

**THE INCORPORATION OF ALFRED COUNTY:
ASPECTS OF COLONIAL NATAL'S ANNEXATION STRATEGY
AND SUBSEQUENT CONSOLIDATION ON THE
SOUTH-WESTERN FRONTIER
1850s - 1880s**

by

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ABBREVIATIONS

Acc.	Accessions
C.O.	Colonial Office
C.S.O.	Colonial Secretary Office
G.H.	Government House
G.T.J.	Grahams Town Journal
N.M.P.	Natal Mounted Police
N.C.P.	Natal Colonial Papers
R.M.	Resident Magistrate
S.N.A.	Secretary of Native Affairs

ABSTRACT

The official and permanent British occupation of the Cape was finalised by the convention concluded in London on 13 August 1814, when Britain decided to retain the strategic Cape from the United Provinces of the Netherlands. Britain had previously twice taken over the Cape during the twenty years of mortal struggle with France. Natal, on the other hand, became British territory in 1843, and it received its Representative Government in 1856. The point is, by 1860, one would have expected Natal and the Cape Colony to have established a tradition of friendship or mutual trust, not for its own sake, but for a combined effort to overcome the common problems in the sub-continent that faced these two coastal British colonies head on.

Both colonies were confronted with the preferred British home policy of non-expansion. Both colonies experienced the temptation to violate this non-interventionist policy, as turbulence beyond the borders continued to threaten stability, law and order within their territories. Thus they were keenly concerned about preserving peace among the African Chiefdoms within and beyond their borders. They also had a similar task of devising a measure of ruling the indigenous people within their territories. Both colonies relied upon the High Commissioner, who spent most of his time in the Cape Colony, to handle their affairs beyond their

borders. Thus one would have expected that the Cape Colony and Natal would have cemented a complementary relationship for the mutual benefit of both colonies.

The envisaged mutual relationship foundered on the rocks of colonial rivalry. There were accusations and counter-accusations. Natal did not accord the High Commissioner full trust, because, at times, he appeared to represent the interests of the Cape Colony alone. The situation was delicate, because the High Commissioner was the Cape Governor, the Commander-in-Chief and then the High Commissioner for the territories adjacent to both Natal and the Cape Colony. Thus the expected collaboration between Natal and the Cape Colony could give way to apathy and jealousy, and, to make the situation worse, their spheres of influence overlapped.

The Treaty of Amity of 1844, signed between Faku, the Mpondo Chief and Sir Peregrine Maitland, the Cape Governor, recognized the former as paramount chief of the whole territory abutting on Natal's southern boundary, the Mzimkhulu river, down as far as the Mthatha river. It, therefore, followed that, if Faku failed to stabilize the territory and if the resulting instability affected Natal, the latter would read the riot act to Faku. Faku would eventually opt to cede the Mzimkhulu-Mtamvuma territory to Natal in 1850. But the Cape Colony cried foul, because the

High Commissioner was not consulted; and this Faku-Harding Treaty of 1850 then clashed head on with Sir George Grey's plan for the Transkeian territories. Neither side was prepared to back down. The scene was set for Shepstonism versus confederation, with Sir George Grey being both a "player" on the Cape side as Governor and an "umpire" as High Commissioner. Thus Shepstonism (in "Nomansland") was to be contained.

Natal and the Cape Colony, it appeared then, were operating on one dogmatic principle: whatever Natal could do, the Cape Colony could do better! This trend of antipathy and rivalry transcended the term of office of Sir George Grey. Sir Philip Wodehouse inherited the rivalry and, on the side of Natal, Lieutenant-Governor Scott was more than willing to take up the challenge of Cape domination. This rivalry thus placed the Duke of Newcastle on the horns of dilemma: it would be awkward for him to overrule the High Commissioner, Sir George Grey, and later Sir Philip Wodehouse; nor could he completely ignore the views of John Scott. Both parties wanted to reverse imperial non-expansion and annex "Nomansland" in order to stem the tide of turbulence in that territory. Ultimately, Newcastle was brave enough to take the decision. He offered the division of "Nomansland" in the hope it would accommodate both sides - that is, Sir George Grey's Cape plan of settling the Griquas of Adam Kok could be carried out south of the Drakensberg Mountains; while Natal could annex the smaller northern part of "Nomansland".

At the time of annexation, the question of who obtained land and closed the frontier was, thus, essentially a competition between the larger southern (Cape) colony and the smaller northern (Natal) colony. For Natal, it was a question of "half-a-loaf of bread is better than none", as the most valuable land, which was suitable for farming, was given to the Griquas of Adam Kok. On 1 January 1866 Natal annexed her small pickings and named them the "Country of Alfred".

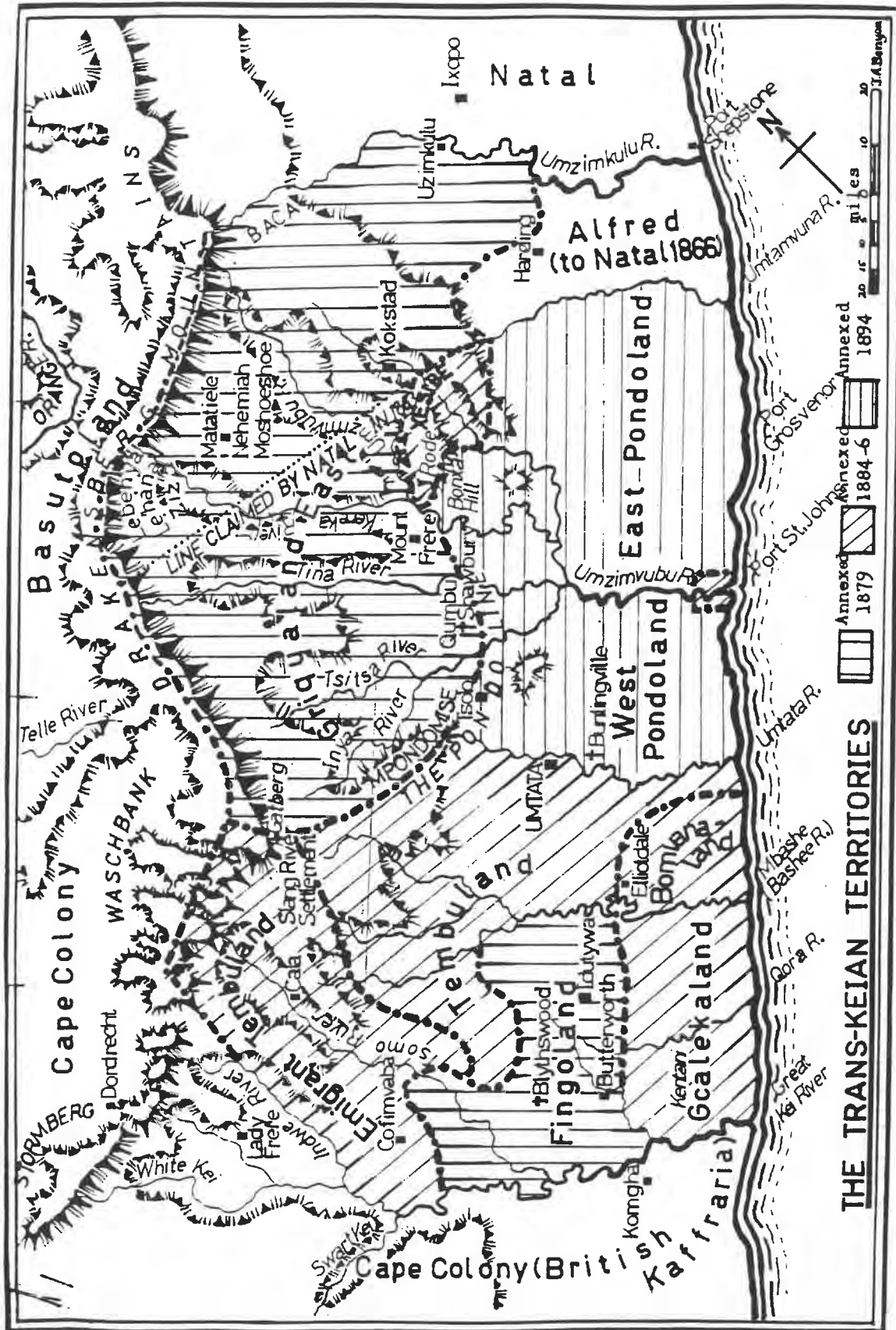
Natal's plans for "Nomansland" were disrupted, as the most fertile lands were lost to Adam Kok. But the colony did need a committee to report on the three essential elements in any situation where a frontier has to be "closed". These are: details of the terrain and its geography, the characteristics of the basic cultures to be accommodated, and plans for the process by which relations between the indigenous societies and the colonizing authority would be maintained. Such a committee was set up under the chairmanship of J. Bergtheil. On the strength of the findings and recommendations of the Bergtheil Committee, it was resolved to appoint a magistrate whose administrative task was to dominate, and give the law to, the entire territory annexed to Natal along the European or colonial lines of administration.

The first magistrate was Lieutenant H.K. Wilson. His administration experienced major problems, as there was lack of capital, markets, towns and the necessary

infrastructure. This meant that the "closure" of the frontier in Alfred County, 1866-1880, was a long, slow and uneven process which cannot be easily subjected to any strictly cumulative chronological order.

A map of Natal and its neighbours. The map shows the following regions: ZULULAND to the north, BASUTOLAND to the west, and PONDOLAND to the south. Within Natal, the locations of Pietermaritzburg, Durban, and Alfred County (established in 1866) are marked. Alfred County is further divided into Kokstad and Harding. A dashed line indicates territory 'ceded by FAKU (1850)'. Several rivers are shown, including the Tugela R., Mgeni R., Mkomanzi R., Mzimkulu R., Mtamvuna R., and Mzimvubu R. A scale bar at the bottom right indicates distances in miles (0, 15, 30). A north arrow is located in the bottom left corner.

MAP OF TRANSKEIAN TERRITORIES



CHAPTER 1

THE GRADUAL AND PIECEMEAL INVOLVEMENT OF THE CAPE GOVERNMENT AND NATAL IN THE MZIMVUBU-MZIMKHULU TERRITORY

After they defeated the Zulus at Blood (*Ncome*) River in 1838, the Voortrekkers laid claim to all the land between the Thukela river and the Mzimvubu river, and between the Drakensberg mountains and the sea. This claim was based on the grant which Dingane had conditionally made to Piet Retief. This claim was challenged by the missionaries stationed with Faku, the Mpondo Chief. The missionaries were William Ben Shaw, Boyce and the Reverend Thomas Jenkins. Their contention was that the Voortrekkers' claim included Faku's territory. Shaw believed that, if the Voortrekkers crossed the Mzimkhulu river, the Mpondo would eventually come into collision with them, and it was likely that the Mpondo would be driven across the Mzimvubu river.¹ This would lead to upheavals between the Mpondo and the Xhosa, and in the envisaged turbulence, stability, law and order would be compromised on the Cape's eastern frontier. Thus the Cape authorities were drawn into the territory beyond the Mbashe (*Ba shee*) river, initially owing to security reasons.

1. Cragg, D.G.L., 'The Relations of the Amapondo and the Colonial Authorities (1830-1886) with Special Reference to the Role of the Wesleyan Missionaries' (Unpublished D.Phil., Oxford, 1959), p.44.

The concern of the missionaries influenced Sir George Napier to act immediately, before the eastern frontier could be endangered. He decided to occupy Port Natal. No sooner had 'Shaw heard about the pending occupation of Natal when he thought that might lead to colonisation of Faku's territory'² by the Cape Colony. He immediately informed Faku to claim the entire area west of the Mzimkhulu river and to state that he had been compelled by the Shakan Wars to leave it unoccupied. Shaw also informed Sir George Napier of Faku's claim.

What stands out clearly here is that, if the Zulus drove the Mpondo from the west of the Mzimkhulu river, through to Faku's territory and across the Mzimvubu river and if Dingane conditionally granted this territory to the Voortrekkers, then these Voortrekkers had as much right as anybody else to the said territory. The missionaries argued that 'the Pondos had as much right to the unoccupied land.'³ Their argument was that they had lived there before the Shakan Wars and 'were now resuming occupation'.⁴ The Reverend Shaw insisted that, if there was to be a Natal Colony, the boundaries should be so defined as to allow the Africans 'enough land for the natural increases of two generations.'⁵

2. *Ibid.*

3. *Ibid.*

4. *Ibid.*

5. *Ibid.*

The humanitarian cause of the missionaries was reinforced by the fact that the Voortrekkers failed to deal with the African population of Natal properly. The scattered African groups had emerged from hiding after the Boer-Zulu War of 1838-1840. Some were crossing over from Zululand into Natal. In 1841 the *Volksraad* passed a resolution which proposed to deal with this so-called "surplus" African population by placing it on the territory between the Mtamvuna and the Mzimkhulu rivers. As yet, the *Volksraad* exercised no effective control over that territory. Thus the law could never be carried out. Complaints made by Faku were such that they partly provoked 'the British government to send an expeditionary force to Natal.'⁶

The Voortrekkers did not help their cause in Natal, and their policy towards Africans drew the Cape Colony and the missionaries closer to Faku. The aim of Natal under the Voortrekkers was to turn the African population into farm labourers and to transfer the rest to an area which was not controlled by Natal and which abutted on the eastern frontier of the Cape. Rumours of this plan were sufficient to 'cause not unjustifiable apprehension to the Cape Government.'⁷ The Voortrekkers further committed an 'act of unwisdom'⁸ which prejudiced them in the eyes of the missionaries, the Cape Government and Faku himself. They sent a commando against Ncapayi, a Baca Chief, who had fled from Natal and settled under the

6. Brookes, E.H. and Colin de Webb, *A History of Natal*, (Pietermaritzburg University of Natal Press, 1965), p.38,

7. *Ibid.*

8. *Ibid.*

protection of Faku. Ncapayi was accused of cattle raiding (quite possibly with justification).⁹ In that raid on Ncapayi, twenty-six men, ten women and four children were killed. Many other children and women were captured.¹⁰ Several Baca children were apprenticed in Natal and 3000 cattle were seized.¹¹ Understandably, Faku did not take the trouncing of his neighbour with indifference. He was disillusioned by the experience of Ncapayi. Sir George Napier and Shaw were concerned that further attacks by the Voortrekkers would lead to chaos on the Cape's eastern frontier. Between the Republic of Natalia and the Cape Colony the Transkeian area therefore held considerable potential for upheaval and turbulence by the early 1840s.

1.1 THE RESULTS OF THE MISSIONARY INTERVENTION ON BEHALF OF FAKU

The conduct of the Voortrekkers, their refusal to remain loyal British subjects, and their policy of segregated settlements combined to influence the annexation of Natal. The Cape Colony was drawn closer to Faku, because he had come to be regarded as an ally and friend of its government.¹² This gave Faku a claim to that government's protection. It would be a serious matter for the Cape Government if

9. *Ibid.*

10. Cragg: 'The relations of the Amaondo and the Colonial Authorities (1830-1886)', p.56.

11. Brookes and de Webb, *A History of Natal*, p.38.

12. Cragg, 'The Relations of the Amaondo and the Colonial Authorities (1830-1886)', p.63.

the Mpondo were driven southwards, among the Xhosa. Thus the welfare of the Mpondo and the security of the eastern frontier became interdependent. The Mzimkhulu river was officially recognized as the boundary between Faku's territory and Natal.¹³

Secondly, the behaviour of the Voortrekkers, 'deprived of the wise statesmanship of Retief',¹⁴ had provided the Cape Government with a pretext to carry out its plans for the Transkeian territories and to annex Natal. Primarily, the Cape Government wanted to contain the Voortrekkers from ever having an access to the sea and it was eager to have Faku 'as an ally in the rear of the frontier tribes and had been sensitive to anything that might alienate him, particularly if the culprit was Natal.'¹⁵

Napier and Shaw agreed that it was necessary to act immediately. Shaw suggested that:

there are but two measures which would put an immediate stop to the marauding excursions of the Boers in this direction, and these are, the instant seizure (by a British force) of Port Natal or the establishment of a strong military post on the Mzimvubu river.... To occupy both these points at once would have great influence in moderating the demands of the Boers during any negotiations.¹⁶

13. *Ibid.*

14. Brookes and de Webb, *A History of Natal*, p.38.

15. Cragg, 'The Relations of the Amapondo and the Colonial Authorities (1830-1886)'. p.v. (abstract).

16. *Colonial Government Correspondence: Shaw to Moore-Craig, Private, 18 January 1841* as quoted in Cragg, 'The Relations of the Amapondo and the Colonial Authorities', p.63.

Napier decided that the best thing would be to resume occupation of Port Natal itself; while the subsequent annexation of Natal meant that the Mpondo would become the immediate neighbours of a British Colony. They could now enter into a formal relationship with that government. At the same time the Cape Government introduced the "treaty system". This eastern frontier "treaty system"¹⁷ was aimed at breaking from the old system of raids and reprisal. It placed the burden of maintaining order on the shoulders of Griqua and African chiefdoms. Treaties were instruments of alliance, pledging the chiefs to co-operate with the government in maintaining peace and order on the eastern and northern borders of the Cape Colony. Another aim of the Home Government was to encourage non-expansion and non-intervention beyond the colonial borders. These diplomatic treaties worked quite well until their unilateral modification by governor Sir Peregrine Maitland in 1844.¹⁸

Maitland followed up the cordial relations between the Cape Government and the Mpondo by entering into the Treaty of Amity in 1844 between himself and Faku. The most compelling reason for entering into this treaty was a concern for security.¹⁹ The treaty recognized Faku as the 'Paramount Chief of the territory lying between

17. Benyon, J. 'Selected Documents on British Imperialism in Southern Africa: A Student's Handbook', (Unpublished documents, Pietermaritzburg, 1995), pp.52-53.

18. *Ibid.*

19. Cragg: 'The Relations of the Amapondo and the Colonial Authorities (1830-1886)', p.78.

the Mtata river and the Mzimkhulu river'.²⁰ By the 13th clause of the treaty the British Government pledged to secure this territory to Faku against any claims of British subjects (an obvious reference to the Voortrekkers). By the 14th clause, the British Government agreed to afford Faku any aid and assistance he might need in order to protect him from unjust and unprovoked aggression and in order to enable him to fulfil his obligations.²¹ Amongst these engagements was the delivery to British authority of escaped criminals and by the 6th article he engaged that all cattle, horses or other property stolen in any British territory in South Africa and traced into his country should be restored on demand of any proper British authority.²² If it could not be found, but could be traced into Faku's territory, its fullest compensation for the entire value should be payable forthwith.²³

Cragg questions the wisdom of Maitland and his advisers in respect of article 6 of the Treaty of Amity of 1844. Its acknowledgement of Faku's paramountcy gave him 'a legal right which the Cape Government could not justly ignore'.²⁴ It also implied that Natal, as a "British territory" in South Africa, would rightly demand accountability from Faku should Natal incur 'any loss of cattle, horses or

20. *Ibid.*

21. N.C.P., Vol. 4/1/1/1, p.1: Scot to Newcastle, 21 November 1860.

22. *Legislative Council, Natal*, Fourth Session, Second Council, Document No. 5, 1861.

23. N.C.P., Vol. 4/1/1/1, p.1: Scot to Newcastle, 21 Nov. 1860.

24. Cragg: 'The Relations of the Amapondo and the Colonial Authorities (1830-1886)', p.80.

property'²⁵ that could be traced into any part of Faku's territory. Thus Faku's paramountcy came with responsibility and accountability.

Nevertheless, there was a technicality which would provide a recipe for the growing polarization between the Cape and Natal. Natal had to work through the High Commissioner. Any territory not yet absorbed either by Natal or the Cape could not be tampered with, unless the final word of the High Commissioner had been heard. This derived from the fact that High Commissionership enabled Cape Governors to negotiate arrangements beyond colonial boundaries.²⁶ It was a useful instrument to assist governors in the overall settlement on the eastern frontier.²⁷ The High Commissioner, or the proconsular figure in South Africa, provided the main channel of transmission between the "metropole" and the "periphery". His decisions, suggests Ronald Hyam, helped to determine 'the terms upon which the two societies interact'.²⁸ Thus the High Commissioner, who was also the Cape Governor, should have been the "main channel" between Faku and the Natal authorities. Benyon describes the High Commission as 'the instrument of paramountcy' and the person holding that power as 'the intermediate proconsul,

25. Cragg: *op. cit.*, p.82.

26. Benyon: 'Selected Documents on British Imperialism in South Africa', p.55.

27. Benyon, *Ibid.*, p.56.

28. Hyam, R. *Britain's Imperial Century, 1815-1924* (2nd edition, London, Macmillan, ...date), p.288.

who, like a connecting rod, joined "metropolis" to "periphery" at the political level.²⁹

This shows that Natal could only handle her affairs internally; while her external affairs would normally fall under the High Commissioner. It was against this background that Mr Theophilus Shepstone came to Natal as a Diplomatic Agent and later Secretary for Native Affairs. He was proficient in African languages. He had also acquitted himself very well as the channel of often secret communication between the military staff and the tribal chiefs during the Sixth Frontier War, 1935.

Shepstone faced many challenges in Natal. First, as a 'Native Administrator', he had to devise some means of relieving pressure on the Natal 'locations' or reserves which were overflowing with Africans. Second, Shepstone had to seek the final word of the High Commissioner if he wished to solve the first problem by settling Africans beyond the borders of Natal. Third, the Home Government 'so assiduously sponsored non-expansion at the time'³⁰ that any attempt to violate this policy would have led to inevitable recall. The British Government believed that the Cape frontier could be controlled through the treaty system without wars and annexations. One of the aims was to curtail military expenditure in South Africa and to introduce

29. Benyon, John, *Proconsul and Paramountcy in South Africa* (Pietermaritzburg, University of Natal, 1980), p.335.

30. Uys, C.J., *In the Era of Shepstone: Being a Study of British Expansion in South Africa, 1842-1877*. (Lovedale, Lovedale Press, 1933), p.xi.

an inexpensive and effectual remedy for preserving peace beyond the borders. But the reality of the situation was that Governors and High Commissioners were better placed than the authorities in Downing Street, London, to appreciate the implications for expansion of developments on the borders: The Cape Governors could not ignore disorders beyond their borders, turbulence which pulled them toward expansion.³¹

The presence of circumstances that "sucked" and "pulled" Natal to violate non-expansion, through the efforts of Theophilus Shepstone, were widely prevalent in the Mzimkhulu-Mtamvuna territory. Chief Faku did not "close" the frontier, as some territory bordering the south of Natal was unoccupied. It soon became inhabited by Bushmen 'a people who live by robbery of horses and cattle and their continued depredations' had made Natal farmers incur considerable losses. Natal decided to take up the matter with Faku by urging him to suppress these robberies in accordance with his obligations under the treaty of 1844.³² Secondly, in this territory there were some small African chiefdoms who did not acknowledge any subjection to Faku.³³ Faku himself pleaded that he had no real authority over the robbers and stock thieves. Thus, a lawless community seemed to be emerging on the borders of Natal. Instead of consulting the High Commissioner, who at that time

31. Galbraith, J.S., 'The Turbulent Frontier as a Factor in British Expansion', *Comparative Studies in Society and History*, 1959-1960, p.167, quoted in Benyon, 'Selected Documents on British Imperialism in South Africa', p.24.

32. *South Coast Herald*, 4 January 1952, (under the heading, 'The Last Days of Nomansland').

33. G.H., Vol. 1212, pp.477-478, No. 218: Scott to Newcastle, 21 Nov. 1860.

was Sir Harry Smith 1847-1852, Natal, through Sir Walter Harding, the minor colony's Chief Justice, opened negotiations with Faku. Faku had, by then, paid 1000 cattle as compensation to Natal.³⁴

In 1850, Harding and Faku negotiated and agreed on a treaty ceding to Natal the area between the Mtamvuna and the Mzimkhulu rivers, from the sea to the Drakensberg mountains. This country would later comprise Alfred County and East Griqualand. The British Government, which did not mince its words on this occasion, declined to honour the treaty, believing it to be obtained by duress and, of course, it was in direct contravention of the policy of non-expansion.³⁵

In spite of this setback to Natal, the Mzimkhulu-Mtamvuna area became the target of Shepstone's outward-looking policy. In the evidence one can read and note the build-up of tension between Natal and the Cape Colony, or between Shepstone and the High Commissioner. In the Harding Treaty, Natal had tried to acquire land beyond its borders without the High Commissioner's confirmation. This would be Sir George Grey's ace card in frustrating Shepstone's Grand Removal Scheme.

34. *Ibid.*

35. *South Coast Herald*, 4 January 1952, 'The Last Days of Nomansland'; see also N.C.P., Vol. 4/1/1/1, p.1. Correspondence relative the annexation of Nomansland: Scott to Newcastle, 21 Nov. 1860.

1.2 SHEPSTONISM VERSUS CONFEDERATION: ATTEMPTS TO BREAK NON-EXPANSION

Another manifestation of jealousy and antipathy between Natal and the Cape Colony could be seen in the implicit conflict between Shepstone's dream of a wider Natal under British Sovereignty - 'a dream of embracing all Kaffirland, Basutoland and Swaziland',³⁶ and Sir George Grey's confederation policy, in which 'unremitting efforts to raise Kaffirs to Christianity and Civilisation' based on missionary education and industrial schools should be made.³⁷ Shepstone was ambitious and fired up to supplement the location system in Natal. He wanted to reduce suspicion between black and white by reinforcing segregated settlements for these two race groups. He believed that 'this state of mutual suspicion and fear [between blacks and whites] operated very vigorously to trade and agriculture and it is still to be feared that more serious consequences will, on some future occasion, result from it'.³⁸

This sums up his idea of removing some of Natal's African population to a place where they would live separately from whites and supposedly not remain hostile in a distant situation. It was called the 'Grand Removal scheme'. Shepstone saw 'Nomansland' as the suitable objective of this scheme. The plan was worked out to take 18 months to fulfil. Shepstone justified it by saying that there was 'no adequate

36. Gordon, Dr E.K. *Shepstone: The Role of Family in History* (A.A. Balkema, Cape Town, 1968), p.174.

37. P.R.O. C.O. 48/365: Grey (Governor) to Grey (Secretary of State), No. 39, 17 March 1855, enclosing speech opening Cape Parliament, 15 March. Quoted in Benyon 'Selected documents on British Imperialism on South Africa', p.56.

38. S.N.A., Vol. 2/1/2, p.308, Shepstone to Secretary of Government, Natal, 7 April, 1951.

land'³⁹ in Natal in view of the fact that the government encouraged immigration of whites from England. In his attempt to embark on peaceful penetration toward the south and to break the imperial non-expansion policy Shepstone insisted that it was the duty and the responsibility of the Natal Government to:

evinced a paternal regard for [African] welfare ... by making first an ample and permanent provision in land for them and then announce to them [Africans] that it finds inconvenient and undesirable for both parties that their locations should be intermixed and I believe their [African] peaceable removal might be accomplished.⁴⁰

It was not only the Africans that Shepstone had to convince: he had also the white colonists to contend with in his 'Grand Removal Scheme'. The colonists opposed it because it ran contrary to their demands for cheap labour. There was a running controversy between those who favoured Shepstone's scheme and those who wanted to exploit Africans for cheap labour. Shepstone had to dig deep and come up with more justification for his scheme. He suggested that those Africans who wished to remain in Natal should do so freely and he stated that the location system which he was trying to supplement had already reduced 'ancient feuds' in Natal as compared to the Cape Colony, which was experiencing a string of frontier wars. He boasted 'this district, containing up to 100 000 Natives, divided several tribes

39. S.N.A. Vol 2/1/2, p.320: Shepstone to Secretary of Government, Natal, 9 Dec. 1951.

40. S.N.A., Vol. 2/1/2, p.320: Shepstone to Secretary of Government, Natal, 9 Dec. 1951.

jealous of one another, and having ancient feuds, has been at peace and the Natives have been kept from warring among themselves'.⁴¹

The whole 'Grand Removal Scheme' entailed Shepstone taking with him a body of 'Natives' beyond the southern boundary of Natal to find a new home. The 'Native' sections of locations thus broken up would be interspersed with white settlements. Incentives would be offered 'Natives' to hold land individually. 'Natives' would have no access to assegais and firearms. There would be magisterial control alongside the judicial power of chiefs. 'Natives' would be encouraged to enter European service and they would be encouraged to clothe themselves. Schools and hospitals would be developed. With all this, Shepstone wanted to counteract the non-expansion policy of the imperial government by the extension of British control in the area between Natal and the Cape Colony.⁴² Unfortunately, the face of the authorities in London was set against expansion, so permission was again withheld. Secondly, the idea of a new nation under Shepstone did not have the approval of all the Colonists, the High Commissioner and the Home Government. In particular, Shepstone's efforts ran contrary to those of the High Commissioner's.

41. S.N.A., Vol. 2/1/2, p.292: Diplomatic Agent, Shepstone to Secretary of Government, Natal, 7 April 1951.

42. Gordon, *Shepstone*, pp.172-175; see also Uys, C.J., *In the Era of Shepstone*, pp.36-37; see also Brookes & de Webb, *A History of Natal*, p.56-58.

This 'Grand Removal Scheme' ultimately foundered on the opposing power of High Commissioner, Sir George Grey. Shepstone's problem began as early as his failure to realize that, as a 'Diplomatic Agent' to chiefdoms beyond colonial frontiers, he was answerable in the first instance to Sir George Grey, the High Commissioner. Secondly, both Shepstone and Grey failed to analyze each other's plans. Both aimed at counteracting the Convention policy and imperial non-expansion. They became obsessed with the idea that Natal and the Cape Colony were one each of the forty three rival colonies of the empire. They neglected what bound them together and emphasized what separated them. 'Each colony wanted to enhance its individual prestige by guarding and publicising its individual advantages and traditions.'⁴³ Thus Shepstonism and Cape Confederation policy, more than anything else, illustrated this competitive view.

Sir George Grey had been successful as a Governor in New Zealand in bringing the Maoris within the colonial polity. He was determined on the South African frontier to pursue acculturative and accumulative methods as opposed to Shepstonism and the location system based on segregated settlement. His confederation policy envisaged settling whites among the Africans and encouraging education through the missionaries.⁴⁴ He felt artisan skills like blacksmithing, carpentry, wagon-making should be encouraged. As it has been put, he wanted to create a "chequer

43. Le Cordeur, B.A., 'The Relations Between the Cape and Natal, 1846-1879', *Archives Yearbook for S.A. History*, Vol. 1, 1965, p.6.

44. Benyon, 'Selected Documents on British Imperialism in Southern Africa', p.64.

board" of black and white communities.⁴⁵ Sir George Grey looked to the Transkei and southern Natal as his next field of frontier endeavour. He had just consolidated High Commissioner rule in British Kaffraria. He believed, too, in building up a strong and united South African Dominion on the basis of white control. He stated that

by a federal union alone can these South African colonies be made so strong and so united in policy and action that they can support themselves against Native tribes.⁴⁶

In his haste, Sir George Grey did not even wait for a reply to his suggestions.⁴⁷ He took steps to encourage the movement of the Griquas of Adam Kok from Griqualand West into the so-called 'Nomansland', the same area which Shepstone eyed for settling Natal Africans. Grey had already settled the Mfengu ('Fingoes') into the gap between Fingoland and the Idutywa reserve. Thus he placed the Mfengu ('Fingoes') and the Griquas along a crucial strategic connection between the Cape and Natal as collaborators in his scheme of confederation. Grey dismissed Shepstone's scheme as 'nothing else than that Great Britain should establish a new kingdom in South Africa making Mr Shepstone the king of that country.'⁴⁸ He also dismissed the circumstances attending the signing of the Faku Harding Treaty of 11 April,

45. *Ibid.*, pp.64-65.

46. Quoted in Uys, *In the Era of Shepstone*, p.38, citing C.O. 48/381: Grey to Labouchere, 20 March 1857.

47. Du Toit, A.E., 'The Cape Frontier: A Study of Native Policy with Special Reference to the Years 1847-1866', *Archives Yearbook for S.A. History*, Vol. 1, 1954, p.145; see also C.J. Uys, *In the Era of Shepstone*, p.39.

48. C.O. 179/37, D.41, Grey to Lord J. Russell, Dec. 3, 1855, quoted in Uys, *In the Era of Shepstone*, p.37.

1850, on the grounds that he was not consulted or asked as High Commissioner to ratify it. Shepstone's dream of a new nation under him as its king in 'Nomansland' thus came to nothing. On the other hand, Grey insisted that 'if the policy so successful in British Kaffraria can be extended without the same expense to the Mother Country, I believe it will be most beneficial to the Natives and most conducive to peace.'⁴⁹ This shows Grey's determination that British-sponsored Cape expansion, whether formal or informal, should continue in the Transkei toward southern Natal and that neither opposition from Natal nor financial considerations should be allowed to frustrate it. Grey believed that turbulence of frontiers had to be contained for the benefit of the Colonies, as well as the African chiefdoms/

Sir George Grey's plans encountered complications owing to cost mainly, and so it would be left to his successor, Sir Philip Wodehouse, 1862-1870, to try to implement them on a more modest scale. For example, there was no money to support Grey's confederal scheme and the Imperial Government had serious questions to pose as to the legal powers by which the British High Commissioner presumed to establish control beyond the frontier. Thus neither Confederation nor Shepstonism was successful.

49. P.R.O. C.. 48/407: Grey to Newcastle, No. 10, 19 Feb. 1861, Minute by Newcastle, 22 Apr. 1861 as quoted in Benyon, 'Selected Documents on British Imperialism in Southern Africa', p.71.

Grey had failed to realize that Shepstonism was, in its own indirect way, a protest against the dismemberment of South Africa into colonies, republics and wholly tribal territory. He condemned it without understanding Shepstone's masked attack on the policy of imperial non-expansion. Grey himself was trying to reverse this *laissez faire* policy by his own confederal policy.⁵⁰ Shepstone continued for some years to feel that Grey had too summarily, and with insufficient analysis, dismissed the whole scheme. Gordon feels that Grey's experience in New Zealand was based on the amalgamation of native and colonists and had, for reasons not applicable in Natal, succeeded.⁵¹ Nevertheless, Grey had an argument because, from the viewpoint of his own planned 'Native policy', he could not acquiesce in a segregation scheme introduced at one end of 'Nomansland' when at the other end, in British Kaffraria, he was busy with the diminution of certain key elements of segregation, especially African tribal structures. The end-result of these irreconcilable policies was that it kept the two British colonies apart in both their overall aims and geographical connection.

Le Cordeur sums up the lack of friendship between the Cape and Natal when he writes:

it was often just because their spheres of interest overlapped and because of the different methods which they adopted for the solution

50. Gordon, *Shepstone*, p.176; see also Uys, *In the Era of Shepstone*, p.37.

51. Gordon, *Shepstone*, p.176.

of the difficulties which arose that they met as rivals rather than as partners.⁵²

This rivalry would manifest itself in their attempts to open and close the frontier in 'Nomansland'. It would also continue throughout the whole period between Representative Government, 1850s, through to the Post-Union era. For example, one would have expected Natal to exchange large quantities of its sugar and coffee for the Cape's wine, fruit, grain and fish. Yet the Cape preferred to import sugar from Mauritius and the latter, in return, made large-scale purchases of dried fruit and cured fish from the Cape.⁵³ When the negotiations were going forward on whether to form a Union or a federation of former British Colonies in South Africa, the Cape Colony was more inclined to agree with the Transvaal and Orange Free State than it was with Natal. This would isolate Natal lamentably in the negotiations.

Before the dispute over the Mtamvuna-Mzimkhulu area is discussed, it is necessary to examine whether or not the area was a 'frontier zone' that could 'open' and 'close'.

52. Le Cordeur, 'The Cape/Natal Relations', p.3.

53. *Ibid.*, p.4.

1.3 THE MTAMVUNA-MZIMKHULU AREA: THE THEORIES OF 'OPEN' AND 'CLOSED' FRONTIERS

The Mtamvuna-Mzimkhulu area was a 'frontier', according to the theory of 'open' and 'closed' frontiers postulated by Howard Lamar and Leonard Thompson. It was a 'zone of interpenetration' - an area or territory in which an 'intrusive society' came into contact with an 'indigenous society'.⁵⁴ Frontiers occurred in a situation marked by a weak political authority.⁵⁵ This was true of the Mtamvuna-Mzimkhulu area, because Faku did not possess the power to prevent robberies committed by the Bushmen or San. In order to combat robberies and cattle-stealing by Bushmen, High Commissioner Sir Harry Smith had placed Henry Fynn as a British Resident with Faku. Lawlessness was so rife that Fynn sent out spies among the chiefdoms in the Mtamvuna-Mzimkhulu area to elicit more information about the prevalent robberies. Fynn even threatened to send out a commando from Natal to seek out the Bushmen thieves unless they gave themselves up.⁵⁶ All this serves to emphasize that there was no single central controlling authority. The whole area had degenerated to a zone of lawlessness - a feature more or less implied in its 'name' of Nomansland.

54. Lamar, H. and Thompson, L., *The Frontier in History: North America and South Africa Compared* (New Haven, Yale University Press, 1981), p.7.

55. Gilomee, Herman, 'Processes in Development of the South African Frontier' in Lamar and Thompson, *op. cit.*, Ftn. 54, p.88.

56. Wright, J.B. *Bushman Raiders of the Drakensberg 1840-1870* (Pietermaritzburg, University of Natal Press, 1971), pp.114-115; see also N.C.P., Vol. 4/1/1/1, p.2: Scott to Newcastle, 21.10.1860.

Another feature of a 'frontier situation' was that an African chief tended to identify primarily with his own small community. In matters of trade and external relations, the chief frequently regarded the interests of his chiefdom as being in conflict with those of other chiefdoms in the area.⁵⁷ This was true of the relations between various chiefdoms in the Mtamvuna-Mzimkhulu zone. There were the chiefdoms of Machi, Dumisa, Mbotho, Jali, Ezinkumbini, Nhlanguwini and Mshwawu. They lacked a community of interests or a feeling of racial and national unity. These chiefdoms were often at war among themselves and they were never able to repel any frequent inroads of San ('Bushmen') and Khoi ('Hottentots'), especially the latter who dealt in illicit arms and gunpowder.⁵⁸ The lack of a community of interests among the indigenous societies gives credibility to the thesis of Lamar and Thompson when they assert that 'whites did not establish hegemony over frontier zones without exploiting the internal divisions among the internal societies'.⁵⁹ In other words, there were collaborators who were used by the intrusive societies. For example, when the dispute between the Natal and the Cape authorities raged on, a story is told of how three men from Chief Mbonwa's Machi tribe went, on foot, to Pietermaritzburg to request incorporation into Natal.⁶⁰

57. Gilomee, H., *op. cit.*, p.89.

58. N.C.P., 6/1/1/15, p.345: Report of the Select Committee on Nomansland, 23 August 1864; see also *South Coast Herald*, 'The Last Days of Nomansland', 4 January 1952.

59. Lamar and Thompson, *op. cit.*, p.12.

60. *South Coast Herald*, *op. cit.*, 4 January 1952.

The frontier 'opens' in a given zone when the first representatives of the intrusive society arrive. In the Mtamvuna-Mzimkhulu area the process of 'closure' began when the northern part was annexed to the Griquas and the southern part to Natal. The Griqua territory became 'East Griqualand' and the territory annexed to Natal became the 'County of Alfred'. Alfred County was annexed to Natal on 13 September 1865.⁶¹

In a frontier situation, two or more intrusive peoples may be competing with one another for the control of the frontier zone.⁶² The Voortrekkers had an eye not only on the Mtamvuna-Mzimkhulu area, but they had planned to annex the whole territory as far as the Mzimvubu river. This drew the attention of the Cape Colony Government. Thus the Cape Government and the Voortrekkers were the first intrusive societies to compete for the control of the Mtamvuna-Mzimkhulu frontier. Secondly, from Natal, Shepstone proffered a plan which, if it had been successful, would automatically have thrown British jurisdiction over the territory south of Natal and would even have given colonial Natal control over the entire territory up to the Mzimvubu territory. Shepstone's plan was counterbalanced by Sir George Grey's ill-fated Cape Confederation scheme which was partly aimed at counteracting Shepstonism from the whole of the Transkei up to the southern border of Natal, the Mzimkhulu river. To compound the complexities, the BaSotho and the Free Staters

61. *Natal Government Gazette*, No. 971, Vol. xvii, 12 September 1865, p.20.

62. Lamar and Thompson, *op. cit.*, p.8.

were at war in 1858 and 1865-1868. If the latter were victorious, the danger existed that they might try to secure a 'window to the sea' through the Mtamvuna-Mzimkhulu territory. The BaSotho, through the educated son of Moshoeshoe, Nehemiah, were also believed to have been interested in having an access to the sea. Thus there were more than two intrusive peoples competing for the control of 'Nomansland'.

Another characteristic of a 'frontier situation' was that, sometimes, there was a settled or equally balanced frontier society marked by a relative lack of power - that is, the inability of any one of the composite communities to establish hegemony in the frontier zone.⁶³ Faku lacked power in the Mtamvuna-Mzimkhulu area. This was also true of all of the other minor chiefdoms that occupied the area. This also explains why there was friction and lack of central authority.

A 'frontier process' has a beginning and an end. For Africans, as Martin Legassick has pointed out, the frontier meant a process in which their 'political power was eroded' as they were absorbed into the economic and political system of the intrusive societies and in which their 'material' and 'social bases were transformed through integration into a market economy which was linked to the industrialization with capitalist economy of Europe.'⁶⁴ The frontier 'closes' when a single political

63. Gilomee, H., *op. cit.*, p.78.

64. *Ibid.*

authority has established hegemony over the zone. This is a long and uneven process which can take some decades before it is completed, because the 'closure' becomes a multiple progression. There is 'economic closure' which is marked by scarcity of resources - a shift from subsistence farming to commercial farming. Land becomes scarce because most vacant land is sold to the farmers, and this puts the control of the means of production into the hands of a specific class.

Another form of closure is by social stratification in which ethnic groups are merged into a plural society within a given set of class relationships.⁶⁵ In Alfred County the government had to bring in immigrants and farmers to settle in between the ethnic groups. The intention was to keep them apart, as they had scant respect for one another and secondly, it would be easy for the authorities to control them through the chieftainship and headman system.

Another form of closure in a frontier situation is 'political closure'.⁶⁶ This entails the imposition of single source of authority, usually in the form of a magistrate. This is an initial stage and it does not close the frontier in a neat sense. For instance, Lieutenant H.K. Wilson was appointed and confirmed the Resident Magistrate of the County of Alfred in 1866, but still in the 1870s the frontier had not yet closed in an economic sense. There were still no markets, no towns, no lines-of-communication

65. *Ibid.*

66. *Ibid.*

and the only means of transport was by ox-wagon or on horseback, otherwise, one had to walk on foot. Thus the closing of the frontier cannot be reduced to a series of simple dates or a set of processes in any strict chronological order.

1.4 CONCLUSION

The Voortrekkers claimed the Mtamvuna-Mzimkhulu territory by virtue of the grant Dingane promised Piet Retief. This claim, if it had been accepted, would have had serious repercussions for the eastern frontier of the Cape Colony. This realisation brought the Cape Government closer to Faku and at the same time set Natal, whether it was occupied by the Voortrekkers or the British, on a collision course with the Cape. Shepstonism versus Grey's version of Cape Confederation seemed to confirm this, while at the same time the Mtamvuna-Mzimkhulu area proved to be an attractive piece of land for interpenetration or acquisition, if that could be managed. The next chapter examines in greater detail how Natal and the Cape Colony went about justifying their cases. Lieutenant-Governor of Natal, Scott, was prepared to argue it out with the Cape Governor and High Commissioner Sir George Grey and later, Sir Philip Wodehouse. The dispute could only be resolved through a considerable relaxation of the British policy of non-expansion.

CHAPTER II

THE DISPUTE BETWEEN THE CAPE COLONY AND NATAL OVER THE MTAMVUNA-MZIMKHULU TERRITORY

The 1860s witnessed the revival of antagonism between the smaller northern (Natal) colony and the larger southern (Cape) Colony. The bone of contention was whether Natal had a legitimate right, by virtue of the treaty of 1850 signed between Harding and Faku, to annex the tract of country extending from the Drakensberg and to the Indian Ocean and lying between the Mtamvuna and the Mzimkhulu rivers or whether Grey, as the highest authority (High Commissioner) in South Africa, could use his constitutional prerogatives to set aside the claim of Natal as he had previously done with Shepstone's 'Grand Removal Scheme'.

Grey looked upon the tract along the base of the Drakensberg as waste or open land at his disposal. He was desirous of locating there some of the restless chiefdoms whose presence in the Orange Free State/Basutoland frontier was a permanent obstacle to the establishment of order. Secondly, this move was in line with his confederation scheme. He proposed to remove the Griqua 'Kaptyn', Adam Kok, from the district of Philippolis in the Orange Free State to a part of the Mtamvuna-Mzimkhulu territory, sometimes referred to as 'Nomansland', 'a country

without responsible authority in it or over it, which could maintain order and prevent lawlessness.'¹

In his determination to secure the territory for Natal, Lieutenant-Governor Scott brought to the attention of the Secretary of state for Colonies, the Duke of Newcastle, for his consideration matters connected with the south-western boundary of Natal Colony. Scott urged Newcastle to annex 'Nomansland' to Natal. He explained that the territory had been ceded to Natal by Faku in 1850, but that the British Government had refused to honour the treaty, as it believed it to be obtained under duress. Scott further motivated that Faku still considered the territory as belonging to the British Government, while on the part of Natal no jurisdiction had ever been exercised over it - hence the designation, 'Nomansland'.²

There were distinct advantages, it was felt, to annexing 'Nomansland' or the Mtamvuna-Mzimkhulu territory to Natal. It would put an end to the illicit traffic in arms, stop the continued bloodshed that went on, and enable Faku to fulfil his engagements under the Maitland Treaty of 1844 and to improve the revenues of the Colony of Natal.³ Scott further pointed out that the Resident Magistrates of the Upper and Lower Mkhomanzi districts, which bordered upon this tract of land,

1. N.C.P., 6/1/1/37, pp.1037-1039, No. 13: Bulwer to Stanley, 26 September 1885.

2. N.C.P., 4/1/1/1, pp.1-5, No. 5: Scott to Newcastle, 21 November 1860.

3. *South Coast Herald*, 4 January 1952, 'The Last Days of Nomansland'.

complained of the bad effect its example had on their border chiefdoms, and of the facilities it afforded for the escape from justice of criminal offenders. He stated that anyone who could collect around him a number of followers entered the disputed territory and assumed a chieftainship. He mentioned two Khoi settlements that had been established in the territory, one close to the border and affording a favourable means for the reception and passage on to more remote stations of stolen property.⁴ /

Scott argued that while the Khoi were professedly traders, they were generally bad and degraded characters. They were mounted, armed and were intimately acquainted with Natal, the Cape, and the Dutch Republics, and that, if they continued to establish themselves in large numbers, they would become the source of great annoyance and danger. He informed Newcastle that they were reported to be trading in gunpowder with the 'natives'. He stressed that the colonists of Natal regarded the Mtamvuna-Mzimkhulu territory with much distrust and anxiety and they felt that it should be placed under some legitimate control.⁵

Scott conceded the fact that the Home Government was opposed to any extension of territory in South Africa, but he added that annexing that tract of territory might be regarded as an exception, since it did in fact form part of Natal,

4. G.H., 1212, pp. 477-478, No. 218: Scott to Newcastle, 21 November, 1860.

5. N.C.P., 4/1/1/1, pp. 1-5, No. 5: Scott to Newcastle, 21 November, 1860.

if the treaty of 1850 made with Faku was accepted as regular and valid.⁶ According to Scott, he would have no difficulty to overcome in assuming the government of the chiefdoms and bringing them under due subjection. He pointed to the appeals from one or other of those chiefdoms for the protection of the Natal Government that it would not be difficult to bring them under his rule. He said that the answer had been invariably that they, the chiefdoms, were living beyond the jurisdiction of the Natal Government and that Faku equally considered the territory beyond his jurisdiction.⁷

Scott rounded off his motivation for the annexation of the Mtamvuna-Mzimkhulu territory by citing the benefits that would accrue to Natal. He stated that the land was described as valuable and well situated for sheep farming. It would, therefore, under proper government, be well adapted for European colonists and would soon produce valuable exports.⁸ Thus annexation would throw open a large area for industrious settlers, and the development of its agricultural resources would necessarily go hand in hand with the steady advance of the Colony of Natal. Another advantage would be that the Natal Government would be strengthened in its border relations, as the proposed annexation would bring the boundary line of Natal to Faku's own territory.⁹

6. *Ibid*, p.4.

7.. *Ibid*.

8. N.C.P., 4/1/1/2, pp.4-7, No. 25: Scott to Newcastle, 21 November, 1860.

9. *Ibid*., p.5.

Scott suggested that, subject to Newcastle, a Resident Magistrate with a small staff would suffice, in the first phase, for the administration of justice and the preservation of peace and that a hut-tax could be imposed to defray any expense its government would entail upon the Colony.¹⁰

Scott was so successful in his representations that Newcastle permitted him to annex formally all the area between the Mtamvuna and the Mzimkhulu rivers. Newcastle pointed out that such an annexation was 'a course dictated by a sense of duty as well as of security'.¹¹ The Secretary of State further instructed Scott to inform Faku about this latest development 'of your intention of carrying the treaty of 1850 into effect'.¹² Scott was also required to furnish Newcastle with an accurate description of the new boundary of Natal on the southwest, for insertion in a proclamation which Scott would be authorised to issue for the annexation of the Mtamvuna-Mzimkhulu territory to Natal.¹³

What one notices from the foregoing interchanges is that Newcastle and Scott seem to have ignored Grey, the High Commissioner. But the latter still continued to hold the whip-hand in the sub-continent. Thus, what appeared to be the final annexation

10.. *Ibid.*, pp.5-6.

11. N.C.P., 4/1/1/1. p.5, No. 5: Newcastle to Scott, 26 December, 1860.

12.. *Ibid.*

13. *Ibid.*

of 'Nomansland' turned out to be only the first phase of a protracted dispute that would be resolved as late as 1866. The reality of the situation was, that Newcastle dared not overrule Grey, as High Commissioner, nor completely ignore the views of Scott, as the nearest important official. Grey was known for his objection to any proposal which had not originated with himself¹⁴ - he could be even more insistent where his constitutional prerogative, as the highest British imperial authority in South Africa, seemed to be illegally usurped. His trump card was that no cession either to Natal or the Cape Colony could be carried out without his authority as the High Commissioner. Another noteworthy development in Newcastle's handling of Scott's request to annex 'Nomansland' is that the Secretary of State could not solve this dispute peacefully without the relaxation of the British policy of non-expansion.¹⁵

Scott was on leave in London at the time and he therefore left with the Secretary of State instructions to define the boundaries so that they might be inserted in the Letters Patent of Annexation. But, on his arrival in Cape Town in March 1861, Scott found that Grey proposed to settle the Griquas in the territory between the Mzimvubu and the Mzimkhulu rivers.¹⁶ Grey believed the British Government had a special obligation towards Adam Kok and the Griquas as old allies. While Scott

14. du Toit, A.E., 'The Cape Frontier: A study of native policy with special reference to the years 1847-1866', *Archives Yearbook for S.A. History*, Vol. 1, 1954, p.145.

15. Uys, C.J., *In the Era of Shepstone: Being a Study of British expansion in South Africa, 1842-1877*, (Lovedale, Lovedale Press, 1933), p.44.

16. N.C.P., 4/1/1/1. p.8: R. Southey to Scott, 21 March 1861.

had been in London, Grey, without informing the Colonial Office of his schemes in the Transkeian Territories, had given permission to Adam Kok to occupy the territory south-east of the Drakensberg which lay between the sources of the Mzimkhulu and the Mtamvuna rivers. This was regarded as compensation to the Griquas for the inadequate safeguards provided for them by Sir George Clerk at the abandonment of the Orange River Sovereignty in 1854, as a result of which the Griquas' land had passed into the possession of the Orange Free State Republic.¹⁷

Now that Scott had been given permission to annex the Mtamvuna- Mzimkhulu territory, Grey temporarily withdrew his permission to Adam Kok to occupy the whole territory. He said to him that claims had been received from Faku and that Scott had also laid claim to the whole of the area by virtue of a treaty made with Faku in 1850.¹⁸ While Adam Kok was contemplating appealing to Grey for consideration of the previous cession of land to his Griqua people and while Grey was drafting instructions to Scott to hold up the Letters Patent until he had completed negotiations with Kok, Scott wasted no time in communicating his displeasure to Newcastle about the latest developments. His concern was that, if the Griquas were brought to the boundary line of Natal, they would automatically have transferred to them the fertile northern part of territory ceded to Natal by Faku

17. Le Cordeur, B.A., 'The relations between the Cape and Natal 1846 -1879', *Archives Yearbook for S.A. History*, Vol. 1, 1965, p.95.

18. N.C.P., 4/1/1/1, p.8: South to Kok, 23 February, 1861.

in 1850.¹⁹ Secondly, if they were to occupy the territory between the Mzimvubu and the Mzimkhulu rivers, as stated in a letter from Cape Colonial Secretary Southey to Scott,²⁰ then part of their cession fell within the territory of Faku. Thus Faku's claim did not affect the 1850 agreement, but was intended to protect his territory outside the Mtamvuna-Mzimkhulu territory.

Another difficulty connected with the proposed alienation of territory to Kok was that the boundary of Natal had never been surveyed in the vicinity of the Ibisi river, the principal western tributary of the Mzimkhulu river. If, on examination, the Ibisi river proved to be the proper boundary of Natal, a part of Natal would be occupied by Adam Kok and the Griquas. Scott was wary of criticising Grey, but he stressed that he was speaking in the interests of Natal and with the intention of preventing further complications which might act injuriously on Natal. He dismissed Grey's use of the term 'Nomansland'.

This term is used incorrectly - it is only applicable to the country ceded by Treaty of 1850 -- the land Faku lays claim to as his own country, that is, part of that guaranteed to him by Sir Peregrine Maitland's treaty and is west of the country called 'Nomansland'.²¹

Thus, according to Scott, the country chosen by Grey to settle the Griquas was partly in Faku's territory and partly in the country that Faku had ceded to Natal. In

19. N.C.P., 4/1/1/1, pp.9-11, No. 103: Scott to Newcastle, 27 March, 1861.

20. N.C.P., 4/1/1/1, p.8: Southey to Scott, 21 March, 1861.

21. N.C.P., 4/1/1/1, p.11, No. 13: Scott to Newcastle, 27 March 1861.

view, too of the unsurveyed boundary of Natal in the vicinity of the Ibisi river, the country might also be partly within the true boundaries of the Colony of Natal.²²

Meanwhile Kok expressed the disappointment of his people at Grey's withdrawal of his proposals in respect of settling the Griquas to the south-east of the Drakensberg. He recounted the irreversibility of the hostile relations between him and the Orange Free State Government and that they would remove to the new territory in the supportive capacity of British subjects.²³

Kok complained of the desperate and trying circumstances in which the Griquas found themselves. The majority of his people had disposed of their farms on the highveld in the hope that they would leave there within a month. They had incurred great expenses in purchasing large trek wagons and all the necessities for such an important movement. Kok implored Grey, as High Commissioner and the only person who could guide and advise them, to perceive the dilemma and destitution in which the withdrawal of the proposal for their resettlement placed them.²⁴ In reply Grey directed Southey to inform Kok that until he(Grey) had heard from Newcastle on the subject, he was as yet unable directly to sanction the movement

22.. *Ibid.*

23. N.C.P., 4/1/1/1, p.12-13: Kok to Grey, 28 February, 1861.

24. *Ibid.*, p.13.

of the Griquas to 'Nomansland'.²⁵ Thus, in spite of their desperation, the Griquas had to wait until the correct channels had been followed.

In the meantime Grey not only justified why he wished to settle the Griquas in 'Nomansland', but reiterated his primary plan for the country lying between what he called 'British Kaffraria' and Natal.

I hope ultimately to see the whole country between British Kaffraria and Natal constituted British territory with the full and free consent of Chiefs and Native tribes inhabiting it.²⁶

Grey believed that the settlement of the Griquas in 'Nomansland' was inevitable in the long run; for him what really mattered was whether they would settle as an independent nation or as collaborative British subjects. His view was that the removal of the Griqua people as an independent nation into that territory 'would embarrass - perhaps frustrate -- the general line of policy'²⁷ he had already proposed for Transkeian incorporation. He launched an attack upon Scott's claims to the territory. He assured Newcastle that such claims could not be based upon the Harding-Faku treaty of 1850, because it was based upon wrong premises and had

25. N.C.P., 4/1/1/1, pp.13-14 : Southey to Kok, 11 March 1861.

26. G.H., 37, p.38, No. 19 : Grey to Newcastle, 19 February, 1861.

27. *Ibid.*

never been ratified by him as High Commissioner. Thus, according to Grey, the treaty could never be regarded as valid and regular.²⁸

Grey defended his viewpoint by saying that the disputed territory could not be placed under the Legislative Council of Natal, a body in which Africans were in no way represented and in which their views and wishes were unknown. He would rather that the whole dispute be 'better dealt with and disposed of' before the area was handed 'over to a distant representative Legislature who can have no common sympathies with the persons who claim it'.²⁹ He informed Newcastle of his fear that difficulties would spring into existence and embarrass Natal, British Kaffraria and the Eastern Frontier. He argued that, because of fear of the turbulence that might ensue, he considered it necessary to ask Scott to delay acting on Newcastle's instructions until the Lieutenant Governor had received further instructions from himself as High Commissioner. Grey added that he would only issue those instructions after he had received Sir Walter Currie's report.³⁰

Currie was due to submit a report on 'Nomansland' in which he would ascertain if the African chiefdoms already living in that territory would receive the Griquas in friendly fashion. He would also report on the terrain and try to form a more

28. N.C.P., 4/1/1/1, pp.17-18, No. 16 : Grey to Newcastle, 19 February 1861.

29. *Ibid.*, p.19.

30.. *Ibid.*

accurate idea of the course which might be pursued if the Griquas were permitted to occupy the territory. Grey had initially set out to compile the report himself, but he had taken ill at Kingswilliamstown and was thus prevented from proceeding further than that town. To carry out the task he then despatched Currie, whose report he was still waiting for.³¹

Grey assured Newcastle that, if the future of 'Nomansland' or the Mtamvuna-Mzimkhulu area was not handled properly, the area would soon be overrun by land speculators, something which would pose a problem for, and probably compromise, the security of the eastern frontier. As far as Grey was concerned, he saw no reasonable objections to the removal of the Griquas as British subjects into the area. Their settlement there, insisted Grey, would be advantageous for many reasons. They were a Europeanized race who spoke either Dutch or English. They were good and of high moral standards. Crime was rare among them. They were wealthy, well-armed, mounted and could muster at least 2000 fighting men. Grey praised them for their practising European farming methods. They lived in regular villages, with well-built houses exactly like a European community.³² /

Grey further reinforced his argument by informing Newcastle that, during the many years the Griquas had been on the northern borders of the Cape Colony, they had

31. G.H., 37, p.96, No. 25 : Grey to Newcastle, 5 March, 1861.

32. N.C.P., 4/1/1/1, p.19, No. 16: Grey to Newcastle, 19 February 1861.

been valuable allies. Now that they would be settled to the south-east of the Drakensberg, 'they would thus form for Natal an important bulwark against one point of danger, and lying in the rear of the 'Kaffir tribes' might for the Colony prove most important auxiliaries in the event of war.'³³

Grey's impression of the Griquas was that they were not land speculators, but *bona fide* occupiers of the land whose would improve their farms and live under field-cornets - and thus be prepared for all requirements of self-defence. He considered them pioneers of civilisation (in a European sense). He registered his disappointment at the Colonial Office officials for having ignored him, as the High Commissioner, in handling a matter which so intimately affected the safety and the interests of the Eastern Cape frontier.³⁴ This complaint was, thus, clearly directed to the fact that Newcastle had entertained Scott's representations in respect of the disputed territory without Newcastle referring Scott to Grey.

Grey realised that the strength of his claim lay in the circumstances attending the signing of the treaty of 1850. In another despatch dated 6 March 1861 he explained why he believed that that treaty was invalid and irregular. First, he drew the attention of Newcastle to the fact that the treaty was based on wrong premises. He argued that Newcastle was probably not aware that the demand made on Faku for

33. G.H., 37, p.96, No. 25: Grey to Newcastle, 5 March 1861; see also Le Cordeur, 'The Relations between the Cape and Natal', 1846-1849 pp.95-96.

34. N.C.P., 4/1/1/1, p.20, No. 16: Grey to Newcastle, 19 February, 1861.

the cession of 'Nomansland' was based on the belief that certain robberies had been committed by Bushmen who were thought to be in the territory that Faku had ceded to the British Crown. Grey insisted that those Bushmen did not reside, and had never resided, in that territory.³⁵

Grey also revealed that, given the circumstances under which the treaty had been signed, the then High Commissioner, Sir Harry Smith, as soon as he received intelligence of what had been done, had written on November 11 1850 to express his regret that no previous reference had been made to him as High Commissioner. Another reason why Smith should have been contacted was that Faku was under his (Smith's) protection and he had known him for years as a true and staunch friend of the British Government. He informed Newcastle that there was no trace of any correspondence between Benjamin Pine, the then Lieutenant - Governor of Natal, and Smith regarding the treaty of 1850.³⁶ Thus, Grey induced Newcastle to reconsider the validity of the treaty which was based on wrong premises, did not enjoy the confirmation of the High Commissioner, and which was likely to embarrass the line of policy envisaged by the present High Commissioner. Grey insisted on settling the Griquas south-east of the Drakensberg as part of his confederation policy.

35. N.C.P., 4/1/1/1, pp.29-30, No. 26: Grey to Newcastle, 6 March, 1861.

36. N.C.P., 4/1/1/1, p.30, No. 26: Grey to Newcastle, 6 March 1861.

The more Grey strove to settle the Griquas in 'Nomansland', the more Scott became insistent in his attempts to convince Newcastle about the validity of Natal's claim. He disputed Grey's interpretation of the circumstances attending the signing of the treaty of April 1850. Contrary to what the High Commissioner believed, Faku had been quite willing to cede the territory and had expressed his desire to rid himself of it before the treaty was signed. Faku did 'so fully and freely to avoid a positive responsibility.'³⁷

Scott revealed in the same letter, dated 5 July 1861, that the Executive Council of Natal, at its meeting held on 26 June 1861, unequivocally supported the stand taken by himself. The Council unanimously recognized Natal's ownership of the territory by virtue of the treaty of 1850. They agreed that, if Natal's border were moved southwards to the Mtamvuna river, it would help Natal to consolidate her frontier generally.³⁸ This view had earlier been put forward by Scott in his despatch of November 1860.³⁹ The Council recognized the High Commissioner's obligations to the Griquas, but expressed their misgivings that the settlement of this people in the area would not only interfere with the Africans already settled there, but would 'create complications which it is not in the interest of Natal to achieve'.⁴⁰ The

37. N.C.P., 4/1/1/1, p.40, No 41: Scott to Newcastle, 5 July 1861.

38. N.C.P., 4/1/1/1, p.41, No 41: Scott to Newcastle, 5 July 1861.

39. G.H., 1212, pp.477-478, No. 218: Scott to Newcastle, 21 November 1860.

40. *Ibid.*; see also Le Cordeur, *op. cit.*, p.96.

Council also expressed annoyance at Grey's failure to consult the Natal Government in a matter that so closely affected the colony's interests; this would tend 'to injure the prestige that this government had hitherto possessed in regard to the native tribes both within the colony and on its border'.⁴¹

On the other hand, time was running out for Grey, and he was deeply disappointed that he had not succeeded in locating Kok and his followers in Nomansland before his departure from South Africa.

He wanted them to act as a barrier against 'barbarous tribes'. He left a 'Memorandum on Griqua Affairs' as a farewell protest at the non-fulfilment of confederation policy. He pointed out that, despite Scott's disagreement, in the long run the Griquas would have to be moved; otherwise, they would continue to clash with the Free Staters or would settle in Basutoland. He regretted the fact that he could not stay longer in South Africa to see the realisation of his dreams and he still insisted that the Griquas would have done much to benefit Natal.⁴²

Lieutenant - Governor A.B. Wynyard would administer the Cape Government and act as temporary High Commissioner just before the arrival of Grey's successor, Sir Philip Wodehouse. On 31 October 1861, Wynyard informed Scott that he (Wynyard) had arranged with Kok for his removal to the neighbourhood of the locality he was

41. G.H. 274/23: Scott to Newcastle, 5 July 1861 quoted in Le Cordeur, *op. cit.*, p.96; see also N.C.P., 4/1/1/1, p.42, No 41: Scott to Newcastle, 5 July 1861.

42. Le Cordeur, *op. cit.* p.98; see also du Toit, *op. cit.*, p.156.

desirous of occupying pending Newcastle's final decision in respect of Natal's claim.⁴³ Wynyard proposed that a Commission should be appointed to proceed to the spot and define what would be held to be the boundary of the territory claimed by Natal. He suggested that Scott should select a person to be Commissioner on behalf of the Government of Natal and that he would also appoint an officer to act alongside Scott's appointee. The two Commissioners might be empowered to choose a third person to act as umpire in the event of their disagreement. Wynyard further proposed that, if Scott concurred with his suggestions and proposals, he (Scott) should select a date and venue where such a Commission should be set up.⁴⁴

Scott did not object to Wynyard's proposals, but he indicated that Natal's claims were not to be easily set aside. He agreed to the setting up of a Commission in which Natal would be represented by the Surveyor-General, Dr Sutherland. He preempted Natal's stance on the question of the boundary by saying that their south-western boundary was from the mouth of the Mtamvuna river to its source (Ingele Mountain) and thence in a direct line to the Drakensberg. With reference to the selection of an umpire, Scott suggested that any difference which might arise should be referred to the two Governments for decision.⁴⁵ In his reply of 16

43. NC.P., 4/1/1/1, p.50: Wynyard to Scott, 31 October 1861.

44. *Ibid.*

45. N.C.P., 4/1/1/1, pp.50-51: Scott to Wynyard, 23 November 1861.

December 1861, Wynyard informed Scott that he had appointed Sir Walter Currie to partner Sutherland in a Commission to define the boundary.⁴⁶ In another despatch of 15 January 1862, Wynyard confirmed the appointment of Currie, and he proposed to Scott that he (Wynyard) had learnt from Currie that the suitable and most convenient spot for the Commissioners to meet was at Jojo's 'kraal' on the Mzintlava river - about three hours' ride from the sources of the Mtamvuna river. Wynyard suggested Saturday 1 March 1862 as the date for the Commissioners to meet as Jojo's great place.⁴⁷ Scott had no objection to the venue, the composition of the Commission, its task and the date on which it would meet for the first time.⁴⁸

It is noteworthy that there was an easy collaborative relationship between Scott and Wynyard, as Acting High Commissioner. They seemed to read each other's plans well. The tense and uncompromising approach adopted by Grey and Scott seemed to be a thing of the past. Early in 1862 Wynyard had to make way for Sir Philip Wodehouse. It is interesting to assess how Wodehouse would adapt to the situation.

46. N.C.P., 4/1/1/1, p.52: Wynyard to Scott, 16 December 1861.

47. *Ibid.*

48. N.C.P., 4/1/1/1, pp.53-54, Scott to Wynyard, 29 January 1862.

Wodehouse immediately instructed Scott that no formal apportionment should be made 'until Currie and Sutherland had defined the 'real limits' of the whole territory, and had assigned a location to the Griquas.⁴⁹ Scott immediately became agitated again because, in the first place, he had been given permission as year before to annex 'Nomansland' to Natal.⁵⁰ and, secondly, Newcastle had, in 1861, informed both Scott and Grey that Britain was prepared to modify her attitude about the extension of her possessions in South Africa. Newcastle wrote:

I have satisfied myself, after full consultation and correspondence with Sir George Grey and yourself (Scott) that the interests of both colonies and of the Native tribes require the regular assumption of sovereignty over two nearly vacant districts adjoining British Kaffraria.⁵¹

Scott protested vehemently against Wodehouse's instructions. He pointed out that Dr Sutherland had not been ordered to locate the Griquas but to deal with the south-western boundary of Natal. He added that,

if it should be found in order to keep intact the good faith of the British Government, that the Griquas should be settled within the ceded territory, my previous assumption of the government would not, ... be any impediment to such an arrangement.⁵²

49. N.C.P., 4/1/1/1. p.5, No 5: Newcastle to Scott, 26 December 1860.

50. N.C.P., 4/1/1/1, p.53: Newcastle to Scott, 26 December 1860.

51. C.O., 405/3: Newcastle to Scott, 5 December 1861, quoted in Uys, *op. cit.*, p.44; see also Le Cordeur, *op. cit.*, p.98.

52. N.C.P., 4/1/1/1, pp.54-56: Scott to Wodehouse, 31 January 1862.

Scott also showed his impatience by informing Newcastle that this delaying of the annexation of 'Nomansland' beyond the time necessary for defining the limits by the Commission 'allowed evils of lawlessness of Nomansland' to continue. 'I may mention that very serious one of the facilities it affords to some of our traders on their illicit traffic in firearms and gunpowder with the Native tribes'.⁵³

Wodehouse was annoyed at being faced with a matter that had earlier caused so much difference of opinion between Scott and Grey. He appealed to Scott to understand distinctly that he had 'no desire to throw any doubts upon the abstract right of Natal to the territory in question',⁵⁴ because that right had been conclusively admitted by Newcastle. Wodehouse went on to say that his objections applied only to the time and mode in which Scott proposed to solve the problem. Wodehouse informed Scott that he did not, by any means, undervalue the importance of Scott's being enabled to establish order on Natal's southern border, but in his view there was far greater danger to be anticipated from the adoption of measures that would make Adam Kok lose his good faith in the British Government. He contended that, if Scott were to annex 'Nomansland' to Natal, he would find it difficult to settle the Griquas in one part of it because no one could say what the attitude of the elective members of the Natal Legislature would be.⁵⁵ Newcastle, once more, intervened

53. N.C.P., 4/1.1.1, pp.56-57 No. 18: Scott to Newcastle, 1 February 1862.

54. N.C.P., 4/1/1/1, p.57: Wodehouse to Scott, 13 February 1862.

55. *Ibid.*, p.59.

and sanctioned the delay proposed by Wodehouse until the boundaries had been defined.⁵⁶ Thus Scott was obliged to bow to the new High Commissioner's wishes as he had earlier done to those of Grey.

The Commission to define the boundary encountered great difficulties in its negotiations. Currie and Sutherland disagreed. The press in both colonies had become involved in speculation about the negotiations. In Natal Currie was looked upon as representing an attempt by the Cape to encroach upon Natal's preserve. Wodehouse was becoming disenchanted with the whole question of 'Nomansland'. It dawned on him that the Griquas could not be accommodated without depriving the Natal Government 'of what it can in reason claim'.⁵⁷ This showed that Scott was right when he contended that the settlement of the Griquas in 'Nomansland' would in fact directly deprive Natal of some of the most valuable territory it claimed in 'Nomansland'.

Consequently, Wodehouse advised Newcastle and Scott that he had decided to authorise the Griquas to move to 'Nomansland' immediately. He warned that it would be impossible for Natal to annex all that she intended without jeopardising Britain's good faith to Kok and the Griquas. He announced his preparedness to end the deadlock between Currie and Sutherland by allocating the northern part of

56. N.C.P., 4/1/1/1, pp.61-62, No. 214: Newcastle to Scott, 5 April 1862.

57. N.C.P., 4/1/1/1, p.63: Wodehouse to Newcastle, 19 April 1862.

'Nomansland' to the Griquas and the southern part, lying between the Mtamvuma and the Mzinkhulu rivers from the Ingele Mountain to the sea, to Natal.⁵⁸

Scott protested to Newcastle that the decision taken by Wodehouse as High Commissioner had been taken without consultation with his government. Secondly, Kok had been granted two thirds of 'Nomansland'. Thirdly, the new agreement with Kok involved a breach of faith by Natal in its dealings with Faku because the territory Faku had ceded to Natal in 1850 was to be occupied by a nation for whom Faku had a marked dislike. Other disadvantages were that Shepstone's influence over the Mpondo and neighbouring chiefdoms would be seriously undermined. Kok had been given the best area for agricultural purposes and timber-growing. The Coastal area allocated to Natal was not easily accessible from Natal because of the Mzimkhulu's deep ravines. It was believed that the Griquas would not trade with Natal, but would soon use the Mzimvubu outlet at St Johns, and this would affect the customs revenues of Natal. Scott protested that Wodehouse's arrangements would put about thirteen thousand 'natives', especially Baca, under Kok's rule.⁵⁹

The press in both colonies then took sides. The *Natal Mercury* warned:

... we are fast losing our prestige amongst the natives in Nomansland, and thus Cape Town interference is doing vast mischief. Who is the

58. Le Cordeur, *op. cit.*, p.100; see also N.C.P., 4/1/1/1, p.63: Wodehouse to Scott, 15 May 1862.

59. N.C.P., 4/1/1/1, pp.69-70, No. 37: Scott to Newcastle, 1 May 1863.

Inkosi? (an African) can have but one master, and Somseu seems the favourite one, if they will allow him to settle matters rightly.⁶⁰

On the other hand the *Graham's Town Journal* took Scott to task for what it called his 'insubordination' in corresponding directly with the Secretary of State in a matter which was supposed to be dealt with by the High Commissioner.⁶¹ The *Cape Argus* conceded that Natal's rights to 'Nomansland' might be well founded, but it did not approve of the 'very mischievous' manner in which Scott assumed the position he had taken. It believed that Scott had acquired 'an unwarrantable influence' over a number of Secretaries of State.⁶²

Meanwhile Newcastle sanctioned Wodehouse's arrangements for the settlement of the Griquas in part of 'Nomansland' and for the annexation of the southern part by Natal. Newcastle advised Scott that it would be wise for him, as Lieutenant-Governor of Natal, to take the advice of Wodehouse. Even as Secretary of State, he felt it necessary to take Wodehouse's advice in matters relating to the affairs of 'Native' tribes, and secondly, Wodehouse was 'an officer representing not merely the interests of any particular colony, but the policy of the Imperial Government'.⁶³

60. *Mercury*, 32 May 1862, quoted in Le Cordeur, *op. cit.*, p.100.

61. *G.T.J.*, 8 July 1862, quoted in Le Cordeur, *op. cit.*, p.101.

62. *Cape Argus*, quoted in *Mercury*, 5 August 1862, quoted in Le Cordeur, *op. cit.* p.101.

63. N.C.P., 4/1/1/1, p.66, No. 249: Newcastle to Scott 2 September 1862.

Scott consulted the Natal Executive Council on the matter. Despite disappointment at their failure to secure the whole territory as agreed upon in 1850, the Executive Council resolved to accept the part it was being offered. Scott informed Newcastle about their latest decision to annex the southern part of 'Nomansland'.⁶⁴ Wodehouse intervened and, this time around, his argument was that the boundary proposed by Scott would carry the boundary of Natal down to Ibisi river. Wodehouse requested Newcastle to delay the letters patent.⁶⁵

Scott stated that, whether the Ibisi river became the boundary or whether it fell within the territory to be given to Kok, his main concern was that the Baca under Tiba should not be forced to evacuate the land they occupied and be driven to Natal. He proposed that Newcastle and Wodehouse would impress this upon Kok.⁶⁶ Wodehouse expressed relief that Scott did not object *per se* to the boundary but only if it was to drive the Baca into Natal. He assured Scott that he would impress upon Kok the need for maintaining cordial relations with the Baca. Then, Wodehouse reported to Newcastle that the boundary problem was at last settled.⁶⁷ In December 1863 Newcastle transmitted letters patent to Natal for the annexation of their part of 'Nomansland'.⁶⁸

64. N.C.P., 4/1/1/1, p.70: No. 37: Scott to Newcastle 1 May 1863.

65. N.C.P., 4/1/1/1, p.71: Wodehouse to Scott, 19 May 1863.

66. N.C.P., 4/1/1/1, pp.75-77: Scott to Newcastle, 18 August 1863.

67. N.C.P., 4/1/1/1, pp.77-78 Wodehouse to Scott, 15 September 1863.

68. N.C.P., 4/1/1/1, p.78: Newcastle to Scott, 14 December 1863.

The Natal Executive Council resolved to form a Committee under the chairmanship of J. Bergtheil to report on the three essential elements in any situation where a frontier has to be closed. This was necessary because Natal's plans for 'Nomansland' were disrupted, as the most fertile lands were lost to them and ceded to Kok. The Bergtheil Committee reported on the details of the terrain, the characteristics of the basic cultures to be accommodated and plans for the process by which relations between the indigenous societies and the colonizing authority would be maintained.⁶⁹

The Committee complained that the portion set aside for Natal was of little value to European settlers from its extremely broken character. It was said to be even more broken than the coastal lands of Natal. The inland portion, though not equal in terms of quality and terrain, to that ceded to the Griquas, would be well fitted for grazing cattle and perhaps sheep. It boasted little or no valuable forest country.⁷⁰

The Committee further reported that the area contained a number of chiefdoms. These chiefdoms were too weak and disunited to resist, for example, the frequent inroads of the Mpondo south of the Mtamvuna river. The Committee also reported that the granting of the inland part of 'Nomansland' to Kok would mean that Natal's only inland access to her part would be through Griqua territory. Finally the

69. N.C.P., 6/1/1/15 pp.344-346; Report of the Select Committee on 'Nomansland'. 22 August 1864.

70. *Ibid.*, p.344.

Committee blamed Wodehouse's subdivision of 'Nomansland' as 'unprecedented and absurd', for it did not in any way contain the evil of the lawless and disturbed southern frontier. This condemnation derived from the fact the Griquas were now the immediate neighbours of Natal, and Natalians doubted if the unwarlike Griquas would be able to repress gun-running through their territory.⁷¹

When the report was tabled in the Legislative Council, the members of the Council decided to launch a protest to the new Secretary of State for Colonies, Edward Cardwell.⁷² Cardwell replied that it was impossible to retrace their steps and that the area to be annexed to Natal would therefore conform to the definition contained in the letters patent issued by Newcastle on 19 December 1863.⁷³

At the close of 1865 Colonel J.J. Bisset, Acting Administrator of the Government of Natal, accompanied by Colonial Secretary, David Erskine, and Shepstone, went down to proclaim formal occupation of Natal's portion of 'Nomansland', which was named the County of Alfred' in honour of Prince Alfred, one of Queen Victoria's younger sons. Adam Kok and all chiefs in the Mtamvuna - Mzimkhulu area honoured the annexation ceremony except Kani, Chief of Xolo, who absented

71. Ibid., p.345.

72. N.C.P., 4/1/1/1, pp.81-84, No. 73: Scott to Cardwell, 26 October 1864.

73. N.C.P., 4/1/1/1, pp.84085 No. 28: Cardwell to Maclean, 9 March 1865.

himself.⁷⁴ The annexation of the County of Alfred was regarded to have taken effect from 13 September 1865.⁷⁵ Bisset appointed Lieutenant H.K. Wilson of the 96th Regiment as the first magistrate, whose administrative task was to dominate and give law to the entire territory annexed to Natal along European or Colonial lines of administration.⁷⁶

Ahead lay the problems that Wilson would encounter in administration of the County of Alfred. He would have to control the movement of people into the County and see to the maintenance of law and order, hut-tax collection, repression of gun-running and ending of stock theft. In short, the frontier zone which had only been half-closed by the resolution of the long-lasting dispute over whose 'hegemony' would apply to the Mzimkhulu-Mtamvuna region would now have to be more fully brought under the European Colonial control of Natal by the dual operation of magisterial activity and commercial enterprise.

74. N.C.P., 4/1/1/1, pp.89-91, No 5: Bisset to Cardwell, 16 January 1866.

75. *Natal Government Gazette*, No. 971, Vol XVII, 12 September 1862. p.20.

76.. *Government Notices 1866*, Government Notice No.3, 1866 p.3.

CHAPTER III

**THE CONSOLIDATION OF NATAL'S ADMINISTRATION ON THE
SOUTHERN FRONTIER: THE ADMINISTRATION OF LIEUTENANT J.H.K.
WILSON, THE FIRST RESIDENT MAGISTRATE OF ALFRED COUNTY**

From and after 13 September 1865 the territory between the Mtamvuna and the Mzimkhulu rivers was annexed to, and formed part of, the colony of Natal.¹ From 1 January 1866, Lieutenant H.K. Wilson of the 96th Regiment was temporarily and provisionally appointed as Resident Magistrate in and for Alfred County, being that portion of 'Nomansland' annexed to Natal.² He was also appointed to administer justice among the 'Natives' according to 'Native' Law in Alfred County from 1 January 1866.³ His appointment as Resident Magistrate for Alfred County was confirmed on 16 November 1866.⁴

Wilson's staff, appointed with him, were Messrs W.A. MacLean and G.M. Shepstone. They were appointed as Clerk and Interpreter respectively. Wilson was paid £300 per annum, while his staff both received £125 each per annum.⁵

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1. *Natal Government Gazette*, No. 971, Vol. xvii, 12 September 1865, p.20.
 2. *Government Notices 1866*, Government Notice No. 3, 1866, p.3.
 3. *Government Notices 1866*, Government Notice No. 4, 1866, p.3.
 4. *Government Notices 1866*, Government Notice No. 144 1866, 16 November 1866, p.189.
 5. Magisterial Records as compiled by B.E. Camp under title of 'A History of the District of Alfred' (cyclostyled), p.9.

Lieutenant Wilson was well received, and the annexation ceremony passed without any difficulties. This was confirmed by Colonel Bisset in his official report to the Secretary of State in England, *inter alia*, stating:

... I am happy to say no difficulty has been created by these proceedings with any such people or chief outside territory. Frank communication with Chief Faku has prevented any misunderstanding or misapprehension on his part...⁶

However, Colonel Bisset took a strong line with 'Kani', Chief of the Xolo, who, in spite of his invitation to the annexation ceremony, absented himself. He was summarily given seven days to leave Alfred County. He removed himself to Mpondoland. He was ordered to leave permanently or pay a heavy fine of two hundred cattle before he could be admitted back to Alfred County.⁷

A suitable site for the magistracy, which would be safe enough, was found on the present site of Murchison Hospital about thirteen kilometres from the mouth of the Mzimkhulu river. The place where the site was, was called Murchison in honour Sir Roderick Murchison, a renowned geologist then, and also an inspirer and close confidant of Dr David Livingstone.⁸ Murchison became the name of the seat of administration while Alfred County was the name of the whole geographical area between the Mtamvuna and the Mzimkhulu rivers.

6. *Ibid.*

7. *Ibid.*

8. *Ibid.*

It was extremely difficult for Lieutenant Wilson and his staff to get down to the business of administering Alfred County. There were neither police, office, gaol, official stamps nor accommodation.⁹ In other words, the initial stage of 'closing the frontier'¹⁰ was in place (proclamation, the hoisting of the Union Jack and the annexation ceremony as well as the magistrate), but the frontier was far from 'closed' in a neat sense. Lieutenant Wilson immediately organized the erection of several huts to serve as offices and quarters for himself and his staff. Meanwhile he occupied 'a mud house'¹¹ at 'Duka' Fynn's 'kraal' - this situation lasted for three months.

Wilson immediately requested the approval and recommendation of the Honourable Secretary of Native Affairs (hereafter referred to as S.N.A.), Mr Theophilus Shepstone, 'for the appointment of eight 'Native' constables'¹² to help in the maintenance of law and order throughout the length and breadth of Alfred County. The appointment of the constables was granted. Among them were 'Kayana', 'Gxumela', 'Joe Taylor' and 'Fish'.¹³ The names of the other four constables do not appear in the sources consulted. Wilson also applied for an official stamp for the

9. *Ibid.*

10. Lamar, H. and Thompson, L., *The Frontier in History: North America and South Africa Compared* (New Haven, Yale University Press, 1981), p.7.

11. Magisterial Records, B.E. Camp 'A History of the District of Alfred' (cyclostyled), p.9.

12. S.N.A., 1/3/16, p.877: Wilson to Shepstone, R 84/1866, 15 February 1866.

13. S.N.A., 1/3/16, p.957: Wilson to Shepstone, R 218/1866, 23 April 1866.

registration of firearms.¹⁴ As there was no gaol in the initial stages, lashes were the standard punishment. These were meted out by Wilson's court in varying degrees to suit the level of the offence.¹⁵ Thus Wilson could get his administration off to a start, but soon the site of the magistrate's offices proved badly-chosen.

3.1 THE POOR SITING OF MAGISTRATE'S OFFICES

The Magistrate's new offices were far away from the north-west boundary of Alfred County with East Griqualand. Thus, Wilson's administration was unable to control people from East Griqualand who unlawfully cut timber in the Crown forests bordering the north-west boundary of the County. Wilson complained to the S.N.A. 'that Griquas' were cutting wood 'in spite of direct orders to the contrary'.¹⁶ He also mentioned that the Griqua Magistrate at Zuurberg impeded his constables in the execution of their duties when they apprehended 'a man suspected of cutting timber'.¹⁷ The S.N.A. instructed Wilson to draw the attention of Captain Adam Kok to these obligations.¹⁸ Adam Kok duly apologized on behalf of the alleged offenders and explained that they were living outside his jurisdiction, but admitted that they were his subjects. He requested that they be allowed to harvest their

14. S.N.A., 1/3/16, p.973: Wilson to Shepstone, R 237/1866, 14 May 1866.

15. Magisterial Records as compiled by B.E. Camp under a title 'History of the District of Alfred (cyclostyled)', p.9.

16. S.N.A., 1/3/16, p.945: Wilson to Shepstone, R 192/1866, 12 April 1866.

17. *Ibid.*

18. S.N.A., 1/3/16, p.997: Shepstone to Wilson, 26 April 1866.

crops, after which they would remove to East Griqualand. In the meantime he stated that he would establish a police station near the border to prevent cross-border stealing.¹⁹

More trouble was experienced between Alfred County and Mpondoland. There were people who had left the County before it was proclaimed a British territory. Some had left because they had been 'smelled' of witchcraft, others had never lived in the County before but according to the sources consulted, now that there was a recognizable central authority in Alfred County, they wanted to return. This is echoed in Wilson's annual report of 1866 when he stated that:

.... the security that is felt by all 'natives' is so great that many ... are anxious to come under our rule; and the confidence in the government is amply shown by the number of Huts lately built on the banks of Mtamvuna river...²⁰

It is in connection with this erection of huts on the County side of Mtamvuna river, without the necessary authority from Wilson, that the bad-siting of magistrate's office becomes important. It was difficult to control the moving in of people from Mpondoland, from as far afield as Murchison. Some even grazed their cattle across the Mtamvuna river without permission, while others 'cropped' across the border on the side of Alfred County.²¹

19. S.N.A., 1/3/16, p.949: Captain Adam Kok to Wilson, R 192/1866, 6 April 1866.

20. S.N.A., 1/3/16, p.784: 1866 Annual Report of Natives R 194/1866, 12 April 1866.

21. *Ibid.*

3.2 HUT-TAX COLLECTION AND ITS PROBLEMS

Another of the early challenges of administration was taxation. The problems experienced in the collection of hut-tax were that, firstly, the African communities were unable to pay in cash, but mostly in cattle, sheep or goats. The magistrate (Wilson) deemed it expedient to listen those who were unable to pay in cash. He informed the S.N.A. that he fixed a valuation at a very reduced rate of £1.8 each for full grown good cattle free from disease and for heifers from 14 shillings to 21 shillings.²² The government had to organize a public auction in Durban for the sale of stock received from the Africans as tax. Wilson had also to organize the transportation of cattle, sheep and goats to Umzinto from where they would be sent to Durban. The second problem was that some individuals paid in cattle that were suffering from 'lungsickness',²³ and it was difficult to establish exactly when the animal was attacked by the disease.

In some cases, goats were accepted as payment for hut-tax at a 'low' valuation of two goats per one hut. Wilson advised the government that it should accept 'these animals' because by so doing the government would be 'the gainer'²⁴ as these animals were selling at much higher prices. It is interesting to note that the S.N.A.'s reply urged ^{the} Resident Magistrate to revise his valuation of cattle, sheep and goats

22. S.N.A., 1/3/16, p.913: Wilson to Shepstone, R 160/1866, 28 March 1866.

23. S.N.A., 1/3/16, p.914: Wilson to Shepstone, R 161/1866, 30 March 1866.

24. *Ibid.*, p.951.

to correspond with the average prices of the same when they were sold by public auction. Secondly the government advised that Wilson should send them from time to time to be sold by public auction in Durban. It was also imperative that the Resident Magistrate should inform the S.N.A. from time to time so that the auction sale could be properly advertised.²⁵

Another hut-tax collection problem related to those individuals who moved into Alfred County from other areas such as Alexandra County and East Griqualand. There was always the likelihood that the incoming individual or individuals would argue that he or they had already paid for a particular year with the Magistrate of the previous county. This would place the Resident Magistrate, Wilson, in an unenviable position of forcing that individual to pay hut-tax, while he would, in the meantime, write to the previous Magistrate to ascertain if the individual in question had in fact paid before he removed to Alfred County.

Sometimes Wilson would not receive any co-operation on the issue of tax until he had appealed to the S.N.A. to intervene. For example, Wilson received no immediate assistance from Mr Moodie, the Resident Magistrate of the County of Alexandra in connection with six men who complained of having paid twice for 1866,²⁶ that is when they were in Alexandra County, and secondly when they had

25. S.N.A., 1/3/16, p.193: Shepstone to Wilson, R 160/1866, (no date), p.193.

26. S.N.A., 1/3/17, p.634: Wilson to Shepstone, R 255/1867, 28 May 1867.

settled at Charles Fynn's area in the County of Alfred. It was only when the S.N.A. himself referred the matter to Moodie for investigation and report²⁷ that it was finally revealed that the six men 'Mgiqeki', 'Bongotwana', 'Bese', 'Mbiza' and other unnamed two had never paid in hut-tax.²⁸ It had earlier been stated by the S.N.A. that, if these six-men had paid twice, Wilson would refund them personally.²⁹ This shows how far some of Wilson's new charges were prepared to go in evading tax.

It is also interesting to note that there were individuals who were frank and honest about their inability to pay hut-tax. For example, 'Magidigidi', Chief of the Cele, was quite open about his problems. He appeared before Wilson and admitted that he had fallen behind with hut-tax payment for three years with Moodie and that now he was expected to pay for three year's hut-tax in Alexandra, plus a year hut-tax for Alfred County as he had moved to Alfred in 1866. He appealed to be granted an extension. He promised that he would allow 'no unnecessary time to elapse' as soon as he was 'able to pay'.³⁰ The openness of Chief 'Magidigidi' saw the government allow him enough time to pay.

27. S.N.A., 1/3/17, p.640: Shepstone to Moodie, R 169/1867, 5 June 1867.

28. S.N.A., 1/3/17, p.1052: Mr Moodie's Report on Six-Men, 9 September 1867.

29. S.N.A., 1/3/16, p.193: Shepstone to Wilson, R 160/1866.

30. S.N.A., 1/3/16, p.905: 'Magidigidi before Wilson' Witnessed by G.M. Shepstone, R 152/1866, 20 March 1866.

Other than the aforementioned problems, hut-tax collection, according to Wilson, 'was very satisfactory'.³¹ His returns showing the number of huts and amounts collected from 'tribes' resident in Alfred show no outstanding payments. Throughout his tenure as Resident Magistrate of Alfred County Wilson never experienced outright refusals to pay hut-tax, that is between 1866 and 1870.

3.3 THE ATTEMPTS TO CONTROL THE MOVEMENT OF PEOPLE INTO, AND FROM, THE COUNTY OF ALFRED

The County of Alfred experienced unprecedented gun-running, stock theft, fraud, and squatting on what had been set aside as 'state land'. There were many applications of individuals and groups who wanted to leave either East Griqualand, Alexandra, Upper Mkhomanzi or Mpondoland and move into the County of Alfred. The Wilson administration had to control the movement of people into and from the County of Alfred in order to combat crime, especially gun-running, which was escalating, as well as stock theft and fraud. When Alfred County was proclaimed a British territory, some neighbouring indigenes living nevertheless outside the County showed disenchantment with their existing leaders, whom they accused of charging them exorbitant sums of money.

31. S.N.A., 1/3/16, p.951: Wilson to Shepstone, R 208/1866, 17 April 1866.

Daza, for example, was an old, infirm man among the Imizizi, under Chieftainess Nokusa in Mpondoland. When the Mtamvuna-Mzimkhulu territory was annexed to, and formed part of, Natal, he immediately instructed his sons to drive his cattle cross to Alfred County, even before he applied to immigrate. He justified his application for leaving Mpondoland by saying that Chief Faku was charging him and all other subjects 'exorbitant' sums of money³² to finance 'the building of Rev. Thomas Jenkins' Chapel'.³³ This tendency of the 'indigenous members' of the local society to show willingness to pay allegiance to the leaders of the intrusive society lends credibility to the assertion made by Howard Lamar and Leonard Thompson in their book, *The Frontier in History: North America and South Africa Compared*.

... the power of the intruders and the ideas they purvey may shake the confidence of some of the indigenous people in the validity of their own beliefs, and respect for their own political and cultural leaders
³⁴
 ...

In his Annual Report, dated 11th April 1868, Lieutenant Wilson emphasized that there was confidence in the new magisterial government even beyond the borders of the County of Alfred. He stated that on several occasions the local people had 'evinced their anxiety and wish to come under our rule.'³⁵

32. S.N.A. 1/3/16, p.911: Wilson to Shepstone, R 159/1866, 23 March 1866.

33. *Ibid.*

34. Lamar and Thompson, *The Frontier in History: North America and South Africa Compared*, p.10.

35. S.N.A. 1/3/18, p.313: Wilson to Shepstone, R 911/1866, 11 April, 1868.

Magistrates and their 'indunas' kept an even more vigilant eye on movements within their jurisdiction. People were encouraged to apply through the Magistrate if they wished to remove to another county or to Mpondoland, and those coming in Alfred County were also made to apply. It was easy to apprehend those who sneaked in, because Chiefs were also vigilant. Especially during census and hut-tax collection they would be apprehended. In Alfred County each application to leave or immigrate was considered on its own merits. Thus, some applications were approved, others rejected. As the examples will show, the Wilson administration was likely to recommend the approval of applications of those who had previously lived in Alfred County before the annexation. Some had left for security reasons; others had been accused of practising witchcraft. Secondly, the administration was likely to recommend the approval of applications of persons from within Natal and the neighbouring Cape colonial magistracy, such as those from Alexandra, East Griqualand and Upper Umkhomanzi, but applications from Mpondoland were treated with caution, and in most cases they were rejected, as the applicants were granted only refugee status.

Two applications, for example, were received from Mahlebe, a member of the Mzizi chiefdom, and from 'Daza', the infirm old man previously mentioned. 'Mahlebe' lived in Alfred County before annexation, 'Daza' had always lived in Mpondoland. 'Mahlebe' left because he was accused, by a petty chief of the Xolo, of practising witchcraft. Both applicants motivated their applications by citing 'exorbitant demands

of money and cattle'³⁶ made by Faku in Mpondoland for 'the purpose of aiding in the erection of Rev. Thomas Jenkins' Chapel.'³⁷ 'Mahlebe' was granted permission to remove to Alfred County. 'Daza' was granted refugee status, and the reason given for this differential treatment was that encouraging Faku's subjects to leave him by giving them land on which to settle permanently 'would give Faku a possible pretext to attack the border.'³⁸

Other applications were received from Mbonwa, Chief of the Machi and Chieftainess 'Nokusa' of the Mzizi. Chief Mbonwa applied on behalf of certain of his subjects who were still living in East Griqualand under Captain Adam Kok to be allowed to join him in Alfred County. Chieftainess 'Nokusa' applied on behalf of herself and eight other homesteads to be allowed to remove from Mpondoland to Alfred County because Faku was demanding a large sum of money and large herds of cattle from them. Mbonwa complained that, contrary to the agreement that people leaving a territory should be allowed enough time to harvest their crops, Adam Kok's Field Cornets and 'Sidoyi' were harassing his subjects to leave immediately, failing which 'three head of cattle and four goats per kraal' would be charged. 'Sidoyi' threatened, so the allegation went, 'to drive his own cattle to' Mbonwa's³⁹ people's kraals

36. S.N.A., 1/3/16, p.895: Wilson to Shepstone R 141./1866, 15 March 1866.

37. *Ibid.*

38. *Ibid.*

39. S.N.A., 1/3/16, p.873: Complaint of Mbonwa, R 66/1866, (no date given).

unless they left immediately. Interestingly, and in line with the general policy already outlined, 'Nokusa's application was rejected and Mbonwa's was approved.

'Nkwane', Chief of the Shwawu, applied on behalf of 'one hundred kraals'⁴⁰ of his co-tribesmen, whom he wanted to join him in Alfred County from East Griqualand. Permission was granted; but the application of 'Hans Lochemberg' from Mpondoland, who applied to 'purchase' land⁴¹ was rejected out of hand. Thus, there was the likelihood of an application being approved if the applicant was from within Natal or Cape colonial or allied territory, while applications from Mpondoland were either rejected or applicants were granted refugee status.

With regard to those people who wanted to leave Alfred County for as long as they were paid up in hut-tax, the government was likely to grant them permission to leave. Another condition was that they should produce evidence that they had made prior arrangements with the authorities of their new places of residence. For example, 'Mantoto', the Chieftainness of the Mbotho, wanted to remove to the Upper Mkhomanzi Division because her husband had died, she had 'no relatives' where she was (Alfred County), several of her children were 'sick and others dead'. She expressed her wish to be with her parents who could assist her.⁴² 'Mantoto'

40. S.N.A., 1/3/16, p.979: Wilson to Shepstone, R 283/1866, 7 June, 1866.

41. S.N.A., 1/3/16, p.774: Wilson to Shepstone, R 620/1866, 18 November 1866.

42. S.N.A., 1/3/17, p.656: Wilson to Shepstone, R 314/1866, *7 June, 1867.

was granted permission to leave. Another application was received on behalf of 'Hopo' who had been expelled by Chief Mditshwa of the Mzizi in Mpondoland. He had been accused of refusing to call a meeting of witchdoctors to determine the cause of illness of the Chief's brother, 'Magele'.⁴³ Chief Mditshwa wanted 'Hopo' back peacefully and permission to leave was granted.

The cautious manner in which applicants from Mpondoland were treated suggests that the British authorities in Alfred County did not want to antagonize Faku at all. Nevertheless, the unauthorized entry of British authorities in Mpondoland to search for alleged copper deposits undermines this idea. 'Jojo', an 'Induna' stationed with the Resident Magistrate, Lieutenant Wilson, was sent to Chief Mditshwa of Mzizi in Mpondoland to solicit any information as to whether he knew if any copper had been found in any part of Mpondoland.⁴⁴ Mditshwa denied any knowledge of the locality, but showed him the samples that he had in his possession. 'Nomafu' of the Ntsimbini Chieftdom intimated that the red metal was dug and smelted a long time ago, before most of the chieftdoms ran away in fear of 'Shaka'.⁴⁵ In the sources consulted it is not clear whether or not the sample carried by 'Jojo' was real copper or whether in the first place there was in fact a copper mine in Mpondoland. 'Jevuza', an African constable stationed with the Resident Magistrate, was sent out

43. S.N.A., 1/3/17, p.666: Wilson to Shepstone, R 327/1866, 27 June, 1867.

44. S.N.A., 1/3/17, p.618: 'Statement by 'Jojo' before Wilson, R 1784/1867, 15 April, 1867.

45. S.N.A., 1/3/17, p.622: 'Statement by 'Nomafu' before Wilson, R 184/1867, 19 April, 1867.

as far as the Itsizwa Mountains to make some inquiries and to judge whether or not there was a copper mine. He had some difficulties in gaining the requisite information, because Faku's subjects in fear of their Chief, refused to disclose information where the copper was. 'Maligane' however, collaborated with Jevuza and overcame his own reticence and agreed to show Jevuza the spot.⁴⁶ Unfortunately the spot proved so hard and rocky that Jevuza, in attempting to dig a sample to bring back to Wilson, broke his assegai. The spot continues to generate some interest even today (1995), though it is so rocky that all attempts to cut the rock have proved unsuccessful.

'Kani', the Chief of the Xolo, who was banned from Alfred County, tried hard to set Faku against the British authorities. When rumours spread in Mpondoland about the search for the copper mine, 'Kani' stated that Faku and his son, Mqikela, 'must not accept such intrusion'⁴⁷ into their territory. He told Faku that the spot where the metal could be dug was within 'Faku's domain'⁴⁸ and that 'no other person Black or White'⁴⁹ had the right to dig there without the permission of the Paramount Chief. However, the latter treated 'Kani' with disconcert.

46. S.N.A., 1/3/16, p.642: Wilson to Shepstone, R 200/1866, 30 May 1866.

47. S.N.A., 1/3/17, p.594: Wilson to Shepstone, R 183/1866, 29 March 1867.

48. *Ibid.*

49. *Ibid.*

'Kani' also made some allegations of intimidation by constables from Alfred County. He said they had harassed the Mzizi and his own people. He solicited the help of the Rev. Thomas Jenkins to negotiate the suspension of his sentence - he was fined two hundred head of cattle. The Rev. Jenkins was unsuccessful. 'Kani' then embarked on open defiance by re-crossing the Mtamvuna river and holding public meetings with the members of his own chiefdom. This infuriated Wilson because it was setting a bad precedent for the local population to see that, after all, an outlawed person might get away with defiance.⁵⁰

The government stood by its original judgement that 'Kani' would be allowed back only after he had paid all the two hundred head of cattle. Thus, he was ordered to leave immediately. He complied. His Chief Councillor, 'Hlutwa', who was running the affairs of the Xolo chiefdom while 'Kani' was away, unsuccessfully applied for the reduction of the fine.⁵¹ 'Kani's wives 'Macingo' and 'Mamziboneli'⁵² tried to no avail to secure the suspension of the banning order. After a while, 'Kani' did decide to pay the fine, but again he included cattle suffering from lungsickness. He also requested to pay cash, as he was unable to pay the whole fine in cattle.

50. S.N.A., 1/3/16, p.985: Wilson to Shepstone, R 298/1866, 18 June, 1866.

51. *Ibid.*

52. *Ibid.*

The following illustration from the return gives an idea of how the government recorded the number of cattle received from 'Kani'. The fine itself was endorsed by the Acting Lieutenant Governor, Colonel Bisset.

Date	No. of herd	Amount	Remarks
January 1866	(10) Ten	--	Received in January by His Excellency Colonel Bisset
September-Oct. 1866	(174) One hundred and Seventy Four Head	--	(2) Two died of Lungsickness (172) sent to Umzinto
Total	184 Head of Cattle		
Balance	16 Head =	£24-	Equal to (16) Head of Cattle. ⁵³

After compliance, Kani was duly informed to return if he so wished. Sources consulted show that he remained in Mpondoland as late as 1868. Under the circumstances, Lieutenant Wilson, ably assisted by his 'native' constabulary, worked hard to control the movement of people into and out of Alfred County. The 'submetropole' officials such as Colonel Bisset, the Acting Governor, Mr Theophilus Shepstone, the Secretary for Native Affairs, and the Resident Magistrate, Lieutenant Wilson, dedicated themselves in acquainting the indigenes with the colonial version of law and order. Nevertheless, it would demand an extra effort from these determined men to contain gun-running, stock theft, squatting on Crown land and fraud.

53. S.N.A., 1/3/16, p.1075: Wilson to Shepstone, R 593/1866, 20 October 1866.

3.4 MEASURES ADOPTED TO COMBAT GUN-RUNNING, FRAUD AND STOCK THEFT

3.4.1 Gun-running

One of the major reasons for annexing the Mtamvuna-Mzimkhulu area to Natal was to combat lawlessness and gun-running. Earlier these had become a distinctive characteristic of the area. It was left to the Resident Magistrate, Lieutenant Wilson, Justice of Peace, Fieldcornets and constables to apply the law of the Colony of Natal to the nearby annexed territory in order, especially, to combat gun-running.

According to Law No. 11 of 1862, provision was made for the importation, registration and sale of firearms into the Colony of Natal.⁵⁴ This law protected the legitimate sale of firearms. It was in fact intended to prevent the indiscriminate spread of firearms at the expense of law and order. The law stated *inter alia*, that 'the Board'⁵⁵ responsible for handling applications should 'hear objections whether'⁵⁶ such 'objections were based on the 'character, misconduct or unfitness of the applicant or the number of licenses previously granted'. The law also provided for any person, black or white, arriving in the Colony of Natal to bring his

54. *Natal Ordinances, Laws and Proclamations* compiled by Charles Fitzwilliam Cadiz assisted by Robert Lion, Pietermaritzburg, Slatter, Vol. I 1843-1870, p.352.

55. *Ibid.*, p.353.

56. *Ibid.*

firearm with him as his *bona fide* property, provided that he could produce on demand a certificate thereof.⁵⁷

The Law also stated that unlicensed firearms 'must be forfeited to Her Majesty, her heirs and successors'. Wilfully obliterated, altered, or defaced licenses under Law No. 11 of 1862, 'would be deemed to be invalid'⁵⁸ and again the firearm would be, as a result, confiscated. The law also provided for any Resident Magistrate or Justice of the Peace to enter and search or by warrant to authorise any constable to ransack 'any building, place, ship, boat, wagon or vehicle should he suspect the availability of any firearms.'⁵⁹ As part of the campaign against the illegal possession of firearms, all had to be registered by the Resident Magistrate after the Lieutenant Governor had approved such stamping and registration.

When the Colony of Natal assumed the administration of Alfred County on 1 January 1866, it enforced Law No. 11 of 1862, as explained above. Immediately Wilson applied for stamps for the registration of firearms in Alfred County. He was duly supplied with them, as indeed he acknowledged in a letter⁶⁰ to Mr Theophilus Shepstone, the Secretary for Native Affairs in Pietermaritzburg.

57. *Ibid.*

58. *Ibid.*, p.354.

59. *Ibid.*, p.355.

60. S.N.A. 1/3/16, p.566: Wilson to Shepstone, R 606/1866, 8 November 1866.

Gunholders in Alfred were duly encouraged to come forward for the stamping and registration of their firearms. Judging by the number of applications that were made after the allotted period for registration had elapsed, one gets the impression that some people who had guns did not come forward at the first instance. Possibly this is because they were under the impression that they might be arrested. Once the first lot of guns were stamped and registered, many indigenes came in to apply. They excused their lateness by saying that at the time of registration they had either been sick, had visited a sick relative who lived far away, or they had been in Mpondoland. The Secretary for Native Affairs, Mr Theophilus Shepstone, advised Wilson to satisfy himself whether such tardily-produced guns had not been recent purchases. The Africans came with other excuses, such as a mysterious fire which burnt down a hut in which the certificate was kept. Others would simply argue that they illegally bought guns from persons whom they could identify, but whose names they had completely forgotten! The various excuses, even after the Africans had been encouraged to come forward, point not only to the fact of gun-running, but it also shows that there were a large number of illegally acquired arms in the border area.

The Magistrates, the Fieldcornets, Justice of the Peace and constables must have asked themselves the question, how such weapons came to be acquired. In cases where the original seller of a firearm had his name 'forgotten', the authorities did not hesitate to confiscate the firearm under the provision of Clause 18 of Law No. 11

of 1862, which stated that unlicensed firearms 'must be forfeited to Her Majesty, her heirs and successors'.⁶¹ There were also cases of Africans who wanted to sell their guns by applying for such permission to the Lieutenant or Acting Lieutenant Governor. It was consistently required of such people that they should set forth reasons why they wanted to sell their guns, and to reveal the possible purchasers. When such information was deemed satisfactory, permission was generally granted. For example, Chief Xhonywa of the Nizimakhwe, appeared before Wilson and requested permission 'to sell or barter his double barrelled gun',⁶² which was already registered in Alfred County. He stated that he wished to dispose of his gun to any 'European' or 'Native' the government would allow him to sell to. He was duly granted permission.

On 12 September 1866 'Ngohlo' of the Jali chiefdom under Chief 'Lusungulu' appeared before Wilson. He requested him to recommend the registration of his gun to the Acting Lieutenant Governor. On being asked how he 'came in possession' of that gun, he replied that he purchased it from one of the Bhaca whose name he did not know, but whom he could identify. The gun was confiscated forthwith.⁶³

61. *Natal Ordinances, Laws and Proclamations*, p.353.

62. S.N.A., 1/3/16, p.1071: Xonywa before Wilson, R 560/1866, dated 6 October 1866.

63. S.N.A., 1/3/16, p.1055: 'Ngohlo' before Wilson, R 499/1866, 12 September 1866.

Wilson recommended permission to be granted to 'Moses' whom he described as a Christian, to possess a gun which he brought when he removed from Verulum⁶⁴ as his *bona fide* property. The Acting Lieutenant Governor, as the law provided, granted Moses permission to possess and register his gun. The same decision was also arrived at in the application of 'Maketo', who had removed from 'Mpondoland'. It would appear that, from the constables up to the higher echelons of the administration of the Colony, the issues of possession, importation, registration and sale of guns was handled without favour and with considerable consistency.

For example, 'Ngoyika' of the Mtwana chiefdom, 'Kona' of the Ntsimbini, 'Sikunyana' of the Xolo, 'Rwaxaza' and 'Pahlela' of the Nhlanguwini, 'Nozozo' of the Ntsimbini, 'Hlamtwana' of the Xolo, to name but a few, came after the deadline of registration of firearms for the year 1866. The excuses revolved around being either sick or away from Alfred at the time of registration. The Resident Magistrate satisfied himself that the guns were not recent purchases and recommended permission for all of them and other similar applicants.

64. S.N.A., 1/3/17, p.778: Wilson to Shepstone, R 655/1867, 6 December 1866.

3.4.2 Fraud

Fraud in Alfred County was almost like a form of stock theft. The experts in this crime used a hut-tax collection receipt as a warrant from the Resident Magistrate, Lieutenant Wilson. The receipt would be hoisted in a stick and 'planted', that is, half of the stick, in front of the victims' huts. The accompanying verbal order would vary as the bearer chose. Some would order the 'victim' to give the bearer of the warrant a certain number of head of cattle, sheep, horses or goats, while purporting that such an order had come from Wilson himself. Others would order the victim to remove from the County of Alfred as the warrant from 'the magistrate' smelled them of practising witchcraft. Then the victim would be told that the bearer had been instructed to detain a certain number of head of cattle. These crimes unsettled Wilson. Surely the offenders were capitalising dangerously on the illiteracy and gullibility of their victims?

It was worse when Charles Fynn and his son Tom Fynn defrauded a tribesman of the Ngutyana chiefdom under Chief Madikizela of Mpondoland. Charles Fynn was the Chief of the Zinkumbini in Alfred County. 'Mpathi', a subject of Charles Fynn, successfully traced his two missing cattle to the homestead of an unnamed 'thief' under Chief Madikizela in Mpondoland.⁶⁵ With the co-operation of Madikizela, the so-called 'thief' was fined nine head of cattle, while the two were due to be returned

65. S.N.A., 1/3/18, p.3342: Wilson to Shepstone, R 1125/1868, 20 July, 1868.

to 'Mpathi'. In addition to these cattle a fine of five goats was made. Madikizela, under the impression that Charles Fynn would communicate his co-operation to the relevant authorities, saw to it that the 'thief' paid his fine immediately.⁶⁶ Charles Fynn neither refunded Mpathi nor did he bother himself to communicate any information to Wilson, despite the fact that Wilson's name had been mentioned several times as the nearest responsible authority.

The matter was brought to the attention of Wilson when 'Mpathi' decided to stand up and challenge Charles Fynn.⁶⁷ Lieutenant Wilson was infuriated by Charles's actions. Rightfully, he accused Fynn of making a false declaration and of using his (Wilson's) name for the purpose of having a larger fine imposed. Accordingly, Wilson recommended that the cattle (except those which rightfully and lawfully belonged to Mpathi) should be returned to Madikizela with a suitable message. He recommended that Charles Fynn should be severely fined or punished under Native or Civil Law. Charles Fynn, after due process of the law, was accordingly relieved of his Chieftainship.

Another case of fraud with intent to steal stock involved 'Gxumela', an African constable under Wilson. It would appear that Wilson, having heard a case between 'Mtshingwa' vs 'Mkokosa', decided in favour of 'Mkokosa', where witnesses were

66. *Ibid.*

67. *Ibid.*

'Mvuse' and 'Mbazi'. 'Gxumela' approached 'Mkokosa', 'Mvuse' and 'Mbazi', asking them to give him 'an ox' or 'five sheep' which he (Gxumela) would receive on behalf of Mr H.K. Wilson who 'deserved' such a reward for deciding the case in their favour. 'Mkokosa', 'Mvuse' and 'Mbazi' told 'Gxumela' that they neither had an ox nor sheep, but they would try their level best at least to find one sheep.⁶⁸

Once they had a sheep they drove it straight to Mr McLean who was the Clerk of the Court. McLean duly informed Wilson. Once again Wilson's name and the dignity of his office had been used to defraud one of his subjects. 'Gxumela', in mitigation of his crime, tried hard to convince Wilson that he had never used his name, but accepted having asked for a reward for himself as 'this was practised even in Pietermaritzburg'.⁶⁹ Wilson reported his incrimination to Colonel Bisset. After Colonel Bisset and Mr Theophilus Shepstone had satisfied themselves that Wilson was innocent and Gxumela guilty as charged, they relieved him of his duties as a constable.

2.4.3 Stock theft

Cattle stealing and stock theft in general were *rife* in the borderland and very difficult to combat. Stock thieves were charged and fined under Ordinance No. 1 of

68. S.N.A., 1/3/16, p.1013: Mvuse before Wilson, R 411/1866, 1 August 1866.

69. *Ibid.*

1855 which provided for the checking and punishment of those who stole cattle. It also provided for the punishment of those who wrongfully and unlawfully killed, wounded and stabbed cattle. Passes were to be issued to those who had intentions of driving cattle from one kraal to another⁷⁰ or for that matter, across the border from Mpondoland to Alfred County and *vice versa*.

Nevertheless, magistrates and law alone could not stamp out stock theft. Officials like the Justice of the Peace was a kind of a magistrate within the meaning of Ordinance No. 18 of 1845, which describes him as someone with powers to preserve public peace and for that purpose to call to his aid and assistance Fieldcornets, constables and Peace Officers to suppress riots, brawls or actions such as stock theft, which might lead to disturbances.⁷¹

To show that stock theft was rife in the counties of the south-western boundary of Natal, even chiefs were found guilty of defrauding unsuspecting victims by using hut-tax collection receipts. In the case of 'Mayezana' *versus* 'Nomhlane' it was discovered that 'Mayezana', a petty chief in the Upper Mkhomanzi Division, had wilfully and wrongfully produced a hut-tax collection receipt to 'Nomhlane' of Nzimakhwe, intimating that it was a jointly issued order by Lieutenant Wilson, the Resident Magistrate of Alfred County, together with Mr Hawkins, the Resident

70. *Natal Ordinances, Laws and Proclamations*, p.663.

71. *Ibid.*, pp.22-23.

Magistrate of Upper Mkhomanzi Division. 'Mayezana' used not only the receipt but the names of these Magistrates as well as the dignity of their offices to intimidate and illegally extract fourteen head of cattle from 'Nomhlane'.⁷² These cases of fraud with intent to steal cattle, especially among the chiefs, who were by their birth right symbols of authority, lends credibility to the view that there was indeed no central authority under whose name law and order would have been maintained in the Mtamvuna-Mzimkhulu before annexation. Even after annexation cattle thieves and chiefs in particular still related to the habits of the disturbed pre-annexation period.

3.5 THE RELATIONS OF ALFRED COUNTY MAGISTRACY WITH UPPER MKHOMANZI, ALEXANDRA WITHIN THE NATAL BORDER AND EAST GRIQUALAND AND MPONDOLAND BEYOND

The Magistracies of Upper Mkhomanzi, Alexandra and Adam Kok's 'captaincy' of East Griqualand worked hand in hand to maintain law and order. The relations were generally friendly. For example, when Lieutenant Wilson of Alfred County received a complaint lodged by his constables that they were interfered with in their duties when they apprehended thieves from East Griqualand who were cutting timber of Crown forests at Weza Forest Estate, Captain Adam Kok did not delay in

72. S.N.A., 1/3/16, p.1045: Wilson to Shepstone, R 481/1866 (no date).

apologizing. He even promised to establish a police station between the two counties that would help control cross-border stealing.⁷³

Secondly, when Chief Mbomwa vehemently complained that a section of his people, who were about to remove from East Griqualand to Alfred County, were harassed into leaving even before reaping their crops,⁷⁴ Captain Adam Kok pledged that he would investigate and give Chief Mbomwa's people enough time to remove peacefully. Mr Hawkins, the Resident Magistrate of Upper Mkhomanzi, had always worked closely with regard to hut-tax collection and certificates of guns belonging to people removing between these counties had always been mutually acceptable. There were no problems either between Alfred County and Alexandra.

However, relations could have gone badly between Mpondoland and Alfred County because of Chief 'Kani' in particular, but Mr Theophilus Shepstone, Mr Wilson and Mr Wilson's successor, Mr H.C. Shepstone, did not leave relations between them and Faku to be determined by events between their territories. They paid frequent visits to Faku and they maintained such visits even when Mpondoland was under Faku's son, Mqikela. Chief 'Kani' of Xolo tried to influence Faku to rise against Alfred County after the latter had sent 'Jevuza' to elicit information about the

73. S.N.A., 1/3/16, p.494: Captain Adam Kok to Wilson, R 192/1866, 6.4.1866.

74. S.N.A., 1/3/16, p.94: Wilson to Shepstone, R 193/1866, 12/4/1866.

whereabouts of the alleged copper mine.⁷⁵ 'Kani' insisted that no man, black or white, had a right to search in Faku's territory without special permission from Faku.⁷⁶

Faku never got carried away. 'Kani' even insinuated that Nokusa's people, the Mzizi chiefdom, had been received from Alfred County without Faku's permission. The Rev. Thomas Jenkins wrote to Wilson. He inquired about the Mzizi, whom 'Kani' had alleged were already living in Alfred County, about Kani's harassment, and about abusive language that 'Kani' had alleged was used by Wilson's constables.⁷⁷ 'Kani's' allegations were disproved, and the friendly relations on the whole continued, even during the reign of Chief Mqikela.

In 1872 H.C. Shepstone, the second Resident Magistrate of Alfred County, heard from Adam Kok that there was an imminent war between the Xesibe of Chief Jojo and the Mpondo of Chief Mqikela. H.C. Shepstone, for the sake of peace, drew this to the attention of Mr Theophilus Shepstone and Acting Lieutenant Governor Colonel Bisset. The bone of contention was that the Xesibe had allegedly burnt grass in an area under the jurisdiction of Mqikela. The case was referred to the High Commissioner, Sir Henry Barkly, as the trans-frontier arbiter of community

75. S.N.A., 1/3/17, p.594: Wilson to Shepstone, R 183/1866, 29 March 1867.

76. *Ibid.*

77. S.N.A., 1/3/16, p.921: Jenkins to Wilson, R 161/1866, 36 March 1866.

relationships in South Africa. The steps that H.C. Shepstone took shows the good relations that existed.⁷⁸

Earlier, H.C. Shepstone had received a letter whose message he transmitted to the S.N.A. The letter was received from Mqikela asking Resident Magistrate Shepstone to buy him some blankets and sheets in the spring of 1871. In his letter to Shepstone (S.N.A.), the Resident Magistrate requested a refund, and he enclosed a receipt as he had already bought and delivered the blankets and sheets to Chief Mqikela.⁷⁹ It is an interesting example of trans-border co-operation.

When lung sickness broke out in 1871, Chief Mqikela issued a notice to H.C. Shepstone prohibiting the entrance of any cattle into Mpondo country. H.C. Shepstone wrote to the S.N.A. suggesting that, as Proclamation of 7 March 1856 was still unrepealed, a notice should be made in the *Government Gazette* calling for the attention of the public that that proclamation was still in force. As it related to the moving of cattle from one place to another, Shepstone believed that it would add more to the notice issued by Mqikela.⁸⁰ This again illustrates the mutual

78. S.N.A., 1/3/22, p.879: Mqikela *versus* Jojo, 1871 (other details of this reference torn).

79. S.N.A., 1/3/21, p.394: H.C. Shepstone to T. Shepstone R 357/1871, 22 September 1871.

80. S.N.A., 1/3/21, p.511: H.C. Shepstone to T. Shepstone, R 476/1871, 8 December 1871.

respect with which the Magistracy of Alfred County and Mpondo Paramountcy treated each other.

To sum up, magisterial rule had been effectively consolidated in Alfred County; but little or nothing had been achieved in the field of economic development. Roads did not exist to facilitate communication. There was no farming nor industrial development. The mouth of the Mzimkhulu river was difficult to cross. There were some stories about marble quarries in the source of the Mzimkhulu. There were no villages yet established. The development of an infrastructure of such villages and communications remained as yet in the future.

CHAPTER IV

THE DEVELOPMENT OF ALFRED COUNTY AND FURTHER CONSOLIDATION OF AUTHORITY ON THE SOUTH-WESTERN BOUNDARY (1870s - 1880s)

Owing to the lack of a sound infrastructure, economic development was very slow in Alfred County. Communication was very difficult. The only means of transport was by ox-wagon. When the East Coast Fever regulations were in force, wagons were drawn by donkeys. There were no bridges over streams. Thus, rainy weather would hold up traffic. There was no organized community settlement in the southern part of the County, except in and around Murchison, where the magistracy was situated. In 1866, the European population of Alfred County consisted of only eleven individuals, and they were for the most part settled far apart from one another.¹ This means that the frontier had not been closed yet, in the neat sense of the term. Africans still lived in the northern part of the County. They had not yet been integrated into the social and economic life of the whites, and as already stated, there were very few whites.

1. Bulpin, T.V., *To the Shores of Natal*, (Cape Town, Citadel Press, no date), p.299.

4.1 THE EARLY WHITE SETTLERS AND THEIR ACTIVITIES

It is important to know who the early white settlers were, because in areas like the Zuurveld or the Albany district, Victoria and 'British Kaffraria', British expansion was consolidated by encouraging whites to settle there. Their economic activities were also important because the development of such activities was dependent on Africans being employed as labourers by the whites. This is how economic integration often takes place at first, but such interaction can mean more than employment. It entails earning money and developing the European tendencies of spending it, such as the purchasing of clothing, food and using it as a form of exchange for any affordable commodities.

One of the early white settlers was Sydney Turner. He settled near the Mzimkhulu river mouth even before the Mtamvuna-Mzimkhulu area was annexed to Natal. He planted coffee, ran a store, and conducted a fishery at the mouth of the Mzimkhulu river. This shows how undeveloped the Mzimkhulu river mouth was. There were also two sawyers, Ford and Mackenzie, who were licensed to cut stinkwood and yellowwood trees. Settling in Alfred County was encouraged. Even Colonel Bisset, the Acting Lieutenant Governor of Natal, had found the area so 'attractive'² that he bought himself a farm near the Mzimkhulu river. He reserved the farm against his time of retirement.

2. N.C.P., 4/1/1/1, p.90, No. 5: Bisset to Cardwell, 16 January 1866.

Another early settler was Archibald Sinclair. He was the first man to bring sugar cane to the Mzimkhulu river area. Born in Britain, Sinclair came to Natal in the settler ship, *Wanderer*, in 1849. He spent his younger days near Scottburgh, where his father had been the first farmer to plant sugar cane south of the Mkhomanzi river. When Archibald Sinclair moved to the south of the Mzimkhulu river, he brought about three bundles of sugar cane from his father's farm. Assisted by his brother, Andrew, Sinclair planted sugar cane on his lands beside the river.³

Other than sugar cane farming, Sinclair made a living by ferrying Africans across the Mzimkhulu river. His hobbies were fishing and hunting. On his farm, which was called *Ambleside*, after a ship, he erected a small ox-mill. He manufactured treacle which he sold to Africans and some sugar which he sold to the traders.⁴

Another settler of note was Lewis Reynolds.⁵ Reynolds soon saw that Alfred County was economically stagnant. This was shown when he offered a bonus of £50 to anyone who would blast away the rocks blocking the mouth of the Mzimkhulu river. The success of such a project would open the river mouth to shipping and eventually lead to economic progress and prosperity. No-one took up the challenge. The Reverend S. Stoppel, a German, was also among the early settlers. He

3. 'Port Shepstone: The First 110 Years 1882-1992' as compiled by Mary Neethling, pp.9-10.

4. Bulpin, *To the Shores of Natal*. p.300.

5. *Ibid.*

established a mission station just south of the Mzimkhulu river and named it Marburg, after his home town in Germany.⁶ Alfred County received its facelift after the arrival of the Aiken brothers, James, William and David.⁷

4.2 THE MZIMKHULU RIVER MOUTH AND PORT SHEPSTONE

The idea of opening up the Mzimkhulu river mouth had been mooted as early as 1848, when both Henry Fynn and Theophilus Shepstone suggested, in connection with the settlement of the Earl of Arundel and Surrey, that the port of entry for these settlers should be the Mzimkhulu river.⁸ When part of 'Nomansland' was annexed to Natal in 1866, Colonel Bisset became a supporter of the harbour scheme. The local newspaper, *The South Coast Herald*, in an attempt to revive the harbour plan in the 1950s, long after the scheme had been abandoned, wrote in its headlines, 'Pleasure port would make area internationally famous'.⁹ This sums up the pomp and circumstance in which the idea of a harbour was held. The existence of a harbour, it was suggested, would provide a shorter route for the grain and wool of the Griquas than by the longer route of Ixopo, Umzinto to Durban.¹⁰ A commission to investigate the possibility of opening up the Mzimkhulu river mouth was set up.

6. Acc.665, Ref. 19/3550: 'History of the Borough of Port Shepstone', p.4.

7. Bulpin, *op. cit.*, p.302.

8. Acc.739, Ref. 13/3545: *South Coast Herald*, 29 May 1953.

9. Acc. 739, Ref. 13/3545: *South Coast Herald*, 29 May 1953.

10. *Ibid.*

Dr Sutherland, the Surveyor-General, and Mr Peter Peterson made up this commission.¹¹ The *South Coast Herald* was of the opinion that Dr Sutherland and Peter Peterson were influenced by their previous experiences of 1862-1863, when they completely failed to establish what would have been called 'Port Scott' at the mouth of the Mkhomanzi river, when they recommended that the harbour scheme at the Mzimkhulu river mouth would not materialize.¹²

As expected, the government refused to spend any money on the proposed establishment of a port. It cited the failure of a similar project at the Mkhomanzi river in 1862-1863. Nevertheless, the government made it clear that it has no objection to any private individual attempts.¹³ The Aiken brothers, William, James and David, had come from Ifafa, where they had a sugar plantation. They were astute business-minded people. They traded in sugar, tea, lime and marble. Like Lewis Reynolds, they soon realized that commerce could not prosper as long as trade depended on ox-wagon as a form of transporting goods.¹⁴ Thus, turning the river mouth into a port and thereby developing sea transport between Durban and Port Shepstone (existing in name then), became their priority.

11. *Ibid.*

12. *Ibid.*

13. Bulpin, *op. cit.*, p.302.

14. *Ibid.*

Realizing that government assistance had been refused, the Aiken brothers approached William Bazley, a Byrne settler who had arrived in Natal in 1850. They invited him in 1879 to inspect the river mouth and consider the possibility of opening it up for shipping. William Bazley duly made an estimate and drew up a plan of work. The Aiken brothers contracted to pay him a sum of £500 should he succeed in blasting away the rocks that blocked the Mzimkhulu river mouth.¹⁵

Bazley organized Africans to work under his direction. The work began in 1879 and it continued until 1880. Bazley did all the underwater work himself, using home-made diving equipment. It was a dangerous exercise, as he had to escape from the sharks. By 1880, the Aiken brothers deemed the river mouth safe for sailing. F.N. Price, the owner of the coaster *Somtseu*, was invited to attempt the passage up the river. Price found the river amenable to sailing. On the 7th March 1880, *Somtseu* left Durban with a general cargo on her first voyage to Port Shepstone.¹⁶

William Bazley was paid £500 of his outstanding achievement. His contribution was considered so great that during the 1880s that there was a move to have the name changed from Port Shepstone to Port Bazley. Port Shepstone was becoming busier

15. 'Alfred County Centenary 1866-1966', p.26.

16. 'Port Shepstone: The First 100 Years, 1882-1992', p.10.

by the month. Sea transport replaced ox-wagon. There was, as a result of sea transport, a regular shipping service between Durban and Port Shepstone.¹⁷

Transport rates between the two ports were reduced by half. Without any doubt the opening up of the river mouth was the most important event in Alfred County. The Mzimkhulu river became the busiest centre in the County. There was economic prosperity in Alfred County. Long wagon trains left the port for Mpondoland and Harding, carrying trade goods brought in by the coasters.

Henceforth numbers of Africans were employed in road construction, in loading and off-loading of goods at the port. Some were involved in quarrying marble, others in sugar cane planting. William Bazley entered the government service.¹⁸ He was soon involved in constructing roads and in blasting away the Izingolweni cuttings in an attempt to connect Murchison, Izingolweni, Harding and East Griqualand. All state land near the river mouth was surveyed and, on 11 October 1881, the first government land sale took place. Twenty-two farms and plots were sold.¹⁹

17. Bulpin, *op. cit.*, pp.302-303.

18. *Ibid.*, p.304.

19. *Ibid.*

In 1882 the Natal Legislative Council voted £10,000 for the improvement of the harbour of Port Shepstone.²⁰ William Bazley was offered the task of undertaking that challenging project. His major problem was to blast away the remaining rocks in the entrance and then to erect a wall on the side of the river so that tidal and flood water would be channelled instead of spreading out and allowing a bar to form.²¹ Bazley improved the harbour tremendously.

The Natal Shipping Company was formed to manage the trade and a new, 101 foot long, twin screw coaster called the *Lion*, was brought out from England in February 1883 to join the *Somtseu* in a fortnightly service to and from Durban.²² Another form of trade in the drift was conducted by 'a local syndicate' who opened a local fishing enterprise with a small steamer called the *Commodore*.²³

The economic prosperity of Alfred County was, however, bedeviled by natural and economic forces. For example, in the 1880s the whole of Natal was experiencing a grievous depression.²⁴ This depression affected the trade at Port Shepstone, and at its worst in 1884 even shipping was largely reduced. Another trouble with the port was always the unreliability of the flow of water of the river. In winter or in years of

20. 'Alfred County Centenary 1866-1966', p.27.

21. Bulpin, *op. cit.*, p.304.

22. *Ibid.*, p.309.

23. *Ibid.*

24. *Ibid.*

drought the mouth would be entirely blocked up and all trade would be disrupted.²⁵ with tons of sugar, marble and other cargo just left to wait for weeks on end. The winter of 1894, according to Bulpin, was particularly bad as the mouth of the Mzimkhulu river was completely blocked and very little was done until the end of the year.²⁶

The last years of the 19th century marked a return to prosperity in Natal. For Port Shepstone this meant a revival of the coastal trade, and this in turn led to the building of a custom's house. Port Shepstone was declared a full fiscal port in 1893.²⁷ Thus Natal had two harbours. Port Shepstone harbour had become a centre of exchange between whites and Africans. Goods that were exchanged there ranged from blankets, clothes and beads to ivory, ostrich feathers, horn, hides and iron goods. Consumer goods such as fruit, vegetables and eggs, were exchanged, while some of these goods were transported by ships to Durban. Thus, gradually, Africans were becoming integrated into the economic activities of whites. Sheep and cattle among Africans had an added value. Sheep produced wool, which became one of the major exports of East Griqualand. Cattle had an added value for their horns and hides. Thus the establishment of a harbour at the mouth of the Mzimkhulu river led to the participation of Africans in commercial exchange.

25. 'Alfred County Centenary 1866-1966', p.27.

26. Bulpin, *op. cit.*, pp.309-310.

27. *Ibid.*, p.310.

Unfortunately, the shipping facilities were never upgraded to meet the challenges of natural disasters such as soil erosion. Dredging proved to be a short-term solution, while at times ships had to be dangerously loaded at sea. Eventually the government introduced the railway system. this marked the end of the coastal service.

To sum up this section, one notices that magisterial rule and trade had been effectively consolidated, but interior villages and an organized settler community were still conspicuous by their non-existence. This meant that social integration of Africans in terms of education, health services and religion had not yet begun. Villages or boroughs as they were called, had not yet been established. It was the development of these villages that would lead to the full 'closure' of the frontier, because all land in Alfred County would be allocated accordingly.

4.3 THE ESTABLISHMENT OF VILLAGES AND THE IMMIGRATION TO ALFRED COUNTY

4.3.1 Murchison

At the annexation ceremony in 1866, Colonel Bisset, who led the annexation party, announced that Lieutenant H.K. Wilson of his party, would be the magistrate of the newly annexed territory.²⁸ He was officially appointed²⁹ and a suitable and

28. *Government Notices 1866*, Government Notice No. 3, 1866, p.3.

comparatively safe site, away from the turbulent border, was selected. This site, on the Iboyiboyi river, was first called Alfred, but the name was almost immediately changed to Murchison in honour of Sir Roderick Murchison, a renowned geologist in England.³⁰

In 1870 Lieutenant Wilson retired from his office, and three years later, in 1873, the seat of magistracy was transferred by the Natal Government to the newly established capital of Alfred County, Harding. This transfer meant that the centre of activities moved to Harding. Thus by the early 1870s, Murchison was in decay. Wilson had gone. The only obvious memento of himself which he left behind was Wilson's Cuttings, an old road leading to Murchison.³¹ His successor, H.C. Shepstone, had hardly settled in the little village of Murchison, with its total of three houses, before the capital of the County was changed in 1873 to a position closer to the troubled Griqua border at Harding. Murchison soon became a ghost town with only one or two green trees to mark the site of the former village.³²

Nevertheless, Murchison was slowly redeveloped under the guidance of Dr Barton who founded the Murchison Mission Hospital. Dr Barton had come from Mpondoland

29. *Government Notices 1866*, Government Notice No. 144, 1866, p.189.

30. 'Alfred County Centenary, 1866-1966', p.13.

31. *Ibid.*

32. Bulpin, *op. cit.*, p.300.

as a young missionary. In the 1930s, Dr Barton was joined by Miss Dunbar, a nurse who assisted Barton in the medical work. 'Pumulani' Nursing Home came into being, with a small six-bed hospital was followed by a European Nurses' Home and an African Nurses' Home. Thus, the former capital of Alfred County, Murchison, had become a centre for health services for both whites and Africans.³³

4.3.2 The establishment of Harding and the consolidation of Natal's authority on the southern frontier

In preparation for the imminent removal of the magistracy from Murchison to a position closer to the troubled Griqua border, Dr Sutherland surveyed the new township in prospect. It was named Harding in honour of Sir Wates Harding,³⁴ the Chief Justice of Natal. It was named but little else. Harding came into existence in 1873 primarily as a military outpost. Its development was more strategic because the primary aim of establishing Harding was to maintain law and order among the African chiefdoms, and at the same time to consolidate the authority of the government of Natal by a show of force whenever it was deemed necessary. The fact that the first magistrate of Alfred County was a military man was not an accident of history. He was Lieutenant H.K. Wilson of the 96th Regiment.

33. 'Alfred County Centenary 1966-1966', p.14.

34. Magisterial records as compiled by B.E. Camp under a title 'History of the District of Alfred' (cyclostyled), p.15.

As already stated, life was very primitive and masculine at Harding because of the lack of facilities and civilized amenities. There was an irregular letter post by ox-wagon or postcart drawn by mules. There was no parcel post. For example, if a pair of boots was badly needed, it had to be fetched on horseback from Pietermaritzburg.³⁵ At long intervals a wagon train supplying goods and groceries would arrive to supply the only store. There were no established roads leading to Harding, some mere tracks through long grass.³⁶

The Natal Government decided to raise and reinforce its police force in the border areas as a precaution after its experience during the Langalibalele Rebellion of 1873.³⁷ At that time Major J. Giles, who was to be appointed magistrate at Harding in 1874, was the Commandant of Volunteers in Natal. He was an experienced military leader, who had served in the Indian Mutiny as the Adjutant of the 14th Light Dragoons. Because Harding needed a military leader of Giles's calibre, he was soon transferred from his position in the 14th Light Dragoons. He was appointed as magistrate at Harding in 1874.³⁸ This serves as indisputable confirmation of how seriously the government regarded the responsibility of the magistrate at Harding at that time.

35. *Ibid.*

36. *Ibid.*

37. *Ibid.*, p.16.

38. *Ibid.*

Major J. Giles spared no effort on his arrival, in building himself a comfortable house of dressed stone. He planted gum-trees and shrubs about his Residency. The Natal Mounted Police (hereafter referred to as N.M.P.) sent twenty-five European policemen to Harding to maintain law and order on-the-spot. Unfortunately, this detachment was withdrawn back to Pietermaritzburg after it came under heavy criticism from a missionary who complained about the manner in which the policemen acquired a sheep from a local African. Although, on investigation, nothing sinister was found, it was decided by the Legislative Assembly to recall them.³⁹ Thus Major Giles was left with the 'native' police to administer law and order. It is interesting to note that, in spite of its primary aim of maintaining law and order, and thereby consolidating its authority over the indigenes, the Natal Government were concerned even at the suggestion of high-handedness, such as the allegations levelled against the twenty-five members of the N.M.P.

Developments in the Cape Colony under the governorship of Sir Henry Barkly made things easier for Major Giles. In 1874 Sir Henry Barkly annexed East Griqualand formally to the Cape Colony.⁴⁰ This meant that, whereas before there could easily be a sudden sharpening of trouble between the independent East Griqualand and Alfred County, which was part of Natal, now the Cape Colony had taken over

39. *Ibid.*, p.17.

40. S.N.A., 1/3/23, p.930: Shepstone (S.N.A.) to Shepstone (Magistrate), 21 July 1873.

responsibility for law and order in East Griqualand. Giles' task was lightened but not removed, because Mpondoland had not yet been annexed.

Meanwhile Harding was slowly but surely developing. Some new residents who were practised builders and masters of the art of dressing stone settled.⁴¹ Again, one notices that there was a tendency to erect buildings of dressed stone. The primary aim was defence in the event of an attack from Mpondoland or from within the African chiefdoms of Alfred County. This serves to reinforce the point made earlier that Harding was established as a military outpost. By 1877 Harding had grown sufficiently for two brothers A. and H. Downes to open an inn which they called *The Southern Cross*. A post office and a gaol were built. The first postmaster was Mr Alderson and the first gaoler, poundmaster and messenger of the court was Donald McKenzie.⁴² The first District Surgeon was Dr C. Eadie. D Eadie did his rounds on horseback. By 1882, three stores had been erected.⁴³

The paramount duty of the early magisterial rule was to keep law and order among the chiefdoms within the boundary and to deal with turbulence from outside or beyond the frontier, in this case, primarily from Mpondoland and to a lesser extent from the Griquas, who were by then subjects of the Cape Colony. It dawned on the

41. *Ibid.*, p.20.

42. *Ibid.*

43. *Ibid.*

Natal Colonial Government that if peace and security were to be maintained, the settlement of boundaries between various chiefdoms of Alfred County had to be the top priority. Secondly, if the Colonial Government was to win the unwavering allegiance of the indigenous communities, it was incumbent upon that government to find 'collaborators' among the indigenes, who were in the process of incorporation, even if it meant that such 'collaborators' might be new arrivals. The point is they would be 'natives', but unlike the targeted indigenous societies of Alfred County, they would be amenable to assimilation so as to set a precedent of showing allegiance to the intrusive society. Thirdly, the Natal government would militarize the Mtamvuna river as a warning to Mpondoland, should the latter decide to launch an expedition against whites in Alfred County. This brings us to the consolidation of Natal's authority on the southern frontier.

The settlement of tribal boundaries was a first call on magistrates' time. It was an absolute necessity for proper control and allocation of tribal responsibility. In order to settle differences between the Maci chiefdom and the Jali chiefdom, the Natal Government sold farms to Europeans. These farms were situated between these tribal chiefdoms.⁴⁴ Thus, a corridor was created between the chiefdoms of Machi and Jali. This corridor still exists today (1995); it is a belt of farms stretching from the town of Harding down to Mtamvuna river. On the north-western side of the

44. Magisterial records as compiled by B.E. Camp under a title 'History of the District of Alfred', p.21.

corridor the inhabitants are predominantly Jali while on the south-eastern side the inhabitants are predominantly Machi.

The Natal Government soon discovered that the Machi chiefdom abutted the Cele at the other end of the district, and fights between them were not only regular, but of severe proportions. In an attempt to combat the outbreak of hostilities and to consolidate authority, the Government 'translated'⁴⁵ the Zinkumbini tribe of Tom Fynn, which was threatening disintegration, and placed them on Crown lands given to Fynn at Nqabeni so as to bring about 'a compact rectangular Fynn location between the Cele and the Machi tribal chiefdoms, from Nqabeni and Izingolweni down to the Mtamvuna river.'⁴⁶

A further technique by which the administration of the Natal Colony was consolidated and reinforced was the removal of a portion of the Nyuswa chiefdom from Umngeni river (in the Pinetown and Camperdown districts) including their chief to Harding. The Nyuswa chiefdom were detribalized, and they had become used to white supervision over the years where they had been. It was hoped that they would serve as a steadying influence over the chiefdoms of Machi, Jali, Mboto, who were of Cape Colony origin, and over the chiefdoms of Cele, Nhlanguwini and Dumisa,

45. S.N.A., 1/3/24, p.956: Shepstone to Shepstone, 2 February 1874.

46. S.N.A., 1/3/24, p.1050: Shepstone to Shepstone, 15 March 1874.

who were of the Zulu origin. Thus the Nyuswa chiefdom was used, in its collaborative role, as a stabilizing factor in 1875.⁴⁷

In yet another attempt to consolidate the Natal Colony administration, the government offered Norwegians as much as 500 acres of land in the interior of Harding, at Nqabeni. The idea would be for the Norwegians to act as supervisors of chiefdoms in and around Nqabeni. They would be placed there so that the indigenes would refer their major problems to the Norwegians. Two Norwegian settlers set off on foot to test the proposition from Marburg south of Port Shepstone. Among the drawbacks they found were a lack of wood for building, absence of proper roads, distant markets and distant centres of civilization.⁴⁸ Although this state-aided immigration to Harding failed, it serves to show how expansion and incorporation were sometimes carried out in southern Africa.

When the Anglo-Zulu War broke out in 1879, all ranks of the N.M.P. were mobilized for service in that war, except the detachment at Harding which was ordered to stand fast and watch over the border between Alfred County and Mpondoland. In 1880 Sir George Colley, the Governor of Natal, came to Harding to examine the defence position himself. In 1894, the detachment of police at Harding was moved down to the border to patrol the drifts over the Mtamvuna river. Shortly after that a

47. Magisterial records as compiled by B.E. Camp under a title 'History of the district of Alfred', p.20.

48. *Ibid.*

severe outbreak of glanders attacked the horses of the police detachment. The Colonial Veterinary Surgeon ordered the destruction of every animal in the place, the stable and all the stable utensils. The detachment was withdrawn for a year to allow the germs to dissipate.⁴⁹ This was in line with Law No. 8 of 1864 which provided for the prevention of the spread of horse diseases called Glanders.

The fact that the detachment of Harding was not mobilized for service in the Anglo-Zulu War (1879) shows in what serious light the government was prepared to consolidate its grip on Alfred County, and at the same time contain turbulence from the Mpondo County. When the germ dissipated, the 60th and the 94th Regiments were deployed at Harding and they assisted in patrolling the border.

After the 1880s, anarchy broke loose in Mpondoland between arch-rivals, Sigcawu, the Paramount Chief, and Mdlangaso, the Mpondo Chief, living near the Natal border. This war in Mpondoland had serious implications for the maintenance of law and order in Alfred County.⁵⁰ The indigenous chiefdoms of Machi and Jali took sides in the war in Mpondoland. War became imminent at Harding between the Machi and Jali chiefdoms. They were openly spoiling for a fight, but the Natal Government acted swiftly.⁵¹ About one hundred and ten members of the N.M.P.

49. *Natal Ordinances, Laws and Proclamations*, compiled by Fitzwilliam Cadiz assisted by Robert Lion (Pietermaritzburg, Slatter, Vol. 1, 1843-1870), p.447.

50. S.N.A., 1/6/17, p.1: Giles to Shepstone, 1 April 1880.

51. Magisterial records as compiled by B.E. Camp under a title, 'History of the District of Alfred', p.23.

were moved down rapidly to Harding and, by a show of force, they were able to prevent serious bloodshed between the members of the two contending chiefdoms. These were forcibly disarmed, while others were taken prisoners.⁵²

Mbonwa, Chief of Machi, was taken to Pietermaritzburg, where he was charged and found guilty for his part in the near chaotic situation between his subjects and those of Jali. He was ordered to pay a fine of £650.⁵³ By this time hut-tax had become a fixed form of revenue, and it fell to the police to collect it. They travelled on horseback when they were collecting. Their presence among the indigenous communities apparently had an intimidating influence. The open reaction from the indigenes, however, ^{was} one of co-operation and compliance.

According to B.E. Camp,

In the nature of things, the Department of Justice is not a pioneer Department. ... in its judicial and strictly civil commitments, it marches to furnish the necessary needs and facilities.⁵⁴

In other words, it was not the business of the Department of Justice to establish societies. Its duty was to provide established societies with peace, justice, law and order. Thus pioneer projects such as health, irrigation, forestry, roads, schools and

52. *Ibid.*

53. *Ibid.*

54. *Ibid.*, p.15.

so on, were not the direct responsibility of the magistracy. Since Harding was established primarily as a military outpost, the growth of Harding was necessarily going to be very slow as compared, for example, to places like the bustling town of Port Shepstone. It was only on 9 August 1897 that the Harding Government School opened. Education at the higher level was tenable, to those who could afford to send their children, in Pietermaritzburg. It was only in 1900 that the present magistrate's office and post office were set up. In 1904 Barclays Bank first opened a branch in Harding, with Mr C. Upton as the first manager.⁵⁵

The Bambatha Rebellion of 1906 did not directly affect Alfred County as a whole, and Harding in particular, but the Rebellion had a disturbing influence as there were persistent rumours that the 'Pondos are coming'. Nothing ever transpired out of these rumours. Thus Harding moved with the rest of other Alfred County villages towards the Union (1910).

No doubt, there were divergent political views about whether or not Natal should join the Union. Harding, as a military outpost, achieved what it had been set out to achieve mainly, to maintain law and order among Africans, and at the same time, to consolidate the administration of Natal Colony on its south-western boundary, the Mtamvuna river. This was achieved without any serious local impediment.

55. 'Alfred County Centenary 1966-1966', p.16.

CHAPTER V

CONCLUSION

The Colony of Natal experienced major obstacles before she could incorporate the Mtamvuna-Mzimkhulu area (Alfred County). First, she was faced with the British policy of non-expansion. On the other hand, turbulence in the Mtamvuna-Mzimkhulu area continued to pull Natal authorities to deal with Faku, the Paramount Chief of the whole territory including the Mtamvuna-Mzimkhulu area. Second, the Natal authorities were not eligible to handle any trans-frontier matters without being accused of meddling in the affairs of the High Commissioner. Natal, in her attempt to have a share of 'Nomansland', learnt about the overriding powers of the High Commissioner ⁱⁿ the hardest way possible.

First, the failure to consult Sir Harry Smith before signing the Faku-Harding Treaty of 1850 cast a shadow over the validity of the treaty. Even the Home Government thought that Faku's consent was obtained under duress. Second, when it appeared that annexation was imminent because of turbulence which was even setting a bad precedent for the Natal Africans, Grey could still hold Natal to ransom for dealing directly with the Secretary of State for Colonies while he, as the High Commissioner, was the rightful channel.

Thus this study in some way shows how the High Commissioner as the sub-metropole official wielded considerable overriding powers. It also shows that British expansion in southern Africa generally, and in the Mtamvuna-Mzimkhulu area in particular, was influenced by the stimulus of turbulence which had become a trade mark of that area.

This study also shows that the British policy of non-expansion could be undermined and reversed if its maintenance did not guarantee territorial and trans-frontier security. For example, turbulence across the Mzimkhulu river put the question of security within the borders of Natal at risk because law-breakers in Natal could easily disappear in the Mtamvuna-Mzimkhulu area where there was no central authority. Turbulence and lack of central authority in the Mtamvuna-Mzimkhulu area also influenced the Cape authorities to feel that they must confederate the whole Transkeian territories up to Mzimkhulu river. This expansion on either side of 'Nomansland' was expedited by security considerations.

For her part, Natal did consolidate her authority in Alfred County and cases of gun-running, stock theft and wars were drastically reduced. The border between Alfred County and Mpondoland was stabilized by stationing members of the Natal Mounted Police there. Their patrol and the good rapport between resident magistrates of Alfred County and Mpondo chiefs, Faku and later his son, Mqikela, removed any suspicion that either side might launch an attack on the other.

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