eastern Transvaal. The chief disregarded requests for information regarding the number of people, huts and cattle belonging to his tribe and also refused to talk to the commission unless they visited him at his own residence. The chief declared that the Transvaal had no authority over him and claimed that the territory belonged to him through his subjugation of tribes in the area. The British and Transvaal governments had issued titles to a large part of the land and had received taxes from the farmers resident there. The Transvaal government, therefore, prepared for warfare against the tribes of Mampoer and Mapoch.³⁷⁶ Kruger justified the war stating the fact that Mampoer murdered Sekhukhune and was given shelter by Mapoch's tribe. The war was only concluded in July 1883.³⁷⁷

The Governor of the Cape Colony loaned artillery guns to the Transvaal in aid of their campaign against Mapoch. This action was criticised in the House of Commons since it was declared that British subjects should not assist the Transvaal in conflicts with African tribes. The defeat of Mapoch and the Volksraad resolution that apprenticed tribe members for a term of five years was also discussed. The British Resident emphasised that there were no instances of uncivilised warfare by the Transvaal government since there were no reported deaths of women and children. Humanitarian groups, however, criticised the dispersal of the tribe. The action of the Transvaal government was defended on the grounds that it was difficult to allow the tribe to remain in their stronghold due to the safety risk. The tribe was also unable to maintain themselves and wage labour would address this problem.³⁷⁸

³⁷³ BPP C.3381, No. 10, Enclosure 2, pp. 11-12: Platje's statement, 6.10.1881.

³⁷⁴ BPP C.3381, No. 10, Enclosure 2, pp. 8-10: Extract from the supplement to the "Volksstem", 10.12.1881.

³⁷⁵ BPP C.3381, No. 10, Enclosure 2, pp. 11-12: Platje's statement, 6.10.1881.

³⁷⁶ BPP C.3486, No. 5, Enclosure 1, pp. 4-5: George Hudson, British Resident, to the High Commissioner, 14.10.1882.

³⁷⁷ Kruger, pp. 168-169.

³⁷⁸ *House of Commons Debates*, 6.8.1883, Vol. 282, cc1659-1758.

In a resolution by the Volksraad on 20 July 1883 it was stated that Captain Niabel of the Mapoch tribe and his people, as well as those of Captain Mampoer, had surrendered. To safeguard the state and to ensure compliance with the stipulations of Law No. 11 of 1881, the men, women and children would be provided with food and accommodation. The tribes of Mapoch and Mampoer would subsequently be disbanded and apprenticed. The law determined that a citizen would qualify to receive one or two families as apprentices. Family members would not be separated, and the apprenticeship would be for a period of five years. Apprentices would be remunerated in food, clothing and money. During the apprenticeship period, the employer would be responsible for the taxes normally payable by the family head. The law also provided for the voluntariness of the apprenticeships, and it was the responsibility of the government to ensure that the apprenticeship was accepted. After the expiry of the apprenticeship the people would be moved to locations.³⁷⁹ In correspondence with the High Commissioner the British resident stated that the conditions of apprenticeship was comparable to the apprenticeship agreements applicable to the tribe of Maseleroom instituted during the British administration of the Transvaal.³⁸⁰

The British Resident believed that the apprenticing of the Mapoch tribe members was the most appropriate course to ensure peace and order in the country. However, he still tried to convince the government to appoint a special commissioner to ensure that the conditions of apprenticeship were adhered to and that the treatment of Africans under these contracts was similar to the provisions of the Masters and Servants Act No. 13 of 1880.³⁸¹

The State Secretary, Mr W.E. Bok, clarified some of the provisions of the law in a letter to the British Resident. According to the letter the five year period of indenture was agreed on to protect the interests of the Africans themselves. Every family head was liable to pay a fine to the government amounting to £5 for rebellion, according to Law No. 11 of 1881. Due to the conflict, the Africans were unable to pay overdue taxes and fines, and they were placed with citizens who were willing to pay the outstanding amounts in lieu of wages. Wages were paid from the start of the contract, as opposed to the case of the Maseleroom Africans, who worked without payment during the first six months. Bok emphasised that precautions were taken not to separate families or apprentice some family members for longer periods than others. The law also provided for the maintenance of aged people and young children who were unable to work. The Transvaal government felt that the actions of

³⁷⁹ BPP C.3841, No. 23, Enclosure 1, p. 36: Translation: Resolution of Volksraad, 20.7.1883.

³⁸⁰ BPP C.3841, No. 14, Enclosure, p. 25: Telegram, 22.7.1883.

³⁸¹ BPP C.3841, No. 23, Enclosure 1, pp. 35-36: British Resident, G. Hudson, to the High Commissioner, 27.7.1883.

Maseleroom differed from that of Niabel since the latter had more authority over other African tribes in the Transvaal. The apprenticing of the Mapoch tribe would prevent future conflict, and the tribe members were therefore indentured for a period of five years instead of the three and a half years of Maseleroom's tribe.³⁸²

The law allowed a family head to leave his employer but he would have to refund the taxes his employer had paid on his behalf. An apprenticeship could not be transferred to another employer and contravention could lead to a fine or imprisonment.³⁸³

The Earl of Derby, Secretary of State for the Colonies, requested that the Transvaal limit the indentures to a period of one year. He believed that if the apprenticeships were voluntary the tribesmen would be willing to renew the apprenticeships after expiry.³⁸⁴ The High Commissioner conceded that it was reasonable for the Transvaal government to state that they were following the example of British rule in the Transvaal. He was also unable to suggest any alternatives in accommodating between 8 000 and 10 000 prisoners.³⁸⁵ In an enquiry regarding the indentured labourers from Mapoch's tribe, it was found that they did not remain in service for long periods of time. A number of cases of desertion was reported to the magistrate or Native Commissioner.³⁸⁶

Following APS allegations, an address defending Transvaal government policies was sent to the Anti-Slavery Society and APS in 1883. The address emphasised that when the Afrikaners arrived in the Transvaal in 1836 only an estimated 20 000 Africans lived in the area, while by 1883 there were 700 000. This was perceived as corroboration of the fact that Africans entered the country due to good administration by the Transvaal authorities. The address emphasised that the Africans within the Transvaal lived peacefully, and that in the three years of British administration of the Transvaal no evidence of slavery could be found.³⁸⁷

³⁸² BPP C.3841, pp. 61-62: W.E. Bok, State Secretary Transvaal State, to British Resident, 3.9.1883.

³⁸³ BPP C.3841, No. 23, Enclosure 1, pp. 36-37: Translation: Resolution of Volksraad, 20.7.1883.

³⁸⁴ BPP C.3841, No. 17, p. 26: The Earl of Derby to Lieutenant-Governor L. Smyth, 18.8.1883

³⁸⁵ BPP C.3841, No. 23, p. 35: Lieutenant-General L. Smyth to the Earl of Derby, 13.8.1883

³⁸⁶ BPP C.3841, No. 86, Enclosure, pp. 100: British Resident, Transvaal State, to High Commissioner, 12.10.1883.

³⁸⁷ LSE Selected Pamphlets Collection: Kruger, S.J.P., Du Toit, S.J. and Smit, N.J., *Address to the members of the Anti-Slavery and Aborigines Protection Societies upon the native question*, 1883, pp. 6-7.

5.5.9 Apprenticeships and the Korannas of Massouw

The London Convention of 1884 modified the western border of the Transvaal and the domains of the chiefs Massouw and Moshette became part of the Transvaal.³⁸⁸ During 1885 Massouw refused to pay the taxes required by the Transvaal government, and during the Battle of Mamusa the tribe was defeated and dispersed.³⁸⁹ The conflict also led to the deaths of women and children who died in the crossfire between the enemy forces. The survivors were dispersed among neighbouring tribes,³⁹⁰ but some of these people were also apprenticed to farmers. In 1886 the Superintendent for Native Affairs for example enquired about the fees charged for apprenticeship contracts of the Korannas. A fee of 10 shillings was payable for each contract and the field-cornet was also paid a prescribed fee.³⁹¹

5.5.10 Indenturing of Malaboch's tribe

The use of the apprenticeship system to deal with war refugees continued up to the Anglo-Boer War. In 1894 the Bagananwa tribe, under their chief Malaboch, was ordered by the Transvaal government to relocate to another district. Their failure to comply led to a military attack³⁹² by a large military force that was enlarged by the compulsory conscription of all European inhabitants of the Transvaal and funded by the confiscation of property by the Transvaal government. Inhabitants of Pretoria and Johannesburg protested these actions while the mine owners feared that the campaign would not only destroy the labour supply but also discourage other Africans from travelling to the Witwatersrand for employment purposes.³⁹³

The survivors hiding in caves were starved into submission, and after the surrender of the tribe the women and children were apprenticed to Afrikaner families while the men were imprisoned in Pretoria. Farmers paid £3 per family to acquire them as apprentices for a year. On 18 August 1894 a meeting was held in Johannesburg which condemned the war with Malaboch and urged the government to release the women and children of the tribe. A copy of this resolution was sent to the government. The *Morning Post* alleged that on 29

³⁸⁸ Bryden, H.A., *The Victorian era in South Africa: A short history of progress from the Cape to British Central Africa during Her Majesty's reign, 1837 to 1897*, p. 60.

³⁸⁹ Kruger, p. 179.

³⁹⁰ Webster, R., *The Illustrated at the fireside: True Southern African stories*, p. 152.

³⁹¹ TAB, SS, Vol. 1160, R342/86: Superintendent van naturellen. Hoeveel door een veldcornet kan gechargeerd worden voor inboeking der Korannas, 1886.

³⁹² Foreign and Commonwealth Office Collection: Bartlett, E.A., *British, Natives & Boers in the Transvaal: The appeal of the Swazi people* (pamphlet), 1894, pp. 10-11.

³⁹³ Makhura, T.J., "Another road to the raid: The neglected role of the Boer-Bagananwa War as a factor in the coming of the Jameson Raid, 1894-1895" in *Journal of Southern African Studies*, Vol. 21, No. 2, June 1995, pp. 264-267.

September twenty prisoners were allotted to citizens of Pretoria and it was claimed that some of the prisoners were afterwards sold for prices ranging from £2 to £5 per head.³⁹⁴

The eighteen months preceding the Jameson Raid was characterised by renewed attention to policies regarding Africans in the Transvaal. Charges of ill-treatment of African inhabitants were made due to the operations against Malaboch, the subsequent disposal of the tribe as apprentices and the general view of the citizens regarding Africans. In an address to the High Commissioner Joseph Chamberlain emphasised the fact that the British government had a duty to the Africans within the Transvaal. In 1881 the British government made certain promises to the African inhabitants, and stipulations to protect them were included in the Pretoria Convention. In 1884 the stipulations regarding Africans were replaced by Article 14 of the London Convention. Article 14 determined that Africans would be free to buy land if certain requirements were met, a commission would be appointed to designate African locations, Africans would have access to the judicial system, and a pass system would facilitate their freedom of movement within the country. In light of the complaints, Chamberlain believed that it was necessary for the British government to investigate whether Article 14 and Article 8, which prohibited slavery, were being adhered to. The letters of complaint received by the British government regarding the conduct towards Africans in the Transvaal was sent to the president. The fact that the Transvaal government did not refute any charges, and their failure to institute an independent inquiry, was seen as proof of the validity of the complaints. The focus on the apprenticeship system and the treatment of African tribes in the Transvaal formed part of the criticisms levelled against the Transvaal government leading up to the Anglo-Boer War.³⁹⁵

6. Evaluation

The economic development of South Africa during the colonial period was in a large part dependent on the availability of labour. The success of the main industries such as agriculture and mining was, however, hampered by labour scarcity frequently experienced in the Cape Colony, Natal, the Orange Free State and Transvaal. To alleviate labour scarcity the main role-players in South Africa had to introduce different labour strategies after the abolition of slavery in 1807. These strategies initially focused on the utilisation of internal labour sources such as the Khoikhoi and San. A limited number of freed slaves were also introduced from

³⁹⁴ Foreign and Commonwealth Office Collection: Bartlett, E.A., *British, Natives & Boers in the Transvaal: the appeal of the Swazi people* (pamphlet), 1894, pp. 11-14.

³⁹⁵ CO 879/62, No. 2, pp. 5-7: Mr Chamberlain to High Commissioner Sir Hercules Robinson, 28.12.1895.

slave ships captured by the British. After the 1834 emancipation of slaves, the benefits of free labour did not materialise and the envisioned increase in productivity and subsequent economic development was not forthcoming. Humanitarian groups resisted and criticised any attempt by colonial governments and employers to coerce people, especially indigenous groups, to join the labour force, but in spite of these efforts coercion did occur.

The British apprenticeship system had been in use for a couple of hundred years, and the craft apprenticeship system was adapted to also include the apprenticing of parish or poor children. The parish apprenticeship system was useful in shifting responsibility for poor, orphaned or destitute children from the government to employers. The apprenticeship system was, however, believed to be beneficial to the apprentice as well, since the employer not only maintained the apprentice during the apprenticeship period but also taught the child a useful trade or occupation. Craft apprenticeships in the Cape and other areas were used to regulate apprenticeship contracts with apprentices in trades and later in factories. Missionary schools also used apprenticeship to teach vocational subjects, and African children were frequently apprenticed in trades such as printmaking. The parish apprenticeship system used in Britain, however, provided the foundation for the apprenticeship system adopted in South Africa. It was already in use in the Cape Colony in 1812 when a proclamation was issued to address the apprenticeship of Khoikhoi children. Apprenticeships were also used after the emancipation of slaves to allow for a transition period for both the slaves and employers as well as to regulate the employment relationship with so-called liberated slaves who were introduced into the Cape. The use of apprenticeships soon entered another phase as refugees from war zones joined the apprenticeship system, first in the Cape Colony and later also in the Transvaal. Warfare between the colonial governments and African tribes exposed African people to coercive labour practices. In many instances the system was defended by governments in South Africa from a humanitarian perspective as destitute people had to be maintained in the wake of warfare.

The criticism of civil society in Britain, consisting of missionaries and philanthropists, focused on apprenticeship as a coercive labour system through which people were given no choice but to join the labour force. They equated the use of apprenticeships, especially in the Transvaal, with slavery, and many instances of slavery were therefore reported in the British press and forwarded to the British government to prove the existence of this practice in South Africa. The weaknesses in the Transvaal legislation regarding apprentices were highlighted, especially the long apprenticeship period, the lack of mechanisms to release apprentices as

well as the fact that the legislation did not specifically prohibit the bartering of African apprentices. Slavery was such a loaded term that any incident reported in Britain led to a public outcry, and the British government was frequently lobbied to interfere in Transvaal affairs to ensure that the practice of apprenticeship in the state would be eradicated. The colonial policies of subsequent British governments, however, preferred to adhere to the Sand River Convention which gave the Transvaal its independence and ensured that financial and political responsibilities in South Africa would be limited.

The Sand River Convention and its stipulation regarding the practice of slavery, therefore, remained a contentious issue. It illustrated the divergent views of the British government, civil society and the governments in South Africa. The annexation of the Transvaal in 1877 was believed to be in part due to the abusive administration of the African population by the Transvaal government and the resultant apprenticeship system. The British administration which governed the Transvaal from 1877 to 1881, however, had to deal with similar problems and was forced to use the apprenticeship system to deal with destitute Africans after their war against Maseleroom. Future security concerns in many instances meant that the tribe had to be relocated, leading to an inability of the government to provide the tribe members with sufficient food and other necessities. The apprenticeship system in these circumstances was believed to be the only way of accomplishing the maintenance of destitute people along with internal security in the country. The decision of the British administration to introduce the same practice emphasised the lack of options available in a post-war settlement.

The British government in 1881 returned independence to the Transvaal and the apprenticing of war refugees continued up to 1894 with the indenturing of Malaboch's tribe. The use of the apprenticeship system to deal with destitute war refugees was, however, not limited to the Transvaal because in the Cape Colony large numbers of Africans were apprenticed during the Ninth Frontier War. In 1897, after the Langeberg Rebellion, the Cape government also decided to apprentice members of the Bechuana tribe in the Cape Colony.

The characterisation of the apprenticeship system as slavery remains a contentious issue. Different historians have investigated the apprenticeship system in the country and it is evident that many of the complaints regarding apprenticeships were found during the first decades of the existence of the Transvaal. During the 1850s and 1860s the Transvaal government was unable to govern the large area over which the inhabitants were spread. The frontier areas, due to their own difficulties, may have resorted to practices such as slave

raiding and bartering to appropriate African children for the apprenticeship system, but it is emphasised in various sources that this practice was not as widespread as alleged in British sources. After 1865 the practice of forceful appropriation of slave children largely disappeared, and during the British administration of the Transvaal no instances of slavery were reported by officials.

Masters and servants legislation in South Africa not only regulated the employment of apprentices but also included stipulations regarding destitute children. The social welfare of destitute children in the Cape Colony, Natal and the Transvaal was addressed by the apprenticeship system. The use of parish apprenticeships in Britain was used as a foundation for solving the problem of destitute children in the colonies and states in South Africa, since destitution was seen as contributing to juvenile delinquency. Child labour was an acceptable form of labour in Britain, and this mindset also informed the practices in South Africa. Children were apprenticed, used as free labour and contributed to the family income. The Factory Acts in Britain during the nineteenth century tried to restrict child labour in the factories and adopted legislation to regulate working hours and overtime. During the nineteenth century and the early twentieth century, factories in South Africa, however, employed child labour and apprentices without any extensive legislative restrictions on employment conditions.

The apprenticeship system and the use of child labour in South Africa were discussed as examples of the use of labour strategies based on coercive mechanisms. The systems cannot be termed as free labour due to the lack of voluntary choice in entering an employment or apprentice contract. The next chapter will focus on labour strategies which include the use of convict labour as well as indentured labour such as the importing of Indian and Chinese labour. Due to the use of convict labour in circumstances not controlled by the government, and the lack of freedom evident in Chinese and Indian labour contracts, these forms of labour can also be seen as labour strategies employing forced labour.

CHAPTER 4

CONVICT AND INDENTURED LABOUR

1. Introduction

Chapter 4 will focus on the use of convict and indentured labour in South Africa. The concepts of convict labour and convict transportation will firstly be defined. Convict labour and transportation in Britain will then be outlined to use as a comparative basis to illustrate the influence of Britain on convict labour in South Africa. Convict labour in South Africa supplemented the labour supply on public works projects, but was also used by private organisations such as mining companies in Kimberley and the Witwatersrand. The indentured labour system, through which Indian and Chinese labour was imported into South Africa, will then be discussed, as well as the British reaction and contribution to these labour schemes.

2. Convict labour

2.1 Definitions

In the Forced Labour Convention of 1930, forced labour was defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”. Convict (prison or penal) labour was not classified as forced labour if the work was directed by a government authority. It was, however, perceived as forced labour if a prisoner was “placed at the disposal of private individuals, companies or associations”.¹ According to Brown, convict labour aimed to improve behaviour and provided skills training, enabling convicts to secure employment at the end of their sentences. In Britain, convict labour was often composed of futile tasks or physical labour such as on the public works.²

There were a number of factors which influenced the economic value of prison labour. Many prisoners lacked skills, and often British legislation required prisoners to spend a specified period on pointless labour such as using a crank or tread wheel. Prison authorities frequently focused on controlling and disciplining prisoners rather than on training prisoners

¹ International Labour Organisation, “CO29 – Forced Labour Convention, 1930 (No. 29”),

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029, accessed 12.9.2013.

² Brown, A., *English society and the prison: Time, culture and politics in the development of the modern prison, 1850-1920*, p. 159.

for productive labour.³ Hard labour sentences were primarily used to discourage prisoners from becoming frequent offenders, and this objective took precedence over financial gain or the instruction of prisoners. In Britain convict labour was frequently used on public works projects such as the construction of public buildings and infrastructure.⁴

Convict labour was also used by private organisations, and Cook identified two approaches through which convict labour was supplied to employers. These approaches included the lease system and the contract system. The lease system transferred the authority over prisoners to private employers. In the lease system prisoners performed labour outside the prison and were directly controlled by the employer. The system was, however, stopped in Britain in 1802 since it frequently led to the misuse and ill-treatment of prisoners. In the contract system employers, in contrast, engaged prisoners to perform work within the prison.⁵

Convicts were also punished by sending them to the colonies. Convict transportation is defined as “the removal of convicts from their country of residence to another country, usually a colony, in order to serve out their sentence there”.⁶

2.2 Convict labour and transportation in Britain

Convicts in Britain were often employed on public works projects. In 1776 a system was adopted which restricted prisoners sentenced to hard labour to hulks located on the Thames or to harbours such as Portsmouth.⁷ A hulk was “an old ship stripped of fittings and permanently moored”⁸, and prisoners lived on these ships while working on the docks. The stringent employment conditions of the ‘hulks’ system was only terminated in 1858. Hard labour convicts were also used on other public works projects in Britain. During the nineteenth century prisoners were often engaged by private employers to perform contract work within the prisons. It was believed that the use of constructive labour would help in the reform process by fostering a work ethic, and would also increase prison revenue. After the enactment of the Prisons Act of 1877, emphasis was placed on non-productive prison labour which included operating a crank or tread wheel instead of contract labour. The new Prisons Act of 1898, however, abolished the use of the crank and tread wheel in prisons, and a system

³ *Ibid.*, p. 27.

⁴ *Ibid.*, p. 90.

⁵ Cory Library Pamphlet Box 49: Cook, A., *Akin to slavery: Prison labour in South Africa*, p. 7.

⁶ Pearson, M. and Marshall, D., *Study of world heritage values, convict places*, pp. 1-2.

⁷ Mohler, H.C., “Convict labor policies” in *Journal of Criminal Law and Criminology*, Vol. 15, Issue 4, 1925, p. 543.

⁸ Stevenson, A. (ed.), *Oxford dictionary of English*, p. 853.

was implemented that focused on the production of items by prisoners for government use only. Convicts continued to be employed on public works projects.⁹

Another significant aspect of British prison labour was the transportation of convicts. In 1617 and 1618 the first groups of convicts were shipped to Virginia in North America to meet the labour demands of the new plantations.¹⁰ Before the Prison Act of 1717 convict transportation was operated in a similar manner as the slave trade. Convicts would be selected in Britain¹¹ and apprenticed to plantation owners for the remainder of their prison terms.¹² The American War of Independence, which broke out in 1775, however, halted extensive convict transportation from Britain.¹³

In 1787 Australia became the main focus of convict transportation. Britain created penal colonies in which the convicts were supervised by government officials.¹⁴ The convict system used in Australia was distinguished by the engagement of convict labour by private employers. The assignment system allotted convicts to an employer, and convicts were employed in positions such as agricultural labourers and domestic servants. Employers provided food but were not allowed to punish convicts. Governor Lachlan Macquarie's approach to convict labour was criticised in Britain, since it was believed that a penal colony should primarily be focused on punishment and not on the provision of labour to private individuals.¹⁵ The Bigge Commission in 1822 recommended that the system be altered by instituting a harsher penalty system to discourage people from committing offences in Britain. Assignment was a way to reward convicts for exemplary conduct.¹⁶

Sir George Arthur, the Lieutenant-Governor appointed to Van Diemen's Land (now Tasmania in Australia), was instructed in 1823 to institute a stricter system for convicts. Arthur believed that convicts could be reformed through hard labour and stringent control. Convicts were either allocated to public works schemes or were allotted to colonists. Misconduct was sanctioned by allocation to probation gangs, being conveyed to a distant

⁹ Mohler, pp. 540-544.

¹⁰ Lawson, R.M. and Lawson, B.A., *Poverty in America: An encyclopaedia*, p. 32.

¹¹ Pfeffer, J., *From one end of the earth to the other: The London Bet Din, 1805-1855, and the Jewish convicts transported to Australia*, p. 50.

¹² Mohler, p. 545.

¹³ Pearson and Marshall, p. 17.

¹⁴ Mohler, p. 547.

¹⁵ Pearson and Marshall, pp. 50-51.

¹⁶ Pearson, M. and Lennon, J., *Pastoral Australia: Fortunes, failures and Hard Yakka: A historical overview 1788-1967*, p. 12.

convict station, or executed. In contrast, well-behaved convicts could have their sentences reduced and were able to secure a ticket-of-leave or a conditional pardon.¹⁷

Convict transportation to the colonies had numerous critics in Britain, and people like Jeremy Bentham, Archbishop Whately and Sir William Molesworth frequently criticised the system.¹⁸ Abolitionists argued that the convict transport system along with the assignment system used in New South Wales and Tasmania was a system of slavery.¹⁹ The Parliamentary Select Committee on Transportation chaired by Sir William Molesworth heard evidence on the abuses of convict transportation and assignment in 1838. Molesworth lobbied for the total abolition of convict transportation, but proponents defended it on the grounds that abuses were due to the assignment system and administrative problems. It was therefore believed that the convict transportation system could be reformed and transportation was not stopped but restructured.²⁰ The committee suggested that a prison term should consist of a fixed penal period that could not be altered and a subsequent term which could be reduced by good behaviour.²¹ Convict transportation and the assignment system to New South Wales were halted in 1840. Convicts were, however, still sent to Van Diemen's Land and to Norfolk Island, in the Pacific Ocean, east of Australia.²²

Between 1838 and 1843 the assignment system in Van Diemen's Land was phased out and replaced by a probation system. The convicts were withdrawn from their assigned positions and allocated to a probation station.²³ The probation system consisted of five phases of convict control, and the behaviour of the convict determined his advancement. During the first phase convicts sentenced to life imprisonment were forced to work for two years on Norfolk Island in conditions that were perceived as resembling slavery. Convicts with shorter sentences were immediately assigned to probation gangs in Van Diemen's Land and were joined by life prisoners after their two years on Norfolk Island. Probation gangs were assigned to manual labour such as road building. Each gang consisted of different classes of prisoners in which the higher classes received more benefits. A convict had to work in the probation gang for a year and could then receive a probation pass which allowed him to be employed by private employers and earn wages. The pass-holder could eventually receive a

¹⁷ Penn, N., "Close and merciful watchfulness: John Montagu's convict system in the mid-nineteenth-century Cape Colony" in *Cultural and Social History*, Vol. 5, Issue 4, 2008, p. 467.

¹⁸ Knowsley Pamphlet Collection: Clay, W.L., *Our convict system*, 1862, p. 14.

¹⁹ Penn, p. 468.

²⁰ Knowsley Pamphlet Collection: Clay, W.L., *Our convict system*, 1862, pp. 14-15.

²¹ Pearson and Marshall, p. 53.

²² Penn, p. 468.

²³ Pearson and Marshall, p. 53.

ticket-of-leave that could lead to a conditional or free pardon. The probation system determined that half of the convict's punishment term had to elapse during the first three phases of the system. The system emphasised the importance of discipline and also encouraged the prisoner to take responsibility for his own reform.²⁴

The Progressive Stage System used in some of the British prisons impacted on the probation system used in Van Diemen's Land. In Britain the Pentonville Prison was built in 1840 to aid in reforming convicts before they were transported to Australia.²⁵ The Progressive Stage System used in Pentonville Prison did not prescribe a set prison term. Prisoners advanced through different stages and could be released if all the stages were completed satisfactorily. The first stage consisted of a period of solitary confinement, and after completion of this stage the prisoner would be instructed in a trade. The convict's position in Australia depended on his behaviour in Pentonville, since he could receive a conditional pardon or a probation pass or be assigned to a probation gang.²⁶ In 1848 the British government recommenced convict transportation to Van Diemen's Land but it was soon realised that the area would not be able to accommodate all the convicts from Britain.²⁷

The beneficial impact of transportation on Britain, such as ensuring internal safety and decreasing the number of prisoners maintained in Britain, motivated the British government to seek other areas for the aim of transportation.²⁸ Earl Grey sent a circular to several colonial governors in an effort to convince them to accept convicts. The circular emphasised the improved behaviour of the convicts due to the reform process in Britain, but the colonies were not in favour of receiving convicts.²⁹

Supporters of the convict transportation system were baffled by the reaction of the colonies. They believed that the economic progress achieved by Australia proved the benefits of using convict labour. The fact that Australia was believed to develop more rapidly than colonies not using convict labour, supported this theory.³⁰ In Australia the proposed recommencement of transportation led to numerous protests and an anti-convict league was

²⁴ Knowsley Pamphlet Collection: Clay, W.L., *Our convict system*, 1862, pp. 15-16.

²⁵ Roth, M.P., *Prisons and prison systems: A global encyclopedia*, p. 207.

²⁶ *Ibid.*, p. 218.

²⁷ Knowsley Pamphlet Collection: Clay, W.L., *Our convict system*, 1862, p. 27.

²⁸ Nicholas, S., *Convict workers: Reinterpreting Australia's past*, p. 17.

²⁹ Knowsley Pamphlet Collection: Clay, W.L., *Our convict system*, 1862, p. 28.

³⁰ "The transportation question", *Blackwood's Edinburgh Magazine*, Vol. 66, No. 409, November 1849, p. 526.

established to protest against convict transportation. Attempts to send convicts were opposed.³¹

2.3 Cape Colony

2.3.1 Convict transportation and the anti-convict agitation

The Cape Colony was one of the colonies selected for convict transportation from Britain. In 1846, Sir Peregrine Maitland requested that 300 convicts be sent to the Cape Colony.³² Penn states that at that stage no adverse feelings from the general public were reported. A petition was received from the commissioners of the Cape Town municipality that supported the introduction. The petition, however, specified certain conditions such as restrictions on the freedom of movement of convicts and the repatriation of convicts after the expiry of their sentences.³³ The transportation of these convicts was delayed, and in May 1848 Sir Harry Smith, Governor of the Cape Colony, requested 600 British convicts.³⁴ Smith was instructed by the British government to determine if Cape inhabitants accepted the scheme through which convicts with tickets-of-leave would be introduced. The notification was published in the *Government Gazette* and in response a number of petitions were submitted to the Cape government.³⁵

Inhabitants of the Cape were apprehensive that the convicts would further exacerbate labour problems and contribute to unemployment.³⁶ A petition dated 18 November 1848 requested that the British government disallow the transportation.³⁷ A petition from the commissioners of the Cape Town municipality, in contrast to their petition in 1846, outlined the objections to the scheme and emphasised that the interaction of convicts with the rest of the population would have a negative impact on the colony.³⁸ Numerous other petitions were received from mission stations, businessmen and farmers.³⁹ The *Cape Frontier Times*

³¹ Knowsley Pamphlet Collection: Clay, W.L., *Our convict system*, 1862, p. 29.

³² British Parliamentary Papers (BPP) 217, No. 10, Extract from a despatch from Governor Sir Peregrine Maitland to Mr Secretary Gladstone, 10.9.1846.

³³ BPP 217, No. 10, Enclosure 2, Extract from a memorial addressed to the Governor and Legislative Council by the commissioners and wardmasters of the Cape Town municipality, 26.8.1846.

³⁴ Penn, N., "Close and merciful watchfulness: John Montagu's convict system in the mid-nineteenth-century Cape Colony" in *Cultural and Social History*, Vol. 5, Issue 4, 2008, p. 475.

³⁵ BPP 217, No. 14, p. 19: Despatch from Governor Sir Harry Smith to Earl Grey, 19.12.1848.

³⁶ Penn, p. 475.

³⁷ BPP 217, No. 14, Enclosure 1, p. 20: Petition, 18.11.1848.

³⁸ BPP 217, No. 15, Enclosure, p. 26: The petition of the commissioners and ward masters of the municipality of the city of Cape Town, 20.11.1848.

³⁹ BPP 217, No. 16, Enclosure 2, p. 28: The humble petition of the undersigned residents of the missionary institution of Genadendal; BPP 217, No. 17, p. 29: Petition to Earl Grey, 16.3.1849.

emphasised that the inhabitants of the Cape required no convicts for public work projects.⁴⁰ In protest, the Dutch and British inhabitants of the colony formed the Anti-Convict Association to resist convict transportation to the Cape. The convict labour scheme of John Montagu, Colonial Secretary of the Cape Colony, was criticised since the Association believed that he planned to convert the Cape into a convict colony.⁴¹ According to Penn Montagu defended his policies by stating that its main objective was to manage local convicts and criminals transported to the Cape from other places.⁴²

Convicts were despatched to the Cape Colony in 1849 on the *Neptune*. In response the Anti-Convict Association published a notice to encourage citizens to resist the disembarking of convicts. The Cape Town municipality demanded that the ship leave Table Bay since the inhabitants did not support the introduction of convicts. Due to the anti-convict agitation, Smith was unable to permit the convicts to disembark, and the ship remained in the bay. The Association subsequently launched a consumer boycott which prevented the supply of food and other necessities to the ship.⁴³ The consumer boycott was also extended to disallow any commercial transactions with the government.⁴⁴ The British government had no choice but to order that the convicts proceed to Van Diemen's Land, and the *Neptune* departed on 21 February 1850.⁴⁵

The Spectator in Britain termed the anti-convict agitation in the Cape Colony a rebellion. The British government was in a difficult position since landing the convicts against the wishes of the Cape colonists could lead to armed resistance. However, by agreeing to the non-landing at the Cape, transportation to other colonies would be negatively affected. In Britain it was generally believed that convicts should be helped to start a new life in the colonies. Some citizens also felt that releasing a prisoner at home would turn Britain into a penal settlement. The value of colonies was also questioned in the event that transportation was stopped. The Cape Colony was condemned for its reluctance to accept convicts, especially since Britain had to spend huge sums on military operations in the Cape.⁴⁶ The successful resistance to convict transportation, however, meant that the British government made no further attempts to send convicts to South Africa. Although the import

⁴⁰ *The Cape Frontier Times*, 22.5.1849, p. 1.

⁴¹ Penn, p. 465.

⁴² *Ibid.*, pp. 474-477.

⁴³ *The Observer*, 26.11.1849, p. 6.

⁴⁴ *Ibid.*, 9.12.1849, p. 3.

⁴⁵ Penn, pp. 474-477.

⁴⁶ *The Spectator*, 22.9.1849, p. 15.

of convicts was resisted by the Cape government, local convict labour played an important role in supplementing the colony's labour supply.

2.3.2 Convict labour and public works projects

From 1843 onwards John Montagu, the Colonial Secretary, reorganised the Cape Colony's convict labour system.⁴⁷ Montagu propagated a system through which convicts, through stricter control measures, could be used to build and maintain the colony's infrastructure. He criticised the previous penal system since convicts were unproductive and were dispersed throughout the colony. Convicts were also employed in positions of authority not consistent with their prison sentences.⁴⁸

In a memorandum to Sir George Napier, Governor of the Cape Colony, dated 16 August 1843, Montagu emphasised the importance of reforming the convict labour system. He recommended that the convicts should, for instance, be employed on the construction of roads such as the main road between Cape Town and Grahamstown.⁴⁹

Montagu tried to achieve numerous objectives with the planned changes to the convict system. The system would civilise and reform prisoners through productive labour while also contributing to the economic development of the colony. Penn believed that the origin of the Cape convict system with its focus on both reform and labour could be traced to Montagu's time as the Colonial Secretary of Van Diemen's Land (1834-1843).⁵⁰

The plan Montagu submitted to Sir George Napier proposed the employment of 300 convicts and funds of £15 000 per year.⁵¹ All male convicts sentenced to a prison term that were in excess of three months and included hard labour would be sent to prison stations and employed in convict gangs.⁵² The benefits of the new system were emphasised since it was believed that the use of convict labour in road building would not only advance communication within the colony but also increase requests for land, promote immigration and initiate more public works projects.⁵³ Elements of the Convict Probation System used in Van Diemen's Land were incorporated in the Cape system. These included the use of probation gangs composed of up to 300 convicts, the management of convicts by a

⁴⁷ Penn, p. 465.

⁴⁸ BPP 742, No. 1, p. 3: Despatch from Governor Sir George Napier to Lord Stanley, 27.10.1843.

⁴⁹ BPP 742, p. 12: Memorandum: John Montagu to the Governor, Sir George Napier, 16.8.9.1843.

⁵⁰ Penn, pp. 466-467.

⁵¹ BPP 742, No. 1, Enclosure 2, p. 11: Minute of his Excellency the Governor of the Cape of Good Hope, 14.9.1843.

⁵² BPP 742, No. 2, Enclosure 3, p. 71: Regulations for the discipline and management of convicts employed on the roads of the colony of the Cape of Good Hope, 1.1.1844.

⁵³ BPP 742, No. 1, Enclosure 2, p. 20: Report, 11.9.1843.

superintendent, visits of magistrates and clerics to the stations, and the fact that behaviour would determine the advancement of the convict.⁵⁴

According to Penn reform was an important objective of the system and religion was seen playing a crucial role in facilitating reform. The system rewarded good behaviour through the reduction of hard labour sentences. As with the convict probation system used in Van Diemen's Land, a convict in the Cape system would progress through different stages. The governors in the Cape Colony supported the system, due to the colony's great need for improved infrastructure. It was believed that the substandard roads in the colony were detrimental to economic development, but a lack of funds along with labour scarcity had curtailed any major road building projects. The low wages offered for public works projects had also discouraged a regular labour supply, and Sir Peregrine Maitland complained that the labour scarcity had led to the interruption of various public works projects.⁵⁵

Maitland commended the convict system instituted in the Cape Colony and emphasised the progress in religious knowledge among convicts. The system initially encountered various difficulties such as the lack of qualified supervisors and constables. A substantial number of escape attempts were also made by prisoners.⁵⁶ The convict system was, however, very successful in its aim of improving communications within the colony, and the road over the Cape Flats was opened in December 1845.⁵⁷ Penn highlights the fact that Montagu emphasised the benefits of his system such as the reform of criminals and the civilisation of non-European prisoners. He also believed that the convict system decreased crime rates in the colony since criminals were discouraged from becoming repeat offenders.⁵⁸

The convict system was reported as being positively received by colonists. Inhabitants believed that the labour of convicted criminals would not only benefit the colony but also allow criminals to acquire habits of industry.⁵⁹ Although colonists saw the use of internal convict labour in a positive light, attempts to send adult criminals from Britain to the Cape were strongly opposed. The proposal to send juvenile offenders from Parkhurst on the Isle of Wight as farm apprentices, was also opposed by colonists, although the scheme was promoted as a way to alleviate the labour scarcity. The depressed economy hampered the importation of free labour into the Cape Colony and had a negative impact on the agricultural

⁵⁴ Penn, p. 469.

⁵⁵ *Ibid.*, p. 471.

⁵⁶ *Ibid.*, p. 472.

⁵⁷ BPP 104, No. 2, p. 14: Despatch from Governor Sir Peregrine Maitland to Lord Stanley, 26.2.1846.

⁵⁸ Penn, pp. 475-476.

⁵⁹ BPP 130, pp. 37-38: Letter W. Cock to John Montagu, 14.5.1852.

sector.⁶⁰ The colonial government also opposed the introduction of these juveniles since they would have a detrimental effect on sections of the population.⁶¹

In 1857 legislation providing for the maintenance and improvement of the public roads of the Cape Colony extended the use of convict labour to more areas. According to the legislation, the governor could allocate a number of convicts sentenced to imprisonment with hard labour to road building projects in any division. The commissioners of roads would receive these allocated convicts and would be responsible for the management of their labour. The commissioners had to adhere to government regulations regarding the administration of convicts and had no power to alter policies with regard to control and training since these would be determined by the governor.⁶²

In 1857 the large number of destitute people in British Kaffraria led to fears in the Cape Colony that criminal activity would increase. The government decided that crimes had to be punished harshly. It was therefore enacted that people sentenced by the High Commissioner for a crime in British Kaffraria would be sent to the Cape Colony. They would be treated in a similar way to hard-labour prisoners in the Cape and would be employed on public works projects as convict labour.⁶³

In 1866 the high cost of maintaining the existing convict stations meant that no additional convict stations could be established. The Select Committee on the Employment of Convicts, therefore, recommended that additional measures should be adopted to alleviate the pressure on these stations. It was proposed that newly convicted prisoners should be accommodated in prisons and not transported to convict stations. In the event that there was not enough prison accommodation available the convicts could be allocated to neighbouring municipalities to be used as labourers.⁶⁴

The convict stations housed 1 824 prisoners of which most were kept at the four principal stations at the Breakwater, the Vlught, Katberg and Kowie. The concept of different classes as used in the convict probation system in Van Diemen's Land was also used at the convict stations in the Cape Colony. At the Breakwater station there were 46 prisoners in the good-conduct ticket group, 564 in the probation class and 163 in the penal class. Prisoners sentenced to shorter periods of imprisonment were placed in the probation class. Convicts

⁶⁰ BPP 217, No. 2, Enclosure, pp. 4-5: Despatch from Governor Sir George Napier to Lord Russell, 25.9.1841.

⁶¹ BPP 217, No. 3, p. 6: Despatch from Sir George Napier to Lord Stanley, 14.1.1842.

⁶² *The Cape of Good Hope Government Gazette*: Draft of Bill for improving the public roads of the colony, 24.2.1857.

⁶³ *Ibid.*: Bill to provide for the imprisonment in this Colony, of certain criminals sentenced in British Kaffraria, 27.3.1857.

⁶⁴ Cape of Good Hope Parliament, *Select committee on the employment of convicts: First report*, 3.10.1866, p. v.

who had committed serious crimes and were sentenced to longer periods were placed in the penal class and had to spend one sixth of their time under the specified restrictions before they were allowed promotion to the probation class. A convict had to complete two-fifths of his sentence before he was awarded a good-conduct ticket.⁶⁵

During the 1870s the convict labour system continued to be used as a supplement to the public works labour supply. On 31 December 1871 it was reported that 930 convicts had been employed on road and harbour works during the year. The use of convict labour on public works projects was seen as profitable since the value of the work completed during 1871 amounted to £32 085 while the expenditure on the convicts was only £22 640. The convicts were distributed between different harbour projects including the Table Bay Harbour Works (198), the Port Elizabeth Harbour Works (114), the Kowie Harbour Works (233) and the East London Harbour Works (100), while the rest were employed on public roads and other projects such as the constructing and maintenance of government buildings.⁶⁶ During 1875 there was a slight decrease in the number of convicts employed on public works projects and most of the 850 convicts⁶⁷ were employed at the Table Bay harbour works, the Kowie harbour works and the East London harbour works.⁶⁸

A report of the Kaffrarian Vigilance Association in 1878 addressed the use of convict labour in the Cape Colony. The Association believed that the majority of criminals could be reformed through more stringent control and training. They recommended that the convict system be reorganised to increase the harshness of punishment, and that more focus should be placed on the training of Africans in agricultural and other industrial occupations. The report emphasised the benefits of training since the convict, at the completion of his prison sentence, would have attained the required skills to work in a specific occupation without having to resort to crime. It was also recommended that African criminals from British Kaffraria with sentences exceeding twelve months should be relocated to another part of the Cape Colony. A classification system was propagated to ensure that people convicted of less serious crimes would be separated from major criminals. It was suggested that after completing a part of their sentence on the public works, convicts classified as first class prisoners should be employed in industrial convict institutions or by private individuals. The report further

⁶⁵ *Ibid.*, pp. 15-16.

⁶⁶ BPP C.709-I, pp. 240-242: Papers relating to Her Majesty's colonial possessions, Part II, Cape Colony, Report from R. Southey, Colonial Secretary, 1873.

⁶⁷ BPP C.1622-I, p. 57: Papers relating to Her Majesty's colonial possessions, Part II, 1876.

⁶⁸ BPP C.1622-I, No. 4, Enclosure No. 2, p. 55: Governor Sir Henry Barkly to the Earl of Carnarvon, 20.9.1876.

recommended that convicts who had received industrial training during their prison sentence be assisted by the government to obtain a position at the end of their prison term.⁶⁹

The Cape Colony continued to use Montagu's internal convict system for most of the nineteenth century, and convict labour was employed on harbour works project such as the breakwater in Table Bay and forestry projects in Tokai. In Penn's opinion the initial objectives of the system did change, since the reformatory aspects such as religious education were neglected. After the 1880s convict labour gangs were increasingly divided on racial lines and different requirements were enforced with regard to working conditions and food.⁷⁰ Recommendations as outlined in the report of the Kaffrarian Vigilance Association were not implemented by the government although more emphasis was placed on the employment of convict labourers by private employers during the rest of the century.

2.3.3 Mining companies and the leasing of convicts

The lease system, abolished in Britain in 1802, was introduced into South Africa during the nineteenth century. According to Cook the British administration in the Cape Colony was directly responsible for the introduction of the lease system to South Africa and its widespread use in the prison management system in the country.⁷¹ From 1866 to 1867 the Cape government provided 300 convicts to the owners of the copper and silver mines in Namaqualand, for instance. These convicts were employed to build a road from the mines to the harbour at Port Nolloth.⁷² The Cape Copper Mining Company supplied transport and accommodation for convicts.⁷³ The company would also grant an annual amount of £800 towards the engineering cost of the road works. The Select Committee on the Employment of Convicts recommended that a convict station should be built in Namaqualand accommodating 300 to 350 convicts relocated from the breakwater station.⁷⁴

Mabin indicated that the genesis of the compound system in South Africa can be traced to the use of convict labour on the diamond mines in Kimberley. In 1884 the economic depression in the Cape Colony forced the Cape government to consider different ways to decrease expenditure. An agreement was reached in November 1884 that convict labourers,

⁶⁹ Colonial Office (CO) 879/13/4, No. 151, p. 258: Report Kaffrarian Vigilance Association, 30.5.1878.

⁷⁰ Penn, p. 477.

⁷¹ Cory Library Pamphlet Box 49: Cook, A., *Akin to slavery: Prison labour in South Africa*, p. 8.

⁷² Foreign and Commonwealth Collection: Walter, R., *Saldanha Bay Harbour: Its special capabilities for colonisation* (pamphlet), 1867, p. 16.

⁷³ Cape of Good Hope Parliament, *Select Committee on the employment of convicts: First report*, 3.10.1866, p. iv.

⁷⁴ *Ibid.*, p. xi.

supplied by the Cape government, would be employed by the De Beers Mining Company.⁷⁵ De Beers soon employed the most leased convict labour in South Africa.⁷⁶ The company was responsible for maintaining convicts and supplying accommodation for them.⁷⁷

The merger of companies on the diamond fields allowed the De Beers Company to restructure labour there. In 1888 De Beers reached a further agreement with the Cape government to supply convicts to the mines and a convict station was established near to the mine. During the first year of the agreement the mine employed 300 convicts and was also responsible for their maintenance. The convict labour experiment was so successful that in 1889 the arrangement was increased to employ 400 men, and in 1890 the number of convicts increased to 700. The estimated cost of convict labour amounted to an annual amount of £28 per convict. Seventy white guards were also employed and received £4 a week.⁷⁸ The De Beers Company preferred convict labour since they were easily controlled, and the supply of convicts did not fluctuate. The convicts employed in the De Beers mines worked long hours and averaged from 9.5 to 11 hours per day.⁷⁹

In 1891 the Select Committee on Trade and Business heard numerous complaints regarding the employment of convicts on the diamond fields. Some witnesses testifying before the committee were in favour of terminating this practice since they believed it would create employment opportunities for white employees, and thereby alleviate the unemployment situation in the Cape Colony. Other witnesses, however, stated that white labourers would not be willing to perform the work done by convicts. De Beers defended the convict labour system in light of the illicit trade in diamonds and the greater control over convict labour in comparison to other types of labour.⁸⁰ Statistics for 1897 reflected that the number of convicts employed by De Beers had increased to an estimated 1 000, and that the company paid approximately £3 500 annually for the use of convicts.⁸¹

In 1898 Mr Michael Davitt, the British Member of Parliament for South Mayo, requested information about convicts employed in the De Beers diamond mines in Kimberley. It was alleged that the convicts worked continuously for up to twelve hours per day. Davitt also requested information about the employment of convicts by private

⁷⁵ Mabin, A., "Labour, capital, class struggle and the origins of residential segregation in Kimberley, 1880-192" in *Journal of Historical Geography*, Vol. 12, No. 1, 1986, p. 13.

⁷⁶ Cory Library Pamphlet Box 49: Cook, A., *Akin to slavery: Prison labour in South Africa*, p. 8.

⁷⁷ Mabin, A., "Labour, capital, class struggle and the origins of residential segregation in Kimberley, 1880-192" in *Journal of Historical Geography*, Vol. 12, No. 1, 1986, p. 13.

⁷⁸ BPP C.6595-XI, p. 84: Royal Commission on Labour, 1892.

⁷⁹ *House of Commons Debates*, 4.7.1898, Vol. 60, c938.

⁸⁰ BPP C.6595-XI, p. 84: Royal Commission on Labour, 1892.

⁸¹ *The Manchester Guardian*, 11.6.1897, p. 3.

companies and on whose authority this was done. The Secretary of State confirmed that convicts were employed in the De Beers mines and stated that they only worked 9.5 to 11 hours a day. De Beers had reached an agreement with the Cape government and had been supplied with convict labour for a period of thirteen years. The British government did not take any steps to terminate this practice since the Cape Colony was a self-governing colony.⁸²

In 1905 the question of convict labour on the diamond mines was once again raised in the House of Commons. Mr John Ellis enquired whether convicts were still employed by the De Beers Diamond Company at a rate of 2 pennies per day. The authority and regulations that managed the convict system were also questioned, as was the responsibility of the British government. According to the Secretary of State, Mr Alfred Lyttelton, the Cape government supplied convict labour to different government organisations as well as private employers in the colony. In accordance with this practice, an agreement was reached between the Cape government and De Beers Consolidated Mines. This agreement allowed the establishment of a convict station on the company's property in Kimberley which housed African convicts employed in the diamond mines. The company was responsible for costs relating to accommodation and provided clothing, food and medical care to the convicts. In addition to this, the Cape government was paid a fixed fee for each of the convicts supplied. The Convict Stations and Prisons Management Act No. 23 of 1888 controlled this system. The British government, according to Mr Lyttelton, was not responsible for the system since it was under the direct control of the Cape government.⁸³

2.3.4 Farmers and the convict lease system

Act No. 23 of 1888 enacted regulations controlling the management of convict stations established by employers of prison labour. Government Notice No. 1182 of 1896 further enhanced the stipulations of the above act and determined that one or more employers could establish a convict station. Employers would be charged for the use of the labour and the superintendent of the station would supply the employer with a monthly account of all labour used. In cases where an employer contravened the regulations he would not only face a fine or other stipulated sanctions, but could also lose access to convict labour.⁸⁴

The employer could not employ a convict outside his farm or property without written permission. The convict station would be controlled by the superintendent and his officers

⁸² *House of Commons Debates*, 4.7.1898, Vol. 60, c938.

⁸³ *House of Commons Debates*, 10.7.1905, Vol. 149, cc62-63.

⁸⁴ CO 879/80/4, No. 343, Enclosure 3, pp. 292-295: Government Notice No. 1182, 7.12.1896.

and no employer could enter the station without the permission of the superintendent. Working hours would be determined by the superintendent and convicts would not be allowed to work overtime. Employers were not allowed to pay a convict and had to agree to recapture escaped convicts.⁸⁵

Convict guards were employed by the government to maintain discipline. Employers had to supervise the work of the convicts or employ overseers to perform this function, and were prohibited from employing convicts in association with free labour. They were also not allowed to employ convicts in domestic duties since it could secure benefits for the convict not sanctioned by the regulations. At the expiry of a convict's prison sentence, an employer could not continue to employ such a convict on his farm without special permission.⁸⁶

The convict stations in the Cape Colony supplemented the agricultural labour supply with convict labour. In 1904 the Tokai Convict Station indicated that convicts were supplied to 23 farmers. There were convict outstations on farms such as Klein Constantia, Sillery, Silverhurst and Alphen that also received convicts. In the District of Stellenbosch the Elsenburg Convict Station supplied convict labour to the government farm. The station also supplied convicts to seven farmers in the Stellenbosch district, of which one prominent farm owner was John X. Merriman.⁸⁷

2.4 Natal

2.4.1 Convict transportation to Natal

The transportation of convicts to Natal was also opposed by inhabitants. In 1848 Natal colonists objected to the plan since the convicts it was alleged, would contribute to moral degradation among inhabitants and discourage emigration.⁸⁸ The Governor of the Cape Colony, Sir Harry Smith, agreed with the petitioners that Natal would not be suitable as a destination for convict transportation.⁸⁹

The Natal Lieutenant-Governor held a different view and believed that British convicts could be productively employed on public works in the colony. He, however, recommended that the convicts be repatriated at the completion of their prison sentences. The

⁸⁵ *Ibid.*

⁸⁶ CO 879/80/4, No. 343, Enclosure 3, pp. 294-295: Government Notice No. 1182, 7.12.1896.

⁸⁷ CO 879/80/4, No. 343, Enclosure 2, p. 292: Mr Lyttelton to Governor Viscount Milner, 13.2.1904.

⁸⁸ BPP 217, No. 14, Enclosure 2, pp. 20-21: Memorial of undersigned inhabitants of Cape of Good Hope, 18.11.1848.

⁸⁹ BPP 1138, No. 12, p. 67: Despatch from Governor Sir Harry Smith to Earl Grey, 31.7.1849.

wishes of the colonists in Natal were adhered to and the idea of sending convicts to Natal was abandoned.⁹⁰

2.4.2 Public works projects and convict labour

In nineteenth-century Britain the focus of prison administrators was on the reform of criminals rather than on their labour potential. In contrast to Britain, Peté emphasised that Natal colonists were more interested in the labour supplied by convicts than in reforming or training prisoners during their prison sentence.⁹¹

The convict system in Natal supplied labourers to the public works sector to help alleviate labour scarcity. Prisoners in Natal were categorised into four different classes: prisoners awaiting trial, sentenced to hard labour or crank, sentenced to a prison term and solitary confinement, and sentenced for debt. As in Britain both the tread wheel and crank was used. Convicts sentenced to hard labour had to spend eight to nine hours per day on the tread wheel during the first three months of their sentence. They were then transferred to public work projects.⁹² In May 1865 the magistrate of Pietermaritzburg stated that such a large number of employers required convict labour that it was impossible to meet all requests.⁹³ Convicts on public work projects were usually employed on building roads and brick making while in Durban the prisoners also worked in the stone quarries, harbour works and the botanical gardens. Prisoners serving short sentences were employed in maintaining streets and other public works in the immediate prison district. In Ladysmith prisoners were also used in the stone quarries.⁹⁴

2.4.3 Convict labour and the Langalibalele Rebellion

In 1874 the number of convicts in Natal was substantially increased by the Langalibalele Rebellion. During 1871 and 1872 members of the Amahlubi tribe managed to purchase substantial quantities of guns on the diamond fields due to differences in the legislation that controlled the purchase of firearms in Natal and Griqualand West.⁹⁵ In Natal, Law No. 5 of 1859 prohibited Africans from owning firearms without signed authorisation from the

⁹⁰ BPP 1138, No. 20, p. 86: Despatch from Governor Sir Harry Smith to Earl Grey, 24.9.1849.

⁹¹ Peté, S.A., "Penal labour in colonial Natal – the fine line between convicts and labourers" in *Fundamina*, Vol. 67, No. 14, 2008, p. 67.

⁹² BPP C.1338, No. 87, Inclosure, p. 168: Criminal Statistics, 1874.

⁹³ Peté, pp. 67-69.

⁹⁴ BPP C.1338, No. 87, Inclosure, pp. 168-169: Criminal Statistics, 1874.

⁹⁵ BPP C.1025, No. 45, Enclosure, pp. 44-46: The Natal Mercury – Rebellion of Langalibalele – The Sentence, 12.2.1874.

Lieutenant-Governor and failure to comply with this law could lead to severe punishment.⁹⁶ Authorised firearms also had to be registered. Legislation in Griqualand West differed substantially, and any worker could obtain a firearm if provided with a certificate from his employer. It frequently happened that Africans would stipulate ownership of a firearm as the prerequisite for accepting employment. The Natal government tried to restrict the importation of firearms by publishing a circular on 14 February 1872. The circular stated that firearms illegally imported into Natal by Africans would be seized unless they followed the prescribed registration process.⁹⁷

This circular was sent to all the tribes in Natal including Langalibalele's Amahlubi tribe.⁹⁸ From 1872 to 1873 members of the Amahlubi tribe defied this order and their chief, Langalibalele, was ordered to appear in Pietermaritzburg to explain the situation. He however ignored the request.⁹⁹ The failure of the chief to comply with the law was perceived as an act of rebellion. The Natal government believed that action had to be taken against the chief. Decisive action was seen as important since failure to enforce the law would encourage the rest of the African population to rebel and thereby compromise the safety of all colonists in Natal.¹⁰⁰

The Natal government sent a military force to confiscate the guns and arrest the chief. The tribe, however, offered resistance before they eventually fled. The troops appropriated between 8 000 and 10 000 head of cattle, and 1 500 women and children were captured.¹⁰¹ Initially it was decided to allocate the women and children to white settlers who would be willing to support them in exchange for their labour services. The Natal government feared that this decision could be misinterpreted in the British press, and the women and children were moved to Pietermaritzburg instead, where they could be supplied with food and lodged with friendly tribes.¹⁰² Criticism was, however, levelled against the government's actions, and the Anti-Slavery Society objected to the removal of the women and children. They stated that the actions of the government resembled a slave raid and demanded that the women and children be sent back to their homes.¹⁰³ The behaviour of Captain Lucas in giving women and children to loyal African chiefs was also severely condemned in Britain. Lucas defended his

⁹⁶ BPP C.1121, No. 5, pp. 4-7: Lieutenant-Governor Sir Benjamin Pine to the Earl of Carnarvon, 16.7.1876.

⁹⁷ BPP C.1025, No. 45, Enclosure, pp. 45-46: The Natal Mercury – Rebellion of Langalibalele – The Sentence, 12.2.1874.

⁹⁸ BPP C.1121, No. 5, pp. 4-7: Lieutenant-Governor Sir Benjamin Pine to the Earl of Carnarvon, 16.7.1876.

⁹⁹ BPP C.1025, No. 45, Enclosure, pp. 45-46: The Natal Mercury – Rebellion of Langalibalele – The Sentence, 12.2.1874.

¹⁰⁰ BPP C.1121, No. 5, pp. 4-7: Lieutenant-Governor Sir Benjamin Pine to the Earl of Carnarvon, 16.7.1876.

¹⁰¹ BPP C.1025, No. 22, p. 22: Anti-Slavery Society to Colonial Office, 20.1.1874.

¹⁰² BPP C.1121, No. 5, Enclosure 1, pp. 4-14: Minute by the Secretary of Native Affairs on the late operations against Langalibalele and tribe.

¹⁰³ BPP C.1025, No. 22, p. 22: Anti-Slavery Society to Colonial Office, 20.1.1874.

actions by explaining that the authorities in Pietermaritzburg had found it difficult to support all the women and children.¹⁰⁴

Criticism regarding the treatment of the tribe was also voiced inside Natal. Bishop Colenso wrote a pamphlet *Proposed defence of Langalibalele* and criticised the fact that hundreds of tribe members were killed and many others imprisoned. The treatment of women and children was also condemned in the pamphlet. The Bishop alleged that the women and children were apprenticed for a period of three years.¹⁰⁵ The Natal government, however, denied the Bishop's allegations and stated that the casualties on both sides did not exceed 100 people. The government emphasised that some of the women and children were accidentally shot when British troops fired on members of the tribe defending their stronghold. The women were removed from the location, but they were not indentured as claimed by the Bishop.¹⁰⁶

Law No. 18 of 1874 was enacted to provide for the employment of convicts captured during the conflict. The law was necessitated by the capture of a large number of African prisoners¹⁰⁷ and empowered the governor to allocate convicts to any private individual or organisation or to public works projects.¹⁰⁸

According to the law, African convicts assigned as servants to European employers would be entitled to have their wives and children on the farm where they worked. At the expiry of the employment contract, the convict had to return to prison for the unexpired period of his sentence or would be assigned to another employer.¹⁰⁹ Employers had to provide food and clothes to every member of the families allotted to them until they could support themselves with produce from their crops. They also had to locate families in kraals and provide sufficient land for cultivation and grazing. The magistrate had the right to remove any families who had not been provided with sufficient food or clothing or had been subjected to maltreatment.¹¹⁰ The employment contract would be for a period of three years.¹¹¹ In the Pietermaritzburg district, fifteen employers received convicts consisting of

¹⁰⁴ BPP C.1342-I, No. 13, pp. 49-50: Captain G.A. Lucas to the Secretary of State for the Colonies, 22.6.1874.

¹⁰⁵ BPP C.1121, No. 5, Inclosure 3, pp. 20-22: Despatch by Sir Theophilus Shepstone, Secretary for Native Affairs, 6.1874.

¹⁰⁶ BPP C.1121, p. 22.

¹⁰⁷ CO 179/114: Reports of the Attorney-General, H. Gallway, 3.2.1874 and Benjamin Pine, Lieutenant-Governor to the Earl of Kimberley, 8.4.1874

¹⁰⁸ BPP C.1119, No. 4, Inclosure 5, p. 5: Statement on Law No. 18, 1874 "To make special provision with regard to the Employment of Convicts" by M.H. Gallwey, Attorney-General, 3.2.1874.

¹⁰⁹ BPP C.1342-I, No. 4, Inclosure 1, pp. 5-6: Government Notice No. 117, 1874.

¹¹⁰ CO 879/2, No. 6, Inclosure 1, p. 10: Government Notice No. 117, 10.4.1874.

¹¹¹ CO 879/2, No. 6, Inclosure 2, p. 12: Government Notice No. 117, 1874.

149 men and boys and 204 women and children. In the Weenen district, nine employers received 74 men and boys and 195 women and children.¹¹²

The employer was not only entitled to the services of the convict, but was also entitled to the domestic services of any unmarried female above the age of twelve years, as well as the service of male family members above the age of twelve.¹¹³

The magistrate stipulated the wages payable for the convict's services and recorded this information in the register along with his name and description, his term of service and the names and ages of his wives and children. The wages would be paid monthly to the resident magistrate who in turn would pay the money to the colonial treasury.¹¹⁴

Any convict found on lands not belonging to his employer or on any road without a ticket-of-leave could be arrested and sent to the nearest resident magistrate. The employer was obliged to grant a ticket-of-leave if a convict wanted to lodge a complaint against him. The Lieutenant-Governor also had the right to cancel any contract of service under the above law and send the convict back to jail. In cases in which a convict was injured or assaulted by the employer or any other person, it would be dealt with by the law.¹¹⁵ No employer would have the power to sub-assign the services of any convict to any third person without written permission from the resident magistrate.¹¹⁶

The law further empowered the Governor to appoint visiting magistrates and to institute regulations to ensure the safety and good conduct of convicts. The Attorney-General, H. Gallaway, had no objection to the law due to the nature of the emergency, and therefore asked for the approval of the British government.¹¹⁷ Opinion in the Cape Colony was in favour of the action taken against Langalibalele in Natal. The danger of an African rebellion was regarded as real, and it was believed that even a hint of insubordination required deliberate action. Langalibalele was sent to the Cape from Natal, and the Cape government imprisoned him on Robben Island.¹¹⁸

The British government did not approve of the assignment of convicts to private individuals.¹¹⁹ Lord Carnarvon stated in a despatch that he was unable to agree with Sir

¹¹² CO 879/2, No. 6, Inclosure 3, p. 12: Return of the members of the Amahlubi tribe allotted or assigned for three years to farmers and others, 1874.

¹¹³ CO 879/2, No. 6, Inclosure 1, p. 10: Government Notice No. 117, 10.4.1874.

¹¹⁴ BPP C1342-I, No. 4, Inclosure 1, pp. 5-7: Government Notice No. 117, 1874.

¹¹⁵ BPP C1342-I, Inclosure 1 pp. 5-7: Government Notice No. 117, 1874.

¹¹⁶ CO 879/2, No. 6, Inclosure 1, p. 12: Government Notice No. 117, 10.4.1874.

¹¹⁷ CO 179/114: Reports of the Attorney-General, H. Gallway, 3.2.1874.

¹¹⁸ BPP C.1399, No. 50, p. 64: J.A. Froude to the Earl of Carnarvon, 10.1.1876.

¹¹⁹ BPP C.1342-I, No. 4, Inclosure 4, p. 8: Proclamation, 18.2.1875.

Benjamin Pine's reasons for enacting Law No. 18 of 1874. The assignment of these prisoners to private individuals would only be defensible as a temporary measure. Assigning convicts as private servants for an extended period as provided for in the legislation would lead to abuses of the system. According to Lord Carnarvon there was only one way in which convicts could be properly assigned as labourers, and that was as public works labourers supervised by government officers. Carnarvon, therefore, disallowed the law in 1875.¹²⁰

Consequently Pine had to publish a proclamation stating that all assignments of prisoners of the Amahlubi or Amangwe tribe would be terminated. Employers could only retain the service of prisoners by voluntary agreements or the renewal of existing agreements.¹²¹

The Aborigines Protection Society (APS) approved of the measures announced by the Secretary of State. The APS accepted that the Amahlubi tribe could not be reinstated in the location they occupied before the conflict. The society did, however, recommend that the tribe should be encouraged to establish themselves in settled occupations. The APS was quick to complain that the Natal government did not adhere to the steps outlined in Lord Carnarvon's despatch. They criticised the local authorities for not encouraging Amahlubi tribe members to obtain work.¹²²

The Natal government appointed a committee to investigate the Langalibalele situation. The committee found that Pine had no option but to take action against Langalibalele. His failure to do so would have had serious repercussions among other African tribes in Natal and endangered the safety of colonists. The committee also emphasised that the removal of families was due to their destitute state, and that the only humane course was to place them among approved colonists and loyal tribes.¹²³

2.4.4 The Bambatha Rebellion and convict labour

The Bambatha Rebellion of 1906 led to the capture of a large number of prisoners. This caused the Natal government to introduce a law that allowed convicts to be employed by municipalities, government organisations, businesses and private employers. The law was only applicable to prisoners serving a sentence in excess of three months and including hard labour. The British government, notwithstanding the debate in the House of Commons, did

¹²⁰ CO 879/2, No. 11, p. 15: The Earl of Carnarvon to Major-General Sir Garnet Wolseley, 29.4.1875.

¹²¹ BPP C.1342-I, No. 4, Inclosure 4, p. 8: Proclamation, 18.2.1875.

¹²² CO 879/2, No. 91, p. 204: The Aborigines Protection Society to Colonial Office, 4.11.1875.

¹²³ CO 879/2, No. 32, Inclosure 3, pp. 58-60: Third Session, Seventh Council, 2.6.1875.

not oppose the law since it was an internal affair within the influence sphere of the Natal government.¹²⁴

The Transvaal government requested that released convicts be sent to the mines as free labourers since the mines experienced a severe labour scarcity. Existing legislation did not sanction this, and the request was denied.¹²⁵ In the British House of Commons it was, however, alleged that the Natal government planned to send African prisoners to the Premier Diamond Mining Company to supplement the mine's labour supply. It was claimed that the Premier Diamond Mining Company offered £30 000 to the Natal government in exchange for the employment of Zulu prisoners for a period of two years. Mr Horatio Myer, Member of Parliament for Lambeth North, objected to this transaction since it would involve the employment of political prisoners as forced labourers.¹²⁶

In 1906 Mr Frederick Jowett, Member of Parliament for Bradford West, in a House of Commons debate also requested information regarding the employment of Bambatha rebels by private companies. He enquired whether prisoners were sent to the Kimberley diamond mines. Mr Winston Churchill, the Under-Secretary of State for the Colonies, denied the likelihood that any of the prisoners would be sent to the Kimberley diamond mines.¹²⁷

2.5 Transvaal

The convict lease system was adopted in the Transvaal and Orange Free State by the British administration at the conclusion of the Anglo-Boer War.¹²⁸ Convicts were employed on the Transvaal mines in a system similar to that used on the diamond mines in Kimberley. The diamond mines on average employed 1 200 convicts on a permanent basis. In February 1904 there were 850 convicts employed on the Transvaal mines. The agreement between the Transvaal government and the mining companies determined that convicts would only be employed on surface works that included roads, dams and earthworks.¹²⁹ Convicts were not assigned to work which could have a negative effect on their health and safety, such as machinery or underground work. The mining companies paid the government 1 shilling 6 pennies per day for each convict employed and also provided accommodation and food. The conditions of employment and treatment of convicts were monitored by a visiting magistrate

¹²⁴ *House of Commons Debates*, 2.8.1906, Vol. 162, c1327.

¹²⁵ BPP Cd.3563, No. 1, p 1: The Governor to the Secretary of State, 13.1.1907.

¹²⁶ *House of Commons Debates*, 10.12.1906, Vol. 166, cc1550-1552.

¹²⁷ *House of Commons Debates*, 21.6.1906, Vol. 159, cc356-357.

¹²⁸ Cory Library Pamphlet Box 49: Cook, A., *Akin to slavery: Prison labour in South Africa*, p. 8.

¹²⁹ *House of Commons Debates*, 10.2.1904, Vol. 129, cc1320-1321.

who reported directly to the Attorney-General. The report by the Director of Prisons emphasised that the convicts were well treated and had the same working hours as convicts employed on public works projects in the Transvaal.¹³⁰

The employment of convicts on the Transvaal mines was frequently discussed in the British House of Commons. On 9 February 1904 Mr John Whitley, Member of Parliament for Halifax, requested information regarding the 1 000 convicts offered by the Transvaal government to mining companies.¹³¹ The question prompted Mr Alfred Lyttelton, Secretary of State for the Colonies, to request information concerning the offer. He also asked Lord Milner, Administrator of the Transvaal and the Orange River Colony, for information regarding the total number of convicts employed and their employment conditions.¹³² Milner, however, informed Lyttelton that he had no knowledge of the offer.¹³³

On 17 February 1904 Mr Whitley once again enquired about the total number of African convicts in the Transvaal. He was interested in the number of convicts supplied to private persons or companies. According to Mr Lyttelton the employment of convicts by mining companies was due to insufficient space available in the Transvaal jails, which led to overcrowding and health risks.¹³⁴ In 1904 the number of convicts employed on the mines was 850. These convicts were mostly employed on the Cinderella Mine and the Consolidated Main Reef Mine.¹³⁵

In 1905 information regarding the number of convicts employed and the conditions of employment was requested in the House of Commons. There was also concern that the convicts would work alongside free labourers. In response, the employment of convict labour by private employers was portrayed as a temporary measure since it was believed that the Transvaal government would reassess the employment of convicts by mining companies as soon as enough prison accommodation became available.¹³⁶

The convict labour system became an integral part of the South Africa labour environment after the Union of South Africa was established in 1910. After 1910 most of the convict labourers were allocated to public works projects and the supply to the mines

¹³⁰ CO 879/80/4, No. 341, p. 286: Governor Viscount Milner to Mr Lyttelton, 14.2.1904.

¹³¹ *House of Commons Debates*, 11.2.1904, Vol. 129, cc1024-1025.

¹³² CO 879/80/4, No. 332, p. 284: Mr Lyttelton to Governor Viscount Milner, 13.2.1904.

¹³³ *House of Commons Debates*, 10.2.1904, Vol. 129, cc1320-1321.

¹³⁴ *House of Commons Debates*, 17.2.1904, Vol. 130, c14.

¹³⁵ *House of Commons Debates*, 3.8.1905, Vol. 51, cc79-80.

¹³⁶ *Ibid.*

decreased. The Prisons and Reformatory Act of 1911 also distinguished convicts along racial lines, and white prisoners were excluded from employment as convict labourers.¹³⁷

3. Indentured labour

After the abolition of slavery and the subsequent emancipation of slaves, indentured Asians became an indispensable source of labour for the colonies.¹³⁸ Chinese and Indian indentured labourers helped to alleviate labour shortages on the plantations of the Caribbean and South America, as well as on the islands of Reunion and Mauritius.¹³⁹

Indentured labour or contract labour is “where a contract has been entered into to transport a person to another place for a fixed period and to have full use of the person’s labour for that period”. According to Pearson and Marshall, the voluntary nature of an indenture contract meant that it could not be categorised as forced migration as was the case with slavery and convict transportation. In the event that a person’s family or any other third party agreed to a contract, the indenture could, however, be termed forced migration. The fact that the indentured labourer had agreed to employment for a specified period of time under the stringent control of the employer often led to employment conditions resembling semi-slavery.¹⁴⁰

According to Harris, indenture was in some respects akin to slavery, since indenture included conveyance to new surroundings and also empowered employers to exercise authority over labourers exceeding normal employment relations. Unlike slavery, employment contracts were voluntary and for a fixed period. At the conclusion of the contract the labourer was at liberty to return home or to offer his labour to another employer.¹⁴¹

Indentured labourers were compelled to work for an agreed period, and failure to complete an indenture contract could be punished by imprisonment. The employer had to recoup the cost of the labourer’s return passage and the supply of accommodation, medical care and other benefits through the profit on his labour. In British colonies’ inspectors were

¹³⁷ Cory Library Pamphlet Box 49: Cook, A., *Akin to slavery: prison labour in South Africa*, p. 8.

¹³⁸ Van Kessel, I., “Courageous but insolent: African soldiers in the Dutch East Indies as seen by Dutch officials and Indonesian neighbours” in *Transforming Cultures*, Vol. 4, No. 2, November 2002, p. 53.

¹³⁹ Pearson and Marshall, p. 11.

¹⁴⁰ *Ibid.*, p. 3.

¹⁴¹ Harris, K.L., “Sugar and gold: Indentured Indian and Chinese labour in South Africa” in *Journal of Social Sciences*, Vol. 25, No. 1, 2010, p. 148.

employed to ensure that the stipulations of contracts were adhered to and that labourers were not mistreated. Legislation also provided for the punishment of employers.¹⁴²

Many individuals used indenture contracts to alleviate their social and economic conditions. Indentured labourers often accepted contracts since they believed that their circumstances would improve in a new country. Many labourers also decided to remain in the new environment after the expiry of their contracts. The voluntary nature of the contract did not, however, protect indentured labourers from abuse. Reports regarding such abuses led to the eventual abolishment of indentured labour, and Indian contract migration was terminated in 1916.¹⁴³

4. Indian labour

4.1 Natal

4.1.1 British background

After the emancipation of slaves in 1834, indentured Indian labourers were introduced into many British colonies to counter the labour scarcity experienced by employers, especially on sugar plantations. By 1870 the indentured Indian labour system formed an integral part of the labour supply in colonies such as Mauritius, British Guiana and Trinidad.¹⁴⁴

By 1910 the employment conditions of indentured males in British crown colonies were quite similar. Contracts provided for a five year indenture period followed by a residence period of an additional five years. The Indian labourer would afterwards qualify for a free or assisted passage to India. Indenture contracts also stipulated the provision of medical care, food, accommodation and a minimum wage. As in other employment contracts regulated by masters and servants legislation, employers were obligated to provide work and pay the employee. Labourers had a duty to perform allocated work. The labour ordinances regulating indentured labour also provided for public holidays and leave periods. After completing the first five years of indenture, Indian labourers could accept employment as free labourers in any available position. It was found that, in many instances, the indentured labourer decided to settle in the colony on a permanent basis.¹⁴⁵

¹⁴² Olivier, Lord, *White capital and coloured labour*, pp. 101-102.

¹⁴³ Pearson and Marshall, pp. 13-14.

¹⁴⁴ Cumpston, I.M., "A survey of Indian immigration to British tropical colonies to 1910" in *Population Studies*, Vol. 10, No. 2, November 1956, p. 158.

¹⁴⁵ *Ibid.*, p. 159.

The Indian government encouraged British colonies to allocate crown lands to Indian labourers after the expiry of their indenture contracts. Many of the Indian labourers had a background in agriculture and were interested in becoming farmers in the colonies. Some of the plantations also allowed indentured labourers to cultivate a plot of land without paying any rent. After the expiry of their contracts, a number of Indian labourers continued to live in the vicinity of the sugar plantations. It allowed them to continue employment as free labourers while farming on a part-time basis on rented or purchased land. In many respects emigration was seen as beneficial to the Indian population. The Sanderson Committee of 1910 emphasised the relatively more prosperous position of Indians in the colonies compared to their counterparts back home.¹⁴⁶

4.1.2 The importation of indentured Indian labour

In 1852 Natal plantation owners requested that the colonial government supplement the available labour supply with imported Indian labour. The Native Affairs Commission of 1852 to 1853 concluded that due to the availability of land in African reserves, the large African population was not obliged to join the labour force. The plantation owners therefore propagated the introduction of Indian labour as the solution to labour problems in Natal.¹⁴⁷

In 1855 Sir George Grey, Governor of the Cape Colony, visited Natal. The planters lobbied him for an additional supply of labour, and Grey initiated correspondence with the British East India Company.¹⁴⁸ Grey also alerted the colonists to the fact that the result of importation could be the addition of a permanent Indian population to Natal since he believed that a number of Indian labourers would stay behind after their contracts came to an end.¹⁴⁹ Natal was awarded crown colony status in 1856¹⁵⁰ and the Natal government commenced negotiations with the Indian government to secure indentured labour for the colony. The Indian Mutiny of 1857-1858, however, halted negotiations. In 1859 an agreement was reached but the Indian government required specific commitments with regard to Indian well-being and protection before sanctioning the agreement.¹⁵¹ In the same year Laws Nos. 13, 14 and 15 were passed by the Natal Legislative Council to administrate the Indian indentured labour system. The laws were modelled on those of St Lucia. Law No. 13 of 1859 regulated

¹⁴⁶ *Ibid.*, pp. 162-163.

¹⁴⁷ Du Bois, D., "The 'coolie curse': The evolution of white colonial attitudes towards the Indian question, 1860-1900" in *Historia*, Vol. 57, No. 2, 2012, pp. 35-36.

¹⁴⁸ Palmer, p. 15.

¹⁴⁹ Du Bois, p. 36.

¹⁵⁰ Palmer, p. 15.

¹⁵¹ Huttenback, R.A., "Indians in South Africa, 1860-1914: The British imperial philosophy on trial" in *The English Historical Review*, Vol. 81, No. 319, April 1966, p. 274.

the introduction of Indian labourers into the colony. The law stipulated that on arrival labourers would be placed under the protection of the Protector of Immigrants until employment was allocated. The Protector would record the details of all immigrants and a pass would be issued to a labourer indicating the engagement period.¹⁵²

Law No. 14 of 1859 established an Indian Immigration Department in Natal. Employers were responsible for the payment of three-fifths of the cost of immigration. The main duties of the Immigration Department included the collection of employer payments, maintaining a register of Indian immigrants, and allocating Indian labourers to employers. The regulations regarding Indian immigration stipulated that immigrants had to complete an indentured service period of five years. At the expiry of the indenture period they would become free labourers.¹⁵³ The law allowed Indian labourers to reduce their service contract by paying an amount of 50 shillings for each uncompleted year of their employment contract.¹⁵⁴

Wage rates were stipulated as 10 shillings per month during the first year. Wages were increased by 1 shilling a month for the rest of the contract period. The employment contract also provided for food and accommodation. After the expiry of the full ten years, immigrants received a free passage to India.¹⁵⁵ The Indian government also instituted their own regulations regarding Indian immigrants. The Government of India Act No. 23 of 1860 outlined guidelines with regard to food, clothes, the treatment of labourers and recruitment methods.¹⁵⁶ At this stage the government did not envision a large influx of Indian labour, and the Lieutenant-Governor, John Scott, in 1859 referred to Indian indentured labour as a trial that would only introduce a limited number of Indians.¹⁵⁷

The first group of immigrants consisted of 984 Indians from Madras.¹⁵⁸ From 1859 to 1860 an estimated 1 300 Indian indentured labourers were sent to Natal. The introduction was perceived as satisfactory, and during 1862 a sizable number of applications were received for the importation of further Indian labour. The Natal government therefore applied for an additional 2 000 labourers from Madras. The cost of introducing the labourers was deemed

¹⁵² Meer, Y.S., *Documents of indentured labour, Natal, 1851-1917*, pp. 39-40.

¹⁵³ Huttenback, p. 274.

¹⁵⁴ Meer, p. 42.

¹⁵⁵ BPP C.6795-XI, p. 88: Report on the labour question in Cape Colony and Natal, 1892.

¹⁵⁶ Huttenback, p. 274.

¹⁵⁷ Du Bois, p. 36.

¹⁵⁸ BPP 2985, p. 292: Statement exhibiting the moral and material progress and condition of India, 1861-1862.

excessive since it amounted to more than £18 per adult.¹⁵⁹ Du Bois emphasised that Law No. 20 of 1863 entrenched the concept of government assistance for the indentured labour system. Employers would no longer be required to pay the full amount for each indentured labourer at the commencement of the contract, but could make five yearly payments instead.¹⁶⁰ The law decreased the amount payable for an adult male labourer to £12 and 10 shillings. The rest of the cost was paid by the Natal government.¹⁶¹ The new provisions with regard to repayment allowed employers to increase their labour supply at a faster rate and to expand their plantations.¹⁶²

According to Halpern the Indian indenture system rendered a cheap labour supply to the Natal sugar planters and allowed them more control over their labour force. Employers were also protected from fluctuations in the labour market since Indian wages were fixed and were lower than the existing rates in the colony. The indenture system was open to abuse,¹⁶³ and the maltreatment of Indian labourers was, for instance, highlighted by the Shire Commission Report of 1862. According to the report, Mr Shire had extended the working hours of labourers, made illegal deductions from wages, neglected to provide the prescribed food rations and flogged labourers for misdemeanours.¹⁶⁴

According to Du Bois the completion of the first indenture contracts by Indian labourers changed the view of colonists with regard to Indian labour. In 1863 a small group of Indian labourers obtained their advance release from indenture contracts by paying £5 as provided for in Law No. 14 of 1859. Colonists were concerned about the future of free Indian labour. James Saunders, a member of the Natal Legislative Council, was for instance not in favour of Indian immigrants purchasing land. He preferred their continued employment as farm labourers.¹⁶⁵ The Natal government had presumed that Indians would continue to work for planters after the expiry of their indenture contracts. Many free Indians, however, preferred to produce fruit and vegetables for the local market and rented or purchased land to accomplish this objective.¹⁶⁶ The economic slump after the American Civil War (1861-1865)

¹⁵⁹ BPP 3304-I, No. 12, pp. 42-43: Despatch from Lieutenant-Governor Scott to his Grace the Duke of Newcastle, 2.11.1863.

¹⁶⁰ Du Bois, pp. 37-38; BPP 3304-I, No. 12, pp. 42-43: Despatch from Lieutenant-Governor Scott to his Grace the Duke of Newcastle, 2.11.1863.

¹⁶¹ BPP 3341, p. 50: Twenty-fourth general report of the Emigration Commissioners, 1864.

¹⁶² BPP 3304-I, No. 12, pp. 42-43: Despatch from Lieutenant-Governor Scott to his Grace the Duke of Newcastle, 2.11.1863.

¹⁶³ Halpern, p. 26.

¹⁶⁴ Meer, p. 99.

¹⁶⁵ Du Bois, pp. 37-38.

¹⁶⁶ Vahed, G.H., "Mosques, Mawlanas and Muharram: Indian Islam in colonial Natal, 1860-1910" in *Journal of Religion in Africa*, Vol. 31, No. 3, August 2001, p. 306.

led to a reduction in sugar prices and endangered the future of the sugar plantations in Natal. Many employers were unable to pay their indentured labourers and requested that they be discharged from their contracts.¹⁶⁷ The immigration of Indian labourers to Natal was, therefore, halted in 1866.¹⁶⁸ The economy of Natal gradually recovered, and by 1869 sugar planters were ready to continue Indian labour importation. The reintroduction was, however, delayed due to concerns regarding labour practices and the treatment of Indians in Natal.¹⁶⁹

In 1871 the first group of indentured Indian labourers had returned to India. They complained of ill-treatment and alleged that wages were not paid regularly, that medical facilities were not available and that inspections were not performed. These complaints were forwarded to the Secretary of State, and the government of Madras was instructed not to recommence emigration to Natal.¹⁷⁰ In 1872 a Natal commission was appointed to investigate the complaints.¹⁷¹ The commission gathered evidence from 36 witnesses. It was soon evident that the commission was heavily prejudiced, since 30 of the witnesses were employers, three were government employees and only three were indentured Indians. The commissioners also did not hear evidence from any of the Indian labourers who had returned to India and lodged the original complaints.¹⁷²

The commission investigated employment conditions of Indian labourers. It was reported that the normal working hours were from sunrise to sunset and included breaks for breakfast and dinner. Labourers were not required to work on Sundays and provision was also made for the payment of overtime. Act No. 2 of 1870 addressed the non-payment of wages and stipulated that employers would be fined for any contravention. The commission did receive complaints concerning deductions from wages due to sickness and absenteeism. Indian labourers who had completed their contracts would be subject to the existing masters and servants legislation and could take legal action regarding outstanding wages or other breaches of contract.¹⁷³ The conclusions of the commission emphasised that Indian labourers were not regularly mistreated although a couple of cases had occurred. It was believed that abuses in the system could be prevented by implementing an improved inspection system.¹⁷⁴ The commissioners also recommended that practices such as flogging be discontinued.

¹⁶⁷ Du Bois, p. 37.

¹⁶⁸ BPP 314, p. 134: Copy of Mr Geoghegan's report on coolie emigration from India, 1875.

¹⁶⁹ Ballard, p. 30.

¹⁷⁰ BPP 314, p. 56: Copy of Mr Geoghegan's report on coolie emigration from India, 1875.

¹⁷¹ Ballard, p. 30.

¹⁷² Desai, A. and Vahed, G., *Inside indenture: A South African story, 1860-1914*, p. 78.

¹⁷³ BPP 314, p. 135: Copy of Mr Geoghegan's report on coolie emigration from India, 1875.

¹⁷⁴ BPP C.768, p. 27: Emigration Commission. Thirty third general report of the emigration commissioners, 1873.

Medical services and facilities also had to be improved. The recommendations of the commission were used as a basis for the enactment of Law No. 12 of 1872.¹⁷⁵

Law No. 12 of 1872 provided for the appointment of a Protector of Indian Immigrants. The Lieutenant-Governor could, in accordance with the law, also designate a medical practitioner who would be responsible for Indian immigrants on a sugar estate. In the event that the Lieutenant-Governor appointed a medical practitioner, the employer was authorised to deduct 6 shillings per month from the wages of each labourer. The law also protected Indian labourers issued with a medical certificate stating that they were ill or unable to work due to injury. All complaints made by Indian immigrants against employers had to be addressed by the Protector of Immigrants. The Protector of Immigrants and resident magistrate were, however, prohibited from punishing Indian immigrants by corporal punishment. Employers of Indian labour also had to submit information to the Protector regarding the number of immigrants employed.¹⁷⁶

According to Ballard employers in 1872 believed that the issue of maltreatment of Indian labourers was addressed, and they requested that Indian immigration be renewed.¹⁷⁷ In August 1872 the Indian immigrant population in Natal was estimated at 5 700 adults, and all had completed their indenture periods. An estimated half of these labourers worked on the sugar and coffee estates along the coast and the rest were dispersed across Natal as traders, gardeners, fishermen, servants and shop-keepers. An estimated 300 to 400 Indians had also moved to the Kimberley diamond fields.¹⁷⁸

Indian immigration recommenced in 1874. An Indian Immigration Trust Board was established in the same year, and the government advanced £50 000 to the board to recruit labour and contributed a yearly amount of £10 000 towards expenditure. The board was responsible for travel costs, recruitment in India, medical fees and other expenditure associated with the indenture process.¹⁷⁹ Reduced costs relating to the introduction of Indian immigrants and the thriving financial position of the Indian Immigration Trust meant that the annual payments due by employers were reduced. This led to further importation of Indian labourers after 1880.¹⁸⁰

¹⁷⁵ Ballard, p. 30.

¹⁷⁶ BPP C.768, pp. 127-131: Emigration Commission. Thirty third general report of the emigration commissioners, 1873.

¹⁷⁷ Ballard, p. 27.

¹⁷⁸ BPP 314, pp. 134-136: Copy of Mr Geoghegan's report on coolie emigration from India, 1875.

¹⁷⁹ Desai and Vahed, p. 83.

¹⁸⁰ BPP C.2740, No. 54, Enclosure, pp. 92-95: Speech of his Excellency Sir Geo. Pomeroy-Colley on opening the First Session of the Ninth Legislative Council, 21.10.1880.

In 1880, 1 168 Indian labourers and in 1881 a further 909 labourers were brought from Madras. Immigration from Calcutta also increased from 505 in 1880 to 1 703 in 1881.¹⁸¹ At the end of 1880, the Protector of Immigrants estimated that 20 536 Indians were living in Natal. After the expiry of their indenture contracts Indian labourers had no problem to obtain alternative employment, but a large number preferred to open their own shops or became farmers.¹⁸² A majority of Indian labourers preferred not to be re-indentured after the expiry of their contracts. In 1883 none of the Indian labourers opted to extend their contracts. The increase in the free Indian population in Natal led to increased resistance to Indian immigration.¹⁸³

The Pietermaritzburg Chamber of Commerce in 1885 sent a memorial to the Natal government regarding Indian indentured labour. The memorial demanded that the government discontinue the financial support for the indentured labour scheme, that unemployed Indians be sent back to India, that additional taxes be instituted for free Indians, and that Indian quarters be separated from those of other citizens.¹⁸⁴

The importation of indentured labour continued, and in 1887 four ships arrived from Madras transporting 941 immigrants. During the same year 1 454 Indians returned to India, but the number of indentured and free Indians in Natal continued to increase and totalled about 30 000 Indians. The Wragg Commission was established in 1885 to investigate Indian legislation in Natal and also to inquire into other issues which impacted on the Indian population. The commission released its report in 1887 and the report emphasised that the position of Indians in Natal was auspicious. It was reported that during indenture the Indian labourers were well maintained, received acceptable accommodation and that the expected labour was not too taxing. There was also no obligatory work on Sundays, wages were paid regularly, abuse was rare, and the health of the labourers was found to be good. The commission highlighted the fact that free Indians managed to prosper in Natal.¹⁸⁵ The Wragg Commission neglected to report on the issue of passage Indians and its proposals were mostly disregarded by the Natal government.¹⁸⁶

¹⁸¹ BPP C.3182, No. 77, Enclosure, pp. 120-122: Speech of Sir Evelyn Wood on opening the Second Session of the Ninth Legislative Council, 6.10.1881.

¹⁸² BPP C.3094, No. 17, pp. 172-183: Administrator Lieutenant-Colonel C.B.H. Mitchell to the Earl of Kimberley, 30.7.1881.

¹⁸³ Du Bois, pp. 37-38.

¹⁸⁴ *Ibid.*

¹⁸⁵ BPP C.5249-7, No. 10, pp. 10-11: Report on Natal Blue Book, 1887.

¹⁸⁶ Du Bois, pp. 37-38.

The public works sector competed with sugar plantations for Indian labour, and in 1883 the Victoria Planters Association expressed dissatisfaction about the availability of Indian labour. In that year the railway works employed 4 000 Indian labourers, resulting in a shortfall of labourers for the sugar plantations. Natal also faced competition from other colonies. Harries stated that from 1885 onwards sugar planters managed to employ an increasing number of Indian workers on the sugar plantations. Many of these Indian labourers were free labourers, and only an estimated 5 600 men were working on the plantations as indentured workers.¹⁸⁷

Although the contribution of Indian indentured labourers to the success of the Natal economy was recognised, colonists in Natal perceived free Indians as endangering their own position. This negative attitude of colonists was strengthened by the large numbers of Indian traders that moved to Natal from India after 1875. This feeling was emphasised by public protests and the adoption of legislation which increasingly discriminated against the Indian population. A distinction was made between the different categories of Indians living in Natal, and they were divided into indentured labour, free Indians who had completed their indentures, and passage Indians, who had paid for their own passage to Natal.¹⁸⁸

During the late 1880s the Working Men's Association, which later became the Labour League, was established in Natal to oppose Indian immigration. During a by-election in Durban in 1888 the Association lobbied for the discontinuance of the government grant for introducing Indian labour. The Association candidate won the election and the Association subsequently increased its focus on the Indian labour question by emphasising the loss of white employment opportunities on the Natal collieries to Indian labour. The Durban Chamber of Commerce, representing the interests of employers, supported the continued importation of Indian labour at a conference held on 13 July 1888. Du Bois highlighted the existence of opposing views in Natal, since labour interests opposed the importation while capital interests required the continued immigration of Indian labour to meet the colony's economic and business needs.¹⁸⁹

The total number of Indian labourers introduced into Natal from 1860 to 1891 amounted to 46 918 persons.¹⁹⁰ According to Du Bois the white population in Natal was unnerved by the population increase and in response different laws were adopted throughout

¹⁸⁷ Harries, pp. 393-395.

¹⁸⁸ Du Bois, pp. 37-39.

¹⁸⁹ *Ibid.*, pp. 37-40.

¹⁹⁰ BPP C.6795-XI, p. 88: Report on the labour question in Cape Colony and Natal, 1892.

the 1890s to restrict and regulate Indian immigration.¹⁹¹ The elections in 1890 focused attention on the Indian question in Natal and it was used to campaign for responsible government.¹⁹² The British House of Commons in 1891 debated plans in Natal to increase the indenture period from five to ten years. Sir George Campbell, Member of Parliament for Kirkcaldy Burghs, criticised the plan, since it would mean that Indian immigrants would be employed under a forced labour contract for the full ten years of their residence in Natal.¹⁹³ Law No. 25 was enacted in 1891 and regulated both recruitment and employment conditions of indentured immigrants. The proposed increase in the indenture period was, however, not included in this law.¹⁹⁴

After Natal had received responsible government in 1893, the new government of Sir John Robinson addressed the Indian question.¹⁹⁵ Under self-government Natal was allowed to directly negotiate with the Indian government regarding Indian immigration. The Natal government sent two delegates to Calcutta to reach an agreement on the employment conditions included in indenture contracts. They requested that Indian labourers return to India after completing their indenture contracts, since free Indian labour competed with European labour for positions in the Natal labour market. The Indian government consented to the return of Indian labourers but stipulated that the failure of an Indian labourer to return to India should not be punished as a criminal offence. Indian immigration, even for a limited period, was still considered advantageous to India. The following provisions were included in the agreement: persons failing to return should not be made subject to a criminal penalty; any renewal should be approved by the Protector and should not be for more than two years at a time, and on completion of each contract a free passage home should be provided.¹⁹⁶

The Indian Immigration Amendment Act No. 17 of 1895 embodied some of the new conditions negotiated with the Indian government. The act also imposed an annual tax of £3 on any immigrant who in breach of his contract remained in the colony without an indenture. The Indian government did not object to the tax but petitions protesting against the tax were received from Indians living in Natal.¹⁹⁷ The tax provision introduced a pass system for

¹⁹¹ Foreign and Commonwealth Office Collection: *Blacks and whites in South Africa: An account of the past treatment and present conditions of South African natives under British and Boer control* (pamphlet), 1900, p. 49.

¹⁹² Du Bois, pp. 38-39.

¹⁹³ *House of Commons Debates*, 4.8.1891, Vol. 356, cc1247-1248.

¹⁹⁴ Bird, J.F.W., "Modes of legislation in the British colonies: Natal" in *Journal of the Society of Comparative Legislation*, Vol. 3, No. 2, 1901, p. 264.

¹⁹⁵ Du Bois, pp. 38-39.

¹⁹⁶ British Library (BL), India Office Records and Private Papers, IOR/L/PJ/6/636, File 1077, pp. 11-12: British Indians in South Africa and Australia.

¹⁹⁷ Du Bois, pp. 40-41.

Indian labourers after completion of their indenture contracts. If they were unwilling to pay the £3, they had to return to India or be re-indentured for another two years.¹⁹⁸

Self-government also affected the franchise rights of Indian residents. In 1894 the Natal government passed an act that restricted the franchise for Indian residents. In response Lord Ripon, Secretary of State for the Colonies, stated that since Natal was a self-governing colony, the British government could not interfere. It was believed that intervention in the form of vetoing the legislation would be negatively received.¹⁹⁹ The British government therefore only protested the proposed legislation.²⁰⁰

During 1895 a deputation of South African Indians presented their grievances to Joseph Chamberlain, Secretary of State for the Colonies. One of their main complaints was the exclusion of most Indians from the franchise through measures like the requirement that voters had to sign their names in English. Chamberlain, however, reiterated the British government's view that Britain could not interfere.²⁰¹

The next year the payment of the annual tax of £3 was implemented in Natal. It was hoped that the institution of the tax would discourage labourers from accepting more lucrative positions with employers other than sugar plantation owners. Indentured Indians at the expiry of their contracts preferred to select their own employers, however. In 1896 an estimated 1 000 male Indians for instance emigrated to the mines in the Transvaal. The continuation of the indentured Indian immigration system was the only way in which the sugar plantations could secure a regular labour supply.²⁰²

Proposals were presented to the Natal government which would exclude Indians from possessing property, and allowed town councils to relocate Indians to locations. The Indian population in Natal was indignant due to these restrictions on their freedom. Indians, unlike European citizens, were subject to curfew regulations which did not allow them to be outside after 9 p.m. unless they possessed a pass. An Indian resident had to prove his status as a free Indian by producing a pass when requested by government officials. Failure to show a pass could lead to his arrest. Anti-Indian sentiment came to the fore when the Tongaat Sugar Company applied to the Natal Immigration Board to import Indian artisans as indentured

¹⁹⁸ Foreign and Commonwealth Office Collection: *Blacks and whites in South Africa: An account of the past treatment and present conditions of South African natives under British and Boer control* (pamphlet), 1900, p. 50.

¹⁹⁹ CO 879/43, p. 2: Natal: Memorandum on the Franchise Amendment Bill, 24.12.1894.

²⁰⁰ Foreign and Commonwealth Office Collection: *Blacks and whites in South Africa: An account of the past treatment and present conditions of South African natives under British and Boer control* (pamphlet), 1900, p. 50.

²⁰¹ *The Manchester Guardian*, 30.8.1895, p. 5.

²⁰² Burrows, R., *Indian life and labour in Natal: A survey conducted under the directions of Prof. Raymond Burrows*, pp. 2-8.

labourers. The required artisans included bricklayers, plasterers, house painters, carpenters, fitters, turners and blacksmiths. White settlers objected to the introduction of skilled Indian labour and protest meetings were held in Durban and Pietermaritzburg. Due to these protests the Tongaat Sugar Company withdrew its application.²⁰³

The Natal government subsequently determined that only unskilled Indian labourers could be brought to Natal. In 1896 Mohandas Gandhi presented Indian grievances in South Africa to the Indian government and published a pamphlet outlining these grievances. The colonists in Natal responded with outrage at the allegations in the pamphlet, and two organisations were established to lobby for the curtailment of Indian immigration.²⁰⁴ The European Protection Association was established in Pietermaritzburg on 18 September 1896, with its main objective the altering of legislation controlling Indian immigration to Natal. The association also promoted the termination of government assistance for Indian immigration, and petitioned the government to introduce legislation that would force Indian labourers to return to India at the end of their contracts. On 26 November 1896 the Colonial Patriotic Union was formed in Durban to prevent the future immigration of Indians. The union stated that they would not oppose the introduction of Indian labourers on condition that these labourers returned to India at the expiry of their contracts.²⁰⁵ Colonists in Natal supported the views of the two organisations and a petition with 5 514 signatures was subsequently presented to the Natal government. The petition demanded that the government institute regulations to curb Indian immigration.²⁰⁶

Act No. 1 of 1897 prohibited the entry of any person who was unable to complete the application form in a European language. Natal was the first British colony to institute this test. The act excluded existing Indian residents from its provisions.²⁰⁷ Due to the legislative restrictions, many free Indian labourers joined the labour force in the Cape Colony from 1897 onwards. Some of the free Indians were working in trade professions, others found

²⁰³ LSE Selected Pamphlets Collection: *Memorial to the Right Honourable Joseph Chamberlain by the British Indians in Natal re anti-Indian demonstration*, 1897, pp. i-1.

²⁰⁴ Martens, J., "A transnational history of immigration restriction: Natal and New South Wales, 1896-97" in *The Journal of Imperial and Commonwealth History*, Vol. 34, No. 3, 2006, pp. 326-327.

²⁰⁵ LSE Selected Pamphlets Collection: *Memorial to the Right Honourable Joseph Chamberlain by the British Indians in Natal re anti-Indian demonstration*, 1897, p. 3.

²⁰⁶ Martens, pp. 326-327.

²⁰⁷ BL, India Office Records and Private Papers, IOR/L/PJ/6/636, File 1077, p. 3: Disabilities on British Indians in the colonies.

employment on public works such as harbours and railways, and a small number also became farm workers.²⁰⁸

In January 1903 a commission instituted by the Natal government visited Calcutta to discuss issues such as Indian immigration and the treatment of Indians in Natal. The Indian government expressed their willingness to accept a proposal whereby indentured labourers would return to India after the completion of their contracts.²⁰⁹ They also did not lodge any complaints regarding the treatment of Indian labourers in Natal and stated their belief that they were well-treated. The Indian government emphasised that the emigration of labourers to Natal was negligible with regard to the total number of inhabitants of India, and that the termination of emigration would not have a major impact on India. Emigration did, however, benefit individual emigrants and the Indian government was willing to endorse non-permanent emigration to Natal as long as this was managed fairly.²¹⁰

Emigration of Indian indentured labour continued, and in 1906 the Protector of Immigrants reported that there were 32 586 indentured Indians in Natal. He emphasised the favourable living conditions of Indians since they lived in barracks and were not enclosed in compounds as on the diamond fields. The Protector emphasised their freedom of movement and focused on the fact that they could travel 1,6 kilometres from their employer's residence without a pass. The freedom of Indian labourers was restricted, however, since they had to obtain a pass for travel and in towns the curfew rule determined that they had to be in their quarters by 9 p.m.²¹¹

In 1909 a petition was addressed to the Secretary of State for the Colonies by more than 1 100 British Indians living in Natal. These Indians included officials of the Natal Indian Congress, the Natal Indian Patriotic Union and a number of religious societies. The petitioners stated that the importation of indentured labour from India continued under conditions which were to the disadvantage of the labourers. Legislation sustained a system that resembled slavery. The fact that the non-payment of the annual tax of £3 could lead to imprisonment was criticised, and the petitioners subsequently recommended that the

²⁰⁸ Dhupelia-Mesthrie, U., "The passenger Indian as worker: Indian immigrants in Cape Town in the early twentieth century" in *African Studies*, Vol. 68, No. 1, 1967, p. 113.

²⁰⁹ CO 879/81/5, No. 49, p. 52: India Office to Colonial Office, 23.7.1903.

²¹⁰ CO 879/81/5, No. 49, Enclosure, p. 55: 25.4.1903.

²¹¹ BPP 357, No. 22, Enclosure 1, p. 28: Minute: Protector to Colonial Secretary, 7.5.1906.

importation of Indian labour be stopped.²¹² The proposed formation of the Union of South Africa led to the suspension of the Indian labour importation in 1910.²¹³

4.2 Transvaal

4.2.1 Indian protest and agitation

Indian indentured labourers became free Indians at the end of their contracts, and some of these Indians, being British subjects, also moved to the Transvaal. The Pretoria Convention of 1881 and the London Convention of 1884 allowed British subjects to settle in the Transvaal. The Transvaal citizens, however, perceived the influx of Indians as a social and economic threat. The Indians were initially allowed to trade freely throughout the Transvaal and could even purchase property.²¹⁴

On 6 January 1885 Willem Bok, the State Secretary of the Transvaal, sent a despatch to Lord Derby, Secretary of State for the Colonies, regarding proposed legislation to regulate Asians. Bok enquired whether the Transvaal government, under Article 14 of the London Convention of 1884, was allowed to enact legislation to control the movement of Indians and other Asians within the country. Article 14 determined that all persons excluding Africans would have the freedom to enter, travel or live in any area within the Transvaal.²¹⁵

In 1885 Law No. 3 was passed, restricting the rights of Asian residents by stipulating that they could not obtain citizenship or own property. Indians entering the Transvaal as traders or for other reasons would be compelled to register. The Transvaal government also reserved the right to allocate locations for their occupancy.²¹⁶ In 1886 the British government accepted the law after some changes were made. A special tax was also imposed on Indian immigrants.²¹⁷ The British government agreed to waive the right reserved by the convention for all Indians and other Asians to reside in any part of the state.²¹⁸

The British government was restricted by two factors. The first of these was the general hostility of Europeans in South Africa to Asians. The Transvaal was supported by the actions of other colonies, such as the comparable laws enacted by Natal and sanctioned by the

²¹² *The Manchester Guardian*, 13.8.1909, p. 7.

²¹³ *House of Commons Debates*, 3.3.1910, Vol. 14, c969.

²¹⁴ Meyer, I.M., *Die Chinese arbeidsvraagstuk van die Witwatersrandse goudvelde (1903-1910)* (Ph.D.), p. 13.

²¹⁵ BPP Cd.2239, No. 4, p. 38: Mr Lyttelton to Governor Viscount Milner, 20.7.1904.

²¹⁶ *Ibid.*

²¹⁷ BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077, p. 2: Grievances of British Indian subjects in the South African Republic.

²¹⁸ BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077, p. 16: British Indians in South Africa and Australia.

British government. Secondly, European British subjects had lodged numerous grievances against the Transvaal government, and the British government could not be seen as favouring the cause of the British Indians while not helping European British subjects in the Transvaal.²¹⁹

In 1888 a firm of solicitors in Johannesburg submitted a protest against Law No. 3, since the Convention of 1884 guaranteed that all British subjects except Africans could buy property and live and trade in any area. The solicitors also protested the payment of special taxes as it would financially ruin many Indian subjects who had invested capital in the country.²²⁰

From July 1889 the Indian case was defended by Advocate Campbell of Johannesburg, and he addressed various memorandums to the Colonial Office, the India Office and the government of India. Campbell asserted that his clients had invested £300 000 in land, buildings and merchandise. The legislation forced Indians to conduct business in locations which were remote from business areas. In response the Indian government urged that British merchants be protected.²²¹

The non-enforcement of the law led to the passing of a resolution in August 1892 by the Transvaal Volksraad, stipulating that all Indians and Indian merchants in Pretoria and other towns had to move to locations from 1 January 1893. Sir Henry Loch, British High Commissioner in South Africa, stated that the law had only been assented to on sanitary grounds. He believed that loss of property of British subjects would be compensated for. In his view, a trader could still continue his business in town although he had to live in a location. In February 1893 deputations from the Commercial Chambers of Pretoria and Johannesburg urged President Paul Kruger to enforce the law.²²²

The British government continued to view Law No. 3 in a negative light. They attempted to convince the Transvaal government to respect the rights of Indian traders who had acquired the right to trade outside locations before 1885. No agreement was reached between the Transvaal and British governments, and in 1895 the matter was referred to arbitration before the Chief Justice of the Orange Free State, Mr Melius de Villiers. The most important point which required arbitration was the question whether the Transvaal

²¹⁹ BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077, p. 2: Grievances of British Indian subjects in the South African Republic.

²²⁰ BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077, p. 14: British Indians in South Africa and Australia.

²²¹ BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077, pp. 16-17.

²²² BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077, pp. 19-20.

government had the power to force Indian traders to relocate their businesses from the towns to the locations.²²³

The British government accepted that Indians and other Asians, although being British subjects, would be located in Transvaal towns in quarters that for sanitary purposes were assigned to them. They insisted that Asians should, however, be allowed to continue their commercial activities in any part of the town and that it should not apply to Asians of higher education. The Transvaal government claimed that they were entitled to make regulations concerning Asians and that the British government was not empowered to object to any Asian being prohibited from having business premises in towns and villages.²²⁴ De Villiers made his award on 2 April 1895. He rejected both claims and determined that the Transvaal government had the right to enforce to Law No. 3 and the Volksraad Resolution of 1886. Any later resolutions were disallowed. The award in effect declared that by its assent to the Volksraad Law of 1885, the British government would not be entitled to further interference.²²⁵ In a despatch on 4 September 1895 Mr Chamberlain stated that the decision of the arbitrator should be considered final. However, he reserved the right to send cordial protestations to the Transvaal government in support of Indian traders.²²⁶

Chamberlain, in a speech at the Colonial Office Conference on 24 June 1897, commiserated with the position of white colonists. Colonists tried to prevent the entry of large numbers of people with different religions and customs. Chamberlain also acknowledged that the immigration could hamper the rights of existing labourers. He therefore stated that the British government would not challenge recommendations preventing emigration from India. He did, however, emphasise that the British government did not differentiate on the basis of race and colour, and therefore did not exclude people solely due to their race.²²⁷

On 12 January 1898 Sir Alfred Milner reported to the Colonial Office that the Transvaal government had ordered all Indians in the towns to move to the locations by 1 January 1899. Sir William Conyngham Greene, the British agent in the Transvaal, at once remonstrated with the State Secretary, Dr Leyds. The failure of a test case submitted to the

²²³ BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077, p. 2: Grievances of British Indian subjects in the South African Republic.

²²⁴ BPP Cd.2239, No. 4, p. 39: Mr Lyttelton to Governor Viscount Milner, 20.7.1904.

²²⁵ BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077, p. 2: Grievances of British Indian subjects in the South African Republic.

²²⁶ BPP Cd.2239, No. 4, pp. 39-40: Mr Lyttelton to Governor Viscount Milner, 20.7.1904.

²²⁷ BPP Cd.2239, No. 1, Enclosure, p. 6: M.M. Bhowmagjee to Mr Chamberlain, 15.9.1903.

courts meant that Indians in the future had to restrict themselves to locations for both business and residence.²²⁸

The restrictive Transvaal legislation concerning British Indians was used by members of the British government as a justification for the Anglo-Boer War. In November 1899 the Marquis of Lansdowne stated at Sheffield that he found the treatment of British Indians unacceptable. He feared that the prestige of the British Empire would be undermined if the Transvaal Indians complained to the Indian government that the British government were unable to improve their circumstances.²²⁹

The existing legislation was, however, not generally enforced before the Anglo-Boer War.²³⁰ The lack of enforcement meant that Indians were free to enter the country without limitations, and payment of the registration fee was not enforced. Trading without a license was permitted.²³¹ Indians living in the Transvaal believed that all discriminatory legislation would be removed under the British administration.²³²

On 3 April 1902 the British administration in the Transvaal proposed the following changes to the legislation:

- All Asians, unless specifically exempted, had to apply for a registration certificate which had to be renewed each year and cost £3.
- Registered Asians would be required to live and conduct business in appointed locations. The locations would be designated by the Governor and municipal authorities would enforce sanitary requirements.
- Registration certificates would not be granted to unacceptable individuals.
- Educated and civilised Indians and other Asians would be exempted from the registration requirement.²³³

Mr Chamberlain did not endorse these proposed changes since he perceived it as perpetuating the legislation enacted by the Transvaal government. Chamberlain therefore

²²⁸ BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077, pp. 4-5: Grievances of British Indian subjects in the South African Republic, 5.12.1898.

²²⁹ BPP Cd.2239, No. 1, Enclosure, p. 7: M.M. Bhowanagjee to Mr Chamberlain, 15.9.1903.

²³⁰ BPP Cd.2239, No. 1, Enclosure, p. 8: M.M. Bhowanagjee to Mr Chamberlain, 15.9.1903.

²³¹ BPP Cd.2239, No. 1, p. 22: Statement A: Comparison of position of British Indians in Transvaal under Boer and under British rule.

²³² BPP Cd.2239, No. 1, Enclosure, p. 7: M.M. Bhowanagjee to Mr Chamberlain, 15.9.1903.

²³³ BPP Cd.2239, No. 4, p. 41: Mr Lyttelton to Governor Viscount Milner, 20.7.1904.

recommended that the only actions to be taken should be those which could be defended on the grounds of sanitary concerns.²³⁴

The British administration in the Transvaal published Government Notice No. 356 on 8 April 1903. The notice determined that locations for Asian residence and business would be earmarked in all towns. In the notice it was also stipulated that new trading licenses would only be granted for trade in the locations. Only Indians who held trading licenses received before the Anglo-Boer War, and educated Indians would be exempted from these stipulations.²³⁵

Lord Milner justified the new regulations on the basis of health concerns. He also emphasised that Asians of a higher social class were exempted, and promised that civilised Asians would not be discriminated against. The British administration believed that the European population should not be exposed to uncivilised Asians. The legislation in effect sent both traders and labourers to locations since many traders were unable to pass the educational test.²³⁶

The White League in the Transvaal objected to the establishment of locations within the boundaries of towns. This objection disproved Milner's assertion that the institution of the location law would decrease antagonism towards Asians. It was evident that the hostile attitude would only be alleviated if Asian traders were no longer in competition with Europeans. Sir Mancherjee Bhowmagjee, Member of Parliament for Bethnal Green, opposed segregation and favoured an approach through which the location law would be limited to Indian labouring classes, and exclude traders and merchants.²³⁷

Indians in the Transvaal identified the following grievances: they could only live and conduct business in locations, they had lost their trading rights in towns, they had to pay high registration fees, and they were unable to own property. Indians exempted from the location law also felt aggrieved since they still did not qualify for the franchise.²³⁸ Another grievance focused on the fact that the British administration instituted a pass system which curbed the freedom of movement of Indians. Before the Anglo Boer War Indians were allowed to travel freely, no registration fee was payable, and they could trade throughout the country.²³⁹

²³⁴ *Ibid.*

²³⁵ BPP Cd.2239, No. 4, p. 42: Mr Lyttelton to Governor Viscount Milner, 20.7.1904.

²³⁶ BPP Cd.2239, No. 1, Enclosure, pp. 9-10: M.M. Bhowmagjee to Mr Chamberlain, 15.9.1903.

²³⁷ BPP Cd.2239, No. 1, Enclosure, p. 11: M.M. Bhowmagjee to Mr Chamberlain, 15.9.1903.

²³⁸ BPP Cd.2239, No.1, pp. 23-24: Statement B: Summary of grievances and of suggested remedies in the Transvaal.

²³⁹ BPP Cd.2239, No.1, pp. 22-23: Statement A: Comparison of position of British Indians in Transvaal under Boer and under British rule.

Bhownaggee argued that Britain had promised to ensure that Indian and other Asian subjects had the same status as British subjects throughout the Empire. In the Transvaal such equal rights were denied by European rivals and the British government was expected to intervene. Sir Arthur Lawley, Lieutenant-Governor of the Transvaal, stated that any attempt to enforce this view in the Transvaal would have disastrous consequences.²⁴⁰ The restrictions on free Indians in the Transvaal hampered their freedom to do business and work, and their lack of civil and political rights further prevented them from influencing the labour environment and preventing restrictive legislation. The treatment of Indians in the Transvaal also thwarted efforts to increase the labour supply by importing indentured Indian labour after the Anglo-Boer War.

4.2.2 Indentured labour for the public works

Asian labour supply was a contentious issue in Transvaal, and as early as July 1887 a resolution was presented to the Volksraad proposing the termination of the importation of Indian and Chinese labour. The resolution was not accepted since it was deemed contrary to the London Convention.²⁴¹

In May 1897 mines decreased wages, and this negatively impacted on the labour supply for the Transvaal mines. Mine owners considered the importation of unskilled labour from outside South Africa. The importation of Indian labour was considered since their wage expectations were low and they were willing to enter into long employment contracts. The Indian government did not favour the scheme, and it was abandoned.²⁴² After the Anglo-Boer War, Milner believed that the importation of Indian labourers would help to solve the labour scarcity in the Transvaal, and he resubmitted a proposal to the Indian government.²⁴³

Importation of Indian labour was also promoted in the British press. In an article in *The Times*, Mr A. Cotterell Tupp emphasised the suitability of Indian over Chinese labour for the mines.²⁴⁴ Tupp stated that India was much closer to South Africa than China, making it easier to transport new labourers. The system he proposed emphasised the repatriation of Indian labourers at the end of their indenture period.²⁴⁵

²⁴⁰ BPP Cd.2239, No. 2, Enclosure, p. 30: Lieutenant-Governor, Transvaal to Governor, 13.4.1904.

²⁴¹ BPP C.5588, p. 3: Report by the British Agent at Pretoria on the session of the Volksraad for 1888, Mr R. Williams to Sir Hercules Robinson, 8.8.1888.

²⁴² Meyer, p. 30.

²⁴³ BPP Cd.2239, No.1, Enclosure, p. 5: M.M. Bhownaggee to Mr Chamberlain, 15.9.1903.

²⁴⁴ BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077: Extract from *The Times* by A. Cotterell Tupp, 1903.

²⁴⁵ *Ibid.*

The introduction of Indian labour was seen as one way of solving the labour problem in South Africa. The Transvaal government had large debts secured against mining resources, but these resources could not be developed without labour. Indian labour imported for the public works would release Africans for both the mining and agricultural sectors. It would also contribute to a reasonable settlement of the British Indian question since it would help to alleviate some of the local prejudices against Indians.²⁴⁶

In May 1903 the Transvaal government suggested that 10 000 Indian labourers should be imported to assist in railway construction. The indenture contract would, however, stipulate their return to India at the expiry of the contract.²⁴⁷ Milner promised the payment of high wages and that they would be treated well.²⁴⁸

The proposed introduction differed from previous Indian importation schemes since it would import an agreed number of labourers for a specific purpose on a non-permanent basis. They would be employed to complete a specific project and would be repatriated at the expiry of their indenture contracts. It was believed that the temporary nature of the scheme would be acceptable to Transvaal citizens.²⁴⁹

The Indian government did not consent to the proposed importation scheme due to the unacceptable treatment of Indians in the Transvaal.²⁵⁰ The Indian government would reconsider the proposal if existing legislation in the Transvaal was altered as follows:

- the annulment of Indian registration
- ensuring that locations for Indians were limited to specific groups for health reasons
- allowing Indian businesses to operate outside locations
- allowing the purchase of property by Indians
- excluding educated Indians from limitations.²⁵¹

In a correspondence dated October 1903 the Indian government also demanded that the language test be changed since it only tested the ability to write European languages. The pass laws and the curfew system were unacceptable to the Indian government, and the abolition of these laws, as well as the law forbidding Indians to walk on pavements and travel

²⁴⁶ *Ibid.*, p. 3.

²⁴⁷ BPP Cd.2239, No. 4, p. 41: Mr Lyttelton to Governor Viscount Milner, 20.7.1904.

²⁴⁸ BPP Cd.1683, No. 1, p. 3: High Commissioner Viscount Milner to Mr Chamberlain, 12.5.1903.

²⁴⁹ BPP Cd.1683, No. 2, p. 4: Mr Chamberlain to High Commissioner Viscount Milner, 23.5.1903.

²⁵⁰ BPP Cd.1683, No. 2, p. 5: Mr Chamberlain to High Commissioner Viscount Milner, 23.5.1903.

²⁵¹ BPP Cd.2239, No. 4, p. 42: Mr Lyttelton to Governor Viscount Milner, 20.7.1904.

in higher classes of trains, was demanded.²⁵² All of these conditions were communicated to Milner. The Secretary of State for the Colonies subsequently assured the Indian Viceroy that Milner was quite anxious to ensure an improvement in the treatment of Indian residents and that he would introduce law amendments when possible.²⁵³

Different views were evident regarding the introduction of Indian labour. Mr H.A. Baily, for example, favoured the importation. He had lived in India for seventeen years as an indigo planter in the United Provinces²⁵⁴ and was originally sent on an agricultural mission from Bengal to South Africa. Baily subsequently wrote a memorandum on the subject of Indian labour for the public works in the Transvaal and Orange River Colony. The memorandum was forwarded to Mr Lyttelton, the Secretary of State for the Colonies, as well as the Secretary of State for India.²⁵⁵

Baily believed that Indian labourers were well suited to railway construction since they had experience of building railways and an estimated 40 000 kilometres were built with their help. He outlined the position of Indians in Upper India and highlighted the fact that many Indian workers were seriously indebted.²⁵⁶ He believed that a scheme for importing labour to South Africa would attract large numbers of these men for three-year contracts, which would help them pay their debts.²⁵⁷

In Britain Bhowmaggee criticised the proposed scheme since it stipulated the forced repatriation of labourers. He preferred a system whereby Indians would have the choice of settling in the Transvaal.²⁵⁸ Chamberlain saw public approval as an important component of the scheme. He believed that the importation would not be seen in a positive light in the Transvaal. During meetings held in Johannesburg and Pretoria people protested against the introduction of Asian labour. Their main objections were about Chinese labour and their engagement in the mines, but he believed that they would also be opposed to Indian importation. Chamberlain therefore recommended that Milner should determine if the public approved of such a scheme. The British government was anxious not to take steps which

²⁵² BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077: 22.10.1903.

²⁵³ BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077: From Secretary of State to Viceroy, 11.11.1903.

²⁵⁴ BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077: H.A. Bailey to the Secretary of State for India, 7.11.1903.

²⁵⁵ BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077: Despatch by Fred Graham, 12.12.1903.

²⁵⁶ *Ibid.*

²⁵⁷ BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077H.A. Bailey to the Secretary of State for India, 7.11.1903.

²⁵⁸ BPP Cd.2239, No.1, Enclosure, p. 18: M.M. Bhowmaggee to Mr Chamberlain, 15.9.1903.

would be perceived negatively and would be rescinded after self-government was introduced.²⁵⁹

In November 1903 the Secretary of State suggested a scheme to the Indian Viceroy which included the importation of Indian immigrants for a fixed period and their repatriation at the end of their service period. Indians of substance could, however, enter without restrictions.²⁶⁰ The Viceroy advised against this scheme since the Indian government would be criticised for making concessions to the Transvaal while no improvements were made in the treatment of Indians. The Indian government had received no official reply to the statement of grievances sent to the Transvaal, and public sentiment in South Africa was not likely to change. The Viceroy advised the British government that any attempt to override the Indian government's decision would produce a negative reaction against Britain.²⁶¹

The Indian government reiterated that granting the concessions as outlined would result in the acceptance of the recruitment scheme. Recruitment in India of 20 000 labourers for the Transvaal railways would subsequently be allowed. The labourers would be indentured for a period of two years and be repatriated to India at the expiry of their contracts. After the two-year period, the Indian government would reassess the position of Indians in the Transvaal and the future importation of Indian labour. To ensure proper treatment of Indian labourers the Indian government would designate an Indian official as Protector of Indians in the Transvaal. The Transvaal government would be responsible for the recruitment and administration of the Indian labourers.²⁶²

The Transvaal Legislative Council discussed the concessions demanded by the Indian government in December 1903. Opposition to the demands and the lack of progress made with regard to the treatment of Indian citizens in the Transvaal informed the Indian government's refusal to allow the importation of Indian labour.²⁶³

In 1906 Mr John Rees, Member of Parliament for Montgomery, enquired in the House of Commons if the importation of Indian labour was still contemplated. Churchill

²⁵⁹ BPP Cd.1683, No. 2, pp. 4-5: Mr Chamberlain to High Commissioner Viscount Milner, 23.5.1903.

²⁶⁰ *Ibid.*

²⁶¹ BL, India Office Records and Private Papers IOR/L/PJ/6/636, File 1077: From Viceroy to Secretary of State, 16.11.1903.

²⁶² CO 879/80/4, No. 256, p. 257: Mr Lyttelton to Governor Viscount Milner, 4.1.1904.

²⁶³ BPP Cd.2239, No. 4, pp. 42-43: Mr Lyttelton to Governor Viscount Milner, 20.7.1904.

replied that since the Indian Government never removed their conditions for the importation of Indian labour, the question was no longer applicable.²⁶⁴

5. Chinese labour

After 1875 Natal introduced Chinese labourers and artisans for public works projects. In 1876 Chinese gold miners travelled to Pilgrim's Rest, while according to Accone the first group of Chinese immigrants to the Transvaal came from Canton (Guangzhou) in the 1870s and settled in Pretoria, Johannesburg and other parts of the Witwatersrand. They established general stores, laundries, market gardens and eateries.²⁶⁵

During 1897 the import of Chinese labourers for the mines was suggested in the Transvaal. Proposals were submitted to the Chamber of Mines which emphasised the low cost of these labourers. No further steps were, however, taken.²⁶⁶

In December 1901, at a meeting of Consolidated Gold Fields, Mr Charles Rudd proposed that Chinese labourers should be imported due to the scarcity of African labour and the cost of white labour.²⁶⁷ The scarcity of labour was seen as a major obstacle to economic progress in South Africa. The *Cape Daily Telegraph* reported that the economic depression, retrenchments and high unemployment among skilled white labour was due to the labour scarcity experienced in the mining industry.²⁶⁸ The mining industry was seen as important not only to the Transvaal but to the whole South African economy. It was believed that a large number of existing mines would have to suspend operations if unskilled labour could not be secured.²⁶⁹

In 1902, the Consolidated Gold Fields stated in a memorandum that Chinese labourers in comparison to other Asian races would be the most suitable to the climate and conditions of mining on the Rand. It was also emphasised that any importation to South Africa would take place in view of the experience of colonies which had previously imported Chinese labour. This experience would not only ensure the most workable regulations to control the Chinese labour supply, but also restrict Chinese labourers to mining activities.²⁷⁰ Legislation

²⁶⁴ *House of Commons Debates*, 5.3.1906, Vol. 153, cc77-78.

²⁶⁵ Accone, D., "Ghost people: Localising the Chinese self in an African context" in *Asian Studies Review*, Vol. 30, No. 3, 2006, pp. 261-262.

²⁶⁶ Meyer, p. 31.

²⁶⁷ *The Manchester Guardian*, 5.12.1901, p. 7.

²⁶⁸ BPP Cd.1941, No. 13, Enclosure 5, p. 19: *The Cape Daily Telegraph*, 19.1.1904.

²⁶⁹ CO 879/80/1, No. 49, Enclosure 3, p. 258: The Consolidate Goldfields of South Africa, Limited: Notes on native labour, 3.10.1902.

²⁷⁰ CO 879/80/1, No. 49, Enclosure 3, p. 258: The Consolidate Goldfields of South Africa, Limited: Notes on native labour, 3.10.1902.

had to ensure that Chinese labourers would not compete with white employees in skilled or semi-skilled positions and that they would leave the Transvaal after their contracts expired.²⁷¹

5.1 Reactions to the importation of Chinese labour

Many of the Transvaal inhabitants distrusted the motives of mine owners, and some believed that the introduction of Chinese labour was an attempt to manipulate the share market. The public in general was unconvinced of the labour shortage. White employees also objected to Chinese labour since they perceived it as an attempt by mine owners to undermine the position of white workers. Another opinion emphasised that the introduction of Chinese labour would increase employment of skilled white labour.²⁷²

Mr William St John Carr, the mayor of Johannesburg, favoured the importation of Chinese labour. Lord Harris, the chairman of the Consolidated Goldfields of South Africa, believed that Chinese labour would be the best option.²⁷³ At a meeting on 7 December 1903 the managers of the Robinson Group emphasised the necessity of the importation of Chinese labour.²⁷⁴ A meeting was held at the Wanderers Club on 15 December 1903 in support of a movement to refer the question of Chinese labour to the popular vote. The meeting was attended by 3 500 men and the majority was in favour of the importation of Chinese labour.²⁷⁵

Reports in the press stated that the capacity of the Transvaal to support a large white population was dependent on the supply of cheap unskilled labour.²⁷⁶ On 31 December 1904 the De Kaap Mine Managers' Association passed a resolution that stated that the available African labour supply was not sufficient to meet the requirements of the mining industry. The importation of Chinese labour was seen as crucial.²⁷⁷

Opponents of Chinese labour accused mine owners that they restricted the labour supply to ensure the importation of Chinese labour. They alleged that there were large numbers of African labourers available and that mine owners had declined offers by labour agents.²⁷⁸

²⁷¹ *Ibid.*, p. 258.

²⁷² BPP Cd.1941, No. 13, Enclosure 5, p. 19: *The Cape Daily Telegraph*, 19.1.1904.

²⁷³ *Daily Express*, 21.12.1903, p. 1.

²⁷⁴ *Ibid.*, 8.12.1903, p. 3.

²⁷⁵ *Ibid.*, 15.12.1903, p. 1.

²⁷⁶ *Ibid.*, 25.5.1903, p. 3.

²⁷⁷ BPP Cd.1941, No. 11, Enclosure, p. 13: Chamber of Mines, Johannesburg to Lieutenant-Governor, Pretoria, 19.1.1904.

²⁷⁸ Reeves, J.A., *Chinese labour in South Africa 1901-1910* (M.A.), p. 48.

In the Transvaal the Trades Council in Johannesburg stated that labour unions unanimously opposed the introduction of Chinese labour. The Trades Council also complained that an attempt was made to hold a protest meeting in Johannesburg but that the mine owners dispersed the meeting forcibly. They therefore appealed to citizens in the Cape Colony to assist them in preventing the introduction of Chinese labour.²⁷⁹

A petition was received from the inhabitants of Belfast in the Eastern Transvaal which stated that there was not enough African labour available for the mining and agricultural sectors in the Transvaal. In the Belfast district, the farms could not be cultivated sufficiently due to a lack of labour. They therefore supported the importation of Chinese labour.²⁸⁰ At a large Afrikaner meeting held at Pietersburg the importation was also favourably regarded.²⁸¹ In an article published in the *Land en Volk* the introduction of Chinese labour was portrayed as a solution to the labour scarcity experienced in the agricultural sector. It was believed that it would help Afrikaner farmers to secure African farm labour, and would reduce the competition between the mining and agricultural sectors for the available labour supply.²⁸²

On 17 May 1903 a mass meeting was held in Pretoria to protest against the importation of Chinese labour. Speakers stated that there was enough African labour available to supply labour to the mines. A resolution against Chinese labour was accepted by the meeting.²⁸³ At a meeting at Heidelberg on 2 July 1903 General Louis Botha stated that there was not enough evidence to indicate a lack of African labour. He emphasised the desire of Afrikaners to reserve the country for white men and highlighted the negative impact of Indian labourers in Natal. The meeting adopted a resolution requesting the government not to accede to the mine owners' wish for Chinese labour until responsible government was granted.²⁸⁴

A meeting held at Lydenburg on 30 December 1903 resolved that the importation of Chinese or other indentured labour was unnecessary. It was stated that mines in America, Australia and Canada with a lower grade of ore than the Transvaal mines were operated

²⁷⁹ *House of Commons Debates*, 17.2.1904, Vol. 130, cc26-80.

²⁸⁰ BPP Cd.1941, No. 25, Enclosure, pp. 26-27: Secretary, Labour Importation Association, Johannesburg to Lieutenant-Governor, 23.9.1903.

²⁸¹ BPP Cd.1899, No. 2, p. 4: Governor Viscount Milner to Mr Lyttelton, 29.1.1904.

²⁸² BPP Cd.1899, No. 5, Enclosure "G", pp. 17-18: *Land en Volk*, 15.1.1904.

²⁸³ *The Gleaner*, 21.5.1903, p. 2.

²⁸⁴ *Daily Express*, 4.7.1903, p. 1.

profitably by white miners who earned a decent wage. The meeting also denied that there was a scarcity of African labour in the Transvaal.²⁸⁵

In January 1904 Mr George Farrar, Chairman of the Chamber of Mines, presented a petition in favour of importing indentured Chinese labour. The petition was drafted by the members of the Labour Importation Association and other residents of the Transvaal. It was signed by 45 078 white male adults which included residents of Johannesburg, Pretoria and the Witwatersrand, employees of mining companies and also residents of country districts.²⁸⁶

During the same time Sir Walter Hely-Hutchinson, administrator of the Transvaal, received a number of resolutions which condemned the introduction of Chinese labour.²⁸⁷ A meeting was also held in February 1904 in which Africans in the Transvaal voiced their opposition to the importation of Chinese labour.²⁸⁸

The Krugersdorp Farmers Association met with Milner, and he reported that a large number of members supported importation, and that opposition was due to misconceptions.²⁸⁹ On 10 March 1904 Milner received a large deputation which included representatives of town councils, private organisations and mines in the Transvaal. The deputation requested that Milner telegraph a resolution to the Secretary of State for the Colonies stating that a solution had to be found for the labour scarcity since it impacted on the European population and had a negative effect on trade and commerce. The import of Chinese labour was seen as the most probable solution.²⁹⁰

A telegram was received from the ministers in Natal that reiterated the serious nature of the labour scarcity in the Transvaal. The telegram stated that unless the labour supply in the Transvaal was addressed through the importation of indentured Chinese labour, the economic situation in the whole of South Africa would be severely affected.²⁹¹

In the Cape Colony political parties fuelled popular resentment against the proposed importation by organising meetings and calling for resolutions condemning the introduction of Chinese labour.²⁹² At Rhodes, on 26 December 1903, a resolution was passed which objected against the importation, arguing that it would be an injustice to all the inhabitants of

²⁸⁵ BPP Cd.1941, No. 12, Enclosure, pp. 13-14: Mr S.P. Coetzee, Junior, to Lieutenant-Governor, 4.1.1904.

²⁸⁶ BPP Cd.1941, No. 38, Enclosure 2, p. 63: Labour Importation Draft Ordinance, 20.1.1904.

²⁸⁷ BPP Cd.1941, No. 1, pp. 1-2: Governor Sir Walter Hely-Hutchinson to Mr Lyttelton, 30.1.1904.

²⁸⁸ *House of Commons Debates*, 3.4.1904, Vol. 131, cc50-51.

²⁸⁹ CO 879/80/4, No. 299, pp. 270-272: Governor Viscount Milner to Mr Lyttelton, 29.1.1904.

²⁹⁰ BPP Cd.1986, No. 12, p. 7: Governor Viscount Milner to Mr Lyttelton, 10.3.1904.

²⁹¹ BPP Cd.1986, No. 12, p. 3: Acting Governor Sir Henry Bale (Natal) to Mr Lyttelton, 8.3.1904.

²⁹² BPP Cd.1941, No. 13, p. 14: Governor Viscount Milner to Mr Lyttelton, 25.1.1904.

South Africa.²⁹³ A resolution passed at a meeting held in Woodstock on 4 January 1904 stated that the introduction of a large number of Chinese would hamper the progress of British subjects. The petitioners requested the British government not to authorize legislation allowing the importation of Chinese labourers.²⁹⁴

A meeting held at Cradock on 9 January 1904 condemned the importation of Chinese labourers. This was based on a concern that it would have a negative impact on African inhabitants, delaying their progress in habits of industry and civilisation. They therefore requested that the British government disallow the legislation.²⁹⁵ A resolution passed at a meeting in Port Elizabeth held on 14 January 1904 urged the Cape government to protect the interests of the Cape Colony by forbidding the movement of Chinese labourers to the Cape.²⁹⁶ In the Cape Colony, a protest against the introduction of Chinese labour formed the staple of the Afrikaner Bond's electioneering.²⁹⁷ In their resolutions the Bond Party insisted on the exclusion of Asians from South Africa.²⁹⁸ At a meeting held at Kamastone in the Division of Queenstown on 7 January 1904, African inhabitants of the Cape Colony also protested against the importation of Chinese labour.²⁹⁹

In a despatch to Chamberlain, Milner emphasised the political nature of the agitation in the Cape Colony. The main objectives of this agitation were, in his opinion, to influence the results of the general election by securing the coloured and African vote, to increase white support in the towns, and to instigate trouble in the Transvaal by fostering discontent among the British population leading to premature demands for self-government. Milner believed that the Transvaal had not yet reached a state of development that would allow for the granting of self-government.³⁰⁰ There was also opposition in Natal, and the Natal Parliament moved that the introduction of Chinese labourers into any part of South Africa would have a negative impact on whole region.³⁰¹

In Britain Lord Harris advocated the introduction of Chinese labour but believed that it was a matter which should be settled locally. The reputation of the British Empire would,

²⁹³ BPP Cd.1941, No. 1, pp. 1-2: Resolution passed at Rhodes, 26.12.1903.

²⁹⁴ BPP Cd.1941, No. 1, p. 4: Resolution adopted at a meeting of ratepayers and inhabitants of the town of Woodstock, 4.1.1904.

²⁹⁵ BPP Cd.1941, No. 1, p. 6: Copy of a resolution adopted at a meeting of citizens, held in the town hall, 9.1.1904.

²⁹⁶ BPP Cd.1941, No. 4, pp. 8-9: Resolution passed at a public meeting of the citizens of Port Elizabeth, held in the Feather Market Hall, 14.1.1904.

²⁹⁷ BPP Cd.1899, No. 3, p. 6: Governor Viscount Milner to Mr Lyttelton, 30.1.1904.

²⁹⁸ BPP Cd.1941, No. 13, p. 14: Governor Viscount Milner to Mr Lyttelton, 25.1.1904.

²⁹⁹ BPP Cd.1941, No. 1, p. 5: The meeting of native inhabitants, held at Kamastone, in the Division of Queenstown, Cape Colony, 7.1.1904.

³⁰⁰ *Ibid.*

³⁰¹ CO 879/80/1, No. 168, Enclosure, p. 173: The Times of Natal, Natal Parliament, Legislative Council, 9.7.1903.

however, be affected, and British government interference could therefore be expected.³⁰² Before Mr Chamberlain left the Colonial Office, he stated that the decision whether Chinese labour should be imported for the mines or not should be the decision of the Transvaal public.³⁰³ The Chinese question became an important issue in the British Parliament as well. Leaders of the Liberal Party used it as a popular vehicle to criticise government actions, and it was evident that the Liberals would receive a great deal of support if the government decided to allow the importation of Chinese labour and accept the enactment of the Labour Importation Ordinance. Critics in Britain found it difficult to understand why it was problematic to employ white labour in unskilled positions.³⁰⁴

An important question faced by British politicians was whether the interference in the internal affairs of the Transvaal was justified. It was clear that if the Transvaal had responsible government like the Cape Colony, interference would be met with strong disapproval. As a crown colony the Transvaal had no representative government, however, and the British government was therefore directly responsible for the administration of the colony.³⁰⁵ In the House of Commons Sir Henry Campbell-Bannerman stated that as long as the Transvaal was a crown colony and the responsibility of governing rested upon the British government, the use of Chinese labour would be a matter for the British government to decide on.³⁰⁶

The agitation against Chinese labour during the latter months of 1903 and the beginning of 1904 also led to an anti-Chinese campaign in Britain. A report was published in the *Daily News* which stated that both the Afrikaner and British inhabitants of the Transvaal would rise in protest against it. Liberal opposition leaders feared that the interference by the British government would stimulate a movement in favour of separation from the British Empire.³⁰⁷

The position of white workers and the effect the introduction of Chinese labour would have on their employment was frequently highlighted in the House of Commons. Mr Herbert Samuel, Member of Parliament for Cleveland, requested information regarding rumours that British workers were dismissed from mines because they were unwilling to sign a petition supporting the importation of Chinese labourers. In response to Samuel's question, a

³⁰² *The Times*, 16.2.1903, p. 4.

³⁰³ BPP Cd.1941, No. 13, Enclosure 6, pp. 20-21: *Ons Land: The Transvaal and the Chinese question*, 19.1.1904.

³⁰⁴ BPP Cd.1941, No. 13, Enclosure 1, p. 15: *The Natal Mercury and Commercial Advertiser*, 18.1.1904.

³⁰⁵ BPP Cd.1941, No. 13, Enclosure 6, p. 20: *Ons Land: The Transvaal and the Chinese Question*, 19.1.1904.

³⁰⁶ *House of Commons Debates*, 2.2.1904, Vol. 129, cc106-148.

³⁰⁷ BPP Cd.1941, No. 13, Enclosure 2, p. 15: *Times of Natal*, 20.1.1904.

resolution was passed at a general meeting of the Association of Mine Managers of the Witwatersrand denying the allegation. The resolution stated that 7 000 mine workers signed the petition and neither they nor the 4 000 or 5 000 workers who did not sign were under any threat of losing their employment.³⁰⁸

Mr Samuel Smith, Member of Parliament for Flintshire in the House of Commons, objected to the proposed Chinese Labour Ordinance. He believed that if the unskilled labour on the surface of the mines were allotted to white workers, the available African workers could do the underground work. It would be possible to institute these changes along with technological advances and more economic working methods.³⁰⁹

The British and Foreign Anti-Slavery Society passed a resolution at a meeting held on 4 March 1904 which protested against the servile conditions under which the Chinese labourers would be introduced into the Transvaal. The committee appealed to the British government to withhold its consent from the proposed Labour Importation Ordinance.³¹⁰ The Aborigines Protection Society (APS) protested against the introduction of Chinese labourers, the stipulations framed in the draft ordinance, as well as the proposed use of the British ambassador and diplomatic service in China to assist in the recruitment of labour.³¹¹ The APS condemned the fact that the Chinese workers would be introduced for a specific number of years during which they would be confined in compounds when not working. The compound system, the lack of freedom afforded to the Chinese and their enforced repatriation at the expiry of their contracts was condemned as a tyrannical system, and the APS believed that the British government should not tolerate such practices.³¹²

The African Labour League aimed to increase the use of African labour in the mines and urged the employment of unskilled white labour on the railways. Members of the League were of the opinion that the introduction of Chinese labour in large numbers would in the long run hamper the development of South Africa as a destination for white immigration.³¹³ The League believed that African labour had not yet been fully utilised and also that the

³⁰⁸ BPP Cd.1941, No. 20, p. 23: Governor Viscount Milner to Mr Lyttelton, 15.2.1904.

³⁰⁹ *The Gleaner*, 29.4.1904, p. 8.

³¹⁰ Foreign Office (FO) 2-900: Resolutions of the Committee of the British and Foreign Anti-Slavery Society, 4.3.1904.

³¹¹ CO 879/80/4, No. 219, Enclosure, p. 220: The Aborigines Protection Society to Colonial Office, 25.11.1903.

³¹² BPP Cd.1895, No. 26, p. 47: The African Labour League to Colonial Office, 13.7.1903.

³¹³ BPP Cd.1895, No. 26, p. 47: The African Labour League to Colonial Office, 13.7.1903.

further improvement of labour saving devices would lead to the employment of more white men, thought to aid in increasing the stability of the country.³¹⁴

Other British colonies like Australia and New Zealand also became involved in the debate. The government of New Zealand predicted that the introduction of foreign labourers would lead to social, political and sanitary problems. In New Zealand, although the conditions for introduction and employment were legislated and controlled, it was impossible to prevent the problems caused by such an influx. They also warned that it led to a vested interest on the part of employers which would counter any attempt to terminate the practice once approved. The Australian government was in agreement and believed that the prohibition of Chinese immigration would be in the best interest of the British communities in South Africa.³¹⁵

5.2 The Transvaal Labour Ordinance and other legislation

In 1904 Prince Ching, the Chinese ambassador to Britain, proposed that the invitation of Chinese labourers to South Africa should be regulated in accordance with Article 5 of the Anglo-Chinese Treaty of 1860. These regulations would address the supervision and protection of immigrants.³¹⁶ Article 5 of the treaty stipulates that the Chinese government would allow its subjects to leave China for the purpose of working in the British dominions. Chinese subjects were therefore free to accept engagements in other British colonies.³¹⁷

On 30 December 1903 the Legislative Council in the Transvaal approved Sir George Farrar's motion urging the government to enact legislation for the importation of Chinese labour.³¹⁸ Such legislation would regulate the employment of unskilled imported labour on the mines.³¹⁹

The Transvaal Labour Ordinance was enacted in 1904 and outlined extensive regulations regarding the employment conditions of Chinese labour. The ordinance determined that no person could introduce Chinese labourers into the Transvaal without obtaining a license for importation from the Lieutenant-Governor.³²⁰ Before a license to import Chinese labour was granted to a mine, the Lieutenant-Governor had to ensure that

³¹⁴ BPP Cd.1895, No. 26, Enclosure, p. 48: Extract from *The Star*, 1.7.1903.

³¹⁵ BPP Cd.1941, No. 26, Enclosure, pp. 27-28: Telegram from the Prime Minister of the Commonwealth of Australia, Melbourne, to the Colonial Secretary, Pretoria, 19.1.1904.

³¹⁶ BPP Cd.1945, No. 5, p. 3: The Marquess of Lansdowne to Chang Ta-Jen, 4.2.1904.

³¹⁷ *House of Commons Debates*, 14.3.1906, Vol. 153, cc1266-1330.

³¹⁸ *Daily Express*, 31.12.1903, p. 1.

³¹⁹ BPP Cd.1941, No. 38, Enclosure 2, pp. 51-52: Labour Importation Draft Ordinance, 20.1.1904.

³²⁰ BPP Cd.1898, pp. 10-11: Draft Ordinance to regulate the introduction into the Transvaal of unskilled non-European labourers.

suitable accommodation for the labourers was available on the premises. Compound huts had to be inspected daily, and all sick labourers had to be removed.³²¹ Before importing Chinese labourers the licensed importer had to enter into a written contract with each of the labourers, and the provisions of the contract had to be explained before it was signed.³²²

The introduction of labourers was subject to several conditions. One of the main conditions was that for the duration of the Chinese labourer's stay in the Transvaal he would only be employed in an unskilled labour position on the mines of the Witwatersrand, and not as a trader or in any other occupation. The labourer could only work for the person who had introduced him into the colony. An importer could, with the permission of the Lieutenant-Governor, transfer his rights to a labour contract to another person who had also obtained a license to import labourers. As soon as the contract expired the labourer had to return to China at the expense of the importer. As long as the labourer worked in the colony he would be subject to the provisions of the Labour Importation Ordinance of 1904. Contracts would not exceed a period of three years but could be renewed on the same terms as prescribed in the ordinance.³²³

The Transvaal Chamber of Mines subsequently built depots in China for receiving labourers and appointed staff to manage them. In each port, an emigration agent was appointed by the Transvaal and British governments. To obtain labourers, the contractors opened recruiting offices in all the large towns and villages. Each head recruiter had from 10 to 20 sub-recruiters who visited the villages in a radius of 80 to 96 kilometres from recruitment offices and brought the labourers to their central office. On arrival at the port they were received into the contractor's depot where free food and lodging were provided.³²⁴ The recruiter would receive a stipulated fee for every prospective labourer brought to the depot. The contract would be explained to the labourer and if he accepted the terms he would be admitted to the depot. No prospective labourer would be admitted if he was under twenty years of age, unless he could produce proof that his parents or guardians had given their consent.³²⁵

Labourers were subsequently inspected by the contractors and if rejected they were provided with money to return home. The remaining labourers were sent to the offices of the

³²¹ BPP 357, No. 13, Enclosure, pp. 15-16.

³²² BPP Cd.1898, pp. 10-11: Draft ordinance to regulate the introduction into the Transvaal of unskilled non-European labourers.

³²³ BPP Cd.1898, p. 11: Draft ordinance to regulate the introduction into the Transvaal of unskilled non-European labourers.

³²⁴ *The Times*, 6.3.1906, p. 15.

³²⁵ BPP Cd.2183, No. 6, p. 18: Government Notice No. 778 of 1904: Instructions issued to Transvaal Emigration Agents in China, 10.6.1904.

emigration agent for a medical examination. Medical examinations were quite strict and from 8 December 1904 to 8 July 1905, 31,8% of all prospective labourers were rejected due to medical reasons. Prospective labourers who passed the examination were measured, their fingerprints and body marks were noted, personal details were gathered and the terms of the labour contract were explained, first by the Chinese and then by the Transvaal emigration agent.³²⁶

The duty of the emigration agent was to supervise emigration and to ensure that no illegal recruiting was used. The Chinese government appointed a Chinese official as emigration agent whose duty was similar to that of the Transvaal emigration agent. The Chinese agent issued passports and explained the terms of employment to labourers. They were then sent to the Chinese emigration inspector where they were interrogated regarding their willingness to emigrate.³²⁷

Copies of the contract in Chinese had to be distributed among the prospective labourers allowing them the opportunity to study the contract. They would also be asked individually whether they wished to work in South Africa. The contracts were then drafted, once again explained and signed by the labourer. Then a certificate required by the Labour Importation Ordinance would be signed.³²⁸ The ships to transport the labourers were chartered by the Transvaal Chamber of Mines. On arrival of the ship at port, a second and final examination was made by a doctor before the Chinese and British inspectors again interviewed labourers to determine if they were willing to go. The prospective immigrant received an advance of £3.³²⁹

After registration of the labour contracts, the importer had to submit a return to the superintendent of labourers which outlined the number of labourers that the importer would introduce, as well as the place where the labourers would be employed. After the registration of contracts, the superintendent issued a passport which contained a complete record by which the holder could be identified. The passport had to be carried by the labourer and had to be renewed on 1 January of every year.³³⁰

³²⁶ *The Times*, 6.3.1906, p. 15.

³²⁷ *Ibid.*

³²⁸ BPP Cd.2183, No. 6, p. 18: Government Notice No. 778 of 1904: Instructions issued to Transvaal Emigration Agents in China, 10.6.1904.

³²⁹ *The Times*, 6.3.1906, p. 15.

³³⁰ BPP Cd.1898, p. 12: Draft Ordinance to regulate the introduction into the Transvaal of unskilled non-European labourers.

The conditions of service would once again be explained to labourers on arrival in Durban.³³¹ On arrival the labourers and their wives and children would be medically examined in accordance with the laws and regulations in force in Natal. The superintendent or inspector would meet all labourers arriving at Durban and would facilitate their transport to the Transvaal. Every employer had to provide his labourers and their wives and children living on his premises with medicine and medical attention during illness.³³²

On arrival at the mines, the labourers were paid 1 shilling per day except for Sundays. As soon as they had mastered their work, usually within three months, they started on piece work which led to an average wage of 50 shillings per month. Food, lodging and fuel were provided free of charge. The wages and other benefits received were believed to be quite high since labourers in China only received up to 10 shillings a month.³³³

The importer had to keep a register of all labourers introduced or employed by him, which would also reflect all transfers, deaths and desertions.³³⁴ The Chinese labourers were not restricted to enclosed areas or compounds and were free to go anywhere on the mining property. If they wished to leave the mining property they had to obtain a permit, but permits would not be issued for travelling outside the Witwatersrand area.³³⁵

The permit indicated the date and the period for which it was issued, the name of the labourer and his registered number. It was lawful for any inspector or any police officer to demand the passport.³³⁶ A person failing to produce the passport or permit could be arrested and on conviction could be fined or imprisoned. The permit that authorised the labourer to leave the premises was only valid for 48 hours.³³⁷

The superintendent of labourers or any inspector could at any time enter the premises on which labourers were employed and inspect the conditions and general treatment of the labourers. The superintendent or inspectors could also investigate the condition of their accommodation, hospital facilities and any complaints lodged by the employer, overseer or the labourer.³³⁸

³³¹ BPP Cd.1941, No. 23, p. 25: Mr Lyttelton to Governor Viscount Milner, 13.2.1904.

³³² BPP Cd.1986, No. 10, p. 5: Governor Viscount Milner to Mr Lyttelton, 9.3.1904.

³³³ *The Times*, 6.3.1906, p. 15.

³³⁴ BPP Cd.1898, p. 12: Draft ordinance to regulate the introduction into the Transvaal of unskilled non-European labourers.

³³⁵ BPP 357, No. 13, Enclosure, pp. 16-17.

³³⁶ BPP Cd.1898, p. 13: Draft ordinance to regulate the introduction into the Transvaal of unskilled non-European labourers.

³³⁷ BPP 357, No. 13, Enclosure, pp. 16-17.

³³⁸ BPP Cd.1898, p. 9: Draft ordinance to regulate the introduction into the Transvaal of unskilled non-European labourers.

The labourers would be paid after the completion of 30 work days. Time lost due to imprisonment, desertion or unlawful absence would not form part of the labourer's term of service. Labourers would also not be entitled to payment for days on which they were absent due to illness or other reasons. If a labourer was killed or permanently disabled during employment, compensation would be paid to him or his next-of-kin.³³⁹

Every importer who withheld wages or a portion of wages earned by a labourer could be fined and, in default of payment, imprisoned. Any person who employed Chinese labourers other than for unskilled labour on the mines would also be fined or imprisoned.³⁴⁰ No deductions from wages were allowed except for the sum advanced on arrival in the Transvaal. If the wages of a labourer remained unpaid for a period of fourteen days, an inspector could recover the wages on behalf of the labourer.³⁴¹

A Chinese labourer who deserted, refused to perform his work or worked as a skilled labourer, could be fined or imprisoned. The provisions of the Masters and Servants Law of 1880 and Law No. 3 of 1885 would not apply to any labourer introduced under the Labour Importation Ordinance.³⁴²

A labourer could terminate his indenture contract but would then have to refund the importer for any expenses related to importation as well as for the return passage to China.³⁴³ If the labourer did not have the financial means to pay for his return, he had no choice but to complete his contract. The employment of his wife and children did not form part of his service contract and would not be allowed.³⁴⁴ Thirty days before the expiration of a labourer's contract the responsible importer had to notify the superintendent of the expiry date and had to take steps to return the labourer to China. Any labourer who refused to return to his home country could be arrested.³⁴⁵

At the annual meeting of the Chamber of Trade on 13 May 1905 Mr Robinson, the President of the Chamber of Trade, stated that the introduction of Chinese labourers had led to substantial advances in Transvaal commerce.³⁴⁶

³³⁹ BPP Cd.2128, No. 6, pp. 10-11: *Government Gazette*, 10.6.1904.

³⁴⁰ BPP Cd.1898, p. 16: Draft ordinance to regulate the introduction into the Transvaal of unskilled non-European labourers.

³⁴¹ BPP Cd.1898, No. 10, p. 6: Governor Viscount Milner to Mr Lyttelton, 9.3.1904.

³⁴² BPP Cd.1898, p. 17: Draft ordinance to regulate the introduction into the Transvaal of unskilled non-European labourers.

³⁴³ BPP Cd.1986, No. 10, p. 4: Governor Viscount Milner to Mr Lyttelton, 9.3.1904.

³⁴⁴ *House of Commons Debates*, 7.3.1904, Vol. 131, cc300-301.

³⁴⁵ BPP Cd.1898, p. 14: Draft Ordinance to regulate the introduction into the Transvaal of unskilled non-European labourers.

³⁴⁶ BPP Cd.2563, No. 32, Enclosure, p. 63: *The Transvaal Leader*, 16.6.1905.

Ordinance No. 12 of 1906 repealed certain objectionable provisions of the Labour Importation Amendment Ordinance of 1905. These provisions included allowing deductions for fines from wages, the punishment of head boys for not reporting offences and the imposition of a collective fine. The Ordinance of 1905 also provided for the exercise of judicial powers by inspectors, for trials on the mine premises and the imprisonment of labourers in lock-ups or cells on the mine premises.³⁴⁷ The British government objected to the fact that trials were held on the mine premises and preferred that confinement in any lock-up on the mines should be limited to a couple of hours. It was subsequently agreed that the trials could be conducted on the mine premises though not within the compounds to ensure the fast administration of justice.³⁴⁸

5.3 Repatriation of Chinese labour

The importation of Chinese labour into South Africa, coupled with the compulsory repatriation clause, was perceived by some groups in Britain as similar to slavery. In other areas, for example, British Guiana the importing of Chinese labour was seen as acceptable since Chinese labourers had the freedom to settle in the country after their contracts expired.³⁴⁹

After the introduction of Chinese labour, the Transvaal labour supply had improved considerably due to recruitment efforts that led to an increase in the number of African labourers. By 1905 it was evident that Chinese labour only fulfilled a supplemental function and had not directly displaced African labour. The number of African labourers was close to equalling the number of Africans employed on the mines before the war.³⁵⁰

In his speech at Leamington on 3 November 1905, Mr Lyttelton said that a democratically elected parliament in the Transvaal would be able to declare whether the public preferred the continued importation of Chinese labour. The British government was unwilling to continue the introduction of Chinese labourers unless wanted by the inhabitants of the Transvaal. He believed that this would promote a negative relationship between Britain and the Transvaal.³⁵¹

³⁴⁷ BPP Cd.3994, No. 3, p. 4: The Secretary of State to the Governor.

³⁴⁸ BPP Cd.3994, No. 3, p. 4: The Secretary of State to the Governor.

³⁴⁹ *House of Commons Debates*, 12.2.1907, Vol. 169, cc58-152.

³⁵⁰ Cabinet Office (CAB) 37/81, p. 1: 1905.

³⁵¹ CAB 37/81, No. 183, pp. 5-6: Memorandum: Chinese labour in the Transvaal: The question of its continuance, 18.12.1905.

In a private letter from Lord Selborne to Sir Edward Grey, he emphasised the consequences of cancelling the importation of Chinese labour. In 1905 it was estimated that one third of the Transvaal gold mines depended on Chinese labour. The cancellation of Chinese labour would, therefore, have a negative impact on the gold mining industry, and he believed that thousands of white employees would lose their jobs.³⁵² Selborne portrayed the contract between the Chinese labourers and mine owners as fair, and stated that it did not resemble slavery. In his opinion the labourers were well treated, and there was no reason to halt the importation of Chinese labour due to employment conditions.³⁵³

In 1905 the Liberal Party won the elections in Britain. In December 1905 the British government decided that the introduction of Chinese labourers should not be extended until the government could determine the opinion of the Transvaal population on the issue.³⁵⁴ The British government accordingly decided that the importation of Chinese labourers would be stopped until a decision was made regarding the granting of responsible government.³⁵⁵ It was believed that interference by the British government would be unacceptable to the people of the Transvaal.³⁵⁶ The new government in Britain subscribed to the view that they were not responsible for any act prior to their election, especially with regards to the introduction of Chinese labourers.³⁵⁷

The British government propagated the view that the importation of Chinese labour was experimental and only implemented due to the labour shortage experienced in the Transvaal after the Anglo-Boer War. The increase in African labour had, however, alleviated the labour scarcity, and it was therefore feasible to re-evaluate the importation of Chinese labour. The British government also had concerns regarding the ability of the Transvaal government to control the number of Chinese labourers.³⁵⁸

The action of the Liberal Party in halting the importation of Chinese labour drew approval in Britain since their employment conditions were seen as contrary to a civilised approach. The favoured labour strategy for the Transvaal as stated in the press would be to

³⁵² CAB 37/81, No. 184, p. 1: The Earl of Selborne to Sir Edward Grey, 24.11.1905.

³⁵³ CAB 37/81, No. 184, p. 3: The Earl of Selborne to Sir Edward Grey, 24.11.1905.

³⁵⁴ CAB 37/82, No. 3, p. 6: Memorandum: Chinese Labour in the Transvaal, 2.1.1906.

³⁵⁵ BL, India Office Records and Private Papers MS 52518, p. 2: The Earl of Elgin to Governor the Earl of Selborne, 20.12.1905.

³⁵⁶ CAB 37/82, No. 3, p. 6: Memorandum: Chinese Labour in the Transvaal, 2.1.1906.

³⁵⁷ BL, India Office Records and Private Papers MS 52518, No. 15, p. 10: The Earl of Elgin to Governor the Earl of Selborne, 5.1.1906.

³⁵⁸ BPP Cd.2788, No. 5, p. 3: The Earl of Elgin to Governor the Earl of Selborne, 21.12.1905.

encourage British families to settle in the colony, and this was only possible if employment opportunities were available on the mines.³⁵⁹

In the House of Commons, Sir Gilbert Parker lobbied for the discontinuation of Chinese labour at the expiry of their contracts, unless the Transvaal under responsible government would agree to admit the Chinese as citizens. In response, Mr Winston Churchill explained that the British government was not concerned with securing political and civil rights, but were trying to secure more basic liberties.³⁶⁰

In 1906 a proclamation was issued which allowed Chinese labourers to be repatriated, although their service contracts had not been completed. If a labourer wanted to return to China he would be responsible for the repatriation fee, but the proclamation allowed him to petition the government to assist in paying the fee. Only labourers who were in the Transvaal for a period of six months could apply for this benefit, and if repatriated the labourer was not allowed to return to the Transvaal.³⁶¹

On 13 April 1906 a demonstration by labour societies was held in Johannesburg. The meeting confirmed its opposition to the importation of Chinese labour.³⁶² The commercial community in opposition to the labour societies in Johannesburg passed a resolution on 2 May 1906 which protested against the repatriation of Chinese labourers. According to the resolution it would have a negative impact on businesses, ruin a large number of traders and lead to the dismissal of a large number of skilled workers. The Pretoria Chamber of Commerce stated that they viewed the offer of financial assistance to indentured Chinese labourers who wished to return to China with apprehension. They asked that the British government reconsider the decision and defer any action concerning the repatriation of labourers until responsible government had been granted to the Transvaal.³⁶³

A resolution adopted at the meeting of the Transvaal Independent Labour Party on 9 May 1906 supported the British government actions regarding Chinese repatriation.³⁶⁴ The Progressive and Responsible Government Parties, however, were in favour of the importation of Chinese labour. Het Volk reached an understanding with the Responsible Government Party in April 1905 regarding Chinese labour. Although Het Volk was opposed to the introduction, the party was willing to leave the Labour Ordinance in operation for a period of

³⁵⁹ *The Gleaner*, 27.12.1905, p. 10.

³⁶⁰ *House of Commons Debates*, 12.3.1906, Vol. 153, c913.

³⁶¹ *House of Commons Debates*, 3.5.1906, Vol. 156, cc706-708.

³⁶² *House of Commons Debates*, 11.4.1905, Vol. 144, cc1263-1266.

³⁶³ *House of Commons Debates*, 7.5.1906, Vol. 156, cc963-964.

³⁶⁴ *House of Commons Debates*, 9.7.1906, Vol. 160, cc507-508.

five years. During this period the terms of the ordinance would be rigorously applied, and the importing of labourers would be limited to the required number, while African labour would be increasingly used. In September General Botha, along with an Afrikaner deputation, met with Sir Arthur Lawley regarding the lawless behaviour of a group of Chinese in the Transvaal.³⁶⁵ The deputation requested that the Chinese be sent back to their home country. Lawley responded that the British government had instituted measures to ensure sufficient control of these labourers and that the repatriation of the Chinese would lead to an economic crisis. The deputation indicated the presence of local opposition to the importation of Chinese labourers.³⁶⁶

The decision of the British government to leave the question of repatriation to the Transvaal administration was questioned in the House of Commons. The British government defended its position and stated that it was difficult to determine public opinion in the Transvaal since no election had been held in the colony. Official interference would indicate that the British government ignored the interests of the colonies and were prepared to sacrifice these interests to support party policies.³⁶⁷ The British government did, however, condemn labour contracts which incorporated servile conditions. This attitude met with approval in the House of Commons. The encouragement of white labour for the mines was also perceived positively.³⁶⁸

Het Volk won the elections in the Transvaal, and the first meeting of the Legislature in the Transvaal was held on 21 March 1907.³⁶⁹ General Botha outlined his policy regarding the importation of Chinese labour in the Transvaal parliament, which included the nonrenewal of the Labour Importation Ordinance and the repatriation of Chinese at the expiration of their contracts.³⁷⁰

During General Botha's visit to London in May 1907, a deputation representing the Transvaal mining houses requested that he outline the new government's policy on the labour question in South Africa. The economic depression experienced in Johannesburg seriously affected investors in Europe and one of its perceived causes was the uncertainty regarding unskilled labour for the mines. According to the address, the mine owners perceived Chinese

³⁶⁵ CAB 37/81, No. 183, p. 2: Memorandum: Chinese labour in the Transvaal: The question of its continuance, 18.12.1905.

³⁶⁶ BL, India Office Records and Private Papers MS 52518, No. 5, p. 3: The Earl of Elgin to Governor the Earl of Selborne, 21.12.1905.

³⁶⁷ *The Manchester Guardian*, 21.7.1907, p. 3.

³⁶⁸ *House of Commons Debates*, 4.8.1906, Vol. 162, cc1804-1824.

³⁶⁹ BPP Cd.3994, No. 4, Enclosure 1, pp. 5-6.

³⁷⁰ *The Manchester Guardian*, 15.6.1907, p. 9.

labour as supplementary to African labour. The importation of Chinese labour during the preceding three years convinced mine owners that they were as suitable as African labour, but mine owners preferred African labour due to the large preliminary expense of obtaining Chinese labour and the political controversy surrounding it. It was feared that the supply of Chinese labour would be removed before a sufficient supply of African labour was secured. This would have a negative impact on the whole mining industry as it prevented new capital investment in the Transvaal, thereby contributing to the economic depression. The deputation believed that the maintenance of the Chinese labour supply was essential to the industry. Botha assured the deputation that the Transvaal government sympathised with the mining industry and would therefore attempt to increase the supply of African labourers. He reiterated his views voiced during the election campaign of *Het Volk*, which emphasised the repatriation and replacement of Chinese labour.³⁷¹

The new Transvaal government believed that the repatriation of Chinese labourers would lead to more stability in the mines, a healthier environment, increased employment of whites and the more extensive use of mechanical and labour-saving devices.³⁷² The British press stated that as long as the Chinese were employed, a large African labour supply could not be secured.³⁷³

The process of repatriation commenced in June 1907 and by the end of 1907 it was estimated that 16 000 Chinese labourers had been repatriated.³⁷⁴ The Labour Importation Ordinance of 1904 would no longer be in effect from 21 March 1908.³⁷⁵ The government hoped that through increased recruiting facilities and by the reorganisation of the Witwatersrand Native Labour Association (WNLA) an adequate supply of African labour would be procured.³⁷⁶ The British government accepted this act as a measure to resolve the labour situation.³⁷⁷

6. Evaluation

Britain influenced the South African labour situation in several ways: convict transportation was attempted, indentured labour was sourced from other British colonies like India or areas where Britain was present like China, and British labour legislation impacted on colonial

³⁷¹ *Ibid.*, 10.5.1907, p. 7.

³⁷² *Ibid.*, 15.6.1907, p. 9.

³⁷³ *The Gleaner*, 27.12.1905, p. 10.

³⁷⁴ *The Manchester Guardian*, 15.6.1907, p. 9.

³⁷⁵ BPP Cd.3994, No. 4, Enclosure 1, pp. 5-6.

³⁷⁶ *Ibid.*

³⁷⁷ BPP Cd.3994, No. 6, p. 8: The Secretary of State to the Governor, 14.10.1907.

legislation. Industry and capital interests in South Africa influenced the labour situation by agitating for an increase in the labour supply. Convict labour (mostly internal) and the importation of indentured labourers were used to supplement available free labour.

Britain opted to deal with her internal problems of a large criminal population and the lack of prison accommodation by sending convicts to the colonies as an additional labour source for both the colonial governments and colonists. The transportation of convicts soon became a contentious issue and many of the colonies were unwilling to accept the criminal population from Britain. This feeling led to the anti-convict agitation in the Cape Colony through which the landing of convicts was prevented. The inhabitants of the Cape Colony were unwilling to accept an external criminal element that could have a negative social and moral impact on the colony's inhabitants, including the African population.

The management of the internal convict population in the Cape Colony was heavily influenced by the different convict management systems implemented in other colonies such as Van Diemen's Land. The system adopted by John Montagu in the Cape focused on the reformatory aspect of convict labour, and also allowed the colonial government to use convict labour to implement and complete much needed road building projects. Convict labour was not only useful to the Cape government in public works projects, but soon became an additional source of colonial revenue. Convicts were also supplied to the diamond mines in Kimberley. The De Beers Mine paid the colonial government a specified fee per labourer and had to supply food and accommodation to the convicts as well. Compounds were erected by the diamond mines to house the convict labour force, and the control ensured by the compound system was subsequently also extended to the African labour force on the diamond mines and later to the gold mines in the Transvaal. The compound system, along with the issuing of passes, became part of the social landscape in South Africa due to the initial regulation of convict labour. It soon became part of a system that regulated and separated groups according to race. After the Anglo-Boer War, convict labour was also provided to the mines by the British administration in the Transvaal, and the system was comparable to that used in Kimberley.

Convict stations in the Cape Colony also extended the use of convict labour to private employers through the erection of convict stations supplying convicts to farms and private employers. The British government did not officially condone the use of convict labour in a private capacity. After the Langalibalele uprising in Natal the supply of prisoners to private employers was severely criticised, and the British government did not allow the enactment of

the law that would regulate this practice, due to the possible abuse of the system by private employers. The British government was only in favour of the use of convict labour in situations such as public works projects which allowed for government supervision. The supply of convict labour to the Transvaal mines was on numerous occasions questioned in the House of Commons, but no steps were taken to terminate the practice during the British administration of the Transvaal. The practice of supplying convicts to private employers in the Cape Colony was also not addressed, since the Cape was a self-governing colony. The use of convict labour as an additional labour source for the private sector was continued throughout most of the twentieth century in South Africa although condemned by international organisations such as the International Labour Organisation.

Indentured labour was not regarded in some quarters as forced labour. The importation of indentured labour was restricted to a fixed period, and the indenture contract was entered into on a voluntary basis. At the expiry of the contract indentured labourers were also free to enter into other employment. In Natal indentured Indian labour was imported due to the labour scarcity experienced by sugar planters. Their conditions of employment were protected by legislation enacted by the Natal legislature. Allegations of ill-treatment were addressed by the colonial government, and the addition of Indian labourers to the Natal labour force was seen as a temporary measure which would not have a permanent impact on Natal's social and economic environment. The expiry of the indenture period of Indian labourers meant that many of them remained in Natal as free labourers. Indian merchants also journeyed to the colony to open their own businesses, leading to direct competition with European merchants.

Public protests against Indian labour importation soon mounted, and frequent requests were made to terminate the importation completely. To restrict economic competition from Indian labour, their freedom was curbed by the institution of pass laws, the implementation of additional taxation, access to the franchise was limited, and further immigration of free labour was linked to an education test. The capital interest in the colony, however, continued to experience a need for cheap labour, and the importation of Indian indentured labour into the colony continued up to 1910. In the Transvaal the influx of Indian traders and merchants led to restrictive legislation and a hostile feeling among Transvaal inhabitants. The grievances of the Indian population were frequently communicated to the Colonial Office and discussed in the British parliament, but the British government was unwilling to interfere in the internal affairs of the Transvaal, and therefore no solution was found for the stated

grievances. The Anglo-Boer War and the subsequent legislation enacted by the British administration regarding Indian inhabitants further alienated Indians, and numerous protests were made by them. The anti-Indian legislation had a direct effect on the proposed importation of Indian labour for the railway works, and the failure of the British administration to address these grievances meant that the Transvaal had to find alternative labour sources to develop the Transvaal economy.

The importation of Chinese labour for the Transvaal mines was due to the severe shortage of labour. The African labour supply was not adequate to meet the demand, and white labour was perceived as too expensive for unskilled positions. The debate regarding the importation was met with positive approval by capital interests such as mining groups in the Transvaal that believed it was the only way to ensure the development of not only the mines but also of the Transvaal economy. The Transvaal public was divided on this issue. Some of the farming interests saw the introduction of Chinese labour as a positive measure which would force African labour to join the agricultural labour supply. White workers on the Witwatersrand, however, feared that Chinese labour would replace them in skilled positions, and favoured the introduction of more African labourers. In the Cape Colony the Afrikaner Bond used the issue of Chinese labour to garner support for their election campaign. As a result the Colonial Office received various petitions from towns in the Cape Colony, voicing their protest against the introduction of these labourers. Some colonists in the Cape also feared that the Chinese labourers would not stay in the Transvaal but would move to the Cape Colony and threaten their own positions. Civil society groups also joined the protest, and the APS protested the employment conditions under which the Chinese labourers would be introduced. In Britain the Liberal Party also used the Chinese labour issue as a means of criticising the British Conservative government.

The opposition to the introduction of Chinese labourers had no effect, and the Labour Importation Ordinance was enacted to regulate Chinese labour in South Africa. The ordinance ensured that Chinese labourers would not stay in South Africa at the expiry of their contracts thereby addressing the fears of many people regarding a permanent influx of Chinese labourers in South Africa. Recruitment, employment and termination conditions were all outlined in the Transvaal Labour Ordinance of 1904, as well as safeguards regarding the protection of the labourers. Sanctions for both employers and labourers were also addressed by the ordinance since the Chinese labourers would not fall under the existing

Masters and Servants Act of the Transvaal. The pass system would also be applicable to the Chinese, and the repatriation of labourers at the expiry of contracts was outlined.

Different factors brought the scheme to an end. One of the most important of these was the election of the Liberal government in Britain. The Liberal government was not willing to immediately reverse the policy towards Chinese labour in South Africa, but due to their election campaign that condemned the scheme, it was committed to terminate the system if the Transvaal electorate agreed. Responsible government was granted to the Transvaal and the victory of *Het Volk* meant that the importation of Chinese labour was halted, and Chinese workers were repatriated at the end of their contracts. Another factor which influenced the decision to terminate the system was the increase in the African labour supply on the mines. Although the capital interests in the Transvaal opposed the repatriation of Chinese labour, they ultimately preferred to use African labour since it was a much cheaper option.

An important question relating to convict and indentured labour is whether it equates to slavery as alleged by some of the civil society groups and other commentators. In the colonial period up to 1910, indentured labour did not fall within the definition of slavery. Indentured labourers were not sold to employers and were free to find other employment or return home after the expiry of their employment contracts. Legislation adopted by the colonial governments were subject to the approval of the British government, and the Indian and Chinese governments also provided guidelines or adopted legislation to ensure that the employment conditions were regulated and the fair treatment of labourers guaranteed. Recruitment of indentured labour was well monitored, and emphasis was placed on the voluntary nature of contracts. Employment conditions were repeatedly explained to indentured Indian and Chinese labourers, and the voluntariness of the contract was checked.

Employment contracts, however, did have a coercive aspect since employees' freedom of movement was restricted during the indenture period. Indian labourers had to acquire passes to travel, while Chinese labourers were restricted to the mining premises if not in possession of a pass. Chinese labourers also did not have the option of permanent settlement, and contracts stipulated that they would be repatriated at the end of the contract period. The proposed introduction of Indian labourers for the public works in the Transvaal would also include a provision for the forced repatriation of Indian labourers at the expiry of contracts.

Labour and franchise legislation curbed the civil rights of free Indians, Indian merchants and traders. Although educated Indians could apply for a certificate which exempted them from the curfew and other restrictions, they were not eligible for the franchise, and therefore not able to influence legislation concerning labour, freedom of movement and property rights.

Chinese indentured labour had a short-term influence on South Africa and alleviated labour scarcity after the Anglo-Boer War. Indian indentured labour was utilised over a longer period and Indians settled in South Africa, becoming a permanent part of South Africa. Indentured labour, which was promoted by capital interests and facilitated by British colonial structures, had a short and a long-term impact on both the labour and political environment in South Africa.

The next chapter will discuss the impact of British emigration on the South African labour environment, the reasons for Britain's support of emigration to the colonies, the role of Britain in facilitating emigration, and the importance of British skilled white labour in the industrial development of the country. Britain's role in addressing the poor white problem after the Anglo-Boer War will also be outlined. The agitations of British white skilled labour in the Transvaal relating to Chinese, African and unskilled white labour will be discussed to emphasise the class and race views of British labourers and the impact this had on the labour environment.

CHAPTER 5

BRITISH EMIGRATION AND WHITE LABOUR

1. Introduction

This chapter will discuss the importance of white labour in South Africa by focusing on emigration from Britain and the interaction of skilled and unskilled white labour in the workforce. The reasons for British support of emigration will be outlined as will the importance of female emigration after the Anglo-Boer War. The discussion will not only focus on white labour from Britain but will also highlight the increasing dependence of Afrikaners on wage labour and the emergence of an Afrikaner landless class. The poor white problem emerged before the Anglo-Boer War and the British government's attempts to address the problem at the conclusion of the war will be discussed by focusing on the establishment of land settlements and relief works. The chapter will lastly also highlight the views of skilled and unskilled white labour in the Transvaal, especially with regards to the Chinese labour question and the employment of unskilled white labour in the mining industry.

2. Emigration from Britain

According to Willcox, emigration could be viewed from two different perspectives. The first of these views focused on the forces drawing people to other countries, while the other emphasised the forces compelling people to leave their home country. For most of the nineteenth century the latter perspective predominated, and people often had no other option but to leave Britain in search of job opportunities and improved living standards.¹

Galt highlighted three required characteristics which would facilitate successful emigration to British colonies: accessibility, the climate and agricultural potential, and the social climate.²

Increased emigration from Britain could be attributed to one of the following factors:

- Government schemes which facilitated emigration

¹ Willcox, W.F. (ed.), *International migrations*, Vol. II: *Interpretations*, p. 239.

² London School of Economics (LSE) Selected Pamphlets Collection: Galt, A.T., *The relations of the colonies to the empire: Present and future: Two addresses, delivered in Edinburgh and Greenock*, 1883, p. 24.

- Changes in agricultural methods
- Industrial development
- The influence of publicity and voluntary organisations on emigration
- The promotion of emigration through private support.³

Emigration was perceived as the most acceptable and cost-effective way to counter the increase in the British population. It was believed that the unrestricted increase in population could lead to the rise of a large criminal constituent in Britain.⁴ Small farmers were for instance forced to emigrate, not only due to the increase in population but also due to the introduction of large-scale agriculture. This resulted in lower labour requirements and a population excess that encouraged emigration.⁵ In Britain it was recognised that agricultural wages could only increase if the number of labourers in the farming sector was decreased through emigration.⁶

It was not only changes in the agricultural sector that caused emigration during the first part of the nineteenth century. Emigration was also influenced by industrial development, and the use of labour saving devices led to large-scale unemployment. Unemployment also increased due to advances in production techniques accompanied by a decreased demand for specific products. The influx of Irish immigrants into the labour market also substantially lowered wages in Britain.⁷ Emigration was, therefore, perceived as one of the most important ways of increasing wages of labour in Britain across all industries.⁸

The increase in the population of Britain not only exacerbated destitution, crime and other social ills, but also intensified competition for the available labour positions.⁹ The following were viewed as some of the main reasons for British people to immigrate to the colonies:

- Immigrants could obtain a land grant at affordable terms
- Wages were higher and the cost of living lower
- There was a large demand for agricultural labour in the colonies
- People willing to work could obtain employment thereby improving their material prospects and helping them to support their families

³ Willcox, p. 242.

⁴ LSE Selected Pamphlets Collection: Tickle, W.W., *British emigration*, 1883, pp. 3-4.

⁵ Willcox, p. 241.

⁶ Bristol Selected Pamphlets Collection: Whitehead, C., *Agricultural labourers*, 1870, p. 14.

⁷ Willcox, p. 251.

⁸ Bristol Selected Pamphlets Collection: Whitehead, C., *Agricultural labourers*, 1870, p. 12.

⁹ BPP 235, p. 1: Emigration (Mr Boyd's scheme), 1884.

- Emigrating to a British colony assured British government protection and guaranteed the emigrant's civil rights
- Colonial immigrants used products fabricated in Britain and supplied the raw materials required by British industry
- The competition for labour positions in Britain was curtailed, leading to higher wages for the remaining labourers
- Emigration ensured that unemployed workers would not require poor relief or become involved in criminal activities.¹⁰

During the early nineteenth century the British government was disinterested in promoting emigration since it was perceived as very costly. In 1815 the end of the Napoleonic wars was followed by an economic depression, and emigration escalated.¹¹ Magazines such as the *Quarterly* published articles in which the positive effects of emigration to colonies such as Canada, Australia, New Zealand and South Africa were emphasised. Emigration was promoted as a solution to the population increase in Britain, as well as to rising poverty in areas such as Ireland. The responsibility of the British government concerning the decline of some manufacturing districts would also be reduced. The introduction of emigration schemes would benefit the colonies by alleviating the labour scarcity experienced in these areas.¹²

Emigration was therefore perceived as a solution to the social distress of people in Britain. The planned introduction of public works schemes to address high unemployment and social distress in Britain met with opposition. The British government therefore perceived emigration as the best way to address social and economic issues.¹³ Select Committees of Parliament were appointed to investigate unemployment, social distress of labourers and possible remedies for the problem. The Select Committee on Emigration in 1826 emphasised the benefits of emigration by reducing the surplus British population and unemployment. The committee further advised the British government to introduce grants to assist emigration.¹⁴

¹⁰ LSE Selected Pamphlets Collection: Bate, J., *Emigration: Free, assisted and full-paying passages, together with the conditions for obtaining free land grants, rules for emigration clubs*, 1869, p. 14.

¹¹ Gibson, J.L., *A critical study of the report of the De Villiers Commission on technical and vocational education* (M.Ed.), pp. 20-21.

¹² Shaw, A.G.L., "British attitudes to the colonies, ca. 1820-1850" in *The Journal of British Studies*, Vol. 9, No. 1, November 1969, p. 85.

¹³ *Ibid.*, p. 95.

¹⁴ Willcox, p. 244.

The British government was already allocating grants to the unemployed before these recommendations, and in 1818 the amount of £50 000 was granted for emigration to the British colonies.¹⁵ There was also a growing fear in Britain that a social revolution such as the French Revolution of 1789 would take place, and in 1819 it was felt that Britain was on the brink of this. The Prime Minister, Lord Liverpool, therefore encouraged emigration by supplying people with assisted passages to colonies such as the Cape.¹⁶ The British government received 90 000 applications for the £50 000 grant, and as part of this emigration scheme people were sent to the Cape Colony in 1820. These emigrants mainly settled in the district of Albany in the Eastern Cape, but due to various impediments the British government was forced to increase the original grant to £200 000. The distress of the settlers also meant that further assistance had to be provided through charitable organisations. The British government subsequently focused its efforts regarding emigration on Canada, and in 1823 a group of emigrants was sent to this colony. This scheme was more successful than the emigration to the Cape Colony. The British government also allocated further grants of £30 000 in 1825 and £20 000 in 1827 to assist emigration efforts.¹⁷

The economic hardships experienced in Britain during the 1820s and 1830s meant that Britain placed renewed focus on the colonies as a means to alleviate problems in Britain. There was no agreement regarding the economic merit of the colonies or the impact of free trade on colonial investments. During the 1820s the British government did support emigration through occasional grants, but there was no official framework to administer emigration efforts or to provide financial assistance to emigrants. During the 1820s various plans were proposed for the colonisation of British colonies. In *An inquiry into the causes and remedies of pauperism*, Robert Wilmot Horton promoted colonisation as the means to improve the economic and social circumstances of labourers.¹⁸

The colonisation of British colonies was, in Horton's view, the most beneficial program for reducing the oversupply of labour in Britain, for increasing wages, and to curtail the costs of sustaining unemployed and destitute persons in poorhouses. Horton proposed a scheme through which parishes would sponsor the transport expenses of some of the poor to the colonies. In 1827 the Select Committee on Emigration, chaired by Horton, suggested that emigrants be provided with a small amount of capital. The committee believed that this

¹⁵ *The report of the Select Committee on Emigration*, 1826.

¹⁶ *House of Commons Debates*, 12.7.1819, Vol. 40, cc549-551.

¹⁷ Willcox, p. 245.

¹⁸ Bates, R.J., *Cultivating the British nation, saving the English labourer: A study of working-class childhood, labor and philanthropy (1830-1914)*, pp. 98-99.

would ensure that emigrants did not return to Britain. Horton's scheme for state-aided emigration was presented to the British parliament in February 1831 but it was not accepted.¹⁹

Between 1830 and 1833 the British government supported Edward Gibbon Wakefield's plan for systematic colonization.²⁰ Wakefield believed that emigration schemes focusing on destitute labourers would be unsuccessful since both labour and capital should be utilised in such a scheme, and the number of labourers available should correspond to the land available for colonisation.²¹ Wakefield therefore established the Colonisation Society, which focused on emigration schemes consisting of both capital and labour components.²² He also proposed a system that would convert unproductive crown lands to profitable enterprises.²³ Wakefield's proposals changed the direction of emigration since the focus shifted from decreasing the excess population in Britain to developing the colonial resources of Britain.²⁴ The failure of Wakefield's emigration scheme to South Australia did not discredit his proposals and a large number of people emigrated between 1847 and 1869 on the same basis.²⁵ The strengths of his proposals were based on his non-acceptance of pauper emigration and convict transportation, since Wakefield did not perceive them as the answer to the labour scarcity problems experienced in the colonies.²⁶

In 1831 the Emigration Commission concluded that the majority of emigrants used their own resources or were aided by friends when emigrating. Since most emigrants did not use government assistance, the commission proposed that the British government should restrict aid and that the primary role of the government should be the provision of information to prospective emigrants. In 1834 the British government passed an act which allowed parishes to mortgage their rates and use the revenue on facilitating the emigration of poor people. Emigration agents were also engaged throughout Britain.²⁷

In 1839 a report outlined the findings of an inquiry by Lord Durham, Governor-General of Canada, which investigated the unrest among emigrants in Canada. The report indicated that government policies concerning emigration were ineffective since it did not address key problems in the emigration process such as the reception of emigrants at their

¹⁹ *Ibid.*, pp. 100-102.

²⁰ *Ibid.*, pp. 101-102.

²¹ Willcox, p. 246.

²² *Ibid.*, p. 256.

²³ Bates, p. 102.

²⁴ Willcox, p. 246.

²⁵ *Ibid.*, p. 256.

²⁶ Bates, pp. 101-102.

²⁷ Willcox, pp. 245-246.

destination and the provision of information to prospective emigrants. A direct result of the inquiry was the creation of a Colonial Land and Emigration Department in 1840. The main purpose of the department was to gather and supply information with regard to the British colonies to prospective emigrants. In 1845 a Select Committee was appointed which addressed problems encountered in the emigration system. Problems included the degree to which labourers could be sent to the colonies without having a negative impact, the impact of increased emigration on the land values in the colonies, the impact of colonisation on British capital investment, and the effect of investments in the colonies on the manufacturing sector in Britain. The committee's recommendations, especially regarding the economic impact of emigration, did not lead to any specific actions by the British government. During the next couple of decades the government in fact reduced government aid for emigration efforts.²⁸

Between the years 1847 to 1854 emigrations increased considerably. During this period 2 444 802 emigrants left Britain and emigration averaged about 305 600 persons per year. This was more than double the average emigration of any preceding period. One of the main causes of emigration was the serious potato famine in Ireland and Britain. The famine increased emigration in Ireland from 107 000 in 1846 to about 219 000 in 1847. The discovery of gold in Australia in 1851 also increased emigration to Australia from 21 532 in 1851 to 87 881 in 1852. In 1853 the Crimean War broke out and had a negative impact on emigration, which decreased rapidly. In 1861, for instance, only 91 770 people emigrated.²⁹

According to Willcox emigrants who had already settled in the colonies also played an important role in emigration since they remitted money to friends and family in Britain to aid their emigration efforts. In 1848, it was reported that £460 000 was remitted to Britain from the colonies. This amount increased considerably over the next number of years, and in 1852 remittances totalled £1 400 000. In the second half of the nineteenth century industrial development in Britain had a negative impact on emigration. The growing industrial sector required increasing numbers of labourers and stimulated migration from the British countryside to industrial towns. The number of emigrants to the colonies subsequently decreased.³⁰

In 1867 the Emigration Commission reported a decrease in the emigration of agricultural labourers, bricklayers, clerks, general labourers and tailors. There had, however,

²⁸ *Ibid.*, pp. 246-247.

²⁹ BPP C.196, p. 1: Emigration Commission: Thirtieth general report of the Emigration Commissioners, 1870.

³⁰ Willcox, pp. 250-253.

been an increase in the emigration of gentlemen, professionals and governesses.³¹ However, the increase in emigrants of British origin was less than the figures implied. Many people from other countries moved through Britain to the colonies. This practice rapidly increased until in 1872 these foreigners amounted to 27% of the total number of emigrants (See Annexure F, Table 5 for emigration statistics).³²

During the late 1860s, the National Emigration League promoted emigration to the colonies and also lobbied the British government to consider a national emigration policy in cooperation with the colonies. The League encouraged emigration from districts in Britain with high unemployment, raised funds to assist prospective emigrants, supplied information to emigrants, and arranged matters such as transport and reception of emigrants in the colonies.³³

The National Emigration Aid Society was not in favour of the emigration of British subjects to foreign countries, but promoted the British colonies in this regard. The society favoured an approach which helped emigrants to cultivate non-productive lands in the British colonies, and published a pamphlet to promote the advantages of emigration to the colonies. The society believed that emigration was a viable alternative for labourers and other workmen who were unable to find employment in Britain and were therefore left destitute. In their opinion the British colonies were always in need of labour and emigrants would therefore have no problem to secure employment. The society, in its attempt to provide relief for the large number of unemployed and destitute British labourers, also lobbied the British government to obtain state aid for emigration. The emigration effort would not be limited to the level of government since labourers and other workmen were encouraged to establish emigration clubs. The National Emigration Aid Society would provide information to the emigration club outlining the advantages of the colonies and the aid that the society could provide to emigrants.³⁴

The society promoted emigration to colonies that granted assisted passage since this provided better arrangements with regards to the health and comfort of passengers. Emigrants to the colonies could be accommodated in their emigration efforts through assisted, free or nominated passage. Emigrants who received no assistance had to organise their own transport and employment in the selected colony. The Passengers Act ensured that regulations

³¹ BPP 4024, p. 2: Emigration Commission: Twenty-eighth general report of the Emigration Commissioners, 27.4.1868.

³² BPP C.768, p. 1: Emigration Commission: Thirty-third general report of the Emigration Commissioners, 30.4.1873.

³³ LSE Selected Pamphlets Collection: Bate, J., *Emigration: Free, assisted and full-paying passages, together with the conditions for obtaining free land grants, rules for emigration clubs*, 1869, pp. 1-2.

³⁴ *Ibid.*, pp. 1-5.

regarding emigration were followed, and for example provided for the supply of sufficient food during the voyage. Once in the colonies, free or assisted emigrants were accommodated on arrival in a government depot until they obtained employment. Employers could obtain workers by meeting prospective employees at the depots. Nominated passengers were not received at the depots and their friends or family had to meet them.³⁵

Emigration to the colonies was implemented under the direction of emigration commissioners. The commissioners supervised ships in which emigrants were transported while also distributing information to emigration societies. In some instances they acted as agents by managing emigration schemes and selecting colonists for free passages. They had no power to establish any emigration scheme or to employ government funds to encourage emigration, however. The colonies had no uniform system for assisted emigration and they requested additional labour when required.³⁶ In 1870 unemployment became a serious issue for the working class in Britain. A debate in the House of Commons once again acknowledged the fact that poverty and unemployment was linked to population growth in Britain.³⁷ Emigration was subsequently proposed as a remedy for the failing commerce, surplus population and the overburdened taxpayer.³⁸ Professions were oversupplied and there was an excess of teachers, engineers, lawyers, clerks, farmers and mechanics in Britain.³⁹

Emigration to South Africa was negatively influenced by the presence of a large number of indigenous groups. Torrens believed that the British government should encourage emigration to South Africa since it could contribute to the so-called civilising mission in the country.⁴⁰ Emigrants preferred to go to colonies such as Australia, New Zealand and Canada as they were perceived as safer options.⁴¹ The large African populations in the Cape Colony and Natal and the numerous conflicts in these colonies had a negative influence on emigration to South Africa.⁴²

The extension of responsible government to the colonies impacted on proposed emigration since the colonial governments were not interested in financially constrained

³⁵ *Ibid.*, pp. 10-13.

³⁶ Bristol Selected Pamphlets Collection: Jenkins, E., *State emigration: an essay*, 1869, pp. 5-7.

³⁷ *House of Commons Debates*, 17.6.1870, Vol. 202, cc407-448.

³⁸ Bristol Selected Pamphlets Collection: Freston, W. (ed), *Report of the conference presided over by the Duke of Manchester on the question whether colonisation and emigration may be made self-supporting or even profitable to those investing capital therein*, 1869, p. 4.

³⁹ Bristol Selected Pamphlets Collection: Bourne, S., *Extended colonisation a necessity to the mother country: A paper read at the opening meeting of session 1879-80 of the Royal Colonial Institute*, 1879, p. 25.

⁴⁰ Bristol Selected Pamphlets Collection: Torrens, W.M., *Imperial and colonial partnership in emigration*, 1881, p. 48.

⁴¹ Foreign and Commonwealth Office Collection: Ritchie, J.E., *Imperialism in South Africa* (pamphlet), 1879, p. 20.

⁴² Bristol Selected Pamphlets Collection: Dilke, C.W., *Mr Dilke, M.P., on colonies*, 1869, p. 5.

emigrants. They were more interested in emigrants with available financial capital, or skilled employees. Unskilled wage labourers were actually not welcome.⁴³

During the 1880s Tickle wrote a pamphlet on British emigration in which he stated that a practical emigration scheme should disregard the British imperial view. The imperial view emphasised that Britain had the right to send poor people to the colonies. In Tickle's opinion, voluntary emigration also had a negative impact on Britain since some of Britain's best artisans and labourers left the country. Emigration as a strategy to export excess labour could only be successfully implemented if the British and colonial governments reached an acceptable agreement regarding the requirements of emigration. The British government also had to be willing to give financial assistance to emigrants. From a colonial perspective, such an agreement would not favour emigration of the poor, but Tickle emphasised that any man who was able to provide paid labour was in fact not a pauper. Paupers were defined as 'that class who by infirmity, age, accident or vice are incapable of getting a living and so justly chargeable upon the country they are resident in'. The people who would be considered for such emigration schemes would therefore include unemployed but competent labourers who were destitute due to a variety of reasons.⁴⁴

In 1884 Mr J.F. Boyd, of the Association for Promoting State-directed Emigration and Colonisation, proposed an emigration scheme that would be directed by the British government. This scheme would remove 200 000 emigrants from the United Kingdom on an annual basis and would settle them in Canada on land supplied by the Canadian government. Paupers would be selected for this scheme and whole families would be relocated to Canada. Emigrants would be selected if they had no criminal record, had a good character and had experience of agricultural labour.⁴⁵ Each family head would have to sign a contract of indenture, committing him to the repayment of all money advanced to him by the Emigration Commission.⁴⁶

During the 1880s artisans were not in demand in British colonies. The colonies mostly required agriculturists, farm labourers and domestic servants. A number of colonies also developed a negative perception with regard to emigration since emigrants were seen as

⁴³ Bristol Selected Pamphlets Collection: *Report of the conference presided over by the Duke of Manchester on the question whether colonisation and emigration may be made self-supporting or even profitable to those investing capital therein*, 1869, p. 9.

⁴⁴ LSE Selected Pamphlets Collection: Tickle, W.W., *British emigration*, 1883, pp. 10-12.

⁴⁵ BPP 235, pp. 1-2: Emigration (Mr Boyd's scheme), 1884.

⁴⁶ BPP 235, pp. 2-3: Emigration (Mr Boyd's scheme), 1884.

competing with citizens for available labour positions. This meant that government assisted immigration were discontinued in many of the colonies.⁴⁷

The prejudice against paupers was in many instances extended to cover other classes of labourers as well. The influence of trade unions in the colonies also impacted on emigration, and in many instances opposition from the unions was directed against artisans such as mechanics rather than farm labourers. Individual emigration was also superseded by colonisation schemes. The objective of colonisation was to establish self-sufficient communities instead of just sending individual emigrants. Colonisation schemes were preferred since it introduced capital and carefully selected immigrants into a colony.⁴⁸

The colonial policy of the British government during the 1880s was once again influenced by internal problems such as unemployment and overpopulation. Since emigration was no longer perceived as a way to remedy the problem of overpopulation in Britain, colonisation became the preferred way to place British people in the colonies. On 11 February 1887 a Colonisation Committee was established, consisting of members of both Houses of Parliament. The objective of the committee was to outline a scheme for colonisation. The committee perceived emigration as the transfer of excess labour supply from Britain to the colonies and was therefore not endorsed, since emigration did not increase colonial resources and wealth. In contrast to this, colonisation was defined as “the settlement of unoccupied colonial lands” by settlers.⁴⁹

Emigration was unable to meet the colonies’ demands for labour.⁵⁰ In 1887, it was estimated that 25 organisations specialising in emigration only managed to place an estimated 3 000 emigrants in the different colonies while the increase in population in Britain was about 340 000 per year. The National Association illustrated the benefits of colonisation by highlighting colonisation experiments conducted in the Cape Colony and Canada. These schemes were run by private individuals and provided a fair return on investment. The lack of government support, however, meant that these schemes only managed to send about 100 families to settle on farms.⁵¹

An important advantage of colonisation was the expansion of markets for British exports. Colonisation was seen as benefitting colonies through increased cultivation and

⁴⁷ BPP C.5078, pp. 6-7: Emigration (colonies). Papers relating to the work of the Emigrants’ Information Office, 26.4.1887.

⁴⁸ BPP C.5391, pp. 8-9: Emigration (colonies). Report on the Emigrants’ Information Office, 31.3.1888.

⁴⁹ BPP 106, No. 1, p. 3: Lord Knutsford to the Governors of certain British Colonies, 31.5.1888; BPP 106, No. 1, Enclosure, pp. 3-4: State directed colonisation: Memorandum by the Parliamentary Colonisation Committee, 1.5.1888.

⁵⁰ BPP C.5361, No. 1, Enclosure, pp. 5-6: Colonization: Reprinted from *The European Mail*, 19.8.1887.

⁵¹ Bristol Selected Pamphlets Collection: Meath, R.B., *State colonisation*, 1887, pp. 29-30.

production.⁵² It was proposed that funds should be obtained for the colonisation scheme by attracting public investment in Britain through subscriptions to a public marketable stock. The stock would be issued on the security of the lands available for colonisation and the interest would be guaranteed by both the British and colonial governments. The colonial government would manage the capital and also collect the interest from the settlers. The money required was estimated at about £300 per group and would be used to pay their passage, build a homestead, buy seed, farming implements, livestock and food to sustain them during the first twelve months. The balance would be used by the colonial governments to build roads and provide other infrastructure in the new settlements. Each family head would receive 20 hectares of land. The colonial government would benefit from the scheme by having new sources of tax income as well as receiving additional capital investment.⁵³

In the Cape Colony the response to the proposed scheme was not favourable and the colony informed the British government that they were unable to participate due to the lack of crown lands available for colonisation.⁵⁴ In Natal the Land and Immigration Board was established by Law No. 21 of 1876. The main purpose of the board was to both encourage emigrants from the United Kingdom and to settle unoccupied land. The board was consulted on the proposals regarding the colonisation scheme in 1888, and approved of it. However, both the board and the Lieutenant-Governor of Natal, Arthur Havelock, had certain reservations. The proposed system of small allotments of land was not believed to be ideal for Natal. The lack of acceptable land also meant that only a small number of settlers could be accommodated. In their response to the colonisation scheme the Natal government also advised the British government that they required a small number of artisans, but that there were no prospects for European unskilled labour as they would not be willing to work for the low wages paid to Africans.⁵⁵

In Britain, contrasting strong feelings existed among British workers that people were sent to the colonies on false pretences. This was due to advertising campaigns of emigration agents. Negative reports were received from emigrants who failed to successfully settle in the colonies. The negative perception of emigration meant that the British government decided not to subsidize emigration efforts, but to open an office to provide information to prospective emigrants. The Emigrants Information Office was opened in October 1886 and

⁵² BPP 106, No. 1, Enclosure, pp. 3-4: State directed colonisation: Memorandum by the Parliamentary Colonisation Committee, 1.5.1888.

⁵³ BPP C.5361, No. 1, pp. 5-7: Sir Henry Holland to the Governors of Colonies under Responsible Government, 1.9.1887.

⁵⁴ BPP C.5361, No. 2, Enclosure, pp. 8-9: Ministers to Governor, 3.11.1887.

⁵⁵ BPP C.5361, No. 7, pp. 13-15: Sir Arthur Havelock to Sir Henry Holland, 21.1.1888.

placed under the control of the Colonial Office. Its main purpose was to collect and provide information to emigrants.⁵⁶

The Emigrants Information Office did not assist emigration, and it also didn't grant free passage. Although the office did not promote emigration it did try to influence emigrants not to move to foreign countries, but rather to British colonies. This was due to the belief that the British colonies with their similar institutions and language and available land, offered better opportunities. A benefit of the office was that it was not perceived as favouring a particular colony. Although the Emigrants Information Office was supported by government funds it was managed by a voluntary committee. The free circulars published by the office was not only supplied to prospective emigrants but were also sent to emigration clubs, schools and to all individuals who applied for them.⁵⁷

Information provided by the office recommended, for example, that employed workmen in Britain should not emigrate without a promise of regular employment. No emigrant should also emigrate without sufficient funds to sustain him or her while they were searching for employment. Emigrants should also go to colonies where they had friends or family who could assist them in obtaining employment. Emigrants were also advised to accept the first job offer on arrival and not to wait for employment in their own field of expertise.⁵⁸

In 1889 the British government instituted a select committee to investigate emigration schemes and to determine if government assistance was required. The findings of the committee led to the withdrawal of all government support for emigration. The government did, however, continue to provide financial support to the Emigrants Information Office.⁵⁹

Emigration was assisted by both voluntary organisations in Britain as well as the colonies. Since the end of the nineteenth century organisations such as the Salvation Army also encouraged emigration. The Salvation Army initially focused on finding employment for poor British citizens, but after a while the organisation also promoted the emigration of destitute workers as agricultural labourers. The Charity Organisation Society, the East End Emigrants' Fund, the Self-Help Emigrants' Society and the Church Army were some other voluntary organisations which promoted emigration among poor workers. Some of the voluntary organisations such as the Jewish Migration Society and the Liverpool Self-Help

⁵⁶ BPP Cd.3407, Enclosure, pp. 3-4: Memorandum on the Emigrants' Information Office, 30.4.1907.

⁵⁷ BPP Cd.3407, Enclosure, pp. 3-6: Memorandum on the Emigrants' Information Office, 30.4.1907.

⁵⁸ BPP C.5078, p. 7: Emigration (colonies). Papers relating to the work of the Emigrants' Information Office, 26.4.1887.

⁵⁹ Willcox, p. 248.

Society focused on assisting specific or local groups. In 1905 the Unemployed Workmen's Act gave local authorities the authority to assist in emigration. According to Willcox the assistance provided by local or central governments was limited in comparison to the role played by private organisations.⁶⁰

3. Immigration to South Africa

South Africa was perceived as a suitable area for the settlement of excess British skilled and unskilled workers. The country was also seen as a place in which British civilisation could be promoted through the settlement of British subjects. The country was also perceived as having a healthy climate which would benefit immigrating British subjects. The region was well suited to white labour in contrast to other areas in Africa, where it was believed that manual labour by white men was impossible.⁶¹

3.1 Cape Colony

3.1.1 The 1820 British Settlers

At the end of the Napoleonic Wars the South African economy was in a depressed state, and did not stimulate emigration. Emigrants were also not willing to settle in a frontier area known for its conflicts with various African powers.⁶² The British government decided to grant financial assistance for emigration to the Cape Colony due to several internal factors. These included the minority status of the British population at the Cape, the British belief that the Cape economy could be extended by increasing its agricultural output, and the necessity of a population buffer on the Eastern frontier to protect the colony from a Xhosa invasion.⁶³

The government's 1819 campaign to promote the Cape scheme attracted 90 000 applications from England, Scotland and Ireland, although only 5 000 applications were accepted.⁶⁴ The British government would provide £50 000 for assisting emigrants with the passage to the Cape Colony.⁶⁵ Emigrants were persuaded to move to the Cape by offers of assisted passage, free land grants and the provision of food while travelling to the colony.⁶⁶

⁶⁰ *Ibid.*, pp. 248-254.

⁶¹ Bell, M., "'The pestilence that walketh in darkness': Imperial health, gender and images of South Africa, 1880-1910" in *Transactions of the institute of British geographers*, Vol. 18, No. 3, 1993, pp. 330-331.

⁶² Gibson, pp. 20-21.

⁶³ Brunger, A.G., "The geographical context of planned group settlement in Cape Colony: The 1820s British emigrants" in *Journal of Historical Geography*, Vol. 29, No. 1, 2003, p. 54.

⁶⁴ Magubane, B., "Social construction of race and citizenship in South Africa" in *Racism and Public policy*, 3-5 September 2001, p. 8.

⁶⁵ *House of Commons Debates*, 12.7.1819, Vol. 40, cc549-551.

⁶⁶ Brunger, p. 54.

The emigration scheme drew a large number of poor people from diverse occupations. Some proprietors and other emigrants were from the middle class, professionals or artisans. The British settlers consisted of three different categories. The first was a proprietary category consisting of 22 groups which also included indentured labourers. The indentured labourers were contracted for a number of years in exchange for travel expenses and maintenance at the Cape Colony.⁶⁷ Indentured labourers would receive small allocations of land in exchange for the provision of labour.⁶⁸ The second category was a joint-stock venture consisting of 32 groups each with at least ten adult males. These adult males jointly shared in the enterprise and were not linked to any of the proprietary employers. The last category consisted of different emigrant types including proprietary (indentured) and joint-stock (independent) emigrants, as well as emigrants sent by parishes to reduce the number of poor people in Britain.⁶⁹

The labour market in the Cape Colony was, however, severely affected by the arrival of the 1820 British Settlers since existing labour shortages were further exacerbated.⁷⁰ In exchange for their land, the British Settlers had to agree to use existing labour sources which excluded slaves, and the slave register would ensure that the British Settlers adhered to this stipulation.⁷¹ In March 1824 the Committee of the Society for the Relief of Distressed Settlers at the Cape of Good Hope published a report regarding the condition of the British Settlers. The report indicated that crops had failed for a period of four years due to the agriculturally unsuitable Albany district as well as the settlers' lack of familiarity with conditions in the Cape Colony.⁷²

A large number of the settlers were artisans and the labour shortages in towns created the opportunity for them to return to their trades.⁷³ The presence of other job opportunities in towns meant that more than half of the settlers abandoned their farms within the first three years and moved to towns such as Grahamstown.⁷⁴ In 1823 less than a third of the settlers remained on farms while the rest had relocated to towns. Higher wages in other parts of the Cape Colony also motivated indentured labourers to abandon the emigration scheme.⁷⁵

⁶⁷ *Ibid.*

⁶⁸ Brunger, pp. 61-63.

⁶⁹ *Ibid.*, p. 54.

⁷⁰ Watson, R.L., "Slavery and ideology: The South African case" in *The International Journal of African Historical Studies*, Vol. 20, No. 1, 1987, p. 28.

⁷¹ *House of Commons Debates*, 25.7.1822, Vol. 7, cc1783-1801.

⁷² Brunger, pp. 55-56.

⁷³ Gibson, pp. 21-22.

⁷⁴ Brunger, pp. 55-56.

⁷⁵ Gibson, pp. 21-22.

The proprietary group leaders had failed to enforce labour contracts with these indentured labourers, and so they had to secure alternative labour supplies. The scarcity of labour meant that these proprietary leaders supported extreme measures such as the introduction of pass laws and vagrancy legislation in the Cape.⁷⁶ Some of the British Settlers initially viewed the Africans and Khoikhoi in a positive light, and perceived Africans as having the potential to become efficient labourers. Their positive attitude towards the indigenous groups in the Cape was informed by enlightenment ideas and the anti-slavery movement. This ideology portrayed nature in a positive light and the people inhabiting nature as virtuous. During the late 1820s the settlers changed their perception of indigenous groups and they frequently described the Khoikhoi as thieves and vagrants who were unwilling to work.⁷⁷ The British Settlers, being constantly exposed to difficulties on the Eastern Cape frontier, no longer believed in a civilizing mission and were more inclined to scientific racism coupled with support for a coercive labour system and vagrancy legislation.⁷⁸

In Britain supporters of government-assisted emigration had to counter the negative publicity which followed the unsuccessful government emigration scheme to the Cape Colony. The failure of the scheme meant that the Colonial Office was forced to increase the grant to the settlers and the British public had to provide financial assistance through the Settlers Relief Fund.⁷⁹

3.1.2 Emigration after the British Settlers of 1820

Jahleel Brenton, Naval Commissioner at the Cape of Good Hope, advanced his concept regarding colonisation of the Cape Colony which was based on the settlement of paupers from Britain in the Cape. In a letter to the Bishop of London he proposed that a small number of poor families should be settled in the Brede River area. He estimated that a sum of £1 000 would be required to settle these families. Brenton believed that such a colonial scheme would preserve peace at home and enhance the position of the British Empire.⁸⁰

During the early 1840s labour shortages continued in the Cape Colony and this led to a number of debates in the legislative council regarding emigration. On 26 March 1842 the

⁷⁶ Magubane, Z., *From noble savage to native problem: Images of South Africans in British colonial discourse, 1806-1910* (D.Phil), p. 167.

⁷⁷ Crais, C.C., "The vacant land: The mythology of British expansion in the Eastern Cape, South Africa" in *Journal of Social History*, Vol. 25, No. 2, Winter 1991, pp. 258-261.

⁷⁸ Bank, A., "Of 'native skulls' and 'noble Caucasians': Phrenology in colonial South Africa" in *Journal of Southern African Studies*, Vol. 22, No. 3, September 1996, p. 392.

⁷⁹ Bates, p. 99.

⁸⁰ *Ibid.*, pp. 94-95.

possibility of subsidising British immigration to increase the labour supply in the Cape Colony was discussed. John Bardwell Ebden, a Cape politician, proposed that the Cape government sell public land to cover the travel expenses of immigrants and thereby encourage British workers to move to the Cape Colony. He believed that the immigration of British workers would alleviate the labour scarcity and would also end the importation of prize slaves, whom he believed to be inadequate as labourers. His proposal was opposed due to the belief that the wage expectations of such British immigrants would be too high. In a despatch to the Colonial Office, Sir George Napier, the Cape Governor, also opposed this proposal since he believed that British labourers would be unsuitable to South African conditions, and would probably be of dubious character.⁸¹

During 1844 a sum of £10 000 was nominated by the Legislative Council for the purpose of European immigration to the Cape Colony. Regulations framed for immigration were similar to the bounty system in New South Wales.⁸² The regulations were submitted to the Secretary of State for the Colonies and his approval led to the adoption of the code issued on 10 July 1844. A plan was subsequently implemented through which 1 000 adults would be sent to the Cape Colony.⁸³

The Immigration Regulations of the Cape of Good Hope of 8 May 1845 aimed to encourage the introduction of artisans such as mechanics, bricklayers, carpenters, masons and smiths as well as domestic and farm servants from Britain. Payment would be made to agents who brought emigrants to the colony. The responsibility for selecting emigrants and providing proof of their fitness would be left to the importers while the colonial authorities would approve or reject emigrants. In the case of rejection the importer could not claim bounty from the Cape government. A bounty would be paid at a specified rate per head, which would be calculated according to the Passengers' Act. The parties claiming bounties or their agents would be required to supply transport and provisions for the emigrants. A government emigration agent would ensure that the conditions of transport were adequate. The regulations ensured that at least one-third of the emigrants were females. Unmarried males had to follow a trade or occupation, while unmarried females had to be domestic or farm servants.⁸⁴ Before any bounty payments were made, the emigrants had to present themselves for inspection to a board appointed by the governor. Adults had to present

⁸¹ Watson, pp. 1-9.

⁸² BPP 617, p. 22: Fifth general report of the Colonial Land and Emigration Commissioners, 20.3.1845.

⁸³ BPP 706, p. 32: Sixth general report of the Colonial Land and Emigration Commissioners, 30.4.1846.

⁸⁴ BPP 706, Appendix D, p. 73: Immigration Regulations, Cape of Good Hope, 8.5.1845.

references testifying to their good character and signed by clergymen. The board, if satisfied with the references and the health of the emigrant, would issue a certificate as well as a warrant for the payment of the bounty.⁸⁵ To give effect to these regulations an immigration agent and a medical inspector were appointed in the colony. It was also recommended that ships should be despatched at regular intervals with the objective of increasing the labour supply.⁸⁶

The first party of emigrants brought to the Cape Colony under the new regulations arrived on the *Susan*. A notice was published in the *Government Gazette* informing the public of the number of each class of emigrants who had arrived and the day on which prospective employers could visit them. The bounties paid for the introduction of this party of emigrants were £1 606 and 16 shillings.⁸⁷ Between November 1845 and February 1846 three ships arrived at the Cape Colony with a total of 580 emigrants of whom 400 were adults.⁸⁸ The Executive Council in 1846 decided to suspend emigration during the winter months to allow for all the previously introduced emigrants to find positions. During this period 93 British emigrants from South America also arrived in Algoa Bay.⁸⁹ From 1844 to 1847 an estimated 4 300 British labourers, artisans and domestic servants travelled to the Cape Colony.⁹⁰

By 1865 the white population of the Cape numbered 181 592 persons. This was an increase of 40 000 from the 1856 figure. South Africa was, however, too poor to attract many skilled workers from Europe, who preferred to travel to Australia.⁹¹ Assisted passage was also limited and in 1866 only two adult female nominated passengers emigrated from England to the Cape Colony.⁹² Emigration from 1867 to 1873 was very limited. During 1867 only 401 persons emigrated from Britain to the Cape.⁹³ The reason for this lack of interest was the lack of consistent demand for European labour. It was believed that families would find it difficult to earn wages throughout the year. Farmers in the Cape Colony also preferred

⁸⁵ *Ibid.*

⁸⁶ BPP 617, p. 22: Fifth general report of the Colonial Land and Emigration Commissioners, 20.3.1845.

⁸⁷ BPP 706, Appendix No. 24, p. 74: Copy of a despatch from Sir Peregrine Maitland to Lord Stanley, 7.2.1846

⁸⁸ BPP 706, p. 33: Sixth general report of the Colonial Land and Emigration Commissioners, 30.4.1846. The first ship was the *Susan* that arrived on 13 November 1845 with 207 emigrants. The *Recorder* arrived on 5 January 1846 with 181 emigrants and the *Simlah* on 19 February 1846 with 192.

⁸⁹ BPP 706, Appendix No. 24, p. 75: Copy of a despatch from Sir Peregrine Maitland to Lord Stanley, 7.2.1846.

⁹⁰ Gibson, p. 22.

⁹¹ *Ibid.*, p. 24.

⁹² BPP 3855, Appendix No. 7, p. 67: Table showing the details of the emigration to the Australian colonies, Cape of Good Hope, Natal and the Falkland Islands, conducted by the Emigration Commissioners, 1866.

⁹³ BPP 4024: Emigration Commission. Twenty-eighth general report of the Emigration Commissioners, 1868, p. 29.

to employ coloured labour since it was cheaper and the labourers perceived as more obedient.⁹⁴

The discovery of diamonds in 1867 meant that many people moved to the Kimberley diamond fields.⁹⁵ The number of British subjects on the diamond fields also increased, and it was estimated that by September 1870 about 5 000 persons were digging for diamonds.⁹⁶ In *The emigrant's guide to the South African diamond fields*, Gill encouraged poor labourers in Britain to journey to Kimberley since there were employment opportunities for thousands of people.⁹⁷

Private schemes were also used to encourage British emigration to the Cape Colony. In the late 1860s the Freehold Land Assurance Society of Saldanha planned a settlement at Saldanha Bay harbour. The capital would be invested in the acquisition of land, the development of infrastructure and the advancing of passage money to emigrants. It was promoted as a safe way for investors to utilise their savings since they would receive a high interest rate and it would also increase labour supply. Subscriptions amounted to £100 or £8 per year for each subscription. The scheme would encourage the emigration of a select number of labourers. The society would also provide a loan to cover to pay for transport costs and maintenance.⁹⁸

In 1870 the Earl Granville, Secretary of State for the Colonies, sent a despatch to colonial governors highlighting the distress among labourers in Britain. Public attention was directed towards emigration as a means of relief, and the British government was urged to explore the possibility of alleviating poverty and unemployment. This was believed to have advantages for both the emigrants and the colonies. The emigrants would be able to secure employment while the colonies would solve their labour problems. The British government, therefore, addressed a circular despatch to the colonial governors to ascertain the prospects for emigrants in these colonies, both for agricultural and artisanal positions.⁹⁹

In the Cape Colony the Executive Council was not in favour of encouraging emigration as proposed in Earl Granville's circular. The council emphasised the inconvenience caused by the introduction of labourers for the construction of railways and

⁹⁴ BPP C.335, No. 3, p. 2: Despatch from Governor Sir Philip Wodehouse to Earl Granville, 16.5.1870.

⁹⁵ BPP C.459, No. 16, pp. 28-29: Lieutenant-Governor Hay to the Earl Granville, 4.8.1870.

⁹⁶ BPP C.459, No.19, p. 36: Lieutenant-Governor Hay to the Earl of Kimberley, 19.9.1870.

⁹⁷ Gill, J., *The emigrant's guide to the South African diamond fields*, p. 5.

⁹⁸ Foreign and Commonwealth Office Collection: Walter, R., *Saldanha Bay Harbour: Its special capabilities for colonization* (pamphlet), 1867, pp. 31-37.

⁹⁹ BPP C.335, No. 1, p. 1: Copy of a circular despatch from the Earl Granville to the governors of colonies, 14.2.1870.

other public works. After the completion of the projects these labourers were left in a state of destitution and were unable to secure new positions in the Cape. The Executive Council therefore favoured the emigration of people of a better class.¹⁰⁰

By 1872 the Cape government had increased its revenue and public work projects could be initiated in the colony.¹⁰¹ In 1873 a renewed effort was made to encourage emigration and a sum of £26 000 was spent by the Cape Colony to encourage the immigration of artisans and labourers for the building of railways. Regulations were also published to promote assisted immigration and it was believed that this policy would ensure that the Cape Colony progressed economically.¹⁰² New railway construction projects were commenced due to the availability of British, Belgian and German manual labourers or “navvies”. The white population in the Cape Colony increased from 181 592 whites in 1865 to 236 783 in 1875.¹⁰³ During 1875 the government introduced 2 629 men, 230 women and approximately 300 children into the Cape Colony primarily in connection with the public works in progress.¹⁰⁴

Emigration to the Cape Colony during the period 1887 to 1902 was once again very limited, and in 1892 it was reported that no free passages were granted to immigrants. The only free passages provided were to government employees travelling to the colony to commence their employment. Artisans, domestic servants and mechanics were given third class passages to the Cape Colony, but on the condition that they had to work for their employers for a minimum of twelve months after arrival.¹⁰⁵ After the Anglo-Boer War emigration increased significantly.¹⁰⁶ During 1903 the Cape government gave assisted passages to male and female domestic servants. No emigrant was however allowed to land in the Cape Colony without having secured employment or possessing £20.¹⁰⁷ This meant that 52 emigrants were rejected during the year, including four from Britain.¹⁰⁸ From 1900 to 1909, 33 emigrants were rejected by the South African authorities since they were paupers. Immigrants were also rejected due to insanity, criminal convictions and immorality.¹⁰⁹

¹⁰⁰ BPP C.335, No. 3, p. 2: Copy of a despatch from Governor Sir Philip Wodehouse to the Earl Granville, 16.5.1870.

¹⁰¹ Gibson, p. 33.

¹⁰² BPP C.1622-I, pp. 94-95: Governor Sir Henry Barkly to the Earl of Carnarvon, 27.7.1874.

¹⁰³ Gibson, p. 33.

¹⁰⁴ BPP C.1622-I, No. 4, pp. 51-53: Governor Sir Henry Barkly to the Earl of Carnarvon, 20.9.1876.

¹⁰⁵ BPP C.6795-XI, p. 88: Report on the labour question in Cape Colony and Natal, 1892.

¹⁰⁶ BPP 188, p. 21: Emigration and immigration. Statistical tables relating to emigration and immigration from and into the United Kingdom in the year 1902 and report to the Board of Trade, 1903.

¹⁰⁷ BPP Cd.1942, p. 6: Emigration, Report on the Emigrants' Information Office, 31.12.1903.

¹⁰⁸ BPP 145, p. 9: Emigration and immigration. Statistical tables relating to emigration and immigration from and into the United Kingdom in the year 1903 and report to the Board of Trade, 1904.

¹⁰⁹ BPP 137, p. 25: Emigration and immigration: Causes which led to the rejection of the emigrants, 28.4.1910.

Voluntary organisations in Britain played a major role in relocating emigrants to the colonies. The Poor Jews' Temporary Shelter in Whitechapel, for instance, sent 3 500 Jewish inmates to South Africa in 1903.¹¹⁰ Emigration work was continued by the bodies established under the Unemployed Workmen Act of 1905. During 1908 the Central (Unemployed) Body for London and the Provincial Distress Committees sent emigrants to the colonies. Most of the 275 emigrants were sent to Canada and Australia and only two were sent to South Africa.¹¹¹ In 1909 these associations continued to send emigrants, and of the 530 emigrants South Africa again received only two.¹¹² In the period from 1907 to 1909 the Cape Colony decided to give no further assisted passages to emigrants from Britain, and prospective emigrants had to finance their own emigration efforts.¹¹³

3.2 Natal

After the annexation of Natal in 1843, the British government planned to settle the colony with European settlers. The abundance of labour was marketed as a significant advantage for emigration.¹¹⁴ The supposed abundance of African labour led the Colonial Land and Emigration Commissioners to conclude in 1848 that there was no need for the immigration of unskilled European labourers. There was, however, a great need for skilled workers as well as capital investors.¹¹⁵ Natal was portrayed as an ideal destination for emigrants due to its agricultural potential. Drought, a problem in many other colonies, was also seldom a factor in Natal.¹¹⁶ Another benefit of Natal was its potential for cotton cultivation. The British manufacturing industry depended on the importation of cotton, mainly from foreign countries. Natal cotton was found to be of a high standard, and could be utilised by Britain.¹¹⁷ Economic development in Natal was seen as dependant on the settlement of uninhabited areas by British emigrants and the effective administration of the African population. It was believed that Natal, if populated by a hard-working white population, could produce valuable exports which would benefit British industry.¹¹⁸

¹¹⁰ BPP 137, p. 13: Emigration and immigration: Causes which led to the rejection of the emigrants, 28.4.1910.

¹¹¹ BPP Cd.4526, p. 4: Emigration, Report on the Emigrants' Information Office, 31.12.1908.

¹¹² BPP Cd.5101, p. 4: Emigration, Report on the Emigrants' Information Office, 31.12.1909.

¹¹³ BPP Cd.5101, p. 4: Emigration, Report on the Emigrants' Information Office, 31.12.1909; BPP Cd.3918, p. 5: Emigration, Report on the Emigrants' Information Office, 31.12.1907.

¹¹⁴ BPP 980, pp. 49-50: Despatch from Governor Sir Peregrine Maitland to Lord Stanley, 30.3.1846.

¹¹⁵ BPP 1059, No. 12, Enclosure, pp. 91-92: Extract of a report from Colonial Land and Emigration Commissioners, 8.12.1848.

¹¹⁶ Hume Tracts Collection: Collison, F., *Advice to emigrants: A few observations on Natal* (pamphlet), 1848, pp. 5-6.

¹¹⁷ *Ibid.*, p. 8.

¹¹⁸ *Ibid.*, pp. 25-26.

Emigration schemes led to the settlement of about 5 000 British emigrants in Natal in the period from 1848 to 1852. Most of the settlers did not possess the necessary capital to become successful farmers, and contributed to the Natal economy in other capacities such as traders and hunters.¹¹⁹ In 1850 it was reported that a large number of immigrants had arrived in Natal. Circumstances were not as beneficial as reported since provisions were costly, money scarce and the soil less fertile than expected. The immigrants were mainly interested in cultivating cotton but soon found that profits were not yielded as rapidly as promised. Immigrants complained that emigration companies were deceiving them by encouraging unrealistic hopes. People were, for instance, encouraged to bring trade articles to Natal with the promise of making large profits from their sale. It was, however, discovered after arrival that there was no market for the items and in many instances items were sold at a loss of 50% or more.¹²⁰

By 1857 the settler population numbered about 8 000 people. The economic development of Natal became a priority and the availability of a regular supply of labour became crucial.¹²¹ A scheme was therefore approved to assist emigration to Natal. This emigration scheme allowed a resident of the colony to nominate a person for assistance to come to Natal. The Natal government would advance the cost of the passage on condition that the person nominating the emigrant had to repay the amount at a rate of £10 per annum. The cost to the government was about £5 per immigrant.¹²² Between 1858 and 1863 this scheme assisted 1 634 immigrants in settling in Natal.¹²³ Colonists with financial means used the system quite successfully to bring friends and family. The advantage of the scheme was that the emigrants were selected by the colonists themselves and were therefore probably better suited to the needs of the colony.¹²⁴

One of the issues facing the colonial authorities during the 1860s was the need for a suitable emigration scheme for Natal. A scarcity of land hampered emigration since initially 2 630 457 hectares were granted to only about 8 000 people, while a further 547 944 hectares were set aside for the African population. Dr Robert Mann was therefore appointed to act as emigration agent to organize an immigration scheme for Natal conditions. In 1866 he proposed a scheme which was approved by the Earl of Carnarvon. The main idea of the

¹¹⁹ Slater, pp. 261-262.

¹²⁰ *The Manchester Guardian*, 6.7.1850, p. 8.

¹²¹ Harries, p. 372.

¹²² BPP 3304-I, No. 12, p. 42: Despatch from Lieutenant-Governor Scott to his Grace the Duke of Newcastle, 2.11.1863.

¹²³ BPP 3341, p. 50: Twenty-fourth general report of the Emigration Commissioners, 1864.

¹²⁴ BPP 2711-I, No. 11, p. 44: Despatch from Lieutenant-Governor Scott to the Right Honourable Sir Edward Lytton, 20.7.1859.

scheme embodied in the Land Grants Scheme of 1867 was that lots of 81 hectares each would be offered to emigrants if they could prove access to capital of £500. The immigrant had to occupy the land for at least eight months of the year and after four years a grant would be issued to him.¹²⁵ Emigrants with the financial resources to support themselves received a free grant of 20 hectares of land while emigrants with £250 received 40 hectares.¹²⁶

During 1868, 138 land grants were awarded and 230 people moved to Natal. Of these, 53 settlers each had £500 capital, 25 settlers had £250 and 60 settlers had £100.¹²⁷ There was a continuous increase in applications to the agent as the advantages offered by the colony became more widely known. The immigrants who moved to Natal during 1867 were reported to have managed well and were in the process of harvesting their first crops. Applications were also received for the extension of the scheme to Norwegian and Dutch emigrants.¹²⁸

During 1870, 77 land grants were issued to immigrants from Great Britain under the Land Grants Scheme of 1867. An additional twelve grants were made to emigrants from other parts of the British Empire. The total land grant of 89 was smaller than the 99 allocated in 1869. This was probably due to the withdrawal of the annual nomination of new immigrants, which financed assisted passage. Land grants issued from June 1867 to the end of 1869 amounted to 271 and the estimated amount of money introduced into the colony was about £100 000.¹²⁹ Due to financial difficulties the money allocated to immigration was stopped after 1870, and the services of the emigration agent, Dr Mann, were terminated.¹³⁰

In 1872 the assisted passage system for immigrants from Britain nominated by Natal residents was revived.¹³¹ Government Notice No. 251 of 1872 made provision for people who wanted to bring their relatives or artisans to Natal under the assisted passage system. Passages were paid in full by the Natal government, but the government required a partial repayment of passage money at £10 per adult. Applications for assisted passage had to include a written undertaking from two persons who would be responsible for the

¹²⁵ BPP 3855, p. 50: Emigration Commission. Twenty-seventh general report of the Emigration Commissioners, 1867.

¹²⁶ Bristol Selected Pamphlets Collection: *Report of the conference presided over by the Duke of Manchester on the question whether colonisation and emigration may be made self-supporting or even profitable to those investing capital therein*, 1869, p. 23.

¹²⁷ BPP 4159, p. 43: Emigration Commission. Twenty-ninth general report of the Emigration Commissioners, 1868-1869.

¹²⁸ BPP 4024, p. 32: Emigration Commission: Twenty-eighth general report of the Emigration Commissioners, 27.4.1868.

¹²⁹ BPP C.415, No. 11, pp. 25-26: Lieut.-Governor R.W. Keate to the Earl Granville, 8.8.1870.

¹³⁰ BPP C.196, pp. 50-51: Emigration Commission. Thirtieth general report of the Emigration Commissioners, 1870.

¹³¹ BPP C.768, pp. 26-27: Emigration Commission. Thirty-third general report of the Emigration Commissioners, 30.4.1873.

repayment.¹³² Applications for passage had to be made to the Immigration Board at Pietermaritzburg, or to the Immigrants Aid Office in Durban. Emigrants nominated under these regulations would be sent out by the Emigration Commission.¹³³

Government Notice No. 204 of 1872 allowed residents of Natal as well as recently arrived immigrants to apply for tracts of Crown Lands. These applications would be limited to lands of between 400 and 800 hectares. An accepted applicant would receive a license for tenure renewable on an annual basis. Certain criteria were, however, stipulated for obtaining a license, including the following: the applicant had to be of European descent and be able to prove that he possessed some livestock.¹³⁴

In 1874 another attempt was made to promote immigration, and a sum of £10 000 was nominated by the Legislative Council with the purpose of promoting immigration to Natal. The old Immigration Board ceased to exist and a new Department of Immigration was established.¹³⁵ The government of Natal also appointed an emigration agent in London. The Lieutenant-Governor of Natal outlined the emigration agent's principal duties as receiving requisitions from the Department for servants, labourers, artisans and apprentices, and to find suitable persons to meet these requisitions. The agent was also instructed to communicate with the Emigration Societies in Britain since they would be able to assist in procuring workers.¹³⁶

In 1875 Major William Butler published a report concerning immigration to Natal. He attributed the failure of past immigration to the inadequacy of public revenue and the limited availability of land. He recommended remedial measures regarding private estates along with a squatting law which would empower the governor to locate settlers on certain portions of uncultivated private lands. Regarding Crown Lands Major Butler proposed that each settler should receive a free grant of 120 hectares on condition that he occupied the land. He also proposed that besides granting assisted nominated passage, an annual amount of £15 000 should be reserved to relocate 200 approved families to Natal.¹³⁷

During the early 1880s, European immigration to Natal steadily increased. A total of 287 people were introduced by the assisted passage scheme in 1879, and this number increased to 874 in 1880. In 1881 the Natal Legislature allocated an additional £20 000 to

¹³² BPP C.768, p. 136: Appendix No. 31, 4.11.1872.

¹³³ BPP C.768, p. 13: Emigration Commission. Thirty-third general report of the emigration commissioners, 30.4.1873.

¹³⁴ BPP C.768, Appendix No. 30, p. 134: Government Notice No. 204, 1872.

¹³⁵ BPP C.1401-I, No. 4, Inclosure, p. 8: Government Notice No. 209, 1875, Report by W.P. Butler, 3.7.1875.

¹³⁶ Colonial Office (CO) 179/114: Letter Immigration Department Natal to Harry Escombe, 6.3.1874.

¹³⁷ BPP C.1401-I, No. 27, p. 84: The Earl of Carnarvon to Lieutenant-Governor Sir Henry Bulwer, 20.10.1875.

immigration. A special settlement was also established in the Pietermaritzburg district at Wilgefontein and 137 immigrants received plots of land.¹³⁸

In the course of 1887 and 1888 a small number of nominated passages to Natal were made available.¹³⁹ The immigrants generally consisted of farmers, farm labourers, miners, domestic servants, mechanics and artisans. Applicants had to guarantee that the immigrant would be employed for a minimum period of three months. The great need for domestic servants also led to the granting of free passage to them. Domestic servants had to apply to the Natal Emigration Agent in London and they had to provide certificates of good character. The immigrant also had to deposit an amount of £5 which would only be refunded after the first year of employment.¹⁴⁰ In the course of 1888 and 1889 the Natal government also extended assistance to a limited number of small capitalists who were planning to live in special settlements in the colony.¹⁴¹

Soon after the conclusion of the Anglo-Boer War, the need for artisans in both the Cape Colony and Natal was met quite rapidly. There were, however, still opportunities for skilled workers in Natal since platelayers and wagon and carriage examiners with a minimum of five years' experience were required for the government railways.¹⁴² During 1903 Natal gave assisted nominated passage to agriculturists, female relatives and children of resident colonists, and female domestic servants.¹⁴³ In 1907 there was no demand for immigrants to Natal except for female domestic servants.¹⁴⁴

3.3 Transvaal

In 1887 British commentators such as Cornish were critical of the fact that the British government had handed a country so rich in minerals to the Transvaal government in 1881. It was believed that the British government had lost the chance to control a large area of land in South Africa at little cost. The Transvaal also had the potential of providing employment for a substantial number of British citizens.¹⁴⁵ The discovery of gold in 1886 led to an influx of immigrants, a huge increase in wages and a rise in the cost of living. A scarcity of artisan

¹³⁸ BPP C.3094, No. 17, pp. 172-183: Administrator Lieutenant-Colonel C.B.H. Mitchell to the Earl of Kimberley, 30.7.1881; BPP C.3182, No. 77, Enclosure, pp. 120-122: Speech of Sir Henry Evelyn Wood on opening the Second Session of the Ninth Legislative Council, 6.10.1881.

¹³⁹ BPP C.5391, pp. 8-9: Report on the Emigrants' Information Office, 31.3.1888.

¹⁴⁰ BPP C.6795-XI, p. 88: Report on the labour question in Cape Colony and Natal, 1892.

¹⁴¹ BPP C.5725, p. 2: Report on the Emigrants' Information Office, 31.3.1889.

¹⁴² *The Financial Times*, 2.10.1902, p. 2.

¹⁴³ BPP Cd.1942, p. 6: Emigration, Report on the Emigrants' Information Office, 31.12.1903.

¹⁴⁴ BPP Cd.3918, pp. 5-77: Emigration, Report on the Emigrants' Information Office, 31.12.1907.

¹⁴⁵ LSE Selected Pamphlets Collection: Cornish, T., *A lecture on our gold supply: Its effects on finance, trade, commerce and industries*, 1887, pp. 13-14.

labour was experienced but the great cost of living and the expense of reaching the Transvaal discouraged large numbers of British artisans to move to the Transvaal.¹⁴⁶

In 1889 a telegram was published in Britain stating that large numbers of masons, carpenters and bricklayers were required in the Transvaal. The telegram also stated that mechanics could earn up to 30 shillings a day. This led to large numbers of men visiting the Colonial and Emigrants Information Offices. There was, however, no scheme in place to help artisans with assisted passage and it was clear that government assistance was required to meet the mining companies' need for skilled labour.¹⁴⁷

The labour environment in South Africa posed an important question regarding the role of skilled and unskilled white labour in the mining industry. In Australia and Canada white skilled and unskilled labour formed the basis of the labour environment, and it was debated whether this policy would be followed in the Transvaal or if the mining industry would use skilled white labourers as supervisors of unskilled African labourers. According to Nauright during the early 1890s, the labour system which would form the basis for the mining industry became prominent, and it consisted of a small number of skilled white miners and a majority of unskilled African migrant labour. White skilled labour received high wages and opposed immigration of unskilled white labour to the Transvaal.¹⁴⁸

In 1896 a draft law on immigration, the Alien Immigrants Law No. 30 of 1896, was submitted to the Transvaal Volksraad. The draft law was in part a reaction to the fact that South Africa, and especially the Transvaal, had become a destination for immigrants from overpopulated or economically depressed countries. The law stipulated that foreigners would only be admitted if they had a passport supplied by their home country. The passport had to reflect that the person had sufficient means or that he could obtain the required funds through employment. People wishing to live in the Transvaal would be issued with a residential pass but would need to renew their passes annually. Residential passes as well as travelling passes had to be shown to officials such as magistrates, mining commissioners or field-cornets when requested. Foreigners who lived in the Transvaal without the applicable residential or travelling passes would be expelled from the country as stipulated in the Aliens Expulsion Law No. 25 of 1896.¹⁴⁹ The Aliens Expulsion Law empowered the president to expel,

¹⁴⁶ BPP C.5725, p. 3: Report on the Emigrants' Information Office, 16.4.1889.

¹⁴⁷ *The Economist*, 23.2.1889, p. 245.

¹⁴⁸ Nauright, J., "Cornish miners and the Witwatersrand gold mines in South Africa c.1890-1904" in *Cornish History*, <http://archive.today/Oq7ZR>, accessed 12.9.2013.

¹⁴⁹ BPP C.8423, No. 81, Enclosure, pp. 68-69: New Immigration Law, Passport Regulation, 26.11.1896.

without the right to appeal, any foreigner who broke the law or presented a threat to public peace and order.¹⁵⁰

The British Agent in Pretoria received numerous letters from British citizens living in Johannesburg concerning the validity of the new immigration law. Mr J.G. Wood inquired whether, as a British citizen, he was expected to register himself under the provisions of the new law and whether the law was a breach of the London Convention. In a letter Mr D.M. Kennedy referred to the law as a white pass law. He believed that the right to live in Johannesburg was guaranteed by the Convention of 1884 and could not be altered by any act of the Transvaal government without the consent of the British government. He stated that many British citizens were determined to disobey the law and demanded the protection of the British government as guaranteed by the convention.¹⁵¹ In a letter from a Mr F. Gasforth the new act was depicted as degrading to Europeans since it was previously only applicable to the African races.¹⁵² The High Commissioner replied that British citizens living in the Transvaal had to conform to the laws of the state.¹⁵³

In response to a communication from the British government, the government of the Transvaal indicated that they saw no reason to repeal or alter some of the questionable portions of the law. They were of the opinion that Article 14 of the London Convention did not exclude police laws required for the maintenance of public peace and order. They also stated that restrictive legislation was required due to the large number of destitute foreigners entering the country, and therefore the legislation was entirely justified and constituted no infringement of Article 14 of the London Convention.¹⁵⁴ The new immigration law therefore distinguished between desirable and undesirable immigrants. A desirable immigrant had the means to support himself or could obtain employment, while an undesirable immigrant was poor, had no profession or skill and could become a burden on society and the state.¹⁵⁵

The British government struggled to accept the view that Law No. 30 of 1896 was an ordinary police law within the terms of Article 14 of the convention. Article 14 declared that all persons other than Africans would have the freedom to enter, travel or reside in any part of the Transvaal. The law also imposed other additional requirements that did not form part of the convention. Articles 5 and 6 of Law No. 30 required a foreigner to apply for a new

¹⁵⁰ BPP C.8423, No. 121, pp. 115-116: Mr Chamberlain to Lord Rosmead, 6.3.1897.

¹⁵¹ BPP C.8423, No. 87, Enclosure 1, p. 77: Mr D.M. Kennedy to the British Agent, Conyngham Green, 5.12.1896.

¹⁵² BPP C.8423, No. 87, Enclosure 3, p. 78: Mr F. Gasforth and others to Mr Conyngham Green, 9.12.1896.

¹⁵³ BPP C.8423, No. 87, Enclosure 2, pp. 77-78: The High Commissioner to the British Agent, 14.12.1896.

¹⁵⁴ BPP C.8423, No. 110, Enclosure, pp. 105-106: British Agent, Conyngham Greene, to the High Commissioner, 19.1.1897.

¹⁵⁵ BPP C.8423, No. 81, Enclosure, pp. 68-70: New Immigration Law, Passport Regulations, 26.11.1896.

passport every three months or every year depending on whether he was a passing traveller or a resident. Article 8 required him to show his passport on demand to officers of the Transvaal. In light of these requirements, the British government felt that Law No. 30 constituted a violation of the London Convention. The law encumbered the free entry of foreigners into the country and their residence in it. The British government appreciated the difficulties which could be caused by the uncontrolled influx of people but adhered to the view that the Transvaal should have consulted the British government before the proclamation of a law which was in opposition to the London Convention.¹⁵⁶ The convention, which was mutually binding on both governments, could not be altered by either party without the consent of the other. The law, despite the British government's contention that it was an infringement of the convention, was implemented and British subjects who did not comply were refused entry to the Transvaal.¹⁵⁷

3.3.1 Skilled and unskilled white labour after the Anglo-Boer War

During the Anglo-Boer War a permit system meant that there were no employment opportunities for emigrants in the Transvaal.¹⁵⁸ In October 1900 a communication was received from the Refugees' Committee protesting against the detention of white workers in Cape Town. The communication stated that there was dissatisfaction at the enforced postponement of their return to Johannesburg. Mr John Swift Macneill, Member of Parliament for South Donegal, asked the Secretary of State for the Colonies whether he was aware that in many instances the positions of the 120 000 British miners who had left Johannesburg because of the war had been filled by Africans. He requested information regarding the number of refugees that had been allowed to return to the Transvaal, and whether Lord Milner was instructed to oppose the substitution of white labour by Africans. Chamberlain informed the House of Commons that one third of the refugees had already returned to Johannesburg. He had, however, received no information regarding the substitution of white labour by Africans and therefore no instructions were required.¹⁵⁹

At the conclusion of the war, public attention in Britain was focused on the country and many emigrants travelled to South Africa. The coastal towns soon became overcrowded due to the slow resumption of mining in the Transvaal. Due to the scarcity of African labourers some of the mines experimented with the employment of white labour for manual

¹⁵⁶ CO 879/43, No. 331: Mr Chamberlain to Lord Rosmead, 6.3.1897.

¹⁵⁷ BPP C.8423, No. 120, pp. 113-115: Mr Chamberlain to Lord Rosmead, 6.3.1897.

¹⁵⁸ BPP Cd.1464, p. 5: Emigration, Report on the Emigrants' Information Office, 31.12.1902.

¹⁵⁹ *House of Commons Debates*, 2.5.1902, Vol. 107, c555.

work, but the experiment was not very profitable due to the high cost of white labour. On account of their war service or because they were first-class mechanics, a number of men received indulgence passage in empty transports going to South Africa, but no general scheme of assisted emigration was adopted.¹⁶⁰

During 1902 the building industry in the Transvaal required artisans. There was an excess of ordinary white labourers since the discharge of the irregular forces after the conclusion of peace meant that all of them joined the labour market.¹⁶¹ The importation of white unskilled labour was regarded as a possible solution to the problem of unskilled labour scarcity within the Transvaal.¹⁶² The use of unskilled white labour on the Transvaal mines was problematic due to the contrasting views held by interest groups.¹⁶³ Skilled white employees working on the mines opposed this since they resented the employment of white men as unskilled labourers. Skilled workers feared that this would pave the way for their replacement by cheaper labour.¹⁶⁴ It was also generally believed that white men should not work alongside Africans in the mines since it would lower their estimation by Africans.¹⁶⁵ The wages required by white men also restricted their entry into unskilled labour positions. From an economic point of view it did not make sense to replace an African labourer costing 2 or 3 shillings a day with a white labourer costing 20 shillings a day. Mine owners opposed the use of unskilled white labour since it would result in mines working at a loss, leading to reduced dividends. A policy was therefore promoted to restrict white labour to skilled positions.¹⁶⁶

Labour was employed in the following way on the mines: highly paid skilled white labour was used together with unskilled African or coloured labour at lower wages. One skilled white worker was employed for every eight unskilled workers. Since the Anglo-Boer War the Transvaal had experienced a severe labour shortage and due to this a large number of unskilled white labourers were employed. This was promoted as an experiment which would enable unskilled white men to become skilled and to find permanent employment. During 1902 it was proposed that African labour should be substituted with white labour and that these Africans should be used as farm labourers. Many mine owners opposed this since higher wages were paid to white workers. There were also people who supported the use of

¹⁶⁰ BPP Cd.1464, p. 5: Emigration, Report on the Emigrants' Information Office, 31.12.1902.

¹⁶¹ *The Financial Times*, 2.10.1902, p. 2.

¹⁶² *The Times*, 27.1.1903, p. 4.

¹⁶³ *House of Commons Debates*, 17.2.1904, Vol. 130, cc26-80.

¹⁶⁴ *The Times*, 27.1.1903, p. 4.

¹⁶⁵ *House of Commons Debates*, 17.2.1904, Vol. 130, cc26-80.

¹⁶⁶ *The Times*, 27.1.1903, p. 4.

unskilled white labour in conjunction with the available African labour. The white labourers would be paid at the same rate as African labourers. It was, however, feared that these white labourers would soon become skilled and compete against the existing skilled British labour.¹⁶⁷

At the start of 1903 there was a large demand for artisans. Because of the large number of arrivals that year the demand was sufficiently met and by the end of the year some men were even unemployed. This was due in part to the economic depression experienced in the Transvaal. Manual labourers from Britain were introduced on an experimental basis to work on the railways, but it was unsuccessful and the men were sent home. The cost of living in the Transvaal remained high and the country also suffered a severe drought.¹⁶⁸

In his April 1903 report to the directors of the Geduld Proprietary Mines Limited the General Manager stated that during 1902 there had been an adequate supply of skilled labour. The lack of African labour was, however, so serious that it was supplemented by the employment of white unskilled labour at 10 shillings a day. He emphasised that the employment of unskilled white labour was very expensive.¹⁶⁹ The number of unskilled white labourers employed in the Transvaal gold mines on 31 December 1902 was 2 150 and on 31 December 1903 was 2 472.¹⁷⁰ Sir Percy Fitzpatrick attempted to employ unskilled white labour at his Eckstein mines, but the practice was discontinued since it was estimated that the mine lost about £3 000 per month. The use of white labour was also tried in railway construction, but the work done by 1 000 white men sent from Britain cost four times more than similar labour done by African labourers. The white labourers were therefore paid a month's wages and shipped back to Britain. The estimated saving of doing this was reported to be about £40 000.¹⁷¹

In December 1903 it was reported that due to the unsettled conditions of the labour market and the shortage of unskilled labour for the mines, British emigrants were returning home in their hundreds. Despite this and although repeated warnings were issued by the Cape Emigration Office, hundreds of others were leaving Britain for South Africa on a weekly basis, adding to the unemployment in the South African colonies. In addition to those who returned there were hundreds of men in Cape Town and Johannesburg without food or

¹⁶⁷ Farrar, G., *The South African labour problem: Speech by Sir George Farrar at a meeting held on the East Rand Proprietary mines on March 31st, 1903*, pp. 13-14.

¹⁶⁸ BPP Cd.1942, p. 6: Emigration, Report on the Emigrants' Information Office, 31.12.1903.

¹⁶⁹ *Daily Express*, 22.4.1903, p. 3.

¹⁷⁰ *House of Commons Debates*, 16.2.1905, Vol. 141, cc305-306.

¹⁷¹ *House of Commons Debates*, 17.2.1904, Vol. 130, cc26-80.

employment who were unable to afford the passage back home. A large number of stowaways had been discovered and men were punished with three to four weeks hard labour when discovered.¹⁷² An urgent warning was issued to potential British emigrants to remain in Britain. There was no work for them on arrival in the Transvaal and labour wages were decreasing. The main railways were reducing their staff by hundreds, imports were slow and internal traffic was paralysed due to the depression in the mining industry through the shortage of African labour.¹⁷³ During 1904 the Emigrants Information Office continued to warn prospective emigrants not to travel to South Africa as long as the supply of white labour in the Transvaal was in excess of the demand.¹⁷⁴

On 31 March 1903 a meeting was held at the East Rand Proprietary Mines which was attended by about 800 men. The main objective of the meeting was to discuss the introduction of Chinese labour into the Transvaal.¹⁷⁵ The meeting passed a resolution that Chinese labour, if introduced into the Transvaal, should be regulated by the government. They should be employed only as unskilled labour, not be allowed to trade and own land, and be restricted from competing with white labourers.¹⁷⁶

The introduction of Chinese labour to the Transvaal renewed British interest in the prospects of white labour. The Labour Importation Ordinance of 1904 regulated the introduction of Chinese labour, and specifically stipulated that Chinese labourers would not be employed in skilled occupations. A schedule listed all the occupations from which Chinese labourers were excluded. Chinese labourers would, therefore, be restricted to unskilled labour which was defined as labour usually performed in mines on the Witwatersrand by persons belonging to African races.¹⁷⁷ It was believed that excluding the Chinese from skilled occupations would provide sufficient protection for white employees against Chinese competition. The proposed introduction of Chinese labour would ensure that the non-operational mines would commence production, securing additional job opportunities for white skilled labour.¹⁷⁸ Mr Lyttelton stated in the House of Commons that there was an increase in work for white men due to the preparations for the arrival of the Chinese labourers. Large construction projects were in progress on new mines, and development work

¹⁷² *Daily Express*, 21.12.1903, p. 1.

¹⁷³ *Daily Express*, 24.10.1903, p. 1.

¹⁷⁴ *House of Commons Debates*, 8.3.1905, Vol. 142, cc710-711.

¹⁷⁵ Farrar, p. 1.

¹⁷⁶ *Ibid.*, p. 13.

¹⁷⁷ *House of Commons Debates*, 16.6.1904, Vol. 136, c272.

¹⁷⁸ Farrar, p. 18.

on the deep levels had increased. Additional work for white men on the mines included the building and reparation of compounds.¹⁷⁹

Numerous complaints were, however, made with regards to the employment of Chinese workers in skilled positions. In 1905, at a monthly meeting of the Johannesburg Trades and Labour Council, white workers lodged complaints regarding the employment in Johannesburg of Chinese labourers in trades restricted to white mechanics. The Amalgamated Society of Carpenters and Joiners also complained that Chinese labourers were making and fixing frames in some of the townships in Johannesburg.¹⁸⁰

British interest groups regularly scrutinised the position of British employees working on the Transvaal mines, especially with regard to Chinese labour. In February 1905 Mr Lyttelton was questioned in the House of Commons regarding the discharge of 75 unskilled white workers employed at the Geldenhuis Deep Mine.¹⁸¹ Sir Arthur Lawley, Lieutenant-Governor of the Transvaal, denied that unskilled white men had been discharged from the Geldenhuis Deep and Rose Deep Gold Mining Companies since the introduction of Chinese labour.¹⁸²

Due to continued interest in the position of white workers, Lyttelton requested Milner in March 1905 to supply information regarding the number of white men building compounds for Chinese labourers as well as the number of white men working in the gold mines.¹⁸³ The mines employing Chinese labour reported that 1 106 white labourers were employed to build the compounds for Chinese labour. Of this total, 671 of the men were used as contract labour and were discharged at the completion of their contracts, while the other 435 continued to work on the mines as permanent employees.¹⁸⁴

In April 1905 Mr Herbert Samuel, Member of Parliament for Cleveland, enquired whether it was true that white employees were being replaced by Chinese labourers on the Transvaal mines through the substitution of hand drills for machine drills. Mr Samuel stated that he had received information from a reliable source that these replacements were occurred at the Van Ryn Mine.¹⁸⁵ According to Selborne the lack of unskilled labour that predated the introduction of Chinese labour forced a large number of mines to use machine drills to break

¹⁷⁹ *House of Commons Debates*, 16.2.1905, Vol. 141, cc305-306.

¹⁸⁰ *House of Commons Debates*, 7.3.1905, Vol. 142, c569.

¹⁸¹ BPP Cd.2563, No. 1, Enclosure 1, p. 1: House of Commons, 23.2.1905.

¹⁸² BPP Cd.2563, No. 10, p. 10: Lieutenant-Governor Sir Arthur Lawley to Mr Lyttelton, 29.4.1905.

¹⁸³ BPP Cd.2563, No. 2, p. 2: Mr Lyttelton to Governor Viscount Milner, 3.3.1905.

¹⁸⁴ BPP Cd.2563, No. 11, p. 11: Lieutenant-Governor Sir Arthur Lawley to Mr Lyttelton, 29.4.1905.

¹⁸⁵ BPP Cd.2563, No. 4, p. 3: Mr Lyttelton to Lieutenant-Governor Sir Arthur Lawley, 8.4.1905.

the ore bodies, ensuring that the ore mills could continue working. Normally this kind of work would have been done through the operation of hand drills. Hand drilling was preferable to machine drills since it was not as dangerous to life, the health hazard was lower since it produced less dust, and it was also cheaper. The implementation of the Labour Importation Ordinance meant that there was more unskilled labour available, the use of machine drills was halted and the mines returned to the preferred method of hand drilling.¹⁸⁶ Lawley also assured Lyttelton that it was not correct that rock drilling by white labour was being supplanted by hand drilling by African or coloured labour. Hand drilling was used because it was more cost effective to do so and was normally done by African labourers supervised by white men. This meant that an increase in the number of African labourers consequently led to the increased usage of hand drills.¹⁸⁷

Wages of white workers were another point of interest in the House of Commons. A letter from the General Secretary of the Transvaal Miners' Association to the Secretary of the Cape District Trades and Labour Council highlighted the plight of white workers. In this letter the Transvaal miners alleged that British miners had received 25 shillings a day before the introduction of Chinese labour. The Comet Mine was one of the first mines to employ skilled white workers in conjunction with Chinese labourers in hand drilling. The wages of white workers at this mine were allegedly reduced from 25 shillings to 16 shillings and 8 pennies a day.¹⁸⁸

Due to the steady decline in the proportion of white labour to coloured labour employed in the Transvaal mining industry, it was asked whether the Secretary of State for the Colonies would continue the warning issued in the January 1905 circular of the Emigration Office against white miners going to the Transvaal. Lyttelton, however, felt that the decline in the proportion of white to coloured labour in the mining industry was not consistent since in 1904 it varied considerably from month to month. It was understood that it would continue to vary as different stages of development were reached. The Emigrants Information Office would continue to warn potential emigrants as long as the supply of white labour in the Transvaal exceeded the demand. Dr Thomas Macnamara, Member of Parliament for Camberwell North, also asked whether an inquiry would be launched into the consequences of the introduction of Chinese labour for white labour in the Transvaal mining

¹⁸⁶ BPP Cd.2563, No. 31, pp. 60-61: Governor the Earl of Selborne to Mr Lyttelton, 19.6.1905.

¹⁸⁷ BPP Cd.2563, No. 11, p. 11: Lieutenant-Governor Sir Arthur Lawley to Mr Lyttelton, 29.4.1905.

¹⁸⁸ *House of Commons Debates*, 11.4.1905, Vol. 144, cc1263-1266.

industry. Lyttelton, however, saw no reason for instituting the proposed parliamentary enquiry.¹⁸⁹

In June 1906 Dr Macnamara enquired whether the Secretary of State for the Colonies would urge the Transvaal government to employ white men as gangers and overseers under the Chinese Labour Ordinance. This would be in accordance with the assurances given by himself and Lord Milner that the adoption of the ordinance would result in additional employment for white men. Lyttelton reiterated that the terms of the Labour Ordinance were compiled to ensure that there was no displacement of white labour and that no work performed by whites would be given to the Chinese. He did not believe that representations were therefore required.¹⁹⁰

In August 1906 the employment of an estimated 50 000 Chinese labourers on the mines meant the employment of 6 000 skilled white employees. It was believed that the repatriation of Chinese labourers would impact on the positions of these white employees unless a substitute could be found for Chinese labour. It was stated that the loss of employment of the 6 000 white miners would lead to a loss of four seats, and thereby undermine British supremacy in the Transvaal.¹⁹¹

Mr Frederick Mackarness, Member of Parliament for Newbury, asked if the Robinson Group would be willing to employ a larger number of white miners if they were allowed to recruit Africans in Mozambique. The Robinson Group had applied for a license to recruit African labour from Mozambique but the Witwatersrand Native Labour Association (WNLA) and the Chamber of Mines were opposing the grant of recruitment facilities. Churchill believed that additional recruitment in the Portuguese territory would solve the labour deficiency created by the repatriation of Chinese labourers. This would also ensure that no white labour positions were lost.¹⁹²

In Britain, the employment of Chinese labour was perceived in some quarters as having a negative impact on the employment of white labour on the mines. Before the introduction of the Chinese in May 1904 the employment of white men per stamp was one to six Africans, but in March 1907 it was reported that it was less than one to nine.¹⁹³ The

¹⁸⁹ *House of Commons Debates*, 8.3.1905, Vol. 142, cc710-711.

¹⁹⁰ *House of Commons Debates*, 13.6.1904, Vol. 135, c1485.

¹⁹¹ *House of Commons Debates*, 4.8.1906, Vol. 162, cc1804-1824.

¹⁹² *House of Commons Debates*, 13.12.1906, Vol. 167, c660.

¹⁹³ *The Manchester Guardian*, 21.7.1907, p. 3.

number of white men continued to decrease, and in August 1906 the number of white men employed per 100 stamps was 210 compared to 250 in May 1904.¹⁹⁴

In 1907 the distress among unemployed white men in Johannesburg was so great that Mr J.B. Robinson provided £5 000 for their relief. Due to unemployment the Australian government was asked to take steps to repatriate the unemployed Australians on the Rand.¹⁹⁵ The Australian government therefore intervened and repatriated 1 400 Australians from South Africa.¹⁹⁶ Many men left the Transvaal and the state of affairs was widely discussed in the colony. There were also many references to it in political speeches in the run-up to the elections.¹⁹⁷ After the elections in the Transvaal, the mine owners stated their intent to decrease white labour. The position of these men was described in the House of Commons to be dire since they were both unemployed and starving.¹⁹⁸

In 1908 the reduced or assisted passage formerly given by the Transvaal government was cancelled.¹⁹⁹ To assist white labourers in the Transvaal an experiment was initiated which promoted the employment of unskilled white labour on the mines. This experiment was continued in 1908, and the Chamber of Mines Executive Committee's report for May 1908 stated that 126 white men had been placed and that the mines had been asked to find work for a further 350 men. The cost of employing these white unskilled labourers was however higher than employing Africans.²⁰⁰ This experiment was not successful since a large proportion of the white labourers refused to do the work offered to them on the mines. The workers also expressed their unhappiness with the fact that they had to do work usually done by African labourers and at similar wages to that paid to Africans. On 6 April 1908 the Rand Unemployment Committee reported that of the 395 white men employed on seventeen mines only 121 were still working.²⁰¹ According to Colonel John Seely, Member of Parliament for Liverpool Abercromby, white labourers refused to continue working in the mines since they objected to being placed on the same level as African labourers. Despite this the Rand Unemployment Investigation Committee continued to hope for the success of the experiment.²⁰²

¹⁹⁴ *House of Commons Debates*, 5.11.1906, Vol. 164, cc113-114.

¹⁹⁵ *House of Commons Debates*, 14.2.1907, Vol. 169, cc302-303.

¹⁹⁶ *House of Commons Debates*, 15.8.1907, Vol. 180, cc1623-1721.

¹⁹⁷ *House of Commons Debates*, 14.2.1907, Vol. 169, cc302-303.

¹⁹⁸ *House of Commons Debates*, 15.8.1907, Vol. 180, cc1623-1721.

¹⁹⁹ BPP Cd.4526, p. 4: Emigration, Report on the Emigrants' Information Office, 31.12.1908.

²⁰⁰ *House of Commons Debates*, 13.7.1908, Vol. 192, c398.

²⁰¹ *House of Commons Debates*, 4.5.1908, Vol. 187, cc1651-1652.

²⁰² *House of Commons Debates*, 7.5.1908, Vol. 188, cc415-416.

The white labour experiment was also a point of interest in the House of Commons, and Mr Arthur Fell, Member of Parliament for Great Yarmouth, in July 1908 enquired whether the experiment had been concluded and if it had been successful or not. Colonel Seely, the Under-Secretary of State for the Colonies, stated his belief that the employment of unskilled white labour did continue.²⁰³

During 1909 there was an improvement in the Johannesburg labour market, especially with regards to employment for artisans in the building trades. The labour demands were met internally, and the Transvaal required no further immigrants. The number of white residents who found employment increased and work was found for a number of white men and boys as unskilled labourers on the mines.²⁰⁴

4. Female emigration

The first organisation which specialised in the emigration of women from Britain was the London Female Emigration Society, established in 1850. This society assisted eighteen women to successfully immigrate to Canada. In 1859 the British Ladies Emigration Society was established, followed by the Female Middle Class Society which specialised in the emigration of educated women to the British colonies.²⁰⁵

In 1872 the Emigration Commission drew attention to the increasing excess of females over males in the British population. According to the census of 1871 there were 913 162 more females than males. This excess was seen as mostly due to emigration. Although there was a huge demand for female domestic servants in the United States of America and in the British colonies, it was clear that females were not as willing as men to emigrate. There were also few opportunities for women of a superior class in the colonies. The colonial governments frequently advised women above the class of domestic servants and who were not willing to accept menial employment not to immigrate.²⁰⁶

The British Women's Emigration Association was formed in 1884. The association selected female emigrants and ensured that they reached the colonies safely. Most of the women who were assisted by the association were domestic servants. Dressmakers, teachers and nurses also immigrated to the colonies. Since females found it difficult to immigrate on

²⁰³ *House of Commons Debates*, 13.7.1908, Vol. 192, c398.

²⁰⁴ BPP Cd.5101, p. 7: Emigration, Report on the Emigrants' Information Office, 31.12.1909.

²⁰⁵ Willcox, p. 257.

²⁰⁶ BPP C.562, p. 3: Emigration Commission: Thirty-second general report of the Emigration Commissioners, 30.4.1872.

their own, the Association facilitated emigration thereby addressing the shortage of women in the colonies as well as alleviating the problem of excess females in Britain.²⁰⁷

The British Women's Emigration Association (BWEA) sent female emigrants to South Africa during the late nineteenth century. Due to a lack of funds and the emphasis of the association on assisting educated women who preferred Australia or Canada, the number immigrating to South Africa was small. In 1899 a South African Sub-Committee of the BWEA Council was established, but during the Anglo-Boer War no advances were made in promoting female emigration.²⁰⁸

According to Blakeley by 1901 the issue of female emigration was seen as a way to ensure that the South African colonies remained part of the British Empire. The demographic weakness of the British position in South Africa was highlighted by a report issued by the Land Settlement Commission in 1900. Milner believed that the conclusion of the war should be accompanied by a policy to increase the British population in South Africa. Sir John Ardagh, who was a member of the South African Compensation Commission, proposed a plan which focused on the role of women in the consolidation of the British position in South Africa. Ardagh compiled a number of memorandums during 1901 and 1902 which emphasised the crucial role of female emigration to South Africa. One of the main objectives of his plan for female emigration was to ensure that single British men living in South Africa married British girls. The girls therefore had to be young and healthy, and social functions would be arranged to ensure socialisation with British men. In later memorandums he also emphasised the importance of female immigration to the imperial interests in South Africa since it would increase the number of British inhabitants in the country. Ardagh emphasised the cost of female immigration and stated that government support was required for such a scheme.²⁰⁹

Even before Ardagh's first memorandum, Chamberlain publicly supported the work of the British Women's Emigration Association. In a speech at the association's annual meeting on 14 March 1901 he emphasised the important role of the association in creating opportunities for women, which would reinforce the position of the British Empire. Both Chamberlain and Ardagh believed that the end of the Anglo-Boer War would be critical to British interests in South Africa. Chamberlain also highlighted the importance of ensuring

²⁰⁷ Willcox, pp. 257-258.

²⁰⁸ Blakeley, B.L., "Women and imperialism: The Colonial Office and female emigration to South Africa, 1901-1910" in *Albion: A Quarterly Journal concerned with British Studies*, Vol. 13, No. 2, Summer 1981, pp. 134-135.

²⁰⁹ *Ibid.*, pp. 131-134.

men immigrating to South Africa had the option of marrying British girls. Chamberlain's speech to the BWEA had ensured that female emigration was brought to the attention of the public and Blakeley viewed it as part of a larger scheme to consolidate the British position in South Africa.²¹⁰

In January 1902 a monthly journal, *The Imperial Colonist*, was established to inform the public about the objectives of female emigration, and thereby to gain financial support. The journal published articles describing opportunities in South Africa for domestic servants and other occupations.²¹¹ At a meeting in London on 20 March 1902, the establishment of the South African Emigration Committee was portrayed as the direct result of the speech of Mr Joseph Chamberlain to the British Women's Emigration Association the previous year. The meeting emphasised the large number of applications received for emigration. Lady Knightley of Fawsley emphasised that the main objective of female emigration was to send women who fulfilled the stipulations regarding good health and moral character. The meeting highlighted the importance of female emigration due to the large number of British males in the country. The emigration of females was seen as an important step in facilitating marriages between British citizens in South Africa.²¹²

The annual meetings of the South African Expansion Committee which in 1903 became the South African Colonisation Society (SACS) secured financial assistance and public support.²¹³ The stated objective for the establishment of the South African Colonisation Society was to promote protected female emigration. The society promised to uphold the following principles:

- To only provide emigration assistance to women and girls of good character who were able to perform the specified work
- To select only emigrants who were suitable to the colony's requirements
- To ensure that female emigrants were protected during the voyage and received by officials of the society on arrival
- The society would remain in contact with the emigrants for at least one to two years after their arrival in the colony.²¹⁴

²¹⁰ *Ibid.*, pp. 134-135.

²¹¹ *Ibid.*, pp. 135-136.

²¹² *The Manchester Guardian*, 20.3.1902, p. 10.

²¹³ Blakeley, pp. 135-136.

²¹⁴ The Women's Library at the London School of Economics (LSE) Archive, 1SAX/2/1, p. 9: South African Colonisation Society Reports, 1903.

The SACS required financial support for various purposes, such as the establishment of hostels. Female immigrants would be received in the hostels for a few days after their arrival. In cases where the immigrants did not live with their employers they could live in the hostel permanently. These hostels served as an Employment Bureau which could secure employment for female immigrants. Hostels were established in Cape Town, Kimberley, Durban, Pietermaritzburg and Bloemfontein. The SACS also secured financial support for women during their journey from Britain to their destination in South Africa, and granted financial aid to emigrants if they were unable to afford the passage to the colony.²¹⁵

The process followed by the society to send female emigrants to South Africa included the following: applications of prospective emigrants were received, and if the applicant was judged to be acceptable, references would be requested and a medical examination would be done. A medical practitioner, Dr Neville Wood, was appointed for these medical examinations, and unsuitable candidates were rejected.²¹⁶ The emigrants were introduced to the matron who would accompany them to South Africa and ladies acquainted with the conditions in South Africa also spoke to the emigrants both individually and in groups.²¹⁷

According to Blakeley the SACS and the Colonial Office feared the repercussions if the emigration scheme failed. Henry Lambert of the Colonial Office was anxious that such failure would be blamed on Chamberlain. The Colonial Office feared public criticism and was not willing to accept additional liabilities, and therefore used the SACS as a buffer to divert any criticism. Milner had to provide funding for the scheme while the SACS was responsible for the female emigrants. Milner believed that female emigration would assist in enforcing the British component of the South African demography.²¹⁸

In 1902 the South African Expansion Committee asked Lord Milner to grant permission to send 100 women per month to the Transvaal and Orange River Colony. They also requested the colonial administration to donate an amount equal to the money subscribed up to £15 000. This amount would be used for the establishment and running of hostels to receive female emigrants. The committee requested that free passes or reduced fares be granted to female emigrants for railway travel. Joseph Chamberlain, Secretary of State for the

²¹⁵ *Ibid.*, p. 10.

²¹⁶ *Ibid.*, p. 54.

²¹⁷ The Women's Library at the London School of Economics (LSE) Archive, 1SAX/2/1, p. 54: South African Colonisation Society Report, 1904.

²¹⁸ Blakeley, pp. 137-139.

Colonies, approved of the objectives of the association. He however proposed that regulations be instituted to ensure adequate governance.²¹⁹

Milner acknowledged the importance of the scheme and the Transvaal government committed themselves to reserving £15 000 per year for female immigration. Milner also established a Women's Immigration Department in the Transvaal. He proposed the following assistance: a contribution of £5 towards passage money for each female immigrant, provision of accommodation in Cape Town, and free passage on the Transvaal railway. The Cape and Natal railways would contribute to the scheme by providing reduced fares. The Transvaal government was willing to contribute to a hostel in Johannesburg where immigrants would be able to live at a reduced rate. To ensure the safety of the immigrants they would be met in Cape Town by a Transvaal agent. The Transvaal government was, however, unable to guarantee the need for a fixed number of females. The Women's Immigration Department would notify the Colonial Office if female emigrants were required. The South African Expansion Committee was responsible for selection and would communicate the names and dates of arrival to the Transvaal government.²²⁰

The Colonial Office decided to provide financial assistance to the South African Expansion Committee, provided that the committee could ensure the introduction of groups of 50 domestic servants every two weeks during 1903. The Colonial Office also stipulated that a committee be appointed to supervise the work of the Transvaal Women's Immigration Department, and proposed the payment of a capitation fee of £1 for each female emigrant sent to the Transvaal.²²¹

In November 1902 Milner requested that the Women's Immigration Department send 25 women a week, citing the difficulty in placing more than this number.²²² The South African Expansion Committee, however, found it difficult to send out females in parties consisting of fewer than 50. With smaller groups they for example found it problematic to partition a part of the ship for their exclusive use. Weekly parties would also overtax the resources of the committee.²²³

In February 1903, 80 women journeyed to South Africa under the protection of the British Women's Emigration Association. More than 700 inquiries regarding prospects of

²¹⁹ BPP Cd.1463, No. 1, p. 1: Mr Chamberlain to Governor Lord Milner, 21.6.1902.

²²⁰ BPP Cd.1463, No. 3, p. 2: Governor Viscount Milner to Mr Chamberlain, 13.8.1902.

²²¹ BPP Cd.1463, No. 19, pp. 39-40: The Colonial Office to the South African Expansion Committee, 18.12.1902.

²²² BPP Cd.1463, No. 10, p. 17: Governor Viscount Milner to Mr Chamberlain, 17.11.1902.

²²³ BPP Cd.1463, No. 11, p. 18: The Earl of Onslow to Governor Viscount Milner, 27.11.1902.

employment had been made at the offices of the South African Expansion Committee in London. The immigrants were mostly domestic and general servants, although there was a growing demand for educated young women of a higher class. The Transvaal also required teachers and there were inquiries regarding skilled dressmakers. The women received third-class accommodation on a steamer and a second-class train ticket from Cape Town to Johannesburg. In return they had to agree to pay £12 to the government at a rate of £1 per month. The lowest wages of £3 per month were paid to general servants, housemaids, nurses, cooks and nursery governesses. First class cooks, laundresses and ladies' maids received £4 a month while governesses received £5 per month.²²⁴

Difficulties soon arose since some of the women refused to work for the wages offered by employers. Chamberlain therefore emphasised that the South African Expansion Committee should be provided with all the details regarding the wage rates and conditions of service in South Africa. This would ensure that the prospective emigrants were informed and that they would have no cause for complaint with regard to the conditions of employment.²²⁵ The Women's Immigration Department also provided for a bond. Each immigrant had to sign an employment contract which outlined the wage rate and determined that if she declined to accept the employment offered at the prescribed rate or neglected to meet all the stipulations of the contract, she would be liable to repay the amount spent on her.²²⁶

Milner assured Chamberlain that every effort would be made to ensure that the employment found for emigrants was acceptable and the wages fair. A female emigrant was encouraged to return to the hostel in the event that she left her employer where she would be supplied with food and accommodation at a fair rate. She would also be assisted in obtaining new employment for which no extra fees would be charged.²²⁷

In the Cape Colony, the previous system of assisted passage was no longer valid. Under the old system the employer contributed £6 and expected the employee to remain in service for a period of three years. The new system of assisted passage decreased the employer contribution to £3 and the contract was entered into for a period of only one year. The immigrants could be punished under the Masters and Servants Act of 1856 for breaches of contract. This was perceived as quite severe, and it was cautioned that immigrants should

²²⁴ *Daily Express*, 21.2.1903, p. 5.

²²⁵ BPP Cd.1463, No. 5, pp. 3-4: Mr Chamberlain to Governor Viscount Milner, 30.8.1902.

²²⁶ BPP Cd.1463, No. 9, p. 16: Governor Viscount Milner to Mr Chamberlain, 20.10.1902.

²²⁷ BPP Cd.1463, No. 9, p. 16: Governor Viscount Milner to Mr Chamberlain, 20.10.1902.

not be punished too harshly since this, along with the low wages in the Cape Colony, would motivate immigrants to accept employment in Johannesburg instead of in the Cape.²²⁸

Changes in the assisted passage scheme also allowed female immigrants to only pay for their passage after arrival in the Cape. The Agent-General, however, only approved these passages if the immigrant could prove that she had a reasonable expectation of finding an immediate position. This allowed emigrants to select their own employer instead of entering a contract with an unknown employer. An assisted passage was granted on condition that the immigrant resided in the Cape Colony for at least two years before leaving.²²⁹

The 82 women sent to Natal during 1903 (See Annexure F, Table 4 for statistical information on female emigration) included teachers, a hospital nurse, domestic servants and also wives joining their husbands. The majority of the immigrants were domestic servants. The Natal emigrants were supervised by the Transvaal matron as far as Cape Town and then another matron escorted them to Durban. The Durban and Pietermaritzburg Committees allowed service contracts between the employer and employee to be entered into on a monthly basis. There was an urgent demand for domestic servants in Natal and the local committees were disappointed that more domestic servants could not be sent from Britain. The local committees in Natal as well as the SACS were quite clear that they accepted no responsibility in cases where the employee did not live up to the expectations of the employer.²³⁰

The Transvaal government was willing to assist selected immigrants who were approved by the South African Colonisation Society. The immigrant had to pass a medical examination before being approved for the scheme. The government advanced the full passage fee and the immigrant only had to repay £12 at £1 per month. The guaranteed rate of wages for a domestic servant in the Transvaal was about £48 per year. The Transvaal government was committed to protect the girls until they entered employment. Since the commencement of the scheme in March 1902, 1 024 female immigrants were sent to the Transvaal. During the period from 1 January 1903 to 31 March 1904, 683 immigrants travelled to the Transvaal under the government scheme and 75 were sent by assisted passage.²³¹

²²⁸ The Women's Library at the London School of Economics (LSE) Archive, ISAX/2/1, p. 17: South African Colonisation Society Report, 1903, p. 24.

²²⁹ *Ibid.*, p. 25.

²³⁰ *Ibid.*, pp. 38-41.

²³¹ *Ibid.*, pp. 47-48.

The number of girls sent to South Africa steadily decreased due to greater care taken in the selection process. During 1903 the applications were also less than in 1902. The performance of the female immigrants was carefully monitored and it was reported that 10,5% of the women was unsatisfactory due to work performance, morals, drink or physical problems. The society struggled to find openings in the Transvaal for women other than domestic servants. This was due to the economic depression in the colony, but it was believed that in future there would be positions available for dressmakers and first rate clerks.²³²

Employers were required to sign a document which guaranteed the wellbeing of the female immigrant. Accommodation had to be provided inside the employer's house and the employee was allowed an afternoon off once a week. Employers were also requested to ensure that female immigrants were not out after 7 p.m. The committee investigated the suitability of the accommodation provided and ensured that it was acceptable for a white servant. Most of the girls were placed in Johannesburg but some went to Pretoria, Irene, Krugersdorp, Standerton and Heidelberg. The female immigrants signed a contract that bound them to accept employment for six months or until they had repaid the passage fee of £12. The Department encouraged them to only work in positions approved by the Department. This ensured that the female emigrants did not take positions in tea rooms or restaurants. The demand for servants far exceeded the supply, and more than 1 200 applications were received from employers in the Transvaal up to 30 June 1903.²³³

During the annual meeting of the South African Colonisation Society in London the Duke of Marlborough highlighted the Colonial Office's positive regard for the work of the society. He also emphasised the support the society received from the different South African governments. Sir Henry McCallum, the Governor of Natal focused on the fact that 80% of the women sent to the South African colonies were found to be satisfactory. McCallum reiterated the need for domestic servants and teachers, but in his opinion professional women such as dressmakers and typists were not needed. Demand for professional women would only increase with the further development of the country.²³⁴

During 1904 the number of female emigrants sent to South Africa decreased.²³⁵ Emigration to the Cape Colony had been hampered by the decision of the government to

²³² *Ibid.*, pp. 51-53.

²³³ *Ibid.*, pp. 54-57.

²³⁴ *The Manchester Guardian*, 6.5.1904, p. 8.

²³⁵ The Women's Library at the London School of Economics (LSE) Archive, 1SAX/2/1, p. 1: South African Colonisation Society Report, 1904.

discontinue the assisted passage grant.²³⁶ The Masters and Servants Act of 1856 led to some employees being severely sanctioned for breach of contract. It was therefore recommended that female emigrants accepting a contract of employment should be legally justified in leaving employment before the expiry of the contract.²³⁷

In 1904 only 31 female emigrants were sent to Natal. It was reported that due to the economic depression in Natal and higher wages in the Transvaal, emigrants were not as willing to accept employment in Natal. The Natal government had therefore allocated £200 which would be used for nominated passage in 1905. The money would be repaid from the immigrant's wages and the immigrant had to remain in employment in Natal for one year.²³⁸

In the Orange River Colony additional assistance had been granted to immigrants, allowing them to repay part of the passage money instead of paying the full amount before travelling to South Africa. Domestic servants had been sent to many of the smaller towns in the colony, including Wepener, Kroonstad, Heilbron and Bloemfontein.²³⁹

In the Transvaal the demand for white servants also decreased. It was reported that the Ladies' Advisory Committee in Johannesburg along with the matron employed to escort immigrants to the Transvaal, achieved excellent results as only five of the 236 girls sent between July 1903 and June 1904 were morally unsatisfactory.²⁴⁰ To facilitate female immigration to South Africa, Mr Abe Bailey, a prominent mine owner, contributed £2 500 to the South African Colonisation Society.²⁴¹ Bailey not only provided financial assistance for female immigration, but also awarded a financial grant to settle British farmers in the Transvaal and the Orange River Colony. He promoted the immigration of thousands of British farmers to country districts, providing a larger base of loyal British subjects in South Africa. Bailey believed that the immigration of healthy females from the British countryside would assist in providing wives for British farmers in South Africa.²⁴²

During 1905 there was an increase in the number of women sent to South Africa who were not domestic servants. The Education Department had sent 70 teachers, while twelve nurses were sent and 50 other female immigrants formed part of the more educated classes.²⁴³

²³⁶ *Ibid.*, pp. 12-13.

²³⁷ *Ibid.*, pp. 26-27.

²³⁸ *Ibid.*, pp. 37-39.

²³⁹ *Ibid.*, p. 40.

²⁴⁰ *Ibid.*, p. 12.

²⁴¹ *The Mafeking Mail*, 12.3.1904, p. 3.

²⁴² *The Times of Swaziland*, 10.12.1904, p. 2.

²⁴³ The Women's Library at the London School of Economics (LSE) Archive, 1SAX/2/1, p. 8: South African Colonisation Society Report, 1905.

In September 1905 the Cape government revived the system of government assisted passage which had been discontinued in 1904. The first group benefitting from this scheme, consisting of nine women and one child, left Britain in October 1905. Domestic servants, when receiving assisted passage, had to enter into a service contract for a period of one year of employment in the Cape Colony. Emphasis was placed on age and morality and they had to be younger than 35 years of age and also had to be able to produce a certificate of good health and character. After March 1906 the Cape government extended the system, allowing people taking advantage of the Assisted Passage Scheme to also travel second class. It was hoped that this concession would encourage more educated women to journey to the Cape Colony.²⁴⁴

A report indicated that there was an increase in employment opportunities for educated women in the Cape Colony. This was partly due to the perception that white children should be in the care of white women.²⁴⁵ An example in Kimberley was Sister Henrietta, who found employment for nineteen more educated female immigrants. Only 31 female immigrants were sent to the Cape Colony from 1 April 1905 to 31 March 1906.²⁴⁶

In Natal the government regulations for nominated passage stipulated that it would only be granted to women who were of British birth, had never lived in South Africa, were under 40 years of age and were willing to remain in Natal for twelve months after their arrival. The SACS bound themselves to provide these female immigrants with employment for the full period. The £5 and 5 shillings paid for each passage had to be repaid by the employee in monthly instalments of not less than 10 shillings. During 1905, 48 women and girls were sent to Natal but the demand for trained domestic servants remained high. The lower wages offered in the Orange River Colony did not discourage female immigrants, and from 23 March 1905, 23 girls were sent.²⁴⁷

The Immigration Office in the Transvaal had instituted stricter requirements regarding health, character and capacity. This meant that the South African Colonisation Society found it increasingly difficult to find suitable candidates for emigration. The SACS did, however, manage to fulfil the requirements, and of the 193 girls sent to the Transvaal between June 1904 and June 1905 only two were returned as morally unsatisfactory.²⁴⁸ In the case of domestic servants, prospective immigrants had to provide evidence of good character over a

²⁴⁴ *Ibid.*, pp. 28-29.

²⁴⁵ *Ibid.*, p. 22.

²⁴⁶ *Ibid.*, pp. 27-33.

²⁴⁷ *Ibid.*, pp. 33-37.

²⁴⁸ *Ibid.*, p. 9.

twelve month period in a similar position in Britain. They also had to supply additional personal references and were subjected to a strict medical examination. In 1905, the Committees in London and Johannesburg were considering new strategies to secure positions for girls in the Transvaal countryside and smaller towns.²⁴⁹

From March 1906 to March 1907, 69 female emigrants left for the Cape Colony. The number of educated emigrants outnumbered those in domestic positions, since 41 were teachers and five nurses.²⁵⁰ The unrest in Natal which had led to the Bambatha Rebellion halted female immigration.²⁵¹ The Natal government suspended the nominated passage and no requests for employees were received for several months. The Durban branch terminated their operations.²⁵² The political uncertainty in the Orange River Colony and the Transvaal also impacted on the number of female emigrants.²⁵³ In the Transvaal a new scheme for sending less highly-trained girls at a lower wage to outlying districts, had been instituted during the year. Eight girls had been selected by the Transvaal Committee. During the period 31 March 1906 to 1 April 1907, 197 girls were sent to the Transvaal of which seven were deemed unsatisfactory.²⁵⁴

In 1907 and 1908 the number of emigrants sent to the Transvaal had decreased compared to previous years. This was mainly due to the continued depression.²⁵⁵ In January 1907 the Emigrants' Information Office reported that there was some demand for female domestic servants in the Transvaal.²⁵⁶ A deputation of women from the South African Colonisation Society on 28 March 1907 attempted to gain government support by visiting the Earl of Elgin at the Colonial Office. Although Lord Elgin was supportive of their work, no financial support was promised.²⁵⁷ In May 1907 three members of the Committee met with General Louis Botha and they requested continued grants for female immigration. In response, Botha stated that he and his colleagues did not feel justified in asking the

²⁴⁹ *Ibid.*, pp. 48-54.

²⁵⁰ The Women's Library at the London School of Economics (LSE) Archive, 1SAX/2/2, p. 15: South African Colonisation Society Report, 1906.

²⁵¹ *Ibid.*, p. 8.

²⁵² *Ibid.*, p. 21.

²⁵³ *Ibid.*, p. 8.

²⁵⁴ *Ibid.*, pp. 31-33.

²⁵⁵ The Women's Library at the London School of Economics (LSE) Archive, 1SAX/2/2, p. 7: South African Colonisation Society Report, 1907-1908.

²⁵⁶ *The Manchester Guardian*, 1.1.1907, p. 10.

²⁵⁷ *Ibid.*, 29.3.1907, p. 5.

government to allocate a grant to the society. Botha did, however, assist in obtaining continued half rates on the railways.²⁵⁸

The termination of the assisted passage scheme by the Transvaal government on 30 June 1907 meant that the society had to assume the full responsibility for the supply of female immigrants. The colonial governments continued to support the scheme through the allocation of railway concessions on the Central South African Railways and the Cape Government Railways.²⁵⁹ Due to the continued economic depression in the Transvaal, no female immigrants were sent during the autumn months. The committee consulted with the Emigrants' Information Office regarding the labour market in the Transvaal. They agreed that it was best to determine if the demand would be met by local supply before more immigrants were sent. The committee investigated the labour market requirements and found that there was indeed a need for more female immigrants, and a new system of assisted passage was implemented.²⁶⁰ The grant towards assisted passage to the Orange River Colony had also been discontinued and the society was forced to arrange a scheme of assisted passage.²⁶¹

At the annual meeting of the South African Colonisation Society in 1908, Lord Lovat emphasised the contribution of the society to education and the working environment in South Africa. The British government had decided to discontinue its settlement plans through which the demography of South Africa would be changed through the settlement of British citizens. Lovat, however, believed that female immigration continued to assist in the increase of the British population in South Africa.²⁶² In 1908 and 1909 it was reported that there was a steady increase in the demand for immigrants in South Africa. This demand had not been met by an equal increase in the number of applicants. The society found it difficult to find acceptable applicants although the prospects offered were very good. Many females considering emigration had been attracted by opportunities in other colonies as well as the cheap rates and free passage. The society launched a campaign spreading information in rural districts in Britain.²⁶³

In August 1910 *The Manchester Guardian* reported that there was a demand for domestic servants in South Africa but that there was no labour shortage in other

²⁵⁸ The Women's Library at the London School of Economics (LSE) Archive, 1SAX/2/2, p. 38: South African Colonisation Society Report, 1907-1908.

²⁵⁹ *Ibid.*, p. 8.

²⁶⁰ *Ibid.*, pp. 36-38.

²⁶¹ *Ibid.*, p. 41.

²⁶² *The Manchester Guardian*, 14.5.1908, p. 10.

²⁶³ The Women's Library at the London School of Economics (LSE) Archive, 1SAX/2/2, p. 7: South African Colonisation Society Report, 1908-1909.

occupations.²⁶⁴ During 1910 only eight emigrants were sent to Natal.²⁶⁵ Advanced passage was granted to seven female emigrants travelling to the Orange River Colony, and to 85 on their way to the Transvaal. The Inspector of White Labour in the Transvaal reported that the demand for domestic servants still exceeded the supply. The committee, however, found it difficult to meet all the requests from employers for domestic servants since there was a lack of suitable candidates.²⁶⁶

Blakeley emphasised that the results of the SACS did not live up to expectations since the society was never able to meet the required number of female emigrants needed. In November 1902 Chamberlain criticised the progress of the society. The SACS, however, defended their position by emphasising the importance of evaluating the suitability of the large number of applicants and the difficulty in finding enough satisfactory candidates. The cost of their operations also hampered the supply of female emigrants. Despite the support of the Colonial Office and the Transvaal administration, the number of female emigrants sent was quite small. Between May 1901 and 1904 the SACS sent 2 164 women to South Africa of whom 1 024 were employed in the Transvaal. The number of female emigrants thereafter declined and never reached the planned figures. The failure of the SACS, according to Blakeley, was due to limitations in its strategy dealing with female emigration but also because of the political and economic barriers in both South Africa and Britain. The SACS found it difficult to convince a large number of British women to emigrate. One of the problems was the emphasis that the society placed on the suitability of applicants in respect of moral character and training. The society feared that sub-standard performance of immigrants would reflect negatively on the society and its emigration scheme. The Women's Immigration Department in the Transvaal also adhered to the principle of high morality and expected applicants to provide character references.²⁶⁷

The focus of the SACS on the moral and physical characteristics of emigrants was reflected in the annual reports of the society which categorised female emigrants as very satisfactory, satisfactory, fair or unsatisfactory. The Colonial Office as well as government officials in South Africa urged the society to expand their selection criteria. It was also

²⁶⁴ *The Manchester Guardian*, 24.8.1910, p. 10.

²⁶⁵ The Women's Library at the London School of Economics (LSE) Archive, 1SAX/2/2, p. 23: South African Colonisation Society Report, 1908-1909.

²⁶⁶ *Ibid.*, pp. 37-39.

²⁶⁷ Blakeley, pp. 139-141.

recommended that the society collaborate with the Charity Organisation Society and orphanages to increase the number of females sent to South Africa, but without success.²⁶⁸

By 1910 the SACS had lost both government and private support. A number of people in Britain did not support female emigration to South Africa. Critics of Milner's plans for settling the Transvaal and Orange River Colony believed that the plans were too expensive and would not solve the South African problem. A number of people also opposed emigration since domestic servants were required at home. In South Africa the Afrikaner community opposed female emigration since it was believed to be aimed at destroying Dutch culture. Conditions in South Africa were not favourable for emigration since the Masters and Servants Act severely penalised any breach of contract. The large number of African servants also discouraged emigration.²⁶⁹

5. The British government and the 'poor white' problem

5.1 Bywoners and land settlement

The poor white problem in the Transvaal and Orange River Colony could not only be attributed to the Anglo-Boer War. The rapid growth of a large landless class (poor whites) had been a big source of trouble for the governments of the two late republics. The rapid increase of the population contributed to the bywoner problem. The large farms of the small number of original settlers could not handle the continuous sub-division of the land among large families, and this meant that individual holdings became too small to support a family.²⁷⁰

During the early 1890s views on destitution and unemployment in Britain focused on allowing these people to work as agricultural labourers in labour colonies. Parishes acquired land on which unemployed men were engaged as workers. This enabled parishes to provide relief to the unemployed in return for labour. The use of labour colonies was widely used in Britain and was also implemented in the colonies to provide poor relief to destitute workers.²⁷¹

After the Anglo-Boer War the British government found it difficult to deal with the repatriation of the "bywoner" class. Bywoners were defined as "landless Afrikaans peasants

²⁶⁸ *Ibid.*, pp. 140-141.

²⁶⁹ *Ibid.*, pp. 145-148.

²⁷⁰ BPP Cd.1551, No. 1, pp. 6-7: Governor Viscount Milner to Mr Chamberlain, 14.3.1903.

²⁷¹ LSE Selected Pamphlets Collection: Loch, C.S., *The state and the unemployed*, 1893, p. 13.

who owned a yoke of oxen, a plow, a wagon and sharecropped land owned by Afrikaans landowners or absentee white landowners". According to Seavoy they did not perform much manual labour and mostly directed African labourers.²⁷² The only solution seemed to be to induce landowners to take as many bywoners as possible to help them return to the positions they held before the war. The landowners were, however, themselves impoverished, and declined to do so unless some assistance was given to the bywoners. Rations were therefore issued and animals were lent to them to plough land provided by the landowner on condition that the landowner would receive a portion of the crop.²⁷³

Repatriation was encouraged by the introduction of burgher land settlement schemes. These schemes decreased the number of inhabitants of concentration camps²⁷⁴ and also helped with the re-incorporation of the national scouts into post-war society in South Africa. The national scouts, officially known as 'ex-military burghers', cooperated with the British military during the latter part of the Anglo-Boer War and their settlement after the war created a major headache for the British government. Locally the national scouts were perceived negatively and were referred to as 'joiners'. After the war some of them were employed in government departments such as the South African Constabulary but a large number preferred to work in the agricultural sector.²⁷⁵ During September and October 1902 reports were received that the national scouts of the poorer class who made use of repatriation aid to return to farms, found life on the farms very difficult. In some cases the owners were returned prisoners of war or people whose political feelings were opposed to the residence on their farms of men who had served the British government during the war.²⁷⁶ The national scouts found themselves exposed to social ostracism. To meet this difficulty a plan was devised using British ideas regarding poor relief to collect these people upon a number of farms suitable for cultivation. This plan had two advantages. It firstly protected the national scouts socially by bringing together a number of men with shared sympathies. It was secondly also economically sound as it helped to turn men of the bywoner class into peasant farmers on land suitable for agriculture.²⁷⁷

The main principles of the land settlement scheme were the following: farmers in different areas established farmers' associations to encourage destitute people to settle on

²⁷² Seavoy, R.E., *Subsistence and economic development*, p. 161.

²⁷³ BPP Cd.1551, No. 1, Enclosure 2(B), pp. 48-50: Repatriation in the Orange River Colony: Extract from report by the Lieutenant-Governor, 7.3.1903.

²⁷⁴ *The Times*, 18.12.1903, p. 3.

²⁷⁵ Markham, V., *The new era in South Africa: With an examination of the Chinese labour question*, p. 32.

²⁷⁶ BPP Cd.1551, No. 1, Enclosure 4, pp. 65-66: Burger Land Settlement.

²⁷⁷ BPP Cd.1551, No. 1, pp. 7-8: Governor Viscount Milner to Mr Chamberlain, 14.3.1903.

land. The land was demarcated into small holdings and families were transported to the settlement and received tents, animals, implements and seed. The government also ensured that the settlements were well managed.²⁷⁸ The first Burgher Land Settlement was formed in October 1902 by a Captain Allison. The settlement consisted of a farming partnership for the purpose of renting land upon which to create a colony consisting of bywoners. The national scouts still living in the camps and bywoners finding it difficult to settle on farms were offered land along with cattle and implements. The scheme was embraced by these people and a set of standard conditions was compiled under which similar settlements could be formed. The scheme was an adaptation of the old system of peasant tenure. The tenants were granted a minimum term of holding. The portion of produce taken as rental was stipulated and their treatment was monitored by government inspectors. Settlements such as the Standerton Farmers' Association, the Middelburg and Belfast Farmers' Association, the North Pretoria Farmers' Association, the Vaal Rivers Farmers' Association and the Potchefstroom and Klerksdorp Farmers' Association were established under the Standard Scheme.²⁷⁹

The Standerton Farmers' Association rented the farm Vlakfontein and had laid out 75 holdings upon which cultivation had previously been done. The association also rented several other farms in the district with the objective of extending the scheme. The Middelburg and Belfast Farmers' Association rented seven large farms of approximately 14 000 hectares and these farms were able to sustain an estimated 300 families. The association acquired a fourteen-year lease with the option of purchase and therefore it was able to guarantee an almost indefinite tenure of holding to its settlers.²⁸⁰

Seven to eight hundred people were settled in tents and worked on the farms of the Potchefstroom Association. The indigent population of the Orange River Colony had not yet been organised to the same extent as in the Transvaal. In the Orange River Colony about 65 families of national scouts had been placed on a group of government-owned farms near Heilbron and a similar colony existed near Bothaville. No definite scheme was adopted and the settlers did not have a guaranteed period of tenure.²⁸¹

The obvious advantages of this system led to its extension to a great number of men who were not national scouts. Applications were received from bywoners of different

²⁷⁸ *The Times*, 13.1.1903, p. 5.

²⁷⁹ BPP Cd.1551, No. 1, Enclosure 4, pp. 65-66: Burger Land Settlement.

²⁸⁰ *Ibid.*

²⁸¹ *Ibid.*

political beliefs, and Major Edward Leggett and his fellow workers decided to make no distinction but to extend these settlements as long as they were able to procure suitable land and owners were willing to promote the scheme. From a social and economic point of view the scheme was deemed to be very successful. The scheme allowed several thousand landless men who would otherwise have been destitute in towns to work as agriculturists under conditions of security and with the prospect of not only maintaining themselves but of gradually acquiring some capital.²⁸²

In 1905 it was reported that there were 632 families living on all land settlements in the Transvaal. A total of 1 490 families had been placed since 1902, but more than half had left the settlements for various reasons. The Transvaal government had advanced large amounts to some of the settlements including £254 000 to the Potchefstroom settlement, and the Burgher Land Settlement Department was criticised for being costly. It was, however, believed that the government would lose large amounts of money if the settlements were terminated.²⁸³

5.2 The Relief Works Department

The Relief Works Department was initiated due to a general reluctance by many of the larger land-owners to provide land for the whites who had lived on their land before the war. It soon became evident that the dissolving of the refugee camps would be retarded by the difficulty of providing for this class. Since they had no assets or claims for compensation it would be difficult for them to make a fresh start. They would probably remain a permanent impoverished part of society. It was therefore decided to provide them with subsistence in return for manual labour. Before the end of July 1902 the first camp near Kroonstad was established and after that four other camps were established in different parts of the Orange River Colony. An estimated 1 200 males were employed in March 1903 in building dams on government land, assisting in railway construction and contributing to other public works projects. Most of the men included in this scheme were employed on irrigation works to bring the land under irrigation to make it fit for cultivation. They converted large dry farms into areas capable of being divided into a number of smallholdings.²⁸⁴ Inhabitants of camps at Strydfontein near Kroonstad, Mushroom Valley near Winburg and Kramdraai [sic] near

²⁸² BPP Cd.1551, No. 1, p. 8: Governor Viscount Milner to Mr Chamberlain, 14.3.1903.

²⁸³ *The Times of Swaziland*, 8.5.1905, p. 6.

²⁸⁴ BPP Cd.1551, No. 1, p. 8: Governor Viscount Milner to Mr Chamberlain, 14.3.1903.

Bethulie worked on irrigation while the camp at Tweespruit near Thaba Nchu focused on building a railway embankment.²⁸⁵

It was decided that of the public works would focus on dams and other irrigation works on government farms. The daily wage was 4 shillings 6 pennies for an eight hour day and this amount was believed to be adequate for the maintenance of an ordinary family. Family income could also be supplemented by the earnings of one or more children. Boys from twelve to eighteen years of age were also given employment. Employment was also found for the women where possible, and many of them received 2 shillings per day for mending tents and other work of a similar nature.²⁸⁶ In *The Times* it was emphasised that the government relief scheme would foster a working environment in which the Afrikaner could exert himself as a manual labourer instead of maintaining inefficient agricultural practices based on African labourers.²⁸⁷

5.3 The Poor White problem in the Cape Colony

In the Cape Colony a Select Committee was appointed in 1906 to investigate the establishment of labour settlements for poor whites. Poor whites in the Cape Colony were defined as “British subjects of European origins who are domiciled in this colony and who have been reduced to a condition of great indigence from which they are unable to raise themselves or their families without outside assistance”. The committee determined that a lack of education and the sub-division of farms led to many families being unable to support themselves. It was recommended that poor people from an agricultural background should be accommodated in agricultural pursuits while people able to work in a trade should be employed on public works. The establishment of labour colonies as formed in Britain was therefore favoured. The labour colony at Kakamas was seen as a prime example of how to accommodate poor whites in agricultural work. The Kakamas labour colony was managed by a commission established by the Dutch Reformed Church and allowed settlement of any white person along with his family. The main reason for the establishment of the colony by the church was to alleviate the poverty of the unemployed. A person wishing to settle had to submit a certificate proving his destitute state and attesting to his good character. The commission was responsible for expenses and paid the workers 3 shillings per day for labour provided towards establishing irrigation works. Agricultural land was allocated to each

²⁸⁵ *The Times*, 13.1.1905, p. 5.

²⁸⁶ BPP Cd.1551, No. 1, Enclosure 5, p. 92: Report of Relief Works, Orange River Colony, 23.2.1903.

²⁸⁷ *The Times*, 13.1.1905, p. 5.

person and an annual rent was payable. Vagrancy was not allowed and a person could be expelled from the labour colony for misconduct. The committee believed that the poor white problem required the establishment of further labour colonies.²⁸⁸

6. Evaluation

A major impact of British rule in South Africa was the emigration of British subjects to the colonies and states in South Africa. Emigration from Britain was mainly due to government assisted schemes, industrial development, the destitute state of British citizens and private assistance provided for emigration. During the nineteenth century, population growth in Britain not only increased unemployment, but this increased competition also reduced wages. Emigration was seen as a way to decrease the population by sending excess people to the British colonies while also increasing the wages of the remaining labourers. Overpopulation also contributed to an increase in crime and destitution which was perceived in a negative light in Britain, and this also contributed to public support for emigration schemes. In Britain it was generally believed that immigration would be beneficial to the British colonies since it would address their problems relating to labour scarcity. During the 1820s most of the government assisted emigration schemes were unsuccessful, and during the 1830s it was therefore believed that emigration should be managed by private organisations.

Edward Gibbon Wakefield, a British politician, for instance promoted a scheme of systematic colonisation. Wakefield believed that emigration should not be focused on sending destitute labourers to the colonies but that more emphasis should be placed on the development of colonial resources through immigration. He therefore proposed that the number of immigrants should correspond with the land available for settlement. Emigration was also influenced by other factors such as the famine in Ireland and other parts of Britain in 1847, as well as the discovery of gold in Australia in 1851. During the 1850s and 1860s increased industrial development created a demand in Britain for more labourers and consequently emigration to the colonies decreased. Colonies also opposed immigration by paupers, and the establishment of trade unions in the colonies meant that artisans opposed immigration by skilled labour which would create competition in the local labour market.

In an effort to place British emigration since 1867 in perspective, it was necessary to provide some additional historical background. The immigration of the 1820 British Settlers

²⁸⁸ Cape of Good Hope, *Report of the Select Committee on labour settlements for indigent whites*, 1906, pp. v-xii; Rossouw, P.J., *Die arbeidskolonie Kakamas*, p. 362.

to South Africa was due to the economic and social conditions in Britain during this period. The British government also believed that immigration would solve some of the internal problems experienced in the Cape Colony. One of the most important problems was the fact that the British population was a minority group in the colony. The colony also required an increase in inhabitants to form a population buffer on the borders of the Eastern Cape. The British Settlers, however, experienced many setbacks which included drought, the fact that the land was unsuitable to agriculture, and the shortage of labour. Artisans soon left the settlement to seek other job opportunities and in 1824 the British government had to provide another grant to support the settlers. The failure of the emigration scheme to the Cape Colony also had a negative impact on planned emigration schemes to other colonies, and in the 1830s the government terminated state aided emigration.

During the 1840s the Cape government considered a proposed immigration scheme due to the labour scarcity, but it was generally opposed due to the cost of European labour. In 1844 regulations were approved which allowed for immigration on a bounty system. The government paid agents or other people which introduced immigrants into the colony at a specified rate per immigrant. Emigration to the Cape Colony was characterised by the low numbers of immigrants in comparison to other colonies, as well as the fluctuations which occurred in immigration. State assistance normally led to an increase in immigration but there was no consistent demand for white labour. Employers normally preferred coloured or African labour due to their lower wages. The discovery of diamonds in Griqualand West led to an influx of immigrants but during the 1880s and 1890s immigrant numbers decreased. After the Anglo-Boer War, immigration once again increased, mainly due to assisted passage as well as the private assistance given by voluntary organisations in Britain.

Immigration to Natal was characterised by the need for skilled labourers as well as capital investors, and the colony did not require any unskilled white workers. Immigration fluctuated due to the implementation of different schemes which were all terminated after a couple of years. Nominated passage was only allocated by the government when immigrants were required or when funds were available.

The discovery of gold in the Transvaal led to an influx of immigrants from Britain as well as other nations. The mines required skilled artisans but had no need for unskilled white labour. In 1896 an Immigration Law was enacted which excluded emigrants without the required funds or employment opportunities from entering the colony. After the Anglo-Boer

War, assistance was granted to British immigrants, especially female domestic servants, but the institution of self-government in 1907 terminated all government assisted immigration.

The period after the Anglo-Boer War was characterised by a British scheme to encourage female emigration to South Africa. The demography of British inhabitants in South Africa was perceived as weak and it was believed that the emigration of females to South Africa should be encouraged to strengthen the British position. The South African Colonisation Society promoted emigration of mainly domestic servants to the colonies. A small number of educated women such as teachers and nurses also journeyed to South Africa but the scheme was not very successful. This was due to the lack of support for the scheme among the Dutch population, especially in the Transvaal where all government assistance was terminated after Het Volk won the elections in 1907. Critics believed that the plan was too costly and the SACS never managed to send female immigrants in the numbers initially required. The masters and servants legislation in the colonies also discouraged immigration since the penalties imposed for breach of contract were very harsh.

After the Anglo-Boer War the skilled white labourers (mostly from Britain) in the Transvaal resisted the employment of unskilled white labourers in the mines. They feared that they would be replaced by these white labourers at lower wages. Experiments to employ white unskilled labour failed, mostly due to the high cost of their wages which had an impact on the profitability of mines. In many instances these unskilled labourers were not willing to work at rates paid to African labour and found it degrading to work alongside Africans. Mine owners, therefore, had no choice but to consider other labour supply options such as the importation of Chinese labour. White skilled labourers protested the use of Chinese labour since they once again feared their replacement. The Transvaal Labour Ordinance, therefore, provided for the protection of skilled white labour by excluding specific skilled positions from Chinese labourers. The British government also faced other problems with regards to white labour of which the poor white problem experienced by the Dutch population forced them to implement solutions such as burgher land settlements and relief works.

The emigration of British subjects to South Africa increased diversity in South Africa. Not only was the number of British citizens in South Africa increased by immigration, but the attitudes and ideas of these citizens influenced perceptions regarding labour and class. Many of the skilled workers such as mechanics and other artisans came from Britain, and they aided the establishment of craft unions that not only excluded unskilled workers from trade unions but also introduced a colour bar. These British ideas shaped the labour environment and had

an impact on trade union organisation. The distinction between skilled and unskilled labour was also enhanced by the British labourers' fear of competition from unskilled white workers. Unskilled white workers also contributed to the class system and colour bar that became part of the South African labour environment since they were unwilling to do unskilled labour that was normally performed by African workers.

Britain also played an important role in providing poor relief after the Anglo-Boer War. Burgher land settlement schemes were supported and relief works established to ameliorate the destitute state of poor whites in South Africa. Labour colonies based on British schemes were also established in the Cape Colony to solve problems such as unemployment and destitution.

CHAPTER 6

AFRICAN LABOUR AND OTHER LABOUR SOURCES

1. Introduction

This chapter will outline the different strategies followed by the governments in South Africa with regards to African labour. The efforts to establish a uniform policy towards Africans will be discussed, including the British government's efforts to establish a confederation. The importance of different commissions in outlining a more standardized approach to African administration and as labour supply will also be investigated. The chapter will then discuss the use of African labour in the Cape Colony by outlining its importance in the agricultural, public works and mining sectors. The importance of African labour in Griqualand West will then be highlighted, along with the impact of changes in mining methods and the institution of compounds to ensure a more stable labour supply.

Recruitment and the migration of labour from the main supply areas will also be outlined. African administration in Natal in relation to labour will be considered along with the use of migrant labour to supplement the local labour supply. The labour scarcity in the Transvaal contributed to the institution of legislation regarding passes, locations and taxation, and this will be outlined along with the use of labour strategies such as labour tenancy. Labour scarcity, recruitment and migration to the mines will be discussed, with a focus on the different areas of labour supply considered and utilised to alleviate labour scarcity and ensure the development of the mining industry in the Transvaal. To illustrate the British role and impact on the labour environment, the reaction of the British government and civil society groups with regard to labour practices in the colonies will be emphasised, as well as labour policies instituted by the British administrations in the various colonies and the interaction between capital, state, labour and the British government in South Africa.

2. Colonial policy and the search for a uniform policy towards Africans

The administration of African people in all areas of South Africa was one of the major problems facing the British government. The Colonial Office believed that a policy such as

confederation would create a uniform policy towards Africans and help to solve the problem of repressive labour systems.¹ The Langalibalele Rebellion in Natal in 1873 focused attention on the treatment of Africans in South Africa. It was felt that there was a great risk to having different systems of African administration. Lord Carnarvon saw the existence of individual governments with different African policies as an important factor in indigenous disturbances. The danger remained that these African groups could collaborate on a military level. Carnarvon saw the African question as an important reason to have confederation discussions among the governments in South Africa.² Renewed efforts regarding confederation were initiated after the war between the Transvaal and the Pedi in 1876. The war once again emphasised the importance of a uniform African policy, and the British government therefore instituted different strategies to achieve confederation.³

The annexation of the Transvaal and fact that the British government did not adhere to assurances that the Transvaal would receive self-government led to protests in the area. The protests not only thwarted confederation efforts in the Transvaal but also had an impact on the view of other colonies and states in South Africa on the confederation issue. In June 1880 the Cape Parliament as a consequence decided not to support a motion for confederation.⁴ In the instructions to Sir Hercules Robinson in 1881 the Colonial Secretary emphasised the importance of confederation not only for South Africa but also for the British Empire.⁵ The decision of Mr Gladstone's government to award independence to the Transvaal through the adoption of the London Convention halted all efforts to confederate the states and colonies in South Africa.⁶ After the Anglo-Boer War of 1899-1902 the labour question in the Transvaal was once again considered. The mining and agriculture industries of South Africa were unable to reach their full potential due to the different colonies' labour policies. The prosperity of both industries depended on an ample supply of labour. In many instances the demand for labour was located in one colony and the supply in another and a more centralised system of labour supply was therefore required.⁷

¹ *House of Commons Debates* (HC), 3.3.1871, Vol. 204, cc1275-1296.

² BPP C.1244, No. 1, pp. 1-3: The Earl of Carnarvon to Sir Henry Barkly, 4.5.1875.

³ BPP C.1732, No. 1, Enclosure, pp. 5-6: Shorthand Writer's Report, 8.11.1876.

⁴ Amery, L.S., "The constitutional development of South Africa: a lecture delivered to the Society on June 21, 1918" in *Transactions of the Royal Historical Society*, Vol. 1, 1918, p. 225.

⁵ Cabinet Office (CAB) 37/5/10, Memorandum Colonial Office, 29.4.1881.

⁶ Amery, p. 225.

⁷ BPP C.3564, No. 1, Enclosure 2, pp. 7-8: High Commissioner to Governor of the Cape, 7.1.1907.

Supporters of confederation promoted it as the way to solve the post-war problems in South Africa, including labour supply and African administration.⁸ The South African Customs Conference (1903) and the South African Native Affairs Commission (1903-1905) played an important role in the process by helping to lay a foundation for the adoption of a unified approach to African policy and administration after unification.

2.1 The South African Customs Conference (1903)

The South African Customs Conference of 1903 was initially convened to discuss the customs question in South Africa. The scope of the conference was, however, extended to allow the different colonies to discuss matters of common interest.⁹ The issue regarding African administration and labour was one of the most important questions discussed. The final resolutions regarding the African question were adopted on 19 March 1903 and included the following: the government regulation of the development and civilisation of African groups was emphasised, including industrial training as well as moral development. The issue of alcohol abuse among Africans as well as the sale of alcohol was addressed. The conference supported the total prohibition of the sale of alcohol to Africans and asked all the South African governments to enforce this principle.¹⁰

The reservation of land for use by Africans was seen as an important concern and it obligated the different governments to address land reservation for African groups. The frequent criticisms lodged by civil society in Britain regarding the South African policy of obtaining labour for private companies were also discussed. It was stated that the criticism was due to a misconception on the part of the British public and that the practice of forced labour was not supported. The conference stated that forced labour was condemned throughout South Africa as contrary to civilised opinion. The influence of polygamy in reducing labour supply was also denied by the conference and it was emphasised that the practice of polygamy was decreasing.¹¹

The issue of labour supply was addressed and it was stated that labour supply could be increased by improving the working conditions of African labourers. The residential location system established at the ports of the Cape Colony was highlighted and it was believed that the adoption of such a system in other industrial areas would improve labour

⁸ Cabinet Office (CAB) 37/81/185, Memorandum by the Marquis of Ripon: Constitution of the Transvaal, pp. 1-2: 6.12.1905.

⁹ BPP Cd.1640, pp. 16-17: Appendix: The President's Opening Speech.

¹⁰ BPP Cd.1640, p. 12: South African Customs Conference: Minutes of Meeting, Monday, 19th March, 1903, 19.3.1903.

¹¹ *Ibid.*

supply. To further enhance labour supply it was proposed that the government should supervise a system through which free shelter was provided to labourers travelling to and from labour markets. The conference acknowledged that the total African adult male population in South Africa could not meet the normal labour requirements of the colonies as well as meet the labour needs of the industrial and mining centres. The importance of finding new labour sources was therefore emphasised, and it was believed that all British possessions in South, Central and East Africa should be opened for labour recruitment from South Africa. The future federation of the colonies in South Africa was also discussed and the formation of a commission to investigate African affairs, gather information and to offer recommendations on the question of African policy, was recommended.¹²

The British government commended the outcome of the conference, the decision to grant preferential treatment to British imports, and eagerly anticipated the confederation of South African states.¹³ It was believed that the establishment of a customs union in South Africa would facilitate political confederation as well. The customs union would contribute to the reduction in transport rates which would also decrease the cost of living in the Transvaal.¹⁴

2.2 South African Native Affairs Commission (1903-1905)

The South African Native Affairs Commission was appointed in terms of a resolution adopted during the South African Customs Conference in 1903. The resolution stated that due to the future federation of South African colonies, a commission should be constituted to gather information on African administration. The commission's main objective was to assist the different South African governments to reach a common understanding on African policy questions. Issues identified for discussion included the current status and condition of Africans and the manner in which Africans should develop through education, industrial training and labour. Other issues to be discussed included African land tenure, African law and administration, the prohibition of alcohol abuse among Africans and the effect of polygamy.¹⁵ The institution of the commission was also reported on in the British press and an article in the *Derby Daily Telegraph* outlined the objectives of the commission and reported that all the governments in South Africa had nominated representatives to attend the

¹² *Ibid.*, p. 13.

¹³ *Western Daily Press*, 8.6.1903, p. 10.

¹⁴ *Aberdeen Journal*, 25.3.1903, p. 5.

¹⁵ Campbell Collections, University of KwaZulu-Natal, Sir Marshall Campbell Papers, KCM32647, File 5, No. 2, pp. 1-2: Native Affairs Commission, Letter from High Commissioner indicating the lines upon which the enquiry is to be conducted, 21.9.1903.

commission sittings.¹⁶ The commission would be composed of two delegates from each colony and a single delegate from both Rhodesia and Basutoland. The Transvaal Commissioner for Native Affairs, Sir Godfrey Lagden, would chair the commission.¹⁷

The commission report was published in 1905. The commission estimated a shortage of about 300 000 labourers in South Africa (100 000 in the Cape Colony and 200 000 in the Transvaal). Different reasons were cited for the labour shortage, including the very low hut or poll tax paid by Africans living in the reserves, the pastoral habits of the Africans, and their limited wants. The commission, however, dismissed allegations that the Africans were too lazy to work, and rather emphasised practices which discouraged Africans from entering the labour market. These practices included misrepresentations by recruiting agents, breaches of contract and mistreatment by employers. The commission acknowledged the importance of increasing the labour supply in South Africa but did not see an increase in wages as a solution to the problem.¹⁸

Different recommendations were made by the commission to increase the labour supply. The most important recommendations included the following: squatting should be prevented by only issuing residential licenses for necessary locations, and taxes should be levied on all able-bodied Africans living in these locations. In instances where Africans were living on Crown Lands, they should be charged rent. Vagrancy laws should be enforced in municipal areas and African labour locations should be established for idle persons to minimise instances of vagrancy. Schools for Africans should also encourage industrial training to prepare Africans to join the labour market. Employers had an important role to play by ensuring that the health and safety of employees were catered for. Employers should also provide accommodation and transport to labourers, and regulations should be adopted which would ensure satisfactory food, housing and medical treatment.¹⁹

The Native Affairs Commission outlined different recommendations for the treatment of Africans in Natal. These recommendations included the abolition of forced labour as well as the investigation of cases in which Africans were deprived of their rights. The commission also proposed steps to ensure that Africans would be informed of any changes in legislation.²⁰

¹⁶ *Derby Daily Telegraph*, 20.6.1903, p. 3.

¹⁷ *Western Daily Press*, 23.9.1903, p. 10.

¹⁸ *The Manchester Guardian*, 19.4.1905, p. 7.

¹⁹ *Ibid.*

²⁰ *House of Commons Debates*, 3.2.1908, Vol. 183, c515.

The report of the Native Affairs Commission was portrayed in the British press as justifying the importation of Chinese labour into the Transvaal. The *Tamsworth Herald* reported that the commission with regards to the African labour supply found that “the British South African aboriginal native has not fully met the labour requirements of the country”. The publication therefore believed that depending on the African labour supply to provide sufficient labour for industries in South Africa would hamper production and economic development.²¹

All the industries in South Africa were dependent on African migrant labour to perform unskilled labour. The disadvantages were numerous: Africans only committed themselves to short term contracts and due to training only became productive at the end of the contract. The agricultural pursuits of African labourers provided an alternative to wage labour, especially if successful harvests were attained. This inconsistent labour supply had a negative impact on development in South Africa. Although the African migrant system is often perceived as unproductive it also had a number of advantages: employers had access to a large supply of cheap unskilled labour, the presence of African labour for unskilled positions ensured that a large poor white class did not exist, and it played a constraining role with regard to labour organisation in South Africa.²²

3. Cape Colony

3.1 African administration and labour

According to Bundy the Cape government, after receiving self-government in 1872, instituted a number of strategies to meet the needs of employers for an increased labour supply. These strategies included different forms of legislation including taxation and pass, location and vagrancy laws.²³ In the Cape Colony hut taxes of 10 shillings per hut were charged in reserves. From 1869 hut taxes were also payable by people living on crown lands and from 1876 by those living on private property.²⁴

The Location Act No. 2 of 1869 and Location Act No. 6 of 1876 were enacted to decrease the number of non-labouring squatters on land owned by Europeans.²⁵ The Location Act No. 2 of 1876 aimed to prevent Africans from renting private land from farmers and fines

²¹ *Tamsworth Herald*, 6.5.1905, p. 2.

²² The South African Native Races Committee, *The South African natives: Their progress and present condition*, p. 5.

²³ Bundy, C., *The rise and fall of the South African peasantry*, p. 78.

²⁴ Feinstein, C.H., *An economic history of South Africa: Conquest, discrimination and development*, pp. 55-56.

²⁵ Bundy, p. 78.

were included in the act to discourage farmers from continuing this practice. A number of farmers ignored the law, however, since renting land to Africans ensured that a consistent labour supply was available during busy periods such as harvesting.²⁶ Daniels emphasised that the fines prescribed by the law not only increased government revenue from taxation, but was believed to assist farmers in securing a cheap labour supply. African peasant farmers who had retained some independence from squatting, were reduced to farm labourers by the act since only labourers could receive a squatting license.²⁷

Cecil John Rhodes was elected as Prime Minister of the Cape Colony in 1890. During the same year the Cape government was directed to enquire into land holding in Glen Grey in Tembuland, and in April 1892 the Glen Grey Commission was formed.²⁸ There were about 40 000 people living in the Glen Grey area. In their report the commission proposed that each family living in Glen Grey should receive a grant of individual land. It was emphasised that the system would not only prevent squatting but also ensure that people not in possession of land join the labour force.²⁹ Some of the more affluent Africans testified that they were apprehensive that their land would be appropriated and that they preferred individual tenure through which they would receive a title deed. The commissioners, therefore, reported that most of the Tembu tribesmen favoured individual land ownership.³⁰ Rhodes subsequently drafted the Glen Grey Act but changed some of the commission's suggestions by including a labour tax and decreasing the size of land allocated to families.³¹

The Glen Grey Act No. 25 was passed in 1894. The act could be extended by proclamation to other areas in the Transkei and was therefore also promulgated as a model for general use.³² The main stated objective of the act was to prevent Africans from overcrowding land by allotting a specific tract of land to each family head. The tribal tenure system, which was associated with problems such as overpopulation, was therefore replaced by private ownership of land.³³ According to the act the common lands of the tribe held by the chief would be divided into allotments and commonages. The allotments would consist of

²⁶ *Ibid.*, p. 80.

²⁷ Daniels, R., "The agrarian land question in South Africa in its historical context" in *American Journal of Economics and Sociology*, Vol. 48, No. 3, July 1989, p. 333.

²⁸ Bouch, R., "Glen Grey before Cecil Rhodes: How a crisis of local colonial authority led to the Glen Grey Act of 1894" in *Canadian Journal of African Studies*, Vol. 27, No. 1, 1993, p. 20.

²⁹ Hammond-Tooke, W.D., "The Transkeian Council System 1895-1955: An appraisal" in *The Journal of African History*, Vol. 9, No. 3, 1968, p. 460.

³⁰ Bouch, p. 20.

³¹ Hammond-Tooke, p. 460.

³² Foreign and Commonwealth Office Collection: Bourne, H.R.F., *Blacks and whites in South Africa: An account of the past treatment and present conditions of South African natives under British and Boer control* (pamphlet), 1900, p. 45.

³³ Foreign and Commonwealth Office Collection: *Handy notes on S. Africa for the use of speakers and others* (pamphlet), 1896, p. 34.

cultivable land of about 9 hectares which would be granted to persons sanctioned by the Governor. Each approved holder had to pay for his own survey expenses, title deed and any additional costs. A perpetual annual quit-rent of 15 shillings was also payable. The holder would lose his land if he neglected to pay his rent for more than a year. The commonages would be reserved for general use such as grazing. The Glen Grey Act had a huge impact on the tribal system since it forced the abandonment of the system of communal occupation to which Africans were accustomed and replaced it with an individual ownership system which was totally unfamiliar to them.³⁴

The act also established a system of village councils. These councils were responsible for the regulation of African education, roads, bridges and any other issue which impacted on the well-being of Africans. A labour tax was also instituted by the act. This tax would be payable by all able male adults and amounted to 10 shillings per person per year. Africans who had holdings to cultivate or were employed by white farmers were excluded from the labour tax. The act further exempted Africans from the labour tax if they had worked outside the reserve for a period of three months during the previous year. It permanently exempted Africans who had worked for a period of three years.³⁵

The labour tax in effect meant that the young men in Glen Grey had to leave the area and secure employment elsewhere for at least three months per year. Failure to find employment would lead to a heavy fine while non-payment of the labour tax could lead to imprisonment for up to twelve months. The purpose of the labour tax and its sanctions were seen as an attempt to reduce wages since it forced large numbers of labourers to join the labour market in places such as Kimberley. Rhodes believed that if more Africans joined the labour force, the wage rates in the whole Cape Colony would decrease. He believed that a wage rate of £1 per week was too high and that it was unacceptable to pay such high wages while still experiencing labour scarcity in a country with a large African population.³⁶

Opinions on the purpose of the labour tax differed considerably. Samuel Cronwright-Schreiner, farmer and husband of Olive Schreiner, stated that the objective of the tax was to force Africans to enter the labour market and to work for white employers. Other commentators focused on the positive impact of the labour tax since it would encourage

³⁴ Foreign and Commonwealth Office Collection: Bourne, H.R.F., *Blacks and whites in South Africa: An account of the past treatment and present conditions of South African natives under British and Boer control* (pamphlet), 1900, p. 45.

³⁵ Foreign and Commonwealth Office Collection: *Handy notes on S. Africa for the use of speakers and others* (pamphlet), 1896, pp. 34-35.

³⁶ Foreign and Commonwealth Office Collection: Bourne, H.R.F., *Blacks and whites in South Africa: An account of the past treatment and present conditions of South African natives under British and Boer control* (pamphlet), 1900, pp. 45-46.

Africans to join the labour force and acquire the habits of industry.³⁷ There were also differing opinions regarding the industries which the new labour tax would support. In some quarters it was believed that the act aimed to secure a labour force for the diamond mines in Kimberley and the gold mines of the Transvaal, while others believed that Rhodes was mainly attempting to increase the labour supply for the agricultural sector in the Cape Colony.³⁸

In December 1894 the APS sent a delegation to Rhodes to object to the Glen Grey Act's stipulations regarding the labour tax and the institution of locations for Africans. Rhodes tried to allay the fears of the APS by emphasising that safeguards were instituted to protect Africans under the jurisdiction of the act. He also highlighted the advantages of the system like the introduction of principles such as inheritance through which allocated land would be passed from father to son, individual ownership of land and the establishment of a reserve which would prevent overpopulation of land. Rhodes further defended the labour provisions by stating that the act would have a beneficial effect on the Africans since they would come to realise the benefits of labour.³⁹ During a meeting with the Native Races and Liquor Traffic Committee Rhodes also emphasised the role of the Glen Grey Act in preventing liquor trade with Africans.⁴⁰

In 1896 Mr H.G. Elliot, the Chief Magistrate for the Transkei territories, reported that the Glen Grey Act was working adequately, especially the sections relating to the administration of village and district councils.⁴¹ The system implemented in Glen Grey was also extended to other areas in the Transkei. Proclamation No. 352 of 1894 allowed for the formation of councils in the Transkei districts of Butterworth, Idutywa, Nqamake and Tsomo. The councils in these areas were established in 1895 and the administration of these councils corresponded with those of the Glen Grey council. The people in these areas initially opposed the changes, especially the labour tax, but after a number of years it was reported that the system had been successfully implemented. This was mainly due to the fact that the labour tax was not enforced. In 1899 the system was also implemented in the Kentani district by Proclamation No. 319 of 1899.⁴²

³⁷ Foreign and Commonwealth Office Collection: *Handy notes on S. Africa for the use of speakers and others* (pamphlet), 1896, p. 35.

³⁸ Bouch, p. 2.

³⁹ *The Standard*, 15.12.1894, p. 2.

⁴⁰ *The Huddersfield Chronicle*, 22.12.1894, p. 3.

⁴¹ Foreign and Commonwealth Office Collection: *Handy notes on South Africa for the use of speakers and others* (pamphlet), 1899, p. 43.

⁴² Hammond-Tooke, pp. 461-462.

In 1914 a re-assessment of the Glen Grey Act described the objective of the act as civilising Africans and ensuring that they acquire European habits. The taxes were seen as attempting to destroy African customs and laws, thereby compelling them to join the labour force. By 1914 this system was portrayed as successful due to the fact that the Transkei provided a large number of labourers to the mines since Africans were exempted from taxes if they were employed by European employers.⁴³

In 1899 the Cape government enacted the Native Labour Agents Act to regulate the labour recruitment process in both the Cape Colony and the Transkei. The act stipulated that all labour recruiters had to apply for a £15 labour agent's license. Runners who were employed by labour agents were restricted to work for only a single agent and had to apply for a license costing 5 shillings. Labour agents and runners had to apply for a new license each year and magistrates were empowered to punish a person who breached any stipulation of the act. Labour agents had to supply employees with a written contract that outlined the wages paid, employment conditions, nature of the job, location and the name of the employer.⁴⁴ The act meant that most of the small recruiters were unable to continue their operations. In 1899 W.P. Schreiner, the Prime Minister of the Cape Colony, commented on the act and stated that by curbing abuses by labour agents, a stable labour supply would be secured and the migrant labour system protected. Migrant labour was an important source of revenue for the Cape Colony since it was estimated that African labourers brought an annual sum of about £700 000 from the Transvaal mines to the Cape Colony.⁴⁵

3.2 African labour in the Cape Colony

Xhosa labour was one of the main sources of African labour used in the Cape Colony. Before 1809 a number of Xhosas already formed part of the Cape labour force and were employed as herdsmen and domestic workers.⁴⁶ Increased cattle raids, however, led to the ejection of Xhosa labourers from white frontier farms in the Cape Colony.⁴⁷ This expulsion was legislated by the Earl of Caledon in 1809 and prohibited any further contact between farmers

⁴³ *Evening Despatch*, 22.1.1914, p. 2.

⁴⁴ Free State Archives (VAB), Colonial Secretary (CO) 110, 4715/02, pp. 1-3: Act to regulate and control the procuring or engaging of natives to do work or labour beyond the borders of the colony, 1899.

⁴⁵ Beinart, W., "Joyini Inkomo: Cattle advances and the origins of migrancy from Pondoland" in *Journal of Southern African Studies*, Vol. 5, No. 2, April 1979, pp. 202-208.

⁴⁶ BPP 50, p. 174: Statements of Mrs Gardner and Mrs Maretz [sic], respecting the employment of Caffres in the service of Colonists, 13.1.1825.

⁴⁷ Lester, A., "The margins of order: Strategies of segregation on the Eastern Cape frontier, 1806-1850" in *Journal of Southern African Studies*, Vol. 23, No. 4, December 1997, p. 641.

and Xhosas.⁴⁸ The Fourth Frontier War (1811-1812) led to the Fish River boundary being instituted to separate colonists from African tribes, and the Xhosas were forced to move to the other side of this boundary.⁴⁹ This war had important repercussions for the colony and its labour situation since the ban on African labourers meant that farmers and other employers were unable to utilise a potential labour supply of thousands of labourers.⁵⁰

In 1819, after the frontier war, some of the inhabitants of the frontier districts employed destitute Xhosas and Ghonaquas. This led to a proclamation by Sir Rufane Donkin which prohibited the employment of these people and allowed their arrest by field-cornets if found within the boundary of the colony.⁵¹ The government tried to enforce the prohibition on Xhosa labour by creating a neutral area between the settlements of white colonists and the Xhosas. The prohibition continued up to 1828⁵² when Ordinance No. 49 allowed Africans to enter the colony. They received passes and their employment was regulated on the same principles as other free labourers.⁵³ It was believed that the spread of civilisation among the Xhosas had increased their material needs and this necessitated them to supply their labour to employers. Another stimulus which facilitated the availability of Xhosa labour was the introduction of hut taxes by the Cape government and the requirement that these taxes had to be paid in hard currency.⁵⁴

The Seventh Frontier War in 1846 played a major role in the loss of Xhosa independence. By 1848 the 56 000 Xhosas living between the Fish and Kei Rivers in 1835 had been reduced to only 27 000. After the war this area, referred to as the District of Victoria East, became part of the Cape Colony.⁵⁵ Sir Harry Smith allowed colonial farmers and a number of reliable Mfengu to settle in Victoria East and established British Kaffraria by annexing the territory between the Keiskamma and the Kei Rivers in 1847. These changes compelled many Xhosas to accept labour contracts in the Cape Colony.⁵⁶ Sir Harry Smith in 1847 decided to abandon the African treaty system and a policy of direct rule was introduced.

⁴⁸ Theal, Vol. 7, pp. 168-170.

⁴⁹ Lester, p. 641.

⁵⁰ Hume Tracts Collection: *Report of the Parliamentary Select Committee on aboriginal tribes (British settlements)* (pamphlet), p. 38.

⁵¹ BPP 202, p. 4: Proclamation by Sir Rufane Donkin, 28.1.1820.

⁵² Murray and Post, p. 46.

⁵³ BPP 50, pp. 169-172: Ordinance of his Honour, the Lieutenant-Governor in council for improving the condition of Hottentots and other free persons of colour at the Cape of Good Hope, and for consolidating and amending the laws affecting those persons, 17.7.1828.

⁵⁴ Schapera, I., "Changes in South African native life" in *Journal of the International African institute*, Vol. 2, No. 2, April 1928, p. 182.

⁵⁵ Magubane, Z., *From noble savage to native problem: Images of South Africans in British colonial discourse, 1806-1910* (D.Phil), pp. 214-215.

⁵⁶ Bugarin, p. 67.

Between 1848 and 1850 chiefs were only allowed to rule their subjects under the direction of magistrates.⁵⁷ Smith aimed to change the Xhosa chiefs into salaried officials and civilise African tribe members through the use of education, religion and trade in European goods and money. The most important aspect of Smith's policy was to instruct the Xhosas on the importance of labour. He believed that employing Xhosas on public works projects or on farms in the Cape Colony would facilitate this process.⁵⁸

Commissioners appointed under the system of direct rule controlled the movement of Xhosas into the Cape Colony. Passes were only issued to Xhosas who had a feasible reason to enter the colony such as to find employment. In cases where Xhosas were apprehended without the required passes the commissioners were responsible for punishing the offenders. The commissioners also had to recruit labourers on behalf of employers in the colony. This system of direct administration only continued for a period of three years up to the Eighth Frontier War of 1850-1853, but formed the basis of the future administration of the area.⁵⁹

During the Eighth Frontier War the British troops burned Xhosa crops and captured their cattle. This left many Xhosas in a destitute state since they had no means to support themselves. They were forced to join the migrant labour system and many of them were employed as labourers on white farms. According to Bergh in an attempt to further erode the Xhosa culture, Sir George Grey established new schools and mission stations and also instituted public works projects to instruct the Xhosas in the importance of labour.⁶⁰ In 1855, for instance, he initiated a project to attract Gaika labour to the public works in the Eastern Cape and large numbers were employed on these projects.⁶¹ During December 1855 it was reported that 539 Africans were already employed on the public roads and in January 1856 this number increased to 552.⁶²

The Great Cattle Killing movement of 1856 can be interpreted as the Xhosas' final effort to protect their independence. According to Bugarin it however led to the loss of their autonomy, and resulted in their participation in the European economy through the supply of unskilled, cheap labour. The Xhosa economy was based on the ownership of cattle and the depletion of their herds resulted in the loss of their economic independence. Due to the

⁵⁷ Hammond-Tooke, D., "Chieftainship in Transkeian political development" in *The Journal of Modern African Studies*, Vol. 2, No. 4, 1964, p. 515.

⁵⁸ Magubane, Z., p. 219.

⁵⁹ Bergh, J.S., "Kommissarisie in Brits-Kaffrarie onder Sir Harry Smith, 1847-1852" in *Kronos*, Vol. 10, 1985, pp. 77-79.

⁶⁰ Peires, J.B., "'Soft' believers and 'hard' unbelievers in the Xhosa cattle-killing" in *Journal of African History*, Vol. 27, 1986, p. 444.

⁶¹ BPP 2096, No. 1, p. 1: Despatch from Governor Sir George Grey to the Right Hon. Lord Russell, 11.6.1855.

⁶² BPP 2096, No. 5, p. 5: Despatch from Governor Sir George Grey to the Right Hon. George Grey, 22.2.1856.

vision of the prophet Nongqawuse who predicted that the Xhosa ancestors would assist the tribe to recover their full independence from the colonial government, an estimated 400 000 head of cattle were killed. This caused the death of about 40 000 Xhosas through famine,⁶³ and an estimated 100 000 travelled to the Cape Colony to find employment. Schapera indicates that more than 40 000 of these Xhosas successfully obtained work.⁶⁴

In reaction to the influx of destitute Xhosas, Sir George Grey enacted laws to regulate the Xhosa labourers. These laws enabled the government to force people to enter into employment contracts for periods ranging from one to three years.⁶⁵ Act No. 23 of 1856 prevented Xhosas from entering the colony except for labour purposes, while Act No. 27 of 1856 provided for the registration of contracts between employers and Xhosas. Xhosas, on expiry of their employment contract, were only granted fourteen days to secure a new contract or else they had to depart from the colony.⁶⁶ In the first seven months of 1857, more than 19 000 Africans moved into the Cape Colony and towards the end of 1857 this number increased to 33 000.⁶⁷

Henry Labouchere, the British Secretary of State for the Colonies, was questioned in the House of Commons regarding the Xhosa cattle killing. He stated that Sir George Grey and the inhabitants of the colony had initiated different strategies to ameliorate the conditions of the Xhosas. The governor had provided crop seed to the Africans while many had also immigrated into the Cape Colony to search for employment. In addition they were provided with food to enable them to travel to the colony. The inhabitants had also formed committees to assist the destitute people. Many of the Africans managed to secure employment as agricultural labourers, and legislation was also passed to protect the labourers and to facilitate their employment.⁶⁸

Sir George Grey saw the events in a positive light since he believed that the additional supply of labour would encourage the development of the Cape Colony and increase the prosperity of the inhabitants. He believed that it would also be much easier to control chiefs who had lost a large degree of their power while the availability of a large labour pool would help with the successful transition from an agricultural to a mining economy.⁶⁹ The increased

⁶³ Bugarin, pp. 72-73.

⁶⁴ Schapera, p. 182.

⁶⁵ BPP 2395, p. 48: Eighteenth general report of the Emigration Commissioners, 1858.

⁶⁶ Peires, J.B., "Sir George Grey versus the Kaffir Relief Committee" in *Journal of Southern African Studies*, Vol. 10, No. 2, April 1984, p. 152.

⁶⁷ BPP 2395, p. 48.

⁶⁸ *House of Commons Debates*, 11.12.1857, Vol. 148, c554.

⁶⁹ BPP 2352, No. 27, p. 84: Despatch from Governor Sir George Grey to H. Labouchere, 25.3.1857.

labour supply after the Xhosa cattle killing was not sustained and labour scarcity continued to hamper the development of the colony. The discovery of diamonds in Griqualand West further eroded the available labour supply, and the lack of labour had a severe impact on the agricultural sector as well as on public works projects.

In 1871 it was found that the construction of railroads in the Cape Colony was negatively influenced by an acute shortage of labour. At this stage it was believed that if the supply of convict labour was too small to complete public works projects it would be possible to supplement the labour supply from the unlimited supply of African labour. The wages offered on the public works did not attract a large number of Africans and even an increase of 50% in wages did not have a significant effect on the labour supply. The increase in wages, however, influenced the cost of railways and planned railway projects had to be reconsidered in view of a lack of funding.⁷⁰

The lack of labour in the colony meant that different foreign labour sources were considered. The copper mines in Namaqualand, for example, imported labour from outside the Cape and in 1871 labourers were employed from St Helena. St Helena had become a British crown colony in 1834 and due to a lack of job opportunities a large number of inhabitants joined the migrant labour force. The importation of these workers was positively received and the perception that they were able workers meant that the Cape government encouraged emigration from St Helena. A vessel was therefore chartered for transporting these emigrants to Cape Town and Port Elizabeth as well as to Natal.⁷¹

In 1874 the Cape government commenced negotiations with Mr T.D. Barry to recruit labourers for the Cape Colony from areas north of the Transvaal. Mr J.C. Molteno, the Colonial Secretary, requested the Transvaal government to provide passes to Barry and the labourers he recruited to allow them to travel through the Transvaal.⁷² The Transvaal president was, however, not willing to grant this request.⁷³ Molteno stated that he regretted the Transvaal's response since granting the request would have demonstrated the goodwill of the Transvaal to the Cape Colony. Instead the response had a negative impact on the development of railway infrastructure by hindering the recruitment of African labourers required for construction. In his opinion it also delayed efforts to civilise these labourers by

⁷⁰ BPP C.732, No. 9, Inclosure, pp. 21-25: Speech of his Excellency the governor, Sir Henry Barkly, at the Opening of the Fourth Session of the Fourth Parliament, 18.4.1872.

⁷¹ BPP C.1102, No. 12, p. 122: Governor Janisch to the Earl of Kimberley, 26.2.1874.

⁷² Cape Town Archives (KAB), CCPI/2/1/27, A16, p. 1: J.C. Molteno to the secretary to Government South African Republic, 17.10.1874.

⁷³ KAB, CCPI/2/1/27, A16, p. 1: J. Swart to Colonial Secretary, J.C. Molteno, 13.11.1874.

excluding them from the labour market.⁷⁴ The Transvaal government reiterated their willingness to allow labourers from the Transvaal to migrate to the Kimberley diamond fields and the Cape Colony to seek employment. The authority of a Mr Edwards, a labour recruiter in the Transvaal for the Cape railways, was however questioned by the Transvaal. Edwards not only recruited labour but also attempted to negotiate with African chiefs in the Transvaal to acquire concessions. The Transvaal government had no evidence that these negotiations were authorised by the governor and therefore required assurances that a recruiting agent would not attempt to impede government policies or incite subjects. If the required assurances were provided the Transvaal government would allow labourers to pass through the country without interference.⁷⁵ Molteno informed the Transvaal that although Mr Edwards was employed by the Cape government as a labour agent, he was not authorised to negotiate with African chiefs. Since Edwards had managed to recruit an estimated 6 000 labourers for the Cape, Molteno requested that the labourers be granted permission to journey to the Cape Colony. Molteno also emphasised that labour supply from areas in close proximity to the Cape was well utilised but that these sources were insufficient in meeting the labour demands of the colony. Labourers from north of the Transvaal were therefore crucial to supplement the available labour supply.⁷⁶

From 1875 to 1882 the production of diamonds and wool contributed to an economic boom in the Cape Colony. As a result, the colonial government implemented a number of large-scale public works projects that included harbour construction in Cape Town and different railway projects in the Western Cape. These projects, however, required a large number of unskilled labourers.⁷⁷

In 1876 the Cape government commissioned an agent to engage labourers in Zanzibar for public works projects. The service period was limited to two years and the contract also guaranteed a return passage to Zanzibar at the expiry of the employment contracts. The return passage would be paid for by the deduction of 5 shillings per month from the labourers' wages. The conditions were explained to interested parties in Zanzibar and the agent managed to recruit an initial group of eighteen men. It was believed that these men would be useful as supervisors to oversee African labourers. They would also be offered piece work to

⁷⁴ KAB, CCP1/2/1/27, A16, p. 2: J.C. Molteno to the Secretary of the government South African Republic, 12.12.1874.

⁷⁵ KAB, CCP1/2/1/27, A16, pp. 2-3: H. Stiemens, Acting State Secretary, to J.C. Molteno, Colonial Secretary, 13.2.1875.

⁷⁶ KAB, CCP1/2/1/27, A16, pp. 3-4: J.C. Molteno to the Acting Secretary of the government of the South African Republic, 27.2.1875.

⁷⁷ Scully, P., "Criminality and conflict in rural Stellenbosch, South Africa, 1870-1900" in *The Journal of African History*, Vol. 30, No. 2, 1989, p. 289.

increase their earnings.⁷⁸ Wages were fixed at 27 shillings per month with a deduction of an additional 2 shillings per month for the Railway Sick Fund.⁷⁹

In 1879 a select committee was instituted to investigate the labour market in the Cape Colony. The committee determined that the western parts of the colony experienced a severe labour scarcity. Although it was believed that the completion of railway projects would release more labourers to the agricultural sector it would not solve the labour scarcity experienced on farms. The committee, therefore, recommended the introduction of labourers from Mozambique, Delagoa Bay and Damaraland on an experimental basis. Wages of 10 shillings to 15 shillings per month were recommended.⁸⁰

It was not only the agricultural sector that battled with labour supply. To meet the demand for labour on the diamond fields and on the public works, the different labour sources recommended by the select committee were utilised and labourers were imported from areas such as Damaraland and Delagoa Bay. Labour importation from Mozambique commenced before the select committee was instituted, and from 1878 to 1882 a large number of labourers were imported into the Cape Colony.⁸¹ In 1880 the commissioner to the Damaras and neighbouring tribes was also instructed to secure a labour supply for the Cape Colony. Damaras were subsequently sent to the colony where they entered into service contracts with both private individuals and the government.⁸² The importing of labour from areas such as Delagoa Bay was so successful that in October 1880 the Commissioner of the Trans-Gariep was instructed to discontinue the importation of African labour from Damaraland. The instructions stated that the imported labour from Delagoa Bay met the demands for labour in the colony and therefore only Damaras already contracted should be sent to the Cape.⁸³

During 1879 and 1880 the Transkei experienced a severe drought. The drought, coupled with animal diseases, agricultural pests and a levied tax of 10 shillings per wife per year, increased the financial burden of the African population. The lack of employment opportunities in the Transkei contributed to more Africans leaving the area in search for

⁷⁸ BPP C.2139, No. 242, p. 274: Dr Kirk to the Earl of Derby, 12.2.1877.

⁷⁹ BPP C.2139, No. 242, Inclosure, p. 274: Articles of Agreement, 12.2.1877.

⁸⁰ Cape of Good Hope, *Report of the select committee appointed to consider and report on the supply of the labour market*, 1879, p. iii.

⁸¹ Bickford-Smith, V., "Black ethnicities, communities and political expression in late Victorian Cape Town" in *The Journal of African History*, Vol. 36, No. 3, 1995, p. 450.

⁸² BPP C.2584, No. 97, Enclosure 1, pp. 211-212: H.E. Richard Bright, Under Secretary for Native Affairs, to W. Coates Palgrave, Commissioner to the Tribes North of the Orange River, 8.1.1880.

⁸³ BPP C.2783, No. 4, Enclosure 9, p. 8: H.E. Richard Bright, Under Secretary for Native Affairs to W. Coates, Commissioner Trans-Gariep, 16.10.1880.

employment opportunities elsewhere.⁸⁴ During the latter parts of the 1870s and the 1880s, the high wages offered on the public works also managed to attract an increasing number of African labourers. By the early 1890s African workers due to employment conditions, however, preferred to work on the public works rather than on farms. Labourers on the public works worked shorter hours (7 a.m. to 5 p.m. in the winter and 6 a.m. to 6 p.m. in the summer) than those on farms. They also received a daily break of two hours.⁸⁵

Since the public works had a severe impact on the availability of labourers for farms, an attempt was made in the early 1890s to engage labourers from the frontier of the Cape Colony and the Transkei. Mr R.P. Stevens, working for the South African Chartered Company, travelled from King William's Town to Umtata, but reported that he was unable to secure any farm labourers. He offered them 15 shillings a month, food and accommodation, but they refused to work for such low wages. They also objected to working so far from home unless they were able to work in a gang under one of their own headmen, which was not possible on a farm.⁸⁶ Mr Stevens, however, managed to recruit 230 Fingoes as dock labourers at £1 10 shillings per month with food and accommodation. Veldtman, the Fingo Chief, sent his son, Johannes, with the workers to act as foreman. The Fingoes were considered to be good workers and they received both overtime and a bonus payment on completion of their contracts. Foreman Johannes Veldtman was questioned by the Select Committee on Farm Labour concerning the possibility of recruiting labour from the Fingoes for the farmers in the Western Province. Veldtman testified that the Fingoes were not willing to work as farm labourers since the wages were too low.⁸⁷

In 1891 farming in the western districts of the Cape Colony was negatively affected by a severe scarcity of labour. Both the wine and maize farmers depended on African labour, but due to the railway and other public works, farmers continued to struggle to find sufficient numbers of labourers. Farmers therefore sent a petition to the Cape government requesting that the government import labour from outside the Cape Colony for the public works projects. In response to the petition, a select committee was appointed to investigate the labour scarcity and to propose solutions.⁸⁸

⁸⁴ Redding, S., "Sorcery and sovereignty: Taxation, witchcraft and political symbols in the 1880 Transkeian Rebellion" in *The Journal of Southern African Studies*, Vol. 22, No. 2, June 1996, p. 256.

⁸⁵ BPP C.6795-XI, pp. 81-87: Report on the labour question in Cape Colony and Natal, 1892.

⁸⁶ BPP C.6795-XI, pp. 86-87: Report on the labour question in Cape Colony and Natal, 1892.

⁸⁷ BPP C.6795-XI, p. 88: Report on the labour question in Cape Colony and Natal, 1892.

⁸⁸ BPP C.6795-XI, pp. 86-87: Report on the labour question in Cape Colony and Natal, 1892.

It was evident that in many instances the labourers employed on the public works had previously worked on farms as agricultural labourers. The Secretary for Native Affairs testified before the select committee that Africans were unwilling to work as farm labourers since they were mistreated. In many instances the farmers also withheld part of their wages.⁸⁹

The farmers complained that there was a large number of Africans living in settlements in different parts of the colony without any way of earning a living. They alleged that these people refused to work and supported themselves by stealing.⁹⁰ Farmers also felt that boys between the ages of thirteen and sixteen were kept in mission schools for too long.⁹¹ They therefore only entered the labour market when it was already difficult to teach them. Some farmers complained that they could not keep their usual number of ploughs in use and therefore could not utilise all their land set aside for maize farming. This was believed to be economically unacceptable since the Cape Colony had to import maize in order to meet the local demand.⁹²

Farmers also complained that although they had to support a farm labourer's entire family, his wife and children often refused to work. They stated that many of their former labourers were working on public works projects and proposed that the Cape government return their former labourers by importing Africans from beyond the borders of the Cape Colony for public work projects. Objections were, however, raised to this course of action since it was seen as unfair to dismiss men earning good wages on the railways or at the harbours and to force them to become farm labourers. The general manager of the railways testified that he would not be willing to terminate the services of existing workers since it would not only be unfair to them but would also have a negative impact on the public works. This was due to the training period of a couple of months required for a new employee.⁹³

Farmers furthermore requested that the government break up the African locations so that the men living in the locations would be forced to obtain employment. Alternatively they requested that a law be passed which would force every African who could not show a sufficient means of livelihood, to work. It was also desired that in the event that a man was engaged on a farm and the farmer was obliged to support the family, the farmer should have the power to compel the wife and children to also work. During the ploughing and harvesting seasons farmers were also eager to secure the services of children. Farmers complained that

⁸⁹ BPP C.6795-XI, pp. 86-88: Report on the labour question in Cape Colony and Natal, 1892.

⁹⁰ BPP C.6795-XI, pp. 86-87: Report on the labour question in Cape Colony and Natal, 1892.

⁹¹ KAB, CCP2/2/1/50, C1, p. III: Report of the Select Committee with reference to the labour question, 1891.

⁹² BPP C.6795-XI, pp. 86-87.

⁹³ BPP C.6795-XI, pp. 81-87: Report on the labour question in Cape Colony and Natal, 1892.

boys over thirteen were forced to attend school at such times and were therefore not available as labourers. Farmers also wanted to obtain semi-parental control over African labourers' children. A few witnesses believed that it was unnecessary to introduce more Africans, but that the labour supply could be improved by forcing all unemployed Africans already living in the colony to work.⁹⁴

The report of the Committee on Farm Labour stated that it was unwise to interfere with any existing labour arrangements regarding the employment of Africans on the public works. Legal measures would therefore not be considered to address the labour supply nor would a reduction in wages in the public works sector.⁹⁵ They, however, did recommend that railway officials should in future not employ labourers who had previously been engaged by neighbouring farms.⁹⁶ The committee saw the introduction of labourers from areas such as the East Coast, Mozambique, and Damaraland as the only solution to the labour problems experienced in the Cape.⁹⁷ They also suggested that African locations be better regulated and that a separate labour office be established to deal with unemployed Africans living in the colony. The committee was unable to propose a remedy to solve the complaints regarding women and children, but stated that more emphasis should be placed on the industrial education of children. It was also proposed that missionaries should be asked not to keep children in school during ploughing and harvesting times.⁹⁸

Farm labourers in the Cape Colony received food, clothing, accommodation and wages. The rate of wages varied in different parts of the country, depending on the availability of labour. In 1892 labourers in areas with labour scarcity received 2 to 3 shillings per day, for example. Most of the wine farmers also provided wine to labourers as part of their payment.⁹⁹ In most cases farmers also supported labourers' families.¹⁰⁰ Female employees did not receive the same wages or benefits as male employees and most of them became domestic workers. Employees preferred white or coloured servants but they were difficult to acquire and demanded higher wages than African employees.¹⁰¹

The normal working hours in the Cape Colony were nine hours per day. In the case of agricultural labourers they worked from sunrise to sunset throughout the year. In the

⁹⁴ *Ibid.*

⁹⁵ KAB, CCP2/2/1/50, C1, p. III: Report of the Select Committee with reference to the labour question, 1891.

⁹⁶ BPP C.6795-XI, pp. 86-87.

⁹⁷ KAB, CCP2/2/1/50, C1, p. iv: Report of the Select Committee with reference to the labour question, 1891.

⁹⁸ BPP C.6795-XI, pp. 86-87.

⁹⁹ *Ibid.*, pp. 81-82.

¹⁰⁰ *Ibid.*, pp. 81-83.

¹⁰¹ Simkins, C. and Van Heyningen, E., "Fertility, mortality and migration in the Cape Colony, 1891-1894" in *The International Journal of African Historical Studies*, Vol. 12, No. 1, 1989, p. 104.

ploughing season they worked from 5 a.m. to 5 p.m. Labour contracts were regulated by law and the resident magistrate had the power to settle disputes between employers and employees.¹⁰²

Labour was imported from Damaraland in German South-West Africa (today Namibia) to supplement the Xhosa and other available labour for the agricultural sector. In 1890 the government introduced an additional 60 Damaras in the Cape Colony and also paid half of their passage fees. In 1892 a large number of farmers testified before the Select Committee on Farm Labour that they preferred African labourers from Damaraland. It was believed that they were well suited to farm work, intelligent and quick to learn the skills. Many Damaras also settled in the colony after the expiry of their labour contract while most of the other Africans only worked for a couple of months and returned to their own villages soon after they had learnt the required skills. The German government, however, objected to the importing of labourers, and immigration from Damaraland was therefore discontinued.¹⁰³

In 1891 a minute by Mr Tainton outlined labour conditions in the public works sector. The inability of the public works to obtain the required number of labourers was attributed to the position of contractors and sub-contractors in the public works sector. Contractors were responsible for most of the maintenance and construction work and therefore required a large number of African labourers. According to Mr Tainton contractors in many instances changed the agreed employment condition, and in the process forcing many labourers to desert from their employers. The Cape government engaged Mr Ronald Maclean to recruit 1 500 labourers for a railway project, offering contracts for three to six months. Many of these labourers deserted due to their employment conditions. In many instances contractors tried to reduce their costs by altering agreed conditions. Tainton believed that this would have a negative impact on Africans acquiring habits of industry since these events led them to be suspicious of European culture.¹⁰⁴

After the Anglo-Boer War, farmers in the Cape Colony once again complained of labour scarcity. Due to this scarcity the Brakvlei branch of the Afrikaner Bond requested that Sir Gordon Sprigg, the Prime Minister, import Africans from the Transkei.¹⁰⁵ The Cape Orchard Company Limited in November 1902 also emphasised the lack of labour in the Hex River area. The company used different labour strategies to alleviate the labour scarcity, such

¹⁰² BPP C.6795-XI, pp. 81-83: Report on the labour question in Cape Colony and Natal, 1892.

¹⁰³ BPP C.6795-XI, pp. 86-87: Report on the labour question in Cape Colony and Natal, 1892.

¹⁰⁴ KAB, CCP2/2/1/50, C1, p. 1: Native labour question (Mr Tainton's minute), Minute on the native labour question in its relation to the payment of government taxes, August 1891.

¹⁰⁵ KAB, B330, No. 3374: H.J.H. Claassens, Secretary Brakvlei to Sir Gordon Sprigg, 20.12.1902.

as the use of white labourers as well as offering higher wages to attract labour. These strategies were found to be ineffective and they requested that Africans should be supplied from the Eastern Cape.¹⁰⁶

By 1909 farm labourers in the Cape Colony received up to 40 shillings per month, while some wine farmers paid their labours 2 shillings and two bottles of wine per day. Labourers were generally paid a monthly wage and also given both food and accommodation. Labour tenants, in contrast, received a tract of land from the employer and only provided labour for an agreed period during the year in exchange for the right to cultivate the land.¹⁰⁷

4. Griqualand West

4.1 Labour supply and labour sources (1870-1876)

In 1870 diamond production was still done on a limited scale. One or two diggers would own a claim and employ a small number of African labourers, usually up to three or four. The population on the Kimberley diamond fields grew rapidly and on the river diggings increased from about 5 000 in 1870 to an estimated 50 000 by the end of 1871, of which only 20 000 were white. Along with the increased competition on the diamond fields, production methods also became more demanding due to the deeper excavations required on the dry diggings. The change in production methods also led to a higher demand for unskilled labour and soon complaints were voiced regarding the scarcity and high cost of labour. The dry diggers in many instances employed up to twenty labourers, and labourers used the increased demand to negotiate higher wages and frequently left their employers for higher wages elsewhere. These practices led to the doubling of wage rates during 1872.¹⁰⁸

In the course of 1872 thousands of people had already moved to the diamond fields from the Cape Colony, Natal and the neighbouring Afrikaner republics. This was coupled with a continuous flow of immigrants from Britain, Europe and the United States.¹⁰⁹ Large numbers of Africans from all parts of Southern Africa journeyed to the diamond fields and travelled large distances to earn enough to purchase guns and ammunition.¹¹⁰ Due to the New Rush Disturbances in 1872 extensive press coverage was given to the ill-treatment of Africans on the diamond fields. Official sources believed that this was contradicted by the

¹⁰⁶ KAB, B3330, No. 3374, Cape Orchard Company Limited to the Secretary of Agriculture, 13.11.1902.

¹⁰⁷ The South African Native Races Committee, p. 13.

¹⁰⁸ Worger, W.H., *South Africa's City of Diamonds: Mine workers and monopoly capitalism in Kimberley, 1867-1895*, pp. 12-20.

¹⁰⁹ BPP 323, pp. 128-131: Sir Henry Barkly to the Earl of Kimberley, 29.10.1872.

¹¹⁰ Foreign and Commonwealth Collection: Winter, J.W., *The Diamond Fields of South Africa* (pamphlet), 1877, pp. 5-6.

large number of Africans also continued to travel to Griqualand West from the interior, however.¹¹¹ The largest number of labourers employed on the diamond mines came from tribes living to the north of Griqualand West. The returning labourers spread the news that the employers on the diamond fields paid high wages and this led to increased immigration from the north.¹¹²

Africans passing through the Orange Free State and Transvaal to and from Griqualand West were often subjected to confinement and ill-treatment because they did not have the required passes.¹¹³ The Transvaal government frequently complained that the British administration sold arms and ammunition to African labourers. The commissioners administering Griqualand West were therefore ordered to impose restrictions on the trade in firearms. A proclamation was issued in 1872 emphasising that regulations regarding firearms would in future be strictly enforced.¹¹⁴ The Transvaal government perceived the sale of firearms to African labourers at the Kimberley diamond fields as an infringement of the Sand River Convention of 1852 and perilous to peace and security in South Africa.¹¹⁵

In the Orange Free State the laws prohibiting the importation and sale of firearms to Africans were strictly enforced. Due to the labour scarcity on the diamond mines the Griqualand West administration continued to permit Africans to purchase firearms in an effort to attract more unskilled African labour. Africans were in many instances so eager to acquire firearms that they joined the labour market with their main objective being the acquisition of firearms and ammunition.¹¹⁶ These firearms were sold to them at a great profit and the Cape government also increased their revenue by selling permits to Africans which allowed them to acquire firearms.¹¹⁷ The Orange Free State government expressed concern regarding the trade in firearms with Africans at the Kimberley diamond fields. The firearm trade was, however, regulated by legislation enacted in the Cape Colony, and this in effect meant that a magistrate could grant permits to Africans if they presented certificates from their employers stating that they were fit to own a gun.¹¹⁸ The Orange Free State resented the trade in guns and Africans returning to their homes via the Free State were disarmed.¹¹⁹

¹¹¹ BPP C.323, pp. 128-131: Sir Henry Barkly to the Earl of Kimberley, 29.10.1872.

¹¹² BPP C.1335, pp. 82-91: Report of the Lieutenant-Governor for the year 1874, 9.3.1875.

¹¹³ Colonial Office (CO) 879/7/1, No.13, Inclosure 2, pp. 20-21: R. Southey, Lieutenant-Governor, to Sir Henry Barkly, 2.9.1873.

¹¹⁴ BPP C.732, No. 19, pp. 46-48: Sir Henry Barkly to the Earl of Kimberley, 1.6.1872.

¹¹⁵ BPP C.732, No. 19, Inclosure 5, p. 48: D.J. Erasmus, Acting State President, to Sir Henry Barkly, 16.4.1872.

¹¹⁶ BPP C.1399, No. 50, p. 63: J.A. Froude to the Earl of Carnarvon, 10.1.1876.

¹¹⁷ *House of Commons Debates*, 25.5.1880, Vol. 252, cc451-465.

¹¹⁸ CO 879/7/1, No. 1, Inclosure 1, p. 2: R. Southey, Administrator of the Government, to Sir Henry Barkly, 6.2.1873.

¹¹⁹ BPP C.1399, No. 50, p. 63: J.A. Froude to the Earl of Carnarvon, 10.1.1876.

In many instances it was difficult to gather details regarding the actions of government officials in the Orange Free State with regard to pass and firearm regulations. In one instance, however, evidence of ill-treatment was gathered through the complaints of Mrs Helps, the wife of a claimholder in Kimberley. Mrs Helps had hired a number of African labourers in Natal for employment purposes on the Kimberley diamond fields. She contracted these labourers in the presence of a magistrate and subsequently supplied them each with a document outlining the purpose of their journey. After their arrival in Bethlehem in the Orange Free State eight of the men were imprisoned with hard labour for a month. After their release they were allowed to proceed to the Kimberley diamond fields but at Winburg they were once again forced to work for local employers. It was reported that one of the labourers refused and was flogged. At the time she lodged her complaint only five of the 28 labourers had arrived while the others were still being delayed in the Orange Free State.¹²⁰ The Orange Free State government defended their actions by stating that the Africans were punished due to contraventions of the pass legislation.¹²¹ In official correspondence Sir Henry Barkly noted that their punishment was probably due to their refusal to supply labour to individual employers in the Orange Free State.¹²²

An incident was also recorded involving some Basuto returning home after the expiry of their employment contracts on the diamond fields. On 13 January 1873 an estimated 80 Basuto of Molappo's tribe left Kimberley to return to their homes. Each individual possessed a firearm and a pass signed by the registrar of servants certifying the person's right to own a firearm and that he had received permission to leave the diamond fields.¹²³ The group was prevented from continuing their journey by a party consisting of Orange Free State police and citizens who insisted on the surrender of their firearms. Their refusal led to a confrontation in which two Basuto were killed. Sir Henry Barkly surmised that the Basuto, being British subjects and carrying passes from a British magistrate, probably felt that they were exempt from complying with the legislation of the Orange Free State regulating ownership of firearms by Africans.¹²⁴

The Griqualand West administration in July 1872 engaged two registrars to manage African labour on the diamond fields. The main functions of the registrars included the collecting of a registration fee of one shilling from African labourers and to supply them with

¹²⁰ CO 879/7/1, No. 13, Inclosure 2, pp. 20-21: R. Southey, Lieutenant-Governor, to Sir Henry Barkly, 2.9.1873.

¹²¹ CO 879/7/1, No. 13, Inclosure 6, pp. 25-27: J.H. Brand to Sir Henry Barkly, 5.11.1874.

¹²² CO 879/7/1, No. 13, pp. 18-20: Governor Sir Henry Barkly to the Earl of Carnarvon, 13.4.1874.

¹²³ CO 879/7/1, No.1, Inclosure 1, p. 2: R. Southey, Administrator of the Government, to Sir Henry Barkly, 6.2.1873.

¹²⁴ CO 879/7/1, No.1, pp. 1-2: Governor Sir Henry Barkly to the Earl of Carnarvon, 4.4.1873.

passes. Although many diggers did not initially register their African labour force, registration was soon extended to a large number of labourers.¹²⁵

According to Worger the new haulage system implemented in the Kimberley mine and the production and excavation methods employed by the De Beers, Du Toit's Pan and Bultfontein mines increased the demand for African labour. African labourers were employed to perform numerous manual labour tasks such as digging, removing and carting ground, and breaking up the material containing diamonds to allow sorting by white claim holders.¹²⁶

In 1875 the Vooruitzicht farm, which held the Kimberley and De Beers mines, was sold to the British administration and Colonel Owen Lanyon, the administrator of Griqualand West, tried to facilitate the development of these mines by increasing the available labour supply.¹²⁷ Richard Southey, the Lieutenant-Governor of Griqualand West, in 1875 proposed that measures should be adopted to allow for the protection of labourers on their journey to and from Griqualand West. He believed that this would secure a stable labour supply not only for Griqualand West but also for the Cape Colony. The proposed measures would also increase trade with the interior of Southern Africa and enable the spread of Christianity and civilisation.¹²⁸

Initially the labour supply increased substantially because of labour regulations allowing for the registration of labourers. The government also benefitted by the enforcement since revenue was supplemented by the payment of labour registration fees.¹²⁹ Worger believed that labour registration did not totally satisfy white employers. Employers required more control over employees to prevent desertions and non-completion of employment contracts. In 1876 an economic depression and the high wage rates commanded by African employees led to diggers terminating employment contracts and lowering the wages of their remaining African employees. In response, African labourers left the mines rather than accept the 50% wage cut. Within a couple of months it was found that African wages were at their highest levels ever. Employers not only faced renewed labour scarcity but also perceived the labour registration system as totally inadequate in securing a stable labour supply.¹³⁰

¹²⁵ Siebörger, R.F., *The recruitment and organisation of African labour for the Kimberley diamond mines 1871-1888* (M.A.), p. 3.

¹²⁶ Worger, pp. 23-24.

¹²⁷ *Ibid.*, pp. 121-130.

¹²⁸ BPP C.1335, pp. 82-91: Report of the Lieutenant-Governor for the year 1874, 9.3.1875.

¹²⁹ Worger, pp. 120-121.

¹³⁰ *Ibid.*, pp. 121-131.

4.2 The Griqualand West Labour Commission (1876)

A commission was appointed by Proclamation No. 9 of 1876 to investigate the labour requirements in Griqualand West. The commission reported in May 1876 and some of the recommendations were enacted in Ordinance No. 10 of 1876.¹³¹ The commission identified high wages as a possible way to attract labourers to the Kimberley diamond fields, and emphasised the importance of attracting additional labourers by securing a safe passage and means of subsistence along the route to Griqualand West. This could be achieved by the establishment of government agencies among the African tribes and of small government depots along the route. To further ensure the safe passage of labourers it was proposed that a government agent should accompany each group of Africans travelling from one depot to another. The commission also proposed that the superintendent of the depot should be the only official allowed to issue permits to Africans for buying firearms. The proposed law also stipulated that labourers could only be engaged at the depot.¹³²

One of the issues the commission investigated was the introduction of African labour by private enterprises. A large number of miners were willing to secure labourers by using private individuals, and were willing to guarantee expenses incurred if labourers were introduced in this way. The commission reviewed the proposals of Messrs Albasine and Crowley who were willing to introduce African labourers from the Zoutpansberg and other areas at a cost proportional to the distance travelled. These Africans had to travel through the Transvaal and due to the poor relations between the Transvaal and Griqualand West the Griqualand West government could, however, not commence the scheme.¹³³

The commission also investigated the passage of Africans through the Transvaal. It was concluded that the Transvaal government did not inhibit travel and issued passes at a fee of 2 shillings for each labourer passing through the country. Africans were also allowed to carry firearms through the Transvaal by paying an additional 10 shillings per firearm. The commission reported that most labourers travelling to the Kimberley diamond fields reached it via the Transvaal but they believed that there were also a large number of labourers available from tribes west of the Keate line. They proposed the construction of depots to house labourers travelling from the countries of the Batlapin, Bakwain and Bahurutsi. The

¹³¹ BPP C.2220, No. 17, Enclosure 4, pp. 61-62: J.D. Barry, Acting Administrator to Governor Sir Bartle Frere, 19.5.1877.

¹³² BPP C.2220, No. 17, Enclosure 5, pp. 63-66: Report of the Commission upon the Griqualand Labour Question, 28.5.1876.

¹³³ BPP C.2220, No. 17, Enclosure 5, p. 63: Report of the Commission upon the Griqualand Labour Question, 28.5.1876.

inconsistency of labour demand and supply was also highlighted by the commission. At the time of the issuing of the report, labour was abundant while a couple of months prior to the report, demand substantially exceeded supply.¹³⁴

The following general recommendations were approved by the commission: it would be illegal for any African to enter Griqualand West without a pass, and Africans who entered without a pass would be convicted. Any justice of the peace, field-cornet or employer could demand that an African present his pass. In cases where employers or their agents introduced Africans into Griqualand West they had to take the labourers to the closest depot. Each labourer would then be issued with a pass stating the employment conditions agreed to by the employer and the labourer. The commission further recommended that the government should investigate alternative ways of introducing labour, as well as the adoption of more efficient measures to control and manage the labour supply.¹³⁵

According to Siebörger, during the 1870s the Kimberley diamond fields did not have access to a stable labour force. African labourers were unwilling to settle in Kimberley and only worked for a limited period depending on their personal requirements, the labour demand, wages paid on the diamond fields as well as the political and economic circumstances of the labourer's tribe. Initially, many labourers accepted employment to earn enough money to buy a firearm, and this normally equated to a period of about four to six months. Labourers from tribes nearer to Kimberley worked for even shorter periods and usually stayed for only two to three months. In response to the inconsistent labour supply, Southey tried to lengthen the contract period by instituting an additional tax of 20 shillings on firearms. In 1876 the Labour Commission recommended a minimum contract period of three months to compensate for labourers' initial poor physical condition and the amount of training they required as unskilled workers.¹³⁶

Since the commission saw the establishment of depots as an important objective in securing additional labour, Mr Alexander Bailie, a land surveyor, was in June 1876 sent to investigate possible locations for these depots. He also had to secure additional supplies of labour by visiting African chiefs living to the north of Griqualand West (Botswana) and

¹³⁴ BPP C.2220, No. 17, Enclosure 5, pp. 63-64: Report of the Commission upon the Griqualand Labour Question, 28.5.1876.

¹³⁵ BPP C.2220, No. 17, Enclosure 5, pp. 63-67: Report of the Commission upon the Griqualand Labour Question, 28.5.1876.

¹³⁶ Siebörger, pp. 10-11.

ensuring their cooperation with the Griqualand West administration.¹³⁷ The war between the Transvaal government and the Pedi tribe, which commenced in 1876, had halted labour migration by Pedi labourers as well as migration from tribes to the north of the Transvaal who had to travel via the country to reach the Kimberley diamond fields.¹³⁸ Paulin alleged that the Transvaal perceived Africans from other tribes as prospective accomplices and therefore impeded their travel. During the period from May to July 1876 more than 6 000 Pedi labourers departed from Kimberley.¹³⁹ Due to the war the Transvaal had blocked all the roads and since the war's duration was uncertain, it became even more crucial to find alternative labour sources. Bailie's mission was therefore perceived as critical in alleviating the labour scarcity through securing the cooperation of the chiefs to not only supply labourers but also to protect and assist these labourers during their journey to Kimberley.¹⁴⁰ Owen Lanyon encouraged Bailie to persuade the Tswana chiefs to supply labourers to the diamond mines and to provide assurances that the Transvaal would not take any action against them or impede the passage of their labourers.¹⁴¹

Bailie travelled an estimated 1 450 kilometres to visit Tswana tribes such as the Batlapin, the Barolong, the Bangmaketsi, the Bakwena, the Bamangwato and the Amandebele. He however avoided the Transvaal. Bailie reported that all the chiefs were willing to cooperate with the British government in inducing their tribesmen to become labourers in Kimberley. On the other hand he emphasised that the chiefs required assurances that the Transvaal government would not retaliate against them for assisting the British government. Bailie proposed that the British government should assume jurisdiction over African tribes in the area north of Griqualand West since this would not only protect the tribes from Afrikaner aggression but also secure an abundant supply of labour.¹⁴² To further convince the British government to take action Bailie emphasised that some of the chiefs such as Sechele expressed a desire to become British subjects and he stated that if Sechele and his people were accepted as British subjects, a large supply of labour would be obtained

¹³⁷ BPP C.2220, pp. 61-62: J.D. Barry, Acting Administrator to Governor Sir Bartle Frere, 19.5.1877; Paulin, C.M., *White men's dreams, black men's blood: African labor and British expansionism in Southern Africa, 1877-1895*, p. 35.

¹³⁸ BPP C.2220, No. 17, Enclosure 4, p. 41: Memorandum upon the several reports sent in by Mr A.C. Bailie on his mission to the native tribes to obtain a supply of labour, 28.4.1877.

¹³⁹ Paulin, pp. 35-36.

¹⁴⁰ BPP C.2220, No. 17, Enclosure 4, p. 41: Memorandum upon the several reports sent in by Mr A.C. Bailie on his mission to the native tribes to obtain a supply of labour, 28.4.1877.

¹⁴¹ Paulin, p. 36.

¹⁴² BPP C.2220, pp. 61-62: J.D. Barry, Acting Administrator to Governor Sir Bartle Frere, 19.5.1877.

from Sechele's tribe and future labour scarcity would be prevented through the availability of a more stable supply.¹⁴³

Bailie planned to reach Kimberley by the end of February 1877 with about 1 000 labourers. He also planned to recruit labourers from each of the tribes to ensure that news of the labour opportunities on the Kimberley diamond fields spread throughout the interior. He believed that there were thousands of Africans who would be willing to work if some understanding between the different chiefs and the government could be reached.¹⁴⁴

A meeting on 9 January 1877 with the principal chiefs of the Amandebele led to an agreement that they would also send labour to Griqualand West.¹⁴⁵ Bailie estimated that as soon as difficulties with the Transvaal Afrikaners were resolved, tribes such as the Amandebele, Bakwena, Bamangwato and Silica could supply an additional 5 000 labourers.¹⁴⁶ His report also stated that if properly managed the labour supply from the interior would eventually be sufficient not only for the Kimberley diamond fields but also for the Cape Colony. Although it would probably take two or three years to fully develop the interior labour market, the return of labourers to their tribes would encourage other tribe members to join the labour force.¹⁴⁷

Bailie was convinced that the main problem impacting on the Griqualand West labour supply was the actions of the Transvaal government. Afrikaner raids had been conducted among the Tswana tribes and Afrikaners also incited the tribes to attack each other. He therefore recommended that the British government should extend its influence over these tribes. Bailie's report, according to Paulin, did impact on the perceptions of the British government regarding the situation in South Africa. The policies adhered to by the Transvaal government was seen as contributing to the labour problems experienced in British colonies. Paulin emphasises that the Transvaal's interference with labour supply in South Africa and the Transvaal-Pedi War probably prompted Lord Carnarvon to institute his confederation plans through more direct means such as the annexation of the country.¹⁴⁸

¹⁴³ BPP C.2220, No. 17, Enclosure 4, p. 52: Report of Alex C. Bailie, 9.10.1876.

¹⁴⁴ BPP C.2220, No. 17, Enclosure 4, pp. 52-59: Report of Alex C. Bailie, 9.10.1876.

¹⁴⁵ BPP C.2220, No. 17, Enclosure 4, p. 60: Report of Alex C. Bailie, 9.10.1876.

¹⁴⁶ BPP C.2220, No. 17, Enclosure 5, p. 71: Alex C. Bailie, 12.3.1877.

¹⁴⁷ BPP C.2220, pp. 72-73: Alex C. Bailie to the Acting Colonial Secretary, 3.5.1877.

¹⁴⁸ Paulin, pp. 36-39.

4.3 Labour supply and changes in the mining industry (1876-1882)

The haulage system which was implemented and further developed on the diamond mines between 1874 and 1877 had a negative impact on individual diamond miners since it increased the capital required to continue operations. The merger of claims was perceived as a way to counter increasing production costs due to the technological difficulties encountered with deeper excavations. In 1874 the first step was taken towards the formation of larger companies in Kimberley through the enactment of legislation that provided for the amalgamation of individual claims. Amalgamation reduced operating costs, improved profitability as well as production, and led to increased investment and the adoption of new technologies.¹⁴⁹

In 1877 the Kimberley mine ownership stated their support for the merging of smaller claims in order to centralise both resources and labour supply.¹⁵⁰ During the economic boom of 1880 and 1881 the establishment of mining companies meant that most of the individual employers discontinued their operations.¹⁵¹ The decrease in the labour supply in 1880 and in the first six months of 1881 led to an increase in wage rates, and African employees were paid up to 40 shillings per week. The complaints of employers regarding the high price of labour were voiced at a meeting initiated by Henry Tucker, secretary of the Kimberley Mining Board. At the meeting, employers considered methods through which the high wage rate could be reduced, and the combination of employers to facilitate the introduction of uniform measures was discussed. Employers however found it difficult to establish a uniform wage rate for all the mines since the Kimberley mine, due to the deeper excavations required, had no choice but to pay 5 shillings per week more to attract labourers. A Labour Committee was established to enquire into the reduction of wage rates. The Labour Committee in 1882 recommended a reduction of wages to 10 shillings per week, the wage rate prevalent in 1876. Siebörger, however, indicated that the committee was unsuccessful in changing employment conditions in Kimberley since no reduction in wage rates was reported. Employers were unable to control the movement of workers and therefore could not compel workers to complete their employment contracts. Changes in employment conditions such as a decrease in wages were therefore ineffective, since in many instances labourers left their employers without completing their employment contracts. African labourers were able

¹⁴⁹ *Mining Weekly*, 19.11.2010, <<http://www.miningweekly.com/article/the-industrialisation-of-the-diamond-mines-2010-11-19>>, accessed 11.6.2014.

¹⁵⁰ *Alnwick Mercury*, 21.4.1877, p. 3.

¹⁵¹ Siebörger, p. 13.

to assert their independence but the establishment of the closed compound system eroded their position and allowed employers more control over the labour supply.¹⁵²

4.4 The compound system

The compound system in part originated due to the use of convict labour by the Kimberley diamond mines. In November 1884 De Beers entered into a contract with the Cape government for the supply of convict labour to the mines. Living quarters were erected to accommodate these convicts and the addition of convict labour assisted De Beers in increasing production and profitability. The introduction of convict labour did, however, not solve the problems experienced by De Beers with regard to labour scarcity. The placement of migrant labour in compounds was perceived as a possible solution to the labour scarcity by facilitating a stable labour supply. A number of other factors also led to the extension of the compound system to African labourers.¹⁵³

The formation of large mining companies to excavate the deeper level mines in Kimberley meant an increase in the number of labourers required. The mining companies according to Mabin perceived the compound system as a way to extend more control over labourers. The use of compounds also reduced absenteeism and desertion from the mines, and decreased diamond theft.¹⁵⁴ Mine owners highlighted the detrimental effects of diamond theft in the Cape parliament and propagated the extension of the compound system as a possible solution.¹⁵⁵

Other social problems such as alcohol abuse were also used to rationalise the introduction of the compound system. Africans were brought to Kimberley on three month contracts, renewable for another three months, and if not in the compounds were enticed by the availability of liquor and stolen diamonds. Another justification for the compound system was therefore that it protected Africans from alcohol abuse.¹⁵⁶ Compounds also enabled mining companies to ensure a stable labour supply by keeping replacement workers on the mine's premises.¹⁵⁷

¹⁵² *Ibid.*, pp. 23-24.

¹⁵³ Mabin, A., "Labour, capital, class struggle and the origins of residential segregation in Kimberley, 1880-1920" in *Journal of Historical Geography*, Vol. 12, No. 1, 1986, pp. 13-14.

¹⁵⁴ *Ibid.*, pp. 12-13.

¹⁵⁵ Turrell, R.V., *Capital and labour on the Kimberley diamond fields, 1871-1890*, p. 147.

¹⁵⁶ Foreign and Commonwealth Office Collection: Bourne, H.R.F., *Blacks and whites in South Africa: An account of the past treatment and present conditions of South African natives under British and Boer control* (pamphlet), 1900, p. 41.

¹⁵⁷ Mabin, A., "Labour, capital, class struggle and the origins of residential segregation in Kimberley, 1880-1920" in *Journal of Historical Geography*, Vol. 12, No. 1, 1986, p. 13.

According to Turrell the development of underground mining during this period also facilitated the move to a closed compound system. In 1885 all the major mining companies in Kimberley shifted their primary operations to underground mining and the compound system was seen as an important part of successfully implementing this production method and decrease costs.¹⁵⁸

In 1885 the convict compound system was therefore extended to contracted African employees.¹⁵⁹ The French Diamond Mining Company opened their first closed compound on 17 January 1885 when 110 Africans were placed in the compound for the duration of their six month contract.¹⁶⁰ Closed compounds were “securely fenced and guarded barracks, located adjacent to or near the mine in which black workers were forced to live and spend what leisure time there was available to them for the entire term of their contract”. Before the introduction of the closed compound system in 1885 there was no restriction on the movements of African workers after the completion of their day’s work.¹⁶¹ African mine workers protested against the compound system and on 27 April 1885 they marched to Kimberley Central’s closed compound but were dispersed. The strike by African workers against De Beers’ first closed compound in July 1886 also had no impact.¹⁶² Merchants criticised the establishment of compounds as having a negative effect on commerce within Kimberley since Africans no longer had the freedom to buy in town. Stores were established within the compounds where Africans could buy essential goods.¹⁶³ Merchants conveyed their opposition to the compound system in parliament but the Cape government, due to their support for the system, ignored the protests.¹⁶⁴

In 1888 the Diamond Trade Amendment Act No. 34 was enacted which allowed for the employment of a Protector of Natives and Inspector of Compounds in Griqualand West. One of his duties was to enforce the requirements of the Labourers’ Wages Regulation Act No. 23 of 1887. This act determined that all wages would be paid in cash and that no merchandise except those termed as essential could be sold by employers in the compounds.

¹⁵⁸ Turrell, *Capital and labour on the Kimberley diamond fields, 1871-1890*, pp. 148-151.

¹⁵⁹ BPP C.6595-XI, p. 84: Royal Commission on Labour, 1892.

¹⁶⁰ Smalberger, p. 412.

¹⁶¹ *Mining Weekly*, 22.7.2011, <<http://www.miningweekly.com/article/the-introduction-of-the-closed-compound-system-2011-07-22>>, accessed 5.5.2014.

¹⁶² Mabin, A., “Labour, capital, class struggle and the origins of residential segregation in Kimberley, 1880-1920” in *Journal of Historical Geography*, Vol. 12, No. 1, 1986, p. 14.

¹⁶³ BPP C.6595-XI, p. 84: Royal Commission on Labour, 1892.

¹⁶⁴ Mabin, A., “Labour, capital, class struggle and the origins of residential segregation in Kimberley, 1880-1920” in *Journal of Historical Geography*, Vol. 12, No. 1, 1986, p. 14.

The protector was empowered to enter compounds at any time and he and his subordinates were charged with protecting African interests. At the expiry of employment contracts the protector would be responsible for issuing passes to Africans for either obtaining new employment or returning home.¹⁶⁵

The *Evening Telegraph* in 1888 reported on the advantages of the compound system for shareholders by focusing on the discovery of a 430 carat diamond found in the possession of an African labourer.¹⁶⁶ The compound system was seen as contributing to the profitability of diamond mining through ensuring that Africans were kept from interacting with illegal diamond traders.¹⁶⁷ Compounds were constructed as single storey corrugated iron buildings accommodating twenty people per room. Each compound had its own shop providing Africans with food and clothes at moderate prices. A barbed wire fence restricted the movement of labourers, and they were examined for diamonds as they left the mine. Labourers were not allowed to leave the compound during the employment period and no alcohol was provided to them. It was reported that the Africans were content while living in the compound and that some of these labourers had been living in the compound for a number of years.¹⁶⁸

4.5 Labour migration and main areas of labour supply

Members of the Pedi tribe already commenced labour migration in the 1840s. During the 1850s and 1860s labour migration increased and Pedi males, supervised by their headmen, migrated to the Cape Colony where they accepted employment for a number of months. Wages were used to obtain cattle, guns and other goods while Sekhukhune also received a portion by levying a tax on returning labourers. After the discovery of diamonds in Kimberley the Pedi changed their migration patterns and travelled to Griqualand West instead.¹⁶⁹

W.J. Coleman, the Registrar at New Rush, retained records that documented the number of labourers registered per month according to tribe. In December 1872 a report was published indicating the number of labourers registered from 1 August 1872 to 31 October 1872. A large number of labourers were still unregistered but the report demonstrated the

¹⁶⁵ Foreign and Commonwealth Office Collection: Bourne, H.R.F., *Blacks and whites in South Africa: An account of the past treatment and present conditions of South African natives under British and Boer control* (pamphlet), 1900, p. 41.

¹⁶⁶ *Evening Telegraph*, 5.5.1888, p. 2.

¹⁶⁷ *Manchester Courier and Lancashire General Advertiser*, 28.4.1888, p. 16.

¹⁶⁸ *Aberdeen Journal*, 1.11.1899, p. 6.

¹⁶⁹ Worger, p. 69.

diversity of the labour force, which consisted of Khoikhoi, Basuto, labourers from Mozambique, Mahawas, colonial Africans, Kaffrarians, Mantatees, Batlapins, Swazis, Indians and Griquas. The Mahawas included tribes from the Zoutpansberg such as the Pedi, and at this stage provided most of the labourers to the Kimberley diamond fields. According to Siebörger it is unclear how the tribes had obtained information regarding the labour opportunities in Griqualand West. It was believed that people such as missionaries and traders, as well as labourers returning from Griqualand West, spread information regarding job opportunities. Mr John Edwards, a trader, in August 1873 for example entered into an agreement with Sekhukhune whereby the chief agreed to send labourers to the Kimberley diamond fields.¹⁷⁰

In the 1874 report of the Lieutenant-Governor the diversity of the labour force was also illustrated. It was reported that tribes such as the Mabanoas living between 20 and 24 South latitude and south of the Limpopo River had supplied more than 13 000 labourers between 1 May 1873 and 31 December 1874. Tribes from the coast north of Delagoa Bay also sent 2 800 labourers. In the second half of 1874 labourers from the Makalaka tribe living north of the Limpopo arrived in Kimberley and before the end of 1874, 800 of them were already working on the diamond fields. African labour was therefore drawn to the diamond fields from an area extending over a distance of more than 950 kilometres northwards.¹⁷¹

In 1878 Sir Bartle Frere emphasised the importance of tribes outside the borders of the Transvaal as suppliers of labour. Chiefs encouraged tribe members to go to the Kimberley diamond fields, and these labourers formed the majority of the labour force not only on the Kimberley diamond fields but also on public works projects in the Cape Colony.¹⁷² According to Mabin warfare generally had a serious impact on the labour supply, and wars in Southern Africa between 1877 and 1885 impacted on the Xhosa, Zulu, Pedi, Tswana as well as Basuto political states. During a war there was a decrease in the number of labourers who would journey to the mines but afterwards more Africans joined the labour market at minimum wages. These wars included the Eighth Frontier War of 1878, the Anglo-Zulu War of 1879 and the war between the Transvaal Afrikaners and the Pedi of 1876.¹⁷³ The various wars with Sekhukhune disrupted the labour supply from the Transvaal tribes in the period 1876 to 1879. The Basuto “Gun War” of 1880 to 1881 prevented Basuto labourers from

¹⁷⁰ Siebörger, pp. 3-5.

¹⁷¹ BPP C.1335, pp. 82-91: Report of the Lieutenant-Governor for the year 1874, 9.3.1875.

¹⁷² BPP C.2220, pp. 351-352: H.B.E. Frere, Governor and High Commissioner to General Thesiger, 3.10.1878.

¹⁷³ Mabin, A., “Labour, capital, class struggle and the origins of residential segregation in Kimberley, 1880-1920” in *Journal of Historical Geography*, Vol. 12, No. 1, 1986, pp. 7-8.

travelling to the diamond mines during this period. In many cases labourers departed from the Kimberley diamond fields as soon as they heard about the participation of their tribe in warfare conflict situation.¹⁷⁴

Harries believed that the war in Basutoland meant that the 4 000 Basuto labourers on the Kimberley diamond fields were mostly replaced by Amatonga labourers.¹⁷⁵ The labour supplied by Basutoland, however, steadily increased after 1880. In 1885 reports were received from many districts that confirmed the willingness of the Basutos to sell their labour on the labour markets in Griqualand West, the Cape Colony and the Orange Free State. In 1885 the Assistant Commissioner in charge of the districts of Mafeteng and Cornet Spruit in Basutoland, for example, reported that labour from these areas was plentiful and that many people were willing to enter employment. This was mainly seen as a result of drought and food scarcity.¹⁷⁶

Basutoland continued to be an important source of labour for both the diamond and gold fields. During 1888 it was reported in the Maseru district that large numbers of labourers were available and some of them found work in the Free State and in Kimberley.¹⁷⁷ Employers from the diamond and gold fields visited the Berea District in 1888 and 1889 and recruited a large number of labourers. It was reported that 5 200 passes were granted during that year and that the majority of these passes were issued to young men seeking employment in other states.¹⁷⁸ In the Mafeteng district Chief Lerothodi sent his son, Griffith, to Kimberley with an estimated 400 men to work for the Griqualand West Diamond Mining Company. It was alleged that these men were not well treated and 28 of them died during the three months at the Kimberley diamond mines. It could, however, not be established whether this was due to ill-treatment.¹⁷⁹ In the Cornet Spruit District 3 857 people requested passes and a large number of these people travelled to the diamond fields and to other areas to seek employment.¹⁸⁰

In February 1897 labour recruitment from Basutoland was severely affected by the rinderpest epidemic. Labour migration from the area was halted for a couple of months due to restrictions placed on travel from Basutoland to the Orange Free State and Cape Colony.

¹⁷⁴ Siebörger, pp. 11-12.

¹⁷⁵ Harries, pp. 390-393.

¹⁷⁶ BPP C.4644, pp. 27-30: Report of the Assistant Commissioner, W.H. Surmon in charge of the districts of Mafeteng and Cornet Spruit, 30.7.1885.

¹⁷⁷ BPP C.5249-28, No. 1, Enclosure, p. 9: G.Y. Lagden, Assistant Commissioner, report for the year ended 30th June 1888.

¹⁷⁸ BPP C.5249-28, No. 6, Enclosure, pp. 20-21: T.P. Kennan, Inspector B.M. Police, Berea District, report for the year ended 30th June 1888.

¹⁷⁹ BPP C.5897, No. 70, Enclosure No. 4, pp. 11-12: Mafeteng District, report for the year ended 30th June 1889.

¹⁸⁰ BPP C.5897, No. 70, Enclosure No. 5, p. 14: Cornet Spruit District, annual report for the year ending 30th June 1889.

Restrictions were lifted in July 1897 and labour migration once again commenced. Basuto labourers were not only employed on the Kimberley diamond fields but in many instances preferred employment on farms and in domestic positions in the Orange Free State.¹⁸¹ The Anglo-Boer War increased job opportunities and many Basutos were employed as military workers at high wages. The financial gains allowed labourers to counter the lingering effects of cattle losses during the rinderpest.¹⁸²

In 1896 it was reported that 30 000 Africans from the Transkei worked in the mines of Kimberley and Johannesburg. The labourers were motivated by the high wages and it was estimated that Africans returned to the Transkei with £10 to £15 in cash.¹⁸³

De Beers also recruited labour in Bechuanaland, and in January 1902 the Acting General Manager of the De Beers Consolidated Mines requested that the Resident Commissioner of Bechuanaland issue a new license to F.A. Muhlenbeck to collect African labourers in the protectorate.¹⁸⁴ De Beers was willing to provide security to the extent of £100 for his good behaviour and requested that a license be granted to him to obtain labour for a period of one year.¹⁸⁵

5. Natal

5.1 African administration

5.1.1 The Location Commission of 1846

In 1840 the Afrikaner Volksraad in Natal passed legislation to manage the movement of the African population in order to secure an adequate labour supply. According to the legislation, Africans would be forced to either move to reserves in the south western part of Natal or be allowed to return to their country of origin. In cases where African families were willing to move to white farms as labourers they would be exempted from the forced relocation.

¹⁸¹ Phoofolo, P., "Face to face with famine: The BaSotho and the Rinderpest, 1897-1899" in *Journal of Southern African Studies*, Vol. 29, No. 2, June 2003, pp. 521-522.

¹⁸² *Ibid.*, p. 509.

¹⁸³ Foreign and Commonwealth Office Collection: *Handy notes on South Africa for the use of speakers and others* (pamphlet), 1899, pp. 43-44.

¹⁸⁴ Dominions Office (DO) 119/718: Letter from the Resident Commissioner, Mafeking to the Imperial Secretary, Johannesburg, 6.1.1902.

¹⁸⁵ DO 119/718: Letter from the Alpheus T. Williams, Acting General Manager of De Beers to the Resident Commissioner, Mafeking, 2.1.1902.

African labourers already employed on white farms would also be allowed to stay within the colony.¹⁸⁶

In 1846 a Locations Commission was appointed to investigate African administration in Natal. The commission in 1847 recommended the establishment of reserves, which meant separating the white and African populations.¹⁸⁷ The reserves would be located in areas less suited to the agricultural requirements of white colonists. Due to the colonists' need for labour, recommendations regarding the African labour supply formed an important part of the Location Commission's conclusions. The commission recommended that any African adult male living in a reserve should be allowed to freely enter into an employment contract with neighbouring farmers. This would be subject to the approval of the superintendent managing each reserve.¹⁸⁸ The superintendent would also foster indigenous agriculture by encouraging Africans within the reserves to grow new crops such as cotton. The reserves would become areas in which civilization and industry was encouraged, thereby changing Africans into consumers of imported goods and encouraging their participation in the Natal economy.¹⁸⁹

The Locations Commission believed that the location system would have numerous advantages such as an increase in (as they saw it) the civilisation of Africans through contact with white colonists in the labour relationship, the provision of religious education through missionary stations, as well as the gradual amalgamation of African and European populations within Natal.¹⁹⁰ According to the Locations Commission, the efficient control of the African population within Natal would play an important role in the future prosperity of the settlement.¹⁹¹

The white colonists in general opposed the location system as they believed that the reserves would lead to a decrease in the African labour supply. They also felt threatened by the large areas allocated to the reserves since it encroached on white farmland. These factors, along with the unwillingness of the British government to provide funding, led to the failure

¹⁸⁶ Foreign and Commonwealth Collection: *Proceedings and report of the commission appointed to inquire into the past and present state of the kafirs[sic] in the district of Natal: and to report upon their future government and to suggest such arrangements as will tend to secure the peace and welfare of the district, for the information of his honour Lieutenant-Governor Pine* (pamphlet), 1852, p. 8.

¹⁸⁷ Lambert, J., "Chiefship in early colonial Natal, 1843-1879" in *Journal of Southern African Studies*, Vol. 21, No. 2, June 1995, p. 272.

¹⁸⁸ BPP 980, No. 35, Annexure No. 1, pp. 60-62: Despatch H. Cloete to J. Montagu, 10.11.1843.

¹⁸⁹ BPP 980, No. 65, Enclosure, pp. 131-135: Report commissioners for locating natives, 30.3.1847.

¹⁹⁰ BPP 980, No. 35, Annexure No. 1, pp. 60-62: H. Cloete to J. Montagu, 10.11.1843.

¹⁹¹ BPP 980, No. 65, Enclosure, pp. 131-135: Report commissioners for locating natives, 30.3.1847.

of the relocation process.¹⁹² The British government encouraged the Natal authorities to implement gradual relocation at their own cost.¹⁹³

In 1845 an ordinance was passed by the Governor of the Cape Colony, establishing Roman Dutch Law in Natal.¹⁹⁴ The civilising mission promoted by the British government favoured a single legal system which would be applicable to both white and African people living in Natal.¹⁹⁵ The high cost of the extension of a British legislative and administrative system to each reserve, and the lack of British officials to implement such a system, led to a recommendation by the Locations Commission to return to African law within the reserve areas.¹⁹⁶ This recommendation led to a Royal Instruction in 1848 which proclaimed the protection of African laws and allowed no interference with any African laws and customs.¹⁹⁷ This protection was legislated in Ordinance No. 3 of 1849 and confirmed by patent letters dated 6 July 1850.¹⁹⁸ The administration of justice and the internal government of African tribes therefore reverted back to the chiefs. It was, however, envisioned that an increase in civilization would in future lead to the implementation of British law in Natal.¹⁹⁹

5.1.2 The Land Commission of 1848

In 1848 the Land Commission was instructed by the colonial government to investigate the so-called African question in Natal. The Land Commission reported that three-fourths of Africans, amounting to about 100 000 people, were foreigners and were not entitled to any land. The settlement of all these people in locations would result in a lack of land for the white population and would curb British immigration. Colonists still feared that the settlement of Africans in large reserves would make them unwilling to enter into wage labour. The Land Commission, as well as the British government, favoured the delineation of large areas between locations for European settlement. The colonists could then use their proximity to locations to acquire labour. Earl Grey, the Secretary of State for the Colonies, recommended that Africans should not be enabled to live a pastoralist lifestyle within the

¹⁹² Foreign and Commonwealth Collection: *Proceedings and report of the commission appointed to inquire into the past and present state of the kafirs [sic] in the district of Natal: and to report upon their future government and to suggest such arrangements as will tend to secure the peace and welfare of the district, for the information of his honour Lieutenant-Governor Pine* (pamphlet), 1852, pp. 14-15.

¹⁹³ BPP 980, No. 66, pp. 137-140: Despatch from Earl Grey to Governor Sir Henry Smith, 10.12.1847.

¹⁹⁴ BPP 1919, No. 28, p. 201: Despatch from Lieutenant-Governor Pine to the Duke of Newcastle, 18.7.1854.

¹⁹⁵ Bennett, T.W. and Pillay, A., "The Natal and Kwazulu Codes: The case for repeal" in *South African Journal of Human Rights*, Vol. 217, 2003, p. 218.

¹⁹⁶ BPP 980, No. 65, Enclosure, pp. 131-135: Report commissioners for locating natives, 30.3.1847.

¹⁹⁷ Bennett and Pillay, pp. 217-218.

¹⁹⁸ BPP 1919, p. 205: Report on the past and present state of the colony of Natal.

¹⁹⁹ BPP 980, No. 66, pp. 137-140: Despatch from Earl Grey to Governor Sir Henry Smith, 10.12.1847.

locations, but that they should be placed in a position whereby their livelihood depended on participation in the labour market.²⁰⁰

This view corresponded with the findings of the Land Commission that the relocation of Africans in large reserves would not facilitate the labour supply since there would be little inducement to join the labour market. In contrast, smaller areas and less independence would force Africans to enter into negotiations with the white settlers to live on settler lands, therefore becoming useful as labourers and reducing the cost of relocation for the colonial authorities.²⁰¹ To increase the funds available to the Natal authorities, the British government recommended the introduction of a taxation system for the African population.²⁰² The first colony to institute hut taxes in South Africa was Natal²⁰³ and a hut tax of 7 shillings per year was authorised by Earl Grey. In addition it was decided that in lieu of taxes the labour of Africans would be used on public works projects such as the building of roads and the construction in each location of at least one village and a market place.²⁰⁴

Earl Grey believed that the payment of hut taxes would give an incentive to Africans to work. The necessity to work would therefore contribute to a steady labour supply. It was also necessary to create the need among Africans for imported goods, the purchase of which was encouraged by low duties on imports.²⁰⁵ The chiefs would control tax collection and Africans not willing to pay their taxes would be forced to leave Natal.²⁰⁶ Chiefs therefore became useful tools within the colonial administration and risked losing their positions of authority if they did not cooperate with the colonial government in collecting taxes and supplying labourers.²⁰⁷

5.1.3 The Native Affairs Commission (1852)

A Native Affairs Commission was appointed by Government Notice No. 64 of 1852 to investigate the position and future government of Africans in Natal.²⁰⁸ The most important issues the commission had to investigate included estimating the number of Africans within

²⁰⁰ Foreign and Commonwealth Collection: *Proceedings and report of the commission appointed to inquire into the past and present state of the kafirs [sic] in the district of Natal: and to report upon their future government and to suggest such arrangements as will tend to secure the peace and welfare of the district, for the information of his honour Lieutenant-Governor Pine* (pamphlet), 1852, pp. 15-16.

²⁰¹ BPP 1292, No. 69, Sub-enclosure to Enclosure 1, pp. 30-31: Extract from the minutes of the Land Commission, 19.4.1848.

²⁰² BPP 980, No. 66, pp. 137-140: Despatch from Earl Grey to Governor Sir Harry Smith, 10.12.1847.

²⁰³ Gardner, L., *Taxing colonial Africa: The political economy of British imperialism*, p. 47.

²⁰⁴ BPP 1292, No. 12, pp. 195-199: Despatch from Earl Grey to Governor Sir Harry Smith, 30.11.1849.

²⁰⁵ BPP 980, pp. 221-223: Despatch from Earl Grey to Governor Sir Harry Smith, 19.6.1848.

²⁰⁶ BPP 980, No. 66, pp. 137-140: Despatch from Earl Grey to Governor Sir Harry Smith, 10.12.1847.

²⁰⁷ Lambert, pp. 271-272.

²⁰⁸ CO 879/1/23: Papers relative to the management of the natives in Natal, 1853.

Natal, the size and advantages of the locations as defined, the powers and authority exercised by the African chiefs, the African judicial system, and the reasons for the labour scarcity in the colony.²⁰⁹

Schnurr believed that the appointment of the commission was in part due to criticism by Sir Benjamin Pine, the Lieutenant-Governor, of the large size of existing locations. Pine favoured a process through which the African population would be slowly incorporated into Natal, and he proposed the break-up of locations into smaller tracts of land which would allow the Africans to be absorbed into the colonial economy. The main conclusions of the commission centred on the fact that locations were too large and that this contributed to the labour scarcity experienced in Natal.²¹⁰

The commission identified a number of reasons for the shortage of labour such as the continued existence of polygamy and the forced labour of female Africans that enabled male Africans to live a life of indolence. The commission felt that male Africans would not join the labour force as long as polygamy existed. The close proximity of locations to towns was also seen as a contributing factor to labour scarcity.²¹¹ Harries believed that the break-up of locations was a view widely favoured by British colonists in Natal.²¹²

5.1.4 The Royal Charter of Natal (1856)

Colonists in Natal preferred the reincorporation of reserves and during the administration of Sir Benjamin Pine supported this view as well.²¹³ The Royal Charter of 1856 detached Natal from the Cape Colony, and Natal received a form of representative government. Colonists subsequently demanded the break-up of locations, which reduced the African population's economic freedom. African administration was, however, placed directly under the control of the Department of Native Affairs and colonists were unable to enforce changes which would increase the African labour supply.²¹⁴

In their failed attempt to change the African policy the Legislative Council sought the following objectives: greater freedom of legislative action with regard to the African

²⁰⁹ BPP 1697, pp. 82-83; Stephen B. Gordon to Walter Harding, 27.9.1852.

²¹⁰ Schnurr, M.A., "Commodity cropping and the delineation of agricultural space in Natal, 1850-1863" in *South African Historical Journal*, Vol. 61, No. 1, 2009, pp. 144-146.

²¹¹ CO 879/1/23: Papers relative to the management of the natives in Natal, 1853.

²¹² Harries, P., "Plantations, passes and proletarians: Labour, and the colonial state in nineteenth century Natal" in *Journal of Southern African Studies*, Vol. 13, No. 3, April 1987, p. 374.

²¹³ Keto, C.T., "Race relations, land and the changing missionary role in South Africa: A case study of the American Zulu Mission, 1850-1910" in *The International Journal of African Historical Studies*, Vol. 10, No. 4, 1977, p. 605.

²¹⁴ Harries, p. 374.

population, and the dispersion of Africans among the colonists in the capacity of wage-earning servants that would enable their civilisation.²¹⁵

5.2 Internal labour strategies and labour supply in Natal

In the agricultural sector European farmers were often hampered by a shortage of capital. In an attempt to compensate for this and a lack of cash flow, farmers used different internal labour strategies such as labour tenancy, temporary wage labour or the importation of migrant labour. Since farmers were unable to pay for a large number of migrant labourers, they continued to be dependent on local labour. In response labour tenancy was adopted in which farmers granted a tract of land to African family heads in exchange for labour. Labour was either unpaid or, in a number of cases, a low wage was paid to the labourer. In some instances farmers also required the wives and children to work for them. Since the labour tenants were not permanently employed on the farms they could join the migrant labour system and accept work on other farms, mines or in towns for periods of up to six months per year. The use of labour tenants enabled farmers to accrue capital through savings on paid labour. Due to various factors such as overpopulated reserves the African population was in some cases forced to accept a labour tenancy agreement.²¹⁶

After the annexation of Natal its economy suffered from the dual shortages of capital and labour. Landowners soon joined other white employers in requesting policies which would compel Africans to join the labour force. These policies were, however, thwarted by the divisions that emerged between landowners. By the 1850s some of the landowners decided that wealth could also be accrued by rent payments from Africans living on their lands. These landowners' support for a restrictive African policy in which their tenants lost their economic freedom and were forced into the labour system, dwindled. Missionaries and some merchants joined these landowners in opposing a restrictive African policy by supporting the economic independence of African agriculturalists. The government allowed landowners to receive rent from Africans, and Africans were allowed to pay their rent through the production of agricultural surpluses for the market or through trading activities.

²¹⁵ BPP 596, No. 6, pp. 40-41: Despatch from Lieutenant Governor Scott to H. Labourchere, 28.4.1858.

²¹⁶ Cory Library Manuscript MS 18259: Jeeves, A., *Economic expansion and the labour supply crisis on the Zululand sugar estates*, p. 1.

No legal mechanism was therefore adopted by the Natal government to force Africans to join the labour force.²¹⁷

British emigrants came to Natal partly due to the promise of an abundant labour supply. The locations created under the Locations Commission of 1846 meant that Africans had large areas available for their cattle and could subsist without entering the labour system. Independent African agriculturalists supplied produce to the markets, thereby competing with the smaller farms and decreasing their income.²¹⁸ During the existence of the location system in Natal the tribes remained reasonably peaceful but emphasis was increasingly placed on the labour problems of the colony, and British emigrants became quite vocal in propagating a system favouring a decrease in African independence.²¹⁹

In 1851 a group of British settlers published a memorial which focused on the major problems they experienced as emigrants from Britain, especially with regard to the scarcity of labour. These emigrants stated that they had settled in Natal due to favourable reports on the soil, climate and abundance of labour. At a public meeting held on 24 October 1851 they adopted a number of resolutions concerning their plight in Natal. They emphasised the fact that their attempts at agriculture had failed due to a lack of available labour. They believed that the location of Africans in reserves discouraged them from joining the labour force. The petitioners recommended the break-up of some locations and the reduction in size of others. Squatting on private land or Crown Land was also seen as a contributing factor to labour scarcity and the petitioners recommended that it should be illegal. The immigrants also favoured the introduction of European labour as an alternative to African labour.²²⁰

African workers in Natal were only interested in short-term employment and preferred to work as domestic servants, childminders or in other light employment. Polygamy and the authority of African chiefs was believed to discourage young males from entering the labour market and were seen as contributing to their lack of interest in wage labour.²²¹ Earl Grey therefore proposed that every possible opportunity should be used to encourage young Africans to become servants in the homes of Natal colonists. He placed emphasis on the interaction between the European and African races as a way to civilize the African tribes. Sir

²¹⁷ Slater, H., "Land, labour and capital in Natal: The Natal Land and Colonisation Company 1860-1948" in *The Journal of African History*, Vol. 16, No. 2, 1975, pp. 263-265.

²¹⁸ BPP 1697, No. 9, pp. 22-24: Despatch from Lieut-Governor Benjamin Pine to the Governor-General, 1.11.1851.

²¹⁹ BPP 1697, No. 9, Sub-enclosure to Enclosure 1, pp. 24-27: Extract of a letter from Sir Theophilus Shepstone, 7.4.1851.

²²⁰ BPP 1697, No. 9, Enclosure 3, pp. 28-29: Memorial of the inhabitants of Natal.

²²¹ Foreign and Commonwealth Collection: *Proceedings and report of the commission appointed to inquire into the past and present state of the kafirs [sic] in the district of Natal: and to report upon their future government and to suggest such arrangements as will tend to secure the peace and welfare of the district, for the information of his honour Lieutenant-Governor Pine* (pamphlet), 1852, pp. 43-44.

Benjamin Pine consequently instructed magistrates to try and convince the Africans to join the labour force by emphasising the advantages of living under British protection. In light of these advantages it was thought that they would be willing to provide labour to the European settlers.²²²

5.2.1 Law No. 15 of 1871: Law to Facilitate the Obtaining of Labour

In 1869 the labour supply varied between districts depending on the size of locations. In instances where locations were overcrowded some of the Africans had to occupy private land and pay rent to the owners by supplying labour.²²³ According to Etherington, farmers in the interior and employers based in towns in Natal believed that high taxation would compel Africans to join the labour market, which would counter the labour scarcity. Large employers such as the coastal sugar planters required a stable labour supply for their plantations but believed that Africans in Natal would not be able to continue to sustain themselves economically if they were expected to supply labour as well. They therefore preferred the importation of labour from outside the boundaries of Natal and considered different options such as Chinese and Indian labourers, as well as labourers from elsewhere on the African continent.²²⁴

To supplement legislation regulating the employer and employee relationship, Law 15 of 1871 was proclaimed. This law enhanced the ability of employers and employees to enter into contracts with one another and ensured that employees could be imported from neighbouring countries. All contracts entered into under this law had to be registered by the resident magistrate. The resident magistrate also received all bonuses stipulated as a condition of service on behalf of the labourer. At the expiry of the service contract the resident magistrate paid such bonuses to the employee with added interest.²²⁵

Any employer in need of labourers could apply to the resident magistrate in writing. The application had to specify the number of servants required, the period of the contract and the wage rate the employer was willing to pay. On receipt of an application the resident magistrate informed Africans residing in the district that they could obtain employment by applying at his office. All applications were entered into a register and the magistrate also dispersed information to applicants regarding the possible employers and the conditions of

²²² CO 879/1/23, p. 36, No. 5: Despatch from Lieut.-Governor Pine to the Duke of Newcastle, 29.5.1854.

²²³ BPP C.149, No. 11, p. 34: Copy of a despatch from Lieut.-Governor R.W. Keate to the Earl Granville, 21.12.1869.

²²⁴ Etherington, N.A., "Labour supply and the genesis of South African confederation in the 1870s" in *The Journal of African History*, Vol. 20, No. 2, 1979, p. 236.

²²⁵ BPP C. 2252, No. 7, Enclosure 3, pp. 32-33: Law to facilitate the obtaining of labour, 14.4.1877.

service. The resident magistrate had to send returns to the Colonial Secretary on a monthly basis stating the number of applications received from employers and prospective employees. The returns also reported on the number of employers and labourers that entered into contracts. In cases where a return showed that the demand for labourers was greater than the supply in any of the districts, the Colonial Secretary would publish the details in the *Government Gazette* as well as in newspapers.²²⁶

In cases where the returns showed a shortage of servants it would be legally acceptable to introduce the required number of labourers from beyond the borders of Natal. The government would also provide for the return of such labourers to their countries provided that the labourers had worked in Natal for a period exceeding one year. Before the Lieutenant-Governor imported labourers an announcement would be made in the *Government Gazette* and in the local newspapers, and special applications could then be made to resident magistrates by employers who needed labourers. On the registration of an application an employer had to pay ten shillings for each labourer he required. The law also stipulated that all wages had to be paid directly to the employee unless otherwise stated in the contract. Verbal agreements to supply labour would not be binding for a period longer than one year and written contracts for no longer than three years.²²⁷ In 1875 the application fee in Natal was changed to 14 shillings due to the greater requirement for labour after the discovery of diamonds and gold.²²⁸

5.2.2 The public sector and *isibahlo* labour

Since its establishment the Natal government had retained two rights with regard to the African population, namely that they could call the African population up for war service and the right to oblige them to supply labour on public works. In African tribes the obligation of tribe members to the chief entailed performing any labour required. Under the colonial government, tribe members were obligated to supply labour for public works projects for which they received rations and a monthly wage.²²⁹ Chiefs were not only expected to collect the annual hut taxes but also had to provide the colonial government with *isibahlo* labour.²³⁰

²²⁶ BPP C. 2252, No. 7, Enclosure 3, pp. 31-34: Law to facilitate the obtaining of labour, 14.4.1877.

²²⁷ *Ibid.*

²²⁸ Feinstein, pp. 55-56.

²²⁹ BPP C.2676, No. 13, pp. 29-30: Sir Henry Bulwer to Sir Michael Hicks Beach, 6.4.1880.

²³⁰ Lambert, p. 269.

The *isibahlo* system was introduced in 1848 and was very unpopular among the African tribes.²³¹ It was based on the Native Code which allowed for the drafting of Africans for public works projects.²³² Lambert in his description of the system indicated that chiefs were responsible for labour recruitment and was required to provide one labourer for every eleven huts each year. These labourers were employed on public works projects, such as building harbours and roads, for a period of six months. The *isibahlo* system was only applicable to Africans living in reserves and on Crown Land, while Africans working for white employers and living on private land were exempted.²³³

In 1850 *isibahlo* labourers were for instance recruited to assist with maintenance on the Durban to Pietermaritzburg road. The government thereafter neglected the administration of the *isibahlo* system and the system was only revived in 1858.²³⁴ The number of labourers required was obtained by an order from the Lieutenant-Governor in his position as paramount chief.²³⁵ In 1872 *isibahlo* labourers in Pietermaritzburg were paid 7 shillings and a sixpence per month while they received 10 shillings per month in other districts.²³⁶

In 1873 John Bird, the Colonial Treasurer, highlighted the employment conditions of *isibahlo* labourers. He criticised the *isibahlo* system by emphasising that employment conditions were substandard while accommodation in many cases consisted of tents. The supply of certain foods such as meat was in his opinion totally insufficient. Wage rates were low and *isibahlo* labourers were paid less than Africans working in domestic positions. J. Ayliff, the Acting Secretary of Native Affairs, defended the *isibahlo* system by equating it to the traditional Zulu system of *amabutho* which allowed the king to nominate tribesmen to perform certain duties. He focused on the benefits of the *isibahlo* system which in his opinion included social education, civilisation, wages and the provision of rations. In 1875 *isibahlo* wages increased to 15 shillings per month while rations were also provided, which included maize and beef.²³⁷

²³¹ *Ibid.*, p. 279.

²³² Gibson, J.L., *A critical study of the report of the De Villiers Commission on technical and vocational education* (M.Ed.), p. 28.

²³³ Lambert, p. 279.

²³⁴ Cory Library Pamphlet Box 45: Machin, I., *The isibahlo labour system in colonial Natal*, p. 1.

²³⁵ BPP 596, No. 7, pp. 42-46: Despatch from Lieutenant-Governor Scott to Lord Stanley, 2.6.1858.

²³⁶ Cory Library Pamphlet Box 45: Machin, I., *The isibahlo labour system in colonial Natal*, p. 1.

²³⁷ *Ibid.*, pp. 1-5.

5.2.3 The public works and ‘togt’ labour

In 1900 there were an estimated 18 000 African migrant labourers in Durban. They were employed mainly as dockworkers who were engaged as day or togt labour, rickshaw-pullers, washermen and monthly servants. The togt labour system was used due to employer’s need to employ workers at low wages and also allowing employers to supplement their labour supply when required. Togt workers were engaged as day labourers and were required to pay a monthly registration fee to obtain employment. They were also obligated to accept employment if the payment exceeded a specified minimum amount. Rickshaw-pullers and washermen were regulated by the same stipulations applicable to togt workers. Non-adherence to regulations could result in imprisonment or a fine. In some cases togt work was seen as a preferable option to registration as a monthly worker, since in that case breaches were punished under the Masters and Servants Act with more severe results. Togt labourers along with monthly workers could be punished under the provisions of the Vagrant Law No. 15 of 1869 which stipulated a 9 p.m. curfew.²³⁸

5.2.4 Labour after the Anglo-Boer War

The *Sheffield Daily Telegraph* in 1902 published an article criticising the condition of the agricultural sector in Natal, the lack of strategy in addressing the African question in the colony, and the philanthropic movement in Britain which had contributed to the problems in Natal. It was estimated that there were about 800 000 Africans living in Natal and the article equated their working habits to moral corruption because contracts were only accepted for up to six months per year. Africans were perceived as spending the rest of the time in non-productive ways, and this idleness was supported by a tax system which excluded young men living with their parents from paying hut taxes. The article emphasised the importance of taxing young adults to ensure that they join the labour force. The Anglo-Boer War was blamed for the attitude of Africans in Natal since during the war African labourers were paid up to £4 per month while normal wages were only about £1 per month. This led to labourers demanding higher wages and it was believed that these high wages ensured that Africans could save more and thereby increase the time which they could spend outside the labour market.²³⁹

²³⁸ La Hausse, P., “The cows of Nongoloza: Youth, crime and Amalaita gangs in Durban, 1900-1936” in *Journal of Southern African Studies*, Vol. 16, No. 1, March 1990, p. 82.

²³⁹ *Sheffield Daily Telegraph*, 3.7.1902, p. 8.

5.3 Migrant labour

Agricultural trials were conducted with both coffee and cotton in Natal but without a favourable outcome. Sugar became the basis of agriculture pursuits in the colony, and by 1855 a couple of large plantations were in operation. Sugar production required a stable labour supply as well as cheap unskilled labour. The labour environment, characterised by labour scarcity and the preference of African workers for short-term contracts hampered production.²⁴⁰

To a large extent African labourers retained their economic independence due to the availability of land and their ability to produce their own agricultural produce. Nearby African chiefdoms such as that of the Zulus also resisted wage labour. Although African workers were willing to work for short periods of time, the harvest period caused considerable labour problems. Harvest time required continuous operation and African labourers were unwilling to commit themselves to a twelve or fourteen hour work day.²⁴¹ It was therefore impossible to obtain an adequate and stable labour supply within Natal and alternative labour sources, such as Amatonga and Indian labourers, were considered.²⁴²

5.3.1 Amatonga labour

A public meeting was held in Durban in 1858 to discuss strategies to address the need for labour in the colony. The meeting proposed the recruitment of Amatonga labourers from Portuguese East Africa.²⁴³ The importation of workers from outside Natal encountered some difficulties. The British government did not recognise labour contracts reached outside Natal since they believed that these contracts would in effect place the imported workers in a system of slavery. Zulu rulers such as Mpande and Cethwayo also hampered the movement of Amatonga Africans through the Zulu area. The Lieutenant-Governor tried to encourage the flow of Amatonga workers to Natal by asking for the support of the Zulu king. He also allowed the planters to import workers privately and in 1858 recruiters applied for the importation of 300 Amatonga families.²⁴⁴

²⁴⁰ Palmer, M., *The history of the Indians in Natal*, p. 10.

²⁴¹ Halpern, R., "Solving the labour problem: Race, work and the state in the sugar industries of Louisiana and Natal, 1870-1910" in *Journal of Southern African Studies*, Vol. 30, No. 1, March 2004, pp. 20-25.

²⁴² Richardson, P., "The Natal sugar industry, 1849-1905: An interpretative essay" in *The Journal of African History*, Vol. 23, No. 4, 1982, pp. 518-519.

²⁴³ Palmer, p. 14.

²⁴⁴ CO 879/1/23: Papers relative to the management of the Natives in Natal, 1853.

In 1859 an agreement was reached regarding the importation of Indian labour. This led to the adoption of three laws to control the importation of labour of which two dealt with Indian indentured labour and the third, Law 13 of 1859, provided for the importation of Amatonga workers. The protector of immigrants issued recruiting licenses and registered all contracts with Amatonga workers. These contracts were limited to a period of three years and a heavy penalty was payable if any Amatonga worker was mistreated. Amatonga labourers journeyed from Delagoa Bay and returned home as soon as their contracts were completed. The advantage of Amatongas was their readiness to enter into longer contracts than local Africans.²⁴⁵

In 1863 Amatonga labour formed part of the investigation of a select committee on the labour needs of the colony. This committee suggested that the importation of Amatonga labour be administered on the same basis as government sanctioned Indian immigration. John Dunn was subsequently employed to manage the immigration of Amatonga workers. The scheme was short-lived and Dunn believed that its failure was due to the fact that the Amatonga were unwilling to travel to Natal in groups exceeding ten people, as well as the lack of administrative infrastructure. Amatonga labourers also opposed the scheme on the grounds that they could not select their own employer and had to agree to a three-year employment contract. An external factor which also hampered the scheme was the collapse of the world sugar market and the subsequent economic difficulties experienced in Natal. The discontinuation of imported Indian labour in 1866 meant that sugar planters were even more dependent on African immigrant workers. Labourers were not only sourced from the Amatonga, but labourers from the northern and eastern Transvaal were also used. In 1866 it was also reported that a large number of Basuto workers travelled through the Newcastle division with the objective of obtaining employment on the sugar plantations.²⁴⁶ The willingness of the Amatonga to travel to Natal was due to a number of factors which included a decrease in local trade and ivory exports, warfare as well as their need for imported goods.²⁴⁷

The improvement in economic conditions in Natal during 1869 led to the increased migration of Amatonga labourers. The migration process was, however, hampered by the difficulties experienced in travelling through Zululand, and this curtailed a consistent supply

²⁴⁵ *Ibid.*

²⁴⁶ Harries, pp. 378-379.

²⁴⁷ Van den Berg, J., "A peasant form of production: Wage-dependent agriculture in Southern Mozambique" in *Canadian Journal of African Studies*, Vol. 21, No. 3, 1987, p. 378.

of labour from this source. The Natal government also required more control over migrants entering Natal. In 1872 a select committee submitted a report on the ‘Introduction of Native Labourers from beyond the Borders of the Colony’ that proposed the institution of an official migrant labour system regulated by stipulated recruiting measures.²⁴⁸ The report identified three key migration routes (see Annexure E, Map 7 for Zululand) which included a route through the Transvaal, one from coastal Mozambique through Zululand and a third which followed a path through the contested area located between Zululand and the Transvaal.²⁴⁹

The labour requirements of the Kimberley diamond fields had a negative impact on the labour supply of Natal. To assist in obtaining additional labour supply for Natal a ‘Labour League’ was formed in 1872. The league’s main purpose was to secure labourers from neighbouring areas such as Lourenço Marques and Zululand. After negotiations with the Governor at Lourenço Marques, the league was allowed to erect temporary structures at Delagoa Bay to provide food and lodging to prospective labourers waiting to travel to Durban. John Dunn was engaged by the league to help them obtain labourers, but they terminated his services after it was found that he had entered into individual labour contracts. The league then cooperated with Theophilus Shepstone, and the invitation to Shepstone to represent Natal at the coronation of Cetshwayo in 1873 gave Shepstone the chance to formalise a migration route to facilitate the passage of labour through Zululand.²⁵⁰

During the expedition to the coronation, talks were held with Cetshwayo and an agreement was reached regarding important matters such as the position of missionaries in Zululand and the passage of labourers through the area.²⁵¹ During the talks Shepstone excluded Zulus from the labour supply by stating that the Zulus were at that time too strongly attached to their military organisation to be used as an alternative labour supply. Shepstone, however, asked that the movement of other tribes through Zululand to join the labour market in Natal should not be impeded. He further requested that these labourers be protected on their return journey from being robbed of the wages they had earned.²⁵²

Shepstone explained that the slow and uncertain passage through Zululand of Amatonga labourers was objectionable since planters required a large numbers of labourers which could be sourced from the Amatonga tribe. Shepstone requested that members of the

²⁴⁸ Ballard, C.C., “Migrant Labour in Natal 1860-1879: With special reference to Zululand and the Delagoa Bay Hinterland” in *Journal of Natal and Zulu History*, Vol. 1, 1978, p. 32.

²⁴⁹ Etherington, p. 242.

²⁵⁰ *Ibid.*, p. 241.

²⁵¹ BPP C.1137, No. 1, p. 3: Sir Benjamin Pine to the Earl of Kimberley, 13.4.1874.

²⁵² BPP C.1137, No. 1, Inclosure, pp. 18-20: Report of the expedition sent by the Government of Natal to install Cetshwayo as King of the Zulus, in succession to his deceased father, Panda, August, 1873.

Amatonga and other tribes be allowed to travel through Zululand without interference. One or two routes would be selected and rest houses and stores of food would be provided along these routes. Shepstone acknowledged that it would be a great burden to the Zulus to feed such a large number of travellers, and the planters were not eager to impose this burden on them. The coastal planters would therefore provide the food themselves and only required a safe route by which the labourers could travel to and from Natal.²⁵³

A European representative would be appointed by the Natal government. He would be in charge of each route and would be responsible for travellers desiring labour contracts in Natal. Cetshwayo objected to the rest houses since he feared their construction would lead to the occupation of the country by white men. Shepstone explained that only one white man would be in charge of the route and his duties would include the supply of food to travellers, and in cases where travellers were ill-treated he would seek redress from the nearest authority. These explanations removed the king's objections. He consented to the proposal regarding the coastal route and suggested that Mr John Dunn would be well suited to take charge of this route. An inland route was also discussed but since it had to cross the territory in dispute with the Transvaal, no decision could be taken.²⁵⁴

In 1873 John Dunn was appointed as an agent for the Natal government responsible for the safe conduct of Amatonga labourers through the Zulu country into Natal. He was paid a salary of £500 per annum for his services. Dunn lived in Zululand and also had influence with the Zulu authorities and people. He was therefore well positioned to facilitate and regulate the passage of labourers through Zululand.²⁵⁵ Dunn made a number of improvements to the coastal route and established five rest stations to facilitate migration. He also asked Cetshwayo to command Somkele, the chief of the coastal district, to ensure that Amatonga labourers were not ill-treated while travelling through this area.²⁵⁶

In the period between 1869 and the Anglo-Zulu War in 1879, Cetshwayo played an active role in recruiting Amatonga labourers for the Natal labour market. Before his coronation in 1873 he sent an estimated 460 Amatonga from the Lake St Lucia area to Natal. After Cetshwayo concluded an agreement with Shepstone in 1873 he benefitted from the system through which labour was recruited for the Natal sugar plantations. He also received a specified fee per labourer from contractors working on public works projects. In 1874

²⁵³ CO 879/12/13, pp. 49- 51: Convention with the Zulus, 1.5.1877.

²⁵⁴ BPP C.1137, No. 1, Inclosure, pp. 20-21: Report of the expedition sent by the Government of Natal to install Cetshwayo as King of the Zulus, in succession to his deceased father, Panda, August, 1873.

²⁵⁵ BPP C.2000, No. 21, pp. 40-42: Lieutenant-Governor Sir Henry Bulwer to the Earl of Carnarvon, 3.12.1877.

²⁵⁶ Ballard, p. 36.

Shepstone appointed J.F. Jackson as immigration agent to register Amatonga labourers entering Natal at the lower drift of the Tugela. In 1874 an estimated 2 500 Amatonga entered Natal and immigration increased to 5 000 in 1878. During this period most of the Amatonga were engaged by sugar planters and they were generally preferred to Indian labour.²⁵⁷

The railway construction project in Natal required large numbers of labourers and a couple of thousand Amatonga labourers were employed during the period 1877 to 1878.²⁵⁸ In September 1877 an estimated 3 000 men were required for the planned railway projects. Sugar planters protested that the additional labour requirements of the railways would erode their labour supply, and the Natal government therefore determined that two thirds of the required labour had to be imported from outside the borders of the colony. Indian labour was deemed too expensive and recruitment efforts therefore focused on the import of Amatonga labourers.²⁵⁹

Section 13 of the Railway Contract meant that railway contractors such as Wythes and Jackson had to import two thirds of the labourers required at their own cost. Amatonga labourers formed a major part of their labour supply and an estimated 2 237 Amatonga were employed by these contractors during 1876 and up to June 1877.²⁶⁰ Arthur Shepstone, superintendent of railway labour, visited Cetshwayo in 1877 to procure labourers for the railway works on behalf of Wythes and Jackson.²⁶¹ He promised to pay Cetshwayo a £1 capitation fee for every Zulu or Amatonga labourer employed on the railway. Each labourer was to work for six months and Shepstone agreed to pay each African £1 per month as wages and to provide rations as well. Africans numbering about 800 were subsequently engaged to work on the railways.²⁶² According to Ballard the Zulu king also negotiated with the labourers to receive a further third of their wages. The Natal government was unable to centralise Amatonga recruitment since a number of recruiters ignored the stipulated requirements regarding registration and introduced labourers into Natal without registering them with the resident magistrate.²⁶³

In February 1877 the local immigration agent at Lower Tugela Drift reported that 150 Amatonga had crossed the Tugela River to work for Wythes and Jackson. The immigration

²⁵⁷ *Ibid.*, pp. 37-38.

²⁵⁸ Ballard, C., "John Dunn and Cetshwayo: The material foundations of political power in the Zulu Kingdom, 1857-1878" in *The Journal of African History*, Vol. 21, No. 1, 1980, p. 90.

²⁵⁹ Harries, pp. 390-393.

²⁶⁰ Ballard, "Migrant labour in Natal", p. 40.

²⁶¹ BPP C.2220, No. 66, p. 171: Lieutenant-Governor Sir Henry Bulwer to Sir Michael Hicks Beach, 23.8.1878.

²⁶² BPP C.2220, No. 66, Enclosure 1, pp. 171-172: Report by the Attorney-General, M.A. Galloway, 22.8.1878.

²⁶³ Ballard, "Migrant labour in Natal", pp. 40-41.

agent complained that these Amatonga were brought into the colony without the licenses required by Law No. 15 of 1871. In a report dated 19 March 1877 it was stated that the contractors contravened the above law by both failing to acquire a license and by not taking labourers to the nearest resident magistrate's office to sign a written contract of service. Consequently the rights of the labourers were affected since they did not have the opportunity to select their own employer. The contractors were not fined but they were advised to take the labourers to the nearest resident magistrate. In April 1877 Wythes and Jackson entered into an agreement with a sub-contractor named Crowder and placed about 100 men under his supervision. The contractors agreed to pay the labourers employed by Crowder £1 per month and to supply them with rations as agreed with Shepstone. The subcontractor, however, failed to perform his duty and the labourers were removed from his supervision.²⁶⁴

In the subsequent court case Crowder instituted against the contractors he claimed that the labourers did not perform a full day's work. According to him all of the labourers' wages were sent to the Zulu king. Shepstone, however, contended that his agreement with Cetshwayo and the employed labourers stated that a bonus of £1 per head was to be paid to the king and the money was additional to the labourers' wages. No money was deducted from their wages and each labourer would receive his £1 per month.²⁶⁵

During the court case one of the Africans working for Mr Crowder, Umtyitizela, was questioned regarding wages received. According to his testimony, his wages were given to the Zulu king and failure to comply would mean his death.²⁶⁶ Philip Doyle, who was employed by Shepstone to transport the 800 Amatonga, testified that many of the Africans sent by John Dunn were unwilling to go to Natal. Some of the labourers believed that all their wages would be appropriated by the king.²⁶⁷ The attorney-general found the defendants not guilty since in many instances the Amatonga would willingly hand over a portion of their wages to their king.²⁶⁸

The case was labelled slavery by Mr Escombe, the lawyer for Mr Crowder, but Theophilus Shepstone repudiated the allegation of slavery since the recruiting methods adopted by the contractors, Wythes and Jackson, resembled those adopted by the Natal planters and other employers in procuring labourers. The payment of £1 to the king was a bonus which was paid not only by the contractors but by all the planters. A bonus of £3 per

²⁶⁴ BPP C.2220, No. 66, Enclosure 1, pp. 171-172: Report by the Attorney-General, M.A. Gallway, 22.8.1878.

²⁶⁵ BPP C.2220, No. 66, Enclosure 1, pp. 171-173: Report by the Attorney-General, M.A. Gallway, 22.8.1878.

²⁶⁶ BPP C.2220, No. 66, Enclosure 2, pp. 175-177: Extract from the *Natal Mercury*, 19.2.1878.

²⁶⁷ BPP C.2220, No. 66, Enclosure 3, pp. 181-189: Durban Circuit Court, 16.4.1878.

²⁶⁸ BPP C.2220, No. 66, Enclosure 1, pp. 171-173: Report by the Attorney-General, 22.8.1878.

head was for instance paid in a similar way by Mr Beningfield and Mr Bennett for labourers from Inhambane and Delagoa Bay.²⁶⁹

To counter the desertion of Amatonga labourers, the Natal government in November 1878 changed the pass laws. The new legislation stipulated that an Amatonga labourer had to buy a 5 shilling pass if he decided to leave the colony before the expiry of his six month contract. The Natal government was unable to manage these provisions successfully and many Amatonga labourers deserted before the commencement of military operations during the Anglo-Zulu War. The desertion of these labourers had a negative financial impact on employers who had paid for their importation, while the war led to the termination of the overland immigration scheme.²⁷⁰

Natal continued to search for new sources of labour and in 1878 the Natal government concluded an agreement with the Gaza king. Five hundred workers from Gaza were then transported from Inhambane to Durban. These workers rarely deserted but the extended duration of the employment contracts and the fact that they were unable to select their own employers had a negative impact on this scheme.²⁷¹

After the Anglo-Zulu War Amatonga labour remained an important part of Natal's labour supply and there were even some Amatonga who travelled to Natal to work for private employers during the war. In January 1879 it was for instance reported that ten Amatonga labourers travelled into Natal at the Umvoti border on their way to a Mr Buttery who lived in the Durban region.²⁷² After the end of the war Dunn was once again employed as a labour agent. This led to the recommencement of the overland emigration scheme and in 1880 Dunn facilitated the migration of an estimated 2 500 Amatongas through Zululand. The Kimberley diamond fields competed with Natal for the available Amatonga labour supply and the war in Basutoland meant that the 4 000 Basuto labourers on the diamond fields were mostly replaced by Amatonga labourers, also known as Shangaans. By 1882 there was an estimated 10 000 Shangaans working in Kimberley and the term Shangaans were seen as including labourers from both the Amatonga tribe and the Gaza kingdom.²⁷³

According to Harries, in February 1883, after the return of Cetshwayo to Zululand, Dunn decided to discontinue his participation in the labour importation scheme. The

²⁶⁹ BPP C.2220, No. 66, Enclosure 3, pp. 181-189: Durban Circuit Court, 16.4.1878.

²⁷⁰ Harries, pp. 392-393.

²⁷¹ *Ibid.*, pp. 390-391.

²⁷² BPP C.2374, p. 25: Minute – Special Border Agent, Eustace Fannin to Colonial Secretary, 26.1.1879.

²⁷³ Harries, pp. 391-392.

termination of the scheme meant that competition for available labourers in Natal, especially from sugar planters and public works projects, became even more intense. This competition and the labour scarcity experienced emphasised the importance of securing other labour sources.²⁷⁴

5.3.2 Zulu labour

The reserves did not contribute substantially to the Natal labour supply and from 1856 to 1857 less than 10 000 labourers were sourced from the reserves. The Natal government was forced to address the labour scarcity in the colony and the rest of the 30 000 workers required had to be obtained from alternative labour sources. The government therefore agreed to import labour from outside Natal. It was believed that foreign labour would only be required for a short period after which the overpopulation on the reserves and the need for imported goods would force Africans to join the labour force. Colonists first petitioned for foreign labour in statements to the Native Affairs Commission in 1852-1853. The colonial government in 1854 responded by adopting legislation to manage the movement of Zulu refugees into Natal. These refugees were allowed to stay in Natal if they signed three-year indenture contracts with employers.²⁷⁵ This prescribed registration and assignment of Zulu refugees to farmers discouraged their entry into Natal.²⁷⁶ The refugee apprenticeship system only lasted for a short period of time and after Cetshwayo became the Zulu king most of the Zulu refugees left Natal to return to Zululand.²⁷⁷

The African policy followed in Natal came under scrutiny after the Anglo-Zulu War of 1879. The war was blamed in part on the two distinct policies regarding African affairs in the Cape Colony and Natal. It was proposed that the system initiated by Sir George Grey in the Cape Colony could have prevented the growth of Zulu power and it was hoped that the division of African affairs would not be continued after the end of the war. It was also believed that a uniform African policy would be important to ensure peace in South Africa and to help with the establishment of a union of states in the country. Sir Bartle Frere proposed that large groups of Africans should not be left within their own territories in idleness. The Zulus should be dealt with according to European principles, not their own traditions, and should be treated as fellow citizens with the same rights and laws as the white

²⁷⁴ *Ibid.*, p. 393.

²⁷⁵ *Ibid.*, pp. 375-376.

²⁷⁶ BPP 3304-I, No. 12, p. 48: Despatch from Lieutenant-Governor Scott to his Grace the Duke of Newcastle, 2.11.1863.

²⁷⁷ Harries, p. 376.

colonists. They should also be able to increase their rights and responsibilities through industry.²⁷⁸

Before the war sugar planters had limited results in recruiting Zulu labourers. After the conclusion of the Anglo-Zulu War the British included a clause in the Deed of Submission signed by the chiefs, according to which the chiefs committed themselves to safeguard the liberty of their subjects to accept employment in Natal. The Deed of Submission terminated the Zulu military system which made it possible for the chiefs to supply male Zulu labour, which was formerly appropriated by the king, to Natal employers. The government motivated chiefs to supply labour by paying them a capitation fee. Zulu labourers only earned 10 to 15 shillings per month in contrast to the 20 to 25 shillings paid to Amatonga labourers.²⁷⁹

The flow of Zulu labour to Natal increased after the war. In November 1879 an estimated 300 Zulus arrived from Zululand to work at the Central Mill in Durban. They were the first large group of workers to enter Natal since the conclusion of the war and they claimed that large numbers of other Zulus were willing to join the labour force in Natal.²⁸⁰ On 11 February 1880, 38 Zulus from the tribes of Samopo and Palane travelled into Natal on their way to Umgeni. These people were engaged by James Lantman of the Brickfields in Umgeni for a period of six months and their engagement was sanctioned by Chief John Dunn.²⁸¹ On 19 February 1880 the Border Agent on the Lower Tugela also reported that a number of Zulus had arrived in Natal to join the labour force.²⁸² During the first eight months of 1880 a constant flow of Zulu labourers entered Natal to seek employment. The British resident reported that the labourers regarded the wages in a positive light and their experience motivated their friends to also join the labour force. Working as labourer in Natal therefore became more acceptable in Zululand. He believed that it would only take a short period of time before the Natal labour market was fully supplied from Zululand.²⁸³ In 1881 an estimated 3 500 Zulu labourers migrated to Natal to search for employment but the addition of Zulu labour to the labour market only lasted for a short period of time. Harries emphasised

²⁷⁸ BPP C.2374, No. 39, pp. 143-146: Governor Sir Bartle Frere to Sir Michael Hicks Beach, 18.6.1879.

²⁷⁹ Harries, p. 392.

²⁸⁰ BPP C.2505, No. 51, Enclosure, p. 127: Extract from the *Natal Witness*, 20.11.1879.

²⁸¹ BPP C.2783, No. 74, Enclosure, pp. 160-161: F.B. Fynney, Administrator and Border Agent, Lower Tugela to the Acting Secretary for Native Affairs, 11.2.1880.

²⁸² BPP C.2783, No. 74, p. 160: Sir Garnet Wolseley to Sir Michael Hicks Beach, 19.2.1880.

²⁸³ BPP C.2783, No. 7, Enclosure 1, pp. 11-13: British Resident, Zululand to Sir George Pomeroy Colley, 5.11.1880.

that during the Zulu Civil War (1883-1888) the number of Zulu workers decreased since they were unwilling to leave their families to journey to Natal.²⁸⁴

On 7 July 1887 the eastern part of Zululand was annexed by Britain and Zulu rule was replaced by British rule.²⁸⁵ The annexation of Zululand meant that numerous applications were received for the recruitment of Zulu labourers both by private individuals and for the public sector. On 6 September 1888 A.H. Galloway, for example, applied for permission to introduce 40 African labourers from Zululand. He required labourers for a period of six months and was willing to pay 15 shillings per month.²⁸⁶

The railway works in Natal had to secure a large number of labourers for their building and maintenance projects, and labour from Zululand was used to supplement the labour supply. On 14 September 1888, for example, A.G. Vincent applied for a license to import 150 African labourers from Zululand to work on a railway extension project.²⁸⁷ On 24 September 1888 another application for 40 Zulus was received for railway works on the Biggarsberg. The rate of pay was 30 shillings per 30 days or 25 shillings per month for a period of six months.²⁸⁸ In 1892 the wage rate paid for African labour from Zululand varied from 7 shillings to 15 shillings, while labourers working on the railways and other public works in Natal received high wages ranging from 30 shillings to 40 shillings per month.²⁸⁹

5.3.3 Labour from Delagoa Bay and surrounding areas

The Natal government, with the help of the Labour League, imported labourers from Mozambique. In 1873 the Portuguese government in Mozambique intervened in the labour importation system. According to Señor Amaral, the governor-general of Mozambique, reports of ill-treatment of labourers reached Europe. It was claimed that Africans were forcibly collected for immigration and that the governor of Lourenço Marques was in the habit of collecting a fixed amount of money per labourer. As a result he suspended the Delagoa Bay immigration scheme. After an inspection visit he was, however, satisfied that forced immigration to Natal was not taking place. The Portuguese government enforced a Portuguese African passport system, which involved the payment of fees amounting to 15

²⁸⁴ Harries, p. 393.

²⁸⁵ Bristol Selected Pamphlets Collection: Escombe, H., *A remonstrance on behalf of the Zulu chiefs*, 1889, pp. 9-10.

²⁸⁶ Pietermaritzburg Archives Repository (NAB), Secretary of Native Affairs (SNA) 757: A.H. Galloway applies for permission to introduce labour from Zululand, 6.9.1888.

²⁸⁷ NAB, SNA 786: Application A.G. Vincent, 14.9.1888.

²⁸⁸ NAB, SNA 819: George Ashby application for labourers from Zululand, 24.9.1888.

²⁸⁹ BPP C.6857-6, No. 56, pp. 3-7: Report by the Resident Commissioner, M. Osborn to accompany the Blue Book of Zululand for 1891, 9.8.1892.

shillings to the governor of Lourenço Marques. The Africans, therefore, discontinued travelling the sea route to Natal due to the extra charges until the planters agreed to pay the passport dues. Mr James Elton, vice-consul at Zanzibar, in 1873 reported on the benefits of the Royal Mail steamers. He stated that if the steamers stopped at Delagoa Bay a regular supply of free labour could be imported to Natal. The rate for such a journey would be £1 per head and the steamers would also transport labourers returning from Natal. He believed that with proper supervision at the port of Lourenço Marques the Portuguese government would be able to assist the Natal government to ensure an efficient immigration system.²⁹⁰

Portuguese law or Portaria No. 152 of 1875 regulated the emigration of African labourers from Mozambique to foreign countries. This law allowed the governments of Natal and the Cape Colony to import labourers under government supervision. It was superseded by Portaria 147 of June 1877. Portaria 147 specified the fees payable and the forms to be completed by accredited agents of employers. The new regulations opened new sources for labour if colonial governments were willing to appoint agents in Mozambique as well as take the responsibility of engagement.²⁹¹

During the Anglo-Boer War the military demands on African labour in Natal and the limited supply available meant that the government and public works were at a standstill.²⁹² Natal therefore requested in 1901 that their labour supply be supplemented by importing Africans from Portuguese territories. The Dominions Office replied that this was impossible since the mines in the Transvaal employed about 60 000 Africans from the area, and these Africans were absolutely crucial to the operation of the mines. Natal was therefore requested to not press their request for labour since the re-starting of the mines depended on an adequate supply of labour. This would benefit Natal along with the rest of South Africa. Labourers from the African refugee camps in the Transvaal were thereafter offered to the Natal authorities since these labourers were not suited for the mines. The scarcity of labour in South Africa would be acute for the next couple of years and the Natal authorities were asked to do everything in their power to help the African population in Natal to join the labour force.²⁹³

²⁹⁰ BPP C.820, No. 40, Inclosure 2, pp. 77-78: Report by Mr Elton on the Portuguese possessions on the East Coast of Africa, 20.3.1873.

²⁹¹ BPP C.2139, No. 173, Inclosure 5, p. 217: Consul Elton to Sir Bartle Frere, 30.7.1877.

²⁹² DO 119/534: Governor Natal to High Commissioner, 15.11.1901.

²⁹³ DO 119/534: November 1901.

5.3.4 Labour from St Helena

During the 1870s the need for labour in Natal led to the use of an emigrant ship, the *Actaea*, to bring a constant supply of labourers from St Helena to the colony. Due to requests by the Natal government an immigration agent was appointed in St Helena and he was empowered to forward passengers to the colony via the monthly mail steamers. During 1873, 441 white and black labourers from St Helena immigrated to Natal.²⁹⁴ In 1879 it was reported in official documents that there were 250 St Helena emigrants in Natal.²⁹⁵

6. Transvaal

6.1 African administration

6.1.1 Location and land laws

Hut taxes compelled Africans to join the labour market, but the fact that they could not hold land contributed to their vulnerability to the tax system. African disenfranchisement originated in June 1855 when the Volksraad enacted legislation excluding subjects of a foreign state as well as coloured persons from land ownership in the Transvaal. On 5 October 1868 it was decided that if an African wanted to acquire land, the transfer would be made in the name of the government. The land would be available for the use of the African and his heirs as long as they adhered to the country's laws. On 28 September 1874, Captain Macafan Apie, for instance, asked for permission to purchase a farm occupied by his people. The Executive Council granted him permission to occupy the farm and promised to have the farm transferred to the name of the government for his use. The Volksraad disapproved of the proceedings and on 22 October 1874 repealed resolutions to ensure that no African could possess immovable property. After the annexation the British administration found it difficult to alter the system of land ownership and the Attorney General stated that to repeal the law regarding African land holding would be contrary to the Annexation Proclamation of April 1877.²⁹⁶

Since no African could hold land, several chiefs used missionaries to buy land for them. The land bought in this way was indicated in the title deed as belonging to the missionary. There was therefore no protection for the Africans in proving that the land

²⁹⁴ BPP C.1102, No. 12, p. 122: Governor Janisch to the Earl of Kimberley, 26.2.1872.

²⁹⁵ Foreign and Commonwealth Office Collection: Barrett, H.J., *Fifteen years among the Zulus and the Boers with copious accounts of the natives, their history, government, character, manners and customs. The circumstances which have led up to the present war and its probable results* (pamphlet), 1879, p. 34.

²⁹⁶ BPP C.2482, No. 2, Enclosure 5, pp. 3-4: Opinion C.G. Maasdorp, Attorney General, 28.3.1879.

belonged to them. Shepstone did not allow this system to continue and directed that lands purchased by Africans would in lieu of future legislation be held in trust by the Secretary of Native Affairs. The practice of buying land in the name of missionaries, continued, however, and was frequently objected to since it gave missionaries a political hold over the Africans.²⁹⁷ The London Convention of 1884 meant that the stipulation that land would be held in trust by the Secretary of Native Affairs was abandoned and the Transvaal in January 1886 decided that the land should be administered by the Superintendent of Native Affairs.²⁹⁸

Bergh believed that measures such as the restriction of locations to single areas of land and the Squatters' Act No. 11 of 1887 were instituted to secure a sufficient African labour supply.²⁹⁹ The act was an attempt to force Africans who were not needed on a specific farm to move to another farm where there was shortage of labour. The law, however, never became operational and although the government was frequently asked to implement the law, no action was taken. The native commissioners of the Transvaal had been directed to call public attention to the Squatters Act as an attempt to warn both Africans and landowners where squatting took place in contravention of the act. It was hoped that the warning would facilitate communication between farmers requiring labour and African families willing to settle on farms under a registered agreement. The agreement could be terminated after three months' notice and the agreement provided for one of the following conditions: free labour in lieu of rent, wages if rent was charged or sharing in crops cultivated by Africans. As part of this agreement the Africans also received free water and grazing rights. Africans living on Crown Land were liable to pay an annual rent of £1. In all other respects they were subject to the Squatters Act and were basically in the same position as tenants on private farms. Location lands were held by the government in trust and the only liability to the government was the payment of an annual tax.³⁰⁰

Before the Anglo-Boer War, African farmers lived either on lands owned by white farmers or in reserves. African farmers living on white farms could in some instances retain a large part of their independence through the payment of rent to the absent landlord in the form of cash or a share of their produce. In other instances the African farmer was expected to provide labour in exchange for the right to live on the farm. Africans preferred to enter into

²⁹⁷ BPP C.2482, No. 2, Enclosure 4, pp. 2-3: S.J van K. du Toit, 14.3.1879.

²⁹⁸ Bergh, J.S. "Grondregte in Suid-Afrika: 'n 19de eeuse Transvaalse perspektief" in *Historia*, Vol. 40, No. 2, November 1995, pp. 41-42.

²⁹⁹ Bergh, J.S., "(To) reserve to the native tribes such locations as they may be fairly and equitably entitled to: The Transvaal Location Commission (1881-1899)" in *South African Historical Journal*, Vol. 54, 2005, p. 14.

³⁰⁰ BPP Cd.2025, No. 13, Enclosure, pp. 109-110: Annual Report by the Commissioner for Native Affairs, 30.6.1903.

agreements with larger farmers since they placed less pressure on tenants to provide labour. In 1887 and 1895 small farmers hampered by labour scarcity, lobbied the government to restrict the number of households which could live on one farm to five. The legislation did not have the desired effect since labourers could leave a farm when the demand for labour became excessive. Africans living in reserves also encountered numerous difficulties and were faced with taxation and the impact of labour migration.³⁰¹

6.1.2 Taxation

Before the British government annexed the Transvaal in 1877, the hut tax for Africans was 2 shillings 6 pennies and £1 was paid for each pass. The Transvaal Law No. 3 of 1876 required Africans living in large locations to pay a further poll tax of 10 shillings. The Transvaal government, however, failed to enforce this legislation, resulting in little revenue and which contributed to the financial problems of the Transvaal. In 1876, taxes of only £4 600 were collected. The government was also unable to control Africans in the northern districts of the Transvaal and no income was derived from taxes.³⁰² It was estimated that about £80 000 should have been collected from African taxpayers. After the annexation, Shepstone objected to some of the legal tax conditions and proposed that the taxes be abolished and a uniform tax of 10 shillings per hut be instituted. This would be applicable to all Africans living in the Transvaal and would not distinguish between Africans living on white farms or elsewhere.³⁰³ Law No. 6 of 1880 was enacted which implemented the proposed tax of 10 shillings per hut.³⁰⁴ In 1895 the taxation structure was adapted and people had to pay a hut tax of 10 shillings, plus a hut tax for each additional wife. Adult males above 21 years were also required to pay a poll tax of £2.³⁰⁵

6.1.3 Pass laws

In 1875 a pass law was proposed which would increase the tax specified in the 1873 law to £5 for each pass while Africans passing through the Transvaal had to provide labour services for three months.³⁰⁶ A certificate of service would be issued at the end of the three month

³⁰¹ Francis, E., "History and agrarian change in South Africa" in *Journal of Historical Sociology*, Vol. 8, No. 1, March 1995, p. 62.

³⁰² BPP C.2598, No. 20, Enclosure 2, pp. 321-322: Report on the Transvaal Blue Book for 1878.

³⁰³ BPP C.2584, No. 43, Enclosure, p. 101: Memorandum by Sir Theophilus Shepstone, 27.2.1880.

³⁰⁴ BPP C.2891, pp. 11-13: Secretary Native Affairs, H.T. Shepstone to Colonel Sir Owen Lanyon, 31.1.1881.

³⁰⁵ Feinstein, pp. 55-56.

³⁰⁶ BPP C.1748, No. 1, Inclosure 1, pp. 1-3: Lieutenant-Governor, R. Southey to Sir Henry Barkly, 16.1.1875.

period to allow the African to continue his journey.³⁰⁷ Non-compliance with this law would lead to arrest and punishment by a fine from £1 to £10 as well as ten to 25 lashes.³⁰⁸

T.F. Burgers, the president of the Transvaal, proposed a delay in the enactment of the law since it was contrary to statements he made in a despatch to the British High Commissioner regarding the Transvaal government's more humane policy towards African races. It would also annul the treaties between the Transvaal and African chiefs within the territories awarded to the Batlapin and Barolong by Lieutenant-Governor Keate. The president contended that by enacting this law his whole inland policy would be undermined. He believed that it was absurd to acquire labourers by taxing the Africans at such an elevated rate and viewed forced labour as an unacceptable form of labour. On 7 November 1874, the Volksraad discussed the postponement of the law. Objections to the law were not only based on the negative impact on government inland policy but also the unrestricted power it gave to field-cornets.³⁰⁹ The proposed pass legislation would prevent the passage of labourers to the Kimberley diamond fields or to the public works of the Cape Colony. This would seriously affect the labour supply in the colonies as well as curb production and trade.³¹⁰ The supporters of the pass law lobbied for an increase in the local labour supply. The Volksraad, however, decided to delay the implementation of the law due to the negative impact it could have on the government.³¹¹

After the discovery of gold, pass legislation was reconsidered and in 1896 a new Pass Law was enacted. The new pass legislation was seen as a way to improve the labour supply for the mining industry. Delegates of organisations including the Chamber of Mines, the Association of Mines and the Mine Managers' Association commenced discussions in lieu of the improved labour supply with regard to the decrease in wage rates. This led to a general agreement in October 1896 to reduce wages from 2 shillings 6 pennies to 2 shillings per working day. This was a 20% decrease and it was also decided not to pay Africans for incomplete work. It was also agreed that Africans in future would have to pay for food provided to them on non-working days.³¹²

³⁰⁷ BPP C.1748, No. 1, Inclosure 2, pp. 3-4: Volksraad, 5.11.1875.

³⁰⁸ BPP C.1748, No. 1, Inclosure 1, pp. 1-3: Lieutenant-Governor, R. Southey to Sir Henry Barkly, 16.1.1875.

³⁰⁹ BPP C.1748, No. 1, Inclosure 2, pp. 3-4: Volksraad, 5.11.1874.

³¹⁰ BPP C.1748, No. 1, p. 1: Governor Sir Henry Barkly to the Earl of Carnarvon, 25.1.1875.

³¹¹ BPP C.1748, No. 1, Inclosure 2, pp. 3-4: Volksraad, 5.11.1874.

³¹² *The Economist*, 12.9.1896, p. 1182.

6.1.4 Industrial Commission of 1893

A commission was appointed in accordance with the First Volksraad Resolution Article 1161 dated 22 August 1893. The commission studied public complaints regarding the scarcity of labourers. It also considered amendments to the Pass Law, the Squatters Law and the Masters and Servants Act. Two important questions were considered: How to solve the labour question in future, and what could be done to the present scarcity of labour? Regarding the first question the commission emphasised the necessity of amending the current laws to ensure future labour supply and that these modifications should be tabled in the First Volksraad during the following session.³¹³

Regarding the second question the commission commented that there were thousands of young Africans who led an inactive life at the African kraals at mission stations and in the locations. If these Africans could be convinced to work on the farms it would not only reduce the scarcity of labour but also increase the prosperity of the country. To facilitate the change, the cooperation of captains or chiefs of locations and kraals and the commissioners and sub-commissioners of Africans as well as the employers were required. Captains and chiefs would have to be appointed at mission stations and in kraals to act in conjunction with the native commissioner to encourage Africans to join the labour market. The commission felt that the missionaries should also contribute by influencing the young Africans at their stations and to inform the Africans that industry is one of the first conditions of civilisation. The commission also believed that the commissioners or under-commissioners for African affairs should work with captains or chiefs to fix wages and to ensure that African labourers were well treated.³¹⁴

6.1.5 Industrial Commission of 1897

The success of the mines located on the main reef led to a property boom in 1895 which reached its peak before the Jameson Raid of December 1895/January 1896. The political disturbances associated with the raid, however, led to another depression which in spite of the increased output of gold meant that the financial conditions in Johannesburg were poor. Prior to 1897, presentations were frequently made to the Transvaal government regarding problems faced by the mining industry, but with little success. The Industrial Commission was

³¹³ BPP C.9345, No. 1, Enclosure 1, pp. 22-23: Report of the Commission appointed in accordance with First Volksraad Resolution, Art. 1161, 22.8.1893.

³¹⁴ *Ibid.*

appointed by the Transvaal Executive Council in 1897 to investigate whether the grievances of the mining industry had any substance.³¹⁵

The Chamber of Mines report published in February 1897 focused on the African labour supply and emphasised the failure of the new legislation to control African labour. The administration of the Liquor Law, for example, contributed to labour problems by granting licenses in areas where they were prohibited by the new act. Pass legislation was also perceived as ineffective although the penalties for desertion were increased.³¹⁶

During May 1897, evidence of mine owners and managers was heard by the commission. Mine owners stated that profitability and the continuation of operations was influenced by the labour scarcity since it had contributed to higher wage rates and increased production costs. No further savings could be obtained by the substitution of machinery for unskilled labour since the cost of maintenance also has a substantial impact on production costs. James Percy Fitzpatrick of Eckstein and Co. in his evidence to the commission on 27 April stated that white labour contributed 28% to production costs, African labour 23%, explosives 10% and coal 8%. He believed that a reduction in the cost of white labour was not feasible due to the high cost of living in Johannesburg. An agreement reached by mining companies shortly before allowed for the reduction of African wages by 30%. This cut, however, depended on the government's effective administration of the pass and liquor laws. The inefficiency of pass legislation was evident in the large number of desertions by African labourers and the Robinson Company had to deal with more than 1 600 desertions after the law was introduced. Due to the lack of enforcement and inefficient administration none of these labourers were returned to the company.³¹⁷ The high production costs of the mines were attributed to three factors: The high transport rates of the Netherlands and Colonial Railways, especially with regard to coal transport, the high prices due to the dynamite monopoly, and the high wages paid to African labourers who were linked to the lack of enforcement of the pass and liquor legislation.³¹⁸

The commission report stated that substantial grievances did exist and recommended actions on the following important issues: African labour, the amendment of the liquor laws, a reduction in the price of dynamite, the abolition of transit duties, the abolition of duties on food, a reduction of railway rates, the amendment and administration of the Gold Law

³¹⁵ BPP C.9093, pp. 8-9: Report on the trade, commerce and gold mining industry of the South African Republic for the year 1897.

³¹⁶ *The Financial Times*, 10.2.1897, p. 4.

³¹⁷ *Ibid.*, 25.5.1897, p. 5.

³¹⁸ *The Times*, 28.6.1897, p. 16.

(especially concerning gold thefts), pass laws and the establishment of a local board to help the government in the administration of the liquor and pass laws.³¹⁹

The African labour supply was one of the most difficult questions faced by the commission and three important areas were highlighted: the source of the African labour supply, how many additional labourers could be obtained, and at what cost to the wage bill. The commission believed that the main supply of labour should be imported from the Portuguese east coast. The commission recommended that the government enter into negotiations with the Portuguese authorities to ensure such a labour supply. It was also believed that a large number of labourers could be obtained from within the Transvaal if large enough inducements were offered.³²⁰

The commission further proposed that premiums be paid to African chiefs for labour supplied and that railway fares for Africans for the railway journey to the mines be cut by two thirds. The difference could be recovered from labourers on the return journey. The commission, with regard to African labour from the Transvaal, recommended that native commissioners receive extra payment if they visited distant chiefs to obtain labour. These Africans could be transported to the mines under supervision, and shelters could be built along the roads in the event that there were not already railway compounds in place. The commission also commented on the idea to establish African locations close to the mines but stated that they could not recommend this course of action. The reason was that such a move would mean the relocation of the labourer's family and therefore the family instead of the labourer would probably join the labour market.³²¹

In light of the commission's recommendations, feedback from the sub-commission of the First Volksraad on African labour was received in October 1897. The sub-commission stated that the government had already started negotiations with the Portuguese authorities to secure a labour supply from the east coast. The proposal of the commission regarding the reduction of railway fares for Africans had already been addressed since the government had altered the cost of rail transport for Africans to the mines by cutting the normal price by half. The sub-commission however did not agree with the recommendation to erect government

³¹⁹ BPP C.9093, p. 9: Report on the trade, commerce and gold mining industry of the South African Republic for the year 1897.

³²⁰ BPP C.9345, No. 1, Enclosure 1, pp. 1-5: Report, 5.4.1897.

³²¹ BPP C.9345, No. 1, Enclosure 1, p. 5: Report, 5.4.1897.

depots for Africans since they believed that mining companies should take responsibility for this.³²²

6.1.6 Native commissioners and African administration

After the Anglo-Boer War it was felt that the administration of Africans working on farms or in locations could not be dealt with solely through the proclamations issued in 1901. Farming operations were mostly suspended throughout the Transvaal and the large African districts in the north of the state were not under European control. In districts with large African populations the administration of African affairs was placed in the hands of a native commissioner who directly reported to Sir Godfrey Lagden, the Special Commissioner for Native Affairs.³²³

The native commissioners not only had to deal with the disarmament of Africans and the collection of taxes but also had to resettle Africans upon farms, collect labour returns and other statistics and solve matters relating to masters and servants legislation, passes and labour. The native commissioners were entrusted with combined administrative and judicial functions of which the scope included the following: To act as the channel of communication with the government, to maintain law and order among the Africans; to encourage and direct the African's progress towards civilisation by introducing industrial habits; to supervise and control the collection of taxes; communicate with the chiefs, and to further interest regarding the demand and supply of labour.³²⁴ The sub-native commissioners had to assist native commissioners to collect taxes, issue passes, ensure that pass regulations were adhered to, facilitate agreements between farmers and their tenants or employees and settle complaints or disputes between them.³²⁵

Milner agreed with the APS that African institutions should not be interfered with and that Africans should not be forced to leave their own country for labour contracts. He also believed that taxation should be in proportion to services received from the government. The greatest benefit to Africans of joining the labour force would, according to Milner, be to teach them the habits of regular and skilled labour. Milner therefore did not agree with some parties that no inducements should be offered to Africans to work for white employers, but felt that as long as the inducements were legal Africans should be engaged in mining and

³²² BPP C.9345, No. 1, Enclosure 1, pp. 14-16: Supplement to 'The Press' Pretoria, South African Republic, 19.10.1897.

³²³ BPP Cd.904, No. 20, pp. 21-23: Administrator Lord Milner to Mr Chamberlain, 6.12.1901.

³²⁴ BPP Cd.2025, No. 13, Enclosure, pp. 103-104: Annual Report by the Commissioner for Native Affairs, 30.6.1903.

³²⁵ BPP Cd.2025, No. 13, Enclosure, p. 104: Annual Report by the Commissioner for Native Affairs, 30.6.1903.

other industries. This would not only be advantageous to them but also benefit the country as a whole. He did, however, not condone forced labour and stated that the Transvaal administration would not compel Africans to join the labour market.³²⁶

6.2 Agricultural sector

6.2.1 Labour tribute and labour tenancy

The Afrikaners in the Transvaal focused on cattle farming and their labour needs soon exceeded the available coloured labour that accompanied them from the Cape Colony.³²⁷ Labour in the Transvaal took many different forms, some which was believed to resemble slavery. The apprenticing of children was one of the earliest forms of labour in the Transvaal and the Afrikaners allegedly acquired apprentices by either raiding tribes or buying children from them. Labour taxes and the payment of tribute also became quite common since defeated tribes within the Transvaal had to pay a labour tax that consisted of physical labour or a levy in the form of cattle. Tribes that sought protection within the borders of the Transvaal were allowed to live in the country on the condition that they supplied labour to white farmers. An arrangement was also made with chiefs to deliver a specific number of workers each season. Africans who lived in the vicinity of Afrikaner farms or squatted on the farms had to pay rent by either supplying labour, through cash payments or by giving the farmer a portion of their cultivated crops.³²⁸

To extract a labour tribute from African tribes, agreements were reached with local chiefs. These chiefs had to supply tribute in labour as well as cattle and pay rent for the land they lived on. This land was mostly owned by absentee landlords and to meet the agreed labour tribute, chiefs and other elders supplied younger tribe members as labourers to Transvaal Afrikaner farms.³²⁹ According to Delius and Trapido, unpaid female labour was frequently used to meet farmers' temporary or seasonal requirements for agricultural labour. In 1851 the Volksraad prohibited the employment of unpaid labour for periods exceeding fourteen days, probably because of this practice. Field-cornets and other local officials also assisted in the labour recruitment process by assisting farmers in obtaining labourers. These labourers were employed for a period of three to twelve months in positions such as herders.

³²⁶ BPP Cd.904, No. 20, pp. 21-23: Administrator Lord Milner to Mr Chamberlain, 6.12.1901.

³²⁷ Murray and Post, p. 47.

³²⁸ Jordaan, K., "Iberian and Anglo-Saxon racism: A study of Portuguese Angola and South Africa" in *Race Class*, Vol. 20, 1979, pp. 403-404.

³²⁹ Keegan, T., "The origins of agrarian capitalism in South Africa: A reply" in *Journal of Southern African Studies*, Vol. 15, No. 4, October 1989, pp. 674-675.

Labourers provided labour in return for household items such as blankets and also livestock. The labour supply for the agricultural sector continued to be insufficient and chiefs were forced to meet labour commitments. Chiefs were also expected to ensure that tribesmen did not desert from their employers and in instances where chiefs neglected their duties they were punished.³³⁰

Africans living within the Transvaal were hired by farmers at 5 shillings per month and they were also provided with food. In some cases African tribes under the protection of the government sent a quota of African labourers. An example of this labour tribute system was the case of Saul and Small Macopan, two African chiefs who, along with their people, entered the Transvaal and sought the protection of the Transvaal government. Several Transvaal Afrikaners contributed money and purchased a block of land near the Pienaars River where the chiefs and their people were located. Each contributor was entitled to the service of one or two African labourers who received wages. The labourers were allowed to return to their tribes from time to time and stay there for a period of two to three months during which time another member of the tribe would work in their place.³³¹

Labour tenancy was defined as a system through which people secured access to or tenancy of some agricultural land by working for the landowner. Members of the tenant family normally worked for the farmer for half a year. In exchange, they were given access to land for ploughing and grazing their stock. In a typical labour tenancy scenario one or more able-bodied men would work for the farmer while the women and children cultivated the family fields. The adult children of the family would rotate and while one worked for the farmer for six months the other would cultivate produce for the family. During the six months that the family member did not work for the farmer he could either remain on the farm or find alternative employment elsewhere. Normally the labour tenant system did not involve any exchange of cash.³³²

The labour tenant system also varied between districts and farms. Some farmers used a 'half-shares' system through which Africans cultivated land provided by the farmer and in return they supplied half of their produce to the farmer. The most common system of labour tenancy as discussed above was the one requiring Africans to work for the farmer for 90 to 180 days per year in return for a tract of land they could cultivate. Some farmers also made a

³³⁰ Delius, P. and Trapido, S., "Inboekselings and oorlams: The creation and transformation of a servile class" in *Journal of Southern African Studies*, Vol. 8, No. 2, April 1982, p. 226.

³³¹ BPP 4141, No.7, Enclosure, p. 17: Despatch from J.J. Pratt to the Earl of Clarendon, 18.3.1869.

³³² Cory Library Pamphlet Box 32: Transvaal Rural Action Committee, *A toehold on the land: Labour tenancy in the South Eastern Transvaal*, 1988, pp. 7-8.

small wage payment to the labourer during this period. Other farmers employed Africans on a full-time basis and they received wages as well as additional benefits such as food and lodging.³³³

The labour tenancy system did not provide much security to Africans since their tenancy depended on the employer. In instances where the farm was sold, the African labourers also formed part of the transaction. Freedom of movement was legally curtailed and farm labourers had to obtain an employer's permission to leave the farm to search for alternative employment. The size of the land granted to the tenant depended on an individual agreement between the employer and tenant was not legally prescribed. The employer had the upper hand in the relationship since tenants had few alternatives if asked to leave the land.³³⁴

In some instances farmers also believed that the system put them at a disadvantage and one of their main objections was the inefficiency of the labourers. The discovery of diamonds and gold and the added competition for labour led to farmers experiencing labour scarcity, and this subsequently led to increasing criticism of the labour tenancy system. Farmers questioned the system through which labourers only worked for 90 or 180 days per year while their methods of cultivation were inefficient. It was believed that farmers could optimise their use of land if the Africans worked as full-time labourers. The reserve system illustrated that if Africans had access to land and grazing they were less likely to seek full-time employment and this was seen as another disadvantage of the labour tenancy system.³³⁵

6.2.2 The Transvaal Labour Commission of 1904 and the agricultural sector

The economic prosperity of the Transvaal was closely linked to the prosperity of the Witwatersrand mines. Both the agricultural and the public works sectors depended on mining operations. Farmers sold their produce to the mines and the majority of goods transported on the railways were for the mines and mining employees and their families. The lack of labour meant that it was impossible to open new mines. In addition to this the stock exchange had experienced a depression since the start of the Anglo-Boer War, thereby hampering investment. It was therefore hoped that the report of the Transvaal Labour Commission would re-establish faith in the Transvaal economy and encourage investment in the South African mining sector.³³⁶

³³³ Houghton, H., *Some economic problems on the Bantu in South Africa*, p. 26.

³³⁴ *Ibid.*, p. 27.

³³⁵ *Ibid.*

³³⁶ *Daily Express*, 24.11.1903, p. 4.

The main objective of the Transvaal Labour Commission was to determine the amount of labour needed to meet the requirements of mining, agricultural and other industries. The commission also had to assess whether an adequate supply of labour could be found within Central and Southern Africa. The commission did not hear evidence regarding the labour requirements of countries other than the Transvaal but assessed the extent of the labour supply available to the Transvaal from such countries.³³⁷

Witnesses providing evidence regarding the agricultural industry in the Transvaal concurred that farmers were unable to obtain an adequate supply of labour. Only a small number of Africans living on government land, unoccupied farms and in locations were willing to work on farms. The high wages paid by the mining industry could not be matched by the farmers and had a negative impact on their labour supply. Many of these witnesses were in favour of the strict enforcement of the Squatters Law No. 21 of 1895 as well as the breaking up of locations with the view of directly increasing the labour supply. Since Africans from other areas did not immigrate to the Transvaal to seek employment on farms, the only source of labour available to the farmers was of local origin. Sir Godfrey Lagden, Commissioner of Native Affairs, estimated that the size of the adult male population was 137 839. Of this number, 21 466 adult males were employed in labour districts, 6 296 in towns not forming part of the labour districts and about 27 715 were presumably employed on farms.³³⁸

It was believed that an allocation of five labourers to each farmer was a conservative minimum. The commission accepted an estimate of 80 000 labourers as an average number required by white farmers in the Transvaal. Witnesses believed that the agricultural labour supply could be met through the Africans living within the Transvaal, provided that measures were instituted which encouraged Africans to settle on occupied farms. It was also stated that farmers would welcome legislation aimed at African settlement on farms. This would require changes to existing legislation regarding the formation of African locations and also include the institution of measures to prevent overcrowding of these areas. The legislation had to prevent squatting on unoccupied farms and government land and ensure that locations were restricted to the number of Africans that the area could support.³³⁹

³³⁷ BPP Cd.1896, pp. 1-3: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal.

³³⁸ BPP Cd.1896, p. 13: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal.

³³⁹ BPP Cd.1896, p. 14: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal.

6.3 Public sector

At the Inter-Colonial Council in 1903 Sir Percy Fitzpatrick, mine owner and politician, proposed that, due to the scarcity of African labour and the pressing requirements of the mines and other industries, the construction of railway lines would continue subject to certain prerequisites. These prerequisites included that railway lines should be constructed by white labour, that the number of Africans employed in these projects should be limited to 10 000, and that no contracts for labour importation should be concluded until legislation was framed to ensure the repatriation of labourers at the termination of contracts.³⁴⁰

Large railway construction projects planned for the Transvaal and Orange River Colony would require an estimated 50 000 to 60 000 African labourers for the duration of the project. Since Africans were rarely willing to enter into employment contracts exceeding three months, the project would therefore require more than 150 000 labourers per year, effectively meaning almost the entire available labour in the colonies. Sir Percy Girouard, the Commissioner of the Central South African Railways, believed that railway development could not be accomplished with the available labour in South Africa while the use of white labour would be too expensive. This meant that railways construction was only done on a limited basis by employing up to 5 000 labourers. An agreement was reached with the mines that precluded any railway construction until the mines were fully operational.³⁴¹

6.4 Mining sector

6.4.1 Labour before the Anglo-Boer War

The share collapse on the Witwatersrand in 1889 was the result of speculation in mining shares. This led to a depression that lasted for the next two to three years.³⁴² The shortage of labour in the mines and the strength of many African economies meant that wage rates were high. Mine owners encountered a number of difficulties in operating the Transvaal mines including high production costs, the low quality of the ore, as well as the fixed gold price that allowed mine owners no leeway in increasing the gold price to compensate for high production costs. Wage cuts were therefore seen as the only strategy that would enable mine owners to reduce production costs. The establishment of the Chamber of Mines in 1889

³⁴⁰ *The Times*, 9.7.1903, p. 5.

³⁴¹ *Daily Express*, 30.12.1903, p. 4.

³⁴² BPP C.9093, p. 7: Report on the trade, commerce and gold mining industry of the South African Republic for the year 1897, 1897.

enabled cooperation between mine owners and would eventually contribute to the reduction of labour competition between mines.³⁴³

Katz emphasised that the predominance of low-grade ores in the Witwatersrand mines meant that mine owners were forced to institute a number of strategies to ensure productivity. Foreign mining engineers were recruited to implement new technologies while high wages were paid to both professional miners and skilled artisans from overseas. Most of the professional miners were employed in a supervisory capacity in which they managed groups of up to 25 African labourers operating hand drills. Semi-skilled whites who were not trained as miners were also employed in the production process, and were in charge of groups of unskilled Africans performing manual labour.³⁴⁴ The South African gold mines therefore depended on two distinct groups of migrant labourers. African labourers worked in unskilled positions while white labourers, initially imported from Britain, were responsible for supervision and other skilled tasks.³⁴⁵ The importation of new technologies enabled mines to switch from outcrop to deep level mining.³⁴⁶

The mine owners adopted two major strategies to reduce labour costs. The first was focused on the reduction of wages and it was first attempted in 1890 along with measures to increase the recruitment area from which labour was sourced. A second strategy was to reduce labour recruitment costs. During the 1890s mine owners regarded the Transvaal government in a negative light. The government was perceived as retarding the development of the mining industry since they were not open to suggestions regarding the importation of foreign labour. The mine owners believed that Shangaan labour from Mozambique was crucial to the efforts to increase the labour supply. Shangaan labourers accepted longer employment contracts and were willing to work for periods of up to three years before returning home, while local Africans only worked for three to six months. Another advantage of Shangaan labourers was their willingness to work underground in contrast with local Africans who preferred jobs on the surface. In 1893, the Chamber of Mines commenced negotiations with the Portuguese to ensure a regular labour supply from Mozambique. The Transvaal government intervened and in December 1893 a Luso-Transvaal agreement was

³⁴³ Maloka, T., "Review and commentary: Mines and labour migrants in Southern Africa" in *Journal of Historical Sociology*, Vol. 10, No. 2, June 1997, pp. 214-215.

³⁴⁴ Katz, E.N., "Revisiting the origins of the industrial colour bar in the Witwatersrand gold mining industry, 1891-1899" in *Journal of Southern African Studies*, Vol. 25, No. 1, March 1999, pp. 77-79.

³⁴⁵ Burawoy, M., "The functions and reproduction of migrant labour: Comparative material from Southern Africa and the United States" in *The American Journal of Sociology*, Vol. 81, No. 5, March 1876, p. 1054.

³⁴⁶ Davies, R., "Mining capital, the state and unskilled white workers in South Africa, 1901-1913" in *Journal of Southern African Studies*, Vol. 3, No. 1, October 1976, p. 45.

attained. This agreement, however, did not increase the labour supply since most of the Shangaan labourers were from areas that were outside the Portuguese influence sphere.³⁴⁷

In 1893 the Native Labour Department was established to facilitate the recruitment of unskilled labour. Maloka believed that its main objective was to lower competition in the recruitment of labour. The department was only functional for a short period of time as it lacked resources and its objectives were not supported by all the mines.³⁴⁸

In 1895, the wage bill comprised an estimated 69% of the total production costs of the mining industry. During 1894 and 1895 the Chamber of Mines repeatedly criticised the fact that labour supply did not meet the required labour demand. The chamber believed that an adequate supply of African labour would allow for a reduction in African wages by at least 33%. The African labour supply was further characterised by problems such as a high labour turnover that was impossible to remedy, since legally mine owners could not enforce their employment contracts with African labourers. In March 1894, the Chamber of Mines sent representatives to the Transvaal government, requesting that the government enact more stringent pass regulations to enable mines to enforce African labour contracts but without immediate success.³⁴⁹

The Luso-Gaza War of 1894-1895 reduced the available labour supply since many Shangaan employees decided to leave the mines. This reduction in Shangaan labour occurred at the same time as the commencement of deep-level mining and the resulting need for additional labour. In January 1895, 40 000 Africans were employed on the mines and the Chamber emphasised the urgent need for an additional 20 000 labourers.³⁵⁰ In 1895 the supply of labour was therefore unable to meet the demand of mines and an increase in the number of stamps (machines that crush rock or ore) meant that additional labour had to be secured to facilitate the development of mining companies in the Transvaal. During September 1895, it was estimated that there were about 50 000 Africans employed on the Witwatersrand mines and that it would be necessary to recruit another 20 000 by the end of 1895. Calculations were based on the fact that at least ten Africans were required for each

³⁴⁷ Maloka, pp. 214-215.

³⁴⁸ *Ibid.*, p. 215.

³⁴⁹ Blainey, G., "Lost causes of the Jameson Raid" in *The Economic History Review, New Series*, Vol. 18, No. 2, 1965, pp. 357-358.

³⁵⁰ Maloka, p. 215.

working stamp and the fact that another 1 500 stamps would be operational by the end of the year.³⁵¹

Geldenhuis Deep was the first deep-level mine to commence production in October 1895 and the initial production figures was discouraging. According to Katz, mine owners feared that the public might lose their faith in deep-level mining on the Witwatersrand, and therefore the lack of African labour was stated as the cause of the low production. This emphasised the failure of the Transvaal government to resolve problems related to labour scarcity but in reality technical problems hampered production. Outcrop mines also had their share of labour problems. Deep-level mines employed an average of 300 African labourers while outcrop mines required 600 Africans. The scarcity of labour on the outcrop mines, especially on the East and West Rand, retarded their development and a number of mines were forced to reduce operations. Mines such as the City and Suburban Mine, reported that they required an additional 1 000 African labourers.³⁵²

Improvements in machinery, methods of gold extraction and the introduction of experienced miners during the depression years, however, led to increased output from 1 210 868 ounces in 1892 to 2 277 640 in 1895.³⁵³ A direct consequence of the Jameson Raid in December 1895/January 1896 was a decrease in the labour supply since African labour migration from territories in the Zoutpansberg was halted and there were also constant departures of Africans from the Witwatersrand. The mines located outside Johannesburg, such as in Krugersdorp and Randfontein, experienced the largest number of African departures.³⁵⁴

Reports on labour supply during the first few months of 1896 focused on the labour scarcity in the gold mines, and a number of mines reported restricted operations due as a result. The eastern Witwatersrand required a large supply of labour due to shaft sinking operations and other struggling mines attributed their development problems to labour scarcity. The Transvaal government even supplied convict labourers to some of the mines to alleviate their labour problems. Mine owners estimated that they required an additional 15 000 African labourers, and they believed that the failure of the maize crops would impact

³⁵¹ *The Economist*, 7.9.1895, p. 1176; Morris, C.G., *Academic press dictionary of science and technology*, p. 2077.

³⁵² Katz, E.N., "Outcrop and deep level mining in South Africa before the Anglo-Boer War: Re-examining the Blainey thesis" in *The Economic History Review*, Vol. 48, No. 2, May 1995, pp. 318-324.

³⁵³ BPP C.9093, p. 7: Report on the trade, commerce and gold mining industry of the South African Republic, 1897.

³⁵⁴ *The Manchester Guardian*, 19.3.1896, p. 8.

negatively on operating costs since it would increase the cost of maintaining African workers.³⁵⁵

In May 1896, political problems on the Witwatersrand persisted, but it was reported that many of the labour supply problems on the mines were resolved. The Chamber of Mines announced that the African labour supply had increased during March 1896 and the Chamber's Native Labour Department provided an additional 1 027 labourers to the mines. The labour supply was also augmented by the decision of the Cape government to establish a depot on the Vaal River facilitating the migration of Africans from the Cape Colony to the Transvaal. Labour migration from the Northern Transvaal had also increased and from the Waterberg district 1 500 labourers had been recruited during the previous weeks. An additional 2 000 labourers were expected from the Waterberg district by the end of April while a large number of labourers were also expected from Natal and Zululand. It was evident that although the failure of the maize crop and the drought had increased the maintenance costs of the mines, it had also led to the migration of new labourers to the Transvaal mines. Some of the newly arrived labourers stated that they had journeyed to the mines due to a scarcity of food and to earn money for their starving families.³⁵⁶

The Rand Native Labour Association was established in 1896 to coordinate the recruitment efforts of mining companies.³⁵⁷ On 8 December 1896 the First Volksraad appointed a commission to investigate the granting of bonuses to African chiefs. The commission aimed to recommend actions that would promote industry and civilisation among Africans, and would prevent them from leading inactive lives. The recommendations included the following: The government would instruct all commissioners and sub-commissioners to use their influence with African chiefs and captains to encourage their people to join the labour force and to convince them that industry was one of the great principles of civilisation. This would increase the labour supply by encouraging African males to become labourers on the mines and young Africans to work on the farms. The African captains and chiefs who were prepared to cooperate would receive a yearly present consisting of a uniform. The captains would also receive payment which would be based on the number of young Africans who by the captains' direct intervention became farm labourers. The regulation would be in force from 1 January 1897.³⁵⁸

³⁵⁵ *Ibid.*

³⁵⁶ *Ibid.*, 12.5.1896, p. 10.

³⁵⁷ Maloka, pp. 214-215.

³⁵⁸ BPP C.9345, No. 1, Enclosure 1, pp. 24-25: Government Notice, 19.12.1896.

The decrease in wages paid to African labourers was instituted in January 1897. This measure decreased operating costs but had no obvious adverse effect on the unskilled labour supply.³⁵⁹ The chairman of the Chamber of Mines further promoted a system whereby Africans would be forced to work if they were found languishing. The Transvaal government, however, rejected these proposals on compassionate grounds.³⁶⁰

In 1897, during a meeting of the Aborigines Protection Society (APS), emphasis was placed on the forced labour question in the Transvaal. Miss Harriet Colenso criticised the compound systems used in South Africa, especially since it was promoted as a measure that would uplift Africans. She viewed the system as undermining the position of Africans and criticised the British government for allowing its existence.³⁶¹ The compound system was also equated with forced labour. The official reason supplied for the existence of the compound system in Kimberley was to prevent diamond theft. Since theft was, of course not a problem on the gold mines the reasons for using the compound system was questioned by civil society groups. The existence of compounds in the Transvaal was, however, defended on the grounds that it protected Africans from the effects of alcohol abuse.³⁶²

In 1895 Swaziland became a Transvaal protectorate and for the first few years no measures were introduced to motivate Swazis to join the migrant labour force. In 1897, a hut and poll tax was, however, instituted along with cattle confiscation to compel Swazis to accept employment as farm or mine labourers. The impact of the taxation system along with environmental problems such as droughts and the rinderpest epidemic resulted in an increase in labour migration in 1898. During the rinderpest epidemic many Swazi farmers lost large numbers of their cattle and this forced Swazi men to obtain employment in the Transvaal and Natal. More than 5 000 migrants left Swaziland in 1898 and 1899, and the number of Swazi workers employed on the gold mines increased from an estimated 200 in 1897 to about 2 000 in 1899. Many migrants also tried to find alternative employment in the Eastern Transvaal and Northern Natal. African and white labour recruiters as well as touts used the dire economic conditions in Swaziland to recruit labourers for the mines and other employers.³⁶³

On 29 March 1898 the Transvaal government enacted regulations to govern the importation of labour from Mozambique. The activities of labour agents were outlined and

³⁵⁹ Katz, E.N., "Outcrop and deep level mining in South Africa before the Anglo-Boer War: Re-examining the Blainey thesis" in *The Economic History Review*, Vol. 48, No. 2, May 1995, p. 324.

³⁶⁰ *The New York Times*, 18.8.1901, p. 1.

³⁶¹ *The Manchester Guardian*, 6.5.1897, p. 12.

³⁶² *Ibid.*, 17.5.1897, p. 5.

³⁶³ Crush, J., "Swazi migrant workers and the Witwatersrand gold mines, 1886-1920" in *Journal of Historical Geography*, Vol. 12, No. 1, 1986, pp. 29-30.

they had to apply to the superintendent of native affairs in Transvaal for permission to recruit labourers.³⁶⁴ Labour agents had to issue a Portuguese travelling pass to each African they engaged before they could leave Portuguese territory. On arrival in the Transvaal, a monthly permit was issued to the labourer, indicating the number of the Portuguese pass and the name of the employer.³⁶⁵ The travelling pass would remain in the possession of the pass issuer until the African labourer wished to return to Mozambique after the expiry of his service contract. Employers would be required to supply a monthly list of Mozambicans in his employ to the pass issuer.³⁶⁶

In June 1899 there were 96 888 Africans employed on the mines. The Rand Native Labour Association provided 1 454 Africans to the Transvaal mines in July 1899 but the political uncertainty had a negative impact on the labour supply.³⁶⁷ In September of that year it was reported in *The Financial Times* that the labour problems were escalating and that people were continuing to leave Johannesburg.³⁶⁸ Some mines also attempted to alter working conditions in an attempt to reduce expenses and ensure profitability. In 1899 the Robinson Deep Mine for instance tried to modify employment conditions by extending hours of work. The resulting strike lasted only a couple of days before the mine owners agreed to change back to the previous conditions.³⁶⁹

During 1899, the demand for labour in the Transvaal led to an investigation of alternative areas for labour supply. The importation of labourers from the rest of Africa was considered since it was believed that a large number of prospective labourers could be sourced from this area. Angoniland in the British Central African Protectorate was seen as an option since it had not yet been utilised as a source of labour supply to the mines. The *Central African Gazette* had also reported that there were probably labour sources available in neighbouring African territories. The practical details concerning the use of these labourers on the Transvaal mines hampered the institution of a labour importation scheme.³⁷⁰

³⁶⁴ Foreign and Commonwealth Office Collection: Chamber of Mines, *Regulations regarding native labourers from the Portuguese East Coast possessions* (pamphlet), 1898, p. 3.

³⁶⁵ *Ibid.*, p. 4.

³⁶⁶ *Ibid.*, pp. 5-6.

³⁶⁷ *The Financial Times*, 9.9.1899, p. 6.

³⁶⁸ *Ibid.*, 25.9.1899, p. 3.

³⁶⁹ Harris, K., "The 1907 strike: A watershed in South African white miner trade unionism" in *African Historical Review*, Vol. 23, No. 1, 1991, pp. 39-40.

³⁷⁰ *The Financial Times*, 1.8.1899, p. 7.

6.4.2 The Anglo-Boer War and the gold mines

The Anglo-Boer War (1899-1902) had a devastating impact on the gold mines. Gold production was stopped and the available labour was employed on required maintenance work. An African labour force of 14 000 remained in Johannesburg. When the British forces reached Johannesburg on 31 May 1900 the director of Imperial Military Railways, Sir Percy Girouard, agreed to provide employment for them. Employment conditions did not adhere to the original contracts they agreed to since wages were lower and the duration exceeded the stipulated contract period.³⁷¹ According to Harris, in 1900 the recommencement of mining meant that mine owners tried to compensate for the loss of production and revenue by instituting measures such as a decrease in operating expenses, including the wages paid to labourers.³⁷²

Before the Anglo-Boer War, touting was used by the mining industry to recruit labourers for the mines. Each mine or group of mines engaged its own labour agent to recruit African labour. The touting system was replaced by the organised recruitment efforts of the Witwatersrand Native Labour Association (WNLA).³⁷³ In 1900 managers of the majority of the Transvaal mines decided to establish the Witwatersrand Native Labour Association. The main purpose of the WNLA was to recruit African labour and to ensure that mines no longer competed for the available labour supply. Mine owners decided on a wage rate of 30 to 35 shillings per month which was a substantial decrease from the wage rate of 50 shillings paid in 1899.³⁷⁴

A large majority of the mines were affiliated with it, and had entered into an agreement to exclusively obtain labour through its recruitment efforts. The WNLA employed a large number of recruiting agents, some of whom were paid a salary, but most of the agents were only paid commission proportionate to the number of labourers they recruited. The WNLA also employed a number of permanent officials, and to cover expenses mines paid a specified fee for each labourer provided by the association. The WNLA also allowed individual mines to use their own recruiting agents, but the association stipulated that all labourers recruited in this way had to be registered by the WNLA. The WNLA would also receive the agreed capitation fee of £2 per head for a six month contract and £1 for a three

³⁷¹ Denoon, D.J.N., "The Transvaal labour crisis, 1901-1906" in *The Journal of African History* Vol. 8, No. 3, 1967, pp. 482-487.

³⁷² Harris, pp. 37-38.

³⁷³ BPP Cd.1551, No. 3, Annexure (4), pp. 146-151: Report for the Commissioner for Native Affairs, Transvaal, 1902.

³⁷⁴ Denoon, p. 482.

month contract. The monthly wage rates stipulated by the WNLA were £2 10 shillings for surface workers and £3 for underground labourers.³⁷⁵ In 1901 Milner condoned the activities of the WNLA and the standardisation of wages by expressing the view that mine owners were entitled to combine their recruitment efforts in order to lower wage rates. In his opinion government's role within the labour market was to enforce employment contracts.³⁷⁶

In reaction to the war in South Africa, the APS in 1900 submitted a suggested charter for Africans to the British government. The APS proposed that a number of reservations be established to maintain African culture and institutions. The British government had to ensure that intervention from outside the reserves was regulated, especially in cases where concessions were obtained from chiefs regarding the recruiting of labour in their territory. All people entering the area had to be provided with licenses that could be cancelled when fraudulent labour recruiting or dishonest trading occurred. The APS recommended that taxation should be restricted to hut taxes agreed with Africans for their administration and which had to be collected by the African chiefs and headmen. The Africans should therefore only be taxed for administration that was for their benefit. It was further recommended that the pass system revert to its initial purpose where a passport would only be required to prove a person's identity. The passport was not meant to be used as a measure to restrict efforts to obtain employment in other areas or as a discriminatory measure.³⁷⁷

In 1900, the British and Foreign Anti-Slavery Society referred to the treatment received by Africans by the Transvaal Afrikaners as lacking in any humanity. The Uitlanders were also criticised for accepting the way the Afrikaners dealt with Africans, and the British colonists were depicted in a negative light as well. The society emphasised the crucial role of African labour to the development of South Africa and criticised the labour system through which Africans were used as a source of unskilled cheap labour. The conclusion of the Anglo-Boer War was perceived as presenting an opportunity to secure the rights of Africans and to prevent the continuation of slavery under the guise of compulsory labour. The society felt that the British government had a responsibility to the African races in South Africa since they had no way of protecting themselves. It was recommended that the administration of Africans should be placed under the direct control of the British government and not left to

³⁷⁵ BPP Cd.2025, No. 2, Enclosure, pp. 10-11: Result of enquiry of Native Deputation from Cape Colony to Transvaal: Office of the Resident Magistrate, Butterworth, 5.10.1903.

³⁷⁶ BPP Cd.2025, No. 2, Enclosure, p. 305: Result of enquiry of Native Deputation from Cape Colony to Transvaal: Office of the Resident Magistrate, Butterworth, 5.10.1903.

³⁷⁷ Foreign and Commonwealth Office Collection: *The native question in South Africa: Outlines of a suggested charter for natives under British rule in South Africa: Submitted to Her Majesty's government on behalf of the Aborigines Protection Society* (pamphlet), 1900, pp. 7- 9.

the colonial governments in South Africa. Safeguards also had to be instituted in the mining districts against slavery practices in the form of apprenticeships, labour taxation, the implementation of pass systems and the compound system. The society requested that the British government abolish all forced labour practices to protect the personal freedom of Africans. Concerning the civil rights of Africans the society recommended that a declaration be issued protecting their freedom of religion, property, freedom of movement and their legal equality. Civilisation remained an important objective and the society believed that civilising Africans would be crucial for the future of South Africa. Neglecting the civilising mission and African human rights due to the requirements of mine owners and employers would, however, have a negative impact on the whole South Africa.³⁷⁸

The new British administration in the Transvaal had to find a way to accommodate the interests of both labour and employers in the mining as well as other industries. Existing legislation was studied and modified to regulate employment relationships. Proclamations were published dealing with pass laws, labour districts, recruitment and the management of labour and liquor. Since the new administration believed that the existing Transvaal legislation was not properly implemented, the new proclamations emphasised proper implementation mechanisms.³⁷⁹

Proclamation No. 36 of 1901 modified the Transvaal Liquor Law of 1898 by diminishing the sanctions for providing alcohol to Africans and other coloured persons. According to the proclamation, flogging would no longer be used as a punishment for this offence.³⁸⁰ The greatest benefit of the new system was believed to be the suppression of the illegal liquor trade.³⁸¹

The Labour Agents and Compound Overseers' Proclamation No. 38 was proclaimed on 10 December 1901.³⁸² The proclamation addressed the appointment and authority of labour agents and compound overseers.³⁸³ According to the proclamation a labour agent license would be issued for a period from three months to one year. The labour agent had to supply the following information on application: A copy of the agreement between the applicant and his employer, the name and location of the chief in whose district he was planning to recruit labourers, and the details of any previous licenses held by the applicant.

³⁷⁸ BPP Cd.904, No. 1, pp. 1-2: British and Foreign Anti-Slavery Society to Colonial Office, 10.11.1900.

³⁷⁹ BPP Cd.903, No. 61, Enclosure 5, pp. 194-195: Report of G.Y. Lagden, Commissioner of Native Affairs, 12.12.1901.

³⁸⁰ *The Manchester Guardian*, 23.1.1902, p. 10.

³⁸¹ *Ibid.*, 31.1.1902, p. 7.

³⁸² BPP Cd.904, No. 21, Enclosure 2, p. 38: Proclamation by His Excellency the Administrator of the Transvaal, 10.12.1901.

³⁸³ *The Manchester Guardian*, 27.1.1902, p. 10.

No contract with any African chief that bound him to provide labour would be considered valid.³⁸⁴

The compounds differed from those in Kimberley. They were in fact locations providing accommodation for the labourers employed in mines under the same management. The regulations were not as restrictive as those in Kimberley but it would be the duty of the inspectors to ensure that labourers living in these compounds were treated justly. According to Proclamation No. 38 any compound accommodating more than 50 African labourers would be managed by a compound overseer.³⁸⁵ Compound overseers had to have a license issued by the Commissioner for Native Affairs. Licenses were only issued for a maximum period of one year. A compound overseer who was convicted of a crime and sentenced to imprisonment due to a misdemeanour regarding African labour would have his license cancelled or suspended. The duties of a licensed compound overseer involved the following: Ensuring that there were no Africans employed by the company who did not have the required registered labour passports and ensuring that any transfer, new contract agreement or renewal was reflected in the passport.³⁸⁶

The Secretary of the APS, H.R. Fox Bourne, voiced his concern regarding some of these stipulations. He believed that although it was clearly stipulated that no contract would be valid for more than one year it would be necessary for government inspectors to ensure that no abuse of this took place. The compound system, although sanctioned, would have to be monitored to protect Africans from ill-treatment and to safeguard their rights such as freedom of movement.³⁸⁷ Milner believed that the new laws would be beneficial to the Africans since the proposed control would improve and not degrade them.³⁸⁸

During the Anglo-Boer War, the Portuguese government refused to allow the migration of labourers to the Transvaal. Negotiations were entered into to convince them to withdraw this but they objected on the grounds that labour was required locally.³⁸⁹

A conference was held between the Governor-General of Mozambique and the British Consul-General at Lourenço Marques on 15 October 1901. Proposals were tabled for the establishment of a Modus Vivendi on matters affecting the province of Lourenço Marques

³⁸⁴ BPP Cd.904, No. 21, Enclosure 2, pp. 39-40: Proclamation by His Excellency the Administrator of the Transvaal, 10.12.1901.

³⁸⁵ *The Manchester Guardian*, 23.1.1902, p. 10.

³⁸⁶ BPP Cd.904, No. 21, Enclosure 2, pp. 41-42: Proclamation by His Excellency the Administrator of the Transvaal, 10.12.1901.

³⁸⁷ *The Manchester Guardian*, 27.1.1902, p. 10.

³⁸⁸ BPP Cd.904, No. 20, p. 28: Administrator Lord Milner to Mr Chamberlain, 6.12.1901.

³⁸⁹ DO 119/534: November 1901.

and the Transvaal. The Governor-General felt that a more efficient system of African recruitment was required to avoid the coercion of Africans.³⁹⁰ He stipulated that only one recruiting organisation would be allowed in Mozambique and that the organisation had to be backed by the British government. The organisation would have to be acceptable to the Portuguese authorities and would be responsible for supplying labourers to Natal, Rhodesia and mines outside the Transvaal as well, since no other recruiting would be allowed.³⁹¹ As many Africans were previously compelled by African chiefs to accept contracts with licensed recruiters as well as with illicit recruiters, the Portuguese authorities would ensure that only Africans who wished to go voluntarily to the Transvaal were engaged.³⁹² The British Consul-General therefore believed that labourers should only be engaged through accredited agents such as the new WNLA, which was recognised by the Chamber of Mines. The Transvaal government also had to ensure that the rights of Africans were protected while they were employed in the Transvaal.³⁹³

The stipulations of the *Modus Vivendi* allowed for the recruitment of African labourers from the province of Mozambique for the Transvaal and Rhodesia, and would stay in force until terminated by either of the parties. The Governor-General would receive an amount of 13 shillings for each African migrant who entered the Transvaal. This amount would cover all expenses including passports, contracts and registration, but an additional fee would be payable on re-engagement of the labourer. The employment contracts would only be for a period of one year. The Transvaal government would ensure that Africans would be discharged at the expiry of their contracts and that they would not be forced to renew their contracts.³⁹⁴

In a report by the Commissioner for Native Affairs dated 12 December 1901, Sir Godfrey Lagden reported that there were an estimated 18 000 Africans employed on the Transvaal mines. He believed that this number would in future return to the pre-war average of 98 000 on the mines and 40 000 in other employment. The stated objective was to secure 150 000 African labourers for the mines and another 50 000 for other employment. Although 80% of the labour supplied to the mines were from areas outside the Transvaal, he believed that there was a labour pool of an estimated 400 000 Africans in the Zoutpansberg district that could be utilised on the mines. Lagden, however, stated that these Africans were not

³⁹⁰ DO 119/534: Memorandum, 15.10. 1901

³⁹¹ DO 119/534: Consul General, Lourenço Marques, to the High Commissioner, 10.11. 1901.

³⁹² DO 119/534: Translation of a conference held on the 16th of October 1901, 16.10. 1901.

³⁹³ DO 119/534: Memorandum, 15.10. 1901.

³⁹⁴ DO 119/534: Consul General, Fritz H.E. Crowe to the High Commissioner, 18.12. 1901.

adequately taxed since the taxes paid were low in comparison to the benefits received under the British administration. The APS in response declared that they would not object to a reasonable tax being levied on Africans in the Zoutpansberg. The society would, however, protest additional taxation such as a labour tax which would force Africans to accept employment with white employers. The APS also lobbied for more stringent regulations regarding labour agents as well as stipulations providing for the return of labourers to their homes after the expiry of their service contracts.³⁹⁵

The labour returns supplied by the Chamber of Mines for March 1902 showed that the total number of Africans employed totalled 27 926. The WNLA provided 7 774 Africans to the mines in April of which 6 391 came from the Portuguese East Coast, 1 022 from the northern districts of the Transvaal, 240 were recruited locally and 121 were recruited from British Bechuanaland and the Cape Colony. The recruitment effort in the Northern Transvaal was restricted by the war, and in other areas such as Basutoland, Bechuanaland and the Cape Colony employers competed for the available labourers by paying higher wage rates than prevalent on the mines in the Transvaal. The WNLA manager at this stage believed that he would be able to supply a consistent number of about 6 000 Africans from the East Coast on a monthly basis.³⁹⁶

In May 1902, an agreement was reached which granted the WNLA the exclusive right to recruit labourers for mining in the Transvaal and Rhodesia in the Mozambique Company's territory. The main condition for this was that the WNLA would first supply African labour required by mines in the territory of the Mozambique Company before they sent labourers to the other two areas.³⁹⁷ During 1902, the WNLA also established agencies in Basutoland and attempted to recruit African labourers from there for the Transvaal mines. The wage rate did not interest the Basuto as the Anglo-Boer War allowed for employment by various military departments at higher wages.³⁹⁸

6.4.3 Labour after the Anglo-Boer War

After the conclusion of the Anglo-Boer War labour supply as well as African administration continued to be important concerns for the British administration. Mr Joseph Chamberlain

³⁹⁵ *The Manchester Guardian*, 27.1.1902, p. 10.

³⁹⁶ *The Financial Times*, 3.6.1902, p. 6.

³⁹⁷ CO 879/80/4, No. 34, Enclosure 16, pp. 46-47: Commissioner for Native Affairs, G.Y. Lagden, to the High Commissioner, 15.5.1902.

³⁹⁸ BPP Cd.1388, pp. 4-12: From the Resident Commissioner, H.C. Sloley, Maseru to High Commissioner Johannesburg, 30.9.1902.

criticised African administration in the Transvaal with regard to the low taxation rate. He believed that Africans should pay taxes corresponding to the benefits accrued from British governance.³⁹⁹ Chamberlain stated that there were no grounds for a large part of the population benefitting from British rule and yet allowed to live in indolence. It was emphasised that children in Britain and Europe had to attend school for a number of years which ensured that they were not idle. This encouraged the opinion frequently voiced in South Africa that the government had the right to expect Africans to provide labour in payment for the rights and protection enjoyed under the British administration.⁴⁰⁰

The Times in January 1903 also published an article in which it was proposed that it was the duty of the government to institute legal means to force Africans to maintain themselves through labour. The non-payment of taxation could consequently also be exacted in labour.⁴⁰¹ A correspondent from Johannesburg in *The Times* of 23 January 1903 emphasised that it was not feasible to manage African labour and solve the questions pertaining to this issue from Britain. It was believed that Chamberlain should convince the British government and public of the impossibility of such an attempt.⁴⁰²

After the Anglo-Boer War the WNLA was the only recognised organisation for the supply of African labourers to the Transvaal mining industry. The WNLA not only supplied the Transvaal mines with African labourers but also supplied the mines in Rhodesia with a proportion of the labour recruited in Portuguese East Africa (today Mozambique).⁴⁰³

The WNLA had to administer the recruitment process as well as address any complaints it received. Regulations determined that the WNLA's recruiting agents had to explain the terms of the employment contract to all prospective labourers. Complaints regarding the non-fulfilment of promises made on engagement and misrepresentations by labour agents concerning the terms of agreement were, however, still lodged by Africans on arrival at the mines. The WNLA, however, contended that these complaints were infrequent, and that in instances where sufficient evidence was forthcoming the licences of labour agents were cancelled. Government officials had to ensure that labourers had entered into the agreement voluntarily. If coercion or misrepresentation on the part of the labour agent was

³⁹⁹ *Daily Express*, 19.3.1903.

⁴⁰⁰ *The Times*, 23.1.1903, p. 3.

⁴⁰¹ *Ibid.*, 27.1.1903, p. 4.

⁴⁰² *Ibid.*, 23.1.1903, p. 3.

⁴⁰³ CO 879/80/4, No. 34, Enclosure 17, p. 48: Transvaal Chamber of Mines to the Governor-General of the Province of Mozambique, 20.6.1902.

evident, the contract would be nullified. The labourer would then be sent back home at the expense of the labour agent.⁴⁰⁴

The 1902 report of the Chief Inspector of the Native Affairs Department and the report of the Acting Chief Inspector in 1903 highlighted the progress made in ameliorating conditions on the mines. The African compounds had been improved and inspectors ensured that they met a certain standard of sanitation.⁴⁰⁵

In September 1902, enquires were made by the WNLA as to the possibility of obtaining labour from Madagascar. The British consuls at Antananarivo and Tomatave reported in November 1902 that there was no prospect of any labour being obtained from Madagascar as it was also burdened by a labour scarcity. It was therefore believed that the Governor General would not permit emigration to South Africa. The British consul at Tomatave also contended that the Africans from Madagascar were unsuitable for mine work.⁴⁰⁶

At the beginning of 1903 it was stated that the 40 000 to 50 000 Africans who had worked on the mines before the Anglo-Boer War were living idly in the Transvaal, although there was no evidence of this allegation. The new administration required African labour for railway construction, public works, land settlement projects and the constabulary, and it was more likely that the Africans once employed on the mines were employed in positions that did not require underground work. This indicated that the available labour supply was nearly depleted and that labour recruitment efforts in the Transvaal would not be able to make substantial additions to the labour supply.⁴⁰⁷ The Anglo-Boer War led to high wages being paid to Africans and it was found that the end of the war led to a demand for labour which surpassed the labour demand of 1899.⁴⁰⁸

The labour scarcity in the Transvaal and the mining industry's need for labour led to fears that pressure would be used to obtain cheap African labour. This would enable the Transvaal to meet its obligations towards Britain and would allow the gold mines to pay dividends to its investors. It was believed that the acute need for labour would lead to use of coercive labour practices during the recruitment of African labourers.⁴⁰⁹ In March 1903, Mr

⁴⁰⁴ BPP Cd.2025, No. 12, Enclosure 1, p. 65: Memorandum Native Affairs Department, Johannesburg, 31.3.1904.

⁴⁰⁵ BPP Cd.2025, No. 12, Enclosure 1, p. 63: Memorandum.

⁴⁰⁶ *Ibid.*

⁴⁰⁷ *The Times*, 23.1.1903, p. 3.

⁴⁰⁸ BPP Cd.2025, No. 13, Enclosure, pp. 101-102: Annual Report by the Commissioner for Native Affairs, 30.6.1903.

⁴⁰⁹ Aborigines Protection Society, *Native labour in South Africa: A report of a public meeting jointly convened by the Aborigines Protection Society and the British and Foreign Anti-Slavery Society* (pamphlet), 1903, p. 2.

David Lloyd George, Member of Parliament for Carnarvon Boroughs, alleged that the mines were being operated by using forced labour. Chamberlain emphasised that British subjects in the Transvaal would feel aggrieved by such a charge, as they were without foundation. The circumstances of Africans were described as being better than before the war, and it was evident that the accusations levelled against the Transvaal Afrikaners concerning the abuse of Africans were overstated. Chamberlain emphasised the importance of the gold mines in the Transvaal and that the prosperity of the country depended on the mining industry. The success of the mines would be directly impacted by any policies adopted by the British government. A prerequisite for mining in the colony was the employment of cheap, unskilled labour to ensure that the low-grade ore mines could be operated on a profitable basis. Chamberlain had a positive outlook on the African labour question since he believed that the wage rates had been amended to counter the negative effect that the decrease in wages had on the labour supply. He believed that the improvement in employment conditions such as the planned enhancements to the compound system would also encourage labourers to return to the mines. The labour supply could also be supplemented by investigating the possibility of importing labour from new areas.⁴¹⁰

On 16 February 1903, *The Times* reported on the labour situation in the Transvaal and commented on the industrial manifesto compiled by a Committee of Engineers. According to the manifesto legal pressure should be increased on the African population since the taxation of Africans was too low in comparison to the high wages received. It was proposed that due to the fact that the wants of Africans were few, wages should be decreased and taxation increased. This would force Africans to join the labour force in the mines and ensure that they work for longer periods. The article was not in favour of increasing legal pressure since it would involve the government in playing an active role in forcing people to join the labour force. The article stated that there was no reason to believe that the taxation rate was too low and this was also emphasised in the conclusions of the Committee on South African Natives.⁴¹¹ In 1903 the taxes payable by Africans in the Transvaal amounted to £2 per year and was payable by every adult male. If an African had additional wives he had to pay an additional tax of £2 per wife. This tax was legislated by Ordinance No. 20 of 1902 and would be payable from 1 January 1903.⁴¹²

⁴¹⁰ *Daily Express*, 20.3.1903, p. 1

⁴¹¹ *The Times*, 16.2.1903, p. 10.

⁴¹² BPP 184, No. 5, pp. 7-8: Governor Viscount Milner to Mr Chamberlain, 16.4.1903.

The *Daily Express* in March 1903 published an article on the speeches of Mr Joseph Chamberlain in the House of Commons. Chamberlain denied that the taxation instituted in the Transvaal led to forced labour on the grounds that all citizens of a country were taxed. The low taxation rate, however, meant that Africans only had to work for a short period of time to meet their tax obligations.⁴¹³

In a petition by the Transvaal Native Congress to the House of Commons in 1903 the official reasons for the fact that Transvaal Africans were liable to pay higher taxes than Africans in other areas were criticised. Officials in some instances publicly stated that taxation was required to compel Africans to join the labour force. Lord Milner linked African taxation with the responsibility of the African to contribute to the governance of the Transvaal and to reduce polygamy. In a memorandum dated 29 August 1902 Sir Godfrey Lagden emphasised that Africans had to contribute through taxation to the benefits they enjoyed, such as the settlement of the country after the Anglo-Boer War, the provision of education and the crackdown on the liquor trade. The petition criticised the use of taxation as a tool to increase the labour supply and equated it with slavery. They believed that polygamy should not be addressed by taxation but by education and civilisation. The petition also questioned the fact that the Africans had to contribute to the settlement of the country after a war that was fought between Britain and the Afrikaners. The liquor trade in the opinion of the Transvaal Native Congress could not be suppressed through taxation while benefits such as education were not forthcoming. The petition therefore argued that there was no valid reason for the high taxes paid by Africans in the Transvaal.⁴¹⁴

Chamberlain stated that it was absurd to equate the payment of taxes by Africans with slavery or forced labour. He described taxation as a mechanism to ensure that the government received the revenue required for effective administration, but emphasised that it was unacceptable as a tool to force Africans to join the labour force against their will.⁴¹⁵ Chamberlain believed that the taxation rate applicable to Africans were not adequate to cover the cost of African administration.⁴¹⁶ Polygamy was also seen as contributing to the labour problem. Chamberlain expressed the opinion that the labour division between African males

⁴¹³ *Daily Express*, 20.3.1903, p. 1.

⁴¹⁴ South African Historical Papers (SAHA), Donald Hunt Papers, A1655, Da4d: A petition respectfully presented to the Honourable the House of Commons, by the Executive of the Transvaal Native Congress, pp. 8-10.

⁴¹⁵ *The Spectator*, 21.3.1903, p. 2.

⁴¹⁶ *House of Commons Debates*, 18.2.1903, Vol. 119, cc1099-1100.

and females meant that the wives performed most of the outdoor work and that many of the Africans who had a number of wives had no need to join the labour force.⁴¹⁷

Commentators in Britain such as Lord Harris, a British politician, believed that higher wages and not lower wages should be offered in an effort to increase the labour supply. He also acknowledged that the use of white labourers would make it impossible to run low grade mines productively, and this would discourage investors from investing more capital in the Transvaal. Lord Harris believed that the Glen Grey Act was a good precedent for labour taxation in the rest of South Africa. *The Times* criticised his view on the Glen Grey Act since the labour tax clause was widely denounced and subsequently not adhered to.⁴¹⁸

Opinions favouring higher wages were evidenced by other industries in South Africa. De Beers required an additional labour supply of 15 000 Africans in 1903 and they had no difficulty in securing labourers since the mine was perceived in a favourable light. In Cape Town the dock works experienced no difficulty in acquiring labour but in East London the dock works struggled to find sufficient labourers since the wages offered in East London were much lower than those paid in Cape Town. These examples illustrated his contention that reasonable remuneration increased labour supply.⁴¹⁹

The great majority of Cape Colony Africans employed in labour districts in the Transvaal in 1903 were employed in domestic service, by contractors or on the railways. H.S. Cooke, the Acting Pass Commissioner and Chief Inspector, attributed this to a personal preference rather than due to complaints about the mines. On 30 November 1903, the number of Cape Colony Africans employed in labour districts was 12 602, of which 3 377 were employed on the mines, 1 732 in government employ (mainly on railway works) and 7493 in domestic and other services.⁴²⁰

During 1903, contradictory statements were made before the Cape Parliamentary Committee investigating the Glen Grey Act regarding the unpopularity among Cape Colony Africans of employment on the Transvaal mines.⁴²¹ Cape Africans were often perceived in a negative light and were described as impatient of control, insolent and that they had a tendency to indulge in liquor which led to conflict with people in authority.⁴²² Lagden stated

⁴¹⁷ *Daily Express*, 20.3.1903, p. 1.

⁴¹⁸ *The Times*, 16.2.1903, p. 1.

⁴¹⁹ *House of Commons Debates*, 17.2.1904, Vol. 130, cc26-80.

⁴²⁰ BPP Cd.2025, No. 2, Enclosure, pp. 3-5: Memorandum on unpopularity among Cape Colony natives of service on the Rand, 17.12.1903.

⁴²¹ BPP Cd.2025, No. 2, p. 1: High Commissioner Viscount Milner to Mr Lyttelton, 28.12.1903.

⁴²² BPP Cd.2025, No. 2, Enclosure, p. 3: Memorandum on unpopularity among Cape Colony natives of service on the Rand.

that he believed the Cape Africans as a rule preferred domestic service, and municipal and railway work to mine work since the risks were less and the wages higher.⁴²³ They also preferred living in the Cape Colony due to privileges such as the franchise and the ability to obtain alcohol. The Africans who gave evidence before the Select Committee on the Glen Grey Act drew attention to the inconveniences of railway travel and focused on the unsuitable accommodation at the mines.⁴²⁴

The Cape government appointed a commission to investigate why Africans did not migrate to the Transvaal mines in larger numbers to find employment.⁴²⁵ The commission was sent from the Cape to Johannesburg in September 1903 to investigate the conditions on the mines and the treatment of labourers from the Cape Colony.⁴²⁶ Mr W.T. Brownlee, magistrate in the Transkei, led the commission and was accompanied by sixteen African chiefs. They travelled to Johannesburg and visited various compounds and railway centres.⁴²⁷ Members of the commission were also asked to suggest any measures by which a greater supply of labour from the Cape Colony could be encouraged to go to the mines.⁴²⁸

During the investigation a number of Cape Africans complained that they were beaten, that the food was not up to standard and that no provisions were made for their treatment in the case of illness.⁴²⁹ The commission, however, concluded that except for two or three instances in which labourers were ill-treated, the treatment received on the mines was good.⁴³⁰

Mr Brownlee agreed with the conclusion. He however stated that since the establishment of the WNLA there was no competition among mine-owners for labour. This meant that mine owners did not improve employment conditions in an effort to attract additional labour. Major Charles Seely, Member of Parliament for Nottingham, in the House of Commons, criticised the conditions in the mines. He stated that the high mortality rate should raise questions regarding British policy. The mortality rate was about twenty times that of British mines and Seely stated that there was no other industry in the world with such a high rate of mortality. One of the reasons provided for the high mortality rate was the fact

⁴²³ BPP Cd.2025, No. 2, Enclosure, pp. 2-3: Commissioner for Native Affairs, G.Y. Lagden, to the Imperial Secretary, Johannesburg, 23.12.1903.

⁴²⁴ BPP Cd.2025, No. 2, Enclosure, pp. 2-3: Commissioner for Native Affairs, G.Y. Lagden, to the Imperial Secretary, Johannesburg, 23.12.1903.

⁴²⁵ *House of Commons Debates*, 5.5.1904, Vol. 134, cc592-632.

⁴²⁶ BPP Cd.2025, No. 2, Enclosure, pp. 1-2: Department of Native Affairs, 23.12.1903.

⁴²⁷ *House of Commons Debates*, 5.5.1904, Vol. 134, cc592-632.

⁴²⁸ BPP Cd.2025, No. 3, Enclosure 1, pp. 7-8 House of Assembly: Notice of Motion, 4.8.1903.

⁴²⁹ BPP Cd.2025, No. 2, Enclosure, pp. 2-3: Commissioner for Native Affairs, G.Y. Lagden, to the Imperial Secretary, Johannesburg, 23.12.1903.

⁴³⁰ BPP Cd.2025, No. 3, Enclosure 1, pp. 7-8 House of Assembly: Notice of Motion, 4.8.1903.

that the mines were not well ventilated. The miners' sleeping quarters were also not fit for human habitation and some of the reports also stated that sick men were forced to work. The only way for the Africans to escape these conditions was not to join the labour force.⁴³¹

Complaints by labourers with regard to official corporal punishment were generally dismissed since mining authorities had no power to inflict punishment, and corporal punishment was only inflicted by officers of the law. Supervisors and overseers were used on the mines to maintain discipline and in cases where these men exceeded their power they were punished and in many instances lost their licenses.⁴³² The government had appointed a large number of inspectors who visited the mining compounds and enquired into any case of ill-treatment that the labourers reported.⁴³³ Improvements were also made to the food and hospital facilities.⁴³⁴ In addition to hospital accommodation on the mines, groups of mines had also combined for the upkeep of a joint hospital to which serious cases were referred.⁴³⁵

Labourers from the Cape Colony also complained about the payment of wages.⁴³⁶ The enquiry established that misrepresentations were made by labour agents regarding wages, that occasional wrongful deductions were imposed, and that the system to calculate working hours was unintelligible to most African labourers, causing much of the distrust that existed.⁴³⁷

Lyttelton was anxious to solve these problems and wanted to make sure that any abuses of the system were punished. He recommended that the Native Affairs Department should ensure that regulations were managed effectively.⁴³⁸ The employee contracts of the WNLA were investigated and it was found that they clearly stated the daily wage rate and the service period. No misrepresentation was therefore found in the contract itself. The labour agent, however, could have communicated the terms of the contract in a more positive way to attract labourers. It was found that the WNLA had fulfilled its responsibilities by drafting the contracts, explaining the terms to the labourers and punishing agents in cases where the terms were misrepresented. To offer increasing protection to African labourers a special regulation

⁴³¹ *House of Commons Debates*, 5.5.1904, Vol. 134, cc592-632.

⁴³² BPP Cd.2025, No. 2, Enclosure, pp. 2-3: Commissioner for Native Affairs, G.Y. Lagden, to the Imperial Secretary, Johannesburg, 23.12.1903.

⁴³³ BPP Cd.2025, No. 2, Enclosure, pp. 1-2: Department of Native Affairs, 23.12.1903.

⁴³⁴ BPP Cd.2025, No. 2, Enclosure, pp. 2-3: Commissioner for Native Affairs, G.Y. Lagden, to the Imperial Secretary, Johannesburg, 23.12.1903.

⁴³⁵ BPP Cd.2025, No. 2, Enclosure, pp. 3-5: Memorandum on unpopularity among Cape Colony natives of service on the Rand.

⁴³⁶ BPP Cd.2025, No. 7, p. 43: Mr Lyttelton to Governor Viscount Milner, 25.3.1904.

⁴³⁷ BPP Cd.2025, No. 3, Enclosure 1, pp. 9-10: Letter from A.H. Stanford, Assistant Chief Magistrate to the Secretary Native Affairs Department, Cape Town, 22.10.1903.

⁴³⁸ BPP Cd.2025, No. 7, p. 43: Mr Lyttelton to Governor Viscount Milner, 25.3.1904.

was also passed that an African entering the Transvaal would only receive a passport if the British official felt that he understood the contract and the wage rate. Lyttelton saw this as an ample precaution to stop misrepresentation.⁴³⁹

Many people criticised the House of Commons for taking too much interest in subjects such as abuses identified by the commission. The responsibility of the House was, emphasised, however, since decisions made and standards set in the House influenced all officials within the British Empire. The House was therefore forced to investigate cases of abuse and protect the rights of labourers. The special interest in the Transvaal mines was defended as being due to the fact that the British government was responsible for the administration of the area. The labour of African and other groups and the conditions under which they lived and worked impacted not only on the share markets and investors, but also had a major impact on the humanity of miners and other British subjects.⁴⁴⁰

In 1903, the minimum wage for adult labourers was increased from 30 shillings to 45 shillings per month. The increase in wages probably attracted more Africans to the mines but demand continued to exceed supply.⁴⁴¹ The wages paid to Africans on the Transvaal mines were high in comparison with the payment received by unskilled labourers in Europe as well as the wages received by Africans in other parts of South Africa.⁴⁴²

Only a small number of complaints were made by African mine labourers with regard to wages. African labourers were informed that they could appeal against unfair deductions or lower than promised wages to the District Pass Office. The grievances brought to the authorities were in many cases due to misunderstandings. Labourers were only paid for each day on which they actually worked but during recruitment a fixed rate of wages were quoted. The system was adopted by the mining industry to protect employers against practices like excessive drinking that would incapacitate workers. The ticket system of 30 working days a month was generally understood by Africans coming from areas from which the labour supply had previously been sourced. The extension of recruiting areas, however, meant that a large number of Africans came to the mines that were not familiar with the ticketing system and to avoid future misunderstandings a system was introduced that registered Africans at a daily rate of pay.⁴⁴³ Mine inspections were frequently made by inspectors of the Native

⁴³⁹ *House of Commons Debates*, 5.5.1904, Vol. 134, cc592-632.

⁴⁴⁰ *Ibid.*

⁴⁴¹ BPP Cd.2025, No. 13, Enclosure, p. 111: Annual Report by the Commissioner for Native Affairs, 30.6.1903.

⁴⁴² BPP Cd.2025, No. 13, Enclosure, pp. 148-149: Annexure 'K': Report of Controller of Passports, Johannesburg, 30.6.1903.

⁴⁴³ BPP Cd.2025, No. 12, Enclosure 1, pp. 64-65: Memorandum Native Affairs Department, Johannesburg, 31.3.1904.

Affairs Department and up to 29 February 1904, 9 345 inspections had been made. Communications with the mining industry regarding suggested improvements in the general conditions of Africans also occurred regularly.⁴⁴⁴

The WNLA was depicted in the House of Commons as an association trafficking in Africans. The role of the association was, however, defended on the grounds that it was the Chamber of Mines which ensured that recruited African labourers were treated fairly.⁴⁴⁵ In commenting on the labour conditions in the Transvaal, the Anti-Slavery Society stated that the treatment of Africans under the Transvaal Afrikaners lacked humanity but that their treatment by British colonists was not much better. The APS did not level the same accusation against all Europeans in South Africa but feared that the government would be used by the mining industry to secure labour for the mines by forcing labourers to work on the mines. Milner stated that the mining companies never approached the government to obtain labour for them by compulsion or asked for the determination of fixed wage rates.⁴⁴⁶ The British government had a duty to the Africans to see that their engagement was voluntarily and that provisions were made for their health and comfort. The government, however, also had a duty to employers and to the white population.⁴⁴⁷

During Chamberlain's visit to South Africa, the Chairman of the Chamber of Mines requested permission to send agents of the WNLA to visit the Uganda Protectorate to investigate the possibility of procuring labour for the mines. Chamberlain recommended that permission be granted and also that the recruitment of Africans be allowed in the British Central African Protectorate (See Annexure E, Map 9). Negotiations between the WNLA and the British commissioner for the British Central African Protectorate led to an agreement by which the WNLA was allowed to recruit 1 000 Africans for a period of twelve months.⁴⁴⁸

They would be engaged under the terms of the Native Labour Regulations of the British Central Africa Protectorate No. 1 of 1898 and on arrival in the Transvaal they would be protected by Proclamations Nos. 37 and 38 of 1901.⁴⁴⁹ Wages would be paid of at least 30 shillings per month without deductions. One-fourth of the wages would be paid directly to the labourer while working in the Transvaal and three-fourths on the return of the labourer to the protectorate. A sustenance allowance would be deposited by the association for distribution

⁴⁴⁴ BPP Cd.2025, No. 12, Enclosure 1, pp. 65-66: Memorandum Native Affairs Department, Johannesburg, 31.3.1904.

⁴⁴⁵ *House of Commons Debates*, 5.5.1904, Vol. 134, cc592-632.

⁴⁴⁶ *Ibid.*

⁴⁴⁷ BPP Cd.904, No. 20, p. 28: Administrator Lord Milner to Mr Chamberlain, 6.12.1901.

⁴⁴⁸ BPP Cd.2025, No. 13, Enclosure, p. 112: Annual Report by the Commissioner for Native Affairs, 30.6.1903.

⁴⁴⁹ BPP Cd.1950, No. 3, pp. 1-2: The Marques of Lansdowne to Commissioner Sharpe, 23.3.1903.

to the labourer's relatives on a monthly basis and a hut tax of 6 shillings would also be paid in advance to the administration on behalf of the labourer. Labourers would also receive free clothing and blankets as required.⁴⁵⁰

Additional conditions were also outlined which included the following: Each distinct tribe of Africans on the mine would be housed separately; Africans would be provided with food and with hospital accommodation without charge; no regulations would be allowed that restricted Africans to their barracks after completing the day's work; precautions would be taken to ensure that the Africans could not purchase alcohol; each African would have to meet the commissioner of native affairs who would explain his work, wages and the terms of employment to him; no deductions would be made from the labourer's wages, and each tribe would be accompanied by a chief or headman who would receive payment for their supervision and would be responsible for lodging complaints with the mine manager. The WNLA would be responsible for the transport of labourers from their homes to Johannesburg and back to the protectorate. The contract would be for a period of one year and the protectorate would have the right to send an agent to visit the mines and the protectorate labourers.⁴⁵¹

The employment contract would be signed by the employer or his agent and the African labourer in the presence of a magistrate who would approve and sign the contract as well. At the expiry of the contract the wages of an African labourer would be paid to him in cash in the presence of the Magistrate without any deductions. If a labourer died during his service period, the employer would pay all the wages due to the deceased employee.⁴⁵²

The majority of the House of Commons applauded the experiment.⁴⁵³ Sir Charles Dilke, Mr H.I. Samuel and Sir John Gorst, however, requested that the Colonial Secretary implement safeguards to ensure that the rights of imported Africans would not be compromised. Gorst stated that the labourers could probably obtain more suitable work in the Central African Protectorate while Sir William Harcourt had no sympathy for the problems experienced by the Transvaal mine owners. Harcourt believed that they were themselves responsible for the labour scarcity on the mines since they had reduced the wages of unskilled labour.⁴⁵⁴

⁴⁵⁰ BPP Cd.1950, No. 4, Enclosure 1, pp. 8-9: British Central African Protectorate.

⁴⁵¹ BPP Cd.1531, No. 3, pp. 1-2: The Marquess of Lansdowne to Commissioner Sharpe, 23.3.1903.

⁴⁵² BPP Cd.1531, pp. 4-5: Appendix.

⁴⁵³ *Daily Express*, 20.3.1903, p. 1.

⁴⁵⁴ *Ibid.*, 25.3.1903, p. 3.

The local white population in British Central Africa did not approve of the emigration of Africans to the Transvaal since African labour was required for local industries and agricultural operations. Central Africa was very sparsely populated and the planters and traders were always complaining of a lack of labour.⁴⁵⁵ Sir Charles Warren, an officer in the British Royal Engineers, was averse to the introduction of labourers from Central Africa. In his opinion this would be akin to slavery and he therefore supported the importation of white, unskilled labourers as a solution to the labour scarcity experienced.⁴⁵⁶

It was decided to restrict men wishing to volunteer for the Transvaal to two districts namely Lower Shire and West Nyasa. Labour migration from the Central African Protectorate was condoned on the grounds that a large number of Africans from the area had already travelled to Beira and Rhodesia of their own accord and their absence did not affect the normal labour supply in the protectorate.⁴⁵⁷ From 1903 to 1904, 936 labourers left the protectorate.⁴⁵⁸ The first group of 380 labourers arrived in Johannesburg on 17 June, a second group of 343 on 28 August and a third group on 18 September. Safeguards were instituted to ensure the success of the experiment and the men were employed on selected mines under the most favourable conditions. They were medically examined by a government doctor and suitable food and clothing was provided.⁴⁵⁹

In August 1903, Mr J.C. Casson, the Superintendent of Native Affairs, travelled to Johannesburg with the aim of reporting on the conditions under which Africans were working at the mines. He investigated aspects such as tasks performed by the labourers and their treatment regarding housing, food, and health. The arrangements concerning housing and food were found to be satisfactory and superior to anything existing in the protectorate. He reported that stringent measures were in force to prevent natives from obtaining alcohol. In the mine compounds a hospital was provided where all sick Africans were treated.⁴⁶⁰

Most of the labourers, however, reached Johannesburg during the coldest season of the year in the middle of a pneumonia outbreak among the African labourers. Due to the high mortality of Central African labourers it appeared as if Africans living in warmer areas of the continent were unsuited for work in the cold climate of Johannesburg. Africans from

⁴⁵⁵ BPP Cd.1896, pp. 28: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal.

⁴⁵⁶ Aborigines Protection Society, *Native labour in South Africa: A report of a public meeting jointly convened by the Aborigines Protection Society and the British and Foreign Anti-Slavery Society* (pamphlet), 1903, p. 1.

⁴⁵⁷ BPP Cd.1531, No. 4, pp. 2-3: Major Pearce to the Marquis of Lansdowne, 25.3.1903.

⁴⁵⁸ BPP C.2242, pp. 3-15: Report on the trade and general conditions of the British Central African Protectorate for the year 1903-1904.

⁴⁵⁹ BPP Cd.2025, No. 13, Enclosure, p. 112: Annual Report by the Commissioner for Native Affairs, 30.6.1903.

⁴⁶⁰ BPP C.2242, Annex No.3, pp. 35-36: Report by Mr J.C. Casson, Superintendent of Native Affairs, 7.1.1907.

Angoniland who lived at a higher altitude seemed to cope better with the conditions on the mines, however.⁴⁶¹

A large number of Central African labourers did not join the official government emigration system but journeyed to southern Africa on their own. The total number of unauthorised emigrants during 1903 to 1904 was about 15 000 of which most found employment in North-Eastern Rhodesia as well as in Salisbury and in Bulawayo, and only a small number reached the Transvaal. It was evident that the protectorate required a system of government control over emigration. Without such a system, increasing numbers of Africans would journey to other parts of Africa, attracted by the high wages offered outside the protectorate. The average wage rate offered to Africans in the protectorate was 3 to 4 shillings per month. In Southern Rhodesia employers paid 15 to 30 shillings per month, and in the Transvaal 45 shillings per month. An official system of emigration would decrease the hardships experienced during the journeys by providing transport. The regulation of emigration would also ensure that no village or district was left without the necessary labour and protect local employers who were unable to pay higher wages.⁴⁶²

The unique nature of the mortality experienced by the first group of labourers was illustrated by the fact that while twenty died in the first six weeks, the total number of deaths in the subsequent five months was only 21. Special care and attention were given to these Africans on all the mines on which they were employed. To protect them from the effects of the sudden change of climate on arrival in Johannesburg each British Central African was supplied with a special suit of clothing in addition to that usually issued to East Coast Africans, free of charge. They were accommodated away from the other Africans, and the ordinary rations were varied by the addition of coffee, biscuits, meat and vegetable stew and in some instances tea and sugar. For several days after arrival the natives were allowed to rest and when sent to work their hours were arranged to prevent their exposure to night air with the risk of contracting colds and pneumonia. Any of the Africans falling ill were immediately taken to hospital.⁴⁶³

In 1903 the importation of labour from Uganda was also considered by the mines. In response the Bishop of Uganda stated that the Baganda were ill-adapted to the climatic

⁴⁶¹ BPP C.2242, pp. 3-15: Report on the trade and general conditions of the British Central African Protectorate for the year 1903-1904.

⁴⁶² BPP C.2242, pp. 3-16: Report on the trade and general conditions of the British Central African Protectorate for the year 1903-1904.

⁴⁶³ BPP Cd.1950, No. 21, Enclosure 2, pp. 32-33: Memorandum respecting the Employment of British Central African natives on the Gold Mines of the Witwatersrand.

changes of the Witwatersrand and would be vulnerable to lung and respiratory diseases. He requested that the British government should not consent to the recruitment of Baganda labour. The British government was also unwilling to endorse labour recruitment in Uganda and therefore no labour was recruited from this area.⁴⁶⁴

The chairman of the WNLA also considered labour recruitment in Nigeria and requested permission to send a cablegram to the High Commissioners of northern and southern Nigeria. The cablegram would request permission to travel to the territories to investigate the possibility of obtaining African labour for the Transvaal mines.⁴⁶⁵ The WNLA applied for permission to recruit an experimental batch of 1 000 labourers in Lagos in Nigeria, but the application was refused by the British government. In his reports for the years 1899, 1900 and 1902 the Acting Colonial Secretary for the Gold Coast Colony stated that the scarcity of labour hampered the further development of the colony since wages were high and the labour supply uncertain.⁴⁶⁶

In Trinidad an enquiry was received regarding the employment of a large number of Trinidad labourers in the Transvaal. It was hoped that due to the overpopulation in Barbados labourers could also be attracted from this area if they were assured of permanent employment and satisfactory treatment. No further actions were initiated to attract labour from the West Indies, however. Public opinion in Trinidad also did not support emigration since Trinidad was hampered by a lack of local labour, which required the population in the area to increase and not decrease.⁴⁶⁷ Recruitment in Somaliland was also not pursued since the acting Consul-General Harry Cordeaux, stated that previous experience showed that using Somalis as mine labourers was a total failure.⁴⁶⁸

Mr K. Watanabe, a special commissioner from the Governor-General of Formosa (under Japanese control during this period), travelled to South Africa in 1903 to investigate labour conditions and to evaluate the viability of sending Japanese labour to alleviate the labour scarcity. He stated that if the British government was prepared to accept Japanese labourers in the country and if restrictions were not too severe, Japan would encourage emigration to Cape Town instead of Hawaii, Mexico and Canada. During the Anglo-Boer War, Japanese commissioners had already visited the Transvaal to investigate labour conditions, but the unfavourable circumstances halted all further actions. Watanabe believed

⁴⁶⁴ *The Times*, 18.3.1903, p. 11.

⁴⁶⁵ DO 119/738, p. 1: Nigeria - native labour, 25.4.1903.

⁴⁶⁶ BPP Cd.1896, p. 24: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal.

⁴⁶⁷ *The Gleaner*, 23.7.1904, p. 11.

⁴⁶⁸ CO 879/80/4, No. 12, Enclosure, pp. 19-20: Acting Consul-General Cordeaux to the Marques of Lansdowne, 8.2.1902.

that his countrymen would be willing to work in South Africa since Britain would ensure that they were given preferential treatment especially with regard to Chinese labour. In his opinion Japanese labourers would be more productive than the Chinese, but they would, however, demand the same treatment as white labourers. This probably led to the Transvaal not pursuing the importation of Japanese labour.⁴⁶⁹

Evidence was also heard before the Transvaal Labour Commission of 1904 with regards to the mining industry. It was stated by various persons that the shortage of labour was the major factor influencing the development of the mining industry. According to Sir Percy Fitzpatrick there were numerous mining properties awaiting development for which the skilled labour, machinery and capital investment could be found. He estimated that £50 million was available for capital investment in the Transvaal mining industry. Mr J.A. Hamilton, Joint General Manager of the Consolidated Investment Co. Ltd., stated that the loss to shareholders due to the lack of unskilled labour and the subsequent underutilisation of mines was about £3 million per year. South Africa could not develop without further investment and this would only be forthcoming if investors received a reasonable return on their investment. In July 1903 the gold mines on the Witwatersrand employed 55 507 Africans and it was estimated that the mines required about 197 644 unskilled labourers.⁴⁷⁰

The labour available in other areas was therefore investigated by the commission. It was found that the Orange River Colony did not have excess labour that could be used in the Transvaal but could themselves use an estimated 30 000 more labourers if available at reasonable wages.⁴⁷¹

Labourers from Basutoland were in high demand on the Transvaal and Kimberley mines. Africans from Basutoland, however, preferred to work in close proximity to home and favoured employment on railway projects close to the Basutoland border rather than travel to the mines on the Witwatersrand. It was therefore clear that the Transvaal could not expect any additional labour from Basutoland.⁴⁷² The WNLA did, however, pursue recruitment operations in districts such as Thaba Nchu. In a letter to H.P. Wilson, the Colonial Secretary in Bloemfontein, the WNLA stated that they would be willing to pay £1 per African labourer who accepted an employment contract for a period of at least six months. The wages payable would be 45 shillings per 30 working days and food and accommodation would be provided.

⁴⁶⁹ *Daily Express*, 7.12.1903, p. 4.

⁴⁷⁰ BPP Cd.1896, pp. 15-17: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal.

⁴⁷¹ BPP Cd.1896, p. 20: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal.

⁴⁷² BPP Cd.1896, p. 21: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal.

The WNLA agent would receive the labourers in groups of at least twenty and a capitation fee of £1 would be paid to cover all recruitment costs incurred by the recruiting agent.⁴⁷³

Employers in the Cape Colony were experiencing a severe labour scarcity and in the agricultural sector the lack of farm labourers had a negative impact on production. Due to the lack of labourers some farms could only be partially cultivated, reducing the food supply in South Africa. The scarcity of labour in the Cape Colony and the high wage rate at the coastal ports also meant that there would not be an increase in the labour supply to the Transvaal from the Cape Colony. The Transkei was the only part of the Cape Colony where there was a substantial surplus of native labour, and it was estimated that there were 100 000 labourers available for manual labour.⁴⁷⁴

The total population of British Bechuanaland numbered 51 661. The majority of labourers from the area, however, travelled to Kimberley to seek employment. The labourers preferred short contracts not exceeding six months and it was estimated that the maximum number of labourers was only 5 000.⁴⁷⁵

In Natal, recruiting for the outside labour market was prohibited by Proclamation No. 46 of 1901 and Africans going to the Transvaal therefore did so voluntarily. Natal had additional labour that could be supplied to the Transvaal even if the prohibition on recruiting was removed. It was evident that if Natal had sufficient labour for its own requirements it would not import Indian labourers or Africans from the Cape Colony.⁴⁷⁶

The importation of labourers from Central and Northern Africa was condemned by experts such as Mr William Grant who feared the effect of such immigration on Africans living in South Africa. He contended that it was impossible to measure the effect which new customs, habits and religious beliefs could have on local Africans since their social system was already showing signs of disintegration under the influence of European civilisation.⁴⁷⁷

Mr Rupert James, former police magistrate in Sierra Leone, testified to the scarcity of labour on the West Coast of Africa and also to the inferior quality of labourers when available. In his opinion the climate of the Transvaal was wholly unsuited to West Africans.⁴⁷⁸

⁴⁷³ Free State Archives (VAB), Colonial Secretary (CO) 153, 2038/03: Recruiting of natives in Thaba Nchu District, 1903.

⁴⁷⁴ BPP Cd.1896, pp. 21-23: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal..

⁴⁷⁵ BPP Cd.1896, pp. 21-22: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal..

⁴⁷⁶ BPP Cd.1896, pp. 23-24: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal..

⁴⁷⁷ BPP Cd.1896, p. 40: Reports of the Transvaal Labour Commission, 19.11.1903.

⁴⁷⁸ BPP Cd.1896, p. 24: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal.

Mr W.J. Monson, assistant secretary to the administration of the British East Africa Protectorate, stated in July 1902 that there was no surplus labour in the East Africa Protectorate. The scheme would not be beneficial to their health, and Chamberlain stated that in view of the prevalence of sleeping sickness in East Africa and strong objections from the administrator he would wait for the outcome of the experiment to import labourers from Central Africa before considering the authorising of recruitment in British East Africa or Uganda. In Uganda the government had to import Indian labourers for the construction of the Uganda Railway since the required number of labourers could not be obtained from the surrounding areas.⁴⁷⁹

Mr Brakhan requested permission from the Governor of German East Africa (today Tanzania) to recruit labourers for the WNLA, but the Governor refused. Negotiations were entered into with the government of Portuguese West Africa (now Angola) for permission to recruit Africans for the Transvaal. The Portuguese government on 5 May 1903 replied that they could not allow recruitment in the area since they had a huge scarcity of labourers. In July 1902, a letter was also sent to the British Consul in the Congo Free State (today the Democratic Republic of the Congo) requesting permission to obtain labourers from that country. In a reply dated 21 October 1902 the British consul denied permission for recruitment in the Congo Free State.⁴⁸⁰

The Transvaal also applied to the Egyptian government for permission to recruit labourers, but Lord Cromer, the British Consul-General of Egypt, refused the request since there was a scarcity of labour in Egypt. Cromer had to import labourers to complete the construction of the Sudanese Railways.⁴⁸¹

Mr Brentano was confident that he would be able to recruit 20 000 Africans from Somaliland and Abyssinia. Mr J Küsel, who had lived in the area for twelve years, however, believed that it was unlikely since in his opinion the Somalis were lazy and unfit for work on the mines. The commissioner of Somaliland stated that labour was required for local projects related to military operations and since there was a scarcity of labour for these projects it would be unlikely that any excess labour would be available for the Transvaal. Mr Küsel was of the opinion that labour could be obtained from Abyssinia but offered no proof as to the existence of surplus labour in that country. No evidence could be found that Abyssinia had in

⁴⁷⁹ BPP Cd.1896, p. 24: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal.

⁴⁸⁰ BPP Cd.1896, p. 25: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal.

⁴⁸¹ *Ibid.*

the past supplied labourers to outside countries and it was doubtful whether an agricultural and pastoral people would have any labour to spare for the Transvaal.⁴⁸²

In Matabeleland, Africans did not like working in underground mining and only in exceptional circumstances would they work for periods longer than three months. In Mashonaland the Mashonas also disliked underground work. Rhodesia required an additional labour supply of an estimated 25 000 labourers for mining and 30 000 for other industries. They would be unable to source the labour locally and since they also had to import labourers, no surplus labour existed for the Transvaal mining industry. Colonel Colin Harding, commandant of the Barotse Native Police, stated that many of the natives of Barotseland came south to work but they could mostly secure employment at either the Wankie Coal Fields or at the Northern Copper Company. Africans from Barotseland did not like the cold conditions in Johannesburg and Kimberley and therefore Harding stated that they could not expect labour from North Western Rhodesia for the Transvaal. Africans from North Eastern Rhodesia were well suited for mine work and employed at the Northern Copper Company, the Wankie Coal Fields as well as the railways in Matabeleland. They were, however, very susceptible to pneumonia and other chest complaints in colder climates.⁴⁸³

The WNLA further obtained permission to recruit 1 000 Africans from German West Africa, (today Cameroon), but it was unlikely that a large supply of labourers would be forthcoming from this source. The Portuguese East Africans were, therefore, the main source of labour supply for the mining industry in the Transvaal. The mining industry was almost totally dependent on labour from these territories. According to the 1903 annual report of the WNLA, 41 956 labourers were recruited from the east coast and, this constituted 88% to 90% of the total number of labourers.⁴⁸⁴

The Labour Commission concluded that the development of the Transvaal was hampered by the lack of unskilled labour. The problem was widespread, and the labour scarcity impacted on the agricultural and public works sectors as well as the mining industry. The report also emphasised the fact that the extent of British investment in the Transvaal

⁴⁸² BPP Cd.1896, pp. 25-26: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal.

⁴⁸³ BPP Cd.1896, pp. 26-27: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal.

⁴⁸⁴ BPP Cd.1896, pp. 27-28: Majority Report: To His Excellency Sir Arthur Lawley, Lieutenant-Governor of the Transvaal.

mines was significant and therefore all possible avenues had to be explored to ensure the future development of the mines.⁴⁸⁵

Lord Lansdowne decided to allow the continuance of the Central African recruitment scheme in 1904. Additional labourers, numbering about 5 000, would be recruited on condition that they arrived in South Africa before the winter, that precautions were taken by the local authorities to acquaint the recruits with health risks, and that recruits were only drawn from the colder regions of the protectorate.⁴⁸⁶ About 1 750 labourers were officially recruited from 1904 to February 1905, at which date the recruitment process was terminated. Of these labourers 68 died and another 60 were declared medically unfit for mine work.⁴⁸⁷ The recruitment of British Central African labourers for work on the mines in the Transvaal was renewed on 1 July 1905 and continued until 31 December of that year. During that period 1 714 Africans were, after strict medical examinations, despatched overland to Johannesburg.⁴⁸⁸

In March 1905 it was decided to amend the stipulations regulating recruitment in Basutoland and the Orange River Colony.⁴⁸⁹ A circular was issued by the WNLA on 12 April 1905 regarding recruitment. The association stated that they would no longer recruit labour in Basutoland to the detriment of local employers. Labourers would only be recruited for underground work exceeding a period of twelve months.⁴⁹⁰ No limitation was placed on Africans who journeyed to the Witwatersrand without support from a recruitment agency.⁴⁹¹

No Central African labourers were recruited during 1906 since it was decided that the high mortality did not warrant the recruitment process.⁴⁹² In 1907, the Colonial Office had to consider whether the recruitment of Africans from the Central African Protectorate should be discontinued due to the high death rate. The Africans who emigrated independently suffered great hardships and it was estimated that their death rate would be as high as those of Africans recruited through official channels. The Colonial Office therefore had to decide on a course of action since it was impossible to restrict Africans from leaving the protectorate in search of higher wages.⁴⁹³ It was therefore decided to continue recruitment during 1907 but under stricter medical regulations. The 500 Africans leaving the Central African Protectorate

⁴⁸⁵ *Daily Express*, 24.11.1903, p. 4.

⁴⁸⁶ BPP Cd.1950, No. 22, p. 34: Foreign Office to Colonial Office, 30.1.1904.

⁴⁸⁷ BPP Cd.2684-18, pp. 3-24: British Central African Protectorate: Report for the year 1904-1905, 2.7.1905.

⁴⁸⁸ BPP Cd.2684-45, pp. 3-25: British Central African Protectorate: Report for the year 1906-1907, 30.6.1907.

⁴⁸⁹ BPP Cd.2563, No. 29, Enclosure, p. 50: H.W.P. Steeds, Secretary, Witwatersrand Native Labour Association, 17.3.1905.

⁴⁹⁰ BPP Cd.2563, No. 5, p. 4: Mr Lyttelton to Lieutenant-Governor Sir Arthur Lawley, 15.4.1905.

⁴⁹¹ BPP Cd.2563, No. 29, p. 49: Governor the Earl of Selborne to Mr Lyttelton, 12.6.1905.

⁴⁹² *House of Commons Debates*, 11.3.1908, Vol. 185, cc1517-1519.

⁴⁹³ BPP Cd.2684-45, p. 26: British Central African Protectorate: Report for the year 1906-1907, 30.6.1907.

during this period were medically examined on two occasions. All the Africans were employed above ground and it was hoped that the mortality among them would be lower than in previous groups who had worked underground.⁴⁹⁴

In spite of the high death rate among Africans working in the Transvaal, a large number of men were constantly applying to government officials in the Central Angoniland and Marimba districts to be sent to Johannesburg. The popularity of the work in the Transvaal was probably due to the favourable reports of returning labourers. The high wage rates also attracted a large number of recruits.⁴⁹⁵

In 1907, it was reported that the WNLA had terminated recruiting operations in the Cape Colony due to the large number of labourers obtained from other sources. Recruitment in the Cape Colony would in future be managed by a Native Labour Bureau. The Cape government also established a recruitment agency and it was believed that this would increase the labourers supplied by the Cape Colony to the Transvaal mines.⁴⁹⁶

An agreement was reached between the Transvaal and the Cape Colony in 1907 for the supply of labourers from the Cape Colony. The Cape government would arrange to provide Africans wishing to travel to the Transvaal with provisions and transport to Johannesburg. The cost of provisions would be paid as an advance and would be refunded to the Cape government subject to the stipulations of the agreement. Africans who were interested in working in the Transvaal would be provided with a pass.⁴⁹⁷

Africans arriving at the Bureau Compound would be free to accept employment from any mine with vacant positions. They would be provided with an identification labour passport required by the regulations of the Transvaal Proclamation No. 37 of 1901. The passport fee would be advanced by the bureau and refunded by the employer. After an employment contract had been finalised, the Director of the Bureau would ensure that the employment conditions were acceptable to the labourer.⁴⁹⁸

The Director of the Bureau would supply labour reports to the magistrates of the Cape Colony including information on wage rates, terms of employment and general employment conditions. The Cape Native Affairs Department would provide the bureau with the

⁴⁹⁴ BPP Cd.3729-I, pp. 23-24: British Central African Protectorate: Report for the year 1906-1907, 20.6.1907.

⁴⁹⁵ BPP Cd.2684-45, p. 27: British Central African Protectorate: Report for the year 1906-1907, 30.6.1907.

⁴⁹⁶ *The Manchester Guardian*, 15.6.1907, p. 9

⁴⁹⁷ BPP Cd.4357, No. 1, Inclosure, p. 4: Memorandum of Native Labour Scheme agreed to between the Director of the Transvaal Government Native Labour Bureau and the Cape Government Native Affairs Department, August 1907.

⁴⁹⁸ BPP Cd.4357, No. 1, Inclosure, p. 5: Memorandum of Native Labour Scheme agreed to between the Director of the Transvaal Government Native Labour Bureau and the Cape Government Native Affairs Department, August 1907.

following: A list of licensed labour agents employed in the Cape Colony, a monthly return listing new licenses issued or amended, and a summarised monthly report on African labourers recruited. The arrangement was only applicable to Africans proceeding to the Transvaal in search of work on the mines.⁴⁹⁹

During the same year the Transvaal government also queried the British government regarding the recruitment of African labour from Madagascar. It was believed that if recruiting facilities were provided, a large number of Africans would take advantage of the high wages offered by the mines. The Transvaal government believed that the supply of unskilled labour from Madagascar would benefit both countries since it would promote trade, improve communications and have a positive impact on economic conditions in Madagascar. The agreement could be based on the existing agreement between the Transvaal and Cape Colony.⁵⁰⁰ The Transvaal government would not repatriate labourers from Madagascar⁵⁰¹ and in contrast to the Chinese labourers they would be able to stay in the Transvaal after the expiration of their employment contracts.⁵⁰²

In a speech on 11 February 1908 the Governor-General of Madagascar, Mr Victor Augagneur, denied that the Transvaal government was negotiating to secure 20 000 labourers from Madagascar. He was adamant that such an agreement would be impossible. Robert Crewe, the Secretary of State for the Colonies, believed that the Governor-General's views on the subject were shared by the French Colonial Office.⁵⁰³ The Transvaal government therefore advised the British government that no further steps should be taken.⁵⁰⁴

In Swaziland during the period 1907 to 1908, 22 licenses were issued to labour agents who recruited for mines in the Transvaal. They were, however, unsuccessful since the Swazis preferred to seek work without the aid of agents.⁵⁰⁵

At the annual meeting of the Association on 9 April 1908, the chairman of the WNLA reported on the labour supply in the Transvaal. He emphasised that the additional 25 000 African labourers who joined the labour force during 1907-1908 led to the substitution of Chinese labourers and allayed fears that Chinese repatriation would lead to a labour shortage. The growth of the African labour supply was partly attributed to the problems experienced in

⁴⁹⁹ BPP Cd.4357, No. 1, Inclosure, p. 6: Memorandum of Native Labour Scheme agreed to between the Director of the Transvaal Government Native Labour Bureau and the Cape Government Native Affairs Department, August 1907.

⁵⁰⁰ BPP Cd.4357, No. 1, Enclosure, pp. 3-4: Ministers to Governor, 27.12.1907.

⁵⁰¹ BPP Cd.4357, No. 3, p. 7: The Governor to the Secretary of State, 19.2.1908.

⁵⁰² BPP Cd.4357, No. 2, p. 7: The Secretary of State to the Governor, 9.2.1908.

⁵⁰³ BPP Cd.4357, No. 4, p. 8: The Secretary of State to the Governor, 16.4.1908.

⁵⁰⁴ BPP Cd.4357, No. 5, Enclosure, p. 8: Ministers to Governor, 15.5.1908.

⁵⁰⁵ BPP Cd.4448-5, pp. 21-28: Report of the Government Secretary for the financial year 1907-8, 1.4.1908.

the diamond industry. The De Beers, Premier and Jagersfontein mines had dismissed 20 000 labourers while public sector employers such as the Central South African Railways had dismissed another 17 500.⁵⁰⁶

Although the WNLA had a monopoly on recruiting in the Portuguese territory in East Africa, mines such as the Robinson Mine requested equal facilities for recruiting in the Portuguese territory. Negotiations were held between the British and the Portuguese governments to address the monopoly of the WNLA, as well as the granting of equal rights for recruiting to the Robinson Group.⁵⁰⁷ The British government was willing to assist all legitimate means of recruiting African labourers. This would be subject to the condition that the interests and good treatment of the Africans were secured.⁵⁰⁸ The Robinson group was thereafter allowed to recruit African labourers under the license granted to their agent. These Africans had to be recruited voluntarily and had to be treated humanely.⁵⁰⁹

In Britain, the African labour supply was in some cases equated with forced labour. Mr Edward Goulding, Member of Parliament for Worcester, in the House of Commons in 1908 for instance enquired whether Africans from Mozambique were allowed to leave the compounds if they were not employed. Mr Winston Churchill replied in the affirmative and stated that they had the same freedoms as other Africans. Since compulsory repatriation was also equated with forced labour systems, Mr Stanley Wilson, Member of Parliament for Holderness, also asked whether the Africans would be compulsorily repatriated at the expiry of their service contracts. Churchill answered that the Transvaal population had no objection to these labourers and that they were therefore not repatriated. The Portuguese government was, however, quite anxious for their return after their indenture since their wives and family were still in the Portuguese territory.⁵¹⁰

Queries by members of parliament in the House of Commons led to Lord Elgin on 18 April 1907 requesting information regarding the use of compulsory labour in each of the South African colonies. Information had to be provided regarding the number of Africans employed in compulsory labour, their employment conditions and the regulations regarding

⁵⁰⁶ *The Manchester Guardian*, 10.4.1908, p. 7.

⁵⁰⁷ *House of Commons Debates*, 14.2.1907, Vol. 169, cc304-305.

⁵⁰⁸ *House of Commons Debates*, 12.7.1906, Vol. 160, c1051.

⁵⁰⁹ *House of Commons Debates*, 14.2.1907, Vol. 169, cc304-305.

⁵¹⁰ *House of Commons Debates*, 12.3.1908, Vol. 185, cc1739-1740.

punishment.⁵¹¹ The Orange River Colony responded with a despatch indicating that no compulsory labour systems existed in the colony.⁵¹²

As the third session of the Basutoland National Council opened on 27 January 1908, it was debated whether an agent should be appointed to protect the interests of the Basuto labourers in Johannesburg. The Resident Commissioner pointed out that the Transvaal government had appointed the Native Labour Bureau to protect the interests of African labourers and for remitting their wages home.⁵¹³ During the council meeting it was stated that the men travelling to the mines preferred to not have matters arranged by their chiefs since they then had to work for longer periods of time. Labourers returning from the mines reported that they were told by the white workers on the mines that they were sold by their chiefs as labourers.⁵¹⁴

In 1909 it was reported that the death rate of British Central African labourers had decreased from 166 to 52 per thousand. The Secretary of State for the Colonies however decided to discontinue the further recruitment of labourers in the protectorate. However, the lack of official sanction did not discourage labourers from travelling to the Transvaal to earn the high wages offered.⁵¹⁵ During 1909 and 1910, 9 580 travelling passes were issued in Swaziland of which 5 517 were for Africans seeking employment, mainly on the gold mines in Johannesburg.⁵¹⁶

7. Evaluation

One of the main factors that influenced a stable labour supply in the colonies and states of South Africa was the lack of a uniform policy with regard to African administration. The British government identified this as an important reason for encouraging confederation in South Africa. It was believed that confederation would help to improve the treatment of Africans and ensure that all Africans were governed by the same laws. Confederation efforts were generally unsuccessful but commissions such as the South African Customs Commission and the South African Native Affairs Commission, helped to establish guidelines for a more uniform system of African administration through discussions and

⁵¹¹ VAB, AMPT PUBS 61, 20: Compulsory native labour, 1909.

⁵¹² VAB, AMPT PUBS 61, 20: Governor Transvaal to the Earl of Elgin, 06.1907; VAB, AMPT PUBS 61, 20: Governor Transvaal to the Earl of Elgin, June 1907.

⁵¹³ BPP Cd.4196, No. 1, Enclosure 1, pp. 3-6: Resident Commissioner, Basutoland, to the High Commissioner, 2.3.1908.

⁵¹⁴ BPP Cd.4196, No. 1, Enclosure 1, pp. 10-20: Report of the Third Meeting of the Basutoland National Council assembled at Maseru on 27th January 1908.

⁵¹⁵ *House of Commons Debates*, 15.9.1909, Vol. 10, cc2128-2129.

⁵¹⁶ BPP C.4964-35, p. 10: Report of the Government Secretary for the financial year 1909-10, 1.8.1910.

investigations. This was eventually adopted after the unification of South Africa. Labour supply was an important issue discussed by the commissions and it was generally believed that a unified system of administration would also secure a more stable and larger labour supply for employers in South Africa.

In the Cape Colony, different laws regarding vagrancy, passes and land tenure were adopted by the government. In many instances, these laws were perceived as the means through which the government increased labour supply in the colony. The enactment of the Glen Grey Act was successful in enhancing African administration through the institution of village and district councils and was also promulgated in other districts to encourage administration and individual land tenure. The labour tax, specifically aimed at encouraging Africans to join the labour force was, however, not very popular and never implemented in other districts. The inclusion of a labour tax component in the law focused attention on taxation as a strategy to secure additional labourers. The development of the agricultural sector in the Cape was always hampered by a scarcity of labour. The abolition of slavery meant that farmers were forced to explore other labour sources and the Transkei was an important source of labour. The frontier wars and the continuous erosion of the economic independence of Africans through warfare, displacement, cattle losses, drought and other factors led to more Africans joining the Cape labour market.

The discovery of diamonds in Griqualand West and the economic boom experienced in the Cape Colony during the latter parts of the 1870s and the early 1880s encouraged numerous public works projects such as railways and harbour works. The high wages offered in the public works sector meant that many African labourers from the Transkei preferred employment on railways or harbour works, leading to renewed labour scarcity in the agricultural sector. African labourers preferred the public works due to the high wages and shorter working hours. They could also work in gangs under a headman of their choice that protected them from mistreatment, a strategy not possible in general farm work. To alleviate labour scarcity, the agricultural sector also used alternative sources of African labour that included the importation of labour from areas such as Damaraland. The public works sector also supplemented their labour supply by importing African labour from Damaraland, but German opposition meant that this strategy was abandoned during the 1890s. Large numbers of African labourers from the Portuguese East Coast were also imported and used alongside labour from the Transkei in railway and harbour projects.

The discovery of diamonds in Griqualand West led to a huge influx of labourers to the region from all over South Africa. Increased competition on the diamond fields along with changes in production methods to allow for deeper excavations meant that there was an increased demand for African labour. Labourers demanded high wages in response and would move from one employer to another to secure even higher wages. The introduction of a pass system that would allow for the registration of labourers was an attempt to counter the free movement of labour. The negotiating power was, however, in the hands of labour since an attempt in 1876 to lower wages only meant that labourers left their positions and created an even larger demand for labour and higher wages. The Griqualand West authorities required a stable labour supply and the Labour Commission in 1876 investigated strategies to secure this. The commission recommended the establishment of depots and government agencies to assist labourers and also enforce registration. It was believed that depots would help in securing a safe passage to the diamond fields, contributing to a stable labour supply. One of the problems identified was the fact that labourers only worked for short periods of time. It was believed that longer employment contracts would contribute to the stability of the labour supply but there was no way to compel workers to stay for longer periods.

The labour supply to Griqualand West also faced other disruptions because the pass regulations of the African republics had a negative impact on labourers journeying through these areas. Warfare also disrupted the labour supply and the war between the Transvaal and Sekhukhune for instance halted the migration of labour from the Pedi to the diamond fields. Recruitment efforts were instituted in response, and Alexander Bailie in 1876 visited tribes to the west of the Transvaal to secure labourers for the diamond fields. During the early 1880s, an economic boom led to the formation of mining companies which focused on the excavation of deep-level mines. This led to a demand for more labourers and the introduction of a compound system to ensure more control over African labour. The compound system was seen as advantageous since it not only allowed employers to bind labour to longer employment contracts but also prevented alcohol abuse and diamond theft. Complaints by merchants and other groups as well as criticism in Britain equating the system with slavery had no effect, and the compound system became a standard feature of mining in South Africa.

Griqualand West was dependent on migrant labour and labour journeyed to the mines from all over South Africa. The Pedi was one of the earliest sources of labour since they had a long history of labour migration, commencing in the 1840s when they were already

migrating to the Cape Colony searching for employment to pay for firearms and ammunition. The other main source of labour included Shangaans from Mozambique. Labour returns, however, indicated the variety of African labour sources. Many labourers journeyed from Bechuanaland and Basutoland while others also travelled from the Transkei to work on the diamond fields.

African administration in Natal was influenced by both the Location Commission and the Land Commission that focused on the settlement of Africans in locations. Although the colonial authorities believed that the location system would supplement the labour supply in Natal, white settlers criticised the system since it was believed that the locations were too large. Africans were therefore allowed to maintain their independence from the labour market by cultivating crops and owning cattle. The Native Affairs Commission in 1852 investigated the reasons for labour scarcity in Natal and found that the lack of labour was due to the size of locations. The commission recommended the break-up of locations to force Africans to join the labour market. Due to the labour scarcity in Natal, farmers depended on various strategies to secure labour, including labour tenancy, labour rent and the use of small numbers of migrant labourers. Labour supply was directly linked to the reserves and it was evident that overcrowding of the reserves increased the available African labour in Natal. The discovery of diamonds in Griqualand West led to increased competition for the available labour in Natal and many labourers preferred to travel to the diamond fields to secure the higher wages on offer. To alleviate the labour scarcity legislation was adopted to facilitate the importation of African labour from outside Natal.

The public sector also struggled to secure adequate labour for railway and harbour projects and used *isibahlo* labour to supplement its labour supply. African chiefs were compelled to provide a certain number of labourers for a period of six months to work on the public works. Although the labourers were paid, the system still resembled forced labour since labourers did not join the labour market voluntarily.

Both the agricultural and public sectors were dependent on African labour from different sources. Amatonga labourers migrated to Natal after the 1850s and Law 13 of 1859 enacted legislation to control the migration of these labourers to the colony. Amatonga labourers, however, objected to some of the stipulations which included a minimum service contract of three years and the fact that they were unable to select their own employers. The migration of Amatonga labourers was facilitated during the coronation of Cetshwayo as Zulu king by Theophilus Shepstone in 1873. Shepstone reached an agreement with Cetshwayo that

allowed for the safe passage of Amatonga labourers through Zululand to Natal. John Dunn was appointed as labour agent to facilitate the process and Cetshwayo, in his capacity as Zulu king, receiving capitation fees for each labourer who formed part of the recruitment process. The supply of Amatonga labourers was, however, disrupted by the Anglo-Zulu War of 1879 and the Basuto War of 1880-1881 (Gun War) and this led to Amatonga labour replacing Basuto labour on the diamond fields.

After the Anglo-Zulu War, Zulu labour also supplemented the labour supply in Natal. An agreement was reached with the Zulu chiefs that allowed for the payment of a capitation fee to each chief for labourers sent to Natal. The annexation of Zululand in 1887 also led to an expanded labour supply from Zululand, and employers increasingly applied for labourers from this area. Another source of labour was Delagoa Bay, and the Labour League imported labour from this area after 1872. The Portuguese government instituted regulations to not only protect these labourers but to also facilitate the labour recruitment process. Labour agreements with the Gaza king as well as with St Helena authorities further supplemented the labour supply in Natal, although it only led to the migration of a small number of labourers for limited periods of time.

In the Transvaal, laws dealing with locations, passes and taxation were used to ensure effective African administration. Some of the laws also indirectly facilitated labour supply and the Squatters Law of 1885, for instance, supported the distribution of labour between employers by limiting the number of families living on farms to only five. The Industrial Commission of 1893 emphasised the importance of labour by focusing on issues such as the labour scarcity in the Transvaal.

In 1897 the next Industrial Commission investigated the grievances of the mines, especially with regards to the high cost of labour. The commission recommended the importation of labour from outside the Transvaal, especially from the Portuguese East Coast and also facilitated the further co-opting of African chiefs by recommending that premiums be paid to them for motivating African tribe members to join the labour force. Native commissioners played an important role in the labour market by motivating Africans to provide labour on both the farms and the mines. The British government, although in opposition to forced labour supply from African tribes, was willing to condone legal inducements such as moderate taxation and recruitment fees.

The agricultural sector in the Transvaal used different strategies to solve labour scarcity. These strategies included labour tenancy and labour rent. The Transvaal Labour Commission in 1904 emphasised the labour scarcity in agriculture, and also the fact that the high wages paid on the mines further decreased the labour supply available to farmers. Due to the scarcity of labour the mining sector was forced to pay high wages for African labour, and any attempt by the mining industry to decrease wages before the Anglo-Boer War failed because employment contracts could not be enforced. The mining industry lobbied for additional measures to compel labourers to join the labour force but these measures were condemned by civil society in Britain and the Transvaal government. In an attempt to decrease recruiting costs and competition among employers, the mining industry, formed the Rand Native Labour Association which was replaced by the Witwatersrand Native Labour Association (WNLA) in 1900. Labour recruitment within the Transvaal was further promoted by a commission in 1896 which encouraged the co-opting of African chiefs by linking rewards for the chief to the number of African labourers supplied by a tribe. The treatment of Africans in the Transvaal before the Anglo-Boer War was severely criticised by the British and Foreign Anti-Slavery Society, and the society believed that the British government would have the opportunity after the war to improve not only the treatment of the Africans but also the conditions under which they laboured. Improved labour conditions were facilitated by upgrading the compounds for Africans as well as sanitation along with more frequent inspections. New legislation such as Proclamation No. 38 of 1901 controlled compound overseers and labour agents and would check any abuses by these officials.

The Transvaal Labour Commission in 1904 concluded that the continued labour shortage in the Transvaal negatively impacted on the development of the mining industry. The commission investigated different areas as possible sources for labour supply but within South Africa it was found that the Cape Colony, Natal and the Orange River Colony did not have any excess labour to supply the mines. Basuto as well as Bechuana labourers preferred to work in Kimberley, but it was believed that the Transkei had an excess of labour that could be supplied to the mines. Labour migration from Central and North Africa was condemned by some witnesses since it was believed that labour from these areas would have a negative influence on local labour in the mines. Most of these areas, such as Nigeria, British East Africa, Egypt and the West Coast of Africa, had no excess labour to spare. The climate in Johannesburg was also perceived as unsuitable to labourers from Central Africa, and labour

importation from areas such as British East Africa would be reconsidered after an experimental importation of 1 000 labourers from Central Africa was concluded.

Labour migration was the most important way of supplying the mines with sufficient labour. The largest number of labourers was imported from Mozambique and various agreements secured this labour source. The Transkei also supplied labourers to the mines and labourers from the Cape Colony were encouraged to journey to the mines by for instance reaching an official agreement with the Cape government in 1907 which regulated the recruitment process. The supply of labour from the Central African Protectorate was not seen as a complete success due to the high mortality of the labourers. This discouraged the official recruitment of large numbers from this area as well as other tropical regions in Africa. The Transvaal mines competed with the diamond mines as well as public works and other private employers in the colonies for the supply of labourers from Swaziland, Basutoland and Bechuanaland, and therefore continued to be dependent on the labour supply from Mozambique. Many other alternatives were investigated, such as importation from Somaliland, Uganda and Nigeria, but all these schemes were discarded. Although unofficial proposals were also made regarding Japanese and West Indian labour, no further steps were taken due to requirements concerning treatment or permanence of employment.

CHAPTER 7

THE DEVELOPMENT OF TRADE UNIONISM IN SOUTH AFRICA

1. Introduction

This chapter outlines the development of trade unionism in South Africa from the discovery of diamonds in 1867 to the 1907 strike in the Transvaal. Definitions of trade unions and employers' organisations are given before the rights of trade unions and employer organisations in the modern era are outlined to serve as a basis for understanding the position of trade unions during this period. The section on the development of trade unionism in Britain is included to serve as a comparative base to the development of trade unionism in South Africa. The origin of trade unions in South Africa is discussed by focusing on the different unions established in industries such as mining, building, printing and the public sector from the 1880s onwards. The description of strike actions in the years 1867 to 1907 highlights the interaction between employees, employers and the state, and focuses on the issues causing strikes, such as poor employment conditions, wage disputes and job security.

2. Definitions

The main parties in the labour relationship are employees and employers. Trade unions play an important role in the labour environment since they represent employees engaged by an organisation.¹ A trade union is defined by Sydney and Beatrice Webb as “a continuous association of wage-earners for the purpose of maintaining or improving the conditions of their working lives”.² A more contemporary definition found in the South African Labour Relations Act (LRA) No. 66 of 1995 defines a trade union as “an association of employees whose principal purpose is to regulate relations between employees and employers, including any employers' organisations”.³ Another definition by Salamon defines a trade union as “any organisation, whose membership consists of employees, which seeks to organise their interests both in the workplace and society, and in particular seeks to regulate the employment relationship through the direct process of collective bargaining with

¹ Tustin, C. and Geldenhuys, D., *Labour relations: The psychology of conflict and negotiation*, p. 71.

² Webb, S. and Webb, B., *The history of trade unionism, 1666-1920*, p. 2.

³ Labour Relations Act No. 66 of 1995, p. 121.

management'.⁴ Collective bargaining is therefore an important part of trade union operations.⁵ In Docherty and Van der Velden collective bargaining is defined as “the decision-making process whereby employers and unions negotiate the wages and conditions of employment”.⁶ Tustin and Geldenhuys identified several reasons for the formation of trade unions, including low wages, poor working conditions, economic depression, the class system as well as substandard living conditions.⁷

A distinction is made between different types of trade unions based on membership and other criteria. A craft union is defined as “the oldest type of trade union, for skilled workers in a particular craft or trade. If the workers of the same craft or category of the job form into a union, that union is called a craft union.”⁸ Craft unions were in some instances also known as occupational trade unions. Tustin and Geldenhuys defined occupational trade unions as unions that “organise and incorporate all the employees who possess a particular skill or are engaged in a particular occupation or job”. Occupational or craft unions therefore consisted of skilled workers such as engineers, carpenters and other artisans. Industrial trade unions in contrast focus on employees within a specific industry, and include all occupations and positions ranging from unskilled to highly skilled workers. General trade unions are open to all employees and are not organised according to occupation or industry.⁹

An employers' organisation acts as the official representative of a group of employers and therefore also plays an important role in the labour relations system. The definition of an employers' organisation in the LRA includes “any number of employers associated together for the purpose, whether by itself or with other purposes, of regulating relations between employers and employees or trade unions”.¹⁰

3. The rights of trade unions and employer organisations

In contemporary labour law, basic civil and political rights such as freedom of association and the right not to be discriminated against, play an important role especially with regards to trade unions and employers' organisations. Protection for freedom of association is found in the United Nations (UN) Universal Declaration of Human Rights.¹¹ In the UN declaration,

⁴ Salamon, M., *Industrial relations: Theory and practice*, p. 2.

⁵ Tustin and Geldenhuys, pp. 91-92.

⁶ Docherty, J.C. and Van der Velden, S., *Historical dictionary of organised labor*, p. 68.

⁷ Tustin and Geldenhuys, p. 92.

⁸ Nandhkumar, B., *Dictionary of HRM*, p. 63.

⁹ Tustin and Geldenhuys, p. 93.

¹⁰ Labour Relations Act No. 66 of 1995, p. 119.

¹¹ Davies, A.C.L., *Perspectives on labour law*, p. 40.

article 20(1) determines that every person has the right to association while article 20(2) deals with the fact that a person may not be forced to join an association. Article 23(4) further expands on the right to freedom of association by stating that every person has the right to protect their interests by forming and joining a trade union. In Article 23(1) the UN declaration also addresses social and economic rights by determining that every person has the basic right to work. In conjunction with this stipulation, he or she should be able to freely decide on employment and in return should have acceptable conditions of employment.¹²

In 1948 the International Labour Organisation (ILO) adopted CO87, a convention which specifically addresses the rights of employees and employers in relation to trade unions and employers' organisations. The right of employees and employers to freely form and join organisations to protect their interests were entrenched in the convention.¹³ The ILO also adopted the "right to organise and collective bargaining convention" (CO98) in 1949. This convention addresses discrimination in the workplace and determines that an employee may not be discriminated against because of his membership of a trade union. The employer is also not allowed to offer employment to an employee on condition that he or she joins a union or that he or she would cancel their union membership.¹⁴

In contemporary South Africa both the Constitution and the Labour Relations Act (LRA) protect the rights to association and non-discrimination. The Constitution of the Republic of South Africa No. 108 of 1996 has a number of stipulations which are applicable to the employee-employer relationship and labour legislation. These include protecting employees against forced labour practices, discrimination, the right to work and ensuring that child labour is not abused by employers.¹⁵ Section 23 of the Constitution deals specifically with labour relations and outlines the rights of employees and employers. Section 23(1) provides for the fact that every person has the right to fair labour practices, and according to section 23(2) all employees have the right to join trade unions and to strike. Regarding the rights of employers, Section 23(3) awards the right to employers to join and establish employers' organisations.¹⁶

¹² "The Universal Declaration of Human Rights", <<http://www.un.org/en/documents/udhr>>, accessed 29.9.2013.

¹³ International Labour Organization, *CO87 – Freedom of association and protection of the right to organise convention, 1948*, <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:CO87>, accessed 29.9.2013.

¹⁴ International Labour Organisation, *CO98 – Right to organise and collective bargaining convention, 1949*, <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:CO98>, accessed 29.9.2013.

¹⁵ Grogan, J., *Workplace law*, p. 13.

¹⁶ Republic of South Africa, "Constitution of the Republic of South Africa, No. 108 of 1996", <www.gov.za/documents/constitution/1996/a108-96.pdf>, accessed 12.9.2013.

The South African Labour Relations Act (LRA) of 1995 guarantees an employee's freedom of association through the right to both establish and join a trade union. An employer can therefore not prevent an employee from joining such an organisation or if he or she is already a member, force them to retract their membership. The same freedom of association is also extended to employers since they may take part in the establishment of an employer's organisation or join such an organisation.¹⁷ The formation of a bargaining council is also covered in the LRA since trade unions and employers' organisations are allowed to establish a bargaining council which is empowered to agree to and enforce collective agreements. Bargaining councils are also instituted to settle labour disputes.¹⁸

The right to establish and join trade unions and employer organisations in South Africa as outlined in the UN's Declaration of Universal Rights and the ILO conventions and entrenched in South Africa's Constitution and LRA, was the outcome of the interaction between the state, labour and capital before 1994. The British struggle for labour freedom during the nineteenth century influenced the labour environment in South Africa and provided a reference point for the establishment of unions in South Africa and the adoption of strike actions before 1910. Trade unions and strikes functioned within a labour environment in which the rights of employees and union members were not protected by legislation.

4. Definitions of strikes and boycotts

The LRA of 1995 defines a strike as "the partial or complete concerted refusal to work, or the retardation or obstruction of work, by persons who are or have been employed by the same employer or by different employers, for the purpose of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between employer and employee".¹⁹ Docherty and Van der Velden offer another definition, which defines a strike as "a labour dispute initiated by a group of workers, a labour union, or a group of unions".²⁰

Arkin identified a number of aspects that strikes historically focused on. These included strike objectives such as the improvement of wages rates, the reduction in working hours and achieving the acceptance of trade unions by capital and political role-players. According to Arkin, strikes could also be categorised depending on the location or the scale

¹⁷ Labour Relations Act No. 66, 1995, pp. 12-14.

¹⁸ *Ibid.*, pp. 30-31.

¹⁹ *Ibid.*, pp. 121-122.

²⁰ Docherty and Van der Velden, p. 250.

of the strike. The strike could occur in a single locality, for instance in only one factory, or could be on a national scale which would affect all factories within a specific industry. Strikes could also be organised on ethnic grounds, for instance only African workers participated, or could alternatively include workers from all ethnic groups. The strike could also be a full strike, where no work was done, or partial, where employees would be willing to work during normal working hours but refused to work overtime. Boycotts could also be used in conjunction with strikes. This mechanism could be employed if no progress was made with the strike action or if an employer had engaged other employees to do the work of the strikers. Before the discovery of diamonds, strikes and boycotts were relatively unknown in South Africa. The agricultural sector, forming the main component of the economic environment at this time, did not encourage worker organisation. The small manufacturing industry also discouraged the formation of trade unions.²¹

5. British trade unionism

In Britain trade unions were established towards the latter part of the eighteenth century and during the nineteenth century to protect employees' interests within the employment relationship.²² Early unions mostly consisted of craftsmen and other skilled workers.²³ The increase in trade unionism at the end of the eighteenth century led to the enactment of the Combination Acts in 1799 and 1800 to prevent the combination of workers, as this was seen as hampering trade and work discipline.²⁴ Combination was defined as "trade associations of journeymen artisans", and during the nineteenth century the word combination was replaced by union.²⁵ The Combination Act of 1799 provided for the sentencing of workers to two months hard labour if they collaborated to protest working conditions or lobbied for wage increases. They would also be convicted if they encouraged other workers to desert employers, attended trade union meetings or assisted convicted people.²⁶ The Combination Act of 1800 allowed for the efficient conviction of accused people, and instead of a jury trial a person could be found guilty by two justices of the peace for participating in strike

²¹ Arkin, M., "Strikes, boycotts – and the history of their impact on South Africa" in *South African Journal of Economics*, Vol. 28, No. 4, 2007, pp. 307-309.

²² Barrow, C., *Industrial relations law*, p. 123.

²³ Mustad, J.E., Rahbek, J., Sevaldsen, J. and Vadmand, O., *Modern Britain*, p. 48.

²⁴ Webb and Webb, pp. 69-70.

²⁵ Stearns, P.N., *Encyclopaedia of social history*, pp. 202-203.

²⁶ Cook, C., *The Routledge companion to Britain in the nineteenth century, 1815-1914*, pp. 148-149.

actions.²⁷ The act did, however, allow for arbitration and prevented employers from combining to decrease wages or increase working hours.²⁸

The Combination Acts were repealed in 1824 and trade union combination to affect working conditions could no longer be punished by criminal sanctions for conspiracy. Violent actions affecting property or persons or intimidation was, however, still punishable by imprisonment. In 1825 legislation was enacted which once again had a negative impact on strike action. The Combination Act of 1825 eroded the stipulations of the 1824 act by only exempting people involved in combination if they participated in actions with regard to wages or working hours. The legislation allowed collective bargaining in the above two instances and did not give unions the right to strike (although strikes were not illegal). All other combinations continued to be illegal, and a number of new offences were introduced such as violence, threats, intimidation and obstruction which could lead to imprisonment.²⁹ Trade unions continued to exist. By 1861 a directory indicated that there were 290 trade unions in London, mostly in industries such as construction or manufacturing.³⁰

In Britain the first national meeting of trade unions took place in 1863. It focused on repealing some aspects of the penal sanctions in the masters and servants legislation. Trade unions also targeted political rights and in 1867 lobbied for the reform of the franchise system.³¹ During this period, arbitration and conciliation were promoted as the primary ways to settle industrial disputes as opposed to strike actions or collective bargaining. In 1867 the Councils of Conciliation Act was passed, which allowed the establishment of conciliation committees and for the election of a council to facilitate arbitration. The council would be composed of both employers and employees in a particular trade. The act was never used, since it required the participation of both employers and employees in forming a council and also because it was not empowered to reach wage agreements.³² Unions increasingly involved themselves not only in labour issues through strikes but also became politically active and campaigned for changes to legislation restricting strike actions.³³

In 1868 the growth of the national trade union movement continued, and the first Trade Union Congress (TUC) held a conference in Manchester. A large number of trade

²⁷ Stearns, P.N., *Encyclopaedia of social history*, pp. 202-203.

²⁸ Cook, p. 149.

²⁹ *Ibid.*, pp. 149-150.

³⁰ Docherty and Van der Velden, pp. 5-6.

³¹ Van der Linden, M. and Rojahn, J., *The formation of labour movements, 1870-1914*, p. 4.

³² Kidner, R., "Lessons in trade union law reform: The origins and passage of the Trade Disputes Act 1906" in *Legal Studies*, Vol. 2, No. 1, 1982, p. 39.

³³ Burns, W.E., *Brief history: Brief history of Great Britain*, p. 167.

unions and trade councils were already in existence in Britain during the early 1870s. Most of these were linked to local communities, but unions such as the Amalgamated Society of Engineers (ASE) had a large national membership and central administration structures. It was estimated that the ASE had 34 700 members in 1870. Unions were, however, primarily based on the craft union model and membership was restricted to skilled workers. In many instances these unions were only focused on a specific occupation or craft.³⁴

In 1871 the Trade Union Act as well as the Criminal Law Amendment Act was passed. The Criminal Law Amendment Act discouraged strike action since individual members continued to be subject to criminal sanctions under the masters and servants law.³⁵ In 1871 a Parliamentary Committee was formed to monitor the implementation of labour legislation in Britain. Collective bargaining emerged as an important mechanism in regulating the relationship between employees and employers.³⁶ The benefits of collective bargaining were not always evident since it hinged on two important factors: whether the employer agreed to the process and if the union had enough authority to force the employer to conduct negotiations.³⁷ Social and economic conditions of workers continued to improve through the enactment of public health legislation and the institution of bank holidays in 1871.³⁸

The breach of contract clause in masters and servants legislation discouraged unions from using strike actions in labour disputes, and unions therefore lobbied for the termination of criminal sanctions as outlined in the masters and servants acts. In 1875 the Employers and Workmen Act repealed the criminal nature of breach of contract offences and changed it to a civil offence.³⁹ The Conspiracy and Protection of Property Act of 1875 also impacted on labour relations and stipulated that trade union actions were no longer deemed a conspiracy.⁴⁰ The act also extended the right of picketing and boycotting to unions.⁴¹ Franchise reform meant that the structure of the political system changed, and the first working-class members were elected to Parliament in 1874.⁴²

Different factors impacted on the development of the trade union movement. From 1871 to 1911 the number of people working in the agricultural sector declined, while

³⁴ Van der Linden and Rojahn, pp. 1-4.

³⁵ Naidu, S. and Yuchtman, N., "How green was my valley? Coercive contract enforcement in 19th century industrial Britain" in *Harvard Economic History Workshop*, 2010, p. 11.

³⁶ Van der Linden and Rojahn, p. 4.

³⁷ Barrow, p. 123.

³⁸ Tames, R., *Economy and society in 19th century Britain*, p. 98.

³⁹ Naidu and Yuchtman, pp. 11-12.

⁴⁰ Van der Linden and Rojahn, p. 7.

⁴¹ Arkin, pp. 306-307.

⁴² Van der Linden and Rojahn, p. 4.

urbanisation increased. Working and living conditions also improved as can be seen by the decrease in both working hours and in food prices. Changes in managerial systems, however, led to more control over employees and their work, resulting in heightened conflict in the workplace. The introduction of new technology led to changes in the division of labour and an increased focus on productivity. Major strikes such as the cotton textile strike of 1893 were due to attempts to intensify productivity. Increased mechanisation in British factories meant that strikes and mass boycotts became more important regarding the protection of employee rights. There was also an increased specialisation of work which led to employees acquiring scarce skills which increased their power within the workplace, contributing to an increase in strike action. During the 1890s attempts were made to organise both skilled and unskilled employees in a single union. Craft unions such as the Amalgamated Society of Engineers changed their membership criteria to increase their number of members.⁴³

From the mid-1880s onwards a number of working men had won seats in Parliament. In 1899 a conference of trade unions and socialist organisations committed themselves to the establishment of a labour party.⁴⁴ It was evident that during the late 1890s trade unions embraced political activity to an increasing extent as another way to protect and improve the employment conditions of union members, especially with regards to health and safety and minimum employment standards. Trade unions were still hampered by anti-trade union legislation, and it was hoped that increased political influence would facilitate the repeal of such legislation.⁴⁵

The election of the Liberal government in 1906 led to changes in trade union law. The Trade Disputes Act of 1906 was enacted which granted legal immunity to unions and allowed non-violent picketing. Trade unions would no longer be held responsible for collective damages due to a labour dispute. The growth of trade unions was not only facilitated by an increase in membership but was also due to efforts by both employers and the government to encourage collective organisation.⁴⁶

In South Africa the same issues as in Britain impacted on the local trade union movement. Trade unions in South Africa also focused on actions to improve working conditions, reduce working hours and to ensure trade union recognition. Health and safety

⁴³ *Ibid.*, pp. 11-15.

⁴⁴ *Ibid.*, p. 6.

⁴⁵ Barrow, p. 123.

⁴⁶ Van der Linden and Rojahn, pp. 6-7.

concerns also influenced trade union actions. A unique local issue was the fact that in many instances trade unions fought to protect positions based on race.⁴⁷

6. South African legislation impacting on trade unions

Smith highlighted the fact that the only legislation which regulated the organisation of labour and strike actions in the Cape Colony, Natal and Transvaal during the nineteenth century was the masters and servants acts.⁴⁸ When the masters and servants acts were initially enacted, strike actions were not common and the laws' main purpose was to prevent the desertion of employees. The increase in strike actions and the application of the masters and servants legislation meant that criminal sanctions were imposed on employees for breach of contract during strikes. The Transvaal government restricted association of workers through the enactment of Law No. 6 of 1894 to prevent public meetings. This inhibited labourers' ability to meet to discuss their grievances and also jeopardised their freedom of speech.⁴⁹

The Railway Regulation Act in 1908 disallowed strikes and instituted compulsory arbitration. Labour and capital were unwilling to adhere to these provisions and therefore changes had to be made to the legislative structure controlling strikes.⁵⁰ The Transvaal Industrial Disputes Prevention Act was therefore passed in 1909 to regulate disputes between employers and employees.⁵¹ The Industrial Disputes Prevention Act formed the basis of subsequent legislation enacted in 1914 and 1919. The act defined an employee as "any white person engaged in the industries" which were administered by the act. It therefore excluded African employees from industrial dispute resolution and trade union organisation. The 1909 act was unable to avert the strikes in 1913 and 1914.⁵²

7. Trade unions in South Africa

According to Visser, the discovery of diamonds, precious metals and valuable minerals in South Africa meant that the main focus of the economy changed from agriculture to mining. The development of the mining industry impacted on the industrialisation of the country, led

⁴⁷ Beinart, W., *Twentieth-century South Africa*, pp. 82-83.

⁴⁸ Smith, H.H., *The development of labour organisation in East London: 1900-1948* (M.Econ), p. 32.

⁴⁹ Kahn, E., "The right to strike in South Africa: An historical analysis" in *South African Journal of Economics*, Vol. 11, 1943, pp. 26-27.

⁵⁰ Chanock, M., *The making of South African legal culture 1902-1936: Fear, favour and prejudice*, p. 438.

⁵¹ Smith, p. 34.

⁵² Chanock, pp. 437-438.

to the growth of the manufacturing sector and required a highly skilled workforce.⁵³ Skilled artisans were in short supply and facilities for apprenticeship training were limited. Skilled employees were mostly obtained from Britain and Australia, and to attract these people high wages were offered along with a socially and economically advantaged position in South African society.⁵⁴

British emigrants who joined the skilled workforce in South Africa during the late nineteenth century and in the period after the Anglo-Boer War were mostly members of British craft unions such as the Amalgamated Society of Carpenters and Joiners, the London Society of Compositors and the Amalgamated Society of Engineers.⁵⁵ The Amalgamated Society of Woodworkers was another British craft union represented by a branch in South Africa.⁵⁶ South African trade unions were therefore established based on emigrants' knowledge of British craft unions. Membership was limited to skilled workers, and these unions were either branches of existing British unions or independent unions based on British union structures.⁵⁷ Arkin traces the origins of trade unions in South Africa to the 1880s, and highlights the fact that the first trade unions were based on the craft union model.⁵⁸

British immigrants arriving in South Africa during the 1870s and 1880s were familiar with the trade union model that Harris called 'old unionism'. This type of trade unionism was based on union structures established in the craft and artisanal fields. Trade union members received high wages, and unions consisted of skilled artisans working in specific trades. These unions functioned within the constraints of existing legislation, and strike action was not generally used since in Britain it had led to the adoption of restrictive legislation controlling British unions.⁵⁹ Initially, craft unions were mostly found in the Cape Colony and in Natal. These craft unions focused on coordinating employees in industries such as printing, engineering, carpentry and building. The development of mining in the Transvaal contributed to the growth of craft unions in the mining industry.⁶⁰

By the 1890s a number of trade unions had been established in South Africa. In some instances unions were branches of British unions such as the Amalgamated Society of

⁵³ Visser, W., "Exporting trade unionism and labour politics: the British influence on the early South African labour movement" in *British World Conference, UCT, Cape Town*, 9-11 January 2002, p. 1.

⁵⁴ Ncube, D., *The influence of apartheid and capitalism in the development of black trade unions in South Africa*, p. 22.

⁵⁵ Smith, p. 21.

⁵⁶ Ncube, p. 22.

⁵⁷ Smith, p. 21.

⁵⁸ Arkin, p. 310.

⁵⁹ Harris, K., "The 1907 strike: A watershed in South African white miner trade unionism" in *African Historical Review*, Vol. 23, No. 1, 1991, p. 34.

⁶⁰ Ncube, p. 23.

Engineers, but a number of local unions were established as well. Some of these local unions were, however, also based on British models, especially with regard to administration and labour strategies adhered to. Craft unions were often criticised for not challenging employers since it protected the interests of white employees who worked under favourable conditions of service and earned high wages. At the beginning of the twentieth century the socialist movement within trade unions in Britain became stronger. A similar trend was not seen in South Africa due to the predominance of white craft unions. Harris highlighted the fact that members of these unions protected their positions and did not adhere to socialist principles of equality within the workforce.⁶¹

After the Anglo Boer War some of the British, Australian, New Zealand and Canadian soldiers discharged from the British forces joined the South African labour force. These new employees had different views on industrial relations, and more militant and socialist ideas with regard to trade unions were introduced.⁶²

The position of African employees was severely affected by the presence of craft unions in South Africa. Craft unions protected the elevated position of their members by excluding unskilled Africans workers from obtaining the required skills linked to a specific craft. According to Ncube white labour remained in a dominant position by controlling apprenticeships and artisan skills, commanding high wages and having access to collective bargaining as a negotiating tool. Craft unions lobbied the government to enact legislation which only allowed artisans that obtained a specified certificate to be employed in skilled positions. Certain unions such as the Engine Drivers' Association incorporated a colour bar into their constitution, and determined that only white men would be issued with the required certificates.⁶³

7.1. Branches of British unions

The Amalgamated Society of Carpenters and Joiners (ASCJ) was established in London in June 1860. The union was formed after a strike in 1859-1860 which aimed to secure a nine-hour working day. Employers ordered a lockout of the strikers and also tried to force employees to agree not to join a trade union. The Amalgamated Society of Engineers and other unions supported the employees during the strike and their assistance contributed to the

⁶¹ Harris, pp. 33-35.

⁶² Visser, W., "Exporting trade unionism and labour politics: the British influence on the early South African labour movement" in *British World Conference, UCT, Cape Town*, 9-11 January 2002, p. 3.

⁶³ Ncube, pp. 23-25.

withdrawal of the employers' ultimatum. The ASCJ was subsequently formed and thereafter established branches in Ireland (1866), the United States of America (USA) (1867), Canada (1872) and New Zealand (1875).⁶⁴ A branch of the ASCJ was established in Cape Town in 1881. Since it was a craft union, the rules of the society only allowed skilled artisans to become members.⁶⁵ Branches were also formed in other centres in South Africa, such as the East London branch in 1902.⁶⁶

The Amalgamated Society of Engineers (ASE) was established in Britain in 1851. The ASE was one of the first unions to have an efficient administration. Employees paid high membership fees and the union provided sickness, unemployment and funeral benefits. Branches were formed in Australia (1852), Canada (1853), the USA (1861) and New Zealand (1864).⁶⁷ Branches of the ASE were established in South Africa from 1866 onwards in cities such as Cape Town, Durban, Kimberley and Johannesburg.⁶⁸ In 1903, a branch of the ASE was also established in East London.⁶⁹ Visser emphasised that initially the ASE's membership in the Transvaal was small, but that the links to the ASE in Britain meant that the local branch was provided with funds and expertise from the parent union. The ASE membership therefore increased steadily, and at the time of the 1910 South African general elections many of the trade union candidates were members of the ASE.⁷⁰

7.2 Trade unions in the building industry

Unions were formed within the different trades in the building industry. The South African Operative Masons' Society (SAOMS) was formed in Cape Town in 1896. The union restricted membership to white artisans and tried to prevent coloured workers in Cape Town from entering the masonry trade. The objective was to protect jobs from people willing to work for lower wages. The white Operative Plasters' Society (OPS) operating in Cape Town in 1901 also instituted a colour bar by excluding coloured artisans from union membership. The OPS also did not allow any of their members to work on the same scaffolding as a coloured man. As a result of the depression which continued up to 1909, the OPS

⁶⁴ Doherty and Van der Velden, pp. 25-26.

⁶⁵ James, W.G. and Simons, M., *Class, caste and color: A social and economic history of the South African Western Cape*, p. 99.

⁶⁶ Smith, p. 66.

⁶⁷ Doherty and Van der Velden, p. 26.

⁶⁸ Visser, W., "Exporting trade unionism and labour politics: the British influence on the early South African labour movement" in *British World Conference, UCT, Cape Town*, 9-11 January 2002, p. 5.

⁶⁹ Smith, p. 66.

⁷⁰ Visser, W., "Exporting trade unionism and labour politics: the British influence on the early South African labour movement" in *British World Conference, UCT, Cape Town*, 9-11 January 2002, p. 5.

membership decreased substantially, and the union eventually discontinued its operations since many white craftsmen left South Africa.⁷¹

7.3 Jewish trade unions

Mantzaris focused on the development of Jewish trade unions in South Africa. He showed that many Jewish artisans immigrated to the Cape Colony before and after the Anglo-Boer War. These artisans, however, had a difficult time due to the economic depression in the colony and high unemployment rates. In the workplace, artisans had to deal with harsh employment conditions as well as competition from British artisans. Jewish craft unions were therefore established to deal with some of the obstacles encountered in the working environment.⁷²

In 1898 the Jewish Tailors' Society was established in Cape Town to address issues such as low wages, lack of annual leave and unhealthy working conditions faced by Jewish workers. After the Anglo-Boer War many Jewish tailors lost their jobs. Employed tailors faced extended working hours and unhealthy conditions in workshops. In 1905 there were an estimated 210 Jewish tailors in Cape Town who worked eighteen hours a day and received very low wages. These employees had to work on Sundays and any negotiated agreements were ignored by their employers. In 1905 the Operative Tailors Society of Cape Town was formed. The main aim of the union was to lobby for a weekly rest day, ideally on a Sunday. The Tailors' Society supported the institution of a Factory Act and participated in the Select Committee on Conducting of Factories and Fair Wage Clause. The union leaders furthermore negotiated with employers regarding all issues affecting members in the tailoring industry. The union also defended the 1907 miners' strike.⁷³

A Jewish Bakers Union was established in Cape Town during 1903 and in 1904 participated in a dispute regarding the long working hours and low wages of bakers. Jewish bakers worked about 84 hours per week. A Jewish union of carpenters, cabinetmakers and joiners was also formed in June 1903. Most Jewish trade unions ceased to exist after 1907 and merged with existing British unions.⁷⁴

⁷¹ James and Simons, pp. 99-101.

⁷² Mantzaris, E.A., "Jewish trade unions in Cape Town, South Africa, 1903-1907: A socio-historical study" in *Jewish Social Studies*, Vol. 49, Nos. 3/4, 1987, p. 254.

⁷³ *Ibid.*, pp. 254-256.

⁷⁴ *Ibid.*, pp. 257-261.

7.4 Trade unions in the printing industry

A printers' union was established in Cape Town in 1881 or 1882.⁷⁵ The Eastern Province Typographical Society was formed in Port Elizabeth in 1883. In Durban a printers' society was established in 1888. After 1889 a Cape Town Typographical Society was established, while the Griqualand West Typographical Society was established in November 1895 and the Port Elizabeth Typographical Society in February 1897.⁷⁶ The South African Typographical Union (SATU) was formed in Johannesburg on 5 January 1898.⁷⁷ A Printers Society was also formed in East London in 1898 and became a branch of the South African Typographical Union later in the same year.⁷⁸

7.5 Mining unions

Visser also discussed the development of mining unions in South Africa. He showed that South Africa initially lacked the skilled engineers and other technical employees required for the expanding mining industry. Thousands of skilled employees were imported from Cornwall, the north of England, Australia, the USA, Italy and Greece. The majority of miners came from Britain since minerals such as iron, copper, lead and zinc had been mined there for hundreds of years. Cornish miners were experts in deep-level mining. During the 1880s the decrease in available mineral resources in Britain meant that many mines were closed, leading to high levels of unemployment. The miners therefore sought job opportunities in other countries, and the Transvaal attracted many miners due to the high wages and the availability of supervisory positions. British miners in the Transvaal were influenced by British trade union organisation and unions were established on a similar basis as those found in Britain.⁷⁹

In 1883 the Artisans and Engine Drivers Protection Association (A&EDPA) was established by white artisans and engine drivers at the Du Toit's Pan mine in Kimberley. The union was restricted to white artisans and was established due to the reduction in wages and retrenchments on the mine. The extension of search regulations to engine houses and workshops led to support for the union on other mines and membership increased

⁷⁵ Visser, W., "Exporting trade unionism and labour politics: the British influence on the early South African labour movement" in *British World Conference, UCT, Cape Town*, 9-11 January 2002, p. 4.

⁷⁶ Mabin, A., "Strikes in the Cape Colony, 1854-1899" in *African Studies Seminar Paper*, 9.5.1983, p. 15.

⁷⁷ Smith, p. 22.

⁷⁸ *Ibid.*, pp. 65-66.

⁷⁹ Visser, W., "Exporting trade unionism and labour politics: the British influence on the early South African labour movement" in *British World Conference, UCT, Cape Town*, 9-11 January 2002, pp. 1-3.

substantially. The A&EDPA spearheaded a strike against search regulations in October 1883 and was successful in reducing the impact of these regulations on white employees.⁸⁰

The Working Men's Association of Griqualand West was established in November 1892. The association placed no limitation on membership and was accessible to employees of different nationalities and employed in different industries. The establishment of the association was linked to employers' proposed decrease in the wages of supervisors. The association demanded that employers decrease the working hours in the event of a wage reduction. The association was, however, short-lived.⁸¹

The discovery of gold in the Transvaal led to the immigration of skilled artisans from Britain and Australia. This contributed to the establishment of craft unions for artisanal positions that followed an apprenticeship system such as engineers, carpenters and printers. Craft unions ensured that skills were restricted to members. In the mining industry the establishment of unions initially failed due to the fact that unions could not be connected to specific crafts.⁸²

In 1892 the Chamber of Mines decided to import immigrant miners to work on the Transvaal mines at lower wages. In response the Witwatersrand Mine Employees and Mechanics Union was formed. The Chamber of Mines was forced to abandon the importation scheme and in discussions with the union gave assurances that they would not import additional workers. Membership of the union only reached about 600 and the union ceased operations in 1895. During its existence the union also collaborated with employers in an attempt to improve working conditions on the Transvaal mines.⁸³ The Witwatersrand Mine Workers' Union was established in 1897 but only existed for a brief period due to factors such as a lack of a formal apprenticeship system and the fact that the union was not linked to a specific craft.⁸⁴

In 1898 the Rand Mine Workers Union was established after a failed strike on the Randfontein mine. The British employees who established the union adhered to Harris's 'old unionism', and the union was based on the principles of craft unions. Employees were highly paid craftsmen or artisans and membership was, as in the British model, confined to single

⁸⁰ *Ibid.*, p. 12.

⁸¹ Mabin, A., "Strikes in the Cape Colony, 1854-1899" in *African Studies Seminar Paper*, 9.5.1983, p. 12.

⁸² Lewis, J., *Industrialisation and trade union organisation in South Africa, 1924-1955*, p. 19.

⁸³ Harris, p. 37.

⁸⁴ Lewis, J., *Industrialisation and trade union organisation in South Africa, 1924-1955*, p. 19.

trades. Collaboration between employees and employers was therefore standard practice and strikes were rarely used as a negotiating tool.⁸⁵

The South African Engine Drivers' and Firemen's Association was established in 1898 as a union for engine drivers working on the Transvaal mines.⁸⁶ The scarcity of skills on the Witwatersrand meant that skilled workers had the power to ensure that unskilled workers could not be employed in skilled positions. The Engine Drivers' Association, for instance, asserted their craft-union status and instituted apprenticeship rules which were compiled by members. African employees were perceived as a threat since they had the opportunity to participate in informal apprenticeships which equipped them for skilled positions. Skilled white workers feared that this would allow mine owners to employ Africans in skilled positions at lower wages.⁸⁷ Skilled workers therefore lobbied for protective measures, and as early as 1893 specific tasks on the mines were restricted through legislation to certified white workers. Safety regulations also discriminated against African workers, and in the event of injury or death mine owners had no legal liability to Africans.⁸⁸ Mine owners were therefore thwarted in their attempts to promote Africans into more skilled positions.⁸⁹

In 1902 the Transvaal Miners' Association was established, which in 1913 became the South African Mine Workers Union (MWU).⁹⁰ The formation of the TMA subsequently led to a successful strike on the Crown Reef Mine.⁹¹

7.6 Unions in the public sector

The Amalgamated Society of Railway and Harbour Servants was formed in July 1909. The society aimed to protect the interests of both skilled and unskilled employees working on public works projects such as railways and harbours.⁹²

7.7 Trades and labour councils

At the end of the nineteenth century, a number of craft unions existed or had branches in Cape Town, Port Elizabeth, East London, Kimberley and in the Transvaal. Local trades and

⁸⁵ Harris, p. 37.

⁸⁶ Smith, p. 22.

⁸⁷ Katz, E.N., "Revisiting the origins of the industrial colour bar in the Witwatersrand gold mining industry, 1891-1899" in *Journal of Southern African Studies*, Vol. 25, No. 1, March 1999, pp. 77-79.

⁸⁸ Davies, R., p. 45.

⁸⁹ Burawoy, p. 1054.

⁹⁰ Harris, p. 38.

⁹¹ Hutt, W.H., *The economics of the colour bar*, p. 60.

⁹² Smith, p. 289.

labour councils were established in the main towns to promote collaboration between the different unions. The councils functioned independently and concentrated on industrial legislation and coordinated the activities of trade unions. After the unification of South Africa in 1910 the councils formed the basis for the establishment of larger trade union federations. The councils also played an important role in the establishment of a labour party in South Africa.⁹³

The Johannesburg Trades and Labour Council was established in 1902.⁹⁴ The Witwatersrand Trades and Labour Council (WT&LC) was established in 1904 after the first Labour Day demonstration was launched in Johannesburg.⁹⁵ The WT&LC played an important role in labour politics in the Transvaal before the establishment of the Independent Labour Party and the Labour Representation Committee (LRC) in 1906.⁹⁶

In the Cape Colony the East London Trades and Labour Council played an important role in protecting the position of employees within the colony. In August 1906 the council, for example, met with the prime minister to discuss the termination of the introduction of contract labour into the Cape.⁹⁷

8. Strike actions

According to Visser, the development of the mining industry in South Africa led to increased conflict between employees and employers from the 1870s onwards. Labour conflict first occurred in the transport and construction industries in the coastal towns and then moved to the diamond mines in Kimberley. During the 1890s labour conflict also occurred on the gold mines in the Transvaal, and numerous strikes and disturbances occurred from 1896 to 1910.⁹⁸

8.1 Cape Colony

The earliest recorded strike in South Africa, according to Mabin, was against boat owners in Cape Town. The strike commenced on 3 March 1854 and only targeted a small number of employers.⁹⁹ Due to an increase in food prices striking workers demanded a wage increase.¹⁰⁰

⁹³ *Ibid.*, pp. 22-23.

⁹⁴ Visser, W., "Exporting trade unionism and labour politics: the British influence on the early South African labour movement" in *British World Conference, UCT, Cape Town*, 9-11 January 2002, p. 6.

⁹⁵ Hutt, p. 60.

⁹⁶ Visser, W., "Exporting trade unionism and labour politics: the British influence on the early South African labour movement" in *British World Conference, UCT, Cape Town*, 9-11 January 2002, p. 7.

⁹⁷ Cape Archives (CAB), PMO 1065/06, R.S. Holland to P.J. Truter, 8.8.1906.

⁹⁸ Beittel, M., "Labor unrest in South Africa, 1870-1990" in *Review (Fernand Braudel Center)*, Vol. 18, No. 1, Winter 1995, p. 88.

⁹⁹ Mabin, A., "Strikes in the Cape Colony, 1854-1899" in *African Studies Seminar Paper*, 9.5.1983, pp. 4-5.

The strike soon escalated and not only involved boatmen but also unskilled dock workers. Merchants in Cape Town insisted that boat owners settle the dispute. The strikers called for an increase in wages of 50% and by 11 March the workers had secured their requested increase and resumed work. The breach of contract stipulations in the masters and servants legislation, however, meant that a number of workers were convicted of offences related to the strike. The success of the strike can be attributed to the condition of the labour market during this period. Labour scarcity gave more negotiating power to the employees while the combination of both skilled and unskilled workers increased their power base.¹⁰¹

During 1854 dock workers and boatmen in Port Elizabeth went on strike to obtain a wage increase and half a working day on Saturdays. Labour scarcity in Port Elizabeth meant that African workers were highly paid and some labourers received 4 shillings per day compared to the average 1 shilling per day received by Cape farm labourers.¹⁰² In 1856 another strike occurred in Port Elizabeth when dock workers and boatmen went on strike and successfully demanded higher wages from boat owners. In 1857 African Fingo workers also secured an increase in wages, and numerous strikes on public works such as railways, harbours and roads occurred during this period.¹⁰³ The Xhosa cattle killing in 1857 soon impacted on the labour market in Port Elizabeth, and the introduction of additional labour improved the negotiating position of employers. A strike by Mfengu workers during the latter part of 1857 was therefore unsuccessful.¹⁰⁴

The first railway strikes occurred soon after railway construction in the Cape Colony began. Masons and unskilled workers employed on the Cape Town to Wellington line went on strike in January 1861 and demanded a minimum daily wage of 6 pennies. On 31 October 1861 workers imported from Britain and employed on the Muldersvlei line also demanded an increase in wages. Due to the scarcity of labour they already received a high wage amounting to 6 shillings per day before going on strike. It was believed that the strike was also due to unsafe working conditions. In June 1872 African workers employed on railway works in Port Elizabeth went on strike, but in this instance most of the strikers were dismissed after a couple of days.¹⁰⁵

¹⁰⁰ Saunders, C.C. and Southey, N. (eds), *A dictionary of South African history*, p. 166.

¹⁰¹ Mabin, A., "Strikes in the Cape Colony, 1854-1899" in *African Studies Seminar Paper*, 9.5.1983, pp. 4-5.

¹⁰² Inggs, E.J., "Mfengu beach labour and Port Elizabeth harbour development, 1835-1870" in *Contree*, Vol. 21, p. 10.

¹⁰³ Mabin, A., "Strikes in the Cape Colony, 1854-1899" in *African Studies Seminar Paper*, 9.5.1983, p. 5.

¹⁰⁴ Inggs, p. 11.

¹⁰⁵ Mabin, A., "Strikes in the Cape Colony, 1854-1899" in *African Studies Seminar Paper*, 9.5.1983, pp. 6-7.

In August 1876 Fingo port workers went on strike in Port Elizabeth. Due to the cold weather the workers refused to work for a full day. It was evident that the scarcity of labour placed African workers in a strong position since none of these striking workers were arrested for breach of contract, although striking was a criminal offence under the Masters and Servants Act of 1856. In May 1878 African boatmen at the East London harbour went on strike and demanded a wage increase. The position of the African worker had, however, changed due to the Ninth Frontier War (1877-1879) which increased the labour supply in the Cape Colony. African workers who went on strike could, with the improved supply of labour, be replaced as soon as they went on strike. A strike by African workers in East London on 19 December 1880 was also unsuccessful. The workers demanded a wage increase but due to the increased labour supply the strikers were replaced by other African workers. The over-supply of labour also meant that African labourers in search of work were employed at lower wage rates.¹⁰⁶

At the copper mine in Okiep employees worked in hazardous conditions as even the water supply was contaminated by the copper smelter. The death rate was high. On 5 September 1882 Cornish and German miners went on strike to secure a wage increase and also to protest the unhealthy working conditions. The strike was, however, unsuccessful and after ten days the workers returned to work. Seven miners lost their jobs during the strike action.¹⁰⁷

In March 1884 the presence of British emigrants once again impacted on the labour environment. Employees from the Salt River railway works led by British artisans and engineers went on strike and managed to obtain concessions from the general manager of the Cape Railways. It was agreed that employees would in future be remunerated on a weekly instead of a monthly basis thereby also securing an increase in wages. The benefits were short lived since by August 1884 most of these employees had been retrenched.¹⁰⁸

In August 1884, A.R. McKenzie and Co. decided to change the employment conditions of its employees by decreasing wages. An estimated 500 employees instituted strike action and the strike leaders included Henry Yateman, an Englishman, as well as a Frenchman, Philip Susa, and two West Indians who were probably familiar with trade unionism in other areas of the world. The strike leaders attempted to prevent the employment of other workers as strike breakers by instituting a mass picket. The failure of negotiation led

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*, p. 10.

¹⁰⁸ Bickford-Smith, V., *Ethnic pride and racial prejudice in Victorian Cape Town*, p. 108.

to the use of violence¹⁰⁹ and the police force was employed to control the strike. The strikers insisted that their remuneration be restored to the previous rate. The police arrested the four strike leaders and A.K. McKenzie and Co., advertised for new labourers who, due to the high unemployment rate in the Cape Town labour market, were not difficult to find.¹¹⁰ The arrest of the strike leaders along with the availability of alternative labour sources and the safeguarding of strike breakers by the police contributed to the failure of the strike.¹¹¹

In 1886 construction workers on the Simon's Town docks went on strike in protest against a decrease in wages. They also demanded a reduction in working hours from ten and half hours per day to only nine hours per day. The strike was, however, unsuccessful since the workers were replaced.¹¹²

On 6 March 1893, 140 carpenters and joiners in Cape Town went on strike and the strike was only terminated on 22 March after employers agreed to a wage increase. An important feature of this strike was the use of a strike fund which supplied strikers with 12 shillings per week during the strike. During February 1897 the Typographical Society in Cape Town went on strike and demanded a 15% wage increase. The availability of a strike fund allowed strikers to continue the strike action for a period of two to three weeks. The workers were successful and received a 5% increase, although ten workers lost their positions.¹¹³

In June 1901 the *Sheffield Daily Telegraph* reported on an African strike in Port Elizabeth. Thousands of Africans refused to work due to plague regulations which stipulated the vaccination of Africans only. Africans were also not permitted to travel to the Transvaal or other areas unless they were immunised. The harbour works and other employers were forced to terminate operations.¹¹⁴ The strike emphasised the importance of the African labour question since the strike leaders managed to discourage Africans working in shops and domestic servants from going to work. Violence was used and some of the workers who tried to continue working were reportedly beaten by the strikers. Trade was severely affected and ships were unable to offload their cargo.¹¹⁵ The strike continued for three days and was

¹⁰⁹ *Ibid.*

¹¹⁰ Mabin, A., "Strikes in the Cape Colony, 1854-1899" in *African Studies Seminar Paper*, 9.5.1983, p. 8.

¹¹¹ Bickford-Smith, p. 108.

¹¹² Mabin, A., "Strikes in the Cape Colony, 1854-1899" in *African Studies Seminar Paper*, 9.5.1983, p. 8.

¹¹³ *Ibid.*, pp. 15-16.

¹¹⁴ *Sheffield Daily Telegraph*, 11.6.1901, p. 5.

¹¹⁵ *Ibid.*, 12.6.1901, p. 7.

perceived as successful since negotiations between African strike leaders and the government led to vaccination procedures being extended to all races.¹¹⁶

During the Anglo-Boer War and thereafter, Cape Town experienced a period of economic prosperity. Up to 1904 there were numerous job opportunities in the building industry and skilled labour was in high demand. Due to these economic conditions white trade unions successfully demanded higher wages through strikes in 1901 and 1903.¹¹⁷

Two dock worker strikes were reported in Cape Town during the years following the Anglo-Boer War. In October 1902, 1 100 African dock workers went on strike due to a decision of the Table Bay Harbour Board to reduce wages.¹¹⁸ In 1903 employers on the docks in Cape Town also decided to decrease the wages of dock workers, and a successful strike was launched in response.¹¹⁹

In the same year a carpenters' strike took place in East London. The strike commenced on 4 September 1903 when 300 members of the Amalgamated Society of Carpenters and Joiners stopped work due to an employer demand that wages should be decreased by 5 pennies per hour. Employers argued that the existing wage rate was connected to a prosperous economic period in the building industry and that the deteriorating position of the industry could no longer support the high wages. The strike continued for six weeks and both unionised and non-unionised members joined the strike action.¹²⁰ A plasterers strike was also organised in Cape Town during 1903.¹²¹

8.2 Griqualand West

8.2.1 Labour, the New Rush Disturbances and employer organisation

The community of diggers on the Kimberley diamond fields generally did not approve of the transfer of power in Griqualand West to Britain. African labourers regularly substituted their income by selling diamonds from their employers' claims to unauthorized dealers, and a Jewish dealer implicated in such an incident was severely beaten by a group of diggers. Although some of these diggers were arrested and tried, the dealer fled and the men were released unpunished. Diggers longed for the previous republican period of Free State

¹¹⁶ Kirk, J.F., "A native free state at Korsten: Challenge to segregation in Port Elizabeth, South Africa, 1901-1905 in *Journal of Southern African Studies*, Vol. 17, No. 2, June 1991, p. 319.

¹¹⁷ James and Simons, pp. 98-99.

¹¹⁸ *The Devon and Exeter Gazette*, 28.10.1902, p. 10.

¹¹⁹ *The Christian Express*, 1.6.1903, p. 95.

¹²⁰ Smith, pp. 66-68.

¹²¹ James and Simons, p. 99.

governance as this government enforced discipline and laws regarding African labourers. The British government allowed all population groups to apply for digging licenses, unlike the Free State government which had enforced a whites-only policy. The decrease in the number of diamonds mined caused many diggers to live in a state of poverty, and for these circumstances they blamed the African population and the government.¹²²

Disturbances at New Rush were triggered by an African man illegally buying diamonds. A group of diggers attacked him and he was only spared by the interference of the Resident Magistrate, Mr Giddy, who locked him in jail. The diggers then set fire to the tents of people they suspected of dealing in illegal diamonds and repeated these actions the next night, before demanding the release of diggers previously arrested. A compromise was reached and the prisoners were released on bail.¹²³

On 18 July 1872 Mr Giddy issued a Government Notice which he hoped would restore order. The Commissioners met the Diggers' Committee on 19 July 1872 during which a memorandum and rules were presented by the committee.¹²⁴ The memorandum, compiled by the diggers, justified their actions in dealing with people purchasing stolen diamonds from servants. The memorandum stated that the laws of the Cape Colony were unable to deal with their grievances.¹²⁵

Demands issued by the diggers in terms of the memorandum focused on the African issue and included the following:

- No African or coloured person would be allowed to have a claim license to dig for diamonds.
- African or coloured people would be barred from having a dealer's license allowing them to trade in diamonds.
- People who were tried for buying diamonds from Africans would receive not only 50 lashes in public but would also lose their property.
- The same punishment would be extended to people who tried to convince Africans to sell diamonds to them.

¹²² British Parliamentary Papers (BPP) C.732, No. 42, Inclosure (since there is an inconsistency of use in British Parliamentary Papers with regard to the use of the terms Enclosure and Inclosure, both will be used, depending on the term used in the particular source) 1, p. 102: Messrs. Campbell, Thompson and Giddy to Sir Henry Barkly, 23.7.1872.

¹²³ BPP C.732, No. 42, p. 101: Sir Henry Barkly to the Earl of Kimberley, 2.8.1872.

¹²⁴ BPP C.732, No. 42, Inclosure 1, p. 102: Messrs Campbell, Thompson, and Giddy to Sir Henry Barkly, 23.7.1872.

¹²⁵ BPP C.732, No. 42, Inclosure 4, pp. 104-105: Memorial of the inhabitants of Colesburg, Kopje, De Beers, Du Toit's Pan and Bultfontein, 2.8.1872.

- Greater control over African labour by ensuring that each employer and labourer signed a written contract of service. The contract would be registered and as proof of contract a ticket would be issued to each party. This ticket of service would be updated with the discharge date if a servant was no longer in service.
- After an African labourer had been discharged he would not be allowed to stay in the camp for longer than 48 hours. If the labourer contravened this rule and was unwilling to find work with another employer, he would be punished as a vagrant.
- To further control African labour, employers or officers of the law could at any time search labourers and their living areas for stolen diamonds.
- The police force would also participate in the control of labour by patrolling camps and finding labourers who had absconded from work.
- Diamonds found in the possession of labourers would be handed over to their employers.¹²⁶

During the meeting between the commissioners and the Diggers' Committee, the commissioners agreed to most of the diggers' demands. Even though the commissioners had to wait for the approval of the Cape Governor, Sir Henry Barkly, they promised that the issuing of licenses to non-whites would be halted and that only the Inspector of Claims would in future have the right to issue licenses. These licenses would be dependent on the production of a certificate of good character issued by the Diggers' Committee or an elected Board of seven white claimholders. The commissioners also promised to allow magistrates to punish diamond theft by corporal punishment or hard labour. The commissioners in addition forwarded their concept for servant registration to the Cape governor.¹²⁷

On 23 July 1872 a proclamation was issued that suspended licenses held by non-white diggers. To add to the difficulties of the African population, a government notice proclaimed the Committee of New Rush as the organisation to which African claim holders should apply to renew their suspended licenses. Government Notice No. 68 of July 1872 approved the rules for a servants' registry and determined the date at which this registry would become active.¹²⁸ The Government Notice determined that a depot would receive African labourers, register them and issue daily passes until they had secured a job.¹²⁹

¹²⁶ BPP C.732, No. 42, Inclosure 5, pp. 105-106: Rules, 2.8.1872.

¹²⁷ BPP C.732, No. 42, Inclosure 6, pp. 106-107: Messrs Campbell, Thompson and Giddy to the committee appointed at a public meeting held at De Beer's Rush, July 19, 22.7.1872.

¹²⁸ BPP C.732, No. 42, Inclosure 1, p. 103: Messrs Campbell, Thompson and Giddy to Sir Henry Barkly, 23.7.1872.

¹²⁹ Worger, p. 115.

In a letter to the commissioners dated 1 August 1872, Sir Henry Barkly acknowledged the difficult position the commissioners found themselves in, but regretted the fact that the commissioners had not waited for approval before accepting the majority of the Diggers' Committee's demands.¹³⁰ He could not accept all the provisions of the proclamation issued by the commissioners in Griqualand West since it disallowed the rights of certain people.¹³¹ The proclamation issued by the commissioners could therefore not be approved in the proposed format until it was evaluated by the Cape Executive Council.¹³² The executive council revoked the proclamation and the rights of African claim holders were once again acknowledged. The executive council made the following changes: licenses would in future be restricted, but the restriction would not be limited to non-whites and would encompass all persons who were not seen as of fit character. The executive council also sanctioned the implementation of measures allowing for the registration of servants and the curbing of diamond theft by servants.¹³³

8.2.2 The Black Flag Rebellion and the Diggers Protection Society as an employer organisation

At the end of 1874 damage to the northern side of the Kimberley mine led to a temporary forced closure. When production recommenced there was, once again, a great scarcity of labour and the competition for labour led to an increase in wages. Production problems and a decrease in the price of diamonds meant that most of the claim holders believed that the state should protect their interests. The deteriorating economic conditions led to their demand that the Lieutenant-Governor, Richard Southey, increase governmental authority over Africans to not only ensure a constant supply of labour, but to also reduce wage rates. Southey's measures included Ordinance No. 28 of 1874, but this did not satisfy the population.¹³⁴ Ordinance No. 28 of 1874 empowered the government to establish a depot at such places as deemed suitable. This ordinance made it voluntary for newly arrived Africans to be located at the depot until employed.¹³⁵

In 1875 it was found that due to the limited number of policemen in the Kimberley diamond fields, the provisions of Proclamation No. 14 of 1872 for the registration of African

¹³⁰ BPP C.732, No. 42, Inclosure 9, pp. 108-109: Sir Henry Barkly to Messrs Campbell, Thompson and Giddy, 1.8.1872.

¹³¹ BPP C.732, No. 1, p. 113: Proclamation by his Excellency Sir Henry Barkly, 10.8.1872.

¹³² BPP C.732, No. 42, Inclosure 9, pp. 108-109: Sir Henry Barkly to Messrs Campbell, Thompson and Giddy, 1.8.1872.

¹³³ BPP C.732, No. 48, pp. 111-112: Sir Henry Barkly to the Earl of Kimberley, 17.8.1872.

¹³⁴ Worger, pp. 23-29.

¹³⁵ BPP C.2220, No. 17, Enclosure 5, pp. 69-71: Annexure setting forth the laws at present in force relating to native labour, 23.5.1876.

servants were not strictly enforced. The returns for the Kimberley mine showed that there were about 10 000 Africans registered for service during that year and those for Du Toit's Pan showed registration figures amounting to 2 947. These figures were, however, much less than the actual number of Africans working at the diamond fields since there was no registration system for the dry diggings.¹³⁶

During the same year Sir Henry Barkly submitted a petition to Queen Victoria, signed by 2 265 inhabitants of Griqualand West, requesting that a Royal Commission be appointed to address their grievances. The discontent among diggers was due to the low price of diamonds and the floods which had affected the principal mine. Their discontent was increased by the perceived determination of the government to protect African labourers, and was also further fermented by the neighbouring republics. An article in the *Diamond Field* ascribed the ruin of white employers to the fact that Africans were allowed to hold property. It also condemned the idea of forcing Griqualand West to become part of the Cape Colony on account of the Cape's African policy.¹³⁷ The petitioners proposed that all African and coloured people should be deprived of the right to acquire licenses to work on the mines.¹³⁸

The complaints of the petitioners were perceived as in part due to the heavy burdens placed on them by legislation. Ordinance No. 2 of 1874, for instance, compelled employers to pay a hospital fee of one shilling per month for the whole period of contract in advance when registering servants.¹³⁹ Ordinance No. 2 was published because of numerous instances where employers of African labourers had turned labourers away when they were too ill to work.¹⁴⁰ The petitioners also complained that no assistance was given by the government in the recovery of employees who absconded before their contracts of service expired.¹⁴¹

A Committee of Public Safety was established in October 1874 and in March 1875 the committee was restructured as the Combined Diggers' Association, also known as the Diggers' Protection Society.¹⁴² The Diggers' Protection Society headed by Henry Tucker,

¹³⁶ BPP C.1825, Inclosure 1, pp. 119-126: Report for the year 1875, 30.12.1876.

¹³⁷ BPP C.1342, No. 1, p. 1: Governor Sir Henry Barkley to the Earl of Carnarvon, 11.1.1875.

¹³⁸ BPP C.1342, No. 4, Inclosure 3, p. 35: R. Southey to Messrs Goodliffe and Co., J.B. Robinson and Co., 8.12.1874.

¹³⁹ BPP C.1342, No. 20, Inclosure 1, p. 106: Henry Tucker and William Ling to Sir Henry Barkly, 9.4.1875.

¹⁴⁰ BPP C.1342, No. 20, Inclosure 2, pp. 108-110: 14.4.1875.

¹⁴¹ BPP C.1342, No. 20, Inclosure 1, p. 106: Henry Tucker and William Ling to Sir Henry Barkly, 9.4.1875.

¹⁴² Turrell, R., "The 1875 Black Flag Revolt on the Kimberley Diamond Fields" in *Journal of Southern African Studies*, Vol. 7, No. 2, April 1981, p. 194.

William Ling and Alfred Aylward, actively enrolled men and often held meetings while bearing arms.¹⁴³

The society soon consisted of seven companies totalling an estimated 1 000 men who controlled the policing function on the Kimberley diamond fields by patrolling the streets of Kimberley. The society also undermined the government by resisting the arrest of one of their members. The raising of a black flag during this episode gave rise to the movement being called the Black Flag Rebellion.¹⁴⁴

A manifesto issued by the society highlighted the following issues: there was a large number of Africans on the diamond fields who were not earning their living by honest labour, and as they were not under proper police surveillance this caused diamond theft. The government was unable to furnish night constables for the mine and the rights, property and liberty of the diggers had been threatened by a lack of order and control. The Diggers' Protection Society was therefore formed with the purpose of mutual protection.¹⁴⁵ In a memorandum the Diggers' Protection Society demanded that the registration of servants be altered, the vagrant law enforced and better order kept on Sundays.¹⁴⁶ On 19 March 1875 Southey circulated a decree cautioning people not to attend meetings while armed.¹⁴⁷

The society persisted in their patrol of Kimberley and frequently persecuted African people. The Orange Free State government was seen as the preferred ruler and a part of the society conspired to replace the colonial government in Griqualand West with the Orange Free State. By May 1875 Southey's government still had no control over the Kimberley diamond fields and the presence of the rebels seriously affected colonial trade.¹⁴⁸

The conduct of the Diggers' Protection Society created alarm in the minds of the African and coloured populations, causing some of them to leave the diamond fields. Even Malay and other coloured cab-owners and cab-drivers had left with their vehicles to return to Cape Town, fearing danger to their property and lives. This state of affairs stopped Africans from travelling to Griqualand West, which seriously affected the labour supply in

¹⁴³ BPP C.1342, No. 12, Inclosure 3, pp. 65-66: Letter from S.G.A. Shippard, Acting Attorney-General, Griqualand West, 22.3.1875.

¹⁴⁴ Turrell, R., "The 1875 Black Flag Revolt on the Kimberley Diamond Fields" in *Journal of Southern African Studies*, Vol. 7, No. 2, April 1981, p. 194.

¹⁴⁵ BPP C.1342, No. 10, Inclosure 3, p. 56: Manifesto, 19.3.1875.

¹⁴⁶ BPP C.1342, No. 12, Inclosure 5, p. 25: John B. Currey, Secretary to Government, 25.3.1874.

¹⁴⁷ Roberts, B., *Kimberley: Turbulent city*, p. 136.

¹⁴⁸ Turrell, R., "The 1875 Black Flag Revolt on the Kimberley Diamond Fields" in *Journal of Southern African Studies*, Vol. 7, No. 2, April 1981, pp. 194-195.

Kimberley.¹⁴⁹ British troops were sent from Cape Town in June 1875 to suppress the rebellion. Southey was, however, soon after dismissed due to his poor financial administration of Griqualand West.¹⁵⁰

8.2.3 Employee strikes

In July 1877 employees of the Kimberley Mining Board went on strike and demanded an increase in wages from 20 to 30 shillings per week. The strike was unsuccessful but the strikers were, due to the scarcity of labour, admonished rather than imprisoned.¹⁵¹

The compound system on the mines in Kimberley was based on the idea that African workers should be kept isolated to ensure that no diamond theft occurred. In the report of the Select Committee on Illicit Diamond Buying of May 1882, the committee recommended that legislation be enacted to ensure that labourers were compelled to live in compounds provided by employers. The scarcity of African labour on the Kimberley diamond fields due to events such as the war in Basutoland, however, delayed the implementation of such legislation. This scarcity led to suggestions regarding the importation of Chinese labourers. Due to the increase in the illegal trade in diamonds, Proclamation No. 1 of 1883 was enacted, allowing employers to search labourers employed on both the diamond diggings and in the mines.¹⁵²

In March 1883 the new system which entailed the searching of mineworkers at the end of each shift was commenced. Initially searches were only applicable to labourers and overseers, but it soon became clear that the searches would also be extended to skilled workers such as artisans and engine drivers. The extension of the search system on the mines as well as a reduction in wages led to the formation of the Artisans and Engine Drivers Protection Association (A&EDPA) on the Du Toit's Pan mine.¹⁵³ Proclamation No. 162 of 27 September 1883 also applied search regulations to additional areas such as depositing floors and engine houses.¹⁵⁴ The Combined Working Men's Committee, part of the A&EDPA, initiated a strike on 15 October 1883, but the strike was called off after the mining companies promised that skilled white workers would only be liable for occasional checks.¹⁵⁵ The strike officially concluded on 19 October.¹⁵⁶ African workers also joined the strike, but after its

¹⁴⁹ BPP C1342, No. 12, Inclosure 1, pp. 63-64: R. Southey to Sir Henry Barkly, 27.3.1875.

¹⁵⁰ Worger, p. 29.

¹⁵¹ Mabin, A., "Strikes in the Cape Colony, 1854-1899" in *African Studies Seminar Paper*, 9.5.1983, p. 7.

¹⁵² Smalberger, J.M., "I.D.B. and the mining compound system in the 1880s" in *South African Journal of Economics*, Vol. 42, No. 4, 1974, pp. 401-403.

¹⁵³ Mabin, A., "Strikes in the Cape Colony, 1854-1899" in *African Studies Seminar Paper*, 9.5.1983, p. 12.

¹⁵⁴ Smalberger, pp. 404-405.

¹⁵⁵ Mabin, A., "Strikes in the Cape Colony, 1854-1899" in *African Studies Seminar Paper*, 9.5.1983, pp. 10-11.

¹⁵⁶ Smalberger, p. 407.

conclusion they gained no additional privileges and continued to be subject to the search regulations. Twenty six African workers were punished for their participation in the strike and were sentenced to one month hard labour.¹⁵⁷ According to Roberts the strike displayed a distinct South African characteristic since it was not initiated to protest wages or working hours but aimed to protect the position of white workers.¹⁵⁸

The economic depression meant that mining companies in March 1884 once again attempted to implement search regulations for all white employees.¹⁵⁹ The Chief of the Detective Department, John Fry, published instructions regarding searches. The implementation of these instructions meant that on 28 March 1884 fourteen white employees of the Bultfontein Mining Company were subjected to a search in which they had to remove their hats and boots. The employees submitted a complaint to the A&EDPA. The A&EDPA subsequently sent a petition to the government demanding that specific aspects of the searching rules be expunged.¹⁶⁰ At the beginning of April an attempt was made to enforce stripping and as a result sixteen men went on strike. They, however, resumed their work that same afternoon. In response, mechanics and artisans held a large meeting at Du Toit's Pan to discuss the search regulations.¹⁶¹

A strike commenced on 24 April 1884 since white employees on most of the mines refused to adhere to the search procedure. On 29 April, 300 strikers and an estimated 1 500 Africans marched to the Victoria Diamond Mining Company that formed part of the De Beer's mine. The Victoria Company continued to operate during the strike and the strikers demanded that the mine stop its operations or be destroyed. The company complied and the strikers then marched to the Kimberley mine where they demanded that of the operation of the water gear be halted. The subsequent violence that ensued at the Kimberley mine led to the death of six workers. The strikers failed to negotiate concessions and the strike was cancelled by 5 May with the workers agreeing to adhere to the search procedure.¹⁶² An inquest was held after the strike and a judicial tribunal determined that the death of the workers and the injury to others was warranted. The shooters were therefore not prosecuted and no compensation was paid to the dependants of the deceased.¹⁶³

¹⁵⁷ Mabin, A., "Strikes in the Cape Colony, 1854-1899" in *African Studies Seminar Paper*, 9.5.1983, p. 12.

¹⁵⁸ Roberts, p. 214.

¹⁵⁹ Mabin, A., "Strikes in the Cape Colony, 1854-1899" in *African Studies Seminar Paper*, 9.5.1983, p. 12.

¹⁶⁰ Smalberger, pp. 407-408

¹⁶¹ *Natal Witness*, 3.4.1884, p. 7.

¹⁶² Smalberger, pp. 409-410.

¹⁶³ Walker, p. 4.

The shooting of workers, accompanied by the dismissal of 300 workers, had a negative impact on trade union organisation on the diamond fields. Attempts to organise new unions failed as mines could easily import labour due to the new railway line extending to Kimberley. The mine owners hereafter also instituted measures to segregate white and African employees. African workers were for instance placed in closed compounds in 1885.¹⁶⁴

After the introduction of closed compounds at the Kimberley Central Diamond Mining Company a strike occurred on 27 April 1885. The dismissal of strike leaders led to the other strikers returning to work. In 1886 the De Beers Mining Company instituted their closed compounds. An estimated 1 600 African workers were affected and in July 1886 the workers unsuccessfully went on strike for a week. On 5 April 1887 a strike occurred at the Kimberley Central Company compound in protest against the anal examination of Africans for stolen diamonds. They were successful in stopping this practice but African workers were still subjected to practices such as stripping.¹⁶⁵

Mabin clearly illustrates the initial cooperation of white and African workers during strike actions on the Kimberley diamond fields. During the strikes of 1883 and 1884, white workers were assisted by African workers. Mine owners hereafter instituted measures such as the compound system to segregate white and African workers and the success of this system was evident during the Wesselton mine strike of 1894. In February 1894 African workers felt that their wages were too low and their working hours too long. They therefore decided to initiate a strike. Due to the restrictions of the Masters and Servants Act, lack of support from white employees and the tight control over the compound system, workers made no progress to achieve their demands and the strike action was short lived.¹⁶⁶

8.3 Natal

A number of strikes took place in the printing industry in Natal, and in 1889 the printing trade union for instance requested an increase in wages and payment for piece-work. Only one printer objected to the demands and was notified that workers would strike if their demands were not met. The commencement of the strike in Durban meant that the employees were all

¹⁶⁴ Mabin, A., "Strikes in the Cape Colony, 1854-1899" in *African Studies Seminar Paper*, 9.5.1983, pp. 10-12.

¹⁶⁵ *Ibid.*, p. 11.

¹⁶⁶ *Ibid.*, pp. 11-14.

charged with desertion but they were released by the magistrate. In contrast the strikers in Pietermaritzburg were fined £1 each for desertion but they did receive wage increases.¹⁶⁷

From the middle 1880s the operating hours of the Natal harbours increased substantially and during busy periods the harbours were run 24 hours a day, including Sundays. By 1895 light globes were used to light the wharves, enabling labourers to continue working after sunset. This, however, led to complaints by dock workers and protests took place regarding working hours. The laws regulating day labourers did not determine the number of working hours per day. Some labourers believed that they should only work up to six o'clock in the week, up to one o'clock on Saturdays and never on Sundays. The wages paid for Sunday work were also not elaborated on and these issues resulted in strikes. In 1895, for instance, 200 Africans marched to the home of Mr T.S. Alston, the Union Company's Durban agent, and unsuccessfully demanded payment for overtime.¹⁶⁸

Another printing strike commenced in November 1895 when employees of two Durban newspapers, the *Natal Mercury* and the *Natal Advertiser*, went on strike demanding a weekly wage of £2 17 shillings and 6 pennies and an increase in the payment of piece-work rates. The *Mercury* management agreed to the demands on the first day while the *Advertiser* management only agreed to the demands after a week of strike action.¹⁶⁹

8.4 Transvaal

Mining in the Transvaal was restricted by a number of factors, including the lack of skilled labour available in South Africa. The costly requirements of deep level mining and the low-grade ore mined meant that gold mining in the Transvaal necessitated low production costs. The scarcity of skilled labour was addressed by importing miners from Britain and Australia at high wages. Cheap African unskilled labour was therefore employed in conjunction with skilled labour to decrease production costs.¹⁷⁰

Harris in her analysis of the development of trade unionism in the Transvaal mining sector highlights the slow development of mining unions. The high wages paid to skilled miners meant that trade unionism developed unhurriedly. Another factor which contributed to the lack of trade union activity was that many of the miners initially worked on the Transvaal mines on a non-permanent basis and for short periods. Their main objective was to take

¹⁶⁷ Walker, pp. 3-4.

¹⁶⁸ Keletso, E.A., "'Kafir[sic] time': Preindustrial temporal concepts and labour discipline in nineteenth-century colonial Natal" in *The Journal of African History*, Vol. 29, No. 2, 1988, pp. 237-242.

¹⁶⁹ Walker, p. 5.

¹⁷⁰ Van der Velden and Visser, p. 52.

advantage of the high wages to accrue wealth, and they were therefore not willing to play an active role in local politics and labour relations. Miners were also engaged in supervisory positions, and at this stage they did not perceive unskilled African labourers as competing with skilled employees for positions. The government of President Paul Kruger was also perceived in a positive light by the workers. Due to the demand for artisans mine owners were initially unwilling to alter employment conditions that would have a negative impact on their skilled labour supply.¹⁷¹

The high cost of white labour and difficulties encountered by mine owners in lowering production costs changed their attitude towards skilled labour during the early 1890s. Proposals to import skilled labour at lower wages¹⁷² contributed to white miners' fears that the large number of African workers would in future compete with them for skilled positions. Van der Velden and Visser show that these white miners lobbied for their exclusion from skilled positions through the enactment of labour legislation and the institution of policies such as the colour bar. After the Anglo-Boer War attempts of mine owners to deskill certain positions and replace skilled with unskilled or semi-skilled labour in the mines contributed to conflict between employees and employers in the mining industry.¹⁷³

The gradual process through which Africans were increasingly becoming more skilled meant that certain positions could be deskilled, allowing African labourers to be engaged in these positions for lower wages. White employees were increasingly engaged in supervisory positions rather than in positions requiring skilled employees. Due to these circumstances, white employees sought protection for their positions by limiting entrance to skilled tasks such as blasting.¹⁷⁴

After the war decommissioned troops were available as an additional labour source for the gold mines, which further encroached on the position of white employees. The importation of Chinese labour meant that white employees increasingly feared competition from unskilled and semi-skilled labourers. The British administration in the Transvaal was distrusted due to the close ties between the government and mine owners.¹⁷⁵

¹⁷¹ Harris, pp. 35-37.

¹⁷² *Ibid.*, p. 37.

¹⁷³ Van der Velden and Visser, p. 52.

¹⁷⁴ Beinart, *Twentieth-century South Africa*, p. 83.

¹⁷⁵ Harris, p. 38.

8.4.1 Mining strikes (1897-1905)

The Jameson Raid (December 1895 – January 1896) had a negative impact on gold mining in the Transvaal. It brought to the fore division among the mine owners, and J.B. Robinson and several others left the Chamber of Mines and established the Transvaal Association of Mines. The Transvaal Association of Mines decided to launch an attack on the high white wages. On 4 April 1897 the Robinson Group mines notified miners that mechanics and carpenters would receive decreased wages.¹⁷⁶

Miners were unwilling to accept the lower wages and after an unsuccessful attempt to negotiate they went on strike. After two weeks the Robinson Mine conceded to the strike demands and the employees continued to earn their previous wages. The Crown Deep mines released a statement in 1897 which would alter working conditions by cancelling the Saturday half-day holiday. The workers went on strike in September 1897 and the company subsequently immediately cancelled the proposed plan.¹⁷⁷ The management then proceeded to cut contract rates and dismiss certain of the strike leaders. The strike was resumed at once and continued until all the men's conditions were agreed to. In 1897 a number of mines managed to convince workers to operate two rock-drilling machines instead of only one. They agreed that these workers would be paid an additional amount of 5 shillings per shift. The management at the Primrose Mine subsequently notified miners that they would in future operate two machines but without additional remuneration.¹⁷⁸ The men went on strike in September 1897 and the strike led to an agreement stating that employees would receive a bonus for additional supervisory duties.¹⁷⁹

In August 1899 a strike took place at the Robinson Deep mine due to a proposal that shifts in future would consist of ten hours each.¹⁸⁰ The mine management decided to cancel the notice regarding the increased hours and the mine continued operations as before.¹⁸¹

The Anglo-Boer War halted mining operations and this incurred huge losses for mine owners. After the war the mine owners therefore tried to compensate for their losses by decreasing expenses such as labour costs. This meant that the position of white miners in

¹⁷⁶ Walker, p. 7.

¹⁷⁷ Harris, p. 39.

¹⁷⁸ Walker, p. 9.

¹⁷⁹ Harris, pp. 39-40.

¹⁸⁰ *The Sheffield and Rotherham Independent*, 4.8.1899, p. 4.

¹⁸¹ *The Manchester Courier and Lancashire General Advertiser*, 5.8.1899, p. 6.

South Africa was not as favourable as before the war since they had less job security and received lower wages.¹⁸²

The decreased job security of white miners became evident in September 1902 when the mine manager at the Village Reef Main Mine, F.H.P. Creswell, introduced a white labour scheme. The scheme targeted white unemployed ex-soldiers and proposed their employment as unskilled labourers on the mine. In his opinion this would alleviate the labour scarcity due to the shortage of African labour. According to this system the supervisory duties of each rock driller increased, since supervision would entail an increased number of machines and labourers. The miners objected since the system would lead to increased health and safety risks. They also feared the future reduction in employment opportunities for white skilled employees.¹⁸³

On 25 September 1902, 103 white employees went on strike, of which 46 were rock drillers, 49 were helpers, and the rest were employed in other occupations. The main cause of the strike was the fact that the machine men objected to the supervising of more than two machines although each machine was manned by two white helpers. The general practice previously employed on the mines was that one white man would run two machines, each manned by Africans. The government engineer believed that the strike was undertaken as a matter of principle rather than as a protest against the increase in labour or the reduction of earnings. The men who did not strike took charge of three machines and the number was increased as the helpers acquired the needed skills, and requiring less supervision. The employment of only white men on machine drills would increase the supply of labouring men of a certain class and would increase the number and efficiency of machine men.¹⁸⁴ The manager of the Village Reef Mine stated that the proposed changes were due to the high cost of white labour compared to African labour. The proposed supervision of three drills instead of two would compensate for the high wages paid to white employees.¹⁸⁵

The Transvaal Miners Association supported the strikers but due to a lack of support from other unions and disagreements among the strikers, the strike only lasted for three weeks.¹⁸⁶ In the House of Commons, Mr Caine, Member of Parliament for Camborne, focused attention on the increase in the number of disputes between employers and

¹⁸² Harris, pp. 37-38.

¹⁸³ *Ibid.*, p. 41.

¹⁸⁴ BPP Cd.1895, No. 42, p. 196: Report of the Government Mining Engineer, 1.9.1903.

¹⁸⁵ *The Evening Telegraph*, 27.9.1902, p. 5.

¹⁸⁶ Harris, pp. 41-42.

employees on the Transvaal mines. He emphasised the occurrence of strikes resulting from disputes as well as the use of lock-outs by mine owners. Caine believed that most of the disputes were due to issues regarding health and safety, and he recommended the establishment of a Board of Arbitration to settle disputes between mine owners and employees.¹⁸⁷

In November 1903 employees at the City and Suburban Mine and Ferreira Gold Mine went on strike due to the introduction of Italian contract miners. Italian workers were engaged on the Robinson, City and Suburban, Ferreira, Village Main and other mines. British employees felt aggrieved that employers introduced foreigners at lower wage rates.¹⁸⁸ The use of Italian labour was also criticised due to the high unemployment rate among British and Dutch labourers.¹⁸⁹

8.4.2 Strikes and riots by Chinese labourers

On 11 and 12 December 1904 there were altercations between Africans and Chinese due to the interference of Chinese men with women in African homesteads. This resulted in several deaths.¹⁹⁰ On 21 January 1905 a riot occurred at the Simmer and Jack Mine. Five Chinese men were sentenced to six months hard labour and eleven others to three months labour in connection with the riot.¹⁹¹

The *Government Gazette* of 27 January 1905 published a new regulation which required that the Foreign Labour Department should be informed of any case of disturbance among Chinese labourers.¹⁹² Trouble usually broke out due to some slight misunderstanding or incident. Ill-treatment and extortion on the part of Chinese compound police were frequent grounds for complaint, and deterred the labourers from access to higher authorities. Individual workers had no legitimate outlet for their grievances and therefore took the law into their own hands. Frequent visits by inspectors would give labourers the opportunity to appeal to the government.¹⁹³

Twenty-eight riots and disturbances occurred among Chinese labourers between 22 June 1904 and 30 June 1905. Disturbances at the North Randfontein Mine on 17 September, New Kleinfontein Mine on 23 November, Witwatersrand General Mine on 11 December,

¹⁸⁷ *House of Commons Debates*, 29.10.1902, Vol. 113, cc1068-70.

¹⁸⁸ *The Evening Telegraph*, 2.11.1903, p. 5.

¹⁸⁹ *Edinburgh Evening News*, 3.11.1903, p. 2.

¹⁹⁰ *House of Commons Debates*, 24.2.1905, Vol. 141, cc1215-1216.

¹⁹¹ *House of Commons Debates*, 8.3.1905, Vol. 142, c710.

¹⁹² *House of Commons Debates*, 6.3.1905, Vol. 142, cc392-393.

¹⁹³ BPP Cd.3025, Appendix IV, p. 161: Foreign Labour Department, Johannesburg, Annual Report 1904-5, 30.6.1905.

Van Ryn General Mine on 14 May 1905 and Angelo Driefontein Mine on 14 May 1905 were due to fights between Chinese and African workers. A serious strike occurred at the North Randfontein Mine on 1 April 1905 due to a misunderstanding by the Chinese workers regarding their wages after six months' work. On 7 June 1905 a serious disturbance occurred at the Consolidated Langlaagte Mine, and one white miner was killed during a fight with Chinese labourers.¹⁹⁴ According to the *Transvaal Leader* there was no indisputable evidence that the riots were due to the abuse of Chinese labourers by white supervisors.¹⁹⁵

In 1905 a white miner was killed in a riot by Chinese workers at the Croesus mine. The outbreak was allegedly due to the ill-treatment of Chinese labourers by white miners. A further cause included the fact that Chinese workers did not receive the wages due to them.¹⁹⁶

During 1905 complaints were received by Mr F.C. Boland regarding the treatment of the Chinese labourers on the Nourse Deep Mine. He stated that the average number of Chinese labourers flogged daily was 42. Flogging was permitted on the mine and in the case of a riot the ringleaders would be placed in lock-up.¹⁹⁷ On 7 August 1905 the demotion of two Chinese workers in charge of gangs led to riots in which all the head boys and some Chinese workers were arrested for refusing to work. They were brought before the authorities and fined. After paying their fines the head boys apologised to the Acting Manager, Harry Musson Thomas, and said that since their grievances were investigated they would in future work well.¹⁹⁸

The strike on the North Randfontein Mine on 1 April 1905 was due to a dispute between the mine managers and labourers regarding the interpretation of their contracts of service.¹⁹⁹ The origin of the strike could be traced to a request by Chinese labourers for piecework at the North Randfontein Mine. Piecework was provided for in the Labour Importation Ordinance and would substantially increase the wages received by Chinese labourers. Mine management agreed to their demand but a new contract determining the terms of piecework had to be signed. The contract was perceived by Chinese workers as a ploy to increase their contract period and they therefore refused to sign the agreement. The employment contract stipulated that Chinese labourers would be able to receive compensation of 50 shillings per month after completing the first couple of months. The

¹⁹⁴ BPP Cd.3025, Appendix IV, p. 162: Foreign Labour Department, Johannesburg, Annual Report 1904-5, 30.6.1905.

¹⁹⁵ BPP Cd.2563, No. 32, Enclosure, p. 63: *The Transvaal Leader*, 16.6.1905.

¹⁹⁶ *The Aberdeen Daily Journal*, 23.6.1905, p. 5.

¹⁹⁷ BPP Cd.2819, No. 14, p. 21: Governor the Earl of Selborne to Mr Lyttelton, 20.11.1905.

¹⁹⁸ BPP Cd.2819, No. 14, pp. 28-29: Affidavit, 15.11.1905.

¹⁹⁹ BPP Cd.2401, No. 58, p. 95: Lieutenant-Governor Sir Arthur Lawley to Mr Lyttelton, 6.5.1905.

Chinese then asserted their right to the payment without performing piecework,²⁰⁰ believing that each labourer would receive 50 shillings per month irrespective of the amount of work which they performed. Attempts were made to explain the difference between average wage and individual wage but without success. On 29 March the whole night shift refused to do more than 30 centimetres of work and the few who drilled more were beaten by their co-workers. On 30 March the manager reported that all the workers had gone on strike. On 31 March one of the Chinese workers gave the manager the names of the ringleaders who had organised the strike. The police arrested 36 of the ringleaders, and consequently a group of some 2 000 Chinese attacked the police. A general riot began which lasted for a full day and the police eventually arrested the 59 strike leaders without firing a shot, and consequently no lives were lost. As soon as the ringleaders were removed the remaining Chinese went back to work. The Lieutenant-Governor, Sir Arthur Lawley, anticipated no further problems as soon as the question of the average wage was explained to the labourers.²⁰¹ By 3 April the mine once again operated normally. The arrested Chinese were prosecuted and 53 headmen were imprisoned with hard labour.²⁰²

Captain Edward Ellice, Member of Parliament for St Andrews Burghs, enquired in the House of Commons about the authority mine owners had to call in the aid of the police to settle a strike of Chinese labourers. Lyttelton replied that since it was an offence under the Transvaal Labour Ordinance of 1904, the police were called in to arrest the leaders charged with this offence and to suppress the rioting.²⁰³

The dispute with the Chinese labourers at North Randfontein culminated in an offer on 4 April to address their grievances regarding wages. The Transvaal Chamber of Mines also instituted a similar Chinese wage policy on other Transvaal mines.²⁰⁴ Chinese workers could also obtain piece work by accepting a supplementary agreement, thereby increasing their future income.²⁰⁵

8.4.3 Strikes by African workers

In his report dated 30 June 1904 the Pass Commissioner stated that there had been eighteen strikes on mines but that they were of no political importance since they were generally

²⁰⁰ *The Times*, 4.4.1905, p. 5.

²⁰¹ BPP Cd.2401, No. 58, p. 95: Lieutenant-Governor Sir Arthur Lawley to Mr Lyttelton, 6.5.1905.

²⁰² Richardson, P., "Coolies and Randlords: The North Randfontein Chinese miners 'strike' of 1905" in *Journal of Southern African Studies*, Vol. 2, No. 2, 1976, p. 171.

²⁰³ *House of Commons Debates*, 13.4.1905, Vol. 145, cc43-44.

²⁰⁴ Richardson, p. 152.

²⁰⁵ *Ibid.*, p. 172.

caused by disputes on the part of Africans as to the date of termination on their contracts. In only one of the cases was the contention of the Africans upheld. Strict measures were adopted to maintain discipline on the mines, and in cases where Africans were found guilty of refusing to work for no credible reason, punishment in the form of fines or remands to the magistrate court was instituted.²⁰⁶

The Witwatersrand Native Labour Association was permitted to employ 1 000 Africans from the British Central African Protectorate. These labourers would be employed on an experimental basis for a period of twelve months under a contract which stipulated conditions of service such as payment and repatriation. The first batch of 380 labourers arrived in Johannesburg on 17 June 1902. Towards the end of June, 84 of these workers went on strike which resulted in their imprisonment. The magistrate determined that they violated their agreement which had been explained to them at the time of recruiting.²⁰⁷ These African workers were imprisoned for three days.²⁰⁸

8.4.4 Railway strikes

In October 1902 the State Railway Department received a wage increase demand from railway workers who threatened to initiate a general strike if the increase was not granted.²⁰⁹ During the Anglo-Boer War the railway authorities in the Transvaal employed a large number of foreigners to work on the railway line from Pretoria to Komati Poort. These workers were paid a 100% allowance to compensate for the risks they faced due to the war and unhealthy climate. They were also provided with free supplies. The termination of the war meant that the civil authorities wanted to renegotiate employment conditions, especially the high wages.²¹⁰

On 3 December 1902 the *Evening Telegraph* reported that railway employees working on the eastern part of the Delagoa Bay line had commenced a strike due to the health hazards of the area they worked in.²¹¹ The *Exeter and Plymouth Gazette* on 4 December elaborated on the reasons for the strike by stating that the railway workers previously received a 100% allowance as compensation for working in the area. The allowance was

²⁰⁶ BPP Cd.2401, No. 58, Annexure C, p. 119: Report by Pass Commissioner, Johannesburg, 30.6.1904.

²⁰⁷ BPP Cd.2025, No. 13, Enclosure, p. 112: Annual Report by the Commissioner for Native Affairs for the year ended 30th June 1903, 30.6.1903.

²⁰⁸ BPP Cd.2025, No. 13, Annexure J, p. 146: Report by Chief Inspector, Johannesburg, for year ending 30th June 1903, 30.6.1903.

²⁰⁹ *The Financial Times*, 19.10.1904, p. 4.

²¹⁰ *Manchester Courier and Lancashire General Advertiser*, 5.12.1902, p. 6.

²¹¹ *The Evening Telegraph*, 3.12.1902, p. 4.

based on their salaries and the workers went on strike after the allowance was decreased from 100% to 33%.²¹²

The strike on the Delagoa Bay line halted all railway traffic and had a negative impact on towns such as Pretoria, Middelburg, Lydenburg and Barberton who were dependent on food supplies transported by rail. These towns had to support returning Boers and their families and the strike made it impossible. A solution recommended in the press was to use experienced British rail workers who were planning to move to the Transvaal from Cape Town and Durban. In Cape Town a number of engine drivers were also available and it was believed that they would be willing to fill the positions of striking workers at the reduced wages.²¹³ On 8 December 1902 it was reported that the grievances of the railway workers were addressed and the strike terminated.²¹⁴ In 1904 the *Aberdeen Journal* reported the possibility of another railway strike in the Transvaal.²¹⁵

8.4.5 The 1907 mining strike

The concerns of mine owners regarding the high production cost were further exacerbated by the proposed repatriation of Chinese labour. Sir George Albu, chairman of the General Mining and Finance Corporation, publicly emphasised the importance of employing more African labourers and decreasing the wages of white miners. Since the price of gold was set at a specified limit, low grade gold ore could only be mined profitably if production costs were lowered.²¹⁶

The 1907 strike was an attempt to prevent the deskilling of certain occupations as well as the decrease in the proportion of white supervisors to African workers. After the Anglo-Boer War white workers feared competition from African workers, and before the 1907 strike the introduction of new technology led to a general awareness that tasks previously performed by skilled labour could in future be allocated to unskilled and semi-skilled labour at lower wages. Before the 1907 strike, skilled employees used a mechanical drill with the assistance of two unskilled African labourers. In their deskilling effort employers tried to restrict the role of white workers to the supervision of more than two drills at the same time. This in effect meant that many of the skills of white workers were becoming expendable due

²¹² *Exeter and Plymouth Gazette*, 4.12.1902, p. 6.

²¹³ *Manchester Courier and Lancashire General Advertiser*, 5.12.1902, p. 6.

²¹⁴ *Sheffield Daily Telegraph*, 8.12.1902, p. 5.

²¹⁵ *Aberdeen Journal*, 28.7.1904, p. 4.

²¹⁶ Yudelman, D., "Lord Rothschild, Afrikaner scabs and the 1907 strike: A state-capital daguerreotype" in *African Affairs*, Vol. 81, No. 323, April 1982, p. 258.

to the use of unskilled or semi-skilled African labour to perform tasks formerly classified as skilled.²¹⁷

Harris emphasised that the proposal to increase the proportion of unskilled African labour in the workforce was not a unique occurrence. Plans to this effect were thwarted in 1897, 1902 and 1906 through strike actions or objections by white workers. On each of these occasions mine owners decided to discontinue the plan.²¹⁸

The implementation of the three-machine system on the Knights Deep Mine led to objections by miners which included health and safety issues, retrenchments and the viability of such a system. The mine, however, decided not to relent.²¹⁹ On 30 April 1907 the *Rand Daily Mail* announced that the wages of supervisors on the Knight's Deep mine would be decreased. White rock-drill miners would in future also be required to oversee three machines instead of two.²²⁰

The white miners' strike on the Witwatersrand originated on the Knights Deep Mine on 1 May 1907.²²¹ After the commencement of the strike, miners tried to initiate negotiations with the Chamber of Mines but were unable to make progress. Delegations were also sent to the government requesting changes to existing legislation and the establishment of a board of arbitration to settle the dispute between mine owners and striking miners.²²²

Employers were not willing to negotiate with strikers and rejected mediation. Mine owners eventually instituted a lock-out and employed Afrikaner workers as replacements for white strikers.²²³ Trade unions sent delegations, organised mass meetings and held demonstrations to promote their cause while violence was mostly limited to attacks on scabs.²²⁴ A scab can be defined as "a person who refuses to strike or who takes the place of a striking worker".²²⁵

On 5 May strikers launched a demonstration at the railway station in Johannesburg. Three letters were sent to the Chamber of Mines requesting the institution of a conciliation board which would settle the dispute, but without success. It was stated that the introduction of the three-machine system was an attempt to decrease the wages of white labourers and

²¹⁷ *Ibid.*, pp. 52-53.

²¹⁸ Harris, p. 43.

²¹⁹ *Ibid.*, p. 46.

²²⁰ Yudelman, p. 264.

²²¹ *Ibid.*, p. 257.

²²² Harris, p. 46.

²²³ Yudelman, pp. 258-259.

²²⁴ Harris, p. 47.

²²⁵ Stevenson, A. and Vaite, M., *Concise Oxford English Dictionary*, p. 1282.

therefore this step would be opposed. Mr J.F. Back further stated that the three-machine system was the latest step in the mine owners' strategy of expelling white miners from the Witwatersrand. He emphasised the decrease in white labour and the increase in coloured labour over the previous years. On 6 May *The Rand Daily Mail* reported that the strike on Knights Deep was still continuing. The mine was, however, operational since the mine management had replaced the strikers with other workers.²²⁶ The *Aberdeen Journal* reported that British and Dutch workers were used in place of the strikers.²²⁷

On 7 May 1907 miners from the Glen Deep Mine joined miners from Knights Deep, Robinson Deep, Simmer East, Simmer and Jack, Glen Deep and May Consolidated who were already on strike. Deputations from the strikers visited all the mines on the East Rand and lobbied for a general strike. The strikers alleged that the three-machine movement was introduced by mine owners to decrease the number of white employees on the mines.²²⁸

The strike was monitored by members of the British House of Commons and on 8 May 1907 Mr J. Ward, the Member of Parliament of Stoke-on-Trent, enquired about the reasons for the strike in the Transvaal. He required clarification concerning the fact that the disturbances were due to the mine owners attempting to replace white workmen with Chinese labour. In his opinion such a step would circumvent the stipulations of the Transvaal Labour Ordinance of 1904.²²⁹

On 8 May 1907 *The Rand Daily Mail* reported that workers at eight mines were on strike and emphasised the well-organised nature of the strike action.²³⁰ The increased scope of the strike meant that on 9 May a deputation from the Germiston Chamber of Commerce made an offer to the Chamber of Mines indicating their willingness to mediate. Louis Reyersbach, the President of the Transvaal Chamber of Mines, declined this offer. In his view arbitration was not yet required and the Chamber was unable to interfere in the labour relationship between employees and employers.²³¹

On mines where the three-machine principle had already been introduced, management was unwilling to negotiate with the miners and stated that there were large numbers of workers who were willing to take the strikers' positions. Strike-breakers were seen as a viable option by management and a number of miners were, for instance, brought

²²⁶ *The Rand Daily Mail*, 6.5.1907, p. 7.

²²⁷ *Aberdeen Journal*, 7.5.1907, p. 5.

²²⁸ *The Manchester Guardian*, 8.5.1907, p. 7.

²²⁹ House of Commons Debate, 8.5.1907, Vol. 174, c218.

²³⁰ *Rand Daily Mail*, 8.5.1907, p. 7.

²³¹ Yudelman, p. 264.

from Roodepoort to replace the Simmer East employees, but the strikers forced them to leave.²³²

Professional agitators were in part blamed for the strike since it was believed that most miners had no grievances and joined the strike only due to threats of violence against their person or because of loyalty to their fellow workers.²³³ Strikers from mines such as Simmer and Jack had no grievances, but went on strike in sympathy with the employees of the Knights Deep Mine. In sympathy with the white strikers, Chinese labourers at the Glen Deep Mine refused to work on 8 May but returned to work after the police was employed to restore order.²³⁴

On 10 May the Geldenhuis Deep and Langlaagte Deep Mines joined the strikers. After balloting, the Village Deep Mine decided to resume work. At this stage there was an estimated 1 400 men on strike. A deputation of the strikers met the Minister of Mines on 10 May and alleged that Chinese were taking their places. They pushed for immediate legislation regarding the settlement of disputes by arbitration.²³⁵

On 12 May the employees of twelve mines were on strike. The employees defended their decision to strike by emphasising that the life of a miner working two machines ranged from five to seven years. They believed that the three-machine system would reduce their life expectancy even further. Employers, however, denied that the health of workers would be affected through the implementation of the new system. In their opinion, the main purpose of the system was to improve work efficiency. In the twelve months preceding the strike the three-machine system had already been implemented successfully in a number of mines.²³⁶

Although strikers from the Crown Reef Gold Mine decided to resume working on 14 May, the further escalation of strike action on other mines meant that Lionel Phillips tried to convince the Transvaal government to end the strike. During conversations with Jan Smuts and the Minister of Mines, Mr Jacob de Villiers, he emphasised that it was necessary to break up picketing by physical force and to refrain from arbitration efforts. By 18 May the Minister of Mines publicly declared that the coercion of non-strikers would not be allowed by the government. On 22 May striking miners rioted due to the use of Afrikaner scabs by the mine management. During the latter part of May more than 20% of white miners had joined the

²³² *The Manchester Guardian*, 8.5.1907, p. 7.

²³³ *Ibid.*, 11.11.1907, p. 11.

²³⁴ *Ibid.*, 8.5.1907, p. 7.

²³⁵ *The Rand Daily Mail*, 11.5.1907, p. 7.

²³⁶ *The West Briton*, 20.5.1907, p. 4.

strike. Both the mine owners and the government then intervened to end the strike and an estimated 1 250 Afrikaner strike-breakers were employed.²³⁷ The strike therefore created opportunities for young Afrikaners to join the labour force.²³⁸

After the Anglo-Boer War a large number of Afrikaners sought employment opportunities in Transvaal towns. The unemployment of Afrikaners and their support for the reinstatement of a republican system meant that they were perceived as a security threat. In correspondence between Jan Smuts and John X. Merriman during early 1907, the cause of unemployment in the Transvaal and resulting social problems was believed to be the mining industry. During the strike, mine owners favoured the employment of Afrikaners in the positions previously held by the strikers. Mine owners believed that such a move would establish good relations with the Transvaal government, which was faced with a serious poor white problem. They also anticipated that Afrikaner workers would be willing to work for lower wages and would not use trade unions and strike actions to achieve employment goals.²³⁹ Due to the employment of Afrikaners on the mines, the strikers were also not re-employed.²⁴⁰

Meetings and pickets were contained by British troops that were deployed by the Het Volk government. On 26 May the 2nd Dragoon Guards violently dissolved a meeting of 200 miners.²⁴¹ The use of British troops during the strike was criticised in the House of Commons. Mr Winston Churchill responded that this was to his knowledge the first time that British troops were used in a self-governing colony to intervene in a labour dispute. In defence of the strategy, Churchill, however, stated that the conditions on the Witwatersrand were a totally unique occurrence with no existing precedent.²⁴²

The strikers in an attempt to state their case sent a number of deputations to the Transvaal government. One of the deputations submitted a petition with 3 271 signatures requesting that a court of arbitration be convened. Botha's refusal to institute an arbitration court strengthened the position of mining houses. Mine owners continued to employ Afrikaner strike-breakers and refused to negotiate with strikers. On 10 June a motion was

²³⁷ Yudelman, pp. 261-265.

²³⁸ *The Manchester Guardian*, 11.11.1907, p. 11.

²³⁹ Yudelman, pp. 260-265.

²⁴⁰ *House of Commons Debates*, 15.8.1907, Vol. 180, cc1623-1721.

²⁴¹ Yudelman, pp. 264-266.

²⁴² *The Manchester Guardian*, 30.5.1907, p. 8.

introduced into the Transvaal Legislative Assembly which lobbied for legislation to manage future labour disputes,²⁴³ which in turn resulted in the Industrial Disputes Prevention Bill.²⁴⁴

The African newspaper *Imvo Zabantsundu* reported positively on the fact that the strike allowed young South African men to work on the mines. The employment of white labour from overseas was seen as detrimental to the South African economy since large sums of money paid as wages to miners were sent to Britain. It was estimated that of the £5 million paid in white wages on the mines, a third was exported. The article linked some of the economic hardships in the country to the fact that so much money for skilled labour wages was sent to England, and the same was the case of Chinese labourers sending their wages to China.²⁴⁵ On 15 July mine owners decided not to negotiate with the strikers. The fact that no agreement could be reached, meant that the Transvaal Miners' Association on 28 July 1907 abandoned the strike.²⁴⁶

The position of the striking white workers on the Witwatersrand led to support from the Trade Unions Congress (TUC) in Britain. The TUC was a federation of trade unions in England and Wales. On 8 August 1907 the Parliamentary Committee of the TUC issued a circular regarding the conditions which the mine owners were forcing on the strikers. It was stated that the strategies of the mine owners led to many strikers being left homeless. Mine owners also refused to give further employment to strikers who served on the strike committee. The Transvaal Miners Association therefore appealed to the TUC for financial assistance for miners with families.²⁴⁷

During the 1907 strike trade unions and white labour adopted a more forceful approach which became part of future labour relations in South Africa. The strategies adopted by craft unions focusing on cooperation with capitalists and government no longer formed the base of labour relations in South Africa and the importance of union administration as well as political involvement was subsequently recognised by trade unionists.²⁴⁸ Trade union members established the South African Labour Party in 1909 and attained five seats during

²⁴³ Yudelman, p. 258.

²⁴⁴ Yudelman, D., *The emergence of modern South Africa: State, capital, and the incorporation of organized labor on the South African gold fields, 1902-1939*, p. 85

²⁴⁵ *Imvo Zabantsundu*, 11.6.1907.

²⁴⁶ Yudelman, "Lord Rothschild, Afrikaner scabs and the 1907 strike: A state-capital daguerreotype", pp. 265-266.

²⁴⁷ *The Manchester Guardian*, 8.8.1907, p. 6.

²⁴⁸ Harris, p. 32.

the 1910 election. Frederic Creswell, the leader of the South African Labour Party, was one of elected members.²⁴⁹

Mine owners gained much from the strike since mines were able to terminate expensive contract work. White miners were subsequently employed to supervise more than two drilling machines, and the number of white miners employed as well as production costs decreased.²⁵⁰

8.4.6 Strikes in printing and other industries

Strikes also occurred in other industries. In September 1889 employees working in a Johannesburg engineering works demanded a wage increase as well as a decrease in working hours from 54 to 48 per week. After a two week strike employers agreed to reduce working hours to 52,5 per week.²⁵¹

A printers' strike occurred in 1898 due to a dispute between employees and the owners of *The Pretoria News*. The Transvaal government in 1899 proposed legislation to introduce an eight hour working day, but the Anglo-Boer War hindered its implementation.²⁵²

9. Evaluation

The development of trade unions in South Africa is closely linked to the industrialisation of the country. After the discovery of diamonds and gold, the scarcity of skilled labour led to the importation of artisans from Britain and other countries. British trade unions were therefore transplanted to South Africa through these skilled labourers. They established craft unions on similar principles as the British craft unions and restricted membership according to trade. The unions were also based on racial criteria and only allowed white workers to join. The elitism of these British trade unions was transferred to unions established in different South African industries such as printing, building and mining. These early unions were formed to protect the interests of workers, and protested against sub-standard working conditions such as long working hours and low wages. The problems encountered by mine owners on the diamond fields led to the implementation of restrictive labour practices such as compounds and search regulations which resulted in strike actions. The gold mines on the Witwatersrand were under pressure to reduce labour costs due to the fixed gold price and the high production

²⁴⁹ Yudelman, "Lord Rothschild, Afrikaner scabs and the 1907 strike: A state-capital daguerreotype", p. 267.

²⁵⁰ *Ibid.*, p. 266.

²⁵¹ Walker, pp. 4-6.

²⁵² *Ibid.*, p. 9.

costs of low-grade ore. Mine owners therefore tried to boost productivity, lower wages, increase working hours and reduce the need for skilled workers. This led to conflict and widespread strike actions. The success of industrial action was hampered by limited union membership, poor union organisation, and restricted political influence, as well as the increased availability of unskilled white labour after the Anglo-Boer War due to widespread unemployment.

The incentive for skilled workers to defend their positions led to a colour bar segregating union membership and overall decreased effectiveness of cooperative industrial action between white and African workers. The attempt of mine owners to employ more African, unskilled labour culminated in the 1907 strike that laid the foundation for future labour relations. The overlapping interests of government and mine owners during this period led to the violent break-up of the strike and the introduction of Afrikaner workers in the mining industry to supplant imported labour. Hereafter unions would become more politically active and influential as well as better organised.

CHAPTER 8

CONCLUDING PERSPECTIVES

Capital, state and labour form the main parties in the labour relationship, and their interaction determines the state of the labour environment. During the South African colonial period (1806 to 1910), the labour environment was even more complex through the addition of another role-player, namely the colonial power. Britain had an enormous influence on the labour environment and had a significant impact on the interaction between the colonial governments in South Africa, capital interests and labour.

The legacy of British rule indeed continues to influence perceptions in South Africa. The colonial era and the subsequent apartheid period (1948-1994) instituted political, economic and social policies that impacted on the development of the country. In a democratic South Africa political equality has failed to solve social problems such as poverty, the standard of health and education provision, and service delivery. The South African economy is also severely hampered by fundamental labour problems such as unemployment, an oversupply of unskilled labour, and inequality in the workplace. An important question in contemporary South Africa relates to blame. Who is to blame for the social and economic problems in South Africa? Is it the post-1994 African National Congress (ANC) government, apartheid (1948-1994), or can blame also be allocated to Britain for the colonial period of rule (1806-1910)?

Numerous politicians and other groups apportioned some of the blame for South African problems to British rule. South Africa's President Jacob Zuma, commenting in October 2012 on the Marikana mine killings of August 2012, for example said that "Marikana was an unfortunate incident. People fail to understand the history and that its massive inequalities were a legacy of both colonial oppression and apartheid. It is not a failure of African National Congress leadership, it is a failure of the past".¹ He also stated in an Al Jazeera interview on 25 January 2013, that "his country's colonial past has made it

¹ *Business Day*, 30.10.2012, p. 1.

harder for him to combat the economic downturn. The mining industry has not modernised its labour, its workers are still people that come and go.”²

In the *City Press* of 14 April 2013 Blade Nzimande, South Africa’s Minister of Higher Education and Training, said: “When we talk about the negative effects of apartheid, we are using the phrase to refer to more than just the ills of the period 1948 to 1994. We are referring to the entire period of colonial and settler rule in South Africa. This period of white supremacy was long, and for black South Africans, extremely oppressive. It included various forms of bondage for black people, including slavery and various forms of legally sanctioned oppression, of which apartheid was only the last. For the past century and a half, racial oppression was a means of entrenching a capitalist cheap-labour system.”³

In 2005, Thabo Mbeki, who was at that stage South Africa’s State President, when addressing the Sudanese National Assembly, stated that British statesmen in the years gone by visited South Africa and the Sudan “doing terrible things wherever they went, justifying what they did by defining the native peoples of Africa as savages that had to be civilised even against their will”. Mbeki also said that the British Empire left a “terrible legacy of countries divided by race, colour, religion and culture”.⁴

In Britain the legacy of British rule has also been debated, especially with regard to the successful court case of Mau Mau victims. Caroline Elkins in *The Guardian* of 7 June 2013 commented on the Mau Mau court case and the implications for the rest of the British Empire: “Ultimately, the Mau Mau case is as symbolic as it is instructive. Regardless of future claims, Britons can no longer hide behind the rhetoric of unequivocal imperial success. Instead, British liberalism in the empire – with its alleged spread of civilisation, progress, liberty and rule of law justifying any coercive actions – has been irreversibly exposed.”⁵ As former British territories question the positive impact of Britain on their countries and cultures, British politicians have been forced to comment publicly on these matters. David Cameron, British Prime Minister, addressing an audience in Pakistan in 2011, admitted to the

² AL Jazeera “South Africa can’t grow while linked to U.S. and Europe: Zuma”, 25.1.2013, < <http://allafrica.com/view/resource/main/main/id/00051791.html>>, accessed 28.1.2013.

³ *City Press*, 14.4.2013, p. 25.

⁴ *The Guardian*, 5.1.2005, <<http://www.theguardian.com/world/2005/jan/05/southafrica.sudan/print>>, accessed 30.4.2014.

⁵ *The Guardian*, 7.6.2013, <<http://www.theguardian.com/commentisfree/2013/jun/06/Britain-maumu-empire-waiting>>, accessed 30.4.2014.

impact of Britain by saying that “as with so many of the problems of the world, we are responsible for their creation in the first place”.⁶

Other political leaders in both South Africa and Britain do not favour the approach where blame is apportioned to previous political regimes such as the periods of colonial rule by Britain. During a visit to Africa in 2005 and also in response to President Thabo Mbeki’s criticism of British imperialism Gordon Brown, the then British Prime Minister said “the days of Britain having to apologise for its colonial past are over] ... [it is now time to talk about enduring British values of liberty and tolerance”.⁷

The question with regard to the legacy of Britain in South Africa therefore persists. In commenting on the labour question in South Africa, it is important to consider the role of Britain from different perspectives. These perspectives include the following: the direct impact of the British government on South Africa and the labour environment; the influence of the different colonial policy strategies instituted, and the impact on political events; the legislative impact of the British government; the role of the British public and press, humanitarian groups and opposition parties; the indirect role of the British government; the contribution of British administrative systems regarding convicts and apprentices; the impact of British emigrants on the South African labour environment; the role of the British in managing and recruiting labour, facilitating labour supply from different sources, and African administration, taxation systems and land rights. Finally, the interaction between Britain, colonial governments and capital with regard to labour must be evaluated.

Britain in the first instance had a direct impact on the South African labour environment through British administration and governance of the colonies in the region. British governance in the colonies varied according to the degree of involvement and control, from crown colonies to responsible government. Crown colonies were directly managed and Britain had full control with regard to legislation, labour policy, land rights, African administration and taxation. Political decision-making was done by the British governor. Under responsible government, colonial governments controlled their own legislation, political decisions, local labour environment, taxation, land rights and African administration. For colonies under responsible government, the British government could only veto

⁶ Booth, J., “Cameron: Britain caused many of world’s problems”, 6.4.2011, <<http://www.thetimes.co.uk/tto/news/politics/article2974954.exe#>>, accessed 29.4.2014.

⁷ *BBC News*, 15.1.2005, <http://news.bbc.co.uk/2/hi/uk_news/politics/4176805>, accessed 30.4.2014.

legislation and control external relations. Influence was exerted by the British government via correspondence and colonial policy guidelines.

British administration was determined by colonial policy, and even under representative and responsible government the colonial policy implemented by the British impacted on the political environment in the South African colonies and independent states. British colonial policy was characterised by fluctuating opinions on the extension of colonial borders, withdrawal of territorial influence, internal security, confederation and the level of autonomy granted to colonies. British administration in South Africa annexed the Orange Free State (1848), British Kaffraria (1865), Griqualand West (1877) and Basutoland (1881) to the Cape Colony. The Transvaal was annexed in 1877 and again, together with the Orange Free State, during the Anglo-Boer War. Changes in the British governing party in many instances led to the withdrawal of British influence in South Africa, due to, amongst other factors, cost implications or the non-imperialist view of the Little Englanders. The Transvaal received its independence through the Sand River Convention (1852), the Orange Free State received its independence through the Bloemfontein Convention (1854), and the Liberal Party in 1881 restored the Transvaal's independence through the Pretoria Convention.

The withdrawal of British influence from the Transvaal and Orange Free State territories impacted on the development of labour relations in these areas. It allowed the Afrikaner governments to institute apprenticeship systems similar to those established in the Cape Colony in 1812. The apprenticeship system in the Transvaal became a rallying point for humanitarian groups who equated the system with slavery and who tried to convince the British government to once again extend their influence in order to curb this. These governments also adopted other labour strategies such as labour tenancy and taxation to facilitate labour supply.

The labour systems that were implemented, disregarded the political and labour rights of indigenous groups. The indigenous population had no input in decisions made regarding labour legislation, land, passes, taxation and vagrancy laws. African and other labourers were in many instances coerced to join the labour force and, due to criminal sanctions embedded in labour legislation, could not negotiate a fair labour contract. As a result of the labour environment, the indigenous population had no access to skilled positions and indigenous people were restricted to unskilled positions in the agricultural, public works and mining sectors.

Confederation was promoted on different occasions in South Africa due to concerns such as humanitarian issues, a uniform system of African administration, economic development, the development of trade and industry, and the roll-out of infrastructure. During the 1850s Sir George Grey promoted confederation in South Africa with little success. In 1874, after the successful confederation of Canada, Lord Carnarvon once again promoted confederation and had to resolve political hurdles like the independence of the Afrikaner republics and the independence of strong African states such as Zululand.

The colonial policies followed in South Africa, coupled with the actions taken by British government officials, contributed to a number of political events. During the British administration of the Cape Colony before 1856, various frontier wars took place. The decisions of British governors resulted in the annexation of territory and this eroded the independence of the African population. African land was appropriated, forcing people to join the labour force. After the Cape was granted responsible government the Ninth Frontier War (1878-1879), which took place after the Cape Colony was granted responsible government, further eroded the position of the African population, and refugees were forced to join the apprenticeship system. They were consequently introduced into the Cape labour environment.

The Anglo-Zulu War of 1879 had a similar impact on the Zulu Kingdom. At the conclusion of the war, the deeds of submission drafted by the British government laid the groundwork for the entry of Zulu labourers into the Natal labour market. Chiefs were co-opted and paid a capitation fee for each recruited Zulu labourer. In this way, Britain facilitated a method in which the chiefs became an important component in the labour recruitment network. The Anglo-Pedi War (1878-1879) impacted on the independence of the Pedi Kingdom, which was an important part of the labour supply to the diamond mines and the public works in the Cape Colony. Policies introduced by the British administration during the war mirrored the much-criticized apprenticeship system used by the Transvaal government before annexation, thereby condoning the use of apprenticeships.

The Anglo-Boer War (1899-1902) led, as has been pointed out, to the annexation of the Transvaal and the Orange Free State. This facilitated the introduction of more effective administration of labour and African affairs. It ultimately led to the unification of four British territories through the establishment of the Union of South Africa in 1910. However, the hopes of humanitarian and civil society groups for greater equality for indigenous groups

through the introduction of British administration did not materialise. Pass laws, taxation systems and labour systems, like tenancy, were maintained.

Britain also had a legislative impact on the labour environment, not only directly through the enactment of legislation during British periods of administration, but also indirectly through the usage of British laws as a framework for the legislation adopted in South Africa. The British government was also empowered to veto legislation enacted by colonies with responsible government, ensuring that legislation adhered to British standards. British masters and servants legislation formed the model for legislation enacted in the colonies. The framework of criminal sanctions in British legislation was also adopted in colonial laws, since employers found it difficult to deal with desertions and other issues of misconduct. The adopted masters and servants legislation restricted the freedom of employees by linking criminal sanctions to breach of contract. The Cape legislation served as the basis for legislation adopted in Natal and the Transvaal. Subsequent changes in British masters and servants legislation was also mirrored by South African legislation. Emphasis was placed on the voluntary nature of the employment contract, and fines were instituted for breach of contract and other minor misdemeanours. However, criminal sanctions endured since non-payment of fines could lead to imprisonment. Britain also had an impact on vagrancy and pass legislation, as vagrancy categories in colonial legislation was similar to those used in Britain.

British systems concerning convicts and apprentices also had an impact on the systems adopted in South Africa. The internal convict system adopted in the Cape Colony was based on reformatory aspects, and incorporated elements of convict reform used in Britain and in other British colonies such as Van Diemen's Land in Australia. Changes in convict systems such as the institution of non-productive labour in the prison system in Britain were also reflected in the colonial systems, and the Natal prison system used the crank and thread wheel as non-productive punishment as was in use in Britain. The pauper apprenticeship system in Britain was used in the apprenticeship systems adopted in the Cape Colony and was not only used to apprentice child immigrants from Britain, but also helped to address social welfare problems such as the future of destitute children. Apprenticeship also became a useful tool in dealing with war refugees after the frontier wars in the Cape Colony, and large numbers of refugees were introduced to the labour market in this way. The British craft apprenticeship system was also used in the Cape and other areas to regulate apprenticeship contracts with apprentices in trades and factories. Craft apprenticeships were

also used by missionary schools to facilitate industrial training, and African children were frequently apprenticed in trades such as printmaking.

The indirect impact of Britain should also be considered, since the ideas and philosophies prevalent in Britain influenced the mindset in the colonies. Although interference from Britain was restricted in those colonies that had responsible government, the actions of colonial governments and capital were frequently criticised by the British government, hoping to influence decision making in the colonies. Britain also attempted to influence the policies adopted in the independent states in South Africa through correspondence outlining the official British position and emphasising their moral stance.

Political events and economic issues were also criticised in Britain's House of Commons, while humanitarian and civil society groups, as well as the British press, focused attention on events in South Africa. Events in South Africa were frequently reported in the British press, and with regard to labour the press initially portrayed humanitarian concerns by reporting instances of perceived slavery in the Transvaal. Apprenticeship systems adopted by colonial governments in South Africa were also portrayed negatively in the British press, and were often criticised and compared to slavery or forced labour. After the discovery of gold in the Transvaal in 1886, the position of imported white labour was also highlighted in the British press. The position of white labourers was stressed, as was their fears concerning replacement by unskilled labour, the de-skilling of skilled positions and changes to employment conditions such as the reduction of wages. Strike actions on the Transvaal mines by white labour also garnered a lot of attention in the press. After the importation of Chinese labour, the position and treatment of these labourers were widely reported in Britain and debated by supporters and opponents of the importation. Articles were also published on the treatment of African and Chinese labourers, the compound system and health and safety conditions were criticised, and punishment systems such as flogging were condemned.

The press and the opinion of the British public informed debates in the House of Commons, and criticism was utilised by humanitarian groups and opposition parties to influence government policy, especially with regard to forced labour practices and labour conditions. Humanitarian groups, and the British public and press emphasised the treatment and conditions of service of indigenous and indentured groups instead of the labour and political rights of these groups.

Opposition parties in Britain used political events, allegations of slavery and the abuse of civil, political and labour rights to criticise the governing party and to strengthen their own positions during election campaigns. After the annexation of the Transvaal in 1877, for example, the Liberal Party of Mr William Gladstone criticised the British government actions in his Midlothian campaign and promised the return of sovereignty. In 1906 the importation of Chinese labour was used by the Liberal Party to criticise the government.

The emigration of British citizens to South Africa also had an impact on South Africa. The government-sponsored settler scheme of 1820 was perceived as a solution to both internal British problems of overpopulation and unemployment, and the increase of British influence in South Africa by strengthening their numbers. In comparison to emigration to other colonies, large numbers of people did journey to South Africa after the discovery of diamonds and gold. This increase in the number of British subjects in South Africa had several consequences. The demographic situation of the country was changed by the larger English contingent, and British subjects in the Transvaal demanded the extension of British influence. This was especially relevant in the annexation of the Transvaal in 1877 and the campaign for Uitlander rights before the Jameson Raid and the Anglo-Boer War. It was believed that Britain had a responsibility to secure equal rights for immigrants. The introduction of skilled white labour from Britain extended the skills base in South Africa. They also introduced trade unionism, and since many of these skilled artisans belonged to craft unions in Britain, branches of existing British trade unions were established in South Africa or new unions based on craft union principles, restricting membership to skilled employees, were formed. The focus of the exclusion of unskilled labour from union membership entrenched a class system along racial lines. The introduction of female immigrants after the Anglo-Boer War was as a result of the British political agenda to increase the English presence in South Africa and was actively promoted by the British administration in the Transvaal.

Britain played an important role in creating the labour environment evident at Union in 1910. After the abolition of slavery in 1807 the British administration in the Cape Colony had to deal with the labour scarcity experienced by employers as well as the necessity of expanding economic activity. The economic development of the colonies was dependent on the increase of exports and expansion of revenue to support the Cape and Natal colonial governments. To address the labour needs of employees in the Cape Colony, the British government facilitated the introduction of child apprentices from Britain, and liberated

slaves, and unsuccessfully tried to introduce convict labour. In Natal the British administration had to accommodate sugar planters by facilitating the importation of Indian labour to compensate for the lack of available African labour. In Griqualand West the British administration was forced to investigate recruitment options to increase the labour supply and to combat labour scarcity. Subsequent to the annexation of the Transvaal and Orange Free State during the Anglo-Boer War, the British administration enacted labour legislation to enable improved labour supply, recruitment and labour conditions. To solve economic problems in the Transvaal, it was crucial to secure a labour supply from Mozambique via the Portuguese government, and also from Central Africa, China and India. Discussions were held with British administrations in other British colonies to facilitate labour importation.

Britain played an important role in securing labour for the colonies in South Africa through the network of the British Empire as well as via foreign agreements. Some of the main sources of labour for the Cape Colony were secured from other British colonies such as St Helena and through contact with people in foreign territories such as Mozambique and Damaraland in German South-West Africa. Workers were also recruited in the Transkei. Existing agreements in use in other British colonies formed the foundation for the importation of Indian labour in Natal. The British administration secured external labour from the Amatonga by introducing legislation facilitating labour importation and reaching an agreement with King Cetshwayo of the Zulus. Agreements were also reached for the introduction of liberated slaves.

The Transvaal labour supply was augmented from various sources. Labour was imported from the British Central African Protectorate and an agreement was explored for the importation of Indian labour for public works. Chinese indentured labourers were introduced after the intercession of Britain into the mining sector. Negotiations with the Portuguese government resulted in the importation of labour from Mozambique for the mines. Britain used their large empire to explore the availability of labour from a wide variety of sources.

Britain also played a crucial role in establishing a foundation for African administration, taxation systems and land rights in South Africa which shaped the labour environment in the country. Different systems of African administration were instituted by Cape Governors such as Sir Harry Smith and Sir George Grey which elaborated on the principles of education, civilisation and industrial training. Chiefs were incorporated into colonial administration systems and were expected to collect taxation and supply labour. Legislation such as the Glen Grey Act was enacted by the colonial government to change

landownership criteria in tribal areas, and instituted a labour taxation clause to motivate Africans to join the labour force. The labour tax clause was condemned by humanitarian groups in Britain as unjust, but the British government declined to use their veto to restrict the impact of the act and defended their actions based on the responsible government status of the Cape Colony.

In Natal the systems of reserves and indirect rule over the African administration was fostered by the British administration. The needs of the colonial economy for agricultural produce provided by African groups outweighed the employer lobby. This attitude promoted the break-up of reserves and other measures to force Africans to join the labour force. Britain, as mentioned previously, had to explore other labour options such as the importation of Indian labour to solve the labour scarcity in Natal. The actions of the British administration condoned labour strategies employed in Natal, including labour tenancy, and Natal was the first colony to institute hut taxes in South Africa.

The introduction of Indian indentured labour by the British had a long-term impact on South Africa since it further diversified the population. It also led to political problems centred on the civil and political rights of educated Indian subjects in South Africa. These Indian subjects believed that Britain could alleviate the inferior status which the Natal and Transvaal constitutions forced on them. Indians in both Natal and the Transvaal lobbied the British government to intervene on their behalf regarding the restrictive franchise qualifications, and pass and location stipulations. The British government, although sympathetic with regard to the position of Indians as British subjects expecting equal rights in South Africa, was unwilling to interfere in the responsible government granted to Natal in 1893 or in the affairs of an independent Transvaal. Official British correspondence protested the legislation enacted in the areas, but without success. In the Transvaal the conclusion of the Anglo-Boer War gave Britain the opportunity to ameliorate the position of Indians living in the Transvaal, but in the post-war settlement Indian rights were not regarded as a priority and the restrictive legislation regarding locations and passes was strictly enforced. Priorities such as internal security, economic development of the mining industry and labour supply were seen as crucial in securing the future of South Africa. The responsibility for contentious issues such as Indian political and civil rights, was passed on to the governments of the Transvaal and the Orange Free State after the granting of responsible government to these areas.

After the conclusion of the Anglo-Boer War in 1902, the British government emphasised the importance of a uniform system of African administration. Commissions were established to address African administration and the urgent need for labour in South Africa, especially in the Transvaal. Taxation and land policies established by the Transvaal government continued under the British administration, and although humanitarian groups protested excessive taxation or labour recruitment strategies, no steps were taken to change African administration systems and adapt the restrictive labour and other policies that became part of the labour dispensation after the Union of South Africa in 1910.

The British role in the labour question in South Africa must also be seen in the light of Britain's interaction with colonial governments and capital sources in the area. The relationship between the British government and colonial governments, as mentioned previously, was determined by the degree of self-government awarded to the colonies. British administration in crown colonies such as the Cape (up to 1872) and in Natal (until 1893), played an important decision-making role with regard to legislation and political affairs. The institution of British administration after the conclusion of the Anglo-Boer War in 1902 also meant that Britain had a direct impact on political and labour decisions instituted in the Transvaal and Orange Free State.

The interaction with capital sources, including large mine-owners and small employers, was more problematic since it was closely connected to the economic position of the different states and colonies. Cost concerns regarding the administration of British colonies meant that colonies had to be economically self-sufficient. Capitalists and employers therefore had to be supported in their efforts to produce agricultural products, especially for the export market, and the mining sector had to be assisted to develop to its full capacity. The problems experienced after the Anglo-Boer War, which included the financial ruin of farmers, non-productive mines and the damage to infrastructure, had to be addressed by Britain. Transvaal was seen as crucial to the economic recovery and therefore the mine-owners were accommodated by the British administration. Different strategies were implemented to secure a labour supply for the mines, and new legislation was enacted to improve the administration of the labour environment and solve pre-war labour issues. The labour scarcity in the mining sector meant that the British government supported the introduction of Chinese workers, and meetings between the mine owners and British administration focused on the recommencement of mining operations. In the agricultural sector the British government was responsible for re-establishing production, and existing

labour strategies were condoned to ensure the quick recovery of the sector. The problem of poor whites was also solved through the institution of relief works by the British administrations in the Transvaal and in the Orange Free State.

In conclusion, it is clear that Britain's impact on the labour question in South Africa was significant and multi-faceted. South African legislation, including masters and servants acts and vagrancy and apprenticeship laws, were based on British models. British ideas from the enlightenment to scientific racism informed approaches to administration and interaction between groups in South Africa. Various British groups including civil society, the press and politicians commented on and worked to change circumstances around slavery, apprenticeships and the treatment of African groups and labour. Britain also took a direct role in local administration before colonies such as the Cape Colony and Natal received responsible government, and as well as after the annexation of the Transvaal and the Orange Free State. The British convict systems, adapted from other colonies, as well as British administrative practices were incorporated into local convict systems. These were incorporated into important strategies to control labour, like the compound system and passes. Britain played a significant role in various strategies to obtain labour in South Africa. So for example indentured labour was imported from China and India and labour importation was facilitated from St Helena, the Central African Protectorate and Mozambique. Britain also played a role in the use of land ownership and taxation systems to increase the amount of available labour, especially during periods of British administration in areas such as Natal. Immigration to South Africa by British subjects ensured that they were incorporated into the local demographic and they in turn strove to influence local policies regarding labour. British frontier wars, the dispossession of land and the handling of prisoners, had an impact on the labour situation. Improvement in employment conditions and better labour and political rights in Britain, were mirrored in South Africa after 1910, but was mainly applicable to white workers. British unions and union legislation played a formative role in South African labour relations, though union impact was limited to white labourers for the period under consideration – i.e. 1867 to 1910.

While certain labour strategies like forced apprenticeships, the private use of convict labour, pass regulations and labour compounds continued to play an important role for most of the twentieth century they have mostly disappeared after democratic government was instituted. Many other labour issues have been of great importance to South Africa during the twentieth and first few years of the twenty-first centuries. See in this regard, for example

mechanisation (especially in mining and farming)⁸, the use of cheap manual labour, land ownership, xenophobia⁹ and migratory labour¹⁰. While coercive labour strategies have for the most part disappeared, human trafficking and child labour are still important issues today, with an estimated 21 million people worldwide finding themselves coerced into labour.¹¹ Although illegal after 1994, child labour is still reported in the South African press, and employers using child labour were prosecuted in the Free State and Limpopo.¹²

From what has been said above, it is clear that Britain has had an enduring impact on both the South African labour environment as well as in the wider political and social environment in the country. A study of the interaction of state, capital, labour and Britain as colonial power in the years 1867 to 1910, indeed sheds important light on labour and related issues in South Africa.

⁸ SABC News.com, “AngloGold moves to ‘mechanisation mining’”, <<http://www.sabc.co.za/news/a/609556004f9b95e1bcccfe0b539e4bb/Anglogold-moves-to-mechanisaiton-mining-20130513>>, accessed 12.7.2013; Fin24, “De Beers turns to mechanisation”, <<http://www.fin24.com/Companies/Mining/De-Beers-turns-to-mechanisation-20130628>>, accessed 12.7.2013.

⁹ *Diamond Fields Advertiser*, 23.4.2012, p. 3; *Volksblad*, 30.6.2012, p. 4; *Business Day*, 4.3.2013, p. 10.

¹⁰ *City Press*, 31.1.2010, p. 2.

¹¹ International Labour Office (ILO), “21 million people are now victims of forced labour, ILO says”, <http://ilo.org/global/about-the-ilo/newsroom/news/WCMS_181961/lang--en/index.htm>, accessed 6.6.2013.

¹² *Star*, 25.7.2012, p. 1; *Volksblad*, 19.2.2003, p. 13; *Volksblad*, 31.1.2008, p. 1; *Volksblad*, 31.1.2010; *Volksblad*, 29.3.2011, p. 4; *City Press*, 31.1.2010, p. 2; *Express*, 20.2.2013, p. 8; *Diamond Fields Advertiser*, 2.12.2010, p. 5; *Cape Argus*, 16.6.2009, p. 3; *Cape Argus*, 20.7.2012, p. 2

ANNEXURE A

CHRONOLOGY

- 1803 Batavian Republic established at the Cape (1803-1806)
- 1806 Articles of capitulation and extension of British influence over the Cape Colony
- 1807 Abolition of slave trade by British parliament
- 1814 Convention of London establishes British sovereignty at the Cape
- 1818 Fifth Frontier War (1818-1819)
- 1820 Arrival of British settlers at the Cape
- 1828 Ordinance No. 50 enacted in the Cape Colony
- 1833 Slavery Emancipation Act
- 1834 Sixth Frontier War (1834-1835) commences
- 1834 First children sent to Cape by Children's Friend Society
- 1835 Select Committee on Aboriginal Tribes appointed
- 1839 Establishment of the Republic of Natalia at Pietermaritzburg
- 1843 Annexation of Natal by Britain
- 1846 Seventh Frontier War (1846-1848) commences
- 1846 Location Commission established in Natal
- 1848 Battle of Boomplaats – defeat of Afrikaners by British forces
- 1848 Introduction of isibahlo labour system in Natal
- 1848 Land Commission established in Natal
- 1849 Repeal of the Corn Laws in Britain

- 1849 Convicts sent to the Cape Colony
- 1850 Eighth Frontier War (1850-1853)
- 1852 Sand River Convention
- 1852 Native Affairs Commission, Natal (1852-1853)
- 1853 Cape Colony receives representative government
- 1854 Bloemfontein Convention
- 1854 First recorded strike in Cape Colony (3 March 1854)
- 1856 Masters and Servants Act promulgated in Cape Colony
- 1856 Establishment of the crown colony of Natal by the Charter of Natal
- 1859 First Indian indentured labourers arrive in Natal
- 1860 Amalgamated Society of Carpenters and Joiners (ASCJ) established in Britain
- 1862 Shire Commission investigates Indian labour in Natal
- 1866 Indian emigration to Natal halted
- 1867 Discovery of diamonds in Kimberley
- 1868 Liberal Party of William Ewart Gladstone wins British election
- 1871 Griqualand West becomes British territory
- 1872 Natal Commission investigated Indian complaints
- 1872 New Rush disturbances Griqualand West
- 1873 Langalibalele Rebellion in Natal
- 1873 Arrival of first liberated slaves in Natal
- 1874 Conservative Party of Benjamin Disraeli wins British election
- 1874 Indian emigration to Natal recommences
- 1875 Black Flag Rebellion in Griqualand West

- 1876 Establishment of the Griqualand West Labour Commission
- 1876 Transvaal-Pedi War
- 1877 Annexation of Griqualand West to the Cape Colony
- 1877 Annexation of the Transvaal (12 April 1877)
- 1877 Ninth Frontier War (1877-1879)
- 1878 Rebellion of Griquas and Korannas
- 1879 Anglo-Zulu War
- 1881 Royal Commission appointed in the Transvaal
- 1881 Pretoria Convention
- 1881 Branch of Amalgamated Society of Carpenters and Joiners formed, Cape Town
- 1884 London Convention
- 1884 First compounds established in Kimberley
- 1885 Wragg Commission established in Natal to investigate Indian indentured labour
- 1886 Discovery of gold in the Transvaal
- 1887 Annexation of Zululand
- 1893 Natal receives responsible government
- 1895/6 Jameson Raid
- 1897 Rinderpest epidemic
- 1897 Strike at Robinson Group of mines
- 1897 Industrial Commission established in the Transvaal
- 1899 Bloemfontein Conference (31 May-5 June 1899)

1899	Anglo-Boer War (1899-1902) commences
1901	Modus Vivendi Agreement
1902	Treaty of Vereeniging
1902	Introduction of white labour scheme at Village Reef Mine
1903	South African Customs Conference
1903	South African Native Affairs Commission (1903-1905)
1904	Introduction of Chinese labour into the Transvaal
1904	Transvaal Labour Commission established
1905	Liberal Party wins elections in Britain
1905	Het Volk established in the Transvaal
1905	Strike at New Kleinfontein Mine
1905	Chinese riot at Simmer and Jack Mine
1906	Bambatha Rebellion in Natal
1906	Transvaal receives responsible government
1906	Orangia Unie established in the Orange Free State
1907	Orange Free State receives responsible government
1907	Het Volk wins election in the Transvaal
1907	Transvaal mining strike
1907	Repatriation of Chinese labour commences
1910	Union of South Africa established

ANNEXURE B

KEY FIGURES

Adderley, Charles (1814-1905)	Member of Parliament for Staffordshire North (1841-1878)
Barkly, Sir Henry (1815-1898)	Governor of the Cape Colony and High Commissioner in South Africa (1870-1877)
Beach, Sir Michael Hicks (1837-1916)	Secretary of State for the Colonies (1878-1880)
Bentham, Jeremy (1748-1832)	Social philosopher
Berkeley, George (1685-1753)	Philosopher and enlightenment thinker
Bhownagjee, Sir Mancherjee (1851-1933)	Member of Parliament for Bethnal Green (1895-1906)
Bok, W.E. (1846-1904)	State Secretary of the Transvaal (1880-1889)
Boshoff, J.N. (1808-1881)	State President of the Orange Free State (1855-1859)
Botha, Louis (1862-1919)	Prime Minister of the Transvaal (1907-1910)
Bourne, H.R. Fox (1837-1909)	Secretary of the Aborigines Protection Society
Brand, J.H. (1823-1888)	State President of the Orange Free State (1864-1888)
Brenton, Captain Edward (1774-1839)	Founder of the Children's Friend Society
Buckingham and Chandos, Duke of (1823-1889)	Secretary of State for the Colonies (1867-1868)
Bulwer-Lytton, Sir Edward (1803-1873)	Secretary of State for the Colonies (1858-1859)
Caledon, Second Earl of (1777-1839)	Governor at the Cape Colony (1807-1811)
Campbell-Bannerman, Sir Henry (1836-1908)	Prime Minister of Britain (1905-1908)
Campbell, Sir George (1824-1892)	Member of Parliament for Kirkcaldy Burghs (1875-1892)
Cardwell, Edward (1813-1886)	Secretary of State for the Colonies (1864-1866)
Cathcart, Sir George (1794-1854)	Governor of the Cape Colony (1852-1853)

Carnarvon, Fourth Earl of (1831-1890)	Secretary of State for the Colonies (1866-1867, 1874-1878)
Cetshwayo KaMpande (1826-1884)	King of the Zulu Kingdom (1872-1879)
Chamberlain, Joseph (1836-1914)	Secretary of State for the Colonies (1895-1903)
Chesson, F. W. (1833-1888)	Member of the Aborigines Protection Society
Churchill, Winston Sir (1874-1965)	Under-Secretary of State for the Colonies (1905-1908)
Courtney, Leonard (1832-1918)	Member of Parliament for Liskeard (1876-1885)
Darwin, Charles (1809-1882)	English naturalist and geologist
Davitt, Michael (1846-1906)	Member of Parliament for South Mayo (1895-1899)
Dilke, Sir Charles (1843-1911)	Member of Parliament for Chelsea (1868-1886)
Disraeli, Benjamin (1804-1881)	Prime Minister of Britain (1874-1880)
Dunn, John (1834-1895)	South African settler and diplomat
D'Urban, Sir Benjamin (1777-1849)	Governor of the Cape Colony (1834-1837)
Elton, Frederic (1840-1877)	British consul in Portuguese territory (1875-1877); Vice-Consul in Zanzibar (1873-1875)
Escombe, Harry (1838-1899)	Premier of Natal (1897-1899)
Farrar, George Sir (1859-1915)	Chairman of the Chamber of Mines
Fisher, Abraham (1850-1913)	Prime Minister of the Orange River Colony (1907-1910)
Frere, Sir Henry Bartle (1815-1884)	High Commissioner for Southern Africa (1877-1880)
Froude, James Anthony (1818-1894)	Historian
Gandhi, Mohandas (1869-1948)	Indian political leader
Gladstone, William Ewart (1809-1898)	Prime Minister of Britain (1868-1874, 1880-1885, 1886, 1892-1894)
Glenelg, First Lord (1778-1866)	Secretary of State for War and the Colonies (1835-1839)

Granville, Earl (1815-1891)	Secretary of State for Foreign Affairs (1851-1852)
Greene, Sir William Conyngham (1854-1934)	British agent in the Transvaal (1896)
Grey, Edward, First Viscount (1862-1933)	Foreign Secretary (1905-1916)
Grey, Sir George (1812-1898)	Governor Cape Colony (1854-1861)
Grey, Henry, Third Earl (1802-1894)	Secretary of State for War and the Colonies (1846-1852)
Havelock, Sir Arthur (1844-1908)	Lieutenant-Governor of Natal (1886-1889)
Hegel, Georg (1770-1831)	German philosopher
Hely-Hutchinson, Sir Walter (1849-1913)	Governor of Natal (1893-1901); Governor of the Cape Colony (1901-1910)
Hobbes, Thomas (1588-1679)	Social philosopher
Hofmeyr, Jan Hendrik (1845-1909)	Leader of the Afrikaner Bond
Home, Henry (1696-1782)	Philosopher
Hume, David (1711-1776)	Philosopher and enlightenment thinker
Jameson, Dr Leander Starr (1853-1917)	Prime minister of the Cape Colony (1904-1908); Administrator of Chartered Company territories (1894-1896)
Jorissen, Eduard Johan Pieter (1829-1912)	Attorney-General, Transvaal (1876-1877, 1881-1883)
Joubert, P.J. (1834-1900)	Commandant-General, Transvaal (1880-1900)
Jowett, Frederick (1864-1944)	Member of Parliament for Bradford West (1906-1914)
Kimberley, First Earl of (1826-1902)	Secretary of State for the Colonies (1870-1874)
Knatchbull-Hugessen, Edward (1829-1893)	Member of Parliament for Sandwich (1857-1880)
Kruger, Paul (1825-1904)	President of the Transvaal (1883-1900)
Labourchere, Henry (1798-1869)	Secretary of State for the Colonies (1855-1858)
Lagden, Sir Godfrey (1877-1934)	Commissioner for Native Affairs, Transvaal (1901-1907)

Langalibalele (1814-1889)	King of amaHlubi tribe (1839-1889)
Lanyon, Sir William Owen (1842-1887)	Administrator of the Transvaal (1879-1881)
Lawley, Arthur (1860-1932)	Lieutenant-Governor of the Transvaal (1902-1905)
Loch, Sir Henry (1827-1900)	High Commissioner in South Africa (1889-1895)
Locke, John (1632-1704)	Philosopher and enlightenment thinker
Loreburn, Lord (1846-1923)	Lord Chancellor (1905-1912)
Milner, Lord (1854-1925)	Administrator of the Transvaal and the Orange River Colony (1901-1902); Governor of the Cape Colony and High Commissioner for Southern Africa (1897-1901)
Lyttelton, Alfred (1857-1913)	Secretary of State for the Colonies (1903-1905)
Mackarness, Frederick (1854-1920)	Member of Parliament for Newbury (1909-1912)
Mackintosh, Sir James (1765-1832)	Philosopher
Macneill, John Swift (1849-1926)	Member of Parliament for South Donegal (1887-1918)
Maitland, Sir Peregrine (1777-1854)	Governor of the Cape Colony (1844-1847)
Malabocho (also known as Malebogo)	Chief of the Bahananwa (1880-1894)
Mill, John Stuart (1806-1873)	Political thinker and philosopher
Moffat, Robert (1795-1883)	Missionary
Molesworth, Sir William (1810-1855)	Member of Parliament for Southwark (1845-1855)
Montagu, John (1797-1853)	Colonial Secretary of the Cape Colony (1843-1852)
Napier, Sir George (1784-1855)	Governor of the Cape Colony (1838-1844)
Pakington, Sir John (1799-1880)	Member of Parliament for Droitwich (1837-1874)
Parnell, Charles (1846-1891)	Member of Parliament for County Meath (1875-1880)

Peel, Sir Frederick (1823-1906)	Under-secretary of State for War and the Colonies (1851-1852)
Philip, Dr John (1775-1851)	Superintendent of the London Missionary Society in South Africa (1822-1849)
Pine, Sir Benjamin (1809-1891)	Lieutenant-Governor of Natal (1850-1855)
Pretorius, M.W. (1819-1901)	President of the Transvaal (1866-1871)
Read, Rev James (1777-1852)	Missionary at Bethelsdorp Mission Station
Reitz, Francis William (1844-1934)	State Secretary of the Transvaal (1898-1902)
Robinson, Sir Hercules (1824-1897)	Governor of the Cape Colony and High Commissioner (1881-1895)
Robinson, Sir John (1839-1903)	Prime Minister Natal (1893-1897)
Scanlen, Thomas (1834-1912)	Prime Minister of the Cape Colony (1881-1884)
Schreiner, W.P. (1857-1919)	Prime Minister of the Cape Colony (1898-1900)
Sechele (1812-1892)	Chief of the baKwêna (1831-1892)
Seely, Colonel John (1868-1947)	Member of Parliament for Liverpool Abercromby (1906-1910)
Sekhukhune (1814-1882)	Chief of the baPedi tribe (1861-1882)
Selborne, Second Earl of (1859-1942)	High Commissioner in South Africa (1905-1910)
Shepstone, Sir Theophilus (1817-1893)	Special Commissioner to the Transvaal (1877); Secretary for Native Affairs, Natal (1856-1877)
Smith, Adam (1723-1790)	Political economist
Smith, Sir Harry (1787-1860)	Governor of the Cape Colony (1847-1852)
Somerset, Charles (1767-1831)	Governor of the Cape Colony (1814-1826)
Whitley, John (1866-1935)	Member of Parliament for Halifax (1900-1928)
Wilberforce, Samuel (1805-1873)	Bishop of Oxford and Winchester (1870-1873)
Wodehouse, Sir Philip (1811-1887)	Governor of the Cape Colony (1861-1870)
Wolseley, Sir Garnet (1833-1913)	High Commissioner in Southern Africa (1879-1880)

ANNEXURE C

LEGISLATION

Year	Act	Area	Comment
1215	Magna Carta	Britain	Rights of citizens entrenched
1562	Statute of Artificers	Britain	Basis of master and servant legislation in Britain
1689	Bill of Rights	Britain	Outlined basic rights
1747	Masters and Servants Act	Britain	Regulated employer-employee relationship
1766	Masters and Servants Act	Britain	Regulated employer-employee relationship
1800	Combination Act	Britain	Conviction of people participating in a strike
1802	Health and Morals of Apprentices Act	Britain	Regulated apprenticeship system
1809	Proclamation (Caledon Proclamation)	Cape Colony	Regulated employment relationship
1811	Slave Trade Felony Act	Britain	Involvement in slave trade was a criminal offence
1812	Proclamation (Cradock Proclamation)	Cape Colony	Regulated employment relationship with the Khoikhoi
1816	Parish Apprentices Act	Britain	Limited apprenticeship of children to a specified distance from parish
1817	Proclamation (8 August 1817)	Cape Colony	Addressed destitution of San children
1818	Proclamation (26 June 1818)	Cape Colony	Regulated apprenticeships
1819	Factory Act	Britain	Regulation of child labour in mills and factories
1819	Proclamation (9 July 1819)	Cape Colony	Destitution of Khoikhoi children
1822	Vagrancy Act	Britain	Regulated the punishment of idle and disorderly persons
1823	Masters and Servants Act	Britain	Regulated employer-employee relationship
1824	Vagrancy Act	Britain	Destitute people could be arrested and punished
1828	Ordinance No. 50	Cape Colony	Khoikhoi provided equal legal and civil rights

Year	Act	Area	Comment
1828	Ordinance No. 49	Cape Colony	Permitted entry into the Cape of African tribes
1829	Order in Council	Cape Colony	Confirmed Ordinance No. 50
1832	Reform Act	Britain	Introduced changes to electoral system
1833	Slavery Abolition Act	Britain	Emancipation of slaves
1833	Factory Act	Britain	Managed working hours of children
1834	Vagrancy Bill	Cape Colony	Defeated in parliament
1841	Masters and Servants Act	Cape Colony	Regulated employer-employee relationship
1845	Immigration Regulations (8 May 1845)	Cape Colony	Encouraged introduction of skilled labour
1846	Masters and Servants Amendment Act	Cape Colony	Amended Masters and Servants Act of 1841
1850	Ordinance No. 2	Natal	Regulated employment contracts in Natal
1850	Ordinance No. 13	Natal	Protected the rights of foreign labourers
1851	Apprentice Law	Transvaal	Regulated apprenticeships
1852	Constitution Ordinance No. 29	Cape Colony	Established representative government in the Cape Colony
1856	Masters and Servants Act	Cape Colony	Repealed Masters and Servants Act of 1841
1856	Ordinance No. 11	Orange Free State	Regulated apprenticeships
1857	Act No. 23	Cape Colony	Regulated employment of foreign Africans
1858	Instructions to field-cornets	Transvaal	Provided for control of vagrancy
1859	Law No. 14	Natal	Established Indian Immigration Department
1860	Anglo-Chinese Treaty	Britain	Regulated Chinese emigration British empire
1860	Government of India Act No. 23	Natal	Outlined guidelines for Indian labour
1863	Law No. 20	Natal	Government assistance for Indian labour importation
1864	Masters and Servants Amendment Act	Britain	Amended Masters and Servants Act of 1823
1864	Ordinance No. 2	Transvaal	Regulated employer's relationship with African employees
1865	Act No. 3	Cape Colony	Annexation of British Kaffraria to the Cape

Year	Act	Area	Comment
1865	Act No. 23	Natal	Regulates dispute resolution
1867	Reform Act	Britain	Extended the franchise to part of the urban male working class
1867	Masters and Servants Act	Britain	Regulated employer-employee relationship
1867	Councils of Conciliation Act	Britain	Establishment of conciliation committees
1867	Act No. 22	Cape Colony	Vagrancy legislation
1868	Masters and Servants Amendment Act	Cape Colony	Amended Masters and Servants Act of 1856
1869	Masters and Servants Amendment Act	Cape Colony	Amended Masters and Servants Act of 1856
1869	Location Act No. 2	Cape Colony	Squatting law
1869	Law No. 15	Natal	Vagrancy legislation
1870	Act No. 9	Transvaal	Instituted measures to increase labour supply from African tribes
1871	Trade Union Act	Britain	Legalised trade unions
1871	Criminal Law Amendment Act	Britain	Individual strikers made subject to criminal sanctions
1871	Law No. 15	Natal	Facilitated agreements between employers and employees
1872	Proclamation No. 2	Griqualand West	Amended Masters and Servants Act of 1856
1872	Law No. 12	Natal	Appointment of Indian immigrants
1873	Masters and Servants Amendment Act No. 18	Cape Colony	Amended Masters and Servants Act of 1856
1873	Government Notice No. 177	Natal	Employment of liberated slaves in Natal
1874	Law No. 18	Natal	Provided employment for convicts captured during Langalibalele Rebellion
1875	Employers and Workmen Act	Britain	Employers and employees placed on an equal footing with regard to breach of contract
1875	Masters and Servants Act No. 7	Cape Colony	Amendments to Masters and Servants Act of 1856
1876	Location Act No. 6	Cape Colony	Squatting law
1876	Law No. 21	Natal	Establishment of Land and Immigration Board
1876	Law No. 3	Transvaal	Payment of additional poll tax

Year	Act	Area	Comment
1877	South Africa Act	South Africa	Enabled British government to create South African union
1877	Prisons Act	Britain	Emphasis placed on non-productive labour for prisoners
1878	Factory and Workshop Act	Britain	Regulated night work of children
1878	Government Notice No. 372	Cape Colony	Administered employment of destitute women
1880	Act No. 13	Transvaal	Resembled Masters and Servants legislation in the Cape
1880	Law No. 6	Transvaal	Tax legislation
1881	Act No. 7	Orange Free State	Masters and servants legislation amended
1881	Act No. 1	Transvaal	Controlled vagrancy
1884	Reform Act	Britain	Extended the franchise to more voters
1885	Law No. 3	Transvaal	Restricted rights of Asian residents
1887	Act No. 11	Transvaal	Squatters law
1888	Diamond Trade Amendment Act No. 34	Griqualand West	Appointment of a Protector of Natives
1888	Act No. 21	Natal	Pass regulations
1888	Convict Stations and Prisons Management Act No. 23	Cape Colony	Controlled supply of convicts to private employers
1889	Masters and Servants Act No. 30	Cape Colony	
1890	Compulsory Lashing Bill (Strop Bill)	Cape Colony	Defeated in parliament
1891	Law No. 25	Natal	Regulated recruitment and employment conditions of Indian emigrants
1893	Law No. 14	Natal	Established responsible government in Natal
1894	Glen Grey Act No. 25	Cape Colony	Prevented Africans from overcrowding land
1895	Act No. 7	Cape Colony	Prevented destitution of families
1895	Local Authorities Increased Powers Act No. 30	Cape Colony	Curfew regulations for Africans
1895	Indian Immigration Amendment Act No. 17	Natal	New regulations for Indian emigration
1895	Law No. 21	Transvaal	Squatters law

Year	Act	Area	Comment
1896	Aliens Expulsion Law No. 25	Transvaal	Allowed expulsion of foreigners
1896	Native Pass Law No. 31	Transvaal	Registration of African workers on mines
1896	Government Notice No. 1182	Cape Colony	Allowed employers to establish convict stations
1897	Aliens Expulsion Bill	Transvaal	Allowed expulsion of any person that endangered internal security
1898	Prisons Act	Britain	Abolished use of crank and tread wheel
1899	Native Labour Agents Act	Cape Colony	Regulated recruitment
1899	Native Pass Law No. 23	Transvaal	Not passed
1901	Act No. 49	Natal	Pass regulations
1901	Proclamation No. 35	Transvaal	Exemption of coloured persons
1901	Proclamation No. 37	Transvaal	Pass regulations
1901	Proclamation No. 38	Transvaal	Appointment of labour agents and compound overseers
1902	Night Passes Ordinance No. 43	Transvaal	Addressed vagrancy of Africans
1902	Proclamation No. 2	Orange Free State	Supply of labour passports to Africans
1903	Ordinance No. 2	Orange Free State	Exemption of coloured persons
1903	Government Notice No. 356	Transvaal	Locations earmarked for Asian residents
1904	Ordinance No. 7	Orange Free State	Amended masters and servants legislation
1904	Transvaal Labour Importation Ordinance	Transvaal	Importation of Chinese labour
1904	Act No. 3	Natal	Pass regulations
1905	Unemployed Workmen's Act	Britain	Local authorities empowered to assist in emigration to colonies
1906	Trade Disputes Act	Britain	Granted legal immunity to unions
1906	Ordinance No. 12	Transvaal	Repealed certain provisions of Transvaal Labour Ordinance
1908	Railway Regulation Act	Transvaal	Disallowed strikes
1909	Transvaal Industrial Disputes Prevention Act	Transvaal	Regulate disputes between employers and employees
1909	South Africa Act	South Africa	Allowed for Union of South Africa to be established

Year	Act	Area	Comment
1909	Urban Areas Native Pass Act No. 18	Transvaal	Pass regulations in urban areas
1910	Proclamation No. 120	Natal	Pass regulations

ANNEXURE D

GLOSSARY

Term	Definition
Aborigines Protection Society (APS)	International human rights organisations established in 1837 to protect the well-being of indigenous groups
Apprentice	A person who agreed to work for a skilled employer for a fixed period in return for being taught his trade
Children's Friend Society	Organisation founded in London in 1830 to facilitate the emigration of children to the colonies
Civilisation	A human society that has highly developed material and spiritual resources and a complex cultural, political and legal organisation, and has achieved an advanced state of social development
Civilising mission	A rationale for the intervention of a colonial power by proposing to contribute to the spread of civilisation among indigenous groups
Coercion	The action or practice of persuading someone to do something by using force or threats
Collective bargaining	A decision-making process whereby employers and unions negotiate the wages and conditions of employment
Contractual capacity	Legal capability to enter into a contract
Craft union	Union for skilled workers in a particular craft or trade
Domestic servant	Person who lives in employer's house and assists in household chores
Duress	Compulsion illegally exercised to force a person to perform some act
Employee	A person employed for wages or salary
Employer	A person or organisation that employs people
Employment contract	An agreement between an employer and employee outlining conditions of employment
Labour tenant	Person receiving the right to cultivate land in exchange for rendering labour services to the landowner
Liberty	Freedom from arbitrary or despotic government or control
Manual labourer	Person who does heavy work with his hands
Prize slaves	Slaves liberated from slave ships
Servant	A person who performs duties for others, especially a person employed in a house on domestic duties or as a personal attendant
Strike	Labour dispute initiated by a group of workers, a labour union or a group of unions
Trade union	An organisation whose membership consists of workers and union leaders, united to protect and promote their common interests

ANNEXURE E

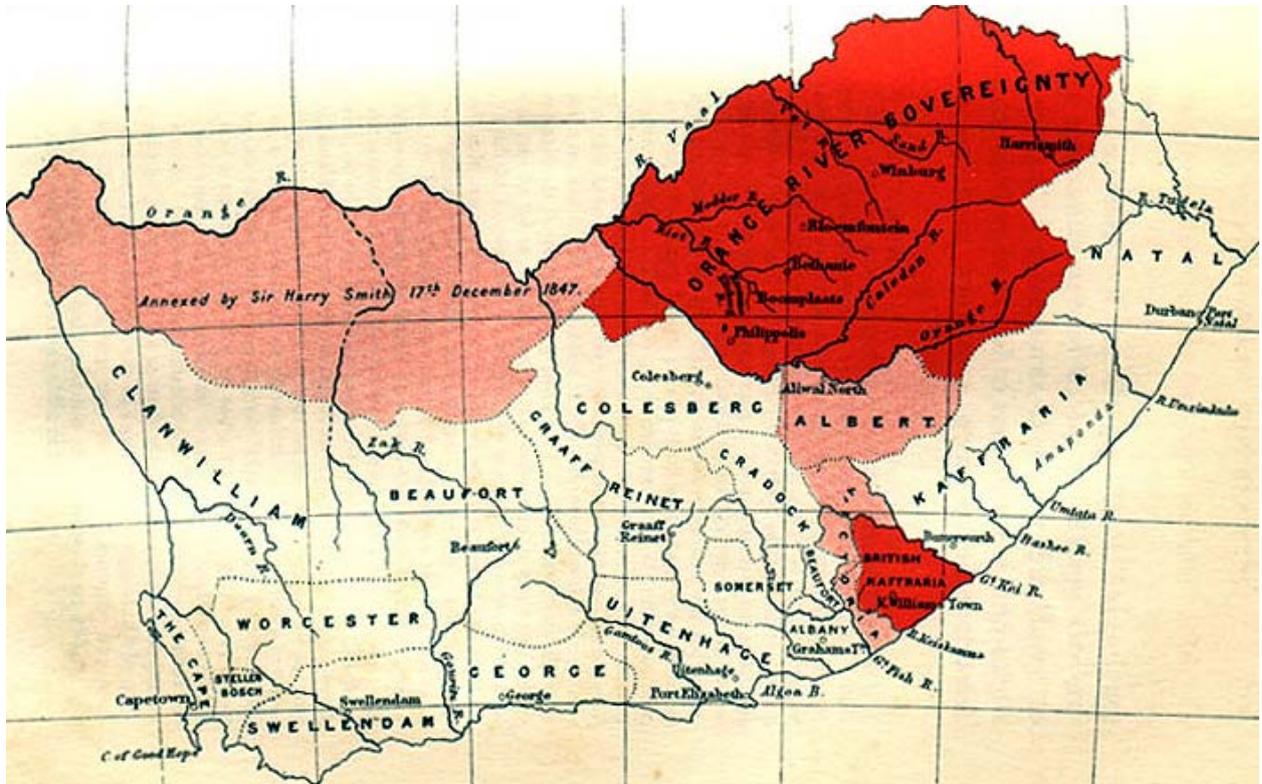
MAPS

Map 1: Cape Colony, 1800¹³



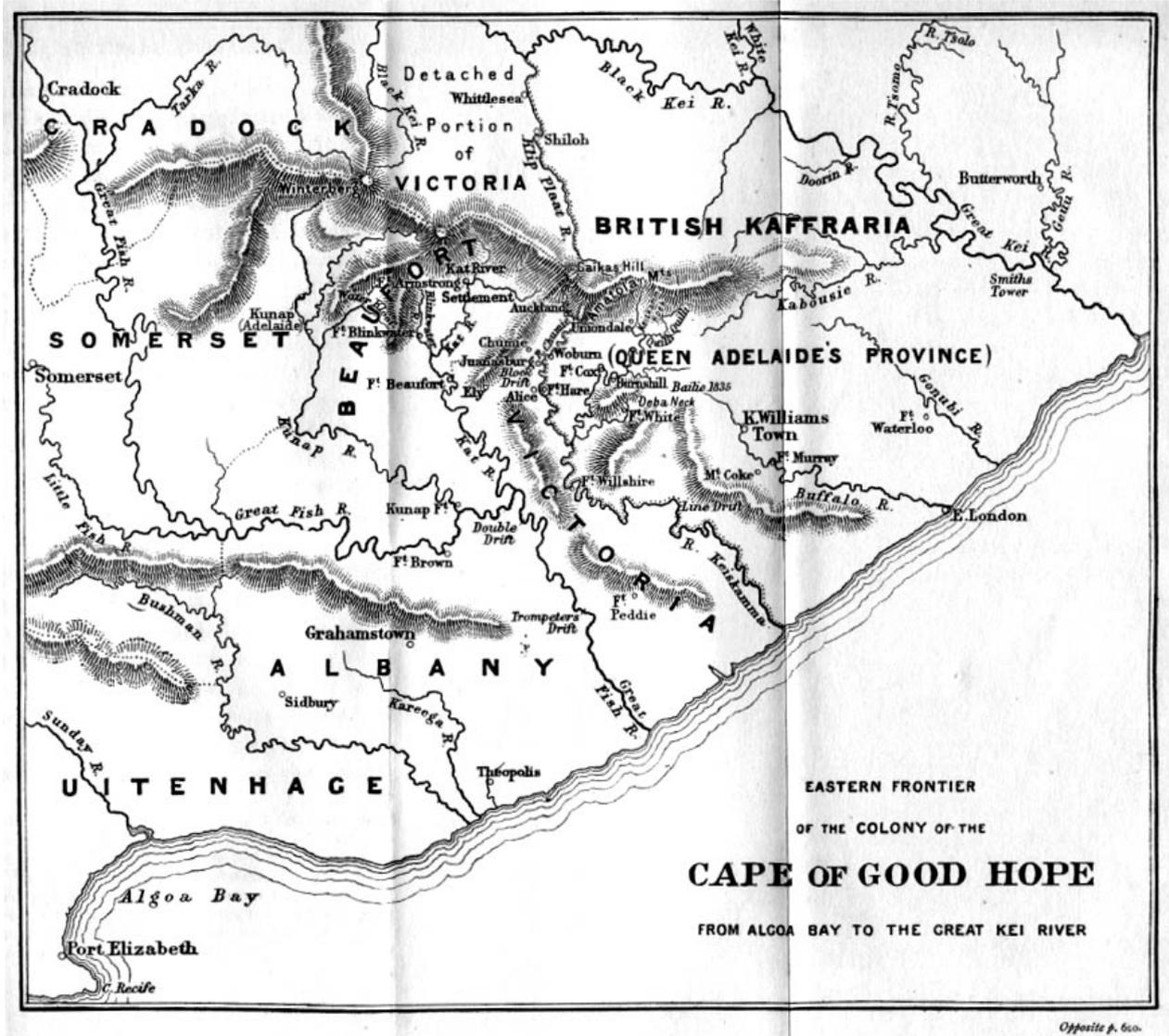
¹³ <<http://www.lasalle.edu/~mcinneshin/344/wk10/images/1800britmapCapeColony.jpg>>, accessed 12.5.2014.

Map 2: Cape Colony and Eastern frontier during governorship of Sir Harry Smith¹⁴



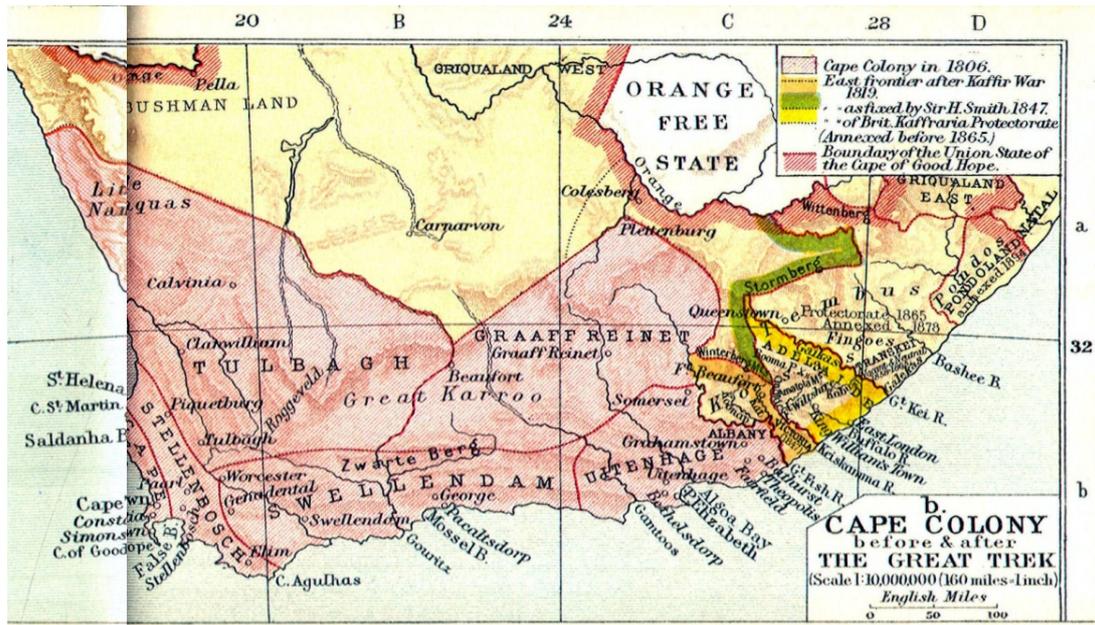
¹⁴ <<http://www.britishempire.co.uk/images3/smithmap.jpg>>, accessed 12.5.2014.

Map 3: Eastern frontier of the colony of the Cape of Good Hope, from Algoa Bay to the Great Kei River¹⁵



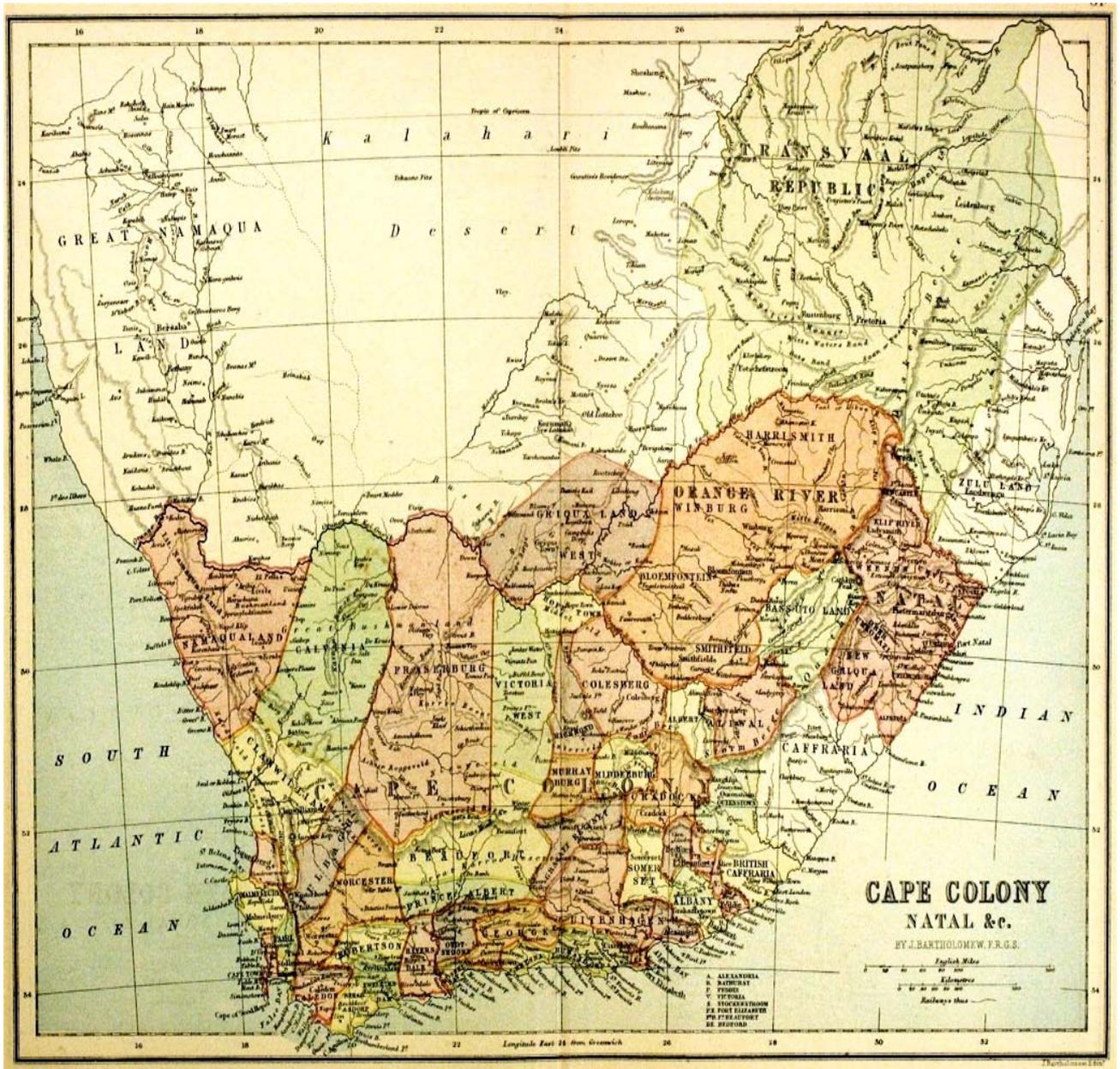
¹⁵ <<http://www.britishempire.co.uk/images3/britishkaffrariamaplarge.jpg>>, accessed 12.5.2014.

Map 4: Cape Colony: Before and after the Great Trek, 1866¹⁶



¹⁶ <<http://www.heritage-history.com/maps/philips/phil064b.jpg>>, accessed 12.5.2014.

Map 5: Cape Colony and Natal, 1876¹⁷

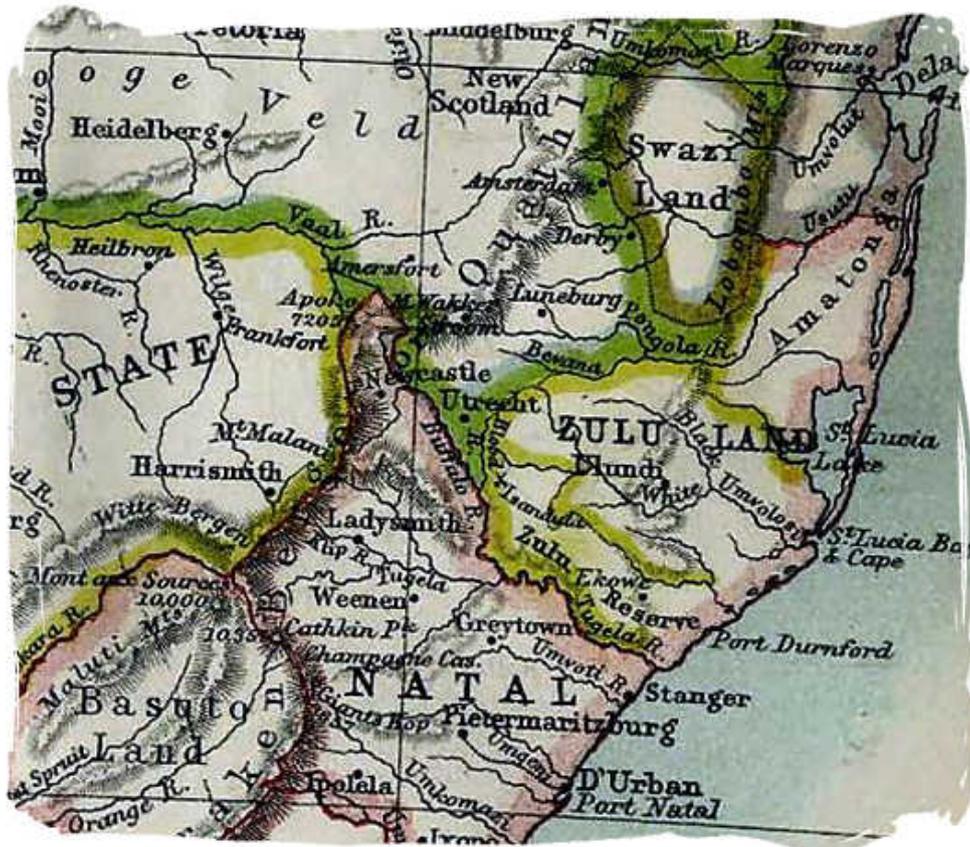


¹⁷ <http://upload.wikimedia.org/wikipedia/commons/3/32/Cape_Colony_map_1876_-_Eve_of_Confederation_Wars.jpg>, accessed 12.5.2014.

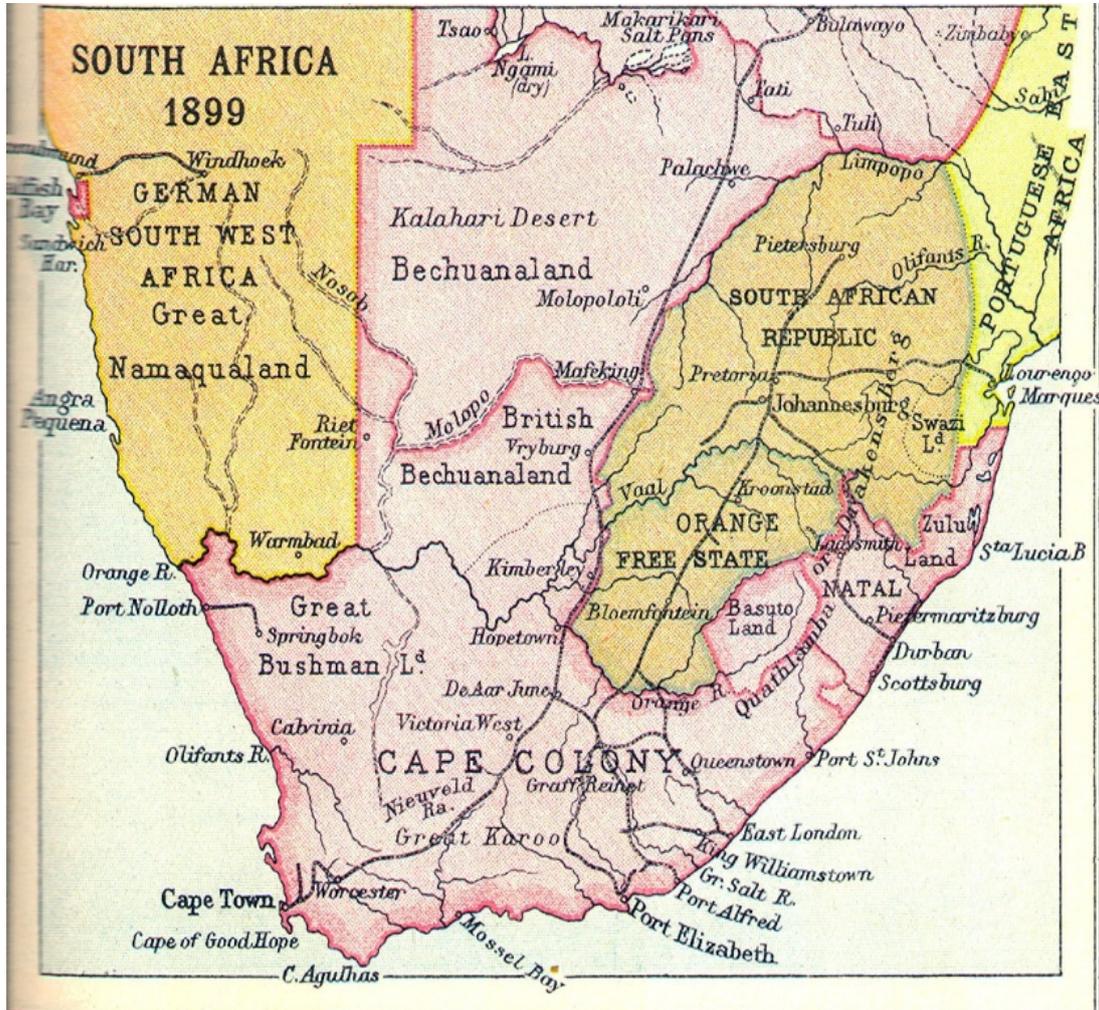
Map 6: South Africa – British possessions, July 1885¹⁸



¹⁸ <<http://www.britishempire.co.uk/images3/southafrica1885map.jpg>>, accessed 12.5.2014.

Map 7: Zululand, 1885¹⁹

¹⁹ <<http://www.south-africa-tours-and-travel.com/images/1885-map-showing-zululand-zulu.jpg>>, accessed 12.5.2014.

Map 8: South Africa, 1899²⁰

²⁰ <<http://www.heritage-history.com/maps/lhafrica/africa011b.jpg>>, accessed 12.5.2014.

ANNEXURE F

STATISTICS

TABLE 1: Number of Africans employed by Transvaal mines (members of Witwatersrand Native Labour Association) (1902-1910)²²

Year	Total
1902	48 539
1903	68 841
1904	76 811
1905	86 954
1906	81 231
1907	99 350
1908	142 316
1909	174 439
1910	199 614

²² Transvaal Chamber of Mines, *Seventeenth annual report for the year 1906*, p. xix; Transvaal Chamber of Mines, *Nineteenth annual report for the year 1908*, p. xxxix; Transvaal Chamber of Mines, *Twenty-first annual report for the year 1910*, p. xli.

TABLE 2: Number of African labourers employed by the Transvaal government (1905-1910)²³

Year	Total
1905	18 486
1906	16 112
1907	12 445
1908	7 827
1909	71 405
1910	74 395

TABLE 3: Chinese labourers employed in Transvaal mines (1904-1908)²⁴

Year	Total
1904	27 192
1905	47 217
1906	52 889
1907	35 676
1908	12 283

²³ Transvaal Chamber of Mines, *Seventeenth annual report for the year 1906*, p. xxiii; Transvaal Chamber of Mines, *Nineteenth annual report for the year 1908*, p. xlii; Transvaal Chamber of Mines, *Twenty-first annual report for the year 1910*, p. xliii.

²⁴ Transvaal Chamber of Mines, *Sixteenth annual report for the year 1905*, pp. xxx; Transvaal Chamber of Mines, *Seventeenth annual report for the year 1906*, p. vii; Transvaal Chamber of Mines, *Nineteenth annual report for the year 1908*, p. xlv.

TABLE 4: British women and children sent to South Africa (1903-1910)²⁵

Year	Transvaal	Orange River Colony	Cape Colony	Natal	Rhodesia	Basuto-land	Escorts (Various Destinations)	Total
1903	734	24	274	82	39		65	1 218
31.3.1904-31.3.1905	206	82	32	12	7			339
31.3.1905-31.3.1906	161	36	85	48	16			346
31.3.1906-31.3.1907	192	47	69	7	25	1		341
31.3.1907-31.3.1908	135	53	74	13	23	1		299
31.3.1908-31.3.1909	129	15	55	22	45			266
31.3.1909-1.4.1910	157	30	67	20	32	1		307
31.3.1910-1.4.1911	193	20	99	14	35			361

²⁵ The Women's Library at the London School of Economics (LSE) Archive, 1SAX/2/1, pp. 7-18: South African Colonisation Society report, 1903; The Women's Library at the London School of Economics (LSE) Archive, 1SAX/2/2, p. 8: South African Colonisation Society report, 1906; The Women's Library at the London School of Economics (LSE) Archive, 1SAX/2/2, p. 8: South African Colonisation Society report, 1908-1909; The Women's Library at the London School of Economics (LSE) Archive, 1SAX/2/3, pp. 8-9: South African Colonisation Society report, 1909-1910.

TABLE 5: Emigration from Britain (1841-1909)²⁶

Years	North American Colonies	United States	Australian Colonies and New Zealand	Cape Colony & Natal	Other	Total
1841	38 164	45 017	32 625	368	2 786	118 592
1842	54 123	63 852	8 534	587	1 835	128 344
1843	23 518	28 335	3 478	203	1 881	57 212
1844	22 924	43 660	2 229	161	1 873	70 686
1845	31 083	58 538	830	496	2 330	93 501
1846	43439	82 239	2 347	545	1 826	129 851
1847	109 680	142 154	4 949	445	1487	258 270
1848	31 065	188 233	23 904	1 445	4 887	248 089
1849	41 367	219 450	32 191	3 211	6 490	299 498
1850	32 961	223 078	16 037	4 624	8 773	280 849
1851	42 605	267 357	21 532	718	4 472	335 966
1852	32 873	244 261	87 881	834	3 749	368 764
1853	34 522	230 885	61 401	369	3 129	329 937
1854	43 761	193 065	83 237	375	3 366	323 429
1855	17 966	103 414	52 309	487	3 118	176 807
1856	16 378	111 837	44 584	466	3 755	176 554
1857	21 001	126 905	61 248	1 003	3 721	212 875
1858	9 704	59 716	39 295	2 916	5 257	113 972
1859	6 689	70 303	31 013	4 842	12 427	120 432
1860	9 786	87 500	24 302	2 516	6 881	128 469
1861	12 707	49 764	23 738	2 350	5 561	91 770
1862	15 522	58 706	41 843	1 852	5 143	121 214
1863	18 083	146 813	53 054	1 208	5 808	223 758
1864	12 721	147 042	40 942	1 400	8 195	208 900
1865	17 211	147 258	37 283	1 037	8 049	209 801
1866	13 255	161 000	24 097	724	6 530	204 882
1867	15 503	159 275	14 466	696	6 709	195 953
1868	21 062	155 532	12 809	1 105	6 922	196 925
1869	33 891	203 001	14 901	717	6 234	258 027
1870	35 295	196 075	17 065	1 005	8 505	256 940
1871	32 671	198 848	12 227	1 070	8 694	252 435
1872	32 205	233 747	15 876	1 842	13 385	295 213
1873	37 208	233 073	26 428	2 838	13 903	310 612
1874	25 450	148 161	53 958	4 023	13 445	241 014
1875	17 378	105 046	35 525	5 626	15 860	173 809
1876	12 327	75 533	33 191	6 634	17 171	138 222
1877	9 289	64 027	31 071	5 321	15 584	119 971
1878	13 836	81 557	37 214	4 930	15 056	147 363
1879	22 509	134 590	42 178	7 665	17 886	217 163
1880	20 340	257 274	25 438	9 803	20 242	332 294
1881	34 561	307 073	24 093	14 229	25 887	302 514

²⁶ BPP 188, p. 32: Destinations of emigrants, 1815-1902; BPP 706, Appendix No. 3, p. 44: Emigration from the United Kingdom during the 21 years from 1825 to 1845; BPP 4024, Appendix 1, pp. 36-37: Total emigration from the United Kingdom for each of the fifty-three years from 1815 to 1867 inclusive; BPP 4159, Appendix No. 1, p. 48: Total emigration from the United Kingdom for each of the fifty-four years from 1815 to 1868; BPP C.196, Appendix No. 1, p. 55: Total emigration from the United Kingdom for each of the fifty-five years from 1815 to 1869; BPP C.369, Appendix 1, p. 31: Total emigration from the United Kingdom for each of the fifty-six years from 1815 to 1870; BPP C.562, Appendix No. 1, p. 43: Total emigration from the United Kingdom for each of the fifty-seven years from 1815 to 1871 inclusive; BPP C.768, Appendix No. 1, p. 49: Total emigration from the United Kingdom for each of the fifty-eight years from 1815 to 1872; BPP 2, p. 21: General statement of emigration from the United Kingdom from 1815 to 1887 including British subjects and foreigners with the destinations of the emigrants; BPP 145, p. 33: XII, Destinations of passengers outward, 1815-1903; BPP 137, p. 16: Emigration and immigration, 28.4.1910. (The statistics for the Cape Colony and Natal, for 1841-1909, include both British subjects and foreigners.)

Years	North American Colonies	United States	Australian Colonies and New Zealand	Cape Colony & Natal	Other	Total
1882	53 475	295 539	38 604	13 614	25 670	413 288
1883	53 566	252 226	73 017	6 713	18 348	397 157
1884	37 043	203 519	45 944	4 699	17 395	303 901
1885	22 028	184 470	40 080	3 960	16 208	264 385
1886	30 121	238 386	44 055	4 659	13 580	330 801
1887	44 406	296 901	35 198	5 658	14 331	396 494
1888	49 107	293 087	31 725	7 705	16 870	398 494
1889	38 056	240 395	28 834	15 671	19 685	342 641
1890	31 897	233 522	21 570	12 083	16 908	315 980
1891	33 752	252 016	19 957	10 686	18 132	334 543
1892	41 866	235 221	16 183	11 641	16 486	321 397
1893	50 381	213 212	11 412	16 158	16 470	307 633
1894	23 633	159 431	11 151	16 760	15 852	226 827
1895	22 357	195 632	10 809	25 988	16 986	271 772
1896	22 590	154 496	10 710	35 840	18 316	241 952
1897	22 669	132 048	12 396	28 801	17 366	213 280
1898	27 487	123 703	11 020	25 635	17 362	205 171
1899	33 669	159 143	12 268	18 863	16 753	240 696
1900	50 007	189 391	15 723	25 518	17 922	298 561
1901	42 898	194 941	15 754	28 553	20 429	302 575
1902	67 600	232 099	14 675	51 886	20 519	386 779
1903	99 582	251 941	12 573	62 824	22 086	449 606
1904	91 684	291 945	14 210	32 278	26 760	453 877
1905	108 118	276 636	15 488	31 166	28 254	459 662
1906	141 786	338 612	19 589	26 323	31 427	557 737
1907	185 831	366 396	25 067	23 264	34 391	634 949
1908	95 428	198 321	33 900	21 944	36 818	386 411
1909	113 318	259 933	38 350	24 649	38 128	474 379

ANNEXURE G

LABOUR PASSES²⁷

73

Schedule D. No 36208 F

NATIVE LABOURER'S MONTHLY PASS.

Labour District of JOHANNESBURG.

No. of Identification Passport... 14526

Name (Native).....

Name known by... *Salvador*

Name of Employer... *THE JUBILEE GOLD CO LD*

Address of Employer... *1122*

Signature of Employer... *[Signature]*

Date of Issue.....

N.B.—This Pass holds good only for the calendar month in which it is issued. Should the holder change his Employer during that month the new Employer must at once take out a new Monthly Pass for the holder.

NATIVE PASS TRANSVAL.
TWO SHILLINGS

AVAILABLE ONLY FOR THE MONTH OF AUGUS

74

Schedule D. No 12445 G

NATIVE LABOURER'S MONTHLY PASS.

Labour District of JOHANNESBURG.

No. of Identification Passport... 14526

Name (Native).....

Name known by... *Salvador*

Name of Employer... *THE JUBILEE GOLD CO LD*

Address of Employer... *1122*

Signature of Employer... *[Signature]*

Date of Issue.....

N.B.—This Pass holds good only for the calendar month in which it is issued. Should the holder change his Employer during that month the new Employer must at once take out a new Monthly Pass for the holder.

NATIVE PASS TRANSVAL.
TWO SHILLINGS

AVAILABLE ONLY FOR THE MONTH OF AUGUS

²⁷ TAB, SNA, Vol. 233, NA2093/04: Native labourer's monthly pass; No. 36208, 1903; No. 12445, 1903; Native labour passport, Pa 23502, 1903.

MINES Pa. 23502 **NATIVE LABOUR PASSPORT.** 4 (To be held by Employer).
LABOUR DISTRICT OF JOHANNESBURG. Form 1 L.

A. B. - The first column below only for the use of the Post Office only. The particulars of these three columns not to be filled in by employer only.

No. of Entries	Name of Employer.	Address of Employee.	Period of Service. From To	Rate of Pay.	Date of Discharge.	Character.	Employer's Signature on Discharge.
1	Adair Company.	Sec	4/100 12/00	30/-	26/10/04	From	[Signature]
2							
3							
4							
5							
6							

*Cancelled
 returned to
 Asiatic
 30/8/04*

SMA 233

SOURCE LIST

I. PRIMARY SOURCES

A. ARCHIVAL SOURCES

1. National Archives Repository, Pretoria (TAB)

State Secretary (SS):

SS 170, R634/74: *Landdrost Wakkerstroom over inboeking haveloos kind Jonas*, 28.4.1874.

SS 1160, R342/86: *Superintendent van naturellen*, 18.1.1886.

SS 205, R441/76: *Landdrost Middelburg vraagt inboeking haweloos kind*, 29.2.1876.

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ABSTRACT

This study focuses on Britain's role in labour relations in South Africa and the influence of Britain on the interaction between state, capital and labour in the country from 1867 to 1910. The research places renewed emphasis on the labour question in early South African labour history by concentrating on Britain as an important role player in the labour environment. This will allow for a better understanding of labour dynamics in South Africa and highlight the attempts of Britain to influence labour policy during the period. The thesis explores the impact of Britain on the labour question in South Africa by investigating the direct and indirect role of the British government, the public and press in Britain, civil society and its influence on British policy, the impact of British emigrants on South Africa, as well as the use of the South African labour question by the British opposition. Britain's role in recruiting and managing the labour supply in South Africa is outlined, as well as the impact of political events and colonial policy on labour in South Africa. The main sources of labour in South Africa are discussed, as well as the British role in securing these labour sources. African administration, the role of taxation and land in labour supply, and the British role and reaction to these issues are also highlighted, along with the interaction of the British government with the other parties in the labour relationship, namely capital, the colonial states and labour. Labour is an important issue in contemporary South African society and the study will hopefully, through the investigation of early labour history, also shed light on contemporary labour issues. This early period, 1867 to 1910, is controversial and critically important in the transition to modern South Africa since it established the foundations of labour relations in the country. The policies, legislation and labour framework established during this period would lead to extensive strike actions in the years after the establishment of the Union in South Africa, and would shape labour politics and state-labour relationships for decades to come.

Keywords: Labour; strike; labour supply; trade union; colonial policy; emigration; apprenticeship; slavery; indentured labour; coerced labour; labour migration.

OPSOMMING

Hierdie studie fokus op die rol wat Brittanje in Suid-Afrikaanse arbeidsverhoudinge gespeel het en op die invloed van Brittanje op die interaksie tussen staat, kapitaal en arbeid in suidelike Afrika vanaf 1867 tot 1910. Die navorsing plaas hernieude klem op die arbeidsvraagstuk in die vroeë Suid-Afrikaanse arbeidsgeskiedenis deur te konsentreer op Brittanje as 'n belangrike rolspeler in die arbeidsomgewing. Die studie skep 'n platform vir 'n beter begrip van die arbeidsdinamika in Suid-Afrika en lê klem op Brittanje se pogings om arbeidsbeleid gedurende dié periode te beïnvloed. Die proefskrif ontgin Brittanje se impak op die arbeidsvraagstuk in Suid-Afrika deur die volgende faktore te ondersoek: die direkte en indirekte rol van die Britse regering, publiek en pers, asook die burgerlike samelewing en die invloed daarvan op Britse beleid, die impak van Britse emigrante op Suid-Afrika, asook die wyse waarop die Suid-Afrikaanse arbeidsvraagstuk deur die Britse opposisie gebruik is. Brittanje se rol in die werwing en bestuur van die arbeidsaanvraag in Suid-Afrika, asook die impak van politieke gebeure en die koloniale arbeidsbeleid in Suid-Afrika, word ook beskryf. Die hoofbronne van arbeid in Suid-Afrika word bespreek, asook Brittanje se rol in die beveiliging van dié arbeidsbronne. Die administrasie van swart mense, die rol van belasting en grond in arbeidsvoorsiening, en Brittanje se rol en reaksie op hierdie kwessies word voorts ook belig, tesame met die interaksie van die Britse regering met ander partye in die arbeidsverhoudinge, naamlik kapitaal, die koloniale staat en arbeid. Arbeid is 'n belangrike kwessie in die kontemporêre Suid-Afrikaanse samelewing en die studie werp lig op eietydse arbeidskwessies, deur ondersoek in te stel na die gebied se vroeë arbeidsgeskiedenis. Dié vroeë periode, 1867 tot 1910, is omstrede en van kritieke belang in die ontwikkeling van moderne Suid-Afrika, aangesien dit die grondslae van arbeidsverhoudinge in die land gevestig het. Die beleidsrigtings, wetgewing en arbeidsraamwerk wat gedurende hierdie periode tot stand gebring is, het bygedra tot uitgebreide stakings in die jare na die totstandkoming van die Unie van Suid-Afrika en sou arbeidspolitiek, asook die verhouding tussen staat en arbeid asook arbeidsverhoudinge in die algemeen vir dekades daarna beïnvloed.

Sleutelwoorde: Arbeid; staking; arbeidsbronne; vakbond; koloniale beleid; emigrasie; vakleerlingskap; slawerny; ingeboekte arbeid; gedwonge arbeid; arbeidsmigrasie.