

GAME PROTECTION IN THE TRANSVAAL
1846 TO 1926

by

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ABBREVIATIONS

AGT	Auditor-General
AYB	<u>Archives Yearbook for South African History</u>
BN	Barberton Magistrate
CA	Cape Archives, Cape Town
Cent.	Central Archives, Pretoria
CS	Colonial Secretary
DCU	Director of Customs
FO	Foreign Office
JPL	Johannesburg Public Library
JUS	Department of Justice
KG	Kommandant-Generaal
KNP	Kruger National Park Archives, Skukuza
LAJ	Legal Assistant to the Military Governor
LD	Transvaal Law Department
LDE	Department of Lands
LtG	Lieutenant-Governor
MGP	Military Governor, Pretoria
MM	Minister of Mines
MNW	Department of Mines and Industries
PRO	Public Record Office, Kew, London
SAAR	<u>South African Archival Records</u>
S-HA	Stevenson-Hamilton Archives, Fairholm, Lanarkshire
SNA	Secretary for Native Affairs
SP	Staasprokureur
SS	Staatssekretaris
TA	Transvaal Archives, Pretoria
TAD	Transvaal Agricultural Department
TGPA	Transvaal Game Protection Association
TLQA	Transvaal Land Owners' Association
TPB	Transvaal Department of Local Government
TPS	Transvaal Provincial Secretary
UR	Uitvoerende Raad
VOC	Dutch East India Company
WDGPA	Western Districts Game Protection Association
Wits	University of the Witwatersrand, Johannesburg
WLS	Archives of the Wildlife Society of Southern Africa, Pietermaritzburg
ZHC	Sessional Papers

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ABSTRACT

The history of wildlife protection in southern Africa has been neglected by professional historians, despite the wealth of southern African fauna, the greatly increased concern for nature conservation and the burgeoning of the literature on the subject in many parts of the world during the last few decades. Public curiosity about early conservation efforts has merely elicited superficial popular accounts of the development of game protectionist policies cast mainly in terms of dominant individuals or of over-simplified moral pageants. These approaches seriously underestimate and misrepresent the rich social and cultural context within which the ideas, attitudes and policies evolved.

By contrast, this study not only examines the diverse struggles surrounding the management, exploitation and protection of game resources, but also relates them to the wider political and economic concerns of the day. Attitudes to game protection have not been static or homogeneous and the broader perspective given here reveals the frequent contradictions and paradoxes which characterized game protection, as also the primacy of extrinsic circumstances over deliberate protectionist intent in shaping policy. The development of protectionist strategies under three successive political regimes in the Transvaal is closely examined. Legislation, administrative policies and actions are portrayed as having evolved in response to changing popular and official perceptions of game animals during successive phases between 1846 and 1926.

The Transvaal is shown to be a unique and valuable field for this investigation not only because of the divergent interests of blacks,

Afrikaners and British, but also because of the rapid and pervasive socio-economic changes of the period. The thesis also explores the ways in which the protection of wildlife in the Transvaal was interwoven with the evolution of the racial and social stratification of society. Comparisons and contrasts with developments in other countries, particularly the United States, afford valuable insights and enrich the understanding of the Transvaal situation.

In the early years of white settlement and during the existence of the South African Republic, game protection measures were influenced by the commercial value of the by-products of the hunt. By the end of the nineteenth century the failure adequately to curtail hunting practices resulted in the depletion of game and this, among other factors, led to a corresponding shift in values towards wildlife. Earlier, but ineffectual, hunting regulations which had been underpinned by conservationist principles of sustainable yield were augmented by strict preservationist measures, particularly the creation of game reserves. When the Transvaal became a British colony after the South African War, the emerging international conservationist consensus was brought to bear on new protectionist initiatives, but was tempered by the sporting requirements of the settler population and the capitalist determination to prevent subsistence or commercial hunting. After the coming of Union in 1910 the national preoccupations of the newly-united country were reflected inter alia in game protection and culminated in the formation of the Kruger National Park. This was stimulated not only by a growing aesthetic awareness by whites of wildlife, but also by two discrepant ideological impulses: a vigorous emergent Afrikaner nationalism, and the search for a further means of fostering a white South African national identity.

CHAPTER 1
INTRODUCTION

I

Environmental history has virtually been totally neglected by historians of southern Africa and the functional role of the natural environment in the evolution of the social, economic and political environments has been left largely unprobed. Yet many historical developments, such as social relations, routes of migration, patterns of settlement, agricultural practices, scientific development and industrialization, have been powerfully influenced by the physical environment which can provide as much evidence of human choices, values, ideas, ambitions and fears as written material.¹

Accounts of the historical relationship between man and nature most often explain the mechanics of how people utilize their environment and the effects that this process exerts upon human society. The history of nature protection,² by contrast, examines actions and attitudes which appear to run counter to a general tendency to exploit. Protectionist history cannot, however, be conducted in isolation and overlaps with many other disciplines, particularly the history of ideas, but also the history of science, the history of law, and social history in its widest sense. Moreover, it fits into other fields of historical endeavour and may well be instructive to

¹ R. Nash, 'American environmental history: a new teaching frontier', Pacific Historical Review 41(3), 1972, p.363.

² The terminology used in this work is explained on pages 9-11.

them, for example, as will later be shown, by enlarging the understanding of the dynamics of a moving frontier or the growth of nationalism.

Unlike southern African historiography, environmental history in the United States is a well patronized academic field and is now so large that distinct streams within it can be distinguished.³ The southern African region, with its floristic and faunal splendour, cries out for similar attention. Not only has the sub-continent the largest variety of mammals of any zoo-geographical region in the world, but one-tenth of the world's avifauna is to be found here as well as representatives from all the living orders of reptiles except one.⁴ Many species are spectacular and beautiful and a number are endemic.⁵ For centuries the wildlife of the region has attracted international attention. Early travellers interested in the natural sciences found southern Africa of great curiosity: the first comprehensive list of Cape fauna, although fanciful in many respects, was published in 1719,⁶ and museums and botanical gardens in Europe were soon filled with

³ See for instance G.B. Dodds, 'The historiography of American conservation: past and prospects', Pacific Northwest Quarterly 56, April 1965, pp.75-81; T. Le Duc, 'The historiography of conservation', Journal of Forest History 9(3), 1965, pp.23-28; J. Opie, 'Environmental history: pitfalls and opportunities', Environmental Review 7(1), 1983, pp.8-16; R. White, 'American environmental history: the development of a new historical field', Pacific Historical Review 54(3), 1985, pp.297-335; and L. Rakestraw, 'Conservationist historiography: an assessment', Pacific Historical Review 41(4), 1972, pp.271-288.

⁴ A.C. Brown, ed., A History of Scientific Endeavour in South Africa (Cape Town, 1977), p.133. There are 51 families of mammals (of which 12 are endemic) and about 890 species of birds.

⁵ 'Endemic' is used here in the sense of a species being confined to a given region.

⁶ Brown, History of Scientific Endeavour, p.34.

specimens of southern African animals and plants.⁷ South Africa remains internationally well known for the abundance of its wildlife which plays a significant role in the national psyche and the region's mythology. In view of the importance of wildlife from so many points of view, there is a real need to explore the history of the protective policies accorded to it.

A study of the rich environmental historiography emanating from the United States in recent years provides fundamental stimulation to prospective students of protectionist history in other parts of the world. The kaleidoscope of approaches, perspectives, themes, periodizations, and insights, merits careful scrutiny before similar studies are embarked upon elsewhere. Nevertheless, despite the high value of the north American publications in this connection, the historiographical models which they indicate are more instructional to southern African workers than their subject matter. The American protectionist experience has differed too widely in significant respects from that of the South African Republic, the Orange Free State, or the British Empire and its colonies to allow for many direct comparisons to be made. For this reason, although guidance in direction can be afforded by an examination of the material from the United States, the corpus of literature cannot simply be appropriated and it is therefore necessary to pioneer the field anew.

The broader history of nature protection does not yet form a significant dimension in any South African historiographical tradition. In the past, both liberal and nationalist historians tended to ignore the physical environment entirely and to concentrate on political events. Revisionist historians,

⁷ Ibid., pp.4-5, p.7, p.35; M. Gunn and L.E. Codd, Botanical Exploration of Southern Africa (Cape Town, 1981), Chapters 3 and 4.

while embracing a far wider perspective, have also essentially restricted themselves to human interaction and geopolitical concerns. For example, analytical rural histories have appeared which show how blacks have been dispossessed of the land by European colonists in order to restructure access to the material bases of society.⁸ Thus, while history 'from below' has increased in importance, dealing as it does with the exploited classes of mankind, due cognisance has not so far been taken of the biotic community which is in turn exploited by humans of all classes.⁹ There are definite signs of an expansion in this direction. In an unpublished seminar paper, for example, S. Trapido has raised interesting ideas about the political economy of hunting in the Transvaal, particularly as it relates to social banditry.¹⁰ R. Wagner has analysed the dynamics of the hunting frontier of the northern Transvaal, introducing important fresh material, but in both these works protectionism and wildlife still remain tangential.¹¹ Limited attention has been given by W. Beinart to soil conservation measures in the Eastern Cape as

⁸ See for instance C. Bundy, The Rise and Fall of the South African Peasantry (London, 1979); P. Delius, The Land Belongs to Us (Johannesburg, 1983); P. Bonner, Kings, Commoners and Concessionaires (Johannesburg, 1983); W. Beinart, The Political Economy of Pondoland, 1860-1930 (Johannesburg 1983); W. Beinart et al, eds, Putting a Plough to the Ground: Accumulation and Dispossession in Rural South Africa, 1850-1930 (Johannesburg, 1986); and T.J. Keegan, Rural Transformations in Industrializing South Africa: The Southern Highveld to 1914 (Johannesburg, 1986).

⁹ Nash, 'American environmental history', p.363.

¹⁰ S. Trapido, 'Poachers, proletarians and gentry in the early twentieth century Transvaal', (paper presented to the African Studies Institute, University of the Witwatersrand, March 1984); the author provided no source references when presenting this paper.

¹¹ R. Wagner, 'Zoutpansberg: the dynamic of a hunting frontier' in S. Marks and A. Atmore, eds, Economy and Society in Pre-Industrial South Africa (London, 1980).

demonstrating one of the links in rural and agricultural manipulation,¹² and a detailed study by R. Grove is under way which concerns botanical conservation in the nineteenth century Cape Colony.¹³ In addition, a seminal conference on 'Conservation in Africa, 1884-1984' was held by the African Studies Centre of the University of Cambridge in April 1985, which yielded preliminary papers of note (particularly those by R. Pullan and J.M. MacKenzie)¹⁴ and a special edition on the subject is planned for a future issue of the Journal of Southern African Studies¹⁵ which may well produce valuable, and perhaps synthetic, material.

It has been suggested that if academic historians do not inform the public on historical issues, it will be left to 'mere storytellers to satisfy the curiosity that every society must feel about its past'.¹⁶ This comment is certainly true of the history of nature protection in South Africa. While academic historians have generally overlooked this field as suitable for

¹² W. Beinart, 'Soil erosion, conservationism and ideas about development: a southern African exploration (Malawi, Zimbabwe and South Africa) 1900-1960', (paper presented to the Centre for African Studies, University of Cape Town, March 1984).

¹³ So far, R. Grove has circulated 'Incipient conservationism in the Cape Colony and the emergence of colonial environmental policies in South Africa, 1846-1890', (paper presented at the Conference on Conservation in Africa, 1884-1984, April 1985 under the auspices of the African Studies Centre, University of Cambridge) and a revised version of this, still unpublished, has been entitled, 'Early themes in African conservation: the Cape in the nineteenth century'.

¹⁴ R.A. Pullan, 'Game policies and public opinion in southern Africa, 1884-1984' and J.M. MacKenzie, 'Chivalry, Social Darwinism and ritualised killing: the hunting ethos in Central Africa up to 1914', (both papers presented at the Conference on Conservation in Africa, 1884-1984, April 1985 under the auspices of the African Studies Centre, University of Cambridge).

¹⁵ Personal communication, W. Beinart, 6 January 1988.

¹⁶ A. Duminy and B. Guest, Interfering in Politics: A Biography of Sir Percy Fitzpatrick (Johannesburg, 1987), p.xiii.

investigation, numerous popular accounts about South African, particularly Transvaal,¹⁷ wildlife protection, including national parks, exist. These, however, contain disappointingly little evaluation of underlying principles, and most are proselytizing in nature and lacking in any critical insight. Personalities deemed to have advanced the 'struggle' for conservation or preservation are elevated to the status of heroes,¹⁸ and their opponents are usually denigrated, notwithstanding the role they may have played in shaping the policies which were eventually implemented. Negative aspects of protectionism are almost completely brushed aside. Moreover, it is generally assumed that nature protection hinges upon a moral choice alone, that 'the conservation of his environment and fellow creatures is a supreme duty of man',¹⁹ and that it is 'a poignant but inspiring story, often brutal, bitter, full of disappointment and despair, but with a darkness illuminated by the faith of many dedicated people who worked incessantly towards the ideal of man living in greater harmony with nature'.²⁰ Such an approach both oversimplifies and distorts the complex issues involved.

¹⁷ For convenience the term 'Transvaal' has been used throughout to refer to the area which is presently the province of Transvaal, South Africa.

¹⁸ The literature dealing with the heroes of conservation, particularly Paul Kruger and James Stevenson-Hamilton, includes R.J. Labuscagne, The Kruger Park and Other National Parks (Johannesburg, n.d.); H.P.H. Behrens, '"Dom Paul's" great fight to preserve game', African Wild Life 1(1), 1946, pp.12-22; H.P.H. Behrens, 'Paul Kruger-wildbeskermer: aspek van president se lewe was selfs sy biograwe vergeet', Huisgenoot 37(1542), 12 October 1951, pp.6-7; H.P.H. Behrens, 'His name is Skukuza', African Wild Life 1(2), 1947, pp.46-66; D. Tattersall, Skukuza (Cape Town, 1972); H.P.H. Behrens, 'Hunter turns protector: the story of Henry Wolhuter', African Wild Life 1(3), 1947, pp.36-50.

¹⁹ KNP, U. de V. Pienaar, 'The Kruger Park Saga (1898-1981)', p.7.

²⁰ J.A. Pringle, The Conservationists and the Killers (Cape Town, 1982), dustjacket information.

The popular literature falls into the categories of either 'official' histories or anecdotal reminiscences of game officials,²¹ while the largest share of literary attention has been awarded to the Kruger National Park. Although only one of many national parks and game reserves in South Africa, the Kruger National Park occupies a prominent position in terms of the publicity which it has received, its large size, its scientific and ecological importance and its symbolism of primeval Africa. Nonetheless, only one popular book-length historical account of the Kruger National Park exists,²² South African Eden, by James Stevenson-Hamilton, who held the post of warden there from 1902 to 1946. Most other accounts surface as superficial introductory chapters to books such as field guides to animals,²³ general tourism literature,²⁴ or entertaining articles in popular

²¹ The recollections of game rangers and others involved in the evolution of the Kruger National Park form a relatively large body of literature. See for example J. Stevenson-Hamilton, South African Eden (London, 1937); H. Wolhuter, Memories of a Game Ranger (Johannesburg 1948 and later editions); H. Kloppers, Game Ranger (Cape Town, n.d.); G. Adendorff, Wild Company (Cape Town, 1984); P.J. Pretorius, Jungle Man (Sydney, 1948); A. Chapman, Retrospect: Reminiscences of a Hunter Naturalist in Three Continents (London, 1928); V.L. Robertson, 'Early attempts to protect wildlife', African Wild Life 1(2), 1947, pp.21-23.

²² Another, under the general editorship of Dr U. de V. Pienaar, Chief Director of the National Parks Board, is in press.

²³ See, for instance: R. Bigalke, A Guide to Some Common Animals of the Kruger National Park (Pretoria, 1939), or G.L. Smuts, Lion (Johannesburg, 1982).

²⁴ Examples of general publicity literature includes books published by the National Parks Board such as R.J. Labuscagne, 60 Years Kruger Park (Pretoria, 1958) and The Kruger Park; C.S. Stokes, Sanctuary (Cape Town, 1941); L.E.O. Braack, The Kruger National Park (Cape Town, 1983); P. Meiring, Behind the Scenes in Kruger Park (Johannesburg, 1982); P. Meiring, Kruger Park Saga (No place, 1976); K. Newman, The Kruger National Park (Johannesburg, n.d.); D. Paynter, Kruger: Portrait of a National Park (Cape Town, 1986); A. Bannister and R. Gordon, The National Parks of South Africa (Cape Town, n.d.)

magazines.²⁵ A pioneering work dealing with the role of non-governmental conservation organizations in South Africa appeared some years ago,²⁶ and short accounts of the history of nature protection can be found in some general works on science and ecology.²⁷

Lack of interest by professional historians has accordingly left the writing of South African game protectionist history almost entirely in the hands of journalists or natural scientists untrained in the procedures of historical research. The practitioners themselves have therefore been obliged to construct their own historical parameters for particular scientific disciplines, a task which has been accomplished with only limited success.²⁸ As far as can be determined, of all the literature cited, only South African Eden has included any kind of archival research at all and even this is

²⁵ Some of these have been cited above, but Hilda Stevenson-Hamilton's 'Preserving wildlife in South Africa', Optima 2(5), 1962, pp.121-128, can be added.

²⁶ Pringle, Conservationists and the Killers.

²⁷ For example, in Brown, History of Scientific Endeavour; D.H.S. Davis, ed., Ecological Studies in South Africa (The Hague, 1964); D.J. Potgieter, et al., Animal Life in Southern Africa (Cape Town, 1971). The legal aspects of protectionism have received more detailed attention in A. Rabie, South African Environmental Legislation (Pretoria, 1976) and in R.F. Fuggle and M.A. Rabie, eds, Environmental Concerns in South Africa: Technical and Legal Perspectives (Cape Town, 1983).

²⁸ An example of this is seen in R.C.H. Bigalke, 'South Africa's first game reserve', Fauna and Flora 17, 1966, pp.13-18, in which account of the Pongola Game Reserve the turbulent and complex political conditions of northern Natal and Zululand in the late nineteenth century are not even mentioned although they are a vital perspective to the formation of the Pongola Game Reserve. An attempt was made to introduce this perspective in E.J. Carruthers, 'The Pongola Game Reserve: an eco-political study', Koedoe 28, 1985, pp.1-16.

severely restricted.²⁹ The absence of primary research has resulted in authors virtually repeating the work of Stevenson-Hamilton (including his errors),³⁰ and even sometimes imaginatively embellishing upon his information, or adding reminiscences and details from other general sources. By this means, a genre of literature has been created which is now self-perpetuating. Errors and inaccuracies are repeated so frequently that they have attained mythological status and to rectify them will prove an almost impossible task.

II

Protectionist history suffers because nature protection is considered to be a crusade which requires proselytizing. For this reason, justification of opinions and attitudes is frequently moral and emotional rather than rational. It is argued here that resource allocation is at the core of game protection and that its history is therefore the record of the utilization and management of a natural resource. This is a complex matter involving more than ethics. Game protection policies have not been homogeneous and do not derive from a single cause. On the contrary, they are contradictory and paradoxical and have been shaped more by extrinsic social, economic and political circumstances than by deliberate protectionist intentions.

Since no standard terminology relating to the history of nature protection in southern Africa exists, it is necessary to define some of the

²⁹ In his diary of 1935, Stevenson-Hamilton mentions that, while researching South African Eden, he visited the archives in Pretoria and interviewed the Chief Archivist; S-HA, Diary entries 18 and 20 May 1935.

³⁰ One particular error concerns the date in which game reserves were first mentioned in the Volksraad of the Transvaal. The incorrect date (1884) has been traced through many later accounts; see Chapter 4.

terms employed in this study. In preference to either 'conservation' or 'preservation', game 'protection' or game 'saving' is used. This has been done because although often used loosely and interchangeably 'preservation' and 'conservation' have specific and distinct meanings.³¹ Conservation³² is the managing and utilization of any resource in such a way as to ensure its perpetuation. It is frequently referred to as 'wise' usage because the aim is to restrict exploitation to a sustainable level and to crop only the excess of the resource - this being the doctrine of 'sustainable yield'.

Conservation reinforces material values of a utilitarian nature, and is determinedly against waste; for these reasons it is often considered to be 'liberal' in concept.³³ Preservation, on the other hand, is the identification of a natural resource and the prevention of any active interference. Since the practice is conservative, it is sometimes thought to be wasteful. Non-material values are elevated by the preservationist ethic above more utilitarian concerns:³⁴ values such as allowing nature to take its

³¹ D. Lowenthal, 'Nature and the American creed of virtue', Landscape 9(2), 1959-1960, p.24.

³² 'Conservation' was first used officially in 1907 by the United States Chief Forester Gifford Pinchot who had learnt that government forests in India were called 'conservancies': see C. Zurhorst, The Conservation Fraud (New York, 1970), p.4. However, R.F. Dasmann suggests that the term was coined by President Theodore Roosevelt in 1908: see Dasmann's Environmental Conservation (New York, 1976), p.4. L.C. Mitchell, Witness to a Vanishing America: The Nineteenth Century Response (Princeton, New Jersey, 1981), quoting J.F. Reiger, American Sportsmen and the Origins of Conservation (New York, 1975), suggests that it had been used almost a decade earlier by G.B. Grinnell, an influential east coast sportsman and founder of the journal Forest and Stream.

³³ I. Burton and R.W. Kates, eds, Readings in Resource Conservation and Management (Chicago, 1965), p.200.

³⁴ *Ibid.*, p.200, p.227. This idea is also expressed by L.C. Irland in Chapter 1 of Wilderness Economics and Policy (Lexington, 1979).

course, admitting a moral responsibility towards nature and thus passing on to a future generation a heritage unchanged,³⁵ and indulging in recreation. Despite these differences between them,³⁶ the main principle involved in both 'conservation' and 'preservation' is the affording of some kind of safeguard to a resource, and it is for this reason that the term 'protection' is used when the more limited terms are not specifically required.

Another difficulty arises in the vocabulary used when referring to wild animals. Both the English word 'wild' and the Dutch 'wild' are obviously derived from the same Teutonic stem. Although the exact etymology is unknown, 'wild' is probably connected with 'wold', meaning a 'forest' - the interpretation of this word denoting 'an uncivilized' state or 'in a state of nature'. However, 'wildness' or 'wilderness' can have no real meaning until there is another state with which to compare it. What might be called 'civilization' provides just such a comparative situation and technologically developed societies are thus better able to appreciate the distinction between wild and non-wild states.³⁷ 'Wild' animals comprise all those creatures which have not been domesticated. Strictly speaking, the term 'game' ought to be reserved for animals which are hunted for amusement or sport, but a problem arises in the southern African context because there is no such distinction in the Dutch or Afrikaans languages; there 'wild' is used interchangeably for both 'game' and other 'wild' animals.

³⁵ E. Partridge, ed., Responsibilities to Future Generations: Environmental Ethics (New York, 1981), p.6.

³⁶ Burton and Kates, Readings in Resource Conservation, p.200, p.227; F. Graham, Man's Dominion: The Story of Conservation in America (New York, 1971), p.xi.

³⁷ R. Nash, Wilderness and the American Mind (New Haven, Connecticut, 1967), p.xiii.

This study restricts itself to protectionist endeavours in respect of wild animals and does not attempt to survey similar actions in respect of the whole of the natural environment. Particular attention is devoted to those species which were hunted for food, trade, scientific interest, pleasure, or for the protection of domestic stock. Although attitudes to the entire natural world symbolize cultural values to some degree,³⁸ attitudes towards mobile creatures have been selected here because they differ from those towards the soil or plant life, in being far more emotional and complex.³⁹ Human desires, wishes and fantasies (particularly those of power or dominance) are often projected onto animals,⁴⁰ and the relationships between man and animal therefore reflect to a significant degree important features of the culture and society in which they evolve.⁴¹

III

The latter half of the nineteenth and the early part of the twentieth century was a crucial period in the crystallization of game protection in the Transvaal. In other parts of the world too, it is not coincidental that wildlife protectionism and the closing of expansionist frontiers took place

³⁸ R. Attfield, The Ethics of Environmental Concern (Oxford, 1983), p.148.

³⁹ K. Thomas, Man and the Natural World: Changing Attitudes in England, 1500-1800 (London, 1983) is probably the most useful exposition of the historical relationship between man and animals.

⁴⁰ J. Benson, 'Duty and the beast', Philosophy 53, 1978, p.541; A. Graham, The Gardeners of Eden (London, 1973), p.22.

⁴¹ Fuggle and Rabie, Environmental Concerns in South Africa, p.191.

contemporaneously.⁴² Despite the damage to wildlife perpetrated by indigenes, it was only with intrusion into the interiors of continents by whites that wild animals in any part of the world became seriously depleted. Due to their more sophisticated technology, Europeans were able to exploit the natural environment to a far greater degree than were the indigenes.

The nineteenth century witnessed the spread of industrialization in Europe which devoured much of the countryside, depriving wildlife of some of its last refuges. In Australia and New Zealand, settlers travelled into the land-mass interior with sheep and cattle, displacing or killing much of the fauna as they did so.⁴³ At the same time in North America the large numbers of pioneers and settlers who moved westwards put pressure on areas which had until then been wilderness. The penetration of the interior of southern Africa by whites also occurred at this time and the abundant wildlife sustained them. However, this period also saw the genesis of serious protectionist measures in many parts of the world, as governments imposed ever-increasing limitations on the use of natural resources and set land aside for the purposes of protecting areas of scenic beauty or specific forms of natural life.

South African protectionism followed a course similar to that in the rest of the world. Until the nineteenth century, European settlement in southern Africa had been confined to the Cape where the number of game

⁴² As pointed out by I.G. Barbour, ed., Western Man and Environmental Ethics (Reading, Massachusetts, 1973), p.37; D.L. Capone, 'Wildlife, man and competition for land in Kenya: a geographical analysis' (Ph.D. thesis, Michigan State University, 1972), p.27.

⁴³ L.J. Webb, et al., The Last of Lands: Conservation in Australia (London, 1970) and G. Wynn, 'Conservation and society in late nineteenth century New Zealand', New Zealand Journal of History 11(2), 1977.

animals had declined steadily; by the late eighteenth century⁴⁴ the supply in the eastern Cape had been almost exhausted.⁴⁵ Although some might have mourned the passing of the game, the real effect of its extermination was recorded in this period only by Sparrman - probably the first to publish a southern African ecological statement - who realized that 'the animals which occur only in Africa are, in my opinion, as much designed for the plants peculiar to this climate as the plants are for the animals ... The African colonists ought to take it into serious consideration whether by extirpating the game they are not in reality laying waste their country.'⁴⁶

For many centuries before European penetration of the subcontinent, the region's wide variety of wildlife was utilized by humans, and hunting and gathering groups, for example, were totally dependent on game for both meat and domestic products.⁴⁷ Societies with broader economic bases supplemented their agro-pastoral activities by hunting wild animals and trading extensively in game products. Traditional methods of hunting varied from chasing lions off a kill⁴⁸ to the use of spears, poisons and snares. By the

⁴⁴ R.J. Gordon commented in 1785 that the Groot Paardeberg Mountain took 'its name from the large numbers of wild horses or zebra which formerly frequented it, but now there may be [no more than] four or five, since they have trekked away or have been killed': see, The Gordon Collection, The Brenthurst Library, MS107/4.

⁴⁵ M. Wilson and L.M. Thompson, eds, The Oxford History of South Africa, vol. 1 (Oxford, 1969), p.254: this is the evidence of John Barrow. See also J. Peires, The House of Phalo (Johannesburg, 1981), p.163; and C.J. Skead, Historical Mammal Incidence in the Cape Province, vol. 1: The Western and Northern Cape (Cape Town, 1980), passim.

⁴⁶ Quoted in Wilson and Thompson, Oxford History, vol. 1, p.254.

⁴⁷ Wilson and Thompson, Oxford History, vol. 1, p.165.

⁴⁸ W.F. Lye, ed., Andrew Smith's Journal of his Expedition into the Interior of South Africa, 1834-1836 (Cape Town, 1975), p.193.

use of concealed game traps - some of sophisticated construction and others involving the utilization of swamps and cliffs - blacks were able to capture or kill large numbers of animals.⁴⁹ Evidence regarding an articulated philosophy of conservation or 'wise use' among pre-colonial societies is fragmentary and seems to be confined to hunter-gatherers and not to extend to agro-pastoral groups.⁵⁰ In any event, the relative quantity of game to the small population of hunters had ensured that extermination on a mass scale did not occur. Indeed, it is highly probable that, like precolonial Amerindians, indigenous southern Africans of the same period had no articulated protectionist structures and were limited in the amount of environmental destruction they could cause mainly because of the restraints of their technology and paucity of markets.⁵¹

In addition to their role in satisfying the material needs of African society, wild animals were also symbolic as clan totems and manifestations of power.⁵² Among the southern Tswana for example, an annual ritual hunt of wild

⁴⁹ There are many recorded observations of African game traps and the technology which blacks utilized in catching wild animals; see, for example, Lye, Andrew Smith's Journal, p.267; Wilson and Thompson, Oxford History, vol. 1, pp.48-49; M. Hall, 'Shakan pitfall traps: hunting technique in the Zulu Kingdom', Annals of the Natal Museum 22(1), 1977.

⁵⁰ See, for example, G.B. Silberbauer, Hunter and Habitat in the Central Kalahari Desert (Cambridge, 1981), p.78, p.120, pp.291-292, and A. Wannenburg, et al., The Bushmen (Cape Town, 1979), photograph number 28.

⁵¹ A market generally existed for ivory, although even this was not always stable. In Wilson and Thompson, Oxford History, vol. 1, p.148, mention is made of ivory going to waste for want of a market. The Amerindian experience is dealt with in C. Martin, Keepers of the Game (Berkeley, 1978).

⁵² See, for example, B.H. Dicke, 'The Northern Transvaal Voortrekkers', AYB, 1941, I, p.140, where elephant is mentioned as being the royal game of the Hlekané; also Wilson and Thompson, Oxford History, vol. 1, p.115, p.179, p.251. Contemporary accounts of the royal prerogative can be found in H.H. Methuen, Life in the Wilderness or Wanderings in South Africa (London, 1846), p.138, and Lye, Andrew Smith's Journal, p.280.

animals took place each winter. Although the meat obtained in this way was divided among members of the group, it was the wealthy who organized the hunt and who acquired the hides, feathers and ivory.⁵³ The degree to which various animals were considered sacred by primal peoples is more difficult to determine since modern scholarship cannot easily replicate the value systems of the past.⁵⁴ Hunting was often regarded as a sporting activity⁵⁵ and there is abundant evidence that game played a major role in the cultural activities of pre-colonial societies on the subcontinent: this is seen in art, dance, song and other pursuits. The role of wildlife in spiritual ritual, as expressed in rock paintings and engravings, is increasingly emphasized by archaeologists.⁵⁶

From their first encounter with the wildlife at the Cape, the employees of the Dutch East India Company (VOC) exploited many species. Some of these provided food,⁵⁷ while others were used for income-generating projects. In May 1652, for example, Van Riebeeck considered capturing 'civet cats,'⁵⁸ presumably for their musk, and in the following month whales were killed for

⁵³ K. Shillington, The Colonisation of the Southern Tswana, 1870-1900 (Johannesburg, 1985), p.11.

⁵⁴ J.H. Vest, 'Nature awe: historical views of nature', Western Wildlands 9, Spring 1983, p.39.

⁵⁵ Wilson and Thompson, Oxford History, vol. 1, p.110.

⁵⁶ See, for example, J.D. Lewis-Williams, The Rock Art of Southern Africa (Cambridge, 1983).

⁵⁷ H.B. Thom, ed., Journal of Jan van Riebeeck, vol. 1 (Cape Town, 1952), p.34.

⁵⁸ Ibid., pp.37-38. No true civets occurred in the Cape, but two species of genet are indigenous. Both the large-spotted genet (Genetta trigrina) and the small-spotted genet (G.g. felina) look much like civets and were mistaken for these animals by the early settlers: see Skead, Historical Mammal Incidence, p.75.

their oil.⁵⁹ In September six seals were slaughtered also for their oil,⁶⁰ and at the same time sealskin appeared to be equally profitable.⁶¹ Not all wild animals were hunted because they were economically productive; some were seen as a threat to domestic stock⁶² and were destroyed for that reason. Trading in game products with indigenous societies also began at this time. In October 1652 a number of ostrich and three elephant tusks were obtained as a result of barter with the Khoikhoi.⁶³ From then on such products were eagerly acquired by them whenever possible.

The first protectionist measures were enacted at the Cape in 1654, merely two years after the foundation of the settlement. The small group of VOC employees had wrought so much damage to the penguin population on nearby Robben Island - the birds were salted in the same manner as herrings - that Van Riebeeck decreed that 'In order to prevent the islands from being rendered altogether devoid of these birds, we gave orders that henceforth instead of thrice daily, food should be served only twice...'⁶⁴

One of the principles of law imported into southern Africa from Europe with white settlement is that while domestic animals constitute private property, ownership cannot be vested in wild animals. Therefore wild animals have the status of res nullius and possession of them can only occur once an

⁵⁹ Thom, Journal of Jan van Riebeeck, vol. 1, p.48.

⁶⁰ Ibid., 15 September 1652, p.59.

⁶¹ Ibid., 5/6 November 1652, p.97.

⁶² Ibid., 25 December 1652, p.119.

⁶³ Ibid., 19/20 October 1652, p.75.

⁶⁴ Ibid., 14/15 April 1654, pp.229-230.

animal has been killed or captured.⁴⁵ For this reason there has been no private law protection of wild animals and protection can only be accomplished by the state through special legislation.⁴⁶ Wildlife protectionism therefore largely reflects the attitudes of the dominant group responsible for law-making.

Following upon the first conservationist edict of 1654, measures to protect game were periodically passed in the Cape, and by the mid nineteenth century this type of legislation had become fairly extensive. It had also, however, been singularly unsuccessful in restricting the excessive killing of game. Under pressure from hunting and trading, both of which activities were vital to the continuation of colonial endeavour,⁴⁷ two species had become extinct during the nineteenth century, the blue antelope (Hippotragus laucophaeus) and the quagga (Equus quagga), and most others had become seriously depleted in number.

Although the Cape fauna had been badly damaged, game in the interior of the region survived almost unthreatened until the nineteenth century. When the frontier expanded then, and numbers of whites travelled northwards and eastwards away from the Cape, they were astounded at the variety and abundance of wildlife they encountered. In the territories which were later to become the Transvaal, Natal and the Orange Free State, there existed herds

⁴⁵ G. Wille, Principles of South African Law (Cape Town, 1956), p.169.

⁴⁶ Rabie, Environmental Legislation, p.53. See also C.C. Trench, The Poacher and the Squire: A History of Poaching and Game Preservation in England (London, 1967), p.21; S.I. Burr, 'Towards legal rights for animals', Environmental Affairs 4(4), 1975, p.208.

⁴⁷ D. Moodie, comp. and ed., The Record, or a Series of Official Papers Relative to the Condition and Treatment of the Native Tribes of South Africa, (Amsterdam, 1960), part 1, p.54; P.J. van der Merwe, Die Trekboer in die Geskiedenis van die Kaapkolonie (Cape Town, 1938), pp.43-47.

of springbok, buffalo, wildebeest and zebra consisting of thousands, sometimes hundreds of thousands, of animals.⁴⁸

IV

This thesis is a regional study which critically traces the development of a protective policy towards wild animals in the Transvaal from about the mid nineteenth century when white settlement there commenced, until the mid 1920s when the first national park in South Africa was established. The Transvaal is a unique and informative field for such an investigation because wildlife formed a focus for the divergent interests of blacks, Afrikaners and British. In addition, protectionist strategies can be evaluated against the background of the rapid and pervasive socio-economic changes which occurred during that period.

The aim is to identify and scrutinize some of the legal provisions and the administrative policies, as well as the prevailing ideas, attitudes and beliefs relating to protecting wild animals; to consider what forces were influential in shaping these attitudes and policies and to examine the groups and individuals expounding them. Because whites in the Transvaal both threatened the continuing survival of wild animals and formulated and enforced deliberate protectionist policies, it is this group which receives particular attention. An important dimension of the study is to show how the

⁴⁸ W.C. Harris, Portraits of the Game and Wild Animals of Southern Africa (London, 1840), p.10 et passim; Methuen, Life in the Wilderness, p.52; TA A17, J.F. Churchill Accession, p.3; J. Stuart, De Hollandsche Afrikanen en hunne Republiek in Zuid-Afrika (Amsterdam, 1854), p.224; J. Sanderson, Memoranda of a Trading Trip into the Orange River (Sovereignty) Free State and the Country of the Transvaal Boers (Pretoria, 1981), p.238 and J. MacQueen, 'Journey from Inhambane to Zoutpansberg by Joaquim de Santa Rita Montanha', Journal of the Royal Geographical Society 32, 1862, p.64.

protection of wildlife in the Transvaal context played a role in alienating the poor from nature and how it has also been one of the means by which blacks have been dispossessed of the land and its resources. In this way, game protection has formed yet another strand in the evolution of social and class stratification in the country.

Since there is a vital connection between the economic system and the protection of the natural environment, an enquiry into the material underpinnings of wildlife protection is also undertaken. The economy of a country is shaped in no small measure by its natural resources, but what is significant is not only how the exploitation of the environment shapes the economy but also what economic and other impulses induce man to preserve portions of the unspoilt natural environment.

Many arguments in support of game protection in the Transvaal were advanced in the period under review. Some, broadly speaking, had a material base, while others were more idealistic, but there were often clear connections between them. Conservationist arguments were prompted by material considerations and these stressed the protection of game so that it could continue to be utilized as an economic asset. Arguments of a more idealistic nature (often, but not always preservationist), encompassed the aesthetics of wild nature, the sentimental attachment to a rural past, an escape from the pressures of modern urban living, and nationalism as expressed symbolically

in terms of the landscape. However, avowed attitudes were not always closely related to patterns of behaviour, nor were motives easily identified.⁴⁹

The protectionist policies of three successive political regimes in the Transvaal are investigated. Great diversity characterized the game protectionist perceptions of Transvaalers, whether as members of the government or as private citizens, whether resident or visitor, rural or urban, bourgeois or working class. Indeed, attitudes to wild animals form a useful indicator to class stratification, or at least of class aspirations. In identifying the dominant attitudes to wildlife protection over the period, a coincidence with other broad attitudes in the economic, social, and political fields can be found. Protectionism had a different emphasis and direction in the South African Republic prior to 1900 from that in the Transvaal Colony during the period 1900 to 1910. This in turn differed from the dominant ideology of the Union of South Africa and a shift occurred again in the mid 1920s. However, long-term continuities cannot be discounted.

The following four chapters analyse how perceptions of wildlife and measures for its protection were nurtured by notions of a limitless supply of game and its commercial importance to settlers and blacks in the region. Towards the end of the republican period increasing immigration from Europe, burgeoning industrialization, more rigid social stratification and a growing

⁴⁹ W.H. Bruvold, in 'Belief and behavior as determinants of environmental attitudes', Environment and Behavior 5(2), 1973, pp.204-205, defines 'attitude' as 'the general affective response to a denotable observable object' and 'belief' as a statement 'about existing states of nature which the individual accepts as true or factual', while an 'ideology' comprises a system of ideas. For an exposition of the frequent lack of any relationship between ideas, attitudes and beliefs and observable behaviour, see D.E. Tarter, 'Attitude: the mental myth', American Sociologist 5(3), 1970, pp.273-275. See also J.M. Powell, Environmental Management in Australia, 1788-1914 (Melbourne, 1976), pp.5-6.

emphasis on the recreational value of game hunting, combined with various natural disasters to produce shifts in both opinion and policy. Before 1900 in the Transvaal a pattern of prohibitive policy was thus well advanced.

Between 1900 and 1910 the Transvaal was a British colony and game protectionism was moulded by forces relating to imperialism, capitalist development, urbanization and the desire to obstruct commercial and subsistence hunting. Two chapters are devoted to this decade, one discusses hunting legislation, the other relates to game reserves.

In the penultimate chapter it is shown how game protection in the Transvaal was affected by the concerns of the national state which was established in 1910 and how, by the mid 1920s, the game reserves of the eastern Transvaal provided an avenue for Afrikaner nationalist fervour and common ground for whites generally. The final chapter provides a conclusion.

CHAPTER 2

HUNTERS, SETTLERS AND GAME PROTECTION TO 1858

I

The superabundance of wildlife was one of the greatest attractions of the hinterland and proved a major catalyst for naturalists, sportsmen and settlers from the Cape to venture into the Transvaal in the nineteenth century.¹ Within a generation this natural resource had become the basis of the frontier economy and had also transformed European - particularly British - perceptions of the African interior. The first formal game protectionist measures, initiated in 1846, were rudimentary and ineffective. They were not an alien importation into the Transvaal but reflected the particular circumstances of the locality and the time. Since the teeming herds of wild animals appeared to be inexhaustible and were of value for both commerce and recreation, the embryonic game saving strategies which emerged were based on conservation or 'wise usage' rather than preservationist principles. In these early years certain attitudes concerning wild animals became prevalent but game was also crucial to shaping human relations in the region.

Although an expedition from the short-lived VOC station at Delagoa Bay had entered the Transvaal from the east in 1725,² it was from the south and only in the nineteenth century that the main thrust of white penetration

¹ H. Lamar and L. Thompson, eds., The Frontier in History: North America and Southern Africa Compared (New Haven, Connecticut, 1981), pp.80-81; Van der Merwe, Trekboer in die Geskiedenis, p.47.

² W.H.J. Punt, The First Europeans in the Kruger National Park (Pretoria, 1975); W.H.J. Punt, 'Die verkenning van die Krugerwildtuin deur die Hollandse Oos-Indiese Kompanje, 1725', Koedoe 1, 1958, pp.1-18.

began. Cape society had been expansionist in character from the earliest years of settlement. There are many reasons why the colony, which the VOC had intended to be restricted in area and founded on intensive cultivation, came to spread itself over a very large area and altered its economic base to that of extensive farming. Away from the coastal towns the use of wildlife enabled frontier pastoralists to conserve their cattle herds, which for the trekboers, as for the Khoikhoi, represented wealth. In addition, wild animals provided products, such as horns and hides, which were items of trade and also contributed domestic necessities.³ In the markets of Grahamstown and Fort Willshire, for instance, ivory and skins commanded high prices and the supply of these commodities was continuously augmented by hunting deeper and deeper into the interior.⁴ Well established trade routes through southern Africa facilitated this mercantile expansion.⁵

Early visitors to the Transvaal formed the vanguard of an expanding colonial frontier, and although their reasons for immigration were almost as varied as the men themselves, there can be no doubt of the importance of the acquisition of game products in this process. Preceded by groups of Griqua and Bastards, the first European visitors to the Transvaal were trekboers, traders, explorers and missionaries. Although many early travellers to the Transvaal left no record of their experiences, some did, and their writings celebrate the wonders of an area filled with wild animals, a phenomenon in such contrast to Europe or even to the Cape.

³ P.J. van der Merwe, Trek (Cape Town, 1945), pp.14-15.

⁴ Wilson and Thompson, Oxford History, vol. 1, p.242.

⁵ Ibid., pp.149-153.

The topography of the Transvaal did not hinder colonial expansion. A very high central plateau gently descends on the western side but forms an abrupt escarpment on the east, dropping into the lowveld which, although broken by the Lebombo Mountains, extends into the coastal plain of Mozambique. Much of the terrain is fairly level and lacks impediments such as large rivers or extensive forests.⁶ Nonetheless, some parts are rugged and inhospitable or broken by isolated mountain ranges. The climate and vegetation of the Transvaal vary. Temperate grasslands in the south-central region give way to bushveld in the north.⁷ Rainfall occurs in summer and decreases from east (750mm+) to west (375-750mm).

Although geographical features did not deter exploration, other natural hazards in parts of the region initially inhibited white expansion and settlement. The tsetse fly (Glossina spp.) was the main vector in the Transvaal of nagana, a protozoal disease which was invariably fatal to domestic stock and sometimes to humans.⁸ The presence of tsetse fly might have influenced the patterns of migration of African clans;⁹ it was certainly crucial in determining the routes followed by early white explorers and settlers.¹⁰ The range of the tsetse fly was not static, but expanded and contracted at different times. In the first part of the nineteenth century

⁶ N.G. Pollock and S. Agnew, An Historical Geography of South Africa (London, 1963), p.108.

⁷ J.P.H. Acocks, Veld Types of South Africa (Pretoria, 1975).

⁸ Brown, History of Scientific Endeavour, p.174.

⁹ B.H. Dicke, 'The tsetse fly's influence on South African history', South African Journal of Science 29, 1933, p.794.

¹⁰ Dicke, 'The tsetse fly's influence', p.795; C. Fuller, Tsetse in the Transvaal and Surrounding Territories: An Historical Overview (Pretoria, 1923), p.7, p.23, p.59, p.126.

the tsetse fly zone was horseshoe-shaped around the central highlands of the Transvaal covering some 62 000 sq.km and varying in width from 40km to 100km.¹¹ During the course of the nineteenth century, the zone contracted both from the south and from west to east, and by the 1890s the tsetse fly had almost disappeared except in a small portion of the eastern lowveld. Tsetse fly was totally eradicated from the Transvaal in 1896 when the epizootic of rinderpest decimated both domestic stock and game.¹²

Another pernicious disease which impeded expansion was African horsesickness, a virus found in some midges of the genus Culicoides.¹³ Although small numbers of horses gained immunity from horsesickness, most of them died from its ravages. Horsesickness, like nagana, was more common in the summer months than in the winter.¹⁴

While nagana and horsesickness presented dangers to stock, malarial fever was a human disease transmitted by the bite of the Anopheles mosquito which discouraged people from settling in the more tropical areas of the Transvaal. It has been suggested that a more virulent strain of malaria existed in the eastern parts of the region than in the north and west.¹⁵ Malaria was not always fatal and some African groups were able to coexist

¹¹ Fuller, Tsetse in the Transvaal, pp.317-318.

¹² Ibid., p.350, p.372.

¹³ Brown, History of Scientific Endeavour, p.177.

¹⁴ P. Naude, 'Boerdery in die Suid-Afrikaanse Republiek, 1858-1899'. (D. Litt. thesis, University of South Africa, 1954), pp.13-14.

¹⁵ Fuller, Tsetse in the Transvaal, p.338.

with the mosquitoes.¹⁶ In addition, malaria was only rife in summer when rain-pools formed breeding grounds in which Anopheles could flourish.

The existence of these diseases determined that certain portions of the Transvaal, principally in the north, north-west and east, would remain unsuitable for permanent white settlement for some decades.

II

As indicated earlier, southern Africa had for many years been an inspiration to naturalists. It is therefore not surprising that one of the first formal expeditions from the Cape to the Transvaal should have been mounted by a scientific body, the South African Literary and Scientific Institution. Between 1834 and 1836 the Institution dispatched a north-bound party under the leadership of Dr Andrew Smith, the Director of the South African Museum in Cape Town. Although their primary tasks were of a political, geographical and ethnographical nature, Smith and his large, well equipped group were also asked to report on matters of botanical interest. Significantly though, there was no specific mention of the study and collection of zoological specimens in the instructions issued by the Institution. This might have been because the wealth of the Transvaal fauna was not yet generally appreciated by the scientific fraternity. Nevertheless, Smith did make some comment on animal life in the Transvaal, comparing its abundance in the north with the relative paucity of animals in the Cape from where, for instance, hippopotamus had disappeared completely.¹⁷ Smith's interest in wildlife was solely taxonomic

¹⁶ Dicke, for example, states that Hlekane's people were immune from the disease, although this may, of course, be a tribal myth: see 'The tsetse fly's influence', p.139.

¹⁷ Lye, Andrew Smith's Journal, p.255.

and he recorded little information about animal social behaviour or general biology.¹⁸ He was impressed by the ability of blacks in the western Transvaal to identify animals and to distinguish between the two species of rhinoceros which occurred.¹⁹ He also noted sophisticated African use of dogs and traps in hunting.²⁰

At the time of Smith's visit, the difaqane was altering the pattern of indigenous settlement in the Transvaal region appreciably, but the large black population, although dispersed and unsettled, was not averse to trading with visitors. Smith's party engaged in some bartering,²¹ but the preoccupation of the expedition was not with commercial matters.²² The attitudes towards wild animals which Smith and his expedition displayed were, generally speaking, objective and scientific. Smith did not kill for pleasure, nor was he wasteful of game, confining his shooting to the number required for museum specimens or food.²³ Despite his important observations on the natural history of the interior of southern Africa, Smith's influence on attitudes towards wildlife was minimal. His journal of his visit to the

¹⁸ Ibid., p.225, p.248, p.253.

¹⁹ These were Diceros bicornis and Ceratotherium simum; see Lye, Andrew Smith's Journal, pp.213-214.

²⁰ Lye, Andrew Smith's Journal, p.188, p.249, p.267.

²¹ Brown, History of Scientific Endeavour, p.15. Two traders, Robert Schoon and William McLuckie, accompanied Smith on his travels. Both men had probably previously journeyed to the Transvaal on numerous occasions.

²² Lye, Andrew Smith's Journal, pp.295-297.

²³ One member of Smith's group, the young John Burrow, seems, however, to have shot a considerable number of wild animals, particularly rhinoceros: see P.R. Kirby, ed., John Burrow: Travels in the Wilds of Africa being the Diary of a Young Scientific Assistant who accompanied Sir Andrew Smith in the Expedition of 1834-1836 (Cape Town, 1971), p.58.

Transvaal was not published for more than a century and his planned extensive ethnography was never published at all.²⁴

In the early decades of the nineteenth century, the wildlife of the Transvaal was not merely of interest to naturalists and traders. Only months after Smith's expedition, the first sportsman to record his impressions, William Cornwallis Harris, entered the Transvaal. A British military officer stationed in India, he had come to the Transvaal in 1836 on a hunting expedition in order to recuperate from an illness. Harris's visit was important because he so greatly influenced European perceptions of African wild animals. His interest in wild animals focused upon their utility as objects of sport hunting,²⁵ and not upon them in relation to natural history, subsistence or trade. Harris's attitudes were adopted by many people and modified the course of game saving in the Transvaal.

Harris's two books relating to this visit, Portraits of the Game and Wild Animals of Southern Africa²⁶ and The Wild Sports of Southern Africa²⁷ inaugurated a new literary genre. Because these publications were widely read, Harris indoctrinated a generation of sport hunters. In addition to possessing a gift for writing, Harris was an accomplished artist. His paintings and sketches of wild animals in their natural surroundings added

²⁴ Lye, Andrew Smith's Journal, p.4.

²⁵ The terms 'sport hunting' and 'market hunting' are employed to refer to the hunting of wildlife for sport or pleasure and for commercial gain respectively.

²⁶ London, 1840 and later editions.

²⁷ Wild Sports was first published in Bombay in 1838 under the title Narrative of an Expedition from the Cape of Good Hope to the Tropic of Capricorn in the years 1836-1837. The second edition, called The Wild Sports of Southern Africa, was published in London in 1839. Numerous editions followed.

greatly to his stature as a recorder of Africa and provided an additional dimension to lure the visitor to the sub-continent.

Much of the imagery and terminology to be found in Harris's work was adopted by his literary and sporting successors. Harris claimed to worship at the altar of Diana,²⁸ the chaste goddess of hunting, and the sexual imagery regarding the pursuit and subjugation of beautiful animals cannot be mistaken. Harris also linked sport with war, regarding his hunting activities in southern Africa as a military engagement. Wild animals constituted the enemy against which Harris mounted a 'campaign' and 'commenced hostilities' each day.²⁹ In describing herds of wildebeest and zebra, for instance, Harris wrote, 'the clatter of their hoofs was perfectly astounding and I could compare it to nothing but to the din of a tremendous charge of cavalry.'³⁰ The enemy, however, being 'noble' and brave, was a worthy one.³¹ As in the vanquishing of any human enemy, Harris's real joy came in demonstrating his superiority and in humiliating the foe. Wild animals were most desirable at the moment they were 'humbled'³² and the ultimate aim was possession and death.³³ When Harris killed his first giraffe, he 'sank exhausted beside the noble prize [he] had won.'³⁴ However, as the ideals of nobility and bravery

²⁸ Harris's Portraits of the Game was dedicated to Diana.

²⁹ Harris, Portraits of the Game, p.83, p.89, p.117. See also S. Gray, Southern African Literature: An Introduction (Cape Town, 1979), p.98.

³⁰ Harris, Wild Sports, p.60.

³¹ For example, see Harris, Portraits of the Game, p.31, p.74, p.94, p.121.

³² Ibid., p.41, p.75, p.84 provide examples of this.

³³ Ibid., p.93. These sentiments are also expressed throughout Harris's Wild Sports.

³⁴ Harris, Wild Sports, p.197.

to which Harris alluded were known to him but not to the animals concerned, the 'magnificent' deaths he graphically described were simply a biological reality for his victims.³⁵

The publicity which Harris generated for the wildlife of the Transvaal soon brought other sportsmen in his wake. In the late 1840s and early 1850s, for instance, there were H.H. Methuen,³⁶ Roualeyn Gordon Cumming and Thomas Baines.³⁷ Of these, Cumming was a particularly competent salesman for the African hunt and he capitalized upon his visits to southern Africa. Not only did he write extensively, he also profited from exhibitions of his hunting trophies at the Crystal Palace in London and gave innumerable public lectures.³⁸ In the writings of these men, Harris's initial influence gained momentum and his views soon became crucial ingredients in the attitudes which developed towards game in the Transvaal.

Many sport hunters were educated men who, although not trained naturalists, had an interest in natural history. For example, rudimentary hints on the preservation of specimens were given to readers,³⁹ or lists of the animals which the sport hunter had encountered or killed were provided.⁴⁰

³⁵ R.A. Caras, Death as a Way of Life (Boston, 1970), p.112.

³⁶ Methuen's book was entitled Life in the Wilderness or Wanderings in South Africa (London, 1846).

³⁷ R.G. Cumming, A Hunter's Life in South Africa, 2 vols (London, 1850); T. Baines, Journal of Residence in Africa, 1842-1853, 2 vols (Cape Town, 1961-1964). Baines acknowledged that his enthusiasm for hunting in the Transvaal had been fired by Cornwallis Harris: see vol. 2, p.13.

³⁸ Cumming, Hunter's Life, vol. 1, p.x.

³⁹ J. Leyland, Adventures in the Far Interior of South Africa (London, 1866).

⁴⁰ Methuen, Life in the Wilderness, pp.246-247.

In addition, some early sportsmen were scientifically observant; Harris, for instance, was the first to describe the sable antelope.⁴¹

The long-term effect of the writings of Harris and others was to make known the hunting opportunities of the Transvaal. The superabundance of animals in the region seemed unbelievable to game-starved sportsmen of Europe. In Britain few people were able to hunt mammals at all. Enclosure and the industrial revolution had been instrumental in separating most Englishmen from all kinds of game, with the exception of very wealthy landowners who held large estates. The books of Harris, Cumming and others, thrilled the reading public of Europe with their exciting tales of pleasure in excessive killing.

During his visit to the Transvaal, Harris had abandoned any pretence of adhering to the well-established hunting ethics of Europe which were upheld by his own class of English gentleman. His hunting forays took on the proportions of shooting orgies during which he killed hundreds of animals, frequently leaving their carcasses to decay on the veld.⁴²

Methuen had also adapted his sporting ethics to the exigencies of the Transvaal hunt, examples of which included his shooting of what he called 'Namaqua partridges' as they drank,⁴³ taking ostrich eggs from under a sitting parent ostrich,⁴⁴ killing a rhinoceros calf as it ran behind its

⁴¹ Harris, Portraits of the Game, p.125.

⁴² Harris, Wild Sports, pp.171-172.

⁴³ Methuen, Life in the Wilderness, p.107. These birds were probably Namaqua sandgrouse, Pterocles namaqua.

⁴⁴ Methuen, Life in the Wilderness, p.124.

mother,⁴⁵ and deliberately setting the veld ablaze.⁴⁶ He wrote, 'the English sportsman will shrug his shoulders at such barbarism, but we were often constrained to shoot for food, and neglect conscientious qualms.'⁴⁷

The principal attraction of the Transvaal for most visiting sportsmen lay precisely in the fact that no hunting restrictions were imposed on them. There were no legislative or customary restraints on the sex or age or number of the animals which might be killed; hunters were free, too, from the interference of gamekeepers and did not have to consider the rights of property owners.

In addition to the delight in unrestricted killing, these sport hunters also enjoyed the exhilaration and glamour which went hand in hand with a land in which game was so plentiful.⁴⁸ Harris gloried in the wildness of the environment and insisted that the privations of southern African hunting were preferable to the luxury which accompanied such expeditions in India. Hunting African animals provided an opportunity to display one's manhood and restraint in killing would, in that context, have been considered cowardly. What the southern African landscape also offered as a great attraction to those in search of adventure was a 'savage loneliness'⁴⁹ and a 'freedom'⁵⁰ which were almost impossible to find in northern Europe.

⁴⁵ Ibid., p.222.

⁴⁶ Ibid., p.230.

⁴⁷ Ibid., pp.107-108.

⁴⁸ D.D. Lyell, ed., African Adventure: Letters from Famous Big-Game Hunters (London, 1935), p.194.

⁴⁹ Harris, Portraits of the Game, p.62.

⁵⁰ Ibid., p.89.

III

The preconceptions which emerged in the development of protectionism in the Transvaal owed much to the fact that the destruction of game was not perpetrated solely by temporary sojourners to the country. The Voortrekker maatschappy⁵¹ had emigrated from the Cape in the mid 1830s and it was not long before this group had gone a long way towards creating 'a vast new pioneering frontier'⁵² in the Transvaal. The attitudes towards wild animals expressed by this group, which was to settle permanently in the region, differed significantly from those of visiting sportsmen.

Two Voortrekker parties entered the Transvaal at about the same time, one under J.H.J. van Rensburg, the other under Louis Trichardt. Trichardt provided the first written account of Voortrekker penetration into the Transvaal. In his journal he often referred to the animals he encountered on the journey.⁵³ Trichardt was not, however, a naturalist and was not interested either in the scientific value of wildlife or in the sporting opportunities which it offered. Wild animals were of considerable economic importance to the Voortrekkers, as they had been to the trekboers before them. Like the trekboers, the Voortrekkers did not wish to over-utilize their precious herds of domestic stock for subsistence purposes and survival thus

⁵¹ The Voortrekkers referred to themselves as a 'maatschappy' (literally a 'company') prior to the formation of a Voortrekker state.

⁵² Lamar and Thompson, Frontier in History, p.82.

⁵³ T.H. le Roux, ed., Die Dagboek van Louis Trigardt (Pretoria, 1964), p.3, p.4, p.12, p.15, p.21, p.27, p.39, p.46 et passim.

necessitated the killing of game. Game meat formed the staple diet to such an extent that the Voortrekkers wearied of it.⁵⁴

As the frontier consolidated in the 1840s, the Voortrekkers created informal, indeed rival, polities in parts of the Transvaal where the threat from African chiefdoms was minimal or surmountable.⁵⁵ By 1850 more formal settlements had been established at Potchefstroom, Andries Ohrigstad, Schoemansdal, Lydenburg and Rustenburg.⁵⁶ Between 1849 and 1852 attempts were made to establish a united government for the Transvaal as a whole and in 1853 the name Zuid-Afrikaansche Republiek (South African Republic) was given to the region. Notwithstanding this step, or the fact that freedom from British control was confirmed by the Sand River Convention in 1852, the Voortrekker settlements remained factional. Lydenburg reasserted its independence in the years from 1856 to 1860 and civil disturbance continued until 1864.

Until 1846 the Voortrekker settlers of the Transvaal took no definite steps to protect wild animals. However, there is evidence of earlier protectionist policy by other Voortrekker parties. In 1837, for example, the Voortrekker leader Piet Retief instructed Field-Cornets to ensure that game was not killed unnecessarily, and to impose fines on anyone who did so.⁵⁷ In January 1846 the Volksraad of Andries Ohrigstad passed the first legal

⁵⁴ Dicke, 'Northern Transvaal Voortrekkers', p.89.

⁵⁵ Keegan, Rural Transformations, p.2.

⁵⁶ Potchefstroom was founded in 1838 and moved to its present site in 1842. The settlement at Andries Ohrigstad existed from 1845 to 1848. Schoemansdal and Lydenburg were founded in 1849 and Rustenburg in 1850.

⁵⁷ J.C. Chase, The Natal Papers (Grahamstown, 1843), vol. 1, pp.116-117.

instrument in the Transvaal relating to wild animals, thus establishing the principle that such concerns were the responsibility of the civil authority.

The first occasion on which a positive step is taken is frequently hailed as being progressive; it is not often that 'first' steps are retrogressive. Yet this was the case in the Transvaal in connection with game legislation. The Voortrekkers had emigrated from the Cape Colony with the express purpose of avoiding British laws which they considered placed constraints on their freedom of action. To judge from the rudimentary legislation which the Ohrigstad Volksraad enacted about wild animals, one such regulation which the Voortrekkers wished to escape from was the Cape game law. Had they remained in the colony, the Voortrekkers would have been subject to the sophisticated game legislation of 1822, modelled on British lines, which provided for special protection for elephant, hippopotamus and bontebok; a closed⁵⁸ season for certain other species of game; a prohibition on killing immature animals, stringent anti-trespassing provisions, and even an embryonic game reserve.⁵⁹

In contrast with the game protectionist legislation of the Cape, the resolution of the Ohrigstad Volksraad was essentially designed to allow the maximum number of people of the maatschappy to benefit from hunting a diminishing resource. The Ohrigstad decision was totally concerned with

⁵⁸ 'Closed season', rather than 'close season', is the phrase more commonly used today.

⁵⁹ Lord Charles Somerset, a keen sport hunter, took an active interest in game protection. On 21 March 1822 he issued a comprehensive proclamation relating to game. The 'game reserve' comprised government land at Groenekloof, near Malmesbury, the site of a Moravian mission station. All game in this area was to be 'considered as public property', and leaseholders at Groenekloof did not have rights to kill any wild animals, unless these were found destroying cultivated lands.

waste. It seems that certain wildlife was regarded by the law-makers as being necessary for subsistence and therefore worthy of protection from over-exploitation. Little theoretical analysis of the principle or philosophy of waste has been done, nor are there explorations of why wastefulness might be morally wrong. It is, however, obviously practical and efficient to use a resource 'wisely', but it is not often that consideration for the needs of future users actually influences those in the present. The wildlife of the Transvaal provided the basis of the early settler economy and legislation attempted to prevent actions which were perceived to threaten that economy. Principally, the resolution agreed to by the Ohrigstad Volksraad forbade the 'onverschilliege' (careless or reckless) destruction of certain animals and enjoined hunters to kill only sufficient for their own consumption. In addition, killing game for the sake of hides alone, was also prohibited. However, the amount deemed commensurate with a hunter's own consumption was not specified by the law. As hunting parties were often large, presumably the law attempted to take into account the varying requirements which were necessary for each group.

The law referred to 'useful game' without defining this term more closely.⁴⁰ It is, however, apparent that as far as many species were concerned, sustenance determined the principle of utility, and the acquisition of food and domestic items was the prime consideration. However, rhinoceros was specifically excluded from the category of useful game, and this raises a crucial point. Rhinoceros were indeed 'useful' animals on account of their horns, for which there existed a lively and lucrative trade,

⁴⁰ Minutes of the Volksraad of Andries Ohrigstad, Article 5, 21 January 1846: South African Archival Records: Transvaal [SAAR] (Cape Town, n.d.), vol. 1, p.29.

as was also the case with elephant tusks. The Ohrigstad legislators therefore drew a clear distinction between elephant and rhinoceros, which were the really valuable animals in terms of accumulating capital, and other species which were merely 'useful' for subsistence purposes or for the relatively small trade in hides conducted at that time. Professional hunting for elephant or rhinoceros which benefited the state was to be encouraged, rather than hampered and, for this reason, it was not curtailed.⁶¹

The attitude of the legislators concerning the role which wild animals played in the economy of Ohrigstad is also clear from a second resolution passed on the same day. In view of the growing commercial importance of animal products, the purpose of the second law was political: to restrict the hunt to Transvaalers alone. The resolution forbade foreigners ('niemand buiten onze maatschappij') to hunt in the Ohrigstad district and deemed one of their members to have committed an offence if he provided assistance to such an enterprise. A heavy fine of 500 rixdollars was prescribed for infringing this resolution, together with confiscation of all the products of the hunt.⁶²

Many possible reasons can be advanced for the introduction of such resolutions at this time. Before 1852 there was a profound fear that the presence of British traders and the existence of fragmented Voortrekker

⁶¹ Such a distinction had also been drawn in the Cape Colony at the beginning of the nineteenth century, when the Batavian government, like the government of Ohrigstad, prospered from the ivory trade: see Van der Merwe, Trek, p.28.

⁶² Minutes of the Volksraad of Andries Ohrigstad, Article 3, 21 January 1846: SAAR, vol. 1, p.29.

groups⁶³ would encourage Britain to annex the region, and the de facto independence which the Voortrekkers had attained would be lost. The fear of strangers might also have been due to economic reasoning that foreign hunters and traders were depriving Transvaalers of game products and therefore of their livelihood. In addition, the Boer community might have been apprehensive of the application of more sophisticated mercantile acumen than their own to the ivory trade. Moreover, the Voortrekker maatschappy considered that it had cause to be wary of foreigners who, in the guise of hunters and traders, actively traded arms and ammunition with African clans.⁶⁴ The Ohrigstaders might therefore have thought that by supplying guns to African polities, foreigners were threatening the physical security of the maatschappy.

Evidence seems to indicate that the Volksraad of Ohrigstad had good cause to be concerned about the wasteful attitudes of the maatschappy. Methuen castigated a party of Boers who took from a freshly killed elephant only the thin layer of fat and lean meat coating the ribs, leaving the rest of the massive carcass to the vultures. The Boers told him that they would be prepared to kill more elephants solely for the sake of the same delicacy.

⁶³ In 1847 the Ohrigstad Volksraad strictly forbade anyone to go on a hunting expedition or to make a journey which would last longer than a year, without obtaining the permission of the Landdrost or from a Field-Cornet; the latter would only have given their consent if the journey had been deemed absolutely necessary. This law seems to have been promulgated to prevent the community from spreading and consequently fragmenting. To set a date of return at mid winter, the height of the hunting season and the least probable time for the contraction of malaria, does not take into account either the bounty of the hunters or the health of the population. See Minutes of the Volksraad of Andries Ohrigstad, Article 4, 14 May 1847: SAAR, vol. 1, p.69.

⁶⁴ Letter to Cathcart, 22 October 1852, in D.W. Krynauw and H.S. Pretorius, Transvaalse Argiefstukke: Staatsekretaris Inkomende Stukke, 1850-1852 (Pretoria, 1949), p.252.

When Methuen pointed out that to slaughter an animal for the sake of one small item of food was extremely wasteful and would diminish the game upon which the new settlers were so utterly dependent, he received the reply that the supply was inexhaustible. Methuen predicted that should they abide by such a plan of extermination, the Transvaalers would rue their folly, for even if the unlikely event occurred and numbers did not diminish, the wild animals would certainly retreat into inaccessible areas.⁶⁵

Ethical considerations may also have played some part in the exploitation of game in the Transvaal at the time. In southern Africa, the over-exploitation of the wildlife resource had never been considered by the public to be a serious criminal offence.⁶⁶ The religion of the Voortrekkers was based upon the writings of the Old Testament,⁶⁷ in which wildlife was not deemed to be sacred.⁶⁸ On the contrary, Nimrod was actually graced by God on account of his hunting prowess.⁶⁹ Calvinism, the religion of the Voortrekkers, reinforced the ascendancy of man over nature. It has even been suggested that it was immoral and unpatriotic not to have participated in market hunting at that time, because it was so beneficial to all the

⁶⁵ Methuen, Life in the Wilderness, pp.221-222. One assumes that before consuming the delicacy, the Boer party had first removed the tusks from the elephant.

⁶⁶ Van der Merwe, Trek, p.12.

⁶⁷ Wilson and Thompson, Oxford History, vol. 1, p.109.

⁶⁸ J. Passmore, Man's Responsibility for Nature (London, 1980), p.9.

⁶⁹ Genesis 10:8-9.

inhabitants of the country.⁷⁰ Market hunting had the added advantage of clearing the land of wild animals, thus encouraging agriculture. In his Memoirs, Paul Kruger (later to become President of the Transvaal) wrote, 'Every Boer took an active part in this work, and the rising youth ... did a great deal in this way to make the country habitable.'⁷¹

Enjoyment was not completely absent from the manner in which professional hunters obtained their livelihood. These men were accompanied by their families when they went out to hunt for long periods during the winter months.⁷² Rivalry also existed among them in obtaining the largest and most valuable elephant tusks. This chauvinism, mentioned by the trader John Churchill in 1856,⁷³ introduced an element of sport into what would otherwise have been merely a commercial process of mass extermination. However, hunting could also be hazardous. In 1858 two hunters were killed in accidents in the northern Transvaal, while several others never returned, and yet others contracted fever and died.⁷⁴

⁷⁰ F.V. Engelenburg, 'n Onbekende Paul Kruger (Pretoria, 1925), p.23. Engelenburg claims that one of the first nationalistic actions performed by the young Paul Kruger was his killing of 30 to 40 elephant; see p.30. D.W. Kruger, in Paul Kruger (Johannesburg, 1961), vol. 1, also mentions that Kruger engaged in professional hunting; see p.23.

⁷¹ P. Kruger, The Memoirs of Paul Kruger (London, 1902), vol. 1, p.18.

⁷² Stuart, De Hollandsche Afrikanen, p.224; F.J. Potgieter, 'Die vestiging van die blanke in Transvaal (1837-1886) met spesiale verwysing na die verhouding tussen die mens en die omgewing', AYB, 1958, II, p.145.

⁷³ TA A17, J.F. Churchill Accession, p.11, p.13.

⁷⁴ For the dangers which could be encountered on a hunting expedition see letters from J.W. Viljoen to A.W.J. Pretorius, 19 and 20 May 1853 in Krynauw and Pretorius, Transvaalse Argiefstukke, pp.342-344; P. Huet, Het Lot der Zwarten in Transvaal (Utrecht, 1869), pp.20-21; and H.T. Glynn, Game and Gold: Memories of over 50 Years in the Lydenburg District, Transvaal (London, n.d.), p.11.

During the short life of the Ohrigstad republic, the protectionist resolutions passed by the Volksraad proved difficult to enforce. To what extent public opinion motivated the Ohrigstad measures is not known, but in the light of the continued depletion of the animal population of the region, there would appear to have been very little popular pressure. There is no record of any person being charged with contravening the regulations on the wastage of useful animals. There was, however, an apprehension under the prohibition against hunting by foreigners. In March 1846, three charges were laid against the Cape trader Joseph McCabe: he did not have permission to enter the district; he had supplied arms to Africans; and he had hunted elephant.⁷⁵ McCabe was sentenced to the maximum fine and all his goods were confiscated. However, in May 1846 the Volksraad of Ohrigstad acquitted McCabe of the arms charge and his goods were returned to him.⁷⁶

IV

By the 1850s the white population of the Transvaal was approximately 25 000, although the precise number and distribution are uncertain.⁷⁷ In the southern highveld, black resistance to white settlement had been ineffectual⁷⁸ and, once the game had been shot out, white settlers

⁷⁵ Minutes of the Volksraad of Andries Ohrigstad, Article 7, 18 March 1846: SAAR, vol. 1, pp.39-41.

⁷⁶ Similar charges were laid against McCabe in 1850. It would appear that there was some debate as to whether he was by then a Transvaaler, but in any event, he was obliged to pay a fine: Baines, Journal, vol. 2, pp.67-68, pp.71-72, p.87; Potchefstroom Landdrost to Lydenburg Volksraad, 19 August 1850: SAAR, vol. 1, pp.324-325.

⁷⁷ Pollock and Agnew, Historical Geography, pp.127-128.

⁷⁸ Keegan, Rural Transformations, p.2.

established agriculture. In contrast to this development, the economy of the north and west came more and more to be based upon hunting. In the history of any region, market hunting as an economic base can only occur during one brief stage of a country's maturation, requiring both markets and primitive wilderness.⁷⁹ As professional hunting expanded on the perimeters of the northern and western Transvaal the exportation of large quantities of ivory and hides from the Transvaal began in earnest.

Professional hunting provided a fairly easy and dependable income. Game products, such as horn, ivory and cured hides did not deteriorate over time and were portable. By the mid 1850s there was a market at the northern Transvaal hamlet of Schoemansdal⁸⁰ to which traders came from the Cape and Natal.⁸¹ In addition, many Boers acted as traders on their own account.⁸² Of all game products, ivory was by far the most profitable item, but also the most difficult to obtain. Despite the dangers involved in elephant hunting, large numbers of elephant were killed, and a contemporary claimed that the Schoemansdalers would have killed far more of this species if access to ammunition had been easier.⁸³

It is clear that the economies of the Boer communities of the north and west of the Transvaal would not have been viable in the absence of rich hunting grounds. But the 'jachtergemeenskap' (hunting community) at

⁷⁹ D. and J. Kimball, The Market Hunter (Minneapolis, 1969), p.i.

⁸⁰ Schoemansdal was the town founded by A.H. Potgieter after Ohrigstad was abandoned on account of the unsuitable nature of its location.

⁸¹ J.B. De Vaal, 'Die rol van Joao Albasini in die geskiedenis van die Transvaal', AYB, 1953, I, pp.14-15; Huet, Het Lot der Zwartten, p.21.

⁸² Keegan, Rural Transformations, p.3.

⁸³ Stuart, De Hollandsche Afrikanen, p.225.

Schoemansdal - and indeed hunting operations elsewhere in the Transvaal - would also not have been successful had it not been for African collaboration.⁶⁴ Close relationships with blacks over hunting wild animals were established. Tribute, or 'protection money', was often paid to the Boer states by black clients in the form of ivory and game products.⁶⁵ Moreover, in order to increase their effectiveness in killing wild animals, Boer hunting parties usually included numerous armed 'zwarteskutters' (black shots) or 'jagtkaffers' (hunting kaffirs), as black auxiliaries were called.

Zwarteskutters occasionally operated independently on behalf of whites, not always at great profit to themselves. One black hunter who brought in an elephant and fifteen hippopotamus was given a paltry reward by his white employers,⁶⁶ while Mauch records Africans assisting Boers without receiving payment at all.⁶⁷ In addition to payment disputes, there were other tensions inherent in the relationship between Boer and black hunters. Blacks displayed a greater immunity to disease than did whites and were therefore better able to hunt wild animals in summer when malaria was rife. Moreover, blacks were prepared to hunt on foot. The introduction of the horse had enabled far more destruction of wild animals than would otherwise have been possible. However, not many years of market hunting elapsed before elephant became difficult to procure and could be found only in places where horsesickness occurred. The effect of this was that blacks assisted in areas where

⁶⁴ See Wagner's contribution in Marks and Atmore, Economy and Society, pp.313-349.

⁶⁵ Baines, Journal, vol. 2, p.131.

⁶⁶ Huet, Het Lot der Zwartten, p.27.

⁶⁷ E.E. Burke, ed., The Journals of Carl Mauch (Salisbury, 1969), pp.113-114.

horsesickness prevented mounted hunters from entering. As Cornwallis Harris remarked, 'Boers are sorry pedestrians',⁸⁸ and white hunters became increasingly dependent upon their black auxiliaries to augment the amount of game products collected.⁸⁹ In time, therefore, whites became heavily dependent upon blacks to supply them with the products for their livelihood.

Killing wild animals was also greatly facilitated by the introduction of firearms. In fact, guns were probably 'the single largest factor hastening the destruction of game.'⁹⁰ On the frontier the same kind of firearm was used for killing animals ranging from buffalo to hares in size. However, elephant shooting necessitated some modification of this gun, because lead bullets did not pierce the very thick hide and hard pewter had to be added to the alloy.⁹¹ By supplying blacks with firearms in order to harvest game, whites provided instruments which threatened the security of their settlement.⁹²

v

Although difficult to quantify in precise terms, the impact of the hunting economy on the numbers of wild animals in the Transvaal until 1858 was extremely detrimental. In 1855 it was estimated that more than 90 000kg of

⁸⁸ Harris, Portraits of the Game, p.12.

⁸⁹ Harris's view has recently been disputed. It would appear that Boers frequently hunted on foot in what is now Zimbabwe and Mozambique: see Marks and Atmore, Economy and Society, pp.323-324.

⁹⁰ Delius, The Land Belongs to Us, p.302.

⁹¹ F.V. Lategan, Die Boer se Roer: Die Groot Geweerboek van Suid-Afrika (Cape Town, 1974), pp.157-159; Baines, Journal, vol. 2, p.1, pp.59-60; Lye, Andrew Smith's Journal, pp.224-225.

⁹² Marks and Atmore, Economy and Society, p.333.

ivory was exported,⁷³ as well as vast quantities of hide and horn.⁷⁴ Trading activities were conducted with the assistance of English traders who were usually hunters as well.⁷⁵ Not only did foreign traders act as middlemen for the Cape markets but game products were also exported from the Transvaal to Delagoa Bay and Port Natal, the closest ports. For example, as early as the 1840s, Joao Albasini, a settler and trader from Delagoa Bay, made overtures to open formal trading between the Transvaal and the Bay.⁷⁶

Cooperation between the Boer state and the Portuguese extended to the hunting of elephant and other wild animals across their mutual boundary. In 1850 a commission was sent from Schoemansdal to Delagoa Bay to discuss this matter with J.C. Andrade, the Governor of Lourenco Marques. The Transvaalers were successful in their endeavour and Portuguese and Transvaal hunters were thenceforth allowed to operate over the boundary, ill-defined though it was.⁷⁷ This border area between Mozambique and the Transvaal was heavily infested with tsetse fly, horsesickness and malaria. However, owing to the destruction of marketable animals which had taken place in other areas, hunters were by this time obliged to enter this region in order to obtain elephant in appreciable numbers.

⁷³ Huet, Het Lot der Zwarten, p.21. Some tusks were so large and heavy that it required two or three people to carry them.

⁷⁴ MacQueen, 'Journey from Inhambane', p.67.

⁷⁵ Trapido, 'Poachers, proletarians and gentry', p.7.

⁷⁶ The most authoritative account of the activities of Joao Albasini is still De Vaal's, 'Die rol van Joao Albasini'.

⁷⁷ Kommissie-raadsvergadering, 24 August 1850: SAAR, vol. 1, p.142. Das Neves was hunting under this regulation when he visited the Transvaal: see D.F. Das Neves, A Hunting Expedition to the Transvaal (London, 1879).

The so-called 'war against animals'⁹⁸ conducted by all groups of people had almost immediate consequences for the faunal population, and even in the more remote parts of the Transvaal game had diminished by the late 1850s.⁹⁹ Although the trading activities of the Voortrekker settlers appears to have had the largest impact on the reduction of game numbers in the years up to 1858, European sportsmen and armed black hunters also took their toll. However, game was still very plentiful. In Schoemansdal, hunting could be conducted on the outskirts of the town. Huet reported in 1857 that two giraffe, eight hippopotamus, and a large number of 'wilde beesten en bokken' (wild animals and buck) could easily be procured on a five day hunt, or eleven hartebeest in a morning.¹⁰⁰

By 1858, however, warnings had been sounded that the game of the Transvaal required some protection from its human predators. Sportsmen were disappointed that the 'paradise of sport'¹⁰¹ had now to be sought ever further to the north.¹⁰² Commercial hunting, too, particularly of elephant, could no longer be conducted close to Schoemansdal but had increasingly to be hunted further north and east in the tsetse fly zone.¹⁰³ Elephant hunting

⁹⁸ Trapido, 'Poachers, proletarians and gentry', p.2.

⁹⁹ Huet, Het Lot der Zwartten, p.17.

¹⁰⁰ Ibid., p.21.

¹⁰¹ Methuen, Life in the Wilderness, p.69.

¹⁰² Baines, Journal, vol. 2, p.54.

¹⁰³ TA A17, J.F. Churchill Accession, p.3.

soon required expeditions which lasted all winter, leaving the town almost deserted during the time.¹⁰⁴

In the period up to 1858 neither the visiting European hunters nor the Voortrekker settlers had articulated a protectionist ethic towards the hunting of wild animals. One of the most important ideas to have arisen among white hunters in the period up to 1858 was that the wild animal resources of the Transvaal were 'inexhaustible'.¹⁰⁵ A hunting ethic is probably an irrelevant notion when there is a limitless supply of animals. In fact, it has been suggested that the very abundance of animals might have been the cause of their being over-hunted. Initially it might well have been beyond human comprehension to grasp how such vast numbers could ever be seriously depleted.¹⁰⁶ This notion affected white attitudes to game and would prove to be a very difficult idea to dispel, even in later years when game numbers dropped appreciably. One of the reasons why the evidence of smaller numbers of wild animals did not provide proof of over-hunting can be found in the theory that animals retreat or are pushed back by hunting activities into 'safer' areas where pursuit by hunters was more difficult.¹⁰⁷ This idea doubtless gave credence to the contemporary idea that game supplies were inexhaustible; if animals were 'retreating' and they were not therefore being

¹⁰⁴ TA A17, J.F. Churchill Accession, p.4; MacQueen, 'Journey from Inhambane', p.67.

¹⁰⁵ See also R. Nash, The American Environment: Readings in the History of Conservation (Reading, Massachusetts, 1976), p.364.

¹⁰⁶ C.G. Hewitt, The Conservation of the Wildlife of Canada (New York, 1921), p.19.

¹⁰⁷ This notion appears in many contemporary and modern works. See, for instance, St Vincent Erskine's 'Third and fourth journeys to Gaza or southern Mocambique, 1873 to 1874 and 1874 to 1875', Journal of the Royal Geographical Society 48, 1878, p.49 ; Marks and Atmore, Economy and Society, p.323.

destroyed, then a large reservoir was merely being built up elsewhere. It is impossible to ascertain how many animals were shot out and how many retreated or migrated. It is likely that populations of certain animals were exterminated in some areas and that the social or ecological structures of others were destroyed, and that they simply became less numerous in the areas in which they were frequently hunted.¹⁰⁸

Blacks had been market hunters for many centuries. After colonial expansion they energetically made use of firearms to kill large numbers of wild animals and benefited from the increased marketability of game products. It seems therefore that there was no strong indigenous hunting ethic prior to white conquest. Africans and Boers, both groups being permanent settlers in the Transvaal, hunted wild animals for precisely the same reasons, and with the same prodigality. It was from the attitudes of these settlers rather than those of visiting sportsmen that the dominant ethic evolved. During the course of the following decades, these differing rationales for hunting wild animals were to intertwine with and conflict with one another.

In the 1850s, the attitudes of the settlers held sway in the region. Protectionist measures divided wild animals into two categories: those which were useful for subsistence and those which were commercially valuable. Although useful wild animals were afforded some legal protection while marketable creatures were not, both groups of animals represented a natural resource, like timber or grazing lands. By the end of the 1850s, hunting activities dominated frontier life,¹⁰⁹ and the inhabitants of the peripheral

¹⁰⁸ Personal communications from Dr U. de V. Pienaar, Chief Director, National Parks Board and Dr A. Hall-Martin, Chief Research Officer, Inland Parks and Coastal Areas, National Parks Board.

¹⁰⁹ TA A17, J.F. Churchill Accession, p.8.

regions of the Transvaal were living solely off wild animals.¹¹⁰ The game of the Transvaal had become a valuable commodity. The trade that it engendered supported entire settlements and determined to a large degree the relationships between various groups of people in the region.

¹¹⁰ Huet, Het Lot der Zwartten, pp.20-21; TA A17, J.F. Churchill Accession, p.4.

DISTRICTS AND TOWNS OF THE TRANSVAAL, c. 1860



CHAPTER 3
TRANSVAAL HUNTING LEGISLATION
1858 TO 1881

I

Various changes among groups in their attitudes towards wild animals become evident in the years between 1858, when the first comprehensive hunting law was passed in the Transvaal, and 1881, when the region regained its independence after the Transvaal War. Yet the doctrine of utility, the conception of wildlife as an economic resource, continued to predominate. As a result, most of the changes in attitude were subtle, exploratory and uncertain in nature, the precursors of more definite attitudes which were to crystallize only in later years.

Within the Transvaal communications were poor and political and economic disparities still apparent. In the south, settlements centred upon Potchefstroom and Pretoria, in the east upon Lydenburg, in the west upon Rustenburg and in the north upon Schoemansdal.

The Soutpansberg district remained the hub of the game industry until Schoemansdal was abandoned in 1867. The northern and eastern borders of the Transvaal at the time were generally unsurveyed and in its quest for elephant, the hunting community had simply expanded its activities further and further into the hinterland,¹ moving into tsetse fly and malaria country to the west, north, and east of the Transvaal. Although wild animals might at

¹ Marks and Atmore, Economy and Society, p.323. Wagner emphasizes that the essential characteristic of the hunting frontier was its tendency to enlarge its territory.

this time have been less plentiful in those areas close to human settlement, their abundance elsewhere meant that warnings of the necessity for conservation were to fall on deaf ears.

The hunting legislation of 1858 arose from a public meeting which was held at Schoemansdal on 11 March 1857 to deal with matters that had been raised in a petition. Hunting was one of many items tabled for discussion at the meeting which was chaired by the Commandant-General, Stephanus Schoeman, and as a consequence of the proposals made on the occasion, a wide-ranging hunting law was passed by the Soutpansberg Volksraad the following year.

Entitled, 'Wet tot het beter regelen van de jagt op olifanten en ander wild in de Zuid-Afrikaansche Republiek'², the legislation reflected a concern for regulating hunting activities. Although the primary purpose of the legislation was not wildlife protection, in some respects it was a conservation law, for one of its objects was to ensure a sustainable yield by continuing to crop certain species but in doing so to avoid exhausting the supply. There were nevertheless, far more vital issues at stake in this hunting measure, namely, the economic welfare and the security of the state.

The preamble to the 1858 legislation stated that the main reason for its introduction was humanitarian: consideration for the well-being of the white population. The drawback to hunting elephant, once the herds in the central parts of the Transvaal had been exterminated, was the possibility of contracting malaria. Hunters had become reckless in their pursuit of elephant in the malarial zone of the northern Transvaal in summer, resulting in a considerable number of deaths from 'gelekoorts', a type of blackwater. In

² i.e. 'Law for the improved regulation of the hunting of elephant and other wild animals in the South African Republic.'

order to prevent disease, the law enacted that hunters were forbidden to hunt elephant during the seven warmest months of the year when malaria was at its most virulent. By forbidding hunters to kill elephant for a certain period of each year, this species was singled out for treatment which differed from that of other wild animals. However, in terms of the law, salt collection from the pans north of the Soutpansberg was still permitted at any time of the year, and any wildlife necessary for subsistence could continue to be killed. This meant that white hunters were not actually barred from the northern hunting grounds during summer. An overt humanitarian ideal, such as the well-being of the population, must therefore be viewed with great caution, particularly in the unsettled political conditions of the Transvaal at that time. Elephant hunting provided ivory, the most marketable and valuable wildlife commodity, and it was this item which contributed greatly to both the coffers of the state and the wealth of individuals. The acquisition of ivory was thus obviously to be encouraged rather than hindered. On the other hand, the white population of the Soutpansberg region was not large³ and the life of every white male might have been crucial to the continuation and growth of the settlement.

The second major factor prompting the legislation related specifically to the declining number of certain wildlife species, the preamble declaring that people were beginning to suffer 'ongerief' (inconvenience) on this account. In an attempt to combat the situation, the age-old device of reserving the commodity in short supply to the ruling classes was

³ No precise population statistics for the Transvaal are available, but in the mid 1850s it was estimated that 1800 people lived in Schoemansdal and that there were 278 dwellings in the village: see MacQueen, 'Journey from Inhambane', p.67.

implemented. Most of the 1858 law thus related to preventing blacks from having easy access to marketable wild animals, and game was set on its way towards becoming a resource for the exclusive use of whites. In sum, the 1858 game legislation was designed more to control the hunting activities of blacks than to prevent the overkilling of game by whites.⁴

Influencing the legislation, too, was the fact that in the border areas of the Transvaal, conquest of the territory was incomplete and white tenure was insecure. The dependence of whites on the collaboration of blacks in the hunt, while at the same time attempting to deny hunting rights to them, is abundantly clear in the law. Numerous clauses in the law forbade both the trading and the distributing of guns to blacks who were not servants, thereby indicating the precarious nature of the hunting community in relation to its black neighbours and clients. Firearms were a highly desirable commodity for those living on turbulent frontiers where force was the only real law. Fear for the survival of white settlement was created by the reliance of Boers upon their black hunting partners. In addition, it might well have been that white professional hunters were suffering from the competition of more competent black hunters. Thirteen of the nineteen articles in the law related to black hunting auxiliaries. These articles included a prohibition on blacks hunting on their own unless they were 'trusted servants'⁵ in possession of documents (referred to as 'passes') from their masters and reducing the

⁴ Today it is believed in some wildlife conservation circles that people who are dependent upon wildlife for their economic well-being and have a material stake in its continuation will take steps to preserve it. Such an attitude was clearly not engendered in the Soutpansberg although the inhabitants were entirely dependent on wild animals for their livelihood.

⁵ The draft version of the law can be found in TA SS15 R1380/57.

number of black auxiliaries to two per white hunter, and details of these men had to be registered with the Landdrost.⁶

Whereas the official pronouncement in 1846 had divided animals into two categories, those of commercial importance and those required for subsistence, the 1858 law for the first time, apportioned a different monetary value to different species. The law distinguished between three classes of animals, none of which was to be killed in excess of the number required for the consumption of the hunting party or hunter, or in excess of the number which could be loaded onto a wagon, or slaughtered for the sake of hides alone. The illegal killing of species in the first category - rhinoceros, hippopotamus, giraffe, eland, 'bastaard eland' (probably roan antelope), buffalo, gemsbok and sable antelope - carried with it a fine of 20 to 200 rixdollars per animal. The next category, the killing of which in contravention of the law carried with it a fine ranging from 10 to 100 rixdollars, included kudu, hartebeest, waterbuck, wildebeest, and zebra, while the last group, with a fine of five to 50 rixdollars, encompassed bushbuck, reedbuck, impala, springbok, duiker, steenbok, oribi, 'blaaubok' (probably rhebok), warthog, bushpig and 'ander klein wild' (other small game).⁷ It appears that these varying values related to the marketable worth of each species as well as its abundance. It is interesting to note that the slaughter of elephant per se was not subject to any fine in the law, these animals being still commercially significant. However, rhinoceros, which had

⁶ The details required by the Landdrost for each black hunter were numerous and included the name, age and physical description of the applicant. This can perhaps be seen as an early attempt to regulate the movement of blacks in the Transvaal.

⁷ Clause 9, a, b and c.

been specifically excluded from any protection in the legislation of 1846, was this time included, and wanton destruction of this species was prohibited.

Although the new legislation aimed to afford some measure of formal protection to certain wild animals, it simultaneously again enshrined in the law the right of people to kill wild animals. Clearly self-interest was the pre-eminent issue, for Transvaal lawmakers never hesitated to take full advantage of the biblical declaration that animals were created for the benefit of man. The Voortrekkers regarded themselves as wandering in the wilderness, as had the Israelites,⁹ and acted as if God had shown his bounty by enabling them to live off that wilderness. Moreover, the 1858 law demonstrated an arrogant attitude toward wild animals in that humans decided which would be protected and which were expendable, which were valuable and which not.⁹ Animals were thus considered to be objects available for the use of white settlers, the worth of these animals being determined as a raw material on an economic basis.

The political structure of any state provides for the dominant group to make the laws. When res nullius is involved and vital commodities are in short supply, the core issue is that of deciding who shall benefit from them.¹⁰ A moral choice must be made. The 1858 law determined that the Voortrekker community would benefit and that foreigners and blacks would not. Thus the more rare the commodity became the more desirable it was to confine

⁹ T. Baines, The Gold Regions of South Eastern Africa (Bulawayo, 1968), vol. 1, p.vi.

⁹ Rabie, Environmental Legislation, p.62.

¹⁰ I.G. Barbour, ed., Earth Might be Fair: Reflections on Ethics, Religion and Ecology (Englewood Cliffs, New Jersey, 1972), p.56.

its use to those in power. Even in the mid 1850s therefore, wildlife had become a political issue in the Transvaal.

If any coherent philosophy underpinned the hunting legislation of the Transvaal, it must have included as its major tenets the security of the Boer settlement, the supremacy of humans over animals and the evaluation of animals in terms of their usefulness to man. The 1858 law was framed on an ad hoc basis to ensure the continued existence of wildlife as an economic resource and to allow whites to have the best possible access to it. The law was formulated in an attempt to remind citizens that a valuable commodity should not be dissipated or wasted.¹¹

From this examination of the first definitive hunting law in the Transvaal, it is obvious that the law would be impossible to enforce, for it contained so many inherent contradictions. For example, the closed season for elephant was rendered a mockery by the inclusion of the provision that salt-collecting and subsistence hunting could take place to the north of the Soutpansberg in the same period of the year. In addition, in terms of Clause 7, the government was empowered to employ as many black hunters as it wished and to send them unattended by whites into the hunting grounds. Citizens would surely be tempted to follow suit. Also, how was the distinction between 'trusted servants' and other black people to be made, taking into account the frontier circumstances of the day? In the unpoliced Transvaal of that time the idea of monitoring pass-holders and registration documents was a

¹¹ Wild animals were but one of the features of the natural environment of the Transvaal which were over-exploited at this time, however. Two major forests, for example, the Pongola and the Soutpansberg, were completely destroyed as hundreds of thousands of trees were felled to supply firewood and timber for export from the Transvaal: see, Potgieter, 'Vestiging van blanke', p.88, p.126, p.182; Das Neves, Hunting Expedition, p.144.

ludicrous provision. The law itself recognized some of its limitations, for Clause 11 - concerning the apprehension of armed Africans without 'passes' - was to be applied only 'if possible'.

Legislation was consequently to prove ineffective when confronted by the combined pressures of a people's pioneering mentality, the belief that the supply of wild animals was inexhaustible, and the desire to accumulate capital. The law seems not to have had the support of the community, clearly a vital condition for any legislation to be successful. In order for the law to have been effective the criminality of the act of killing of wild animals should have been manifest, and it should have been subject to moral or social condemnation. In reality, though, little real deterrent to wild animal killing was provided. Although the fines for infringement were heavy, there was no 'relative certainty of detection and eventual punishment'.¹² It has been asserted that certainty of punishment provides a more effective deterrent than its severity.¹³ In addition, the law was made at a time when conditions in the Transvaal were particularly unsettled and government and administration were weak.

Perhaps the most important reason for the failure of the legislation to accomplish its principal objectives lies in the fact that so many people lived off the produce of the natural environment, especially the game that it supported. It was impossible to prevent people from trying to make the best living they were able to, especially as in many parts of the Transvaal economic progress to a greater or lesser extent involved trading in or subsisting upon the products of wild animals. The importance of hunting as

¹² Rabie, Environmental Legislation, p.81.

¹³ Trench, Poacher and the Squire, p.17.

the principal economic activity of frontier society meant that, as the numbers of wild animals declined, too many people were pursuing too few wild animals. Additionally, Boers simply preferred hunting to any other way of life.¹⁴ Legislation which controlled their access to game would, given the nature of the political, social and natural environment of the nineteenth century, be a dead letter.

The larger the numbers of black clients assisting in the hunt (sometimes as many as two or three hundred per white hunter¹⁵) the greater the number of wild animals which were likely to be killed. In this way the wealth of both the hunters, both black and white, as well as of the state, could be increased proportionately. The result of this was that any restraints on the numbers of black hunters and the issue of firearms to them were scarcely likely to have been upheld by the general public. Finally, the most telling reason for the continuation of the slaughter of wild animals and the arming of black hunters is that without the wildlife trade the peripheral settlements of the Transvaal could not have existed economically.¹⁶

Despite its obvious limitations, the 1858 law seems to have been passed without serious opposition. Whether this was because so few people were aware of its promulgation is not possible to determine. The group which initiated the legislation consisted of the most prominent leaders in the Soutpansberg. It seems likely, given the wide disregard for the provisions of this law,

¹⁴ Potgieter, 'Vestiging van blanke', p. 85; TA A68, F. da Costa Leal Accession, pp.17-18; D.N. Dunbar, The Transvaal in 1876 (Grahamstown, 1881), p.53.

¹⁵ Potgieter, 'Vestiging van blanke', p.147.

¹⁶ TA A248, J. Albasini Collection, vol. 4, p.56, Albasini to Governor-General of Mozambique, 31 March 1861.

that a prime motive of these men for the promulgation of the law was to provide a warning about the number of guns which were being issued to black hunters. The issues at stake in the legislation were thus interhuman relationships rather than man-animal relationships, in that the tactics of the Boers of using hired blacks to kill animals on their behalf showed indications of backfiring upon them.

There are numerous instances of disregard for the hunting law in the Soutpansberg district. One of the few occasions when legal action was instigated occurred in respect of the Bezuidenhout family in 1863 and the event demonstrates the lawless and violent nature of frontier society¹⁷ as much as it does one of the frontiersmen's prevailing attitudes to game. On 30 July 1863 the Field-Cornet of Potgietersrust, Lourens de Klerk, brought a complaint against Gerrit and Cornelis Bezuidenhout before Jan Vercueil, the Landdrost of the Soutpansberg district. The Bezuidenhouts had been accused of killing buffalo for their hides and then simply discarding the carcasses. A written deposition against the two men had been received, and consequently, De Klerk and four witnesses went to the Bezuidenhout farm to investigate the matter. A large quantity of hides was found and De Klerk set about confiscating them. Not having a wagon at the time, he arranged for two burghers to return later to collect them. Later, while the hides were being loaded onto the wagon, Gerrit Bezuidenhout arrived and prevented the men from completing their task and the latter were obliged to return empty-handed. De Klerk went to collect the hides personally some time later, taking with him four assistants. When this party arrived at Gerrit Bezuidenhout's farm, the accused came out of his house and without saying a word, dealt the Field-

¹⁷ S. Hofmeyr, Twintig Jaren in Zoutpansberg (Cape Town, 1890), p.24.

Cornet a blow with his fist; he then picked up a large stone. De Klerk drew his knife and a fight ensued. As a result, a new charge, one of assault, was laid against Bezuidenhout.¹⁶ He seems to have escaped the consequences of either charge, for a year later a further complaint was laid against him and Johannes Bezuidenhout for wasting game, this time the charges being laid by a M. van Heerden.¹⁷ It has been claimed that many officials, including Landdrosts, actively contravened the law or engaged illicitly in the trade in wild animals for their own benefit thus making successful prosecutions well-nigh impossible.²⁰

By 1865 the Transvaal civil war was over and a more effective administration was being applied to the Soutpansberg, an area which had for so long been isolated from the rest other Transvaal communities by its insularity and by its geographical situation. In that year an attempt was made to enforce the hunting law and fines were imposed for non-compliance. There was an outcry from the white populace and numerous petitions resulted. In December 1865 a group from Schoemansdal stated that they did not know that the law still existed for it had never been applied in the entire history of the republic, and that if it were to be implemented, many would suffer great hardship and would go hungry.²¹ Another group asserted that the hunting of

¹⁶ TA SS46 R11/63, Declaration by B.T.J. van Heerden, 4 November 1863; SS49 R536/63, Declarations by J. Beukes, 24 July 1863, L. de Klerk, 30 July 1863, N.H.J. van Heerden, 10 August 1863; SS51 R849/63, Declaration by J. Beukes, 10 November 1863.

¹⁷ TA SS58 R618/64, Declaration by M. van Heerden, 20 August 1864.

²⁰ Marks and Atmore, Economy and Society, p.332; Trapido, 'Aspects in the transition from slavery to serfdom', pp.25-26. Trapido maintains that the tribute paid by black clans was often appropriated by the Landdrost.

²¹ TA SS72 R1374/65, Petition from H.A. Schell and 20 others, 28 December 1865.

elephant was their only way of making a living as they did not own farms.²² Two other petitions claimed that the country was still too young and poor to be able to afford the luxury of laws which advocated the 'locking up' of resources.²³ Game laws were thus regarded as impediments to free access to wild animals which was vital to the existence of a hunting community.

It appears, however, that even after 1865 the law was, in fact, seldom enforced. The Portuguese diplomat, Fernando da Costa Leal, who travelled through the Transvaal in 1870 accompanied by the explorer Carl Mauch, observed huge herds of animals at that time and stated categorically that the hunter 'can give free rein to his desire to shoot them without fear of game-laws.'²⁴ On the other hand, some travellers were apprised of the hunting law: for example, in 1870, on a trip from Delagoa Bay to the Soutpansberg the Portuguese trader Fernando das Neves was given a translation of the law by Albasini.²⁵

The Reverend Stefanus Hofmeyr, a missionary in the Transvaal for twenty years, left what may be the only record of voluntary observance of the hunting laws - by Michael Buys, the leader of a half-caste clan. This

²² TA SS78 R732/66, Petition from J.A. Weeber and 9 others, 25 July 1866.

²³ See the petitions submitted by A.H. Potgieter and 33 others on 9 January 1866 and by G.J. Snyman and 62 others on 15 January 1866: SAAR, vol. 6, pp.101-102.

²⁴ TA A68, F. da Costa Leal Accession, p.17. Mauch had a poor opinion of Leal, referring to him as 'spoilt, weak in body, nerves gone, without any special interest in the objects of the trip'; see Burke, Journals of Carl Mauch, pp.57-58.

²⁵ De Vaal mentions this in 'Joao Albasini' on p.53. The reference given in this work is to Das Neves, Hunting Expedition, pp.114-115. This episode does not, however, appear in this place in Das Neves's book. It can only be concluded that De Vaal must have obtained this information in the Albasini Collection in the Transvaal Archives in Pretoria.

testimony may be suspect because Buys provided the story himself, and Hofmeyr might have been biased in Buys's favour as he was not impressed at the uncouth society of Schoemansdal. Nonetheless, the fact that Buys was sufficiently cognisant of the hunting law and sufficiently astute to link God and the hunt in order to impress the missionary, makes the story of interest. In discussing the matter with Hofmeyr in the late 1860s, Buys emphasized that he never killed game except for subsistence, and that once he had sufficient game for the pot, he ceased shooting.²⁶

The most telling evidence that the 1858 law was ineffectual is to be found in the continual and rapid decline in the numbers of wild animals of almost all species. Elephant provide a case in point.²⁷ Ivory was at one time a close rival to agricultural products in generating income on the Potchefstroom market but in the 1860s the gains from ivory began to tail off.²⁸ Soon the quantity of elephant tusks had diminished to such a degree that this article no longer formed a major proportion of the gross domestic product.²⁹ The hunting community in the Soutpansberg, utterly dependent upon ivory, became ever less prosperous, even to the extent that taxes began to be

²⁶ Hofmeyr, Twintig Jaren, pp.74-75, pp.120-121.

²⁷ Hofmeyr, Twintig Jaren, p.4; A.N. Pelzer, Geskiedenis van die Suid-Afrikaanse Republiek, vol. 1, (Cape Town, 1950), pp.182-183.

²⁸ Pelzer, Geskiedenis van die Suid-Afrikaanse Republiek, vol. 1, pp.182-183. Lourenco Marques suffered severely when the ivory trade declined; see Das Neves, Hunting Expedition, p.6.

²⁹ Potgieter, 'Vestiging van blanke', p.87.

left unpaid.³⁰ The final blow to the ivory trade in the Transvaal came with the abandonment of the Schoemansdal settlement in 1867.³¹

Interest in other species increased as elephant became scarcer. During the 1860s ostrich feathers adorned women's apparel in Europe and consequently ostriches began to be intensively hunted.³² In 1864 the value of exported feathers amounted to £25 000, most of them coming from the Transvaal and present-day Botswana.³³ In these regions, the hunting of ostriches carried no penalty, whereas these birds were protected in the Cape Colony and Natal.³⁴ Hides, used for shoe leather and thongs, also began to replace ivory in the 1860s as one of the major products of the Transvaal hunt.³⁵

The demise of the community of Schoemansdal finally came at the hands of the Venda who had acquired firearms in the course of their collaboration with the whites in hunting activities.³⁶ The provisions of the hunting law had clearly been no more successful in achieving their objectives in preventing firearms from falling into the hands of blacks than they had been in conserving game. African resistance to white domination and expansion has

³⁰ Ibid., p.86.

³¹ Hofmeyr, Twintig Jaren, pp.96-97.

³² TA A68, F. da Costa Leal Accession, p.18.

³³ W. Finaughty mentions that the value of an ostrich was £25: The Recollections of William Finaughty: Elephant Hunter, 1864-1875 (Bulawayo, 1973), p.109; see also Shillington who records the price of prime white feathers as being £30 to £40 a pound in Colonisation of the Southern Tswana, p.23.

³⁴ Potgieter, 'Vestiging van blanke', p.146.

³⁵ St.V.W. Erskine, 'Journey of exploration to the mouth of the river Limpopo', Journal of the Royal Geographical Society 39, 1869, p.235.

³⁶ Marks and Atmore, Economy and Society, p.330; Lamar and Thompson, Frontier in History, p.84; Delius, The Land Belongs to Us, pp.68-69.

been fuelled by the ownership of firearms and the power these weapons provided. In addition, by exercising this power, blacks were able to prevent whites from hunting and thus caused their impoverishment. In some areas, blacks controlled the hunt entirely. The missionary, Hofmeyr, attested to this and explained how black chieftains obliged white hunting parties to pay a substantial levy before allowing them to enter their territories.³⁷ Concern for black control of the hunt and growing black resistance was also voiced in 1865 in a petition to the Volksraad from residents in the Soutpansberg.³⁸ Matters had reached a critical stage by this time and a petition from the Palmietfontein district of the Soutpansberg requested that a commission be appointed to investigate how it was that the black clans in the region had come to acquire large numbers of firearms.³⁹ In June 1866, the Acting Commandant-General of the Transvaal reported that the lower class of burgher was increasingly anxious due to the hunting regulations regarding guns consistently being disregarded. Circumstances were such that it was quite impossible to take a stand against the owners of the enormous numbers of firearms in circulation.⁴⁰

This concern took material form in 1867, when the fears of these burghers were proved to be prophetic. In the report submitted to the Volksraad explaining the vulnerability and subsequent abandonment of

³⁷ Hofmeyr, Twintig Jaren, p.108.

³⁸ Petition from C. Botha and others, 15 August 1865: SAAR, vol 5, p.337.

³⁹ Petition from A.H. Potgieter and others, 9 January 1866: SAAR, vol. 6, p.101.

⁴⁰ Minutes of a combined meeting of the Executive Council and the Council of War, 21 June 1866: SAAR, vol. 6, pp.204-205.

Schoemansdal, emphasis was placed on the firearms which were obtained in contravention of the arms control measures of the hunting laws.⁴¹

Killing animals for monetary gain and, in so doing, involving Africans in the hunt was a typical characteristic of the frontier districts of the Transvaal in the mid nineteenth century.⁴² The Volksraad of Lydenburg, for example, when short of funds, employed a small group of blacks to hunt in the lowveld on the eastern side of the Drakensberg during the summer months when fever was rife. These hunters were provided with firearms and a large supply of ammunition. There was no objection from the burghers to this scheme and the black hunters remained in the lowveld for eighteen months. During this time sufficient tusks, horns, and hides were collected to make a substantial contribution to the revenue of the state. Members of the public sought permission to undertake such enterprises themselves but this was refused.⁴³ With an official precedent having been established, both in arming blacks and in collecting substantial quantities of game products, it is little wonder that the majority of the white burghers disregarded the hunting law.

In sum, during the 1860s, the settlers of the frontier districts of the Transvaal adopted a predominantly pioneering ethic towards the natural environment which manifested itself in the widespread hunting of wild animals specifically for subsistence and capital accumulation. A further demonstration of white settler attitudes can be seen in the lack of interest in agriculture of the frontiersmen, who preferred the easier and more

⁴¹ 'Rapport omtrent de zaak van Zoutpansberg', 15 November 1867: SAAR, vol. 7, p.49.

⁴² Potgieter, 'Vestiging van blanke', pp.84-85.

⁴³ Pelzer, Geskiedenis van die Suid-Afrikaanse Republiek, vol. 1, pp.85-86.

lucrative living derived from hunting the then still abundant wildlife populations. The mobility of burghers and the assistance they obtained from black auxiliaries were important factors in shaping these attitudes. However, reliance on blacks for the products of the hunt encouraged resistance to white expansion and led to the resurgence of Venda power.

However, this pioneering ethic became increasingly unsuited to the changing conditions in the central regions of the Transvaal, for while unbridled exploitation of game might have been the norm in the frontier communities of the bushveld, a contrast was becoming evident in the central portion of the Transvaal where more permanent settlement was well under way.

II

The pioneering frontier of the Transvaal had moved, by the 1860s, from south to north. This had occurred as the highveld region, which was treeless and relatively flat, which enjoyed a mild climate and harboured few endemic diseases, had become denuded of elephant and large game. Since the highveld proved suitable for farming activities, crops such as fruit and grain began to prosper.⁴⁴ Conquest of blacks on the highveld had also been relatively easy, for the region had seen major population upheavals during the difaqane when many large clans had dispersed or fled from the area leaving only small remnants of population behind.⁴⁵

As the frontier closed, land grants became possible and farms were formally allocated to citizens, particularly to the notables of the

⁴⁴ Hofmeyr, Twintig Jaren, p.63.

⁴⁵ Keegan, Rural Transformations, p.2.

community.⁴⁶ The value of the southern Transvaal environment shifted from the mobile resources of animals and people⁴⁷ to the land itself. In an attempt to reserve the ownership of land in the Transvaal solely for members of the maatschappij, each member of the community resident in the Transvaal before 1852 was entitled, in terms of legislation passed in 1860, to two farms, one for agricultural and one for pastoral purposes. After the establishment of the Deeds Office in 1864 these land grants were regulated and became an important index of wealth and status.⁴⁸

With settled agriculture and an increased emphasis on the ownership of land, attitudes concerning game which emerged on the highveld can be linked to the practice of landholding. On the one hand, landowners began to consider the wild animals on their farms to be their own private property; poaching came to be regarded, at least by them, as a crime.⁴⁹ On the other hand, large game had almost disappeared from the highveld and hunting began to be seen as part of an annual pilgrimage which occurred when cattle herds were taken to lowveld farms for winter grazing, the so-called 'winter trek'. Trekking to winter pastures, usually state-owned land leased at low rates, had always provided inexpensive transhumance for southern African farmers.⁵⁰ In the

⁴⁶ Marks and Atmore, Economy and Society, p.357.

⁴⁷ Africans, especially children, were considered to be 'black ivory' in that they provided the valuable natural resource of labour.

⁴⁸ Marks and Atmore, Economy and Society, p.356. Trapido warns that the poverty of the Transvaal state should not be confused with the poverty of its burghers. In fact, during the period from 1850 to 1870 many Transvaalers possessed great personal wealth.

⁴⁹ T.P. Ofcansky, 'A history of game preservation in British East Africa, 1895-1964' (Ph.D. thesis, West Virginia University, 1981), p.40.

⁵⁰ Van der Merwe, Trek, pp.157-163.

Transvaal, this tradition continued, with the added appeal of hunting opportunities in the lowveld. These treks to the lowveld in winter can also be seen as attempts to recreate early frontier life and to relive the 'good old days'. Because many farmers trekked in winter, hunting became a social activity rather than an economic pursuit and attitudes to animals which were linked to enjoyment and leisure soon became increasingly evident.

In the 1860s a number of landowners placed notices in the Staatscourant forbidding the trespassing of hunters on their farms. Despite the fact that trespassing was an illegal activity, the legal status of game was such that the carcasses or products of wild animals killed on private land did not automatically become the property of the landowner, whose only recourse to justice was through a court action for trespass. A contemporary magazine summarized the problem in the following way:

'... but the farmer expects, and quite rightly, to be asked permission before they [hunters] trespass on his land after buck. Yet this permission was by no means always asked, partly from ignorance, and partly from the idea that the whole country was free - a feeling certainly borne out by its features. There are no hedges and ditches, only rolling plains whichever way the eye turns, and houses only at long intervals. Yet to the Boer the boundaries of his farm are as well defined as if marked by a regular fence'.⁵¹

In addition, there were many absentee landlords, particularly in areas which were within the disease zones and thus habitable only in winter. Almost the sole method by which these farmers were able to publicize their landholding rights was by advertisement in local newspapers. Between 1867 and 1881 some two hundred such notices were placed in the Staatscourant.⁵²

⁵¹ 'The Boers at home: jottings from the Transvaal', Blackwood's (Edinburgh) Magazine 130(794), December 1881, p.759.

⁵² Index der Staatscouranten over de Jaren 1857 tot en met 1870 (Pretoria, 1897) and Index der Staatscouranten over de Jaren 1871 tot en met Julie 1881 (Pretoria, 1898).

forbidding trespassing, hunting, collecting wood or honey, grazing or watering cattle, outspanning, or - in one case - poaching black labour.⁵³ Scattered throughout the Transvaal, but principally in the districts of Heidelberg, Waterberg, Pretoria, Marico and Lydenburg, well in excess of three hundred farms were involved. Most of the notices in the newspaper were placed by individuals in respect of one or two farms. But one company⁵⁴ and one of the largest landowners in the Transvaal, O.W.A. Forssman, placed notices in respect of numerous farms.⁵⁵ Some landowners also went to great lengths to protect the game on their farms by erecting fences.⁵⁶ The state, too, attempted to protect its lands from trespassers, in regard not to game but to woodcutters.⁵⁷

It is clear that a link was being made between the crimes of trespassing and poaching. Moreover social status, property holding and game were combining to become the prerogatives of an emerging gentry. Game was

⁵³ The farms of Middelfontein and Naauwpoort in the Waterberg belonging to H.A. Koboldt were involved: Staatscourant 226, 11 February 1867, p.2.

⁵⁴ This was the Glasgow South African Company in Lydenburg: Staatscourant 400, 17 October 1871, p.4.

⁵⁵ Staatscourant 380, 30 May 1871, p.3; 437, 3 September 1872, p.3; 629, 19 April, 1876, p.4; 134, 12 August 1879, 304. For the extensive landholdings of O.W.A. Forssman, see his book, A Guide for Agriculturalists and Capitalists, Speculators, Miners, etc., Wishing to Invest Money Profitably in the Transvaal Republic, South Africa (Cape Town, 1874), pp.16-18.

⁵⁶ In the Staatscourant 476, 3 June 1873, p.3, A.M. Robertson forbade hunting on his farms in the districts of Martin Wessel Stroom, Lydenburg and Komati. His son, V.L. Robertson, contributed an article about his father's game protection activities to African Wild Life 1(2), March 1947, pp.21-23, entitled 'Early attempts to protect wild life'. Robertson mentions the erection of a barbed wire fence to enclose the game, but does not give a date for this.

⁵⁷ Staatscourant 120, 13 May 1879, p.184.

increasingly being withheld from the poorer classes of society, both black and white.⁵⁸ The status of game on private land in the 1870s became a thorny issue, not only in the Transvaal, but all over the world.⁵⁹

In southern Africa the question of trespass in the pursuit of game came to concern the state as well as private individuals. In 1869, a complaint was addressed to the Transvaal government by the Landdrost of Kroonstad that Transvaalers were hide hunting in the Orange Free State.⁶⁰ The Transvaal, on the other hand, accused hunters from Natal - 'those Nimrods' as one traveller admiringly called them⁶¹ - of behaving in the same way.⁶²

⁵⁸ Being a non-landholder was not initially economically disadvantageous; see Keegan, Rural Transformations, p.20.

⁵⁹ Similarly, the legislation concerning private rights of landowners was as confusing in the laws of European countries as it was in the Transvaal or European colonial regions. In 1871 the British government attempted to obtain clarification on the matter and instituted a survey of game legislation throughout the world, requiring its representatives abroad to submit detailed reports and to be especially clear on the issue of whether game was recognized as the property of the state or of individuals. This request was difficult to comply with because not in all cases could a precise demarcation be made. In Prussia and most of the German states, Russia, the Netherlands, Austria-Hungary and Belgium the landowner was the owner of the wildlife on his land. In Switzerland, game was the property of the state. In Italy, Bavaria, Denmark and Sweden game was not owned by the landowner but it was his to use while it was on his land. In all of Europe, restrictions were applied to hunting certain species, or at certain times or by certain methods, thus curtailing the rights of landowners to wildlife. See: PRO ZHC1 3495, Sessional Papers C310 and C401 of 1871, 'Reports from Her Majesty's Representatives abroad on the laws and regulations relative to the protection of game and to trespass, Parts I and II'. Neither the Transvaal nor the Orange Free State was included in this otherwise comprehensive survey. A similar survey was made in respect of British colonial possessions: PRO ZHC1 3495, Sessional Paper C351 of 1871, 'Laws in force in the Colonies as to trespass and also as to preservation of game'.

⁶⁰ TA SS112 R747/69, Government Secretary of the Orange Free State to Government Secretary of the Transvaal, 2 July 1869.

⁶¹ Burke, Journals of Carl Mauch, p.50.

⁶² TA SS121 R387/70, J.A. Joubert and others to State President and Volksraad, 7 April 1870.

By the late 1860s it had become obvious that the 1858 legislation had not achieved the ends which had been intended. In view of the populace's general ignorance of the law, Clauses 9 and 19 were deliberately brought to the public's attention in the Staatscourant of 3 August 1869 together with an admonition by President M.W. Pretorius that this notification had become necessary because of the continual complaints of game destruction which were being received by the state. There was a strong implication in this action that Field-Cornets and their assistants had not been adequately performing their functions in connection with upholding this law, because these officials were 'strengelyk gelast voor de handhawing der bovenstaande wetsbepalingen zorg te dragen'.⁶³

But cultural conditions had made public opinion ready for fresh legislation, at least in Pretoria. The Executive Council⁶⁴ led the way in this matter, its proposals for this legislation being based on the contents of petitions which had been received. The proposed additions to the game law were published in the Staatscourant of 17 May 1870. The first suggestion was to make it an offence for anyone knowing of an infringement of the game law,

⁶³ i.e. 'Strictly enjoined to ensure the upholding of the above legislation'; see Staatscourant, 3 August 1869, Notice 51. Clause 9 listed the animals which might not be 'wasted' and the fines for doing so; Clause 19 provided an incentive to report contraventions of the law by awarding half of the fines to the informant.

⁶⁴ The constitution of the Transvaal provided for a unicameral legislature, the Volksraad, elected by enfranchised male citizens (burghers). Executive authority was wielded by a President (directly elected) who was ex officio Chairman of a small Executive Council, membership of which included the Commandant-General, the State Secretary and a number of others. The President and Executive Council (here referred to as the 'government') could initiate legislation in the Volksraad, which body had to ratify all the decisions of the President and the Executive Council.

not to bring this information to the attention of the authorities.⁶⁵ The inclusion of such a clause indicates strongly that many contraventions of the hunting law were ignored or connived at by citizens, most likely because the killing of wild animals did not carry the opprobrium of a crime.

Other articles proposed novel methods of enforcing the law. Gamekeepers were to be employed for this purpose⁶⁶ and the Executive Council appointed three 'speciale jagt opzieners' (special gamekeepers or hunt inspectors)⁶⁷ to exercise vigilance against the destruction of game. The gamekeepers would collect fines and, in their capacities as Justices of the Peace, would have powers of arrest.⁶⁸ Who nominated the men involved, A.H. Stander, F. Janse van Rensburg and L. Bouwer, is not stated, nor is it clear what qualifications they required for this post. That the status of these men was low can be seen by the annual salary of £30 granted by the Volksraad.⁶⁹

The revisions to the hunting law suggested by the Executive Council were discussed in the Volksraad meetings of 13 and 14 June 1870. Not only was the

⁶⁵ Staatscourant, 17 May 1870, Notice 327.

⁶⁶ Staatscourant, 15 May 1870, Notice 327.

⁶⁷ There is little consistency in the terminology generally used to refer to public officials responsible for game protection and this may cause confusion. Here 'jagtopsiener' has been translated as 'gamekeeper'; 'warden' is used for the official with responsibility for the overall care of a specified game reserve, whilst 'game ranger' or 'ranger' refers to the subordinates of a warden who was employed to range over a particular tract of country.

⁶⁸ TA UR23, Article 32, 21 April 1870.

⁶⁹ Minutes of the Volksraad, Article 179, 14 June 1870.

appointment of gamekeepers confirmed, but other matters were also given attention.⁷⁰

Hutning wild animals by using traps or game pits was made illegal.⁷¹ The outlawing of trapping appears to have been directed against both black hunters and hide hunters. Trapping formed a successful method of game capture for hide hunters for whom the quantity of animals taken was the prime consideration. Other trappers to be affected by this provision were blacks, who had killed animals in this manner for centuries. What constituted a trap was not clearly defined by the legislation, but the phrasing was sufficiently wide to have included not only snares, but also the driving of animals into rivers or onto river beds where the animals were drowned or shot in large numbers.⁷²

Another innovative measure passed by the Volksraad at this time was to grant protection to a non-mammal. Ostrich hunting was to be forbidden between 1 July and 1 February, while the collection of or trading in ostrich eggs was to be prohibited throughout the year.⁷³ This measure would appear to have been taken to protect the ostrich feather trade.

The majority of the provisions of the previous law of 1858 were incorporated into the new legislation, including the clauses concerning summer hunting north of the Soutpansberg and the control of black

⁷⁰ Minutes of the Volksraad, Article 178, 13 June 1870; Article 179, 14 June 1870.

⁷¹ TA UR23, Article 27, 13 June 1870; Minutes of the Volksraad, Article 179, 14 June 1870.

⁷² Baines, Gold Regions, p.114.

⁷³ TA UR23, Article 27, 13 June 1870; Minutes of the Volksraad, Article 178, 13 June 1870.

auxiliaries. The consolidated new statute⁷⁴ was published on 21 June 1870 as Law Number 10 of 1870⁷⁵ and was effective immediately.⁷⁶

That action on most game matters in the Transvaal was initiated in response to petitions submitted by citizens to the Executive Council or the Volksraad has already been alluded to. The entire political process in the Transvaal at this time revolved around petitions,⁷⁷ the reason for this being that petitions provided a means by which the general public could inform the government of their wishes and opinions on many issues. At least as far as its white citizens were concerned, the Transvaal was a republican democracy and petitions were tangible expressions of the will of the people.⁷⁸ Petitions played a significant part in the legislative process, because laws in the Transvaal were never considered definitive, but could be amended during any Volksraad session to take into account changing circumstances, attitudes and problems.⁷⁹ Petitions thus not only reflected public opinion but also played a decisive role in legislative procedure. So important were petitions in the Transvaal, that it was the duty of a Volksraad member to be

⁷⁴ The laws of 1846 and 1858 had been made during a time of constitutional instability in the Transvaal and were the resolutions of an Executive Volksraad. Law Number 10 of 1870 was therefore the first hunting law to have the force of a statute.

⁷⁵ It was first published incorrectly as Law Number 5 of 1870, the mistake being rectified in the Staatscourant of 10 November 1875.

⁷⁶ Staatscourant, 21 June 1870.

⁷⁷ W.A. Kleynhans, Volksregering in die Zuid-Afrikaansche Republiek: Die Rol van Memories (Pretoria, 1966), p.1.

⁷⁸ Ibid., p.135.

⁷⁹ Ibid., p.53.

well acquainted with petitions from his district and to give their contents his support during Volksraad sessions.⁸⁰

The new hunting law came under attack during 1871 by means of petitions which emanated from two quarters. The first objection came, somewhat predictably, from the Soutpansberg district. It was in this region that a frontier situation still existed in which whites continued to make a living from hunting. A petition was submitted by residents of the Soutpansberg district requesting that Clause 1 of the game law be repealed; this clause stipulated that elephant hunting by whites could be conducted south of, but not north of, the Soutpansberg during the summer months. The reason given for the necessity to repeal this clause was that no elephant herds existed south of the mountains any longer and that hunters were obliged to move north of the range in order to locate these animals. Petitioners further complained that the hunting law offered no protection or advantage to white hunters, and they asked the government to take action against the African chieftain⁸¹ of the Blouberg who demanded ransom in the form of ammunition from all those who wished to hunt in his domain. Defending market hunting as being beneficial to the settler economy, the petitioners objected to the protection of ostriches, and justified their killing of these birds on the grounds that at that time ostrich feathers had a marketable value second only to ivory. Whites therefore wished the government to assist in protecting them from competition from the more efficient blacks in hunting ostrich,⁸² and in ensuring their

⁸⁰ Ibid., p.136.

⁸¹ This was probably Mathome, the chieftain of the Gananwa. His clan was defeated by the Republicans in a war during 1894 and Mathome's successor, Mmalebogo, was imprisoned in Pretoria until 1900.

⁸² TA SS129 R1597/70, Undated petition from the Soutpansberg district.

continued access to profitable game products. A second petition along these same lines was received by the government in 1871.⁸³

When the Executive Council considered these submissions, political and economic considerations overruled any desire there might have been to conserve wild animals. White settlement of the frontier areas was necessary in order for the Transvaal government to continue to stake its political and economic claim to the Soutpansberg region. As a result, the wishes of the petitioners were granted in order to encourage hunters to remain as a viable white presence in the north. In addition, the export of elephant tusks and ostrich feathers was profitable and the state was greatly in need of funds. Prompt action was taken by the Executive Council and in August 1871, merely a year after the new game law had been passed, three of its more important clauses were suspended. The closed season was abolished for elephant and ostrich (the only species which were subject to such a prohibition), and they could be hunted throughout the country at all times of the year. Similarly, the ban on the collection of ostrich eggs was lifted at the same time.⁸⁴ Thus, in response to popular pressure from market hunters, certain important protective clauses for marketable wild animals were repealed. From 1871 until 1875, unrestricted hunting of ostriches and elephants was once more permitted in the Transvaal and it was only in October 1875 that restrictions were reimposed.⁸⁵

Despite the fact that the closed season for elephant and ostrich had been rescinded, in 1874 a closed season for other species was suggested in a

⁸³ TA UR24, Article 32, 6 May 1871.

⁸⁴ Staatscourant, 8 August 1871, Notice 711.

⁸⁵ Staatscourant, 20 October 1875, Notice 2093.

petition and discussed by the Volksraad.⁶⁶ On 2 November 1874 the Volksraad agreed in principle that game protection during the breeding season was advisable. The practical problem was to decide how to determine the season and how to limit hunting during this time. The member for Rustenburg, T.F. Dreyer, proposed that the closed season be set between 15 October and 1 January each year, and that it apply only to those hunters on horseback or who were accompanied by hunting dogs and not to white hunters on foot or travellers, whether mounted or pedestrian. It stood to reason that this complicated proposal was unacceptable to Volksraad members.

A second proposal was therefore submitted suggesting that a system of licensing be instituted. During the breeding season no one, it proposed, should be allowed to hunt without a licence obtained from a gamekeeper. The licence should specify the number of hunters and the quantity of game the party was allowed to hunt. The gamekeeper would have the task of ensuring that the limits stated on the licence were adhered to. This was agreed by a large majority but the legislation did not come into effect for more than a year.⁶⁷

Administrative deficiencies were to hamper the application of hunting laws which were passed in the 1870s just as had happened in past decades. The small number of three gamekeepers allocated to the entire territory of the Transvaal was obviously an inadequate policing force. In addition, no formal steps were proposed by the government to appoint a greater number of gamekeepers. Applications for the appointment of these officials in any district were initiated at the discretion of burghers, who merely asked the

⁶⁶ Minutes of the Volksraad, Article 191, 2 November 1874.

⁶⁷ Staatscourant, 10 November 1875.

government to make such an appointment. The public seems not to have considered the office of gamekeeper a necessary one, and for many years there were no requests for the appointment of gamekeepers in any region. The first recorded applications came in 1877 from the Heidelberg district,⁸⁸ and in 1879 from Lydenburg,⁸⁹ although there seems to have been at least one gamekeeper in the nearby Middelburg district by 1877.⁹⁰

Gamekeepers suffered from serious difficulties in the exercise of their duties, not the least of which was a lack of cooperation from officials and the public. As early as July 1871 the government was obliged to append an additional clause to the game law, making it obligatory for all Field-Cornets and burghers to assist gamekeepers in their duties.⁹¹ Moreover, no administrative structures were instituted to formalize the issue of licences given by gamekeepers to hunters in the closed season. In addition, details of the closed season were never made explicit: legislation did not clarify in which parts of the Transvaal the closed season was to apply, nor whether both private land and government land were equally affected.

III

In their early protectionist legislation the Transvaalers had tried to keep the game animals of their country from foreigners. In this they were unsuccessful, and European and colonial traders, hunters and sportsmen

⁸⁸ TA SS229 R682/77, Petition from Heidelberg, 31 January 1877.

⁸⁹ TA SS353 R2457/79, Lydenburg Landdrost to Colonial Secretary, 11 August 1879.

⁹⁰ TA SS236 R1870/77, P.J. Naude to Government Secretary, 9 May 1877.

⁹¹ TA UR24, Article 52, 8 July 1871.

entered the country virtually unhindered. The number of foreigners in the country rose with the discoveries of gold in the eastern Transvaal and later with the annexation of the country by the British in 1877 and the immigrants brought with them European, especially British, attitudes towards game.

The publicity generated by writers such as Harris and Cumming concerning the hunting opportunities in the Transvaal attracted visitors to the region and it did not take long for the country to gain great fame as the 'hunter's arcadia',⁹² or 'hunter's paradise'.⁹³ To many, hunting in Africa offered the opportunity of experiencing real freedom in an environment lacking many traditional controls and providing a great measure of freedom of movement.⁹⁴ Emotional pleasure could be gained in risking one's life against the animal surrogates of nature, such risks seemingly testing mastery over oneself and nature.⁹⁵ Whereas in England increasing urbanization and industrialization imposed constraints and the physical environment lacked the quality of wilderness, abundant wild country still existed in southern Africa. Soon the association between primeval nature and hunting activities became axiomatic.⁹⁶

The Romantic notion prevalent in Europe and America at that time was that 'nature "improved" was nature destroyed.'⁹⁷ Creative artists such as

⁹² P. Gillmore, The Hunter's Arcadia (London, 1886).

⁹³ TA A68, F. da Costa Leal Accession, p.17.

⁹⁴ A.A. Anderson, Twenty-Five Years in a Waggon (Cape Town, 1974), p.3.

⁹⁵ D. Hammond and A. Jablow, The Africa That Never Was: Four Centuries of British Writing about Africa (New York, 1970), p.159.

⁹⁶ Ibid., p.159.

⁹⁷ Thomas, Man and the Natural World, p.266.

Constable, Gainsborough and Wordsworth had taught that aesthetic beauty could be found only in wild nature.⁹⁸ Hunter-visitors from Europe who made their way to southern Africa were therefore not frightened in any way by wilderness, but found it - as well as the liberty and the adventure which accompanied it - very attractive. The process of 'settling down' was abhorrent to many men of action who had been touched by the Romantic movement of the nineteenth century. One opinion was that while drinking and gambling formed the major pursuits in England for a man in search of excitement, hunting wild animals in wild Africa could replace such undesirable occupations.⁹⁹

The absence of almost any other human company in the wild paradise was also an important element of the nineteenth-century African hunt. The population of England had increased so greatly that solitude was a rare pleasure and anti-social feelings had become an integral part of the emotions of Romanticism.¹⁰⁰ In short, on a visit to Africa, the norms of civilized society were placed in abeyance. Africa was indeed 'a world apart ... too alien to be encompassed within the rubrics of civilized understanding.'¹⁰¹

R.J. Atcherley summed up this attraction:

'You are under no apprehension of trespassing; nobody can warn you off. You can kick out your legs and sprawl, without danger of breaking something or knocking out somebody's eye. Nobody is here to bother about the man coming to be paid for the gas, or even to tell you to get up and "behave". You do not care a rap for politics or the symmetry of your neck-tie. Nothing restrains you. You can expand your lungs and breathe God's free air with a sense of glorious independence. There is bread and

⁹⁸ Ibid., pp.266-267.

⁹⁹ Gillmore, Hunter's Arcadia, p.vi.

¹⁰⁰ Thomas, Man and the Natural World, p.268.

¹⁰¹ Hammond and Jablow, The Africa That Never Was, p.124.

meat in the bag; some brandy even left in the bottle. No king is happier than you.¹⁰²

Pursuit of the sport of killing wild animals was thus a powerful incentive for visiting the Transvaal, and while settlers regarded hunting as their right, visitors considered it to be a privilege.

In addition to affording one of the last primeval hunting grounds in the world, southern Africa offered this privilege relatively inexpensively, thereby bringing the experience within the reach of ordinary men. Living expenses while on a hunting expedition were minimal, as hunters and their servants could live off the game. Funds expended on financing expeditions could be recouped by writing up one's experiences in book form, or by selling or exhibiting hunting trophies. Indeed, many hunters wrote books dealing with their adventures and thus added to the corpus of literature begun by Harris. In their analysis of colonial literature Hammond and Jablow make the point that such works purport to be random and loving chronicles of the outdoor life,¹⁰³ but in surveying such literature we are reminded by Gray that although these books may appear to be immediate records of experiences, they present an artificial and contrived view of Africa, some of the more unpleasant realities being entirely omitted.¹⁰⁴

One of the principal messages conveyed by hunting literature to sedentary and frustrated adventure-seekers in England was that prospective visitors should go to Africa quickly in order to share this hunter's paradise for it was observed that it would not last indefinitely. Indeed, even by the

¹⁰² R.J. Atcherley, A Trip to Boerland (London, 1879), pp.141-142.

¹⁰³ Hammond and Jablow, The Africa That Never Was, p.46.

¹⁰⁴ Gray, Southern African Literature, pp.102-103.

1860s the immense herds seen by Harris - which he had compared in number to swarms of locusts¹⁰⁵ - had gone.¹⁰⁶ The opportunities for killing lessened with each passing month¹⁰⁷ and by the 1870s the days of hunting game by the hundred were over.¹⁰⁸ A publicity handbook of 1878, for instance, declared that the Transvaal was still rich in game but that hunters and settlement were fast thinning it out.¹⁰⁹

Nevertheless, to those in the field this diminution did not seem immediately obvious. In the 1870s the hunter Atcherley could still shoot numerous buffalo and was able to describe his party as 'a walking butcher's shop'.¹¹⁰ He succumbed joyfully to the temptation of killing zebra simply because they were so abundant and admitted to having an 'itching' trigger finger.¹¹¹ Hippopotamus and elephant were, however, scarce¹¹² and becoming increasingly so, and wildebeest were taking their place as the primary hide-producing animal.¹¹³ Evidence of this could be seen in the bones of

¹⁰⁵ Harris, Portraits of the Game, p.10.

¹⁰⁶ Baines, Journal, vol. 2, p.54.

¹⁰⁷ A. Aylward, The Transvaal of Today (Edinburgh, 1878), p.226; TA A68, F. da Costa Leal Accession, p.17.

¹⁰⁸ Aylward, Transvaal of Today, p.236.

¹⁰⁹ Silver and Co's Handbook to the Transvaal, British South Africa (London, 1878), p.21.

¹¹⁰ Atcherley, Trip to Boerland, p.161.

¹¹¹ Ibid., p.154, pp.164-165.

¹¹² Aylward, Transvaal of Today, p.220; Baines, Journal, vol. 2, p.59.

¹¹³ H. Roche, On Trek in the Transvaal (London, 1878), p.271.

wildebeest which littered the veld.¹¹⁴ Sable antelope were also rare by this time¹¹⁵ and zebra in short supply on the plains.¹¹⁶ Sandeman, however, saw blesbok and springbok in their hundreds, the animals totally obscuring his view of the grass - a sight which he described as quite taking his breath away.¹¹⁷

Many hunting accounts were unanimous in their observation that considerable quantities of wild animals were to be found only on the periphery of the Transvaal or on the highveld in parts which were insufficiently fertile for man's use¹¹⁸ and thus unoccupied. The northern Transvaal was isolated by mountains and hostile African chiefdoms, so although game was plentiful in the region, sportsmen were unable to hunt there.¹¹⁹ However, numerous wild animals did still exist in places where they were protected by the presence of tsetse fly, such as in the eastern Transvaal lowveld or in the Waterberg district of the west.¹²⁰

¹¹⁴ A.T. Cunynghame, My Command in South Africa, 1874-1878 (London, 1879), p.81; E.F. Sandeman, Eight Months in an Ox-Waggon (Johannesburg, 1975), p.106.

¹¹⁵ Sandeman, Eight Months, p.254.

¹¹⁶ Cunynghame, My Command, p.251.

¹¹⁷ Sandeman, Eight Months, p.147.

¹¹⁸ F.L. Cachet, De Worstelstryd der Transvalers aan het Volk van Nederland Verhaald (Amsterdam, 1882), p.376.

¹¹⁹ Cunynghame, My Command, p.287; Cachet, Worstelstryd der Transvalers, p.373.

¹²⁰ TA W179, H.T. Glynn Accession: Glynn calls the eastern Transvaal a 'mysterious' region, p.68. For evidence as to where game still abounded, see Aylward, Transvaal of Today, p.221; Cachet, Worstelstryd der Transvalers, p.373; Dunbar, Transvaal in 1876, p.57; Sandeman, Eight Months, p.125, pp.273-274; Cunynghame, My Command, p.291; C. Warren, On the Veldt in the Seventies (London, 1902), p.169, pp.191-193.

As had happened on the great plains of America by this time, the 'prairies of South Africa'¹²¹ too could no longer supply the easy sporting entertainment of the past and finding wild animals in the Transvaal bush was hard work. Despite their seeming ability, indeed desire, to suffer physical hardship, British hunters in southern Africa avoided great effort in procuring game animals. The explorer Erskine declared that he certainly would not hunt on foot: 'I would rather shoot a little ordinary game, such as hartebeeste, wildebeeste, and blesbok, than a large quantity of big game, such as elephants, rhinoceros, sea-cow, giraffe, buffalo, &c, on foot.'¹²² Nor was any game bird worth the sportsman's trouble of pursuing into it a covert in order to kill it, because coverts were 'thick and impenetrable, causing great fatigue in its [the bird's] pursuit.'¹²³

No British sporting visitor to the Transvaal at this time would ever admit to being a member of the lower or even the middle classes. Economic and social tradition in Britain determined that sportsmen were gentlemen and thus belonged to the 'better class of Englishman'.¹²⁴ In demonstrating his class aspirations, the hunter-visitor compared his own actions with those of Africans or Boer market and subsistence hunters. Many ironies become evident in such a comparison.¹²⁵ Both market hunters and sportsmen killed game and engaged in the same physical hunting behaviour, but the motives of each group

¹²¹ Cunynghame, My Command, p.251.

¹²² Erskine, 'Journey of exploration', pp.239-240; Finaughty, Recollections, p.61.

¹²³ Cunynghame, My Command, p.284.

¹²⁴ Aylward, Transvaal of Today, pp.236-237.

¹²⁵ Y.F. Tuan, Topophilia: A Study in Environmental Perception, Attitudes and Values (Englewood Cliffs, New Jersey, 1974), p.63.

were different and were not easily understood by the other. Anderson recorded that Boers could not believe that people hunted wild animals solely for amusement and that the by-products of their hunting were so unimportant to them.¹²⁶ Trophies,¹²⁷ usually consisting of horns or heads, were meaningless items to the rural Transvaal settler who might have used horns as clothes or saddlery pegs but would certainly have boiled or discarded animal heads.¹²⁸ Blacks also found it difficult to understand the motives of the sport hunter. In the 1850s, the missionary explorer David Livingstone had been obliged to explain to uncomprehending Africans how the British hunted for pleasure,¹²⁹ while by the late 1870s, Cunynghame reported that blacks had become more sympathetic to British sport hunters because they did not compete with blacks in trading in game products.¹³⁰

Visiting sportsmen often rationalized their self-righteous attitude to killing animals by denigrating other groups of hunters.¹³¹ For example, sportsmen considered that killing for pleasure was the prerogative of the upper classes, while killing for the market was a habit belonging to lower classes. And whereas the former reason for hunting was considered 'good', the latter was thought of as 'evil'.¹³² It was commonly alleged by British

¹²⁶ Anderson, Twenty-Five Years, p.27.

¹²⁷ Glynn declared that 'each head is a key to some locker in his [the hunter's] memory and can never be defaced': see Game and Gold, pp.182-183.

¹²⁸ TA A1570, Sekukuniland; J.F.D. Winter Accession, p.17.

¹²⁹ Gray, Southern African Literature, pp.105-106.

¹³⁰ Cunynghame, My Command, p.285.

¹³¹ J.A. Tober, Who Owns the Wildlife? The Political Economy of Conservation in Nineteenth Century America (Westport, Connecticut, 1981), p.42.

¹³² *Ibid.*, p.52.

sportsmen that the Voortrekker community had originated from the lower echelons of Cape society.¹³³ Boers were therefore arraigned for being primitive or backward and it was considered that only people who believed that the earth revolved around the sun - as did many Boers - would kill animals for their skins rather than for the pot.¹³⁴ British sportsmen were also critical of the 'savage' characteristics of the Transvaalers, such as riding without stirrups and using antelope skins for saddles.¹³⁵ Boer hunters were, however, excellent shots and could have taught English visitors many lessons about enduring physical hardship and developing self-reliance. Shooting skills and the ability to endure hardship were considered to be sporting virtues which had overtones of moral goodness. For this reason, Boer hunters were worthy of some respect,¹³⁶ possibly to the same degree as would be accorded to the 'proprietor of a Highland deer-forest.'¹³⁷ A further reason why some British sportsmen admired Boer hunters was that the Boer had shown no fear in opening up the wilderness of southern Africa.¹³⁸

Another example of how attitudes concerning wild animals influenced those in respect of fellow humans can be seen when considering the opinions of British sportsmen towards black hunters. While the hunter-visitor, despite his admiration of the Boer trait of self-reliance, generally looked down upon

¹³³ Leyland, Adventures, p.58. This opinion was not, of course, correct. Boer society had always been stratified; see Keegan, Rural Transformations, p.21.

¹³⁴ Cunynghame, My Command, p.281; Roche, On Trek in the Transvaal, p.272; Anderson, Twenty-Five Years, p.27.

¹³⁵ TA A68, F. da Costa Leal Accession, p.39.

¹³⁶ Hammond and Jablow, The Africa That Never Was, p.189.

¹³⁷ Aylward, Transvaal of Today, p.239.

¹³⁸ Dunbar, Transvaal in 1876, p.50.

these market and subsistence hunters, they considered that there was another rung of 'savagery' below that of the white Transvaalers: the blacks. British sportsmen felt no grudging admiration for Africans, as they felt for Boers; in the case of blacks, these sportsmen considered that there was no meeting ground between savagery and any aspect of European civilization.¹³⁹ Whites, no matter what social and economic class they belonged to, were higher up the evolutionary scale of the then fashionable Social Darwinism than was any black. Cornwallis Harris had been explicit in his denigration of blacks: he had compared the physical features of the Khoikhoi with those of the bushpig,¹⁴⁰ and those of the San with those of the baboon.¹⁴¹

Thus not only were blacks compared with certain wild animal species in terms of physical appearance, but also in behavioural characteristics. Prominent in sporting literature is the image of the relationship that existed between blacks and animals as being one based on food alone. At that time there was a common belief that a staple diet of venison was unhealthy for 'civilized' people. Boers were vilified for living on game meat,¹⁴² while Baines, Andersson, Chapman and Livingstone were said to have died from 'the necessity for so many years of feeding on the tough and indigestible flesh of the elephant, rhinoceros, lion and other large game.'¹⁴³ It was alleged, however, that blacks were able to eat zebra,¹⁴⁴ as well as enormous

¹³⁹ Gray, Southern African Literature, p.112.

¹⁴⁰ Harris, Portraits of the Game, p.152.

¹⁴¹ Harris, Portraits of the Game, p.159; Wild Sports, p.264.

¹⁴² Aylward, Transvaal of Today, p.239.

¹⁴³ Baines, Gold Regions, p.xv.

¹⁴⁴ TA A68, F. da Costa Leal Accession, p.78.

quantities of any venison. Thomas has explained that the injunction against gluttony has its origin in the view that over-eating is a bestial trait, i.e. that only animals and less manly people are absorbed by the question of food.¹⁴⁵ In taking a delight in consuming large quantities of food, blacks demonstrated their 'inferior humanity' to sport hunters. Most visiting huntsmen took a paternalistic delight in having their bearers dependent upon them for food and accordingly supplied them with large amounts of meat. This attitude towards blacks was akin to that found in man's regard for dependent pet animals. In contrast, early Voortrekker frontiersmen had treated their black auxiliaries differently: they had purposely armed them and had been dependent upon their hunting skills and expertise.

Unlike the permanent inhabitants of southern Africa, British visitors showed a slight strain of sentimentality towards animals. In 1868 Erskine felt pity for the first giraffe he killed, 'almost' vowing never to kill another creature because for him the sight of the dying giraffe was so moving.¹⁴⁶ Sandeman attempted to locate a blesbok he had wounded so that he could put the animal out of its misery.¹⁴⁷ Baines was concerned at having wounded a wildebeest so severely that it was 'wandering about with its bowels protruding from the wound and hanging in a dried and blackened mass at its side - and its eyes already pecked out by the crows.'¹⁴⁸ Harriet Roche, in a

¹⁴⁵ Thomas, Man and the Natural World, p.27.

¹⁴⁶ Erskine, 'Journey of exploration', p.241; Harris felt some pity for a young elephant whose mother he had shot: Wild Sports, pp.174-175.

¹⁴⁷ Sandeman, Eight Months, pp.178-179.

¹⁴⁸ Baines, Journal, vol. 2, p.142.

rare account by a woman of the Transvaal at that time, was distressed at the mere shooting of a buck.¹⁴⁹

Because of the increase in the numbers of British sportsmen in the Transvaal after that country's annexation by the British in 1877, the perceptions of these men became increasingly dominant. The period of British rule of the Transvaal was, however, too brief and too insecure for these attitudes towards wild animals to have had substantial legislative or administrative effect. Although the British authorities acknowledged that game protection should have been a subject for consideration and legislation, they took no action in this connection. The new administration considered it inadvisable to appoint gamekeepers and such requests were merely filed away.¹⁵⁰ In commenting upon one such application, a British official articulated another attitude towards game in the Transvaal, one which was to gain more currency at a later date: clearly wishing that the Transvaalers were a more compliant group, he expressed the view that if all game animals were destroyed, people would be obliged to engage in agriculture, a practice which would be more beneficial to the country than hunting. The official reported, as though the wild animals were themselves at fault, that the 'laziest and most turbulent set' of people inhabited the frontier districts of the country where game still existed.¹⁵¹ The view that only lazy people hunted wild animals and that subsistence hunting, by withholding a potential

¹⁴⁹ Roche, On Trek in the Transvaal, p.269.

¹⁵⁰ TA SS8637 R2457/79, Colonial Secretary to Lydenburg Landdrost, 4 August 1879.

¹⁵¹ TA SS229 R682/77, [Illegible signature] to Administrator, 10 July 1877. The view that subsistence hunting impeded agricultural development had also been raised in De Volksstem of 19 September 1873. The newspaper, however, advocated the wise use of game rather than its extermination.

supply of labour, impeded economically beneficial agricultural and industrial development, was to become more insistent with the growth of industrialization in the Transvaal when the supply of black labour became a crucial issue.¹⁵²

The British administrators during the period of annexation did, however, pass one game law: restrictions on the killing of fish species were imposed for the first time in the Transvaal. Destruction of fish, by the use of dynamite and other explosives, was made a punishable offence. In this case the development of mining technology seems to have been applied so successfully to the catching of fish in both rivers and dams that it had become desirable to protect fish from this method of slaughter. The fact that such large numbers of fish were harvested by this method would seem to indicate that the fish were being utilized as a food supply. Passed by decree in April 1880, Law Number 5 was the first Transvaal legislation to be termed 'conservationist' or 'protective', going under the title of the 'Vischbewaring Wet'.¹⁵³ The titles of previous game laws of the Transvaal, which had related to mammals and ostriches, had indicated concern for regulating hunting practices rather than for the protection of wild animals themselves.

IV

In many respects, attitudes towards wild animals in the Transvaal had undergone modification between 1858 and 1881. The most influential factor in this change was the closing of the frontier in most parts of the Transvaal. This had come about because the British administration had accomplished what

¹⁵² See Chapter 6.

¹⁵³ i.e. 'The Fish Protection Law.'

the Transvaal settlers previously had not been able to do, namely, to destroy the power of the independent chieftains of the northern Transvaal. In addition, economic conditions began to alter with the mineral discoveries and the initial stages of industrialization. The central portions of the Transvaal became increasingly urbanized during this period and provided a fairly sophisticated lifestyle.¹⁵⁴ Even in parts of the country where British influence did not predominate, a landowning class of farmers began to take a proprietary interest in game, so much so that a contemporary British magazine was able to state, 'Another thing Boers think a great deal of is the preservation of game on their farms. They live upon buck, and consider them private property.'¹⁵⁵

Although fairly generally ignored by visitor and resident alike,¹⁵⁶ prohibitive legislation relating to the killing of wild animals had been passed by the Transvaal legislature. Before the British annexation, Transvaalers had taken tentative steps to legislate for a sustainable yield of wild animals. In addition, the British administration had attempted to preserve fish from extermination. Protectionist measures, such as the introduction of a closed season and the appointment of a force of gamekeepers, had been adopted and these formed a basis which could be expanded upon in later years.

However, conditions in the Transvaal in the 1860s and 1870s were not favourable for other protectionist measures. There existed no natural history

¹⁵⁴ S. Pinto, How I Crossed Africa from the Atlantic to the Indian Ocean, Through Unknown Countries, vol. 1, (London, 1881), pp.308-309.

¹⁵⁵ 'The Boers at home', Blackwood's (Edinburgh) Magazine, p.759.

¹⁵⁶ As late as 1878 Aylward could write of a closed season imposed by fever and not by fines: see Transvaal of Today, p.220.

association, no hunting club nor angling club, bodies which had been formed in Natal, for instance, during the same period.¹⁵⁷ Indeed, frontier conditions still obtained in the Transvaal to the degree that the country still exported nature as a lucrative commodity. This occurred on two levels:¹⁵⁸ materially, the products from wildlife continued to enrich the state and its black and white inhabitants, or at least enabled many of them to live at a subsistence level, this despite the fact that blacks were consistently being expelled from the land; and secondly, the Transvaal exported pleasure of an emotional and spiritual kind to visiting sportsmen who were unable to kill wild animals in Europe.

Owing to clear evidence by the beginning of the 1880s that the number of wild animals in the Transvaal was diminishing, competition for the resource among market hunters grew, while sportsmen hurried to the country to partake of wild Africa and to shoot as many animals as was possible. By these means the destruction of animals continued to be 'fearful'¹⁵⁹ and a vocabulary connected with the killing of game even came into use. People spoke more frequently of 'useless slaughter'¹⁶⁰, 'grootte vermindering' (great diminution)¹⁶¹, 'vernieling' (destruction)¹⁶² or 'wanton destruction'.¹⁶³ As

¹⁵⁷ Natal Witness, 30 June 1868; 26 January 1869; 23 January 1877; 14 February 1877; 21 December 1877; 17 April 1880.

¹⁵⁸ R. Nash, 'The exporting and importing of nature: nature appreciation as a commodity, 1850-1980', Perspectives in American History 12, 1979, pp.519-560.

¹⁵⁹ Potgieter, 'Vestiging van blanke', p.147, quoting from De Volksstem, 14 August 1880.

¹⁶⁰ Sandeman, Eight Months, p.340.

¹⁶¹ TA SS121 R387/70, J.A. Joubert and others to State President and Volksraad, 7 April 1870.

the depletion in wild animal numbers continued the attitudes of three particular groups - blacks, settlers and visitors - polarized and each group developed a set of attitudes to support its point of view.

¹⁶² Staatscourant, 3 August 1869, Notice 51.

¹⁶³ TA SS229 R682/77, Minute to Administrator, 10 July 1877.

CHAPTER 4
THE PONGOLA GAME RESERVE AND THE GAME LAW
1882 TO 1891

I

The decline in the numbers of game continued unabated in the decade after the Transvaal War and whites showed increasing concern for game protection policy. As opportunities for commercial hunting diminished, conservationist game saving techniques were augmented by preservationist measures which tended to favour those whites who hunted for recreation or sport. In addition, the hunting of certain rare species of wild animals was totally prohibited and a game reserve was begun. Subsistence hunters, whether rural blacks or destitute, landless whites, were increasingly denied the right to hunt. Despite these developments, however, protectionist policy was no more successful than it had been previously. Militating against protectionism was a lack of clarity in the law, inadequate enforcement of the legislation and the legacy of years of extravagant hunting practices.

When the Transvaal War was over, the Volksraad of 1882 was inundated with such a large number of petitions on many issues that it was impossible to deal with all of them. In order to expedite matters, the Volksraad decided

not to involve the Petitions Commission,¹ as was the usual practice, but to ask the government to reply directly to all petitions. Government officials were to merely to advise petitioners of the provisions of the law which pertained in each case and to present a report at the following sitting of the Volksraad.² Although many petitions dealing with game matters were submitted by members of the public, these were not given priority by the government, so that no petition in respect of wild animals came before the Volksraad for more than two years.

In 1884 only one petition relating to game protection was discussed by the Volksraad. Signed by P.J. Fourie and twenty-eight others from Bethal, and dated 5 April 1882, the petition requested both a stricter game law and the appointment of additional gamekeepers. In carrying out the mandate from the Volksraad to deal directly with petitioners and to inform them of the existing law, some months later (in December 1882) the government had replied to Fourie stating that the government considered the hunting laws of 1870 and 1874 to be adequate for protecting for wild animals.

It is not clear from the minutes of the Volksraad meeting in question why this particular petition and its reply (by then some twenty months old)

¹ There were five members of this Commission. In the early days of the republic, each Volksraad member had introduced and supported petitions from his district. When the number of petitions grew larger, attending to the petitions had become a time-consuming practice and the Petitions Commission had therefore been appointed. The Commission played a role in gathering together petitions on similar subjects and presenting them to the Volksraad with suggestions on how they should be dealt with. It was also common procedure to appoint ad hoc commissions to investigate petitions if this was considered desirable. Between 1886 and 1888 there had been dissatisfaction with the Petitions Commission, and the task of making recommendations had been withdrawn for these two years. Thereafter the Commission was again given the power to lay recommendations before the Volksraad although this power was always advisory in nature; see Kleynhans, Volksregering, pp.71-74.

² Minutes of the Volksraad, Article 816, 12 July 1882.

came up for consideration. It seems possible that there might have been an objection by some member of the Volksraad to the reply the petitioners had received from the government, because there were certainly Volksraad members who did not agree that the existing law performed its function satisfactorily. One of these was the representative for the Waterberg district, J. du Plessis de Beer. He contested the truth of the government's reply to the petitioners, contending that the game law was quite ineffective, he himself being aware of the illegal slaughter of animals by hide hunters in his district. Other Volksraad representatives agreed with De Beer. D.P. Taljaard of Standerton suggested that one remedy for the situation might be to place gamekeepers throughout the Transvaal, without having to wait for the burghers of a district to apply for such an appointment. The member for the Soutpansberg district, J.A. Rabe, provided further evidence of the failure of the system of gamekeepers, by recording that even in cases where the employment of these officials was desired, the government failed to make the necessary arrangements.

Some Volksraad members also concurred with the other point made by the Bethal petitioners; namely, that a more restrictive game law was necessary. However, Paul Kruger, who had become President of the South African Republic since 1883, attended this Volksraad meeting and defended the actions of his government in connection with the protection of game. He explained that it was difficult simply to appoint gamekeepers without being requested to do so; there were many parts of the country in which no game occurred and where the activities of these officers were therefore unnecessary.

The matter was only concluded after an issue relating to the link between ownership of private property and wild animals on such property was

introduced into the Volksraad meeting and discussion became even more divisive. A suggestion came from N.J. Smit of Middelburg, advocating a complete closed season throughout the Transvaal applicable even to owners in respect of their own farms. J.H. Fourie of Rustenburg, P.J. Lemmer of Marico and B.J. Kleynhans of Ermelo, supported Smit's proposal. However, De Beer and C.C. van Heerden (both representing the Waterberg) were adamantly against any such innovation. Since discourse on the rights of landowners was outside the Volksraad's brief on this occasion, and since the time allowed for any discussion had expired, the meeting decided to postpone a full enquiry into these matters until the hunting law came up for revision. In this way, despite the evidence to the contrary which had been advanced, the government's reply to the Bethal petitioners was confirmed, namely, that the laws in force in the Transvaal adequately protected game animals.³

The year in which this Volksraad discussion occurred, 1884, has become part of the mythology in protectionist literature, and is mentioned in many sources as being that in which President Kruger and the Transvaalers made their greatest contribution to wildlife protection by declaring a game reserve, this being a certain area of land from which the public was excluded and in which hunting was prohibited throughout the year. While it is true that in 1884 Kruger, for the first time, publicly voiced an opinion on matters of wildlife in the Volksraad, what he did was to support the contention that game laws passed a decade earlier were still fulfilling their objectives in opposition to a request for better control. In addition, Kruger

³ TA SS721 R5254/82. The entire file is devoted to the Bethal petition; details of the debate can be found in the Minutes of the Volksraad, Article 109, 14 August 1884.

did not lead protectionist opinion, but lagged behind it. This can be seen in his determined opposition to the widespread appointment of gamekeepers, and in his lack of support for the Volksraad members who desired a stricter game law. The conclusion of Meiring that Kruger cherished an 'ideal from the very first year of his first term of office - to protect and conserve the flora and fauna of the Republic'⁴ must consequently be challenged.

The erroneous conclusion that 1884 was an important year for game protection in the Transvaal may be traced to the following paragraph which appeared in 1937 in South African Eden by James Stevenson-Hamilton, then the warden of the Kruger National Park:

'So early as 1884, President Kruger, at a meeting of the Volksraad pointed out that the game of the country was being rapidly depleted, and that it was becoming advisable to set aside some kind of sanctuary in which it might find refuge. The idea, however, did not at that time meet with support, and was dropped.'⁵

This observation of Stevenson-Hamilton's has been embellished upon in later years by other writers.⁶ Mention of the year 1884 as being crucial for game protection does not appear in work published before 1937.⁷ This misinformation appears to have been based on a misprint in South African Eden, because in his personal diary, Stevenson-Hamilton described a visit to the Government Archives in Pretoria in order to investigate documents

⁴ Meiring, Kruger Park Saga, p.49.

⁵ Stevenson-Hamilton, South African Eden, p.xvii.

⁶ For example, Labuscagne, Kruger Park, p.11; Braack, Kruger National Park, p.11; Pringle, Conservationists and Killers; p.49, Meiring, Behind the Scenes, p.16; Behrens, "'Oom Paul's" great fight', p.14.

⁷ For instance in H.H. Curson and J.M. Hugo, 'Preservation of game in South Africa', South African Journal of Science, 21, 1924; C.A. Yates, The Kruger National Park (London, 1935); and the Union of South Africa, House of Assembly Debates, 31 May 1926.

relating to the early history of the Kruger National Park. His diary entry of 20 May 1935 recorded that 'the idea began in 1889'.⁸

In 1884, therefore, a game reserve was still an idea for the future. In that year both the President and the Volksraad of the Transvaal had publicly stated they were satisfied with the game law as it stood. However, many burghers at that time were not as complacent, and numerous correspondence and petitions requesting a change in the law were sent to the State Secretary for his attention. An initial approach was made in February 1882 by the Landdrost of the Soutpansberg district who drew the attention of the government to the 'wanton destruction' of game in his district, particularly by hunting parties which collected hides of giraffe and buffalo in large numbers.⁹ Two warnings came from the western Transvaal in the following year that although hide hunting no longer took place on a large scale, animals were being destroyed in quantity in order to provide biltong for miners on the burgeoning diamond mines of the Cape Colony,¹⁰ and wild animals in the Schoonspruit district of Potchefstroom were also being hunted for this purpose.¹¹

However, not all white public opinion supported more stringent protection of game and an anti-protectionist lobby existed in Standerton and Middelburg during 1882 and 1883, led, it seems, by J. van Rensburg. Destitute burghers appear to have been prevented from hunting wild animals by

⁸ S-HA, Diary entries 18 May 1935, 20 May 1935.

⁹ TA SS624 R1367/82, Soutpansberg Landdrost to State Secretary, 18 February 1882.

¹⁰ TA SS774 R694/83, Correspondence Marico Landdrost to State Secretary, January-February 1883; TA SS831 R3298/83, Petition from Lichtenburg, 4 September 1883.

¹¹ TA SS783 R789/83, Petition from Fort Willem, 17 February 1883.

landowners, and it was they who asked the government to relax the game law. A petition from Standerton stated that many of the poor were hungry and were 'onbarmhartig behandlt worden, van de zommige land bezetters alhier, die deuzenden van welt op hunne plaatsen heef, en volstrek niet ene enkel stuk welt'.¹² Petitioners from Middelburg also asked whether they could not be permitted to shoot game on private land because they were suffering from 'de byna algemeene beletting door eigenaren'.¹³ The government, however, supported the right of landowners to control access to game on their property and the petitioners were told that their request could not be acceded to.¹⁴

At this time also two conscientious gamekeepers brought home to the government how very unclear and inadequate were the provisions of the game law. In April 1883, J.H. Maartens was appointed as gamekeeper for the Zeerust district of Marico¹⁵ and he appears to have been the first such official in the country to have embarked energetically upon his duties. Directly after his appointment, Maartens obtained sworn affidavits attesting to the excessive killing of game in his district,¹⁶ and he began to raise queries regarding many aspects of the game law with his superiors. Maartens's first problem concerned the lack of information in the legislation regarding the

¹² i.e. 'Unkindly treated by some of the local landowners, who have thousands of head of game on their farms and do not provide even a single animal'. TA SS732 R5722/82, Petition from J. van Rensburg and others, 4 October 1882. A note on this file refers the researcher to many other similar petitions which emanate from this district.

¹³ i.e. 'The almost general prohibition [on shooting] by landowners'.

¹⁴ TA SS828 R3075/83, Petition from J.C.J. van Rensburg and others, 25 June 1883 and reply BB1472/83, 5 July 1883.

¹⁵ TA SS774 R694/83, Maartens to Lichtenburg Landdrost, 17 April 1883.

¹⁶ TA SS800 R1322/83, Maartens to State Secretary, 12 April 1883.

precise number of game which could be shot by hunters for their own consumption. Maartens also raised the matter of the cost of the licence which was required by hunters wishing to shoot in the closed season, and asked that official licence forms be supplied. He suggested, too, that the closed season be lengthened.¹⁷ In August, when the government had not replied to Maartens, the gamekeeper wrote again to the State Secretary, voicing his increasing anxiety on account of the fact that the closed season was imminent, at which time licences would have to be issued and Maartens felt that he was ill-informed on this matter. The State Secretary then replied to Maartens, advising him that licences were informal documents issued at the gamekeeper's discretion and that no charge was made for them,¹⁸ thereby confirming the lack of clarity in the law.

Similar questions, as well as suggestions for more effective licensing procedures, came in mid 1883 from another, then newly appointed, gamekeeper, J.F. van Staden of Bovehartsrivier, in the district of Lichtenburg.¹⁹ Van Staden, supported by burghers in his district, complained to the government about the limitless numbers of wild animals which hunters could shoot, and also about the loose licensing provisions.²⁰ The lack of enthusiasm for their duties in respect of other gamekeepers can be seen in the fact that Maartens and Van Staden were the first to ask for any clarification on licensing. Their correspondence also provides some evidence of the high degree of

¹⁷ TA SS817 R2440/83, Maartens to State Secretary, 16 May 1883.

¹⁸ TA SS840 R3877/83, Maartens to State Secretary, 8 August 1883; State Attorney to State Secretary, 28 August 1883.

¹⁹ TA SS831 R3298/83, Van Staden to State Secretary, 7 July 1883.

²⁰ TA SS831 R3298/83, Petition from Bovehartsrivier, 4 September 1883.

ignorance which existed in the Transvaal concerning game legislation, even among those directly responsible for policing the law. It appears from these records that, throughout the Transvaal, not only were gamekeepers too few, ill informed and lacking in motivation, but also that there was little that the administration could do to assist them because the law itself was deficient in so many respects.²¹

Correspondence to the Transvaal government from members of the public during 1882 and 1883 indicates strongly that many burghers considered the existing game laws to be both ineffectual and unclear. At this time, killing of wild animals in contravention of the law occurred on a wide scale; cartloads of biltong, for example, were regularly exported to the markets on the Kimberley diamond diggings.²² Much of the biltong came from the western Transvaal where large game had already been exterminated, and it was the carcasses of smaller mammals which were used for this purpose. Moreover, hides were still being collected as a result of the killing of the larger species in the Soutpansberg.²³ Burghers in the eastern districts of the Transvaal also attested to the amount of illegal slaughter which took place.²⁴

Spurred into action by this considerable show of public opinion,²⁵ the

²¹ TA SS774 R694/83; SS817 R2440/83; and SS840 R3877/83. These files contain gamekeeper Maartens's letters, details of which have been given above; see also SS721 R5254/82, Petition from Bethal, 5 April 1882.

²² TA SS774 R694/83, Maartens to State Secretary, 10 February 1883; SS831 R3298/83, Petition from Bovehartsrivier, 4 September 1883.

²³ TA SS624 R1367/82, Soutpansberg Landdrost to State Secretary, 18 February 1882.

²⁴ TA SS859 R4991/83, Petition from Lydenburg, 26 October 1883.

²⁵ TA SS8661 BB1724/83, State Secretary to Van Staden, 27 July 1883.

State Secretary took action in July 1883 and dispatched a general circular to all Landdrosts in the Transvaal. The government sought the views and suggestions of burghers regarding game matters in order that these might be raised at the session of the Volksraad due to take place in 1884.²⁶

With the exception of one, all the Landdrosts of the Transvaal made the general comment that the hunting law was not having the desired effect and was sorely in need of revision.²⁷ The exception was the Landdrost of the Waterberg who declared that the existing law was satisfactory. His grounds for this belief were that he had received no complaints in connection with the operation of the law, nor any request to appoint gamekeepers in his district.²⁸ The opinion that the game law operated effectively in the Waterberg was, of course, directly contradictory to the evidence given during the 1884 Volksraad session by J. du Plessis de Beer, the member for the district who had pointed out that he knew of many hide hunters in his constituency.²⁹ The burghers of the Waterberg had been described by a British official as a 'most turbulent set'³⁰ and it is quite likely that such people were content with the game law as it stood, precisely because it imposed no practical restrictions on their freedom to hunt.

²⁶ TA SS831 R3298/83, Circular CB37/83, 24 July 1883. As has been seen above, however, no such discussion took place in that year.

²⁷ All the replies are in TA SS882 R6074/83 and SS893 R333/84.

²⁸ TA SS893 R333/84, Waterberg Landdrost to State Secretary, 19 November 1883.

²⁹ Minutes of the Volksraad, Article 109, 14 August 1884.

³⁰ TA SS229 R682/77, [Illegible signature] to Administrator, 10 July 1877.

Three Landdrosts, those from the districts of Wakkerstroom, Soutpansberg and Lichtenburg, took the trouble to make comprehensive suggestions for inclusion in a far stricter new game law, itemizing each article and provision. The Landdrosts of Potchefstroom, Rustenburg, Lydenburg and Standerton, while recognizing that more stringent measures to protect game were desirable, did not define these measures with any particular degree of care. Other respondents to the circular, such as the Landdrosts of Bloemhof, Middelburg and Heidelberg, stated that they were not able to give much assistance, owing to the fact that since so little game remained in their districts, they had had no real experience of the working of the law.³¹

Many of the replies to the State Secretary's circular highlight not only common difficulties but also prevailing attitudes which existed in the Transvaal concerning wild animals. They also suggest that there was substantial public and official interest in the question of the depletion of the numbers of game in the country. By now the view that people who hunted in order to make a living were lazy and unproductive had gained in importance. The Landdrost of Standerton, for example, complained that until all game had been completely shot out, hunters would not try to find 'ene veel beter bestaan'.³² Patriotic respondents from Bovehartsrivier felt that professional

³¹ TA SS893 R333/84; the dates of the replies to the State Secretary are as follows: Lydenburg, 26 November 1883 and 8 January 1884; Heidelberg, 9 January 1884 and 16 January 1884; Standerton, 19 November 1884; Rustenburg, 20 November 1883; Ermelo, 22 November 1883; Lichtenburg, 29 November 1883; Marico, 9 January 1884; Soutpansberg, 19 December 1883; Potchefstroom, 9 January 1884; Bloemhof, 5 January 1884; Wakkerstroom, 14 January 1884; Middelburg, 1 August 1883.

³² i.e. 'A better way of making a living': TA SS893 R333/84, Standerton Landdrost to State Secretary, 19 November 1883.

hunters 'niets wiele doen voor het land of volk',³³ while the Landdrost of Middelburg commented that some people in his district 'te lui zyn om te werken, en niets anders wil doen als om wild te vernielen'.³⁴

The Landdrost of Rustenburg emphasized that ingrained habits were hard to eradicate and that a difficulty existed in weaning people from the long-standing inclination to destroy game. He also averred that annual winter journeys by farmers with their livestock to the lowveld were not necessary and simply disguised the farmers' urge to hunt.³⁵ The Landdrost of Lydenburg, however, had experienced different problems: he stated that sport hunters in the gold diggings of Barberton, men such as Glynn, Somersfield and Sanderson, had killed a great deal of game. The Landdrost, with his perception of the commercial worth of game, could not understand the motives for killing 'alleen uit jachsvermaak en zelfs niet om de vellen'.³⁶

Black hunters were considered by the Landdrosts of Rustenburg, Ermelo, Lichtenburg, Soutpansberg and Heidelberg to be responsible for significant wildlife destruction. Measures were suggested which would have the effect of further depriving blacks of any right to hunt and of ensuring that the

³³ i.e. 'Professional hunters will do nothing for their country or compatriots': TA SS831 R3298/83, Petition from Bovehartsrivier, 9 September 1883.

³⁴ i.e. 'Too lazy to work and will do nothing other than destroy game': TA SS893 R333/84, Middelburg Landdrost to State Secretary, 1 August 1883.

³⁵ TA SS893 R333/84, Rustenburg Landdrost to State Secretary, 20 November 1883.

³⁶ i.e. 'Only for the pleasure of hunting and not even for the hides': TA SS893 R333/84, Lydenburg Acting Landdrost to State Secretary, 8 January 1884.

killing of wild animals became the prerogative of whites alone.³⁷ There are, however, indications that the depredations of black hunters did not, in fact, have a particularly detrimental effect on game numbers at this time, and that this provided merely a convenient excuse for whites to use in attempts to control the game for themselves: this testimony, emanating from Rustenburg in 1878, states that burghers accused blacks only because whites considered killing wild animals to be their exclusive privilege.³⁸ Depriving blacks of the right to hunt was to become an issue increasingly voiced in the following decades.

Tighter administrative control of the game law was also recommended by Landdrosts. Suggested measures included the imposition of a longer closed season; curtailment of the rights of property owners to the game on their land; an explanation of exactly how many wild animals could be shot under the 'own consumption' clause; more effective licensing procedures; better publicity for the law; and improved policing of the law's provisions. Only the Heidelberg Landdrost made the point that the hunting of wild animals still formed the livelihood of some destitute whites, but even he did not advocate that these people be permitted free access to game; instead, the Landdrost suggested that the poor be obliged to obtain permission to hunt from both the landowner and the gamekeeper.³⁹

³⁷ TA SS893 R333/84, Ermelo Landdrost to State Secretary, 22 November 1883; Lichtenburg Landdrost to State Secretary, 29 November 1883; Soutpansberg Acting Landdrost to State Secretary, 19 December 1883; Heidelberg Landdrost to State Secretary, 16 January 1884.

³⁸ TA SS302 R3130/78, Letter to Administrator, 31 August 1878.

³⁹ TA SS893 R333/84, Heidelberg Landdrost to State Secretary, 16 January 1884.

All but one of the responses to the State Secretary's circular indicate that substantial numbers of burghers were distressed at the tremendous destruction of game which had taken place in the Transvaal. These responses also demonstrate that public opinion not only desired, but was eager for, stricter game protection measures. The government, however, did not show the same solicitude. Despite having been given a clear mandate by the Landdrosts of the Transvaal for new game legislation, the government did nothing about the matter until 1891, some eight years later. Although bureaucratic inertia might have been responsible for this long delay, it might also be suggested that the government, including President Kruger, did not share the view that improved protectionist legislation was urgently needed.

The new interest taken by the vociferous minority in protecting wild animals did not abate in the years following 1883. In February 1884 a petition from the ward of Elands River in the Rustenburg district asked for the appointment of an additional gamekeeper and also protested against the shooting of game throughout the year by some burghers.⁴⁰ In 1885 the Landdrost of Standerton drew the government's attention to the plight of landowners in his district whose game was being killed by visiting hunters. He asked the government to appoint special police in order to prevent this destruction, but the State Secretary declined to become further involved in protecting the interests of landowners, considering these to be 'private zaken' (private affairs). This comment drew an angry response from the Standerton Landdrost, who believed the protection of wild animals to be a matter of general importance, and he repeated his contention that the game law, having been drafted when wild animals were still abundant, offered

⁴⁰ TA SS906 R1051/84, Petition from Elandsrivier, 6 February 1884.

inadequate protection to game, or even to landowners who wished to preserve it.⁴¹

The campaign against black hunters also intensified during the 1880s. Although the Landdrost of Lydenburg had reported to the government in 1883 that sportsmen from the goldfields killed many wild animals in the area for the sheer joy of it,⁴² these sportsmen in turn complained about the Swazi hunters who ruined their enjoyment. For the first time, the 'unsportsmanlike' behaviour of black hunters was remarked upon as being sufficient reason to deprive blacks of game products. In order to prevent hunting by blacks, the Landdrost of Barberton requested the appointment of a gamekeeper in his district.⁴³ As an example of one of the many complaints he had received, the Landdrost enclosed a letter from L. Mostyn-Owen,⁴⁴ the contents epitomizing the contemporary British sportsman's attitude to game:

'I trust I shall not be considered intruding when I call your attention to the unsportsmanlike manner the game between the Crocodile [River] and the Lebombo [Mountains] is being shot down by hordes of natives, in fact to such an extent has it been shot and driven about that you may carry a gun for days without getting a shot. There was a fair sprinkling of game hereabout even a month ago, which was a godsend for the prospector and a source of recreation and sport to the citizen and Boer of the state, but this winter will see it as a thing of the past if it is not effectually stopped at once. Nothing induces game to make an entire exodus [more] than the unsportsmanlike way of forelaying it at the waters at night. This Braak Spruit is lined by Zwazies wolfing the game in this manner and they murder it to such an extent that they have butcherys [sic] and

⁴¹ TA SS1046 R1380/85, Correspondence between Standerton Landdrost and State Secretary, 17 March 1885 to 21 April 1885.

⁴² TA SS893 R333/84, Lydenburg Landdrost to State Secretary, 8 January 1884.

⁴³ TA SS1430 R4630/87, Certificate of appointment of D.S. Smuts as 'boschopzichter' (forest keeper) November 1887.

⁴⁴ TA SS1430 R4630/87, Barberton Landdrost to State Secretary, undated.

kill at the rate of mutton and beef to the poor prospector who vainly wanders gun in hand but seldom fills the pot.'⁴⁵

Sentiments such as these were to be aired increasingly in future years as British and Boer hunters closed ranks against black hunters, in the sure knowledge that these opinions would raise a strong emotional response from all whites.

II

Although the government had been very tardy in devising a new game law, it did in due course introduce an entirely novel concept of game preservation for the Transvaal, namely, a government game reserve. The notion that landowners could forbid hunting on their own land was not new, and private landowners had been taking such action for more than two decades, but 1889 marks the first occasion when the government proposed to do the same with regard to state owned land. The idea of a government game reserve in the south-eastern Transvaal had been suggested initially in March 1889 by the Landdrost of Wakkerstroom, J.C. Krogh. Krogh had proposed that an area of the Piet Retief district, comprising land along the Lebombo Mountains, be closed to hunting for some years in order to allow the number of wild animals there to increase. He had also recommended the closing of all government forests in his district for twenty or thirty years to allow the vegetation to recover.⁴⁶ Krogh's proposals cannot be considered preservationist, but rather they can be deemed conservationist, because he advocated the husbanding of natural resources for future use.

⁴⁵ TA SS1430 R4630/87, Mostyn-Owen to Barberton Landdrost, 25 June 1887.

⁴⁶ TA SS1865 R2573/89, Wakkerstroom Landdrost to Private Secretary of the President, 13 March 1889.

In view of the government's inactivity since 1881 in respect of protecting game, it does not seem likely that Krogh's recommendation would have carried any more weight than those from other Landdrosts during this time. However, political considerations rather than those of game protection appear to have been behind the desire of the government to proclaim part of the Piet Retief area as a game reserve. As had happened in the past, the welfare of the state was at issue and animal welfare was to be used as a means to attain political ends.

The proclamation of the Pongola Game Reserve came about in the following manner. On 31 July 1889 the Executive Council passed a resolution asking the Volksraad for authority to forbid totally any hunting on certain portions of government ground owing to the 'snelle uitroeiing' (rapid extermination) of game in the country. The Executive Council also sought authority to determine the regulations and the penalties for infringements against the prohibition on hunting in the reserved ground.⁴⁷ The matter was clearly deemed urgent because it was brought before the Volksraad only two days later.

During the ensuing Volksraad discussion on the proposed government game reserve, only two members, De Beer of the Waterberg and Taljaard of Standerton, raised immediate objections to the proposal. Taljaard, relaying the desires of his constituents, objected to the principle of preventing people from hunting on state land: De Beer, unlike Taljaard, did not object on these grounds, but wanted the precise boundaries of the reserve to be defined first, rather than giving the government a free hand in deciding where a reserve should be established. Giving a different opinion from that he had held five years earlier, President Kruger himself responded to the

⁴⁷ TA UR9, Article 482, 31 July 1889.

objections of two men and explained 'dat dit onmólijk [sic] was dit nu te zeggen; ware het niet reeds te laat, dan zou hij zeggen laat ze werken over de geheele Republiek waar er ook al Gouvernementsgrond is, maar ongelukkig beperkte zich het wild in de meeste streken slechts nog tot wat bokken.'⁴⁸ He proceeded to outline the area the government had in mind for a reserve: the south-eastern region of the Transvaal, bordering upon the New Republic, Swaziland and parts of Zululand, where the Pongola River cut through the Lebombo Mountains. Kruger told the Volksraad that a great deal of game remained in this locality, and that it should be preserved 'voor de verre toekomst'. The use of the phrase, 'for the distant future', seems to indicate that the proposed government game reserve was to be strictly preservationist in nature, and that the region would never again be available for hunting purposes. In addition, Kruger indicated that there were other parts of the Transvaal which were also suitable for the establishment of similar game reserves, particularly on the northern side of the Soutpansberg and eastwards along the Portuguese boundary.⁴⁹

De Beer and Taljaard, however, were not satisfied with Kruger's explanation. De Beer seemed the more convinced of the two, but nevertheless wanted the assurance that blacks would also be subject to the regulations of the game reserve. Taljaard, on the other hand, contended that the government

⁴⁸ i.e. 'It was impossible to say where at this time; were it not too late, then he would say over the whole country where there was government owned land, but unfortunately the game in most areas was limited to merely a few buck'.

⁴⁹ Although it has been suggested that Kruger was here indicating the region which later became the Sabi Game Reserve and formed the nucleus of the Kruger National Park, it seems far more likely that the area 'op de andere zijde van Zoutpansberg, Oostwaarts aan de Portugeesche lijn' (on the other side of the Soutpansberg, eastwards to the Portuguese boundary) refers to a more northerly area, such as that which was to become the Singwitsi Game Reserve.

alone was not the owner of state ground, and that such land also belonged to the white public which had a right to use its resources. The President explained that this was not the case and the government was indeed an owner of land with rights to withhold its usage from burghers, and gave the example of the many state forest reserves which were then in existence.

There were, however, numerous supporters of the avowed protectionist intentions of the government. One was J.P.L. Lombard, also of Standerton, who reminded the Volksraad that the Cape Colony had prohibited hunting on certain government-owned farms and that it was 'hoog tijd' (high time) that the Transvaal made similar provision. The Volksraad discussion on the government game reserve issue did not last long, and when votes were cast, only De Beer and Taljaard recorded their objections to the adoption of Article 1244. The article made game reserves in the Transvaal a legal reality for the first time.⁵⁰

Although Kruger had stated in the Volksraad that the reason for establishing a game reserve was to preserve the game of the Transvaal for future generations, the area he had had in mind for the first reserve was extremely small. This seems to have been curious, because vast tracts of unallocated and unsurveyed government ground existed elsewhere in the Transvaal and these would have been zoologically more suitable for a game reserve. Indeed, Kruger had mentioned such places in his speech to the Volksraad.

However, occupation of the spit of land including the Pongola Poort and the northern bank of the Pongola River in particular, was crucial to the

⁵⁰ Minutes of the Volksraad, Article 1244, 2 August 1889.

Transvaal government for strategic and political reasons: the area formed part of the Transvaal's envisaged future access to the sea.⁵¹

The seven farms which were to become the proclaimed game reserve were situated along the Pongola River with the river forming the southern boundary, Swaziland the northern, the Lebombo Mountains the eastern and the Rooi Rand the western limit. Topographically the region is therefore a basin. With climate of the region tropical, malaria was rife, and human settlement was therefore sparse. The Tembe-Tsonga people of the region were concentrated on the silted flood plain formed by the Pongola River to the east of the Lebombo Mountains, where it was possible to cultivate crops. During summer, in order to escape from the heat of the lowlands, the inhabitants moved into the cooler highlands.⁵²

Political developments in northern Natal were complex at this time and have been thoroughly analysed elsewhere.⁵³ However, historians of northern Natal and imperial expansionism have ignored the existence of the reserve and concentrated only on the political role of its warden. There has also been a dimension lacking in the game protectionist historiography of the region in that the establishment of the game reserve and the activities of its warden have been dealt with in isolation and have not been put into the wider context of events in adjoining Zululand.⁵⁴ For the purposes of elucidating

⁵¹ Kruger, Paul Kruger, vol. 1, pp.124-125.

⁵² See W.S. Felgate and E.J. Krige, eds, The Tembe Thonga of Natal and Mocambique: An Ecological Approach (Durban, 1982).

⁵³ Particularly by N.G. Garson in 'The Swaziland question and a road to the sea, 1887-1895', AYB, II, 1957 and by M.C. van Zyl in 'Die uitbreiding van Britse gesag oor die Natalse noordgrensgebiede, 1879-1897', AYB, I, 1966.

⁵⁴ For example, in Bigalke, 'South Africa's first game reserve', pp.13-18.

the development of the Pongola Game Reserve, a very brief outline of the history of northern Natal in this period must be given.

By the late 1880s the boundaries between the Zulu, Tembe-Tsonga, Swazi, Transvaal and British territories had not been conclusively defined or surveyed. Indeed, in earlier years there had been no pressing reason to do this, for the region was too unhealthy to attract permanent human settlement and it was therefore not particularly desirable. Nor was any individual chieftain sufficiently powerful to claim supremacy in the area, and the region was thus used by many groups: the Swazi, the various Tembe-Tsonga and Maputo groups, as well as by the Zulu, white agents and numerous concession seekers. British policy in the region vacillated between allowing the Transvaal to claim Tongaland on the one hand and annexing Tongaland to Zululand as part of imperial expansion on the other. Under these circumstances, agents of both the Transvaal and the British governments vied with one another in order to obtain influence with the African chieftains of the region in an attempt to achieve hegemony.

One of the major tenets of Transvaal foreign policy at this time was to acquire an outlet to the sea, completely free from British influence, where a shipping harbour could be established. Transvaal dependence on its British neighbours to the south to provide access to sea links was bitterly resented by burghers, and should a Transvaal seaport have been established, this dependence would have ceased. The strategic importance to the Transvaal of the Tongaland coast, and in particular Kosi Bay, increased when other points of coastal access were successively blocked.⁵⁵

⁵⁵ Garson, 'Swaziland question', p.367.

By the late 1880s it had become strategically vital for the Transvaal to present a persuasive claim to land adjoining Tongaland. Such a claim was necessary in order that a portion of Isonga country, which included a harbour site and suitable route for a railway line, could be annexed to the Transvaal. The most effective method to use in order to lay claim to the northern bank of the Pongola River was a pressing problem for the Transvaal government. Ownership and occupation of the land by Transvaal burghers might also have demonstrated such a claim, but private landowners would not have been prepared to occupy permanently the farms surrounding the Pongola Poort on account of the tropical climate. Possession of land would, in any event, be more secure if it were in the firm control of the state and in the interests of game protection, all interlopers could be barred from entry. It is for this reason that the proclamation of a game reserve offered a solution to the political frustration confronting Kruger's government. A game reserve meant de jure ownership and occupation without the necessity for expensive administration. It is possible to deduce, therefore, that Landdrost Krogh's suggestion of a game reserve had reached the government at an opportune time.

Even before the decision to establish a game reserve had been taken by the Executive Council and Volksraad, the Transvaal had been compelled to protect its interests in the Tongaland region. To this end, two paid secret agents had been appointed to live on the land of chief Sambana on the high ground north of the Pongola Poort. Some of Sambana's settlements were within

the proposed game reserve,⁵⁶ and his territory appears to have been bounded by the Transvaal on the east, by Swaziland on the north, and on the north-east by land belonging to a minor chieftain, Umbigiza. The territories of Sambana and Umbigiza have been referred to as the 'transPongola', and the chieftains themselves were the clients at various times of the Maputo, the Swazi, the Zulu, the British and the Transvaalers. Sambana particularly, in order to preserve his independence, seems to have been adept at playing his various masters off against one another.⁵⁷ Because of his machinations in this connection, Sambana required protection from his more powerful neighbours from time to time and two Transvaal agents, J.J. Ferreira and H.F. van Oordt, duly arrived in July 1889 to provide this protection. Ferreira had been employed by the Transvaal government in 1885 as a Native Commissioner in the area; Van Oordt, however, was a new appointment. Ferreira and Van Oordt were instructed to assert Transvaal influence over Sambana in any possible way, for instance, by offering advice, or by collecting taxes and tribute, or by binding Sambana in agreements and treaties. Such action on the part of these agents was calculated not only, in the words of one historian of the region, to 'off-set [the Transvaal's] relatively weak diplomatic position in relation to the British government by maintaining ... [an] ... influence over Zambaan and Umbegisa' but also to provide 'evidence of a chief's desire to

⁵⁶ TA SS2031 R8009/89, Van Oordt to State Secretary, 18 October 1893. As well as indicating that part of the reserve was indeed Sambana's territory, Van Oordt also stated that it was Sambana's 'eigenlijk jachtveldt' (own hunting grounds); also in the same file, Acting Native Commissioner reported to the Superintendent of Natives on 17 November 1893 that some of the reserve was Sambana's land.

⁵⁷ Garson, 'Swaziland question', p.375.

come under a particular government [which] tended to strengthen its claim to his territory'.⁵⁸

Van Oordt became the first warden of the Pongola Game Reserve when it was officially proclaimed in 1894. He was Dutch by birth with well-connected and influential relatives in both the Cape and Transvaal, and it was with the assistance of a cousin that he gained employment as a secret agent to Sambana.⁵⁹ Many of Van Oordt's letters written to his family at that time have been preserved and published, although in them, he offered no direct comment on the game reserve or its conception.⁶⁰ He was a well educated man who wrote letters to newspapers and read widely and he had a love of hunting.⁶¹ Van Oordt recorded the relative abundance of wild animals in the transPongola, in contrast with the more settled parts of the Transvaal where game had been almost exterminated.⁶²

The Transvaal government had undertaken no detailed survey of the proposed game reserve before the matter was discussed by the Volksraad. Before the reserve could be officially proclaimed, therefore, such a survey was necessary, and in August 1889 a two-man commission was appointed to look into the question. Ferreira and L.J. Meyer, a Boundary Commissioner and former leader of the New Republic, were instructed to visit the area and to

⁵⁸ Ibid., p.311.

⁵⁹ G.A. van Oordt, Striving and Hoping to the Bitter End: The Life of Herman Frederick van Oordt, 1862-1907 (Cape Town, 1980), p.125, p.127.

⁶⁰ Van Oordt, Striving and Hoping.

⁶¹ Ibid., p.129, p.137, p.139.

⁶² Ibid., p.138.

submit a report.⁶³ When no report had been presented more than a year later, Ferreira was dropped from the commission because he had not replied to any correspondence, and Meyer was instructed to proceed alone.⁶⁴ Although President Kruger had argued that a game reserve in the Pongola district was necessary because the wildlife was being exterminated, no particular urgency seems to have attended events to proclaim it. The lack of haste may be attributed to the fact that political interest in the Pongola Poort had waned and the British had not taken any further action to annex the region.

In 1892 W.J. Leyds, the State Secretary of the Transvaal, compiled a memorandum in which his opinion on certain problems regarding the game reserve were clarified. In this document the political intentions of the government can clearly be seen.⁶⁵ On the one hand, Commissioner Meyer had desired a viable game reserve, and he had accordingly considered the seven farms envisaged by the government to be far too small for this purpose.⁶⁶ Meyer had therefore recommended that the privately owned farms south of the river should be bought by the government and that the reserve be extended southwards in this way to the Mkuzi River. Meyer had even offered to act as the negotiator in the purchase of these farms, and also to act as honorary warden in the game reserve.⁶⁷ On the other hand, Leyds regarded occupation of

⁶³ TA SS2031 R8009/89, Leyds to Vice State Secretary, 8 August 1889.

⁶⁴ TA SS2031 R8009/89, State Secretary to Meyer, 25 August 1890.

⁶⁵ TA SS2031 R8009/89, Leyds memorandum, 24 March 1893.

⁶⁶ The farms were Wildebeestdraai 164, Langkloof 165, Gollel 166, Leeuwkraal 167, Nyawosheuvel 168, Middelin 169 and Lebombospoort 170. These farms now fall into the HU registration district and their numbers have been changed.

⁶⁷ TA SS2031 R8009/89, Meyer to State Secretary, 24 August 1889 and 12 January 1891; SS1875 R3068/89, Meyer to State Secretary, 31 August 1890.

the Pongola Poort as the primary issue, and considered seven farms large enough to secure this. Leyds also wished the reserve to be administered strictly and for this purpose a paid warden was to be appointed, regulations were to be set and punishments were to be determined both for trespassers and poachers. In addition, no permanent residents were to be permitted to live within the boundaries of the reserve, and consequently all blacks in the earmarked area were to be relocated.⁶⁸

So slow was progress in respect of proclaiming the game reserve that, in 1893, one of the farms involved was leased to a member of the public for winter grazing purposes.⁶⁹ However, in October of that year, Van Oordt indicated that he would be willing to accept the position of warden. In providing details of his qualifications for this task, he mentioned nothing concerning his knowledge of the habits of wild animals, but stressed his suitability on account of his long residence in the region and his intimate knowledge of the blacks there. Significantly, bearing in mind the disharmony between Van Oordt and the black people in the vicinity, Van Oordt asked that he be allowed to punish personally those who defied the game reserve regulations, pleading that to send them to Piet Retief for trial was too lengthy a procedure.⁷⁰

Although the years from 1889 to 1894 had seen little progress in proclaiming the game reserve, the Transvaal government had exercised its

⁶⁸ TA SS2031 RB009/89, Leyds memorandum, 24 March 1892; SS2031 RB009/89, note of Leyds, 8 December 1892.

⁶⁹ TA SS3733 R5283/93. This was Wildebeestdraai 164, leased by C.J. Tosen, Krogh's predecessor as Landdrost of the district and active in border affairs.

⁷⁰ TA SS2031 RB009/89, Van Oordt to State Secretary, 18 October 1893.

right to occupation of the Pongola Poort by stating publicly its intention to use the area for the purpose of establishing such a reserve. During this time, Van Oordt had attracted attention and was under the surveillance of the British. It seems that the reason for this was that Van Oordt's endeavours to influence Sambana were not limited to peaceful or legitimate means. In 1891 the Transvaal was warned to restrain Ferreira and Van Oordt from extorting taxes from Sambana and from expanding their authority into Sambana's territory.⁷¹ In August 1894, soon after Van Oordt's appointment as warden, the British objected again to the fact that Ferreira and Van Oordt were engaged in making themselves masters of 'Zambaansland'.⁷² In March 1895, Van Oordt was accused of assaulting Sambana's daughter and of flogging and ill-treating other blacks.⁷³ Although the British were considered by the Transvaal as rivals for Sambana's territory, there seems to have been some truth in the British accusations. As a result, British resolve to annex all of Tongaland was strengthened.

In April 1895 the annexation by Britain of the Tongaland territories of Sambana and Umbigiza was announced,⁷⁴ and the effect of this step was that the Transvaal was finally cut off from the sea. Van Oordt was distressed at the action of Britain, claiming that 'this unexpected blow struck us like a bolt from the blue'.⁷⁵ He protested against the annexation and tried to persuade Sambana to reconsider his collaboration in the scheme. It was

⁷¹ Van Zyl, 'Uitbreiding', p.228.

⁷² Van Zyl, 'Uitbreiding', p.232; Garson, 'Swaziland question', p.376.

⁷³ Van Zyl, 'Uitbreiding', p.236.

⁷⁴ Garson, 'Swaziland question', p.373.

⁷⁵ Van Oordt, Striving and Hoping, p.178.

rumoured that during the early part of 1896, Van Oordt felt so strongly about the matter that he planned to organize a commando from Piet Retief in order to attack Sambana. Although these rumours of military action were not well founded, Van Oordt was too controversial a character to be allowed to remain in British territory. He was thus finally evicted by the British in November 1896 and took up residence in the proclaimed game reserve area of the Transvaal.⁷⁶

III

While negotiations regarding the Pongola Game Reserve progressed slowly, the Volksraad in 1891, after nearly a decade of delay, eventually did give its attention to amending game legislation. Because the legislation of 1891 concerned many aspects of hunting wild animals, and also introduced new principles in this connection, it provides a valuable opportunity to examine the attitudes of the President of the Transvaal, of members of the Volksraad, as well as attitudes of ordinary white citizens.⁷⁷ By 1891 there were two Volksraads, the First and the Second, the latter providing a voice for the mining community, most of whom were Uitlanders (foreigners). The First Volksraad, however, remained the principal legislative body.

The proposed amendments to the game law were published for public scrutiny and the resulting comments, in the form of petitions, formed the basis of the discussion which began in the First Volksraad on 5 June 1891. Because the new game law had profound implications for the legal

⁷⁶ Van Zyl, 'Uitbreiding', pp.242-244.

⁷⁷ Details of the Volksraad debate which follow are from the Minutes of the Volksraad, Article 309, 5 June 1891.

relationships between Transvaalers and wild animals which had existed until this time, there was a great deal of dissent on two main counts. Firstly, it was proposed to put an end to all free hunting: licences, for which a fee was required, would become necessary for all hunters in the open season. Secondly, the rights of landowners over wild animals were to be curtailed to some degree.

Comment from the public on the proposed amendments prior to the Volksraad session was wide-ranging, yet most petitioners had expressed dissatisfaction with these two principal issues. The farming community, represented by six petitions signed by more than five hundred people from Ermelo, Lichtenburg, Heidelberg and Potchefstroom, protested against the high cost of licences and the infringement of their privileges as landowners. Two other petitions, both from the urban districts of Pretoria and Johannesburg, signed by seventy-three people, simply requested that the existing strict game laws of Natal be adopted by the Transvaal, without any further amendment being added.^{7B}

Despite a general feeling in the country that the old law had not accomplished its purpose of protecting game, it was soon apparent that the issues raised by the game law amendments were contentious, and that Volksraad members were keen to air their views on them. Consequently a long and acrimonious debate ensued. The most divisive issue was that regarding the precise rights landowners enjoyed over the wild animals on their farms. Representatives from Pretoria, Lydenburg, Heidelberg, Rustenburg, Ermelo, Waterberg, Standerton, Potchefstroom, Piet Retief and Vryheid, expressed their disapproval of the provision requiring landowners to take out licences

^{7B} This was Game Law 10 of 1866.

in order to shoot wild animals on their own property. In the words of A.A. Stoop, the member from Wakkerstroom, the concern of the landowners was that 'de burgers geen baas meer zouden zijn over het wild op hunne eigene plaatsen'.⁷⁹ It seems, however, that varying interpretations of this clause were possible. The Chairman of the Volksraad stated that he had not understood the clause in this way, and had already informed his constituents that landowners did not need licences to shoot game on their farms.

Other issues which raised emotions included a deficiency which landowners perceived in the new law, in that no provision had been made for the destruction throughout the year of troublesome animals and birds, and the high cost of licences. The members for Rustenburg, Barberton and Waterberg desired a reduction in licence fees, De Beer of the Waterberg defending the destitute in his district who would be unable to afford the fee. He expressed his fear that hunting would become the exclusive privilege of the rich.

The general clamour in the Volksraad came to an end when the amendments to the game law were formally placed on the order paper and thereafter a more detailed and less excited debate followed.⁸⁰ Lombard posed the first critical question: did landowners actually require a licence to kill game on their own land? He received a reply from President Kruger, who stated that administrative considerations determined that every hunter acquire a licence, no matter how small the amount of money involved might be. Unless licences were held by all hunters, Kruger feared that the government would waste a great deal of time and trouble investigating whether people who claimed to be

⁷⁹ i.e. 'The burghers would no longer be masters of the game on their own farms'.

⁸⁰ Minutes of the Volksraad, Articles 310 and 311, 5 June 1891.

hunting on their own properties, were in fact the owners thereof. Kruger also said that landowners should be required to give written permission for others to shoot on their land. Lombard seemed convinced by these arguments but pointed out that no such provision appeared in the proposed law, and asked that it be re-drafted accordingly. Lombard and De Beer also raised the question of trespassing, contending that the game law seemed to imply that hunting was permissible on both public and private property, provided a licence had been purchased.

It was J.J. Spies of Utrecht who put his finger on the central question at issue, namely, to whom did wild animals in the Transvaal belong? The State Attorney provided the legal answer: wild animals belonged to no one and if someone shot a buck on someone else's land, the landowner could bring an action of trespass but could not confiscate the carcass. President Kruger disagreed with this interpretation, stating that game was the property of the person whose grass provided that animal with fodder. He did however admit, that 'property' was perhaps not quite the correct word, especially as member Spies had pointed out that the government, by issuing hunting licences, appropriated some kind of right over wild animals no matter where these animals were located.

Having been presented with varying points of opinion on a most important issue from the two highest officials in the country, Volksraad members were left in a state of confusion. The matter of ownership of game was a vital one both to those hunters who regarded their right to kill wild animals as historically and legally sacrosanct, and also to those people who considered their rights as landowners to be paramount. When debate resumed the following day, P.L. Bezuidenhout of Potchefstroom summed up the feeling of the

Volksraad by remarking that if the State Attorney and the President were themselves unsure of the correct definition of such a crucial point, then the law certainly needed to be redrafted. Bezuidenhout suggested that a commission be appointed for this purpose and by twenty votes to three, the appointment of such a body was agreed to. The three commissioners were to be P.L. Bezuidenhout (Potchefstroom), J.M. Malan (Rustenburg) and L. de Jager (Ermelo)⁸¹ and their brief was to consider specifically the points raised by petitions in relation to the proposed amendments to the game law; they were not to reconsider the law in its entirety.⁸²

While they were in the process of drafting their report, the appointed commissioners were presented with further petitions to consider. Two of these had been submitted to the Second Volksraad from Potchefstroom,⁸³ and others had come from Rustenburg and Kaapsche Hoop.⁸⁴

The commission duly presented its report to the Volksraad on 24 June 1891, and members spent three subsequent days of meticulous discussion of the game law and its amendments. Clause by clause, the new legislation was dealt with and each Volksraad member carefully considered its implications for the burghers of his own district.⁸⁵ The preamble to the new law, which declared that it had become obvious that more effective protection for wild animals and birds should be provided for in legislation of the South African

⁸¹ Minutes of the Volksraad, Articles 314 and 315, 6 June 1891.

⁸² Minutes of the Volksraad, Articles 367 and 368, 11 June 1891.

⁸³ Minutes of the Volksraad, Articles 498 and 499, 23 June 1891.

⁸⁴ Totalling 238 signatories, all asked for lower licence fees and landowners' rights to game.

⁸⁵ Minutes of the Volksraad, Articles 517 to 545, 24 and 25 June 1891; Articles 550 to 562, 26 June 1891.

Republic, met with unanimous agreement,⁶⁶ but dissension followed immediately on almost all other points.

In its first clause, the proposed new law aimed to provide complete protection for elephant and hippopotamus⁶⁷ so that it would no longer be possible to hunt these animals at any time of year. A very large fine of £150, or a year in gaol, was laid down for contravention of this clause. As products from these two species were especially lucrative, they had been continuously hunted for decades, and had consequently become extremely rare. This factor of rarity now provided elephant and hippopotamus with sentimental value. While this desire to save rare species is often widespread, and usually generates public interest, the reasons why this should be so are neither straightforward nor rational. Indeed, most humans regard it as morally more reprehensible to kill a rare animal than a common one. It seems that some element of heroism is involved in the saving of a rare animal; perhaps this provides a means for atoning in some way for human-engineered slaughter.⁶⁸

With two exceptions, total protection for these two rare species met with approval from Volksraad members.⁶⁹ S.W. Burger of Lydenburg was one of

⁶⁶ Article 520.

⁶⁷ Merely a month before this legislation was discussed, senior government officials killed a hippopotamus in the eastern Transvaal by using dynamite in a river; see KNP Opsienersjaarverslae, Diary of M.C. Vos, Government Surveyor, 31 May 1890; TA A249, G.R. von Wielligh Accession, vol. 3, Diary of G.R. von Wielligh, 31 May 1890.

⁶⁸ In the Transvaal - regarding elephant particularly - this may indeed have been a rationale. An excellent discussion on the various arguments advanced for saving rare species and why most of them are logical fallacies can be found in Gunn, 'Why should we care about rare species?', pp.17-37.

⁶⁹ The origin of this clause is not clear: it was not suggested in any of the replies to the 1883 circular.

the exceptions: he did not consider that total countrywide protection was necessary, because in the localities where remaining herds could be found - principally in the districts of Lydenburg and Vryheid - there already existed areas where it was forbidden to shoot at certain times of the year. Burger could only have been referring here to private farms, having been assured by the member for Vryheid, J. Birkenstock, that no such refuges existed in his district. R.K. Loveday, the member for Barberton, was also not in favour of this clause, but for a different reason: he considered that this provision did not go far enough, and he suggested a total ban on the hunting of all big game in the Transvaal, including buffalo, eland, rhinoceros and giraffe. Loveday feared that unless this action was taken, these species too would disappear in the same way as had elephant and hippopotamus. However, no other members supported either of the two extreme views of Burger and Loveday, the one suggesting a relaxation of the proposed regulations and the other more stringent measures.

Clause 2 of the new game law, which provided for the compulsory issuing of hunting licences to all white hunters in the open season, was also contentious. The principle of needing licences was accepted, being passed with six dissenting votes.⁷⁰ The real argument came in discussion on the clause which set the licence fees: the fees proposed were £10 for buffalo, eland, giraffe and rhinoceros; £3 for both species of wildebeest, kudu, sable, hartebeest, waterbuck and zebra, and £1 1s for all other antelope, wild pig and warthog. De Beer began the discussion with numerous pedantic

⁷⁰ Article 523.

queries,⁹¹ but then moved on to his more important concern, namely that the rich would exterminate the game because they would be able to afford the licence fees, while destitute people would be heavily penalized by this article. De Beer even threatened landowners by suggesting that the poor might well become poachers and thieves. Loveday agreed with De Beer in his defence of the poor, contending that the purpose of a game law was to save game, and that it should not be used as a means of taxation. In the interests of game protection, Loveday - supported by President Kruger - suggested that the proposed hunting season should be shortened: from the proposed 1 February to 15 September, to 1 April to 15 August. In the event, nothing came of the objections either of De Beer or Loveday, and the article was passed by twenty votes to three.⁹²

More protection was afforded to game birds by this legislation than had been the case hitherto.⁹³ Not only ostrich, but a wide variety of other species were to be included in a protective measure for the first time. A closed season was imposed for shooting such species and, additionally a

⁹¹ De Beer was clearly being obstructionist: he wanted clarification on the meaning of the dates mentioned in Clause 2 (being 1 February to 15 September). He also wanted to know whether different licences meant that hunters could shoot only certain species of game, and he gave as his opinion that one licence should cover the hunting of all species.

⁹² Article 525. A slight rearrangement of the hierarchical schedule devised for the 1870 legislation was made. Game in Schedule A - the most expensive - consisted only of giraffe, buffalo, rhinoceros and eland (gemsbok and sable antelope having been downgraded to Schedule B and 'bastard eland' [roan antelope] having been omitted altogether); Schedule B consisted of kudu, blue and black wildebeest, sable antelope, gemsbok, hartebeest, waterbuck and zebra; Schedule C included impala, springbok, reedbuck, bushbuck, duiker, steenbok, oribi, bushpig and warthog from the 1870 list, adding blesbok (previously Schedule B), rhebok and klipspringer, but omitting 'blaaubok'.

⁹³ From replies to the 1883 circular, the government had received a clear indication that burghers wished to protect more birds.

licence was required.⁹⁴ With the dissenting votes of Loveday and De Beer⁹⁵ this clause was passed.⁹⁶

Clause 5 of the new law was in fact one of the oldest protectionist measures in the Transvaal, proposing that no person should hunt more animals than was necessary for his own consumption, nor more animals than could be loaded onto one wagon, nor was any wild animal to be killed solely for the sake of its hide. On occasions in the past,⁹⁷ the government had been asked to clarify exactly how many animals this clause referred to, and De Beer now asked the question again. He suggested that the clause should stipulate a specific number of head of game per hunter. Such clarification was necessary because, in De Beer's view, a hunter might view a certain quantity as not sufficient while a gamekeeper might consider the same quantity to be excessive. Burger agreed with De Beer, claiming that this clause was often abused, particularly when large numbers of blacks accompanied hunting parties and the excuse could be made that these assistants required food. Other Volksraad members, however, considered that this clause had served its purpose over the years and was, in any event, self-explanatory. Even President Kruger sprang to its defence, warning the Volksraad against making the clause too restrictive. In the various reactions of the Volksraad members

⁹⁴ Ostriches could be hunted only between 1 February to 15 July at a fee of £1.10.0. The open season for bustard, crowned crane, spurwinged goose, geese, cranes (wattled and blue), korhaan, guinea fowl, duck, francolin, partridge, redknobbed coot, cormorant, snipe [snip kwartel], rock pigeon and turtle doves was between 15 January and 15 August.

⁹⁵ No reason was given for their disagreement.

⁹⁶ Article 527.

⁹⁷ One concerned gamekeeper Maartens: see TA 55800 R2440/83, J.H. Maartens to State Secretary, 16 May 1883.

to De Beer's suggestion, one can sense that the hunting activities of farmers during the winter trek to the lowveld were being threatened. Many Volksraad members owned two farms, and were therefore in a position to undertake these treks, and for this reason they were anxious to defend their right to hunt as many wild animals as they saw fit under these circumstances. This clause was eventually passed by nineteen votes to four in its old, imprecise form.⁷⁸

In view of the passions which had been raised in the Volksraad meeting of a few weeks before when the rights of landowners appeared to be threatened by game legislation, it is not surprising that clauses in the game law which entrenched the right of property owners to control the game on their land were passed unanimously. Clauses 6 and 7 determined that licences did not give the public the right to hunt on private land, unless written permission from the landowner to hunt was granted as well. Nor were hunting licences valid for government ground where hunting was forbidden by decree.⁷⁹ The threat that landowners might themselves be required to purchase licences in order to shoot wild animals on their own farms which had created a furore in the Volksraad in early June, was removed entirely by the insertion of three new Clauses - 8, 9, and 10 - in the law. These clauses met the requirements of landowners, who were now permitted to hunt wild animals on their own properties without a licence but only in the open season. In addition, landowners could destroy any wild animal at any time of the year if it damaged agricultural lands or gardens.

These clauses protected the interests of landowners in the Transvaal and appeased concern that landowners' rights to game on their own farms were to

⁷⁸ Article 531.

⁷⁹ Namely, the game reserve; Article 532.

be infringed.¹⁰⁰ De Beer, having championed the cause of those who did not own land and who were obliged to hunt in order to eat, also proved to be a supporter of the rights of landowners. Claiming that 'een eigneaar op zijn plaats geheel en al baas op zijn grond moest zijn, maar niet gedeeltelijk',¹⁰¹ De Beer objected to owners being subject to any closed season, advocating that 'die eigenaren van grond geheel en al vrij zouden zijn te schieten wanneer zij zulks verkozen'.¹⁰² While De Beer seems to have resented the restriction the proposed clause would have on his freedom of action, once again, Loveday opposed the clause for completely different reasons. The latter stated that it was landowners who were responsible for the most serious destruction of game in the Transvaal, and it was thus this group whose freedom to hunt should be circumscribed. Loveday contended that landowners should therefore be obliged to purchase licences in order to hunt on their own properties in the open season. The Chairman of the Volksraad disagreed completely with Loveday, claiming that all the wildlife of the Transvaal would have long since been exterminated had it not been for the protectionist policies of landowners. Loveday again found support for his views in President Kruger, although the motives of the latter for agreement were quite different again. Kruger wished landowners to obtain hunting licences precisely in order to safeguard their hunting rights. That landowners should require licences had been advocated by Kruger in early

¹⁰⁰ Opposition in the Volksraad was only made to Clause 8 (owners could hunt on their own ground in the open season without a licence), Clauses 9 and 10 being passed unopposed; see Article 535.

¹⁰¹ i.e. 'The owner of land must be completely master of that land, and not only partly so'.

¹⁰² i.e. 'The owner of land must be completely free to shoot whenever he chooses'.

June, but the investigating commission had encountered administrative difficulties in including this measure in the law. It was considered that the state would not have been able to handle the bookkeeping and administrative procedures which would have been involved in issuing such licences to every landowner in the country. For this reason, the commission had decided that landowners, having the right to sue for trespass, were adequately protected from poachers. However, President Kruger wished to protect the interests of absentee landlords, who might not have been aware that trespass was taking place, and maintained that hunting licences would provide just such proof of land ownership.

The member for Pretoria, A.D.W. Wolmarans, sounded a patriotic note in the proceedings by declaring that it was a republican principle that landowners did not hunt in the closed season. Lombard added an apparently moral tone by stating that it was 'unchristian' to shoot game in the lambing season. Clause 8 was passed with three dissenting votes: those of De Beer, Loveday and H.D. Beukes of Marico.¹⁰³

Clause 11 introduced yet another new principle to game law in the Transvaal by attempting to control the sale of game products. In a measure designed to discourage hide and biltong hunters, trading in game items would be made illegal outside the closed season, unless it could be proved that such items had been legally imported into the Transvaal. A small change to this clause - which was later to prove a loophole for offenders - was included at President Kruger's suggestion: landowners were permitted to sell

¹⁰³ Articles 533 and 534.

any by-products from wild animals which had caused damage to agricultural lands in the closed season, and which had, in consequence, been destroyed.¹⁰⁴

Although some debate took place on the details of clauses which intended to curtail the right of black access to wild animals, there was general agreement in the Volksraad that hunting game was the privilege of whites. Over the years it had become apparent that the intricate legal details regarding the regulation of black hunting auxiliaries were out of date, because by then very few such people existed in the Transvaal. New provisions were therefore necessary in order to prevent blacks from hunting game. Proposals included in Clause 14 of the new law were particularly harsh: all black and so-called 'coloured' people, whether holding 'passes' or not, who hunted with firearms anywhere in the Transvaal, faced immediate imprisonment, 'om rekenschap van zichselven te geven'.¹⁰⁵ Whites who apprehended black hunters were expressly directed to meet force with force, and any firearms confiscated on the imprisonment of black hunters would become the property of the white person who had arrested these hunters. No black was permitted to obtain a hunting licence, and therefore the prohibition of hunting by blacks applied throughout the year, and not only during the official closed season. De Beer suggested that Africans with passes be permitted to hunt, and he also believed that the confiscation of weapons from blacks would exacerbate racial tension and might even lead to war. He was sharply reminded by the Vice-

¹⁰⁴ Article 536. Only De Beer disagreed with this clause and he was also the sole objecter to Clause 13 which banned the sale of ostrich eggs; see Article 539.

¹⁰⁵ i.e. 'To give an account of themselves'.

President that 'de jacht was geen levensbehoefte meer, men schoot niet voor plezier'.¹⁰⁶

White hunters in the Volksraad enthusiastically defended their right to pursue game for pleasure and were determined to protect it against black competitors, quite forgetting that in the profitable game husbanding and mercantile operations of the past, whites had, in fact, required black support. Emotive language in this connection was used by Volksraad members in defence of their own sport hunting, this being genteelly referred to as the 'jacht' (hunt), as compared with the activities of 'de kaffers [wat] moorden toch alle wild uit.'¹⁰⁷ After debate, a slightly less draconian proposal than the original was agreed to, by fifteen votes to seven. The relaxation in the measure consisted of the provision that blacks using firearms to hunt would not automatically be imprisoned, but would be brought before the nearest official in order to give an account of themselves. Although confiscated weapons would still become the property of the apprehenders, the injunction that force be met with force was omitted. Only after considerable difficulty, and in the face of many objections, was President Kruger able to convince the Volksraad that blacks ought to be permitted to destroy game which damaged their crops. This resulted in an amendment that, provided that a 'pass' from a Native Commissioner had been obtained (at a fee of 2/6), blacks were able

¹⁰⁶ i.e. 'The hunt no longer provides a livelihood, people shoot now solely for pleasure'.

¹⁰⁷ i.e. 'The kaffirs who simply murder all the game': the words of A.D.W. Wolmarans, member from Pretoria; Article 540.

to kill birds, but not mammals, which caused damage to crops in black 'locations'.¹⁰⁸

Methods of enforcing the revised law formed the next problem which faced the Volksraad. No change in the essential policing structure was suggested by Clause 16, which provided for gamekeepers to be appointed at the discretion of the government. Lombard considered that, owing to the shortage of game, the office of gamekeeper had become obsolete, but he was assured by Stoop that there were parts of the country in which gamekeepers were still able to provide a service. Accordingly, this clause was approved without alteration.¹⁰⁹

The remainder of the extended Volksraad discussion was taken up with administrative details. These were overcome without serious dissent¹¹⁰ and only one incident merits recalling here. Loveday objected to the fact that the law would become operative only in January 1892, a date some seven months ahead, which meant that hunting could legally occur in what would be, if the law were to be applied, one complete closed season. He contended that if the Volksraad were truly intent upon protecting the game animals in the country, then the sooner the law was in force the better. It seems likely, however, that Volksraad members intended to take advantage of the extended shooting season, and it is noteworthy that Loveday received no support whatsoever for his proposal. When the law as a whole was put to a vote, only Loveday, De

¹⁰⁸ Articles 540, 541 and 542. Clause 15, which forbade any white person to provide blacks with guns for hunting purposes, elicited discussion only in so far as this clause might have been in conflict with other arms control laws in the Transvaal, and a compromise was therefore reached; Articles 543 and 544.

¹⁰⁹ Articles 550 and 551.

¹¹⁰ Clauses 17 to 21 of the law; Articles 552 to 641.

Beer, Beukes and E.C. Hamman (Lichtenburg) voted against it. These men had in common the fact that they were representatives of Transvaal districts in which game animals were still relatively abundant. But what divided the four, was that Loveday represented the sportsman whose protectionist ethic would be pre-eminent in the future, while the frontier attitudes of De Beer, Beukes and Hamman represented the pioneering ethic of the past.¹¹¹

IV

During the decades in which hunting wild animals had been necessary for human survival and capital accumulation for all whites in the Transvaal, far less time and effort had been devoted to game protection than was the case in 1891. As desirable wild animals had become scarcer, more discussion concerning them seems to have taken place. By 1891, the hunting of wild animals in the Transvaal had ceased to be an important commercial pursuit for most whites, and instead had become an indicator of social status. In addition, the attitudes of the culturally elite were dominant: landowners were given rights over game animals, these rights being increasingly denied to all blacks as well as to whites who did not own land. It might be suggested that owners of bushveld farms were an especially privileged group, because it is doubtful whether at this time highveld landowners possessed very much game on their farms.

In contrast to the fact that in earlier times whites would hunt for personal enrichment, by 1891 whites had to be rich in order to hunt, either by owning land or by possessing the resources with which to buy hunting

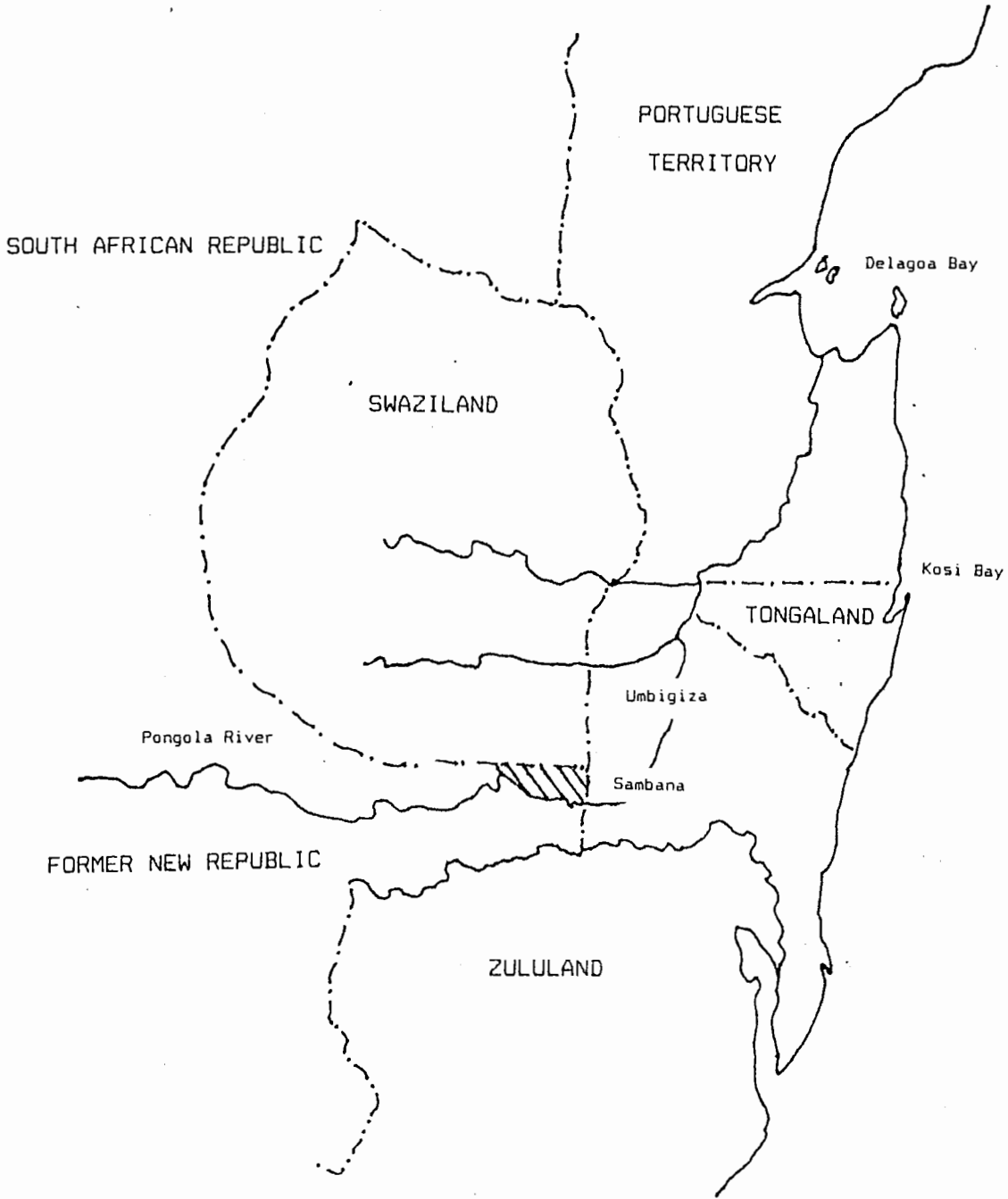
¹¹¹ Voting on the bill took place at the Volksraad meeting of 1 July 1891 (Articles 640 and 641).

licences. Game was becoming increasingly an object which the poor, both black and white, were not permitted to kill. By defending the attitude that lazy people engaged in hunting in order to procure a living, wealthy legislators, officials and sportsmen imposed upon others their bourgeois attitudes towards game.

During the 1880s an increasing number of wild animals was brought within the protectionist orbit. Gamebirds were afforded some protection, and the hunting of two species of mammal was totally disallowed. Furthermore, a game reserve was created in which the hunting of any game animal was forbidden. It is, however, significant that in discussing game legislation, the Volksraad did not mention game reserves as forming part of the protectionist thrust. While it had become clearer during the decade 1881 to 1891 what wild animals were being saved from, it was not yet apparent what they were being saved for.¹¹²

¹¹² Passmore, Man's Responsibility for Nature, p.73.

GENERAL LOCATION OF THE PONGOLA GAME RESERVE, 1889



CHAPTER 5
EXPANSION OF PROTECTIONIST POLICY
1892 TO 1899

I

Discussion and activity concerning game protection reached a crescendo in many countries in the New World at the end of the nineteenth century. The South African Republic proved to be no exception to this development and many factors contributed towards the importance of the republic's protectionist policy during its last years.

Generally speaking, a pioneering or rural past, which included opportunities to hunt without restraint, became remote from the majority of white citizens of the Transvaal at this time. Ideas of protecting wild animals gained ascendancy as whites became economically less dependent upon these animals for their livelihood. Game animals became more important for non-utilitarian reasons, for their rarity, for the sentiment they evoked, and for recreational purposes.

Black attitudes are more difficult to evaluate because they are principally reflected in white perceptions. Despite the legal proscriptions on hunting by blacks, whites continuously accused them of doing so. There can be no doubt that blacks did hunt, probably principally for purposes of subsistence. Although whites blamed blacks for excessive killing, in cases for which evidence exists it seems that blacks did less damage than that they were accused of. Except in one case, however, no overt protectionist measures seem to have been taken by blacks.

A variety of protective attitudes was expressed in the Transvaal during the 1890s, and many of these attitudes became entrenched in legislation and institutions. The most important means by which wild animals were afforded protection continued to be by way of conservationist legislation and certain hunting activities were further restricted by law. However, towards the end of the decade, it became obvious that existing hunting regulations had not accomplished the desired effect of saving game, and the establishment of different kinds of preservationist game sanctuaries for this purpose began to receive increasing legislative attention. It is probable also that the outbreak of rinderpest¹ and the consequent diminution in the numbers of wild animals in the Transvaal played a substantial part in the reasoning that game reserves provided more effective game protection than did hunting legislation.

The economy of the Transvaal altered significantly as the nineteenth century neared its close. Profitable gold mining ventures led to industrialization and urbanization, as well as to a degree of affluence amongst its urban white citizens. Since affluence generally breeds tolerance towards wild animals, the industrialized elite tended to favour the protection of nature. This can be explained by the fact that urban inhabitants are more distant from wild animals physically and psychically than country dwellers; the urban person feels more acutely the need to escape

¹ Rinderpest was an epizootic which spread rapidly southwards through Africa during the 1890s. Both domestic stock and wild animals were susceptible to its ravages. The outbreak of rinderpest and the enormous loss of cattle it caused damaged the economy of the countries in southern Africa considerably.

into natural surroundings and thus is more interested in wildlife protection.³²

The burgeoning towns of the Transvaal attracted European, particularly British, immigrants.³³ These immigrants were familiar with the sporting customs of Victorian England, including the tradition that hunting was a recreational activity which was the privilege of the upper classes. In general, regardless of their origins, all whites in the Transvaal considered themselves to be the upper classes when compared with blacks. Thus linked inextricably with protectionist attitudes in urban areas was the desire to withhold hunting rights from blacks.³⁴

Among white opinion generally, blacks were held to be the greatest offenders in the destruction of game. During the 1890s, as in previous decades, very little evidence exists of the attitudes of blacks towards wild animals and the activities of black hunters appear only as seen through the eyes of whites. While white Transvaalers had recourse to avenues of expression, such as newspapers, letters, petitions and debates, blacks were not able to make their views known through these media. As there were no prosecutions under the game law, there are no court statements from blacks. Because whites as a class desired to prevent blacks from hunting game, the white view of black hunting practices was often a prejudiced one.

Increasingly the division between landowners and non-landowners in the Transvaal became a schism between rich and poor. Earlier in the nineteenth

³² A. Runte, National Parks: The American Experience (Lincoln, Nebraska, 1979), p.85.

³³ Keegan, Rural Transformations, p.4.

³⁴ TA 551430 R4630/87, Mostyn-Owen to Barberton Landdrost, 25 June 1887.

century, the abundance of natural resources in the Transvaal had ensured that non-landowners did not suffer economic disadvantages, while later 'landlessness became a decisive determining factor in the process of class differentiation in Boer society.'³

Notwithstanding the growth of protectionist sentiment among certain whites, there were also many factors which militated against these tendencies, particularly administrative laxity. There also appears to have been a sense of fatalism that the disappearance of wild animals was inevitable, and that game legislation was bound to fail. In addition, an effective white anti-protectionist lobby arose in the western Transvaal, led by one of the Volksraad representatives of the district, J. du P. de Beer, who championed the right of destitute whites to utilize wildlife for subsistence purposes.

Natural disasters played their part in the rapid decline of wildlife along with hunting activities. On such event was the epizootic of rinderpest in 1896. In addition to the extermination of large numbers of wild animals by the disease itself, many were put to death because they were suspected of harbouring or spreading rinderpest.⁴ The outbreak of rinderpest in 1896 affected domestic stock more than wild animals, and the government consequently allowed burghers to hunt in order to subsist. Ironically too, the power of landowners - which was a force for game protection in some respects - also delayed protectionist measures. So intent were landowners upon upholding their property rights that they were able on the one hand to

³ Keegan. Rural Transformations, p.20.

⁴ TA KG184; KG186; KG189; KG195; KG199.

deflect actions which threatened their rights, but on the other hand to block laws which would have had the effect of saving more wild animals.

Voluntary public participation also became significant in determining game protection policy in the 1890s. Although lagging some years behind the British colonies of southern Africa in the formation of sporting clubs,⁷ Transvaal sportsmen banded together to establish the South African Republic Game Protection Association in 1892,⁸ branches of which were founded in Pretoria and Barberton.⁹ This association met the needs of urban elite, usually immigrant, communities for whom game hunting represented sport and recreation. Although neither strictly preservationist nor utilitarian, the Game Protection Association became an important pressure group, as well as a focus for those interested in wild animals. However, the name 'game protection association' was a misnomer, for the association was not created to protect game, but to protect the 'enlightened hedonism'¹⁰ of sportsmen who destroyed game. More correctly, it should have been called a 'shooting club' or 'sporting club'.¹¹ Nevertheless, the association espoused protectionism as

⁷ The Western Districts Game Protection Association (WDGPA) was founded in the Cape Colony in December 1886; WLS, WDGPA Minute Book 1886-1915, Minutes of 3 December 1886. A hunting club was formed in Natal in 1877 and a game protection association in 1883; Natal Witness, 23 January 1877, Natal Mercury, 23 August 1883.

⁸ TA SS3739, R5467/93, E.P.A. Meintjes to State Secretary, 5 May 1892.

⁹ TA SS4090 R780a/94, Secretary Barberton Branch to State Secretary, 18 January 1894.

¹⁰ T.W. Cart, 'The struggle for wildlife protection in the United States, 1870-1900: attitudes and event leading to the Lacey Act' (Ph.D. thesis, University of North Carolina, 1971), p.78.

¹¹ M.W. Kranz, 'Pioneering in conservation: a history of the conservation movement in New York State, 1865-1903' (Ph.D. thesis, Syracuse University, 1961), p.103.

a cause, albeit a selfish and parochial one, and thereby introduced moral self-righteousness¹² to the arguments for the protection of game in the Transvaal, these arguments having been hitherto of a more practical bent.

At first the predominantly English-speaking Game Protection Association did not have direct access to the legislative process in the Transvaal such as it enjoyed after 1900 when the country came under direct British control. However, founder members were able to give vent to their opinions by submitting petitions and letters; especially as certain Volksraad members were sympathetic to the sportsmen's view.¹³ The establishment of the association marks the beginning of the substantial influence the sporting community was later to exercise on government and legislation.

The 1890s saw the foundation of other public bodies which advocated game protection. One of these was a Natural History Society which was formed in Pretoria about 1891,¹⁴ and another was established in Johannesburg in 1897.¹⁵ In Pretoria, the State Museum came increasingly to see its role to be the preservation of specimens of indigenous animals, dead and alive.¹⁶ By the 1890s game matters were being mentioned more frequently in the local press, an indication that there was a growing popular awareness which was probably to hasten the change in attitude towards game protection.

¹² J. Turner, Reckoning with the Beast: Animals, Pain and Humanity in the Victorian Mind (Baltimore, 1980), p.129.

¹³ Transvaal Advertiser, 14 April 1893.

¹⁴ T. Gutsche, There was a Man: The Life and Times of Sir Arnold Theiler, KGMG of Onderstepoort (Cape Town, 1979), p.45.

¹⁵ Transvaal Messenger, 13 October 1904.

¹⁶ TA SS7971 R10152/99; SS6127 R1008/97; Staats Almanak der Zuid-Afrikaansche Republiek (Pretoria, 1896), p.103.

II

Despite the passing of a new game law (Law Number 6) in 1891, it soon became evident that general satisfaction in the matter of game protection had not been obtained. During the 1892 Volksraad sitting, various petitions concerning wildlife protection were submitted for discussion.¹⁷ One, with fifty-eight signatories from the Elands River ward in the Pretoria district, asked for a relaxation in the game law. Another, from twenty-four signatories of the goldfields of De Kaap, near Barberton in the eastern Transvaal, specifically requested that the game law be made more stringent. After investigating the issue, the Petitions Commission recommended that the Volksraad should refuse both these requests as the Commission felt that the 1891 game law was serving its purpose. The minutes of the Volksraad meeting of 13 June 1892 mention a short discussion, but give no details of the various points which were made.

When the matter came to the vote, only R.K. Loveday voted against the proposal to dismiss both petitions and the Volksraad accepted the advice of the Petitions Commission and agreed that the law did not require further amendment.¹⁸ Loveday was one of the few English-speaking members of the Volksraad and as the representative of Barberton from where one of the petitions had originated, he publicly allied himself with the wishes of his constituents that a stricter game law be devised.

Game protection concerns were again debated in the following year when the Volksraad session began in June 1893. On this occasion, the newly

¹⁷ Minutes of the Volksraad, Article 428, 13 June 1892.

¹⁸ Ibid.

established Game Protection Association in Pretoria made its voice heard in the Volksraad for the first time. Six petitions came from supporters of the Game Protection Association, and others came from burghers in Lichtenburg,¹⁹ Kaapsche Hoop, and Potchefstroom. In all there was a total of 473 signatories. The Pretoria petitions all requested that greater hunting restrictions be imposed, while the petition from Kaapsche Hoop advocated the abolition of the closed season for small game and birds and asked for the relaxation of game licensing procedures. There was also a protest against the high cost of hunting licences. This onslaught from the public could not be ignored, and the Petitions Commission recommended that a special commission be appointed to investigate game legislation in general.²⁰

In deciding whether such an investigative commission should be appointed or not, discussion in the Volksraad became heated. Some members resented what they interpreted to be interference from the urban community in rural affairs. The matter was complicated by the fact that the residents of urban areas of the Transvaal were overwhelmingly English-speaking. One of the members for Pretoria, P.G. Roos, voiced a commonly held belief that only country dwellers could really appreciate and therefore speak for the interests of wild animals, urban inhabitants being totally ignorant on this score. Lombard, the Standerton representative, considered it unfair to amend a law simply because one sectional group desired such an amendment.²¹ However, the majority of Volksraad members realized from the large number of petitions received that the public was dissatisfied with game legislation as

¹⁹ Minutes of the Volksraad, Article 366, 16 June 1893.

²⁰ Minutes of the Volksraad, Article 372, 17 June 1893.

²¹ Ibid.

it stood, and eventually the Volksraad agreed to appoint a commission to inquire into the issues raised in the nine petitions.²²

This commission presented its report a month later. It had reached the overall conclusion that although the basic principles of the 1891 law were satisfactory, certain of the petitioners' demands should be met and the law be amended accordingly. These demands consisted of forbidding any killing of buffalo, eland, giraffe and rhinoceros (as was already the case in respect of elephant and hippopotamus) and contracting the hunting season for both mammals and game birds.²³

Volksraad members gave their unanimous support to the idea of totally protecting buffalo, eland, giraffe and rhinoceros. Their action indicated an acknowledgement of the paucity of animals in the Transvaal that these particular species, which had once been extremely numerous and hunted relentlessly for their hides, now required special protection.²⁴

There was agreement, however, only on this one point, and the first challenge to the commission's report by other Volksraad members concerned the effect that a shorter open season would have on the hunting privileges of farmers who trekked to the bushveld or lowveld each winter. A member from Pretoria, A.D.W. Wolmarans, objected strongly to limiting the hunting season for mammals from 1 February to 15 September to 1 February to 1 August (the latter being the new dates which had been suggested by the commission), contending that the hunting privileges of winter trekboers would be curtailed

²² Minutes of the Volksraad, Article 373, 17 June 1893; Article 374, 19 June 1893; the members of the commission were J.M. Malan (Rustenburg), J.H. de la Rey (Lichtenburg) and J. de Clercq (Middelburg).

²³ Minutes of the Volksraad, Article 1151, 21 August 1893.

²⁴ Minutes of the Volksraad, Article 1152, 21 August 1893.

thereby. De Beer agreed that the shorter hunting season would prove onerous to winter trekboers, but he suggested as a solution that the season actually be extended and that hunting only cease from May each year. Wolmarans, however, rejected De Beer's proposal, and repeated his desire to leave the dates as they were, namely from February to September. However his pleas were to no avail, and the reduced open season was eventually approved by a majority of the Volksraad.²⁵

The proposed contracted hunting season for game birds met with fewer objections than did that for mammals, possibly because sport hunting of avifauna was more customary among British immigrants than among burghers and its restriction was thus seen to be less threatening to the vested interests of the latter. A proposal introduced by Loveday and De Beer was accepted by the Volksraad. De Beer may well have supported Loveday not only because there was no tradition of gamebird sport hunting among burghers, but also because it did not provide any material benefit to them.²⁶

The above amendments to the game law did not silence objections to the existing game legislation. On the contrary, it had become even more apparent from this Volksraad discussion in 1893 that numerous contentious matters existed within the law and proposals for new game legislation were therefore published in the Staatscourant on 1 and 7 February 1894. It was these proposals which were presented for discussion in the Volksraad on 2 July

²⁵ Minutes of the Volksraad, Article 1153, 21 August 1893; Articles 1155, 1156, 22 August 1893.

²⁶ Minutes of the Volksraad, Article 1158, 22 August 1893. The open season for birds had been from 15 January until 15 August each year; it was changed to commence on 15 April and end on 31 August. Certain birds were omitted from the gamebird schedule on this occasion. It is interesting to note that Loveday did not support the Kaapsche Hoop petitioners of his constituency who requested the abolition of a closed season for gamebirds.

1894: almost four consecutive days of debate took place and each clause of each proposal was analysed meticulously.²⁷

The first point at issue concerned the identification of which species should be totally protected. While the draft law in the Staatscourant had not actually suggested any additions to the existing schedule,²⁸ various Volksraad members nevertheless wanted more species to be included. The members for Middelburg, J. de Clercq, and Soutpansberg, P. Mare, expressed their opinion that while some of the existing species of protected game were already extinct within the boundaries of the Transvaal, many more species, including sable antelope, gemsbok, impala and blesbok, should be protected before they, too, were threatened with local extinction. Vociferous opposition met this suggestion because prohibitions on hunting such a wide selection of wild animals threatened to curtail drastically the number of species which landowners might legally hunt. De Beer, for instance, considered impala and blesbok too numerous to warrant strict protection. The member for Rustenburg, J.M. Malan, reiterated the position of landowners: the Volksraad should not lose sight of the fact that 'een burger baas was over zijn grond'²⁹ and for this reason, landowners should have the right to hunt everything but the most rare species on their own farms without serious restriction. Other members agreed with him, some stating that landowners were protectionist in any event.

²⁷ Minutes of the Volksraad, Article 666, 2 July 1894.

²⁸ Six species had been placed in this category: elephant, rhinoceros, hippopotamus, buffalo, eland and giraffe.

²⁹ i.e. 'A burgher was master of his own land': Minutes of the Volksraad, Article 671, 3 July 1894.

An extreme solution to the problem was then presented: hunting of any kind on all government ground in the country should be forbidden, but landowners should be free to kill whatever species of wild animal they pleased and whenever they so chose on their own properties. This suggestion came from C.J. Tosen of Piet Retief, but his idea appears not to have been taken too seriously, except possibly by De Beer and J.H. de la Rey of Lichtenburg. The latter were apprehensive about the effect which such a step would have on the destitute whites of their constituencies - those who could not afford to buy property and would thus have to beg for charity if they were prevented from hunting on government ground. On this occasion, the interests of both landowners and the landless coincided, and only one new species was added to the schedule of totally protected game, namely ostrich, the reason given being that people did not require ostrich meat for food.³⁰

When the clauses in the proposed legislation determining the dates of the hunting season and the costs of licences came up for debate, the interests and power of the burghers who migrated in winter were demonstrated: it was bluntly stated by Lombard that many farmers visited their winter farms solely to partake of the hunting privileges of landowners.³¹ The Volksraad, however, was mindful also of those burghers who did not own land, but who engaged in the winter trek to take advantage of the herds of game which still existed on the extensive tracts of state land in the eastern Transvaal and which could be hired for winter grazing. Nonetheless, the Volksraad did not agree to lengthen the hunting season to benefit the winter trekboers, and after some discussion, the amendments of 1893 - which had shortened the

³⁰ Minutes of the Volksraad, Articles 671, 672, 3 July 1894.

³¹ Minutes of the Volksraad, Article 674, 3 July 1894.

hunting season considerably - were confirmed. However, although the wishes of the itinerant farmers were not granted, the protestations of many hunters against what they considered to be the high cost of licences were considered favourably. The Volksraad determined that only a single £3 licence would thenceforth be required by a hunter each season to shoot both large and small game, the latter having formerly required the purchase of a separate licence, the cost of which had been £1.10. De la Rey declared himself satisfied that this alteration, which effectively reduced the cost of the licence fee, meant that hunting large mammals would no longer be the exclusive privilege of the rich.³²

The proposed amendments to the law which had been published in the Staatscourant had not included any alteration to the clause which permitted hunters to kill only sufficient game for their own consumption. This latter stipulation had formed part of the game law since 1846³³ and had been debated on many previous occasions.³⁴ As in past discussions on the subject, objection in 1894 was made to the vagueness of the wording of this clause. Many Volksraad members saw in its lack of clarity a means by which extermination of wildlife on a large scale could legally continue to take place. After renewed debate on this point, Volksraad members took the decision to stipulate precisely the number of game which, in their view, constituted a sufficient quantity for 'one's own consumption'. It was agreed, by fourteen votes to nine, that fifteen head of large game and twenty head of small game were sufficient for each hunter, and that no more than this same

³² Minutes of the Volksraad, Articles 674, 675, 676, 3 July 1894.

³³ See above, Chapter 2.

³⁴ See, for example, Minutes of the Volksraad, Article 530, 25 June 1891.

number were permitted to be killed for trading purposes by any individual in a given year. Despite his agitation for the setting of a formal limit, De Beer was disappointed in the number which was decided upon, claiming that the quantity allowed was far too small.³⁵

In discussion on the clause in the legislation which related to landowners' being able to hunt on their own farms without a licence in the open season, the Volksraad took the opportunity once again to defend landowners' privileges regardless of the fact that no reduction in the quantity to be hunted was envisaged. Some Volksraad members, however, such as L.J. Meyer of Vryheid and Malan, seem to have resented the fact that the law had for some years prohibited owners from hunting on their own properties in the closed season. However, theirs appears to have been a minority view, and although no Volksraad member actually suggested further curtailment of landowners' rights to game, the majority of representatives were satisfied with the provision that landowners could hunt freely on their own farms in the open season, but not in the closed season.³⁶

³⁵ Minutes of the Volksraad, Articles 678, 679, 3 July 1894. The price fetched by a large hide at this time was approximately £7.10 and that by a small hide, £5; TA SS4975a, C. Geerdtts to Dr J.W.B. Gunning, 25 August 1898. It would appear that the low value placed on wild animals by certain hunters has not altered substantially over the years: in Environmental Legislation, pp.64-65, Rabie states that in 1972 R37 206 was paid by hunters in the Transvaal to kill about 80 000 head of game.

³⁶ Minutes of the Volksraad, Article 683, 3 July 1894; Articles 684, 685, 4 July 1894. A small number of landowners felt that their interests were not sufficiently protected and the following year a petition was submitted by fifty-two men in the Potchefstroom district which asked that people be permitted to shoot game only after animals had been on their property for a month. The purpose behind this request was to assist farmers who preserved game on their land and to prevent them from having animals lured from beyond their farm boundaries to other areas where they could be destroyed. After consideration the Volksraad rejected this petition: it was not prepared to alter the basic legal principle that game itself did not constitute private property: see Minutes of the Volksraad, Article 381, 15 June 1895.

The aspect of racial distinction did not change during consideration of game legislation in 1894, and blacks continued to be denied the right to hunt wild animals. These discriminatory provisions, which had been introduced in 1891, were included in the new law without amendment. Discussion in the Volksraad in 1894 was again limited to utterances of general agreement that blacks caused great destruction of game animals, particularly in the lowveld in summer after the winter trekboers had returned to the highveld.³⁷

Acrimonious debate in the Volksraad revolved around protection of the secretary bird. In 1892 a separate law had been passed to afford special protection to the bird,³⁸ the legislation marking the first occasion in the Transvaal on which it was specifically stated that species should be protected on account of its beneficial influence, and not because it was rare or possessed valuable by-products. In the earlier debate, Loveday, for example, had decried the wanton killing of a human ally, while Wolmarans had mentioned the large numbers of destructive insects which this bird consumed. Other Volksraad members at the time seemed unaware that the secretary bird was threatened by hunters, viewing it simply as a useless animal which provided man with neither feathers nor food. De Beer, assuming that the legislation was aimed at blacks, expressed surprise that the bird was hunted: he declared that in his experience no blacks had ever deliberately captured secretary birds, and should one have been trapped accidentally, it had always been immediately released.³⁹

³⁷ Minutes of the Volksraad, Articles 694, 695, 696, 697, 4 July 1894.

³⁸ Minutes of the Volksraad, Article 429, 13 June 1892. This occurred as the result of a petition from W.W. Mare of Pretoria dated 28 January 1892.

³⁹ Minutes of the Volksraad, Article 429, 13 June 1892.

However, when the game law was revised in 1894 the secretary bird lost the total protection it had been afforded in 1892. A petition contended that secretary birds devoured lambs, small game and game birds. Discussion centred on the issue of whether secretary birds kept down the numbers of snakes or whether they were predators of domestic animals. As no quantification was possible, the individual observations of various Volksraad members were expressed. Lombard, for instance, had never witnessed a secretary bird killing a snake, while Mare and L. De Jager (Ermelo), had. As there was no way of proving what were the habits of the secretary bird, the Volksraad decided to placate owners of domestic stock and to permit the destruction of secretary birds when the birds were found in the act of killing livestock of any kind. Volksraad members who objected to the introduction of this measure, desiring instead total protection for secretary birds, included Mare, De Jager, De Beer, and Loveday.⁴⁰

In addition to complete protection for certain stated species in its amending legislation in 1894, the Volksraad gave the government the authority to protect any other species of game which were considered to be rare in the Transvaal. This protection was to be effected by proclamation, thus making it possible for endangered species to be protected at once, without involving the delay which was the inevitable accompaniment of legislation. Certain members of the Volksraad disliked this idea in principle, considering that any such proclamations might infringe upon their rights as landowners, while others objected on the grounds that they resented power being removed from the Volksraad into the hands of the Executive Council. However, arguments that protection of individual species by proclamation would be in the public

⁴⁰ Minutes of the Volksraad, Article 742, 9 July 1894.

interest won the day, particularly as Loveday was able to provide a case in point: he mentioned that in Natal, as a result of a similar measure, the number of hartebeest⁴¹ in one locality of that colony had risen from thirteen to two or three hundred.⁴² During the remainder of the decade, the government did not indiscriminately apply the power it had been given: only one species, oribi, was protected throughout the Transvaal by proclamation,⁴³ while blesbok and hartebeest were protected in the Bloemhof district,⁴⁴ and blue wildebeest, kudu, waterbuck and nyala in the Vryheid district.⁴⁵

III

A range of public attitudes towards wild animals - not all of them protectionist - existed generally in the Transvaal in the 1890s, not only within the Volksraad. On the one hand, it can be speculated that ideas of game protection may have represented only the opinions of a vociferous minority. On the other hand, it does seem that many groups espoused protectionism of some kind, but appear not to have been keen to practise what they preached. Each group considered it the task of some other section of the population to cease hunting and blame for diminishing game numbers was thus laid at various doors. It was alleged by sportsmen, for instance, that the

⁴¹ Loveday did not identify which species of hartebeest was involved.

⁴² Minutes of the Volksraad, Article 698, 3 July 1894.

⁴³ TA SS4569 R11888/94, Proclamation 26 February 1895. The suggestion to protect oribi was made by the Pretoria gamekeeper E.P.A. Meintjes.

⁴⁴ TA UR17, Article 191, 16 February 1899; this came about as the result of representations from Commandant J.F. de Beer.

⁴⁵ TA SS6727 R13092/97; the entire file is devoted to this matter. See also UR15, Article 829, 18 October 1897.

burghers and farmers of the Transvaal hunted irresponsibly resisting any curtailment to their freedom, and were 'a law unto themselves'.⁴⁶ The burghers, by contrast, had from the earliest decades of white settlement blamed visitors for the destruction of game, and it certainly would seem that sportsmen did not adhere to their professed sporting ethics even when game numbers declined.⁴⁷ Others considered market hunters to be the culprits, while whites as a group blamed blacks for the deficiency in numbers of game animals in the country. However, in addition to the selfish notion that protection was the duty of others, many people appear to have been not only apathetic to game protection, but actually hostile to it.

Over the years protective legislation had been ineffective in achieving its object of saving game. By 1894 the decline in the numbers of wild animals was so apparent that the possibility of the extinction of all game in the Transvaal became of real concern.⁴⁸ Many opinions were advanced at the time as to why this decline had occurred. Volksraad member E.C. Hamman of Lichtenburg commented that the high licence fees did not prevent the numbers of wild animals from declining steadily, as he had expected they would.⁴⁹ S.W. Burger of Lydenburg attributed the decrease precisely to high licence fees, claiming that people needed to recoup the cost of their licences by

⁴⁶ W.L. Distant, A Naturalist in the Transvaal (London, 1892), p.22; A.B. Balfour, Twelve Hundred Miles in a Waggon (London, 1896), p.61; A. Chapman, On Safari: Big Game Hunting in British East Africa (London, 1908), p.2.

⁴⁷ W. C. Scully, Reminiscences of a South African Pioneer (London, 1913), p. 154; F. Vaughan Kirby, In Haunts of Wild Game (Edinburgh, 1896), p.99.

⁴⁸ Minutes of the Volksraad, Article 668, 3 July 1894.

⁴⁹ Minutes of the Volksraad, Article 366, 16 June 1893.

shooting as many wild animals as possible.⁵⁰ It has been explained that this type of licence can never be an effective control, because it is granted to persons partaking in a sport or pastime. Only the licensing of businesses or of essential daily activities, such as the driving of a motor vehicle, is successful because the licence holder has a vital interest in the continued validity of his licence, whereas this interest does not apply to hunting licences.⁵¹ In practice, however, during the 1890s it seems that very few people bothered to acquire hunting licences at all. For example, a gamekeeper of the Pretoria district collected a mere £146 10s in licence fees during the open season of 1892,⁵² and in Barberton, where gold mining thrived and the white population was large, an average of only sixty hunting licences were issued each year between 1892 and 1899.⁵³

The legal provisions which confined hunting to open seasons appear not to have been taken any more seriously than the obtaining of licences. J.M. Malan, the representative from Rustenburg, freely admitted in the Volksraad that closed seasons were simply ignored. Lombard agreed with Malan that game was killed continuously throughout the year and averred that although such contraventions were common knowledge, no arrests were ever made and no punishments were imposed.⁵⁴ One gamekeeper explained that even when culprits were apprehended in the very act of contravening the game law, the lack of

⁵⁰ Minutes of the Volksraad, Article 372, 17 June 1893.

⁵¹ Rabie, Environmental Legislation, p.63.

⁵² TA 553739 R5467/93, E.P.A. Meintjes to State Secretary, 5 May 1893.

⁵³ TA Landdrost Barberton, vol. 11, Register ontvangste jaglisensies, 1892-1900.

⁵⁴ Minutes of the Volksraad, Article 372, 17 June 1893.

clarity in the provisions of that law made it impossible to lay formal charges.⁵⁵

It was not only the relatively new provisions in hunting legislation which seem to have been disregarded: far older laws were also broken. For instance, although it had been passed more than a decade earlier, Law Number 5 of 1880 which prohibited the placing of dynamite in rivers and dams in order to kill fish, was frequently contravened.⁵⁶

Significant numbers of wild animals would appear to have been killed by the farmers who trekked to the lowveld in winter to obtain grazing for their cattle - according to observers there was little amusement for the trekboer other than hunting.⁵⁷ By contrast, some resident farmers were keen protectionists, so much so that a lively debate existed as to whether more game was present on public or on private land. Volksraad member Tosen, for example, was one who believed that the majority of wild animals was still located on government ground,⁵⁸ but other Volksraad members strongly contested this view.⁵⁹ It does seem, however, from the evidence of even unsympathetic witnesses, that many Transvaalers did protect game on their

⁵⁵ TA SS3739 R5467/93, E.P.A. Meintjes to State Secretary, 5 May 1893.

⁵⁶ TA SS2985 R9793/91, Petition R13934/91, 3 November 1891; SS3166, R793/92, Heidelberg Landdrost to State Secretary, 31 May 1892; SS3980, R12410/93, Acting Field-Cornet to Martinwesselstroom Landdrost, 22 September 1893.

⁵⁷ C. Jeppe, The Kaleidoscopic Transvaal (London, 1906), p.89.

⁵⁸ Minutes of the Volksraad, Article 673, 3 July 1894.

⁵⁹ Minutes of the Volksraad, Articles 674, 683, 3 July 1894.

farms,⁶⁰ while only a minority actively rid themselves of game because the presence of these animals interfered with their agricultural practices.⁶¹

The sheer emotional love of hunting cannot be discounted as a major reason for the continuing destruction of game. For example, at the age of sixteen, J.P.D. Winter, the son of a missionary, was given a firearm, and could not resist 'hunting at once', killing three klipspringer on his first hunting spree.⁶² Even as ardent a protectionist as H.A. Bryden admitted that it was difficult to restrain his instinct to kill and merely to look at wild game.⁶³ Another prevalent perception of the time seems to have been that the continued existence of game prevented modernization. Although people who expounded this view were sometimes those who also complained about game destruction, these contenders exhibited a stoic acceptance of what seemed to be an inevitable fact that developments in agriculture and industry entailed the elimination of game.⁶⁴ For this reason, sport hunters like Cornwallis Harris were praised for their slaughter, while professional hunters like Paul Kruger were proud of having pioneered the country by clearing it of game.⁶⁵

⁶⁰ In A.H. Keane, The Boer States: Land and People (London, 1900) on p.62, special mention is made of Piet Grobler, owner of the farm St Helena near Ermelo as being a keen protectionist. See also H.A. Bryden, Gun and Camera in Southern Africa (London, 1893), pp.177-178.

⁶¹ Minutes of the Volksraad, Article 683, 3 July 1894.

⁶² TA A1570, Sekukuniland: J.F.D. Winter Accession, p.15.

⁶³ Bryden, Gun and Camera, p.332.

⁶⁴ Cart, 'The struggle for wildlife protection', p.20.

⁶⁵ Glynn, Game and Gold, p.26, p.108, p.119, pp.126-7; H.A. Bryden, 'The extermination of game game in South Africa', Fortnightly Review October 1894, p.547; Kruger, Memoirs, p.18.

It appears, in addition, that inadequate methods of enforcement were also responsible for game destruction and the introduction of the post of gamekeeper had been not been successful. The position had been created in 1870 and the low salary of £30 per year had been fixed at that time. By the 1890s it seems that gamekeepers were not remunerated for their services⁶⁶, but received half of any fines which they collected.⁶⁷ As it appears that few, if any, fines were ever levied, the post was not much sought after.⁶⁸ In addition, the appointment of gamekeepers was administered in a haphazard fashion, and took place at the discretion of the burghers of a district. Then too, a request for a gamekeeper by farmers of a particular area did not guarantee that the position would, in fact, be filled, because the government was lax in making such appointments.⁶⁹ And even when gamekeepers were appointed, some of them took no interest in their duties: for instance, a man named Burger, a gamekeeper in the Lydenburg district, was said to have tarried at home instead of policing his district.⁷⁰

⁶⁶ It is not clear at what date the provision for payment of a salary was abolished, if in fact, formal steps were ever taken to do so.

⁶⁷ TA SS2985 R9793/91, Standard letter sent to all applicants for the post of gamekeeper.

⁶⁸ TA SS2985 R9793/91; the contents of this file indicate that in 1892 there were only four special gamekeepers in the Transvaal, two in Pretoria and one each in Potchefstroom and Waterberg. However, between 1891 and 1892 there were 36 applications for the post, 26 of which came from residents of Pretoria at one time.

⁶⁹ See Chapter 4. Leyds refused a request from the burghers of Potchefstroom to appoint additional gamekeepers in 1895; see TA SS4687 R1773/95, Leyds to Potchefstroom Landdrost, 20 February 1895.

⁷⁰ TA SS1875 R3068/89, J.A. Erasmus to Superintendent of Natives, 22 September 1890.

A method of increasing the paltry numbers of gamekeepers in the Transvaal and thereby to prevent the illegal killing of game was suggested in January 1892 by E.P.A. Meintjes, a gamekeeper in Pretoria. Meintjes's proposal was to add gamekeeping to the official duties of all Field-Cornets and Native Commissioners in the Transvaal.⁷¹ The government acted upon this suggestion fairly quickly, and in June 1892 these officials were informed that thenceforth they were to act as honorary gamekeepers within their wards or districts and that they were to attend to these duties assiduously.⁷² This augmentation of the duties of local officials in the Transvaal became statutory when game legislation was amended in 1894. By the provisions of Clause 16 of Law Number 5 of 1894, all Commandants, Field-Cornets, Assistant Field-Cornets and Native Commissioners in the Transvaal were appointed ex officio government gamekeepers.⁷³ In terms of this legislation, gamekeepers were obliged to record the number of licences which they issued and to report each month to the local landdrost on game protection matters. A few of these communications which gamekeepers submitted during the period 1893 to 1899 exist, but in none of them is any contravention of the law reported,⁷⁴ although it is certain that such acts must have occurred.

⁷¹ TA SS3739 R5467/93, State Secretary to Meintjes, 18 January 1892. It was suggested in the Volksraad in 1884 that gamekeepers should be appointed throughout the Transvaal, but this suggestion was rejected by President Kruger: see Chapter 4.

⁷² TA SS3339 R6030/92, Draft of government notice, 11 June 1892. In the Transvaal there were 62 Field-Cornets and 11 Native Commissioners. Lists of the names of these officials and their areas of jurisdiction can be found in SS2985 R9793/91 and SS3064 R13266/91.

⁷³ TA SS4569 R11888/94, Commandant-General to all Commandants, Field-Cornets, Assistant Field-Cornets and Native Commissioners, 8 August 1894.

⁷⁴ These can be found in TA SS3980 R12410/93; SS4112 R1272/94; SS4905 R7428/95; SS5764 R12888/96; SS7176 R5421/98; and SS7903 R8539/99.

Burghers were vociferous in denouncing blacks as the major predators of game. According to Volksraad member Wolmarans, the fact that gamekeepers vacated the lowveld during summer left the region to become the summer haunt of numerous black hunters.⁷⁵ Fellow Volksraad members Meyer and Malan expressed their anger that blacks were able to take advantage of their better immunity to tropical diseases and therefore hunted in the lowveld in summer.⁷⁶ De Beer accused blacks of hunting in large parties: he charged that twice a year chieftains followed the tradition of leading armies of hunters to kill all the wild animals which could be located.⁷⁷ Sport hunters had also for many years expressed the opinion that blacks decimated game. In 1892, the naturalist and sport hunter, W.L. Distant, praised the shooting proficiency of blacks, at the same time blaming this expertise for the extermination of game around black villages.⁷⁸

As a means of halting black hunting in the lowveld, Volksraad member Lombard suggested that black gamekeepers should be appointed in the area in order to prevent illegal hunting in summer. Tosen, however, declared that such a step was certain to be a failure because blacks could not be trusted and black gamekeepers would simply become black hunters.⁷⁹

Another method of restricting black hunters involved the curtailment of black ownership of hunting dogs. For centuries hunters have used dogs for assistance in hunting and southern African blacks were no exception. Being

⁷⁵ Minutes of the Volksraad, Article 674, 3 July 1894.

⁷⁶ Minutes of the Volksraad, Articles 674, 686, 3 July 1894.

⁷⁷ Minutes of the Volksraad, Article 690, 3 July 1894.

⁷⁸ Distant, Naturalist in the Transvaal, p.111.

⁷⁹ Minutes of the Volksraad, Article 674, 3 July 1894.

well aware of the help which dogs are able to render in the pursuit of game, the Volksraad attempted to prevent blacks from using dogs for hunting purposes by levying a 10s tax on every dog owned by blacks in the Transvaal. White householders were, however, permitted to own one dog free of charge and only additional dogs were subject to the annual licence fee of 10s.⁸⁰

Other views were expressed during this decade, however, which indicate that the destruction of game by blacks, while not overtly protectionist except in one instance, was not really as great as many whites considered it to be. Abel Erasmus, then the Native Commissioner in the eastern Transvaal, was widely known for his harsh treatment and unyielding attitude towards blacks,⁸¹ but even he stated in a letter to his superior in Pretoria that blacks in his district could not be held solely to blame for the extermination of game. Erasmus considered that whites were more destructive because they did not hunt individual animals for food, as did blacks, but slaughtered animals in great numbers in order to obtain hides.⁸² It was Volksraad member Meyer who claimed that in his district (Vryheid), there were 'verscheidene kaffers waren die het wild oppasten' but gave no further details.⁸³ Certainly game still existed in large numbers in some areas inhabited by blacks: it was reported, for instance, in 1892 that a large

⁸⁰ This was Law Number 3 of 1891 which came into effect on 1 January 1893. When voting took place, legislation was passed almost unanimously, 21 members of the Volksraad being in favour of it, and only one against; see Minutes of the Volksraad, Article 313, 6 June 1891.

⁸¹ See P. Delius, 'Abel Erasmus: power and profit in the eastern Transvaal', in Beinart, Putting a Plough to the Ground, pp.176-217.

⁸² TA SS1875, R3068/89, Erasmus to Superintendent of Natives, 22 September 1890.

⁸³ i.e. 'There were various kaffirs who looked after game': Minutes of the Volksraad, Article 674, 3 July 1894.

group of burghers in the Vryheid district were preparing to embark upon a hunt in a portion of the Lebombo Mountains which was occupied solely by Africans and in which game was still abundant.⁸⁴ The attractions of the market for game products also continued to provide a major incentive for destruction of game. Hides were readily marketable and fetched relatively high prices, a giraffe hide, for example, being worth in the region of £60 in the 1890s.⁸⁵ In 1894 Burger, the Lydenburg representative in the Volksraad, explained that in his constituency, burghers still illegally hunted wild animals for the sake of their hides, sometimes taking as many as one hundred black assistants with them on such expeditions.⁸⁶ It was not only whites who benefited from the marketability of game products: in 1898, B.J. Vorster from the Soutpansberg related how one black hunter had shot forty-four giraffe within the last year or two and had sold them to various shop-keepers in the area.⁸⁷

Moreover, certain of the actions taken by the Transvaal government were also critical either in preventing the effective operation of game legislation or in encouraging the public to disregard its provisions. When it considered that circumstances demanded it, the Executive Council simply suspended the law or certain portions of the law. This had first occurred in the 1870s when white hunters in the Soutpansberg had persuaded the government to repeal the closed season which the Volksraad had then recently imposed on

⁸⁴ TA SS3323 R5632/92, L. Botha to State Secretary, 24 May 1892.

⁸⁵ In 1898 prices which could be obtained for the hides of more common animals were £7.10 for large skins and £5 for small skins; see TA SS4975a R8748/95, C. Geerds to Dr J.W.B. Gunning, 25 August 1898.

⁸⁶ Minutes of the Volksraad, Article 687, 4 July 1894.

⁸⁷ Minutes of the Volksraad, Article 1707, 14 January 1898.

the hunting of elephant and ostrich, in order that trade in ivory and feathers might not be adversely affected. Other legislation, such as that relating to theft or assault, for instance, was never abrogated in this way. In consequence of governmental action, a moral injunction against killing wild animals was never developed. It can therefore be appreciated why the killing of game was not considered a criminal offence and why the law provided no deterrent to hunting.

The game law was, in effect, suspended in the Transvaal for almost half of the 1890s. Crucial clauses were put out of operation by the President on 4 June 1896 and were only reinstated by the British government after the South African War. The outbreak of rinderpest which swept through the Transvaal during the autumn of 1896 was responsible for this suspension. The disease threatened the economic base of the Transvaal by destroying all domestic stock. At the time, no certainty existed concerning the cause of rinderpest, nor indeed the method by which it was spread. As rinderpest rapidly made its way southwards through the country, the government enacted emergency measures regarding the disposal of carcasses, procedures for quarantine and restrictions on the movement of animals.²²

By June 1896 one of the theories accepted by the government was that wild animals played a role in the spread of rinderpest. Reports were received from many parts of the country suggesting that game animals were either the initiators of the disease, or the means by which it spread so quickly. For this reason, on 4 June 1896, President Kruger issued a proclamation repealing Clause 2 of the game law of 1894 in areas where rinderpest had occurred or might occur, thus allowing any white person to kill wild animals in the open

²² Brown, History of Scientific Endeavour, p.166.

season without first obtaining a licence. The suspension of the law related to all cloven-hoofed wild animals, including even buffalo, eland and giraffe, species which had been declared totally protected game in terms of Clause 1 of the law. Although the proclamation stated that this suspension was only to be effective for the specific purpose of controlling rinderpest and that existing legislation remained in force as far as sport hunting was concerned,⁸⁹ under these circumstances the enforcement of the law became even more difficult than before.⁹⁰

In the opinion of many, the proclamation by the government did not go far enough because it did not specify that wild animals might be killed for household consumption in the closed season which was imminent. On 6 July 1896 the Volksraad debated this matter⁹¹ in response to a petition which had been received from thirty-six burghers in the Waterberg asking whether three or four head of game could be shot monthly until the grain crops had been harvested later in the summer. The recommendation of the Petitions Commission was that the Volksraad should refuse the petitioners' request. De Beer, however, supported the petitioners, declaring that the advice of the Petitions Commission conflicted with the Kruger's proclamation. In De Beer's view, the proclamation of 4 June clearly demonstrated that Kruger and his Executive Council recognized that wild animals were responsible for spreading the rinderpest and therefore ought to be exterminated. Meyer disagreed with this attitude, arguing that in any event it was not necessary to change the

⁸⁹ Staatscourant 837, 4 June 1896.

⁹⁰ The government went as far as providing ammunition so that 'infected' game could be killed; TA KG184; KG186; KG189; KG195; KG199.

⁹¹ Minutes of the Volksraad, Article 840, 6 July 1896.

hunting law because it was still the open season at that time and the proclamation permitted hunting without a licence. Meyer feared that the petition was a ruse, and that the real aim of the petitioners was to gain overall freedom to hunt on private land, and this he was not prepared to countenance. Other landowners in the Volksraad immediately sprang to Meyer's defence, Wolmarans agreeing that the President's proclamation provided sufficient latitude in that it permitted game to be hunted in the open season until the rinderpest epizootic had ceased. When a vote on the matter was taken, the Volksraad decided not to permit people to utilize wild animals for household consumption and declared that the wishes of the petitioners had already been met essentially by the issue of the proclamation of 4 June.⁹²

This decision by the Volksraad to withhold a natural resource from the destitute, even in a time of national emergency, was an unpopular one. The summer of 1896 to 1897 proved to be a drought season, and therefore the harvest fell below expectations, while plagues of locusts occurred in certain regions.⁹³ By the following winter conditions were such that many petitions were received by the state asking that the hardships of the burghers be alleviated by permitting them once again to hunt wild animals without restriction. In July 1897, for instance, nine Field-Cornets combined to petition that the entire game law be suspended for a year and that hunting be permitted without regard to season, species or number.⁹⁴ A similar plea came

⁹² Minutes of the Volksraad, Article 841, 6 July 1896.

⁹³ TA 555048 R10803/95, Petition from Zwagershoek, 9 July 1898; petition from Elandsriver, 1 June 1898; petition from Kwaggashoek, 27 April 1898.

⁹⁴ TA 556626 R10645/97, Petition to President and Executive Council, July 1897.

from burghers in the Piet Retief district.⁹⁵ In general the government was sympathetic to these requests, and considered that for the welfare of the country such a step could be deemed necessary and desirable.⁹⁶ By November 1897 poverty was so widespread in the Transvaal as a result of rinderpest and drought⁹⁷ that the Executive Council then asked the Volksraad to re-consider its protectionist position and to suspend the hunting legislation, at least for the following year.

However, members of the Volksraad would not cooperate: Wolmarans and Vorster disagreed strongly with the stance taken by the government, contending that game on private land would be jeopardized by taking such a step. Vorster rationalized that it was impossible for whites to live off wild animals and that the poor should, in any event, seek alternative means of earning a living. De Beer argued in favour of the government's case, contending that while blacks illegally destroyed game continuously, whites should at least be entitled to hunt in what was a time of great national misfortune. In the end, the Volksraad rejected the please of De Beer and the Executive Council and refused to allow the destitute of the country to have access to game: by an overwhelming majority it decided to retain the game law as it was.⁹⁸ This decision suggests strongly that the President and members of the Executive Council - although also landowners - were more pragmatic and

⁹⁵ TA SS4905 R7441/95, Petition from 66 burghers of Piet Retief, 25 April 1896. The warden of the Pongola Game Reserve was one of the signatories to this petition.

⁹⁶ TA SS6626 R10645/97; the entire file is devoted to this matter.

⁹⁷ Keegan, Rural Transformations, p.25.

⁹⁸ TA SS6626 R10645/97, Secretary of the Volksraad to State Secretary, 25 November 1897: see also Minutes of the Volksraad, Article 1722, 15 November 1897. This issue was passed by 19 votes to 3.

less protectionist than the legislature, the Council being of the opinion that the wildlife resources of the country should be marshalled for the material welfare of the general public.

IV

Protectionism also took a course in addition to conservationist hunting legislation. The establishment of game reserves, or game sanctuaries, as a method of preserving wild animals also received attention in the Transvaal during the late 1890s. As has been described, as early as 1889 the Volksraad had approved of the formation of game reserves in principle and in 1894 the Pongola Game Reserve, the first such reserve in the country, was officially proclaimed.⁹⁹ During the 1890s Transvaal protectionists increasingly came to regard the establishment of game reserves as a significant method of preserving wild animals, particularly after the number of game animals in the Transvaal became so reduced after the rinderpest epizootic, and the game law had been to all intents and purposes repealed.

At the time when the first game reserves were created in the Transvaal, the general principles governing the functions of such sanctuaries were not well established. It is difficult, therefore, to be precise as to exactly what constituted a game reserve in the Transvaal before the South African War. There were only two principles which can be seen to have existed from the outset, namely, that proclaimed game reserves should consist of state, not private, land and that hunting should be restricted to some degree in such areas. There was no consistency, however, on issues such as whether the

⁹⁹ Minutes of the Volksraad, Article 1494, 27 August 1894. As has been argued in Chapter 4, the creation of this reserve appears to have been more for political than for protectionist reasons.

appointment of a warden was a prerequisite, whether this official should control hunting within the reserve or forbid the practice entirely, or whether hunting within a reserve should be curtailed indefinitely or only for a certain period of time. Exactly what the long-term purpose of game reserves was and what future role they were to play, was also not stated at the time, these issues being left to evolve in the course of ensuing years. Various schemes were therefore put into operation in the Transvaal in respect of regulations which applied to early game reserves.

It has been suggested that the establishment of game reserves marked a progressive step, and that Transvaalers should be given credit for the introduction of what is today considered to be a 'modern' idea,¹⁰⁰ but it is difficult to substantiate this point of view. A 'national park' is not generically the same as a 'game reserve'. Game reserves, in the sense of being specified areas which are closed to the public, are essentially conservative, rather than progressive, institutions. Not only do the basic principles of game reserves have their origins in medieval Europe, but the withholding of land or its resources from the public also represents what is considered to be anti-modernistic and undemocratic behaviour. The principle of a national park is that it exists for the benefit of the public, and who may enter it in order to enjoy it. Such an advanced concept was never intimated during the existence of the South African Republic.

In 1889 the Volksraad of the Transvaal had taken a significant decision when it gave the Executive Council the authority to establish game reserves by proclamation, because the Volksraad thereby lost for itself the

¹⁰⁰ F.D. Smit, Die Staatsopvattinge van Paul Kruger (Pretoria, 1951), pp.18-19.

opportunity of establishing the first national game reserve with entrenched legal standing in southern Africa. Because proclamations do not enjoy the same legal status as statutes in that they may be repealed at any time without recourse to the legislative body, and statutes, by contrast, cannot be amended without the agreement of a majority of elected representatives in the legislature. In the Transvaal in particular, the division of authority between the Volksraad and the Executive Council in the matter of game reserves in the Transvaal was to retard the creation of at least one reserve - the Sabi Game Reserve - during the 1890s.

As stated earlier, the most extreme suggestion concerning the establishment of extensive game reserves was made by Volksraad member Tosen, who advocated in 1894 that all state land in the country should be closed to hunting.¹⁰¹ Some Volksraad members, such as Wolmarans,¹⁰² Birkenstock, De Jager and Meyer,¹⁰³ came to consider that Tosen's idea contained some merit, but the notion of turning vast tracts of the country into game reserves did not meet with the approval of the majority of Volksraad members, and the suggestion was never adopted.

Although Tosen's idea for protecting game on all government owned land was not acceptable, various smaller localities in the Transvaal were proposed from time to time as being suitable for game reserves. One such locality was

¹⁰¹ Minutes of the Volksraad, Articles 671, 673, 675, 687, 3 July 1894. This had also been the suggestion of President Kruger in 1889: see above, Chapter 4.

¹⁰² Minutes of the Volksraad, Article 671, 3 July 1894.

¹⁰³ Minutes of the Volksraad, Article 680, 3 July 1894.

in the eastern Transvaal lowveld, between the Crocodile and Sabi¹⁰⁴ Rivers, where wild animals were then still to be found in some numbers owing to the continuing prevalence of disease which affected humans.¹⁰⁵ As early as 1888, a farmer named Williams, resident in the Orange Free State but who had acquired some knowledge of the eastern Transvaal, suggested that a game reserve, suitable for lease to English sportsmen at a high rent, be created in the Barberton area.¹⁰⁶ In November 1890 a concerted effort was made by two republican officials in the eastern Transvaal to have a portion of the region set aside as a game reserve. One of these officials was G.J. Louw, a Special Justice of the Peace at Komati and in requesting the government to proclaim a game reserve in the area, he alluded to the success of such institutions in certain parts of Europe and the Cape Colony. Louw suggested that the reserve be named the 'Wild Reserve der Zuid Afrikaansche Republiek',¹⁰⁷ and that it comprise the area between the Crocodile and the Sabi Rivers.¹⁰⁸ On 25 November 1890, Abel Erasmus advocated that substantially the same area as

¹⁰⁴ Although the current orthography is 'Sabie', the early spelling 'Sabi' is retained here. This has been done for the sake of consistency since the official name of the game reserve in the area was for many years the Sabi Game Reserve. This reasoning also applies to 'Singwitsi' which is now generally spelt 'Shingwedzi'.

¹⁰⁵ The eastern Transvaal lowveld was then still the haunt of the tsetse fly.

¹⁰⁶ On 2 January 1888, Bodley reported from Tempe, near Bloemfontein, that he had met Williams, who 'has made a fortune at Barberton and has views of the gold fields. He told me of the quantities of big game within 60 miles of Barberton, lion, giraffe, rhinoceros, and he suggested that a reserve should be made to let out to English sportsmen at a high rent': Balliol College MS 443, Journal of J.E.C. Bodley's visit to South Africa, 1887-1889, vol. 2, pp.25-26.

¹⁰⁷ i.e. 'The Game Reserve of the South African Republic'.

¹⁰⁸ TA SS2595 R15541/90, G.J.Louw to government, 6 November 1890.

Louw had outlined be declared a 'wildkraal of reserve' (an enclosure or reserve for game) in which no game could be killed without the express permission of the President. In order to tempt the government to consider his proposition favourably, Erasmus declared that no whites inhabited the area of the proposed reserve and that the total running cost would only be in the region of £420 per year.¹⁰⁹ The government did not react to these requests, not even replying to Louw or Erasmus. Five years later, G.P.J. Lottering of Bethal raised the matter anew, even suggesting the same piece of ground.¹¹⁰ H.T. Glynn, a gold miner at Lydenburg, and F. Streeter, the customs official at Komatipoort, also made approaches to the government to establish a game reserve between the Sabi and Crocodile Rivers at this time.¹¹¹ In 1895 the government at last responded to these numerous approaches, asking both Erasmus and Van Oordt, the warden of the Pongola Game Reserve, for their comments. They agreed that a second game reserve in the Transvaal would be highly desirable.¹¹²

Since the Executive Council had the power to establish game reserves by proclamation, a reserve in the eastern Transvaal could easily have been created at any time if the President and the other members of the Executive Council had considered the requests favourably. The lack of any action would

¹⁰⁹ TA SS1875 R3068/89, J.A. Erasmus to Superintendent of Native Affairs, 8 May 1889, 22 September 1890, 5 November 1890.

¹¹⁰ TA SSA176/177 R865/95, Lottering to government, 30 November 1893.

¹¹¹ See Glynn's approach to the government in 'Another mighty hunter: an interesting crack with Mr H.T. Glynn', South Africa, 5 September 1896, p.557; and in Glynn's autobiography, Game and Gold, p.208. Streeter's letter is located in TA SS5733 R12183/96, Streeter to State Secretary, 24 September 1895.

¹¹² TA SSA176/177 R865/95, Erasmus to Executive Council, 28 February 1896; Van Oordt to State President, 24 May 1895.

seem to indicate that the Executive Council did not regard the proposed reserve with favour and that members of this body were not as enthusiastic about game protection as was the public in the eastern Transvaal.

The circumstances surrounding the introduction of a motion in the Volksraad by Loveday and J.L. Van Wyk (Krugersdorp) which directly instructed the Executive Council to establish a game reserve in the eastern Transvaal are unclear. It has been suggested that President Kruger was behind this motion, having converted Loveday to the protectionist cause.¹¹³ For various reasons this is an unlikely explanation. In the first instance, Kruger, as President and Chairman of the Executive Council, had the power at any time to proclaim any area of the Transvaal to be a game reserve in terms of the authority granted by the Volksraad in 1889. Despite separate requests from Louw, Erasmus, Lottering and Glynn, Kruger had in the past taken no action in respect of the establishment of a game reserve in the eastern Transvaal. Moreover, Kruger and Loveday were political opponents, the latter being a outspoken member of the opposition, and it is thus improbable that Kruger would have used one of his political adversaries to introduce legislation on his behalf. As has been seen, from 1891 - the year in which he was elected to the Volksraad - Loveday was a keen protectionist and the introduction of a measure of this nature was thus very much in keeping with his long-held views on the matter. However, some aspects of events in the Volksraad in September 1895 in connection with the establishment of this this reserve seem unusual and cannot be elucidated with any certainty.

On 6 September 1895, two members, J.L. Van Wyk (Krugersdorp) and Loveday, informed the Volksraad that they intended to submit a motion the

¹¹³ Labuscagne, Krugers Park, p.2.

following week which would instruct the Executive Council to proclaim a game reserve in the Lydenburg district, thus forcing the Council's hand.¹¹⁴ On 9 September this motion came up on the order paper and the Volksraad agreed to discuss the matter, the decision to do so being taken by a very narrow majority: twelve to eleven.¹¹⁵ Discussion on the Van Wyk-Loveday motion subsequently took place on 17 September 1895. Surprisingly, bearing the close vote of 9 September in mind, there was no debate at all and no counter-proposal was made. In the final presentation, Loveday proposed the motion with Van Wyk as seconder, and the Volksraad enthusiastically adopted¹¹⁶ the resolution that the Executive Council be directed to proclaim a government game reserve in the eastern Transvaal. No tally of votes was published, but that the decision was not unanimous is evident in the requests of three members, Malan, Wolmarans and De Beer, to have their negative votes recorded.¹¹⁷

This decision of the Volksraad did not immediately make the Sabi Game Reserve¹¹⁸ (as it was later to be called) a reality. The Volksraad had asked the Executive Council to proclaim the area as a reserve and therefore it was the government which was required to take action. However, nothing was

¹¹⁴ Minutes of the Volksraad, Article 1118, 6 September 1895. The area Van Wyk and Loveday proposed for a reserve was the land lying between the Crocodile and Sabi Rivers, bounded on the west by a line running almost north to south through Pretoriuskop, and on the east by the Lebombo Mountain range.

¹¹⁵ Minutes of the Volksraad, Article 1125, 9 September 1895.

¹¹⁶ The phrase describing the acceptance in the minutes was 'bij acclamatie werd aangenomen' ('was accepted with acclamation').

¹¹⁷ Minutes of the Volksraad, Articles 1229, 1230, 17 September 1895.

¹¹⁸ The game reserves were not officially accorded names at the time of their proclamation; the area in question was merely geographically demarcated.

done.¹¹⁹ In February 1896, dismayed by the lack of action on the part of the government, Loveday wrote to Leyds, the State Secretary. Loveday advised Leyds that a great deal of hunting was taking place in the area which had been earmarked for the game reserve, and asked therefore that the game reserve be proclaimed as soon as possible with an official placed in charge in accordance with the Volksraad decision.¹²⁰ By the end of November 1897 - more than two years after the initial Volksraad request - still no proclamation had been issued, and Loveday then demanded to know why the express wish of the legislature was not being carried out by the executive.¹²¹

Yet more pressure to proclaim the game reserve was applied to the government at this time. In December 1897, in commenting upon the annual report of the warden of the Pongola Game Reserve, Dr J.W.B. Gunning, the Director of the State Museum, supported the proposal for a game reserve in the eastern Transvaal because, in his view, the Pongola Game Reserve was not fulfilling its functions adequately.¹²² That same month, on 29 December, the

¹¹⁹ TA SS4975a R8745/95, 'Resume van minute R8745/95 re stichting van eene gouvornements wildduin in het distrikt Lydenburg', 8 July 1898. It appears, however, that a report and sketch map submitted by the Surveyor-General in February 1896 might have pertained to the question of this reserve.

¹²⁰ TA SS4975 R8748/95, Loveday to State Secretary, 21 February 1896. Loveday apologized for raising this matter at a time when the government was having to deal with the more important issue of the aftermath of the Jameson Raid. Loveday stated in his letter to Leyds that he had obtained his information regarding the destruction of game from F. Streeter.

¹²¹ Minutes of the Volksraad, Article 1723, 15 November 1897.

¹²² TA SS4975 R8748/95, Gunning to Superintendent of Education, 21 December 1897. Gunning suggested that the game reserves be placed under the control of the Department of Agriculture, a suggestion which had been made by the agricultural union.

Executive Council at last discussed the matter,¹²³ and the necessary proclamation was issued three months later, on 26 March 1898.¹²⁴

It transpired, however, that this proclamation merely initiated formalities regarding the establishment of the game reserve rather than finalizing them. One such formality was to ask both Gunning and the Mining Commissioner in Barberton for their opinions on the matter.¹²⁵ Later in the year, when visible progress had still not been made, Loveday again raised the question in the Volksraad. On that occasion he announced that, despite his numerous entreaties, the government was dragging its heels and had not yet taken any action to execute the proclamation.¹²⁶ The strong implication was that the government was deliberately ignoring the express wishes of the Volksraad in this connection. In addition, the white inhabitants of the eastern Transvaal had by then become concerned because no real steps had been taken to establish the reserve and no warden had been appointed.¹²⁷ Then on 6 September 1898 the Executive Council finally agreed that a warden should be appointed at a salary of £250 per annum and that four black policemen should

¹²³ TA UR15, Article 1011, 29 December 1897.

¹²⁴ TA SS4975 R8748/95; this file contains the original proclamation which was published in the Staatscourant, 960, 13 April 1898.

¹²⁵ TA SS4975 R8748/95, Gunning to Superintendent of Education, 15 June 1898; Mining Commissioner Barberton to State Secretary, 2 August 1898.

¹²⁶ Minutes of the Volksraad, Article 1707, 14 November 1898.

¹²⁷ TA SS4975a R8748/95, A. Ashley to Director of the State Museum, 5 September 1898; G.J. Louw to State Secretary, 13 September 1898. An article also appeared in The Gold Fields News and Barberton Herald on 5 August 1898, complaining that no 'caretaker' had yet been employed. This article also stated that it had been rumoured that Commandant Louw, stationed in Middelburg, had been appointed as caretaker, but that it had been ascertained that this was not the case.

assist him in his duties.¹²⁸ Nonetheless, as late as August 1899, no appointment to the post had been made.¹²⁹ In the same month the Mining Commissioner in Barberton reported to the State Secretary that the game reserve was 'nu niets anders ... als een jachtveld geproclameerd ten voordeel van de kaffers en gewetenlooze blanken die zech aan geen wet storen' and that almost every day gunshots were heard within the boundaries of the reserve.¹³⁰

The Sabi Game Reserve was not, however, the only preservation scheme which received attention in the Transvaal. Two other game reserves were suggested in 1895 before the question of the Sabi Game Reserve was raised in the Volksraad. One of these was situated on the Springbok Flats in the Waterberg district, and was proclaimed in 1898. The creation of this reserve came about because of a petition, submitted on 14 January 1895, by H.P. van der Walt, a farmer in the area. It seems that numerous local farmers had established 'wild kampen' (enclosures for game) in the vicinity, and Van der

¹²⁸ TA UR16, Article 843, 9 September 1898. The services of the black police were to be obtained at the lowest possible salaries.

¹²⁹ Officials of the National Parks Board consider that one of the republican police at Komatipoort, I.C. Holtzhausen, was given charge of game protection in the area of the Sabi and Crocodile Rivers between 1890 and 1899 and that after 26 March 1898 he was assisted by Paul Bester. This evidence was related in an interview by Holtzhausen himself and by the daughter of Bester; personal communication Dr U. de V. Pienaar, Chief Director, National Parks Board of Trustees, 24 August 1987. No official evidence has been found that any member of the police was formally assigned to such duties. In 1892 when Field-Cornets and Native Commissioners were appointed ex officio gamekeepers, the Field-Cornets in the southern wards of the Lydenburg district who were responsible for upholding the hunting laws were N.H. Versfeld (Komati) and D.J. Schoeman (Crocodile River). There was a rumour that Commandant G.J. Louw, a Special Justice of the Peace, had been placed in charge of the reserve, but this proved to be unfounded: see The Gold Fields News and Barberton Herald, 5 August 1898.

¹³⁰ i.e. 'The game reserve is at present nothing other than a proclaimed hunting ground for the benefit of blacks and lawless whites who do not care for any law'; TA SS4975a R8745/95, Mining Commissioner to State Secretary, 18 August 1899.

Walt suggested that twelve government farms be set aside as a similar game enclosure and that he be appointed warden of the combined reserve.¹³¹ Leyds indicated in his reply to Van der Walt that the government was not unwilling to comply with his request, but asked for further clarification regarding the farms Van der Walt had in mind before taking the matter further.¹³² In May 1895 Van der Walt submitted a list of fourteen suitable farms together with details of ownership, twelve of these belonging to the state.¹³³ The Landdrost of the Waterberg, T.J. Krog, supported Van der Walt, informing the government that it was not local farmers who destroyed game, but visitors who frequented the village of Warmbaths in order to hunt on the nearby Springbok Flats. Krog stated that the other major group of hunters in the area were whites who were too lazy to work and who bartered venison with local black people.¹³⁴

Van der Walt and Krog were not, however, the only residents of the Waterberg desirous of saving game in the district. In April 1895 fifty members of the constituency also submitted a petition asking that all hunting of wild animals be prohibited in the Waterberg region for five years and that salaried gamekeepers be appointed to monitor the situation. After consideration, the Petitions Commission recommended that the Volksraad refuse this request. Volksraad members Tosen and Jeppe supported the petitioners,

¹³¹ TA SS4562/3 R872/95, Van der Walt to State Secretary, 14 January 1895. Van der Walt mentioned specifically that farmers Erasmus and Oppermans had already established private game reserves in the vicinity.

¹³² TA SS4653 R872/95, State Secretary to Van der Walt, 7 March 1895.

¹³³ TA SS4653 R872/95, Van der Walt to State Secretary, 10 May 1895.

¹³⁴ TA SS4653 R872/95, T.J. Krog to State Secretary, 24 July 1897, 5 November 1897, 29 January 1898, 15 February 1898.

while De Beer, the Waterberg representative in the Volksraad, did not. Although Volksraad members were supposed to support petitions from their constituencies, De Beer maintained that he was upholding his responsibilities to the burghers in his district by disagreeing with Landdrost Krog and the petitioners. It was not whites who killed game, he contended, but blacks, and in consequence, denying whites access to game by means of proclaiming a game reserve would not effect any saving of wild animals. De Beer also reminded the Volksraad of the many destitute whites in the Waterberg who lived off the little remaining game in the area and who would be hard pressed to find another means of eking out a livelihood. In the event, the Volksraad was swayed by De Beer's arguments and did not approve the petition. It did, however, put the matter in the hands of the government by advising the petitioners that as the Executive Council had the power to proclaim game reserves, this body should be approached directly in this connection.¹³⁵

There is no record that the petitioners did indeed present their demands to the government as the Volksraad had suggested, but it is known that Van der Walt was successful in having a game reserve proclaimed in April 1898 - more than three years after his initial proposal, and that the appointment of a warden was confirmed.¹³⁶ At the time, the Landdrost of the Waterberg voiced his disappointment at the small size of the reserve and wanted it to be greatly enlarged¹³⁷ - a suggestion which was not taken further. The

¹³⁵ Minutes of the Volksraad, Articles 379, 380, 15 June 1895.

¹³⁶ TA UR16, Article 407, 13 April 1898. See also Staatscourant, 4 May 1898. The farms included in the reserve were Kweeklaagte, Turfloop, Brakplein, Uitkyk, Hamburg, Delftzyl, Kortom, Rusland, Turfvlakte, Turfbult, Kalkbult and Afzet.

¹³⁷ TA SS4652 R872/95, T.J. Krog to State Secretary, 27 August 1898.

killing of game in this reserve was prohibited only for five years, and not for an unspecified period of time, as was the case in the eastern Transvaal and Pongola.

Volksraad member De Beer was extremely angry when he discovered that a game reserve had been proclaimed in his constituency without his consent and took swift action to have the proclamation repealed. On 16 May 1898 he raised the matter in the Volksraad, insisting on the Volksraad's support in reprimanding the Executive Council. He also demanded further information in connection with the establishment of the reserve, in particular the names of those at whose suggestion the game reserve had been established and why money had been wasted upon the appointment of a warden. The Volksraad did not comply with De Beer's demands,¹³⁸ and therefore when De Beer took up the issue with the State Secretary he did so without political support. De Beer communicated his distress at the situation to the State Secretary, and indicated his deep concern that the government had seen fit to take such a step at a time when so many of the inhabitants of the Waterberg were suffering from the ill effects of locusts, rinderpest and drought. He predicted dire consequences if the proclamation were not rescinded.¹³⁹

In the absence of the State Secretary, the Acting Secretary was won over by De Beer's entreaties, declaring that it was tragic to contemplate the difficulties endured by whites in the Waterberg in eking out a living.¹⁴⁰ He put the matter before the Executive Council at its meeting in August 1898.

¹³⁸ Minutes of the Volksraad, Articles 154, 155, 16 May 1898.

¹³⁹ TA SS4653 R872/95, De Beer to State Secretary, 17 May 1898.

¹⁴⁰ TA SS4652 R872/95, Acting State Secretary to State Secretary, 6 July 1898.

The Executive Council was in turn influenced by De Beer's entreaties and, possibly also by the many petitions testifying to widespread poverty in the western Transvaal after the rinderpest epizootic. As a result, the government relaxed the regulations pertaining to the reserve, and De Beer was therefore successful to some extent in his endeavours to sabotage the creation of the reserve. Under special circumstances the warden of the game reserve on the Springbok Flats was to allow destitute burghers to kill one head of game each week in the open season, providing that they first obtained a permit.¹⁴¹

The other game reserves in the Transvaal which were established at this time were not discussed by the Volksraad at all, but were created by proclamation. Three game reserves in the Transvaal had been proclaimed before rinderpest broke out. The Pongola Game Reserve was one, the townlands of Pretoria and the adjoining farm of Groenkloof was another and the government owned land and forests in the districts of Piet Retief and Vryheid comprised the third.¹⁴² The Pretoria Game Reserve was founded at the request of members of the Game Protection Association: a petition was submitted in mid 1894 by leading citizens of Pretoria, most of whom were members of the association, asking the Executive Council to close for three consecutive seasons all the townlands in the Transvaal, as well as certain other government land, to hunting. The petitioners considered that this step might allow the game which was being rapidly depleted to re-establish itself.¹⁴³ When the government did not respond to this petition, a second, more formal, request for specified

¹⁴¹ TA UR16, Article 767, 18 August 1898.

¹⁴² Staatscourant 817, 4 March 1896, Notice 55.

¹⁴³ TA SS4343 R7212/94, Petition from 110 citizens of Pretoria, [July] 1894. The signatories included Leo Weinthal, Calla Juta, Sammy Marks, J.W. Leonard and E.P.A. Meintjes.

townlands to be closed to hunting came from two gamekeepers of Pretoria on 11 January 1895. The gamekeepers asked that the townlands of Pretoria and also the farm of Groenkloof be closed to hunting for three years.¹⁴⁴ This suggestion, which specified a particular period of time and a very much small area of land, found immediate favour with the Executive Council and at its meeting on 23 January 1895 the Council agreed to the proposal.¹⁴⁵

After the rinderpest epizootic, in October 1897, the Executive Council, perhaps influenced by the earlier petition of the Game Protection Association, prohibited the hunting of certain game for five years in the districts of Piet Retief and Vryheid.¹⁴⁶ As has been mentioned, the Sabi Game Reserve, the Springbok Flats Game Reserve, and the townlands of Pretoria and Groenkloof were officially proclaimed game reserves in 1898. That year, in addition, saw the creation of yet other game reserves.¹⁴⁷ The townlands of Belfast, Nylstroom (including the farm of Elandspoort) and Wakkerstroom were closed to hunting for five years.¹⁴⁸ In April 1898 all game on state land in the Marico district was protected for five years.¹⁴⁹ In April 1898 the

¹⁴⁴ TA SS4569 R11888/94, Meintjes and Marais to State Secretary, 11 January 1895.

¹⁴⁵ TA UR12B, Article 63, 23 January 1895. Meintjes wrote to the government again in 1898 asking that the prohibition be extended for another three years, a request which was granted; see TA SS4569 R11888/94, Marais to State Secretary, 11 January 1898.

¹⁴⁶ TA UR15, Article 829, 18 October 1897.

¹⁴⁷ Many of these applications had initially been made some years before the Executive Council finally agreed to them.

¹⁴⁸ TA SS6977 R843/98, Resident Justice of the Peace Belfast to Lydenburg Landdrost, 18 January 1898; UR16, Articles 407, 408, 410, 13 April 1898.

¹⁴⁹ TA SS5098 R11653/98; UR16, Article 411, 13 April 1898.

Executive Council also set aside as game sanctuaries for five years state land in the wards of Hex River and Elands River in the Rustenburg district and in the ward of Zwagershoek in the Waterberg district.¹⁵⁰ In 1899 similar game reserves were established in respect of the townlands of Middelburg¹⁵¹ and Potchefstroom,¹⁵² and the northern section of the Soutpansberg district in the northern Transvaal.¹⁵³

Although these numerous game reserves were proclaimed in the Transvaal at this time, the only one for which regular records survive before the South African War is the Pongola Game Reserve in the Piet Retief district, the proclamation of which has been described in the previous chapter. There Van Oordt took his job seriously as warden and informer for the government and submitted a comprehensive report for each of the four years he was employed. Despite his duties as warden, it seems that Van Oordt's hunting activities continued after his appointment, for in April 1896 he petitioned the government to open certain farms for shooting purposes during the closed season.¹⁵⁴ In addition, it was later claimed that 'the Hollander official placed in charge ... seems to have shot nearly everything.'¹⁵⁵

¹⁵⁰ TA SS5098 R11653/98, Petition from Marico, 12 November 1895; UR16, Article 409, 13 April 1898.

¹⁵¹ TA SS7693 R1698/99, Petition from Middelburg Landdrost, 31 January 1899; UR17, Article 152, 7 February 1899.

¹⁵² TA SS7748 R3589/99, Potchefstroom gamekeepers to State Secretary, 6 March 1899.

¹⁵³ TA SS7791 R5151/99; UR101, Article 403, 18 April 1899.

¹⁵⁴ TA SS4905 R7441/95, Petition from Piet Retief, 25 April 1896.

¹⁵⁵ TA SNA189 NA3228/03, Report by Warden Government Game Reserves on the Pongola Game Reserve, 19 December 1903.

Van Oordt saw his principal functions in terms of police work and gamekeeping and his annual reports contain information attesting to the hostility of the Swazi and of Sambana's people to the establishment of the game reserve, details of the smuggling of firearms, and reports of British movements in Zululand.¹⁵⁶ Van Oordt claimed that the harsh punishments he meted out to offenders, which included hard labour and lashes, had curtailed poaching and that as a result game was becoming more numerous. In connection with the numbers of game in the district, he commented on the abundance of animals in the nearby game reserves in British Zululand in comparison with the reserve in his charge.¹⁵⁷ It had not taken Van Oordt long to appreciate that the Pongola Game Reserve was unsuitable for its purpose: it contained few animals and was small in area.¹⁵⁸ As far as blacks within the reserve were concerned, these people had not been removed as had been the original intention; Sambana's people had submitted themselves to Van Oordt's control and the warden had been able to extract taxes from them.

An incident which took place in 1899 epitomizes how very little game remained in the Transvaal at that time. In June 1899 the Landdrost of Vryheid reported to the State Secretary that the lives of seven hippopotamus which had moved out of the Pongola Game Reserve were in jeopardy from hunters, and the following month J.S. Vermaak was especially employed to stand guard over the small group of animals.¹⁵⁹ That the once-teeming numbers of hippopotamus

¹⁵⁶ Additional information in this connection can be found in TA 555304 R3190/96.

¹⁵⁷ TA 552031 R8009/89, Van Oordt to State Secretary, 1 August 1895.

¹⁵⁸ TA 552031 R8009/89, Van Oordt to State Secretary, 1 August 1896.

¹⁵⁹ TA 557893 R8141/99: the whole file is devoted to this issue; see also UR103, Article 574, 23 June 1899.

had been reduced to a mere few individuals which required the special services of a full-time guard to save their lives indicates the scale of destruction that had until then been wrought in the Transvaal.

V

The final years of the existence of the South African Republic saw a shift in emphasis from game saving throughout the entire country by means of legislation to the protection of game in certain special sanctuaries created for this purpose. There was thus a move away from the conservationist principles of sustainable yield to rigorous preservation in areas from which man's influence was excluded.

Since wildlife was scarce, particularly following the outbreak of rinderpest, commercial hunting on a large scale had ended and hunting for subsistence or recreation took its place. The motives for game protection altered in response to this circumstance and became sentimental rather than economic.

In the establishment of game reserves it can be seen that protectionists realized, implicitly if not explicitly, that it would be impossible to reintroduce the hunting legislation which had been suspended by the government on account of rinderpest. It had become apparent that legislation could not be enforced in such a widely dispersed community. The legacy of commercial hunting and the previous abundance of wildlife had the effect that people did not voluntarily respect game saving legislation. Unlike other legislation, hunting regulations were widely ignored and no social ethic emerged to sustain the law. A change in this direction was hinted at by Carl Jeppe, the Volksraad member for Johannesburg. In response to the contention

that landowners in the Transvaal enjoyed a historical right to shoot game, Jeppe contended that such rights should not be considered out of context. The mere fact that in earlier centuries people had enjoyed the right to keep slaves, he argued, did not make slavery morally correct or a suitable activity for the late nineteenth century.¹⁶⁰

A substantial portion of a traditional right had, in fact, been reinstated to the burghers of the Transvaal by allowing them to hunt, and the repromulgation of a law so evidently based on class, as can be seen in the debates of the Volksraad, would have been a most unpopular move. Then too, it might well have been that the licensing system was unpopular not only because it was ineffective, but also because it favoured the rich. On the evidence of its actions during the rinderpest it can be suggested that the government preferred to favour the destitute. In opting for this preference, the Executive Council was at times at odds with the majority of Volksraad members - De Beer was an important exception - who demonstrated their approval of class privileges.

On the other hand, class privileges were not threatened by the creation of game reserves. The regulations pertaining to game reserves were non-discriminatory: hunting in game reserves was forbidden to everyone, white,

¹⁶⁰ Minutes of the Volksraad, Article 698, 4 July 1894. It has been successfully argued that the moral community is ever widening. The first ethical unit seems to have been the family and later the system was extended to incorporate groups such as the clan and the nation. Within the last two hundred years, slaves, blacks and women in most countries have been awarded moral and legal rights and have been accorded full membership of the ethical community. It has been speculated, with some justification, that animal membership will be the next ethical extension. See, for example, Nash, 'American environmental history', p.367; H.J. McCloskey, 'Moral rights and animals', Inquiry 22, 1979, pp.23-54; C.D. Stone, Should Trees have Standing: Towards Legal Rights for Natural Objects (Los Altos, California, 1974), pp.57ff; Burr, 'Towards legal rights for animals'; P. Singer, Animal Liberation (Wellingborough, Northamptonshire, 1983).

black, rich or poor. Thus while other state land remained open for hunting purposes, restrictions in game reserves may have been resented less by landless whites.

Although game reserves had come to be more attractive protectionist structures, the creation of reserves also had the effect of removing the wildlife resources of certain areas from the economy. Because these resources were so depleted by this time, and because agriculture had not yet developed to a degree which made the profitable exploitation of the areas in which game reserves occurred possible, such removal does not seem to have produced any visible ill effects to the economy. It must also be remembered that since many of these game reserves were of a temporary nature, the government could not have been accused of extracting the resources indefinitely from the national product. This aspect served to reconcile preservationist and conservationist tendencies.

The importance of the decade in regard to the advance of protectionist principles is that it saw the first widespread public recognition that the game resource was limited, that man was the cause of its exhaustion and that conservationist and preservationist strategies would have to be combined if any game was to survive into the next century.

AREAS OF THE TRANSVAAL IN WHICH GAME WAS PROTECTED, 1899



CHAPTER 6
IMPERIAL AND COLONIAL HUNTING LEGISLATION
1900 TO 1910

I

The decade between 1900 and 1910 was important for game protection in almost every part of the world. As the vulnerability of various natural resources to over-exploitation became increasingly evident at the end of the nineteenth century, protectionism began to have national and international repercussions. On a national front, many countries introduced more conservationist or preservationist legislation: in America, particularly, conservation became a mature, aggressive and political movement. The beginning of the twentieth century also marked the inception of formal international cooperation on game protectionist matters when a conference was held in London in 1900. In the Transvaal, protectionism continued to centre on certain species of wildlife and opinion in this regard became a prominent issue. This is not to suggest that views were unanimous; on the contrary, a continuous clash of interests is evident, particularly between sportsmen, subsistence hunters and market hunters. Sporting and landed interests were furthered by imperialists, the Afrikaner colonial landed class and the urban gentry. Subsistence hunters were principally rural blacks, while market hunters were landless, often destitute, whites. By 1910 sporting attitudes had become entrenched in legislation and the recreational interests of the urban and land-owning elite prevailed.

The termination of the South African War in 1902 meant not only the cessation of armed hostilities and the dissolution of the Boer republics, but more crucially it finally closed the Transvaal frontier. Efficient imperialism, social and economic 'progress' and the transformation of the Transvaal economy by the mining industry suppressed the political and economic values of the defeated South African Republic. After the war the Transvaal Colony became enmeshed in the wider orbit of British imperial possessions throughout the world and also formed part of the agglomeration of British colonies in Africa, many of which still contained great numbers of wild game. For imperialists the Transvaal formed a point of comparison with other African colonies as far as wildlife was concerned.

The advent of British rule foreshadowed the demise of three fundamental ideas about the physical environment which had until 1900 been prominent in the Transvaal. The destruction of natural resources owing to drought, rinderpest and the South African War, ended any lingering perceptions that the wildlife of the Transvaal might be limitless. Secondly, the view that wild animals represented an economic resource of national importance for whites became untenable. Thirdly, British rule, with the industrial and technical might of the empire behind it, meant the end of the idea that the Transvaal landscape was, in essence, a wilderness complete with so-called 'untamed' inhabitants, whether Boer or black. After 1902 the development of the environment and the 'taming' of its people were both considered to be possible and necessary.

However, colonial rule not only put an end to certain conceptions about wildlife, it also reinforced and strengthened various attitudes which already existed in the Transvaal. Some continuity can consequently be discerned in

the pre-war and the post-war periods. Game legislation, for example, remained based on class and race distinctions. Indeed, owing to the untiring efforts of many Transvaalers - particularly urban sport hunters - it became even further entrenched in these directions. In addition, the survival of wild animals was still determined by their value to specific groups of humans. The particular emphasis on human value during the decade, however, departed from early materialistic considerations in that sport and recreation became the dominant rationale for Transvaal game protectionism. Evidence of another point of continuity can be seen in that measures taken to protect wild animals continued to be entirely prohibitive in nature, and not encouraged by inducements or incentives. While not many new attitudes were actually introduced into the Transvaal by its imperial overlords despite a change in international conservation, one innovation was to become increasingly critical, namely, the principle that wildlife protection should not be permitted to hamper the development of modern capitalism.

Although imperial administration and colonial legislation had the most significant influence on post-war Transvaal protectionism, other circumstances also account for the predominance of a protectionist ethic at this time. These include hunting literature, ideas of sentiment and compassion towards animals, sporting organizations and scientific considerations. In many respects, events in the Transvaal mirrored those elsewhere in the world; in others, distinct differences may be identified.

II

British enthusiasm for saving game in the Transvaal was related to the importance of wildlife protection in the imperial context. One postulation as

to why this should have come about is that an appreciation of nature can become an actively traded commodity and exported or imported like any other. It is probably a truism that some people in nations which have exterminated their wild animals or destroyed the natural vegetation of their 'wild' areas regret the loss and become desirous to experience it elsewhere. Those countries which are able to supply the commodity of nature are usually less modernized than those which import it. In terms of this argument the very 'civilising process which imperils wild nature is precisely that which creates a need for it'.¹ The British had, as a nation, destroyed most of their larger indigenous wildlife and as a result, were particularly enthusiastic and dedicated to saving game in the colonial situation. Vast areas of Africa were under British control by the end of the nineteenth century and steps were taken to protect the wild animals in these regions both for trade and recreational purposes.² It is a paradox of the time that while the British did not hesitate to exploit certain natural resources of colonial Africa, they simultaneously strove to protect certain others intact.

In addition, the hunting tradition of Europe played some part in imperial game protectionist perceptions. Imperialists have been caricatured as adult Boy Scouts who diverted their sexual energies into colonization,³ and the empire has been seen as a masculine affair. Although perhaps a harsh judgement, it has to be admitted that sport hunting - at least in the British

¹ Nash, 'The exporting and importing of nature', p.521.

² See, for instance, N. Kelly, 'In wildest Africa: the preservation of game in Kenya, 1895-1933' (Ph.D. thesis, Simon Fraser University, 1979) and Ofcansky, 'A history of game preservation in British East Africa'.

³ For amplification of this idea, see R. Hyam, Britain's Imperial Century, 1815-1914: A Study of Empire and Expansion (London, 1976).

manner - with its emphasis on the symbols of masculinity (such as guns), its so-called compassion towards the victims of the hunt, the ban on the hunting of pregnant females, links up with this idea and can be plausibly construed in Freudian terms. Whether these features were a cause or an effect of the social symbolism of hunting is impossible to unravel now. But the reinforcement of the conception that hunting was a privilege which demanded pageantry, enhanced cultural prestige, required courage and endurance, and indicated social and economic status is of importance in the development of protectionism in the Transvaal of the early twentieth century.

After 1900 almost everywhere throughout the western world, protectionist issues became prominent in matters of government, though the precise nature of these debates was not the same in all regions. Approaches to protectionism differed considerably between the European imperial powers and the United States in these years, and it is pertinent to explain briefly the process which occurred in the United States in order to provide contrast with the Transvaal experience. Between 1900 and 1910 conservation in that country became highly politicized and the American public was divided over the matter. The opposing points of view were represented by John Muir, who had been influential in founding the American national parks, and Gifford Pinchot, chief of the Forest Service. Muir, a committed Transcendentalist and romantic, favoured preservation. He believed that entire ecosystems should be preserved in certain places so that within them man could experience a feeling of harmony. At the turn of the century so few people were able to enjoy what can be termed a 'wilderness experience' that Muir's point of view was labelled 'elitist' and 'conservative'. In contrast, Pinchot, much influenced by Progressivism and the official in control of the unexploited

natural domain of the United States, favoured utilitarian exploitation, or, simply, conservation. President Theodore Roosevelt agreed with Pinchot, and when he convened a Governors' Conference on conservation at the White House in 1908, Muir was not invited to attend. Pinchot's opinion won the day.⁴

The divisions of public sentiment between preservation and conservation were also evident within the British Empire. However, the issue was different because game animals, rather than plant life or scenery, formed the major protectionist concern. During the decade, the conservation versus preservation debate resolved itself into two distinct streams in protectionist policy: conservationist hunting regulations and preservationist game reserves.

The existence of these two streams was displayed during a conference held in London in April 1900, where, for the first time, European powers acted in concert with one another on matters of game protection. The proceedings of this conference have relevance in the examination of subsequent attention which the British gave to game protection in the post-war Transvaal.

Interestingly, given its long involvement with the wildlife of southern Africa, Britain did not initiate international collaboration in this regard. The initial move came from a German, Hermann von Wissman, an explorer of Africa who had become the Governor of German East Africa in 1895. In 1896 Von Wissman sent a copy of the game regulations of German East Africa to the British Foreign Office for comment. The task was undertaken by Sir Graham Bower, the Imperial Secretary in Cape Town, who noted that the game

⁴ Further details regarding this conference can be found in C. Wittwer's, 'The 1908 White House Governor's Conference', in C. Schoenfield, ed., Interpreting Environmental Issues, (Madison, 1973).

protection measures in British colonies concentrated upon conservationist restrictions on hunting, defining of closed seasons and complete protection only for certain species. Conversely, Bower observed that German protectionism was preservationist, leaning more in the direction of game sanctuaries. Bower expressed the view that, in descending order of the importance of the destruction that each wrought, the three major enemies of wildlife in Africa were white market hunters, black inhabitants and irresponsible white sportsmen.⁵ However, another imperial administrator, Sir Alfred Sharpe, disagreed with Bower, claiming that blacks killed far more wild animals than whites did. When Von Wissman was asked to comment on this controversy he agreed with Bower that whites caused the greatest destruction of game. In giving this opinion, Von Wissman suggested that a conference of European powers be held in order to discuss the situation in the undeveloped regions of Africa and to introduce standardized regulations throughout the continent for the controlling of its natural wildlife.⁶

Von Wissman's proposal for cooperation among the colonial powers in Africa was enthusiastically accepted by the British Colonial and Foreign Offices,⁷ especially since the suggestion came at a time when international agreements and conventions were very much in vogue. Yet many delays attended the organization of the conference, and, under the auspices of the British Foreign Office, it was not until April 1900 that it finally assembled. Delegates represented the governments of Britain, Germany, Spain, Italy, France, Portugal and the Belgian Congo. Although they were settled colonies

⁵ PRO FO403/302 7322, Colonial Office to Foreign Office, 15 August 1896.

⁶ PRO FO403/302 7322, Von Wissmann to Baron von Richthofen, 2 April 1897.

⁷ PRO FO403/302 7322, Salisbury to Lascelles, 3 March 1898.

and therefore not involved directly in terms of the aims of the conference, both the Cape Colony and Natal were invited to send representatives but decided that little would be gained by their doing so. The Colonial Secretary, Joseph Chamberlain, considered that it would be undesirable to invite the Transvaal and the Orange Free State which were at that time independent republics, claiming that 'their participation would probably be without practical advantage, seeing that it is extremely doubtful whether either of these states would adopt legislation in accordance with the conclusions of the conference.'⁴⁹ However, Chamberlain could not have been entirely ignorant of the fairly thorough game legislation already in existence in both of these republics, and it is therefore far more likely that his decision not to invite these countries stemmed from his desire to exclude them from a gathering of the international community of which they so ardently desired to be part.

A document, 'The Convention for the Preservation of Wild Animals, Birds, and Fish in Africa', resulted from the London conference and this was signed on 19 May 1900 by the contracting parties.⁵⁰ This convention document declared that the only effective means of preserving wildlife was to prevent the hunting of certain species of animals. The contracting parties to the convention agreed to act in concert on a wide variety of fronts in an effort to achieve this. The wild animals of Africa were divided into three categories. Species included in the first category were to be protected

⁴⁹ PRO FO403/302 7322, Colonial Office to Foreign Office, 13 March 1899.

⁵⁰ Translations of the resolutions of this convention can be found in Cd3189, Correspondence Relating to the Preservation of Wild Animals in Africa, 1906, pp.86-91 and PRO FO2/818. The French original is in PRO FO881 7394.

completely, either on account of their usefulness to humans or on account of their rarity and threatened extinction.¹⁰ In the second and third categories were placed almost all the other game animals of Africa. Of these the juveniles or females accompanied by their young were to be protected from hunters, only limited numbers of adult animals being permitted to be killed. The parties agreed to establish game reserves, to forbid cruel hunting methods such as trapping or killing by means of explosives or poisons, to impose closed seasons, and to inaugurate licensing procedures for hunting.¹¹ They decided also to destroy those animals which they considered to be vermin. The collection of wild animals for museum or scientific purposes was to be monitored and regulated,¹² and any suitable African species were to be domesticated.¹³

The complicated regulations introduced by the convention were impractical to execute in Africa, a continent in which immensely varied conditions prevailed. Nonetheless, the convention document reflected the sentimental attitudes of imperialists towards rare species of game, females and juveniles, as well as the genuine desire to protect numerous species of game. The convention itself was a monument to the good intentions of the European powers, but in time it proved to be a mausoleum in which those intentions were enshrined. The problem lay with the articles of the

¹⁰ In Category 1, reserved for 'useful and rare species deemed worthy of preservation' were placed vultures, secretary birds, owls, rhinoceros birds, giraffe, gorilla, chimpanzee, mountain zebra, wild ass, white-tailed gnu, eland and little Liberian hippopotamus.

¹¹ Article 1, Clauses 5, 6, 7, 8, and 9.

¹² Article 3.

¹³ Article 4; these included zebra, elephant and ostrich.

convention which attempted to control the international trade in wildlife products, principally ivory.¹⁴

Neither the settlers nor the indigenous inhabitants in the African colonies were imbued with the same protectionist fervour as were the imperial administrators. Indeed, many colonists in Africa depended financially upon earnings from their ivory and hide exports, and resented measures to impose export duties or to limit the size of elephant tusks for export purposes. In addition, no European power was sufficiently daring to ratify the convention unconditionally, because doing so would have given non-contracting powers more advantageous positions regarding the wildlife trade.¹⁵ Only colonies from which wildlife exports were negligible, such as those in southern Africa, were prepared to ratify the convention. Even in these cases the signatures were accompanied by the proviso that their agreement would be ineffectual unless the Portuguese and German colonies also accepted the terms of the convention.¹⁶

Negotiations in this connection dragged on until the outbreak of the First World War, when the project was finally abandoned.¹⁷ Ultimately,

¹⁴ Clause 10 determined that export duties would be payable on the hides of giraffe, antelope, zebra, rhinoceros and hippopotamus and also on the horns of rhinoceros and antelope and the tusks of hippopotamus. Clause 11 prohibited the hunting or killing of young elephant, and 'in order to ensure the efficacy of this measure, [the] establishment of severe penalties against the hunters and the confiscation in every case, by the Local Governments, of all elephant tusks weighing less than 5 kilogrammes' was introduced.

¹⁵ Cd5136, Further Correspondence Relating to the Preservation of Wild Animals in Africa, 1910, Foreign Office minute, 22 September 1908.

¹⁶ Cd5136, High Commissioner of South Africa to Governor of Manica and Sofala and Government of German South West Africa, 17 November 1908.

¹⁷ The relevant files are PRO FO368/108; FO367/310; FO367/355; FO367/253; FO403/55; FO403/303. Information on this point can also be located in Cd3189, TA DCU95 230/07 and TA TPB786 TA3080.

therefore, it was the African colonies themselves which prevented ratification of the proposals of the convention. The contradictions inherent in saving wild animals and developing colonies simultaneously had been underestimated by the convention and proved to be the main cause of its downfall.¹⁶ In the circumstances of the early twentieth century, abundant wildlife both played a role in hampering the development of a modern capitalist economy and provided financial reward and for these reasons game protection was actively resisted in influential quarters.¹⁷ Sentimental protectionism had foundered in the face of more basic practical and material interests. The value of wild animals as an economic resource available to white settlers in developing colonies proved to be stronger than the sentimental attitudes or the aesthetics espoused by the imperial powers.

III

The protectionist attitudes towards the wild animals of Africa which were held by imperial administrators in England had been much influenced by nineteenth-century published hunting records, many of them relating to southern Africa. Whereas earlier in the century writers had emphasized the abundance of wild animals, later authors stressed the decline both in numbers and in species. With the vision of the serious depletion of southern African game before them, imperial protectionists strove to prevent wildlife in other African territories from meeting a similar fate.²⁰

¹⁶ Kelly, 'In wildest Africa', p.130.

¹⁷ Ofcansky, 'A history of game preservation in British East Africa', p.ix.

²⁰ E.N. Buxton, Two African Trips; With Notes and Suggestions on Big Game Preservation in Africa (London, 1902), p.117.

Most later imperial hunting literature was generated by sportsmen and naturalists belonging to the upper classes of European society. Because they could afford to ignore material considerations, their attitudes were principally sentimental in nature. However, being mainly British, these writers had exercised little direct influence on the government of the South African Republic as far as game protection was concerned. After the South African War, by contrast, sentimentalists and sport hunters within the Transvaal were provided with numerous allies, including the powerful civil service which was introduced to administer the territory. Colonial administrators were frequently keen sportsmen, among their number being Alfred Sharpe, Governor of Nyasaland; Robert Coryndon, Governor of Uganda and Kenya; and Godfrey Lagden, Native Commissioner of the Transvaal.

Victorian England had taken the issue of animal cruelty to heart in the nineteenth century and exported this ethos to the colonies. For the British, the death of animals did not always form a major concern, but the infliction of suffering on them did. It has been suggested that the question of compassion towards animals at that time was part of a larger social question exacerbated by sentiments influenced by the industrial revolution and the exercise of social control. Brutal treatment of animals was perceived by the upper classes to be a characteristic of lower-class conduct; this had to be prevented, not merely for the sake of the animals but also for the sake of the people who perpetrated the brutality. Ideas of showing kindness to animals thus buttressed the new industrial system by representing animal cruelty as behaviour suited to primitive societies.²¹ Indeed, while it can be argued that compassion towards animals had the effect of bringing animals

²¹ Thomas, Man and the Natural World, p.187.

closer to humanity, it also had the converse effect of pushing people considered guilty of cruel actions away from humanity.²² These attitudes to cruelty had not featured greatly in the South African Republic; on the contrary, hunters there had had a widespread reputation for ruthless hunting habits.²³

These perceptions of the 'proper' treatment of wild animals, as well as an imperial game protection policy generally were both influenced by and reflected in the popular literature. In a literary sense the first decade of the twentieth century was the age of the 'penitent butchers' - former hunters who had become game protectionists. Like many reformed characters, these ex-hunters were vocal and persuasive in their attempts to prevent others from following in their former sinful ways. By the end of the nineteenth century there was no longer public admiration for the actions of people like Harris or Cumming who had earlier slaughtered thousands of animals in Africa. On the contrary, the deeds of these hunters were now considered to be needless, wasteful and unsporting. Writers condemned hunters who seemed proud of their wantonness,²⁴ while praise was reserved for those who were 'the most sparing and the least wasteful'.²⁵

Despite this seeming change of heart, the evil of waste was not perceived in economic terms as far as the Transvaal was concerned, because,

²² Turner, Reckoning With the Beast, p.18.

²³ Ofcansky, 'A history of game preservation in British East Africa', p.25; also S-HA, Diary entry 20 July 1902.

²⁴ Buxton, Two African Trips, p.116.

²⁵ H.A. Bryden, Nature and Sport in South Africa (London, 1897), p.299; see also Lyell, African Adventure, and Vaughan Kirby, In Haunts of Wild Game, passim.

unlike East Africa, the wildlife of the subcontinent was not seen by imperialists to be a substantial source of food or income. Wildlife was nonetheless considered to be an imperial asset, particularly because it was aesthetically pleasing, thus enhancing the value of the empire in terms of primeval beauty. A scene with wild animals which wandered freely about the countryside was reminiscent of paradise – that paradise now being firmly under British control.

Ideas of avoiding cruel actions towards game animals was also displayed in the phraseology used in the hunting literature of the late nineteenth and early twentieth centuries. The hunter-writers who succeeded Harris and Cumming were careful not to couch their reminiscences in blood-thirsty language. In doing this, these authors reflected the new, more imperial, literary tradition, writers displaying a 'possessive attitude' towards the continent.²⁶ This idea of possession incorporated the notion that wild animals ought to be compassionately treated and preserved for the good of the empire rather than destroyed. A contemporary writer accordingly described the great game of Africa as 'a precious inheritance of the Empire to be most jealously safeguarded'.²⁷

This genre of non-fictional hunting accounts shows the concerns of the nature lover as well as those of the sport hunter. H.A. Bryden was one of the most prolific of these imperialistic authors and described himself as 'a true lover of nature'.²⁸ He was a dedicated protectionist, who considered the

²⁶ Hammond and Jablow, The Africa That Never Was, pp.89-90.

²⁷ Buxton, Two African Trips, p.116.

²⁸ Bryden, Nature and Sport, p.viii.

extinction of wild animal species to be a disgrace to mankind.²⁹ While not as outspoken as Bryden, other writers of the time, such as Frederick Courtney Selous,³⁰ F. Vaughan Kirby,³¹ Abel Chapman,³² and America's Theodore Roosevelt,³³ expressed similar sentiments, all lamenting the disappearance of game.

Early hunting literature bearing upon the wildlife of southern Africa had almost always included an implicit invitation to other hunters to share the spoils of Africa. It was often assumed that it was possible for readers to enjoy the same kind of hunting opportunities as the author had done. Under the new protectionist ethos this outlook altered: the books of the hunter-writers of the late nineteenth century were conceived in the sure knowledge that the paradise of sport hunting in southern Africa had vanished. General readers did not take up the work of Selous or Percy FitzPatrick³⁴ thinking that they could share the same experiences as these authors. The hunter-writers of the early twentieth century delineated a world of that past and which would never be recreated, precisely because the wild animals which had once filled it would never again be seen in vast numbers.

²⁹ H.A. Bryden, Kloof and Karroo in Cape Colony (London, 1889), p.402.

³⁰ Selous's most popular books were African Nature Notes and Reminiscences (London, 1908) and A Hunter's Wanderings in Africa (London, 1881).

³¹ In Haunts of Wild Game.

³² A prolific writer, his most popular books concerning Africa were On Safari; Retrospect; and Memories of Fourscore Years Less Two (London, 1930).

³³ T. Roosevelt, African Game Trails (London, 1910).

³⁴ J.P. FitzPatrick's Jock of the Bushveld (London, 1907) has enjoyed an enduring popularity.

In contrast to the United States where the influence of John Muir and other Transcendentalists was important for the course of nature protection, religious sentiments were not significant in favouring game protection in the empire or the Transvaal and mysticism did not feature to any extent in the protectionist ideology of the imperial government, nor in imperial hunting literature. The most articulate exposition of a philosophical nature was probably that made by E.N. Buxton, a prominent British protectionist, who considered wild animal species to be akin to works of art,³⁵ the best of which should be considered as 'sacred from molestation as the bulls of Apis.'³⁶

Although influential, Buxton was unusual in holding such an extreme attitude at that time. The imperial writers of the early twentieth century were, in general, practical men, and in this regard there are some important qualifications which have to be made when analysing the protectionist sentiments on hunting expressed by British writers of the period. Although both denigrating early hunter-explorers who had over-indulged for the sheer pleasure of slaughter, as well as castigating people who hunted for food,³⁷ the imperial writers of the early twentieth century not only forgave, but indeed encouraged and supported, hunters who killed wild animals for scientific reasons. The reason for killing wild animals became the important issue, and not the moral dilemma of killing per se. Provided that the emotion was considered suitable, the death of the animals was rendered permissible. In this view, causing the death of wild animals for the purpose of

³⁵ Buxton, Two African Trips, p.116.

³⁶ Ibid., p.119.

³⁷ Bryden, 'Extermination of great game', p.540.

subsistence or for material gain was not acceptable,³⁹ while killing in order to add to scientific knowledge was perfectly permissible. As long as a hunter kept a detailed record of the wild animals he destroyed, by measuring horns for example, no cultural restraint seems to have been placed on causing the death of the game.

One author went as far as to state that as long as determination to learn, rather than pride, was a hunter's dominant emotion, he could be excused almost any amount of carnage.³⁹ Furthermore, in this vein, Bryden forgave Selous for destroying large numbers of game, because he did so 'only for the sake of procuring specimens or to supply food for his followers.'⁴⁰ Another imperial writer stated that South African hunters had 'no sense of respect for game, no admiration of its grace or beauty ever penetrated minds debased by decades of slaughter,'⁴¹ implying clearly that the motives of most indigenous or Boer hunters made them unworthy to be killers of wild animals. The point has already been made that, traditionally, hunting wild animals provided evidence of social status and personal character,⁴² but in the context of the early twentieth century, the personal character of the hunter, demonstrated by the reasons he advanced for his killing of wild animals, was

³⁹ Stevenson-Hamilton was one of many who was derogatory about the commercialization of game; see Animal Life in Africa (London, 1912), p.20.

³⁹ Chapman, Memories of Fourscore Years, p.546.

⁴⁰ Bryden, 'Extermination of great game', p.546. Stevenson-Hamilton was of the opinion that statements about the necessity of providing food for bearers were smokescreens behind which a great deal of unnecessary slaughter of wild animals took place; see Animal Life, p.355.

⁴¹ Chapman, On Safari, pp.4-5.

⁴² Hammond and Jablow, The Africa That Never Was, p.46.

becoming more significant in the imperial protectionist context than the demonstration of social status.

It is ironical that so many imperial hunters were able to rationalize their craving to kill merely by ascribing their actions to lofty principles. Their behaviour in the field did not differ from that practised by subsistence hunters or market hunters, and yet it was only the latter groups upon whom opprobrium and invective were heaped. Bryden called southern African market hunters 'mere mercenary skin hunters, slaying the game for the paltry value of their hides,'⁴³ but defended Selous: 'Whatever damage he may have done in early years among the elephants, the magnificent specimens of great game sent home by Selous to the Natural History and other museums amply acquit him of the charge of mere wasteful slaughter.'⁴⁴ Selous himself was so highly regarded by the imperial authorities that he was invited by the British Foreign Office to give his opinions on African game protection prior to the London conference of 1900.⁴⁵ Thus, the general diminution of game in Africa meant that people from Europe might possibly have felt guilty about enjoying a hunting expedition, so they started to provide themselves with a rationale for such an undertaking, and the collection of scientific data afforded them just such an excuse.

The pursuit of natural history was extremely popular in England at the turn of the century, and museums burgeoned with specimens of wild animals. Even before the South African War, the Transvaal had begun to respond to the growing passion for collecting. In 1893 the Director of the State Museum in

⁴³ Bryden, 'Extermination of great game', p.540.

⁴⁴ Ibid., p.546.

⁴⁵ Cd3189, Selous to Foreign Office, 15 August 1897.

Pretoria, Dr J.W.B. Gunning, sought permission from the government to dispatch a museum-led expedition into those areas where game still existed in order to amass wild animals for its collections. Gunning had persuaded the Executive Council to favour his scheme by declaring the matter to be of 'nationaal belang'.⁴⁶ It appears that such government-sponsored expeditions occurred regularly until the outbreak of the South African War.⁴⁷ At the time the museum also purchased wild animal specimens on consignment and by the end of the nineteenth century had accumulated a considerable collection⁴⁸ - although it seems that it was not well cared for.⁴⁹ After the South African War the museum was even asked to provide specimens for zoological gardens in Europe.⁵⁰

Working in conjunction with the museum were a number of voluntary societies concerned with the study of wild animals, among them the Natural History Society and the Johannesburg Field Naturalists' Club. Gunning was very enthusiastic about the inception of the latter club and was delighted when he was made an honorary member. He promised the club any assistance his museum could offer.⁵¹ The Transvaal Biological Society, founded in 1907, also

⁴⁶ i.e. 'Of national importance'; TA UR11B, Article 455, 26 August 1893.

⁴⁷ TA SS6127 R1008/97; SS7971 R10152/99; SS9033 CB23/93.

⁴⁸ R.C.H. Bigalke, The National Zoological Gardens of South Africa (Johannesburg, 1954), p.2; TA CS318 5978/03, Gunning to Colonial Secretary, 8 June 1903.

⁴⁹ TA CS2 200/01; Comment from Military Governor of Pretoria, 29 January 1901.

⁵⁰ TA LtG65 73/13; LtG65 73/14.

⁵¹ Wits A58, Johannesburg Field Naturalists' Club Records, Gunning to W.P. Cohen, 15 July 1897, 3 September 1897.

enjoyed informal links with the museum.⁵² Although the formation of zoological gardens attached to the museum had been discussed by the Transvaal government before the war,⁵³ it was left to the British to begin the systematic operation of such an institution in the Transvaal. In 1902 Gunning wrote to the secretary of the Johannesburg Field Naturalists' Club advising him of the foundation of the zoological gardens and asking whether members of the club would be able to supply live specimens. Gunning was especially pleased with the 'liberal government grant' awarded to the gardens by the colonial regime,⁵⁴ while in the course of the decade he came to regard the preservation of the game of the Transvaal as the main purpose of the museum⁵⁵ and was to upgrade it into one deserving of international standing.⁵⁶

At the turn of the century, scientific motivation did not provide the sole pretext for the hunting of masses of certain wild animals. The other major excuse centred upon the slaughter of predators. Indeed, the deprecatory terminology which imperial hunter-writers used to describe unwanted species almost in itself implies a justification for attempting to rid the earth of such creatures. Predator species aroused strong hostility among hunters and

⁵² Gutsche, There Was a Man, p.243.

⁵³ Bigalke, National Zoological Gardens, pp.1-4.

⁵⁴ Wits A58, Johannesburg Field Naturalists' Club Records, Gunning to W.P. Cohen, 22 April 1902. It seems, however, that there was a dispute as to whether Gunning would remain with the museum after the fall of Pretoria. L.A. Peringuey of the South African Museum in Cape Town offered his services to the State Museum in Pretoria in 1900, having heard false rumours that Gunning had left the institution: see TA CS2 200/01.

⁵⁵ The Star, 11 April 1902.

⁵⁶ On his visits to South Africa, Balfour, from the Museum of Natural History at Oxford, pronounced himself impressed by the Pretoria Zoological Gardens: see Pitt Rivers Museum Oxford, Balfour Papers, B1.5, South Africa Diary 1905, 31 August 1905; B1.3, South Africa Diary 1910, 23 August 1910.

farmers and their continuing existence provided handy justification for the perpetuation of slaughter. Crocodile, for example, were despised because they were 'an animated trap, something lower than the meanest of reptiles' which made one's 'flesh creep',⁵⁷ while hyaena were referred to as 'a hideous family'.⁵⁸ In this way, animals considered as 'vermin' provided a culturally acceptable target for human blood-thirstiness, because the aggression and viciousness of so-called 'evil' wild animals could be met legitimately with equal fervour.

While it is true that for centuries various species of wildlife in southern Africa had been hunted on account of the harm they caused to human interests, there was an upsurge in so-called 'vermin' killing once the great herds of elephant and antelope had gone. The list of species considered to be verminous was considerable and included lion, leopard, cheetah, wild dog, crocodile, jackal, hyaena, birds of prey and many reptiles. These animals were considered to be evil either because they presented a danger to human life or domestic stock, or because they ruined the enjoyment of sportsmen by preying upon the already dwindling numbers of antelope species.

Because of their supposedly wicked proclivities, 'vermin' species could be hunted not only with impunity, but also with zeal. In addition, sporting ethics could be set aside when dealing with predator species, poisoning being a common method used for the destruction of jackal. In the Cape Colony towards the end of the nineteenth century, 'vermin clubs' became popular among sportsmen and the killing of predators became an important hunting

⁵⁷ A.B. Percival, A Game Ranger on Safari (London, 1928), pp.214-215.

⁵⁸ Bryden, Gun and Camera, p.59.

ritual.⁵⁷ In the Transvaal bounties were paid for vermin skins in order to foster the extermination of these species.⁶⁰ Certain vermin species were considered to be particularly worthy opponents of man, chief of these being the lion, for centuries regarded in mythology and folklore as the 'king of the beasts'. The killing of lion was supposed to have demanded great bravery and strength and many hunter-writers included tales of exciting adventures with 'the great and terrible man-eating cat, the monarch of the African wilderness'⁶¹ among their anecdotes. Entire books were devoted to descriptions of lion hunting,⁶² and lively rivalry existed among hunters as to who had killed the greatest number of lion.⁶³

Competition among hunters for large game trophies did not abate when wild animals were destroyed because they were considered to be 'vermin' or scientific specimens. If anything, such competition increased. Biology at that time entailed not ecological and behavioural observations, but rather taxonomy and measurement - especially in determining the record sizes of animal horns or heads. The spirit of competition was aided by the regular publication of Rowland Ward's Records of Big Game which immortalized in print the killing of especially large or rare animals. While scientists in the United States assisted nature protectionists at the turn of the century⁶⁴

⁵⁷ See, for example, WLS WDGPA Minutes 1886-1915, Minutes of 27 August 1891.

⁶⁰ TA SNA157 NA1702/03, TGPA to TLOA, 30 September 1903.

⁶¹ Selous, African Nature Notes, vol. 1, p.44.

⁶² See, for example, J.H. Patterson, The Man-Eaters of Tsavo and Other East African Adventures (London, 1930).

⁶³ Lyell, African Adventure, Chapter 3.

⁶⁴ Cart, 'Struggle for wildlife protection', p.8.

within the British empire, scientific collection seems, on the contrary, to have encouraged the destruction of game.

In their public writings, the 'penitent butchers' of the early twentieth century British empire were thus enthusiastic to record exactly the numbers, species and sexes of their quarry. They also, however, admitted to enjoying feelings of adventure and of revelling in situations which invoked fear when facing lurking dangers in the wildernesses of Africa. They claimed, however, that they did not indulge in butchery or savagery - except when dealing with vermin. It was suggested that these attitudes could only be acceptable when viewing early hunters who were confronted by such enormously large numbers of wild animals that they were not able to appreciate the value of the game they killed.⁴³

It is difficult to evaluate just how sincere were the scientific and sporting claims of the imperial 'penitent butchers'. It can be argued that the various rationales adduced for killing wild animals merely masked more basic instincts, for it seems that the slaughter itself did not abate. Perhaps the brutal sentiments expressed in a Kenyan diary were more common among sportsmen and hunter-collectors than published sources would suggest, for in the early twentieth century diary of Richard Meinertzhagen, a member of the King's African Rifles in Kenya, the writer combined the roles of competent ornithologist and a man who delighted in war. In engaging animals and men with equal impunity, Meinertzhagen admitted to 'developing a blood lust' in Africa⁴⁴ and to having enjoyed killing Kenyan tribesmen, pregnant

⁴³ Lyell, African Adventure, p.xii.

⁴⁴ R. Meinertzhagen, Kenya Diary, 1902-1906 (Edinburgh, 1957), p.12.

antelope,⁶⁷ and 'sticking' pigs and lions.⁶⁸ Comparisons between the hunting of wild animals and the hunting of men in war situations were made, too, by Lord Kitchener during the South African War. In discussing the British pursuit of the Boers, he told his superiors that 'the real criterion of the war is my weekly bag' and 'like wild animals they have to be got into enclosures before they can be captured.'⁶⁹ The sensitivities of London were, however, offended by such references and Kitchener was advised to eliminate the word 'game' from his correspondence because it 'drives the King wild - to say nothing of Exeter Hall...'.⁷⁰

IV

The 'penitent butchers' referred to above, not all of them literary figures, arranged themselves into the typically British institution of a club and wielded considerable influence over game preservation in the empire. The Society for the Preservation of the Wild Fauna of the Empire was founded in December 1903⁷¹ by E.N. Buxton as a response to the international conference

⁶⁷ Ibid., p.20.

⁶⁸ Ibid., p.85, pp.96-97.

⁶⁹ P. Magnus, Kitchener: Portrait of an Imperialist (Harmondsworth, 1968), p.216.

⁷⁰ PRO Kitchener Papers PRO30/57/22 Y99, Brodrick to Kitchener, 1 November 1901.

⁷¹ This society is still in existence but has twice altered its name: in 1919 it became the Society for the Preservation of the Fauna of the Empire and in 1950, the Fauna Protection Society. In 1904 the society began publication of a journal which continues today under the name of Oryx.

of April 1900.⁷² Immediately after its formation this society assumed the role of the volunteer arm of imperial game protection, and despite its small number of members - only about one hundred - formed an important pressure group commanding the attention of the highest authorities in Britain. It used imperialist sentiments in order to gain its ends, the aims being principally to monitor the number of game animals killed, to prevent excessive killing, to create sound public opinion when it came to killing wildlife, to further the establishment of game reserves and to enforce game legislation.⁷³ The society held regular meetings of its members and also of the general public. It encouraged, in evangelical terms, 'the growing public sentiment in favour of the restriction of the energies of that class of sportsmen, whose thoughtlessness has been responsible for such terrible destruction,'⁷⁴ and having the direct ear of the government, its frequent deputations were

⁷² At about the same time as the Society for the Preservation of the Wild Fauna of the Empire was founded, the Shikar Club was inaugurated, the latter being an international society of big-game hunters rather than protectionists. At annual dinners members could meet one another and 'discuss matters connected with big game'; see Lyell, African Adventure, p.203.

⁷³ Ofcansky, 'A history of game preservation in British East Africa', pp.20-21.

⁷⁴ E.N. Buxton, 'The preservation of big game in Africa', Journal of the Society of Arts 2(634), 15 May 1903, p.567.

entertained by senior members of the Colonial Office.⁷⁵ It was due to the efforts of this society that before the First World War a number of official blue books appeared on matters concerning game protection in the Empire.

It is significant that although its influence upon imperial governors and colonies in west and east Africa was considerable, the Society for the Preservation of the Wild Fauna of the Empire did not become directly involved in the affairs of the Transvaal. There the South African Game Protection Association, which had become dormant during the South African War, was resuscitated shortly after the cessation of hostilities in 1902, the new body calling itself the Transvaal Game Protection Association.⁷⁶ With the London conference and the formation of an imperial protectionist body fresh in the memories of many, the men who entered the colonial administration of the Transvaal eagerly allied themselves to the cause of game protection and to

⁷⁵ 'Minutes of proceedings at a deputation from the Society for the Preservation of the Fauna of the Empire to the Right Hon. Alfred Lyttelton, His Majesty's Secretary of State for the Colonies, 2 February, 1905', Journal of the Society for the Preservation of the Wild Fauna of the Empire, 1, 1905, pp.9-18; 'Minutes of proceedings at a deputation from the Society for the Preservation of the Wild Fauna of the Empire to the Right Hon. the Earl of Elgin, His Majesty's Secretary of State for the Colonies, 15 June, 1906', Journal of the Society for the Preservation of the Wild Fauna of the Empire, 2, 1906, pp.20-32; 'Minutes of proceedings at a deputation from the Society for the Preservation of the Wild Fauna of the Empire received by the Right Hon. the Earl of Crewe, Principal Secretary of State for the Colonies, at the Colonial Office, 26 February 1909', Journal of the Society for the Preservation of the Wild Fauna of the Empire, 5, 1909, pp.11-27. The minutes of two of these deputations were published in United Kingdom Blue Books, Cd3189 and Cd5136.

⁷⁶ The establishment of this body took place in October 1902, and seems to have been at the instigation of C. Bramley of the Market Estates Company; see TA CS108 7277/02, C. Bramley to Colonial Secretary, 12 July 1902. The Association was formed as a completely new organization: WLS, TGPA Minutes 1902-1920, Minutes of working committee, 17 October 1902; TA TAD440 G2215/04, Report for the period ending 30 November 1904.

the Transvaal Game Protection Association being unaware of any distinction between imperial and Transvaal protectionist endeavour.

Although voicing substantially the same general principles on game protection as did the Society for the Preservation of the Wild Fauna of the Empire, the Transvaal Game Protection Association differed from the former in certain important respects. Fundamentally, it was parochial, not imperial, in outlook. None of the concerns of the Game Protection Association were outside the boundaries of the colony, and although the association sought to create ties between the game protection associations within southern Africa,⁷⁷ it never advocated protectionism for the 'good of the empire'. The stated aims of the association were: to collect evidence of the habits of indigenous game and fish, in order to determine hunting seasons rather than for scientific reasons; to ensure that game laws were enforced; to promote the interests of sportsmen; and to destroy 'vermin'.⁷⁸ In practice, however, the protectionism of this association was limited and, in fact, served only the interests of the small group of sportsmen and landowners who were its leaders. The Transvaal Game Protection Association was sport-orientated in its outlook, not even pretending to advance scientific or aesthetic concerns. Sport hunting as evidence of social and economic status⁷⁹ remained the major issue in the Transvaal: killers of wild animals had to be white in skin colour and sportsmen before they were allowed to hunt. Whereas the London-based members of the Society for the Preservation of the Wild Fauna of the Empire were by

⁷⁷ WLS WDGPA Letter Book 1886-1905, MacLean to Zyliff, 19 December 1904.

⁷⁸ TA CS190 16054/02, Secretary TGPA to Assistant Colonial Secretary, 6 February 1903.

⁷⁹ Keegan, Rural Transformations, p.116.

reason of distance hunting visitors to Africa, the hunting privileges of the Game Protection Association members in the Transvaal had their origins in land-ownership and the provision of recreational outlets. Moreover, the Society for the Preservation of the Wild Fauna of the Empire did not take up a position on the question of whether it was blacks or whites who caused the most damage to game herds. Indeed, the society recognized the traditional right of indigenous communities in Africa to enjoy the game existing on their lands, providing 'ancestral methods' of hunting were used.⁸⁰ The Transvaal association never identified itself with any concept of this kind; it blamed blacks entirely for excessive game killing (despite evidence to the contrary) and set out to prevent black people from hunting, no matter where or which method of killing was used. The Transvaal association appears to have been racist and class-orientated to an extreme degree.

Membership of the Transvaal Game Protection Association included a number of prominent landowners and sport hunters in the Transvaal. Because the association wanted to foster close ties with the government, the Central Committee of the Game Protection Association was based in Pretoria.⁸¹ By September 1904 branches had been formed in Johannesburg, Pietersburg, Middelburg, the Waterberg, Barberton, Komatipoort, Krugersdorp, Lydenburg, Potchefstroom, Lichtenburg, Pilgrim's Rest, Boksburg and Klerksdorp.⁸² Like the Society for the Preservation of the Wild Fauna of the Empire, membership

⁸⁰ Cd3189, p.252.

⁸¹ WLS TGPA Minutes 1902-1920, Meeting between Johannesburg and Pretoria associations, 4 December 1903.

⁸² TA LtG65 73/13, TGPA report for the period ending 30 September 1904.

of the Transvaal Game Protection Association was limited⁸³ but extremely influential. Men such as E.F. Bourke, R.K. Loveday, Dr J.W.B. Gunning, E.P.A. Meintjes, C.L. Andersson, J.C. Krogh, and Sir Alfred Pease were prominent in its affairs⁸⁴ and were at great pains in attempting to influence the colonial government to endorse their point of view. Shrewdly, the association invited leading political figures, such as Lord Milner,⁸⁵ Sir Arthur Lawley,⁸⁶ and General Louis Botha⁸⁷ to become its patrons, thereby assuring itself of support at the highest levels - so much so, in fact, that game protection was one of the first matters dealt with by the new government after the war.⁸⁸ Deputations from the association were regularly and sympathetically received by senior civil servants.⁸⁹ Moreover, the campaigns of the association were advanced by the press and thus received wide publicity.⁹⁰

In general, the mining activities of the Transvaal had not attracted the landed gentry of Britain, but rather the lower echelons of that country's

⁸³ Only nine people attended the annual general meeting in 1906; see TA SNA158 1702/03, Minutes of 31 January 1906.

⁸⁴ TA TAD405, Minutes of the TGPA, 3 April 1904; CS424 827/04; LtG65 73/13, TGPA Report for the period ending 30 September 1904.

⁸⁵ TA CS190 16054/02, Assistant Colonial Secretary to J.N. de Villiers, 15 December 1902.

⁸⁶ TA LtG65 73/13, Private Secretary to the Lieutenant-Governor to Secretary TGPA, 23 November 1904. Lawley accepted 'with pleasure the office of Patron of the Society, with the objects of which he thoroughly sympathises'.

⁸⁷ TA LtG65 73/13, TGPA Report for the period ending 30 September 1904.

⁸⁸ WLS TGPA Minutes 1902-1920, Minutes of working committee, 17 October 1902.

⁸⁹ See, for example, TA LtG65 73/13; a deputation from the TGPA met the Lieutenant-Governor on 8 February 1904.

⁹⁰ See, for example, Transvaal Advertiser, 21 January 1903; The Star, 14 March 1904; Transvaal Leader, 26 November 1903, 15 February 1905.

society, those whose sports were 'football and cricket or loafing around a bar'⁹¹ rather than hunting. In a process long familiar to South African history such people soon became members of the elite. It might be that the origins of many of the members of the Transvaal Game Protection Association account for their extreme dedication to the narrow protectionist cause, symbolic as it was of landed wealth and power.

The links between landowning and sport hunting, often forged in discussions of the Volksraad of the South African Republic, were to be more explicitly defined after the South African War. A beginning was made when in December 1902 the Transvaal Land Owners' Association was formed. Members of this body were 'the most important land-owning companies in Johannesburg' and the aim of the association was to safeguard the interests of large landowners.⁹² In the course of the next two years, some forty-eight companies joined the association, and between them all they controlled a major proportion of the rural Transvaal, at that time principally for speculative and mining purposes.⁹³ Powerful members of the Land Owners' Association, such as E.F. Bourke and H.A. Baily, were also leaders of the Game Protection Association. Shortly after its foundation, the Land Owners' Association expressed its keen interest in game protection,⁹⁴ and joined a deputation of the Game Protection Association which visited the Commissioner of Lands in October 1903.⁹⁵ During the same month, the Transvaal Land Owners' Association

⁹¹ Transvaal Advertiser, 21 January 1903.

⁹² JPL TLOA, vol. 1, Minutes of informal meeting, 9 December 1902.

⁹³ JPL TLOA, vol. 1, Membership list at the end of 1905.

⁹⁴ JPL TLOA, vol. 1, Minutes of 8 May 1903.

⁹⁵ JPL TLOA, vol. 1, Minutes of 9 October 1903.

and the Transvaal Game Protection Association agreed to cooperate formally with one another in all matters concerning game protection.⁹⁶

As they had been to the Boer gentry before it, the prevention of game poaching and trespassing were important to the Land Owners' Association. Like the Game Protection Association, capitalist landowners looked to the government to protect their interests in these matters. In July 1905 after a poaching conviction involving S.H. Trollip and J.C. Vermeulen at Nylstroom, the association expressed the view that the government was not doing all in its power to prevent poaching on private land.⁹⁷ A few years later, concerned that the capture of ostrich for farming purposes provided an excuse for poaching other wild animals, the Land Owners' Association prevailed upon the government to issue instructions to all magistrates to exercise particular care when dealing with this matter.⁹⁸

Although infringements of the rights of landowners were important, it was competition from black hunters which was the principal target against which landowners and sportsmen vented their aggression.⁹⁹ As has been noted earlier, it had been entrenched in the game legislation of the South African Republic that black hunters were subject to more restrictions than were

⁹⁶ TA SNA157 NA1702/03, TGPA report on meeting held on 30 October 1903; correspondence concerning the formal liaison between the two associations can be found in TA CS396 10370/03.

⁹⁷ TA LDE161 299/2, H.A. Baily to Commissioner of Lands, 31 July 1905.

⁹⁸ TA LDE163 299, vol. 6, Circular to all Magistrates from Secretary for Lands, 4 May 1910.

⁹⁹ In the United States in this period, there were also attempts to restrict aliens from having access to game; see Tober, Who Owns the Wildlife?, p.209.

whites.¹⁰⁰ New game legislation introduced by the colonial government in 1902¹⁰¹ omitted any references to race, thus making it possible for black landowners, in precisely the same way as whites, to shoot certain game animals without a licence in the open season. Other privileges extended to blacks in terms of this legislation included the right to obtain game licences, the right to allow others to shoot on their lands, and the right to kill game at any time of the year if such creatures were destructive to agricultural endeavour. It is doubtful whether, in practice, blacks in the Transvaal were able to enjoy these privileges to any great extent: the colonial government had been assiduous in collecting arms and ammunition from blacks after the war and the law forbade the use of traps.¹⁰² Nonetheless, members of the Land Owners' and Game Protection Associations abhorred the relaxation of the regulations pertaining to blacks and began a concerted campaign to have them withdrawn.

Without advancing any incontrovertible evidence on the matter, the reports and correspondence of both the Game Protection and Land Owners' Associations abound with references to the destruction of game by Africans and their dogs. In order to exert pressure on the government to take steps to

¹⁰⁰ Clause 14 of Law Number 5 of 1894 precluded Africans from hunting wild animals at any time of the year, even when these damaged their agricultural lands. On payment of a fee, however, blacks were permitted to kill wild birds which destroyed crops.

¹⁰¹ From 1902 until 1906 the Transvaal was ruled by Britain as a Crown Colony, and the Legislative Council consisted of nominated members only. In December 1906 Responsible Government was granted to the Transvaal and the colony became partly self-governing. The Legislative Council, the upper House, comprised 15 members, while the Legislative Assembly, or lower house, had 69 members. The Het Volk party and its English-speaking allies won the general election held in February 1907.

¹⁰² TA SNA38 NA1299/02, Lagden to Lawley, 27 February 1903.

suppress black hunting, the scare strategy of threatening wildlife extinction was frequently used. An excerpt from a letter from the Transvaal Game Protection Association to the Colonial Secretary reads, for example:

'I am directed by my Committee to draw the attention of the Government to the great destruction of Game by the natives more especially in those areas which are not frequented by Europeans during the breeding season and also to point out that ... the destruction of Game throughout the Transvaal Colony has reached such a stage that we are threatened with extermination in a great many areas.'¹⁰³

The Pretoria Branch of the Game Protection Association aroused the Land Owners' Association to action by advising the latter in August 1904 that blacks were poaching game in the eastern districts of the Transvaal. While the Game Protection Association did not state precisely on whose land these infringements occurred, the mere suggestion that game might be disappearing into black hands was enough to spur the Land Owners' Association to circulate a notice to its members, asking them to try by all means possible to prevent poaching and to arrange for all the agents of landowners in the colony to cooperate in this regard.¹⁰⁴

Members of the Land Owners' and Game Protection Associations consistently advanced their personal interests. A specific example of this can be seen in a case of legal prosecution of blacks who were accused of poaching on the farm Klippan, partly owned by E.F. Bourke, then Chairman of the Game Protection Association and prominent member of the Land Owners' Association.¹⁰⁵ It would appear that before the case reached the courts,

¹⁰³ TA CS396 10370/03, TGPA to Colonial Secretary, 18 November 1903.

¹⁰⁴ JPL TLOA, vol. 1, Minutes of 31 August 1904.

¹⁰⁵ Bourke was also prominent in civic affairs and was Mayor of Pretoria for a time.

Bourke asked the judiciary to deal with the accused harshly. A letter was sent to this end by the Game Protection Association - very likely under the instruction of Bourke¹⁰⁶ - to the Secretary of the Law Department in Pretoria. In part, the letter reads,

'This Association has ever since its formation brought to the notice of the government the great damage caused to game by natives in hunting with dogs, setting traps and generally contravening the game laws and I inform you of this particular notice as it is one which has been specially brought to the notice of the Association and we trust that should the offence be proved to the satisfaction of the court that punishment may be inflicted which will have a deterrent effect upon native poachers in general.'¹⁰⁷

When the accused were sentenced by the Nelspruit Magistrate, the Pretoria Magistrate protested, considering the sentences too light. 'I think it is necessary', he wrote, 'that exemplary sentences should be inflicted on natives who destroy game'.¹⁰⁸ The Game Protection Association went further and agitated for the institution of a special force of black police to safeguard sporting quarries, and even went as far as recommending to the government that the chieftain or 'headman' of any black 'location' should personally be held responsible for 'the great evil' of any traps found in his district.¹⁰⁹

The continuous onslaught against black hunters by the Game Protection Association reached a climax in 1906. It demonstrated - even to a government

¹⁰⁶ TA SNA158 1702/03, TGPA report for year ending 31 December 1905.

¹⁰⁷ TA LD1061 AG1735/05, TGPA to Secretary Law Department, 17 April 1905.

¹⁰⁸ TA LD1061 AG1735/05, Pretoria Magistrate to Acting Secretary Law Department, 25 April 1905.

¹⁰⁹ TA SNA305 11/06, Assistant Colonial Secretary to Secretary for Native Affairs, 30 December 1905.

sympathetic to their interests - that the attitudes of the Land Owners' and Game Protection Associations were not founded upon any genuine desire to save game but were based entirely on a desire to maintain class privilege. The accusations of both associations that were made against black hunters had become so numerous and vehement that the government was forced to institute a survey among Native Commissioners to obtain precise evidence of the quantities of game being destroyed illegally by blacks. In 1906, with facts and figures concerning game legislation convictions, as well as reports from Native Commissioners at its disposal, the government was obliged to take issue with the Game Protection Association and simply to disagree with the standpoint that African poaching had any significant effect on the numbers of game. Lagden quoted the Native Commissioner of the Western Division as saying:

'I have heard of no instance of Natives selling feathers to traders. I am convinced that very little game is destroyed by Natives and in support of this, it is the experience of almost every sportsman here that the best shooting in this Division is to be got on ground owned and occupied by Natives and on adjoining unoccupied European farms. This may sound strange but it is nevertheless an established fact'.

Lagden stated further that the reports of all the Native Commissioners were in similar vein, and he went so far as to say that

'the over protection of game in some parts has resulted in the most disastrous consequences to the Natives who had in many cases lost their whole crops ...; it would be a monstrous thing to be severe to any persons, being as a rule unarmed, who were not allowed to protect themselves by any methods, and who would otherwise be deprived of their means of living.'¹¹⁰

¹¹⁰ TA SNA305 NA11/06, Commissioner for Native Affairs to Secretary of Native Affairs, 11 January 1906; TAD405 G946/06, Assistant Colonial Secretary to IGPA, 23 January 1906.

Since every member of the Native Affairs Department and every policeman in the colony was a de facto gamekeeper,¹¹¹ it is difficult to doubt the veracity of this evidence.

The establishment of the facts, however, did not silence landowners and sportsmen in their campaign against black hunters. On the contrary, they were incensed by these reports from the Native Commissioners and refused to believe them. At meetings in February 1906 and April 1906 respectively the Transvaal Land Owners' Association and Transvaal Game Protection Association resolved to collect detailed information in order to contest the government's view.¹¹² However, in the end, neither organization ever did so.

It has to be concluded therefore that the aims of both associations were not concerned with the protection of wild animals at all, but instead comprised a class reaction to the fact that some Africans continued to subsist on game in the countryside and in so doing were not obliged to labour for cash wages. The following excerpt from a letter written by Duncan Stewart, a visitor to the Klein Letaba district and addressed to the Game Protection Association, sums up the attitude succinctly:

'I wish respectfully to draw your attention to the wholesale trapping and slaughter of small game on the banks of the Klein Letaba by the indolent and lazy natives who are loafing their time here doing nothing ... I think that the Game Protection Society should take the matter in hand. I believe its purpose is to protect game throughout the country the game is so wild owing to being chased and hunted by natives

¹¹¹ TA CS100 6210/02, Circular No. 51, July 1902; CS269 3935/03, Note of Gorges, 21 March 1903; TPB785 3013, Chief of Staff South African Constabulary to Assistant Colonial Secretary, 9 March 1906. The republican institution of special gamekeepers had not been maintained after the South African War, and it became the duty of all civil servants in the country to report any infringements of the game laws to the authorities.

¹¹² WLS TGPA Minutes 1902-1920, Minutes of 3 April 1906; JPL TLOA, vol. 2, Minutes of 16 February 1906.

that any sportsman coming down here for a few weeks' shooting would be very much disappointed.'

Blacks at whom the criticism was levelled were subsistence hunters, not market hunters, it seems, and they 'laughed at' Stewart when he remonstrated with them, telling him that they wanted 'injama' (meat).¹¹³

In addition, one function of the game laws of the Transvaal seems to have been, like those of eighteenth century England, to 'protect the poor from their own idleness'¹¹⁴ and instil an understanding of the work ethic. In 1903 the Game Protection Association had shown this attitude clearly in a letter to the Colonial Secretary which read, in part, 'My committee desire me to state that the destruction of game by the natives ... enables a large number of natives to live by this means who would otherwise have to maintain themselves by labour. It is moreover a bad example to the younger generation and it is becoming each year more difficult to stop'.¹¹⁵

The Game Protection Association was determined to prevent blacks from hunting and its more powerful members in the Legislative Council were successful in curtailing the legal rights to game that blacks enjoyed as landowners. In Ordinance 6 of 1905 a new clause was inserted which specifically excluded blacks, legally resident in 'locations', 'native reserves' or on mission stations, from being classed as landowners or lessees.¹¹⁶ So vehement were sportsmen on this point that Lagden feared that the clause would be interpreted in such a way that would deprive even bona

¹¹³ TA SNA158 NA1702/03, Stewart to TGPA, 8 August 1904.

¹¹⁴ D. Hay et al, Albion's Fatal Tree: Crime and Society in Eighteenth Century England (London, 1975), p.191.

¹¹⁵ TA CS396 10370/03, TGPA to Colonial Secretary, 18 November 1903.

¹¹⁶ Clause 10 (a) of Ordinance 6 of 1905.

vide black landowners of their hunting rights. He therefore enjoined the Colonial Secretary to emphasize to all Magistrates that it would be a 'gross injustice' if black landowners were 'prohibited in this respect from doing what Europeans are entitled to do'.¹¹⁷

Hunting legislation had definite results in increasing state control over rural blacks and facilitating their proletarianization as a labour force. At the time, the warden of the government game reserves was but one of many whites who felt that depriving blacks of access to game,

'had by no means, as was in some quarters predicted, the effect of causing the natives to starve, but, on the contrary, by forcing them to go out to work and earn the high wages which the Kaffir almost invariably receives in the Transvaal, actually raised their standard of living considerably.'¹¹⁸

In their endeavour to expel blacks from the hunting class and thus reduce their status, members of the Game Protection Association also sought to curtail the right of blacks to own hunting dogs. Shortly after its foundation, the association asked the government to introduce legislation to prohibit blacks from keeping any 'sporting dogs', and to prevent blacks from coursing.¹¹⁹ The colonial government did not oblige in this connection, however, and the dog law of the Transvaal republic, itself very strict but, it seems, unenforced, remained on the statute books until responsible government was granted to the Transvaal in 1907. In August of that year, during its first session, the Legislative Council took the opportunity to

¹¹⁷ TA SNA310 NA634/04, Commissioner for Native Affairs to Colonial Secretary, 4 May 1906; Colonial Secretary to Commissioner for Native Affairs, 15 May 1906.

¹¹⁸ J. Stevenson-Hamilton, 'Game preservation in the Transvaal', Blackwood's Magazine, March 1906, p.409.

¹¹⁹ TA CS528 9229, IGPA to Colonial Secretary, 10 May 1904.

alter the situation and passed Act 23 of 1907 which, although falling short of actually forbidding blacks to own hunting dogs, imposed high licence fees for the privilege. It would appear from the discussion in the Legislative Council that the colonial government had previously resisted the introduction of such a bill on account of its class bias. On this score the consciences of the Transvaal sportsmen who were members of the Council clearly did not trouble them unduly. When the bill was first introduced, T.A.R. Purchas declared that although it appeared 'at first sight to be what might be termed class legislation',¹²⁰ he assured members that the sole aim of the law was the preservation of game and argued that it was thus not class legislation at all. In the debate which followed, it became obvious that Purchas was obfuscating the issue, and that in reality sportsmen in the Transvaal simply resented the fact that blacks were permitted to use the same hunting methods as did whites.¹²¹

Towards their own dogs, however, sportsmen were extremely compassionate, even to the extent that for a time the needs of agriculture were superseded by considerations for hunting hounds. For example, the legislative bodies of the Transvaal were so controlled by sportsmen that Ordinance 6 of 1905¹²² even forbade farmers to set down poison for 'vermin' during the open season. However, a wealthy and influential farmer and his attorneys convinced the government that farming was more important than recreation in a developing colony and should take precedence. Nonetheless, the interests of sportsmen continued to receive sympathetic consideration, and in order to prevent

¹²⁰ Debates of the Legislative Council, col. 664, 13 August 1907.

¹²¹ Debates of the Legislative Council, cols 663-667, 13 August 1907.

¹²² Clause 17(d).

valuable sporting dogs from eating poisoned meat set out for 'vermin', advertisements notifying the populace of poison placed along main thoroughfares had to be provided by the farmers concerned.¹²³

v

Allied to the antipathy of the Game Protection Association for black hunters was the association's campaign against professional hunters. By selling biltong, some people still continued to make a profit from the hunt, and although the fight against market hunters was in part an attempt to discredit the hunting traditions of the South African Republic, the major reason was an emotional one. To sportsmen the profitable selling of game products in order to secure a livelihood was anathema. It is interesting that members of the Game Protection and Landowner's Associations, who were not always scrupulously engaged in profitably exploiting so many other natural resources of the Transvaal, should have wished to prohibit, rather than to control, the profitable exploitation of game.¹²⁴ The large-scale destruction of game for the procurement of biltong was the reason advanced by the association for the determination to put a stop to the trade, but there may in fact have been a subsidiary reason, echoing imperial conservation ethics, for wishing to stop Boer hunters, namely 'the Boers have no sporting instincts and no sense of honour'.¹²⁵ Preventing the sale of biltong was difficult because, as defined

¹²³ TA TPB785 TA3013, Correspondence July 1906 to March 1907.

¹²⁴ The numbers of landless and destitute rural Afrikaners had grown considerably after the South African War.

¹²⁵ Report of Singwitsi Game Reserve in Transvaal Administration Reports 1903, p.48.

in the law, biltong, once dried, was not considered to be game.¹²⁶ By the passing of Act 13 of 1907 the matter was resolved - again to the satisfaction of Transvaal sportsmen.¹²⁷

The Game Protection Association was proud of its achievement in this connection, and credit for the new bill was given to E. Rooth, member of the Legislative Assembly for Burghersdorp who was also a committee member of the association.¹²⁸ Debate on the bill was impassioned, many members giving first-hand accounts of the destruction to game which biltong hunters had wrought, these hunters even being compared to Buffalo Bill and his followers in the United States who had almost exterminated the American buffalo.¹²⁹ Statistics of biltong exports were provided: 7 000kg from a single railway station in the Waterberg,¹³⁰ and 900kg from Barberton.¹³¹ While expressing his sympathy with the general protectionist intent of the bill, only one member of the Legislative Assembly, R.G. Nicholson of the Waterberg, questioned the principle of saving game merely 'for the benefit of the

¹²⁶ TA LD1115 AG3617/05, Acting Secretary Law Department to TGPA, 5 November 1906.

¹²⁷ It has been suggested that in initiating legislation which served their interests sportsmen were invariably victorious against market hunters; see Tober, Who Owns the Wildlife?, p.191.

¹²⁸ Debates of the Legislative Assembly, col. 1735, 24 July 1907. G.G. Munnik of Soutpansberg East quipped that the bill should be entitled the 'Eddy Rooth Bill'.

¹²⁹ Debates of the Legislative Assembly, cols 1421-1422, 24 July 1907. According to J.G. Hamilton, the member for Springs, the situation in the Transvaal was even worse than in the United States, because Transvaalers did not have the legitimate excuse that white American settlers had that they had deprived the indigenous people of food so that white expansion would not be curtailed; see Debates of the Legislative Assembly, cols 1426-1427, 24 July 1907.

¹³⁰ Debates of the Legislative Assembly, col. 1422, 24 July 1907.

¹³¹ Debates of the Legislative Assembly, col. 1423, 24 July 1907.

leisured classes.'¹³² Nothing came of Nicholson's objection and the Act succeeded in making the sale of game biltong illegal.

Although the Game Protection Association continued to exert an influence on the colonial government until 1907,¹³³ during this time the administration became increasingly aware that the association was not truly representative of sportsmen in the Transvaal. Because of its doubts concerning the popularity of the association, the government consistently refused to award the association any funding. In October 1904 the Executive Council rejected the request of the association that it be given half of all revenues collected under the game ordinance,¹³⁴ and in June 1905 the government dismissed an application for a grant-in-aid.¹³⁵ In taking this decision, the Executive Council had heeded the advice of James Stevenson-Hamilton, warden of the government game reserves, who had considered that it would be a 'fatal move' for the government to aid an organization which the public did not support.¹³⁶ The Executive Council attempted to placate the Game Protection Association's disappointment at the withholding of the grant-in-aid by suggesting that lack of government funding should be seen as an advantage to the association which thus retained full autonomy of action. In effect, though, the Executive Council felt that it did not depend upon the

¹³² Debates of the Legislative Assembly, col. 1427, 24 July 1907.

¹³³ The association was even able to prevail upon the government to provide the association with statistics relating to the monthly returns on game licences; TA CS447, TGPA to Colonial Secretary, 9 April 1904; Under Colonial Secretary to TGPA, 2 May 1904.

¹³⁴ Executive Council Resolution 1065, 5 October 1904.

¹³⁵ Executive Council Resolution 940, 10 June 1905.

¹³⁶ TA TPS5 3018, Stevenson-Hamilton to Colonial Secretary, 17 April 1906.

association very significantly; the association benefited from government support more than the government from the association.¹³⁷ The financial compromise which the Colonial Secretary eventually reached was an unsatisfactory one for the Game Protection Association; instead of a monetary sum being paid, the services of a secretary - who was a member of the Colonial Secretary's department - were subsidized by £60 per annum.¹³⁸

The Colonial Secretary was in a difficult position because another sporting organization did receive funding from the government. The Trout Acclimatisation Society was given an annual grant-in-aid of £500 to enable it to construct hatcheries, import fingerlings and regulate the supply of trout in Transvaal rivers.¹³⁹ In the early years of the century the importation of alien species of animals was encouraged,¹⁴⁰ especially if these species had provided sport. In 1904 the desires of sport fishermen resulted in an over-enthusiastic protectionist gesture on behalf of fish, made as the result of pressure from the Game Protection Association and the Trout Acclimatisation Society. Neglecting all considerations other than that of recreation, sportsmen in the Legislative Assembly in 1904 succeeded in passing a law which prohibited the catching of fish of any species in the Transvaal between May and September. People who lived on fish as their main source of protein were thus deprived of a means of subsistence during the winter months, this

¹³⁷ TA TPS5 3018, Colonial Secretary to Assistant Colonial Secretary, 6 December 1907.

¹³⁸ TA TPS5 3018, TGPA to Colonial Secretary, 29 July 1908.

¹³⁹ TA TPB785 3015, Annual Report of the Trout Acclimatisation Society 1905.

¹⁴⁰ Cecil Rhodes, for example, was praised by the WDGPA for his introductions of exotic game; WLS WDGPA Minutes 1886-1915, Minutes of 6 August 1895.

situation enduring for two years until the hardship it caused was borne home to the lawmakers. In 1906 the law was amended by Ordinance 5 which restored the legality of catching certain indigenous fish species throughout the year.

In any event, by 1906 the Colonial Secretary himself was becoming disillusioned with the Game Protection Association because it displayed its self-interest in so unabashed a manner. Not only was the government cognisant of the class hostility which the association demonstrated in its victimization of black hunters, but it appreciated, too, that members of the association could not even be regarded as true sportsmen. When the association requested that the closed season for various waterbirds be amended to exclude the Christmas period, the comment was made by the Colonial Secretary that 'no self-respecting organization would ask to remove duck and geese from the list of game so that Johannesburg could shoot at Christmas' [within the breeding season].¹⁴¹ The standing of the association in the eyes of the government was lowered further when the association's branch at Krugersdorp requested that its members be given authority to hunt on crown lands during the open season. It is ironical that the Commissioner of Lands had to inform the Game Protection Association that he could not give this authority because he 'considered that the game should be preserved'.¹⁴² Another incident which discredited the Game Protection Association was

¹⁴¹ TA TPS5 3018, Colonial Secretary to Assistant Colonial Secretary, 6 December 1907.

¹⁴² TA CS440 1922/04, Krugersdorp and District Game Protection Association to Krugersdorp Acting Resident Magistrate, 15 March 1904; Assistant Secretary for Lands to Assistant Colonial Secretary, 19 April 1904. In fact, the Commissioner of Lands was not responsible for game protection, but had been asked by the Colonial Secretary for his opinion. Hunting of crown lands, provided the hunter was in possession of a permit, was actually permitted in terms of the law.

related to its desire to protect mountain reedbuck in the Transvaal. It appeared that protection for this species had been accomplished under false pretences: it was, in fact, an extremely common species which was difficult to distinguish from the less abundant species of reedbuck (or rietbok).¹⁴³

Moreover, the various branches of the Game Protection Association were almost constantly at loggerheads with one another. The organizational structure of the association consisted of a Central Committee, based in Pretoria, with affiliated branches,¹⁴⁴ the number of which varied according to the enthusiasm of local chairmen which waxed and waned. Differences of opinion within the association were particularly evident on two points, namely the precise dates of the shooting season and the opening of the Sabi Game Reserve to hunters. Almost all of the association's meetings during 1903 were devoted to debate and discussion between association members and the government as to what period should constitute the open season. Generally speaking, the urban branches favoured a shorter season than their rural counterparts.¹⁴⁵ The vacillating dates defining the open season confused even the most educated and influential members of the association. To the association's great embarrassment, three extremely prominent Pretoria members, R.K. Loveday, J.C. Juta and J.W. Bell, were convicted under the game

¹⁴³ TA CS528 9229, Assistant Colonial Secretary to TGPA, 1 February 1904.

¹⁴⁴ TA TPS5 TA3018, TGPA to Colonial Secretary, 24 May 1905. By 1905 the number of branches had increased to 19.

¹⁴⁵ TA SNA114 NA619/03; LtG65 73/7, Barberton GPA to Lieutenant-Governor, 3 September 1903.

ordinance claiming to have been unaware at the time of their apprehension that the shooting season had ended the previous day.¹⁴⁶

Another divisive issue was whether the Sabi Game Reserve should be opened to the public for shooting. During 1904 and 1905 the Lydenburg Branch of the Game Protection Association, because of its proximity to the game reserve, agitated for opening the reserve to sportsmen, arguing that game in the protected area had increased in number sufficiently to warrant this.¹⁴⁷ Many fellow members of the association, as well as the warden of the game reserve, felt that such a move was premature, the warden going so far as to aver that such a request made 'a farce of game preservation.'¹⁴⁸ As a result of the refusal of the Central Committee of the association to agree to the proposals of the lowveld branches, the latter seceded from the central body.¹⁴⁹

By 1906 internal disagreements amongst members of the Game Protection Association would appear to have become notorious throughout the Transvaal and many thought that the association was 'wasting time by indulging in an excess of vexatious controversies, with the result that its work is largely

¹⁴⁶ TA LD487 AG3200/03, Secretary of the Law Department to Public Prosecutor Pretoria, 28 September 1903; Debates of the Legislative Council, cols 1211-1212, 14 August 1905.

¹⁴⁷ TA SNA243 NA2831/04, TGPA to Colonial Secretary, 7 November 1904; Stevenson-Hamilton to Acting Secretary for Native Affairs, 4 December 1904.

¹⁴⁸ TA SNA243 2831/04, Stevenson-Hamilton to Acting Secretary for Native Affairs, 4 December 1904.

¹⁴⁹ WLS TGPA Minutes 1902-1920, Minutes of the Central Committee, 13 December 1905; TA TAD405 G946/06, Minutes of the TPGA Central Committee, 3 April 1906, p.5; Cent. LDE162 299/05, Barberton GPA to Minister of Lands, 16 January 1908.

discredited in the country, instead of receiving the wholehearted support it would otherwise deserve.'¹⁵⁰ In addition it was felt that

'The work performed by it [the Transvaal Game Protection Association] is unquestionably of a very useful nature, though there can be no doubt that there is room for great improvement in the administration of the Association's affairs. Until this improvement takes place a large majority of sporting men in the country will hold aloof from it. With a membership of only about 750, throughout the whole extent of a large colony where sport is so popular, it can scarcely be considered in any degree representative.'¹⁵¹

Serious internal disagreements, rooted in the selfishness of each group of sportsmen, were compounded by the lack of an energetic secretary. These circumstances contributed to the ineffectiveness of the association between the end of 1906 and 1908, so much so that it had to be formally resuscitated during that year.¹⁵²

VI

Although the direction given by the Game Protection Association was important, the aims of the colonial government and its legislative organs were also crucial to the protectionist legislation which evolved in the Transvaal. As an indication of the importance that the British administrators in the Transvaal attached to the protection of indigenous southern African fauna, it is significant that legislative attention was given to game protection even before the South African War had ended. It is also perhaps a peculiarly Victorian trait that attention could be devoted to such matters in

¹⁵⁰ L.V. Praagh, ed., The Transvaal and its Mines (Johannesburg, [1906]), p.102, p.148.

¹⁵¹ Ibid., pp.148-149.

¹⁵² WLS TGPA Minutes 1902-1920, Minutes of 31 July 1908.

the midst of a most expensive and devastating colonial war. The British occupied Pretoria in the first week of June 1900 and by the end of September the first notice of restrictions on hunting, namely the proclamation of a closed season in terms of republican Law Number 5 of 1894, was published in the government gazette.¹⁵³ It seems that this step was taken in order to prevent British soldiers shooting game around Pretoria; possibly these men hunted for food rather than sport, but it was clear that there were many who were not inspired with the same enthusiasm for game protection as were their superiors.¹⁵⁴

When formal British administration of the Transvaal began after the South African War matters concerning game protection were placed in the hands of the Commissioner for Native Affairs, Sir Godfrey Lagden, and the Colonial Secretary. Whereas republican legislation had included a measure of public participation at least at the level of advice and suggestion, Lagden was solely responsible for the contents of the first post-war ordinance concerning game. In April 1902 Lagden set out his objectives regarding game legislation in the colony:

1. My object is to secure to the future Boers protection from trespass to which they will be at times roughly exposed, [sic]
2. to protect the game generally,
3. to preserve certain species,
4. to provide a definite season tentatively until we know more of the breeding season distribution in particular parts,

¹⁵³ TA LAJ7 L489, Legal Adviser to Military Governor, 20 September 1900; MGP119 11930A/01; at the time the closed seasons for game animals and birds respectively were from 2 August 1901 to 31 January 1902 and 1 September 1901 to 14 April 1902.

¹⁵⁴ TA MGP101 7205/01, Struben to Military Governor; MGP13 1445/00, Loveday to Military Governor, 14 August 1900.

5. to prohibit killing of antelope for one year as they have done in the Orange River Colony'.¹⁵⁵

Lagden's statement about his protectionist intentions shows clearly that he envisaged a combination of conservation and preservation principles in the legislation he intended introducing in the Transvaal. By the following month Lagden had drafted a proclamation which attempted to bring Transvaal legislation into line with that in other South African colonies. When asked by Lagden for comment on the proclamation, Gunning, on behalf of the committee of the Pretoria Museum,¹⁵⁶ responded by suggesting the addition of flamingo to the proposed list of protected game in the legislation and the deletion of the quagga, a species which, he noted wryly, had been extinct since 1878.¹⁵⁷

Lagden's proposal was promulgated in October 1902 as Ordinance 29 of 1902. While a comparison between this ordinance and Law 5 of 1894 shows more differences than similarities, an important principle in both laws was the right of landowners to control and hunt game on their own lands.¹⁵⁸ The most important distinctions between the two laws were that in the second blacks were not excluded from the definition of landowners, and that anyone, whether

¹⁵⁵ TA LD83 AG3143/A/02, Lagden to Solomon, 26 April 1902.

¹⁵⁶ TA LD83 AG3143/A/02, Lagden to Secretary to the Transvaal Administration, 7 May 1902.

¹⁵⁷ TA LD83 AG3143/A/02, Gunning to Colonial Secretary, 20 August 1902. Lukas Meyer, who had been prominent in game protection matters in republican times, was also asked for his views. He advised Lagden that his inadequate knowledge of English precluded him from offering detailed comment, but stated that from what he had understood, 'the law should meet all requirements and it is reasonable.' See TA CS105 6854//02, Meyer to Colonial Secretary, 5 July 1902. Further comment on the draft ordinance can be found in TA CS106 7155/02, CS107 7169/02, and CS115 8288/02.

¹⁵⁸ Clauses 9 and 10.

landowner or not, could kill game which injured crops in cultivated lands or gardens; prior to 1902 only landowners had enjoyed this privilege.¹⁵⁷ In addition, the definition of hunting was expanded to include the pursuit of and shooting at game, as well as the killing of it.¹⁶⁰

As had Law 5 of 1894, Ordinance 29 outlawed the use of any kind of trap or snare for hunting game, although the new law reduced the penalty for contravening this article from £37 10s or six months' imprisonment, to £20 or one month's imprisonment.¹⁶¹ In general, penalties for contravening the law were reduced substantially by the British. Unlike Law 5 of 1894, Ordinance 29 did not set dates for defining closed seasons: it determined that these would be published annually by proclamation.¹⁶² A new principle for the Transvaal which affected market hunters adversely was introduced by Lagden's ordinance in that special licences were required before game products could be accepted for sale.¹⁶³

Now for the first time in the Transvaal a clear distinction was made between the concepts of 'game' and 'non-game' animals. Lists, entitled Schedules A, B and C, were appended to the ordinance and in these were detailed which species were considered to be game species. Schedule A

¹⁵⁷ Clause 4(1) and Clause 6.

¹⁶⁰ Clause 3. In 1898, the Krugersdorp Landdrost had complained that regular dog racing upset the game in his area, but that only a civil charge could be laid against the racing club; see TA SP179 SPR7506/98, Krugersdorp Landdrost to State Attorney, 5 August 1898; Assistant State Attorney to Krugersdorp Landdrost, 11 August 1898.

¹⁶¹ Clause 5.

¹⁶² Clause 3. Proclamation 10 of 1902, for example, set the open season from 1 April to 14 September 1902.

¹⁶³ Clause 14.

comprised the gamebirds and Schedule B many of the smaller antelope species. Schedule C included not only those species which had been totally protected by republican legislation (elephant, hippopotamus, buffalo, eland, giraffe, rhinoceros and ostrich) but eleven other species¹⁶⁴ as well. While animals listed in Schedules A and B could be killed in the open season on payment of a licence of £3,¹⁶⁵ species on Schedule C could only be hunted with the written permission of the Colonial Secretary and the payment of £25 for a licence.

Although this may seem a lax provision in that the total protection which had been afforded to some species during the 1890s had ended, in fact overall a greater number of species was granted immunity from hunters. The reason for this seeming discrepancy lay in the fact that from the time British administration began, the Colonial Secretary issued no hunting licences for many of the species listed in Schedule C.¹⁶⁶ In addition, during

¹⁶⁴ These were kudu, red hartebeest, Lichtenstein's hartebeest, tsessebe, the extinct quagga, zebra, crested crane, roan antelope, sable antelope, blue wildebeest and black wildebeest.

¹⁶⁵ The licence fees were thus effectively raised. In legislation passed in 1894 some of these species required only a £1.10 licence and game birds a ten shilling licence.

¹⁶⁶ In May 1903 the Executive Council decided that no permits would be issued for eland, elephant, giraffe, red hartebeest, hippopotamus, kudu, ostrich, rhinoceros, black wildebeest and zebra, and that only two specimens of each of buffalo, crested crane, Lichtenstein's hartebeest, roan antelope, sable antelope, tsessebe and blue wildebeest be permitted per hunter; see Executive Council resolution 354, 4 May 1903. See also TA CS274 3314/03, Note from Native Affairs Department that no big game licences were to be issued for three years, 23 April 1903. In addition, the following files contain refusals to issue big game licences to applicants: CS284 3953/03; CS289 4305/03; CS293 4509/03; CS295 4621/03; CS301 4987/03; and CS302 5070/03.

these years additions to Schedule C were made,¹⁴⁷ and in this way still more species were completely protected either in certain districts of the Transvaal or throughout the colony.¹⁴⁸

Game legislation was again passed in 1905: Ordinance 6 of that year expanded upon previous game legislation by specifying more precisely the interpretation of terms and detailing the powers of the Lieutenant-Governor. It is of interest that on this occasion the terms 'big game' was first used officially. The three schedules of Ordinance 29 of 1902 were reduced to two; birds and smaller antelope were listed together as 'game'. Species on the second schedule were those which had formerly been listed in Schedule C, and these were now called 'big game'.

Protectionists predominated in the Legislative Council to such a degree that debate on the legislation tended to be very one-sided, the only member of the council disagreeing with the intended legislation on any consideration of principle being W. Hosken, the member for Von Brandis. He severely criticized his fellow members for their class attitudes and the harsh punishments they intended to impose on offenders. In a modern interpretation on the aspect of squandering game, Hosken also expressed his disapproval of the fact that an important 'food product of the country' was wasted by being viewed only as an object of sport. In addition, Hosken identified the

¹⁴⁷ For instance, at the suggestion of the warden of the government game reserves, on 11 July 1903 waterbuck and reedbuck were moved from Schedule B to Schedule C; see TA CS280 3641/03.

¹⁴⁸ Gemsbok, which had been omitted entirely from the protective legislation were added by Proclamation 81 of 1903. For other inclusions in Schedule C and arrangements for special protection in certain areas, see TA CS528 9229; Executive Council Resolutions 503, 26 May 1905, 367, 8 March 1905; 773 and 774, 10 May 1905; 544, 28 March 1906; 1018, 6 June 1906; 147, 4 February 1908; 307, 4 March 1908; 335, 11 March 1908; 700, 10 June 1908; 1556 24 December 1908; 1856 10, March 1909; 30, 12 January 1910; 363, 2 March 1910.

difference between the protectionism espoused by white Transvaalers and that of imperialists by pointing out that,

'In the Game Laws of this country we are going to advance to the position that other countries have left behind a century since. Here we are providing the most drastic Game Laws when every other country is opening and widening their Game Laws. Here in a new country we are going in for most drastic regulations that do not obtain even in England.'¹⁶⁹

Later in the debate Hosken reiterated his opinion that the legislation under debate was 'a retrograde measure' and 'not up to civilised standards'. The Director of Agriculture, who was then beginning to take the view that the influence of sportsmen was detrimental to profitable agriculture, agreed with Hosken and warned the legislators that 'if we do not take great care we shall make ourselves ridiculous'.¹⁷⁰ In his attempt to defend the destitute, Hosken was, however, less effective than De Beer had sometimes been in the Volksraad in earlier years, and the ordinance was passed with an overwhelming majority of votes.

The final game legislation that was passed before the colonies of South Africa became a union was Act 11 of 1909. This law did not contain any substantial changes on matters of importance or principle, but gave the Governor a freer hand in fixing game lists and decreeing protected areas by regulation rather than by legislation. Again, Hosken's was the only dissenting voice among the protectionists of the council and his protests were to no avail.¹⁷¹

¹⁶⁹ Debates of the Legislative Council, col. 1316, 16 August 1905.

¹⁷⁰ Debates of the Legislative Council, col. 1459, 22 August 1905.

¹⁷¹ Debates of the Legislative Council, cols 205-206, 10 June 1909.

Laxity in administration, a hallmark of the South African Republic, had meant that in earlier decades contraventions of hunting legislation had frequently gone undetected or unpunished. No similar charge could be laid at the door of the post-war government, for efficient imperial administration after 1902 ensured that numerous such cases were brought before the authorities and punishment administered. The number of convictions under the game ordinances of the Transvaal is available for the years from 1902 to 1904 and from 1906 to 1907: the total number of prosecutions over this five-year period is not especially large, being in the region of 350.¹⁷² Although landowners and sportsmen had accused blacks of hunting wild animals relentlessly, the number of prosecutions of blacks was, in fact, only about two-thirds of the number of prosecutions.

It is difficult to generalize about the nature of the recorded contraventions and no one particular action can be singled out as the most common. The records show that many provisions of the game law were breached, these infringements including the selling of game products illegally, hunting in the closed season or without a licence in the open season, hunting with snares, and trespassing while in pursuit of game. It is significant, however, that few cases involved the hunting of big game species, or mass killings of animals. Contraventions appear to have been incurred by individuals and in haphazard pattern.

A variety of punishments was imposed upon offenders. There were times when the Game Protection Association complained that these punishments were

¹⁷² The prosecution records can be found in TA LD668 AG1439/04; LD1289 AG2967/06; LD1290 AG2967/06; and LD1352 AG4878/06.

not heavy enough to be sufficiently salutary,¹⁷³ while the Colonial Secretary was more concerned by the fact that magistrates imposed heavier sentences on blacks than on whites.¹⁷⁴ An inspection of the surviving records reveals that the views of the Game Protection Association were probably based on erroneous facts and that the Colonial Secretary's information was correct. For example, in Belfast in 1909 a black hunter who had killed a hare received a fine of £10 or fourteen days' imprisonment, while in Bethal at the same time, a white hunter who had also killed a hare was fined five shillings or twenty-four hours' imprisonment.¹⁷⁵

A series of sentences in 1908 particularly concerned the Colonial Secretary because of a lack of consistency. One black hunter who had killed a duiker received a month's imprisonment with hard labour, without the option of a fine. Another, for the identical offence, had received a fine of £10 or fourteen days' imprisonment. A third black hunter, who had killed two duiker, received precisely half that punishment, while a group of three whites who had killed four reedbuck, two duiker, a steenbok, and a korhaan, received half of that sentence again - £5 or seven days' imprisonment.¹⁷⁶ No minimum age limit was determined for offenders: it is recorded that in 1906 three black children in the Soutpansberg, aged between eight and twelve, received

¹⁷³ TA LD1580/08, TGPA to Secretary of the Law Department, 16 March 1908.

¹⁷⁴ TA TPB784 TA3006, Note to Colonial Secretary, 15 February 1909.

¹⁷⁵ TA TPB784 TA3006, Report from Belfast, 18 February 1909; report from Bethal, 19 February 1909.

¹⁷⁶ TA LD784 TA3006, Note to Colonial Secretary, 15 February 1909.

sentences ranging from £1 or one month's imprisonment to 10 shillings or one week in gaol.¹⁷⁷

Game protectionist legislation in the Transvaal in the decade after the South African War was complex and thus confusing to members of the public not familiar with it. The dates of the open season changed regularly, certain species were accorded different protective measures in varying parts of the colony, and there were legal distinctions between species which were defined either as 'game', 'big game', 'non-game' and 'vermin'. A further instance of this complexity can be seen in the case of bushpig, a species which had been protected by various laws of the South African Republic. After the war it had been designated as a 'game' animal in Ordinance 29 of 1902 and Ordinance 6 of 1905 and was accordingly protected by a closed season. In addition, the killing of bushpig in the open season required the acquisition of a licence. By 1905 it had become evident that these animals were both abundant and destructive,¹⁷⁸ and in the following year they were removed from the game list and could thereafter be hunted freely.¹⁷⁹ Later they were downgraded further to the status of 'vermin' and bounties were paid for their destruction.¹⁸⁰ One can only imagine the confusion in the mind of anyone who might have been convicted of killing bushpig before 1906, and who would subsequently have received a reward for performing the same action.

¹⁷⁷ The offences for which the children were convicted are not recorded; see TA LD1290 AG2967/06, Return of convictions under the game preservation ordinance, October 1906.

¹⁷⁸ TA LtG124 110/41, Lagden to Lieutenant Governor, 23 March 1905.

¹⁷⁹ Transvaal Government Gazette, Proclamation 38, 11 May 1906.

¹⁸⁰ TA TPS5 3018, Annual Report of the TGPA, 30 September 1912.

Although game animals were protected by legislation, certain other wild animal species in the Transvaal were declared to be 'vermin'. Transvaalers never went as far as did the Western Districts Game Protection Association which had organized 'vermin clubs'¹⁹¹ whose aim was to destroy unwanted species of animals. However, the Department of Agriculture assisted in the destruction of vermin and considered this to be necessary in protecting domestic animals from predators. Up until mid 1905 - when the Colonial Secretary's department assumed the responsibility - payments of rewards for vermin skins were made by the Department of Agriculture.¹⁹²

VI

There can be no doubting the importance that the colonial administration of the Transvaal attached to the matter of game protection between 1902 and 1910. The links between skin colour, wealth, landowning and sport hunting became firmly welded both in the legislation and in white attitudes in this decade, and the attitudes of the upper classes were allowed to become dominant. By 1910 hunting wild animals was, in terms of the law, no more than a recreational pursuit for the wealthy or for landowners. No economic motive for hunting was legally permissible.

After an initial sympathetic reaction to Transvaal protectionists, the colonial government seems to have become less eager to permit that the narrow interests of the sporting class be given free rein, and had prevented the introduction of blatant class legislation. Despite this fact, it would seem that on balance, the colonial government was not prepared to oppose entirely

¹⁹¹ WLS WDGPA Minutes 1886-1915, Minutes of 27 August 1891.

¹⁹² TA CS528 750A, Minute of Assistant Colonial Secretary, 16 July 1905.

the wishes of the wealthy, predominantly English-speaking landowners and monied classes. In an effort to placate this class, in whom the imperial authorities considered that the economic and political future of the colony lay, the interests of professional and subsistence hunters were sacrificed. After 1907 when the colonial government was removed, the interests of Transvaal sportsmen were able to hold complete sway.

In game protectionist affairs as well as in other spheres, increased state intervention in the affairs of the Transvaal can clearly be seen in the decade under review. Many protectionist laws were passed and numerous proclamations and government notices on the subject were promulgated. In addition, the close surveillance of Native Commissioners and the South African Constabulary ensured that many contraventions of the game legislation were detected and offenders brought to justice, events which had not previously occurred.

Game protection in the Transvaal in the early years of the century was a complex process. Unlike general imperial tendencies in Africa towards saving game for aesthetics, science or regulated commercial hunting, it was recreational hunting for the white, English-speaking nouveau riche, who wished to advertise their status and class, which underlay protectionist legislation in the Transvaal. This was not the reason for protectionism either in the South African Republic before the South African War, nor in the period after the creation of the Union of South Africa.

However, despite the comprehensive legislation and the enthusiastic prosecution of offenders, the number of game animals in the Transvaal outside the game reserves continued to decrease. Although sport hunters demonstrated a desire to exercise a self-imposed restraint on their killing of wildlife,

and although the activities of subsistence and market hunters were curtailed, it seems that game protection generally failed. This continuing extermination calls for closer consideration of the role that modern industrial and agricultural development or, as it was referred to at the time, 'progress' or 'civilization', played in the destruction of game. Today it can be appreciated that industrial and agricultural development is far more damaging to wilderness and to the animal species it supports than any other change in the environment. It would appear that post-war commercial farmers and industrialists, witnessing the demise of game caused by their own endeavours, failed to - or even refused to - recognize their own role in this process and, instead, sought to place the blame on those individuals and groups who killed but small numbers of game. In the face of failure, colonial protectionist efforts represented a search for a scapegoat.

CHAPTER 7
GAME RESERVES
1900 TO 1910

I

After the South African War the British inherited from the republican government both hunting legislation and a number of state-owned game reserves. As has been discussed, legislation aimed to restrict hunting in terms of human economic status, season and species, while game reserves were areas which were closed to the public in which certain species were totally protected at all times of the year. Generally speaking, therefore, legislation was conservationist in principle and game reserves were preservationist. These two main directions discernible within game protectionism in the republican Transvaal were to become more rigid between 1900 and 1910.

Regulations pertaining to game reserves were generally disregarded by both antagonists during the South African War. The British forces were at first ignorant of the existence of the reserves and so were many of the Boer commandos.¹ Under conditions of warfare it was probably inevitable that, wherever game animals could be found, they would be hunted both by the military forces and the civilian population.

At the conclusion of the war the British administration acquired the game reserves which had been established in various parts of the Transvaal by

¹ See, for example, D. Reitz, Commando (London, 1929), p.126; B. Viljoen, My Reminiscences of the Anglo-Boer War (London, 1902), p.222; D. van Warmelo, On Commando (Johannesburg, 1977), p.56, pp.59-60.

the government of the South African Republic: the Pongola Game Reserve nestled in the south-eastern corner of the country; the Sabi Game Reserve comprised the area between the Sabi and Crocodile Rivers in the east; and there was a game reserve on the Springbok Flats, near Warmbaths. In addition, no hunting was permitted on state land in the districts of Piet Retief, Vryheid, Marico and part of Soutpansberg; in the wards of Hex River, Elands River and Zwagershoek; and on the townlands of Pretoria (as well as the adjoining farm of Groenkloof), Belfast, Wakkerstroom, Nylstroom (including the adjoining farm of Elandspoort), Middelburg and Potchefstroom.²

The British administrators were familiar with the notion of prescribed areas in which the shooting of game was prohibited, or at least severely restricted. Game protection by the aristocracy within British deer parks had been a feature of British society for many centuries.³ Indeed, game reserves had already been established in a colonial context, for example, in Australia in 1879,⁴ in Canada in 1885,⁵ in Kenya in 1897,⁶ and in Zululand in 1897.⁷ In addition, locations for other game reserves had frequently been mooted,

² These reserves had not formally been named and were simply referred to as 'government game reserves' or defined as areas in which hunting was prohibited.

³ Trench, Poacher and the Squire, p.23, p.36.

⁴ Powell, Environmental Management in Australia, p.114.

⁵ J.J. Green, 'Government and wildlife preservation, 1885-1922: the emergence of a protective policy' (Ph.D. thesis, York University, Toronto, 1975), p.30.

⁶ Ofcanksy, 'History of game preservation in British East Africa', p.15.

⁷ Curson and Hugo, 'Preservation of game', p.411.

Mashonaland being considered in 1894,⁸ the Kalahari in 1892,⁹ and the Cape Flats and Bushmanland before 1898.¹⁰

The British administrators reduced the number of game reserves in the Transvaal during the decade of its existence as a British colony. Only three of the republican game reserves were re-proclaimed - the Sabi, the Pongola and the Pretoria townlands together with the adjacent farm of Groenkloof¹¹ - and only two new reserves, namely the Singwitsi Game Reserve and the Rustenburg Game Reserve, were proclaimed.

The establishment of early game reserves is often hailed by modern protectionists as providing evidence of far-sightedness and idealism,¹² but this would seem to be an over-simplification. One major incentive for game reserves was that they were generally situated in areas unsuitable for

⁸ Bryden, 'Extermination of great game', p.551.

⁹ J.A. Nicolls and W. Eglington, The Sportsman in South Africa (London, 1892), p.11.

¹⁰ Cd3189, pp.46-47, Under-Secretary for Agriculture, Cape Colony to Secretary to the Prime Minister, 15 April 1898. It has been suggested that as early as 1857 a proto-game reserve was established in the Knysna Forests to protect elephant: see Grove, 'Incipient conservationism', p.6. In addition, the existence of an elephant reserve in the Knysna area was mentioned in 1903 by Buxton, 'Preservation of big game in Africa', p.569. It seems that game protection was sufficiently well established in this area by the turn of the century for it to have been regarded as a suitable site for a 'National Park for Cape Colony' in 1905: see Cd3189, p.255, Minutes of proceedings at a deputation from the Society for the Preservation of the Fauna of the Empire to the Right Honourable Alfred Lyttelton, 2 February 1905. In the early years of the century, the Cape Colony acquired two other game reserves - in 1903 the Namaqualand Game Reserve and in 1908 the Gordonias-Kuruman Game Reserve: see Curson and Hugo, 'Preservation of game in South Africa', p.405.

¹¹ From 1905 local authorities were empowered to frame their own regulations in connection with hunting game on townlands or other lands under their control: see TA CS576 2504/05. Many local authorities took advantage of this and prohibited hunting on townlands.

¹² See above, Chapter 1.

sustained use by whites. For this reason, neither great idealism nor sacrifice was required by the public or the government to remove from the economy those areas that were then being established as game reserves. Indeed, there is evidence that in many countries as well as in the Transvaal the very 'worthlessness' of land was a prime consideration in its reservation.¹³

In the republican Transvaal the long-term purpose of game reserves had not been formulated, apart from the statement by President Kruger that game should be preserved for the benefit of future generations.¹⁴ The function of game reserves in the colonial Transvaal, however, was to provide areas in which future sport hunting could take place. Colonial administrators considered that game reserves could eventually become revenue producing and that sportsmen would pay to shoot big game.¹⁵ It could, nonetheless, also be suggested that both the republican Transvaalers and the British recognized that the establishment of game reserves had practical advantages in that it was an inexpensive method of introducing administrative control to an area which would, by reason of its geographical remoteness or unhealthy climate, otherwise be sparsely inhabited or politically unstable.

Between 1902 and 1910 no single factor determined the establishment of game reserves. At times the reasons for proclamation appear to have been

¹³ This assertion is made in numerous sources, but see particularly Nash, Wilderness and the American Mind; Runte, National Parks; Cent. LDE26 44, Minute of Secretary of Lands, 22 April 1903; TA CS2 211/01, Chapman's proposals, December 1900.

¹⁴ Minutes of the Volksraad, Article 1244, 2 August 1889.

¹⁵ TA SNA15 NA295/02, Lagden's notes, 21 January 1902; SNA40 NA1303/02, Barberton Resident Magistrate to Commissioner for Native Affairs, 12 July 1902; The Star, 27 October 1902.

administrative in nature, while on other occasions such decisions seem to have had their origins in sentiment or in economic realities or in the pressure that was exerted by certain groups and individuals.

II

The Sabi Game Reserve was the first most significant reserve which was brought to the attention of the British. There is also some evidence that the establishment of a reserve in this district was suggested independently to the colonial government by Abel Chapman, a former hunter and keen game protectionist. Following upon an extended visit to the eastern Transvaal in 1899 and under the influence of the protectionist fervour of the London conference of 1900, Chapman submitted in December 1900 a detailed proposal for what he called a 'National Game Reserve' along the entire eastern boundary of the Transvaal, from the Sabi or Crocodile Rivers in the south to the Olifants or Limpopo Rivers in the north and bounded by the Drakensberg on the west and the border of Mozambique on the east. The reason Chapman advanced for the suitability of this particular area was that it consisted of a 'tract of country, which is, has always been, and always must remain, of no practical value or utility to man.'¹⁶ Chapman did not mention 're-proclamation' and it may have been that he was unaware that the southern portion of the region in question had already been proclaimed a game reserve

¹⁶ TA CS2 211/01, Chapman's proposals, December 1900.

in 1898.¹⁷ It appears that Chapman's proposal was sympathetically considered by the British administration, and it was submitted to Gunning, the Director of the Pretoria Museum, for comment. Gunning's reaction was that the total area suggested by Chapman was excessive: he recommended that only the southern portion between the Sabi and Olifants Rivers, part of which had already been proclaimed a game reserve in 1898, should be retained, and placed under the control of his museum. Gunning considered that an insufficient number of game animals existed north of the Olifants River to warrant protection and that effective patrolling of the northern portion would, in any event, be impossible to accomplish.¹⁸

In the event, the government heeded the advice neither of Chapman or Gunning to extend the reserve to the north and merely re-proclaimed the small republican reserve between the Sabi and Crocodile Rivers. There was never any doubt that the Sabi Game Reserve would be re-proclaimed.¹⁹ In part this may have stemmed from the sentimental attitude to wild animals which was part of the imperial protectionist ethos. The introduction of civil administration to the lowveld area - with the appointment of an effective ranger - was another important consideration. However, an even stronger point in favour of re-proclaiming this reserve was the existence of disease in the area. As Chapman

¹⁷ In 1928 when the Kruger National Park had been successfully founded in substantially the same area as Chapman had suggested in 1900, Chapman claimed the creation of that park as his personal accomplishment; see Chapman, Retrospect, pp.210-214. It is, however, noteworthy that in 1908, before the successful proclamation of the national park, Chapman does not mention in his book On Safari, his role in the reserve's establishment: p.5.

¹⁸ TA CS5 464/01, Gunning to Military Governor, 20 February 1901.

¹⁹ Re-establishment was effected by Notice 312 of 12 July 1902, and the boundaries were given in Notice 322 of 15 July 1902. After the 1902 Game Ordinance was passed, formal re-proclamation took place by way of Proclamations 11 and 12 of 20 November 1902.

had pointed out, by virtue of its climate and topography the eastern Transvaal lowveld was unsuitable for prolonged habitation by whites at that time: malaria was prevalent, and although the rinderpest epizootic of 1896 had destroyed the remaining populations of tsetse fly in the Transvaal, the implications of freedom from nagana had not yet been realized.

Even before British occupation of the north-eastern Transvaal had been effected, an application for the post of warden of the reserve was received. Arthur Glynn, a Lydenburg farmer and well known hunter, asked whether - since he lived in the vicinity of the reserve - he could supervise it should the new government re-proclaim it.²⁰ Nothing came of Glynn's application because at that time the lowveld was still under Boer control. Whether or not Glynn would have made a suitable warden is a moot point. Notwithstanding the fact that Glynn was the son of one of the men who had prodded the Executive Council of the Transvaal republic to proclaim the Sabi Game Reserve,²¹ James Stevenson-Hamilton, who was eventually to be appointed warden of the reserve,²² did not consider Glynn to be sufficiently protectionist, stating, 'Glynn has a number of very fine heads [game trophies]; he and his brother having done an immense amount of hunting of big game, and their father old Henry Glynn was one of the keenest hunters in the country. Of course like most South Africans, he was pure butcher without the instincts of a

²⁰ TA CS4 460/01, Glynn to Foreign Office, 16 October 1900.

²¹ 'Another mighty hunter: an interesting crack with Mr H.T. Glynn', South Africa, 5 September 1896, p.557.

²² He was initially appointed 'ranger', see KNP Stevenson-Hamilton Documents in Trust, Secretary for Native Affairs to Stevenson-Hamilton, 1 July 1902.

sportsman. Hence the disappearance of the game. There is little or nothing to choose between Dutch and British in this respect in this country.'²³

By 1901 the British controlled most of the eastern Transvaal and had stationed civil servants in several of the towns. One of these officials, the Mining Commissioner at Barberton, Tom Casement, took game protection very much to heart. He reported to Pretoria that the military authorities in the Barberton area were issuing shooting permits to officers and troops without the necessary game licences and that the boundaries of the Sabi Game Reserve were regularly violated by military personnel who engaged in hunting sprees.²⁴ The authorities considered the matter to be sufficiently serious to take immediate action, and asked the Resident Magistrate of Barberton, J.B. Skirving, to put a stop to the illegal activities. Skirving declared the situation to be uncontrollable because of the small number of police at his disposal.²⁵

Casement's complaints were not ignored, however, and in May 1901 general orders were issued to all military personnel to cease shooting game. It appears that while most obeyed this injunction, there existed in the lowveld an irregular unit called Steinaecker's Horse, which did not abide by Lord Kitchener's orders. Steinaecker's men had spent the duration of the war harassing Boers along the road to Delagoa Bay and had at the same time taken every opportunity to shoot game in the area. The unit had not only hunted for food and sport but had entered the trophy market and had supplied other army

²³ S-HA, Diary entry 20 July 1902.

²⁴ TA CS10 1032/01, Casement to Controller of the Treasury, 18 February 1901, 27 March 1901, 2 April 1901.

²⁵ TA CS10 1032/10, Skirving to Casement, 28 March 1901.

units with game curios to take back to Europe.²⁶ Captain H.F. Francis, a member of Steinaecker's Horse, reported these infringements of the game law to Casement and in due course was rewarded with an appointment as 'Game Inspector' of the Sabi Game Reserve,²⁷ the creation of which post had first been agreed upon by the Pretoria authorities.²⁸ Francis's term of office was, however, very short: he was killed in action just a month after being installed, at the end of July 1901,²⁹ and his only action as inspector had been to request a police force to assist him in his duties.³⁰ Another officer of Steinaecker's Horse, Lieutenant E. Gray, asked whether he might replace Francis, but Casement - who continued to receive reports of illegal hunting by Gray's unit - did not wish to become further involved with the unit's officers.³¹

Casement, intent upon finding another warden for the Sabi Game Reserve, suggested to Pretoria the employment of a 'reliable' man of his acquaintance, W.M. Walker, a former prospector from Moodie's diggings who had during the war joined the Imperial Light Horse and later the British Intelligence

²⁶ TA CS24 3082/02, Commissioner of Mines to Casement, 2 July 1901.

²⁷ TA CS24 3082/02, Francis to Casement, 13 May 1901; Casement to Francis, 4 July 1901.

²⁸ TA CS24 3082/02, Casement to Duncan, 18 May 1901.

²⁹ TA CS30 3972/02, Casement to Duncan, 3 August 1901.

³⁰ TA CS30 3972/02, Francis to Casement, 26 July 1901.

³¹ TA CS31 4159/02, Casement to Controller of the Treasury, 30 August 1901. It would appear that the hunting activities of Steinaecker's men which so angered Casement were exaggerated. Regarding the Sabi Game Reserve as their 'own' hunting grounds, members of the unit had acted as self-appointed guardians of it and in doing so had prevented others from indiscriminate shooting within its boundaries and, thus, in fact, had contributed to the conservation of game; see, TA SNA52 NA1904/02, Stevenson-Hamilton to Lagden, 4 September 1902.

Service. Walker's candidature commended itself on the grounds that he was 'well acquainted with the low country and speaks Dutch and Kaffir fluently'.³²

Walker was duly appointed as warden of the Sabi Game Reserve on 24th October 1901³³ but he was not to be a success in this position.³⁴ In view of the inherent dangers to which he would be exposed in the exercise of his duties, namely, wild animals, undisciplined soldiers, disease and an unhealthy climate, it had been agreed that he would receive what was then the large annual salary of £480. Despite this, Walker discharged his duties in a desultory fashion: he continued to live in Barberton, he visited his new charge only once, by rail, and did not even leave the security of the railway line on this occasion. His sole accomplishments during his brief term of office were to advise those who encountered him in his railway carriage of his appointment as warden of the reserve,³⁵ and to recommend that kudu be elevated to the status of protected game.³⁶ Needless to say, his superiors did not believe that they were receiving value for their money,³⁷ and Walker was dismissed at the end of January 1902.³⁸

The dismissal of Walker is interesting because it shows that the British stereotype of the 'African game ranger' was already developing and Walker did

³² TA CS31 4159/01, Casement to Controller of the Treasury, 30 August 1901.

³³ Executive Council Resolution 399, 25 September 1901.

³⁴ TA BN5/1/1, McInerney to Davidson, 11 December 1901, 2 January 1902.

³⁵ TA CS58 182/01, Walker to Assistant Secretary, 30 November 1901.

³⁶ TA CS63 722/02, McInerney to Assistant Secretary, 20 January 1902.

³⁷ TA CS43 5820/01, Undated note on file cover.

³⁸ TA CS66 1176/02, McInerney to Assistant Secretary, 3 February 1902.

not fit it. The idea of a man living in comfortable urban surroundings, travelling through a game reserve in relative ease, and merely announcing himself to those he happened to meet was not what was expected of a game ranger. Rather the ranger should have been a sportsman, like Cornwallis Harris, Cumming or Selous, although he should have lacked the more callous hunting instinct. In addition, he should have been intrepid and daring when confronted by wild animals, a harsh physical environment or unyielding people. T. McInerney,³⁹ who replaced Skirving as Resident Magistrate at Barberton, was scathing in his criticism of Walker: 'Whether he goes near the Reserve or not I can't say. I saw Mr Walker and enquired of him why he did not live on the Reserve as he could not carry out his duties if he lived a hundred miles from the place of which he was Ranger.' McInerney listed the reasons Walker had given for not moving to the reserve: the unhealthy climate, the unsettled nature of the place, the 'scattered Boers' and the lack of suitable accommodation.⁴⁰ Such an unadventurous and timid man was clearly unsuitable for the warden's position.

The conclusion of the South African War brought no diminution of the scale of destruction of game⁴¹ and it became clear that the appointment of a suitable warden for the Sabi Game Reserve was needed to prevent this.

Responsibility for game legislation was placed with the department of the

³⁹ After first meeting him, Stevenson-Hamilton was to say of McInerney: '... was much impressed by him; he seems a bit of a personality, strong and clever, and altogether I am not surprised that the authorities in Pretoria don't like him, and call him "Poo-Bah"; but he will make himself felt I am confident. Everyone in Barberton shakes before him': S-HA, Diary entry 28 July 1902.

⁴⁰ TA BN5/1/1, McInerney to Assistant Secretary, 2 January 1901.

⁴¹ TA CS100 6210/02, Egerton to Gunning, 12 June 1902.

Colonial Secretary, but the administration of the game reserve was given to Sir Godfrey Lagden, the Commissioner for Native Affairs.⁴² Lagden was later to recall that Lord Milner had offered him this task, 'because I had done a lot of big game hunting and was always to be seen with a gun when possible'.⁴³ Despite having this reputation, Lagden did not envisage the game reserve as being a 'shooting box' as did certain other administrators. Casement, for example, considered that the game reserve could become revenue-producing, 'as many wealthy sportsmen will be pleased to pay high prices for the privilege of shooting big game.'⁴⁴ This was also the opinion of Captain Greenhill Gardyne, an officer of Steinaecker's Horse, who averred that shooting estates in the game reserve, analogous to Scottish deer forests, would be 'of course the very best for the game'.⁴⁵ Lagden shared this point of view to some extent, although he would not countenance the idea of making the game reserve pay for itself - at least not for many years - and stated that the government should bear the expense of the project.⁴⁶

After civil administration had returned to the Transvaal there were numerous applications for the job of warden.⁴⁷ The qualities which Lagden

⁴² Stevenson-Hamilton, South African Eden, p.102.

⁴³ S-HA, Folder 'Hamilton of Fairholm', Lagden to W. Parker, 5 February 1929.

⁴⁴ TA CS37 5066/01, Casement to Duncan, 14 September 1901.

⁴⁵ TA CS115 8288/02, Gardyne to Colonial Secretary, 27 July 1902.

⁴⁶ TA SNA15 NA295/02, Notes on the Sabi Game Reserve, 21 January 1902.

⁴⁷ TA CS66 1295/02, Resident Magistrate Barberton to Colonial Secretary, 7 February 1902, an application from G.G. Elphick; CS74 2348/02, application from A.H. Glynn; CS83 3653/02, application from H. Jackson; CS97 5748/02, Colonial Secretary to Secretary for Native Affairs, 8 July 1902, application from W.G. Treadwell.

sought in a warden were those which Walker had lacked and which Chapman had summarized as belonging to 'a practical British "Head Ranger"'.⁴⁸ Scientific qualifications or educational standards were not an important consideration in the selection of the candidate: in fact, there was only one applicant for the position who had any formal training in natural history and, significantly, he was passed over.⁴⁹

The successful candidate was James Stevenson-Hamilton,⁵⁰ a man who greatly influenced the course of South African game protectionism, and who was to remain in his post until 1946. Although a military officer, Stevenson-Hamilton was at the end of the South African War seeking a civilian position in southern Africa. It would appear that his wish to change career was due to some difference of opinion between himself and a fellow officer of his regiment.⁵¹ After several fruitless enquiries at the beginning of June 1902,⁵² Stevenson-Hamilton was introduced to Lagden on 11 June, hoping that Lagden would be in a position to appoint him as either a boundary commissioner,⁵³ or to the administration of Barotseland.⁵⁴ However, when

⁴⁸ TA CS2 211/01, Chapman's proposals, p.2.

⁴⁹ In May 1902, Captain G.E.H. Barnett-Hamilton applied for the post. He held a university degree in natural history and had been involved in scientific research on fur seals: see TA CS102 6506/02.

⁵⁰ TA SNA157 NA1702/303, Stevenson-Hamilton to Lagden, 11 June 1902; Lagden to Davidson 16 June 1902. The government had initially favoured Major A. St H. Gibbons, the leader of a then recent expedition to Barotseland, but Gibbons would not take up the position. However, Stevenson-Hamilton had been a fellow-member of Gibbons's expedition.

⁵¹ S-HA, Diary entry 9 June 1902.

⁵² S-HA, Diary entries 3, 4, 5, June 1902.

⁵³ S-HA, Diary entry 9 June 1902.

⁵⁴ S-HA, Diary entries 11, 12 June 1902.

Stevenson-Hamilton met Lagden again on 22 June he observed that on this occasion Lagden mentioned that 'they were going to start a game reserve in the Eastern Transvaal and would I take the post of ranger?'⁵⁵ Later Stevenson-Hamilton was disappointed to learn that the post was 'rather a subordinate position ...'.⁵⁶ Despite these misgivings, Stevenson-Hamilton accepted the position in July 1902 at a salary of £500 a year, plus an additional allowance of £180.⁵⁷ He could look forward to, as Lagden expressed it, a 'very interesting and sporting job',⁵⁸ especially for a man 'brim-full of pluck and resource.'⁵⁹

Although, unlike Walker, Stevenson-Hamilton was unfamiliar with the eastern Transvaal and did not speak Dutch or any black language, he possessed many other qualities which suited him for the task before him. He was administratively efficient, imbued with military discipline, he had built up a good deal of immunity to disease and privation, was intelligent, articulate, observant, unmarried and a leader; in addition, he understood the 'treatment and control of natives.'⁶⁰ Although one of his books was dedicated

⁵⁵ S-HA, Diary entry 22 June 1902.

⁵⁶ S-HA, Diary entry 29 June 1902.

⁵⁷ Executive Council Resolution 258, 2 July 1902. Stevenson-Hamilton said that if he 'had had the sense to ask for it', his salary could have been increased to £600: see S-HA, Diary entry 29 June 1902. Stevenson-Hamilton was originally seconded by his regiment for two years and after the expiry of that period he resigned his commission to remain in the reserve: see TA LtG2 6/5.

⁵⁸ KNP Opsieners Jaarverslae 1, Lagden to Stevenson-Hamilton, 21 June 1902.

⁵⁹ S-HA, Folder 'Hamilton of Fairholm', Lagden to W. Parker, 5 February 1929.

⁶⁰ TA SNA157 NA1702/03, Rimington to Lagden, 9 June 1902.

to 'the guardian spirit of the Lowveld',⁶¹ he was not a mystic or a pantheist, but essentially a practical imperialist. Like many others engaged in nature protection at that time, Stevenson-Hamilton was a Scot. He was an heir to large estates in Scotland, and had been educated at Rugby and subsequently at Sandhurst where he had joined the 6th (Inniskilling) Dragoons. It is possible that the time he had spent on the family estates had given his solitary nature a taste for adventure, because it was not long before he decided to leave England and to explore Barotseland.⁶²

Stevenson-Hamilton was a forceful character, small of stature and rather arrogant, particularly in his belief that no one knew more about wild animals than he.⁶³ This latter quality accords well with Graham's observation that it is puzzling but true that both gamekeepers and hunters 'are possessed by the conviction that they know all about the animals ... and that additional information would be superfluous'.⁶⁴ If Stevenson-Hamilton lacked the humility of the American nature preservationist, John Muir, they shared a love of wilderness. Stevenson-Hamilton was unhappy in urban surroundings⁶⁵ and from his writings one learns that he welcomed physical hardship; despite this, photographs of his home in the Sabi Game Reserve reflect all the

⁶¹ The Lowveld: Its Wildlife and its People (London, 1934).

⁶² See the short biography of Stevenson-Hamilton which appears in the introduction to J.P.R. Wallis, ed., The Barotseland Journals of James Stevenson-Hamilton, 1898-1899 (London, 1953).

⁶³ TA CS448 2479/04, Stevenson-Hamilton to Secretary for Native Affairs, 7 April 1904.

⁶⁴ Gardeners of Eden, p.78.

⁶⁵ CA A848, Stratford Caldecott Collection, 4(6), Stevenson-Hamilton to Caldecott, 26 February 1929.

accoutrements of a colonial gentleman.⁶⁶ This need for refinement in his home is echoed in his writing, for example, in 1909 when he mentioned an official in East Africa who lived in squalid surroundings and who lacked accessories such as table linen and clean crockery: '... just those little things in fact which make all the difference between comfort and beastliness.'⁶⁷

It is doubtful whether Stevenson-Hamilton saw game protectionism as a long-term career at the outset,⁶⁸ but he was nevertheless punctilious in the exercise of his duties. Other similarly placed officials did not always follow this example, sometimes with unfortunate consequences. The administrative laxity of the warden of the Rustenburg Game Reserve, for example, was the major cause of the de-proclamation of that reserve.⁶⁹ When Stevenson-Hamilton visited East Africa in 1909 and discovered that the game protection officials in that country regularly killed game within the reserves, he was genuinely appalled, and wrote, 'This matter of the violation of an elephant sanctuary on the part of officials of the country seems remarkable, to say the least of it.'⁷⁰ He was also distressed at the rampant corruption in the issuing of game licences in that part of Africa, as well as

⁶⁶ KNP Photograph albums.

⁶⁷ S-HA, 'Transvaal to England via East Africa, Uganda and Sudan, 1909 to 1910', 23 November 1909.

⁶⁸ Stevenson-Hamilton, South African Eden, p.xx.

⁶⁹ See below, Chapter B.

⁷⁰ S-HA, 'Transvaal to England via East Africa, Uganda and Sudan, 1909 to 1910', 22 November 1909.

at the implication that he, like the East African officials, would have ignored the game regulations as a matter of course.⁷¹

Stevenson-Hamilton had been influenced by the imperial protectionist tradition and was compassionate towards animals. His reaction when he accidentally wounded a young colobus monkey which subsequently died of its injuries, was, 'Horrible! One should never use a shotgun for this sort of thing.'⁷² Nonetheless, Stevenson-Hamilton did not regard animal life as being sacred in any way and considered himself to be a hunter and sportsman. He engaged in hunting expeditions,⁷³ killed 'vermin' enthusiastically in the Sabi Game Reserve⁷⁴ and shot game throughout the year to provide rations for himself and his employees.⁷⁵

In the course of his first decade as warden Stevenson-Hamilton gained a reputation as a highly knowledgeable naturalist. He also went to great lengths to canvass public support for the game reserve and to influence white public opinion on protectionist matters. It did not take long before his influence was felt by the powerful Transvaal Game Protection Association and

⁷¹ S-HA, 'Transvaal to England via East Africa, Uganda and Sudan, 1909 to 1910', 28 December 1909.

⁷² S-HA, 'Transvaal to England via East Africa, Uganda and Sudan, 1909 to 1910', 13 October 1909.

⁷³ S-HA, 'Transvaal to England via East Africa, Uganda and Sudan, 1909 to 1910'.

⁷⁴ See, for example, Annual Report of the Government Game Reserves 1905-1906 in Transvaal Administration Reports, 1905-1906.

⁷⁵ He succeeded in preventing government officials in other remote parts of the Transvaal from similarly enjoying such a privilege: see, for example JA TPB513 TA1232, Stevenson-Hamilton to Secretary for Native Affairs, 6 October 1904; SNA179 NA2635/03, Secretary for Native Affairs to Stevenson-Hamilton, 24 October 1903; SNA272 NA1518/05, Secretary for Native Affairs to Assistant Colonial Secretary, 5 June 1905.

Transvaal Land Owner's Association.⁷⁶ A competent author, Stevenson-Hamilton wrote numerous articles on game protection for journals such as the Transvaal Agricultural Journal,⁷⁷ The Field,⁷⁸ Blackwood's Magazine,⁷⁹ Journal of the South African Ornithologists' Union⁸⁰ and the Journal of the Society for the Preservation of the Wild Fauna of the Empire.⁸¹ By 1910 his wide reputation as a leading naturalist provided him with access to the officials in Britain of the Zoological Society, the Society for the Preservation of the Fauna of the Empire and the Royal Geographical Society. He also established rapport with influential individuals such as President Roosevelt, Cumming, Selous, Lord Kitchener, and the members of the Antarctic expedition led by Scott.⁸²

Although Stevenson-Hamilton had earlier expressed private reservations about his career in the Sabi Game Reserve, by 1910 he had become convinced that the reserve had an important future. His manifesto on the subject in

⁷⁶ JPL TLDA, Vol. 1, Minutes of meeting 8 May 1903; Report for year ending 31 October 1904.

⁷⁷ 'Aantekeningen omtrent de wild-reserve aan de Sabi', Het Transvaalsche Landbouw Journaal 4, 1906, pp.636-650; 'Notes on the Sabi Game Reserve', Transvaal Agricultural Journal 5(20) 1907, pp.603-617.

⁷⁸ 'Game preservation in the Eastern Transvaal', The Field, 14 March 1903.

⁷⁹ 'Game preservation in the Transvaal', Blackwood's Magazine, March 1906, pp.407-411.

⁸⁰ 'Observations on migratory birds at Komatipoort', Journal of the South African Ornithologists' Union 5, April 1909, pp.19-22.

⁸¹ Stevenson-Hamilton contributed articles to this journal for many years: see for example, 'Game preservation in the Transvaal', Journal of the Society for the Preservation of the Wild Fauna of the Empire 2, 1905, pp.20-45.

⁸² S-HA, Diary entries 25 May 1910, 26 May 1910, 30 May 1910, 7 June 1910.

Animal Life stated that game animals are 'a heritage',⁸³ and that 'the fauna of an empire is the property of that empire as a whole, and not of the small portion of it where the animals may happen to exist'.⁸⁴ He agreed with Lagden that a game reserve should be 'a nursery for the propagation and preservation of the South African fauna now fast disappearing'.⁸⁵ He declared that there were three principal reasons for protecting wild animals: they must 'remain available for the investigations of naturalists, the legitimate aspirations of sportsmen, and the visual gratification of the public of another generation.'⁸⁶ He therefore envisaged his task in terms of providing a sanctuary for game animals, particularly the females of species.⁸⁷ Stevenson-Hamilton distinguished between a 'sanctuary' which legally enjoyed absolute inviolability in that no shooting whatsoever was permitted within the defined area (the Sabi Game Reserve provides such an example), and a 'preserve', which was 'an area wherein animals are preserved for the use of a privileged few.'⁸⁸

With these aims in mind, Stevenson-Hamilton strove to ensure that the animals he desired to protect had sufficient space in which to breed and roam freely, unthreatened by poachers, hunters, predators or agricultural development. No sooner had he taken up his post in the Sabi Game Reserve than he sought ways of extending the reserve's boundaries. His actions in

⁸³ Stevenson-Hamilton, Animal Life, p.32.

⁸⁴ Ibid., p.25.

⁸⁵ TA CS334 6821/03, Lagden to Colonial Secretary, 2 September 1903.

⁸⁶ Stevenson-Hamilton, Animal Life, p.20.

⁸⁷ Ibid., p.33.

⁸⁸ Ibid., p.27.

expanding these borders should be seen not only in terms of his protectionist ideals, but also in the light of his stated ambition, namely to control and administer a large area of undeveloped Africa.⁸⁹

During the first two months of his tenure of the wardenship of the Sabi Game Reserve, Stevenson-Hamilton travelled through the reserve extensively. The findings which he presented to Lagden early in September 1902 introduced the idea of extending the reserve northwards: 'It would be to the greatest advantage', he wrote, 'were the piece of country north of the Sabi River, and bounded on the north by the Olifants River, and west by the Selati Railway added to the Game Reserve'. The inducement offered to Lagden to bring the suggestion to fruition was that 'the country itself is unfit for the ordinary white man to live in during the greater part of the year'.⁹⁰ Stevenson-Hamilton remarked that it was 'much the finest game district in the Transvaal ... although the big game is but a shadow of what it was a few years ago, I still have no hesitation in saying that more exists here than in all the rest of the Transvaal put together, and that after a few years of careful "nursing" we shall have a Reserve which cannot be beaten, if not in the world, at all events in South Africa.' Stevenson-Hamilton considered it most suitable for other reasons too, stating that 'the whole district is extremely unhealthy ... I am told on good authority that the land has been prospected again and again, and nothing workable in the mineral line has been brought to light.'⁹¹ Lagden was converted to the idea without difficulty.⁹²

⁸⁹ S-HA, Diary entries 22 June 1902, 22 July 1902.

⁹⁰ TA SNA52 NA1904/02, Stevenson-Hamilton to Lagden, 4 September 1902.

⁹¹ TA SNA178 NA2536/03, Report on northern and western extension of Sabi Game Reserve, 13 October 1903.

⁹² TA SNA58 NA2049/02, Lagden to Hogge, 25 September 1902.

Stevenson-Hamilton was not, of course, the first to have suggested a northward extension of the reserve: Chapman had included this region in his proposals of 1900 and Gunning and McInerney had also recommended that all land south of the Olifants River be incorporated into the reserve.⁹³ However, Stevenson-Hamilton was able to give practical effect to the suggestion and in October 1902 in Pretoria, he discussed the matter further with Lagden,⁹⁴ the Surveyor-General and the Land Settlement Board.⁹⁵

By April 1903 arrangements for enlarging the game reserve were well under way, two distinct extensions being envisaged. In the first, the western and southern boundaries of the reserve were to be altered. Apart from two privately owned farms,⁹⁶ only unallotted state land was involved, all of it reported to be 'unsuitable for farming operations'.⁹⁷ The second extension was to be in a northerly direction, the boundaries almost following the watershed on the western side and the Olifants River on the north. This too, was a region considered to be 'unhealthy and unsuitable for European occupation. It is undoubtedly a fine country for preserving large game.'⁹⁸

⁹³ TA CS5 464/01, Gunning to Military Governor, 20 February 1901; BNS/1/2, McInerney to Davidson, 12 June 1902.

⁹⁴ S-HA, Diary entry 30 October 1902.

⁹⁵ S-HA, Diary entry 1 November 1902.

⁹⁶ Finalization of the incorporation of one of these farms, 'Pretoriuskop', dragged on for many years: See Cent. LDE24 44.

⁹⁷ Cent. LDE26 44, Memorandum by Stevenson-Hamilton, 29 October 1902; Memorandum of the Department of Native Affairs, 6 April 1903.

⁹⁸ Cent. LDE26 44, Memorandum by Stevenson-Hamilton, 29 October 1902; Memorandum of the Department of Native Affairs, 6 April 1903.

A disadvantage pertaining to this northern extension was that more than half of the land was in the hands of private owners, principally land companies such as the Transvaal Land and Exploration Company, Oceana, Henderson Consolidated Lands, Lydenburg Lands, and Anglo-French.⁹⁹ Stevenson-Hamilton persuaded these companies to waive their hunting rights and to allow him to administer and police their land for game protection purposes for a period of five years.¹⁰⁰ This proved to be a far easier negotiation than Stevenson-Hamilton had anticipated;¹⁰¹ the landowners had nothing to lose and much to gain by making this protectionist gesture. Speculation in land was common in the Transvaal after the South African War¹⁰² and companies often acquired farms in remote regions at such low prices that there was no necessity to work that land immediately in order to obtain a return on their investment. Owing to the prevalence of malaria in the lowveld, the farms to be incorporated within the game reserve were useless for all practical purposes, and their administration by the state, in the persons of Stevenson-Hamilton and his rangers, represented a saving of expenditure. The possibility of squatting by Africans or the commission of crimes such as trespassing or poaching was considerably reduced by the handing over of the land for protectionist purposes. Indeed, the landowners were satisfied that 'such a thorough sportsman as Major Stevenson-Hamilton is

⁹⁹ Cent. LDE26 44, Memorandum by Stevenson-Hamilton, 29 October 1902; Memorandum of the Department of Native Affairs, 6 April 1903.

¹⁰⁰ TA SNA188 NA3112/03, TLOA Report for year ending 31 October 1903.

¹⁰¹ S-HA, Diary entry 28 October 1902.

¹⁰² Keegan, Rural Transformations, pp.114-115.

in charge.¹⁰³ In April 1903 the Executive Council considered the proposed extensions¹⁰⁴ and in August of that year it formally altered the boundaries of the Sabi Game Reserve.¹⁰⁵

Proposals for enlarging the area within which game animals were protected also came from other quarters. In December 1902 a resident of the Soutpansberg district, L.H. Ledebor,¹⁰⁶ suggested that a game reserve be established in the north-eastern district of the Transvaal. The Native Commissioner at Pietersburg investigated the area in question and was in support of Ledebor's idea. Once again, Lagden was quick to agree to the scheme,¹⁰⁷ and as a result, in May 1903 what came to be called the Singwitsi Game Reserve was proclaimed.¹⁰⁸ This reserve included the area lying between the Letaba River on the south and the Pafuri River on the north and was bounded on the west by a line running between these two rivers and on the

¹⁰³ JPL TLOA, Vol. 1, Report for year ending 31 October 1904.

¹⁰⁴ Executive Council Resolution 315, 23 April 1903.

¹⁰⁵ Executive Council Resolution 676, 17 August 1903.

¹⁰⁶ The Native Commissioner recommended that Ledebor be appointed warden of this reserve, but nothing came of this at the time: see TA SNA98 NA266/03, Native Commissioner, Northern Division to Secretary for Native Affairs, 23 April 1903. Ledebor had been a British intelligence agent during the South African War, a former member of the republican police force who had changed allegiances: personal communication from Dr A.M. Davey, 19 September 1985. Ledebor had been a keen hunter both before and after the war, and eventually joined the staff of the game reserve as a game ranger in April 1920 but did not always discharge his duties to the satisfaction of his superiors: see KNP Opsienersjaarverslae, Questionnaire completed by Ledebor, 28 August 1936 and K11, Personal file L.H. Ledebor, Stevenson-Hamilton to Ledebor, 14 March 1939.

¹⁰⁷ TA SNA98 NA266/03, Ledebor to Resident Magistrate, Pietersburg, 19 December 1902; CS285 4031/05, Secretary for Native Affairs to Assistant Colonial Secretary, 2 April 1903, Secretary for Native Affairs to Assistant Colonial Secretary, 22 April 1903.

¹⁰⁸ Executive Council Resolution 365, 4/5 May 1903.

east by the border of Mozambique. Stevenson-Hamilton explored the new game reserve during September and October 1903,¹⁰⁹ and expressed himself delighted with it. He described it as 'well worth protecting though it cannot be compared for a moment either in its amount of game or in the ease with which it can be protected with the northern extension of the Sabi Game Reserve'.¹¹⁰

As his territory expanded to its full extent Stevenson-Hamilton required staff to assist him in his duties. His headquarters were established in the southern part of the reserve at Sabi Bridge,¹¹¹ the post which Steinaecker's Horse had manned during the South African War, and the northern areas were thus difficult to supervise. The suggestion had been made in July 1902 that certain National Scouts be employed as gamekeepers in the game reserves, but nothing had come of the proposal.¹¹² Stevenson-Hamilton organized the administration of the reserve along paramilitary lines. He divided the area into sections and placed a white game ranger, assisted by a number of black 'police', in each.¹¹³ Stevenson-Hamilton expected his first ranger to be J.S. Joubert; of whom he wrote, 'local opinion seems to be adverse to him, but I am going to take him as a guide for a month.'¹¹⁴ However, Joubert did not arrive as anticipated and Stevenson-Hamilton's first employee was "'Toothless

¹⁰⁹ TA SNA167 NA2009/03, Stevenson-Hamilton to Secretary for Native Affairs, 28 August 1903.

¹¹⁰ TA SNA178 NA2536/03, Report on Singwitsi Game Reserve, 13 October 1903.

¹¹¹ This is the site of the present-day camp named 'Skukuza' in the Kruger National Park.

¹¹² TA CS114 8158/02, Correspondence between Officer-in-Charge, National Scouts and Colonial Secretary, July and August 1902.

¹¹³ S-HA, Diary entry 14 August 1902.

¹¹⁴ S-HA, Diary entry 14 July 1902.

Jack", an old hunting boy of Glynn's who agrees to come along as guide'. The other new members of his staff were 'Nicholas Reneke, who is a half-caste Cape boy with European features and light colour, John, a Free State Basuto youngster ... both excellent equally in looking after horses and riding them ... then there are two waggon boys, leader and driver, both Basutos'.¹¹⁵ A month later two rangers were employed - H. Wolhuter and R. Atmore. E. Gray, who, with Wolhuter, had been a member of Steinaecker's Horse, and the man Casement had earlier rejected as being unsuitable for the post of warden of the reserve, joined Stevenson-Hamilton without pay. Gray agreed to exercise the duties of the ranger in the area east of the Selati railway line, on the proviso that he could have free grazing there for his cattle.¹¹⁶

During the course of the decade other rangers were employed by Stevenson-Hamilton.¹¹⁷ Their tasks were to arrest poachers, patrol that portion of the reserve allocated to them and to report generally on game matters. Stevenson-Hamilton believed that the position of ranger carried some responsibility, but he seems to have had a low opinion of the men who worked for him. He declared that every lowvelder was a 'wrong 'un'¹¹⁸ and that 'all the flotsam and jetsam apply to me; I suppose they think it will be an easy life with not much to do except drink and so will suit them.'¹¹⁹ Stevenson-Hamilton was at first disappointed in the capabilities of his rangers:

¹¹⁵ S-HA, Diary entry 23 July 1902.

¹¹⁶ TA SNA52 NA1904/02, Stevenson-Hamilton to Lagden, 4 September 1902.

¹¹⁷ These were: T. Duke (1902); C.R. de Laporte (1903); G.R. Healy (1908). A.A. Fraser was brought from the Pongola Game Reserve in 1904 to become the warden of the Singwitsi Game Reserve.

¹¹⁸ S-HA, Diary entry 9 April 1903.

¹¹⁹ S-HA, Diary entry 5 April 1903.

Wolhuter, for example, omitted to have a group of Africans, who were charged with assaulting the black police, properly identified.¹²⁰ Even if the men discharged their daily duties competently, according to Stevenson-Hamilton, they could not be entrusted with real authority.¹²¹

Part of the difficulty in attracting suitable candidates was no doubt the extremely small budget within which Stevenson-Hamilton had to operate. In June 1902 the allocation for the Sabi Game Reserve was increased from £2150 to £4000 per annum.¹²² In 1903 Stevenson-Hamilton estimated his debits to be £5000, of which £900 comprised his own salary and allowances, £1740 the salaries and allowances of four white rangers, and £1404 the salaries for black police.¹²³ No increase in the budget was granted after the enlargement of the reserve,¹²⁴ although Stevenson-Hamilton had asked that funding be raised to £8 000.¹²⁵ If it is borne in mind that the total budget of the Native Affairs Department for 1904 to 1905, excluding game protection, was £91 182 4s 4d,¹²⁶ one realizes that despite the protectionist rhetoric of many officials, game protection was low on the list of financial priorities. On the other hand, the fact that it drained the treasury so little may have been a reason for the continuing existence of the reserve. A few schemes were

¹²⁰ S-HA, Diary entry 3 March 1903.

¹²¹ S-HA, Diary entry relating to A.A. Fraser 1 July 1905.

¹²² TA SNA15 295/02, Secretary of the Transvaal Administration to Secretary for Native Affairs, 18 June 1900.

¹²³ TA SNA136 NA1303/03, Stevenson-Hamilton to Hogge, 7 July 1903.

¹²⁴ TA SNA225 NA1477/04, Estimates for 1904-1905.

¹²⁵ S-HA, Diary entry 25 June 1903.

¹²⁶ TA AGT66 A1403/05.

explored to enable the game reserves to generate at least a portion of the revenue they needed but they met with no success. In 1906, for instance, it was suggested that Stevenson-Hamilton collect and sell ostrich chicks to the growing ostrich industry; he had to turn the idea down as the lowveld terrain was unsuitable and his small staff could not cope with such a venture.¹²⁷

Stevenson-Hamilton personally enjoyed a great deal of freedom in the administration of his authority. He publicized the existence of his game reserve widely in order that the public could not feign ignorance of it or of the regulations relating to it.¹²⁸ Anyone wishing to enter the reserve had first to obtain a permit from the warden, who was therefore aware at all times who was within the reserve boundaries.¹²⁹ Stevenson-Hamilton was appointed Resident Justice of the Peace¹³⁰ as well as a Native Commissioner and at the beginning of 1903 he arranged that the South African Constabulary vacate the reserve and that he and his rangers be given full police powers.¹³¹ In March 1903 he was able to persuade the Native Commissioner for the Eastern Division of the Transvaal to ban the moving of cattle across the reserve, thus ensuring that members of the Department of Agriculture could not interfere in his domain.¹³² He enlisted the assistance of the neighbouring Portuguese authorities in an effort to control the movement of

¹²⁷ TA TPS9 3086, Stevenson-Hamilton to Gorges, 10 October 1906.

¹²⁸ TA CS100 6210/02, Circular 51, July 1902.

¹²⁹ TA SNA52 NA1904/02, Stevenson-Hamilton to Lagden, 4 September 1902.

¹³⁰ Executive Council Resolution 693, 17 August 1903.

¹³¹ TA SNA92 NA170/03, Chief Staff Officer South African Constabulary to Secretary for Native Affairs, 31 January 1903.

¹³² TA SNA113 NA535/03, Stevenson-Hamilton to Hogge, 24 March 1903.

people across the border into the reserve and also encouraged the Portuguese similarly to preserve game on the Mozambique side of the boundary.¹³³

Stevenson-Hamilton's titles and powers could well have become meaningless, but a test case provided him with the opportunity to demonstrate his authority. In August 1903 he lodged a charge against two senior officers of the South African Constabulary, a Major Urquhart and Captain F.W. Jarvis, for shooting a giraffe and a zebra in the game reserve.¹³⁴ Stevenson-Hamilton became anxious that his authority would be undermined, particularly when the public of the eastern Transvaal began 'hinting that officers of the Constabulary enjoy immunity when they break the Game Laws.'¹³⁵ Infringements of veterinary regulations had also been perpetrated, in that Jarvis had driven oxen into Portuguese territory, at that time infested with Rhodesian Redwater Fever, and subsequently back into the Transvaal - an offence which the Commissioner of Lands described as follows: 'It is difficult to exaggerate the heinousness of Captain Jarvis' offence nor to imagine more wicked and reprehensible conduct.'¹³⁶ Jarvis countered by stating that the evidence

'taken by Major Hamilton from his natives is such an absurd fabrication of misstatements that it is quite impossible to go into them all and bears out the statement in the report I am making of the trip which shows how impossible it is to police this district especially as regards the Game Laws unless several responsible white men are placed in authority over the natives employed and stationed in the district to see what is going on. The officer in charge ... is entirely unacquainted

¹³³ TA SNA179 NA2635/03, Stevenson-Hamilton to Coelho, 24 October 1903.

¹³⁴ TA LtG65 73/2, Colonial Secretary to Lieutenant-Governor, 26 August 1903.

¹³⁵ TA CS338 6992/03, Assistant Colonial Secretary to Secretary Law Department, 21 October 1903.

¹³⁶ TA LD463 AG2805/03, Commissioner of Lands Minute Paper, 28 October 1903.

with what is going on some 100 miles away and dependent on the natives he employs who do nothing to stop other natives hunting in this district as much as they like.'¹³⁷

The case against Urquhart and Jarvis created a stir in the Transvaal, and in due course involved the Game Protection Association,¹³⁸ the Chief Staff Officer of the South African Constabulary, the Lieutenant-Governor,¹³⁹ and the High Commissioner's Office.¹⁴⁰ Because Stevenson-Hamilton had been convinced that the case would be 'a travesty of justice' and 'enough to make one chuck one's job',¹⁴¹ he was relieved when the two men were in fact convicted, although he considered that the fine they received in lieu of a prison sentence was a light one.¹⁴²

Stevenson-Hamilton experienced many difficulties in exercising his duties as he saw them. It was important to him that he was allowed independence of action: 'I hope the Department will back me up and let me run things in my own way; in which case I think the show will be a success, but interference from outside will be fatal.'¹⁴³ One obstacle concerned Lagden: having initially held a high opinion of him, by November 1902 Stevenson-Hamilton considered him to be 'an old woman and won't push things ahead.'

¹³⁷ TA LD463 AG2805/03, Statement by Jarvis, [undated].

¹³⁸ TA LD453 AG2805/03, H.J. Tennant to Bourke, 6 January 1904.

¹³⁹ TA LD463 AG2805/03, Chief Staff Officer South African Constabulary to Lieutenant-Governor, 9 October 1903.

¹⁴⁰ TA LD463 AG2805/03, Military Secretary to Secretary of Law Department, 28 December 1903.

¹⁴¹ S-HA, Diary entry 4 January 1904.

¹⁴² S-HA, Diary entry 11 January 1904.

¹⁴³ S-HA, Diary entry 14 August 1902.

Stevenson-Hamilton wrote, too, that Lagden had begun life 'in the London Post Office' and 'lately conveys to me the idea that he thinks he can treat me, who am quite independent of my present employment, and only work for the love of the thing, as if I were a junior clerk.'¹⁴⁴ In fact, by 1904 Stevenson-Hamilton had concluded that officialdom in the Transvaal was composed of 'a lot of blackguards'¹⁴⁵ and 'low class dogs posing as Englishmen.'¹⁴⁶

Stevenson-Hamilton suffered because the existence of the game reserves impinged upon the interests of numerous government departments, and correspondence that concerned the reserve is located in the files of almost every state department in the Transvaal. The game reserves occasionally bore the brunt of jealousies that sometimes existed between various departments, particularly between those of Lands, Native Affairs and the Colonial Secretary.¹⁴⁷ Not only was the government slow to take needed action, in Stevenson-Hamilton's opinion,¹⁴⁸ but Lagden did not consistently support Stevenson-Hamilton's proposals, especially when anything controversial was proposed.¹⁴⁹ Influencing Stevenson-Hamilton's difficulties was the fact that Lagden's own political career in the Transvaal appears at times to have been

¹⁴⁴ S-HA, Diary entry 3 November 1902.

¹⁴⁵ S-HA, Diary entry 2 October 1904.

¹⁴⁶ S-HA, Diary entry 31 October 1904.

¹⁴⁷ S-HA, Diary entries 17 January 1903, 6 April 1903, 9 April 1903. Stevenson-Hamilton wrote on 17 January 1903 that he considered that inter-departmental jealousies were sufficiently serious in nature to retard white settlement and the economic development of the Transvaal.

¹⁴⁸ S-HA, Diary entry 15 April 1903.

¹⁴⁹ S-HA, Diary entry 24 June 1903.

precarious:¹⁵⁰ an indication of this can be seen by the way in which game reserves were removed from the Native Affairs Department's jurisdiction in July 1905, without Lagden's knowledge or consent, and allocated to the Colonial Secretary.¹⁵¹

To his artist friend Stratford Caldecott, Stevenson-Hamilton admitted that opposition spurred him to effective action.¹⁵² He was certainly not a popular figure in the eastern Transvaal for many years,¹⁵³ and although he mentioned that 'everyone in the lowveld seems to run down everybody else'¹⁵⁴ he himself often invited the antagonism he encountered.¹⁵⁵ Indeed, in some respects he seems to have enjoyed this unpopularity, confessing that he felt more determined to remain in his post, 'now that I know the rascals want to get rid of me.'¹⁵⁶

Threats to the game-protectionist empire which Stevenson-Hamilton was constructing in the eastern Transvaal came from many quarters, although it seems that he may have over-stated the opposition he encountered, for he frequently managed to run the reserve exactly as he wished. Because he

¹⁵⁰ S-HA, Diary entry 2 October 1904.

¹⁵¹ TA SNA300 NA3647/05, Lagden to Colonial Secretary, 30 November 1905.

¹⁵² CA A848, Stratford Caldecott Collection, 4(6), Stevenson-Hamilton to Caldecott, 19 July 1929.

¹⁵³ S-HA, Diary entries 4 January 1904, 6 October 1904. The Director of Agriculture considered that Stevenson-Hamilton's lack of popularity was due to his efficiency in executing his duties: see TA TAD442 651/05, Director of Agriculture to Commissioner of Lands, 2 May 1905.

¹⁵⁴ S-HA, Diary entry 28 September 1902.

¹⁵⁵ TA CS448 2479/04, Stevenson-Hamilton to Secretary for Native Affairs, 7 April 1904.

¹⁵⁶ S-HA, Diary entry 6 October 1904.

regarded all visitors to the game reserve as prospective poachers,¹⁵⁷ Stevenson-Hamilton was able, for example, to persuade the government to preclude both prospecting and mining within the reserves. In 1903 even the Secretary of Mines decried this action, his reason being that because of it the mining potential of the eastern Transvaal was being 'locked up'.¹⁵⁸ In July 1903 Stevenson-Hamilton was able to prevent the railways administration from mining coal along the course of the Crocodile River.¹⁵⁹ Consequently, throughout the period from 1900 to 1910 all applications for prospecting permits in the game reserve were refused, although treasure hunters in search of the fabled 'Kruger millions' were occasionally permitted to enter it.¹⁶⁰

Officials of the game reserve cooperated with the Department of Agriculture on the control of vermin and livestock disease.¹⁶¹ However, some veterinarians expressed concern about the link between game and diseases of domestic stock because it was believed that game harboured rinderpest, foot-and-mouth disease and other serious ailments.¹⁶²

¹⁵⁷ TA SNA183 NA2883/03, Stevenson-Hamilton to Secretary for Native Affairs, November 1903.

¹⁵⁸ TA SNA40 NA13033/02, Stevenson-Hamilton to Hogge, 1 August 1902; MM19 CM3091/03, Secretary of Mines to Lawley, 1 October 1903; LtG65 73/6; Executive Committee Resolution 1303, 23 November 1904.

¹⁵⁹ TA SNA147 NA1625/03.

¹⁶⁰ Annual Report of the Government Game Reserves 1905-1906 in Transvaal Administration Reports, 1905-1906.

¹⁶¹ TA TAD143 A2564/06, Secretary at Headquarters SAC to District Commander, Lydenburg, 9 October 1906; Stevenson-Hamilton to Director of Agriculture, 19 January 1907.

¹⁶² J. Stevenson-Hamilton, 'The relation between game and tsetse flies', Bulletin of Entomological Research, 2, 1911; TA LDE161 299/2, Inspector of Lands to Under-Secretary of Lands, 25 March 1905.

More importantly, as the decade progressed the implication inherent in the view that game animals of the Transvaal existed only for sport gave rise to several comments from agriculturalists that considerations of sport should not be permitted to interfere with resource development.¹⁶³ This new attitude seems to have been gaining adherents over the years. Restrictions on shooting for food in the closed season by Africans, landowners and various government officials in the course of their duties do not seem to have been regarded as a serious resource embargo by the government or the white public,¹⁶⁴ but the question of the under-utilization of crown land was becoming an increasingly contentious issue, reaching a climax in the years following Union. While disease and climate continued to act as deterrents to white settlement in the lowveld, the continued existence of the game reserves was assured, but as early as January 1904 it was being said that the area was becoming healthier and more valuable every year.¹⁶⁵

Not only did the game reserve encounter opposition from those whose task it was to promote the economic development of the colony, but they were even attacked by sportsmen - the very group whose interests the game reserve was designed to serve. From the outset of his appointment, Stevenson-Hamilton was

¹⁶³ Executive Council Resolution 1767, 24 September 1906; TA SNA98 NA266/03, Secretary for Native Affairs to Secretary of Mines, 8 April 1904; SNA158 NA1702/03, Open letter to Dr Breyer granting permission to investigate and ascertain whether the Singwitsi Game Reserve would prove suitable for cotton or coffee growing; TAD586 G1606/06, Director of Agriculture to Under Colonial Secretary, 6 September 1906.

¹⁶⁴ TA LtG89 94/11, Lieutenant-Governor to South African Constabulary, 15 September 1903; Debates of the Legislative Council, col. 1213, 14 August 1905.

¹⁶⁵ TA SNA138 1390/03, Hogge to Secretary for Native Affairs, 18 January 1904.

disappointed at the calibre of sportsmen in the Transvaal.¹⁶⁶ When the suggestion was made that sportsmen should assist the game reserve staff in killing animals that had been classed as vermin within the reserve, Stevenson-Hamilton was against the idea, claiming sarcastically that he knew all about 'sportsmen'.¹⁶⁷

It is ironic that an increase in the number of wild animals within the game reserve led to difficulties. The number of lions in the reserve was reported to have grown so much with the corresponding increase in game species that some of these predators were leaving the reserve and destroying domestic stock. The warden disagreed with this view, arguing that the observed increase of game in the reserve 'tends to keep the carnivora within the district and not drive them out.'¹⁶⁸ Lagden supported Stevenson-Hamilton in this instance and wrote, 'As regards the Lions, it seems a very unsporting thing to countenance their utter destruction and I am not in favour of that. I should be quite inclined to concur with you and Hamilton in the matter of killing a wildebeest or any suitable animal to use as a bait for them if they become destructive.'¹⁶⁹

The issue of the over-abundance of lions was raised at a meeting of the Transvaal Game Protection Association on 14 January 1905 by F. Vaughan Kirby, a prominent member of the Lydenburg branch of the association and a declared

¹⁶⁶ S-HA, Diary entry 26 February 1903.

¹⁶⁷ S-HA, Diary entries 8 June 1905, 22 June 1905.

¹⁶⁸ S-HA, Diary entry 22 June 1905.

¹⁶⁹ TA SNA158 NA1702/03, Lagden to Fraser, 3 April 1905.

opponent of Stevenson-Hamilton.¹⁷⁰ Vaughan Kirby raged about the issue and stated that,

'... in certain inhabited parts of the district, lions, leopards, and other wild animals were getting altogether out of hand, owing to the inadequate measures in operation for their extinction by the Reserve. These animals were a positive danger to human life, and one native had already been killed by a lion: in addition to that, stock was frequently destroyed. As a matter of fact, the Sabi Game Reserve was simply a Government lion-breeding concern, and not a protection for game.'¹⁷¹

Vaughan Kirby's outburst coincided with the often-expressed desire of the Lydenburg branch to have that portion of the game reserve between the Sabi and Olifants Rivers opened to sportsmen for shooting, a request which the central committee of the Transvaal Game Protection Association rejected.¹⁷² Stevenson-Hamilton had agreed with the stance of the central committee, arguing that the idea was 'premature' and that the Lydenburg group was making 'a farce of game preservation.'¹⁷³ In this way, the Sabi Game Reserve and its warden became political targets of the sportsmen. It must be remembered, however, that at that time, it was not envisaged that the game reserves would be denied to sportsmen in perpetuity. On this issue Stevenson-Hamilton appeared to have stood by his original intention to make the reserve

¹⁷⁰ In 1905 when debate over the management of the game reserves took place, Vaughan Kirby had understood that Stevenson-Hamilton was about to lose his position and expressed himself keen to occupy the post should it be vacated: see TA TAD442 G51/05, Director of Agriculture to Commissioner of Lands, 2 May 1905. It is of passing interest to note that in August 1902 Vaughan Kirby had suggested that the wire fencing used during the South African War on blockhouse lines be utilized to enclose the Sabi Game Reserve - a suggestion which was not adopted: see CS127 9765/02 and CS136 10831/02. Vaughan Kirby was later to become the warden of the game reserves of Natal.

¹⁷¹ Transvaal Leader, 15 January 1905.

¹⁷² WLS TGPA Minutes 1902-1920, Minutes of 4 November 1904.

¹⁷³ TA SNA243 2831/04, Stevenson-Hamilton to Acting Secretary for Native Affairs, 2 December 1904.

'an attractive and fashionable hunting ground ... [for which] rich sportsmen from England and elsewhere should ... be ready to pay large annual rentals',¹⁷⁴ but he did not consider the time to be ripe yet for such a step.

Because he held the opinion that one of the main functions of a game reserve was to assist naturalists in the study of wild animals,¹⁷⁵ one could have expected Stevenson-Hamilton to have been on good terms with the staff of the Pretoria Museum and the Zoological Gardens. Stevenson-Hamilton considered Gunning, the Director of the Museum and Zoological Gardens, to be 'quite unscrupulous in the pursuit of his vocation, and the other night [he] sent a native to the railway station to try to steal the pet duiker of a regiment just going off to England. He has certainly done wonders in a short time, and has quite a large number of animals now. Of course he is anxious to get me to catch a lot of young game for him.'¹⁷⁶ As regards the cooperation between the two organizations, Stevenson-Hamilton was in fact anxious to build up the herds of game within the reserve itself and thus not keen to supply the zoological gardens and this policy affected relations between them. However, Stevenson-Hamilton did dispatch insect and anthropological specimens to the museum from time to time, and when game numbers increased to some degree, he donated six animals.¹⁷⁷

Stevenson-Hamilton tried to augment the numbers of animals in the game reserve not only by natural increase but also by purchasing new stock. During

¹⁷⁴ TA SNA158 1702/03, Report on the preservation of game in the Transvaal, [c. late 1904 or early 1905].

¹⁷⁵ Stevenson-Hamilton, Animal Life, p.28.

¹⁷⁶ S-HA, Diary entry 2 November 1902.

¹⁷⁷ Annual Report of the Transvaal Museum, 1905 to 1906, p.9; Annual Report of the Transvaal Museum, 1907 to 1908, p.3..

1903 Gunning discovered that four hundred hartebeest were being offered for sale in Natal and recommended that the game reserve should be restocked with this 'noble game'.¹⁷⁸ Orders were placed for four bulls and eight cows, but sufficient funds could not be raised.¹⁷⁹ In 1905, urged by Lagden, Stevenson-Hamilton obtained a grant of £500 in order to import eland and other antelope from Mozambique and 'young rhinoceri and new species of game from British East Africa',¹⁸⁰ but it appears that this scheme never reached fruition.

Although Stevenson-Hamilton was extremely interested in animal population dynamics,¹⁸¹ concentrating particularly on the increase in species numbers, he was a naturalist rather than a scientist and throughout his life distrusted the findings of the latter. At first his scepticism manifested itself in the accusation that scientists hunted commercially under the guise of museum collection,¹⁸² but in later years he came to believe that scientists, particularly veterinarians who considered the diseases carried by game to pose a constant danger to domestic stock, presented a real threat to the continuing existence of wildlife.¹⁸³

¹⁷⁸ TA SNA114 NA579/03, Gunning to Colonial Secretary, 19 February 1903.

¹⁷⁹ TA SNA114 NA579/03, Correspondence Secretary for Native Affairs, Stevenson-Hamilton and J. Raw, April to August 1903.

¹⁸⁰ TA LD1096 AG2762/05, Stevenson-Hamilton to Secretary for Native Affairs, 3 June 1905; Acting Secretary Law Department to Secretary for Native Affairs, 27 June 1905. Species which were not indigenous to southern Africa were to be imported into the game reserve.

¹⁸¹ Stevenson-Hamilton, Animal Life, p.33.

¹⁸² Ibid., p.19.

¹⁸³ KNP K11, Stevenson-Hamilton to Secretary, National Parks Board, 4 October 1944.

III

Officials in the game reserves had to establish working relationships not only with whites in the Transvaal, but also with blacks, traditionally regarded by whites as anti-protectionist. In 1902 Stevenson-Hamilton wrote scathingly about whites who exploited blacks:

'Great fuss in Johannesburg papers about the native question; it is said they are being treated all wrong; fulminating heavily about "Colonies having their way". Actually the scarcity of native labour is at the bottom of the talk. The natives made so much during the war that they won't work and also they are now busy planting. The J'Burg gold bugs want compulsory labour introduced although of course they don't put it quite like that. In everything connected with the native every single white man wants to have a finger in the exploitation pie!'¹⁸⁴

Although Stevenson-Hamilton did not align himself with the 'gold bugs' whom he held responsible for the outbreak of war in South Africa,¹⁸⁵ his own actions and attitudes towards blacks were those common in his age. For many years Africans resident within the boundaries of game reserves had been regarded as inimical to game protection because it was assumed by whites that blacks were major destroyers of wild animals and were never game protectionists.¹⁸⁶ Thus, one of Stevenson-Hamilton's first actions was to force blacks to leave the Sabi Game Reserve. However, within a decade he had revised his opinion, for by 1912 he considered that the ideal game sanctuary 'should contain as few native inhabitants as possible. (Complete absence of

¹⁸⁴ S-HA, Diary entry 13 December 1902.

¹⁸⁵ S-HA, Diary entry 1 April 1903; Stevenson-Hamilton, South African Eden, p.29.

¹⁸⁶ This was stated as early as 1892 when the Pongola Game Reserve was being discussed: see TA SS2031 R8009/89, Leyds memorandum, 24 March 1892. See also TA CS5 464/01, Gunning to Military Governor, 20 February 1901.

the latter is rather a disadvantage than otherwise.)'¹⁸⁷ Two reasons can be advanced for this change of heart: Stevenson-Hamilton came to appreciate that blacks provided labour and as tenants they paid rent.

Although the eastern Transvaal lowveld was considered 'worthless' to whites, blacks inhabited certain parts of the locality. When the Sabi Game Reserve was re-proclaimed in 1902 it was decided that all resident blacks were to be evicted. Stevenson-Hamilton initially attempted to execute the removal with some consideration for the needs of the people involved, suggesting for example that they should be relocated at a time suitable for the cultivation of crops. He anticipated no resistance to these forced removals, declaring that the residents 'were perfectly ready to move whenever or wherever they were told'.¹⁸⁸ However, some months later he was accused of setting fire to huts in order to force people to move, although his superiors in the Native Affairs Department insisted that it was only huts which had already been evacuated that were being burnt.¹⁸⁹ It is known, however, that a group of Africans in the Lower Sabi district indeed threatened not to leave until their homes were burnt and they were thus forced to go.¹⁹⁰ By August 1903 some two to three thousand people had vacated the Sabi Game Reserve,¹⁹¹ while as late as 1906 a group of Africans living on the perimeter complained

¹⁸⁷ Stevenson-Hamilton, Animal Life, p.27.

¹⁸⁸ TA SNA52 NA1904/02, Stevenson-Hamilton to Lagden, 4 September 1902.

¹⁸⁹ TA SNA50 NA1751/02, Stevenson-Hamilton to McInerney, 18 August 1902; Native Commissioner Lydenburg to Secretary for Native Affairs, 18 November 1902.

¹⁹⁰ KNP Stevenson-Hamilton Documents in Trust, Report by ranger Gray, 1-7 October 1902; Report by ranger Gray, 5-12 November 1902.

¹⁹¹ TA SNA169 NA2063/03, Report on the Sabi Game Reserve for the year ending August 1903.

that 'the government wants to drive them away from the low veld so as to include these parts in the game reserve.'¹⁹² Game protection was thus regarded by blacks as threatening their interests and their access to land.

When it was established in 1903 the Singwitsi Game Reserve (technically a separate game reserve under its own warden but usually treated with the Sabi Game Reserve as one unit) was also the home of numerous blacks. Stevenson-Hamilton did not advocate expelling them, possibly because he appreciated by then that 'the damage they do in a year will not equal that done by a few Boers in a week'.¹⁹³ A further expedience may have been that Stevenson-Hamilton relied on locals to inform him or the rangers on poaching violations, much to the indignation of local whites.¹⁹⁴ In May 1905 it was decided that the considerable number of Africans¹⁹⁵ in the game reserves should, like other squatters on state lands, be subject to the payment of squatters' rents.¹⁹⁶ From this date, then, resident blacks in game reserves were a source of revenue.

Stevenson-Hamilton met opposition from blacks when he attempted to carry out his mandate in the reserve, the use of arms being a major point of confrontation. Although their presence was tolerated for labour and income

¹⁹² TA SNA321 1321/06, F. Steinaecker to Secretary for Native Affairs, 4 April 1906.

¹⁹³ TA SNA178 NA2536/03, Report on Singwitsi Game Reserve, 13 October 1903. This was also the opinion of the Sub Native Commissioner at Sibasa: see TA SNA343 3384/06, C.N. Manning to Native Commissioner Soutpansberg, 4 October 1906.

¹⁹⁴ S-HA, Diary entry 16 September 1903.

¹⁹⁵ Stevenson-Hamilton quotes the census figures in 1904 as 2905: see S-HA, Diary entry 23 April 1904.

¹⁹⁶ Cent. LDE26 44/2, Under-Secretary to Inspector of Lands, 23 May 1905.

purposes, blacks were not allowed to carry arms, even to protect themselves against predators. When an application was received by the Native Affairs Department from chieftain Mpisane to allow his messengers to carry assegais when they travelled in the game reserve, Stevenson-Hamilton was quick to conclude that Mpisane's request was unreasonable, being 'only an attempt to give his kaffirs an excuse for going about armed, which I take it is not desirable.'¹⁹⁷ In 1907 the Native Commissioner of the Northern Division supported chieftains Makuba and Mhinga in their desire to own a number of rifles for self-protection, much to the ire of Stevenson-Hamilton,¹⁹⁸ who, in any event, did not like Mhinga and complained that the chieftain was offensive: 'I think he ought to be put right on the subject of manners towards white men, quite apart from their being officials of the government.'¹⁹⁹

Blacks were not only evicted from their homes and forced to live outside the game reserves on 'native reserves' or 'locations', but they were also, of course, denied access to game as a means of subsistence.²⁰⁰ The task of the

¹⁹⁷ TA SNA193 NA177/04, Stevenson-Hamilton to Secretary for Native Affairs, 5 January 1904.

¹⁹⁸ TA SNA392 NA4321/07, Native Commissioner Northern Division to Secretary for Native Affairs, 7 April 1908; Stevenson-Hamilton to Assistant Colonial Secretary, 24 April 1908.

¹⁹⁹ Annual Report of the Government Game Reserves 1903-1904, in Transvaal Administration Reports, 1904. See also, P. Harries, 'A forgotten corner of the Transvaal: reconstructing the history of a re-located community through oral testimony and song', a paper presented at the History Workshop, University of the Witwatersrand, 1984, which deals with the clans of Makuleke and Mhinga.

²⁰⁰ A further hardship applied to blacks from Mozambique who were no longer able freely to cross the boundary between the Transvaal and Mozambique. With the employment of game reserve staff such movements were monitored and the transgressors were promptly arrested: see KNP, Stevenson-Hamilton Documents in Trust, Report by ranger Gray, 2-9 September 1902.

game reserve at the beginning of the century was to build up the numbers of game animals, and consequently, the warden and rangers of the game reserves were assiduous in apprehending poachers. Blacks in particular were arrested merely for 'being in possession under suspicious circumstances of [game] meat.'²⁰¹ Suspected poachers frequently resisted arrest,²⁰² which was not surprising in view of the severity of the punishments.²⁰³ Nevertheless, resistance does not appear to have been concerted or organized: on occasion blacks informed upon one another and chiefs cooperated with game reserve staff in apprehending suspected poachers.²⁰⁴

Whites, too, resented being denied access to game in the reserved area. When the Sabi Game Reserve was first established, Stevenson-Hamilton encountered a large group of whites living on the south-western border of the reserve who hunted game regularly. Known as the 'Wit River Boers', ('the other Boers call them "the wild people" and say that they are worse than the natives'),²⁰⁵ Stevenson-Hamilton had wanted the government to cancel their farming leases but had dropped the matter when his request proved not to be feasible.²⁰⁶ Before 1910 white poachers were arrested sporadically and

²⁰¹ KNP Stevenson-Hamilton Documents in Trust, List of cases (Natives), 1903, 4 February 1903.

²⁰² KNP Stevenson-Hamilton Documents in Trust, List of cases (Natives), 1903, 1 February 1903.

²⁰³ KNP Stevenson-Hamilton Documents in Trust, List of cases (Natives), 1903, 1 February 1903; March 1903; 18 March 1903; 27 March 1903.

²⁰⁴ KNP Stevenson-Hamilton Documents in Trust, List of cases (Natives), 1903, 1 February 1903; 28 February 1903; 18 March 1903.

²⁰⁵ TA SNA63 NA2206/02, Hogge to Secretary for Native Affairs, 6 October 1902.

²⁰⁶ TA SNA63 NA2206/02, Secretary for Native Affairs to Hogge, 12 December 1902.

prosecuted whenever it was possible to do so:²⁰⁷ it is recorded that between 1905 and 1906 Stevenson-Hamilton tried sixty-six cases, thirty-eight being against the game law, twenty-seven being 'pass' offences and one a 'property' offence.²⁰⁸

The main aim of game reserves - to provide 'a nursery for the propagation and preservation of the South African fauna'²⁰⁹ - had been accomplished by 1910. For example, according to Stevenson-Hamilton's observations, in 1902 there had been no black rhinoceros, elephant, eland, hartebeest or ostrich in the area; there were about fifteen hippopotamus, five giraffe, eight buffalo, twelve sable antelope, two roan antelope, five tsessebe, forty blue wildebeest, one hundred waterbuck, thirty-five kudu and numerous impala, reedbuck, steenbok and duiker.²¹⁰ By 1909 there were twenty-five elephant, seven or eight rhinoceros, fifty or sixty buffalo, numerous hippopotamus and eland, and large herds of roan antelope, hartebeest, kudu and many other species.²¹¹ Furthermore, to a very great extent, this had been the personal accomplishment of Stevenson-Hamilton. By concentrating power in the office of the warden, he had prevented various government departments from turning the vast game reserve into either a 'native reserve', or a prospecting and mining area, or even a locality for white settlers. In achieving this, he was greatly assisted by the disadvantageous tropical

²⁰⁷ See for example TA LD1303 3167/06 and LD1331 4332/06.

²⁰⁸ Annual Report of the Barberton Magistrate, in Transvaal Administration Reports 1905-1906.

²⁰⁹ TA CS334 6821/03, Lagden to Colonial Secretary, 2 September 1903.

²¹⁰ TA SNA169 NA2063/03, Report on the Sabi Game Reserve for the year ending August 1903.

²¹¹ TA TPS8 3075, Annual Report of the Government Game Reserves, 1908-1909.

climate of the area and the prevalence of malaria. By building up a reputation as a man who had great knowledge of game, his opinion persuaded the authorities not to allow Transvaal sportsmen to invade the reserve. By disciplining and training his staff, he succeeded in patrolling the extensive reserve boundaries effectively and in increasing the probability that offenders who flaunted the game regulations would be apprehended. And by expelling blacks or by controlling the lives of those blacks who remained within the reserves, Stevenson-Hamilton curtailed black subsistence hunting in the district. Although he encountered opposition from many quarters, his most important ally - the legislature of the Transvaal - never deserted him. The Legislative Council supported all his endeavours, one member bravely going as far as to compare the reserve with Yellowstone National Park in the United States and deeming it 'the duty of the Government to take this matter in hand, and make these preserves something in the nature of a national institution.'²¹² By 1910 Stevenson-Hamilton had reached substantially the same conclusion. He also began to express the view that game reserves should remain strictly preservationist in perpetuity and never be opened to hunters.²¹³

IV

Two other republican game reserves were re-proclaimed by the British after the South African War, though in comparison with Sabi, both proved to be of minor significance in the evolution of protectionist policy. One of these

²¹² Debates of the Legislative Assembly, A. Woolls-Sampson, cols 1425-1426, 24 July 1907.

²¹³ TA TPSB 3075, Annual Report of the Government Game Reserves, 1908-1909.

reserves concerned the townlands of Pretoria, where before the conclusion of the South African War hunting game had been forbidden by the British.²¹⁴ After 1902 the authorities intended to abolish this reserve because the success of a game sanctuary in an area close to a major urban centre appeared so unlikely.²¹⁵ Despite these reservations the townlands of Pretoria were re-proclaimed as a game reserve by Proclamation 12 of 20 November 1902. The republican legislation in this connection had included the farm of Groenkloof, while the 1902 legislation excluded it, and in January 1903 the Transvaal Game Protection Association brought this omission to the notice of the Colonial Secretary. With the approval of the Secretary for Native Affairs, Groenkloof was re-proclaimed a game reserve in February 1903.²¹⁶

While the British administrators were aware of the existence of the Sabi and the Pretoria Game Reserves from the outset of their occupation of the Transvaal, they were initially ignorant of the existence of the Pongola Game Reserve. It was Stevenson-Hamilton who first brought it to the attention of his department late in 1902. Because of his proximity to the reserve, the Sub Native Commissioner at Wakkerstroom, L. Tyrrell, was asked to investigate the position.²¹⁷ In due course he confirmed that the reserve had indeed been established by the previous government and that it had consisted of six farms; he reported that a gamekeeper had once been placed in charge but that

²¹⁴ TA CS102 6475/02, Civil Commissioner to Assistant Secretary of the Treasury, 23 June 1902.

²¹⁵ TA CS102 6475/02, Note from Davidson, 7 July 1902; Duncan to Colonial Secretary, [undated].

²¹⁶ TA SNA103 NA338/03, TGPA to Colonial Secretary, 31 January 1903; Secretary for Native Affairs to Assistant Colonial Secretary, 18 February 1903.

²¹⁷ TA SNA70 2429/02, Secretary for Native Affairs to Native Commissioner Lydenburg, 3 November 1902.

the position was no longer filled, and that little game existed within the reserve's boundaries.²¹⁸ At the same time, independently of both Stevenson-Hamilton and Tyrrell, the Resident Magistrate of Wakkerstroom, A.J. Bentinck, also ascertained the existence of the Pongola Game Reserve but was not in a position to supply any further details because the records of the Landdrost at the nearby town of Piet Retief had been destroyed during the war.²¹⁹

Ladgen moved quickly on receipt of these reports and on 21 April 1903 the Executive Council approved the re-establishment of the Pongola Game Reserve.²²⁰ Major A.A. Fraser was given the post of warden, a position subordinate to Stevenson-Hamilton, whose title now became that of 'Warden of the Government Game Reserves'.²²¹ Stevenson-Hamilton described Fraser as a large, hard-drinking Scot, and lamented that he was merely a 'gamekeeper' and one who would not commit his observations or knowledge to paper.²²²

Stevenson-Hamilton visited the Pongola Game Reserve at the end of 1903. He was impressed by the scenic beauty of the reserve but was disappointed to have to confirm that there was very little game within it. He speculated that what wildlife Van Oordt had not destroyed, local farmers and blacks had killed during the South African War. After making a thorough investigation of

²¹⁸ TA SNA70 NA2429/02, Sub Native Commissioner Wakkerstroom to Native Commissioner Lydenburg, 15 November 1902; SNA70 NA2429/02, Tyrrell to Native Commissioner Lydenburg, 1 April 1903.

²¹⁹ TA SNA70 NA2429/02, Secretary for Native Affairs to Native Commissioner Lydenburg, 3 November 1902.

²²⁰ Executive Council, Resolution 302, 21 April 1903; Proclamation 17 of 1903, 26 May 1903.

²²¹ TA LtG65 73/5, Secretary for Native Affairs to Lieutenant-Governor, 29 May 1903.

²²² Stevenson-Hamilton, South African Eden, pp.79-80.

the reserve, he concluded that it was too small to serve its purpose. The narrow poort which formed the nucleus of the reserve made it topographically unsuitable to attract game from Zululand in the east, and on the westward side, the reserve contained only animals which were temporarily there during their migration from the Lebombo mountains towards more permanent waterholes in Swaziland. Like others had done before him,²²³ Stevenson-Hamilton advised the government that the reserve would have to be enlarged in order to make it viable, and that if this was not possible, the entire reserve or possibly a portion of it, might be utilized as a 'game nursery'²²⁴ or 'deer park'. In such a park, he suggested, wild animals might be husbanded and tamed, and thereafter supplied to zoological gardens.²²⁵

After this visit and until 1906, Stevenson-Hamilton compiled regular monthly and annual reports in which the Pongola Game Reserve was mentioned, albeit very cursorily. In January 1904, for example, he reported that 'all was quiet' and that a few kudu had been seen,²²⁶ while in April 1904 he mentioned that a group of blacks from Natal had been handed over to the colonial authorities after being found in possession of unlicensed firearms.²²⁷

²²³ See above, Chapter 4.

²²⁴ Annual Report of the Government Game Reserves 1903-1904, in Transvaal Administration Reports, 1904.

²²⁵ TA SNA189 NA3226/03, Report on the Pongola Game Reserve, December 1903.

²²⁶ TA SNA194 NA245/04, Government Game Reserves Monthly Report, January 1904.

²²⁷ TA SNA216 NABB0/04, Government Game Reserves Monthly Report, April 1904.

Fraser did not remain warden of the Pongola Game Reserve for long; in February 1904 Stevenson-Hamilton transferred him to fill the post of warden in the newly established Singwitsi Game Reserve. He justified this transfer on the grounds that the Singwitsi Game Reserve was far more important to game protection than the Pongola, being much larger in area, consisting of widely differing vegetational types and containing a great variety of wild animals.²²⁸ While Stevenson-Hamilton was glad to have obtained the services of a warden in the Singwitsi Game Reserve, he was anxious about leaving the Pongola Reserve without white supervision. He hoped that funds would be available for the appointment of an official in that reserve in the following financial year, but at the same time doubted that this would be so.²²⁹ Although Stevenson-Hamilton intended to monitor the Pongola Game Reserve and to visit it again in August or September 1904, there is no record of his doing so at that time.²³⁰

During 1905 Stevenson-Hamilton approached the Secretary for Native Affairs in connection with the employment of a white warden in the Pongola Game Reserve. White poachers would appear to have been active there and Stevenson-Hamilton argued that no matter how effectively black rangers exercised their duties, because of political and racial circumstances they could control only black poachers and were powerless to prevent whites from

²²⁸ Annual Report of the Government Game Reserves 1903-1904, in Transvaal Administration Reports, 1904.

²²⁹ TA SNA216 NA880/04, Government Game Reserves Monthly Report, April 1904.

²³⁰ TA SNA221 NA1187/04, Government Game Reserves Monthly Report, May 1904.

entering the reserve.²³¹ Although it was sympathetic to the problem, the Department of Native Affairs refused to increase the game reserve budget, and alternative means were therefore investigated of exercising authority while avoiding additional expense. An initial suggestion in this regard was that Swaziland should administer the reserve,²³² because in May 1905 the Hlatikulu Game Reserve, adjacent to the Pongola Reserve but within the boundaries of Swaziland, had been proclaimed.²³³ Nothing seems to have come of this proposal, for an endeavour was then made to place the Pongola Reserve under the control of the nearest magistrate who was stationed at Ingwavuma.²³⁴ The Acting Magistrate at the town, R.D. Talbot, indicated his willingness to help and advised that one of his subordinates, C.C. Jackson, had already been of assistance in the reserve's administration since Fraser's departure.²³⁵ However, agreement between the two colonies was impossible to formalize owing to the difficulties which would have been involved in one colony's officials apprehending or prosecuting persons for offences committed in the other.²³⁶ Further solutions were suggested but in all these cases lack of funds prevented their adoption. In September 1905, for example, L.G. Gillespie, Resident Justice of the Peace at Welkom in the Wakkerstroom district, offered

²³¹ TA TPS5 TA2/3037, Stevenson-Hamilton to Secretary for Native Affairs, 7 June 1905.

²³² TA TPS5 TA2/3037, Secretary for Native Affairs to Secretary for Swaziland, 28 June 1905.

²³³ Swaziland Administration Proclamation 7 of 1905.

²³⁴ TA TPS5 TA2/3037, Secretary for Native Affairs to Secretary for Native Affairs Pietermaritzburg, 12 July 1905.

²³⁵ TA TPS5 TA2/3037, Talbot to Secretary for Native Affairs, 26 July 1905.

²³⁶ TA TPS5 TA2/3037, Colonial Secretary to Gillespie, 31 August 1905.

his assistance in return for a salary of £5 per month plus the refund of his travelling expenses.²³⁷ Stevenson-Hamilton felt that Gillespie's proposed charge was too high, and although he indicated a desire to meet Gillespie to discuss the matter, no such meeting took place.²³⁸

In 1905 Stevenson-Hamilton was distressed to discover that Africans had resettled within the Pongola Reserve and that Sambana's son, a missionary, had taken up residence in the warden's house. Believing that the missionary activities of this man were ineffective and that, in fact, the area's standards of morality had declined, Stevenson-Hamilton asked that these people be removed.²³⁹ In January 1906 Stevenson-Hamilton visited the Pongola Game Reserve again - this being apparently the last occasion on which he was to do so - and reported that conditions regarding the game were much the same as they had been in 1903. He reiterated that no game animals appeared to reside permanently within the reserve.

During 1905 responsibility for game reserve administration was transferred from the Native Affairs Department to the Department of the Colonial Secretary. Now without Lagden's personal enthusiasm for the project, the continuing existence of the Pongola Game Reserve was called into question. The Colonial Secretary, Patrick Duncan, asked Stevenson-Hamilton for his opinion as to whether the reserve should be de-proclaimed.²⁴⁰

²³⁷ TA TPS5 TA2/3037, Gillespie to Colonial Secretary, 6 September 1905.

²³⁸ TA TPS5 TA2/3037, Stevenson-Hamilton to Assistant Colonial Secretary, 26 September 1905.

²³⁹ TA SNA277 NA1839/05, Stevenson-Hamilton to Acting Secretary for Native Affairs, 3 July 1905.

²⁴⁰ TA TPS5 TA3037, Under Colonial Secretary to Stevenson-Hamilton, 2 July 1906.

Although he did not particularly wish to retain the reserve owing to its unsuitability for protectionist purposes, Stevenson-Hamilton replied that the land was worthless for purposes of agriculture or of white settlement; it would therefore be a pity simply to abandon the area unless an alternative and viable use for the land could be found, otherwise it would become merely an administrative and economic vacuum.²⁴¹

The views of the Transvaal Game Protection Association on the matter were also sought: the committee of the association expressed its strong disapproval of the proposal to de-proclaim the reserve, even if the government could find no funds to allocate towards its upkeep. Furthermore, the association considered the retention of the Pongola Game Reserve to be of value in providing a buffer region for wild animals of the game reserves of Zululand and Natal.²⁴² The Colonial Secretary decided to retain the reserve but to make no further funding available for its maintenance.²⁴³

For the rest of the decade the fate of the Pongola Reserve remained uncertain and administrative control was exercised by volunteers. Gillespie was one of these; others were two black gamekeepers, who - despite having been formally dismissed from their posts - continued to live within the reserve and to police its boundaries.²⁴⁴

In 1907, Jan Smuts, a keen game protectionist and nature lover, became Colonial Secretary. He at once expressed an interest in the Pongola Game

²⁴¹ TA TPS5 TA3037, Report on Pongola Game Reserve, 20 July 1906.

²⁴² TA TPS5 TA3037, TGPA to Under Colonial Secretary, 25 October 1906.

²⁴³ TA TPS5 TA3037, Exchange of notes, Under Colonial Secretary and Assistant Colonial Secretary, 31 October 1906.

²⁴⁴ TA TPS5 TA3037, Gillespie to Stevenson-Hamilton, August 1907. These two gamekeepers were identified only as Inyatibomvu and Mzamo.

Reserve.²⁴⁵ However, since funds were still not available for increased staff, the Swaziland government was once again approached to administer it.²⁴⁶ The Assistant Commissioner of the Hlatikulu district agreed to exercise what control he could over the reserve.²⁴⁷ In 1908, a local trader, C.F.A. Wundram, was permitted to open a store within the perimeter of the Pongola Game Reserve provided that he reported to the authorities any infringements of the game law he encountered.²⁴⁸ Wundram described the area as '... this forsaken place of our country, which was once upon a time a lively [sic] and pleasant place for holiday spenders and others who put [sic] interests in game and views etc.'²⁴⁹ Although Wundram seems to have been interested in game protection there is no evidence that he actually acted as a warden or gamekeeper or that he ever patrolled the reserve. He did, however, accuse local Africans of hunting with dogs and expressed the opinion that the appointment of gamekeepers was vital to the survival of game animals in the reserve.²⁵⁰ Wundram's concern was shared both by Tyrrell, who

²⁴⁵ TA TPS5 TA3837, Note on file, 9 September 1907.

²⁴⁶ TA TPS5 TA3837, Colonial Secretary to Swaziland Secretary, 11 October 1907.

²⁴⁷ In 1907 there were two game reserves in Swaziland, the Hlatikulu in the south and an area in the north-east along the Portuguese-Swaziland boundary: see Cd4472, Further Correspondence Relating to the Preservation of Wild Animals in Africa, 1909, pp.78-79, Resident Commissioner, Swaziland to Earl of Selborne, 26 October 1907; Selborne to Resident Commissioner, 14 November 1907. See also TA TPS5 TA3837, Government Secretary, Swaziland to Assistant Colonial Secretary, 19 November 1907.

²⁴⁸ TA TPS5 TA3837, Note of Colonial Secretary, 13 July 1908.

²⁴⁹ TA TPB785 TA3037, Wundram to Magistrate Piet Retief, [undated].

²⁵⁰ Ibid.

continued to carry out his duties as Native Commissioner in the area,²⁵¹ and by F. King, the District Commander of the South African Constabulary at Wakkerstroom.²⁵²

Despite this concern, administrative uncertainty continued to affect the reserve. When Stevenson-Hamilton expressed his desire to take up Gillespie's offer to visit the reserve regularly for a small monthly fee, Smuts declared that he could approve no such expenditure until the ultimate fate of the reserve had been settled. No decision was ever taken at the time, even though the residents of Piet Retief, who had become increasingly worried at the lack of authority that was exercised over blacks in the area, had petitioned the Attorney-General in 1909 for the appointment of a white warden who would cope with these so-called 'abuses'.²⁵³ Owing, however, to the ongoing negotiations which were being held at that time and which were later to lead to the establishment of the Union of South Africa, the fate of the Pongola Game Reserve was left unresolved for the time being.

V

Although it might seem from the above discussion that protectionists were consistently successful in establishing or retaining game reserves, this was not always the case. Between 1900 and 1910 a number of new game reserves were proposed and only two of these, the Singwitsi Game Reserve (which has been discussed above) and the Rustenburg Game Reserve, were proclaimed.

²⁵¹ TA SNA314 NA916/06, Tyrrell to Secretary for Native Affairs, 9 March 1906.

²⁵² TA TPB785 TA3037, King to Secretary Transvaal Police, 31 July 1910.

²⁵³ TA LD1718 745/09, Note on file, 14 April 1909.

One of the abortive attempts to establish a game reserve involved an area in the Nylstroom district. The proposal which was made by the Transvaal Game Protection Association envisaged that this reserve would adjoin the Transvaal's western border with the Bechuanaland Protectorate and would comprise a strip of country about 250km long and 90km wide between the Mogalakwena and Palala Rivers in the Waterberg. The reason why such a reserve was required was, according to the association, to prevent blacks from Bechuanaland from poaching Transvaal game. Stevenson-Hamilton concurred in the strategy when it was first mooted, but was concerned about how to finance it. The Colonial Secretary also agreed to the scheme,²⁵⁴ and presented it to the Executive Council for discussion, but the Council resisted it.²⁵⁵ This decision of the Executive Council did not end the matter, however, and in 1907 the Transvaal Game Protection Association again raised the subject with the sympathetic Colonial Secretary, Smuts. Correspondence with local residents supporting the renewed application for a game reserve was produced: one correspondent stated that as a 'great lover of animals' she was distressed to witness how many farmers hunted big game during the closed season for the purpose of making biltong.²⁵⁶ Another submitted that it was not the farmers who were at fault, but 'gangs of Jews from Johannesburg and elsewhere who roam about the veld with donkey wagons, slaughtering everything they come across for biltong.'²⁵⁷ Black auxiliaries were apparently hired by

²⁵⁴ TA TPB785 TA3076, Correspondence TGPA, Colonial Secretary and Stevenson-Hamilton, December 1905 to February 1906.

²⁵⁵ Executive Council Resolution 347, 21 February 1906.

²⁵⁶ TPB785 TA3070, E. Ahlborn to TGPA, March 1907.

²⁵⁷ TPB785 TA3070, J. Shaw to TGPA, 11 March 1907.

these professional 'gangs' and paid according to the size of the animal that was killed.²⁵⁸ The Game Protection Association obtained an interview with Smuts,²⁵⁹ and it was decided that Stevenson-Hamilton should journey to the area and give his expert opinion on whether a game reserve was a feasible proposition or not.

In June 1907 Stevenson-Hamilton visited the Waterberg area of the western Transvaal and later reported that the region contained many of the larger species of antelope. He noted that little hunting had occurred between 1902 and 1905 and the number of game animals had therefore increased, but the region, to its detriment, was again proving attractive to three groups of hunters, namely, white professional biltong hunters, trekboers and black subsistence hunters. Market hunters were considered by Stevenson-Hamilton to be the major cause of game destruction. The farmers who trekked to the area in winter in search of grazing and who shot game were not thought to have made any substantial impact on the animal population: indeed, these farmers, as well as 'destitute Boers' did not view professional hunting with favour. Blacks in the district were also found to kill game but, again, not in great quantity. Stevenson-Hamilton's report concluded that there was a need to check the sale of biltong effectively and to request Chief Khama of the area to restrain his hunters, but that it was unnecessary to establish a game reserve there. On the contrary, Stevenson-Hamilton considered that the

²⁵⁸ Ibid.

²⁵⁹ TPB785 TA3070, TGPA to Colonial Secretary, 7 May 1907.

Transvaal required areas in which hunting could take place, and that an excess of game reserves would be counter-productive to game protection.²⁴⁰

It was two years later that Smuts, still in the position of Colonial Secretary, raised the matter again and in February 1909 the opinion of N.G. Nicholson, the Legislative Assembly member for the district was sought. Nicholson was advised that for some time Smuts had had under consideration a scheme to proclaim a game reserve between the Palala and Mogalakwena Rivers.²⁴¹ At first Nicholson was very enthusiastic, declaring that he had often advocated such a reserve himself and had even suggested suitable boundaries.²⁴² Ten days later, however, Nicholson had modified his views considerably, expressing himself 'in favour of such reserves as long as they do not interfere in any way with the occupation of the soil by a desirable white population ... I am afraid that the two objects which I consider so desirable will clash and come into conflict in the end.'²⁴³ Ultimately, Nicholson concluded that he preferred human settlement of the land to the establishment of game reserves.²⁴⁴ It is possible that he had been influenced by J.F.B. Rissik, the Minister of Lands, who was 'opposed to the idea of a game reserve as he thinks it will interfere with the settlement and

²⁴⁰ TA TPB785 TA3070, Report by Stevenson-Hamilton, [undated]. The District Commandant of the South African Constabulary in the Waterberg agreed with the findings of Stevenson-Hamilton; see TA TPB785 TA3070, District Commander, South African Constabulary to Resident Magistrate, 4 June 1907.

²⁴¹ TA TPB785 TA3071, Under Colonial Secretary to Nicholson, 13 February 1909.

²⁴² TPB785 TA3071, Nicholson to Gorges, 17 February 1909.

²⁴³ TA TPB785 TA3071, Nicholson to Gorges, 27 February 1909.

²⁴⁴ Ibid.

development of that part of the country.²⁴⁵ Smuts was consequently 'reluctantly ... compelled to abandon the idea of proclaiming a reserve in the Koedoesrand as he is anxious not to interfere with the taking up of farms in that area'.²⁴⁶

Two other game reserves suggested by the Transvaal Game Protection Association, also in localities suitable for white settlement, received considerably less attention from the government than the proposed Waterberg Game Reserve had done. In those areas, without even soliciting reports from interested parties or subjecting the recommendation to thorough scrutiny, the government declared itself 'unable to agree to the recommendation [of the Transvaal Game Protection Association] ... that the block of farms between Brakspruit and the Crocodile Rivers in the neighbourhood of Koornkopje, Rustenburg District, be declared a Game Reserve, same being required for settlement purposes nor could the Government agree to the establishment of a Game Reserve on the Limpopo River'.²⁴⁷

While the Transvaal Game Protection Association did express itself in favour of game reserves in different parts of the Transvaal, this occurred only in instances when land owned by members of the association was not involved and members' private interests were not affected. The selfishness of certain leaders of the Transvaal Game Protection Association in regard to game legislation has already been discussed.²⁴⁸ However, the self-interest of

²⁴⁵ TA TPB785 TA3071, Notes of Gorges, 3 April 1909.

²⁴⁶ Ibid.

²⁴⁷ TA TAD405 G946/06, TGPA Minutes of 3 April 1906. The application for the establishment of these reserves can be found in TA TPB786 TA3077, TGPA to Assistant Colonial Secretary, 15 December 1905.

²⁴⁸ See above, Chapter 6.

these men also prevented the re-establishment of a game reserve on the Springbok Flats. Before the South African War, a small game reserve in this district had been created²⁶⁹ and when hostilities ended it was suggested that not only should the reserve be resuscitated but also that a far larger area than that proclaimed by the republican government should be included. The applicant, P. Eastwood, regarded it as an advantage for the state that most of the farms he envisaged as collectively forming the reserve were owned by the government or by land companies and their reservation would probably therefore not involve a great deal of expense.²⁷⁰

Lagden favoured the idea,²⁷¹ but for two years nothing further was heard of the matter. In July 1904 the Transvaal Game Protection Association reminded the government that part of the Springbok Flats had once been a game reserve, and asked that all shooting be prohibited in the entire region.²⁷² However, the Acting Resident Magistrate of the district did not agree that the game of the area required special protection, and declared furthermore that springbok were still very numerous in the area.²⁷³ He did, nonetheless, suggest, a month later, that a game reserve near Nylstroom would be desirable.²⁷⁴

²⁶⁹ See above, Chapter 5.

²⁷⁰ TA CS101 6293/02, Eastwood to Colonial Secretary, 25 June 1902.

²⁷¹ TA SNA51 NA1801/02, Eastwood to Lagden, 25 August 1902.

²⁷² TA SNA227 1700/04, TGPA to Colonial Secretary, 14 July 1904.

²⁷³ TA CS528 9229A, Acting Resident Magistrate to Colonial Secretary, 7 September 1904.

²⁷⁴ TA TPB513 TA1232, Acting Resident Magistrate Nylstroom, 31 October 1904.

Early the following year, the Transvaal Land Owners' Association became aware of the issue and advised its members to note that a game reserve on the Springbok Flats was under discussion, but that the association intended to take no active steps in the matter.²⁷⁵ Although Lagden continued to express an interest in the scheme, he doubted whether it would be practical for financial reasons, the running expenses of such a reserve being in the region of £1000 per annum.²⁷⁶

In April 1905 the South African Constabulary became involved in the issue to the extent that the District Commander expressed concern at the large number of game which was being killed on state land to provide venison for the public markets of Pretoria and Johannesburg.²⁷⁷ Proclamation 81 of 1905 took account of these circumstances and forbade the hunting of springbok on the Springbok Flats, but despite all intentions the proclamation proved difficult to enforce owing mainly to the lack of clearly defined boundaries of the Flats.²⁷⁸

The Transvaal Land Owners' Association agreed that springbok required protection and suggested that a special game ranger be appointed to monitor the situation.²⁷⁹ Support came also from about four hundred smaller landowners, all of whom were contacted individually by local police commanders and asked for their opinions on the matter. The Transvaal Game

²⁷⁵ JPL TLOA, Vol. 1, Minutes of meeting 4 January 1905.

²⁷⁶ TA CS528 750, Lagden to Colonial Secretary, 24 February 1905.

²⁷⁷ TA LtG65 73/17, J.M. Bateson to Resident Magistrate Waterberg, 6 April 1905.

²⁷⁸ TA LtG65 73/17, E.E. Jones to Divisional Commander, South African Constabulary, 27 June 1905; JPL TLOA, Vol. 1, Minutes of meeting 30 August 1905.

²⁷⁹ TA TPB786 TA3077, TLOA to Colonial Secretary, 14 November 1905.

Protection Association, as the voice of sportsmen, endorsed the project, it had, indeed, been one of the originators of the idea.²⁸⁰

There were two exceptions to the general protectionist agreement voiced by the individual landowners in the district. Both came from Pretoria residents who were vocal and prominent members of the Transvaal Game Protection Association: C. Marais, and the chairman of the association, E.F. Bourke. While expressing his willingness to protect springbok on certain of his numerous farms on the Flats, Bourke stated further that he considered himself to be the owner of all those springbok located on his fenced farms, and these animals he would not offer for protection by the state. For the sake of loyalty, Bourke's organization was obliged to support its chairman, and the Game Protection Association accordingly proposed to the government that all fenced farms should be excluded from the protectionist project. On investigation, however, the idea proved impossible to execute. Many fenced farms were scattered between unfenced ones, and excluding the former from the project meant that the springbok protection measure would be ineffectual as hunting on the neighbouring fenced farms would continue.²⁸¹ Thus Bourke and Marais were responsible for preventing the establishment of another Transvaal game reserve.

The creation of the Rustenburg Game Reserve was solely the result of the efforts of Smuts as Colonial Secretary. It would appear that, acting independently of any recommendation from the Transvaal Game Protection Association or any other pressure group, Smuts took the initiative and

²⁸⁰ TA SNA305 NA11/06; TAD405 G946/06, Assistant Colonial Secretary to TGPA, 23 January 1906.

²⁸¹ Details in this connection are to be found in TA TPB786 TA3077.

established the reserve by proclamation,²⁰² and appointed a warden.²⁰³ Since most of the short life of this reserve falls into the post-1910 period, its history belongs to the following chapter.²⁰⁴

VI

By 1910 a large part of the total area of the Transvaal consisted of game reserves and had many protectionists had their way, the portion would have been even larger. Of those in existence, without a doubt, the most important reserves were the Sabi and Singwitsi Game Reserves in the eastern Transvaal.

Numerous circumstances at the time account for this transfer of large tracts of land to wild animals. Of these, one of the most important factors was principally cultural in character while the other was distinctly pragmatic. The first guiding principle behind the existence of reserves was that they should provide undisturbed sanctuaries in which game animals could increase in number. Between 1900 and 1910, elitist British-based attitudes regarding game protection were dominant and the view that game animals contributed to sporting activities was an essential ingredient of colonial protectionism. Access to wildlife was thus withheld from people who desired to utilize it for subsistence or commercial purposes. Such preservationist attitudes reinforced the notion that game animals should be allowed to increase their number, in safety, in order to afford future sporting pleasure to hunters.

²⁰² Proclamation 96 of 17 December 1909.

²⁰³ TA TPS11 3087, vols. 1, 2 and 3.

²⁰⁴ See below, Chapter 8.

It is extremely doubtful whether this cultural attitude would have been given expression without the existence of another, more practical, condition: the availability of cheap land. Thus, almost all of the evidence examined indicates that the creation of game reserves offered the maximum utility to whites when land was otherwise deemed unsuitable for human usage. Parts of the eastern Transvaal in particular were disease-ridden, climatically unsuited to agriculture or white settlement and devoid of mineral wealth of any consequence. Turning the area into a game reserve seemed the wisest form of land usage. In addition, the practical benefit of establishing game reserves in this area was twofold: on the one hand it was competently administered and, on the other, it presented a minimal drain on the exchequer.

The cost of withdrawing game reserve areas from the state economy was borne primarily by blacks, in that many were removed from the areas proclaimed as game reserves, while others were permitted to remain only on condition that they were unarmed. Even for those who remained in the reserves under these circumstances, game animals - the resource which had initially attracted them to the area - were denied to them.

However, as the decade proceeded, it became clear to many that the cost of maintaining game reserves in a strictly preservationist manner had to be calculated in the context of their withdrawal from direct involvement in the economic development of the country. For this reason, conflict between the ideologies of game protection and economic development became increasingly apparent. In the decade following 1910 several important factors were to combine which threatened the existence of game reserves. These factors included a growing scarcity of land; the local extinction of the tsetse fly

which made previously inhospitable areas disease-free; and advances in medicine, agriculture and mineral exploitation. On the other hand, there was a growing perception that game reserves in some way represented a valuable national asset and that, despite the fact that they had been founded to promote the interests of sportsmen, they should never be opened to hunters.²⁰⁵ The resolution of these contending interests was to take place in later years.

²⁰⁵ Debates of the Legislative Assembly, cols 1425-1426, 24 July 1907; TA TPS8 3075, Annual Report of the Government Game Reserves, 1908-1909.

TRANSVAAL GAME RESERVES, 1910



CHAPTER 8
CREATING A NATIONAL PARK
1910 TO 1926

I

The analysis of developments in game protectionism between 1900 and 1910 in the previous chapter may seem to indicate that by 1910 game reserves in the Transvaal faced a secure future. This was not so; indeed it was not until 1926, when the Sabi and Singwitsi Game Reserves¹ were transformed into the 'Kruger National Park', that the first national park was established in the Union of South Africa.

Although wildlife protection in the mid 1920s came to play an important part in expressing an evolving white national psyche, initially the establishment of the Union of South Africa in 1910 deprived the Transvaal game reserves of some of the governmental support they had previously enjoyed. With Union a two-tier system of government, namely, provincial and central, came into being and responsibility for game protection was placed in the hands of the four provincial authorities. The allocation of state land was, however, the task of the central authority and conflict between the two levels of government over the game reserves in the Transvaal resulted.

The wavering of support for game protection owed much to a general commitment to the economic development and modernization of the newly-formed national state. There was thus a need to exploit all the natural resources of

¹ By Proclamation 71 of 5 December 1923 the combined area was called 'The Transvaal Game Reserve' and referred to as a 'proposed national park'.

South Africa. Mining, begun in the late nineteenth century, was followed by secondary industry and capital-based farming, and the country was set on a course of becoming an industrial society. In such a society, no niche existed for pioneers or independent peasants or hunters with values of economic self-sufficiency.

Popular histories of nature protection in southern Africa usually portray the prelude to the passing of the National Parks Act as a contest between the forces of 'good' (those in favour of national parks) and 'evil' (those antagonistic or apathetic to the idea).² Stevenson-Hamilton compared the passing of the Act to a fairytale with a happy ending, in which the game reserve 'Cinderella' becomes the national park 'princess'.³ In southern Africa the development of national parks has not been dispassionately evaluated and dedicated modern conservationists have constructed what might be described as an 'appropriate' history - indeed a proselytizing one - ignoring considerations other than current conservation preoccupations. Simplistic and inaccurate interpretations of this kind beg closer examination and a more objective and critical explanation is needed, one which takes cognisance of the complexities of the South African political economy at the time.

The creation of national parks - anywhere in the world - can only be understood in the context of the time and place in which this occurs. Fundamentally, the founding of a national park concerns the allocation of

² See, for example, Stevenson-Hamilton, South African Eden, Braack, Kruger National Park, Pringle, Conservationists and Killers, Meiring, Kruger Park Saga, Labuschagne, The Kruger Park; KNP, U. de V. Pienaar, 'The Kruger Park Saga (1898-1981)'

³ Stevenson-Hamilton, South African Eden, p.223.

certain natural resources and for this reason it is a political, social and economic issue even more than a moral one. In a nutshell, what was accomplished in the mid 1920s in South Africa was not so much the acceptance that the principle of a national park was morally correct, as the acceptance by white South Africans of the philosophy that the viewing and studying of game animals constituted a legitimate, and financially viable, form of land use and that state land should be allocated for this purpose.

Many circumstances intertwined to make the national park a reality. It cannot be merely accidental that the passing of the National Parks Act in 1926 took place at the same time as demonstrations of an aggressive, though perhaps still nascent,⁴ Afrikaner nationalism and a search for a white South African national identity. Among others, these manifestations included the decision to introduce a new South African flag, the adoption of Afrikaans as an official language, the revival of interest in Voortrekker traditions, the resurgence of republican sentiments and the loosening of ties with imperial Britain. At this time too, increasing economic state intervention⁵ took place and national industries, such as the Electricity Supply Commission, were established. These outbursts of political and economic nationalism coincided with the end of the attitude that game was a utilitarian entity - at least, for whites - and with the entrenching of a sentimental, romantic and aesthetic view of nature. This change of outlook was due to the fact that hunting, neither for commercial nor sporting purposes was any longer possible on an extensive basis because of the decline of game outside of game

⁴ It has been argued that the full flowering of Afrikaner nationalism took place only after the economic depression in the early 1930s: see D. O'Meara, Volkskapitalisme (Johannesburg, 1983), p.16.

⁵ Ibid., p.22.

reserves, but it can also be linked to the urbanization of many 'poor white' rural Afrikaners who had formerly hunted game. Since game protection in the Transvaal had always been propagated by the dominant class it may also not be stretching the point too far to see the establishment of the national park in terms of the growing class coalescence among Afrikaners and the desire of nationalist politicians to permit all Afrikaners to share the benefits of the ruling class.

A nationalist interpretation such as that outlined above accords with the reasons for countries such as the United States and Australia establishing national parks. For example, in the United States ideas about the preservation of areas of scenic beauty were mobilized to promote American national feeling and to emphasize the distinction between North America and Europe.⁶ In Australia, too, the sentiment of nationalism both fed upon and also encouraged the romanticization of the Australian frontier experience.⁷ National parks thus appear to be connected to a country's cultural evolution and in this way serve to weld together different, and perhaps disparate, groups within it. That this is true of South Africa in the mid 1920s can be seen in the groping for a common identity between English-speaking and Afrikaans-speaking whites. Their creation of a national park played a role in the process of unifying these two culturally different, but economically converging, groups.

There is, however, one crucial aspect of the South African experience which cannot be compared with developments elsewhere in the world. In their

⁶ This is stressed in Nash, Wilderness and the American Mind, and Runte, National Parks.

⁷ Powell, Environmental Management in Australia, p.53.

search for common ground whites excluded blacks and the establishment of national parks can be seen as part of the process of the systematic domination of blacks by whites. National parks constitute yet another strand in the consolidation of white interests over black, and in the struggle between black and white over land and labour. The white heritage which national parks commemorated was the sentimental and aesthetic aspects of wildlife; early commercial hunting practices by whites were ignored. The function that blacks had earlier played in the Transvaal as hunting partners of whites was in this way completely overshadowed by their new roles as 'poachers' or labourers.

In contrast to whites, there appears to have been little, if any, change in black attitudes towards wildlife. In the period under review, blacks were even more than before rigidly excluded from positions other than those of landless farmworkers or urban proletarians. Generalizations concerning the attitudes of those who lack the means to articulate them are obviously tenuous, but it would seem that blacks, being denied any improvement in their material circumstances, continued to kill game principally for food, although the possibility that they recognized poaching as a means of protesting against their subordination by whites cannot be ignored.

While hunting regulations had, in the previous decade, formed a major focus of game protection, in the period after Union game legislation was given scant consideration and attention was lavished upon game reserves.⁶³

⁶³ See, for example, the Game Preservation Amendment Ordinance of 1918. No innovative principles were introduced into the hunting legislation during these years.

II

The first casualty of the changed atmosphere in the Transvaal after Union was the Rustenburg Game Reserve, which comprised a large area between the Groot Marico and Matlabas Rivers on the western boundary of the Transvaal. Although the immediate cause of its demise in 1914 was the poor calibre of its administrative officer, capital-based farming activity was equally responsible. When the reserve was founded in 1909 - on the personal initiative of Smuts, the Colonial Secretary at the time - its establishment was an innovative measure because it included not only privately owned land but even inhabited farms. Unlike the Sabi and Singwitsi Game Reserves which were situated in an isolated part of the province, access to the Rustenburg Game Reserve was difficult to restrict since public roads traversed the reserve.⁹

Before proclaiming the reserve Smuts had not consulted the Transvaal Game Protection Association¹⁰ or even the landowners of the district and, although the Transvaal Land Owners' Association had pronounced itself strongly in favour of game protection in the Transvaal, from the outset it had had serious misgivings about the future of the Rustenburg Game Reserve. The association was troubled about the minimal supervision which was envisaged for the large reserve, and also that, because the district was potentially rich in minerals and suited to white settlement, economic development of the western Transvaal might be retarded by the existence of the reserve. In addition, the association feared that the principal causes

⁹ TA TPS11 TA3087, vol. 1, TGPA to Secretary to the Administrator, 21 July 1910.

¹⁰ TA TPS11 TA3087, vol. 1, TGPA to Colonial Secretary, 17 January 1910.

for the depletion of game in the region - which it regarded as emanating from itinerant hunting parties from the adjoining Bechuanaland Protectorate and from the traditional hunting activities of resident white farmers - were not going to be addressed merely by the creation of a reserve.¹¹ At the same time the Transvaal Game Protection Association advised the Administrator that it, too, felt the establishment of the Rustenburg Game Reserve to be inappropriate and that a more suitable area in the province should be selected for this purpose.¹²

The Rustenburg Magistrate, the local official most directly involved with the game reserve, also gave the project very faint support. He succeeded in relaxing the regulations for the game reserve to include the right of white residents within the reserve to retain their firearms and to keep dogs, the right of travellers to leave the main roads, and the right of hunters with licences to shoot certain gamebirds.¹³

Black resistance to the Rustenburg Game Reserve was intense, but seems to have come principally from inhabitants of the Bechuanaland Protectorate rather than from within the Transvaal itself. The Transvaal-Bechuanaland boundary bisected the land which had traditionally been in the hands of the Bakgatla and border regulations were difficult to control because people regularly moved across the boundary to exchange cattle and to visit relatives. Game hunting in the Rustenburg district proved attractive to the Bakgatla because wild animals were abundant there as a result of earlier

¹¹ TA TPS11 TA3087, vol. 1, TLOA to Colonial Secretary, 24 February 1910.

¹² TA TPS11 TA3087, vol. 2, TGPA to Administrator, 14 September, 1914.

¹³ TA TPS11 TA3087, vol. 2, Acting Secretary to the Administrator to Rustenburg Magistrate, 21 September 1910.

successful protectionist efforts in adjoining Bechuanaland¹⁴ and the Transvaal. Violence erupted frequently over game: in April 1912, for example, the son of, Linchwe, the Bakgatla chieftain in Bechuanaland, having been caught in the act of killing an impala near Olifants Drift within the Rustenburg Game Reserve, disarmed a police constable who had attempted to apprehend him, and then threatened to shoot him.¹⁵ In August 1912 an even more serious incident took place when a member of the police force killed one of Linchwe's men who had been hunting game within the reserve.¹⁶

The failure to prevent black hunting was attributed to the warden of the reserve, P.J. Rickert.¹⁷ Rickert's personality had been a contentious subject from the outset: the Transvaal Land Owners' Association had opposed his appointment in March 1910 on the grounds that he had previously antagonized blacks in the district and that he would thus never gain their cooperation in protecting game; moreover, he was generally known as a 'poacher of considerable attainments'.¹⁸

In 1911, the Transvaal Land Owners' Association expressed strong dissatisfaction with the administration of the reserve, but stopped short of

¹⁴ Cent. JUS117 3/671/11, High Commissioner, Mafeking to High Commissioner, Cape Town, 21 May 1912.

¹⁵ Cent. JUS 117 3/671/11, District Commander, Rustenburg to Secretary Transvaal Police, 23 April 1912.

¹⁶ Cent. JUS117 3/671/11, Imperial Secretary to Governor-General, 14 August 1912.

¹⁷ The name was also spelt 'Riekert'.

¹⁸ TA TPS11 TA3087, vol. 1, Record of a meeting between the Rustenburg Reserve Sub-Committee of the TLOA and the Assistant Colonial Secretary, 18 March 1910.

advocating its outright abolition.¹⁹ Six months later abolition was indeed discussed at a meeting between the Land Owners' Association and the Administrator of the Transvaal when the association declared that it would rather see the reserve disbanded than have it continue under Rickert's care.²⁰ The Rustenburg Magistrate agreed: he advised the Provincial Secretary that Rickert was neglecting his duties, and together with the Commissioner of Police,²¹ strongly advocated a new appointment to the post.²² Why Smuts had initially favoured Rickert and why the provincial authorities seemed unable to unseat the warden after two years of continual complaint about his activities, is not clear. In December 1913 the Provincial Secretary warned Rickert that if he did not mend his ways he would be removed from his post, but since no action on the part of the province was forthcoming,²³ one can speculate that the authorities were sympathetic to Rickert's situation. In his reports, the warden insisted that he had executed his duties as well as he could: he explained that he had patrolled the reserve whenever it was possible to do so, that he had observed game and had commented on the numbers of various species, and had eradicated vermin. However, he added that he had found it difficult to exercise his authority, because he had been ill frequently and for extended periods and that, apart from occasional help from

¹⁹ TA TPS11 TA3087, vol. 2, TLOA to Secretary to the Administrator, 18 December 1911.

²⁰ TA TPS11 TA3087, vol. 3, TLOA to Administrator, 12 June 1912.

²¹ TA TPS11 TA3087, vol. 3, Commissioner of Police to Provincial Secretary, 22 July 1912.

²² TA TPS11 TA3087, vol. 3, Rustenburg Magistrate to Provincial Secretary, 14 June 1912.

²³ TA TPS11 TA3087, vol. 3, Provincial Secretary to Rickert, 15 December 1913.

his father, he had been completely unassisted.²⁴ Moreover, owing to the large numbers of firearms and dogs which were permitted legally within the reserve, Rickert claimed that it had been almost impossible to apprehend trespassers or poachers.²⁵ He wrote to the Provincial Secretary, 'I would ask you, Sir, to be fair in this and to judge for yourself if it is fairly possible for two men to look after an area as large as this?'²⁶

By 1914 the clamour to remove Rickert had become so great that an investigation into the Rustenburg Game Reserve and its management was launched and the complete overhaul of the administrative structure of the reserve and the regulations pertaining to it was recommended.²⁷ However, the investigation came too late to save the reserve, for in July 1914 the Union Defence Force voiced its suspicion that the warden was smuggling firearms across the border with Bechuanaland; significantly, Rickert's son was convicted of such an offence. In addition, the Rickert family seems to have ignored agricultural regulations, thus putting the health of the domestic stock of the district at risk.²⁸ Despite all this, Rickert was not relieved

²⁴ TA TPS11 TA3087, vol. 3, Rustenburg Game Reserve Half-yearly Report, 18 October 1912; Rustenburg Game Reserve Half-yearly Report, 12 October 1913; Rickert to Rustenburg Magistrate, 19 November 1913; Rickert to Provincial Secretary, 2 January 1914.

²⁵ TA TPS11 TA3087, vol. 3, Rustenburg Game Reserve Half-yearly Report, 12 October 1913.

²⁶ TA TPS11 TA3087, vol. 3, Rickert to Provincial Secretary, 2 January 1914.

²⁷ TA TPS11 TA3087, vol. 3, Report of the Administrator's office to the Provincial Secretary, May 1914.

²⁸ TA TPS11 TA3087, vol. 3, Captain F. King to Rustenburg Magistrate, 11 July 1914.

of his post until November 1914;²⁹ days later, members of the Rickert family, including the ex-warden himself, were arrested on account of their involvement in the ill-fated rebellion of 1914.³⁰ Without a warden and with the upheaval of the rebellion and the First World War, the next logical step was to end the existence of the Rustenburg Game Reserve, and it was deproclaimed in December 1914.³¹

The Pongola Game Reserve had never been regarded as a success, but by 1910 it still managed to avoid being deproclaimed simply because no better usage for the land could be devised.³² No influential farming interests had a stake in the Pongola Game Reserve and it was protected by its unhealthy location in the south-eastern Transvaal: it thus survived until after the First World War.

Official neglect of the Pongola Reserve continued after Union: neither a warden nor game rangers were appointed and funding for the reserve ceased. Although nominally still responsible for the Pongola Game Reserve, by 1910 Stevenson-Hamilton had lost interest in it: there is no doubt that in the financially straitened circumstances of the post-Union Transvaal, he would have considered any expenditure on the Pongola Game Reserve to have been a waste of money. However, the Transvaal Game Protection Association took an

²⁹ TA TPS11 TA3087, vol. 3, Executive Council Resolution 1080, 4 November 1914.

³⁰ TA TPS11 TA3087, vol. 3, Rustenburg Magistrate to Provincial Secretary, 11 November 1914.

³¹ TA TPS11 TA3087, vol. 3, Executive Council Resolution 1173, 15 December 1914; Proclamation 53 of 1914.

³² See above, Chapter 7.

interest in the reserve and was not indifferent to its fate, but could not render any tangible assistance.³³

In the absence of formal supervision, the Magistrate at Piet Retief was asked to oversee the reserve. He submitted two reports, one in January 1914 and the other in June 1916: these communications were very short and lacked specific detail, and it seems unlikely that he visited the reserve himself. His remarks about wild animals in these reports were couched in general terms - an increase in 'vermin' species and in poaching were noted, for example - but no particulars of either were provided.³⁴

Although referred to by one source as 'sacred ground',³⁵ the Sabi and Singwitsi Game Reserves were also not spared from the effects of post-Union circumstances which detrimentally affected both the Rustenburg and Pongola Game Reserves. Prior to Union, Stevenson-Hamilton had been warned that game reserves would become a party political issue and that agitation to reduce the size of the reserves would intensify.³⁶

White opinion against the reserves was spearheaded by farmers who cast covetous eyes upon the grazing potential of the land within the Sabi Game Reserve. The matter was raised in the Provincial Council in 1911 when a petition was presented asking that the south-western portion of the reserve

³³ TA TPS5 TA3018, Report of the Transvaal Game Protection Association for the year ended 30 September 1912.

³⁴ TA TPS5 TA3037, Reports of the Piet Retief Magistrate, 27 January 1914 and 15 June 1916.

³⁵ 'News from the Bushbuckridge district', Transvaal Police Magazine, 15 January 1911.

³⁶ TA TPS8 TA3075, Gorges to Stevenson-Hamilton, 3 June 1909.

be deproclaimed and opened for grazing purposes.³⁷ The matter was discussed by the Provincial Council but in the end it evaded the issue and referred the petition to the Executive Council.³⁸ Presumably reluctant to alienate these farmers and run the risk of losing their votes, and also mindful of the drought conditions which prevailed, Rissik, then the Administrator of the Transvaal,³⁹ agreed to the petitioners' request for grazing concessions, although not to deproclamation. However, the grazing scheme was not as popular as was hoped, with merely a few graziers utilizing the facility in 1913 and not again until 1917.⁴⁰ It was later alleged that the reason for the failure of the scheme to attract large numbers of farmers was not the lack of demand, but the stringency of the conditions with which graziers in the reserve had to comply.⁴¹

The settlement of whites in rural areas of the Transvaal had been a prime objective of Transvaal governments since 1902 and this continued to be so after Union.⁴² In its search for suitable land which would lure white settlers, the Department of Lands - an organ of the central government - was also eager to limit the size of the Sabi Game Reserve. The completion of the

³⁷ Votes and Proceedings of the Provincial Council, 14 June 1911.

³⁸ Votes and Proceedings of the Provincial Council, 15 June 1911.

³⁹ Rissik had been Minister of Lands and Native Affairs in the pre-Union Transvaal and his influence had obstructed the establishment of a game reserve in the Waterberg: see above, Chapter 7.

⁴⁰ Stevenson-Hamilton, South African Eden, pp.134-135.

⁴¹ Report of the Game Reserves Commission, TP5-18, (Pretoria, 1918), p.6.

⁴² R.G. Morrell, 'Rural transformations in the Transvaal: the Middelburg district, 1919 to 1930' (M.A. thesis, University of the Witwatersrand, 1983), pp.17-18, p.38.

Selati railway line⁴³ had given access to a part of the eastern Transvaal hitherto poorly served by communications, and in 1913 the department asked the Transvaal provincial authorities to excise that portion of the game reserve adjacent to the railway line.⁴⁴ The request was refused on the grounds that the changed boundaries of the reserve would become very complex and difficult to enforce.⁴⁵ In 1916 the Department of Lands once more broached the subject of settling farmers on the crown lands in the Sabi Game Reserve, only to be rebuffed again.⁴⁶

Another central government department which contested the prohibition on the use of resources within the game reserves was the Department of Mines. In 1910 the Mining Commissioner at Pietersburg reported that rumours were rife of mineral wealth within the game reserves, and warned his superiors that they faced a clear choice, either to protect game or to permit prospecting and mining; the two objectives were mutually exclusive. Despite his official position, the Mining Commissioner personally preferred the game protection

⁴³ In 1892 the original purpose of the Selati line had been to link the alluvial goldfields around Leydsdorp with Delagoa Bay and the Witwatersrand in order to facilitate mining activities. The construction of the railway line had involved corrupt practice and this, together with the exhaustion of the the Selati goldfields, had led to the abandonment of the project in 1895. At this stage only some 80km of line had been completed. The officials of the Sabi Game Reserve had utilized a section of the incompleated railway line because a part of it passed the warden's headquarters at Sabi Bridge. At the time of Union, the Transvaal enjoyed a surplus of funds and, although there was no immediate need to complete the Selati railway line, it was nevertheless decided to extend the line north to Tzaneen, rather than to hand the apportioned money over to the general coffer of the newly created Union.

⁴⁴ TA TPS7 TA3054, Stevenson-Hamilton to Provincial Secretary, 12 February 1913.

⁴⁵ TA TPS7 TA3054, Provincial Secretary to Secretary for Lands, 11 June 1913.

⁴⁶ Cent. LDE288 3081, vol. 2, Secretary for Lands to Provincial Secretary, 10 August 1916.

option.⁴⁷ There was some debate within the department as to whether valuable minerals were in fact to be found within the reserves: some argued that there was nothing other than coal or copper which was abundant elsewhere.⁴⁸ Applications to prospect within the game reserves increased at this time,⁴⁹ but few licences were granted. While agreeing that the existence of game reserves should not be permitted to interfere with the exploration for and exploitation of mineral resources,⁵⁰ the provincial administration did not countenance the withdrawal of game protection for mining purposes.⁵¹ Senior officials of the Department of Mines adamantly opposed the province in this respect: the Acting Under Secretary for Mines, for example, declared that game reserves were merely 'sentimental objects' and were far too large in area.⁵²

Capitalist farming interests were also antagonistic and provided a powerful lobby for reducing the size of the reserve. These interests comprised those landowners - principally landowning companies attached to mining houses - whose ground had been included within the boundaries of the

⁴⁷ TA TPSB 2/3072, Report of the Mining Commissioner Pietersburg, 15 September 1910.

⁴⁸ TA TPSB 2/3072, Report of the Acting Inspector of Mines Pretoria, 11 November 1911.

⁴⁹ These applications can be found in Cent. MNW830, the relevant files being MM666/26, MM2405/10, MM2429/12, MM1922/12, MM3020/12, MM3186/12, MM3286/12, MM2377/13, MM2694/13, MM2676/16.

⁵⁰ TA TPSB TA2/3072, Provincial Secretary to Stevenson-Hamilton, 7 November 1912.

⁵¹ TA TPB513 TA1232, Acting Secretary to the Administrator to Acting Secretary for Mines, 6 February 1911.

⁵² TA TPB513 TA1232, Minute of the Acting Under Secretary for Mines, [undated].

game reserve in 1902 and 1903. As time passed and circumstances changed, these owners wished to exploit their farms and contended that they were prevented from doing so freely because of the game protection agreements they had signed when handing over their farms to be administered by the game reserve authorities.⁵³ The agreements had initially covered a five-year period and were extended for a further five years in 1908.⁵⁴ When the expiry of the renewed agreements, which was due on 31 March 1913, drew near, the Transvaal Land Owners' Association gave its attention to the fate of the land in question. It will be remembered that after 1902 the task of the game reserves was to nurture herds of game in order that sportsmen might pay landowners or the state for the privilege of game hunting, and the Land Owners' Association was disappointed that this financially rewarding scheme had not come to fruition.⁵⁵ In 1913 the agreements between the parties were renewed for just one year, during which time the province promised to formulate a definite policy as far as the future of the reserves was concerned.⁵⁶

By 1916 no progress in this connection had been made and the Transvaal Land Owners' Association indicated that it was anxious to arrange an exchange of land with the government so that the game reserve could become wholly state-owned and private interests and profits would not be jeopardized.⁵⁷ Elsewhere in the Transvaal land owning companies preferred to sell their

⁵³ See above, Chapter 7.

⁵⁴ JPL TLOA Sub-Committee Minute Book, Minutes of 17 October 1916.

⁵⁵ JPL TLOA Sub-Committee Minute Book, Minutes of 13 February 1913.

⁵⁶ Ibid.

⁵⁷ JPL TLOA Sub-Committee Minute Book, Minutes of 26 September 1916.

unproductive farms rather than to attempt to develop them.⁵⁹ Stevenson-Hamilton had little sympathy with the land owning companies declaring in 1913 that he did not 'think we need to be at a lot of worry and trouble to please people who really have never done anything except acquiesce in our looking after their property for them.'⁵⁹

An important change in attitude took place among sport hunters in the years following Union, which was in all likelihood as much connected to the general depletion in numbers of game throughout the province and the consequent lack of sporting opportunities, as it was to the emerging philosophy of protecting of game for sentimental and scientific reasons. At an annual general meeting in November 1911, the Transvaal Game Protection Association announced that the aim of saving game was not to pander to the selfish pleasures of sportsmen, but because wildlife should be preserved for posterity.⁶⁰ In what way future generations would enjoy the game thus preserved was not spelt out on this occasion, however. Two years later the President of the association, E.F. Bourke, reiterated the desirability of game protection for the benefit of future generations, adding that it was necessary for 'scientific' purposes as well.⁶¹ Similar sentiments were being voiced by game sportsmen in Natal at this time.⁶²

⁵⁹ Morrell, 'Rural transformations', pp.36-39, pp.134-135.

⁵⁹ Cent. LDE288 3081, vol. 2, Stevenson-Hamilton to Rissik, 25 August 1913.

⁶⁰ WLS TGPA Minutes 1902-1920, Annual General Meeting, 7 November 1911.

⁶¹ WLS TGPA Minutes 1902-1920, Annual General Meeting, 14 January 1913.

⁶² F. Vaughan-Kirby, 'Game and game preservation in Zululand', South African Journal of Science 13(9), 1917, p.396.

Unanimity was difficult to achieve among members of the Transvaal Game Protection Association when this new principle became prominent.⁶³ The farming and landowning interests of some members blunted their enthusiasm for game protection. The Lydenburg branch of the Transvaal Game Protection Association, for instance, complained at an annual general meeting that the western boundary of the Sabi Game Reserve was inaccurately demarcated and difficult to follow, and asked that this portion of ground be excised from the reserve, a motion which was carried unaminously by the association.⁶⁴ On hearing of this decision, Stevenson-Hamilton immediately wrote to the Provincial Secretary, suggesting that the Lydenburg sportsmen were merely envious of the power that the game reserve officials wielded in the lowveld. At Stevenson-Hamilton's urging, the Provincial Secretary refused the association's request.⁶⁵ However, more than envy lay behind the decision of the Transvaal Game Protection Association to advocate the excision of the western portion from the game reserve: this land comprised the most suitable agricultural land within the reserve and much of it was privately owned. The close links between the Transvaal Land Owners' Association and the Transvaal Game Protection Association have already been explored⁶⁶ and it was these ties which were demonstrated by the association's request.⁶⁷

⁶³ WLS TGPA Minutes 1902-1920, Minutes of 7 December 1910.

⁶⁴ TA TPS7 TA3054, TGPA Minutes of Annual General Meeting, 7 November 1911.

⁶⁵ TA TPS7 3054, Stevenson-Hamilton to Provincial Secretary, 26 November 1911, Provincial Secretary to TGPA, 23 February 1912.

⁶⁶ See above, Chapters 6 and 7.

⁶⁷ Report of the Game Reserves Commission, p.10.

Despite these mounting demands for excision, before the outbreak of the First World War the boundaries of the Sabi and Singwitsi Game Reserves were in fact extended and not reduced. The reserves were not contiguous: the northern boundary of the Sabi Game Reserve being the Olifants River and the southern boundary of the Singwitsi Game Reserve being the Groot Letaba River, there was thus a substantial gap between them. Although Stevenson-Hamilton had the authority to protect game in the intervening region, the area did not formally become part of the reserves until the situation was rectified by proclamation in 1914.⁶⁸ When the amalgamation was first mooted in February 1913, the Department of Lands refused to permit the extension, considering the matter to be politically sensitive and being swayed more by the arguments which were then being advanced for the reduction and not the enlargement of the reserve.⁶⁹ Evidence no longer exists in the records of what efforts were made behind the scenes to persuade the Minister of Lands to change his mind, but by December 1913 he agreed to the extension.⁷⁰

If economic interests appeared antagonistic to the Sabi and Singwitsi Game Reserves, natural circumstances appeared to conspire to reinforce this opposition. Between 1912 and 1916 recurrent drought and the consequent lack of breeding habitats for the carriers of horsesickness and malaria gave rise to the impression that the land in the game reserves was agriculturally

⁶⁸ Proclamation 48 of 1914 made provision for the area between the Groot Letaba and Olifants Rivers to be added to the Sabi Game Reserve, but the land was later transferred from the Sabi to the Singwitsi Game Reserve.

⁶⁹ TA TPS7 TA3054, Secretary for Lands to Provincial Secretary, 4 February 1913.

⁷⁰ TA TPS7 TA3054, Secretary for Lands to Provincial Secretary, 4 December 1913.

viable and therefore not as 'worthless' as had originally been thought.⁷¹ In addition, the fact that a few whites - mainly wardens and rangers - had lived in the lowveld for many years seemed to indicate that the region was not climatically hostile to white occupation.⁷² More importantly, however, an outbreak of nagana in Natal evoked an over-reaction in the form of calls for the destruction of all wildlife in South Africa. Nagana had disappeared from the Transvaal and Natal with the outbreak of rinderpest in 1896, and leading entomologists had speculated that because so much game had died from the rinderpest, it was the lack of a game host which had been the critical factor in eradicating nagana. When the latter recurred in Natal, after an absence of more than a decade, the burgeoning numbers of game within the Natal game reserves were held responsible.⁷³

Stevenson-Hamilton was extremely worried about the effect that the situation in Natal would have on his reserves and wrote to Selous in 1911: 'This ... is a most hazardous time for big game ... the sleeping sickness has aroused a kind of panic even in regions where the appearance of the disease is outside practical politics ... many [will] take advantage of this panic and turn it to their ends of game extermination.'⁷⁴ His fear ultimately proved to be unfounded: the disease did not erupt in the Transvaal and the

⁷¹ TA TPS8 TA3075, Annual Reports of the Sabi and Singwitsi Game Reserves for 1912, 1913, 1914, 1915 and 1916.

⁷² J. Stevenson-Hamilton, 'The Transvaal game sanctuary', Journal of the African Society 25(99), 1926, p.214.

⁷³ See, for example, Stevenson-Hamilton, 'The relation between game and tsetse-flies', pp.113-118; J. Stevenson-Hamilton, 'Tsetse fly and the rinderpest epidemic of 1896', South African Journal of Science 53(8), 1957, pp.216-218; Fuller, Tsetse in the Transvaal.

⁷⁴ Wits A1403/1, F.C. Selous Papers, Stevenson-Hamilton to Selous, 12 September 1911.

head of veterinary services in the province maintained in 1918 that it was 'no use our shooting or killing off game in any of our reserves, which to my mind are not threatened at all.'⁷⁵

Resistance offered by blacks to being controlled by game reserve authorities and to the withholding of game as a food resource was overt and almost continuous in the decade after Union. Much of this resistance came not from residents within the reserve, but from neighbouring Mozambicans and people who lived outside the Sabi Game Reserve in the south-west. Stevenson-Hamilton had felt entitled to control the lives of blacks who lived within the reserve⁷⁶ and resented having to share authority with Native Commissioners who were frequently more sympathetic to black interests than were game reserve staff.⁷⁷

As far as the activities of resident blacks were concerned, game reserve officials were pleasantly surprised at how little game was killed by these people.⁷⁸ The absence of poaching by black residents seems to have been due primarily to the fear of losing their land and being forced into so-called black 'locations' or into having to labour for white farmers. In 1911, for example, Stevenson-Hamilton reported that 'Although the ranger [Fraser] has not initiated any prosecutions, he states that in the case of several kraals which he strongly suspected [of poaching] but could get no evidence about, he managed, in cooperation with the local police and other authorities, to get

⁷⁵ Report of the Game Reserves Commission, p.8

⁷⁶ Stevenson-Hamilton, South African Eden, p.131.

⁷⁷ See, for example, TA TPSB TA3072, Sub Native Commissioner to Warden, 15 October 1919.

⁷⁸ TA TPSB TA3075, Annual Report of the Sabi and Singwitsi Game Reserves for 1912.

them removed from the reserve. In many ways the fear of this acts, it is found, as a better deterrent than either fine or imprisonment.⁷⁷ By 1913 desiccation of the land was so severe that many resident blacks were dying of starvation,⁸⁰ but they were not, by law, permitted to hunt game in order to survive. However, by 1918 the continuing food shortage, possibly coupled with the realization that owing to the war, the number of white staff in the reserve had been reduced, encouraged blacks within the reserve, particularly those south of the Letaba River, to embark on what Fraser, then the acting warden, called 'a wave of insubordination'. Fraser complained that 'the class of natives forming the vast majority of residents in the reserve has no sense of the disgrace of fine or imprisonment. The fine he very seldom pays and ... imprisonment ... merely means regular and full meals'. Blacks living on the private land within the game reserve were also 'becoming increasingly difficult to deal with'.⁸¹

While black residents seem to have poached only sporadically, by contrast, Africans living outside the reserve on the southern bank of the Crocodile River, being desperate for food, participated in considerable poaching activities at this time.⁸² In addition, Mozambicans had taken to killing game in the reserve on a large scale. Armed and hungry blacks made deep forays into game reserve territory and police posts were established on

⁷⁷ TA TPB784 TA3006, Stevenson-Hamilton to Secretary to the Administrator, 13 March 1911.

⁸⁰ TA TPSB TA3075, Annual Report of the Sabi and Singwitsi Game Reserves for 1913.

⁸¹ TA TPSB TA3075, Annual Report of the Sabi and Singwitsi Game Reserves for 1918.

⁸² TA TPSB TA3075, Annual Report of the Sabi and Singwitsi Game Reserves for 1913.

the Mozambican side of the border in order to prevent illegal border crossings.⁸³ This step appears to have been unsuccessful: in 1915, the acting warden reported poaching so widespread that the situation was considered to be uncontrollable. Poaching parties from Mozambique were large, well organized and accompanied by many dogs. They also had firearms, unlike Transvaal blacks who were not permitted to bear arms, and the black staff of the game reserve, carrying only assegais, was powerless against them. The acting warden lamented that, 'It is not difficult to forecast what manner of "no man's land" this part would become if constant supervision were not maintained.'⁸⁴

While there can be no question from the comments concerning 'insubordination' that blacks were using poaching as a means of protesting against white domination, it is equally clear that the game was nevertheless essential for subsistence when destitute rural dwellers were faced with starvation. In conditions of drought it must have been very tempting for people to avail themselves of the expanding numbers of game close at hand.⁸⁵ Moreover, if whites were unsure about the ultimate purpose of game reserves at this time, how much more confused must Africans have been to see a valuable food resource apparently going to waste. The gulf between the attitudes of blacks, who were poor and who subsisted on game in order to survive, and of whites, who were generally sufficiently affluent not to be

⁸³ TA TPS8 TA3075, Annual Report of the Sabi and Singwitsi Game Reserves for 1912.

⁸⁴ TA TPS8 TA3075, Annual Report of the Sabi and Singwitsi Game Reserves for 1915.

⁸⁵ The numbers of various species of game in the Sabi Game Reserve are to be found listed in TA TPS7 TA3054, Extracts from the Annual Report of the Transvaal Land Owners' Association, [undated].

affected by the withholding of this resource, seems to have widened after Union.

Government policy aimed to limit land tenure by blacks within the game reserves. After negotiations which had begun in 1906 were finalized in 1912,⁶⁴ the 'locations' of Mhinga and Shikundu within the Singwitsi Game Reserve were 'eliminated' from the reserve, to use the warden's words.⁶⁷ Stevenson-Hamilton admitted to having mixed feelings about this excision: while he was glad to get rid of potential poachers, little game killing had actually been done by residents⁶⁸ and he had found resident Africans useful as informers.⁶⁹

III

It has been said of the American national parks that tracing their genesis is 'like nailing jelly to the wall,'⁷⁰ and this remark applies also to the South African situation. Over the years certain individuals, particularly Paul Kruger, have been given the credit for introducing to South Africa the idea of a national park. However, as is the case with the origins of many ideas,

⁶⁴ TA TPSB TA3072, Acting Secretary for Native Affairs to Provincial Secretary, 1 April 1912.

⁶⁷ TA TPSB TA3075, Annual Report of the Sabi and Singwitsi Game Reserves for 1913; TPSB TA3072, Acting Secretary for Native Affairs to Assistant Colonial Secretary, 16 May 1908. Some work on the removals which affected these groups has been done by Harries, 'A forgotten corner of the Transvaal'.

⁶⁸ TA TPSB TA3075, Annual Report of the Sabi and Singwitsi Game Reserves for 1912.

⁶⁹ TA TPSB TA3075, Annual Report of the Sabi and Singwitsi Game Reserves for 1913.

⁷⁰ W.C. Everhart, The National Park Service (Boulder, Colorado, 1983), p.5.

it is impossible to pinpoint the precise moment of inception. Much of the difficulty lies in defining precisely what constitutes a national park. On the one hand, if a national park is a reserve proclaimed by the highest legislative body of a country, then Natal achieved this in 1907.⁹¹ On the other hand, if the aim of a national park is to serve a large region, to attract tourists and in other ways to bear some comparison with the national parks in the United States, then, it seems, the concept was first aired publicly in the Legislative Assembly of the Transvaal by A. Woolls-Sampson in 1907.⁹² The creation of national parks in any country has wide implications and it would seem to be more productive to explore the various factors contributing to its evolution than to search for individual 'heroes' to single out for personal praise.

Stevenson-Hamilton claimed that he had initiated the national park idea⁹³ and that he had raised the question of the nationalization of the Sabi and Singwitsi Game Reserves at the time of Union in 1910,⁹⁴ but he did not mention the incident in his diary at the time. He certainly broached the subject with the Provincial Secretary in February 1913, writing of a wholly

⁹¹ Curson and Hugo, 'Preservation of game', p.412; House of Assembly Debates, col. 4372, 31 May 1926.

⁹² Debates of the Legislative Assembly, cols 1425-1426, 24 July 1907. See above, Chapter 7.

⁹³ S-HA, Diary entry 26 August 1926. It has been suggested that Stevenson-Hamilton discussed the question of a national park with Patrick Duncan when he was Colonial Secretary of the Transvaal between 1903 and 1907: see, KNP, U. de V. Pienaar, 'The Kruger Park (1898-1981)', p.16.

⁹⁴ Stevenson-Hamilton, South African Eden, pp.123-124; J. Stevenson-Hamilton, The Kruger National Park (Pretoria, 1928), p.3. This was repeated by Labuscagne, in The Kruger Park, p.14.

state-owned, 'permanent game sanctuary',⁹⁵ and he also corresponded privately with the Administrator about the matter. It is clear from the latter correspondence that Stevenson-Hamilton thought that his suggestion for the nationalization of the game reserves was 'premature' and that it was more likely that the reserves would 'remain as an asset of the Transvaal province' rather than come into the hands of the national state.⁹⁶

Stevenson-Hamilton was not alone in calling for the establishment of a national park. In 1912, the Witwatersrand branch of the Transvaal Game Protection Association suggested the nationalization of the Sabi and Singwitsi Game Reserves. This motion was carried at the annual general meeting of the association in January 1913,⁹⁷ and was supported by the Western Districts Game Protection Association in the Cape.⁹⁸ The Transvaal Land Owners' Association also favoured nationalization at this time,⁹⁹ and had put out feelers in this connection to the provincial authorities believing that they, too, were 'generally in favour of nationalization'.¹⁰⁰

While the officials of the province may well have been so, their views were not, it seems, shared by the many of the elected legislators. The

⁹⁵ TA TPS7 TA3054, Stevenson-Hamilton to Provincial Secretary, 12 February 1913.

⁹⁶ Cent. LDE288 3081, vol 2, Stevenson-Hamilton to Rissik, 25 August 1913.

⁹⁷ TA TPS5 TA3018, Report of the Transvaal Game Protection for the year ended 30 September 1912; WLS TGPA Minutes 1902-1920, Annual General Meeting, 14 January 1913.

⁹⁸ WLS WDGPA Minutes 1886-1915, Minutes of 27 September 1912.

⁹⁹ TA TPS7 TA3054, Extracts from Annual Report of the Transvaal Land Owners' Association, 1913.

¹⁰⁰ JPL TLOA Sub Committee Minutes, Minutes of 13 February 1913 and 13 May 1913.

question of a national park in the Transvaal was raised in the Provincial Council in June 1913, when the member for Soutpansberg, T.J. Kleinenberg, announced that the 'the time has arrived when the Sabi and Singwetsi [sic] Game Reserves should be nationalized and that the Union government be urged to take the necessary steps to accomplish this.' Kleinenberg's motion echoed the new sentiments of the Transvaal Game Protection Association but also included a new dimension - he requested the central government to 'consider the advisability of forming National Reserves in other parts of the Union to preserve South African Fauna for the benefit of future generations.' He also asked that 'a Commission of Enquiry be appointed to investigate the matter thoroughly and recommend areas suitable for this purpose'.¹⁰¹ His colleagues in the Provincial Council were not spurred into immediate action, nor did they demonstrate much enthusiasm for the motion. After a short debate the matter was adjourned until the following day, but although at every subsequent meeting during the rest of the session the motion appeared on the agenda, it was never discussed again. When the session was prorogued in September 1913 the national park issue was dropped without any further ado.¹⁰²

The declaration of the First World War delayed further progress in respect of national parks for some time, although the Transvaal Game Protection Association did make a public statement in 1915 that it still favoured nationalizing the game reserves.¹⁰³ It was, however, an antagonist

¹⁰¹ Votes and Proceedings of the Provincial Council, 26 June 1913.

¹⁰² Votes and Proceedings of the Provincial Council, 26 June 1913 to 25 September 1913.

¹⁰³ TA TPS5 TA3018, Annual Report of the TGPA for 1914 and 1915.

who was responsible for instigating the next move: S.H. Coetzee, the member for Lydenburg, forced the issue in the Provincial Council in March 1916 by introducing a motion asking the Administrator of the Transvaal to urge the Union government to reduce the area of the Sabi Game Reserve. An amendment to Coetzee's motion requested the Union government to hand over the state land within the reserve to the provincial council.¹⁰⁴

The central government was becoming increasingly involved in the Transvaal game reserves: not only were the reserves the subject of correspondence in the files of the Departments of Lands and Mines regarding their economic exploitation, but as early as 1914 the matter of national game reserves was being informally discussed at high levels of government as well. In May 1914, Smuts, then Minister of Finance and Defence, had asked to be kept informed of game protection matters in the Transvaal¹⁰⁵ and in November he had written directly to Rissik:

'... there appears to be a grave risk that the future of the Reserve may at any time be imperilled by the establishment of cattle ranching in that area ... it would be a thousand pities to endanger the existence of our South African fauna. It has been suggested that the best way of obtaining the object in view would be to constitute a portion of the existing reserve as a National Sanctuary on the lines of similar institutions which exist in the United States and in other parts of the world, and set it aside for all time for the purpose.... If you agree generally with my views, I think the first course to adopt is to appoint an impartial commission to go over the ground...'.¹⁰⁶

On 17 March the Provincial Council had adjourned any debate on Coetzee's motion and its amendment, but discussed the matter fully on 6 April when G. Hartog, the member for Parktown, introduced another motion asking that a

¹⁰⁴ Votes and Proceedings of the Provincial Council, 17 March 1916.

¹⁰⁵ Cent. LDE26 44/1, Smuts to Minister of Lands, 29 May 1914.

¹⁰⁶ TA TPS7 TA3054, Smuts to Rissik, 26 May 1914.

commission of inquiry be appointed, and the Council agreed to this. This decision thus met the recommendations of Smuts and the Transvaal Game Protection Association.¹⁰⁷ In June 1916 members of the Commission were appointed¹⁰⁸ and were empowered to 'inquire into and report upon ... the advisability of altering the boundaries of the Sabi and Shingwedzi¹⁰⁹ Game Reserves and matters generally affecting the said Game Reserves.'¹¹⁰ Their report was published in August 1918.

That such a commission was appointed during war-time indicates the importance of the interests which were affected by the existence of game reserves. Taking each of these interests into account in turn, the Commission concluded that pastoralists were in need of additional land for livestock and that the system of issuing grazing licences in the game reserve should therefore continue.¹¹¹ As far as the land companies were concerned, the Commission sympathized with what it called the 'public-spirited attitude' that they had shown in allowing their land to remain within the reserve for so many years, and recommended that the government acquire these farms and compensate the companies accordingly.¹¹² The commission also considered the effect of the 1913 Land Act on the issue of land for black settlement: the

¹⁰⁷ Votes and Proceedings of the Provincial Council, 6 April 1916.

¹⁰⁸ They were S.H. Coetzee, T.J. Kleinenberg (who was replaced by J.F. Ludorf), A. Grant, C. Wade, F.A.W. Lucas and H. de Waal: Report of the Game Reserves Commission, p.3.

¹⁰⁹ The Commissioners claimed that this was the correct spelling of the name of this reserve.

¹¹⁰ Report of the Game Reserves Commission, p.3.

¹¹¹ Ibid., p.7.

¹¹² Ibid., p.9.

Native Affairs Administration Bill had allocated the infertile Singwitsi Game Reserve to blacks for this purpose.¹¹³ The Game Reserves Commission did not visit the Singwitsi Reserve and apart from remarking that the area was probably unsuitable for any human settlement, it was suggested that a thorough inspection of the region was required before a final conclusion could be drawn.¹¹⁴ The most significant outcome of the Game Reserves Commission, however, was on matters of protectionist philosophy. In this respect, the Commission was 'not a little struck by the uselessness of having these magnificent reserves merely for the preservation of the fauna',¹¹⁵ and advocated a reversion to a more conservationist stance - in fact, the 'creation of the area ultimately as a great national park'. For the first time, the objectives of and arguments for a South African national park were provided in detail:

'We think that ... greater facilities should be offered to scientists, naturalists, and the general public to make themselves acquainted with a portion of their country which should be of the greatest natural interest for the following reasons:

(i) Here one may view and study conditions once generally obtaining throughout large areas of the Union, but which, owing to the advance of civilization, are now rapidly disappearing and must eventually disappear altogether.

(ii) As a training ground for the scientific student, whether in botany, zoology, or other directions, the area is unequalled.

(iii) It is becoming more and more difficult for the town dweller to gain knowledge of the natural conditions of the country, and with the gradual extinction of game and other animals that is steadily going on, even to see the fauna of the country other than in the sophisticated surroundings of a zoological collection.

(iv) Here and nowhere better can the natural surroundings and habits of South African fauna be really studied, unaffected as the animals are by

¹¹³ TA TPSB TA3072, Acting Provincial Secretary to Acting Warden, 16 July 1917.

¹¹⁴ Report of the Game Reserves Commission, p.9.

¹¹⁵ *Ibid.*, p.10, the underlining is in the original.

the instinctive dread of the huntsman, which in other parts of the country tend completely to alter their habits.
 (v) The area has a grand climate in the winter months and is generally free during those months of fever.'¹¹⁶

This manifesto of the Commission expressed some novel principles as far as South African game reserves were concerned. What was new, was firstly, the principle that the wildlife in the reserve should be exploited by visitors and students, and secondly, that the natural habitat of wildlife was as much an aesthetic experience for humans as it was vital to the existence of the animals themselves.

The publication of the Report of the Game Reserves Commission came at the end of the First World War. Many officials of the Sabi and Singwitsi Game Reserves had been on active service and the administration of the reserves had all but collapsed.¹¹⁷ Stevenson-Hamilton returned to South Africa only in 1920, and although he did not find that a 'Boer' had taken his

¹¹⁶ Ibid.

¹¹⁷ When Stevenson-Hamilton had joined the army, ranger C.R. Delaporte acted as warden. When Delaporte himself had joined, no official except Fraser, the warden of the Singwitsi Game Reserve, had been prepared to take the post. Stevenson-Hamilton's earlier comment (S-HA, Diary entry 5 April 1903) about the inability of game rangers to handle responsibility still seemed to apply: Fraser, for example, was lax about administrative matters in that he kept no legal or climatic records and submitted the minimum of reports: see Stevenson-Hamilton, South African Eden, pp.155-159; S-HA, Diary entry 25 March 1920; TA TPB1309 TA10841, Warden to Provincial Secretary, 12 August 1920; KNP K42 KNP28/2, Fraser to Provincial Secretary 3 November 1919, Provincial Secretary to Fraser, 27 December 1919. Fraser might have been attempting deliberately to sabotage Stevenson-Hamilton's administrative efforts. Some years later, Stevenson-Hamilton discovered correspondence of Fraser's which showed that Fraser had despised his superior, although he had always appeared to be polite and friendly: see S-HA, Diary entry 25 January 1925.

post - a situation he had been warned about¹¹⁹ - he was depressed at what he considered to be a chaotic situation, complaining that,

'The system of control, carefully built up since 1902, has been seriously impaired since I left in 1914. In that year we held an excellent command of the natives and of the reserves generally, and administration proceeded by routine perfectly and easily ... on the whole the impression I receive [in 1920] is that there has been a general retrogression, bringing the state of things now obtaining back to about the position occupied in 1904.'¹¹⁹

Stevenson-Hamilton was disappointed in more than the circumstances in the Sabi and Singwitsi Game Reserves at this time. He wrote that it was generally a time of 'a "slump" in faunal preservation, a condition which may in part be attributed to the general slackening of the fibres of civilization due to the late war'.¹²⁰ Game protection in South Africa certainly did seem to be under attack from many quarters. In three of the four provinces of the country, various game reserves were deproclaimed and certain wildlife populations were almost exterminated.¹²¹

IV

The Transvaal was affected in that the Pongola Game Reserve was disestablished in 1921. This reserve had not been included in the investigations of the Game Reserves Commission and it had never been

¹¹⁹ S-HA, Folder 'Hamilton of Fairholm', Coryndon to Stevenson-Hamilton, 20 October 1919.

¹¹⁹ TA TPSB TA3075, Stevenson-Hamilton to Provincial Secretary, 3 May 1920.

¹²⁰ J. Stevenson-Hamilton, 'Empire fauna in 1922', Journal of the Society for the Preservation of the Fauna of the Empire, Part II, July 1922, p.38.

¹²¹ The deproclaimed reserves were in Namaqualand in 1919, Gordonia-Kuruman in 1924, Umfolozi in 1920; the animal populations concerned were the elephant at Addo and the wildebeest of Natal: see Curson and Hugo, 'Preservation of game', p.405, pp.414-416.

suggested that it should become a national park. There was a short revival of interest in 1920 when the Magistrate at Piet Retief arranged for F.E. Marx, an employee of the Native Affairs Department, to visit the Pongola Game Reserve. Marx discovered that about sixty black settlers had moved back into the reserve. Although it was frequently alleged in many quarters that blacks exterminated game wherever they found it, Marx commented on sightings of a variety of wild animal species within the reserve. Marx discovered traps and snares, but it appears that the hunting activities of the residents in the game reserve had had no appreciably detrimental effect on the numbers of wild animals, nor it seems, on their behaviour, because Marx reported that all the animals appeared tame.¹²²

Although the Pongola Game Reserve had lacked white supervision for many years, game protection measures had been carried out by voluntary black rangers. After they had been retrenched when funding of the reserve had ceased, two rangers, 'Nondwaai' and 'Májwaba Tipia', remained in the reserve and acted in an honorary capacity. Nondwaai had been instrumental in bringing to justice two parties of poachers, one Swazi and the other white. While Nondwaai had been promised a share of any fines he collected, in these cases one of the poaching parties was imprisoned and the other was cautioned, and thus no fines were levied. Nondwaai's regular patrols may also have eliminated some poaching, thus further reducing his chances of earning a fee for his services. After the disestablishment of the reserve, Nondwaai was

¹²² TA TPS5 TA3037, Marx to Magistrate Piet Retief, 10 June 1920.

awarded an honorarium of £10 for a decade of voluntary protectionist duties.¹²³

As a result of Marx's report, the Magistrate of Piet Retief was inclined to resuscitate the Pongola Game Reserve¹²⁴ but the authorities did not cooperate. On the contrary, moves to abolish the reserve were initiated in October 1920. At that time the Union government was involved in resettling demobilized soldiers and the Minister of Lands, H. Mentz, asked the Administrator of the Transvaal if he could re-assign the Pongola Game Reserve for this purpose. Mentz stated that he had been informed that the reserve was small, unsupervised and of little value, and he argued that state land for settlement was a higher priority than the continued existence of such an ineffective game reserve. Perhaps to defuse objections from protectionist quarters, Mentz suggested that an exchange of land might be considered, whereby additional farms on the western boundary of the Sabi Game Reserve could be included within that reserve to compensate for the loss of the Pongola Game Reserve.¹²⁵ This proved to be an unnecessary gesture because the Transvaal province was glad to rid itself unconditionally of the Pongola Game Reserve. In the lack of discussion on the abolition of the game reserve and the promptness with which the instrument of deproclamation was drafted and

¹²³ TA TPS5 TA3037, Native Commissioner Piet Retief to Provincial Secretary, 27 January 1921; Marx to Piet Retief Magistrate, 10 June 1920.

¹²⁴ TA TPS5 TA3/3037, Provincial Secretary to Piet Retief Magistrate, 17 July 1920.

¹²⁵ TA TPS5 TA3037, Minister of Lands to Administrator of the Transvaal, 23 October 1920.

published, one can almost sense the relief experienced in provincial circles at having, at last, established a sound reason for vacating the area.¹²⁶

While it has been suggested previously and latterly accepted without question¹²⁷ that the Pongola Game Reserve was abolished because of the incidence of nagana in the region, particularly following the outbreaks in Natal, there is no evidence to suggest that this was a major consideration, if one at all. In 1914 an investigation into the disease in the Pongola Game Reserve was conducted by the Transvaal Museum, but it appears that nagana was then absent,¹²⁸ and, although aware of the threat of nagana in the Zululand region and suspicious about the cause of death of one of his draught animals, in 1920 Marx found no evidence of tsetse fly or nagana in the reserve.¹²⁹ The proclamation which abolished the reserve in 1921 specifically included the injunction that game protection in the district was to continue even though formally the game reserve no longer existed. If nagana did indeed occur in the area and if it was considered that game was in fact responsible for its

¹²⁶ Proclamation 1 of 1921.

¹²⁷ For conclusions on the question of nagana and the Pongola Game Reserve, see Curson and Hugo, 'Preservation of game', p.421 and Bigalke, 'South Africa's first game reserve', p.14.

¹²⁸ TA TPS5 TA3018, TGPA, Committee's report for three years ended 30 September 1918.

¹²⁹ TA TPS5 TA3037, Marx to Magistrate Piet Retief, 10 June 1920.

spread - as was believed to be the case in Natal - then such a condition would surely not have been included in the proclamation.¹³⁰

Within the Pongola Game Reserve it is clear that poaching by small and unarmed parties of blacks had little significant effect on the growing numbers of game. This appears to have been true for the Sabi and Singwitsi Game Reserves as well. Although poaching was mentioned in every annual report of these reserves, it seems that this activity was not responsible for very much game destruction. Stevenson-Hamilton went as far as to suggest that the deproclamation of the game reserves would not mean the extinction of game but, more importantly for him, it would entail 'the abolition of all law and order from the low veld.'¹³¹ The anti-protectionist activities of blacks seem to have been abhorred by game reserve officials not so much because of the danger they presented to wildlife, but because they represented freedom of action on the part of blacks and therefore a corresponding lack of white supremacy. A game warden in Natal confirmed that blacks used poaching in game reserves to express their 'outstanding grievance' - the fact that they had been deprived of land which they considered to be their 'rightful inheritance'.¹³²

¹³⁰ The Department of Lands took no immediate steps to attract settlers to the Pongola area and it was still a backwater in 1926. Development of the region was initiated in that year with the construction of the railway line between Zululand and Swaziland. There was still so much big game in the area that during the course of the construction of the line, a special police post was established in the former game reserve to protect game from being hunted by the railway workers: see Cent. JUS421 3/1134/26, Commissioner of Police to Secretary for Justice, 29 November 1926.

¹³¹ WLS H.B. Papenfus file, Stevenson-Hamilton to Papenfus, 13 February 1926; Cent. LDE537 7748/1, vol. 1, Stevenson-Hamilton to Reitz, 12 April 1922, Stevenson-Hamilton to Sommerville, 12 April 1922.

¹³² Curson and Hugo, 'Preservation of game', p.401.

Before 1915 figures for the numbers arrested in connection with illegal acts in the Sabi and Singwitsi Game Reserves were provided in annual reports without specific offences being itemized. In 1912, for example, there were 201 arrests of blacks, in 1913 there were 330 and in 1914 there were 244.¹³³ Only when detailed figures were given - for the first time in 1915 - does a picture emerge: in that year there were only 27 arrests under the game laws, but for offences other than those related to game, principally for trespass, there were 493 arrests.¹³⁴ The following years show the same pattern; in 1916 there were 91 convictions under the game law and 763 convictions for other offences,¹³⁵ and in 1918, 37 and 408 respectively.¹³⁶ Given the small size of the staff of the game reserve particularly during the war years, it is remarkable how many arrests were in fact made. But one does not have to seek far to determine the reason why so many criminals were apprehended.

From the time of the establishment of game reserves early in the century, reserve officials had considered the interests of any industry to be inimical to game protection. There was however an exception to this, namely, the mining industry. The Witwatersrand mines required large contingents of unskilled labour and in the provision of manpower game reserves cooperated with the mines. The Witwatersrand Native Labour Association was allowed to construct a road through the northern section of the game reserves in 1918 so

¹³³ TA TPS8 TA3075, Annual Reports of the Sabi and Singwitsi Game Reserves for 1912, 1913, and 1914.

¹³⁴ TA TPS8 TA3075, Annual Report of the Sabi and Singwitsi Game Reserves for 1915.

¹³⁵ TA TPS8 TA3075, Annual Report of the Sabi and Singwitsi Game Reserves for 1916.

¹³⁶ TA TPS8 TA3075, Annual Report of the Sabi and Singwitsi Game Reserves for 1918.

that labourers recruited in Mozambique and elsewhere could make their way easily to the mines. The miners were effectively supervised as they traversed the reserve and no cases of poaching occurred.¹³⁷

Although cooperation with the Witwatersrand mines did not afford labour directly to the game reserves, indirectly it did so in the way that it attracted illegal immigrants into South Africa, particularly from Mozambique. The system which seems to have operated in the game reserves at that time was that the illegal work-seekers were either arrested or reported themselves as trespassers to the warden, as the Special Justice of the Peace, and then consequently received a fortnight's imprisonment, this being the appropriate sentence for the offence.¹³⁸ When their sentence ended, the men received what was known as a 'pass' - permission which entitled them to seek work in the Transvaal. These prisoners were not incarcerated while serving their sentences, however, but laboured instead in the game reserves 'on road making or anything else',¹³⁹ at the same time receiving rations 'supplemented by meat obtained by them from game killed by lions.'¹⁴⁰

It was perhaps inevitable that such a casual system of imprisonment would be abused. In 1919 the Department of Customs complained about Fraser's behaviour as acting warden,¹⁴¹ and the Department of Justice expressed

¹³⁷ KNP, H. Mockford, 'History of the Witwatersrand Native Labour Association in the Kruger National Park'.

¹³⁸ TA TPB784 TA3006, Stevenson-Hamilton to Secretary to the Administrator, 15 February 1911.

¹³⁹ Wits A839, H.E. Schoch Papers, Db3, 30 July 1923.

¹⁴⁰ Ibid.

¹⁴¹ TA TPB1309 TA10841.

concern about the laxity which attended the keeping of criminal records at Sabi Bridge.¹⁴² During the time that both Stevenson-Hamilton and Fraser held the office of Special Justice of the Peace, prison labour was used by the Sabi and Singwitsi Reserves; however, after Fraser's retirement the Department of Justice refused to extend Stevenson-Hamilton's jurisdiction in this respect into the northern area.¹⁴³ Game reserve staff appear to have ignored this refusal and simply used trespassers in various parts of the game reserves for purposes of labour without any formal sentence having been passed on them. When this illegal action came to the notice of the Native Affairs Department, it was stopped and all prisoners thenceforth had to be taken to Sabi Bridge to be detained there for a fortnight under conditions that provided for trial and imprisonment. A commentator of the time, sympathizing with the labour requirements of the game reserves, declared this to be mere 'idleness at the expense of the government ... a foolish arrangement and very unpopular with the natives.'¹⁴⁴

In 1924 the problem was partially solved to the satisfaction of the game reserves by the introduction of 'movable lock-ups', these being transportable prison cells which could be moved around the reserve wherever labour was needed.¹⁴⁵ This arrangement was ended in 1926 when an immigration agreement was concluded between Mozambique and South Africa which included an

¹⁴² Cent. JUS385 3/651/23, Barberton Magistrate to Secretary for Justice, 21 October 1923.

¹⁴³ Cent. JUS294 3/710/20, Secretary for Justice to Provincial Secretary, 24 September 1920.

¹⁴⁴ Wits A839, H.E. Schoch Papers, Db3, 30 July 1923.

¹⁴⁵ KNP K42 KNP28/2, Warden to Commissioner, 5 June 1924, Commissioner to Warden, 24 June 1924.

extradition treaty. Stevenson-Hamilton deplored this treaty, complaining that the reserve suffered in consequence from a labour shortage and that the steady stream of Mozambican trespassers had saved his reserve expenditure in the form of salaries of about £2 000 each year.¹⁴⁶

Another means of obtaining black labour in the game reserves was by means of labour dues. Black so-called 'squatters' on white owned or state land in most of South Africa were bound to pay rent, either in money or in the form of labour. However, because farmers adjoining the reserves were anxious to obtain labourers and accused neighbouring game reserves of appropriating the labour they regarded as rightfully theirs, prison labour appears to have been considered a preferable alternative for the reserves.¹⁴⁷ Moreover, only a small number of Africans was resident in the game reserves and these people the warden noted would 'disappear' when free labour was being sought.¹⁴⁸

v

At the end of the First World War the question of the future of game reserves in the eastern Transvaal was raised again. In 1919 the Transvaal Game Protection Association, whose activities had been largely in abeyance during the war, gave its support to the recommendations of the Game Reserves

¹⁴⁶ KNP Opsienersjaarverslae, vol. 2, Annual Report of the Warden, Kruger National Park, 1929.

¹⁴⁷ TA TPS8 TA3075, Annual Report of the Sabi and Singwitsi Game Reserves for 1920; KNP Opsienersjaarverslae, vol. 2, Annual Report of the Warden, Kruger National Park, 1929.

¹⁴⁸ KNP Opsienersjaarverslae, vol. 2, Annual Report of the Warden, Kruger National Park, 1930.

Commission.¹⁴⁹ In that year, too, the Transvaal Land Owners' Association took the initiative by meeting the Administrator and asking him to free the private land within the reserves. Agricultural land, the association contended, was even more valuable than it had been before the war, and private interests, as well as railway development and agriculture, were being hampered by restrictions on the private farms in the game reserve.¹⁵⁰

It took the provincial authorities almost a year to react to the demands of the Transvaal Land Owners' Association; it seems, too, that it was not so much the association's advance which prompted a reaction from the province as pressure from the central government. In September 1920 the Provincial Secretary formally advocated the nationalization of the game reserves and prepared a memorandum for discussion by the Executive Council which detailed the issues which had to be resolved before this could take place.

The problem regarding the privately owned land in game reserves was principally of a financial nature. The Game Reserves Commission had recommended that owners should receive compensation if their farms were to become part of a national park, either by way of suitable financial recompense or of exchange for farms in other localities of the province. The Provincial Secretary considered that private interests in the reserves could thus be accommodated if sufficient funding could be found.

The difficulties raised by central government interests were threefold. Firstly, the Native Affairs Department sought land for black occupation. The question of black settlement in the eastern Transvaal and white access to labour there had become critical after the war due to increased white

¹⁴⁹ WLS TGPA Minutes 1902-1920, Minutes of 15 January 1919.

¹⁵⁰ WLS H.B. Papenfus file, TLOA to Administrator, 18 November 1919.

agricultural activity and settlement in the White River district. Blacks who refused to work on white farms in the vicinity demanded land of their own, while white settlers resented the fact that blacks were able to withhold their service by living, albeit clandestinely, in the game reserves. Secondly, the province also had to contend with the Department of Mines which now desired to exploit the coal deposits in the Sabi Game Reserve and, thirdly, with the Department of Lands which wished to allocate certain farms for white settlement. The Provincial Secretary saw no way out of the impasse but to hold a meeting of all the parties so that these issues could be 'definitely and finally' resolved.¹⁵¹

In December 1920, this proposal was accepted by the Executive Council,¹⁵² and the conference which had been suggested took place on 25 February 1921. Everyone who attended was in agreement with the principle of establishing a national park in the eastern Transvaal, and without exception all considered the existing area of the game reserves to be too large. Even Stevenson-Hamilton conceded that the western part of the Sabi Game Reserve could be taken over by the Native Affairs Department, there being 'no great objection from a game preservation point of view.' One of the representatives of the Department of Lands, J. Sommerville, proposed the disbanding of the entire Sabi Game Reserve, hoping that the Department of Mines would support him and thus allocate the land for white settlement. The representative of the Department of Mines, however, thought that much of the area was unsuitable for farming or mining, and without this needed support Sommerville

¹⁵¹ TA TPS7 TA3054, vol. 3, Memorandum of Provincial Secretary, 23 September 1920.

¹⁵² TA TPS7 TA3054, vol. 3, Approval of memorandum by Executive Committee, 21 December 1920.

withdrew his suggestion.¹⁵³ Sommerville was aware that his proposal to abolish the entire Sabi Game Reserve was a 'bombshell' which did not add to his 'popularity or that of the Department', but tactically it was a successful ploy in that the others were thereafter more amenable to compromise rather than accept such an extreme position.¹⁵⁴

The conclusion reached by the conference was that the Sabi Game Reserve should be contracted on the western side. Some of the land would be allocated for black settlement and many of the private farms that had hitherto been part of the reserve would be excluded, reducing the number of exchanges or sales which would have to be conducted accordingly. It was also proposed that the Department of Lands should acquire all the remaining privately owned land in the reserve and, furthermore, that the 'area of the game reserve be defined by statute and that it be taken over by the Union Government as a permanent national game sanctuary.'¹⁵⁵

It seems that the demands of private landowners within the reserve were being met to some degree in that suitable exchanges of land were already being arranged before the conference met. However, because landowners saw these exchanges as a means of making a substantial financial profit, there was 'a good deal of difficulty in arriving at a satisfactory arrangement ... owing to the question of the value those owners attached to their land'.¹⁵⁶

¹⁵³ TA TPS7 TA3054, vol. 3, Notes on Departmental Conference, 25 February 1921.

¹⁵⁴ Cent. LDE537 7748/1, vol. 1, Report on the conference of 25 February 1921, 4 March 1921.

¹⁵⁵ TA TPS7 TA3054, vol. 3, Notes on Departmental Conference, 25 February 1921.

¹⁵⁶ Ibid.

Considering that they had been patient and placatory to the government in past years,¹⁵⁷ the land companies tried to gain as much as they could in respect of compensation for their land within the reserve.¹⁵⁸ By February 1922 the Minister of Lands still considered the question of a national park to be so contentious, particularly in connection with the land exchange programme, that he was 'not anxious to touch it while the [parliamentary] session is on'.¹⁵⁹ By November that year, however, a compromise seemed assured, and the Secretary for Lands was informed that Smuts, the Prime Minister, intended to introduce legislation for the establishment of 'a National Park and Game Reserve' during the next parliamentary session.¹⁶⁰

However, in just the following month, when Smuts requested a meeting to conclude matters with the Transvaal Land Owners' Association, he discovered that the association still had reservations about the financial offers which had been made to them in return for their game reserve farms, and that they also objected to the new boundaries which had been decided upon. It was therefore agreed that an inspection of the area would have to be made by both surveyors and the Minister of Lands,¹⁶¹ and faced with the delay this would

¹⁵⁷ Rand Daily Mail, 15 May 1922.

¹⁵⁸ Cent. LDE537 7748/1, vol. 1, Minute of Department of Lands, 11 October 1921.

¹⁵⁹ Cent. LDE537 7748/1, vol. 1, Private Secretary of the Minister of Lands to Sommerville, 22 February 1922.

¹⁶⁰ Cent. LDE537 7748/1, vol. 1, Secretary to the Prime Minister to Secretary for Lands, 6 November 1922.

¹⁶¹ Details of this inspection can be found in the diary of surveyor Schoch: Wits A839, H.E. Schoch Papers, Db3.

entail, Smuts had no option but to postpone the introduction of legislation.¹⁴²

In pursuance of its object to gain as much financial advantage from the situation as possible, one of the reserve landowners, the Transvaal Consolidated Lands and Exploration Company, initiated ranching and cotton cultivation on some of its farms within the game reserve in 1923 to demonstrate that farming in the area was viable and that the land was valuable. Moreover, the company attempted to show that the fact that agricultural development had not taken place for many years was due exclusively to the restrictions on the killing of game which had been placed on landowners. Many thought that the company was overestimating the commercial value of its farms in the game reserve.¹⁴³ The surveyor H.E. Schoch referred to these as 'most absurd claims'¹⁴⁴ and Stevenson-Hamilton commented that the company claimed its scrub cattle to be Herefords in order to increase their asking price for the land.¹⁴⁵ Company representatives who were engaged in farming operations in the game reserve brought the matter to a head by shooting - without a permit - a number of wildebeest which they claimed were competing with the company's cattle for grazing, and court

¹⁴² TA TPS7 TA3054, vol. 3, Annual Report of the Transvaal Land Owners' Association for the year ended 28 February 1923; Cent. LDE537 7748/1, vol. 1, Memorandum of the Department of Lands, 19 December 1922.

¹⁴³ In the event, this proved to be the case. The land was more suited to game farming than agriculture and many of these farms remain game farms even today.

¹⁴⁴ Wits AB39, H.E. Schoch Papers, Db.3, 30 July 1923.

¹⁴⁵ S-HA, Diary entry 25 September 1925.

action ensued.¹⁶⁶ The initiation of legal proceedings succeeded in spurring the government to review the exchange conditions. Having delayed the promulgation of legislation in 1923, the landowners were confronted a year later with a change of government and a new Minister of Lands, P.G.W. Grobler. It seems that Grobler was able to take a firmer stand with the landowners:¹⁶⁷ although he was concerned that insufficient finance would be available for exchange,¹⁶⁸ he, nevertheless, managed to locate suitable unoccupied land in the Transvaal¹⁶⁹ which the landowners finally accepted at the end of 1925.¹⁷⁰ It may well be that the landowning companies realized that the Pact government, with its lack of sympathy for Johannesburg business interests,¹⁷¹ would not negotiate any further and that expropriation of their land would have been the result had they not been willing to compromise.¹⁷² On the other hand, it has been suggested that some land companies, particularly the Transvaal Consolidated Lands Company (which was the principal private landowner in the game reserve), were disillusioned with the Smuts government and happier to cooperate with the National Party.¹⁷³

¹⁶⁶ KNP Stevenson-Hamilton Documents in Trust, 'Kruger's National Park', undated manuscript by A.J.T. Crosby.

¹⁶⁷ WLS H.B. Papenfus file, Stevenson-Hamilton to Grobler, 5 October 1925,

¹⁶⁸ S-HA, Diary entry 12 February 1925.

¹⁶⁹ S-HA, Diary entry 2 March 1925.

¹⁷⁰ S-HA, Diary entry 9 December 1925.

¹⁷¹ O'Meara, Volkskapitalisme, p.34.

¹⁷² Details of these land exchanges can be found in Cent. LDE563-570.

¹⁷³ Morrell, 'Rural transformations', pp.238-239.

Although public opinion in Johannesburg appears at first to have favoured the landowners,¹⁷⁴ whites generally seem to have been amenable to the creation of a national park.¹⁷⁵ Many politicians capitalized on this public opinion, and when the establishment of a national park seemed probable, began to participate in the project. Support from Smuts was not new, his involvement in game protection having been evident early in the century.¹⁷⁶ The public association of other national politicians with game protection either began or intensified in the 1920s. The principal reason for this can be found in the growing aggressiveness of Afrikaner nationalism which culminated in the election victory of Hertzog's National Party in 1924 and the formation of the Pact government.

Interest in Voortrekker culture became widespread in the mid 1920s. This was epitomized in the struggle to have Afrikaans recognized as an official language, evidence in the elevation of Voortrekker leaders to the status of national heroes and in celebrations of Voortrekker festivals, and enshrined in visual depictions of the Voortrekker way of life.¹⁷⁷ Recently it has been convincingly demonstrated that Afrikaner nationalism at this time was being provided with an historical context and that romanticized notions about

¹⁷⁴ Rand Daily Mail, 15 May 1922, 17 May 1922.

¹⁷⁵ TA TPS7 TA3054, vol. 3, Secretary for Lands to Provincial Secretary, 28 September 1923.

¹⁷⁶ Not only had the study of nature been a life-long and intense hobby of his, but he had also founded the Rustenburg Game Reserve in 1909, consistently supported other game reserves in the Transvaal, visited the Sabi Reserve in 1912, (see: S-HA, Folder 'Hamilton of Fairholm', Smuts to Stevenson-Hamilton, 9 October 1912) and advocated the nationalization of the Sabi and Singwitsi Game Reserves from 1914 onwards.

¹⁷⁷ T. Gutsche, The History and Social Significance of Motion Pictures in South Africa, 1895-1940 (Cape Town, 1972), pp.313-318.

Voortrekkers were being manipulated to form a national mythology.¹⁷⁸ In this connection, the work of G.S. Preller, an Afrikaner nationalist historian and influential newspaper editor was very important.¹⁷⁹

Reverence for the Afrikaner past which was being constructed grew apace in the 1920s. Although not a supporter of Hertzog, Deneys Reitz, who was the Minister of Lands after 1920, provides an example of the trend. Reitz had close connections with the republics of the Orange Free State and Transvaal and had a sentimental attachment to the pioneering history of the Afrikaner. He idealized the national park proposal as the realization of 'Paul Kruger's dream'¹⁸⁰ and stated that it was a national duty to preserve the landscape of the park 'just as the Voortrekkers saw it.'¹⁸¹ A politician who was an active Afrikaner nationalist and who had even closer connections with the Transvaal Republic was Grobler, who replaced Reitz as Minister of Lands in Hertzog's cabinet. Grobler declared that 'it is due to the farsightedness of the late President Kruger that we are today able to establish a park'.¹⁸² Grobler was related to Paul Kruger and thus proud to be associated with what he considered to be the ideals of his forebear.¹⁸³ Politically this was advantageous for him: as was pointed out by Stratford Caldecott, an artist

¹⁷⁸ O'Meara, Volkskapitalisme, p.4, p.7.

¹⁷⁹ I. Hofmeyr, 'Popularising history: the case of Gustav Preller'; a seminar paper presented to the African Studies Institute, University of the Witwatersrand, August 1987. It is significant that Preller was given a seat on the National Parks Board when this body was inaugurated in 1926.

¹⁸⁰ D. Reitz, No Outspan (London, 1943), p.69.

¹⁸¹ Reitz, Commando, p.126

¹⁸² House of Assembly Debates, cols 4366-4367, 31 May 1926.

¹⁸³ CA A848, Stratford Caldecott Collection, 2(6), S. Caldecott to W.A. Caldecott, 4 February 1926; House of Assembly Debates, col.4369, 31 May 1926.

who became the self-appointed chief propagandist for the national park campaign, 'the scheme can only give him [Grobler] popularity'.¹⁸⁴ Grobler, in fact, claimed that the Kruger National Park had been founded on his initiative alone.¹⁸⁵ Another nationalist politician who endorsed the project was O. Pirow, and it was speculated at the time that had Pirow been made Minister of Lands in the new government, the national park would have been proclaimed far sooner than it was.¹⁸⁶

In addition to giving an Afrikaner cultural tradition to game protection, the Voortrekker past was used by National Party politicians in order to gain the support of 'poor whites'.¹⁸⁷ Having been a divisive class issue during the existence of the South African Republic,¹⁸⁸ game saving served to unite factions and classes within Afrikaner society in the years after the First World War. One writer has expressed the position thus: 'Onder die verantwoordelike Voortrekkers was daar geen "biltongjagters" nie.'¹⁸⁹

Many English-speaking game protectionists - many of them former sportsmen - made use of these Afrikaner sentiments to lobby for the creation of a national park, a particular case in point being the issue which centred on the naming of the proposed park. In December 1925 Stevenson-Hamilton wrote

¹⁸⁴ CA A848, Stratford Caldecott Collection, 2(4), Caldecott to Stevenson-Hamilton, 6 March 1926.

¹⁸⁵ TA A878, J.J.S. Smit Collection, vol. 15, Grobler to Smit, 19 January 1926.

¹⁸⁶ KNP K5 KNP5, vol. 2, A.A. Schoch to Stevenson-Hamilton, 14 July 1924.

¹⁸⁷ Morrell, 'Rural transformations', p.109.

¹⁸⁸ See above, Chapters 3, 4 and 5.

¹⁸⁹ i.e. 'There were no biltong hunters among responsible Voortrekkers', see Behrens, 'Paul Kruger', p.6.

to H.B. Papenfus, a Transvaal politician, that the 'Kruger National Park' would be an excellent name 'and would carry an atmosphere with it [that was] attractive and highly popular'. He asked whether this suggestion could be relayed to Grobler.¹⁹⁰ Privately, Stevenson-Hamilton was less tactful:

'The man who really was responsible was R.K. Loveday ... but the "Kruger stunt" is I think of priceless value to us, and I would not for the world do aught but whisper otherwise ... I wonder what the old man, who never in his life thought of wild animals except as biltong, and who, with the idea that it did not matter much one way or the other, and in any case would not affect any one except the town sportsmen, gave way under strong pressure exercised by Loveday and one or two others and allowed the reserve to be declared. I wonder, I repeat, what he would say could he see himself depicted as the "Saviour of the South African game!!!"'¹⁹¹

How the suggested name of the proposed park was publicized was also politically loaded. The name 'Kruger National Park' had been put forward formally at a meeting of the National Monuments Commission¹⁹² in December 1925 where it was considered that the 'suggestion would come gracefully from the opposition [English-speaking] press.'¹⁹³ Some English-speakers were not appreciative of a politically opportunistic name for the park, preferring the title, 'South African National Park'. The comment was even made that 'if any person's name is to be used, a "National Milner Park" would be more

¹⁹⁰ WLS H.B. Papenfus file, Stevenson-Hamilton to Papenfus, 29 December 1925.

¹⁹¹ CA A848, Stratford Caldecott Collection, 2(4), Stevenson-Hamilton to Caldecott, 3 April 1926, the underlining is in the original.

¹⁹² Stevenson-Hamilton had sought support from the National Monuments Commission in March 1925; see KNP K5 KNP5, vol. 2, Stevenson-Hamilton to Secretary Monuments Commission, 15 March 1925; see also CA A848, Stratford Caldecott Collection, 2(6), S. Caldecott to W.A. Caldecott, 4 February 1926.

¹⁹³ CA A848, Stratford Caldecott Collection, 2(3), S. Caldecott to Assistant Editor Cape Times, 13 December 1925. In fact, Die Burger published the name in its edition of 14 December 1925.

appropriate'.¹⁹⁴ Grobler, of course, had no reservations on this score,¹⁹⁵ and advised the Senate that 'in proposing to give the name of Kruger National Park to the reserve, Hon. Senators will agree with me that it is the right thing to connect President Kruger's name with the institution.'¹⁹⁶ It has been demonstrated here in earlier chapters, that Kruger was not the 'ardent conservationist' whose 'primary aim ... remained a wild life sanctuary in the Transvaal lowveld and for fourteen years he propounded the idea', however, invoking the name of the republican president certainly touched the right emotional chord at the right time. Not only was the Hertzog government republican and Afrikaner nationalist, the name was also consistent with the Afrikaner view of saluting national heroes by naming monuments or institutions after them. For the English-speakers, the matter of the name was not seen as an important issue, except in so far as it served to whip up support for the establishment of the park itself.¹⁹⁷

Stevenson-Hamilton could not ally himself publicly with the national park campaign because neutrality was required of him as an official of the provincial government;¹⁹⁸ he also fully expected to lose his job once the

¹⁹⁴ CA A848, Stratford Caldecott Collection, 1(1), W.A. Caldecott to S. Caldecott, 17 January 1926; W.A. Caldecott to S. Caldecott, 14 February 1926. Sir Lionel and Lady Phillips were vehemently opposed to the name, and Stevenson-Hamilton feared that Lady Phillips had 'ruined things' with Grobler by her objection; see Stratford Caldecott Collection, 2(4), Caldecott to Stevenson-Hamilton, 24 March 1926; S-HA, Diary entry 2 April 1926.

¹⁹⁵ CA A848, Stratford Caldecott Collection, 2(6), S. Caldecott to W.A. Caldecott, 4 February 1926.

¹⁹⁶ The Senate of South Africa: Debates, col. 1079, 3 June 1926.

¹⁹⁷ CA A848, Stratford Caldecott Collection, 2(6), S. Caldecott to W.A. Caldecott, 4 February 1926.

¹⁹⁸ CA A848, Stratford Caldecott Collection, 2(4), Stevenson-Hamilton to Caldecott, 19 January 1926.

national park had been proclaimed.¹⁹⁹ However, in Caldecott, who had no personal vested interest in the game reserve or national park, Stevenson-Hamilton found a mouthpiece. The two men had met when Caldecott had visited the Sabi Game Reserve in August 1925 in an endeavour to publicize railway tours of South Africa - one of which incorporated a trip through the game reserve.²⁰⁰ Caldecott also took up other 'national' causes, principally that of the South African flag and the establishment of a nation-wide wildlife protection society.²⁰¹

In an article in November 1925, Caldecott linked the names of an 'English gentleman' (James Stevenson-Hamilton) and 'the great Afrikander' (Paul Kruger) suggesting that both had had a hand in fashioning a suitable site for a national park in South Africa.²⁰² Associating these two men together demonstrates the desire of Caldecott and others to use the national park scheme to merge English-speaking and Afrikaans-speaking South Africans by striving for a common ideal and in this way putting a divided past behind them. The newspapers concurred with this ideal, the Cape Argus noting that 'South Africa first' was one of the mottoes of the government and that the national park plan offered a good opportunity to put this ideal into practice.²⁰³ The Rand Daily Mail claimed that the national park question was

¹⁹⁹ CA A848, Stratford Caldecott Collection, 2(4), Stevenson-Hamilton to Caldecott, 15 June 1926.

²⁰⁰ S-HA, Diary entry 6 August 1925.

²⁰¹ CA A848, Stratford Caldecott Collection, 2(1), 4(1).

²⁰² S. Caldecott, 'Create a national park!', South African Nation 2(85), 21 November 1925.

²⁰³ Cape Argus, 11 June 1926.

not a party political but a 'national' question.²⁰⁴ Thus the English-speaking pursuit of unity and the Afrikaner pursuit of a separate, historical identity coincided to advance the same game protectionist goal. On one occasion rivalry between the two groups surfaced when Afrikaners felt that the English-speakers were getting too much of the credit for initiating the idea of a national park. In order to overcome this problem, which threatened to jeopardize the campaign, Stevenson-Hamilton suggested to Caldecott that

'It might do good to point out that we wanted to get the help of both races, but whereas we knew the Dutch-speaking people were already with us on account of their knowledge of requirements and tradition of the Park, we felt that the English-speaking section required information and enlightenment and that also it was among them that our principal opponents might be expected, especially the J'burg element. I think [once] worked out the above might do us good, and there is a lot of truth in it; all our opposition so far has been from the English speakers, private and official'.²⁰⁵

In perusing publications of the period it seems as if all the daily newspapers in the country welcomed the formation of a national park and even vied with each other to be the scheme's greatest supporter,²⁰⁶ stressing the common heritage and values which wildlife represented for whites and how these could strengthen national unity. At the same time it was noted that the park would gain international recognition for South Africa and 'enhance and invigorate our prestige in foreign lands.'²⁰⁷ It was pointed out, too, how

²⁰⁴ Rand Daily Mail, 21 November 1925.

²⁰⁵ CA A848, Stratford Caldecott Collection, 2(4), Stevenson-Hamilton to Caldecott, 23 March 1926.

²⁰⁶ All four daily papers in the Cape favoured the formation of a national park; see CA A848, Stratford Caldecott Collection, 2(5), Caldecott to Wilson, 17 December 1925. The Star, 20 January 1926 also came out strongly in support, while the Pretoria News of 25 November 1925 called the proposed park a 'national treasure'.

²⁰⁷ Cape Argus, 11 January 1926, letter from S. Caldecott.

the South African 'character' had to some extent been moulded by the wildlife of the region.²⁰⁸ Other appeals were to sentiment and the need for a 'fairyland'²⁰⁹ in which 'spiritual regeneration' could take place.²¹⁰

Caldecott, almost singlehandedly, orchestrated a massive national press and publicity campaign in order to win over public opinion. If anything, his efforts erred on the side of idealistic over-enthusiasm, and Stevenson-Hamilton at one time warned him not to 'exaggerate too much' or people would tire of the propaganda and actually be repulsed.²¹¹ Once the ball was rolling, however, publicity was self-generating and many newspapers and periodicals gave the national park issue extensive coverage.²¹² Organizations too, lent their weight to the project, for example the Boy Scout movement²¹³ and the game protection associations around the country. Because of regional rivalries among these latter associations and also, perhaps, their lack of clear direction, they were less effective publicly than might have been anticipated.²¹⁴ Despite this, game protection associations played their part

²⁰⁸ Cape Argus, 23 February 1926, letter from Charles Astley Maberly. See also, A.K. Haagner, 'The conservation of wild life in South Africa', South African Journal of Industries, December 1925, pp.766-767.

²⁰⁹ KNP K27, Caldecott to Stevenson-Hamilton, 1 July 1926.

²¹⁰ H.R. Carey, 'Saving the animal life of Africa: a new method and a last chance', Journal of Mammalogy 7(2), 1926, p.77.

²¹¹ CA A848, Stratford Caldecott Collection, 2(4), Stevenson-Hamilton to Caldecott, 9 January 1926; S-HA, Diary entry 22 March, 1926.

²¹² Perusal of almost any South African daily newspaper of the time will bear out this comment, as will also many issues of the The Farmer's Weekly and Die Huisgenoot in 1926.

²¹³ CA A848, Stratford Caldecott Collection, 2(8), Baden Powell to Caldecott, 30 September 1927.

²¹⁴ CA A848, Stratford Caldecott Collection, 2(4), Caldecott to Stevenson-Hamilton, 21 May 1926; 2(5), 4(1), 4(2).

in marshalling sport hunters behind the national park and, in the event, the national park issue led to the federation of regional associations into a national protection society.²¹⁵

The involvement of Stratford Caldecott, an artist, in the campaign for a national park illustrates, too, how themes of nature were beginning to permeate South African aesthetics. Literature was still their chief expression, the imperial tradition having been followed by hunting adventures in both English²¹⁶ and Afrikaans.²¹⁷ Afrikaans nationalistic poetry of the time dealt with the landscape²¹⁸ more than wildlife, but poetry which celebrated the external influences on the Afrikaner character naturally also evoked to some degree the sentiments which facilitated the creation of the Kruger National Park. Having been dominated by the European indoor tradition, the visual arts were being increasingly influenced at this time by the South African landscape.²¹⁹ Wildlife photography made its serious debut during these years, although it might be argued that the growing 'hunting' for

²¹⁵ CA AB48, Stratford Caldecott Collection, 4(1).

²¹⁶ The publication of J.P. Fitzpatrick's Jock of the Bushveld in 1907 had inaugurated this trend.

²¹⁷ For instance, G.R. von Weilligh, Dierestories, but particularly the work of A.A. Pienaar, who wrote under the name of 'Sangiro': see, J.C. Kannemeyer, Geskiedenis van die Afrikaanse Literatuur (Cape Town, 1978), pp.212-220.

²¹⁸ For example, 'Vlakte' by J.F.E. Celliers.

²¹⁹ E. Berman, The Story of South African Painting (Cape Town, 1975), p.6, p.16, p.34, pp.39-44.

wildlife photographs was replacing sport hunting more than providing a means of creative expression.²²⁰

The practical and financial advantages of a South African national park were not disputed and augmented the sentimental, aesthetic and nationalistic arguments which were advanced in its favour. Aware that his party needed the support of rural Transvaalers,²²¹ Grobler stressed that the land to be included was agriculturally unproductive and that the national park thus presented no threat to the economy.²²² It was also suggested that, contrary to retarding development, the creation of a national park would encourage economic growth in the lowveld to the benefit of the railways and towns of the region.²²³ The attraction of large numbers of tourists was crucial to the financial success of the venture, and it was never doubted that visitors would materialize in large numbers. It was felt that the national park would offer unrivalled attraction to visitors, provided that an infrastructure was created to 'enable the South African and overseas public, under conditions of great safety and comfort, to view wild life as it existed in the sub-continent previous to the arrival of the white man.'²²⁴ Overseas visitors were considered to be most desirable, it being calculated that if ten thousand Americans visited each year the revenue to the park would be in the

²²⁰ The photographs of Paul Selby were widely distributed: see, for instance, The Star, 24 March 1926.

²²¹ O'Meara, Volkskapitalisme, p.32.

²²² House of Assembly Debates, col. 4367, 31 May 1926.

²²³ House of Assembly Debates, cols.4376-4377, 31 May 1926.

²²⁴ J. Stevenson-Hamilton, 'The great game of South Africa', South African Railways and Harbours Magazine, December 1927, pp.2032.

region of £1 million, 'a sum which should appeal to all South Africans'.²²⁵ Other economic arguments which were used suggested that the national park would facilitate the domestication of elephant and eland, and would also lead to an increased supply of venison.²²⁶

Science was also to benefit from the creation of a national park in that extinctions of species, such as that of the quagga and blue antelope, would be prevented in future.²²⁷ As a group, however, scientists in South Africa did not express themselves publicly in favour of the park. Opinions came mainly from veterinarians who linked the existence of game with diseases of domestic livestock and Stevenson-Hamilton was particularly worried by this because he was unable to convince certain entomologists that nagana did not occur in the Sabi or Singwitsi Game Reserves.²²⁸ It was thought that the entomological lobby might be strong enough to influence adversely the farming members of the House of Assembly.²²⁹ The warden was concerned, however, about the motives of these entomologists and veterinarians, contending that they cared little for the issue but were merely using it to jostle for position in various government and provincial departments. Stevenson-Hamilton at one stage declared that he had lost all respect for scientists because of their behaviour in this connection.²³⁰ However, privately it seems that these

²²⁵ WLS H.B. Papenfus file, Selby to Papenfus, 4 March 1926.

²²⁶ Haagner, 'Conservation of wild life', pp.766-767.

²²⁷ Ibid., pp.763-765.

²²⁸ Cent. CEN691 E7717, Fuller to Stevenson-Hamilton, 16 April 1926.

²²⁹ CA A848, Stratford Caldecott Collection, 2(4), Stevenson-Hamilton to Caldecott, 6 February 1926.

²³⁰ WLS H.B. Papenfus file, Stevenson-Hamilton to Papenfus, 10 March 1926, 22 July 1926.

scientists did not actually contest the founding of the park, but felt it their professional duty to sound a warning about the hazards of stock diseases, so that if outbreaks of such were to occur, they should not be blamed for having earlier remained silent.²³¹

VI

The creation of the Kruger National Park was thus not the result of a moral victory of the forces of enlightenment, but a combination of the political, social and economic circumstances of the time. Game protectionist attitudes reflected the prevailing concerns of the dominant classes and it was those which had once more become pre-eminent. On this occasion, however, it was aesthetics and sentiment, rather than commerce or sport, which had triumphed. In a show of solidarity, the National Parks Act was passed unanimously by both houses of parliament in May and June 1926.²³² The debate consisted largely of adulatory comments on the roles that Kruger and Stevenson-Hamilton had played in the inception of the park, and gratitude was also expressed to 'Providence that we have been given that locality to establish a national park in the interests of the preservation of our fauna.'²³³ In giving his blessing to the bill, Smuts, the leader of the opposition, ranged outside the narrow nationalistic interests of his political opponents, by

²³¹ CA A848, Stratford Caldecott Collection, 2(4), Stevenson-Hamilton to Caldecott, 10 March 1926.

²³² House of Assembly Debates, cols 4366-4381, 31 May 1926; The Senate of South Africa: Debates, cols 1077-1011, 3 June 1926.

²³³ House of Assembly Debates, col.4367, 31 May 1926.

expressing the hope that the area of the park would eventually extend as far north as central Africa.²³⁴

While politicians were congratulating themselves on the national park, idealists who had worked hard for this outcome - particularly Stevenson-Hamilton and Caldecott - were apprehensive and Caldecott wrote to the warden,

'I understand that you have no stomach to see the place full of rubberneck waggons and tourists, but it was vulgarization or abolition, I suppose, and it was at that price only that the animals could be saved. Perhaps a time of finer living and thinking is coming for those who will follow us and they will be thankful for that beauty saved for them.'²³⁵

As well as reflecting conditions in the mid 1920s in South Africa, in that the name 'Kruger' in the title was indicative of the cultural and class heritage which was being given expression in establishing the park, and the description 'national' being synonymous with 'white', the foundation of the Kruger National Park also heralded changes in environmental thinking. The vague ideas which had latterly underpinned the management of the game reserves were now made explicit: the concept of a national park was not preservationist, but conservationist. Henceforth the area would be managed for the benefit of white tourists and not purely in the interests of increasing the numbers of animals.

In addition, for the first time the physical environment was given consideration, and not just the game species which inhabited it. Ecological thinking had still to evolve fully, but in 1920 Stevenson-Hamilton, for example, began to feel repugnance for destroying some of what were then regarded as vermin species, particularly lion, remarking 'now I think the

²³⁴ House of Assembly Debates, cols 4371-4372, 31 May 1926.

²³⁵ CA A848, Stratford Caldecott Collection, 2(4), Caldecott to Stevenson-Hamilton, 22 June 1926.

nearer to nature the better in a reserve, so when I see a lioness with her children, I feel like saying, "good luck to you"',²³⁶ and 'I think that the ideal should be to show the country and the animals in it to the public as God made both.'²³⁷ Visitors agreed with him, and when the Kruger National Park was opened to the public, it was generally the sight of lion which proved to be the greatest attraction.

It was envisaged that visitors would be attracted to the park in order to see wildlife in its natural habitat, and would thus experience to some degree the frontier or pioneering past. It seems therefore to be true that in South Africa, as in other countries, national parks were used as fantasy worlds, enshrining the olden-day values of romantic nature by which society as a whole could no longer afford to live.²³⁸ In many respects too, they represent tokens of atonement for the killing of wildlife which had been done in the past.²³⁹

In exploring the idea that whites romanticized their past through the natural landscape and its wildlife, one has to take cognisance of the fact that whites chose to disregard the role that blacks had played in that past. Black attitudes and interests were ignored altogether in the creation of national parks. One can, however, argue in this respect that what the national parks did accomplish as far as blacks were concerned was to deny

²³⁶ S-HA, Diary entry 28 July 1920.

²³⁷ Ibid., 8 January 1926.

²³⁸ Thomas, Man and the Natural World, p.301.

²³⁹ Graham, Gardeners of Eden, p.196; House of Assembly Debates, col.4371, 31 May 1926.

them the usage of a large portion of the Transvaal, a portion which was not agriculturally useful at the time, to be sure, but which could nevertheless have been used to supplement the very small area of land which was allocated for their settlement. In South Africa it appears that the considerable black resistance to the game reserves may actually have accelerated the formation of the national park precisely because tighter central administration was considered to be a deterrent to black occupation or usage of the area under consideration. The new park must therefore be regarded as a means of providing more effective control over both neighbouring blacks and the few who still resided within the park.²⁴⁰

The establishment of the Kruger National Park came at a time when black and white attitudes to game had polarized. Important though this observation is, it is possibly more significant in the final analysis that creating the national park provided tangible evidence of the unity of whites on game protection for the first time. The divisions of opinion which had previously been so apparent between sportsmen, the landed and monied classes and 'poor whites' had been publicly resolved by declaring wildlife to be culturally and sentimentally important to all whites in equal measure and game viewing to be a legitimate form of resource exploitation. This protectionist conviction was generally moulded by the industrialization of the country, the improved material circumstances and urbanization of whites and the lack of opportunities for sport or commercial hunting on state land. Consequently, the foundation of the Kruger National Park represents a measure of the

²⁴⁰ WLS H.B. Papenfus file, Stevenson-Hamilton to Papenfus, 13 February 1926; Cent. LDE537 7748/1, vol. 1, Stevenson-Hamilton to Reitz, 12 April 1922, Stevenson-Hamilton to Sommerville, 12 April 1922.

adoption by the white lower classes - those former biltong and subsistence hunters - as well as profligate sportsmen, of the views which were those of the elite. In this way, the establishment of the national park manifests an advance in political expediency as much as progress in conservation strategy.

THE KRUGER NATIONAL PARK, 1926



CHAPTER 9

CONCLUSION

1

In exploring game protectionism in the Transvaal from the mid nineteenth century until 1926, the truth of the definition that environmental history is the interface between 'culture and nature' has become apparent.¹ Game protection policies and attitudes mirror many of the characteristics of the broader society which initiated them and therefore cannot be divorced or isolated from the milieu in which they first emerged. Moreover, analysing the course of game protectionism is as informative of changing relationships between human groups as it is of relationships between humans and wildlife.

One of the aims of historical investigation is to explain the origins of present structures. In this respect, there is no doubt that, bearing in mind the present world-wide concern about the over-exploitation of many natural resources, an understanding of the origins of specific resource husbandry in any country provides a vital guide to future direction. Moreover, the retention of stable, natural ecosystems - such as that nurtured within the Kruger National Park - is unquestionably of value to modern society. For example, intact ecosystems act as bench marks which make possible crucial scientific research, particularly the accurate measurement and evaluation of environmental degradation elsewhere. They also afford solutions to practical human problems ranging from the procurement of therapeutic remedies for

¹ A.E. Cowdrey, This Land, This South: An Environmental History, (N.p., 1983) p.7.

disease to the acquisition of fresh genetic material to rectify the ill effects of monocultural practices in agriculture.

On the other hand, however, there is the danger that historical 'stock-taking' of this kind may lead to self-deception and this is particularly true when examining the conservation movement. In South Africa, as in other countries, the history of nature protection has accumulated a mythology which does not always conform to fact.²² One of the main reasons for this is that advocates of nature protection regard it in the light of an evangelical crusade. It has been argued here that such an approach does not reflect its true nature and that the history of game protection records the past utilization and management of a natural resource. The choices involved in resource allocation are difficult to make, but all too often both in the general literature and in public discussion on game protection the options have been over-simplified.²³ Distortion in this manner has frequently transformed the real and complex protectionist issues into spurious moral battles between 'selfish' and 'unselfish' interests,²⁴ or between heroes and villains.

It has been demonstrated in this study that game protectionist strategies pursued in the past in the Transvaal have comprised a medley of attitudes and motives - commercial, scientific, moralistic, political and nostalgic.²⁵ Indeed, it has been the purpose of this investigation to attempt to unravel these strands. This historical analysis would suggest that what is

²² H. Jarrett, ed., Perspectives on Conservation (Baltimore, 1958), p.40.

²³ Ibid., pp.44-45.

²⁴ Ibid., p.44.

²⁵ Cart, 'Struggle for wildlife protection', p.1.

now generally regarded as being of worth in the light of modern ecological concerns, came into existence for a variety of reasons.- among them white self-interest, Afrikaner nationalism, ineffectual legislation, elitism, capitalism, and the exploitation of blacks - all unrelated to moral virtue.

II

This analysis has revealed how game protectionism evolved over many decades and was subject to various influences; occasionally principles emerged quickly but more often their development was gradual and imperceptible. With each new value a different emotive vocabulary was constructed, but an interweaving of materialistic and idealistic considerations is evident throughout.

In the mid nineteenth century Transvaal, wildlife was pursued for many purposes, such as profit, subsistence and sport, all of which could be regarded as genuine ends while game remained abundant. However, when game species diminished and groups began competing with one another for access to them, regulations were instituted and it was then that 'self-justification and mutual recrimination' began.⁶ Early game protectionist measures in the Transvaal were conservationist to the degree that sustainable yield was advocated. Although the prevention of waste of a commercial resource was a reason for the introduction of protective legislation, there was a concurrent desire to restrict access to that resource to the group which wielded the most political and economic power. In the event, this conservation strategy failed in both respects and more extreme preservation measures in the form of game-reserve creation followed. Within these reserves the rigorous

⁶ Ibid., p.25.

preservation of specific examples of wildlife took place. Game reserves were withdrawn from the economy altogether and the concept of the sanctity of these special areas remained dominant for almost a generation. Ultimately, in the establishment of the Kruger National Park, a reversion to conservationist principles occurred: wildlife was once more to be utilized for human ends and was again recognized as being a profitable resource to exploit, this time for recreational game viewing.

Popular accounts have attempted to present the history of game protection or of national parks in South Africa as politically neutral. As has been seen here, however, this has never been the case and from the first tentative steps at protection in the Transvaal, the issue has been highly politicized. Game protection was not, it seems, a majority opinion until 1926 - and then only within the white group. That the minority of game protectionists was nevertheless sufficiently powerful to influence governmental action was due to two principal factors: firstly, they have usually been members of the dominant political, social and economic classes; and secondly, protectionists have made good use of the argument that there is inherent 'good' in saving wild animals.⁷ Because of this, the names of national leaders, like Paul Kruger, have come to be associated with it.

State intervention in game saving has been evident at all times. The legal status of game as res nullius in Roman Dutch law had the consequence in the Transvaal that game protection could be implemented only by the state,⁸ and initially it was this basic principle which brought game protection

⁷ White, 'American environmental history', p.302.

⁸ An unsuccessful effort was made to alter the legal status of game in the late 1920s and early 1930s: see, TA A878, J.J.S. Smit Collection, vol. 15.

within the political arena. Because politically dominant groups wished to restrict access to game to themselves, they legislated against others who also desired to utilize it.⁹ Protectionism was therefore accomplished by prohibitive state policy and from this resulted conflict and social tension.

The legal status of wildlife has also meant that in order to protect game, landowners have had to be assiduous in preventing members of the public from gaining access to it on their properties. This circumstance links trespass and poaching in South Africa, and it is in this regard that class relationships have been influenced by Transvaal game protection. The legal, economic and political status of human groups has therefore also been a prominent issue in game protectionism. Before land was formally allocated in the republican Transvaal attempts were made to restrict the hunting of game to members of the Voortrekker community. When wildlife on state land diminished, and as more and more land passed into private hands, those who did not own land lost access to game. And after a short partnership between white and black in commercial hunting activities, whites became powerful enough to withhold game from blacks whether the latter were occupiers of land or not. There was, it is true, a brief period in the early twentieth century when the Transvaal was governed directly by Britain, during which time black and white landowners enjoyed parity, but local white attitudes towards blacks soon overturned this legislation once self-government was acquired.

⁹ R.N. Owen-Smith, ed., Management of Large Mammals in African Conservation Areas (Pretoria, 1983), p.285.

Two manifestations of game protectionist policy have thus been evident in the Transvaal, namely, restrictions on hunting and the establishment of game reserves. In the first, hunting legislation was ineffective in saving game and throughout the period under review numbers of game generally declined, some species almost sinking to the point of extinction. Conservationist legislation failed to save game because the law remained unenforced in republican times, and in the colonial and provincial periods the advance of agriculture and industrial development left little room for wildlife. Game reserves, the second thrust of the protectionist effort, were initiated after it had become evident that other legislation had been unsuccessful in achieving its objective. Ultimately, game reserves were to prove more effective than hunting legislation. However, these reserves were multifunctional areas and had goals beyond game protection. One of the purposes of the Pongola Game Reserve, for instance, was to stake a legitimate Transvaal claim to a strategically important region. Similarly, one of the reasons for the creation of the Sabi and Singwitsi Game Reserves was to allow for the imposition of administrative control over a climatically hostile district and a turbulent international boundary.

Transvaal game reserves were generally located on land which was considered to be 'worthless', because of its agricultural infertility, its lack of valuable minerals or the presence there of endemic diseases. The removal of such localities from the agricultural or mineral sectors of the economy did not, therefore, create conditions of hardship or deprivation for any white group. A proposed game reserve in the Waterberg district foundered because of the high agricultural value of the land in the area and the

Rustenburg Game Reserve, also established in a region with agricultural potential, lasted only a short time. In later years, however, the principles underlying such 'worthlessness' came to be re-interpreted and national parks have proved to be a lucrative, as well as an ecologically appropriate, form of resource exploitation.

The national parks of the United States had an initial object of protecting natural scenery for the enjoyment of the public at large. By contrast, Transvaal protective legislation whether by way of hunting regulations or the proclamation of game reserves served to enhance the prestige of just the dominant classes; Afrikaner landowners in the nineteenth century, colonial sportsmen in the early twentieth century or whites as a whole in the mid 1920s. Legislation restricted hunting to the wealthy, and when numbers of game on state land diminished, only landowners were able to enjoy such hunting privileges. They also acquired the responsibility for its conservation, but they deeply resented both the imposition of restrictions on their rights and the intrusion of poachers. The establishment of game reserves on state land shifted the onus of responsibility for game protection back to the government, and the legislation which landowners sought in restricting public hunting rights was therefore designed entirely to safeguard their hunting privileges and not to protect the game. The poorer sections of the population were thus alienated from nature and, since they were not able to subsist on game products owing to the shortage of game, became increasingly proletarianized.

Despite their importance to the protectionist effort, game reserves were never established by the highest legislative organs in the Transvaal - the Volksraad, the Legislative Assembly or the Provincial Council. These bodies

transferred their powers in this respect to the executive. For this reason, all reserves were established by proclamation and could just as easily be deproclaimed; nothing that could be called a 'national park' was ever established by the successive governments of the Transvaal. Easy abolition was the fate of the Rustenburg Game Reserve in 1914, the Pongola Game Reserve in 1921 and portions of the Sabi Game Reserve in 1923. Only in 1926 did the Transvaal game reserves acquire some legal security when the National Parks Act was passed by the parliament of the Union of South Africa.

IV

Resource allocation in the South African context cannot be discussed without referring to the involvement of blacks. This majority group was eventually not only denied access to game by every possible means, but was also prevented from inhabiting those portions of land which were designated as game reserves. Even when post-Union legislation had confined blacks to a small portion of South Africa and the Singwitsi Game Reserve had been earmarked for black settlement, white recreational interests superseded this intention. Game protection was therefore one of the methods by which blacks were dispossessed of land and its resources.

Many difficulties have attended the exploration of the theme of protectionist action by blacks in this work. When considering the hunting activities of southern African blacks and comparing them with those of similar groups elsewhere in the world, it is unlikely that late Iron Age societies in southern Africa upheld any articulated or deliberate protectionist principles. Blacks were very effective hunters: not only were they able, using traditional methods, to slaughter wild animals in

significant numbers, but also when provided with firearms were as adept at commercial hunting as were whites. Although they were never participants with whites in any legislative or administrative processes, nor members of any formal protectionist pressure group, blacks loomed large in Transvaal protectionist doctrine because whites constantly blamed them for destroying game. It has been suggested that 'poachers are analogous to the devil in the religion' of game saving¹⁰ and whites certainly displayed enthusiasm in withholding game from blacks. It seems, however, that although protectionist ideas were not a motivating force in any black group, the disabilities suffered by blacks in respect of game hunting - for instance, the results of close supervision by whites, their loss of landownership privileges and their eventual denial of the use of firearms - succeeded in preventing them from destroying game in any quantity. On every occasion for which evidence exists, it can be seen that blacks actually did far less damage than that of which they were accused.

Protectionist legislation discriminated among different groups of people but it also discriminated among animal species: protection was afforded to some and not to others. Commercially rewarding species were initially not saved because it was considered that this might have had the effect of curtailing the supply of valuable game products. In later years, however, it was those very species, particularly elephant, which by reason of their being over-hunted and their consequent rarity, had to be given total protection to preserve them from extinction. Early legislation sought to apply conservation measures to certain other 'useful' animal species, but with singular lack of effect. In addition, a wide legal gulf existed between protected species and

¹⁰ Graham, Gardeners of Eden, p.165.

declared 'vermin', the killing of which was encouraged. In the absence of any ecological understanding, arbitrary distinctions between species were made. Prohibitive legislation and game reserves were initially for 'game', rather than for 'nature'.

V

The value of game products as a source of income to individuals and the state was a major factor in generating early protectionist opinion. This value was also the cause of its decline, as it became scarcer so its value rose and the more it was pursued to extermination. Free market forces were not effective in curbing game killing, and even legislation had little effect. Commercial conservation was followed by preservation for sport, and this in turn was replaced by conservation for tourist income. These shifting values inform us about the urbanization and industrialization of South Africa as well as about diminishing game populations. The killing of game for subsistence or commerce is not an activity engaged in by groups who are affluent or well fed, but the recreational enjoyment of nature is.¹¹

While the monetary value of wildlife played a role in promoting protectionism, opposition to protectionism has, in South Africa as in the United States, also been founded on materialist principles.¹² Initial opposition from whites and blacks took the form of ignoring hunting regulations in order to obtain more game products either to sell at a profit or to subsist upon, but in later years white counter-arguments were based

¹¹ Nash, Wilderness and the American Mind, p.343.

¹² H.D. Hampton, 'Opposition to national parks', Journal of Forest History 25(1), 1981, p.45.

upon the principle of whether 'locking up' natural resources, like minerals or agricultural land, was permissible. The establishment of the Kruger National Park was the public answer emanating from whites that such state action was tolerable, providing that the natural resources were not especially valuable and that income from game viewing would compensate for losses in other respects.

The breadth and heterogeneity of the social, political and economic forces which gave rise to the asset of the Kruger National Park include other roles played by the white public. Whites not only gave direction in the economics of resource control, but also provided nationalistic ideology with a monument. For Afrikaners in the mid 1920s, the hardships of frontier life of their forebears had now been replaced with a sentimental attachment to an idealized past and in so doing the philosophy of Afrikaner nationalism, extrapolated from this past, was affirmed by the creation of the Kruger National Park. Moreover, the material interests of all whites began to coincide at this time - the national park symbolizing a growing white ruling-class solidarity.

A few white groups were not as greatly concerned with game protectionism. Scientists in South Africa, for instance, did not initially encourage wildlife protection or provide it with a rational base as had occurred in the United States,¹³ and the scientific fraternity in South Africa did not influence game protection in the Transvaal to an appreciable degree during the period under review. Academic biology was in its infancy and scientific spokesmen tended to be veterinarians or agricultural scientists who feared the effect on domestic stock of the diseases to which

¹³ Cart, 'Struggle for wildlife protection', p.8.

wild animals were susceptible. Nonetheless, it was the effect of one of these diseases, rinderpest, which, by decimating both domestic livestock and game in 1896, stimulated the creation of game reserves as potential reservoirs in which the survival of game might be assured. Many decades were to elapse before scientists interested in game protection were to be employed in national parks or other wildlife agencies of the state.

In addition, no creative literature advocating nature protection, such as that written by John Marsh in the United States, grew out of conditions of the Transvaal. On the contrary, the most influential literature was that of imperial sportsmen who advocated the killing of wild animals rather than the saving of them. Hunting adventures and species descriptions, such as those found in Stevenson-Hamilton's Animal Life, only came to dominate wildlife literature in the early twentieth century. Certainly it was the Transvaal landscape that was celebrated in Afrikaans poetry of the day - such as in 'Winternag' by Eugene Marais or in 'Die vlakte' by Jan Celliers - but not conservation or preservation of wildlife. Although the wildlife illustrations of the nineteenth century provided useful taxonomic material, wildlife in the past provided little creative inspiration to the visual arts.¹⁴

VI

A diversity of protectionist attitudes has been unearthed in this analysis and it has been shown that these were the result sometimes of conflict and sometimes of a combination of differing social, political and economic values

¹⁴ Berman, South African Painting, pp.39-44.

advocated by various groups and individuals. Although the crusading quality¹⁵ of wildlife protection is one of its strengths, this attitude has tended to obscure the social richness and the variety of the subject and to have isolated it from other prevailing conditions. The common overemphasis on the moral quality, or 'goodness', of protectionism has not only been responsible for creating romantic stories more akin to folklore than to history, but, more seriously, it has also distorted its real - and sometimes paradoxical - nature. The essence of protectionism, whether conservationist or preservationist, is resource allocation and exploitation, and in these respects it is intrinsically no more 'worthy' an enterprise than, for instance, agriculture or fishing. Modern conservation theory, particularly that found in southern Africa, lacks historical foundation in many critical respects. Environmental conservationists have been preoccupied with the collection and analysis of scientific data, and have overlooked the overriding influences of the political economy, which ultimately, at least in the Transvaal, have been in past decades of far greater consequence.

¹⁵ S.P. Hays, Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890-1920 (New York, 1980), p.1; Graham, Gardeners of Eden, p. 122.

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¹ The section which follows is not comprehensive of all the works which were consulted but is in the nature of a select bibliography. It was considered desirable to omit many references, principally in the areas of animal and ecological ethics or pertaining to histories of specific national parks in the United States, for the sake of brevity and specificity.

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VII UNPUBLISHED THESES AND PAPERS

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VIII MAPS

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