

- Cape Mounted Rifles.
COLONIAL CONTROL IN THEMBULAND,
Chief Magistrate of Thembuland. (used in context
AND RESISTANCE TO IT, 1872-1885.
Secretary for Native Affairs.

- Under Secretary for Native Affairs.

- Walter Ernest (Mortimer) Stanford. This is the
used by his daughter, Mrs Kuffel, in her index
Stanford Papers; it is used only in footnotes.

- Resident Magistrate (of)

- Frontier Areas and Mounted Police.

- A THESIS PRESENTED FOR THE DEGREE

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PLACE SPELLINGS

throughout the documents of this period there are different
spellings in the transliteration of African names. Thus

Fundomisi and V. N. MASTER, Quatis and Quatis,
and Kensitive and Mamsiwa
used interchangeably.

"Tasbookie" is sometimes used for "Thembu".

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2AM

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LIST OF ABBREVIATIONS USED IN THE TEXT
AND IN FOOTNOTES

- A.
- CMR - Cape Mounted Rifles.
 - CMT - Chief Magistrate of Thembuland. (used in footnotes)
 - SNA - Secretary for Native Affairs.
 - USNA - Under Secretary for Native Affairs.
 - WES - Walter Ernest (Mortimer) Stanford. This is the form used by his daughter, Mrs Ruffel, in her index to the Stanford Papers; it is used only in footnotes.
 - R.M. - Resident Magistrate (of)
 - FAMP - Frontier Armed and Mounted Police.
 - NAD - Native Affairs Department (Cape Town).
 - AYB - Archives Year Book for S.A. History.

B. AFRICAN SPELLINGS

Throughout the documents of this period there are different spellings in the transliteration of African names. Thus

Pondomisi and Pondomise , Qwatis and Qwaties,
and Menziwe and Menziwa
are used interchangeably.

"Tambookie" is sometimes used for "Thembu".

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INTRODUCTION

The period between 1872 and 1885 on the Cape eastern frontier has been fertile field for research on several problems. To Brookes, in a pioneering work¹ on native policy, it was a time when the main features of the Transkeian System of Native Administration were forged. The main features of that system were that the men on the spot were allowed a free hand in policy, and that these administrators pursued a defined course which was from the beginning, as an administrator himself said in 1881, an "unique progressive policy adapting itself to the various stages of advancing civilization."² The success of this policy, Brookes maintains, depended upon three factors: the acknowledgement that different tribes beyond the Kei were at different stages of Europeanisation; the attempt to "hedge these people on either side with strict laws and regulations" without blocking the road ahead; and the practice of consultation with Africans later expressed in institutional form in the council system. If one man was responsible for this system it was the first Secretary for Native Affairs under Cape Responsible Government.³

Another historian, J.S. Marais, has shown that two features of the native policy of the Cape Colony were incorporated into the Transkeian system. These were "the civilizing ideals for which the Cape has always stood, the equal franchise and the important rights and exemptions which it conferred," and the supersession of the chief by the European magistrate as rapidly as possible.⁴ Significant new features of Cape policy were the administrative separation of the Territories from the rest of the Colony; maintenance by the African tribesmen of their land almost intact; legislation for the territories by proclamation on the initiative of the Secretary for Native Affairs; and the recognition of tribal law and custom in civil matters while a Penal Code adopted in 1886 and based mainly upon Colonial Criminal law was adapted "to the changed needs of a Native society in constant touch with Western Civilization."⁵

De Kiewiet,⁶ of course, has classically described the economic background to the period and illustrated how the need and desire for land and labour by the Cape Colony influenced the policy of its government to the tribesmen beyond the Kei.

1 E. Brookes, A History of Native Policy in S.A. (Cape Town, 1924).

2 Report of W. Girdwood, R.M. Tsomo, Blue Book on Native Affairs for 1882, p.19.

3 Brookes, op.cit., p.108

4 "The Imposition and Nature of European Control" in I. Schapera, (ed.) The Bantu-Speaking Tribes of South Africa (London 1937), p.350.

5 Ibid.

6 In The Imperial Factor in South Africa (Cambridge 1937).

Waldemar Campbell,⁷ like A.E. du Toit,⁸ has shown that the history of the Eastern Frontier has to be studied from more than the two sides of "European and Native", and that other elements have had to be taken into account, viz., the rôles of the tribes and of the frontiersmen, the missionary, settler, trader and administrator. Campbell studied their different rôles in the extension of the political frontier of the Colony, noting the tension between those who sought to rely on influence and those who wished to assert direct control over the tribes. He deals with the impetus towards control and the assertion of control in general terms beyond the Colonial borders.

This thesis presents a history of the relations between one set of Colonial administrators and the Thembu tribe under their jurisdiction during the period 1872-1885 from the point of view of the attempts of the former to assert control over the latter; and Thembu reaction to it. In this, the administrators were faced with the difficult tasks of maintaining control, governing in the interests of the Africans, and of establishing a system of government. It is with the first two aspects that this thesis is concerned. The famous Transkeian system of government has not only been described in the works already mentioned, but has been the subject of a number of academic theses.⁹ What needs to be recorded, is the actual attempt of the Colony to establish control over the tribesmen. The colour and fire¹⁰ of the frontier in those creative days when the approach towards administration was developed (that was to characterise the system) is missed in the administrative studies mentioned. Only when the military threat and the hardships facing the magistrates during the period of European control is seen, can their achievements and liberal attitudes be seen in perspective.

With a subject touching on associated disciplines, the scope of this thesis should be clearly defined. African government or administration¹¹ per se is not the focus of this study. It is concerned with the events in Thembuland and particularly one of its sub districts, Engcobo, between 1872 and 1885. Only in so far as generalizations

7 In The South African Frontier. AYB., 1959, I.

8 In The Cape Frontier. AYB., 1954, I.

9 See Bibliography: Unpublished Secondary Sources.

10 The play on words is intentional.

11 With a sub-division of Native Law, per se.

of the sociological kind have relevance to the theme of control in Thembuland do I make them. This is so because in general I am concerned with the historical aspects of process and change rather than a more static analysis of a system of government, and because, in particular, this thesis is intended to present a critical analysis of events during this period, rather than attempt to relate it to any general theory of African policy and administration, such as, for instance, "Indirect Rule."

Nor is this a "social anthropological" study. No field work has been done; and although both the anthropologist and the history student study structure and processes of society with a view to gaining a more general understanding of human society and culture, the history student is concerned with the individual per se. "The natural impulse of the historian is towards the concrete and the particular."¹²

Colonial control over all aspects of Thembu society is not treated in this study. My emphasis is on the policies of the administrators and Thembu reaction in the political sense (i.e. which was the stronger power in the land) although obviously the administrators' aims regarding cultural change determined in some measure the attitude of the Thembus to Colonial control. This thesis does not attempt, or pretend to be a study of the influence of European civilization on the Thembu tribe, although this is, in a limited and necessarily superficial way, a bye-product of it; if changes in sovereignty and land ownership are recorded, changes in the kinship structure are not.

Despite these reservations my approach to the insights of the post-anthropological age determines my perspective or vantage point to the events of 1872-1885, as the attitude of the administrators of the time was circumscribed by notions of the pre-anthropological age. The insights are perhaps that one culture is the result of the adaptation of a society to its environment; and that in so far as people are self-conscious about the underlying ideas and attitudes that are expressed in behaviour, they regard these as absolute values. Therefore to the anthropologist the values of different societies are relative, no one set of values being ultimately true. To the nineteenth-century administrator, who often lacked an understanding of tribal society itself, the values of European society were "superior" to those of tribal; this being based on the belief in "progress",

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"To see a World in a Grain of Sand,
And a Heaven in a Wild Flower
Hold Infinity in the palm of his hand,
And Eternity in an hour."

Cited in, A.L.Rowse, The Use of History (London 1945), p.85.

that mankind passed through stages of savagery, barbarism and civilisation. From the present vantage point

"A culture is not regarded as a step on a single upward path of progress. There is no judgement by an external standard and in the abstract of the rightness of a custom or the fitness of a social rule. The question is rather what combination of external factors and internal processes help to maintain them, and how does it contribute to the harmony and continuity of the life of the group." 13

Walter Stanford's Reminiscences¹⁴ cover the period 1872-1885 too. On being privately informed by its editor that he had found a considerable amount of material in the Stanford Papers that was not included in the Reminiscences, my approach was to become generally acquainted with Stanford's method and treatment of his material, and then to re-examine the Reminiscences more thoroughly at the conclusion of my research. As various significant events of this period, such as his activities during the wars, are recorded in Stanford's diaries and letters and are related in the Reminiscences, these have not been repeated in my account. On the other hand, however, I have tried not to disrupt my account by directing the reader to fill in gaps by referring him to the Reminiscences: I have tried to avoid overlap where possible but where this was impossible, to show my source material as well as note the treatment of it in the Reminiscences.

The accuracy and reliability of Stanford's work is moreover circumscribed by several factors: its Engocobocentricity;¹⁵ Stanford's perspective is different from mine because he wrote his memoirs between 1907 and 1927, years when time seemed to be on the side of those concerned with peaceful relations and accord between Black and White in South Africa, and when he was over fifty years of age. In addition, at the time of writing he was involved in the administration of Native Affairs; and, as Thoreau said: "It is as hard to see oneself as to look backwards without turning round."¹⁶

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My thanks are due to the staffs of Jagger Library, the South African Public Library and the Cape Archives for co-operation and assistance. My warm thanks are due to Mr A.M. Davey for his guidance and assistance.

13 "Anthropology - The Victorian Synthesis and Modern Relativism" by Darryl Forde in Ideas and Beliefs of the Victorians (London 1949) p. 394.

14 Van Riebeeck Society Publications, Nos. 39 and 42 (Cape Town 1939 and 1942). Edited by J.W. Macquarrie.

15 The seat of Stanford's magistracy.

16 Cited in Dag Hammarskjöld, Harkings, English translation, (London 1964) in Foreword by W.H. Auden.

CHAPTER ONEPRELUDE TO CONTROL, AND THE
SITUATION OF CONTACT1872 - 1875

"In any plural society, situations of contact are viewed through different cultural lenses and receive contradictory interpretations."

H.Kuper, "The Colonial Situation in South Africa." The Journal of Modern African Studies, July 1964, p.160.

For the historian in a plural society, on the other hand,

"Accuracy is a duty, not a virtue."

Housman. M.Manilli Astronomicon : Liber Primus
(2nd edn 1937) p.87.

The Thembu tribe inhabited the country between the Bashee and the Umzimvubu Rivers at least after 1686¹ and probably earlier than 1600.² The Mfecane invaded Thembuland in 1828 and part of the Thembu tribe under the Paramount Chief Umtirara moved into the Queenstown district which was then unoccupied.³ Later the Great House of the Thembus with Joyi as regent, returned to the old country between the Bashee and Umtata Rivers.⁴ Inducements were held out by Sir Philip Wodehouse in 1864 to those who remained in the Queenstown district to occupy country beyond the Colonial border from which Kreli the Gcaleka chief had been expelled in 1858, and four chiefs availed themselves of this offer, becoming known as the "Emigrant Thembus."⁵ It is with the independent tribes beyond the Colonial borders that this thesis is concerned, although what affected them sometimes affected the Thembus within the Colony.

The traditional policy of the principal tribe of the Great House was one of loyalty to the Government, and in the wars of 1846

1 Evidence of the survivors of the wreck of the "Stavenisse". J.Bird Annals of Natal (1495-1845) Vol.1, (Pietermaritzburg, 1888) and E.Westphal "The Linguistic Pre-history of Southern Africa" in Africa Vol.33, July 1963.

2 M. Wilson, "The Early history of the Transkei and Ciskei," African Studies Vol.18, No.4, 1959.

3 MS. of Rev.E.J.Warner, containing biographical details of his father, Rev.J.C.Warner. Stanford Papers, F(a) 7 pp.3-4.

4 Reminiscences Vol.1. p.61.

5 The Emigrant Thembus are discussed in Chapter Four.

and 1850 they were loyal to the Government.⁶ A treaty was made between the Governor Sir Peregrine Maitland and Umtirara, the Paramount Chief, in 1845,⁷ but the treaty system was scrapped by the Governor, Sir Harry Smith, in 1848.

The policy of Charles Brownlee, the first ministerial head of the Native Affairs Department of the newly-responsible Cape Colony towards the independent Thembu tribe beyond its borders was based primarily on the defence needs of the Colony. His policy was to prop up the Thembus and establish them, together with the Fingoes and the inhabitants of the Idutywa Reserve as a defence cushion against militant tribes further East of the Kei;⁸ this was part of his general plan whose other facets were to take the smaller tribes East of the Kei under the protection of the Colony to prevent their conquest and absorption by the Gcaleka and Pondos, who might otherwise become paramount between the Cape and Natal. The former was the most powerful of the frontier tribes and from which alone any danger was to be apprehended to the Colony,⁹ and the latter the largest and most influential tribe between the Colony and Natal.¹⁰

If the Thembus were to form a buffer, they were in need of propping up. Not the tribe, but Ngangeliswe, its Paramount Chieftain "personally", wrote Brownlee, "is our weak spot in the Transkei." He was too weak to withstand aggression, and needlessly involved himself in quarrels with his neighbours. He was a chief "whom as a matter of policy we deemed it necessary to support, but whose actions were regarded by us with disapprobation."¹¹ The second weak point in Thembuland was the ^{southern} lower part of the country that was almost uninhabited and invited the encroachments of the Gcalekas and the Bomvanas. Brownlee considered filling it up with Queenstown "Tarbookies"¹²

Thirdly, a position at the Gatberg (i.e. settling Fingoes there) would not only strengthen and support the Thembus, but would serve as a "strong advanced post" from which they could gradually extend their influence beyond the Kei, and from which the Pondos might be overawed.¹³ Measures had to be taken to ensure that the

6 Unpublished typescript by Walter Stanford on the history of the aba-Thembu. Stanford Papers, F(ww) 6.

7 Memo. by J. Orpen, A12-'73 p. 31ff.

8 Brownlee's confidential annexure to A10-73. Between pp. 51-2 in NA840.

9 Handwritten memo. by Brownlee in P.M. 259 7/7/76.

10 Brownlee's confidential annexure loc.cit.

11 Ibid.

12 Ibid.; and Brownlee to the British Resident with Ngangeliswe (E.B. Chalmers) 11/3/73. GMT 1/1.

13 Brownlee's confidential annexure, loc.cit.

paramount chieftain should be kept "in undisturbed possession of all the country which of right belongs to him."¹⁴

In seeking to assert control East of the Kei, Brownlee was following Sir George Grey's policy.¹⁵ Nor was he alone in his advocacy of this. A Special Committee appointed by the Governor, Sir Henry Barkly, in January 1872 to settle disputes and to enquire into other matters in Nomansland and Thembuland reported that:

"It has, of course, long been admitted that the bringing under British rule of the whole country between the present frontiers of the Cape Colony and those of Natal was a mere question of time, its ultimate annexation being inevitable. The result of our enquiry and observation during the time we have passed in Kaffirland has served to convince us that the time for making a stride at least in that direction has now come."¹⁶

It was decided to defer the Commission's findings until a Responsible Ministry in the Cape Parliament was prepared to deal with it on the basis of colonial interests alone.¹⁷ The first House of Assembly under Responsible Government agreed to the establishment of a select committee, "to ascertain as far as possible the present state of the tribes between this Colony and Natal."¹⁸ This committee urged the annexation of at least part of the Transkeian territories.¹⁹

Brownlee's policy with regard to the tribes beyond the Kei, and here too he was following Grey, was to "civilize" the African tribesmen by replacing aspects of tribalism, such as communal land tenure and the traditional power of the chiefs with magistrates, individual land tenure and public work programmes. The ministry as a whole supported this policy.²⁰ "Our frontier magistrates," wrote Brownlee "are expected in every way to foster and encourage everything tending to the elevation of the coloured races." The missionaries were thus indirectly aiding their policy.²¹ Brownlee was

14 Brownlee to E.B.Chalmers 19/4/73. CMT 1/1.

15 Brownlee's memo of 7/7/76. *loc.cit.* Grey's plan was to "take over the whole area as far as the Natal border...institute European magistrates, and impose a hut tax to meet administrative expenses." J.Rutherford *Sir George Grey*, London, 1961, p.431.

16 The Commissioners Charles Griffith, James Ayliff and Inspector Grant in a letter to the Colonial Secretary 14/5/72. A12-73. p.113.

17 Sir Henry Barkly to Lord Kimberley (Secretary of State for the Colonies) 23/8/72; and Kimberley to Barkly, 4/3/73. A12-73, pp.140 and 141.

18 A12-73 p.VIII.

19 *Ibid*; and V.& P. House of Assembly, 1873, p.379. As this is not a study of the extension of control in the Transkei during this period - for which see S.Campbell, *The South African Frontier* (Archives Year Book for S.A.History 1959, Vol.I) and C.C.Saunders *The Cape Native Affairs Department...* (UCT, 1964) - but a study of the events leading up to the gradual annexation of Thembuland itself, the question of the annexation impulse within the Colony is included here to place Brownlee's forward policy in perspective.

20 Minute of Ministers, 14/3/76. Govt.Gazette, 24/3/76; and G.12-77.

21 Brownlee's confidential annexure to A10-73.

aware of the liberal nature of the native policy of Colony - that none on account of colour had been denied electoral privileges and that there was nothing to prevent any native from sitting in the Cape legislature - and implied that this would be extended beyond the Kei.²²

A significant aspect of Brownlee's policy was his desire to establish the existing system on a permanent basis and not frequently introduce new policies as had been the case before the Governorship of Grey, and after. (Governor Sir Philip Wodehouse, Grey's successor, for instance, postponed the implementation of that policy). It took years to convince Africans that that new system was to be permanently adopted. Moreover the changes that system was to introduce had to be achieved gradually -

"Radical changes like these in the habits and customs of a people are necessarily of slow growth; they need to be carefully fostered and judiciously encouraged.... any attempt to assimilate our native policy to those in operation in the neighbouring republics will assuredly destroy our past work; a reaction against our influence will set in and matters will be worse than if we never had attempted to carry out the liberal and generous policy we have adopted in the government of our native population." ²³

In the light of these policy statements, Colonial policy towards the Thembus until 1875 starting with the report of the Ngangeliswe-Kreli crisis in October 1872 can be understood. A "war" broke out between the two, the former being defeated. Kreli, Paramount Chief of the Gcalekas, was prevented from pursuing his enemy (as Brownlee wrote publicly) by the intervention of the Wesleyan Missionary at Clarkebury, Rev. P. Hargreaves,²⁴ (and as he wrote privately) by the presence of a police force concentrated at the Komgha and Bran Nek.²⁵ A war might have involved the surrounding tribes as well as the Colony.²⁶

When the Commissioners appointed to report on the outbreak sent an "alarming report" to Brownlee in Cape Town that Kreli had adopted a threatening attitude, the Secretary for Native Affairs visited the frontier²⁷ between November 1872 and January 1873, where he dictated a settlement to Kreli. Kreli (who had previously lost land to the

22 Brownlee's memo. of 7/7/76, para.22, loc.cit.

23 Ibid., paras 1, 21 and 24.

24 E.J.Warner, Tambookie Agent, to SNA, 19/12/72, A12-73,p.180; and J.Ayliff to Col.Sec. 25/1/73, Ibid. p.181.

25 A.10-73. Report of SNA of the result of his mission to Kreli in January 1873.

26 Brownlee to Resident with Ngangeliswe, 18/9/73. CMT 1/1. Hargreaves undeniably had a considerable influence with the tribes. See Chapter Two, p. 28.

27 Used not in the sense of border, but in a wider sense, using the connotation of Eric Walker's The Frontier Tradition in South Africa (lecture, 1930).

British Government as he had been expelled from part of his old country following the cattle killing delusion) stated plainly to Brownlee that he did not have enough land and demanded the land of the Thembus by right of conquest.²⁸ Perhaps the concentration of the FAMP at the Komgha²⁹ influenced him to respect Brownlee's refusal to allow this and he awarded a fine instead.³⁰

Ngangeliswe too seized upon the occasion of Brownlee's visit to articulate his grievances with the Colony. This was the first of many occasions on which Ngangeliswe expressed his opinions and attitudes to the Secretary for Native Affairs or a high ranking government officer.³¹ The Paramount Chief laid claim to land occupied by Moni "and given to Kreli"; complained that his people in the Queenstown district had been taken from him; and that his land had been given to the Emigrant Thembus. Brownlee had nothing to say regarding the last two matters; and by investigation, colonial officials ascertained that Moni recognised his subordination to Kreli.³²

Following upon the war, Ngangeliswe offered to cede his country to the British Government. This was at a time when the Gcalekas had taken possession of the Thembu country: the ploughing season was passing, and Thembus were afraid to return.³³ In the eyes of the Resident, a large proportion were desirous to see the country and its people taken over and governed by the Colonial Government on account of the continued insecurity of life and property. Not only was it "obvious" to the Thembus that a mere profession of loyalty towards the Government did not entitle them to protection or assistance (and their neighbours, the Gcalekas, the Pondos, and the Pondomise were more powerful than they) but the prevalent opinion of the Thembus was that they had made enemies on account of their having remained faithful to Government.³⁴

28 A.10-73.

29 Barkly to Kimberley, 4/11/72, no.125, G.H. 23/32.

30 A.10-73.

31 E. Brookes, History of Native Policy in S.A. (Cape Town, 1924), p.108, incorrectly asserts that the first meeting of this type took place with J.W.Sauer, Secretary for Native Affairs in 1881.

32 A.10-73. Before the outbreak of the war in 1872, Moni had told Ngangeliswe and his Resident that he was subordinate to Kreli and subsequently made the same statement to Inspector Grant of the FAMP. As Ngangeliswe was still dissatisfied Brownlee suggested that he send one of his councillors with him to determine his allegiance: this councillor heard Moni's affirmation that he voluntarily recognised Kreli's supremacy over him. Ibid. For Brownlee's description of these events, see Brownlee to CMT, 16/11/76, in G.4-83, p.427. This official letter, unlike the confidential memo attached to A10-73, where Brownlee explained support of the Thembus in terms of Colonial interest, states that the Government intervened only to save the Thembus because they were "firm friends" of the Government; and that they had intervened "in the interests of the Thembus."

33 Chalmers, Resident, to Colonial Secretary (telegram) 7/10/72, and Brownlee to Col. Sec. (telegram) 24/10/72, A12-73, pp.179-180.

34 Annual Report of British Resident, Tambookie. 18/3/73. In G.34-73.

Ngangeliswe withdrew his offer when the Gcaleka consented to evacuate the country.³⁵ Later the Thembus were again to display this ambivalent attitude towards Colonial control : but on the next occasion their regrets followed after control had begun.³⁶

Brownlee wanted to assert Colonial sovereignty over Thembuland (i.e. the land settled by tribesmen who acknowledged the paramountcy of Ngangeliswe) but wanted the Tambookies to "take the initiative." "If", Brownlee instructed his man on the spot, "the Tambookies require the support and protection of Government, the course to be adopted is simple and plain, they can, like the Basutos and other tribes, place themselves under Government and, if Government accepts their submission, they can then claim protection as British subjects."³⁷

In practice, although Brownlee's avowed policy was to maintain the Thembus intact against their enemies, he was not prepared to take up their quarrels and defend them as if they were British subjects: although the Residents were prepared, as before the incident in 1872, to use their influence for the good of the Thembus. The Thembus complained to the Colonial Government of a Pondo attack. At first the Government tried to obtain satisfaction for them by writing to Damas and Umqikela, the Pondo chiefs; but as they had no direct control over the Pondos and as there was no agent there to carry out its wishes, nothing could be done.³⁸

"Our policy [Brownlee explained] is to prevent the extension of Krel's power but it is inconvenient and inexpedient to interfere in every dispute Gangeliswe^{38c1} may have with his neighbours, more especially when the question in dispute relates to matters occurring so far away as the borders of the Pondo country."

While it was the Government's policy to protect the Thembus, they could not as a matter of right claim this protection.^{38a}

Ngangeliswe was not to be led to believe that Government objected to his defending himself, for then he would naturally look to the Government for protection. The Government neither granted him permission to repel attacks or to defend himself, nor did they prohibit him from doing so - it was for him to adopt such measures as might appear necessary to secure that end.³⁹

35 Barkly to Kimberley, 15/1/73. G.H. 23/32. There was no doubt in Brownlee's mind after this that the Thembus had independent status. Brownlee to Wright, 20/8/73, CMT 1/1.

36 This development is treated below.

37 Brownlee to Wright, 4/6/73. NAB40, p.66.

38 Brownlee to Wright, 20/8/73, CMT 1/1.

38a Brownlee to Wright, 24/10/73. CMT 1/1.

39 Brownlee to Wright, 4/6/73. NAB40, p.66.

The Resident was to exert a diplomatic influence, but at times the Government, through the Resident, exercised more control than this. Wright was expected to turn his attention (in addition to the main objects of the suppression of stock thefts and maintenance of peace between the Tambookies and surrounding tribes) to filling up the vacant land between the Tambookies and Moni. In doing this Wright was to be careful lest Ngangeliswe imagine that he had been appointed with a view to subverting his authority (as the "real reason" for his appointment was to secure the Thembus in the possession of the land and take "a precautionary measure" for preventing further trouble with Krelli).⁴⁰ But if this was to be the impression he was to give, Wright was expected to "seek to obtain such an influence over Chiefs and people that you may in the course of time be enabled to exercise a beneficial control in the internal affairs of the Tribe, and in what relates to the tribe in connection with other independent Tribes, and with whom there may at present be no Resident."⁴¹

The Resident exercised an influence that was of benefit to the Thembus. Wright was to impress upon the Thembus the necessity of using every precaution to prevent the introduction of Red water (a fatal cattle disease then prevalent in Natal and alleged to have attacked cattle at St John's River).⁴² Instructions for prohibiting liquor sales were also sent to the Resident Magistrates.⁴³

Dealing with stock thieving cases from neighbouring territories was the main preoccupation of the Resident in 1875, the first year for which a diary was kept or is extant.⁴⁴ He dealt with cases sent to him by Residents with other tribes, from Mr Warner, Tambookie Agent, and Mr Orpen.⁴⁵ For January 1875 as a whole, every day's entry concerns the recovery and punishment of stock theft and other criminal matters concerning other tribes.

The Resident had a police force under his command over which he exercised control to the extent that he fined police for not carrying out their duties, such as being absent from duty without

40 Brownlee to Wright. 8/5/73. NAB40, p.53.

41 Brownlee to Wright 18/9/73. CMT 1/1.

42 W.H.English, clerk, (for SNA) to Resident with Ngangeliswe, 10/7/73; and 24/7/73. CMT 1/1.

43 Brownlee to Resident with Ngangeliswe, 20/9/73; being covering letter to circular dated 15/9/73. CMT 1/1.

44 CMT 1/13.

45 e.g. 1/1/75, CMT 1/139. In July 1873, a month after the Select Committee Report (A.12-73) Brownlee appointed Orpen to exercise general superintendence and "magisterial functions" over certain tribes - those of Lehana, Lebenya and Zibi in Nomansland and to act as British Resident with diplomatic functions to other tribes and peoples in the area including the Pondomisi, the Bacas, the Xesibe and the Griquas. Brownlee to Orpen, 9/7/73. NAB40, no.155, p.88-9.

leave and returning in a drunken state.⁴⁶ In August 1875 nine African policemen were employed; this was an increase over the six employed in 1873 and seven in 1874.⁴⁷ In addition to this expense, the Colonial Government paid £250 p.a. to the Resident and £100 p.a. to Ngangeliswe from 1872.⁴⁸ A provision was voted by Parliament for the Resident to receive £25 for the entertainment of Chiefs and £50 for an office.⁴⁹

Colonial defence needs were not the only advantage of ^{having} a Resident among the Thembus, for the tapping of the potential labour supply was his function too. The Commissioner of Crown Lands and Public Works reminded him that it was "very advisable" to collect members of Ngangeliswe's tribe for employment upon Public Works. He hoped that Wright would use his "best efforts to obtain as many as [he could] without delay." From recent accounts they appeared to him to be occupying their spare time in cattle thieving.⁵⁰

In June 1875 a complaint was received from Kreli that a niece of his, married to Ngangeliswe, had been brutally murdered by that Chief.⁵¹ Wright, and J. Ayliff, Resident with Kreli, were commissioned by Brownlee to investigate and report upon the matter. They took evidence, concluding "without the slightest doubt" that Ngangeliswe had beaten the woman, Nongxokozela, on her head till she was all but dead, and then forced her in that crippled state, to attend him at a beer-drink, finally sending young men to beat her to death; and that the paramount chief carried out this act of savagery to his Gcaleka wife as an act of vengeance for the disgrace of his defeat by Kreli during the previous war. Moreover the Commissioners drew the attention of the Government to the fact that Ngangeliswe had been responsible for some time past for the "excitement and ill-feeling" existing between the Gcaleka and Thembu tribes that if unchecked would involve the Colony in a war, the consequences of which would be most serious.⁵² Brownlee decided that a fine of two hundred head of cattle and one hundred pounds in money (his salary for 1875) should be paid to Kreli - not by the Thembu people,

46 7/1/75 and 17/8/75. CMT 1/139. On both occasions the Africans were fined 5/-.

47 Appendix A, border department, Cape of Good Hope Blue Books, G.21-73, G.30-74 and G.5-75, which gives the figure to be seven rather than the nine quoted above. The diary is probably the more reliable source.

48 G.23-72; G.21-73; G.30-74; G.5-75. Before 1872 Qaya, Tambookie Chief, was paid a salary. G.5-71.

49 Brownlee to C.S. Chalmers, 1/4/73. CMT 1/1.

50 Comm. Crown Lands and Public Works, to Resident with Ngangeliswe, 14/9/75. CMT 1/1.

51 Brownlee's memo. of 7/7/76, loc.cit.

52 Correspondence between Brownlee and Wright and Ayliff. G.39-76.

but by Ngangeliswe. The fine was paid and a dissatisfied Kreli, wanting land rather than cattle or money, submitted to the Government's award and accepted the fine.⁵³

The tension between the Thembus and Coalekas precipitated a crisis at the beginning of August; here Brownlee exercised firm action, asserting control over Ngangeliswe for which he had no legal authority on a matter that vitally concerned his defence policy. On 5 August 1875 Ngangeliswe drove the Mfengu Chief Menziwe and his people into the Idutywa Reserve from their positions on the borders between the Thembus and the Coalekas (at the Ncehana Valley).⁵⁴ Not only had Menziwe and the Fingoes suffered for their loyalty to the Thembus in previous wars, but^{if} the Tambookies in their last war with the Coalekas had "fought and suffered like Menziwe and his people", Brownlee indignantly told Ngangeliswe, "your ignominious defeat and flight would not have taken place." Menziwe's services then and before entitled him to consideration and gratitude.⁵⁵

A new phase in policy was beginning. "Hitherto", wrote Brownlee, "we have not interfered in the internal management of your tribe", even though the Colonial Government had always striven to support the Tambookies who, under the rule of Ngangeliswe's father and grandfather had always been the firm friends and allies of the colony. They gave this support even if they did not approve of all their acts. Now the Government had decided that Menziwe and his people should return to the country from which Ngangeliswe had expelled them.⁵⁶

Explaining his decision, Brownlee told Ngangeliswe that if he wished to retain Government support his conduct should merit it; furthermore, it was an arbitrary personal act to dispossess Menziwe without the consent of the tribe.⁵⁷ A further argument used by Brownlee to justify interference in Ngangeliswe's internal affairs was that Ngangeliswe had no right to expel Menziwe from the country that was held by Government's favour without reference to the Government. The reason suggested by the Secretary for Menziwe's

53 H.E.R. Bright, clerk, pro Brownlee to Resident with Ngangeliswe, 9/9/75, CMT 1/1 and Brownlee to CMT 16/11/76. Copy in G.4-83, p.427.

54 These Fingoes had been placed there by Ngangeliswe in 1863 as a defence measure against the Ama-Quwati. F(g) p.2 - undated MS. on the Aba-Thembu by Walter Stanford.

55 Brownlee to Ngangeliswe 11/8/75. NA841, p.334.

56 ibid.

57 There is evidence, given below, to corroborate their charge.

expulsion was that he had said that he would not fight again for the Thembu paramount in a war, although Brownlee himself thought that Menziwe would probably have stood by Ngangelizwe again in the case of attack. Finally, Brownlee added that by Menziwe's pointing out to Ngangelizwe the dangers of his policy of bringing war on, he was not committing a misdeed, but acting for the good of peace in the area.⁵⁸

Besides needing Menziwe for his defence plans, Brownlee's motive for his strong-handed action was to show Ngangelizwe "from the beginning" that the Government was not to be set at defiance and that he could not arbitrarily expel from his country a subordinate chief with a large number of followers.⁵⁹

The Government took steps to implement its decision to return Menziwe whence he was expelled by Ngangelizwe. Menziwe had been granted asylum in the Idutywa Reserve; the Government approved of this, but directed him to return to his country with the assurance that it would direct Ngangelizwe not to molest him and would adopt measures for his protection.⁶⁰ A detachment of police was to be sent to the Bashee to protect Menziwe from obstruction by Ngangelizwe;⁶¹ and Ngangelizwe was informed that Menziwe had been ordered to return.

Four days later Thembu messengers voiced their attitude towards the action of the Government. Messengers of the Paramount Chief on their own account, told the Resident that, as Menziwe had "according to Kaffir ideas" strongly antagonised the Chief, it would be bad policy and give rise to endless disputes to place him near his old kraals so near to the Great Place. Five days later a messenger, Nyanga, reported that he was sent by Ngangelizwe (who was unable to attend himself owing to a sore leg) to say that he was "uneasy to hear" that Menziwe was to reoccupy his old kraals. Thus Ngangelizwe, through his messengers, uttered a protest and affirmed his independence; in the face of this, the Government had located Menziwe in his old kraals before the end of the week.⁶²

Ngangelizwe once again protested, this time through the messenger Tini, who, coming to the Resident's office, remarked bitterly that

58 Brownlee to Ngangelizwe 11/8/75. NAB41, p.334.

59 Bright pro Brownlee to Resident with Ngangelizwe, 22/9/75. NAB41 p.388.

60 J. Rose Innes, Civil Commissioner, King William's Town, (instructed by the Government) to H. Garner, Idutywa, Transkei. 11/8/75. CMT 1/60

61 J. Rose Innes (passing on a telegram he had received from the Government) to Resident with Ngangelizwe, 14/8/75. CMT 1/60. This was confirmed by the Colonial Secretary (Rose Innes to Resident with Ngangelizwe, 8/9/75,) enclosing telegram from Colonial Secretary, CMT 1/60.

62 Diary entries for 4/9/75, 8/9/75, 13/9/75 and 17/9/75. CMT 1/139.

if Government insisted on Menziwe returning to his old kraals, Ngangeliswe would have to leave the Great Place and come to the Residency to live; and that if Menziwe must return, which was contrary to their customs, (as he said later "Menziwe wrongs him and goes away and tries further to do him a great injury, how can he return and sit down by his side in peace?") he had hoped that Government would not put Menziwe close to the Great Place. After thus objecting to disregard of Thembu customs, he protested at the disregard of his sovereign independence:

"He Gangeliswe [sic] knows that if anything wrong is done in his country he is the man who would be asked about it."

Ngangeliswe was even willing to give up ^{a part} portion of his country so that he could remain sovereign over the rest. He proposed to locate Menziwe together with any others desirous of going under Government on such ground, if Menziwe were removed from his present location. Ngangeliswe wished to place a number of people in the Emigrant Thembu country who were anxious to come under him in Menziwe's present location.⁶³

The Colonial Government's desire to take over the government of the Thembus was shown by Brownlee in September 1873. In August 1875, the same type of suggestion, i.e. that the Thembus might know that a proposal from them to the effect would be favourably received by the Government was sent by the Civil Commissioner, Kingwilliams-town, James Rose Innes, to Wright. For the preservation of peace and in the interests of the Tambookies, Innes thought that it was best for them to come under Colonial rule, for under the status quo, the Government could not undertake to protect them against the Gcalekas and Pondos.⁶⁴

By September the idea of a Colonial take-over was "in the air". Tini, sent by Ngangeliswe, reported to the Resident that great stock thefts were going on on the Pondo border and that though he had summoned his petty chiefs to the Great Place on important business they could not leave their homes on account of the Pondos who were continually on the border. It was reported that the Pondos said that the reason they were doing this was "to square up matters before Gangeliswe ^[sic] gives his country over to Government." Reports reached the Great Place that the Bomvanas under Moni were doing the same.⁶⁵

63 Diary entries 24/9/75 and 2/10/75. CMT 1/139.

64 J. Rose Innes to Resident with Ngangeliswe, 14/8/75. CMT 1/60.

65 Diary entry, 24/9/75. CMT 1/139.

Certain inhabitants of Thembuland showed that they did not support Ngangeliswe in his actions with regard to Nongxokozela and Menziwe.⁶⁶ Indications that the Thembus might come under Government control without the lead or even consent of the Paramount Chief grew. Three Fingo headmen then went over to Menziwe and refused to pay the fine imposed upon Ngangeliswe. This moved him to ask who would assist him to pay the fine if his people were allowed to go away from him in that manner.⁶⁷ Bacela, a chief, had earlier refused to attend a meeting called by Ngangeliswe as he would thereby leave his country on the border unprotected where it was threatened by Gcalekas.⁶⁸ In October he sent a message that he wished to come under the Government - that he would prefer doing so with Ngangeliswe and the rest of the Tambookie Chiefs, but if they refused he would do so alone and request to be taken under the Government. Other chiefs who wished to "go under" were Neni, Umhlobo, Sempu and Ngxishi.⁶⁹

At the time of the death of Nongxokozela, according to one who evinced sympathy for the Thembus,⁷⁰ on the Pondo border of Thembu settlement there existed a chronic state of warfare and cattle raids. On the Gcaleka and Idutywa boundary the old feeling of hatred was still as strong as ever, extending to the Idutywa Reserve on account of the large proportion of Gcalekas located in it, and immediately on the border of Thembuland who identified themselves with Krelli's subjects and assisted them in committing depredations on the Tambookies. On the lower border/near Moni and the Umtata a "chronic state of disturbance existed." The people there had removed their cattle to places of greater safety and were almost afraid to cultivate their gardens; it was evident to Wright that that part of Tambookieland ^{too} would have fallen into the hands of the Gcalekas and Pondos. These living further inland from this disturbed state however, were apparently not much affected.⁷¹

The Rev. Peter Hargreaves appeared at the office of the Resident with Ngangeliswe on 28 October stating that he had been deputed by

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- 66 Ibid. 25/9/75. Only one of these who came forward, however, was listed as one of the more important chiefs in the subsequent take-over agreement. Ibid.
- 67 The headmen were: Pangilili at Umtentu, Utabane of the Iwili and Saba of the Biki. Diary entry, 9/10/75. CMT 1/139.
- 68 25/9/75. Ibid.
- 69 13/10/75. Ibid. with regard to the spelling of African names, different spellings might represent the same person: e.g. Sempu here is probably T'sompa in the Conditions of 1875. Nor were they the principal chiefs of Thembuland - Native Laws and Customs Commission (G.4-83), Appendix D, p.276. Major Elliot's reply to a questionnaire.
- 70 W. Wright, British Resident with Ngangeliswe, Report, Blue Book on Native Affairs, G.16-76. The sympathy is clearly shown in Chapter Two.
- 71 Wright's report, Ibid.

the Tambookie tribe to submit certain proposals to the Resident for the consideration of the Government.⁷² Commandant Bowker of the FAMP who was present, agreed with Wright that these proposals should be sent to the Colonial Government for approval.⁷³ Bowker telegraphed the Colonial Secretary the following day with a summarised form of the proposals, adding that a large meeting had assembled on 28 October at which all the chiefs present were unanimous "in giving themselves over to the Government." All the chiefs were present with the exception of Dalasile "and some of those up the Umgwali and mountain range to Basutoland." Bowker had given them no reply beyond that Government was prepared "to meet them on liberal terms." Nothing was said about the future status and power of the chief but Bowker thought that Ngangeliswe should be deposed and replaced with Ngangeliswe's son together with his mother, Kreli's daughter, and be placed under the care of the Tambookie agent. He thought this would satisfy Kreli and put an end to "political intrigues."⁷⁴

As a whole, the Colonial Secretary was ^{willing} to "favourably entertain" the proposals of the Tambookie Chiefs, leaving Dalasile and others who had not come forward to do as they pleased. In particular, he accepted the recommendations with regard to the boundaries, chiefs and mission stations, and thought that hut tax should be delayed for one year, but that it was not an issue that should stand in the way of a settlement. He was prepared to yield on the Government's earlier stand with regard to Menziwe, and saw no objections to his being located at the Umtata if arrangements could be made amicably. Somewhat brusquely and certainly unfairly, the Colonial Secretary interpreted the conditions to mean that the territory would be administered by a system similar to that in operation in Fingoland, and thus there would be no necessity for chiefs, and the people they took over would cease to be under Ngangeliswe.⁷⁵

In a subsequent telegram, the Colonial Secretary confirmed his assumption - "that Gangeliswe ceases to have control over any part of the tribe."⁷⁶ Bowker then called a meeting - which was not well

72 For these proposals, see Appendix II.

73 A footnote to the Conditions, signed by W. Wright, at his office, on 28/10/75. See Appendix II.

74 The meaning of this is unclear. Telegram, Bowker to Under Colonial Secretary, 29/10/75, in G.39-76.

75 Telegram, Colonial Secretary to Civil Commissioner, Kingwilliamstown, 30/10/75, with instructions to transmit its message to Comdt. Bowker. G.39-76, pp.11-12.

76 To C.C. Kingwilliamstown, 4/11/75. In G.39-76. p.12.

attended "and said that Gangeliswe should be deposed.... or rather Mr. Bowker deposed Gangeliswe that day." Walter Stanford objected to the conclusion drawn that the silence of the Thembus at the meeting meant consent. Later meetings showed their real feelings.⁷⁷ As emerged later, the deposition was part of the policy outlined by Brownlee for Ngangeliswe.⁷⁸

Dalasila, chief of the ama-Qwati⁷⁹ was sent for by the Resident. With "a large number of his people" he arrived to hear that "the rest of the Chiefs and people had offered themselves to Government," and that the Government wished to know what he had had to say on the subject. Dalasila arranged to call a meeting of his tribe.⁸⁰ In reporting back to the colonial officials they made it clear (as they were to make clear later) that they had not harmed anyone nor committed any crime, and therefore had no need to be taken over by the Government (as the Thembu tribe had). No definite agreement was arrived at respecting the placing of political sovereignty over the tribe in the hands of a magistrate, as none of the Qwati spokesmen said that they wished to surrender the control of the tribe to a magistrate, and Commandant Bowker said that details of the new order would be discussed with the magistrate! On 30 November Stokwe Tyali, chief of the ama-Vundhle tribe living on the Xuka, who had not been party to the original agreement appeared at the Office where he had been invited to meet Wright and Bowker and requested to be "registered."⁸¹

Bowker was moving at speed. Three weeks after he received the last communication from the Government he informed the authorities in Cape Town that they had taken over "the whole of Tambookieland." He further told the Europeans - according to the evidence, on his own initiative and without the authority of the Colonial Secretary - that their position would be recognised, that the land tax hitherto paid to Ngangeliswe would henceforth be paid to the Government, and that all cases arising between them and Africans would be settled by the magistrates.⁸² Bowker urged new administrative arrangements - the appointment of additional magistrates and the establishment of a township at the Uatata drift.

77 RES to A.E. Judge, 11/9/76. Copy in D1.

78 See below, Chapter Two, p.25.

79 In order to preserve the continuity and flow of this chapter, ethnographical details and the history of this tribe are given in Chapter Two.

80 Diary entry, 28/10/75 and 29/10/75. CMT I/139.

81 Diary entries, 1/11/75 and 30/11/75. CMT I/139.

82 Telegram. Col. Bowker to U. Colonial Secretary, 25/11/75. S. 59-76. pp.12-13.

The Government approved of what Bowker had done, but appointed a special commissioner, Mr S.A. Probart, to proceed to the Transkei for the purpose of settling Tambookie affairs.⁸³

Bowker did not wait. On 10 December (his first meeting with the Thembus since 28 October) he informed the assembled people that "the country had been accepted and taken over as British Territory", and that Ngangeliswe's authority would cease in every way.⁸⁴ Other evidence throws light on Bowker's temperament and works that suggests that he was acting in a high-handed way. In his report to the Colonial Secretary he boasted that, in effect, he had annexed Thembuland on his own. Having satisfied himself that nothing but the annexation of the Thembus would secure the peace of the country, he lost no opportunity in bringing this to the notice of the Government; and on approval of his plans, marched without delay with all the available men to the country of the Thembus, met Mr Wright, and with him set to work.

"Whilst at Morley, I met Makunzi, Dalasile and others who tendered their allegiance and I then made a patrol through their country to the Umtata Mouth, and along the coast to the Hole-in-the-Wall thus securing to Government a coastline of 20 miles containing almost inexhaustible forests of valuable timber with rich pasturage and good wagon roads, also embracing Coffee Bay, where it is reported small coasters often take shelter."⁸⁵

Despite his aplomb and this fine report of Empire-building, Bowker, according to Brownlee, had actually been sent into the country for the purpose of pacifying it.⁸⁶ His actions were high-handed and over-bold for when he announced to the assembled Thembus that Ngangeliswe was deposed, and that Thembuland had become British Territory, only a small number of Thembus excluding Ngangeliswe, were present.⁸⁷ ^{one} ~~an~~ episode suggests over-eagerness and tactlessness on the Government side. There is suspicion that a trumped up charge was framed to capture Ngangeliswe and forcibly remove him from influence and power; certainly, an attempt to arrest him was made without evidence to support it. This caused some sympathy to be felt for Ngangeliswe among the tribe.⁸⁸

83 U. Colonial Secretary to Bowker through Civ. Comm., King Williamstown, 26/11/75, in G.39-76; and J.C. Molteno to S.A. Probart, 3/12/75. NA 841, p.427.

84 Telegram from Bowker to U. Col. Sec., 14/12/75. G.39-76, pp.11-12.

85 Report from Bowker to Colonial Secretary, 17/12/75. G.39-76, p.14.

86 Brownlee, Legislative Council Debates Volume 10, 1876, Col.121, 30/6/76.

87 Probart's report (G.39-76) p.20. During the House of Assembly Debate on the Defence Commission some members objected to a letter that criticized the Commission by Comdt. Bowker. Saul Solomon held that his statements were reckless and rash. "There was a 'Bowkerian' tone about the letter;....[his family] were noted for being rash in the expression of their views." Mr Laing said that Bowker's own acts had a good deal to do with the scare on the frontier, and his statements were "quite erroneous". Cape Argus, 7/6/77. Debate in Hse of Assembly of 5/6/77.

88 G.39-76, p.19

The Special Commissioner, S.A. Probart, arrived to take over the annexation arrangements from Bowker on 17 December 1875. He had messages sent through the country to all the chiefs, including Ngangeliswe, and to "the people" to attend a public meeting at the seat of the Resident, Emjanyaana. All the chiefs attended (with the exception of Dalasile, who sent a representative and "one or two other petty chiefs") and about 2,000 men. Ngangeliswe was present but remained quiet and was concealed in the midst of his followers, apparently suspicious of Probart's intentions. He confirmed what Bowker had told them - that the country and the people had been taken over by the Cape Government, and that Ngangeliswe, owing to his bad behaviour, would have no power. Probart added that Ngangeliswe's future conduct would determine whether the Government would restore him to power, even over his own particular section of the tribe, but meanwhile Ngangeliswe had no reason to fear arrest.⁸⁹

Nor were the labour needs of the Colony neglected by Probart. He "mentioned to them" that any number of able-bodied young men could find employment as labourers in the midlands and Cradock lines for good wages for many months to come.⁹⁰

After an hour's consultation nine chiefs spoke and were profuse in their thanks for being "taken over". Some said they were grateful for the peace and security this change offered: they would be able to return to the plough, and, as Sandili said, "I thank because I can sleep [] to-day I am going to sleep, before I never could sleep."⁹¹

The ana-Quati tribe under the Chief Dalasile came under the Government after much pressure from Bowker. Even after this, Probart had to use great pressure to persuade Dalasile to accept the conditions. He was unwilling to surrender his authority - he stated no less than fourteen times during the meeting with Probart that his interpretation of the proposals submitted through the Rev. Gordon was that he was to have sole control over his own tribe, although "individually" he had handed himself over to Government; and that if there were to be a magistrate, he and Dalasile were to share power and discuss cases together. Agreement only came at the end of the meeting after a second hour long consultation of the Quatis among themselves: they then said that they accepted Gordon's formulation of the conditions

89 Ibid. pp.20-1.

90 Minutes of meeting between Probart and the Thembus in a document headed "Chiefs and men of the Pambookie Tribe", without date, CMT 1/145. These minutes correspond to the brief description in Probart's report of the December meeting.

91 Ibid., and G39-76, p.20-1.

and Probart's interpretation of them, with certain reservations.⁹² Even after this agreement, however, Dalasile had misgivings: "Why", he asked, "is Government so anxious to take the immediate control of my people seeing that I have agreed to go under Government and divide my authority." But he was followed by Manglele and Singana (who both claimed to be speaking for Dalasile) that they would accept full Governmental sovereignty.

Finally Dalasile thanked Probart and apologised indirectly for his earlier statements - "we seldom get into these meetings so we know nothing about them." Thereupon he stated that he accepted Probart's views.⁹³

Government recognition that Dalasile came under Government independently of Ngangeliswe, and Probart's threat that the Government might not on any future occasion offer any equally favourable terms, were, Probart thought, the deciding factors in the Qwati decision to come under Government. Probart claimed that no pressure had been brought to bear upon the chief; there were only five or six policemen present "who came as mere lookers-on" and they were unarmed, being part of a detachment of twenty police previously stationed in the neighbourhood by Bowker.⁹⁴

Probart's report that the result of the meeting was "perfectly satisfactory, as leading to a thorough understanding and clearing away of all doubt and uncertainty either as to the wishes of the chiefs or the people or the terms under which they agreed to come under Government," was in view of Dalasile's expressed reluctance, based less upon the realities of the situation than on wishful optimism. Perceptive eyes later discerned what Dalasile understood by his agreement to come under Government:

"For some time a struggle, quiet, but hardly contested, went on to prevent the influence of the magistrate being felt - Dalasile very plainly intimated once that his impression of that officer's duties was that he should be a means to protect him from aggression and injustice from without but that he should not actively interfere within the tribe." ⁹⁵

There are other illustrations of a glib self-confidence and superficial judgement displayed by Probart. A tone of enthusiasm and optimism permeated the report. The real happiness at the

92 He objected to paying hut tax until two years had elapsed; that some chiefs were not mentioned on the list of salaries; and hoped that "we will be left as we were and no boundaries made"; and that no Fingoes be allowed into the county. Minutes of meeting held 31/12/75 between Probart and the Qwatis. CMT 1/145.

93 Ibid.

94 Probart's report of this meeting in G.39-76.

95 WBS to CMT 4/6/79. NA49, p.26ff.

prospect of security in the face of Gealeka ambitions impressed Probart, but he mistook this temporary sentiment for a deeper aspiration. Again, more specifically, he thought that Krelu and any other African chiefs could be held at arm's length by a phrase - "firmness and decision".⁹⁶ His evidence for this assumption was one incident in which such an attitude and the FAMP evoked submissiveness in a less naive Krelu. Furthermore Probart assumed that Thembuland was thinly peopled at the time owing to the "exodus" of people during the rule of Ngangeliswe. Evidence suggests that he based this assumption only on the removal of the Fingo Chief Menziwe and his followers from the vicinity of Ngangeliswe's Great Place. Finally, he commended the rich agricultural and pastoral possibilities of the country and its abundant rainfall: bold and realistic foresight might have considered the possibility of drought even though its extent and devastating nature during the following years could not have been predicted.

To Probart the country was full of promise. Revenue derived from hut tax would be ample to meet the needs of roads and bridges. Abundant African labour was to be had at a low rate, a supply that might be siphoned towards the Colony. Valuable timber forests of fine quality were to be found in the country.

Probart's more concrete and detailed suggestions were adopted in the main. He suggested that the country be taken over by the Colony and called the district of Thembuland, under one Chief Magistrate and three sub-magistrates to be located at spots selected by him. For the post of Chief Magistrate he recommended William Wright who "by his experience in the country, his knowledge of the natives, and the respect in which he [was] held by them, [was] well suited for that position." Probart suggested that the magistrates be placed over definite sections of the tribe rather than that their territorial boundaries be defined, and that as many magistrates as possible be appointed; for the control and government of Africans was to a large extent carried on by personal influence.⁹⁷

Significantly, Probart enunciated (whether for the first time or not is not the issue now) what was to be the salient feature of Transkeian administration in later years - that steps should be taken to "gradually...introduce reforms in the laws and regulations for the Government of such tribes...as have come under our rule,

96 His report, p.27.

97 *Ibid.* pp. 32; 33-4. The importance of this last point is assessed in Chapter Nine.

with the view of assimilating them by degrees somewhat with our own." ⁹⁸ Thus he hoped that the Thembus, with good treatment, would be a source of advantage rather than of danger to the Colony. ⁹⁹ The Colonial Secretary thought that Probart had acquitted himself very satisfactorily. ¹⁰⁰

What did the Thembus understand by the take-over? ¹⁰¹ What did "take-over" connote in the vocabulary of the Thembu? It is beyond the scope of this thesis to study this question etymologically, i.e. to ascertain what the Xhosa word meant in 1875 (even were the Xhosa words used during this agreement documented and extant). Without this method, however, an understanding of Thembu thinking at the time can be arrived at.

One assumes that when an independent chief and his people accepted European control over them their knowledge was restricted to tribal procedure. The chief of a tribe seeking the protection of another chief more powerful than himself lost little of the power he had wielded over his own people even if he ^{became the latter's} ~~was a vassal of another~~ chief.

"There was no change wrought in the administration of affairs. But when such a submission brings with it the impact upon them of a civilization with laws and customs entirely foreign to their ideas, the awakening disturbs them not a little." ¹⁰²

For they were

"thoroughly contented with their lot. They had no wish for a better, and did not envy their educated civilized white neighbours whose superiority they occasionally saw - perhaps they doubt [sic] it." ¹⁰³

~~Thus the process of asserting control, begun without any consent of the Thembu, was consented to, albeit hesitantly.~~

Thus Colonial control was formally asserted over the aba-Thembu. Firm opposition to control had given way to a reluctant and hesitant acquiescence. These ~~then~~ following chapters describe and analyse the further assertion of Colonial control, and aba-Thembu response.

98 Report, p.37-9.

99 Probart to Legislative Assembly, 26/6/77. Cape Argus, 28/6/77.

100 Legislative Assembly debate, 22/6/77. Cape Argus, 27/6/77.

101 The motives of the Quatis having been considered already.

102 Reminiscences, Vol.I, p.103.

103 WES to OMT, 4/6/79. NA49, p.26.

CHAPTER TWO

CONTROL AND RESPONSE
1875 TO THE NINTH FRONTIER WAR

They could not be too cautious in dealing with powerful tribes "whose feelings it was difficult to comprehend, whose ideas regarding chieftainship and other matters were very different from ours."

Saul Solomon in House of Assembly debate
of 22/6/76. Reported in Cape Argus, 27/6/76.

The Colonial Government had taken over the Thembus as British subjects "at their own request" in October (and this was ratified by a special commissioner in December) but only in June 1876 was notice of motion given by Charles Brownlee in the House of Assembly asking that Thembuland should be annexed to the Colony, and that the Government should take such steps as to enable it to introduce a Bill for this purpose.¹ Consent of the Imperial Government was delayed until 1885, when Thembuland was annexed to the Cape Colony.² During the ten year legal interregnum the Colonial Government ruled through its officials; its representatives beyond the Bashee, the magistrates, and the Secretary for Native Affairs, and the Governor in his capacity as High Commissioner until 14 November 1881 when he was given Letters Patent to issue Proclamations for the government of the country.³ Even after this the Colony ruled as if Thembuland were annexed. At no stage during these ten years did a Thembu question the legality of Colonial control on these grounds, although the outstanding feature of the first years of control was Thembu doubt and dismay as they came to realise that they had lost their independence when they had only sought protection.

The grievances of the Thembus were both general and specific. As the immediate pressure of danger receded the price which the Thembus paid for protection was felt to be higher than they had expected.

"What it would be to forfeit independence for the sake of safety was hardly realised. There seems to have been a sort of expectation on the part of the leaders of the people that they would be taken care of, and yet allowed to do as they liked. Facts are teaching them otherwise and the lesson is a distasteful one."⁴

1 Notes and Proceedings, House of Assembly, 1876, p.176. This was agreed to on 22/6/76 (and 30/6 in Legislative Council) Ibid., p.180.
2 See Chapter Six.
3 Ibid.
4 Report of R.M. Mqanduli, J.H.Scott, 0.12-77.

The Thembus felt generally uneasy throughout 1876 as a result of the change of government from the sole rule of independent chiefs to the "guidance" of officers of the Colonial Government.⁵ From the beginning there was to be considerable suspicion regarding the intentions of the Government towards them.⁶

More specifically, the "great grievance with the tribe" was the deposition of Ngangeliswe.⁷ Although judicial power had been left partly in the hands of the chiefs (Clause five of the 1875 Conditions) Brownlee boldly made an exception in the case of Ngangeliswe by setting him aside from having power even over his own section.⁸ In August 1876 some Thembus questioned Brownlee's authority to depose their Paramount as they had not been consulted and as it was contrary to their conditions of acceptance. One Thembu reminded Brownlee that the deposition of a chief was "a great thing."⁹

Their feelings were aroused when, despite Wright's advice to the contrary, Bowker attempted to arrest Ngangeliswe on an allegation of assault - that proved to be unfounded; a step that made all the chiefs suspicious. Throughout the Thembu tribe, from those in Lower Thembuland to those in the Colonial Tambookie Location, Ngangeliswe's deposition was a sore point.¹⁰ Brownlee then became aware that the salutary lesson he had hoped to administer had instead awakened sympathy for the deposed chief and given a rallying cry to those chiefs who wished to regain their power.¹¹ Accordingly he removed some of the suspicion of the chiefs towards the Government and more particularly towards William Wright, by informing the Thembus at a public meeting that Wright had asked for the reinstatement of Ngangeliswe.¹² The Secretary for Native Affairs had hesitated for some time before reinstating Ngangeliswe to prevent an impression that the Thembus had got the better of him or that the Government was afraid of their assegais - they were meant to have the impression that the Government had acted with characteristic magnanimity.¹³ Thus in November 1876, Wright was informed that he could take Ngangeliswe "out of his hut" and place him in the position contemplated in the Thembu proposals.¹⁴

5 Report of W.E. Stanford, Magistrate with Dalasile, G12-77.

6 CMT to SNA, 13/11/79. NA54, pp.49-50.

7 WES to A.E. Judge, 11/9/76. D1.

8 SNA to Rev. Peter Hargreaves, 15/4/76. NA843, pp.28-30.

9 Minutes of Meeting with SNA, 24/8/76. CMT 1/145. Silas's speech.

10 WES to A.E. Judge, 11/9/76. D1.

11 SNA to Hargreaves, 15/4/76. loc.cit.

12 Wright to SNA, 17/10/76. NA40, p.58.

13 Statement signed by "William Wright, Chief Magistrate." Half page of writing in "unplaced and undated section" NA45, p.303; Minutes of meeting between SNA and the Thembus held at Emjanyana on 28/8/76. CMT 1/145, p.3; Brownlee to CMT, 31/10/76. CMT 1/2.

14 Telegram. SNA to Inspector Chalmers, Komgaha (for transmission to Wright) 16/11/76. CMT 1/2.

To a man on the spot it was evident that there had been a change of policy at headquarters and ^{he} suggested that it was owing to Mr Molteno's return.¹⁵ Whatever the cause, the consequence was gratitude on the part of the Thembus and their Chief Magistrate alike.¹⁶ Wright thought that this move would restore confidence in the Government;¹⁷ but the deposition of the Paramount was but one of many grievances. The Thembus were "fully alive to the fact" that they had not been justly dealt with and Brownlee had not won their confidence. "They will get Mr Brownlee into a fix if he is not careful", wrote Stanford who was in Thembuland. He was fortunate that the Thembus were using "quiet and constitutional measures [i.e. protests] to right themselves."¹⁸

Another grievance was that the boundary line fixed by Brownlee in 1875 (clause four of the 1875 conditions) had not been respected. A commission had been appointed to investigate it but, as it was well known that Moni's Bomvanas were considerably over the line¹⁹ and that they had wilfully encroached on Thembu territory there was not much the commission could do. Antagonism towards Brownlee was increasing.²⁰ Aware of this (as part of the same change of policy at headquarters mentioned above) Brownlee informed Kreli that unless he took steps to remove those of his tribe who encroached on Thembu territory, the Government would adopt measures to do so, for which Kreli would be held responsible.²¹ This proved to be ineffective, for the grievance still irked the Thembus in March of the following year.²²

Some Thembus were deeply angered by the "grasping land claims put forward by their ancient foes, the Gcalekas"^{22a}

"The day we came under Government," they argued, "we were attacked on all sides by Gcaleka, Pondo and Bomvana. We came under Government to be defended. To-day we ask was Government in league with these enemies that we see our land being given away to them?"²³

Others desired in a more "respectful manner" to be informed on what grounds the Government had decided to grant the Ncehana valley to the

15 D1, 1/12/76.

16 CMT to SNA, 16/12/76. Referred to in SNA to CMT, 3/2/77, NAB43.

17 D1, 27/11/76.

18 D1, 1/12/76.

19 WES to CMT, 15/9/76. D1.

20 D1, 18/10/76.

21 D1, 27/11/76.

22 CMT to SNA, 23/3/77. NA40; 17/3/77. CMT 1/79.

22a Report of M. Shaw, magistrate with Umhlonhlo, St John's Territory, G12-77.

23 Statements of Chiefs, enclosed in J.H.Scott, R.M.Mqanduli to CMT 9/3/77. NA40.

Gcalekas.²⁴ The Thembus were upset here not only because Moni and the Bomvanas who lived in the Ncehans valley had chosen to remain under Kreli rather than Ngangeliswe,²⁵ but, as Wright told Brownlee, with those who had encroached over the boundary.²⁶ Wright urged that they be satisfied on this point,²⁷ and Brownlee ordered the encroachers to move.²⁸ But the grievance was unredressed and manifested itself again after the Ninth Frontier War.²⁹

Two "war scares" emanated from the frontier in 1876 and Brownlee's reaction to them was a further cause of discontent among the Thembus. Brownlee had made a general visit to the frontier in March to investigate it as well as to restore confidence among Black and White in the area.³⁰ But, despite his efforts, the war scare intensified during the winter. Blaine, President of the Kaffrarian Farmers' Association, voiced the frontier colonists' fear that the tribes might combine against the Colony, in the House of Assembly on 24 June. Even the "Kaffrarian Watchman" which deliberately avoided publishing all rumours about the dangers of war, joined the frontier press in suggesting that war was about to break out.³¹ If Brownlee had overplayed his hand with the deposition of Ngangeliswe, he did so once more in accusing them of hostile intentions, for he aroused an equally loud outburst of indignation among the Thembu which led to near alienation of their loyalty, and an outburst of sympathy for them from some of their magistrates, which led to the dismissal of the Chief Magistrate.

Brownlee told the Thembus that he had visited the Gcalekas and Gaikas, and found no reason to suspect them of evil inclinations towards the white people: and that the war rumours originated with the Thembus.³² Weekly reports had revealed some degree of dissatisfaction³³ but Brownlee, if worried, was unconvinced in August 1876 that the Gaika tribe was disaffected. He believed that the Gcalekas were "employing themselves in the avocations usual at this season of the year without any apparent signs of ^{preparation for} hostilities,"³⁴ and that Kreli

24 CMT to SNA 23/3/77 NA40; 17/3/77 CMT 1/79.

25 See above, Chapter One.

26 CMT to SNA, 23/3/77. loc.cit.

27 Ibid.

28 See Chapter Four below.

29 See Chapter Three.

30 Memo. by SNA, G.12-77, pp.150-180; and C.1748, p.108-9, and 164-5.

31 W.Campbell. The South African Frontier, 1865-1885. Archives Year Book for S.A. History, 1959, part 1. p.138.

32 D1, 13/11/76, and SNA to Wright, 3/5/77. CMT 1/2.

33 SNA to CMT 19/10/76. CMT 1/2.

34 Bright, -Chief Clerk in N.A.B., to R.G.Painton, 22/8/76. NAB43, p.179.

would always be disposed to be friendly.³⁵ He did not agree with the alarming picture drawn by the Special magistrate at Kingwilliamstown (and this was the view also held by the chief clerk of the Native Affairs Department in Cape Town).³⁶ A week later he confirmed his opinion that no danger was to be apprehended from the prevalent war rumours.³⁷

There is evidence that Brownlee was prejudiced in favour of the Gaikas and Gcalekas,³⁸ and that he misjudged Thembu sentiment. Both Stanford and Wright were sympathetic to the Thembu grievance that the Gcalekas were the source of war fervour and preparations.

"Nothing", wrote Stanford, "but enmity can be expected from a man, who has lost country and power through us. Emigrant Thembuland and Fingoland were once his, and he was expelled from those countries when the strength of his tribe was broken by the famine of 1856."³⁹ The war rumours had received additional strength because the Thembus had lent a readier ear to Krelis's promptings than before because of their uneasiness over the take-over. Moreover the rumours spread because what influenced the Thembus beyond the Bashee also influenced other Thembu groups in South Africa - the Thembus of British Basutoland, those in Emigrant Thembuland and in the locations of Queenstown and Wodehouse.⁴⁰ [Krelis]

William Wright had been reprimanded before; he was censured once more by Brownlee for his silence when the Thembus complained to him of being unjustly accused of fomenting war rumours on 12 December 1876. Brownlee argued that he should have denied the validity of their grievance, and thus induced them to reconsider it. The man on the spot staunchly defended the stand he had taken on the ground that the tribe had brought forward their grievances after careful deliberation. If he had thrown the complaint back at them he thought it would have found utterance in another way.⁴¹

If the man on the spot had the best interests of the Thembus at heart and had sympathy for their aspirations and their grievances, Brownlee's main preoccupation was the consolidation of Colonial control. His attitude was that the Thembus ought to have been grateful to the Government to whom they owed "life and peace" and that they should show by their conduct that they had incurred obligations to the power

35 Brownlee to Col. Eustace, 10/11/76. NA843.

36 Red inked marginal comment by Brownlee on Bright to Tainton, 22/8/76. loc.cit.

37 Marginal comment on Bright to Acting R.M. East London. 30/8/76. NA843, p.187.

38 He was known as the "white Gaika".

39 Report of the magistrate with Dalasile for 1876, G.12-77.

40 Ibid.

41 CMT to SNA, 23/2/77. CMT 1/79.

that had protected them. The Thembus ought to aim to live "as peaceful and orderly subjects of the Great Queen who is now their ruler." ⁴² Brownlee himself had "distinctly" explained this to the tribe. ⁴³

Brownlee was prepared to be flexible in his ^{formerly} rigid policy towards the Thembus. He yielded to pressure in accepting Clause Five of the 1875 Conditions, viz., on the relative judicial powers of magistrate and the chief. He wanted to remove judicial power from the Chiefs and place it in the hands of the magistrates; but agreed to the position formulated in Clause Five. ⁴⁴ This clause itself was open to interpretation. Some argued, and Brownlee supported this view ⁴⁵ that the Thembus could either take their cases to the chief or the magistrate; for according to Thembu custom a man could take his case to his own particular chief or to the Paramount. On the other hand, the Rev. Peter Hargreaves had told Probart that the chiefs expected the cases to go to them first. Walter Stanford thought that there was not enough definition of the subject. ⁴⁶ In February 1877 one of the four grievances nurtured by the Thembus was that cases went to the magistrates which should be settled by the chiefs. ⁴⁷

The Secretary for Native Affairs knew that caution was needed in implementing his policy in the beginning. "Until [they had] both chiefs and people better in hand" he thought it inadvisable for the officials beyond the Bashee to seek for cases against Chiefs regarding matters in their own tribes, but to give heed to only such as were officially brought to their notice. "When the present excitement ^{had} is passed over, and when our position is better understood, and more appreciated," he explained, "the reins may be tightened." To this end he thought it desirable that their decisions should not appear unnecessarily severe, and fines for criminal cases should not appear to have been made for the purpose of obtaining a revenue. Their object "which should never be lost sight of" Brownlee added, was to convince the people that their administration of the law was more just and merciful than their own - otherwise the effect would be to drive the people to their chiefs. ⁴⁸ This was not always adopted: Stanford, hearing of a murder case in his district, proceeded to the scene of the murder before the chief, Dalasile, could take any action. ⁴⁹

Another point of grievance arising out of the 1875 Conditions was the resettlement of the Mfengu chief Menziwa. ⁵⁰ Clause Seven stipulated

42 SNA to ^{R. J. Dick} CMT, 3/2/77. NA843.

43 SNA to CMT, 7/10/76. CMT 1/2.

44 Brownlee to Hargreaves, 15/4/76. NA843, p.28-30.

45 to CMT, 16/11/76. NA843.

46 NES to A. E. Judge, 11/9/76. DJ.

47 NES to Brownlee, 3/5/77. DJ.

48 to CMT, 4/10/76. NA843.

49 NES to CMT, 26/7/77. NA42.

50 See Chapter One.

that Menziwe and his followers be settled elsewhere in Thembuland and that the land then occupied by him be filled by loyal Thembus who wished to return to that part. The Government was prepared to accept this if arrangements could be made amicably.⁵¹ No settlement had been made by March 1876 for there had been fighting between the two. There was little doubt that a strong antagonism existed between Menziwe's people and Ngangeliswe and those Thembus living in that neighbourhood. Ngangeliswe was dissatisfied ^{because} that Menziwe refused to acknowledge him as his chief, while the Fingo chief maintained that the Government had placed him in his location in an independent position. Wright feared a collision and saw Menziwe's removal to another district as a way out.⁵²

Friction increased. Wright summoned a meeting of Thembus which Ngangeliswe attended and pointed out that Clause Seven remained in abeyance owing to their having failed to indicate to the Government a suitable spot in which to locate Menziwe and his people. They thereupon suggested a site; Wright was to inspect its possibilities. Before he could do this, he had to check a collision in which Malas and Menziwe's people had fired upon each other, by requesting the Officer Commanding FAMP at the Umtata to send a small detachment of his men to be stationed at the scene of the disturbance.⁵³ In May 1877 the Thembus justly complained that Menziwe had not been removed.⁵⁴

It was later claimed that during the period of Brownlee's Secretaryship of Native Affairs he had undisputed authority in respect of all native questions.⁵⁵ His firm finger on officials, if not always on events in Thembuland, is clear during this early period. Two Resident Magistrates and the Chief Magistrate were censured for their non-acceptance of Brownlee's authority: Walter Stanford alone of the first officials, while criticizing Brownlee's policies severely in private, remained uncensured.

J.H.Scott was reminded that he was a civil servant who had to obey orders from Cape Town: that his letters went almost to the length of criticising Government actions. They wanted facts, and not opinions, from him.

"Government is quite competent to deal with the facts when brought to its notice, and is in a better position to deal with the facts than Mr Scott."⁵⁶

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- 51 Telegram. Colonial Secretary to Civil Comm., Kingwilliamstown. 30/10/75. G.39-76. p.11-12.
 52 Wright, CMT to SNA, 9/3/77. CMT 1/79.
 53 CMT to SNA, 21/3/77. CMT 1/79.
 54 NES to Brownlee, 3/5/77. D1.
 55 A.E.Judge to NES, F(VV)1, 16/10/1924.
 56 Marginal comment signed CB on Scott's letter of 18/10/76. HA40. Scott, inter alia, hoped for "firm and above all prompt action" from Government.

Later Scott suggested to the Government that it did not desire the confidence of the Thembus.⁵⁷ Once he was censured by Brownlee for sympathising with the tribesmen, not^{and} vindicating the Government, by pointing out the difficulties in which it was placed.⁵⁸

The magistrate at Umata, Major Boyes, was censured by H.E.R. Bright⁵⁹ for insubordination "at all times" to his superior, Wright, as well as to other officials. Boyes was also criticized for submitting matters to the Department in Cape Town that should have been sent via Wright's office.⁶⁰

Brownlee claimed that Wright, as Chief Magistrate,⁶¹ was responsible for matters affecting the internal management of Thembuland, but in practice overruled and censured him when his actions did not accord with his policies and conceptions of how they should be carried out.⁶² On the same day that Wright was castigated by Brownlee for his sympathy with the Thembus, he was advised of his appointment to the charge of the Gaika tribe and that Major H.G. Elliot had been appointed to succeed him.⁶³

The Thembus were "not very well pleased with this move." Stanford thought that it was evident that Brownlee had not been impressed with Wright's conduct and that "he would take an early opportunity to move him. No reason has been given yet for the removal. I think Wright has proved too straight forward [sic] and honest to suit a policy so vacillating and tortuous."⁶⁴

On 23 August 1877 Wright handed over his office to Elliot⁶⁵ a man of proved leadership ability and responsibility.⁶⁶ Elliot was to emerge as a man of independent judgement too who did not hesitate to criticize successive Secretaries for Native Affairs when they tried to curtail his powers.⁶⁷

57 Brownlee to CMT, 29/11/76, CMT 1/2.

58 Brownlee to CMT, 9/4/77, CMT 1/2.

59 The Chief Clerk in the N.A.D.

60 Brownlee to Boyes, 4/10/76, CMT 1/2.

61 *Ibid.*

62 See above, p. 24.

63 Brownlee to CMT, 3/2/77, CMT 1/2.

64 4/4/77, D1.

65 Wright to SEA, 23/8/77, NA43. Elliot had left Cape Town in March, but circumstances prevented him from taking up his position earlier. CMT to SEA, 5/3/79 [sic] NA46, pp.153-4.

66 He had served with distinction in the Crimean War, and retired from the army in 1869 at the age of 49 with the rank of Major. See Rev. B. Holt "Sir Henry Elliot". *Africana Notes and News*, XI, 5, p.155.

67 See Chapter Nine. This thesis is in many ways Elliot "writ large".

Before Elliot left Cape Town in March, he had an interview with Brownlee: the purport of this was repeated to a large degree in a "private and confidential" letter⁶⁸ sent to Elliot over and above his official letters of instructions.⁶⁹ The official instructions were that he was to be Chief Judicial and Political Officer in Thembuland, and that all communications with the Government were to go through his office; the sub-magistrates hitherto under Wright and the ordinary magistrates would continue under him as before. In addition, Elliot was to strive to "advance the social position" of the people under his charge.⁷⁰

Brownlee told Elliot that his position among the Thembus was a difficult and delicate one: he was to exercise caution in committing himself to any expressions of opinion "in regard to alleged grievances" which were brought to his notice. This, of course, is where Brownlee thought that Wright had erred. Elliot was to act firmly (thus showing that he would not yield to any fractious opposition or unreasonable demand) and to show that he was their friend and had their best interests at heart, and endeavour to give them confidence; this might be easier with the common people than with the chiefs.⁷¹

Elliot was to secure the co-operation of the Rev. Peter Hargreaves, the Wesleyan missionary at Clarkebury, who had very great influence with Ngangeliswe and the Thembus. Another man with whom he was to establish contact was Xelo (alias Elias) an African whom Wright had found too useful to dismiss despite a strong prejudice against him ^{on the part of} ~~by~~ the Thembus on account of his attachment to the Colonial officials. Xelo was "an extremely able fellow and well up in all Kaffir laws and customs". His value was enhanced since they had no written code for their guidance, the only book published on the subject being out of print and stock.⁷²

with

On points of common law that would come to him for settlement, those relating to marriage, adultery and inheritance, Elliot was to make himself acquainted through Xelo. Theft, assault and "such like cases" were punished by fine and would be simple as their decision was based on matters of evidence, "without complex legal points". Finally, with regard to his sources of native law, Brownlee suggested he tap Wright for information; and Walter Stanford was "an excellent authority on Kaffir law."

68 Brownlee to Elliot, 3/4/77. These were so "private and confidential" that there are three copies in CMT 1/79 and one in NA844 (p.136); NA46 (p.159) and CMT 1/2!

69 of 4/5/77 in NA845, p.54; and of 14/7/77, ff p.153, NA46.

70 Brownlee to Elliot, 4/5/77, loc.cit.

71 Brownlee to Elliot, 3/4/77, loc.cit.

72 Maclean's Compendium of Native Laws and Administration, published in 1858.

Brownlee's diplomatic touch is revealed in his instruction on how to handle Xelo. In referring to him on points of law it would be necessary for Elliot to be very careful lest it were imagined that he was influenced in his judgments; and should he find it necessary in court to refer to Xelo on a point of law it should be done through an interpreter before all present: moreover it would be well if there were others present, to refer first to them and then to Xelo.⁷³ This man was to appear in magisterial correspondence as an informer on war rumours and the war plans of the tribal chiefs rather than as an authority on native law. Elliot later found that the information supplied by Xelo was accurate, even if he did not suppose he divulged all he knew.⁷⁴

Brownlee gave Elliot wide powers in matters of policy - he was to deal with each matter as it arose, for his appointment had been made because the Government believed that he was able to deal with them "so judiciously as to secure the best interests of the service."⁷⁵ Elliot for his part, considered the written conditions (not Probart's report) as binding and had acted upon them.⁷⁶ He thought his written instructions "were very vague. Whenever I was at a loss as to how to act I was to appeal to the Government through the Secretary of Native Affairs."⁷⁷ No instructions were given vis-a-vis the Gcalekas, but the policy of the Government was to delay any interference with the Pondos until matters in the Transkei were settled satisfactorily.⁷⁸

If there was any ill-feeling between Wright and Brownlee, Wright and Elliot agreed that the Africans in Thembuland should not be aware of it. To ensure this they arranged to commence a tour of Thembuland on 6 August to hold meetings with all chiefs belonging to the district, at each magistracy under Elliot's control. Elliot preferred this type of introduction to holding one large meeting as it would afford less opportunity to the Africans of consulting, and would lessen the probability of "expressions of disapprobation at the change." They were to be accompanied by Colonel Eustace (the Resident with Kreli) to emphasise that all Government officers "work together with harmony

73 "private and confidential instructions". loc.cit.

74 CMT to SNA 28/7/80. NA62, p.125.

75 "Private and confidential instructions" loc.cit. Similar confidence however had been placed in Wright. He had not been given any detailed instructions as the Government relied on his "knowledge and good judgement". Brownlee to Wright, 8/5/73, NA840. p.53.

76 CMT to SNA, 5/3/79. NA46. pp.153-4.

77 Elliot's answer to question 7369. GA-83. p.411.

78 Brownlee to C.M. Griqualand East, 15/8/77; A.105-80, p.55.

and unison of purpose," and the Thembus were told that the change did not entail a change of policy.⁷⁹

Ngangeliswe took the opportunity of Elliot's visit to assert his claim to the position of Paramount Chief of the Thembus. He asked how he could accept the change of Chief Magistrates without first consulting all his people. Elliot told Brownlee that he tried to save Ngangeliswe "humiliation" by ignoring that question, but provoked by his repetition of it, he had Clause Five of the Conditions of 1875 read to him - Elliot reminded Ngangeliswe thus that he was only chief over his own section.⁸⁰ At meetings of other chiefs some asked why Ngangeliswe was not present and Elliot read Clause Five to them. Elliot did not discuss the possibility that the Thembus did not understand that Ngangeliswe's status had changed with the 1875 Conditions,⁸¹ but concluded that those who asked for Ngangeliswe's reinstatement did so, not because they wanted to see this happen, but because they were anxious to stand well with him in the event of his being restored to the Paramount chieftaincy.⁸²

There were three sub-districts within Thembuland. In the magistracy of Umtata the principal chiefs were Ngangeliswe, his cousin Makaula, and Menziwe, chief of the Amazize clan of Fingoes whom their magistrate called "Thembu Fingoes." The 1879 census recorded a population of 16,074.⁸³ The magistracy of Mqanduli [sic] was thirty five by forty miles in extent, stretching from the Bashee to the Umtata, and with a population of between 14,000 to 15,000. Its main chiefs were Bacela Moni, Mhlobo and Sompa (of the Amaqiba clan) Holomisa (Amahegebe) Dalasile, Dwanyaza and Dulwana (Amatshomane) Sandili, Langa and Sigcane (Amagabe), Sediki (Amaxesibi) Teija and Hlobo (Amanganda) Dunyela (Ama Vundhle) and Raabebe (Amahala).⁸⁴

Ngangeliswe was of the ama-Hala clan; this was the senior branch of a number of related clans called collectively aba-Thembu.⁸⁵

As noted in the introduction, one sub-district in Thembuland, that of Engcobo, will receive more detailed treatment than the others.

79 Elliot to SNA, 3/8/77, NA42; marginal comment thereon; and Elliot to SNA 23/8/77, NA43.

80 Ibid.

81 There is evidence that the Thembus understood the meaning of the Conditions. See e.g. Chapter Four.

82 Elliot to Brownlee, 23/8/77, NA43.

83 A.H. Stanford, R.M. Umtata. Reply to questionnaire dated 8/9/81. Native Laws and Customs Commission (G 4-83). Appendix D. p.281.

84 Major Boyes, B.M. Mqanduli, Ibid. p.284.

85 W. Hammond-Tooke, The Tribes of the Umtata District. Dept. of Native Affairs. Publication No.35 (1956-7), p.10.

Walter Stanford was recommended for promotion by Brownlee to this position from that of officer in charge of the Tambookie Location in Glen Grey,⁸⁶ at a salary of £300 p.a. with £30 house rent.⁸⁷ This ratified, Stanford arrived at the seat of his Magistracy, Ergoobo, in April 1876. The territory under his control was 50 miles by 30 to 35 with a population of approximately 20,000.⁸⁸ The three main chiefs in his district were Dalasile of the ama-Qwatis (12,000), Stokwe-Tyali of the ama-Vundhle (6,000) and Ungudhlwa of the ama-Jumba (2,000).⁸⁹

The ama-Qwatis were not Thembus. "They are more nearly related to the Xesibes of the Mount Ayliff district. They acknowledged in a general way the paramountcy of Ngangeliswe, but he exercised little executive control over them."⁹⁰ They came to settle in Thembuland at the beginning of the nineteenth century. In 1828 when the Mfecane invaded Thembuland the ama-Qwati asked the British Government for help, and with the Ceelekas crushed the invasion.⁹¹ At this time the Thembu chief Uatirara moved into what is now part of the district of Queenstown, and when the Great House of the Thembus with Joyi as regent returned to the old country between the Bashee and the Umata Rivers, the ama-Qwati under Fubu, the father of Dalasile, "were not disposed to be submissive to it."⁹²

Ngangeliswe, finding that the Qwatis were not disposed to submit to his authority gave land to Chief Menziwe (Fingo) and his followers on the East bank of the Bashee and to Europeans at Umata to protect himself.⁹³ Mountainous country afforded facilities for hiding stolen stock from the upper part of the Colony; these were brought into the country and eventually passed into Pondoland and Meni's country; an owner's difficulty in tracing them was virtually insuperable.⁹⁴

The ama-Vundhle under the chief Stokwe Tyali had broken away from the Thembus⁹⁵ during the disturbed period created by the Zulu Chief Tshaka and migrated to the Orange River. A few years before the cession of Thembuland in 1875, Stokwe returned with a portion of Tyali's tribe and was placed by Ngangeliswe at the sources of the Xuka river south of the Drakensberg Mountains.⁹⁶ Van Warmelo noted that they were

86 Brownlee to Civil Commissioner, Queenstown, 7/3/76. NAB41, ff.p.522.

87 Brownlee to WBS, 7/3/76. NAB41. p.522.

88 Reminiscences, Vol.1, p.61; and report of census returns, sgd.H.G. Elliot, 15/5/80, SA60, p.169. The Report of Magistrate with Dalasile for 1876, in G12-77 estimates 30,000.

89 Reminiscences, Vol.1, p.61.

90 Ibid., p.52.

91 W.D.Hammond-Tooke, op.cit. p.17, gives the date of his birth as c.1790-1800.

92 Reminiscences, Vol.1, p.52.

93 Report of WBS for 1878. Typescript in Stanford Papers, A(3)2.

94 F(2)2 Undated typescript.

95 Reminiscences, Vol.1, p.57. Soga, The South-Eastern Bantu (Johannesburg 1937) p.485, records that they were granted permission to settle in the country by Ngubencuka.

96 Reminiscences Vol.1, p.57.

accepted as Thembus⁹⁷ but Bird incorrectly stated that they were destroyed as a tribe during Tshaka's time, no remnant remaining, only individuals among collections of dispersed tribes.⁹⁸ Mafege wrote that the Vundhle were of Sotho rather than Thembu origin.⁹⁹

Ungudhlwa was chief of the Ama-Jumba clan or sub-tribe related to the senior branch of the Thembu tribe. Thembu clans had grown, through absorption of other minor groups, into sub-chiefdoms with their own leaders.¹⁰⁰ Stanford recorded that Ungudhlwa's father Jumba was the eldest son of the Right Hand House of Ngangeliswe's grandfather. Jumba's large following became a distinct sub-tribe, then became divided into two distinct sections, Ungudhlwa being the head of one.¹⁰¹

There was to be no defined boundary, the authority of the magistrate with Dalasile extending as far as the different clans under his rule occupied the land.¹⁰² There were Europeans living near these tribal groups however and Stanford had authority over them by a Commission under Acts 26 and 27 Vict.Cap. XXXV.¹⁰³ Section Two of the Act¹⁰⁴ gave authority to arrest, commit to custody and bring to trial British subjects in areas such as the Franskeian Territories. Earlier, in December 1873, Brownlee had asked that "Commissions of Peace under the Imperial Act" be issued to the Native Affairs Department beyond the Kei¹⁰⁵; but these like those of 1876, seem to have been applicable to whites only, although some tribes^{near} were British subjects.

On Stanford's arrival in April 1876, he found the people, especially Dalasile and his tribe, very suspicious, and his actions were "narrowly watched". It was "some time" before they could be brought to attend at the office readily when summoned. The first time Stanford asked the Chief Stokwe for his assistance in getting some of his men to appear at the magistracy, he informed him that he was a chief and not

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- 97 E.J.van Warmelo, A Preliminary Survey of the Bantu tribes of South Africa. (1935). Department of Native Affairs, Ethnographical Survey No.5. Section II : 585.
- 98 J.Bird, Annals of Natal, Vol.I (Pietermaritzburg 1888) p.148.
- 99 A.Mafege, Leadership and Change. Unpublished M.A.thesis(UCT, 1963) p.42. It is beyond the scope of this thesis to evaluate the authenticity of the different oral traditions or presentations of oral traditions; recorded oral tradition has however been recorded.
- 100 Ibid., and Hammond-Fooke, op.cit. pp.10-11.
- 101 Reminiscences, Vol.I., p.56-7.
- 102 J.W.Morris, clerk to Magistrate with Dalasile, G.33-79. Scott (R.M. Mganduli) had a similar conception of the extent of his jurisdiction. To CMT 25/7/77. NA42.
- 103 ^{Stokwe} further recommended eleven other officials beyond Colonial borders for such commission. Brownlee to Colonial Secretary, 10/5/76. NA843, No.313, p.58.
- 104 Full title: "Act for the Prevention and Punishment of Offences committed by Her Majesty's Subjects in South Africa." Text in A Collection of the Public General Statutes (London 1863) p.361-3.
- 105 NA840, p.268.

a policeman. However he had little trouble with Ungudhlwa's people who supported his authority from the outset and continued to assist him.

Stanford was not surprised at Dalasile's feelings of suspicion: his people had never been sent anywhere before but to his own "great place": he being virtually independent of Ngangeliswe.¹⁰⁶ Stokwe's behaviour Stanford attributed to his temperament.

"His actions, un-Kafir-like, seem more from sudden impulse than deliberate consideration, and these impulses do not appear in him to come from a good source, as his deeds hitherto have been anything but creditable to him. It is fortunate for us that he has only a small tribe, with more power he would be a troublesome man."

His conduct towards Ngangeliswe was equally bad or even worse. Only after fining Stokwe for his behaviour did Stanford obtain his assistance in getting his men to appear there.¹⁰⁷

106 WES's Report for 1876. Typescript in A(3)2. See, too, Stanford's account of his formal introduction to Dalasile in Reminiscences, I, p.56.

107 WES's Report for 1876. loc.cit.

CHAPTER THREETHE NINTH FRONTIER WAR

"Whatever happens we have got

The maxim gun and they have not".

Hilaire Belloc. The Modern Traveller.

On 3 August 1877 a fight following a marriage feast in Fingoland in which a Fingo struck a Gcaleka chief was the sparking point of a war between the Fingoes and Gcalekas which was to involve the Gaiikas and the Cape Colony.¹ With this incident the many war rumours that circulated in 1876 and early in 1877 ceased, and it became known that Kreli had been sending secret messages to the various native chiefs to persuade them to fall in with his plans to attack the Fingoes and the Colony.²

On whose side would the Thembus fight? Had their loyalty been won by the Colonial Government or had its administration alienated it? At first, while matters were unsettled everywhere with "one of the hardest fights" ^{taking place} (between a patrol 140 strong under Bowrie and 1,000 Gcalekas, which had led to defeat of the Gcalekas)³ the Africans in Thembuland were quiet and orderly.⁴

Stanford was calm on the surface, and wrote officially that matters were "quieting down" at the beginning of September despite continued fights between the Gcalekas and Fingoes. Police were in force along the boundary and on 1 September both Fingoes and Gcalekas returned homewards. For these reasons he did not consider it necessary for J.W. Clarke or J. Knowles, residents in his district, to leave.⁵ But in a private letter to his fellow magistrate, Levey, he was not as sanguine, despite Ayliff's opinion that "things were quieter". Stanford described the same details of the continued fighting as he had to the residents, but added that the Gcaleka losses were no indication, as Kreli had not deployed his full strength - he had been only trying his strength. If firm measures were not taken, they might suffer for it.

1 Reminiscences, Vol. I, p. 74.

2 Act. CMT (WES) Report, G17-78.

3 walter to his mother. 4/8/77. F(c)2.

4 CMT (Elliot) to SNA, 21/9/77. NA43.

5 WES to J.W. Clarke, 2/9/77; and WES to J. Knowles, 2/9/77. D1.

Stanford thought that neither Dalasile nor Ngangeliswe would attempt anything unless Kreli made another attack with some success.⁶

The tone of Stanford's private letter four days later to his chief was one of tenseness, alertness and some anxiety. He could obtain no confirmation for the rumour that Kreli had been sending messages to Dalasile and Ngangeliswe, but was on the look out and would report anything that came to his knowledge; excitement had been caused the previous day when some Halas turned out in force and started to move about; and finally the Fingoes under a headman named Mendela located about six miles from Engcobo told Stanford that they noticed that their Thembu neighbours (Dalasile's and Umgudhwa's men) were unfriendly and that they feared an attack.⁷

Towards the end of September 1877 evidence about Thembu participation on the Gcaleka side against the Colony and Fingoes was reported to Stanford - that the Thembus under Dalasile were entering the war on the Gcaleka side. He declared this allegiance openly and had received the women and cattle of Vanga the Gcaleka Chief sent to him for safety. There was an added danger that before long fighting would begin in Thembuland as Ncanywa, the Fingo Chief at the Xora also turned out his people, his sympathies being with the Fingo people. Moreover Kreli was preparing on all fronts. Messengers passed between him, Ngwilliso, Umquikela and the Zulu chief who was reported to have said that "they were not going to put up with Shepstone any longer because he is destroying them."⁸

Two independent reports stated that Ngangeliswe, Dalasile and Umdukiswa would join Kreli; Arthur Stanford thought that even if some remained loyal, the Thembus would not render any assistance to the Government. The Gcalekas from the Idutywa Reserve were placing their cattle with the Thembus for safety (then attacked the Fingoes and drove off all the property they seized to Kreli's country.) Elliot however held the more optimistic view that he would get a large force of Thembus to attack Kreli if war broke out. Walter Stanford revealed his opinion in a scribbled note at the back of Arthur's letter:

" 25.9.77.

I agree with Arthur's views - none of my people here are to be trusted." ⁹

6 NES to C. Levey, 2/9/77. D1.

7 to Major Elliot, 6/9/77. D1.

8 R.M. Engcobo to CMT, 25/9/77 and 26/9/77. NA43.

9 Arthur to Walter Stanford, 24/9/77. F(c)1.

The Resident with Kreli (Col. Eustace) and James Ayliff had failed to achieve a settlement. Nor were Frere and Brownlee able to negotiate peace.¹⁰ By this time "Brownlee ha[d] been severely sat on and ha[d] very little say in matters now. Merriman and the Governor manage everything....." ¹¹

On 26 September several thousand Goalekas attacked the frontier police and a Fingo force at Gwadana and compelled them to withdraw. Frere then decided to check the spread of disaffection by deposing Kreli, annexing his country, and governing the tribesmen directly. At the request of Commandant Griffith of the border police who had been recalled from his position in Basutoland, Frere published the proclamation at once, on 5 October. He anticipated that the Colonial Office would approve such action.¹² After a fight at Ibeka on 29 September, Major Elliot called upon the Thembus to take up arms on behalf of the Government, but "an ominous stillness followed."

In Stanford's district "not a Thembu stirred", and his own policemen of that tribe began to desert. About twenty of the Fingoes who had admitted their fears of an attack from Umgudhwa or Dalasile answered the first call to arms. Fingoes were the only volunteers for service in Major Boyes' district as well, but in Scott's district of Mganduli he got together "most of his men" and brought them to Uatentu.

Ngangeliswe's rôle was crucial at this time. He opted to support Elliot, being followed in this by practically all his minor chiefs and people despite their earlier attitude of hostility towards the Government.¹³ Ngangeliswe acted "with great firmness" in inducing his people to turn out on the side of the Government. Elliot's force of African levies totalled 3,000;¹⁴ not all were Thembus. "The native force was composed of six different tribes, and sufficient officers were chosen to lead and to command, to prevent the necessity of breaking tribes."¹⁵ The numbers on the return showing the strength of the force¹⁶ were far below Elliot's original return because more than a thousand men absconded during the first two nights in that

10 Reminiscences, I. p.74.

11 Arthur to Walter Stanford, 24/9/77. loc.cit.

12 Frere to Carnarvon, 10/10/77, G59-84 p.4.

13 Act. CMT (#83) Report G.17-78.

14 Elliot, Comm. Thembu levies to Comm. Griffith (Comm. Col. Forces) 4/10/77. CMT 1/59.

15 Elliot to the Staff Officer, Transkeian Field Force, 25/10/77. CMT 1/59.

16 Following this is a "muster roll" of the Thembu levies showing the clan allegiance.

camp, although later the numbers increased.¹⁷ There were 1500 Thembus in arms on the Government side at the time of disbandment.¹⁸ Elliot commended the valuable services rendered by that force.¹⁹

Two chiefs from Stanford's District did not follow Ngangeliswe into the war against the Gcalekas. While Umgudhlwa's reply to the Chief Magistrate's call to turn out was prompt, and he obeyed willingly, Dalasile hesitated. After expressing an unbounded loyalty to the Government, he consulted his chiefs and then intimated that he wished to "sit still" as he was not a fighting man.²⁰ "In accordance with native law" Dalasile was fined for disobeying this order.²¹ Stanford had no doubt that the sympathy of the chief and his people was strongly with Krelu and that if he had had a favourable opportunity, he would have shown his sympathy in active form. Nevertheless he paid the fine and when the Thembus were called out for the second following campaign he furnished his quota of men as well as the other chiefs.²²

Stokwe Tyali, the Vundle Chief, ignored the orders to take the field, instead driving all his cattle into the European settlement which adjoined his location. He informed the farmers that he was going to take possession of their ground, as of right it belonged to him; the Europeans "deemed it prudent" to leave. Thereupon he decided to follow Dalasile's example and "sit still".²³

After the Proclamation on 5 October the police and volunteer units, several thousand of Ngangeliswe's Thembus and the Fingoes defeated the Gcalekas at Krelu's kraal. By the end of October the Gcalekas had been driven across the Bashee River, 700 having been killed and 13,000 horned cattle and much other livestock had been captured. Colonial Officers took over Gcalekaland and waited for instructions from London, considering the war over.²⁴ The British Government endorsed the annexation of Gcalekaland and the Cape Government invited applications from persons willing to take up land in Gcalekaland, an announcement that was favourably received by the "Kaffrarian Watchman"²⁵.

In December however the war began again when the Gcalekas attacked a small force of police and volunteers. Forces including Fingoes

17 Elliot to Griffith, 5/10/77, CMT 1/59.

18 Memo. by WES, following Elliot's Report, dated 26/3/78. CMT 1/59.

19 Act. CMT. Report, G.17-78.

20 Act. R.M. with Dalasile (W.G. Cumming) to CMT 13/12/77, NA43, and his report, G17-78.

21 One hundred head of cattle. Acting CMT, WES, G.17-78.

22 Act. R.M. with Dalasile, G.17-78.

23 Ibid., and to CMT, 13/12/77. NA43.

24 Brownlee, Transkeian Historical Records. p.12.

25 Kaffrarian Watchman, 14/11/77.

and Thembus were raised once more. The Gaikas in the Colony then rebelled and the war spread to Fort Beaufort in the west and north to Queenstown,²⁶ where Gungubele with a section of the Thembu tribe, and Umfanta, a brother of Ngangeliswe, joined in the war on Kreli's side.²⁷

During the second Gcaleka campaign, the Thembu levies started for Idutywa on the morning of the 17 December 1877. Matters on the whole Eastern Frontier were most unsatisfactory in December for as soon as things appeared quiet in one quarter, they broke out in another; the flame was fanned by telegrams and newspapers, and the tide of public meetings had set in.²⁸ The war continued into 1878. Stanford had forecast trouble for the Government from the Thembus of Emigrant Thembuland and the Colonial location; but he added that if they were "properly worked they would fight against the Gaikas."²⁹ They evidently were not "worked" or not "worked" sufficiently, for the location beyond Stokwe Ndhlele declared for war, Gecelo could not be trusted, and the Thembus in the location were also disaffected. In addition there was a need for immediate action in order to hold Stanford's district and cut off communication between the Upper Thembus and Umditshwa the Pondomise Chief.³⁰

The man on the spot had much to fear. The Government might fail to take prompt measures and loss of time would induce many who might have remained loyal to join against them. This fear proved justified for by February Dalasile, Stokwe Tyali and Umditshwa had shown their disloyalty and it seemed as if the "infection is only now spreading." In March Stanford was exasperated and worried by Government incompetence. ("They appear to be paralysed", he wrote). Men had been called out twice and after mustering sent back to their homes - and it seemed useless to represent those matters to the Government. Even the loyalty of African allies was uncertain:

"A Fingoe [sic] Headman remarked to me the other day (in chaff he pretended) that if the Zulus came down and the Fingoes were to join them they would be able to drive the "white people" into the sea! So much for the opinions of our friends." 31

Stokwe Tyali could not be trusted. After Umfanta, the rebel chief from the Colonial Tambookie location, had joined him with men and stock, Stokwe sent a message to Stanford that the Pondomisi and Hottentots had seized cattle belonging to him and reported the arrival of Umfanta.

26 Brownlee *op.cit.*, pp.12-13.

27 Act. CMT (WES) Report for 1877. G.17-78.

28 Telegram. J.X.Merriman to J.C.Molteno. 4/12/77. V.R.S.Publication, Vol.41.

29 Walter to his mother, 17/2/77. F(c)2.

30 Telegram. WES to SNA, Umtata "1.30" (n.d.) [March 1878].

31 Walter to his mother, 11/1/78, 9/2/78 and 15/3/78. F(d)2.

Stanford was wary at this display of loyalty and replied to Stokwe that as his conduct had been disloyal to the Government since the commencement of the war, he had at no time joined the Thembu levies against Krelu and had not communicated with the Magistrate but only reported regarding Umfanta when he found the passes closed and Panaga unfriendly. Stanford had little doubt that Stokwe had sent a message as a ruse to gain time and information - that he had wanted to get to the country at the Wittebergen occupied by his father Tyali, but had been prevented by detachments stationed about the passes at the Barkly (Wodehouse) borders.³² He was proved correct, for nine days later Stokwe and Umfanta and their forces had marched to Mr Thomson's district for the purpose of a raid.³³

The new Secretary for Native Affairs, W. Ayliff, advocated the use of force as no other method had induced compliance with the demands of the Government. The Barkly burghers would be called to assist, and Major Elliot would be entrusted with the operations.³⁴ Frere approved of this course.³⁵

Elliot proposed to march with the troops under his command to Stokwe's location to arrest Umfanta and capture his stock. He would give Stokwe every opportunity to assist him, although he thought this unlikely. If he assisted Umfanta against the Government he would not hesitate to attack both of them.³⁶

The successful eleven-day expedition to expel these tribesmen from the fastnesses of the Drakensberg (at the sources of the Xuka river) has been described in detail.³⁷ They were driven from every position and the Government forces captured all their stock. The enemy fled and dispersed over the mountains and Elliot dismissed the force, leaving a small force at the Xuka on 26 March.³⁸

Walter Stanford had a full share of fighting in the 1878 campaigns against Stokwe Tyali, Umfanta and the Emigrant Thembu chiefs where^{in which} his division had "most of the fighting to do". Nor did Captain Stanford find life in the field unattractive:

"There is something attractive in this life - one moment listless, idle with nothing to do. The next all life bustle and excitement."

But he looked forward to a return to his "quiet old place" and his former activities.³⁹

32 Act. G.M.T. (NES) to SNA, 6/3/78. NA44.

33 Act. G.M.T. (NES) to SNA, 6/3/78. NA44.

34 SNA's Memo. for the Governor, 19/3/78. NA44.

35 Note signed by Frere dated 20/3/78. Ibid.

36 Letter from Elliot without front page; n.d., in NA44, p.30ff.

37 Reminiscences, Chapter XV; Elliot to SNA, 29/3/78, NA44, enclosing report of Capt. Stanford.

38 Telegram. Elliot to SNA, 27/3/78. G.M.T. 1/128.

39 Ibid.

Before analysing the social and economic situation in which the war broke out and the results of that war for the Thembus, an explanation for Thembu aid to the Government must be sought.

If the Thembus had no sympathy for the Fingoes,⁴⁰ the allies of the Government, there was no love lost between the Thembus and Gcalekas. Moreover the traditional policy of the Great House of the Thembus was against war with the Government. These and other reasons apparently outweighed the widespread uneasiness felt at the take-over by the Colonial Government. Ngangelisave - whose rôle, as described above, was crucial in inducing the Thembus to turn out for the Government - acted firmly in his support of the Government. This was partly due to his having come under the influence of Major Elliot. That the Thembus followed him despite a personal dislike for him by "a great many" and despite his demotion to head of his section, must be explained ^{in terms of} by a loyalty to the hereditary chieftain.⁴¹

Critical eyes on the spot discerned reasons less flattering to the colonial power, and these reasons are in accord with the dissatisfied attitude of the Thembus since the take-over. Scott thought that his tribe took the field against Krell because they saw they were playing such a losing game that it would not be at all safe to do anything but aid the Government against him.^{41a} The rumours current before the war show that the hostile tribes notified the Thembus of their plans and meant them to join their forces. Stanford was aware that an understanding had existed between the various tribes and that it had originated with Krell. So much so that this combination was precipitated into war by the chance beer-fight between the Fingoes and Gcalekas which hurried matters to a crisis, causing hesitation and delay on the part of Krell's allies.⁴²

Loyalty, thought Scott, had nothing to do with Thembu assistance: "As a people the natives dislike us, and fancy they have grievances against us." Their obedience to the battle call was as much out of fear of offending the Government as of the desire to stand well with it as a power that could punish and reward; he had no illusions about the efficacy of this means of governing the Thembus; he thought that any action, or want of action, tending to weaken that feeling would be disastrous; nor did he discount the motive of aggrandisement in the capture of stock.⁴³ Need for stock at a time of severe drought, was an important additional motive.⁴⁴

40 Reminiscences, Vol. I, pp. 75-6, and Report of J.H. Scott, R.M. Mqanduli, 8/1/78, G.17-78.

41 Reminiscences, p. 76.

41a J.H. Scott to CMT, 12/12/77, NA45.

42 Act. CMT (WES) Report G17-78.

43 J.H. Scott, R.M. Mqanduli, Report G17-78. To Stanford fell the difficult task of distributing the captured stock.

44 Stanford's memo. ff. Elliot to Griffith, 4/10/77, CMT 1/59.

During the Ninth Frontier War while the European administrators and soldiers were gaining military control, the administrators within Thebubaland continued to maintain their authority within Thebubaland itself. Scott, Cumming and Walter Stanford remained in the district, Major Boyes (who had been Acting Chief Magistrate during the first campaign⁴⁵) and his clerk going with Elliot. For those who remained there would be some work with the Gcalekas as the border of Thebubaland was threatened, the enemy already having made two night attacks on Thebu kraals. This was hazardous for although ^{they were} awaiting instructions, communication with the Colony was lost as there was a defect with the telegraph instrument at Idutywa. "It is a great nuisance" Stanford euphemistically told his mother.⁴⁶ Major Boyes had been Acting Chief Magistrate during the first Gcaleka campaign and Captain Walter Stanford during the second.⁴⁷

Administrative advance was held up however - for example, a postal runner between Engcobo and the Slang River Settlement was necessary and the amount (£12) for this service had been voted for during the last parliament; but owing to the disturbed state of the country, it was impossible to establish that post until May 1878.⁴⁸

One of the main preoccupations of the magistrates was to reassure the Europeans and to persuade them to stay. Cumming was certain that there was no cause for alarm as they were living (with the exception of one or two) in the location of Ungudhlwa, a chief who had given proof of his loyalty. However nearly all the Europeans left Stanford's district with the exception of two traders and four sawyers. It was said that the traders left because they expected the whole Transkei to become involved in war sooner or later, while the sawyers left in consequence of the difficulty they had in disposing of timber.⁴⁹ The judicial duties of the Chief Magistrate's Office were continued, nineteen murderers having been apprehended (including two chiefs, in connection with witchcraft). They were punished by flogging, confiscation of property and burning of their kraals.⁵⁰ The significance of this sentence is that it was based on African law plus flogging and not the European sentence for murder, capital punishment. Chiefs were sentenced and tried in the same way as tribesmen.

45 Boyes to SNA, 3/10/77. NA43.

46 Walter to his mother, 17/12/77. P(c)2. No attack on Thebubaland is recorded.

47 Act. CMT's Report, G17-78.

48 WES to CMT, 16/5/78. NA44.

49 Act. R.M. with Dalasile to CMT, 13/12/77. NA43; and 25/1/78. NA 1/27.

50 Act. CMT (WES) to SNA, 6/12/77, and 17/12/77. NA43; WES to his mother, 17/12/77. P(c)2.

Stock stealing was rife throughout Thembuland during 1877-8 and formed perhaps one of the most frequently discussed subjects of magisterial correspondence during this period. This brings to light the serious economic and social disruption caused by the drought and the Ninth Frontier War and which itself was a cause of the war.

It might seem that stock stealing was only a reflex of the war, for between September and December 1877 Stokwe Tyali's people had committed innumerable thefts; and in Umgudhwa's and Dalasile's locations stealing had been carried on to a greater degree than was usual. The sufferers in most cases were the Fingoes in that and in the adjoining districts. "Indeed", one magistrate observed, "other natives seem to think that the present unsettled state of affairs is a favourable opportunity for spoiling the unfortunate Fingoes."⁵¹ Stock thieving on a large scale immediately preceded the campaign against Stokwe Tyali. In February the Thembu Agent, Emigrant Thembuland, C.J. Levey, informed Stanford that upon several occasions raids had been made upon that location by armed bands coming from Stokwe Tyali's district, upon every occasion cattle having been carried off. Levey apprehended a collision unless immediate measures were taken to stop those forays. The following month the campaign against Stokwe began.⁵²

But stock stealing was not only indulged in because opportunities during the break-down of authority during war presented themselves. There was great want in Thembuland in 1877, and good crops were not anticipated the following year - if a general failure of corn ensued steps would have to be taken before the end of summer to relieve starvation which would result the following winter. There would be scarcity, Stanford thought, even if the present crops did well.⁵³ Moreover the Thembus were not a rich tribe, and lost heavily in stock during the Ninth Frontier War.⁵⁴ The want was exacerbated by the influx of the Gcaleka refugees.⁵⁵ (Although they fought against them during the war, the readiness of Thembus to help the Gcalekas after the war was evident).⁵⁶ In Stanford's district there was a severe and protracted drought and crops were very backward and would, if dry weather continued, be a complete failure.⁵⁷

Want and hunger increased during 1878. In many cases cattle thieves confessed to their guilt, their excuse being their starving condition;

51 WES (Act.CMT) 6/12/77. NA43, and Act.M.M. with Dalasile to CMT, 13/12/77. NA43.

52 C.J. Levey, Thembu Agent to WES, 29/2/78. NA44.

53 WES to his mother, 11/1/78. F(d)2.

54 A.H. Stanford, R.M. Umtata, Report. G.13-80.

55 Act.CMT (WES). G17-78.

56 CMT's Report, G.33-79.

57 WES's Report, G.33-79.

this was particularly the case with a great number of Gcalekas and Bomvanas who sought refuge there during the rebellion.⁵⁸ Scott, a perceptive magistrate with regard to African behaviour, often seeing their point of view, noted that a plan should be made for settling the destitute Gcalekas as they could only live by thieving, and they had a bad influence on the Thembus.⁵⁹ Springs that always had a strong stream stopped running in many places; cattle died in numbers for want of pasturage and because of lung-sickness. There was a "very large" decrease in the flocks of sheep; the shopkeepers confirmed this as their wool purchases were considerably less, not half the quantity was brought in that year compared with other seasons.⁶⁰ Furthermore the harvest was affected by the unsettled state of the country at ploughing time.⁶¹

In these circumstances the desire for enemy cattle, for the legitimate spoils of war, may well have been a motive for Thembus joining Elliot's force. But here too the drought-stricken Africans were unfortunate. For although a large quantity of spoil (stock) fell to the Thembus in the course of the war, this introduced lung-sickness into the country to such an extent that Elliot considered that the Thembus possessed less stock afterwards than they did at the commencement of the war.

Additional reasons given by Elliot for the large degree of cattle thieving were the demoralising effects of war; the need for lobola-cattle for young men; and "an ever-present need, a greed for stock", for "a native thinks that the only sin in committing a theft, is in being found out." There had been a retrogression, a demoralisation, upon the "untutored savage, owing to the effects of the war."⁶² By an "ever-present need, a greed for stock" Elliot probably referred to the important place and the high value of cattle in tribal society.

Before recording the attempts of the administrators to pick up the threads of their pre-war work, and their renewed efforts to assert control, a brief outline of significant results of the Ninth Frontier War for Native Administration follows. Of course the effects of the war were to make themselves felt later (throughout the period under study) and will accordingly be interwoven into subsequent chapters.

58 Act. R.M. Umtata, Report, G.33-79.

59 J.H.Scott, Act. CMT, to SNA, 14/6/78. Other instances of Scott's perception follow.

60 J.F.Beyea, R.M. Engwali. G55-79.

61 J.H.Scott, Act.CMT, 24/5/78 to SNA, NA44.

62 CMT's Report, G33-79.

Following upon the Ninth Frontier War, in August 1878, both Houses of the Cape Legislature passed a resolution for the annexation of Bomvanaland and Gcalekaland to the Colony. William Ayliff (the new Secretary for Native Affairs)⁶³ "the mission-bred frontiersman",⁶⁴ told the Cape Council that he favoured not only direct administration of Gcalekaland, but also expansion to Natal. Sprigg said that his ministry favoured acquisition of all territory between the two Colonies, adding that his ministry wished to clear the Gaikas out of the Colony and settle them in Gcalekaland - in future, a native would get land from the government, not from his chief.⁶⁵

The following month Gcalekaland was united to Idutywa and Fingoland under Captain Blyth as Chief Magistrate of the Transkei. Gcalekaland was divided into two districts, one settled with Gaikas from the Colony who had not participated in the war, and the other with those Gcalekas who had laid down their arms and declared themselves willing to live under Colonial rule. "The magistrates of these districts technically had jurisdiction only over British citizens in the area but they ruled with the same magisterial authority as the magistrates in the Fingo territories, which were considered annexed to the Colony even though through pressure of other business the annexation was not consummated until October 1879. In both districts of Gcalekaland large areas were set aside for white settlement."⁶⁶

At the same time, the Chief Magistracy of Thembuland was to include Emigrant Thembuland and Bomvanaland.⁶⁷

In 1878 Charles Brownlee became Chief Magistrate of Griqualand East comprising seven districts, the four of Adam Kok's territory, and the Gatberg (later known as Maclear) where lived the people of Lehana, Lebenya and Zibi, and Qumbu, home of Umhlonhlo's people, and Tsolo, of Mditshwa's people.⁶⁸ Thus there was centralization of magisterial power by amalgamation of smaller districts.

The defence system was to be revised and reformed. Provision was made for the establishment of the Cape mounted Riflemen as a permanent force to replace the existing Frontier Police, for the raising of a Colonial force of Yeomanry and another of Volunteers, and for the further raising, if necessary, of a conscript burgher force, to be called upon in an emergency as a last line of defence.⁶⁹ In addition,

63 See Appendix I.

64 W. Campbell, *op.cit.*, p.143.

65 Cape Council Debates, 1/8/78. pp.263 and 270-1.

66 G3-84, p.viii; and Transkei Hist.Recs. p.13. As summarised by W. Campbell, *op.cit.*, p.143.

67 See below, Chapter Four.

68 Theal, History of South Africa, 1873-1884. Vol.I. pp.40-1.

69 Act 5, 7, 9 and 16 of 1878.

Africans were to be disarmed: ⁷⁰

"Until convinced by facts to the contrary, and supported by the results of what has been done in the past towards disarming, the Government cannot but hold firmly to the view on which its policy is based, namely that disarmament wisely carried out will in every way conduce to the welfare of all peoples of this country and prove the best means that can be adopted of preventing wars in the future." ⁷¹

Other methods to reduce tribal power were to introduce individual tenure ⁷² and the supersession of the chief's power by that of the Government. ⁷³

Ayliff thought that tribesmen suffered more from the Ninth Frontier War than any other war waged against the white man. For the Gcalekas it had resulted in dispersal amongst other tribes, the loss of nearly all their cattle and corn, and the occupation of the country by the Government. ⁷⁴ This historic event meant that their military and tribal strength was broken and that they could never, as a tribe, challenge the supremacy of the Europeans. And the military defeat for this tribe, as for the other tribes and groups defeated, would naturally create psychological reactions and influence their attitude towards the European conquerors.

For the Gaikas the war had resulted in the death of their chief (Sandilli), the imprisonment of his sons (Edmund and Matanzima), the loss of their country and property, and their country being divided into farms for occupation by the Colonists. The Ndlambis were defeated, their stock captured, and their location occupied by the Gcalekas under Napassa and Botman who had been ordered to move there from their old grounds. The loyal part of the Gaika tribe was removed from the country hitherto occupied by them into that part formerly occupied by the Gcalekas (where they were to live under Captain Blyth, Chief Magistrate of the Transkei). Adam Muis and Smith Pommer, leaders of the revolt in Griqualand East against the Government were killed together with many of their followers and many were taken prisoner. Finally, those of the Thembu who fought under the chiefs Gungubela, Umfanta and Stokwe Tyali (the Vundhla had become intermixed with the Qwati and Jumba and the great portion of the country occupied by them was thereby left

70 Act 8 of 1878.

71 P.M. 314. Minute No.625, 18/9/79.

72 G.43-79, p.1.

73 W.Ayliff to Elliot, 9/12/79. MAB46, p.329-30.

74 G43-79. p.1.

vacant including Maxonga Hoek, the most fertile part of his late location)⁷⁵ and the rebels under Tini Macoma in the Waterkloof suffered defeat and dispersal.⁷⁶

This intermixture and relocation of hostile tribes was far from being fortuitous, but was the deliberate policy of a Government exploiting its victory to break up the power of the tribes by blending different tribes into large "native locations" under the care of "suitable magistrates".⁷⁷

In the opinion of the researcher, the smashing of Goaleka power in the Ninth Frontier War may plausibly be considered as an important new factor in the relationship between the Thembu and the Colonial Government. It will be recalled that one of the main reasons for the Thembu coming under the Government was the threat of Goaleka confiscation of their land. Once this threat had been removed, Governmental protection was not essential. Thembu loyalty to the Government was to face further tests.

75 J.W.Morris, Act. R.M. with Dalasile, Report. G.53-79. The resettlement of this area is discussed below.

76 G.43-79, pp.1ff.

77 Ibid.

CHAPTER FOUR

GREATER CONTROL AND GREATER RESISTANCE :
FROM THE NINTH FRONTIER WAR TO HGPE'S WAR.

"At each meeting many questions were raised as to whether the conditions under which the country had been taken over had been respected by Government, having these conditions with me I was enabled to read and explain all points raised, and apparently succeeded in satisfying the people, (so far as it was possible to satisfy men who were labouring under the impression that they had been induced to make a very bad bargain.)"

Elliot to SNA, 5/3/79. NA46, p.152-3.

"....they feel that the time is arriving when the black man must stand up for his land and rights or become a slave to the white man."

Elliot to USNA, 23/12/79. NA55, p.86.

The pattern of events following upon the war altered only in intensity - renewed, but escalated efforts were made to achieve control beyond the Bashee. Once more the Thembu felt uneasy at the changes but now the unsettlement of the war and the drought, the widespread anger at the disarmament act and the encouragement of Basuto and Zulu success in arms quickened old grievances.

The first step was taken by William Ayliff who left for the frontier on 16 August 1878 to visit all the subject tribes; he was joined by Charles Brownlee. Over a period of two months he visited ^{the tribesmen} and to all he could hold out his trump card - the dispersal of the Gcalekas illustrated the inevitable fate of men who went to war with the Cape Colony.¹

On 16 September the Secretary for Native Affairs and his immediate predecessor met a large assembly of Emigrant Thembus at Cofimvaba; the chiefs Darala, Matanzima, Stokwe and Gecelo, and the petty chiefs Siqungati and Kosana were present. Ayliff announced certain far-reaching changes for them. Hitherto their district had been ruled by one magistrate (C.J. Levey), but thenceforth it was to be part of the District of Thembuland, ruled by one Chief and two assistant magistrates.² Secondly, they were asked to pay hut tax and thus contribute towards the support of magistrates and schools given them by the Government. Two hours later the Chiefs reported that they were prepared to acknowledge their responsibility towards the upkeep of their magistrate and schools by paying hut tax, but requested deferment of payment until the following year: Ayliff consented.

1 G.43-79, p.3-4.

2 Ibid., p.14; and GMP 1/145 - Minutes of meeting held on 16/9/78.

The greatest change introduced by the amalgamation of Emigrant Thembuland with Thembuland Proper was the removal of the independence of the Emigrant Thembus. They were told that the Government assumed "supreme authority" over the tribesmen and the country; that all power and authority had been taken from the chiefs; and that they were to be "always" subordinate to the magistrate. The chiefs queried their loss of power of appeal against the decision of the magistrate; Ayliff promised that appeals could be made in the first instance to the Chief Magistrate, and then to the Secretary for Native Affairs. Other features of the control now asserted, and these were not disputed on this occasion, were that the Government would carry out disarmament, and had authority to call out men in case of war which it alone could declare.³

Control was the direct result of Government dissatisfaction with the course pursued by the Emigrant Thembus during the recent war. They were only half-hearted in their loyalty, for, while Darala and Gecelo were apparently faithful, the actions of Stokwe and Matanzima "were almost more than doubtful."

"[They].....languidly and reluctantly exerted themselves in joining the Colonial forces, and only when Kreli's chances of success were clearly hopeless, and large plunder was to be had by joining against him, did they show any opposition to him, or sympathy with the Government."⁴

Control would, moreover, encourage the established European traders to remain. Furthermore, control would pay for itself as hut tax payments would meet administrative expenses.⁵

Thus no conditions were drawn up, the take-over of the Emigrant Thembus being effected at that meeting. The establishment of control over them was more a dictation of terms by a victorious power than a dialogue between equal parties. That the Emigrant Thembus were completely independent (except for the exertions of a Resident who exceeded his diplomatic powers by attempting to assert control) is borne out by evidence.

Emigrant Thembuland was originally a portion of the country occupied by the Gcaleka chief Kreli who was driven out of it in 1858. In 1864 Emigrant Thembuland was occupied by the Chiefs of the Queenstown area, Matanzima, Gecelo, Darala and Stokwe Ndhlele, at the request of Sir Philip Wodehouse who held out to them as inducements to do so complete independence from British control, freedom from taxation and the right to govern themselves according to their own laws and customs.

³ G43-79, p.3-4; and p.1; and minutes, loc.cit.

⁴ Ibid., p. 14 ff; and C.J. Levey's report in G.33-79.

⁵ WBS to Brownlee, 3/5/77, Copy in D1.

At their own request, E.J. Warner, the Thembu Agent, accompanied them from the Tambookie Location in the Queenstown Division. He was their political adviser and the representative of the British Government among them who, with their consent, adjudicated in cases brought against Emigrant Thembus by people from other districts as well as between people of different locations within Emigrant Thembuland. Each of the four chiefs had his location clearly defined, received licence fees from traders and sawyers and appropriated fines in criminal cases. There was no appeal from a chief's judgment in cases affecting his own people. Grants of land made by chiefs were recognised and ratified by the Government.⁶

In 1872 E.J. Warner resigned his appointment to become a missionary.⁷ Subsequent to this a change of policy was introduced and it became the aim of the officer of the Government among the Emigrant Thembus to undermine the power the chiefs had acquired under the previous system. This change was resented by chiefs and people.⁸ C.J. Levey's deliberate policy from the beginning had been to weaken the power of the chiefs and undermine their independence. Nor did he have any moral qualms - he simply denounced the centuries-old institution of chieftainship by pronouncing the chiefs "utterly unfit" to have the powers they had.⁹

"Government", said Matanzima, "is a wolf." Government had not, "like a man", said frankly to him that he was going to take away his privileges but removed them one by one like a thief in the dark.¹⁰ Stanford too found the manner in which direct control was asserted over the Emigrant Thembus objectionable: "They were never boldly told that it was found [that] the system first established had not answered and changes would be made."¹¹ And Elliot, after reserving his judgment while attempts were being made to find documents relating to the 1856 removal,¹² acknowledged that the Thembus had removed from the Queenstown location with a guarantee of full independence, and that they never "came under Government." The position of Resident was gradually transformed into that of Magistrate, and other magistrates appointed; against this change of political position the chiefs frequently

6 Memo. by R.J. and W.E. Stanford, Untata, 15/11/81. NA75, p.4; E.J. Warner, Butterworth, to CMT, 8/7/79. NA50, p.34, and 4/9/79, NA51, p.95; and 24/2/81, NA66, p.152 ff. W.E. Stanford to Brownlee, 4/1/77. Copy in D1. WES to G.W. Theal (agreeing with Theal on this view) NA99, p.174-5 (n.d.). And Elliot to USNA, 2/8/83, NA88, p.118.

7 G.41-72; succeeded by W.E.S. as Acting Agent (G.34 and 35-73), succeeded by W.R.D. Fynn, in May 1873 (G.27-74) and C.J. Levey in December 1875 (G.16-76).

8 Memo. by the Stanfords, loc.cit., and E.J. Warner to CMT, 8/7/79. NA50, p.34.

9 Levey to CMT, 3/5/79. NA47, p.167ff.

10 Matanzima remarked thus "bitterly" to WES. WES to Theal, NA99, p.174-5.

11 Ibid.

12 e.g. CMT to USNA, 24/3/81, NA66, p.148.

protested.¹³ It was Warner's opinion that the Government had no right to introduce the changes, "more especially in the way it is being done."¹⁴

The Government produced two justifications for its action in Emigrant Thembuland. The first was that no documents were available to prove the claim of independence: it was pointed out that none existed.¹⁵ Secondly, it was claimed that the Emigrant Thembus had forfeited their claim to independence because all the Queenstown Tambookies did not leave the Queenstown Location.¹⁶ Stanford effectively countered this with the argument that it was impossible for Matanzima, Gecelo, Darala and Stokwe Ndhlele to have compelled all the Thembus of the location to move with them. The invitation to occupy the land outside the Colony was extended to all, only these four chiefs, however, had decided to take it up. "Monesi was the recognised head [the regent]¹⁷ and Gungubela¹⁸ would have laughed at the idea."¹⁹

Three days after Ayliff's meeting with the Emigrant Thembus, he addressed a meeting of Ama-Qwaties at Engcobo, also attended by Brownlee and Walter Stanford.²⁰ Ayliff used this opportunity to introduce himself as Brownlee's successor, thus establishing personal contact with these Thembus, a feature of Native Administration during this period;²¹ he explained as was the custom in administrative take-overs East of the Kei, "that change of personnel did not mean change of policy." His whole address was paternalistic:

"One and all these children [between the Fish River right up to Natal, he said!] were put under my care, and I felt I could not do this without seeing them, and they, I felt, would not trust me without having seen me.....The word of the Government is "peace"....That is what your father, the Government, feels towards all its children, all must feel that Government is their father, but still a father who loves you, and punishes those who are bad, but will help all those that do well."

About 200 Qwaties had assembled, Dalasile being absent. Two chiefs, Matyobeni and Nyahlwa, perhaps only formally, thanked Ayliff for his words and for settling the country. Stanford then reiterated Ayliff's

13 CMT to USNA, 2/8/83. NA88, p.118.

14 E.J.Warner (Butterworth) to CMT, 4/9/79. NA51, p.95.

15 See above, footnote 6, and Ayliff to E.J.Warner, 26/1/79. NA47, p.176-7.

16 Elliot and Christian headman at a meeting of Emigrant Thembus at Corinvaba. Minutes of that meeting, 2/12/78. NA45.

17 Reminiscences, Vol.1, p.3-4.

18 Head of the Tshatshu tribe, also in the location. Ibid., p.33.

19 WES to Theal, NA99, p.174-5.

20 G.43-79, p.2-3, and p.16 ff.

21 See below, Chapter Nine.

humbly on the dangers and sufferings of war - and that they should no more follow Stokwe Tyali: "I grieve for those who have fallen into error", he said. "Do you take warning from them." The civilising drive was present too, Stanford imploring them to "improve."

These warnings and exhortations fell upon the ears of men whose loyalty to the Government was very doubtful. Ayliff, in his comments after the meeting, cited as clear evidence of this an incident in which there had been an explosion of gunpowder within Dalasile's country which caused the death of Dalasile the son of Kreli and other Gcalekas. This had not been reported to the magistrate. Moreover many Gcalekas and their cattle had obtained shelter in that country during the war, and Dalasile had made no effort to stop it. The general opinion was that had Kreli been successful at first, they would have joined him.²²

The policy of the Secretary for Native Affairs towards the Thembu tribe living East of the Bashee was further clarified when he addressed the Thembus at Cicira (present too were Brownlee, Elliot, Walter Stanford and Major Boyes) and in his remarks on that meeting printed at the end of its minutes. Ayliff suggested that the Chiefs should then adopt new rôles - from those of war leaders who sought success in war and territorial acquisition, to civilisers and teachers of the arts of peace such as schooling and trades. He publicly congratulated Ngangeliswe for sending his sons to Mr Hargreave's school at Clarkebury. The chiefs were still to maintain the judicial power granted them by the 1875 conditions, which Ayliff interpreted as being the supersession of the power of the chief by that of the magistrate to whom all cases of appeal from the decision of the chief should be referred: and that the chief was to hear any cases referred to him, in the first instance, except cases of murder, serious assault or large theft by one tribe from another.

Ayliff supported detribalisation and a policy of residential identity by encouraging the chiefs to entreat all men under Government to live together ("people of all colours, Thembus, and Fingoes....and whitemen, Dutchmen and Gcalekas.") Ngangeliswe's visit to Cape Town would give him an opportunity to see how "the black and white people lived" - Government wished him to see "how people all live together."²³

In a concrete way this policy was adopted to weaken the power and authority of Ngangeliswe. At a private meeting²⁴ held a few days before

22 G43-79, p.2-3, and p.16 ff.

23 Ibid., p.24 ff. And CMT 1/145, minutes of meeting held on 27/9/78.

24 G.43-79, p. 29 ff.

the general meeting with the tribe, Ngangeliswe had asked for the removal of the Fingoes in his country. (The conflict between Chief Menziwe and Ngangeliswe will be recalled), but the Secretary for Native Affairs told him that this would be contrary to the policy of the Government which was striving as far as possible "to get the various tribes closely united, and in sympathy with each other". Moreover, as the Fingo had long resided in the country and faithfully served the Government and the Thembu tribe itself, they were entitled to all the privileges enjoyed by the tribe. "Whatever [Ngangeliswe's] view of the matter was," Ayliff wrote, "he made no objection to the decision and left apparently satisfied."²⁵ In addition to Fingoes a "large number" of Europeans were settling in the country. Their presence, Ayliff believed, would ipso facto exercise an influence useful to the advancement of the Africans. In this work of civilization of course, in addition to their judicial functions, the magistrates were engaged.²⁶

The Government party could argue from a position of strength. "Government," said Ayliff, "is the one great power in the land." Ngangeliswe, more bluntly, agreed: "Government is like a big stone that cannot be resisted." The former paramount chief as well as the other chiefs who spoke after Ayliff responded respectfully to his paternal tone.

If Ngangeliswe claimed that he spoke with sincerity, his words were those of one whose strength was "going down" and ^{he} may therefore, in his last years, have found security in allegiance to the Government.²⁷ Ayliff's analysis of Thembu sentiments from their remarks is perhaps a plausible one: - that the Thembus' affirmation of loyalty and their submissive manner towards Government ^{were} ~~was~~ largely due to a sense of relief at having been on the victorious side during the war. His main ground for hope and satisfaction was that his assertion that the Government had the right to demand weapons of the people when it saw fit to do so did not give rise to dissatisfaction. He was impressed, moreover, by reform on the part of Ngangeliswe which he saw manifested in his sending some of his children to school with the Rev. Hargreaves at Clarkebury and others with Bishop Callaway at Umtata; he had abandoned the wearing of red clay himself and prohibited his immediate circle from doing so; finally he had put his power and influence behind Elliot in the Ninth Frontier War.²⁸ Elliot had a less flattering view of

25 Ibid. Note that the Emigrant Thembus also objected to the presence of Fingoes in their country. Ibid., p.15.

26 Ibid., p.30.

27 Ibid., he died early in 1885.

28 Ayliff's private remarks ff. the report of the meeting. Ibid.

Ngangeliswe; his character was violent, and he was addicted to drink, which was the most probable cause of several acts of "atrocious and violence although he is not naturally of a cruel disposition." 29

Ayliff's "civilising" policy was in the tradition of Sir George Grey, and in this fulfilled Brownlee's hope that that policy would become permanent.³⁰ The Government was ready to give freely for the purposes of education and would set great store by the learning of trades. The aim was to strike a blow at tribal subsistence agriculture - Ayliff deprecated the way of life in which every man became an agriculturalist; after a few years of labour on the public works of the Colony the man obtained sufficient money to purchase three or four cows for family use, and a plough for tilling five acres of ground and "then settling down with his family about him he considers his fortune made, and his happiness complete."³¹ As Ayliff judged other men's happiness by his own standards, and had the interests of the Cape labour market in view but with undoubted (but misguided) good intentions towards the tribesmen, he simply hoped to destroy the economic structure on which tribal society rested by encouraging Africans to become more acquisitive and to give them an opportunity to earn money.³²

As another technique for detribalisation he advocated the granting of individual title to ten acres of garden ground, clearly defined boundaries being given to the land held in common for grazing purposes. He advocated the establishment of increased judicial and police control.

That Ayliff was too sanguine over the ease with which control could be established is illustrated dramatically by events that followed directly and which belied his hopes. The Pondomise, under their chief Umhlonhlo, had long lived at peace with the Government, he wrote after his meeting with them, and the magistrate, Hope, was gradually obtaining an influence over the restless despot which in time, if wisely followed up, would end in getting complete control of the tribe into the hands of the Government.³³ In 1880 Hope was murdered as a part of an organised revolt against Colonial control.³⁴

After the Ninth Frontier War, the Thembus were still discontented with their position. Their general opinion was that they had lost influence and territory by coming under the Government and that they

29 Elliot to SNA, 13/8/78. NA44, p.211.

30 see Chapter 1, above, Brownlee's memo. of 7/7/76.

31 G.43-79. pp.7-8. Ayliff's remarks on Brownlee's meeting with the Gaikas.

32 Ibid.

33 G.43-79, p.49.

34 See Chapter Five.

were not likely to derive any substantial benefit from the action of their chief during the recent war. They were dissatisfied in particular with the inability of the Government to prevent encroachments by the Gcalekas over the South-Eastern boundary.³⁵ Ngangeliswe also objected to the situation in which men appealed to a magistrate against his decisions - "which according to the old Kaffir idea is an insult."³⁶

Elliot suggested that the settlement of the South-Eastern boundary be delayed until the question of the status of the Bomvanas under Moni and the Matshezi under Pali were settled. Pali was the chief of the Matshezi, the elder branch of the tribe of which the Bomvanas were the younger. It had lost power and influence and occupied the country from the Umata to the Hole-in-the-Wall and extended about fourteen miles inland, but there were a good many kraals of Gcalekas and Bomvanas in the same tract, as well as people of Dalasile who belonged to the Mqanduli District.³⁷

There was considerable territorial intermixture of tribes by this time. In addition to the spreading out of the Matshezi here described, there were about 800 Fingoes and 3,000 refugee Gcalekas in the district of Thembuland Proper. Moreover "a considerable number" of Gcalekas who had sheltered in Pondoland after the war moved into Thembuland in 1880.³⁸ The significance of this tribal mixing from the Colonial point of view was that it meant less danger from compact tribal masses, and as Ayliff pointed out in his report, the Fingoes acted as civilizing influences.

Pali had pro-Gcaleka leanings, and at the beginning of the Ninth Frontier War fought on Krelis's side, although he later changed his allegiance. Elliot considered that it was essential "for the good government of the Transkei" that Pali should be taken over by the Government, as he was too weak to take independent action and would become a prey or tool of more powerful chiefs; his territory would then be used for harbouring criminals, secreting stolen stock, "and hatching sedition"³⁹ Moreover Pali had begged to be taken over by the Government in December 1877 and again in July 1878. Nothing was settled however, and a "bad effect" was created.⁴⁰ For instance, in October 1879, when hut tax

35 J.H.Scott, Acting CMT to SNA, 15/7/78, NA44, p.171.

36 Chief Magistrate's diary, entry 21/9/78. CMT 1/139.

37 Elliot to SNA, 15/7/78, and 29/7/78. NA44.

38 Elliot to SNA, 13/8/78 and 23/6/80, NA44, p.211 and NA66, p.114.

39 Elliot to SNA, 13/8/78. NA44, p.211.

40 "Memo. re Pali" signed by J.H. Scott, late Magistrate at Mqanduli, 17/1/79. NA44.

was due, some Bomvanas who were liable to pay crossed into Pali's country to avoid payment. (Despite this Government in Cape Town was still unprepared to take over Pali).⁴¹

The Bomvanas had asked at the turn of 1878 to be accepted as subjects of the Government, and on the same conditions as the Thembus. Colonel Eustace, the Resident with Kreli, formally accepted them.⁴² While the question was still unsettled a change in Ministry occurred. But Bomvanaland came to be coupled with Gcalekaland in a motion on the expediency of their annexation to the Cape moved by Ayliff in the House of Assembly in July 1878,⁴³ a resolution to this effect being passed in August.⁴⁴

The administrators were hampered in their efforts to assert control by extra-territorial factors. The Ninth Frontier War was far from a war to end all wars on the Eastern frontier. Soon after, there was "a process of political fermentation going on among all the native tribes from the Colonial seaboard to the Zambesi River." Shepstone cited as evidence for this the war and rebellion on the Cape frontier, the attitude of Cetewayo, the risings of Griqualand West, the aggression of Sekukuni, and the complaints made by the interior Traders of the treatment they had met with from such chiefs and Lobengula. That same month Frere addressed the Cape Parliament and pointed to the unrest: he wondered where to turn his attention first.⁴⁵

Both Brownlee and Stanford were of the same opinion - a solution to the Zulu difficulty should first be arrived at and their power broken, after which it would be easy "to deal with the tribes on our border"; these looked "with great faith to the power of the Zulus to withstand the whites". Nor was there any doubt that the Zulus and the Pondos were in constant communication, the latter again with the Pondoise who passed information to the Thembus and from them it went to the Gcalekas and Gaiikas. All believed in the greatness of the Zulus; Zulu influence affected political affairs on the border far more than was usually thought.⁴⁶ The days when the Zulu and Xhosa were enemies were over.⁴⁷

41 CMT to SMA, 22/10/79. NA53, p.72, and marginal comment signed by W.Ayliff, 31/10/79.

42 Legislative Council Debates, 1878, cols. 262-3; Elliot too gives the date as "late in 1877 or early in 1878". CMT to USNA, 2/8/83. NA88, p.117.

43 V. & P. House of Assembly, 1878, p.410.

44 Cape Council Debates, 1/8/78, pp.261-3 and 270-1.

45 Shepstone to Frere in August 1878. Cited by De Kiewiet, The Imperial Factor (1937), p.222; and p.37.

46 D2, 26/8/78.

47 WES's Report, G.13-80.

Walter Stanford left the Engcobo magistracy for the Northern border in November 1878 for nearly four months,⁴⁸ and on his return reported evidence of exaggerated rumours with regard to the Zulus, and the ferment this aroused. The rumours had it that the white forces had all been destroyed; that the Zulus would be in Thembuland in the course of a month or two, and that in their fights they were assisted by lightning and swarms of poisonous insects which attacked the white armies only. Dalasile's people were buying guns and the Emigrant Thembu chiefs Stokwe Ndhlela and Gecelo were communicating with Dalasile. Stanford's own impression however was that even the worst disposed of the native chiefs were not ready for war, but that there was at the same time "a strong feeling against us in operation" and an accident might start the stone rolling or further Zulu successes might be sufficient to do so.⁴⁹

The following weeks revealed more evidence of active Thembu sympathy with the Zulus. Dalasile had sent for a witch-doctor to have his men "doctored", and although this was to be done without attracting notice, Stanford knew that in a few days the Ama-Qwati would be prepared for war. Stanford had also heard that the Chiefs Stokwe Ndhlele, Gecelo, Dalasile and Ungudhlwa had agreed to work together and their plan at the time was, in case the Halas remained loyal, to retire to the Taitisa forest and do their fighting there. Five days later, with Sigau reported to be in the District, Stanford felt the insecurity of his position - he was very short-handed and his men did not have arms. He asked Major Elliot for a good sergeant and twenty men of the C.M.R.⁵⁰

After his return from Cape Town in February, Ngangeliswe visited Major Elliot to pay his respects and to enquire for news. Elliot explained that a portion of the Government forces had sustained a defeat in Zululand, but reminded him that the Gcaleka war had commenced with a reverse for the Colonial forces at Gwadana! The Chief Magistrate thought that a profession of loyalty to the Government then made by Ngangeliswe was sincere.⁵¹

Two days later Kelo reported that the Gcalekas about those parts were commencing to move down towards Bomvanaland; and that Kreli (a fugitive after the Ninth Frontier War) and his sons were getting as many men about them as they could and that in consequence it would not be advisable to attempt a capture then. Further unrest was due to Ngangeliswe having given his Gcaleka wife another beating, she being determined to escape from Thembuland to join her father.⁵² By May 1878,

48 D2, 14/11/78

49 WES to W.Ayliff, 5/2/79. D1.

50 WES to Elliot, 10/2/79 and 15/2/79. D1.

51 CMT to SNA, 20/2/79. NA46, p.131 ff.

52 WES to CMT, 22/2/79. D1.

although Stanford had sent out spies, he had been unable to ascertain the whereabouts of Kreli and Sigcau although it was known that they had been in the Hala country; but his spies did report the rumours in circulation. Cetewayo had sent messengers to Umqikela "to tell him to begin"; that any chief who did not join them against the white people would be destroyed together with his people; that Umhlonhlo and Umditshwa were prepared to join the Pondo chiefs; and that Ngangeliswe had been contacted but had given an evasive answer - according to one spy, Ngangeliswe said that he would stand aside for a time to see "which bull was getting the best of it". Dalasile and "some other minor chiefs" urged him to join Umqikela and Cetewayo.⁵³ All the spies brought word of communication between the chiefs - this became the subject of feverish correspondence between the magistrates, Elliot and Ayliff.⁵⁴

The Thebus had "great faith" that Cetewayo was going to send an army "this way",⁵⁵ and it was the belief in their inevitability that was doing a great deal of harm.⁵⁶ Nor was Stanford unafraid of the Zulus -

".....The Zulus fight like men, and submit like men. Perhaps it is good for us that our native neighbours down here haven't so much manliness about them, or we might suffer." ⁵⁷

The Zulus were defeated at Ulundi in July 1879; Cetewayo was detained as a prisoner in the Cape Town Castle. The Chief Magistrates of the Transkei, Griqualand East and Thebusland, and the Governor's Agent, Basutoland, were informed of this, so that the certainty of this event "so important to themselves and to the future history of South Africa" be reported to the Africans in their districts. A month later photographs of Cetewayo (on the ramparts of the Castle with cannon in the background) were sent to further contradict the current rumours that the "ex-king" was still at large.⁵⁸

As a defence measure, and as a means of greater control, the Peace Preservation or disarmament act was passed in 1878.⁵⁹ If a catalyst were needed to crystallize opposition to the Colonial power, with

53 WES to Elliot, 7/5/79. D1.

54 See NA50. The reaction of the officials is considered later.

55 WES to Elliot, 29/5/79. D1.

56 WES to J. Walker (MLA Port Elizabeth and his future father-in-law) 9/7/79 D1.

57 WES to Elliot (marked private) 25/8/79 in NA55, p.157. Later WES remarked that "The Qwatis are not much at fighting". WES to his mother 5/1/81. P(f)4.

58 18/9/79, NAB46, p.236; and 20/10/79, NAB46, p.276. The photographs were distributed among the R.M's. CMT to USNA, 3/11/79. NA53, p.133.

59 Act 8 of 1878.

reaction already aroused by the Zulu successes, unsettlement, drought and uneasiness due to white advance towards Natal, little could have achieved it as thoroughly as the disarmament act.

As Thembuland was not annexed to the Colony, the disarming act was not legally applicable to the Thembus. They were therefore asked to surrender their arms. Levey's way of "asking" was to move around with an armed force of twenty-five men to collect the guns. The size of the force was exaggerated by rumour into a large commando. Stockwe Ndhlele refused to surrender his arms; later Levey threatened to withdraw his emoluments and refuse to recognise him as a chief in any respect.⁶⁰

Gordon Sprigg, the Prime Minister, in view of the legal position hoped that the Thembus would "voluntarily" surrender their arms, but was worried when "one had kicked up his heels".⁶¹ Stokwe was an insignificant chief without many followers, but it was inadvisable to allow it to be seen that even a small chief could act contrary to the wishes of the Government. Therefore Elliot himself was to be sent to Emigrant Thembuland.⁶²

Matanzima told Elliot of his dissatisfaction that the Government had not fulfilled its promises as their original independent status was being circumscribed by laws strange to them; moreover, "these laws do not allow us to ask questions"; they had been "told" by the Government that they had to pay hut tax, to which they agreed; but then they heard of disarmament which "had the appearance of being done forcibly"; they wanted to know why they had to give up their rifles as they had never fought against the Government or done any harm. Elliot attempted to persuade them that they should not look upon disarmament as a personal matter, as the Government appreciated their services during the war; he held out to them the example of the Fingoes who had rendered loyal service during the war and yet were giving up their arms more readily than other tribes.⁶³ He reserved for Ayliff the observation that the Fingoes, who were surrendering their arms "in the true sense of the word", had to be obedient as they knew that they only existed through the favour of Government.⁶⁴ Elliot, however, did admit to the Emigrant Thembus the real reason for disarmament - "there cannot be half a dozen governments in one country and there can be only one power to declare war".⁶⁵

60 CMT to SNA, 11/12/78, NA45, and telegraphic conversation between Colonial Secretary (Sprigg) Cape Town and Elliot, Umtata. 25/11/78. CMT 1/128.

61 D2, 4/11/78. Stanford was in Cape Town.

62 Telegraphic conversation between Colonial Secretary and Elliot, 4/11/78 and 25/11/78. CMT 1/128.

63 Minutes of a meeting between the Emigrant Thembus and Elliot at Cofimvaba, 2/12/78. NA45.

64 Elliot to SNA, 7/12/78. CMT 1/128.

65 Minutes of meeting of 2/12/78. loc.cit.

Three days after this meeting Elliot addressed the other two Emigrant Thembu chiefs, Gecelo and Stokwe Ndhlele, at Xalanga. They too brought forth a list of grievances: over control itself, over the existence of galls in the country and ^{over} of the cat o'nine tails. They thought that punishment should be, according to their own custom, the payment of a fine. Elliot told them that with weapons in their possession they might try, as the Gaikas and Goalekas did, to use them against the Government.⁶⁶ This, of course, was another way of saying that the Colonial authorities feared them when they were armed.

Ayliff approved of the "prompt and decided" manner in which Elliot replied to the various matters referred to at the meeting.⁶⁷ But the men in Levey's district were far from content, even after the meetings. Elliot found them sullen although he did not think that they contemplated armed resistance (although they might if an armed force went into the country).⁶⁸ Stokwe and Gecelo had expressed willingness to comply with orders, but Elliot doubted whether either would do more than surrender a few arms. From various private sources he learnt that a belief existed that as soon as the Thembus were disarmed the Government would seize their property. Elliot's theory then was that some chiefs, fearing loss of power, were encouraging that belief;⁶⁹ later he thought that the fear that their property would be seized got a colouring from the census taking.⁷⁰ Moreover the Pondomisi and the Basuto had told the Thembus to resist; messages were always passing between them.⁷¹

Despite the hostility, Elliot instructed Levey to proceed with disarmament, although he was to refrain from using force or pressures. All arms surrendered were to be paid for at a fair valuation, but no compensation would be allowed for arms seized "after a fair and reasonable time" had been allowed. Some Emigrant Thembus reacted by surrendering their arms in an "unsatisfactory manner"⁷² and this response was true for Thembuland as a whole.⁷³

In addition to the bewilderment at having to give up arms after remaining loyal to the Government during the Gcaleka war, Africans considered deprivation of arms (that "from time immemorial had been regarded as an insignia of manhood") an humiliating disgrace. Rumours led to uneasiness and despite their extremely improbably nature, gained general credence.

66 Minutes of a meeting held on 5/12/78. NA45.

67 Ayliff to CMT, 18/1/79. NA846, p.26.

68 Telegram, Elliot (at Engcobo) to SNA, 7/12/78. CMT 1/128.

69 Telegram, Elliot (at Xalanga) to SNA, 7/12/78. CMT 1/128.

70 Telegraphic conversation between SNA and Elliot, 10/12/78. CMT 1/128.

71 Telegram, Elliot (at Xalanga) to SNA, 7/12/78. CMT 1/128.

72 CMT to SNA, 30/12/78. NA45.

73 e.g. WES to Walker, 9/7/79. D1.

When the Act was passed emissaries travelled through the whole country warning the Africans that as soon as they had been disarmed, the Government intended to limit men to one wife each, and to send their children to the Colony to be educated (the girls to be set apart as wives to the soldiers with a view to raising a future army to keep the Africans in subjection). A variation on this rumour was that the Government intended to allow them to keep only a limited number of cattle; their country was to be taken from them, and their wives and children were to be seized and conveyed to the Western Province and enslaved. The census followed shortly after these rumours and many took it to be a confirmation of them.⁷⁴

The main effect of the Act was to undermine the confidence in the administration that the men on the spot had been cultivating for many years; this is vividly illustrated in Stanford's unofficial correspondence during 1879:

"Our hold on the native mind is lowered many degrees. There is some fear of us left yet - but nearly all belief in the 'nobility' of the 'white people' is gone, and particularly in that institution of ours called 'the government' have they lost faith."

Disarmament had destroyed confidence in the Government from the Kei to Natal "and afforded such an opportunity as I believe has never been before for the natives to unite in a war of races."⁷⁵ Stanford's mother too noted the reaction among the Africans: "The native mind has never been so generally embittered against the Government since I have known it," she wrote to him, "as at the present time". The distrust of the Africans towards the Government and its intentions was almost universal.⁷⁶

By December 1879 Elliot concluded that "quite beyond doubt" the Africans looked upon it as "a gross act of treachery and ingratitude" towards those tribes who assisted them during the recent Ccaleka and Gaika wars, so much so, "that they now feel that the time is arriving when the black man must stand up for his lands and rights or become the slave to the white man."

Therefore the struggle between black and white on the frontier was still for supremacy.⁷⁷ At least, Elliot predicted that the Act had

74 J.G.Cumming, Ast.Mag.Kalanga. Report. G.35-79 and CMT to SNA 13/11/79 NA54, p.46.

75 WES to J.Walker, 9/7/79. D1.

76 And Stanford agreed. Quoted in WES to Walker, 24/7/79. D1.

77 Elliot wrote elsewhere that the "chief aim" of the Government was to advance the happiness and prosperity of the Africans; and that this could not be done until they realised that they could not "subjugate" the Government. CMT to USNA, 18/6/79. NA49, p.12 ff.

created a feeling of bitterness "in the hearts of the Africans that half a century will not remove." 78

The Act was also criticized on practical grounds. It could not be carried out without the consent of the people. Elliot's authority for this was his military experience in Ireland, where he had carried out gun-hunting and found that it was impossible to find arms if their possessors were determined to secrete them. 79 The Act was criticized as unnecessary and productive of more harm than good -

"Nine-tenths of those surrendered are old flint-locks - and we could have crushed any Chief and tribe inclined to be rebellious as we did Kroli and Gcalekas far more easily than we could manage it now that their tribal sympathies have been quickened by our blundering."

And the method of application was criticized. It was "the weak manner" in which disarming was attempted that caused so much ill-will among the native tribes. Stanford thought, although he later remarked that had disarmament not been halted when the ministry realised they had met "real difficulties", and persisted in their course, they would have caused a very dangerous war. 80

Fully alive to the growing animosity of the African tribes, Stanford expressed his ideas on attempts from within the Colony to introduce sudden changes in the administration of Africans within the Transkei. "Startling changes", he explained, should only be attempted if "we feel ourselves strong enough to face another war and keep a standing army at hand to suppress disaffection."

"Quiet firm work is best fitted for Kafirs - that is unless an army strong enough to hold them all in subjection can be maintained - and such an army would have to be a large one." 81

On the specific issue of the abolition of chieftainship Stanford had more to say. The veneration with which the office of the Paramount Chieftain was held by the Thembu tribe when Ngangeliswe was deposed in 1876; and the support he was given when he elected to aid the Government during the Ninth Frontier War ^{have} been indicated. Present day anthropologists have noted that the chief was far more than the judicial and executive head of the tribe; he, unlike a secular ruler, ^{he} was "the axis ^{symbol}" of their unity and exclusiveness, and the embodiment of their essential values..... His credentials are mystical and are derived from antiquity.

78 CMT to USNA, 23/12/79. NA55, p.86.

79 Ibid.

80 WES to J.Walker, 9/7/79 and 21/5/79. D1.

81 Ibid.

Where there are no chiefs, the balanced segments which compose the political structure are vouched for by tradition and myth and their interrelations are guided by values expressed in mystical symbols. Into these sacred precincts the European rulers cannot enter".⁸²

Stanford had a similar insight. He deplored the loud proclamations that Colonial statesmen had been making that chieftainship in all its forms ought to be abolished; they forgot that chieftainship was an institution created and supported by the people, and that without their concurrence measures taken to relieve them of "a power they glory in" would result in continual disaffection. He could prove this with the examples of Sandile and Ngangeliswe who had both been deposed and reinstated; and in the fact that the Basutos had not been well-disposed towards the Colony since they found that their Chiefs were ignored as much as possible in public affairs. Stanford was not in favour of retention of the chiefs - he objected to the method being used to remove them. He thought that they should "raise the people" and then in time, on their own accord - as well as with assistance from the Government - they would "throw them off". Meantime it should be their policy "to control them, making their authority subservient to ours and cutting [it] down as opportunity offers".⁸³

Elliot too found it necessary to say that while he saw the need to limit or suppress the influence exercised by chiefs over the minds of the natives, he thought that that end would be attained without any active measures being taken by the Government; the number of cases coming to magistrates that formerly went to the chiefs was increasing; moreover any attempt to summarily depose the chiefs would meet with prompt resistance on the part of the people.⁸⁴

Nor were the Chief and Resident Magistrates enunciating abstract principles. Reliable sources sent information that messages from the Pandomisi Chief Umditshwa had been sent to the kraal of the Chief Dalasile in that District. Umditshwa had been relaying a message that he had received from the Pondo Chief Umqikela that "the white people are taking away all native Chieftainship, and shall we submit without throwing an assegai? Let the word of the chiefs be heard". A similar message was sent to Ngangeliswe but he did not return a favourable reply. After Dalasile had received his message he went to Ngangeliswe, ostensibly to consult him on the census taking. When Dalasile returned from

82 Fortes and Evans-Pritchard, African Political Systems. (London 1955). p.16.

83 WES to J. Walker, 24/7/79. D1.

84 CMT to SNA, 13/11/79. NA54, p.49-50.

Ngangeliswe he informed Stanford that he had no objection to the census being made and that he intended to call his people together to explain to them fully the nature of it. As Stanford knew that this was a pretext to discuss Umditshwa's message, he ordered him not to hold it, saying that the census had already been explained to the people. Despite this, the meeting was held.⁸⁵

The chief object in taking the census of Africans in Thembuland was to obtain the numbers of people for purposes of taxation. When this had been obtained, little attention was to be paid to the enumeration of stock. This statement was prompted by complaints from census enumerators in Thembuland that the Africans were reluctant to allow their stock to be counted. Even Ngangeliswe's people, who supported the Government asked "whether it was usual when the census of a white population was taken to count their money?" Elliot opined that the quantity of stock returned represented about one-third of what was actually possessed by Africans of the territory.⁸⁶

In Stanford's district, as described, enumerators met resistance as they had at the time of the first census in 1876. Dalasile apologised for holding his meeting contrary to Stanford's order, stating that the messengers to summon it were abroad before his instructions reached them, and that in consequence he was unable to prevent the people attending at his kraal. The headman Danti who at first refused to register his kraal had since submitted; Dalasile had represented on his behalf that at the time he refused to give information to the enumerator he (Dalasile) had not informed him of the final decision of the tribe on that question. Under the circumstances of the country and because the census was progressing favourably towards completion, there was agreement in Engcobo, Umtata and Cape Town that they should not go beyond a reprimand in both cases. Meanwhile the Chief Umgudhlwa had heartily assisted in the enumeration of his tribe and throughout his district no objection to the measure had been made.⁸⁷

On the whole the census in Thembuland had proved "a decided success", almost all the chiefs and headmen assisting their magistrates willingly and cheerfully. Levey had reported that Stockwe and Matanzima were "inclined to" offer passive resistance; Stockwe had remarked that he had no objection to the census being taken, but that he would not pay hut tax.⁸⁸ Opposition to the census seems to have been due to fear of

85 WES to CMT, 27/8/79. NA 1/27. He later confirmed that messages had passed. 8/10/79. NA52, p.184 ff.

86 Marginal comment by SNA on CMT to SNA, 12/8/79. NA50.

87 R.M. Engcobo to CMT, 2/9/79; and Elliot to WES, 5/9/79. NA52, p.188; P. de Smidt, for USNA 28/10/79 to CMT. NA846, p.286.

88 CMT to SNA, 21/10/79. NA53, p. 2 ff.

the Government's intentions: on the one hand there were rumours that had spread through the country just before the census taking; on the other hand there was fear that it was connected with disarmament.⁸⁹

The imposition of hut tax and the deteriorated economic condition of the people were further causes of unrest and ferment during this period. Elliot realistically explained the tardiness of the Africans in paying their hut tax as the natural reaction of men, whatever their colour, to part with their money to pay taxes; he thought that the attitude of the Africans was that they agreed to pay it, but in doing so did a foolish thing and therefore were justified in evading it; moreover as the Government did not build their huts or provide the material, why should it tax them upon their own labour and the natural products of their own land?⁹⁰ Hut tax was being "fairly paid up" when collection was disrupted by rebellion, but nevertheless the amount collected exceeded the estimate.⁹¹

How did the Colonial authorities react in the face of their knowledge of the growing war clouds? Soon after the Ninth Frontier War, Cape Town became concerned. The Colonial Secretary wished to remain in constant communication with Elliot during "these critical times". (To Elliot it was evident that "all natives are in a great state of expectancy just now"; and the Colonial Secretary thought that all South Africa outside the Colony was in a state of turmoil). Elliot undertook to keep him fully advised as to the state of his district; he had never known all tribes so reticent towards "white men" as they were at the time, or so eager to obtain news from them, but they would give nothing in return.⁹²

The Gcaleka threat to the Colony was not entirely overcome for Kreli was still at large. In September, he and Sigcau accompanied by not more than fifty men were in Pondoland and were making their way on foot towards the Umsinvubu; Kreli would have been captured for the Colonial Government by Nqwiliso but a certain Gwadiso had "committed treachery" and Kreli had escaped.⁹³ Elliot cautioned that Kreli's following would increase if he were not captured: he was not, and Gcalekas from all parts of the country were flocking towards him. An added cause of unrest was that Ngangeliswe's wife Novile (Kreli's daughter) had been given "another beating" and she was determined to escape from Thembuland to join her father.⁹⁴

89 WES to Elliot, 25/8/79. "P.S." of 26/8/79. D1.

90 Report of CMT, G2-85.

91 Report of CMT, G20-81, and Act. CMT to SNA, 10/9/79. NA51, p.103.

92 Telegraphic Conversation between Colonial Secretary and Elliot, 1/11/78 and 4/11/78. CMT 1/128.

93 Elliot to O.C. Transkeian Forces, Ibeka. 19/9/78. CMT 1/128.

94 Ibid; Elliot to SNA, 27/10/78 and 1/11/78, CMT 1/128; and WES to Elliot, 22/2/79. D1.

In January 1880 Kreli was still at large and Elliot had reliable information that he had been in Bomvanaland attending beer-drinking parties by day but never where he had feasted; moreover Elliot believed Kreli to be in communication with all the chiefs in the country; he had no doubt that Langa (Moni's son) and the chiefs Gwadiso and Fali had afforded him refuge and succour since the close of the Gcaleka war. By June "a considerable number" of Gcalekas had moved from Pondoland to Thembuland. Elliot thought that this was owing to unjust treatment in Pondoland; such settlement was desirable if rights of present residents were not interfered with. Ayliff would not allow any collection of Gcalekas in former Gcalekaland or Thembuland while Kreli was at large; Elliot was to carry out these instructions.⁹⁵ Kreli was not to surrender until 1884.⁹⁶

In case of necessity there was half a troop of CMR in Kokstad and 100 of Baker's Horse. Captain Bailie had a troop at the Ncehana and there were fifty CMR at Fort Murray that could be sent up to Elliot immediately. Sprigg enquired whether Elliot would be able to take command of these forces should any military operations become necessary. Elliot was prepared to take command of any force Sprigg chose to place under him. He did not, however, think it advisable to employ a native force in that District at the time, but should a levy become necessary and the present attitude of the Thembus remain unchanged, he could put from three to five thousand in the field in a few days; he would prefer to have white men to form the nucleus so that the Natives could rally around them; a small European force gave confidence to the Natives.

The Zulu war made demands on the ammunition supplies. Military Command in Natal had applied to Sprigg for assistance as they were hard pressed for supplies of guns and ammunition in Natal - "Of course", said Sprigg, "for military purposes Natal and the Colony must be considered one". There were, however, 2,000 muzzle loading guns and 300 long and short Sniders at King William's Town for Transkeian needs.

No operations were to be undertaken at this time, but Sprigg wished to make preparations to meet contingencies, for "when the Zulu war broke out the Pondos might then become troublesome and Kreli and his fugitive people would perhaps lift their heads".⁹⁷ Elliot kept prepared - he had a weekly report of the strength of his troop sent to him by

95 CMT to SNA, 12/1/80, and CMT to USNA, 23/6/80; NA56, p.27 and NA61, p.114. Marginal comment on last letter by W.A. [Ayliff]; and CMT to USNA, 22/7/80. NA62, p.105.

96 See below, Chapter Eight.

97 Telegraphic Conversation between Colonial Secretary and Elliot, 1/11/78 and 4/11/78. CMT 1/128.

Captain Baker. Furthermore he ordered all arms and ammunition at Umtata to be stored in the Wesleyan Chapel as it was too exposed under tarpaulin. At that time the colonial forces between the Bashee and the Umzinzubu did not exceed 100 men. ⁹⁸

The number of Europeans in 1880 at Umtata capable of bearing arms was about one hundred and in Thembuland as a whole about five hundred. This figure gave little cause for security, as Elliot considered it vague (no European census having been taken); and although Elliot did not doubt that many of the European residents of that territory were armed, their arms were of a most incongruous class and their stocks of ammunition limited. Elliot suggested that four or five hundred short Sniders together with a good supply of ammunition be forwarded to him for arming the European population if necessary.

Two months later, with the removal of the entire military force (with the exception of six men) of the CMR from Thembuland, Elliot received Ayliff's approval for enclosing the Fort at that place with strong gates, and further, that a hut should be erected within its precincts for the accommodation of a night watchman for the protection of guns, ammunition and other Government stores. ⁹⁹ The maintenance of the achievements of five years of control rested on an extremely inadequate military force.

98 Telegrams. Elliot to Baker (Kokstad) 6/11/78, and to SNA, 27/12/78. CMT 1/128.

99 CMT to Colonial Comm. of Ordinance, 27/7/80, and to SNA, 30/9/80. NA64, p.22-3 and p.109. And marginal comment on letter by "W.A. [Ayliff], 8/10/80".

Dalesile to say that he was going to remove into his country, and that he would "give orders" to certain chiefs to begin war in the Colony. Kelo (1) reported that the Thenbus had received messages from the Pondo chiefs Nkwiliso and Umqikela to join them should some huts that were built by Pondos in Pandonise country be burnt by the Government for overstepping the boundary. Kelo thought that the Pondos and Thenbus would fight.(2)

The journal of the Resident Magistrate of Southeyville for September and October 1880 illustrates the frequency and belligerent nature of the messages that reached the ears of magistrates of the time. On 24th September it was reported that two messengers from the Basuto chiefs had been to Siqungati to request the assistance of the Thenbus; various sources reported that the Thenbus were unsettled and would refuse to assist Government should they be called upon to do so. Three days later a deputation of school people in Stokwe's location reported to Levey that there appeared to be an understanding between the chiefs to make war and ^{he} had reason to believe that Stokwe might make a sudden attack on them. The following day Levey requested to be supplied with fifty sniders and ammunition. In October it was reported that constant messages were passing between Stokwe and Siqungati (a younger brother of Nqanglisse living in Emigrant Thenbuland) and that the latter was collecting a large number of assegais at his kraal. Levey warned the school people against giving Stokwe any cause for quarrelling with them.

Fears were still connected with disarmament. On 2nd October, for example, it was reported that there was a rumour current among Africans of that District that the Government intended sending a patrol to search for arms and that Siqungati had sent to Matanzima to ask what he should do in case the patrol came to his location. The reply was that he should fight. Nor were the Emigrant Thenbus satisfied by Levey's assurance that the rumour was unfounded, for on 12th October two of Siqungati's men were arrested a few miles from Southeyville with arms in their possession even though the reason given by him was that they did not have licences. By 19th October the guns and ammunition asked for by Levey had arrived; three days later Walter Stanford wrote to him requesting that some guns and ammunition be sent to him as he believed that the war fever was spreading.(3)

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- (1) The establishment's informer. See above, Chapter Two.
 - (2) Elliot to S.M.A., 28/7/80, C.M.F. 1/128, conveying views expressed by W.E.S. and Major Boyes; and Elliot's Report, G20-81
 - (3) Summary of Reports and Occurrences compiled from Journal of R.M. Southeyville MAGS p.90-97. Entries for 24, 27 and 28 September and 19 and 22 October 1880.

Brownlee, then Chief Magistrate of East Griqualand was met with assurances of loyalty by all sections within his District, although he detected that the Basuto clans East of the Drakensberg were in sympathy with their rebellious fellow tribesmen in Basutoland. A collision between Natives and the Colonial forces occurred two days after this meeting. Brownlee courageously proceeded to meet the armed Basuto on 2nd October to try to stave off revolt. They professed loyalty but Brownlee was satisfied of their intention to rebel. He began defensive preparations at Mootierie's Kop and then retreated to Kokstad, the force he left behind having an armed clash with the Basuto. At this stage Uahlonhlo the Pondomise chief affirmed his loyalty to the Government; he and Lindingwana the Bathlokoa chief, according to Stanford, played their parts with consummate skill.(4)

October saw tense letters passing between magistrates; Levey told Stanford that he thought that every magistrate in the country should be supplied with arms and ammunition, as they could not tell where rebellion might begin or end.(5) The Secretary for Native Affairs spoke of the "present excited state" of the country(6) and in a tragic letter, eight days before he was murdered, Hope told Brownlee how he had castigated Ayliff when he had had a chat with him, for sitting placidly in Cape Town and saying that "so and so has authority to quell the rebellion..." When they sent no arms to "so and so's assistance...he did not like it but I went at him again reminding him of your and others warnings and that if determined to have a war they should have counted the cost." His outburst against "Ayliff, Sivewright and Co." ended thus:

"...altogether I have worried him I think with some sort of idea that there is something wrong at last, but is it not fearful to be in such a position as we are in now. I don't care a brass farthing for myself, but I am thinking of the hundreds of valuable lives (and) the lots of property that will be sacrificed and also of the disgrace of war."(7)

Elliot was aware that Stokwe and several other chiefs of that district were "turbulent and discontented men who would readily rebel against the authority of Government if they saw any chance of success", but did not think that they would commit themselves whilst all other districts in that territory were quiet, which was the case at that time. Both Elliot and Levey thought that

(4) Reminiscences, Vol. I p. 107-9.

(5) Levey to Stanford 5/10/30. P(e)4. At the back of this letter Stanford wrote: "Received after evacuation of Engcobo."

(6) Telegram SHM to CMT 14/10/30. CMT 1/71.

(7) Copy of letter from H. Hope to C. Brownlee. Quaba 16/10/30. P(e)2.

if these men did revolt no outside assistance would be needed to put them down.(8)

By 23rd October 1880, however, the Chief Magistrate of Thebubaland was less certain about the safety of the Colony's interests in that District. That morning he had been warned by Stanford that matters were deteriorating in his district and that he was having a wall erected to protect the court house. Krell was reported to be intriguing once more, and a telegram from the Magistrate at Maclear, Thomson, asked that supplies for his district should be sent via Portrecht or Barkly as he had received reliable information that a seizure would be attempted. Both Untata and Engobo were without arms for nothing had been heard of the 500 guns reported to be en route for Untata via Kingwilliamstown.(9)

Shortly before 24th October Elliot warned all the officers in Thebubaland of approaching war and instructed them to apprise the traders and on how to act themselves.(10) On Sunday morning, 24th October, Elliot received the news of the murder of Hope, Magistrate of ^{and} Qumbu, Heaman and Warrens, "two promising young officers of Thebubaland", by the Pondomise under the Chief Ukhloshlo. Elliot called a meeting of (apparently European) inhabitants of Untata for 11 a.m. and asked for volunteers to enrol for the defence of Untata. Thirty-five volunteered, Elliot being elected Commandant. Warning was sent to the various Magistrates throughout the Territory to be on their guard. Scouts from the Pondomise army were seen hovering on the hills overlooking Untata on the Pondoland side all day; camp fires were burning at night and rumours constantly reached the beleaguered few that the Pondomise had destroyed "the Government" in their country and were on the way to do the same in Untata.

At 2 a.m. on 25th October all the Europeans of Untata assembled in Fort Baillie where the magazine was opened, and arms and ammunition served out. The discovery was then made that many who had enrolled the previous day had packed their property and families and departed for the Colony; this left about forty. They were without supplies, as purveyors along the road, bringing up supplies for Untata had fled on hearing rumours that the whites of Untata had been massacred. It was decided that Fort Baillie was too extensive a work to be held successfully by so

(8) CMT to SNA 30/9/80. HAG, p.116; R.M. Southeyville to CMT, HAG, p.126-7 (9) C.J. Sweeney, clerk, for CMT to SNA 23/10/80 CMT 1/128. (10) CMT to SNA 11/9/83(sic) NAB9 p.203. This was, on Elliot's admission, an act of responsibility that had important consequences, for not only was a considerable loss of life avoided, but a number of Europeans would have been shut in at various points and the Colonial forces would have to be used for relief rather than for actual operations, as was the case at Southeyville and Maclear. Ibid.

- (11) KILLOT'S Report, GSO-31.
- (12) KILLOT'S Report, GSO-31.
- (13) KILLOT'S Report, GSO-31.
- (14) KILLOT'S Report, GSO-31.

... a group, and an alternative site was selected which formed a traditional laager. Meanwhile the enemy and Pandas were looting stores and property on the right side of Untala; they fled when a volunteer force of six under S.O. Chawla proceeded to disperse them. (11)

The residence of A.H. Stanton (12) was situated about four miles from the village; this and that of several Europeans on the right bank of the river were looted and property was destroyed. Refugees, both European and African, came in all day, mainly from Poonchee-land, and appeals for help came in from all quarters during the day.

From information received from "various sources" KILLOT thought that the enemy had decided to attack Untala on the night of Sunday 24th October, but "being glibbed with heat, stated with their own idea of success and the night being cold and wet, determined to postpone the attack, and on Monday decided our position was too strong." Eventually it was planned to strike out the "Little Garrison". This plan, KILLOT suggested, was based upon the assumption that the Thabua and Pandas would take part in the war and assist in cutting off supplies. (13)

On three occasions the Pandas assembled in force about twelve miles above the village of Untala, crossed to the west bank during the night where they were reinforced by men of Umbakawa's section (Thabua) with a view to attacking the refugee huts located around the village for protection. On each occasion they were surprised by patrols sent out by KILLOT under cover of night and driven across the river with considerable loss. These patrols could not have been undertaken without the arrival of Capt. Giles with a thirty-man strong force, and a seven pound field gun. However without this force the enemy would have attacked the refugee Africans, at that time 1,500 and later 3,000, who were without arms and food. Furthermore, the two troops styled Untala Mounted Volunteers had been raised specially for the defence of Untala at the commencement of hostilities, but could only be equipped on the arrival of arms. (14)

Thus KILLOT'S report shows that he had taken responsibility and initiative in ordering the defence of Untala and Poonchee at the time of the murder of Hope; but a batch of volunteers from the Secretary for Native Affairs to the Chief Magistrate of

Thembuland reveals that the former not only had a finger on events in Thembuland during and immediately after the war, but had a hand in the direction of policy as well.⁽¹⁵⁾ This is not revealed in the letters that passed between the Secretary for Native Affairs and the Chief Magistrate of Thembuland nor in Elliot's official report.

Ayliff informed Elliot that a force of Europeans would be ordered to him at once from Kingwilliamstown, and that he was to make such arrangements as he thought necessary for the defence and protection of himself and people. He was to advise Stanford and Morris (in charge of Hexon's Hook) what to do; Ayliff's own suggestion was that it was better for them to leave than be shut in and lives risked.⁽¹⁶⁾ Significantly, Ayliff's attitude was that the "treacherous action of Umlonhlo was a new feature in native action and that none must now be trusted". He was to use every means of guarding against surprise; ⁽¹⁷⁾ if Ngangeliswe and Ngqilise were loyal, they would prove it by keeping the enemy away from their borders. "Your perilous position" telegraphed Sprigg "is causing the greatest anxiety. Everything we can think of is being done to strengthen you." ⁽¹⁸⁾

Ngangeliswe, contrary to rumours ⁽¹⁹⁾, chose as he had in the Ninth Frontier War, to remain loyal to Government. A meeting was held at Ngangeliswe's kraal on 24th October at which two of Umlonhlo's messengers were present; they informed the gathering that the chief had killed his magistrate and clerks and proposed that a combined movement should take place that night to attack and destroy Umata and kill all the magistrates. Blakey, magistrate at Nganduli, was told by detectives that when the Fingo Chief Muziwe refused to join, Ngangeliswe changed his plans. ⁽²⁰⁾ Muziwe and his Fingoes, in fact aided the Government by escorting twenty-six wagons, containing, presumably, provisions and ammunition, from the Basher to Umata, and were used by Elliot to escort "riotous characters" out of the district by return wagons. ⁽²¹⁾

Ngangeliswe did not carry all the Thembus with him. Of the 23,969 men in Thembuland capable of bearing arms, 13,000 sided against the Government. ⁽²²⁾ At the beginning of 1881, three-quarters

(15) See CMT 1/71

(16) Elliot told Arthur Stanford to tell his brother at Engobe not to run any risks for the sake of saving a few buildings. Arthur to Walter Stanford 28/10/80. P(e)6. This letter arrived in December. Marginal comment, *ibid.* J.C. Sweeney, clerk in Elliot's office, wrote on "Tuesday" (26/10/80) to WES and warned him "to get out". P(e)9. (17) Telegram. SIA to Elliot. No date but filed between telegrams of 24 October and 25 October 1880. CMT 1/71. (18) Colonial Secretary to Elliot 25/10/80 and 27/10/80. CMT 1/76. (19) e.g. *Reminiscences* Vol. I p.119; On 12/11/80 CMT to USIA, HA65 p.35. (20) Blakey to CMT 25/11/80 HA65 p.120 (21) CMT to Officer Commanding and Commissioner of Crown Lands, Kingwilliamstown 13/11/80 HA65. (22) CMT to SIA 3/1/82, HA74 p.11.

of the people in Stanford's district were in arms against the Government.(23) It is significant that facility was afforded to all chiefs by all tribes to evade capture.(24)

By November 1880 Elliot was instructed that his first object was to hold Ubatata; he was not to endanger that place however urgent the necessity elsewhere.(25) There was talk that the rebel chiefs would invade the Colony,(26) and the war spirit was increasing; the enemy jeeringly inquired where the White army was; and many loyal natives were compelled to join the enemy to save life and property, but all was well in Camp.(26a.) The absence of a White army as a reinforcement was having a deleterious effect on the natives of Bechuanaland: "many of whom" expressed an opinion that the Government was not in a position to afford any help to the Transkei on account of the war in Basutoland.(27) The spirit of rebellion had been on the increase ever since the murder of Hope, Warrane and Haman - it was still prevalent in December and in January 1881. By March, although a large number of Africans who had been in arms against the Government were surrendering and asking for food, a very large majority was still either in the mountains or scattered amongst the tribes that did not join in the movement. "All" of the Africans were still very unsettled and would break out again if the Colonial forces met with any serious reverse in Basutoland.(28)

Matters were uncertain and unsettled in May 1881 - "it may be either peace or war" and remained so in June.(29) A Fingo brought information that the Pondu and Thembu chiefs were trying to persuade each other to commence hostilities. Elliot refused to visit Pondoland as he feared treachery.(30) Blyth, having just returned from the Bashee, wired to Elliot in August that Krel's conduct was "very unsatisfactory" as he had refused to move from the Bashee or obey any orders of the Government. Elliot thought that Krel had a number of rebel chiefs, including Pondomise, with him and that he had been encouraged by wholesale disobedience.(31) The Bishop of St. John's had had a meeting with Krel who requested him to intercede with the Government for restitution of his chieftainship and former Territory, adding that he wanted missionaries and not magistrates and that he did not know why "Government was killing him". Rumours moreover were spreading through Thembuland,

(23) WES's typescript report for 1881, HA74, p.23ff. For a breakdown of figures for Thembuland, see G26-32, Appendix I p.23ff.

(24) CMT to USNA 27/3/81. HA66 p.171.

(25) Comm. Crown Lands to CMT 3/11/80 CMT 1/76. (26) WES to his mother 8/11/80 F(e)13. (26a) CMT to Comm. Crown Lands 14/11/80 HA65 p.36 (27) R.M. Bechuanaland (O'Connor) to CMT 25/11/80 HA65 pp116-7 (28) CMT to USNA 8/12/80, to SNA 9/8/81 and to USNA 25/3/81 HA65 p.112; HA66, p.64 and p.163. (29) WES to his mother 29/5/81 and 7/6/81 F(f)2. Stanford thought that they played echo to Basutoland.(30) D5 1/6/81 and 4/6/81 p.32, p.33 D5 was the Diary of the Wodehouse Border Rovers. (31) CMT to USNA (Cape Town) and SNA (Basutoland) 12/8/81, CMT 1/128.

that Kreli instructed his people that he meant to fight. Elliot had feared that unless Kreli were "caged" and Ukhlonhlo hanged, there would be no peace between the Kei and the Umzimkulu.(32)

Elliot considered that the war terminated in February 1882, as no engagement of any importance had taken place during that month, but patrolling was continued for some months later.(35)

What were the causes of Hope's War? The Transkeian Africans (including the Thembu) were subject to unrest and fear owing to the tension generated from Zululand and Basutoland; disarmament, hut taxes and the census; drought conditions and unsettlement following upon the Ninth Frontier War.(34)

To Walter Stanford the causes were clear. Ukhlonhlo's "word" at the death of Hope was: "I am not fighting traders or missionaries - I am at war with magistrates only".(35) The plot throughout was to kill the magistrates and spare the lives of traders and missionaries.

"If we kill all the magistrates no man of that class will venture among us again, but we shall want traders and missionaries."

Stanford concluded that the war then was simply to regain independence and that it was as much a war of the people as it was a war of the chiefs.(36) C.J. Levey agreed with this view - the cause of the rebellion of the Chiefs in Thembuland and elsewhere appeared to him to have one source; "Kaffir Chieftainship against civilised Government"(37) Elliot thought that the Africans planned to kill all the Government officials in his and surrounding districts.

"I was sure that all, or nearly all the native tribes in and around this territory were making a strenuous effort to combine and throw off the rule of the white man." (38)

Another man on the spot, W.G. Cuning, Magistrate at Xalanga, regarded the outbreak as a supreme effort to regain "what they regard as freedom"; they thought that if they could drive the white man out of their country, they could return to a "Golden Age", in which the chiefs and councillors had unlimited power and the people would be able to practice their "ancient rites and customs". He thought that it was as much a war of the people as of the Chiefs:

(32) CMT to Hlyth 30/8/81 and to UBA 12/8/81 CMT 1/128.(33) CMT to BHA 3/2/82 HA74 p.11ff. In relating the events of this war, attention has been focused on the developments concerning the nodal point of Thembuland, the Chief Magistracy at Umtata, rather than conditions and developments at each individual magistracy. The stirring and dramatic events in which Stanford was involved, such as the escape from Engcobo, the relief of Maclear, and the different battles are graphically described by him in the Reminiscences (Vol.I Chapters 17-21) The Chapter on the escape from Engcobo was obviously based on Stanford's letter to his mother, in F(e)11 and on WES to BHA 23/11/80 HA65 p.41ff. This was published in Cape Times on 4/12/80. For statements of the African policemen who escaped with Stanford, see F(e)5. (34) See above, Chapter Four. (35) Copy of original letter written by A.E. Davis, clerk to R.M. Cumbu, sole European eye-witness of the murder. F(e)3 and WES to BHA 23/11/80. HA65 p.53-4. (36) Ibid. (37) C.J. Levey, St.Marks to BHA 5/12/80 HA65 p.89. (38) Elliot's Report G20-81.

the chiefs saw that their power was departing from them, while the people imagined that all ("which in their eyes constituted freedom") was being gradually destroyed. (39) ^{No} ~~the~~ missionary, ^{but one other person and} two traders and a mechanic were however killed. (40)

A second deep-seated cause of the revolt was land encroachment in Thembuland particularly by the Fingoes. This led to crowding and insecurity which itself aggravated distrust and fear. The practice was to encourage Fingoes to come into the country and to persuade the Chiefs to point out a place where they could settle down, cultivate and graze stock. At first this did not disturb the original occupiers who remained in possession in common with the strangers. As the latter grew more confident they erected beacons around the place assigned to them and gradually assumed rights. Quarrels eventually ensued with the original Thembu occupier which ^{were} generally decided against the Thembu: and the stranger set up a claim to the land. (41) The Thembu were especially incensed by the land-grabbing propensities of the Fingoes. It was the opinion of observers that the 1880 rebellion was due to the absorption of land by Fingoes and strangers encouraged by the officials. (42) (This was especially the case with regard to Naigrent Thembuland where, despite the original conditions of removal, extensive farms were given to Fingoes "and other favourites") According to Elliot, all native tribes looked with great jealousy upon their lands being appropriated by an alien race; and the Fingoes were looked upon by all other tribes as a pushing and aggressive people. (43)

Hemming, Chairman of the 1882 Thembuland Settlement Commission observed further that delay and reluctance to take up titles in the Colony proper was caused by Colonists' hopes of obtaining large tracts of land for nothing in the Transkei. (44) A magistrate thought that the "red" native found interlopers were taking his ground from him and supplanting him. "Surreptitiously and sneakingly they take possession of lands from the real owners and occupants of the soil." (45) Tribal mixture was of course Ayliff's policy, as described in Chapter Four.

The attitude of the Thembu to the intrusive occupiers of their soil was therefore an added reason for the attacks made during the war upon the Government's allies - the Fingoes and "school people".

(39) W.G. Cuning to GMA 2/12/80. MAGS pp 169-170. (40) Reminiscences I p.113 (41) Report of Thembuland Settlement Commission, G66-83, para XLVI pp 13-14 (42) Hemming, Magisterial Report for 1882, G8-83, p.15 (43) This was written in a different context. Telegram from GMA to USM 8/6/31 GMA 1/128 (44) Hemming, Report G8-83 p.15 (45) Major Boyes, Report, G13-80.

Numbers of refugees came to Umtata principally from mission schools. They had lost all their grain and in many cases their cattle - outrages upon school Fingoes and school natives were continually being reported. (46) Stanford later recorded that many loyal Fingoes were killed. (47)

As already indicated, tribesmen were incensed about the disarmament act. This was a direct cause of the uprising, especially as disarmament came together with hut tax and the cattle branding act. These last two measures gave colour to the rumours surrounding disarmament - that the Government wanted to disarm them in order to take away their cattle and enslave their children. (48) An African resident of Peddie told Stanford that the locations act as well as the disarmament and cattle-branding acts were his chief complaint. (49) J.W. Sauer, Ayliff's successor as Secretary for Native Affairs (50) saw in perspective the combined effect of these measures on African sentiment and behaviour. Discussing the Emigrant Thembus, he mentioned that they felt the injustice of disarmament keenly and the breach of faith (holding that they had been originally granted independence) and "undue interference" with them. Therefore the Emigrant Thembus held that disarmament was but one of a series of harsh measures. (51)

Kreli was at large as he had not been brought under the Government after the Ninth Frontier War. Elliot thought that Kreli's son, Slogan, was taking a "very prominent part" in the anti-white combinations being advocated at the time and was trying to regain what his father had lost. (52) Kreli and two rebel Emigrant Thembu chiefs were directly responsible for persuading the Qwoti chief Dalasila not to surrender upon the terms offered to him by the Government. (53)

Major Elliot usually attributed the war to idleness; it was usual to designate or to define each war by some event that is supposed to have brought it about, such as the "war of the axe" or "the war of the bear fight": but he caustically added that in his experience, each war might be called by the same name, viz. the "War of idleness".

"I am convinced," he continued, "that 1st Parliament legislate as it may, wars will recur until the natives become more industrious than they are at present..." (54)

(46) GEF to SNA et al 15/11/80 HA65 p.57 (47) Reminiscences Vol. I p.113 (48) Elliot's Report, 620-31. These three measures were also attributed to be major causes by G.F. Blakessy, R.H. Manduli. To GEF, 25/11/80 HA65 p.119. (49) B3 30/11/80 (50) See Appendix I. (51) Memo by J.W. Sauer 30/12/81 HA76 pp 129-130. (52) Elliot to Ayliff (marked "confidential") 15/4/81 HA68 p.57 (53) DES to GEF (marked "confidential") 31/1/82 HA74 p.155 (54) GEF to SNA 3/3/81 HA66, p.42ff.

The 1880 war caused a serious disruption of the administrative establishment in Thebulari. All buildings both Governmental and private at Engcoto, Mawonga's Hoek, Southeyville, Xalanga and at Enjanyana (where one house remained) were destroyed.(55) At Enjanyana therefore the backroom of the magistrate's house (formerly used as a kitchen and unbearable in summer) was transferred into an office during the year. All office furniture was destroyed during the war; that in use was the personal property of Major Boyes. Prisoners had to be confined in a hut and handcuffed around the supporting poles of the roof.(56) The two mission stations (the one Anglican, the other Moravian) were looted and destroyed and the Africans living on the station had left.(57)

Hope's War was the last war on the Cape Eastern Frontier, and the last challenge to White supremacy on a tribal basis on that frontier.(58) Its importance has been overlooked perhaps on account of its being overshadowed by the Basutoland Disarmament War; it might be called the tenth or last Frontier ("Kafir") war.

(55) CMT to (?) NA45 p.312. "Undated, unplaced section". Corroborated by Act. R.L. Enjanyana to CMT 5/1/82. NA74 p.60ff; CMT to USNA 7/3/81, NA66 p.37; NA66 p.138. (56) Act. R.L. Enjanyana to CMT 5/1/82 NA74 p.60ff. (57) WES's Report for 1881, NA74 p.28 Reports of Rev. T.W. Green, J.W. Morris and Rev. C.H. Tietze (ff. Stanford's Report) in G 33-82. (58) The Dumbata Rebellion in 1906 in Natal was perhaps the last revolt on a tribal basis in South Africa. In 1921 there was a clash of arms between Africans and Europeans in the Eastern Cape at Bulhoek. But they were of mixed tribal backgrounds, and they were a Separatist Church sect.

CHAPTER SIX

THE ANNEXATION ANOMALY

"The vagaries of British and Colonial native policy had created between the Cape Colony and Natal a tract whose status was puzzling to the ablest student of international law."

W. Campbell, The South African Frontier
(Archives Year Book for S.A. History 1939,
V.I) p.142, quoting a report of the Governor's
Staff at King Williams Town, of December 1877,
by Cecil Ashley.

From the time of the take-over on the conditions of 1875 until the Letters Patent of 14 November 1881 appointing the Governor of the Cape Colony to be Governor of "certain territories commonly known as Tembuland, Emigrant Tembockie Land, Houtvankland and Coalskaland, and now part of Her Majesty's Dominions," Tembuland remained in an anomalous position, with the Cape Native Affairs Department as de facto ruler. After the Letters Patent were issued until actual annexation of the Territory by the Tembuland Annexation Act of 1885, (1) Tembuland was governed by Proclamations of the Governor, although some in responsible positions governed as if the Territory were annexed to the Colony. The annexation process and its tangle anomalies form the substance of this chapter.

The authorities acknowledged 24 December 1875 as the date on which de facto British Government began in Tembuland, before this time the Tembus having had complete independence. (2) The exact legal status of Tembuland after 24 December was not agreed upon. Six years after the establishment of de facto control, a test case arose: Was Elliot able to pass sentence of death upon a prisoner then under trial before him for the murder of a European named Walsh?

Elliot was instructed on 24 March 1881 that neither the Chief Magistrate nor any of the magistrates had any jurisdiction in Civil cases and that in regard to civil issues, it was only by the consent of parties to refer their differences to the magistrate that he was at liberty to adjust matters in dispute - that is, he had power of arbitration. Moreover, the Government

(1) Promulgated on 14/7/85 and assented to on 15/7/85 (Government Gazette, 14/7/85) It was however dated 1/9/85 - G.W. Eybers Select Constitutional Documents, 1795-1910 (London 1918) p.63
(2) CMT to USM 12/5/80. MAGO p.138 and marginal comment by T.U. (Thomas Uryington, Attorney General) on 21/9/80

had no right to interfere with judgment given in such cases, and therefore the practice that had hitherto obtained of submitting the proceedings for the decision of the Government, through the Native Affairs Department was irregular and should be discontinued. Under the Imperial Acts (26 and 27 VIC CAP 35) Elliot had jurisdiction in respect of all criminal offences committed by British subjects within the area of his jurisdiction; he could apply to all persons who were "Her Majesty's subjects" the law in force in the Cape Colony; provision would probably be made to extend his judicial authority.(3)

Elliot's interpretation of the 1875 Conditions of acceptance was radically different from the Government's. In his view all authority in Thebuleland was voluntarily handed over to the Colonial Government in 1875 and accepted by it. From this he inferred that the existing law ceased from that date; and from Innes's letter, that no law had existed in the country since. Elliot pointed out that Clause V of the Conditions granted to every person in the territory a right of appeal to the magistrate; but if he had not the power to compel all parties to appear before him, that condition was a dead letter. Moreover, if the magistrates could not deal with those cases then it followed that those who committed ^{crimes} them (if not British subjects) would escape punishment. Further, if magistrates had no jurisdiction in civil cases, they could not enforce the payment of licences, or any other tax, or levy fines. If this became known in the territory, the revenue would be nil.

To Elliot the most serious consideration of all was that under the pretext of there being no law in the country the chiefs might reassert their old power and in a month pull down the authority it had taken six years to build up. The Chief magistrates did not pretend to offer a legal opinion, but submitted that in handing over the control of that country to the Government, the people had agreed to submit all cases in dispute to the magistrate and that all cases were tried "by consent", but to then ask consent would close the courts in that territory for all judicial work and give the chiefs a chance to seize power again.(4)

The strictly legal aspects of Elliot's position were then outlined to him by the Attorney-General, J.W. Leonard; Thebuleland

(3) J. Rose-Innes (USNA) to Attorney-General, Cape Town, 22/2/81, containing the marginal note of Attorney-General J.W. Leonard thereon; and USNA to GHT 21/3/81 H475 p.33.

(4) H.C. Elliot to USNA 4/4/81. In G 4-83 p.429.

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could not be considered as British territory, "at all events in strict law." There was no document or official record declaring Thambuland to be British territory, although the Chief Clerk of the N.A. Department had hunted "high and low" for such a notification. However Elliot had all along exercised complete judicial powers passing in some cases sentences of considerable magnitude. He had been magistrate "or rather Judge" de facto although not de jure(5). Leonard further defined the position to Rose-Lines. The "handing over" of the country by the chiefs to the Colonial Government was an entirely informal act and conferred no right on that Government to exercise jurisdiction there as over Colonial territory. Until the country was formally annexed to the Colony the Colonial magistrate had no legal right to exercise jurisdiction there as over Colonial territory, or to exercise jurisdiction over it as British Officials. The only safe position they could assume, Leonard thought, was that of magistrates deriving their authority to exercise judicial functions from the chiefs, who were de jure still independent rulers.(6)

The whole matter was carefully considered by the Government which fully accepted the opinion of Leonard, and therefore was not prepared to sanction any marked departure from the instructions already given in James Rose-Lines's letter of 21/3/81. Rose-Lines, however, sanctioned Elliot's use of his former powers by directing him to continue to exercise the criminal and civil jurisdiction that he had hitherto exercised, with the consent of the chief, whether expressly delegated "or implied by the tacit recognition of the authority you have already exercised!" (7)

After the receipt of Rose-Lines's letter of 21/3/81 Elliot himself received no cases until the receipt of the subsequent letter, dated 25/6/81. But in the courts of the Resident Magistrates they proceeded as before - they were not aware that he had received the instructions contained in the first mentioned letter.(8) In December Elliot explained that until then he had withheld Rose-Lines's letter of 21/3/81, "feeling confident that to promulgate its contents would be fraught with consequences and injurious to the interests of Government."

"In allowing the Courts of this Territory to settle all minor cases as had been the previous practice in the Territory, I am aware that I have incurred considerable personal responsibility, but I at the same time feel confident, that should any action in this matter ever be called into question, the good sense of the country will absolve me from blame." (2)

(5) Memo of Attorney General's Office, Cape Town, 25/4/81 signed J.W. Leonard C.O.1156. Rose-Lines noted that Elliot received this. (USIA to CMT 25/6/81 in G4-83 p.429) (6) Dated 23/4/81. C.O. 1156 (7) My emphasis J. Rose-Lines USIA to CMT 25/6/81 in G4-83 p.429. (8) Elliot's answer to question 7374. G4-83 (Native Laws & Customs Commission Evidence, p.411) (9) CMT to USIA 6/12/81. HA73 p.309g.

There is no evidence that this action was called into question.

So much for the control of the authorities in Cape Town. Besides

this de facto position, legal opinion still clings to the view

that "... with the exception of the annexation of the Transvaal had not

subjects..." (10) and that as the annexation of the Transvaal had not

yet received the Royal assent, the courts of the Cape Colony had

no jurisdiction to try cases of crimes committed within that

territory, and that Kitchener had therefore better deal with cases

himself under whatever jurisdiction he had (11) - although it had

been made clear to Kitchener that no competent tribunal existed in

the territory, and that the Colonial Officers in the Territory

could only intervene as arbitrators with the consent of both parties.

The analogous position pointed to an obvious need for

amputation. Besides creating a dichotomy between the de facto and

de jure positions, no steps could be taken to bring to trial

those accused of murder (beyond the ordinary Fieldinary

execution), a number of persons charged with the crime of murder

had to be imprisoned in the Transvaal. Kitchener feared that this was

producing a feeling in the minds of the natives of the Territory

intended to the views and interests of the Government. (12)

A resolution was adopted by the Cape House of Assembly on

22 June 1876:

"That in the opinion of this House it is expedient

that the country situated between the Limpopo and

Transvaal Rivers, known as 'Transvaal', should be annexed

to this Colony, and that the Government take such

steps as may place it in a position to introduce a

Bill to effect such annexation."

This was affirmed by the Legislative Council on 30 June 1876, and

transmitted by the Governor, Sir Henry Barkly, to Parliament. (13)

Following upon the British resolution for the annexation of the Transvaal

and Goshalsaid to the Colony. (14)

The formal annexation of the Goshals, Boshans and Thabou

territories to Cape Colony was only completed in 1885 because the

matter became entangled in South African and Imperial politics.

The Colonial Office refused to permit immediate annexation of the

territories as it was "trying to use every feasible means of

pressure to advance federation." (15) There is evidence that the

area was without law of any kind and Kitchener complained that the

(10) Graham to Rose-Innes 23/7/31 N668 p.103 (11) Solicitor General
to G.M. 19/8/81 G.M. 1/16. (12) Elliot to B.M. 6/12/81 N473 p.30ff.
Fitzmaurice had been erected at the several registrars within that
territory and authority had been granted for sending criminals with
long-term sentences to the Colony. Elliot to all R.M. 2/8/80 G.M.
1/120. (13) Barkly to Goshalsaid 5/7/76. Enclosing Kitchener's minute
of 30/6/76; G.M. 2/3 p.2. (14) Cape Legislative Council Debates 1/8/78
p.261-3 and 270-1. (15) Campbell, op.cit. p.143.

non-granting of formal annexation forced postponement of apportionments of land to European farmers planned for Gcalchaland. The Colonial Office for a time persisted in the view that confederation was "an essential preliminary" to any decision on the future of territories beyond the Eastern Frontier.(16) Frere continued to urge the Secretary of State to give the Colonial Legislature power to enact laws for the territories. Sprigg's ministry claimed that annexation was of the "utmost importance"; it argued that delay hindered good government and deterred Europeans who wished to settle there: they intended to settle Whites among the tribes as "a restraining influence".(17)

In January 1880, Hicks Beach, the Secretary of State for the Colonies conceded that under Letters Patent, the Cape would be empowered to legislate for the admission of the territories into the Colony after certain assurances had been given.(18) In December 1879 Hicks Beach had inquired whether the Cape would govern all Kaffraria under a code which would "satisfy all reasonable people that proper safeguards are provided regarding the administration of justice between natives and Europeans". He insisted on inclusion of a special code and a scheme for eventual representation in the legislature in the proposed Cape act of annexation, and mentioned that the special authority reserved to the British government by the Imperial parliament in the South Africa Act of 1877 regarding legislation affecting the natives, would continue in force.

The next Secretary of State, Kimberley, also insisted on a code and provision for eventual representation of the territories. Frere countered that the immediate need was for a firm authority in the Transkei and argued that the code and representation were large subjects which would better be discussed in a conference on confederation. Moreover Frere preferred the Colonial system of assimilation to the implementation of a special code, which, although easing the impact of civilization at first, impeded the natives' progress. Kimberley then agreed to a separate submission of a code and reference of the problem of representation to a conference on confederation at some future time.(19) In Cape Town the Native Laws and Customs Commission was appointed.(20)

Whitehall stipulated in the Letters Patent dated 6/8/80 that the annexation was not to be effected until the special code was

(16) Frere to Hicks Beach 30/4/79 and 19/5/79 and Hicks Beach to Frere 1/6/79 C.245 (1878-9) pp.49 and 52-3. (17) Frere to Secretary of State 2/9/79 and Minute of Colonial Ministers 21/10/79; G-59-84 p.5-6 and p.6-7 (18) Hicks Beach to Frere 29/1/80 C.252, p.24-5 (19) Hicks Beach to Frere 18/3/80(sic) and 21/3/80; Kimberley to Frere 9/6/80, Frere to Kimberley 14/6/80 and Kimberley to Frere, G-59-84, 13/7/80 pp.10-13 and pp.13-14. (20) For terms of appointment, see Legislative Council (Debates) Vol.XIV 26/7/80 Col.114.

approved.(21) Fourteen months later the Scandan ministry urged that annexation be finalised because the magistrates had no legal authority except over British citizens and no laws had yet been declared in force. Kimberley was still obdurate, but improved the legal aspect by appointing Sir Hercules Robinson Governor of the Transva, Basutia and Gcaleka territories, in addition to his duties as Governor of the Cape Colony and High Commissioner.(22)

The Attorney-General held, then, that from 14 November 1834 the sovereignty of the territory "and therefore the right to alienate the public domain, have undoubtedly been vested, since that date, only in Her Majesty the Queen." This raised the question as to the validity of grants of land made by chiefs to private individuals. To the Attorney General it was a matter of some doubt whether Transbuland was or was not a portion of the British Dominions during that period, and to what extent the chiefs retained the power and authority vested in them before they "came under Government". He suggested that such grants should not be dealt with by the Transbuland Settlement Commission (23) but should be submitted separately to the Government so that each case might be decided on its merits.(24)

The Governor of the Cape Colony was now Governor of Transbuland, but this territory was not annexed to the Colony.(25) Confusion was still to follow, for until formal annexation in 1835, the Cape practically exercised Government without the authority of any act of Legislature;(26) they were exercising de facto jurisdiction although de jure jurisdiction was exercised by the Imperial Government through the Governor or High Commissioner. Part of the confusion arose because one territory of the three Transbuland territories was styled "Transkei Territory" - and this had been annexed to the Colony in 1879.(27)

Anomalies inherent in the government of Transbuland after 14 November 1831 were partly overcome by the Proclamation of the Governor Sir Hercules Robinson (in terms of the Royal Commission issued on that date) that the laws then in force in the Colony of the Cape of Good Hope should be the laws in force and to be observed within Transbuland, Gcalekaland, Basutaland, except as

(21) Kimberley to Strahan 29/9/30 G59-34 p.39 (22) Scandan to the Governor 8/10 and Kimberley to Robinson 15/11/31. C.3412. (1832) p.73 and 87-8. (23) For this Commission, see Chapter Seven. (24) Attorney General's Opinion dated 3/10/32, G 66-83 pp.6-11 (25) GAT to UMSA 3/5/32 HA76 p.26 and note by J.W. Sauer (BMA) 29/5/32, HA75 p.212 (26) T. Upington, Prime Minister, Cape of Good Hope Hansard for 1834, p.20, Friday 16 May 1835. (27) GAT to UMSA 3/5/32 HA76 p.26.

was specially otherwise provided in that Proclamation.(28)

The code of laws aroused disquiet among both Europeans and Africans. One ground was that prior to 1875 only £5 had been charged by Ngangelawe for permission to trade in his territory, and this was the rate applied by the Government up to the time of Proclamation 13 of 1882.(29) Section 64 of this Proclamation laid down that £10 was the fee for a trading licence. Traders voiced their objections to laws that were of an arbitrary nature and despotic, and appealed to "constitutional liberty, the birthright of every individual". A second grievance was paragraph 66 which prohibited traders from dealing in cattle and limited the quantity they were allowed to own. (30) Elliot supported the traders in their criticism of the increased licence fee on the ground that traders in the Territory ran far greater risk of sustaining loss by war and other political disturbances than they would in the Colony,(31) but - Sauer was unmoved, declaring that even if traders felt aggrieved they nevertheless had to comply with the law.⁽³²⁾ Elliot agreed with the principle of paragraph 66 (the second grievance of the traders) for he explained that generally a trader who had been permitted to erect a shop considered that he had acquired a right to a farm. If licences were granted indiscriminately, Elliot added, all the best farm sites in the territory would speedily be occupied; he suggested that the possession of stock by traders be limited and J.W. Sauer agreed.(33)

The regulations laid down for the Tlambus simply could not be applied in practice, and this was to evoke qualms among the administrators and disquiet among the Africans. A case of murder, for instance, was tried before a court constituted under Section twenty of the Regulations; in passing sentence upon the two found guilty the court found itself bound under the eighth section of the Regulations to make it death. However there were certain reasons why Elliot was not prepared to do so. Firstly, death for murder was a punishment unknown to African customs; they called it a second murder; secondly:

"In this case it is evident that the deceased had been suffering from some form of insanity, and he had doubtless been a source of trouble and annoyance to the people of his kraal, and although these facts do not justify his death by foul means, still, to the ignorant minds of the natives it diminishes the viciousness of the crime." (34)

(28) Proclamation 13 of 1882 dated 26/1/82. Government Gazette 27/1/82 p.125. (29) CMT to USIA 25/1/83 NAB4 p.80FF. (30) Petition from Tsomo Traders' Association, Emigrant Thembuland, 25/8/83 NAB9 p.195; and from Owen Bros. to A.H. Stanford (R.W. Umata) NAB4 p.84 23/1/83. (31) CMT to USIA 25/1/83 NAB4 p.80FF. (32) A marginal note, NAB4, p.83 signed by J.W. Sauer. (33) CMT to USIA 10/10/83, NA90 p.66-8 and note thereon by J.W.S. dated 19/10/83 at back of last mentioned letter (p.70). (34) As European legal systems later made insanity a mitigating factor in passing sentence in criminal cases, from the vantage point of 1966, tribal law was more "civilised" and

Thirdly it was not considered that it was opportune in view of the political unrest for the introduction of capital punishment. Fourthly, the opinion of the Native Laws and Customs Commission was against it; and finally, under African customary law and its simple punishment of confiscation of property, murder and crime were less common than under the Colonial system.¹(35)

A serious difficulty of a political nature concerning the death sentence arose. Ngangeliswe had been accused of serious assault; if the man he allegedly injured were to die, and if Ngangeliswe were found guilty, he ought to be sentenced to death. Elliot pointed out that the effect of this would be unfavourable to the Government. It was decided to impose upon him a fine of £100, half going to the Government and half to the injured man who fortunately lived.(36)

A second difficulty arose over the regulation concerning fees and fines of court; the regulations provided for Colonial forms and procedures, a tendency to apply which, noted Walter Stanford, "naturally suggests itself to those who look at these questions from a Colonial viewpoint." He explained that the conditions of life and surroundings of the Africans were very different from those of the people to whom Colonial forms were suitable; the technicalities and expense of the Colonial law processes would drive native litigants back to their chiefs and headmen for redress. He suggested that it would be wise to let^{allow} the natives who had not been allowed an opportunity to express their wishes on that question, have an opportunity to do so at public meetings. Stanford admitted that the Colonial system was less "open to abuse". He disputed the view that the untrustworthiness of the officers in the native territories (if there was ground for such an opinion) was any argument for its introduction, for its main criterion was its desirability to those most concerned in the question - the natives themselves.(37)

The Chief Matanzima complained to Elliot that the practice in criminal cases affecting his people that were adjudicated upon by the magistrate had been that he had been entitled as chief to receive half of the fine. That practice had been changed. More than two years after Proclamation 13, Elliot explained that the departure in practice was due to this Proclamation; the chief had been given half, or a considerable portion of the fine before that, because cases had been

advanced than the legal system of the 19th century administrators.
(35) Elliot to USNA 13/3/83, NA95, p.205ff. Stanford too opposed the sentence of death. DS 13/3/83. (36) CMT to USNA 20/6/83 NA87, p.105ff. and 26/9/83 NA90 p.2. (37) WBS to CMT 26/9/83 NA 90 p.122

adjudicated according to African customs and usage. The

Proclamation provided that all things were to go to the

Government with the exception of a portion not exceeding one

half which the magistrate had power to award to the person

giving information which led to the discovery and conviction

of the offender. Elliot stressed that in matters of that nature

neither the magistrate nor he had discretionary power, as they

had to act under clearly defined instructions. However he was

prepared to refer Matthews' complaint to the Government. (38)

These lines noted that Matthews' statement required consideration

and decision, but Sauer maintained that the regulations had to be

obeyed. (39) However Elliot noted that should the whole or even

half the fines imposed on that territory be awarded to the chiefs,

it would amount to a very considerable reduction of revenue. (40)

another objection of the Thabous to Colonial court

procedure in force owing to Proclamation 13, was that they caught

thieves and brought them to the magistrate, who let them go! As

Sturford explained, under native law a man was bound to account

retroactively for stock found in his possession. If he failed

to do so that was sufficient evidence against him, and the owner

of the herd to which stolen stock was brought, if he had not at

once reported the stock to the headman and given all the

information he could, was punished severely. Under Colonial

law the Crown had to prove its case, while that advised by his

agent pleaded not guilty and accounted for nothing at all; and

the owner of the herd said he did not know the cattle were stolen

and it he made no report about them to his headman or his

Magistrate, that was no legal proof of his having received goods

or of having known them to have been stolen. (41)

Again in all cases headmen might act as assessors, and

in these standards also allowed them to examine and state their

opinions; but when agents appeared, and the procedure became

colonial in form the services of the headmen were redundant -

for they became confused with objections, exceptions and other

technicalities which they did not understand. Another point of

clear divergence between native procedure and the Colonial legal

procedure was the question of costs. Under Colonial law the

losing party paid costs, under native law the costs were paid out

(38) Minutes of a meeting held at St. Mark's on 29/3/34 between Elliot and the Chiefs' Representatives and Barots. WAG, p.82 (39) Rough 22/4/34, and comments on a note by USNA dated 31/5/34. WAG, p.97 (40) OMI to USNA 22/5/34. WAG, p.94 (41) WES's Report 63-84.

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of the value of the thing in dispute, and if after judgment nothing of value passed from one party to the other, there were no costs. Moreover the direct result of enforcing their rules was that the number of cases brought to the magistrates diminished at once, "which means so much authority and influence thrown back to the chiefs. It could be asked how could any change favourable to the native system be made, seeing that European interests are frequently in dispute in our Courts. Probably as time wears on Kaffir laws and customs will disappear but while the native tribes are at their present stage, power might be given to the Magistrates to recognise customs of the kind referred to in purely native cases". (42)

Certain clauses within Proclamation 13 of 1882 were direct attempts to eradicate tribal customs and folkways. Abakwetha (a fertility cult involving circumcision) was made a crime punishable as for assault (43), and witchcraft was an offence punishable by a fine or by imprisonment. (44) Regarding marriages according to tribal customs, if such were registered within three months of the date of the marriage, they were to be taken as legal and binding. (45) However all questions of divorce or separation arising between partners married according to African customs, and registered, were to be decided according to the law then in force in the Cape Colony, and were to be decided before the Chief Magistrate. (Questions of divorce and separation arising between parties married before the promulgation of the Regulations were to be tried and decided before any Resident Magistrate according to the tribal custom prevailing at the time of the marriage.) (46)

The seven year de facto administration of Thebuleland attained legal status when the Governor (Sir Hercules Robinson) by virtue of the power granted him by the Letters Patent of 14/11/81, issued Proclamations in 1882 appointing Resident Magistrates and a Chief Magistrate for Thebuleland! (47)

The work of the Native Laws and Customs Commission was completed on 29 December 1882; the report was signed and the Commission broke up. (48) The report contained a criminal code

(42) Ibid. (43) Clause 12. (44) Clause 14. (45) Clause 32.
(46) Clauses 33 and 34. (47) Government Gazettes 14/2/82
p.258 and 27/1/82, p.128. The former notice listed A.H.B. Stanford
(for Umtata), J.F. Boyes (Enjanyana), W.E. Stanford (Engobo),
C.F. Blakeway (Mqanduli), C.J. Levey (Southeyville), W.G. Cuming
(Xalanga), R.W. Stanford (St. Marks) and H.S. Vice (Elliot,
Bomvanaland) (48) D7, 29/12/82.

and recommendations for the civil administration of the Transkeian Territories. (49) Scanlen's government wanted to hand over responsibility for the Transkei and for Basutoland to the Imperial Government; but was succeeded by a government headed by Uppington that strongly opposed handing over the Transkei to Britain. The code was submitted and the Imperial Government agreed to the formal annexation of Thambuland.

(49) The penal code was published as Act No.24 of 1896. It was Colonial law with modifications - Native Laws and Customs Commission G4-83 p.23 Elliot entirely approved of the recommendations of the Native Laws and Customs Commission with certain exceptions, notably that certain powers granted to magistrates should be extended to headmen and heads of kraals. (Clauses 108 and 109) CMT to USM 26/3/85. CMT 1/124.

CHAPTER SEVEN

LAND AND LABOUR

"The swiftly expanding, land-hungry Europeans..."

C. De Kiewiet, The Imperial Factor in South Africa
(London 1937) p.3.

"It is clearly not out of place to note that the universally increased demand for native labour came in a decade that experienced the most wide-spread native disturbance and the most serious wars South Africa had known."

Ibid. p.15

Towards the end of Hope's War, in October and November 1881, African chiefs feared that the victorious Colony would appropriate their land. "We have only one more request to make", replied Ngangeliswe and some of his heathen and Christian headmen to the Native Laws and Customs Commission, "we should like to have a title acknowledging our right to hold the land occupied by us." (1) Cutatele, "a fine old native headman" and one of the chief councillors of the Thembus (2), said that "something (had) gone wrong"; Ngangeliswe had asked him to say that he did not wish his country to be given to strangers; he feared that as there were vacant lands people with money in their hands would come and take them. The conditions of 1875 had stipulated that these lands should be untouched. Moreover a similar request had been made to the Government through the Chief Magistrate, but no reply had been received. Finally Cutatele reminded the Commission that Ngangeliswe had remained on the Government side during the wars. (3)

This plea was repeated directly to J.W. Sauer in November. At Umtata he had an interview with the Chief Matanzima who wanted a written document confirming to him and his people the land which they still possessed; otherwise they feared that they might not be able to retain it. In addition, Matanzima wanted title to a farm for himself, as well as titles for a few men in his location to whom he had made small grants of land. (Earlier he had asked

(1) In reply to Sir J.D. Barry who asked whether there was anything they wished to mention, 28 October 1881. Question 7801. G4-83, p.444.

(2) Reminiscences, Vol.I, p.69

(3) G.4-83. p.444. Question 7800.

for vacant lands in Emigrant Territory to be given to those of his people who had remained loyal in the recent rebellion.) Sauer replied that these demands would be considered together with the general question of settlement of vacant lands. He assured Matanzima that the Emigrant Territory need have no fears about dispossession as long as they remained loyal and peaceful.(4)

Sauer told Ngangeliswe and his followers too the following day that they need have no fear of dispossession if they remained loyal. Ngangeliswe had asked that some of his people be settled on lands laid empty by the dispersal of the rebels; nor did he wish his country to be laid out in farms, but kept under the old system. A councillor supported him, saying that Ngangeliswe would be satisfied if the Government would allow him to fill up the land forfeited by the rebel chief Dalasile with loyal Tsimbuc. Such was Ngangeliswe's distrust for his continued possession of his lands that he asked for a document securing it "to him and his people", and the chief wanted that document to be in his own possession as he did not know what might happen after Elliot, whom he trusted, had left.(5)

The Chief Magistrate of Emmentland inferred that following Hope's War a considerable portion of the country had fallen to the disposal of Government by "right of conquest". Consequently he argued, a favourable time had been reached for rearranging Emmentland. His own suggestions were that Natives who had rebelled, might be located, on the conclusion of the war, as the Government directed, and that the country vacated by rebels be surveyed into farms with a Government headman appointed over each. Distribution of garden lands and pasture would be made by senior headmen of each farm and a council of five men appointed by the Resident Magistrate from the leading men of the farm.(6)

Elliot was instructed to accept the surrender of any who had been in rebellion and locate them in places that he thought would ensure proper supervision. The people were to be located regardless of tribal distinction and no authority other than that of the magistrate was to be exercised. The settlement was not to be haphazard; all who had surrendered and were relocated were to be issued with documents signifying that this had been done officially.(7)

(4) Minutes of a meeting held on 14/11/81. CR6-32.

(5) Minutes of interview of 15/11/81. Ibid.

(6) GHT to SIA, 8/3/81. H/66 p.42B. This system had worked well in the Queenstown District. It was part of Elliot's general defence plan which is considered in Chapter Eight.

(7) Telegram. USMA to GHT 8/2/81. GHT 1/71.

Elliot carried out these instructions: temporary locations were made between the Uagwali and Bushie Rivers in Thembulani.(8)

An inducement for the surrender of Thembu rebels was that they were relocated in the district to which they belonged and that gardens would be apportioned to them for their maintenance, as they were without stock. But this land was to prove attractive to the Fingoes (with Government backing for them as their allies) and to white farmers. Walter Stanford cautioned against ousting the resettled (albeit temporarily) rebels in favour of Fingoes as there was much enmity between these tribes and friction might re-open the war. If Fingoes were to be settled in Thembulani, Stanford argued, caution ought to be taken as to who was chosen and where they were located. Thus the claim of the Peddie Fingoes whose attitude had not been satisfactory, should not be considered above some of the "best Fingoe headmen in the country" who had applied at Stanford's office for land. The latter had rendered good service to the Government in every war since 1846. It was obvious that a body of Fingoes located in the rear of the Thembu tribes and between them and the Drakensberg would have a great military value.(9)

Vacant land and land temporarily relocated to rebels in Thembulani proved highly attractive to white farmers after Hope's War. Elliot received a large number of applications for farms in Thembulani from Europeans: some of these were based on valid grounds, but "a great many were put forward on the most trifling if not perfectly untenable pretext. Many Europeans residing in the Colony, this and adjacent Territories appear to be under the impression that it is the intention of Government to confiscate a tract of country equal to and not more than half of the entire territory of Thembulani, which will be given away, or disposed of, upon merely nominal terms, no advantages whatever accruing to Government."(10) J.W. Morris, the clerk in charge of Mazona's Hoek thought that the "rushing" of his adjacent districts was a well devised movement from the beginning because the Europeans showed themselves determined to take possession of the country and overcome all resistance; only military operations, he thought, would have been successful in preventing their coming in which would have led "in all probability to very serious results".

The squatters explained their conduct with the claim that the farms in the Colony were worked out and that there was

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- (8) Telegram. CMT to USHA 8/6/31. CMT 1/123.
(9) WSS. A report dated 11/6/31. HAGB, p.169FF.
(10) CMT to USHA, 20/2/32. HA 74, p.23FF.

inserted in pasture; and, finding that the rich country there was vacant consequent upon the absence of its occupants, they came fully prepared, if possible to occupy, rather than to see their cattle dying from starvation. (11) Barkly and Modderbe District farmers expressed their intention to move into the Kalgala district without permission should the Government refuse to grant grazing licenses. Authoritative sources informed W.C. Canning that feeling on that subject was very strong. Canning's clerk was told that the farmers considered they had better title to the land than the natives and that they would move in without permission if their application for departure their stock in the Kalgala district continued to be rejected. About ten families had moved in without permission, bringing with them a considerable quantity of stock; they were squatting on vacant land, but did not inconvenience the Africans in the district. Owing, the Resident Magistrate of Kalgala concurred in the suggestion of an official that grazing licenses be issued, but added that the presence of the squatters would encourage others to move in. (12) Elliot soon commented that "it is quite evident (that) Govt. (sic) is in a fix. I wonder what is now the idea of our handle's (sic) report in which he almost ridiculed Canning's terms that the Dutch would rush the country." (13) He added that he thought "Govt. is in a fix and I don't pity it. Had Canning's language been taken into account it not have come to the present pass. I think your wheat course is to talk a lot and do nothing." (14)

Elliot believed that the Government "would" taking any responsibility. It was in a "regular fix" as the Colonial Ministry had no power to act in that territory. (15)

The Southern Government was prepared to issue grazing permits to those who applied, but soon found itself faced with a situation in which horses had been built and land ploughed by people who had no intention of leaving. The still and military authorities and Southern persuaded the squatters not to take the law into their own hands, but to await the findings of a commission which the Premier undertook to set up so as to regulate the de facto position by putting up land for sale. (15) a.

The instructions to the Commission were clear. The people who had settled in were not entitled to grants of farms, but as

- (11) Report of J.W. Morris, 28-33.
- (12) Kalgala, W.C. Canning, Report 20/4/82. HW 7 p.153.
- (13) Elliot to Stewart, 8/6/82. P(8)6.
- (14) "Monday 186...". HW 7.
- (15) Elliot to Stewart, "Tuesday 4.30 p.m. 186...". (sic). This fits the context and it is arranged in HW's papers in the P(8)6 section which covers May-June 1882.

(15a) C.3.93. p.117. Telegraphic correspondence between Scotland and General Gordon, June 1882.

- (16) No. 57 of 1882. Its chief provisions are explained in Government notice No. 955 of 1882.
- (17) 56-57 p. VIII "Instructions to the Theobald Settlement Commission. Marginal note by J.A.S. 22/7/82 MHT p. 225.
- (18) Kotelaw, Credoak Congress, p. 17, 25. Cited in J.A.S. Liverpool, The Afrikaner Bond (Th.D. thesis, U.C.S., August 1960) p. 173.
- (20) John Frost to M.S. 5/2/83. P(h)3.
- (21) G.66-83 Report, paragraph X.
- (22) Ibid. p. 2 and 12.
- (23) Votes and proceedings, House of Assembly 30/8/83, Case of Good Hope Herald for 1884. 29 May (p. 82) and 5 June (p. 99).
- (24) Liverpool sp. dt. p. 173-4.

Imperial Government. (24)

had embarked upon a policy of handing over territories to the paper, it was never taken to a vote; for the Seaman Government member moved this, but despite repeated appearances on the order Queen to implement the recommendations of the Commission. A private Therefore the only course of action remaining was to petition the Commission's Report as it was without legal authority. (25)

Parliament was unable to take a decision on the Theobald to the Colony. (22)

by the squatters be set aside for white settlement — and awarded The Commission recommended that most of the lands settled it refused to do this. (21)

proposed boundary line be moved further south, and protested when men soon advocated the squatters' case that the Commission's with the Europeans and "junk" were land. (20) Indeed these two thought it very unfair to tack on two men they knew would side join the Commission. (19) Frost told Stanford privately that he leave van Rensburg, inviting him and other doubters of Albert to of view. Seaman readily agreed to the Chairman of the Congress, because it contained no representatives of the squatters' point dissatisfaction with the membership of the settlement Commission The Credoak Congress of the Afrikaner Bond expressed

be appropriated for European occupation. (18)

would not be granted free although a portion of the country would no right to occupy the lands, they should obtain permission. Land might Theobald by the issue of granting licenses, as they had succeeded to the request of the Europeans in Kango's, a Hook and Moreover J.A. Sauer admitted that the Government had already partially of the Government for the general benefit of the country. (17)

"and which as a prize of war should naturally be at the disposal cleared by the exertions of Burghers from every part of the Colony land not exceeding 250 morgen. The country had in part been Agricultural Lands Act. (16) By permitting them to obtain grants of to consider the advisability of dealing with those people under the those who had moved into the unoccupied areas. The Commission was the same time it might be found inconvenient in practice to evict

In July 1882 Africans came daily to the office ⁽²⁵⁾ of the Resident Magistrate of Xalanga, asking when the country was to be settled. Africans had even kindled extensive grass fires with the object of driving the Boers out of that part of the country. Dutch and English farmers were still trekking in early August, and a collision almost took place between farmers and loyal natives; matters were growing serious as the bearing of the farmers was most defiant and loyal natives were disturbed. (26)

Disputes arose between squatters and native residents. Stanford held a meeting with native farmers who complained about the squatters. He thought the state of affairs very unsatisfactory: "Dutchmen driving out the native occupiers", he noted in his diary. (27) Squatters were increasing in numbers and it was difficult to control them because they had taken possession of land with Africans upon it as well as vacant tracts. (28)

A crisis came when Sauer arrived at the frontier and held a meeting with the squatters behind closed doors. Stanford thought the squatter demands exorbitant; they wished all the country occupied by the rebels previous to the war to be confiscated. Nothing was settled that day but two days later a boundary line was agreed upon; natives living northward of it in the Xalanga district were to be removed. H. Kruger was appointed "Special J.P." and Walter and his brother R.W. Stanford were to remove the Africans. The crisis appeared over. (29)

Once Stanford became "somewhat warm regarding (the Commissioners) treatment proposed regarding them (the native farmers) and ... (got) 'cheeky' ". (30) One of the Africans involved was Kosam, the only loyal chief who was deprived of his lands because his people joined in the rebellion. (31) Robert Stanford later wrote to his brother asking him to come to Xalanga the following day as the Commission was treating Kosam unfairly. Stanford thought it better not to go as he had lost his temper over that affair before, and he could do no good. (32) He participated however in other boundary settlements. (33)

If boundary settling aroused the anger of African farmers and of Stanford, disappointed white squatters went beyond the borders of self-control when land was not arranged in their favour.

(26) Telegram. CMT to SHA 26/7/82. HA80 p.13

(27) D7. 8/8/82 and 9/8/82.

(28) WBS to CMT 10/8/82. HA79 p.80 (marked "confidential") enclosing minutes of a meeting with Africans.

(29) D7. 28/8/82, 30/8/82 and 31/8/82.

(30) Ibid. 4/9/82.

(31) D10. 11/5/85.

(32) D7. 18/9/82.

(33) See D7 for September and October.

(25) Act. R.M. Xalanga to CMT 31/7/82. HA79, p.53.

The boundary at Slang River was defined as by Nqayi in 1876 and Stanford recorded a squatter's "anger at not getting the line he wanted". (34)

In January 1883 there was talk of another rush of squatters from the Colony and Stanford wrote to the Government saying immediate occupation of vacant territory in his district with preference given to previous residents of the district. (35) Independence aspirations and hostility among the Thembu and neighbouring tribesmen were manifested at this time, and this provoked further unrest. (36)

The Fingoes were very quiet, Nkth told Frost, but there was unrest in the Transkeian territories connected with White settlement in the Territories, and the Settlement Commission, "Who", asked Frost "can you see that those who remained loyal complained bitterly of the treatment they received at our hands and I have no doubt we shall very soon have trouble again." The Africans were "no doubt" beginning to realise the fact that they were gradually being driven back and would eventually lose their land. The flat had gone forth in Thebuleland (he continued) and Government had been weak and were then doing their utmost to induce the three English members of the Commission to agree to alter the boundary they laid down. (37)

By March 1883 the situation was tense. Elliot received reliable information that fifty expert shots had been selected (principally in the border districts) for the purpose of resisting the GR should that force be used to expel the squatters. (38) Orders had been given to the detachments of the GR at Qumba and Maclear to move to Southeyville. Naming the Chairman of the Thebuleland Settlement Commission also went to Edingent Thebuleland; he was authorised to deal with any trouble that might arise, as the settlement of the country fell within the scope of the instructions issued to the Commission. (39) Merriman, in Cape Town, feared a collision and assured Elliot that they would not weaken his force at Umtata. (40) "Government", said Stanford, "was in a funk as usual." (41)

(34) Ibid. 20/12/82.

(35) IB. 24/1/83.

(36) This is considered in Chapter Eight.

(37) Frost to Stanford 6/2/83. P(h)3. For an example of a squatter deliberately destroying African gardens in land he wished to possess, see R.N. Southeyville to GR, 3/2/83. H888 p.165.

(38) Telegram GR to UGRA 3/3/83. GR 1/123.

(39) UGRA to Elliot 14/3/83. GR 1/71.

(40) Merriman to Elliot 19/3/83. GR 1/71.

(41) IB 7/3/83.

The threat of hostilities was due as much to Boer encroachments over the line that the Settlement Commission had established above the Native reserve in Emigrant Thembuland, as to the objections of the "trek boeren" to farms on which they squatted being put up for sale. (42) They insisted upon the occupiers getting the first right of purchasing the land they were on. Moreover the movement of traps into Emigrant Thembuland "was productive of ill effects". (43) Those who had failed to comply with notices served upon them to quit in terms of the Governor's Proclamation No. 14 of 1883 were to be ejected forcibly; therefore the OMR had been sent to Emigrant Thembuland. If there were to be any active resistance the person or persons so doing were to be arrested to be subsequently tried under the last clause of the Proclamation referred to. (44) Stanford thought too that difficulties would arise with the poorer squatters who could not own farms but ^{only} live as bywoners on others. Certain farms were laid out and reserved for agricultural occupation by the bywoners then in Thembuland. (45)

Disquiet on the African side arose as there were "many false reports" current to the effect that a considerable part of Thembuland would be sold to Europeans; "and it was difficult to disabuse the minds of the natives of impressions formed by these reports." (46) Beneath the false reports was the truth that Africans felt the hope of the tribe retaining its ancient land in full fading away. They retaliated by "committing depredations upon the stock of the squatters. Hardly a night passed without cases of stock theft". Stanford thought that the old border warfare might have started afresh if the Government, through Major Elliot, had not opened up negotiations with Ngangaliswe for the cession of his country. When the cession had been completed, that area quietened down; thefts were less frequent and there was less rancour on both sides: the knowledge that their chief had formally ceded the country and received some payment for it, tended to make the people less aggressive. (47)

To discuss the cession of part of Ngangaliswe's country, councillors sent by the Paramount Chief arrived at Engcobe on 2 October 1882 to meet the Thembuland Settlement Commission. (48)

- (42) Ibid. 2/4/83. They called themselves "trek boeren". Their insistence was in the face of agreement of the native farmers in the Kalanga district who owned farms to move south of the line of European occupation. J. Hanning Chairman, Settlement Commission to R.M. Kalanga 19/2/83. NA 85 p.151.
- (43) DB, 27/4/83 and 2/4/83.
- (44) Memo of instructions signed by J. Hanning and R.J. Dick, Special Commissioners, 6/4/83 NA86 p.71ff.
- (45) DB, 8/5/83.
- (46) R.M. Southeyville (G.J. Levy) to GFT, 5/1/83. NA83 p.22
- (47) Report of R.M. Engcobe (WBS) G.8-83.
- (48) Ibid.

In Emigrant Thembuland the rebel Chiefs Ceeelo and Stecoine had lands given to them by the Imperial Government in 1865 and their subsequent behaviour justified confiscation.(49), but in Thembuland proper, of which Ngcobo formed part, the Chief Ngangeliswe and his people held that the conduct of minor chiefs, such as Dalasile and others, did not justify deprivation of the Thembu nation, more especially as at the date of their coming under Government it was laid down that the subordinate chiefs had no territorial rights.(50) Negotiations led to the cession of part of → Dalasile's country to the Colony.(51) This land was defined, beaconed off, and ceded to the Government of the Cape Colony.(52)

While the negotiations were proceeding, Ngangeliswe made it clear that while he consented to the Government taking over the land formerly inhabited by rebels, confiscation should not be extended south of that line. Ngangeliswe and his councillors keenly felt that confiscation of Native Territory clearly meant not only loss of territory, but excessive crowding of territory that had not been declared confiscated. There was a growing impression amongst the natives that they were steadily being pressed into a position where they must fight or submit to dispossession of all the lands.

Ngangeliswe expressed a hope that rights granted by him to the Slang River settlers and native farmers would be respected by the Government, and that it would take into consideration the loss of income to him on account of the Government then drawing quitrent from the Slang River farmers.(53) This was a further diminution of the powers of sovereign independence Ngangeliswe once possessed.

Besides the land given to white farmers(54), and the cession of Dalasile's former territory, another area of land in Thembuland proper was taken over by the Colonial Government. A strip of land estimated at about 40,000 acres on the banks of the Umtata River was purchased from Ngangeliswe for the establishment of a township. Elliot pointed out that the acquisition of that piece of land did not lead to the removal of any natives, "or inflict the slightest injustice upon the tribe". That tract had been set aside by Ngangeliswe in 1870 (during the wars between the

(49) NSS to CMT 4/6/82. 11A77 p.79ff.
 (50) *Ibid.* G66-83 p.1.
 (51) Report of R.M. Ngcobo. 68-83.
 (52) Government Notice No.353, 1883. Government Gazette 30/3/83, p.562
 Some European farmers had been permitted to settle there before.
 (53) CMT to SIA 11/9/82 CMT 1/124.
 (54) Land granted and set aside for Whites by the Settlement Commission, despite the fact that Thembuland was not annexed to the Colony. See Government Gazettes for 1882 and 1883.

Thembus and Fondos) as a neutral ground or no-man's-land. Permission had been granted to Europeans to settle upon this Territory and they in turn undertook to prevent natives settling there.

Earlier Elliot had stressed the strategic importance of Umtata; → he did this again at the time of the sale. "This settlement", he wrote, "cannot fail to be a check upon discontented tribes, and would be of vast importance in the event of war. None of the Eastern tribes would venture to move upon the Colony so long as Umtata contained even an insignificant garrison".(55) Brownlee's defence policy with regard to Thembuland as a buffer to Eastern tribes was thus continued.

Despite the recognition of Ngangeliswe's sovereignty over lands belonging to Dalasile, the authorities in Cape Town thought that sovereignty lay elsewhere.

Hercules Robinson, Governor and High Commissioner, observed that the conditions on which Ngangeliswe and his councillors agreed to the Thembus being taken over by the Colonial Government did not make any mention of the surrender of private ownership of the soil. He considered however that the Letters Patent of 14/11/31 gave the Crown the sovereignty "of the territory so ceded". He was not sure what legal rights over the soil such sovereignty might confer, "but practically it would be impossible to ignore private rights." (56) Legal advice was sought; the Attorney-General held that whatever the exact legal position of Thembuland from 1875 to 1881, it was clear that by the Letters Patent mentioned it formed part of the Cape Colony. Consequently since that date Ngangeliswe had no power whatever to dispose of any portion of the public domain over which he had rights and no grant of land made by him had any legal validity; after November 14, 1881 the sovereignty and ultimate ownership in the whole of Thembuland was vested in Her Majesty the Queen; the chiefs had no power whatever to make grants of any portion of the public lands, such power residing only in Her Majesty or her duly authorised representative.(57) John X. Merriman, Commissioner of Crown Lands and Public Works, and J.W. Sauer, Secretary for Native Affairs, agreed with this interpretation - no one had any

(55) See Chapter Five for Elliot on Umtata's importance. Elliot's Report GS-83.

(56) Robinson to Premier Scanlen 25/8/82. HA79 p.31.

(57) Attorney-General J.W. Leonard, memo. 3/10/82. HA79, p.39.

right to grant land or sell it except the British Imperial Government as represented by the Governor of the Colony.(58)

In accordance with the theoretical statement of sovereignty in Thembuland which was transmitted to the Chief Magistrate of Thembuland, a claim for land by the Bishop of St. John's (that had been granted to him by Ngangeliswe) was refused.(59) J. W. Leonard himself did not think that the confirmation of such a grant depended upon legal validity (which he admitted it did not have); Ngangeliswe wished to grant a farm to the Anglican bishop in recognition of thirty years work among the African tribes. Merriman was opposed to granting it on the grounds that it was illegal and would give rise to most "awkward precedents".(60) This was in the face of numerous claims for recognition of land purported to have been given Europeans by Ngangeliswe.(61)

By July 1884 Thembuland was fully occupied with the exception of the North-Western portion of Engobo district. Elliot thought that Ngangeliswe and other Thembu would object to Fingoes being there. The Fingoes in the Territory were no small difficulty; Elliot asked the Secretary for Native Affairs how the growing distribution of Fingoes through that district could be halted(62); he was told not to grant permission to remove or to receive any other Africans from other Districts without special permission from Cape Town.(63) It was suggested that Fingo settling on Thembu land was a cause of the Thembu rebellion in 1880-1; in 1885 Elliot still remarked that the Fingoes appeared to look upon all land in South Africa as their rightful inheritance.(64)

Policy with regard to European settlement in Thembuland was that they were only allowed into the Native Territories as residents for trading purposes, in which case licences had to be obtained and bona fide trade carried on. (Two men in the past two years had ceased to pay trading licences, and famed) Rose-Innes pointed out that the Native Territories would cease to exist if their boundaries were opened to European farmers.(65)

Magisterial and Colonial policy following Hope's War was

(58) Note by Merriman 3/10/82 and note by J.W.S.(Sumr) 10/11/82 on letter to CMT 17/10/82. HA79 pp.27 and 40.
 (59) USNA to CMT 17/10/82. HA79 p.27.
 (60) Views of Leonard and Merriman, loc.cit above.
 (61) For a list of letters claiming grants see USNA to Under Colonial Secretary 26/10/82 HA84B, p.208.
 (62) CMT to USNA 8/7/84, CMT 1/124 and 6/10/84. HA99, p.124.
 (63) Note on last letter signed J.W. de Wet, 29/10/84. J.W. Sumr had issued the same directions (USNA to CMT 31/1/83, HA91.p.33)
 (64) CMT's report 85-86.
 (65) USNA to CMT 24/3/84. HA94 p.80.

to encourage Africans to seek employment as labourers. "I am convinced", wrote Elliot, "that let Parliament legislate as it may, wars will recur until the natives become more industrious than they are at present."

Tremendous economic distress among Thembus following the war made them an easily procurable labour supply. All Africans in Elliot's district who had been in arms against the Government were reduced to a state of "utter destitution possessing literally nothing beyond very scanty clothing". The previous season had been an abundant one despite the war and rebel lands had been reaped by the Magistrates: for the most part this harvest met the wants of the destitute submitters, thus want was temporarily alleviated. Drought, however, set in again from 25 July 1881 to the end of the year and during this time the ground was too hard to break with hoe or plough. As kafir corn was usually sown in October, and mealies in November, all the food that could be hoped for at the beginning of 1882 was green mealies - and that could only last a few weeks. Unless Government supplied food, Elliot considered that numbers would die of starvation. (66)

At the wish of the Government Elliot had from time to time enjoined the officers of his Territory to offer every encouragement to natives to proceed to the Colony "for the purpose of benefitting themselves and supplying a want that was seriously felt by the Colonists." The administrators in Thembuland were endeavouring to carry out the wishes of Government by encouraging labourers to go to the Colony in search of work. (67)

Much native labour was needed at the Diamond Fields towards the end of Hope's War. The Secretary for Native Affairs directed Elliot to inform his Magistrates of this. (68) The surrendered rebels were to be asked to volunteer for such service. (69) Sauer thought too that the way to meet the distress felt in Thembuland was to employ them on public works or induce them to go to the Colony to "take labour". (70) A European in the Colony wrote to the Secretary for Native Affairs representing the great scarcity of native labour in his district

(66) CMT to SEA 8/5/81, HA66, p.42FF and CMT's Report 68-35.

(67) CMT to SEA 20/1/82, HA74, pp.101-2.

(68) H.G. Elliot to all M.M.'s in Thembuland, 23/8/81, Circular No.42, CMT 1/120.

(69) Pencilled comment by W.A. (Ayling) 12/3/81, at back of letter of CMT to USB 28/2/81, HA66, p.10.

(70) Pencilled marginal note by J.S. (Sauer) 15/4/81, on CMT to SEA 7/3/81, HA66 p.22.

- (71) CIL to USNA 3/8/31, HA 70, p.130
- (72) USNA Report for 1931 dated 5/1/32, HA 70, p.27.
- (73) His report in G-8-83.
- (74) Telegram, Colonial Secretary to CIL 21/12/30, CIL 1/76.
- (75) CIL to USNA 4/4/32, HA 76, p.23-4.
- (76) Report from "several magazines" in Theobald. CIL to USNA 2/8/31, HA 70, p.130.
- (77) "Unpublished and undated" section, HA 81 p.20-1, being a copy of CIL's report G-8-83.
- (78) CIL's Report G-2-85.

A source of labour in Theobald not arising directly from the society and which was not upon Hope's list, was that of natives who had been gaoled for crime. Elliot thought it "very desirable" that all prisoners sentenced to a longer term of hard labour than three months should be handed over to the Public Works Department and employed in the Territory. This would save the expense of sending them to the Colony, and prevent overcrowding the local prisons, most of which were crissed and

there with honest intentions. (78)

concluded that many Africans who stole in the Colony went to steal stock rather than return empty-handed. Elliot was of the opinion, and did not obtain labour, they were tempted always and often would be sure to starve. (77) When they did come back from the islands, the 12 they went out of the country their chance of their getting odd jobs in the neighbourhood or their

their families they said that whilst in Theobald there was a man working in the Colony they had no means of realising money to seek employment in colonial districts adjoining Theobald. (76) to work, because of the vagrancy act, while others preferred to Some Africans were reluctant to proceed to the Colony

great society of food. (75)

was fortunate for the Komoros that this occurred at a time of In wages to Komoros labourers in saving cargo and packages. It Komoros cost. Nearly two thousand pounds was spent by April 1932 Hope's list. An American ship, the "Colonette" was wrecked on the The Komoros experienced wage labour for the first time following done with Gambia and other defected Africans two years before. (74) East London where they would be put to service in some way as was as for the defected Komoros - they were to be sent to

court. (73)

to employ them on road works and tree planting in their own advantage could be taken of the self-sterilisation of the Africans plantation at All Saints in the Fingabo district thought that in particular pointing to the need for road work. (72) The matter Stanford advocated labour as a means of relieving distress, that they would be willing to proceed either "for service" (71) and requesting Elliot to enquire whether Africans of that

insecure. (79) As it was, prisoners could be used for Municipal work without payment of wages. This was laid down by a Circular (No. Twenty-two) of 1879, in terms of which the Municipality might have the use of prisoners, if they provided the tools and other necessaries, as well as furnishing a sufficient guard.(80) Prisoners in the Engcobo district were employed on the main roads. Their labour was the only means Stanford had of keeping the roads in passable order, and "really good work" was done. As the roads in the districts required attention he hoped that they would be allowed to remain.(81)

Passes were issued to Africans proceeding to the Colony. Instructions were given that permission was to be granted to them to proceed only to the nearest seat of the magistracy within the Colony where the holders of passes would report to the Resident Magistrate who would extend the time stated in such passes upon a sufficient reason being advanced.(82) 1880 was the first year in which Stanford had managed to induce the young men of the tribe to go to the Colony to seek employment, and during that year about four thousand passes were issued in his district. Especially during the shearing and reaping seasons people went in large parties to get employment amongst the farmers. (83) To prevent stock theft, and for the convenience of farmers, Field Cornets were appointed Issuers of Passes, although traders were to be debarred from such work.(84)

Not only were prisoners employed on public works in the Colony, but the opinion was held that long service prisoners should be sent to the Colony.(85) Another outlet for the labour supply was among the European farmers who acquired land as a result of the settlement arranged by the Thembuland Settlement Commission.(86) That Thembuland was considered a potential source of labour is suggested e.g. by a letter from the Under Secretary for Native Affairs to the Chief Magistrate Thembuland, asking for an estimate of the number of labourers he could supply in the event of the completion of the railway to Kimberley. The Diamond Fields introduced the disease of smallpox in Thembuland.(87)

(79) CMT's Report G-3-83.

(80) Marginal Note (p.210) at back of CMT's covering letter to R.M. Untata to CMT 18/12/83. HA91 p.211; R.M. Untata to CMT 26/9/83 HA90, p.116.

(81) R.M. Engcobo to CMT 26/9/83 HA90, p.126.

(82) CMT to USNA 26/1/80, HA56 p.143 (enclosing circular to R.M.'s Thembuland)

(83) R.M. Engcobo to CMT 26/4/80 and 1/6/80, HA60 p.121ff and HA61 p.63

(84) CMT to USNA 20/11/84 HA101, p.49 and marginal comments thereon by Rose-Linns and de Wet.

(85) As suggested by A.F.R. Robertson, Chief Accountant, Cape Town, and supported by R.M. Untata (letter to CMT 26/9/83, FA90, p.116)

(86) R.M. Xalanga to CMT 26/10/83 HA90, p.245.

(87) Elliot's answer for the railways was "From 1000 to 2000" USNA to CMT 26/2/85, CMT 1/72, and CMT to USNA 27/2/85 CMT 1/12.

The value of Transvaal as a reservoir of labour was stressed by the Special Commissioner, S.A. Probert, tapped and encouraged by the Residents before 1875, and especially viewed with enthusiasm after Ibope's War. At this time the Africans needed employment, for not only was there drought, but hut tax had to be paid. Thus, "in the face of European colonisation, the natives neither decreased or retreated. Each blow that fell upon them drove them not outwards into estrangement but inwards into greater intimacy...." (88)

CHAPTER EIGHT

POLITICAL RELATIONS FOLLOWING HOPE'S WAR

"For the African peoples the most important factor at this (first phase) of colonial history, however, was probably not the issue of European settlement or its absence, not the relatively concrete issues of land or labour, certainly not the difference between the policy of one colonial power and another, but the far more intangible psychological issue of whether any given society or group was left feeling that it had turned the colonial occupation to its own advantage, or alternatively, that it had been humiliated... Every occupying power made both friends and enemies."

R. Oliver and J.D. Fage. A Short History of Africa (Penguin African Library, 1964.) pp.202-3.

After Hope's War, Elliot's cup of distrust was overflowing and he expressed this state of mind in a series of bold suggestions to prevent war in the future. The natives were to see that the authorities were strong and prepared; being a Victorian father he pointed out that the father who kept a rod in view might not use it more frequently than he who hid it after application. He suggested other measures for defence: the establishment of a chain of townships from the Colony to Natal, each to be defensible against attack; and the relocation of rebel natives so that they would be under great central control.⁽¹⁾

One of Elliot's presuppositions was that Government was still not desired by Africans generally. He believed that the great majority looked forward "confidently and hopefully to a time when they will be delivered from the white man's Government, and return to that of barbarism". Many loyal and thoughtful old Africans told Elliot "gravely that the war has yet to come".⁽²⁾ Even the well-disposed natives feared making enemies of those who they thought might win in the end, not in Hope's War, but in the large combination all thought probable and that many were working to bring about. Natives were more confident of ultimate success than they had ever been.⁽³⁾ Both

(1) CMT to SMA, 8/3/81. NA66, p.42FF.

(2) Elliot's Report, G33-82.

(3) Elliot to Ayliff 15/4/81 (marked "confidential") NAGB p.56.

Elliot, (4) and Stanford (5) thought that the slow progress being made in Basutoland encouraged the Africans east of the Drakensberg in the idea of their own strength, and their faith in the "big war" that was still to come. "Natives of all tribes", wrote Elliot, "have such a perfect understanding.... A Black Bond exists that coercion will never break up." (6)

The Thembu had forebodings about their future too. When J.W. Sauer, the Secretary for Native Affairs, visited Thembuland in 1831, they expressed their fears for their diminishing land area; and Nqangeliso expressed concern at his diminishing power. He no longer received licence fees from traders and others and he had therefore lost a great part of his income since he had been "taken over" by the Government. He asked that his annual allowance be increased from £200 to £500. Sauer remarked that he thought it unfair to ask for such a large increase, but to show the Government's appreciation of his conduct during more than one important crisis, and to help in the education of his children, he would increase his salary by £100. (This ^{He was given} giving him the £100 Dalasile had forfeited by his rebellious conduct.) A second general complaint among the Thembu was expressed by Silas, a Thembu councillor, who maintained that cases which in the first instance should go before the chiefs went instead before the magistrates; the people, he averred, did not understand this and desired an explanation. On the question of jurisdiction the chiefs wished to be kept fully informed of all important criminal cases, although they had no objection to these going before the magistrate for trial. Another grievance was that the poorer classes should be given time for the payment of hut tax, and should not be too hard pressed. Sauer thought that this should be remedied although he doubted whether magistrates harassed poor men for the payment of hut tax. His further assertion that he thought there were few Africans so poor as not to be able to afford to pay it, was wide of the mark. (7)

Matansima, the Emigrant Thembu chief, also met the Secretary for Native Affairs, and he too wanted an assurance that his land would be safeguarded. He informed Sauer that his income had been much reduced since the "annexation" of his country. Before "annexation" (i.e. de facto annexation, which was the "incorporation" of 1878) he had received licence

(4) Ibid.

(5) WBS's Report for 1831, dated 5/1/32. NA74 p.29.

(6) OMP to USNA, 5/11/31, NA73, p.49.

(7) Interview between SNA and Nqangeliso, 15/11/31. C.26-82.

fees from traders and wood-cutters, as well as certain fines from his own people. In 1881 he received no revenue at all from that part of his location which was in the Southeyville magistracy, and when he wanted to go there he had to obtain a pass before he could do so. He asked for an increase in his annual allowance to compensate for the loss he had sustained since "annexation". Sauer agreed to increase his annual allowance to £120 on condition that Matansima renounce his claim to fees for licences.(8)

The role of the Government officials following Hope's War and following Proclamation 13 of 1882 was still to a large extent military, for not only were dissident elements still at large, but Elliot's fears and prognostications of a united tribal front (with Thembu participation) continued from the end of the war until 1885 when Thembuland was formally annexed.

Dalasiile was advised by Kreli, Siqungati and other rebel chiefs not to surrender. His course of action was uncertain although according to Stanford he was personally inclined to do so. (9) Eyes were still turned towards Basutoland - if war recommenced there, the Pondos were likely to fight. Elliot told Stanford that Umqikela the Pondo chief had sent a message to the Governor (Sir Hercules Robinson) that if more soldiers were sent to Port St. Johns he would look upon it as a declaration of war and act accordingly.(10) People in the Transkei and Kokstad told John Frost that they were only waiting for the Basutos and would then rise as one man. They knew they had failed before because they rose one after the other.(11)

Stocktaking during the war was followed after the war by stocktaking of an intellectual nature, for it was a time when it behoved them all to be on the watch and to know as much as possible of the feelings of the natives.(12) Native Affairs in some parts of the Transkeian territories were unsettled in March; in April Stanford visited Cape Town where he had long conversations with Upington and Solomon on the "management of natives" and "native questions".(13)

As in the years preceding Hope's War, the administrators were faced in July 1882 with the possibility of a combination on

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- (8) Interview at Umtata 14/11/81. G.26-32.
(9) D7 30/1/82.
(10) Ibid. 12/2/82.
(11) John Frost to Stanford 6/3/82. F(g)3.
(12) Ibid.
(13) D7 24/4/82 and 30/4/82.

a wide front against the Colonial power. A Pingo of the Rugebo district visited Basutoland in that month, and was mistaken for a rebel. Accordingly messengers on the way from Krelé to Daladile via Lerothodi's told him that their message was that matters had been arranged for a combination against "the English". Lerothodi's reply to this was that the chiefs outside Basutoland should not be impatient.

1st

"They spoil everything the previous time by their impetuosity. They the Basutos were working the matter quietly, and the Boers were ^{are} with them." (14)

The Pondos were receiving supplies of guns from Natal.(15) A meeting of Pondos was addressed by an unidentified African who told them that the Basutos had defeated the English and obtained all they wanted; "and now the Boers are going to join the Basutos and us, Pondos, against the English".(16) Elliot believed that unprincipled traders in Pondoland were doing their utmost to foster a war atmosphere for the purpose of keeping up a demand for arms and ammunition, and that they were doing exceptionally well in their sales. The reasons that Dutchmen were prepared to join the Africans arose from two causes, the recent war in the Transvaal, and an attempt on the part of those chiefs who wanted war to lead the people to believe that they would receive support.(17)

By the end of 1882 Elliot did not think that there was any immediate danger, even though a rumour that the Pondos had attacked and captured Umata caused an outburst of looting of traders' shops in Thembuland. Nevertheless Elliot did not feel secure as the Thembus were "easily worked upon and fooled by the representations of others and therefore cannot be relied upon".(18)

Krelé was still a major focus of discontent for the Government's enemies for, despite the loss of territory and scattering of his tribe after the Ninth Frontier War, he was still at large in 1882. Several times in the second half of that year he requested Elliot to allow an official to meet him to discuss terms of surrender. Elliot thereupon, having obtained Cape Town's consent, told the fugitive Paramount Chief that the Government had decided to repeat the proclamation offering a reward for his capture; and that the Government no longer sought his life or person. Krelé was reminded that he had twice been offered terms of settlement and had rejected them; finally it

(14) R.M. Rugebo to CMT 20/7/82 (marked "confidential") HA78 p.64.
(15) CMT to SNA (marked "confidential") 25/7/82. HA78 p.59.
(16) Confidential telegram. CMT to SNA 21/7/82. HA78 p.67 ff.
(17) CMT to SNA 25/7/82 (Confidential) HA78 p.59. There were clashes between squatters and Thembus at this time. Act.R.M. Xalanga to CMT 31/7/82, HA79 p.52; D7 23/7/82.
(18) CMT's Report, 63-65.

was made clear that he could not be restored to the country he had formerly occupied; but he could suggest a spot where he would like to be settled with his family. After deliberation Krelli asked for a return of his former land; this refused, he suggested his old homestead at the Quere in Gealekalanda.(19) He eventually tendered his complete submission in September 1884, and Elliot considered the Gealeka difficulty solved.(20)

1885 saw an increase in tribal unrest. Reliable authority reported that the Basutos were encouraging the Fuzee to assist the Government with a view to creating dissension on their side of the mountains. Government, warned Elliot, had to be alive to the fact that the state of Basutoland had "greatly unsettled all native tribes". The hut tax that year was collected under great difficulty and although it was essential that a census be taken in Thebuleland - there had been none since before the war, and it was necessary for the collection of revenue - Elliot did not recommend that it be done at that time, as "natives are not in a frame to be obedient to the commands of Government".(21)

In May Matanzima held a war dance at his kral. Such a revival of the ancient war spirit had not been heard of for many years and did not augur well.(22) Another disquieting sign in Emigrant Thebuleland was the increased buying of saddles by the Africans, usually a symptom of impending trouble.(23) Robert Stanford, magistrate of the newly created St. Marks district within Emigrant Thebuleland, was certain that Matanzima would join Ngungeliso should he rebel.(24)

In such an atmosphere the Europeans in Thebuleland (there were 1,585 in 1880 and 8,320 in 1885(25)) became "a little nervous". Only with the greatest difficulty was the Magistrate at St. Marks able to prevent "a stampede" out of the Territory. By August the war scare had reached such proportions that a special commissioner, W. Fleischer, was appointed to collect evidence and make a full enquiry.(26) A war scare in the native territories was an extremely serious phenomenon, and delicacy of handling was needed by the magistrate. For as soon as rumours were circulated, no matter how vague and unfounded that they might be, all Europeans and loyal natives would rush to the

(19) CMT to Krelli 20/10/82, H481, p.76 and H.S. Vice to Elliot 25/10/82. H481, p.81.

(20) CMT to USHA 3/9/85, CMT 1/128; CMT to USHA 17/8/85, CMT 1/124; USHA to CMT 21/9/85, CMT 1/72.

(21) CMT to CM Roksted 19/4/83, CMT 1/128; CMT to USHA 8/5/85, H486 p.139; D8 13/2/83.

(22) R.M. St. Marks to CMT 28/5/83. (marked "confidential") H487 p.12FF.

(23) Ibid. D8 27/5/83.

(24) to CMT 28/5/83. loc.cit.

(25) CMT to USHA 29/4/85. H480 p.16. and G5-86 Section III Thebuleland.

(26) USHA to R.M. St. Marks 3/8/83, H489 p.232. See Fleischer's Report G409-83.

magistrate of their district asking for information, advice and assistance. Failure to give such information would lead the applicants to think their position far more dangerous, than it really was. To give advice contrary to known facts to allay fears would be to incur a grave responsibility, for if loss of life and property did result, that officer would be morally responsible. (27) Such was the invidious position in which the magistrates were placed, and the political role they were called upon to play.

Not only was the opposition to European control manifested in military preparations and threats among the African tribes beyond the North Eastern border of the Cape Colony, but it found expression within Transvaal in a coherent agitation for a return to the pre-1875 Resident system. Such agitation seems to have stemmed from developments in Basutoland - Letebeh had demanded full Imperial control for Colonial Lesotho, and Scoulen sent Kerriman to London to start to bring this about. (28) Meetings were held in Transvaal to devise plans whereby other tribes could obtain concessions and privileges similar to those they thought would be granted to Basutoland. Letters addressed to the Government in the name of Kgongelisoa showed how clearly it was forecast that the settlement would be. (29)

By a return to the Resident system, the chiefs and headmen meant the abolition of hut tax, withdrawal of magistrates, and the appointment of a Resident. (30) "Some influential natives" (31) in Transvaal made representations to the Government requesting the removal of all magistrates, excepting Elliot, in Transvaal and Natal Transvaal. They wanted this because all cases were then tried by magistrates and they consequently had nothing to do with the affairs of their own country; ^{because} ~~that~~ "national meetings" that were formerly held were no longer held; ^{because} ~~that~~ if one chief visited another he was required to state the object of his visit before doing so - this caused dissension and limited their influence. (32) Furthermore, newcomers were located in different parts of Transvaal by the magistrates without the

(27) CMT to HMA 11/9/83. HMA 9, p. 139ff. 25 27/6/83.

(28) E. Walker. op.cit. p. 324.

(29) Elliot's Report. 63-84; 18 18/8/83. Basutoland was taken over by the Imperial Government by act 34 of 1893. Nyberg, Select Constitutional Documents (1916) p. 37.

(30) CMT to HMA 12/6/83. CMT 1/128.

(31) No further details specified.

(32) Chiefs like other natives, were subject to the Pass Laws. CMT to HMA 2/7/83. CMT 1/128.

knowledge of the chiefs; that new laws were made without the consent of the people, and the jurisdiction and influence of the chiefs were destroyed. "They say they are tired of magistrates and their irritating interference". These were reasons why some of the petty chiefs and headmen sought against the Government without the word of the Paramount Chief. (33)

J. G. Sauer sought Elliot's advice. Elliot thought that while the petition and the meetings had been investigated by the Resident Chief's, messengers from whom attended the meetings, the Tembu had grievances of their own. The Redgrant Tembu chiefs in particular, he pointed out "were very bitter at the country having been taken over". (34) Elliot attributed the dissatisfaction and disaffection among the Africans to their lack of a voice in the management of their affairs. He suggested that chiefs and headmen could be used with great advantage in administrative, fiscal and minor judicial work; the chiefs could be entrusted with the collection of taxes and the trial of all minor cases, and a few magistrates to hear appeals from courts for trial of serious cases and to receive revenue would be enough. The adoption of this course would naturally restore the influence of the chiefs, and Elliot was aware of this, but he reasoned that their presence could not be ignored, for if they were not with the Government, they would be against it. (35)

Headmen were given added responsibility in the ward system and they perhaps felt that they had turned the Colonial occupation to their advantage. (36) Their functions and this system must now be analyzed before a discussion of the Tembu movement for a return to the pre-1875 system is resumed.

The ward system was a new feature of Government control after the wars. It was most successfully adopted in the district of Ngobo where there was only one chief who still possessed the rights of a chief - Ngobhla. He consented to the change in his location after Stanford had carefully explained his wishes to him. Stanford was impressed with his acquiescence in this innovation. (37) Land was still held on the communal or tribal

(33) USN to GHT (confidential telegram) 2/7/03, CR 1/71, giving details of a petition sent to him by the Tembus.

(34) GHT to USN 2/7/03, CR 1/125.

(35) Evidence before Native Lands and Customs Commission, C.J. 33.

(36) See quotation on p. 1. of this Chapter.

(37) N. M. Ngobo to GHT 11/12/03, HMQ 1 p. 195. Rainelle and Steino Tyali were defeated in war; for their fate, see below.

system, but to facilitate the collection of hut tax and afford better control generally, it had been sub-divided into small wards with a headman in charge of each ward. The sub-division in the Ingobo district was made by the leading headmen of the tribe and all new appointments were made upon their recommendation.

The functions of the headmen were to distribute garden lands, settle small land disputes, arbitrate in civil cases arising in their wards, and attend at Stanford's office to assist in the hearing of more important cases. (Their regular attendance during 1893 without pay was noted.) They examined, and after all the evidence had been led, expressed their opinion on the matter, which was in fact the verdict, for Stanford rarely had to oppose their findings.(38) In addition, it was the practice for chiefs and headmen to give notice of all new arrivals for the purpose of tax registration.(39)

Another function of the headmen was that of police work - the suppression of crime,(40) especially that of stock theft. Stock theft was an enormous evil,(41) ever since the relocation of the rebels of 1880-1, stock stealing from Europeans and Africans throughout the Transvaal Territories and Pondoland had been "almost unprecedented in the history of this country". The Pondos had frequently told Elliot that they had never known stock theft as prevalent as it had been during 1883 and 1884. Old Councillors stated that it was not stealing, but war.(42)

A digression on this cause and result of unrest is necessary. The increased stock thieving was due in some measure to the reduction of Native Police in Lesbulari owing to the retrenchment policy of the Government. (43) It could not have been unrelated to the economic plight of the Thakus: increased thieving began at the time of resettlement. After drought in 1884 (44), in 1885 "a large number of Africans were reduced to absolute mendicancy". The year began with redwater amongst their stock, and the drought destroyed the grass and crops; little or no harvest was reaped and cattle became so weak from want of food that when the spring rains came great numbers succumbed to the cold, the remaining

(38) WES's Report G.3-34.

(39) COT to USBA 18/1/84. HA92 p.130.

(40) COT to USBA 12/2/84. HA92 p.243.

(41) WES's Report G.2-35.

(42) COT to USBA 11/9/84. HA98 p.2.

(43) Stanford to a meeting of Headmen of Ingobo on 20/12/83.

Minutes, HA91 p.238. COT to USBA 22/9/84. HA99 p.36.

(44) COT to USBA 28/4/84. HA95 p.278; D9 12/7/84.

even being out of condition for ploughing. Seed was only to be had at prices few could afford. The crops that were sown during the Spring of 1885 looked promising, but "almost unprecedented" hail storms destroyed all standing crops in "several portions" of the Territory. Seed advanced by the Government saved many from starvation.

A further reason advanced for stock thieving ^{arose from} its method of detection and prevention. One of the grievances brought forward during the period of renewed agitation for Thabai independence in 1883, a grievance that was brought forward at meetings of the Thesbas was that there had been an increase of stock stealing since the administration of Thabaland came into Colonial hands. Stanford admitted that this was true and attributed it to the difficulty of obtaining convictions under Colonial laws. (16) It was generally agreed (17) that punishment was not severe enough to deter thieves. In many instances only a few ~~cases~~ of the stock were recovered, and the convicted thief happily underwent imprisonment knowing that on his release he could enjoy the stolen stock kept for him by friends. Under African customary laws stealing was a rare occurrence. (18)

A system of collective responsibility, or spor law, was in operation, in which the occupiers of any location or tribal area were held responsible for the value of stolen stock traced into such area. If the thieves were produced before the payment of the compensation was assessed, the responsibility of the occupiers ceased - if after payment they recovered the fine from the thieves. Walter Stanford's experience of the enforcement of that law was that in most cases the thieves were produced before the payment of compensation was made. Regulations founded upon this practice were given in the Report of the Native Laws and Customs Commission and framed in the penal code. (19) Stanford reported surprising results in the quantity of stolen stock recovered and in the number of thieves caught due to the system of holding locations responsible under spor law on the

(16) IS. 12/11/83.

(17) At special meetings of Chiefs, headmen and leading men in different districts, that Elliot requested be called by his Bushland Magistrates.

(18) C.M.'s Report, C.5-36. These also insisted that Western Society was superior to tribal society often forgot that there were no goals or games in tribal society.

(19) Clauses 304-5. Report of Chief Magistrate of Original East (W.S.) C.5-36. W.S. himself was responsible for the framing of the Spor Law Regulations.

one hand and on the other by liberally rewarding captors of thieves and stolen property.(50)

Thus the headman and ward system was used to apprehend thieves. In the district of Engobo, for instance, there were only eight to ten mounted policemen amidst a population of twenty to thirty thousand; apart from the detection of crimes the police had other duties as well.(51)

The ward system went a long way towards breaking down tribal tradition of rule by hereditary tribal and clan heads. In many instances Stanford appointed "common men" as headmen.(52) When he left Engobo to become temporary Chief Magistrate of East Griqualand, he thought that his district would be pleased to see him go because of the small section system he had introduced (and other changes he had brought about); he was therefore surprised that there was talk among Africans of keeping him at Engobo.(53)

Regarding headmen, Natives were fond of what they considered an exalted position, Stanford noted, or they would not have been found so ready to undertake the troublesome duties of headmanship as they were. When a new headman was appointed Stanford would give him advice and warn him against receiving bribes, untruthfulness and collusion with stocklifters.(54)

The development of the movement of those who in contrast to the headmen, fought against the established system must be taken up again. The two principal personalities in the agitation were Ngangelawe and Nohemish Tile. The role of the former was ambiguous. Many of the protest meetings were called in his name, but Elliot did not hold him responsible for them. He felt that the chief was frequently in an irresponsible condition, and was taken advantage of by others; for when left alone he was neither unreasonable nor difficult to control. (55) This may have meant only that when he was not under Elliot's control he showed where his true sympathies lay. In a non-official note Elliot revealed that there was "every reason to believe" that Ngangelawe had consented to join the war party among the Thembu -

(50) WES's Reports, 65-3, and 65-361. WES to GMP 20/12/85. III/91 p.220ff.

(51) WES's Report 62-65.

(52) D1 30/4/85.

(53) D10 30/3/85.

(54) D10 18/3/85.

(55) GMP's Report 63-64.

which was allied to the Fingos and Basutos - and was constantly holding war meetings "but he is such a coward that I don't anticipate his doing anything of the sort". (56)

Hehenuah Tibe was one of the first of a new genre of African leaders in South Africa. He was an ordained minister of the Wesleyan Mission Church and one of a group of prominent African leaders within this church who had been ordained as a result of John Kilner's "deputational initiative" (57) in 1880. When Tibe was taken to task by a European missionary, Mr. Chubb, for disobedience to ^{him} and for his strong Xhosa nationalist sympathies, he left the Church in 1882. (58) In 1883, he formed the "Xhosa Church" with Ngangeliso as its visible head.

This church was not only founded because of opposition to European control within the Church, but also because of "a positive desire to adapt the message of the Church to the heritage of the Xhosa tribe". Ngangeliso was the Henry VIII of this Church, or as Sumikler put it, conning its established state:

"As the Queen of England was the head of the English Church, so the Paramount Chief of the Xhosa should be the supreme endocopus of the new religious organisation." (59)

The Native Separatist Church Movement had its beginnings in South Africa with the founding of this sect. (60)

Associated with Hehenuah Tibe in the Xhosa Church were Paul Shaw, a Fingo by birth whose family had settled in Thebaleland, and once an evangelist of the Wesleyan Society working in the Nganduli District, Simon Ngadymas, a resident of the Tokolweni Mission Station, and Wilson Lobe, formerly employed by Mr. E. Hedding of Clarkebury as a storeman. (61)

The signs of revolt did not diminish in 1884.

Unintentionally the Government assisted the cause of the Xhosas who were led to believe that their demands were being met.

There was a serious depression in the Colony in 1883, (62) and

(56) Elliot's confidential pencil note at the back of a confidential telegram from the Commissioner of Police, Durban to GHT 11/6/83. GHT 1/76. The Xhosa Chief Ngadhlwa after a visit to Ngangeliso told Stanford that the Paramount was at the head of the movement to remove magistrates. DB 20/7/83.

(57) Findley & Hollisworth, Wesleyan Methodist Mission Society Vol. IV (London 1922) p. 322. R. Sumikler Xhosa Exchanges in S.A. (London 1961) p. 39.

(58) Ibid. and DB 31/7/83; and Report of R.M. Nganduli (Elakway) G3-2.

(59) Sumikler op.cit. p. 39. Stanford affirms that it was a "Xhosa National Church" Reminiscences Vol. II p. 40.

(60) Rev. Allen Lea, The Native Separatist Movement in S.A. (Cape Town 1927) p. 23

(61) R.M. Nganduli's Report G3-2; R.M. Dntata (A.H. Stanford) to /see over/

the Government decided to reduce the number of magistracies in Transvaal by abolishing four, (65) and amalgamating the others. (64) From the first, Elliot and Walter Stanford were aware that this step would be regarded by those who demanded the removal of the magistracies as compliance with their wishes. (65) Furthermore it was a political mistake, for distant tribes liked to have their own magistracies as they thought they looked after their interests better than if they had to share them with others. (66) It was especially a blunder to amalgamate St. Marks District with Cape; Matamoras hated Levey and they had had to be separated before. (67)

Another ground for believing that the Government was yielding to the representations of the Transvaal was the handing over of Basutoland to the Imperial Government and the desire of the South African Government to similarly hand over its responsibilities for the Transvaal territories. (68)

In September 1894, meetings were still being held at which removal of the magistracies was discussed. Stanford was particularly in the way as owing to his influence Chief Manguwani and the Quatias were keeping away from the meetings. Meanwhile in Basutoland, Africans were in a state of unrest. On 15 September, the Secretary for Native Affairs, J. de Wet, visited Umtata where he met a gathering of Transvaal. Manguwani was spokesman, and once again voiced the demand that magistracies be removed, and only a Resident retained; ^{that} the Transvaal tribe to be united from Glen Grey to the sea under Manguwani; ~~and~~ ^{that they} be under the Imperial Government, and not the Colonial; in addition, ^{that} passes within Transvaal should be abolished; ^{and that} Transvaal should have full liberty to remove when they wished from section to section. (69) This document was originally intended to be an ultimatum. (70)

One of the principal chiefs in Transvaal (71) Holomisa, and one or two others, including Paul Shaw, spoke

- (62) GAT 23/7/84. HA96 p.209 ff.
 (63) IS 1/1/83; E.J. Byrne to WES 15/4/83. P(h)A.
 (64) WEMA to GAT 27/7/84. Telegram GAT 1/78; D9 5/4/84.
 (65) D9 26/3/84.
 (66) GAT to WEMA 20/3/84. HA95 p.229
 (67) WES to Comd. J. Frost 11/5/84. D1.
 (68) IS. 12/11/83.
 (69) D9. 8/9/84, 13/9/84 and 15/9/84.
 (70) Report of GAT 62-65.
 (71) 64-83 Appendix D. p.276.

however the former's eldest son was for war.(81) The qunbu and Tsolo districts were unsettled, and there were rumours that the Basuto were preparing for war, and that the Bondos and the coastal tribes would join them.(82)

Dangers for the administration were thus there, but it was considered safe enough to allow the former rebel chiefs, Stokwe Tyali, Ngube and Joey to return to Thembuland, especially as they were made powerless by the Government: they were released on the distinct understanding that the Government would not regard them as chiefs, but merely as private individuals and that they were to place themselves under the direct orders of the Transkeian Magistrates in whose districts they might be allowed to settle. Any attempt on their part to gather followings to reacquire political influence among their people, would expose them to the penalty of being sent back to Robben Island.(83)

Delasile after three years "in the bush" requested, in October 1884, to be relocated in Thembuland. Elliot suggested that he be treated as a prisoner of war, and Rose-Innes authorised him to place Delasile where he and Stanford thought advisable, and as a private individual.(84) Stokwe Tyali had been promised by de Smit, a clerk in the Native Affairs Department in Cape Town, that he could reoccupy his old kraals at the Xulu River; but Stanford disillusioned him with the information that his country had been sold to European farmers. He was therefore offered a kraal site in one of two wards in the Engobo district.(85)

In 1885 Ngangeliswe died after an illness - which was unknown to the Africans - and for which a European doctor ^{had been} was summoned. Dr. Johnston, the District Surgeon of Umtata, considered that he was suffering from chronic alcoholism, a disease of the liver and heart, which was incurable.(86) The Western man of medicine having failed, Ngangeliswe called for a witchdoctor. Elliot suggested that for some time Ngangeliswe had been deserted by the old councillors of the tribe, and that

(81) C.M. Kokstad to CMT ("confidential") 5/12/84. CMT 1/72.

(82) Elliot to UMA ("confidential") 26/12/84. CMT 1/124.

(83) UMA to CMT 16/6/84. CMT 1/72. They were detained on Robben Island under the provisions of Act. No.13 of 1880, and released by a Warrant signed by the Governor under Section I of that Act.

(84) CMT to UMA 29/10/84. CMT 1/124 (Telegram)

(85) D9. 11/8/84.

(86) D.W. Johnston to R.M. Umtata, 14/2/84. 1893, p.90.

he was entirely in the hands of Hehemiah Tile.(87) But Tile's movement was more than ^{simply} dependant upon an ailing Ngangelowe for ^{support} life.

By March 1885 Ngangelowe's successor, Dalindyebó and some of the subordinate chiefs and councillors began to bring forward grievances again. Dalindyebó appeared to have accepted Hehemiah Tile and his supporters as his confidential advisers. Kelo took a despondent view of the state into which affairs were likely to drift.(88) In June the young chiefs were restless and meetings were held in various parts to bring forward the old requests - which amounted virtually to a request for their independence. War rumours were rife about Engobo: it was reported that Dalindyebó would fight the Government in Spring and would be assisted by Matansima. Fingpes were almost involved in a faction fight, the former turned out armed, but dispersed when the Thembu did not respond to the challenge.(89)

By June it was certain that Dalindyebó was listening to Hehemiah Tile, but the war party had not gained the support of the whole tribe. Stanford's headmen informed him that "great joy" was being registered by the disaffected Thembu at his removal to Kokstad; they claimed that it was due to their request for the removal of magistrates, and maintained that the Acting R.M. of Engobo was only a temporary clerk sent there.(90)

".....(The) occupying power made both friends and enemies....." (91)

(87) CMF to USHA 16/4/84. NA94 p.140.

(88) D10 24/3/85.

(89) D10 6/6/85. and 18/6/85.

(90) D10 18/6/85.

(91) See introductory quotation at beginning of Chapter.

CHAPTER NINE

THE MAGISTRATE

"In those days administration was less centralized, and men of strong character enjoyed considerable latitude..... and in very many districts the officer in charge became the local patriarch. Men like these, who have served Africa best, would be the first to claim that what success they had was due most of all to the human interest and variety of the work and to the qualities of the people ruled. African administration more often makes than mars men; whether they come with specialised training, or lacking it, the work gives latent qualities of character a unique opportunity to reveal themselves."

W.M. Macmillan, Africa Emergent. (Pelican 1949) p.196.

Sir Bartle Frere found much to criticise in the personnel of the Native Affairs Department beyond the frontier.

"Energetic, well-trained officials, who were good office men, active administrators, sound hearted and high spirited gentlemen, who know the natives and their habits and language, but who retain their European turn of mind, and thought, and standards of conduct, are certainly very rare. ... But the present mode of selecting, treating and paying public servants here is not such as would attract men of the kind I have described." (1)

Was this criticism justified with regard to the Thembu administrators in Thembuland?

Frere was not necessarily the fairest judge of the conditions he found, as like other civil and military officers with Indian experience, he was too much inclined to judge the frontier by the standards of the Indian and British Civil Services. "Such comparisons could only be unfair." (2)

Frere blamed the system of paying administrators. For the financial year 1876/7, £3,924 was spent on Native Affairs, and £1,932,59 on Harbour Works and Railways. (3) Frere blamed the system of selection of public servants. Magistrates were appointed by the Secretary for Native Affairs, and later by the

(1) Bartle Frere to Carnarvon 18/3/77. Quoted in De Kiewit, The Imperial Factor, (London 1961) p.163.

(2) Ibid. p.169. Cape Times 23/4/78. Editorial, p.3.

(3) Financial Statement for 1878/9 p.3. A22-78.

Under Secretary for Native Affairs, without any set rules, but taking into consideration such factors as character, experience in dealing with Africans and ability to speak an African language.(4) Difficulty was experienced in finding suitable men for magisterial posts.(5)

There were found fault with the treatment of officials. Throughout the period covered in this thesis officials beyond the frontier fulminated against the hardships they suffered. The Harbour Master at Port St. Johns, for instance, asked for a salary increase in 1881 and Elliot supported this as living expenses at Port St. Johns were "very heavy". The same applied for all officers in Transkei, for the cost of living there was fifty to sixty per cent higher than it was in the Colony. Umtata was an exceptionally expensive place. Elliot asked that the minimum salaries of all Resident Magistrates be placed at £500 p.a. (6) Ayliff could not authorize the Harbour Master's increase, and although salary increases were placed on the estimates for 1882/3, these generally fell far short of £500 p.a.(7)

The Magistrates faced other hardships. Administrative expansion after Hope's War imposed added pressure on them. Elliot complained that the clerical assistance granted him by the Government was inadequate to the requirements of the service.(8) Pressure of official work had been an extreme strain during 1881 for Elliot so that he had not been able to visit any portion of that Territory that was situated more than a few miles distant from his office. Queries by letters and telegrams upon war expenditure, and expenditure following upon the war, and calls for reports on various matters had been so frequent as to require Elliot's daily attendance at his office. In addition to voluminous accounts which had been framed in Elliot's office, letters despatched during 1881 exceeded those of any previous year by more than a thousand. Moreover the incorporation of Beervanaland and Baigant Transkei into Transkei Proper had more than doubled the area of his territory and clerical labour had also been multiplied by the diplomatic work of W. Pondoland

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- (4) Evidence before the Civil Service Commission, G.410-83. Questions 422-8; 536-9; 550-1; and 5767-9. See too evidence before the Colonial Defence Commission, C1-77, p.87. Questions 1608-9, and 1613.
- (5) Brownlee to Colonial Secretary, 15/12/74, NA841, p.58.
- (6) CMT to USNA 25/3/81, p.174; See Sweeney to CMT 27/12/81 NA74 p.5.
- (7) Details are on p.154, NA78.
- (8) CMT to USNA 17/8/82, NA79, p.63ff.

being added to that office.(9) As it was important for Elliot to visit parts of his District, he urged an increase of staff.(10)

In March 1884 Walter Stanford, who was then magistrate at Engoobo, complained that the work there had increased greatly and that the office huts and those in which he was living were very damp.(11) At this time Elliot thought that the Magisterial districts of Thembuland were too large and the establishments barely sufficient for judicial and fiscal management. Each area he estimated to be about 1200 squariles. To reduce the number of magistrates or staff (as was mooted by the Government to reduce expenditure during the recession in the Colony) would throw judicial work into the hands of the chiefs, and increase crime by rendering it more difficult to detect.(12)

Both Elliot and Walter Stanford were highly critical of the Native Affairs Department despite the free hand and great latitude they often had within Thembuland. In December 1882 Elliot had two reasons for dissatisfaction at the way "things are done in the service". A.P. Robertson, Chief Accountant of the Native Affairs Department was visiting Umtata. He asked for ideas on several questions and frankly admitted his intention to submit them as his own. Secondly, Elliot's dissatisfaction arose out of H.S. Vice being "dodged" out of his promotion.(13)

"Since Mr. Sauer has been raised to the position of S.H.A." wrote Elliot "I have never once been consulted upon any appointment in this District, but on the contrary appointments have been made of which he knew I entirely disapproved. I feel that square men are being rapidly put into round holes and that they can't be made to fit, but the fault is not mine, and the country will know that if friction is caused."

Nothing could have been more detrimental to the interests of Thembuland, Elliot complained, than an appointment in Bomvenaland (J.W. Morris), as the Magistrate was disliked and distrusted by both Bomvanas and Gcalekas; moreover if trouble came Elliot would hear nothing of it until it was too late, and Morris would share Hope's fate.

"I never knew anything more injudicious than that act, besides it is grossly unjust to Vice. But I suppose I have no power to compel the ministers to act with either justice or discretion. The way things are now managed makes me sore and disgusted." (14)

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- (9) CMT's Report C.4-83.
 (10) CMT to SHA 3/1/82, HA74 p.9F.
 (11) WES to a Mr. Grier 22/3/84. D.1.
 (12) CMT to UENIA 8/5/83. HA86 p.188
 (13) D7 12/12/82. Ibid.
 (14) Elliot to WES 19/12/82 (private) F(g)6.

Elliot objected to tight control from Cape Town: officers had to obtain authority from the Head Office before incurring expense in travelling in the magistracies, or else bear the expense themselves. Moreover travelling on duty had to be performed on horseback: Elliot pointed out that only those who had little experience of such travelling could issue such orders, for it was hazardous and dangerous. Furthermore Elliot found it embarrassing to have his instructions to his subordinates thwarted by quibbles over travelling allowances.(15)

Stanford too had his complaints against the Department. In May 1831 his application for a salary increase was not granted and he expressed his discontent with the "service". There was no probability of his leaving at the time but, he added, "I hope some day to be able to clear out". Commandant Frost sympathised with his discontent with the "old groove", and suggested that he apply to be relieved by explaining that he only went into "Kafirland" under the condition that it was not to be a permanent arrangement. (16) In 1834 he wished to leave his post in Thembuland to study law. "... I have passed through experiences", he wrote, "which have made me long for independence and a wider field."(17) Walker (Stanford's father-in-law) interviewed De Wet and Ross-Lines and explained Stanford's grievances to them; he wanted to retire because of dissatisfaction with the civil service in general and disapproval of the manner in which affairs were being conducted in the Native Territories in particular; injustice was being done by placing Stanford on a lower remuneration than inferior men of shorter service; finally it was a farce to increase a man's district by three or four hundred square miles and then take away his forage allowance. (18) Uppington, the Prime Minister, wrote to Stanford "in haste" after hearing of his plans, persuading him to stay by indicating that he might be promoted; he was later told explicitly that if any of the Chief Magistracies became vacant it would be offered to him.(19)

Were the criticisms of Elliot and Stanford justified? Was Frere's opinion that the method of treating members of the civil service was a reason for discouraging the best men?

- (15) GEF's Report C.2-35.
 (16) Commandant Frost to WES 15/8/31. F(f)1.
 (17) WES to J. Walker MIA 6/6/34. D. For other letters expressing this wish see D1, letters of 15/4 and 16/4/34.
 (18) Walker to WES 21/5/34. (being addendum to letter of 20/5/34) F(1)4.
 (19) T. Uppington to WES (private letter) 19/6/34. F(1)5.

Joseph Walker, Member of the Legislative Assembly for Port Elizabeth, made some illuminating disclosures on the working of the Native Affairs Office. De Wet, he thought, would be a good chief, as he was "very straight" and would not leave everything to Innes as Sauer had done during his Secretaryship. William Ayliff told Walker that when de Wet asked Innes what Sauer's practice was with letters, Innes informed him that Sauer never looked at them - "in fact did nothing! So you may judge how Master Innes had entirely manipulated the Native Department." Ayliff told him that he saw every letter but did not read all - they were sent to him with marginal notes describing their contents. He did not interfere with routine letters, but no letter of importance was answered without his having seen the reply.(20)

Nor did de Wet apparently have full control over his department: he told Stanford that a letter of censure of the latter for a portion of his last annual report was written without the knowledge of the Government although it purported to have been written by the Under Secretary. De Wet assured him that so far from disapproving of what Stanford had written, he approved of it! (21)

"There is such a lot of red-tapeism (sic) going on that makes one quite sick to tackle anything and instead of knowing that you are doing any good, one is only certain that he is bringing worry and trouble on himself", wrote the Chief Magistrate of East Griqualand.(22) He was "sick of that sort of work". Had he known that in what was considered by the public to be a high and responsible position, "one's hands, feet and tongue, and pen" were so completely tied down, he would not have consented to accept his post; he was very fond of "native work" but he wanted to see that he was doing some good to the natives and the country - but that was impossible to do when he was "knee haltered and hobbled by Cape Town fetters". They were obliged to carry out the schemes and instructions of men who knew nothing about Natives or the way of managing them.(23) As an illustration of de Wet's lack of knowledge, he told Stanford that he was not satisfied with Chalmers's work(24); when Stanford arrived in East Griqualand to relieve Chalmers, he found that

- (20) J. Walker to WES 20/5/84. F(1)4.
 (21) D10 17/4/85.
 (22) F.B. Chalmers to WES 5/1/85 F(j)1.
 (23) Chalmers to WES 5/1/85. loc.cit.
 (24) De Wet to WES F(j)3.

Chalmers had had won the highest opinions of all in Kokstad; and everything was in nice order which reflected great credit on the Chief Magistrate.

Chalmers had personally intervened in the Rondo-Baca trouble and prevented a clash of arms. For this he was thanked by the Government, "but our friend Innes tried afterwards to pick a hole in his coat on his own account I do not doubt." He asked why certain guns forwarded to Mt. Prere had not been issued to the Bacas; "making some of his remarks." (25)

Stanford would have preferred Chalmers to Rose Innes as Under Secretary for Native Affairs since he thought this would be much smoother and better for the Africans. (26) The Annual Report of Chalmers for the Blue Book on Native Affairs had been cut down by about half, the material omitted being in reference to the system of administration in the native territories and contained ^{brought forward} "sound objections". Some of it was aimed at the tendency to centre on Cape Town decisions of the most trivial kind. Stanford could well understand that Innes would not care to allow those remarks to see the light. Innes also censured Stanford's remarks on forest conservation in his annual report as "highly undesirable". (27)

Without attempting to assess the rôle of the officials of the Head Office of the Native Affairs Department - this demands a separate study - the viewpoint of officials beyond the Kei must be balanced by a brief consideration of the limitations and difficulties they faced.

The first Secretary for Native Affairs was assisted by a small staff comprising himself, and a chief clerk. Under him was a temporary clerk (increased to two in 1875) and a permanent clerk (from 1877). The post of Under-Secretary was created on 1 July 1878. The Department in 1876 comprised nine civil commissioners and fifteen magistrates. The central N.A.D. office in Cape Town was struggling under pressure of work; Brovales defended an attack on inefficiency for instance with the assurance that every effort was made to give the quickest

- (25) D10. 25/5/85 and 30/6/85.
 (26) Ibid. 25/5/85.
 (27) Ibid. 24/5/85.

despatch possible.

"But there are a great number of requisitions, estimates, and letters to be dealt with in such an office as this, which is the chief and central one for the despatch of all business connected with Native Affairs throughout the Colony both East and West." (28)

If, as Frere suggested, the mode of selecting, treating and paying public servants was not of the kind to attract his ideal magistrate, were there at least magistrates who reached his ideal. This chapter concludes with an assessment of the qualities and works of two magistrates in Thebuleland, Elliot and Stanford set against the contemporary background.

Writer Stanford was born and educated on the Eastern Frontier, spoke Xhosa and was regarded as an authority on native law and customs; (29) Elliot was born in Canada and came to South Africa at the age of forty-four after retirement from a military career.(30) There is more available evidence on Stanford than Elliot: but by 1835 both had established themselves as administrators who were inclined to support the interests of the natives.(31)

What were contemporary prejudices and "ideas of the African"? The Boers clearly expressed their attitude. Campaigning during the 1830 Rebellion, in the absence of a doctor, Stanford helped to dress the wound of a Fingo; but the "Tarkastad Burgers" objected to a wounded "nigger" lying as close to them as a few yards away, in a separate tent, and pulled down the tent he was to occupy. Stanford ordered it to be put up again and supported by Mr. Hagan, Chief Constable of Lady Frere "threatened vengeance on any Dutchman who should again make the attempt". (32) An extreme and crude example which, if not typical, points to a tendency in behaviour and thought: a farmer, G.H. Marais, shot an African trespassing on his farm "because he thought he had smallpox".(33) On the first day of 1833 Stanford mulled over the prospects for the year; he noted that the ascendancy of the Dutch power was becoming more marked. "From a Dutch point of view this may be all right" he added "but the natives will suffer." (34)

- (28) Brownlee to CMT 8/6/76 NA843; and evidence of James Rose Lines before the Civil Service Commission (G.110-33) See too marginal comment on CMT to UBNA 8/42/79 NA55.
- (29) CMT to SHA 13/6/31, NAGS p.167.
- (30) Rev. B. Holt "Major Henry Elliot" loc.cit.
- (31) See above, especially in connection with the introduction of Proclamation 13 of 1832. Chapter Six.
- (32) D3 21/11/30, p.34 and D4 21/11/35.
- (33) He was convicted of culpable homicide (smallpox was a threat at the time) and sentenced to a fine of £50 or a year's hard labour. NA 100 p.28 R.M. Engobbe to CMT 28/10/84 and 19 19/1/85.
- (34) D6 1/1/83.

British-Boer relations were hardly friendly at this time following the Transvaal War of Independence and the British defeat at Majuba in 1851. Stanford during this period reveals his clear prejudice against the Afrikaner farming community. "I find myself thinking", he wrote during an official journey to the Koranna trouble spot on the Northern Border of the Cape Colony, "that our farmers in the East (Eastern Province) are a superior class of being to these men, notwithstanding the allowance to be made for the mainsprings of course of our lives, education and circumstances". Once Stanford invited a "Dutchman" to have a drink with him "which he did urbanely. I looked upon him as a curiosity." But Stanford was not wholly prejudiced: he later noted that at "Eland's frontier or fountain" he found the "Dutch family quite civilized". (35)

Stanford was unsympathetic to the trekkers and squatters who entered the vacated lands of Thebuleland following upon the 1830 Rebellion. Opinions and impressions he recorded during this campaign must serve as a final example of his attitude towards the Boers during this period. While the surrender of Gecolo's tribe was proceeding, "Burgers" tried to go past the Colonial camp to "plunder", but this was stopped by sending patrols of Rovers to arrest them; "Running in" Burgiers gave much pleasure to the Rovers. (36) In the course of examination a Burgher called Captain Morris a liar:

"Whereupon that gallant officer seized the rascal by the throat and might have done more but that he was prevented by the adjutant. Everybody thought the adjutant was quite right; but somehow when the Burgher (37) got off easily it was considered a kick or two might have been judiciously administered." (38)

To what extent was there equality between Black and White in Thebuleland? In registerial correspondence of the period of annexation, Europeans were always referred to with the prefix "Mr." before their name, Africans by Christian and surname only. The Government Gazette did however prefix the name of a Thembu with "Mr." (39) "Mr." is perhaps one gauge of whether Africans lived in a time when "no leader... questioned the theoretical right of Africans to equality and

(35) D2. 19/11/78, 21/11/78 and 17/12/78.

(36) D5. 23/1/81; 24/1/81.

(37) Stanford uses this spelling here, and "burger" above.

(38) D5. 24/1/81.

(39) Government Gazette 5/10/83 p.683. Govt. Notice 997

our duty to help their progress; nor was there any doubt felt about the will or capacity of Africans to follow and attain." (40) Many Europeans in Transvaal met natives "almost upon a footing of equality."

"Of course they do not invite them to visit their houses; but they always receive them kindly, and it is not unusual for a native to have his meals in the same room, or even at the same table as the Europeans, and I don't think the majority of the better thinking white men would object to sit on a jury with natives." (41)

That there was "much" social equality in some quarters but not more can be further illustrated: Gogeno, the Umtata postman, was ill one night. He had to undergo an operation and the doctor gave up his bed to him, "which is certainly more than most Europeans would do for a native, especially one not far advanced in civilization". (42) After the battle, on the return from the relief of Mankar, an African and a European under Stanford's command were killed. They were buried side by side for, wrote Stanford, "they were equal now". (43) He equality was enshrined in the bye-laws and regulations issued for the town of Umtata under the municipal act No. forty-five of 1882. No native was allowed within the limits of the municipality between the hours of 9 p.m. and 5.30 a.m. without a pass from the Resident Magistrate or a Justice of Peace, or from any commissioned officer of the Colonial Forces. Any native so found would be liable, upon conviction, to a fine not exceeding two pounds or in default of payment to be imprisoned for not more than thirty days. (44)

Walter Stanford regarded differences between Europeans and Africans as racial, i.e. due to inherited biological differences. At a time when there was an "almost universal feeling against 'Government' amongst the natives", he was moved to ask, "Is 'strong government of the dominant race' a mistake after all?" Three and a half years later Stanford had a discussion with Dugmore regarding the survival of the "Fingo and Kafir races". They considered the latter already dying out - and that the Gekas, Dilambis, Haidingi, "and other tribes" were already nearly extinct. The Fingoes had more stamina; but Stanford could (45) foresee the end, as the white races could not absorb them. The Cape Times referred to "the white race", and the "dominant race". (45)

- (40) W.M. Macmillan, Africa Emergent (Penguin Edition 1947) p.9.
 (41) Native Laws and Customs Commission (C-4-83) 27/10/81. Evidence of Major Elliot p.419.
 (42) D10. 1/3/85. There was no hospital in Umtata.
 (43) D3. p.74. 11/12/80.
 (44) List of regulations. HA95 p.68-82.
 (45) WES to Rev. A.H. Dugmore, 19/8/79 DL. and DB 3/3/83.
 (46) R.T.O.

Stanford also explained African-European differences in terms of two competing societies or "nations". He attended a service at the Wesleyan Church in Port Elizabeth where a sermon was preached on the theme that education and civilization without Christianity failed to do good amongst the native tribes: that Christianity alone would make them a loyal, law-abiding people. Stanford disputed this assertion: he thought that they gave their loyalty to their chiefs, whether Christian or not (as many Christianised natives were then doing). Stanford called this loyalty "nationality". Moreover he asserted that nations had the right to fight for their independence - "Christian nations will fight for their independence and so would the Kafirs even if Christianised".(47) Again, discussing what punishment was to be given to Dalasile in particular and the African chiefs in general, he remarked that if they were banished from the country their punishment would appear disproportionate to the offence, "considering that some excuse can be found for fighting us". (48)

Major Elliot consistently maintained that the aspirations of the Thembus should be satisfied, and that they should be treated as human beings, not as in the Boer republics as inferior beings. He thought that it was of great importance that the natives should be admitted to some form of parliamentary representation. Under their own laws he was aware that every man virtually had a voice in the laws for the government of the tribe to which he belonged. All important matters were discussed by the chiefs and principal men of the tribe (usually at the chief's kraal). These meetings were public and every man belonging to the tribe could be present if he wished. Anyone, no matter how low his status, could express his views and he would be attentively listened to.(49) Such measures could be introduced when "war altogether ceases and the natives are convinced that they cannot subjugate us and that our chief aim is to advance their happiness and prosperity." (50) Elliot therefore condemned oppressive measures such as the Peace Preservation Act and land settlement by Fingoes and other Government allies, that made them feel that the time was arriving when "the black man must stand up for his lands and rights or become the slave to the white man". (51) Elliot

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- (47) D3. 28/11/80.
 (48) D10. 7/3/85.
 (49) Report, G2-85.
 (50) CME to USNA 18/6/79, HA49, p.12f
 (51) Elliot to USNA 23/12/79, HA55 p.86.

(46) 24/4/76; 6/7/82. Similar attitudes were expressed to the Native Laws and Customs Commission, e.g. Appendix C, p.99

advocated^a liberal policy towards the Thembus, not only for its own sake, but, because, from the Europeans' point of view it would lessen the antagonism of black to white.

After Hope's War, Elliot's attitude hardened and he suggested bold measures to prevent a combination of tribes in "the big war" that might still come.(52) He considered that the natives residing outside the boundaries of the Colony Proper were not sufficiently advanced or intelligent to adopt any material alterations to or modifications of their tribal customary laws, and that any attempt to force such upon them would be prejudicial both to their own interests and those of the Colony. At the same time, he thought that it was undesirable that "a vast unfranchised and conservative population" should be subjected to the ever changing policy inseparable from party Government, but there were sufficiently advanced or intelligent men in Thembuland to be entrusted with the election of a representative.(53)

Stanford too was aware of the danger of political parties making native questions "a football". He would have preferred handing the Territories to the Imperial Government, on one condition was he prepared to accept Colonial control of the Territories: that more specific power be granted to its representatives so that purely territorial matters might to a certain extent be settled on the spot. Failing this, he suggested that the Territories be governed by a Deputy or a Recorder and a small council.(54)

Both added their voices to the chorus of missionary and magistrate who scorned those aspects of tribalism they thought repugnant to civilization, and attempted to destroy the tribal system.(55) At least Stanford saw that if the interests of the tribesmen were to be considered, this had to be a slow process.

To Stanford the two all-important questions with regard to governing of the Africans were the liquor traffic among them, and their rights to the land. These were "the twin planets of the system, chieftainship - ukalobola etc. are main satellites. Stop brandy selling and secure the land and such good will be

(52) See above, Chapter Eight.

(53) 64-83. Elliot's evidence, p.414. Question 7417; and letter to Noble Ibid. p.430.

(54) WES Report C.3-84 and WES to Com. Frost 11/5/84 D1.

(55) See Annual Reports of Resident Magistrates, 1875-1885.

done." (56) Stanford could not see justice in the view which he found common among missionaries, that preaching and moral suasion having proved ineffective in breaking down "this Kafir national custom" of ukulobola, the secular authorities should step in and use force to achieve this end. With regard to safeguarding the land for the natives, the view Stanford took was that the natives had had country into which to spread as old locations became crowded; they had hived off from occupied parts when they became overcrowded into "fresh fields and pastures new". As soon as these conditions had changed "as they soon will be and there is no longer room for expansion the real struggle for existence between the Europeans and the native races would commence." (57) Stanford's comments on the lack of wisdom in the policy of attempting to destroy the institution of chieftainship, showed his preference for "quiet fire work" as an alternative to the necessity for a huge army "to hold them all in subjection". (58)

Elliot too saw the need to limit or suppress "the primitive and degraded mode of life" but not entirely for the interests of the African alone - for until they were "raised" from that position, they would be a source of danger and anxiety and no considerable revenue could be derived from them. (59) Similarly, while he saw a necessity for limiting or suppressing altogether the influence exercised by the chiefs, he was of the opinion that that end could be attained without any active measures being taken by the Government. This was for two reasons: that the people themselves would eventually be won over by the Government, and that any attempt to depose the chiefs summarily would meet with prompt resistance on the part of the people. (60)

Thus the policy of festina lente (61) advocated by Stanford and Elliot was based upon military necessity and colonial self-interest as well as genuine sympathy for the tribesmen.

Were Elliot and Stanford energetic, sound hearted and high spirited gentlemen? ⁽⁶²⁾ Elliot's outstanding independence of mind is illustrated by his disobedience to the orders that came from the Head Office in Cape Town that the administration had no authority to act in Thebuleland. (63) He was the chief administrative, judicial and military officer in Thebuleland until 1885, and his

(56) DB. 7/1/83.

(57) D10. 8/1/85, 21/7/85 and 20/7/85.

(58) WRS to Walker 9/7/79, D1 and Chapter Four.

(59) His report 62-65.

(60) GHT to CIA 13/11/79, KA54 p.49-50.

(61) See above, Chapter Four, for their reaction to the desire to destroy the chief's position.

(62) As Frere demanded. See the first page of this Chapter.

(63) See above, Chapter Six.

unwavering self-confidence was surely a point of stability during the vast changes and unsettledness of the period. His "spirit" is revealed not only in his successful leadership during two wars, but by the circumstances in which he undertook the duties of Chief Magistrate. Coming to South Africa for health reasons in 1870 he was persuaded, despite his desire to return to England, to take up the chief magistracy. On the way to Umtata from East London he lost his wife and two daughters in a smallpox epidemic. He sent his remaining children to England, and began his work with "the self discipline and sense of duty of a good soldier, alone." (64)

Insight into Stanford's character is given by a book he read at the age of thirty-two - W.M. Thayer's, From Log Cabin to White House, a biography of President Garfield. (65) Thayer states in his preface that his book was written for youth and is unabashedly close to hagiography: James Garfield by his virtues of duty, responsibility, strength of will, courage, hard work and religious faith rises from Log cabin to the White House. The book is heavily studded with didactic admonitions. Walter Stanford too in his diaries continually exhorted himself to improve. (66) The types of qualities he admired were honesty of character, faithfulness and courage. (67)

During Stanford's period as Resident Magistrate at Engcobo he won the praise of Major Elliot on more than one occasion. Commenting upon Stanford's performance in the capture of the rebel chief Joey, Elliot told the Secretary for Native Affairs that Stanford appeared to have acted in that matter "with his usual energy and discrimination". (68) Later, forwarding his application for a salary increase, Elliot wrote: "The value of Mr. Stanford's services as a Public Servant are too well known to yourself to require any comment from me." (69)

Elliot fully relied upon Stanford's judgement (70), and was aware that he had the full confidence of Ngangeliswe and the majority of the Thembu tribe - the Emigrant Thembus had long been anxious to have him as their magistrate. More rebellious elements in Thembuland such as Dalasile and the Qwatis would

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- (64) Rev. B. Holt. "Sir Henry Elliot" loc.cit.
 (65) D7 22/10/82 and 25/12/82. He also read a life of A. Lincoln; D7 9/12/82.
 (66) e.g. "With a wife and child to help in making my aims higher and my actions purer and more unselfish" D10 21/6/85; The work as Acting Chief Magistrate in Griqualand East was "a decided and refreshing change" from Engcobo (where he enjoyed the court work "well enough") because the work there was "of a higher order calling into exercise one's best powers, and therefore it is pleasant and improving." D10 6/7/85.
 (67) D8 8/1/83.
 (68) CMT to SMA 26/3/79. NA47
 (69) CMT to SMA 17/6/79. NA49
 (70) Elliot to WES "Thembuland Monday -/2/-" F(g)6.

have wished to have him supplanted by a more pliant person.(71) Stanford himself recognised this: "The Quatis", he wrote "have a great idea that if I could be got rid of, they would hear nothing more of Hit Tax, census or disarmament, and would enjoy unlimited Kefir beer, and witchcraft in peace and happiness ever after - but they would have to get rid of me first." (72)

(71) CMT to SMA, marked "strictly confidential" 22/12/79, HA55 p.55.
(72) WES to Major Elliot, 27/8/79. D1.

CONCLUSION

"It would have been better", wrote Captain Cook regarding the changes that Europeans had wrought in Tahiti, "for these poor people never to have known us." (1) The administrators in Thembuland had no such qualms (about the need to establish control over the Thembus) nor, when the results of their work were evident, over the success of their achievement.

They were always purposeful in a time when "expansion was not simply a necessity without which growth ^{might} cease, but a moral duty to the rest of humanity." (2) They asserted control because they wanted to destroy customs repugnant to more humane standards; and, in a measure, to prevent others from destroying tribalism without the provision of an adequate replacement. By 1883, moreover, withdrawal would have meant abandoning the Europeans and "the advancing native class" there.(3) In addition, withdrawal would have meant the loss of Thembuland as the military outpost of the Colony beyond the Kei, and the loss of Thembuland as the nodal point between the Kei and Natal - Untata - whence influence or control could be asserted over hostile tribes. To Elliot, the way to raise the tribesmen "to a position of incalculable importance to the Colony," and to ensure that they would not be a source of danger and anxiety to the Colony, was to destroy their "primitive and degraded" mode of life.(4)

No part of history is more difficult to record intelligibly than administration, a historian has maintained, adding that this was especially true for good administration for while the bad was generally advertised by the protests of the administered, "the good is likely to produce the happiness that has no history." (5) The positive achievements of the period of control were not insignificant. The benefits of Western civilization were brought to Thembuland - advanced medical skills (6); new farming techniques (7), Christianity and education. In November 1882 there were twenty-two "Native Training Institutions" and Day Schools in Thembuland Proper, and twenty in Emigrant Thembuland.(8)

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- (1) Cited in Alan Moorehead, The Fatal Impact (London 1966) p.78
 - (2) Robinson, R. and Gallagher, J. Africa and the Victorians (London 1961) p.2.
 - (3) G.4-83 RES's report.
 - (4) G.2-85, OMT's report.
 - (5) M. Porhan, Lugard (London 1960) Vol.II p.138.
 - (6) E.g. D9. 29/7/84.
 - (7) E.g. Report of R.M. Engcoho, G5-86.
 - (8) Memo. on Native Education. Appendix II of Native Laws and Customs Commission, (G4-83) p.390.

In ten years of control, trade had been extensively developed; traffic was open from the Kai Drift to Kokstad; Umtata had reached the size of a fourth rate town; Kokstad was making rapid strides, and other centres were springing up. "The general progress of these parts will not form an unworthy page in our history," wrote Stanford.(9) "Engcobo" he noted in 1884, "is making progress at last." (10)

Peace, order and the security of property are necessary for progress, and the tone and contents of Walter Stanford's diaries for 1884 and 1885 reveal the transformation of his role from soldier-cum-administrator bent on establishing control to the administrator carrying out civil administration. By 1885 the administrators had greater confidence in their ability to meet any attack within the Transkeian territories - in 1880 they were without adequate defence: they lacked shelter, supplies and ammunition. In 1885 not only had allegiance to the Government been won by the civil administrators, and by other factors, but they had ample house accommodation and a supply of arms and ammunition. Moreover, Africans would never attempt to attack brick and stone buildings "with their present implements".(11)

The Xhosa resisted alien control with armed force, and by a rational expression of their grievances. They were not savages as some thought (12), but people accustomed to maintaining a stable legal and political organisation, who could express themselves clearly and forcibly. Major Elliot especially encouraged the ventilation of grievances at public meetings so that the need to find expression with armed force would be minimized.(13) A Native Separatist Church sprang up seven years after the assertion of de facto control. It was a manifestation of nationalist and independence impulses and if it satisfied the same needs as many other Separatist Churches (14), it was also a refuge from an agonising vacuum between the rejection of tribal values and the acceptance of Western ones.

For security against a Gcaleka attack and for the reduction of tension between the two tribes on the South-Eastern

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- (9) Report G3-84.
 (10) WES to Sauer 15/4/84, D1.
 (11) See above, Chapter Four. Elliot Elliot to Bayly, Office of the Commandant General of Colonial Forces, Kingwilliamstown 16/3/85. GM 1/59.
 (12) e.g. Gordon Sprigg, House of Assembly debate of 27/6/77, reported in Cape Argus of 30/6/77.
 (13) GM's Report G.2-85.
 (14) See Sundkler, B. Bantu Prophets in S.A. (London 1961); and Roux, B. Time Longer than Rope (London 1961)

border at the Hoshana Valley, the Thembus were confronted with a control that stirred half the men capable of bearing arms in Thembuland, and some without the support of their chiefs, ⁽¹⁵⁾ to rise in arms against it in 1880. (16) For security the Thembus forfeited independence, and became, unknowingly, the victims of men and forces that changed their way of life, starting the process of destroying tribalism and of drawing them into South African society as a whole.

How was control achieved? The authorities knew what they wanted, and even in the phase of diplomatic control, the Resident was instructed to gain an influence on the internal affairs of the tribe. The Thembu rebels and their allies were defeated by military power. The success at arms gave the Colonial officials an increased moral stature and with this and their proven superior armaments they were able to simply "assert" control over the migrant Thembus. Allegiance of the loyalists to the magistrates was also a result of the eroding of tribalism during a chaotic period of unrest, demoralization, wars and drought; ^{erosion was brought about too} and by the magistrates' own attempts to destroy tribalism, especially by sending men to work as labourers.

The interspersing of tribes within Thembuland weakened the unity of the Thembus. (17) This in turn caused land shortage and a change from pastoral habits became necessary. (18) Allegiance was also won (although often lost) by the magistrates' attempts to replace the functions of the chief, such as the efforts of C.J. Levey, or to assert influence over the chiefs and work through them, such as Stanford's influence over the chief Mgudhwa, Major Boyes's over Bacela, and Elliot's over Ngangeliswe. The successful assertion of control in Thembuland was largely due to Ngangeliswe's loyalty to the Government in two wars, an action that influenced the wavering Thembus to follow him. On the other hand the centrifugal clan system of the Thembus where independent clans were jealous of their power and autonomy made the work of the magistrates easier as they made use of rivalry and jealousy. It was policy to appoint magistrates over specific tribes rather than over areas. (19) Loyalty, moreover, was the reward of some measure of self-government and responsibility to headmen. Administrative measures too such as disarmament

(15) D10. 11/3/85.

(16) See above. Chapter Five.

(17) See 6.5-86. Notes Proceeding Section III, Thembuland. Of a total population of 122,638, there were 65,706 Thembus, 18,250 Fingoes, 15,000 Bannanas, 8,320 Europeans, 7,075 Khoas, and 7,400 unclassified.

(18) G8-83. Report of R.M. Engcobo.

(19) G11 to USNA 20/3/84. HA93, p.229; Probert recommended this too, in his Report G39-76.

regulations and the ward system helped to establish control over the Thembus.

A final important factor in the process of establishing control in the Native Territories was the work of the individual magistrate. It was not by a sudden act of policy that the change desired could be brought about, but by "day by day" patient and honest work amongst them." (20) It was necessary that the natives should feel themselves to be in contact with a personal administration, working for their good and ready to help in promoting their welfare,(21) for administration to the Native was primarily the Resident Magistrate with whom he came into contact, and his ideas of European Government and justice were based upon his dealings with that man. To the natives there was no such thing as Western Civilization in general; there were only Europeans who worked among them and with whom they came into contact. No one who had ever heard Africans discussing the Europeans with whom they had had to deal, claims and authority, could remain blind to the "transcendent importance of personalities, as opposed to institutions in the process of cultural change."(22) E.W. Stanford, Walter Stanford's younger brother, for instance, was a popular choice as magistrate with the Emigrant Thembus as he was known to be related to the Warner who accompanied them from the Colony, and was personally known to many of them.(23) Elliot insisted that if the Government was to be considered otherwise than as a "punishing and taxing master", the officers should be required to travel about and make themselves as thoroughly acquainted with their respective districts as possible, and let the natives see that they took an interest in their welfare.(24) The magistrate, the Thembus were told, was their true friend who watched over their interests.(25)

With Thembuland controlled, the Colony could turn towards the Pondos, the last independent tribal group between the Kei and Natal. Pondoland was annexed to the Cape Colony in 1894.

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- (20) Report of M. Blyth, Chief Magistrate of the Transkei, G13-80 p.144.
 (21) "Native Administration and Native Crime". W. Elliot Stanford (son of Sir Walter Stanford) S.A. Law Journal, August 1912.
 (22) I. Schapera, Methods of Study of Culture Contact in Africa (London 1938), p.33-4.
 (23) CSE to SNA 1/10/83. HA90 p.57.
 (24) CMT's Report G2-85.
 (25) Minutes of a meeting held at Engcobo on 27/3/84. Major Elliot's speech.

APPENDIX IMINISTRIES OF THE CAPE COLONY, 1872-1885
SHOWING MEMBERS AND SECRETARIES FOR
INDIGENOUS AFFAIRS

I	Holtens Ministry	1 Dec. 1872	-	5 Feb. 1878
	Premier and Colonial Secretary		-	J.C. Holtens
	S.M.A.		-	C. Brownlee
II	Sprigg Ministry (First)	6 Feb. 1878	-	8 May 1881
	Premier and Colonial Secretary		-	J.G. Sprigg
	S.M.A.		-	H. Ayliff
III	Scanlan Ministry	9 May 1881	-	12 May 1884
	Premier & Attorney General		-	T.G. Scanlan
	S.M.A.		-	J.W. Sauer
IV	Uppington Ministry	18 May 1884	-	4 Nov. 1886
	Premier and Attorney General		-	T. Uppington
	S.M.A.		-	J.A. de Wet

Note: H.E.R. Bright was U.S.M.A. from 1/7/78; he was replaced by J. Rose Innes in 1881.

SOURCE: Kilpin, R. The Old Cape House (Cape Town 1918)
Appendix B.

APPENDIX IITHE MAGISTERIAL ESTABLISHMENT OF THE BULAND

<u>Name</u>		<u>Date of Appointment</u>
Blakeway, C.F.	R.M. at MqanGuli (1)	27/8/78
Boyes, J.F.	R.M. at Umtata	1/4/76
	Prov. R.M. at Majanyana	1/9/77
Cunning, W.G.	Prov. Ass. R.M. at Xalanga	17/5/78
Fynn, W.R.D.	Prov. R.M. at Noehana (2)	1/2/77
Levey, C.J.	R.M. Southeyville	1/12/75
	Prov. R.M. Xalanga	1/11/84
Merriman, T.R.	R.M. St. Marks	1/6/84
	R.M. Umtata	16/9/85
Morris, J.W.	Prov. R.M. Elliotdale	1/7/83
O'Connor, J.T.	Prov. R.M. at Noehana	1/5/80
Scott, J.H.	R.M. with Bacela	1/8/76
Shaw, M.B.	Prov. R.M. Majanyana	1/1/83
Stanford, A.H.B.	R.M. Engoobo (3)	16/9/85
Stanford, R.W.	Prov. R.M. St. Marks	3/5/81
Stanford, W.E.S.	R.M. with Dalasile	1/4/76
Sweeney, C.J.	R.M. St. Marks	16/9/85
Vice, H.S.	Act. R.M. Noehana	2/1/79
	R.M. Majanyana	1/10/84

- (1) "Magistrate with Bacela" became "R.M. at MqanGuli" Brownlee to CMT 11/10/76, CMT 1/2
- (2) "R.M. at Noehana" became R.M. Elliotdale.
- (3) "Magistrate with Dalasile" became R.M. Engoobo. CMT to SNA, NAA6, 4/3/79; and marginal comments.

SOURCE: Cape of Good Hope Blue Books, 1875-1885.

APPENDIX IIICONDITIONS UNDER WHICH THE TERRITORIES WERE TO BE TAKEN OVER BY THE COLONIAL GOVERNMENT AND BECOME BRITISH SUBJECTS.

- 1st. That the following Chiefs be recognised as chiefs -
Ngangeliswe, Ungudhlwa, Udukiso, Babela, Ukhlobo, Ukhilasi, Sandili, Ukhiki, [Sikhiki], T'xampa, Rubelikwale, Untyehwa, Ukwanyasa, Stockwa son of Charlie, [Tyali], Unganyana and Isarencana [Isarencana].
- 2nd. That the following salaries be paid to the Chiefs.
Ngangeliswe £200, Ungudhlwa £50, Udukiso £50, Babela £30, Ukhlobo £30, Ukhilasi £20, Sandili £30, Ukhiki £20, T'xampa £20, Rubelikwale £20, Untyehwa £20, Ukwanyasa £20, Stockwa £20, Unganyana £20.
- 3rd. That in order to induce the return of those T'abus who have been compelled to leave through mismanagement and wars, the hut tax shall not become due until January 1878.
- 4th. That the boundary on the North-west be that fixed by the Commission, the members of which were Messrs. Griffiths, Ayliff and Grant, the boundary on the South-east, be that fixed by the Hon'ble Mr. C. Browlee in 1873.
- 5th. The Chiefs to exercise authority and settle lawsuits (excepting cases of murder, crimes arising out of charges of witchcraft, serious assaults, and thefts from other tribes and from the Colony) within their own sections, subject to right of appeal to the magistrates. The Chief Ngangeliswe having hitherto been considered the paramount chief of the whole tribe, it is now proposed that his authority should not extend beyond his own section.
- 6th. That the Government of the Mission stations shall not be interfered with for the present.
- 7th. That in order to remove all cause of irritations and heart burning, arising from the compulsory return of the chief Ukhata, and his tribe be located in the land vacated by the chief Ukhata, and the land at present occupied by Mankwa be filled up by loyal T'abus, who choose to return to this part.
- 8th. It is understood that Government will prohibit the sale of liquor to all natives.

Office of the Resident with
Ngangeliswe, 28 October 1875.

The Revd. Mr. Hargreaves appears at the office and states that he is deputed by the T'abokkie tribe, to submit the above proposals, to the Resident, for the consideration of Government.

Mr. Bowler, Commandant of Police, being present, the above proposals are submitted to him for his information, who fully concurs in its being forwarded to Government.

Sgd. W. Wright
Resident.

APPENDIX IVDALASILE'S PROPOSALS

"Copy of original document sent to Comdt. Bowker.

The Chief Dalasile of the Anagwati tribe being seriously unwell, and unable to attend the meeting summoned by Commandant Bowker at the Residency, Hjenyam, on the 10th December 1875, wishes it to be stated at the meeting that he gladly places his country and tribe under the protection of the British Government.

1. Dalasile wishes it to be understood that he is not taken over by Government on account of misconducting himself, and trusts his good behaviour will be taken into consideration.
2. Dalasile hopes the Government will consent to grant a separate magistrate for his tribe.
3. Dalasile hopes the Government will allot his tribe the country they have hitherto occupied, without being mixed up with other tribes.
4. Dalasile hopes that hut tax will not come into force in his tribe for two years.
5. Dalasile hopes that the Govt. will make an allowance of not less than £100 per annum.
6. Dalasile hopes the Government will be pleased to make an annual allowance to his son and heir Thomas, to his elder brother Danti, and to the five following headmen in his tribe, viz. Singam, Sitonga, Sandille, Mangala, and Matyobari.
7. Dalasile hopes the Government will confirm the grants of land made in his country (four in number) for Church of England Missions.
8. Dalasile also begs that the Government will strenuously prohibit the sale of brandy in his country. "

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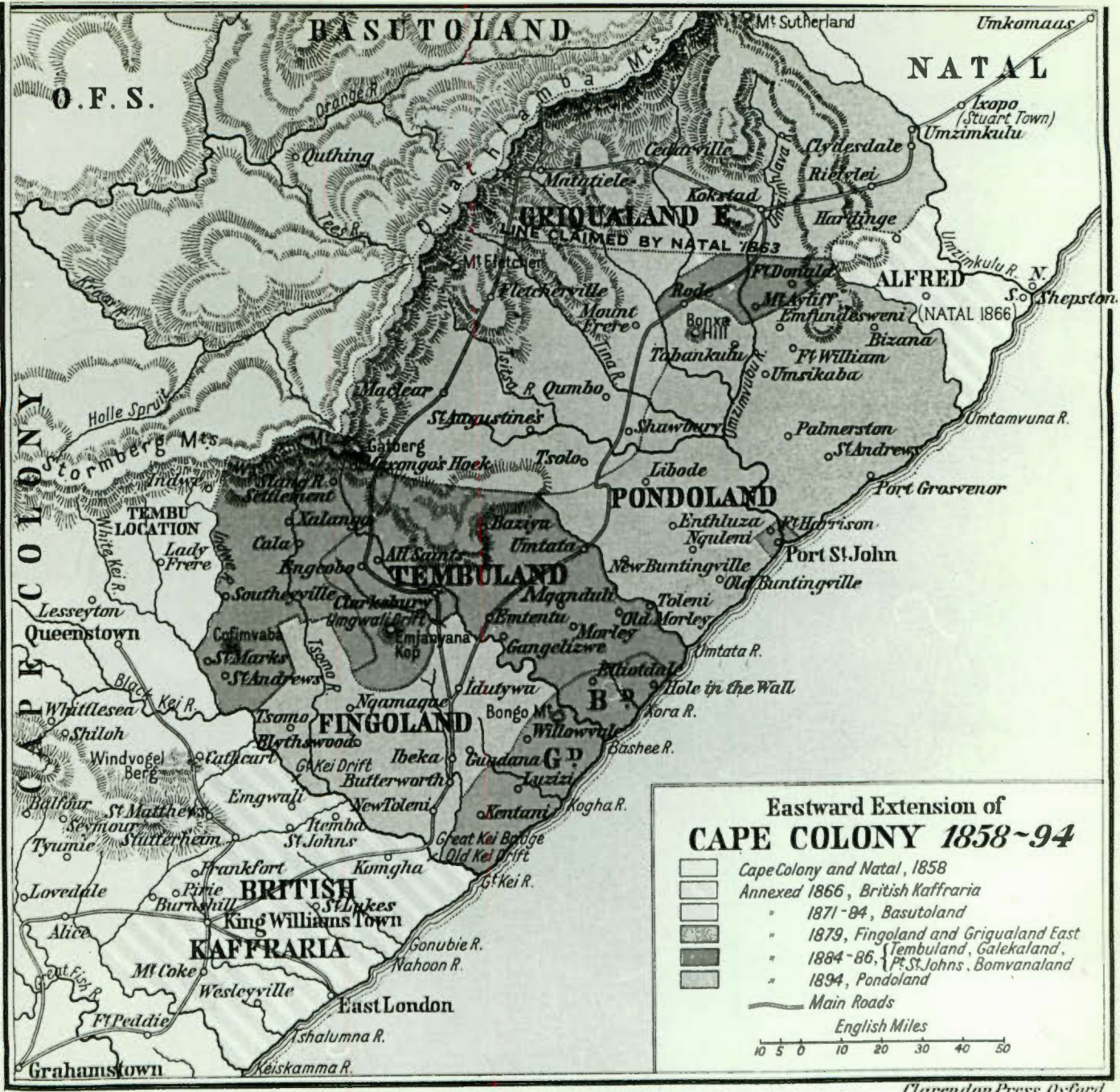
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