

THE "LAND OF THE BAROLONG":  
ANNEXATION AND ALIENATION, 1884-1900

by  
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This paper arises indirectly out of an investigation of forced relocation in the Orange Free State (OFS) in the 1970s. (1) The vast rural slum of Botshabelo/Onverwacht, outside Thaba 'Nchu, whose first residents were dumped there in mid-winter 1979, contains perhaps 200,000 refugees in early 1983. Their experiences must be interpreted in the context of at least two decades of systematically brutal eviction by the state of blacks from "white" areas, both urban and rural. But the roots of the problem, of course, are far deeper than that. They lie in the complex and inter-connected processes of dispossession by which Africans were first deprived of their own land; then deprived of independent productive opportunities on white-owned land; and finally concentrated in grotesquely small, overcrowded, eroded and impoverished reserves. These processes were by no means uniform in their duration, intensity and impact in different regions. (2) On the one hand, the story of Thaba 'Nchu - the "land of the Barolong" - further illustrates a dominant theme of modern historiography: the dissolution of a relatively independent peasantry into an agricultural proletariat on white farms and a migrant wage labour force domiciled in the African reserves. On the other hand, by comparison with processes of dispossession elsewhere on the highveld in the late nineteenth century - the breaking of the Tlhaping and Rolong chiefdoms in Griqualand West and the area that became British Bechuanaland (3), or the legal chicanery in the South African Republic where Africans could not formally own land (4) - the story of Thaba 'Nchu in the twenty years from 1880 to 1900 arguably represents a peculiar variation on the theme: for political incorporation was here accompanied by the formal constitution of a black land-owning class. Alienation of land thus took place not directly through conquest but through the conversion of "traditional" administrative rights into freehold titles and the subsequent vulnerability of these to a tide of speculative investment in land based on the mineral boom of the late 1880s.

In the last years of the old chief Moroka, who died in April 1880, Thaba 'Nchu was an independent African political community, living "upon the whole prosperously", as it seemed to the novelist Anthony Trollope who visited in 1878. (5) The territory of about 850 square miles, bounded by the Modder River on the west and the Leeuw River on the east, was annexed by the OFS in 1884, under circumstances elaborated below. By the end of the century, the community had largely disintegrated. Fragments of land were retained under qualified freehold tenure by a significant section of the Barolong aristocracy. Two small "locations" or reserves had been set aside in which rights or residence were nominally confined to bona fide members of the Barolong political community. Large blocks of land had been bought by a Kimberley diamond magnate. Many other farms had passed from individual Barolong owners to individual white owners. Many small lots of government land had been leased to white bywoners.

The modern Thaba 'Nchu district - of Bophuthatswana - comprises the two original reserves, established in 1885; some surviving black freehold farms; and land bought from both black and white owners in "released" areas under the terms of the 1936 Land and Trust Act, as a result of which most of the inhabitants were forcibly resettled in Trust villages. Despite this latter process of partial, creeping consolidation, the "land of the Barolong" that became "independent" in 1977 still represents less than half of the Moroka territory annexed in 1884. The Barolong aristocracy today is, however, tightly inserted in the administrative and commercial infrastructure of the Bophuthatswana "local state".

This paper is a highly provisional attempt to reconstruct the early phase of disintegration, characterized by Silas Molema, Moroka's biographer, as a period of "dust and ashes" in the history of the Seleka Barolong. (6) I am concerned with three questions in particular. Firstly, what was the process by which private titles to land were established in the Moroka territory? Secondly, what were the circumstances in which alienation of these titles took place from black owners to white owners? Thirdly, what were the implications for resident Africans who were not landowners and who represented, of course, the majority of the district's population? Servitudes were recognized by the Volksraad in 1885 which protected residence rights for a period that was in practice indeterminate. Once farms were registered in white ownership, however, black residents were subject to the "anti-squatting" ordinances introduced in 1881 and 1883 and amended in 1895. (7) Uncertainty as to the legal status of black residents on freehold land was resolved to some extent by default: on the one hand, it appears the anti-squatting regulations could not, in practice, be enforced; on the other hand, the South African war devastated much of the district and cleared many farms of their inhabitants, black and white. A major commission of enquiry was set up in 1901, which reported in detail on the arrangements relating to the Moroka territory made by the old republican government, and which thus serves as an important source of evidence for this reconstruction. (8) Thereafter, the district was one of the main centres of concentration of Milner's Land Settlement scheme. Despite its failure in its own political terms, this episode left its mark on the district in the predominantly English-speaking ownership of farms south of Tweespruit, and deserves detailed separate investigation with reference not least to the vociferous protest by Thaba 'Nchu settlers in 1906 against the granting of "responsible government" to the two new colonies.

A study of the district in this period thus properly encapsulates diverse and complex processes of class formation and dissolution, which reflect a dense "combination of internal and external disruption". (9) The Barolong community was riven by factional rivalries, and a substantial exodus took place of the politically disaffected and of those who had been "eaten up" by the rapacity of the chief; a black land-owning elite crystallized and was, in turn, partially displaced from the land; landless peasants were either squeezed into small reserves or forced out of the territory altogether, or converted into share-croppers and labour tenants on white- and black-owned farms; many of these landowners slid heavily into debt and were themselves "eaten up", through foreclosure of mortgages, by various predatory arms of merchant capital. Meanwhile, a stratum of impoverished white bywoners became tenants of the state and was able, thereby, to stave off imminent proletarianization. Finally, a carpenter/director of De Beers/gentleman farmer achieved a speculative coup through selling off large chunks of the Moroka territory to the new ORC administration, itself committed to a specific form of imperial intervention on the land and, in due course, to the rapid capitalization of white agriculture.

#### How Were Private Titles to Land Established in the Moroka Territory?

Moroka was succeeded by his adopted son Tshipinare (see genealogy), who had every reason to feel acutely insecure. He was immediately challenged by a rival claimant, Samuel Lehlere, Moroka's only surviving son in the senior house. This notorious

succession dispute is a classic case of what might be called a "structural pre-disposition" to factional rivalry, generated in Sotho-Tswana social formations through the institutions of polygyny, levirate and cousin marriage. Samuel had the better genealogical claim, narrowly construed, although he was rumoured to be the natural son of a "Korana petty chief", and contemporaries found him a man of "inferior caste of mind and body" and "irascible, implacable and obstinate" in temperament. (10) Tshipinare was the son of Moroka's second wife, Nkhabele, by a former husband; for the last ten years of Moroka's life he had been "virtual ruler" of Thaba 'Nchu, and the old chief had several times publicly nominated Tshipinare as his successor. By contrast with Samuel, Tshipinare was a man "born to rule ... of much dignity ... commanding in stature". (11) He had an elder full-brother, Setlogelo, who was captured as a child during Moselekatse's wars and who was recovered by Moroka many years later from Natal. Setlogelo himself never challenged Tshipinare's succession, but his descendants are arguably the most influential members of the Barolong aristocracy today. (12)

Samuel attacked Thaba 'Nchu twice in 1880 but was successfully repulsed. Both parties invited President Brand to arbitrate; he did so in July 1881 in favour of Tshipinare. Samuel immediately repudiated the judgement and throughout 1881 and 1882 there were "constant wild rumours" of another invasion. The Methodist missionary John Thomas Daniel reported to London HQ that "the whole tribe has been split into two antagonistic political factions burning with hatred towards each other ...". He commented repeatedly on the unhappy political atmosphere and the sullenness of the people's disposition. More specifically, heavy fines were imposed by Tshipinare on people who had actively participated in Samuel's abortive attacks. Many of them, ruined through being "eaten up" by the chief, left the territory altogether. Daniel estimated in October 1882 that "not less than one third of the people have left for the Free State". Others remained behind, mainly in the rural districts, bitterly resentful of what they regarded as Tshipinare's abuse of power. Further, within fifteen months of his accession Tshipinare had three times imposed a general poll tax of one pound per adult man, in order to finance an expensive administrative system involving at least two white officials and a defence force under Commandant P E. Raaff. (13)

Internal disruption was a condition of the fatal decline of the Barolong polity but is not an adequate explanation of it. For the succession dispute was fuelled by a variety of outside interests. In the first place, the missionaries at Thaba 'Nchu were deeply involved in the mutual antagonism. The Wesleyans had been closely associated with the Seleka Barolong ruling elite for more than fifty years. Samuel, however, had accompanied Sir George Grey to England on the latter's recall in 1861, attended for some years the Anglican church school at Canterbury, and in 1865, on his return home, established an Anglican mission at Thaba 'Nchu. Molema sourly comments: "his chief reason for introducing a rival sect was to supplant Tshipinare, his cousin ...". (14) In 1881, in the face of a simultaneous collapse of the spiritual and financial commitment of his own religious constituency, John Daniel complained of the unfair proselytizing methods practised by the Anglican mission at Kimberley and of the lavish funding available to the Anglican Bishop of Bloemfontein; whereas he himself repeatedly tried, without success - the circumstances were unpropitious - to persuade Tshipinare to impose a further levy on the tribe to finance an educational institution which would be a memorial to Moroka. (15) Arguably as important as inter-denominational competition, however, was the fact that Wesleyan mission families such as the Camerons and Daniels had not only served for years as diplomatic intermediaries between "their" chiefs and the republican government: they had also an established stake in the land and were well connected with various prominent Free State notables. J A Cameron was Tshipinare's resident magistrate, at a salary of £1,200 per annum, drawn from general taxation of the Barolong. (16) John Daniel was related to Charles Newberry, who bought large chunks of land in the Moroka district after the annexation.

In the second place, speculation was rife in the early 1880s, on the one hand that some sections of the Basotho would take advantage of internal strife at Thaba 'Nchu to renew their raids on the Barolong, and on the other hand that "some

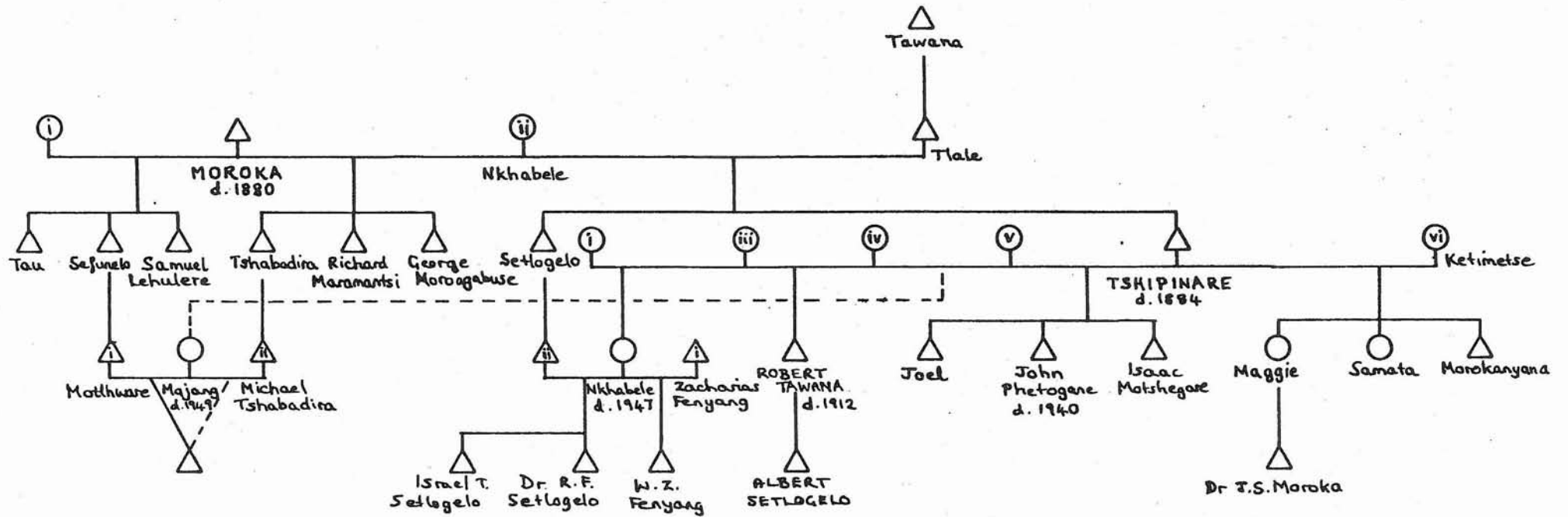
of our burghers, who are suffering from earth-hunger to a considerable extent, are anxious to set the Barolongs by the ears, in the hope that a partition of the country would soon after take place". (17) Apparently the pass law, so far as Samuel's Barolong supporters were concerned, was a "dead letter" in farms on the border, indicating that many of the farmers at least covertly supported Samuel's claim to the Barolong chieftainship, presumably on the basis of Samuel's promises to reward them with farms. (18) Eight white men were directly involved in Samuel's final, successful attack on Thaba 'Nchu on 10 July 1884 (19), when Tshipinare was killed. President Brand immediately annexed the territory in order to "restore law and order", an act regarded by most Free State burghers as the logical resolution of a crude anachronism - since the Barolong territory had been entirely surrounded by the Free State since the Sotho-Boer wars of the middle 1860s; but the annexation was condemned by Molema as hasty, unnecessary and rapacious and by the peripatetic, eccentric Martin Boon as "one of the most bare-faced robberies of native land on record". (20)

During 1882, politically insecure and with his administration's finances in considerable disarray, Tshipinare had taken steps "to secure the ground right by title to the country". He employed the government surveyor Bourdillon to make "a regular trigonometrical survey of the whole country into farms, differing in extent, which will be vested in trustees who will be furnished with charts and title deeds". (21) It is difficult to determine, in retrospect, whether Tshipinare's intention was to "secure the ground right" primarily against a take-over and consequent redistribution of land by Samuel, or against the consequences of annexation by the OFS. At least one sceptical commentator discerned in Tshipinare's action a blatant attempt to buy the political loyalty not only of senior Barolong but also of strategically placed whites upon whom he depended (22) - for example, presumably, members of the Cameron family, the Anglican and Wesleyan missionaries and the lawyer Cornelis van der Wath, who was appointed first landdrost after the annexation. On the other hand, Moroka's biographer insisted that the grants Tshipinare made to his sons, half-brothers, petty chiefs and councillors were meant to be inalienable, unsaleable and indivisible outside the Barolong tribe. (23) After Tshipinare's death, surveyor Bourdillon told the Gregorowski commission of enquiry that the chief "frequently discussed with him the detriment and disadvantages attending the alienation of land". (24) On balance, it would appear that Tshipinare's intention was to secure the administrative rights of his subordinates through legal titles that would reduce boundary conflicts but that could not be alienated. Certificates were issued in respect of these grants of land but were recalled shortly before Tshipinare's death in order to be exchanged for proper title deeds, and all of these certificates, with one exception, were burnt on 10 July 1884 in the chief's house when he died.

Following the annexation, Brand initially confirmed that all ground rights obtained from Moroka and Tshipinare would be recognized, and promised to set apart sufficient ground for "locations" to accommodate resident Barolong. (25) As Molema remarks, the question of the precise status of these land grants, especially since the certificates had been destroyed, caused the new administration "no small trouble". The first commission of enquiry appointed by the Volksraad in August 1884 was, according to Molema, "unduly influenced by the ideas and prejudices" of a self-constituted tribal committee, which distorted Tshipinare's intention in favour of individual rights which were not, however, disposable during the chief's lifetime. (26) It may be reasonably inferred, from the size of their own land grants ultimately approved and from their pivotal genealogical position (see genealogy), that Richard Maramantsi and Michael Tshabadira were prominent members of this self-constituted committee. Such confusion remained that in 1885 the Volksraad appointed Judge Gregorowski (27) to investigate all land claims in the Moroka district. He submitted two reports, respectively in May and June 1885. In the first of them, he concluded that both Moroka and Tshipinare had made various land grants to whites which must be construed as "absolute rights to ownership", but that the transfers of ground to Barolong sub-chiefs had been made "for themselves and their people" and must be construed as being subject to a servitude in favour of their people, so that such properties could not be disposed of. (28) In the second report, mysteriously, Judge Gregorowski significantly altered his opinion, and concluded that "In the last years of Moroka's reign, and principally during the Sepinare's government, a great change

Partial genealogy of the Barolong aristocracy

(drawn mainly from Molema, *op. cit.*)



took place regarding rights over ground in the Barolong territory, owing to the introduction of personal rights in ground, which were previously unknown". He now stated that the grantees were intended to have alienable rights over the farms granted them, and that occupiers could remain there only so long as the owners were agreeable. (29) The judge himself attributed his change of opinion largely to the evidence of John Cameron and John Daniel.

The following dispositions were made by the Volksraad on 30 June 1885: 95 farms were granted to the Barolong aristocracy, amongst whom Tshipinare's close relatives were overwhelmingly the principal beneficiaries; 18 farms were granted to whites, including two to the Wesleyan mission society and one to the Anglican church; two separate areas were set aside for occupation by Africans not otherwise accommodated: these became known as the Seliba location in the north of Moroka district, and the Thaba 'Nchu location, around the white village; 29 farms, representing unallocated or unsurveyed land, were reserved by the Government of OFS, and subsequently leased to whites. The Volksraad also provided that grants of land to whites were to be subject to personal occupation; that farms granted to "natives" were to be inalienable for a period of fifteen years, after which they might be sold only to whites, subject to a government right of pre-emption; that Barolong owners had to permit existing settlements to remain free and unhindered on their farms; and that they could not lease their ground for longer than six months at a time. (30) The imposition of the fifteen-year non-alienation clause probably emerged as a compromise between the contradictory commitments made by President Brand in July 1884 - both to confirm the ground rights of grantees (implicitly freehold, subject only to the payment of quitrent) and simultaneously either to protect existing residents from eviction or to provide "sufficient" ground for them elsewhere. As became clear in due course, these regulations begged the fundamental question of how residents' rights were to be protected when farms passed from black to white owners. Hence the controversy over the interpretation of the servitude which considerably exercised the 1901 commission.

#### How Did Alienation Take Place?

Despite the 15-year non-alienation clause, the most prominent grantees sold their land soon after annexation. All the farms belonging to four of Tshipinare's five sons, his most senior half-brother and his senior nephew had been alienated by 1890; whereas the lands retained by members of Tshipinare's family (at least until 1913) were those of his elder (but subordinate) full-brother Setlogelo, his daughters Nkhabele, Maggie and Samata, and his most junior son, Morokanyana (see genealogy). The question arises: Why the strikingly differential rate of alienation? Tenuous though it is, the evidence suggests two sets of reasons: the first set has to do with internal upheaval in the Barolong political community; the second set has to do with the penetration of merchant capital - specifically, the fact that titles which were realizable could be mortgaged against investment in education or agriculture or against a style of life appropriate to a landed gentry.

The three most substantial beneficiaries of the Gregorowski settlement endorsed by the Volksraad were Robert Tawana, in the third house, Tshipinare's eldest son and heir; Richard Maramantsi, Tshipinare's eldest surviving half-brother by a different father; and Michael Tshabadira, son of the latter's deceased elder full-brother, and simultaneously Tshipinare's son-in-law (see genealogy). Of Robert Tawana, who succeeded to the chieftainship - dismal shadow of its former self though it was - Molema writes in a disconcertingly trenchant manner that "Fear, hesitancy and diffidence took possession of his mind ... the unrest and discord in the tribe became exaggerated in his timid mind ... [he] therefore sold his farm[s] and ignominiously left his town, his tribe and troth for Bechuanaland ...". (31) Richard Maramantsi and Michael Tshabadira, for their part, petitioned the Volksraad in 1887 to be allowed to sell their farms. They were given permission to do so, having themselves given "futile guarantees" (32) that their followers would not settle on Government land (i.e. the locations). This dispensation drove a coach and horses

through the fifteen-year non-alienation clause: the Volksraad quickly repealed it, also allowing "native-owned" farms to be mortgaged. Other sales followed. Richard and Michael eventually emigrated and bought farms in the Setlagole reserve (established with other reserves by Shippard's land commission in British Bechuanaland in 1886), where Richard died in 1895. Michael, however, went on to become headman of a section of Samuel's refugees at Ramokgwebana to the north-east of Francistown in the Bechuanaland Protectorate. Samuel lingered there in disconsolate exile until his death in 1932; he was succeeded by Michael's son, Tshabadira, who, as Molema points out, had been "raised for Motlhwane", Majang's first husband in the senior line of Chief Moroka's descendants (see genealogy). (33) Thus any attempt to reconstruct through oral history what happened in the immediate aftermath of the annexation of Thaba 'Nchu must focus on the pivotal - and possibly thoroughly equivocal - position of Michael Tshabadira in the genealogy: son-in-law to Tshipinare, nephew to Tshipinare (son of his half-brother - same mother, different father), nephew to Samuel (son of his half-brother - same father, different mother), and leviratic husband to the wife of the deceased rightful heir (Samuel's nephew) in Moroka's senior house. Apparently loyal to Tshipinare, Michael Tshabadira failed to muster any support for his chief on the fatal day, until it was too late; and he thereafter exploited his agnatic and affinal proximity to the senior (rebel) line by withdrawing from Thaba 'Nchu and pursuing an alternative political career with Samuel's refugees. Many of his followers refused to trek with him. (34)

The second set of reasons for rapid alienation is highly provisional in the present state of my research: it relates to the indebtedness of Tshipinare's estate, which is documented (35); to the hypothetical indebtedness to large trading companies of the most prominent Barolong grantees (36); and to the speculative swoop which Charles Newberry made on the Moroka district. (37) At the time of Tshipinare's death, several substantial debts were outstanding: £800 to the National Bank, £2,000 plus interest to Charles Newberry, and £1,100 to Cornelis van der Wath. (38) The practical question remained whether they should be a charge on Tshipinare's private estate or on the republican government which had assumed responsibility for the assets and liabilities of the Barolong administration. In July 1885, the principal creditor, Newberry, who had been induced to lend money to Tshipinare by John Daniel, requested President Brand to facilitate the winding up of Tshipinare's estate so that this debt could be recovered. (39) Subject to doubt on the question of the liability of Tshipinare's estate for these debts, it is at least plausible, since the only realizable assets were land, that powerful creditors such as Newberry would have brought pressure to bear on the Volksraad - via Daniel's evidence which induced Gregorowski to change his mind, for example - to interpret the land grants in the Moroka district as freehold, alienable titles; and some pressure also, again perhaps through intermediaries such as Daniel, on the Barolong notables to discharge their debts through the sale of their farms. At any rate, the Newberry estates in the Thaba 'Nchu district in 1900 comprised 56,000 morgen and included the four large farms of Richard Maramantsi, the four farms of Michael Tshabadira, one farm each of Robert Tawana, Joel and Isaac Motshegare, together with three other smaller farms. (40) He sold most of these lands to the ORC government at the end of 1901 for £90,000 (41), and they were in due course divided up into much smaller farms for Land Settlement after the war.

#### What Were the Implications For Occupiers Who Were Not Land-Owners

There are two related questions to consider in this context. Firstly, did the servitudes attached to the black-owned farms provide effective protection of the residence rights of bona fide members of the Barolong political community? Secondly, in what ways were relations of production on those farms transformed by the grant of formal legal title to their owners and by the degree of immunity from eviction which the servitudes implied for the occupiers? Again, there are large gaps in the evidence available. Annexure Z of the 1901 commission contains lists of those Barolong who did not want to trek with Richard Maramantsi and Michael Tshabadira and who were therefore entitled to remain on the farms after they were sold. (42) Since the farms Daggafontein, Tlogo ea Moroa, Nganyana and Springhaanek were transferred

fee of servitudes, it might be inferred that very few people remained on these farms. However, this inference is inconsistent with the evidence of J A Cameron's census of late 1884 which showed 264 huts and 132 male and 225 female Barolong resident on Daggafontein. (43) Only one farm - Thaba Patchoa - had a larger settlement than this, and it seems extremely unlikely that all the residents of Daggafontein voluntarily removed themselves with Richard. This problem requires resolution since it is crucial to the question of whether or not the servitudes were recognized in practice.

The official opinion of the State Attorney, Sir J G Frazer, on this matter was published in 1899. (44) He concluded that servitudes applied for the life-time of the individual as a personal right, i.e. the rights of bona fide residents at the time of annexation in 1884 survived the fifteen-year non-alienation clause but could not be transmitted to descendants. This view scarcely coincided with the haphazard practical interpretation of the servitudes that appears in the evidence given to the 1901 commission by both black and white landowners. Most of them stated either that they did not know of servitude rights or that they did not know precisely who did and who did not have such rights; or that they assumed such rights lapsed after fifteen years. For example, the lawyer Cornelis van der Wath (owner of 5/8 of the farm Egypt which had been part of Tshipinare's estate) stated: "A 15 years' servitude was granted to these natives. That time is now expired, and the owners of farms may turn off all natives living on their farms if they choose." (45) By 1901, however, irrespective of the precise legal position, the onus of proving residence rights was thrown on to those who wished to assert them, owing to the total disruption caused by the war. The commission itself observed, in justification of this: "It has been quite impossible for this Commission to ascertain what servitude holders are now in the Moroka district. Owing to the unrest caused by the war and to recent military operations the native question in that part of the country is in a state of hopeless confusion. Natives have in some cases been compulsorily taken off the farms occupied by them and cannot now be traced, while in other cases they have left the farms voluntarily and gone to reside on others owing to the insecurity of their position. To add to the confusion thereby caused, about ten thousand natives have been established in Refugee Camps in the district ..." (46)

It is important also, in view of the rapid rate of alienation that took place in the district between 1885 and 1900 (47), to consider whether the transfers of ownership from black to white decisively subverted existing servitudes. The severe anti-squatting legislation of the 1880s and 1890s nominally precluded more than five black families from "squatting" on a white-owned farm. In the first place, however, the legislation does not appear to have effectively been enforced in this period, and Keegan notes "little response" to it in the grain districts of the Conquered Territory, adjoining the Thaba 'Nchu district. (48) In the second place, a commission of 1890 appointed to investigate "squatting" in the Moroka district specifically recommended that the regulations should in any case be applied only over and above the people qualified under the servitude to reside in the district. This commission found that 573 heads of families had entered the district subsequent to the annexation - mainly Barolong and Basotho - and that most of them had no right to be resident there, either in the locations or on black-owned farms. Nevertheless, the commission also pointed out the possibility of harassment arising out of transfer of ownership from black to white: "natives resident on farms sold in the district could have matters made so unpleasant for them by the owners, that they would rather waive their rights and simply reside with persons of their own tribe on farms such as Newberry's, where they would not be daily interfered with." (49) Significantly, in the light of Keegan's thesis about class differentiation within "white" agriculture, the Newberry estates are singled out here as presumably representative of the large holdings of absentee landlords with no interest whatever in applying the anti-squatting regulations.

It is difficult, therefore, to interpret Molema's assertion that, as Barolong farms were alienated, evictions took place on a very large scale. "It does not require a wonderful stretch of imagination", he wrote, "to visualise that many hardships were in this way inflicted on many Barolong families, who had hitherto



possessed perpetual vested occupancy rights as being resident on inalienable communal farms, thus suddenly converted into individual alienable freeholds of their headmen. Great numbers of these people - about ten thousand - that is, half the population of the Moroka District of Thaba Ncho - went to live in Government and municipal locations in the various towns of the Orange Free State and elsewhere, and thus swelled the African urban population, which seems to be the problem of the Twentieth mid-century in South Africa." (50) We need not doubt that some evictions took place, nor that many families suffered hardship as a result; but Molema's estimate of the numbers involved is hardly plausible for the period up to the South African war, even taking account of immigrants, unless Cameron's census figure of just over 7,000 black people in the district in late 1884 (a steep decline from the 15-20,000 estimate of Moroka's last years) was a gross underestimate. (51) The problem is compounded by Molema's failure to distinguish in his text between evictions under the anti-squatting legislation before the war, the chaotic movement of refugees during the war, and later evictions under the 1913 Land Act.

It may, however, be the case that black landowners in the period 1885 to 1900 were even more weakly placed than white landowners with respect to their ability to establish a profitable pattern of accumulation in agriculture through their own enterprise and capital resources. It is possible that the existence of servitudes which nominally precluded the sanction of eviction imposed severe limitations on the bargaining capacity of owners with respect to the occupiers of their farms. Before annexation, Gregorowski decided, "it would appear that followers had to pay taxes to the head Chief and render service to their own sub-chief. They had to assist in ploughing, etc. It will, in view of the changed conditions, be necessary to cause a sum of money to be paid to the owner of the farm, the sub-chief, in lieu of these services." (52) In other words, administrative rights included a form of labour service due from subjects which, after the collapse of the Barolong administrative hierarchy, no longer applied. New regulations were therefore introduced in 1887 governing relations between Barolong landowners and their resident bywoners, providing for annual payments to the owner for grazing rights, provision by the owner of at least two morgen suitable for arable production, and payment to the owner of one-fifth of the crops harvested; alternatively, there might be other contractual arrangements, including labour service in lieu of rent. (53) It would be very interesting to discover what forms of contractual arrangement applied, but the above share-cropping contract, if at all widespread, implies a balance of power in favour of the bywoner. This may have provided further incentive to senior Barolong notables to realize their assets in the short term, especially in a market flush with the speculative capital of the gold boom after 1886.

#### Addenda

There are other important aspects of what happened to the land in the Moroka district that have not been touched on in this paper. For example, provision was made in 1886 for five- or ten-year leases of government land to white persons; after the passage of Law No 18 of 1895, such leases were confined specifically to burghers who were not landowners and who had resided ten years in the state. Most of the 29 government farms in the Moroka district were sub-divided into several lots for this purpose. Many of these bywoners were squeezed out because the war made it impossible to fulfil their conditions of lease (including that of personal occupation): at the time of the 1901 commission report, many were prisoners of war in Ceylon or elsewhere and/or had fallen into arrears with rent and quit-rent. (54) Over the same period, the Seliba and Thaba 'Nchu "locations" or reserves rapidly filled up with immigrants, Barolong and Basotho, many of whom were not formally entitled to reside there, but who were precluded from access, through the above leasehold arrangements, to the government farms supposedly set aside in 1884 for the accommodation of displaced members of the Barolong political community. In 1913 the Beaumont Commission recorded these two reserves as the most congested in the Union. Some Barolong farms, meanwhile, were leased to white persons, legally or illegally (if the lease was for longer than six months at a time): for example, the farm

Victoria, half of which Dr J S Moroka inherited from his grandmother (Tshipinare's sixth wife, Ketimetse), and where he still lives today, was leased in the period of the ORC administration to Piet Steytler for an annual rent which paid back, over a number of years, a loan of £1,000 from Steytler which partly financed Moroka's medical studies in Edinburgh. (55) Other Barolong proprietors developed their agricultural operations in a manner and on a scale that should properly be described as capitalist: John Mokitlane Nyokong, owner of the farm Maseru (and father-in-law, for a time, of J S Moroka's mother, Maggie), bought a threshing machine for £1,000 shortly after the war but was prevented from using it except under the supervision of a white engineer whom he could not afford to employ all the year round. (56) Similarly, Nyokong complained bitterly before SANAC in 1904 that the pass law prevented him from travelling to Bloemfontein by train without a pass, whereas his white employees could travel freely. (57) These are striking examples, in a context where private titles to land were not exclusively white-owned, of the contradictory tensions of racial and class identities.

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#### Notes

- (1) Colin Murray, "Ethnic Nationalism and Structural Unemployment: refugees in the Orange Free State", in ICS Collected Seminar Papers No 28 (1981).
- (2) See the Introduction and various papers in S Marks and R Rathbone (eds), Industrialization and Social Change in South Africa (London: Longman, 1982).
- (3) K Shillington, "The Impact of the Diamond Discoveries on the Kimberley Hinterland: class formation, colonialism and resistance among the Tlhaping of Griqualand West in the 1870s", in Marks and Rathbone, op. cit.
- (4) S Trapido, "Landlord and Tenant in a Colonial Economy: the Transvaal 1880-1910", Journal of Southern African Studies 5, 1 (October 1978), pp 26-58.
- (5) A Trollope, South Africa, Vol II (London: Chapman & Hall, 1878), p 276.
- (6) S M Molema, Chief Moroka: his life, his times, his country and his people (Cape Town: Methodist Publishing House, 1951).
- (7) T Keegan, "The Transformation of Agrarian Society and Economy in Industrializing South Africa: the Orange Free State grain belt in the early twentieth century", unpublished PhD thesis, University of London, 1981, pp 62-68, 74-77. For an understanding of agrarian transformation in this period in the OFS as a whole, I am heavily indebted to Tim Keegan's thesis and published articles, particularly "The Restructuring of Agrarian Class Relations in a Colonial Economy: the Orange River Colony, 1902-1910", Journal of Southern African Studies 5, 2 (April 1979), pp 234-54; and "The Share-cropping Economy, African Class Formation and the Natives' Land Act of 1913 in the Highveld Maize Belt", in Marks and Rathbone, op. cit.
- (8) OFS Archive, Bloemfontein, District of Moroka (ORC 46 - 1901), Report of Commission and Annexures A to Z.
- (9) This phrase comes from Marks and Rathbone, op. cit., p 20.
- (10) Friend, 17 July 1884, cited in M J Boon, The History of the Orange Free State (London: William Reeves, 1885), p 159; Molema, op. cit., pp 152, 165.
- (11) Friend, 17 July 1884, cited in Boon, op. cit., p 159.
- (12) Hence the curious phenomenon to which Sol Plaatje's friend, Chief W Z Fenyang, referred at a series of funerals in 1949: "Chief Fenyang told the Barolong that they should know that the Setlogelos are their chiefs even though they are ruled by their juniors", Free State Advocate, 9 April 1949. See also the account of Fenyang's mother's funeral, Free State Advocate, 4 October 1947.

- (13) The most useful primary source for the years 1881 and 1882, from which the quotations in this paragraph are taken, is John Daniel's letters to the London Secretary of the WMS. SOAS archives, MMS Box 326, J Daniel to J Kilner, 22 April, 29 August, 20 September, 28 November 1881, 31 October 1882. I have not yet been able to trace Daniel's correspondence for 1883 and 1884, which should contain an invaluable first-hand account of the traumatic events of the period.
- (14) Molema, op. cit., pp 114, 129.
- (15) Daniel to Kilner, 29 August, 20 September 1881.
- (16) Boon, op. cit., p 154.
- (17) Friend, 20 September 1883, cited in Boon, op. cit., p 155.
- (18) Ibid., p 157; Molema, op. cit., p 155.
- (19) Friend, 17 July 1884. In commentary, the Friend invoked parallel involvement in African conflicts by white mercenaries who established the short-lived republics of Goshen and Stellaland in the area that became British Bechuanaland: "It has been a too common practice in South Africa of late for white men to espouse the cause of some native chief, and ... they turn the natives out, and possess the land."
- (20) Molema, op. cit., p 160; Boon, op. cit., p 157.
- (21) Daniel to Kilner, 31 October 1882.
- (22) Boon, op. cit., p 159.
- (23) Molema, op. cit., p 166.
- (24) ORC 46 - 1901, Annexure N.
- (25) ORC 46 - 1901, Annexure G.
- (26) Molema, op. cit., p 167.
- (27) Afterwards famous for condemning the Jameson raiders to death.
- (28) ORC 46 - 1901, Annexure M.
- (29) ORC 46 - 1901, Annexure N.
- (30) Gouvernements Kennisgeving No 218 - 1885. See also ORC 46 - 1901, Annexure O.
- (31) Molema, op. cit., p 177.
- (32) Ibid., p 169.
- (33) Ibid., p 165.
- (34) ORC 46 - 1901, Annexure Z.
- (35) Evidence attached to the Gregorowski Report, OFS Archive, GS 1409 - 1855.
- (36) For example, D & D H Fraser, traders of Wepener, bought two large farms, Vaalbank and Rapuiskop, from sons of Tshipinare, and disposed of them in 1888; James Robertson, grain merchant and miller of Jammerberg Drift, bought Papfontein and Mooifontein, and probably other farms also, from Robert Tawana, Wonderkop from Joel, and Ngoanyana from Michael Tshabadira, and disposed of some of them to Charles Newberry. Evidence from ORC 46 - 1901, Annexures U and Z, and from the Deeds Office, Bloemfontein. This evidence is suggestive, but not, of course, of its own conclusive, of a pattern of indebtedness.
- (37) Newberry had made his money at Kimberley, initially working as a carpenter and acquiring claims through default of payment by claim-holders; he sat tight on a sizeable block of claims in the middle of the Big Hole and ended up as a director of De Beers. (Personal communication, A D Boddam-Whetham.) He invested heavily in land in the northern Cape and OFS and established a handsome estate at Prynnsberg, near Clocolan. His brother, John Newberry, built the famous Leeuwrivier mill on the eastern edge of the Moroka territory in 1892.
- (38) Attorney C Voigt to President Brand, 18 April 1885, evidence attached to Gregorowski Report, GS 1410 - 1885.

- (39) C Newberry to Sir John Brand, 26 July 1885, evidence attached to Gregorowski Report, GS 1410 - 1885.
- (40) ORC 46 - 1901, Annexure U.
- (41) Keegan, "The Transformation of Agrarian Society ...", footnote p 80.
- (42) ORC 46 - 1901, Annexure Z.
- (43) ORC 46 - 1901, Annexure Y.
- (44) ORC 46 - 1901, Annexure X, Government Notice No 414 - 1899.
- (45) ORC 46 - 1901, Annexure Z.
- (46) ORC 46 - 1901, District of Moroka Report.
- (47) In 1900, there were 54 Barolong farms, comprising 91,000 morgen, and 95 white farms, comprising 138,000 morgen. South African Land Settlement Commission 1900, Part II, Documents, Evidence, etc. (London: HMSO, June 1901), Cd 627, p 237.
- (48) Keegan, "The Transformation of Agrarian Society ...", footnote p 64.
- (49) ORC 46 - 1901, Annexure S.
- (50) Molema, op. cit., pp 169-70.
- (51) ORC 46 - 1901, Annexure Y.
- (52) ORC 46 - 1901, Annexure M.
- (53) ORC 46 - 1901, Annexure R.
- (54) ORC 46 - 1901, Leases of Government Farms.
- (55) Interview, J S Moroka, 16 December 1981.
- (56) S Plaatje, Native Life in South Africa (London, 1916, reprinted in New York: Negro Universities Press, 1969), p xix.
- (57) Report of the South African Native Affairs Commission 1903-5, Minutes of Evidence (London: HMSO, 1905), Cd 2399, p 295.