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"Differential access to the state: White farmers in the Natal Midlands, 1900-1930"

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Before the onset of capitalism in South African agriculture and before the establishment of British rule over the whole sub-continent, white farmers were often indistinguishable from state officials. They wielded power as though they were personifications of the state, even when they weren't. In the highest echelons of state power, it was often difficult to separate legitimate state activity and personal aggrandizement. In the OFS and ZAR, for example, Keegan and Trapido respectively have shown that in the late 19th c, farmers who were either members of the Volksraad or who had close ties to state officials were easily able to translate this into land acquisition while for state officials the personal spinoff was even greater. Peter Delius has provided a masterful description of this in his study of Abel Erasmus, a veld cornet in the Eastern Transvaal in the later 19th century.[1] The crude exercise of power allowed by the structure of the Boer republics was reined in by the imposition of British rule. Power became more centralised and salaried

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officials from a bureaucracy with an ethos of professionalism and loyalty to 'the government' made the exercise of local power for narrow personal interest by local dignitaries much more difficult. Yet the imposition of a new type of state power did not end the possibilities for farmers collectively to have their way in their own area. In South Africa as a whole farmers continued, despite the defeat of the Boer Republics, to have great influence in the state. Milner in the Transvaal had been particularly effective in bringing together progressive, property-owning farmers and Randlords, in this way ensuring farmer influence. In Natal things were somewhat different because the South African war had not brought a new government into being and because the political profile of (coal) mining was different from that of gold. The political influence of progressive white agriculture at the centre did not automatically ensure farmers of state patronage at the local level. That this was forthcoming was a result of a number of factors. The state was not able to extend its direct authority and influence over the whole country and the changing and increasing demands made on it necessitated an expansion of bureaucracy. Financial stricture frequently meant that white civilians (including farmers) thus became part of the outlying state apparatus.[2] Another reason was the concessions which the state had to make to pressure from white farmers who organised to ensure that their voice was both heard and heeded.[3] Up to now South African historical studies have not shown how twentieth century South African farmers were able in their own areas to influence the state and how they related formally and informally to the state, though there has of course been much

writing on the influence of farmers from a macro, national perspective.[4] This paper examines the interface between state and farmers in trying to establish how farmer power[5] was maintained and seeks to demonstrate how this power was wielded against Natal's Africans and how this process contributed to the development of a racially exclusive society.

The extent of state influence in rural affairs in South Africa is disputed. Tim Keegan's recent work has attempted to show that, among other things, racist ideology in the countryside was more the product of white populism than state legislation.[6] He has argued further that relations of production in the countryside were the result of struggles over the conditions of production between labourer and landowner/farmer rather than a result of state fiat. In Keegan's analysis the state becomes a distant and almost unobtrusive actor in the countryside. In this paper it will be shown that the state through its rurally based officials (particularly the Resident Magistrate (RM)) had a presence and impact in the countryside. Further, a tentative attempt is made to demonstrate how farmers in a geographically defined area related to these officials, how they themselves became part of the state's outermost appendages and how this affected class and race relations.

In 1893 the colony of Natal gained responsible government. This gave the country settler faction the upper hand over the merchants and urban party (though the first ministry under Sir John Robinson arguably still represented city interests) which had since the inception of the colony carried more weight with the Imperial government. The mineral revolution and the extension of the railway into the interior plus the steady integration of the colony into the world economy via the export of sugar and coal gradually ushered in capitalist farming into those parts of Natal which had hitherto clung to pre-capitalist practices. (The sugar industry can be said to have become fully capitalist in the 1880s and 1890s when the central mill system was adopted, though its use of Indian indentured labour from 1860 onward made it a very different proposition from the inland beef, mutton, dairy and crop farmers who relied on labour tenancy).

Natal's non-sugar farmers had found great difficulty in converting their modest operations (comprising of cultivation to meet family requirements and a small marketable surplus) into viable commercial businesses. Most farmers were geographically isolated from one another and, lacking either an export market and the necessary transport network to facilitate production for the limited internal market, tended either not to make appreciable profits, or to make profits by turning to non-agricultural pursuits like transport riding or a fling on the diamond mines. The railway to the ZAR and the opening of the gold fields were major factors in propelling farmers to modernize, though there was a long time lag in some cases. Living as they

did on the geographical margins of white settlement and on the economic margins of the developing economy, farmers tended to look to the state for assistance. Politically this took the form of lobbying government and of utilizing the elected members of the Legco before the establishment of responsible government made it possible to influence power more directly. As the greatest density of white farmers was to be found in the Midlands[7], it was here that the farmer voice was most prominent.

Major opponents of the farmers were the merchants and absentee landlords. The Natal Land and Colonization Company was a leading element of a loose alliance of commercial and financial concerns whose interests frequently clashed with those of settler farmers. It was only in the late 1880s that the dominance of this group was toppled. Two factors were important: the development of agriculture and local (coal) mining and an informal political alliance between these sectors which resulted in the publically sanctioned move towards developing the productive base of the colony. This latter policy began to make extractive economic policies (like rent-farming and speculative land sales) less profitable and less politically acceptable (particularly as these policies were associated with keeping Africans out of wage labour).[8]

The ability of Natal farmers to influence the state was soon curtailed by Union (1910). Within Natal a fierce debate raged over whether to join Union or not. There were compelling economic arguments to join - the powerhouse of the economy was the

Witwatersrand and no province could expect to survive without linking with it, yet there were reservations. The subordination of Natal to a larger political unit would mean less regional autonomy and greater difficulty in getting regionally-sensitive policies introduced. Farmers at the local level realised also that a bigger bureaucracy might well break down the almost familial relationship they had with state officials and this might make it more difficult to utilize state power.

White farmers could feel assured on one important score: the Union government was committed to white supremacy. The Cape Native franchise was not extended to the rest of the country and Natal's racial legislation was left intact. The racial policy of the colony of Natal had over time hardened. Initially lip-service had been paid to African rights, though in practice little attention was paid to these rights and much energy spent on extending white power. These practices had in only small measure been tempered both by the Shepstonian system which desisted from total and outright expropriation of African land and by the commitment to raising some of the Africans, in particular the kholwa, into positions of small-scale agricultural prosperity and respectability.[8] As far as the colony's Indians were concerned, restrictive legislation had been placed on the statute books from the mid 1880s onwards but the major blows (which limited Indian voting and trading rights) were only delivered after 1893 when settler rapacity was far less constrained.

Where did racism in Natal come from and what has given it its peculiar form? In the South African context the debate about racism has moved from MacCrone's frontier thesis to a common acceptance that the mineral revolution on the Witwatersrand was central to the particular form that South Africa's race relations took. In Natal the debate is less developed and few have taken up the Welsh argument that Shepstone's reserve system was the most important element in the development of segregation in Natal and South Africa. It seems to me that there are both continuities and discontinuities in the development of a racially discriminatory order. The continuities are to be found in the view of the Zulus as noble savages, the other side of which was white fear of Zulu power. The discontinuities have to do with the change in perceptions concerning the place of Africans (and later Indians) in the social order. Perceptions changed as economically, politically and militarily white authority was entrenched. The growth of capitalism and the demand for wage labour, and the concern to preserve white control over the financial and commercial realm led to the emergence of new stereotypes borne, in some measure, of the frustration of getting Africans to work and containing Indian business initiative.

The colonisation of Natal and the establishment of settler power had from the outset been a process marked with a clear racist imprint. The early explorers and settlers all assumed African inferiority and in due course the policy of the developing colony came to reflect these views as well. Men like Sir George Grey, Governor of the Cape (1854-58)(and hence responsible for Natal affairs, via the Lieutenant Governor, until 1856 when Natal

gained representative government) who championed the cause of civilizing the African, were as responsible for this development as the avaricious early settlers. It was Grey, for example, who ruthlessly used the 1856/7 Xhosa cattle killing to further his colonial ambitions and thus hugely exacerabated the gravity and extent of that disaster.[10] David Welsh has argued that the Cape Liberal tradition was gradually eroded in Natal by settler demands for protection against the 'swart gevaar' and by the development of an authoritarian reserve system, shaped by Sir Theophilus Shepstone.[11] This process was marked, politically, by placing the Governor in supreme authority over all Africans in Natal (1849), by the ending of the 'non-racial franchise' in 1865, by the (abortive) effort to limit the power of Shepstone and the Native Affairs Department in 1869 and by the exclusion of Indians from the voters' roll in 1896. The success of these measures can be gauged by the fact that in 1905 only five Africans enjoyed the vote! On the economic front, the major landmarks were the use of togt labour, the importation of indentured Indian labour in 1860 and thereafter and in massive land appropriations which reached their climax with the annexation of Zululand in 1897 and the implementation of the Land Delimitation Committee's recommendations in 1902 which effectively gave more than a third of Zululand to white sugar farmers.

While there can be little doubt about the racism of the colonial order in Natal, there are many unanswered questions about its origins and about its peculiar form. A project presently underway

(the Natal History Workers Project, led by Heather Hughes, Gerry Mare, Blade Nzimande, Ari Sitas and John Wright) is examining some of these questions and the brief comments that follow in this section are therefore necessarily in a state of gestation. I think it can be confidently stated at the outset that Welsh's thesis which incorporates the South African liberal view that frontier conditions and colonists experiencing them were responsible for the establishment of segregation and a discriminatory legal system is off the mark. While it is no longer fashionable narrowly to explain racist legislation and attitudes in terms of economic criteria - eg white demand for wage labour and difficulties in obtaining it - this was in Natal a theme constantly echoed by frustrated, labour-hungry farmers. Many of the proposals which farmers made were designed to solve this problem. In 1909, for example, it was suggested that "segregating is (perhaps) the best of these suggestions (for procuring labour), as it would certainly go a long way towards stopping absence without leave and servants running off to utyala drinks".[12] But racial attitudes were also the product of the way Africans presented themselves which was itself the result of successful defence against colonial and settler intrusion of the Zulu heartland for much of the 19th century. In Natal the stress on the importance and dignity of Zulu-ness imparted to white settlers a particular understanding of ethnicity - one which stressed community (Natal's whites and Africans are different from those in the rest of South Africa), mutual respect for one another's language, institutions and customs and a recognition of the legitimacy of joint habitation of the area, yet a crude

stress on racial exclusivity.[13]

An indication of farmer attitudes in the period under discussion on the racial question is to be found in NAU Congress resolutions. One would expect farmers to be unsympathetic towards blacks when it came to labour, but it is surprising to find the range of issues on which organised agriculture in Natal was prepared to advertise its commitment to white superiority. In 1912, for example, the NAU urged the "Union government the necessity of stopping all new licences and transfers of both land and trading licences to Asiatics" and at the same occasion condemned "the increase of miscegenation between the white and black races." In 1921 the Congress passed a resolution against ricksha pulling - "on moral and health grounds ricksha pulling by natives should be abolished throughout the Union."[14] Economic expedience and political rhetoric could and did clash. In 1911 the NAU asked that "the Government be requested to revert to the old practice whereby coloured nurse-girls were allowed to travel with their mistresses, provided other passengers did not object". The following year NAU conference unanimously adopted a resolution calling for separate railway carriages for coloureds and whites ("for social and hygienic reasons"). The racial ideology of white farmers was not without its contradictions.[15]

The NAU also championed the economic cause of whites generally over blacks. In 1924 Congress urged that native clerks be replaced by whites, "whose integrity can be relied upon, especially in times of native unrest." In 1926 the failure to

adhere to the unwritten law of closing racial ranks caused Nottingham Road farmers to complain to the Department of Justice. The issue was the hiring by the SAP of a house from a local trader, E H Khan, instead of from local white property owners. The Commissioner of Police explained apologetically to the Secretary for Justice that "every endeavour is made to avoid the hiring of premises from Indians, but at Nottingham Road it was the only course open."[16]

The NAD for its part had a view of Africans which, while occasionally producing practical problems for farmers (in promoting paternal trusteeship rather than indifferent authoritarianism), was at bottom consonant with farmer views. Commenting on the NAD's supposed duty to protect Africans, J Ray Msimang wrote in 1921 after the NAD conference that NAD officials had been conspicuous by their silence when farmer resolutions attacked African rights. "In all the virulent attacks made on Natives he (Col. Godley) did not venture to utter a single word in defence of the Native."[17] Wheelwright, the liberal Chief Native Commissioner of Natal wrote in 1928 that "the Natives of Natal are naturally a more virile race than the Natives elsewhere in the Union".[18] This was a view common then and still popular today among Midland farmers.[19]

This cursory look at racial attitudes can do no more than alert us to tendencies and trends. It would seem that state officials shared many of the racial attitudes of farmers yet did not simply convert these into official statements. They were tied by their

own duties (especially in the NAD) and therefore translated farmer views into a language of trusteeship and fitted these views, as best they could, into a policy of segregation which did not at all times meet with farmer consent. It would seem that farmer views were closer to those of state officials in the early years of the century when community kept magistrate and farmer together. As time went on, central state policy and the appointment of outsiders as magistrates caused a growing gap between farmer views and official policy.[20]

II

Natal's government was, throughout the 19th century, concerned with its financial viability. With few sources of revenue - the major ones being customs revenue and hut taxes - a close watch was kept on government funds and spending was often restricted. One of the effects of this was to limit the growth of the civil service. In Native Affairs administration, for instance, Shepstone had to make do with chiefs because sufficient funding and personnel were not available. In many areas of government, efficiency was prejudiced by a lack of staff and personnel were stretched to the limit.[21] In the handling of tax collection, the government was forced to rely heavily on the facilities of the local banks having no such facilities of its own.[22] As we shall see, the reliance on private institutions and personnel to render services necessary for the smooth running of government,

stretched to the agricultural sector as well. For here too, government was frequently unable to meet the expectations of its own capacity it had created in farmers.[23]

In the countryside in the nineteenth century, the visible presence of the state was limited to the magistrate, the police and a small number of veterinary officials, stock and land inspectors and persons involved with public works.[24] The scarcity of government officials meant that state control rested on the reputation and latent potential of the army, police and judiciary (often geographically distant), rather than on actual power. Paradoxically, their scarcity gave local state officials great influence. The word of a magistrate was powerful precisely because there were not hordes of intervening bureaucrats to slow down his intent or dilute his message.

From early on the magistrate was an important cog in the machinery of government. In 1849, for example, Ordinance 3 gave magistrates a central role in the execution of Native policy. They heard appeals from the chiefs' courts and were empowered to decide whether customary or colonial law should apply and given the powers to enforce these laws. Magistrates were not just judicial officers, they were also Native Commissioners. The combination of functions - judge, administrator and (before 1880) policeman - was a powerful one, and little wonder that Shepstone wanted more magistrates to administer the Reserve system.[25]

For farmers, the magistrate's prime importance lay in his position to intervene in the labour question. In the early years he had been less important because farmers obtained their own labour and administered their own 'justice' to ensure labour cooperation. As agriculture developed, however, farmers increasingly relied on the state.[26] This was not a one-way relationship, for the state itself had expectations of the farmer which changed over time. My research is not yet at the point where changes in the state and in its rural and agricultural agenda can be revealed or analysed. Nevertheless what is clear is that it was not always able to fulfill its functions, and this encouraged many farmers to continue relying on more direct means to deal with labour problems.[27] Joseph Baynes the exceedingly wealthy and somewhat eccentric dairy farmer of Baynesfield, for example, declined to use the courts and devised his own punishments to suit the crime. Fighting was punished by sentencing those involved to fight a tree with fighting sticks for a whole day, while drunkenness earned the miscreant the dubious pleasure of having to drink a milk pail of beer.[28] Despite the attachment to corporal punishment, as the twentieth century unfolded farmers began to realize that their avowed civilizing mission made such recourse problematic. It also became prone to legal penalty. They thus turned increasingly to magistrates. This situation is unapologetically described by The Natal Agricultural Journal's correspondent, J W V Montgomery.

> "the average farm labourer should be treated as a school boy ... it is, of course, necessary to send wilful offenders to prison occasionally, especially now that such an outcry has

> been raised against lashes, but there is no doubt whatever that a private whipping would be far better in every way, except perhaps from a revenue point of view, for minor offences, than fining or imprisonment. Fining impoverishes them, and constantly going to gaol only hardens and makes callous those who, if lectured and administered a few strokes of the rod, would remain at their work the same bright, contented servants which they generally are. ... officers of the law could be held responsible that private whippings were carried out correctly and not brutally."[29]

Many farmers still prefer to maintain discipline directly. As late as the 1950s some farmers were still whipping their tenants though legal action and fines have limited this practice. While these farmers view the law as a tedious option which only extreme circumstances warrant turning to, others regularly used the Master and Servant Act, finding that law's facility of corporal punishment useful in keeping labour in line.[30] White power in the countryside rested on brute force (both judicial and informal) and on the potential of coercive sanction.

Magistrates in the final analysis administered the laws which made Africans vulnerable to the demands of landowners. A magistrate unsympathetic to farmer interests could have disastrous effects on farming. Workers could defy a farmer's authority and even withhold labour. The importance of the law and the magistrate's role in implementing it is evident in the passionate debates that went on around periodical courts. At

various times, the Natal government cut back on these courts to effect saving. Invariably such steps brought forth anxious petitions from farmers served by these courts. Between 1924 and 1927, Boston farmers successfully petitioned the government to have the Periodical court (which brought 'justice' closer and made the court a more convenient instrument of farming affairs) reestablished.[31]

The farmers of the Midlands were able to harness the magistrate to their ends quite effectively. Apart from the fact that magistrate and farmer were white and the magistrates were in some sense accountable to the white electorate, there were other more specific and powerful factors which made the relationship between magistrate and farmer a close one. The white population of the Midlands was miniscule and in a small town the magistrate, if he was to avoid total isolation, had to socialise with farmers. This socialisation was centred on the polo club, but also extended to Rifle Associations. With the ostensible goal of bringing people interested in shooting together for sport and social purposes, these Associations were important for they were frequently associated with and visited by members of government. They also symbolised the monopoly of firepower that settlers had, Africans for the most part being denied permission to own guns. Farmers rubbed shoulders with magistrates but it often went beyond that. Many farmers were actually related to magistrates. Take, for example, the Leslie family of Estcourt/Weenen. William Leslie was a founder member of the local Farmers Association, the Weenen Yeomanry Cavalry and the local Rifle Association. His daughter

was married to H D Winter, MLA, who subsequently became Minister of Agriculture, two of his sons were farmers while his third son was magistrate at Krantzkop.[32] The overlap between government, civil service and the private sphere is huge. Another significant area of overlap was between magistrates and the armed forces. Major Giles of Greytown, for example, was Magistrate in Alfred County in 1874 and in Upper Umkomanzi in 1889. He was also a Commandant in the Natal Volunteers during the Langalibalele Rebellion. Similarly, one of the Fannin family, a farmer in Dargle, was also a Magistrate and volunteered for military service in every confrontation with the area's Africans that warranted mobilization of the area's armed forces (including Langalibalele).[33]

Farmer organisation fully realised the importance of the magistrate. In 1911 the Impendhle District Farmers Association was formed. Its constitution provided for the local magistrate to be ex officio honorary president. At the provincial level, the Natal Agricultural Union (NAU) attempted (with only limited success) to pull in magistrates into policy and decision making.[34]

The magistrate was also a ringkeeper. In cases where disputes developed between groups of farmers the magistrate was expected to mediate and arbitrate so that local harmony was not destroyed. Very often the magistrate served this function but his influence with and connection to the state meant that his view was the one most likely to prevail. In realisation of this, farmers went

beyond simply appealing to the fairness of the magistrate. They lobbied him and attempted to elicit his support. An interesting example of this was the case of a dispute between farmers of the most western portion of the Impendhle district and those in the centre of the district. The former wanted the district's borders to be redrawn so that they could have easier access to the police, judicial and postal facilities. The Impendhle magistrate took the side of the latter group, probably because he resented the prospect of losing jurisdiction over some of 'his' area.[35]

The major task of magistrates was to protect their white flock from marauding blacks. Yet they were also responsible from saving the weaker sheep from the danger of occasional financial embarrassment. In 1921 the government initiated a Vigilance Committee system to ensure that whites did not fall victim to recession and from there into 'corrupting intercourse' with blacks. In the Midlands, magistrates were ordered to establish such committees where necessary. The economic condition of this area, however, exonerated magistrates from this task.[36]

The magistrate was not capable of discharging all the necessary judicial functions expected of the state. As time wore on, he became more and more overloaded. The number of tasks increased as land settlement proceeded and farming developed. He became in the 1920s responsible for carrying out stock disease regulations (almost a full job in itself) and in the massive task ot administering the Natives Taxation and Development Act of 1925. Additional staff required for the extra tasks were as a rule not

forthcoming.[37] This made adjunctive staff all the more indispensible. The most important of the people was the Justice of the Peace (JP). These men were elected from among the ranks of the local population. Such elections were always keenly contested and invariably saw victory go to one of the major progressive farmers in the area. In the Donnybrook area, for example, Robert Comrie was the JP. He was also one of the largest farmers in the area and President of the local Farmers Association.[38] Many prominent farmers began their political careers as JPs. H D Winter, Minister of Agriculture from 1899-1903 was a JP in Weenen in 1889. Four years later he became Legco member for this county.[39] Although the legal power of the JP was not limited - his authority being confined mainly to the administration of farm labour legislation - he was placed in a powerful position to confirm class and race power in the countryside. In his person the awesome authority of the state and the real on-the-ground power of farmers and landowners converged. Farmer realisation of the importance of JPs is found in the NAU 1923 Congress resolution (proposed by the Himeville FA) that JPs be given greater jurisdiction. This was an ongoing complaint and in 1926 the limited jurisdiction of a Special Justice of the Peace was bemoaned because "he is precluded from inflicting a more severe punishment (in cases under the Master and Servants Act)". The grievances were made more urgent as this was a time of agricultural depression and the growth of labour problems which were to culminate in the rise of ICU in the Midlands.[40]

There were constraints on both the magistrate and the JP. In the important area of 'Native Affairs', the constraint came in the form of the Native Affairs Department (NAD)[41]. This department did not forsake the cause of its constituency once the settler faction had seized power in the Legislative Assembly. It continued to champion a number of causes which were unpopular with farmers, though its stern admonitions against such offences as stock theft and desertion served to soften antagonistic farmer attitudes. In 1895, for example, the Umvoti FA demanded that Chief Bambatha be stripped of his title, holding him accountable for the truculent attitude of local Africans. The NAD stood firm and refused to accede to this request. Different magistrates also had different priorities. In the 1890s magistrates in the Ladysmith-Weenen area implemented policy in very different ways. Some colluded in "the extra-legal coercion of African workers" while others "insisted on extending to Africans the full measure of what legal protection was available to them."[42]

As the 20th century unfolded, magistrates came to assume other duties. These were created by the growing need for accurate agricultural data and the absence of state officials to provide such data.[43] In September 1915 the Department of Agriculture began a crop reporting program. Magistrates were to coordinate the programme, ensuring that figures were channeled back to the department and identifying suitable farmers to act as crop reporters.[44] Magistrates generally identified progressive farmers as potential crop reporters. This was necessary, a magistrate argued in 1919, because the "average farmer is a very casual type

of business man" and was not therefore reliable. It virtually goes without saying that Africans were not selected for crop reporting duties, this task being left to white correspondents.[45] In June 1921 the Department of Agriculture made alterations to the system of crop reportage. Farmer organisations were for the first time formally invited to "cooperate with the Department by nominating suitable members who would be prepared to serve on (a) Committee under the Chairmanship of the Magistrate." This system was designed to work with Farmer cooperatives (which were not operating in Natal) so the magistrate was given the tasks of nominating himself "about six of the most progressive farmers in your District". The informal relationship between Magistrate and farmer on this level thus remained, but most often prominent FA representatives were chosen. In Inzinga, for example, it was E B Morrell, secretary of the Loteni and Inzinga FA while in Boston, it was W J Fly of the Boston FA.[46] In this process, magistrates were effectively confirming both class and race divisions in their constituency.

I have not yet been able accurately to identify what benefits crop reportage bestowed on the individual farmers concerned, but being incorporated into this service was a mixed blessing. Crop correspondents were not paid and official recognition came in the form of a letter from the Under Secretary of Agriculture, thanking the "public spirited" farmer concerned for his "gratuitous services".[47] Today Natal Midland farmers bemoan the huge amounts of paper work they are expected to complete for government. This grievance was already being aired in some

quarters in 1926, when a farmer wrote to the Secretary of Agriculture, complaining that there were too many crop reporters.[48]

III

I have demonstrated elsewhere how and why farmers associations came into existence in the eastern Transvaal.[49] In the Natal Midlands, farmers associations had somewhat different origins. They received official state encouragement via government grants whereas in the Transvaal, it had been the cooperatives which had been state supported while the FAs had had virtually no official contact with the state. They emerged from the 1880s onward and tended to cater for all farmers in their areas rather than just the elites which had been the case in Transvaal. The major reason for this was that Natal's white agricultural population was far less differentiated than that of the other provinces.

Farmers associations had many functions and it is not clear to me which occasioned the establishment of these organisations. In a sparcely populated area, the FA served to draw people together, to provide a social focus and to entrench feelings of community. Politically they served to express the views of the area (though party politics was eschewed) and economically they operated to strengthen the position of their members vis a vis Africans, labourers and other, rival, sectors of the economy.[50]

FAs banded together farmers, men who worked the land. Distinct from these people were the farmer businessmen, capitalists who had entered agriculture with huge financial resources and derived their income primarily from sources other than their farming operations. In the Transvaal men such as maize and potato farmer Esrael Lazarus could be categorised in this way. In Natal, the preeminent figure was Joseph Baynes. He owned a huge spread of land just outside Richmond and employed a labour force of just under 1000. He was Natal's Minister of Lands from 1903-4 and a member of the Legislative Assembly from 1904-10. He served on a variety of government bodies. While he spoke <u>for</u> farmers (as patron of the Royal show and as a representative on a host of agricultural bodies) he was not <u>of</u> the farming community. He did not help organise farmers, was not active in the local FA and was resented by his neighbours.[81] Charles Smythe was another example of this kind of farmers' representative. He was a member of the Legislative Assembly from 1893, colonial secretary in 1899 and Prime Minister of Natal in 1905. He came to Natal from Scotland, the son of a Scottish monied aristocrat. He bought a farm in Nottingham Road and took an interest in the area's affairs. But he was not an organic representative of the farming community and only involved himself in FA affairs when his own political agenda demanded it.[82] It was these big, capitalist farmers who generally took up senior positions in government. FAs served as a connection between these spokesmen and the constituency they claimed to represent.

Generally speaking these big farmer politicians held aloof from FAs but even so FAs found the divisions amongst members often quite crippling to the unity of the organisation and its smooth running. Local differences often meant that the interests of farmers in one district were diametrically opposed. Take the situation of dispute over the Himeville/Impendhle border mentioned above. Feelings were so intense here that the local FA "was practically defunct owing to the ill-feeling between the two sections."53

As has been mentioned, FAs generally invited the local magistrate onto their executives. This had a variety of advantages. Ideologically, it made it possible for farmer and magistrate to speak in a uniform way about certain issues. In the case of beer drinking among African workers, for example, FAs in the Estcourt area and the local magistrate both spoke out in the mid 1880s, the former petition the Lieutenant Governor to end the "growing evil", the latter demanding "measures ... to check the excessive drinking bouts".54 These close ties also gave farmers direct access to a magistrate's services and cleared communication channels, ensuring that farmers were kept informed of important local developments. A major advantage of this relationship was in the area of evictions.

A cosy relationship on the issue of evictions existed between FAs and magistrates. The informal system worked in this way. On finding an offender guilty of stock theft, the magistrate would then notify the FA in the area to apply for the eviction of the

offender and his family from the area. Once the FA had made this request, the offender was generally removed to a distant district, often in Zululand. 55 Shortly after Union there were fears amongst farmers that this handy expedient would be terminated. The Impendhle District FA consequently endorsed a motion put to the NAU that the old practice be continued.56

Another type of eviction where the Magistrate was expected to assist farmers occurred as a result of disagreement between farmer and tenant, leading to tenants being given a 'trekpas' (a euphemistic term for eviction). Magistrates could and did intervene in terms of the Master and Servants Act but some magistrates regarded farmer action against tenants as unfair and attempted to insert themselves into labour relations as attestors of contracts. In 1914 the Magistrate of Estcourt explained "if the Master and Servants Act were amended by making an agreement signed before a Magistrate (and if the agreement is not a fair one the Magistrate shall have the power to refuse to have it signed) binding on the inmates of a kraal, and rendering them liable to be arrested and ordered to comply with the terms of the contact, it would grant great relief to the kraal-heads and inmates, and be a benefit to the farmers."57

The importance of magisterial intervention in labour matters was one of the major reasons cited for the establishment of Periodical Courts. The size of the Midlands and the scarcity of towns meant that it was often difficult or awkward for farmers to bring judicial authority onto their side against their labourers.

[58] Periodical courts were the farmers' answer to this predicament. Those courts were primarily there for the farmers' convenience and dealt mainly with "criminal cases ... (brought) by Europeans vs Natives". In 1919 the Boston periodical court was abolished because the presiding magistrate felt it was being underutilised. A year later farmers began agitating for its reestablishment. The move was headed by the local FA. In 1924 they succeeded in enlisting the support of the Impendhle Magistrate who argued their case in the following terms. "Many minor crimes that are now overlooked owing to the long distances to and from the Court would be brought before the Magistrate in the usual way. The overlooking of minor crimes has a bad moral affect (sic) upon the Native mind and leads to major crimes tomorrow." The agitation was successful and in 1926 the Periodical Court began to sit again, with farmers immediately asking cheekily that it sit more frequently so as not to cause residents inconvenience. (It should be noted that the PC had been reestablished in response to a petition of 27 signatures (a high proportion of the 70 white (adult males, presumably) people of the district). The African population, numbering "many hundreds" were not consulted. This is a classic example of state judicial machinery being made available to whites without reference to demography or justice. The intervention of the magistrate on the side of white farmers was here apparently critical.[59]

The situation of Magistrates and FAs on the labour question was complicated by differences between farmers. The uneven development of agriculture and regional differences in the

province meant that farmers expressed different wishes over the form in which labour should be provided. These disagreements often came to the fore at the annual conference of the NAU. In both 1918 and 1919 motions concerning the resuscitation of the isibalo labour system were put, resulting in heated debate. The motion was carried in 1919 but the NAD refused to implement "such a retrograde step".[60] In 1920 the motion was again carried at the NAU congress asking that "the labour system that prevails on private farms (be applied) to the natives in locations and on Crown Lands". The NAD's response was identical. "This resolution practically means a reversion to Isibalo which the Government has already decided not to re-introduce."[61]

There are a number of points to be made about this. The NAD was not a flexibly amenable instrument for farmers (a point I shall investigate at greater length later on). Nor were farmers united on all aspects of the labour question. But all farmers were dependent on the magistrate and the law to uphold their authority as landowner and boss. There was never disagreement over this. An incident in Estcourt in 1927 highlights the farmer position. As the ICU gathered momentum in the Natal countryside, white farmers began evicting tenants. The police were required to enforce such evictions. However in certain instances "they declined to execute these warrants". Farmers and the Secretary of Native Affairs were scandalised. "The position is without precedent .... it is nothing short of scandalous that the Orders of the Magistrate should be utterly ignored by his own Police officials. The natives, who should be taught to respect their Magistrate are

here being assisted and encouraged to defy him, and that by the persons who before all others are expected to uphold the dignity of the representative of the Minister for Justice in this district." The Secretary of Native Affairs further pointed out that "the position of the unfortunate landlord, who is anxious to regain the use of his farm, is intolerable, and he could hardly be blamed if he resorted to some violent or illegal method of removing these natives."62 Natal's liberal Chief Native Commissioner, C A Wheelwright, defended his department and the police against the charges, pointing out that the 1855 law invoked for the evictions was under review and the police were understandably reluctant to "execute warrants about which there may be any legal doubt."63

It is too early in my study to make firm pronouncements about the role of the NAD but it is clear that there was an uneasy relationship between it and farmers. In addition there were clear divisions within the department itself. I have already shown that the NAD in Natal protected its constituency according to the principles of the day and this often interfered with farmer plans. But it was not just a question of different agendas. The NAD's style of internal operation also impacted on the farmer. Take for example the Himeville FA's complaint to the NAU in 1921.

> The salaries paid to Court Indunas and other Native officials ...(is) in excess of the value of their services, and altogether out of proportion to the pay, both of European officials of corresponding grades and of Native labourers who perform the essential work of the country.

The NAD responded to the demand that salaries of its employees be reduced by pointing out that the Department "has always advocated better pay for its native employees" and that where possible inefficient employees would be replaced with men of "superior" education who "might otherwise find it difficult to obtain employment suitable to their qualifications and thus thro(ough) force of circ(umstances) become agitators."64

Conclusion

In the twentieth century, farmers in the Natal Midlands were not able to act like raiders in a lawless land, seizing what they would and bringing Africans directly under their control. They were however still able to exercise direct power over Africans (mostly labourers) on their land. This was often not enough to obtain sufficient labour or to mould the labour force to the farmer's purpose. As the need to become commercially oriented spurred farmers to bring more land under crops and to increase the productivity of their herds, so they increasingly had to rely on the assistance of state officials. Farmers were placed in an excellent situation to do this, particularly before 1910. Linked to the magistrate by racial and community ties, and in some cases by family ties as well, farmers were able to draw magistrates into their social circles and into their organisations. On the Magistrate's side, the growing pressures of work forced him to rely on local farmers for assistance. These organisational and

social overlaps combined in a powerful way to enforce white power and disseminate views of white supremacy.

There were complications. Not all farmers saw things in the same way and class divisions amongst white agriculturalists produced ambiguity. In addition the NAD was not always sympathetic to farmers. Yet it was not able to direct the conduct of magistrates in ways which necessarily prejudiced the relationship of magistrate to farmer. Magistrates wore many hats, only one of which was the Native Affairs one. As white males living in areas sparcely populated by whites yet heavily populated by Africans there were many reasons why they associated with and supported the causes of white farmers.

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1 S Trapido, "Reflections on Land, Office and Wealth" in S Marks and A Atmore (eds), Economy and Society in Pre-Industrial South Africa, Longman, London, 1980; P Delius, "Power and Profit in the Eastern Transvaal" and T Keegan, "White Settlement and Black Subjugation on the South African Highveld: The Tlokoa Heartland in the North Eastern Orange Free State, ca. 1850-1914", in W Beinart, P Delius and S Trapido (eds), Putting a Plough to the Ground, Ravan, Johannesburg, 1986.
2 Stanley Greenberg (Legitimating the Illegitimate State, Markets and Resistance in South Africa, University of California Press, Berkeley, 1987) has argued that the state often claims a capacity which it does not have, leading to an exaggeration of its capability. This description of the state applies to the period under discussion here as well.
3 John Lonsdale and Bruce Berman ("Coping with the Contradictions: The Development of the Colonial State in Kenya, 1895-1914", Journal of African History, 20, 1979) argue in the Kenyan context that the state was responsive to pressure from 'below' (African peasants). Here this argument is extended to include white farmers.
4 See for example, the writings of David Kaplan, Mike Morris and Dan O'Meara and, from a different perspective, Merle Lipton.
5 The power of farmers is a common assertion in South African history, enunciated in 'Boer' histories and analysed by both David Yudelman and Stanley Greenberg. The making of modern South Africa, David Philip, Cape Town, 1983; Race and State in Capitalist Development, Ravan/Yale University Press, Johannesburg/New Haven, 1980.
6 T Keegan, Rural Transformations on the Highveld to 1914, Ravan, Johannesburg, 1986 and T Keegan, Facing the Storm, David Philip, Cape Town, 1988.
7 There are many possible definitions of the Natal Midlands. I have chosen to adopt a rough rectangle of land between Pietermaritzburg, Estcourt, Underberg and Ixopo as my research area for climatic and geographical reasons as well as for convenience.
8 H Slater, "Land, Labour and Capital in Natal: the Natal Land and Colonization Company, 1860-1948", Journal of African History, xvi, 2, 1975; R Morrell, V Padayachee and S Vawda, "Banking, Credit and Capital in Colonial Natal: c1850-1910", unpublished paper to Biennial Conference of the South African Historical Society, University of Natal, Pietermaritzburg, 1989.
9 Jeff Guy has shown however how abysmally Africans were treated. The Zulus lost their independence and their land as imperial forces came in to allay settler fear and satisfy their hunger for land. (The Destruction of the Zulu Kingdom, Ravan, Johannesburg,

1982.) Norman Herd's narrative of the 'justice' meted out to Langalibalele after 1873 is also a salutory caution against exaggerating the philanthropy of pre-1893 Natal. (The Bent Pine, Ravan, Johannesburg, 1976)
10 While David Welsh speaks in high terms of Grey's commitment to 'multi-racialism' (The Roots of Segregation, Oxford University Press, Oxford, 1971, 29), Jeff Peires brilliantly lays bare the inhumanity, insensitivity and racism of Grey's policies (in the Eastern Cape context).(The Dead will Arise, Ravan, Johannesburg, 1989, Chap 2.)
11 Welsh, The Roots of Segregation. The 'Cape Liberal Tradition" is now somewhat tarnished. Numerous writers, including Trapido and Peires have revealed both its fallacies and its political foundations. S Trapido, ""Friends of the Natives'. Merchants, Peasants and the Political and Ideological Structure of Liberalism in the Cape, 1854-1910", in S Marks and A Atmore (eds), Economy and Society in Pre-Industrial South Africa, Longman, London, 1980; J Peires, "Sir George Grey versus the Kaffir Relief Committee", Journal of Southern African Studies, x, 1983-4.
12 The Natal Agricultural Journal, xiii, 1909, p744.
13 See J B Louden, White Farmers Black Labour-tenants A Study of a farming community in the South African Province of Natal, Leiden/Cambridge, 1970.
14 CAD, BNS 241, 1/71, 1912 NAU Resolutions; CAD, NTS 9252, 1/371, Part 1, NAU Resolution passed on 26, 27 and 28 April 1921.
15 CAD, SAS 1315, RG 19/9, 1911 NAU Resolutions; The Advertizer 26 April 1912.
16 CAD, NTS 9252, 1/371, Part 1, CNC to SNA, 26 May 1924; JUS 553, 835/30, Commissioner of Police to Secretary for Justice, 20 April 1926.
17 CAD, NTS9252, 1/371 Part 1, J Ray Msimang to Editor of Ilanga, 29 June 1921.
18 CAD, NTS 9252, 1/371, Part 1, CNC (Natal) to SNA, 3 July 1928.
19 Interview with Ms M Mingay, Secretary of the Donnybrook FA, 1 June 1988.
20 Louden, White farmers, p 62.
21 In the large Lions River district, the entire budget for the Magistrate's office in 1892 was 1515 pounds (998 of which went on salaries). NAD, NHC 11/11/16.
22 R Morrell, V Padayachee and S Vawda, "Banking, Credit and Capital", p33-4.
23 CAD, NTS 9252, 1/371, Part 1, SNA to NAU Secretary, 2 July 1926. In response to frequent complaints about the failure of state officials to enforce anti-squatting legislation, the Secretary of Native Affairs explained the state's apparent incapacity in terms of the legal difficulties in securing conviction and the unwillingness of farmers to assist.
24 In 1842 there were 10 counties in the whole of Natal, with one magistrate per county.
25 I Burton-Clark, "Land and Labour in Weenen County, Natal, c1880-1910", M SocSci, Natal University, Durban, 1988, 185-6.
26 Burton-Clark demonstrates for the Weenen County (the capital of which was Estcourt) that magistrates worked very closely with farmers in supplying their INDIVIDUAL labour requirments during the 1890s and early 1900s. (Burton-Clark, "Land and Labour", Chapter 9.)
27 In the OFS context, where farmers had less capital, less developed links with the market and greater need for coercion, violence was almost a necessary adjunct to the law. For a vivid

description of the role of violence in labour relations, see M Murray, "'The Natives are always stealing': White vigilantes and the 'reign of terror' in the OFS, 1914-24", Journal of African History, 30, 1, 1989.
28 Baynesfield Museum, Transcript of interviews conducted in 1980-81.
29 The Natal Agricultural Journal, Vol 13, 1909, 741.
30 Louden, White Farmers, 127-8.
31 CAD, JUS 566, 2957/30.
32 Natal Agricultural Journal, Vol 7, 1904, 1039-40. Family links between farmers and magistrates were more prevalent BEFORE Union. The civil service was during this period a 'respectable' career, free (it was felt) from central government machinations. For families with a large number of children, it was often difficult to set all up in farming. An easy way of dealing with the problem was to send one of the sons into the civil service.
33 Greytown Museum, "Greytown People", files on Fannin and Giles.
34 Impendhle District Farmers Association Minute Book, p3. (In possession of Mrs Ann Black, Elandshoek Farm, Boston.) CAD, NTS 9252, 1/371, Part 1, SNA to NAU Secretary, 3 September, 1914.
35 Central Archive Depot, Pretoria (CAD), JUS 548, 31/30. The dispute raged from 1929 until 1931.
36 CAD, JUS 638, 1/733/21. Magistrate Impendhle to Secretary for Justice, 15 October 1921.
37 CAD JUS 328, 4/322/21, Impendhle Magistrate to Secretary for Justice, 15 November 1926 and 12 April 1927.
38 Killie Campbell Library, Minutes of the Donnybrook Farmers Association, 23 July 1913.
39 The Natal Agricultural Journal, Vol 6, 1903, 871.
40 CAD, SAS 1315, RG19/9, 11st of NAU Congress resolutions, 1923; CAD, JUS 328, 4/320/21, Public Service Inspector to Secretary of Public Service Commission, 5 July 1926. For rise of ICU, See H Bradford, A Taste of Freedom, Ravan, Johannesburg, 1987.
41 Interesting work on the autonomy, influence and policy of the NAD in the Transvaal has been done by Paul Rich ("The Origins of Apartheid Ideology: The Case of Ernest Stubbs and the Transvaal Native Administration, c1902-1932", African Affairs, 79, 315, 1980
42 Natal Archives Depot (NAD), SNA 208, 1134/1895; Burton-Clark, "Land and Labour", p239-240.
43 In the second decade of the 20th century, South African became an exporter of agricultural goods. In the case of both beef and maize, this had serious implications for farmers, because export was generally conducted at a loss. Government's response to the situation was to attempt to place agriculture on a more scientific footing to allow for accurate export projections and planning. From 1917 onward, the Division of Agriculture, Economics and Markets attempted to improve the accuracy of data collection in order, among other things, to prevent the production of unsaleable surpluses. CAD, LDB 921, R1074/3/1
44 CAD, LDB 924, R1074/3/16.
45 By 1926 the shortcoming of such an approach was leading to a rethink, but there was still severe doubt about Africans doing the job. CAD, LDB 924, R1074/3/16, Magistrate Impendhle to Secretary for Agriculture, 4 October 1919; Secretary for Agriculture to Impendhle Magistrate, 16 June 1921. LDB 926, R1074/3/32, Chief: Division of Economics and Markets to Magistrate, Richmond, 12 February 1926.
46 W J Fly was also the local JP. (NAD, CSO 1772, 1904/9009.) CAD, LDB 924, R1074/3/16, Secretary for Agriculture to Magistrate

Impendhle, 10 June 1921; Secretary for Agriculture to Magistrate Impendhle, 16 June 1921; Magistrate Impendhle to E B Morrell, 3 May 1926; W J Lamont (Chief of Division of Economics and Markets) to Magistrate Impendhle, 15 March 1922.
47 CAD, LDB 921, 1074/3/1, letter to 8 Midlands farmers from Under Secretary for Agriculture, 14 November 1917.
48 CAD, LDB 921, R1074/3/3, Chief, Division of Agricultural Economics and Marketing to T H Steward, 30 July 1926. Interview with Frank Isaac, Balgowan, 16 September 1989.
49 R Morrell, "Competition and Cooperation in the Middelburg District, 1900-1930", in Beinart, Delius and Trapido (eds), Putting a Plough.
50 In the Transvaal Farmers Associations were distinguished from Agricultural Societies by their different functions. FAs were agricultural lobbies while Agricultural Societies were bodies which organised annual agricultural shows, and did little else. In Natal, the two bodies were less distinct. Government grants were awarded in terms of Law 22 of 1883 to agricultural organisations which ran shows. These grants were much sought after and some FAs added show-holding to their list of functions in order to qualify.
51 Baynesfield Estate, Pietermaritzburg, 1981; Baynesfield Museum, Transcripts of interviews with Mr M B Foubister and L Mckenzie, 24 November 1978. "Local farmers did not hit off with Joseph Baynes as the Estate was reckoned to be farming and trading on unfair terms, ie no taxes, large amounts of produce flooding the market".
52 D Child, Charles Smythe, Pioneer, Premier and Administrator of Natal, C Struik, Cape Town, 1973.
53 CAD, JUS 548, 31/30, J T Braatvedt (Magistrate Impendhle) to Mr McCormick, 17 May 1930.
54 Burton-Clark, p193.
55 This practice was particularly widespread before Union in terms of Section 37 of the Native Law Code which was amended by Act 47 of 1903. See NAD, SNA 1/1/325, 1905/2281 and SNA 1/1/380, 1907/2961.
56 IDFA Minutes, 8 September 911, p17.
57 CAD, NTS 9252, 1/371, Part 1, CNC to SNA, 2 February 1914.
58Cite karkloof book about use of the courts, and also baines's bizarre habits - result from feudal habits or simple convenience.
59 CAD, JUS 566, 2957/30.
60 CAD, NTS 9252, 1/371, Part 1, CNC (Natal) to SNA, 15 November 1919.
61 CAD, NTS 9252, 1/371, Part 1, NAD response to NAU resolutions passed on 13, 14 and 15 April 1920.
62 CAD, NTS 9252, 1/371, Part 1, unsigned memo, 7 September 1927
63 CAD, NTS 9252, 1/371, Part 1, CNC (Natal) to SNA, 3 July 1928.
64 CAD, NAD 9252, 1/371, Part 1, NAD response to resolution titled "Court Indunas", 1921.