

Between the Lines
Towards a Cultural History of Border-Controls in Southern Africa in the first half of the 20th Century

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Note: Given the length of this paper, the reader generally familiar with South Africa's Immigration Law from 1897 to 1937 may find it convenient to skip pages 3-12 and proceed with the second section of the paper.

In these days of rapid transit, when a man may be here today and a hundred miles away tomorrow, when the journey is considered of less importance, and of less risk, than, say, the journey from London to Manchester a hundred years ago, the importance of identity is accentuated until a reliable system becomes almost a necessity.¹

To a reader opening the weekday edition of the Natal daily *The Mercury* in 1904, these opening lines to a special on the immigration department posed a riddle. The new century offered a carnival of possibilities as international capital yoked together the far flung of the world through railways, steamships and harbours. From Durban's wharf, engineers had almost completed a famously awkward dredging of the bay to prime Durban for stiff competition with Lorenzo Marques for the lucrative human and goods traffic for the Witwatersrand. Durban had just secured the right from the Foreign Labour Department to offer a (strange) welcome to many thousands of Manchurians en-route to the gold reef. South Africa's major towns, like many others across the world, were becoming centres of a dynamic new sociability as the urban crowd - from peasants and washermen to lawyers and campaigners - converged on the city in search of virtue and vice. Some imaginative readers might even have remembered the Mercury's reports a year earlier of the Wright brothers' experiments at Kill Devil Hill with a sense of possibility. But, as the article suggested, these global visions of ever intensifying connections were only a part of the picture. Anxiety lingered: unchecked migration threatened labour-hierarchies and collapsed the civilizational certainties on which the age of empire had been established. Beneath the cosmopolitanism of the early 20th century coiled a conservative reflex to arrest the fluidities of identity and to retard the exchanges of ideas, blood and language that inevitably followed.²

This paper investigates that reflex in Southern Africa over the first half of the 20th century through border-regulation. This first half of this paper is a basic legal and policy overview, but I highlight how migration law was made unstable through a 'politics of exemption'. The second half illustrates how the fences around the South African state were imagined, bent and seized by

¹ *The Mercury*. "Fingerprints in Natal," 17 May 1904 .

² This paper builds on the theoretical intervention of Adam McKeown, "Global Migration, 1846-1940" in *Journal of World History* 15, 2 (2004). Available online at www.historycooperative.org and *Melancholy Order: Asian Migration and the Globalization of Borders* (Columbia University Press, 2008). For the idea of the sequestration of pre-19th century migration flows, see also Dirk Hoerder. *Cultures in Contact. World Migrations in the Second Millennium* (Durham: Duke University Press, 2002).

those other than the politicians, legislators and technocrats. Much of the literature on state-building and nationalism focuses on the making of boundaries.³ This paper also focuses on their consequent 'unmaking'. From the start South Africa's migration policy – in so far as there was a policy – was implicated in, even founded upon, sustained negotiations with non-bureaucratic practice. These contingencies meant that the borders were in reality little more than lines in the sand; yet in the imagination, the foundations sank deep.

Given some of the topicality of migration and borders in contemporary South Africa, through this paper I want to pause to reflect on the ways in which people historically responded, from the turn of the century, to what was a complex, cumbersome and unfamiliar migration regime to subjects and officials alike. Because of certain administrative manoeuvres which will become clear, focusing on migration at the ministerial, legislative and policy levels may not, I argue, give a complete sense of migration history in this region, despite the worth of recent studies in this vein by Jonathan Klaaren and Sally Peberdy.⁴ What follows are some thoughts towards sketching a kind of cultural history of border regulation, ethnology of low level officials, intermediaries and migrants for whom border-controls held wide significance in structuring movement and imaginaries of belonging and exclusion. My position is that we need to go 'outside' or 'beyond' the law to really grasp the experience and deeper implications of border-regulation. In investigating some of the non-bureaucratic practices that developed, I point to a deep instability of the border and indeed the archive itself. This, I hope, provides an opportunity to relativize and historicize South African's borders and help us to re-think (or even 'un-think') the South African nation and its territorial boundedness. South Africa's borders are considerably less stable, less fixed and less organic than might be imagined

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Migration in southern Africa

If the flux of mobility across southern Africa presented an uncertain spectre by the early 1900s, it was merely the culmination of processes began several decades earlier. Across southern Africa those on move had long combined in the eyes of administrators to threaten established hierarchies with powerful visions of disintegration, demoralisation, and contamination. The politics of illegitimate mobility are at the heart of modern southern African history.

To recap: Over the 18th and 19th century, the mobility of slaves, hunters, trekkers, refugees, chiefs, land speculators and the surplus of Europe created an idiosyncratic labour-economy that made migration of one form of another structural to the sub-continent's political economy.⁵ Yet since at least the 1860s Africans on the east coast refused to sign up to more 'orderly' forms of long-distance migrancy regulated by long-term contracts with employers, preferring instead to exercise

³ Benedict Anderson, *Imagined Communities. Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983). Shula Marks and Stanley Trapido, *The Politics of Race, Class and Nationalism in 20th Century South Africa* (London: Longman, 1989).

⁴ Jonathan Klaaren, "Migrating to Citizenship: Mobility, Law and Nationality in South Africa, 1897-1937" (Ph.D. diss., Yale University, 2004); Sally Peberdy. "Selecting Immigrants: Nationalism and National Identity in South Africa's *Immigration* Policies, 1910-1998" (PhD Diss., Queen's University, 1998).

⁵ See R. Elphick and H. Giliomee (eds.), *The Shaping of South African Society, 1652-1820* (London: Longman, 1979); J.B Pieres. *The Dead Will Arise: Nongqawuse and the Great Xhosa Cattle-Killing Movement* (Bloomington, Indiana University Press, 1989); Norman Etherington, *The Great Treks. The Transformation of Southern Africa 1815-1854* (London: Longman, 2001).

their autonomy in engaging in seasonal work as well as a range of 'itinerant' occupations in growing trading centres.⁶ By the 1890s it was a commonplace for men to move in wide arcs across the region to labour on the docks of Durban and Cape Town, the mines of Johannesburg and farms and plantations of the countryside.⁷ There was little steady about these flows, with men (and increasingly women) 'sojourning', remigrating and generally confounding employers eager to secure a predictable and dependable labour supply.

From further afield a generally prosperous merchant class of 'passenger Indians' had arrived to serve of the indentured labour importations from the 1870s. By the turn of the century the mostly Gujarati business houses – accompanied by shop assistants, servants and cooks and supporting a range of retail concerns across Natal, the Transvaal and to a smaller degree the Cape – had become embedded in the regional political-economy.⁸ Increasing numbers of freed indentured workers left the plantations and coal mines to set up as traders and hawkers. Half-blind to differences in language, faith, caste and class, jealous white men looked askance at the economic and growing political clout of the "Asiatic" and imagined the European home under siege.

Since the gold discoveries of the 1880s a wide range of *uitlander* Europeans sought to make good the opportunities of employment in the mining economy of the Witwatersrand and the allied trading and manufacturing enterprises that supported it. The mining economy was precarious, however, and the ebb and flow of boom and bust often rendered migrants jobless. In the kitchens and yards an informal poly-cultural domestic economy developed, inter-racial slum yards peopled by Africans, Indians, Chinese, Arabians, and Europeans.⁹ A shortage of female bodies drew women into controversial immigration schemes in a mixture of state-sanctioned (as domestic servants) and underworld networks (as sex workers).¹⁰ The moral renewal of the social landscape of New York also expunged the corrupt Tammany Hall administration and with it several coteries of pimps, criminals and traffickers, whose saw niche-markets in the turmoil and commotion of

⁶ See Keletso Atkins, *The Moon is Dead! Give us Our Money! The Cultural Origins of an African Work Ethic, Natal, South Africa, 1843-1900*. (London: James Currey, 1993).

⁷ Patrick Harries, *Work, Culture, Identity: Migrant Labourers in Mozambique and South Africa, c. 1860-1910* (Johannesburg: James Curry, 1994); Alan Jeeves, *Migrant Labour in South Africa's Labour Economy. The Struggle for the Goldmines' Labour supply 1890-1920*. (Johannesburg: Witwatersrand University Press, 1985); J. Crush, A. Jeeves and D. Yudelman, *South Africa's labour empire: A history of black migrancy to the gold mines* (Oxford University Press, 1991). Charles Van Onselen, *Studies in the Social and Economic History of the Witwatersrand 1886-1914. New Babylon and New Ninevah*, 2 vols. (Johannesburg: Raven Press, 1982); See David Hemson, "Class Consciousness and Migrant Workers: Dock Workers of Durban" (PhD, University of Warwick, 1979).

⁸ Surendra Bhana and Joy Brain, *Setting Down Roots: Indian migrants in South Africa 1860-1911* (Johannesburg: Witwatersrand University Press, 1991); Maureen Swan, *Gandhi: The South African Experience* (Johannesburg, Raven Press, 1985); Oishi Takazaki, "Indian muslim merchants in Mozambique and South Africa: Intra-regional networks in strategic association with state institutions, 1870s-1930s" in *Journal of the economic and Social history of the Orient* 50, 2-3 (2007), pp. 287-234.

⁹ Van Onselen, *Studies*.

¹⁰ See Cecille Swaisland, *Servants and Gentlewomen to the Golden Land: The Emigration of Single Woman from Britain to South Africa, 1820-1939* (Pietermaritzburg: University of Natal Press, 1993). Little is known about sex-work. ; Elizabeth B. van Heyningen, "The Social Evil in the Cape Colony 1868-1902: Prostitution and the Contagious Diseases Acts" in *Journal of Southern African Studies* 10, 2 (1984); Ros Posel, "Continental Women and Durban's Social Evil, 1899-1905" in *Journal of Natal and Zulu History* (1989). Available online at <http://www.history.ukzn.ac.za>; Charles Van Onselen, *The Fox and the Flies. The World of Joseph Silver, Racketeer and Psychopath* (London: Jonathan Cape, 2007).

the end-days of Zuid-Afrikaansche Republiek.¹¹ Most of these passed through the port cities of Durban, Cape Town and Lorenzo Marques (Maputo). The general traffic meant additional crews who, from the authorities' point of view, were likely to abscond from their stations, add additional pressures to civic resources and to contaminate colonial bourgeois aspirations. Of particular note here was the muleteers, cattlemen and lascars, ocean-based squads of labouring men whose sundry origins stretched from Mississippi to Madagascar.¹²

The literature on the social worlds of all of these migrating people – Africans, Asians, Europeans, those in between – attest to expansive networks linking continent to continent, town and countryside, out of which new ethnic and class identities were created in complex, layered and contradictory ways.¹³ For all, “home” might refer simultaneously to several places, but the contours of ethnicity and race were also more sharply and divisively sculptured. There is nothing coincidental in the simultaneous articulation by political and intellectual elites of arguments to justify segregation, labour compounds and pass law systems. Experiments and policies of this sort was re-energised by the developing science of population management.¹⁴ It seems that these impulses to institutionalise internal social boundaries were replicated at a broader, territorial level. Segregation of the town developed in tandem with border-controls. In addition to this resonance with segregationist discourses, border controls also paralleled the emergence of a new concepts territoriality and sovereignty. Border-controls arguably stood at profound variance to older political and intellectual cultures that had valued (or least incorporated out of ecological and political necessity) concepts of deterritorialized allegiance and mobility.¹⁵ If that was true of African political structures, it was also true of European. By 1910, the liberal empire had lost

¹¹ Van Onselen, *The Fox and the Flies* and “The Modernization of the Zuid-Afrikaansche Republiek: F.E.T. Krause, J.C. Smuts, and the Struggle for the Johannesburg Public Prosecutor’s Office, 1898-1899” in *Law and History Review* 21 (3), 2004: pp: 483-525.’

¹² These men are little researched. For basic outlines see Johan Wasserman, “A Tale of Two Port Cities: Durban and New Orleans During the Anglo-Boer War” in *Historia* 49 (1), 2004: pp. 27-47 and my own “Strangers in a Strange Land: Undesirables in Border Controls in Colonial Durban 1897-c.1910” (M.A Diss., University of KwaZulu-Natal, 2007) pp 87-93.

¹³ Shula Marks and Richard Rathbone (eds.), *Industrialisation and Social Change: African Class Formation, culture and consciousness, 1870-1930* (London: Longman, 1982; Vivian Bickford-Smith, *Ethnic Pride and Racial Prejudice in Victorian Cape Town* (Cambridge: Cambridge University Press, 1995); Bill Freund *Insiders and Outsiders. The Indian Working Class of Durban, 1910-1990* (Portsmouth, NH: Heineman, 1995); Harries, *Migrant Labourers*.

¹⁴ David Welsh, “The Growth of Towns” in Monica Wilson and Leonard Thompson (eds.), *The Oxford History of South Africa*. (Oxford: Clarendon Press, 1971); Maynard Swanson, “The Sanitation Syndrome: Bubonic Plague and Urban Native Policy in the Cape Colony, 1900-1909” in *Journal of African History* 18, (3), 1977: pp. 387-410; “The Durban System: Roots of Urban Apartheid in Colonial Natal” in *African Studies* 25, 1976: pp. 159–176; “The Asiatic Menace’: Creating Segregation in Durban, 1870-1900” in *International Journal of African Historical Studies*, 16, (3), 1983: pp. 401-421 Paul Maylam and Ian Edwards (eds.), *The People’s City. African Life in Twentieth Century Durban* (Pietermaritzburg: University of Natal Press, 1996); Charles Van Onselen, “Crime and Total Institutions in the Making of Modern South Africa: the life of ‘Nongoloza’ Mathebula 1867–1948,” in *History Workshop Journal* 19 (1), 1985: pp. 62-81; See Keith Breckenridge, “Power without Knowledge: Three Nineteenth Century South African Colonialisms”. Paper presented to the History and African Studies Seminar, University of Natal, 27 May 2003; Doug Hindson, *Pass Controls and the Urban African Proletariat* (Johannesburg: Raven Press, 1987). For background to the development of population management, see Edward Higgs, *The Information State: the central collection of information on citizens, 1500-2000* (London: Palgrave, 2004)

¹⁵ See the intervention made by Christopher Gray in *Colonial Rule and Crisis in Equatorial Africa. Southern Gabon, ca 1850-1940*. For cultures of mobility in southern Africa see also Norman Etherington, *The Great Treks. The Transformation of Southern Africa 1815-1854* (London: Longman, 2001).

much of its lustre in the dominions.¹⁶

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The Problem of the Border and the Politics of Exemption.

The problem of the border in Southern Africa could be viewed from several perspectives. At least a century chronic, intensive migrations, political jockeying and violent dispossessions of one sort or another across the region, meant that borders were initially a cartographic problem for administrators over the 19th century.¹⁷ The fluctuating boundaries lines and the precise border limits of the various southern African polities were essentially unmarked, let alone policed, by centralised ruling structures. Of course, the point is not that the sub-continent was an empty vastness primed for penetration - though many were deeply convinced otherwise - but that border control could only be achieved, if at all, through localised and 'privately' armed defensive organisations over small-scale territory. This began to change by the turn of the century. It is telling that the first formal, surveyed map of the Transvaal only appeared in 1899.

Toward the end of the 19th century, the multiples borders of southern Africa also came to be problematized by trade circuits of clandestine goods: gun-running, smuggled gold and diamonds, concealed narcotics, liquor, pornography and goods contraband to legitimate, taxed commerce.¹⁸ Illicit trade appears to have grown exponentially as southern Africa became part of a more global economy into the twentieth century. For similar reasons, the border became increasingly implicated in the struggles to staunch the flow of ideas - Anti-Colonialism, Anarchism, Bolshevism, Garveyism and ultimately Communism - that filtered through both in printed propaganda and in the minds and mouths of activists from a range of organisations across the political spectrum in first half of the twentieth century¹⁹

The cartographic, material and ideological anxieties animating border thinking in southern Africa are all germane to my wider project, but the most important problem of the border was that of people, without whom the the traffic in illicit good and subversive ideas would be impossible. To administrators the migrant was an inherent, intractable problem regardless of what she or he carried in the luggage or the mind. Migrants- those leaving one domain of authority for or through another - disturbed the very different ideas of imperial citizenship, of monarchical 'tradition' and, most obviously, of sovereign nationhood itself. Whatever political

¹⁶ For the early 20th century failure of the liberal empire in the dominions see Duncan Bell, *The Idea of Greater Britain, Empire and the Future of World Order, 1860-1900* (New York: Princeton University Press, 2007)..

¹⁷ Cartography in South Africa remains under-studied. See N. Etherington (ed.), *Mapping Colonial Conquest: Australia and Southern Africa* (Nedlands, W.A.: University of Western Australia Press, 2007

¹⁸ . See Johnathan Crush and Charles Ambler (eds.), *Liquor and Labour in Southern Africa* (Ohio University Press, 1992); Jon Hyslop, *The Notorious Syndicalist* and "Indian Ocean Sailors and Smuggling, 1918—1939," paper presented at the *Story of the Voyage Colloquium*, Wits Institute of Social and Economic Research, 2 October 2008 See also the intervention made by Eric Tagliacozzo, *Secret Trades and Porous Borders: Smuggling and States Along a South East Asian Frontier, 1865-1915* (New Haven: Yale University Press, 2005)

¹⁹ Jon Hyslop, *The Notorious Syndicalist*; Robert Trent Vinson, "Sea Kaffirs: 'American Negroes' and the Gospel of Garveyism in early 20th century Cape Town" in *Journal of African History*, 47 (2006), 281-303; A.G Copley, "Far from Home: the origins and significance of the Afro-Caribbean community in South Africa to 1930" in *Journal of Southern African Studies*, 18 (1992); Lucien van der Walt, "Anarchism and Syndicalism in South Africa, 1904-1921" (PhD diss., University of Witwatersrand, 2007).

constellation prevailed – and by 1910 South Africa seemed to a strange child of all three – migrants were problematised: either too many or too few. In South Africa much is known about schemes to encourage settlement, to facilitate and then compel labour.²⁰ Much less is known about those declared undesirable and pollutants of the body politic.

South African immigration policy, in its most basic formulation, was designed to bar the poor and infirm, the presumed ignorant and the dark-skinned who were surplus to labour requirements. From the 1890s when border controls were first promulgated in southern Africa's colonies, the idea and the anxiety of the border was conceived in opposition to the unregulated flow of migrants, rather than a consolidated sentiment of common citizenship. Access to a nominal South African citizenship, as Jonathan Klaaren shows, has rested on *not* being prohibited.²¹ In South Africa, as elsewhere in the settler territories, the justifications for control of mobility and the right to exclude were dynamic and flexible. Over several decades, restrictionists could draw off a range of intertwining racial, cultural, economic and medical arguments to prohibit people arriving from far afield.²² As we will see, however, what I call a 'politics of exemption' would complicate matters profoundly.

South Africa's initial immigration restriction regulations were born on the dock of Durban in 1897, driven by a specific colonial form of urban politics and the anxieties produced by urbanisation in the late 19th century. It was part of a powerful segregationist discourse to protect established economic employment patterns and the ethnic division of labour – capital and land in the hands of a white class and labour reserved for black Africans. There was a clear consensus amongst the dominant classes that immigration restriction was the natural and progressive solution to urban and labour problems. With the passing of the laws across all of the colonies by 1908, restrictionist movements could celebrate an unequivocal victory: liberals were happy the contaminating influences on otherwise restrained, “tribal” Africans could be checked; socialists were satisfied that the interests of white labour had been adequately protected; colonial nationalists had trumped Whitehall.²³ But whatever the consensus on who should be kept out and why, finding the rules and technologies to do so was work of the most laborious and experimental kind.

For the years I consider period here, there are several evolving legislative enactments we need to take into account. . It is a well known story that the first immigration controls were designed to subdue a lively tradition of migration from South Asia. Natal's infamous 1897 decision in the wake of the SS *Naderi* controversy to restrict “passenger Indian” traffic closely followed discriminatory land, commercial, tax and electoral legislation against Asians (these laws, of course, were themselves coterminous with disabling strategies against Africans). Yet the South African War and its tumultuous fallout immediately brought much wider flows – refugees, speculators, entrepreneurs with minimal capital, political agitators and poor continental whites, amongst others - to which the Immigration Act provided a useful, unpremeditated function even if the

²⁰ J. Crush, A. Jeeves and D. Yudelman, *Labour empire*; Esme Bull, *Aided Immigration to South Africa 1857-1867* (Pretoria: Human Sciences Research Council Press, 1991); Desai and Vahed, *Inside Indenture*.

²¹ Klaaren, “Migrating to Citizenship”.

²² Robert Huttenback, *Racism and Empire: White Settlers and Coloured Immigrants in the British Self-governing Colonies, 1830-1910* (Ithaca: Cornell University Press, 1976); Swanson, “Asiatic Menace”.

²³ Edna Bradlow, “Immigration into the Union 1910-1948: Policies and Attitudes” (PhD. diss., University of Cape Town, 1978).

restriction of 'Asiatics' remained priority. The Cape passed immigration legislation in 1902. Natal tightened up through an important amendment to plug several loopholes a year later. In 1908 in the Transvaal an exclusionary zeal was rediscovered despite the repeal of the ZAR's anti-Alien law only a decade earlier; it . The rigidly insular Orange Free State toed the line. The colonies differed slightly in some of the legislative small print and indeed getting all four colonies reigned into a single seamless system initially required constant, often futile, labour. Nevertheless, the laws converged more than they digressed, and for my purposes here I treat them as a whole.

The excluded categories worked at several overlapping levels and had been plucked, almost word for word, from precedents in American legislation around electoral qualifications and immigration law.²⁴ The most innovative was the Education Test, whose enactment had regularly floundered on constitutional grounds in the United States, but came in handy as Natal's Prime Minister fiddled a way to side-step imperial opposition to "class" (read explicitly racial) legislation with respect to Indians, subjects of her Majesty.²⁵ By tacking to the left and tacking to the right, as he described his own legal course, the language test could be applied to restrict Indians without legally naming them. The test was to bar any immigrant illiterate in a European language. A second category of exclusion rested on a financial qualification was applied to Europeans - immigrants without means of support (the initial amount of £20 was to be vigorously debated and ultimately revoked without being replaced by a stipulated figure) or suspected of being likely to become a public charge. A third set of broadly moral categories excluded convicted criminals and those engaged in sex-work. The Free State was more expansive and referred to those generally "dangerous to peace and order and good governance". A final category of the excluded rested in those with so-called loathsome diseases - particularly leprosy, tuberculosis and syphilis - although this could be interpreted expansively. The 'diseased' applied to the generally sickly, feeble and handicapped. Simply appearing 'deviant' was enough to merit a prohibition order, and there is some evidence that the Lombroso Test was employed to sift arrivals prior to Union.²⁶ This range of exclusionary categories - processes of "filtering" and "selecting"²⁷ - functioned with dexterity: if a dark-skinned passenger was wealthy enough to overcome financial criteria, his lack of literacy in a European language could be held against him or his 'habits of life' investigated. If a literate European worker looked suspicious as he disembarked at the wharf, he could be asked to produce a hefty sum of money or a guarantee of employment to prove he was "of sufficient means". In short, an immigrant needed to negotiate several hurdles to be admitted and the proverbial arms of immigration law were ambidextrous.

Following the Union of 1910, The 1913 Immigration Act consolidated the colonial legislation into a single act. It extended the list of excluded to include people suspected of dealing in illicit gold and

²⁴ Natal Immigration Act of 1897, Cape Immigration Act 1902, Transvaal Immigration Act 1908, The Aliens Act No 22 of 1913.

²⁵ See Marilyn Lake, "From Mississippi to Melbourne Via Natal: The Inventions of the Literacy Test as a Technology of Racial Exclusion" in Marilyn Lake and Ann Curthoys (eds.), *Connected Worlds. History in Transnational Perspective* (Canberra: Australian National University Press, 2005); Jeremy Martens, Jeremy Martens, "A Transnational History of Immigration Restriction: Natal and New South Wales, 1896-97" in *Journal of Imperial and Commonwealth History* 34 (3), 2006: pp. 323-344, Aristide Zolberg, *A Nation by Design* (Harvard University Press, 2006).

²⁶ Peberdy makes this point in "Selecting Immigrants", though it does not seem that Natal made use of the Lombroso Test in the pre-Union period.

²⁷ These terms are borrowed from Peberdy, "Selecting Immigrants" and Zolberg, "Nation by Design".

liquor, foreign Africans (defined as those from north of latt 22 deg. south)²⁸ and women married into a polygamous domestic arrangements. The most crucial addition, however, was the so-called “deeming order” clause, which reserved the sole right of the minister of the Interior to restrict those “deemed on economic grounds and/or on account of standards or habits of life to be unsuited to the requirements of the union”. The day after the 1913 Act was passed, senior immigration officials at the country’s ports-of-entry received a telegram from the Minister informing them that henceforth Asians and person of colour in general were unsuited to the requirements of the union. The order remained officially unpublished and no clause of the act had been transgressed. Race had assumed a new salience. Internally, inter-provincial movement of resident Asians was also barred.

A centralised Immigration Department was set up, and its officials empowered with wide discretion. The capacity of the immigration office to restrict immigrants was increased with powers of arrest without warrant and lawmakers engineered an explicit limitation of the jurisdiction of the courts, where sympathetic courts had been exploited by undesirables previous to 1913 and where magistrates had issued several interdicts against the colonial officials and notoriously lenient sentences on captured ‘illegal immigrants’. The discretionary power granted the immigration officer – that is, to create a zone of interaction at least partly unmediated by law and even by senior ministerial officials – was strenghtned by the establishment of the Immigraton Appeal Board to deal with disputed prohibition and deportation orders. Though an apparent concession to the rights of immigrants, the devil was in the detail: the Appeal Board subsituted the magistrate's court as final authority and the panel consisted of immigration officials who had drafted the regulations in the first place.²⁹ Together they judged, juried and executed cases as they arose in Cape Town, Durban and Pretoria, referring only a complex “question of law” – a not an applicant - to a higher court.

The 1913 Immigration Act was, over the following decades, elaborated in several ways, widening the categories of exlusion and generally tightening the locks on the country's gates. From the 1920s, the immigration of African men and women – from Lesotho, Bechuanaland, Rhodesia and southern Mozambique - became an increasing problem to local officials: foreign African men were seen to be displacing local Africans at work and kindling political disquiet; foreign African women were believed to be trading in liquor and consorting through sex-work. Both were converging in the slums, and both, it was thought, were involved in wider networks of unoffical, even violent recruitment.³⁰ The problem was that to date foreign Africans had rarely excited the

²⁸ Though labour continued be sought in these areas, the ban was based on protective medical ground were “tropical Africans” were especially susceptible to disease on the highveld.

²⁹ This was in line with administrative developments more generally, where a “rule by experts” was becoming commonplace. For administrative history see Oliver MacDonnagh, *A Pattern of Government. Growth 1800-1860. The Passenger Acts and their Enforcement* (London: MacGibbon and Kee, 1961), Edward Higgs, *Information State*; Martin Channock *The Making of South African Legal Culture, 1902-1936. Fear, Favour and Prejudice* (Cambridge: Cambridge University Press, 2001; Ivan Evans, *Bureaucracy and Race. Native Administration in South Africa* (Berkeley: University of California Pres, 1997)

³⁰ South African Archives Bureau (SAB)/Commisioner of Immigration and Asiatic Affairs (CIA) 57/M424. Deportation of Native Criminals; SAB/CIA 66/M758. Clandestine Migration of Natives in Union from Northern Territories; CIA 47/M429. Deportation of Portugeuse Native Women; SAB/CIA 36-39/M130. Extra Union Natives.

energies of the immigration officials given general labour shortages.³¹ Their movement had been hitherto regulated only under fragmented, incoherent local pass laws or under no bureaucratic control at all. Over the 1930s, the Immigration Bureaucracy persuaded a dithering and impotent Department of Native Affairs to deal with the so-called “clandestine extra-Union natives” under the Immigration Act.³² Immigration police were to administer the language test to foreign Africans found in South Africa without a guarantee of employment, and treated as prohibited immigrants: in effect, deportation. The existence of the appeal board was not to be loudly advertised and if any ‘extra-Union native’ did indeed lodge an appeal, a high deposit was to be demanded while investigations proceeded. It was a requirement few, if any, were able to meet.

The 1920s were busy years for the Immigration Department. Law makers conflated anxieties around Bolshevism and the poverty and political instability of Central and Eastern Europe with immigration of Jewish men and women to South Africa.³³ The techniques of exclusion embedded in the 1913 Act were energetically applied, but protests from Jewish organisations put the bureaucracy on a conciliatory footing. Privately, however, officials remained determined to hold the fort. The solution emerged in the form of the 1930 Quota Act. This did *not* repeal the 1913 Act; its purpose was to supplement it by restricting immigrants, for the first time, by nationality. This additional category of exclusion worked by establishing a list of scheduled and unscheduled countries. The scheduled countries were those essentially north and west Europe and of the settler territories including the US. From countries outside this exempt group, only 50 migrants per year were allowed. For those able or fortunate enough to be considered had their applications forwarded to the newly created the Immigrants Selection Board, which, like the Appeal Boards, performed as a sub-judicial body of experts to decide of admissions. These men were left in short meeting to decide whether an applicant passed all the existing exclusionary criteria of the 1913 Act, as well as fitting the rather vague criteria of being “of good character”, a “desirable inhabitant” who was “readily assimilable”. Many would have done well not to hold their breath waiting for a positive reply.

However much the legislators might have congratulated each other once more for their skills as legal alchemists, they did not have the gift of clairvoyance. Just five years later German nazism propelled large number of German Jews to South Africa who, as Germans nationals, could not be barred under quota provisions.³⁴ Another round of rule-making deliberations began, this time culminating in the 1937 Aliens Act, which insisted on a visa-permit granted prior to departure for South Africa. Without one, it was difficult to secure a ship ticket and a visa-less arrival in South Africa practically meant detention and deportation, where previously a prohibited immigrant could instigate an extended process of appeals and engineer at least a temporary stay.³⁵ In 1937, this strategy was precluded as the Appeal Boards were abolished. As for the German Jews, consuls were instructed not to issue visa-permits.

Yet the key to the problem of border was that it worked through a system of exemption when circumstances demanded. Labour, in the form of men black and white, could be encouraged if necessary; poor, illiterate whites might be waved through the gates if they *appeared* industrious

³¹ Jeeves, *Struggle* and Crush et al, *Labour Empire*.

³² Klaaren, “Migrating to Citizenship”

³³ The policy developments are covered by Peberdy.

³⁴ Peberdy, “Selecting Immigrants”

³⁵ Klaaren, “Migrating to Citizenship”

and hard-working. Extenuating circumstances might inspire official compassion, a persistent individual might persuade a young and inexperienced official to decide in the former favour; a doctor might give the benefit of the doubt; the “educated” and “distinguished” could avoid too rigorous an inquisition, and indeed avoid examination all together. With discretionary power fundamentally enshrined in the migration regime, these kinds of irregular exemptions were frequent.

Yet exemption was entrenched even more profoundly in the migratory laws of the colonies and the founding act of 1913. Part of the point of filtering and selecting immigrants was that the exclusion and immigration restriction laws were never absolutely total, and exemptions were made as a matter of policy and even necessity: in cases where prohibited status could not be proved immediately by officials or deportation not easily effected, 'suspected' and actually prohibited immigrants were able to gain territorial access by virtue of lodging a deposit and taking out a temporary pass until their case was resolved. That limbo opened up new spaces of possibility.

Law makers in South Africa were cognizant of several impediments to total exclusion. The first was the liberal republicanism of the United States whose laws the South African Union so closely mirrored. By the turn of the century the Americans had almost twenty years of experience in formulating a responsive and differential migration regime, particularly with respect to the Chinese.³⁶ It set the imaginative boundaries for the South African legislation. In the US, persistent demands for unrestricted business opportunities in north Atlantic and north Pacific had, at least for a time, inaugurated substantial work in exemptions for merchants and commercial travellers. International agreements of reciprocity meant students and teachers retained free rights of movement.³⁷ In South Africa, the question of labour – rather than trade or diplomacy – was the more acute. If manufacturing, agricultural and mining capital said jump, the Chief Immigration Officer usually asked how high. The interests of capital, though mediated through the Secretary for Labour and subject to checks and balances, were consistently entertained by the Immigration Department and dictated the vigour with which exclusions would be declared or undocumented workers be rounded up. For the “extra-Union natives’ (though not exclusively so) an oscillating system of exemption was the result.³⁸ Indeed, the ban of Africans from north of 22 deg. south was ultimately lifted as health concerns and conditions improved.

A final mitigating factor against total exclusion was that despite the increasingly illiberal bent of the immigration laws in South Africa, officials retained a belief in their own ultimate competencies in the values of equality and impartiality. In other words, the defence of their civilization required that they act, or appear to act, in a judicious, *civilized* way by recognizing certain rights and aspirations of those presumed lower down the ladder. At the very least the waves of Indian resistance of the first decade of the century were a crisp example of the social and political risks

³⁶ Lucy Salyer, *Laws Harsh As Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill University of North Carolina Press, 1995), Erika Lee, *At America's Gates: Chinese Immigration During the Exclusion Era, 1882-1943*. (Chapel Hill, N.C: University of North Carolina Press, 2003).

³⁷ McKeown, *Melancholy Order*.

³⁸ Klaaren, “Migrating to Citizenship”. See also SAB/CIA 36-39/M130. Extra Union Natives.

of despotic exclusion.³⁹ Officials thus formally recognized the comparatively large resident population of Asians who no longer had an established home in India or China. It was decided almost immediately that they would, on temporarily leaving the Union, have the right of return.⁴⁰ Patriarchal assumptions meant wives and children were exempt from the provisions of the act so long as they were attached to an admissible or resident male. To be seen breaking up a family would run somewhat counter to the sanctity of the domestic family on which so many claims of settler civilizational respectability rested. Further exemption could be made for those pursuing family (re)unions or paying temporary visits for any number of justified, respectable causes: education, religious duties and even (paradoxically) medical treatment, even wholesome entertainment. To be sure, these remained entirely optional, the veneer of pigmentation and the discretion of the immigration officer could, indeed often did, win out in these decisions. But nonetheless a policy of exemption was a key, perhaps the key, component in migration controls as they evolved in South Africa from 1900.

To sum up: South Africa's mandated exemptions included the right of the previously domiciled or resident to leave and enter, gave access to a legitimate immigrant's wife and children, and legislated the right of temporary visits. To these were added exemptions for those on government approved labour schemes, those on educational and religious work and those of certain diplomatic or other official classes (such as armed forces of Britain and her allies). As for labour, the 1913 Act listed a range of specific occupational categories which were exempt from restriction – provided these workers were white Europeans and did not contravene any of the education, financial and moral categories.⁴¹ A graded categories of exemptions were also granted to 'extra-Union natives' – based on 'nationality', some were inherently prohibited, others only if they were unemployed, yet others only if they had committed a criminal offence. Over the first half of the century, these could be modified, repealed, re-instated as the local economy demanded.

Together these worked in tandem with the most innovative of the exemptions, those who could pass a test in a "language of Europe". Common to all of these exemptions was a proliferating documentary order: a Certificate of Identity, the Certificate of Domicile, the Temporary (Work) Permit, the Transit Visitors Permit, indeed the Dictation Test itself was a kind of certificate of exemption, even if its precise legal worth was debatable and ultimately discounted. The key point is that travel documents – the passport, the visa, the permit – worked not as a restriction but as an *exemption* to restriction.

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³⁹ See Desai and Vahed, *Inside Indenture*

⁴⁰ The Durban Principal Immigration officer noted as early as 1897 that "the Government could not imprison a man here without his being allowed to an opportunity of visiting his native land". Asians were fully acknowledged to be an inalienable part of South Africa's population only in the late 1920s, according to Klaaren.

⁴¹ Agricultural and domestic servants, skilled artisans, mechanics, workmen or miners with a guarantee of work

Border Instability and the Question of Resistance

If the politics of exemption created several loopholes that destabilised any exclusionary zeal, numerous other factors riddled the border, particularly in its first decades of existence. The Immigration Department seemed forever in the public eye and struggled to gain a reputation for fair, reasonable and even courteous treatment of immigrants from across the social classes.⁴² Officials were subject to a barrage of criticisms from shipping masters, foreign consuls, the colonial office in London and travellers - it made the enforcement of the act a sensitive and difficult game as they negotiated powerful discourses of honour and reputation, privilege and trust. Indeed the politics of complaining warrant a separate paper, for now it suffices to suggest that to adequately regulate mobility as required by reified, indeed simplified, categories of law, immigration officers were often involved in messy and exasperating collisions with subjects far too sensitive for the department's like. Officers must have found the red-tape equally daunting to administer.

Another critical problem with the restriction pivoted around bureaucratic incapacity. The immigration department was chronically understaffed, undertrained, under-resourced and under-motivated.⁴³ Because of this, filing systems were often in a state of near catastrophic disorganisation, communications between posts haphazard and examinations variable from border-post to border-post. Perhaps the greatest problem to regulation was topographical - that is, the thousands of kilometres of unfenced land which the department conceded was, and would always be, impossible to police entirely. As we will see, the open frontiers presented a further dislocation to hopes for ordering mobility.

With all these 'internal' weakness in mind, I want to turn to agency of the immigrant in the second half of this paper. I am asking a relatively straightforward question: how did people respond to the border-controls as they evolved in South Africa? Many on the right side of the fence no doubt accepted and benefitted from the the new (b)order. Ideas of race, nation, family and occupation were clearly produced, codified and secured through the documentation regime.⁴⁴ Even those who had been prohibited but who had won an exemption seemed to offer few qualms about border control in general and adapted accordingly. This, indeed, is how the politics of exemption worked. With the high stakes involved in getting beyond the border official, documents of exemption acquired a kind of capital in the personal micro-economics of migration. Citizenship (even in its truncated, limited South Africa form) and economic livelihood was incentive enough to increase the power of the document and the currency of the border-control system: better to get hold of a permit than rail against its injustice.

Many others who were prohibited were agitated, deeply so, by migration controls. In the main protest seems to have been rooted through associational cultures and the politics of petitioning:

⁴² See SAB/Department of the Interior (BNS) 1/1/387/213-74. Complaints by Immigrants regarding Treatment; BNS 1/1/394/261/74. Complaints of Passengers; CIA 60 M/587. Methods of examination.

⁴³ Much of this implicit in throughout the correspondence correspondence, see CIA 26/M2. Examination of Permits, Instructions to Police, BNS 1/1/320 2/74. Immigration Stations; BNS 1/1/342 68/74 fingerprint record system; South African Police (SAP)/308-310 1/200/39.

⁴⁴ Jane Caplan and John Torpey (eds.), *Documenting Individual Identity. The Development of State Practices in the Modern World*. (Princeton: Princeton University, 2001). Deborah Posel, "A Mania for Measurement" in Saul Dubow (ed.) *Science and Society in Southern Africa* (Manchester: Manchester University Press, 2000)

the archive retains the correspondence of various Syrian, Turkish, Indian, Malay, Greek, Cypriot, Parsee, Chinese and Madeiran associations who argued consistently for their subjects rights of mobility. Yet their protests speak less to a 'resistance' or 'subversion' of border controls. Justifications for entry were essentially pleas for exemption and rested mostly on the grounds of an individual's or a group's own "standards of civilization" and its imagined longevity, in their esteemed work-ethic, in their incontrovertible educational achievements or unassailable dignity and respectability (which might manifest in dress, speech, bodily appearance and even food). The pleas drew an implicit and quite often an explicit distinction with others, most commonly with the "native kaffir" but also with "the Indian", "the Chinaman", "the Mussalman" and even the Japanese who had won a unique trade-based exemption. If these associations were espousing a kind of universalism, they were also building ramparts. The more the din of us and them, the quicker the discourse of the border was naturalised and the longer it went unquestioned.

The kind of outright resistance to documentary controls suggested by the burning of registration certificates and outright refusal to submit to the regime on pain of imprisonment, as evidenced in the Satyagraha campaigns, become rare, if not invisible, after the 1910s.⁴⁵ I want to suggest that the politics of exemption also made resistance a dead-letter: there were simply better ways to beat the system. This was something different from the performances involved in formal petitioning or the burning of certificates. It involved both a disavowal of bureaucracy while retaining the rewards of facially legitimate entry. Migrants exploited bureaucratic gaps, the legal exemptions and administrative instabilities of the evolving migration regime and rendered the border a fluid space of negotiation, transaction and accumulation.

Once consequence was that the arena of migration control - a field which scholars assume to be a monopoly of the state - became populated with a proliferating cast of intermediaries, non-official mediators, agents and divergent interests that together constituted alternate sources of power - even authority - in negotiations around mobility. But the more the border was transgressed and the more the restriction laws scandalized, so too did the sanctity of the border increase in the minds of administrators and the increasingly nationalised public. Even for those determined to transgress and outwit the restrictionist laws, the border and its documentary paraphernalia gained in currency rather than diminished.

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Language and Literacy

Despite the applause that greeted the inclusion of the language test in the immigration restriction laws of the turn of the century, doubts over its ability to adequately sift out the undesirables

⁴⁵ There are several combined reasons for this lacuna in the context of immigration controls in addition to the divisive civilizational arguments pointed to above: the obvious impossibilities of coherent organisation between disparate migrants; the so-called Smuts-Ghandi agreement and the Indian Relief Act whose compromises dampened the bluster by giving resident Indians some limited protections at the expense of new or intending immigrants; the bureaucracy's stubborn, even stoic decisions to continue and extend its documentary requirements to immigrants, making sporadic resistance all but a futile strategy; anti-colonial nationalist struggles elsewhere in the world that turned attention away from the position of emigrants in South Africa; the turmoil and dissolution of polities in Europe in the first half of the 20th century that fractured or made impossible the cultural infrastructures required to sustain opposition.

were almost immediately apparent. In Durban, the Chief Immigration officer realised - in 1898 - that the test as described in the law consisted merely of a standardized form with blank spaces for immigrants to fill up, attesting to a modicum of identificatory information.⁴⁶ An arriving immigrant being brought to the officer's desk was given the following sheet of paper and told to fill it in:

TO THE COLONIAL SECRETARY, SIR, I claim to be exempt from the operation of Act No. , 1897. My full name is My place of abode for the past twelve months has been. My business or calling is. I was born at in the year Yours, etc.,
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It was so perfunctory as to be virtually useless. Migrants without the necessary language skills were simply tutored by those in the know – friends, acquaintances, family members – and learned by rote the required answers as word spread about how the test was administered.⁴⁷

In an attempt to wrest back control over the terms of the test, the Language Test was quickly changed after the South African war to become a strictly *dictation test* in which the officer would read aloud a similar declaration which the applicant would write down on a blank sheet. Again, records suggest there was little if any variation if in the passage used and though it became much harder to crib the test, word no doubt circulated that with a touch of swotting the test was entirely predictable and passable. In the meantime, there is evidence that in Maputo and Zanzibar individuals would, for a fee, coach immigrants and tutor them in the writing of the test, while some even offered a kind of distance learning service from within Natal itself.⁴⁸ Although it is difficult to find direct evidence, the early successes which immigrants – both Asian and European - had in overcoming the education test surely account in part for the search for a more effective means to constraining immigration, a search that was partly resolved by the 1913 ‘deeming clause’ that meant Asiatics could simply be barred on the grounds of immutable race rather than differential education.

⁴⁶ Pietermartizburg Archives Repository(PAR)/Annual Report of the Immigration Restriction Department (ARIRD)1900. p. 4.
⁴⁷ PAR/ARIRD 1900. p. 4
⁴⁸ . PAR/IRD 4/826/1901. Correspondence

Later⁴⁹, the standard dictated passage was discarded in favour of dictating an ever-changing excerpt from the daily newspaper although that too, as we will see, was not a foolproof method of administering the test.⁵⁰ If the dictation test had some success in reducing improper admissions, there was still the problem of adequate expertise and even basic agreement as to what constituted legible hand-writing, with officials often at cross-purposes over interpretation. In Cape Town the Select Committee on the Immigration Department of 1907, complaints from migrants highlighted that completing a test while an official loomed over one's shoulder produced a nervousness that made writing difficult and the script only *appear* illegible.⁵¹ Some immigrants might win the benefit of the doubt, others would be less fortunate. The problem of interpretation was compounded when the migrant chose to write in a European language other than English or Dutch, and officials had no sure, consistent way of scrutinising the submissions in a 'foreign' language. Some examining officials later complained to their superiors that in the absence of a reliable standard of writing in English and with only the most modest linguistic skills in other languages, an applicant had to be judged not on the writing itself but with "such extraneous evidence [such as] the fluency" with which he appeared to write.⁵² In other words admission might even be a matter of fortune – confounding attempts at regulating mobility in clearly ordered system. In the final reckoning and the absence of any standard, it was left, as was the fashion, to the examining officer's discretion. Decisions, one must imagine, were haphazard.

The amount of confusion this was causing at the ports as to who was or was not admissible by virtue of language perturbed the shipping lines that bore ultimately responsibility for returning a prohibited immigrant to whom they had originally issued a ticket. Some shipping companies wished to guard against their own liability and applied their own test before embarkation, and these could be at variance with the standards required at the South African ports.⁵³ Another layer of complexity was added: feeling unable to prohibit immigrants who had been shipped in good faith, immigration officials were compelled to grant entry lest another blaze of petitioning, letters of protest and scathing reports in the newspapers was ignited. By the late 1910s, migrants had also become away of the differential, uneven standards applied at the different ports, with Durban apparently offering the easiest channel.⁵⁴ Immigrants booked their tickets accordingly.

Despite a 1917 recommendation at an Immigration Officials Conference that the learning of languages should be encouraged amongst dock staff, few if any men took up the challenge.⁵⁵ The problem of (in)expertise prevailed throughout the first half the century. The question pivoted around what constituted a standard European language. If Gandhi had tried without any success in an optimistic argument that the languages of India were Aryan and thus European, various Jewish organisation had much more success in persuading the immigration officials of the European status of Yiddish in the early years of the century. Yet by the 1920s, official fretted that there appeared to be no "standard" Yiddish and that what was called Yiddish was in fact several

⁴⁹ It is not clear precisely when but seems likely to be in the early 1920s.

⁵⁰ CIA 33/M64. Education Tests, Policy

⁵¹ National Archives of the Cape Province (CAP)/Cape Colonial Publication (CCP), Report of the Select Committee on the Immigration Act, 1907-9.

⁵² CIA 33/M64 Education Test, Policy.

⁵³ CAP/CCP/SCR 1907-1909.

⁵⁴ CIA 33/M64. Education Test, Policy

⁵⁵ Agent-General at Lorenzo Marques (BAL) 27/A4403, Report of Conference of Immigration Officials.

disparate central and eastern European variants.⁵⁶ Officials could not clearly see their way between the Official European language of Yiddish and the Semitic tongue of creolised Hebrew. What, they wondered once more, was the criterion for being literate in a European language? A similar conundrum emerged with Madeiran and Brazilian dialects of Portuguese – did these strictly fit the definition of a European language, and how was it possible to decide on a case by case basis?

The resolution was two fold. The first was to call for written submissions from academic linguists outlining the position of various languages.⁵⁷ While erudite and well considered in their responses, the linguists seemed at best to have little interest or in the question of immigration restriction as a whole and at worst actually a favourable bias towards speakers of their studied language. They might even have been members of the cultural organisations that protected the interests of certain immigrants. Although the professorial guidelines resolved some cases, there is also a sense in the correspondence that academic debate confused matters even further. On the other hand the lack of deep knowledge (or even interest) in the question of immigration restriction as whole did not preclude certain prejudices from determining boundary between ‘pure’ and ‘impure’ language. In sum, immigration officials were relying less on their statutes and instruction books in favour of occasional disquisitions by those at some remove from the civil service.

A second resolution to the problem of expertise in administering the education test was the employment of non-bureaucratic personnel to actually officiate over the tests when the applicant chose to write a language other than English or Dutch.⁵⁸ Over the 1930s, a series of informal arrangements proliferated. The Italians and Portuguese, for example, supplied “consular representatives” who appeared to give little trouble and were considered reliable. But the problem of finding competent interpreters in languages like Greek, Hungarian and Romanian was conspicuous.

There was the obvious problem of shortage, but a greater worry was the question of reliability. One senior official complained in 1939 that the meeting between immigrant and interpreter was a case of “one mason meeting another”⁵⁹ In the case of foreign language speakers, the system of dictating article from the day's paper (mentioned above) had been retained: the interpreter was required to translate the English article into the applicant's language and the latter would write out this translation on a blank page, which the interpreter would then grade. This was problematic because a monolingual official had no means of checking the applicant's passage - no ready and objective translation of the original was at hand. In other words he relied on the interpreter to both administer and judge the test. At these rituals, the immigration official was for all intents and purposes a spectator.

The immigration department was not of course moribund to all these problems and the above are not to suggest the education test presented but a paper wall to intending immigrants. Quite the opposite – the literacy test became arguably the most useful technique of disposing with undesirables and officials referred time and again to the test's efficiency in restriction when

⁵⁶ CIA 33/M64. Education Test, Policy.

⁵⁷ CIA 33/M64. Education Test, Policy.

⁵⁸ CIA 33/M64. Education Test, Policy

⁵⁹ CIA 33/M64. Education Test, Policy.

compared with the alternative methods based on financial, moral and health criteria. Problems of interpretation were not often resolved in the applicants favour. Still, this was no one-way street. Perhaps the clearest illustration of the instability and even porosity of the education test as an immigration filter can be seen the department's need for continual and substantial modifications to make the test ever harder and plug its loopholes. The department responded with efforts by rigorously enforcing the criteria, persistent instructions to admit no doubt and even publishing notices in the press imploring foreigners in the country to warn their relatives elsewhere of the increased vigour being applied through the test. If the Immigration Bureaucracy couldn't actually deter and dissuade new arrivals, perhaps their relatives could.

The need to persistently raise the standard of the test suggests as much a slippage as a tightening up. The standard of the test had gone from the merely filling in of a declaration of name, residence and occupation in 1898, to a dictation without the aid of prompts, to a newspaper article and finally to a clear statement that the test was to be equivalent to that of Standard Five English. In 1936, this was raised to Standard Seven. To counter the monopoly the interpreters enjoyed over examinations in language other than English and Dutch, in 1939 a range of stock passages was culled from school readers and the Government Translator recruited to provide translations for cross-checking.⁶⁰

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Money Talks

If the ability - or the appearance of the ability - to write in an European language was only one possible means of escaping a prohibition order, a second tactic rested, as will be recalled, on being able to produce evidence of sufficient means or to persuade an immigration official that one was not likely to become a public charge. The Cape legislation initially led the way in this respect: as matters stood, "sufficient means" translated into the visible possession of £20 on arrival. Yet in 1905, the Cape Town Weekly *The South African Review* led several exposures of "perfectly good colonists" being turned back because they did not have the requisite sum.⁶¹ On the other hand, undesirables had no problem with coming up the cash and were being admitted frequently. Other cases revealed the exclusion of former service-men and priests. The editor was relentless in exposing the fiascos: a Greek man arrived with £200 pounds of assets, but no cash in

⁶⁰ By the later 1930s, it meant the test of admission would hinge of passages such as the following: "When breakfast was cleared away, the merry old gentleman and the two boys played at a very curious and uncommon game, which was performed in this way. The merry old gentleman, placing a snuff box in one pocket of his trousers, a note case in the other and watch in his waist-coast pocket, with a guard-chain round his neck, and sticking a mock-diamond pin in his shirt: buttoned his coat tight round him, and putting his spectacle-case and handkerchief in his pockets, trotted up and down the room with a stick, in imitation of the manner in which old gentleman walk about the street at any hour of the day". Another was: "Another generation praised hunting as affording all the excitement of war with only half the danger. It is less valid comparison now that science has contrived to decrease the excitement of war while increasing the range and sharpening the quality of its risks. Nevertheless, the passion for the chase which the Englishman has inherited and which speaks mutely from the ruins of Egypt, Assyria and Babylon, persists even in South Africa, whose brown, stony and inhospitable soil may seem an unpromising setting for one of those roistering, rollicking hand-gallops which make colourful an English winter's day." We have no record of how these translated in, say, Hungarian. See CIA 33/M64.

⁶¹ CCP/SCR 1907-9.

hand. The cargo was offloaded, but he was not. These began to raise the ire of merchant interests, community leaders and liberal-minded law magistrates and together they began to attack procedure. The immigration officials found themselves under intense fire: Alfred Bender, a professor of Hebrew active in Jewish philanthropic associations, captured the general spirit when asked the immigration department how they could “measure a man's ultimate citizenship by the possession of 10 or 20 pounds?”⁶² The Cape Colonial Under-Secretary agreed, asking if the colony was not suffering because presumably desirable workers were being refused permission to land on account of red-tape. Officials were to henceforth be more accommodating.

The problem of the £20 was not, however, only one of injustice. When the case of Pinkus Goldstein (an 18 year old painter described as “a most intelligent young man, a nice strapping young fellow” who was able to speak both European languages German and Yiddish) came to light, it drew attention to an increasingly common strategy pursued by the European poor.⁶³ When Goldstein produced his money to the immigration official at Cape Town, he mentioned that he had been sent the money by his brother, who owned a general business at Hout Bay trading in fish and salt and who was waiting for him on the dock. On hearing this, the immigration official promptly declared him prohibited on the grounds that he was a pauper on the money not his. The decision brought opprobrium from several quarters, not least from law makers who pointed out the regulations were mute on whether the £20 had actually to be the property of immigrant. When commissioners looked into the matter, the Principal Immigration Officer at Cape Town claimed ample evidence of money being advanced by friends and family to immigrants destined for the Cape. The advancing of money, he said, made restriction work “frequently a farce”.⁶⁴ On the other side of the sub-continent a year later, a group of “suspicious whites” were stopped on the outskirts of Barberton.⁶⁵ In their discussion that followed, each produced £20 as justification that they were ‘of sufficient means’ and therefore not to be declared prohibited immigrants. Though the Transvaal had not written a £20 stipulation into law, the reporting police officer felt it was impossible to prove that the money was not their lawful property, was compelled to accept their defence and let them off.

At the end of 1907 Cape legislators and lawyers remarked, in the first instance, that the injustices inflicted on otherwise desirable immigrants were a “grave charge” against the immigration bureaucracy. In the second instance they felt that the circulation of money for purposes of complying with the sufficient means clause meant the “whole system was faulty.” The immigration officials relented and pleaded the difficulties of administration with which they had been saddled: the sufficient-means clause was, they said, defective and the money requirement should be done away with entirely. By 1908 the Cape Immigration Department resolved to act with greater leniency in the case of those could not produce the £20 on demand. The implication of this concession was important: by not insisting on hard and fast rules, the border between admissible and prohibited immigrant was blurred out of all focus.

In time, admission came to rely on a range of alternative negotiations as officials would accept an ‘un-standardised’ cornucopia of letters of introduction, employment guarantees both oral and written from business large and small, certificates of character, affidavits, deposits and bonds and

⁶² CCP/SCR 1907-9

⁶³ CCP/SCR, 1907-9.

⁶⁴ CCP/SCR on Immigration Department, 1907-9. pp?

⁶⁵ CIA, M[...]

unverified/unverifiable declarations of passengers. In one case the immigration officer actually took pity on an immigrant unable to produce any of these and put him in touch with friends and employers who agreed to take responsibility for the newcomer.⁶⁶ The colonial immigration departments remained responsive to economic imperatives – indeed they were explicitly linked to labour bureaus and relief schemes and at Cape Town, the chief immigration officer was *also* the head of the Labour Bureau. He had uttered that he had to “have a finger on the pulse of the labour market” to do his immigration job properly.⁶⁷

The immigration bureaucracy appears in general to acquiesced to claims by employers to allow immigrants entry, although as the decades wore on the relationship would become increasingly formalized and subject to a system of approval by the Secretary of Labour and employers would be turned down if it was felt sufficient local skills were available. Still, any immigrant might realise that arriving with an employer's backing and a contract, an agreement or letter of appointment to testify accordingly, Immigration officials would not bring the sufficient means clause to bear even if they were otherwise sceptical. Work permits were consequently issued liberally.

The Cape's disavowal of the monetary requirement brought it into line with legislation with Natal and the Transvaal. The fixed amount never made into the 1913 Act. Leniency toward Europeans, poor but employed, prevailed and the lack of 'sufficient means' would only be held against immigrants in the most obvious cases. The possession of substantial amount of capital remained, for immigrants, an important tactic were they had no employment guarantee. In 1918, a South African bank manager wrote to the immigration bureaucracy to inform he had spotted a number of cases of “drafts taken out by gentleman of the Jewish Faith in favour of friends or relatives in Russia”, were never cashed and having served its purpose at the dockside was brought back to the bank for cancellation and re-credit.⁶⁸

For the population and economic planners, the exemption provided by proof of employment rested on an assumption that the relationship between employers and employees was rationalised by supply and demand, need and availability, where immigrants might be allowed entry only if positions could not be taken by South African workers. Yet the accuracy of this calculus relied inherently on employers' adherence to an objective judgement of economic conditions and that employers shared the prejudices of the immigration bureaucracy. This was a wildly optimistic position to take. In so relying on employers to perform the work of sifting and selecting immigrants, the bureaucracy did not take into account the outward cultural linkages and the labour-discipline biases of employers who sometimes cared little for employing South Africans. Employers resented the interference of the immigration bureaucracy and could work against it by recommending – even authorizing - the admission of foreigners who would otherwise have been deemed to be insufficiently propertied or insufficient light skinned for admission. Farmers, manufacturers, cultural associations and even foreign consuls could sometimes – though not always - persuade the immigration department to temporarily allow migrants in for work purposes.

⁶⁶ CCP, SCR p?

⁶⁷ CCP, Annual report.

⁶⁸ CIA 26 M2. Examination of Permits, Instructions to Police.

The biases of employers complicated and confounded the imperatives of restriction control and though employers and the bureaucracy were not always at loggerheads, the question of labour had to be constantly negotiated. If the importance of the 1913 Act lay in the phrase “deemed unsuited to the economic needs of the Union”, the line between those wanted and rejected was both fine and inconsistent. The most glaring example, arguable, was the immigration department’s early co-operation with WNLA’s recruiting activities but who soon found “extra-Union natives” had become an intractable problem and by the 1930s engaged on a policy of active deportation.⁶⁹

There are other examples of these kinds of complexities.⁷⁰ From 1930s, local authorities in the Kruger Park had an “agreement” with Africans entering the Union illicitly along the eastern border: Africans would work for a fortnight in exchange for a general guarantee of work, which could be used to secure a legal presence in the Union. After the fortnight, African’s continued in the Transvaal armed with a pass and the Kruger Park relied on the next batch of men slipping in from Mozambique to perform two weeks of unwaged work. This agreement appeared to have run without official knowledge from some 15 years. Similarly, “extra-Union” Africans exploited the need of farmers – especially in border areas – for labour, entered clandestinely and secured some limited form of protection and legitimacy of their presence by fulfilling economic needs.

Some further examples illustrate the play of forces. In the rather unlikely context of the employment of orchestral musicians, the bureaucracy initially declared a general restriction on the grounds that unemployed South African musicians desperately needed the paid opportunities of work. Yet one company argued angrily that local musicians were incompetent and won a special agreement to import foreigners for the orchestra. This agreement itself was put to somewhat eccentric use when it was discovered that several musicians and even cooks were being admitted at Cape Town on the basis of the agreement but who slipped away from the Company – or never connected with it in the first place - as soon as the Cape Docks were out of sight. A third example tracks this kind of enterprise a little more clearly: in the 1945, Cavaleros Industries persuaded the Immigration Department that the lack of skilled local craftsman meant the employment of Madeirans – otherwise under a general prohibition – should be facilitated. The Department accepted the guarantees and offered a temporary work permit to intending Madeirans, but after three years the company had become “wholly unreliable” as the men began to petition for the admission of the wives and families, started to demand the conversion of the temporary status into permanent residence and most troubling for the bureaucracy to simply leave the employ of Cavaleros but not the Union. In 1948, the Commissioner of Immigration wrote the Sec of the Interior that the entire system of temporary work permits which had been general policy in cases of this sort had become “a dangerous practice”. Some “contracts” were being signed for as long as six years, while no investigations had taken place into the character of the work, the qualifications of the candidate and there was hardly any evidence to actually show that foreign artisans were required. In fact the Commissioner had evidence in only one respect: companies were simply ignoring the decisions of the Immigration Department and employing people who had entered on a holiday visa.

⁶⁹ Klaaren, “Migrating to Citizenship”, Crush et al. *Labour Empire*.

⁷⁰ The examples here are drawn from SAP 256 18/18/36. Immigration; CIA 71/M934. Aliens on Temporary Permits.

Matters of Appearance

Implicit in the moral categories as well as the “sufficient means” clause elaborated above, was a concern with respectability. Respectability was indeed the inverse of poverty, degeneracy and ignorance. Through the exemption of 'good character', a new range of relationships was opened up around the supply of letters of reference. In Natal during the 1900s several agents – including lawyers - were known to interest themselves in the drawing up of affidavits for a consideration: so much so that the bureaucracy blacklisted several when authorities learned of the amount of money being made by such agents.⁷¹ In 1915, officers in Cape Town admitted that one of the major problems with working of the Cape Town Immigration Department was that letters of reference were being taken at face value with little investigation of the bona fides.⁷² When a sample of such letters was looked into and witnesses brought before a commission, it emerged that 'respectable' Europeans were being approached with a view to writing and signing positive references and character attestations. Several did so – some openly admitted conspiracy while others claimed ignorance or testified that they weren't aware of the purposes to which the references were being put. Further investigation revealed that there was some organisation to the system work whereby an a resident Indian in Cape Town worked with a Jewish businessman to secure reference letters for intending immigrants or those temporarily in the city and wishing to stay more permanently. Several agents and interpreters were also on friendly terms with the clerks at the immigration officers and were given leeway to write out reference letters which the clerks accepted in a relationship of trust but which, alas, were found wanting on inspection.⁷³ There seemed to be an institutionalised disavowal of what should have been a system of bureaucratised scrutiny.

By equipping themselves with false bona-fides and chimerical work guarantees, migrants were arming themselves for the encounter of examination. Yet others sought ways to avoid that encounter altogether by creating or foregrounding an aura of respectability in the zone of contact between immigration official and migrant. One of the simplest ways to effect this was to travel first class. “White slavers”, that is, pimps and their agents, were adept at negotiating appearance and built the costs of first class travel into their budgets. Others – notably one Jack Lis – claimed exemption from on the basis of having served with British forces.

Large numbers of Syrians had been arriving in South Africa, principally Johannesburg, since the turn of the century as hawkers, itinerant traders and liquor sellers. By the 1920s, anxieties over what were called “white nomads” and suspicions of organised illicit gold trade and in liquor dealing with Africans meant they were subject to increased scrutiny at the borders. Yet the problem for immigration officials was that they looked like “well dressed Europeans”, had plenty of money and even spoke Afrikaans.⁷⁴ These assimilative tactics could easily deflect scrutiny and introduce into the mind of an immigration official a large measure of doubt as to whether it was worth his while to pursue a prohibition order. Wealth, respectability and language, coupled

⁷¹ An reported annual average of 400 pounds per agent. See PAR/IRD 58/1218/1906; IRD 58/1353/1906; PAR/IRD 57/19/1907, IRD

⁷² BNS 1/2/5 A145. Enquiry into the working of the Immigration Department. Final Report.

⁷³ BNS 1/2/5 A145. Enquiry into the working of the Immigration Department. Final Report

⁷⁴ CIA 30/M12. Syrians, General.

perhaps with a skilled lawyer, presented profound obstacles to implementing an exclusion and, as much as officials themselves sought ways to evade the strict terms of the law, it could not be done openly lest their own reputation was to suffer a scandal.

Others tactics of appearance emerged. Those from peninsular South East Asia exploited their physiognomic similarity to Cape Malays. One official wrote that Malaysians were simply “removing their fez” and passing themselves off as Cape Malays who had right of entry and movement.⁷⁵ A Turk who was arrested was able to sufficiently play down his Islamic heritage and pass himself off as a “European Turk” and win a pardon against the general prohibition on those of the “Asiatic races”.⁷⁶ This tactic was rare – officials had ever less sympathy for those denying what seemed to be an obvious ‘Asiatic’ strain. But it remained hard to resolve in law: if the policy was not to admit Asiatics and coloureds, there were numerous categories of ambivalence: Egyptians, Mauritians, St. Helenians, Goanese, Turks and those of Asia Minor to name a few. At the dockside, it could only be resolved by ‘appearance’.

If downplaying one’s ‘otherness’ in terms of religion was a useful way of appearing admissible, so too was its opposite, whereby those on religious duties were accorded an exceptional, exempt status. From the turn of the century Hajjis en-route to the Arabian peninsula were given exemption from general restrictions, as was the ‘priesthood’ of various faiths for the way in which they were seen to generally uplift the poor and minister to those of ‘degenerate’ character. This was a crucial pillar of the civilizational discourse on which border controls rested and being a priest – or appearing to be a priest – became a tactic to gain general exemption.⁷⁷ It was never particularly difficult to play upon racist and cultural myopia; priesthood could be conjured through disguises in dress and through several easily obtained alibis or references. It is important to also realise that rumours of false priests sparked intercommunal conflicts within “communities” as they were engaged in processes of self-identification. The department came to rely essentially on tip-offs from community associations and individuals as they sought to finger their rivals. The question of ecumenical legitimacy especially coloured anxieties around migration of ‘distinguished’ Parsees, Muslims and Hindus but it also reached heightened concern when some Christian, particularly American, missionaries began to spread politically subversive ideas about the nature of the region’s racialised inequality.⁷⁸ Clerical robes could hide several agendas and facilitate their transfer.

Closely related to the religious aspect of respectability was that of education, another of the institutions of civilization around which, as we have seen, legislators justified migration controls. Immigration officials were suspicious of migrancy under the guise of pedagogy: in 1922 the principal Immigration Officer made a full tour of the Indian schools of the Transvaal. Part of his brief was to investigate the general circumstances of the schools so future applications for specialist teachers and priests from India could be properly evaluated and to eradicate the distrust which officials were beginning to feel for incoming Indian teachers and related cultural brokers of ‘respectable’ standing. But teachers were only one side of the coin. Resident Asians also argued for the rights of mobility for their children on the basis of educational opportunity, which remained desperately uneven in the provinces of South Africa over the first half of the century.

⁷⁵ CIA 30/M13. Permits for Malays.

⁷⁶ CIA 30/M15. Turks.

⁷⁷ See CIA 26/M3. Treatment of Asiatic Prisoners; CIA 29/M8. Education of Indians. CIA 29/M10. Parsees.

⁷⁸ BNS 1/1/367 168/74. Negro Propaganda.

Exemptions were made, although much less so as time wore on and as efforts were made to improve Indian education facilities on a Union-wide basis. Applications for students from India itself were also received. Despite some early allowances, by the 1930s it was felt that no general facilities were to be made available for the arrival of international students from Asia owing to the apparently over-subscribed nature of local institutions.⁷⁹ Officials also responded to applicants by reminding them of the “feeling of prejudice” which existed in the Union and that for their own sake and protection they should pursue opportunities elsewhere. On the other hand, foreign African students *were* encouraged to attend educational institutions in South Africa although their applications were routed through a complex of checks, permits and approvals in their country of origin.⁸⁰

It was not until the late 1930s that a general system of ‘student permits’ was introduced when investigation revealed that it had become a commonplace for poor European men and women to gain admittance on the promise of completing degree only to disappear from the campus – but not the country – after the first term. The white Portuguese of Mozambique were also shocked to learn in 1940 that the Union authorities had decided to clamp down on the long-standing practice of Portuguese children studying in the Union when it was found that no check had been kept on the “children” that the concession had been subject to considerable abuse. One (un)celebrated case was that of a 26 year old man admitted to a Std 7 class but who was found to attend classes only “once or twice a week” and when questioned had actually regressed, officials thought, to a Std 5 level.⁸¹ After an initial suggestion of deportation for cases where children had not made adequate progress (and assumed to have absconded school in favour of work), the bureaucracy insisted on a system of headmaster’s reports, deposits and temporary permits to keep check on foreign students. But the attempt was Sisyphean: In 1945 the examining officer wrote despairingly from the Mafikeng post to Head Quarters of groups of teenagers – up to 200 – crossing into Bechuanaland at the beginning of the summer holidays:

No sooner do the trains stop when they career up and down the platform, over the railway bridge and sometimes into town resulting in the Examining Officer not having the slightest hopes of getting an opportunity of examining their papers with a view to establishing their identity. [There are] one or two hundred boys of all ages and nationalities who are in their own minds being unconcerned about documents which they consider are not required by them.⁸²

It is an image to ponder.

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Paper Walls

It will be recalled that Asians and “coloured persons” were in fact if not in law prohibited as a class. This of course made the obtaining of exemptions based on means, occupation and education much more difficult in comparison with whites who were not *as a class* prohibited. Asiatics could be simply prohibited by referral to the deeming order under which no further test was necessary.

⁷⁹ CIA 63/M682 Admission of Students.

⁸⁰ CIA 62/M653 Trade Commissioner for the Union in Nairobi

⁸¹ CIA 63/M682 Admission of Students

⁸² CIA 63/M682 Admission of Students

But there remained significant scope for exemption through the recognition of the domiciliary rights of resident Indians and to some temporary visiting rights for foreign Asians (though never for business purposes). Also important was the exemption granted to the wives and minor children of admissible males. Qualification for any of these exemptions rested on proof of identity, proof of residence and proof of family relationship. In the context of the rationalised, central state, the (perhaps only?) solution was a permit or certificate regime.

While the borders were sites of exclusion and control but they were also sites for exchange, transgression and creativity. While much might be said about the implication of codification and categorisation, I want to bring attention to a further and somewhat foggier sphere of documentary controls. The permit regime of the bureaucracy was in extended conversation with an economy of fraud. This economy of fraud no doubt subverted the borders, but equally it worked to re-inscribe them. Agents often mediated between the bureaucracy and immigrants, and the borders became a site for the accumulation of economic and social capital. Certificates of exemption gained currency the harder the bureaucracy worked to restrict and regulate migration. The strategies and repertoires of migrants varied, but all helped to create new zones of activity. The zenith of the economy in fraudulent certificates was in the two decades after 1900, although sporadic and increasingly sophisticated schemes continued to be discovered thereafter.

Unofficial 'agents' in Cape Town and Durban charged fees for securing the admission of potential immigrants who would otherwise be prohibited.⁸³ Agents had "some understanding" with immigration officials and could often negotiate that the latter overlook the inadmissibility of certain of the clients. Agents might also procure certificates of permanently departing foreigners and supply these to new arrivals before they began their journey to South Africa, requiring only that the intending immigrant impersonate the previous owner on a few simple details. The economy in fraudulent certificates was expansive, stretching through the major towns of East Africa and South Asia. Rings of agents selling certificates for South Africa were found in Lorenzo Marques, Beira, Zanzibar, Bombay, Madras and Calcutta. Exchanges were enabled by postal service or simply in person through commercial and kinship networks. Intercepted letters from 'extra-Union' natives point to a similar strategy. In Maputo, there were found to be between 120-150 agents in hotels around the city, who might offer fraudulent certificates, coach immigrants in false life histories to better master impersonation and in some cases provide dress cases provide dress for disguises – most notably when the institutions of priesthood was used as an effective cover. South African cities were also implicated. One agency, in Durban, operated as follows: several unrelated Durban men agreed to act as each other's referees; each would return several times to the Immigration officer under a different identity, and so accumulate multiple Domicile Certificates purporting different names. The agent, with a batch of certificates in hand, would then travel to India and "walk from house to house selling them."

The South African market was less for the absolute newcomer than those who had already gained a temporary or transit admission and which to convert their stay into something more permanent. South African agents also offered services to those who had found a way in across the miles of unfenced borders – more of which shortly – and wished to 'legalize' their presence.

⁸³ The following is drawn mostly from PAR/IRD 7/58/1902; PAR/IRD 81/258/1910; PAR/IRD 94/125/1912 and PAR/ARIRD 1900-1917; BNS 1/2/5 A145. Enquiry into the working of the Cape Town Immigration Department, 1915; BNS 1/1/322-325 27/74. Leakage of Immigrants 1915-1953;

Agents would “teach men” in town how to return to the Immigration Office, acquire a Domicile Certificates, usually by training them in the social geography of the colony and provide references. Lawyers and interpreters were also on hand to provide affidavits. To be sure the business of these agencies often remained within certain linguistic and ethnic communities, but there are an adequate number of cases to suggest inter-ethnic zones of co-operation between Asians, Africans and Europeans. The point is not that to suggest that a benign multiculturalism was necessarily a natural consequence, but that ethnic prejudice could be overlooked in opportunities for the accumulation of capital through agents’ fees and even the accrual of non-monetary forms of power. While it remains forever impossible to know just how far these networks extend, reports point to a “systematic sale” of documents, “prepared by the hundreds”, with one agent deciding to leave the Union having made around 1300 pounds in a matter of years.

The use of fingerprinting to crack down on impersonation was an important success for the Bureaucracy. It was formally used in the colonial Immigration Departments from 1906. It took time for the necessary expertise to filter to all the examining officers and the quality of many impressions was frequently of shoddy quality. Intractable problems with filing, indexing and storage blunted the facility by which immigrants could be cross-checked and prosecuted.⁸⁴ Even more prosaic obstacles – dark carriages and cabins, a lack of flashlights, uncooperative railway timetables that made the halt at the border station absurdly brief, the rolling of the train which made balance difficult - suggests there was a still a reasonably good chance of getting through with forged document.⁸⁵ Still, it was only with great expertise that one could alter a certificate with a fingerprint and the department continued to triumph in the utility of the system.

Impersonation appears to have decreased significantly with the introduction of fingerprinting, but on the other hand agents simply improved their methods and became more technologically adept at facilitating and selling false documents which might never have been detected at all. In 1910, the travelling agency of Arthur Putnam Donnelly his partner, Mohamed Khan were intercepted by the CID in Durban after a tip-off and were found with several forged certificates, blank fingerprint forms, a number of blank certificates and related apparatus for taking finger impressions.⁸⁶ All the more bothersome was that Donnelly appeared to be an ex-police officer with the Transvaal Constabulary. In 1921, an agency in Bombay was found to have been using chemicals to remove the thumbprints from legitimate certificates (brought to India by Indians permanently returning from South Africa) and replacing them with those of a purchaser.⁸⁷

Assuming fingerprinting had indeed reduced impersonation to some degree, it could not stop fraud. Rather, it displaced it. As the case of Connelly suggests, low-level officials – boarding officers, examining officers, clerks - proved the weak link. We know little about the personal lives of these young men but it is clear they were often underpaid, badly accommodated and quite often demoralised at trying to do an impossibly delicate job that required the proverbial wisdom

⁸⁴ See Keith Breckenridge “Flesh Made Words: Fingerprinting and the Archival Imperative in the Union of South Africa, 1900-1930.” Paper presented at the *History and African Studies Seminar*, University of Natal-Durban, and 10 March 2001. See also CIA 60 M/587. MethodS of examination; BNS 1/1/342 68/74. Fingerprint Record System.

⁸⁵ BNS 1/1/320 2/74. Immigration Stations (Komaatipoort).

⁸⁶ *The Mercury*. “Alleged Forgeries,” 31 Aug. 1910

⁸⁷ BNS 1/1/322-325 27/74. Leakage of Immigrants.

of Solomon (not to mention the tact of a saint). As a consequence they had much to gain from transacting with agents and interpreters around the immigration offices. In 1915, a long-standing officer at Cape Town was put on trial for overseeing, over several years, a system of collusion and corruption.⁸⁸ He would simply send blank forms, principally to India, with his own signature but for immigrants to fill up themselves. Another procedure enabled a prospective immigrant overseas to write to a friend or agent in south Africa, sending with the letter photographs and a physical description. The agent or friend would then apply in person, with the immigration officials full knowledge and complicity that the certificate of identity or domicile, was for a third party. Receiving his certificate by post from the agent, the prospective immigrant could then enter as though he had been a long term resident. For several years, agents had free access to the files and even the fingerprinting machinery in the offices at Cape Town.

Senior officials naturally clamped down on these transactions. Like all forms of illicit transacting, we have few means to establish its extent. Low-level officials in charge on border-posts were not for a moment likely to include their own duplicity in a monthly report. Still, there are frequent reports from officers complaining of being offered – and *refusing* – a bribe, which suggests immigrants reckoned on at some pliability amongst officials at the border. Any attempts at bribery must have existed on a small, dispersed scale or were otherwise extremely successful in escaping notice from mid- and high-level bureaucrats. There appears to have been no major bribery scandal until 1948, when a departmental investigation found that two immigration officers at Pretoria were “not averse to accepting gifts” – in one instance a motor-vehicle, in another furniture worth about 20 pounds – from Transvaal “Indian gangs, of the Al-Capone type” involved in the smuggling of immigrants.⁸⁹ Significantly, the relationship only came to notice through a series of anonymous, somewhat contradictory letters. It appears – through the corroborating official report – that the gangs (fractious and violent to the point of a year-long series of “shooting affairs” across Pretoria over control over the officers), had blackmailed the latter into ensuring that their smuggling activities would not be brought to the notice of the police, and that some 500 files of Indians had been removed from the Immigration Offices at Pretoria (it is not clear in the report whether there were to be destroyed or ‘recycled’ for new immigrants). The gangs had consequently been reported of “boasting of immense influence within the government”.

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Paths in the Rainforest

It is implicit in much of the above that the department was constantly alive to the problems of non-bureaucratic practice and was always developing yet more refined systems to harness the mobility of people, to restrict the range of the intermediary agencies and effect a responsive, differential regime of selection of immigrants. It does not seem at all certain that four decades of work brought definitive success despite the new technologies, proliferating permit regimes and indeed the frenzy of reporting, memorandum writing and internal commissions of inquiry that were themselves part of this reflex to master the borders of South Africa. But officials kept faith. Perhaps the immigration bureaucracy developed a kind organic, self-propelling momentum where

⁸⁸ BNS 1/2/5 A145. Enquiry into the working of the Cape Town Immigration Department, 1915.

⁸⁹ BNS 1/1/322-325 27/74. Leakage of Immigrants.

incumbent administrators lost sight of alternative options. Or perhaps the repeated recourse to permits was simply because technocrats had no viable choice so constrained where they be multiple and contempeting discourses and claims of mobility. Statism defined bureacratc thinking on the border – how else to engineer and administer system of mobility on a wide territorial base without recourse to paper?

In this very final section, I want to move outside the realm of the negotiated bureacratc space to South Africa's long cartographic frontiers which remained until the 1940s and 50s essentially 'un-bureaucratcised'. It is important to bear in mind some elementary geography: the territorial limits set by the Union of South Africa and which have since remained unchanged are demarcated by a border zone which stretches some 7700kms – just under 2800km of coastline and 4900km overland. If officials found that contolling mobility around the ports was difficult enough (the 'leakage' of ship crews and dockside escapes is yet a further paper), to police the entire frontiers of the country was beyond all possibility. Administrators regularly admitted as much. It wasn't only size that mattered: the landscape differed from desert to dense semi-tropical bush, cut through by wide but generally low and easily fordable rivers and hilly but not mountainous country. The health of some of these districts also presented difficulties to establishing posts – being bitten by a mosquito, a tsetse-fly or indeed a carnivore were the most obvious physcial threats while the remoteness and loneliness of border districts caused some concern over the mental health of officers. As a consequence, at only a few selected points along railways and roads were border posts established.

Immigrants could exploit the vast gaps in a sparsely populated country with comparative ease if they knew they would not muster approval during an formal examination. Futher, 'extra union-natives' seeking to avoid being chaneled into official labour schemes also entered the country through the unpoliced frontier, by-passing the immigration and labour officials entirely and heading straight for the farms, the towns or labour camps of their own choosing.⁹⁰

For immigrants to enter along the coastline by boat required a fair degree of capital and indeed navigating skills and general seamanship. This, coupled with the oceanic geography of the sub-continent and the not inconsiderable natural dangers of landing along a coastal beach meant it was extremely rarely pursued. Instead, crossing overland from the east and the north was common and much, much easier.

Indeed, a crossing overland was far the easier option for several reasons. The first was that the Portugueuse East Africa administration had little interest or capacity to effect much restriction work on behalf of the South Africans, despite passing what looked on paper to be a severe Immigration Act of its own in 1924. The relationship between officials South African and Mozambican officials was generally fractious, marked by occassional outbreaks of agreement. Naturally, the Portuguese were generally happy to see the back of any undesirable in Mozambique, even if that meant they crossed into South Africa at Komaatipoort. The Union relied on its Agent-General in Lorencio Marques to deal with question of immigrants landing at Lorencio Marques but in realit the agent had very little legal force on the docks and its main work consisted in awarding entry permits to South Africa which all arrivals intending to transit to Komaatipoort were eventually required to do. Of course, this required that an immigrant

⁹⁰ CIA 36-39/M130. Extra Union Natives.

voluntarily reported to the Agent-General, a circumstance unlikely if the person knew they would not pass muster and intended to make a more stealthy entry. Immigrants knew it was relatively easy to land at Delagoa Bay or Beira and make a beeline for the Union rather than chance matters at a South African port.

South Africa's relationship with her neighbouring colonies – South and North Rhodesia, Bechuanaland and South West Africa – was based on general sense of comity (however unachieved amongst politicians) and drawing hard lines between them brought problems of its own. For reasons of labour and diplomacy, people might flow fairly freely from one to the other. If anything, by 1930s the border regime was to be replicated further north so to act as a cordon around the entire sub-continent. By the 1930s, the immigration laws of the administrations differed only very slightly or not at all. Indeed, no immigration facilities at all existed along the South Africa-South West Africa border precisely, as immigration officials pointed out, because Windhoek's law was identical to Pretoria's and that there was no point in investing resources in the Northern Cape if the work of selection and restriction had been carried out at Walvis Bay.⁹¹ These arrangements notwithstanding, South African officials found it hard to square imperatives across such multiple and unevenly resourced bureaucracies. For immigrants, it presented no great challenge to find ways of transiting through the surrounding territories and into the Union.

The point I have been making, of course, is that immigrants could merely walk into South Africa. This requires a further pause: for exactly the same reasons that the department could not police the frontier – the wide area, the difficulties of the terrain, the threat of sickness – neither was it likely that a single individual would be able to simply set off unaided as if on a mountain stroll. This opened the way for more yet more intermediaries and agents and indeed those that were caught crossing on foot were frequently in groups of around 6-10, and often more. This required organisation.

It is not possible to know when precisely the first organised crossings from Mozambique began, but by 1915 the problem had reached sufficient proportions for the department to send officials on a reconnaissance trip to investigate the "illicit ingress" of Indians.⁹² In the 15 page report that followed, individuals – which were either new immigrants or those deported from South Africa but who jumped ship in Mozambique before it returned to India – entered Lorenzo Marques by exploiting the town's lack of a working immigration office through a mixture of agents, pliant officials, pursuers and false declarations. From there, they took a train in the direction of Ressano Garcia, where they were met by "native guides" who would take them south into Swaziland and through the Sabi Game Reserve, over the Selati Railway bridge to Barberton, Malelani, Kaapmuiden, Hectorspruit, Ermelo or Carolina. En-route, groups would rest and take supplies at various Swazi homesteads (we don't know the details of any exchanges, monetary or otherwise). Sometimes the route would be altered to pass Boba, where a group would rest and recuperate with Indian labourers working there. The report also pointed out routes through Rhodesia and Bechuanaland.

Attempts were made to close off this kind of traffic – one suggestion was even to close the

⁹¹ CIA 59/M486. European Immigration from South West Africa to the Union.

⁹² BNS 1/1/367. Elimination of Delagoa Bay as a Port of Entry for Asiatics.

Lorenço Marques Komaatipoort avenue altogether to 'Asiatics'.⁹³ These consisted in more energetic attempts to scrutinize arrivals at the Mozambique ports, to beef up the patrolling and examining facilities around the railroads and, significantly, to instigate a system of rewards to farmers, village headmen, local Africans, Indian informers and shopkeepers if they spilt the beans on groups of men walking the veld.⁹⁴ The system seemed to have some effect – over a period of years one Cape Town merchant had reported some 90 border-crossers to authorities, substantially increasing his bank account in the process.

But if anything the smuggling of immigrants actually increased in organisation. Such organisations naturally kept up with the pace of technology, as undocumented crossings were effected by a mixture of train, car, boat and, still frequently, foot. Several gangs or networks operated until at the 1950s. The following operation, uncovered in 1939, highlights expansive networks of accumulation. The various tactics outlined are typical of those pursued by others organisations. This narrative is based on the affidavits of some 40 men – translated from the Portuguese - who were traced in South Africa and arrested after a principal agent was captured by police.⁹⁵

The network for smuggling immigrants linked the Transvaal with Mozambique, Swaziland, Angola, Madeira and Lisbon, and the agents profited – at times handsomely - from their ability to get men not only into the Union but also to employed positions, usually as farm labourers in the Transvaal. The strategy involved several men in Lorenço Marques – one was an engine driver on the Mozambican railways, another was the proprietor of a restaurant, yet another was a taxi driver – who communicated with their family members in Madeira. The opportunities appear to be advertised mostly by word of mouth as local men heard of the families' involvement through the village grapevine. Far from the Union Government and of little interest to local authorities, the arrangements do not seem to have been especially secret in Madeira. Some men reported being approached by strangers with a view to emigrating, and one expressed surprise that the man who approached him knew of his somewhat beleaguered financial position and desire, indeed his need, to find work. As the scheme got off the ground and several batches of men set sail for southern Africa, emigrants spread word of the possibility of getting to South Africa as they were about to leave. Some were inspired to travel by conversations at Funchal, Madeira's port, another in a hotel in Lisbon.

Once an emigrant had expressed his desire to travel, the arrangements began. The families in Madeira contacted the agent in Lorenço Marques (their sons, brothers or in-laws, as the case may be) with the personal details of the intending emigrant, who would have by now sent a bank draft of the agreed fee – generally £100 but as low as £62 and as high as £160 - to the agent. This fee could easily bankrupt young agricultural workers. The agents would ensure a landing ticket was issued by the authorities at LM and sent by post back to Madeira, which ensured that the emigrants would have no trouble in disembarking at Lorenço Marques. The agent in LM would then communicate with a contact at the shipping agency a Funchal - the degree of knowledge or connivance on the part of the shipping agency isn't entirely clear - who would then in due course get in touch with the emigrant with a date and time for sailing, and issue a return-ticket so to

⁹³ I have not yet been able to confirm out whether this suggestion was taken up, but in any case it would have little effect on curtailing *illicit* movement.

⁹⁴ BNS 1/1/353 109/74. Awards to Informers.

⁹⁵ The following is drawn from 3 large volumes in CIA/M716. Illegal Portuguese Entrants.

make it appear, if anybody should ask, that the emigrant was vacationing and had a guaranteed return passage. As a further back-up, a second-class waiter was to receive a fee for ensuring an emigrant got aboard without trouble.

Funchal was not the only point of departure for Southern Africa. Touts in the hotels of the Angolan port of Lobito Bay and also approached Madeirans who had arrived there or were unemployed, and sold them on the idea of proceeding further south to Lorenzo Marques and then on to the Transvaal. In Angola, “English documents” were handed to an emigrant, train tickets procured and a small money advances made for the journey southwards to Lorenzo Marques, usually by ship. Another route to South Africa entailed a 15 day drive to Windhoek from where a train to Mafikeng could be boarded. For the overland route, one of the men reported that the tout passed an envelope to the conductor in which he thought was “a passport” but which one assumes was a financial lubricant. At any rate, he mentioned that nobody asked to see his passport when crossing into South Africa. Touts also operated in Lorenzo Marques itself, visiting the harbour, taxi ranks and even the municipal gardens where the unemployed were said to the pass the time.

At Lorenzo Marques, several more people became involved in the network to get the Madeirans to South Africa. The principal agents would often remain in the background, threatening dire consequences if their names should be revealed and indeed often changing their names when greeting arriving emigrants. Most often, a number of sub-agents – taxi drivers or “native chauffeurs” – would meet an emigrant the dock and take him to a designating lodging house or hotel. In a few instances emigrants were taken to “native houses”. Those who had a debt with the agent could also find themselves performing unwaged work on a farm on the outskirts of the town. Wherever the ‘waiting house’, emigrants would receive food which had been paid for as part of the overall fee. The stay in Lorenzo Marques would then last anything from a couple of days to three weeks while others arrived to make a group, usually of least 5 but in once case 13.

The journey to the border made was usually made in a vehicle – a lorry for larger groups and sedans for the common group of 5 or 6. The drivers were usually Africans, “dressed in suits” who would pull off the road some distance from the actual frontier. From here, the Madeirans would be met by another African and escorted “through the bush”. It seems the route varied: some reported a walk of just two hours, others as long as nine. Once through to the Union, emigrants would be told to wait in copse or in a thicket of corn while the guides checked if the coast was clear. On a signal, the emigrants would emerge to find the same driver and the same car awaiting them. Not all the trips were so concealed – in some instances the driver was seen talking to “a native policeman”, on another an Italian driver simply drove to the border post with his nervous cargo, spoke with the border official who paid no attentions to the Madeirans in the back, and continued onwards. Likewise the car/guide route was not the only method. Another means of voyaging included a direct transit on the train either by hiding in a cargo carriage or stowing away in locked lavatories and compartments.

Once the emigrants had reached the Union, they were then delivered by car to a pre-arranged farm or business premises. If they emigrant had not arranged this or otherwise had nowhere to go, he was taken the Johannesburg fruit market which appears to have been an informal meeting and recruiting space of Portuguese and Madeiran communities. From there, he might melt away to a

farm and spend enough time in the country to eventually be able claim permanent status. The archive shows that officials generally ended up granting such Madeirans permanent rights on grounds of the good character, hard work and honesty. There were also the logistical and moral problems presented by deportation. For Indians, amnesties and a 'condonation scheme' performed a similar task. The politics of exemption was made to work once more.

The Madeirans and Indians were not the only people able to exploit the lack of regulated border. 'Extra-Union natives' were another and the problems that their mobility presented was ultimately irresolvable for the bureaucracy.⁹⁶ Despite long meetings and an expensive repatriation scheme, the unregulated and un-channelled movement of Africans exasperated officials and they gave up on a solution by 1940. Even deportees simply walked backed in the Union. It seems multiple journeys could be made over several possible routes as men criss-crossed territories to exploit weakness in the border and examination systems. It was difficult for officials to know quite who was who and officials in surrounding territories complained that deportees claiming to be, say, from Bechuanaland were in fact from Nyasaland. There is more to be learned about the movement of "extra-Union natives" across southern Africa. We know much of the background and economic calculus to South Africa's labour empire that stretched as far north as Nyasaland and Tanzania; we know that large numbers of Africans were not channelled into the labour directives of the WNLA; we know the significant extent of the problem of 'clandestine entry' of 'extra-Union natives' and the policy failures in dealing with the question over the 1920s and 30s. Yet know relatively little about how those movements were experienced, what kinds of associational networks developed and how border-controls were manipulated. This remains an agenda for further research.

Smuggling networks – European, Chinese and Indian - continued to make use of the paths in the forest, to misquote Jan Vansina; to note each and every route taken through Mozambique, Swaziland, Southern Rhodesia and Bechuanaland would make for a long list of villages and towns. Stowing away on trains or in cars, conniving with conductors, paying lorry and wagon drivers to cover some or all of the distance, rewarding boatmen for helping ferry vehicles across river, agreements with farmers to make use of their property as forwarding farms all involved a moderately lucrative trade. It was not sufficiently reduced until the resources of the state had developed to quite literally fence the border line and establish more and spatially efficient check posts in the mid 1950s and even then it was, and still is, possible to elude examination.

Yet these intermediary activities should not be romanticised. The economy of smuggling was an opportunity for financial accumulation, not a conscious political project of emancipation. Agents often exploited the ignorance of young men attempting to get to the Union. The testimonies of the Madeirans discussed above are notable for the deep ignorance of many of the emigrants as to how and even where they were going, often arriving "at a large town," which on enquiry, they "learned was Johannesburg". Some became stranded, others threatened with abandonment en-route if they refuse to agree to a sudden "increase" in the fee. Several had been told the agents were arranging legitimate entry to the Union; the principal agents remained well-concealed and their names disguised. The emigrants lost all if caught.

The most exploitative agents were those "white slavers" – often ex-prostitutes - who duped young

⁹⁶ See Klaaren, "Migrating to Citizenship".

women into voyaging between South African towns, Lorenzo Marques or Beira as waitresses but who found, on arrival, that they were to serve in an entirely intimate way. Their story is (yet again) a separate paper, but I have included as an appendix the verbatim statement of Irene de La Porte who was smuggled across the South Africa/Mozambique frontier in 1928. Her story is in many respects tangential to much of this paper: she is leaving South Africa, not entering; hers is surely an extreme case; she is both a woman and white, largely “invisible” to migration law in both gender and race; But I end with it because of its brings together so many of the negotiations around appearance, documentation, agents, power, official sanction and official refusal as individual structured their lives. It shows at a stroke, in a way that exegesis can not, the intersecting interests and authorities of which the lawmakers and policy drafters were but one. Few experiences of the transiting the border could ever had ended in such unexpected ways, but it is clear that the establishment of border-controls did little to seal the possibilities of movement. Yet, we must conclude, to do nothing but celebrate these movements and to imagine a benign universalism is to tell but half a story.

Appendix⁹⁷

I am 18 years of age. I was born on the 7th May, 1910. I resided with my mother (who is a widow) at No. 51 Park Road, Woodstock, Cape.

During the Month of January 1928, I saw an advertisement in the Cape Argus of the 24th January 1928. I answered the advertisement and received a reply from Madame Heline Reading. I called her on the 26th January when she informed me that the advertisement was for two smart waitresses and not barmaids as appeared in the paper.

She informed that she had several other applicants for the situation but that I was the most suitable and she agreed to engage me at £15 per month, all found, and I was to be provided with the services of a native servant, my railway fare to be paid, and in the event of my not liking the work, my return fare would be paid within three months.

I informed Madame Reading that I was at that time 17 years of age and she said this was the age she wanted as she did not want an old girl. I told her I had no experience and she replied that it did not matter. I asked her for full particulars as to my duties and the sort of place I was going to and she replied as follows:

That my duties would consist of serving in a big tea room at Beira and would be very light. The place was awfully nice and that I would be very well thought of there, just as much as an office girl. She said that in Cape Town I would work for £9 at office work and that I would be receiving 15 pounds [at Beira] and have good friends. She said I would get a rich boy up there with plenty of money. She also said that she was engaging other girls for the same business but up to that time I was the only one that she had engaged.

I then wanted her to come and interview my mother, which she agreed to do. About 5 days later she visited my mother at our address and discussed the matter with her. I was present. My mother was satisfied and agreed to accepting the situation. I had no written agreement.

On the 11th Feb I left Cape Town for Beira by the 4pm train with Madame Heline Reading, travelling 2nd class. She advanced me £5,10 before departure for the purpose of purchasing food on the journey.

On reaching the border at uMtali, number of Portuguese boarded the train. They became very friendly with me and I was forced by Madame Reading to become friendly with them. We had dinner together with the two of these Portuguese, one of whom was the post-master at Beira and the other his assistant. I had liquor with my dinner and I felt slightly under the influence of liquor.

At about 9pm (after dinner) I proceeded to my compartment accompanied by Madame Reading and the Portuguese Postmaster in question. When I reached my compartment this man started

⁹⁷ CIA 55/M388. Traffic in Women and Children. Affidavit of Irene Violet de Le Porte.

hugging me and kissing me against my will. Madame Reading had meantime left the compartment for a wash. About 5 minutes later she returned to the compartments and I reported to her what had happened. She told me not to worry about it, it was nothing, that he was a nice boy and that I should try to stick to him. Madame Reading and the Portuguese conversed in the Portuguese language. She then took her handbag and night attire and left the compartment, leaving me alone with the Portuguese, although I requested her not to leave the compartments. He continued hugging and kissing me and endeavoured to pick up my clothes and touched me on my breasts. I resisted his actions and slapped him on the face. I prevented him from carrying out his intentions which were quite clear to me.

I then left the compartment and went to Madame Reading who was washing and asked her to come to my assistance. In the meantime I waited in the corridor for her arrival and the Portuguese was still in my compartment although I had told him to clear out.

Madame Reading returned to the compartment with me and she had a friendly conversation with the Portuguese and they started laughing. I ordered the Portuguese out in her presence and he went. Mme Reading told him to come back in the morning. As I was undressing in the compartment prior to going to bed (I was then in pyjamas) I heard the shutter of the window fall down and on turning around I saw the Portuguese [post-master] leaning through the window. He was travelling in the adjoining compartments and I made a rush to my bed and Mme Reading spoke to him in Portuguese. At my request Mme Reading put the shutter up and we changed berths for the night.

The following morning at about 8am, just prior to our arriving in Beira the Portuguese post-master entered our compartments which was open. He kissed Mme Reading on the cheeks and also kissed me against my will. Speaking in English the post-master said to Mme Reading, "Whatever happened he was going to get me as had fallen in love with me". I paid no attention to these remarks.

On my arrival at Beira I found a large number of Portuguese males awaiting the arrival of the train. The majority greeted us and offered us the service of their cars, which we declined. I was introduced to an Italian woman named Nina Carella by Mme Reading. We all went in Nina Carella's car and proceeded to the International Hotel, where I was again welcomed by a crowd of males. During breakfast I asked the women in question to show me where I was to be employed. Mme Reading made some excuse and said she was proceeding to do her unpacking first.

She went to her flat and requested Nina Carella to show me the place. The latter eventually took me and showed me where I was to work. On arrival there I found the place to be a tiny little bar (tin shanty) with a room attached, which I was informed to be my sleeping quarters. She showed me around the place and informed me that the other girl would be there in the afternoon.

I remained in Nina Carella's company till about 5pm when we again met Mme Reading and we again met Mme Reading and subsequently my luggage was brought to my room. On closing the bar at midnight, I was approached by several Portuguese men to go out for motor drives with

them in the cars. This I refused and proceeded to my room. The following day the same crowd came to the bar throughout the day and evening and several approached me with the intention of making an appointment which I refused in every case.

On my third working day at the bar, I was approached by Mme Reading who furnished with several names of rich Portuguese and told me that I should take them into my room whenever they wanted to go, but, before doing so, I should get them to buy champagne by the dozen and then take them into my room. This I did not do.

That afternoon I was called by Mme Reading to go to the Regent Bar, which is next door. I went there and was introduced to Captain Llorente. The latter purchased champagne and stood drinks around. The owner of the Regent Bar named Catherine, Mme Reading, Captain Llorente and myself were present. About half an hour later Mme Reading left and Captain Llorente and myself remained. Sometime later I left for my room, leaving Captain Llorente in the Bar. On my way to my room I got a letter which was brought by a kaffir boy in Mme Reading's employ asking me to call at her flat. This letter has been destroyed. I went to her flat and she then commenced to tell me all about Captain Llorente and said "You should get all the money you can out of him and give him love in exchange". I replied I would not do a thing like that. In reply she then said: "If you do not do that, you will not get on, as I was not a kid any longer and that I would drive all the customers away".

I returned alone to my room where I found a letter addressed to me from Captain Llorente asking me if he could take me out that night. I accepted his invitation at midnight and he came and fetched me in his car. We returned at about 2.20am. During the journey Captain Llorente attempted to lift up my clothes, play with my breasts and hugged me and kissed me. He asked me to be his sweetheart. I replied "No". I ultimately took over the steering wheel and returned home.

On arrival at my room he asked me if he could come in. I refused and he left, promising to come back and see me. He returned about 5.am, knocked at my door. I did not open same and informed him that I was in bed and he left.

The following night when I was working in the bar Captain Llorente informed me that he had received a key of my room from the Italian woman, Nina Carella and that he intended coming to my room that night. I begged him to give me the key but he refused, saying that he had something to tell me. I finished duty at midnight and proceeded to my room. About 12.35 am, Captain Llorente entered my room using the key he had received from Nina Carella. I was fully dressed as I expected his arrival. On entering the room Captain Llorente immediately started kissing and hugging me and asked for my love. I realised what his intentions were and requested him to sit down and talk matters over. I explained to him that I was a good girl and worked on his good feeling regarding his own daughter. He appeared to realise that he had misjudged me, for his conduct toward me changed. He left my room at 2.15am.

The following day I was called up to the Police Station where I was interviewed by the Commandant regarding the question of my age, as they informed me that licences for barmaids were only granted to girls over 19. I still maintained that I was 19, but after being shown certain

correspondence from the Police in South Africa , I then admitted I was 17. The police wanted to send me back to Cape Town as my mother demanded my return. I refused to go. The police took possession of my license. I was accompanied by Captain Llorente at this interview, who suggested that I should accompany him to his home, seeing that I had lost my license as a barmaid. I agreed and went with him and remained at his home.

During my stay at Captain Llorente's house, I became engaged to his son, Fernando Castro Llorente. Captain Llorente's wife was stated to be in Portugal.

I left Beira on the 19th of April 1928 and arrived in Cape Town on the 24 April 1928, travelling first class – alone, the fare being paid by Captain Llorente. Since my return I have been staying with my mother.

Mme Reading never paid me any money for my services whilst serving at the Montagu Bar nor did I ask her for the same. The only money I ever received was the 3 pounds already referred to. I was actually employed in the Montagu Bar for about 5 days and the remaining period I remained with Captain Llorente at his residence until I left for Cape Town.

From Madame Reading's conversation, conduct and suggestions to me, coupled with the introduction she arranged, I now know that under the guise of legitimately employing me as a waitress I was lured to Beira solely for immoral purposes. ⁹⁸

Sgd. Irene de la Porte
18 June, 1928.