

DRAFT

Confining the powers of *amakhosi* to ‘easily manageable’ bounded territories: The solution to the ‘Native Question’ in colonial Natal in the early 1900s and beyond?’¹

**Percy Ngonyama [MA-Historical Studies, Howard College, UKZN]
History and African Studies Seminar (HASS)
Wednesday, 12 August, 2009**

Introduction

Last year, I presented a paper at this seminar which investigated the introduction, and the possibility of the implementation of the ‘Ward System’ in 1908. The Natal colonial officials first imposed this scheme on the Lower Tugela Division (LTD), located in the north coast of Durban. Within the scope of an analysis which looked at the pre colonial system of *ukukhonza*², I considered how a system of wards stood to impact on African political and social systems, including the setting up of homesteads, making up political units, constructed mainly around kinship ties, and the associated rights to access to land and the role of *amakhosi* as political heads in this. This was done from an angle which sought to engage in the contemporary debate around the institution of *ubukhosi*. The objectives of the Ward System were, *inter alia*, to ‘redefine’ chiefly authority from ‘territorial to personal’ by decreeing that *amakhosi* could only exercise authority over people within the wards in which they resided which had been mapped out. The scheme reduced the number of chiefs from sixteen to eleven.³ The paper interrogated the repercussions not only on the LTD which consisted of private owned land and Crown land, but also on the adjoining Maphumulo ‘reserve’, located further inland. The narration was centered around two less known and small polities of Magwaza under *inkosi* Guzana *ka* Seketwayo, *iphakanyiswa*⁴, and Luthuli under Njubanjuba *ka* Wojiwoji, a hereditary *inkosi*, who are the focus of my Masters research. Today, the latter has a High School in Maphumulo—KwaLuthuli Traditional Authority (EmaThulini)⁵—under Mfuneni Luthuli, named in his honour.

In this paper I contextualise the Ward System within the broader context of ‘segregation’ policies advocated in colonial Natal from the moment ‘locations’ were established. The introduction of wards, in the manner and form they were designed, signalled the beginning of a new era: the ‘tribal’ fractionalisation of Africans in already ‘racially’ excluded locations. Polities were confined to segregated territories with clearly marked boundaries. In the

1 I am grateful to the members of the Tradition Authority and Power (TAP), Eva Jackson, Jeff Guy, Meghan Healy and Jason Hickel for all the intellectual discussions in the past few months which I have found useful in formulating this paper, most particularly to Jeff and Eva for their valuable comments on the first draft. I also would like to express my sincerest appreciation on the suggestions made by my supervisor Vukile Khumalo. Having said this, I take full responsibility for the points of argument and concepts and issues raised in the paper.

2 *Ukukhonza* is “to give one’s allegiance to, or subject oneself to a king or chief; to pay formal respect to.” See C. De Webb, J.B. Wright (eds.) *The James Stuart Archive, Volume Two* (Pietermaritzburg: University of Natal Press, Durban: Killie Campbell Africana Library, 1979), xx.

3 Natal Native Affair Blue Book, 1908.

4 An appointed chief. It must be highlighted that *ukuphakamisa* did not begin with colonialism.

5 This was formerly known as ‘KwaLuthuli Tribal Authority.’

impoverished locations, the African population proved a useful source of cheap labour for the emerging capitalist settler economy. Borrowing from the ‘roots of segregation’ argument, I have tried, using archival material and drawing on studies by others, to construct a narrative which makes a connection between the scheme—later introduced in magisterial divisions throughout the Colony in various forms—and the ‘separate development’ legislative framework, relating to land occupation and purchases, and the rule over the African majority of successive South African governments in the period after 1910. In pre-colonial times, *ubukhosi* was founded on the basis of loyalty to a ‘person’, inkosi, who was believed to be ruling on behalf of *izithutha*⁶, and not ‘terrestrial space.’ With some adjustments, this was still the practice six decades into colonialism. What would be the practicalities of ‘bounded territories’ on societies with such foundations? These measures were implemented during a period of great strife amongst African societies, especially those subjected to ‘Native Law’ and the jurisdiction of *amakhosi*. Amongst others, events of a political and economic nature, which intensified in the last three decades of colonialism, undermined the homestead based livelihood. These developments, necessitating greater ‘stability’ and ‘control’, have been incorporated into the narrative. I admit, in the early 1900s there were numerous legislative measures undertaken not relating to just African/European relations. However, the paper, for now, has been restricted to just these two groups. I would welcome suggestions on how the paper could be broadened within the paradigm of the argument advanced.

The system of ‘Native Administration’ in Natal has formed part of a number of scholarly works. These studies, undertaken from different perspectives, reveal the ‘segregationist’ nature of the ‘Shepstone System.’ Furthermore, there is a general consensus on the influence of policies advocated by Sir Theophilus Shepstone (1817-93) in the governance of Africans—vastly outnumbering their rulers—and ‘segregation’—along racial, and later, ethnic lines—legislations adopted by successive South African governments after 1910. The *Reader’s Digest New History of South Africa*, sums it up in this way: “It was the Shepstone System more than any other that paved the way for the segregationist regimes of the twentieth century, more especially the Native Administration Act of 1927 and the homeland ventures thereafter.”⁷ Invoking Edward H. Carr, David Welsh, who describes himself as a political scientist using the past to understand the present, asserts that most of the policies dividing South Africans along racial and ethnic lines during the ‘segregation’ and apartheid eras “owed much to the system of African administration which was created in Natal.”⁸ He observes how after Shepstone’s retirement in 1876, this system of ‘legal dualism’ managed to ‘survive’ at a time when ‘Native Policy’ was the responsibility of people who had, initially, been its ‘most scornful critics.’⁹

6 This means the ancestors. They are sometimes referred to in this manner to highlight the belief in the manner they operate. Whilst they are supposed to ‘look over’ the family and the homestead, they sometimes cause harm, including illnesses and even death. The word *isithutha* (singular for *izithutha*) refers to a ‘smart’ person who sometimes or always acts ‘foolishly.’ See Christian Themba Msimang *Kusadliwa Ngoludala* (Pietermaritzburg, Shutter & Shooter, 1975) 19.

7 Hermann Giliomee and Bernard Mbenga (eds.) *Reader’s Digest New History of South Africa* (Cape Town: Tafelberg Publishers, 2007), p. 148.

8 David Welsh *The Roofs of Segregation: Native Policy in Colonial Natal, 1845-1910* (Cape Town: Oxford University Press, 1971) p.01.

9 Welsh *The Roofs of Segregation*, p.02.

The 'dualism' refers to the administration of the law. When the first 'reserves' for African occupation were established in 1846 in areas not claimed by whites, magisterial divisions with 'Resident Magistrates' and 'Administrators of Native Law', to whom *amakhosi* were compelled to account, were introduced. The aim was to administer 'customary law' amongst the African population.¹⁰ *Amakhosi*, now on government pay roll, undertook tasks such as tax collection amongst their subjects, presiding over civil cases and cases of less serious crimes, and ensuring that yearly quotas relating to *isibhalo* were met. Under Ordinance 3 enacted in 1849, the Lieutenant-Governor assumed the role of 'Supreme Chief.'¹¹ His powers included appointing *amakhosi*. These powers were a subject of many changes and were redefined throughout the colonial years, in 1875, 1887, 1891 and in 1893.¹² After 1906, extra powers were given to the office of the Lieutenant-Governor, now Governor, but he seldom acted in contradiction to the wishes of the Ministers.¹³

Mahmood Mamdani adopts the concept of 'decentralised despotism' to describe the system of 'indirect rule' and the 'despotic' powers of the Lieutenant-Governor within the 'bifurcated' colonial state where only 'civilised' Africans, had access to 'European Rights'. He sees citizenship as a privilege of the 'civilised', and the 'uncivilised subjects' were subjected to 'customary law' as defined in a 'top-down' manner by colonial officials.¹⁴ Whilst the law applied to 'exempted' Africans differed from that applied to Africans falling under *amakhosi*, Welsh argues that in this system, Africans, exempted and those subjected to the application of 'Native Law' could not 'win', the latter for his/her 'barbarism' and the former for his/her 'claims to equal status with whites.'¹⁵

Through an analysis which includes a focus on colonialism induced changes in African societies and institutions, Shula Marks argues that the idea that 'Shepstonism' was based on 'pre-colonial' Africans customs and institutions became more of a 'fiction' with the granting of 'Responsible Government' in 1893. Also, the notion of a 'parallel development' was being undermined by the extent to which both Africans and Europeans were 'interdependent', culturally and economically, particularly at the turn of the nineteenth century.¹⁶ Her study also looks at the situation of Africans in the final decades of colonialism, incorporating political and economic developments within and outside the Colony. *Inter alia*, she makes a connection between African 'impoverishment' and land policies, 'dividing and sub dividing' chiefdoms and the 1906 'reluctant' Uprising.¹⁷ John Lambert talks of a 'crisis in African

10 A large part of the areas reserved for African population was not ideal for farming, and had very low rainfalls and suffered from constant droughts. See John Lambert *Betrayed Trust: Africans and the State in Colonial Natal* (Pietermaritzburg: University of Natal Press, 1995), p. 11-12.

11 See Guy 'An accommodation of Patriarchs' 10.

12 See Welsh *The Roots of Segregation* 287.

13 Welsh *The Roots of Segregation* 287.

14 Mamdani *Citizen and Subject* 16-17.

15 Welsh *The Roots of Segregation* 322.

16 See Shula Marks *Reluctant Rebellion: The 1906-8 disturbances in Natal*. (Oxford: Clarendon Press, 1970) 119.

17 Marks *Reluctant Rebellion* 337.

society' whose origins are located in the late 1870s. Like Marks, the 'crisis' is linked to the industrial process, political developments within and outside the colony, and even events taking place beyond its borders. He looks at the impact of the discovery of minerals, resultant economic activities, and increased demands for labour and land in the backdrop of rising land shortages. The analysis pays particular attention to the 'homestead' and its centrality in production, social and political relations, and cultural activities. His overall argument is that the dire situation of Africans manifesting itself in the collapse of the homestead mode of production amounted to 'betrayed trust.' According to this point of view, Africans had placed their 'trust' in the hands of the colonial administration, and they felt let down in the last decades of colonial rule.

Lungisile Ntsebeza, whose study is based mainly on the Xhalinga District—Thembuland—in the Eastern Cape, examines the 'collaborationist' role of *amakhosi* under colonialism and apartheid *vis a vis* their 'recognition' by post apartheid statutes. In municipalities, incorporating areas falling under *amakhosi*, in the form of the Traditional Leadership and Governance Framework Act (2004) and the Communal Land Rights Act (2004), provisions have been made for their inclusion in local government 'development' projects.¹⁸ On this, Ntsebeza suggests that the current debate around *ubukhosi* should move beyond merely finding the best solutions under a neo-liberal economic framework, but should also incorporate other 'developmental' strategies, such as those 'Keynesian' and alternatives to the free market ideology.¹⁹

The division of Maphumulo and the Lower Tugela²⁰

The Luthuli polity in Maphumulo division had its origins in the emPaphala region, near the source of the AmaTigulu River. As far back as 1760 it experienced a number of succession disputes between members of the different houses within the chiefdom, leading in splits. By the mid nineteenth century, one splinter group under Sibukeyana had settled in the uMvoti Valley.²¹ Njubanjuba was appointed *inkosi* in 1888, on probation basis, following the death of his father, Wojiwoji ka Sibukeyana. He was the eldest son of Hlaluse—the first and chief wife of the late *inkosi* Wojiwoji's three wives.²² In 1895, the chiefdom had a total of 260 'huts' in the Maphumulo 'reserve' and 26 in the Lower Tugela, established, mainly on a private farm belonging to the Natal Colonisation Company. Njubanjuba himself made use, at an annual rent, of land belonging to this company for his gardens. In these crying times even *amakhosi* were finding it hard to obtain land and renting was one option. This needs to be contrasted with the period prior to colonialism where the capitalist ideology was not the dominant system.

18 See Jo Beall 'Cultural weapons: Traditions, inventions and the transition to democratic governance in Metropolitan Durban', *Urban Studies*, 43:2, 457 – 473, 2006.

19 Lungisile Ntsebeza *Democracy Compromised: Chiefs and the politics of land in South Africa*. Cape Town: HSRC Press, 2005.

20 In the paper, more than once, I have tried to explain the historical link between these two divisions which are the centre of my MA research.

21 A.T Bryant *Olden times in Zululand* Longmans, Green and Co. London, New York, Toronto, 1929, 500.

22 SNA 1/1/205, 878/1895.

In a capitalist mode of production, using the concept of land as ‘terrestrial space’ to be occupied, ideas of land tenure are based mainly on its exploitation for capitalist production. Land is surveyed, cut into ‘pieces’ sold or bought on the market. It may even be left unoccupied in anticipation of better market prices. Neighbourhoods rise as ‘associations’ of property owners, some are rent paying tenants. The African/non capitalist notion of this was largely based on social relationships. Unlike in Western/capitalist societies, maps are not drawn up and written down, but specific, ‘terrestrial points’ and “raw material are there for a “map.” In these societies, “a community was built fundamentally on relationships with social groups...”²³ These were some of the basis on which the custom of *ukukhonza*, was founded on.

This is the foundation on which *ukukhonza* with the associated land tenure system was based. This African custom central in African political and social relations was based on a ‘personal’ relationship between the chief and the subjects which requires some understanding of the entire system of land ownership in pre colonial African societies with the King or chief as the ‘custodian’ of the ‘territory’ on behalf of the chiefdom and its people. There were obligations on both sides, with *inkosi* supposed to offer whosoever came to pay allegiance land on which to live and farm. In return, subjects had to give “service and tribute” to the King.²⁴ This, sums up what could be described as a ‘mutually beneficial symbiotic’ relationship between the chief and the people falling under his authority. This is not to say there were no problems associated with such relationships. “It would occur” Ndukwana ka Mbengwana told James Stuart, that “at times that a man would be dissatisfied about something. The King might then give him permission or direct him to go and live at some other place.”²⁵ And “one’s acceptance as a resident in a village automatically carries with it not only fealty to the shrine but a right to make a farm nearby on any land not farmed...”²⁶

Anthropologist Max Gluckman does a juxtaposition of the land tenure system in pre colonial Zulu societies with the property rights of so-called ‘civilised’ societies and argue that these notions which were being imposed on Africans as a result of colonialism were alien to them; and even goes as far as questioning the supposed ‘progressiveness’ attributes of the ‘new’ colonial system.²⁷ Mayinga ka Mbekuzana, who had fought in the 1856 succession war between Cetshwayo and Mbuyazi, told James Stuart, “The whole land is the king’s. No one objected to it being lived on. *No district (isigodi) ever became full.*²⁸ While I have found C.T. Msimang’s analysis to be too nostalgic of the ‘good old days’, he, however, makes a very valid point by stressing the centrality of *izithutha*, the ancestors, , from child birth to marriage and the establishment of new homesteads.²⁹ Describing the pre-colonial role of *abanumzane* or *osokhaya*³⁰, he says *Uyahlonishwa nokho umnumzane lona....Udingekile ukuba*

23 Bohannan and Curtin *Africa and Africans* 120-1.

24 Max Gluckman, *Politics, Law and Ritual in Tribal Society*, (Oxford: Basil Blackwell, 1967), 36-48.

25 C. De Webb and J.B. Wright (eds.) *The James Stuart Archive*, Volume Four (Pietermaritzburg: University of Natal Press, Durban: Killie Campbell Africana Library, 1986) statement by Ndukwana, 313.

26 Bohannan and Curtin *Africa and Africans* 122.

27 A.T. Bryant, *The Zulu people as they were before the white man came* (Pietermaritzburg: Shuter and Shooter, 1949), 464.

28 C. De Webb, J.B. Wright (eds.) *The James Stuart Archive*, Volume Two (Pietermaritzburg: University of Natal Press, Durban: Killie Campbell Africana Library, 1979) 257.

29 Christian Themba Msimang *Kusadliwa Ngoludala* (Pietermaritzburg: Shuter and Shooter, 1975).

30 This is derived from the word *ikhaya* meaning ‘home’.

*amadodana... esephuma amanxiwa awo awakhise awabele amasimu nezinkomo ezilifa lawo.*³¹—There is so much respect for the homestead head...He is required to assist his sons set up their own homesteads when they are old enough. He is expected to provide them with their own gardens and cattle, as they establish their own houses and homesteads.

Guzana ka Seketwayo Magwaza, an *induna* at the Lower Tugela Magistrate's office lost his job in 1890 after a complaint was made against him. Like many Africans, he had taken a loan from some person and was unable to repay it. The dismissal of Guzana, recommended by Pietermaritzburg, was not an easy decision to make since "he has been so long in the office... that he forms nearly a record of all matters that have been dealt with. It will be difficult to find a man to fill his place as far as knowledge of all acts and cases in the office with reference to Natives."³² For more than twenty years, he was *induna* of about forty homesteads falling under Meseni of the Qwabe in the Lower Tugela. In 1894, he made an application to Pietermaritzburg to be appointed *inkosi* over the former Qwabe homesteads, with a total of 120 huts.³³ When boundaries were altered in 1908, he was appointed chief over Africans living in the area demarcated as Ward 8. The homesteads of many *amakhosi*, including those of the Luthuli chiefdom were placed under his authority. Guzana died on Friday 22 October 1915 and the Magwaza recommended the appointment of his son and heir, Mbangaiya, from his first and chief wife Namanzi. Mbangaiya had also been endorsed by Guzana as his heir and successor before his death.³⁴

In the early decades of colonialism 'absentee' land owners permitted squatting which was profitable, as the colony's agricultural sector had not been fully developed. The locations were small and as they became overcrowded towards the end of the nineteenth century, many Africans moved onto private land, as squatters, paying rents and as tenants. The selling of surplus, including grain and cattle had allowed Africans to be able to raise cash for taxes and rents and to avoid wage labour in the early decades of colonialism.³⁵ As the 'crisis' deepened, towards the end of the nineteenth century, many looked for wage employment. By 1906 there was an estimated 106,732 Africans living on Private Lands in the Colony, as compared to 56,097 living on locations land.³⁶ According to the 1904 census results, Maphumulo had an African Population of just under 27 000 and the Lower Tugela had a population of 30,836. Many were subjects of *amakhosi* residing in the adjoining Maphumulo location. These high population figures in this part of the colony reflected the general substantial increase in the population of Natal Africans towards the turn of the nineteenth century which stood at

31 Msimang *Kusadliwa Ngoludala* 24-25.

32 SNA 1/1/23, 1890/355.

33 SNA 1/1/78, 1408/1893, Resident Magistrate Lower Tugela Division to Secretary for Native Affairs.

34 S.N.A 60/09 , 7/07, statement made to Magistrate, Lower Tugela, 24 December 1906. In October of 1912, the ageing and ailing Guzana had approached the Magistrate of Stanger asking that "Mbangaiya be appointed *induna* of his tribe and generally to act, in all official matters" on his behalf. The Magistrate indicated "I have given my consent to this, Guzana being an old man, it is a trial for him to travel backwards and forwards to the Court." See CNC, 1936/1912, Magistrate LTD to Chief Native Commissioner, October 14 1912.

35 Marks *Reluctant Rebellion* 119.

36 Annual Report by Under Secretary for Native Affairs, 1906, 4.

767,336. Five decades prior, the population of Natal Africans was 150,000.³⁷ In his annual report for the year end, the Secretary for Native Affairs (SNA), Arthur J. Shepstone, commented “With the area and population so greatly increased, and civilization spreading, slowly, though, it be, in every direction, it is manifest that governing the Natives has come to be a task of vast proportions as well as one of peculiar difficulty and complexity.”³⁸ Whilst for the officials, the complexities related largely to problems experienced in devising effective administration methods, for the Africans it was a matter of survival. Some blamed the situation on the departure of Shepstone. His retirement from the administration of the Colony coincided with the period of intensified industrialisation.

The discovery of minerals, first diamonds in Kimberly in 1870 and gold in the Witwatersrand in 1886 witnessed a greater demand for agricultural products as the new large markets in Kimberly and the Transvaal grew. Land prices escalated as the shortage was evident. This coincided with the sale of the remaining Crown lands in the 1880s and beginning of 1890s. Many Africans could not afford the market related prices and were forced to relocate onto the overcrowded locations. Some much larger chiefdoms used tactics, such as collecting money amongst their people and taking loans, to raise to purchase land.³⁹ The purchase of Crown lands by Africans was not something most Europeans desired, as small scale as it was. In 1903, in what Marks sees as a ‘precursor’ to the 1913 Natives Land Act, the Lands Department was ‘instructed’ by the government to reject future bids by prospective African purchasers of Crown lands.⁴⁰

As shown above, more Africans lived on private lands—many as rent paying tenants on farms belonging to absentee landlords—than on mission land and reserves combined. The rents they paid ranged from 1 pound sterling to 5.⁴¹ In accordance with recommendations⁴² of the 1903-05 South African Native Affairs Commission (SANAC) the 1913 Land Act prohibited African purchases of land in areas set aside for white occupation, and endeavoured to limit the number of Africans, including ‘illegal’ squatters, on areas designated for European occupation.⁴³ Africans could only purchase or lease land in the so called ‘schedule areas’, ‘tribal locations’ and black owned farms. Additionally, tenants on private farms, under the provisions of the Act, were defined as ‘servants.’⁴⁴ David Raymond Burton’s study of the Commission’s probe into the Transvaal labour shortages highlights the incorporation of many

37 Native Affairs Blue Book, Secretary for Native Affairs Annual Report, 1909, i

38 Native Affairs Blue Book, Secretary for Native Affairs Annual Report, 1909, i.

39 See Heather Hughes, *Politics and Society in Inanda, Natal: the Qadi under chief Mqhawe, c1840-1906*, 1995 Phd thesis.

40 Marks *Reluctant Rebellion* 124.

41 South African Native Affairs Commission Report (1903-05), 49-50.

42 SANAC recommended that “the purchase by Natives should in future be limited to certain areas to be defined by legislative enactment.” SANAC (1903-05) Report p. 35-39.

43 Dougie Oakes (ed.) *Reader’s Digest Illustrated History of South Africa: the Real Story* (Cape Town: The Reader’s Digest Association, PTY Ltd., 1988) 291-2.

44 Hermann Giliomee and Bernard Mbenga (eds.) *Reader’s Digest New History of South*, 232.

of SANAC's recommendations into a number of racially based policies of post 1910 governments.⁴⁵

The transforming economy also witnessed major infrastructural developments championed by the Department of Public Works. Investments towards improving the transport infrastructure were made, on roads and railway construction, and at the Durban Harbour, in the 1860s. The railway line was extended further to the interior. So were the roads; and there were improvements made at the harbour to allow the easy flow of increasing traffic volumes.⁴⁶ *Amakhosi* were compelled to supply labour in the form of *isibhalo* which had been introduced during the times of Shepstone. There were difficulties in meeting established yearly quotas. Young men often made all kinds of excuses to avoid being recruited due to low pay and working conditions. This was also at a time when 'real' employment was preferred. Ngangezwe, *inkosi* of the Amacoseni in Umgeni Division raised this issue in a statement to the Resident Magistrate; he mentioned some of the problems encountered in recruiting members of their polities. Almost every young men in his chiefdom claimed to be 'home on leave' and many were in possession of letters from their employers attesting to this.⁴⁷

Shepstone had introduced *isibhalo* arguing it was in accordance with the pre colonial custom of providing services to *inkosi*⁴⁸, as a means of paying tribute. *Isibhalo* was a contributing factor in the growing 'unpopularity' of *amakhosi*.⁴⁹ Chief Sibindi of Maphumulo said "Road Service was imposed...boys were sent to work in road parties too quickly after completing a period of like employment. The Chief sent the boys out in this way in fear of punishment at the hands of Magistrates. It was at this time the boys began to break away from the authority of the Chiefs so as to escape compulsory service on the road. The wage was inadequate. The people complained that they were made to work on the roads when they were ill, and were beaten and generally ill-treated by the overseers. A large number of boys remained away from their homes."⁵⁰

The 1893 Constitution Act, Law 14 "To provide for the establishment of Responsible Government" saw Natal transformed into a 'self governing' Colony, with authority to raise loans and promulgate policies, with the approval of the Colonial office, especially on matters relating to Africans. The first Prime Minister was Sir John Robinson as Prime Minister. Under the new Constitution, the post of Secretary for Native Affairs had become a political one and issues relating to 'Native Policy' became the responsibility of the Legislature, which was answerable to those who elected public representatives. In the first few years of responsible government, the government tended to pay more attention towards the interests of

45 See David Raymond Burton's MA thesis "The South African Native Affairs Commission' MA Thesis, University of South Africa, 1985.

46 Bill Guest 'The new economy' in Andrew Duminy and Bill Guest (eds) *Natal and Zululand: From Earliest Times to 1910* (Pietermaritzburg: University of Natal Press) 302-320.

47 SNA 1/1/278 Statement by the chief Ngangezwe to Stanger Magistrate, 9 August 1908.

48 Lambert 'African in crisis', 377.

49 Marks *Reluctant Rebellion* 44-5.

50 Natal Native Affairs Commission Report 1906-7, testimony by Sibindi, 844.

the urban based voters and the mercantile class.⁵¹ This changed after 1897, when the farmers formed a majority in the Legislature. The person at the centre of 'Native Affairs' in the final years of responsible government was Sir Frederick Robert Moor, a farmer from Estcourt representing the Weenen County constituency. Between 1893 and 1910, he was Secretary for Native Affairs, then Minister for Native Affairs, and ultimately the Prime Minister of the Colony. The circumstances under which *Momoyi*, as Moor was known amongst Africans, operated differed from those of *Somtseu*.

With the administration paying more attention to the aspirations of the electorate, Africans felt there was no one to listen to, and attend to their grievances and concerns relating to laws they battled to understand.⁵² *Inkosi* Sibindi said "The people were in a state of trouble. They had grievances. The greater portion of their trouble had arisen with the death of Sir Theophilus Shepstone. Everything in connection with the Government was satisfactory in the time of Sir Theophilus Shepstone... [Shepstone] allowed the people to express their feelings. Since then, however, they had been placed at a disadvantage through not being permitted to lay their grievances before the government in a satisfactory manner. The new laws were troublesome in some respects, but they could not make effective representations or secure any reply from the authorities."⁵³

Echoing these sentiments, *inkosi* Xibana, also from Maphumulo stated "in the days of Sir Theophilus Shepstone they discussed matters with him; he explained matters to them, and they were satisfied. Today they were all in distress. They could not get money. They were all in debt to Europeans, and they were told that, in the following month, they must pay their taxes."⁵⁴ The Natal Native Commission (1906-7), hereunder referred to as the 'Commission' severely criticized the existing system of 'Native Administration' and what was perceived as 'neglect.' Following its tabling of the report, adjustments were undertaken to alter the existing system of governing Africans. Act No. 1 of 1909 "To provide for the Better Administration of Native Affairs"⁵⁵ witnessed the introduction of four district Commissioners⁵⁶ and the establishment of a permanent post of Secretary for Native Affairs accountable to the Ministry for Native Affairs which fell within the office of the Prime Minister. Another Bill proposing a system of 'indirect representation' for Africans was never enacted; it was unpopular amongst Africans who demanded 'direct representation' and amongst Europeans who were opposed to this idea.⁵⁷

In the aftermath of the 1906 Maphumulo Uprising, an observation was made that "Reliance, unfortunately, could be placed, in the earlier days of the Colony, as much if not more, upon

51 Marks *Reluctant Rebellion* 18.

52 Natal Native Affairs Commission, 1906-7, Evidence, testimony by *inkosi* Sibindi of Maphumulo, 844

53 Natal Native Affairs Commission, 1906-7, Evidence, 844.

54 Natal Native Affairs Commission, 1906-7, testimony of *inkosi* Xibana, 849.

55 See *Towards Union* 417.

56 Maphumulo and the Lower Tugela Division together with Greytown, Kranzkop, Inanda, Camperdown, New Hanover, Lion's River, Weenen and Estcourt were put under District Number 2.

57 Welsh *The Roots of Segregation* 315.

inter-tribal rivalries.....these once acute animosities can no longer be relied on to maintain order.⁵⁸ Rather, it was recommended that the jurisdiction of *amakhosi* should be ‘territorial’, it was hoped this would ‘weaken allegiance to the hereditary head of the clan.’⁵⁹ The evils of this had been identified during the Uprising when a number of subjects of *inkosi* Meseni of the Qwabe had travelled from other divisions and distant places to Maphumulo to partake in ‘war doctoring’ and ‘rebellious’ behaviour. One of these was Macabacaba *ka* Magcekeni, found guilty and executed for the murder of Oliver Veal. He was one of Meseni’s key *izinduna* in the Ndwedwe District.⁶⁰ It was envisaged, the ward system and the limiting of chiefly rule to one division would be the solution to this.

The situation of Africans was exacerbated by a series of natural disasters. In 1894, crops were attacked by locusts, which were followed by Rinderperst, a lung sickness affecting cattle and horses, in 1897-8, which killed many cattle.⁶¹ The Magistrate commented in 1897 “There will be no oxen to plough with at the next planting season.”⁶² East Coast Fever followed in 1904—in the backdrop of a post war recession—also affecting cattle.⁶³ In the LTD, half the cattle belonging to Africans were destroyed in a period of less than a year by the sickness and coordinated killings of affected animals.⁶⁴ The strict provisions of Section 5, Act 54 of 1906 ‘The East Coast Fever Bill’, passed by the farming community dominated Legislature, were put in place to prevent any movement of cattle within demarcated boundaries, and to entrust the Principal Veterinary Surgeon with authority to order destruction of cattle belonging to anyone who tried to move them ‘illegally.’⁶⁵

The easy manner in which this Bill was passed had a lot to do with its popularity amongst the white farming/cattle owning community.⁶⁶ It was not seen in the same light by Africans,

58 Natal Native Affairs Commission Report (1906-7) Report, page 05.

59 Natal Native Affairs Commission Report (1906-07) 18.

60 See Jeff Guy *The Maphumulo Uprising: War, Law and Ritual in the Zulu Rebellion* (Scottsville: University of KwaZulu-Natal Press, 2005) 93.

61 Lambert *Africans society in Crisis* 384.

62 *Natal Departmental Blue Book*, Annual Report by the Maphumulo Division Magistrate, p B34, quoted in Charles Ballard ‘The Repercussions of Rinderperst: Cattle Plague and Peasant Decline in Colonial Natal’, *The International Journal of African Historical Studies*, Vol 10 No 3(1986), pp421-450.

63 Andrew Duminy and Bill Guest ‘The Anglo Boer War and its economic aftermath, 1899-1910’ in Andrew Duminy and Bill Guest (eds) *Natal and Zululand: From Earliest Times to 1910* (Pietermaritzburg: University of Natal Press, 1989) 355.

64 Native Affairs Blue Book, Report by F.P. Shuter, Magistrate, lower Tugela Division, 1897, 141.

65 Native Affairs Blue Book, Report by Secretary for Native Affairs, 1909, V.

66 See Ian C. Smith’s Honours thesis ‘Frederick Robert Moor and his Premiership of Natal’ (1966) on the easy manner in which the Minister of Agriculture had not difficulties in getting this ‘popular’ Bill passed in parliament.

on location, private and mission lands.⁶⁷ First, it undermined the custom of *ukusisela*⁶⁸ and made it difficult for people to move their cattle outside of the marked areas in the hope of selling them and for purposes of *ukulobola*. A circular was sent out to magistrates to permit the movement of certain ‘salted’ cattle for the purposes of ploughing. When he met with *amakhosi* from the Lower Tugela the Governor, Colonel Sir Mathew Nathan, appealed to them “to use their influence to induce young men to go out to work and get money to buy cattle.”⁶⁹ To mitigate against the devastating impact coinciding with yet another season of bad crop, a circular to Resident Magistrates made similar suggestions. It appealed on them to “use your best endeavours to require the young men of your Division to go out and work more than they would appear to be doing, so that they may be able (a) to obtain money for *lobola* purposes; (b) to pay their rents; (c) to purchase grain...”⁷⁰

The Secretary for Native Affairs (SNA) reported a year later that “The disease, I regret to say made steady progress throughout the country during the year...Although the restrictions which are in force throughout the Colony are most harassing to the Natives, they have, on the whole been very loyally conformed to...”⁷¹ In the same year, in the LTD, the collection of various taxes was once again protracted for quite some time. An estimated 400 herds of cattle were in African possession. The District Commissioner for District No 2⁷² reported “The death of their cattle has thrown the Natives back upon their old methods, and they are scarcely able to more than produce what is necessary for their own support. Their tenure is precarious and discouraging. The rents charged continue to be the same as when their privilege included grazing rights, and, in their reduced circumstances, they find it difficult to raise the amount.”⁷³ In nearby Maphumulo, 200 herds of cattle were estimated to be owned by Africans. Hundreds of cattle, particularly, in the south of Umvoti River were destroyed by East Coast⁷⁴ Contrasted with figures reported just five years prior, 3600 for the LTD and 2500 for Maphumulo⁷⁵, the devastating impact of the East Coast Fever is realised. It is however, not just about the figures. Looked at from a perspective which takes cattle and their centrality in the African mode of production and social system into consideration, the repercussions are more apparent.

67 *Ilanga laseNatali* criticized the Bill and how the officials had not properly informed those Africans affected of its intentions and inoculation measures adopted.

68 *Ukusisa* is “to place livestock in the care of a dependent, who then has certain rights of usufruct”, Webb and Wright (editors) *The James Stuart Archive*, Vol 4. See also Sibusiso Nyembezi and O.E.H Nxumalo *Inqolobane Yesizwe* (Pietermaritzburg: Shuter & Shooter) on this custom, 123.

69 *Natal Mercury*, Saturday 25 April 1908.

70 Natal Native Affairs Blue Book, 1908, 67.

71 Report by Secretary for Native Affairs 1909, V.

72 After 1908, the Colony was divided into four districts, as per recommendations of the Natal Native Affairs Commission(1906-7). The divisions of Maphumulo and the Lower Tugela fell under District 2.

73 Native Affairs Blue Book, Report by District No.2 Native Commissioner, February 1909, lvi.

74 Native Affairs Blue Book, Report by District No.2 Native Commissioner, February 1909, lvii.

75 Census Report, 1904, 880.

In 1903 an increase in the annual rent payable by squatters on Crown land by one pound sterling had been effected. There was a connection between high rentals and the indebtedness of many Africans, especially those paying rent on private land.⁷⁶ Mvumeni of the Mkhwanazi polity residing in the LTD thought it was impossible that the government was not aware of the high rents they were subjected to on private farms. Like many, he was in debt at was not certain where he would secure cash from for taxes and food, during these times of crop failures.⁷⁷ In the early decades of colonialism, by selling some of their agricultural produce, including grain and cattle, Africans were able to obtain cash for taxes and rents and to avoid wage labour.⁷⁸ This was no longer a viable option, Africans “were all in distress. They could not get money. They were all in debt to Europeans, and they were told that, in the following month, they must pay their taxes.”⁷⁹ As the ‘crisis’ deepened, towards the end of the nineteenth century, many looked for wage labour. The growing population of Africans in cities such as Durban and Pietermaritzburg witnessed the introduction of restrictive measures, in the form of permits and passes, aimed at controlling their movement.⁸⁰ In addition to this, permits, in the form of passes, had to be sought to leave the locations. In Maphumulo no less than 1,254 passes were issued in 1905 for Africans to seek labour outside the colony. This figure is slightly smaller compared to that of those who requested passes within the borders of Natal.⁸¹ In the LTD 2,270 passes were issued with the majority, 1,518, being for employment within the colony.⁸² The introduction of the Poll Tax in 1906 meant that more young men had to seek employment, and as far as *abanumzane* were concerned this put extra pressure on them in relation to the payment of the hut tax.⁸³ Chief Guzana’s *induna* Makala protested at the impact the Poll Tax was having over their control of their sons who had become ‘independent’ and no longer belonged to their fathers but the Government.⁸⁴

In the backdrop of what was eventually enacted as Act 1 of 1909 dubbed the “Moor Bills”, after one of its leading proponent, the Prime Minister Sir Richard Robert Moor, *Ilanga laseNatali* commented on a statement reportedly made by the Prime Minister in Parliament: “He did not wish to be understood that the members of the Assembly did not represent the native interest (sic). They were represented in a very substantial way in respect to expenditure on public works. *It was when the interest of the two races conflicted that the members of the Assembly were unable to represent the interests of the natives, and that was simply human*

76 Natal Native Affairs Commission Report, 1906-7, 844.

77 Natal Native Affairs Commission, 1906-7, 838.

78 Marks Reluctant Rebellion 119.

79 Natal Native Affairs Commission, 1906-7, 849.

80 A study by David Hemson on ‘working class consciousness’ amongst the dock workers in Durban reveal that a large number of these workers came from Maphumulo and the Lower Tugela. It also examines some of the ‘segregationist’ legislations introduced to monitor their movement within the borders of the city.

81 Magistrate Report, 1906 p05.

82 Magistrate Report, 1906 p22.

83 Natal Native Affairs Commission Report, 1906-7, 844.

84 Natal Native Affairs Commission, 1906-7, Report, 839.

nature.”[My emphasis]⁸⁵ On this issue, the Commission had observed “Parliament stands virtually in the relationship of an oligarchy to the Natives, and, naturally, it studies more the interests of the constituencies to which the members owe their position, than to those who had no voice in their election, more particularly when the interests of the represented conflict with those of the unrepresented....There is here presented a striking syncretism, which cannot be approved by either science or philosophical thought; and the continued attempt to blend irreconcilable principles and interests through such a body, must inevitably fail in gaining security or giving satisfaction.”⁸⁶ Having made these observations it went further to recommend that it should be made clear to Africans that settler ‘hegemony’ would be preserved at all costs, and any sign of ‘insubordination’ would be swiftly dealt with.⁸⁷ By implication, this also applied to the mode of production which the settler community, at varying degrees, espoused to.

Upon the abrupt forfeiture of his farming sites in the Lower Tugela, Njubanjuba complained to the Acting Magistrate of Maphumulo. His complaint was forwarded to the office of USNA:

I have come to complain about the decision of Government regarding my jurisdiction being excluded from my tribe living in the Lower Tugela Division. I will now have only a small piece of ground to live on. Even the ground in the Lower Tugela Division was reduced by the boundaries. I had only given permission to Nyekevu to live temporarily on part of this ground. When I say I granted permission I mean that my grandfather did so. Then when the boundary was defined I was excluded from its jurisdiction. My father and grandfather have been buried there, and all my gardens are also there. I pay ten pound sterling rent to the Colonisation Company for said gardens. If I am excluded from these I shall have no ground to cultivate. All my principal headmen live there, the ground I am living on in Mapumulo is not suited for planting.⁸⁸

The statement “my father and grandfather have been buried there” has enormous significance. It indicates, a long history of occupation of the land in question by the Luthuli polity, going back at least two generations, and highlights serious problems with confining polities to bounded territories. Njubanjuba managed to secure a meeting with the Samuelson. Accompanied by four of his *izinduna*, he met him on 16 June 1908, and pleaded for the reversal of the government’s decision pointing out to the concerns raised in the statement of complaint above. In dismissing his request, Samuelson informed him that the matter had been finalised and that the issue was ‘non negotiable.’ Making reference to a number of other cases, he told Njubanjuba, the recent boundary readjustments were aimed at ‘better control’ and confining the jurisdiction of chiefs within the divisions in which they resided.⁸⁹

85 SNA 1/1/405 extracts from *Ilanga laseNatali* ‘Are we a step Forward’ Friday 10 July 1908.

86 Natal Native Affairs Commission Report, 1906-7, 10-11.

87 Natal Native Affairs Commission Report, 1906-7, 06.

88 SNA, 287/07, 9/1908, minute papers, statement of chief Njubanjuba made to the acting Magistrate of Maphumulo on 27 May 1908.

89 SNA, 287/07, 9/1908, minute papers, summary of meeting between Njubanjuba and the USNA, 16 June 1908.

An earlier decision to redefine boundaries in Maphumulo in 1897 and other parts, including Umsinga and Mpofana, under the provisions of section 04 of Act 40 of 1896, to ensure more visibility “with the view of settling territorial disputes⁹⁰ between certain native tribes resulted in problems.”⁹¹ Swaimana of the amaNyuswa made an appointment to visit Pietermaritzburg to raise issue regarding a number of *imizi*, falling under his authority, which had been allocated to Mahlubi of the Gcwensa also lodged a complaint in connection with three *imizi* under his jurisdiction taken away as a result of the new arrangements; and requested that two *imizi* now falling in his area to be returned to *inkosi* Mahlubi. This was despite complacent remarks by the Resident Magistrate that “the defining of the boundary lines between tribes, or sections of tribes has proved to be of the greatest benefit by removing disputes, which often resulted in serious quarrels.”⁹² The USNA did not entertain these concerns; and informed Mahlathi that others had been to see him with similar requests and complaints, including Deliweyo, regarding land which had now been allocated to Swaimana.⁹³

Conclusion

In the paper the ‘revolutionary’ intentions of the Ward System are clear. It not only sought to change the nature of the relationship between *amakhosi* and their people, but also should be seen within a much broader context . Did the changes achieve the desired outcome? The main proponents of the Ward System envisaged that ‘bounded territories’ and ‘segregated’ chiefdoms would be better manageable and would lead to the ultimate death of the much hated ‘tribalism.’ In 1927 Native Administration Act and the 1951 Bantu Authorities Act. Tribal authorities, along ethnic lines. Ntsebeza sees this as giving ‘legitimacy’ to apartheid and colonialism created institution in the name of ‘giving dignity to long undermined African institution.’ Basis for CLARA which has been seen by Ntsebeza as an attempt to give legitimacy to apartheid created structures. However, well into the Union of South Africa, the scheme proved difficult to implement. A year after the passing of the 1913 Natives Land Act, the Magistrate of Stanger, formerly LTD, wrote to the Chief Native Commissioner (CNC):

I have to repeat that as a direct result of the ward system in this Division, I narrowly averted a faction fight on Tuesday, the 20th September, which for dimensions and seriousness would have exceeded that reported from Weenen Country...In explanation of my opening remarks. I would point out that in dividing the District into Wards, large numbers of one tribe were cut off and handed over to the Chief into whose Ward they fell; and this has been, and will continue to be, a constant source of trouble. Every tribe is similarly affected, and when

90 Adopting a Fanonist argument, John Lambert makes a connection between the situation of Africans and an increase in disputes between chiefdoms and within them. See John Lambert ‘Violence and the State in Colonial Natal: Conflict Between and Within Chiefdoms’ (South African Historical Journal, No. 31, November 1994, 146-164, and Jonathan Clegg ‘Ukubuyisa *isidumbu*- ‘Bringing back the body’’: An examination into the ideology of vengeance in the Msinga and Mpofana rural locations, 1882-1944’ in P. Bonner’s (ed.) 1981 *Working papers in Southern African Studies Volume 2*.

91 Report by J Liege Hullet, Secretary for Native Affairs and Secretary for Natal Native Trust, 03.

92 Blue Book of Native Affairs Report by Hullet, Secretary for Native Affairs and Secretary for Natal Native Trust, 04.

93 SNA 1/1/278, Report of interview between Secretary for Native Affairs and Chief Swaimana, March 28, 1898.

opportunity offers the parties so cut off join their old tribe and turn on the tribe under which they were compulsorily placed...The Ward System looks very well on paper but will never answer in practice.⁹⁴

The Magistrate was complemented by the CNC who added that the failures of the system were not a phenomenon in his district only:

The same state of affairs exists in the adjoining Division of Mapumulo where faction fights have resulted from the amalgamation of tribes which are hereditary enemies. I shall be glad to know whether you recommend any variation of the ward system in your Divisions with a view to preventing future disturbances.⁹⁵

The industrial process and the economic impact on Natal, the political changes and ‘natural’ disasters, amongst others, in the last few decades of colonialism came with a renewed need for ‘stability’, and renewed urgency in addressing matters relating to the governing of Africans. Steps were taken to modify the ‘backward’ ‘tribal system’, and to try and make it applicable to changing circumstances, including demands for unskilled cheap labour by the emerging market economy. Suggestions that ‘reserves’ should be destroyed to force Africans into wage labour were rejected by all the Commissions quoted above. But the powers of *amakhosi* would be further undermined by limiting their authority to demarcated ‘wards’ in which they resided. As per the dominant policy, the wards would be segregated along racial lines. But, it seemed necessary to further divide the new wards along chiefly lines. *Ubukhosi* incorporated into local governance structures, post 1910 was founded on these basis. African Reserves remain largely impoverished with many of their inhabitants unskilled and this does not help the situation given the labour demands of the twenty first century South African economy.

94 CNC, 1/2/278, 2114/1908, Magistrate of Stanger to Chief Native Commissioner, 6 October 1914.

95 CNC, 1/2/278, Chief Native Commissioner to Stanger Magistrate, 8 October 1914.