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THE DEVELOPMENT OF THE SYSTEM OF INDIVIDUAL TENURE  
FOR AFRICANS, WITH SPECIAL REFERENCE TO THE GLEN  
GREY ACT, c 1894 - 1922

A THESIS SUBMITTED FOR THE DEGREE OF MASTER OF ARTS

by

RUSSELL THOMAS ALLY

RHODES UNIVERSITY, GRAHAMSTOWN

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LIST OF ABBREVIATIONS USED IN THE FOOTNOTES

CA	.....	Cape Archives
CH	.....	Cape Hansard
CL	.....	Cory Library
CMT	.....	Chief Magistrate of the Transkeian Territories
CPP	.....	Cape Printed Papers
ICS	.....	Institute of Commonwealth Studies
ISER	.....	Institute of Social and Economic Research
NA	.....	Native Affairs
RM	.....	Resident Magistrate
SAP	.....	South African Pamphlets
UCT	.....	University of Cape Town
UG	.....	Union Government
UNISA	....	University of South Africa

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ABSTRACT

The Glen Grey Act was promulgated in August 1894.<sup>1</sup> The main provisions of the Act were for the survey into individual allotments of land held tribally and for a system of local self-government. Described by its originator, C.J. Rhodes, as a 'Bill for Africa'<sup>2</sup>, it was first applied to the district of Glen Grey and subsequently extended (in a piece-meal fashion) to a number of districts in the Transkei.

The Act was introduced at a crucial stage in South Africa's history. During this period the country stood poised on the threshold of a significant and far-reaching

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1. Act No. 25 of 1894, For the contents of the Act and a subsequent Amendment see SAP, Vol. 13 (CL).
  2. During the debate on the Bill's Second Reading Rhodes made the following remarks:

'Mr Speaker, this is a Bill with a wide scope. I may say the whole of the North will some time or another come under this Bill if passed by this House. ... I would not be surprised to see Natal - I should say the Transkei - come under this Bill. ... Indeed, you may say this is a Native Bill for Africa. You are sitting in judgement on Africa at the present moment'.

(emphasis added), Cape Hansard, House of Assembly, CH 18, p 369 (CL).

transformation. The South Africa of 'old', predominantly agricultural and rural was giving way to a 'new' South Africa, modern and industrial. At the centre of this development was the mineral discoveries of the 1860s and 1880s. The period of colonial conquest had also virtually been completed. Most of the hitherto independent African chiefdoms had either been broken up or were under European control.

The most urgent problem which now faced the new rulers was devising a policy to govern the millions of black people over whom they had assumed responsibility. Of crucial concern was the creation of working class to minister to the needs of the developing economy. This task was made all the more difficult by the divisions which existed among the ruling groups at the time. To all intents and purposes the country was made up of essentially four independent and autonomous regions. Although the economic changes which were taking place would hasten the unification of the country, until that happened it was well-nigh impossible for a uniform 'native policy' to take shape. The inevitable consequence was the emergence of a number of regional responses to what was essentially a country-wide issue. As the unification of South Africa drew closer however these different regional responses began to vie with each other for supremacy at a national level.

The Glen Grey policy then was the response of the Cape to the changes which were taking place in the country. As such it drew much of its inspiration from the traditions

which had developed in the Cape Colony. Its initiators did not however view it as only a regional policy. For them it had applicability to the whole country. It was therefore to be expected that they would attempt to 'sell' their policy to the rest of the country.

In the end however it won few adherents outside of the Cape Colony and when Union became an established fact it bowed out to a policy favoured largely by the northern provinces. To be sure the Glen Grey system did linger on for a while in those districts where it had first been applied but it would not be long before it was to fall into official disapproval.

While the Glen Grey Act was ushered in with much fanfare and vaunted expectations, its demise was silent and ignominious. The grandiose course which it had charted for the taking-in-hand of the 'native question' came to naught, as did the profound and far-reaching changes which it was believed the policy would inaugurate.

The origins of this policy, its implementation and actual working, and the reasons why in the end it foundered and was abandoned will be the main themes of this thesis.

INTRODUCTION

## I

The study of peasant societies has until relatively recently been a much neglected area. This is very surprising considering that peasants make up most of the population in what was once the 'colonised world'. While the neglect may be surprising it is not however difficult to explain. The peasantry generally have occupied a subordinate position in most societies and as such have not been thought to warrant much serious attention.

The post-second world war period of decolonization and radical socio-economic transformation in which the peasantry played a preponderant role has altered this erstwhile conception. There has subsequent to this been a plethora of studies into peasantries - studies aimed at unravelling the psychology of the peasantry, showing how they respond to change, explaining what motivates them to rebel and so forth.<sup>1</sup>

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1. For a fuller treatment of this development in historiography see, C. Bundy, The Rise and Fall of the South African Peasantry, Heinemann, London (1979).  
M.A. Klein (ed), Peasants in Africa, Sage Publications, London (1980).

The appearance of the peasantry on the historical stage, particularly in the African context, is a recent phenomenon. The emergence of a peasantry in Africa in fact coincides with the period of the colonization of this continent by the European powers. Saul and Woods write;

'it is more fruitful to view both the creation of an African peasantry, as well as the creation of the present differentiation among African peasantries, as being primarily the result of the interaction between an international capitalist economic system and traditional socioeconomic systems, within the context of territorially defined colonial political systems.'<sup>2</sup>

The 'fate' of the indigenous people who were brought under the sway of the capitalist system of production was not however a universal one. Their incorporation into the new economic system took place in essentially two ways - either through the production of commodities or through the export of labour. The latter was by and large the experience of South Africa. Amin has labelled the areas

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2. John S. Saul and Roger Woods, "African Peasantries", Appendix, in, Essays on the Political Economy of Africa, G. Arrighi and J. Saul (ed), Monthly Review Press (1973).

where this development took place the "Africa of the labor reserves".<sup>3</sup> Klein elaborates further on this difference in experience between Southern Africa and other parts of the continent. While in West Africa, he writes,

'the major source of wealth for the colonizers was peasant commodity production, [in Southern Africa] .... hunger for labor converted large areas into labour reserves and strongly distorted the growth of others.'<sup>4</sup>

South Africa for a brief period did see the emergence of an African peasantry (an area which Bundy has explored quite exhaustively<sup>5</sup>), but the same Bundy acknowledges that the course of South Africa's history was to be in the

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3. Quoted in Klein (1980), p 29.

4. Ibid., p 19.

5. C. Bundy, "The Emergence and Decline of a South African Peasantry", African Affairs, Vol. 71 No. 285 (1972); "The Response of African Peasants in the Cape to Economic Changes - 1870-1910 - A Study in Growth and Decay", Institute of Commonwealth Studies, Collected Seminar Papers, Vol 3, October 1971-June 1972; "The Transkeian Peasantry - 1890-1914 - 'Passing through a Period of Stress' ", in, R. Palmer and N. Parsons (ed), The Roots of Rural Poverty in Central and Southern Africa, Heinemann, London (1977); The Rise and Fall of the South African Peasantry, Heinemann, London (1979).

opposite direction. The main theme of South Africa's history was not to be the florescence of a peasantry but instead,

'the transition of a majority of her people - the rural African population - from their precolonial existence as pastoralist-cultivators to their contemporary status: that of sub-subsistence rural dwellers, manifestly unable to support themselves by agriculture and dependent for survival upon wages earned in 'white' industrial areas or upon 'white' farms'.<sup>6</sup>

South Africa however was to be no different from the rest of the so-called 'Third World' in the general neglect which was displayed to a study of her social history. There were many reasons for this but the most important was the penchant of most historians to write the history of the country from a Eurocentric perspective. In terms of this perspective emphasis was placed on what colonial administrators, governors and other important officials designed as 'policy' for the indigenous people while little regard was given to how the people themselves responded to these developments. It was a veritable case of history from 'above' preoccupied more with the thoughts and actions of

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6. C. Bundy (1979), p 1.

'great men' than with how the ordinary people took their place in society.

This perspective has since been successfully challenged. Most historians today would admit that the historical process cannot be understood by focussing only on the actions of the 'rulers', but that a vital component of this process is the very important part played by the 'ruled'. The historiography of South Africa accordingly is at present in the throes of a great intellectual ferment with exciting new discoveries being made, in addition to new interpretations being offered as to how the changes which have taken place have to be understood.<sup>7</sup>

This thesis may be described as an attempt at social history. While its object is less ambitious and its findings less definitive than other works which have been written in a similar genre<sup>8</sup>, it nevertheless addresses itself to an important issue. Its major concern is to examine how the

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7. For a more substantial treatment of these developments in South African historiography see F.A. Johnstone - " 'Most Painful to Our Hearts': South Africa Through the Eyes of the New School", Canadian Journal of African Studies, Vol 16, No. 1, (1982).
8. I am referring here specifically to Bundy's pioneering work on the rise and fall of the South African peasantry.



development of the system of individual tenure for Africans, particularly the Glen Grey system, relates to what Bundy has identified as the fundamental theme of South Africa's history - namely - the proletarianization of the majority of her African population.

In addition to the more general reasons given above, the Glen Grey system of individual tenure, for its own particular reasons, has received extremely meagre attention. This is even more the case for the pre-Glen Grey system. While most historians would acknowledge that the introduction of individual tenure for Africans was innovatory, even revolutionary, few have tackled the development of the system in any systematic or comprehensive way.

The reasons for the neglect are not hard to explain. The dominant mode of existence for the great majority of Africans is as migrant labourers. The system of migrant labour presupposes a basis in the land, both for the migrant labourer to return to and to provide subsistence for his family during his absence. The 'subsistence bases', as they have historically developed, are the 'reserves' (or in more recent parlance, the 'homelands'). They have been and continue to be the main support base for the migrant labour system and it has been the system of communal (or tribal) tenure which has prevailed in these areas.

The system of individual tenure is accordingly viewed as occupying a largely insignificant place in this overall trend. Most historians seem to believe that a more important

task is to explain why South Africa experienced the particular pattern of development which it did, than to concern themselves unduly with something which was essentially transitional and moreover, was restricted to only certain parts of the country. The result has been that while tomes have been written on the migrant labour system - why it originated, how it worked, whose interests it served, how communal tenure fitted in with the system - hardly, a single work has been devoted to a study of the system of individual tenure.

It is true that with regard to the overall trends in the development of land policy in South Africa, the system of individual tenure occupies a very small place. Its practice for the most part was restricted to the Cape Colony and this also on a very limited scale.<sup>9</sup> We would be guilty however of taking the most extreme liberties of hindsight if we were to use the end result of a process of development as our point of departure for explaining why the 'land question' in South Africa was settled in a particular way.

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9. While some districts in the other provinces were surveyed for individual tenure, most notably, Thaba 'Nchu in the OFS and Amanzimoti and Ifafa in Natal, these experiments were on an even more limited basis than those in the Cape Colony. see, Report on Native Location Surveys, Union of South Africa, U.G. 42-22.

It was not inevitable for migrant labour to become the dominant mode of existence of the great majority of Africans. To maintain this would be to advance a teleological argument of the worst kind.

The system of migrant labour was one of other possible policies which came to be favoured as the solution to the 'native question'. For a period, notwithstanding that it was limited to the Cape Colony, individual tenure was also actively promoted. That the policy of individual tenure was finally eclipsed by the migrant labour system cannot therefore be taken as given, but has to be explained, for there is very little doubt that if individual tenure and not migrant labour had triumphed, the South Africa of today would have looked considerably different.<sup>10</sup>

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10. This perspective presupposes a direct dichotomy between individual tenure and the migrant labour system. I believe that this is indeed the case and will attempt to explain the fundamental divergence between these two systems in a subsequent chapter. For a treatment of this view see also D. Cooper, The Glen Grey Policy of 1894 - An attempt at 'Dissolution' - B.A. (Hons) Dissertation, U.C.T. (1979) and M. Morris, The State and the development of capitalist social relations in the South African countryside: A Process of Class Struggle; particularly the chapter titled, A Note on the Glen Grey Act, Ph. D. Thesis, Sussex (1979).

## II

An account will now be given of how the thesis is to be further developed. Firstly a brief resumé will be given of the main provisions of the Act. This will be followed by a general discussion of the historiography of the Glen Grey Act.

It will emerge from this discussion that almost every aspect of South Africa's history has been affected by the general ferment which has characterized South African historiography since about the 1970s. It will therefore be necessary to say something, albeit briefly, about this debate which has been raging and about the different (often contending) schools of interpretation which exist. The emphasis here will however be limited to interpretations which have been given of the Glen Grey system.

Chapter One will focus on the early development of the system of individual tenure for Africans, that is, the pre-Glen Grey system. Quite often the Glen Grey Act is viewed as having marked a radical departure in 'native policy'. While many of the provisions of the Act went far beyond anything which had existed until then, it is important to bear in mind that the policy had a historical lineage. Tracing this lineage will help to put into perspective the Glen Grey system of individual tenure. It will also reveal that the initiators of the Glen Grey Act, while going beyond their predecessors, also borrowed significantly from them. The primary purpose of Chapter One however is to serve as

'background' to Chapter Two, which is a close and detailed look at the Glen Grey system of individual tenure.

Little original research was therefore undertaken for Chapter One, the account been constructed from essentially secondary sources.

The first part of Chapter Two will deal with how the people themselves responded to the introduction of individual tenure in their respective territories. The material will therefore be handled thematically rather than chronologically. It will become evident in this section that there was strong opposition from the people to the survey of their districts and that contrary to the generally accepted notion that individual tenure was 'welcomed' by them, it will be seen that in the main the system was imposed upon them.

The focus will then shift to the situation immediately following survey. The emphasis here will be on the grievances and dissatisfaction of the people over the way in which the survey was carried out.

Chapter Three will look at the other 'prong' of the Glen Grey policy - namely - the system of local self-government for Africans. The local self-government provisions of the the Act have been dealt with quite extensively by other writers<sup>11</sup> and no attempt will be made to repeat their

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11. I am referring here specifically to the work of

W.D. Hammond-Tooke, "The ..../"

findings on the working of the system. What will be attempted is to show how these provisions related to the more general objectives of the Glen Grey Act. While in the end the system of local self-government was more widely applied and more enduring than individual tenure for a time these two aspects of the Act were inextricably linked. It is this inter-connectedness between individual tenure and local self-government, rather than how local self-government itself worked, which therefore will be more of a concern in this chapter. What will also emerge from this chapter is that as much as the people were opposed to the survey of their lands, they were also extremely 'suspicious' of and attempted to resist the new forms of administration which were introduced.

Chapter Four will focus on how the system of individual tenure actually worked. From the account given it will be seen that the response of the people to the changes introduced was on the whole 'negative', and that every opportunity was taken by them to frustrate the smooth functioning of the

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Footnote 11 continued:

W.D. Hammond-Tooke, "The Transkeian Council System 1895-1955: An Appraisal", Journal of African History IX, 3 (1968) and W.J.G.Mears, A Study in Native Administration - The Transkeian Territories - 1894-1943, D.Litt. University of South Africa (1947).

system. In the end the government was forced to concede that the system of individual tenure had been an unmitigated failure. A primary concern of this chapter will therefore be to attempt to explain why the system failed and why it was finally abandoned by the government.

In the Conclusion a summary of the main findings of the thesis will be given. Some general comments will also be made on the patterns of development which have taken place in the country subsequent to the falling into official disapproval of the system of individual tenure.

### III

The Glen Grey Act was drafted by C.J.Rhodes and his secretary, Milton. It was based on four premises which Rhodes outlined during the debate on its second reading as,

'to give the natives interest in the land, allow the superior minds among them to attend to their local wants, remove the canteens and give them a stimulus to labour.'<sup>12</sup>

The Act was first to be applied in the Glen Grey district but could be extended by Proclamation to any other 'native

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12. House of Assembly Debates, Cape Hansard, CH 18, p 363 (CL).

territories' which were under the direct control of the Cape Government. The main provisions of the Act were 'To Provide for the Disposal of Lands and for the Administration of Local Affairs within the District of Glen Grey and other Proclaimed Districts.'<sup>13</sup>

In terms of the Act then all unalienated land in the Glen Grey district was to be divided into locations. The locations in turn would be surveyed and divided into allotments of four morgen each (provision was later made for the survey of larger allotments if the landholder could prove that the land which he was cultivating exceeded that limit). These allotments were to be granted to the people on the basis of individual title, or more correctly, perpetual quitrent title.

There was to be no sub-letting or subdivision of the allotments and the principle of 'one-man-one-lot' was to apply. The allotments were to descend strictly according to the law of primogeniture, the grantees being denied all rights to devise a will.

The allotments were also liable to forfeiture for the grantee's failure to pay the cost of survey or the quitrent

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13. SAP, Vol. 13 (CL), The Glen Grey Act, No. 25 of 1895 and Amendment Act No.15 of 1899 - Cape Town Printers (1903), p 5.



for a year, for rebellion, for conviction for theft which led to imprisonment for a year and for failure to occupy the lot beneficially.

The most controversial feature of the Act was a labour tax which Rhodes justified as a 'gentle stimulant' to get the 'natives' out to work.<sup>14</sup> In terms of this measure all those African males who did not qualify for an exemption,<sup>15</sup> and who were judged by the Resident Magistrate as 'fit and capable' of work, were liable to an annual tax of ten shillings if they did not leave the district and obtain employment.

A further provision of the Act was for the setting up of a system of local self-government. Each location was to be placed under the control of a location board of three persons appointed by the Governor from among the resident landholders. The boards were to deal with such matters as the prevention of overstocking and the regulation of the

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14. House of Assembly Debates, Cape Hansard, CH 18, p 365 (CL).

15. Those who could prove to the Resident Magistrate that they had worked for three months qualified for an exemption. An exemption for life was granted if proof was furnished of three years' continuous employment, see SAP, Vol. 13 (CL), p 13.

commonages. They were also to keep a watchful eye on the operation of the land clauses of the Act. They were to make regular inspections to ensure that the beacons which demarcated the individual holdings from each other were kept in a satisfactory condition and they had to report any encroachments on the commonage which they discovered.

There was also to be a district council to take charge of the more general local affairs. Six councillors would be appointed by the Governor and six elected by the location board members from amongst themselves. The Council was also to be responsible for the financial administration of the district and was given powers of taxation. The Resident Magistrate of the district concerned was to serve as the chairman of the Council.

The Act came into operation in the Glen Grey district in August 1894. In October of that year the local self-government and labour tax provisions were extended by Proclamation 352 to four districts of the Transkeian Territories - Butterworth, Nqamakwe, Tsomo and Idutywa. Between 1898 and 1906 the land tenure provisions of the Act were also extended to these districts.<sup>16</sup>

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16. This was done in terms of Proclamation No. 227 of 1898. Butterworth was surveyed for individual tenure in 1898; Nqamakwe in 1902; Tsomo in 1904 and Idutywa in 1906, CPP, G 19-1909.

With the passage of time almost all the districts in the Transkeian Territories were brought under the local self-government provisions of the Act, while only three more districts, Engcobo, Xalanga and Umtata, were surveyed for individual title.

A number of amendments were also made to the Act over the years. The position of widows with regard to the ownership of allotments was made more secure and the conditions for forfeiture were relaxed. In 1905 the highly contentious and much despised 'labour tax' was finally abolished.<sup>17</sup>

The district of Glen Grey and the 'original' four districts in the Transkei, where the Act was first applied are considered to be representative enough for an examination of how the system worked and to determine where the significance of the Act is to be found. It will therefore be essentially on these districts that the main emphasis of the thesis will fall. Where necessary however the experiences of other districts will be commented on.

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17. For a fairly useful treatment of these issues see T.J. Keegan, African Responses to the Implementation of the Glen Grey Policy, B.A. (Hons) Dissertation, U.C.T. (1975).

## IV

While the actual working of the Glen Grey system itself has as yet not been the subject of any serious study, the reasons for the introduction of the system have been variously understood and interpreted. The fact that the Act is so closely associated with Rhodes who was not only an influential politician at the time when it was enacted<sup>18</sup>, but also a leading capitalist, has greatly contributed towards its 'contentiousness'.

It is possible however on a very general level to identify two schools of thought as to its meaning and significance. These two approaches, as will become evident, are in no sense monolithic wholes, but instead are distinguished from each other by the different set of assumptions which serve as their respective starting points.

There are on the one hand those who aver that the Act was designed in the interests of the Africans and that it had their well-being at heart, while on the other hand there are those who maintain that the Act was formulated with the specific purpose of reducing the great majority of the African population to a labouring class to serve the needs of the developing economy of the Europeans.

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18. Rhodes was Prime-Minister of the Cape Colony from 1890 to 1896.

For the first group the Glen Grey Act formed part of what has been described as "an unique progressive policy". This policy involved weaning the Africans from their backward and tribalistic way of life and guiding them towards civilization.<sup>19</sup> Griffiths, who is representative of the former school, has outlined the principles underlying this policy as follows: the breaking-up of the powers of the Chiefs and substituting this by the government; the bringing to an end of the tribal system and the promotion of progress by encouraging agriculture, ending superstition and freeing the individual; and, the introduction of civilized standards to promote better living conditions.<sup>20</sup>

The other group see no such 'noble' and 'complementary' motives involved. For them the Act was fundamentally an attack on the independence of the Africans and was aimed first and foremost at undermining their self-sufficiency. The Act is seen therefore as forming part of a policy

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19. see E.H. Brookes, The History of Native Policy in South Africa from 1830 to the Present Day, Nasionale Pers, Cape Town (1924), p 116.

20. M.S. Griffiths, The Development of Native Policy in the Transkei and in Glen Grey between 1870 and 1900, M.A. Thesis, University of South Africa, p 45.

which 'saw the future of the African population as labourers.'<sup>21</sup>

The first published work on the Glen Grey Act appeared in 1903 in the form of a pamphlet titled, 'The Glen Grey Act and the Native Question.'<sup>22</sup> The author was R.W.Rose-Innes, the brother of the famous Cape liberal, James Rose-Innes. With this work we can date the beginning of the school of thought which saw the Act as forming part of 'an unique progressive policy'.

As is suggested by the title the essay is not restricted to the Glen Grey Act. It is instead more a reflection on the 'native question' as a whole and how the Glen Grey Act related to this. The fundamental question which Innes poses to his readers was how South Africa could solve its 'native problem' so that 'white' and 'black' could live together harmoniously and be spared the American experience of racial hatred and violence. For him there was little

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21. W.Beinart, The Political Economy of Pondoland, 1860-1930, Cambridge University Press (1982), p 42

22. R.W. Rose-Innes, The Glen Grey Act and the Native Question, Lovedale Press (1903), SAP, Vol. 25 (CL).

doubt that the Glen Grey Act was a means towards this end. His essay is accordingly characterized by great enthusiasm for the principles of the Act which he says 'strike deeper than any clause in it.'<sup>23</sup>

The great hallmark of the Act was that it promoted the advancement of the 'natives'. It served, according to him, to 'civilize' and 'christianize' them. The 'secret' for the success of the Act was to be found in the separation of the 'races' for which it amply provided. He writes thus,

'The principles of the Act necessarily involve the creation of purely Native Reserves, or areas from which the Europeans are excluded by purchase or otherwise. This principle must be maintained against every species of opposition .... We shall in time be compelled to create more of such areas as 'reservoirs of labour' and homes for these people into which the Native will be free to come and go. He requires this for his sake and we require it for our own.' [emphasis added].

He added further that 'the segregation of the races .... is the policy to aim at for the future.'<sup>24</sup>

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23. Ibid., p 6.

24. Ibid., p 33.

These two themes, the civilization of the 'natives' and the belief that this could best be achieved by following a policy of segregation, were for a long time to dominate the thinking of those who saw the Glen Grey Act as designed in the interests of the Africans.

The first real historical treatment of the Glen Grey Act was by E.H. Brookes.<sup>25</sup> Brookes's concern was not specifically with the Act but rather with 'the manner in which Europeans have striven to rule the Bantu, since the first date they came directly under European control.'<sup>26</sup> He did however see the Act as occupying a crucial place in the development of 'native policy' in South Africa, in fact for him it stood at the apex of the 'unique progressive policy'.

The Act, according to him, was intended primarily as a civilizing agency. It combined, he writes,

'an improved form of land tenure with a measure of partial self-government, intended to have an educative effect and to lead up to better things.'<sup>27</sup>

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25. E.H. Brookes, The History of Native Policy in South Africa from 1830 to the Present Day, Nasionale Pers, Cape Town (1924).

26. Ibid., p 2.

27.. Ibid., p 113.



Those involved in the formulation of the Act were accordingly motivated by the highest ideals and their only concern was the welfare of the 'natives'. He concurred almost whole-heartedly with the views of Samuelson<sup>28</sup> (who is quoted by him at length);

"In the first place it would be the best means of breaking up warrens of barbarism and replacing them by enlightenment and contentment ... So long as the Locations ... are held as they are, there will be no improvement in the people who occupy them, and in the land itself. The present tenure is insecure and the Natives have often told me that they do not plant trees and improve their land because they may be removed therefrom at any time and lose all improvements. Holding land in their names would also be a powerful incentive to Natives to work for money to improve their land and buildings which would not then be subject to arbitrary removal, would go up on a large and

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29. R.C.A. Samuelson believed quite fervently that the Crown had an important civilizing mission to perform in the country. He spent most of his years in Natal where from 1881 to 1882 he was interpreter to King Cetewayo under the Imperial Government.

improved scale and would create a demand for building material, etc."<sup>29</sup>

With Brookes, the view that the Glen Grey Act was formulated with the interests of the Africans at heart, is almost codified into a dogma.<sup>30</sup>

The earliest attempt at a more systematic look at the Glen Grey Act itself was by E. Wiggins.<sup>31</sup> While generally a useful thesis the writer does not advance much supporting

29. E.H. Brookes (1924), p 370.

30. Brookes was later to modify his position in a substantial revision of his earlier work. In White Rule in South Africa - 1830-1910, while we find the same summary of the Act, a marked feature is the absence of the lavish praise for the Glen Grey policy. There are also none of the recommendations for the further extension of the system. Instead he engages in some serious criticism of some of the provisions of the Act, particularly the principle of 'one-man-one-lot'. (see especially p 161). While in his History of Native Policy he supported this provision because it preserved the 'rough equality', of the 'Natives' (see especially p 367 and 374 for these earlier views), in this revised work he lambastes it as restrictive and an 'imposition' on the people.

31. E. Wiggins, A Thesis on the Glen Grey Act and its effects upon the Native System of Land Tenure in the Cape Colony and the Transkeian Territories, M.A. Thesis, U.C.T. (1929).

evidence for many of the conclusions which she reaches. The focus of the thesis is also quite limited being more a look at the effects which the introduction of individual tenure had on tribal society than a study of the Glen Grey system as a whole.<sup>32</sup>

Wiggins does nevertheless have certain firm opinions as to the meaning and significance of the Act. For her the Glen Grey Act was the first real attempt at the detribalization of the 'natives'. It represented, she believes, a concerted effort on the part of the colonial government to undermine tribal society in South Africa.<sup>33</sup>

The subsequent commentaries on the Glen Grey Act contain much of the ideas of these early works. This is for example evidenced in the views of D.M. Goodfellow. The Act, he writes,

'was constructed with a view to guiding the whole development of the Transkeian territories toward an increased westernization, so that in the first place they could contribute labour toward the

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32. See especially the opening pages where she outlines the main purpose of her essay.

33. Ibid., p 8.

industrial development of the country; in the second place so that the native land systems would develop permanence thus enabling native agriculture to become more scientific; in the third place so that this increased settling of the natives on their land would lead to their becoming self-supporting and so prevent any future overflow of the native population into neighbouring white lands.'<sup>34</sup>

The civilization and segregation themes are easily identifiable in this summary.

M.S.Griffiths on his part bases his views quite substantially on those of Brookes. The Glen Grey Act, he says, 'is very important because it took a definite stand upon Land Tenure, Local Responsibility and Labour.'<sup>35</sup> He then gives the following panegyric on the Act;

'It tended to bring peace by destroying the leadership and ambitions of the chiefs, and substituting that of the Government; it maintained the system of open discussion;

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34. D.M. Goodfellow, A Modern Economic History of South Africa, George Routledge and Sons, Ltd., London (1931), p 148.

35. M.S. Griffiths, The Development of Native Policy in the Transkei and in Glen Grey between 1870 and 1900, M.A. Thesis, U.C.T. (1939), p 119.

it tended to advance the material welfare of the natives by promoting agriculture, and by preventing subdivision, squatting, neglect of arable land, over-crowding, retrogression through conservatism; it tended to draw the natives from such tribal customs as polygamy; to discourage degrading practices; to encourage education. Above all, it secured the land to the natives and prevented European encroachment.<sup>36</sup>

It is significant however that Griffiths does not marshal any evidence in substantiation of these grandiose claims. The impression which one in fact is wont to gain from him is that his enthusiasm for the principles of the Act exempts him from the need to engage in any serious empirical research.

Within this same school of thought there are also some writers who have isolated certain features of the Glen Grey Act as more significant than others.

De Kiewiet, for example has highlighted the land tenure provisions of the Act as more important than everything else. The Act, for him, was first and foremost an attempt on the part of the government to promote a more efficient

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36. Ibid., p 133-4.

use of the land and to call a halt, 'at one point to the universal pressure upon native land.' As such he described it as 'the most forward move in fifty years.'<sup>37</sup>

The Act, he writes further,

'held out the promise of a gentle but sure transition from an unenlightened and squalid tribal existence to an active and progressive individualism.'

This was to be made possible by the fact that the 'natives' were to be bound to the land 'by a new and intimate bond of personal possession and profit.'<sup>38</sup>

For De Kiewiet then the Act was essentially aimed at the creation of a prosperous and self-sufficient African peasantry.

Ruth Edgecombe on the other hand believes that it was the local self-government provisions of the Act which were the most important. She writes that,

'Perhaps the most enduring significance of the Glen Grey Act is that it provided a basis for an experiment in local

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37. C.W. De Kiewiet, A History of South Africa, Social and Economic, Oxford University Press (1941), p 142.

38. Ibid., p 199.

government ... which lasted for fifty years.'<sup>39</sup>

The Council system is further seen as closely linked to the policy of separate representation. It was the first step, she says, in the process of removing Africans from 'white politics' and culminated

'[in] the institution of the 'homelands' policy when Africans lost their white representatives elected on a separate roll to the South African Parliament.'<sup>40</sup>

It was stressed at the outset that while there were definite and identifiable assumptions which separated the one school of thought from the other, neither approach could in any way be conceived of as a homogenous or monolithic whole. This has already been seen in the way in which different writers have elevated certain aspects of the Act above others. It is further revealed with regard to a number of other issues.

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39. R. Edgecombe, "The Glen Grey Act: Local Origins of an Abortive 'Bill for Africa' ", in, Studies in Local History, edited by, J.A. Benyon, C.W. Cook, T.R.H. Davenport, K.S. Hunt, Oxford University Press (1976), p 96.

40. Ibid., p 97.

There is no general agreement for example amongst these writers over the question of the origins of the Act.

R.W. Rose - Innes gives all credit to Rhodes for the formulation of the Glen Grey policy. According to him Rhodes was a great 'genius' who had uncanny insight into the 'native question'. These qualities were combined with incredible initiative. He writes of Rhodes,

'He made time in the busy days and flying moments to think out, and then to take for this Colony, under sanction of legal enactment, the first long step in Native administration and progress.'

There were during this period, he says, a number of unsettled problems which still surrounded the 'native question' - namely - the increase in numbers of the 'natives' and the threat of overpopulation, the limited extent of land available for the 'natives', the question of survey and individual titles, the problem of a supply of labour, the issue of permitting a measure of self-government for the 'natives', the issue of franchise exclusion or curtailment and the problem of growing and ever increasing local expenditure in the 'native' territories.<sup>41</sup>

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41. R.W. Rose - Innes (1903), p 9.



'Mr Rhodes, 'he writes,

'took in the whole situation, he saw the thorny problems as in a mirror, and weighed them up swiftly and finally in his large, comprehensive mind. The outcome was: one hurried tour through the Native Territories where he met in personal discussion the prominent officials, chiefs, sub-chiefs and headmen, and then the Glen Grey Act, with its startling changes and innovations was, on his return to the seat of government, suddenly flung into print, red-hot and without warning on the pages of the Government Gazette, and Natives and Europeans woke up to the startling fact that a firm, commanding hand had at last seized the helm.'<sup>42</sup>

Rhodes emerges from the pen of Rose - Innes as some sort of seer with powers to see into the future. He says that while the details of the Act were left to the test of experience,

'in the main Mr Rhodes was right. He had been looking in this, as in other great matters far ahead - to the future. He laid the foundations of this great Enactment as he planted the seeds of

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42. Ibid., p 9-10.

his Rhodesian oak avenue, for others to bask under in the years to come, and to reap the benefit of. Would that we had more of such self-sacrifice, unselfishness and prevision in the Colony today.'<sup>43</sup>

He concluded his eulogy of Rhodes with the following remarks;

'C.J. Rhodes has done much for South Africa, but it may be found that one of the greatest benefits he conferred upon this land of mixed people and races was his conception, initiation and application of the Glen Grey enactment.'<sup>44</sup>

Griffiths concurred with the views of Rose-Innes. Rhodes, he says, 'thrust the Glen Grey Act' into an 'arena of conflicting ideals and considerations,'<sup>45</sup> and 'put an end to discussion and hesitation.'<sup>46</sup>

Their sentiments are not however shared by all the writers concerned. It is particularly Brookes who has challenged the notion that all credit for the origin of the Act has to be attributed to Rhodes.

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43. Ibid., p 12.

44. Ibid., p 14.

45. M.S. Griffiths (1939), p 118.

46. Ibid., p 119.

'All the more important provisions of the Glen Grey Act,' he writes, 'were foreshadowed in a Memorandum of that distinguished Administrator, Captain Matthew Blyth, Chief Magistrate of the Transkei, dated 13th January 1882.'<sup>47</sup>

Brookes accordingly asserted,

'It may be convenient for panegyrists and other garblers of history to credit Cecil John Rhodes with the Glen Grey policy and to suggest to us that it sprang full-grown from his brain as Pallas Athene from the head of Zeus. Sober and accurate history must step in with regret and destroy this legend, in the interests of the just fame of the great Administrators who really deserve the credit - in particular - Charles Brownlee, Matthew Blyth, H.G. (later Sir Henry) Elliot, and W.E. (later Sir Walter) Stanford.'<sup>48</sup>

Not all the writers agree also as to whether the Act was a success or a failure. Innes characteristically had nothing but praise for the working of the Act.<sup>49</sup> His

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47. E.H. Brookes (1924), p 361, For Memorandum see CPP, G. 33- '82, p 6.

48. Ibid., p 108-9.

49. R.W. Rose - Innes (1903), see especially p 30.

enthusiasm was shared by Brookes who called for the extension of the Act to other parts of the country.<sup>50</sup>

The conclusions which Wiggins arrived at however were very unflattering. She claimed that the Act was a complete failure in the Glen Grey district. She writes that 'the evidence of eye-witnesses indicates that very little difference was made.' She asserted further that where individual tenure was introduced, the effect was much less revolutionary than is usually supposed. According to her also 'the individually held land continued to support many males apart from those who held title to it'.

The 'psychology' of the people was not also significantly altered.

'Title deeds,' she writes, 'might be a proud possession, but mainly as ornaments. If land did belong to anyone it was to the tribe or more probably, in these districts, the family.'<sup>51</sup>

She concluded thus that 'the effects of the attempt to introduce individual tenure among the Natives amount to very little indeed.'<sup>52</sup>

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50. E.H. Brookes (1924), p 375.

51. E. Wiggins (1929), p 39.

52. Ibid., p 57.

This is a far cry from Brookes's praise of the Act as 'breaking up warrens of barbarism' or from the lavish successes claimed for the Act by Griffiths.

De Kiewiet also was very sceptical as to the success of the Act. He said that 'the Act never lived up to Rhodes's boast that it was the Magna Carta [sic] of the native population.'<sup>53</sup> The reason for this, he writes, was that

'Its very corner-stone, which was individual landholding, was imperfect; for there was not enough land for such a system. Each plot that was assigned to an individual, even though it was no more than 4 acres in extent, reduced a portion of the tribe to landlessness, till in 1929 there were 11,000 families with no ground of their own in which to plant crops. The crowding upon private land and common land was a brake upon the enterprise of individuals.'<sup>54</sup>

For him then the fundamental flaw of the Act was that it

'committed the common fault of taking one step and going no further. It remained unique. The truth was that individual tenure came at a time when

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53. C.W. De Kiewiet(1941), p 199.

54. Ibid., p 199-200.

native land losses had been so great that the rule of 'one man one lot' was an impracticable dream. There was not land enough.<sup>55</sup>

The assumptions underlying the approach of the writers whom we have just focussed on have recently come under serious criticism. This attack has been spearheaded by a group of writers who in varying degrees refer to themselves as 'Marxists'. These writers claim that one cannot understand what the Glen Grey Act meant by simply highlighting what was happening in the 'minds' of those who were responsible for its formulation. It is necessary, they maintain, to establish first what the real objective conditions were before making any claims as to where the meaning and significance of the Act was to be found. For them these objective conditions are the economic factors which they would argue determined to a large extent, though not exclusively, what happened on the other levels of society.

The central criticism which this school of thought has against what it has described as the 'conventional wisdom' approach, is that for the most part its analysis of events is restricted to the ideological level. The writers who subscribe to this approach are said to be too preoccupied

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55. Ibid., p 200.

with the predilections of people and show little concern to establish the context in which their thinking and actions take place. The result is that the history which they produce is factually-oriented and empirical rather than analytical.

The end product of such an approach, they argue, is extremely superficial for what should have been explained is taken as given. This 'inversion' of things, according to the 'new school' (a term used by Johnstone), is most apparent in the way in which they have attempted to account for why South Africa experienced the particular pattern of development which it did. Johnstone has this to say on this issue,

'Because South African history seemed to have been essentially the history of certain racial and ethnic groups, that is what it was: the history of racial and ethnic groups, doing racial and ethnic things.'<sup>56</sup>

For the 'new school' this was an over-simplified and completely erroneous way of understanding South African

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56. F.A. Johnstone, " 'Most Painful to Our Hearts': South Africa Through the Eyes of the New School", Canadian Journal of African Studies, Vol. 16, No. 1, (1982), p 7.

history. South Africa, they argued, constituted a class society like any other society in the world where the capitalist system of production had come to dominate. While the existence of racial categories was a reality, the influence which this had on developments could only therefore be understood in terms of the dynamics of class struggle.

The 'new school' has consequently been engaged in the rewriting of much of South Africa's history from the perspective of historical materialism and class analysis. Our concern, as indicated earlier, is not so much with the general features of this debate, but more specifically with how it has affected the historiography of the Glen Grey Act.<sup>57</sup>

C. Bundy is one of the writers who has adopted the perspective of the 'new school', but as will be seen his use of it is hardly as rigid or dogmatic as some of the other

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57. There are a number of works which deal with the more general ferment in South African historiography. T.R.H. Davenport, South Africa - A Modern History, MacMillan Press (1977), see especially Chapter 20; F.A. Johnstone, " 'Most Painful to Our Hearts' " (1982); Harrison M. Wright, The Burden of the Present, Liberal-Radical Controversy over Southern African History, David Philip, Publisher (Pty) (1977).



writers. While Bundy's concern is not directly with the Glen Grey Act he does see it as occupying an important place in the processes which he is analysing. The crucial question which he wants to answer is why tribal society, which was once self-sufficient and dynamic, had by the turn of the century become impoverished and completely dependent on the economy of the 'whites' for survival.

His argument very briefly, also somewhat oversimplified, is that for a time the Africans responded quite positively to the new economic system which the 'whites' established in South Africa. Like their 'white' counterparts they also began to produce for the market and in time succeeded in competing quite effectively with the 'white' farmers. The consequence of this, Bundy says, was the emergence of a fairly prosperous and highly competitive African peasantry. The rise of an African peasantry, he claims, was initially not only welcomed but also actively abetted by certain colonial groups.

There were firstly the missionaries, who, he writes, largely 'take the credit for the establishment of an African peasantry.'<sup>58</sup> They believed, he goes on, that a number of

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58. C. Bundy (1979), p 36.

'benefits would flow from the encouragement of a middle class: its members "would be attached to the soil by the enjoyment of property in it", they "would have a stake in the colony, and .... an interest in the execution of the laws framed for the protection of life and property".<sup>59</sup>

A further factor which contributed to the formation of a peasantry,

'was the presence of those colonial interests often strategically well placed to influence the Cape administration - which favoured the rise of a 'free' consumer-producer peasantry.'

Bundy is here specifically referring to the merchant groups which he claimed, 'identified their self-interest with the development of an African peasantry.'<sup>60</sup>

The fortunes of the African peasantry began however to wane in the last two decades of the nineteenth-century. Bundy maintains that between the years 1890 and 1913 there was a deliberate attempt on the part of the colonial administration to undermine the class of independent peasants. The most significant factor responsible for this change in policy, he says, was the mineral discoveries

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59. Ibid., p 40.

60. Ibid., p 81.

of the 1880s.<sup>61</sup> It was now the labour of the Africans which was sought and the new orientation, he tells us, was to discourage 'potential labourers from making a living as peasants.'<sup>62</sup>

The Glen Grey Act is accordingly seen by him as forming part of the offensive against the independence of the African peasantry. Its primary aim, he says, was to release Africans from the land and 'to proletarianize large members of Africans on 'tribal' as well as 'white' lands.' As such he described the Act as Rhodes's 'great contribution to the employers' efforts.'

Bundy also acknowledged however that the Act 'is noteworthy in several other respects. He writes that 'in its concern for fixity of tenure, it sought to perpetuate a "producing class" in African areas,' but not one, he is quick to add, that would have been able to compete with the 'white' farmers (hence the restriction of the size of the holdings, and the principle of "one-man-one-lot").<sup>63</sup> For Bundy then the Act was essentially another chapter in the story of the proletarianization of the Africans.

61. Ibid., p 110.

62. Ibid., p 134.

63. Ibid., p 135.

A novel approach to the Glen Grey Act has recently been developed by D. Cooper.<sup>64</sup> The theoretical framework of the writer is explicitly Marxist. She therefore attempts to explain the origin of the Act in terms of the 'laws of motion' of the capitalist mode of production (hereafter CMP).

It was this mode of production, she says, which was becoming firmly entrenched in South Africa during the last two decades of the nineteenth century. Before the CMP could emerge as victorious however, it had to 'compete' with a 'pre-CMP', namely, the African or 'tribal mode of production'. This set into motion what she describes as an 'articulation between different modes of production'.

The particular form that this articulation takes, she argues, is in no way predetermined as there are many options open to the capitalists. Either they can attempt to transform radically the pre-CMP and in the process destroy it (which she describes as 'dissolution'); or they can attempt to incorporate it into the new economic relations, albeit subordinated and distorted (this she describes as 'conservation').<sup>65</sup>

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64. D. Cooper, The Glen Grey Policy of 1894 An Attempt at 'Dissolution' B A (Hons) Dissertation U.C.T. (1979).

65. See particularly Chapter One where she develops her argument of 'articulation between modes of production'.

The Glen Grey policy, according to her, was an attempt by the state, 'to undermine pre-capitalist African society (i.e. dissolution).'<sup>66</sup> The Act, she further argues, must not be seen as an ad hoc measure like the earlier attempts to undermine pre-colonial society. 'The Glen Grey policy' she writes, 'reflected well thought-out and motivated action at a government level.'<sup>67</sup>

It was the gold-mining industry, she asserts which played the biggest role in its eventual promulgation. The mining companies, she writes, saw

' the root cause of the labour shortage  
 .... as lying in the manner of existence  
 of Africans in the Transkei, Ciskei and  
 other areas in South Africa.'<sup>68</sup>

To obtain the labour supply it desired, mining capital, she claims,

'advocated undermining the independence  
 of the pre-CMP from the CMP. One of its  
 recommendations was to undermine communal  
 tenure through dividing up the land into  
 individual holdings. It was hoped that  
 this would decrease the ability of the  
 pre-CMP to support the majority, who  
 lived under communal tenure.'

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66. Ibid., Preface.

67. Ibid., p 31.

68. Ibid., p 34.

She says further that 'mining capital regarded some of the areas to which the Glen Grey Act was later applied, as potential suppliers of labour.'<sup>69</sup>

For Cooper then there is little doubt that the 'Glen Grey policy was in part a legislative attempt to fulfill the needs of mining capital.'<sup>70</sup> If the policy had been successful, she says, it would have meant 'a radically different class structure for South Africa, to the subsequent conservation path.' The reason for this was that the Act provided for a permanent proletariat, moreover one that was completely separated from the land. The legislators at the time, she says, did not appreciate the dangers of complete proletarianization but even this aside 'the period of frontier wars was not long past and politically all signs of rebellion continued to come from the countryside.'<sup>71</sup>

According to her however the policy of 'dissolution' did not prove a success. The reasons for this was the resistance put up by the Africans, but even more important than this, because the land tenure provisions of the Act became redundant. By the turn of the century there were other forces at work promoting a supply of labour.<sup>72</sup>

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69. Ibid., p 35.

70. Ibid., p 36.

71. Ibid., p 59.

72. Ibid., p 85.

In the end the provisions of the Act became a 'dead letter'. She writes,

'while the Glen Grey Act was explicitly a policy of state intervention tended towards 'dissolution', its failure led to a "de facto" situation in which "conservation tendencies" dominated. This "de facto" shift to conservation in the areas under the Glen Grey policy was officially recognised in 1922.'<sup>73</sup>

Certain fairly definitive statements on the Glen Grey Act have recently been made by M. Lacey.<sup>74</sup> Lacey's principal contention is that the Glen Grey Act was the precursor to the reserve system established under the 1913 Land Act. She writes,

'Contrary to traditional interpretations, [the] formulation of the reserve policy which allowed whites, who comprised 20 percent of the population to have 87 percent of the land, was a policy based on the Glen Grey system which Cecil Rhodes, the mining magnate, inaugurated in the Cape during his premiership in 1894.'<sup>75</sup>

Its primary aim, she further asserts, was 'to perpetuate the migrant labour system.'<sup>76</sup> This she argues, was directly

73. Ibid., p 83.

74. M. Lacey, Working For Boroko, Ravan Press (1981).

75. Ibid., p 4.

76. Ibid., 14.

in the interests of mining capital as 'the Act ensured an ever-increasing labour force, for in each generation all but one member of the family would be made landless.'<sup>77</sup>

It is Rhodes who is credited with having originated the Glen Grey system. His policy, she says,

'had nothing to do with the granting of political and civil rights to Cape Africans. His aim was to reduce a growing African peasantry to a labouring class and yet keep them from becoming fully assimilated and proletarianized.'<sup>78</sup>

In formulating this policy, Rhodes, she claims, devised 'a labour policy blueprint for the Southern African region as a whole.' According to her then,

'The far-reaching significance of the Glen Grey system and Rhodes's conception of a future 'native policy was fully appreciated by the SANAC commissioners.'<sup>79</sup>

As was the case with the first group of writers we can also observe significant differences in interpretation here. While all the writers would agree that the economic conditions prevailing at the time have to serve as the point of departure, not all of them are agreed as to how this influenced subsequent developments.

77. Ibid., p 15.

78. Ibid., p 15-16.

79. Ibid., p 16.



Cooper, as we have seen, argued that the Glen Grey system provided for the emergence of a permanent and fully-fledged proletariat. Lacey on the other hand maintained that it was the forerunner to the migrant labour system.

Bundy seems to stand somewhere in the middle of these two positions . For him the Act was also primarily an attempt at proletarianization but he does not commit himself as to the type of working class which was envisaged.

Bundy, in fact, in an article with W. Beinart quite substantially modified his earlier position on the Glen Grey system.<sup>80</sup> They acknowledged that the Glen Grey Act might have been viewed by its drafters as a labour mobilizing devise, but, they argue, this aspect of the policy was never realized in any significant way. They assert also that the land tenure provisions of the Act were always handled very 'cautiously' by the administrators, so much so that in the end hardly more than seven districts were affected by it.

'By contrast,' they write, 'strenuous efforts were made immediately after the South African War (1899-1902) to implement

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80. C. Bundy and W. Beinart, "State Intervention and Rural Resistance - The Transkei, 1900-1965", in, M.A. Klein (ed), Peasants in Africa, Sage Publications, Beverley Hills, London (1980).

the council system as widely as possible.'<sup>81</sup>

The Glen Grey policy is thus seen by them as becoming 'disaggregated'<sup>82</sup> with the emphasis now being directed to the restructuring of tribal political relationships in the African territories. For Bundy and Beinart then the real meaning of the Glen Grey Act is to be found in the way in which this restructuring took place and how the people who were affected by it responded to the changes.

#### V

The historiography on the introduction of the Glen Grey system, as can be seen from the foregoing, is indeed impressive. Given the limited objectives of this thesis it would be presumptuous on the part of the writer to attempt to make any definitive claims as to where the 'true' meaning of the Glen Grey policy is to be found.<sup>83</sup> What will be attempted instead is to provide some tentative suggestions on this question which have been gleaned from a look at the genesis of the system.

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81. Ibid., p 277.

82. W. Beinart used this term in a personal conversation which I had with him.

83. It was stressed at the outset that the concern of this thesis was largely with the development of the system of individual tenure for Africans.

It must be said at the outset that it is a hopeless task to attempt to credit the Glen Grey Act to any one person. The Act was not the exclusive 'brain-child' of Cecil Rhodes or of any of the administrators whom Brookes has suggested.<sup>84</sup> The inspiration for the Glen Grey policy came from many quarters, most notably and most immediately, The Report of the Cape Commission on Native Laws and Customs of 1883; The Glen Grey Commission of 1892 and the Labour Commission of 1893.<sup>85</sup>

The policy has also to be understood in the context of the traditions which had developed in the Cape Colony. Of particular significance in this regard was the tradition of 'Cape Liberalism'. While it is true that historians are in no way agreed as to how to explain the origins of this phenomenon,<sup>86</sup> it is possible however, even within the

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84. Rhodes himself disclaimed that he alone was responsible for the formulation of the policy. see W.T. Ferguson, The Native Policy of Cecil John Rhodes in the Eastern Province, M.A. Thesis, U.C.T. (1932), p 42.

85. CPP, G 4- '83; A1 - '93; G 3 - '94 respectively. We shall have occasion to discuss the influence of these Commissions in Chapter Two.

86. For the different and varied positions that writers have taken up on the question of 'Cape Liberalism', see particularly Phyllis Lewsen, "The Cape Liberal Tradition - Myth or Reality?", Institute of Commonwealth Seminar Papers, London University; No. 10, Oct 1969-March 1970.

divergent interpretations which have been given, to identify some points of intersection as to what it entailed.

Most historians would accept that the ideology of 'Cape liberalism' was closely bound-up with the non-racial franchise provisions of the Cape constitution. The acceptance of the Africans as 'equals' into the body politic meant that they could be accorded a status similar to that of the 'whites' in other spheres as well. This was particularly the case with regard to the question of land ownership for Africans. The granting of the franchise to the Africans in fact opened the way for individual ownership of land by them. Trapido has commented on the close relationship which existed between their right to the franchise and their right to own land. 'The defence of the franchise,' he maintained, 'was closely related to the defence of the peasantry ....'<sup>87</sup>

These historians would also agree that the fortunes of 'Cape liberalism' began to wane towards the turn of the century. At this point however their analyses proceed in two different directions. The conflicting interpretations

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87. Stanley Trapido, " 'The Friends of the Natives': merchants, peasants and the political and ideological structure of liberalism in the Cape, 1854-1910", in, S. Marks and A. Atmore (ed), Economy and Society in Pre-Industrial South Africa, Longman (1980), p 255.

coincide with the division in South African historiography which has already been commented on.

The 'conventional wisdom' school accounts for the demise of 'Cape liberalism' in terms of a changing balance of political forces. The most significant factor in this regard was the emergence of Afrikaner nationalism which was given concrete shape in the formation of the Afrikaner Bond.<sup>88</sup>

The Afrikaners, it is argued, viewed the African vote as a 'threat' to the survival of the 'whites' in the country and repeatedly called for its abolition. While they did not succeed in achieving this, they were successful in making it more difficult for the Africans to qualify for the franchise.<sup>89</sup>

This essentially 'political' explanation for the decline of 'Cape liberalism' has come under criticism from the 'new school'. The assault has been led by Trapido who argues that the fortunes of 'Cape liberalism' must be seen

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88. See especially Davenport on the history of this development. T.R.H. Davenport, The Afrikaner Bond 1880-1900, Ph. D. Thesis, U.C.T. (1960) and his book of the same title, Oxford University Press (1966).
89. This was achieved by getting laws passed which raised the property qualifications and which introduced more stringent literacy tests.

as tied to the changing patterns of economic development. He maintains that it was 'a particular conjunction of group interests [which] made it possible for liberal policies to be propagated.'<sup>90</sup> Foremost in this regard were the interests of the commercial classes 'both within the colony and beyond its borders ....'<sup>91</sup> According to Trapido 'The leading financial and commercial enterprises produced a virtual roll-call of liberal names: ....'<sup>92</sup>

The economic changes unleashed by the mineral discoveries of the 1880s produced, he says, a number of tensions within the ideology of 'Cape Liberalism'. The main reason for this was that the policies favoured by the liberals were not in keeping with the requirements of the changed conditions. He argues that

'Unlike liberalism in Britain, Cape liberalism was not posited on the incorporation of wage labourers. On the contrary, Cape liberalism assumed a small prosperous peasantry which could act as a buffer against poor peasants and the already declining power of chiefs.'

With the main demand now being for an adequate supply of labour, it was not long, he writes before '... liberalism

90. S. Trapido (1980), p 252

91. Ibid., p 250.

92. Ibid., p 251.

... would lose its prominence as an ideology of control.'<sup>93</sup>

These two positions are of-course not mutually exclusive (the main difference between them being where the different writers have placed the most important emphasis - either on political or economic factors). Both arguments therefore provide valuable insights into an understanding of the Glen Grey policy.

What can be stated unequivocally is that when the Glen Grey Act was promulgated 'Cape liberalism' was in its decline. This was manifested in the provisions of the Act itself.

For one individual title was still to be considered as communal tenure for franchise purposes. This served to disqualify many of the Africans in the territories where the Act was applied for in terms of the Parliamentary Voters' Registration Act of 1887, tribal or communal tenure did not serve as a qualification for the franchise. Brookes in fact observed that this provision meant 'the permanent disqualification of the majority of tribal Natives in the Territories.'<sup>94</sup>

The tenure provisions also were aimed more at restricting

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93. Ibid., p 268.

94. E.H. Brookes (1924), p 368. This did not mean the complete disenfranchisement of the Africans as they could still qualify for the vote under the £50 income provision. In practice however it was tantamount to this as very few Africans earned this much.

the growth of a viable African peasantry than encouraging its emergence. The Act only allowed for the setting aside of four morgen for each allotment which was hopelessly inadequate for profitable commercial farming.<sup>95</sup> In addition to this the accumulation of land was expressly forbidden by the principle of 'one-man-one-lot'.

To say that 'Cape liberalism' was in decline does not mean however that it was completely without influence. Certain aspects of liberal policy were still to survive in the Glen Grey Act. The provision for individual tenure, while severely restricted, was still in keeping with liberal views on how the 'civilization' and 'progress' of the 'natives' was to be promoted.

The most notable feature of liberal influence was however with regard to the policy of segregation. For most liberals this policy was seen as the best means whereby the interests of the 'natives' could be safeguarded. The 'natives', they believed, had to be protected from the Europeans, particularly with regard to European encroachment

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95. This in fact went directly counter to the recommendation of the Glen Grey Commission which had suggested that 55½ morgen of land be set aside for each family for agricultural and grazing purposes CPP, A3 - '92, p 4



on their lands. While in the end they might not have succeeded in persuading the government to legislate against 'native' land falling into 'white' hands, they did succeed, writes Davenport, in getting their views incorporated 'regarding "the desirability of retaining the reserves for Native occupation" '.<sup>96</sup> It was largely as a result of pressure from the liberals that the provision that no land in the district of Glen Grey could be alienated without the consent of the Governor, was written into the Glen Grey Act.

From the above it can be seen that a multitude of factors went into the eventual formulation of the Glen Grey policy. In the midst of all these developments however it was the personality and influence of C.J. Rhodes which was to be the most decisive.

Rhodes was in a unique position to determine the direction of policy in the Cape. He was not only the Prime-Minister of the colony and a leading capitalist but he was also directly responsible for the very important portfolio of 'native affairs'.<sup>97</sup> Furthermore in a House of seventy-six members he not only enjoyed the support of his own party but he could also rely to a very great extent

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96. T.R.H. Davenport (1960), p 330.

97. For the background to how these two offices became combined see W.T. Ferguson (1932), p 9-10.

on the support of the Bond members who numbered about thirty-five.<sup>98</sup>

It was therefore from a position of strength that Rhodes was able to announce his 'Bill for Africa'.<sup>99</sup> The Act which was eventually promulgated in a very real sense then reflected the 'vision' which he had for Southern Africa.

It was the economic transformation of the country which featured most prominently in this scheme of things. The 'model' which he had in his head for the transformation of the country was essentially 'European' in conception. He foresaw the country undergoing the same changes as had taken place in his native England. In the same way in which the capitalist system of production had triumphed in Britain it would also triumph in Southern Africa. This of necessity involved quite radical changes, particularly with regard to the indigenous people, as there was a fundamental incompatibility between the needs of the new economic system and their traditional way of life.

98. Ibid., p 4. See Davenport also for a treatment of Rhodes's alliance with the Bondsmen, T.R.H. Davenport (1966), p 152.

99. This was reflected in the voting on the Third Reading of the Bill where the House divided as follows:

Ayes - 51

Noes - 16

Majority - 35

CH 18, p 470 (CL).

The conditions of existence of the indigenous people had therefore to be changed to correspond with the new order of things. In the debate on the second reading of the Bill Rhodes outlined how he saw the future of the Africans;

'It must be brought home to these people that they would have to change as the English people had had to change. In England before the eighth or tenth century every man lived out of the land. ... It must be brought home to them that in the future nine-tenths of them would have to spend their lives in manual labour, and the sooner that was brought home to them the better.'<sup>100</sup>

Some writers, particularly Lacey, would contend that Rhodes was here championing the interests of mining capital.<sup>101</sup> This would however be to take a very narrow and one-sided view of the issues which were involved. It is true that mining capital was in the forefront of the economic transformation which was taking place in the country and that as such it would have been in a powerful position to influence

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100. CH 18, p 366 (CL).

101. At one point in her book she makes bold to say that 'the Glen Grey system first framed by the arch-capitalist C.J. Rhodes.... was designed to boost the mines' labour supply.' - M. Lacey (1981), p 14.

the direction of policy towards the Africans (being the potential labouring class).

Two considerations however have to be borne in mind when one makes this claim. Firstly it must be remembered that at this stage the country was not unified but consisted of a number of independent and autonomous regions. It was therefore hardly to be expected that the Cape government would devise a policy which only took into account the interests of the 'north' and completely neglected their own. Then also the developments in the mining industry gave a boost to other sectors of the economy. This was particularly the case with regard to agriculture which because of the new markets which were being created was rapidly expanding and capitalising. Whilst perhaps not to the same extent as mining, capitalist farming then also required an adequate supply of labour.

All was not however going well with the farmers in the colony and the problems which they were experiencing with regard to a supply of labour were highlighted by the Labour Commission of 1893.<sup>102</sup> The Commission in fact went so far as to claim that the farmers were being disadvantaged in relation to the mining companies over the issue of a supply of labour. The mining companies had succeeded in siphoning

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102. CPP, G3- '94, see especially, Labour Commission, Report, p iii.

off the potential labour supply of the colony because they were better organized and because certain agencies were actively promoting their interests. The main 'culprit' in this regard was the railways which offered 'special facilities' to the mining companies by lowering the fares for workers who went to the Transvaal to seek employment. The Commission considered this service 'objectionable' as it led to the 'drafting of labourers away from the Colony.'<sup>103</sup>

Because the farmers were too weak to correct this situation on their own the Commission called on the government to come to their rescue.<sup>104</sup> The government, it said, should 'undertake the promotion of the labour supply.' 'By doing so,' it maintained, 'it would benefit itself as a great employer of labour, do good to farmer and labourers alike, and promote the well-being and productiveness of the Colony.'<sup>105</sup> The Commission did not call for the supply of labourers to the mines to be completely cut-off but it

103. Ibid., p xxii.

104. The Commission noted that unlike the mining companies which could employ agencies to obtain the labour that they needed,

'farmers have no workable organization among themselves and make only isolated and ill-directed and generally ineffective attempts to attain this end.' Ibid., p xv.

105. Ibid., pxv.

maintained that because the mines were able to recruit labour from a wider geographical area than the farmers, a policy should be adopted whereby the Colony be given preferential access to the labour in its own territories.<sup>106</sup>

The Labour Commission it would then appear was rallying to the defence of the interests of the farmers. Rhodes would have been forced to respond to its recommendations as it was the farmers who made up the majority membership of the Afrikaner Bond. He could not be seen, in the light of what the Commission had reported, to be giving preferential treatment to the mining companies (that is, if he wanted to retain his alliance with the Afrikaner Bond).

What Rhodes envisaged however was not a labour force for a specific industry, but a working class which would minister to the needs of the developing economy as a whole. What he had in mind was a fully-fledged proletariat which would be completely separated from the land, as had happened in Britain. He made this clear when he told the House of Assembly that the land could not forever support the 'natives' and that they would be forced to adapt to the changed conditions.<sup>107</sup>

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106. See table on the breakdown of Labour Supplied by the Territories in the Colony to the Colony and Elsewhere, Appendix A.

107. CH 18, p 366 (CL).

The changes which Rhodes envisaged could not however take place while the Africans still held land under the communal or tribal system. To release this potential working class from the land it was necessary that the traditional form of tenure be destroyed. The main consideration in this regard was to curtail severely the access which the Africans had to the land. This Rhodes believed would be achieved if the land was surveyed for individual allotments as it would restrict the occupation of land to title-holders and those who did not have any rights to the land would be forced to leave the districts and obtain employment elsewhere. In this way, he said, the 'natives' would be taught 'the dignity of labour.'<sup>108</sup> He was also inserting a labour tax into the Bill, he told the House, which would serve as an extra-inducement to the 'natives' to go out and work and would also help to 'condition' them to their new status.<sup>109</sup>

If in this new order of things the non-racial franchise of the Colony had to be sacrificed then it was a necessary sacrifice. The working-class in Britain had in any case to wait many years before it was granted the franchise and even this aside, the level of development of the 'natives' did not qualify them for the franchise. They were still 'children',

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108. Ibid., p 362.

109. Ibid., p 365.

Rhodes said, who were just emerging from the stage of barbarism and as such 'knew nothing about politics.'<sup>110</sup>

The Glen Grey Act then was a complex and multi-faceted piece of legislation. It reflected a variety of influences and forces (often conflicting) - a declining but not yet moribund 'Cape liberalism', an awakening but not yet triumphant 'Afrikaner nationalism'; but perhaps of most significance, a strident but not yet fully-developed capitalism.

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110. Ibid., p 363. Rhodes was here also responding to the appeals of the Afrikaner Bond which strongly felt that restrictions should be placed on the right of the Africans to vote. For a more substantial treatment of the 'fears' of the Afrikaners over the 'threat' of the African vote see particularly, S. Trapido, "African Divisional Politics in the Cape Colony, 1884 to 1910," Journal of African History, IX, 1 (1968).



CHAPTER ONE - THE EARLY HISTORY OF THE SYSTEM OF INDIVIDUAL TENURE FOR AFRICANS, C 1849-1883

The focus in this chapter will be on the pre-Glen Grey system of individual tenure for Africans. The main concern will be to trace the reasons for the introduction of this form of tenure, to look at how individual tenure worked in a few carefully selected areas, and to examine both how these early experiments prepared the way for and differed from the Glen Grey system.

Prior to 1931, when the position was consolidated, three main types of land titles with regard to individual tenure could be distinguished. There were firstly the titles granted prior to the passing of the Native Land and Commonage Act (Act No. 40 of 1879), the titles granted under Act No. 40 of 1879, known as 'Sir George Grey titles' and lastly, titles granted under the Glen Grey Act.<sup>1</sup> It will be the former two types of land titles which will come under discussion in this chapter.

It was essentially in the Cape Colony that the policy of individual tenure for Africans was actively promoted. Brookes observed that,

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1. see B.M. Jones, Land Tenure in South Africa - Past Present and Future, University of Natal Press, Pietermaritzburg (1964), p 24-5.

'the history of land tenure in the Locations [referring here to the Cape Colony] is the history of the gradual introduction of quit-rent holdings.'<sup>2</sup>

A similar observation has been made by Davenport and Hunt who write that '[the] distinguishing feature of Cape practice was the commitment to individual tenure as the objective of policy.' The other provinces were by and large to adopt different policies. In the O.F.S., for example, individual tenure for Africans was not permitted except for Thabu 'Nchu where individual holdings were established before the incorporation of the area into the union. Natal and Transvaal also evinced an official reluctance to encourage individual title.

'One reason for the conservatism of Natal and Transvaal,' they write, 'was that in both territories the practice of placing African land in the hands of white trustees had been developed.'<sup>3</sup>

The main reason for land policy in the Cape proceeding in the direction in which it did was the exigencies of a continual war situation. The Colony during the eighteenth and the nineteenth century was the scene of numerous battles between the advancing colonists and the indigenous people.

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2. E.H. Brookes (1924), p 360.

3. T.R.H. Davenport and K.S. Hunt (ed), The Right to the Land, Cape Town (1974), p 31.

In total nine bloody wars, embracing the period 1778 to 1878, were waged, 'before the position of European paramountcy was achieved.'<sup>4</sup> Once having advanced their frontiers however a serious problem which still faced the colonial authorities was how to safeguard these outposts from further African attacks.

The policy which came to be favoured was that of settling African tribes, whose allegiance the government had won, as 'buffer classes' between the 'white' settlers and the still hostile African chiefdoms. The system of individual tenure was invariably introduced into these new settlements as most government officials believed it to be the ' "very best guarantee for peace and loyalty".'<sup>5</sup> The Surveyor-General, in fact, in his report to the Commission on Native Laws and Customs on the history of the system of individual tenure for Africans claimed that,

"the origin of the system ... is traceable to that part of the policy of Sir Peregrine

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4. S. McD. M. Lekhele, An Historical Survey of Native Land Settlement in South Africa from 1902 to the Passing of the Natives' Trust and Land Act of 1936, M.A. Thesis, University of S.A. (1955), p 19.
5. C. Bundy, "The Response of African Peasants in the Cape to Economic Changes, 1870-1910: A Study in Growth and Decay", I.C.S. Collected Seminar Papers, Vol 3, Oct 1971-June 1972, p 34, fn.11.

Maitland, which consisted in locating inside of the border (then the Keiskama River) a large number of natives for the defence of the frontier line, and for strengthening its weak points.<sup>6</sup>

Missionary endeavour was a further factor which promoted the development of the system of individual tenure in the colony. The missionaries fervently believed that the Africans would never become 'christianized' while they still remained bound to the traditional structures of tribal society. To secure their conversion meant therefore that tribal society had to be undermined. A pre-condition for this was the destruction of the power of the Chiefs who were seen as the greatest 'obstacles' to 'progress' and 'civilization'. The authority of the Chiefs was considered to reside largely in the control that they exercised over the land which the missionaries were convinced would be broken if individual tenure was substituted for tribal tenure. Throughout the period under review the missionaries were accordingly to be foremost advocates for the introduction of the system of individual tenure for Africans.<sup>7</sup>

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6. CPP, G4 - '83, Appendix F, Surveyor-General's Report on the Individual Land Tenure System, p 373.
  7. The Right Reverend Bishop of St. Johns, Umtata, told the Commission on Native Laws and Customs that he was in favour of encouraging the 'natives' to become landowners because ...../

The people who were selected for the first experiments in individual tenure were the Mfengu. A combination of historical circumstances made it possible for them to assume this role. The Mfengu were essentially a refugee people who had fled in diverse groups from Natal and Zululand in the 1820s.<sup>8</sup> It was to the Cape Colony that most of them finally made their way. The nomadic existence

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Footnote 7 continued:

landowners because the desire to become landowners implied great progress in the applicants; it had the tendency to break up the tribal system, to create individual independence and manhood and to make the 'natives' interested in maintaining peace in the country by the risks which they faced in times of war if they took up arms against the government. CPP, G.4 - '83, Appendix C, Answer to Questions on Criminal and Civil Law, Marriage and Inheritance, Land Tenure and Self-Government, p 78.

For a more comprehensive treatment of the role of the missionaries in promoting the system of individual tenure for Africans see also M. Wilson, "The Growth of Peasant Communities", in, The Oxford History of South Africa, Vol II, M. Wilson and L. Thompson (ed), Oxford, Clarendon Press (1971)

8. Peires points out that Mfengu meant 'to wander about seeking service'. J.B. Peires, The House of Phalo, Ravan Press (1981), see p 87-88.

which the Mfengu had been forced to live until then had served to weaken their traditional tribal structures, most notably, the chieftainship. Because of this the Europeans believed that they would find ready allies amongst the Mfengu. Beinart writes of them,

'Their chiefdoms destroyed, they were more highly receptive to elements of colonial culture, and it was essentially from their number that the progressive peasantry of the Cape Province, the producers of wool and crops on a large scale, were drawn.'<sup>9</sup>

It was not that the Mfengu were averse to collaboration with the colonists, for, contends Moyer,

'Once in the colony, Mfengu immediately resumed the process of economic and social rehabilitation and undertook those cultural modifications which they assumed would make them acceptable to the colonial whites.'<sup>10</sup>

The district first given to the Mfengu by the colonial authorities was Peddie. This district was in no way arbitrarily chosen. According to Moyer,

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9. W. Beinart, The Political Economy of Pondoland, 1860-1930, Cambridge University Press (1982), p 4-5.
10. R. Moyer, A History of the Mfengu of the Eastern Cape, Ph D. Thesis, London University (1976), p 13.

'Governor D'Urban gave Peddie to the Mfengu because he thought their presence between the Fish and Keiskama Rivers would serve as an effective buffer between the Whites and Xhosa.'<sup>11</sup>

This was in fact going to characterize the future relationship between the government and the Mfengu. The Mfengu were to assist the government in subduing the intractable Xhosa and to the extent that they succeeded in doing this they would be rewarded by their colonial overlords - most often by giving them some of the land of the defeated 'enemy'.<sup>12</sup> In this way, writes Moyer, they were able to 'spread throughout the Ciskei and back into the Transkei.'<sup>13</sup>

To guarantee their loyalty to the colony the government did everything in its power to weaken further whatever hold tribal society might still have had over them. The power of the Chiefs had to be completely undermined and those tribal institutions which still exercised some influence over their daily lives destroyed. One way of doing this,

11. Ibid., p 355.

12. Moyer observes that, 'After every war or incident which enabled the government to expel the Xhosa from their lands, more and better land was parcelled out to the Mfengu, a practice that continued until 1879.'  
Ibid., p 345.

13. Ibid., p 353.

remarks Moyer, 'was to give them a vested interest in their land.'

'The Mfengu had to be weaned from their chiefs and the best way of accomplishing this was <sup>to</sup> issue individual title deeds for their land.'<sup>14</sup>

It was generally believed that by doing this the people would become less dependent on their traditional rulers and more under the control of the colonial authorities.

The earliest experiment in the system of individual tenure for Africans that historians have commented on at any length was the Smith-Calderwood Location Scheme of 1849. It was proposed by the Cape government of the time to settle in Victoria-East a large number of Mfengu who had assisted the colonial authorities in the War of the Axe (1846-7).<sup>15</sup> This task was entrusted to the Rev. Henry Calderwood who was to be assisted by Sir Harry Smith.<sup>1</sup>

14. Ibid., p 396.

15. see Rev. John Ayliff and Rev. Joseph Whiteside, History of the Abambo, generally known as the Fingos, Transkei, Printed at the "Gazette", Butterworth (1912), for a commentary on the role of the Mfengu in this war, p 42 following .

16. E.H. Brookes (1924), p 87-8 also M.E. Mills and M. Wilson, Land Tenure, Keiskamahoeek Rural Survey Vol IV, Shuter and Shooter Pietermaritzburg (1952), p 2-3.



The people were placed in locations and allocated individual holdings on which an annual quitrent of £1 was payable. Moyer throws into sharp focus the 'civilizing' zeal with which the authorities tackled this project.

Deliberate efforts were made to wean the Mfengu,

'from their uncivilized habits and customs .... a prize scheme was established for each village which rewarded the "most respectable and decently dressed men, women and children."

Prizes were also to be given for the best and cleanest houses, the best furnished houses, the best and largest quantity of cultivated ground, the best fences, wagons and poultry, and the best and largest quantity of wheat, barley and other kinds of European produce.'<sup>17</sup>

Brookes has much praise for the working of this scheme. According to him the quitrent was regularly and promptly paid, 'and so successful was the whole arrangement that Sir Harry Smith proposed to introduce it in Natal - a proposal which fell through.'<sup>18</sup> Brookes also tells us that the Mfengu in the district progressed rapidly,

'in civilization and material wealth, and the Government was able definitely

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17. R. Moyer (1976), p 381, see also Rev. J. Ayliff and Rev. J. Whiteside (1912), p 46.

18. E.H. Brookes (1924), p 360-61.

to use them as a civilizing agency by transplanting some of them to the Transkei in 1865.'

So successful in fact was this first experiment, that it became, he says, 'the precursor to many similar schemes in the Ciskei and Transkei.'<sup>19</sup>

Moyer however sounds a more negative note in his appraisal of this first experiment.

'The settlements created by Smith's scheme, 'he writes, 'did not last long. When the 1850-53 War erupted, they were quickly overrun by the Xhosa and abandoned.'<sup>20</sup>

Following the limited experiment of the Smith-Calderwood Location Scheme, individual tenure was introduced more widely in the Cape from the 1850s onwards. The principal protagonists in this development were Sir Harry Smith and Sir George Grey, both governors of the Cape Colony at different times and therefore in very influential positions.

With the incorporation of British Kaffraria into the Cape Colony in 1847 Smith spelt out what his 'vision' was for the African people:

'Your land should be marked out, 'he told the Xhosa' and marks placed that you may all know it .... you shall all learn

19. Ibid., p 88.

20. R. Moyer (1976), p 384.

to speak English at the schools which I shall establish for you .... You may no longer be naked and wicked barbarians, which you will be unless you labour and become industrious. You shall be taught to plough; and the Commiss<sup>s</sup>ary shall buy of you. You shall have traders, and you must teach your people to bring gum, timber, hides, etc. to sell, that you may learn the art of money and buy for yourselves ....'<sup>21</sup>

This policy of 'civilization' and 'incorporation' of the 'natives' was carried a stage further by Sir George Grey. Brookes contends that with Grey the 'native' question was no longer to be treated,

'as a mere problem of frontiers. He had definitely decided to extend European rule, in the interests of the Natives themselves, to all the Native tribes of South Africa, as occasion permitted.'

Grey's most ardent desire, Brookes believes, was to win the 'natives' ' "to civilization and Christianity" '.<sup>22</sup> His policies were given a fillip by the cattle-killing of 1857 which broke the resistance and opposition of the Xhosa and hastened their incorporation into the colonial socio-

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21. Quoted in J.B. Peires (1981), p 166.

22. E.H. Brookes (1924), p 92.

economic and political structures.<sup>23</sup>

The Surveyor-General, in the report already cited, acknowledged the contribution which Grey had made to the extension of individual tenure for Africans. It was with Grey, he said, that a more systematic approach to the introduction of the system was adopted. While his scheme may not immediately have been put into effect, his 'inspiration' was to last for many years and eventually result in the substitution of individual tenure for tribal tenure in many African districts.<sup>24</sup>

Between 1853 and 1881 then, 18,366 allotments were surveyed for individual title in the various 'native' locations and mission stations. The divisions affected ranged over a wide area, from Lovedale in the Eastern Cape to Swellendam in the Western Cape. Notwithstanding this it was the areas which constituted the Ciskei and later the Transkei that survey for individual tenure was most concentrated. A brief summary will now be given of the main areas which were affected.

In 1855 land was surveyed on a mission station adjoining Lovedale. Lovedale fell under the division of

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23. For a more detailed look at the consequences of the 'National Suicide of the AmaXhosa' see S.McD.M. Lekhele (1955), p 29-30.

24. CPP, G.4 - '83, Appendix F, p 374.

Victoria East which in the next few years saw a spate of activity with regard to survey. In all nine locations were surveyed for individual tenure between 1855 and 1861.

Another division to be sizeably affected was Peddie. Between 1858 and 1860 six locations were surveyed in the district. During the same period (1859) Healdtown in Fort Beaufort was also surveyed.

In the 1860s attention was focussed in King William's Town where between 1865 and 1868 ten locations were surveyed.

During the 1870s locations in Queenstown, East London, King William's Town (again) and Port Elizabeth were surveyed. There were also surveys as far afield as in George (Pacaltsdorp) Oudshoorn (Dyssels dor<sup>t</sup>p) and Swellendam (Zuurbr<sup>a</sup>ak).

Then in the early 1880s a number of locations in Gcalekaland were surveyed.

From the above we can identify essentially three spates of activity with regard to the survey of districts for individual tenure before the passing of the Glen Grey Act. Firstly during the 1850s, which was centred mainly in Victoria East and Peddie, then in King William's Town in 1860s; and finally Queenstown and Wodehouse during the 1870s.<sup>25</sup>

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25. This information has been summarized from a table prepared by the Surveyor - General for the Commission on Native Laws and Customs. For the table see Appendix B.

The end of the 1870s marked something of a turning - point because in 1879 the Native Locations Act was passed which introduced quitrent tenure as a 'permissive tenure generally (i.e., not limited to any particular Native tribe or District).'<sup>26</sup>

Notwithstanding the fact that the colonial authorities were working with people who recognised their authority and professed 'loyalty' to them, it was not going to be an easy task for them to convince these people that the survey of their lands was in their best interests. The concept of ownership in land was alien to them and they were naturally suspicious of any policy devised by the government which had as its aim the alteration of the traditional relationship which they had with the land. Of the earlier surveys in the Ciskei the survey of the Amathole Basin reveals some significant insights as to how the people who were affected responded to the changes which were introduced.

The Amathole Basin formed part of the district of Middledrift and was occupied by Mfengu under Chief Mhlambiso. The land had been given to them by the government for the loyalty which they had shown during the 1853 Frontier War.<sup>27</sup>

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26. E.H. Brookes (1924), p 361.

27. J. Bowen, The Mhlambiso Hlubi of the Amathole Basin, B.A (Hons), Dissertation, Rhodes University (1983) p 4-5.

Bowen writes that within a few years after setting up the land as a Crown Reserve,

'the Imperial Government was forging ahead with plans for the survey of land into individual allotments - part of Grey's plan to break the power of the Chiefs and to promote 'civilization'. It was also argued that survey would result in better control over the Africans - taxation would be easier and close settlement would be of advantage in security matters.'<sup>28</sup>

The task of surveying the Basin was eventually completed in 1855. It was divided into eight villages and from the evidence which exists, Bowen says, it would appear that just over 400 buildings and roughly the same amount of garden lots were surveyed.<sup>29</sup>

The scheme did not however prove the success that the government had hoped for. Encroachments on the commonage, although strictly forbidden, became a regular occurrence and in a very short time most of the beacons, which demarcated the individual holdings from each other, went missing. So serious did these problems become that between 1878 and 1890 the government was forced to re-survey the area.<sup>30</sup>

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28. Ibid., p 21.

29. Ibid., p 26.

30. Ibid., p 29.

Bowen contends that individual tenure was imposed on the people. It was particularly the Chiefs, she writes, who rejected the introduction of the system.

'The chiefs saw quite clearly the aims behind this move - to destroy the chieftainship. They also objected to being tied to one plot of land - a practice contrary to their "conventional mode of agriculture" [that is, shifting agriculture.]<sup>31</sup>

Given that individual tenure was introduced against their will, the people deliberately set out to frustrate the working of the system. The proper functioning of the system would also have led to many families becoming landless and it was therefore hardly to be expected that the people would give it their wholehearted support. Bowen points out that only 400 plots were surveyed while there were 508 households in the Basin.

'The issue of individual title, 'she writes therefore, 'meant that 108 families would be left without land and there would be no room for expansion. The surplus would be forced to become labourers in the South African economy in order to survive.'<sup>32</sup>

For her then 'It is clear .... that passive resistance defeated the introduction of individual tenure.'<sup>33</sup>

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31. Ibid., p 25.

32. Ibid., p 31.

33. Ibid., p 27.



When thirty years later the government proposed the re-survey of the district the opposition had in no way subsided.

'Once again, Bowen writes, 'a large portion of the Basin were in opposition to this move and under Jacob Mdlankomo [one of the headman in the Basin] about one third of the inhabitants refused to accept individual tenure.'

The people complained about the cost of survey but even more important than this, Jacob Mdlankomo,

'argued that he and his people did not see why they should pay to have lands surveyed which they had lived on since the settlement of the Basin and that the present system of occupation was adequate.'<sup>34</sup>

Possibly one of the most comprehensive investigations into the early working of the system of individual tenure is the Keiskamahoeek Rural Survey of 1949-50.<sup>35</sup> While the

34. Ibid., 28.

35. M.E. Mills and M. Wilson, Land Tenure - Keiskamahoeek Rural Survey Vol IV, Shuter and Shooter, Pietermaritzburg (1952).

The Keiskamahoeek Rural Survey was initiated and financed by the National Council for Social Research. The fieldwork on which the report is based was done by M.E. Mills between October 1949 and July 1950. The investigation was planned and the original report revised by M. Wilson.

object of the study was not confined to an examination of perpetual quitrent - it had in fact 'to analyse the working of the different types of tenure'<sup>36</sup> in the district - the emphasis here will be essentially on its findings as regards the quitrent system.

The people affected in Keiskamahoeck, a 'native' reserve in the Ciskei, were once again the Mfengu. The district had originally been occupied by a section of the Xhosa people under Chief Ngqika (Gaika), but after the war of 1850-3 between the Xhosa and the Cape Colony, Sandili, the son of Ngqika, was expelled from the area which was then declared a Royal Reserve. A few Europeans, namely Germans, were encouraged to settle in the district, but the bulk of the land was taken up by a group of Mfengu people who had assisted the Europeans against the Xhosa.<sup>37</sup>

The different Mfengu groupings which settled in the district adopted different forms of tenure. In one village for example, Chatha, land was settled on an unsurveyed communal basis, while in another, Rabula, the land was surveyed for individual freehold title. It was in Burnshill that a surveyed quitrent system was adopted.<sup>38</sup>

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36. Ibid., p 1.

37. Ibid., see p 1-2.

38. Ibid., p 2.

The survey of Burnshill, which was carried out between 1868 and 1869, did not proceed smoothly. Considerable friction developed between the Xhosa who were still living in the village and the Mfengu who had recently moved in. The Xhosa refused to accept the survey of the village on the grounds that the land had belonged to their Chief, Sandili, and not to the Crown. In the end however their resistance was broken, and, writes Mills and Wilson,

'The faction that opposed the survey then emigrated to the Transkei, though some of them had obtained grants before they left.'<sup>39</sup>

The village was surveyed strictly according to 'European' norms and practices. The arable land was situated along the banks of the river while building lots were concentrated some distance away. These building sites were laid out in blocks which were divided by streets. According to Mills and Wilson,

'James Laing, a missionary, who was established at Burnshill Mission in 1831, is said by old informants to have been responsible for planning the village on a European pattern, and it was he also, who pressed for the survey. But living in a compact village was not popular, and in time

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39. Ibid., p 69.

the people of Burnshill moved their homesteads on to the commonage, spreading out so that each family might be as near his own fields as possible.'<sup>40</sup>

The system had other failings in addition to the people not occupying the building lots. Transfers of property were hardly ever effected. Mills and Wilson blamed this 'partly on account of the cost of transfer, and partly because of ignorance of the law ....'<sup>41</sup>

Mills and Wilson did however observe some significant differences between the villages which had been surveyed and those in which the tribal system was kept intact. According to them individual tenure did indeed result in a considerable weakening of the structures of traditional society. This was to be seen most markedly in the class differentiation which the system promoted.

'Villages with communal tenure,' they remarked, 'are relatively homogeneous and there are no marked class differences in them, but in villages with freehold and quitrent tenure there are two distinct groups, the land-owners and the "squatters". The land-owners are generally better educated and have a higher standard of living than the landless families.'<sup>42</sup>

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41. Ibid., p 132.

42. Ibid., p 6.

The largest homesteads were also to be found in the villages which had been surveyed. This difference in the size of the holdings, they said was,

'due first to the fact that fields in the communal village are so small that two families cannot live off them and a married man gets a field of his own as quickly as he can, moving out of his father's homestead when he does so, whereas in freehold and quitrent villages the fields are larger; and secondly, to the fact that sons in freehold and quitrent villages are fairly secure in their inheritance, and do not endanger it by delaying occupation, whereas in a communal village a man seeks to secure a field as soon as he possibly can lest he should not get one at all.'<sup>43</sup>

Improvements to their allotments by the people were on the whole only to be seen in the surveyed villages as well. This was most noticeable in the sphere of housing, in which 'the wealth of a family is almost always reflected.'

'Generally speaking,' they commented, 'huts and houses of freeholders and quitrent owners are more substantial and comfortable than those in the communal villages, for the freeholders

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43. Ibid., p 123.

and quitrenters are better educated and a little less poor than the "squatters" and those living in communal villages.<sup>44</sup>

The pattern of landlessness also took different forms depending on the system of tenure. Landlessness was less pronounced in Burnshill than in both the freehold and communal villages, This they claimed was due,

'mainly to the large number of persons who migrated permanently from the village and left their fields to be purchased by or awarded to those who remained.'<sup>45</sup>

In the end however, despite all these differences, in none of the villages was a viable, commercial African peasantry to emerge. In all the villages, irrespective of the type of tenure, migrant labour became the dominant mode of existence of most of the people. Mills and Wilson found that 'none of the families investigated in Keiskamahoeek District make a living out of farming ....'<sup>46</sup>

They attributed this failure of a class of full-time farmers to emerge to a number of factors;

'First they have not the capital to develop their land-only one African - owned plot in the village investigated

44. Ibid., p 109.

45. Ibid., p 91.

46. Ibid., p 128.

was fenced, - and very few owners can afford to fence and buy effective farm equipment. Secondly, the returns from semi-skilled work in town is greater than that from farming a small-holding, and the enterprising seek education and a semi-skilled job rather than attempting to farm 10 or 20 acres. Thirdly, the Xhosa and Mfengu people have not a tradition of skilled cultivation behind them such as many of the Central and West Africans have. They were primarily pastoralists and the traditional pastoralism cannot be followed on the limited land.<sup>47</sup>

The first experiments in individual tenure for Africans were limited in a number of ways. They were either military settlements - the Smith-Calderwood Location Scheme, or else missionary endeavours - Burnshill. Wiggins has described these early schemes as 'nearly all artificial in the sense that the natives were separated from their tribes and away from 'all tribal control,' while no really serious attempt was made 'to mould or change tribal life in any way.' As such these schemes did not reflect official government policy but were more the result of the private initiatives of some zealous and influential individuals.<sup>48</sup>

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47. Ibid., p 130-31.

48. E. Wiggins (1929), p 22-3.

It was with the Oxkraal - Kamastone surveys of 1877, Wiggins contends, that the first real 'genuine' attempt was made to introduce the system of individual tenure for Africans. In terms of the aims of this scheme, she writes,

'The natives were to be persuaded away from their tribal ways; they were to become peasant cultivators; they were to pay rent to the magistrate and to depend upon him for their security of tenure; they were to live in little villages, which could easily be supervised and sanitarily inspected.'<sup>49</sup>

In his report on the history of the system of individual tenure for Africans Vos also accorded particular significance to the surveys of Oxkraal and Kamastone which he said were 'typical of the areas subdivided for individual tenure prior to the passing of the Glen Grey Act.'<sup>50</sup>

Oxkraal and Kamastone were both situated in the Queenstown Division. They were surveyed for garden and village lots, the allotments being granted to the people on the condition that the land would not be alienated without the consent of the government.<sup>51</sup>

49. Ibid., p 24.

50. A particularly important report to which we will be returning to later, U.G. 42 - '22, p 2.

51. Ibid., see p 2.



While this was the most elaborate scheme introduced until then, in the end it also proved a dismal failure. The first noticeable failing was with regard to the village lots which in very few instances were occupied by the people. The idea of a compact and settled village some distance away from the areas of cultivation was more in keeping with European than African thinking.<sup>52</sup> The people preferred to live near their garden lots so that they could protect their crops, with the result that very soon they began to erect their dwellings on the commonage which was closer to their gardens. With the passage of time further encroachments took place on the commonage.

'As the commonage was large,' Vos wrote, 'the distant parts of it could not be reached for grazing purposes with the result that another spot was occupied as a cattle post, and gradually became the residence of one of the relations; consequently a grantee or his successors

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52. Sansom has however pointed out that it was 'germane', to some African tribes, particularly the Sotho to settle in a 'central town' in which most of the tribespeople were concentrated. B. Sansom, "Traditional Rulers and their Realms", in, The Bantu-speaking Peoples of Southern Africa, W.D. Hammond-Tooke (ed), Routledge and Kegan Paul (1974), p 247.

occupied three sections of land of which he was the legal owner of only one, and in addition held title to a village lot which he had abandoned.<sup>53</sup>

Lack of adequate supervision led to the scheme ending up in complete disarray. Vos painted an extremely bleak picture of the chaos which prevailed by the 1920s,

'boundaries of the granted lots were not respected, and cultivation of commonage land, if suitable was usual. Transfers of land were rare, the original grantee in many cases having died, and the lots came into the possession of the heir, or if sold, into the possession of the purchaser, no transfer having taken place; in fact during the last twenty years the average number of transfers has been six annually, proving that many of the lots are in possession of persons who are not registered owners.'

He in fact found that out of a total of 1,864 garden lots only 626 were occupied by the registered owners.<sup>54</sup>

The pre - Glen Grey experiments in individual tenure then, without exception, seem to have ended in failure. The Surveyor-General in his report to the Commission on Native Laws and Customs was forced to admit this. He

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53. U.G. 42- '22, p 3.

54. Ibid., p 3.

found, he said, that the prevailing situation with regard to the system of individual tenure for Africans was highly 'unsatisfactory'.<sup>55</sup> Given these very clear indications that individual tenure, where introduced, had not been a success, why then did the government still persist with its further extension?

The answer seems to lie in the increasing responsibility that the Cape government began to assume over 'native affairs' during the last two decades of the nineteenth century. The period saw more and more African territories coming under direct colonial rule. Between the years 1870 and 1894 the boundaries of the Cape were extended from the Kei River to the Natal border as a consequence of the annexations of the territories which were later to constitute the Transkei. The principal reason for this wave of colonial expansion, Beinart argues, was the economic changes which were taking place. He writes,

'at the root of the thrust beyond the Kei was the transformation of the political economy of the Colony following the development of diamond mining at Kimberley and the consequent boom in railway-building and commerce.'<sup>56</sup>

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55. see CPP, G4 - '83, Appendix F, p 373.

56. W. Beinart (1982), p 31.

Griffiths has also drawn attention to the 1870s as an important turning-point in 'native policy'. Until then the colonial authorities had followed an essentially abandonment policy' towards the African people but this, he says, was no longer possible.

Britain was pledged by various obligations, by necessity and self-interest to re-assert herself in the Transkeian areas.<sup>57</sup>

The year 1872 was particularly significant because that was when 'the first Secretary for Native Affairs was appointed in the person of Charles Brownlee....'<sup>58</sup> The next year was to witness a further important development. In 1873 a resolution was passed ' "that a Blue Book on Native Affairs be placed on the table each Session [of Parliament] ".<sup>59</sup>

The government had now quite decidedly embarked on the policy of incorporating the Africans into the socio-economic and political structures of colonial society. Its main pre-occupation was the destruction of those 'factors motivating [sic] against European control - namely, tribal authority, communal lands and social customs.'<sup>60</sup> It was against this background that the Native Locations Act of

57. M.S. Griffiths (1939), p 15.

58. Ibid., p 16.

59. Ibid., p 24.

60. Ibid., p 56.

1879 was passed, the real precursor to the Glen Grey Act of 1894.<sup>61</sup>

The bed-rock of tribal society was considered to be the system of communal tenure. If the government were in any way to succeed in breaking-up tribal society, which during these years was its stated intention, then it was imperative that this form of tenure be destroyed. Griffiths has given a detailed and comprehensive account of the inter-relationship between communal tenure and tribal society and why it was believed that the traditional structures of tribal society would persist if the system of communal tenure was not destroyed.

'Native society was characterized by tribal or communal land tenure which maintained a conservative political system and was a check to individual effort and, therefore, progress. According to European views tribal land tenure had to be destroyed. In achieving this not only the power of the chiefs would be broken, the tribes disintegrate, the individual emerge, but witchcraft and superstition, the main hindrance to progress would disappear with other tribal customs. Without communal lands, and no restriction

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61. For a comparison of these two Acts see, E.H. Brookes (1924), Appendix to Chapter XVI, p 376-380.

upon the individual, intensive agricultural farming would take the place of stock farming, the economic situation would be eased, chances of stock thefts and plundering wars minimized. To destroy communal tenure was of course, to break the foundation of the chieftainship, for the tribal lands were held in trust by the chief for his people, and once the chiefs relinquished their hold over land they became mere agents of the government.<sup>62</sup>

From the aforesaid it is possible to gain the impression that a direct lineage exists between the early attempts to introduce individual tenure for Africans and the Glen Grey system. This would however be an incorrect assumption for the Glen Grey system, while by far the widest application of this form of tenure for Africans, also marked significant retreats from the earlier experiments.

With the early surveys it was almost impossible to distinguish freehold from quitrent tenure. There were generally very few restrictions embodied in the conditions of grant of allotments on quitrent tenure. The unrestricted mortgaging and sale of allotments in execution for debt was usually permitted and the grantees were also allowed to devise

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62. M.S. Griffiths (1939), p 19-20.

wills which determined how their properties would descend.<sup>63</sup>

Mills and Wilson have also commented on this close resemblance between the two systems of tenure in the early years. When quitrent tenure was first introduced it did not, they say, differ greatly from the freehold system. Inheritance was governed by the same laws and the right of alienation or lease with the consent of the Governor, and the right of sub-division of holdings, was recognized.<sup>64</sup>

The subsequent surveys were however to see a greater restriction in the rights of those property-holders who had the land granted to them under quitrent tenure.<sup>65</sup> The government was also to move in the direction where quitrent tenure became the only form of tenure under which Africans could have their land surveyed while freehold tenure was discouraged and its extension eventually abandoned. Brookes has observed that 'Freehold ownership of land by Africans is all but unknown within the reserves' and that it is <sup>P</sup> suppressed outside of them.<sup>66</sup> The increasing

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63. see B.M. Jones (1965), p 25.

64. M.E. Mills and M. Wilson (1952), p 69.

65. see Duly for the definitions of the different systems of land tenure as they were later to develop. L.C. Duly, British Land Policy at the Cape, 1795-1844, Duke University Press (1968), Definitions XIV-XV.

66. E.H. Brookes (1974), p 161.

restrictions inserted into the later surveys were eventually to culminate in the very attenuated form of title granted under the Glen Grey Act. So restricted in fact was the Glen Grey title that Brookes was moved to describe it as a 'corrupted' form of title. 'One thing is certain:' he maintained, 'the occupier' does not possess full ownership in the ordinary acceptation [sic] of the term.<sup>67</sup> Griffiths has made equally disparaging comments about the Glen Grey form of title;

'in the legal sense the Act did not grant individual tenure to the natives, and they had comparatively few rights over the land. They had no right to alienate; the rights of the Governor over the land were greater than those of tribal chiefs had been: - eviction for default in quitrent; government reservations; power of proclamation.'<sup>68</sup>

The government justified this attenuated form of title on the grounds that it 'protected' the interests of the people. It claimed that when the people were free to dispose of the land as they wished, the usual consequence was that the land passed into European hands.<sup>69</sup> To prevent this from happening the government was forced to place

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67. E.H. Brookes (1924), p 364.

68. M.S. Griffiths (1939), p 122.

69. see B.M. Jones (1965), p 25.



restrictions on the alienation of 'native' lands. This meant that the Governor would have the final say as to how the land was to be disposed and that the right of the people to devise wills would be withdrawn.

Bundy however attributed other motives to the government for restricting the form of title under which individual tenure was granted to the Africans. For him this represented part of the general attack against the African peasantry which had begun to emerge between 1830 and 1870. In curtailing the rights of Africans to buy and sell freely, as well as to accumulate land, the government, according to him, was openly siding with the 'white' farmers who increasingly had been calling for protection from African competition.<sup>70</sup>

There were additional factors involved also in the later promotion of the system of individual tenure for Africans than had been the case with the earlier experiments. Initially, as we have seen, an important consideration on the part of the government was securing the loyalty of the African people. With the passage of time this however became less of a priority. Bundy contends that,

The policy of creating a rural class of collaborators, to "counteract the influence of the chiefs" became less

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70. C. Bundy (1979), p 135.

and less relevant after 1870, as greater and greater areas of potentially hostile African territory fell under white control.'

A far more discernible motive, he says, now became the demand 'for black labour.'<sup>71</sup>

The main driving force behind this new orientation in 'native policy' was the mineral discoveries of the 1860s and 1880s. Bundy and Beinart have usefully put into perspective the changed configuration of forces that produced the shift in 'native policy' :

'During the last couple of decades of the nineteenth-century, there was a marked shift in the alignment of dominant interests in the colony, consequent on the diamond and gold discoveries and the railway-building and industrialization that accompanied them. As merchant capital was shouldered aside by industrial capital, it was increasingly labor rather than agricultural produce that was required from the African "reserve" areas like the Transkei.'<sup>72</sup>

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71. C. Bundy, "The Response of African Peasants in the Cape to Economic Changes, 1870-1910 - A Study in Growth and Decay", in, University of London Institute of Commonwealth Studies, Collected Seminar Papers, Vol 3 Oct. 1971-June 1972, p 31.
72. C. Bundy and W. Beinart (1980), p 274-5.

The interests of capitalist mining increasingly began to gain control over the direction that 'native policy' took. It was not that mining capital determined 'native policy', but rather that its importance as the vanguard of the industrial transformation which was taking place gave it a considerable influence over political matters. As capitalist mining steadily asserted its dominance in the country it was to be expected that it would attempt to 'mould' 'native policy' in such a way as would best serve its interests. Beinart comments on this development in the following way,

'The influence of those Colonial interests which favoured the retention of an African peasantry began to wane, while that of those who saw the future of the African population as labourers in capitalist enterprises waxed.'<sup>73</sup>

The creation of an African working-class large enough to serve the needs of the developing economy was considered to be inextricably linked to the 'land question'. The traditional system of tenure was seen as representing the greatest obstacle to the emergence of this labour force and the consensus was reached that this system had to be destroyed. The dynamics of this development will be further

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73. W. Beinart (1982), p 42.

explored in the next chapter. What will also emerge in this chapter is that while the demand for labour was undoubtedly the most important motivation for the passing of the Glen Grey Act, it was certainly not the only motive. The earlier views of government officials that individual tenure would contribute towards the 'civilization' of the 'natives', that it would promote their 'advancement' and that it would make 'loyal' subjects out of them were transposed into the Glen Grey system. It was inevitable however that under the changed conditions of this period these views would acquire a 'new' and different meaning. It was no longer as rural cultivators and agriculturalists that the Africans were to be assimilated into European society but as wage labourers.

It would be wrong however to see one group of capitalists - the mining magnates - as having had the greatest stake in accelerating the process of proletarianization of the Africans.<sup>74</sup> Those writers who attribute the Glen Grey Act to mining capital overlook the fact that there were other groups who were just as anxious to undermine the independence of the African people and force them into wage employment. Of particular significance in this

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74. This line is favoured by Lacey and Cooper whose arguments have already been dealt with.

regard, as has been shown, was the interests of 'white' capitalist farming.

It is possible then to trace continuities as well as discontinuities between the early experiments in individual tenure and the Glen Grey system. The Glen Grey system however went far beyond these first experiments in many ways. Under the Glen Grey system individual tenure was not intended as an ad hoc measure, but instead as the future 'land policy' for the African people. As such it formed an integral part of the 'native policy' which was being formulated at the time.

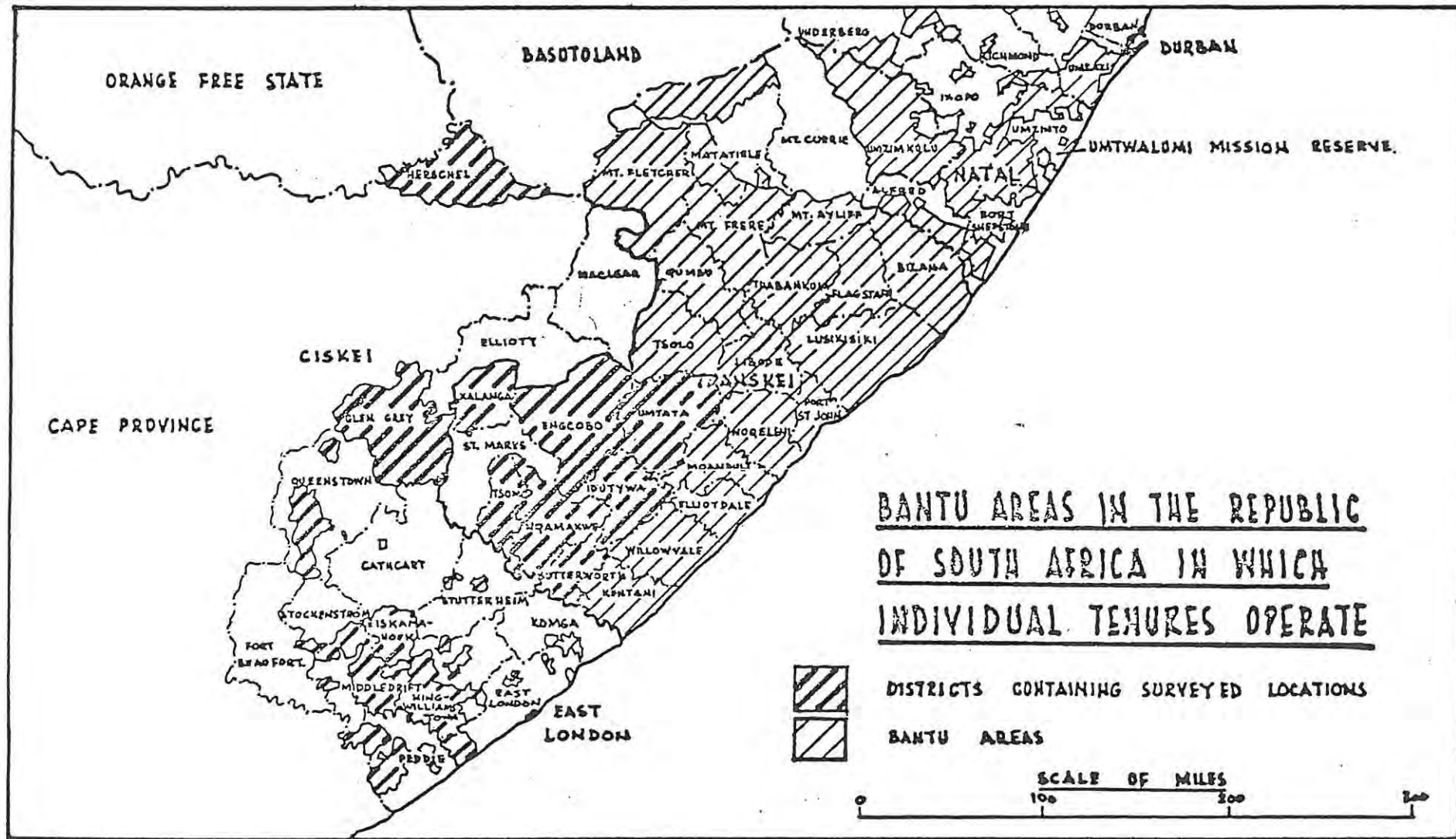
The Glen Grey Act did not also only address itself to the 'land question.' The formulators of the system were well aware that if the bed-rock of tribal society was transformed - namely - the communal system of land holding - then this would affect the working of the other traditional structures of African society. The chieftainship would particularly be hard-hit as the authority of the Chiefs rested largely on the control that they exercised over the land. If the government was therefore to effect changes in the basis of tribal society, it was necessary that the corresponding superstructural changes be made. A new form of tenure, in other words, required a new political structure. This the Glen Grey Act was to provide in the shape of the council system.<sup>75</sup>

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75. This aspect of the Glen Grey Act is dealt with in greater detail in Chapter Three.

The remaining chapters will be taken up with an examination of how the Glen Grey system in its entirety worked and how the people responded to these changes which for the most part were imposed upon them.

Source: B.M. Jones - Land Tenure in South Africa - Past, Present and Future - University of Natal Press, Pietermaritzburg (1965).



CHAPTER TWO - THE GLEN GREY SYSTEM OF INDIVIDUAL TENURE -  
SURVEY AND RESPONSE OF THE PEOPLE

The Commission on Native Laws and Customs, in its survey of the early attempts to introduce individual tenure for Africans, observed that notwithstanding 'the well intentioned efforts of the Government to extend the advantages of individual tenure to Natives' the system had 'not been as successful as could have been desired.' The primary reason for the failure of these early experiments was traced to the hold that the traditional system of land holding still had over the people.<sup>1</sup> This negative finding was not enough however to dissuade the government from its conviction that the system of individual tenure was the 'ultimate' solution to the 'native question'.

There were a number of reasons why individual tenure came to be so strenuously advocated. A serious problem which began to manifest itself during the last two decades of the nineteenth-century was the constant increase of the African population in the 'native territories'. This situation soon began to alarm government officials. In his annual report for 1892 the Chief Magistrate of the Transkei and Tembuland noted that the population of these territories was increasing at the rate of seven to eight percent per annum. He believed that,

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1. CPP, G. 4 - '83, p 40.



'unless some devastating epidemic should visit the country, in fourteen or fifteen years from now the population of these territories will probably be double what it now is.'<sup>2</sup>

The Resident Magistrate of Idutywa, in his annual report for the same year, informed the government that there was no vacant land in his district. He said that as a result of this the distribution of land for building purposes, grazing and cultivation was becoming a serious problem. There were also constant disputes over which land belonged to whom.

'The time is close at hand,' he went on, 'when a system will have to be arranged for locating the people in such a manner as to keep the commonage, garden lands, and villages distinct from each other.'

He called for an end to the haphazard system of allocating land which had existed until then.<sup>3</sup> In his report for the year 1893 he returned to these same issues;

'Year by year these territories are becoming more thickly populated, and the question arises, what is to be done with a population that promises soon to be too numerous to be supported in the land under existing conditions?'

[emphasis added].

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2. CPP, G. 4 - '93, p 43.

3. Ibid., p 49.

It was imperative, he maintained, that the government, 'adopt some measures that will check this enormous increase of the population, and these are matters that will force themselves upon our statesmen at no distant date ...'<sup>4</sup>

A similar state of affairs prevailed in the 'native territories' which fell under the direct control of the Colony. The Resident Magistrate of Glen Grey drew the attention of the government to problems that were coming to the fore in his district as a result of it becoming overcrowded.<sup>5</sup>

The increase in population inevitably led to competition among the people for the limited land which was still available. This in its turn resulted in endless land disputes. It was a simple matter of there being 'too little land for too many people'. This became evident in a case which affected certain residents in the Glen Grey district.

During January 1894 these residents wrote a letter to the Prime-Minister of the Cape Colony (at the time C.J. Rhodes) protesting against the actions of the Resident Magistrate. According to them Jenner (the R.M. of the district) was proposing to bring in people 'from other parts of the location

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4. CPP, G. 9 - '94, p 52.

5. CPP, G. 4 - '93, p 14.

who would be located on portions of our land.' This matter, they said, was creating 'much alarm' as

'Our portion of the location is already so crowded that there is not sufficient grazing for our stock, and every winter we lose heavily in stock from this cause.'

They therefore requested from the government that

'the evil may be remedied, and that no strangers from other parts shall be placed amongst us, as we fear it may lead to much dissatisfaction and possibly quarrelling amongst our people.'<sup>6</sup>  
[emphasis added].

The problem of population pressure on the land and the concomitant disputes was blamed on the system of tenure which existed among the Africans. It was held by many government officials that the communal system of land-holding did not allow for much control over the land by them. The people were able to move almost freely from one district to another and could settle where they wished. There was no way in which the magistrates could put a stop<sup>to</sup> this as these people usually entered the districts with the knowledge and collusion of the headmen. Often also the headmen were bribed to allow them to remain in the district.

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6. CPP, A6 - '94, p 8.

The Resident Magistrate of Butterworth was strongly critical of this 'uncontrolled' system of allocating land and called for it to be remedied.

'For years past the land hunger has been growing steadily in the territories, the people have been increasing to an enormous extent, and the land has been gradually becoming overcrowded, and it has been patent to all who have studied the matter, that the old regime under which agricultural lands are supplied to each man as he marries, without rule or system, but simply at the arbitrary discretion of the headmen could not continue much longer. The time must come when the land will no longer meet all the requirements of the people under the old system, and when the greatest confusion would inevitably follow...'<sup>7</sup> [emphasis added].

Besides the problem of overpopulation, government officials also believed that tribal tenure retarded the development of the African people. Their main argument was that as long as the land did not actually belong to an individual there was no incentive for him to make improvements on it. This was certainly the feeling of

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7. CPP, G 19 - '97, p 87.

the Chief Magistrate of the Transkei and Tembuland who maintained that,

'Natives who live under the communal system cannot be expected to improve land from which they feel they may be ousted at almost any time.'

He also claimed that if there was any advancement to be observed among the Africans, it was confined to those 'who hold individual titles or certificates of occupation.'<sup>8</sup>

These sentiments were whole-heartedly shared by the Resident Magistrate of Ngamakwe who complained that while there was little evidence of progress in his district, the signs of 'retrogression were there for all to see. This he blamed on the tribal system of tenure and lamented that

'after nearly thirty years' occupation of this splendid country, which they occupy under a distinct tribal title, .... hundreds, nay thousands of natives are to be found as red, raw, and uncivilized today in Fingoland, as ever could be found in Pondoland!'

This descent into barbarism could still however be arrested as the 'progressive people' in the district evinced a 'keen desire ... to obtain individual title to the lands and homes which they occupy.'<sup>9</sup>

8. CPP, G 4 - '93, p 44.

9. CPP, G 9 - '94, p 54-55.

The consensus which began to emerge was that a change in the form of tenure would remedy all these problems. Increasingly government officials began to clamour for the substitution of tribal tenure by individual title. According to the Resident Magistrate of Butterworth the 'benefits to be derived from this measure could not be overestimated.'

'It would place the land tenure in [sic] a uniform and intelligible basis, and would put an end to petty land disputes ... ; it will give a security of tenure that will encourage the intelligent and industrious to improve themselves and their land.'<sup>10</sup>

The Resident Magistrate of Tsomo remarked that while in the past he had been opposed to any interference in the tribal system of tenure,

'... the suggestions which have been lately made that individual titles should be granted to the natives ... seem to me to meet the case, and I am inclined to believe that the issue of such titles ... might prove a benefit to the people and lead to a more satisfactory development of the country.'<sup>11</sup>

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10. CPP, G 19 - '97, p 87.

11. CPP, G 9 - '94, p 60.

In the opinion of the Resident Magistrate of Glen Grey the settlement of the 'land question' was a matter of grave urgency and he was convinced that the,

'only fair way ... would be by granting agricultural allotments on the same lines as granted to the six mission farms in this district, that is to say, after reserving the extent of land required for those specially recommended for large allotments, the remaining arable land should be surveyed into equal sized allotments for the remainder of the people in the different locations.'<sup>12</sup>

There were many government officials who also believed that individual tenure would serve to undermine the authority and power of the Chiefs. The land wars of the nineteenth-century were not long ended and tribalism, at the turn of the century, was still far from being a spent force. The government was therefore very receptive to any ideas which promised to sap the strength and vitality of tribal society.

It was widely held that tribal society was kept together as a cohesive unit by the powerful position that the chief occupied in relation to the other members of the community. The Chief's authority in turn was said to derive principally

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12. CPP, A 6 - '94, p 11.

from the control which he exercised over access to the land. According to the Commission on Native Laws and Customs, for example,

'... the land occupied by a tribe is regarded theoretically as the property of the paramount Chief, in relation to the tribe he is a Trustee holding it for the people, who occupy and use it, in subordination to him, on communistic principles.'<sup>13</sup>

The introduction of individual tenure was accordingly viewed as the most effective way to break-up tribal society as it attacked its very mainstay - namely - the chieftaincy. Major Elliot, the Chief Magistrate of Tembuland and Transkei said as much to the 1898 Select Committee on the Glen Grey Act. The system of individual tenure, he further believed, would put an end to war as the 'natives', who had been forced to follow the Chiefs in the past, would now have 'something at stake' and each man would 'judge for himself.'<sup>14</sup>

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13. CPP, G 4 - '83, p 40 (emphasis added)

14. CPP, A 33 - '98, p 24. On another occasion he told the Committee that he believed that 'if the titles of individual lots were general ... the power and influence of the chiefs would immediately disappear in toto.' p. 25. The people themselves, according to him, were in favour of such a development; 'hitherto they had said "We are the chief's dogs; now that we have land of our own we need not follow the chief blindly." ' Ibid., p 31.



If the government still wavered over the question of the introduction of individual tenure for Africans what finally forced it to come to a decision was the outcry from various quarters of a serious shortage of labour. During the last two decades of the nineteenth-century the country found itself in the throes of an 'industrial revolution', consequent on the mineral discoveries of the 1860s and 1880s. The over-riding concern now became the creation of a labour force to minister to the needs of the developing economy. The colonial authorities soon discovered however that this was not going to be an easy task and for many years the attention of both government and industry was directed to providing a solution to this 'vexing' problem.

The view which began to gain wide currency was that the question of an adequate supply of labour was closely bound-up with the system of land tenure which existed among the Africans. The government officials in the 'native territories' regularly commented on this direct link between the 'labour question' and the 'land question'. The Resident Magistrate of Idutywa, for example, in his annual report for 1893, stated that in his opinion 'the matter of native labour supply will not be satisfactorily settled until the land question is settled.'<sup>15</sup>

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15. CPP, G. 9 - '94, p 52.

The most frustrating feature of the traditional system of tenure, for those who saw the future of the African people as a labouring class, was the degree of independence and self-sufficiency that it afforded them. This sentiment came strongly to the fore in the evidence of many witnesses to the Labour Commission. Mr. George Warren, a farmer and the President of the Farmers' Association said that the main reason why 'surplus natives' were not going out to seek work was because they were 'too independent.' The 'natives' had land and grew what they wanted and their wants were extremely small.<sup>16</sup> This opinion was shared by Jenner (the R.M. of Glen Grey) who stated that the 'natives' in his district 'were independent of work ... since they have enough to eat.'<sup>17</sup> (meaning that they had access to land and therefore to an independent means of subsistence) .

In its final report the Labour Commission noted that many of the witnesses who had submitted evidence before it saw the introduction of the system of individual tenure as the 'royal road' to success in obtaining the necessary supply.<sup>18</sup> Most notable in this regard were the memoranda which were submitted to the Commission by various prominent individuals. Louis Gerardi<sup>19</sup>, in a Memorandum on Labour

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16. CPP, G. 3 - '94, Vol III, p 57, para. 24014.

17. Ibid., p 52, para. 23897.

18. Ibid., XXVIII, Land Tenure, 35.

19. Louis Gerardi was based in King William's Town  
where from ...../

Supply and Native Land Tenure argued that,

'Until the land question, namely individual holding, not tribal tenure . . . . is properly taken in hand and settled on a firm basis, no improvement denoting progress and civilization can be expected from the mass of the native population.'<sup>20</sup>

William Darley-Hartley<sup>21</sup>, in his turn, in a Memorandum of Opinions on the Labour Question, stated that,

'the solution of the labour question lies mainly in two directions, One the abolition of communal tenure and

Footnote 19 continued:

where from 1882 onwards he was appointed at various times to act as civil commissioner and resident magistrate, as well as registrar of deeds. In October 1885 he was specially selected to reduce to order and settle land matters in the division.

20. Ibid., Appendix T, 1xvi.

21. At the time of writing this memorandum Darley-Hartley was a medical practitioner in the frontier districts. He had been there since 1879, while prior to this he had served as medical officer in the Imperial army in the Colony and Natal. At one time he was also a member of the East London Council and for a short time had served as secretary to the Cathcart Farmers' Association. Ibid., Appendix U, 1xviii.

the other the placing restrictions on  
the native drink traffic.'<sup>22</sup>

[emphasis added].

According to him the Europeans wanted a 'class of natives absolutely divorced from the land ... who having no home but the seat of their labour would have to stick to it just as the white man does.'<sup>23</sup> Individual tenure, he went on, would lead to the majority of Africans becoming landless who 'would be obliged to do exactly what the white men has to do under similar circumstances, take their labour into the towns and farms.'<sup>24</sup> For him the most important task which faced the government was that of undermining tribalism and the 'first and foremost means' of achieving this was to force the 'natives to regard land, the foundation of all wealth as individual property.' He claimed that,

'so long as the socialistic system of communal tenure is allowed to exist, so long will the idle Kaffir find a haven of rest in any location and be freed alike from the necessity of working and from the opportunity of acquiring extended requirements.'<sup>25</sup>

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22. Ibid.,/xx.

23. Ibid.,/xx-/xxi.

24. Ibid.,/xx.

25. Ibid.,/xx.

A firm body of opinion regarding individual tenure as the panacea to the 'native question' thus already existed when Rhodes introduced the Glen Grey Bill in the Cape Parliament. That Rhodes concurred with most of these sentiments was revealed in his statements during the debate in the Second Reading of the Bill.<sup>26</sup> He had also been amply reassured in his convictions by the findings of the Glen Grey Commission, which was appointed to report on, inter-alia;

'the desirability, or otherwise, of giving individual title to those Natives who wish for it, and to state what course it will be best to adopt in regard to those who do not desire it.'<sup>27</sup> [emphasis added].

With the 'official mind' however having convinced itself that individual tenure was the only solution to the vexing problems that it faced, there was very little chance that the actual wishes of the people would seriously be taken into account with regard to the introduction of the system. Almost predicably the finding of the Commission was that the 'natives' in the district of Glen Grey were overwhelmingly in favour of their land being surveyed for individual

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26. This was dealt with in the Introduction.

27. CPP, A. 3 - '92, p 1.

title.<sup>28</sup> Nothing was however further away from the truth as there is sufficient evidence to show that the people were bullied and cajoled into accepting the survey of their district and that in the end individual title was virtually imposed upon them. This emerges distinctly from the Minutes of Evidence and Proceedings of the Glen Grey Commission.

The Glen Grey Commission commenced with its work in April 1892 and within about a month submitted its report to the Cape Parliament. The Commission visited the locations of Bengu, Ndonga, Guba, Macubeni, Mkapusi, Cacadu, Lady Frere, Driver's Drift, Bolotwa, Mbinzana, Qoqodale and Buffel Doorns. Although in its final report it gave the figures of 2,356 for title and 1,312 against,<sup>29</sup> it would appear from the minutes of evidence that initially there was a greater number of people who opposed the survey of their lands.

This was certainly the feeling of the people in the location of Bengu. In his evidence before the Commission, Andries Nysila, the headman of the location, in answer to the question as to the views of his people with regard to title, replied quite firmly that they wished to retain their tribal title. They did not want individual title,

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28. Ibid., p 5

29. For a statistical breakdown of those for survey and those against see Appendix C.

he said, because they were afraid that the land could then be seized for debt. The Commissioners then promptly proceeded to warn the people of the possible consequences if they refused to accept title to their land.

Mr Frost: Don't you realize that the Glen Grey Location is Crown Lands? And that the Government may take away any part they like at any time?

The only way to prevent this from happening, he went on, was to take title to the land 'and then the ground will belong to you.'<sup>30</sup> In the end whatever opposition there might have been to survey was eliminated for in its report the Commission gave the figures of 250 for title and none against.<sup>31</sup>

In the location of Guba the people were divided over the question of whether to accept title or not. Those who did not want their land surveyed were represented by headman Walawalo.<sup>32</sup> These 'dissenters' were warned that if they did not take title to the land they would have to forfeit it.<sup>33</sup>

A similar threat was meted out to those people in the location of Mkapusi who refused to accept title:

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30. CPP, A 1 - '93, p 26.

31. CPP, A 3 - '92, P 5

32. CPP, A 1 - '93, p 30.

33. Ibid., p 31.

Mr Frost: Do you know if you refuse title you may have to move?

Makutu (who represented these people): I am satisfied. I could only apply to Government to help me.

Mr Frost: If your ground is given away don't you see it would be useless applying to Government?<sup>34</sup>

The threat of loss of land in fact became a hallmark of the way in which the Commission determined the 'wishes' of the people. It was used against people in the Cacada Basin,<sup>35</sup> people in the Lady Frere Basin,<sup>36</sup> and people in the Xonxa Basin. The way in which the Commissioners went about 'convincing' the people of Xonxa to accept title revealed just how set they were about introducing the system in the district. We quote here extracts from a conversation between Mr Frost, the Chairman of the Commission, and Cobus Fityoi, one by the representatives of the people in the basin:

Mr Frost: Don't you see numbers of people are going to take up title?

Fityoi: Most of them on my lot don't want title ....

Mr Frost: Do you know the railway farms?

34.. Ibid., p 32.

35. Ibid., p 38.

36. Ibid., p 40.



Fitoyi: Yes, I know them, they were taken away from the location.

Mr Frost: Don't you understand that if you are like Umlangeni with title Government could not touch your lands?<sup>37</sup>

The experience of people who had been unfortunate enough to lose their land to a railway company was here being used to 'scare' people into accepting the survey of their land.

The methods employed by the Commission paid dividends for towards the end of its sitting many of those who had originally refused to accept title came to inform it that they now wished to change their minds.<sup>38</sup> It would therefore not be wrong to say that it was essentially through intimidation and coercion that the Commission was able to convince the majority of the people in Glen Grey to 'agree' to the survey of their district. This was tantamount to a complete negation of the recommendations of the Commission on Native Laws and Customs which had appealed that individual tenure should only be introduced when the people so desired and moreover only after the 'majority of the occupiers of any tribal area.... [requested] that the government proceed with survey.'<sup>39</sup>

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37. Ibid., p 43.

38. Ibid., p 49-50.

39. CPP, G 4 - '83, p 41.

Griffiths has also drawn attention to the fact that the government used the insecurity of title of the people in the district to press for the survey of the land into individual allotments. He writes that the Secretary for Native Affairs once,

'pointed out that the natives had no legal rights to the land they were in; it was crown land; but if they wished for titles and were prepared to pay for the cost of survey, the Government would consider granting them full possession.'<sup>40</sup>

The foregoing is not to suggest that there was no support for the survey of the district. While opposition was widespread there were certainly residents in the district who were anxious to take title to their lands. Those people who were in favour of survey were represented by Mahonga, Kalipa and Jabavu, who, before the Commission began its work, led a delegation to Cape Town 'to represent the wishes of the natives of [the] district.'<sup>41</sup>

In his evidence before the Commission Mahonga<sup>42</sup> presented himself as the 'spokesman' of the majority of the people in the district. He told the Commission that all the

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40. M.S. Griffiths (1939), p 111.

41. CPP, A 1 - '93, p 21.

42. Mahongo was a prosperous farmer of many years standing.

people whom he represented wanted individual title.<sup>43</sup> Kalipa, in his evidence, agreed to the last detail with everything said by Mahonga.

The claims by Mahonga et al., that they represented the 'wishes' of most of the people in the district was strongly contested by a group led by David Malasi. He stated that while a deputation had been elected to go to Cape Town, it never went as they were informed that a Commission would be coming to their district.<sup>44</sup> Mahonga and the others therefore had no mandate to speak on behalf of the people. He said further that a petition had been drawn up and sent to the government wherein the people clearly expressed themselves as opposed to the survey of their lands.<sup>45</sup> When asked by the Commission what the wishes of the people were whom he represented he answered, 'most of the Tembus want a Tribal tenure, that is the great question...'<sup>46</sup>

It would appear then that there were two groups both claiming to represent the people in the district. The constituency of the Mahonga group was essentially the so-called 'school natives' - those people who were considered

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43. CPP, A 1 - '93, p 21.

44. Ibid., p 23.

45. For the contents of the petition see Appendix D.

46. CPP, A 1 - '93, p 23.

to have adopted the way of life of the 'whites'. Mahonga himself acknowledged this to the Commission:

Mr Frost: Do you only represent the school people?

Mahonga: No; but the bulk of them are school people.<sup>47</sup>

He also called for preferential treatment for this group of people. The 'educated natives', he said, should receive more land than the 'red natives' as 'the Red Kafir' will only grow mielies and Kafir corn, whereas the school Kafir would grow all sorts of things.'<sup>48</sup> Kalipa concurred with this view and added that the work of the 'school Kafir' and the 'red kafir' was 'not alike, and that is where the difference comes in.'<sup>49</sup>

Rose-Innes has also isolated the more prosperous sections of the people as supporting the tenure provisions of the Glen Grey Act. He claimed that it was ' [the] best section and the more industrious class,' who were 'impatient for survey and individual tenure of holdings.'<sup>50</sup>

A similar line of argument has been advanced by Keegan who asserts that the 'prospect of the introduction of individual tenure.... was universally welcomed by the African educated elite.' The Rev. John Knox Bokwe, who, he says, was a

47. Ibid., p 22.

48. Ibid., p 21.

49. Ibid., p 23.

50. R.W. Rose-Innes (1903), p 26.

'typical' representative of this class appealed to the authorities to proceed with the survey of the 'native territories';

'Establish a system of this kind, and you meet the difficulty; you probe into the very problem itself, you break open the way for the advancement of the people. They understand title; they find the need to cultivate in order to pay the rent; for the security of life possession they would be willing to fulfill the stipulations ...'<sup>51</sup>

Malasi, Pelem and others, by implication, represented those people who resisted any encroachments by the Europeans on their tribal mode of existence. They were desirous to keep tribal society intact and were fully aware that a change in the traditional form of tenure would seriously imperil this. Kelem, the headman of the location of Bolotwa, when asked by the Commission what the views of his people were with regard to taking title replied quite categorically, 'They wish to live as they have lived before.'<sup>52</sup>

Gradually however the Commisioners manipulated Malasi into a position where he had virtually agreed to the survey of the district;

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51. Quoted in T.J. Keegan, African Responses to the Implementation of the Glen Grey Policy, B.A. (Hons) U.C.T. (1979), p 9.

52. CPP, A. 1 - '93, p 45.

Mr Frost: In the event of the Government refusing Tribal title, would your people accept Individual title?

Malasi: If the Government refuse Tribal title, the Tembus would like certificates of occupation....

Mr Frost: If certificates of occupation are also refused will you then accept Individual title?

Malasi: We would accept provided each man got according to his wants, that is no man should receive title for less ground than he is now cultivating.

Malasi would not accept however that the 'educated natives' should receive more land than the 'red natives'. He agreed that some people were entitled to more land than others but strongly opposed the view that this should be decided on the basis of 'school kafirs' and 'red kafirs';

'I don't distinguish the school Kafir from the Red Kafir but there are some school Kafirs and red Kafirs entitled to more land than others.'<sup>53</sup>

In its final report then the Commission was able to present its recommendations as expressing the 'will' of the people. 'We strongly recommend,' the report stated, 'that the request of the people in asking for title... should be granted.' [emphasis added]. It was also confident that those few dissenters who still remained would be won over

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53. Ibid., p 24.

in time. If this did not occur however, then they would simply have to suffer the consequences;

'... we are of opinion that most of those who now refuse title will, should the survey be commenced, join with the others, and, if a small minority remain, they should be compelled to take title or give way to others who are willing to do so.'<sup>54</sup>

Rhodes had dubbed his bill as a 'Bill for Africa' and while in the end it was only extended to seven African districts, for close on two decades however the policy of individual tenure for Africans was to dominate official thinking with regard to a solution to the 'native question'. Soon after the district of Glen Grey had been surveyed therefore renewed calls were made for the tenure provisions of the Glen Grey Act to be applied in the Transkeian Territories. Contrary to the commonly accepted view however, that because Fingoland was far in advance of the other African territories, the 'civilized' Mfengu 'welcomed' individual tenure, there is ample evidence that the Mfengu actually held out against survey and that it was only after they realized that their resistance was a lost cause that they succumbed to the 'inevitable'.

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54. CPP, A 3 - '92, p 5.

Wiggins, for example, has argued that Fingoland was a better prospect for the success of the Glen Grey Act than the district of Glen Grey. According to her the 'Fingo districts were just those which were ready to receive the measure. They were prosperous and not overcrowded.'<sup>55</sup> Griffiths, in his turn, maintained that the Tembus in Glen Grey were,

'extremely backward compared with that of the Fingoes who showed wool return for over £5,000 (December 1875) and who were demanding individual title to their farms to put an end to the land disputes.'<sup>56</sup>

While this might have been the case in some instances, and more particularly in the later years, the introduction of the system was generally met with widespread and angry opposition.

Butterworth was the first district in the Transkei to which the land tenure provisions of the Glen Grey Act were extended. The Resident Magistrate of the district, Brownlee, had been calling for the survey of the district for many years,<sup>57</sup> but it was only in October 1898 that the preliminary

55. E. Wiggins (1929), p 47.

56. M.S. Griffiths (1939), p 44.

57. see CPP, G. 19 - '97, p 87; G 42 - '98, p 79.



survey was begun.<sup>58</sup> This work was entrusted to Brownlee who was to be assisted by a government surveyor.

During their tour of the district they had regularly to contend with strong resistance. A case in point was the location of headman Gcilitshana. In a progress report for December 1898 Brownlee wrote that he ,

'found in Gcilitshana's location that persons opposed to the survey have been going about telling the people that this survey is merely an expedient on the part of the Government to deprive the people of their land, as should any person fail to cultivate the whole of his lot within a given time it would be forfeited.'<sup>59</sup>

It was however in the locations of headman Nqenqa and Mqambeli that they were to encounter the fiercest resistance. Brownlee had anticipated that these locations would prove 'troublesome' and had decided to leave them for last,

'as in all probability if the people of these locations see that all the other locations have accepted the survey they will also quietly submit to the inevitable.'<sup>60</sup>

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58. CA, CMT 3/60, Letter from R.M. to Chief Magistrate, 20 October 1898, see also CPP, G. 31 - '99, p 75.  
 59. CA, CMT 3/60, R.M. to Chief Magistrate, 3 December 1898.  
 60. Ibid.,

The people in the location of headman Nqenqa all but passively acquiesced but in the end they suffered the same fate as those people in the district of Glen Grey who had been opposed to taking title. Brownlee reported that during a meeting held to inform the people of the intended survey of the district he had to deal with some angry opposition;

'One of the men of the location at once rose and said that they objected to the survey. I asked him whom he referred to as objecting and he said that he spoke for all the people of the location.'

He said that he told this man that he could only speak for himself and not for the others whereupon 'a large number of the men then stood up and said that they all declined to take survey.' These people were very brusquely dealt with by him;

'I .... told them to sit down and wait till I could call out their names and that each could then signify his intentions but in the meantime I invited questions from those who wished for the survey.'

His attempt to divide the people was not however very successful and when he realized that the people would not alter their position he resorted to intimidation. The government, he told them, had already decided that the district was to be surveyed so all their resistance was to no avail, and furthermore that 'if they declined to take up land under survey there would be so much more land for those who desired it.'

There are many similarities in the approach adopted here and that of the Commissioners of the Glen Grey Commission. While the government officials were supposed to establish the 'wishes' of the people, they had long before already decided what policy was to be implemented. When the wishes of the people ran counter to what had been prescribed for them, the people were warned of the consequences of opposing government policy, the most serious being the loss of their land.

In the end it also had the desired effects and Brownlee was able to report that the day after the meeting many 'of the "appellents" withdrew their appeal and consented to the survey ....'<sup>61</sup>

The people in the location of headman Bushula Mqambili were similarly bullied and coerced into accepting the 'inevitability' of survey. Brownlee was particularly pleased with their achievement 'as this location is one of the most boisterous in the whole district and the one whose people have all along been most strenuously opposed to the survey.'<sup>62</sup>

The extent of the opposition of the people in Butterworth to the survey of their district was vividly expressed in the number of petitions that were submitted to the government.

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61. CA, CMT 3/60, R.M. to Chief Magistrate, 2 February 1899.

62. CA, CMT 3/60, R.M. to Chief Magistrate, 11 February 1899.

Brownlee forwarded to the government six petitions which had been drawn up by the people of the locations of Tongwanu, Mtanyeni, Cigenana, Bawu and Cene. The wording of all of these petitions was virtually the same:

'We the undersigned Fingoes, residing in the Ward - under the Headman - respectfully beg to record our protest against the survey of Fingoland and against the issue of individual title under certificates of occupation.'

He however called into serious doubt the authenticity of these petitions -

'It would seem to me from the enquiries that I have made that the persons interested in getting up these petitions have just framed lists of all persons in the various locations and attached them to the various petitions, and that in view of the very small numbers who have come to my office to certify to the petitions a very large proportion of the names have been put down without the consent or sanction of their owners, and further in view of the fact that so many names are unknown to the headman and the lists of names on the various petitions so very largely exceed the official lists of men in these locations, that a very large percentage [sic] of these names are those of small boys.'<sup>63</sup>

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63. CA, CMT 3/600, R.M. to Chief Magistrate, 6 March 1899.

Brownlee also attributed the opposition to survey to the mischief-making of 'agitators' and 'trouble-seekers'. There was no doubt in his mind that in the locations where they had encountered resistance,

'intimidation has been resorted to, and the opponents of survey have threatened to burn out those who accept it and have threatened to resist by violence any interference with their lands and they also state that they refuse to accept survey as they have not yet received any reply to their petitions to government.'

He did not however 'anticipate any resort to violence' but to make doubly sure that violence did not break out he said that he was going to make a tour of the district to warn the people 'as to the consequences of active interference with the survey.'<sup>64</sup>

Once the preliminary survey of the district was completed Brownlee was able therefore to give this favourable report;

'I have reason to believe that all active opposition to the survey is at an end so far as this district is concerned, and that I do not now anticipate that any violence will be resorted to by those who have up to the present been disaffected; and that in any case I consider that

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64. CA, CMT 3/6C, R.M. to Chief Magistrate, 17 April 1899.

the provisions of the law as it stands at present will be amply sufficient to deal with any cases of violence that might arise.'

There were however some people who opposed survey right until the last. This was the case with the people in the location of headman Kedama, who, when informed by Brownlee that if they did not agree to take title to their land they would have to forfeit all claims to it, left the district for another part of the country. Brownlee reported that he had subsequently heard 'that they intend to move to Matabeleland.' He found their uncompromising stand completely 'unreasonable' and put it down to some 'innate obstinacy the same stubborn obstinacy which possessed them during the time of the Rinderpest outbreak.'<sup>65</sup>

Brownlee was keen that once the survey of Butterworth was commenced with, the tenure provisions of the Glen Grey Act should rapidly be extended to the other districts in Fingoland. While the survey of Butterworth was still in progress he appealed to the Chief Magistrate 'that the preliminary work ... should be taken in hand as early as possible in the adjoining district of Nqamakwe so that as soon as the surveyors have completed the survey of this district the work may be carried into the Nqamakwe district without a break.' According

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65. CA, CMT 3/60, R.M. to Chief Magistrate, 24 August 1899.

to him the people in the district were anxious to have their land surveyed, and he argued that,

'were it carried on immediately there after the completion of this district, I think no opposition will be shown, but were there any interval I think it might be regarded as a sign of hesitation on the part of the government, and, advantage might be taken of this to stir up fresh opposition.

He maintained also that the firm stand that the government had until then been taking with regard to the question of survey was doing much to promote its cause.

'Those people of this district' [meaning Butterworth], he wrote 'who refused to accept survey and who in consequence were not allotted land are now almost daily clamouring for it, and the decision of the Government not to consider their application until after survey is completed has had a most salutary effect and it has furnished a most valuable lesson to the whole of Fingoland, and the Fingoes are now beginning to realize that the Government, once having decided upon the policy of survey, is determined to adhere to that policy.'<sup>66</sup>

The Resident Magistrate of Nqamakwe had long also been calling for the extension of the land tenure provisions to

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66. CA, NA 501, R.M. to Chief Magistrate, 18 June 1901.

his district. He perennially complained that the traditional system 'under which land is arbitrarily assigned by chiefs and headmen,' was 'becoming more and more unworkable.'<sup>67</sup>

During the preliminary survey of Butterworth he again raised the question of the survey of Nqamakwe. The subject of greatest interest in the district, he said, was the developments that were taking place in Butterworth. He claimed that most of the 'educated natives' were strongly in favour of taking title to their land and that it was only 'the uncivilized, who are, still in a strong majority, [who] remain very much opposed to it.' The fact that the majority of the people were against individual tenure did not however p<sup>r</sup>eturb him much as he believed that 'the survey should have taken place years ago; the longer it is left the more difficult it will become. The abuses of the present system, .... are almost intolerable.'<sup>68</sup>

Their enthusiasm for the immediate extension of survey to Nqamakwe was not shared by all government officials. In a letter to the Prime Minister, the Secretary of the Native Affairs Department, informed him that,

'The Surveyor-General ... strongly advises that great caution should be exercised in dealing with this matter. He points out that nothing has yet been done or can be done for some time to come to practically test the natives in the

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67. CPP, G 42 - '98, p 83.

68. CPP, G 31 - '99, p 76-77.



Butterworth district as to their eagerness to accept titles.'

A further important consideration was the financial risks involved as already £11 500 had been spent on the survey of Butterworth,

'and until it has been found that the first one half cost of survey is readily deposited when the time arrives for calling for the money he is strongly of opinion that to push on the survey of Nqamakwe would be attended with great risks of incurring a large expenditure without any certainty of any early compliance with conditions as to the repayment of costs incurred.'

The Secretary said that he supported these proposals and recommended that the survey of the district 'be allowed to stay over for the present.'<sup>69</sup>

The reprieve was however of a short duration and in July 1902 the preliminary survey of the district was begun.<sup>70</sup> The news that their district was going to be surveyed was received with a considerable amount of alarm by the people. Their immediate response was that they were being 'unjustly' treated by the government. They were being punished for a crime that they were not aware of having committed.

69. CA, NA 501, Secretary to Native Affairs Department to Prime Minister, 24 June 1901.

70. CA, NA 501, R.M. to Chief Magistrate, 27 February 1904.

This sense of a great wrong having been perpetrated against them emerged very strongly during the meeting held to inform them of the intentions of the government. One of the chief speakers, Headman Zimala said that it was

'a grievance that this district was being surveyed under the "Glen Grey Act". The Glen Grey people had their land surveyed after rebellion whereas the Fingoes had never rebelled ....'<sup>71</sup>

During his tour of the district the Resident Magistrate had also to contend with some strong opposition. The main protagonist in this regard was Headman Sobekwo of Location X, whose people, Warner (R.M. of Nqamakwe) wrote in one of his progress reports,

'were the most determined opponents to the extension of the Glen Grey Act and were the chief movers in the agitation against the survey when it was first proposed to introduce it to Fingoland.'<sup>72</sup>

As was the case in the other districts however opposition quickly died down when the people realized that the government was going to proceed with the survey regardless of their disaffection.

The opposition to survey was again attributed to the work of political malcontents but Warner claimed that once he had

71. CA, NA 501, R.M. to Chief Magistrate, 7 November 1901.

72. CA, NA 501, R.M. to Chief Magistrate, 5 October 1903.

convinced the people that the government only had their best interests at heart 'their fears vanished, and they were satisfied that the stories which had been circulated by political agitators were nothing more than misrepresentations.'<sup>73</sup>

The determination of the government to proceed with the policy of individual tenure for Africans eventually succeeded in breaking all resistance. This was evidenced in the surveys of Tsomo and Idutywa which took place without any serious opposition being encountered.

The Chief Magistrate wanted the preliminary survey of Tsomo to be undertaken immediately after the surveyors had completed their work in Nqamakwe as he believed that if the survey were expeditiously carried out 'it would tend to disarm opposition.'<sup>74</sup> The death of the Resident Magistrate, W.J. Thompson,<sup>75</sup> forced a certain amount of delay and it was only in July 1904 that the new Resident Magistrate, Farrant, was able to commence with 'the field work in connection with the preliminary survey.'<sup>76</sup>

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73. CA, NA 501, R.M. to Chief Magistrate, 27 February 1904.

74. CA, NA 645, CMT to Native Affairs Department, 12 October 1903.

75. CA, NA 645, Acting R.M. to CMT, 7 November 1903.

76. CA, NA 645, R.M. to Secretary to Native Affairs Department, 20 July 1904.

From the progress reports submitted by Farrant it would appear that no resistance was put up by the people to the extension of the tenure provisions to their district. Even in the ward of headman Mbulawo, which was reputed to be a 'very tough one', the preliminary work with regard to survey proceeded without any incidents. The preliminary survey was completed in March 1906 and in his final report Farrant asserted that he had 'every reason to believe [that] the desire to have titles to their allotments is very general throughout this District.'<sup>77</sup>

The impression gained from the reports concerning Idutywa is that it was the people themselves who wanted the tenure provisions to be extended to their district. The Resident Magistrate informed the Chief Magistrate,

'that at a public meeting held here on the 6th instant [May 1905] the Headmen and the people unanimously agreed that the Government be asked to extend the provision of Proclamation No. 227 of 1898 as amended by Proclamation No. 16 of 1905 to the District of Idutywa.'<sup>78</sup>

This meeting, he maintained, 'was a very representative one, there were fifty one (51) Headmen and four hundred (400)

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77. CA, NA 645, R.M. to Native Affairs Department, 27 March 1906.

78. CA, CMT 3/658, R.M. to Chief Magistrate, 8 May 1905

followers present.'<sup>78</sup>

It was not however until November 1906 that the preliminary survey was begun in the district. The progress reports submitted by the Resident Magistrate were equally as favourable as those of the Resident Magistrate of Tsomo. 'The survey is progressing satisfactorily and smoothly', he remarked in one of his reports, 'and without any difficulties being encountered.'<sup>79</sup>

The preliminary survey was completed in March 1909 whereupon the Resident Magistrate made an earnest appeal that the government waste no time in proceeding with the proper survey of the district as, he pointed out,

'since Proclamation: 227 of 1898 has been made applicable to this district, no new land of course has been allowed to be broken up, the result being that a number of men, who, having paid hut tax, cannot cultivate until the recommendations of this commission are approved, and the allotments surveyed and beacons.'<sup>80</sup>

Even before the system had come into actual operation it was already proving to be burdensome and an inconvenience to the people.

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79. CA, CMT 3/658, R.M. to Chief Magistrate, 3 April 1908.

80. CA, CMT 3/658, R.M. to Native Affairs Department, 17 March 1909.

The way in which the surveys were carried out gave rise to widespread and serious complaints from the people. This was particularly the case in the district of Glen Grey.

They were firstly extremely critical of the haste with which the work had been carried out. According to Kelly, a law-agent in the district, and self-appointed 'spokesman' of the people, the Resident Magistrate,

'performed the work of apportioning the district into locations and framing the lists in little over a month, whereas it would take any man quite six to frame the lists alone with fairness to those concerned.'<sup>81</sup>

In doing this however the Resident Magistrate was only acting on the instructions issued by Rhodes, who according to his secretary, Milton, was 'very anxious that the Act should come into full operation at as early a date as possible.'<sup>82</sup>

A more serious criticism was the gross favouritism displayed in the allocation of land. Kelly maintained that the majority of the people in the district were disadvantaged in favour of a small minority;

'In the first place it will be found that of the forty headmen on the list,

81. J.J. Kelly, "The Glen Grey Act 25 of 1894 as applied and its probable consequences to the Natives of the District of Glen Grey", p 12.

82. CA, 1/LDF 4/1/1/1, Milton to Sweeney, 30 August 1894.

fifteen are to get thirty morgen of land each, thirteen of them twenty morgen, and the rest from fifteen to ten, besides which other favoured individuals are down for from twenty to ten, some for eight, others for a less number, but the bulk of the people are to get four morgen only.<sup>83</sup>

The main intention behind these excessive grants of land was to co-opt the community leaders and win their support for the system;

'take the case of headmen Lembese Zembe, Location No. 2; this man, for the last ten years, has been living upon the Lady Frere Commonage. The extent of land cultivated by him upon and off the commonage did not exceed ten morgen, and yet he has been granted thirty morgen of arable land. It is a fact also that with the exception of headmen Thomas Zwedalu, Hendrick Kolopa and Booie M'Beugh not one of the other headman occupied anything like the quantity of land allotted them.'

The other beneficiaries were people who were in some way connected to the government, like David Molosi, a constable;

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83. J.J. Kelly, op.cit., p 9, see also CPP, A 19 - '95, p 22-23.

Robert Motomela, employed first as a constable by Jenner and later as interpreter to the R.M.'s court, Martha Boto, the cook of Jenner.<sup>84</sup>

The method adopted in allotting land to the people was also considered to have been extremely 'highhanded' and 'undemocratic' According to Kelly,

'Mr Jenner came up from Cape Town, and he was joined by Mr. Murray, the surveyor. He, first of all, divided the district into 18 locations, and he proceeded to the locations, having previously sent instructions to the headmen to assemble the people. Mr Jenner and the headmen then arranged who were to get 30 morgen allotments and 10 morgen .... not in one solitary case were the people consulted on the point - only the headmen.'<sup>85</sup> [emphasis added].

He claimed that he personally had witnessed this take place on two separate occasions.<sup>86</sup>

The most serious grievance of the people however was being displaced from land which they had originally been cultivating. In some cases people were forced to give up land which they had been occupying for close onto twenty years.<sup>87</sup>

84. J.J. Kelly, Ibid., p 10-11, also, p 17-18.

85. CPP, A 19 - '95, p 39, see also J.J. Kelly, p 9 and p 21.

86. CPP, A 19 - '95, p 39.

87. CA, 1/LDF 4/1/1/1, Petition from the residents of Maqushu to the Prime Minister's Office, 17 April 1895.



The people most seriously affected in this regard were those who lived in Buffel Doorns Location, some of whom had been in occupation of the land 'for the last 18 years, and some before that.' According to Kelly the land in this area was the best in the location and some of the people living there had made extensive improvements to their allotments. One, Halam Kula, 'has an orchard enclosed with a stone wall ... and made a water - furrow.'<sup>88</sup>

Kelly concluded from all this that while it was 'generally believed that the mass of the people are satisfied with their allotments; such though is far from the truth.' So dissatisfied were the people and so deep-seated were their grievances, he claimed, 'that a number of families have left the district for good and unless something is done and that speedily, to calm the minds of those aggrieved, hundreds will follow.'<sup>89</sup>

While in some instances Kelly might have overstated his case, many of his claims were corroborated by the findings of the Select Committee which was appointed to investigate and report on the grievances of the people with regard to the way in which the survey had been carried out.<sup>90</sup>

88. CPP, A 19 - '95, p 16.

89. J. J. Kelly, "The Glen Grey Act 25 of 1894" (etc), p 9.

90. Kelly was certainly no 'favourite' with the government officials. According to Sweeney (R.M. of Glen Grey) his motivation in ...../

In its report the Committee drew attention to the fact that while the Act did allow for the granting of 'a larger extent of land than the average ... mentioned, to such persons as may be in occupation of such larger extent at the date of the taking effect of this Act [emphasis added] ;

'It would appear however that in some cases an extent of land has been given larger than was in occupation by the allottees before the taking effect of the Act.'<sup>91</sup>

It went on further to say that,

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Footnote 90 continued:

his motivation in representing the people in the district was 'economic'. 'The more agitation there is and the greater the opposition to recognized authority, the better it is financially for those who live on the folly of the Native. If everything goes smoothly and the natives are contented and settled then the services of a certain class of persons are not required, it is to their interest distinctly therefore to breed and encourage disaffection and disputes.'

CA, NA 225, Sweeney to Milton, 2 April 1895.

In another letter to Milton, Sweeney wrote;

'Kelly is an unprincipled and dangerous man and I doubt not would be willing and able to [word illegible] any number of natives for a small consideration to support his statements and this makes my position the harder.'

CA, NA 225, Sweeney to Milton, 3 July 1895.

91. CPP, A 19 - '95, iii.

'the evidence shows that, in one case at least, arable lands, previously in separate occupation, have been given to a single headman, and the persons displaced in the process have suffered damage in the loss of the plots originally cultivated by them, and by being put on lands that could not be irrigated.'

There were also residents in the districts who had complained that they had not been given their original allotments but instead 'had lands assigned to them at a distance.' These people, the report stated, were not keen to move to the area of 'general cultivation' demarcated by the surveyors.<sup>92</sup>

The government officials who had played the most important part in the implementation of the Glen Grey Act attempted to justify their actions to the Committee. Rhodes, in his evidence, outlined why it had been necessary that some people had to be displaced from the allotments which they had originally cultivated. He claimed that the land until then had been settled in a very disorderly and 'haphazard way.' Each location was 'as it were, sprinkled with agricultural lots mixed up with grazing ground.' Given this situation, he said,

'the instructions to the surveyors were to put the agricultural ground in one

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92. Ibid., iv.

block, as far as possible down in the valley, so that in the future the agricultural land could be fenced in ....<sup>93</sup>

The objections by the people to this scheme were put down to their simplicity and 'backwardness'. The 'natives', he remarked,

'being a simple people .... did not understand the object we aimed at, namely, to put the agricultural land in each location into a square block as far as possible, with the object in the future of fencing that block and preventing the cattle from coming on the agricultural lands.'<sup>94</sup>

From the evidence of Sweeney it emerged however that many of the people who were been forced to move had been living in the areas for a considerable time and had been extensively cultivating the land. Sweeney also admitted that the land which these people were been forced to give up was 'better' than that which had subsequently been allotted to them.<sup>95</sup>

Kelly also pointed out that this land was 'the best in the location;<sup>96</sup> [it was] the only valley in the location where [the people] are certain of a wheat crop year after

93. CPP, A 19 - '95, p 2.

94. Ibid., p 3.

95. Ibid., p 13.

96. Ibid., p 16.

year,'<sup>97</sup> while the land which was being allotted to them in compensation for their losses was grassland which had 'hitherto [been] used for grazing purposes.'<sup>98</sup> The loss of land had also been fairly general as over 140 people had petitioned the government to protest against the way in which they had 'been disturbed in the peaceful occupation of their lands.'<sup>99</sup>

It was Rhodes however who had the final say on the matter. He conceded that the people who had been displaced from their original lands might have cause for being 'bitterly upset' but there was no way in which the government could countenance their grievances.

'If we had given way to them, 'he told the Committee, 'the conception of fixed agricultural lands apart from grazing lands and grazing lands all around would have been impossible.'<sup>100</sup>

It would appear however that besides this 'conception' that Rhodes had of how things were to be, a further reason for the strict separation of grazing land from agricultural land was the greater control which this facilitated. Major Musgrave, the superintendent of the Africans in the district and collector of labour tax pointed out that by

97. Ibid., p 17.

98. Ibid., p 16.

99. Ibid., p 21.

100. Ibid., p 4.

placing all the people in one area, control and supervision would be greatly enhanced.<sup>101</sup>

Sweeney admitted that certain people had been granted larger allotments than others but maintained that there was a good reason for this. These people, he said, were salaried officials whose main duty was to assist the government officials with the administration of the district. It was therefore only proper that they should be 'rewarded' by a grant of 'extra land.'<sup>102</sup>

Jenner advanced a similar defence for his actions. It was not a case of special privileges for the headmen, he claimed, as they were simply being rewarded for the assistance which they had rendered to the government..

'to carry out a land scheme like this,'  
he argued, 'you must give the people  
who assist you in carrying it out some  
consideration. For these are the people  
who assist you materially in carrying it

101. Ibid., p 50.

102. Ibid., p 63. In a letter to Milton, Sweeney attempted also to rebut the accusations of Kelly that certain 'favoured' individuals received preferential treatment (see p 143-44 of this thesis)  
'David Molosi and Robert Matomeli,' he said, 'are both good servants of the government and entitled to any consideration which can be given them' [emphasis added] CA, NA 225, Sweeney to Milton, 2 April 1895.

out, or else there would be great difficulties in the way'.

He further pointed out that it had always been 'the rule in every location ... that the headman has a larger allotment of land.'<sup>103</sup>

Sweeney also denied that the way in which the land had been allotted was 'high-handed' and 'undemocratic'.

'When I proceed to a location,' he told the Committee, 'the people are assembled and we go to the most convenient point of the survey on which to commence the allotments of land, and as I go from land to land I enquire who has the best right to that particular land. Every native in the location has the right and privilege to speak and lodge his claim.'<sup>104</sup>

He did however, even if somewhat tentatively, admit that there might have been some irregularities in the allocation of land - of particular concern to the Committee in this regard was why the unmarried sons of some headmen had been granted allotments when the Act expressly forbade it - but he personally refused to take any responsibility for this. He suggested that the Committee enquire about this from his predecessor, Captain Jenner, who had been responsible for framing the original list of names of people who were entitled to land.<sup>105</sup>

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103. Ibid., p 85.

104. Ibid., p 67.

105. Ibid., p 75.

The last witness before the Committee was the said Captain Herbert Jenner, the former Resident Magistrate of Glen Grey and the person who had had the most to do with the allocation of land in the district. From the way in which he responded to the questions posed to him it would appear that he almost had carte blanche in this matter:

Chairman: You had a good deal to do with the allocating of land to the natives under the Glen Grey Act?

Jenner: Yes

Chairman: You were sole commissioner in that matter?

Jenner: Yes.<sup>106</sup>

He strongly denied the charge however that the land of some people in the Buffel Doorns location had been taken away to increase the size of the holding of the headman Dolf. If this had taken place, he said, then it 'must have been a matter of administration after I left.<sup>107</sup>

He did admit that land had been given to the unmarried sons of some headmen even though the Act had not made provision for this but his justification for his actions was that the persons concerned were tax payers:

Chairman: Do you know headman Bengu?

Jenner: Yes

Chairman: And he has two sons?

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106. Ibid., p 81-2.

107. Ibid., p 84.



Jenner: They have six morgen.

Chairman: Is George Bengu married? [one of the sons]

Jenner: No unmarried .... I can explain how he got his grant. In 1893, when I went round the district, I found that some of the people had land whose names were not on the hut tax register. I made out my lists showing the approximate amount of land given to each individual. I found some people who were not on the hut tax register already in possession of land ....

Chairman: Who, being unmarried, would be generally excluded?

Jenner: Yes, in the general course of things. I asked Bengu's father how it was that he had land, and he pointed out to me that he had given him a large slice of his own land. I said, very good, I have no objection to his having land, but his name must be put on the hut tax register, and he must pay taxes. I may say that was done in several instances.<sup>108</sup>

The forced removal of the people from their original holdings, particularly those affected in the Buffel Doorns location, was not accepted by them until they had first put up a fierce struggle. For a time the people living

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108. Ibid., p 87-88.

in Buffel Doorns actually refused to occupy the alternative lands which had been allotted to them.<sup>109</sup> Sweeney, in a letter to the Prime-Minister's Office, dated 9 July 1895, remarked that it had been in this location in which agitation against the Act has been the most active.'

He further informed the Prime-Minister's Office that some letters had recently come into his possession wherein active resistance was called for against the Glen Grey Act. These letters were written in 'Kaffir' and were addressed to 'Mtirara' (intended for 'Dalindyebo', . . . 'S. Rile' (intended for 'Sigcawu', 'Krili's' son) and to 'Jonkweni'. They were similar in tone and content and were highly inflammatory;

'Say what is this I hear that you are paying the labour tax. Are there idle men with you? here we have none. I have never heard of such a thing in history. I say I and my people must not pay it at all, nor must the land be surveyed.

I say let us fight, so that we may live peaceably with them. We shall be Hottentots and slaves, our chieftainship is dying out . . . . Our children will be displaced.' [extracts from the letter intended for 'Daluidyblso' which was signed by 'Lutoli Ludzuya' ].

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109. CA, 1/LDF 4/1/1/1, Milton to Sweeney, 21 June 1895.

Given however that the letters did not arrive at their intended destinations Sweeney advised the government not to take any action against those persons who were responsible for them for,

'A prosecution might suggest opposition to the Glen Grey Act as a distorted version of the story would be sure, in that case, to get abroad amongst the natives.'

If this were to happen, he warned, it could possibly result in the smooth implementation of the Act being disrupted.<sup>110</sup>

On the whole the opposition to individual tenure was less pronounced in Fingoland than in Glen Grey. There were a number of reasons for this. Firstly, the tenure provisions of the Glen Grey Act were only extended to Fingoland after the local self-government provisions had already come into effect. The Mfengu had fiercely opposed the introduction of the district council system but in the end the government succeeded in breaking their resistance.<sup>111</sup> This defeat served to weaken their resolve to challenge the land tenure provisions of the Act.

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110. CA, NA 225, Sweeney to Prime-Minister's Office, 9 July 1895.

111. The subject of the next Chapter.

Then also, the Mfengu, as Moyer has shown, were essentially a 'European creation' and therefore invariably looked to the government for guidance and direction.<sup>112</sup> It was not that the Mfengu were totally subservient to the 'whites' and slavishly went along with everything that the 'whites' had decided was in their best interests, but that the decidedly 'patron-client' relationship which they had with the Europeans made them extremely reluctant to challenge seriously the authority of their 'white overlords'. This great sense of loyalty to the Europeans emerged very strongly in a speech made by one of their headman, Veldtman; the occasion being the death of Queen Victoria and the accession of Edward VII to the throne.

'The tribe that feels most deeply in this time of mourning,' he said, 'is that of the Fingoes. There was a time when for a period of six years the Fingoes wandered about destroying one another and being destroyed until it came to pass that they were driven out of their country and wandered away ...'

He then proceeded to paint a picture of extreme despair and wantonness - they were unclad, husbands were separated from their wives and children from their parents. The first people to offer them refuge was the Xhosa under Chief Hintsa, but this he claimed was of short duration as the same Xhosa

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112, R. Moyer (1976), p 573.

soon placed them in 'bondage'. Their servitude was to last until they 'fell in with the whites.' It was the people of the Queen who rescued them from slavery and although they were now in mourning as their 'mother [was] dead ... we are nevertheless not in despair for she has left us a son who is now King. We wish to declare our loyalty to King Edward.'<sup>113</sup>

The survey of Fingoland was also carried out along very different lines to that of Glen Grey. In contradistinction to what had happened in Glen Grey, there was first a preliminary survey of the districts which invariably meant a drawn-out and protracted process. In Butterworth, for example, the preliminary survey was begun in October 1898 and only finally completed in August 1899.<sup>114</sup>

The Resident Magistrates of the districts concerned were also obliged to submit regular reports to the Department of Native Affairs on their progress with regard to the preliminary work. These had to be fairly detailed reports and had to indicate if any complaints had been lodged by the people over the way in which the survey was carried out.

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113. CA, CMT 3/61, Brownlee to Chief Magistrate, 5 February 1901.

114. Preliminary Surveys of the Other Districts

	When Begun	Finally Completed
Nqamakwe	July 1902	January 1904
Tsomo	July 1904	March 1906
Idutywa	November 1906	March 1909

The allocation of land was also tackled in a much more fair and democratic way. The Resident Magistrate of Butterworth explained the procedure adopted by him:

'A meeting is first held with the headmen and people and the list of residents in the location, as it appears in the Hut Tax Register is gone through - they are asked whether they want land or not. After that a list is made out of all persons who have not yet had land allotted to them and who may desire to have it and this being completed Mr. Murray and I proceed to the cultivated lands and personally inspect each holding with a view to ascertaining whether it is more or less than the holder is entitled to and we then decide what amount of land the holder should be recommended to receive.'

This, he said, was a lengthy process but it allowed 'for all claims and disputes to be settled on the spot by myself and will obviate the possibility of any disputes arising when the surveyors set to work.'<sup>115</sup>

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115. CA, CMT 3/60, R.M. to Chief Magistrate, 29 October 1898. The Resident Magistrate of Nqamakwe explained his modus operandi in the following way; 'we travelled over the whole district, inspected every land, and either personally or through a representative, interviewed every individual claiming to have an allotment.'  
CA, NA 501, R.M. to Chief Magistrate, 27 February 1904.

Preferential treatment with regard to the allocation of land was also less prevalent. There was however one case where a Resident Magistrate deliberately turned a blind eye to a serious irregularity. This involved headman Skelewu of the Nqamakwe district who had illegally appropriated land for himself. The Resident Magistrate, Warner, however, asked the Government not to take any action against him as Skelewu had,

'been Headman since the Fingoes were located in the Transkei, and that as far as I know, this is the first instance of misbehaviour on his part, and I would recommend that the matter now be allowed to drop as the survey resulted in satisfying all those who had claim to land.'<sup>116</sup>

It would appear also that a concerted effort was made to allot the land to the people which they had actually been cultivating. While there were instances in which some people were forced to give up their original holdings this was not as widespread as had been the case in Glen Grey.<sup>117</sup>

Gilbert Hall, the government land surveyor, gave the following lengthy and comprehensive explanation to the South African Native Affairs Commission on how the survey

116. CA, NA 501, R.M. to Chief Magistrate, 4 March 1903.

117. See the evidence of Gilbert Hall, Government Land Surveyor to the South African Native Affairs Commission, Vol II, p 930.

of the Transkeian Territories differed from that of the district of Glen Grey;

'In the Glen Grey district there was no preliminary Commission sent round, as is done in Fingoland. The only Commission that went round completed its work in the Glen Grey district in about a month. They simply went over the district and arranged which valleys should be cut into allotments and which should remain commonage. Surveyors were sent in and each one was given a location; he was supplied with an alphabetical list of the names of the Natives in the location, with the areas that he was obliged to give them fixed. The result was: the surveyors came along, and perhaps, coming from another part of the Colony, may not have known anything about Natives and he had from this list to ascertain where the people's lands had to be surveyed. To the best of his ability he gave each man his land in the locality, but as he had to give the man four or six morgen .... in many instances, in order to do that he had to shove the neighbour away. The result was that a man in the middle of the valley found by the time he got his land, he was at the top end, and he naturally complained that the soil was not as good as he had before, and he was not satisfied. Then the surveyors laid out straight lines and rectangular lots, whereas the Natives, as they had ploughed, would have very irregular figures. The result was that a Native would be deprived of certain corners of his land which he valued very much, .... and he



was dissatisfied. In Fingoland the Commission, consisting of the surveyor-in-charge and the Magistrate, goes and enquires previously into every individual claim, a sketch is made of every piece of ground, and the surveyors coming in are given these sketches with instructions to survey that land in conformity with the sketch supplied to them, irrespective of the estimated area.<sup>118</sup>

All this might have resulted in the people of Fingoland having considerably less grievances than their counterparts in Glen Grey, but it was not enough, as some government officials believed, to guarantee the success of the system of individual tenure.

The introduction of this new form of tenure represented a radical departure to the hitherto mode of existence of the Africans. In its wake came a host of novel obligations for the people. A number of new taxes were suddenly demanded of them - they had to pay survey expenses, an annual quitrent and an annual district rate. They were almost overnight expected to adopt different methods of using the land - the land could no longer be sub-divided, they could not cultivate on the commonages, they had to furnish proof to the authorities

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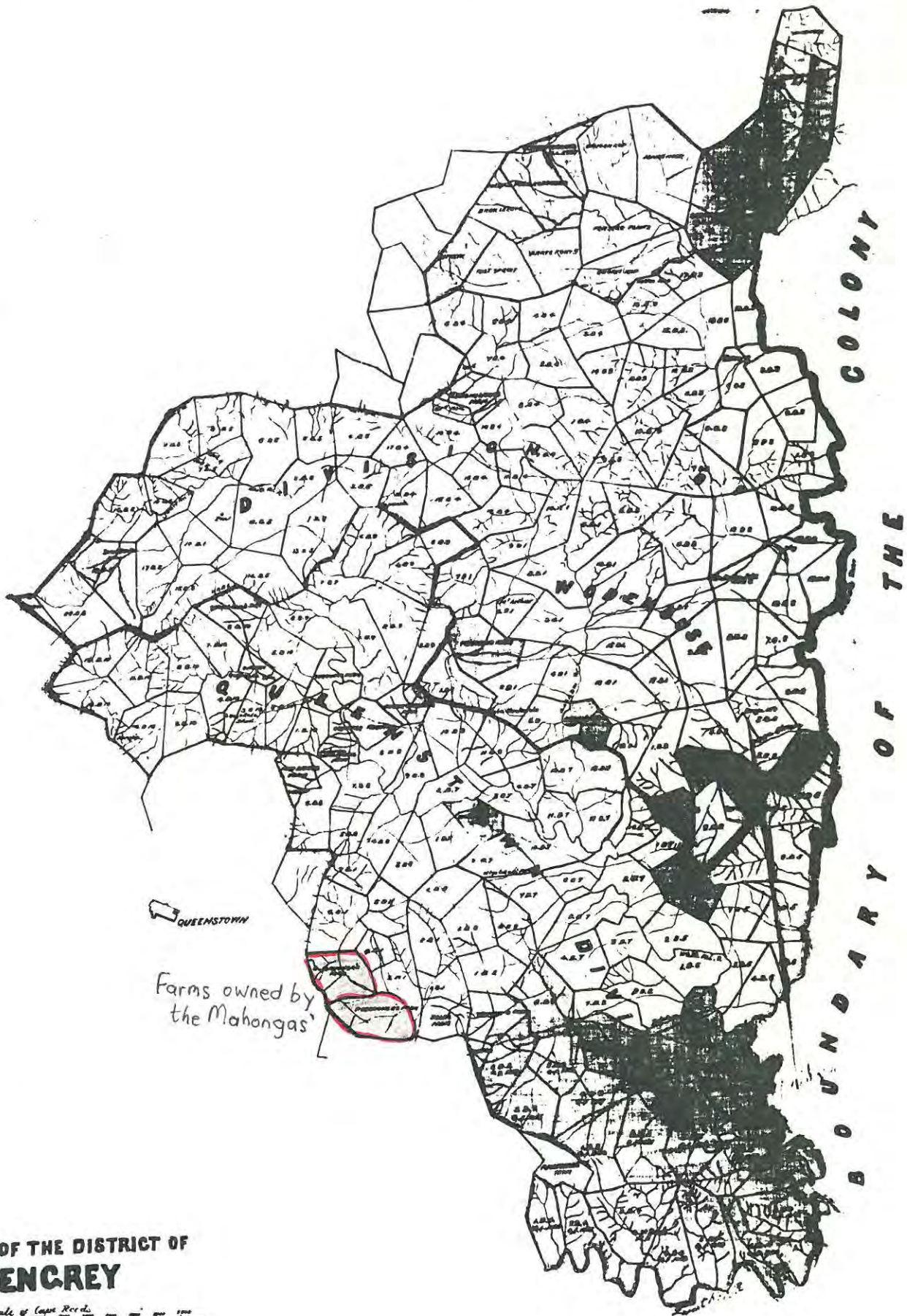
118. CPP, S.A.N.A.C., Vol II, p 933.

that the land was being 'beneficially occupied'. Their conception with regard to ownership of land had to change - they were issued with titles to their allotments and the transfer of land from one person to another had to be legally effected.

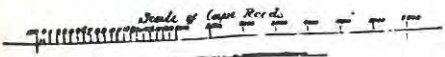
Perhaps the most far-reaching change was the new forms of administration which they now had to answer to - district councils which had powers of taxation and location boards which had to ensure that the regulations with regard to the use of the land were obeyed; that the beacons which demarcated the individual holdings from each other were properly maintained; that no squatting took place in the district and that only those people who had legal title to land be allowed to erect dwellings in the locations.

The success of such a wide-ranging scheme presupposed a willingness on the part of the people to have it introduced. This, as we have seen, was not the case. The system of individual tenure was introduced against their will and even the prodigious efforts of some government officials to make survey acceptable to them, did not succeed in winning their support for the system.

The people were not able to prevent the government from imposing the system on them but they were to frustrate its smooth working by circumventing most of its provisions. The system of individual tenure, as will be shown later, was soon to run into serious difficulties and had eventually to be abandoned.



**PLAN OF THE DISTRICT OF  
GLENCREY**



1702 Glen Crey Boundary  
Per Gazette 25.3.73

S.4 Office  
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Chief Clerk

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CHAPTER THREE - THE SYSTEM OF LOCAL SELF-GOVERNMENT FOR  
AFRICANS - INTRODUCTION AND RESISTANCE

In this chapter the focus is shifted to the other 'prong' of the Glen Grey Act - namely - the system of local self-government. As was emphasized in the introduction the concern here is not so much with the actual working of the system but more with how individual tenure and local self-government were related and how the people responded to the introduction of a new form of administration.

Land was basic to the organization of tribal society. If, as Davenport has argued, kinship was the cement of African society',<sup>1</sup> then land was the foundation on which the whole structure rested. The Africans were pastoralist-cultivators and access to land was vital for the survival of this mode of existence.<sup>2</sup>

The position of the Chief was crucial in keeping tribal society intact as he exercised the greatest control over the distribution of land. He was looked upon as the

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1. T.R.H. Davenport (1977), p 44.
  2. Mears has observed that "In studying, the economy practised by people in the early stages of their development one finds that their lives are intimately and almost indissolubly associated with land and cattle." W.J.G. Mears (1947), p 121.

trustee of the people and the custodian of their traditional values and way of life. Davenport remarks that,

'the coherence of tribal society always depended on the chief himself. He was the 'father' of his people, expected to govern conscientiously, wisely and generously. He was the judge of all serious misdemeanours, the law-giver, the war leader, the distributor of land, and the universal provider in time of need, from the royal herds, which were largely composed of beasts levied as fines or tribute.'<sup>3</sup>

The political institutions of tribal society were largely structured around the control over land. At the apex stood the paramount chief in whom ownership of the land was vested.<sup>4</sup> He was not free to dispose of the land as he wished but had to administer it in the best interests of all his subjects. Peires argues that 'the attribute of generosity was the most important of all' for a chief to maintain the loyalty of his followers.<sup>5</sup> The usual practice therefore was for the chief to subdivide the land 'amongst certain sub-chiefs and headmen who in their turn allow the common people to settle upon and cultivate it'.<sup>6</sup> In many ways this was very much

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3. T.R.H. Davenport (1977), p 45.

4. J.B. Peires (1981), p 33.

5. Ibid., p 36.

6. Evidence of Captain M. Blyth, Chief Magistrate of the Transkei to the Commission on Native Laws and Customs. CPP, G 4 - '83 Appendix C, p 47.

akin to the feudal system with its hierarchy of power and matrix of tributes and obligations except that the concept of private ownership was not as fully developed.<sup>7</sup>

The intended survey of African lands constituted a direct challenge to the control that the chiefs exercised over the land. It proposed to wrest ownership of the land from them and vest it in the hands of individuals. The land was no longer to be held in trust for the Africans by their traditional leaders but was to become private property.

The traditional system of landholding, as has been argued, supported a particular political structure. It was therefore hardly possible for the authorities to transform this system and still leave the tribal political structures intact. If the power and authority of the chieftaincy were to be eroded then it was necessary that this be substituted by something else. It is against this background that the system of local self-government was devised which aimed at the radical and thorough-going restructuring of the traditional political institutions of tribal society. Cooper throws into sharp focus this intention on the part of the government,

'the council system,' she writes,  
'constituted an attack on the political

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7. Peires observes that 'The chief's rights of ownership were not vested in him as an individual - as was the case with medieval European feudal lords - but in him as representative of the state.' op cit., p 34.

level of the pre-capitalist mode of production. It served to undermine the hereditary chiefs by placing what little decision - making powers there were (most decision - making rested with the magistrates) in the hands of a class of individual land-holders and/or appointed headmen.'<sup>8</sup>

The people themselves were fully aware of what this change would mean, for while under the traditional system their rulers had answered to them, power was now to be vested in government officials whose accountability could hardly be depended upon. The headmen would also no longer act as their spokesmen as they were to become directly responsible to the resident magistrates.

'Look at the Council, ... look at the authority of the Magistrate over the people,' the residents of Nqamakwe wrote in a petition to the government. 'They themselves (magistrates) become the Act [they were here referring to the Glen Grey Act] by the authority which is vested in him .... Look at the authority the headmen shall have over the people.'<sup>9</sup>

On another occasion they remarked that 'The Jurisdiction given to the Magistrates .... is beyond limits altogether.'<sup>10</sup>

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8. D. Cooper (1979), p 56.  
 9. CPP, A 16 - '95, p 39.  
 10. Ibid., p 38.

The obvious question to be asked is why, if the Glen Grey system constituted an integrated whole, were only certain aspects of it extended to Fingoland while all the provisions were applied in the district of Glen Grey. The reasons for this happening were various.

The principal reason that Glen Grey was chosen as the 'pilot district' for the introduction of the system of individual tenure was because the land situation was considered to be the most acute in this district. Wiggins has observed that,

'For seven years, before the passing of the Act . . . . [the Resident Magistrate of the district, Jenner] had been persuading the natives to adopt individual tenure, so that the land question would be reduced to more manageable proportions through simplifying his work.'<sup>11</sup>

The district had been founded after the war of 1851-53 and was given 'to the Tambookie tribe for their use and occupation.'<sup>12</sup> It fell within the boundaries of the colony and was to be administered as crown land. Notwithstanding the intentions of the government however, the people were left to govern themselves and within a few years, remarks Griffiths,

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11. E. Wiggins (1924), p 42.

12. CPP, A 3 - '92, pl.see also M.S. Griffiths (1939), p 38.



'native law was in full force. Numbers of natives had moved into the location without restriction, and the petty-chiefs welcomed them as additions to their strength.'<sup>13</sup>

In the year 1892 the population of the district was given as a staggering 40 000 and the Resident Magistrate warned that this figure would increase unless the government stepped in and took control of the situation.<sup>14</sup> Glen Grey, according to Davenport, had been allowed to 'ride' on its own without government supervision for too long and now the problems were coming home to roost. Not only was the district overpopulated, but it was also overstocked and had become a 'refuge' for migrant labourers. It was therefore no longer possible for the government to close its eyes to the fact that the district was 'in urgent need of legislative attention.'<sup>15</sup>

Glen Grey was also considered to be a particularly good and fertile region and as such was much coveted by the European farmers.<sup>16</sup> Rose-Innes noted that the Europeans had steadily been encroaching on the land of the Africans and through the years had made repeated attempts to have them dispossessed. This infiltration by the whites into the

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13. M.S. Griffiths (1939), p 40.

14. CPP, G 7 - '92, p 11.

15. T.R.H. Davenport (1960), p 325-6.

16. T.R.H. Davenport (1966), p 153.

region, he says, presented a very real danger of Glen Grey becoming a 'mixed' district. The only way in which this could be circumvented and the district still remain a 'native' territory, according to him, was by giving the people a definite title to the land.

'To witness the spectacle of White and Black living side by side at such close quarters in these locations, commingling daily, and their offspring possibly inter-marrying,' he maintained, 'would have been a calamity indeed.'<sup>17</sup>

The Commission on Native Laws and Customs had suggested that 'portions of Fingoland' be selected for the issuing of individual title<sup>18</sup>, but given that the land situation in the Transkeian Territories had not yet reached the same alarming proportions, the government proposed to delay the introduction of the system of individual tenure into these districts. In a letter from the Prime Minister's Office to the Chief Magistrate of the Transkei and Tembuland wherein the main features of the new system were outlined and the reasons for introducing it explained, it was stated that the government did not intend to take any new steps with regard to the land but wanted instead,

'that the natives should consider the question carefully in their councils,

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17. R.W. Rose-Innes (1903), p 15-16.

18. CPP, G. 4 - '83, p 41-2.

and if in the future they should express a wish to have the land secured to individuals and their heirs by title, the Government will be willing to give every consideration to their wishes.'

The Chief Magistrate was instructed however to warn the people that the land was becoming overcrowded and that very soon there would no longer be enough land for everyone. When that stage was reached the government would be forced to say 'that no further people shall be settled on the land.' The people would then have to come to terms with the fact that all of them could not remain on the land indefinitely and that 'a certain number must go forth and labour.'<sup>19</sup>

The introduction of the district council system provoked an angry response from the people. This was particularly the case in Fingoland where for a brief period government officials believed that the opposition of the people to the measure would break out into open rebellion, such was their mood of disaffection and anger.

In the Glen Grey district opposition to the local self-government provisions was more muted, not because, as Sweeney believed, the people were favourably disposed towards the

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19. CPP, A. 16 - '95, p 4-5.

introduction of the system,<sup>20</sup> but because they were preoccupied with fighting the tenure provisions which they saw as the greater and more immediate threat.

Kelly has however drawn attention to the misgivings which the people had about the introduction of the system. They felt firstly that the district council could in no way be representative of them as they had no say in how it was elected.

'The Governor appoints the Location Boards, the Location Boards select from their number the names of six to be approved by the Governor as members of the District Council, the Governor appoints the other six and the Resident Magistrate of the district completes the number. Clearly there can be no local self-government or local opinion under the provisions of the Bill.'<sup>21</sup>

When the people did attempt to express their wishes they were thwarted by a heavy-handed and bureaucratic government. This happened for example during the election of members for the location board of Rodona where they wanted a certain Jacob Bezi to be removed from office while the government expressed itself as satisfied with his appointment.<sup>22</sup> Such practices,

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20. CA, NA 225, R.M. to Prime-Minister's Office, 28 June 1895.

21. J.J. Kelly, "The Glen Grey Act 25 of 1894",  
p 3.

22. CA 1/LDF 4/1/1/1, Milton to Resident Magistrate,  
2 February 1895.

Kelly maintained, gave rise to a great 'deal of discontent,' as the people 'were under the impression that they had a voice in the matter; their eyes are now opened.'<sup>23</sup>

The increased taxation which was brought about by the introduction of the Glen Grey Act was also viewed by the people with considerable alarm. Whereas under the old system they had only paid an annual hut tax of 10 shillings, they were now required to pay survey expenses (£4 for the survey and 5shillings for the survey stamp), a minimum annual quitrent of 15s, an annual district rate of 10s, and if they did not qualify for an exemption, a labour tax of 10s. Kelly remarked that he had been living in the district for seventeen years 'and during that period have known times, when the natives through drought and loss of live stock could not pay their taxes.' The Act however made provision for the expropriation of the moveable property of the people if they failed to pay their taxes. Such a clause, Kelly exclaimed, was 'sufficient to shock any right-feeling man.' He proposed that the government,

'first pass and try effects of such a law upon poor whites, who, if not already, are likely to become a burden and curse to the Colony; before by such measures, ruining one of the best classes of natives within the colonial boundary.'<sup>24</sup>

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23. J.J. Kelly, op cit., p 7.

24. Ibid., p 5-6.

While the opposition to the local self-government provisions might have been somewhat restrained in the district of Glen Grey, this was certainly not the case in the Transkeian Territories. The government officials here were presented with the very real threat of opposition developing into open resistance.

In September 1894 the Prime Minister's Office despatched a letter to the Chief Magistrate of the Transkei and Tembuland wherein an attempt was made to justify the extension of the local self-government and labour tax provisions to the Transkeian Territories. Until then, the letter stated, a large portion of Fingoland had taxed itself voluntarily, but this, it was claimed, was not the best system as some people in the districts deliberately shirked their responsibilities. There was a need therefore to introduce a general rate which would be obligatory for all the people, but which, it was stressed, would be used solely for the 'improvement of the districts in which the money is raised.'

Local district councils were accordingly going to be created which would administer these funds. These local councils would in turn form a General Council which would meet once a year to 'consider and decide upon the general plan of operations for the ensuing year.' The work that this General Council decided to undertake would then be delegated to the district councils concerned, which would meet four times a year, or more, if the circumstances required it. It was stated quite categorically however that the government reserved for itself 'the right of finally

deciding upon the work and services to be undertaken.

A further provision would be the institution of a labour tax, which, it was claimed, was aimed at the 'idle and worthless.' The main purpose of this tax, it was further said, was

'to relieve the locations of the burden and nuisance associated by this class rather than to raise large sums of money.'

The government, as we have already seen, did not intend to extend the tenure provisions to the Transkeian Territories, but this, it was pointed out, was only a temporary postponement and not a reversal of policy.<sup>25</sup>

Later that month the Chief Magistrate, Major Elliot, called a meeting in the district of Nqamakwe for the express purpose of discussing the contents of this letter with the people of Fingoland. Present at this meeting were the headmen and residents of the districts of Butterworth, Nqamakwe and Tsomo.

During the meeting, Veldtman, the headman of Butterworth claimed that the people in the Transkeian Territories were 'much concerned about the Glen Grey Bill as they hear it is about to be proclaimed in Fingoland.' He informed Elliot that while the Bill was still being debated in Parliament they had sent a petition to the government requesting it not

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25. CPP, A 16 - '95, p 4-5.

to extend the Bill to Fingoland. What particularly perturbed the people, Veldtman said, was the new taxes which the government was proposing to levy on them. He claimed that no one had been previously sent to inform them about any new taxes and it therefore 'puzzled' them 'that the government should spring this upon us without first consulting us.'

Other spokesmen pleaded ignorance as to what this new system would all entail. John Mazannsa, one of the headmen of the district of Nqamakwe, appealed that it be further explained to them. He was supported by Nijkelana, the headman of Tsomo, who described the new system as 'a thing of magnitude' which needed more explaining.<sup>26</sup>

Elliot tried however to reassure the people that Rhodes had framed this law with their best interests at heart so that there was no need for them to have any fears about the measure.

'his sole object,' he told them, 'is to protect you in the possession of your land, and to assist you in managing your own affairs.'

He said that he understood that they should be startled at the big increase in taxation but reminded them that it did not represent a 'tithe' of what the Europeans paid.<sup>27</sup>

The meeting to inform the people of Idutywa of the intended legislation was held on 2 October 1894. The main

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26. Ibid., p 6.

27. Ibid., p 7.



spokesman for the people at this meeting was Enoch Mamba who informed the Chief Magistrate that the people were not clear about many things and that what particularly baffled them was the labour tax as there were no 'idle' people in the district.

'our young men,' he pointed out to Elliot, 'go to work and the only ones who remain behind are those who keep their father at home, and who hold his plough.'<sup>28</sup>

While the people in the Transkeian Territories were still however anxiously debating these new provisions amongst themselves news was suddenly received that in terms of Proclamation 352 of 4 October 1894 the legislation was to come into immediate effect. The abruptness with which this all took place was to unleash a floodgate of anger and defiance such as the authorities had least anticipated.

During the last months of 1894 the Resident Magistrates of the districts affected by Proclamation 352 held meetings in their respective districts to inform the people of their new obligations now that the legislation had come into effect. The announcement generally provoked a mood of sullenness amongst the people and a deep sense of them having been betrayed by the government.

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28. Ibid., p 8.

At a meeting of headmen held in Idutywa on 12 October the majority expressed themselves as opposed to the provisions of the Proclamation and requested that the government should not apply it to their district. Their main grievance was the imposition of the new taxes which they felt would seriously affect their livelihood. They bemoaned the fact that their stock would be depleted and that their sons would now be forced to go out to seek employment and would no longer be around to take care of their fathers.<sup>29</sup>

A further meeting was held in the district later in the month. In his report of this meeting to the Chief Magistrate, Brownlee (the Resident Magistrate of the district) remarked that he had detected among the people 'a feeling that the enactment has been brought rather suddenly upon them, and that they have had no opportunity of laying their views before the Government.' The people had again complained about the new taxes, claiming that their district was 'very backward and poor in stock.' They were already having problems paying their hut tax and having their sheep dipped, they told Brownlee, without now also having to have the burden of additional taxation. They requested, that because of these hardships, the government exempt them from having to pay the new taxes.<sup>30</sup>

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29. Ibid., p 10-11.

30. Ibid., p 18-20.

During January 1895 the people were still appealing to the government to have the Proclamation withdrawn. Although Idutywa was a district made up of different tribal groupings which had a history of competition and rivalry, Brownlee observed that on this issue it was astonishing how the people had 'dropped all race feelings and tribal jealousy, and agreed upon a united course of action.'<sup>31</sup>

Brownlee called a further public meeting on 31 January 1895 to inform the people that the district rate had now become due and while on the surface the meeting seemed to have proceeded quite 'orderly', he told the Chief Magistrate however that he had been,

'very credibly informed that before the final meeting, the speeches were in some instances most disloyal and inflammatory, and in fact some of the young men counselled that neither of the taxes should be paid, and that they should see whether the Government would collect the taxes by force or not.'

He believed also that there was 'some disturbing element at work' and warned the government that 'the utmost caution should be exercised,' as the loyalty of the people of the of the district was 'now being taxed to the utmost.'<sup>32</sup>

At this meeting the people once again voiced their objections to the new taxes. The labour tax was particularly

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31. Ibid., p 25.

32. Ibid., p 25-6.

obnoxious, they said, as it was 'a thing unheard of under the Government of the Queen.' They lamented to Brownlee that they were,

'in sorrow about these laws of this money, all the men in the district are in grief and are uncomfortable and ill at ease because of the want of means of paying.'

The intransigence of the government, they further informed Brownlee, had led to the whole district being in 'mourning' and they therefore strongly doubted that the new legislation could have been devised with their interests at heart. The headman of the location of Ndlambe, Jena, pointed out that,

'When the government introduced the scab law, it was said to be for our benefit, but we are fined under it and our sheep are dying. This law is now also said to be for our benefit and how do we know that it will not be for our damage also like the scab law.'<sup>33</sup>

A number of petitions were also submitted to Rhodes from the people of the district wherein the 'harshness' of the Proclamation was highlighted. Most of these petitions took the form of a supplication where the people literally threw themselves at the mercy of the Premier. The people

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33. Ibid., p 27.

of the location of headman Guiyegazio, for example, wrote;

'We are mourning and chief mourning, we cry with a great cry, since, your Excellency (most beautiful one) we are making known to you our case and you regard us not. Consider your Excellency, this law is not suitable for us (literally is not ours), it is onerous. It was said that the law would be administered gently, but to-day it is enforced that it should be fulfilled.'

A petition very similar in tone was also sent from the people of headman Stokwe's location in which the excessive powers of the magistrate were emphasized;

'we are weeping about this law .... The law is being enforced your Excellency; we are being destroyed on account of the powers of the Magistrates. They are the law themselves and also the headman.'<sup>34</sup>

In total seven petitions were submitted to the government. Brownlee however called into doubt the authenticity of these petitions and claimed that they all had 'been drafted by the same hand, and that .... hand comes from Fingoland...' He did not believe also that they should be taken all that seriously, for according to him,

'since these petitions were written many of the petitioners have decided to pay,

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34. Ibid., p 37.

and I have every hope that with patience and care the whole of the rate for this district will be collected without resort being had to indiscriminate seizure of stock.<sup>35</sup>

In Fingoland proper Proclamation 352 elicited an equally angry response from the people. The Resident Magistrates of Butterworth and Tsomo were harbouring illusory notions when they informed the Chief Magistrate that at the meeting held to explain to the people the meaning of the new legislation, the people had expressed themselves as willing to co-operate with the government. The Resident Magistrate of Butterworth had further claimed that there was general agreement among the people of his district to pay the taxes while his counterpart in Tsomo maintained, that except for the survey provisions of the Glen Grey Act, which his people were opposed to, the meeting had gone off quite satisfactorily.<sup>36</sup> These favourable accounts of the supposed response of the people were to contrast starkly with subsequent developments in the districts.

The Proclamation had not been long in effect in Butterworth when the Resident Magistrate, Stanford, wrote to inform the government that at a meeting held to tell the

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35. Ibid., p 37.

36. Ibid., p 11-12.

people that the taxes had become due, the people had 'firmly expressed their disinclination to pay the new taxes.' A number of motions were put forward by the people, he said, with regard to these taxes. Daniel Mazinyo had called on him to request that the government withdraw both the district and labour tax. Another motion, put forward by Maliwa of headman Vuso's location, was that the government withdrew the labour tax and reduce the district rate from 10s to 5s. Veldtman, on the other hand, 'in an able speech', proposed that the people agree to pay the taxes 'cheerfully', and that the government only be asked to exempt the women from these taxes. These motions had then been voted on with Veldtman receiving 50 votes, Maliwa 10 and Daniel 150 votes.<sup>37</sup>

The voting was to serve however as a mere formality as Stanford informed the government that at the end of the meeting he had told the people that,

'what Daniel and the other men had said regarding the tax would make no difference as to the time of its collection, and that the work would be commenced at the beginning of the next month.'<sup>38</sup>

As had been the case in Idutywa the people of Butterworth also submitted a number of petitions to the government. Stanford also however rejected the validity of these petitions claiming that they had been written by a certain

37. Ibid., p 23.

38. Ibid., p 24.

Daniel Mazinyo who had been acting under the instructions of headman Silinga's son, Mtuyedwa. Many of the signatories, he said, did not exist; they were either dead or were people from other districts and there had also been numerous forgeries. Daniel and Mtuyedwa, according to him, had,

'tried to make it appear that the feeling amongst the people, in regard to the new taxes is very bitter; whereas it is they who have encouraged the feeling and have incited them to resist payment of the district rate.'

He informed the Chief Magistrate that he had subsequently had these two men arrested on a charge of forgery.<sup>39</sup>

39. Ibid., p 42.

An example of one such petition, which Stanford declared invalid, was supposedly submitted by Mqekela Mahlangeni, the headman at Iqéqe and stated,

'We are lamenting, .... lamenting with a bitter lamentation, because when we put ourselves before thee [meaning the Prime Minister, Rhodes], you did not consider our matter, neither did you listen to us .... We pray; we have not got this money that is being demanded of us .... Another unpleasant thing which we see is the seizing (of stock) by force. Sir, we beseech thee to stay matters.'

Ibid., p 40.



During January 1895 the Chief Magistrate was sent a very disturbing letter from the Resident Magistrate of Tsomo. Thompson (the Resident Magistrate of the district) informed him that,

'on Friday last a meeting of Natives was held in the veldt on the boundary of Ngudhle's and Mqotyana's Locations, Tsojana, for the purpose, so far as I can learn, of agreeing to resist the laws recently introduced under Proclamation 352 of 1894. It would appear that for some days previous to the meeting messengers were sent round calling people to this meeting ....'

According to Thompson an attempt had also been made to get 'loyal' headmen to attend the meeting but this had fortunately failed. Notwithstanding this however, he said that,

'a large gathering took place, at which it was agreed that unless large numbers of natives at once responded to the order to pay the tax now being collected the law was to be resisted.'

He added that 'some statements, much wilder than the above are said to have been made at the meeting.' There was little doubt, he maintained 'that the meeting did its best to incite the rest of the people of the district to resist the law.' He therefore appealed to the Chief Magistrate, that in view of the 'dangerous character' of such meetings, the government should take firm action to put them down.

Thompson further told the Chief Magistrate that while he did not wish to appear as an 'alarmist', he was however

of the firm opinion that 'a number of Natives in this district are distinctly rebelliously inclined.' The whole of Fingoland, according to him, was 'passing through a great crisis' and he had therefore thought it wise to call a public meeting to warn the people of this district,

'of the dangers which may result from lending themselves to the guidance of idle and worthless characters.'<sup>40</sup>

The district of Nqamakwe similarly seethed with discontent and anger. The most serious grievance of the people was that they had not been given enough time to express their views on the Act, owing to the way in which it had been rushed through Parliament. They complained also that they were expected to pay taxes to a council which they had had no hand in electing. Considering that they had always been 'loyal' they appealed to the government to release them from the 'burden of the Act' as it would only bring 'harm to the land of the natives.'

The people from the location of headman Mazamisa had very strong feelings about the Proclamation.

'its unpleasantness,' they told the government, 'is unbearable. It touches the heart of everyone, and also it touches the land and its inhabitants generally. It agitates them ....'<sup>41</sup>

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40. Ibid., p 24-5.

41. Ibid., p 39.

In the location of Nyidlana the people believed that the government had broken faith with them and now wanted to dispossess them of their land. They had never taken up arms against the government, they said, so why was it that the government was acting towards them as if they had rebelled.

'Show us which of the agreements we have broken of the two under which you gave us our inheritance?' they appealed ... We say we are being driven out by an enemy, like the one that has today appeared amongst us; do we say this on account of our ignorance only?'<sup>42</sup>

This feeling that the government had in some way reneged on the earlier promises which it had made to them emerged very strongly in a number of petitions. The people in the location of Tsojana wrote,

'The burden that has been placed on our shoulders, which is now even upon our heads does not allow us even to move. All our cattle are now taken. Some of us are in prison; have mercy, father, what have we done?' [emphasis added].

The people from the location of headman Nihuzes wanted to know why it was that the government was turning a deaf ear to their pleas; 'How is it our father, that when we cry unto you, you answer as one who wants to kill us?'

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42. Ibid., p 40.

In headman Magoqana's location the people were convinced that the government had declared war on them; most of their cattle were gone, many of them were in prison and their money was being taken away from them.<sup>43</sup>

For the people in the location of headman Badule it was a great mystery that the government should interpret their legitimate grievances as a sign of disloyalty,

'how be it we are accounted as rebels when we are in fact speaking to our father the Government, when we say the Government must look into this Act?'<sup>44</sup>

The struggle of the people in Fingoland against Proclamation 352 was later taken up by an organization called the Fingo Committee. This Committee was called into existence because the people believed that their headmen had deserted them and were colluding with the government in the implementation of the measure.

'How is it,' the Chairman of the Committee, C. Kupe, wrote to Rhodes, 'we now hear the headmen saying you must do so-and-so when we have not been allowed to say a word to our father the Government?' Kupe claimed that the Committee had been democratically elected by the Fingo nation and that as such only it could speak on behalf of the people. He

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43. Ibid., p 41.

44. Ibid., p 40.

appealed to Rhodes therefore to listen to the 'voice of the people .... so that there can be no rising or discontent, and no want of respect for the government.' He warned that the 'nation [was] vexed to hear it said that they have agreed.'<sup>45</sup>

The Committee held numerous meetings throughout Fingoland where a number of strongly worded resolutions were passed. At one such meeting it was resolved that the way in which the so-called representatives had dealt with the people smacked of 'slavery' as 'the representatives accept the law without consulting the people.' An urgent appeal was therefore made to the government 'not to enforce the law because the law has not been accepted yet by the people.'<sup>46</sup>

The emergence of the Fingo Committee roused the ire of the government officials in Fingoland. The Resident Magistrate of Nqamakwe wrote of its Chairman in extremely deprecating terms;

'Campbell Kupe, the chairman of the so-called "Committee of the Fingo Nation" is an elder of the Free Church of Scotland, progressive to some extent but very stupid and ignorant and just sufficiently educated to be mischievous.'

The same J.T. O'Connor was nevertheless forced to acknowledge that the Committee was indeed representative of the Mfengu.

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45. Ibid., p 33.

46 Ibid., p 35.

' [this Committee] ,' he informed the government, 'represents, as far as I can discover, the majority of the natives in the three districts of Nqamakwe, Tsomo and Butterworth. They appear .... to have been elected at a meeting convened in the first place in the Butterworth district .... but .... subsequent meetings appear to have been kept studiously secret ....' [emphasis added].

The extent of the representativeness of the Committee, he went on, was 'borne out by the fact that so little has been paid up of the general rate throughout Fingoland.'<sup>47</sup>

Emotions in the four districts affected by Proclamation 352 can be seen therefore to have been running very high toward the end of 1894. The widespread opposition that the Proclamation provoked was not something which the authorities had anticipated. Imvo Zabantsandu, an African newspaper generally very perceptive as to the mood of the people, in an article entitled 'Dissatisfaction in Transkei', commented that,

'To deal with a sullen and discontented community is not exactly what the Government bargained for but it is what

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47. Ibid., p 34.

they have brought about in Fingoland.<sup>48</sup>

The severity of the agitation in the Transkeian Territories deeply troubled the government officials. The Chief Magistrate urgently called on the government to make 'liberal concessions' when it came to the actual implementation of the new system as he had been reliably informed that,

'Various measures have been proposed for the purpose of opposing or frustrating the Proclamation, for more inflammatory expressions are given vent to at private meetings, kraals, etc. than those recorded on the Minutes of Meetings held by the Magistrates.

For Elliot, and he informed the Prime-Minister's Office that in this he was supported by all the magistrates, it was 'a far wiser course' to attempt to accommodate some of the greivances of the people,<sup>49</sup> 'than to convert the only loyal

48. Imvo, 24 October, 1894. For a more detailed treatment of Imvo's position on the Glen Grey Act see L.D.Ngcongco, Imvo Zabantsundu and The Cape "Native Policy", 1884-1902 M.A. Unisa (1974)

49. The modifications to the Proclamation which he recommended were that the Resident Magistrates be given discretionary powers to decide who should pay the district rate and who should be exempted, particularly with regard to old women and widows and that the provisions of the labour tax be more clearly outlined to allow for concessions to those men who were occupying arable land and cultivating it 'beneficially'. CPP, A 16 - '95, p 21.

tribe the Government has ever had under its rule into a sullen, discontented and rebelliously disposed people.'<sup>50</sup>

The intensity of the emotions unleashed by the imposition of the system of local self-government on the people was attributable to a number of factors. Firstly the people believed that the Government had not consulted them about the measure but had simply gone ahead and rushed the Bill through Parliament. Tengo Jabavu, the editor of Imvo, accused Rhodes of formulating his ideas on 'a scamper through the Transkei.'<sup>51</sup> Imvo maintained thus that,

'In these circumstances it would be vain to look forward to the success of the Premier's policy,.... as it will be to the interest of the people to frustrate it as much as possible.'<sup>52</sup>

Then also the large increase in the level of taxation was most unwelcome. Until then they had paid a voluntary tax of 2s 6d while now they were expected to pay a 10s tax. The machinery which the government had at its disposal to ensure<sup>r</sup> that this tax was collected was also a source of great consternation. If the people failed to pay the district rate the government had the right to seize their stock, or if they did not have any, to have them imprisoned.

50. CPP, A 15 - '95, p 21.

51. Quoted in T. Keegan (1875), p 11.

52. Imvo, 24th October 1894.



There was also the further possibility of some of them having to pay a labour tax of 10s. The tax itself however did not give so much offence as the actual principle which was embodied in it. For the Africans it represented an extreme example of 'class legislation' which aimed to reduce them to 'wage slaves'. The people of the district of Idutywa remonstrated with the Resident Magistrate that it was a 'hard thing that the young men should be compelled to go to work beyond the limits of their districts.'<sup>53</sup> Brownlee was later to describe the labour tax as 'immoral and redolent of 'incipient slavery' and strongly urged the government to have it repealed.<sup>54</sup>

The extension of part of the Glen Grey Act to their districts was also viewed as a very ominous sign. The people believed that it would not be long before the government would attempt to apply all the provisions of the Act to Fingoland. Veldtman told the Chief Magistrate that the people did not want the Proclamation extended to their districts as they did not want their land 'cut up'.<sup>55</sup>

The local self-government provisions were thus seen as the 'thin edge' of the eventual survey of their districts for individual allotments. They were convinced that the

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53. CPP, A 16 - '95, p 19.

54. S.A.N.C. Vol II, p 964. The labour tax was eventually abolished in 1905.

55. CPP A 16 - '95, p 6.

government would use the district councils to co-opt people to assist it with the implementation of these measures.

Beinart, although writing on the Herschel experience, commented that the people who opposed the council system,

'believed that the councils could become 'puppet governments' in the hands of the progressives who could then, in league with officials, implement a range of further interventions into rural life.'<sup>56</sup>

The struggle of the people against the local self-government provisions was therefore indirectly a struggle to retain their traditional system of landholding. The fears of the people, as we saw in the previous chapter, were well-founded because hardly had the council system come into effect, when concerted efforts were made to extend the tenure provisions of the Act to their districts.

In the same way in which the people were not able to prevent the government from imposing a new form of administration upon them, they were also not able to prevent it from introducing a new form of tenure. The resistance which they put up to the tenure provisions of the Act was however stronger than that put up to the system of local

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56. W. Beinart, "Amafelandawonye (The Diehards): Rural Popular Protest and Women's Movements in the Herschel District, South Africa, in the 1920s." History Workshop 1984, University of Witwatersrand, p 10.

self-government. While by April 1895 the Resident Magistrates could report that opposition to the council system was dying down and that the people were coming forward to pay the district rate, they were never able to give such a favourable account of the working of the system of individual tenure. The reason for this was quite simply that the changes which the government hoped to effect by introducing individual tenure contrasted too radically with the previous mode of existence of the people and made demands on them which they found impossible to fulfil. It is to the actual working of this system and the immense problems that it presented to the government which we will now turn.

Source: W. Beinart and C. Bundy - "State Intervention and Rural Resistance, The Transkei, 1900-1965," in, M.A. Klein - Peasants in Africa, Sage Publications, Beverley Hills, London (1980).



Map of the Transkeian Territories

CHAPTER FOUR - THE WORKING OF THE GLEN GREY SYSTEM OF  
INDIVIDUAL TENURE - FAILURE AND ABANDONMENT

The focus in this chapter will be on the actual working of the Glen Grey system of individual tenure. The first part of the chapter will be taken up by an examination of the problems encountered with the implementation of the system - namely - the difficulties experienced in collecting the survey expenses, the reluctance of the people to pay the quitrent fee, the failure of the people to take proper transfer of their allotments, the deliberate cultivation by the people of the commonages and the failure of a sense of individual ownership of the land to take root among the people. The gradual but sure decline of the system as the official policy of the government will then be traced and the chapter will conclude with a commentary on why individual tenure for Africans was eventually abandoned.

The introduction of the system of individual tenure on such a large scale as that envisaged by the formulators of the Glen Grey policy brought with it a host of problems for the authorities. The government discovered quickly enough that implementing a new system, which hardly had the support of the people, and ensuring its success, were two completely different matters.

A problem which reared its head almost immediately related to the recovery of expenses incurred during the survey of the districts. The cost of survey of the districts

had been relatively high.<sup>1</sup> The usual arrangement when a district was surveyed was that the government would underwrite all expenses which were then to be recovered from the landholders. Half the survey cost was to be paid by the landholder on receiving title while the remaining half was to be paid in four annual instalments. This amounted to £4 with the people having to pay an extra 5 shillings for a survey stamp. Recouping what it had outlaid was however going to prove a major task for the government.

The survey of the district of Glen Grey had hardly been completed when there were reports of allotments being forfeited 'by reason of non-payment of the first instalment of survey expenses.'<sup>2</sup> This situation was hardly to improve over the next few years. As late as 1906 there were still a number of survey deposits which were outstanding. The Civil Commissioner of the district informed the Native Affairs Department that three hundred title deeds had been cancelled for failure on the part of the people to pay their expenses. He reassured the Department however that

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1. For a breakdown of the expenditure on the survey of the districts see Appendix E. While this statement may show a credit balance for some districts, it must be remembered that the statements was prepared in 1920, more than twenty years after the first district had been surveyed.
  2. CA, LND 1/741, Surveyor - General to Department of Agriculture, 25 April 1899.

'endeavours have been made and are being made to recover arrear survey deposits by means of writs issued against defaulters and by reallocating the three hundred vacant allotments to approved applicants who are required to deposit the outstanding survey deposits as soon as their applications have been approved by the Government.'

These methods, he added, were being reinforced by using 'every opportunity ... to make known to defaulters the risk they run by failing to pay their rates.'<sup>3</sup>

Not very much was accomplished however by way of reducing the deficit as in 1908 the amount still outstanding was £375:3:3. The Civil Commissioner told the Native Affairs Department that during April and May of that year about 12 000 writs had been issued for the recovery of arrear expenses. He further informed the Department that in future he would be adopting the practice that,

'where the writs result in nulla bona return ..... the title deeds [will be cancelled] and the amounts of survey deposits will be recovered without much difficulty from the successful applicants for the vacant allotments.'<sup>4</sup>

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3. CA, NA 528, Civil Commissioner to Native Affairs Department, 16 February 1906.
  4. CA, NA 730, Report submitted to the Native Affairs Department by the Civil Commission of Glen Grey, 16 May 1908.

The experiences of the authorities with the recovery of survey expenses in the Transkeian Territories were equally disconcerting. Early in 1915 the Secretary for the Native Affairs Department urgently drew the attention of the Chief Magistrate 'to the slow progress which [was] being made in the recovery of survey expenses on Native allotments in districts in which the system of individual tenure [had] been introduced.' The government was in despair, he said, over 'the large amount of outstanding expenses', while 'the slow pace of their reduction [was] causing .... considerable embarrassment.' He appealed to the Chief Magistrate to urge the magistrates in the respective districts to make a concerted effort to improve matters as 'the outlook was viewed with some concern, unless collections [could] be accelerated.'<sup>5</sup>

The problems which the government was encountering with the recovery of survey expenses led to the survey of Idutywa being delayed. Shortly after the preliminary survey of the district had been completed the Resident Magistrate was informed that owing to the lack of funds, the government found 'it quite impossible.... to proceed immediately with detailed survey on lines followed in other districts.' He was told however that the government would be prepared to

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5. CA, CMT 3/784, Secretary for Native Affairs to CMT, 22 January 1915.



proceed with the survey only on the condition that the people paid the survey costs in advance.<sup>6</sup>

This proposed change in policy evoked an angry reaction from the people of the district. They felt that the government had reneged on the earlier promises which it made to them. At a public meeting specially called to discuss the new proposals of the government they passed the following strongly worded resolution;

'.... the Government has broken faith with the Idutywa people, in-as-much as the terms promised them have been broken .... if the money expended in Fingoland has not been paid up by the Fingoes, it is no reason for the Government visiting the sins of the Fingoes on the Idutywa people .... that if the Government insists upon the Four Pounds being paid in advance, they would rather have no survey and would revert to the position they were in before the Preliminary Survey was undertaken.'<sup>7</sup>

The people put their case so forcefully that in the end the government was obliged to proceed with the survey as had been originally arranged.<sup>8</sup>

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- 6. CA, CMT 3/658, Telegrams Nos 5205 and 5206 of 19 May 1909.
  - 7. Ibid.
  - 8. CA, CMT 3/658, Letter to CMT for Native Affairs Department, 1 July 1909.

The appeal by the Secretary for Native Affairs that the magistrates make serious efforts to collect all outstanding survey expenses was promptly acted upon.

The Resident Magistrate of Tsomo reported to the Chief Magistrate that,

'The matter of the collection of the arrears of survey expenses has been for some time past receiving my special attention and my efforts in this direction will not be relaxed. Writs are issued annually in respect of the arrears.'

Notwithstanding what he believed to be prodigious efforts, over £1000 was still outstanding in survey deposits in his district.<sup>9</sup>

The Resident Magistrate of Butterworth was able to give a more favourable report. 'The amount outstanding,' he informed the Chief Magistrate, 'is after allowing for vacant allotments, never taken up and forfeited allotments only the negligible amount of £18:15:3.'<sup>10</sup>

In Nqamakwe the Resident Magistrate had also enjoyed relative success with the recovery of survey expenses. The

9. CA, CMT 3/784, R.M. to CMT, 22 February 1916 (File 14/677) For a more complete breakdown of Survey Expenses in the district see Appendix F.
10. CA, CMT 3/784, R.M. to CMT, 26 February 1916 (File 389/2905) For a breakdown of Survey Expenses in the district see Appendix G.

amount outstanding in his district was £47:3:9 of which a large sum consisted of outstanding deposits on numerous garden and building lots which he believed would never be taken up.

'Deducting the survey expenses for these garden and building allotments from the balance outstanding, 'he therefore wrote, 'we get £19/13/9 of which only £7/8/9 is yet due. I think it will be readily agreed that this is a highly satisfactory result.

He attributed the success which he had had in so sizeably reducing the original deficit to the strategy of refusing to accept quitrent until all the survey expenses had been paid and to the frequent use of the 'threat of cancellation of titles.'<sup>11</sup>

The recovery of survey expenses did not however proceed as smoothly in Idutywa where of an initial debt of £304:39 only £283:12 had been collected. The Resident Magistrate observed however that the amount outstanding had to be qualified as of this deficit 'the sum of £1564 [had to] be treated as not having yet accrued, being the survey expenses on 391 allotments not yet taken up.' According to him therefore the balance of £589 represented 'the true

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11. CA, CMT 3/784, R.M. to CMT, 22 February, 1919 .  
For a statistical breakdown of Survey Expenses in Nqamakwe see Appendix II.

recoverable amount on lands already allotted.' He believed however that in view of the fact that writs had been issued during 1914 and 1915,

'the balance now outstanding represents amounts due by persons who either cannot or will not pay. With such there remains the last resource, and I am now engaged in taking steps to secure cancellation of the title deeds to such allotments.'<sup>12</sup>

The changed form of tenure also brought with it a number of new obligations for the landholders. Whereas under the old system they had only been required to pay an annual hut tax, now, in addition to paying survey expenses, they were also liable to an annual quitrent. The fee was 15 shillings per annum with an additional charge of 3 shillings for every morgen beyond five. While the very real threat existed that they could lose their land if they failed to make this payment,<sup>13</sup> many of the people were to find it almost impossible to meet this new commitment. The main

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12. CA, CMT 3/784, R.M. to Chief Magistrate, 21 February 1916.

13. An individual in arrears for three months was to have goods of the relevant value confiscated and sold, and if he should remain in default for a year, his title was to be cancelled.

reason for this was that the Glen Grey Act had resulted in their financial liabilities more than doubling, and this moreover, during a period of much privation and poverty.<sup>14</sup>

The initial reports from the district of Glen Grey on the payment of the quitrent were quite favourable. In his annual report for the year 1896 the Resident Magistrate happily observed that there was,

'no cause to complain of the manner in which the natives are meeting their engagements with respect to the annual quitrents.'<sup>15</sup>

This state of affairs was however to deteriorate appreciably over the next few years and his subsequent reports were to sound a more despairing note.

In his report for the year 1900, for example, he ruefully informed the government that the collection of the quitrent had not proceeded very satisfactorily as there were many people who had fallen into arrears with their payments.<sup>16</sup> The situation was to worsen considerably and in August 1904 the Auditor General received the alarming news that the total amount of quitrent outstanding had reached the astronomical figure of £5341:19:5. The Resident Magistrate told

14. We shall have occasion to discuss this at greater length later in the chapter.

15. CPP, G. 19 - '97, p 23.

16. CPP, G. 52 - 1901, p 13.

him that although 456 warrants for the recovery of arrear rates had been forwarded to the Assistant Treasurer for his signature, the seriousness of the problem warranted far more drastic action. He appealed therefore for 'some stringent regulation [to] be brought into force in order to recover the arrear quitrent which is becoming more and more every year.'

The Resident Magistrate was forced to acknowledge however that to a large extent the people could not be held directly responsible for the huge amounts which were still outstanding.

'It is possible' he reasoned, 'to understand why there is so much Quitrent outstanding for the last years as the District must have been, to a certain extent, unsettled owing to the war, further the crops have been somewhat of a failure each year.'

Notwithstanding this however he also believed that the situation should by then have improved. 'There is no excuse' he maintained, 'for so large an amount outstanding for the year 1904, as crops have been very good this year.'

Chalmers (the R.M. of the district) found a convenient scape-goat for the non-payment of quitrent in the fact that many Africans in the district still had the vote. The failure of the people to make regular payments was in fact seized by him as an opportunity to launch an attack on the 'colour-blind' franchise of the colony.

'These elections which have taken place every now and then have had a very bad

effect on the Natives, as Candidates, in order to secure votes make all sorts of rash statements. I am told that one candidate, at the last election, informed the natives that they were being very harshly treated by the Government in the manner of having allotments cancelled for arrear Quitrent. Statements like these must naturally have a bad effect on the Native Mind, certainly they will not tend to induce them to come forward and pay their rents.'

According to him therefore it was a 'great mistake' that the Africans had been granted the franchise in the first place.<sup>17</sup>

Given the enormity of the problems in his district, Chalmers decided on a tougher course of action. Meetings were held with the people where they were warned that because of their poor performance in coming forward to pay the quitrent, the government would have no other alternative but to cancel their titles and reallocate them to other people who were willing to make the payments. He also informed the Native Affairs Department that,

'as a preliminary measure and as a warning to the whole District, I issued about 400 notices of cancellations. About 40 of these paid up their arrears and the names of the remainder (368) are forwarded herewith.'

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17. CA, NA 528, R.M. to Auditor-General, 6 August 1904.

Chalmers maintained that it was imperative that the Government should not be seen to be lacking in any resolve on this matter as from the way in which the people were paying their rates it,

'would seem as if they are watching the result of these notices and they appear to be waiting to see whether the Government will carry out the threat and cancel the titles of those allotment holders who have received notices in terms of the Act and have neglected to pay their arrears.'<sup>18</sup>

The Resident Magistrate was however clutching at straws and later he himself was forced to admit that even 'the cancellation of title deeds does not appear to have made much impression on defaulters generally.'<sup>19</sup> The next year therefore did not see much improvement in the reduction of arrear quitrent, the amount still outstanding being £4215:14:1.<sup>20</sup>

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18. CA, NA 528, R.M. to Native Affairs Department, 16 February 1905.
19. CA, NA 528, R.M. to Native Affairs Department, 2 November 1905.
20. CPP, G 46 - 1906, p 7. For a more complete breakdown of payment and arrears of quitrent for the period 1897 to 1903 see Appendix I. This table was prepared by the assistant-Resident Magistrate and Chief Clerk at Lady Frere, D.N. During for the S.A.N.A.C. and it is significant that During attributed the arrears in quitrent to the 'want of machinery to collect the money.' S.A.N.A.C. Vol II, p 841 - 842.



Chalmers expressed himself as very alarmed with this situation as,

'Allotment holders who are in arrear with their quitrent for one, two or three years do not seem to realise the fact that it is possible for them to lose their grants.'

He remarked further that 'action [was] still pending against 950 allotment holders and the quitrent due on their allotments would be about £2000:0:0.'<sup>21</sup>

Chalmers report for 1906 was even more despairing. The amount of quitrent still outstanding was given as £5915:16:1 of which he claimed £1275:4:3 was irrecoverable. The usual assurances that no efforts were being spared to collect this outstanding money were again given; meetings had been held with the people, notices had been served on defaulters, not only once, but several times, and titles to allotments had been cancelled.<sup>22</sup> A large number of writs had also been issued against those in arrear for over a year, but even these more stringent measures were not to result in any significant improvement of the situation.<sup>23</sup>

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21. CA, NA 528, R.M. to Native Affairs Department, 2 November 1905.

22. CA, NA 528, R.M. to Native Affairs Department, 24 August 1906.

23. See especially CPP, G. 36 - 1907, p 6.

The Transkeian Territories also experienced their share of difficulties with the collection of the annual quitrent. This emerged distinctly in a letter from the Native Affairs Department to the Resident Magistrates of Butterworth and Nqamakwe where the Department laid down firm guidelines for the recovery of all outstanding monies. It had received complaints from these magistrates to the effect that they were having problems collecting outstanding quitrent and survey fees and its main concern was that there should be a uniform policy to counteract this situation.

The Secretary observed that the legislation did make provision for the cancellation of the titles if the landholders failed to pay their quitrent for one year, but this was an extreme measure which he only wanted them to use as a last resort. They were therefore to attempt other methods before cancelling title deeds. First, defaulters had to be given a certain time period in which to square their debts. If they had not done so by the time that the period had elapsed then the magistrates were to issue writs 'against .... defaulters who are known to be possessed of property.' The Secretary said that he was aware that such a step could result in some people losing their property but he believed that it was necessary to demonstrate to the people the seriousness of the government.

'This step', he wrote 'is intended mainly as an example to the remaining defaulters and should have the effect of inducing a number of them to pay before writs against them are issued.'

If all these measures failed then of-course the magistrates would have no other choice open to them but to cancel the title deeds of all defaulters.<sup>24</sup>

The impression can easily be gained from the above that the people were deliberately shirking their new responsibilities. The increase in taxation was certainly not welcome and the people did put up a resistance to the new system, but in addition to this there were definite objective considerations which made it almost impossible for them to meet the new commitments.

The Glen Grey system came into operation during a very trying period for the people. The years 1896-97 had seen that great scourge, rinderpest, wreak havoc in the country. The Transkeian Territories were particularly hard hit where it was estimated,

'that 90 percent of the cattle, which formed the real wealth of the people, were swept off by the disease.'

The Cape Colony as a whole did not come off much lighter, the cattle herds been 'reduced by 35 percent from 1,64 to 1,06 million.'<sup>25</sup> From one district in the colony the

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24. CA, CMT/380, Secretary to Native Affairs Department to Resident Magistrates of Butterworth and Nqamakwe, 12 November 1907.

25. Quoted in C. Van Onselen, "Reactions to Rinderperst in Southern Africa 1896-97," Journal of African History, XIII, 3 (1972), p 484.

Inspector of Locations reported that 'The Natives possessed some 4,500 head of cattle when rinderpest broke out here; they now have 467 ....'<sup>26</sup>

The Chief Magistrate himself was forced to acknowledge that the year 1897 was one of 'severe losses and trials to the natives.'<sup>27</sup> The problems of the people did not end once the disease was brought under control as they now faced the bigger challenge of having to build up their resources again. Under such pressing conditions it was hardly likely that much money would be set aside for the payment of taxes which they in any case viewed as an unnecessary burden.

During 1899-1901 the country was again thrown into disarray, this time as a result of the outbreak of the South African War. The war led to the mines being closed down and the cutting-off of one of the most important sources of income of the people. With money being in short supply, the debt of the people was to soar during these years.<sup>28</sup>

The people were often also the victims of prolonged natural disasters. The first decade of the twentieth century, for example was punctuated with intermittent droughts. In 1910 it was reported from Glen Grey that the

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26. Ibid., p 483.

27. CPP G. 42 - '98, p 75.

28. See especially CPP, G 50 - 1900 for the reports of the resident magistrates of the effects which the war was having.

district had again been struck by drought. The crops during that year had not only been of an inferior quality but had also given a poor yield and according to the Inspector of Native Locations at Bolotwa, were 'by no means sufficient to meet the wants of the people, many of whom have had to buy their supplies from the traders at enhanced prices.' Their stock had also fared badly owing to the severity of the drought and the want of pasturage, with the result that large numbers had to be killed off.<sup>29</sup>

They had hardly recovered from this blow when disaster struck again, and this time on an even bigger scale. The drought in 1912 was so devastating that the Chief Magistrate of the Transkeian Territories claimed that that year would 'rank with 1862 in the chronicle of South African droughts.'<sup>30</sup>

The drought caused incredible suffering and hardship, so much so that the Native Affairs Department was convinced that the year would be 'remembered throughout the Union by the Natives.' In some districts the price of mielies and other grain rose to treble the ordinary price, while the average price was generally double.<sup>31</sup>

The cumulative effect of such disasters was to deplete the resources of the people. During such periods they

29. U. 17 - 1911, p 111.

30. U.G. 33 - '13. p 13

31. Ibid., p 5.

invariably accumulated massive debts so that when 'good times' returned, they first had to pay off loans and interest on loans before they could even think about meeting their immediate expenses. It was almost inevitable therefore that they would fall behind in their survey and quitrent fees.

The authorities had hoped that the introduction of individual tenure would facilitate greater control by them over land matters in the African territories. Under the communal system the land might have been held in trust for the people by the chief, but possession was vested in the head of the family. Each member of the family was however considered to have usufructuary rights to the land. An allotment therefore was usually occupied and cultivated by an extended family. When the head of the family died, the land as a matter of course passed to the eldest son. Tradition and 'common law' were generally sufficient to ensure that the new head of the family exercised his obligations towards the other members of the family.

The Glen Grey policy represented a direct attack against this system of landholding as a deliberate and conscious attempt was made to restrict the rights which the people had to the land. Under the Glen Grey system it was only the title holder who was to have any rights to the land and these rights moreover were to be legally entrenched. The people were only going to be allowed to cultivate the

land if it were registered in their names. By means of this measure any rights which the extended family might have had to the land were effectively eliminated. Lacey has perceptively observed that in this way the system would ensure an ever-increasing labour force as in each generation all but one member of the family would be made landless.<sup>32</sup> The land was still to descend according to the law of primogeniture but with the important difference that the transfer of land was now to be legally enacted. European law, in other words, was to replace 'tribal' or 'common law.'

The normal procedure for the transfer of land was that when the title holder died or wished to give up his property, the new applicant had to submit an affidavit as to why he should receive the allotment. This was to be accompanied by a statement from the headman or member of a Location Board supporting the affidavit. If there was a widow involved then a statement from her was necessary renouncing her right to the allotment. The correspondence was generally conducted between the office of the Civil Commissioner of the district and the Native Affairs Department and it usually took about a month for a transfer to be finally completed. On receiving the title deed the new owner of the allotment was required to pay a nominal transfer fee.<sup>33</sup>

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32. M. Lacey (1981), p 15.

33. This was such a drawn-out and lengthy process that it partly explains why the people were reluctant to have allotments transferred ..../

The people were to find it extremely difficult to adapt to this changed system of landholding. The administrative and bureaucratic controls introduced were completely alien to their previous experience and it was almost to be expected that every opportunity would be taken to evade them.

Brownlee, the Resident Magistrate of Butterworth, was the first government official to draw the attention of the authorities to this problem. In a report prepared by him on the working of the system of individual tenure in the Glen Grey district, he remarked that he had learned that a number of allotments were,

'in the hands of persons other than the Registered Holder. I believe that in some instances the Registered Holder is either dead or his allotment has been taken over by his heir, or he abandoned it and handed the title to some friend.'<sup>34</sup>

His finding was corroborated by Godfrey Shepherd, the Inspector of Natives for the District, who during the latter

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Footnote 33 continued:

have allotments transferred to them. For an example of a 'typical' transfer see CA, NA 730, Civil Commissioner to Secretary to Native Affairs Department, 17 August 1909 ( No 3589 F 25).

34. CA, NA 642, Report upon the Financial Position of District Council and Working of Location Boards in Glen Grey District, Office of the R.M. of Butterworth, 28 March 1904, p 33-34.



half of 1904, conducted a thorough and extensive investigation into the working of the system in the district. To the chagrin of the authorities he discovered that in almost every location the allotments were in the hands of people other than the original grantees and that in no case had the new owners made any attempts to have ownership of the land transferred to them.

'I found numerous instances,' he informed the government, 'where the registered holder has died or left the district and the allotment has been taken over by his wife, son, or some other member of the family, but have taken no steps to obtain permission to retain the allotment which is essential when taken possession of by the wife or female relation and on the other hand when the allotment fell into the hands of some male relation he also has neglected to have the title transferred.'<sup>35</sup>

The main reason for this happening on such a large scale, he explained, was because when the original holder died or left the location, the person who took over the allotment simply went on paying the quitrent in the name of the registered holder for which he then received a receipt.

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35. CA, NA 642, Report by Godfrey Shepherd, Inspector of Natives on Encroachments on Commonages by Natives in the District of Glen Grey, 3 June 1904, p 3.

'This person,' he went on, 'at once arrives at the conclusion that the allotment then becomes his or her bona fide property and do [sic] not realize the importance of being in possession of the title deed in their own name.'

He claimed further that there were people who had 'taken over two or three allotments and gone on paying the rent in like manner.'<sup>36</sup>

The Transkeian Territories were to fare no better in this regard. The Resident Magistrate of Nqamakwe, for example, informed the Native Affairs Department that absolute chaos reigned in his district with regard to the transfer of allotments.

'I have the honour to inform you,' he wrote, 'that it has been brought to my notice that in a number of instances persons have been found in occupation of surveyed arable allotments in this district without being entitled thereto, in some instances through neglect of the relatives of deceased registered holders to have lands transferred and in others through registered

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36. Ibid., Report by Shepherd on Locations Nos. 7 and 10, Vaalbank and Agnes, 9 August 1904.

holders surrendering their claims to other persons without notifying this office.'<sup>37</sup>

His counterpart in Butterworth reported that similar conditions unfortunately also prevailed in his district, but he had also discovered that,

'in addition [to the improper occupation of land], vacant surveyed lands are being cultivated by individuals who have no right or claim to them, and in some instances, are actually the holders of title to other land which they also cultivate.'

Brownlee complained that 'one result of this objectionable practice is the loss of public revenue as the lands cultivated in this manner may otherwise be given to Natives who would pay quitrent on them.'<sup>38</sup>

The Resident Magistrates of the districts affected wanted the government to take immediate and decisive action to bring the situation under control. 'I certainly consider', the Resident Magistrate of Tsomo fulminated, ' [that] some regulation should be made of a drastic nature to prevent unauthorized occupation of any land without written authority.'<sup>39</sup>

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37. CA, CMT 3/799, R.M. to Native Affairs Department, 17 August 1909.

38. CA, CMT 3/799 R.M. to Chief Magistrate, 10 October 1908.

39. CA, CMT 3/799, R.M. to Native Affairs Department, 13 October 1908.

The survey of Idutywa had been too soon completed for this problem to emerge there but the Resident Magistrate nevertheless also agreed that strong punitive measures were necessary.

'Whilst not being able to offer an opinion which is based upon actual experience,' he wrote, 'it is quite obvious that some considerable difficulty must be experienced in respect of the occupation of land by persons not entitled thereto, and I am therefore in accord with the opinion of the Resident Magistrate of Nqamakwe, . . . . that is that some penalty should attach upon conviction of persons who are found in occupation of allotments not given to them.'<sup>40</sup>

With the passage of time the situation was to worsen rather than improve.<sup>41</sup> It would appear also that at no stage

40. CA, CMT 3/799, R.M. to Chief Magistrate, 8 October 1908.

41. The Native Affairs Commission of 1910, appointed to report on, inter alia, the condition of the natives as affected by the tenure of land . . . .' (p 7) pointed to numerous instances of irregularity with regard to the transfer of allotments. A 'typical' case, it said, developed along the following lines;

'A native A., figured on the list of approved grantees at the time of survey in 1860, and the title was made out in his favour. Before . . . ./'

did the government actually succeed in getting on top of this problem. A few years later the Chief Magistrate of the Transkeian Territories informed the Resident Magistrates of the districts where the land had been surveyed that,

'while upwards of 38,000 titles to Native allotments under Proclamation 227 of 1898 and 241 of 1911 have been granted up to the present . . . . , only 92 transfers were submitted for registration during the nine months ended 31st December last, the rate of submission being fairly regular, on an average about eleven a month.'

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Footnote 41 continued:

in his favour. Before the issue of title he died or left the district, and by arrangement with the headman or the family, the title was later taken out by B., who paid the necessary expenses. B. died and was succeeded by his son C., who took charge of the title. C. sold to another native D., who entered into occupation, and is now in possession of the title deed, quitrent throughout having been regularly paid in the name of the original registered holder A., who as a matter of fact had never held the title deed.' - CPP, G. 26 - 1910, p 23, para. 72.

For a further example of how this could occur see *ibid.*, p 12, para. 16.

He maintained that at this rate 'and even allowing for forfeitures and reallocations, it would be two or three hundred years before all the titles changed hands.' [emphasis added]. 'This,' he insisted, 'points to a very widespread neglect on the part of registered holders to comply with the regulations governing transfer.'<sup>42</sup>

The focus will now shift from the administrative and financial problems which beset the working of the Glen Grey system to an examination of whether the system realized its main objectives or not. The Chief Magistrate of the Transkeian Territories, Stanford, in a Memorandum on the functioning of the Glen Grey system, outlined what the principal motivation had been for its introduction;

'One of the central principles of the Glen Grey Act,' he contended, 'may be described by the phrase "one man one lot." The intention of Parliament evidently was to establish a peasant proprietary on the strictest rule of primogeniture, thus, the younger sons would be obliged to earn their living in the industries: therefore it was provided that no man might own two

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42. CA, CMT 3/780, Chief Magistrate to R.M.s of Butterworth, Engcobo, Idutywa, Nqamakwe, Tsomo and Xalanga, 28 February 1922.

lots or subdivide one.<sup>43</sup>

The people who were brought under the working of the system were however to put up a strong resistance to this attempt to destroy their traditional system of landholding. The European conception of individual ownership of land and even moreso, the notion of property in land, did not penetrate the consciousness of the African people to any significant degree. On the statute books the land might have been surveyed into individual allotments and title deeds issued, but in practice the people still continued to occupy and cultivate the land as they had always done.

The decade 1900-1910 was taken up with laying the groundwork for the impending unification of South Africa. Foremost on the list of priorities of the governing classes was devising a uniform 'native policy' for the whole country. The days of every province having their own largely independent policies were rapidly coming to a close. The type of land policy to be adopted in the future 'united' South Africa was accordingly to feature prominently in the terms of reference of the numerous government commissions which were appointed to investigate and report on the 'native question'. During this period the Glen Grey system regularly came under the spotlight of governmental enquiries, both to

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43. CA, CMT 3/781, Chief Magistrate to Native Affairs Department, 3 December 1909.

assess how successful the implementation of the system had been and to consider whether it should be more widely applied. The general impression which emerged from all these investigations however was that on the whole the people had not responded to the changes in the manner which had been expected. Stanford, in the Memorandum already cited, woefully observed that the main stream of Native tendency had been in the 'opposite direction' to that which the authorities had anticipated.<sup>44</sup>

The failure on the part of the people to respond to the 'new system' in the 'positive' way which had been hoped for by the government came to the fore much earlier however, the occasion being the deliberations of the South African Native Affairs Commission of 1903-05.<sup>45</sup>

In his evidence before the Commission, the acting Resident Magistrate of Glen Grey, F.C. Garstin, pointed out what he considered to be 'abuses' in the system.

'Owing to want of supervision,' he told the Commission, 'the Natives have got into the habit of ploughing up some of

44. Ibid.

45. This was the first truly, 'inter-colonial' commission which sat when moves toward the unification of South Africa were high on the agenda of the authorities. Lekhele has pointed out that the Commission had 'to investigate exhaustively the entire field of Native Affairs in South Africa.'  
S. McD. M. Lekhele (1955), p 65.



the ground which has been set aside for a commonage .... and this practice is getting really a very common one.'

He claimed that the ploughing-up of the commonage was usually done with the full knowledge and 'collusion of the headman and the Location Board.' Encroachment on the commonages, according to him also, was going, on everywhere.!' This for him represented a 'conspiracy to get more land.' Garstin's overall impression on the working of the system until then was therefore exceedingly negative;

'I do not agree at all with the reports which have from time to time been sent down by former Magistrates to the Native Affairs Department to the effect that the Act is working favourably ....'<sup>45</sup>

The Inspector of Native Locations, Major Musgrave, expressed similar reservations about the 'success' which the system had supposedly been having. 'The worst point in the Glen Grey District,' he maintained, 'is the land question; there is no system at all.'<sup>47</sup>[emphasis added]. Encroachment on the commonage, according to him also, was a very widespread occurrence. There was therefore absolutely no evidence, he argued, that individual tenure had 'raised' the people to a 'higher standard of living.'<sup>48</sup>

46. S.A.N.A.C. Vol II, p 850-1.

47. Ibid., p 882.

48. Ibid., p 892-3.

George Golding, a farmer in the district, called into serious question the supposedly 'revolutionary' influence which the system was said to have over the Africans. According to him individual tenure had not resulted in the people adopting more scientific methods of cultivating the land. 'It is the same old scratching with four bullocks, 'he maintained, which for him was not ploughing in the true sense of the term.<sup>49</sup>

Subsequent investigations into the working of the system of individual tenure in Glen Grey revealed that encroachments on the commonages were indeed taking place on a large scale. In May 1903, for example, the Resident Magistrate of the district informed the Prime Minister's Office that he had,

'reason to believe that there is a systematic contravention of Regulation No. 19 in regard to fencing and ploughing on the Commonage'.

He complained that the Location Boards were doing nothing to curb this, and 'as a result the regulations have become almost a dead letter.'<sup>50</sup>

In addition to people encroaching on the commonages it was also found that the beacons which had been erected to demarcate the individual holdings from each other had long since disappeared and that the people were not making the slightest efforts to replace them.

49. Ibid., p 919.

50. CA, NA 613, R.M. to P.M.'s Office; 12 May 1903.

Brownlee threw into sharp focus the extent to which the system had been allowed to drift into complete disarray in Glen Grey. He informed the government that he found,

'after a visit to each Location in the District that there was encroachments on the commonage to a larger or lesser extent in almost every one.' [emphasis added].

The encroachment were essentially of two kinds; the first was where the people had extended the cultivation of their surveyed allotments beyond the beacons, and the second was where the people had deliberately cultivated a portion of land which had not been surveyed.<sup>51</sup> According to him the first kind 'was by far the most prevalent.' He added also that 'in some instances the encroachments are very small in extent being merely a narrow strip at the side of the allotment, but in others are of considerable extent and embrace several acres of land.'

It was the second form of encroachment however which he considered to be the more serious. While it was not as common as the first it represented a far more serious challenge to the government as it involved 'the cultivation in many cases deliberate - of unsurveyed land.'

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51. Brownlee supplied specimens of these two types of encroachments to the Native Affairs Department. See Appendices J and K.

'The culprits,' he went on, 'are of two distinct classes (1) Those who were in occupation of these encroachments before the country was surveyed and (2) those who have encroached subsequent to survey.'<sup>52</sup>

With regard to the issue of beacons he reported that there were 'instances in which beacons have been either broken down or up-rooted, whether accidentally or not I am in no position to say, the reply to enquiries I made was of course always that the removal was accidental.'<sup>53</sup>

To his great shock Brownlee discovered also that sub-letting, something which the Act had expressly ruled against, was fairly endemic. A 'typical' case was that of Gengi Vokonqo, a landholder in the Zwaartwater location, who had sub-let a portion of his allotment to a man named Walker Dinco, 'who upon the portion so let to him built and established a trading station.'<sup>54</sup>

A more thorough-going exposé of the failures of the system of individual tenure in the district was later supplied by Shepherd. He made a location by location tour of the whole district and found that out of the approximately 8008

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52. CA, NA 642, Report upon the Financial Position of the District Council and the Working of the Location Boards in Glen Grey District, Office of the R.M. of Butterworth, 20 March 1904, p 21.

53. Ibid., p 34.

54. Ibid., p 35.

allotments which had been surveyed, cultivation beyond the beacons had occurred in 1774 cases.

'In no instance, 'he wrote, 'did the occupant deny having done so, and in response to my questions stated that he was ignorant of the laws and not aware that he was obliged to keep within the limits of his beacons, and further that no fault had ever been found by the Location Boards or Headmen with regard to this, confirming their impression that they were quite at liberty to plough over the boundary.'

Shepherd found also that ninety-seven people were guilty of the deliberate cultivation of unsurveyed commonage, their encroachment ranging from 'a quarter of an acre to about two (2) morgen.' 'Some of the people', he pointed out 'are in possession of allotments, others have no ground.' According to him however,

'the majority of these cultivations were in existence prior to survey and the natives not being ordered to discontinue then, have naturally up to the present, ploughed every year, and under the circumstances paid no quitrent.'  
[emphasis added].

The situation with regard to beacons was also most unsatisfactory. He found that 283 beacons had either been broken, uprooted or had gone missing. When he questioned the people about this state of affairs, their usual reply was 'that the cattle had knocked it down, or that it had been accidentally damaged, but could give no further explanation

concerning it.' He added also that,

'In all of the locations about 50 percent of the numbers have disappeared, either washed off, or the beacons have chipped.

A further problem which was beginning to manifest itself and which was viewed by him with considerable alarm was that of illegal squatting in the district. This ran completely counter to the Glen Grey Act which expressly forbade squatting. Shepherd worriedly observed however that,

'Natives are continually trekking into, and squatting in locations in the district, by whose authority they do so I am not in a position to state.'<sup>55</sup>

The problems encountered in the district of Glen Grey were once again replicated in the Transkeian Territories. In a comprehensive report on the working of the system in the region, Stanford, the Chief Magistrate, reached extremely negative conclusions. There was no doubt in his mind that the system until then had not succeeded and that for the most part individual tenure only existed in theory, while

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55. CA, NA 642, Report by Godfrey Shepherd, Inspector of Natives on Encroachments on Commonages by Natives in the District of Glen Grey, 9 January 1905.

in reality it was the communal system which still prevailed.<sup>56</sup>  
 He despairingly informed the government that,

'Magistrates report the sharing of single land with adult married sons, with other relations, with unrelated friends; .... the land itself being apportioned out or cultivation and its fruit's being common.'

While on the one hand subdivision was taking place, on the other there was strong evidence of 'the accumulation of possession,' something that the system had also to prevent from happening, but in which it had obviously failed.

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56. Brownlee, the R.M. of Butterworth, much earlier than this, had drawn the attention of the authorities to the resilience of tribal society. He informed the S.A.N.A.C. that the Glen Grey Act was not succeeding in breaking-up tribal life. While the intention of the Act was to create a cleavage between the different members of the family - those with rights to the land and those who did not have any (those who had rights to the land were to be established on the soil while the rest were to be thrown off) he pointed out however that the eldest son, on inheriting the land, immediately assumed his responsibility for the maintenance of the other members of the family. Brownlee concluded thus that 'the actual survey of lands has not in any way interfered with that social custom.' The Act, furthermore, had not yet had the effect of 'throwing off a large number of the members of the family and rendering them really homeless.' S.A.N.A.C. Vol. II, p 986.

The people sharing allotments - the so-called 'co-cultivators' - were divisible into two groups, 'the co-residents with the title holders and the squatters on the commonage.'

'The first cannot be touched at present,' he wrote, '.... but the second have, speaking broadly, no rights nor claims to consideration and their presence is an infringement of the privileges reserved by law for titleholders in general.'

The 'squatter problem', according to him, was indeed a matter of grave urgency in the territories. He felt that the government had to make a really serious attempt to gain control of this problem before it got completely out of hand. 'From every point of view,' he appealed, 'the squatter question is in urgent need of settlement ....'<sup>57</sup>

Meanwhile Union was drawing nearer and the outcry for a uniform land policy grew all the more strident. A Select Committee on Native Affairs appointed in 1909 once again drew the attention of the authorities to the utter chaos

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57. CA, CMT 3/789, Control of Surveyed Lands and in the Districts under Proclamation No. 227 of 1898, Office of the Chief Magistrate, Transkeian Territories, 3 December 1909.



that characterized the districts which had been surveyed for individual tenure. It recommended therefore that in view of this situation,

'antecedent to Union, a full inquiry be instituted into the conditions of land tenure as affecting Natives in the Eastern Districts .... with the view of putting an end to existing confusion, which is equally undesirable from the point of view of the Government and those specially affected by it.'<sup>58</sup>

The findings of the Native Affairs Commission<sup>59</sup> duly appointed to look into the functioning of the system of individual tenure were all but flattering. It found that in all the districts which had been surveyed there were many people who were illegally residing on the commonage.<sup>60</sup> Encroachments on common land adjoining surveyed allotments were also quite 'extensive'.<sup>61</sup>

The Commission was not however prepared to reject the system out of hand but attempted instead to give what it considered an 'objective' explanation for the existing state of affairs. It would have been an extreme case of wishful thinking, it argued, to have expected the communal

58. CPP, A. 2 - 09, Fourth (and final) Report of the Select Committee on Native Affairs, p xxi.
59. The Native Affairs Commission, CPP, G. 26 - 1910.
60. Ibid., p 13, para. 22.
61. Ibid., p 22, para. 67.

system to be immediately superseded by individual tenure. Before a true picture of 'the somewhat confused condition of Native land tenure in the Eastern Districts' could be given therefore, the Commission insisted that it was necessary 'to recall the outstanding features of the tribal or communal system under which the natives prior to survey occupied, and in unsurveyed areas still occupy the land.' It pointed out that before the advent of surveys,

'the Natives .... had cultivated the land in irregular patches along the water courses. Huts and kraals were dotted about upon the slopes above, wherever an easterly aspect could be secured, within sight, when possible, of the cultivated lands. Scattered dwellings were preferred, owing both to the absence of sanitary arrangements other than sun and air, and to a superstitious fear of the nocturnal practices of neighbours who might not be friends. Lands were allotted by the Chief, and it was customary for a plot to be pointed out, defined where it came in contact with land already allotted, but often with a morgen for expansion where it abutted on common land. Thus it was regarded not as encroachment, but as a mark of increasing prosperity, for the plough year by year to take in a few additional furrows, or in more primitive times for the hoes of the women to travel a few feet beyond the limit of the preceding season.' [emphasis added].<sup>62</sup>

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62. Ibid., p 17, paras. 42 and 43.

The European system with its penchant for order and for clearly demarcated holdings was therefore completely foreign to their conception of things. Their system, it said, was 'elastic, simple, with mutual obligations understood by all' and it was 'not of a kind readily to be converted by the white man's title and the surveyor's diagram into a picture of rectangle and parallelogram with the lands in orderly blocks and the dwellings in close-packed villages.'<sup>63</sup>

Notwithstanding the problems which were being encountered with the system of individual tenure, government officials through the years not only rallied to its defence but also called for the system to be more widely applied. What was particularly significant about these appeals however, was that for the most part they came from officials who were involved with the implementation of the system and who were therefore reluctant to admit that individual tenure had been a failure. The 1903 Select Committee on the Glen Grey Act, for example, quite substantially influenced by such people, optimistically stated in its report that it was,

'convinced that the operations of the Act have been .... most beneficial to the natives concerned. Individual tenure and local self-government have done much, and will in the future do more to lead

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63. Ibid., p 18, para. 45.

the aboriginal native in the path  
of improvement.'<sup>64</sup>

Jenner, a former Resident Magistrate of Glen Grey, in his evidence before the Committee maintained that the 'new system' was succeeding in undermining tribal society and he strongly believed that as a result of the changes which had been introduced the chieftaincy was 'dying out fast.'<sup>65</sup>

Another former Resident Magistrate, Sweeney, also only had praise for the system. The issuing of title was defended on the grounds that it had the effect of keeping some men in the district and turning them into black farmers while at the same time inducing ' [their] sons to go away.'<sup>66</sup> Over and above this however he held that it promoted 'loyalty' among the Africans. He confidently claimed that if you gave,

'a certain percentage of [the] men  
title to their land you at once  
secure a body of men on your side,  
who, having a stake in the country,  
will endeavour to advise the other  
people to assist you.' [that was in  
the event of wars rebellions and  
so forth ].<sup>67</sup>

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64. CPP, A1 - 1903, p iv, para. 7.  
65. Ibid., p 37, para. 360.  
66. Ibid., p 97, para. 1027.  
67. Ibid., p 98 para. 1035.

The South African Native Affairs Commission, although more cautiously, was also to come out in support of the system of individual tenure. While the communal system might have been compatible with tribal society; 'indeed', it acknowledged, 'it was originally the only possible form,' there were now however, according to the Commission, a number of people who desperately wanted to break free from the restrictions which this system imposed on them. This was particularly manifest amongst people who had been exposed to 'education' and who had had 'contact with civilization.' These people, it averred, 'fret under [the] conditions of communal life [and seek] alike the opportunity to gain independence and assert individualism.' The government had to be responsive to such signs, it said, as 'There arrives a time when it becomes necessary to consider whether a system has served its purpose and prepared the way for change.'<sup>68</sup>

At the end of its sitting the Commission was therefore to forward the following recommendation to the government:

'Recognising the attachment of the Natives to and the present advantages of their own communal or tribal system of land tenure, the Commission does not advise any general compulsory measure of sub-division and individual holding of the lands now set apart for their occupation; but recommends

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68. S.A.N.A.C. Vol I., p 26.

that movement in that direction be encouraged and that, where the Natives exhibit in sufficient numbers a desire to secure and a capacity to hold and enjoy individual rights to arable plots and residential sites on such lands, provision should be made accordingly under well-defined conditions.' [emphasis added].

The recommendation was further embellished by it. 'Individualism,' it held, 'is ultimately conducive to greater industry, enterprise and production; .... it disintegrates tribalism, checks retrogression and promotes progressive growth in a healthy manner; further, .... a higher sense of responsibility is created whereby those in occupation of holdings must realize that they have much to lose by misbehaviour.'<sup>69</sup>

The Native Affairs Commission of 1910, an important pre-Union investigation into 'the condition of the natives as affected by the tenure of land ....'<sup>70</sup> also called for the further extension of the system of individual tenure. It had 'no hesitation,' it said, 'in recording the opinion that the conversion of Native land tenure from the communal to the individual system is a necessary and beneficial step.' The great advantages of individual tenure, according to it, were to be found 'in the solution which it presents of the

69. Ibid., p 27.

70. CPP, G. 26 - 1910, p 7.

tendency to congestion, or what under the communal system would amount to congestion in Native areas.'<sup>71</sup>

The Commission contended further that survey 'for individual occupation checks any further reduction in the average extent of arable allotments, and, as the law at present stands, finally sets a limit to the hitherto steady advance of the arable upon the pastoral area.'<sup>72</sup> As far as it was concerned also the introduction of the system had been most 'beneficial' to those people who had been brought under it, 'manifesting itself,' it held, 'in a greater sense of individual responsibility, in the development of business initiative, and in the improvement of the land.'<sup>73</sup>

The government officials who supported the further extension of individual tenure attributed whatever shortcomings and failures there might have been in the working of the system to a lack of proper control and supervision. Shepherd, the Inspector of Natives for Glen Grey, pointed out in the concluding remarks of his report that he had been told by the people that his visit had been 'the first time [that] a white man had ascertained their allotments since the issue of the same.'<sup>74</sup>

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71. Ibid., p 26, paras. 87 and 88.

72. Ibid., p 26-27, para. 88.

73. Ibid., p 28, para.93.

74. CA, NA 642, Report by Godfrey Shepherd, 9 January 1905.

Garstin, the acting Resident Magistrate of Glen Grey, also tried to convince the South African Native Affairs Commission that the abuses in the system were due to the 'want of supervision.' To remedy the problem, he recommended that the Government,

'have a certain number of Location Inspectors appointed, whose duty it shall be to attend the meetings of the Location Boards .... These Location Inspectors could also be Revenue Officers and assist in the collection of the quitrent, and they could, while moving about in these locations, ascertain who the people are [who] are encroaching upon the commonage to which they have no right.'<sup>75</sup>

Over the years the magistrates in the districts where the land had been surveyed became ever more vociferous in their appeals for location inspectors. They were convinced that once such inspectors were appointed the administration of the Glen Grey system would immediately be made more effective and efficient. At an Official Conference of Magistrates in 1915 they therefore passed the following resolution;

'That the pressing necessity for the appointment of Location Inspectors be again brought to the notice of the Government.' [emphasis added].



The government had however persistently held out against this proposal, believing that it would involve extra expenditure on its part. The magistrates, on their part, had insisted that the exact opposite would be the case. The Chief Magistrate of the Transkeian Territories contended that any additional expenses would be met,

'not only by the increased revenue from surveyed districts due to the change in the incidence of taxation, but by the greater amounts which would I think be collected from defaulters, while the direct effect of such appointments in assisting to tighten up land administration in surveyed districts would be inestimable.'

The Resident Magistrate of Mqanduli, Welsh, also pointed out that 'at the various stations in the Cape Province at which he had served there were practically no revenue outstanding in districts with Inspectors, while at one station which had no inspector the outstandings amounted to £2,000.'<sup>76</sup>

The government was not however to be convinced by these arguments and the Department of Native Affairs was to reply to the Chief Magistrate that while 'the desirability of such appointments is recognised, the existing financial situation does not admit of the necessary provision being

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76. CA, CMT 3/780, Chief Magistrate to Secretary for Native Affairs, 25 November 1915.

made on the estimates.<sup>77</sup>

Although magistrates and other government officials, mostly based in the Cape Province, might have been calling for the extension of individual tenure to other African territories, the government itself was steadily moving in the direction of abandoning the system. There were numerous factors which influenced the government in finally taking this decision and the focus will now be directed to an examination of these reasons.

There were other districts in addition to the four that have been dealt with which were later surveyed. The districts being referred to here are Xalanga, where survey was completed in 1914, Umtata, where survey was completed in 1919 and Engcobo, where the survey was completed in 1923. From their accumulated experience, the government officials who had been involved with the introduction of individual tenure were forced to concede that the survey of a district under the Glen Grey system was a far too complicated and time-consuming process.

At an Official Conference of Magistrates held in 1919 the time-factor involved in surveying a district came under

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77. CA, CMT 3/780, Department of Native Affairs to Chief Magistrate, 21 January 1916.

serious discussion. Most of the officials present at this Conference agreed that the survey of the districts had been too drawn-out and elaborate.

During discussion the Secretary for Native Affairs, M.C. Vos, observed that in the Transkei, 'it had taken some twenty years to survey  $5\frac{1}{2}$  districts.' If this was to be the normal procedure then he was anxious to know what the position would be in '100 years time.' He reminded the magistrates that there were 27 districts in the Transkei and of these it was expected that the survey of seven would be completed in 1925. If 'seven districts took 25 years to complete,' he said, '19 surveys at 3 years a survey would take 57 years.' They were also not to lose sight of the fact, he said, that at the completion of the survey of these seven districts, 'it will be necessary to go back to the first district again and re-survey.'<sup>78</sup>

The Resident Magistrate of Engcobo best put into perspective the problems involved with the survey of a district. The preliminary survey of his district was begun early in 1916 and in October 1919 he informed the Chief Magistrate that Hall, the surveyor-in-charge, only expected to complete the work in about March 1921. 'Preliminary work,' he pointed out, 'will have occupied a period over five years.' He claimed however that notwithstanding the promise made by

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78. CA, CMT 3/780, Chief Magistrate to Secretary for Native Affairs, 10 June 1919.

Hall it was 'not anticipated that the whole survey of the district will be completed before the end of 1923.'

'Thus the work of survey of this district,' he told the Chief Magistrate, 'including the preliminary survey will have occupied a period of over seven years.'

In the light of this he therefore had strong reservations about the practicality of the system.

'the feature which strikes one mostly,' he wrote, 'is the time that it takes to complete the survey of one district-over seven years! This inflicts unnecessary hardships on the people. While survey is on no fresh land may be plowed [sic], or even fresh pieces between lands, land disputes have often to be hung up indefinitely, new kraal sites are issued precariously till residential areas are defined, and so on.'<sup>79</sup>

The Conference of 1919 seems to have marked something of a turning-point in the thinking of government officials with regard to the way in which the surveys had been carried out. Doubt was also steadily creeping in as to whether individual tenure was indeed the best system for the Africans.

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79. CA, CMT 3/709, R.M. to Chief Magistrate, 25 October 1919.

Mr. Apthorp, the then Resident Magistrate of Glen Grey, seriously questioned 'whether the system of individual tenure is worthy of all the praise bestowed on it.' He pointed out that in his district 'the present position is that 1/3 rd of the allotments are not being occupied by its [sic] registered holders.' According to him also very little, if anything, had been 'gained by survey and the issue of Title Deeds: this was no more advantage to the holder than the communal tenure system.'

Similar sentiments of gloom and pessimism were expressed by other resident magistrates. Wright, the Resident Magistrate of Xalanga strongly believed that 'as far as his district is concerned the troubles are only just commencing.'

Vos nevertheless still contended that there was hope for the system. The solution, he maintained, lay in a more simplified survey. 'A rough survey,' he argued, 'was all that was necessary.' He elaborated further on his proposed scheme;

'.... the lands would be surveyed in blocks. Surveyors should be used for laying down rough survey. The survey would be correct to approximately, say to  $\frac{1}{2}$  morgen of land.'

He added that 'if the Native chooses afterwards to have a true survey, give it to him, if he likes to pay for it.' [emphasis added]. While under the present system survey cost £4:5:0 per allotment, under the system proposed by him 'the probable cost,' he said, 'would be about a

sovereign.' He recommended also that no extra trouble should be taken with beacons, except that they should be clearly marked.

A prerequisite for the success of this scheme, however, was the presence of inspectors in the districts whose main duty would be 'to do outdoor work in connection with the allotments.'

Vos's proposals eventually won the day and at the end of the Conference the resolution was unanimously carried:

'That in the opinion of this Conference in order to complete the survey of these Territories within the present generation instead of 100 years hence, a modified form be adopted obviating the excessive details at present required. That only sufficient measurements be taken to enable surveyors to frame sketches for issue of title and that field officers be appointed to each district immediately.'<sup>80</sup>

Meanwhile however the earlier problems encountered with survey were compounded in the newly surveyed districts. The government was once again saddled with problems of outstanding survey deposits, arrear quitrents, irregularities with regard to the transfer of allotments, encroachments on the commonages and so forth.

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80. CA, CMT 3/780, Chief Magistrate to Secretary for Native Affairs, 10 June 1919.

In a letter to the Chief Magistrate soon after the survey of Xalanga had been completed, the Resident Magistrate informed him that he was experiencing 'slow progress in the recovery of these expenses' [meaning survey deposits], the amount outstanding being £6540:6:9. He blamed this poor record on the 'bad seasons experienced during the last year or two.'<sup>81</sup>

The Chief Magistrate however expressed himself as extremely unhappy with this state of affairs for he did not feel that it could be permitted that a district should have 'nearly 50% of the amount due outstanding.'<sup>82</sup>

The Resident Magistrate of Umtata also experienced problems in recovering the survey expenses for his district. In 1918 the amount outstanding was given as £35902.<sup>83</sup> He was not to have much success in reducing this deficit as in 1921, £8982 was still outstanding.<sup>84</sup>

The situation in Umtata alarmed the Auditor-General who informed the Secretary for Lands that 'arrears due in some cases since 1915, amount to over £10,000.' He said

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81. CA, CMT 3/784, R.M. to Chief Magistrate, 10 March 1916. For a more complete breakdown of expenses incurred in the district see Appendix L.
82. CA, CMT 3/784, Chief Magistrate to Native Affairs Department, 26 April 1916.
83. CA, CMT 3/784, R.M. to Chief Magistrate, 23 July 1918.
84. CA, CMT 3/784, R.M. to Chief Magistrate, 27 April 1921.

that he was especially perturbed as Umtata was only 'one of eight districts.'<sup>85</sup>

In Engcobo the position was not to be much different where in March 1921 the Resident Magistrate reported that the amount outstanding was £27879. Of this amount £11,330 remained unpaid, the other money not yet being due. He informed the Chief Magistrate that the people had claimed that their reason for not paying their expenses was because they were 'still suffering from the effects of the severe droughts of the past two years.' He did not doubt that this had been a factor but told the Chief Magistrate that he would nevertheless still be taking action against defaulters as the people had of late been having much better seasons.<sup>86</sup>

The more concerted efforts undertaken by the Resident Magistrates to square their books were however to no avail. The Secretary for Native Affairs, as could be expected, was extremely unhappy with this situation. 'The question of collecting the initial survey fees; he told the Chief Magistrate, 'has been causing considerable difficulty in the newly surveyed districts.'<sup>87</sup> Survey expenses still outstanding in the three districts in 1922 were alarmingly high:

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85. CA, CMT 3/784, Acts. Controller and Auditor General to Secretary for Lands, 16 March 1921.
86. CA, CMT 3/784, R.M. to Chief Magistrate, 10 May 1921.
87. CA, CMT 3/784, Secretary for Native Affairs to Chief Magistrate, 26 January 1921.



Umtata - £ 4432  
 Xalanga - £ 1812:9  
 Engcobo - £38920:15<sup>88</sup>

There is very little doubt then that the survey of African lands was increasingly coming to be seen as a financial burden on the government. This, together with the protracted process involved in surveying a district, and the negative way in which the people responded to the changes introduced, led the government to consider seriously whether it was worth the effort to continue promoting the system. Vos, at the Conference already referred to had in fact been forced to admit that 'in five or 10 years more, at the present rate, hopeless chaos will result.'

There was the further and perhaps more important issue of the system of individual tenure having become somewhat redundant. In the minds of its originators individual tenure had been conceived as essentially a labour mobilizing device, but by the second decade of the twentieth century other forces had come to dominate in promoting a supply of labour.

The main factor in this regard was the appalling conditions which prevailed in the African rural areas.

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88. CA, CMT 3/784, File No. 389 forwarded to Secretary for Native Affairs, 9 June 1922, of Minutes Nos. F. 15/23/22; F. 36/2687; No. 67/3420.

Chronic land shortages, excessive overcrowding and crippling poverty were sufficient to force thousands of people onto the labour market. The Land Act of 1913, which further restricted the access of people to land, did much to contribute to an increased supply of labour. It soon became a common practice for thousands of Africans to seek work regularly in the 'white' urban areas. As a result of this constant exodus of people from the 'reserves' the system of migrant labour became firmly entrenched in the fabric of South African society. The problem was later to become not how to force the people off the land but how to ensure that they did not stream to the urban centres in uncontrollable numbers.

The concern of the authorities with the urban areas becoming flooded by Africans was reflected in the legislation of the period. The first, although abortive attempt to devise a policy to control the entry of Africans into the urban areas, was in 1912. While nothing came of this, repeated attempts were to be made in the years which followed to pass legislation restricting the rights of Africans in the urban areas. A further attempt in this direction, which also came to naught, was made in 1918. It was not to be until 1923 that an Urban Areas Act was eventually passed.<sup>89</sup>

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89. For a more detailed treatment of the development of urban legislation for Africans in South Africa see - T.R.H. Davenport, "The Beginning of Urban Segregation in South Africa", I.S.E.R. (1971) and, "African Townsmen? South African .....

There were a number of reasons why the introduction of urban legislation for the Africans was viewed as such an urgent issue. Health factors certainly played a part,<sup>90</sup> as did naked 'white' racism,<sup>91</sup> but a far more powerful motive was the threat which thousands of 'rightless' Africans in the urban centres were considered to pose.<sup>92</sup>

The permanent urbanization of the African people was something which until then the 'white' authorities had not

Footnote 89 continued:

- Townsmen? South African Native (Urban Areas) Legislation through the Years", African Affairs (1969).
90. See Davneport (1971), p 6, also M.W. Swanson, "The Sanitation Syndrome Bubonic plague and Urban Native Policy in the Cape Colony, 1900-1909", Journal of African History, XVIII, 3 (1977), p 408.
91. see C.C. Saunders, "The Creation of Ndabeni: Urban Segregation, Social Control and African Resistance" (unpublished paper), p 8-9; also N. Kagan, African Settlements in the Johannesburg Area - 1903-1923, M.A. University of Witwatersrand (1978), p 176.
92. Legassick makes a similar point. He agrees that 'slums posed in themselves a hygienic threat to the whole population; but strongly contends that 'the manner in which this problem was overcome was directly related to the prior need for control of Africans in the urban areas.' M. Legassick, 'The Making of South African "Native Policy", 1903-1923: The Origins of Segregation', Institute of Commonwealth Studies, Postgraduate Seminar. Paper for discussion on 15 February 1972, p 9.

thought very seriously about. Reference had periodically been made to the 'surplus population' which would result if the land provisions of the Glen Grey Act came into effect, but it had hardly ever gone beyond conjecture. Way back in 1903 already, R.W. Rose-Innes, in his article on the Glen Grey Act, had attempted to draw the attention of the authorities to this potential problem. The Act, he had pointed out,

'gives to each adult as far as possible, a present holding, carefully surveyed and demarked [sic]. No more titles are to be issued in the future .... The Glen Grey Act has shut the door upon the present generation ..... To-day, 200,000 men or more obtain free grants of land, averaging 8 or 10 acres. We secure this land to the Native and to the Native alone but I ask... What of the future? What of the overflow?'<sup>93</sup>  
[emphasis added].

Innes granted that the labour market would be able to absorb some of these people, but 'what of the remainder,' he queried,

' [that] ever-increasing remainder? [who] must have homes, houses, resting-places, a piece of soil or a habitation to call their own ....'<sup>94</sup>

By the end of the first decade of the twentieth century the problems identified by him had come home to roost. In 1918 it was estimated that there were already half a million

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93. R.W. Rose-Innes (1903), p 45-6.

94. Ibid., p 47.

Africans in the Union's urban areas. This rapid growth in African urbanization was viewed with considerable alarm by the authorities. They were aware that a further increase in the African population was inevitable unless steps were taken to stop it, and the prospects of such a development did not at all augur well for the future. Their concern with this 'new' state of affairs was graphically reflected in an observation made in an annual report of the Department of Native Affairs;

'Assuming that the ideal to be arrived at is the territorial separation of the races, there must and will remain many points at which race contact will be maintained and it is in the towns and industrial centres, if the economic advantage of cheap labour is not to be foregone, that the contact will continue to present its most important and disquieting features. The above figures are eloquent of the number of natives in the towns in 1911 (508,142 Africans were resident in towns - 34,38% of the urban population); that number has increased and will increase to an ever greater extent as the industrial future of the country develops. It is in the town that the Native question of the future will in an ever-increasing complexity have to be faced.'  
 [ emphasis added ].<sup>95</sup>

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95. Quoted in P.Kallaway, F.S. Malan - "The Cape Liberal Tradition, and South African Politics 1908-1924," Journal of African History, XV 1 (1974), p 124.

The urbanization of the Africans was also having other disquieting consequences. This was mainly manifested in the emergence of African trade unions, most notably the Industrial and Commercial Workers Union of Clements Kadalie,<sup>96</sup> and in increasing strike activity by the black working class. In his report for the years 1919 to 1921 the Secretary for Native Affairs drew the attention of the government to these developments. The most notable feature of the past years he remarked, was the significant growth in the 'race consciousness of the South African Native' who had been expressing their grievances more forcefully and clearly. The period had as a result seen an increased agitation on the part of black workers for higher wages and for a general redress of other grievances.<sup>97</sup>

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96. See P.L. Wickins, The Industrial and Commercial Workers Union of S.A., Oxford University Press (1978).
97. U.G. 34 - '22, p 1-2. Kallaway has compiled a useful summary of urban unrest during this period:
- 1917 Dec. - Riots in Kimberley
  - 1918 Jan. - Riots in Johannesburg
  - Feb. - Boycott by Africans of East Rand stores against rises in food prices.
  - A.N.C. pass burning campaign
  - 1919 March - I.C.W.U. demonstrations in Bloemfontein
  - April - Africans and police clash in Johannesburg
  - Dec. - I.C.U. strike on Cape Town Docks
  - 1920 Feb. - 40,000 African Mine-workers strike on the Witwatersrand
  - Oct. - Port Elizabeth riots and shootings, op cit., footnote 37, p 120.

By this stage however the urbanization of Africans was a reality and there was no way in which the changes which had taken place could be reversed. The most significant indicator of the extent to which this process had taken place was the massive African mine-workers strike of 1920. At its height the strike drew in over 40,000 mine workers, but what was particularly startling to the government was that it involved migrant labourers who were generally believed to be the most conservative section of the black working class, given their still strong tribal backgrounds and the tenuous nature of their contracts with their employers. Bonner contends however that 'as a result of the growing contradiction between capitalist and pre-capitalist modes of production, as well as the growth of national capital in the course of the war, there arose a much larger permanently urbanized black working-class on the Rand,' and one, we may add, much more confident and determined to seek redress for their grievances than had been the case with their predecessors. The intensity of the strike and 'its rapid expansion', he claims, 'provoked a crisis for the state, for it was unable to accommodate sufficiently quickly the needs of this class.'<sup>98</sup> The strike also finally demonstrated

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98. P.L. Bonner, "The 1920 Black Mine-workers strike: a preliminary account", in, Labour, Townships and Protest - Studies in the Social history of the Witwatersrand, Compiled and Introduced by B.Bozzoli, Ravan Press (April 1979), p 282.

to the government that it was dealing with a black working class which had come to stay and the only recourse still left to it therefore was to attempt to control the pace of urbanization, to place checks on Africans entering the towns and once they had entered, to restrict their movements.

The universal introduction of the system of individual tenure would have served to counteract the attempts of the government to control the pace of urbanization and to keep the African people in the 'native reserves'. The migrant labour system, which was seen as a check to the permanent urbanization of the Africans, could only hold sway if the people still retained some access to the land, in other words, if the traditional system of landholding still prevailed. Those Africans who were excluded from the system of individual tenure as a matter of course lost their rights to the land. If the provision of 'one-man-one lot' was to be as strictly enforced as the magistrates were calling for, this would have meant that those members of the family who were not entitled to land, would have been forced to seek a livelihood in the urban areas. There would also have been no incentive for them to return to the reserves as in most cases there was no more vacant land in these areas.

Individual tenure thus, in either the reserves or the urban areas, if effectively administered and with efficient supervision, would have struck at the very roots of the 'Stallard doctrine' which spelt out quite unequivocally that,



'the native should only be allowed to enter the urban areas, which are essentially the white men's creation, when he is willing to enter and to minister to the needs of the white man, and should depart therefrom when he ceases so to minister.' [emphasis added].<sup>99</sup>

The main concern of the government during this period was then quite clearly to limit and control the process of proletarianization which was taking place. The introduction of individual tenure in all the African areas would have meant however the creation of a permanent and largely urbanized black working class. The authorities correctly foresaw the political dangers inherent in such a development. If the policy of segregation - which by then the government had firmly decided upon were - to be successfully implemented then it was imperative that a territorial base be supplied for the Africans. This in turn could only be ensured if the communal system of landholding remained intact as it guaranteed access to the land for most of the people.

There was a further political consideration which influenced the government in its decision to abandon the system of individual tenure. It had long been held that

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99. Quoted in Davenport (1969), p 95.

individual tenure served to undermine the authority of the chiefs and other traditional leaders as it took control of the land away from them, and with this their control over the people. While initially, as has been seen, the government was desirous of such a development occurring, over the years however a distinct change in policy was to take place. The change in thinking was reflected in the report of the Native Affairs Commission of 1910. The Commission informed the government that it had discovered, while conducting its investigations, that tribal life had a 'healthy restraining influence' over the people which would be in the best interests of the government 'as far and as long as possible to preserve to the rising generations of natives.'<sup>100</sup>

The Chiefs were no longer also to be seen as the 'enemies' of the government but instead as potential allies as the opposition which they might have put up in the past was 'passing or had passed away.' To its surprise the Commission had found,

'the Chiefs and Headmen discharging important and useful functions as Government servants in the administration of District Affairs, and doing so more in deference to the traditions of the posts they occupy than in direct return for the disproportionately small allowances

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100. CPP, G. 26 - 1910, p 15, para. 37.

which are paid to them for their services.<sup>101</sup>

Bundy and Beinart have also pointed out that while the Chiefs and Headmen at first opposed the Glen Grey system (they were referring here more particularly to the council system) ;

'When it became clear that the council system would not threaten their position radically, when headmen realized the scope offered them by magistrates.... their opposition subsided.'<sup>102</sup>

Hammond-Tooke, in fact, in a study of the council system from its inception until its demise discovered that while it might have been devised as an attack against the authority of the Chiefs - "It was explicitly designed to encourage what might be called non-traditional leadership," he wrote - in the end the exact opposite resulted. He found that,

'....no less than 105 councillors (76%) were either chiefs or headmen, paid officials of the Department of Native Affairs .....,<sup>103</sup>

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101. Ibid., p 26, para. 87.

102. C. Bundy and W. Beinart (1980), p 279.

103. W.D. Hammond-Tooke (1968), p 466. For a breakdown of the Occupation of District Councillors see Appendix M.

The system of individual tenure had become cumbersome, it was in administrative chaos and the original reasons for its introduction no longer existed. In fact it was beginning to run counter to government policy of the day, for as Kallaway has perceptively shown, the northern provinces, represented in the South African Party and later the National Party, were increasingly to gain influence over the direction of 'native policy'. The tradition of Cape politics, of which it has been argued the Glen Grey system formed an integral part, was in the end, he maintains, to prove 'irreconcilable with post-Union native policy.'<sup>104</sup> The policy which the government had now embarked upon was the territorial and social segregation of the 'races' and these principles, according to him, were firmly established in the 1913 Land Act. As a consequence the Glen Grey system with its provisions for an African producing class and a stable proletariat completely divorced from the land, rapidly became little more than a political relic from the past. The proverbial 'last straw' was to come in the form of the Vos Report of 1922.

M.C. Vos, a one time Secretary for Native Affairs, was appointed to investigate and report on the system of individual tenure from the time that it had first been

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104. P. Kallaway (1974), p 129.

introduced for Africans. His findings on the functioning of the system were finally to convince the government that individual tenure had been an unmitigated failure.

The early experiments, according to him, had all ended up in chaos, as the people had not understood the new form of tenure, particularly the regulations covering the transfer of allotments;

'it was discovered,' he reported, 'that in a large number of cases, the men in possession were not the legal owners of the land, and they were occupied by either the descendents of the original grantees or by the purchasers who had not taken transfer.'<sup>105</sup>

His impression of the working of the pre-Glen Grey surveys was therefore exceedingly negative;

'One can come to no other conclusion than that the grants to natives before the passing of the Glen Grey Act is in an utter state of chaos, and some steps must be taken to place them on a sound basis.'<sup>106</sup>

He pointed out that the Glen Grey Act had envisaged a more simplified system than that which had previously existed, particularly with regard to the transfer of land,<sup>107</sup>

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105. U.G. 42 - 1922, p 1.

106. Ibid., p 5.

107. Ibid., p 6.

but notwithstanding this, even the Glen Grey form of tenure had not been very successful. In Glen Grey itself it had been found that '40 per cent of all allotments were in the possession of the wrong people.' A great number of beacons had also gone missing, while encroachments on the commonage were a regular occurrence.<sup>108</sup>

The Glen Grey system of tenure had later been applied to some of the locations in the King William's Town and Victoria East Divisions, but with the exact same results. According to Vos then little success on the working of the system could be recorded for the Ciskei.<sup>109</sup>

The experience of the Transkeian Territories which had been surveyed under the Glen Grey system had not been much different. He seriously doubted whether the issuing of title to the people in the seven districts had resulted in any settlement of the 'land question'. There was still a large number of people in these districts who were living on and cultivating the commonages although they had no right to do this.

The districts had also become a financial burden on the government. The quitrent outstanding up to 31 July 1922 in the surveyed districts of Butterworth, Idutywa, Nqamakwe, Tsomo, Umtata and Xalanga was £39775:16:3. In Engcobo where all the titles had not yet been issued, it was £2762:2:3.<sup>110</sup>

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108. Ibid., p 5.

109. Ibid., p 6.

110. Ibid., p 7.

In addition to this the government was also spending huge sums of money replacing beacons in the districts. In Butterworth alone for example, it had already spent £2721.<sup>111</sup>

Vos did not believe also that the registration of allotments had been very satisfactory. A case in point was Tsomo, where out of 6473 lots granted, the resident magistrate could only account for 1244. This was particularly disturbing as titles had been issued in the district as far back as 1908.

Notwithstanding this negative report, Vos, as in the past, still believed that individual tenure was the best of all possible systems for the Africans. All that was needed to ensure<sup>r</sup> the success of the system, he emphasized again, was proper supervision - there had to be location inspectors.

'If field officers were appointed for each surveyed area, 'he maintained, 'matters I am sure will improve and there will be no necessity to send a surveyor ten years after the survey to relocate beacons at the cost of £2000 for one district to the Government, which will more than pay an Inspector's salary.'

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111. Ibid., p 8.

'Without such an officer,' he added, 'the whole system is a farce.'<sup>112</sup>

Vos also returned to the question of a more simplified form of survey. He contended that the present system was far too complicated and expensive. The survey of Umtata was used as an example of the exorbitant costs involved, where he calculated that the government had spent over £100,000 to introduce individual titles.<sup>113</sup> He did not consider that such expensive surveys could in any way be justified.

'To make the natives in one district pay £75,000 for the privilege of possessing a document which he does not understand and which can be altered by Governor-General's Proclamation appears to me to be outrageous.'

For him 'permanent beacons and some document giving the native fixity of tenure, supplying for such document sufficient data to locate a beacon when lost,' was more than adequate.<sup>114</sup>

It was not however the positive recommendations of Vos but his negative findings which were to determine the response of the government. At a Conference of Cabinet

112. Ibid., p 8.

113. Ibid., p 11-12. For a more complete breakdown of expenditure by the government to survey Umtata see Appendix N.

114. Ibid., p 12.



ministers and other officials specially held to discuss the report of Vos, the government was finally to declare itself as opposed to the further extension of the system of individual tenure.

W.T. Welsh, the Chief Magistrate of Transkei, believed that communal tenure amply suited the needs of the people 'He thought,' it was recorded, 'that a halt might be called to the further survey of Districts for individual tenure. The system was in advance of the people and he doubted their ability to appreciate and make proper use of it, at the present day.'<sup>115</sup>

The Chief Native Commissioner of Ciskei, T.W.C. Norton, concurred with these views. He maintained that 'individual tenure had been imposed upon people who were unable to understand it' and believed that 'the reversion to a system in conformity with native ideas was desirable.'<sup>116</sup>

While there were some officials who supported Vos's recommendations for a less elaborate survey - C.A. Wheelwright, for example, Native Commissioner of Natal,<sup>117</sup> in the end consensus was reached,

'That at present there need be no extension of the survey system in the Transkeian Territories, beyond

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115. Conference upon Native Land Tenure, 17 November, 1922, Herbst Papers U.C.T., p 2.

116. Ibid., p 3.

117. Ibid., see p 2.

the completion of the Engocobo district.' [emphasis added].

A provision was inserted that if the people themselves expressed a strong desire for individual title then the simplified survey proposed by Vos should be adopted. This however was essentially a concession to the 'Cape interests' which in any case was not made with much conviction as the very next proposal was that there was 'no need to disturb the practice of allotment by Superintendents and Headmen, or Chiefs and Councils.'<sup>118</sup> The government in other words had now decidedly<sup>d</sup> come out in favour of some sort of trust system which it believed most closely resembled the traditional system of landholding.

We have now reached the end of our survey of the working of the Glen Grey system of individual tenure. To be sure the system did linger on in those districts which had already been surveyed, but to all intents and purposes, by this date, individual tenure for Africans was no longer being pursued as the solution to the 'native question'. Government policy with regard to this question was moving in the opposite direction. It was the policy of territorial separation - segregation - and its corollary, the migrant labour system which was now being actively promoted and

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118. Ibid., p 4.

to ensue<sup>r</sup> the success of the policy, it was necessary that the Africans be given a firm basis in the land. This meant that the tribal structures of old, and particularly the traditional system of landholding had once again to propped-up and entrenched.

CHAPTER FIVE - CONCLUSION

The basic premise which has informed this thesis is that the system of individual tenure for Africans was a unique experiment in South Africa's history and envisaged a society very different from the one which subsequently evolved.

First proposed by the missionaries and later taken up by the Cape colonial authorities, the system patently aimed at destroying tribal society and incorporating the indigenous people into the socio-economic and political structures of colonial society. The 'new' status to be accorded to the African people was to be of a dual kind - on the one hand that of a peasantry actively participating in the settler agrarian economy and on the other that of a labour force, largely rural, in the employ of the Europeans.

The mineral discoveries of the 1860s and 1880s and consequent 'industrial revolution' in South Africa radically altered this perspective. While initially the colonial government did not abandon its essentially 'assimilationist' approach to the 'native question', a fundamental divergence in policy did take place. The Africans were no longer to be incorporated into colonial society as a producing class but as a working class for it was not their surplus product but their labour which was now needed.

It was in the Cape Colony, the region with the biggest African reserves and therefore believed to 'house' the

potential working class of the country, that the first real concerted attempt was made to set into motion the proletarianization of the African people. It is crucial to bear in mind however that when capitalist relations of production began to dominate in the country, it was the creation of a working class rather than the cost of reproduction of that working class which preoccupied the governing classes. This is central to understanding why the system of individual tenure was transposed into the 'mineral revolution' period. The advantage of the migrant labour system in subsidising the wage of the worker - the mining companies only paid the worker an 'individual' wage contending that his family had access to land in the 'reserves' and therefore to their own means of subsistence - was only to be realized at a later date.

Cecil John Rhodes, a leading capitalist and powerful politician, was in the forefront of this early attempt at proletarianization. The Glen Grey Act of 1894, Rhodes's 'Bill for Africa', represented a conscious and deliberate legislative attempt to bring into existence a working class to minister to the needs of the developing economy, moreover, and this is what was unique about the policy, a working class that would be completely separated from the land. There is very little doubt that Rhodes was attempting, under South African conditions, to replicate what had taken place in the leading capitalist country in the world, Great Britain. The Glen Grey policy then could possibly be viewed

as the South African variant of the enclosure movements, although of-course not on the same scale and hardly as thorough-going.

From the inception the system of individual tenure faced insuperable problems. It generally did not enjoy the support of the people who naturally therefore remained extremely suspicious of the intentions of the government, They never really accepted the government's reassurances that individual tenure had been designed with their best interests at heart and as a result deliberately obstructed the smooth functioning of the system.

Scott has usefully put into perspective this marked tendency on the part of people from traditional societies to resist most forms of change and innovation. While essentially commenting on the experience of traditional societies in Europe and Asia, his conclusions can, with some justification, be generalized to that of traditional society in Africa.

Scott's basic argument is that the psychology of people from traditional societies is best understood in terms of what he calls the 'subsistence ethic'. It was the 'fear of food shortages,' which was endemic to 'most pre-capitalist peasant societies,' that gave rise to this ethic.<sup>1</sup> He maintains

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1. J.C. Scott, The Moral Economy of the Peasant, Yale University Press, 1978, p 2.

further that the peasantry over centuries evolved their own technical arrangements to produce the most stable and reliable yield possible under the existing conditions. The social arrangements which subsequently developed grew out of this struggle for survival.

'Patterns of reciprocity, forced generosity communal land, and work-sharing, 'he asserts, 'helped to even out the inevitable troughs in a family's resources which might otherwise have thrown them below subsistence.' [emphasis added].

Scott suggests then that it has been 'the proven value of these techniques and social patterns which has given peasants a Brechtian tenacity in the face of agronomists and social workers who come from the capital to improve them.'

By placing the 'subsistence ethic' 'at the center of the analysis of peasant politics,' he believes that we will best be able to understand their often 'irrational' and 'inexplicable' responses to ruling class initiatives.<sup>2</sup>

To a very great extent the resistance put up by the people to the system of individual tenure reflected their preference for the 'old' and 'tested' order of things, which was essentially 'their order'. By opposing the system they were vainly attempting to preserve, what Scott refers to

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2. Ibid., p 3.

as their 'moral economy', that is;

'their notion of economic justice  
and their working definition of  
exploitation.'

It is only through a study of what constitutes this 'moral economy', he contends, that we will arrive at an understanding of 'what makes them [meaning the traditional peasantry] angry and what is likely, other things being equal, to generate an explosive situation.'<sup>3</sup>

The Glen Grey system with its changed conception of land ownership and usage, its increased taxation and bureaucratic forms of administration produced just such a reaction.

During the period that the authorities were still experimenting with the system of individual tenure as a solution to the 'native question', profound and far-reaching changes were taking place in the country. The economic transformation ushered in by the mineral discoveries was hastening the country along the path of unification. With Union, a stronger and centralized state emerged that was far more capable of dealing with the problems of the country than had been the case while it was still made up of independent and autonomous regions. A single government facilitated the development of a uniform 'native policy which was viewed by the authorities as an

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3. Ibid., p 4.



advance on the isolated and regional responses of the past. The direction that this policy was ultimately to take however was to contrast starkly with the Cape colonial practice.

The post-Union government steadily began to undermine the system of individual tenure until the position was reached where it was abandoned for its direct antithesis-migrant labour. Although it was only in the 1920s that the government officially disbanded individual tenure, the system had however become displaced much earlier. The actual demise of individual tenure had already begun in the early 1900s but with the passing of the Land Act of 1913 it was forever eclipsed for integral to the 'new' policy was the retention of the African 'reserves' as 'reservoirs of labour' and places to which the Africans would be forced to return once their services were no longer required. This signified the entrenchment of the migrant labour system as the solution to the 'native question'.

Marks and Atmore point out that it was during the 'Milner period' that the,

'utility of a policy which would maintain the 'reserves' in order to subsidise the cost of reproducing a migrant labour force was beginning to be appreciated both in official circles and in the intellectual groups which had evolved around some of Milner's advisors.'<sup>4</sup>

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4. S. Marks and S. Trapido, "Lord Milner and the South African State", in, Working Papers in Southern African Studies, Vol. 2, P. Bonner (ed), Ravan Press, 1981, p 77-8.

They then quote the following comprehensive account given by Howard Pim, an accountant of one of the mining groups, on the advantages of migrant labour over permanent proletarianization;

let us assume .... that the white man does turn the native out of one or more of his reserves .... the native must live somewhere. We will suppose that he is moved into locations attached to the large industrial centres - a theory of native management which receives much support .... In the location he is more closely huddled together than he would be in his own country, and finds .... himself in surroundings in which his native customs have no place and he is compelled to purchase from the white man the food which in his own country he raised for himself. What the white man gains, therefore, is little more than the labour required to pay for the food which under natural conditions the native raised for himself.... The white man has not yet shown that in South Africa his cultivation of the simple crops which the native requires can compete with native cultivation .... For a time the location consists of able-bodied people, but they grow older, they become ill, they become disabled - who is to support them? They commit offences - who is to control them? The reserve is a sanatorium where they can recruit, if they are disabled they

remain there. Their own tribal system keeps them under discipline, and if they become criminals there is not the slightest difficulty in bringing them to justice .... As time goes on these location burdens will increase and the proportion of persons in the location really able to work will still further diminish .... it is a fair assumption that at the outside one-fifth of the location population .... is able to work. This means that the wages paid by the employers will have to be sufficient to support four other persons besides the workman ....<sup>5</sup>

The benefits to be derived from the migrant labour system were not of course exclusively 'economic'. The system was in fact to become subsumed in a more general political policy-namely-segregation.

The formulators of the Glen Grey system had envisaged the creation of a permanent and largely urbanized black working class. The political dangers inherent in such a development were not yet realized, but over and above this, the epicentre of resistance was still believed to be the African rural areas and the main 'enemy' of the government, the chieftaincy.

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5. Ibid., p 78.

It was only once the process of proletarianization had been firmly set into motion and the Africans in the urban areas began to clamour for political and economic rights that the authorities recognised the full gravity of the situation. The view which then began to gain wide currency was that the urban areas was the white man's 'preserve' and that the 'natives' should only be allowed to enter them on the condition that they would be ministering to his needs. Once their services had been dispensed with they should return to their 'own' territories.

It was against this background that the partly assimilationist policy of the 'liberal' Cape was shouldered aside by the policy of territorial and social separation of the 'conservative' north. The political party most responsible for providing 'the rural and urban framework of segregation', was the South African Party, which accomplished this between 1910 and 1924.<sup>6</sup>

The shift in policy had profound effects on the 'land question', for if the reserve system was to function efficiently, then it was necessary that land be set aside for the African to which they would have ready access. The

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6. See M. Legassick, "Ideology and Social Structure in Twentieth Century South Africa, The Making of South African 'Native Policy' ", Institute of Commonwealth Studies, 1972, p 9.

system of individual tenure stood in contrast to such a development as it restricted access to land to registered landholders.

It was not to be long therefore before the system was officially abandoned and the traditional or tribal system of landholding again resuscitated. This time however it was not so much the chiefs who were to serve as the trustees of the people but increasingly the government which began to assume for itself this role. The new orientation in land policy was formally adopted with passing of the Natives' Land and Trust Act of 1936.

## APPENDIX A.

Source: CPP G3-94

[ Z. ]

## LABOUR SUPPLIED BY TRANSKEIAN TERRITORIES AND EASTERN PROVINCE.

From Returns received, the following Approximate Analysis has been prepared:—

Percentage of Able Males Going Out.	DISTRICT.	Year.	Colony.	Kimberley.	Free State.	Transvaal.	Natal.	Total.	Estimated Number of Males (Able-bodied) in District.	
76	Tembuland and Transkei	1892	Butterworth .. .. .	1234	283	137	670	2324	3239	
49		Willowvale .. .. .	1559	80	382	1965	13	3999	8000	
35		Idutywa .. .. .	383	26	164	1235	3	1751	5000	
58		Xalanga .. .. .	782	4	27	339	..	952	1500	
7		Umtata .. .. .	100	69	12	357	..	561	8000	
6		Mqanduli .. .. .	141	8	31	153	..	333	5000	
15		Elliotdale (Emsbaali) .. .. .	372	9	78	..	4	463	3000	
33		Engcobo .. .. .	206	727	225	1281	..	2439	7000	
51		Kentani .. .. .	3656	59	95	236	1	4107	8000	
42		Nqamakwe .. .. .	579	285	680	1089	10	2543	6000	
6	Port St. John's .. .. .	..	..	..	3	..	3	50		
26	Tsomo .. .. .	365	233	156	177	..	931	3500		
23	St. Mark's .. .. .	1088	672	465	160	..	2325	10000		
Tl. Av. 33			10465	2455	2392	7522	..	22728	68039	
32	East Griqualand	1893	Maclear .. .. .	113	..	23	1	137	900	
21		Matatielo .. .. .	164	17	129	83	203	593	2821	
1		Mount Ayliff .. .. .	..	1	..	10	18	29	400	
20		" Currie .. .. .	2	..	1	1	55	74	..	
36		" Fletcher .. .. .	1092	9	91	41	19	1252	3440	
		" Frere .. .. .	81	9	20	153	94	357	..	
33		Qumbu .. .. .	880	39	61	95	24	1099	3300	
27	Tsolo .. .. .	956	32	81	224	2	1295	4800		
15	Umzumkulu .. .. .	5	12	..	436	491	944	6000		
			3293	119	406	1059	906	5783	..	
	Eastern Province		Victoria East .. .. .	..	..	..	..	1057	..	
		King William's Town .. .. .	..	..	..	..	..	3001	55000 (ntvs)	
		Lady Frere .. .. .	1891	( 640 coal mines 448 herds.	206	..	( 184 gold fields. 1028 railways	..	2556	..
		Herschel .. .. .	1893	1691	24	810	92	..	2617	..

## APPENDIX B(i).

RETURNS of SURVEYS made between the years 1853 and 1881, in connection with Individual Survey, and other details, called for by the Honourable the

Tenant, showing number of Lots Surveyed, number of Titles Issued and Cancelled, Cost of Commission of Crown Lands, on the 12th June, 1881.

Division.	Name of Location.	Total of Lots Surveyed.	Description of Lots Surveyed.		Total Number of Titles Issued by Surveyor-General's Department.	Titles.		Titles Cancelled.	Cost of Survey.	Amount Refunded.	Area of Commonages.	Approximate area per head of Commonage.	Date of Survey.	Remarks.
			Buildg.	Garden.		Taken up.	Not taken up.							
Peddie .. ..	Matomela's .. ..	728	439	289	728	..	728	728	£ 910 0 0	.. ..	morgen	..	..	..
Do. .. ..	Umthouti's .. ..	171	171	..	171	..	171	171	213 15 0	.. ..	..	..	1860	..
Do. .. ..	Kaulela's .. ..	499	264	235	499	..	499	499	623 15 0	.. ..	..	..	1859	..
Do. .. ..	Kwenkwazi's .. ..	538	269	269	538	..	538	538	672 10 0	.. ..	..	..	1860	..
Do. .. ..	Durban .. ..	120	60	60	120	38	82	82	150 0 0	47 10 0	..	..	1858	..
Do. .. ..	Newtondale .. ..	62	31	31	62	42	20	20	77 10 0	53 10 0	..	..	..	..
Victoria East ..	Lovedale .. ..	58	29	29	58	58	..	..	72 10 0	72 10 0	..	..	1855	..
Do. .. ..	Auckland .. ..	85	44	41	85	79	6	6	106 5 0	90 15 0	..	..	..	..
Do. .. ..	Victoria .. ..	235	117	138	235	253	2	2	318 15 0	310 5 0	..	..	1861	..
Do. .. ..	Ely .. ..	201	51	150	201	193	8	8	.. ..	.. ..	..	..	..	..
Do. .. ..	Gubo .. ..	124	59	65	124	123	1	1	.. ..	.. ..	..	..	1860	..
Do. .. ..	Gwabini .. ..	130	41	93	130	130	6	6	.. ..	.. ..	..	..	..	..
Do. .. ..	Mavuso .. ..	237	131	106	237	227	10	10	1,278 15 0	978 15 0	7,672	15	1861	..
Do. .. ..	Roxem Maniso .. ..	67	..	67	67	66	1	1	.. ..	.. ..	..	..	..	..
Do. .. ..	Kwenzana Maniso .. ..	48	29	19	48	44	4	4	.. ..	.. ..	..	..	1860	..
Fort Beaufort ..	Heald Town .. ..	1,694	847	847	1,694	754	940	940	2,320 0 0	942 10 0	7,739	9	1859	..
Aliwal North ..	Wittebergen Reserve	198	59	139	198	127	71	71	312 15 0	190 11 0	192,133	..	..	..
Stuckenstrom ..	Kat River Settlement	426	..	426	426	426	..	..	1,519 13 0	1,519 13 0	89,197	178	1853 1854	..
Queen's Town ..	Oxkraal & Kamatone	3,780	1,901	1,879	3,780	1,146	1,000	..	5,638 0 0	220 16 0	63,019	33	1877	..
East London ..	Kwelegha .. ..	445	300	145	..	..	..	..	1,211 15 5	.. ..	11,109	77	1873 1879	..
Gelekaland ..	Location 1 .. ..	728	367	361	..	..	..	..	1,137 19 8	.. ..	10,584	29	..	..
Do. .. ..	Do. 2 .. ..	576	202	284	..	..	..	..	1,592 4 2	.. ..	11,048	38	..	..
Do. .. ..	Do. 3 .. ..	853	426	427	..	..	..	..	1,578 14 6	.. ..	10,075	26	1880	..
Do. .. ..	Do. 4 .. ..	517	258	259	..	..	..	..	965 9 2	.. ..	15,785	60	..	..
Do. .. ..	Do. 6 .. ..	527	274	253	..	..	..	..	1,774 0 0	.. ..	12,636	50	1881	..
Do. .. ..	Do. 10 .. ..	544	286	268	..	..	..	..	1,534 0 0	.. ..	8,970	35	1880	..

These surveys represent the work done in Gelekaland under Mr. Macdonald's superintendence, and have cost up to date—£8,582 7s. 6d. The survey of the four remaining

only just been finished. No titles have yet been prepared, and diagrams have still to be examined. Total locations (Nos. 5, 7, 8, and 9) have nearly been completed.

APPENDIX B(ii)

Division.	Name of Location.	Total of Lots Surveyed.	Description of Lots Surveyed.	Total Number of Titles Issued by the Government.	Titles.		Cost of Survey.	Amount Refunded.	Area of Concession.	Approximate area per acre (Coun- monry).	Date of Survey.	Remarks.	
					Taken up.	Not taken up.							
King Wm.'s Town	Location F, near Mount Coko	150	78	78	..	..	£ s. d. 654 15 3	..	morgen 1,937	20	1879		
Do.	Location G, near Mount Coko	950	431	..	..	..	921 16 3	..	11,755	27	"		
Queen's Town	Tambhookin Location	..	..	..	..	..	2,231 15 1	..	187,039	..	1870		
Wodehouse	Do.	..	..	..	..	..	1,953 16 9	..	184,139	..	1871		
King Wm.'s Town	Mount Coko	120	60	60	65	65	180 0 0	..	1,837	30	1866		
Do.	Burnahill	256	130	126	231	25	384 0 0	..	2,505	96	1865		
Do.	Perio	402	201	201	402	148	643 10 0	..	..	..	..		
Do.	Joseph Williams	152	76	76	152	24	273 0 0	..	1,635	21	1868	Mission surveys made under superintendance of Kaffrarian Government.	
Do.	Annahaw	150	75	75	150	..	285 10 0	..	3,286	45	1873		
Do.	Pauline	219	110	109	219	48	355 10 0	3,965 10 0	..	..	1874	No part of expenses defrayed by the Government.	
Do.	Maringatus	126	63	63	126	34	105 0 0	..	881	..	1867		
Do.	Bulazi	58	29	29	58	24	153 0 0	..	1,037	..	1868		
Do.	Gumamahahi Locat.	..	..	..	..	..	..	..	..	..	1866	Surveys were given out on the understanding that the Surveyors were to look to themselves for payment.	
Do.	Buchanan	91	77	14	91	..	147 0 0	..	..	..	"		
Do.	Rosaton	131	35	96	131	83	204 0 0	..	1,993	20	"		
Do.	Maha	41	22	19	41	..	64 10 0	..	..	..	"		
Port Elizabeth	Bethelsdorp	276	109	167	202	181	474 12 0	..	8,384	87	1876		
Ouitshoorn	Dyseldorp	344	133	211	307	307	680 13 6	..	3,110	17	"	Surveys under Act 12, 1853, Government money to pay all costs.	
George	Pecalsdorp	205	..	205	179	161	497 3 11	..	1,615	9	1873		
Swellendam	Zaurbrak	663	323	340	535	261	2,191 10 9	..	5,291	21	1875		
King Wm.'s Town	Peelton, N. & South	403	218	185	284	146	601 10 0	511 0 0	4,821	24	1876	Mission Station, surveyed under Kaffrarian regulations.	
Totals								3,087	37,410 9 4	862,298	881		

\* Not subdivided for the purpose of individual tenure. Several farms have, however, been granted to deserving chiefs and headmen.

From the above returns it will be seen that 18,306 allotments have been surveyed in the various native locations and mission stations, and that 10,046 titles have been issued from the Surveyor-General's Office. Of these 5,008 have been cancelled; 5,003 have been taken up by the grantees. The remainder, viz., 167, are still in the hands of the various Chief Commissioners.

Note.—In accordance with a resolution of the Legislature last session, the Treasury will bear one-half of the cost of survey for the future; Oitral and Kamasstone are to be included in the list. 8,300 titles in duplicate remain to be prepared.



APPENDIX C.

The following Statement shows the number of people, at each location, who were in favour of or against taking title :—

LOCATION.	Number in favour of Title.	Number against Title.
Bengu... ..	250	...
Ndonga .....	86	28
Guba .....	99	19*
Macubeni .....	168	...
Mkapusi .....	61	22
Cacadu .....	175	100
Ncuka—Lady Frere .....	1	122*
Cacadu .....	119	26*
Cacadu Mission .....	30	6*
Driver's Drift.....	495	205
Bolotwa .....	75	244
Mbirzana .....	266	196
Qoqodala.....	220	226
Buffel Doorns.....	138	291
	2,183	1,485

\* These people afterwards sent representatives, who appeared before the Commission, and stated that they had changed their minds, and now want title.

# CAPE OF GOOD HOPE.

## The Petition of Residents in the Glen Grey District.

Printed by Order of Mr. Speaker.

August, 1893.

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE  
HONOURABLE THE HOUSE OF ASSEMBLY, IN  
PARLIAMENT NOW ASSEMBLED.

The Petition of the undersigned, Chairman of Tembu Meeting in the Glen Grey District, on behalf of and by authority of the residents thereof,

HUMBLY SHEWETH,—

I. That the people of Glen Grey will accept titles to land under the following conditions.

II. That the land be first divided into commonages and titles issued to each commonage.

III. That the people be allowed to elect a board of management from among themselves, such board to regulate commonage, irrigation rights, &c.

IV. That no trader be allowed to erect shops, garden plots, &c., without the consent of the people and board of management.

V. That the land granted under the above conditions may not in any way be security for debt; that the land should be transferred only between native and native, and that no new comers be admitted without the consent of the people and board of management.

VI. That the land be the property of the grantee and his or her heirs, except in case of rebellion, when the land should be forfeited to Government.

VII. That no one be allowed to sell the ground without the consent of the people and Government.

VIII. That in case of the grantee's demise without survivors or heirs, the land should fall into the hands of the management board, who would in conjunction with the people and Government deal with it according to circumstances.

IX. That the people are well satisfied with the late Glen Grey Commission report, and only wish for the addition of the foregoing, which they wish your Honourable House to promote, or to grant some other relief as to your Honourable House may seem fit.

And your Petitioner as in duty bound will ever pray.

his  
KLAAS X MAKASI,  
mark

Chairman.

Witnesses :

P. M. FYOBA,  
JAMES M. PELEM.

Dated at Lady Frere, this 2nd day of August, 1893, in the presence of the subscribing witnesses.

## APPENDIX E.

Source: CA CMT 3/784 - Secretary for Lands to Secretary for Native Affairs, 7 April 1921

SURVEY NATIVE LOCATIONS } TOTAL EXPENDITURE AND  
RECEIPTS TO 31.3.20.

District.	Expenditure.	Receipts.	Dr. Balance.	Cr. Balance.
Glen Grey	£1,123. 7. 6.	1,145. 5. 9.		21.18. 3.
Nqamakwe	19,706. 2. 0.	20,126.18. 3.		420.16. 3.
Tsomo	18,275.10. 0.	17,893.12. 0.	381.18. 0.	
Idutywa	30,668.13.10.	29,964. 8. 9.	704. 5. 1.	
Butterworth	7,192. 3. 9.	7,950.10. 4.		758. 6. 7.
East London	601.10. 0.	648. 0. 0.		46.10. 0.
Xhalanga	14,913. 0. 6.	11,381.12. 0.	3,531. 8. 6.	
Umtata	69,266. 4.11.	37,234.10. 3.	32,041.14. 8.	
King Williams Town	651. 3. 3.	526. 7. 9.	124.15. 6.	
Engcobo	16,153.17. 8.	2,184. 0. 0.	13,969.17. 8.	
	178,551.13. 5.	129,045. 5. 1.	50,753.19. 5.	1,247.11. 1.

## APPENDIX F.

Source: CA CMT 3/784 - R.M. to CMT, 22 February 1916

## Classified Summary of Survey Expenses, TSOMO.

Location.	Initial Debit.	In arrear.	Amounts outstdg. payable, not due.	Vacant Lands.	Amt. Collected.
@	@	@	@	@	£
1, Ngonyama.	£1771	£27.12.6.	£28. 17. 6.	£192. 10/-.	£1522. --.
2, Tsojana.	£1323.	£13.15.--.	£30. 17. 6.	£213. 10/-.	£1064.17.6.
3, Mkwinti.	£ 1596.	£42. 3.9.	£10. 10/-.	£ 59. 10/-.	£1483.16.3.
4, Nconcolora.	£1281.	£65.11.3.	£17.10/-.	£ 17. 10/-.	£1180. 8.9.
5, Gombolo.	£1627.10/-	£62.13.9.	£35.17.6.	£ 73. 10/-.	£1455. 8.9.
6, Qutsa.	£1743.	£32. 5.--.	£43.15.--.	£ 17. 10/-.	£1649.10/-.
7, Lutuli.	£1550.10/-	£41. 3.--.	£21. --.--.	£ 49. --.--.	£1439. 7.--.
8, Mbulu.	£2068.10/-	£63.15.--.	£30. 3.9.	£101.10/-.	£1873. 1.3.
9, Mfula.	£1743.	£72. 3.9.	£51.12.6.	£ 43.15.--.	£1575. 8.9.
10, Caba.	£1540.	£109.17.6.	£20.11.3.	£ 66.10/-.	£1343. 1.3.
11, Xolobe.	£2082.10/-	£104.16.3.	£ 40. 5.--.	£ 42. --.--.	£1895. 8.9.
15, Gqogqora.	£2355.	£ 31. 6.9.	£45. 1.3.	£228.--.--.	£2250.12.--.
16, Mhlanhland.	£1932.	£ 21.17.6.	£ 5. 5.--.	£ 47.--.--.	£1857.17.6.
Total.	£ 22,613.	£689.1/-.	£381.6.3.	£951.15/-.	£20590. 17.9.

Total Cost of Survey less Collected

£ 22,613. --.  
£ 20,590.17.9.

leaving uncollected unaccumulated Debit

£ 2,022. 2.3. of which £ 951.15.- leaving

RWT.

Accumulated Debit

£ 1,070. 7.3.

APPENDIX G.Breakdown of Survey Expenses Outstanding for the District of Butterworth.

a) On Allotments taken up and not forfeited	£ 18 : 16 : 3
b) On Allotments taken up but subsequently forfeited and not reallotted	£ 43 : 7 : 6
c) On Allotments not taken up	£ 283 : 10 : 0
TOTAL	<u>£ 345 : 13 : 9</u>

Source: CA CMT 7/84 - R.M. to Chief Magistrate, 26 February 1916

APPENDIX H.Breakdown of Survey Expenses Outstanding for District of Ngamakwe.Initial Debt.

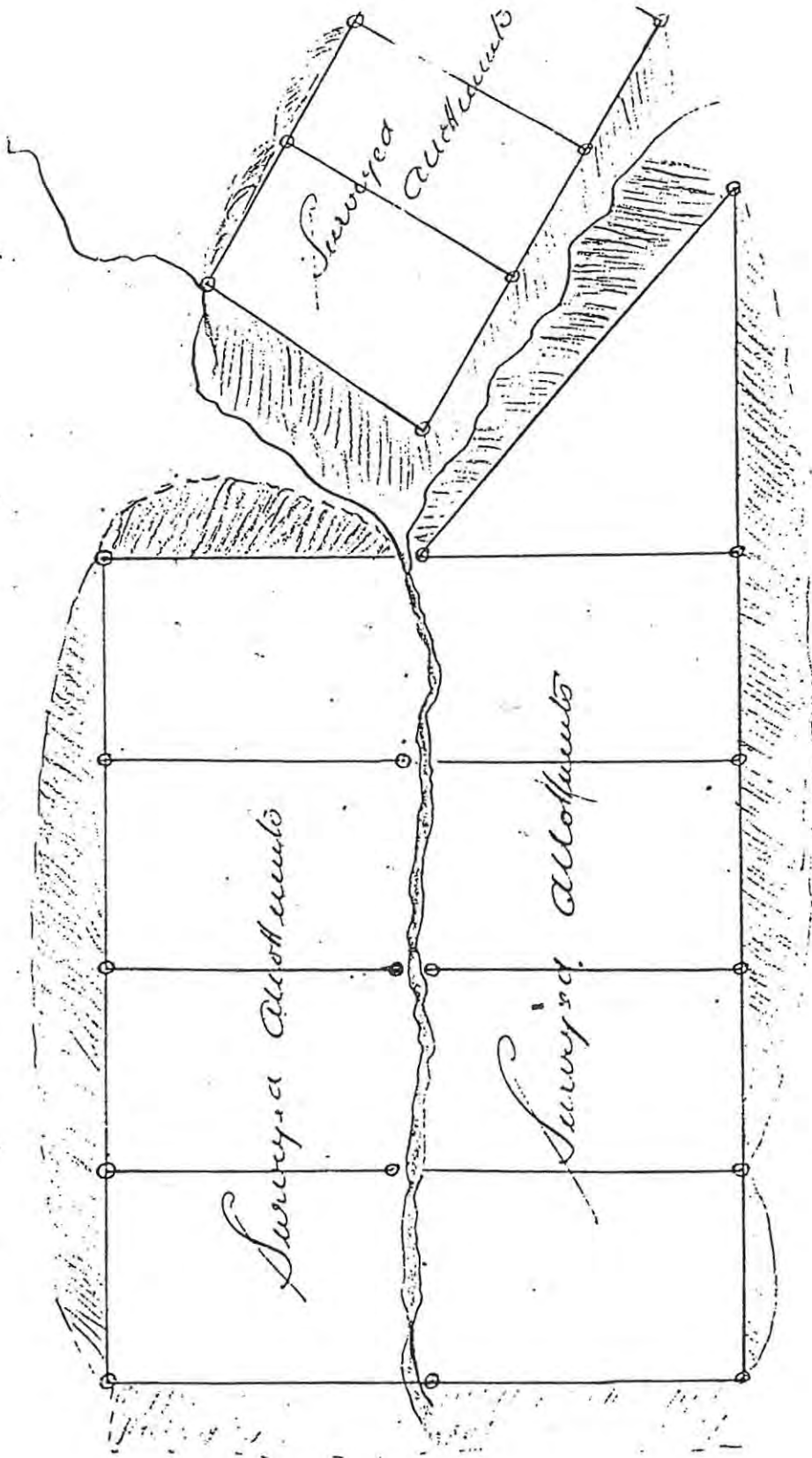
6150 Garden Allotments	£ 21525
65 Building Allotments	162 : 10 : 0
95     "     "	332 : 10 : 0
1     "     "	8 : 0 : 6
3     "     "	24 : 8 : 3
4     "     "	35 : 11 : 0
TOTAL	<u>£ 22087 : 19 : 9</u>
 Collection from 1 April 1905	 £ 22040 : 16 : 0
Balance Outstanding 31/1/16	£    47 : 3 : 9

APPENDIX I.Breakdown of payment and arrears of Quitrent for the district of Glen Grey - 1897-1903.

	<u>Initial Debt</u>	<u>Outstanding</u>
1897	£ 3426 : 15 : 11	£ 48 : 7 : 6
1898	£ 5526 : 15 : 11	£ 148 : 11 : 7
1899	£ 6319 : 0 : 6	£ 299 : 0 : 1
1901	£ 6401 : 1 : 6	£ 435 : 7 : 8
1902	£ 6401 : 17 : 4	£ 352 : 19 : 4
1903	£ 6428 : 19 : 6	£ 2422 : 16 : 1

Source : S.A.N.A.C. Vol. II - p841

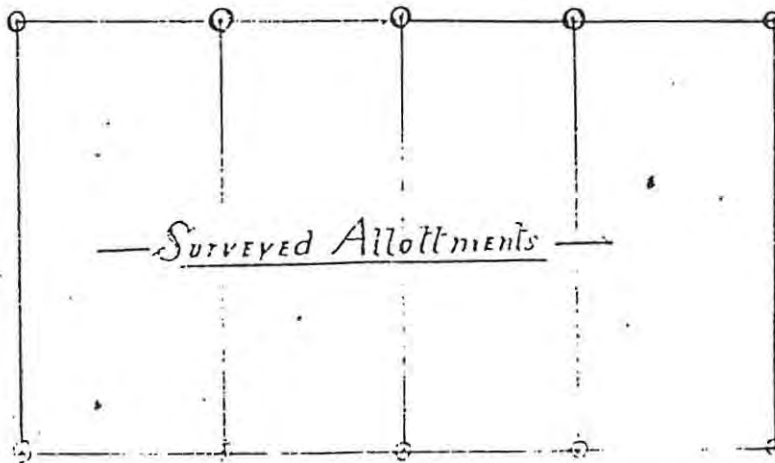
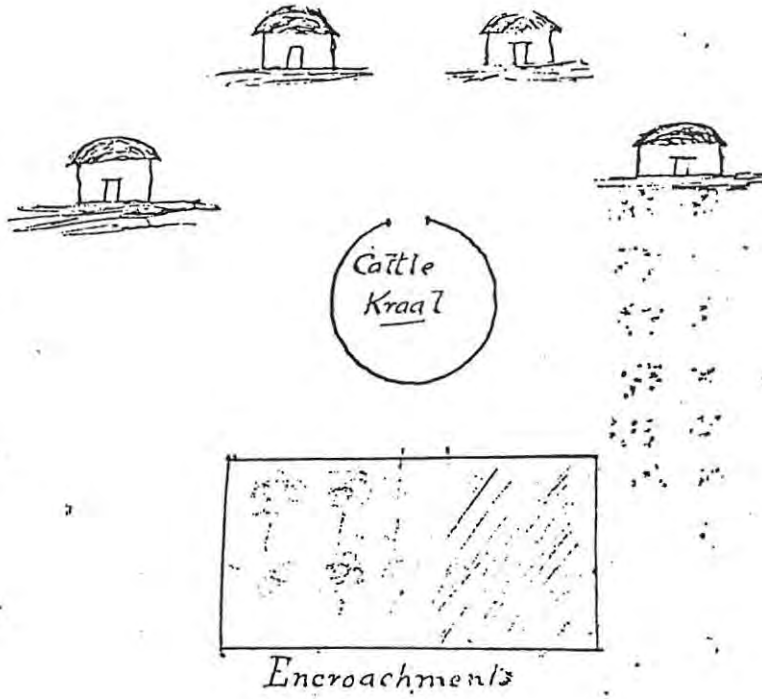
APPENDIX J.



Diagonal shading represents encroachments



APPENDIX K.



APPENDIX L.Expenses incurred during the Survey of Xalanga.

Initial Debt	£ 15239 : 3 : 6
Total Amount Collected	£ 7341 : 4 : 6
Outstanding	£ 7897 : 19 : 0
Instalments already Due	£ 13765 : 5 : 9
Collected	£ 7224 : 19 : 0
Outstanding	£ 6540 : 6 : 9

Source: CA CMT 3/784 - R.M. to Chief Magistrate, 10 March 1916

## APPENDIX M.

Table 1. *Occupation of District Councillors: 1955*

Type	Elected		Nominated by Governor- General		Nominated by Paramount Chief: Pondoland		Total	
	No.	(%)	No.	(%)	No.	(%)	No.	(%)
Chief	13	(16)	6	(13)	—	—	19	(14)
Headman	47	(57)	33	(73)	6	(60)	86	(62)
Teacher	7	(9)	2	(4)	1	(10)	10	(7)
Peasant farmer	8	(10)	—	—	3	(30)	11	(8)
Farmer	3	(3)	—	—	—	—	3	(2)
Agricultural demonstrator	1	(1)	—	—	—	—	1	(1)
Businessman	2	(2)	—	—	—	—	2	(1)
Dipping supervisor	—	—	1	(2)	—	—	1	(1)
Sub-headman	1	(1)	—	—	—	—	1	(1)
Clerk	1	(1)	3	(8)	—	—	4	(3)
	83	(100)	45	(100)	10	(100)	138	(100)

Source: W.D. Hammond-Tooke - The Transkeian Council System, 1895-1955: An Appraisal,

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APPENDIX N.Cost of Survey of Umtata.

	£
A. Preliminary Survey	6 000
B. Actual Survey	63 532
C. Secondary Triangulation	395
D. Reference Points	110
E. Administration, including	
i) Examination of diagrams	3 600
ii) Issue of titles	1 720
TOTAL	<u>75 357</u>

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Letters Received from Civil Commissioners and Resident Magistrates in the Colony

<u>Vol. No.</u>	<u>Description</u>	<u>Period</u>
215	Glen Grey Papers	1890-94
225	Glen Grey Papers	1894-97
259	Glen Grey and Kuruman	1900

Correspondence Files

<u>Vol. No.</u>	<u>Description</u>	<u>Period</u>
495	No. 64: Arrear Survey Deposits, Butterworth	1906
	No. 71: Relief for Natives, Glen Grey Division	
501	No. 130: Papers Relating to Land Matters in the Transkeian Territories	1904-07
509	No. 251: Form of Title Deeds for Native Allotments, Butterworth	1902
516	No. 353: Land Matters in the Transkei, Proclamations Nos. 75 of 1903 and 341 of 1904.	1898-1905
525	No. 509: Papers Relating to the Extension of the Provisions of the Glen Grey Act to the Transkeian Territories	1902-05
526	No. 509: Papers relating to the Extension of the Provisions of the Glen Grey Act in the Transkeian Territories	1902-06
527	No. 510: Idutywa Native Vigilance Association, Iliso Lomzi	1901-03
528	No. 526: Papers Relating to the Glen Grey District Council	1900-06
530	No. 554: Papers Relating to Magistrates in the Transkeian Territories	1896-1906

<u>Vol. No.</u>	<u>Description</u>	<u>Period</u>
	No. :561: Magistrate W.T.Brownlee	1902-06
533	No. 620: Papers relating to the Transkei General Council	1902
547	No. 814: Quarters of Inspectors of Natives, Bolotwa	1899-1904
577	No. 1299: Land Matters, Transkei	1904-06
592	No. 1514: Land Matters, Butterworth and Nqamakwe	1902-04
613	No. 1804: Encroachments on Location Commonage, Glen Grey	1903
624	No. 1977: Subdivision into Locations of Nqamakwe District	1903
642	No. 2245: Papers Relating to Location Boards under the Glen Grey Act	1903-06
643	No. 2246: Papers Relating to Fencing, Glen Grey	1889-1906
645	No. 2310: Land Matters, Transkeian Territories	1904-06
651	No. 2368: Transkeian General Council	1898-1907
652	No. 2368: Transkeian General Council	1898-1906
653	No. 2368: Transkeian General Council	1900-1905
659	No. 2411: Land Matters, Applications for Allotments, Cancellation, etc., Glen Grey	1902-07
660	No. 2411 Land Matters, Applications for Allotments, Cancellations, etc., Glen Grey	1903-04



<u>Vol. No.</u>	<u>Description</u>	<u>Period</u>
661	No. 2412: Land Matters, Applications for Allotments, Cancellations, etc., Glen Grey	1904-05
673	No. 2530: Location Constables and Native Constables, Glen Grey	1904-07
683	No. 2599: Administration of Land Clauses of the Glen Grey Act	1903-04
696	No. 2721: Land Matters, Xalanga	1905
699	No. 2785: Land Matters, Idutywa	1904-06
701	No. 2836: Security of Land Tenure, Transkeian Territories	1905-06
707	No. 2925: Report of Inspection, R.M. Office, Glen Grey	1906
	No. 2933: Establishment of a Ciskeian General Council	1906

2. Archives of the Chief Magistrate of the Transkei  
Reference Letters: CMT  
Papers Received From Resident Magistrates, 1891-1906

BUTTERWORTH

<u>Vol. No.</u>	<u>Period</u>
3/58	1894 Sept.- 1895 Dec.
3/59	1896 Jan. - 1897 Dec.
3/60	1898 Jan. - 1900 Dec.
3/61	1901 Jan. - 1902 Dec.
3/62	1903 Jan. - 1904 June.
3/63	1903 March - 1904 June.

IDUTYWA

<u>Vol. No.</u>	<u>Period</u>
3/99	1894 Sept. - 1896 Dec.
3/100	1897 Jan. - 1898 Dec.
3/101	1899 Jan. - 1902 Jan.
3/102	1902 July - 1903 Dec.
3/103	1904 June - 1906 Dec.

NQAMAKWE

<u>Vol. No.</u>	<u>Period</u>
3/147	1894 Sept. - 1896 Dec.
3/148	1897 Jan. - 1899 Dec.
3/149	1900 Jan. - 1902 June
3/150	1902 July - 1903 Dec.
3/151	1904 Jan. - Dec.
3/152	1905 Jan. - 1906 Dec.

TSOMO

<u>Vol. No.</u>	<u>Period</u>
3/164	1894 Sept. - 1896 Dec.
3/165	1897 Jan. 1899 Dec.
3/166	1900 Jan. - 1902 June.
3/167	1902 July - 1903 Dec.
3/168	1904 Jan. - 1906 Dec.

XALANGA - CALA

<u>Vol. No.</u>	<u>Period</u>
3/186	1894 Oct. - 1897 Dec.
3/187	1898 Jan. - 1902 June.
3/188	1902 July - 1906 Dec.

Land Branch - From R. Ms. and Miscellaneous

<u>Vol. No.</u>	<u>Period</u>
3/234	1903 Jan. - 1904 July.

Miscellaneous FilesBUTTERWORTH

<u>Vol. No.</u>	<u>Period</u>
3/537	1907-1915 1909-1920

IDUTYWA

<u>Vol. No.</u>	<u>Period</u>
3/538	1905-1912 1914-1922

NQAMAKWE

<u>Vol. No.</u>	<u>Period</u>
3/544	1907-1913 1913-1922

TSOMO

<u>Vol. No.</u>	<u>Period</u>
3/547	1907-1921

Survey of DistrictsENGCOBO

<u>Vol. No.</u>	<u>Description</u>	<u>Period</u>
3/709	Survey	
3/710	Survey	

IDUTYWA

<u>Vol. No.</u>	<u>Description</u>	<u>Period</u>
3/658	Transfers, Cancellations, etc. of allotments	1910-12 1912-13
3/659	Transfers, Cancellations, etc. of allotments	1913 1913-14 1914

TSOMO

<u>Vol. No.</u>	<u>Description</u>	<u>Period</u>
3/810	Survey and Transfers (All Allotments)	1910-11

XALANGA

<u>Vol. No.</u>	<u>Description</u>	<u>Period</u>
3/873	Survey	
3/874	Survey	

Inspection Reports - Resident Magistrates

<u>Vol. No.</u>	<u>Period</u>
3/865	
3/866	1911-22

Land ComplaintsTSOMO

<u>Vol. No.</u>	<u>Period</u>
3/590	1917-22

Department of Lands - Circulars

<u>Vol. No.</u>	<u>Period</u>
3/616	1921

Visit of Secretary for Native Affairs (M.C.Vos) to  
Transkeian Territories

<u>Vol. No.</u>	<u>Period</u>
3/674	1920

General

Preparation of Title Deeds

<u>Vol. No.</u>
3/780

Survey Expenses Outstanding in Umtata, Engcobo and Xalanga

<u>Vol. No.</u>
3/783

Form of Survey, Title Deeds, Transfers, etc.

<u>Vol. No.</u>
3/784

Surveyed Allotments: Occupation by Persons Not Entitled

<u>Vol. No.</u>
3/799

3. Archives of the Department of Lands of the Cape Colony -  
Reference Letters: LND  
Papers received from the R.M. of Glen Grey

<u>Vol. No.</u>	<u>Period</u>
1/75	1872-1905

4. List of the Archives of the Magistrate and Bantu Affairs Commissioner of Butterworth - Reference letters: 1/BUT Land Matters - Letters Dispatched

<u>Vol. No.</u>	<u>Period</u>
6/1/4/1	1903 May - 1906 Nov.

5. List of the Archives of the Magistrate and Bantu Affairs Commissioner of Idutywa - Reference letter: 1/IDW Letters Dispatched to Chief Magistrate

<u>Vol. No.</u>	<u>Period</u>
6/1/2/10	1903 March - 1907 Aug.
6/1/2/11	1907 Aug. - 1910 June.

Letters Dispatched - Confidential

<u>Vol. No.</u>	<u>Period</u>
6/1/4+1	1901 Nov. - 1915 Nov.

6. List of the Magistrate and Bantu Affairs Commissioner of Lady Frere - Reference Letter: 1/LDF Letters Received from Prime Minister

<u>Vol. No.</u>	<u>Period</u>
4/1/1/1	1895-1910

Letters Received from Under - Secretary for Native Affairs

<u>Vol. No.</u>
4/1/2/1
4/1/2/2
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 G. 8 - '95  
 G. 5 - '96  
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 G. 50 - 1900  
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