

## *Dissecting the Kruger Myth With Blunt Instruments: a Rebuttal of Jane Carruthers's View<sup>1</sup>*

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*The contribution of Paul Kruger to nature conservation is not, as Dr Jane Carruthers suggests, a myth, but a historical fact. In this paper it is argued that Carruthers did not consider the historical context in which Kruger's actions took place. Kruger, for instance, did not dominate the Volksraad and, in the Executive Council, did not always enjoy the support required for conservation reforms. In addition, the white farming community was for many years decidedly against game protection. To be sure, Kruger was not the only Transvaaler to promote the conservation cause, but given the position he held, he undoubtedly played a major, if not a decisive role in the crucial 1890s to ensure the survival of South Africa's wildlife heritage. This paper considers the period between 1883, when Kruger became president of the Transvaal Republic, and 1899 when the Second Anglo-Boer war broke out. The myth theory is tested by evaluating Kruger's actions during these years – how, in the face of some stiff opposition, he persevered until success was assured. The conclusion arrived at is that the myth theory has no factual base. The Kruger National Park was deservedly named after Paul Kruger to commemorate his personal interest in nature conservation.*

Although to claim (as many still do) that Paul Kruger was the sole founder of the Sabi Game Reserve (later part of the Kruger National Park) would be untrue and an oversimplification of the issue, it is likewise an unfair assertion to maintain that Kruger's role in the creation of the Sabi Game Reserve is 'more akin to mythology than to history'. The argument that he *lagged behind public opinion* on wildlife conservation and had to be forced into establishing the reserve is not borne out by the facts.<sup>2</sup> It is the object of this paper to evaluate Kruger's actions in the context of the time and place in which they occurred, which Dr Carruthers has clearly not done. History is a discussion without end and the same facts can be interpreted in different ways. The sources Dr Carruthers has consulted form the basis of the research for this paper but the conclusions reached are in many instances quite the opposite.

The professional historian should not consider the 'history' written by those outside the academic field too seriously. To be sure, it should be noted, but always bearing in mind that it is a form of 'story-telling'.<sup>3</sup> If one gets carried away by the writing of non-academics,

1 Jane Carruthers, 'Dissecting the Myth: Paul Kruger and the Kruger National Park', *Journal of Southern African Studies*, 20, 2 (1994), pp. 263–283.

2 Carruthers, 'Dissecting the Myth', pp. 263–264.

3 H. Tudor, *Political Myth* (New York, 1972), pp. 16–17; P. Forsyth, 'The Past in the Service of the Present: the Political Use of History by Chief A.N.M.G. Buthelezi, 1951–1991', *South African Historical Journal*, 26 (1992), pp. 74, 92.

the danger exists that over a period of time significant historical events could be labelled as mythology; in some cases not without good reason.<sup>4</sup> In recent years myths have received special attention in South African historiography, with particular emphasis on investigation of the Afrikaner past.<sup>5</sup> It was therefore not altogether unexpected that Paul Kruger as conservationist would at some time or another be the subject of this type of scrutiny. However, the fact that some writers who are untrained in the procedures of historical research have tended to eulogise Kruger and exaggerate his role surely does not diminish the contribution he made.<sup>6</sup>

In the process of 'dissecting the myth' Kruger's role in nature conservation has been marginalised. He is portrayed as being a stumbling block in the path of game protection, and in the process events are not always placed in their historical perspective and in some instances empirical verification is not given. The issue can only be resolved by determining whether or not Kruger played a decisive role in the creation of the Sabi Game Reserve. If he did not do so then Carruthers certainly has a strong case and consequently all that followed in the twentieth century is pure fabrication and subservient to other ulterior motives. Carruthers declares that the 'factual content of the Kruger myth is embedded in nineteenth century events and these require elucidation in order to evaluate Kruger's role in nature protection'.<sup>7</sup> This will be done but in the process concrete archival evidence will be given to indicate that the 'factual content' of Kruger's actions is no myth but an historical reality. The years 1883–1899 are crucial and the whole debate hinges on this period.

Paul Kruger became president of the Transvaal Republic (SAR) in May 1883 and thus *ex officio* chairman of the Executive Council – the governing body of the SAR. Although Kruger would wield a great deal of influence over events in the Republic after 1896, in 1883 this was not yet the case. Until 1883 the Executive Council consisted of the President, the Commandant General, two enfranchised burghers and a secretary. In 1889 a *notulehouer* (recorder of the resolutions) was added. The latter and the Superintendent of Native Affairs were *ex officio* members. The constitution of 1896 did not change the composition of the Council.<sup>8</sup> Thus, when Kruger assumed office he was assisted by P.J. Joubert (Vice President, Commandant General and Superintendent of Native Affairs), W.E. Bok (State Secretary), C.J. Joubert and J.P. Maré.<sup>9</sup> Contrary to what Carruthers would have us believe, Kruger was not all-powerful. The two Jouberts were men who had their own set ideas about government policy and national issues and were not afraid to voice them. P.J. Joubert opposed Kruger in four presidential elections (1883, 1888, 1893 and 1898) and in September 1884 Joubert even went so far as to withdraw from public life in protest against Kruger's handling of the Bechuanaland issue. However, in April 1885 he was once again a member of the Council when he was re-elected as Commandant General.<sup>10</sup> As will become evident, C.J. Joubert was not inclined to favour game protection.<sup>11</sup>

4 B.J. Liebenberg, 'Mites Rondom Bloedrivier en die Geloofte', *South African Historical Journal*, 20 (1988), pp. 17–32; A. Grundlingh and H. Sapire, 'From Feverish Festival to Repetitive Ritual? The Changing Fortunes of Great Trek Mythology in an Industrializing South Africa, 1938–1988', *South African Historical Journal*, 21 (1989), pp. 19–37.

5 See *South African Historical Journal*, 29 (1993), in which a special section is devoted to myths in South African history.

6 Carruthers mentions numerous examples of these 'amateurs'. See 'Dissecting the Myth', p. 264, fn. 5.

7 Carruthers, 'Dissecting the Myth', p. 266.

8 Transvaal Archives (TA), *Locale Wetten der Z.A. Republiek*, Act 3, 1881, Articles 1,2, and 6; Constitution 1889, Articles 56, 59, 82, 88, 89, and Constitution 1896, Article 107. See also TA, T 201, *Inventory of the Executive Council*, pp. iii–vii.

9 TA, T 201, *Inventory of the Executive Council*, pp. 1–4.

10 W.J. de Kock (ed), *Dictionary of South African Biography*, 1 (Cape Town, 1976), pp. 412–417.

11 See p. 458.

In the case of a tied vote the president had the casting vote and he and two members formed a quorum. The president, in consultation with the Council, would make recommendations regarding proposed legislation to be considered by the Volksraad and he, or a member of the Executive Council assigned by him, had to enlighten the Volksraad on the proposed legislation.<sup>12</sup>

Unfortunately, as no minutes of the Executive Council exist (only its resolutions were recorded), one has to evaluate Kruger's role in game protection from the statements he made during the debates in the Volksraad. Although not a member of the Volksraad (the chief legislative body in the SAR) all members of the Executive Council could attend the Volksraad deliberations but they did not have the right to vote. Kruger often attended the Raad's meetings when important issues were to be discussed or when he had a special interest in the relevant legislation. It is important to note that Kruger made only two formal speeches in the Raad, namely at the opening ceremony and when the session was prorogued. His contribution to a debate was usually a spontaneous reaction, on the spur of the moment and in the form of comments or hints. This in fact gives more weight to Kruger's remarks – if he had no interest in the issue under discussion he simply remained silent. However he regularly attended discussions relating to game conservation and usually took an active part in the deliberations.

Act 10 of 1870 (the Game Law) regulated the protection of the fauna in the Republic – albeit not in a very satisfactory manner. In August 1884, fifteen months after Kruger had taken office, a debate was conducted on whether or not the Game Law should be amended. In order to place the debate in its historical context a brief look at events preceding it is required. During 1882–1884 a number of petitions were submitted to the Volksraad and calls made on the government in favour of more stringent measures to protect game. (Petitions or *memories* were the traditional way in which the rank and file burghers could make their wishes known to the government). However, there were also petitions in favour of the repeal of the Game Law.<sup>13</sup>

Probably as a result of these conflicting requests, State Secretary Bok was instructed to send a circular to all landdrosts in the SAR on the possible alteration of the Game Law. As there was little initial response the circular was repeated in November. It is important to note that the landdrosts were asked to make proposals on how the Law could be improved in order to prevent destruction of game, and not whether they agreed with game protection or not.<sup>14</sup> The landdrosts replied almost without exception that the Game Law should be made more stringent – only Waterberg felt that there was no need to amend it. The majority recommended a longer closed hunting season, more game wardens ('*jagtopziener*s') and better control over hunting by blacks. Rustenburg also wanted game wardens appointed but expressed the fear that it would be very difficult to get burghers to drop the habit ('*gewoonte*') of shooting game.<sup>15</sup>

It must be pointed out that the Game Law of 1870 made provision for the appointment of *speciale jagtopziener*s who would receive half of the fine imposed on transgressors while the Commandant General would be in charge of the proper execution of the law.<sup>16</sup> To be

12 TA, T 201, Inventory of the Executive Council, pp. v–vi.

13 TA, SS 671, R3002/82, Petition (Middelburg), 25 March 1882 and J.C. Human to State Secretary, 18 September 1882, 27 September 1882; SS 906, R1051/84, Petition (Rustenburg), 6 February 1884; Minutes of the Volksraad, Article 109, 14 August 1884, Petition (Bethal), 5 April 1882; U. de V. Pienaar (ed.), *Neem uit die Verlede* (Pretoria, 1990), p. 324.

14 TA, SS 9031, CB37/83, 23 July 1883 and CB53/83, 15 November 1883.

15 TA, SS 893, R333/84, includes the replies from the landdrosts.

16 TA, *Locale Wetten*, Act 10, 1870, Articles 15, 18, and 26.

sure, although a number of game wardens were appointed before 1884,<sup>17</sup> it would seem that they did not take their responsibility very seriously. Field-cornet S.W. Burger, who would later become Vice-President of the Republic and a member of the Executive Council, was appointed as a game warden in May 1884. He resigned in May 1889 having done, according to a local government official, absolutely nothing to enforce the Game Law.<sup>18</sup>

Possibly in the light of the almost unanimous call by the landdrosts for more stringent hunting legislation – we don't know exactly how the Executive Council felt – a petition from P.J. Fourie and 28 others of the Bethal district, dated 5 April 1882, was tabled in the Volksraad on 14 August 1884. The petitioners requested that the Game Law be amended and game wardens be appointed. As Carruthers has correctly pointed out, August 1884 is an important date because it was to be the first time that Kruger made his views on wildlife protection public in the Volksraad.<sup>19</sup>

The different dates are given with good reason as the argument has been made that wildlife protection did not receive much attention from the Transvaal government. The petition was dated April 1882, the government (Executive Council) replied in December of that year and the petition was only tabled in August 1884 as article 109 of the minutes. This long delay must however not be seen as a lack of interest in the issue. It seems that at that particular point in time, this was the normal course of events. The very next petition tabled followed the same cumbersome procedure – this petition was dated 14 April 1882, replied to on 23 November 1882 and was eventually only tabled in the Volksraad in August 1884. There seems to have been a great backlog in the general administration of the SAR. In fact that whole afternoon session of the Volksraad was devoted to the consideration of petitions received almost two years earlier in 1882.<sup>20</sup>

Be that as it may, the government merely responded to the Fourie petition in December 1882 (this was quite some time before Kruger became president) that the Game Law made sufficient provision against the destruction of game and left it at that.<sup>21</sup> The Volksraad now had to decide whether or not it was satisfied with the government's reply. Of the thirteen members who participated in the debate, the majority were initially in favour of more stringent measures. However, there was also strong opposition to the proposal of N.J. Smit (Middelburg) that all hunting, including that by private landowners, be prohibited during a certain period each year. Two members of the Executive Council attended, namely Kruger and C.J. Joubert. The latter, (certainly not a supporter of nature conservation) felt that the existing Law was quite adequate, but that it was not properly administered. The interested parties, according to Joubert, merely had to adhere to the regulations and see to it that no mischief occurred on their land. As the members could not reach consensus the debate ended in a stalemate, whereupon the government's reply to the petitioners was unanimously ('eenparig') approved.<sup>22</sup>

The Volksraad thus lost a golden opportunity to introduce more hunting restrictions. The debate probably lasted not much more than thirty minutes and only once did Kruger make a remark. This was after a number of members had emphasised the need for more game wardens. Kruger promised to appoint game wardens where required and when requested. How Carruthers came to the conclusion that 'Kruger is shown as opposing any

17 See for example TA, SS 671, R3002/82, C.A. van Niekerk to State Secretary, 25 March 1882 and J.C. Human to State Secretary, 27 September 1882; *Staatscourant*, 30 November 1882, notice nos. 460 and 461; SS 774, R278/33, Landdrost Marico to State Secretary, 27 January 1883; *Staatscourant*, 14 June 1883, notice no. 97.

18 TA, SS 924, R1831/84, Landdrost Lydenburg to State Secretary April 14 1884; *Staatscourant*, 8 May 1884, notice no. 131; SS 1875, R3065/89, Abel Erasmus to Superintendent of Native Affairs, 22 September 1890.

19 Carruthers, 'Dissecting the Myth', p. 267.

20 Minutes of the Volksraad, Articles 105, 109 and 110, 14 August 1884.

21 TA, SS 8658, BB4215/82, State Secretary to Fourie, 18 December 1882.

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

alteration to the law' is not clear. In his brief statement Kruger made no remark that can be construed as opposition to alteration of the Game Law. The 'numerous petitions' submitted by burghers 'requesting the introduction of more stringent restrictions' were offset by others favouring a relaxation of restrictions. The point here is that Carruthers creates the impression that the burghers were overwhelmingly in favour of game protection while, as will be shown, quite the opposite is true. If 'several Volksraad members favoured such a change' (more stringent measures) they did very little to promote their cause.<sup>23</sup> As far as Kruger's promise to appoint game wardens when requested is concerned, he was as good as his word: in 1885 one, and in 1886 three, game wardens were appointed.<sup>24</sup>

The years 1886–1889 are marked by the low priority given to game protection. The discovery of gold on the Witwatersrand in 1886 focussed the attention of both Kruger and the government on more urgent political, social and economic problems. The mining industry boomed and a great number of mining personnel were appointed.<sup>25</sup> It would be unfair to blame Kruger for the slow progress made. The unsympathetic attitude shown by some Volksraad members who, together with a large number of the electorate (chiefly from the farming community) felt that game still seemed so abundant that there was little sense in game protection, must be taken into consideration. In addition the burghers were not enthusiastic on the issue of game protection. Among many members of the public, measures such as a closed hunting season, the introduction of licence fees to hunt, the restrictions on the hunting of certain game and bird species, were unpopular measures. These measures were seen to be a violation of the rights and privileges of the burghers. On 5 June 1891 no less than eight petitions regarding the Game Law were tabled in the First Volksraad.<sup>26</sup> Only two, from the urban areas Pretoria and Johannesburg, representing 73 burghers, requested that stricter measures to curb hunting be introduced, and proposed that the law be replaced by the Natal Game Law. The six other petitions, representing 448 burghers, wanted less stringent measures. Ermelo (65 burghers) for instance, complained that the licence fees were too high and Lichtenburg (52 burghers) requested that landowners be permitted to hunt outside the hunting season on their farms, without a licence. Two petitions from Heidelberg (129 burghers) also requested that licence fees be reduced but at the same time that the open season be shortened by one month. Potchefstroom (75 burghers) requested that landowners be allowed to hunt all bird species without a licence and two other petitions from the same town that licence fees and penalties for offenders be reduced.<sup>27</sup> One may readily accept that in 1883 the situation would probably have been even less favourable for the pro-conservationists.

The landdrost of Wakkerstroom, J.C. Krogh, in a letter dated 13 March 1889 to the State Secretary, proposed that a portion of state land bordering on the Lebombo Mountains be temporarily closed for hunting so that the diminishing game there could multiply. The Executive Council then passed a significant resolution on 31 July 1889, which at the specific request of Kruger, was submitted to the Volksraad for its consideration. In the relevant government despatch the Volksraad was requested to grant the government the right to place a total ban on hunting on certain portions of government land with a view

23 Carruthers, 'Dissecting the Myth', p. 267.

24 TA, ZAR 86, Index Staatscouranten: *Staatscourant*, 14 January 1885, notice 33 and *Staatscourant*, 17 February 1886, notice 33. The latter notice mentions the three appointees.

25 See for example TA, SS 9052, Register of appointments of officials, 1887–1889. A number of forest rangers were also appointed: see for example R4826/87 and R9112/89.

26 In 1890 the Volksraad was divided into two chambers namely the First and the Second Volksraad. The latter was introduced to accommodate the thousands of Uitlanders who had flocked to the Transvaal after 1886. Its powers were limited to local affairs e.g. the postal services, the mining industry and forestry. The First Volksraad remained the chief legislative body of the Republic. See TA, *Locale Wetten*, Act 4, 1890, Article 27.

27 Minutes of the First Volksraad, Article 309, 5 June 1891.

to preventing the rapid extermination of game.<sup>28</sup> Two days later the question was discussed in the Volksraad. Members J. de Beer (Waterberg) and D.P. Taljaard (Standerton) had definite objections. De Beer wanted to know the exact location of these future reserves whereas both men declared that state land belonged to the people and could not be closed. Kruger took a strong stand and stated that had it not already been too late he would have suggested that regulations banning hunting on *all* state land be introduced, but that unfortunately in many places only a few buck were left. However in the region where the Pongola flows through the Lebombo Mountains buffalo, giraffe and elephant were still plentiful and this was the area which the government had in mind. The game which still roamed there could thus be preserved for the benefit of future generations. Another possible area, Kruger continued, was the lowveld to the north of the Zoutpansberg eastwards towards the Portuguese border. It is significant that Kruger, although not the first to do so, in fact indicated the two areas where the Pongola and Shingwedzi reserves would later be established.<sup>29</sup> As far as the argument that state land belonged to the people is concerned, Kruger pointed out that if this argument were logically extended, forests and other assets on these lands should also come under consideration. Should the public be allowed free rein in these areas? Taljaard argued again that the existing Game Law gave the government sufficient power to prevent the extermination of wildlife and that no further regulations were therefore needed. Kruger responded by declaring that the Law provided protection only during certain times of the year (the closed hunting season) whereas the government wanted to prevent hunting throughout the year ('gedurende het geheele jaar'). During the short debate only three members and the president participated and Kruger was undoubtedly the main contributor. He deserves credit for the stand he took during the deliberations.

When the vote was taken only De Beer and Taljaard opposed the acceptance of Article 1244, which made the creation of future reserves (sanctuaries) in the Transvaal a statutory reality.<sup>30</sup> The Executive Council now had the power to create game reserves by proclamation in the *Staatscourant* without the approval of the Volksraad. However, this proved to be easier said than done.

Carruthers describes the area outlined by Kruger in the Pongola Poort as 'curious' and sees political motives behind this choice. This is a debatable view. Whereas Carruthers has a valid case in her article on the creation of the ill-fated Dongola Game Sanctuary where the issue had definite political undertones, no clear-cut evidence could be found to support her viewpoint regarding the creation of the Pongola Game Reserve.<sup>31</sup> That there was political in-fighting in the area between the Republic and the British government, cannot be denied,<sup>32</sup> but this still does not mean that the initial idea of the creation of the Pongola Game Reserve was politically motivated. In view of the fact that game was relatively abundant, and that the area was unhealthy, sparsely populated and not really suitable for white occupation, the choice of the Pongola Poort is not really surprising. The unhealthy climate (tsetse fly) also formed a natural barrier against the intrusion of white hunters. If 'state intervention by way of a game reserve was an effective solution to the Transvaal's problem of control' of the region, then surely the proclamation should have followed

28 TA, UR 9, Article 482, 31 July 1882.

29 According to Carruthers an Orange Free State farmer, Williams, was the first to advocate a game reserve in the eastern Transvaal lowveld in 1888. Kruger's reference to the lowveld is merely glossed over by Carruthers in one short sentence: 'Vast tracts of government ground existed elsewhere [besides the Pongola area] in the Transvaal more suitable zoologically for a game reserve and some were even mentioned by Kruger'. 'Dissecting the Myth', pp. 267–269.

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

31 Carruthers, 'Dissecting the Myth', p. 268 and 'The Dongola Wild Life Sanctuary', *Kleio*, 24 (1992), pp. 82–100.

32 See for instance N.G. Garson, 'The Swaziland Question and the Road to the Sea 1887–1895', *Archives Yearbook for South African History*, 11 (1957), (Pretoria, 1957).

immediately.<sup>33</sup> Why wait five years (it was only proclaimed on 13 June 1894) and give the British the opportunity to move in?

Carruthers also creates the impression that once the British had annexed Tongaland (30 May 1895), the Transvaal (and by implication Kruger too) lost all interest in the Pongola Game Reserve: it 'continued to exist but was deprived of supervision and finance.' This is incorrect. It existed up to 1899 when the Anglo-Boer War broke out and H.F. van Oordt, appointed in 1894, remained game warden until 1899. In fact he was assisted by two mounted police and four black constables and provided the government with detailed coverage of his work in his last Annual Report 1897–1898.<sup>34</sup> Neither supervision nor financial aid was lacking.

Carruthers argues that from 1891 to 1894 hunting legislation was once again debated in the Volksraad and that during these deliberations the 'hesitant approach' of Kruger to 'these issues' is indicated. This statement is not borne out by the facts. In 1892, for instance, Kruger did not even participate in the brief debate on game legislation.<sup>35</sup>

In May 1891 a draft document in which Kruger and the Executive Council had made some amendments and additions to the Game Law of 1870 was placed before the First Volkstraad for its consideration. The most important addition to the law was that all hunters had to be in possession of a licence or permit – even landowners hunting on their own properties. A shorter open hunting season and more severe fines for transgressors were also debated. The white burghers had had their opportunity to give their views on the draft which was published in February 1891, and as usual they did so by submitting *memories* to either the First or Second Volksraad, airing their views. As numerous petitions which could affect the final form of the law had been received, it was decided to postpone any discussion of the draft until the report of the *memorie commissie* on the petitions could be placed before the First Volksraad. The function of the *memorie commissie* was to arrange or classify all petitions received according to the topic they covered, draw up a report and then make a recommendation whether the particular petition should be compiled with or not.<sup>36</sup> Usually, but not always, the recommendations of the *memorie commissie* were accepted.

On 5 June, *memorie commissie* chairman J.J. Spies presented eight petitions to the First Vokstraad for consideration in conjunction with the draft bill. As stated earlier, the petitions did not promote the conservationist cause.<sup>37</sup>

From the outset it was clear that the mood of the members was not in favour of the draft proposals. In the discussion that followed members explained why their constituents were against the proposed changes. Although most of the members wanted to improve the law, they also had serious misgivings about some of the proposals in the draft, for example that it violated ownership rights (A.D.W. Wolmarans and A.A. Stoop) and that the licence fees were too high (J.P. Meijer, J. de Beer and L. de Jager). Most opposition, however, was directed at the new clause which prohibited landowners from hunting throughout the year

33 Carruthers, 'Dissecting the Myth', p. 268.

34 TA, UR 13, Article 251, 8 April 1896; TA, SS 1875, R3065/89. This file has correspondence on the appointment of mounted police to protect game in the Pongola area; Carruthers, 'The Pongola Game Reserve: An Eco-political Study', *Koedoe*, 28 (1985), p. 7.

35 Carruthers, 'Dissecting the Myth', p. 267. See below, p. 464.

36 TA, Minutes of the First Volksraad, Articles 120 and 121, 23 May 1891; UR 10, Article 231, 28 April 1891 (Not 28 May as given in the Volksraad Minutes). Unlike the other standing committees of the Volksraad, e.g. the pension committee and the budget committee, the *memorie commissie* was not provided for in the by-laws of the Volksraad. However in the course of time it had become the custom ('gewoonte') to appoint such a three-man commission. By the mid-eighties it had become the set practice. See Minutes of the First Volksraad, Articles 14, 15, and 16, 3 May 1892.

37 See p. 459.

on their properties without a licence. The new clause stated that 'een ieder die jagen wil' (anyone that wanted to hunt) had to be in possession of a licence, landowners included. One of the main problems facing the government was the view held by many farmers that the game on their land was their personal property. Consequently they would not tolerate any government 'interference' in this regard.

Kruger took an active part in the discussion. He pointed out, for instance, that the owner had more claim ('aanspraak'), but not outright ownership to the game which grazed on his farm. He thus supported the principle that game was *res nullius*, that it belonged to no one. When member J.P.L. Lombard (Standerton) asked the State Attorney whether a person wanting to hunt on his own land had to have a licence, Kruger interjected and declared that for the better control of illegal hunting it was desirable that all hunters be in possession of a licence or permit; even private landowners who wanted to shoot on their own farms. In the latter case the Volksraad could determine a minimal fee of 6d or 1/-. Kruger even went so far as to propose that an additional clause be included that would compel the prospective hunter when applying for a licence to indicate exactly where he intended to hunt and at the same time force him to produce a note from the landowner giving him permission to hunt there.

Although only Lombard and R.K. Loveday (Barberton) spoke in favour of the additional clause, Kruger and his supporters won the final round when the principle of additional permission from the landowner was included in the amended law.<sup>38</sup> After two days of more or less fruitless discussions on the petitions and the draft amendments, it was decided, as had been suggested by Kruger in the debate, that the whole issue be referred to a three-man commission which, in conjunction with the Executive Council, would re-investigate the draft and the petitions and then bring out a report containing 'verbeterde' (improved) proposals.<sup>39</sup>

By this time it must have been quite clear to Kruger that the First Volksraad would never approve the proposals which he and the Executive Council had deemed to be necessary – they would have to be modified to accommodate the demands of the majority of the Volksraad members and the electorate.

On 24 June the proposals for the amendment of the Game Law of 1870 were tabled in the First Volksraad. During the lengthy deliberations that followed, each of the 21 articles was discussed and Kruger not only sat through the whole debate, but once again took an active part in the discussions. Some clauses of the draft law were approved or reconfirmed without much discussion, but others led to lengthy debate.

Clause 3 of the draft specified the five different licence categories: for big game (£10), medium sized game (£3), small game (£1-10), the ostrich (£1-10) and other bird species (10/-). When member De Beer enquired whether a licence taken out for large game, for example buffalo or giraffe, would also qualify the individual to hunt small game, Kruger replied that one was only allowed to hunt the species covered by the licence. Later he added that if this were not done 'zou al het kleine wild uitgeroeid worden' (all small game will be destroyed).

Member Lombard agreed with Kruger and pointed out that normally the hunter knew beforehand what game he intended to hunt and could purchase the necessary licence. The people who usually undertook large hunting expeditions were wealthy Europeans, the so-called sport-hunters, and they could afford to pay. Loveday, De Beer and P. Maré (Zoutpansberg) considered the combined licence fee (£16-10-0) too high. Maré proposed

38 Minutes of the First Volksraad, Article 311, 5 June 1891; TA, *Locale Wetter*, Act 6, 1891, Article 6.

39 Minutes of the First Volksraad, Article 315, 6 June 1891.

that a licence for big game (£10-0-0) should allow the hunter to shoot game in all categories, while a licence for medium sized game (£3-0-0) should also include small game and bird species. Loveday recommended that the issuing of licences be arranged as Maré had proposed. However, the majority of the members supported Kruger's view. Loveday, supported by Kruger, wanted the open season shortened from the proposed 1 February–15 September to 1 April–15 August but, by 20 votes to 3, the Volksraad voted in favour of leaving clause 3 unchanged.<sup>40</sup>

Article 8 led to a heated discussion. This clause stipulated that a private landowner would have the right to hunt on his own property without a licence during the open season mentioned in articles 3 and 4 of the draft. Member De Beer who very seldom had a good word for wildlife protection, wanted to give the landowner a free hand to hunt throughout the year. To this Kruger replied that although each owner had the right to do as he pleased on his farm, this did not include mischief ('*kwaaddoen*'), and shooting in the breeding season was indeed just that. Loveday, who later became a committed conservationist, echoed the plea Kruger had made in the earlier debate that landowners be compelled to take out a licence when hunting. Kruger now added that it was essential for the proper control of hunting: landowners had to be in possession of a licence, even if it were given to them free of charge. Unfortunately this proposal by Loveday and Kruger was rejected and article 8 was approved unchanged with acclamation (*bij acclamatie*), with only Loveday, De Beer and H.P. Beukes (Marico) voting against it.<sup>41</sup>

The Executive Council and the three-man commission responsible for the draft wanted to deter any would-be law breakers. They put the penalty for transgressors who acted in conflict with the stipulations of the law, and for which offence no penalty provision was made in the law, at a fine not exceeding £37-10-0 or imprisonment for not more than six months, with or without hard labour (clause 18). This was a very harsh penalty clause and Loveday, of all people, felt that the penalty clause, especially the fine, was unreasonable. He argued that a poacher could now be fined £37-10, whereas for other, more serious crimes, the penalty was only £25. However, F. Wolmarans, member of the Executive Council pointed out that it represented the maximum penalty and the judge would in the final instance determine the amount. The article which was approved unanimously,<sup>42</sup> is a clear indication that the Executive Council and Kruger took game protection very seriously.

Clause 21 of the draft stipulated that the law would come into effect on 1 January 1892. Loveday was unhappy about this and wanted it to come into operation three months after its publication in the *Staatscourant*. This would be in October 1891.

Although A.D.W. Wolmarans (Pretoria) supported Loveday on this point, members Malan (Rustenburg) and J.P. Meijer (Johannesburg) felt that it was quite impracticable as the public in the rural areas would not be aware of the new amendments and could therefore unintentionally transgress the law. The chairman of the First Volksraad, F. Wolmarans, also felt that 1 January was a better option as the Volksraad members usually completed their work towards the end of November and could only then return to their constituencies to explain the implications of the new legislation of the past session to their electorate. Although A.D.W. Wolmarans also favoured the earlier introduction of the new law only Loveday voted against the adoption of clause 21.<sup>43</sup>

Carruthers is wrong to make the deduction that Kruger (who did not say a word during

40 Minutes of the First Volksraad, Articles 524, 525, 24 June 1891.

41 Minutes of the First Volksraad, Articles 533 and 534, 25 June 1891.

42 Minutes of the First Volksraad, Articles 554 and 555, 26 June 1891.

43 Minutes of the First Volksraad, Articles 560, 561 and 562, 26 June 1891. (Not Articles 640 and 641 as Dr Carruthers incorrectly records in her paper).

the short debate on clause 21) 'supported the other point of view'<sup>44</sup> or opposed Loveday. Even if he did, it is unwise to make such a statement in the absence of empirical verification. After the third and final reading of the draft bill four members opposed the acceptance of the new act, namely Loveday, De Beer, Beukes and Hamman (Lichtenburg).<sup>45</sup>

In June 1892 a resolution was passed by the First Volksraad as a result of a petition from Pretoria which proclaimed the Secretary Bird (*Sagittarius serpentarius*) protected game. During the same debate two petitions requesting more stringent hunting restrictions were rejected by the *memorie commissie* and not by Kruger. This commission, consisting of J.J. Spies, A.A. Stoop and F. Wolmarans (the latter a member of the Executive Council), felt that the new Game Law (Act 6 of 1891) provided sufficient protection against the destruction of game. The Volksraad accepted the report of the commission with only Loveday dissenting. Kruger did not participate in the brief discussion.<sup>46</sup>

Carruthers argues that Kruger was against defining precisely how much wildlife could legally be hunted 'for ones own consumption', opposing Volksraad members who wanted this clause removed or clarified as they considered that it provided a handy excuse for excessive slaughter.<sup>47</sup> In 1891 (not 1892 as Carruthers suggests), when the draft law was discussed there was indeed a difference of opinion on the question of how much game could legally be hunted. Clause 7 of the 1870 Game Law had already determined the issue and the discussion in 1891 merely approved the clause which had drastically increased the fines for transgressors. The clause stated that no one was permitted to shoot more game than he explicitly ('volstrek') required for his own consumption or could load onto one wagon. Nor could he shoot game merely for the hides, leaving the meat to decay in the veld. During the ensuing debate Kruger made only one remark to the effect that one had to think twice before altering the clause as it often happened that large hunting expeditions, when entering unhealthy regions where there was tsetse fly and no draught animals could be taken, were accompanied by a large black following and the hunters surely had the right to shoot game for their servants. He was satisfied that the latter part of the clause went far enough to prevent the senseless slaughter of game. Four members spoke in favour of altering the clause while four others felt that it should remain unchanged. When a vote was taken a majority of 19 votes to 4 accepted the clause unaltered.<sup>48</sup> Here Carruthers has a sound argument as Kruger was indeed cautious on this point.

During the 1893 Volksraad session the Game Law was once again debated. A number of petitions had been received requesting more stringent hunting restrictions, among these there were six from Pretoria representing 311 burghers. Some time earlier a wildlife protection association had been established there and the members wasted no time in making their voice heard. It became clear that the urban communities were far more concerned with wildlife protection than those living in the rural areas. Once again the *memorie commissie* recommended that this petition and several others be referred to a three-man commission to consider, in conjunction with the Executive Council, the different points of view.<sup>49</sup>

On 21 August the three-man game commission tabled its report. The most significant change, which was accepted unanimously, was that the buffalo, giraffe, eland and rhinoceros be added to the list of protected game. The commission also reduced the hunting

44 Carruthers, 'Dissecting the Myth', p. 267.

45 Minutes of the First Volksraad, Articles 640 and 641, 1 July 1891.

46 Minutes of the First Volksraad, Articles 428, 429 and 430, 13 June 1892 and Article 16, 3 May 1892.

47 Carruthers, 'Dissecting the Myth', p. 267.

48 Minutes of the First Volksraad, Articles 528, 530, 531, 24 June 1891.

49 Minutes of the First Volksraad, Article 366, 16 June 1893, Articles 372 and 373, 17 June 1891 and Article 374, 19 June 1893.

season for small game and birds – which was not a popular decision and was only passed after some strenuous opposition. The amended law was published in the *Staatscourant* on 13 September 1893 and took effect three months later. Kruger made no remark during the short debate.<sup>50</sup>

As a large number of petitions dealing with wildlife matters had been received in the latter part of 1893, Kruger and the Executive Council decided that the Game Law required certain changes. These minor alterations were published in the *Staatscourant* of 1 and 7 February 1894 and on 2 July the amended draft was tabled in the First Volksraad.<sup>51</sup> As the public had had five months in which to study the new proposals, the debate began with the presentation of nine petitions in which the public gave their views. All of them were against stricter conservation measures, although one signed by 63 burghers requested that the existing Game Law remain unchanged – by implication this was also a negative request as the new amended proposals which Kruger and the Executive Council had drawn up contained more stringent measures. Two petitions asked that the Secretary Bird be removed from the protected game list; four requested that aquatic birds, and one that all bird species be exempt from hunting restrictions, while one petition proposed that hunting licence fees be reduced. Thus, compared to 63 burghers who wanted the status quo maintained, there were 595 petitioners who were requesting that the Game Law be made less restrictive.<sup>52</sup> To be sure, by 1894 the majority of the First Volksraad members probably favoured conservation measures although there were also a few stubborn individuals who opposed almost every measure to protect game. However, with the exception of Loveday and one or two others, Kruger could not always rely on the support of the members as they blew hot and cold on the conservation issue. They could not afford to turn a blind eye to the interests and grievances of their electorates – the petitions mentioned above give a clear indication of how the rank and file burghers felt about game protection.

The years 1890–1895 represent a low in Kruger's political career. In 1888 he had defeated P.J. Joubert by 4483 votes to 834 in the presidential election. In 1893 he received a jolt when Joubert and his 'progressive' supporters almost succeeded in defeating him (7854 votes to 7009).<sup>53</sup> Well organised Uitlander propaganda and Kruger's stubborn nature, undiplomatic and at times high-handed handling of state affairs, were mainly responsible for this situation. Kruger, although poorly educated, was an intelligent and shrewd politician. He must have realised that he could ill afford to pass any legislation which might increase his unpopularity. And the farming community, many of whom were unenlightened as far as game protection was concerned, counted among his most loyal supporters. This is the historical context in which Kruger's significant contribution to the debate in the 1894 session must be seen and evaluated.

Clause 1 of the draft presented few problems. The only change was that the ostrich was added to the list of protected game.<sup>54</sup> In the discussion of clause 2, C.J. Tosen (Piet Retief) proposed that a total ban be placed on hunting on all state land – a point Kruger had already made back in 1889.<sup>55</sup> This was, however, considered too drastic and was rejected by the members. Loveday (who Carruthers considers the leading conservationist in

50 Minutes of the First Volksraad, Articles 1151, 1152, 1153, 21 August 1893, and Articles 1155–1159, 22 August 1893; TA, *Locale Wetten*, Act 13, 1893, Articles 1, 3 and 4.

51 TA, UR 12, Article 31, 17 January 1894; Minutes of the First Volksraad, Article 666, 2 July 1894. The complete draft appears here.

52 Minutes of the First Volksraad, Articles 667 and 672, 3 July 1894.

53 W.J. de Kock (ed), *Dictionary of South African Biography*, 1, pp. 450–453. See also J.S. Marais, *The Fall of Kruger's Republic* (London, 1961) and C.T. Gordon, *The Growth of Boer Opposition to Kruger, 1890–1895* (Cape Town, 1970).

54 Minutes of the First Volksraad, Article 672, 3 July 1894; TA, *Locale Wetten*, Act 5, 1894, Article 1.

55 See p. 460.

the Volksraad) did not support Tosen – in fact he seconded the proposal by J.J. Spies to accept the clause unchanged. Only Tosen and A.D.W. Wolmarans dissented.<sup>56</sup>

In clause 3 of the draft a minor addition had been made to the 1893 Game Law by the Executive Council. Although Kruger's reaction is not given, it must have been a disappointment for him when the Executive Council decided that the licence for big game would now also include the right to hunt lesser game.<sup>57</sup> Kruger had opposed this in the 1891 debate.<sup>58</sup>

Undoubtedly, the greatest stumbling block confronting the pro-conservationists was still the question of private ownership. As stated earlier, clause 8 stipulated that private owners had the right to hunt on their own land, in the open season, without licences. Kruger had taken a strong stand in 1891 for *all* hunters to be in possession of a licence, but to no avail. Now a certain section of the Volksraad members directed their attack to another part of this clause. A.D.W. Wolmarans, normally one of the more conservation-minded members proposed that the last part of the clause be dropped. This part stipulated that private owners also be restricted to hunting only in the open season: Wolmarans felt that they should enjoy the right to hunt on their land throughout the year. As was to be expected, member De Beer supported the idea. At this point Kruger entered the debate and repeated the view he had expressed in 1891: that landowners should also comply with the restrictions on hunting in the closed season. He made a strong appeal for realism:

*'Als men den eigenaar ten allen tijde vrij wilde laten, wat zou er dan van het wild overblijven; dan kon de wet maar worden teruggetrokken, want er zou geene bescherming voor het wild zijn.'* (If one wants to give the owner a free hand at all times, what will remain of the game? Then one might just as well withdraw the law because there will be no protection for the game.)<sup>59</sup>

This was not a statement which would win him popularity, but Kruger, also once a keen hunter (as Carruthers points out),<sup>60</sup> felt some landowners might abuse this privilege and he did not want to take that risk. The members were divided on this delicate issue but the strong statement made by Kruger must have carried some weight. Eventually the clause was adopted unaltered by 15 votes to seven.<sup>61</sup> So much for Kruger's 'hesitant approach' to these issues.

Clause 16 of the draft amended the Game Law of 1891 by stipulating that all commandants, field-cornets and assistant field-cornets would *ex-officio* be government game wardens. Previously the law had only made provision for the appointment of special game wardens.<sup>62</sup> Kruger and the Executive Council had not been negligent in this regard and in 1892, for instance, eleven special game wardens were appointed. But this clause provided for more official control.<sup>63</sup>

Clause 18 of the draft was probably the most important new addition to the Game Law. This clause granted the Executive Council the power to provide full protection against any form of destruction, for a prescribed period of time, to any wildlife mentioned in the law if the particular species, after investigation, was considered to be endangered. Such a regulation would have the power of law and would come into force by means of a proclamation in the *Staatscourant*. Kruger once again took the initiative when A.D.W. Wolmarans objected to giving the government (Executive Council) a free hand over *all* land

56 Minutes of the First Volksraad, Article 673, 3 July 1894.

57 Minutes of the First Volksraad, Articles 674 and 675, 3 July 1894.

58 See p. 462.

59 Minutes of the First Volksraad, Article 683, 3 July 1894.

60 Carruthers, 'Dissecting the Myth', p. 266.

61 Minutes of the First Volksraad, Articles 683, 684, 685, 3 and 4 July 1894.

62 TA, *Locale Wetten*, Act 6, 1891, Article 16 and Act 5, 1894, Article 16.

63 TA, SS 9054, Register of Appointment of Officials, 1892, R793/92 and R9042/92.

in the Republic. He wanted it limited to state land only. Kruger responded to this by stating that if private land were excluded one might just as well omit the whole clause. Government land in many regions lay between private farms and this would lead to an impossible situation as far as the implementation of the regulation was concerned. After all, he assured the members, the Executive Council would do nothing without first consulting the farmers concerned. Kruger added that if the burghers of a particular district wanted a particular species in their area to be protected, they could draw up a petition and the Council would see to the closure of that district for hunting. The clause was accepted unaltered, by 17 votes to five.<sup>64</sup>

How seriously did Kruger and the Executive Council take these new powers they had been given by the First Volksraad? Here follow a few examples of their activities in this regard. In January 1895 the Pretoria town lands and the farm 'Groenkloof' were closed for hunting for a period of three years after a petition requesting this had been received by the Executive Council. In 1898 the ban was extended for another year.<sup>65</sup> In February 1895 the oribi was declared protected game.<sup>66</sup> In October 1897 part of the Vryheid district was closed for all hunting and in December of the same year state land in the Lydenburg district was proclaimed a game 'preserve'.<sup>67</sup> On 13 April 1898 portions of land in the district of Waterberg, Belfast, Rustenburg, Wakkerstroom and Marico were all closed for hunting.<sup>68</sup> In 1899 the town lands of Middelburg were closed for hunting for a period of five years, the hunting of blesbuck and hartebeest was prohibited in the Bloemhof district and the northern part of the Zoutpansberg district earmarked for a sanctuary.<sup>69</sup> Thus right up to the eve of the outbreak of the Second Anglo-Boer War (1899) Kruger and the Executive Council did take action as far as game protection is concerned.

Carruthers refers to the rinderpest epidemic which hit the Transvaal farming community from April 1896 to mid-1897 and sees this episode as 'evidence' of the low priority Kruger gave game protection on his agenda.<sup>70</sup> This fatal cattle disease wiped out thousands of livestock while thousands more had to be shot under the rinderpest preventative regulations. In July 1896 Under Secretary Van Boeschoten informed the members of the Second Volksraad that 20,000 head of cattle had died of the disease or had to be destroyed – an average of 5,000 per month<sup>71</sup> and this was only the beginning. Strong measures were needed to control the disease. Special rinderpest patrols were stationed on the Transvaal borders and in every affected district large areas were fenced in to prevent game and cattle from spreading the disease. Patrols were provided with provisions and ammunition with orders to drive back or shoot cattle and game outside the cordoned off areas if they showed any symptoms of the disease. It was generally known that game with cloven hooves were those that spread the virus, for example buffalo, kudu, nyala and eland.<sup>72</sup> In the course of time it became a question of survival for thousands of South Africans, black and white. For this reason Kruger and the Executive Council issued a proclamation to lift certain Game Law restrictions so that these famished, destitute people could have a source of fresh and

64 Minutes of the First Volksraad, Articles 689, 699, 4 July 1894.

65 TA, UR 12, Article 63, 23 January 1895 and UR 15, Article 47, 15 January 1898.

66 TA, UR 12, Article 141, 26 February 1895.

67 TA, UR 15, Article 829, 18 October 1897 and Article 1011, 28 December 1897.

68 TA, UR 16, Articles 407 (Waterberg), 408 (Belfast), 409 (Rustenburg) 410 (Wakkerstroom), 411 (Marico), 13 April 1898.

69 TA, UR 17, Article 152, 7 February 1899, Article 191, 16 February 1899 and Article 403, 18 April 1899.

70 Carruthers, 'Dissecting the Myth', p. 267.

71 Minutes of the Second Volksraad, Article 950, 27 July 1896.

72 TA, UR 13, Article 289, 15 April 1896; *Staatscourant* 22 April 1896, Proclamations 14 and 15 April 1896; Minutes of the First Volksraad, Article 1037, 27 July 1896 and Articles 1039, 1040, 28 July 1896. See also C. van Onselen, 'Reactions to the Rinderpest in Southern Africa, 1896–1897', *Journal of African History*, 13, 3 (1972), pp. 473–488.

dried meat.<sup>73</sup> It was not a decision taken on the spur of the moment, but an act of mercy.

As has been mentioned above, the Volksraad was divided into two chambers in 1890. The powers of the Second Volksraad were clearly specified in Law 4 of 1890. According to clause 27 (8) the control of infectious diseases was allocated to the Second Volksraad. On May 1896 a government despatch dated 1 May was tabled in the First Volksraad regarding measures to combat the rinderpest. This despatch was *not* discussed because it was immediately, on the proposal of A.D.W. Wolmarans, referred to the Second Volksraad. This proposal was accepted with acclamation (*bij acclamatie*).<sup>74</sup> All proclamations and government despatches on the rinderpest were treated in the same manner – the First Volksraad took cognisance of the contents and only superficial comments were made.<sup>75</sup> To claim that the proclamation regarding the rinderpest and the Game Law was introduced by Kruger and the Executive Council ‘against the wishes of the Volksraad’, is not correct. Not once does the issue of the senseless slaughter of game which the proclamation is supposed to have caused, feature in the debates of the First or Second Volksraad.

On 22 July E.P.A. Meintjes (Pretoria) and B.J. Brecher (Vryheid) gave notice of a motion they intended to table in the Second Volksraad. They requested a general discussion of the rinderpest issue and an update from the government on the current situation. The motion was discussed a few days later. Not a single member referred to the ‘notorious’ proclamation (which had been proclaimed just six weeks earlier). The two members and F. Boshoff (Waterberg) and C.J.H. du Plessis (Rustenburg) were much more concerned with the predicament in which the impoverished rural population found itself, and whether or not the preventative regulations were adequate to curb the spread of the disease. Kruger made a long speech in which he gave comprehensive coverage of the situation. No one asked about the effect of the regulations on the wildlife, in fact the only reference to game was that it was the main cause of the disease. Most members seemed satisfied with Kruger’s explanation and the matter was dropped.<sup>76</sup>

The Game Law was only temporarily and partially lifted. Paragraph 2 makes it quite clear that the temporary and partial abrogation of the law was made in order to prevent the spread of the disease and thus the proclamation was only aimed at ruminating, cloven-hooved animals. Paragraph 3 emphasises that as far as people who ventured into the veld with the exclusive intention to hunt are concerned, Act 5 of 1894 would still be in full operation. Paragraph 4 stipulates that game in the affected regions should not be disturbed in any way (by implication no hunting) to prevent the disease from spreading to other non-affected areas.<sup>77</sup>

The statement ‘that the state provided ammunition so that the destitute could procure food when livestock died’<sup>78</sup> is debatable. In July 1896 a petition was tabled in the First Volksraad signed by 36 burghers from the Waterberg district requesting that, in the light of the present famine, burghers be permitted to shoot three or four head of game per month without a licence, for domestic use, until such time as the wheat crop had been harvested. This petition was rejected.<sup>79</sup>

The rinderpest prevention regulations passed during the course of 1896 and 1897 were

73 *Buitengewone Staatscourant*, 4 June 1896, Proclamation 4 June 1896.

74 Minutes of the First Volksraad, Article 17, 5 May 1896. Minutes of the Second Volksraad, Article 95a, 12 May 1896.

75 See, for instance, Minutes of the First Volksraad, Articles 1305 and 1306, 1 September 1896. This was one of the rare exceptions where a lengthy debate took place.

76 Minutes of the Second Volksraad, Articles 873 and 874, 22 July 1896 and Article 950, 27 July 1896.

77 *Buitengewone Staatscourant*, 4 June 1896, Proclamation of the same date.

78 Caruthers, ‘Dissecting the Myth’, p. 267. This is not verified by the K.G. volumes cited.

79 Minutes of the First Volksraad, Articles 840 and 841, 6 July 1896.

all repealed in November 1897. After lengthy discussion in the First Volksraad during which Kruger expressed the necessity of lifting the regulations as they no longer served any purpose, the resolution was passed by eleven votes to nine.<sup>80</sup> Two months earlier two petitions from Vryheid requesting that the hunting of big game in the district be prohibited, were addressed to the First Volksraad. The *memorie commissie* recommended that the petition be referred to the Executive Council for its consideration and the handling thereof in accordance with Article 18 of the Game Law of 1894 – which as will be recalled, granted the Executive Council the power to provide full protection to game which was categorised as endangered. In October the Executive Council decided that as the hunting of rhinoceros and buffalo was already forbidden in terms of Article 1 of the Game Law, this article would henceforth be applied assertively and administered with all the means at the government's disposal. The other game mentioned in the petition, namely blue wildebeest, kudu, waterbuck and nyala were declared protected game for a period of five years in the Vryheid district as from 1 November 1897.<sup>81</sup> Despite the fact that this resolution was passed while the rinderpest regulations were still in force, Carruthers gives no credit to Kruger and the Executive Council for conservation measures taken.

In September 1895 J.L. van Wijk, seconded by Loveday, submitted and passed the resolution which three years later would culminate in the creation of a game sanctuary, later to be named the Sabi Game Reserve.<sup>82</sup> Carruthers poses the question: why did Kruger not take the initiative 'as he had the legal power [since 1889] to proclaim any government ground a game reserve by proclamation'?<sup>83</sup> This statement is only partially true. The Executive Council, not Kruger personally, had this power. In the Council consisting of Kruger and five members, Kruger did not always have his own way. Only in the final years of his presidency (1898–1899) did Kruger really dominate the Council. Furthermore, the majority of the burghers were not in favour of wildlife protection and the Volksraad members could not ignore the wishes of their voters. After 1889 Kruger continued to work through the Volksraad (where he also at times encountered stiff opposition) and seldom used the prerogative which he and the Council had been given. The rinderpest which required immediate attention and which enjoyed the nation's support is an exception.

Considering the historical context in which these events occurred, the following should be borne in mind. As stated earlier, 1890–1895 were difficult years for Kruger and his political future was uncertain. At the same time Uitlander pressure for economic and political reform was increasing. Ominous political clouds were gathering – a mere three months after the 1895 Van Wijk–Loveday motion, the abortive Jameson Raid took place.<sup>84</sup> The republic was in turmoil and yet Loveday had the audacity to enquire the very next month (February 1896) why nothing had as yet been done regarding the proclamation of the game reserve.<sup>85</sup> Clearly Loveday did not have the problems Kruger had. Hardly had the dust settled after the Raid when the rinderpest hit the Transvaal and the epidemic also coincided with the onslaught by Joseph Chamberlain and Alfred Milner on the independence of the Transvaal. Kruger had his hands full and the struggle for survival demanded all his attention. Understandably he had little time left to attend to game protection in the midst

80 TA, UR 16, Article 886, 3 November 1897 and UR 17, Article 914, 11 November 1897; Minutes of the First Volksraad, Articles 1666, 1667, 1668, 5 November 1897; *Staatscourant*, 17 November 1897, Proclamation 11 November 1897.

81 Minutes of the First Volksraad, Articles 1141 and 1142, 10 September 1897; *Staatscourant*, 7 November 1897, Proclamation 1 November 1897; TA, UR 16, Article 829, 18 October 1897.

82 Minutes of the First Volksraad, Article 1118, 6 September 1895; 1125, September 1895 and 1230, 17 September 1895.

83 Carruthers, 'Dissecting the Myth', p. 267.

84 See, for example Marais, *The Fall of Kruger's Republic*.

85 Carruthers, 'Dissecting the Myth', p. 269.

of these crises.<sup>86</sup> However, this does not necessarily indicate a lack of interest in conservation – as the numerous proclamations issued by Kruger and the Executive Council between 1895 and 1899 testify.

Nevertheless, in November 1897 when Loveday once again enquired why no progress had been made only five weeks before a very crucial presidential election for Kruger, the Executive Council immediately asked for a more detailed description of the proposed game reserve. This was furnished and in March 1898 Kruger signed the proclamation which made provision for the establishment of a game sanctuary, later to be called the Sabi Game Reserve.<sup>87</sup>

Carruthers puts emphasis on the three year delay 'between the Volksraad direction and government action'.<sup>88</sup> To be sure, she does admit that these were 'troubled times within the republic', but she nevertheless creates the impression that after the Van Wijk-Loveday motion all obstacles were removed. She neglects to point out the strong opposition among influential governmental officials to the game reserve ideal. C.J. Joubert, former Executive Council member and at that time head of the Department of Mines, opposed the proposed game reserve because the land earmarked had already been leased to stock farmers for grazing purposes and this would cause numerous problems. In addition a proposed sugar cane development along the Selati River also fell within the region. Later he expressed the fear that the dreaded rinderpest could spread uncontrolled without proper supervision.<sup>89</sup> Fortunately, others did not share his fears and felt that arrangements could be made to solve all difficulties.<sup>90</sup>

Another time-consuming exercise was that of the final demarcation of the borders of the sanctuary. The Surveyor General had first demarcated the area in February 1896 (290,000 morgen) but the boundaries were only finalised 18 months later when a number of government farms were added to the reserve.<sup>91</sup> The search for a suitable game warden was also a drawn out affair. This issue was of great concern to a number of conservation-minded individuals such as J.W.B. Gunning, Director of the State Museum, S. Begeman, Mining Commissioner, Barberton, and Loveday.<sup>92</sup> In September 1898 the government decided that a game warden should be appointed. In the *Staatscourant* of 26 November all those interested were asked to apply and no less than 32 applications were received, but no one was formally selected.<sup>93</sup> There were those who were opposed to the appointment of such an official and here the Commissioner of Police, D.E. Schutte, took a strong stand. He was of the opinion that the appointment of a game warden was unnecessary ('overbodig') and decided arbitrarily that the police commandant, G.J. Louw, in charge of the eastern border region adjoining the Portuguese territory, would be responsible for keeping an eye on the game.<sup>94</sup> It is not clear whether or not Louw, a keen conservationist, did in fact act as game warden or delegate the task to someone else, because no formal appointment was made

86 TA, UR 16, Article 755, 17 August 1898: see here the decision to extend the meeting times of the Council due to the accumulation of matters needing attention.

87 TA, SS 4975a, R8748/95: original proclamation is contained in this file; Pienaar (ed.), *Neem uit die Verlede*, p. 333.

88 Carruthers, 'Dissecting the Myth', p. 269.

89 TA, SS 4975a, R8748/95, C.J. Joubert to State Secretary, 25 January 1898 and C.J. Joubert to State Secretary, 3 March 1898.

90 TA, SS 4975a, R8748/95, S. Begeman to State Secretary, 14 February 1898 and G. Louw to State Secretary, 15 September 1898.

91 TA, SS 4975a, R8748/95, Surveyor General to Government, 25 February 1896 and Report from Surveyor General and Registrar of Deeds, 10 November 1897.

92 TA, SSa 176/177, R869/95 and SS 4945a, R8748/95. These volumes include a great deal of correspondence on this topic.

93 TA, UR 16, Article 843, 6 September 1898; *Staatscourant*, 26 November 1898, Notice 553.

94 TA, SS 4975a, R8748/95, Schutte to Under State Secretary, 29 November 1898.

before the outbreak of the war in October 1899. Although two mounted police officers, P.M. Bester and I.C. Holtzhausen are purported to have been instructed to guard the sanctuary, no archival evidence could be found to substantiate this claim.<sup>95</sup>

In the light of the above, Carruthers's contention that Kruger and the Executive Council were reluctant to get on with the job during the years 1895–1898 is debatable. Remarks like 'urgent' (*dringend*) and 'speed' (*spoed*) appear regularly in the files and one does not get the impression that the three year delay was caused by any lack of interest but rather because of slow, cumbersome administration.<sup>96</sup>

I agree with Carruthers that Loveday deserves credit for his contribution. But why are Kruger and the Executive Council seen as doing so little? I also agree with her that Loveday was Kruger's political opponent. However, I disagree when she states that 'it is highly unlikely that Kruger would use one of his political adversaries to introduce the legislation on his behalf'.<sup>97</sup> Kruger did not 'use' Loveday. Loveday was a keen conservationist as was Kruger. On many previous occasions opponents (there were no official political parties in the Transvaal at that time) introduced legislation which, in the course of the discussion Kruger supported, even though he could not vote in the Volksraad. Did not Kruger and Loveday, as far back as 1891, agree, when practically all other members of the First Volksraad opposed their view that landowners should also be in possession of permits when hunting on their own farms? If Kruger was against the idea of a game reserve he could easily have blocked the legislation. In 1898–1899 he was at the peak of his political career. His prestige and influence among the members of the Volksraad and the burghers had reached new heights with his decisive action during and after the Jameson Raid and his strong stand against the onslaught of British imperialism. In the presidential elections of January 1898 he polled 12,864 votes to the combined 5,823 of his two opponents, Joubert and S.W. Burger.<sup>98</sup> In November 1898 J.S. Smit, the Commissioner of Railways, who often attended Executive Council meetings when railway issues were discussed, declared that Kruger had at that time become an autocrat in the full sense of the word (*een outocraat in letter en geest*). Only S.W. Burger sometimes opposed Kruger in the Council. Joubert was a beaten man and even State Secretary F.W. Reitz appeared to have little influence over the president.<sup>99</sup>

Carruthers criticises those untrained in historical methodology (Labuschagne, Meiring, Pringle, etc.) for being unreliable, but fares not much better herself. Generalisations such as 'Transvaal political leaders do not emerge as leading protectors of wildlife' are debatable. Similarly, she argues that '[T]he government had to be prodded into action by political circumstances and by pleas from officials, elected Volksraad members and the public'.<sup>100</sup> But there were few officials who favoured game protection and in the Volksraad, up to the mid-1890s, there was little support for the idea. The general public were also for many years decidedly against the idea of conservation and both the English and Dutch press hardly gave it any publicity.

According to Carruthers the strength of the myth can only be explained by analysing its origins. She comes to the conclusion at the end of her section on the Transvaal Republic that the 'myth therefore, does not have its origins in events in the nineteenth century and its source must be sought elsewhere', as 'no contemporary applauds President Kruger for

95 Pienaar (ed.), *Neem uit die Verlede*, pp. 395–398; TA, SS4975a, R8748/95, Louw to State Secretary, 15 September 1898. Here Louw expressed his concern with the senseless slaughter of game in the border region.

96 See TA, SS 4975a, which deals exclusively with the wildlife protection issue from 1895 onwards.

97 Carruthers, 'Dissecting the Myth', p. 269.

98 W.J. de Kock (ed.), *Dictionary of South African Biography*, 1, p. 415.

99 TA, E 32, W.J. Leyds Archive (Semi-Official) Mf, film A556, Box 78, J.S. Smith to Leyds, 6 November 1898.

100 Carruthers, 'Dissecting the Myth', p. 270.

his protectionist proclivities'.<sup>101</sup> But does recognition necessarily always come in ones lifetime? Although Kruger's contribution to game protection has been exaggerated, this does not mean that his role was negligible. On many occasions he took the initiative to improve conservation measures. If he had had his own way, for instance, hunting on *all* state land would have been prohibited; *all* hunters would have had to be in possession of a licence or permit and the open hunting season would have been reduced.

Carruthers declares that the name of Kruger is not mentioned in connection with wildlife protection in correspondence files and the legislative debates of the colonial Transvaal 1900–1910.<sup>102</sup> This, however, is not surprising, given the strong pro-British administration which regarded Kruger as *persona non grata*. Once the Pact government took over in 1924 the political climate changed and Kruger was no longer seen as a villain.

Although Carruthers admits that the question of who exactly suggested that Kruger's name be given to the National Park 'has not yet been definitively resolved', she declares that it is 'highly likely' that it was the artist and journalist Stratford Caldecott who first came up with the idea.<sup>103</sup> She bases her supposition on a conversation which supposedly took place between Caldecott and Stevenson-Hamilton when the former visited Sabi Bridge in 1925. Caldecott, on the spur of the moment, suggested that *Kruger National Park* was the obvious name. Stevenson-Hamilton agreed and felt that 'few would be willing to oppose the founding of an institution linked with the name of the great President, and one felt that much of any possible opposition would thus automatically collapse'.<sup>104</sup>

Carruthers argues that two English-speakers 'were responsible for raising Kruger's protectionist profile', namely Stevenson-Hamilton and Marjorie Juta, albeit inadvertently.<sup>105</sup> Juta's biography is indeed a mixture of fact and fiction which the reading public might find enjoyable but which the trained historian should treat with utmost caution. Its contribution to the so-called myth would have been negligible and it is doubtful whether any of the other 'myth creators' took her seriously.<sup>106</sup> Stevenson-Hamilton however, falls in a different class. He did visit the archives occasionally, and he did keep a record of his activities. He praises Kruger, but no more than he deserves. Although privately Stevenson-Hamilton did not think much of Kruger, or of most Afrikaners (Boers) for that matter, he did give Kruger credit. In fact, except for the factual error of giving 1884 instead of 1889 as the year in which Kruger first made an attempt to create a game reserve, nothing Stevenson-Hamilton wrote in *South African Eden*, can be considered as 'myth construction'. In 308 pages, only five references are made to Paul Kruger.<sup>107</sup>

What the future policy of the National Parks Board will be remains to be seen. One can only trust that Kruger will still be recognised and appreciated as someone who, with others, took a strong stand during the crucial 1890s to ensure the survival of South Africa's wildlife heritage.

101 Carruthers, 'Dissecting the Myth', pp. 264, 270.

102 Carruthers, 'Dissecting the Myth', p. 272.

103 Carruthers, 'Dissecting the Myth', p. 272.

104 J. Stevenson-Hamilton, *South African Eden* (London, 1974), p. 203.

105 Carruthers, 'Dissecting the Myth', p. 274.

106 M. Juta, *The Pace of the Ox: A Life of Paul Kruger* (London, 1937).

107 Stevenson-Hamilton, *South African Eden*, pp. 16–17, 69, 203, 243, 308; Carruthers, 'Dissecting the Myth', pp. 272, 274, 278 (these include references to Stevenson-Hamilton's private view of Kruger and Afrikaners in general).