

UNIVERSITY OF THE WITWATERSRAND

A F R I C A N S T U D I E S I N S T I T U T E

African Studies Seminar Paper
to be presented at Seminar in RW 319 at
4.00 p.m. on Monday 28 March 1988

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"A DOCUMENTARY DRAMA" : THE CASE OF MALISELA LETSOALO AND THE
BANARENG TRIBE VERSUS THE UNION GOVERNMENT

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1

"A DOCUMENTARY DRAMA": The Case of Malisela Letsoalo and
the Banareng Tribe versus the Union Government.

Tuesday 28 January 1958 was a tepid 20.8°C in St George's Street, Cape Town. Not far off, the Houses of Parliament were considerably hotter. Generator of this heat was none other than the 'Famous Lawyer' and former Native Senator, Mr Hyman Meyer Basner. Basner had just bombarded every MP, including the Senate, with copies of an affidavit rebutting the Minister of Native Affairs' attack upon his integrity the day before.

The Senate had heard the Minister declare Basner responsible for alleged "riots or disturbances in Mamathola Location" in June 1957. They could read, a day later, that Basner denied this flatly. He did acknowledge an "incident" there on 3 June, "when a number of women...prevented the payment of £24 compensation for leaving [the Location] to the deposed Acting Chief Malisela Letsoalo." Basner added that since becoming legal adviser to the Mamathola, whom the Union Government intended removing from the Wolkberg Location, Agatha Forest, to the farm Metz near Trichardtsdal, "no political organisation, institution ... or individuals from Johannesburg...have actively associated with or influenced the Mamathola ... (Banareng tribe) to refuse to leave..."

Basner threw himself into the legal defence of the Mamathola with customary zeal. He kept detailed files on developments, collected sworn statements and made recommendations to his clients which often precipitated him and them into confrontation with Native Affairs Department (NAD) officials. His own history as a Communist Party organiser and Native Senator plus considerable legal experience of defending the 'victims' of segregation and apartheid, had given Basner grim appreciation of South Africa's governing party, and in particular, its Minister of Native Affairs, Dr. H F Verwoerd.

1. William Ballinger Papers, (WGB), University of Cape Town Archive, BC 347 C5. V.1.1, Hyman Meyer Basner, Mamathola Location, "Affidavit", 27/1/1958. Phineas Letsoalo, who worked at Kensington Golf Club, was a major 'source' on events in Mamathola, dubbed Basner "The Famous Lawyer". Basner, born in Dvinsk, Latvia, in 1906, grew up in South Africa, and attended the University of California. His legal career began in 1930. He immediately earned a reputation as "an outstanding defender of African rights". A member of the Communist Party, he left in 1940, to protest the Soviet invasion of Finland. Zealously committed to opposing apartheid, he stood as a Native Senator in 1937 and was elected in 1942. (HMR, "Obituary of Mr. H M Basner", The Times 3/5/1977.)

2. I must thank Mr. Basner's widow, Miriam (MR), his daughter, Mrs. Marcella Bloom, for allowing me access to his papers, which will shortly be housed in the Church of the Province of South Africa Archive, University of the Witwatersrand. (CPSA).

Cape Argus 28/1/1958, p.1, col.1. The two men were central figures in the pitched battle, which dominated the 1958 Senate session. Government members were aroused to support the Mamathola Removal, and Native Senators and two renegade United Party colleagues effectively cut off from the majority of the opposition.

Basner was always a history man: he wrote a short history of the Mamathola, a long history of South Africa, and considered the historical implications of the former to the latter throughout the Mamathola case.⁽³⁾ He hoarded - perhaps for posterity - the Mamathola papers, which form the documentary basis of the case. The set of affidavits submitted to the Supreme Court form a circular and self-reflexive narrative, from which some dramatist might hack a playscript in which applicants and respondents retell the tale of removal in varied, nuanced and idiosyncratic ways. These documents are the basis of this paper, and feed outwards into the evidence which both Basner and Native Senator Ballinger amassed, and the Senate, Assembly and NAD recorded.⁽⁴⁾

Verwoerd's accusations, made after he had submitted his first replying affidavit, arose out of a turning point in the case. The Mamathola, who had been "perfectly willing" to go to Metz, suddenly refused a move of the "greatest benefit one could imagine" for the tribe and the country, even if those people [Mamathola] did not grasp this.⁽⁵⁾

The tribe maintained that they had never agreed to go. Verwoerd and his officials believed that the presence of Attorney, Basner, in the Chief's kraal had quickly helped him to change his mind. It maddened Verwoerd to think that his old foe, Basner, was, once again, stirring up the Natives. On 27 January 1958, Verwoerd labelled Basner the link-pin between his rural clients and the ANC. By April 1958, he had banned Basner from visiting his clients' prospective place of resettlement, Metz.⁽⁶⁾

3. Basner Papers (HMR), "Mamathola Location", "The Mamathola". HM Basner, "The Black Price of South Africa Gold, 1870-1960", CPISA.

4. Chief documentary sources are in WGB and HMR. Basner's Papers are probably a fraction of the documents he amassed over a lifetime. Some of his life-story has been recorded: by his wife, Miriam Basner, by Charles van Onselen, via investigations into the social history of the South-Western Transvaal in the 1930s, and, indirectly, by Basner himself.

5. Senate Debates, 1958 (SD) p.703

6. SD, "Reference of Removal Order to Sessional Committee, 27/1/1958, p.43. Technically, Basner eluded the Suppression of Communism Act's noose in 1950, but Verwoerd sought ways of dealing with him. In 1950, he ordered an investigation into Basner's professional conduct in the Witziesshoek Case. This culminated in an unfruitful Law Society Inquiry into his conduct. (See SARE, NTS, N/A 948/400: "Unprofessional Conduct, Attny. H M Basner 19/2/1951, "Confidential letter from WWM Eiselen to the Chief Native Commissioner, Western Areas, Potchefstroom." Eiselen could not find enough information to justify the investigation. Also see HMR, File 4) (The numbering of files in HMR is tentative, as the papers are still unsorted). HMR, C B Young, Secretary for Native Affairs, Pretoria, to HMB, 10 April 1958.

Trying to divert Opposition attention from NAD's role in Mamathola, the Minister vowed ominously that he saw the hand of Basner in Headman Solomon Letsoalo's deposition upon the Mamathola's plight: "[the deposition] 'Naboth's Vineyard' is full of shameless lies", said Verwoerd.⁷

"If the framer [of the document] was not a Basner, then it was perhaps a Ballinger. If a Basner did not write it, it was probably a Ballinger...".⁸

Given the association between Basner and Solomon Letsoalo, and the document's wide distribution, it is likely that they did work together on its production. Both found the Biblical parallel of 'Naboth's Vineyard' depicted the avarice with which Mamathola was taken from its inhabitants. Letsoalo's affidavit and description of the actual removal show that he had no need of a ghost-writer.⁹

Nevertheless, Basner's knowledge of the legal process of dispossession helped the Letsoalo family enormously. Basner could quote Commissions and Statutes, knew the South African Native Trust (SANT)'s workings thoroughly and, was familiar with the grievances of rural communities in the Transvaal and OFS.¹⁰

7. Ibid, p.50 See S.D. Letsoalo "Naboth's Vineyard", in HME and WGR. Verwoerd, wrongly called Solomon Letsoalo the man "whom they fondly call the present chief, which he is not". (SD, 1958, p.50). Chief Mamathola (Malisela Letsoalo) was Solomon's cousin. The state questioned the chief's *locus standi*. He was appointed Acting Chief in 1944, during his nephew, William's, permanent incapacity. NAD did not want to appear to be dealing unreasonably with the Chief, by deposing him in under the Bantu Authorities Act of 1951. The Mamathola certainly feared incorporation into the newest alternative to democratic representation: separate, state-controlled Bantu Authorities. The 'weeding out' of uncooperative chiefs was 'necessary' to make Bantu Authorities work. As the Prime Minister said in 1959, (Hansard, col 6513): "We have the choice of either giving the whites their own territory and the Bantu theirs, or of giving everybody one state and seeing the Bantu govern." (see DESA, II 411). Also D. Posel, "The Construction of Apartheid, 1948-1961, Conference Paper, "South Africa in the 1950s", ICS, Oxford, 1987.

8. SD, 1958, p.51. As their Senate Representative, Ballinger had been the Mamathola's first confidant (or, in the Minister's words, "fellow inciter". (SD, 1958, p.54) In 1950, when NAC (1948-52, p.13) called for their removal, the Tribe contacted him via their first lawyers, Webster, Dunbar and Saner. He had not had much success in the House, or in letters to Verwoerd and the Secretary for NA, W M Eiselen. (WGR *passim*).

Basner's 1937 and 1943 campaigns showed the increasing response of the African electorate to his views on rural matters. See (WGR, 80 347 C2 III.3.1 "H.M. Basner: The Candidate of African National Unity, A Call to Africans"; (MR, p.169 & 173)

9. See HME, and WGR EC 347 C5 V.1.3; SD, p.725

10. In 1942, Basner attacked the 1936 Native Trust and Land Act which made Africans rent-paying tenants of SANT. His manifesto proclaimed:

THE AFRICAN PEOPLE GOT NO LAND. The Chiefs have no control whatsoever over Trust Land. Up to August 1941, the Native Trust bought 1,491,739 morgen of 'released' land. This, for six and a half million people, dependant [sic] for their living on land. Who got this land? How is it administered?

NO CHIEF, NO TRIBE, NO INDIVIDUAL AFRICAN GOT THIS LAND.

(WGR, EC 347 C2.III.3.2.1, HME, "To the African Electorate of the Transvaal and OFS", Johannesburg, 1942). See also (SABE, NTS, 89/362 (240) (1), Representation of Natives Act, 1936: 1942 Elections, 10/9/1942, "Open letter from HME to RJ". For RJ's views on the Land Act, see Paul Rich White Power and the Liberal Conscience (Johannesburg: Ravan, 1984), p.51.

II.

A year before the 1958 Senate Debate, on 13 January 1957, Verwoerd castigatd those who had "whipped up" the Mamathola Removal "into a world affair." Verwoerd's public statements, usually made within the confines of a parliament in which the National Party was rapidly getting the better of the United Party, were decidedly adversarial. The question of what to do about rural conditions affecting erosion, African farming and white farming, weighed heavily upon him. The NP had inherited the UP's inadequate agrarian policies, such as the planned Mamathola removal, and were, in terms of their promises to rule the country, bound to make policy work, somehow.

UP Native Affairs Commissions (NAC) had proposed, and the 1954 Tomlinson Commission endorsed the reasons for removing the Mamathola:

- (a) That the occupation of the farm Muckle Glen by the Banareng Tribe menaces the sources of the Letsitelè River.
- (b) That the Mamathola Location is too small and that there is no future for the tribe in the present location.⁽¹¹⁾

Verwoerd commented, irritably that this was a very ordinary sort of removal which "every government had to do when necessary, and the NP only stood accused of being too reasonable" towards the Natives.⁽¹²⁾ Senator J.M. Conradie spoke for the UP when he accused Verwoerd of bungling the case. The UP approved of the removal in principle, but not "the way [it] is being carried out".⁽¹³⁾

For a "very ordinary removal", Verwoerd became extremely involved in the case, perhaps using it as a chance to vindicate or vilify his Ministry. The previous October, he been compelled to meet the tribe's Chief and Councillors to change the proposed removal site from Fertilis farm, to Metz. This sharp turnabout indicated that, NAD had decided that the wet weather would make the Fertilis move costly and impracticable. Without allowing the mask of father, leader and baas to slip, Verwoerd skillfully dug into the SANT's store of Transvaal land and pulled out another two "excellent" farms: Metz and Strassburg, near Leydsdorp.⁽¹⁴⁾

The next eight months produced a set of highly controversial events. In his first affidavit, Verwoerd asserts that the Mamathola expressed, on many occasions, their willingness to

11. WGB, Clippings, 1948-1960, 13/1/57, Rand Daily Mail "Tribe Removal Whipped Up Propaganda" WGB, BC 347 C5 V.2.1.1: SD Letscalo, "Naboth's Vineyard", p.3

The 4 United Party commissions were: Native Affairs Commission 1937; Native Reclamation Committee, 1937/8; Interdepartmental Committee of NAD and Forestry, 1944; Native Affairs Commission, 1948. The Affidavits of Dr Verwoerd and CB Young, Secretary of NA, filed in the Transvaal Provincial Division of the Supreme Court set out NAD's conception of the case. See also HMB, 16/9/57, Affidavit of HF Verwoerd, p.6.

12. WGB, Clippings, 1948-60: 13/6/1957, Cape Times, "Tribe will be Forced to Move".

13. WGB, Clippings, 1948-60: 15/6/57, RDM.

14. Eventually, the Mamathola moved to Metz and Enable, another adjoining farm. See discussion of 5 October Meeting below.

go to Metz. The Chief and his councillors deny that they ever did. A lone voice, rapidly being ejected from their midst, one T Rakoma, insisted that the Mamathola were initially keen to move. In all the 'government' versions, the event that turned the Chief into a 'rebel', Basner's arrival, in medias res at Metz on 3 June. For Chief and Councillors, Basner's presence was crucial: he advised them that they did not have to go passively to Metz. He allowed them to articulate their own history as a strong argument against NAD's removal strategy. To this argument, he joined his own knowledge of rural conditions and government policy.¹⁵

When Basner replaced Ballinger as their advisor, the Mamathola were better able to do legal battle against the state. In 1950, their first attorneys had asked Ballinger to intercede with NAD on their behalf. Ballinger had ferried letters between the two parties for the next seven years. Yet, his intercessions little deterred NAD's plans to remove the tribe, first to Mafefe and then, to Fertilis. Verwoerd's quarrels with the Ballingers roused desultory parliamentary and press interest in the case. NAD proceeded unhindered despite doubts within the ranks of its Northern Transvaal personnel. Ballinger's cautiously expressed "doots" fell on the deaf ears of Verwoerd and Eiselen.

The two prior removal sites generated complex departmental investigation, correspondence and report. When Mafefe proved inadequate, Fertilis was substituted, despite obvious shortcomings. Neither the tribe's nor Ballinger's protests changed Verwoerd's mind about Fertilis as quickly as the cost of the rain did.¹⁶ Within days of this calculation, Metz was inserted into the inexorable narrative of Ad Hoc reports and findings attendant on NAD's removal plans.

As a Native Senator, caught up in Parliamentary procedure, Ballinger had less recourse to positive action than did Basner, to whom the relative independence of the judicial system was available. It is likely that their differing temperaments and political persuasions made them bring different amounts of energy to the case. This point is difficult to 'prove', and it is hard to avoid the kind of historical ventriloquism which allows the labels 'liberalism' and 'radicalism' to drown out their actual positions in this regard. Both men were, in the event, equally unable to halt the removal.

Basner's contribution was to fight NAD's plans to remove both people and their pasts. He, and to a lesser extent, Ballinger, actively collected the narratives of dispossession, threat and removal which the Mamathola sent him. In co-operation with the tribe, he extracted meticulously detailed affidavits in which set out the

15. Note the references in affidavits; See WGB, Clippings 1943-60: 4/6/1957, The Star: A senior headman told The Star that the Mamathola "...had no alternative but to move...We do not want to go to Metz, where the area is entirely undeveloped". They also remarked on the chief's ambivalence. The Star, it must be noted, often repeated government accounts of the removal.

16. SARE, NTS, NA 8/423, 17/9/1956, CNC, Pietersburg to Sec. of NA.

Mamathola's account of the removal. The lawsuit also produced the equally detailed, but opposing government account of the case. When Verwoerd declared, six months later that he saw the hand of Basner in Solomon Letsoalo's deposition, he was not altogether wrong.

The affidavits are couched in the highly stylised language of the courts. Clearly Basner, various Commissioners of Oaths and the state's lawyers were responsible for rendering the statements of Chief, Councillors and NAD officials in this idiom. The resulting documents are solemn, but retain a sense of character and the urgency of the case to both sides. One has only to interleave the conflicting allegations of applicant and respondent to breath a kind of posthumous reality into these characters. Indeed, a playwright might make of them a courtroom drama. For an historian, the documents lead into the drama of the case, and into further documents and oral evidence ancilliary to it.

One could begin the narrative at many points; this paper begins with the turning point meeting between Verwoerd and the tribe's representatives at Metz on 5 October 1956. The removal had been delayed, Verwoerd said, because the Mamathola had suddenly changed their minds and refused to leave their location.

III

Malisela Letsoalo and the 15 councillors of the Banareng Tribe, or Mamathola, received formal notice to attend the meeting. It seemed to Councillor Manas Maponya that

17. SD, 775/1957, p.5942

18. HME, 2/10/1956, Notice from Additional NC's Office to Malisela, Solomon, Rufus and William Letsoalo, plus Manas Maponya, Phineas Makwela, Thomas Rakoma and others.

Mamathola (1864 or 1749 morgen) is scheduled in the 1913 Natives Land Act. (Revised Statutes of the Union of SA, vol. II, 1913-1916, p.312.) In 1941 SANT took over the location. (Registrar of Deeds, Dept of Public Works and Land Affairs, Central Govt Offices, Pta, "Certificate of Registered Title No. 20341", 15 Nov. (in the year of our Lord) 1941. Also see Report of the Native Affairs Commission, NAC 1948-1952., p.17)

NJ van Warmelo, influential Government Ethnologist, surveyed the area in 1944. He used the Lovedu-used Sepedi unique to the Mamathola evidence of their 'ethnic' unity, which Verwoerd said he wished to maintain. (See SD, 1958)

He found that the Banareng had lived in their 'location' since the 1880s (locations were only set up in 1907, see 1st Applicant's Replying Affidavit). The NAC set the population at 1200-2000 people. (U, of SA, Department of Native Affairs, Ethnological Publications No. 10, 1944, NJ van Warmelo, Govt Ethnologist, "The Ba Letswalo or Banarene", p.7.) Van Warmelo supports the tribe's hereditary claims to their land. He traced the Banareng back seven generations. They had moved from the Balaodi area, near Sabie, to the Wolkberg above New Agatha Forest under their fourth chief, Podile. Volatile Northern Transvaal politics may have brought together a variety of ethnic identities under the quite recent name, Mamathola. 'Mamathola' herself became chief in the 1880s. She was imprisoned in Pretoria for her involvement in Chief Makxoba's war against the Boers (1894) and released during the British occupation of Pretoria, 1902. Chief Malisela Letsoalo was her grandson.

On the region's ethnic complexity, see J.D. Krige "Traditional origins and tribal relationships of the Sotho of the Northern Transvaal" in Bantu Studies IX 342-4.

Verwoerd's promises won the tribe's support: the removal would not take place until NAD had erected a large tribal school, churches, post office, and hospital had at Metz. Each family would receive a residential and a farming allotment of 1½ morgen. The farm would contain a location, a township for the 'wealthy', grazing and arable land. Verwoerd also promised the tribe 47 morgen of citrus trees to lure them from their prolific trees at Mamathola. Compensation itself was not discussed. The Minister's trump card was the postponement of the removal until 30 June 1957. The promised benefits so pleased the Mamathola that they asked to sing the national anthem and "'Morena boloka setshaba sa gesu'". (19)

19. ~~WGB~~, BC 347 C5 V 2.3.16, 15/10/1956, M. Maponya for Chief Mamahlola and Tribe to WGB.

Maponya's account gives the impression that the tribe welcomed the new site and conditions of removal. NAD shared this impression. C.B. Young, Undersecretary for Native Affairs, came away certain of victory. He told Ballinger that "some of the tribesmen have requested to translocate ... as soon as possible" and that he considered the case finalised. (20)

Malisela and Solomon Letsoalo and the Banareng Tribe, the Applicants in the Case against the Union Government did not share Maponya's view of the meeting. The Chief, as First Petitioner, did not dispute the fact that on 5 October, Verwoerd had summoned him and councillors to Metz, and set the move for 30 June 1957. But, said the Chief, NAD had never asked the tribe's opinion on the new site, even though they had always opposed the removal. (21)

The Chief further denied that negotiations with NAD had ever been cordial. Rather, NAD had been pressurising the tribe to move to Mampa since 1950. Then, after 5 October 1956, relatively powerful local NAD officials, Davis, Weitz, Young and Prinsloo had exhorted them to go to Metz. He added, probably upon his attorney's advice, that the Minister was too afraid of publicity to get an order in terms of Section 5 (1) *bis* of the Native Administration Act of 1927 to remove them legally. (22)

This reference to the Act may have been Basner's way of forcing the Minister's hand. He knew that Verwoerd had no desire to appeal to both Houses of Parliament, as the Act required. This request might bring a few pungent skeletons out of the NAD closet. Hitherto, arguments about conservation, the condition of the Reserve, the payment of compensation and the removal of schools, pensions and post office, had largely been confined to tribe and NAD. If the case were to be argued in parliament, every articulate Native Representative and UP member might use it to hang the Government's haphazard attempts at rural apartheid. Whether all parties were aware or not, the Chief was making a forcing bid. Verwoerd felt compelled to play his hand; which, however, proved ultimately stronger than the Chief's.

The way in which NAD dealt with this removal suggests that, at the time, Verwoerd and his officials did not actually know the strength of their hand. Deborah Posel and John Lazar have found that apartheid's planners were in a somewhat experimental phase during the 1950s. They appeared to treat cases in an Ad Hoc fashion, rather than applying the 'protocol' of some grand design. The wavering, blustering and temporary gap-stopping of the Mamathola Removal is a case in point. (23)

20. WGB, BC 347 C5 V 2.3.17, 16/10/1956, CB Young to WGB

21. HMR, 1st ARA, paras. 5b+c.

22. HMR, 1st ARA, paras. 9, 10, & 17.

23. See D. Posel, *Op Cit* p.5, and J. Lazar, "Verwoerd versus the 'Visionaries': The South African Bureau of Racial Affairs (SABRA) and Apartheid, 1948-1961".

Verwoerd's own explanations of NAD's sudden preference for Metz over Fertilis were never very consistent. On 12 June, he used the rainfall argument to justify his department's actions to the Senate. C.B. Young, perhaps to reassure the public that Trust money was not being wasted on useless farms for Africans, added that "...we could make use of Fertilis...for other tribes in that immediate vicinity". To highlight the success of the new choice, Verwoerd, quoting Young, added that the tribe's acceptance of Metz "...was greater than we have ever experience in connection with removals...Like a male choir they sang psalms and hymns [sic] of gratitude...it came spontaneously ...on the grounds of their own appreciation of the area."

Three months later, Verwoerd, in his 'guiding father' persona, stated, more magnanimously that the tribe's pleas to avoid Fertilis had moved him to give them Metz. His replying affidavit, (endorsed by C.B. Young), said that he had met the Tribe at Metz on 5 October because they had asked to see him. Young and Verwoerd again said they understood the hymn-singing to signify the tribe's "pleasure". The senior NAD men all shared this opinion. In S.J. Davis, Chief Native Commissioner (CNC), Pietersburg's, opinion, "...het hulle met gejuig hulle bereidwilligheid te kenne gegee om van Mamathola na Metz te verskuif." The Acting NC, Tzaneen, P.W. Weitz's, description glowed still more: on 5 October, he had asked the chief and councillors if they had any further questions. They had said not. "Almal van die naturelle daar was baie bly omdat hulle na Metz kon gaan, en hul gesigte het gestraal en sommige het van dankbaarheid gehuil". The more junior the official, the more glowing his report. The more glowing the report, the more the Senior officials chorussed their approval of it.

The Chief denied that he had ever entered a "solemn undertaking" with the Minister to move to Metz. Although NAD officials had tried since 1950 to compel him to move to Mampa

24. For the other removals in the area at this time, see SAIRR: A Survey of Race Relations: 1954-5, p.128. By 1955, 9 black spots in the Transvaal, 14 in the Cape and 1 in Natal had been eliminated; a further 31 were scheduled for removal. The Tomlinson Report (1955) made this picture far more serious: 154 "black spots", 76 in Natal, 54 in the Transvaal, 20 in the Cape and 4 in the OFS. (see the Survey, 1955-6, pp.157. For other removals and adjustments to the 1936 Native Trust and Land Act, see SAIRR: A Survey of Race Relations: 1955-6, p.153-4, summary of Native Trust and Land Amendment Act, No.73 of 1956.

25. HMB, 16/9/1957, 1st RRA, p.15, "...in view of the fact that they were not prepared to come to the Fertilis group of farms, I had decided that they need not go there anymore and that they would be allowed to go to Metz if they were willing to do so.". Also 17/9/1957, 1st RRA, Ax.B: CBY Affid, para.12 & Ax. B1, CBY's Speech Notes, 1957.

26. HMB, 1st RA, Ax.D, 17/9/1957, S.J. Davis Affid., until 30/4/1957, CNC, Pietersburg, (later Undersecretary, NA, Bantu Education),.

27. HMB, 1st RA, Ax.E, 4/9/1957, P.W. Weitz's Affid., Acting NC Tzaneen, 1953-1956 and Jan to May, 1957. See 1st ARA., para.26 (d), The Chief denies that any of his subjects wept.

(Fertilis), he would not. He denied telling Young, Davis, or Weitz that he would lead the tribe there "with his kierie". He had changed his mind" after learning that the tribe, who had initially thought they had no choice but to accept Metz, had learnt that they could, legally, refuse to go. Verwoerd, for NAD, denied that they thought there was no alternative. The Chief added that the whole tribe, bar the Rakomas - who were not really of the tribe - refused to go. Thus the refusal was a communal one, and not stirred up by agitators as NAD believed. Those who accepted Metz, the Chief said, were colluding with the government.

These differing interpretations may have been contingent on the differing interests of applicants and respondents. But a certain amount of 'disinformation' was also abroad. This was spread by NAD's man among the Mamathola, Headman Thomas Rakoma. He gave the court important information. On 5 October, the Mamathola 'visitors' to Metz, had found a group of 'natives' residing on their prospective home, Metz. These were Bakoni squatters and farm labourers who had been told on 17 August to vacate Metz. To NAD's chagrin, they refused to leave the farm they claimed was twice-promised (to them and the Mamathola). The Mamathola took the opportunity to question them about the farms Metz and Strassburg. The Bakoni advised them to choose the larger, flatter Metz. The Chief later cited the plight of these squatters as further reason for refusing Metz: the Mamathola had no wish to dispossess others, while themselves being dispossessed.

The Chief himself endorsed Rakoma's evidence about the Bakoni, but denied that the Mamathola had made Rakoma their spokesperson. All the applicants denied that, after the Minister's 'promises', Rakoma asked and got Malisela and Solomon Letsoalo's agreement to move. Nevertheless, this was the message that Rakoma faithfully bore to Verwoerd.

Rakoma shed some light upon singing. He declared that a fellow Rakoma, Lutheran Rev. Moses, had risen and told the tribe: "As we have nothing more to say we cannot simply go. Let us rise and sing Nkosi Singelela Afrika [sic]". The Chief obliged, while a photograph was taken of him, and the tribe 'spontaneously' sang, as Verwoerd said, "like a male choir".

Thomas added that, at the tribal meeting some days later, the Mamathola were so grateful not to have to go to Mampa (Fertilis), that they had accepted Metz. Rakoma had heard Solomon Letsoalo himself say often: "If the Government could give us any other places than Mampa we shall be satisfied."

28.HME, "1st ARA.", para.10 & 21. Also Respondent's "Further Replying Affidavit", (FRR) para.21. Annex. 31/017/027/1958, CBY's Affid.

29.HMR "1st ARA", Ax. C. 11/10/1957, M F Monyeke's Affid., swore that about 50 families of Bakoni squatters and farm labourers had lived on Metz (his own birthplace) "as long as I can remember". Verwoerd had few qualms about disrupting the Bakoni's ethnic cohesion and farming methods. (Affidavit sworn before N. Mandela, Commissioner of Oaths.

The implications of revealing that Rev. Rakoma had conducted the tribe's spontaneity maynot have struck Thomas. The Rakomas' enemies might, and did, call this a consummately skilled piece of political manipulation. The Chief's Councillors also noted the Reverend's conducting, but this was not in itself sufficient proof of the Rakomas' collusion. ***

Yet the tribe had its own ways of knowing that the Rakomas were with the government. The fact that the Rakomas had been offered rewards for their services to NAD was bad enough. But there was a deeper sense of betrayal which the tribe attributed to the prior category of ethnicity: the chief said on oath that the Rakomas were not of the Banareng Tribe. When the chief heard that some members of the tribe were prepared to move on 3 June, he concluded:

that the Rakomas, who are not members of the tribe, although resided in Mamathola Location, had decided to move on 3 June 1957, as I knew that the Rakomas had been having secret meetings with the NC, Tzaneen.

The growing conflict had worn itself a deep course for itself in the old channel of ethnic fracture.***

The Rakomas collusion and its consequences illustrate the ways in which NAD exploited existing or potential dissent within the community. The Minister's Replying Affidavit containing Rakoma's allegations must have reached Basner on either 19 or 20 September. The ensuing exchange of affidavits, largely dealing with the issues Rakoma had raised, caused the trial date, set for 29 August, to be postponed many times.*** Basner submitted the First Applicant's Replying Affidavit on 16 October. In this, the Chief tried to explain why the tribe had not objected to Metz on 5 October: he reiterated that they had not been asked their opinion of Metz, and thought that they had no choice but to accept it. He tried to explain the tribe's behaviour in terms of the 'custom' that it was "impolite and disrespectful" to "enter into open dispute with a high personage such as the Minister". No member of the tribe, he averred, would have expressed satisfaction before taking the matter to a tribal meeting. (Chief and councillors denied that the subsequent tribal meeting had asked Ballinger to tell Verwoerd they would not go to Metz.***) Their reprieve

30. HMB, RRA., Ax. F, 3/9/1957, Affid, Sekiki Thomas Rakoma paras. 6-13, trans. Rev. Moses Rakoma, 13/9/1957 at Duiwelskloof. "The male choir" featured in Verwoerd's quotations from CBY, Senate Speech, 12/6/1957; "Mampa" describes Fertilis, covered with weeds "a deadly place unfit for human occupation", see "1st ARA.", paras 9 & 10.

31. HMB, "1st ARA", para. 5a & e.

32. See HMB, 7/9/1957, 22/8/1957; 18/11/1957 and 2/12/1957.

33. VGE BC C5 V 4.9, PL to WGB, begs for legal advice. HMB, "1st AR Affid", 16/10/1957, para. 5, 10, 11, 12, 14, 21, & 26.

The Councillors submitted an Affidavit in October 1957: William Letsoalo, Jacob Makgokga, Manas Maponya, Rufus Letsoalo, Elia Rapela, John Machabe, Piet Maponya and Johannes Modipane all swore that the Tribe had never decided to leave Metz, and denied all assertions to the contrary.

from Mampa was the only cause of their jubilation, the Councillors said; they felt no such emotion about Metz.⁽³⁴⁾ The fact that this affidavit was taken after the Rakomas had moved to Metz to receive their promised trading rights probably made the Chief insist even more firmly that Thomas Rakoma, not being one of them, would never have been chosen to speak for the tribe, and had never done so, in the chief's presence. Moreover, the Minister and not the tribe had postponed the removal to June.

After the crucial disagreement of 5 October 1956, both parties, NAD and the Mamathola proceeded according to their own idea of what had taken place on this day. By early November, the Mamathola had declared they would not move to Metz. Instead, they tried to negotiate their way into another government remedy for African farming: betterment scheme in their own location. This solution might satisfy both parties: the scheme (cheaper than removal) would stem the erosion of soil and water resources, while allowing the tribe to remain in their home. But the government wheels were already in motion: Forestry Department Officials arrived on 7 November to say that they were "taking this Location for afforestation".⁽³⁵⁾ Ballinger, who had visited Mamathola on 6 November, conveyed the Chief's complaints to Verwoerd.⁽³⁶⁾

IV.

Throughout the summer months of 1956/7, the Mamathola lived under the threat of removal. Location politics became more polarised. Phineas Letsoalo's letters, described how tension permeated daily life. From Verwoerd's point of view, tension increased because the press "whipped the matter up".⁽³⁷⁾ The Chief contemplated legal action against the three Rakomas, (Rev. Moses, teachers Athanasius and Joseph) encouraging the move.

The Chief, via Phineas accused BF Lizamore, the NC, Tzaneen, of slipping Moses £300 to lead his tribe to the promised Metz. For this, the Rakomas were promised sole trading rights in Metz. The outraged Chief wanted to sue the contumacious Rakomas for £150, £100 and £150 each and expel

34. HME, Councillors' Affidavit, paras. 3 & 4. -

35. WGB, BC 347 C5 V 2.3.24, 8 /11/1956, Chief Mamahlola & Tribe to WGB.

The Trust continued to control 'Bantu' land rights and administer betterment policies within the Bantu Areas. The political upheavals throughout the Transvaal and OFS in the 1940s and 1950s, indicated the African reception of betterment. See the Tomlinson Commission Report, p.70, 74, 187. J. Yawitch Betterment: The myth of Homeland Agriculture, (Johannesburg: SAIRR, 1981) pp.9-26, points out that the periods before and after the 1951 Bantu Authorities Act should be considered distinct. This Act tightened the betterment provisions (Proclamations 31 of 1939 and 116 of 1949) and sought to co-opt chiefs into NA administration of agricultural improvement.

36. WGB, BC 347 C5 V 2.3.14, 12/11/, (October crossed out), WGB to Chief;

WGB, BC 347 C5 V 2.3.13, 12 (misdated October)/11/1956, WGB to Verwoerd. He did not protest; he merely summarised the Chief's letter, so that the Minister could not accuse him of stirring. (39) Also, HME, "1st ARA", Ak. B.

37. WGB, Clippings, 1948-60, 13/1/1957, RDM.

them from Mamathola. Next, Joseph Rakoma, using an OHMS envelope, wrote threateningly to Solomon Letsoalo from the NC's very office. Joseph, who, phineas alleged, "had been told to hypnotize the chief" to move, "had heard" (from the NC) that the tribe would be moved by force on 30 June. He added, ingenuously, that Metz looked good "on the map" to him and berated the Letsoalos for thinking "that Mr. Ballinger is your government".

Thomas Rakoma, accused of daily contact with Lizamore, found the tribe turning on him, one day, at the *khohla*. It did not surprise the tribe that he called on his 'protectors', the NCs to defend him. ⁽³⁸⁾

Shortly after that, on 26 March, the CNC, Northern Areas, S.J. Davis, entered the location with a 12 'European' constables and 1 'non-European' constable, armed with revolvers. Davis offered compensation for trees and houses, to be paid on the tribe's arrival at Metz. His real purpose, like the abandonning of Fertilis, was to cut the costs of the removal for NAD. This rverse shook the tribe. NAD might build them no houses at Metz, but without compensation, they would have no money to build their own shelters from the wintry weather. As a final blow, the CNC wished to spend the tribe's banked savings on a truck to transport them to Metz. In short, NAD expected the Mamathola to pay for their own removal, and ultimate destruction as a community. At a further meeting on 9 April, the tribe refused responsibility for their own transport; they would go only in state vehicles. ⁽³⁹⁾ However, by 1 May, The Star trumpeted that half the tribe (200 families) would move to Metz, with a £4 NAD travel allowance. ⁽⁴¹⁾ The Star, heavily reliant on government information, was getting a little ahead of the facts.

To go back to the 9 April meeting: the tribe understood Davis' threats to reverse the Minister's promises of 5 October. The armed offensive made the Mamathola realise that the removal would ruin them. Increasingly aware of their powerlessness, they clung to the issue of compensation, so crucial to their survival. They stood to lose 30,000 fruit-bearing trees: orange, banana, naartjie, pawpaw, peach, guava, avocado, mango, lemon, grenadilla and mulberry. While the tribe valued their trees at £3 each, NAD was offering them 10/-. Their total financial loss might be £75,000. ⁽⁴²⁾

40. HNE, Pet. Ax., B1, "Notule van Vergadering gehou in Mamathola Lokasie, 9/4/1957", where the NC stated that all who travelled on the proposed tribal lorry to Metz would have their £4 transport compensation paid into the tribe's account.

41. WGE, Clippings 1948-60, 1/5/1957, The Star "Half a Native Tribe to make mass move".

42. WGE, BC347 C5 V.4.9, 26/3/1957 "A Report of the Meeting in Mamahlola's Location with the CNC for Northern Areas"; 4.10, 26/3/1957, WGE to PL, advised them to "stand out firmly" and call NAD's bluff; 4.12, 26/3/1957, WGE advised them not to begin legal proceedings unless they could get a very experienced and sympathetic lawyer. WGE, Clippings 1948-60, 1/4/1957, Golden City Post.

Compensation and conservation were related issues: while NAD could argue that removal was necessary to restore the eroded soil and porges of the location, it could not promise to reconstitute the tribe on land equal to that of Mamathola. Even though NAD put out that Metz had 5,000 morgen of "first-class farming land"⁽⁴³⁾, a local farmer, wrote to The Star to pronounce Metz, which he knew well, "dry, not and scrubby, intersected with sandy water-courses with only patches of arable and irrigable land and all but undeveloped".⁽⁴⁴⁾ Phineas wrote at once to Ballinger to deny NAD's claims, affirm the letter, and inform him that the tribe had engaged a lawyer to deal with the compensation issue. The "Famous Lawyer", Basner entered the fray on 21 May 1957.

But before he could act, Young moved in. On 20 May, he announced, at Mamathola, that the removal had been brought forward to 3 June, whether reaping were completed or not. All mealies and livestock would remain behind and compensation for trees was cut to 3 or 4/-. On hearing this, Ballinger urgently requested clarification from Eiselen. He then cabled Phineas at Kensington Golf Club, to say "Have done all possible but not very hopeful". Eiselen simply referred the matter to his Pretoria office; no reply emerged until well after the lorries had arrived to bear the tribe to Metz.⁽⁴⁵⁾ The Senator had every reason to despair.

The removal began at 9 am on 3 June. NAD, with police support, entered the location, while reporters watched from aircraft. The tribe were told they must accept compensation and begin moving. Some people, who later claimed ignorance of their rights, did accept compensation. As the Chief was about to accept his £24 compensation, the women of the tribe tried to stop him. Violence was narrowly avoided. The NAD men in charge, NC, Tzaneen, B.F. Lizamore, with H.F. Bosman and P.J. de Beer (CNC and Assistant NC, Northern Areas), feared for their lives:

Ons blankes was heelmaal omsingel en die ophitsende krete van die vrouens het die mans aangespoer om 'n astrante houding te neem.⁽⁴⁶⁾

There was nothing 'routine' in the way the removal proceeded. The Mamathola refused to move. This, declared Weitz contravened the Chief's undertaking (20 May) to lead the tribe to Metz "with his kierie", the sign of his authority.⁽⁴⁷⁾

43. WGB, Clippings 1948-60, 1/5/1957, The Star "Half a Native Tribe to make mass move"; WGB, BC 347 C5 V 4.24, 21/5/1957, PL to WGB

44. WGB, Clippings, 1948-60, 12/6/1957, The Star, Letter from Farmer, The Downs (nr. Metz), to Editor. WGB, BC 347 C5 V 4.24, 21/5/1957, PL to WGB. Politicians and press took up this farmer's criticism of Metz. See WGB Clippings, 3/6/1957 Cape Times "Leader"

45. WGB, BC 347 C5 V 4.30, 27/5/1957, PL to WGB; 4.31, 29/5/1957, WGB to Eiselen; 4.32, 29/5/1957, WGB to PL; 4.33, 1/6/1957, WMME to WGB.

46. HMB, Pet., Ax. J, Affid. 3/9/1957, B.F. Lizamore, NC Tzaneen.

46. HMB, Pet. Ax E, 4/9/1957, P.W. Weitz's Affid, para. 5

The tribe feared that the Chief, infirm of body and purpose, might unwittingly capitulate to the government, and tried to rescue him bodily. The government, fearing he would not capitulate, sent Young to the scene at 3.30 pm next day. He found an "aggregation of...150-200 natives...a large number of whom were women...whose attitude was one of sullen resentfulness", gathered around the Chief's kraal. The Chief was "in consultation with his attorney (Mr. Basner) outside the Location." Young asked Basner what his business was. Basner replied it was to advise his clients of their legal rights. Not to be cowed by the confident lawyer, Young added sternly: "I then dismissed him and he left".

The Chief, whose willingness to take compensation Young read as willingness to move, then "changed his mind". His followers returned his belongings to his kraal. Young concluded that the Chief had "changed his mind after having consulted Mr. Basner". His attitude on 4 June was "a complete volte face and breach of agreement". The Chief said shamefacedly, Young reported, that he regretted Young's "disappointment. I am willing to move to Metz; but I am afraid of elements of my Tribe if I remove, they will murder me. I am also afraid of the splitting up of the tribe."

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The Chief's firmness after the 'incident' may be read in two ways: as regained purpose, or continuing firmness. If Young's version was true, then, perhaps the Chief did repent of his wavering, when the women accosted him. If the Chief's own version was true, then his refusal of NAD's protection during the removal bear out his constant opposition to the removal. He also refused to meet Young two days later Desperate, and feeling the key-man slipping through their fingers, Young reported personally to Verwoerd in Cape Town. Thus fortified, he called the tribe to a meeting on 20 June. (48)

This time, he tried especially hard to justify NAD's purpose to the Mamathola. He began, as the official rationalisation so often did, with the necessity of saving land and water. In NAD discourse natural resources always seemed to come before human.

This area must be preserved for afforestation purposes and for the conservation of the water resources. No government likes moving people with all the attendant disorganisation. The inconvenience, the trouble and unhappiness and the expense which is involved.

Young's speech contained the main ingredients of NAD's 'official' response to what they saw to be the tribe's change of mind. Despite their *a priori* decision to remove the tribe no matter what, NAD had a need to justify its actions publicly. They presented the case as a series of 'fair' and 'free' negotiations in which each side 'undertook' to meet certain conditions. But NAD's prior conceptions of the native mind and chiefly government plus its desperate need to appear 'fair', clouded its vision. Upon these 'blind spots' NAD officials fashioned these negotiations into a narrative sequence of agreement and deceit. In their version of the story amenable NAD officials generously agreed to settlements, which the perfidious Mamatholas repeatedly subverted.

The officials giving evidence for NAD retrospectively made each event a symbolic 'stage' in the progress of this narrative. For example, The allegedly joyous 'hymns' on 5 October, had sealed the tribe's formal commitment to move in June. Young backed the 'some people' who had asked the NC's permission to move earlier as unimpeachably representative of the tribe's wishes. In this way, NAD could dispell its draconian reputation and advertise th removal as a 'sensitive' response to the popular will.

Within this sequence, NAD cast itself in the persona of sorely-tried parent reasoning with indecisive child. This imagery, the very scaffolding of NA Reports and the Tomlinson Commission, indicates the way in which NA officials imagined their relationship to the 'Bantu'. Under the NP, NAD increasingly abandoned the alternately strict and indulgent paternalism of the UP trusteeship, which had spoiled the Natives rotten. Instead, it advocated stern discipline, which Natives as children always undertand better and is better for them.

For a while, NAD played the patient parent; when the Mamathola sought a way round the parental dictum and requested a betterment scheme in their location, Young reminded the wayward children that:

"You yourselves rejected such a proposal ...because you could not live in such a small area, on vegetable production, and that there was not enough room for your expanding people"

The children's desires must be proved wrong where they clashed with the parents' interests: "It is not in your interests to live in a cramped place." When children would not heed their own best interests, parents must invoke the 'rules'. A betterment scheme on the tribe's own terms was in any case "... contrary to policy... people in Native Reserves must live in properly planned economic holdings [in order to farm properly; others can live in planned villages].

When the stubborn children resisted all reason, the parents invoked necessity: the place needed conserving. When the children gave 'necessity' no quarter the parents dropped all pretence of reason, and reverted to discipline:

In any case the Government has already decided that the tribe should move to Metz and you have agreed to this. I accordingly reject[ed] the request in the letter.

It is the basic tenet of patriarchal discourse that the father's word be final.

With discipline its watchword, NAD had the upper hand, and the master code. The tribe had to grope its way through the mire of unexplained procedure. Their questions showed their anger and confusion. Must they pay Trust rents plus ordinary local and general tax, when they moved to the trust farms? Young said not. This would make their tenure at Metz identical to Mamathola. They could even call Metz "new Mamatholas". Why must they go on the earlier date? They would have to move earlier because the move would take so long. What would become of their ancestors's graves? asked James Modibane. Two families would remain behind to tend them, said Young. Teacher Juda Letsoalo warned that "You will have to use force if you want us to go". Young did not respond then, but Juda received his answer: dismissal from the Banareng School, in due course. "My heart is sore. I do not want

to move", said Benjamin Letsalo. Young did not bother to respond. "On what basis is compensation paid?" demanded Jan Mangeni.⁴⁹

Of these questions that had long perturbed the tribe, this was the most important. None of the tribe knew how amounts had been calculated, or how the value of their property and improvements had been assessed. They knew that poor compensation and removal to inadequate land, would undermine their moderate way of life. "Some of us have lived here 15 years without working for whites and earned a good living", reported John Matshape. The way in which NAD had rewarded the Rakomas told the tribe that political allegiance and not land value was at the bottom of the compensation riddle. The Rakomas had been well rewarded with land and trading rights at Metz.

But they were powerless to stop NAD undervaluing their farms. Saul Maepa had been a member of the Mamathola delegation to protest to NAD their removal to Fertilis in 1956, rejected his amount of compensation. £300 compensation was too little. He said "ek sal £2000 aanneem en dan geen moeilikheid maak nie". The tribe also knew that the promise of payment at Metz only was part carrot and part stick, to compel them to go. Juda Madabyane insisted that he be paid before removal and that Government lorries be used.⁵⁰

After allowing these questions, Young clamped down. Only one family had gone to Metz by 20 June. Because the rest had remained, the government would prohibit their ploughing, close their schools and post office, withhold their pensions and depose their chief. These final threats were intended to make all waverers see the value of going to Metz. Those who wanted to move without the Chief could do so, said Young.

Solomon Letsalo understood these threats and the discourse of the negotiations:

We are the children of the Government. We know that the Government can force us to move but some of us will go elsewhere. Why can not we be allowed to stay at Mamathola and proclaim it a Betterment Area...?

All Young's reasons had not convinced Solomon; yet he knew that his people were as impotent as children to resist the Government's words and weapons.⁵¹

V.

Solomon also saw that compensation was tied to the question of land values. The value of the land was hotly contested. NAD and the tribe assessed the Mamathola's use of the land and contribution to farming differently. NAD, taught by the Native Affairs and Tomlinson Commissions, found the soil erosion so advanced as to demand the community's removal. The tribe acknowledged that many seasons of ploughing on the mountainside

49. HMB, Petition, Ax E1, 17/9/1957, CB Young's Speech, p.1-3.

50. HMB, RRA, Ax. E1, "Notule van Vergadering gehou in Mamathola Lokasie 9/4/1957.

51. HMB, RRA, Ax. B2, Minutes of the Tzaneen Meeting, 20/6/57.

might have worsened the erosion, but denied that they menaced the Letsitele's headwaters and sponges. (52) NAD concluded that the tribe were poor farmers and needed to be taught better methods elsewhere. P.S. Toerien, Chief NAD Agricultural Officer in Pietersburg and member of NAD's Ad Hoc Committees for investigating Metz, Fertilis and Mafefe, affirmed that the location was:

...baie verweer en in 'n baie swak toestand van 'n landboukundige oopspunt beskou. Die stam is baie onproduktief en wend primitiewe metodes van boerdery aan.

Moreover, the amount of land was insufficient and uneconomic.

Toerien's house to house survey of improvements to the land became the 'authority' for reckoning compensation. The trees and improvements, he said, had no value at all. Nevertheless, the Minister recommended that all the Natives receive compensation higher than the market value of their trees. Many payments were, he said, *ex gratia*.⁽⁵³⁾ Yet the tribe attached great value to their land. Solomon Letsoalo protested that he did not know how Toerien had undervalued the trees so grossly; he himself was given a mere £422.11.4, for trees worth at least £2000.00 and a house and shed worth £150.00. Furious over their paltry compensation, the tribe tried, via Basner, to repay these arbitrary assessments of their land. Lizamore would not accept Solomon's £422.11.4, as, he claimed to have paid Solomon £422.11.6! (54)

While the official view of 'Native farming' in Mamathola took shape, confidentially, in Toerien's reports (and in secret Department of Lands surveys), in public Verwoerd tried to belittle the Mamathola farmers. His 12 June 1957 peroration became a court document.

...wherever there is a little fountain, little pieces of land are laid out...wherever they can plough a little piece of land, they plough...[there are] deep furrows next to the whole of the slope.

Repetition of 'little' stresses the tribe's hopeless attempts to farm; repetition of 'plough' suggests their obstinate devotion to backward farming methods. Verwoerd the 'father' also had to bring home the folly of their ways: if the land were "bettered", as the tribe had requested, they would not be able to plough at all. Blind stubbornness made them cling to their hillside of 1800 morgen (600 of them cultivated), when he was offering them 5360 at Metz. The Senate heard him offer the Mamathola housing, larger grazing lands, and numerous benefits besides:

...each one receives an economic unit...because we never give land out in such a case upon which a family cannot live fully...such people do not need to go to Johannesburg or Pretoria ...to supplement their earnings.

The rosy future Verwoerd was sketching may have led him to ignore the pitfalls of his plans: By the earlier removal date, 3 June, housing had not yet been supplied at Metz; the 168 morgen

52. HMB, 1st ARA, 16/10/1957, para.4;

53. HMB, RRA, Ax. H, P.S. Toerien's Affid., para.2.

54. HMB, 1st ARA., Ax. E, Oct. 1957, Solomon Letsoalo's Affid., para.6. The cheques are in HMB

under summer irrigation and 120 under summer and winter, were a fraction of the 5360, and hardly sufficient for all 400 Mamathola families. The land suitable for double-harvests would enable families to live on smaller plots. He later alluded mysteriously to a total 328 morgen under proper irrigation from well-constructed canals, and to show his generosity, promised to lay down 40 morgen under citrus.

More sinister still, he did not add in public that he intended to resettle only 189 families as farmers. The "non-boere", the lazy "three-quarters", could live in the rural village (ultimately build by themselves) and labour on the nearby Native Trust Schemes. He indicated that he wished to set up and control a class of African commercial citrus producers for the Bantu Markets "that are coming into being everywhere". Metz would be but one of 60 villages in the region farming to this end. The unspoken obverse of this plan would be the conversion of "non-farmers" into wage labourers for the government farms. Edward Letsoalo recalls that, after the removal to Metz, even the Chief (a "big man"), laboured for 12/- a week on the government orchard at Strassburg. (55) Like a father enjoining an adolescent son to 'be a man', he added:

The Government does not believe (sic) that tribes should be pandered to by means of a continual spoonfeeding by the European tax-payer and I would like them to learn to stand on their own two feet. (56)

In this Senate speech, Verwoerd avoided the question of segregated markets - perhaps fearing the political heat it might generate. Yet, NAC Reports as far back as 1948 reveal that white farmers' resentment of black competition in addition to NAD's apparent concern for conservation and African farming lay behind the removal.

NAD's approach to the Banareng farmers was ambiguous. On the one hand, NAC credited them with successful farming; on the other NAD blamed them for threatening soil and water sources and, most dangerously, neighbouring white farmers. Although this threat was much denied in parliament, Naturellsake (NTS) files ('confidential') testify to the strong competition that the Banareng, leading members of the Letaba Bantu Farmers' Co-operative (LBFC) offered to their struggling white competitors in the Letaba District Farmers' Union.

The 1948 NAC inquired into the "Problems and Complaints of the European Population - especially the Farming Community - of the Letaba District... - in regard to the Natives in the said area". (57) This inquiry also noted the district's increasing attractiveness, since Dr Anecke had cleared it of malaria. Prior to medical conquest, both the district's fertile and drought-stricken portions, had been "unsuitable for European habitation and unhealthy for Natives."

55. Interview with Edward Letsoalo and Chief William Letsoalo, 14/12/1987.

56. HME, Extract from 12/6/57 Speech of Minister of Native Affairs

57. Union of SA, Report of the Native Affairs Commission for the period 1 January 1948 to 31 December 1952, p. 12

Having won the war against malaria, the white farmers commenced another campaign: capturing the citrus, tropical fruits and winter vegetable markets; to provide "supplies for the nation's larder". "Nation" here is reserved for whites only. The farmers, grouped into the LDFU hoped to establish separate markets for whites and natives; native agriculture should in their view, feed only natives. (58)

Conflict between white and African farmers had arisen over competition for resources and markets. After the conquest of disease, a great influx of would-be commercial farmers (white and black) into the area, produced land hunger, over-farming, over-grazing and over-stocking. Erosion of soil and water resources followed. African farming communities, who had, like the Mamathola, initially settled on mountain slopes to avoid malaria, were now often blamed for spoiling, at source, the rivers flowing from those mountains. "Many places which were formerly the sources of splendid waterstreams have been so destroyed that they appear as raw wounds on the face of this majestic landscape", observed the NA Commissioners. "These places are crying out to the very heavens". (59)

In doing battle against these formidable official documents, Basner had noted that the 1937 NAC did not single out Mamathola as a worse case than all the other Native Locations. Solomon Letsoalo was very suspicious of all Commissioners who, like Tomlinson, condemned his location without having set foot in it: "conditions have changed entirely [since the 1937 and 1948 NACs]", because of the introduction of citrus farming into the formerly malaria-ridden area. He added that allegations of the location's water source erosion and inadequate size "can be proved untrue in any Court of law or before any Select Committee or Commission of Enquiry." The Chief supported this view, adding that if erosion were an issue, the Mamathola could happily survive on citrus production without ever ploughing or keeping cattle again. Both Letsoalos insisted that their location was neither on the Letsitele's headwaters nor eroding its sponges. They cited another location in the district which had survived as they proposed to do. (60)

While any threat to the supply of water must perturb a farmer, the racial profile of this conflict, not to mention the state's support of white agriculture, locked the discourse of 'conservation' into the prevailing discourse of apartheid. (61)

At this stage, the 'state' through its arm, NAD, found itself caught between the demands of the white farming electorate, and the broader problem which African agriculture posed. The attitudes of white farmers and officials during the Mamathola case diverged: White farmers channelled their anger against African competition into attacking the alleged destruction of water sources by the very Africans who were outfarming them.

57. NAC, 1948-52, p.13.

58. HMB, File 1; SD Letsoalo, Ibid, pp.3-5. HMB "1st Applicant's Replying Affidavit", para.4.

59. William Beinart, "Soil Erosion, Conservationism and Ideas about Development: a Southern African Exploration, 1900-1960", ISAS, 11, 1: Oct, 1984, is an initial approach to the discourse of conservation in relation to the political economy of South Africa.

Simultaneously, official discourse, in the mouths of the Commissioners, began to detail, with missionary fervour the need for a "strong policy of action and salvation" in regard to African farming.(62) The Tomlinson Commission even struck a humanitarian note "...we are dealing here with all facets of human life in so far as they concern an important population group and the areas they inhabit."(63) This did not stop the Commissioners from endorsing earlier calls for the Mamatholas' removal.

The evidence suggests that the rival Letaba Bantu Farmers' Union was producing enough to threaten the LDFU. Three million bags of fruit were produced on four locations, three trust farms and two tribally owned farms.(64) Production figures for Mamathola itself are relatively high. Solomon Letsoalo noted that the 400 Mamathola families each living on 5 morgen produced "oranges, avacadoes [sic], mangoes, lemons, grenadillas, naartjies and paw-paws". Chief Malisela added that "Mamathola is among the most valuable stretches of land for citrus cultivation in Tzaneen". Samuel and Mary Makwela, former residents of Mamathola, now living in Lephephane, on neighbouring Craighead Farm, both recall abundant annual crops. Edward Letsoalo, now living dessicated at Metz, resorted, like his father, Solomon, to Biblical imagery: "Mamathola was a Second Canana".(65)

Even before citrus had become the focus of competition, the LBFC's farming and marketing had offended the white farmers. In 1948, the LDFU had protested to the NAC and NAD about the LBFC's 'irresponsible' overproduction of tomatoes. Not only was 'the Native hardly worth naming as a consumer of tomatoes', but the 1400 boxes 'he' produced a day were lowering the fruit's market price. 'He' should be taught to farm with a sense of racial responsibility: to produce to "feed himself and his race".

Moreover, white farmers were deeply suspicious of the activities of the SANT. The Trust's aid to the LBFC only bolstered the "vitiating influence of the profit motive" in the Native "at this unripe stage". Presumably, the 'native's' profit motive would be acceptable when the white farmers considered 'him' ready to be picked for labour on their lands.

Although farm labour was important to these farmers, their pleas were directed towards segregation in agricultural markets. They begged for separate 'European' and 'non-European' markets, chiefly to keep the latter from competing with white farmers, but not necessarily to rule out the reverse. Indeed, farmers

62. NAC, 1948-50, p.13.

63. Tomlinson, p.185.

64. NAD Report, 1950/1, p.39.

65. To Solomon Letsoalo, 5 morgen seemed an unusual amount of land for a 'Native' in the Letaba area. See SD Letsoalo "Naboth's Vineyard", p.2. The Tomlinson Report, however, gives very different averages for land per 'Bantu family': 36 morgen in 1900 in the Cape and Transvaal; 27 morgen in Natal and ORC. By 1952, the respective figures were 28, 30, 22 and 27. Mamathola appeared to be drastically below the average figure for the Transvaal, and yet to be doing very well: 3 million bags of fruit were produced by the LBFC in 1950/1 (NAD Report, 1950/1, p.29); HME, "1st Applicant's Replying Affidavit", 16/10/1957, para.6.

Interview with S. and M. Makwela, Lephephane, December 1987.

Interview with E. Letsoalo and Chief Letsoalo, December 1987.

wished to wrest the marketing of tomatoes in Johannesburg, Pretoria and Cape Town from 'Native' dominance. Their motive was "better markets", and not the "financial gain" of which they accused their black competitors. That they too wished for links with the Trust suggests some envy of the LBFC's state support. (66) This envy was understandable. Throughout the 1950s, SANT had been paying vast sums for Transvaal land destined for African farming: from £159,258 in 1950 to £1,218,046 in 1957. (67)

By 1956, the Letaba District Farmer Union were openly calling for the Mamathola's Removal. They demanded to know why the removal to Fertilis was being repeatedly delayed. The official reply was a terse: "administratiewe probleme". At this time, the then Agricultural Officer Toerien had been the voice of moderation in NAD. As a member of the Ad Hoc Committee on Fertilis, he thought a forced removal to this inferior farm with its proposed ½ morgen plots and lack of schools, villages and churches "would only cause "verdere moeilikhede". Yet, these problems did not stop him proposing small plots for families who qualified as farmers, and herding them and those who did not into residential areas. This 'selection' would make it possible "om die non-boere uit te skakel". Toerien knew that, however controversial, weeding out smaller from larger farmers was NAD's only remedy for overstocking, erosion of land and water, and the streamlining of native agriculture. (68)

Yet both the tribe and NAD knew that the removal struggle was not about farming alone. NAD itself had tied three ancillary social issues into the struggle to lever the tribe out of their location. Where direct persuasion did not suffice, NAD's manipulation of basic services: post office, school, and pensions eventually broke the tribe's resistance. From June 1957, NAD closed the post office at Mamathola; all letters were diverted to Metz. Pensions were paid at Metz. The two schools, Banareng and Mabileke were removed, without the consent of the Mamathola representatives on the controlling body, the Letaba School Board.

The evidence makes the school's removal appear crucial to NAD plans draw the sting of the rural African intelligentsia's 'agitation'. State's nominees, led by the Chairman Hudson Ntsanwisi, whose star in Native Affairs was in the ascendant,

66. Tomlinson, p.121, notes a great increase in the production of the LBFC: 1948-1950 income was £9,218 and rose to £21,629 in 1951-2. The Report remarks on the industry of this co-operative in acquiring "a tractor, a lorry and other lighter equipment". Both Samuel Makwela and Edward Letsoalo consider that threatened white farmers' complaints to government about the Mamathola's prosperity brought about the removal. See interviews listed at note?.

67. NAD Report, 1950, p.23, and 1954-7, p.47.

68. SABC 10217, NTS, 8/423 (25), 6/8/1956, L A Pepler for the Secretary of Native Affairs to Brig. J P P Coetzee, Voorsitter Naturellesake Komitee, Letaba Distriksboereunie. SABC 10217, NTS, 8/423 (25), 28 May 1956, P S Toerien to the Chief Native Commissioner Pietersburg. It is not clear whether he had the welfare of the Mamathola at heart, or his own and his Department's reputation:

Waar die verskuiwing deur ons geforseer word, moet versigtigheid aan die dag gele word sodat daar nie later met 'n vinger na ons gewys kan word nie

See SABC 10217, NTS, NA 8/423 (25), 10/8/1956, Toerien, Chief Educational Officer, Pietersburg to Chief NC, Pietersburg.

effected the school's removal by ignoring the tribe's recognised representatives on the school-board. The removal Banareng School teachers, like T. Matsete and Juda Letsoalo, accused of spread propagating resistance to the government, seem to have been part of this plan. They were dismissed from their posts in terms of the Bantu Education Act Amended, 1955, which held that any teacher propagating view "detrimental to the physical, mental or moral welfare of the pupils ... attending [a Bantu or Native school] should be fined £50 or imprisoned for 6 months". (69)

Juda Letsoalo was apparently black-listed by BED. Although he tried throughout 1958 to get a post all over the Transvaal, no other school-board would accept him. (70) The "weeding out" of problematic teachers seems almost as important as weeding out inefficient farmers. It will require much more research to show how both sorts of culling came to play important parts in taming the countryside.

The Banareng would not be tamed or moved. On 22 August, they were served with a Government Order driving them out of the Second Canaan. The order stated that as they had, on 5 October 1956, 9 April, 20 and 22 May 1957, undertaken to vacate Mamathola for Metz by 30 June and had failed to do so, they had forfeited the right to occupy Mamathola from 1 August. They would therefore be ejected from the location. The sender, the NC, Tzaneen, hoped that they would go quietly "and not force the Government to resort to the legal action indicated above". (71)

NAD also tried, but were unable, to effect the removal in terms of Proclamation No. 230/1957, an amalgam of Sections 25 of the Native Administrative Act (1927) and Section 31 of the Native Trust and Land Act (1936). The Chief and the tribe insisted that only Section 5 (1) bis of the 1927 Act could terminate their right to live at Mamathola. Verwoerd then relinquished the Proclamation and resorted to ejection under this statute. (72) Had the case come to trial, the court of law would have had to examine this clause very carefully:

The Governor-General may whenever he deems it expedient in the general public interest, order the removal of any tribe or portion thereof or any Native from any place to any other place within the Union upon such conditions as he may determine: Provided that in the case of a tribe objecting to such removal no such order shall be given unless a resolution approving of the removal has been adopted by both Houses of Parliament.

Parliamentary ratification was this clause's Achilles' heel, as it included the principle of *audi alteram partem* which precedents arising from the 1956 Bantu Administration Act Amendment removed. The amendment lodged the power to decide upon the grounds of removal with the Minister of Bantu Administration and Development. His and the Governor General's decision depended on the latter's 'good faith', and not necessarily on the accuracy of the information he acted on. Nor did the courts

69. H. M. Basner "The Black Price of South African Gold", p. 207.

70. HME, File on Juda Letsoalo. See also HME, RRA, Ax.O, 4/9/1957, Hudson Ntsanwisi's Affid. Some idea of the restructuring of Black education can be gleaned from questions in the House of Assembly. See HAD, 20/1/1956; 7/5/1957.

71. HME, 1st ARA, Ax K, 22/8/1957, To the Banareng Tribe Occupying Muckie Glen.

72. HME, 1st ARA, 16/10/1957, para. 13, and RFRA, 17/4/1957, Ad. para. 22.

consider it politic to pass judgement on an order of the Governor General acting on the sole advice of the Minister. Had the case ever come to argument, it would probably have fallen victim to this law's new armaments. (73)

This statute extended the concept of the 'supreme chief' to whom accrued the cumulative powers of all the 'paramounts' of the African tribes. (His authority was based upon a dubious theorem: the sum of the powers of all the paramount African chiefs would be equal to the power of a Supreme Chief if he existed.) This office was vested in the nominal chief white: the Governor General, to enable him to govern by proclamation the many tribal and detribalised and exempted natives "...who, in many cases, are the principal agitators in SA today. If you have the power to remove them from one place where they do mischief to a place where they do not do mischief, what a useful provision that would be". David Welsh notes that several cases in 1957 and 1958 fell foul of these newly improved laws. (74) Had the Mamathola case come to court, it would probably have gone the way of these precedents.

But the courts could not protect the Mamathola. From 5 to 12 March 1958, the SAP sealed off access to the location. Government porters loaded residents' goods onto waiting trucks. After the removal of the goods, huts were set on fire or pushed down by tractors. The tribe were carried in 40 government trucks to Metz. They could take no food with them: mealies, fowls, pigs and goats were left behind and became food for the porters. The move took place while the chief was in Pretoria. On returning, he found his hut wrecked, and his axe, spear and £20 stolen. When he complained, the Police Commandant told him not to waste time and money in getting a solicitor to fight in vain. Basner was indeed powerless to prevent the removal.

Metz, the 'New Canaan', was more like a wilderness. The farm was fenced, and people could neither leave nor enter it without a permit. The climate was hot, the swampy ground would not support fruit trees and mealies, but only millet. Having arrived without provisions, each family was given a bag of mealies and 5lb packs of peanuts to last them a year. So the children went to school hungry. Some became ill with malaria and died within a year. No pensions were paid. People were forced to buy materials and build their own houses. Until these were built, they lived on in tents, without saying a word. "We have obeyed the removal order; but we are dissatisfied in all removal aspects", Solomon Letsoalo concluded.

The Case of Malisela and Solomon Letsoalo and the Banaréng Tribe versus the Union Government never came to court. Basner, their lawyer was obliged to flee the country for Ghana in early 1960. When I met Edward Letsoalo in December 1987 at Metz, he asked when Basner was coming back to take up the case. I had to tell him that the Famous Lawyer had died in 1977, in Hereford,

73. Gilbert Marcus, "The Forced Removal of Tribes", Centre for Applied Legal Studies, p.6.

73. On pp.96-7, Welsh, Ibid, cites the cases of Mabe v. Minister of Native Affairs (1957 (3) S.A.293 (T), Joyi v The Minister of Bantu Administration and Development, 1958 (2) S.A. 210 (C) and Mhlengwa v. The Secretary for Native Affairs, 1952 (1) S.A. 312 (N).

England. Both his response to this news, and Essy Letsoalo's researches into the 'survival strategies' of those living at Metz indicate that life at Mamathola has assumed, in memory, the quality of a second Canaan.⁽⁷⁵⁾ The removal itself demonstrated that the South African state did not need to go through the courts to drive the Mamathola from Canaan. In the context of the 1950s, this removal was one of the moments at which NAD began to graft the discourse of conservation onto the language of apartheid. Armed with this powerful discourse, NAD (later BAD) officials were well equipped to redraw the map of rural South Africa and to reshuffle its people into the occupations and roles it had cut out for them.

75. E.M. Letsoalo "Survival Strategies in Rural Lebowa", MA Dissertation, University of the Witwatersrand, 1982.