

Identity politics and being a Free Stater during the South African War (1899-1902): A micro-history of the inhabitants of the greater Drakensberg region

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Abstract

The South African War was also a conflict about identity. Prior to the conflict, English-speakers with strong Natal ties as Orange Free State (OFS) subjects, resided in Harrismith, while Afrikaners resided along the foothills of the Drakensberg on the Natal side, but migrated seasonally with livestock to the Free State. This led to a transitional existence where identity politics transcended the transitional border of the Drakensberg. The identity politics as it existed, whereby residents along both sides of the Drakensberg thought of themselves as “Free Staters” by dint of culture, blood and association, economics, state of mind or legally, were seriously disrupted by the outbreak of the South African War. The self-gradation in terms of identity politics, whereby it was constructed rationally and contextually were, as the war progressed, systematically replaced by one imposed in the region by, first, the OFS and, once they were pushed out of Natal, by the Empire and the Colony of Natal. This had serious consequences for the identity politics as practiced along the Drakensberg. In this micro-history the identity politics of the inhabitants of the greater Drakensberg region are analysed, determining how it was impacted on by the South African War.

Keywords: Anglo-Boer War; Drakensberg region; Identity politics; South African War; Free Stater/s.

Introduction and background

In many ways the South African War was a conflict about white identity and belonging. The best example in this regard is the pre-war agitation by *Uitlanders* in the Transvaal for citizenship and the vote. The contestation of the demands made by the *Uitlanders* to be recognised as Transvalers contributed, in no small manner, to the tension between the Transvaal and Britain and to

the outbreak of the South African War. A similar tension, be it in on a much smaller scale, also played itself out during the war between people who, at various times, identified themselves as Free Staters or who were regarded as such by other Free Staters or the Orange Free State (OFS) Boer Republic, but not necessarily so by the Colony of Natal. These political identification processes had a profound impact on the people involved.

Within the geo-political construction of the OFS, inhabitants, according to law, automatically became citizens after three years' residence. As such, if they were between the ages of 16 and 60, they were also eligible to be called up for commando duty.¹ Becoming a citizen in this manner was hardly ever contested, but exhibited certain fault lines, namely, many who saw themselves as Free Staters were not necessarily citizens. In this regard, the outbreak of the South African War in 1899 brought about contestation for many who resided along the rugged Drakensberg border separating the OFS and the Colony of Natal, on what it meant to be a Free Stater. This article therefore engages with the "Free Stateness" of those who resided in a transnational manner along the border between the OFS and Natal during the South African War and the tensions that arose between them and, especially, the Natal and Free State authorities regarding political identity and what this entailed. This border area is the setting for this micro-history in which "large questions" are asked in a "small place" about identity politics.²

For the purpose of this article Crenshaw's notion that identity politics is a process that brings people together into a community based on shared aspects, will be applied.³ These shared aspects for the English-speakers residing along the Drakensberg border in the OFS, and Afrikaners residing along the same border on the Natal side, both minority groups on the fringes of main stream society, were ethnicity, economics, culture and ideology. In concrete terms, for the purpose of this article, this translates into association with either being British or Afrikaner, or supporting imperialism or republicanism. Identity politics of this nature, which are based on forms of social organization, can transcend geographical boundaries, as in the case of the historical actors on who this article focus. This is especially prominent in societies experiencing some form of marginalisation if in terms of, for example, political representation,

1 SA Watt, "Harrismith – A military town during the Anglo-Boer War, and after: Part 1", *The South African Military History Journal*, 8(1), June 1989, p. 3 (available at samilitaryhistory.org).

2 CW Joyner, *Shared traditions: Southern history and folk culture* (Urbana, University of Illinois, 1999), p. 1.

3 K Crenshaw, "Mapping the margins: Intersectionality, identity politics, and violence against women of colour", *Stanford Law Review*, 43(6), 1991, pp. 1241-1299.

as happened along the Drakensberg border. To encapsulate, identity politics as outlined above and in the case of this micro-history, informed political behaviour during the South African War. In the process, subjective identity choices were exercises which were coloured by gradations of political identity.⁴

Using identity politics theory, this article will not only contribute to a neglected aspect of Free State regional history, but also contribute to a wider historiography on the plight of citizens related by blood and culture to one of the conflicting forces, but resident in the other.

Pre-war relations along the Drakensberg border of the OFS and Natal

In the decades before the outbreak of the South African War the districts of the Colony of Natal that bordered on the OFS, namely Newcastle, Ladysmith (Klip River) and Upper Tugela, and the OFS districts that bordered on Natal, namely Vrede and Harrismith, was a porous mountainous region within which people moved quite freely between the two political entities. This made it a difficult area to police, especially when considering that this was not an era of neat legal travel documents and rigid citizenship. The most accessible routes across the Drakensberg were by means of a series of mountain passes such as Botha's, Tintwa, De Beers, Bezuidenhout, Oliviershoek, Collings and Van Reenen's.

In many ways the two Drakensberg border areas were two sides of the same coin. The major towns, be it Harrismith, Ladysmith or Newcastle, were generally populated by English-speaking traders, businessmen and professionals, and the surrounding farm land by Afrikaners. This meant that white English speakers with Natal roots, like John Torpey,⁵ Neil McKechnie, S Friday, T Irons, R and C Mallandain, T and L Odell, W Oates, J Putterill, T Sink and H Spilsbury operated businesses in Harrismith and, at times, also in Natal. These businesses expanded in the 1870s largely because Harrismith was situated on the route between Natal and the diamond fields at Kimberley. By 1892 a railway line linked Natal to Harrismith and beyond. As a result, just prior to the South African War, Harrismith was a substantial town which boasted hotels, a town hall, churches, a school, a hospital, a fire brigade, a

4 L Huddy, "From social to political identity: A critical examination of Social Identity Theory", *Political Psychology*, 22(1), 2001, p. 127.

5 Pietermaritzburg Archive Repository (PAR), Government House (GH) 502: Correspondence pertaining to the request by J Torpey for remission of sentence, 17 June 1901-24 July 1901; *De Natal Afrikaner*, 5 June 1900.

sports club and cultural societies.⁶ On a macro level, Natal joined the OFS-Cape Colony Customs Union in May 1898. This strengthened business in Harrismith even further.⁷

Livestock farming and mobility on both sides of the border

However, the most pronounced economic activity practiced by most of the population on either side of the Drakensberg was agriculture. On the OFS side, summers had reliable rainfall and were not oppressively hot. The Natal side had, in comparison, mild winters. The good grazing and ample water on both sides made for extensive sheep and cattle farming. The result of the afore-mentioned natural conditions was that many farmers annually migrated across the Drakensberg with livestock – in the summer to the OFS Highveld and in the winter to Natal. Agriculturally, this seasonal migration made economic sense as livestock diseases, prevalent at the time, could be avoided and good grazing was available year round. These migrant farmers or *Trekboers* were almost exclusively Afrikaners whose seasonal migration caused the magistrate of Newcastle to describe them as being the opposite of: “the swallow and other migratory species that come in summer and go in the winter”.⁸

Amongst the *Trekboers* were wealthy ones, like JA Oosthuysen who owned 12 000 acres in Natal and 13 000 in the OFS.⁹ Others were poor and in the employment of the more wealthy.¹⁰ African labourers, although the archives revealed little in this regard, were also part of this migratory process.¹¹ The result of farming in this manner was a network of transnational families which transcended the international border and who were equally at home in Natal and the OFS. A point in case is the Labuschagne, Bester and Prinsloo

6 SA Watt, “Harrismith – A military town during the Anglo-Boer War...”, *The South African Military History Journal*, 8(1), June 1989, p. 3 (available at samilitaryhistory.org).

7 B Guest, “The new economy”, A Duminy and B Guest (eds), *Natal and Zululand from earliest times to 1910: A new history* (University of Natal Press, Pietermaritzburg, 1989), p. 311.

8 PAR, Natal Colonial Papers (NCP) 7/1/30: Annual report magistrate Newcastle, 1882.

9 PAR, Attorney General’s Office (AGO) I/7/39: Application by JA Oosthuysen (snr) to have firearms registered, 18 September 1899-28 September 1899.

10 PAR, AGO I/7/14: Regina vs C van Zyl Lotz, pp. 114-116; *Natal Witness*, 2 November 1900.

11 PAR, Secretary of Native Affairs (SNA) I/1/297: Minute paper regarding the application by “Englishman” to remain in Natal, 25 August 1902-24 October 1904. The archives were generally silent on the plight of African farmworkers and their experiences of the cross-border migratory processes and its related identity politics. For a sense of the general African experience on the Natal side of the border, see J Lambert, *Betrayed trust. Africans and the state in colonial Natal* (University of Natal Press, Pietermaritzburg, 1995).

families. Casper Labuschagne, a member of the Legislative Council of Natal (MLC), resided on the farm Haasfontein near Colenso in Natal. His father, the 75-year old JHC Labuschagne, came to Natal as a child at the time of the Great Trek. In time he served, during the 1865 Free State-Basotho War (Seqiti War), in the Weenen Burgher Force. Labuschagne senior left Natal in 1866 to settle in the OFS. He did, however, return to Natal in 1873 to volunteer for service during the Langalibalele uprising. Casper Labuschagne's brother, Jan Hendrik Labuschagne, was, like their father, a burgher of the OFS.¹² Similarly, the extended Bester family of the Upper Tugela district had both property and family relations on either side of the border.¹³ Maria Prinsloo, in turn, had five sisters who were resident in the OFS and another lived near Nongoma in Zululand, while five brothers were resident in the Transvaal and one in Natal.¹⁴ What these three family vignettes serve to illustrate, is the mobility of Afrikaner families along the OFS/Natal border. This mobility served to impact on their political identities in the face of the looming crisis and the perceived threat of war.

The Natal colonial powers did not necessarily view the seasonal migration in a positive light and tried their best to curb it for reasons related to administration, political control and economics. One such attempt was, after Natal had achieved responsible government in 1893, to make crown lands in the Klip River and Upper Tugela districts open to sale by "public competition", with the explicit aim of curtailing migratory movements and the economic complications thereof, such as tax evasion¹⁵ and slipping the net of political allegiance. The hope of the Natal authorities was that more extensive land ownership would introduce a greater sedentary lifestyle among the Afrikaner community. This did not necessarily happen, as many who had rented crown lands did not necessarily use the opportunity to purchase it.¹⁶ This meant that the seasonal migration with livestock continued and the attempts by the Natal authorities to curb it came to naught. On the OFS side, while being more laissez faire in their intent to control seasonal livestock

12 National Archives Repository (NAR), Pretoria, Archives of the staff officer Prisoners of War (Natal) (SOP) 31: Correspondence regarding the possibility of parole for JHC Labuschagne, 18 April 1902-30 April 1902; PAR, Colonial Secretaries Office (CSO) 1672: Request by C Labuschagne to have JH Labuschagne paroled to his farm, 26 March 1901.

13 PAR, HF Schoon Collection, A 72: My experiences during the Anglo-Boer War by Maggie Bester, pp. 11-20, 26 September 1900.

14 PAR, CSO 1662: Correspondence regarding the complaint by MCE Prinsloo that they were destitute, 24 October 1900-5 July 1901.

15 PAR, NCP 7/4/1: Annual reports magistrate Newcastle, 1893-1894.

16 VS Harris, "The Klip River Dutch community, 1843-1899", *Journal of Natal and Zulu History*, VII, 1984, p. 15.

migration, the realization must have existed that the *Trekboers* were unlikely to become citizens, since they very seldom resided in a continuous manner in the country for a period of three years.

The unwillingness to abandon a certain economic lifestyle resulted in a fair amount of suspicion by the Natal authorities of those Afrikaners who seasonally moved between the Colony and the OFS. This suspicion must be understood against the backdrop of the comments made by the Newcastle magistrate, namely that Afrikaners, who resided in close proximity to the Republics spoke, dressed and behaved in ways similar to that of their Republican kin.¹⁷ A lack of representation and participation in political and civil matters in Natal resulted in the local Afrikaners gravitating towards the Republics with whose people they formed an ethnic community and shared a common history and culture.

Legally, apart from having to adhere to agriculture legislation related to livestock diseases and having to report to the magistrate on arrival, the act of seasonal migration held few impediments as, in a sense, allegiance was not necessarily sworn to either the OFS or Natal. This neutrality of sorts was enhanced by, for example, Section 17 of Law 11 of 1862 which allowed residents from neighbouring countries visiting Natal to carry arms and ammunition for personal use. Visitors, including the Afrikaners who resided in the Drakensberg region of Natal during winter and in the OFS during summer,¹⁸ could openly bring in firearms and as much ammunition as they wished under the guise of personal use and register it with the authorities as such.¹⁹

Distrust about border activities and arms in looming war times

Despite the existence of the above-mentioned law, with the war clouds gathering from June 1899 onwards, the suspicion of those Afrikaners who resided part of the year in the OFS, or had some connection to the OFS, gathered momentum and rumours soon abound. One such rumour suggested that, in July 1899, a person presenting himself as a roving photographer,

17 PAR, NCP 7/1/24: Annual report magistrate Newcastle, 1876.

18 Kew, Public Record Office (PRO), Colonial Office (CO) 179/206: Minute paper regarding distribution of firearms in Natal by Boers, 19 September 1899.

19 PAR, CSO 2579: Letter, Permanent Under Secretary (PUS) C Bird to Magistrate TR Bennett, Klip River district, 23 August 1899; Letter, Magistrate TR Bennett, Klip River district, to PUS C Bird, 26 August 1899.

travelled in the Normandien area of the Drakensberg near Newcastle, calling only upon the local Afrikaners. During these visits he was said to distribute Mauser ammunition. The allegation was immediately investigated by the Natal Police who fell afoul of Section 17 of Law 11 of 1862.²⁰ The nature of the law made it possible for arms and ammunition to be brought into Natal by *Trekboers* and to be left behind on departure. Hence no need for covert smuggling existed. Frequent concerns relating to this practice were expressed between 1896 and 1899 by the Natal Police. Yet, the Natal Government did not deem it favourable to repeal the grant that had been in effect for so many years.²¹ However, the persistence of rumours related to the distribution of Mausers to Afrikaners resident in Natal prompted Prime Minister AH (Albert) Hime to task Chief Commissioner of Police Col JG Dartnell, to look into the matter, which resulted in an investigation into the registration of firearms.²²

The inspection of firearm licenses by the Natal Police soon unearthed several unregistered items in the Estcourt district. For example, J van der Merwe of the farm Moor who believed that, as a *Trekboer*, Section 17 of Law 11 of 1862 applied to him, applied to register a Mauser which he had purchased in the OFS.²³ The biggest problem in relation to unregistered firearms arose with the Mausers of the wealthy JA Oosthuysen and his son who owned landed property in both political entities. In 1898 father and son bought Mausers from the OFS Government, but did not have them registered in Natal. After the inspection, and in an attempt to circumnavigate the process, Oosthuysen (snr) wrote to FR (Frederic) Moor, the Natal Secretary of Native Affairs who, as a politician, relied heavily on the vote of Afrikaners in Estcourt, and explained that he trekked seasonally between Natal and the OFS, and was therefore unsure about legal requirements and the process of registration. As war approached, Oosthuysen became more desperate and in a sworn affidavit before Magistrate RH Addison, acknowledged that he, as a British subject, had brought in unlicensed Mausers from the OFS, pleading that he had been ignorant of breaking the law. The same day, Oosthuysen also sought legal advice from Chadwick and Miller who, on behalf of father and son, applied

20 PAR, CSO 2579: Letter: PUS C Bird/TR Bennett (Magistrate, Klip River district), 23 August 1899; Letter: TR Bennett (Magistrate, Klip River district)/PUS C Bird, 26 August 1899.

21 PAR, Minister of Justice and Public Works (MJPW) 69: Report by Natal Police that OFS Boers brought arms and ammunition into Natal, 1898-1899.

22 PAR, CSO 2580: Letter: Col W Royston/AH Hime (Prime Minister), 24 August 1899; Letter: AH Hime (Prime Minister)/JG Dartnell (Chief Commissioner of Police), 25 August 1899; Letter: JG Dartnell (Chief Commissioner of Police)/AH Hime (Prime Minister), 25 August 1899; *Natal Witness*, 4 September 1899.

23 PAR, AGO I/7/39: Application to have firearms registered by GL Oosthuysen, 18 September 1899; Application by J van der Merwe to have firearm registered, 18 September 1899.

to the controller of firearms to grant them licences on the grounds that the Mausers were not brought in in wilful contravention of the regulations or with the intention of using them against the British. Response to all these actions was not immediately forthcoming, which frustrated Oosthuysen.²⁴

The reason for the urgency in trying to register the rifles was evident. The Republican forces were already mobilising, a fact that did not escape the attention of Oosthuysen. In early October 1899, JA Oosthuysen left for the OFS without handing in his Mauser. The fact that the police could not prevent him from leaving, nor confiscate the rifle, angered Prime Minister Hime.²⁵ What made matters worse was that Oosthuysen was also suspected of spying for the OFS.²⁶ The sensitivities related to rifles owned by Afrikaners also played itself out in the neighbouring Upper Tugela district. Here Magistrate DG Giles had to admit that he had made bitter enemies amongst them by confiscating their unlicensed and unregistered firearms.²⁷

Growing doubts and distrust – another “Trek” commence

Less than two weeks before the outbreak of the war, on 30 September 1899, the monitoring of Afrikaners in Natal was further intensified when Col Dartnell forwarded a memo to the police inspectors in districts with many Afrikaner residents to make lists: “of the Dutch residents in your district, and carefully note the names of any who leave the Colony ... or who are suspected of having done so.” The anxious governor of Natal, Walter Hely-Hutchinson, also insisted that careful records be kept of such movements, and that each suspicious case had to be supported by evidence.²⁸

Although no evidence of disloyalty could be attributed to Afrikaners with ties to the OFS, Magistrate RH Addison of the Estcourt district doubted their allegiance.²⁹ The general opinion in the district, however, differed and it was thought that the local Afrikaners would not act aggressively in the

24 PAR, AGO I/7/39: Application by JA Oosthuysen (snr) to have firearms registered, 18 September 1899-28 September 1899.

25 PAR, Secretary of Native Affairs (hereafter SNA) 1/4/6: Correspondence between Magistrate WG Wheelwright, Upper Tugela, and Prime Minister AH Hime, 25 September 1899-5 October 1899.

26 PAR, AGO I/7/39: Report Magistrate WG Wheelwright, Upper Tugela, with regard to the depositions made by Ncwadi, Nyanda and Silulwana regarding advances made by JA Oosthuysen, 15 September 1899.

27 PAR, CSO 2588: Report Magistrate DG Giles, Upper Tugela, to Prime Minister AH Hime, 2 November 1899.

28 PAR, MJPW 116: Record of all Natal Afrikaners who have left, or may leave, to join the Boers, 30 September 1899-3 October 1899.

29 PAR, CSO 2579: Report Magistrate RH Addison, Estcourt, 4 September 1899.

case of a Republican invasion.³⁰ MLC Labuschagne was, likewise, hopeful regarding the loyalty of the Afrikaners of Estcourt residing in the foothills of the Drakensberg. They doubted whether any Afrikaner with property would risk losing it by joining the Republican forces.³¹

Labuschagne and the English colonists were obviously not as well informed as the Magistrate, as several Afrikaners of the Estcourt district did depart for the OFS.³² AJT Potgieter of Kamberg also left for the OFS. In his haste to make good his intentions that he wanted to fight the British, Potgieter left behind planted crops, a horse and other property and sold his livestock at a low price. Potgieter was followed to the OFS by a certain Buys from Weenen, J van der Merwe and JA Oosthuysen and his son.³³ The latter two families had previously run into trouble because of being in possession of unlicensed firearms. In the neighbouring Umsinga district the local commander of the irregular Boer force, CJ de Villiers, was trying to sell his two farms in Umsinga. At the time, De Villiers was at his farms in the OFS to which he had, for the first time, removed all his cattle.³⁴

In the Natal districts bordering directly on the OFS, matters became more frantic as war approached. In the Upper Tugela district, many local Afrikaners, in the view of the local magistrate, avoided the resident magistrate and the local police. The result of this unsatisfactory relationship was that information was withheld from the magistrate. A point in case is that neither the magistrate nor the local police were informed of young De Villiers of the farm Waterloo being commandeered by his father, CJ de Villiers, the commandant of the Harrismith Commando, or that a memo was circulated stating that, in case of war, the Natal Government would close the border with the OFS and seize all *Trekboer* livestock. Such propaganda caused panic and many Afrikaners, although it was in the middle of the lambing season and not time to do so, trekked with their sheep to the OFS.³⁵

The only Natal district which bordered on both the Transvaal and the OFS was Newcastle. In early September 1899, Magistrate JO Jackson could report that all was peaceful in his district.³⁶ Some Afrikaners, despite the fact that

30 PAR, CSO 2579: Report Magistrate RH Addison, Estcourt, 9 October 1899.

31 PAR, CSO 2580: Report Magistrate RH Addison, Estcourt, 25 September 1899.

32 PAR, CSO 2580: Report Magistrate RH Addison, Estcourt, 12 September 1899.

33 PAR, MJPW 116: Report Magistrate RH Addison, Estcourt, 5 October 1899.

34 PAR, CSO 2579: Report Magistrate GW Adamson, Umsinga, 3 October 1899.

35 PAR, CSO 2579: Report Magistrate WG Wheelwright, Upper Tugela, 4 September 1899.

36 PAR, CSO 2579: Report Magistrate JO Jackson, Newcastle, 5 September 1899.

the grazing was worse in the OFS than in Natal and that the lambing season was about to start, trekked with their livestock to the Republics.³⁷ Some local Afrikaners also feared that the Natal Government might force them to take up arms against their families in the Transvaal and OFS.³⁸ Reacting very quickly, the Natal Government confirmed that it would not be expected of Natal Afrikaners to take up weapons against their kin.³⁹

All-in-all, the number of Afrikaners who crossed from Natal into the OFS immediately prior to the war does not substantiate any conspiracy theories. In reality, only nine Afrikaners were identified as having left for the OFS under suspicious circumstances.⁴⁰ What seems true was that the Natal Police could not keep track of all the Afrikaners who had left. The small number who left for the OFS with military intentions generally shared the following characteristic: They were young, like 19-year old JJ Bester of Aberfeldie, Upper Tugela who was told by his father to enlist, poor and landless and from the “bywoner” class.⁴¹ Many other Afrikaners, however, left for the OFS earlier than usual on their seasonal livestock migration. But their reasons were, at face value at least, economic in nature, for they feared that a war would seriously interrupt their annual livestock migration⁴² to the Highveld of the Free State. Hence, they moved at the start of spring, rather than in early summer.⁴³ On the OFS side of the Drakensberg border the seasonal migration thus arrived a month or two earlier than usual. However, at least one farmer felt different from his peers and moved his livestock in the opposite direction. JJ Gregory collected his cattle from the OFS and moved them to the Dundee district. In the process three cattle were stabbed to death during the trip by an unknown African party.⁴⁴ This incident reveals that movement in a direction opposite to that taken by most Natal Afrikaners allowed for a different kind of tension to develop.

37 PAR, Principal Veterinary Surgeon (hereafter PVS) 3: Letter: DC Uys asking to move his sheep to the OFS, 19 August 1899; PAR, CSO 2581: Report Magistrate JO Jackson, Newcastle, 9 September 1899.

38 PAR, CSO 2580: Report Magistrate JO Jackson, Newcastle, 9 September 1899.

39 PAR, CSO 2580: Letter: PUS C Bird/ TR Bennett (Magistrate, Klip River district), 12 September 1899.

40 PRO, CO 179/205: Letter: W Hely-Hutchinson (Governor)/J Chamberlain (Colonial Secretary), 6 October 1899.

41 *Times of Natal*, 12 October 1899.

42 PAR, Ladysmith Magistrate (1/LDS) 3/1/1/16: Report on returning Afrikaners from Magistrate HJ Colenbrander to colonial secretary, no date; PAR, CSO 1661: Request for a permit by JH Nel to remove cattle from the OFS to Natal, 5-21 November 1900.

43 PAR, CSO 2910: Invasion Losses Enquiry Commission: Claim by PAJ van Rensburg, 4 February 1903.

44 PAR, CSO 2582: Report Magistrate P Hugo, Dundee, 4 October 1899; PAR, CSO 2582: Report Magistrate P Hugo, Dundee, 7 October 1899.

Being a resident on both sides of the border

On the arrival of the *Trekboers* in the OFS, many were confronted with the reality of the coming war. From a Free State perspective they were viewed as having allegiance to the Republic and stood a chance to be commandeered. As a consequence, young Gregory was commandeered for ambulance duty,⁴⁵ while young Aveling of Newcastle joined the reserve artilleryists.⁴⁶ A different approach was followed by SJ Müller, who was born in Pietermaritzburg and had resided in the OFS prior to moving to the Melmoth district. He applied for permission to the Natal authorities to join the Boer forces as a member of the Transvaal Ambulance Department. Unsurprisingly, on the recommendation of Attorney-General Henry Bale, permission was denied.⁴⁷

On the OFS side of the border, and more specifically in Harrismith, a similar dilemma was playing itself out. The advent of war between the Republics and Britain made for an uneasy situation for the English living in Harrismith. As citizens of the OFS they were legally bound to perform commando duty, which meant that they could be expected to fight against Britain. Some reprieve in this regard came from the Commandant-General of the OFS, General Marthinus Prinsloo, that no citizen of British origin should be commandeered.⁴⁸

As war approached, those facing the biggest dilemma of consciousness along the Drakensberg border were those Afrikaners who owned landed property in Natal and the OFS, or who, for other economic reasons, owed an allegiance to Natal and the OFS and English-speaking OFS-citizens of Harrismith. Their predicament is reflected in the words of August Prozesky who wrote at the time: "They can only serve one government, now they must decide which one. If one could only see into the future, which party will retain the upper hand!"⁴⁹

45 PAR, CSO 2582: Report, Magistrate P Hugo, Dundee, 7 October 1899.

46 OE Prozesky private collection, Diary of JJA Prozesky: Diary entry, 16 September 1899, p. 17.

47 PAR, AGO I/7/40: Minute paper on the application by SJ Müller, 28 December 1899.

48 SA Watt, "Harrismith – A military town during the Anglo-Boer War...", *The South African Military History Journal*, 8(1), June 1989, pp. 3-4 (available at samilitaryhistory.org).

49 OE Prozesky private collection, Diary of JJA Prozesky: Diary entry, 5 October 1899, p. 22.

The coming of war and its impact on the identity politics of the residents of the Drakensberg region

On 11 October 1899, when the ultimatum issued to Britain by the Boer Republics had expired, the Boer commandoes consisting of roughly 11 400 burgers from the Transvaal, commanded by Generals Erasmus, Kock and Meyer and 6 000 burghers from the OFS, under Chief Commandant Prinsloo and Commandant De Villiers of Harrismith, invaded Natal.⁵⁰

Conflicting identities

Back in Harrismith the English-speaking residents were facing a nightmare – what to do now that war between the Republics and Britain has broken out. As explained by Watt: “Some of these men, while refusing to fight their kith and kin, undertook guard duties in the town in order to fulfil their obligations as citizens.” However, those who protested at being commandeered and who opted not to fulfil their obligations as citizens of the OFS by taking up arms against Britain were arrested and prosecuted. In the process 35 English-speaking burghers were sentenced to a fine of £300 or three years imprisonment. Six men, who had earlier left Harrismith, were sentenced in absentia to a fine of £500 or five years in prison.⁵¹

However, an indication of how interpretations differed on what it meant to be a Free Stater is borne out by the fact that the remaining eligible male members of the English-speaking community felt they owed allegiance to the OFS and as a result joined their local commando. The English-speaking group from Harrismith was sent to defend the Drakensberg passes from Oliviershoek to De Beer’s Pass or were tasked to guard the town. Expecting English-speakers to serve on commando against their kin meant that the undertaking given by General Prinsloo that no citizen of British extraction should be commandeered was broken. This, in all probability happened based on the reasoning that all OFS citizens had to do their duty. A hint in this direction is provided by the “warning” the English-speaking inhabitants received in November 1899, from the Harrismith Commando stationed at Ladysmith. They were accused, in a piece that appeared in the *Harrismith*

50 F Pretorius, *The Anglo-Boer War, 1899-1902* (Struik, Pretoria, 1998), p. 14.

51 SA Watt, “Harrismith – A military town during the Anglo-Boer War...”, *The South African Military History Journal*, 8(1), June 1989, pp. 3-4 (available at samilitaryhistory.org).

News, of: “Jingoism” because of their: “vile and shameless acts and deeds”. Whatever these acts or deeds were was not indicated by the 23 signatories.⁵² In the light of the afore-mentioned, being an English-speaking burger on commando was not always an easy undertaking as anti-British sentiment ran deep among the Boers and they were many a time treated with suspicion. Despite this, the loyalty of, for example, Field-Cornet Mostyn Cleaver of the neighbouring Bethlehem district proved to be impeccable. He eventually died of enteric fever as a prisoner-of-war in Ceylon (now Sri Lanka).⁵³

For the first months of the war, the residents of Harrismith suffered deeply as the conflict had disrupted rail and wagon services. As a consequence, basic commodities of all kinds were scarce, while they were reminded of the horrors of the war with British soldiers and Boers being treated in the Cottage Hospital and other makeshift medical facilities.⁵⁴ Additionally, during the early stages of the war the number of English-speakers in Harrismith was enhanced by the arrival in early January 1900 of English-speakers who were captured for military reasons, many a time by Afrikaners with links to the OFS.⁵⁵

On the Natal side of the Drakensberg the Afrikaner residents, many of whom identified with the OFS, faced their own challenges. In Upper Tugela, one of the first Natal districts to be invaded, the local Afrikaners and an English colonist, MJM Wales, asked the local magistrate five days after the outbreak of war to attend a meeting to be held at Green’s Store, Acton Homes/Venterspruit. The purpose of the meeting was to discuss what was to be done in case of a raid by OFS commandos, or if a battle should take place on their properties. The magistrate distrusted the loyalty of the local Afrikaners since AWJ Pretorius, a leading local, had a son on commando at Tintwa Pass and PCD Bester’s son, an OFS burgher whose rifle he had removed, was still in Natal. He also suspected that the local Afrikaners: “kept their friends and relations informed of the troop movements on the Natal side”. Magistrate DG Giles also found it regrettable that Upper Tugela was not defended as it opened up the Colony of Natal all the way to Estcourt.⁵⁶

52 SA Watt, “Harrismith – A military town during the Anglo-Boer War...”, *The South African Military History Journal*, 8(1), June 1989, pp. 3-4 (available at samilitaryhistory.org).

53 F Pretorius, *Kommandolewe tydens die Anglo-Boereoorlog 1899-1902*, pp. 262-265.

54 SA Watt, “Harrismith – A military town during the Anglo-Boer War...”, *The South African Military History Journal*, 8(1), June 1989, pp. 5-6 (available at samilitaryhistory.org).

55 PAR, AGO I/7/11: Regina vs HAJ Leibrandt, pp. 229-231; *Natal Witness*, 18 December 1900.

56 PAR, CSO 2588: Report, Magistrate DG Giles, Upper Tugela, to Prime Minister AH Hime, 2 November 1899.

As a result of the lack of a defensive plan by the British Army for the Upper Tugela district, it was easily overrun by the Free State commandoes.⁵⁷ Consequently, by late October 1899, eager Free Staters posted proclamations in the Upper Tugela, proclaiming the area part of the OFS.⁵⁸ In reaction, the Natal authorities reacted speedily and issued their own proclamation informing the residents of the area that such a step was invalid and should be ignored, and if adhered to, could result in prosecution on the charge of high treason.⁵⁹ It is highly unlikely that the proclamation by the Natal authorities ever reached the Upper Tugela as, by the time the proclamation was issued, the area was under the control of OFS commandoes. This meant that the local residents found themselves in a fix that is best explained by a letter that appeared in the *Natal Mercury*. In the correspondence the author explains that loyal Afrikaners of the area, despite having sympathy with the Boers, did not want to fight, but the supposed annexation changed matters since they were now commandeered as if they were Free Staters.⁶⁰ In other words, their legal status and political identity had changed. What the letter neglects to point out is that there were also many local Afrikaners who willingly joined the OFS commandoes because they either identified themselves to be Free Staters, or their sympathy for the Boer cause seems to have overwhelmed all other reasons.

In the light of the above, the commandoes of Commandants Strauss and Erasmus of the OFS had, amongst its 180 members, several who had economic interests in both the OFS and Natal, including JA Oosthuysen and J van der Merwe and their sons who previously had issues related to unregistered Mausers. According to the British informant, Chief Ncwadi, local Afrikaners with similar ambiguous loyalties also rendered a range of services to the OFS commandoes: JN Scheepers transported goods to Bezuidenhout's Pass, MJ van Rooyen had British scouts arrested, the Lombard family assisted commando members by feeding them,⁶¹ while AWJ Pretorius had apparently led the commando that looted Acton Homes, down the Drakensberg.⁶²

57 JH Breytenbach, *Die geskiedenis van die Tweede Vryheidsoorlog in Suid-Afrika, 1899-1902, Volume 1: Die Boere-offensief Okt.-Nov. 1899* (Government Press, Pretoria, 1969), p. 176.

58 PAR, CSO 2588: Proclamation announcing Upper Tugela as part of the OFS forwarded by FH Orwin, 30 October 1899.

59 PAR, NCP 6/1/1/52: Proclamation No. 119 issued by Governor W Hely-Hutchinson declaring the OFS proclamation null and void, 3 November 1899; NCP 6/1/1/52: *Natal Government Gazette*, 3 November 1899; *De Natal Afrikaner*, 7 November 1899.

60 *Natal Witness*, 16 November 1900.

61 I van Rensburg (Personal Collection), interview, PJ Lombaard (Farmer, Aaandrus, Geluksburg)/ I van Rensburg (Researcher), 10 October 1987.

62 PAR, CSO 2588: Report Sergeant von Puttkamer on his patrol in Upper Tugela, 12 November 1899.

Anti-Republican War identities

Not all Afrikaners from the districts bordering on the OFS were happy to join their brethren in the fight against the British. Johannes Jurgens Potgieter of the farm North Dalton, Upper Tugela, who took the oath of allegiance to Britain prior to the war, is a point in case. Despite his reluctance, and being accused by the OFS forces of spying for the British by providing information to the British military regarding horses in the area, he was still commandeered by the Free State forces.⁶³ At times, age also meant having no say in whether the Free State forces should be joined. An illustration of this is the 19-year old Johannes Jurie Bester of Aberfeldie, Upper Tugela, who was instructed in October 1899 by his father, a rich landowner with property in both Natal and the OFS, to join the Free State commandoes. This he did until March 1900 when he surrendered.⁶⁴

Other Afrikaners fared better in resisting becoming “Free Staters” by force. Gerhardus Ignatuis Minnaar of Bellevue, Upper Tugela, made it clear that he did not want to fight on the side of the OFS. He was, however, willing to reap crops for the OFS government in the Republic which he did.⁶⁵ However, the most extreme example of not supporting the OFS war effort came from 26-year-old John Henry Brand de Villiers. He was from the OFS and had become a naturalised British subject after living in Natal for two years.⁶⁶ De Villiers was appointed as Dutch interpreter for the Special Court set up to try Afrikaners suspected of supporting the Republican forces as rebels,⁶⁷ a position he had to resign from for health reasons.⁶⁸ He was subsequently promoted to the position of Registrar of the Supreme Court of Natal in May 1902.⁶⁹

A reluctance to serve the OFS war effort seems to have been the exception, rather than the rule. The reality is that little resistance to co-operation existed amongst most Afrikaners residing along the Drakensberg who came into contact with the OFS forces. The reasons for this are multifarious. Many, by dint of their economic lifestyle which centred on seasonal migration with

63 PAR, AGO I/7/11: Regina vs JJ Potgieter, pp. 198-206; *Natal Witness*, 11 January 1901.

64 PAR, AGO I/7/1-1/7/38: Judgements and sentences of Natal rebels by the Special Court, pp. 1-875.

65 PAR, AGO I/7/11: Regina vs GI Minnaar, p. 247.

66 PAR, Archives of the Executive Council (hereafter EC) 26: Letter, Prime Minister AH Hime to Governor W Hely-Hutchinson, 17 March 1900.

67 PAR, AGO I/8/73: Minute paper regarding the payment of salaries to Griffin and De Villiers, 12 September 1900-17 September 1900.

68 PAR, AGO I/8/80: Application for extension of leave by JHB de Villiers, 17 May 1901-25 May 1901.

69 PAR, CSO 1704: Minute paper transfer of JHB de Villiers from staff of colonial secretary to Supreme Court, 1 May 1902.

livestock, regarded themselves as Free Staters. The fact that they did not meet the legal requirements for OFS citizenship was either ignored or was unknown to them. Added to the mix was the culture and history that Afrikaners on both sides of the Drakensberg shared. This was renewed annually by means of seasonal migration with livestock or kept alive by the transnational nature of many families as explained earlier. A shared identity of this nature acted as a powerful emotive driving force, regardless of the consequences, when sides had to be picked. Consequently, in many cases limited coxing was needed, or enlisting was voluntarily. The political identity, as outlined above, was enforced by the proclamations posted in the Upper Tugela announcing the area as part of the OFS. This was embraced as being legally turning residents instantly into Free Staters.⁷⁰

Being and becoming a “Free Stater”

The sentiment of being “Free Staters” is possibly best expressed by a letter written at the time of the OFS invasion by young JR to a friend in Bethulie in the OFS. JR was a learner in the private Dutch school in Greytown started by Joachim van der Merwe, a teacher who was first suspended and then dismissed from the service of the government school in Greytown for his political viewpoints. JR admired Van der Merwe greatly and explained to his friend that:⁷¹

... als ons gaan dril dan trekken wij onze jersey en een zwart broek aan, aan onze jersey is genaai deze letters O.V.S. P.R...jij weet wat de O.V.S. meent en de P.R. meent Penkop Regiment...wij zijn nog Blikoore[when we do drilling we wear our jerseys and a black pants. Onto our jerseys are sewn O.F.S. P.R... you know what O.F.S. means and the P.R. means Young Bulls Regiment... we are still Blikore”.

The letter angered the Natal authorities and resulted in a full investigation during which the English community of Greytown claimed that the 96 boys who attended the school were: “the sons of the most rabid Dutchmen”.⁷²

70 PAR, CSO 2588: Proclamation announcing Upper Tugela as part of the OFS forwarded by FH Orwin, 30 October 1899.

71 Blikoor is a nickname for Free Staters. The origin is unclear, but the nickname hints at having “tin ears” because Free Staters apparently did not listen well (available at <http://www.mieliestronk.com/aprinsloo.html#balie>, as accessed on 10 May 2016).

72 PAR, AGO I/8/70: Letter: H Bale (Minister of Education)/(Minister of Lands and Works), 27 April 1900; PAR, (Education Council) EC 26: Note, Prime Minister AH Hime to Governor W Hely-Hutchinson, 2 June 1900.

However, little seems to have come of the investigation as the archival trail ran cold.

Once the majority of Afrikaners resident in the Upper Tugela and the sections of the Ladysmith, Estcourt and Newcastle districts closest to the Drakensberg were either coaxed into the fray or had cooperated or joined willingly, many were ordered by the OFS military to move, with their families and belongings, to the Harrismith district.⁷³ This was one of the major consequences of generally identifying themselves with the Free State. One of the main reasons for physically moving the Afrikaner inhabitants' was to clear the theatre of war on the Natal side of the Drakensberg for military manoeuvres and to remove civilians away from the dangers that military encounters could bring.⁷⁴ Others merely wanted to escape the war around them. The initial moves to the Free State, roughly between November 1899 and February 1900, were in many ways also a continuation of the annual migration with livestock to the Highveld.⁷⁵ As such, many of the Afrikaners in question moved to their farms in the OFS⁷⁶ or to the farms of family members.⁷⁷ Others moved to the OFS for other reasons. One such reason had it that the Natal Government would close the border with the OFS and seize all *Trekboer* livestock. Such propaganda caused panic and prompted some Afrikaners to trek with their livestock to the OFS.⁷⁸ However, not all Afrikaners moved willingly. A case in point is GI Minnaar who made it clear that he did not want to fight but was willing to reap crops for the OFS government in the Republic.⁷⁹ Allowing Minnaar to fulfil such a duty was taken so as to keep an eye on Afrikaners who were lukewarm in their support of the OFS.

The moment their families and possessions were secured in the OFS, a substantial number of the Afrikaners were employed by the Free State commandoes, based on their extensive local knowledge, as guards along

73 PAR, AGO I/7/9: Regina vs WAL Bester, pp. 169-172; AGO, 1/7/11: Regina vs HAJ Leibrandt, pp. 227-231; Regina vs GI Minnaar, p. 247; Regina vs JJH, GJ and WJ Swarts, pp. 255-258; Regina vs JJ Bester, pp. 259-262; Regina vs JJ Potgieter, pp. 269-270; AGO I/7/12: Regina vs JJ, SJ and HS van den Berg, pp. 281-283; AGO I/7/13: Regina vs JN, JN (jnr) and GJ Scheepers, pp. 287-290; AGO I/7/14: Regina vs PJ and CCJ Bester, pp. 300-304.

74 PAR, AGO I/7/11: Regina vs JJ Potgieter, pp. 198-206; *Natal Witness*, 11 January 1901.

75 PAR, 1/LDS 3/3/14: Correspondence regarding the release of the family of H Labuschagne, 19 September 1900-5 October 1900.

76 PAR, HF Schoon Collection A 72: Diary entry, 18 September 1900, p. 453; PAR, HF Schoon Collection A 75: My experiences during the Anglo-Boer War by Maggie Bester, 26 September 1900.

77 PAR, CSO 2909: Invasion Losses Enquiry Commission: Claim by CM Triegaardt, 4 April 1901.

78 PAR, CSO 1628: Letter: CJ Labuschagne (Role?)/ AH Hime (Prime Minister), 18 January 1899, and reply on 19 January 1899.

79 PAR, AGO I/7/11: Regina vs GI Minnaar, pp. 247; Regina vs JJH, GJ and WJ Swarts, pp. 270 and 282-283.

the Drakensberg border between Natal, the OFS and Basutoland (present-day Lesotho). Others took part in operations, especially patrolling towards Witsieshoek and Oliviershoek, from the laager at Putterill's Farm below Tintwa Pass.⁸⁰ Some, however, did return to Natal and, alongside the Free State commandoes, became actively involved in the war by both looting and military activities.⁸¹ GI van Benecke, GJ (Piet) Swart, as well as JN and GH Scheepers, for example, took part in the attack and looting of the magistracy of the Upper Tugela by Free State commandoes and of farms and stores in the area.⁸² HJ Leibrandt, for instance, joined the Harrismith commando and took part in the Battle of Platrand on 6 January 1900 and assisted with capturing and taking English-speaking Natalians to Harrismith;⁸³ NJ Robbertse was present at the Battle of Wagon Hill,⁸⁴ and PJ and CCJ Bester and JJ, SJ and HS van den Berg took part in actions along the Boer defensive line along the Tugela River.⁸⁵ Thus many of the Afrikaners who resided full or part time in the Drakensberg districts partook in all kinds of military activities – from fixed conventional battles to guarding, spying and looting. All these engagements went well and the euphoria of having the upper hand in the war, be it in a defensive manner, fed into the identity politics of those associating with the OFS. The reality check in terms of the identities adopted came when the Boer defences along the Tugela River collapsed and the British Army under General Redvers Buller relieved Ladysmith on 28 February 1900.⁸⁶

The relief of Ladysmith triggered a third large scale movement to the OFS by Afrikaners resident in Natal. Following the OFS commandoes across the Drakensberg into the OFS was, unlike the movement in September and October 1899 and between November 1899 and early February 1900, haphazard and

80 PAR, AGO I/7/9: Regina vs WAL Bester, pp. 169-172; AGO I/7/11: Regina vs HAJ Leibrandt, pp. 227-231; Regina vs GI Minnaar, p. 247; Regina vs JJH, GJ and WJ Swarts, pp. 255-258; Regina vs JJ Bester, pp. 259-262; Regina vs JJ Potgieter, pp. 269-270; AGO I/7/12: Regina vs JJ, SJ and HS van den Berg, pp. 281-283; Regina vs JN, JN and GJ Scheepers, pp. 287-290; AGO I/7/14: Regina vs PJ and CCJ Bester, pp. 300-304; PAR, CSO 2904; Invasion Losses Enquiry Commission: Claim by SJ Schoeman, 28 August 1901; *Natal Witness*, 21 January 1901; 24 January 1901.

81 *Natal Witness*, 9 December 1899.

82 PAR, AGO I/7/10: Regina vs GI von Benecke, pp. 240-241; AGO I/7/11: Regina vs GJ Swarts, pp. 256-258; AGO I/7/12: Regina vs JN and GJ Scheepers, pp. 287-290; *Natal Witness*, 21 January 1901.

83 PAR, AGO I/7/11: Regina vs HAJ Leibrandt, pp. 229-231; *Natal Witness*, 18 December 1900.

84 PAR, AGO I/7/33: Rex vs HJ, AM and EM Pitzer, pp. 762-772; Rex vs NJ Robbertse, pp. 762-772; *Natal Witness*, 15 November 1901.

85 PAR, AGO I/7/12: Regina vs JJ, SJ and HS van den Berg, pp. 281-283; AGO I/7/14: Regina vs PJ and CCJ Bester, pp. 302-304; *Natal Witness*, 24 January 1901.

86 F Pretorius, *The Anglo-Boer War...*, p. 94.

hasty.⁸⁷ This flight, with all they could take along, was undertaken for a range of reasons. The first was to try and save the livestock and other property that were collected over a lifetime. Another was that certain Afrikaners felt that they had compromised their position as British subjects by supporting the OFS.⁸⁸ By escaping to the OFS most probably were hoping to escape the possible legal consequences of the identity politics they had engaged in.⁸⁹ Wanting to escape came about because the Natal authorities were making it very clear that those they regarded as rebels would be prosecuted. This brought about much uncertainty and hence refuge was taken in the country they had been loyal to. This loyalty was enforced by Free State commandoes who prevented anyone who had trekked across the Drakensberg to return to Natal.⁹⁰

In especially Harrismith, those who had trekked and fled across the Drakensberg encountered English-speaking Free Staters who were also paying a price for the political identity they had adopted. The difference was that now the tide of the war outcome was turning in favour of the latter .

The consequences of identity politics on either side of the Drakensberg (August 1900-May 1902)

On the Boer commandoes being driven from Natal by early June 1900, the identity politics of the inhabitants along the Drakensberg entered a new era. On the Free State side, Harrismith was eventually occupied by the British Army from early August 1900 until the end of the war, and then for ten years thereafter.⁹¹ The arrival of the British Army signalled an end to the deprivations some English-speaking Free Staters had to endure and in all probability left them to reflect on what it meant to be a citizen of the OFS Republic.

87 PAR, 1/LDS 1/7/8: Deposition by FJT Brandon before Magistrate HJ Colenbrander, 10 July 1900; PAR, PM 87: Deposition by FJT Brandon before Magistrate HJ Colenbrander, 10 July 1900; PAR, AGO 1/7/9: Rex vs FJT Brandon, pp. 219-226.

88 PAR, AGO 1/7/33: Rex vs HJ, AM and EM Pitzer, pp. 762-772; Rex vs NJ Robbertse, pp. 762-772; *Natal Witness*, 15 November 1901.

89 PAR, AGO 1/7/8: Regina vs JF and JA van der Merwe, pp. 163-168; AGO 1/7/25: Rex vs CJ Triegaardt, pp. 536-537; *Natal Witness*, 25 November 1900; 4 April 1901.

90 PAR, 1/LDS 3/3/14: Correspondence regarding the release of the family of H Labuschagne, 19 September 1900-5 October 1900.

91 SA Watt, "Harrismith – A military town during the Anglo-Boer War...", *The South African Military History Journal*, 8(1), June 1989, pp. 5-6 (available at samilitaryhistory.org).

Many of the Afrikaners who had trekked to the OFS, either voluntarily or under instruction, now encountered the British Army, and since OFS forces were no longer in a position to protect them, these were not always cordial as the following two cases prove. CM Triegaardt and her son, PJ, were in December 1900 ordered by the British Army to the Pietermaritzburg concentration camp. She remained here for only two weeks before she received permission to join her son-in-law near Mooi River.⁹² Likewise, women of the extended Bester family remained on their farms in the Harrismith area until the British Army arrived. Consequently, one hundred and five oxen, for which Mrs Bester with much effort managed to get a receipt for £10 a head, were taken. Next, 637 head of sheep were confiscated, but no receipt was issued. Later another 400 head of sheep were taken, many of which had their throats slit, according to the soldiers: “to spite you Dutch”. Bester did not take this lying down and confronted the officer in charge, Lieutenant Playne, and, in doing so, managed to get a receipt for one trap, four horses, 103 bags of mealies and other odds and ends. Her complaints to the superior officer, Colonel Morrison, about the unfair treatment her family had received from Playne, made no difference. Morrison did, however, provide the Bester women with a pass to return to Natal.⁹³ The bottom-line is that the British military seems to have identified specific Afrikaners as belonging to Natal and despatched them back to that colony.

Enforced “Natal” identities?

One of the first priorities from the side of the Natal Government, after the Republican forces had been driven from the Colony, was to deal with Afrikaners which they regarded as their subjects and their activities during the conflict in Natal. As a first step, large scale arrests, for the most part based on the evidence of English-speaking Natalians and Africans, followed. The arrests coincided with the establishment of a Special Court that would consist of a special commission to try rebellious activities.⁹⁴ Act 14 of 1900, that created the Special Court: “to make provision for the better and more speedy trial of persons accused of treason, and for the appointment of acting Judges of the

92 PAR, CSO 2909: Invasion Losses Enquiry Commission: Claim by CM Triegaardt, 4 April 1901.

93 PAR, HF Schoon Collection A 72: My experiences during the Anglo-Boer War by Maggie Bester, 26 September 1900.

94 PAR, GH 1456: Minute paper, Prime Minister AH Hime to Governor W Hely-Hutchinson, 20 April 1900.

Supreme Court”, was passed without much trouble by the Natal Parliament.⁹⁵ The Act was promulgated on 31 July 1900, and came into effect the next day. The first section of the Act provided the working definitions of treason which were to be used to judge the suspected rebels: *Crimen perduellionis*;⁹⁶ *Crimen laesae majestatis*;⁹⁷ offences under Law 3 of 1868; sedition; every attempt to commit, and every solicitation to commit, and every kind of criminal participation in treason. Although the Special Court had to try all treason cases, the following provision was included in Act 14 of 1900 so as to speed up the process and to deal with minor treasonable offences - the attorney-general could remit some treason cases to trial by a magistrate without jury, and the accused in these cases could appeal to the Special Court.⁹⁸

One of the key issues that the Special Court had to deal with related to identity politics. In the first instance a substantial number of Afrikaners residing in Natal, part-time or full-time, claimed to be burghers of either one of the Boer Republics. The benchmark case was that of Bernardus Johannes Badenhorst of Kempenveldt, Dundee. Badenhorst only settled in Natal in 1898 after his marriage to a Miss Kemp. When commandeered, he joined the rebel Natal Commando at Helpmekaar. The question the court had to answer was whether a burgher of, for example, the OFS residing in Natal, was amenable to the laws of Natal.⁹⁹ As the basis of their legal argument, the Special Court quoted from Chitty’s translation of the *Law of Nations* which stated: “In those countries in which every foreigner may freely enter the Sovereign is supposed to allow him to enter only upon the tacit condition that he subjects himself to the law – I mean the general laws made to maintain good order, and which have no relation to the title of the citizen or of the subject of the State”.¹⁰⁰

Based on this the verdict of the court was simple – Republican burghers did not have to acquire a legal domicile to be subject to the laws of Natal. Badenhorst was therefore guilty of treason because he waited for his countrymen to arrive before joining them. Had he, as was his legal right and what was expected of him, crossed into the Transvaal at the outbreak of the war, he would not

95 PAR, NCP 6/1/1/53: *Natal Government Gazette*, 31 July 1900, containing Proclamation No. 56 of 1900.

96 Meaning high treason.

97 Meaning treason and lesser offences against the Crown.

98 PAR, NCP 6/1/1/53: *Natal Government Gazette*, 31 July 1900, containing Act 14 of 1900; NCP 5/3/8: Colony of Natal Acts, Parliament of the Colony of Natal, 4th session, second Colonial Parliament, 1900, Act 14 of 1900; *Natal Witness*, 24 May 1900.

99 PAR, AGO I/7/5: Regina vs BJ Badenhorst, pp. 106-108; *Natal Witness*, 5 October 1900; 31 October 1900.

100 PAR, AGO I/7/4: Regina vs JA Prozesky, pp. 65-69; *Natal Witness*, 18 October 1900.

have been guilty of treason.¹⁰¹ In this, Badenhorst was not alone. Amongst others, C van Zyl Lotz,¹⁰² and nine others claimed to be burghers of the OFS. In the case of LW Eksteen, he was a citizen of the OFS who merely trekked to Natal every year with his sheep. This was, however, proof enough for the court that he owed loyalty to Natal.¹⁰³ All these men were found guilty of high treason and sentenced to either fines or imprisonment or both. Claims by LW Rall that he was a Free Stater were rejected on a technical matter. His defence failed to prove that he was a burgher, because they did not present the OFS citizenship laws to the court.¹⁰⁴ He was likewise found guilty of treason. *Bona fide* burghers with no connection to Natal were invariably acquitted and treated as prisoners-of-war.¹⁰⁵

Former Natal residents who identified themselves in one way or another with the OFS likewise found it difficult to escape charges of high treason before the Special Court, as it reserved the right to punish them. A point in case is John Albertus van Rooyen who was sought because:

He was at one time a resident of Natal, was a candidate for a seat in the Parliament, belonged to a local Volunteer Corps, and apparently did not take the oath of allegiance or become a burgher until a few days before the outbreak of hostilities, and it is very doubtful whether the requisite steps were taken.

This uncertainty was confirmed by the military authorities in Harrismith¹⁰⁶ and Van Rooyen, who came to prominence when he threatened to shoot some Natal Volunteers,¹⁰⁷ was found guilty of high treason and sentenced to 18 months imprisonment and a fine of £1 000, or a further 18 months in prison.¹⁰⁸

Similarly, John Torpey, a Newcastle trader who had formerly resided in the OFS for 20 years, was found guilty of high treason. During the Boer occupation of Newcastle, Torpey, like many other businessmen, did a roaring trade with the commandoes. Shortly after the relief of Newcastle, he was brought before a military court and sentenced to five years in prison with hard labour and a fine of £100, or a further year imprisonment. Torpey

101 PAR, AGO 1/7/5: Regina vs BJ Badenhorst, pp. 106-108; *Natal Witness*, 5 October 1900; 31 October 1900.

102 PAR, AGO 1/7/14: Regina vs C van Zyl Lotz, pp. 114-116; *Natal Witness*, 2 November 1900.

103 PAR, AGO 1/7/23: Rex vs LW Eksteen, p. 445; *Natal Witness*, 20 March 1901.

104 PAR, AGO 1/7/23: Rex vs JW Rall, pp. 470-471; *Natal Witness*, 22 March 1901.

105 PAR, AGO 1/7/1-1/7/38: Rex vs HF Lezar, CP van der Merwe, CJS Dauth, AF Nel, ICJ Vermaak.

106 PAR, AGO 1/8/81: Minute paper relative to JA van Rooyen, 2 August 1901-9 August 1901.

107 *Natal Mercury*, 17 October 1899.

108 PAR, AGO 1/7/30: Rex vs JA van Rooyen, pp. 719-729; *Natal Witness*, 6 November 1901.

regarded the sentence as extremely harsh and appealed his sentence on several occasions, but to no avail.¹⁰⁹

From these examples it seems evident that the Natal authorities had cast the net far and wide in terms of who they identified as Natalians. In adopting their own version of identity politics the argument that the OFS had annexed certain districts and that the inhabitants were forced to enlist as an enforcement of identity politics, were not accepted by the Natal authorities as a valid reason for committing treason. Consequently, compulsion failed in the Special Court as legal ground for defence.¹¹⁰

Similarly, claims that the withdrawal of the British forces at the beginning of the war and the subsequent lack of protection from the Natal Government forced Afrikaners to commit high treason,¹¹¹ or that the Natal Government had not advised them what to do, were rejected.¹¹² The ruling of the Special Court was that a lack of protection by the Natal colonial authorities and the British Army did not count, because Afrikaners of the Drakensberg area were expected to obey the laws of the Colony of Natal, which meant that they could not become involved with the Republican administration in any manner. In essence, the Special Court was punishing those who identified with the OFS: “for a lack of moral fibre”,¹¹³ and for not rejecting the political identity they subscribed to. With the adoption of these principles, the legal defence of almost all the Natal rebels who identified with the OFS crumbled as the Natal authorities had the legal power to decide on the political identity they expected from those they tried. By dint of this legal power the idea of being local in two places along the Drakensberg were seriously dented. Identity politics, by means of self-gradation by Afrikaners resident in Natal for part of the year, in this way were dealt a serious blow.

All-in-all, 50 people were found guilty of high treason by the Natal authorities because they had in one way or another identified with or supported the OFS or its commandoes.¹¹⁴ They were fined or sentenced to various terms of imprisonment. Others were never charged or were acquitted because of a

109 PAR, GH 502: Correspondence pertaining to the request by J Torpey for remission of sentence, 17 June 1901-24 July 1901; *De Natal Afrikaner*, 5 June 1900; PAR, PM 28: Petition by J Torpey asking for a remission of his sentence, 25 March 1902-25 April 1902.

110 PAR, AGO I/7/3: Regina vs PJ Meyer, pp. 59-61; *Natal Witness*, 6 October 1900; 15 November 1900.

111 PAR, AGO I/7/1: Regina vs JC Vermaak, pp. 8-11; *Natal Witness*, 26 September 1900.

112 PAR, AGO I/7/6: Regina vs HW (snr), WH (jnr) and IJ Boshoff, pp. 128-129; AGO I/7/1: Regina vs JC Vermaak, pp. 8-11; *Natal Witness*, 26 September 1900.

113 PAR, AGO I/7/22: Rex vs A Wellmann, pp. 401-403; *Natal Witness*, 9 March 1901.

114 PAR, AGO I/7/1-1/7/38: Judgements and sentences of Natal rebels by the Special Court, pp. 1-875.

lack of evidence. The vast majority of Afrikaners convicted for colluding with the OFS originated from the districts along the Drakensberg and its foothills, such as Upper Tugela, Estcourt, Newcastle and Ladysmith. These districts were not only isolated from the centres of political and economic power in Natal, but also bordered on the Boer Republics, and were thus greatly in their sphere of influence. There was, furthermore, a positive correlation between the duration of the occupation of certain districts and the number of rebels found guilty of high treason. It was in the districts in close geographical proximity to the OFS that the identity politics of “Free State-ness” played it out the strongest with Afrikaners joining without much prompting, while continuing to generally serve on both sides of the Drakensberg.

In contrast to the Afrikaners with which they shared their transnational Drakensberg space, the majority of the English community of Harrismith could, to a certain extent, put the war behind them when the British Army arrived in August 1900. Whatever responsibilities and loyalties they had to the OFS and hardships they had to endure were rescinded by the arrival of what was deemed a friendly power with which they could identify politically. At the same time the arrival of the British Army as liberators and protectors brought new economic opportunities for the English-speaking traders, businessmen and professionals with Natal roots.¹¹⁵

Identity politics on both sides of the Drakensberg after the South African War

The South African War ended on 31 May 1902 with the signing of peace at Pretoria. This brought a new dimension to the identity politics on both sides of the Drakensberg. The Natal authorities were not willing to, post-war, give up on punishing those they regarded as subjects who had in some way or another supported the OFS war effort. Consequently, measures were taken to identify on the quay in the Durban harbour those amongst the prisoners-of-war returning from India and Ceylon that were deemed Natalians. The initiative did work and several Natal Afrikaners landing in Durban and attempting to masquerade as Free Staters were apprehended.¹¹⁶ One of these men was MC van Niekerk, who had resided in the OFS for three years.

¹¹⁵ B Guest, “The new economy”, A Duminy, and B Guest (eds), *Natal and Zululand from earliest times to 1910: A new history* (University of Natal Press, Pietermaritzburg, 1989), p. 311.

¹¹⁶ *Natal Witness*, 20 November 1902.

He was identified and arrested as a rebel and sent to Newcastle for trial.¹¹⁷ However, this identification undertaking was mired in as much ambiguity as other similar attempts. This is best illustrated by the case of the 70-year-old HP Geldenhuys who died on 21 May 1902 in Ceylon. Geldenhuys left £8.15.3 and a securely nailed box to be mailed to Hartebeestfontein, Newcastle. Neither the Natal Police, nor the local magistrate could identify the individual or the farm. Further investigation revealed that the farm was located in the Vrede district, a short distance across the Drakensberg from the Natal border. Newcastle was merely the closest railhead.¹¹⁸

The Natal authorities, however, neglected to block one of the most obvious disembarking points for subjects they regarded as rebels, namely the port of Cape Town where prisoners-of-war returning from St Helena and Bermuda disembarked. As a result six Natalians landed at Cape Town and were allowed to proceed to the former OFS, now the Orange River Colony. Since these men were outside of Natal they could, in accordance with an agreement reached between Lord Kitchener and the Boer leaders at Pretoria, not be extradited. They would only be charged should they decide to return Natal.¹¹⁹ As a result some whose original abode was Natal, only returned in 1903 when the passing of Proclamations 23 and 24 of 1903 pardoned all rebels, both those imprisoned and those untried.¹²⁰

The end of the War on 31 May 1902 also brought new challenges on a macro level to what it meant to be a citizen or supporter of the OFS when residing along the Drakensberg. The first such challenge came towards the end of 1901 from the Natal Government requested that the whole of the OFS districts of Vrede and Harrismith be transferred to Natal. The rationale for this request was: “the close connection, commercial, agricultural, social and familial” that existed between the residents of these districts and Natal. With reference to the OFS districts a guarantee was given that: “the increase of the Dutch electorate, tempered by the large British population of the town of Harrismith, would not appreciably affect the predominance of British sentiment of the electorate or the Parliament of the Colony”. The suggested transfer of the two districts was nevertheless opposed by the Lieutenant-

117 PAR, GH 742: Report on Natal suspected Natal rebel MC van Niekerk, 17 December 1902-28 January 1903.
118 PAR, GH 774: Enquiry about the location of the farm Hartebeestfontein, 29 October 1904-16 November 1904.

119 Free State Archive Repository, Colonial Office (CO) 143: Correspondence file dealing with Natal rebels allowed to proceed to ORC by mistake, 9 February 1903-17 March 1903.

120 PAR, NCP 6/1/1/57: *The Natal Government Gazette*, 12 March 1903.

Governor of the Free State, Hamilton Goold-Adams, who feared a: “lasting grievance”, and that the anti-British sentiment amongst Afrikaners in Natal would be strengthened by 15 000 Free Staters. These arguments convinced Colonial Secretary Joseph Chamberlain to, on 8 March 1902, quash the idea of the two Free State districts becoming part of Natal.¹²¹ However, the OFS did become the Orange River Colony (ORC). This became the designation used for the region after the British annexed the Free State for the British Crown in May 1900. The annexation was finally recognised by the Boers at Vereeniging on 31 May 1902. What this signalled was that both sides of the Drakensberg were now part of the British Empire. However, while the geopolitical construct of the Republic of the Orange Free State disappeared, the identity politics related to it could not be altered so easily, and these sentiments lasted for many years later. This was given impetus when on 31 May 1910 South Africa became a unitary state and the ORC reverted back to being the OFS again – now as a province of the Union of South Africa. It was in the newly renamed OFS that identity politics took on a new guise with the idea of “South Africa” being mooted under the leadership of a former South African War general, JBM Hertzog.

While the above outlined decision took care of who were legitimately a Free Stater on the western side of the Drakensberg, the war also, in an unintended manner, undermined the major event that made many Afrikaners residing on the eastern mountain range associate themselves closely with a republican identity. The uncontrolled movement of livestock by Afrikaners and the military, and the looting of these under the guidance of the latter during the war, had a very negative impact.¹²² Firstly, the war dealt a devastating blow to *Trekboers*, many of whom lost all their livestock. This seriously disrupted the seasonal migration and halted it in most cases because they simply had too few livestock left to make the seasonal movement worthwhile.¹²³ Furthermore, since most *Trekboers* were in some way or another associated with identifying with the Free State war effort, a position that the rebel trials reinforced, they could not claim reparations of the invasion losses commission. Consequently, it took many years for some to rebuild their livestock herds. Others never managed to do so. Additionally, veterinary regulations were generally ignored by the military, prompting the Natal Cabinet to complain that diseases were

121 Cd. 941: Further correspondence with regard to proposed addition of territory, pp. 2-10.

122 See PAR, PVS 3, 5, 9, 11, 12.

123 I van Rensburg (Personal Collection), interview, PJ Lombaard (Farmer, Aaandrus, Geluksburg)/ I van Rensburg (Researcher), 10 October 1987.

introduced into the Natal districts bordering on the OFS by the introduction of captured stock from the Transvaal and the OFS.¹²⁴ Scab amongst sheep¹²⁵ and lungsickness amongst cattle¹²⁶ became relatively common and even rinderpest appeared in June 1901 between Greytown and Pietermaritzburg.¹²⁷

This further contributed to the decimation of the seasonal migration and with it the close identification with the Free State by *Trekboers*. The outbreak of a range of livestock diseases, as outlined above, was also indirectly used by the Natal Government to curb the seasonal migration across the Drakensberg by *Trekboers*. The migration, for long a pain in the side of the Natal authorities, and which previous measures had failed to curtail, were now subjected to very stringent veterinary measures underpinned by much administration. Consequently, under the guise of controlling livestock diseases, the seasonal migration was also partly curtailed, which served to fray the strong bond that existed between *Trekboers* who resided in Natal during winter and in the OFS in summer. At the same time the post-war economic hardships meant that many who were farmers and who identified with the OFS migrated to seek work. This in itself ushered in a new era of identity politics. A snapshot in this regard relates to Christoffel Lotz van Zyl, a small-scale farmer from near Newcastle. He regarded himself as a Free State citizen, but was, despite this, convicted of high treason. After completion of his prison sentence he worked as a manual labourer in Kroonstad in the ORC,¹²⁸ before moving to Germiston on the Witwatersrand to work on the railways.¹²⁹

Finally, it seems that more than 110 years on, the identity politics of those who functioned along the Drakensberg at the time of the war are still disputed. In an email Johan Maritz, a resident of the USA, enquired about his great-grandfather Johannes Stephanus Maritz. According to the archival records he was from the farm Schiet Drift, Estcourt, and was convicted of high treason for retreating with the commandoes to the OFS. He was on 14 November 1900 fined £20 or had to serve two months in prison.¹³⁰ However, according to family history, he was somehow associated with the Ladysmith

124 PAR, GH 1040: Minute paper by the Natal Government, 16 July 1901.

125 PAR, PVS 5: Report by Stock Inspector Klingenberg regarding the sheep of PRN Vermaak, 11 October 1900; PVS 20: Report by District Veterinary Surgeon Hutchinson on the cattle of PRN Vermaak, 7 September 1901.

126 PAR, PVS 5: Report by Stock Inspector Klingenberg that the sheep of PRN Vermaak had scab, 11 October 1900; PVS 20: Report by Stock Inspector Walker that the cattle of PRN Vermaak had lungsickness, 5 February 1902.

127 Foy Vermaak Private Collection: Letter, JC Vermaak to CT Vermaak alias Miss C Herzog, 17 June 1901.

128 OE Prozesky Private Collection, Diary of JJA Prozesky: Diary entry, 13 October 1902, p. 536.

129 PAR, Natal Treasurer (NT) 113: Documents relating to the Derelict Stock Fund, 1905-1906.

130 PAR, NDR 7/2: Anglo-Boer War rebel register, 1900-1902.

area, but most definitely with the farm Driehoek in the Harrismith district where he farmed during the war. During the war he also, according to family recollections, operated in the Wepener area and also served a stint in the Tin Town prisoner-of-war camp in Ladysmith as a citizen of the OFS,¹³¹ which in many ways made him much more of a Free Stater than a Natalian.

Conclusion

Prior to the South African War the small English trader community of Harrismith, who were generally all OFS subjects, had strong cultural, economic and other identity ties with the Colony of Natal on the other side of the Drakensberg. Similarly, the larger Afrikaner community residing along the Drakensberg and its foothills on the Natal side had strong cultural and other identity ties with their Republican kin in the OFS. This was strongly enforced by the annual seasonal migration with livestock. In the process the two communities viewed themselves as being local on both sides of the mountain chain while living in a transnational manner. Economically, both communities seemed to prosper and were generally allowed by both Natal and the Free State to express their identity politics as they saw fit.

This somewhat idyllic existence was shattered by the outbreak of the South African War in October 1899. The war strongly impeded on the more fluid pre-war identities and a drift towards a more definable political identity was the result. While identity politics based on personal motivations and contextual reasons were previously tolerated and allowed in a greyish transnational world, this came to an abrupt halt and was replaced by the legalities of what it meant to belong. This was enforced on the English-speakers in Harrismith by the OFS, while the community individually also applied their own self-gradation process. In the process some fled, some went on commando and some were prosecuted. As the OFS commandoes rolled into Natal, the local Afrikaners along the Drakensberg were confronted by a process somewhat similar to that experienced on the OFS side of the Drakensberg by the English-speakers. This included being informed by proclamation that they were now Free Staters. Many embraced this identity and some had in fact pre-empted it by enlisting with the OFS commandoes. Others, as an expression of their political identity, associated with the OFS in various ways, including moving

131 E-mail: J Maritz (United States of America)/JM Wassermann (Researcher), 14 February 2016, 23 February 2016; 16 March 2016.

to the country or providing a range of military services. As the tide of the war turned against the Boer Republics, the political identities assumed by both the English-speakers and Afrikaners resident along the Drakensberg suffered different consequences. The former were liberated by the victorious British Army and could economically prosper under the political identity they chose to subscribe to. The latter, in contrast, were severely punished for believing they were legally Free Staters by dint of a proclamation or for identifying with the OFS war effort in however mundane a manner. In the process, the earlier actions at self-gradation of a political identity based on an association by blood and culture were legally nullified and a new legal reality was imposed on the Afrikaners resident on the Natal side of the Drakensberg.

Thus, in the space of three years the political identity of the majority of white residents on the Natal and OFS/ORC sides of the Drakensberg was radically reshaped. While pre-war all were regarded or identified themselves to be Free Staters in one way or another – be it in mind, by association or legally – the South African War brought about a new reality, namely all were now citizens of the Empire. Additionally, the war was also used to destroy the basis on which many Afrikaners resident in Natal based their Free State identity, namely seasonal migration. This economic lifestyle was practically destroyed in an attempt to mould the Afrikaners in question into more acceptable sedentary Natalians with less of a Free State streak.