

The Anglo-Boer War, Natal Afrikaners and Issues Concerning Land

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Introduction

In post-Apartheid South Africa the question of land is one of the central issues or challenges facing society. One of the regions where farmers, the authorities and claimants have to deal with the land issue, is in Northern KwaZulu-Natal – that is the area to the east of the Buffalo River, the west of the Drakensberg and north of the Tugela River. The geographical focus area of this article is this triangle of land, the former Klip River County, which comprised the districts of Dundee, Umsinga, Newcastle and Klip River (Ladysmith). It constituted the heartland of Natal Afrikanerdom at the time of the Anglo-Boer War (1899-1902). This was also the region that had to endure a 242-day Boer occupation during the said war.

Consequent to the Boer invasion on 11 October 1899, a number of the local Afrikaners, most of whom were British subjects, enlisted in the commandos out of free will. The majority of the local Afrikaners, however, were coerced into joining the Republican forces. By the end of the war, 332 residents of the area had been convicted of high treason and rebellion, and either fined and/or imprisoned. The land of these men in particular, as well as that of the more than 350 suspected rebels never apprehended, came under specific threat during the war.¹

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1. In the historiography of the Anglo-Boer War, the management of land in the Colony of Natal has hardly been explored. Even in works dealing with the economic aftermath of the war, it is not mentioned at all. See A. Duminy and B. Guest, "The Anglo-Boer War and its economic aftermath, 1899-1910", in A. Duminy and B. Guest, *Natal and Zululand from earliest times to 1910. A new history* (University of Natal Press, Pietermaritzburg, 1989), pp 345-372.

The Reaction of the Natal Government towards the Land of Natal Afrikaners who Associated with the Boers

Although the invasion of the Colony of Natal by the Boer forces did not catch the Natal Government by surprise, its preventative measures in terms of protecting its Afrikaner subjects were totally inadequate. The government's first reaction, in an attempt to suppress the perceived rebellion, was swiftly to issue several proclamations.² Suspecting that the proclamations were being ignored, and disregarding the possibility that they may not have reached the people they were aimed at, the Natal authorities requested Attorney General Henry Bale to prepare a draft proclamation that would allow the Natal Government to confiscate movable and immovable property of Natal Afrikaners who had been captured as prisoners-of-war (hereafter POWs) while fighting for the Boers, of those who had died on the battlefield, and of the fathers who had sons on commando. In the proposed proclamation Governor Sir Walter Hely-Hutchinson prohibited the Registrar of Deeds to register the sale, transfer, or mortgage of any of the landed properties registered in the names of Natal Afrikaners in the above-mentioned categories.³

The possible confiscation of rebel property as a punitive measure for committing high treason was one of the key dilemmas not only faced by the Natal Government, but also by the military. An enquiry by General Sir Redvers Buller, the Commander-in-Chief, to the War Office about how severely he should deal with Natal Afrikaners guilty of high treason, received the following response: "... they are not entitled to favourable consideration ... and that they should be punished severely. This could include possible forfeiture of property and/or deportation."⁴ When some of the names of suspected rebels became known, Attorney General Bale requested the Registrar of Deeds to determine if any property was registered in the names of L.J.R. Kritzing (Junior), J.J. Uys, J.J. van Rooyen, Isaac van Rooyen, D.C. Uys and L.P. Uys. The Registrar reported that J.J. Uys owned 1 000 acres, J.J. van Rooyen

2. See for example, Pietermaritzburg Archive Repository (hereafter PAR): Natal Colonial Publications (hereafter NCP) 6/1/1/52, Proclamation Number 106 issued by Governor W. Hely-Hutchinson, 15 October 1899; *Natal Witness*, 16 October 1899; *Times of Natal*, 16 October 1899.
3. PAR: Colonial Secretaries Office (hereafter CSO) 2581, Draft proclamation suggesting that it is the intention of the Natal Government to confiscate the property of rebellious Natal Afrikaners, 21 October 1899.
4. Public Record Office (hereafter PRO): War Office (hereafter WO) 1767, Telegrams exchanged between General R. Buller and the War Office, 11 December 1899.

3 acres, Isaac van Rooyen 2 982 acres and D.C. Uys 8 209 acres and one erf.⁵

Map of the area under study – Klip River County (1899-1902)



From: B. Guest and J.M. Sellers, *Enterprise and Exploitation in a Victorian Colony. Aspects of the Economic and Social History of Colonial Natal* (University of Natal Press, Pietermaritzburg, 1985), pp 363-364.

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5. PAR: Attorney General's Office (hereafter AGO) I/7/40, List of Natal Afrikaners owning property, who had been recognised as fighting with the Boers, 15 November 1899 to 11 December 1899.

Bale, despite this revelation, did not view matters as clear-cut when it came to punishing high treason in economic terms. Quoting from the *Groot Placaat Boek, Volume 6*, p 577, published on 1 May 1732, he indicated that the Netherlands had abolished confiscation of property altogether in the case of high treason. Similarly, in England, Acts 33 and 34 had abolished the confiscation and forfeiture of property for the same crime. Bale contextualised the abolishment of confiscation by stating that this did not apply to the property of rebels taken in the course of hostilities: under international law such property would belong to the government.⁶ In the light of the above he made his point of view very clear: “I am therefore of the opinion that a fine may be imposed as the punishment for High Treason.” Bale was, however, also quick to point out that the court should be informed that fines were not the only way to punish the political offence of treason and that the “primary punishment” still was death or imprisonment.⁷

Rumours that the Natal Government was considering the confiscation of land belonging to rebels, caused a stir in certain sectors of the economy. The Vigilance Committees of Newcastle, Dundee and Charlestown were concerned that, as pre-war creditors to suspected rebels, they would not be compensated, should rebel properties be confiscated and sold.⁸ M.J. Farrell spoke out on behalf of the Brazil Syndicate which held the mineral rights and the rights to purchase some of the farms in the Newcastle district owned by suspected rebels. He voiced the Syndicate's concern that it would forfeit its rights, should the farms be confiscated.⁹

Despite the opinion of the Attorney General and the above-mentioned economic fears, the Natal Government decided that the only way to deal with the matter was to forge ahead with proposed legislation to sanction the official confiscation of land as a punishment for

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6. PAR: Zululand Administration (hereafter ZA) 33, Copy of the opinion of Attorney General H. Bale on the crime of high treason, 1899-1900.
 7. PAR: ZA 33: Copy of the opinion of Attorney General H. Bale on the crime of high treason, 1899-1900. From time to time, some Natal officials used the term “political offenders” when referring to high treason. See for example: PAR: CSO 2873, Invasion Losses Enquiry Commission claim by J.H. Dekker, 5 December 1901.
 8. PAR: Prime Minister's Office (hereafter PM) 17, Enquiry by James Hastie, Chairman Vigilance Committee, regarding debt payments out of proceeds of confiscated property, 9 May 1900 to 4 June 1900.
 9. PAR: CSO 1637, Enquiry by M.J. Farrell on what steps the Brazil Syndicate should take to protect its mineral rights, 9 to 19 January 1900.

treasonable offences.¹⁰ Such thinking neither found favour with the Colonial Office, nor with Colonial Secretary Joseph Chamberlain. The latter instructed Bertram Cox to obtain the opinion of the Law Officers' Department at the Royal Courts of Justice. Their report echoed the opinion expressed earlier by Attorney General Bale, namely that neither under Roman Dutch Law, nor international law could the Natal Government be justified in confiscating landed property for the crime of high treason. It was thought that it would also be contrary to the principles of justice to pass a law which would sanction retrospective action for the purpose of inflicting such punishment.¹¹

Although the intervention of the Colonial Office ended the idea of the confiscation of rebels' property, the pressure on the Natal Government to adopt such measures did not cease. Under the guidance of C.A.S. Yonge, the Member for Melmoth within the Natal Legislative Assembly, a campaign was launched to have the landed property of the rebels confiscated and the culprits disenfranchised.¹² Prime Minister A.H. Hime's response to what was no longer the government's intention, was a guarded one: "It is not the intention of the Government to introduce a bill to provide for ... the confiscation of the landed property owned by rebels ... confiscation is not one of the punishments recognised by the Law of this Colony or of England."¹³ This response was severely criticised by the jingoistic *Natal Advertiser*. The newspaper, clearly unaware of the intervention of the Colonial Office, bemoaned the fact that the property of Natal Afrikaners convicted of high treason could not be confiscated.¹⁴

Hime's unpopular but firm stand did, however, temporarily halt the momentum of those in favour of confiscating rebel property. Only in mid-1901, under Governor Sir Henry McCallum, was the possibility of confiscating the land of Natal Afrikaner rebels raised again: the land in question being that of some 382 rebels not as yet apprehended. The elaborate process which followed to determine which of these men owned land, only served to highlight the difficulties that would have been faced if confiscation were decided upon as a punitive measure for high treason.

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10. PAR: Government House (hereafter GH) 1445, Minute paper Governor W. Hely-Hutchinson – Prime Minister A.H. Hime, 21 November 1899.
 11. PRO: Colonial Office (hereafter CO) 179/216, Opinion on the confiscation of the property of rebels, 25 January 1900
 12. PAR: Natal Legislative Assembly Debates, 22 May 1900.
 13. PAR: PM 17, Response to the question of disenfranchisement and confiscation posed by C.A.S. Yonge, 1 June 1900.
 14. *Natal Advertiser*, 7 June 1900.

Many Afrikaner farms were, for example, not registered in the Deeds Office because they were transferred from one family to another without the transfer having been officially recorded. The situation was further complicated by problems related to contact and residential addresses: a large number of Afrikaners with similar surnames and initials resided in the same area. To gain clarity on these issues, the assistance of the Surveyor General and district police officers was requested. This did not necessarily shed more light on the ownership question, as the police did not have a register of land-ownership. The investigation process, which started on 2 September 1901, was concluded only in December 1901, with the tentative deduction that 82 of the rebels not yet arrested owned land in Natal. Although some of these men, like Dirk van Rooyen of Leo Kop, Newcastle, as well as P.H. and H.N. Schoeman of the Ladysmith district, owned thousands of acres, it was decided not to confiscate their land.¹⁵ Apart from the fact that the Cabinet had informed him that confiscation was not possible under the existing legislation, Governor McCallum justified his decision on the grounds that only a small proportion of the men were landowners.¹⁶ This was borne out, to a certain extent, by an analysis of the names and property of the approximately 382 suspected rebels not yet apprehended. Analysis revealed that only 20 per cent of them owned land. The reality, however, was that the Governor had suffered a defeat at the hands of the Natal Cabinet, which had itself been down the path of possible confiscation of landed property before, without any success.

The rejection of the proposal by Governor McCallum that the landed property of Natal Afrikaners guilty of high treason be confiscated, brought an end to the attempts by the Natal authorities to take away the land of rebels. This suggested policy failed as much because of the lack of support it received from the Colonial Office, as from the realisation that any legislation would make it impossible to disentangle Natal Afrikaner land hereditary practices, determine who owned what land, and prevent economic losses in the process to English colonists who were economically involved with the rebels. Although these factors served to save the landed property of Natal Afrikaner rebels resident in the Klip River County from confiscation by the Natal authorities, it did not mean that their land was safe.

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15. PAR: GH 1449, Name lists of Natal Afrikaners not apprehended, and the land they owned, 2 September 1901 to 12 December 1901.
 16. PRO: CO 179/220, Governor H.E. McCallum – Colonial Secretary J. Chamberlain, 8 November 1901.

Exploitation of Landed Property belonging to Natal Afrikaner Rebels

With confiscation of rebel-owned farms ruled out, the authorities – both civil and military – had to decide what to do with the unoccupied landed property belonging to those who had fled to the Transvaal, those who were imprisoned as rebels or suspected rebels, and those who had been removed from their land under Martial Law.

One of the uses the military envisaged for unoccupied Natal Afrikaner farms, was to accommodate surrendered burghers. As early as July 1900 General Buller requested permission from the Natal Government to send *hendsoppers* and their stock – as a measure to protect them from fellow Republicans – to reside on Natal Afrikaner farms. At the time of Buller's request, he had already dispatched a Transvaler, Bernardus Johnstone (the brother of a Member of the Natal Legislative Assembly) from Volksrust to Newcastle with the view of placing him on the farm Bergvlei near Wasbank. Johnstone, who had taken 2 700 sheep, 200 mixed cattle and 12 horses with him, however was unwilling to reside on Bergvlei, because he considered the grazing to be inferior. He gathered several witnesses, including J.J. Kemp and I.S.J. Meyer of Dundee, to convince the military that the appointed farm was not suitable for sheep. His objection was successful and the military allowed him to settle on the farm Jackalsfontein near Hattinghspruit.¹⁷

The Natal Government had a range of concerns regarding Buller's planned placement of surrendered burghers on Natal Afrikaner farms. One such concern was that the Natal Government had earmarked these farms as grazing for oxen – oxen commandeered for military purposes from farmers south of the Tugela River. In an attempt to halt the spread of rinderpest and lungsickness, it was imperative that these oxen be prevented from returning to the area south of the Tugela.¹⁸ The crown lands alone could not provide sufficient grazing for these oxen. A second concern the Natal Government had, was the fact that they had no legal authority over land belonging to people suspected or guilty of treason. It was possible that suspected rebels could be released on bail or be acquitted and allowed to return to their farms only to find them occupied by *hendsoppers*. An even greater concern was that loyalists, who had

17. PAR: Minister of Justice and Public Works (hereafter MJPW) 77, Correspondence regarding the request by B. Johnstone to settle on the farm Jackalsfontein, 5 to 14 August 1900; A.M. Grundlingh, *Die "Hendsoppers" en "Joiners"*. *Die rasionaal van verraad* (HAUM, Pretoria, 1977), pp 54-55.

18. PAR: CSO 1690, Minute paper regarding the introduction of livestock from the Orange Free State, 9 to 11 November 1901.

temporarily abandoned their farms out of fear of the invading Boers, might return only to find that Transvalers had been placed on it. A further fear was that Buller's placement of surrendered burghers meant that some contract would have to be concluded with rebels for the use of their land – a step viewed as highly undesirable by the Natal authorities. Concerns also existed that public opinion would disapprove of the settling of burghers rather than loyal colonists on rebel farms. Lastly, the proposal was frowned upon out of fear that cattle diseases might be introduced from the Transvaal.¹⁹

The Natal Government, despite their numerous misgivings, made it clear that should the military choose to ignore their objections, they would not resist, but compensation claims could be expected from Natal Afrikaners as a result of finding surrendered burghers residing on their farms. The solution to the concerns expressed by the Natal Government, as far as the military was concerned, was to set a precedent and charge Bernardus Johnstone rent of £10 per month for residing on an unoccupied Afrikaner-owned farm. In addition to the payment of rental, he had to undertake to deal personally with any compensation claims that might be forthcoming relating to his residence on Jackalsfontein. The rent was, as instructed by Major-General Wolfe-Murray, paid into the account of the Chief Paymaster in Pietermaritzburg.²⁰

Despite the reservations of the Natal Government, other surrendered burghers were soon settled on the farms of Natal Afrikaners. Piet van Niekerk who worked as a "secret spy" for the British at the outbreak of the war, was given permission to reside on the farm of Piet Potgieter near Van Tonder's Pass between Dundee and Helpmekaar,²¹ while J.Z. Moolman, whose son was a scout with the column of General Spence, was settled on a farm in the Dundee district.²² Loyalist Natal Afrikaners also benefited: A.L. Jansen's request to run 300 cattle

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19. PAR: GH 544, Correspondence pertaining to the request by General R. Buller to place surrendered burghers on abandoned rebel farms, 25 to 31 July 1900; PRO: CO 179/213, Correspondence pertaining to the request by General R. Buller to place surrendered burghers on abandoned rebel farms, 25 to 31 July 1900; Grundlingh, *Die "Hendsoppers" en "Joiners"*, p 55.
 20. PAR: MJPW 77, Correspondence regarding the request by B. Johnstone to settle on the farm Jackalsfontein, 5 to 14 August 1900.
 21. PAR: Magistrate Umsinga (hereafter 1/UMS) 30, Correspondence regarding joiner Piet van Niekerk, 15 to 26 April 1902; S.B. Spies, *Methods of barbarism? Roberts and Kitchener and civilians in the Boer Republics January 1900 - May 1902* (Human & Rousseau, Cape Town, 1977), p 187.
 22. PAR: Magistrate Dundee (hereafter 1/DUN) 3/1/10, Correspondence regarding the return of the family Moolman to Wakkerstroom, 19 to 24 June 1902.

on the farm Blinkwater near Dundee, belonging to the rebel leader D.C. (Dirk) Uys, met with favour on condition that he had to pay rent of £15. The Commandant for Dundee wanted Jansen to pay the rental fee directly into the Colonial Treasury as a means of preventing Uys from accessing the money. The Natal Government disagreed with this and made it very clear that: "It is very undesirable that this government should mix itself up in this matter ... it is preferable that the Imperial Government acting under the powers of Martial Law should receive payment."²³

Once they realised that Afrikaner-owned land in the Klip River County could not be confiscated, the Natal Government clearly wanted to distance itself from the exploitation of such land. As a result it remained steadfast in its view that it had no right to deal with unoccupied Afrikaner-owned farms in any way whatsoever. This was a difficult stance to maintain, as numerous opportunistic English Natalians had their eyes on rebel farms. In the first such case, E. Cruikshank enquired from the Natal Government if the farms of suspected rebels would be confiscated on their arrest, as he was interested in acquiring one.²⁴ A certain W.J. Leslie of Chieveley explained that "four young colonials" were looking for farms in the Newcastle district,²⁵ while an unemployed former Natal Carbineer, R.W.F. Collins, wanted to try his hand at farming on one of the rebel farms in the Dundee area.²⁶ A.H. Cuming, in turn, asked to occupy the farm Knostrappe, near Helpmekaar with a view to purchasing it, should the government decide to sell rebel farms,²⁷ while W.R.A. White requested permission to "run stock on or cultivate a Government farm which has been sold to a Rebel and which is at present lying idle."²⁸ The Natal Government, however, remained steadfast in its policy and refused to entertain such requests.²⁹

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23. PAR: 1/DUN 3/1/8, Correspondence regarding the running of stock on the farm of D.C. Uys, 11 to 21 August 1900.
 24. PAR: Surveyor General's Office (hereafter SGO) III/I/141, E. Cruikshank – Surveyor General, 28 July 1900.
 25. PAR: SGO III/I/143, B. Creydt – Surveyor General, 4 December 1900.
 26. PAR: PM 19, Request by R.W.F. Collins to be allowed to occupy an abandoned rebel farm, 19 to 25 October 1900.
 27. PAR: MJPW 76, Application by A.H. Cuming to occupy Knostrappe with the view of purchasing it, 11 to 19 June 1900.
 28. PAR: CSO 1678, Request by W.R.A. White to run stock and cultivate an unoccupied farm, 4 to 14 June 1900.
 29. PAR: CSO 1689, Correspondence regarding the placement of loyalists on rebel farms and their right to reap and sow crops, 5 to 19 November 1901.

The eyeing of Afrikaner-owned farms during the war was not a consequence of a shortage of land, but rather a desire to get hold of farms already developed. In the Klip River County 120 000 acres of government land was available for sale and in the Weenen County 180 000 acres. In total 12 million acres were attainable in the Colony of Natal by prospective farmers. This land was normally sold by public auction in lots not exceeding 2 000 acres at 10/- per acre. The purchase price had to be paid in 20 annual interest-free instalments. Two of the conditions attached to the sale conditions were that the land had to be occupied and that permanent buildings had to be erected.³⁰

At magisterial level the policy of the Natal authorities regarding the economic use of unoccupied Afrikaner-owned farms was much more fluid. Noticing that the lands on the farm of the rebel C.J. de Villiers in the Umsinga district had been cultivated, H.W. Wohlberg assumed that grazing would be available for rent from the government. His request was, however, rejected by the local Magistrate, Thomas Maxwell, apparently because Wohlberg had sufficient grazing available to him on his own farm. In reality, the request by Wohlberg was turned down because of a feud with Maxwell regarding the picking of oranges on the said farm.³¹ Less than a month later another local farmer, Johannes Dedekind, received permission to graze his cattle on the land in question.³² In the Klip River district, P.S. Twyman was granted permission by Magistrate T.R. Bennett, by order of the military, to reside with his livestock on the farm Up George, Ladysmith, the property of his neighbour Mrs. F.I. Meyer. Twyman could also reap the crops on the farm for the military, keeping half as his reward. The return of Meyer led to a series of complaints. Backed up by the testimony of several of her African labourers, Meyer accused Twyman of not only reaping her crops, but also of cutting wood on her farm and removing large quantities of tools, four bales of Angora hair, curtains and furniture. Her accusations had little effect.³³

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30. PAR: MJPW 75, Minute paper regarding crown lands for sale in Natal, 28 May 1900.
 31. PAR: 1/UMS 30, Request by H.W. Wohlberg to rent the grazing on the farms of C.J. de Villiers, 29 May 1901 to 10 June 1901.
 32. PAR: 1/UMS 38, Magistrate T. Maxwell, Umsinga – Stock Inspector A. Klingenberg, 6 August 1901.
 33. PAR: Magistrate Ladysmith (hereafter 1/LDS) 1/7/9, Correspondence regarding the charges brought by Mrs. I.J. Meyer against P.S. Twyman, 20 February 1901 to 2 April 1901.

With the Natal Government unwilling to become involved in the management of unoccupied rebel farms and the military renting some out for the benefit of the Empire, there was much room for exploitation of the farms of absentee Afrikaners. The Natal Government complained that “considerable areas of unoccupied lands are being used for grazing by persons who have not asked for permission either from the military authorities or from the civil government.”³⁴ An example of such a person was R. Boshoff, who entered the Umsinga district without permission with the intention of settling on the farm of J. van Tonder.³⁵ The biggest culprits were, however, Africans who made use of the opportunity to unilaterally settle land claims in the absence of their Natal Afrikaner landlords. A point in case is the complaint lodged by P.R. Vermaak, at the time imprisoned on charges of high treason in Eshowe, that an African had settled on the farm of his late father without the permission of either his agent or himself.³⁶

In the light of such opportunism, the Natal Government could not maintain its tough stance and by April 1901 many of the arguments previously offered were no longer valid. The Natal Government, at this stage, must also have realised that the rule of law and civil administration could not stand up to Martial Law and military practices. As a result they relented, and during the winter of 1901 adhered to a request from the military to allow *hendsoppers* and their stock from the Volksrust, Utrecht and Wakkerstroom districts to be accommodated in the Klip River County. The only condition was that the animals needed to be free of diseases and that all cattle were to be subjected to the Lungsickness Act.³⁷

Despite making this decision, the Natal Government remained steadfast in its resolve not to give people occupational or any other rights to uninhabited Afrikaner-owned farms.³⁸ However, as Natal Afrikaners

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34. PAR: CSO 1678, Request by W.R.A. White to run his stock on unoccupied rebel farms, 4 to 14 June 1900.
 35. PAR: 1/UMS 38, Magistrate T. Maxwell, Umsinga – R. Boshoff, 13 September 1901.
 36. PAR: 1/UMS 38, P.R. Vermaak – Magistrate T. Maxwell, Umsinga, 14 November 1901. Agents acting on behalf of imprisoned Afrikaners did from time to time place Africans on their farms as a means to earn some money for the owners. PAR: 1/UMS 38, Magistrate T. Maxwell, Umsinga – Tatham and Tandy, 22 October 1901.
 37. PAR: GH 534, Correspondence regarding a request by the military to allow surrendered burghers and their stock into Natal, 26 to 27 April 1901.
 38. PAR: CSO 1678, Request by W.R.A. White to run his stock on unoccupied rebel farms, 4 to 14 June 1900; PAR: SGO III/I/146, Enquiry by E.H. Mahon on what is to happen to the farm Koodoo Pass, 21 June 1901.

from opposing political persuasions discovered, the military could now place people on farms without impunity. W.S. Naude, against whom no treasonable evidence existed, was removed from his farm under Martial Law and not allowed to return, because the military had placed surrendered burghers on his property.³⁹ Similarly T.J. Botha, the brother of General Louis Botha, could not visit his farms near Newcastle, as these were occupied by people placed there by the military.⁴⁰ The experience of the convicted rebel Gerhardus Marthinus Dekker of Indumeni, Dundee, was even more traumatic. On completion of his prison sentence, he was allowed to return home only to find a Mister Crawley in residence – a man who was taking care of military stock. Crawley had also ploughed and sown maize, which he intended to reap. Dekker's discussions with both Crawley and the local commandant proved fruitless. A petition by Dekker's agent, W.G. Griffin, to Prime Minister Hime did little to resolve the matter. Dekker was informed that the military still required his farm and would keep on renting it at £5 per month.⁴¹

The residential rights given by the military proved, in the medium term, to be very problematic to the civil authorities. In early 1903, six months after the war had ended, a Dundee magistrate explained the problem: "A number of ex-Burghers were permitted, by the military authorities, to reside on the farms of absentees who retreated with the Boers ... a good deal of confusion of property and rights has resulted which is left to the Civil authorities to endeavour to resolve and settle."⁴²

Natal Afrikaners' Attempts to Hang On to their Land

The war not only had a serious impact on the economic use of Natal Afrikaner-owned farms, but also on the continued ownership thereof. Many struggled to keep up the payments on the government farms they had purchased, while others had to sell their farms. At the same time some opportunistic English colonists attempted to get their hands on "government farms" belonging to Natal Afrikaners. B. Creydt for example asked whether the farms of Afrikaners who had not paid their

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39. PRO: CO 179/213, Documents regarding the protection of livestock belonging to surrendered burghers, 27 July 1900 to 20 August 1900.
 40. National Archive Repository (hereafter NAR): Staff Officer Prisoners of War (hereafter SOP) 13, Refusal of application by T.J. Botha to visit his farms near Newcastle, 28 June 1901.
 41. PAR: PM 24, Correspondence regarding the placement of Crawley by the military on the farm of G.M. Dekker, 26 October 1901 to 12 November 1901.
 42. PAR: NCP 9/1/11/3/2, Annual report: Magistrate, Dundee, 1902.

instalments would be thrown open for purchasing.⁴³ Vindictive English Natalians still petitioned against landownership by Afrikaners as late as February 1902. G. Lawrence suggested that Afrikaners should have to pay the remainder of the purchase price of their government farms in full, with immediate effect; that they should only be allowed to buy a maximum of 1 000 acres; and that the majority of the land be transferred to “industrious English farmers.”⁴⁴ The Natal Government again made its position clear – rebels could not be discriminated against by imposing conditions of purchase,⁴⁵ and government farms would only become available should rebels not fulfil their financial obligations. Until such time, the Natal Government exercised no control over rebel-owned land.⁴⁶

Making annual mortgage payments on farms bought from the Natal Government proved very difficult during the war. By 1 July 1900, the sum of £60 956.5.8. was still outstanding on land sold on the deferred payment system. Afrikaner residents of Northern Natal owed a very large portion of this amount. Since demands forwarded were constantly being returned to the dead letters’ office, it was assumed that many of the defaulters were still on commando with the Boers. Other Afrikaner residents voluntarily withheld payments fearing that their farms would be confiscated regardless and their down payments thus lost.⁴⁷ With the consent of the Attorney General, the Surveyor General was given permission to act against defaulters.⁴⁸ Action meant the delivery of a document stating the amount in arrears and a threat that if the person in question failed to pay, he or she would be sued for the outstanding amount.⁴⁹

Prior to the war, receiving deferment on payments was not difficult. A.M. Cronjé and P.W. Huyzer, both later convicted of high treason, received “two years extension on payment of interest” in

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43. PAR: SGO III/1/142, W.J. Leslie – Surveyor General, 15 September 1900.
 44. PAR: MJPW 91, Correspondence with G. Lawrence regarding quit rent farms in possession of Afrikaners, 17 February 1902.
 45. PAR: SGO III/1/42, Enquiry on the payments due by Solomon Maritz, 4 October 1900.
 46. PAR: CSO 1678, Enquiry by W.R.A. White on what the Natal Government intended to do with unpaid rebel farms, 4 to 14 June 1901.
 47. Foy Vermaak private collection: J.C. Vermaak – C.T. Vermaak alias Miss C. Herzog, 24 July 1901.
 48. PAR: SGO III/1/42, Request by Surveyor General J. Masson to proceed against those who defaulted on their payments on government land, 3 to 5 October 1900.
 49. PAR: SGO III/1/151, G.L. Fraser – Surveyor General, 14 February 1902.

June 1899,⁵⁰ while the Natal rebel who received the heaviest punishment, C.S. Botha, was granted extensions in 1897 and 1898.⁵¹ This privilege was extended during the war to loyalist Natal Afrikaners not convicted of treason. For example, N.J. Robbertse of Smaldeel, Estcourt, and A.S. Vos of Land's End, Newcastle, were granted deferments.⁵²

Rebels received far less sympathy. J.C. Adendorff of the farm Bradford near Newcastle, for example, was denied an extension and ordered to pay the amount in arrears.⁵³ Consistent with this policy, the rebel J.L. Fourie of Glastonbury, Newcastle, was instructed to pay the two instalments he owed with immediate effect.⁵⁴ The Natal Government's policy was non-negotiable and all rebels were expected to adhere to the conditions of their contracts of purchase and to pay their instalments as they became due.⁵⁵ Not even a request from J.M. Maritz that interest be added to his arrears on Springboklaagte, Newcastle, was accepted – this despite the fact that Maritz was in prison in Pietermaritzburg at the time.⁵⁶

Despite the economic suffering brought about by the war, some Natal Afrikaners did manage to make their payments. On 6 February 1901 and 8 February 1902, D.J. Opperman, grandfather of the renowned Afrikaans poet of the same name, managed to make payments to the value of £27.13.3. on the farm Geduld No 2, near Dannhauser.⁵⁷ Despite numerous economic setbacks, twelve Afrikaners from the Dundee district

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50. PAR: SGO III/1/136, Applications by P. and A.M. Cronjé and P.W. Huysen for extension on payments due, 27 to 28 June 1899.
 51. PAR: SGO III/1/118, C.S. Botha – Minister of Lands and Works, 2 to 26 June 1897; PAR: SGO III/1/127, Application by C.S. Botha regarding payment due on the farm Dry Cut, 25 May 1898.
 52. PAR: SGO III/1/142, T. Hellett – Surveyor General, 20 August 1900; SGO III/1/142, A.S. Vos – Surveyor General, 20 August 1900.
 53. PAR: SGO III/1/142, Application by J.C. Adendorff for an extension on the payments due, 9 July 1900 to 7 August 1900; SGO III/1/142, Application by Mrs. L.M. du Preez for an extension of the payments due by her husband, 12 to 17 July 1900.
 54. PAR: SGO III/1/147, Correspondence regarding the instalments owed by J.L. Fourie, 25 to 27 July 1900.
 55. PAR: SGO III/1/143, Correspondence pertaining to the question by E. Cruikshank whether Orange Free State burghers are allowed to suspend payments on crown lands, 1 to 4 December 1900.
 56. PAR: SGO III/1/149, Correspondence regarding the instalments owed by J.M. Maritz, 11 December 1901.
 57. PAR: 1/DUN 3/1/9, D.J. Opperman – Magistrate, Dundee, 6 January 1901; 1/DUN 3/1/10, D.J. Opperman – Magistrate, Dundee, 7 January 1902; PAR: SGO III/1/43, D. Turnbull – Surveyor General, 25 October 1900.

likewise managed to pay their instalments for the year ending 31 December 1901. Most members of this group, however, were loyalists whose suffering during the war was less severe than the suffering of those convicted of high treason – people who had generally lost all their livestock and crops and had received no compensation for these.⁵⁸

Natal Afrikaners who could not pay their instalments on government farms, could also lose their properties by two other means. The first was when someone else held a bond over the farm. P. van Breda, for instance, held a bond of £1 360 over J.T.M. Joubert's farms Darwin and Cliffdale in Newcastle. Joubert had fled with the Boers and had taken all his stock with him. Van Breda wanted to have the farm Darwin ceded to him and was prepared to pay the outstanding instalments of £17.12.1. Van Breda was not prepared to pay the outstanding debt if rebel properties were to be confiscated. The authorities were however not prepared to cede the properties to Van Breda, since only a small amount of money was outstanding.⁵⁹

The second manner in which a Natal Afrikaner rebel could lose a farm, was by selling it. Such a move was generally caused by the economic difficulties a rebel might have found himself in as a result of the war. C.T. Vermaak, first in exile in Holland and then in German South-West Africa, wanted to sell his farms Dondo and Stonehill near Umsinga on "account of severe losses sustained during the war." A cynical Vermaak commented: "I will not need them any more during my life."⁶⁰ An additional motivation for Vermaak was the fear that rebel farms would eventually be confiscated, resulting in a tremendous economic loss. Such losses, rebels argued, could be minimised by selling their farms.⁶¹

Surveyor General Masson commented that a number of "men who have been tried for treason are getting rid of their farms by sale."⁶² At the

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58. PAR: 1/DUN 3/1/10, Tatham and Tandy – Magistrate, Dundee, 30 January 1902. For a comprehensive analysis of the economic impact of the Anglo-Boer War on Natal Afrikaners, see: J.M. Wassermann, *The Natal Afrikaner and the Anglo-Boer War*. D Phil, University of Pretoria, 2004, pp 396-436.
 59. PAR: SGO III/1/142, Enquiry by P. van Breda on the cession of the farms Darwin and Cliffdale, 1 to 3 September 1900.
 60. Foy Vermaak private collection: J.C. Vermaak – C.T. Vermaak alias Miss C. Herzog with notes by C.T. Vermaak, 9 April 1902.
 61. Foy Vermaak private collection: J.C. Vermaak – C.T. Vermaak alias Miss C. Herzog, 24 July 1901.
 62. PAR: MJPW 91, Correspondence with G. Lawrence regarding quit rent farms in possession of Afrikaners, 17 February 1902.

time such sales were prompted by the fines imposed by the Special Court set up to deal with serious cases of high treason. J.J. and P.J. Kemp of the Dundee district were respectively fined £500 and £200, in addition to receiving prison sentences. The fines must have placed a heavy burden on them, for they sold the farm Vlaklaagte to a Mister Havemann of Umvoti.⁶³

The economic difficulties imposed on Natal Afrikaners by being convicted as rebels were easily exploited by opportunists, speculators and entrepreneurs. One such person was Ludwig Ohlsen,⁶⁴ who was described by the Natal Police as "... vindictively anti-British in Boer company, and vice versa in British company, result produced that he is now the possessor of a number of reputed coal farms",⁶⁵ and "... the man has been mixed up in several very shady transactions in connection with loot stock"⁶⁶ as well as being "... a cattle dealer associated with the Military Authorities."⁶⁷ The depths of the economic despair on which Ohlsen capitalised, are illustrated by the sale of the farm Ouklip, Dundee. The owners, rebels J.C. Botha and H.G. Jordaan, owed a mere £22 on the farm and were collectively fined only £100.⁶⁸ The reasoning behind men such as these selling so readily to Ohlsen, is explained by two other rebels, C.P. Cronjé and P.C. Döhne, who sold the farm Zuurknoll to Ohlsen for £900: "We were being pressed for outstanding debts."⁶⁹

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63. PAR: SGO III/1/149, Correspondence regarding the cession of the farm Vlaklaagte to Havemann, 16 December 1901 to 16 January 1902.
 64. The dubious wartime economic activities of Ohlsen, originally from Heidelberg in the Transvaal, meant that he ended up in several court cases. See: PAR: Archives of the Registrar of the Supreme Court (hereafter RSC) 1/5/168, J.C. Kippen versus L. Ohlsen; RSC 1/5/172; L. Ohlsen versus Williamson and Gawler; RSC 1/5/172; L. Ohlsen versus J. Emery; RSC 1/5/172, L. Ohlsen versus R.A. Faux.
 65. Possible mineral rights were a very lucrative prospect for Natal Afrikaners. See for example: Durban Archive Repository (hereafter DAR): Magistrate Melmoth (hereafter 1/MEL) III/2/8, Agreement between L.J.R. Kritzinger and C.A.S. Yonge, 12 June 1901, in which Kritzinger sold his rights for several thousand pound. This purchase by Yonge possibly serves to explain why he earlier petitioned so enthusiastically for the confiscation of rebel-owned farms. See PAR: Natal Legislative Assembly Debates, 22 May 1900.
 66. PAR: SGO III/1/150, Permission requested for the transfer of the farm Ouklip, 10 January 1902 to 1 February 1902.
 67. PAR: SGO III/1/147, Correspondence regarding the cession of the farm Black Bank to L. Ohlsen and then to Dukes, 24 July 1901 to 20 August 1901.
 68. PAR: SGO III/1/150, Permission requested for the transfer of the farm Ouklip, 10 January 1902 to 1 February 1902.
 69. PAR: SGO III/1/150, Proposal by Bale and Green that the farm Zuurknoll be ceded to L. Ohlsen, 23 January 1902 to 6 February 1902.

Similarly P.R.N. Vermaak sold the farm Black Bank to Ohlsen, possibly as a result of receiving a second reminder from the Colonial Treasurer that he owed the Natal authorities £22.16.⁷⁰ The speculative nature of Ohlsen's transactions is borne out by the fact that he immediately resold Black Bank to a Mister Jukes of Johannesburg.⁷¹

Sales such as the above were not easy to conclude as the Natal authorities, under the leadership of the Minister of Lands and Works, the Prime Minister, the Registrar of Deeds and the Attorney General, either vetoed the sales or prolonged the process when people with Afrikaans names were involved.⁷² The rationale behind this was not to protect Afrikaner landowners, but because cession was a form of contract and the government did not want to be part of transactions involving parties who were in arms against the king.⁷³ Furthermore, it was a measure to ensure that the fines imposed for high treason, and instalments due on government farms, were paid. A point in case was the delay of the sale of the farm Droogdaal, Newcastle, to Enoch Warwick by rebel owners N.M. and G.M. Dekker. The Natal authorities only allowed the sale to proceed after two outstanding instalments to the value of £31.0.6. had been paid in addition to a fine of £150 imposed on N.M. Dekker.⁷⁴ Likewise, C.J. Uys was only allowed to sell his farm after paying the fine of £20 imposed on him for high treason.⁷⁵

Despite Natal Afrikaners having to deal with continued economic hardship and being impoverished by the war, Verne Harris, in studying Klip River County farm records for the period 1900-1910, rightfully claims that they loathed selling their land.⁷⁶ In a more specific study

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70. PAR: 1/UMS 38, Magistrate T. Maxwell, Umsinga – P.R.N. Vermaak, 16 August 1901.
 71. PAR: SGO III/I/147, Correspondence regarding the cession of the farm Black Bank to L. Ohlsen and then to Dukes, 24 July 1901 to 20 August 1901.
 72. PAR: AGO I/8/72, Lists of suspected rebels forwarded to Registrar of Deeds, 16 July 1900.
 73. PAR: PM 30, Enquiry by T. Watt about the reasons for the difficulty of getting government consent for the cession of Afrikaner owned land, 26 June 1902 to 17 July 1902.
 74. PAR: SGO III/I/148, Correspondence regarding the cession of the farm Droogdaal to E. Warwick, 14 September 1901 to 26 November 1901.
 75. PAR: AGO I/8/82, Surveyor General – Minister of Lands and Works, 14 January 1902; PAR: AGO I/8/82, Attorney General – Minister of Lands and Works, 18 April 1902.
 76. A further reason for the reluctance of Natal Afrikaners for selling their land during this period was that the growing population made land very scarce whilst the common practice of sub-dividing farms was seen as the best means

dealing with thirty Afrikaner-owned farms from the area, he found that only three changed hands during this period and of these only one was sold to an English person.⁷⁷ According to the records of the Surveyor General, in the first year after the war, Afrikaners sold eight farms in Northern Natal: of these, five farms were purchased by Englishmen and three by Afrikaners. A further four Afrikaner-owned farms were on offer to any prospective buyer.⁷⁸

The largest proposed land sale in the immediate post-war period, came from the extended Vermaak family of Helpmekaar. Despite protests, C.T. Vermaak (then still in exile in German South-West Africa) initially attempted to sell two farms by public auction.⁷⁹ His efforts were only partially successful – only one farm was sold by auction. The Vermaaks then offered all twelve their farms, 23 000 acres in total, for sale to the Natal Government. The Government, after due consideration, declined the offer.⁸⁰ The Vermaaks' intention to sell the land may have been motivated by a desire to emigrate from Natal. In time, some members of the Vermaak family did move to the Vet River area in the then Orange River Colony, but their failed attempts at making a fresh start resulted in them returning to Natal.⁸¹

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- of providing an inheritance. See A.J. Christopher, *Natal A study in land settlement*. D Phil, University of Natal, Pietermaritzburg, 1969, pp 43-44.
77. V.S. Harris, *The reluctant Rebels The impact of the Second Anglo-Boer War upon the Klip River Dutch Community with special reference to the Dutch Community of Dundee*. BA Honours, University of Natal, Pietermaritzburg, 1982, p 53.
78. PAR: SGO III/1/154, Application by A.G. Spies to cede Last Chance to T.H. Brokensha, 7 June 1902; SGO III/1/154, Watt and Pike – Surveyor General, 1 July 1902; SGO III/1/154, Application on behalf of C.J. Uys to cede Vaalkrantz to S.W. Reynolds, 25 July 1902; SGO III/1/154, Application by D. Huyser to transfer Paddadors to H.J. Niewenhuizen, 11 September 1902; SGO III/1/154, Application by P.C.J. Nienaber to cede Landmetersdraai to D.W.H. Tandy, 19 August 1902; SGO III/1/154, Application to transfer Bernard and Byron from A. Joubert to A.H. van Dyk, 12 September 1902; SGO III/1/154, Application by J.A. van Rooyen cede a subdivision of Sterkfontein, 28 November 1902; SGO III/1/154, Application by J. Joubert to cede Schaap Krantz to D.P. Walker, 13 January 1903.
79. PAR: SGO III/I/159, G.S. Saunders – Surveyor General, 9 December 1902; PAR: CSO 1719, Request by R.J. du Bois that the envisaged sale of two farms by C.T. Vermaak be prevented, 8 December 1902 to 9 January 1903.
80. PAR: MJPW 102, Offer by P.R. Vermaak to the Natal Government of a number of farms, 22 May 1903 to 25 June 1903.
81. Interview with Foy Vermaak conducted at Penny Farthing Guest House, Helpmekaar, 10 July 2000.

Conclusion

Despite the impoverishment caused by the economic losses suffered by Afrikaner residents of the Klip River County during the Anglo-Boer War, the fines imposed on rebels, the political and economic measures and pressures placed on their land, most of the farm-owners managed to fend off the challenges and hang on to their landed properties. In this process, they indirectly received some support from the Natal Government. For the sake of maintaining civil law and order, as well as administrative power and procedure, the Natal Government tended to oppose, be it unsuccessfully, the uses proposed for Afrikaner-owned farms by the military and certain Natal colonists. Nonetheless, none of the actions taken by the Natal Government were exclusively aimed at protecting rebel farms: the Government's actions rather constituted attempts at enforcing civil administration and policy after the confiscation of rebel farms had been ruled out.

For Natal Afrikaners resident in this area, struggling to keep their land was not a new experience. With the demise of the Republic of Natalia and the British occupation of Natal in 1842, the claims of Natal Afrikaners to land came under severe scrutiny. Most Afrikaners then resident in Natal, migrated to the Transvaal and the Orange Free State as a result of the manner in which the British authorities handled their claims.⁸² Those who remained behind, including "the malcontents in the Klip River area", had had their land claims settled by 1848.⁸³ However, the history of landownership by Afrikaners in the former Klip River County, spanning roughly 185 years, is not a settled affair. Numerous farms in the area owned by Natal Afrikaners since the 1840s are currently claimed by other communities also historically resident in the area. The fate of these and other white-owned farms in this region will, in the years to come, again come under increased political scrutiny.⁸⁴

Abstract

Landownership has always been an emotive and political issue in Southern Africa. This was also the case during the Anglo-Boer War (1899-1902), especially in the Klip River County in the Colony of Natal. After the successful Boer invasion and subsequent occupation of the area in October 1899, a large number of local Afrikaners, almost all of them

82. E.H. Brookes and C. de B. Webb, *A History of Natal* (University of Natal Press, Pietermaritzburg, 1987), pp 42-64.

83. Brookes and Webb, *A History of Natal*, p 64.

84. *Sunday Tribune*, 17 July 2005; P. du Toit, *The great South African land scandal* (Legacy, Centurion, 2004).

British subjects, were coerced into joining the invaders. The challenge facing the Natal Government, the Colonial Office, the military and ordinary Natalians was how to punish the Natal Afrikaners guilty of rebellion and high treason. One of the suggested punitive measures was the confiscation of landed property belonging to the rebels. This, however, proved to be unattainable. In the wake of the failure to confiscate the farms of rebels, the issue of how to best manage the land belonging to the local Afrikaners became a tug of war between the military, the Natal Government, and other interested parties, whilst the affected Natal Afrikaners desperately tried to cling to their farms. This article investigates the dynamics concerning landed property belonging to Natal Afrikaners suspected of and found guilty of high treason during the Anglo-Boer War.

Opsomming

Die Anglo-Boereoorlog, Natalse Afrikaners en Aangeleenthede rakende Grond

Grondbesit was nog altyd 'n emosionele en politieke gelaaiete aangeleentheid in Suider-Afrika. Dit was ook die geval tydens die Anglo-Boereoorlog (1899-1902), veral in die Kliprivierdistrik in die Kolonie van Natal. Na die suksesvolle Boere-inval en besetting van dié area in Oktober 1899, is 'n groot aantal plaaslike Afrikaners (bykans almal Britse onderdane) gedwing om by die invallers aan te sluit. Die uitdaging waarvoor die regering van Natal, die Koloniale Kantoor, die Britse Magte en gewone Natallers gevolglik te staan gekom het, was hoe om die Natalse Afrikaners wat skuldig aan rebellie en hoogverraad was, te straf. Een van die voorgestelde strawwe was die konfiskering van grond wat aan die rebelle behoort het. Dit was egter 'n onuitvoerbare plan. In die lig van die mislukking om dié beleid deur te voer, het 'n toutsprekery tussen die Britse magte, die Natalse regering en ander belangegroepes ontstaan oor die wyse waarop die grond wat aan Natalse rebelle behoort het, bestuur moes word. Die betrokke Natalse Afrikaners het aan die ander kant desperaat gespoek om hulle plase te probeer behou. Hierdie artikel ondersoek die dinamika aangaande die grond van Natalse Afrikaners wat tydens die Anglo-Boereoorlog skuldig aan verraad was.

Key words

Anglo-Boer War; Boers; confiscation; farms; land; Natal Afrikaners; Natal Government; rebels.

Slutelwoorde

Anglo-Boereoorlog; beslaglegging; Boere; grond; Natalse Afrikaners; Natalse regering; plase; rebelle.