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Loyalties and the Politics of Incorporation in South Africa: The Case of Pondoland, c.1870-1913

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Declaration

This thesis is submitted to the University of Warwick in support of my application for the degree of Doctor of Philosophy. It has been composed by myself and has not been submitted in any previous application for any degree.

Dissertation Abstract

This thesis explores how various African and European actors experienced projections of imperial power, and the subsequent – though not synonymous – processes of colonial state-formation, in what was a relatively remote area on the margins of empire. Situated far away from established centres of authority in Cape Town or Pietermaritzburg, Pondoland was largely of parochial interest to imperial and colonial officials for much of the nineteenth century. As the last independent chiefdom to be annexed by the Cape, the transformations that marked the diminishing of empire and the consolidation of colonial rule had relatively little impact upon Mpondo political structures until 1894. Of course, the country was not immune to wider economic shifts or the conflagrations that erupted along an ever expanding eastern frontier. But these broader patterns of change modified, rather than undermined, the existing foundations of Mpondo political authority.

Consequently, this thesis explores how these broader historical developments were perceived in Pondoland. Specifically, it seeks to examine how various Mpondo and other actors understood these processes by highlighting the contentious debates about the exercise of political authority and subjecthood they provoked. Such conversations varied across the polity; they expressed the latent loyalties and long-term rivalries within the country – cleavages which themselves reflected its jurisdictionally heterogeneous nature and the processes of differential incorporation which bound its composite communities in various ways to the Mpondo paramountcy. In examining the political dialogue that took place during Pondoland's transition from independence to annexation, this thesis foregrounds the reconfiguration of intra-Mpondo political relations as central in determining the nature of the country's incorporation. Moreover, it explores how these intra-Mpondo shifts were both facilitated by, and foundational to, the intersection of indigenous, colonial and imperial jurisdictional disputes in ways that fundamentally shaped the administrative and institutional character of the early colonial state.

Note on Terminology

As Thembela Kepe and Lungisile Ntsebeza have recently acknowledged, there are various ways of spelling the site of study of this thesis: 'Mpondoland', 'Phondoland' and 'Pondoland'. Whilst these differences arise from an attempt to decolonise the term, there are numerous difficulties and pitfalls that prevent its easy standardisation.¹ Throughout this thesis, I have used the noun 'Pondoland' when situating the processes and historical developments under analysis in their physical and geographical location. I have, however, used the term 'Mpondo' adjectivally to describe them; for example, intra-Mpondo relations, Mpondo system of governance or Mpondo historical actors. I am aware of the potential dissonance between these two terms with regards to their colonial and indigenous usage. The former points to its historically constructed nature and is thus deployed in order to critique and analyse the jurisdictional limits of the term. The latter recognises the Mpondo as a people in contemporary time/place; I thus seek to respect that whilst using the term adjectivally to highlight those composite communities and their interactions that ultimately qualified and gave meaning to the country's jurisdictional boundaries.

When referring to names of specific chiefs, I have opted for the contemporary spelling: Mhlangaso and Mqikela rather than Umhlangaso and Umqikela. I have done the same when referring to place names or names of rivers: Mthatha and Mzimvubu instead of Umtata and Umzimvubu. When referencing specific clan names or lineages, I have dropped the prefix: Bala and Xesibe, instead of amaBala and amaXesibe. This I have done throughout the thesis, unless citing directly from primary material.

¹ Thembela Kepe and Lungisile Ntsebeza, 'Introduction', in Thembela Kepe and Lungisile Ntsebeza (eds), *Rural Resistance in South Africa: The Mpondo Revolts after Fifty Years*, (Leiden: Brill, 2011), p. 2, fn. 2.

List of Abbreviations

In Source References:

A	Accessions
BIZ	Resident Magistrate, Bizana District, Eastern Pondoland
CA	National Archives of South Africa, Cape Town Archives Repository
CL	Cory Library, Rhodes University, Grahamstown
CMK	Chief Magistrate, East Griqualand
CMT	Chief Magistrate, Transkei
CNC	Chief Native Commissioner, Natal
CSC	Cape Supreme Court
CSO	Colonial Secretary's Office, Natal
DD	Defence Department, Cape Colony
FSF	Resident Magistrate, Flagstaff District, Eastern Pondoland
GH	Government House, Cape Colony
KCL	Killie-Campbell Africana Library, University of KwaZulu-Natal, Durban
LBE	Resident Magistrate, Libode, Western Pondoland
LSK	Resident Magistrate, Lusikisiki, Eastern Pondoland
NA	Native Affairs Department, Cape Colony
NQL	Resident Magistrate, Ngqeleni, Western Pondoland
PA	National Archives of South Africa, Pietermaritzburg Archives Repository
PMO	Prime Minister's Office, Cape Colony
RCP	Resident Commissioner, Pondoland
RSC	Registrar, Supreme Court, Natal
UCT	Manuscripts and Archives, University of Cape Town

Introduction:

Of Tusks and Tiger Skins – Loyalty on the Margins of Empire:

On 3 March 1902, A. K. Soga addressed a letter to the Native Affairs Department of the Cape Colony. An editor of the independent African newspaper *Izwi Labantu* (Voice of the People), Soga explained how he had been contacted by the Paramount Chief of Eastern Pondoland, Sigcau (1887-1905), regarding an ivory tusk and tiger skin that he had forwarded to department officials, 'presumably for the presentation to HRH the Duke of Cornwall and York'.¹ The items were intended as gifts, to be presented to the grandson of the late Queen Victoria and future King of Britain's empire during his tour of South Africa in August 1901. Yet the tusk and tiger skin never reached their royal recipient; the Mpondo chief alleged that he was advised to give them to a colonial official in order to save the expense of despatching the gifts to England. Since he was visiting Cape Town for a few days, Soga offered to investigate the matter in order 'to satisfy the Chief as to the ultimate destination of the parcel'. He politely concluded his letter, simply requesting that the government 'kindly favour me with some information on the subject'.

His reply, however, was not so courteous. One official lambasted Soga's inquiry as 'an accusation...devoid of truth'.² Another questioned why Sigcau had contacted the editor at all, claiming that he had misunderstood what was actually an instruction to send the gifts via a colonial official in order to avoid the postal expense. Anyhow, he had been repeatedly informed that the items had not been passed on to

¹ The following is taken from (CA) NA-505 File A180: A. K. Soga to Native Affairs Office, 3 March 1902.

² (CA) NA-505 A180: Native Affairs Office to A. K. Soga, 7 March 1902.

the Duke; they were to remain in Cape Town until he had decided what to do with them.³ Hardly a colonial conspiracy, their non-delivery was actually the fault of the chief. Perhaps it was just as well – the tusk was broken and the tiger skin was stained; officials noted that they had ‘sustained considerable damage in...transit...unfortunately rendering them unfit for presentation to Their Royal Highness’.⁴ The Native Affairs Department thus opted to send the articles back to Pondoland, along with the sincere regret of the Prime Minister.

That these gifts were returned to the paramount arguably suggests the irrelevance of Mpondo participation in this broader imperial moment. That Sigcau’s offer was declined by Cape officials likewise implies the primacy of colonial authority over an African polity that was annexed to the colony in 1894. Whilst this formal acquisition had yielded a new addition to Britain’s empire, the meaning of this newfound imperial membership appeared to be determined by a colonial state whose conquest of those African kingdoms beyond the Kei River now seemed complete.

This thesis explores how various African and European actors experienced projections of imperial power, and the subsequent – though not synonymous – processes of colonial state-formation, in what was a relatively remote area on the margins of empire. Situated far away from established centres of authority in Cape Town or Pietermaritzburg, Pondoland was largely of parochial interest to imperial and colonial officials for much of the nineteenth century. As the last independent

³ (CA) NA-505 A180: Chief Magistrate, Transkei to Secretary for Native Affairs, 26 March 1902.

⁴ (CA) NA-505 A180: Assistant Secretary to Native Affairs Department to Chief Magistrate, Transkei, 23 April 1902.

chiefdom to be annexed by the Cape, the transformations that marked the diminishing of empire and the consolidation of colonial rule had relatively little impact upon Mpondo political structures until 1894. Of course, the country was not immune to wider economic shifts or the conflagrations that erupted along an ever expanding eastern frontier. But these broader patterns of change modified, rather than undermined, the existing foundations of Mpondo political authority.

Consequently, this thesis explores how these broader historical developments were perceived in Pondoland. Specifically, it seeks to examine how various Mpondo and other actors understood these processes by highlighting the contentious debates about the exercise of political authority and subjecthood they provoked. Such conversations varied across the polity; they expressed the latent loyalties and long-term rivalries within the country – cleavages which themselves reflected its jurisdictionally heterogeneous nature and the processes of differential incorporation which bound its composite communities in various ways and degrees to the Mpondo paramountcy. In examining the political dialogue that took place in Pondoland during its transition from independence to annexation, this thesis foregrounds the reconfiguration of intra-Mpondo political relations as central in determining the nature of the country's incorporation. Moreover, it explores how these intra-Mpondo shifts were both facilitated by, and foundational to, the intersection of indigenous, colonial and imperial jurisdictional disputes in ways that fundamentally shaped the administrative and institutional character of the early colonial state.

Take, for example, the tusk and tiger skin. In many respects, their non-delivery was likely of little significance. But the overreaction provoked by Soga's inquiries suggests that accusations of their royal rejection tapped into a wider insecurity about the Cape's own authority. Such worries were arguably reflective of the fractious 'politics of patriotism' that suffused South Africa and the British Empire at the beginning of the twentieth century.⁵ By the time the Duke had arrived in Natal on 13 August 1901, the royal party had already travelled to Australia and New Zealand, and would continue on to Canada by September. Undertaken as part of a wider tour of Britain's self-governing dominions, royalists throughout the empire insisted that these visits represented the appreciation of the late Queen Victoria of the participation of colonial troops in the ongoing South African War (1899-1902).⁶ Indeed, every member of the royal family saw the war as a just one, and as the Duke traversed the various lands that constituted British soil, it was arranged that he would personally pin a specially minted war medal on the chests of empire's loyal soldiers.⁷

Monarchical and military ceremonies served an important iconographical function in the maintenance of imperial rule. They were intended as displays of 'glory, strength, order and progress, virtues intended to be symbolic of Britain and its empire'; they served as demonstrations of the power of the imperial crown and its 'unprecedented reach, importance and grandeur'.⁸ Put simply, they were

⁵ I borrow the term from Bill Nasson, *Abraham Esau's War: A Black South African War in the Cape, 1899-1902*, (Cambridge: Cambridge University Press, 1991), p. 32.

⁶ Phillip Buckner, 'The Royal Tour of 1901 and the Construction of an Imperial Identity in South Africa', *South African Historical Journal*, 41:1 (1999), p. 324.

⁷ Buckner, 'The Royal Tour', pp. 329-30.

⁸ Anna Clarkson, 'Pomp, Circumstance, and Wild Arabs: The 1912 Royal Visit to Sudan', *Journal of Imperial and Commonwealth History*, 34:1 (2006), p. 75; David Cannadine, *Ornamentalism: How the British Saw Their Empire*, (London; New York; Oxford University Press, 2001), p. 101.

designed to impress subject populations and win their loyalty. This was especially crucial during the royal tour of 1901; the initial enthusiasm for British involvement in the war had started to wane, as the conflict against the Afrikaner Transvaal and Orange Free State republics began its descent into a protracted guerrilla campaign.⁹ The problems presented by those *bitterenders* beyond the Cape had been paralleled by those Afrikaners who lived within it; approximately 10 000 rebels had joined the Boer forces during their first invasion of the colony between October 1899 and March 1900.¹⁰ Such developments not only reflected a growing republican nationalism; they likewise revealed the tensions that had long shaped the socialisation of Cape Afrikaners into the British Empire.¹¹ This schism was also evident amongst the English-speaking political community, as factions emerged to support, or vehemently oppose, the suspension of the colony's constitution, proposed in light of these recent crises.¹²

It was for these reasons that the royal visit thus took place. Unashamedly jingoistic in tone, it was deliberately designed to stoke the support of, and silence the criticism within, those increasingly sceptical audiences both at home and abroad.¹³

⁹ For an overview of the different phases that constituted the conflict, see André Wessels, 'Afrikaners at War', and Fransjohan Pretorius, 'The Experience of the Bitterender Boer in the Guerrilla Phase of the South African War', in John Gooch (ed.), *The Boer War: Direction, Experience and Impact*, (London: Frank Cass, 2003), pp. 73-106 and pp. 166-85 respectively.

¹⁰ Wessels, 'Afrikaners at War', p. 98.

¹¹ See Fransjohan Pretorius, 'Afrikaner Nationalism and the Burgher on Commando', in Greg Cuthbertson, Albert Grundlingh, and Mary-Lynn Suttie (eds), *Writing a Wider War: Rethinking Gender, Race, and Identity in the South African War, 1899-1902*, (Athens: Ohio University Press, 2002), pp. 67-85; Mordechai Tamarkin, 'The Cape Afrikaners and the British Empire from the Jameson Raid to the South African War', in Donal Lowry (ed.), *The South African War Reappraised*, (Manchester: Manchester University Press, 2000), p. 129.

¹² Andrew Thompson, 'The Language of Loyalism in Southern Africa, c.1870-1939', *English Historical Review*, 118:477 (2003), pp. 633-34.

¹³ Andrew Porter, *The Origins of the South African War: Joseph Chamberlain and the Diplomacy of Imperialism, 1895-99*, (Manchester: Manchester University Press, 1980), p. vii. For an exploration of the social underpinnings of domestic jingoism, see Richard N. Price, 'Society, Status, Jingoism: The

In doing so, it also intended to underscore the 'unity of the Empire'.¹⁴ This was especially important given the plurality of participants that contributed to Britain's military campaign. As numerous studies have explored, the war necessitated an appeal to, and the mobilisation of, a range of historical actors drawn from varied socio-economic, cultural, racial and ethnic backgrounds from across the four southern African colonies.¹⁵ Those involved occupied different positions on a spectrum of loyalty and collaboration; whilst some offered their begrudging support to the British in a context of limited agency, others were more enthusiastic in professing their affiliations to empire.

Soga typifies this latter description; he served as a trooper and saw action on the front at Stormberg and Dordrecht in the Eastern Cape.¹⁶ Moreover, his newspaper endorsed imperial intervention in South Africa; it repeatedly reported Boer atrocities, alleged the tyranny of Afrikaner republicanism, and publically doubted the patriotism of those liberal Cape politicians who were critical of imperial

Social Roots of Lower Middle Class Patriotism, 1870-1900', in Geoffrey Crossick (ed.), *The Lower Middle Class in Britain*, (London: Croom Helm, 1977), pp. 89-112.

¹⁴ Buckner, 'The Royal Tour', p. 329.

¹⁵ On Afrikaner collaboration, see Albert Grundlingh, 'Collaboration in Boer Society', in Peter Warwick S. P. Spies (eds), *The South African War: the Anglo-Boer War, 1899-1902*, (Harlow: Longman, 1980), pp. 258-78; Albert Grundlingh, *The Dynamics of Treason: Boer Collaboration in the South African War of 1899-1902*, (Pretoria: Protea Book House, 2006); John Boje and Fransjohan Pretorius, 'Of Gold and Iron: Collaborators in the Winburg District', *South African Historical Journal*, 63:2 (2011), pp. 277-94. On African participation, see Peter Warwick, *Black People and the South African War, 1899-1902*, (Cambridge: Cambridge University Press, 1983); Nasson, *Abraham Esau's War*; Bernard Mbenga, 'The Role of the Bakgatla of the Pilanesberg in the South African War', John Lambert, "'Loyalty Its Own Reward": the South African War Experience of Natal's "Loyal" Africans', and Manelisi Genge, 'The Role of the EmaSwati in the South African War', in Greg Cuthbertson, Albert Grundlingh, and Mary-Lynn Suttie (eds), *Writing a Wider War: Rethinking Gender, Race, and Identity in the South African War, 1899-1902*, (Athens: Ohio University Press, 2002), pp. 85-114, 115-35 and 136-58 respectively; Neil Parsons, 'Not All Quiet on the Western Frontier: Khama's Bangwato and the Waterberg Commando', *South African Historical Journal*, 41:1 (1999), pp. 44-55.

¹⁶ André Odendaal, *The Founders: The Origins of the ANC and the Struggle for Democracy in South Africa*, (Johannesburg: Jacana Media, 2012), p. 260.

action.¹⁷ He was, however, no jingoist.¹⁸ Instead, he viewed empire as the vehicle through which British liberal values – best encapsulated by the Cape’s own non-racial franchise - might be extended to those oppressed African communities in the Transvaal and Free State.¹⁹ After all, he could personally identify with the “progressive” potential of British imperialism. He was the son of Tiyo Soga, the first indigenous southern African to be ordained as a Christian minister, and a prominent Xhosa intellectual and British loyalist.²⁰ Like his father, he was educated at the Lovedale Missionary Institution before studying at Glasgow University.²¹ Later, he joined the civil service as an employee of the Native Affairs Department, before becoming an acting magistrate.²² Soga thus embodied the promise implied by empire that “progress”, “respectability” and “improvement” were not only attainable, but were central to the eventual extension of equal political rights to indigenous populations. He therefore serves as a reminder, as Vivian Bickford-Smith rightly notes, ‘that the most important agents of British hegemony came from the ranks of the ‘rising class’ amongst the colonised themselves’.²³

In this sense, the war functioned as an exceptional moment during which a ‘loyalist consciousness’ was fully formed amongst the Christian educated elite

¹⁷ Odendaal, *The Founders*, p. 260.

¹⁸ Even if, as Peter Limb notes, financial strains necessitated that he treat with that rampant empire-builder, Cecil Rhodes, in order to keep his paper afloat in 1898-99. See Peter Limb, “‘No People Can Be Expected to Be Loyal Under Such Difficulties’: Ambiguities and Identities of Early African National Congress Leaders in South Africa”, *Social Dynamics*, 29:1 (2003), p. 8.

¹⁹ Odendaal, *The Founders*, p. 260.

²⁰ Vivian Bickford-Smith, ‘African Nationalist or British Loyalist? The Complicated Case of Tiyo Soga’, *History Workshop Journal*, 71:1 (2011), p. 78.

²¹ John M. Mackenzie and Nigel R. Dalziel, *The Scots in South Africa: Ethnicity, Identity, Gender and Race, 1772-1914*, (Johannesburg: Wits University Press, 2007), p. 117.

²² Odendaal, *The Founders*, p. 92.

²³ Vivian Bickford-Smith, ‘Revisiting Anglicisation in the Nineteenth-Century Cape Colony’, *Journal of Imperial and Commonwealth History*, 31:2 (2002), p. 85.

(*amakholwa*) within black society.²⁴ Of course, their hopes were to be found wanting following the post-war peace settlement between Briton and Boer.²⁵ Yet displays of African loyalism did not simply disappear; as Hilary Sapire demonstrates, outpourings of imperial affinity remained a resilient feature of black South African politics – both elite and popular – as late as the 1947 royal tour.²⁶

Indeed, whilst Soga would become a founding member of the South African Native National Congress in 1912 (renamed the African National Congress in 1923), he formed part of an African intelligentsia whose nationalism was underpinned, rather than undermined, by the never-to-be realised promises of empire. Through their own experiences of acculturation and Anglicisation, these *amakholwa* imbued ‘the cultural and political trappings of the late Victorian/Edwardian period’; they upheld the importance of notions of liberal universalism, English constitutionalism, individual property rights, free-wage labour and equality before the law.²⁷ Such beliefs were not simply conservative or naïve; they contained within them a ‘subversive subtext’ that was designed to hold the empire morally to account in light of an increasingly racialised settler rapacity.²⁸ Indeed, what appeared to be a ‘complicitous deferral to the values of the civilised white master [was] a combination of strategic politeness and the determination to see through the consequences of

²⁴ Nasson, *Abraham Esau’s War*, p. 39.

²⁵ Christopher Saunders, ‘African Attitudes to Britain and the Empire Before and After the South African War’, in Donal Lowry (ed.), *The South African War Reappraised*, (Manchester: Manchester University Press, 2000), p. 140.

²⁶ Hilary Sapire, ‘African Loyalism and Its Discontents: The Royal Tour of South Africa, 1947’, *The Historical Journal*, 54:1 (2011), pp. 215-40.

²⁷ Limb, “‘No People Can Be Expected to Be Loyal’”, p. 3; Thompson, ‘Languages of Loyalism’, p. 648.

²⁸ Limb, “‘No People Can Be Expected to Be Loyal’”, p. 3; Sapire, ‘African Loyalism’, p. 217.

such politeness in socio-political terms'.²⁹ This persistent imperial attachment thus demonstrated an investment in an inclusive "British world" that could never be strictly defined along ethno-nationalist or racial lines - whatever the ambitions of leading imperial and colonial administrators.³⁰ As Saul Dubow contends, it should instead be understood in terms of the invocation of symbols and institutions that were necessarily de-territorialised and shared between neo-Briton and non-Briton alike.³¹

As a result, African actors were able to engage in 'elective, hyphenated forms of belonging' that, whilst ostensibly "pro-British", did not constitute blind affirmations of imperial loyalty; rather, they fused together social, class, gender, racial, religious and regional influences to produce complex prescriptions for political change.³² There thus existed no simple binary between 'loyalism...and a purportedly more 'progressive' nationalist consciousness that superseded it'.³³ Equally, whilst the outlook of men like Soga was predicated upon notions of modern civility and

²⁹ Leon De Kock, 'Sitting for the Civilization Test: The Making(s) of a Civil Imaginary in Colonial South Africa', *Poetics Today*, 22:2 (2001), p. 404.

³⁰ On the racial reconciliation between Briton and Boer and the conscious construction of a white 'South Africanism' in the post-war period, see Saul Dubow, 'Colonial Nationalism, The Milner Kindergarten and the Rise of 'South Africanism', 1902-10', *History Workshop Journal*, 43 (Spring, 1997), pp. 53-85, here p. 54. For an exploration of the debates that this provoked within white South African society beyond the post-war period, see John Lambert, 'South African British? Or Dominion South Africans? The Evolution of an Identity in the 1910s and 1920s', *South African Historical Journal*, 43:1 (2000), pp. 192-222.

³¹ Saul Dubow, 'How British Was the British World? The Case of South Africa', *Journal of Imperial and Commonwealth History*, 37:1 (2009), pp. 2-3. For a similar discussion concerning the assimilation of non-British white populations, see Donal Lowry, 'The Crown, Empire Loyalty and the Assimilation of Non-British White Subjects in the British World: An Argument Against 'Ethnic Determinism'', *Journal of Imperial and Commonwealth History*, 31:2 (2003), pp. 96-120.

³² Dubow, 'How British Was the British World?', p. 2; Limb, "'No People Can Be Expected to Be Loyal'", p. 2. An excellent exploration of the modern, moderate outlook that this fusion produced amongst leading African nationalist leaders can be found in Heather Hughes, *First President: A Life of John Dube, Founding President of the ANC*, (Auckland Park, South Africa: Jacana Media, 2011), pp. xviii-xix.

³³ Hilary Sapire, 'Ambiguities of Loyalty: the Prince of Wales in India and Africa, 1921-2 and 25', *History Workshop Journal*, 73:1 (2012), p. 39.

urbanity, their interests were not necessarily antithetical to those held by rural “traditional” leaders – like Sigcau. After all, many were connected by long-standing personal or familial associations. Soga’s grandfather and father, for example, had served as principal councillors to the Ngqika paramountcy in the early-to-mid-nineteenth century.³⁴ More recently, Timothy Gibbs has examined the kin-based networks that linked the Transkei’s leading families and the leadership of the ANC, most of whom had roots in ‘a rural society that had been strained, but not broken, by colonial conquest’.³⁵ In this sense, whilst Soga was no doubted moulded by the modernising “traditions” of nineteenth-century Europe, he could easily find common cause with the Mpondo paramount, despite the fact that his “tribe” was considered to be the most “backward” of all the peoples and polities that comprised the Transkeian Territories.³⁶

It is unlikely that Sigcau shared the same ambitions as Soga; the imperial connection, and the South African War itself, played themselves out very differently in Pondoland, not least because the country was relatively far removed from the theatre of conflict. Certainly, like other more distant regions its ramifications could be felt through the intensified demands made for the extraction of African labour,

³⁴ On the Soga family’s long-term associations with the Ngqika paramountcy, see Jeff Peires, *The House of Phalo: A History of the Xhosa People In the Days of Their Independence*, (Johannesburg: Ravan Press, 1981), p. 74, 108; Bickford-Smith, ‘African Nationalist or British Loyalist?’, p. 78; Odendaal, *The Founders*, p. 25.

³⁵ Timothy Gibbs, *Mandela’s Kinsmen: Nationalist Elites and Apartheid’s First Bantustan*, (Oxford: James Currey, 2014), p. 13.

³⁶ Terrance Ranger, ‘The Invention of Tradition in Colonial Africa’, in Terrance Ranger and Eric Hobsbawm (eds), *The Invention of Tradition*, (Cambridge: Cambridge University Press, 1983), p. 220; G. M. Theal, *A History of South Africa From 1873 to 1884: Twelve Eventful Years With Continuation of the History of Gcalekaland, Tembuland, Pondoland and Betshuanaland Until the Annexation of Those Territories to the Cape Colony, and of Zululand until its Annexation to Natal*, (London, 1919), p. 173; Jan Smuts, ‘Foreword’, in Monica Hunter, *Reaction to Conquest: Effects of Contact with Europeans on the Pondo of South Africa*, (London: Oxford University Press, 1936), p. vii.

taxation and goods. Such pressures underpinned a longer-term process of partial proletarianisation; these were also instrumentalised in the service of local political disputes and created new opportunities for rural production and the accumulation of property and stock.³⁷ Yet as the map below demonstrates, in the Eastern Cape British and Boer forces were largely confined to those settler districts – such as Aliwal North and Barkley East - where the outbreak of rebellion had occurred (**Fig. i.1**). Whilst martial law was promulgated across the Transkei, and the requisition of food, wagons, animals and other supplies were unilaterally sanctioned, the war barely featured in the daily lives of Mpondo chiefs and commoners.³⁸

Officials were particularly eager to avoid stoking any active support for the British amongst local populations. Following the outbreak of hostilities, the Chief Magistrate of the Transkei, Walter Stanford, advised resident magistrates to quietly inform Mpondo chiefs and to avoid announcing any news to large gatherings. Moreover, he explained how he looked to them ‘with great confidence...to use [their] undoubted influence...to counsel and advise any who...may be led into any wrong or rash action’.³⁹ Doing so would not only reassure Mpondo inhabitants of the strength of ‘the constitutional government of the colony’, but would ensure that they would

³⁷ In this respect the Mpondo fared better than other Transkeian communities, as the war created new markets for the exporting of grain. See William Beinart, *The Political Economy of Pondoland, 1860-1930*, (Cambridge: Cambridge University Press, 1982), p. 49. See also, Peter Delius, ‘Abel Erasmus: Power and Profit in the Eastern Transvaal’, in William Beinart, Peter Delius and Stanley Trapido (eds), *Putting a Plough to the Ground: Accumulation and Dispossession in Rural South Africa, 1850-1930*, (Johannesburg: Ravan Press, 1986), pp. 207-8; Jeremy Krikler, *Revolution from Above, Rebellion from Below: The Agrarian Transvaal at the Turn of the Century*, (Oxford: Clarendon, 1993), especially pp. 1-36.

³⁸ (CA) NA-505 A175: Martial Law Regulations Book for Transkei, 1901-1902.

³⁹ (CA) 1/BIZ-4/1/8/1: Chief Magistrate, Transkei to Resident Magistrate, Bizana, 13 October 1899.

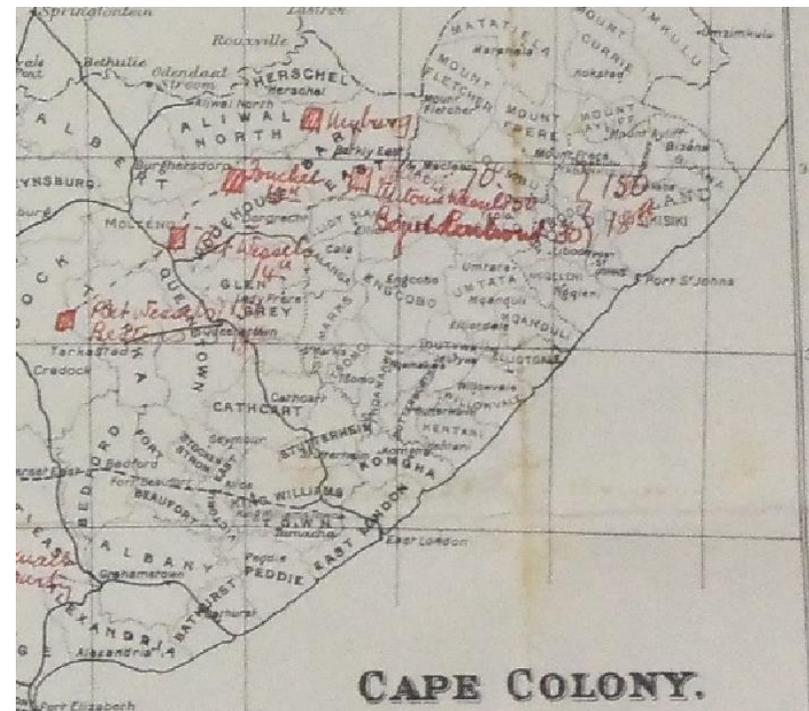
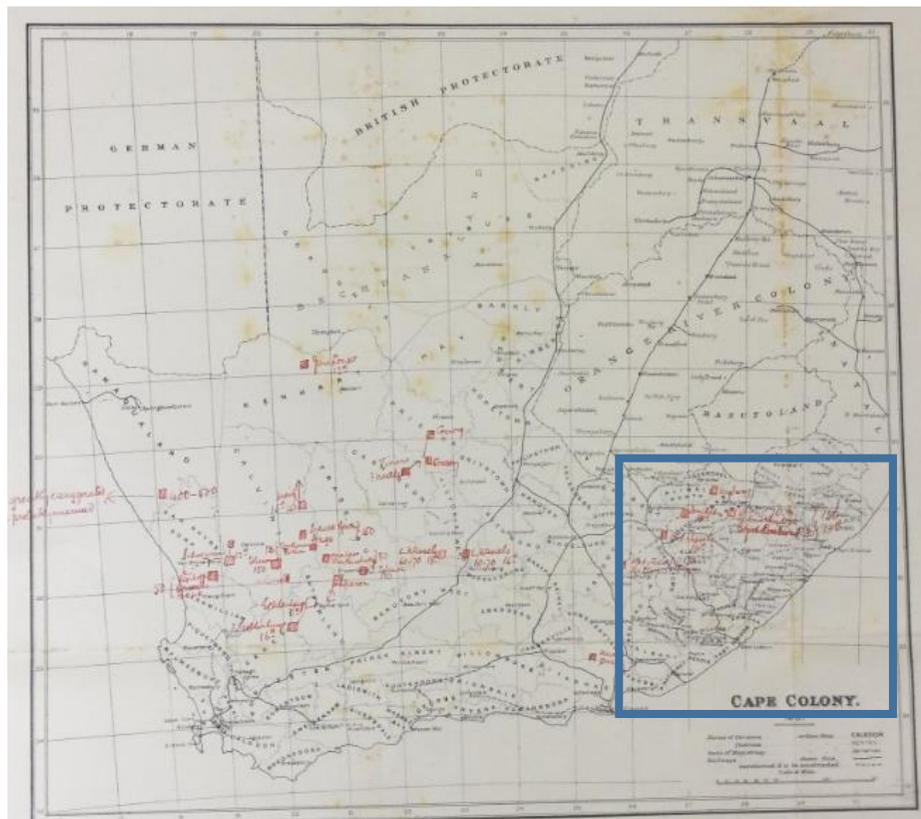


Fig. i.1: Map showing position of rebel and Boer commandos in the Eastern Cape, 1901. (CA) MAPS: Enclosed Confidential Despatch. 22 Jan 1902, M-1/2741.

maintain ‘their attitude of loyal quiet and submission’; indeed, it would serve as ‘striking proof...that the people are loyal subjects of the Queen’.⁴¹

This emphasis placed on quiescence and stability arguably reflected a longer-term desire to ensure the successful governance of African communities beyond the conclusion of the conflict.⁴² In this context, displays of imperial support were not to undermine the wider project of colonial rule; loyalty was simply to equate to obedience and the maintenance of order. In many respects, the royal tour itself was designed to attend to these themes. Drawing on the ‘idioms of monarchical paternalism’, these events sought to embody an ideology of imperial governance that linked ruler and ruled through a hierarchy of power which tied particular localities to the very apex of empire.⁴³ Such displays intended to appeal to traditional leaders in particular, through a ‘shared recognition of high social rank’ and the implied equivalence between African chiefs and imperial monarch on the basis of ‘individual social prestige’.⁴⁴ The invocation of tradition and hierarchy was meant to foster a sense of dutiful subordination to the Crown, although this nominally colour-blind preoccupation with social class sat uneasily alongside what was also a colour-coded system of imperial rule.⁴⁵ As John Lonsdale notes, in the minds of many British officials, it was hoped that such ‘imperial ornamentalism’ may ‘have thrown a royal

⁴¹ (CA) 1/FSF-4/1/1/2: Chief Magistrate, Transkei to Resident Magistrate, Flagstaff, 2 November 1899; (CA) 1/BIZ-4/1/8/1: Chief Magistrate, Transkei to Resident Magistrate, Bizana, 13 October 1899.

⁴² To that end, it effectively became what Donald Denoon describes as a ‘non-war’ in Pondoland. See Donald Denoon, ‘Participation in the ‘Boer War’: People’s War, People’s Non-War, or Non-People’s War?’, in B. A. Ogot (ed.), *War and Society in Africa*, (London: Cass, 1972), p. 113.

⁴³ Terrance Ranger, ‘Making Northern Rhodesia Imperial: Variations on a Royal Theme, 1924-1938’, *African Affairs*, 79:316 (1980), p. 350, 353.

⁴⁴ Cannadine, *Ornamentalism*, pp. 7-8.

⁴⁵ Cannadine, *Ornamentalism*, p. 102, 8.

cloak of aristocratic rank and chivalrous honour over the racial and other inequalities' that otherwise characterised the colonial project.⁴⁶

Whether African chiefs brought into this imperial ideal or not is difficult to discern. Certainly, many wished to share in what was clearly an important moment for the multiple "loyalist" communities that comprised the Cape.⁴⁷ Sigcau was arguably no different; his offer of the tusk and tiger skin signified his desire to associate himself with the royal tour. Such enthusiasm may have reflected, as Phillip Buckner argues, less an investment in the idioms of monarchical paternalism and more 'a realistic assessment of the changing balance of power in South Africa and of the advantages of collaboration'.⁴⁸ Or perhaps, it was both. After all, this was not the first time that the Mpondo paramount had requested a royal audience. On 25 October 1900, Sigcau had informed Transkeian officials of his intention to visit England to obtain an interview with Queen Victoria, and thus requested £550 for travelling expenses. Whilst Stanford advised him against undertaking this 'fool's errand', the chief was convinced 'that he would be well received' by the monarch.⁴⁹

Such self-assuredness was likely born from the encouragement he had received from a black American missionary, Conrad Rideout, from the African Methodist Episcopal Church (AME) – one of the many "Ethiopian" church movements that had spread across the Eastern Cape at the end of the nineteenth century.⁵⁰ This

⁴⁶ John Lonsdale, 'Ornamental Constitutionalism in Africa: Kenyatta and the Two Queens', *Journal of Imperial and Commonwealth History*, 34:1 (2006), p. 88.

⁴⁷ Buckner, 'The Royal Tour', p. 343.

⁴⁸ Buckner, 'The Royal Tour', p. 343.

⁴⁹ (CA) CMT-3/52: Assistant Chief Magistrate, Pondoland East to Chief Magistrate, Transkei, 25 October 1900.

⁵⁰ (CA) CMT-3/52: Assistant Chief Magistrate, Pondoland East to Chief Magistrate, Transkei, 30 July 1900. On the increased presence of AME churches in southern Africa, see Jim Campbell, 'Chiefly Authority and the AME Church, 1896-1910', *Collected Seminar Papers. Institute of Commonwealth*

relationship concerned Transkeian officials since the AME promoted the growth of independent industrial schools, and preached a political doctrine of racial pride, self-government and African educational achievement that did not require the “civilising” impetus of the colonial state. Whilst such ideas unsurprisingly found currency amongst many “de-tribalised” nascent nationalists, they were also well-received by numerous traditional leaders, like Sigcau, who were eager to reclaim a political and economic independence diminished by colonial rule.⁵¹ Little wonder, then, that the journey to London was considered. Promoted by Rideout during a period of imperial intervention in southern Africa, the trip was intended to provide the Mpondo paramount with an opportunity to personally present his grievances to Queen Victoria herself. Doing so would therefore allow him to circumvent the channels of petition usually mediated by the Cape Government, whose own jurisdictional integrity was called into question during this moment of conflict and crisis.

In one sense, Sigcau’s potential trip to England thus embodied an ‘African pro-imperialism’ that Christopher Saunders suggests functioned as ‘a kind of anti-colonialism’.⁵² To some extent this is true; just like their ‘progressive’ counterparts, various chiefs could similarly look to the Crown as a counterpoise to the racialised rule of the colonial state – often with some degree of success.⁵³ But the term cannot

Studies, 38 (1990), pp. 40-50, here p. 45. For a discussion of the links forged between southern African and American missionaries and some of the prominent individuals involved, see Odendaal, *The Founders*, p. 195, 250, 251, and 304.

⁵¹ Campbell identifies many of the political, cultural and organisational reasons that the AME both appealed to, and could easily work with, traditional authorities. See Campbell, ‘Chiefly Authority and the AME Church’, pp. 42-44; Beinart, *Political Economy*, p. 153.

⁵² Saunders, ‘African Attitudes’, p. 145.

⁵³ Consider, for example, the exclusion of the High Commission Territories – Basutoland, Bechuanaland and Swaziland – from the unitary state formed in 1910. Whilst there is some debate regarding the extent to which their non-incorporation was the result of metropolitan policy or local pressures, the notion of ‘imperial trusteeship’ was invoked on both sides. See Ronald Hyam and

adequately convey the complexities of Sigcau's apparent imperial enthusiasm; it implies that this turn to empire served solely as a form of anti-colonial resistance, thereby assuming the relative homogeneity of intra-Mpondo interests as a consequence.

If anything, the opposite was true. If Sigcau had embraced the AME in the early twentieth century, he had opposed them at the end of the nineteenth. As William Beinart notes, the Ethiopian church movements had once been associated with Mhlangaso, his one-time rival for the Mpondo paramountcy.⁵⁴ As this thesis will later explore, their contestations had resulted in a protracted civil war that, whilst nominally settled following the country's annexation, had fostered divisions which continued to undermine Sigcau's own authority. As such, his dealings with the AME may well have indicated an Mpondo frustration with colonial rule. But they were arguably just as likely rooted in a need to extend the paramount's influence amongst those recalcitrant communities within Pondoland too.

Equally, Sigcau's visit to Victoria was likely intended to imply an equivalence with the head of Britain's empire on the basis of shared notions of royal hierarchy.⁵⁵ But it was also arguably hoped that meeting the monarch would both underwrite a status that had been diminished by colonial rule whilst demonstrating a strength that had been undermined by civil conflict.

Peter Henshaw, *The Lion and the Springbok: Britain and South Africa since the Boer War*, (Cambridge: Cambridge University Press, 2003), pp. 97-99.

⁵⁴ Beinart, *Political Economy*, p. 153.

⁵⁵ To that end, he was no different from other African notables who similarly undertook the journey to the imperial metropole. See Neil Parsons, "'No Longer Rare Birds in London": Zulu, Ndebele, Gaza, and Swazi Envoys to England, 1882-1894', in Gretchen Holbrook Gerzina (ed.), *Black Victorians, Black Victoriana*, (New Brunswick, N. J; Rutgers University Press, 2003), pp. 110-141.

The royal tour presented both a similar challenge and potential opportunity. Whether he refused to attend or not is unclear; archival research uncovered no formal offer to Sigcau to attend the celebrations in Cape Town. Indeed, it was more likely that officials deliberately excluded the paramount not least because of his refusal to sanction the demarcation of administrative boundaries around what was once his rival's former chiefdom.⁵⁶ Ill-favoured by the state, his apparent marginalisation was underlined by the invitation of other Mpondo chiefs to the royal demonstrations. On 7 June 1901, the Resident Magistrate of Ngqeleni requested that Gwadiso, chief of the Khonjwayo clan in Western Pondoland, and other leading local chiefs, be asked to take part in the festivities. In doing so, the official pondered the possible 'beneficial effects that would be made on the minds of the natives on such an occasion'.⁵⁷

Sigcau's non-invitation thus underlined the precariousness of his own position within Pondoland. It not only pointed to his poor personal relations with the Cape; it also illustrated the relative autonomy enjoyed by those Mpondo chiefs who had travelled to the colonial capital. In this way, the royal tour represented more than just a moment of imperial celebration; it also functioned as 'an occasion for chiefly politics'.⁵⁸ Indeed, the Cape revealed its need to instrumentalise intra-Mpondo relations in order to consolidate its own claim to rule; inviting particular chiefs to join the festivities went hand in hand with the attempted marginalisation of an otherwise obstructive paramount. Likewise, Sigcau's display of loyalty – embodied

⁵⁶ See (CA) CMT-3/7: Secretary for Native Affairs to Chief Magistrate, East Griqualand, 17 February 1899; (CA) NA-685 (Part II): Resident Magistrate, Lusiksiki to Chief Magistrate, East Griqualand, 21 July 1899. These issues are further explored in chapter 6.

⁵⁷ (CA) CMT-3/143: Resident Magistrate, Ngqeleni to Chief Magistrate, Transkei, 7 June 1901.

⁵⁸ Ranger, 'Making Northern Rhodesia Imperial', p. 365.

by the tusk and tiger skin – was arguably aimed at the restoration of an authority that had been recently diminished by the advent of colonial rule and which was simultaneously contingent on the factions and fissures within the Mpondo polity.

In this sense, the royal tour highlighted the intersection of various imperial, colonial and indigenous jurisdictional disputes that comprised Pondoland at the beginning of the twentieth century. Behind this exceptional event lay a more mundane, but arguably more important, conflict which was locally constituted, vociferously contested and which had clearly not been settled despite colonial annexation in 1894. This attempted projection of imperial power was thus inherently limited; here, wider debates about imperial loyalty were requalified by longer-standing contentious conversations concerning the exercise of political authority *within* Pondoland itself.

This thesis argues that such disagreements were born from a politics and process of differential incorporation that gave the Mpondo polity its jurisdictional heterogeneity and which underpinned the relative autonomy enjoyed by Mpondo chiefs and their communities. Given the relatively late formalisation of colonial rule, however, it also suggests that this shifting dynamic of intra-Mpondo political relations was at its most potent following the periodic interventions of British rule within the country throughout the mid-to-late nineteenth century. To that end, this thesis highlights the accommodation of supra-local exertions of imperial power by local loyalties and rivalries. Moreover, it demonstrates how this intersection of often unrelated agendas determined the nature of the country's political incorporation

into the Cape and shaped the institutional viability and administrative character of the early colonial state which followed.

Conceptual Framework: Multiple Jurisdictions in an Imperial World:

The above episode demonstrates how projections of imperial power could reveal the multiple jurisdictional disputes contained within a single space. In highlighting these overlapping claims, this thesis builds on a particular set of studies which emphasise the multiple forms of ‘attenuated and partial sovereignties’ that constituted imperial space.⁵⁹ Such approaches underscore jurisdictional and legal plurality as a ‘ubiquitous feature of colonialism in and beyond the British empire’; they highlight its ambivalent terrain as composed of often competing, sometimes reinforcing but always intersecting realms of rule that, whilst ‘particularly visible in a colony’s early history...[were] equally important to the colonial state in full flight’.⁶⁰ This latter qualification is especially important to this thesis, given its emphasis on the centrality of intra-Mpondo relations in shaping the process of political incorporation at the end of the nineteenth century. In doing so, it seeks to qualify the conventional narrative concerning ‘the rise of rationally ordered nation-states as both inevitable and fundamentally dictated by the West’ by situating this consolidation of colonial rule within its broader imperial context.⁶¹ As such, it is largely influenced by those studies

⁵⁹ Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900*, (Cambridge: Cambridge University Press, 2009), p. 279.

⁶⁰ Zoë Laidlaw, ‘Breaking Britannia’s Bounds? Law, Settlers and Space in Britain’s Bounds? Law, Settlers, and Space in Britain’s Imperial Historiography’, *The Historical Journal*, 55:3 (2012), p. 817.

⁶¹ Lauren Benton, ‘Colonial Law and Cultural Difference: Jurisdictional Politics and the Formation of the Colonial State’, *Comparative Studies in Society and History*, 41:3 (1999), p. 563.

which are ‘self-consciously attuned to ‘empire’’ and which ‘tend to eschew parochial, colony-or nation-bound interpretations’ of the late-nineteenth century.⁶²

This approach is characteristic of the well-established ‘new imperial history’, which has moved the study of empire away from considerations of imperial policy-making or the imperatives of metropolitan finance.⁶³ These earlier concerns both implied the interaction between an immutable imperial “core” and idiosyncratic colonial “periphery”, even if they differed in their centripetal or centrifugal emphases.⁶⁴ Instead, numerous scholars have reconceptualised the relationship between “metropole” and “colony”; no longer discrete or distinct concepts, they have been placed within ‘a single analytic frame’ in order to highlight their various interconnections and the mutual constitution of British and colonial identities.⁶⁵ Naturally, this approach comprises a broad body of scholarship that has been primarily marked by its emphasis on intra-imperial cultural exchange and its post-colonial preoccupation with the material and discursive construction of difference. Doing so has allowed various scholars to better ‘account for non-elite and non-western pasts’ as central to the making of empire; it has called greater attention to

⁶² Zoë Laidlaw, ‘Breaking Britannia’s Bounds?’, p. 808.

⁶³ Simon Potter, *British Imperial History*, (Basingstoke: Palgrave Macmillan, 2015), p. 4. The former is best encapsulated by the concept of the ‘official mind’ and the concomitant conceptualisation of empire as an ‘ex-centric’ process, first advanced by Ronald Robinson, John Gallagher and Alice Denny, *Africa and the Victorians: The Officials Mind of Imperialism*, (London: Macmillan, 1961). The latter is most famously embodied by the notion of ‘gentlemanly capitalism’ and the focus on the formative role played by metropolitan finance as the primary facilitator of interaction between Britain and its colonies. See P. J. Cain and A. G. Hopkins, *British Imperialism: Innovation and Expansion, 1688-1914*, (London: Longman, 1993).

⁶⁴ David Lambert and Alan Lester, ‘Introduction: Imperial Spaces, Imperial Subjects’, in David Lambert and Alan Lester (eds), *Colonial Lives Across the British Empire: Imperial Careering in the Long Nineteenth Century*, (Cambridge: Cambridge University Press, 2006), p. 4.

⁶⁵ Ann Laura Stoler and Frederick Cooper, ‘Between Metropole and Colony: Rethinking a Research Agenda’, in Frederick Cooper and Ann Laura Stoler (eds), *Tensions of Empire: Colonial Cultures in a Bourgeois World*, (Berkeley, Calif.; London: University of California Press, 1997), p. 4; Potter, *British Imperial*, p. 64.

the intersection of race, gender, generational, class and religious 'subject positions'; and has emphasised the indivisibility between metropolitan domestic and colonial histories, thereby revealing the 'microhistories of empire's reach and impact'.⁶⁶

Such efforts underscore the 'shared but differentiated space of empire', cutting across those territorial and cultural boundaries erected by colonial actors and reconstituted by the study of 'national' histories and the scholarly tendency towards regional specialism.⁶⁷ Instead, historians have encouraged the production of a swathe of multi-sited studies which have explored the reciprocal exchanges between various spheres of colonial and imperial power. The topics covered are unsurprisingly vast, but include analyses of the circulation of information,⁶⁸ colonial policies,⁶⁹ the migration of various state and non-state actors and the 'trans-imperial development of particular ideas, practices and identities'.⁷⁰ Moreover, they have highlighted the correspondence between settler communities concerning discourses of racial difference,⁷¹ the sentimental and material bonds forged between Britons at home

⁶⁶ Kathleen Wilson, 'Introduction: Histories, Empires, Modernities', in Kathleen Wilson (ed.), *A New Imperial History: Culture, Identity, and Modernity in Britain and the Empire, 1660-1840*, (Cambridge: Cambridge University Press, 2004), p. 1; Lambert and Lester, 'Introduction', p. 2; see Catherine Hall and Sonya Rose, 'Introduction: Being at Home With the Empire', in Catherine Hall and Sonya O. Rose (eds), *At Home With the Empire: metropolitan Culture and the Imperial World*, (Cambridge: Cambridge University Press, 2006), pp. 1-31; Wilson, 'Introduction', p. 18.

⁶⁷ Stoler and Cooper, 'Between Metropole and Colony', p. 3; Thompson, 'Languages of Loyalty', p. 617.

⁶⁸ Zoë Laidlaw, *Colonial Connections, 1815-45: Patronage, the Information Revolution and Colonial Government*, (Manchester: Manchester University Press, 2005).

⁶⁹ On the transportation of policies on racial amalgamation between Australia, New Zealand and South Africa, for example, see Damon Salesa, *Racial Crossings: Race, Intermarriage, and the Victorian British Empire*, (Oxford: Oxford University Press, 2011).

⁷⁰ Lambert and Lester, 'Introduction', p. 2.

⁷¹ Alan Lester, 'British Settler Discourse and the Circuits of Empire', *History Workshop Journal*, 54:1 (2002), pp. 320-41.

and abroad,⁷² and the importing of ‘ideology, cultural baggage and life-style’ that characterised a diasporic “British world” spread across empire’s expanse.⁷³

Taken together, these studies illustrate ‘the various ways of conceptualizing [sic] the British Empire’s spatialities’, encouraging scholars to deploy various ‘metaphors of connection’ in the process.⁷⁴ In doing so, the binarisms that traditionally structured analyses of imperialism – metropole/colony or nation/empire – have been called into question by highlighting the myriad processes of exchange that occurred both above and below the level of the nation-state.⁷⁵ Such innovations thus reveal a variety of power relations that were simultaneously local and transnational, thereby complicating the territorially bounded notions of “coloniser” and “colonised”. Indeed, these subject positions were hardly homogenous or fixed; as Catherine Hall makes clear, ‘the times when the collective identity of the coloniser and colonised overrode all other distinctions were rare...different groups of colonisers engaged in different colonial projects...each with their own dynamics’.⁷⁶

Recognising the heterogeneity of these concepts highlights the potential for division amongst “coloniser” and “colonised”, as well as the multiplicity of

⁷² Gary B. Magee and Andrew S. Thompson, *Empire and Globalisation: Networks of People, Goods and Capital in the British World, c. 1850-1914*, (Cambridge: Cambridge University Press, 2010); Andrew Smith, ‘Patriotism, Self-Interest and the ‘Empire-Effect’: Britishness and British Decisions to Invest in Canada, 1867-1914’, *Journal of Imperial and Commonwealth Studies*, 41:1 (2013), pp. 59-80.

⁷³ Thompson, ‘Languages of Loyalism’, p. 617; Dubow, ‘How British Was the British World?’.

⁷⁴ Alan Lester, ‘Imperial Circuits and Networks: Geographies of the British Empire’, *History Compass*, 4:1 (2006), p. 124; Laidlaw, ‘Breaking Britannia’s Bounds?’, p. 816.

⁷⁵ A. G. Hopkins, ‘Back to the Future: From National History to Imperial History’, *Past and Present*, 164:1 (1999), p. 203.

⁷⁶ Catherine Hall, *Civilising Subjects: Metropole and Colony in the English Imagination, 1830-1867*, (Cambridge: Polity, 2002), pp. 15-16.

interactions that could reach across this colonial divide. Doing so also calls attention to the specific power relations that comprised Britain's empire *within* a particular space, and the ways in which seemingly indigenous, colonial and imperial interests could intersect to determine how this process was negotiated on the ground.

Scholars have therefore sought to retain an acknowledgement of "empire" as a category of governance whilst investigating 'why imperial governance took the forms it did in distinct places and at different times'.⁷⁷ This approach requires paying attention to the political pluralities and complexities that comprised specific jurisdictional spaces as they were incorporated into a wider imperial ambit. Studying the establishment of the French protectorate over Tunisia in 1881, Mary Dewhurst Lewis explores what she terms the problem of 'divided rule'.⁷⁸ The conditions of political incorporation left the sovereignty of the Husaynid dynasty intact, recognising its authority over the system of taxation and military organisation, but also those international treaties signed with Great Britain and Italy prior to its conquest. As she argues, a 'fragmentation of authority...was built into the original protectorate arrangement'; French officials maintained the extraterritorial claims of their imperial rivals, thereby providing opportunities for ordinary Tunisians to engage in 'jurisdiction jumping': the manoeuvre between French, Tunisian and foreign institutions for material, legal and social gains.⁷⁹ This jurisdictional plurality was inflected in the very institutional mechanisms of colonial rule and provided a further

⁷⁷ Mary Dewhurst Lewis, *Divided Rule: Sovereignty and Empire in French Tunisia, 1881-1938*, (Berkeley: University of California Press, 2013), p. 4.

⁷⁸ Lewis, *Divided Rule*, p. 1.

⁷⁹ Lewis, *Divided Rule*, p. 1, 3.

‘pivot for interimperial [sic] politics’, as European rivals attempted to broker influence in lands claimed by the French Empire.⁸⁰

Of central importance to this thesis is Lewis’ acknowledgment of the role played by pre-existing jurisdictional arrangements in shaping the administrative and institutional character of the early colonial state. There are useful parallels to be made with Pondoland, inasmuch as the formalisation of colonial rule was not preceded by conflict and thus did not entail the violent re-making of Mpondo society. Modified rather than undermined by broader economic transformations, the political foundations of Mpondo chiefly authority also remained largely intact. Underpinned by their relative autonomy, the jurisdictional primacy of regional chiefs and their followers was a defining characteristic of Pondoland.

Another point of comparison lies in the timing of Tunisia and Pondoland’s colonial incorporation. As Lewis makes clear, the establishment of a French Protectorate occurred at the end of the nineteenth century; in part it reflected the heightened period of inter-imperial rivalry characteristic of the “new imperialism”, which witnessed the ‘rise of an international state system that was based on distinct sovereign states and apparent zero-sum games’.⁸¹ Pondoland’s annexation similarly took place rather late – in 1894; until then, it remained something of an anomaly on the political landscape of South Africa. Indeed, the rest of the Transkeian Territories had been formally incorporated by 1878, whilst the Cape had achieved responsible self-government in 1872 – a status matched by its sister colony of Natal in 1893. The

⁸⁰ Lewis, *Divided Rule*, p. 7.

⁸¹ Lewis, *Divided Rule*, p. 7.

perceived inviolability of these jurisdictional boundaries was likewise tied to a broader inter-imperial consensus – encapsulated by the Berlin Conference (1884) - concerning the “scramble for Africa”, the nature of colonial occupation and the ‘complete and total rule’ it implied.⁸²

As Lewis’ study reminds us, however, the ‘scramble for empire did not cease upon the carving up of territory, and it was measured by more than colours on a map’.⁸³ Her argument complements Lauren Benton’s contention that the focus on a global order predicated on the agreement between territorially sovereign political units occludes as much as it reveals; whilst European powers sought the rationalisation of non-European territory, ‘empire’s spaces were politically fragmented; legally differentiated; and encased in irregular, porous, and sometimes undefined borders’.⁸⁴ European pretensions to power – encapsulated by cadastral inventions and underpinned by a repertoire of legal and jurisdictional practices – were often circumscribed by ‘practical unknowns and local indeterminacies’; as she makes clear, ‘territory plays tricks. Mere patches of regulated land may signify vast holdings, while integral “sovereign” space may fracture into odd-shaped pieces’.⁸⁵ In highlighting such jurisdictional heterogeneity, Benton clearly seeks to complicate a territorial conceptualisation of empire as predicated on a binary division between European and non-European space. In her focus on riverine networks as ‘corridors of

⁸² Jeffrey Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control*, (Princeton, N.J.: Princeton University Press, 2000), p. 71. For an account that questions the role of the Berlin Conference in sparking the “scramble”, see Simon Katzenellenbogen, “‘It Didn’t Happen in Berlin’: Politics, Economics and Ignorance in the Setting of Africa’s Colonial Boundaries’, in Paul Nugent and A. I. Asiwaju (eds), *African Boundaries: Conduits and Opportunities*, (London: Pinter, 1996), pp. 21-31.

⁸³ Lewis, *Divided Rule*, p. 7.

⁸⁴ Benton, *Search for Sovereignty*, p. 2.

⁸⁵ Benton, *Search for Sovereignty*, p. 14, 279.

control', for example, she raises an important point regarding the role of political geography both in the social construction of an ever-evolving European legal culture and in facilitating the messy intersection of indigenous and imperial claims to rule.⁸⁶

Indeed, in Pondoland sustained European intervention in the country was first achieved through Port St. John, which sat at the mouth of the Mzimvubu River along the coast of the Eastern Cape. To be sure, various officials, missionaries and travellers had made their way to the Mpondo polity over the course of the nineteenth century.⁸⁷ But it was the port – from which Natalian traders had established themselves from the 1840s – that was most coveted by the Cape. As chapter 2 will demonstrate, its annexation in 1878 formed part of a wider disciplinary strategy to regulate political relations within the country by formalising a jurisdictional boundary between Eastern and Western Pondoland. Yet this intervention precipitated a swathe of contentious conversations concerning the exercise of political authority and subjecthood across the entire country. Various Mpondo chiefs sought to counter the centralisation of power under the Western Paramount, Nqwiliso; moreover, they articulated their opposition in terms of their longer history of incorporation into the polity – a process which underscored their own regional autonomy.

⁸⁶ Benton, *Search for Sovereignty*, p. 2.

⁸⁷ See A. F. Gardiner, *Narrative of a Journey to the Zoolu Country in South Africa*, (London: William Crofts, 1836), pp. 239-48, 268-78 and 368-72; Andrew Steedman, *Wanderings and Adventures in the Interior of Southern Africa*, (2 vols., London: Longman, 1835), Vol. II, Appendix No. 3, pp. 264-314. On the particular role of Wesleyan Methodist missionaries in Pondoland, see D. G. L. Cragg, 'The Relations of the Amapondo and the Colonial Authorities (1830-1886) With Special Reference to the Role of the Wesleyan Missionaries', D. Phil., University of Oxford, 1959; Andries Conradie, 'The Life and Work of Methodist Missionary Peter Hargreaves in the Land of Sigcau, Chief of the Amapondo, 1882-1891', MA Thesis., University of Pretoria, 1967; Norman Etherington, *Preachers, Peasants and Politics in Southeast Africa, 1815-1854*, (Harlow: Longman, 1978), pp. 71-74.

By exploring Pondoland in this way, this thesis corroborates what Benton identifies as the dissonance between ‘pronouncements about sovereignty’ and the ‘sovereign realities’ of what remained ‘composite polities’.⁸⁸ Indeed, the country was situated within the ambit of empire and was surrounded by British colonial possessions. Nevertheless, its jurisdictional heterogeneity and political independence remained intact until 1894. Such an acknowledgement thus calls attention to what Lisa Ford has termed the ‘suspended history between empire and statehood’.⁸⁹ In her comparative analysis of two sites of Anglophone settler colonialism – the US state of Georgia and the British colony of New South Wales – Ford seeks to juxtapose the broad territorial claims of a ‘perfect settler sovereignty’ alongside the ‘messy work of settlement itself’.⁹⁰ As she notes, settler statehood ‘rested on the conflation of sovereignty, territory and jurisdiction’, as well as the ‘legal obliteration of indigenous customary law’.⁹¹ Yet such pronouncements of power were re-qualified by the everyday practices of legal pluralism and negotiation on the ground, as indigenous actors engaged in daily struggles over land, resources, dignity and survival.⁹² Her focus on the interactions between settler and indigenous legal orders thus charts the transformation of imperial Anglophone conceptions of sovereignty within two culturally specific contexts. In doing so, Ford thus retains an awareness of those global shifts that underwrote the wider project of settler

⁸⁸ Benton, *Search for Sovereignty*, p. 280.

⁸⁹ Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous Peoples in America and Australia, 1788-1836*, (Cambridge, Mass.: Harvard University Press, 2010), p. 1.

⁹⁰ Ford, *Settler Sovereignty*, p. 2, 17.

⁹¹ Ford, *Settler Sovereignty*, p. 1, 29.

⁹² Ford, *Settler Sovereignty*, p. 3.

colonialism elsewhere, whilst emphasising how local jurisdictional disputes underwrote the particularities of certain settler states.

In the same way, this thesis posits the jurisdictional heterogeneity within Pondoland as central in shaping its political incorporation and the early evolution of the colonial state. Such plurality can be attributed to the politically decentralised nature of the Mpondo polity, and the process of differential incorporation that bound its numerous communities in various ways and degrees to the Mpondo paramountcy. Like those studies mentioned above, this thesis is 'self-consciously attuned to empire' in order to highlight the multiplicity of actors and interests on either side of the colonial divide, and the ways in which they could intersect in the making of the colonial state. Doing so allows for proper consideration to be paid to the changing configuration of political relations within Pondoland as a means of qualifying otherwise 'parochial, colony-, or nation-bound interpretations' of this process.⁹³ In order to fully elucidate this objective, it is therefore necessary to situate this study alongside previous analyses of Mpondo society and within the broader context of South African historiography.

Mpondo Society and South African Historiography:

In 1936, the former – and future – Prime Minister of South Africa, Jan Smuts, wrote of the Mpondo: '[they] are somewhat backward in comparison with other native tribes in the Union...[and] have retained their ancient tribal domains'; 'the Pondo', he noted, 'is unusually conservative and tenacious of his old culture'.⁹⁴ Of course, the

⁹³ Zoë Laidlaw, 'Breaking Britannia's Bounds?', p. 808.

⁹⁴ Jan Smuts, 'Foreword', p. vii.

polity had not remained unaffected by the transformations wrought by the country's rapid industrialisation from the late nineteenth century. Whilst labour migrancy had come late to Pondoland, from the 1890s large numbers of Mpondo migrants had begun to seek employment at the gold mines on the Rand.⁹⁵ For Smuts, such opportunities had provided a 'new mental horizon' that was hard to resist: 'Johannesburg, with its glittering prizes...in wages...[and] its opportunities of larger more adventurous experiences...[has] become a sort of Mecca for the native...and the Pondo has felt the force of this disturbance'.⁹⁶ In comparison to other Transkeian chiefdoms, Pondoland had sent out a smaller proportion of its male population to the compounds.⁹⁷ Yet given Smuts' growing concern at the pace of African urbanisation, and his turn to institutional segregation as its necessary solution, Pondoland unsurprisingly piqued his interest. As he noted, there 'the disintegration of native life is by no means so alarming as in other parts of South Africa'.⁹⁸ The relative retention of its 'old culture' thus meant that the country would provide 'good material for a study...of native life under the stresses and strains of...European intrusion...both in its fixities and its transformations'.⁹⁹

Smuts' comments formed the introduction to anthropologist Monica Hunter's extensive ethnographic study of Mpondo society, *Reaction to Conquest: Effects of Contact with Europeans on the Pondo of South Africa*, first published in 1936. Despite its title, Hunter made clear that Pondoland was one of the few formerly independent African kingdoms of the Eastern Cape that had not been subordinated

⁹⁵ Beinart, *Political Economy*, p. 55.

⁹⁶ Jan Smuts, 'Foreword', p. vii, viii.

⁹⁷ Beinart, *Political Economy*, p. 55.

⁹⁸ Jan Smuts, 'Foreword', p. vii.

⁹⁹ Jan Smuts, 'Foreword', p. viii.

through military force.¹⁰⁰ Indeed, she emphasised many Mpondo particularities. 'Less influenced than any other region', the country was 'far removed from the border on which Bantu and European first met'; 'the Pondo were not involved in the border wars' that had facilitated the expansion of the Cape's eastern frontier'; and as 'the last tribe...to come under British administration', the chiefs 'were left with more power than any other in the Cape province'.¹⁰¹ The isolation of Pondoland from these broader processes was in part to be explained by geographical and environmental factors, which had hindered the development of transport and trade links with the rest of the colony.¹⁰² But it was also encapsulated by other differences too: the country was less crowded and more fertile than other rural reserves; colonial taxation was introduced relatively late in 1896; there were fewer mission stations, trading stores and schools; and the rates of Mpondo employment, whether on the mines or on European-owned farms, were lower than in neighbouring chiefdoms.¹⁰³

Such isolation did not, however, imply societal stasis. Whist her first stated objective was 'to describe life as it is in Pondoland today', Hunter's synchronic analysis of the socio-economic and political foundations of Mpondo society was historically-orientated.¹⁰⁴ As she argued, 'the past determines the present and in a society which is rapidly changing it is impossible to explain the working of existing institutions without constant reference to the past'.¹⁰⁵ Indeed, as Sean Morrow and

¹⁰⁰ Andrew Bank, 'The 'Intimate Politics' of Fieldwork: Monica Hunter and Her African Assistants, Pondoland and the Eastern Cape, 1931-1932', in Andrew Bank and Leslie J. Bank (eds), *Inside African Anthropology: Monica Wilson and Her Interpreters*, (Cambridge: Cambridge University Press, 2013), p. 88.

¹⁰¹ Hunter, *Reaction to Conquest*, p. 7.

¹⁰² Hunter, *Reaction to Conquest*, p. 7.

¹⁰³ Hunter, *Reaction to Conquest*, p. 7.

¹⁰⁴ Hunter, *Reaction to Conquest*, p. 13.

¹⁰⁵ Hunter, *Reaction to Conquest*, p. 13.

Christopher Saunders have recently discussed, in the 1930s Hunter maintained that anthropology was the only way in which the history of African societies could be understood.¹⁰⁶ In part this reflected her frustration at the limitations of the documentary material available to her. Imperial Blue Books were viewed as particularly suspect; but so too were the written accounts of George McCall Theal, whose arguments alleged the recent migrations of African populations to the otherwise “vacant lands” of Eastern Cape and largely celebrated their subsequent colonisation.¹⁰⁷

But Hunter’s emphasis on the historical value of ethnographic inquiry was also emblematic of the dramatic changes taking place within the emerging field of African history. Propelled by the struggle for independence across the continent from the late 1950s, scholars sought the critical reconstruction of the African past through the utilisation of oral evidence alongside a variety of archaeological, climatological, ecological and ethnographic analyses.¹⁰⁸ Largely pioneered by social anthropologists until 1960, it was historians ‘who [had] neglected African historical agency’, choosing instead, in South Africa at least, to focus primarily on the activities of white communities.¹⁰⁹ Scholars like Hunter thus occupied a field on the verge of a huge methodological shift, which, in dispensing with outdated Eurocentric

¹⁰⁶ Sean Morrow and Christopher Saunders, “Part of One Whole’: Anthropology and History in the Work of Monica Wilson’, in Andrew Bank and Leslie J. Bank (eds), *Inside African Anthropology: Monica Wilson and Her Interpreters*, (Cambridge: Cambridge University Press, 2013), p. 287.

¹⁰⁷ Morrow and Saunders, “Part of One Whole’’, p. 286; Carolyn Hamilton, Bernard K. Mbenga and Robert Ross, ‘The Production of Preindustrial South African History’, in Carolyn Hamilton, Bernard K. Mbenga and Robert Ross (eds), *The Cambridge History of South Africa, Volume 1: From Early Times to 1885*, (Cambridge: Cambridge University Press, 2010), p. 21.

¹⁰⁸ Hamilton et al, ‘Production of Preindustrial’, p. 5.

¹⁰⁹ Adam Kuper, ‘The Academic Frontier: History and Social Anthropology in South Africa’, *African Studies*, 56:2 (1997), p. 71

preoccupations, sought to demonstrate that 'African societies were as worthy of study as white-ruled ones'.¹¹⁰

Across multiple studies, Hunter therefore emphasised the long-term changes in family and kinship structures as particularly important to the historian. Writing in 1969, for example, she explained that 'the forms of marriage and kinship directly affect[ed] the power of certain lineages, the growth of kingdoms and the spread of languages'.¹¹¹ Such developments reflected the growth and decline of particular clans and founding families, as well as the establishment of the institution of the chieftainship, whose authority was in turn reliant on the monopolisation of technological changes and heritable property.¹¹² Changes in family and kinship structures thus impacted upon an array of social relationships and determined the political saliency of particular claims to rule within African societies.¹¹³ In *Reaction to Conquest*, particular attention was therefore paid to the workings of Pondoland's polygamous society and the patrilocal nature of marriage, the formation of exogamous patrilineal clans and the patterns of behaviour that structured relations between family members.¹¹⁴ These ethnographic explorations likewise underscored, amongst other things, the importance of the homestead, the distribution of wealth and the gendered division of labour, production and property ownership.¹¹⁵

¹¹⁰ Morrow and Saunders, "Part of One Whole", p. 291.

¹¹¹ Monica Wilson, 'Changes in Social Structure in South Africa: The Relevance of Kinship Studies to the Historian', in Leonard Thompson (ed.), *African Societies in Southern Africa*, (London: Heinemann, 1969), p. 73.

¹¹² Wilson, 'Changes', p. 72.

¹¹³ Wilson, 'Changes', p. 78.

¹¹⁴ See Hunter, *Reaction to Conquest*, pp. 51-58.

¹¹⁵ See Hunter, *Reaction to Conquest*, pp. 65-144.

Charting these transformations over time was key. In order to achieve this, Hunter situated her study of Mpondo life across a range of different contexts in which interaction with Europeans varied greatly. In part designed to compensate for the paucity of information concerning the Mpondo prior to European contact, it was also meant to highlight those aspects which had consequently been most affected. Furthermore, it served as the means through which the ‘forces...for social cohesion’ and the ‘law and customs by which [Mpondo] society [was] regulated’ could be better identified. In doing so, her research represented an attempt to bridge the contentious disciplinary division between social anthropologists and historians evident in South Africa from the mid-1920s.¹¹⁶ Indeed, the latter often accused the former of neglecting the importance of change, choosing instead to see ‘cultures as timeless entities’ whose ‘true essence’ could be reconstructed prior to any inter-cultural exchange.¹¹⁷ This critique was seen to typify the Malinowskian school of functional anthropology, which, with its emphasis on “culture contact”, tended to model this dynamic in terms of a static interaction between two or more essentially distinct and discrete “cultures”.¹¹⁸

Hunter, by contrast, sought to assert the mutual transformation of African and European.¹¹⁹ She emphasised the increased European demand for labour, the restrictions on land occupation implied by the 1913 Native Lands Act, the impact of this legislation upon employment in urban centres and upon white farms and the subsequent overcrowding of rural reserves.¹²⁰ She acknowledged the colonial state’s

¹¹⁶ Kuper, ‘The Academic Frontier’, p. 70.

¹¹⁷ Hamilton et al, ‘Production of Preindustrial’, p. 47.

¹¹⁸ Kuper, ‘Academic Frontier’, p. 70.

¹¹⁹ Hunter, *Reaction to Conquest*, p. 1.

¹²⁰ Hunter, *Reaction to Conquest*, pp. 3-5.

curtailing of chiefly powers, the refashioning of 'old customs', the role of traders in undermining indigenous arts and crafts and the 'revolution' in social relations this had precipitated.¹²¹ In short, she summarised three 'forces of change': an economic transformation which had altered the internal dynamics of the Mpondo economy; the extension of political control within African societies that accompanied the state's regulation of economic resources; and the concomitant Christianisation of small portions of the polity alongside longer-held religious beliefs.¹²² In doing so, her research thus formed part of a wider effort amongst anthropologists to highlight the 'composite nature' of South African society; 'one with a single political and economic structure'.¹²³

Yet as Andrew Bank has argued, Hunter's own conceptualisation of "culture contact" was shaped in part by the 'complex and intricate social relationships' she had cultivated whilst conducting her fieldwork in Pondoland itself.¹²⁴ Her first field trip, undertaken for seven months in 1931, was spent at a trading store at Ntibane – situated in Western Pondoland and thirty-five kilometres from Mthatha. There, her hostess was Mary Agnes Buchanan Soga, daughter of William Anderson Soga and the niece of Sigcau's one-time acquaintance, A.K. Soga.¹²⁵ Hunter recalls the variety of encounters she experienced at Ntibane; she spoke with residents and heard about the latest gossips – pregnancies, divorces, beatings, and bewitchments; she also

¹²¹ Hunter, *Reaction to Conquest*, p. 5.

¹²² Hunter, *Reaction to Conquest*, p. 10.

¹²³ Kuper, 'Academic Frontier', p. 70.

¹²⁴ Andrew Bank, 'The 'Intimate Politics' of Fieldwork: Monica Hunter and Her African Assistants, Pondoland and the Eastern Cape, 1931-1932', in Andrew Bank and Leslie J. Bank (eds), *Inside African Anthropology: Monica Wilson and Her Interpreters*, (Cambridge: Cambridge University Press, 2013), p. 73.

¹²⁵ Bank, "Intimate Politics", p. 75.

attended weddings, initiation ceremonies, beer drinks and dances.¹²⁶ Moreover, she made numerous visits to chiefs, learnt about older customs, spoke to men as they returned from the Rand and noted how they spent their earnings.¹²⁷

Bank has argued that the Soga name was central to Hunter's choosing Ntibane as a site of study to begin with.¹²⁸ Indeed, these gleanings, derived from her experiences at the trading station, would have been mediated through Mary Soga, who undoubtedly served as an important interlocutor in matters of cultural etiquette.¹²⁹ Her second research trip was no different; Hunter noted the contribution of Michael Geza, an educated Christian who came from a pagan family whose ancestors had been doctors to the imiZizi chiefs in the Bizana district of Eastern Pondoland for nine generations.¹³⁰ This is important, since Hunter's study of "culture contact" in Pondoland was largely facilitated by, and mediated through, historical actors who embodied the very transformations she sought to explore. In this sense, the very production of *Reaction to Conquest* was born from a process of acculturation which, rooted in the longer-term interaction between African and European, arguably threw the 'conservative' nature of Mpondo society into sharper relief.¹³¹

There thus existed a tension between an acknowledgement of Pondoland's economic and political incorporation into South African society on the one hand, and the limited social transformation that took place within Mpondo society on the

¹²⁶ Hunter, *Reaction to Conquest*, p. 11.

¹²⁷ Hunter, *Reaction to Conquest*, p. 11.

¹²⁸ Bank, "Intimate Politics", p. 78.

¹²⁹ Bank, "Intimate Politics", p. 78.

¹³⁰ Hunter, *Reaction to Conquest*, p. 12; Bank, "Intimate Politics", p. 85.

¹³¹ Hunter, *Reaction to Conquest*, p. 9.

other.¹³² Resolving this dilemma thus required a comprehensive engagement with the internal dynamics of indigenous societies as formative in shaping this broader process. Yet this end was arguably ill-served by the early historiographical disputes that emerged between liberal and radical approaches to the South African past. Broadly speaking, the former claimed that the integrative imperatives of economic expansion – best facilitated by a benign imperialism – had been distorted by an apartheid state whose origins were to be found in a ‘paranoiac’ form of Afrikaner frontier racism.¹³³ The latter, by contrast, sought to chart the historical development of a specifically South African ‘colonial-capitalist state’; one that resituated the conquest of African societies within a mutually reinforcing process of South African industrialisation.¹³⁴

Despite their differences, however, both underscored the centrality of the state in orchestrating historical change. Liberal accounts implied the axiomatic inevitability of modernity, and ‘the role of government in either effecting its progress or retardation’; radical studies posited the state as ‘the administrative, bureaucratic armature of capital’, which, with little agency of its own, facilitated the deliberate underdevelopment of rural economies and the partial preservation of pre-colonial authorities in order to force Africans into wage labour.¹³⁵ Of course, various scholars

¹³² William Beinart, ‘Beyond ‘Homelands’: Some Ideas about the History of African Rural Areas in South Africa’, *South African Historical Journal*, 64:1 (2012), p. 6.

¹³³ René de Villiers, ‘Afrikaner Nationalism’, in Leonard Thompson and Monica Wilson (eds), *The Oxford History of South Africa, Vol. 2: South Africa 1870-1966*, (Oxford: Clarendon Press, 1971), p. 365. Indeed, the *Oxford History* is seen as the best embodiment of this liberal tradition; it posited the interaction of South Africa’s diverse communities as the driver of historical change - in direct opposition to those histories that naturalised the segregationist policies of the apartheid state. See Morrow and Saunders, ‘Part of One Whole’, p. 295.

¹³⁴ Anthony Atmore and Nancy Westlake, ‘A Liberal Dilemma: A Critique of the Oxford History of South Africa’, *Race and Class*, 14:2 (1972), p. 132.

¹³⁵ John L. Comaroff, ‘Reflections on the colonial state, in South Africa and elsewhere: factions, fragments, facts and fictions’, *Social Identities*, 4 (1998), p. 324, 327.

drew from both of these historiographical traditions; the division between them was far more permeable than this statement of opposing paradigmatic positions suggests.¹³⁶ Nevertheless, the unevenness of economic expansion, and the incompleteness of social transformation – most evident across South Africa’s rural reserves – were arguably posited as processes that were external and unidirectional in nature.

Whether the demands of capital were seen to maintain or undermine pre-capitalist formations or not, such perspectives were unable to account for the sheer variety of African responses to economic and political incorporation. Moreover, they failed to acknowledge the resilience of indigenous social structures in actively shaping this encounter. Consequently, numerous social historians eschewed the tendency towards theoretical determinism; instead, concepts such as ‘underdevelopment’ and ‘peasantisation’ became grounded in empirical evidence in order to better highlight the agency of otherwise subordinate African actors.¹³⁷ As Beinart has argued, ‘an analysis of capitalist markets can contextualise the processes of change but not explain the shape of rural communities, the political conflicts within them and their response to absorption into the capitalist world’.¹³⁸

Exploring Pondoland, Beinart thus qualified the penetration of merchant and industrial capital into Mpondo society and the formalisation of colonial rule in 1894.

¹³⁶ See Belinda Bozzoli and Peter Delius, ‘Radical History and South African Society’, *Radical History Review*, 46:7 (1990), pp. 15-16; Alan Lester, *From Colonisation to Democracy: A New Historical Geography of South Africa*, (London: Taurus Academic Studies, 1996), p. 9.

¹³⁷ Although this has led some to accuse social historians of maintaining a liberal ‘friends of the native’ approach to the past that is rooted in an overt anti-theoreticism. See Bill Freund, ‘Radical History Writing and the South African Context’, *South African Historical Journal*, 24:1 (1991), p. 156; Roger Deacon, ‘Hegemony, Essentialism and Radical History in South Africa’, *South African Historical Journal*, 24:1 (1991), pp. 170-72.

¹³⁸ Beinart, *Political Economy*, p. 5.

There was no collapse in chiefly rule or peasant production; nor was there wholesale Mpondo proletarianisation. Rather, he noted a continuity in long-established forms of socio-economic organisation rooted in the dual processes of political decentralisation and economic atomisation that had characterised the polity from the mid-nineteenth century. These patterns – prompted by the wide dispersal of the population following a period of closed settlement – had ensured the increasing independence of individual homesteads over their own pastoral production. As such, chiefly authority became largely dependent on the re-accumulation and re-distribution of cattle. The former was essential in maintaining the differential privilege of Mpondo chiefs and in attracting followers; the latter was central in maintaining their loyalty.¹³⁹

This system of political authority, and the patterns of production and exchange upon which it depended, were modified rather than undermined by political and economic incorporation. As Beinart demonstrates, the development of extensive trading relationships with the Cape and Natal from the 1860s saw the purchase of new commodities and agricultural technologies that accelerated the socio-economic atomisation of Mpondo society. Individual homesteads relied less on the chiefs for their means of subsistence; moreover, their increased income was reinvested in stock, land and the cultivation of crops that were directed towards colonial markets.¹⁴⁰ Even the decimation of stocks following the outbreak of rinderpest in 1897 highlighted the independence of the homestead. Not only did it

¹³⁹ This will be further discussed in chapter 1.

¹⁴⁰ Beinart, 'Production and the Material Basis', p. 138, 144.

stimulate greater reinvestment in, and cultivation of, the land.¹⁴¹ It also stoked a desire to re-accumulate cattle – ‘the crux of Mpondo economic independence’ – that produced in Pondoland a specific form of labour migrancy that largely revolved around a system of cattle advances (*joyini inkomo*).¹⁴² This payment reflected the centrality of the household as the basic unit of production; it ensured that young men’s earnings could be reinvested to augment the resources of the homestead whilst guaranteeing a control over migrants by necessitating their return home to work at the end of their contracts.¹⁴³ In the wake of rinderpest, the cattle earned by migrants thus provided an opportunity to re-stock; rather than undermining homestead cultivation, labour migrancy facilitated its expansion by providing a means to agricultural recovery.¹⁴⁴

Colonial officials paid little attention to the specific interests of rural households. Yet the desire to maintain their economic independence was also crucial in determining the administrative structures of the colonial state itself. Indeed, the system of cattle advances ‘was bound into, and reinforced, existing patterns of differentiation’ within Mpondo society.¹⁴⁵ Wealthier families – usually of chiefly rank and authority - were better able to restock and avoid labour migrancy than others; moreover, the commercialisation of cattle exchanges with traders or other Mpondo homesteads could yield high returns for those able to sell.¹⁴⁶ Consequently, this system benefited those chiefs and headmen, who, in the post-annexation period had

¹⁴¹ Beinart, *Political Economy*, p. 51.

¹⁴² Beinart, *Political Economy*, p. 55; William Beinart, ‘Joyini Inkomo: Cattle Advances and the Origins of Migrancy from Pondoland’, *Journal of Southern African Studies*, 5:2 (1979), p. 201.

¹⁴³ Beinart, ‘Joyini Inkomo’, pp. 214-15.

¹⁴⁴ Beinart, *Political Economy*, p. 68.

¹⁴⁵ Beinart, *Political Economy*, p. 68.

¹⁴⁶ Beinart, *Political Economy*, pp. 68-69.

also become central to the maintenance of rural stability through the allocation of, and control of access to, land and other communal resources. This issue will be explored in chapter 6. For now, however, it is enough to highlight the wider application of Beinart's argument: that the development of migrant labour was not born simply from the interests of industrial capital or solely facilitated by the colonial state. Instead, he demonstrates the role played by rural societies themselves in underwriting this system, at least in the early period of industrialisation.¹⁴⁷

State-Formation in the South African Context:

Such indigenous innovation must, however, be properly contextualised. African actors were undoubtedly able to shape both the terms of their subordination and the patterns of early state-formation. Yet the potency of these long-established social and political practices was equally indicative of a wider transformation in the character of late-nineteenth century colonialism itself. This shift was rooted in, and reflective of, the gradual abandonment of a policy of "racial amalgamation" in favour of one predicated on the increasing segregation of white and black. The former – in part the product of a metropolitan 'missionary mind' upon the conduct of colonial policymaking - was best encapsulated by an earlier tradition of Cape Liberalism.¹⁴⁸ Its proponents emphasised the universality of humanity, the equality of European and African before the law, and the latter's capacity to "improve" through education and the workings of free-trade and market-orientated production.¹⁴⁹ Such assimilationist

¹⁴⁷ Beinart, 'Joyini Inkomo', p. 219.

¹⁴⁸ See Richard Price, *Making Empire: Colonial Encounters and the Creation of Imperial Rule in Nineteenth Century Africa*, (Cambridge: Cambridge University Press, 2008), especially pp. 127-53.

¹⁴⁹ Poppy Fry, 'Allies and Liabilities: Fingo Identity and British Imperialism in South Africa's Eastern Cape, 1800-1935', D. Phil., Harvard University, 2007, p. 10.

ideals supposed the complementarity of settler and indigenous interests and often asserted the protection of the latter to the apparent detriment of the former.¹⁵⁰ Yet they also served to loosen the ties that bound commoner to chief; their absorption into the colonial economy was intended to foster independence from traditional authorities whilst inculcating Western political and personal manners that were more consistent with settler society.

Doing so thus provided officials with a strategy to govern that was predicated on the securing of a steady labour-supply, the subordination of Xhosa communities, the dismantling of African social and cultural life and the degrading of local political structures.¹⁵¹ These interventions caused huge internal destabilisation and often provoked further conflict. Typified by the tragedy of the 1853 Xhosa Cattle-Killing, the transformative potential of colonial incorporation was further undermined by the outbreak of numerous anti-colonial rebellions across the Eastern Cape between 1877 and 1881.¹⁵² Such resistance paralleled similar events throughout the empire, encouraging metropolitan intellectuals and colonial officials to question both the capability of non-European populations to acculturate, and the civilising imperatives of imperialism itself.¹⁵³ Underlining an almost irrevocable cultural distance between

¹⁵⁰ A prime example remains the aborted acquisition of Queen Adelaide Province (1834-37), and its impact on the later consolidation of colonial rule in what became British Kaffraria (1846-1866). See Timothy Keegan, *Colonial South Africa and the Origins of the Racial Order*, (London: Leicester University Press, 1996), p. 153; Laidlaw, *Imperial Connections*; Alan Lester, 'Settlers, the State and Colonial Power: The Colonization of Queen Adelaide Province, 1834-37', *Journal of African History*, 39:2 (1998), pp. 221-45; Price, *Making Empire*, p. 121.

¹⁵¹ Keegan, *Origins*, p. 152.

¹⁵² Keegan, *Origins*, p. 153. Such destabilisation is perhaps best exemplified by the Xhosa cattle-killing of 1856-57. See Jeff Peires, *The Dead Will Arise: Nongqawuse and the Great Xhosa Cattle-Killing Movement of 1856-7*, (Johannesburg and London, 1989), especially pp. 48-55; Crais, *Poverty, War and Violence*, p. 53.

¹⁵³ A. A. Costa, 'Chieftaincy and Civilisation: African Structures of Government and Colonial Administration in South Africa', *African Studies*, 59:1 (2000), 'Chieftaincy and Civilisation', p. 17.

white and black, this scepticism became reflected in colonial policy. Assimilation was replaced by administrative exigency; political stability became the pre-condition of societal change.¹⁵⁴ Far from deploring indigenous institutions, officials came to recognise their resiliency and realise their value in providing a source of continuity in easing the transition towards colonial rule.

Across the Cape and Natal, officials thus turned towards a system of “native” administration that sought to replicate the power and personalism of chiefly rule. The Transkei, for example, was placed under the charge of two Chief Magistrates, in East Griqualand and Tembuland. These jurisdictional zones were divided into districts under resident magistrates who were responsible for the daily tasks of executive and judicial administration.¹⁵⁵ These were further demarcated into a number of locations under government-employed headmen upon whom magistrates relied to maintain order and control. As Samuel Martin notes, this form of centralised government ‘ran quite counter to the liberal doctrine of the separation of powers’ embodied by the colony’s own representative institutions.¹⁵⁶ Really, that was the very point. Since the risk of political instability functioned to confirm an intrinsic difference between white and black, the most effective means of consolidating British authority therefore lay in the establishment of a custodial system of rule that mitigated against its most dramatic effects.

¹⁵⁴ Samuel John Russell Martin, ‘The Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century’, MA Thesis., University of Cape Town, 1978, p. 50.

¹⁵⁵ The offices of Chief Magistrate of East Griqualand and Tembuland were amalgamated in 1902 into the single position of the Chief Magistrate of the Transkei. By 1904, the judicial responsibilities of this post were transferred to the superior courts of the Cape Colony proper, thereby temporarily uniting the positions of Chief Magistrate of the Transkei and Secretary for Native Affairs in the person of Arthur Stanford. Following his retirement in 1907, the two positions were once again separated.

¹⁵⁶ Martin, ‘Political and Social Theories’, p. 31.

Legally and politically separate from, but ultimately subordinate to the colony proper, the Transkeian administration demonstrates the ability of the colonial state – in Africa and elsewhere – to speak multiple languages of power in different institutional and geographical contexts.¹⁵⁷ Such duality arguably underpinned a system of “native” governance that was rationalised as a “civilising” mission but which was in fact dependent on sustaining the pre-modernity of its African subjects in order to maintain the boundaries that distinguished coloniser from colonised.¹⁵⁸ Indeed, colonists assumed an African absence of individual rights, or a modern sense of selfhood founded on the protection of property and person and the concepts of contract and constitutionality.¹⁵⁹ Instead, they ‘lived in a different legal universe’ that was regulated by indigenous institutions centred upon customary law.¹⁶⁰ For Mahmood Mamdani, these seemingly antithetical forms of rule emerged as a complementary way of governing “native” populations; they were fused together ‘under a single hegemonic authority’ - the “bifurcated state” – which mediated and maintained a distinction between “citizen” and “subject”.¹⁶¹ The former occupied an urban, racialised realm predicated on the hierarchical provision of political rights; the latter lived within rural communities that were ethnically defined and placed under the ‘decentralised despotism’ of traditional authorities.¹⁶² This system of rule

¹⁵⁷ Øyvind Eggen, ‘Chiefs and Everyday Governance: Parallel State Organisations in Malawi’, *Journal of Southern African Studies*, 37:2 (2011), p. 316.

¹⁵⁸ John L. Comaroff, ‘Colonialism, Culture and the Law: A Forward’, *Law & Social Inquiry*, 26:2 (2006), p. 308.

¹⁵⁹ John L. and Jean Comaroff, *Of Revelation and Revolution, Vol. 2: The Dialectics of Modernity on a South African Frontier*, (Chicago: University of Chicago Press, 1997), p. 365.

¹⁶⁰ Mahmood Mamdani, ‘Beyond Settler and Native as Political Identities: Overcoming the Political Legacy Colonialism’, *Comparative Studies in Society and History*, 43:4 (2001), p. 654.

¹⁶¹ Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, (Princeton, NJ: Princeton University Press, 1996), p. 18.

¹⁶² See Mahmood Mamdani, *Citizen and Subject*, pp. 37-62.

depended upon a view of “tribal” society as essentially bounded, culturally cohesive and internally centralised. It required officials to undertake numerous ethnographic exercises that reconceptualised customary law not as resource of the people but as an instrument of government.¹⁶³ As such, the state looked upon local chiefs as the ‘culturally legitimate allies’ through whom this could be achieved, provided of course, that their ‘customary jurisprudence [was] not...subversive of colonial authority’.¹⁶⁴

These developments were not solely confined to the Cape; in many respects, the nascent administration in the Transkei echoed the longer-established “Shepstonian” system advocated by the neighbouring colony of Natal.¹⁶⁵ Despite the differences between their “native” policies, the Transkei bore more resemblance to the latter than the former. There too, the state engaged in the conscious employment of African chiefs and customary law, albeit in ways informed by a more restricted conception of governance than that allowed by the lingering legacy of Cape Liberalism.¹⁶⁶ Nevertheless, both ultimately aimed to control the movement of Africans into, whilst limiting their meaningful interaction with, European society. Whether born from the demands of industrial capital or settler colonialism, officials thus supported the increasing institutional and legal segregation of white and black

¹⁶³ Martin Chanock, *Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia*, (Cambridge: Cambridge University Press, 1985), p. 47.

¹⁶⁴ Mamdani, *Citizen and Subject*, p. 76; Crawford Young, *The African Colonial State in Comparative Perspective*, (New Haven and London: Yale University Press, 1994), p. 115.

¹⁶⁵ Jeff Guy questions the political coherence implied by this term. He draws a distinction between the policies pursued by Shepstone himself, and the “Shepstonian” system of institutionalised segregation later pursued by the Natal settler state. The former broadly aimed to prevent the total alienation of African subjects by the demands of Natal settlers; the latter - in seeking the subordination of indigenous populations – invoked his name to provide ‘historical cohesion and political respectability’. See Jeff Guy, *Theophilus Shepstone and the Forging of Natal*, (Scottsville: KwaZulu-Natal Press, 2013), p. 504.

¹⁶⁶ This will be further explored in chapter 5.

whilst attempting to redefine the economic and political functions of their African charges.¹⁶⁷

Yet the desire to secure a steady supply of wage-labourers and the alienation of local land also required the reification of “traditional” authorities in ways that fundamentally shaped the processes of colonial state-formation. Of course, in the long-run the demands of capital did indeed act as a solvent upon pre-colonial political and pre-capitalist social formations.¹⁶⁸ In the post-1910 period, the system of “native” administration was likewise characterised by an increasing centralisation and bureaucratisation.¹⁶⁹ Yet these later developments ultimately emerged from an earlier period in which ‘the rhythms and relationships of pre-colonial society’ were central to their making.¹⁷⁰ This was true not just for the Mpondo but of various indigenous communities – the Pedi, Sotho, Tswana and Zulu, for example – that inhabited what would become South Africa’s rural reserves. As Norman Etherington argues, the administrative boundaries and ‘horse-shoe shaped configuration of [the country’s] Bantustans’ were not simply lands that chiefs and their followers were ‘reluctantly pushed into’; rather, these were tracts of territory that they ‘managed to defend against invading colonists’.¹⁷¹

Understood in this way, the changing character of late-nineteenth century colonialism – and the turn towards “traditional” authorities this entailed – arguably

¹⁶⁷ Richard Parry, “‘In a Sense All Citizens, but Not Altogether Citizens...’: Rhodes, Race, and the Ideology of Segregation at the Cape in the Late Nineteenth Century”, *Canadian Journal of African Studies*, 17:3 (1983), p. 384.

¹⁶⁸ Beinart, ‘Joyini Inkomo’, p. 219.

¹⁶⁹ Ivan Evans, *Bureaucracy and Race: Native Administration in South Africa*, (Berkeley; London: University of California Press, 1997), p. 168.

¹⁷⁰ Beinart, *Political Economy*, p. 4.

¹⁷¹ Norman Etherington, *The Great Treks: The Transformation of Southern Africa, 1815-1854*, (Harlow: Longman, 2001), p. xxiii.

foregrounded indigenous notions of jurisdiction, governance and political authority as central to its functioning. Establishing this broader transformation is crucial, since it necessarily calls attention to the idiosyncrasies of these developments within specific contexts. Indeed, it is this conceptual consideration that ultimately underlines the central argument of this thesis: that the shifting constitution of intra-Mpondo political relations were crucial in shaping the country's incorporation and the early evolution of the colonial state.

Conceptualising Colonial State-Formation in Pondoland:

This acknowledgement has, however, arguably been diminished by an understandable, but nevertheless problematic, preoccupation with the political environment of twentieth-century South Africa. Such studies are clearly important; they highlight the particular pressures that defined rural communities during apartheid and which have shaped their governance in the post-apartheid era.¹⁷² Yet they pay little attention to the specific dynamics of Mpondo society in the mid-to-late nineteenth century. This is not to say that every study of mid-twentieth century Pondoland should necessarily explore the very different dynamics that characterised its transition from independence to annexation. Rather, it is to argue that the more familiar processes of colonial and apartheid state-formation should not be projected backwards when considering the historical trajectory of the Mpondo polity.

¹⁷² Fred Hendricks and Lungisile Ntsebeza, 'Chiefs and Rural Local Government in Post-Apartheid South Africa', *African Journal of Political Science*, 4:1 (1999), p. 100; Lungisile Ntsebeza, 'The More Things Change, the More They Remain the Same: Rural Land Tenure and Democracy in the Former Bantustans', in Fred Hendricks, Lungisile Ntsebeza and Kirk Helliker (eds), *The Promise of Land: Undoing a Century of Dispossession in South Africa*, (Johannesburg: Jacana Media, 2013), p. 54, 60.

Fred T. Hendricks, for example, rightfully suggests the need to 'periodise power relations in Pondoland by weighing the authority of chiefs against that of [resident] magistrates' in order to chart the transformation of the region into a labour reserve subject to the demands of capital.¹⁷³ Yet this objective implicitly precludes a nuanced exploration of precisely the dynamic he identifies; largely concerned with twentieth century dynamics, he refutes attempts by social historians to 'recover the histories of peasants and migrants and to reassert them as independent actors in conflict with the state'.¹⁷⁴ To do so, he insists, obscures 'the fundamentally determining role of colonial capitalism', and loses 'sight of the repressive nature of the state in a racial system of domination'.¹⁷⁵ Central to its functioning was the co-option of the chieftaincy and the system of communal tenure upon which their personal and political position largely depended.¹⁷⁶ Various chiefs were absorbed into the administrative and institutional structures of the state and were forced into increasingly collaborationist positions following the ratification of the Bantu Authorities Act (1951). This process marked the apotheosis of apartheid; chiefs were to be the beneficiaries of a 'decentralised despotism' that fused in their hands a swathe of judicial, executive and customary powers over their rural subjects.¹⁷⁷ The result was a chieftaincy divorced from its material base and

¹⁷³ Fred T. Hendricks, *The Pillars of Apartheid: Land Tenure, Rural Planning and the Chieftaincy*, (Uppsala: Academiae Ubsalienses, 1990), p 2.

¹⁷⁴ Hendricks, *Pillars of Apartheid*, p. 10.

¹⁷⁵ Hendricks, *Pillars of Apartheid*, p. 10. Central to his argument is the assertion that social historians have misunderstood the nature of proletarianisation in Pondoland. Continued access to arable land did not allow a rural peasantry to 'persist' in spite of capitalist expansion; rather, it revealed an attempt by the state to ensure that a non-proletarian consciousness, with an interest primarily in land, acted as a 'smoke-screen' which masked both the insufficiency of rural production and a heavy dependence on wage labour. See pp. 15-16.

¹⁷⁶ Fred T. Hendricks, 'Tribalism, Chiefs and Apartheid: The Case of Poto's Pondoland', *South African Sociological Review*, 5:1 (1992), p. 63.

¹⁷⁷ Mamdani, *Citizen and Subject*, p. 23.

dependent on government patronage – ‘an institution superficially resembling its old self but robbed of the internal dynamics vital to its autonomy’.¹⁷⁸

This focus on the increasing de-legitimisation of chieftainship in twentieth-century Pondoland was perhaps most explicitly demonstrated during the Mpondo Revolts (1960-63) – a topic which has recently formed the basis of the admittedly limited amount of research on Mpondo society.¹⁷⁹ Whilst it is beyond the scope of this thesis to explore this episode in any depth, it is necessary to discuss how explorations of the recent past carry huge implications for our understanding of earlier historical developments.¹⁸⁰

Fred Hendricks and Jeff Peires have, for example, sought to account for the diverging experiences of popular discontent against those state-sanctioned betterment and rehabilitation schemes in both Western and Eastern Pondoland.¹⁸¹ Whilst the former witnessed relative acquiescence, the latter experienced violent disturbance.¹⁸² Numerous factors are rightly identified. Political instability had long characterised the East to a far greater extent than the West; the paramountcy was succeeded three times in thirty-one years and was currently occupied by Botha

¹⁷⁸ Hendricks, *Pillars of Apartheid*, p. 52.

¹⁷⁹ As Thembela Kepe and Lungisile Ntsebeza note, whilst the Mpondo revolts are relatively well known, there is little published research on the topic aside from Govan Mbeki’s *South Africa: The Peasants Revolt* and a swathe of student theses. See Kepe and Ntsebeza, ‘Introduction’, p. 3.

¹⁸⁰ For a short overview of events, see Roger J. Southall, *South Africa’s Transkei: The Political Economy of an Independent Bantustan*, (London: Heinemann, 1982), pp. 108-14. For an analysis of contemporary and scholarly responses to the revolt, see Jimmy Pieterse, ‘Reading and Writing the Mpondo Revolts’, in Thembela Kepe and Lungisile Ntsebeza (eds), *Rural Resistance in South Africa: The Mpondo Revolts after Fifty Years*, (Leiden: Brill, 2011), pp. 43-66.

¹⁸¹ Fred Hendricks and Jeff Peires, ‘All Quite on the Western Front: Nyandeni Acquiescence in the Mpondoland Revolt’, in Thembela Kepe and Lungisile Ntsebeza (eds), *Rural Resistance in South Africa: The Mpondo Revolts after Fifty Years*, (Leiden: Brill, 2011), pp. 115-40.

¹⁸² Although the outbreak of conflict was confined to a relatively small region of Eastern Pondoland.

Sigcau, following his controversial appointment by the government in 1939.¹⁸³ By contrast, the Western incumbent, Victor Poto Ndamase, ruled between 1918 and 1974. A well-educated Christian convert, he was a keen advocate for agricultural improvement; he reinvested his chiefly stipend in the cultivation of huge plots of land and founded the Nyandeni Farmers Association in 1924.¹⁸⁴ Infusing his chieftainship with an ‘ethos of modernisation and development’, he thus lent a legitimacy to those widely detested “conservation” schemes that elsewhere precipitated violent protest.

Poto’s personal and political fortunes were intimately bound to the policies of the South African government; he derived his authority in part from the 1927 Native Administration Act and bolstered his position still further through his support for the Bantu Authorities Act.¹⁸⁵ Nevertheless, in accounting for his ability to better mediate the imperatives of the state with the popular demands of the chieftaincy, Hendricks and Peires’ study usefully highlights the continual re-invention of “tradition”, rather than its imposition.¹⁸⁶ Moreover, their emphasis on the diverging experiences of both Eastern and Western Pondoland rightfully emphasise that, however “traditional” leaders were incorporated into the rural administration, this process was neither uniform nor unidirectional.¹⁸⁷

¹⁸³ Hendricks and Peires, ‘All Quiet on the Western Front’, p. 126.

¹⁸⁴ Beinart, *Political Economy*, p. 134; Fred Hendricks and Jeff Peires, ‘All Quiet on the Western Front: Nyandeni Acquiescence in the Mpondoland Revolt’, in Thembela Kepe and Lungisile Ntsebeza (eds), *Rural Resistance in South Africa: The Mpondo Revolts after Fifty Years*, (Leiden: Brill, 2011), p. 123.

¹⁸⁵ Hendricks, ‘Tribalism, Chiefs and Apartheid’, p. 65. A brief account of Poto’s life can be found at (CL) E J Barratt Papers, ‘Sketch of the Life of Chief Victor Poto, Paramount Chief of Western Pondoland – Prepared at Nyandeni, July 1924’, MS. 115. 72(c).

¹⁸⁶ See Leroy Vail (ed.), *The Creation of Tribalism in Southern Africa*, (Berkeley: University of California Press, 1989); Tom Spear, ‘Neo-Traditionalism and the Limits of Invention in British Colonial Africa’, *Journal of African History*, 44:1 (2003), p. 17, 18, 22.

¹⁸⁷ Hendricks, ‘Tribalism, Chiefs and Apartheid’, p. 59.

Of interest to this thesis, however, is their identification of the importance of the partition of Pondoland in 1878 in determining these later historical developments. As they note, its 'very division...provides an indispensable background to understanding the unfolding revolt in the east and why it did not happen in the west'.¹⁸⁸ Here, they rightly point to the selling of Port St. John – much coveted by the Cape – by the then Western paramount, Nqwiliso, to the colonial authorities in return for official recognition of his independence from the East.¹⁸⁹ This so-called 'shabby deal' thus began a long-term cooperation with state officials that in part accounts for Poto's later collaboration. To be sure, Nqwiliso and his two successors were incredibly amenable to colonial rule; his son, Bokleni (1899-1917), mobilised a small corps of twenty two men – "Bokleni's Scouts" – in the service of the British Army during the South African War.¹⁹⁰ Moreover, it was the West that first witnessed the introduction of the Council system of local administration in 1911. Under Poto, the country also secured its founding membership to the United Transkeian Territories General Council (UTTGC) in 1931.¹⁹¹

Yet this history of continuous Western collaboration was as much a convenient fiction designed to secure the favour of apartheid officials than it was a proper reflection of the purchase of, or stability provided by, the partition of

¹⁸⁸ Hendricks and Peires, 'All Quiet on the Western Front', p. 121.

¹⁸⁹ Hendricks and Peires, 'All Quiet on the Western Front', p. 118.

¹⁹⁰ (CA) DD-7/175: Enrolments and Rates of Pay, 1901. The contingent operated for four months from Jan 1901 before being disbanded. Archival research did not reveal whether other senior Mpondo chiefs, Eastern or Western, did the same. In stark contrast to the Eastern paramountcy, Bokleni also sent two of his sons to serve in the South African Native Labour Contingent, both of whom died during the *SS Mendi* disaster in 1917.

¹⁹¹ This system was eventually imposed upon Eastern Pondoland in 1927, combining with the West to form the Pondoland General Council. This was soon dissolved and merged with the wider regional body, the United Transkeian Territories General Council in 1931. Beinart, *Political Economy*, p. 87, 118.

Pondoland. After all, Poto was particularly keen to underscore the long-held loyalty of his paramountcy in order to secure a stipend that matched his Eastern counterpart.¹⁹² As chapter 2 will demonstrate, this nominal boundary between East and West provoked a series of contentious conversations amongst Mpondo chiefs about the exercise of authority and subjecthood that reflected the polity's jurisdictional heterogeneity. This political dialogue is incredibly important since it highlights how various Mpondo actors both understood and negotiated the encounters between colonial state and Mpondo paramountcy.

Certain studies have, however, attempted to expand their analyses of state-formation beyond the formal relationships between chief and state by incorporating the responses of "ordinary" African actors as central to this dynamic. Positing the process of state-formation as a 'cross-cultural encounter', they have sought to re-qualify essentially one-sided stories of economic and political domination by asking how African commoners 'constructed meaning in the face of such power'.¹⁹³ Indeed, they explore how the colonised 'dynamically incorporated the colonial state and its officials into their own, existing worldviews', in order to better illuminate 'the ongoing contest over the nature and substance of colonial rule'.¹⁹⁴

With regards to the Mpondo Revolts, Clifton Crais, Sean Redding and Katherine Fidler have emphasised how state practices were translated into 'local idioms of power' and 'local lexicons of social order and control' as part of an

¹⁹² Hendricks, 'Tribalism, Chiefs and Apartheid', p. 64.

¹⁹³ Clifton Crais, *The Politics of Evil: Magic, State Power and the Political Imagination in South Africa*, (Cambridge: Cambridge University Press, 2002), p. 6.

¹⁹⁴ Sean Redding, *Sorcery and Sovereignty: Taxation, Power and Rebellion in South Africa, 1880-1963*, (Athens: Ohio University Press, 2006), p. 5.

indigenous critique of colonial and apartheid rule.¹⁹⁵ Both Crais and Redding highlight how witchcraft and theodic beliefs fused with poor material conditions to underline the malevolent powers of the state, which often appropriated aspects of pre-colonial rule in order to legitimise its authority.¹⁹⁶ Exploring the *iKongo* movement in Pondoland, Filder likewise notes how older social practices fused with elements of the modern nation-state in a process of ‘rural cosmopolitanism’ that saw insurgents proffer their own alternative form of government.¹⁹⁷ Uniting all three is a conceptualisation of state-formation as born from the increasing imbrication of African and European cosmologies and cultural practices.¹⁹⁸ By extension, acts of African resistance are viewed as more than simple rejections of state policies and are not reduced solely to expressions of an anti-colonial nationalism; rather, they form ‘part of a wider and on-going conversation among the colonised about power and authority’ that underwrites the autonomy of subaltern actors whilst acknowledging the asymmetrical nature of the colonial encounter itself.¹⁹⁹

Various historians have, however, rightly criticised this approach. Jeff Peires has questioned the empirical basis and methodology behind the concept of state-

¹⁹⁵ Crais, *Politics of Evil*, p. 122; Sean Redding, ‘Government Witchcraft: Taxation, the Supernatural, and the Mpondo Revolts, 1955-1963’, *African Affairs*, 95:381 (1996), p. 556; Katherine Filder, ‘Rural Cosmopolitanism and Peasant Insurgency: The Pondoland Revolt, South Africa (1958-1963)’, D. Phil., Emory University, 2010, p. 6.

¹⁹⁶ Crais, *Politics of Evil*, p. 191; Redding, ‘Government Witchcraft’, p. 577.

¹⁹⁷ For her definition of the term, see Filder, ‘Rural Cosmopolitanism’, pp. 8-11.

¹⁹⁸ To some degree, these approaches build on earlier attempts to reconstruct the rural roots of migrant workers, for example, which explored the homestead politics of gender and generation, or the impact of ancestral beliefs in shaping the worldview of African actors – even if class remained the primary analytic. See Stephen Sparks, ‘New Turks and Old Turks: The Historiographical Legacies of South African Social History’, *Historia*, 58:1 (2013), p. 219; See also William Beinart, ‘Worker Consciousness, Ethnic Particularism and Nationalism: The Experiences of a South African Migrant, 1930-1960’, in Shula Marks and Stanley Trapido (eds), *The Politics of Race, Class and Nationalism in Twentieth-Century South Africa*, (Harlow: Longman, 1987), pp. 286-309.

¹⁹⁹ Crais, *Politics of Evil*, p. 12.

formation as cross-cultural encounter.²⁰⁰ Similarly, Leslie Bank has argued that Crais' emphasis on the role of witchcraft as a central tenet of political consciousness runs the risk of overstating its saliency and uniformity amongst the mass of South Africa's people, thereby 'consigning' certain elements of African culture to the 'atemporal'.²⁰¹ Underpinning their arguments is an acknowledgement that the types of encounters explored above - whether the Mpondo Revolt, or other acts of resistance - are themselves episodic and thus, to a large extent, exceptional.²⁰² Trying to extrapolate an African political imagination from such singular events is thus rightfully identified as potentially problematic. But by extension, so too is its necessary corollary: an increasingly intrusive state able to pervade the everyday lives of ordinary Africans.

Crais, for example, posits apartheid as 'the tragic triumph of colonial authoritarian high modernism'; drawing on James C. Scott, he argues that African subjects were rendered 'legible' to the apartheid state through a range of increasingly interventionist, bureaucratic and coercive practices that constituted an extensive act of social engineering.²⁰³ Demarcating jurisdictional boundaries, the creation of new political and administrative units, codifying, classifying and counting

²⁰⁰ As he argues, 'it is surely not unreasonable to expect a historian who emphasises the importance of 'indigenous grammars of knowledge' and 'ancient conversations about the nature of power' to understand the grammar and quote the conversations. Crais can do neither'. See Jeff Peires, 'Frankenstein Visits the Eastern Cape', *South African Historical Journal*, 51:1 (2004), p. 226. For his part, Crais crafted an earlier critique of Peires' own work, asserting his inattentiveness to the themes of consciousness and historical representation. See Clifton Crais, 'Peires and the Past', *South African Historical Journal*, 25:1 (1999), pp. 236-40.

²⁰¹ Cited in Pieterse, 'Reading and Writing', p. 61.

²⁰² Amongst other examples, the 1880 Mpondomise rebellion is similarly posited as a cross-cultural encounter. See Crais, *Politics of Evil*, pp. 35-67; Redding, *Sorcery and Sovereignty*, pp. 31-56.

²⁰³ Clifton Crais, 'Introduction', in Clifton Crais (ed.), *The Culture of Power in Southern Africa: Essays on State-Formation and the Political Imagination*, (Portsmouth, N.H.: Heinemann, 2003), p. 11; James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, (New Haven and London: Yale University Press, 1998), p. 2.

local populations: all underpinned the impersonal and instrumental power of the apartheid state.²⁰⁴ Whilst these spatial and political practices were most explicitly encapsulated by the policies of re-tribalisation, ‘the roots of [such] authoritarianism...lay deep in the soil of conquest, even if officials barely knew what their mission was and the state was too weak to enforce’ them.²⁰⁵ Indeed, Crais seeks to underline the essential modernity of the early colonial state, drawing attention to its ethnographic innovations and ‘rationalities of rule’ that typified a European post-Enlightenment ‘will to know’.²⁰⁶ For him, it was this increasing bureaucratisation of colonial power that ultimately enabled an otherwise fledgling administration to intervene in the daily lives of the colonised.²⁰⁷

Yet even Crais admits that ‘what is much less understood is how [this] ‘will to know’...unfolded on the ground’ – a view echoed by various historians.²⁰⁸ Keith Breckenridge has suggested that arguments regarding the modernity of the early colonial state ‘may have led us to misunderstand’ some of its key features; far from demonstrating an ‘insatiable appetite for information’ about the colonised, the Native Affairs Department often exhibited an ‘enthusiasm for administrative drift’.²⁰⁹ Exploring South Africa’s immigration Department in the 1920s, Andrew MacDonald similarly speaks of a ‘bureaucratic entropy’ and the porous nature of the country’s

²⁰⁴ See Clifton Crais, ‘Introduction’, pp. 10-17.

²⁰⁵ Crais, *Politics of Evil*, p. 28.

²⁰⁶ Crais, *Politics of Evil*, p. 98.

²⁰⁷ Crais, *Politics of Evil*, p. 96.

²⁰⁸ Crais, *Politics of Evil*, p. 228.

²⁰⁹ Keith Breckenridge, ‘No Will to Know: The Rise and Fall of African Civil Registration in Twentieth-Century South Africa’, in Keith Breckenridge and Simon Szreter (eds), *Registration and Recognition: Documenting the Person in World History*, (Oxford: Oxford University Press, 2012), p. 360, 364.

international borders.²¹⁰ Even at its zenith, the apartheid state was characterised by an administrative fragility. As Beinart rightly notes, the attempt at re-tribalisation – encapsulated by the ‘homeland’ policy of Bantustan independence - was protracted in its implementation, ‘began unravelling as a political entity almost as soon as it was fully established’, and, never achieved the ‘full spatial consolidation’ it implied.²¹¹ From the mid-twentieth century there was undoubtedly a new emphasis placed on the twin processes of spatial relocation and ethnic state-formation that belied a view of African society as essentially bounded and culturally cohesive. Such ‘supra-tribal groupings [were] destined to raise the hidden ambitions of ‘nationhood’ in the newly created homeland states’.²¹² But the inculcation of an ‘ethnic nationalism’ often foundered at the local level ‘by a powerful and divisive sub-ethnic discourse of clanship’.²¹³ In practice, nominally homogenising ethnic identities were actually multi-dimensional; they ‘collapsed together’ otherwise multi-ethnic, multi-lingual groupings and provided opportunities for ordinary people ‘to adopt terms of their own definition as the basis for collective assertion’.²¹⁴

Such studies thus qualify the objectives and agendas of state officials by situating their practices within particular institutional and temporal contexts. This not only underwrites the specificity of South African state-formation, it also allows

²¹⁰ Andrew MacDonald, ‘Colonial Trespassers in the Making of South Africa’s International Borders, 1900 to c.1950’, D. Phil., University of Cambridge, 2012, p. 35.

²¹¹ Beinart ‘Beyond ‘Homelands’’, p. 19.

²¹² Leslie Bank, ‘The Failure of Ethnic Nationalism: Land, Power and the Politics of Clanship on the South African Highveld, 1860-1990’, *Africa: Journal of the International African Institute*, 65:4 (1995), p. 566.

²¹³ Bank, ‘Failure of Ethnic Nationalism’, p. 587.

²¹⁴ Beinart ‘Beyond ‘Homelands’’, p. 19; Isak Niehaus, ‘Ethnicity and the Boundaries of Belonging: Reconfiguring Shangaan Identity in the South African Lowveld’, *African Affairs*, 101:405 (2002), p. 558.

for a nuanced understanding of the changing dynamics of African polities as central to the processes of state-formation.²¹⁵ Doing so allows for a de-mystification of “the state” as a reified or unified construct; hardly static, it can instead be posited as both actively constituting, and born from, a field of interactions and relationships that straddled the colonial divide.²¹⁶ Demonstrating this intersection implies the continual adaptation and re-making of African and European structures of rule. Moreover, it builds on those studies which have questioned the unidirectional “invention” and constructed nature of “traditional” identities or territorially bounded, self-conscious collectives.²¹⁷

This is especially important with regards to Pondoland, since most recent studies tend to explore the processes of conquest and state-formation on a regional, Transkeian basis.²¹⁸ To be sure, the praxis of magisterial governance followed those same administrative patterns established elsewhere beyond the Kei by 1878. But the conditions were arguably different, not least because Pondoland remained independent until 1894.

Indeed, the structures of Mpondo political authority remained intact, and with it, so did the regional autonomy and jurisdictional heterogeneity that had long

²¹⁵ See Richard Reid, ‘Past and Presentism: The ‘Precolonial’ and the Foreshortening of African History’, *Journal of African History*, 52:2 (2011), pp. 135-55. A corollary emphasis on the very different function of ethnicity in a post-apartheid context can be found in Hylton White, ‘A Post-Fordist Ethnicity: Insecurity, Authority, and Identity in South Africa’, *Anthropological Quarterly*, 85:2 (2012), pp. 397-428.

²¹⁶ Philip Abrams, ‘Notes on the Difficulty of Studying the State’, *Journal of Historical Sociology*, 1:1 (1977), p. 58; Crawford Young, *The Postcolonial State in Africa: Fifty Years of Independence, 1960-2010*, (Madison, Wis.: The University of Wisconsin Press, 2012), p. 44.

²¹⁷ See Reid, ‘Past and Presentism’, p. 149; Spear, ‘Neo-Traditionalism and the Limits of Invention’, especially pp. 16-25.

²¹⁸ Crais, *Politics of Evil, Redding, Sorcery and Sovereignty*, Jacob A. Tropp, *Natures of Colonial Change: Environmental Relations in the Making of the Transkei*, (Athens, Ohio: Ohio University Press, 2006), p. 16.

characterised the polity. It was in this context, then, that the process of colonial state-formation - and the political and spatial transformations it involved – thus occurred. The enforcement of such policies may well have begun to interfere in the daily lives of African subjects in the 1870s; although, as Sean Redding suggests, this was better facilitated by the advent of ‘a more pseudoscientific brand of administration’ from the 1920s.²¹⁹ But even in November 1926, W. D. Cingo, a leading Mpondo councillor and educationist, warned officials of what he termed ‘Pondo diplomacy’: ‘how very courteous, cautious and sceptical is the Pondo towards any new measure’ proposed by the missionary or magistrate. ‘Though utterly against it, the formal reply is...the stranger goes home satisfied and from the casual remarks from the mass meetings he feels he has carried the day. Days, weeks, months and even years pass by and he begins to realise that the meeting was a hopeless failure’.²²⁰

Far from pervading the daily lives, or “colonising the consciousness” of, African subjects, Cingo’s statement arguably confirms Frederick Cooper’s conceptualisation of colonial power as essentially ‘arterial’: ‘concentrated spatially and socially, not very nourishing beyond such domains, and in need of a pump to push it from moment to moment and place to place’.²²¹ Such a view was confirmed by the Resident Magistrate of Bizana. Writing on 2 December 1898, Major Sprigg sought to contest the boundary separating his district and neighbouring Flagstaff, arguing that the proposed demarcation would ensure that his ‘people will never have

²¹⁹ Redding, *Sorcery and Sovereignty*, p. 55.

²²⁰ W. D. Cingo, ‘The Pondos: Their History, Psychology and Development’, *Forward*, November 1926.

²²¹ Frederick Cooper, ‘Conflict and Connection: Rethinking African Colonial History’, *American Historical Review*, 99:5 (1994), p. 1533. The term ‘colonisation of consciousness’ is taken from John L. and Jean Comaroff, *Of Revelation and Revolution, Vol. 2: The Dialectics of Modernity on a South African Frontier*, (Chicago: University of Chicago Press, 1997), p. 18.

intercourse with their Magistrate at all'; 'my experience', he explained, 'has taught me that....to a very great extent the power of the Magistrate increases and the power of the Chief decreases in inverse proportion to the distance of the people from the Office'.²²² Such remarks suggest that the exercise of colonial authority depended, in the first instance, on its visibility and proximity to the newly colonised. Beyond the confines of the resident magistracy, such power was likely to dissipate with distance. In this sense, the institutionalisation of colonial rule was, just like the timing and nature of Pondoland's incorporation, a similarly protracted process: the first hut-tax payments were delayed until 1896; the drawing of magisterial boundaries did not begin until 1897; and the formal allocation of land titles to European residents was only begun sporadically between 1899 and 1901.

Acknowledging the practical constraints imposed upon Transkeian officials thus underlines Cooper's call to 'analyze [sic] in specific situations how power is constituted, aggregated, contested and limited'.²²³ In positing his own influence as mutually exclusive to that of 'the Chief', Sprigg arguably pointed to the local and regional autonomy enjoyed by various Mpondo and sub-chiefs that comprised Pondoland's political geography. Yet the exercise of colonial rule was not simply mediated by a series of one-on-one encounters with particular Mpondo notables; rather, it fed into, and was re-qualified by, a much wider network of intra-Mpondo relations that reached across the region. Hardly uniform or static, they encapsulated the latent loyalties and long-term rivalries that comprised the polity; reflecting its

²²² (CA) CMT-3/50: Major Sprigg to Chief Magistrate, Transkei, 2 December 1898.

²²³ Cooper, 'Conflict and Connection', p. 1533.

jurisdictionally heterogeneous nature, they were also highly responsive to any likely change in the balance of power in Pondoland.

In making this argument, this thesis concurs with Catherine Boone's contention that the institutional and administrative features of the state were shaped by the 'political struggles and bargaining that goes on within African society between rulers, their rural allies and their provincial rivals'.²²⁴ Her argument highlights the relationship between political autonomy and the configuration of rural authority, the role of internal disputes in shaping the encounter between rural society and state and the manner in which the latter is deeply grounded in the former.²²⁵ Like Boone, this thesis similarly emphasises the importance of such endogenous characteristics. However, as this introduction has made clear, it also seeks to situate these internal dynamics within a wider imperial context. Doing so not only allows for an exploration of the changing configuration of intra-Mpondo relations as central in shaping the country's incorporation. It also highlights how these local shifts were both facilitated by, and foundational to, the intersection of indigenous, colonial and imperial jurisdictional disputes in ways that fundamentally shaped the early formation of the colonial state.

Methodology:

This approach does, however, raise a number of methodological issues. Whilst exploring how power and authority was constituted from the mid-nineteenth

²²⁴ Catherine Boone, *Political Topographies of the African State: Territorial Authority and Institutional Choice*, (Cambridge: Cambridge University Press, 2003), p. 2.

²²⁵ Boone, *Political Topographies*, pp. 3-4.

century, this thesis focuses on the period between 1870 and 1913, concentrating largely on the transformation of intra-Mpondo relations from 1878. As such, 'it is only just pre-colonial'; it is concerned less with Pondoland's 'deep past' and more with the ways in which longer-established forms of differential incorporation helped to shape the colonial period that followed.²²⁶ This is not to instrumentalise an earlier history in order to highlight a dynamism attributed solely to colonialism.²²⁷ Rather, it is to call into question the binary between the "pre-colonial" and "colonial" periods by exploring how pre-existing systems of governance became slowly imbricated in the administrative and institutional mechanisms of the state itself.

This objective is, of course, determined by the type of primary material available. Like most studies of pre-colonial polities, this thesis relies heavily on European documentation that rarely deals with historical events prior to the point of "colonial contact".²²⁸ Indeed, my research largely draws upon a huge selection of daily correspondence between various colonial officials stationed across Pondoland. The bulk of this material is located in the South African state archives – primarily in Cape Town but also in Pietermaritzburg – which covers the period in question. Earlier attempts to demarcate the boundaries of the polity - through treaty and territorial acquisition prior to 1870 - had little bearing upon the exercise of Mpondo political authority. These events will be briefly explored in chapter 1 and are partially built upon the personal papers and private correspondence of numerous administrators,

²²⁶ Reid, 'Past and Presentism', p. 138.

²²⁷ Reid, 'Past and Presentism', p. 149.

²²⁸ Reid, 'Past and Presentism', p. 138.

missionaries, traders and travellers who visited the country from the early-to-mid-nineteenth century.

The remaining five chapters – which form the substantive body of the thesis – are built upon an extensive array of colonial correspondence from the 1870s. Supplemented by numerous government reports published for the Cape and Natal legislatures, the sheer volume of material reflects the increasing colonial presence in Pondoland from this moment. Diplomatic agents placed with neighbouring chiefdoms increased their interactions with Mpondo chiefs following the Griffiths-Ayliff-Grant Commission (1872), which sought to fix jurisdictional boundaries between the Transkei's composite communities. The establishment of a British Resident in Pondoland followed the annexation of Port St. John in 1878; a Resident Commissioner was appointed for Eastern Pondoland between 1888 and 1894; and seven resident magistrates assumed administrative responsibilities across East and West in a post-annexation Pondoland. Each communicated with the Chief Magistrates of East Griqualand and the Transkei, as well as the Secretary for Native Affairs based in Cape Town.

These catalogues are vast and comprise thousands of letters, circulars, minutes of meetings and memoranda. To some degree, the sheer amount of material is indicative of the late-nineteenth century turn towards “traditional” authorities, their potential instrumentalisation and the increased interest in the workings of indigenous societies discussed above. But it also reflects a colonial anxiety that was specific to Pondoland – a yet-to-be-colonised polity that remained on the fringes of

an otherwise volatile Transkei. With this in mind, it is understandable that officials were concerned to know more about the political machinations of Mpondo actors.

Perhaps unsurprisingly, the bulk of such information was first garnered during moments of attempted intervention in Mpondo society. The partition of Pondoland in 1878 provides one such example; the desire to introduce a jurisdictional boundary between East and West first required a Commission of Inquiry headed by the Chief Magistrates of East Griqualand and Tembuland. These officials were tasked with uncovering the extent of political division in Pondoland, the relative autonomy of regional chiefs and the saliency of specific loyalties and rivalries in facilitating the introduction of imperial rule. In doing so, their efforts underlined the need to learn more about the political condition of Pondoland in order to ensure the efficacy of any new strategy to govern the country. The immediate post-annexation period provided similar opportunities; the Cape engaged in two high-profile judicial disputes – against English concessionaries and the paramount respectively – in order to consolidate colonial authority against any local and supra-local counter-claims to rule. Officials used these occasions to explore the personal and institutional reach of the paramountcy and the jurisdictional limits of the royal house. They investigated the decision-making processes that sanctioned the alienation of land and circulation of wealth; and they established how long-held affinities and animosities could be potentially manipulated to help consolidate colonial authority.

The government reports and legal proceedings that were subsequently produced were exceptionally rich; they served as important ethnographic enquiries into the internal dynamics of the Mpondo polity and necessarily foregrounded local

conceptions of governance, jurisdiction and political authority as issues of central importance to colonial officials. Such sources must, of course, be treated with a degree of epistemological scepticism. It is now widely accepted that the compilation of colonial knowledge functioned as a crucial technology of rule; reflective of the power relations of the colonial encounter itself, these documents were predicated on the 'privileging of particular social categories' and, by extension, deliberately laden with particular 'archival silences'.²²⁹ The information garnered during these episodes, for example, came mostly from senior male chiefs or leading councillors. The prominence afforded to such accounts over different gender and generational perspectives undoubtedly reflected a colonial commitment to preserving a pre-colonial patriarchy as the best means to ensure the stability of colonial rule. Yet this clearly renders the source material potentially problematic. Whilst issues of Mpondo governance and jurisdiction appear important, it is only when officials were looking – at particular moments and for specific ends – that they became aware. Moreover, the information they acquired largely came from Mpondo notables who, for personal and political exigency, were willing to provide them with a better understanding of a polity they knew relatively little about.

Such observations raise crucial questions over the specific contexts wherein which these archival records were produced and the extent to which they allow the historian to properly view these events from an Mpondo perspective. After all, leading protagonists often found themselves caught in moments of political flux in Pondoland; as the prospect of incorporation loomed closer, many were forced to

²²⁹ Ann Laura Stoler, 'Colonial Archives and the Arts of Governance', *Archival Science*, 2:1-2 (2002), p. 87, 93.

make short-term decisions about the changing balance of power in order to better negotiate the increasing antipathy between paramountcy and state. Whether stood on trial or sat in the resident magistrate's office, it was thus in the interests of Mpondo protagonists to emphasise their personal authority and political autonomy. In this context, such testimonies could be easily over-stated; they proffered a presentation of chiefly power that was often self-serving and which was likely to confirm colonial conceptions of "native" society as inherently "tribal", essentially bounded and internally centralised.

Yet the sheer plurality of statements contained within this material arguably points to a fragmentation of political authority that belies assumptions about the unqualified power of Mpondo chiefs. As various protagonists sought to underline their own autonomy, they often invoked their particular histories of migration into, or long-term inhabitation of, various parts of the polity. In doing so, they implicitly illustrated the processes of differential incorporation that underscored the jurisdictional heterogeneity of the Mpondo kingdom. Moreover, they also shed important light on the levels of seniority that distinguished particular groups from one another. By revealing the institutional structures of the polity itself, these statements also say much about the loyalties and rivalries that existed between the country's composite communities. Whether affiliated to the royal house, openly hostile or largely indifferent/independent - they demonstrate the variegated relations that linked the numerous sub-groups to the paramountcy and the ways in which these shifted in response to attempted interventions in Mpondo society.

Such insights thus reveal a political dynamism that – whilst explicitly articulated during particular moments – cannot adequately be deduced from singular episodes of political instability alone. To that end, this thesis also draws on a large body of material that covers a broad range of otherwise administrative mundane issues such as stock-thefts, petty border raids, land disputes and the (non)payment of tribute. These minor incidences are largely located in the records of magistrates from neighbouring colonial districts; they note intra-official disputes over specific policies and contain the complaints and observations of local traders and farmers. Alongside the British Resident in Pondoland and particular Wesleyan missionaries from 1886, it was these actors who were in most frequent contact with Mpondo chiefs and commoners; they paid licence fees to till and trade in the country, were often employed as interpreters at the Great Place and thus acted as important interlocutors between the government and paramountcy. As such, they proffer important personal insights into the characters of Mpondo protagonists and the daily frustrations that confronted chiefly claims to rule particular spaces.

A close reading of this material also allows for an inclusion of what Norman Etherington has termed ‘significant anecdotes’: accounts by those otherwise written out of the colonial archive through an extensive reading of the material available.²³⁰ These enable an exploration of the day-to-day unfolding of colonial rule as it slowly confronted Mpondo actors. Beyond the contestations between Mpondo and colonial protagonists, comprehensive cross-referencing between these sources also reveals the disputes such encounters precipitated within local communities, whether

²³⁰ Etherington, *The Great Treks*, p. 6.

between commoner and chief, or the different chiefly constituencies that comprised the country. Indeed, the interweaving of this material serves to highlight how, and in what context, various actors sought to object either to the interventions of colonial officials or the innovations of particular Mpondo notables undertaken as a response. More often than not, such responses were articulated in terms of the impact such transformations wrought on established patterns of rule. In this way, it is possible to glean how Mpondo actors understood their membership to the polity and the ways in which the differential processes of incorporation could be used to safeguard an autonomy typically enjoyed by the country's composite communities.

Two omissions are, however, worthy of note. The records of the Pondoland General Council – established in Western Pondoland in 1911 – would potentially have provided an insight into the types of issues, claims and complaints raised by local populations following the establishment of colonial rule in 1894. This local administrative body reflected the greater amenability of the western paramountcy to colonial intervention and would have served as a useful contrast to the rejection of the attempted centralised of authority under Nqwiliso in 1878. I was unable to find these records. Snippets of the council minutes exist in the Cape archives, and whilst a full record exists in the library of the National Council of Provinces in the South African Parliament, they have since gone missing. Two histories of the Mpondo polity, written by leading councillor W. D. Cingo (1925) and Paramount Victor Poto (1927) were also not consulted. Written in Xhosa, owing to time-constraints I was unable to get them translated. These sources are clearly important; rather than demonstrating 'how writers in the colonial era constructed histories of precolonial societies', they instead demonstrate 'how people in those societies constructed

histories for themselves'.²³¹ Such elite perspectives are, of course, as potentially problematic as the archival sources utilised throughout this thesis. Yet by drawing on this broad range of material, I intend to demonstrate how the authority of the Mpondo paramountcy was re-qualified and contested by the various communities that comprised the polity.

Whilst foregrounding the changing configuration of these political relations, this thesis nevertheless recognises that articulations of authority and subjecthood formed part of a more complex consciousness composed of various economic, social, cultural and political aspects.²³² Such distinctions often contributed to the cultivation of important markers of pre-colonial social or ethnic difference. Certainly, numerous studies have highlighted how these were often born through, or amplified by, conquest and political domination; they have shown how the struggle over socio-economic resources underscored the resilience, but also threatened the survival of, the socio-cultural institutions of those communities absorbed into larger polities.²³³

Such upheavals regularly visited the Mpondo kingdom until the mid-1840s. But from the mid-nineteenth century, the polity began to expand; as its peoples

²³¹ John Wright, 'Thinking Beyond 'Tribal Traditions': Reflections on the Precolonial Archive', *South African Historical Journal*, 62:8 (2010), p. 269.

²³² Spear, 'Neo-Traditionalism and the Limits of Invention', p. 25. Thomas Eriksen similarly makes an important distinction between 'political ethnicity' – shaped by the competition over scarce resources, and 'private ethnicity' – the intimate, personal and familial factors that constitute cultural differences. See Thomas Eriksen, 'The Cultural Contexts of Ethnic Differences', *Man*, New Series, 26:1 (1991), p. 139.

²³³ Examples which have been consulted in the writing of this thesis are Carolyn Hamilton, 'Political Centralisation and the Making of Social Categories East of the Drakensberg in the Late Eighteenth and Early Nineteenth Century', *Journal of Southern African Studies*, 38:2 (2012), pp. 291-300; Carolyn Hamilton and John Wright, 'The Making of the AmaLala: Ethnicity, Ideology and Relations of Subordination in a Precolonial Context', *South African Historical Journal*, 22:1 (1990), pp. 3-23; Michael Mahoney, *The Other Zulus: The Spread of Zulu Ethnicity in Colonial South Africa*, (Durham, NC: Duke University Press, 2012); Enocent Msindo, *Ethnicity in Zimbabwe: Transformations in Kalanga and Ndebele Societies, 1860-1990*, (Rochester, N. Y.: University of Rochester Press, 2012); Reid, 'Past and Presentism'; Spear, 'Neo-Traditionalism and the Limits of Invention'.

dispersed, authority became reconfigured through the twin processes of economic atomisation and political decentralisation.²³⁴ Consequently, intense struggles over local resources were arguably less pronounced – at least until the 1870s. Moreover, political allegiance, rather than political imposition, largely served to underpin the authority of the royal house. It is for this reason that the political saliency of intra-Mpondo relations is thus emphasised. This necessarily partial focus avoids a problematic reification of a pre-colonial Mpondo “identity” – a blunt concept often used to conceptualise ‘all affinities and affiliations, all forms of belonging, all experiences of commonality, connectedness and cohesion’ with little analytical accuracy.²³⁵ Instead, this thesis explores how, to whom and in what context Mpondo actors articulated their various political “identifications” with the Mpondo paramountcy. This approach ‘invites us to specify the agents that do the identifying’; it underlines the situational means and relational manner by which Mpondo actors often invoked and understood their membership to the Mpondo polity.²³⁶ As such, it reveals how authority and subjecthood had long been constituted whilst demonstrating how such configurations of political power could be used to negotiate the protracted process of colonial incorporation and state-formation.

Chapter Outlines:

The first chapter of this thesis is largely contextual and seeks to situate Pondoland within the broader transformations that shaped the Eastern Cape in the early-to-mid

²³⁴ Beinart, ‘Production and the Material Basis’.

²³⁵ Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History*, (Berkeley, Calif., London: University of California Press, 2005), p. 60.

²³⁶ Cooper, *Colonialism in Question*, p. 71.

nineteenth century. Specifically, it explores how contemporary officials and subsequent scholars have accounted for the expansion of the Cape's eastern frontier and the extent to which both invoke a potentially problematic conceptualisation of the frontier as rooted in a process of 'geographical progression'. This approach assumes that the patterns of colonial rule were fixed by the end of the nineteenth century; it is necessarily incapable of exploring how the steady expansion of the colonial frontier impacted upon, and was mutually re-qualified by, long-established structures of governance in a polity that was annexed as late as 1894. The chapter then explores the internal dynamism that characterised the Mpondo polity as it transitioned from a period of closed settlement to one defined by expansion and dispersal. Doing so calls attention to important changes in its socio-economic organisation, as well as the politically decentralised and jurisdictionally heterogeneous nature of the kingdom. Finally, it considers these changes alongside early attempts by colonial officials to demarcate the territorial boundaries of the polity between 1844 and 1877.

Chapter 2 explores the attempted partition and partial annexation of Pondoland, promulgated by imperial proclamation in 1878. Undertaken to better regulate intra-Mpondo relations and governance, it considers how multiple Mpondo actors responded to what was an attempt to introduce new political boundaries *within* the polity. Doing so highlights how imperial intervention precipitated a swathe of contentious conversations about the exercise of authority and subjecthood in Pondoland. Hardly abstract, these concepts were actualised in the everyday affinities and animosities that existed between the country's composite communities – cleavages which reflected its jurisdictionally heterogeneous and politically

decentralised nature. Examining the political dialogue that took place reveals how numerous chiefly groups were differentially incorporated into the polity; bound in various ways and degrees to the Eastern royal house, these institutional relations were fostered by the constraints imposed, as well as the opportunities provided by, the political geography of Pondoland. Consequently, the chapter thus demonstrates how this imperial intervention was re-qualified by indigenous notions of political space and sovereignty, as multiple Mpondo actors sought to maintain an autonomy enjoyed since the mid-nineteenth century.

Chapter 3 considers how further colonial encroachment fragmented Pondoland into a multi-jurisdictional space comprised of imperial, colonial, Western and Eastern Mpondo arenas of rule. Despite their pretensions to power, colonial officials remained confined to certain regions whilst paradoxically centralising specific areas in which the royal house could better assert its authority. Such developments bolstered the hostility between the two and increased the likelihood for greater instability; it threatened the jurisdictional heterogeneity and regional autonomy enjoyed by various chiefs, thereby re-animating those conversations concerning the exercise of authority and subjecthood precipitated by imperial intervention. Consequently, many turned to other European and extra-local actors – particularly from Natal – who similarly sought to advance their own claims to the country. This patchwork of jurisdictional disputes thus fostered an ambiguity over *who* precisely governed Pondoland, as various actors switched between, simultaneously treated with, or avoided altogether the multiple authorities that now comprised the country. Despite their antipathy, both the royal house and Cape government both seemed to share in the struggle to command the loyalties of those

they sought to rule. This chapter therefore demonstrates how these otherwise inimical institutions were rendered similarly circumscribed and interdependent in the moments preceding annexation.

Chapters 4 and 5 both demonstrate how the act of annexation did little to settle the question of *who* governed Pondoland. Beyond the formalisation of colonial rule, this important political juncture also inaugurated the country's entry into empire. Consequently, the various jurisdictional disputes that had shaped the protracted process of political incorporation were imbued with an added imperial impetus. Two high-profile court cases heard in the Cape Supreme Court illustrate this point. The first concerned Thomas and James Cook, English concessionaries eager to challenge the colonial government's decision to annul the commercial treaties they had negotiated in a then independent Pondoland. The second involved the Mpondo paramount, Sigcau, who protested against his arrest on charges of sedition and disloyalty. Taken together, both chapters highlight how those on either side of the colonial divide shared in a mutual recourse to a notion of imperial membership that functioned as a powerful construct in the re-negotiation of colonial rule. Both of these judicial encounters underlined the state's inability to monopolise the meaning of what precisely constituted British rule in a colonial context. Moreover, they served to exacerbate the fissures that comprised the Mpondo polity in the aftermath of civil conflict; various Mpondo actors sought to instrumentalise these broader disputes in the advancement of often contradictory interests. Whilst these were largely unconnected to the trials themselves, they were nevertheless formative in determining their outcomes. As such, both served as important moments in the

intersection of African and European jurisdictional disputes which ultimately allowed the newly colonised to shape the early evolution of the colonial state itself.

Chapter 6 extends this argument by demonstrating how intra-Mpondo political relations shaped the processes of state-formation in the early colonial period. Specifically, it explores how local loyalties and rivalries – and the jurisdictional disputes these encapsulated – helped to determine both the institutional viability and administrative character of colonial rule in Pondoland. It highlights how the continuing jurisdictional heterogeneity of the Mpondo polity influenced the demarcation of magisterial districts and locations, as well as the ability of resident magistrates and headmen to “broadcast” their authority within them. As officials went about the business of practically establishing their authority across the country, their actions were necessarily interpreted according to long-existing understandings concerning the exercise of authority and subjecthood. Arguably in flux since imperial intervention in 1878, these notions had recently been re-contested following the outbreak of civil war and the formal act of annexation. Underscoring a chiefly desire to maintain their long-held autonomy, they also continued to animate Mpondo actors well beyond the promulgation of the 1913 Natives Land Act. Nevertheless, this chapter focuses on the pre-1913 period. It was during these early years of colonial rule when ‘hard boundaries and clear notions of proprietorship’ came to be formally articulated.²³⁷ As such, its passing serves as a useful moment from which to assess

²³⁷ Lindsay Frederick Braun, ‘The Cadastre and the Colony: Surveying, Territory and Legibility in the Creation of South Africa, c. 1860-1913’, D. Phil., University of New Jersey, 2008, p. 7.

the impact of longer-existing jurisdictional disputes on the early evolution of the colonial state.

Chapter 1: The Mpondo Polity in Nineteenth-Century southern Africa:

Introduction:

As a former Chief Conservator of Forests in the Transkei, Caesar Henkel could easily appreciate ‘the indescribable beauties...and surroundings’ that comprised the land beyond the Kei River in the Eastern Cape.²³⁸ But for this German-born botanist and cartographer, it was the St. John’s River which constituted ‘the grandest and most romantic scenery’ of the region. Between ‘stately mountains and luxuriantly wooded hills’ lay an ‘expanse of blue green water nearly 500 yards wide’ that reflected ‘long silent vistas of forest...tumbled masses of rock covered with...ferns and creeping flowers...[and] majestic old trees’. In some places, he suggested, ‘it [was] difficult to tell where the reality end[ed] and the reflection in the water began’.

Such sentiments echoed those of land-surveyor H. C. Schunke thirteen years earlier; he recalled the ‘grand and wild slopes of the ridges...[and the] dark primeval forests’ that surrounded the river, and which extended down to the coast ‘to form...a gateway through which the St. John River pours seawards’.²³⁹ Beyond its visual virtues, the river basin was also of geographical and economic significance. As Schunke noted, it served as the biggest outlet of water carried to the Indian Ocean along the entire coastline between the Kei and Mtamvuna rivers – an area otherwise characterised by ‘a distressing uniformity...[where] not a bay...is to be found along its

²³⁸ The following is taken from Caesar C. Henkel, *History, Resources and Productions of the Country between Cape Colony and Natal, or Kaffraria Proper Now Called The Native or Transkeian Territories*, (Hamburg: Verlangsanstalt und Druckerei Actien-Gesellschaft, 1903), pp. 36-37.

²³⁹ H. C. Schunke, ‘The Transkeian Territories: Their Physical Geography and Ethnology’, *Transactions for the South African Philosophical Society*, 8:1 (1890), p. 8.

whole length...to [provide] safe harbour'.²⁴⁰ By contrast, the 'magnificent firth at the mouth of the St. John's River' was likely to 'become a large and important port'.²⁴¹

Port St. John – and the waterways of the Mzimvubu River from which it sprang – had long served as a crucial node in the commercial networks of Natalian traders from the 1840s.²⁴² Such economic activity was impressive given the 'exceedingly rugged and broken' terrain that characterised the rest of the Transkeian coastline – itself closeted by a mountainous region characterised by deep valleys and 'steep precipitous declivities'.²⁴³ Despite the establishment of a permanent trading station at the port from 1861, for Schunke, such tough terrain mitigated against the beneficial spread of British practices; there remained parts 'where the natives are still found in their original raw state, uninfluenced by civilisation'. In particular, the official identified the land inhabited by the Khonjywayo clan in Western Pondoland and the central coastal region of Eastern Pondoland as worthy of note. 'There', he suggested, 'the ethnologist may still have an opportunity of studying native customs and ways of thinking'.²⁴⁴

Schunke's description of Port St. John necessarily called attention to the Mpondo. Framed between the Mthatha River to the south and the Mtamvuna River to north, the Mzimvubu River functioned as a natural boundary that divided the kingdom in two following the placement of a royal son, Ndamase, by the former paramount Faku (1820-1867), on its western banks in the mid-1840s. The Mpondo

²⁴⁰ Schunke, 'The Transkeian Territories', p. 4.

²⁴¹ Schunke, 'The Transkeian Territories', p. 4.

²⁴² Beinart, 'European Traders', p. 471.

²⁴³ Schunke, 'The Transkeian Territories', p. 2.

²⁴⁴ Schunke, 'The Transkeian Territories', p. 11.

had, however, occupied land to its east for at least two centuries before Faku's reign, having moved southwards from the Thukela River (in present-day Kwazulu-Natal) from as early as 1550.²⁴⁵ As Monica Wilson notes, Faku's great-grandfather, Tahle, and five of his predecessors were buried in what is now Eastern Pondoland, whilst Ncindise – nine generations before Faku – was buried between the Mzimkhulu and Mtamvuma rivers, just beyond the country's current jurisdictional boundary (see Fig. 1.1).²⁴⁶

Unlike those other African chiefdoms that comprised the Transkeian Territories, the Mpondo kingdom remained politically independent until its annexation in 1894. Despite nine frontier wars waged against the Xhosa between 1779 and 1877, the country still remained beyond the Cape at the time of Schunke's writing in 1890.²⁴⁷ The emphasis he placed on the marginality of the Mpondo from colonial civilisation arguably betrayed a treatment of the Transkei as a 'narrative text' - one 'read from left to right as a progressing frontier in both time and space'.²⁴⁸

²⁴⁵ Beinart, *Political Economy*, p. 9; Timothy Stapleton, *Faku: Rulership and Colonialism in the Mpondo Kingdom (c.1780-1867)*, (Ontario: Wilfred Laurier University Press), p. x. A. T. Bryant suggested the residence of 'Bantu Natives' at the Mzimvubu from 1593. See A. T. Bryant, *Olden Times in Zululand and Natal Containing Earlier Political History of the Eastern-Nguni Clans*, (London: Longmans, 1929), p. 227.

²⁴⁶ Monica Wilson, 'The Nguni People', in Leonard Thompson and Monica Wilson (eds), *The Oxford History of South Africa, Vol. 1: South Africa to 1870*, (Oxford: Clarendon Press, 1969), p. 93.

²⁴⁷ A comprehensive account of the different dynamics and trajectories of these wars, and their impact upon Xhosa society can be found in Peires, *House of Phalo*. For a more recent approach that emphasises the instrumental role of colonial violence as both a historical and analytical issue, see Clifton Crais, *Poverty, War and Violence in South Africa*, (Cambridge: Cambridge University Press, 2011).

²⁴⁸ Braun, 'Cadastre and the Colony', p. 83.

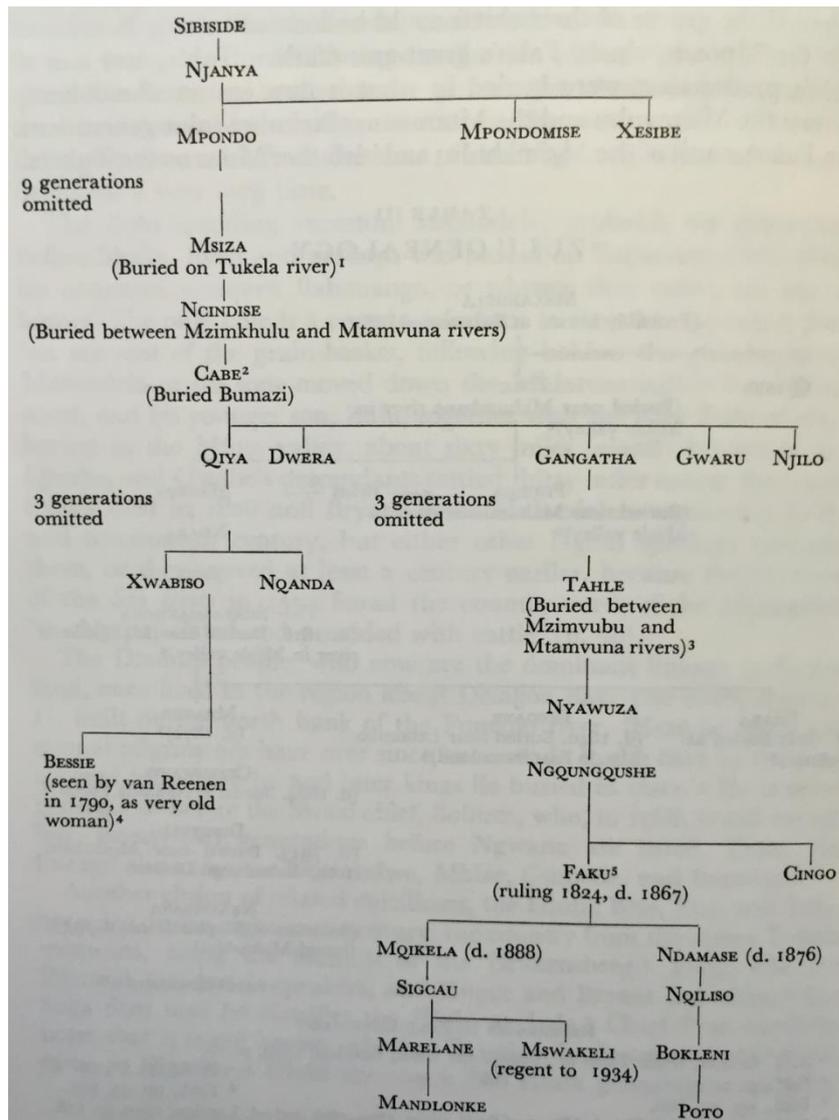


Fig 1.1: 'Mpondo Genealogy', in Monica Wilson, 'The Nguni People', p. 94.

By extension, the concomitant reduction of the country's inhabitants to the status of ethnographic subjects likewise reflected a long-established perception of indigenous populations beyond the colonial frontier as irredeemably "backwards" and essentially different. Such a perspective was deliberately disinterested in the socio-economic and political organisation of the kingdom. How the steady expansion of the colonial frontier impacted upon, and was re-qualified by, long-established structures of governance in Pondoland was similarly ignored. This chapter explores these very issues by calling attention to the shifting internal dynamics of Mpondo

society between 1820 and 1877. In doing so, it seeks to better integrate the polity into accounts of the transformations that shaped the Eastern Cape in the same period – processes that Schunke assumed it was isolated from.

An Expanding Eastern Frontier: A Place for Pondoland?

The officials' acknowledgement of the independence – and ignorance – of the Mpondo arguably revealed a conceptualisation of the colonial border as an impermeable barrier between 'an ethnically circumscribed Civilised world [and] an unpredictable African interior'.²⁴⁹ Various scholars have since challenged this view by exploring the 'complex interactions and webs of dependency' that developed between multiple actors from settler and African societies.²⁵⁰ Martin Legassick, for example, sought to overturn a dichotomous 'frontier tradition' by exploring the dynamics of 'the frontier' itself, highlighting the historical longevity of a variety of socio-economic and cross-cultural encounters.²⁵¹ Christopher Saunders similarly argued against a 'simple, dichotomized [sic] white-black frontier with two monolithic, antagonistic blocs facing each other...both blacks and...whites were divided among different political units, and different groups competed for power within [them]'.²⁵² In doing so, he highlighted the fragmentation of political authority across what was often a permissive border.

²⁴⁹ MacDonald, 'Colonial Trespassers', p. 15.

²⁵⁰ Braun, 'Cadastre and the Colony', p. 13.

²⁵¹ See Martin Legassick, 'The Frontier Tradition in South African Historiography', in Shula Marks and Anthony Atmore (eds), *Economy and Society in Pre-Industrial South Africa*, (New York: Longman, 1980), pp. 44-79, here p. 48.

²⁵² Christopher Saunders, 'Political Processes in the Southern African Frontier Zones', in Howard Lamar and Leonard Thompson (eds), *The Frontier in History: North America and Southern Africa Compared*, (New Haven: Yale University Press, 1981), p. 149.

Numerous historians have pointed to the ambiguities which surrounded the 'opening' of the frontier from the early-to-mid-nineteenth century and the opportunities this afforded to various actors on either side of the colonial boundary.²⁵³ Colin Bundy, for example, details the responses of (ostensibly male) producers to market opportunities created by the mineral discoveries of the 1860s; providing an alternative to wage labour, many were able to compete with white farmers in the selling of agricultural outputs.²⁵⁴ Such activity was rationalised by a policy of "racial amalgamation" – one that advocated the beneficial influence wrought by African incorporation into settler society and the loosening of the ties that bound commoner to chief. Governor Sir George Grey (1854-1861) was a particular proponent; he 'envisioned the creation of a small class of land-owning Africans...and a much larger class of wage-earners'.²⁵⁵ Designed to undermine the authority of traditional leaders, the absorption of many Africans into the colonial economy suggests the permeability of those boundaries - political, social, cultural, economic and racial – that otherwise regulated white-black relations. Epitomising the much-contested tradition of Cape liberalism, those that benefited from such integration were likely literate Christian converts; 'they believed...in the progress

²⁵³ The term is borrowed from, and exemplified by, Hermann Giliomee, 'The Eastern Frontier, 1770-1812', in Richard Elphick and Hermann Giliomee (eds), *The Shaping of South African Society, 1652-1840*, (Middletown, Conn.: Wesleyan University Press, 1989), especially pp. 426-38.

²⁵⁴ Colin Bundy, *The Rise and Fall of the South African Peasantry*, (2nd edn, London: Currey, 1988). Helen Bradford is critical of those studies that emphasise the economic opportunities afforded to African producers on account of an androcentric bias that ignores the ways in which female peasants 'had long been separated from the means of production'. See Helen Bradford, 'Women, Gender and Colonialism: Rethinking the History of the British Cape Colony and Its Frontier Zones, c. 1806-70', *Journal of African History*, 37:3 (1996), p. 354.

²⁵⁵ Bundy, *Rise and Fall*, p. 51. Grey's enthusiasm for such a policy was born from his administrative experiences as Governor of New Zealand (1848-1853). See Damon Salesa, *Racial Crossings: Race, Intermarriage, and the Victorian British Empire*, (Oxford, 2011), p. 31.

mid-nineteenth century colonialism promised, perhaps most evidently evidenced in the [1853] non-racial franchise'. Quite simply, 'they believed in the British Empire'.²⁵⁶

Nevertheless, many historians understandably maintain the 'confrontational character' of nineteenth-century frontier relations, and the longer history of 'white supremacy' and 'black resistance'.²⁵⁷ Tracing the roots of twentieth-century South Africa's institutionalised racial hierarchy, ideas of the 'open' frontier precede explorations of its eventual 'closing', whilst the rise of an African peasantry is followed by an eventual fall.²⁵⁸ These studies rightly question the progressivism of market-driven notions of racial amalgamation. Economic individuation supposed the complementarity of settler and indigenous interests yet was ultimately predicated on the assumed cultural superiority of the former over the latter.²⁵⁹ As the introduction discussed, assimilationist ideals often belied a strategy to govern that was predicated on the subordination of Xhosa communities and the degrading of local political structures.²⁶⁰ These interventions caused huge internal destabilisation, often provoked further conflict and exacerbated already fraught frontier relations – evidenced by the breakdown of the cross-border treaty system established in 1836.²⁶¹ Such instability thus fuelled a cycle of distrust that placed traditional leaders

²⁵⁶ Crais, *Poverty, War and Violence*, p. 116. Historians have paid particular attention those Fingoes who entered colonial society following the 1835 frontier as the archetypal peasant producer. For a criticism of this focus, see Crais, *Poverty, War and Violence*, p. 97. For a recent revision of the history of the Fingo, and its implications for the study of Cape Liberalism, see Fry, 'Allies and Liabilities', pp. 57-91.

²⁵⁷ Anne Mager, 'Colonial Conquest and the Tambookie Frontier: The Story of Maphasa, c. 1830-1853', *Journal of Southern African Studies*, 39:2 (2013), p. 251; Clifton Crais, *White Supremacy and Black Resistance in Pre-Industrial South Africa*, (Cambridge: Cambridge University Press, 1992).

²⁵⁸ Giliomee, 'The Eastern Frontier', pp. 449-59; Bundy, *Rise and Fall*.

²⁵⁹ MacDonald, 'Colonial Trespassers', p. 15.

²⁶⁰ Keegan, *Origins*, p. 152.

²⁶¹ Keegan, *Origins*, p. 153. Such destabilisation is perhaps best exemplified by the Xhosa cattle-killing of 1856-57. See Jeff Peires, *The Dead Will Arise: Nongqawuse and the Great Xhosa Cattle-*

at ‘the centre of a politics of conspiracy and manipulation’ – one that warranted the further extension of the frontier and the greater subordination of indigenous institutions.²⁶²

Of course, such developments were hardly unidirectional. Historians have rightly pointed to the limits of imperial power and the subversive potential of colonial collaboration, whilst others have reconceptualised state-formation as a site of ‘cross-cultural’ encounter.²⁶³ These studies clearly challenge the dichotomous perspective proffered by Schunke. Yet his reading of the Transkei as a ‘narrative text’ – one that posits the frontier as a ‘moving zone of interaction’ through a process of ‘geographical progression’ – arguably remains intact.²⁶⁴ Indeed, implicit in these accounts is a periodisation that often places emphasis on a particular turning point – the war of 1850-53, the mineral discoveries of the 1860s and 1880s, the delimitation of the Transkeian Territories from 1872, or the Glen Grey Act (1894). These propelled the frontier further forwards and facilitated the rise of the more recognisable system of institutionalised segregation of the twentieth century. Understood in this way, the frontier becomes ‘a thing of the past’; ‘it is considered a phase in the creation of a modern state with a capitalist economy and no longer a relevant term once the modern polity came to be’.²⁶⁵ This view of the advancing frontier not only replicates the point of view of the coloniser.²⁶⁶ More seriously, it implies a ‘lack of hybridization [sic] and ongoing encounter beyond the political acquisition of territory...[and]

Killing Movement of 1856-7, (Johannesburg and London, 1989), especially pp. 48-55; Crais, *Poverty, War and Violence*, p. 53.

²⁶² Price, *Making Empire*, p. 235.

²⁶³ Keegan, *Origins*; Price, *Making Empire*; Crais, *Politics of Evil*.

²⁶⁴ Braun, ‘Cadastre and Colony’, p. 13.

²⁶⁵ Braun, ‘Cadastre and Colony’, p. 13.

²⁶⁶ Etherington, *Great Treks*, p. xiii.

presupposes that the land was not inscribed with meanings before the passage of the new order'.²⁶⁷

This is particularly problematic for the study of a place like Pondoland, which, as Schunke made clear, was relatively – though not entirely - isolated from these developments. It is this that arguably explains why the polity is generally integrated into regional studies that explore the patterns of Transkeian conquest and state-formation as something of an afterthought. Given its belated incorporation into the Cape, the practices that underscored the establishment of magisterial rule across the region are largely taken for granted. But Pondoland did not simply “fit” into this pre-existing pattern of colonial rule. To assume otherwise would be to replicate the view of men like Schunke, who were happy to ‘consign precolonial polities to the realm of anthropology’, thereby ignoring the internal dynamism of Mpondo society and ‘the brutal power calculations that African leaders’ often had to make.²⁶⁸ Pondoland may have been the last to have been annexed, but its timing was not simply dictated by its distance from the colonial frontier nor by the interests of colonial officials. The internal dynamics of Mpondo society, and the shifting patterns of intra-Mpondo governance, were equally central in shaping what became a protracted process of political incorporation.

The task remains, then, to see the links and connections between simultaneous events within Pondoland and the broader patterns of historical change.²⁶⁹ Such a view is well-established, particularly amongst those engaged in the

²⁶⁷ Braun, ‘Cadastre and Colony’, p. 13.

²⁶⁸ Herbst, *States and Power*, p. 51.

²⁶⁹ Etherington, *Great Treks*, p. x.

reconceptualisation of the now-contested *mfecane*.²⁷⁰ Once posited as a ‘purely indigenous process’, the violence that accompanied the rise and expansion of the Zulu kingdom are no longer viewed as ‘a special epoch of *African-initiated* violence which spread by chain reaction’ across the region.²⁷¹ This perspective – first called into question by Julian Cobbing – highlighted the interrelation of what had previously remained the segregated histories of European and African from the mid-eighteenth to mid-nineteenth century.²⁷² Such integration underlined a longer history of inter-African and inter-racial interaction that preceded formal colonisation by calling attention to the various cultural and commercial hybridities that accompanied multiple migratory and expansionary processes.²⁷³ Given its location, Pondoland was particularly affected by the westward movements of those who sought to avoid the conflagrations of the region; it precipitated shifts in its socio-economic and political organisation which were likewise important in shaping the country’s interaction with colonial and extra-colonial actors from the mid-nineteenth century.

²⁷⁰ The term *mfecane* is used to denote the disruption and dislocation experienced by Nguni-speaking populations of the coastal regions of southern Africa. Its impact upon the southern Sotho is termed the *lifaqane* by those who reside in present-day Lesotho, and the *difaqane* for those within South Africa.

²⁷¹ Paul Landau, *Popular Politics in the History of South Africa, 1400-1948*, (Cambridge: Cambridge University Press, 2010), p. 11; Norman Etherington, ‘A Tempest in a Teapot? Nineteenth-Century Contests for Land in South Africa’s Caledon Valley and the Invention of the Mfecane’, *Journal of African History*, 45:2 (2004), p. 206.

²⁷² Whilst Cobbing’s broader argument about the longer history of interaction between various European and African actors is widely accepted, his contention that the term was used as an ‘alibi’ to cover up the rise and role of coastal slave trading by European and Griqua raiders has been much contested. See Elizabeth Eldredge, ‘Sources of Conflict in Southern Africa, 1800-1830: The Mfecane Reconsidered’, in Carolyn Hamilton (ed.) *The Mfecane Aftermath: Reconstructive Debates in Southern African History*, (Johannesburg: University of Witwatersrand Press, 1995), pp. 123-62.

²⁷³ Landau, *Popular Politics*, p. 11.

The Socio-Economic and Political Organisation of the Mpondo Polity:

Established along the eastern banks of the Mzimvubu River, the Mpondo were surrounded by various Nguni-speaking groups: the Xesibe to the north-east, the Mpondomise to the north-west - with whom they could claim common ancestry - as well as the Thembu to the West and the Bomvana to the South.²⁷⁴ By the early-nineteenth century, the Mpondo had likely achieved 'some degree of dominance' in the region; although, it was during the reign of Faku that 'the chiefdom emerged as the largest and most powerful south of the Zulu themselves'.²⁷⁵

Beinart divides Faku's leadership into two phases. The first extended up until the 1840s; it was characterised as a period of closed settlement and increasing centralisation, as the polity sought to contend with, absorb and defend themselves against, the various waves of invaders that fled south as a result of Zulu expansionism. The second marked an important shift in the configuration of Mpondo political authority, as various chiefly communities began to disperse and to re-settle upon land they had formerly claimed.²⁷⁶ This periodisation has been challenged by Timothy Stapleton, who claims that Beinart 'over-exaggerates' the impact of Zulu aggressions upon the Mpondo, thereby casting them as 'harried victims' rather than as 'a fast-growing and sometimes predatory power'.²⁷⁷ His criticism is, however, misplaced. The very transition from closed settlement to political decentralisation arguably suggests the operation of what Paul Landau terms 'a complex and adaptable

²⁷⁴ The Mpondo claimed that the Mpondomise were twins and that both groups recognised a common descent from Nyanja. See Wilson, 'Nguni People', p. 93; Fig. 1.1; Bryant, *Olden Times*, p. 258; Stapleton, *Faku*, p. xv.

²⁷⁵ Beinart, *Political Economy*, p. 9.

²⁷⁶ Beinart, 'Production and the Material Basis'.

²⁷⁷ Stapleton, *Faku*, p. 5, 29.

politics' – one that pays proper attention to the specific reproduction of power in particular contexts.²⁷⁸

Certainly, the early decades of the nineteenth century represented a period of immense upheaval, and encouraged continual border raids and stock-thefts across the region. An attack by Zulu impis in 1828 destroyed numerous Mpondo settlements on the eastern side of the Mzimvubu; swathes of cattle were lost whilst Faku and approximately 10, 000 followers were forced to retreat to the western banks of the river.²⁷⁹ Such instability necessitated the forging of strategic alliances with neighbouring chiefs; in 1832, Faku entered into an alliance with the Baca chief Ncaphayi in order to bolster the success of counter-offensive cattle-raids.²⁸⁰ This period also marked the moment in which numerous immigrant groups – the Cwera, Nci, Cele and imiZizi – were absorbed into the polity following their movement southwards across the Mtamvuna river.²⁸¹ Whilst many continued to recognise their own hereditary leaders, all acknowledged the primacy of the Mpondo paramount. No chief, explained one Tembu commoner, would argue: "I cannot say that I am a chief if there is another man in my country who is regarded as chief'...Among the amaMpondo there are many chiefs. However, there is a senior chief who has all the others as dependents'.²⁸²

²⁷⁸ Landau, *Popular Politics*, p. 37.

²⁷⁹ Beinart, *Political Economy*, p. 10. The Xeisbe were similarly pushed across the Mzimvubu in 1829. See Cragg, 'Relations of the AmaPondo', p. 17.

²⁸⁰ Beinart, 'Chieftaincy and the Material Basis', p. 122; Stapleton, *Faku*, p. 19. This partnership would eventually breakdown following the Baca's subsequent alliance with the Xesibe chief, Nogula. See Stapleton, *Faku*, p. 22.

²⁸¹ Beinart, *Political Economy*, 10; Stapleton, *Faku*, 18.

²⁸² John Wright and Colin B. Webb (eds. and trans.), *The James Stuart Archive of Recorded oral Evidence Relating to the History of the Zulu and Neighbouring Peoples*, vol. I, (Pietermaritzburg: University of Natal Press, 1976), p. 291.

Far from implying the passivity of the Mpondo, such regional instability was thus as productive as it was destructive; it 'aided inter-group relations...to better facilitate defence against an attack by neighbouring groups'.²⁸³ Indeed, this building of an increasingly heterogeneous polity allowed Faku to quickly 'reconstitute his followers into a formidable military force'.²⁸⁴ As Beinart notes, the abolition of male circumcision suggested a change in Mpondo military organisation whilst demonstrating the centralisation of authority under the paramount.²⁸⁵ This centralisation of power enabled him to command communally organised labour in the intensification of hunting, raiding, trading and agricultural activities.²⁸⁶ In a time of instability, such adaptation was particularly attractive to outsiders; the number of followers continued to increase, thereby bolstering the personal authority of the paramount and other Mpondo elites whilst increasing the productive capacity of the polity itself.²⁸⁷

These activities were, however, largely 'geared towards the re-accumulation of stock', which was 'essential for a reversion to a pattern of subsistence and social

²⁸³ Verkijika G. Fanson, 'Traditional and Colonial African Boundaries: Concepts and Functions in Inter-Group Relations', *Présence Africaine*, 1986/1 – No 137-138, pp. 59-60.

²⁸⁴ Beinart, *Political Economy*, p. 10.

²⁸⁵ Beinart, *Political Economy*, p. 10; Stapleton, *Faku*, p. 30. An alternative explanation for the abolition of male circumcision is provided by the Wesleyan missionary E. J. Barratt, who states that the practice was banned to prevent a councillor, Nonjacu, from being killed. Nonjacu had been singled out to be 'eaten up' in preparation for the circumcision of Faku's son, Mqikela. The young chief had chosen his victim on the basis of his 'boyish attachment' to Nonjacu's wife, who was to 'supply the young initiated chief with the woman to complete his initiation'. In consultation with the Wesleyan missionaries, Faku's councillors instead proposed to ban circumcision altogether, so that they would all 'remain "boys" along with their chief'. See (CL) E J Barratt Papers, 'Genealogical Notes: Eastern and Western Pondo Chiefs Learned from Brown Nombida', MS. 15. 711 (d).

²⁸⁶ Beinart, *Political Economy*, p. 10. Such was the emphasis placed on cultivation that many Mpondo commoners began to pay bridewealth (*lobola*) in the form of produce rather than cattle, owing to the importance and prestige of crop production. See, Stapleton, *Faku*, p. 30.

²⁸⁷ Stapleton, *Faku*, p. 30. Beinart suggests that by the end of this period of closed settlement, the population of Pondoland was estimated at between 35, 000 and 50, 000 people. Beinart, *Political Economy*, p. 10.

reproduction more familiar...to [Mpondo] society'.²⁸⁸ Indeed, the changes that characterised this period of closed settlement occlude the fact that the jurisdictional boundaries of the Mpondo polity were usually defined less in political terms and more by economic and material function.²⁸⁹ This was particularly the case from the mid-1840s, when numerous people re-crossed the Mzimvubu and re-established themselves on their former lands. This scattering of the country's heterogeneous inhabitants made the decentralising of political control essential; yet as Beinart notes, 'Faku played an important role in controlling expansion and siting new centres of settlement'.²⁹⁰ Major Mpondo groups were placed in an inner ring around Faku's Great Place; those immigrant groups recently incorporated into the polity formed a defensive outer-ring along the periphery of the chiefdom.²⁹¹

Royal family members were also strategically established in distant regions in order to attract followers and cattle to the royal house; at the same, their placing at various sites served to diffuse any potential competition for power between royal sons.²⁹² Faku had, for example, placed Ndamase, his eldest son of his first wife, on the Western banks of the Mzimvubu at the time of dispersal.²⁹³ A powerful chief and commander of Mpondo military forces, he was challenged by Mqikela, the eldest son

²⁸⁸ Beinart, 'Chieftaincy and the Material Basis', p. 130.

²⁸⁹ Falso, 'Traditional and Colonial African Boundaries', p. 62.

²⁹⁰ David Hammond-Tooke, 'The 'Other Side' of Nguni History: A Model of Cape Nguni Political Processes', in Leonard Thompson (ed.), *African Societies in Southern Africa*, (London: Heinemann, 1969), p. 244; Beinart, *Political Economy*, p. 12.

²⁹¹ Beinart, *Political Economy*, p. 12.

²⁹² Beinart, *Political Economy*, p. 13.

²⁹³ This separation of Ndamase and Mqikela, and the jurisdictional division of the Mpondo kingdom it implied, did not represent a tendency towards segmentation and fission that was 'built-in' to the Nguni political system. This 'neat structural dichotomy' between the Right-Hand House and Great House, advocated by David Hammond-Tooke, has been extensively challenged by Jeff Peires through a number examples. It is important in this instance, not least because the 'independence' of the Western Mpondo was not universally recognised. See Jeff Peires, 'The Rise of the 'Right-Hand House' in the History and Historiography of the Xhosa', *History in Africa*, 2 (1975), p. 119, 120.

of the Great House and Faku's named successor. Instructed to govern the minor Mpondo and immigrant chiefdoms that lived there, Ndamase achieved great independence; he defeated and subjugated his neighbours whilst vastly expanding Mpondo territory. As Jeff Peires notes, 'it would be fair to say that the Kingdom of Western Pondoland was more the creation of Ndamase than the gift of Faku'.²⁹⁴

The placing out of royal family members, and the acknowledgement of the autonomy of recently incorporated immigrant groups, arguably demonstrated an appreciation for how power was practically deployed in Pondoland.²⁹⁵ Indeed, the wide dispersal of its composite communities sheds some light on the country's jurisdictionally heterogeneous and politically decentralised nature. Like other pre-colonial African societies, notions of political sovereignty were non-territorial in nature. The landscape, sparsely populated and comprised of numerous nodes of political power, meant that the political saliency of the chieftaincy concerned rule over people rather than territory.²⁹⁶

Nevertheless, Mpondo inhabitants were themselves settled in dispersed homesteads, whose independence over their own pastoral production was born from the process of economic atomisation that had accompanied the expansion of the polity.²⁹⁷ As such, the political authority of Mpondo chiefs became largely

²⁹⁴ Jeff Peires, 'History Versus Customary Law: The Commission on Traditional Leadership: Disputes and Claims (2004-2012)', *South African Crime Quarterly*, 49 (2014), p. 9.

²⁹⁵ Herbst, *States and Power*, p. 55.

²⁹⁶ Igor Kopytoff, 'The Internal African Frontier: The Making of an African Political Culture', in Igor Kopytoff (ed.), *The African Frontier: The Reproduction of Traditional African Societies*, (Bloomington and Indianapolis: Indiana University Press, 1987), p. 41. Although, as patterns of settlement became better established, a geographical concept of control increasingly came to influence indigenous notions of space and sovereignty. See Beinart, *Political Economy*, p. 18.

²⁹⁷ Numerous studies contrast this pattern of dispersed settlement with the large compact villages inhabited by Sotho and Tswana communities. See Wilson, 'Nguni People', p. 112; Beinart, *Political Economy*, p. 9.

dependent on the re-accumulation and re-distribution of cattle. Indeed, chiefs sought to monopolise its circulation in order to maintain their own personal and political pre-eminence whilst preventing its excessive accumulation by commoners.²⁹⁸ A loan system – conducted between and amongst all levels of Mpondo society – cemented permanent relationships between chiefs and their subjects. Stock was often demanded as payment for a judicial fine or tribute and its exchange often guaranteed the extraction of male labour.²⁹⁹ Indeed, the circulation of cattle highlighted the patriarchal structures that underpinned Mpondo society. Men were responsible for their herding, milking and treatment, whilst women were forbidden from handling them - ‘a reflection on male control over the goods central to bridewealth and reproduction of the family unit’.³⁰⁰ As an important form of *lobola*, its circulation bound together families, lineages and individuals whilst the system of exogamous marriage ensured the further dispersal of cattle payments throughout the chiefdom.³⁰¹ To that end, the circulation of cattle and the process of marriage ‘highlighted and reaffirmed the established structures of power and the shape of the community itself’, thereby symbolising its social and reproductive potential.³⁰²

Cattle thus held far more than economic value.³⁰³ Imbued with supernatural significance, the slaughter of stock served as an important sacrifice to restore the spiritual and physical health of the community during times of drought or disease.³⁰⁴

²⁹⁸ Beinart, ‘Production and the Material Basis’, p. 135.

²⁹⁹ Beinart, ‘Production and the Material Basis’, p. 135; Beinart, *Political Economy*, pp. 14-15.

³⁰⁰ Beinart, *Political Economy*, p. 21.

³⁰¹ Beinart, *Political Economy*, p. 16.

³⁰² Fry, ‘Allies and Liabilities’, p. 25.

³⁰³ Fry, ‘Allies and Liabilities’, p. 24, 25.

³⁰⁴ Fry, ‘Allies and Liabilities’, p. 24.

These moments further legitimated the authority of the chief, who functioned as the embodiment of the communal. The spiritual foundations of chiefly rule were incredibly important; they communicated with ancestors in order to boost the fertility of the land and livestock and to bring rain; protected the community from malevolent forces; and 'could access potentially destructive witchcraft powers...which they could use to build up their own wealth and power or to harm their enemies and rivals'.³⁰⁵ Supernatural and political power thus went hand in hand; they justified a chiefly command over issues of 'judgement, punishment, war, managing natural resources...propriety and every other virile social institution.'³⁰⁶

Colonial Encroachments, 1840-1877:

Charting the transition from closed settlement to dispersal highlights the political dynamism of the Mpondo polity; the incorporation of various immigrant chiefdoms and the strategic placing of the country's composite communities likewise underscores the political entrepreneurship of the Mpondo paramount in navigating the challenges that characterised the 1820s to the mid-1840s. Writing on 5 September 1877, however, the Secretary for Native Affairs failed to appreciate the socio-economic and political transformations that shaped the Mpondo polity: 'the wealth [of the Mpondo] is owed to government protection...in the former days they were destroyed, plundered and scattered by the Zulus'. 'Taking refuge in the Umzimkulu...the first missionaries found them miserable, wandering clothed in husks of Indian corn'; 'under the shadow of Government intervention, the Pondos are now

³⁰⁵ Redding, 'Government Witchcraft', p. 557.

³⁰⁶ Landau, *Popular Politics*, p. 19.

what they are...they are forgetting what they were and through whom they now are...[they] owe their very existence as a people to the protection and friendship of the British Government'.³⁰⁷

The 'protection' to which the official referred was the treaty signed between Faku and the Governor of the Cape, Sir Peregrine Maitland (1844-1847) in 1844. This agreement served multiple purposes. It established the amity between the Mpondo kingdom and British Government and pledged the defence of the former by the latter against 'all claims and pretensions on the part of British subjects'; it obliged the paramount to surrender all those who had committed crimes against the Cape; it underlined the sovereignty and safe passage of all subjects of the Crown; and, it necessitated that the paramount be ready at all times to provide military assistance to the colonial government.³⁰⁸

The regional instability that precipitated the signing of the treaty is well-known. Following Faku's re-crossing of the Mzimvubu in the mid-1840s, the Mpondo paramount found his lands threatened not by Zulu impis but by those *voortrekkers* who had migrated out of the Cape in 1836 and had established the Republic of Natalia in 1839.³⁰⁹ In 1838, they sought to claim land southwest of the Mzimkhulu in light of the paramount's westward retreat, and two years later declared their ownership of the territory between the Tugela and the Mzimvubu itself.³¹⁰ The need for colonial protection coalesced with a British desire to annex Natalia.³¹¹ Faku was

³⁰⁷ (CA) CMK-1/2: Secretary for Native Affairs to Chief Magistrate, East Griqualand, 5 November 1877.

³⁰⁸ Cragg, 'Relations of the Amapondo', p. 78; Stapleton, *Faku*, pp. 62-63.

³⁰⁹ Beinart, *Political Economy*, p. 11.

³¹⁰ Cragg, 'Relations of the Amapondo', p. 42.

³¹¹ Stapleton, *Faku*, p. 60.

thus re-cast as a potential ally in the regulation of border relations to his north, whilst providing rear-guard support in event of conflagrations along the Cape's eastern frontier.³¹² In return, the paramount's authority over the hinterland region between the Mthatha and Mtamvuna rivers was to be formally recognised, 'with a bonus piece of land further north at the base of the Drakensberg mountains'.³¹³

The effective governance of such a vast region was impossible, especially since the treaty stipulated that Faku should respect the rights of all petty chiefs that resided within it.³¹⁴ As Cragg notes, it 'spoke of the Mpondo nation and assumed a measure of control which simply did not exist...whatever [Faku's] historical and theoretical claims, his territorial rights would in practice be closely related to the actual extent of his jurisdiction'.³¹⁵ Clearly, the treaty implied a centralisation of authority that was thoroughly at odds with the jurisdictionally heterogeneous and politically decentralised nature of the Mpondo polity. British and colonial administrators, however, paid little attention to the pragmatics of rule; they ignored how its mountainous terrain, caves and proximity to the Natal and Lesotho borders 'made it the haunt of stock raiders', and was thus beyond the jurisdictional reach of the royal house. For them, the land was simply 'vacant' and thus inscribed with little order or meaning (**Fig 1.2**).³¹⁶

³¹² On the limited role of the Mpondo in the Eastern Cape's frontier wars, see Timothy Stapleton, 'Faku, the Mpondo and Colonial Advance in the Eastern Cape, 1834-53', in Chris Youé and Timothy Stapleton (eds), *Agency and Action in Colonial Africa: Essays for John E. Flint*, (Basingstoke: Palgrave MacMillan, 2001), pp. 12-33.

³¹³ Nokuthula P. Cele, 'The Historiography of the KwaMachi People: A Frontier Community Between the amaZulu and amaMpondo in the Nineteenth Century', *Journal of Natal and Zulu History*, 27 (2009), p. 12.

³¹⁴ Cragg, 'Relations of the Amapondo', p. 81.

³¹⁵ Cragg, 'Relations of the Amapondo', p. 92.

³¹⁶ Gillian Bardsley, 'Politics and Land in Matatiele, 1844-1900: A Report From the Archives', *Social Dynamics*, 8:2 (1982), p. 49.

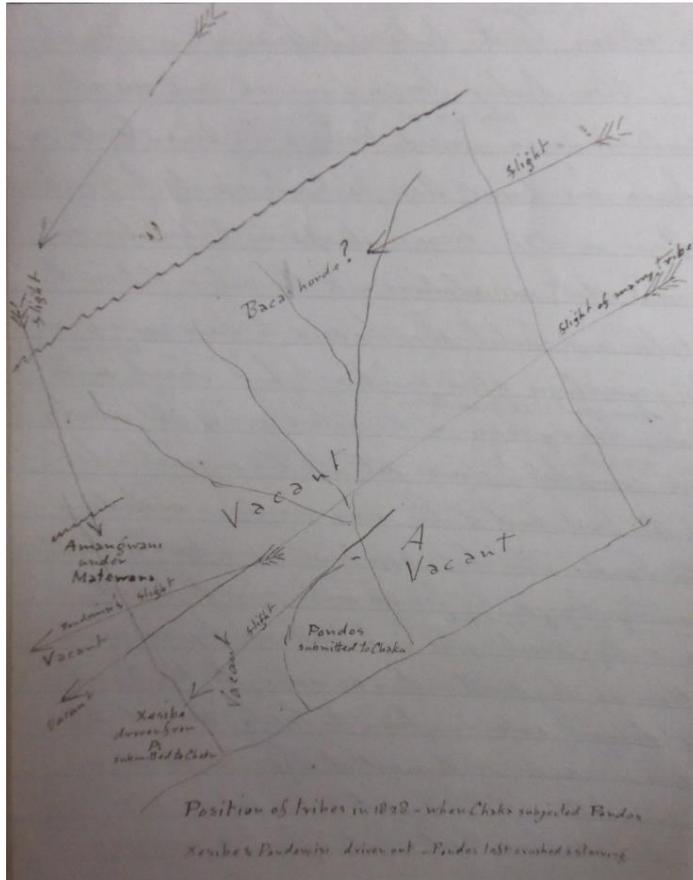


Fig 1.2: ‘Position of tribes in 1828 when Chaka subjugated Pondos. Xesibes and Pandomisi driven out. Pondos left crushed and starving’, in (CA) NA-438: Memorandum for Secretary for Native Affairs, 18 June 1881.

Indeed, the very name of the territory – ‘Nomansland’ – revealed a European ‘mentality of disorder’ that justified the rationalisation of the region.³¹⁷ Whilst it was to serve as an important buffer zone – one particularly designed to prevent the Orange Free State from accessing the coast – ironically, the very stability officials sought to achieve was in fact undermined by the practical limitations placed upon Faku’s authority.³¹⁸ 1847 saw the Cwangule, a tributary of the Mpondo polity, attack Shawbury mission station – an incident which nearly sparked a civil war between the paramount and his son, Ndamase; and another recently incorporated chiefdom, the

³¹⁷ Cele, ‘Historiography of the KwaMachi’, p. 13.

³¹⁸ Stapleton, *Faku*, p. 116.

imiZizi, attempted to retaliate against the Xesibe in 1858, only to find two other Mpondo groups arraigned against them.³¹⁹

Such persistent instability arguably reflected the autonomy enjoyed by the various regional chiefs and the difficulties that faced Faku as a result. Certainly, officials in both the Cape and the now-annexed Natal sought to take advantage of this jurisdictional confusion. Theophilus Shepstone, agent to the “native” tribes from 1846, proposed the annexation of the region as a ‘District of Natal’, whilst a concession of land from around the Mzimkhulu River was wilfully ceded in 1850.³²⁰ This was further extended to the Mtamvuna River in December 1865 to include what would become Alfred County, though not without the resistance of certain border chiefs.³²¹ Moreover, from 1861 British, Walter Currie proposed the settlement of Adam Kok’s Griquas in the north-west of the region in what would become East Griqualand in 1862. These colonial encroachments effectively ‘ended Faku’s nominal paramountcy over lands he did not occupy and people he could not control’.³²²

Conclusion:

Of course, the boundaries implied by these increasing delimitations of Mpondo territory were not inviolable. The continual outbreak of stock-thefts and violence between certain Mpondo and Griqua in the East, and Mpondo and Mpondomise to the West, necessitated that the Cape better fix the jurisdictional borders dividing the

³¹⁹ Stapleton, *Faku*, p. 70, 107.

³²⁰ Lindsay M. Young, ‘The Native Policy of Benjamin Pine in Natal, 1850-1855’, MA Thesis., University of South Africa, 1941, p. 120.

³²¹ Stapleton, *Faku*, p. 114.

³²² Cragg, ‘Relations of the Amapondo’, p. 273.

numerous communities of the Transkeian Territories.³²³ When war broke out between the Tembu and Gcaleka in 1872, its need was further underlined, prompting the establishment of the Griffiths-Ayliff-Grant Commission.

This initiative was both administrative and extra-territorial; various local communities, under their chiefs, sought to be “taken over” as British subjects. The Mpondomise were formally incorporated in October 1873, followed by the Griquas in 1875 and the Baca in 1876. The Xesibe chief, Jojo, eager to attain independence from the Mpondo, likewise applied to the British authorities in 1874. Nevertheless, he was ordered to recognise the political boundaries established by the Commission; viewed as a tributary of the royal house, they were forced to acknowledge the paramountcy through a payment of twenty head of cattle.³²⁴ As chapter 2 will demonstrate, this decision was ultimately reversed in 1878 – a controversial decision that fed into a wider re-examination of the exercise of authority and subjecthood across Pondoland.

The increasing encroachment of the British and colonial authorities thus represented a marked difference from the huge swathe of territory granted to Faku in 1844. This recognition of the Mpondo paramount’s authority was reflective of the exigencies of the region’s geo-politics; it paid little attention to the jurisdictionally heterogeneous and politically decentralised structures that underpinned the exercise of authority and subjecthood in Pondoland from the mid-1840s. Indeed, an

³²³ For numerous examples of the contestations that erupted between the Mpondo and Mpondomise along the western border, see (CA) NA:154: Resident Agent with Mhlonhlo to Secretary for Native Affairs, 31 August 1876; 21 September 1876; 31 October 1876.

³²⁴ (CA) CMK-1/48: Minutes of meeting held at Mfundisweni, 30 August 1882. Statement by Assistant Chief Magistrate East Griqualand.

acknowledgement of these processes can only be attained by charting the internal changes in the socio-economic and political organisation of Mpondo society. How these characteristics requalified subsequent episodes of intervention forms the focus of the next chapter. Unlike those events explored in this chapter, the intervention undertaken by imperial administrators in 1878 sought to introduce new political boundaries *within* the polity itself. In doing so, they precipitated a huge swathe of contentious conversations concerning the exercise of authority and subjecthood which, as the rest of the thesis will demonstrate, created huge opportunities for multiple Mpondo actors to shape what was to become a protracted process of political incorporation.

Chapter 2: Imperial intervention, Authority and Subjecthood in Pondoland, 1878-1883:

Introduction:

On 9 July 1878, Charles Canham penned a letter to the recently appointed British Resident in Pondoland, Reverend Oxley-Oxland.³²⁵ Canham, himself a European employed as an interpreter by the Mpondo royal house, called upon the Reverend for 'prompt and immediate action' in settling a series of disputes between the paramount chief, Mqikela, and the British Government. A failure to resolve them, he argued, would see 'the prestige of the British name...sink into ignominy...and Umqikela will laugh into his sleeve at having evaded a course he is likely to continue unless compelled to alter it by some forcible means than pen and ink.' Canham warned Oxley-Oxland that whilst he 'may be morally certain as to [the] prevailing sentiment...among the people...the signs of the times indicates "something brewing"'. Supporting his claim, he noted the 'restless anxiety of the natives to procure arms and ammunition' and the arrival of suspected murderers and wanted rebels from colonial territory; he identified a 'most pernicious influence' spread by prominent traders and merchants 'who, to serve their own selfish ends advise the chief to resist the demands made upon him'. Only a show of force could give weight to the government's proposals against a paramount who considered himself 'sufficiently powerful enough to stop the march of the British lion'. Imploring the British Resident to take action, he simply asked: 'was it not high time this illusion was dispelled?'

³²⁵ The following is taken from (CA) CMK-5/5: Charles Canham to Rev. Oxley-Oxland, 9 July 1878.

Pondoland featured as something of an anomaly on the landscape of late nineteenth-century South Africa. Stood alone as the last remaining independent kingdom beyond the Kei River, for the Cape, the polity's non-incorporation was problematic. Whilst colonial rule had been introduced to the rest of the Transkei, it was by no means secure; resident magistrates and diplomatic agents exercised their authority through traditional leaders, who still retained much of their power.³²⁶ In this context, the Mpondo royal house remained a potentially destabilising force in an area that was under the *de facto* authority of the government but which was nevertheless prone to outbreaks of political revolt.

Indeed, for various reasons Mqikela stood accused of undermining the governance of the Transkei. Officials complained that the paramount had refused to sanction the proposed building of a telegraph line for fear that the state would seek to claim the land around it.³²⁷ Worse still, the British Resident had discovered that a certain trader, Pemberton White, had been tampering with confidential colonial mail and passing its contents to Mpondo chiefs.³²⁸ Such suspicion served, quite literally, to corrupt the communications between the Government and Great Place. Monitoring Mqikela's contacts caused even greater concern; the arrival of a deputation sent by the Zulu paramount, Cetywayo, was met with particular unease. Undertaken prior to the outbreak of the Anglo-Zulu War (1879), officials were

³²⁶ See Crais, *The Politics of Evil* pp. 53-55; Price, *Making Empire*, pp. 205-10.

³²⁷ (CA) CMK-1/2: Secretary for Native Affairs to Chief Magistrate, Tembuland, 13 July 1877.

³²⁸ See (CA) CMK-5/5: Rev. Oxley-Oxland to Major Elliot and Captain Blyth, 1 August 1878; (CA) CMK-5/5: Rev. Oxley-Oxland to Major Elliot, 2 August 1878. Pemberton White belonged to the White family, who headed the prominent trading firm, White Bros., which owned several permanent trading stores in Port St. John, Palmerton and Western Pondoland. See William Beinart, 'European traders and the Mpondo paramountcy, 1878-1886', *Journal of African History*, 20:4 (1979), pp. 474, 477.

convinced that the 'Zulus [had] come on a mission'; they alleged that other agents had visited...other frontier communities to cultivate an alliance to fight the colonial government.³²⁹ Further enquiries confirmed the involvement of Mpondo chiefs in the most recent rebellions in the region – in Gcalekaland (1877) and East Griqualand (1878). Moreover, it was alleged that Mqikela had threatened to punish those who supported the Cape during these conflicts and had since sent messengers imploring them 'to join him to make war against the British'.³³⁰

Little wonder, then, that Canham was so worried by the prospect of Mpondo independence. Rebels, murderers and troublesome traders: numerous actors were heavily invested in keeping the country beyond the reach of the Cape.³³¹ Certainly, official scope for action remained limited; the colony had no legal right to extend its jurisdiction over Pondoland without imperial approval. To do so in the midst of such regional instability would entail political upheaval and huge financial cost.³³² It also risked further conflict, since the country now served as an important market for those arms confiscated from neighbouring chiefdoms under the Peace Preservation Act (1878).³³³ Taken together, these pressures had the potential to undermine the

³²⁹ (CA) CMK-5/5: Minutes of meeting held at the office of the Chief Magistrate of East Griqualand, 28 May 1878. Evidence from Jojo and Charles Turton, 7 May 1878.

³³⁰ (CA) CMK-5/5: Minutes of meeting held at the office of the Chief Magistrate of East Griqualand, 28 May 1878. Evidence from Jojo, 7 May 1878.

³³¹ On the role and influence of European traders at the Mpondo royal house, see Beinart, 'European traders', pp. 471-86.

³³² Christopher Saunders, 'The Annexation of the Transkeian Territories (1872-1895) with Special Reference to British and Cape Policy', D. Phil., University of Oxford, 1972, p. ii, 385.

³³³ William Beinart, 'Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, ca. 1830-1960', D. Phil., University of London, 1979, p. 56.

Cape's claim to administrative competence, embodied by its acceptance of responsible government in 1872.³³⁴

Yet on the 4 September 1878, a solution was seemingly provided by the Cape Governor and High Commissioner for Southern Africa, Sir Bartle Frere, who issued an imperial proclamation announcing Mqikela's deposition as Mpondo paramount. Specifically, the edict stated that those chiefs formerly subordinate to the royal house 'who have behaved *loyally* to Her Majesty's Government, and who now desire to come under direct relations with that Government, will be allowed to deal directly with the British...as the sole paramount authority in Pondoland'.³³⁵ The first was the Xesibe chief, Jojo, who occupied territory which had long been claimed by the Great Place. As chapter 1 discussed, Jojo had once before sought independence from the Mpondo in 1874. Instructed to recognise the political boundaries established by the Griffiths-Ayliff-Grant Commission (1872), the Xesibe were, however, forced to acknowledge the paramountcy through a payment of twenty head of cattle.³³⁶ Yet in this current climate of controversy, Jojo's second petition was unsurprisingly successful. Confirmed at a meeting with colonial officials on 8 July, the Xesibe received their first resident magistrate, Walter H. Read, on 28 October 1878, and were annexed by the Cape on 24 September 1886.³³⁷

³³⁴ This transfer of power also meant that the colonial executive was now responsible for devising its own frontier defence policy. See J. S. Kotze, 'Counter-Insurgency in the Cape Colony, 1872-1882', *Scientia Militaria: South African Journal of Military Studies*, 31:2 (2003), p. 38.

³³⁵ Proclamation by Sir Bartle Frere, 4 September 1878 in A. 105 – '80: *Return of Papers on Pondo Affairs*, (Cape Town: Government Printer, 1880), pp. 133-34.

³³⁶ (CA) CMK-1/48: Minutes of meeting held at Mfundisweni, 30 August 1882. Statement by Assistant Chief Magistrate East Griqualand.

³³⁷ See (CA) CMK-5/5: Minutes of meeting held between Captain Blyth, Major Elliot, Jojo and Fundise at the court room of the Chief Magistrate East Griqualand, 8 July 1878; G. M. Theal, *Twelve Eventful Years*, p. 168.

The second instance concerned Nqwiliso, the most senior Mpondo chief west of the Mzimvubu River. As noted previously, it was Nqwiliso's father, Ndamase, who had been placed there by Faku in the mid-1840s in order to avoid a potential civil conflict with Mqikela. Yet upon his death in 1876, Mqikela attempted to reclaim the region for the Eastern royal house. Claiming that Ndamase's authority had only been acquired on a personal basis, he argued that Western Mpondo autonomy had since expired and was thus uninheritable.³³⁸

Eager to counter such a charge, Nqwiliso naturally sought to underwrite his new-found sovereignty. His opportunity arrived on 17 July 1878, when government officials offered to recognise his independence in return for the sale of Port St. John and the sole rights to the navigation of the Mzimvubu River.³³⁹ Twice refused by Mqikela in 1874 and 1878, the acquisition of the port was confirmed by a payment of £1000 to the newly acknowledged Western Paramount. Nqwiliso's position had thus become hitched to the extension of British rule in Pondoland. Indeed, on 31 August the chief sat on the western bank of the Mzimvubu and watched the 24th Regiment hoist the British flag over the St. John's estuary.³⁴⁰ This ceremony represented a watershed moment in the history of European intervention in Mpondo affairs. Confirmed by Frere's imperial edict, it marked the deliberate jurisdictional curtailment of the Eastern paramountcy by effectively signalling the political partition of the country.

³³⁸ George Callaway, *Pioneers in Pondoland*, (Lovedale: Lovedale Press, 1938), p. 40.

³³⁹ A letter confirming the treaty can be found in (CA) NA-14: Chief Magistrate, Tembuland to Secretary for Native Affairs, 18 July 1878.

³⁴⁰ Frank Brownlee, *The Transkeian Native Territories: Historical Records*, (Lovedale: Lovedale Mission Press, 1896), p. 77.

This chapter seeks to examine the impact of the proclamation within Pondoland and to explore its reception by the numerous chieftaincies that comprised the country. It does so not least because Frere's intervention clearly sought to regulate both intra-Mpondo relations and governance in order to better ensure the stability of the colonial border. Through partition and partial annexation, the proclamation arguably intended to circumscribe the paramountcy through the introduction of new political boundaries. In this sense, it functioned as an extra-jurisdictional initiative which, undertaken on behalf of the Cape, formed part of the disciplinary apparatus employed by the colony in its wider conquest of the Transkei.³⁴¹ Additionally, the edict aimed to appeal to those disaffected with Mqikela, encouraging them to seek protection from, and treat with, the British Government rather than the royal house. As such, it doubled as an extra-territorial intervention by privileging a foreign form of subjecthood designed to undermine the authority of the paramount.³⁴²

With this in mind, this chapter asks the following questions: How did colonial and imperial administrators conceptualise the system of governance in Pondoland? How did local communities understand the new political boundaries implied by Frere's proclamation? In what moments and for what reasons did Mpondo chiefs and commoners come to utilise them? And how did they react to the centralisation of power in the West under Nqwiliso? In what ways did the Xesibe justify their decision

³⁴¹ This will be explored in the second section of this chapter, but for a comprehensive overview of the processes of Transkeian state-formation undertaken by the Cape, see Crais, *Politics*, pp. 68-95.

³⁴² For an excellent example of the acquisition of extraterritorial subjecthood, see Ziad Fahmy, 'Jurisdictional Borderlands: Extraterritoriality and "Legal Chameleons" in Precolonial Alexandria, 1840-1870', *Comparative Studies in Society and History*, 55:2 (2013), pp. 305-29. Here, p. 306.

to be taken over as British subjects? And how did the Great Place attempt to re-assert their claims over land and subjects that they considered to be Mpondo?

In asking these questions, this chapter posits Frere's proclamation as an important moment in the reconfiguration of authority and subjecthood *within* Pondoland. This perspective has arguably been overlooked in the historiographical treatment of this encounter, where it has been primarily understood in terms of the breakdown of political relations *between* the Mpondo royal house and the Cape Government. Whether owing to the absence of an influential missionary mediator, the desire to claim the last independent portion of coastline between the Cape and Natal, or a metropolitan attempt to realise a confederation of southern African states under the Crown: the ally of the Treaty of 1844 simply becomes the enemy of 1878.³⁴³ According to this narrative, the annexations of Port St. John and Xesibeland feature only as important milestones in the eventual subordination of the soon-to-be colonised by the would-be colonisers. Little attempt is made to differentiate between the agendas of those European and Mpondo protagonists involved in shaping this moment of interaction/intervention.

Where this latter issue has been addressed, emphasis has been given to the importance of the political antagonism *between* paramountcy and state. William Beinart identifies the conflicting interests of European traders and colonial officials. The former sought to protect their commercial activities by stoking Mpondo resistance to the annexations proclaimed in 1878; the latter were eager to control

³⁴³ For examples of the following arguments, see Cragg, 'The Relations of the AmaPondo'; Saunders, 'Annexation', p. iii, 384; Beinart, *Political Economy*, p. 31; Dorothy L. Keet, 'The Annexation of Pondoland', BA. Hons., University of Cape Town, 1964, p. 10.

the influx of illicit goods entering the Transkei whilst gaining additional revenue through the levying of custom duties at the port. Indeed, he highlights the ‘serious financial repercussions’ of the proclamation. After all, the chief lost the £15 levy for each ship that called at the port, the annual £100 payment stipulated by the 1844 treaty, the licence fees paid by traders and a concession worth £150 to develop alleged mineral deposits in Xesibeland.³⁴⁴ For Beinart, it was this reduction in personal income that brought the royal house into conflict with the colonial state; the chief was rendered increasingly vulnerable, especially given his already limited capacity to command a surplus from the country’s production and trade.³⁴⁵ Frere’s imperial edict is therefore said to have ‘had little immediate impact on the paramount’s political position within Pondoland’, since it simply served to complement the processes of economic atomisation and political decentralisation well underway from the late nineteenth century.³⁴⁶

Viewed in this way, Mqikela’s authority was just as Canham had described it – an ‘illusion’.³⁴⁷ Such sentiments were echoed by the Secretary of State for the Colonies, who simply asked the High Commissioner to consider ‘which colony or province the St. John’s River Territory...should be placed’.³⁴⁸ His comments likely assumed the unproblematic incorporation of Mpondo territory. Yet as the encounters with Jojo and Nqwiliso demonstrate, this extension of imperial rule equally depended on the cultivation of successful alliances with willing local participants. As Daniel Branch notes, this practice was ‘a particular skill of British

³⁴⁴ Beinart, ‘European traders’, pp. 476-77.

³⁴⁵ William Beinart, *Political Economy*, p. 32.

³⁴⁶ Beinart, ‘European traders’, p. 476; Beinart, *Political Economy*, p. 32.

³⁴⁷ See (CA) CMK-5/5: Charles Canham to Rev. Oxley-Oxland, 9 July 1878, cited above.

³⁴⁸ (CA) CMT-1/58: Secretary of State for Colonies to Sir Bartle Frere, 8 October 1878.

imperialists'; the instrumentalisation of indigenous allies was a ubiquitous feature of 'indirect rule', in all its permutations, throughout the empire.³⁴⁹ Indeed, appealing to the immediate wants of the Western Paramount and Xesibe chief reflected the tendency to exploit 'pre-existing social and political cleavages by empowering particular factions contesting power and authority' within indigenous societies.³⁵⁰

Such overtures were perhaps made easier given the composite nature of the Mpondo polity - comprised of numerous chiefdoms, clans and sub-groups that were differentially incorporated by, or connected to, the Eastern royal house. European commentators noted this heterogeneity with interest.³⁵¹ Frank Brownlee, former Resident Magistrate of Mount Ayliff, argued that Mqikela was 'the chief of a tribe composed largely of alien clans ready at any moment to transfer their allegiance to someone else, with his authority actually ignored by a very large section of the tribe'. Consequently, he envisaged that the country's 'division into two, or even a dozen sections independent of each other would not cause much difficulty'.³⁵²

These comments undoubtedly betray an assumed ability to instrumentalise Mpondo politics towards colonial ends through the offer of British support and subjecthood. Yet the success of this extra-territorial endeavour was neither guaranteed nor reflective of a cohesive or uniform strategy concerning the incorporation of African chiefdoms. As Par Kristoffer Cassel argues, 'far from being a

³⁴⁹ Daniel Branch, *Defeating Mau Mau, Creating Kenya: Counterinsurgency, Civil War and Decolonisation*, (Cambridge: Cambridge University Press, 2009), p. 26; John W. Cell, 'Colonial Rule', in Judith Brown and Wm. Roger Louis (eds.), *The Oxford History of the British Empire, Volume IV: The Twentieth Century*, (Oxford: Oxford University Press, 1999), p. 243.

³⁵⁰ Branch, *Defeating*, p. 27.

³⁵¹ Callaway, *Pioneers*, p. 42.

³⁵² Brownlee, *Transkeian Native Territories*, p. 77.

system, in the sense of a planned and orderly arrangement, extraterritoriality is better regarded as a *practice*, which evolved and took shape within a legally pluralistic environment'.³⁵³ Such a perspective suggests that the cultivation of local alliances by supralocal actors necessarily occurred within a context that was politically pre-defined by long-existing notions of authority and subjecthood within Pondoland. Hardly abstract, these concepts were actualised in the everyday affinities and enmities that existed between the country's composite communities. Understood in this way, Frere's proclamation cannot simply be seen as a unidirectional intervention within Mpondo society; its success or otherwise must be viewed as intimately tied to the configuration of intra-Mpondo relations themselves. As Ronald Robinson makes clear, the sourcing of suitable supporters 'was as much and often more a function of Afro-Asian politics than of European politics and economics'.³⁵⁴

Indeed, in this chapter I suggest that Frere's imperial edict served as a moment of opportunity for multiple Mpondo chiefs in the pursuit of often conflicting interests. In doing so, the chapter builds on the argument advanced in the introduction, that the extension of imperial sovereignty over newly incorporated territory was always a necessarily contested process; more often than not, it served to highlight either pre-existing or counter claims to govern the same space by various indigenous, colonial or extra-colonial historical actors. Moments of imperial pomp, such as royal tours or flag-raising ceremonies, represented idealistic performances

³⁵³ Par Kristoffer Cassel, *Grounds of Judgement: Extraterritoriality and Imperial Power in Nineteenth-Century China and Japan*, (Oxford: Oxford University Press, 2012), p. 6. Emphasis cited.

³⁵⁴ Ronald Robinson, 'Non-European Foundations of European Imperialism: Sketch for a Theory of Collaboration', in Roger Owen and Bob Sutcliffe (eds), *Studies in the Theory of Imperialism*, (London: Longman, 1972), pp. 138-39.

of power that reveal little about the mechanics of rule and its negotiation in specific contexts. Proclamations implied the rationalisation of political space by demarcating the boundaries of imperial jurisdiction. Yet, as Lisa Ford reminds us, ‘what they clearly did not do is extend any meaningful jurisdiction over indigenous people’ themselves.³⁵⁵

Frere’s proclamation is a case in point. Issued on 4 September 1878, Port St. John was not annexed to the Cape until 22 July 1884; until then, it remained an imperial enclave in an otherwise independent, if newly partitioned, Mpondo polity. Likewise, Xesibeland was immediately placed under the supervision of colonial officials, and its land and subjects designated as British. Yet colonial rule was not confirmed by the Cape Parliament for another eight years, when the region, along with a small piece of adjacent land known as the Rode Valley, was annexed to the Mount Ayliff district of East Griqualand. What was intended in 1878 was therefore only nominally formalised in 1886.

In acknowledging this protracted process of political incorporation, this chapter submits that the 1878 proclamation failed in its immediate objectives to depose Mqikela, bolster Nqwiliso as a useful local ally and to consolidate the Xesibe as British subjects. Instead, I argue that this intervention precipitated a series of contentious debates about the exercise of authority and subjecthood *within* Pondoland. Such conversations varied across the polity; they expressed the latent loyalties and long-term rivalries within the country – cleavages which reflected its jurisdictionally heterogeneous and politically decentralised nature. Examining the

³⁵⁵ Lisa Ford, *Settler Sovereignty*, p. 17.

political dialogue that took place in a post-proclamation Pondoland thus foregrounds the importance of intra-Mpondo relations in re-qualifying instances of European interference in the country. Moreover, it avoids what John Lonsdale has termed ‘the all too easy assumption that conquest was an historical moment rather than movement’.³⁵⁶ As he notes, the successful subjugation of African societies was hardly reducible to a singular event. It involved a ‘forcible process of political accumulation’ that was in part shaped by the factional composition of those polities themselves.³⁵⁷ This chapter thus seeks to make the same point.

In order to do so, the chapter will be split into three sections. Given the intention to undermine the structures of Mpondo governance, the first section will explore how officials conceptualised the operation of power and authority in a pre-proclamation Pondoland. The second section will focus on the partition; it will highlight how various Mpondo chieftaincies responded to the newly emboldened position of Nqwiliso and will situate their contestations within the longer-term affinities and animosities that existed both between them and the royal house. The final section will focus on the annexation of Xesibeland. Specifically, it will examine how leading Mpondo and Xesibe chiefs proffered conflicting views on the historical relationship between the two, and how these different perspectives underpinned attempts to advance autochthonous claims to land in the north of the country. Taken together, these sections will highlight both the variety and vehemence of those

³⁵⁶ John Lonsdale, ‘The Politics of Conquest: The British in Western Kenya, 1894-1908’, *Historical Journal*, 20:4 (1977), p. 861.

³⁵⁷ Lonsdale, ‘Politics of Conquest’, p. 841, 844.

conversations which, prompted by Frere's proclamation, coalesced around a re-examination of Mpondo authority and subjecthood.

Contriving a Political Boundary:

As the introduction illustrated, the partition of Pondoland was born from a convergence of chiefly and colonial interests that centred upon the acquisition of Port St. John and the creation of two distinct kingdoms.³⁵⁸ In many respects this arrangement simply served to formalise a system of governance established by Faku in the mid-1840s. Moreover, this new jurisdictional space was already delimited by the Mzimvubu River – a natural frontier which functioned as the ideal border that colonial administrators so preferred.³⁵⁹ However, the partition of Pondoland reflected more than the happy confluence of historical and geographical circumstance. After all, this division of territory was promulgated during a turbulent time in Mpondo-colonial affairs; Mqikela faced a litany of charges that implicated his paramountcy in the deliberate destabilising of colonial rule in the Transkei. The most serious of these concerned the role played by particular Mpondo chiefs in assisting and offering sanctuary to known rebels from Gcalekaland and East Griqualand. Such seditious activity highlighted a clear division of disloyalty across the country that underpinned the need to partition Pondoland.

³⁵⁸ A copy of the deed can be found in A. 105 – '80: Deed of Sale of Land at Port. St. John's River by the Pondo Chief Nqwiliso to the Cape Colonial Government, 30 September 1878, pp. 135-36.

³⁵⁹ Lester describes how natural frontiers – ideally, 'a large unfordable river running through the country with unlimited visibility, and no prospects for concealment', - functioned as the perfect colonial border. See Alan Lester, *Imperial Networks: Creating Identities in Nineteenth-Century South Africa and Britain*, (London and New York: Routledge, 2001), p. 18.

Following the outbreak of rebellion, Transkeian administrators were quick to highlight the difference between the Western and Eastern paramounts. It was Nqwiliso, who, 'as [a] friend and faithful ally of the Government', had attempted to arrest the Gcaleka chief, Kreli. Meeting with the Chief Magistrate of Tembuland, the chief asked for a division of colonial troops in order 'to assist the Government by sending men across the Umtata and taking part in operations against the rebels' by preventing them from entering into his territory.³⁶⁰ Whilst his offer was rejected, the chief nevertheless arranged the successful confiscation of over 1000 head of rebel cattle that had accompanied Gcaleka dissidents across the Mpondo border, handing them over to the imperial military authorities.³⁶¹ His actions were unambiguously perceived as designed to 'save the Pondos from trouble and loss' whilst serving as an important gesture in maintaining those friendly relations with Cape officials cultivated by his father.³⁶²

The contrast with Mqikela was stark. After the outbreak of rebellion in East Griqualand, the Secretary for Native Affairs wrote to the paramount to warn him that 'any chief sheltering...rebels against the Queen renders themselves an enemy of the Queen'.³⁶³ When questioned about their alleged hiding in his country, however, Mqikela simply dismissed them as 'wanderers without a place of abode'; whilst he made it clear that he had not sanctioned their escape into his country, he

³⁶⁰ (CA) CMK-1/145: Acting Secretary for Native Affairs to Mqikela, 4 March 1878; J. W. MacQuarrie (ed.), *The Reminiscences of Sir Walter Stanford*, (2 vols, Cape Town: Van Riebeck Society, 1958-1962), I, p. 86.

³⁶¹ MacQuarrie, *Reminiscences*, I, p. 87.

³⁶² (CA) CMK-1/145: Acting Secretary for Native Affairs to Mqikela, 4 March 1878.

³⁶³ (CA) CMK-5/5: Secretary for Native Affairs to Mqikela, 13 April 1878. For a full account of the outbreak of the rebellion, see (CA) CMK-1/3: Declaration of the East Griqualand Prisoners, 5 July 1878; W. Dower, *The Early Annals of Kokstad and Griqualand East*, (Port Elizabeth: Jas. Kemsley & Co., 1902), p. 100.

nevertheless suggested that others were also hiding in Nqwiliso's territory and refused to consider their potential surrender.³⁶⁴

Such obfuscation masked a deeper level of complicity of senior Mpondo chiefs in the conflict. Officials were well aware that Adam Muis, a principal ringleader of the rebellion, had fled into Eastern Pondoland – a fact confirmed by Mqikela, who wrote to the Chief Magistrate of East Griqualand, Captain Blyth, to inform him that he had ordered Muis out of the country. Muis had, however, written a letter to Blyth from the kraal of Mhlangaso, "Prime Minister" of Pondoland, boasting that the 'Pondos [were] willing and ready to assist in making war on the Government'.³⁶⁵ To be sure, the paramount had sent a councillor, Tikizane, to escort Muis across the border along with a deputation of men from Mfundisweni mission station.³⁶⁶ Yet when they crossed into colonial territory, they were met by a hundred armed rebels and then proceeded to the farm of a Mr J. H. Acutt, which they plundered before taking the residents hostage.³⁶⁷ Tikizane returned to Mqikela, concerned that 'their behaviour appeared to him to be that of an enemy more than a friend of [the] Government'.³⁶⁸ But in doing so, he left the Mpondo dissidents under the charge of Josiah Jenkins, a nephew of the paramount, who remained with Muis until a force led by Blyth attacked the rebel camp.³⁶⁹ After a five-minute siege, ninety four Pondos

³⁶⁴ (CA) CMK-1/58: British Resident to Secretary for Native Affairs, 20 December 1878.

³⁶⁵ (CA) CMK-1/145: Captain Blyth to Mqikela, 11 March 1878.

³⁶⁶ (CA) CMK-5/5: Donald Strachan and A. H. Stanford to Captain Blyth and Major Elliot, 25 May 1878.

³⁶⁷ Theal, *Twelve Eventful Years*, p. 38.

³⁶⁸ (CA) CMK-5/5: Donald Strachan and A. H. Stanford to Captain Blyth and Major Elliot, 25 May 1878.

³⁶⁹ Josiah Jenkins' influence amongst the Mfundisweni mission station was hardly in doubt, having been raised and educated at the mission school by the Methodist missionary Thomas Jenkins and his wife. See Theal, *Twelve Eventful Years*, p. 38; MacQuarrie, *Reminiscences*, I, p. 42, fn. 6.

surrendered. Holding a white flag, they abandoned their posts and were subsequently disarmed, arrested and sent back to Pondoland.³⁷⁰

The difference between a pliant West and obstructive East was striking and served to confirm a colonial suspicion that many at Mqikela's Great Place were sympathetic to the cause of colonial revolt.³⁷¹ Naturally, officials were eager to determine the culpability of Mqikela himself. At a meeting held at Kokstad, Blyth and Major Elliot pressed a senior councillor, Ketshe, to state whether the paramount was personally involved – a request he refused.³⁷² Yet the support proffered by the Mfundisweni mission school, and the personal dealings of Mhlangaso and Josiah Jenkins, were enough to convince them of Mqikela's dwindling influence and his inability to keep these pernicious influences in check.³⁷³ As such, the implication of senior chiefs in the outbreaks of recent rebellions thus raised colonial concerns over the exercise of political authority in Pondoland. This unease was demonstrated on 21 May 1878, when the Secretary for Native Affairs established a Commission of Inquiry to be headed by Blyth and Elliot. Writing to the commissioners, he listed a series of questions that were to be put to various Mpondo chiefs, stressing the importance of the 'reliable character of the information' upon which the government 'may safely base a policy on':

³⁷⁰ (CA) CMK-1/145: Captain Blyth to Mqikela, 18 April 1878.

³⁷¹ Beinart, *Political Economy*, p. 32. As the son-in-law of the Ngqika chief, Sandile, Mhlangaso was unsurprisingly suspected of supporting their uprising in 1877. Cragg, 'Relations of the AmaPondo', p. 340.

³⁷² (CA) CMK-5/5: Minutes of meeting held at the office of the Chief Magistrate of East Griqualand, 28 May 1878.

³⁷³ (CA) CMK-5/5: Minutes of meeting held at the office of the Chief Magistrate of East Griqualand, 28 May 1878.

1. What are the existing political divisions of Pondoland and what are the relationships of the several chiefs to Umqikela both as regards their position and their wishes for any change?
2. What is the actual amount of authority or influence which Umqikela, as paramount chief, now exercises over the Pondo chiefs?
3. Who are the chiefs who have actual authority over the mouth of the St. John's River?
4. What is the disposition of the various chiefs as regards the English or Colonial Government and their inclination to be in more direct and intimate relations with us?³⁷⁴

That policy was, of course, the 1878 proclamation. As can be seen, the list of inquiries cited above undoubtedly reflected the principal ambitions of Frere's imperial edict outlined in the introduction to this chapter. Chief among them was the annexation of Port St. John; so too was an awareness of the need to cultivate politically profitable alliances with particular chiefs in order to facilitate it. Yet concomitant to these interests were more fundamental questions about the proper workings of power in Pondoland. As such, Blyth and Elliot were tasked with teasing out both the pre-existing political divisions and nature of the relationships that bound the polity's various chiefdoms to the royal house. With a focus on both the personality and the institution of the paramountcy, they further sought to determine precisely how much authority was wielded by Mqikela himself. Given these questions, it is clear that the desire to purchase the port was motivated by more than commercial considerations. Indeed, this moment of imperial intervention was equally predicated upon an increasing interest in the structures of Mpondo governance.

³⁷⁴ (CA) CMK-5/5: Secretary for Native Affairs to Commissioners, 21 May 1878.

In this respect, the inquiry was largely typical of the types of initiatives undertaken by colonial officials across the Transkei. The Griffiths-Ayliff-Grant Commission (1872), the Griqualand East Commission (1876), the Tembuland Commission (1883) and, most famously, the Commission on Native Law and Custom (1883); numerous historians have rightly noted how the late nineteenth century witnessed a flurry of reports and investigations into the daily workings of “native” life and “tribal” society.³⁷⁵ Administrators expended much bureaucratic energy in codifying those practices deemed central to the regulation of African social, productive, gender and generational relations.³⁷⁶ These ethnographic exercises likewise raised questions regarding local systems of land tenure, topography and the boundaries that separated the numerous polities that comprised the Transkei. In turn, this expansion of colonial knowledge encouraged the enumeration of local populations and spurred the production of increasingly detailed maps and surveys of African territory in order to rationalise what was presumed to be a disorderly political landscape composed of multiple and overlapping sovereignties.³⁷⁷ As Paul Nugent

³⁷⁵ See John L. Comaroff, ‘Reflections on the colonial state, in South Africa and elsewhere: factions, fragments, facts and fictions’, *Social Identities*, 4:3 (1998), pp. 330-34; Crais, *Politics of Evil*, pp. 73-86. On the 1883 Commission, see, A. J. Kerr, ‘The Reception and Codification of Systems of Law in Southern Africa’, *Journal of African Law*, 2:2 (1958), p. 91; Richard Parry, “‘In a Sense All Citizens, but Not Altogether Citizens...’: Rhodes, Race, and the Ideology of Segregation at the Cape in the Late Nineteenth Century’, *Canadian Journal of African Studies*, 17:3 (1983), p. 383; Costa, ‘Chieftaincy and Civilisation’, pp. 13-43, especially pp. 18-22.

³⁷⁶ Natasha Erlank, ‘Gendering Commonality: African Men and the 1883 Commission on Native Law and Custom’, *Journal of Southern African Studies*, 29:4 (2003), p. 938. Erlank provides an excellent overview of the range of issues covered by the commission, including marriage and bridewealth (*lobola*), succession and land tenure, and the opportunities this encounter created for African and European men alike. For a study that situates the Commission within the longer history of the reconfiguration of gender relations in South Africa, see Deborah Posel, ‘State, Power, Gender: Conflict Over the Registration of African Customary Marriage in South Africa, c. 1910-1970’, *Journal of Historical Sociology*, 8:3 (1995), pp. 223-56. For an account of similar developments in colonial Natal, see Benedict Carton, *Blood From Your Children: The Colonial Origins of Generational Conflict in South Africa*, (Charlottesville and London: University of Natal Press, 2000), pp. 25-6, 49-51.

³⁷⁷ Crais, *Politics of Evil*, pp. 74-76.

notes, these cartographic constructions purported to represent African spatial realities.³⁷⁸ Instead, they demonstrated a colonial reorganisation of space predicated on the drawing of fixed administrative boundaries between formerly independent chiefdoms and their separation and sub-division into politically centralised and culturally cohesive communities.³⁷⁹ Such innovations revealed a territorial conception of the “tribe” as a bounded and internally coherent unit – a perspective which pervaded the re-production of information about numerous African societies and which reflected colonial concerns over the control of newly incorporated subjects.

Such apprehensions clearly informed the preparations made by officials prior to Frere’s proclamation. On the eve of annexation, the Cape authorities considered an invasion of Pondoland, requesting the mobilisation of colonial troops from Natal.³⁸⁰ Meeting at Ixopo in mid-August 1878, they hoped that the marching of a force through the country would be enough to prevent a resort to arms by Mpondo chiefs.³⁸¹ Under the charge of Field Marshall Sir Henry Evelyn Wood, it was proposed that two columns be sent to Mfundisweni whilst a third would march on Mqikela’s kraal. In the event that he resisted or fled, an additional company was to be sent by sea to occupy the port by force. Clear instructions were to be issued to local communities: “natives” were told to remain in their kraals; local headmen were instructed to report unarmed to the Commanding Officer as the columns entered

³⁷⁸ Paul Nugent, *Smugglers, Secessionists & Loyal Citizens on the Ghana-Togo Frontier*, (Athens, Legon, Oxford: Ohio University Press, 2002), p. 4.

³⁷⁹ See Leroy Vail, ‘Introduction: Ethnicity in Southern African History’, in Leroy Vail (ed.), *The Creation of Tribalism in Southern Africa*, (London Berkley: University of California Press, 1989), p. 11. Crais, *Politics of Evil*, pp. 76, 83.

³⁸⁰ (CA) CMK-1/145: Major Cradock to Colonel West, 13 August 1878.

³⁸¹ (CA) CMK-1/145: Undated letter. This source was filed immediately after the preceding citation.

their respective districts; and a warning was issued that any group of twelve men or more, who approached the troops and were considered to be armed, would be shot.³⁸²

It was in the context of such potential instability that the notion of a partitioned Pondoland thus gained political saliency. The creation of a stable border and the concentration of power in a self-contained West was undoubtedly looked upon as the most effective means of curtailing the seditious activities of the East. This territorial conception of the “tribe” likewise encouraged the annexation of the Xesibe, as officials sought to identify them as a clearly distinguishable – and easily separable – chiefdom in its own right. As noted above, these considerations were in part rooted in a recognition of the heterogeneity of the Mpondo polity and the extent to which pre-existing political divisions were likely to determine the chiefly reaction to the colonial cause. Reflecting an acknowledgement of the variegated relationships that connected these multiple constituencies to the royal house, these inquiries represented a nuanced investigation into the constitution of power in Pondoland. The re-presentation of this information, however, failed to reflect this dynamism. As can be seen below (**Fig. 2.1**), the political plurality of Pondoland was collapsed into a singular list that registered those sub-groups and chiefs most likely to assist Mqikela in the outbreak of war and the numerical strength of each. A static conception of the “tribe” was clearly discernible, as the myriad groups that comprised the country were

³⁸² (KCL) Papers of Field Marshall Sir Henry Evelyn Wood, ‘Memorandum on an advance into Pondoland, 4 August 1878’, MS. WOO., Series KCM-89/9, File 25.

presented as a series of individually distinguishable units that paid little attention to their internal configuration or the nature of their connection to the Great Place:

List of fighting men of the Amafondo, north of St. John's who would answer the war cry at once, if called upon by the great chief.

Amanthlani	900	Buzabilloni	12430
Amakwalo	850	Tanki	300
600 Amaciwira	1000	Jankani	100
Amafondo	100	Jingo	300
Amangate	250	Bekaniawu	640
Do	260	Sikhonyani	620
Isipikwa	350	Amqikela (Edud)	500
Amanusi	350	Tangqaw	1050
Subula	100	Mahlonywe	40
Kwinyayo	700	Sipaxa	40
Madiba	600		<u>17020</u>
Putyana	640		
Mikwo	90		
Dolo	100	Note No. 1	The Amaxoshe the
Tali	340		under Amqikela are not included
Shangac	80		as they could not be depended
Amanca	1200		upon.
Amanpisi	100	Note No. 2	Young men under
Mijops	1350		18 or 19 not included in
Phoda	150		the above.
Kalelo	400		
Amabalo	2060		
Sombili	130		
Magatyama	100		
	<u>12430</u>		

Figure 2.1: 'List of the fighting men of the Amafondo north of the St. John's River, who could answer the war cry at once, if called upon by the Great Chief'. (KCL) Papers of Field Marshall Sir Henry Evelyn Wood, 'Memorandum on an advance into Pondoland, 4 August 1878', MS. WOO., Series KCM-89/9, File 25.

As Clifton Crais makes clear, such abstractions were ultimately designed to render African communities more cognisable to colonial officials; in the nineteenth century, they represented a model of tribal society upon which the state could act surgically in order to undermine chiefly authority.³⁸³ His claims are largely based upon James C. Scott's concept of 'legibility': the arrangement of subject populations in ways designed to simplify 'the classic state functions of taxation, conscription and the

³⁸³ Crais, *Politics of Evil*, p. 83, 85.

prevention of rebellion'.³⁸⁴ Central to this project was the utilisation of what Scott terms 'state simplifications': tools contrived to reduce the complexity of subject societies to specific categories of colonial knowledge in order to enable the colonial administrator to "see" those aspects of "tribal" life that interested him most.³⁸⁵

In this instance, officials sought to gauge the precise configuration of political authority in Pondoland. Lurking behind these figures was thus a presumed correlation between the fighting strength of each clan and their propensity to support the paramount. As such, the otherwise fluid bonds of political community were repackaged as an empirical category of colonial knowledge intended to measure the extent of loyalty across the country. Yet as this chapter will later demonstrate, the numerical muscle of the Cwera (1000), for example, did not translate into an automatic endorsement of the royal house; Mpondo political subjecthood was far more dynamic than this series of "facts" suggested. As Scott rightly notes, this information was necessarily impersonal; these "tribal" aggregations could never fully account for the particular circumstances of the various individuals that comprised them.³⁸⁶ Yet however divorced this numerical information was from the realities of Mpondo political life, it was nevertheless viewed by officials as crucial to colonial conquest. After all, 'to count was to know and to know was to rule'.³⁸⁷

Clearly, the collation of such knowledge was often undertaken in the moments preceding any likely intervention within Mpondo society itself. Another

³⁸⁴ James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, (New Haven and London: Yale University Press, 1998), p. 2.

³⁸⁵ Scott, *Seeing Like a State*, p. 87.

³⁸⁶ Scott, *Seeing Like a State*, p. 80.

³⁸⁷ Crais, *Politics of Evil*, p. 80.

example occurred in 1890, following the outbreak of conflict between Nqwiliso and the Khonjywayo chief, Gwadiso. Given its potential to precipitate wider instability, the issue of Mpondo governance once again piqued the interests of colonial administrators. This time, the inquiries took the form of a map, hand-drawn on 23 November 1889 by L.G.H Tainton, a Native Location Inspector in King William's Town (**Fig. 2.2**).³⁸⁸ Accompanying this cartographic construction was a letter addressed to the Cape Prime Minister, Gordon Sprigg, in which Tainton explained how he sought to provide 'a better knowledge of the physical condition of [a] country which the colony may become interested in'.³⁸⁹ His comments perhaps reveal the paucity of technical information held by colonial officials regarding Western Pondoland.³⁹⁰ As Tainton himself acknowledged, his map was largely the product of local information provided to him by William Strachan, a farmer and speculator located on the East bank of the Mthatha River (**Fig. 2.2: A**). Strachan was well acquainted with various Mpondo chiefs, having first arrived in the country in 1854.³⁹¹ A trusted individual, he enjoyed the confidence of the British Resident and Nqwiliso alike in mediating matters of government interest.³⁹²

³⁸⁸ There is no biographical information about Tainton provided in the material found at Cory Library, Rhodes University. However, his employment as a Native Location Inspector in King William's Town is confirmed by the testimony he provided at the South African Native Affairs Commission on 6 November 1903. See Redding, *Sorcery and Sovereignty*, p. 161.

³⁸⁹ (CL) 'Notes for attachment to Tainton's map showing the occupation of Pondoland by the various tribes', in L.G.H Tainton to Sprigg, 1 January 1890, 1890, MS. 10. 155.

³⁹⁰ Even in 1890, little was known about the territory, except perhaps the immediate vicinity of Port St. John and those stretches of land that served as the wagon routes to various colonial trading centres. See **Fig. 3.2 in chapter 3, p.;** (CA) NA-163: Resident Magistrate, Port St. John to Secretary for Native Affairs, 1 January 1883.

31: Chief Magistrate, Tembuland to Secretary for Native Affairs, 1 February 1886.

³⁹¹ Basil Holt, *Where Rainbirds Call: A Record of the Transkei*, (London: Hale, 1973), p. 84.

³⁹² (CL) 'Notes for attachment to Tainton's map showing the occupation of Pondoland by the various tribes', in L.G.H Tainton to Sprigg, 1 January 1890, 1890, MS. 10. 155.

Using Strachan's insights, Tainton described the physical terrain of the country; he noted how the land surrounding the Jolo clan functioned as a 'cover for the nation', and how various Mpondo communities would drive their stock into the woodland if pursued by an enemy (**Fig. 2.2: B**). Such was its impenetrability that once inside, conflict was virtually impossible; 'inter-tribal fights rarely result[ed] in the loss of life or stock'. It was perhaps this abundance of forest land that accounted for the location of Nqwiliso's son, Bokleni (**Fig. 2.2: C**); his close proximity to a key natural resource arguably underpinned the political and socio-economic pre-eminence of the royal house. More importantly, Tainton also suggested the potential for conflict in the south-east. He highlighted the mixed settlement of various Fingo, Bomvana, Gqanda and Tshomane populations (**Fig. 2.2: D**) and their occupation of land along the Tembu border, which allowed numerous thieves 'to dodge about between the two countries as circumstances suit them'.

To some extent, Tainton's correspondence revealed a nuanced inquiry into the practical exercise of power in Western Pondoland. His identification of its numerous topographical features arguably aimed to demonstrate how political authority was in part conditioned by the challenges posed by political geography.³⁹³ Yet this was also an investigation designed to inform Transkeian administrators of the likely challenges they would face should they decide to annex the region. To that end, Tainton represented his information in cartographic form, thereby providing a synoptic view of Western Pondoland in order to better facilitate the process of colonial conquest.³⁹⁴ Of course, his efforts compared poorly to those increasingly

³⁹³ Herbst, *States and Power*, p. 55.

³⁹⁴ Braun, 'Cadastre and Colony', p. 18.

technical trigonometrical and cadastral surveys which aimed at the greater mensuration of African territory. In many respects, it resembled the much earlier surveys undertaken by military authorities at the beginning of the nineteenth century, where the depiction of key rivers and topography stood in stark contrast to the ill-defined spaces of still-occupied lands.³⁹⁵

Nevertheless, the map certainly sought to subject the country to the 'Cape's own spatial rules'.³⁹⁶ Indeed, permeating Tainton's cartographic construction was a bounded notion of the "tribe" as central to the stable governance of the region. His pointing to the politically fractious condition along the country's south-eastern border, for example, undoubtedly served to highlight the jurisdictional ambiguities that accompanied the intermingling of various "tribal" groups. As such, he implicitly underlined the need for a fixed administrative boundary to rationalise this otherwise disorderly landscape. Of even greater concern was the unfolding conflict between the Khonjwayo (**Fig. 2.2: E**) and the royal house. Tainton noted how Gwadiso's people, 'the bravest section of the Pondo tribe', had recently been harassed by the Western Paramount and 'alienated from his allegiance...which must, sooner or later, react upon him'.³⁹⁷

It was in the context of potential violence that Tainton's map was therefore proffered; the cartographic representation of Strachan's local insights was designed to meet an increasing colonial concern over the stability of Western Pondoland. It was for this reason that the map depicted the country's composite clans as separately

³⁹⁵ Braun, 'Cadastre and Colony', p. 72.

³⁹⁶ Braun, 'Cadastre and Colony', p. 122.

³⁹⁷ (CL) 'Notes for attachment to Tainton's map showing the occupation of Pondoland by the various tribes', in L.G.H Tainton to Sprigg, 1 January 1890, 1890, MS. 10. 155.

located communities; in suggesting their sole occupation of specific tracts of land, these soon-to-be subject populations were “closeted” as internally coherent and entirely unconnected entities.³⁹⁸ This perspective was bolstered by the typically standardised manner in which these principal groups were identified; noting the name of the senior chief whilst registering the numerical strength of each again implied a homogeneity that ignored their internal composition or intra-Mpondo relations. To be sure, this portrayal was partially accurate; the historically wide dispersal of these various groups owed itself to longer-term patterns of low-density settlement and the decentralisation which characterised the polity from the mid-nineteenth century. Yet Tainton’s correspondence made no mention of these issues. Instead, his map arguably echoed the bounded logic of territorial division that had elsewhere informed the demarcation of African land into numerous Native Locations.³⁹⁹ Consequently, it represented more an ambition for future governance than it did an informed understanding of the local state of affairs.

These broad inquiries arguably belied a narrow interest in the consolidation of colonial rule. Wood’s memorandum sought the enumeration of various Mpondo populations in order to better gauge the likelihood of armed rebellion. Likewise, Tainton’s map aimed at the reconstruction of the region through cartographic depiction as a means of preparing for its potential incorporation into the Cape. Underpinned by a European “will to know”, these initiatives demonstrated the essential modernity of the early colonial state. ‘Rooted in the revolutionary changes

³⁹⁸ I borrow the term from Mamdani, *Citizen and Subject*, p. 48.

³⁹⁹ See J. Robinson, “A Perfect System of Control? State Power and ‘Native Locations’ in South Africa, *Environment and Planning D: Society and Space*, 8:2 (1990), pp. 135-62.

of the Enlightenment', the reliance on maps and statistical data illustrated the importance of information to the process of Transkeian state-formation.⁴⁰⁰ The production of such reified knowledge imbued policymakers with the confidence to rationally re-order Pondoland as a necessary pre-requisite to its formal conquest. In doing so, these undertakings arguably reflected the increasing bureaucratisation of colonial power itself, providing the basis upon which officials sought to regulate the governance of newly colonised communities. As Crais maintains, it was precisely these efforts to render subject societies more cognisable that enabled an otherwise fledgling administration to conquer the numerous polities that comprised the Transkei.⁴⁰¹ In this sense, these initiatives thus functioned as important technologies of rule that were just as central to the subjugation of African populations as the exercise British military might.⁴⁰²

Whether or not the state was able to effect the change it sought to achieve was, however, a separate issue. Whilst Crais rightfully draws attention to the logic of domination that pervaded these technologies of rule, he himself states that 'what is much less understood is how [this] 'will to know'...unfolded on the ground'.⁴⁰³ This was a question largely ignored by colonial officials themselves; their initiatives purposefully paid little attention to the actual workings of Mpondo socio-political life. Instead, they served as the idealised representations towards which it was to be transformed. Underpinned by a bounded conception of the "tribe", Mpondo subjects and space alike were reduced to simplistic stereotypes that presumed an

⁴⁰⁰ Crais, *Politics of Evil*, p. 98.

⁴⁰¹ Clifton Crais, 'Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880', *American Historical Review*, 108:4 (2003), p. 1043.

⁴⁰² Crais, 'Chiefs and Bureaucrats', p. 1044.

⁴⁰³ Crais, *Politics of Evil*, p. 228.

uncomplicated reality more amenable to empirical identification and, by extension, colonial control. Such abstractions implied the disruptive remaking of African communities in order to satisfy the demands of Transkeian state-formation. Yet what were effectively fictitious facts on paper did not automatically translate into change on the ground.⁴⁰⁴ Indeed, the implementation of these formalised schemes of intervention was often inherently unstable, not least because they were predicated on presumptions that were largely divorced from, yet entirely dependent upon, the operation of power and political authority within Mpondo society itself.

Tainton's map demonstrates this point. Undertaken in light of the outbreak of Mpondo-Khonjwayo hostilities, it aimed to facilitate the territorial division of Western Pondoland in order to avoid further instability. To that end, he turned to William Strachan, upon whose local knowledge the map was largely based. Yet Strachan's insights were, ironically, born from the very tensions the state sought to resolve. His residence in the country owed itself to the Khonjwayo chief, Gwadiso, who had granted him a huge tract of land measuring approximately 1040 hectares in present-day Hluleka, as a gift for saving the clan from Mpondo attack in 1860.⁴⁰⁵ In order to avoid a likely slaughter, Strachan was alleged to have paid Nqwiliso one hundred head of cattle in order to induce him to lay down his arms.⁴⁰⁶ In addition, he had been allocated a number of farms along the Mthatha River by the paramount himself, which were intended to serve as a protective barrier against the

⁴⁰⁴ Scott, *Seeing Like a State*, p. 83.

⁴⁰⁵ Leila Emdon, 'Gender, Livelihoods and Conservation in Hluleka, Mpondoland, c.1920 to the present: Land, Forests and Marine Resources', MA thesis., University of Cape Town, 2013, p. 12. I am grateful to Leila for our discussions regarding her research on Western Pondoland and for her directing me to the source cited below.

⁴⁰⁶ Holt, *Where Rainbirds Call*, p. 86.

neighbouring Tembu.⁴⁰⁷ Known affectionately as “The Peacemaker”, Strachan occupied an important diplomatic role in mediating the tensions that existed within Western Pondoland. In numerous ways he thus sought to quell the potential for violence, as he continuously pointed out to the paramount that further strife would likely lead to annexation.⁴⁰⁸

Given that his personal fortunes were intimately tied to the relationships that he had cultivated with both Nqwiliso and Gwadiso, it is clear that Strachan sought to prevent, rather than facilitate, the process of colonial conquest. Nevertheless, his personal knowledge provided the basis for a map which intended to serve as a blueprint for the future governance of the country. But whilst Tainton’s undertaking envisaged the better regulation of intra-Mpondo political relations, Strachan’s insights in fact highlighted the longer-standing rivalry that existed between the Khonjwayo and the royal house. This fractious dynamic could hardly be settled through state-sponsored initiatives alone; indeed, colonial interventions had long been instrumentalised by their mutual antipathy.

In December 1873, for example, the then Western Paramount, Ndamase, was alleged to have called on Gwadiso to assist in the theft of over 170 head of cattle from the Thembu chief, Ngangelizwe. Such action involved the deliberate violation of the Thembu-Mpondo border, recently established in 1872.⁴⁰⁹ Yet when questioned, Ndamase denied any knowledge of the incident. Instead, he blamed the

⁴⁰⁷ Holt, *Where Rainbirds Call*, p. 85.

⁴⁰⁸ Holt, *Where Rainbirds Call*, p. 87.

⁴⁰⁹ The Commission intended to arrange the boundaries between the various chiefdoms that comprised the region, then known to colonial officials as Nomansland. See Theal, *Twelve Eventful Years*, p. 68.

Khonjwayo and actively encouraged the Thembu to retaliate.⁴¹⁰ More recently, Gwadiso had conspired to undermine Nqwiliso's efforts to assist the Cape in the capture of the Gcaleka chief, Kreli. Whilst the paramount had promised to prevent any rebels from entering his country, it transpired that Kreli had been hiding in a *kloof* near the Khonjwayo chief's kraal for over a month.⁴¹¹ Gwadiso informed Strachan, who in turn communicated the news to the government. Unsurprisingly, officials ordered the Khonjwayo to attack the rebels; instead, they engaged 'in a long parlay with Kreli and his followers' and staged a 'mock capture' of the chief, which 'resulted in brisk firing on both sides' whilst the rebels made their escape.⁴¹² When colonial troops arrived the next day, they reported that 'Nqwiliso [was] naturally very angry' whilst Gwadiso – in a 'state of fear' – refused to meet with the paramount.⁴¹³

Such elaborate accusations serve as a useful reminder that official schemes of intervention were implemented within a context that was politically pre-defined by the affinities and animosities that existed between Mpondo clans. As shown above, the state often tried to "make sense" of these complex relationships, rationalising African life and land in order to better facilitate the process of colonial conquest. Predicated on a bounded notion of the "tribe", these initiatives usually paid little attention to what Michael Herzfeld has termed 'the practicalities of interaction between official rationality and daily existence'.⁴¹⁴ As the examples above

⁴¹⁰ (CA) NA-151: Thembu Resident Agent to Secretary for Native Affairs, 31 December 1873.

⁴¹¹ (CA) CMT-1/59: W. J. Mettleton, 'Diary of Operations of the Transkeian Column Through Pondoland', 20 September 1878.

⁴¹² (CA) CMT-1/59: W. J. Mettleton, 'Diary of Operations of the Transkeian Column Through Pondoland', 21-24 September, 1878.

⁴¹³ (CA) CMT-1/59: W. J. Mettleton, 'Diary of Operations of the Transkeian Column Through Pondoland', 24 September, 1878.

⁴¹⁴ Michael Herzfeld, *The Social Production of Indifference: Exploring the Symbolic Roots of Western Bureaucracy*, (Chicago: University of Chicago Press, 1992), p. 18.

demonstrate, it was the enmity that existed between the Khonjwayo and Western Mpondo that determined the political saliency of these interventions; different colonial borders were either instrumentalised or ignored by both in the pursuit of political and personal exigencies.

Crucially, this dynamic did not operate in isolation; it was tied to a much wider network of intra-Mpondo relations that reached across the region. Hardly uniform or static, these connections were responsive to any likely change in the balance of power in Pondoland. Frere's imperial edict provided one such occasion; it sought to circumscribe the political influence of the Eastern paramountcy through the drawing of new jurisdictional boundaries. Yet as will be seen, its promulgation instead precipitated a contentious conversation about the exercise of authority that ultimately re-qualified its impact in contradictory and unexpected ways.

The Politics of Belonging in a Partitioned Pondoland:

Emphasising the centrality of intra-Mpondo relations in determining the saliency of political boundaries provides an important means of highlighting African engagement with those interventions usually deemed "invented" or imposed.⁴¹⁵ Whilst these initiatives aimed at the standardised shrinking and centralisation of chiefly jurisdictions, this attempted "creation of tribalism" was no uniform experience.⁴¹⁶ Rather, it was one simultaneously rooted in, and reflective of, the factional composition of the Mpondo polity itself. Acknowledging this heterogeneity arguably necessitates contextualising these processes amongst the pre-existing

⁴¹⁵ Ranger, 'The Invention of Tradition in Colonial Africa', p. 248, 250, 254.

⁴¹⁶ Vail, 'Introduction', pp. 1-21.

power relations that comprised the region. Doing so thus requires, as David Newman notes, that the historian identify precisely which groups sought the construction of particular political boundaries and who “lost out” as a result of this “enclosing”.⁴¹⁷

Clearly, the obvious “loser” was Mqikela himself, who refused to recognise the transaction between Nqwiliso and Frere. Following the annexation of Port St. John, he allegedly wrote to Oxley-Oxland and offered to pay 1000 head of cattle in order that the British might rescind its claims over the Mzimvubu River – an offer that was firmly rejected.⁴¹⁸ Even in 1882, the paramount attempted to deny Nqwiliso’s right to sell any portion of land that lay within the boundary established by the 1844 treaty. On these grounds he considered the territory as ‘his rightful property’ and argued that for the ‘Cape...to take personal possession of [the] land...[was] a great injustice...in his eyes and in the eyes of his people’.⁴¹⁹ Whilst such formal reproaches were unsuccessful, Mqikela nevertheless persisted. On 30 December 1884, Philip Charles and Nqekelo, senior councillors under Nqwiliso, complained that he had granted land in Western Pondoland to Pemberton White, a friend of the Great Place.⁴²⁰ The councillors argued that ‘no trader has a right to suppose he has land...unless he has a written document to that effect from Nqwiliso’, who in turn wished to inform the government that Mqikela had no rights over his country. Nqekelo was particularly scathing: ‘White is a thief...Who does not know that the land on the West side of the Umzimvubu belongs to Nqwiliso? If [they] know that the

⁴¹⁷ David Newman, ‘On Borders and Power: A Theoretical Framework’, *Journal of Borderland Studies*, 18:1 (2003), p. 22.

⁴¹⁸ A. 105 – ’80: Telegram from Major Elliot and Captain Blyth to Secretary for Native Affairs, 9 August 1878, p. 127.

⁴¹⁹ (CA) CMK-1/148: Mqikela to C. R. Watermeyer, 11 August 1882.

⁴²⁰ As mentioned above, the trader had been caught tampering with confidential colonial mail and passing its contents to senior Mpondo chiefs in the East.

land...does not belong to [him] why do they not demand the thousand pounds paid by the Government?⁴²¹

However contested this transaction was, these examples suggest an increased hardening of the jurisdictional boundaries of Western Pondoland. Obviously, the clear “winner” in all of this was Nqwiliso, whose sense of sovereignty was naturally emboldened. Whilst he owed his position to his recognition by colonial officials, the chief often exerted his authority over them. In July 1879, he strongly refused the appointment of a British Resident for the West; he accused the government of ‘forcing a resident upon us without consult[ation]’, noting that their introduction usually served as a punishment for those who had committed an offence against the Cape.⁴²² Given his willingness to sell Port St. John, as well as the assistance rendered during the recent rebellions, Nqwiliso perhaps reasonably assumed that his acts of loyalty had doubled as an investment in his own independence.

Certainly, his reluctance was born from his objection to the actions of Hamilton Hope, Resident Magistrate in neighbouring Qumbu, who had intervened to resolve several disputes along the Mpondo-Mpondomise border.⁴²³ This north-western region had long been contested since the establishment of an administrative boundary in 1861, through which the Western Mpondo alleged the loss of over 30 000 acres of land (**Fig. 2.2: F**).⁴²⁴ For Nqwiliso, however, these conflicts assumed

⁴²¹ (CA) CMT-1/23: Untitled document, 30 December 1884.

⁴²² (CA) NA-16: Nqwiliso to Secretary for Native Affairs, 25 July 1879.

⁴²³ For a detailed account of Hope’s life – and death – as Resident Magistrate, see Crais, ‘Chiefs and Bureaucrats’; Redding, *Sorcery and Sovereignty*, pp. 31-2.

⁴²⁴ The amount of land allegedly lost is mentioned in (CA) CMT-1/23: Chief Magistrate, East Griqualand to Chief Magistrate, Tembuland, 20 March 1880.

greater significance since the partition implied the centralisation of his authority within the country. To be sure, one official noted how the paramount saw Hope's actions as 'an interference in the powers he now possessed...in the government of his people and in the management of matters in dispute between his own people and those of the adjoining tribes'. Consequently, the Chief Magistrate of Tembuland was instructed to inform Nqwiliso that the introduction of a British Resident was intended not 'to supersede [his] authority as Chief but to support it by acting as [his] friend and adviser'.⁴²⁵

This overriding of official intervention demonstrated the willingness of the Cape to appease an ally deemed central to the mollification of an otherwise volatile Transkei.⁴²⁶ Yet this support was not unconditional. For all his bravado, Nqwiliso's position ultimately depended on his ability to assert control over his newly designated subject populations. Given the politically decentralised nature of the Mpondo polity, however, this objective was easier to envisage than it was to realise. Indeed, an examination of the disputes Hope sought to resolve reveals the role of a particular chief, Valelo, in the controversies that occurred along the colonial border. A grandson of Faku and relative of the royal house, Valelo occupied land somewhere below the Qumbu boundary, west of the Tina and north of the Tsitsa rivers, in what would become Libode district (**Fig. 2.2: G**).⁴²⁷ His location at the fringes of the polity

⁴²⁵ (CA) CMK-1/5: Under Secretary for Native Affairs to Chief Magistrate, Tembuland, 24 October 1879.

⁴²⁶ See (CA) CMT-1/23: Chief Magistrate, East Griqualand to Chief Magistrate, Tembuland, 20 March 1880.

⁴²⁷ Upon his death in 1913, Valelo's son, William, was appointed as headman over five locations between the Tina and Tsitsa Rivers. Other archival and secondary research revealed no further information regarding his specific settlement. However, this location corresponds with other archival sources which continually cite Valelo's involvement in conflicts with both the Cwera and Mpondomise, therefore suggesting his proximity to both. See (CA) 1-LBE-6/1, File N1/5/1: Location

was typical of the tendency to settle royal family members in areas where the presence of the paramountcy was less visible. As Beinart notes, the placement was designed to attract followers – and by extension, cattle and military resources – to the Great Place.⁴²⁸ Whilst Valelo's authority obviously derived from his relation to the royal house, his autonomy was thus locally embedded through his control over people, property and political community.

Such independence undoubtedly underpinned the long-term rivalry between Valelo and the Cwera chief, Siyoyo. Several sources attest to their violent encounters, as both engaged in mutual stock thefts and cattle raids.⁴²⁹ On 10 December 1883, however, their quarrels spilled over the colonial border as 300 of Siyoyo's followers, who had entered Valelo's territory on a raid, were fired upon and pushed into the Mount Frere district. Several men were killed. Remonstrated by the local community, both parties replied that 'there was no reason they should not come onto government ground as they had no quarrel with the government'.⁴³⁰ Their disputes thus had the potential to incite British subjects to take up arms. Indeed, on 11 December, Siyoyo's men entered Qumbu, firing on local residents that they mistakenly took for Valelo's people.⁴³¹ Learning of the incident, Blyth wrote directly to Nqwiliso 'to beg against...armed bodies of Pondos crossing into British Territory'

Administration – Valelo's Location: Resident Magistrate, Libode to Chief Magistrate, Transkei, 13 September 1913.

⁴²⁸ Beinart, *Political Economy*, p. 12.

⁴²⁹ For a few detailed examples, see the summary of correspondence in G. 53 – '88: *Résumé of Correspondence Respecting the Affairs of Pondoland, Part II, 1888*, (Cape Town: Government Printer), pp. 11-15.

⁴³⁰ (CA) CMT-1/23: Resident Magistrate, Mount Frere to Chief Magistrate, East Griqualand, 12 December 1883.

⁴³¹ (CA) CMT-1/23: Resident Magistrate, Qumbu to Chief Magistrate, East Griqualand, 13 December 1883.

and to warn him that ‘if such action is persistent, we will have to adopt force to expel the armed parties’.⁴³²

These examples reflect the truism that the “state’s” authority was weakest at its territorial margins; the desire for stability, shared by Nqwiliso and the Cape alike, was never evenly imposed within its jurisdictional confines but was continuously re-qualified in various context-specific ways.⁴³³ Whilst the demarcation of the colonial boundary was designed to better regulate intra-Mpondo relations, in this instance it was the long-standing enmity between Valelo and the Cwera which determined its political saliency. This rivalry was hardly superficial. Predicated on the attempted accumulation of important socio-economic resources, such conflict served to highlight both how and why power was locally constituted and contested.

Clearly, the partition intended to consolidate Nqwiliso’s rule by hardening Pondoland’s jurisdictional boundaries. Yet this centralisation of political authority could do little to quell the potential for cross-border violence in those otherwise autonomous areas of the country. Moreover, in certain regions the division of territory in fact increased the likelihood of conflict. On 5 February 1879, Siyoyo sent messengers to Mqikela claiming that Nqwiliso was preparing to attack the Cwera. The dispute was born from the paramount’s insistence that he had been authorised by Oxley-Oxland to resolve the fighting between the Cwera, Kwalo and Cwungule,

⁴³² (CA) CMT-1/23: Chief Magistrate, East Griqualand to Nqwiliso, 31 December 1883.

⁴³³ Here I draw on Jeffrey Herbst’s understanding of the term “state”. Herbst broadens the definition away from nineteenth century ethno-nationalist polities to include the numerous practices undertaken by a variety of central authorities, designed to broadcast and consolidate their power in order to manage relations within a given jurisdiction – however defined. See Herbst, *States and Power*, p. 37; Gregor Dobler, ‘On the Border to Chaos: Identity Formation on the Anglo-Namibian Border, 1927-2008’, *Journal of Borderland Studies*, 25:2 (2010), pp. 22-23.

who had 'been carrying on a bitter internecine war during the last four years'.⁴³⁴ As can be seen, these groups occupied land along the new East/West boundary (**Fig. 2.2: H**). Siyoyo, however, refuted this political division: 'The country I live in is not mine. I am only its keeper. Umqikela is the owner...[he] is the proper person to...reprove me if I do wrong...If [he] has given away what you say he has, let [him] tell me'.⁴³⁵

It was this failure to acknowledge Nqwiliso's claims that provoked the threat of future attack, as one messenger warned the Cwera that soon 'the country will be full of bullets'.⁴³⁶ Siyoyo's reluctance to concede the recent changes in political administration again demonstrates how the saliency of such interventions was dependent on the longer-term operation of power and authority within Pondoland. In this context, his complaint represented more than his resentment at Nqwiliso's interference in his personal affairs. Rather, it illustrated his refusal to recognise the creation of a new locus of authority west of the Mzimvubu River. Indeed, despite his rivalry with Valelo, both appeared to share a common indifference towards the Western paramountcy. Like Valelo, Siyoyo's ties had been historically forged with the East. However, the Cwera were bound to the Eastern paramountcy not by blood, but as a result of the protection they sought from Faku in the 1820s.⁴³⁷ In return, the Cwera were required to recognise his authority through the provision of military support to the Great Place in the outbreak of war. As Siyoyo explained, 'the Cwera

⁴³⁴ (CA) CMT-1/58: British Resident to Chief Magistrate, Tembuland, 6 February 1879. Enclosure, 'Notes of an Interview', 5 February 1879; (CA) CMT-1/58: British Resident to Under Secretary of Native Affairs, 9 April 1879.

⁴³⁵ (CA) CMT-1/58: British Resident to Chief Magistrate, Tembuland, 6 February 1879. Enclosure, 'Notes of an Interview', 5 February 1879.

⁴³⁶ (CA) CMT-1/58: British Resident to Chief Magistrate Tembuland, 6 February 1879. Enclosure, 'Notes of an Interview', 5 February 1879.

⁴³⁷ Stapleton, *Faku*, p. 65.

have always gone out with Umqikela's army...[but] in the war between Ndamasi's army and the Pandomise we never went out – not once'.⁴³⁸

This distinction implied the seniority of the Eastern Paramount, who, unsurprisingly corroborated Siyoyo's claims. Speaking with the British Resident, Mqikela provided the official with a history of Cwera-Mpondo relations, recalling how Faku had settled Siyoyo's father, Mbeki, between the Mthatha and Bashee rivers following their forced removal as a result of Zulu raids.⁴³⁹ Once the boundaries of the Mpondo kingdom had been secured, the Cwera were then recalled back to their lands on the banks of the Mzimvubu, which were now placed under Ndamase. But as Mqikela asked, 'whoever heard of Umbeki avowing Ndamase as his Chief?' Indeed, he was adamant that those re-settled groups owed no allegiance to the Western royal house since the Mzimvubu had 'never been recognised as a boundary and until very recently not a single Pondo had heard of such a thing'. Unsurprisingly, his argument aimed to undermine the authority of Nqwiliso, who likewise claimed that Siyoyo occupied land that had belonged to his father, who, had re-settled the Cwera himself.⁴⁴⁰

Given its contentious location along the partition, it is unsurprising that the Cwera's country served as a site of conflict between Eastern and Western claims to rule. For Oxley-Oxland, it appeared obvious that 'Siyoyo prefer[red] to remain under Umqikela [rather] than be placed in subordination to Nqwiliso'.⁴⁴¹ Naturally, Mqikela

⁴³⁸ (CA) CMT-1/58: British Resident to Chief Magistrate Tembuland, 6 February 1879. Enclosure, 'Notes of an Interview', 5 February 1879.

⁴³⁹ The following is taken from (CA) CMT-1/58: British Resident to Under Secretary of Native Affairs, 9 April 1879.

⁴⁴⁰ A. 105 – '80: Major Elliot to Secretary for Native Affairs, 23 September 1878, p. 136.

⁴⁴¹ (CA) CMT-1/58: British Resident to Under Secretary of Native Affairs, 9 April 1879.

happily obliged, as he attempted to reassert his authority over his now divided kingdom. But despite this temporary convergence of interests, the Cwera-Mpondo relationship was neither necessarily harmonious nor static. After all, along with the Xesibe, the Cwera had been one of the first to call on the colonial government to be taken over as government subjects – a request that was eventually declined.⁴⁴² On 23 December 1878, the Cape's refusal was reaffirmed as Major Elliot wrote to Siyoyo to personally implore him to 'to be obedient to the commands of Nqwiliso [and] to claim his protection and support'.⁴⁴³ Whilst he had then turned to Mqikela for assistance, in 1879 he reversed his position following further disputes involving the Kwalo and Cwungule. This time, however, rumours began to circulate that Mqikela planned to support their respective chiefs in a joint raid to "eat up" Cwera land and stock. Unsurprisingly, the British Resident was far from sympathetic: 'it is notorious that Siyoyo should have applied to the government...he is a man of two colours. One day he is white. One day he is black. One day he goes to the Government, the next he goes back to Umqikela. Who can say then whose man is Siyoyo?'⁴⁴⁴

Quite simply, the answer was neither. Whilst Siyoyo highlighted the provision of military resources as recognition of the primacy of the Eastern paramountcy, it did not imply his total subordination to it. After all, the threats made regarding the theft of Cwera land and stock point to the socio-economic independence typically enjoyed by regional sub-chiefs in the late nineteenth-century.⁴⁴⁵ Given their differential

⁴⁴² See (CA) CMK-1/2: Secretary for Native Affairs to the Chief Magistrate East Griqualand, 15 August 1877; Theal, *Twelve Eventful Years*, p. 168.

⁴⁴³ (CA) NA-161: Chief Magistrate, Tembuland to Secretary of Native Affairs, 21 January 1879; A. 105 – '80: Chief Magistrate, Tembuland to Siyoyo, 23 December 1878, p. 168.

⁴⁴⁴ (CA) CMT-1/58: British Resident to Under Secretary of Native Affairs, 9 April 1879.

⁴⁴⁵ Beinart, 'Production and the Material Basis of Chieftainship', p. 136.

incorporation as 'vassals' of the Great Place, these distinctions underline Tom Spears' call to disaggregate pre-colonial ethnic relations into their economic, social, cultural and political aspects.⁴⁴⁶ Colonial officials paid little attention to the subtleties of these variegated associations; they viewed the country's composite clans as essentially bounded and culturally cohesive communities whose governance would be better facilitated by the drawing of fixed administrative boundaries and the consolidation of political authority within them. In questioning precisely 'whose man' Siyoyo really was, the British Resident thus articulated this wider belief by assuming the efficacy of the partition in determining the loyalties of those who resided in either East or West Pondoland.

This zero-sum perspective was typical of those who assumed that the formalisation of new political centres could speak for entire polities.⁴⁴⁷ Yet Siyoyo's actions arguably illustrate the extent to which this new jurisdictional divide could be instrumentalised to maintain an older autonomy. By continuously switching allegiances between Mqikela and Nqwiliso, the Cwera chief hoped to avoid the attempts of either to claim his country for themselves. These alliances were inherently unstable given the shifting balance of political power within Pondoland. Precipitated by Frere's proclamation, this imperial edict thus forced Siyoyo to articulate a series of short-term affiliations that were designed to temper the responses of either paramount whilst maximising his independence from both. Hardly pre-meditated, his actions reflected the 'brutal power calculations that

⁴⁴⁶ Arthur Oswald Jackson, *The Ethnic Composition of the Ciskei and Transkei*, Ethnological Publications, Vol. 53, (Pretoria; Government Printer, 1975), p. 24; Spear, 'Neo-Traditionalism and the Limits of Invention', p. 25.

⁴⁴⁷ Herbst, *States and Power*, p. 55.

African leaders' were forced to make in order to maintain their personal and political pre-eminence – not least amongst their own followers.⁴⁴⁸ As such, they highlighted the subtle manner in which sovereignty had once been 'shared', and political authority previously constituted, in this now contested region.⁴⁴⁹

It was in those areas where the Western paramountcy had always struggled to impose its primacy, however, that the impact of the proclamation was most volatile. This was particularly evident amongst the Khonjwayo. This branch of the Nyawuza royal clan had always recognised the seniority of the Great House, but they had long objected to their attempted subordination to the West following Ndamase's crossing of the Mzimvubu. This resistance was long-held, beginning with a refusal to pay death duties (*isizi*) to Nqwiliso following the death of Gwadiso's uncle, Mcunukelwa.⁴⁵⁰ Such defiance was only likely to intensify following the partition and annexation of Port St. John. Indeed, on 25 June 1883, Gwadiso and fifty followers visited Oxley-Oxland in his new capacity as Resident Magistrate.⁴⁵¹ Whilst the objective of the meeting was simply to 'express [their] friendly disposition towards the Cape', the official noted how the chief discussed 'numerous political issues' and even 'identified his brother as the confidential messenger between them in the future'.⁴⁵² Such clandestine behaviour, coupled with the knowledge of 'Gwadiso's

⁴⁴⁸ Herbst, *States and Power*, p. 51.

⁴⁴⁹ Herbst, *States and Power*, p. 55.

⁴⁵⁰ Soga, *South Eastern Bantu*, p. 323; Hunter, *Reaction to Conquest*, p. 411; Lyle M. Rock, *Hearts of Oak: 100 Years in Pondoland*, (Pietermaritzburg: South Coast Herald, 1975), pp. 84-5, Jackson, *Ethnic Composition*, p. 20; Hendricks, *Pillars of Apartheid*, p. 52.

⁴⁵¹ The post of British Resident was combined with the role of Resident Magistrate in 1882 until its abolition in 1883. Rev. Oxley-Oxland continued to occupy this role during this transition. See (CA) CSC-2/1/1/317: Statement by Rev. Oxley-Oxland, in *Cook Brothers vs. Colonial Government*, 6 March 1895, p. 62.

⁴⁵² (CA) CMT-3/57: Resident Magistrate, Port St. John to Secretary for Native Affairs, 25 June 1883.

present and past relations with Ndamase and Nqwiliso', thus convinced Oxley-Oxland that it was the Khonjwayo's 'wish to approach the Government *from this side* with a view...to be accepted as British subjects'.⁴⁵³

Such overtures only fuelled the enmity that existed between the Khonjwayo and Nqwiliso. On 28 September 1887, Major Elliot reported that the paramount was preparing to attack Gwadiso and to 'drive him into British Territory' owing to his 'friendly feelings towards the Government'.⁴⁵⁴ It was not until the 12 March 1888, however, that officials noted 'a force estimated at from four to five thousand men' being prepared by Nqwiliso. One colonial report cites several conflicts during which officials estimated that 'ten thousand horned cattle and one hundred horses, besides sheep and goats' had been driven over the border, as well as 4000 'destitute persons', many of whom 'were dying...from exposure'.⁴⁵⁵ Moreover, Gwadiso himself complained against the way in which Nqwiliso's people 'had acted towards his wives and children, stripping them of their clothes...sending them away naked, and burning their huts'.⁴⁵⁶

This example highlights the violence that visited various communities as they sought to negotiate the fallout from Frere's proclamation. Born from a desire to evade Nqwiliso's authority, colonial officials naturally remonstrated the paramount and ordered him to restore the Khonjwayo to their territory; eventually Nqwiliso was

⁴⁵³ (CA) CMT-3/57: Resident Magistrate, Port St. John to Secretary for Native Affairs, 25 June 1883. My emphasis.

⁴⁵⁴ G. 53 – '88: Résumé of Correspondence Respect the Affairs of Pondoland, Part II, (Government Printer, 1888), p. 1.

⁴⁵⁵ G. 53 – '88: Résumé of Correspondence, pp. 7-9. The report also cites numerous smaller skirmishes in which forty-two head of cattle were stolen from Khonjwayo homesteads by marauding British subjects and taken back over the colonial border. See p. 1, 4, 5.

⁴⁵⁶ G. 53 – '88: Résumé of Correspondence, p. 6.

persuaded to allow all but Gwadiso and twenty principal men to return to their former sites.⁴⁵⁷ Yet on 25 May 1888, Major Elliot reported that Gwadiso had fled to the East.⁴⁵⁸ His action corroborated the rumours noted by Reverend Peter Hargreaves, missionary at Mfundisweni, who recounted how 'Gwadiso and his brothers [had] got through to this side' after a 'sharp encounter' with Nqwiliso's men. According to Hargreaves, the chief claimed that 'he had come through because he did not wish to see his country die'.⁴⁵⁹ Indeed, his intention was to 'report...his misfortunes [to the Eastern Paramount]' so that 'some action [would] be taken' against Nqwiliso.⁴⁶⁰

For the missionary, this journey across the partition served to illustrate that 'Gwadiso belong[ed] to Quakeni [the Great House]'.⁴⁶¹ Whilst his claim was overly deterministic, it nevertheless encapsulates the chief's ability to utilise his older recognition of the East in order to challenge the power afforded to the West. That he did so after first travelling to, and treating with the British Resident, demonstrates an instrumentalisation of the new jurisdictional spaces created by Frere's proclamation. Moreover, it also suggests that, like Siyoyo, Gwadiso was forced to forge temporary affiliations in moments of duress with otherwise inimical authorities in order to maintain an autonomy disrupted by imperial intervention. Yet whilst this shared ambition demonstrates how power was everywhere broadly decentralised, the autonomy sought by each was qualitatively different. Indeed, it was rooted in the

⁴⁵⁷ See G. 53 – '88: *Résumé of Correspondence*, pp. 9-10. Nqwiliso had also requested a fine of 1000 head of cattle, but following negotiations with Major Elliot this was reduced to one hundred.

⁴⁵⁸ G. 53 – '88: *Résumé of Correspondence*, p. 10.

⁴⁵⁹ (UCT) Stanford Papers, Rev. Peter Hargreaves to Stanford, 1 June 1888, File BC293-B84-52

⁴⁶⁰ (UCT) Stanford Papers, Rev. Peter Hargreaves to Stanford, 23 May 1888, File BC293-B84-54.

⁴⁶¹ (UCT) Stanford Papers, Rev. Peter Hargreaves to Stanford, 23 May 1888, File BC293-B84-54.

specific relationships that bound the Khonjwayo and Cwera to the royal house and was reflected by their geographical location. For the former, size and seniority and a long-existing desire for self-sufficiency had found its territorial expression through their settlement on land furthest from the paramountcy, thereby ensuring its recognition without any real obligation. Conversely, the latter's incorporation as 'vassals' entailed their strategic placement by Faku on the periphery of his kingdom for defensive purposes.⁴⁶²

In both instances, the location of settlement thus reinforced the various institutional arrangements that linked the paramountcy to its numerous peripheries.⁴⁶³ The formal power relations and the communal divisions and solidarities that existed between the Khonjwayo, Cwera and royal house, were largely fostered by the constraints imposed, as well as the opportunities provided by, the political geography of Pondoland.⁴⁶⁴ So too was the type of autonomy exercised by Siyoyo and Gwadiso, whose mutual rejection of Nqwiliso highlighted how power was locally constituted and contested in different parts of the country.⁴⁶⁵ Officials had sought solely to centralise authority in the West at the expense of the East. Yet that division entailed the simplification of a swathe of intra-Mpondo relations that ultimately undermined this endeavour. Hardly imposed, Frere's edict instead underlined the multiple chiefly jurisdictions that had long comprised the country; moreover, it was both resisted and re-qualified by various communities as they instrumentalised or ignored the partition altogether. Such varied responses not only

⁴⁶² Jackson, *Ethnic Composition*, p. 24; Beinart, *Political Economy*, p. 12.

⁴⁶³ Boone, *Political Topographies*, p. 30.

⁴⁶⁴ Boone, *Political Topographies*, p. 5.

⁴⁶⁵ Boone, *Political Topographies*, p. 16.

highlighted the heterogeneity of the Mpondo polity. They also suggest that the proclamation could only function at best as a 'utopian claim' - one predicated on the attempted redrawing of Pondoland's political boundaries but which fundamentally failed to correspond to indigenous perceptions of space and sovereignty.⁴⁶⁶

In certain moments even Nqwiliso questioned his newfound authority. His support for the Cape in the capture of Gcalecka rebels, for example, was allegedly preceded by a payment of cattle to Mqikela 'so that in case a war took place he might receive assistance from *his paramount*'.⁴⁶⁷ Moreover, given the controversies precipitated by the partition, officials themselves remained constantly concerned by the prospect of Mpondo re-unification. When Mqikela proposed to visit the grave of Nqwiliso's father, Oxley-Oxland viewed it 'as the first step towards...reconciliation...and [as] preparatory to their entering into an alliance prejudiced to our interests'.⁴⁶⁸ In 1881, he noted with similar nervousness a meeting of 'the whole Pondo tribe'; apparently called to resolve a conflict between Siyoyo and Valelo, he nevertheless urged that 'great vigilance and caution' be exercised in monitoring the relationship between the two paramounts.⁴⁶⁹

Such anxieties demonstrate inefficacy of European borders in trying to reduce these regional complexities into two essential political domains; there existed multiple customary or socio-economic ties that stretched across the country and which paid little respect to this new jurisdictional divide. As demonstrated above,

⁴⁶⁶ Dobler, 'On the Border to Chaos', p. 23.

⁴⁶⁷ (CA) CSC-2/1/1/317: Statement by Donald Strachan, p. 49. My emphasis.

⁴⁶⁸ (CA) CMT-1/58: British Resident to Secretary for Native Affairs, 28 June 1879. The same concerns were also raised in 1881. See (CA) NA-162: British Resident to Secretary for Native Affairs, 31 January 1881.

⁴⁶⁹ (CA) NA-162: British Resident to Secretary for Native Affairs, 10 October 1881.

these various affiliations were rooted in a processes of differential incorporation that connected the polity's composite communities to the Eastern royal house. These were most explicitly articulated through those intra-Mpondo conversations about the exercise of authority and subjecthood in Pondoland. Despite his deposition, this political dialogue arguably appeared to underline Mqikela's position as paramount. In reality, however, it functioned less as a personal endorsement and more as an attempt to maintain the autonomy typically enjoyed by Mpondo chiefs. As will be seen, these discussions were likewise echoed by the Xesibe following their incorporation as British subjects.

Authority, Autochthony and the Annexation of Xesibeland:

Clearly, Frere's proclamation intended to achieve what the colonial state could not – the stabilisation of its eastern frontier through the circumscription of an independent Pondoland. This intervention reflected the Cape's wider conquest of the Transkei, which was predicated on the introduction of new political boundaries and the centralisation of rule within them. Such measures sought simultaneously to rationalise intra-Mpondo relations and better regulate the system of Mpondo governance. Attempted in part by the partition, these objectives were also to be realised through the annexation of Xesibeland (**Fig 2.3**). Doing so not only entailed the jurisdictional shrinking of Eastern Pondoland; it also served to undermine Mqikela's authority through the extra-territorial extension of British subjecthood to those otherwise claimed by the Great Place.



Fig. 2.3: 'Sketch map of Pondoland and the Transkeian Territories in the 1880s', in Beinart, *Political Economy*, p. 10.

Denied to the Xesibe in 1874, officials made their offer in light of the poor state of Mpondo-colonial relations in 1878. But it also reflected colonial concerns over the increased outbreak of stock-theft between the Xesibe and Nci – a large immigrant group settled by Faku following the tumult of the 1820s.⁴⁷⁰ Numerous sources attest to the violence of these encounters. One man, Gaqa, explained to Oxley-Oxland how several Mpondo men had approached his kraal and had

⁴⁷⁰ Beinart, *Political Economy*, p. 12; Jackson, *Ethnic Composition*, p. 24; Stapleton, *Faku*, p. 18.

‘destroyed my grain, plough, pots, and carried away a great many of my things and tobacco’, firing upon his wives and children as they did so.⁴⁷¹

Beyond such immediate material devastation, others too recalled the ‘terrible atrocities’ committed against the Xesibe. On 10 August 1879, Blyth received a telegram detailing the murder of four women, one of whom was in labour; as Diko’s men approached their kraal, ‘one of the women went out and begged for mercy...[but] the Pondos thrust her back into the hut, set it on fire, and burnt the women alive’.⁴⁷²

This particularly gruesome episode was no isolated incident.⁴⁷³ Given the regularity of these attacks, the Secretary for Native Affairs debated arming the Xesibe, whilst the British Resident recommended sending a force to defend Jojo and his followers.⁴⁷⁴ These considerations were unsurprising given their acceptance of British subjecthood. Yet the fact that it was offered in the context of such instability arguably underlines Turan Kayaoglu’s contention that the extension of extraterritorial protection was often rooted in issues of local injustice and lawlessness.⁴⁷⁵ Hardly imposed, it rather demonstrated how colonial expansion was integrated with, and dependent upon, the exercise of power within non-Western polities.⁴⁷⁶

⁴⁷¹ (CA) CMK-1/148: Statement by Gaqa, 15 August 1879.

⁴⁷² (CA) CMK-1/146: Telegram from British Resident to Chief Magistrate, East Griqualand, 10 August 1879.

⁴⁷³ (CA) CMK-1/146 is replete with similar examples.

⁴⁷⁴ (CA) CMK-1/4: Secretary for Native Affairs to Chief Magistrate, East Griqualand, 30 January 1879; (CA) CMK-1/146: British Resident to Chief Magistrate, East Griqualand, 6 August 1879.

⁴⁷⁵ Turan Kayaoglu, *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire and China*, (Cambridge: Cambridge University Press, 2010), p. 7.

⁴⁷⁶ Turan Kayaoglu, *Legal Imperialism*, p. 1.

Indeed, the outbreak of conflict forced officials to once again consider the question of Mpondo governance and the culpability of the royal house. Despite feigning ignorance, Mqikela was held personally responsible.⁴⁷⁷ For his part, the paramount placed the blame squarely on the Nci; at a gathering at the Great Place, he claimed that 'the country shall not die because of Diko [the Nci chief]. I have ordered [him] to give out everything [stolen] from Jojo...if...anything is stolen....whether the thief is a common man or a chief, I shall kill him'.⁴⁷⁸

His warning, however, failed to prevent further attacks. On 11 November 1879, officials reported the theft of Xesibe cattle by the Nci; following the spoor to Diko's location, their owners were met by armed men who openly admitted their guilt. Brazenly defying the paramount's orders, they challenged 'Umqikela to come and get [the stock] if you can', whilst daring Jojo to 'go to Blythe...we will not permit him to live on Mqikela's land any longer, nor will we allow his magistrate to build up the country'.⁴⁷⁹ At first glance, their response appears contradictory. Whilst Diko's men dismissed the paramount, he was simultaneously re-invoked in order to assert that the Xesibe, as colonial collaborators, had no right to graze cattle in Mpondo territory. Yet such ambiguity arguably reflected the political autonomy typically enjoyed by Mpondo chiefs. After all, stock-thefts and border raids often yielded those local resources which underpinned the personal and political pre-eminence of regional chiefs. Whilst these activities were increasingly criminalised by colonial officials, they remained fundamental features of what was a highly heterogeneous

⁴⁷⁷ (CA) CMK-1/4: Secretary for Native Affairs to Chief Magistrate, East Griqualand, 20 February 1879; (CA) CMT-1/58: British Resident to Major Elliot, 9 August 1879.

⁴⁷⁸ (CA) CMK-1/146: Telegram from British Resident to Chief Magistrate, East Griqualand, 24 August 1879.

⁴⁷⁹ (CA) CMT-1/58: W. H. Read to Chief Magistrate, East Griqualand, 11 November 1879.

and politically decentralised polity. In this sense, recognising the institution of the paramountcy was not inconsistent with defying the personal authority of its incumbent.

Indeed, it was not Mqikela to whom the Nci commonly referred to in vindicating their crimes – it was his father. In reporting yet another altercation, Read noted that as Diko's men fired upon the Xesibe they could be overheard shouting, 'You took Faku's ground...[so] we will take your stock' – reasoning which recalled their earlier settlement in the 1820s.⁴⁸⁰ When interviewed by the British Resident on 24 June 1879, Mqikela went further: 'the country occupied by the Xesibe...belongs to the Amanci. As far back as my grandfather's time it was their country'.⁴⁸¹ In advancing this argument, the paramount arguably sought to justify Nci thefts on the basis of their original habitation of territory that was likewise claimed by the Xesibe. But whilst Oxley-Oxland admitted that 'it is true...that the Xesibes are now living in a country once occupied by the Amanci...it is equally true that Umqikela's Pundos are now occupying the country belonging to the Xesibe from which they have driven Jojo'.⁴⁸²

Clearly then, the conflict between Jojo and Diko's communities was a product of earlier processes of conquest, migration and re-settlement that had shaped the Mpondo polity in previous decades. Yet this acknowledgement of past upheaval was noticeably absent from Nci justifications; theirs was what Peter Geschiere calls 'an

⁴⁸⁰ (CA) CMK-148: Statement by W. H. Read, 19 August 1879.

⁴⁸¹ (CA) CMT-1/58: Minutes of a meeting held at the office of the British Resident, Eastern Pondoland, 24 June 1879.

⁴⁸² (CA) CMT-1/58: Minutes of a meeting held at the office of the British Resident, Eastern Pondoland, 24 June 1879.

insistence of having stayed still...a denial of history'.⁴⁸³ In doing so, Diko's men arguably articulated an autochthonous claim to this particular tract of land. As Jeremy Prestholdt explains, such assertions represent a 'political mode of thought in which entitlements are imagined to flow from historical, communal and exclusive relationships to territory', which is viewed as 'the property of a discrete cultural group...[to] undergird claims to rights and resources'.⁴⁸⁴ By insisting on their 'hav[ing] been in a certain place first', the Nci sought to privilege their own claims by proving that they pre-dated those made by Jojo and his followers.⁴⁸⁵ Emphasising their longer-term affiliation to 'Faku's house' thus allowed them to alienate the Xesibe from this otherwise contested space, there by justifying the attempted appropriation of their property and stock.⁴⁸⁶

Recent studies have noted the contemporary rise of autochthonous discourses as a significant aspect of post-1980s globalisation.⁴⁸⁷ Yet as Prestholdt rightly notes, 'we should recall that other conjectures encouraged similar strategies' – not least in the era of decolonisation.⁴⁸⁸ The same can also be said of the earlier phase of colonial expansion. Whilst scholars tend to emphasise an autochthonous privileging of "traditional" or essentialised ethnic identities, the 'basic questions of power, inclusion and exclusion' that it raises were equally central to those intra-

⁴⁸³ Peter Geschiere, *The Perils of Belonging: Autochthony, Citizenship, and Exclusion in Africa & Europe*, (Chicago and London: University of Chicago Press, 2009), p. 12.

⁴⁸⁴ Jeremy Prestholdt, 'Politics of the Soil: Separatism, Autochthony and Decolonization at the Kenyan Coast', *Journal of African History*, 55:2 (2014), p. 250, 253.

⁴⁸⁵ Kevin C. Dunn, "'Sons of the Soil' and Contemporary State Making: Autochthony, Uncertainty and Political Violence in Africa', *Third World Quarterly*, 30:1 (2009), p. 121.

⁴⁸⁶ (CA) CMT-1/58: Minutes of a meeting held at the office of the British Resident, Eastern Pondoland, 24 June 1879.

⁴⁸⁷ Geschiere, *Perils*, pp. 17-18; Dunn, "'Sons of the Soil'", p. 113; Prestholdt, 'Politics of the Soil', p. 253.

⁴⁸⁸ Prestholdt, 'Politics of the Soil', p. 254.

Mpondo conversations about authority and subjecthood precipitated by Frere's proclamation.⁴⁸⁹ Indeed, the Nci arguably sought to emphasise their exclusive entitlement to Xesibe territory precisely because of the latter's willingness to facilitate the foreign annexation of Mpondo land. In this sense, their contestations represented less a desire for ethnic unity than it did an internal struggle over what Ruth Marshall-Fratani terms 'the conditions of sovereignty' itself.⁴⁹⁰

Jojo's response to these accusations demonstrates this very point. To quell the further potential for violence, the government had offered the Xesibe land in the neighbouring district of Qumbu.⁴⁹¹ Yet they refused, arguing that other "tribes" who had been taken over had been allowed to remain 'in *their* country'; as one councillor explained, 'a chief who asks for land is one that has not land of *his own*'.⁴⁹² Justifying their position, Jojo recalled the entire genealogy of Xesibe chiefs, stating that the tribe had never occupied a part of the country where an ancestor was not buried.⁴⁹³ Doing so thus allowed him to demonstrate his own autochthonous connection to the land, thereby implicitly re-casting his Nci competitors as 'latecomers' to this now contested territory.⁴⁹⁴

Given Diko's affiliation to the Great Place, the advancement of this ancestral claim simultaneously served as the means by which the Xesibe could assert their historical independence from the royal house. Doing so required calling into question

⁴⁸⁹ Prestholdt, 'Politics of the Soil', p. 254.

⁴⁹⁰ Ruth Marshall-Fratani, 'The War of "Who is Who": Autochthony, Nationalism, and Citizenship in the Ivorian Crisis', *African Studies Review*, 49:2, (2006), p. 12.

⁴⁹¹ (CA) CMK-1/148: Acting Chief Magistrate, East Griqualand to Jojo, 4 June 1882.

⁴⁹² (CA) CMK-1/148: Jojo to Acting Chief Magistrate, East Griqualand, 4 June 1882. My emphasis.

⁴⁹³ A. 44-'80: *Letter from the Honourable Charles Brownlee, Chief Magistrate of Griqualand East, to the Honourable Secretary for Native Affairs, on the Subject of Pondo Affairs*, (Cape Town: Government Printer, 1880), p. 3, 5.

⁴⁹⁴ Geschiere, *Perils*, p. 122.

the contemporary orthodoxy regarding Mpondo regional hegemony, which, as chapter 1 illustrated, was encapsulated by the 1844 treaty. Indeed, Jojo suggested that it had been ‘simply a matter of convenience to enter into [this] treaty...rather than with all the clans who were erroneously believed to be a tributary to the Pondo’.⁴⁹⁵ As a result, the Mpondo had felt entitled to encroach upon Xesibe land that had once reached ‘over the Umzimvubu...and across to the Umtamvuna Rivers...up to the Ingeli Mountain’ and had even included Mfundisweni mission station until 1862.⁴⁹⁶ Speaking in autochthonous terms, Jojo questioned ‘how [his] heritage had become the property of the Pondo chief’; after all, whilst aggression had long typified their treatment of the Xesibe, he was adamant that they had never been subordinate.⁴⁹⁷ With his own enforced recognition of Mqikela’s authority in 1874 in mind, he noted how the Xesibe had never paid cattle to the Mpondo during his father and grandfather’s time.⁴⁹⁸ Rather, it was ‘Faku [who] was indebted to the Xesibe for his chieftainship’ owing to the actions of his grandfather, Sinama, who had compelled a large number of chiefs to recognise the then paramount following their refusal to do so.⁴⁹⁹

Recalling these past interactions undoubtedly intended to validate Jojo’s claim to the land by highlighting both the historical fact of Xesibe sovereignty and, by extension, the limited reach of the royal house. In this way, asserting an ancestral autonomy served to legitimise his call to be taken over by the British authorities; indeed, he presented himself as ‘the *first* [Xesibe chief] to be subordinate; that is,

⁴⁹⁵ A. 44-’80: *Letter from the Honourable Charles Brownlee*, p. 6.

⁴⁹⁶ Brownlee, *Transkeian Native Territories*, p. 103, 107.

⁴⁹⁷ A. 44-’80: *Letter from the Honourable Charles Brownlee*, p. 5.

⁴⁹⁸ Brownlee, *Transkeian Native Territories*, p. 105.

⁴⁹⁹ Brownlee, *Transkeian Native Territories*, p. 103, 107.

[by] placing [him]self under [the] Government'.⁵⁰⁰ This was not, however, successful in every instance. When the Chief Magistrate of East Griqualand extended the same offer to those Xesibe residing in the adjacent Rode Valley, he was criticised by the British Resident for 'erect[ing]...a Xesibe state independent of Mqikela, an "imperium in imperio", in the heart of a district which...has been recognised as Pondo territory'; 'should...lives be lost, the whole blame must rest with you'.⁵⁰¹

Clearly then, demonstrating an autochthonous connection to the ground was central to the extension of British subjecthood to the Xesibe. But the above disagreement also underlines how this extraterritorial offer was only designed to circumscribe, rather than undermine entirely, the Mpondo paramountcy. As I argued above, such a limited objective was reflective of the Cape's own restricted capability to act beyond its eastern frontier; officials were fearful that more direct action might provoke political upheaval. Whilst tied to the wider colonisation of the Transkei, imperial intervention was thus offered in lieu of a colonial incursion into Mpondo society. In this way, the autochthonous argument between the Nci and Xesibe underlines Donald Moore's contention that 'even the most localized [sic] of struggles that link...ancestral rights to place...are translocally routed, not essentially rooted'.⁵⁰² Put another way, whilst their dispute concerned the original inhabitation of a particular tract of land, this issue had been precipitated by Frere's proclamation.

⁵⁰⁰ Brownlee, *Transkeian Native Territories*, p. 103. My emphasis.

⁵⁰¹ (CA) CMK-1/146: British Resident to Chief Magistrate, East Griqualand, 24 September 1880; 10 July 1880.

⁵⁰² Donald Moore, *Suffering for Territory: Race, Place and Power in Zimbabwe*, (Durham, N.C., and London: Duke University Press, 2005), p. 18.

To be sure, at a meeting with colonial officials on 30 August 1882, the Mpondo “Prime Minister”, Mhlangaso, refuted Jojo’s ability to offer his land to the Government. Speaking in front of 200 Mpondo subjects, he asked the Cape to ‘consider this matter as if there was a...British subject wishing to join another chief together with the country he occupies’.⁵⁰³ Invoking the differential incorporation of multiple clans into the polity, he asserted that ‘there are many...chiefs...desirous of coming under the Pondos but we say they must come personally and not with their land...if a man amongst the Europeans wanted to do...as Jojo has done, he would be termed a rebel and not be allowed to take the country with him’. Supporting his argument, he cited the 1844 treaty and the Griffiths-Ayliff-Grant Commission (1872), stating that ‘the government knows the extent of land in Pondoland...You have documents...which will corroborate this’. Moreover, whatever Jojo’s claim to an ancestral autonomy, he had since recognised Mqikela’s paramountcy in 1874. As a result, he was simply one of ‘many petty chiefs, some of them higher than Jojo, but all of the[m]...under Umqikela’.⁵⁰⁴

Mhlangaso’s statement clearly intended to negate the Xesibe appeal to be taken over by the British by countering their autochthonous claim to land. This entailed proffering a competing conceptualisation of the long-term relationship between the two that confirmed Jojo’s submission to the Mpondo. In doing so, his argument encapsulated Sara Berry’s contention that ‘competition...among African elites [often] fostered debates over the legitimacy of competing claims to power

⁵⁰³ The following is taken from (CA) CMK-1/148: Minutes of Meeting held at Mfundisweni by Assistant Chief Magistrate, East Griqualand and Masipula, Mhlangaso, Josiah Jenkins and 200 Pondos, 30 August 1882.

⁵⁰⁴ Brownlee, *Transkeian Native Territories*, p. 101.

which turned on multiple interpretations of history'.⁵⁰⁵ These disagreements were unlikely to be resolved, not least because Mqikela reportedly feared that any settlement would serve as his 'acknowledging their position as British subjects, and their right to the ground on which they are now living'.⁵⁰⁶ But in many respects, this was beside the point. Debates over Pondoland's political past, and the authenticity of autochthonous claims to land, were not designed to proffer a resolution; as Kevin Dunn suggests, they often functioned 'to obscure other cleavages...[in an attempt] to achieve a degree of certainty and security'.⁵⁰⁷

Indeed, however limited Frere's proclamation was in undermining the paramountcy, it had undeniably precipitated instability in both East and West. That this was manifested through the contentious conversations concerning the exercise of authority and subjecthood is significant. As Berry again notes, 'it was the process of debate, rather than any particular interpretation, which shaped the exercise of power and...access to resources in rural areas'.⁵⁰⁸ In this instance, the contestation over the past configuration of intra-Mpondo relations had been sparked by the outbreak of violence between the Nci and Xesibe. Whether emblematic of a regional or ancestral autonomy, this conflict was arguably typical of the decentralised and heterogeneous nature of the polity. In this way, the attempted enforcement of Xesibe subordination by the Great Place embodied a political centralisation that ran

⁵⁰⁵ Sara Berry, *No Condition Is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa*, (Wisconsin: University of Wisconsin Press, 1993), p. 101.

⁵⁰⁶ (CA) CMK-1/146: British Resident to Chief Magistrate. East Griqualand, 5 April 1879.

⁵⁰⁷ Dunn, "Sons of the Soil", p. 117.

⁵⁰⁸ Berry, *No Condition Is Permanent*, p. 101.

counter to the way in which power was conventionally exercised. As such, it was likely to only cause further unrest.

Certainly, from early 1882 the Cape began to report particularly violent encounters between Xesibe and Mpondo communities. On 17 March, Mhlangaso reported a murder in the Tonti Forest – a dense woodland that fell between the two.⁵⁰⁹ Brought before officials, the local headman, Gaga, explained how the Xesibe had been confronted by men armed with ‘shields, assegais and guns’, but given their status as British subjects, had ‘followed the orders of the Government...and acted only in self-defence’.⁵¹⁰ For them, this was hardly homicide; instead, it was a tempered response to a coordinated attack. Indeed, Gaga recalled that whilst the corpse of the victim had remained, ‘the following morning two mounted Pondos came and took his gun’.⁵¹¹

Further investigation revealed that the ringleader behind this attempted assault was an Mpondo named Moni, who had been sent by Mhlangaso to interfere with Xesibe settlers in the region.⁵¹² His crimes were numerous; on one occasion, a local man, Gwayingina, recalled how he had been surrounded by eleven armed men from Moni’s kraal as he was cultivating ground near his village. Whilst he explained he was in Jojo’s country, the men told him that they would till his land and reap his grains, and forced him to return home. When he returned the next day, he saw up to

⁵⁰⁹ (CA) CMK-5/12: Mhlangaso to Chief Magistrate, East Griqualand, 17 March 1882

⁵¹⁰ (CA) CMK-5/12: Testimonies heard before the Chief Magistrate, East Griqualand. Statement by Gaga, 12 April 1882.

⁵¹¹ (CA) CMK-5/12: Testimonies heard before the Chief Magistrate, East Griqualand. Statement by Gaga, 12 April 1882.

⁵¹² (CA) CMK-5/12: Testimonies heard before the Chief Magistrate, East Griqualand. Statement by Gaga, 12 April 1882.

fifty armed Mpondo cultivating his plot, who then began firing at him as he attempted to challenge them.⁵¹³ Such encounters were commonplace; indeed, Jojo complained that forty-nine Xesibe villages had been burnt down since they had accepted British subjecthood.⁵¹⁴ Whilst colonial officials doubted their innocence in every instance, the Xesibe chief nevertheless felt aggrieved enough to question whether 'our own magistrate, after governing us for five years, [had]...yet become acquainted with us...do they not know...that we have obeyed the orders of the Government?'⁵¹⁵

Such frustration indicates the limited success of Frere's proclamation in consolidating the Xesibe as British subjects. Moreover, it also betrays the continued prominence of Mqikela's paramountcy, as followers of the royal house sought to ensure that this contested space remained under Mpondo jurisdiction. Perhaps unsurprisingly, the Cape could only think of one suitable solution: the establishment of a boundary between these hostile communities. In April 1883, a commission was appointed by the government to define the border between the Mpondo and Xesibe – 'with or without Mqikela's consent'.⁵¹⁶ Reviving an idea first aired in 1881, the commissioners, who included both Oxley-Oxland and Charles Brownlee, were instructed to emphasise the permanency of this boundary to the Great Place – a

⁵¹³ (CA) CMK-5/12: Testimonies heard before the Chief Magistrate, East Griqualand. Statement by Gwayingina, 13 April 1882.

⁵¹⁴ (CA) CMK-5/12: Testimonies heard before the Chief Magistrate, East Griqualand. Statement by Jojo, 12 April 1882.

⁵¹⁵ (CA) CMK-5/12: Testimonies heard before the Chief Magistrate, East Griqualand. Statement by Jojo, 12 April 1882.

⁵¹⁶ The following is taken from (CA) CMK-5/10: Introductory notes to file, undated. See also, Theal, *Twelve Eventful Years*, p. 169. The Commission was comprised of Oxley-Oxland, Charles Brownlee, the Resident Magistrate at Mzimkhulu, Donald Strachan, and the Assistant Chief Magistrate of East Griqualand, Mr C. P. Watermeyer.

proposal that was promptly dismissed. In a telegram to the Native Affairs Department on 22 April, the British Resident described how the paramount would not allow Faku's land to be 'cut up'; likewise, Mhlangaso decried the initiative as a deliberate attempt to divide Pondoland between Mpondo and 'rebel subjects'.⁵¹⁷

Their complaints were, however, in vain. By 26 May, the commission had selected a line to run across the north of the country – one that used its topographical features in order to cause as little disturbance as possible (**Fig. 2.4**). Despite the antagonism between the paramountcy and state, the resulting demarcation was surprisingly favourable to the Mpondo. As the commissioners reported, the new boundary incorporated ninety-three gardens still in Xesibe possession into Pondoland; so too was the Dambeni Valley, 'from which the Xesibes were expelled in 1879'. By contrast, only twelve Mpondo gardens were to be 'thrown on to the Xesibe side'.⁵¹⁸ Such a favourable outcome was perhaps designed to offset the irreversibility of the boundary. Indeed, on the one hand the commissioners maintained that 'the Xesibe country [could] scarcely be considered as having been in the beneficial occupation of the Pondo'; but in formalising this takeover, they likewise claimed that 'in reality, [the government] was relieving [Mqikela] from a source of anxiety and danger which will in future be transferred to their shoulders'.⁵¹⁹ Naturally, the Cape agreed; the line was thus fixed on 14 July 1883.⁵²⁰

⁵¹⁷ (CA) CMK-5/11: British Resident to Secretary for Native Affairs, 22 April 1883; (CA) CMK-5/10: Mhlangaso to British Resident, 12 May 1883.

⁵¹⁸ (CA) NA-163: Report of Boundary Commissioners to Secretary for Native Affairs, 1883002E

⁵¹⁹ (CA) CMK-5/10: Introductory notes to file, undated.

⁵²⁰ (CA) NA-163: Secretary for Native Affairs to Chief Magistrate, East Griqualand, 14 July 1883.

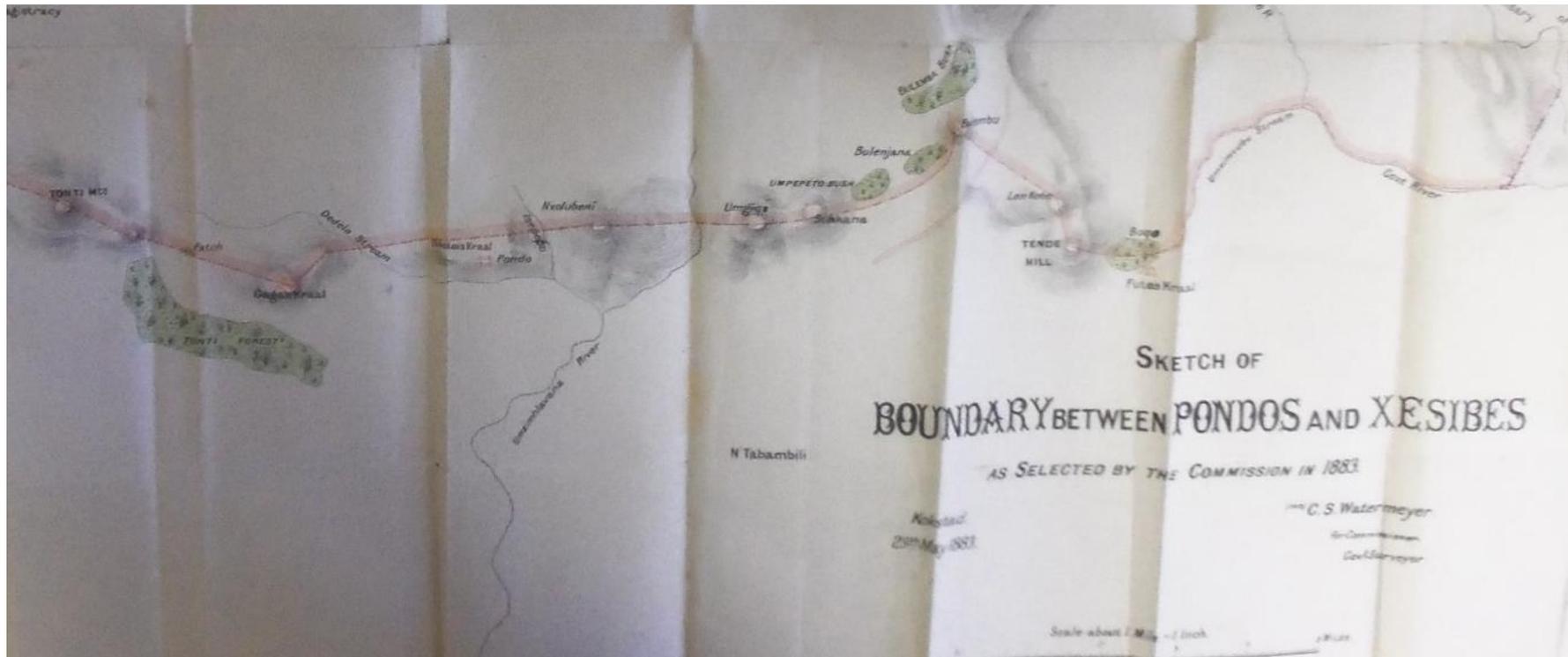


Fig 2.4: Sketch Map of Boundary Between Pondos and Xesibes as Selected by the Commission in 1883, in (CA) NA-163: British Resident, Port St. John to Mqikela, 16 November 1883.

Conclusion:

The drawing of a boundary as an adequate solution to the instability in Pondoland brings this chapter full circle. Like Frere's proclamation, Wood's memorandum and Tainton's map, the desire to formalise a division between Mpondo and Xesibe territory betrayed an official belief in a bounded notion of the "tribe". For its part, the Eastern royal house refused to recognise the legitimacy of this new boundary for a further three years; on 9 December 1886, they were forced to concede any claim to both Port St. John and Xesibeland following the outbreak of further violence along the country's contested northern borders.⁵²¹

Nevertheless, in seeking to relieve Mqikela of 'a source of anxiety and danger', the apparent generosity of the Cape's latest endeavour arguably demonstrates what Dunn rightly identifies as an inherent tension within the process of colonial state-making: that the state simultaneously created ontological uncertainty whilst offering itself as the solution to that problem.⁵²² Indeed, Frere's proclamation – undertaken on the Cape's behalf - had precipitated those contentious conversations concerning the exercise of authority and subjecthood across the country. Doing so had provoked a wave of uncertainty about political order, the welfare of particular communities, the right to territory and the demarcation of space.⁵²³ As the autochthonous argument between the Nci and Xesibe demonstrated, it inspired insecurity about *who* did and did not belong in the country.

⁵²¹ This will be explored in the following chapter.

⁵²² Dunn, "Sons of the Soil", p. 119.

⁵²³ Dunn, "Sons of the Soil", p. 120.

And in other instances in the East and West, it had also forced various chiefly constituencies to articulate *how* they belonged as well.

As this chapter has illustrated, these conversations clearly varied according to context; they expressed the latent loyalties and long-term rivalries between the country's composite clans and revealed the process of differential incorporation that bound them in numerous ways to the Eastern royal house. The institutional arrangements that underpinned these intra-Mpondo relations were reinforced by the physical location of these multiple constituencies; the power relations and the communal solidarities and divisions that comprised the kingdom were largely fostered by the political geography of Pondoland. Both British and colonial officials sought to rationalise and regulate this system of Mpondo governance through the introduction of new political boundaries. Such measures were designed, in the long-term at least, to encourage the cultivation of "tribal" distinctions between those delineated and demarcated communities. By foregrounding the centrality of intra-Mpondo relations in re-qualifying these interventions, however, this chapter has arguably validated Nugent's contention that these often 'proved far less salient than local and...territorial identities'.⁵²⁴

It is for this reason that Frere's proclamation largely failed in its immediate objectives to depose Mqikela, bolster Nqwiliso as a useful local ally, and consolidate the Xesibe as British subjects. As a disciplinary tool designed to signify the subordination of the paramountcy to the colonial state, it was clearly ineffective. Whilst its promulgation undoubtedly reflected the breakdown in political relations

⁵²⁴ Nugent, *Smugglers*, p. 5.

between the two, it cannot realistically be viewed as the milestone which marked the road to annexation. As an important moment in the reconfiguration of political authority and subjecthood *within* Pondoland, however, it was crucial. In the West, numerous actors refused to acknowledge the authority afforded to the newly recognised paramount; they either instrumentalised or ignored altogether the jurisdictional divide created by the partition. Instead, they articulated their older affiliations to the Eastern royal house in order to uphold the conventions that had structured the exercise of authority and subjecthood since the mid-to-late nineteenth century. Whilst this seemingly favoured Mqikela, their responses functioned less as an endorsement of the paramount and more as an attempt to maintain the autonomy typically enjoyed across the country.

The insecurity of his paramountcy was further underlined by the reaction of local communities to the annexation of Xesibeland. Both the Nci and Xesibe engaged in an autochthonous argument that served as the means by which both could assert their primacy over land and local resources. Whilst the latter claimed an affiliation to the Great Place, this was by no means beneficial. Ultimately, their disputes precipitated further outbreaks of violence which the royal house was unable to control. In this context, the further intervention of the colonial state in April 1883 probably did provide some relief to an otherwise much maligned Mqikela, even if leading Mpondo protagonists maintained their opposition to this intervention.

Indeed, the following chapter will demonstrate that colonial encroachment facilitated the implicit interdependence between Mpondo paramountcy and the Cape government. Whilst officials undoubtedly sought to stabilise the country's

jurisdictional boundaries for their own ends, such measures paradoxically served to stabilise the arena of rule in which the royal house could better assert its influence. This was particularly necessary given the contentious conversations that had been provoked by Frere's proclamation. As will be seen, these discussions did not abate in the aftermath of this imperial intervention. Quite the opposite; as imperial annexation gave way to the colonial assumption of administrative responsibility, Mpondo actors became even more aware of the need to protect their autonomy.

Chapter 3: From Independence to Annexation? Political Possibilities and Competing Claims in Pondoland, 1884-1894:

Introduction:

On 10 August 1887, the Assistant Colonial Secretary of Natal received a letter from a Mr James B. Aiken, a settler in the colony's lower Mzimkhulu district.⁵²⁵ In it, Aiken described his encounter with 'Herr Augustus Einwald', one of several German land speculators to have arrived at the eastern coast of southern Africa from the mid-1880s. A guest of Aiken, Einwald stayed with the settler and discussed 'various objects of interest...including the German missionaries near the river in Alfred County'. On the pretext of visiting his fellow countrymen, Einwald left his lodgings, 'stating that he would return for dinner'. Instead, he sent his host a letter, which, 'conveyed from his travelling wagon', explained that he was about to cross into Pondoland to present the paramount and his "Prime Minister", Mhlangaso, with some gifts. Surprised by his impromptu departure, Aiken recalled 'how eagerly [Einwald] seemed to enter into conversation upon any subject which concerned the future of Pondoland' – a subject 'which...is of considerable interest to us settlers at this end of Natal'.⁵²⁶

Einwald's journey did not go unnoticed; Cape officials also reported the arrival of the German at Mqikela's Great Place. This time, Einwald was the guest of

⁵²⁵ The following is taken from (PA) CSO-1151: James B. Aiken to Assistant Colonial Secretary, 10 August 1887.

⁵²⁶ Einwald's activities extended beyond Pondoland. The letter also notes his involvement in a concession apparently granted by the Zulu king, Dinizulu, concerning land in the coastal area of Induna Bay to the east of Eshowe, Zululand. Further archival research also revealed Einwald's later employment at a copper mine in Vryheid in northern Natal. See (PA) RSC-1/5/54: James Buchanan Ross Versus August Einwald, 4 March 1909.

Mhlangaso. Corroborating Aiken's account, the Mpondo chiefs were indeed presented with gifts: a sword, a medal and a flag, which, should the paramount 'find himself hard pressed at any time', was to be hoisted, whereupon 'the Germans [would] make common cause with him'.⁵²⁷ This peculiar offer was bolstered by rumours suggesting that 3000 German settlers were on their way to Pondoland, bringing with them 'breach-loading rifles and ammunition, cannons and machine-guns'.⁵²⁸ Officials noted the 'insolent and aggressive mood' of the public and detected a newfound 'fanaticism in favour of the Germans', who they believed would help them 'take back all the land that has...been taken from them by the English Government'.⁵²⁹ This allegedly liberating force were to be settled on a piece of land originally granted to another German, Emil Nagel, in 1885. Whilst that concession had fallen through, Mhlangaso had since offered it to Einwald.⁵³⁰

Unsurprisingly, the Cape reminded Mqikela of the annexations that had taken place in 1878; the banks of the St. John's River, recently claimed by the British, had been formally transferred to the colonial government on 22 July 1884. As such, the Mpondo paramount was warned that he had no right to dispose of this particular tract of land.⁵³¹ As William Beinart has explored, Mhlangaso responded by drafting his own decree 'denying Britain's right to control the coast and inviting foreign

⁵²⁷ (PA) A1636: Crompton Family Papers, 'Transcript - Affairs in Pondoland: The Germans in Pondoland', 17 May 1888, Box 2.

⁵²⁸ (CA) CMK-1/147: Donald Strachan to Chief Magistrate, East Griqualand, 26 September 1887.

⁵²⁹ (CA) CMK-1/147: Donald Strachan to Chief Magistrate, East Griqualand, 26 September 1887.

⁵³⁰ (PA) A1636: Crompton Family Papers, 'Transcript - Affairs in Pondoland: The Germans in Pondoland', 17 May 1888, Box 2. Further information about the meetings between Einwald and Mhlangaso can be found in the O' Donnell papers in the Cape archives; see (CA) O' Donnell Papers, 6 January 1888, Diary 1888, A1403-3.

⁵³¹ (PA) A1636: Crompton Family Papers, 'Transcript - Affairs in Pondoland: The Germans in Pondoland', 17 May 1888, Box 2.

powers to open trade with Pondoland' in 1885.⁵³² This had followed the introduction of increased levies on imported goods brought in from the port, and the levying of tolls on loads passing through the country on the main wagon-route between the Cape and Natal.⁵³³ More seriously, the royal house had sought to establish a rival port – Port Grosvenor – precisely at 'a time when the Cape was attempting to block gaps in the tariff wall around the colony'.⁵³⁴ In response, another imperial edict was issued on 5 January 1885, this time placing the entire Mpondo coastline under British protection.⁵³⁵

Einwald was likewise precluded from choosing any land that fell within Xesibeland. With the border laid out in April 1883, legislation confirmed its incorporation into the Cape on 24 September 1886. Yet this colonial encroachment was likewise met with another international appeal. Writing from his homestead in Esihlonyane, Mhlangaso penned a letter to St. Petersburg on 10 November 1886. Addressed to the Russian Tsar, Alexander III, the Mpondo "Prime Minister" explained that 'the English Government wants to take away our country. They have recently taken...a portion...occupied by the AmaXesibes...without any just cause'; he warned the Emperor not to 'listen [to what] the English...might say. They might say...the Pondo country belongs to them. They might say this to delude you as you are not

⁵³² Beinart, 'European Traders', p. 483.

⁵³³ Beinart, 'Production, Labour Migrancy and the Chieftaincy', pp. 96-98.

⁵³⁴ Beinart, 'Production, Labour Migrancy and the Chieftaincy', p. 98.

⁵³⁵ Saunders, 'Annexation', p. 391; (PA) A1636: Crompton Family Papers, 'Transcript - Affairs in Pondoland: The Germans in Pondoland', 17 May 1888, Box 2.

aware of the facts'. In order to stave of this alleged English threat, Mhlangaso requested that 'the Pondo nation...be protected by you'.⁵³⁶

In the previous chapter, I argued for the limited impact of Frere's proclamation in achieving the successful subordination of the Mpondo paramountcy. Yet Mhlangaso's willingness to treat with what were Britain's imperial rivals just three years later suggests that the Mpondo royal house felt the burden of British and Cape interventions more keenly than ever before. As the above epistolary exchanges illustrate, the response of leading chiefs was to deny 'English' exclusivity to Mpondo land and its resources by reaching out to alternative European agents in order to maintain their economic and political independence. Such attempts were clearly suffused with anti-colonial sentiment.⁵³⁷ But just as important was the medium Mhlangaso chose to express his antipathy towards the British and the Cape. By cultivating commercial treaties with German concessionaries, and submitting a state-sanctioned application for Russian protection, he arguably demonstrated David Strang's contention that non-Western polities, in seeking to avoid conflict with ostensibly "civilised" nations, often deliberately couched their initiatives in the conventions of European statecraft and sovereignty.⁵³⁸

Indeed, the signing of paper treaties and the issuing of proclamations were central features of European expansion into the extra-European world. As Lisa Ford

⁵³⁶ Apollon Davidson, 'Russia and South Africa Before the Soviet Era', *Higher School of Economics Research*, National Research University – Higher School of Economics, Paper No. WP BRP 21/HUM/2013, pp. 18-20, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2253209 [accessed 14 March 2014].

⁵³⁷ Beinart, 'European Traders'; Saunders, 'Annexation'.

⁵³⁸ David Strang, 'Contested Sovereignty: The Social Construction of Colonial Imperialism', in Thomas J. Biersteker and Cynthia Weber (eds), *State Sovereignty as Social Construct*, (Cambridge: Cambridge University Press, 1996), p. 37.

notes, they had acquired increasing significance throughout the early modern period; embodying the sovereign right to particular tracts of land, they served as the supporting documentation used to displace rival claims to the same space.⁵³⁹ For Lauren Benton, the pomp and procedure that surrounded the ratification and defence of these agreements represented a form of 'legal posturing'; that is, they served as the acts through which Europeans far from home 'imperfectly reconstructed' legal rituals 'as a familiar kind of strategic cultural practice'.⁵⁴⁰ Broadly speaking, there thus existed a 'shared repertoire of law that help[ed] to make sense of the processes through which legal conflicts on the margins of European spheres of influence' could be resolved and regulated.⁵⁴¹

In Pondoland, this was especially easy since Mhlangaso's initiatives were ultimately unsuccessful. He received no Russian reply; moreover, following overtures from London, the German government refused to support Einwald's activities, or those of any other German trader and settler that treated with the royal house.⁵⁴² The non-achievement of these international overtures may well have represented an implicit consensus amongst Western nations that precluded the legitimacy of non-Western claims to sovereignty.⁵⁴³ Or it may have better reflected the realities of imperial geo-politics.⁵⁴⁴ Either way, the failure to secure substantial interest in

⁵³⁹ Ford, *Settler Sovereignty*, p. 17.

⁵⁴⁰ Benton, *Search for Sovereignty*, pp. 24-25.

⁵⁴¹ Benton, *Search for Sovereignty*, p. 36. Perhaps the most obvious example of this cultural and political consensus remains the Berlin Conference (1884), where the importance of, and respect for, jurisdictional boundaries was upheld by European powers who refused to fight for African territory. See Herbst, *States and Power*, p. 71.

⁵⁴² Saunders, 'Annexation', p. 394.

⁵⁴³ Strang, 'Contested Sovereignty', p. 43.

⁵⁴⁴ German reluctance was likely tied to the thornier issue of Walvis Bay, which had been claimed by officials in Berlin and Cape Town since 1884. See Graham Evans, 'Walvis Bay: South Africa, Namibia and the Question of Sovereignty', *International Affairs (Royal Institute of International Affairs 1944-)*, 66:3 (1990), p. 563.

Mpondo affairs ensured that British and Cape claims to Mpondo territory remained uncontested – in the eyes of other imperial powers at least.

There was, however, a limit to such litigiousness. As Benton rightly notes, ‘treaties...only went so far in establishing sovereignty for [the] signers’.⁵⁴⁵ Likewise, Ford suggests that at best they embodied a ‘figurative possession’ or ‘tenuous claim [to] sovereignty and jurisdiction’ that masked the legal pluralism which ruled on the ground.⁵⁴⁶ As chapter 2 demonstrated, this was certainly true of Frere’s proclamation. But it was also applicable to the more recent interventions undertaken by the Cape, and the response of the Mpondo royal house. The former asserted their own ‘tenuous claims’ as evidenced by the ratification of legislative acts which confirmed the assumption of administrative responsibility over parts of the country. The paramountcy was no different; Mhlangaso was eager to demonstrate the sovereignty of the Great Place through the attempted cultivation of formal treaties with alternative European partners. On the surface, such action typifies the antipathy between colonial officials and leading Mpondo chiefs which characterised the eventual incorporation of the latter by the former. In this chapter, however, I suggest the precise opposite: their shared recourse to treaty was in fact indicative of a mutual vulnerability and shared circumscription.

This position is predicated on two interconnected arguments. Firstly, I assert that the eventual annexation of Pondoland did not solely reflect the increased hostility between paramountcy and state; it just as easily demonstrated their

⁵⁴⁵ Benton, *Search for Sovereignty*, p. 130.

⁵⁴⁶ Ford, *Settler Sovereignty*, p. 17, 29.

increasing, if unwitting, interdependence. Secondly, I contend that this process was precipitated by a number of competing claims that were articulated both within and outside the country by actors on either side of the colonial divide. Designed to maintain or extend existing autonomies, these embodied a range of jurisdictional ambitions and alternative political possibilities to that implied by annexation in 1894. These were incredibly important – even if their realisation was precluded by the formalisation of the Cape’s claim to rule in 1894.

At first glance, this proposition may seem counter-intuitive. After all, the unilateral encroachments undertaken by the British and Cape governments were clearly antithetical to the continuation of Mpondo independence. Whilst the Cape had been reluctant to consolidate its authority in 1878, its willingness to act undoubtedly intensified from the mid-1880s. This was, in part, a reflection of the failure of what Beinart has termed ‘the Mpondo diplomatic offensive’.⁵⁴⁷ Following Frere’s proclamation, the royal house had sought to reverse the Cape’s annexations of Port St. John and Xesibeland by appealing directly to the imperial government. Deputations were sent to England in both 1880-1 and 1883-4 - initiatives which attempted to garner the support of the Aborigines Protection Society in London, through the mobilisation of the social and familial connections of leading European influences at the Great Place.⁵⁴⁸ Both efforts, however, failed; the Colonial Office refused to receive any party from Pondoland.⁵⁴⁹

⁵⁴⁷ Beinart, ‘Production, Labour Migrancy and the Chieftaincy’, p. 91.

⁵⁴⁸ Beinart, ‘European Traders’, p. 478, 482 and 483.

⁵⁴⁹ Beinart, ‘European Traders’, p. 482.

As Christopher Saunders suggests, such reticence reflected an increased awareness amongst metropolitan officials of their inability to exert any real control over the Cape's African policy.⁵⁵⁰ Of course, notions of imperial trusteeship over indigenous populations still nominally underpinned British policy in southern Africa.⁵⁵¹ This same impulse underpinned the more ambiguous proclamation over the Mpondo coastline in 1885, although in this instance, the Cape sought its extension over the entire country as a necessary precursor to its peaceable transferral to the colony.⁵⁵² To better facilitate this objective, officials had thus formalised the annexation of Port St. John (1884) and Xesibeland (1886), as well as the adjacent Rode Valley (1886). In doing so, these interventions represented a renewed effort to demarcate the colonial boundaries around, and the jurisdictional boundaries within, the Mpondo polity.

Such initiatives arguably intended to achieve three principal objectives: to consolidate colonial authority in Pondoland, to circumscribe the jurisdictional reach of the paramountcy and to preclude any rival claim to the country. In this chapter, however, I argue that officials failed in each; Pondoland became further fragmented into a multi-jurisdictional space comprised of increasingly exclusive imperial, colonial, and Western and Eastern Mpondo arenas of rule. As will be seen, colonial pretensions to power remained limited to certain regions whilst simultaneously centralising specific areas in which the royal house could better assert its own

⁵⁵⁰ Saunders, 'Annexation', p. 417.

⁵⁵¹ The Basutoland Protectorate (1884), for example, demonstrates the role such ideas played in complicating the relationship between the empire and colonial governments. For a recent study of the tensions that existed between colonial and imperial imperatives in Basutoland and the resistance it provoked, see Peter Sanders, *'Throwing Down White Man': Cape Rule and Misrule in Colonial Lesotho, 1871-1884*, (Pontypool, Wales: Merlin Press, 2011).

⁵⁵² Saunders, 'Annexation', p. 391.

authority. Such developments bolstered the hostility between the two and increased the likelihood for greater instability, whilst fostering an ambiguity over *who* precisely governed Pondoland. Consequently, a swathe of Mpondo, European and extra-local actors sought to advance their own claims to the country. Chiefs and commoners, resident traders, Natalian settlers and the Natal government: each attempted to take advantage of this jurisdictional impasse.

In order to achieve this, I contend that various historical protagonists were able to switch between, simultaneously treat with, or avoid altogether the multiple authorities that now comprised the country. In this sense, their actions suggest that the jurisdictional spaces implied by colonial intervention were transformed into important resources to be used. In doing so, I draw on Eric Lewis Beverley's suggestion that, in certain contexts, the increasing presence of the colonial state did not necessarily entail the decreased productivity of jurisdictional borders - despite the political consolidation that such demarcations inferred.⁵⁵³ Rather than emphasising the closure of these spaces, they maintained a 'differential character that persisted beyond colonial expansion'.⁵⁵⁴ Whilst these encroachments tended to represent a clearly delimited edge 'in normative legal and institutional terms', they just as easily signified a fluidity that shaped the social and political practices of those communities which resided in close proximity to multiple, often conflicting authorities.⁵⁵⁵

⁵⁵³ Eric Lewis Beverley, 'Frontier as Resource: Law, Crime and Sovereignty on the Margins of Empire', *Comparative Studies in Society and History*, 55:2 (2013), p. 243.

⁵⁵⁴ Beverley, 'Frontier as Resource', p. 243.

⁵⁵⁵ Beverley, 'Frontier as Resource', p. 244.

In Pondoland, this encouraged historical actors in the swapping of affiliations between paramountcy and state, allowing them to better negotiate colonial intervention towards diverging ends. In acknowledging this multiplicity of interests, this chapter employs Jodi Byrd's 'understanding [of] colonialism as a cacophony of contradictorily hegemonic and horizontal struggles [which] offers an alternative way of formulating...the dynamics that affect[ed] people as they move[d] within empire'.⁵⁵⁶ Put simply, I seek to highlight the jurisdictional contestations both within and between numerous communities on either side of the colonial divide as central in shaping the process of political incorporation. To be clear, this is not to say that Mpondo chiefs, Natalian settlers or European residents acted in conscious collaboration to challenge either the royal house or colonial state. Rather, it is to argue that a swathe of otherwise unconnected disputes could intersect in meaningful ways to render both mutually circumscribed. Despite their clear antipathy, colonial officials and the Mpondo royal house both seemed to share in the struggle to command the loyalty of those they sought to rule. Played off against each other, both were thus faced with the stark limitations placed upon their pretensions to power.

This process was, however, implicit; it did little to mitigate the explicit hostility that persisted between the two. As Beinart has demonstrated, the propensity for conflict increased, not least because the annexation of Port St. John had removed an important stream of revenue that was critical to the survival of the paramountcy.⁵⁵⁷ Mhlangaso's support for European traders and foreign concessionaries was designed

⁵⁵⁶ Jodi Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism*, (Minneapolis: University of Minnesota Press, 2011), p. 53.

⁵⁵⁷ Beinart, 'Production, Labour Migrancy and the Chieftaincy', p. 106.

to provide an independent source of wealth that was unaffected by imperial and colonial intervention. His actions, however, raised the suspicion of numerous chiefs and commoners. They viewed his transactions as threatening the independence of individual homesteads through the commoditisation of what were otherwise communal resources.⁵⁵⁸ Their potential alienation thus increased tensions within the Mpondo polity; it 'provided fuel for conflict with other chiefs who were concerned about the threat to their position not only from Mhlangaso in his personal capacity but...from the paramountcy as an institution'.⁵⁵⁹

As previous studies have noted, these tensions reached their peak following the death of Mqikela in 1887 and the election of his son, Sigcau, as paramount in 1888. Not of the Great House, Sigcau was nevertheless posited as 'a strongman [and] representative of the minor chiefs, to resist Mhlangaso'; he was viewed as more conciliatory towards the Cape and less likely to lead the Mpondo to conflict.⁵⁶⁰ His ascendancy thus marked the increasing isolation of the "Prime Minister", whose reluctance to accept subordinate status resulted in the eventual outbreak of civil war in 1890.⁵⁶¹ As Saunders has noted, officials used the occasion to swiftly secure Mpondo acquiescence to annexation.⁵⁶² But as Beinart makes clear, the civil war also represented 'a struggle for power between a new paramount and the dominant councillor of the old, a struggle over policy towards the colonial powers'; one that signified an important contestation over the role and reach of the paramountcy.⁵⁶³

⁵⁵⁸ Beinart, *Political Economy*, p. 3.

⁵⁵⁹ Beinart, 'Production, Labour Migrancy and the Chieftaincy', p. 103.

⁵⁶⁰ Beinart, 'Production, Labour Migrancy and the Chieftaincy', p. 108; Beinart, *Political Economy*, p. 13, 33.

⁵⁶¹ Beinart, *Political Economy*, p. 33.

⁵⁶² Saunders, 'Annexation', pp. 421-23.

⁵⁶³ Beinart, *Political Economy*, p. 34.

This struggle was intimately tied to the material considerations of various Mpondo actors; they sought to shape the terms of their incorporation in order to maintain a degree of control within their own communities 'in the face of larger social forces which they could hardly influence'.⁵⁶⁴

This chapter seeks to make a similar point by highlighting the competing claims made on Pondoland by various Mpondo and European actors both within and outside of the country. Posited as central to the process of political incorporation, it seeks to qualify those arguments that solely emphasise the hostility between the paramountcy and colonial state. Indeed, simply acknowledging the mutual antipathy between the royal house in the East and Government House at the Cape precludes an examination of the multiple interests that prompted their shared circumscription and increasing interdependence. Designed to maintain or extend existing autonomies, these embodied a range of jurisdictional ambitions and alternative political possibilities which ultimately underscored the essential contingency of the Cape's own claim to rule.

By foregrounding these competing claims, this chapter evokes what Frederick Cooper terms 'the changing definition of the possible'; it demonstrates how various communities could 'mobilise to claim new futures' during moments of political rupture and transition.⁵⁶⁵ This approach is typically adopted to explore claims to citizenship in the era of decolonisation that cut across state-sponsored ethnic or

⁵⁶⁴ Beinart, *Political Economy*, p. 3.

⁵⁶⁵ Frederick Cooper, *Decolonization and African Society: The Labour Question in French and British Africa*, (Cambridge: Cambridge University Press, 1996), p. 1; Frederick Cooper, *Africa Since 1940: The Past of the Present*, (Cambridge: Cambridge University Press, 2002), p. 2.

urban/rural distinctions.⁵⁶⁶ As William Roger Louis suggests, however, these later developments were often the ‘mirror image’ of those that accompanied the establishment of European rule.⁵⁶⁷ In this sense, this approach can readily be applied to consider the range of political possibilities articulated by historical actors as they sought to negotiate, shape and subvert the formalisation of colonial authority at the end of the nineteenth century.

In establishing this argument, this chapter will examine how historical actors sought to utilise the patchwork of jurisdictional spaces that now comprised the country. Highlighting these ‘multiple forms of attenuated and partial sovereignties’ allows for an exploration of how otherwise unconnected claims and disputes fed into a broader contestation of power and political authority in Pondoland.⁵⁶⁸ The chapter will first explore how the consolidation of the colonial border at the Rode Valley served to centralise the reach of the royal house in what was a highly contested space on the margins of the polity. Doing so will allow for an early identification of those pressures that emerged between the Great Place and its border communities which would ultimately precipitate civil conflict. The chapter will then conceptualise Port St. John as an imperial enclave that served to undermine the jurisdiction of a Western paramount only recently bolstered by British intervention. It will illustrate how this ambiguity over *who* precisely governed the region encouraged various historical actors to similarly claim this same space. Particular attention will be paid to the Natal

⁵⁶⁶ Sukanya Banerjee has, however, explored the expansive meaning of ‘imperial citizenship’ amongst Indian communities at the end of the nineteenth century - prior to its constitutional codification following the inception of the nation-state. See Sukanya Banerjee, *Becoming Imperial Citizens: Indians in the Late-Victorian Empire*, (Durham, N.C.: Duke University Press, 2010), pp. 18-19.

⁵⁶⁷ Wm. Roger Louis, *Ends of Imperialism: The Scramble for Empire, Suez and Decolonization*, (London: I. B. Tauris, 2006), p. 10.

⁵⁶⁸ Benton, *Search for Sovereignty*, p. 279.

Government, whose own jurisdictional ambitions demonstrated a desire to incorporate Mpondo and other Transkeian territory that was largely rooted in concerns over trade. As will be seen, their objectives were intimately tied to the continuing conversations about the exercise of authority and subjecthood within the Mpondo polity. By highlighting the overlapping nature of this range of disputes, the chapter will demonstrate how the Mpondo paramountcy and Cape government were both rendered similarly circumscribed and interdependent in the moment immediately preceding annexation in 1894.

Contested Authority - The Rode Valley:

As chapter 2 demonstrated, by 1883 colonial officials were determined to fix a jurisdictional boundary between the Nci and Xesibe in order to quell the propensity for violence between the two. Whilst that region remained unsettled, it was the adjacent Rode Valley that began to concern both state and paramountcy alike (**Fig. 3.1**). Whilst the Rode had been of parochial interest to British and colonial administrators for much of the nineteenth century, this small parcel of land acquired a new significance in light of the annexation of Port St. John; as the government

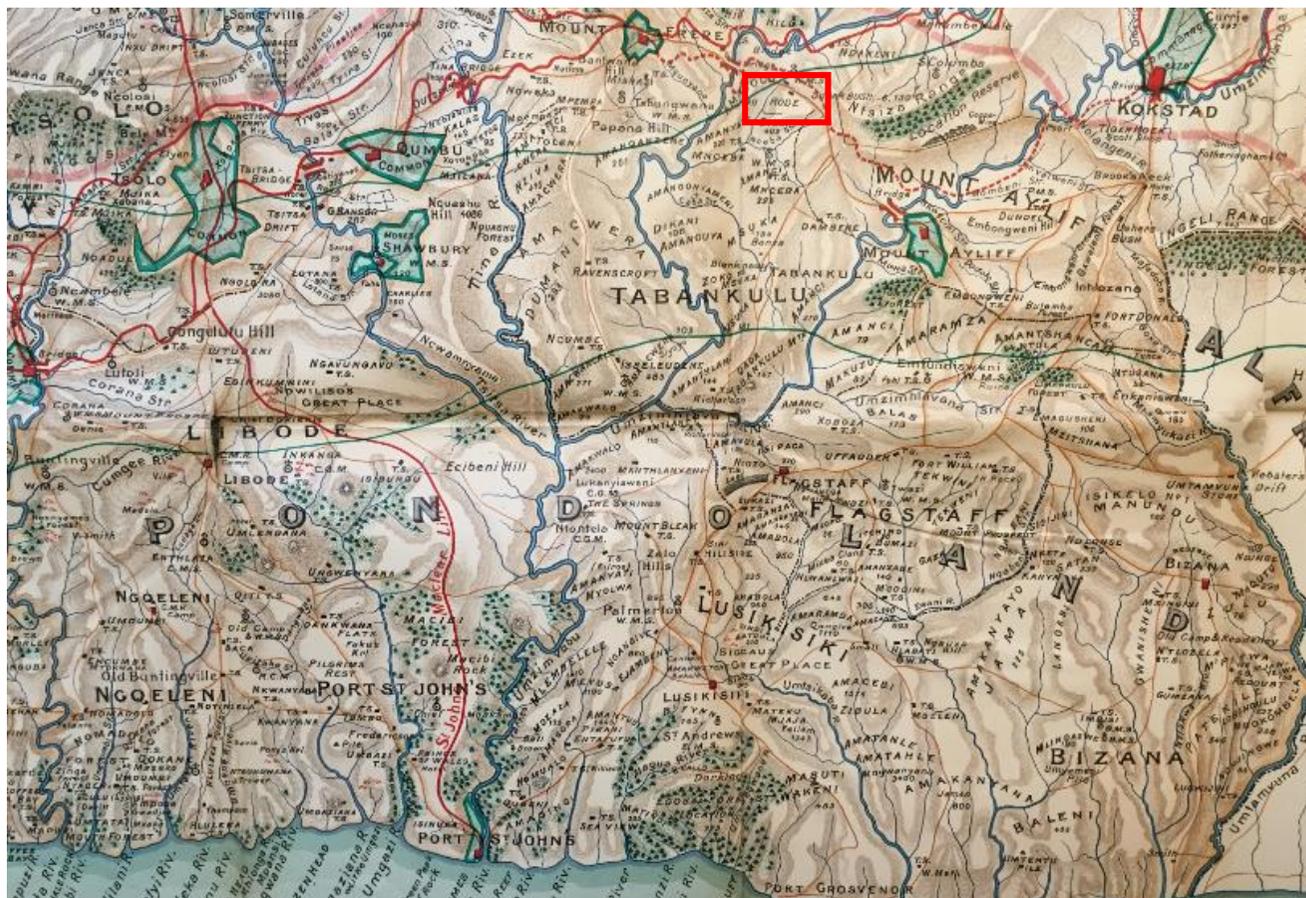


Fig 3.1: 'Sketch Map of the Country between the Kei and Umzimkulu Rivers, or the Transkeian Territories', in Henkel, *History, Resources and Productions*.

sought to better control its coastal trade and tariffs, attention likewise turned to the overland roads used to transport goods between Mthatha and Natal.

Whilst the majority of the route ran through East Griqualand, the journey entailed entering the Rode Valley for a stretch of approximately sixteen miles – the only point at which this highway traversed Mpondo territory.⁵⁶⁹ Despite this small incursion, the Rode revealed how an independent Pondoland could potentially disrupt colonial trade. Indeed, as part of his response to the British proclamation over the Mpondo coastline, Mhlangaso had ordered the imposition of a toll to be levied on any goods that were caught passing through the country.⁵⁷⁰

Mhlangaso's orders were not, however, inviolable; rather, they belied the contestation of Mpondo authority on the ground. After all, no Mpondo had settled at the Rode until 1882 – ten years after the Griffiths-Ayliff-Grant Commission (1872) had incorporated the country into Pondoland.⁵⁷¹ Instead, the region was occupied primarily by a large Baca community, whose chief, Makaula, resided in neighbouring Mount Frere. In his absence, Makaula had appointed a Hlubi man named William Nota to administer the territory as its principal headman in order to counter the competing claims made by Adam Kok's Griquas. Following the commission's decision, the Baca had been permitted to stay on their land provided that they recognised Mqikela's authority - an arrangement maintained even when Makaula's own country was annexed in 1876. Nota was thus re-appointed as an Mpondo headman, although

⁵⁶⁹ Theal, *Twelve Years*, p. 182; Beinart, 'Production, Labour Migrancy and the Chieftaincy', p. 96.

⁵⁷⁰ Beinart, 'Production, Labour Migrancy and the Chieftaincy', p. 96.

⁵⁷¹ The following information is taken from (CA) NA-437: 'Brief History of the Rode provided by the Resident Magistrate, Mount Ayliff to the Chief Magistrate, East Griqualand', 10 December 1885.

like Jojo, he successfully applied to be taken over as a British subject in 1878.⁵⁷² What was cast as ‘serious and binding step’ on 22 July, was however, quickly reversed – most likely due to the controversies caused by the annexation of Xesibeland in the same year.⁵⁷³

Obliged to make his peace with Mqikela, Theal states that this reconciliation occurred without much difficulty.⁵⁷⁴ Yet on 11 March 1879, the British Resident, Oxley-Oxland, reported that Nota had refused to pass on any of the fines he had collected to the Mpondo paramountcy.⁵⁷⁵ Three months later, the official was forced to visit the Rode following the Hlubi’s forced removal from the region by a party of armed Mpondo.⁵⁷⁶ The incident had encouraged numerous Baca, both from the Rode and Mount Frere, to retaliate in defence of the headman, thereby risking a larger conflict between Makaula and Mqikela’s men. In an interview with several Mpondo councillors, Oxley-Oxland made clear that the country belonged to the paramount; should Nota choose to stay, then he would be recognised as an Mpondo subject, but in return he was to be protected. Their response was, however, less than sympathetic. Reading aloud a personal message from Mqikela, the British Resident was told: ‘Let them [Nota and the Baca] leave...I DO NOT WANT ANYMORE GOVERNMENT PEOPLE TO LIVE IN MY COUNTRY BESIDES MY RESIDENT...LET THE BOUNDARY OF MY COUNTRY REMAIN AS DEFINED BY GRIFFITHS’.⁵⁷⁷

⁵⁷² See (CA) CMK-5/5: Meeting held between Commissioners and William Nota, 22 July 1878.

⁵⁷³ See (CA) CMK-5/5: Meeting held between Commissioners and William Nota, 22 July 1878.

⁵⁷⁴ Theal, *Twelve Years*, p. 168.

⁵⁷⁵ (CA) CMK-1/146: British Resident to Chief Magistrate, East Griqualand, 11 March 1879.

⁵⁷⁶ (CA) CMT-1/58: British Resident to Secretary for Native Affairs, 28 June 1879.

⁵⁷⁷ (CA) CMT-1/58: Minutes of a meeting held between the British Resident and 400 Pundos, 24 June 1879. Emphasis in original.

Given this messy history of inter-African contestation, temporary imperial annexation and then rapid retrocession, it is unsurprising that Mqikela was eager to assert his own authority over the Rode. As the Resident Magistrate in Mount Ayliff made clear, this was a 'tract of land to which [the Mpondo] neither have hereditary right nor right by conquest'.⁵⁷⁸ In this sense, the colonial boundary established in 1872 - and reaffirmed in 1878 - provided the best means by which to legitimate his claim to rule. To be sure, the Baca who remained in the valley refused to recognise the paramountcy; given their longer occupation, they maintained 'a right by purchase to the land and therefore would not remove to British Territory' – despite the best efforts of the royal house to force them back into Mount Frere.⁵⁷⁹

The potential for conflict was obvious, but its likelihood increased given the region's proximity to Valelo's country. As chapter 2 demonstrated, his long-term rivalry with the Cwera had provoked numerous bouts of instability as both sought to expropriate local land and resources from one another. The Rode was no different; stock thefts were unsurprisingly frequent. As William Hulley, a farmer from Mount Frere noted, local Baca communities fully 'expect[ed] to be attacked by Valelo'. Indeed, such was the regularity with which cattle was stolen that 'people [did] not go after their stock in [less than] twos or threes for fear of being beaten up'.⁵⁸⁰ Too unsafe to follow the spoor into Mpondo territory, Reverend Charles White suggested

⁵⁷⁸ CA) NA-437: 'Brief History of the Rode provided by the Resident Magistrate, Mount Ayliff to the Chief Magistrate, East Griqualand', 10 December 1885.

⁵⁷⁹ CA) NA-437: 'Brief History of the Rode provided by the Resident Magistrate, Mount Ayliff to the Chief Magistrate, East Griqualand', 10 December 1885.

⁵⁸⁰ (CA) CMK-5/14: Papers and Proceedings of Enquiries held in Mount Frere, 5 August 1884. Statement by William Hulley.

arming the border Baca; 'it would have a deterring effect on the Pondo...[who] being so well armed...think they are invincible [as] they taunt the government people'.⁵⁸¹

Of course, stock-thefts and border raids were of particular importance in a politically decentralised polity. For autonomous regional chiefs, they often served as 'an effective strategy to mobilise [the] popular support and resources' deemed essential to the maintenance of their authority.⁵⁸² Whilst Valelo was a principal offender, colonial officials and local residents were, however, more suspicious of those 'Pondomise who [had] settled in the district since the [1880 Mpondomise rebellion]'; Hulley, for example, accused them of stealing and 'send[ing] stock to their friends in Pondoland', who likewise came to visit them across the border in order to 'take Baca cattle back with them'.⁵⁸³ His claims were supported by Diko, half-brother of Makaula, who specifically named Mbali, an Mpondomise chief settled in the region by Faku, as responsible for orchestrating these raids.⁵⁸⁴ As Nota likewise noted, 'some of our people [in the Rode] are connected to Mbali's people through marriage and relationships, and although they have been visiting and drinking together...I am of the opinion that they have been hostile all along'.⁵⁸⁵

⁵⁸¹ (CA) CMK-5/14: Papers and Proceedings of Enquiries held in Mount Frere, 5 August 1884. Statement by Rev. Charles White. Over 300 arms and rounds of ammunition was consequently sent to the border, but were kept under the provision of the Resident Magistrate rather than dispensed to border communities. See (CA) NA-437: Secretary for Native Affairs to Assistant Chief Magistrate, East Griqualand, 27 October 1884; (CA) NA-437: Assistant Chief Magistrate, East Griqualand to Under Secretary for Native Affairs, 25 June 1885.

⁵⁸² Beverley, 'Frontier as Resource', p. 267.

⁵⁸³ (CA) CMK-5/14: Papers and Proceedings of Enquiries held in Mount Frere, 5 August 1884. Statement by William Hulley.

⁵⁸⁴ (CA) CMK-5/14: Papers and Proceedings of Enquiries held in Mount Frere, 5 August 1884. Statement by Diko; Brownlee, *Transkeian Native Territories*, p. 115.

⁵⁸⁵ (CA) CMK-5/14: Papers and Proceedings of Enquiries held Ishingwana, 6 August 1884. Statement by William Nota.

Such suspicion perhaps reflected a belief in a clandestine network of thievery rooted in clan and familial affiliation - doubts which were seemingly confirmed following a particularly violent encounter along the Mount Frere border on 20 June 1885. Prompting a Commission of Inquiry established at Ishingwana on 29 August, officials took evidence from the mission station's headman, Pedros Dikwayo.⁵⁸⁶ He explained how Mpondo thieves had crossed the colonial border on two occasions, stealing numerous horses and 80 head of cattle and sheep. Dikwayo attributed the theft to Magatyana, a man residing in Mbali's location. Tracing the stock to his territory, the Baca party 'came across a sheep which had been stabbed to death...When we saw this we knew what it meant...It means that the owners of the sheep are to be treated in the same way. It [was] a challenge'. Further provocation was provided by numerous Mpondo parties, who, sitting on the ridge just beyond the boundary, 'danced and flourished [their] assegais'. Exasperated, Dikwayo explained how such scenes were commonplace: 'The Pondos have eaten us up. They take our stock...into Pondoland and refuse to give it up. If we go in...they come out in arms against us and they beat us...Is this boundary only to restrain us?'

The blame was placed squarely on Mbali, whose brother Manga had been prominent in the recent provocations.⁵⁸⁷ Yet the testimony provided by the Mpondomise chief alleged that the 'thefts complained of had not been committed by his own people but by Pondos living farther from the line' – by those connected to the royal house.⁵⁸⁸ Indeed, Mbali explained that he had immediately condemned

⁵⁸⁶ The following is taken from (CA) NA-437: Minutes of a Meeting held on the Pondo Border near the Ishingwana Mission Station, 29 August 1885. Statement by Pedros Dikwayo.

⁵⁸⁷ (CA) NA-437: Minutes of a Meeting held on the Pondo Border near the Ishingwana Mission Station, 29 August 1885. Statement by Pedros Dikwayo.

⁵⁸⁸ Theal, *Twelve Eventful Years*, p. 188.

the theft of Dikwayo's property and had called for the Resident Magistrate, but was met first by representatives from the Great Place, who insisted that the cattle be handed over to them. Accused by a councillor, Tadana, of 'incriminating the whole Pondo nation', Mbali angrily exclaimed: 'who says I should not talk? I pass spoors on and others leave me to bear the blame. I am being killed...The Government ought to ask me what I stop...instead, I am not asked anything. I am killed by the Government and by my own people'.⁵⁸⁹

Having been settled on his land by Faku, the Mpondomise chief had once been accorded high-status by the then paramount.⁵⁹⁰ His protestations, however, suggest a change in the constitution of power in this now contested region. Indeed, the return of the Rode to the royal house and the annexation of the Mount Frere Baca in 1876 arguably precipitated a reconfiguration in relations between the paramountcy and its border communities. As Tadana explained to Mbali, 'you are on the border and I...cannot see all that is going on and what you are doing there'.⁵⁹¹ Denying the involvement of the Great Place in the theft, he pleaded with the Commission: 'Umqikela does not pretend to be able to stop thieving but he is opposed to it...cannot you make Mbali recollect his duty to the chief and tell him if he does not obey...he will be removed from his present location?'⁵⁹²

⁵⁸⁹ (CA) NA-437: Minutes of a Meeting held on the Pondo Border near the Ishingwana Mission Station, 29 August 1885. Statement by Mbali.

⁵⁹⁰ Brownlee, *Transkeian Native Territories*, p. 115.

⁵⁹¹ (CA) NA-437: Minutes of a Meeting held on the Pondo Border near the Ishingwana Mission Station, 29 August 1885. Statement by Tadana.

⁵⁹² (CA) NA-437: Minutes of a Meeting held on the Pondo Border near the Ishingwana Mission Station, 29 August 1885. Statement by Tadana.

The consolidation of the colonial border therefore crystallised the competition over local resources between the various communities that comprised the region; moreover, it also facilitated the centralisation of authority exercised by the royal house. In this sense, the increased number of stock thefts arguably demonstrates Paul Nugent's contention that the 'creation of a paper border set in motion a local dynamic in which populations became actively engaged in the inscription of the contours on the ground'.⁵⁹³ Indeed, it hardened the jurisdictional divide between two inimical realms of rule – colonial and Mpondo – thereby transforming this once ill-defined boundary into a resource to be used by Mpondo protagonists. Not only did this allow the Great Place to appropriate stock through proxy chiefs. It also allowed them to blame their own subjects – a fact demonstrated by Mbali's arrest by Mhlangaso on 27 December 1888.⁵⁹⁴ As such, Mpondo councillors were able to forge a consensus with colonial officials on the need to strengthen the boundary between the Rode and Mount Frere: 'if we cannot prevent our people stealing then the government has no power to prevent their people from violating the border and fighting in Pondoland'.⁵⁹⁵

This acknowledgement qualifies those accounts that have viewed the developments at the Rode purely in terms of the increased hostility *between* Mpondo paramountcy and colonial state.⁵⁹⁶ Clearly, the formalisation of colonial rule over the region was intended to circumscribe the jurisdictional reach the paramountcy. But such interventions also arguably provided an opportunity for

⁵⁹³ Nugent, *Smugglers*, p. 5.

⁵⁹⁴ (UCT) Stanford Papers, Rev. Hargreaves to Stanford, 27 December 1888, File BC293-B84-62.

⁵⁹⁵ (CA) NA-437: Minutes of a Meeting held on the Pondo Border near the Ishingwana Mission Station, 29 August 1885. Statement by Tadana.

⁵⁹⁶ Saunders, 'Annexation'.

leading Mpondo protagonists to centralise their authority over those that still remained within the country.

Indeed, attempting to consolidate his position still further, Mhlangaso was reported to have visited the border in December 1885 with the intention of settling numerous Griqua families in the nearby Mnceba region. As mentioned above, it was Adam Kok's followers who had claimed the land prior to its incorporation into Pondoland in 1872; according to the Resident Magistrate in Mount Frere, 'the Griqua talked loudly of claiming "all the land" between the Umzimhlava and Umzimvubu...[and] talk of fighting if things don't go their way'.⁵⁹⁷ Such claims only intensified over time. Writing on 10 December 1899, officials noted how the 'Griqua believe that an absolute grant of territory has been made to them and that they will be able to establish farms for themselves and a quasi-independent method of regulating their own affairs. One of their numbers was [even] appointed as Resident Magistrate'.⁵⁹⁸ In this way, Mhlangaso's actions paradoxically fused with an older claim to land that had previously been precluded by its placement within Pondoland itself.

Posited as the 'protégés' of Mhlangaso, Griqua settlement was arguably designed to provide a loyal bulwark against any Baca who sought to claim this same space.⁵⁹⁹ To that end, officials noticed their increased presence in the region,

⁵⁹⁷ (UCT) Stanford Papers, W. P. Leary to Stanford, 5 December 1885, File BC293-BC116-5.

⁵⁹⁸ (CA) RCP-4: Resident Commissioner, Pondoland to Under Secretary for Native Affairs, 10 September 1889.

⁵⁹⁹ (CA) RCP-4: Resident Commissioner, Pondoland to Under Secretary for Native Affairs, 10 September 1889; (CA) CMK-1/147: Hamilton MacNicholas to Donald Strachan, 27 June 1887.

counting '100 fighting families' at the Mnceba in 1889.⁶⁰⁰ Unsurprisingly, this swell in numbers only provoked further stock-thefts, as officials reported the rising impoverishment of neighbouring Xesibe and Baca communities.⁶⁰¹ Not only did this increase the propensity for violence; crucially, it also reignited those intra-Mpondo disputes concerning the exercise of authority and subjecthood that had been provoked in 1878.

The experiences of the Nci are especially instructive in this regard. As chapter 2 demonstrated, the Nci had asserted an autochthonous claim to territory on the basis of their affiliation to, and settlement by, the royal house in order to justify their appropriation of Xesibe land and stock. Yet when conflict erupted in 1885-86, Qipu, son of Diko, instead travelled to the Mfundisweni mission station under the charge of Reverend Peter Hargreaves from 1882.⁶⁰² Refusing to support the Great Place, he explained to the missionary that nothing 'would induce [him] to fight unless [Mhlangaso] changes tactics'; referencing his settlement of the Griqua, Qipu described the scheme 'as bound to fail...[it] does not carry the chiefs or the people with him'.⁶⁰³ His hesitancy undoubtedly reflected Nci resentment at the increased number of stock-thefts committed against them by Mhlangaso's newfound allies and the 'non-protection' afforded by the Great Place.⁶⁰⁴ But it also indicated a willingness to evade the centralisation of Mpondo authority that had followed the consolidation

⁶⁰⁰ (CA) RCP-4: Resident Commissioner, Pondoland to Under Secretary for Native Affairs, 10 September 1889.

⁶⁰¹ (UCT) Stanford Papers, W. P. Leary to Stanford, 18 November 1885, File BC293-BC116-5.

⁶⁰² (UCT) Stanford Papers, Rev. Hargreaves to Stanford, 14 December 1885, BC293-File B84-14; Andries Conradie, 'The Life and Work of the Methodist Missionary Peter Hargreaves in the Land of Sigcau, Chief of the Amampondo, 1882-1901', MA Thesis., University of Pretoria, 1967, p. 74.

⁶⁰³ (UCT) Stanford Papers, Rev. Hargreaves to Stanford, 14 December 1885, BC293-File B84-14.

⁶⁰⁴ (UCT) Stanford Papers, W. P. Leary to Stanford, 25 November 1885, File BC293-BC116-3; (UCT) Stanford Papers, W. P. Leary to Stanford, 5 December 1885, File BC293- BC116-5.

of the colonial boundary. Speaking within the confines of the mission station, Qipu declared that he was no subject of the paramountcy; rather, he described himself as 'a Fingoe', and simply asked Hargreaves: 'what am I to do?'⁶⁰⁵

The use of such a term is instructive since its employment by African chiefs beyond the Kei River was usually designed to pejoratively imply a collaboration with British colonists.⁶⁰⁶ To that end, Qipu's self-description arguably served to help him solicit support from the missionary in this increasingly unstable region. Indeed, Hargreaves recalled a particularly violent encounter concerning a Xesibe retaliation upon the Mpondo in August 1886. Writing to the President of the Wesleyan Methodist Missionary Conference, he recalled the 'terrible slaughter' of 128 Nci two weeks' prior.⁶⁰⁷ Fearing another attack, large numbers of Nci appeared at Mfundisweni, attempting to drive their stock onto the mission grounds. Hargreaves described how several men surrounded the church building and demanded that any Nci property be handed over to them. Threatening the missionary, they were alleged to have proclaimed: 'we will never suffer Pondos to...live in peace here. You will be killed by mistake...or perhaps in the night...you hold the Pondos: you save their women and children and stock. You are their protector and witness. You are Pondo'.⁶⁰⁸

⁶⁰⁵ (UCT) Stanford Papers, Rev. Hargreaves to Stanford, 14 December 1885, File BC293-B84-14.

⁶⁰⁶ As Alan Webster has argued, the appellation 'Fingo' or 'Mfengu' generally refers to those people 'created by British tribalisation' – those who crossed over into the British Cape following the devastation of the frontier war in 1835. See Alan Webster, 'Unmasking the Fingo: The War of 1835 Revisited', in Carolyn Hamilton (ed.) *The Mfecane Aftermath: Reconstructive Debates in Southern African History*, (Johannesburg: Witwatersrand University Press, 1995), p. 241, fn. 1. Its origins, both etymologically and in terms of those collectively designated as such, is heavily contested by historians, intimately tied as it is to wider debates concerning the *mfecane* and the migrations southward from Natal that it precipitated. See Fry, 'Allies and Liabilities', pp. 29-32.

⁶⁰⁷ (CL) Hargreaves Papers, Rev. Hargreaves to Mr Mason, 20 August 1886, MS.15.470.

⁶⁰⁸ (CL) Hargreaves Papers, Rev. Hargreaves to Mr Mason, undated, MS.15.470.

Given such violent encounters, it is hardly surprising that Qipu later invited colonial officials to his kraal in order 'to give his tribe and lands to the Cape Government'.⁶⁰⁹ In this respect he was no different from those other border chiefs, including Mbali, who had already made their own application to be "taken over".⁶¹⁰ These appeals obviously reflected the increased pressure placed upon their relationship with the Great Place following the consolidation of the colonial boundary. Hardly an imposition, the interventions of the Cape in fact facilitated the centralisation of authority exercised by the royal house – temporarily at least.

Nevertheless, the complaints made by both Mbali and Qipu arguably point to an important tension between the 'legality' and 'legitimacy' of this newfound boundary. On the one hand, it functioned as a regulatory tool in differentiating between Mpondo and colonial territory; on the other, it contributed to a change in the socio-territorial organisation of local communities.⁶¹¹ To be sure, their willingness to be taken over by the Cape arguably suggests that it was the colonial government, rather than the paramountcy, that now served as the best means by which Mpondo chiefs could maintain their long-held autonomy. This represents an important qualitative shift in intra-Mpondo relations, especially since the Nci had invoked their settlement by the royal house just three years earlier. In this sense, the hostility that characterised the relationship between the Mpondo paramountcy and the Cape actually effected a complex and contradictory intersection of indigenous and colonial jurisdictional disputes. Not only did it centralise the arena in which the royal house

⁶⁰⁹ (UCT) Stanford Papers, Rev. Hargreaves to Stanford, 20 November 1885, File BC293-B84-22.

⁶¹⁰ (CL) Hargreaves Papers, Rev. Hargreaves to Mr Mason, 2 April 1886, MS.15.470.

⁶¹¹ Chiara Brambilla, 'Borders and Identities/Border Identities: The Anglo-Namibia Border and the Plurivocality of the Kwanyama Identity', *Journal of Borderland Studies*, 22:2 (2007), p. 22.

sought to exercise its authority; it simultaneously undermined the position of the paramountcy by placing pressure on the very relations that underpinned it. To that end, colonial intervention thus ‘masked and fed [a series of] jurisdictional tensions’ that would soon enough contribute to the outbreak of civil conflict.⁶¹²

Port St. John – Tensions and Trade:

If colonial intervention in the Rode helped facilitate the temporary centralisation of Mpondo authority in the East, the same could not be said of the West. Frere’s proclamation had intended to bolster Nqwiliso’s position as an independent paramount; but in many respects it ironically undermined the very authority it was meant to endow. Whilst this imperial edict had largely failed to regulate intra-Mpondo relations and rationalise the country’s jurisdictional boundaries, there was one region where Frere’s proclamation was able to effectively demarcate the parameters of imperial power: Port St. John.

Besides the partition, the deed signed by Nqwiliso also formalised the acquisition of a tract of land around the estuary of the Mzimvubu River which measured approximately 10 000 acres.⁶¹³ Designated as British territory, the establishment of this imperial enclave was particularly problematic for Nqwiliso. In one incident, a trader residing in Western Pondoland, John Lloyd, was caught stealing twelve head of cattle from an Mpondo village and driving them back to Port St.

⁶¹² Beverley, ‘Frontier as Resource’, p. 268.

⁶¹³ A. 105 – ‘80: Deed of Sale, p. 135.

John.⁶¹⁴ Lloyd claimed he had a right to the stock, since they were grazing on land that had been granted to him by the paramount years before the proclamation had been issued. Its promulgation, however, clearly emboldened one local chief, Tono, who allegedly denied the trader access to his property on the assumption that the land had been exclusively reserved for the Western Mpondo. Nqwiliso, eager to resolve the issue, sent his brother to negotiate Lloyd's extradition, who branded the trader 'a white Pondo' and 'subject' of the paramount. Whilst he had paid a licence fee to live and trade in the country, this did not infer any title to land; quite the opposite, his theft had constituted a 'grave violation of Pondo law'. Nevertheless, Oxley-Oxland refused his request, arguing that Lloyd, by 'virtue of his birth and colour [was] entitled to aid at my hands as the British Resident'.

This was no isolated incident; the official lamented the regularity with which 'British subjects were...connected [to] the seizing and removal of cattle from Pondoland'.⁶¹⁵ For Nqwiliso, such acts represented a very different challenge to that posed by the earlier resistance of particular Mpondo chiefs. The latter had been eager to articulate their older affiliations to the Great House as a means of resisting the Western paramountcy. Lloyd's actions, however, arguably demonstrated the potential of the proclamation to re-write certain relationships within the polity itself. Through private transaction and licence-fee payment, white traders had long operated on the basis of chiefly sufferance. Yet the annexation of Port St. John meant that, in certain moments, those same residents could now treat with an entirely

⁶¹⁴ The following is taken from (CA) CMT-1/57: British Resident, Port St. John, to Chief Magistrate, Tembuland, 14 May 1884.

⁶¹⁵ (CA) CMT-1/57: British Resident, Port St. John, to Chief Magistrate, Tembuland, 14 May 1884. For information on similar occurrences see (CA) CMT-1/57: British Resident to Under Secretary for Native Affairs, 15 June 1885.

independent power in Pondoland. Lloyd, for example, continuously maintained his right to the land guaranteed to him by Nqwiliso. But archival sources also record that the trader spent most of 1883 and 1885 residing at Port St. John seeking government employment at a graphite mine and through the Public Works Department respectively.⁶¹⁶ This ability to move between Mpondo and imperial jurisdictions clearly reflected material self-interest. So too did the disagreement with Tono, as both historical actors fought over the accumulation of socio-economic resources. But it also provided political protection; following the cattle theft, Nqwiliso complained that Lloyd had ‘fled to Port St. John to avoid the consequences of his offence’.⁶¹⁷

Such comments reveal the inherent paradox of the proclamation. Whilst officials had intended to bolster the Western paramountcy, they had simultaneously created a jurisdictional space that in fact underlined its impotency. As the British Resident reported in June 1885, Lloyd’s case necessitated that the jurisdiction of his court be extended to cover the numerous others concerning the European theft of stock. Failure to do so would mean that ‘the idea will become prevalent that British subjects can commit offences in Pondoland with impunity, relying...on the extreme improbability of their being handed over to the mercies of a native chief’.⁶¹⁸

Yet this ability to evade the jurisdictional reach of either the Mpondo or British authorities did not just entail moving *between* different legal spaces – it could also occur *within* them too. Writing in 1890, Oxley-Oxland – now Resident Magistrate of Port St. John following the transferral of the region to the Cape in 1884 – reported

⁶¹⁶ (CA) CMT-3/651: John Lloyd to R. W. Stanford, 10 October 1905; (CA) NA-31: Chief Magistrate, Tembuland to Secretary for Native Affairs, 7 Jan 1886.

⁶¹⁷ (CA) CMT-1/57: British Resident, Port St. John, to Chief Magistrate, Tembuland, 14 May 1884.

⁶¹⁸ (CA) CMT-1/57: British Resident, Port St. John, to Chief Magistrate, Tembuland, 15 June 1884.

that on two separate occasions, traders travelling from King William's Town had been stopped by a petty Mpondo chief, Nkoyane.⁶¹⁹ Aided by his followers, the men stopped the waggon-carts and threatened the drivers to pay a toll 'or face molestation on their way back through'.⁶²⁰ Oxley-Oxland recorded his fear 'that great loss to the trade of the district...will result from this action'; 'these men will no doubt...relate the manner in which they have been...delayed on their journey...and so transport riders will be wary of loading up for Port St. John except for abnormally high rates'.⁶²¹ Whether founded or not, such concerns arguably pointed to the 'changing and locally differentiated qualities of rule' that characterised these otherwise 'European-claimed spaces'.⁶²² Writing with regards to early nineteenth-century Georgia, Ford encapsulates precisely the risk undertaken by colonists as they travelled across what still remained indigenous territory: 'settlers could disappear from the purview of the state...without [ever] leaving its chartered boundaries'.⁶²³

It was this potential danger that perhaps accounts for the following letter. Writing on 19 August 1885, the Resident Magistrate of Alfred County, the southernmost district of Natal and situated along the Mpondo border, recalled the numerous applications by white residents in Pondoland for guns and powder. Contacting his Colonial Secretary, he sought to inquire whether he should 'continue to treat the white population...as residents of [his] country', as he had always done.⁶²⁴ His reply was blunt: 'The Resident Magistrate has no authority or right to

⁶¹⁹ The following is taken from (CA) CMT-1/57: Resident Magistrate, Port St. John to Chief Magistrate, Transkei, 3 February 1890.

⁶²⁰ (CA) CMT-1/57: Resident Magistrate, Port St. John to Chief Magistrate, Transkei, 3 February 1890.

⁶²¹ (CA) CMT-1/57: Resident Magistrate, Port St. John to Chief Magistrate, Transkei, 3 February 1890.

⁶²² Benton, *Search for Sovereignty*, p. 3.

⁶²³ Ford, *Settler Sovereignty*, p. 64.

⁶²⁴ (PA) CSO-525: Resident Magistrate, Alfred County to Colonial Secretary, 19 August 1885.

consider [them] as residents...if such a practice has been followed, then the sooner it is discontinued the better'.⁶²⁵

Such a petition underlines the limited impact of the Cape's claim to rule at Port St. John. Nkoyane's behaviour clearly suggests that the assumption of administrative responsibility meant little to Mpondo actors; but the fact that residents in Pondoland looked to Natal for protection is significant. Certainly, besides Oxley-Oxland the Cape had no official representatives in the country. Yet these appeals also likely signalled the longer-term relationships in commerce and trade that existed between Natal and the port. As Beinart notes, coastal shipping between Natal and the Mzimvubu River had begun in the 1840s; by 1861, Natal had established a permanent station and had begun to extend its trade further into the interior.⁶²⁶ Writing his annual report in 1883, Oxley-Oxland noted how 'Natal still continues to monopolise almost the whole trade of Port St. John....East Griqualand and East Pondoland'.⁶²⁷ Whilst the Cape had recently begun to invest vast sums in the improvement of the wagon routes connecting the colony to the port, he nevertheless lamented that 'another colony practically reaps the benefit of our large public expenditure in the vast tract of country lying between Tembuland and Natal'.⁶²⁸ With the majority of wool, wheat and hides making their way into its sister colony, the development of better transportation links was expected to yield 'not

⁶²⁵ (PA) CSO-525: Colonial Secretary to Resident Magistrate, Alfred County, 25 August 1885.

⁶²⁶ Beinart, 'European Traders', p. 471.

⁶²⁷ (CA) NA-163: Resident Magistrate, Port St. John to Secretary for Native Affairs, 1 January 1883.

⁶²⁸ (CA) NA-163: Resident Magistrate, Port St. John to Secretary for Native Affairs, 1 January 1883.

less than thirty to forty thousand pounds of revenue...which finds its way into the coffers of Natal'.⁶²⁹

Such complaints typified the inter-colonial rivalry between these British colonies; both equally made 'strenuous efforts...to monopolize [sic] the transit trade to the expanding markets of the interior'.⁶³⁰ In the mid-1880s, these long-term networks with East Griqualand and Pondoland were of vital importance to Natal since the colony was struggling to break out from the grip of economic depression.⁶³¹ In Kokstad too, such trade was highly significant given the territory's distance from Cape ports and the huge expense involved in the overland transportation of goods (Fig. 3.2).



Fig. 3.2: 'Sketch Map of Approximate Distances of Trade Centres from Port St. John', in (CA) NA-163: British Resident to Secretary for Native Affairs, 1 January 1883.

⁶²⁹ (CA) NA-163: Resident Magistrate, Port St. John to Secretary for Native Affairs, 1 January 1883.

⁶³⁰ B. A. Le Cordeur, 'Natal, The Cape and the Indian Ocean, 1846-1880', *Journal of African History*, 7:2 (1966), p. 247.

⁶³¹ John Lambert, 'The Responsible Government Question in Natal, 1856-1893', *Kleio*, 7:1 (1975), p. 37.

Despite its annexation by the Cape in 1879, this convergence of interests had encouraged merchants and traders to consider the annexation of East Griqualand to Natal.⁶³² Calls for executive action increased in 1885 when the Cape erected its own customs house on the border between the two colonies.⁶³³ Doubling the duties paid on imported goods into East Griqualand, such costs became an important political issue; the Kokstad Political Association argued for the country's disannexation from the Cape – a demand that was somewhat tempered by the granting of parliamentary representation in the colonial parliament in 1887.⁶³⁴

Such economic grievances were clearly linked to a broader strategy to extend the colony's borders. This was particularly evident during a highly charged session of the Legislative Council held throughout October 1886, where numerous representatives bemoaned the Cape's annexation of Port St. John – an action 'that debars this country from supplying Pondoland with merchandise from Natal'.⁶³⁵

As chapter 2 noted, officials had justified their acquisition in part on the need to prevent the potential smuggling of firearms into an already volatile Transkei. Yet such motives were doubted by leading political representatives. One-time Prime Minister Sir Harry Escombe (1894) suggested that 'if that port is kept closed, it is kept closed not to stop smuggling but to answer the purpose of the Cape

⁶³² See statement by Mr. Walton, 5 September 1883, in *Debates of the Legislative Council: First Session of the Eleventh Council, 5 July to 24 October 1883*, (Pietermaritzburg: Government Printer, 1883), p. 463.

⁶³³ William Beinart, 'Settler Accumulation in East Griqualand from the Demise of the Griqua to the Natives Land Act', in William Beinart, Peter Delius and Stanley Trapido (eds.) *Putting a Plough to the Ground: Accumulation and Dispossession in Rural South Africa, 1850-1930*, (Johannesburg: Ravan Press, 1986), p. 270.

⁶³⁴ Beinart, 'Settler Accumulation', p. 270.

⁶³⁵ Statement by Sir John Bisset, 4 October 1886, *Debates of the Legislative Council: First Session of Twelfth Council, 7 September 1886 to 3 February 1887*, (Pietermaritzburg: Government Printer, 1887), p. 174.

Colony...because...our government is under a glamour with respect to the Cape'.⁶³⁶ Keen to assert their own colonial credentials, the future Premier, Sir George Sutton (1903), thus proposed the peaceable annexation of the country on the grounds that Natal was 'territorially too small to form a proper and strong Government...we should take advantage of every opportunity...to increase our borders and...to prevent, so far as we are able, any other Government taking possession of Pondoland'.⁶³⁷

Advancing this objective therefore required a negation of the Cape's claim to rule. Acting Lieutenant-Governor Sir John Bisset, for example, recalled the negotiations between Theophilus Shepstone and Faku in 1851, during which he claimed that 'the St. John's River was ceded to this country'.⁶³⁸ Predating those interventions undertaken by both the British and Cape governments, his comments were also designed to question the preference seemingly shown towards its sister colony. Emphasising Natal's parity as 'an equal...dependency of England', numerous speakers singled out the High Commissioner for 'work[ing] only in the interests of one colony'; indeed, the Cape was denounced as 'a colossal neighbour who has steadily year by year, with Muscovite aggressiveness...endeavoured to enlarge its area...utterly regardless [to] the interests of our community'.⁶³⁹

⁶³⁶ Statement by Sir Harry Escombe, 18 October 1886, *Debates of the Legislative Council: First Session of Twelfth Council*, p. 171.

⁶³⁷ Statement by Mr. Sutton, 5 October 1886, in *Debates of the Legislative Council: First Session of Twelfth Council*, p. 118; 'Sir George Morris Sutton', in *Natal Who's Who: An Illustrated Biographical Sketch Book of Natalians*, (Durban: The Natal Who's Who Publishing Company, 1906), p. 193. His sentiments were supported by Acting Lieutenant-Governor Sir John Bisset, who argued that 'the Pondo country would add very much to the importance of Natal when future arrangements are made in South Africa for the general confederation of states'. See statement by Sir John Bisset, 4 October 1886, *Debates of the Legislative Council: First Session of Twelfth Council*, p. 111.

⁶³⁸ Bisset, *Debates of the Legislative Council: First Session of Twelfth Council*, p. 111.

⁶³⁹ Statement by Mr. Stainbank, 18 October 1886, in *Debates of the Legislative Council: First Session of Twelfth Council*, pp. 172-73.

Yet Natal's pretensions to Pondoland were not based solely on a criticism of the Cape's expansionism; they were justified by the apparent 'consent' and 'willingness' of the Mpondo to their proposal.⁶⁴⁰ Such assumptions were in part predicated on the proximity between the two territories. Bisset stated simply that 'its geographical position naturally appertain[ed] to Natal', and that the natural border with the Cape in fact lay along either the Mthatha or Mtamvuna rivers.⁶⁴¹ Moreover, if it was a choice between 'looking southward or northward', then Escombe was convinced that the long-standing friendship between Natal and the Mpondo would prove persuasive, especially since the Cape had engineered the attempted deposition of Mqikela in 1878.⁶⁴²

This willingness to interfere in a post-proclamation Pondoland was bitterly noted by Transkeian officials. Writing in June 1880, the Chief Magistrate of East Griqualand complained that the tensions that now existed between the Eastern paramountcy and the Cape had partly been encouraged by a "'Natal point of view" [that] the Pondos have been wronged by us'.⁶⁴³ According to this perspective, politicians in Pietermaritzburg absolved Mqikela from any involvement in the Griqua rebellion; moreover, the conflicts along the Xesibe border were attributed to the

⁶⁴⁰ Sutton, *Debates of the Legislative Council: First Session of Twelfth Council*, p. 118; Bisset, *Debates of the Legislative Council: First Session of Twelfth Council*, p. 111.

⁶⁴¹ Bisset, *Debates of the Legislative Council: First Session of Twelfth Council*, p. 111.

⁶⁴² Escombe, *Debates*, p. 173. Escombe's phrase has been coincidentally (and inadvertently) employed by Simon Bekker and Cecil Manona in their study of Pondoland's long-term integration into what was designated a regional development zone including Natal and Zululand by the apartheid state in 1981. Their argument emphasises the importance of these historic connections and their implications for the provincial boundary separating KwaZulu-Natal and the Eastern Cape, the latter of which includes present-day Pondoland. See Simon Bekker and Cecil Manona, 'Pondoland Looking North to Natal: Common Economic Interests or Different Regional Loyalties?', *Journal of Contemporary African Studies*, 11:2 (1992), pp. 241-254.

⁶⁴³ A.44 – '80: *Letter from the Honourable Charles Brownlee*, p. 2.

aggressiveness of those who had since been designated British subjects.⁶⁴⁴ Precisely how influential this “view” was is impossible to gauge, although it was perhaps evidenced by Mqikela’s appeal to Theophilus Shepstone to represent Mpondo grievances to the Cape following the outbreak of further fighting along the colonial border in 1886.⁶⁴⁵ Of course, such ties were just as likely forged because of the increasing tensions between the paramouncy and the Cape. Nevertheless, they undoubtedly bolstered Natalian politicians’ belief about the colony’s own jurisdictional appeal. As Bisset explained: ‘I refer to the willingness of the Pondos to join this country, while they are unwilling to join the Cape. Their associations and feelings have always been towards Natal, they are part and parcel of the Zulu nation and not of the Kaffirs of the Old Colony’.⁶⁴⁶

This painting of the Mpondo as ‘part of the Zulu nation’ is striking. Officials’ willingness to speak in such terms perhaps reflected the confidence of the settler state following the defeat of the Zulu kingdom in the Anglo-Zulu War (1879). The extension of this term to populations beyond its own boundary suggests that the desire to incorporate Mpondo territory was tied to the parallel demands of land and labour-hungry colonists in the north of the country.⁶⁴⁷ Moreover, the invocation of Zulu nationhood was also likely based on a misunderstanding of the appeals made by certain Mpondo subjects themselves. Writing in 1894, the imiZizi chief, Patekile,

⁶⁴⁴ *Ibid.*, pp. 9-10, 12.

⁶⁴⁵ Theal, *Twelve Eventful Years*, p. 202.

⁶⁴⁶ Bisset, *Debates of the Legislative Council: First Session of Twelfth Council*, p. 111. Interestingly, this interpretation clashed with that held by the Cape, which maintained that Mpondo prosperity, following the period of Zulu expansion, had been dependent on the more senior British colony. See (CA) CMK-1/2: Secretary for Native Affairs to Chief Magistrate, East Griqualand, 5 November 1877.

⁶⁴⁷ For a recent account of the jurisdictional ambiguities that characterised the immediate post-war period in Zululand, see T. J. Tallie, ‘Racialised Masculinity and the Limits of Settlement: John Dunn and Natal, 1879-1883’, *Journal of Natal and Zulu History*, 30 (2012), pp. 1-22.

contacted the Resident Magistrate at Harding to ask to move under the Natal Government. His request was likely precipitated by the civil conflict in Pondoland; yet the chief's language is of particular interest: 'I am not a Pondo. I have become one (hereditarily)...I always had country extending beyond the Umtamvuna...I belong to Natal and so does my country. I cannot go to the Cape'.⁶⁴⁸

Patekile's appeal usefully illustrates how otherwise unconnected disputes could coalesce to question the Cape's authority in Pondoland. Certainly, Natal's willingness to ponder the extension of its southernmost boundary reflected a desire for economic and territorial expansion that was, in part, inspired by the jurisdictional struggles at Port St. John and the appeals made by various European settlers. But such ambitions were also arguably invigorated by the further instability precipitated by royal house rule from the mid-1880s. After all, whilst the imiZizi chief made clear that he was no Mpondo subject, his plea to the Natal Government also underlined his explicit rejection of the Cape. In this way, his own jurisdictional claim to autonomy coincided with the political possibilities considered by Natal. As such, his petition thus betrayed a perception of the Mpondo paramountcy and colonial state as largely indivisible, thereby suggesting the increasing interdependence of these otherwise inimical institutions.

Such a view was likely born from the Cape's support for Sigcau - who succeeded Mqikela to the paramountcy following the latter's death in 1887 - during the outbreak of civil conflict from 1891. Patekile, who supported Mhlangaso's rival

⁶⁴⁸ (PA) CSO-1396: Resident Magistrate, Harding to Colonial Secretary, 15 May 1894. Statement by Umbontyi ka Mhlanhla.

pretensions to power, unsurprisingly sought to remove himself from under the authority of a paramount who he rejected, and who was in part dependent on the recognition of the Cape government. This process of increasing imbrication had been well under way prior to the precipitation of conflict. Indeed, the Cape had struggled to assert its authority over Port St. John and along the country's north-western borders, whilst the paramountcy had begun to place huge pressure on those intra-Mpondo relations upon which it ultimately depended. As the following section will show, this ambiguity over *who* precisely governed Pondoland allowed Mpondo actors to utilise the jurisdictional boundaries of the polity at the same time as the Cape sought to instrumentalise the growing fissures within it. It was this dynamic that characterised the outbreak of conflict and which facilitated the further imbrication of paramountcy and state in the immediate pre-annexation period.

Civil War and Annexation:

As noted above, the tensions that characterised the northwest of the country were not abated by the consolidation of the colonial boundary along the Rode. Quite the opposite; the settlement of Griqua loyalists had increased the propensity for violence in the region, thereby inflaming the already fraught relations between the various Mpondo, Baca and Xesibe communities that resided in the region.⁶⁴⁹ The impact of such instability was unevenly spread; although, it was the Nci who had arguably

⁶⁴⁹ Archival sources detail numerous outbreaks of conflict – both major and minor – throughout the mid-1880s. For examples, see (CL) Hargreaves Papers, Rev. Hargreaves to Mr Mason, 2 April 1886, MS.15.470; (UCT) Stanford Papers, Rev. Hargreaves to Stanford, 31 October 1886, File BC293-B84-78; (UCT) Stanford Papers, Rev. Hargreaves to Stanford, 8 November 1889, File BC293-B84-78.

suffered the most since their location sat at the confluence of the competing claims made upon the Rode, Mnceba and Xesibe border (Fig. 3.3).

The continual outbreak of conflict ultimately forced the Cape to compel the Mpondo to drop their pretensions to the entire region; following two particularly serious encounters, the colonial government demanded that the paramountcy

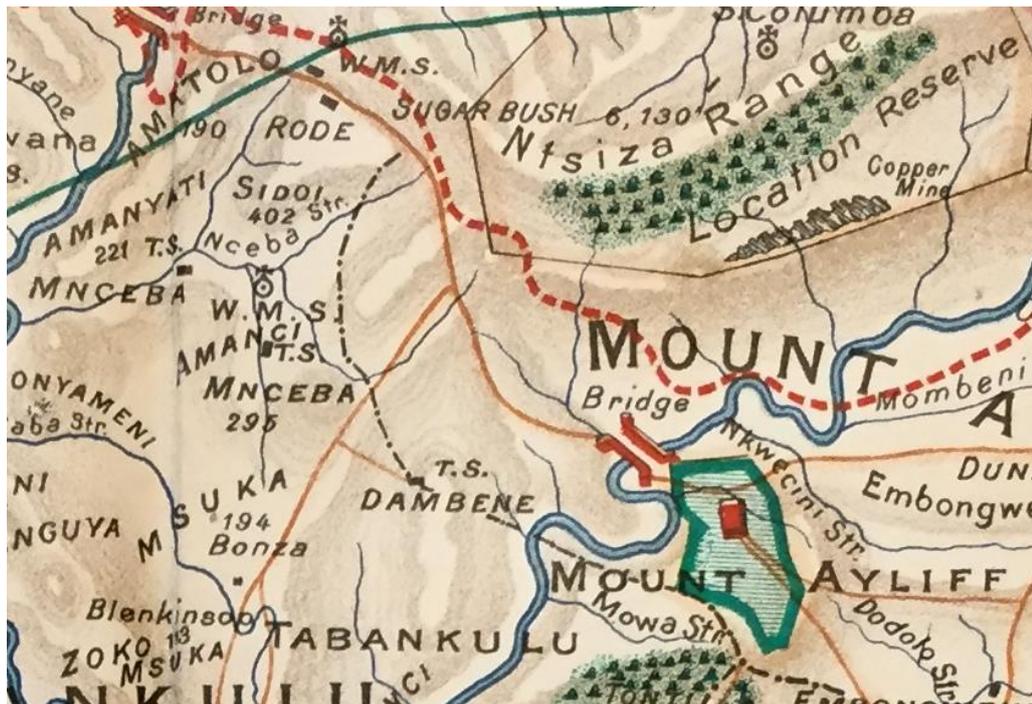


Fig 3.3: 'Sketch Map of the Country between the Kei and Umzimkulu Rivers, or the Transkeian Territories', in Henkel, *History, Resources and Productions*; The Mnceba, Rode Valley and Xesibe boundary.

formally cede the Rode on 9 December 1886.⁶⁵⁰ The same request was also made of Xesibeland and Port St. John, thereby limiting the possibility for the further economic expansion of the Mpondo state.⁶⁵¹ As the previous section illustrated, however, these developments meant little to, and actually created new opportunities for, various extra-local and extra-Mpondo actors.

⁶⁵⁰ Beinart, 'Production, Labour Migrancy and the Chieftaincy', p. 104; Saunders, 'Annexation', pp. 399-400. Correspondence concerning the encounter can be found in (CL) Hargreaves Papers, Rev. Hargreaves to Mr Mason, 5 November 1886, MS.15.470.

⁶⁵¹ Beinart, 'Production, Labour Migrancy and the Chieftaincy', p. 106.

Here too, the acquisition of the Rode – which was formally annexed on 29 July 1887 – was similarly re-qualified by local interests. Just two days before its ratification, Mqikela alleged that the Baca chief, Makaula, had claimed this territorial acquisition as a form of ‘government assistance’ designed to ‘extend our boundary...[so that] the Pondos will be reduced to nothing...[and that] we shall become a great and mighty people’.⁶⁵² But whilst the Baca were bolstered by the Rode’s formal cession to the Cape, this change in political status did not automatically translate into a change in jurisdictional practices on the ground. As late as 1889 Mhlangaso could be found at the adjacent Mnceba, pointing out the boundaries of the Griqua settlement which extended beyond those formalised by the government.⁶⁵³ His actions, which undermined the Cape’s claim to rule the region, unsurprisingly fostered greater tension along the border; Hargreaves reported the burning down of a school by the Griqua on the Rode border, whilst the Baca were alleged to have declared war on the Mpondo.⁶⁵⁴

As Beinart has discussed, these developments provoked the ire of the colonial state whilst simultaneously causing discontent amongst Mpondo chiefs.⁶⁵⁵ Such antipathy towards the “Prime Minister” only increased following the death of Mqikela in 1887, and the nomination of Sigcau as his successor a year later.⁶⁵⁶ Posted as a ‘strong man [and] representative of the minor chiefs’, his ascendancy was likewise welcomed by the colonial government. Writing to Sigcau on 20 February

⁶⁵² (CA) CMK-1/147: Donald Strachan to Chief Magistrate, East Griqualand, 27 June 1887.

⁶⁵³ (UCT) Stanford Papers, Rev. Hargreaves to Stanford, 14 February 1889, File B84-66.

⁶⁵⁴ (UCT) Stanford Papers, Rev. Hargreaves to Stanford, 27 December 1888, File B84-62; (UCT) Stanford Papers, Rev. Hargreaves to Stanford, 5 December 1889, File B84-65.

⁶⁵⁵ Beinart, ‘Production, Labour Migrancy and the Chieftaincy’, p. 110.

⁶⁵⁶ For a description of an oral testimony detailing his succession to the paramountcy, see Beinart, ‘Production, Labour Migrancy and the Chieftaincy’, p. 108.

1888, the Secretary for Native Affairs viewed the occasion as an opportunity to re-establish 'friendly relations...remove all disturbing and irritating influences' along the border and to secure 'the prosperity of the Pondo nation'.⁶⁵⁷

Consequently, the Cape thus supported Sigcau's attempts to remove those Griqua that had been settled by Mhlangaso in 1885. Reifying the jurisdictional boundaries of the polity arguably allowed them to instrumentalise the divisions within it. After all, whilst Sigcau underlined his intention to 'carry on the government of the tribe', Mhlangaso was simultaneously spotted 'doctoring' his people for war.⁶⁵⁸ When civil conflict eventually broke out in 1890, officials thus offered to arm Sigcau and provide his supporters with ammunition – on the condition that they accept a government-appointed Resident Commissioner for Pondoland.⁶⁵⁹

Sigcau had repeatedly rejected this request ever since the position was ratified by the Cape parliament on 6 July 1888. Done so without his consent, he naturally viewed the appointment as an 'imposition' designed to undermine Mpondo sovereignty.⁶⁶⁰ The man nominated to the role was John Scott, a seasoned "native" administrator who had served as special magistrate on the Cape's northern border from 1880 to 1887.⁶⁶¹ Whilst officials were surprised by Sigcau's refusal to recognise Scott, there was one chief who was willing to acknowledge the Commissioner: Mhlangaso. Even before the outbreak of conflict, the much-maligned chief had

⁶⁵⁷ (CA) RCP-1: Secretary for Native Affairs to Sigcau, 20 February 1888.

⁶⁵⁸ (UCT) Stanford Papers, Rev. Hargreaves to Stanford, 8 November 1889, File BC293-B84-78.

⁶⁵⁹ (CA) RCP-1: Secretary for Native Affairs to Resident Commissioner, Pondoland, 9 December 1890.

⁶⁶⁰ (CA) RCP-1: Sigcau to Secretary of State for the Colonies, 13 November 1888.

⁶⁶¹ On his role in the region, see Martin Legassick, 'From Prisoners to Exhibits: Representations of 'Bushmen' of the Northern Cape, 1880-1900', in Annie Coombes (ed.), *Rethinking Settler Colonialism: History and Memory in Australia, Canada, New Zealand and South Africa*, (Manchester, 2006), pp. 63-84.

viewed Scott as a potential boon to his wavering position within Pondoland. Writing on 2 November 1888, he noted that the country was not ready to accept the official but offered his personal support.⁶⁶² In another letter, he cast himself as the only agent capable of bring peace to Pondoland; underscoring his 'loyalty to...[his] country', he refuted his castigation as a rebel and claimed his fighting was 'the best action...to pursue for the safety' of both his polity and the paramountcy.⁶⁶³

Divisions within the country clearly provided an opportunity for the Cape to better establish its authority within it. Given Mpondo independence, Scott was ordered to compile a list of all those 'influential chiefs' who had 'shown an inclination to come over to the government'.⁶⁶⁴ Also indicative of officials' willingness to manipulate Mpondo fissures was Stanford's advice to Scott to base his prospective residency between Sigcau's Great Place and the powerful chiefs near the Natal border; doing so would drive a wedge between those 'not born Pondo and [who] would accept [his] control' and who 'are, at present...being fined [by Sigcau] for not joining the last movement against Mhlangaso'.⁶⁶⁵

Such comments underline an argument made in chapter 2 concerning the importance of political geography in shaping the communal solidarities and divisions that comprised the Mpondo polity. As Beinart has noted, those groups incorporated and settled by Faku in the mid-nineteenth century were often placed on the perimeter of the kingdom for defensive reasons.⁶⁶⁶ Whilst those related to the royal

⁶⁶² (CA) RCP-1: Mhlangaso to Scott, 2 November 1888.

⁶⁶³ (CA) RCP-1: Mhlangaso, to Scott, 17 January 1891.

⁶⁶⁴ (CA) RCP-2: Secretary for Native Affairs to Resident Commissioner, Pondoland, 29 April 1891.

⁶⁶⁵ (CA) CMK-1/149: Chief Magistrate, Transkei to Prime Minister, 13 November 1893.

⁶⁶⁶ Beinart, *Political Economy*, p. 12.

house fought for Sigcau, many of the larger immigrant communities did not – a decision partly facilitated by their distance from the Great Place itself. The Cwera, under Siyoyo, requested that the Mpondo leave them and their stock alone; the Nci were understandably reluctant to involve themselves; and the imiZizi, under their chief, Patekile, occupied the geographically distant and difficult Isisele Valley and were out of the reach of the royal house.⁶⁶⁷ Indeed, the latter had long contested the authority of the Great Place and thus found a usefully ally in Mhlangaso. Given his location and his antipathy towards Sigcau, it is unsurprising that it was from the imiZizi stronghold that Mhlangaso had sought refuge from April 1891, having fled colonial custody in Natal via Mount Ayliff.⁶⁶⁸

These chiefly responses arguably underline Herbst's contention concerning the harmony between the physiology of state power and the realities of political geography.⁶⁶⁹ It was the political terrain of Pondoland which both underpinned and reflected the forms of differential incorporation that bound the country's composite communities in various ways to the paramountcy. By extension, this possibly determined the (un)willingness of particular sub-chiefs and their followers to engage in the conflict – on whichever side they chose. Detailing the movement of Sigcau's forces, Mhlangaso noted only those likely to support the paramount: the Bala, a principal branch of the Nyawuza royal clan; Langa, a prominent ally in Flagstaff, and Langasicki, a powerful sub-chief in Bizana.⁶⁷⁰

⁶⁶⁷ On the Cwera request, see (CA) RCP-2: Chief Magistrate, East Griqualand to Scott, 2 June 1892; on Nci reluctance, see (CA) (CA) RCP-1: Chief Magistrate, East Griqualand to Scott, 23 March 1891.

⁶⁶⁸ (CA) RCP-2: Secretary for Native Affairs to Scott, 22 April 1891; (CA) RCP-2: Secretary for Native Affairs to Scott, 24 April 1891.

⁶⁶⁹ Herbst, *States and Power*, p. 135.

⁶⁷⁰ (CA) RCP-1: Mhlangaso to Resident Magistrate, Mount Ayliff, 27 November 1890.

To be sure, Hunter provides details concerning the military organisation of the Mpondo polity. As she notes, each military district was organised on a territorial basis; they served as the hub through which able bodied men in a given region were collected together before marching to the Great Place. In turn, each district was attached to an *imizi* (local kinship group and residence) of the royal house. Yet these were all located fairly close together; three in Lusikisiki and one in Flagstaff.⁶⁷¹ Given the jurisdictional heterogeneity of the kingdom, and the autonomy typically enjoyed by Mpondo chiefs, it is therefore reasonable to suggest that military organisation, much like the exercise of political authority, was circumscribed by an expansive political geography and the relative concentration of a royal presence.

Certainly, episodes of violence were mostly confined to the eastern region of Bizana, particularly along the border regions shared with both Natal and with Mount Ayliff (**Fig. 3.4**). The initial impetus for conflict stemmed from a series of disputes between Mhlangaso and Manundu – a powerful sub-chief with a large following and the Great Son of the Isikelo House.⁶⁷² Archival research has revealed a litany of letters detailing the instability precipitated by the two. Not only did officials report numerous instances of fighting, they also noted both the instrumentalisation and ignoring of these jurisdictional boundaries owing to the increased movement of people and stock across them. Both Mhlangaso and Josiah Jenkins requested permission to drive their property into Mount Ayliff – a request that was denied.⁶⁷³ Nevertheless, the resident magistrate reported that 7344 head of cattle had been

⁶⁷¹ See Hunter, *Reaction to Conquest*, pp. 400-10.

⁶⁷² (CA) RCP-4: Resident Commissioner, Pondoland to Under Secretary for Native Affairs, 24 July 1889.

⁶⁷³ See (CA) RCP-1: Mhlangaso to Resident Magistrate, Mount Ayliff, 27 November 1890; (CA) RCP-1: Resident Magistrate, Mount Ayliff to Chief Magistrate, East Griqualand, 3 December 1890.

placed by the Mpondo as part of a 'private arrangement...with their friends' in the district for the purposes of protection.⁶⁷⁴

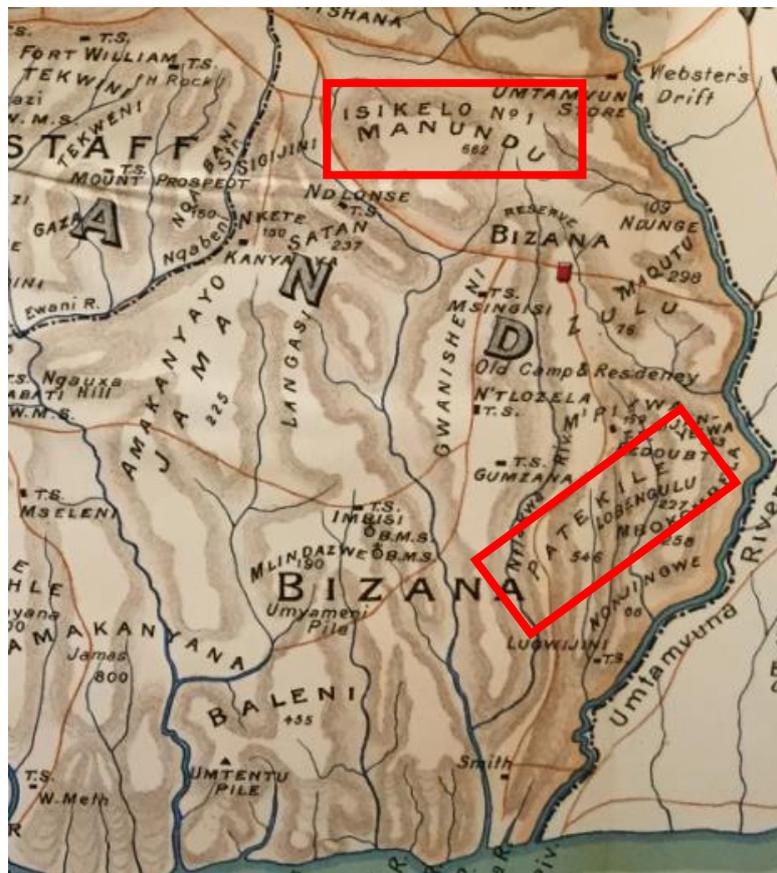


Fig 3.4: 'Sketch Map of the Country between the Kei and Umzimkulu Rivers, or the Transkeian Territories', in Henkel, *History, Resources and Productions*; Bizana, Manundu and Patekile's location, and the Natal borderlands.

But whilst this movement of important socio-economic resources transformed the border into a potential resource to be used by various actors, it also undermined its jurisdictional saliency. When a headman from Mount Ayliff, Gaqa, crossed over into Bizana to search for his stolen stock, he was chased back into his district and then severely beaten by Sigcau's ally, Langa, who accused him of entering the country to bewitch him at the behest of Mhlangaso.⁶⁷⁵ The same issues likewise befell Natal, which was particularly concerned by the instability caused by the conflict

⁶⁷⁴ RCP-2: Assistant Chief Magistrate, East Griqualand to Scott, 14 July 1891.

⁶⁷⁵ (CA) RCP-1: Resident Magistrate, Mount Ayliff to Scott, 2 April 1891.

between Manundu and Patekile. One man, who stood accused of attempting to steal stock for Manundu, was chased over the border, shot, beaten and disembowelled by followers of Mhlangaso and Patekile.⁶⁷⁶ Of course, there were numerous other incidences that both preceded the outbreak of war and were far less violent. Nevertheless, officials reported an aggregate loss of 365 horned cattle, 137 horses, 231 sheep and 37 goats between 1 June 1890 and 9 September 1894.⁶⁷⁷ And this, during a time ‘throughout which the Government of the Cape Colony claimed its rights to be solely consulted in regard to Pondo affairs’.⁶⁷⁸

In this respect, the conduct of conflict along these borders highlighted the limited reach of both the royal house and the Cape, in ways that underlined the ambiguity over *who* precisely governed the country. It was the potential opportunities provided by these marginal spaces that undoubtedly motivated Mhlangaso to offer his country and followers to the Natal government – a proposal rejected by Sigcau, who instead expressed his determination to submit to the Cape.⁶⁷⁹ For their part, Transkeian officials likewise faced repeated pressure from its sister colony to suppress the stock thefts along the inter-colonial boundary, lest ‘someday people will take the law into their own hands’.⁶⁸⁰ Whilst their warning referred to those local communities which occupied this contested region, Natalian officials were in no doubt of ‘the loyalty of our natives to their Government’.⁶⁸¹ This implicit jurisdictional claim was also given further credence, since Natal had incurred

⁶⁷⁶ (CA) RCP-3: Resident Magistrate, Harding to Scott, 27 January 1893.

⁶⁷⁷ (PA) CSO-1938: Minute from Prime Minister’s Office, 9 September 1894.

⁶⁷⁸ (PA) CSO-1938: Minute from Prime Minister’s Office, 9 September 1894.

⁶⁷⁹ (CA) RCP-3: Chief Magistrate, East Griqualand to Major Elliot, 15 February 1894.

⁶⁸⁰ (CA) RCP-3: Secretary for Native Affairs, Natal to Scott, 19 October 1892.

⁶⁸¹ (CA) RCP-3: Secretary for Native Affairs, Natal to Scott, 19 October 1892.

financial costs by having to maintain a patrol of mounted policeman along its Mpondo border.⁶⁸²

Outbreaks of violence clearly underscored the need to formalise a jurisdictional settlement of Pondoland's boundaries. On 23 February 1893, the Governor of the Cape, Lord Loch, received a telegram warning the colony that unless Sigcau 'can put a stop to the aggressiveness of Manundu's people, it will be necessary to consider whether he should be relieved...by British authority of his responsibility as Paramount Chief'.⁶⁸³ These instructions were given additional impetus when, just one week later, Loch's Natalian counterpart received word that Sigcau 'intends going up against Umhlangaso and taking him dead or alive, even if he should cross into Natal'.⁶⁸⁴ Given the difficulty of this north-eastern terrain, such threats remained largely idle. Yet in January 1894, one member of the Natal Mounted Police, Colonel William Clarke, recalled a huge offensive led by Sigcau, Manundu and Langasiki involving more than 15 000 men.⁶⁸⁵ Whilst the attack failed, Clarke nevertheless counted '109 dead bodies, all mutilated, and native dogs eating the remains of the horses. There were, of course, many dead bodies in the bush'. With little prospect of a political settlement, Mhlangaso, along with '54 chiefs and headmen...accompanied [Clarke] to the Police Camp. Here, they petitioned Colonel Dartnell to move the police into Pondoland and annex the country, the only method, they said, of restoring peace'.

⁶⁸² See (PA) CSO-1938: Secretary for Native Affairs to Colonial Secretary, 26 January 1892 and 28 January 1892.

⁶⁸³ (CA) RCP-3: Downing Street to High Commissioner, Cape Colony, 3 February 1893.

⁶⁸⁴ (CA) RCP-3: Sir Walter Hely-Hutchinson to Lord Loch, 1 March 1893.

⁶⁸⁵ The following is taken from (KCL) Clarke Papers, 'My Career in South Africa, 1878-1918. Parts I and II' and 'How Natal Lost Pondoland', by Colonel W J Clarke, MS. CLA., Series KCM-65582, File 1.

Such activity thus compelled the Cape to pressurise Sigcau to prevent further conflict in order to demonstrate his 'respect [for] Natal territory'.⁶⁸⁶ Given Mhlangaso's overtures to Natal, however, their instructions arguably doubled as the best means by which to prevent its sister colony from pressing its own claims to the country. Clarke, for example, rushed back to Pietermaritzburg to speak at the Legislative Council, where 'ministers were delighted with the prospect of annexing Pondoland'; informed that he would be appointed Natal's Resident Commissioner, it was only after leaving Ixopo that he learnt that the Cape had instead been ordered to assume authority over the polity.⁶⁸⁷

As such, Saunders is arguably correct when he states that Natal's jurisdictional ambitions provided the final impetus for annexation.⁶⁸⁸ Nevertheless, this process cannot simply be explained in terms of an inter-colonial rivalry alone. As has been shown, their competing claims were thoroughly embedded in a shifting network of intra-Mpondo relations that, in turn, had become increasingly fractured as a result of the hostility between the Cape and Mpondo paramountcy. The former had intended to further circumscribe the jurisdictional reach of the latter through a series of annexations across the country. Yet this wrought paradoxical results, temporarily centralising the arena in which leading Mpondo protagonists could exercise their own right to rule. Doing so fused together a swathe of formerly antithetical claims to the Rode whilst undermining the decentralised structures of political authority that had long underpinned the polity. Transforming Pondoland

⁶⁸⁶ (CA) RCP-3: Prime Minister to Scott, 16 January 1894.

⁶⁸⁷ (KCL) Clarke Papers, 'My Career in South Africa, 1878-1918. Parts I and II', by Colonel W J Clarke, MS. CLA., Series KCM-65582, File 1.

⁶⁸⁸ Saunders, 'Annexation', p. 422.

into a multi-jurisdictional space, Mpondo actors began to turn to alternative sources of political protection – the Cape, Natal, Mfundisweni – in order to maintain their long-held autonomy; moreover, local communities sought to instrumentalise an array of jurisdictional boundaries to facilitate the movement of people and stock. At the same time, this served to underline an ambiguity over *who* governed the country that encouraged various extra-local and extra-Mpondo actors to take advantage of this jurisdictional impasse.

Such confusion likewise blended with the outbreak of civil war; Mhlangaso sought to move between various colonial and Mpondo jurisdictions in order to evade both the royal house and the Cape. His actions highlighted the limited reach of these otherwise inimical institutions, whilst pointing to the importance of Pondoland's political geography – and the processes of differential incorporation it underpinned – in shaping the conduct of the conflict. To be sure, the Cape's annexation arguably did little to settle the recalcitrance of those communities who had decided to support Sigcau's rival. Writing in reference to the Mpondo revolts (1960-63), it is unsurprising that Hendricks and Peires should identify those same constituencies – 'of non-Mpondo origin' – and the same location – 'a small portion of...Bizana...and Flagstaff' – as the centre of rebellion against the Eastern paramountcy in the mid-twentieth century.⁶⁸⁹ Their acknowledgement not only underscores the longevity of those fissures and factions that emerged at the end of the nineteenth; as this chapter has demonstrated, it also suggests that the increasing interdependence of paramountcy

⁶⁸⁹ Hendricks and Peires, 'All Quiet on the Western Front', p. 138.

and state – best embodied by the Mpondo Revolts – thus began in the moments preceding annexation itself.

Conclusion:

Certainly, in the short term annexation arguably served three broad ends: it relieved border communities from the pressures precipitated by Mhlangaso's actions, it secured Sigcau's authority over the paramountcy, and it ensured the Cape's claim to the country. To that end, the formalisation of colonial rule was born, as Beinart rightly notes, from a tripartite alliance between multiple minor chiefs, the paramount and the government.⁶⁹⁰ However, this coalition of interests would not last long. Just days before the formal cession of the country on 17 March 1894, Thomas Hargreaves, son of the Mfundisweni missionary, wrote: 'it appears that annexation is determined on. We were hoping that Pondoland would be placed under Imperial rule, to which people would not object. The dread is colonial power'.⁶⁹¹

Such objection likely referred to the fractious politics of the Mpondo polity. During the pre-annexation negotiations, Bokleni, son of Nqwiliso, was seen at Sigcau's Great Place, sowing 'the seeds of dissention among the chiefs [in order] to precipitate war'; his aim was to facilitate 'the downfall and disgrace of Sigcau [which] would enable him and his father...to secure better terms from the Government'.⁶⁹² For his part, the paramount was 'willing to be guided by his chiefs if they stand by him'; 'he will fight', Hargreaves noted, although 'he feels that if he resolved on war

⁶⁹⁰ Beinart, 'Production, Labour Migrancy and the Chieftaincy', p. 110.

⁶⁹¹ (UCT) Stanford Papers, Diary of Thomas Hargreaves, 5 March 1894, File BC293-D5.

⁶⁹² (UCT) Stanford Papers, Diary of Thomas Hargreaves, 13 March 1894, File BC293-D5.

some of the minor chiefs would treacherously forsake him in his time of greatest need and rejoice at his downfall'.⁶⁹³ Hargreaves' description of these intra-Mpondo discussions arguably points to the precarious position of the paramount. With his authority only just re-established, and in part dependent on its recognition by the Cape, Sigcau ran the risk of alienating the very support that had been undermined by Mhlangaso. This need for consensus not only reflected the factions and fissures recently exposed by conflict; it also highlighted how any resistance or acquiescence to colonial rule would inevitably fracture on the regional autonomy of Mpondo chiefs.

In this sense, the formalisation of colonial rule did not necessarily imply the consolidation of colonial authority; like other moments of intervention, annexation would be re-qualified by those conversations concerning the exercise of authority and subjecthood that had been precipitated by Frere's proclamation in 1878. Indeed, Pondoland's newfound status as a colonial possession should not preclude an acknowledgement of the broader imperial context in which these more localised developments occurred. Whilst Pondoland was annexed to the Cape, this loss of Mpondo independence also marked the country's formal admission to empire. With this in mind, the jurisdictional disputes, competing claims and political possibilities explored in this chapter did not simply dissipate; rather, in the post-annexation period, they became inflected with an additional imperial impetus.

Take, for example, the complaints of certain Natalian traders. As Beinart has explored, many were invested in the continuation of Mpondo independence for

⁶⁹³ (UCT) Stanford Papers, Diary of Thomas Hargreaves, 15 March 1894, File BC293-D5.

commercial self-interest.⁶⁹⁴ One such man was Mr W J Rethman of *Messrs Mills and Rethman Ltd*, a trading business with stores in Flagstaff and Bizana, and who, in 1891, was also elected as the representative of Alfred County in Natal's Legislative Council.⁶⁹⁵ Rethman had been a strong supporter of Mhlangaso; denied a trading licence by Sigcau, he was alleged to have been authorised by his rival to mobilise numerous farmers to march to his assistance 'upon promises of farms as remuneration'.⁶⁹⁶ Moreover, Cape officials accused him of using his political position as 'a force for filibustering' the council to press the issue of Mpondo annexation.⁶⁹⁷ In this way, Rethman represented the fusion of two competing claims to the country that were antithetical to the authority of both Sigcau and the Cape.

Of course, by 1894 numerous traders were pleased by the prospect of annexation, especially since their personal property had been badly affected by the outbreak of conflict.⁶⁹⁸ By contrast, the stability provided by colonial rule arguably provided a boon to local business.⁶⁹⁹ Certainly, by 1902 Major Sprigg counted a trading community of fifty Europeans in Bizana; living alongside 35 000 Mpondo, the official complained that this concentration of trade meant that the 'interests of the whole district' were often 'sacrificed for the interests of this small number of

⁶⁹⁴ Beinart, 'European Traders'.

⁶⁹⁵ On Rethman's stores, see (CA) RCP-3: Rethman to Scott, 29 January 1894; on his election as an MLA, see (CA) RCP-1: Chief Magistrate, East Griqualand, to Scott, 8 January 1891. The company is listed in the Transkeian mercantile directory in Henkel, *History, Resources and Productions*, p. 107.

⁶⁹⁶ (CA) RCP-1: Chief Magistrate, East Griqualand, to Scott, 8 January 1891.

⁶⁹⁷ (CA) RCP-1: Chief Magistrate, East Griqualand, to Scott, 8 January 1891.

⁶⁹⁸ For numerous examples of Mpondo looting, some involving the paramount himself, see Beinart, 'Production, Labour Migrancy and the Chieftaincy', p. 114; (CA) RCP-1: Under Secretary for Native Affairs to J. H. Scott, 27 June 1889. Deposition of John Brown; (CA) RCP-1: Chief Magistrate, East Griqualand to Scott, 8 January 1891.

⁶⁹⁹ As one resident remarked: 'Justice showed a little sign of showing in Pondoland. O Lord, Yes!' See (CA) A-1403: O' Donnell Papers, Vol. 7: Diary, 1894, 21 August 1894.

people.⁷⁰⁰ Desirous to keep out further competition, the prices for essential goods were extraordinarily high; indeed, Sprigg recalled how several non-Europeans had ‘combined to import their own supplies [to] prove that the prices being charged by the traders...were from fifty to a hundred percent in excess of the prices at which the consumers could import for themselves’.

Among them was a Mr Hoosen Haffagee, an Asian man from Ixopo, Natal. Local residents welcomed his trade in Bizana; one headman explained that his business ensured that ‘the prices of sugar and rice [had]...dropped one penny per pound since his arrival’. Diluting the supply of essential goods, European traders unsurprisingly sought his removal.⁷⁰¹ Chief among them was Mr Walton, manager of Rethman’s company. Writing to Sprigg, he questioned how Haffagee had been allowed to trade in the district, citing his ‘very strong feeling against granting licences to Asiatics’.⁷⁰² Such comments reflected those rights – whether personal, proprietorial or political – enjoyed by British colonists but denied to Natal’s Asian population.⁷⁰³ Yet Sprigg dismissed the complaint. He noted how Haffagee’s application had been accompanied by ‘a high certificate of [his] character’ from the Ixopo magistrate, and ‘strong testimonials by gentlemen of good standing in Natal’; ‘aware’ of the argument ‘that the musselman will have a moral effect on the natives’,

⁷⁰⁰ The following is taken from (CA) CMT-3/48: Resident Magistrate, Bizana to Chief Magistrate, Transkei, 14 April 1902.

⁷⁰¹ (CA) CMT-3/48: Resident Magistrate, Bizana to Chief Magistrate, Transkei, 14 April 1902.

⁷⁰² (CA) CMT-3/48: Mr J Walton to Resident Magistrate, Bizana, 14 February 1902.

⁷⁰³ Such stringent restrictions evolved throughout the period of indentured Indian labour to Natal, between 1859 and 1910. Best encapsulated by the Native Franchise Act (1894), there were, however, class and gender based qualifications for the franchise in the preceding years. For a recent analysis of this history, see Bijita Majumdar, ‘Citizen or Subject? Blurring Boundaries, Claiming Space: Indians in Colonial South Africa’, *Journal of Historical Sociology*, 26:4 (2013), pp. 479-502, here p. 480, 481, 484.

he nevertheless considered it to be 'a grave injustice if all the British citizens of Asiatic blood were forbidden on that account all the rights of trade in a British Colony'.⁷⁰⁴

Whether similar petitions were lodged by European traders is unclear. Regardless, the dispute between Walton and Sprigg highlights how pre-annexation claims to Pondoland could fuse with a broader politics of imperial belonging to similarly question the Cape's authority in the post-annexation period. Despite the formalisation of colonial rule in 1894, officials were clearly vulnerable to challenges to colonial authority predicated on an invocation of membership to empire. In this instance, Walton's complaint was largely ineffective; the practicalities of colonial governance overrode any protestation rooted in an inherently idealised and racialised notion of imperial subjecthood. As the following chapters will demonstrate, however, this was no isolated incident; various Mpondo and extra-colonial actors were able to re-qualify the meaning and impact of annexation to advance an array of often contradictory interests. In this way, annexation did little to solve the question of *who* ruled Pondoland, whilst the conversations concerning the exercise of authority and subjecthood continued.

⁷⁰⁴ (CA) CMT-3/48: Resident Magistrate, Bizana to Chief Magistrate, Transkei, 14 April 1902.

Chapter 4: British Subjects in Colonial Pondoland (1): The Cooks vs. Colonial Government, 1894-95:

Introduction:

The Chief Sigcau was summoned to Rhodes and told in plain words that...his people would be annexed. The Chief was taken to a cornfield. Suddenly, at Rhodes' command, machine-guns began to spray bullets into the high maize stacks which were mown down...Looking at the frightened Chief and pointing at the field...Rhodes told him: 'And that will happen to you and your tribe if you give us further trouble!'⁷⁰⁵

By the time that Pondoland was annexed on 17 March 1894, colonial officials hoped that the ambiguity and instability fomented by earlier interventions had now been resolved. This desire for peace across the Transkei was paralleled by a metropolitan desire to avoid direct involvement in the management of the Cape's African policy. Not only was the attempt to exert control from London deemed impractical, but British interest in Mpondo affairs appeared to be waning.⁷⁰⁶ Encapsulating this sentiment, the Colonial Secretary, Lord Knutsford, emphasised how 'Her Majesty's Government has never sought to...enforce any policy of their own in relation to [Pondoland]...in order that the...interests of the Cape Colony....might be allowed the fullest scope'.⁷⁰⁷ Following the signing of the Deed of Cession by both Mqikela and Nqwiliso, colonial authority over the country thus seemed assured.

Yet annexation was not just an act of territorial acquisition. It also formed part of a longer history of interactions between multiple Mpondo chiefs, colonial and

⁷⁰⁵ Felix Gross, *Rhodes of Africa*, (New York: Cassel, 1956), pp. 240-41.

⁷⁰⁶ The last imperial Blue Book devoted to Pondoland was printed in 1888 and a request that papers regarding the country's incorporation be produced was refused in 1894. See Saunders, 'Annexation', p. 411.

⁷⁰⁷ Saunders, 'Annexation', p. 416.

extra-colonial Europeans and border communities. As the previous chapters have demonstrated, these various relationships were shaped by the complexities of Pondoland's jurisdictionally heterogeneous and politically decentralised nature. As a result, the country had long been riven by overlapping, sometimes conflicting and at other times complimentary claims to rule that were articulated from multiple sites of power by often inimical historical actors. The political conversations that took place within the polity served to highlight a contestation over notions of Mpondo authority and subjecthood that simultaneously re-qualified the competing advances made upon the region by both the Cape and Natal. The acceptance of annexation would likewise be no simple matter. Indeed, the following two chapters will argue that this process was about more than just the transfer of administrative authority to the Cape. Whilst it was ultimately irreversible, it was never wholly totalising. In fact, it provided numerous opportunities for African and European actors alike to co-opt this new political dispensation towards ends for which it was never intended.

Accounting for why this was possible requires a re-examination of the precise nature of Pondoland's incorporation into the Cape. When the country was finally annexed on 17 March, it was first done so by imperial proclamation under the authority of the Governor of the Cape, Lord Loch. Administrative responsibilities were not transferred to colonial hands until six months later on 25 September, following its ratification by the colonial parliament.⁷⁰⁸ Whilst this was a procedural technicality, it nonetheless raises an important question about what exactly Pondoland was being incorporated into. Was it empire? Or was it colony?

⁷⁰⁸ Saunders, 'Annexation', p. 431.

For those more sympathetic to colonial rule, this was a non-issue. In a meeting with Major Elliot on 19 March, Nqwiliso, unable to distinguish between the colonial and imperial governments simply pledged to 'give up my country, my people and my forests...to the Queen'.⁷⁰⁹ In the East, by contrast, historical actors felt the distinction to be an important one. This was most apparent during the pre-annexation negotiations, when Sigcau attempted to achieve for Pondoland the status of an imperial protectorate. As Major Elliot noted, 'he inquired if it was still possible to make a submission to the Queen...[but]...I answered him that His Excellency the Governor was acting as [her] representative...and the only submission he could make must be under the conditions His Excellency has laid down'.⁷¹⁰ Here, both the paramount and Chief Magistrate of Tembuland similarly invoked an idea of imperial membership. For the former, it likely served as an attempt to defer direct colonial annexation. But for the latter, it was the veneer of imperial association that seemed to endow this process with added legitimacy. Just as Sigcau sought to actively differentiate between empire and colony, the state attempted to conflate the two.

That this notion of imperial belonging could be instrumentalised for apparently antithetical ends is a well acknowledged characteristic of a pliable British subjecthood that was carried across empire.⁷¹¹ Less concerned with the jurisdictional ties between crown and colony, this was a "Britishness" that, as Saul Dubow has argued, may best be seen 'as a field of cultural, political and symbolic attachments

⁷⁰⁹ (CA) CMT-3/528, Minutes of a Meeting between Major Elliot and Nqwiliso at the Great Place, 19 March 1894.

⁷¹⁰ (CA) CMT-3/47, 'Special report on the occupation of Pondoland', Major Elliot to Chief Magistrate Transkei, 11 May 1894.

⁷¹¹ See Maya Jasanoff, 'The Other Side of Revolution: Loyalists in the British Empire', *William and Mary Quarterly*, 65:2 (2008), p. 211; Thompson, 'The Language of Loyalty in Southern Africa', p. 620.

which includes the rights, claims and aspirations of subject-citizens as well as citizen-subjects – ‘non-Britons’ as well as ‘neo-Britons’.⁷¹² As Pondoland entered the imperial fold, many of its inhabitants – not just government officials but Mpondo chiefs and extra-colonial residents and traders – would now be able to better claim the protections and privileges conferred by their imperial membership in order to advance their particular interests.

This was made especially clear during the proceedings of two high-profile cases heard in the Cape Supreme Court in the immediate post-annexation period. The first concerned Thomas and James Cook, English concessionaries who sought to challenge the colonial government’s decision to annul the commercial treaties they had negotiated with a then independent Sigcau. The second involved the paramount himself, as he protested against his arrest by the state on multiple charges of sedition and disloyalty. In both instances, claims to imperial membership and appeals to notions of British justice were employed to challenge colonial incorporation. In doing so, they provoked a new debate about the nature and exercise of British rule in Pondoland. How British was the colonial state? *Who* exactly was British? *Who* was loyal to the crown? What values, practices and institutions best embodied British authority?

The following two chapters will examine the answers to these questions as they were debated by historical actors during each judicial encounter. Taken together, they will illustrate how those on either side of the colonial divide shared in a mutual recourse to a notion of imperial membership that functioned as a powerful

⁷¹² Dubow, ‘How British Was the British World?’, p. 3.

construct in the re-negotiation of colonial rule. Assertions of “Britishness” thus served to fracture the moment of annexation in the service of a swathe of long-held interests that were bolstered by this added imperial impetus. Consequently, there emerged a debate over the precise practice and nature of British rule in Pondoland. Such contestations were intimately tied to the Cape’s capacity to govern, as colonial officials struggled to monopolise its meaning in the immediate post-annexation period. By drawing attention to these disputes, these chapters will demonstrate how incorporation did little to settle the question of *who* ruled the country. Quite the opposite, it revealed the continued potency of competing ideas of political authority, even as the range of possibilities was drastically narrowed by the formalisation of colonial rule.

Agents of Empire? The Cook Brothers in Pondoland:

Writing from London in the early 1900s, James Charles Cook published a retrospective account of his time spent in Pondoland as a concessionary and industrial capitalist. Along with his brother, Thomas, the two Englishmen had spent four years negotiating with Sigcau to secure four leases between 1889 and 1893. The brothers were granted the right to dig for precious minerals, to construct a railway through the country and were provided with inalienable access to 160 square miles of land with the exclusive right to use its natural resources. This portfolio of purchases allowed the brothers to significantly shape Pondoland’s economy. As Beinart argues, the potential impact of their investments differed radically from the transformative effects already wrought by the longer-term trade in pastoral products on Mpondo state and society.⁷¹³ Yet

⁷¹³ Beinart, ‘Production, Labour Migrancy and the Chieftaincy’, pp. 112-113.

such concentrated influence was presented by Cook in distinctly utilitarian terms. The development of the rail line was meant to provide local and regional farmers with an outlet to Port St. John for their produce, triple government custom dues, provide employment for thousands of African labourers and ensure increased revenues from agricultural and mineral production.⁷¹⁴ More importantly, the signing of the concessions had served to indirectly extend British influence over an area recently riven by civil war. According to Loch, the Cook's agreements with Sigcau had reconciled the chief to the beneficial prospects of colonial rule, facilitating a 'peaceful surrender and...provisional cession of his country [that had been] attended with much labour and risk'.⁷¹⁵

In emphasising the transformative potential of his concessions, Cook undoubtedly framed his efforts in Pondoland as part of a longer tradition of private enterprise in the service of African development. This was a moral and material project of incalculable imperial worth powered by British enthusiasm and capital.⁷¹⁶ By brandishing his imperial credentials, his narrative thus neatly reinforces Lauren Benton's assertion that European expansion into extra-European territory was first and foremost predicated upon a historical 'system of rewards that required subjects to sustain their ties to sovereigns and seek future patronage on the basis of evidence that they had advanced crown interests'.⁷¹⁷ However, the onus to evince an imperial

⁷¹⁴ James C. Cook, *Pondoland Concessions (or Leases) Granted by Sigcau (King and Paramount Chief), to Cook Brothers: Facts of an Injustice Done by the Imperial Government of Great Britain Without Cause or Reason and Awaiting Redress*, (London: Hammett and Hodge, 190?), p. 5.

⁷¹⁵ Cook, *Pondoland Concessions*, p. 6.

⁷¹⁶ Cook, *Pondoland Concessions*, p. 19. For a recent exploration of the power of imperial sentiment in encouraging British investment in the "British world", see Smith, 'Patriotism, Self-Interest and the 'Empire-Effect''.

⁷¹⁷ Lauren Benton, *Search For Sovereignty*, p. 24.

utility was hardly unidirectional. If entrepreneurship under the aegis of empire entailed certain responsibilities, then it was likewise presumed that reciprocal rights and protections would be afforded to those engaged in the heavy lifting of empire-building itself. Indeed, the title of Cook's account betrayed this very point. His *Facts of an Injustice Done by the Imperial Government of Great Britain* did more than just describe the cultivation of their agreements with Sigcau in an independent Pondoland. Crucially, it narrated in disparaging detail the manner in which those leases were nullified following its annexation by the Cape in 1894.

The Cooks' fear of the non-ratification of their concessions prior to annexation was well known. During the pre-annexation negotiations, Major Elliot had recorded how they had tried 'strenuously to prevent the Chief from making a submission which would place the country under the administrative control of the Cape Government, going even so far as to offer Sigcau a large sum of money to treat with the Imperial Government...through their agency'.⁷¹⁸ This attempt to underline their own centrality in the management of Pondoland's affairs arguably served as the means through which empire's role as the facilitator of private venture could be maintained. This implicit instrumentalisation of imperial resources revealed a clear preference for imperial rather than colonial rule that was perhaps less evident in Cook's version of events ten years later. To be sure, the title of his tract suggests that the blame for the nullification of his concessions was placed squarely on imperial shoulders. That he identified Loch as particularly culpable gives further credence to this assumption.⁷¹⁹

⁷¹⁸ (CA) CMT-3/47: 'Special report on the occupation of Pondoland', Major Elliot to Chief Magistrate Transkei, 11 May 1894.

⁷¹⁹ Cook, *Pondoland Concessions*, p. 26.

Along with Rhodes, Cook retrospectively ridiculed the assurances they had given him that his commercial ventures would survive annexation intact. After all, at the same time he was encouraged to continue his annual lease payments to Sigcau, he also discovered a newspaper report of an after-dinner speech in which Rhodes had made clear his intention not to recognise the concessions.⁷²⁰

Yet Cook's argument was about more than the dishonesty of a few officials. His critique had less to do with the fact of Pondoland's annexation than it did with the precise nature of its transfer from imperial to colonial hands. The concessionaries never challenged the proclamation that annexed the country to empire. Indeed, following the Governor's actions Cook made clear that he 'not only considered their rights sanctioned [by] the Imperial Government...but that the Colonial Government would declare their rights on taking over the country'.⁷²¹ That it took the formal transition to colonial rule to negate the concessions was therefore telling. Given the absence of controversy prior to this handover, Cook claimed that it was for conspicuously vague 'state reasons' that the colonial government had decided to repudiate his claims.⁷²² Such conspiratorial language was designed to draw attention to the role played by Loch, who had already acknowledged the potential "civilising influences" of the schemes.

Such inconsistency was perhaps to be expected from the man whose dual role as High Commissioner and Cape Governor required the mediation of often conflicting

⁷²⁰ Cook, *Pondoland Concessions*, pp. 26-27.

⁷²¹ Cook, *Pondoland Concessions*, p. 7.

⁷²² Cook, *Pondoland Concessions*, p. 11.

colonial and metropolitan demands.⁷²³ At the very least, Cook was confused as to whose interests Loch was meant to represent. After all, the concessions had been signed in a region recently demarcated as British territory and inhabited by newly designated British subjects. As Cook's attorney argued, had the brothers been the subjects of a foreign power, '[their] claims would have been granted...but being British subjects, advantage was taken by the High Commissioner to outrage every principle of justice by the shameful repudiation of their rights'.⁷²⁴ For him, the episode signalled the imperial government's willingness to sacrifice the legal protections of British citizens on the altar of colonial rule.

Cook's argument predicated itself on two issues. The first concerned the changed status of Pondoland from an independent polity to colonial possession. This transfer of power begged a second, more complicated question regarding the ability of Englishmen, operating as agents of empire in a formerly sovereign African kingdom, to uphold their claims against the Cape in the wake of annexation. In many respects, his dilemma invoked the much older notion of a portable British subjecthood carried out across the Atlantic by empire's early settlers and sojourners. Indeed, his complaint represented what James Muldoon has termed 'the problem of overseas empire from the perspective of the Englishman abroad' - the assumed retention and enforcement in the non-European world of those rights and privileges usually enjoyed at home.⁷²⁵ Such a position entailed a basic view of English law as the

⁷²³ This blurring of responsibilities is pre-emptive of John Benyon's later description of Milner's post as an 'excentric' or 'intermediate proconsul'. See John Benyon, "'Intermediate' Imperialism and the Test of Empire: Milner's 'excentric' High Commission in South Africa", in Donal Lowry (ed.), *The South African War Reappraised*, (Manchester: Manchester University Press, 2000), p. 99.

⁷²⁴ (CA) GH-1/482: Ramsay & Co. to Secretary of State for the Colonies, 15 December 1903.

⁷²⁵ James Muldoon, *Empire and Order: The Concept of Empire, 800-1800*, (Basingstoke: MacMillan Press, 1999), p. 145.

guarantor of individual liberty and freedom against the arbitrary power of the state – a protection considered the innate right of free-born men.⁷²⁶ For Cook, the repudiation of his leases therefore implied the capriciousness of colonial rule as anathema to Britain’s empire, predicated as it apparently was on the violation of the rights of British subjects.

In advancing his argument, the concessionary arguably sought to cast doubt on the legitimacy of the Cape’s claim to govern. Perhaps unsurprisingly, it was this jurisdictional dispute that had prompted the Cooks to challenge the colonial government, albeit unsuccessfully, in the Cape Supreme Court from 6 March 1895. At the precise moment when the issue of annexation appeared to have been settled, Cook thus threw back open the question of who exactly wielded power in Pondoland. Was it the imperial government, in whose name the concessionaries appeared to have acted? Was it the colonial state, whose rule had been ratified through the Deed of Cession? Or was it the paramount himself, whose own authority had remained intact despite these colonial and imperial interventions?

In reality, the answer was all three. At various times the spectres of the state, crown and paramountcy had been simultaneously invoked by multiple historical actors as a means of navigating between the multiple ‘forms of attenuated and partial sovereignties’ that had comprised the country prior to its incorporation.⁷²⁷ But by questioning the state’s claim to rule, Cook’s critique arguably served to highlight the

⁷²⁶ Jack. P. Greene, ‘Introduction: Empire and Liberty’, in Jack. P. Greene (ed.), *Exclusionary Empire: English Liberty Overseas, 1600-1900*, (Cambridge: Cambridge University Press, 2010), p. 22.

⁷²⁷ Benton, *Search for Sovereignty*, p. 279.

acute dissonance between the issuing of imperial proclamations and their impact on the ground in Pondoland.

Certainly, this was a subject of intense debate during the Supreme Court proceedings. For Justice Schreiner, the central issue was whether Sigcau had any authority to grant the Cooks' concessions given that his father had been deposed in 1878. He asked Donald Strachan, Resident Magistrate in Mzimkhulu, who replied that Mqikela's influence had remained intact, 'more so than ever before...He was looked upon as a martyr for standing up for the rights of the nation...those that did not recognise him before, recognised him after the proclamation'.⁷²⁸ His argument was supported by Oxley-Oxland, who explained that beyond the region of Port St. John, 'there was nothing in the treaty in which the Pondos would [have] acknowledge[d] in any way as admitting the sovereignty of the Queen'.⁷²⁹ Both underscored the relative impotency of the proclamation since it had not been followed by any sustained intervention in Mpondo society. Sigcau had thus inherited a paramountcy whose power had been little affected by imperial policy. His ability to exercise authority within Pondoland, which included the granting of land to its inhabitants, had remained largely unchecked.

Such testimonies raised the issue of how to define imperial jurisdiction. For Schreiner, it was nonsensical to argue 'that because [Frere's edict] had not been followed up by a proper policy that the original act of the Crown [had] become void'.⁷³⁰ Instead, the defence pointed to the longer history of imperial intervention in

⁷²⁸ (CA) CSC-2/1/1/317: Case No. 33: Cook Brothers vs. Colonial Government, 6 March 1895, Statement by Donald Strachan, p. 45.

⁷²⁹ (CA) CSC-2/1/1/317: Statement by Rev. Oxley-Oxland, p. 66.

⁷³⁰ (CA) CSC-2/1/1/317: Statement by Schreiner, p. 123.

Pondoland, recalling a litany of proclamations that charted the steady subordination of the paramountcy to British rule. The Chief Justice referenced the 1844 treaty signed by Faku, which was still considered 'undoubtedly...binding on this court'.⁷³¹ It was the violation of this contract that had warranted the 1878 edict, about which Schreiner was adamant there had been 'no formal abandonment'.⁷³² Whilst Sigcau had obviously succeeded his father at the Great Place, it simply meant that 'there [had] always [been] a chief with whom the Imperial Government could deal...but who was in all respects under [the] sovereignty' of the Crown.⁷³³ Schreiner thus maintained the irreversible authority of the Queen - decreed in 1878 but confirmed by the cession treaty in 1894, which stated that 'Sigcau and his subjects were desirous of becoming full subjects of Her Majesty'.⁷³⁴

Clearly, the defence paid little attention to the purchase of these proclamations within the country itself. Instead, they were portrayed as irrefutable proof of the long-term political primacy of a British rule that was, on 25 September 1894, formally transferred to the Cape. This teleological interpretation of the political past undoubtedly served to underline the authority of the colonial state whilst implicitly recasting Sigcau as a secondary, subordinate power in Pondoland. If the chief was to be recognised as paramount at all, then it was 'only in relation to his own tribe', otherwise he was to function 'as sub-paramount...to the High Commissioner'.⁷³⁵ Such an argument intended to leave little doubt as to who could determine the fate of the Cooks' concessions. As Schreiner explained, it was 'useless

⁷³¹ (CA) CSC-2/1/1/317: Chief Justice, p. 128.

⁷³² (CA) CSC-2/1/1/317: Schreiner, p. 124.

⁷³³ (CA) CSC-2/1/1/317: Schreiner, p. 124.

⁷³⁴ (CA) CSC-2/1/1/317: Schreiner, p. 125.

⁷³⁵ (CA) CSC-2/1/1/317: Schreiner, p. 124.

for the adventurer to...think that by dealing solely with [the] chief...he gets rights which are legal. All he could get were rights on which his claims would be considered on a fair and equitable basis by the Government'.⁷³⁶

Naturally, Cook disagreed. Far from assuming the mantle of British rule, colonial officials had failed to bring Pondoland into empire's orbit. Whatever the 1878 proclamation implied, it clearly had little effect within local communities or upon Mpondo political institutions. The royal house had remained intransigent and independent. As Cook noted, the brothers had cultivated their leases in what was an autonomous African polity precisely 'because no Government thought of annexation in those days'.⁷³⁷ Situated beyond colonial borders, they had treated with Sigcau as imperial entrepreneurs rather than colonial subjects and thus considered themselves, both physically and legally, beyond the jurisdictional reach of the state. For the brothers, the nullification of their treaties arguably stood as an infringement of the protections they naturally assumed by virtue of their own undertakings. Subjected to a polity whose authority they failed to recognise, theirs was 'an appeal...upon grounds of right and justice to loyal subjects of Great Britain'.⁷³⁸ Ironically, it was Cook who therefore most effectively articulated an idea of imperial intervention in Pondoland in his attempt to uphold the claims of British citizens against the Cape.

Whilst the state sought to conflate its authority with imperial rule, for the concessionaries it was essential to distinguish between the two. This differentiation was, however, one that could seriously undermine the purchase of colonial authority

⁷³⁶ (CA) CSC-2/1/1/317: Schreiner, p. 124.

⁷³⁷ Cook, *Pondoland Concessions*, p. 4.

⁷³⁸ (CA) GH-1/482: Lewis Appleton to Alfred Lyttelton, 17 November 1903.

in the post-annexation period. Indeed, Cook's distinction was taken up by leading Mpondo chiefs following an armed demonstration at the Cape Mounted Riflemen headquarters in Flagstaff in 1895. Reflecting their dissatisfaction with magisterial rule, officials noted how 'a strong feeling in favour of the Cooks has spread right through the tribe. They say if the Cooks win [the court case] the country will be handed over to the Queen to be governed as Basutoland is'.⁷³⁹ Moreover, rumours spread that messengers had been sent to Sigcau by both the Basuto and Zulu chiefs - the latter advising the Mpondo to resist the Cape and the former urging the paramount to await the outcome of the trial.⁷⁴⁰

In questioning the Cape's jurisdictional claim over Pondoland, the Cooks' trial clearly found currency amongst Mpondo, Zulu and Basuto chiefs. Re-appropriated in light of the struggle over the exercise of chiefly rule within Pondoland, it was employed to provide a broader critique of colonial governance. Given that this challenge was mounted by an extra-colonial Briton, the promise of empire appeared to offer an opportunity to negate the power of the state; put another way, 'pro-imperialism' functioned as 'a kind of anti-colonialism'.⁷⁴¹ Of course, in reality Mpondo chiefs were engaged in a far more complex form of decision-making than this binary choice suggests. Indeed, Cook's criticism of the Cape highlighted how Mpondo chiefs involved themselves in wide-reaching networks of communication that fused

⁷³⁹ (CA) NA-685-B2608: Assistant Chief Magistrate, Kokstad to Under Secretary to Native Affairs Department, 22 February 1895.

⁷⁴⁰ (CA) NA-685-B2608: Chief Magistrate, Kokstad to Under Secretary to Native Affairs Department, 22 February 1895.

⁷⁴¹ Saunders, 'African Attitudes', p. 145.

together local, regional and imperial factors which informed their interactions with the colonial government.⁷⁴²

It should be made clear, however, that Cook never intended to question the validity of some form of European rule in Pondoland. The fact of annexation itself was never up for debate. Neither was the extension of those rights he claimed for himself to these newly colonised communities. Writing to the Colonial Secretary in November 1903, the Cooks' attorney, Lewis Appleton, argued that he only sought 'to secure for them all their great monetary sacrifices'.⁷⁴³ His statement serves as a useful reminder that, for all the rhetoric regarding the rights and loyalty of British subjects, the Cooks' claim was as material as it was metaphorical. As Cook himself noted, the brothers had lost £42 250 as a result of the cancellation of their concessions; they had 'imported a mining plant, built three dwellings, employed a staff of prospectors, interpreters, natives and horses and arranged the capital for the construction of the railway'.⁷⁴⁴ Such expenditure did not include any possible return from their mineral discoveries. Nor did it reflect the commercial value of the land they had acquired.

The colonial government was likewise aware of the potential worth of the treaties. As Justice Schreiner warned, should the Cape fail to repudiate the leases, then the government would be conceding the right 'to deal with any...minerals...[or]...question[s] of development'. Furthermore, they would have 'no power to develop the forests...[and] no power to prevent what [was] practically a

⁷⁴² Vukile Khumalo, 'Ekukhanyeni Letter Writers: A Historical Enquiry into Epistolary Network(s) and Political Imagination in Kwazulu-Natal', in Karen Barber, (ed.) *Africa's Hidden Histories: Everyday Literacy and Making the Self*, (Bloomington: Indiana University Press, 2006), p. 115. This argument will be further developed in the third section of this chapter.

⁷⁴³ (CA) GH-1/482: Lewis Appleton to Alfred Lyttelton, 20 November 1903.

⁷⁴⁴ Cook, *Pondoland Concessions*, p. 4.

trade monopoly' run by the Cooks but sanctioned by the paramount.⁷⁴⁵ The non-nullification of the concessions carried serious political consequences for the state; it would preserve the chiefly right to determine European occupation of land, thereby severely limiting the commercial cultivation of potentially profitable natural resources.⁷⁴⁶

Such anxieties confirm Benton's suggestion that jurisdictional disputes often intensified during critical junctures that marked a shift to new property regimes.⁷⁴⁷ Annexation was one such occasion; it intended to signify the subordination of the chieftaincy to the colonial state, which entailed the restriction of wealth and power that chiefs derived from their control of local land and labour. For the Cape, the Cooks' concessions – themselves a proprietorial claim to the country's resources – depended on its continuity rather than on its post-annexation dismantlement. These material disputes thus touched upon the wider issue of colonial governance; as Benton again notes, 'transformations in the law of property...were sometimes perceived by social actors as primarily about changes in [or challenges to] the ordering of legal authorities'.⁷⁴⁸

Indeed, as the above example demonstrates, Mpondo chiefs were able to employ Cook's challenge to similarly critique the Cape at precisely the moment they

⁷⁴⁵ (CA) CSC-2/1/1/317: Schreiner, p. 121.

⁷⁴⁶ The trial in fact underlined the need to legally enshrine European title to land through the establishment of a Pondoland Land Commission, which was instituted in 1904. Likewise, officials directly linked the resolution of the court case to the influx of applications for prospecting licences in the early-twentieth century, mainly to dig for coal, copper and gold in Eastern Pondoland. See (CA) NA-686-B2609: Acting Secretary, Native Affairs Department to Assistant Chief Magistrate, Transkei, 3 May 1904.

⁷⁴⁷ Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, (Cambridge: Cambridge University Press, 2002), p. 261.

⁷⁴⁸ Benton, *Law and Colonial Cultures*, p. 11.

were meant to capitulate. Yet as previous chapters have illustrated, the distinction between incorporation and independence was largely rhetorical. The actions of chiefs such as Siyoyo, Gwadiso or Qipu, for example, highlight how the boundaries between paramountcy and state had become inevitably blurred prior to annexation. Just as Africans displayed an assortment of responses to their increasing contact with colonial and extra-colonial actors, Europeans were evidently no less diverse in their dealings with Mpondo chiefs.

This acknowledgement underlines a now taken for granted assumption about the need to differentiate between the varied power relations that comprised Britain's empire at any given moment. Specifically, it emphasises the need to complicate the categories of "coloniser" and "colonised" in order to disaggregate between the different types of historical actors that moved within imperial spaces. 'Settlers, sojourners, local officials or metropolitans': each operated according to a heterogeneous set of interests and engaged with a variety of African agents in a series highly distinct interactions.⁷⁴⁹ As extra-colonial Europeans, the Cooks' economic endeavours arguably embodied a very different project to that envisaged by the Cape. The fact that their concessions were cancelled betrays this very point. Whilst the state demanded the fixed distinction between coloniser and colonised, the Cooks arguably complicated this dichotomy. By invoking their imperial membership, they utilised their metropolitan roots to seemingly challenge the former and support the latter. Their commercial ventures thus had the potential to undermine the entire edifice of colonial rule in Pondoland. Consequently, they had to be repudiated.

⁷⁴⁹ Laidlaw, 'Breaking Britannia's Bounds?', p. 808.

In the courtroom, this was to be achieved by depicting the treaties as anathema to the wider interests of empire. As the following section will demonstrate, the defence aimed to prove that the most effective means of securing British rule in Pondoland lay in supporting Transkeian officials in their administration of African communities. It was arguably for this reason that Cook, in writing his retrospective account, sought to question the imperial efficacy of the colonial state. The fact that he emphasised the violation of his own rights as an imperial subject suggests that the Cape had advanced their own understanding of “Britishness” in justifying their cancellation of the concessions. As will be seen, this competing conceptualisation was intimately tied to the consolidation of colonial rule in this newly incorporated region.

Defenders of Empire – The Colonial State in Pondoland:

For officials, extending the benefits of British rule to African chiefdoms was central to the colonisation of the Transkei. These were best embodied by the tripartite alliance between ‘industrial capitalism, Protestant Christianity and parliamentary constitutional government’.⁷⁵⁰ It was the role of the colonial administrator to shepherd their African surrogates along a linear path of human progress, away from the primitive structures of the tribe and towards these hallmarks of civilised society.⁷⁵¹ Chapter 1 explored the ideological underpinnings of this perspective as rooted in an earlier nineteenth-century tradition of Cape liberalism. It also

⁷⁵⁰ Samuel John Russell Martin, ‘The Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century’, MA Thesis., University of Cape Town, 1978, p. 54.

⁷⁵¹ Martin, ‘Political and Social Theories’, p. 54.

demonstrated that, despite its perceived progressivism, this policy of “assimilation” often facilitated violent episodes of colonial expansion.

As the introduction discussed, these interventions were not simply destabilising; they also precipitated a broader transformation in the character of late-nineteenth century colonialism predicated on the attempted instrumentalisation of “traditional” authorities. Certainly, Transkeian administrators still viewed their own role in terms of a ‘Victorian cultural and ideological milieu of Protestantism and improvement, progress, individualism, the dignity of labour and the contemptuousness of African institutions’.⁷⁵² But the Cape also sought to better accommodate what it assumed were “native” expectations of government by replicating the power and personalism of chiefly rule.⁷⁵³ In the Transkei, the system of administration that emerged was thus necessarily cautious; since the risk of political instability functioned to confirm an almost irrevocable cultural distance between white and black, the most effective means of consolidating British authority lay in the establishment of a custodial system that mitigated against its most dramatic effects. The Chief Magistrates of East Griqualand and Tembuland admitted as much when they wrote to the Prime Minister requesting a few years of ‘free reign’ in governing a newly-annexed Pondoland. Both claimed that they wished ‘to guide the Pondos *step by step*’, but owing to their ‘current condition’ they were not ready ‘to

⁷⁵² Saul Dubow, *Racial Segregation and the Origins of Apartheid in South Africa, 1919-1936*, (London: MacMillan, 1989), p. 100.

⁷⁵³ Martin, ‘Political and Social Theories’, p. 68.

be placed under the operation of the laws in force in adjoining territories where the people have had 20 years of *training*'.⁷⁵⁴

Such careful language suggests that, for Transkeian administrators, the cultivation of a civilised society first required the consolidation of magisterial rule as an essential pre-requisite. This was no easy task, requiring officials to simultaneously subordinate the newly conquered to the increasing demands of the colonial state whilst attempting to legitimate their own authority over them. As Saul Dubow has argued, in the late-nineteenth century the Native Affairs Department often sought to ameliorate the harsh transformations wrought by the requirements of a rapidly industrialising South Africa.⁷⁵⁵ In this context, assimilationist rhetoric provided a moral justification for territorial acquisition; officials operated on the presumption of the superiority of a British-colonial culture that motivated them to work towards the best interests of their African charges whilst prioritising political stability.

Of course, historians have rightly noted that their interventions largely functioned to redefine the political and economic functions of African subjects in the service of a white-dominated state.⁷⁵⁶ But it is nevertheless important to acknowledge the likely cultural outlook of officials as they found themselves trying to reconcile their protective role and coercive functions.⁷⁵⁷ For them, this could only be achieved by a system of governance that sought the steady “improvement” of black communities alongside the consolidation of white civilisation – the benefits of which

⁷⁵⁴ (CA) CMK-1/149: Chief Magistrate, East Griqualand to Prime Minister, 25 March 1894. My emphasis.

⁷⁵⁵ Saul Dubow, ‘Holding a ‘Just Balance Between White and Black’: The Native Affairs Department in South Africa, c. 1920-33’, *Journal of Southern African Studies*, 12:2 (1986), p. 217.

⁷⁵⁶ Parry, “‘In a Sense All Citizens’”, p. 384.

⁷⁵⁷ Dubow, ‘Holding a Just Balance’, p. 218.

they were ultimately to be denied. In the context of the Cooks' trial this was particularly important, because the signing of their leases implied an interaction between African and European that was independent of magisterial oversight. Granted by a then independent Sigcau, the concessions thus maintained the power of Mpondo chiefs precisely at the moment of their intended subordination, thereby threatening the wider project of empire building itself.

Certainly, this was the argument advanced by the defence during the trial, as they expressed their alarm at the manner in which the fortunes of the concessionaries appeared so entwined with the authority of senior Mpondo chiefs. Officials were acutely conscious of the political intransigence that new sources of income were likely to encourage. Major Elliot became convinced that Sigcau's primary motive for supporting the concessionaries was because 'he had no intention of committing himself [to the] Government...he expects [the] brothers to win [and] that he will be a millionaire with possibly a house in Park Lane, which he prefers to a convenient [government] pension'.⁷⁵⁸ Sigcau's testimony confirmed as much; he made clear that his presence at the trial was to 'come for the money I parted with the year before last'.⁷⁵⁹ Taken together, the four leases had endowed the paramount with £1906 in annual rental fees and £6070 in initial down payments.⁷⁶⁰ Following annexation, however, his income had instead been replaced by what he claimed was an annual

⁷⁵⁸ (CA) 1/BIZ-4/1/8/1: Chief Magistrate, Transkei to Resident Magistrate, Flagstaff, 25 March 1897.

⁷⁵⁹ (CA) CSC-2/1/1/317: Statement by Sigcau, p. 38.

⁷⁶⁰ These figures are calculated from the amounts stated by James Cook to have been paid to Sigcau during the Plaintiffs' Declaration prior to the Supreme Court trial. See (CA) CMK-8/27: Plaintiffs' Declaration, pp. 1-2. Beinart records similar figures - £2600 in annual rental fees and approximately £6000 in down payments. See Beinart, 'Production, Labour Migrancy and the Chieftaincy', p. 114.

government subsidy of only £700.⁷⁶¹ Little wonder, then, that the paramount viewed the cession treaty as something that he had been ‘pressed into’.⁷⁶²

From the Cape’s perspective, it was clear that the financial bonds linking concessionaries and chiefs were potentially de-stabilising. This was further underlined following an investigation into the methods by which the Cooks had hoped to fund their commercial endeavours. Closer scrutiny revealed that the mineral lease was to be supported by a Mr W P Taylor, a venture capitalist from Johannesburg, who had offered the brothers £50 000 to purchase the rights from them through his own syndicate, aptly named *Pondoland Incorporation*.⁷⁶³ Through this collective, Taylor intended to link the Cooks’ schemes with his own railway concession, negotiated with Nqwiliso in Western Pondoland; this entailed another large grant of land near the St. John’s River that required the consent of Major Elliot. His refusal appeared vindicated when it transpired that, in purchasing the concession from the Cooks, the syndicate had tried to solicit the assistance of other government officials. Evidence heard at the trial confirmed that both Stanford and Oxley-Oxland had been approached.⁷⁶⁴ Elliot similarly refused to help, convinced that ‘there [had already] been a vast deal of bribery and corruption in connection with the obtaining of concessions in Pondoland’, with £1500 already paid to the Western Paramount

⁷⁶¹ Beinart notes that the annual subsidy amounted to £1000. See Beinart, *Political Economy*, p. 36. In addition to this loss in personal wealth, Sigcau also lost the right to control access to natural resources and the income generated from issuing annual trading licence fees.

⁷⁶² (CA) CSC-2/1/1/317: Sigcau, p. 38, 41.

⁷⁶³ (CA) CSC-2/1/1/317: Statement by James Cook, p. 12. Taylor’s concession was admirably recalled by Albert Groser as he made his way across what he believed to be a mineral rich Pondoland in 1890. See Albert Groser, *South African Experiences in Cape Colony, Natal and Pondoland*, (Devonport: A. H. Swiss, 1891), p. 34.

⁷⁶⁴ (CA) CSC-2/1/1/317: Rev. Oxley-Oxland, p. 70, 77.

alone.⁷⁶⁵ The networks of private greed and chiefly autocracy thus spread far beyond Eastern Pondoland, compromising the political integrity of that portion of the country deemed most loyal to the colonial state.

The revelation of these murky transactions served as undoubtable proof that certain Mpondo chiefs had colluded with the concessionaries in the self-aggrandisement of each. But in doing so, the brothers also appeared to have alienated large, powerful Mpondo sub-chieftaincies from access to essential resources. When questioned, Cook was sure that he had been authorised to 'go into any chieftain's country...settle down upon his land, mine there...take his arable and grazing land...and drive his people off'.⁷⁶⁶ According to Sigcau, lesser chiefs and commoners would have little choice but to remove since he had 'given Cook a right [to occupy] a spot that he wanted from me'.⁷⁶⁷ The potential for conflict was clear; witnesses were convinced that any refusal might be met with 'the force of arms and the point of the assegai'.⁷⁶⁸ Consequently, officials were able to link the personal interactions between concessionary and chief with the increased likelihood of intra-Mpondo instability.

Referring to the 160 square mile land lease, Stanford noted that Sigcau was under no obligation to divide the income between those communities likely to be affected by this transaction. By contrast, he emphasised the state's refusal to sanction the treaties alongside a government pledge to guarantee the grazing rights of every

⁷⁶⁵ (CA) NA-32: Chief Magistrate, Tembuland to Under Secretary for Native Affairs, 9 December 1890. The amount paid to Nqwiliso is mentioned in (CA)-NA-32: Chief Magistrate of Tembuland to Secretary for Native Affairs, 25 October 1890.

⁷⁶⁶ (CA) CSC-2/1/1/317: James Cook, p. 12.

⁷⁶⁷ (CA) CSC-2/1/1/317: Sigcau, p. 37.

⁷⁶⁸ (CA) CSC-2/1/1/317: Sigcau, p. 29.

Mpondo inhabitant.⁷⁶⁹ His priorities arguably reflected the type of stability that colonial rule sought to achieve, through the stricter supervision of white-black relations and the cementing of communal tenure as a central feature of African socio-economic life.⁷⁷⁰ This explicit protection of black interests contrasted with Sigcau, who was instead accused of deceiving the Mpondo in 'seeking his own advantage apart from the interest of the tribe' by offering 'the white man...exclusive right' to the land.⁷⁷¹

For officials, it was the personal proximity between concessionaries and chiefs that meant that the leases could never be validated. Such relationships required greater governmental oversight and not just because their actions appeared to bolster the post-annexation position of the paramountcy. Intervention was also needed to protect the chief himself. Stanford's testimony revealed a concern that Sigcau and his councillors had fundamentally misinterpreted the nature of their relationship with the Cooks. He claimed that, following the signing of the second concession, the paramount had explained how the brothers were 'coming in...to join him and live in the country as Pondos'. Yet the official thought it unlikely that 'a kind of feudal relationship was [to be] established between the white men coming in and the chief'.⁷⁷² Suspensions were therefore raised that the Cooks had secured their leases through dishonest means.

Indeed, throughout the trial the defence attempted to prove that the Pondos had completely misunderstood the meaning of the treaties owing to the impossibility

⁷⁶⁹ (CA) CSC-2/1/1/317: Schreiner, p. 41.

⁷⁷⁰ Martin, 'Political and Social Theories', p. 77.

⁷⁷¹ (CA) CSC-2/1/1/317: Statement by Walter Stanford, p. 87.

⁷⁷² (CA) CSC-2/1/1/317: Stanford, p. 80.

of translating the technical clauses contained within them. They called upon several “native experts” – former Transkeian administrators and interpreters – to translate terms such as mineral (‘money stone’), mining requisite, (‘no translation’), canal (‘hole through a mountain’) and acre (‘from such a place to such a place’).⁷⁷³ Even Sigcau himself, called as a witness by the defence, failed to explain precisely how long the leases he had signed were valid.⁷⁷⁴ The inexplicability of these terms was taken as tautological proof of both the barbarism of the Mpondo and the avariciousness of the Cooks themselves - willing to enter into agreements that African chiefs could hardly comprehend.

Writing in 1904, this was an accusation that had clearly stuck; Cook was particularly keen to underline the honourable manner in which the treaties with Sigcau had been exacted. Supporting his claims were statements from the colonial and British press; they noted the usual ‘exploitation of the black man’s simplicity and...greed for the purposes of European speculation’ so common ‘to the concession system in general [but] to which their particular negotiation may form a brilliant exception’.⁷⁷⁵ The brothers were to be celebrated for their ‘conspicuous fairness’, which served to place them in a ‘distinguished position in the Company of Adventurers’.⁷⁷⁶ Throughout the trial too, Cook had emphasised how he had treated openly with the paramount; his testimony detailed the manner in which he had cultivated his treaties with the Mpondo, with the first lease taking over 12 months to negotiate.⁷⁷⁷ After being introduced through Mhlangaso, Sigcau recalled that it took

⁷⁷³ (CA) CSC-2/1/1/317: Statement by William Gardner, p. 18.

⁷⁷⁴ (CA) CSC-2/1/1/317: Sigcau, p. 36.

⁷⁷⁵ *Cape Times*, 12 August 1895, cited in Cook, *Pondoland Concessions*, p. 19.

⁷⁷⁶ *Cape Times*, 12 August 1895, cited in Cook, *Pondoland Concessions*, p. 19.

⁷⁷⁷ (CA) CSC-2/1/1/317: James Cook, p. 2.

over three months before he sat down to speak with the concessionary: 'at first we were suspicious...perhaps they may want to take the ground away from us'.⁷⁷⁸ During that time, Cook had based himself within nine miles from the Paramount's Great Place so that he could travel quickly should he need to meet with Sigcau at short notice.⁷⁷⁹ He recalled how he would visit regularly, attending numerous meetings with many chiefs and councillors that could involve up to 5000 people and last over six hours at a time. It was only after much hesitancy and public consultation that he had managed to garner consent for his concessions at all.⁷⁸⁰

Cook's testimony revealed a crucial point. Whilst the brothers were locked in a rhetorical war of words with the colonial government over whether their endeavours best embodied British rule, central to their argument were the specific details concerning the decision-making processes that underpinned their negotiations with the paramount. Such information arguably intended to confirm the transparency of the concessionaries, who could point to the legitimacy of their treaties by proving that they had been debated and approved at the Great Place. In doing so, the Cooks sought to underline their argument that colonial annexation had wrongly overturned a popular and legal transaction considered beneficial to both the Mpondo and empire, whilst inflicting an injustice on two British citizens. Questioning the imperial inefficacy of colonial rule thus depended on a presumed knowledge of the ways in which the concessions were discussed amongst the Mpondo themselves.

⁷⁷⁸ (CA) CSC-2/1/1/317: Sigcau, p. 30.

⁷⁷⁹ The Cooks were often spotted by missionaries and colonial officials travelling to/from the Great Place during this period. See (UCT) Stanford Papers, Rev. P. Hargreaves to Stanford, 24 May 1889, File BC293-B84-74.

⁷⁸⁰ (CA) CSC-2/1/1/317: James Cook, p. 2.

For the Cape too, this information was essential. As the prosecutor explained, the defence sought to argue that the leases were invalid 'according to Pondo law...[since] Sigcau did not call together his chiefs and deliberate with them...and that he did not do so because he knew perfectly well that they would not give their consent'.⁷⁸¹ But in order to make pronouncements about the condition of Mpondo society, the state required insight into the interactions that took place within it. After all, these were significant concessions, involving vast sums of money and potentially huge tracts of land, necessarily implicating a large number of chiefs and their followers. Were the defence to be armed with the knowledge of Mpondo processes of sanction and decision-making, then their allegations regarding the regressive impact of the Cooks' treaties would be substantiated by their proven illegality.

What this suggests, is that the arguments advanced by both concessionary and colony both depended on specific representations of Mpondo governance and authority. Put another way, supralocal claims about the practice of British rule required a local legitimacy conferred by African law. To some degree this is hardly surprising. Both the Cooks and colonial officials were naturally eager to seek Mpondo support for their competing designs over the land, resources and inhabitants that both now claimed as their own. But that is the very point. Both assumed an authority that was largely taken for granted. Given that neither doubted the exercise of some form of British rule in Pondoland, their interest in the workings of Mpondo power was largely instrumental. Both required insight into the constitution and configuration of

⁷⁸¹ (CA) CSC-2/1/1/317: Statement by Mr Solomon, p. 112.

political authority in the pursuit of commercial self-interest or political primacy. But where were they to get this information from?

As Cook's testimony illustrates, such knowledge could only be gained through the personal relationships that they themselves had cultivated. For the concessionary, this entailed regular meetings with Sigcau over a protracted period of time. Private conversations were bolstered by public consultations in an attempt to secure the trust of the Mpondo. Whilst the Cooks had only been in the country since 1889, official representation in Pondoland had increased from 1878, following the placing of a British Resident at Port St. John. Coupled with the longer-term dialogue between various chiefs and numerous Transkeian administrators, diplomatic agents, traders and missionaries, it becomes clear how government officials were able to obtain an insight into the consultative mechanisms employed by Mpondo chiefs.⁷⁸²

Yet this information was not value-free; intra-Mpondo relations and institutions had long been shaped by the increased interactions with colonial and extra-colonial Europeans. As the previous chapter demonstrated, these broader processes both relied upon, and precipitated, a shifting network of affiliations between chiefs, the paramountcy and the state. Most recently, these associations had fostered multiple loyalties and rivalries in the heat of civil war, although they were generally articulated during moments of intervention in the country. Annexation provided one such instance that was further aggravated by the Cooks' challenging of the Cape's claim to rule. To be sure, an awareness of the fissures within

⁷⁸² For a brief overview of missionary activity in Pondoland, see Etherington, *Preachers, Peasants and Politics*, pp. 71-74. For an examination of the importance of the personal relationships between traders and Mpondo chiefs, see Beinart, 'European Traders'.

Mpondo politics was likely to function as a valuable resource to be manipulated by the prosecution and defence in the soliciting of favourable testimonies. Yet the trial arguably served as an opportunity for multiple Mpondo actors to pursue agendas that were only indirectly connected to the ambitions of each.

Whilst the Cooks and the Cape were busy questioning or defending the imperial efficacy of colonial rule, their debate necessarily foregrounded Mpondo networks of power and authority in settling the question of annexation. As Dubow suggests, lofty discussions about the nature of “Britishness” often masked very real conflicts concerning the control over contested spaces.⁷⁸³ Those spaces had long been fractured by factional cleavages within Mpondo society; from 1878 they were also marked by an increasing imbrication of local, colonial and imperial interests that intersected in complex and contradictory ways. The court case thus served as more than an abstract argument fought between colonial and extra-colonial Europeans; it likewise doubled as a participative forum for both coloniser and colonised alike, as intra-Mpondo relations re-qualified a transfer of power already presumed by concessionary and colony.

Instrumentalising Empire? Loyalties and Rivalries within Pondoland:

Rooting broader debates about “Britishness” in the messiness of local interactions is arguably key to highlighting the ways in which annexation was fractured by competing conceptions of political authority. Fought out in the Cape Supreme Court,

⁷⁸³ Dubow, ‘How British Was the British World?’, p. 20.

this approach also allows for specific judicial encounters to be placed in their wider context. As Bonny Ibhawoh states, this is important given the tendency of court cases to present themselves in the archive as ‘cold documents...that do not convey the atmosphere in the courtroom or the demeanour of the litigants or witnesses’.⁷⁸⁴ Knowledge of the interactions that took place both before and beyond the trial are essential, if the procedural aspects of the case and the testimonies provided by witnesses are to make sense. As much as these encounters reflected moments of judicial judgement, they likewise doubled as episodes of ‘social and political theatre’.⁷⁸⁵ Acknowledging the role of intra-Mpondo relations as formative in the production of evidence is therefore crucial to understanding its content and form. Likewise, seemingly mundane issues such as the timing and location of the trial may be seen as resources to be used by both plaintiffs and appellants in the instrumentalisation of pre-existing enmities and affiliations.

This was particularly evident during the pre-trial preparations, where the selection of witnesses to be called for both sides demonstrated a willingness to manipulate intra-Mpondo relations. In a letter sent from the Native Affairs Department, officials argued this ‘delicate and important’ task required proof that the concessions had violated Mpondo law and that statements should be taken from those favourably disposed to the government. Their first choice, unsurprisingly, was Mhlangaso. Acknowledging his hostility towards Sigcau, officials noted how the land given to the Cooks incorporated a large swathe of his former territory. In this context,

⁷⁸⁴ Bonny Ibhawoh, *Imperial Justice: Africans in Empire’s Court*, (Oxford: Oxford University Press, 2013), p. 22.

⁷⁸⁵ Ibhawoh, *Imperial Justice*, p. 22.

the grant was arguably interpreted as an attempt by Sigcau to re-inscribe his authority over a historically distant and difficult region. Mindful of the potentially inflammatory implications of this claim, the government's attempt to capitalise on such divisions was tempered by an awareness of the need to 'avoid [Mhlangaso] becoming aware of the object for which he is being asked to make a statement'.⁷⁸⁶ With designs to extract an unwittingly agreeable testimony from the chief, government agents were further instructed to track the plaintiff's attorney as he made his way through Pondoland to collect statements in support of the Cooks' case. Discovering what evidence had been gathered by the prosecution did more than just provide officials with the pre-requisite knowledge needed to produce an effective rebuttal.⁷⁸⁷ It also served to highlight exactly *who* had decided to support the Cooks in the preparation of their case.

This targeting of specific witnesses did not, however, imply an Mpondo passivity. Chiefs and commoners were all too aware of the significance of the Cooks' case. After all, those called to give evidence were expected to travel to Cape Town to provide testimonies at the Supreme Court itself. The sheer logistical effort involved: issuing subpoenas, locating witnesses, taking statements and securing their attendance in court - all of this would have made participants highly conscious of the seriousness of the issues at stake. Claiming financial difficulties, the Cooks requested that the trial be heard at a specially convened concession court in either Pondoland or Kokstad, owing to the costs they would incur in transporting over thirty witnesses

⁷⁸⁶ (CA) CMK-8/27: Under Secretary, Native Affairs to Chief Magistrate Transkei, Cape Town, 8 February 1895.

⁷⁸⁷ (CA) CMK-8/27: Under Secretary, Native Affairs to Chief Magistrate Transkei, Cape Town, 8 February 1895.

to the colonial capital. But they also betrayed an unease about sending Mpondo chiefs unacquainted with Cape Town, to 'a part of Africa they have never been'. Clearly, the brothers were concerned of the effect that such an unfamiliar environment might have on those asked to testify against them. The state refused this request, justifying their demands on the basis that it would be 'impossible to find in Pondoland an uninterested person fit and competent to take evidence in a matter of such public importance'. In emphasising the 'seriousness of the case and its wide reaching implications for other concessions elsewhere', it is also possible that officials intended to force chiefs to give evidence before the Court, hoping to unsettle Mpondo participants with institutional pomp and procedural formality.⁷⁸⁸

Moreover, the clandestine manner in which the government had sought to solicit testimonies from potential witnesses undoubtedly left many feeling anxious at the prospect of giving evidence against their paramount. Certainly for Sigcau, the trial provided an opportunity to bear down on those chiefs presumed to be allies of the royal house. Whilst Ntola, chief of the Ntshangase, had accepted a subpoena to give evidence to colonial officials, he was prevented from doing so by the paramount.⁷⁸⁹ Eventually, Ntola was sent to Cape Town, but when questioned as to whether he would have opposed Sigcau had some of his land been granted to the Cooks, he refused to answer because he knew the paramount was sitting in the courtroom.⁷⁹⁰

⁷⁸⁸ (CA) CSC-2/1/1/317: Casebook notes: Cook Brothers vs. Colonial Government, 1895.

⁷⁸⁹ (CA) CSC-2/1/1/317: Casebook notes: Cook Brothers vs. Colonial Government, 1895. The Ntshangase were incorporated into the Mpondo polity during the reign of Faku. See Jackson, *Ethnic Composition*, p. 23.

⁷⁹⁰ (CA) CSC-2/1/1/317: Statement by Ntola, p. 106.

Such hesitancy arguably reflected the new political terrain along which Mpondo chiefs were now forced to tread. Whilst many had long been able to mediate the pressures of both the paramountcy and state, Stanford's testimony revealed how the majority 'knew that there was another power coming...which made them hurry up with [signing] the concessions'.⁷⁹¹ A degree of uncertainty was to be expected, as older affiliations clashed with newer obligations to the Cape. Yet officials experienced no such confusion; they had an effective means of identifying those who were expected to support them in court. In his 'Advice on Evidence', the Attorney-General instructed the Chief Magistrate of East Griqualand to have resident magistrates draw up a list of all those chiefs and headman currently receiving pay from the colonial state. Having assented to the formal cession of the county in 1894, their names were then to be compared to the list of chiefs known to have witnessed or signed the concessions. The state was confident that 'few names [will] appear on both lists; while many who do receive pay do not appear to have taken part in the execution of the documents in suit'.⁷⁹² The implication behind this presumption was clear. Those in government employ were expected to be loyal to the Cape; those who were not would have their salaries withdrawn.

Drawing up this list served other purposes too; resident magistrates were also asked to note down those chiefs and councillors who had not been consulted over the concessions, as well as the status of each.⁷⁹³ In doing so, the defence sought to arm itself with the evidence required to prove that Sigcau had broken Mpondo law

⁷⁹¹ (CA) CSC-2/1/1/317: Stanford, p. 84.

⁷⁹² (CA) CMK-8/27: William Schreiner to Chief Magistrate, East Griqualand, 14 January 1895.

⁷⁹³ (CA) CMK-8/27: William Schreiner to Chief Magistrate, East Griqualand, 14 January 1895.

by failing to consult with other chiefs before signing the leases. Their argument was predicated upon what were referred to as the “constitutional acts” of the Mpondo, a term used to describe the practices that undergirded the public discussion of issues of national significance. Evidence provided by the paramount explained that matters of major importance always required councillors from the Bala and Kwetshube, two principal branches of the Nyawuza royal clan, to be represented at the Great Place.⁷⁹⁴ In addition, Stanford’s testimony claimed that other influential chiefs, Pondos by birth rather than by affiliation, as well as those likely to be affected by the issue under debate, were also expected to attend before any discussion could take place.⁷⁹⁵

Numerous witnesses, however, attested to Sigcau’s flouting of these conventions. Unsurprisingly, the Cwera chief Siyoyo had been turned out from meetings at the Great Place owing to his known colonial sympathies.⁷⁹⁶ More seriously, a Bala chief, Ntolana, claimed he only found out about the mineral and railway concessions after they had been signed - a decision doubly significant owing both to the seniority and size of his clan.⁷⁹⁷ Ngonyolo, recently appointed chief of the Nci, alleged that he should have been invited to discuss the treaties because he occupied the single largest piece of land likely to be affected by at least one of the leases.⁷⁹⁸ And when Ntola was asked to identify the signatories to the concessions,

⁷⁹⁴ (CA) CSC-2/1/1/317: Sigcau, p. 30. Arthur Jackson notes the confusion over the origins of the amaKwetshube, but states that owing to their historic role as the vanguard of the Mpondo army, many self-identified as Mpondo. See Jackson, *Ethnic Composition*, p. 24.

⁷⁹⁵ (CA) CSC-2/1/1/317: Stanford, p. 82.

⁷⁹⁶ (CA) CSC-2/1/1/317: Strachan, p. 46.

⁷⁹⁷ (CA) CSC-2/1/1/317: Statement by Ntolana, p. 100.

⁷⁹⁸ (CA) CSC-2/1/1/317: Statement by Ngonyolo, p. 102.

he explained that the majority of the names he recognised were known to be associated with the Great Place under the direct authority of Sigcau himself.⁷⁹⁹

Such testimonies clearly suggested that Sigcau had colluded with the Cooks to the detriment of other Mpondo chiefs. As Stanford stated, he had ‘heard [the concessions] mentioned and spoken of as something done at the Great Place that was done without the knowledge of the tribe’. In his words, ‘the expression I heard was, “this is a thing of Umhlangaso and the chiefs”’.⁸⁰⁰ Proving this thus allowed the defence to argue that the royal house had sanctioned the alienation of African land for the private use of white men - ‘an entirely foreign notion’ to the Mpondo.⁸⁰¹ Indeed, Stanford was convinced that the concessions would never have been sanctioned according to Mpondo law since the ‘entire native system [was] founded upon the communal ownership of land’.⁸⁰² True enough, the paramountcy had signed other treaties with German concessionaries in 1885 and 1891, but owing to non-payments those leases had lapsed.⁸⁰³ The Cooks, on the other hand, had already begun paying their annual rental fees, thereby ratifying the treaties and ensuring the transfer of land and resources. Whilst Sigcau claimed he had the right to remove any chief, numerous witnesses explained that in reality the paramount’s power was measured ‘by the consent of his people...expressed by [his] council’ and that ‘in the native mind there [was] a clear distinction between an arbitrary and constitutional

⁷⁹⁹ (CA) CSC-2/1/1/317: Ntola, pp. 104-5.

⁸⁰⁰ (CA) CSC-2/1/1/317: Stanford, p. 84. It must be remembered that the leases were signed prior to the outbreak of civil war in Pondoland. As the Prime Minister and principal spokesman of the royal house, Mhlangaso would have been instrumental in ensuring the signing of the concessions.

⁸⁰¹ (CA) CSC-2/1/1/317: Stanford, p. 73.

⁸⁰² (CA) CSC-2/1/1/317: Stanford, p. 73.

⁸⁰³ Saunders, ‘The Annexation of the Transkeian Territories’, pp. 393-407.

act'.⁸⁰⁴ For Stanford, it was therefore obvious that Sigcau had not properly consulted with his chiefs and councillors, because 'if he had given authority to the concessionaries to go and occupy a portion of land which was held by one of the larger sub-tribes, [he] would have found himself in difficulties at once'.⁸⁰⁵

The evidence supporting his assumption was, unsurprisingly, provided by those chiefs identified as having been excluded from the public discussions held at the Great Place. Indicative of the breakdown in relations between the paramountcy and its sub-chieftaincies, these statements reveal the long-standing enmities that existed between them and the royal house. When questioned by the judiciary, Ntolana revealed that whilst he had not been personally consulted by Sigcau, his uncle, Fadane, currently served as a councillor at the Great Place and had even signed the concessions. Pushed further, the chief revealed that he lived away from the Bala, but was adamant that he still controlled the tribe and had even led his people when they last went out to fight for Sigcau. Such defensiveness suggests his evidence was likely linked to the insecurity of his position amongst his own followers and the privileging of his uncle at the Great Place, whose right to represent the Bala was queried by Ntolana.⁸⁰⁶

Similarly, Ngonyolo's testimony revealed a strained relationship with the royal house. His unfavourable evidence likely stemmed from the troubles experienced by the Nci as a result of the policies pursued by the Great Place in previous years. From 1885, they had long complained of being caught up in the

⁸⁰⁴ (CA) CSC-2/1/1/317: Statement by J. H. Scott, p. 92.

⁸⁰⁵ (CA) CSC-2/1/1/317: Stanford, p. 76.

⁸⁰⁶ (CA) CSC-2/1/1/317: Ntolana, p. 102.

fighting that had taken place between the Mpondo and Baca in the Rode Valley.⁸⁰⁷ More recently, they had suffered as a result of Mhlangaso's settling of Griqua allies at the Mnceba prior to the outbreak of civil war, as Nci stock was stolen and property burnt.⁸⁰⁸ Given this contentious past, Ngonyolo was unsurprisingly willing to testify against the royal house, as decisions taken there once again would likely impact upon their access to local land and resources.

These testimonies were clearly reflective of longer-term fissures; such personal enmities may thus have motivated particular chiefs to give evidence against their paramount. Whilst officials cited the exclusion of the Ntshangase as yet further proof of Sigcau's alienation of Mpondo chiefs, they made no reference to the fact that Ntola headed a minor group.⁸⁰⁹ It therefore seems reasonable to argue that his lesser status was a primary factor in his non-invitation to the Great Place; the court case provided an opportunity for the chief to assert his importance in the presence of colonial officials. Indeed, whether tied to the position of individual chiefs amongst their own followers, the potential for recompense for past sufferings, or the chance to elevate certain chiefly fortunes: in all three cases the Cooks' trial served as a platform for the advancement of particular self-interests that reflected past contestations with the paramountcy.

This is important since it demonstrates the extent to which pre-existing loyalties and rivalries were formative in determining the outcome of the trial. Whilst

⁸⁰⁷ See (UCT) Stanford Papers, Rev. Peter Hargreaves to Standord, 30 November and 14 December 1885, File BC293-B84-2 and File BC293-B84-3.

⁸⁰⁸ See (CA) RCP-1: Chief Magistrate, East Griqualand to Resident Commissioner, Pondoland, 23 August and 12 October 1889; (CA) RCP-2: Chief Magistrate, East Griqualand to Under Secretary for Native Affairs, 3 May 1891.

⁸⁰⁹ Jackson, *Ethnic Composition*, p. 23.

the defence attempted to cite Mpondo processes of decision-making in order to prove the illegality of the concessions, it did so on the basis of evidence that was necessarily inflected with partisan aims. Whilst the Cape sought to demonstrate how the royal house had acted “unconstitutionally”, it did so by seeking testimonies from those affected by it. As Martin Chanock notes, ‘custom regarding a basic institution, already irrevocably altered in its workings, was to be ‘established’ by a series of hypothetical enquiries from those who had been adversely affected by the change’.⁸¹⁰

Moreover, its reification into a series of “constitutional acts” presumed a rigid, rule-bound method of sanction uniformly experienced across the country. The testimonies examined above, however, reflect the heterogeneous nature of the polity – a factor which determined which chiefs could engage in this process. As previous chapters have demonstrated, this was reflected in size, rank and location, as well as the methods of differential incorporation that bound multiple communities in various ways to the royal house. The consultative practices central to the ratification of the concessions were not simply separable from these important distinctions, but were fundamentally a part of the sociocultural order that these cleavages represented. Consequently, the “laws” allegedly broken by the paramount likewise doubled as a resource to be used by others to redress this imbalance. If the trial simultaneously served as the vehicle for numerous intra-Mpondo disputes, then the ‘rules, rank and relationships’ that usually structured intra-Mpondo relations were thus held by chiefs themselves ‘to be readily negotiable in the cause of

⁸¹⁰ Chanock, *Law, Custom and Social Order*, p. 183.

pragmatic advantage' and personal ambition.⁸¹¹ Colonial officials were clearly keen to portray Mpondo laws as a series of rational rules. But the trial just as easily demonstrated what Terence Ranger rightly identifies as the centrality of 'African participation and initiative in innovating custom'.⁸¹²

Acknowledging the ways in which these intra-Mpondo disputes shaped colonial perceptions of local custom arguably reveals the limitations of focusing solely on the formal application of African law. Whilst writing in reference to Tswana legal culture, John Comaroff and Simon Roberts' call to avoid what they refer to as a 'jural determinism' by paying attention to the sociocultural and procedural flexibilities of such rules is particularly apposite.⁸¹³ Doing so allows for a distinction to be made between the authority of institutions and the influence of particular individuals; a recognition that law and custom may frame the interaction between paramount and chief but cannot guarantee the personal legitimacy of the former in the eyes of the latter.⁸¹⁴

This was something that Sigcau himself would have been well aware. Whatever the laws that underpinned his authority, numerous witnesses attested to the fact that the paramount could only 'do what he chooses so long as he has the power to enforce his rights.'⁸¹⁵ Indeed, the limits of that power had recently been

⁸¹¹ The relationship between legal systems and their broader sociocultural contexts is explored in John. L. Comaroff and Simon Roberts, *Rules and Processes: The Cultural Logic of Dispute in an African Context*, (Chicago: University of Chicago, 1981), p. 19.

⁸¹² Terrence Ranger, 'The Invention of Tradition Revisited: The Case of Colonial Africa', in Terrence Ranger and Olufemi Vaughn (eds), *Legitimacy and the State in Twentieth-Century Africa: Essays in Honour of A. H. M. Kirk-Greene*, (Basingstoke: MacMillan, 1993), p. 81.

⁸¹³ Comaroff and Roberts, *Rules and Processes*, p. 16, 110.

⁸¹⁴ Comaroff and Roberts, *Rules and Processes*, p. 25; Hammond-Tooke, 'The 'other side' of frontier history', p. 232.

⁸¹⁵ (CA) CSC-2/1/1/317: Strachan, p. 45.

proven by the outbreak of civil conflict. Given the precariousness of his position, it is perhaps telling that it was during this time that he had signed the final two leases, granting huge swathes of land to the Cooks for the immediate sum of £2250.⁸¹⁶ When asked why Sigcau would wish to give his land away so willingly, one witness remarked that ‘the paramount will so receive whites, if in his opinion the white man so coming will be a source of protection’.⁸¹⁷ That the Cooks’ bolstered his authority is suggested by Sigcau’s decision to use this income as a source of potential patronage: ‘according to our custom...a man goes to the chief and the chief gives him what he thinks’.⁸¹⁸

Moreover, it also enabled the paramount to threaten certain chiefs with forced removal should the Cooks choose their land as the site upon which to base their operations. For Justice Schreiner, it enabled him to simply ‘say to [a chief], you come from that place and go to another...[even] if he has lived in that place a long time and you want him to go you just say “go”?’⁸¹⁹ Sigcau seemingly confirmed his queries; every chief knew about the leases, and as such, all had acknowledged him as head of the Mpondo before he did so.⁸²⁰ In this sense, the concessions likely provided him with a momentary confirmation of his authority during a time of acute vulnerability.

Indeed, whilst the defence sought to portray the concessions as a violation of Mpondo law, for Sigcau, they served as a necessary reinforcement of his customary

⁸¹⁶ This figure represents the total of the initial down-payments for the two smaller pieces of land and the 160 square miles of territory contained in the concessions, signed on 4 October 1891 and 30 June 1893 respectively. See (CA) CMK-8/27: Plaintiffs’ Declaration, pp. 1-2.

⁸¹⁷ (CA) CSC-2/1/1/317: Strachan, p. 50.

⁸¹⁸ (CA) CSC-2/1/1/317: Sigcau, p. 41.

⁸¹⁹ (CA) CSC-2/1/1/317: Schreiner, p. 43.

⁸²⁰ (CA) CSC-2/1/1/317: Sigcau, p. 43.

position as paramount. By presenting the leases in this way, Sigcau was arguably able to demonstrate a show of strength to both the colonial state and other Mpondo chiefs. This was important, especially since the court case took place in the immediate post-annexation period. Such an acknowledgement serves as a useful reminder that, just as other chiefs were able to instrumentalise the trial for their own ends, the paramount was no different. If the treaties functioned to confirm his seniority over other Mpondo belligerents, then the trial likewise created the opportunity to convey to the state an idealised version of his authority as 'Chief of all the Pondos'.⁸²¹ Following Pondoland's incorporation, Sigcau would have been acutely aware of the need to proffer a self-presentation of power that demonstrated his continued influence to colonial officials. His own recourse to Mpondo custom thus functioned as the means by which this could be most effectively achieved.

The problem was, however, that these actions typified precisely the chiefly rule that colonial officials sought to supplant. After giving his testimony, Justice Buchanan was quick to denounce Sigcau's paramountcy as 'despotic', whilst Schreiner deplored the signing of the concessions as 'a fraudulent act and breach of trust towards his people'.⁸²² For them, the leases appeared to have compounded the coercive capacity of the royal house, as Sigcau exchanged privileged rights for private wealth to the apparent detriment of the Mpondo.

Yet the court case demonstrates that the will of the paramountcy was anything but readily accepted by local communities. Every aspect of the trial suggests

⁸²¹ (CA) CSC-2/1/1/317: Sigcau, p. 37.

⁸²² (CA) CSC-2/1/1/317: Statement by Justice Buchanan, p. 43; Schreiner, p. 128.

as much: its timing and location; the selection of witnesses; the range of testimonies and the interests that underpinned them - all of this was influenced by the factions and fissures within Mpondo society. In this sense, Sigcau's blunt articulation of Mpondo custom was a reflection of insecurity rather strength. His testimony was precipitated by political pressures from below and by annexation from above; it represented an attempt to manage an array of intra-Mpondo relations that both preceded and fractured the transfer of power from paramountcy to state. But for officials, it also confirmed a fiction that was central to the justification for incorporation - that 'Sigcau's right to make the concessions...[was] vested solely in [a] despotic...[rather] than any constitutional power'.⁸²³ As such, the treaties themselves were inimical to the praxis of civilised government.

Conclusion:

Demonstrating the despotism of the paramount was central to disavowing the concessions. Doing so allowed the Cape to enforce its wider point about the need to diminish the role of chiefly authority in Pondoland. Moreover, presenting the treaties as a private transaction between Sigcau and the Cooks meant that the latter could be implicated in the preservation of the former. As such, it enabled officials to undermine the brothers' claims that their commercial endeavours best served the interests of empire.

This allegation was difficult to refute. Rather than countering the charge, the prosecution instead re-iterated that, since the leases had been negotiated in a then-

⁸²³ (CA) CSC-2/1/1/317: Typescript - Cook Brothers vs. Colonial Government, 6 March 1895, p. 132.

independent Pondoland, it was incumbent upon the state to recognise them. Invoking *Halleck's International Law*, Mr Solomon claimed 'that when one country takes over another it must take over...and is bound by the liabilities of the new country. If Sigcau...was, the Government...before annexation, these obligations incurred by him to Messrs Cook Brothers....are taken over by the Cape'.⁸²⁴ Yet for Schreiner, there was no legal basis upon which the government could be forced to recognise the concessions: 'You can only deal with these relations when you have two...members of the family...of European civilised nations'. As if the answer was self-evident, he bluntly asked, 'how can International Law apply when you come face to face with barbarism?'⁸²⁵

To prove their point, the defence remarked how the Mpondo lacked 'the hallmarks of a civilised country', with 'no court of law...no public Exchequer into which [the Cooks'] money would be paid' and no legal mechanisms through which their claims could be upheld against Sigcau.⁸²⁶ Consequently, the concessions were entirely dependent upon 'enforcing some "nod" of [Sigcau's]'.⁸²⁷ Such comments intended to highlight the cultural differences between the Mpondo and the Cape, whose own representative and judicial institutions were self-consciously crafted

⁸²⁴ (CA) CSC-2/1/1/317: Solomon, p. 117. The Cooks' case features in scholarly discussions about the wider relationship between individual property rights and international law in the nineteenth century. See Michael Lobban, 'Custom, Common Law and the Law of Nations in the Nineteenth Century', in Amanda Perreau-Saussine and James B. Murphy (eds), *The Nature of Customary Law: Legal, Historical and Philosophical Perspectives*, (Cambridge: Cambridge University Press, 2007), p. 275; Peter Wesley-Smith, 'Acts of State: Lord Diplock's curious inconsistency', *Legal Studies*, 6:3 (1986), p. 326.

⁸²⁵ (CA) CSC-2/1/1/317: Schreiner, p. 126.

⁸²⁶ (CA) CSC-2/1/1/317: Chief Justice, p. 120, 131.

⁸²⁷ (CA) CSC-2/1/1/317: Schreiner, p. 126.

around the commitment to the rule of law and accountable government.⁸²⁸ But in doing so, the defence also deliberately sought to underline the arbitrary power of the paramount, who, in signing the concession, had casually violated Mpondo law. As Schreiner again exclaimed, ‘His “yes” of to-day is his “no” of to-morrow...[the leases] were absolutely bad...this act was the act of a despot....and could only stand as long as despotism lasted’.⁸²⁹

This argument was enough to ensure the failure of the Cooks’ claims against the Cape; the Supreme Court found unanimously in favour of the state on 11 March 1895. Undeterred, the brothers nevertheless sought to challenge the judgement by immediately appealing to the Judicial Committee of the Privy Council in London – the final appellate court of the British Empire – on 19 March.⁸³⁰ Ironically, this was an institution that, as Andrew Smith notes, often promoted investor confidence in the colonies precisely because it provided an opportunity to overturn the judicial decision of colonial courts.⁸³¹ Yet once again the brothers were to be disappointed; the Privy Council upheld the original verdict on 1 August 1899.⁸³²

Whilst this victory undoubtedly confirmed the Cape’s authority in Pondoland, it did not settle the matter completely. Writing a decade later, James Cook would assert that, far from bolstering the alleged despotism of the Mpondo paramount, the treaties had secured the peaceful cession of Sigcau’s country to the Crown.⁸³³ He

⁸²⁸ Christopher Saunders, ‘The Expansion of British Liberties: The South Africa Case’, in Jack. P. Greene (ed.), *Exclusionary Empire: English Liberty Overseas, 1600-1900*, (Cambridge: Cambridge University Press, 2010), p. 271.

⁸²⁹ (CA) CSC-2/1/1/317: Schreiner, pp. 126-127.

⁸³⁰ (CA) CSC-2/6/1/172: Case No 9: Declaration by Sir Gordon Sprigg, 1 December 1896.

⁸³¹ Smith, ‘Patriotism, Self-Interest and the ‘Empire Effect’, p. 67.

⁸³² (CA) CSC-2/1/1/317: Casebook notes: Report from Judicial Committee of Privy Council, 1 August 1899.

⁸³³ Cook, *Pondoland Concessions*, p. 6.

continued to make this point as late as December 1928; writing to the editor of *The Times*, he explained how he was 'loth to publish the fact (although it was well known at the time) that the peaceful annexation of Pondoland was bought about by me, alone, and at great personal risk.'⁸³⁴ This retrospective re-writing of Cook's own agency clearly demonstrated his enduring belief in the potential benefits of his commercial ventures. But the persistence of this argument also suggests that, whilst the Cape had clearly won its judicial encounter with the brothers, its claim to rule in Pondoland was still vulnerable to challenges predicated on the invocation of empire.

Of course, the fact that Cook couched his tract in the language of an imperial utilitarianism was perhaps reflective of the politics of post-war South Africa. As the introduction to this thesis discussed, throughout the South African War (1899-1902), numerous colonial and extra-colonial Britons had sought to emphasise their loyalist credentials in the pursuit of personal and financial recompense.⁸³⁵ Cook was no different; he made clear that their plans to construct a railway through Pondoland was based on a forfeitable deposit, which, had it taken too long to complete, would have 'saved Government expenditure...at least £20, 000, 000 during the late Boer War'.⁸³⁶

Such apparent self-sacrifice not only underlined the unfair nullification of his leases; it also allowed him to contrast his fortunes with those whose concessions had been granted by the Imperial Government. In particular, he drew attention to those

⁸³⁴ *The Times*, 27 December 1928.

⁸³⁵ For an excellent example of the types of appeals made by British loyalists in the post-war Cape, see *Conference of Loyalists, held at Paarl, on August 29 and 30, 1902*, (Pretoria, 1976). On the divisive politics of post-war compensation, see Albert Grundlingh, *The Dynamics of Treason: Boer Collaboration in the South African War of 1899-1902*, (Pretoria: Protea Book House, 2006), p. 395.

⁸³⁶ Cook, *Pondoland Concessions*, p. 12.

signed in Matabeleland and Mashonaland, which had formed the legal basis of the royal charter granted to Rhodes' own British South Africa Company in 1889 - the same year as the Cook's first treaty.⁸³⁷ Ironically, the brothers thus found their claims wanting against a state headed by a man who had likewise sought imperial sanction for his own commercial transactions. The difference, of course, was that whilst the Governor had sanctioned the latter, he repudiated the former.⁸³⁸ Whilst the Cape had alleged that the concessionaries had treated with Sigcau in the self-aggrandisement of each, for Cook it was the colonial and imperial governments who had acted duplicitously. Such hypocrisy thus revealed that the arbitrary exercise of power came not from Sigcau, but from the Governor himself, whose decision to cancel the treaties was branded a 'despotic act'.⁸³⁹

In making their final arguments, the Cooks and the Cape thus engaged in a debate over despotism. This choice of word was deliberate; both sought to liken each other's actions to those of the paramount in an attempt to define and defend the meaning of Britishness in Pondoland. These terms were largely symbolic, but they underlined a real jurisdictional dispute over the state's right to govern that persisted into the twentieth century. Whilst the court case confirmed the Cape's legal authority in the country, it nevertheless revealed an inherently inability to monopolise the meaning of what precisely constituted British rule in a colonial context. This was readily exploitable by various non-state actors. The Cooks aside, this chapter has

⁸³⁷ Cook, *Pondoland Concessions*, p. 13.

⁸³⁸ Paul Rich notes that Governor Loch 'tried to have Matabeleland annexed by the British Crown, but was overruled by a Colonial Office that preferred to delegate responsibility to Cecil Rhodes and the British South Africa Company'. See Paul Rich, *Race and Empire in British Politics*, (2nd edn, Cambridge: Cambridge University Press, 1990), p. 75.

⁸³⁹ Cook, *Pondoland Concessions*, p. 12.

highlighted how their legal action simultaneously served as a vehicle for the advancement of multiple intra-Mpondo interests. These were only indirectly connected to the court case itself yet were formative in determining its outcome. Specifically, they reflected the factions and fissures that comprised the polity, thereby extending those conversations concerning the exercise of authority and subjecthood precipitated by imperial intervention decades earlier. In this sense, the trial served as an important moment in the intersection of African and European jurisdictional disputes that – as the following chapter will demonstrate – allowed the newly colonised to shape the early evolution of the colonial state itself.

Chapter 5: British Subjects in Colonial Pondoland (2): The Arrest and Trial of Chief Sigcau, 1895:

Introduction:

On 8 August 1895, Cecil Rhodes and William Schreiner submitted a request to appeal to the Judicial Committee of Her Majesty's Privy Council. Described by one member as the 'supreme tribunal of the Empire [to which] every subject of the King-Emperor is entitled to go' – this was the highest appellate court in the empire.⁸⁴⁰ In doing so, the Prime Minister and Attorney-General sought to overturn a recent decision by the Cape Supreme Court concerning the release of the Mpondo Paramount from colonial custody. The ruling, they argued, was doubly detrimental to the good governance of the Transkei, since it called into question the ability of colonial law to compel native acquiescence in the service of "native" administration. Moreover, the court had released into the public a duplicitous and dissentious chief who had knowingly undermined the government in Pondoland since its annexation on 17 March 1894. Substantiating their accusations was a corpus of evidence amassed by a commission of enquiry into the behaviour of the paramount. Undermining the judicial powers of resident magistrates, encouraging armed demonstrations, opposing registration for hut tax payments: Rhodes and Schreiner were convinced that they had proven Sigcau's involvement in numerous crimes against the state. Indeed, such was the severity of these claims that the paramount had even handed himself in to the Chief Magistrate at Kokstad on 18 June 1895. Yet following his appeal to the Supreme Court on 29 July, the two were aggrieved to discover that the chief was to be released. With

⁸⁴⁰ Right Hon. Viscount Haldane of Cloan, 'The Work for the Empire of the Judicial Committee of the Privy Council', *Cambridge Law Journal*, 1:2 (1922), p. 144.

his custodial charge castigated as a violation of his rights as a newly conferred British subject, Sigcau thus walked free just one day later.

This was not the first time that events in Pondoland had brought Rhodes and Schreiner before “empire’s court”; the appellants were simultaneously engaged as defendants against the claims of the Cook brothers.⁸⁴¹ As the previous chapter demonstrated, that encounter necessitated that the government argue for the efficacy of the Cape’s Transkeian administration as the best embodiment of British rule. That such a system was alleged to have infringed upon the rights of two of empire’s apparently loyal agents was beside the point. The protections afforded to individual subjects of the Crown were deemed secondary to the stability of the colonial state.

Within five months, however, the situation appeared to have been reversed. Petitioning the Privy Council, this time it was Rhodes and Schreiner who prostrated before the Crown. The Supreme Court was no longer the champion of the Transkeian administration in Pondoland; it had become its chief critic. Moreover, Sigcau, previously decried as a ‘despot’ by the colonial judiciary, was now portrayed as a loyal subject of the Queen, having demonstrated his allegiance through the act of annexation. As a result, the paramount was able to challenge the judicial sovereignty of the state, as his attorney questioned ‘under whose authority and under what warrant...he [was to be] detained a prisoner at Kokstad’.⁸⁴²

⁸⁴¹ I borrow the term from Ibhawoh, *Imperial Justice*.

⁸⁴² (CA) CSC-2/6/1/159: Edward Jones to Cape Supreme Court, 29 July 1895.

The fact that the paramount was arrested at all, however, arguably points to the insecurity of the Cape's authority in Pondoland. As the Cooks' case demonstrated, officials assumed that incorporation meant both Sigcau's subordination to British rule and his service to the colonial state.⁸⁴³ In this chapter, however, I suggest that his prosecution in fact betrayed the failure of the state to consolidate his newfound colonial subjecthood. Whilst his actions seemingly conflicted with the exigencies of Transkeian governance, they were themselves born from the instability of his own position as paramount - challenged by annexation from above and political pressure from below.

Sigcau's arrest provided another such moment; as will be seen, it was promulgated after the paramount had sought to re-establish his authority over those recalcitrant rebel communities that had supported Mhlangaso during the civil war. This attempted exertion of influence undoubtedly reflected the continued potency of those intra-Mpondo debates concerning the exercise of authority and subjecthood within the polity. As such, it arguably demonstrated how annexation had once again failed to settle the issue of *who* ruled in Pondoland. Instead, these jurisdictional disputes fractured the transfer of power implied by the country's incorporation, thereby re-qualifying the Cape's authority in unexpected ways. In exploring this controversy, this chapter draws on Lauren Benton's assertion that such 'jurisdictional politics' were 'not merely procedural conveniences or tactical weapons but [were] important, even vital, symbolic markers of the boundaries separating colonial

⁸⁴³ During the trial, Justice Schreiner referred to Sigcau as both a 'sub-paramount in relation to the High Commissioner' and as 'a chief...who in all respects was under [the] sovereignty of the Crown'. See (CA) CSC-2/1/1/317: Schreiner, p. 124.

constituencies'.⁸⁴⁴ Whilst the Cooks' trial had highlighted a potentially problematic dissonance between the rights and roles of colonial and extra-colonial Britons, it was especially crucial to maintain the distinction between coloniser and colonised. Ensuring the subordination of the latter to the former was not just a legal technicality; it entailed 'judgements about the character of these groups and the qualities that separated them from one another'.⁸⁴⁵

Certainly, Sigcau's actions were ill-received by colonial officials; viewed as typical of a "native" barbarism, his detention was ordered by the Prime Minister on 5 June 1895 and enforced by gubernatorial decree six days later.⁸⁴⁶ Yet the paramount's defence was able to successfully counter his incarceration by claiming that his recent incorporation into empire endowed him with the basic protections of personal liberty afforded to every imperial subject. In chapter 4, I suggested that the authority of the state remained vulnerable to challenges predicated on an invocation of imperial membership. Whilst the Cooks' trial had confirmed the Cape's legal primacy over Pondoland, it likewise revealed an inherent inability to monopolise precisely what British rule meant in a colonial context. Consequently, various non-state actors could lay claim to this concept in order to undermine or circumvent the jurisdictional reach of the colony itself. In exploring Sigcau's arrest and successful appeal to the Supreme Court, this chapter extends that analysis.

⁸⁴⁴ Lauren Benton, 'Colonial Law and Cultural Difference: Jurisdictional Politics and the Formation of the Colonial State', *Comparative Studies in Society and History*, 41:3 (1999), p. 564.

⁸⁴⁵ Benton, 'Colonial Law', p. 564.

⁸⁴⁶ A copy of the decree can be found in (CA) CSC-2/6/1/159: Judgement of the Lords of the Judicial Committee of the Privy Council, 26 February 1897.

Indeed, I argue that Sigcau's release from colonial custody was in part rhetorically rooted in an earlier-nineteenth century tradition of Cape liberalism. As the introduction explained, this non-racial notion broadly emphasised the universality of humanity, the equality of European and African before the law, and the latter's capacity to improve through the workings of free trade, market-orientated production and education. Nevertheless, the outbreak of anti-colonial rebellions at the end of the century tempered the transformative potential of these initiatives. In the Transkei, officials thus sought to balance the promises of British rule with the practicalities of colonial governance through the cultivation of institutional and cultural distinctions that marked the boundaries between coloniser and colonised. As Poppy Fry notes, these developments have been viewed as part of a teleological tendency towards segregation and the eventual emergence of apartheid; proving its 'inherent hollowness or falseness', at best, Cape liberalism has been viewed as 'impotent...at worst, it constituted an overt project of deception'.⁸⁴⁷

Certainly, this was the position advanced by Sigcau's defence; they alleged the hypocrisy of the state in claiming the virtues of British rule whilst seemingly violating the liberty of one its subjects. But in doing so, they revealed an important tension between the acquisition of new territories and the transmission of English liberties to non-European populations. More importantly, by petitioning the Supreme Court, they arguably 'contributed to...intra-British debates over the nature of liberties in the British world' by provoking a dispute between the colonial executive and its

⁸⁴⁷ Fry, 'Allies and Liabilities', p. 10.

judiciary.⁸⁴⁸ This chapter therefore examines the disagreements over the imperial efficacy of colonial rule precipitated by Sigcau's arrest and trial. It does so by asking the following questions: How was Sigcau able to claim the rights and protections afforded to British subjects? In implying a parity between African and European, how did the Cape seek to enforce Sigcau's colonial subjecthood? For what crimes was he arrested? How did these reflect his changing position as Mpondo paramount? On what grounds did the Supreme Court seek to overturn his detention? And what does this contestation reveal about the process of state-formation in the immediate post-annexation period?

In answering these questions, this chapter will again highlight how those on either side of the colonial divide could similarly invoke a notion of imperial membership in the re-negotiation of colonial rule. Moreover, it will demonstrate how competing conceptualisations of "British rule" provided another moment in the intersection of European and African jurisdictional disputes that were formative in shaping the evolution of the state itself. In doing so, it also seeks to re-qualify those studies that emphasise the inevitable failure of Cape liberalism as a successful strategy for negotiating colonial rule at the end of the nineteenth century.

Imperial Belonging in a Colonial Context – Limits and Possibilities:

As mentioned above, Sigcau's defence sought to challenge the Cape's legal authority by invoking his innate rights as a British subject. This position was predicated on a

⁸⁴⁸ Elizabeth Mancke, 'The Languages of Liberty in British North America, 1607-1776', in Jack. P. Greene (ed.), *Exclusionary Empire: English Liberty Overseas, 1600-1900*, (Cambridge: Cambridge University Press, 2010), p. 48.

self-conscious distinction between the exercise of colonial and imperial power, appealing to the latter in order to mitigate the harsher application of the former. As chapter 4 suggested, the ability to differentiate between the two was arguably born from the nature of Pondoland's annexation – ratified by the Crown before being transferred to colonial hands. Whilst largely an administrative technicality, it nevertheless underpinned the Cooks' complaint against the cancellation of their leases. Here too, it provided Sigcau with an opportunity to critique colonial rule.

The fact that both chief and concessionaries adopted similar legal strategies was arguably indicative of a British subjecthood that was ill-defined and which lacked a codified constitutional framework which delineated the rights and obligations of empire's diverse subject populations. As Ann Dummett and Andrew Nicol explain, the question of 'who was and who was not legally British was never systematically reviewed...the character of British protected persons' allegiance was unclear; [its] territorial basis...outside the United Kingdom was unclear [and] the attributes of subjects in different territories differed'.⁸⁴⁹ In one sense this ambiguity was hardly surprising, since this seemingly shared imperial identity served only to signify a common subordination to the Crown.⁸⁵⁰ 'No individual', as Daniel Gorman notes, 'was ever legally a *citizen* of the Empire...In British law...all [were] subjects rather than citizens'.⁸⁵¹

⁸⁴⁹ Ann Dummett and Andrew Nicol, *Subjects, Citizens, Aliens and Others: Nationality and Immigration Law*, (London: Weidenfeld and Nicolson: 1990), p. 91.

⁸⁵⁰ Reiko Karatani, *Defining British Citizenship: Empire, Commonwealth and Modern Britain*, (London: Frank Cass, 2003), p. 40, 52.

⁸⁵¹ Daniel Gorman, *Imperial Citizenship: Empire and the Question of Belonging*, (Manchester: Manchester University Press, 2006), p. 9. Emphasis in original.

Nevertheless, it was this absence of conceptual clarity that allowed - rhetorically at least - both free-born Englishmen and African chiefs mutual access to the sites, symbols and language of imperial protection.⁸⁵² This shared recourse was central to conceptualising empire in holistic terms, given that its very production and maintenance was dependent on the broadcasting of British national sovereignty across a highly heterogeneous imperial space. As a result, the political, social and cultural interchange between its disparate peoples could never simply be regulated by or within strictly “national” contexts.⁸⁵³ Whilst intrinsic to the eventual emergence of a swathe of colonial nationalisms and settler colonial states, articulations of British subjecthood were both pre-emptive and constitutive of them. First and foremost, they were rooted in, and reflective of, a transnationalism designed to appeal to every inhabitant that fell within empire’s ambit.

Such a political ascription was, however, hardly static. Ideas of imperial belonging did not simply concern the relationship between the Crown and its individual subjects. It also underwrote the formation of those political units that developed within it. Understandings of what British subjecthood meant therefore changed in response to the varied processes of territorial expansion and the diversified needs of empire’s composite parts. By the end of the nineteenth century its conferral had been largely devolved to colonial-national legislatures, who reframed the issue according to questions of colonial naturalisation and the appropriate advancement of political rights, both personal and proprietorial, to those

⁸⁵² Karatani, *Defining British Citizenship*, p. 40, 52.

⁸⁵³ Andrew Mycock, ‘British Citizenship and the Legacy of Empires’, *Parliamentary Affairs*, 63:2 (2010), p. 342.

who resided *within* their own geo-political borders.⁸⁵⁴ Accelerated by the granting of self-government to the Dominions, such developments were intimately bound to the racial politics of empire as officials sought to engender a sense of imperial unity among the white settler colonies.⁸⁵⁵ In doing so, they therefore precluded the extension of those same protections to numerous non-white populations.

In the Cape, Africans thus witnessed their evolving exclusion from the means of political participation, through the introduction of measures such as the Parliamentary Voters Act (1887) and Franchise and Ballot Act (1892).⁸⁵⁶ This legislation placed greater restrictions on the franchise, increasing the property qualification from £25 to £75 and establishing a new literacy requirement whilst disallowing any communally-held land as grounds for enfranchisement.⁸⁵⁷ Striking nearly 20 000 African voters from the electoral roll, officials undoubtedly feared being swamped by a rapidly increasing African population which had already influenced the election of a sixth of parliamentary representatives in 1890.⁸⁵⁸

⁸⁵⁴ Karatani, *Defining British Citizenship*, p. 57.

⁸⁵⁵ Sukanya Banerjee, *Becoming Imperial Citizens*, p. 19; Gorman, *Imperial Citizenship*, p. 9. This is not to imply that settler populations represented cohesive racial political cultures. The racial policies enacted by colonial states were often born from the social divisions within, and the lateral connections between, the various polities that comprised Britain's empire. Moreover, such developments were not simply the preserve of British settler colonies but were part of a broader global reconfiguration of 'whiteness' as a transnational form of racial identification. On this first point, see Jonathan Hyslop, 'The Imperial Working Class Makes Itself 'White': White Labourism in Britain, Australia and South Africa Before the First World War', *Journal of Historical Sociology*, 12:4 (1999), pp. 398-421. On the second, see Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men's Countries and the International Challenge of Racial Equality*, (Cambridge: Cambridge University Press, 2008).

⁸⁵⁶ The Parliamentary Voters Act in particular prompted a coordinated political response by those African leaders who headed the numerous Native Vigilance Associations across the Eastern Cape. See Odendaal, *The Founders*, pp. 112-29.

⁸⁵⁷ Fry, 'Allies and Liabilities', p. 204.

⁸⁵⁸ Julie Evans, Patricia Grimshaw, David Philips and Shurlee Swain, *Equal Subjects, Unequal Rights: Indigenous Peoples in British Settler Colonies, 1830-1910*, (Manchester: Manchester University Press, 2003), pp. 163-64.

These concerns were perhaps best embodied by the Glen Grey Act (1894), ratified in the same year as Pondoland's annexation. The Act contained three major provisions: the trebling of taxation to be paid by adult men, the reform of communal land tenure, and the introduction of District Councils.⁸⁵⁹ The labour tax intended to hasten the process of proleterianisation, placing new financial burdens on those without employment in order to encourage them to seek work in the Cape.⁸⁶⁰ Additionally, officials circumscribed the chiefly right to determine the access to and ownership of land by replacing communal land tenure with individual titles; households were granted allotments of four morgen that were safeguarded against alienation and were inheritable only by primogeniture.⁸⁶¹ The restricted size and availability of these plots deliberately limited the productive potential of communities in order to force the majority into migrant labour. Unsurprisingly, these measures maintained a commitment to the liberal reform of "native" society through its emphasis on self-government, the dignity of (wage) labour and the importance of economic individuation as central to moral upliftment.⁸⁶²

Ultimately, however, its provisions aimed to control the movement of Africans into, whilst limiting their meaningful interaction with, European society. To that end, the introduction of District Councils inaugurated a *de facto* system of racial

⁸⁵⁹ William Beinart and Colin Bundy, *Hidden Struggles in Rural South Africa: Politics & Popular Movements in the Transkei & Eastern Cape, 1890-1930*, (London: Currey, 1987), p. 139.

⁸⁶⁰ Beinart, *Political Economy*, p. 43.

⁸⁶¹ Parry, "In a Sense All Citizens", p. 384.

⁸⁶² Fry, 'Allies and Liabilities', p. 68. With its dual emphasis on the regulation and reform of African lives, the Act has therefore often been posited as the product of a compromise between those liberal and labour-hungry factions within Cape politics. For an account that seeks to emphasise the more virulent liberal opposition to the Act, see R. J. Thompson and B. M. Nicholls, 'The Glen Grey Act: Forgotten Dimensions in an Old Theme', *South African Journal of Economic History*, 8:2 (1993), pp. 58-70.

segregation. Designed to cater for local administrative and infrastructural needs, the councils were deemed a more appropriate forum for engagement than national politics.⁸⁶³ As such, even those who held land on individual tenure were disenfranchised.⁸⁶⁴ Compounding the state's control still further, these local bodies were comprised of men appointed directly by the government and were representative neither of those landowners whose property levy funded their initiatives nor those Africans who resided under the authority of traditional leaders.⁸⁶⁵ The failure to properly reflect the interests of these groups remained a constant source of irritation, since it largely served to cement an alliance between Transkeian administrators and chosen local elites. As late as 31 March 1904, one baTlokwa chief asked, 'What is the use of a Council if the people have no voice in the election of Councillors?...No good can come from [them] if they are...afterwards directed by the Magistrate'.⁸⁶⁶ For some, this process of disingenuous disenfranchisement underlines what Richard Parry terms 'the political bankruptcy of liberal "native policy"'.⁸⁶⁷ Whilst they could never efface the fact that the colonised in some way "belonged" to empire, these legislative acts nonetheless enabled colonial officials to re-define what that membership meant in practical terms. As

⁸⁶³ Beinart and Bundy, *Hidden Struggles*, p. 140.

⁸⁶⁴ For the purposes of parliamentary registration, the land allotted on the basis of individual tenure was to be deemed to be held under communal tenure, thereby maintaining African disqualification from the franchise. See W. D. Hammond-Tooke, 'The Transkeian Council System, 1895-1955: An Appraisal', *Journal of African History*, 9:3 (1968), p. 460.

⁸⁶⁵ Hammond-Tooke, 'Transkeian Council System', p. 460.

⁸⁶⁶ Statement by Scanlen Lihana, in *Report of South African Native Affairs Commission, 1903-1905: Vol. 2, Appendix C: Minutes of Evidence Taken in the Cape Colony and the Transkeian Territories*, (Cape Town: Cape Times, 1905), p. 1264. For other examples of the range of protests precipitated by the introduction of the council system across the Transkei, see Beinart and Bundy, *Hidden Struggles*, pp. 141-65.

⁸⁶⁷ Parry, "'In a Sense All Citizens'", p. 384.

Rieko Karatani argues, 'their status of British subjecthood had an imperial name, but only a local effect'.⁸⁶⁸

Exploring articulations of British subjecthood thus reveals an inherent tension in its transnational appeal and its simultaneous circumscription by the demands of colonial rule. For one Natalian Prime Minister, however, there was no such contradiction. He could easily delineate between those 'inalienable rights, irrespective of race or colour, of every British subject, to security to person and property, access to justice...[and the] right to petition,' and political rights, which were 'a race privilege...[and] product of civilisation...among the Anglo-Saxon races'.⁸⁶⁹ Invoking what Uday Singh Mehta refers to as a 'strategy of civilizational infantilism', officials sought to emphasise a perpetual cultural difference between white and black.⁸⁷⁰ Doing so intended to demonstrate the latter's unsuitability, and thus legitimised their exclusion from, the practices and protections of British liberty enjoyed by settler and metropolitan populations.⁸⁷¹ As the introduction noted, colonists instead turned towards traditional authorities and customary law as the best means to govern their African subjects.

The coercive consequences of this attempted instrumentalisation are well known. Crawford Young, for example, invokes the image of "Bula Matari" – a name meaning "he who crushes rocks", given to Henry Morton Stanley by the Congolese –

⁸⁶⁸ Karatani, *Defining British Citizenship*, p. 60.

⁸⁶⁹ Sir John Robinson, Prime Minister of Natal, 1893-1897, cited in Evans et al, *Equal Subjects*, p. 168.

⁸⁷⁰ Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought*, (Chicago: University of Chicago Press, 1999), p. 70.

⁸⁷¹ Greene, 'Empire and Liberty', p. 23.

to signify the brutality and omnipotence of the African colonial state.⁸⁷² Mamdani likewise emphasises the totalising embrace of a ‘world of the customary from which there was no escape’, whilst Crais speaks of those impersonal ‘rationalities of rule’ that were central to its cultivation.⁸⁷³ Each of these expositions, however, imply a top-down system of domination that is complicated by the story of Sigcau’s arrest and subsequent release. Not only does the paramount’s detention suggest the state’s limitations in successfully co-opting traditional authorities for its own ends. His invocation of those protections afforded through imperial membership also demonstrates an ability to utilise those rights usually reserved for colonial “citizens”.

Of course, these studies usefully highlight the typical features of colonial state-formation and how its institutions (often violently) structured the everyday existence of the colonised. To that end, both Young and Mamdani construct analyses that function as exemplars of how colonial rule unfolded across the continent.⁸⁷⁴ Yet as Boone notes, those traditional elites labelled ‘despots’ are generally viewed as mere ‘creations of the center [sic]’ – as impositions upon unwilling communities.⁸⁷⁵ In many instances this was indeed the case. But the frequency with which this occurred, as well its coercive impact, was better facilitated by the advent of what Redding terms ‘a more pseudoscientific brand of administration’.⁸⁷⁶ Arguably a

⁸⁷² Young, *African Colonial State*, p.1; For a critique of this concept in a Congolese context, see Gillian Mathys, ‘A Crippled Bula Matari: A Historical Account of Labour, Migration and Borders in the Rwandese/Congolese Borderland’, in Steven Van Wolputte (ed.), *Borderlands and Frontiers in Africa*, (Berlin: Lit, 2013), pp. 117-150.

⁸⁷³ Mamdani, *Citizen and Subject*, p. 21; Crais, *Politics of Evil*, p. 96.

⁸⁷⁴ In particular, the latter rightly attempts to recover the South African experience from its self-endowed exceptionalism Mamdani, *Citizen and Subject*, p. 27.

⁸⁷⁵ Boone, *Political Topographies*, p. 325.

⁸⁷⁶ Redding, *Sorcery and Sovereignty*, p. 55.

prominent feature of colonial statecraft from the 1920s onwards, it was less prominent in the 1890s.

This acknowledgement crucially foregrounds the centrality of historical specificity when considering the 'basic ways in which colonial states reconstituted their forms of governance and their reigning ideologies in interaction with their subjects'.⁸⁷⁷ The transformation of traditional authorities as an extension of the state in rural areas was undoubtedly an aim of state officials. So too was the hardening of those cultural and institutional barriers that prevented African subjects from claiming the privileges and protections of legally recognised citizens. But this process was neither inevitable nor constant; the colonial legacy of the twentieth century should not preclude an awareness of the possibilities afforded to the colonised in the nineteenth.

This is particularly relevant in the case of Pondoland. As chapters 2 and 3 demonstrated, the protracted process of incorporation meant that intra-Mpondo disputes concerning the exercise of authority and subjecthood both facilitated and shaped the increasing imbrication of paramountcy and state. Moreover, the barrier separating these otherwise inimical institutions was at its most permeable precisely at the moment of annexation. This formal transfer of power may have confirmed the asymmetrical nature of this exchange, but as the Cooks' trial illustrated, it did not terminate it. Sigcau's own judicial encounter suggests exactly the same. His arrest reflected a conflict between the two roles he now held – as Mpondo paramount and newfound colonial subject. But his successful release also implied a third – as member

⁸⁷⁷ Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History*, p. 51.

of the British Empire. In the immediate post-annexation period, the paramount thus occupied a highly particularised space that sat at the intersection between Mpondo, colonial and imperial jurisdictions. Exploring how Sigcau was able to invoke a notion of imperial membership does not therefore simply underline the inevitability of colonial state-formation. Rather, it highlights the specific, if temporary, moment in which this process was simultaneously (re)qualified from below and above. With this in mind, it is to the former that this chapter now turns.

The Mpondo Paramount: Functionary or Foe?

That European empires required the incorporation of indigenous agents in order to legitimate their rule is well known. “Collaboration”, “subsidiary alliances”, and “clientelism”: as C. W. Newbury rightly notes, scholars have proffered numerous models for conceptualising the ‘modes of mutual dependency’ that were forged between rulers and subordinate societies.⁸⁷⁸ The cultivation of these local alliances did not necessarily imply a sympathy or affinity on the part of the colonised. But as the ‘non-European foundations of European imperialism’, they were nevertheless indispensable to its functioning.⁸⁷⁹ This was especially important given the relatively small number of metropolitan officials that comprised colonial bureaucracies.⁸⁸⁰ Whilst the position of these (most likely) men were bolstered by superior political and military technologies, the employment of local potentates and their subjects

⁸⁷⁸ C. W. Newbury, ‘Patrons, Clients and Empire: The Subordination of Indigenous Hierarchies in Asia and Africa’, *Journal of World History*, 11:2 (2000), p. 227. In advancing a wide-reaching comparative study across numerous geographical and temporal contexts, Newbury argues that a model of patron-client relations better accommodates the ‘broad spectrum of imperial experience in Asia and Africa’. See p. 229.

⁸⁷⁹ Robinson, ‘Non-European Foundations of European Imperialism’.

⁸⁸⁰ As John Cell notes, officials were spread across over a dozen colonies covering nearly 2 million square miles with an estimated population of 43 million. See Cell, ‘Colonial Rule’, p. 232.

provided 'empire on the cheap'.⁸⁸¹ By helping to ensure the extraction of labour, revenue and resources for the state at relatively little cost, they were central to securing what Sara Berry terms 'hegemony on a shoestring'.⁸⁸² In doing so, officials were able to uphold what one historian has called 'a great confidence-trick, a huge game of white man's bluff'.⁸⁸³

Such bluff and trickery was further underlined by the inherent isolation of metropolitan "men on the spot" which often necessitated that British officials cultivate 'an image of benign rule' that underpinned, but also counteracted, the tendency towards overt authoritarianism.⁸⁸⁴ This need to strike a balance between the two suggests the potential timidity, or limited capability, to fully intrude into the daily lives of colonial subjects. As Redding argues, in the late-nineteenth century it provided Africans and Europeans 'space to manoeuvre' away from one another, ensuring relative peace and stability as both sought to negotiate their new political environment.⁸⁸⁵ This "awareness" arguably inflected the incorporation of local allies into the structures of the colonial state and ensured the partial preservation of indigenous hierarchies of rule as a central tenet of colonial governance. But in doing so, there thus existed an ambiguity around the role of paramount chiefs, for example, who were simultaneously 'co-opted as both a public functionary and as a traditional patron with his own client network'.⁸⁸⁶

⁸⁸¹ Heather Jane Sharkey, *Living With Colonialism: Nationalism and Culture in the Anglo-Egyptian Sudan*, (Berkeley: University of California Press, 2003), p. 67

⁸⁸² Sara Berry, 'Hegemony on a Shoestring: Indirect Rule and Access to Agricultural Land', *Africa: The Journal of the International African Institute*, 62:3 (1992), p. 327-55.

⁸⁸³ A. H. M. Kirk-Greene, 'The Thin White Line: The Size of the British Colonial Service in Africa', *African Affairs*, 79:314 (1980), p. 44.

⁸⁸⁴ Sharkey, *Living With Colonialism*, p. 68; Cell, 'Colonial Rule', p. 234.

⁸⁸⁵ Redding, *Sorcery and Sovereignty*, p. 56.

⁸⁸⁶ Newbury, 'Patrons, Clients and Empire', p. 233.

Sigcau's trial illustrates this very point. His detention suggests that officials were eager to demonstrate the dominance implied by annexation. But they had trouble articulating the place of the paramount within this new political environment. When questioned by Sigcau's attorney, Mr W. P. Leary, former magistrate in Mount Ayliff and Msikaba, claimed that the Paramount had once held absolute power – 'the power of life and death' – in Pondoland.⁸⁸⁷ Following the Deed of Cession, however, he had 'handed his country over to the Government [and]... had no judicial authority...at all' – a fact confirmed by the introduction of the Transkeian Penal Code on 27 September 1894.⁸⁸⁸ Leary thus expected Sigcau to assist him in the administration of the district, but challenged the assertion that this arrangement endowed the chief with a sort of 'semi independence'.⁸⁸⁹ Yet when pressed, he struggled to define his exact role; he explained how Sigcau would settle disputes or arrest criminals because 'people paid much more respect to a man who has power', whilst simultaneously maintaining that he was 'a servant of the Government and must do what his magistrate asks of him'.⁸⁹⁰ Nevertheless, he was also forced to concede that 'his people think he has more power than any other headman'.⁸⁹¹

⁸⁸⁷ (CA) CMK-5/18: The Commission Appointed to Enquire into the Acts of Sigcau, After the Annexation of Pondoland (1895): Report and Minutes of Evidence, Vol. 1, p. 138. "Umsikaba" was a magisterial district in Pondoland in 1894-5. It encompassed parts of what eventually became the districts of Flagstaff and Lusikisiki, following a redrawing of administrative boundaries in 1899. See (CA) 1/FSF-4/1/1/2: Native Affairs Department to Chief Magistrate, Transkei, 14 November 1899.

⁸⁸⁸ (CA) CMK-5/18: Report, p. 140; (CA) 1/BIZ-4/1/7/1: Chief Magistrate, East Griqualand to Resident Magistrate, Bizana, 27 September 1894. Every Resident Magistrate was forwarded a telegram sent by the Prime Minister informing officials of the laws to be implemented in the country following annexation. Other legislation immediately introduced included the Masters and Servants Ordinance Act of 1873 and a range of laws dealing with stock thefts, custom duties and liquor and licence registrations.

⁸⁸⁹ (CA) CMK-5/18: Report, p. 150.

⁸⁹⁰ (CA) CMK-5/18: Report, p. 156.

⁸⁹¹ (CA) CMK-5/18: Report, p. 156.

Such confused comments arguably typify Karen Fields' conceptualisation of 'indirect rule' as 'doubly articulated: one articulation made the African masses subject to customary rulers; the other made customary rulers subject to the Crown's representatives'.⁸⁹² For Fields, it is this first articulation that was most important; given the precarious position of colonial officials, and the institutional limitations that this engendered within the state, 'real power', she suggests, 'issued from the ruled'.⁸⁹³ This perspective is perhaps as overly-simplistic as those studies that solely emphasise the violent capabilities of the state are over-deterministic. Yet the tension that Fields identifies was undoubtedly real. As Thomas McClendon states, 'colonialism was a relation that depended on [both] the co-operation and participation of dominated colonial subjects...directives, exactions and punishments of colonial states [were] mediated by people who were at once part of the state and had the status of subjects'.⁸⁹⁴ Traditional leaders thus had to strike a balance between acquiescence to the state and the maintenance of credibility amongst their own followers.

Consider, for example, the following statements. Prior to Sigcau's arrest, Leary was adamant that 'until [the Paramount]...is banished and his kraals broken up, the country cannot be satisfactorily governed. The policy of treating a savage autocrat with diplomacy, instead of firmly giving him to understand what his position is...only causes delay in bringing him under subjection'.⁸⁹⁵ Yet the report produced by the

⁸⁹² Karen E. Fields, *Revival and Rebellion in Colonial Central Africa*, (Princeton: Princeton University Press, 1995), p. 31.

⁸⁹³ Fields, *Revival and Rebellion*, p. 31.

⁸⁹⁴ Thomas McClendon, *White Chiefs, Black Lords: Sheptstone and the Colonial State in Natal, South Africa, 1845-1878*, (Rochester, N.Y.: University of Rochester Press, 2010), p. 5.

⁸⁹⁵ (CA) CMK-1/149: Resident Magistrate, Umsikaba to Chief Magistrate, Transkei, 1 March 1895.

Commission of Enquiry into his behaviour was more sympathetic: 'it is only natural than a man so lately Paramount Chief...should be appealed to by his people when in difficulty, and should try to intervene on their behalf'. It was therefore 'probable that [his crimes] were an attempt to deal with [cases] which, when Pondoland was independent, fell peculiarly within the province of the Chief, but which [are] now specially reserved for magisterial action'.⁸⁹⁶

Taken together, these somewhat contradictory arguments illustrate the extent to which Sigcau was viewed as simultaneously essential to, and obstructive of, the governance of Pondoland. Whilst Leary's complaints suggest the antithetical nature of chiefly rule to colonial authority, the Commission report highlights the obligations owed by the paramount to Mpondo subjects. The difficulty in maintaining this balance not only underlined the potential for Sigcau to fall foul of the state. It also meant that his personal authority amongst his own followers was likely to be called into question. This was especially possible given the fissures – recently agitated by the Cooks' trial – that comprised the country following its civil war.

Indeed, an examination of the specific charges levied against Sigcau encapsulate this very dilemma. Common to many of the allegations raised during his trial was the claim that the paramount had actively engaged to undermine the authority of numerous officials across the country. One such instance involved a civil dispute between two men, Mpenge and Mbemi, in the Bizana district of Eastern Pondoland. In settling the matter, the Resident Magistrate, Major Sprigg, had found

⁸⁹⁶ G. 75 – '99: *Report of the Commissioners Appointed to Enquire Into the Acts and Behaviour of the Pondo Chief Sigcau since the Annexation of East Pondoland, 1895*, (Cape Town: Government Printer, 1899), p. 9.

in favour of the former and had therefore ordered the latter to pay a fine of cattle – a judgement Mbemi duly accepted but could not meet. He explained that he owned no property and ‘could only satisfy the judgement by collecting dowry cattle, which, owing to the mourning of Mqikela, were not collectable...until the mourning was officially declared at an end’.⁸⁹⁷ Adamant that he comply, Sprigg instructed Mbemi to seek permission from Sigcau. In response, the paramount wrote to the official, ‘requesting [him] to suspend [any] action on the plea that no cattle could be moved from one place to another...until the season for the mourning of Mqikela’ was over.⁸⁹⁸

Yet further inquiries revealed this to be more than just a clash between competing legal orders. As Sprigg discovered, the dispute between Mbemi and Mpenge had been cultivated during the civil war, in which the former had supported Sigcau and the latter had backed Mhlangaso. This division was in part a product of political geography. Mbemi belonged to a tribe under a chief named Jama, who was related to the imiZizi – those who had offered sanctuary to Sigcau’s rival in the impregnable Isisele Valley.⁸⁹⁹ Jama’s community was settled nearby, but was split in two by the Mtentu Gorge ‘in one of the ruggedest [sic] parts of Pondoland’; whilst Mpenge lived on its eastern banks under his chief, Mbemi resided to the East, in area that was governed by Jama’s uncle, Totwana, ‘under the direct influence of Sigcau’.⁹⁰⁰ With this in mind, the paramount’s instruction not to pay the fine demanded of him was less a resistance of colonial law and more demonstrative of Sigcau’s willingness

⁸⁹⁷ G. 75 – ‘99: *Report of the Commissioners*, p. 7.

⁸⁹⁸ G. 67 – ‘95: *Correspondence Relating to the State of Affairs in Eastern Pondoland Subsequent to Annexation to the Colony, 1895*, (Cape Town: Government Printer, 1895), p. 7.

⁸⁹⁹ (CA) CMK-1/136: Resident Magistrate, Bizana to Chief Magistrate, East Griqualand, 25 September 1894.

⁹⁰⁰ G. 67 – ‘95: *Correspondence*, p. 7.

to 'favour an ex-royal over an ex-rebel'.⁹⁰¹ Indeed, rumours began to circulate that Sigcau had commanded the community to resist any attempt to extract the fine with force.⁹⁰² What began as an otherwise minor dispute was thus soon enveloped and escalated by the post-war politics of Pondoland.

In order to enforce the judgement, Sprigg mobilised a patrol of thirty Cape Mounted Riflemen (CMR) on 8 March 1895. As soon as they approached Mbemi's residence, 'the war-cry sounded, and armed Pondos [began] swarming from every side...evidently prepar[ing] to attack us if [they] attempted to seize the cattle'.⁹⁰³ Whilst Mbemi was 'perfectly civil', those around him were less so as two men attempted to stab a "native" constable. More seriously, when the Chief Constable inadvertently identified the Resident Magistrate, 'a man sprang forward, laid hold of [his] bridle and threatened [him] with his assegai'. As Sprigg recalls: 'I told him to let go...but after a minute, he...repeated the action...[and as] I passed through them, a number of Pondos ran alongside me, using threatening words and gestures'. For the official, such behaviour constituted 'armed rebellion, pure and simple'. Writing to Stanford shortly afterwards, he asked permission to assemble 'not less than 150 men' and to instruct them 'to secure all their cattle...[and] destroy their houses and crops'. 'There would not be much bloodshed', he maintained, 'but even if...many lives were lost it would...be the most merciful course'. Concluding his correspondence, he warned that 'unless this outbreak is quickly and heavily punished...the spirit of rebellion will spread and a general Pondo war will be the result'.

⁹⁰¹ G. 67 – '95: *Correspondence*, p. 7.

⁹⁰² G. 67 – '95: *Correspondence*, p. 8.

⁹⁰³ The following account is taken from G. 67 – '95: *Correspondence*, p. 8.

Such drastic comments arguably betrayed the vulnerability of the Cape's newfound claim to rule in Pondoland. Officials were, perhaps understandably, concerned that such incidents would inspire a wider movement of anti-colonial resistance across the country. Consequently, whilst the armed conflict had been organised by Totwana, Sprigg held Sigcau ultimately responsible: 'it all arises from his impertinence and *disloyalty* in claiming to be the Supreme Power in Pondoland and to have the right to reverse the decision of the courts'.⁹⁰⁴ His choice of language is important since it highlights the tensions that circumscribed the possibilities of rule in these early years. On the one hand, Sprigg underlined a post-annexation perception of the paramount solely as a functionary of the state; on the other, he suggested the potential of the royal house to orchestrate a broader mobilisation of Mpondo subjects against the Cape. This fear, however, mistakenly assumed a political consensus necessary to support the Great Place that was non-existent. Indeed, the dispute between Mbemi and Mpenge clearly demonstrates the fractures and fissures within Mpondo society. Moreover, it also recalls Redding's assertion regarding the encounters of Zulu and colonial authorities in the nineteenth century, that interactions between the paramountcy and state were often derivative of political rivalries internal to the polity itself.⁹⁰⁵ Whilst Sprigg spoke of the royal house and colonial government in oppositional terms, his remarks thus obscured the fact that intra-Mpondo instability had precipitated a vulnerability that was mutually shared by both.

⁹⁰⁴ G. 67 – '95: *Correspondence*, p. 8. My emphasis.

⁹⁰⁵ Sean Redding, 'A Blood Stained Tax: Poll Tax and the Bambatha Rebellion in South Africa', *African Studies Review*, 43:2 (2000), p. 36.

As a result, both Sigcau and the state appeared to maintain a rhetorical hostility that masked an increasing interdependence necessitated by the unsettled condition of the country. This paradox not only prevented the peaceful resolution of particular judicial disputes; more seriously, it constrained the Cape's capability to establish one of the most basic mechanisms of colonial rule – taxation. The ability to extract revenue from African subjects did more than just contribute to the solvency of the state; it encapsulated the wider project of colonial hegemony itself. As Young notes, it was 'a multi-pronged instrument' designed to force adult males onto the wage-labour market and to harness the village economy for cash-crop production.⁹⁰⁶ It served a 'morally developmental role' that justified attempts to "reach down" into the homestead, thereby requiring the successful subordination of indigenous intermediaries through whom this could be achieved.⁹⁰⁷ It was, in short, 'the mortar with which, block by block, the colonial state was built'.⁹⁰⁸

Other historians have, however, looked beyond the predatory requirements of colonial statecraft. Indeed, the payment of taxation has been posited as an annual 'ritual of rule' and the 'sacrament of subordination'.⁹⁰⁹ Such quasi-religious language suggests that this fiscal transaction doubled as an important symbolic interaction between rulers and ruled. As Redding argues, it provided a chance for resident magistrates to cultivate personal contacts with African subjects as they made their yearly journey to their office to offer their income. Doing so ritualised what was an

⁹⁰⁶ Young, *African Colonial State*, p. 126.

⁹⁰⁷ Young, *African Colonial State*, p. 127.

⁹⁰⁸ Young, *African Colonial State*, p. 127.

⁹⁰⁹ Redding, *Sorcery and Sovereignty*, p. 14; John Lonsdale and Bruce Berman, 'Coping With the Contradictions: The Development of the Colonial State in Kenya, 1895-1914', *Journal of African Studies*, 20:4 (1979), p. 497.

explicit demonstration of dominance that deliberately appropriated the pre-colonial practice of paying tribute to chiefs and elders.⁹¹⁰ Embodying what Crais has termed, ‘state-formation...as a cross-cultural encounter’, officials often blended European practices and ideologies of rule with African norms and environments as a form of self-legitimation.⁹¹¹ Likewise, chiefs could employ the idioms and institutions wielded by their “Other” in negotiating their interactions with both the state and their own followers.⁹¹² Taxation arguably provided an opportune moment through which this could be achieved, not least because the registration and mobilisation of taxpayers required the employment of African intermediaries in lieu of an otherwise skeletal colonial infrastructure.⁹¹³ In this sense, the revenue-raising process could fall captive to particular intra-African interests.

Indeed, the deliberate prevention of hut-tax registration was one of the more serious accusations facing Sigcau during his trial. The levy itself was to be paid by all married, adult males on each inhabited dwelling under their charge; to that end, it was both a direct tax on the number of wives and, given the gendered division of labour within the homestead, an indirect tax on rural production.⁹¹⁴ In order to explain its implementation to Mpondo communities, Sigcau had offered to call a meeting at the Great Place so as ‘to avoid any misunderstanding by those who had never experienced regular taxation’.⁹¹⁵ Instead, he used the occasion to accuse the

⁹¹⁰ Redding, *Sorcery and Sovereignty*, p. 14.

⁹¹¹ Crais, ‘Introduction’, p. 3; Thomas McClendon, ‘The Man Who Would Be *Inkosi*: Civilising Missions in Shepstone’s Early Career’, *Journal of Southern African Studies*, 30:2 (2004), p. 341.

⁹¹² For two excellent examples, see Crais, ‘Chiefs and Bureaucrats’; Hamilton, *Terrific Majesty*, pp. 72-129.

⁹¹³ Young, *African Colonial State*, p. 108.

⁹¹⁴ Beinart, *Political Economy*, p. 21, 44.

⁹¹⁵ G. 75 – ‘99: *Report of the Commissioners*, p. 10.

government of breaking its promise to help remove those rebels that had remained in the country since the conclusion of the civil war.⁹¹⁶

In particular, the paramount referred to the followers of Mhlangaso and his imiZizi ally, Patekile, all of whom had refused to leave their defensive stronghold in the Isisele Valley. As one official noted: 'those rebels unwilling to remove or submit are in no danger of their lives: they know that very well, and the reluctance to move...is due, not to fear, but to their desire to keep together as a separate community'.⁹¹⁷ Whilst Mhlangaso had been escorted to Mount Ayliff on 31 March 1894, and Sigcau's authority had been recognised by colonial officials, annexation had clearly done little to resolve the rivalries within the country.⁹¹⁸ In order to ease the potential for conflict, the Cape informed the imiZizi that they now occupied land which belonged to, and would be protected by, the government; to appease Sigcau, they also requested that they pay a fine of 200 head of cattle.⁹¹⁹ Their efforts, however, proved unsuccessful. Patekile delayed paying the full amount and when he eventually sent a deputation to the Great Place, Sigcau demanded that the chief submit in person.⁹²⁰ Frustrated by the paramount's intransigence, Sprigg was ordered to fix a boundary around the Isisele Valley.⁹²¹ In conjunction with the proposed registration of homesteads for hut-tax payment, these measures suggested the government's willingness to acknowledge the rebel's right to land. It was for this

⁹¹⁶ G. 75 – '99: *Report of the Commissioners*, p. 10.

⁹¹⁷ (CA) 1/BIZ-4/1/7/1: Chief Magistrate, East Griqualand to Assistant Resident Magistrate, Bizana, 22 June 1894.

⁹¹⁸ (CA) CMT-3/47: Chief Magistrate, Tembuland to Chief Magistrate, East Griqualand, 31 March 1894.

⁹¹⁹ (CA) CMK-1/149: Chief Magistrate, East Griqualand to Prime Minister, 7 May 1894.

⁹²⁰ G. 75 – '99: *Report of the Commissioners*, p. 5.

⁹²¹ (CA) 1/BIZ-4/1/7/1: Chief Magistrate, East Griqualand to Assistant Resident Magistrate, Bizana, 6 June 1894.

reason that Sigcau so publicly criticised the Cape; as the report noted, ‘the effect on the people would be an impression that they were to delay registration till [sic] the Patekile and Isisele matters were settled’.⁹²²

Yet it is worth considering precisely *who* was likely to have either heard, let alone obeyed, his instructions. The evidence compiled during Sigcau’s trial reveals little about who was in attendance at the Great Place - although residents from the Isisele unsurprisingly refused to attend.⁹²³ Separate correspondence also confirms that the Cwera had already been registered by their chief, Siyoyo, thereby forcing Sigcau to implore them not to pay.⁹²⁴ Representatives from the Bala and Kwetshube clans were probably present; as the previous chapter explained, these principal branches of the Nyawuza royal clan were always involved in discussions of major importance. Aside from the addition of Sigcau’s personal following, however, it is highly unlikely that the meeting reflected the heterogeneity of the Mpondo polity itself – especially given the fractious environment of the immediate post-annexation period. This is important because, as Michael Mahoney notes, African responses to tax varied enormously depending on the nature of the forums in which they were acting.⁹²⁵ Viewed in this way, Sigcau’s call to refuse hut-tax registration may be read as an insular appeal to those already affiliated to the Great Place. Whilst his behaviour again demonstrated a willingness to utilise his intermediary position towards his own ends, his ability to do so was circumscribed by the configuration of intra-Mpondo loyalties and rivalries.

⁹²² G. 75 – ‘99: *Report of the Commissioners*, p. 10.

⁹²³ (CA) CMK-5/18: *Report*, p. 186.

⁹²⁴ (CA) G. 67 – ‘95: *Correspondence*, p. 16.

⁹²⁵ Mahoney, *The Other Zulus*, p. 184.

His attempted prevention of hut-tax registration therefore stands in marked contrast to the more famous episode of African resistance to colonial taxation – the so-called Bhambatha Rebellion in Natal (1906-8). Indeed, it did not signal a growing ethnic consciousness amongst the Mpondo; it was not a ‘reluctant’ act of defiance born from an undermining of the homestead economy; and it was not the result of an inter-generational conflict precipitated by the collusion of African and colonial patriarchies.⁹²⁶ Rather, Sigcau’s stand-off against the state revealed the vulnerability of a paramount, who, having been recognised as such by colonial officials, perhaps not unreasonably assumed their support in ensuring the subordination of those that refused to acquiesce. In this sense, his actions typified what Shula Marks has termed the ‘ambiguities of dependence’ - a clash between institutions and expectations which revealed the wholly disproportionate power relations inherent in the colonial situation.⁹²⁷ But his behaviour was also bound up in the factions and fissures that comprised Mpondo society. As a result, his actions were arguably intended as a show of strength which was twofold: to remind the Cape of his indispensability and to encourage Mpondo subjects to rally behind his position.

Yet for the Cape, such behaviour could only mean one thing. Sigcau’s interference in the judicial determinations of the state, his refusal to register homesteads for hut-tax payment, and his attempt to seemingly intimidate the Chief

⁹²⁶ For an exploration of each of these arguments in the context of colonial Natal, see Mahoney, *The Other Zulus*, pp. 182-216; Shula Marks, *Reluctant Rebellion: The 1906-8 Natal Disturbances*, (Oxford: Clarendon Press, 1970); John Lambert, *Betrayed Trust: Africans and the State in Colonial Natal*, (Scottsville: University of Natal, 1995); Carton, *Blood From Your Children*, pp. 114-137; Jeff Guy, *The Maphumulo Uprising: War, Law and Ritual in the Zulu Rebellion*, (Scottsville: University of KwaZulu-Natal Press, 2005), p. 21.

⁹²⁷ Shula Marks, *The Ambiguities of Dependence in South Africa: Class, Nationalism, and the State in Twentieth Century Natal*, (Johannesburg: Ravan Press, 1986), p. 2.

Magistrate: all of this was viewed as 'obstructive to the...peaceable and orderly administration of the country'.⁹²⁸ Ironically, officials contrasted his actions with the 'praiseworthy' conduct of his people, who, in spite of Sigcau, had acted 'civilly towards the officials...stationed' in Pondoland; conversely, they lamented the paramount's reluctance to use his apparently 'great personal influence' in support of the government.⁹²⁹ Such condemnation clearly missed the point that Sigcau's transgressions were born precisely from the insecurity of his position amongst his own followers. His dual role as public functionary and traditional leader meant that his obligations to the state were intimately tied to, but fundamentally at odds with, the maintenance of his authority as paramount. It was the difficulty in managing this paradox that ultimately underlined the call for his arrest. But as the following section will demonstrate, this was not Sigcau's problem alone; the Cape likewise faced its own dilemma: how to effect the detention of the paramount without undermining the integrity of its own claim to rule in Pondoland.

Repugnant to Whom? The Colonial State in Pondoland:

As this thesis has demonstrated throughout, annexation was not simply an act of territorial acquisition. Rather, it was part of a protracted process of incorporation that, from 1878, was especially shaped by intra-Mpondo debates concerning the exercise of authority and subjecthood. These often contentious conversations not only re-qualified the competing claims made on the country by the Cape and Natal;

⁹²⁸ G. 75 – '99: *Report of the Commissioners*, p. 5.

⁹²⁹ G. 75 – '99: *Report of the Commissioners*, p. 5.

they also helped to facilitate an increasing, if reluctant, imbrication between Mpondo paramountcy and colonial state. As I argued in chapter 2, acknowledging this dynamic helps avoid ‘the all too easy assumption that conquest was an historical moment rather than movement’.⁹³⁰ Nevertheless, it is worth revisiting the relationship between historical movement and moment in light of Sigcau’s behaviour. After all, annexation was supposed to have marked the *moment* in which the state *moved* ‘from co-existence to control...from just another power to *the* power’ in the country.⁹³¹

This qualitative shift in colonial-Mpondo relations had clearly created problems for the paramount. But Sigcau’s arrest also presented a particular challenge to the Cape, not least because the incarceration of the country’s most prominent chief entailed the removal of an intermediary that was indispensable to the facilitation of colonial rule. Administrators were thus faced with the dilemma of having to justify his detention whilst maintaining an authority that had required his active participation. Caught between a commitment to the rule of law and the reliance on traditional institutions, this predicament arguably revealed the tensions inherent within the system of Transkeian governance. To fully explore these thus requires, as Keith Shear rightly notes, an analysis that looks ‘inside the...state as it was being constructed’; it demands an acknowledgement of how officials both understood and defended what was their precarious claim to rule in Pondoland.⁹³²

⁹³⁰ Lonsdale, ‘Politics of Conquest’, p. 861.

⁹³¹ Lonsdale, ‘Politics of Conquest’, p. 866. My emphasis.

⁹³² Keith Shear, ‘Chiefs or Modern Bureaucrats? Managing Black Police in Early Twentieth-Century South Africa’, *Comparative Studies in Society and History*, 54:2 (2012), p. 254.

As the Cooks' trial demonstrated, Transkeian administrators presented their magisterial mode of governance as the best embodiment of British rule in Pondoland. This position not only intended to preclude those contrary claims made by extra-colonial Britons. It was also born from an inter-colonial rivalry between the Cape and Natal, which, as chapter 3 illustrated, was barely resolved by the act of annexation. These twin aims were interrelated; both were rooted in an earlier tradition of Cape liberalism and its concomitant attachment to the notion of the "civilising mission". With the promised (if ultimately impractical) assimilation of African subjects at its heart, this commitment deliberately differed from the so-called "Shepstonian" system advocated by its sister colony.⁹³³

Indeed, historians have long emphasised the divergence in "native" policy between these British colonies. For David Welsh, Natal's legal-dualism was not needed in the Cape; white society was larger and better entrenched, the physical borders separating European and African were more stable, and the 'cultural gap' between the two was less pronounced owing to the longer history of colonial contact.⁹³⁴ Drawing on these distinctions, Mamdani has argued that a 'spirited tug of war' waged between what were two competing 'legal and administrative philosophies' – direct and indirect rule.⁹³⁵

In the context of the Transkei, however, these differences were less meaningful. As A. A. Costa rightly states, 'Mamdani conflates the Cape systems of the colony and the Territories, in order to contrast this hybrid to Natal; in fact the

⁹³³ Parry, "In a Sense All Citizens", p. 381.

⁹³⁴ Welsh, *Roots of Segregation*, p. 29.

⁹³⁵ Mamdani, *Citizen and Subject*, p. 65.

Transkeian and Natal systems were remarkably similar, and quite distinct from the Cape system'.⁹³⁶ Sandwiched between these settler societies, and confronted by a potentially ungovernable, alien indigenous population, 'the strictures of liberal legality were [deemed] insufficient'.⁹³⁷ Whilst the exercise of colonial law was intended as a civilising influence, it could also provoke political unrest and anti-colonial rebellion. As a result, Transkeian officials opted to temper the promises of British rule with the practicalities of local governance. Like Natal, this entailed the instrumentalisation of indigenous institutions and customary law in order to minimise the disruption precipitated by colonial rule. But it did not negate the overarching liberal ethos of Cape policy. The major difference – and indeed, tension – thus lay in the ultimate aim of "native" governance: the *eventual* destruction of the chieftaincy and the assimilation of African subjects. At the same time, however, colonial control had to be translated into 'a legitimate authority accepted by Africans...[and] mediated through their own pre-existing or emergent relations of power'.⁹³⁸

In Pondoland, these relations were inherently fractured. Regional and sub-chiefs enjoyed an autonomy that automatically lent itself to factional disputes, but these were exacerbated by, and remained unresolved after, the Mpondo civil war. It was this that underpinned Sigcau's own insecurity, which, as shown above, arguably forced him into action that provoked the Cape to call for his arrest. Yet the mutual precariousness of colonial rule in the immediate post-annexation period meant that this could not be achieved through the threat or use of force alone. As Lonsdale again

⁹³⁶ Costa, 'Chieftaincy and Civilisation', p. 16.

⁹³⁷ Costa, 'Chieftaincy and Civilisation', p. 16.

⁹³⁸ Lonsdale and Berman, 'Coping With the Contradictions', p. 490.

notes, it required a 'complimentary appropriation of...local political resources' that had the potential to further agitate the already unstable condition of the country.⁹³⁹

This was made particularly clear following the Prime Minister's call for Sigcau's arrest on 5 June 1895.⁹⁴⁰ Naturally, the authorities discussed the most effective, yet least disruptive means of removing the paramount from power. Stanford proposed assembling a force of Cape and East Griqualand Rifleman supported by, crucially, a huge contingent of "native" volunteers. The mobilisation of local levies in the administration of law and order was hardly unique.⁹⁴¹ But official correspondence arguably reflected a willingness to manipulate the divisions within Mpondo society. Indeed, Major Sprigg proposed the conscription of Mhlangaso and Patekile's followers - those who had actively fought against Sigcau prior to annexation.⁹⁴² Others reported that Siyoyo, the Cwera chief and long-term opponent of the paramount, had likewise affirmed his loyalty to the state should any military action take place.⁹⁴³ In addition, the Nci - 'the best fighting tribe' - and Bala clans refused to aid Sigcau in any possible resistance, most likely because their chiefs, Gonyolo and Nonkonyana, had recently testified against the paramount during the Cooks' trial.⁹⁴⁴

These disputes, which reflected an ongoing debate amongst Mpondo chiefs about the exercise of authority and subjecthood, were crucial in rendering the threat of colonial force effective. Certainly, it was this waning of internal support for Sigcau

⁹³⁹ Lonsdale, 'Politics of Conquest', p. 851.

⁹⁴⁰ G. 65 - '95, *Correspondence*, p. 15.

⁹⁴¹ For examples across a range of imperial contexts, see David M. Anderson and David Killingray (eds), *Policing the Empire: Government, Authority and Control, 1830-1940*, (Manchester: Manchester University Press, 1991).

⁹⁴² G. 65 - '95, *Correspondence*, p. 18.

⁹⁴³ G. 65 - '95, *Correspondence*, p. 19.

⁹⁴⁴ G. 65 - '95, *Correspondence*, p. 19.

that compelled the chief to hand himself in to the authorities at Kokstad on 18 June. In this sense, his surrender did not necessarily signal the subordination of his paramountcy to the state; rather, it illustrated the increasing imbrication of the two, as officials sought to manipulate intra-Mpondo relations in order to secure Sigcau's arrest. Stanford revealed as much when, writing to the Prime Minister, he stressed the need to 'strengthen our friends' in order to 'remove Sigcau and effect a permanent settlement of Pondoland'.⁹⁴⁵ Rhodes likewise reciprocated; he suggested that the now vacant Great Place should be occupied by a CMR patrol and 'be made [into] the seat of [a resident] magistracy'.⁹⁴⁶ What was meant as a display of colonial supremacy was thus dependent on the instrumentalisation of local political resources and rivalries.

In this way, both the reasons for, as well as the realisation of, Sigcau's incarceration were rooted in a process of mutual borrowing across the colonial divide. The paramount had sought to utilise the mechanisms of colonial rule in order to re-assert his authority over recalcitrant rebel communities; likewise, the state mobilised those same factions within Mpondo politics to secure his detention. This blurring of the boundaries between ruler and ruled was further embodied by the proclamation, issued by Governor Loch on 11 June 1895, authorising the paramount's capture. 'By virtue of the powers vested in [him] by...the Acts annexing the [Transkeian] territories,' the Governor sought to 'make known that...Sigcau has, by his...disregard and defiance of the law, rendered himself to arrest'.⁹⁴⁷ The declaration underlined

⁹⁴⁵ G. 65 – '95, *Correspondence*, p. 19.

⁹⁴⁶ G. 65 – '95, *Correspondence*, p. 25.

⁹⁴⁷ A copy of the proclamation can be found at (CA) CSC-2/6/1/159: Judgement of the Lords of the Judicial Committee of the Privy Council, 26 February 1897, p. 4.

the concentration of power possessed by the Governor; ‘as the sole custodian of authority’, he sat at the apex of a hierarchical system of government that intended to both replicate a pre-colonial patriarchy whilst limiting the powers of traditional leaders themselves.⁹⁴⁸ In this way, his position bore remarkable similarity to his Natalian counterpart, Sir Walter Hely-Hutchinson, who, as Governor, enjoyed the title of ‘Supreme Chief’.⁹⁴⁹ Unlike the latter, however, Loch did not draw explicitly on traditional imagery – a reflection, perhaps, of the overarching differences between the “native” policies of the two colonies.

The proclamation not only implored Sigcau to either surrender himself or face arrest; the Governor also proceeded to ‘ratify and confirm all acts done or authorised, *or to be done or authorised...for the execution of criminal warrants*’ against the paramount.⁹⁵⁰ Going further, he sanctioned his detention at Kokstad for a ‘time determined by [him] to be necessary and expedient’, after which an enquiry, to be ‘instituted by [his] direction’ would judge Sigcau on his behaviour and decide the most appropriate punishment. Speculating, Loch envisaged appointing ‘a place within the...[Transkeian] territories for the residence of...Sigcau, with pecuniary allowances...but under such terms and conditions as may be determined by further proclamation’.⁹⁵¹ To be clear, it was the Governor who held the power to detain him for as long as he deemed necessary, during which a commission justifying his arrest would be called, and its judgement enforced by the same official. This entire “judicial” process arguably intended to underline ‘the totality of subjection’ implied by

⁹⁴⁸ Martin, ‘Political and Social Theories’, p. 31; Costa, ‘Chieftaincy and Civilisation’, p. 34.

⁹⁴⁹ Carton, *Blood from Your Children*, p. 26; Mahoney, *The Other Zulus*, p.56.

⁹⁵⁰ Cited in (CA) CSC-2/6/1/159: Judgement of the Lords of the Judicial Committee of the Privy Council, 26 February 1897, p. 4. My emphasis.

⁹⁵¹ *Ibid.*, p. 5.

annexation.⁹⁵² As if to prove the point, the commission was established on the 22 June and only held its first meeting on the 1 July 1895 – thirteen days after Sigcau was detained.

This asymmetry was further underlined by the court hearing itself; installed as President of the Commission was Stanford, to whom the power of arrest had also been conferred by the Governor. Such was his authority, that a request by Sigcau's attorney that he be allowed to record the evidence submitted by witnesses, was deemed 'premature'. 'You can watch the proceedings,' Stanford explained, '[and] in conducting your defence of Sigcau you can decide on what points you desire *my* evidence. The commission will then decide whether it is absolutely necessary for *me* to give [it]'.⁹⁵³ Moreover, when Sigcau came to appeal against his detention in the Supreme Court, the government deliberately scheduled his hearing for 30 July – one day after the commission had reported to Loch. Given no forewarning, his attorney made it clear that the defence was legally entitled to at least forty-eight hours' notice before the beginning of these proceedings; as far as he was concerned, 'the sudden necessity and urgency of this present application [was] not apparent' at all.⁹⁵⁴

These underhand tactics were not the sole preserve of the Cape. The Cooks had likewise enjoyed such treatment; colonial officials were instructed to track the concessionaries' attorney as he made his way through Pondoland. Attempts to restrict an appellant's ability to mount a judicial challenge against the colonial state were thus not new. But whereas the brothers had received an open trial predicated

⁹⁵² Mamdani, *Citizen and Subject*, p. 64.

⁹⁵³ (CA) CMK-5/18: Report, p. 8. My emphasis.

⁹⁵⁴ (CA) CSC-2/6/1/159: Edward Jones to Cape Supreme Court, 30 July 1895.

on the solicitation of testimonies and the cross-examination of witnesses, Sigcau was not. Indeed, it was this that ultimately swayed the determination of the Chief Justice of the Supreme Court, Sir J. A. de Villiers, to order the paramount's release: 'can it be doubted that a [proclamation] passed in a time of peace, for the arrest, condemnation and sentence of a [native] by order of the Governor, without the instructions of any judicial officer or tribunal and without giving him the opportunity of being heard by counsel or witnesses, could be repugnant to the laws of England?'⁹⁵⁵

To be sure, the arrest and trial of the paramount had been designed, in part at least, as a show of strength; the issuing of the proclamation and the manipulation of judicial procedure: both were intended to underscore a subordination to the colonial state that was meant to have been confirmed by the very act of annexation. But as the previous chapter made clear, it was not just the colony into which Pondoland was incorporated; it was the Empire too. Owing to his peaceful cession of the country, the Chief Justice was convinced that Sigcau '[was] a British subject. After the annexation of his territory, he elected to remain in the country, and, according to the recent decision of [the Supreme] Court, he must be presumed to have accepted allegiance to the British Crown'.⁹⁵⁶ Given his detention by the state, he was thus endowed with the 'right to [the] assistance of the Supreme Court' in order to challenge the 'illegal infringement of his personal liberty'.⁹⁵⁷

⁹⁵⁵ (CA) CSC-2/6/1/159: Enclosure: Reasons of Sir J A de Villiers, Chief Justice, 30 July 1895.

⁹⁵⁶ (CA) CSC-2/6/1/159: Enclosure: Reasons of Sir J A de Villiers, Chief Justice, 30 July 1895.

⁹⁵⁷ (CA) CSC-2/6/1/159: Enclosure: Reasons of Sir J A de Villiers, Chief Justice, 30 July 1895.

Whilst de Villiers ordered Sigcau's release on the 30 July, the Prime Minister and Attorney-General immediately lodged their own with the Privy Council in London a week later.⁹⁵⁸ Usually, episodes of imperial appeal served to highlight the increasing conflict over issues such as status, self-government and judicial sovereignty between a colonial dependency and the imperial power.⁹⁵⁹ Such issues were clearly at stake here, although, in this instance, it was Rhodes and Schreiner who lobbied London in an attempt to challenge the ruling of the Cape's own Chief Justice. This conflict between the colonial executive and judiciary was incredibly important. Prompted by Sigcau's arrest, it pivoted on the issue of his potential rights as a newly incorporated member of the empire; as such, it thus called into question the precise meaning of the Cape's own claim to rule.

Indeed, Rhodes and Schreiner made clear that the Governor's authority had been conferred by the Act of Annexation through which 'the Pondo territories [had] become subject to the laws, statutes and ordinances proclaimed by the Governor'.⁹⁶⁰ Seeking to overturn the decision of the Supreme Court, they argued that the proclamation had been 'illegally and unconstitutionally overruled'.⁹⁶¹ In doing so, the Chief Justice's determination thus placed at serious risk the 'peace, order and good government' of the country.⁹⁶² Indeed, they argued that the decision of the Supreme

⁹⁵⁸ (CA) CSC-2/6/1/159: Enclosure: Report of the Judicial Committee of the Privy Council, 12 December 1895.

⁹⁵⁹ David B. Swinfen, *Imperial Appeal: The Debate on the Appeal to the Privy Council, 1833-1986*, (Manchester: Manchester University Press, 1987), p. 13.

⁹⁶⁰ (CA) CSC-2/6/1/159: Enclosure: Report of the Judicial Committee of the Privy Council, 12 December 1895.

⁹⁶¹ (CA) CSC-2/6/1/159: Enclosure: Report of the Judicial Committee of the Privy Council, 12 December 1895.

⁹⁶² (CA) CSC-2/6/1/159: Enclosure: Report of the Judicial Committee of the Privy Council, 12 December 1895.

Court had 'detrimentally interfered with...the lawful administration' of a region 'mainly composed of barbarous aboriginal tribes' who required 'firm and prompt action.'⁹⁶³ Their choice of language arguably revealed a legal positivism that underscored the necessity of rule by gubernatorial decree throughout the Native Territories. As Ivan Evans notes, such centralised authority was the most striking aspect of "native" administration. Set apart from "white South Africa, Africans were subjected to 'forms of state power that whites would never have tolerated'; as such, this judicial authority reinforced a series of white prejudices that ranged from a belief in the gulf separating white and black "cultures" to a genuine belief that the 'benevolent work' of the government 'required this extraordinary arrangement'.⁹⁶⁴

In this sense, Rhodes and Schreiner arguably viewed Sigcau's crimes in terms of the potential for a broader black defiance of colonial rule; the proclamation was intended to serve as both the punishment of a specific offence and as a general deterrence against African rebelliousness. This ability to conflate the actions of an indicted individual with the behaviour of the black majority was typical of a criminal legal system that, as Martin Chanock notes, supposed 'the moral culpability and social dangerousness of all who were not white.'⁹⁶⁵ Whilst criminal law usually operated on the notion of personal responsibility, the political culture of the Transkei took for granted the general broader barbarity of African society. By nullifying the

⁹⁶³ (CA) CSC-2/6/1/159: Enclosure: Report of the Judicial Committee of the Privy Council, 12 December 1895.

⁹⁶⁴ Evans, *Bureaucracy and Race*, p. 179.

⁹⁶⁵ Martin Chanock, *The Making of South African Legal Culture, 1902-1910: Fear, Favour and Prejudice*, (Cambridge: Cambridge University Press, 2001), p. 115.

proclamation in Pondoland, the judiciary had thus potentially undermined the Cape's ability to govern the entire Transkeian Territories.

As the Chief Justice explained, however, the 'state of the country should not be a factor to influence any decision of [the Supreme Court]'; rather, 'its first and most sacred duty is to administer justice to those who seek it and not to preserve the peace...the civil courts have...one duty to perform, and that is to administer the laws of the country without fear, favour or prejudice, independently of the consequences that may ensue'.⁹⁶⁶ In explaining his decision to release Sigcau, de Villiers thus highlighted an important disagreement between the colonial executive and the judiciary that was likely born in part from the different institutional universes they inhabited. As Chanock again notes, judges were unlikely to place themselves alongside the prison warder or colonial magistrate, preferring instead to relate to the Renaissance European jurist or the judges in the House of Lords in 'a feat of self-imagining'; 'this legal identity helped [the] evasion of South African actualities but constructed a philosophical, juristic, correct and formal self which could be opposed totally to the barbarian other'.⁹⁶⁷

In this way, de Villiers' judgement not only overturned a gubernatorial decree; more seriously, he arguably questioned the imperial efficacy of the Transkeian administration itself. His determination, rooted in and reflective of an imperial legal universalism, clearly clashed with local administrative practices that were based on the belief in native difference.⁹⁶⁸ Indeed, officials sought to temper the liberal

⁹⁶⁶ (CA) CSC-2/6/1/159: Enclosure: Reasons of Sir J A de Villiers, Chief Justice, 30 July 1895.

⁹⁶⁷ Chanock, *South African Legal Culture*, p. 130.

⁹⁶⁸ Ibhawoh, *Imperial Justice*, p. 4.

promises of empire with the practicalities of local governance in part by replicating the personalism and paternalism of the chiefly authority they sought to supplant. Designed to stabilise the transition to colonial rule, for the Chief Justice this concentration of power in the hands of the Governor was thoroughly at odds with the proper praxis of civilised government; as he stated: the proclamation issued to sanction the arrest of Sigcau ‘purports to proclaim a law but in reality it issues a decree which is partly executive, partly judicial, and wholly arbitrary’.⁹⁶⁹

For de Villiers, this was especially serious not least because the Governor’s authority was defined by the terms of the commission granted to him by the Crown. One of its instructions, he explained, ‘is that he shall not assent to any bill WHICH IS REPUGNANT TO THE LAW OF ENGLAND’.⁹⁷⁰ This was a rule applied across the expanse of empire. As Bonny Ibhawoh makes clear, it reflected a basic principle that all colonial legislatures were subordinate to the imperial parliament, although, in British Africa, it acquired renewed relevance given the centrality of customary law to colonial legal systems.⁹⁷¹ Indeed, its employment marked one of the defining characteristics of “native” administration across the Transkei, serving as a tacit acknowledgement of the limited application of a Cape ‘liberal legality’.⁹⁷²

Yet at the same time, ‘one of the first acts of conquest’ was the introduction of colonial criminal law. This not only shifted the power over property and person from chief to magistrate; it also outlawed those ‘practices deemed by officials to be

⁹⁶⁹ (CA) CSC-2/6/1/159: Enclosure: Reasons of Sir J A de Villiers, Chief Justice, 30 July 1895.

⁹⁷⁰ (CA) CSC-2/6/1/159: Enclosure: Reasons of Sir J A de Villiers, Chief Justice, 30 July 1895. Emphasis in original.

⁹⁷¹ Ibhawoh, *Imperial Justice*, p. 57.

⁹⁷² Costa, ‘Chieftaincy and Civilisation’, p. 16.

repugnant and “barbarous”^{.973} In Pondoland, this formal division between criminal and civil law occurred following the introduction of the Transkeian Penal Code on 27 September 1894.^{.974} Whilst the instrumentalisation of customary law marked an important concession to the practicalities of local governance and the demands for political stability, the ‘doctrine of repugnancy’ nevertheless provided a judicial and cultural boundary between coloniser and colonised; as Ibhawoh again notes, ‘the test of repugnancy could not be the conscience of the native community practising a custom. Repugnancy had to be measured against ‘higher’ and more universal standards of British justice’.^{.975}

With this in mind, de Villiers’ use of the term is highly significant; it arguably underlines Lauren Benton’s contention ‘that the ways in which the politics of jurisdictional disputes played out were crucial to changing notions of cultural boundaries, in part because “jurisdiction” itself implied a certain sharing of identities and values among subjects’.^{.976} By overturning the Governor’s proclamation on the basis of its violation of the doctrine of repugnancy, the Chief Justice clearly implied that Transkeian administrators did not share those same standards. As he made clear, ‘it is impossible to ascertain from the Proclamation what specific law the petitioner has “disregarded and defied”...if it was legal to sentence Sigcau to perpetual exile for

⁹⁷³ Crais, *Politics of Evil*, p. 85. My emphasis.

⁹⁷⁴ (CA) 1/BIZ-4/1/7/1: Chief Magistrate, East Griqualand to Resident Magistrate, Bizana, 27 September 1894. Every Resident Magistrate was forwarded a telegram sent by the Prime Minister informing officials of the laws to be introduced to the country following the transferral of administrative authority to the colonial government. Other legislation immediately introduced included the Masters and Servants Ordinance Act of 1873 and a range of laws dealing with stock thefts, custom duties and liquor and licence registrations.

⁹⁷⁵ Ibhawoh, *Imperial Justice*, p. 58.

⁹⁷⁶ Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, (Cambridge: Cambridge University Press, 2002), p. 10.

his alleged “obstructive” conduct, [then] it would have been equally legal to sentence him to death’.⁹⁷⁷ Such arbitrary power, rooted in the colonial appropriation of a presumed pre-colonial paternalism, thus facilitated a “repugnant” act against a chief who had, by contrast, sought ‘by peaceful methods to obtain redress instead of arousing his clan to rebellion against the constituted authorities’.⁹⁷⁸ Indeed, it was his recourse to judicial appeal, lodged by his attorney, which had constituted a ‘hopeful sign’ in the face of an otherwise ‘arbitrary punishment’.⁹⁷⁹ Given his successful release, it was arguably the paramount himself who could therefore lay better claim to the universal standards of British justice.

Conclusion:

In this sense, accusations of repugnancy arguably served a similar function to those debates over despotism precipitated by the Cooks’ trial. In concluding that particular case, both the Cape and the concessionaries sought to monopolise the meaning of what precisely constituted “British rule” in a colonial context by positing the actions of each other as inimical to the praxis of civilised government. Such contestations masked a very real jurisdictional dispute over the right to control local land and resources, as well as the power and position of the paramount in a post-annexation Pondoland. Those issues were at stake here too; by criticising the Cape’s custodial treatment of Sigcau on the basis of his newly conferred British subjecthood, the state once again found itself vulnerable to challenges predicated on the invocation of imperial membership. Moreover, by overturning the Governor’s proclamation and

⁹⁷⁷ (CA) CSC-2/6/1/159: Enclosure: Reasons of Sir J A de Villiers, Chief Justice, 30 July 1895.

⁹⁷⁸ (CA) CSC-2/6/1/159: Enclosure: Reasons of Sir J A de Villiers, Chief Justice, 30 July 1895.

⁹⁷⁹ (CA) CSC-2/6/1/159: Enclosure: Reasons of Sir J A de Villiers, Chief Justice, 30 July 1895.

ordering his release, the Chief Justice thus confirmed Sigcau's trial as a significant jurisdictional challenge to the Cape's claim to rule.

Despite their appeal to London, both Rhodes and Schreiner were to remain disappointed. On 26 February 1897, the Judicial Committee of the Privy Council published the final determination on the matter. In similar terms to de Villiers, their report referred to the Governor's proclamation as a 'dictatorial edict' that 'was simply an invasion of the individual rights and liberty of a British subject'.⁹⁸⁰ Whatever the authority vested in him as a result of the act of annexation, they made it clear that it was not 'intended to make [him] a Dictator, or even clothe him with the full legislative powers of the Cape Parliament'.

Such criticism, coupled with the confirmation of Sigcau's status as a British subject, arguably demonstrates Ibhawoh's argument that 'it is not enough to recognise that the politics of the rule of difference lay at the heart of the colonial enterprise; it is also imperative to appreciate that the meanings of difference were inherently unstable'.⁹⁸¹ So too, were the boundaries – whether jurisdictional, judicial or cultural – that were designed to maintain it. As has been shown, the barriers separating paramountcy and state were at their most permeable precisely at the moment of annexation. Intra-Mpondo debates concerning the exercise of authority and subjecthood had, prior to political incorporation, rendered these otherwise inimical institutions increasingly interdependent. In the post-annexation period, Sigcau had struggled to reconcile his dual role as public functionary and traditional

⁹⁸⁰ The following is taken from (CA) CSC-2/6/1/159: Judgement of the Lords of the Judicial Committee of the Privy Council, 26 February 1897.

⁹⁸¹ Ibhawoh, *Imperial Justice*, p. 12.

leader; mediating the imperatives of the state was intimately tied to, but fundamentally at odds with, the maintenance of his authority as paramount. Such insecurity was likewise paralleled by the Cape, as it sought to exercise its authority through African agencies whilst maintaining the integrity of its own claim to rule.

From the Supreme Court's perspective, the government had clearly failed in its objective. Whilst the appropriation of pre-colonial idioms of power undoubtedly allowed Transkeian administrators to stabilise the transition to colonial rule, the exigencies of local governance nevertheless compromised the liberal promise of empire. As de Villiers' made clear, the proclamation demonstrated the 'exercising [of] arbitrary executive functions directed against [an] individual'; what it should have been establishing was 'a rule of moral conduct obliging what is right'.⁹⁸² This judgement was hardly abstract; it entailed a significant jurisdictional intervention designed to counter what was perceived as the potential tyranny of the colonial government. In doing so, de Villiers' arguably drew attention to an important contradiction that structured imperial-colonial relations; that is, the need to uphold the basic standards of British liberty across a decentralised empire that necessarily allowed for the maintenance of racial inequality within its colonial constituencies.⁹⁸³

It was this paradox that, crucially, allowed various actors to take up the cause of British liberalism against the colonial government – even if African chiefs or commoners themselves hardly invested in such ideals. Notions of 'rights' or 'justice' were spoken as if they were universally understood, whilst their application was

⁹⁸² (CA) CSC-2/6/1/159: Enclosure: Reasons of Sir J A de Villiers, Chief Justice, 30 July 1895.

⁹⁸³ Ibhawoh, *Imperial Justice*, p. 4.

'configured in ways that spoke to the specificities of different colonial sites'.⁹⁸⁴ With regards to Sigcau, the ability of these notions to effect colonial events is thus important, not least because such motivations are usually associated with the humanitarian influence on colonial policy at the beginning of the nineteenth century.⁹⁸⁵ Even in 1895, however, they could be effectively deployed to highlight both the limits of colonial coercion and the contradictions that characterised a dependency on African intermediaries as the best means through which to stabilise colonial rule.

In this way, Sigcau's trial arguably crystallised a tension that often marked the acquisition of new colonial territories. As John Comaroff notes, 'imperial regimes abroad were always caught up in a 'doubling', a contradiction: at the...same time they spoke of transforming colonised peoples into civilised...free, rights-bearing citizens, they dealt in heterogeneity by naturalising ethnic difference, and essentialising racial inequality'.⁹⁸⁶ The Transkei encapsulated this very duality – legally and politically separate from, but subordinate to the colony proper. Caught between the interstices of empire and colony, Sigcau was thus able to benefit from this paradox, despite hardly being a convert to such liberal imperatives himself. Indeed, his trial demonstrates the extent to which notions of imperial rights could intersect with, and potentially undermine, the attempted consolidation of colonial subjecthood; like the

⁹⁸⁴ Esme Cleall, 'In Defiance of the Highest Principles of Justice, Principles of Righteousness': The Indenturing of Bechuana Rebels and the Ideals of Empire, 1897-1900', *Journal of Imperial and Commonwealth History*, 40: 4 (2012), p. 601.

⁹⁸⁵ Cleall, 'In Defiance', p. 603.

⁹⁸⁶ Comaroff, 'Reflections on the Colonial State', p. 334.

very process of state-formation, the boundaries separating these otherwise antithetical realms of rule could often be rendered increasingly permeable.⁹⁸⁷

Whilst the disagreements between the colonial executive and judiciary thus centred on debating the imperial efficacy of colonial rule, such disputes were once again intimately tied to the practical issues of governance within Pondoland. Like the Cooks' case, Sigcau's trial and arrest demonstrated the state's vulnerability to challenges predicated on the invocation of empire; similarly, it highlighted the Cape's inability to monopolise precisely what the exercise of "British rule" meant in a colonial context. Yet both also served as the vehicle for a swathe of intra-Mpondo interests: the former used the concessionaries' trial in the pursuit of the fissures and factions exacerbated by civil conflict; the latter was a direct product of those very same tensions. Likewise, whilst they were instrumental in deciding the outcome of the Cooks' case, in this instance they were central in actually facilitating the arrest of the Mpondo paramount. Taken together, these judicial encounters thus demonstrate the extension of those conversations concerning the exercise of authority and subjecthood precipitated by imperial intervention in 1878. As such, they again mark an important moment in the intersection of those African and European jurisdictional disputes, which, as the following chapter will demonstrate, fundamentally shaped the administrative and institutional character of the early colonial state itself.

⁹⁸⁷ Bijita Majumdar, 'Citizen or Subject?', p. 480.

Chapter 6: Loyalties, Rivalries and the Creation of a Colonial State in Pondoland, 1894-1913:

Introduction:

On 8 February 1898, Sigcau was called to the office of the Assistant Chief Magistrate of Pondoland, Robert Stanford.⁹⁸⁸ Stood before the official, the paramount was informed of a secret meeting that had taken place between himself and three messengers sent to him by the prominent Griqua leader, A. A. S. Le Fleur. Sigcau listened as Stanford read the contents of their supposedly confidential correspondence, which stated that Le Fleur and his followers were on their way to Pondoland. His instructions were clear: as 'soon as they entered the county, it was his duty to have them apprehended and brought to this office'. Reminded of the one-thousand-pound subsidy he personally received, Sigcau was warned 'that the Government expect[ed] him to assist officials in carrying out the law'. Should he fail to do so, 'then serious notice would be taken of his conduct'.

Le Fleur cut a controversial figure within the Transkei. A strong proponent for the restoration of Griqua land rights, his politics provided an outlet for a wider discontent shared amongst once loyal African leaders, who similarly felt the burdens of increased colonial settlement at the end of the nineteenth century.⁹⁸⁹ Officials and settlers observed this rising rebellious mood with unease; in January 1897, Le Fleur

⁹⁸⁸ The following is taken from (CA) CMT-3/50: Assistant Chief Magistrate, Transkei to Chief Magistrate, Transkei, 12 February 1898.

⁹⁸⁹ Such pressures were particularly felt within the districts of Matatiele, Mount Currie and Mzimkhulu. For an exploration of these broader transformations, see William Beinart, 'The Anatomy of a Rural Scare: East Griqualand in the 1890s', in William Beinart and Colin Bundy, *Hidden Struggles in Rural South Africa: Politics & Popular Movements in the Transkei & Eastern Cape, 1890-1930*, (London: Currey, 1987), pp. 46-77.

was detained for ten months for conspiring to openly rebel against the Cape.⁹⁹⁰ A second warrant for his arrest was issued just one year later; following an aborted attack on Kokstad and the assault of a white farmer in the Mount Currie district of East Griqualand, Le Fleur fled the country a wanted rebel.⁹⁹¹ On 11 February 1898, he entered Pondoland. His hopes that the paramount would provide shelter for him and his men were to be disappointed; upon his arrival at Sigcau's Great Place, he was apprehended by a cohort of Cape Mounted Riflemen and escorted back to Kokstad.⁹⁹² 'It must have been a wrench', remarked Stanford, 'to arrest his old friend [but] his doing so shows clearly that he has thoroughly determined to do better in the future' to show his goodwill towards the Government. Writing to the Chief Magistrate of the Transkei, the official made clear that he 'was very pleased with his action' and suggested that 'the circumstances connected with [Le Fleur's] arrest should be brought to the knowledge of...the Premier'.⁹⁹³

This was not the first time that Sigcau had been implicated in a post-annexation plot against the Cape. As his own detention illustrated, despite supporting Sigcau during the Mpondo civil war, officials had trouble articulating the place of the paramount within the institutional structures of the newly inaugurated state. To be sure, the paramount could look the part (**see Fig. 4.1**) and was necessarily

⁹⁹⁰ Michael Besten, 'Transformation and Reconstitution of Khoe-San Identities: AAS Le Fleur I, Griqua Identities and Post-Apartheid Khoe-San Revivalism (1894-2004)', D. Phil., Leiden University, 2006, p. 76, 84; Beinart, 'Anatomy', p. 62.

⁹⁹¹ Besten, 'Transformation and Reconstitution', p. 86, 88; Beinart, 'Anatomy', p. 66.

⁹⁹² Le Fleur was subsequently imprisoned and sentenced to thirteen years hard labour, but was later amnestied in 1903. Following what Tilman Dederling refers to as his 'brief rebellious phase', he later engaged in the no-less but more subtly subversive pattern of petitioning the Cape and British governments in the pursuit of 'more modern ideas of economic reconstruction and state bureaucracy'. See Tilman Dederling, "'We Are Only Humble and Poor People': A.A.S. Le Fleur and the Power of Petitions', *South African Historical Journal*, 62 (2010), p. 124.

⁹⁹³ (CA) CMT-3/50: Assistant Chief Magistrate, Transkei to Chief Magistrate, Transkei, 12 February 1898.

co-opted as an important functionary in the establishment of colonial rule. Yet Sigcau also had to balance an acquiescence to the Cape alongside a need to maintain his personal credibility within an already fractured Mpondo polity.

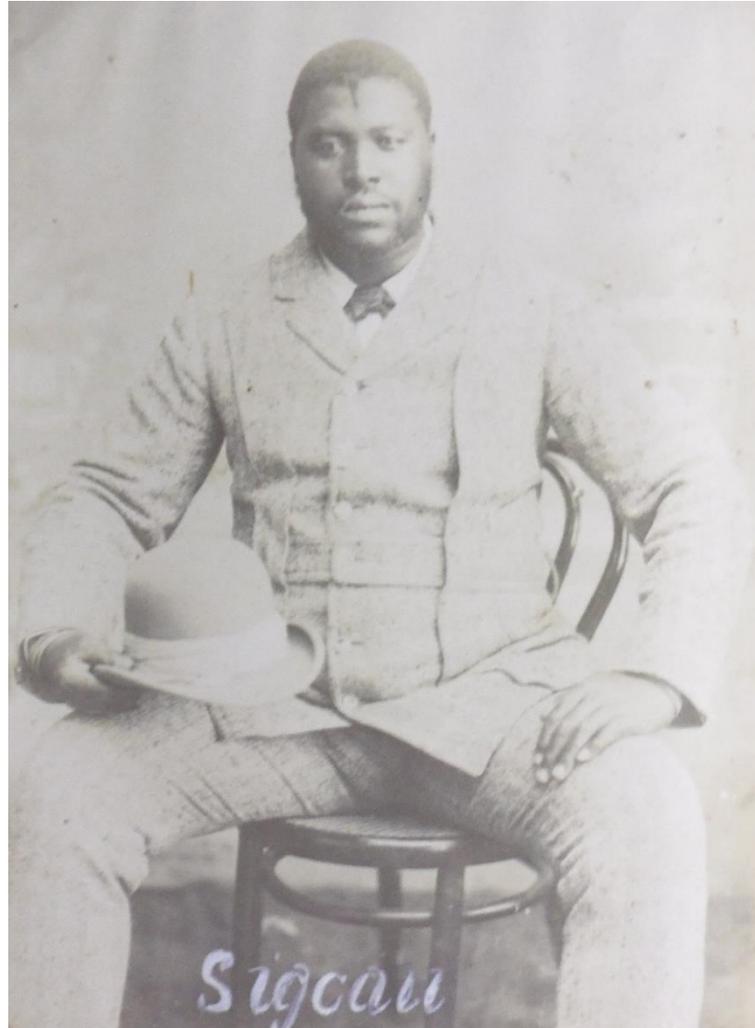


Fig. 4.1: (CL) 'Full Length Seated Portrait of Chief Sigcau, 1900', PIC/M-338

Viewed as simultaneously essential to, yet obstructive of, the governance of Pondoland, the arrest of Le Fleur thus typified the uncertain interdependence of these otherwise inimical institutions. Stanford's threat to withdraw Sigcau's personal salary certainly reflected the financial constraints now placed on the personal fortunes of Mpondo chiefs. Yet this had little immediate impact on their potential for

political disruption. As the previous chapter demonstrated, alleged acts of rebellion were designed as a show of strength that were arguably twofold: to remind the Cape of the continued influence of the paramountcy, whilst trying to cultivate it amongst Mpondo subjects themselves.

In this instance, however, senior officials doubted Sigcau's involvement, especially given the active encouragement proffered by Mhlangaso. Numerous testimonies solicited during the Griqua leader's trial confirmed how Sigcau's recently exiled rival had sought to implicate the Mpondo paramount in this urge for war in order to present himself as a more credible government ally.⁹⁹⁴ His duplicity was further revealed when it was discovered that, despite supporting Le Fleur, Mhlangaso had immediately reported his whereabouts to the authorities in Kokstad following the failed attack in November 1897.⁹⁹⁵ As such, his behaviour constituted an attempt to externally instrumentalise those factions and fissures within Pondoland upon which Sigcau's own position depended.

Despite the failed machinations of Mhlangaso, officials were nevertheless aware that their recently formalised authority relied on an ability to manage intra-Mpondo relations. Whilst it had clearly been expedient to support the incumbent during the civil conflict, the Resident Magistrate of Bizana, Major Sprigg, now sought to question the efficacy of 'Sigcau's so-called government'.⁹⁹⁶ Castigated as 'oppressive', he pondered whether the outbreak of rebellion 'could be looked upon

⁹⁹⁴ Besten, 'Transformation and Reconstitution', p. 86, 90.

⁹⁹⁵ Besten, 'Transformation and Reconstitution', p. 90. Besten also notes that, rather than supporting Le Fleur in the proposed attack upon Kokstad, Mhlangaso instead removed his nephew from the town, who was there in the employ of local attorney M le Roux. See fn. 229, p. 86.

⁹⁹⁶ The following is taken from (CA) CMT-3/53: Resident Magistrate, Bizana to Chief Magistrate, Transkei, 16 September 1896.

as a crime at all'; unable to return to their homesteads, the land of these 'so-called rebels' had since been occupied by 'pro-Sigcau tribes' whilst their former occupants had been crammed onto a small piece of non-arable veld. Such conditions were only likely to precipitate further instability whilst empowering a paramount who, as the previous two chapters demonstrated, was clearly not yet reconciled to colonial rule. As Sprigg noted: 'we have been doing our best to alienate the only people in Pondoland on whose loyalty we can rely in the event of a rupture with Sigcau'. A switch in support would thus 'render an attack on this magistracy very difficult'; 'it places', he explained, 'several loyal tribes...in a very awkward position should they wish to assist Sigcau and his partisans at any time against the Government, for these "rebels" would be in their rear and would assuredly capture their stock'.

In many respects, the plasticity of terms such as "loyal" and "rebel" simply reflected the realpolitik of colonial rule, where the turnover of allies and affiliates was often high.⁹⁹⁷ Prompted by the transition from Mpondo independence to annexation, Sprigg's comments revealed the concerns that confronted the establishment of his own magisterial authority in Bizana. After all, his was the district in which resided the majority of those communities who had supported Mhlangaso during the recent conflict. He thus demonstrated a willingness to cultivate profitable political alliances with willing local participants, who, in this instance, may well have been enticed by the 'allure' of collaboration through the potential promise of stock and land.⁹⁹⁸

⁹⁹⁷ Robinson, 'Non-European Foundations of European Imperialism', p. 122.

⁹⁹⁸ Branch, *Defeating Mau Mau*, p. 26; Robinson, 'Non-European Foundations of European Imperialism', p. 121.

Such considerations clearly presumed an ability to instrumentalise the loyalties and rivalries that existed between multiple Mpondo constituencies through the offer of socio-economic security. To that end, Sprigg's actions thus echoed those undertaken by imperial administrators in 1878, who had similarly sought to certain Mpondo actors with the prospect of political sovereignty and extra-territorial subjecthood. Yet as chapter 2 demonstrated, they instead precipitated a series of contentious conversations regarding the exercise of authority and subjecthood amongst numerous Mpondo communities. These notions were hardly abstract; rather, they were actualised in the everyday affinities and enmities that existed between them – cleavages which themselves reflected the country's jurisdictionally heterogeneous and politically decentralised nature. The institutional arrangements that underpinned these relations were further reinforced by the physical location of these multiple constituencies; communal divisions and solidarities were largely fostered by the constraints imposed, as well as the opportunities provided by, the political geography of Pondoland.⁹⁹⁹ Attempts to introduce alternative political boundaries thus failed to correspond to indigenous perceptions of space and sovereignty.

This chapter seeks to make a similar point by exploring how the jurisdictional heterogeneity of the Mpondo polity shaped the institutional and administrative character of the early colonial state. Sprigg's concerns provide a useful starting point. In advocating the marginalisation of the paramount, the official clearly sought to better establish his own authority in Bizana. Yet as he made clear, the pressures

⁹⁹⁹ Boone, *Political Topographies*, p. 5.

placed on those under his charge were born from Sigcau's post-war attempts to extend his authority over what had long been a difficult and distant region. In doing so, his actions ironically paralleled those of his rival, who, in 1886 had undertaken a similar initiative in the Rode Valley. As chapter 3 demonstrated, such initiatives contradicted a longer tradition of Mpondo political decentralisation; many chiefs turned to an array of extra-local actors in order to avoid the reach of the royal house. In the immediate post-annexation period, epithets such as "rebel" and "loyal" thus did more than describe a change in the short-term affiliations between coloniser and colonised. Crucially, they also embodied the latest reconfiguration of intra-Mpondo political relations as various chiefs and their followers sought to maintain their own autonomy in the post-annexation period.

The resilience of Mpondo chiefly structures and their impact in shaping the processes of colonial state-formation has been acknowledged by other historians.¹⁰⁰⁰ As Beinart argues, the protracted absorption of the polity into the wider colonial economy modified, rather than undermined, the patterns of production and exchange upon which chiefly authority depended. Despite a broad post-annexation assault on the customary powers and privileges of the chieftaincy, by the beginning of the twentieth century Mpondo chiefs remained in a far stronger position than others across the Transkei to influence the actions of colonial administrators.¹⁰⁰¹ By 1897, officials had divided the country into seven magisterial districts: Bizana, Flagstaff, Lusikisiki and Tabankulu in the East; Libode, Ngqeleni and Port St. John in

¹⁰⁰⁰ Lungisile Ntsebeza, *Democracy Compromised: Chiefs and the Politics of the Land in South Africa*, (Leiden and Boston: Brill, 2005), p. 36.

¹⁰⁰¹ Beinart, *Political Economy*, p. 38; Ntsebeza, *Democracy Compromised*, p. 37, 56.

the West. Yet as these were further subdivided into countless locations, many chiefs were either nominated as, or were able to influence the appointment of, those headmen employed by the government to administer them.¹⁰⁰² As the representatives and regulators of local populations, headmen proved indispensable to the maintenance of magisterial rule; they carried out police and judicial duties, ensured hut-tax registration and collection, enforced stock regulations, and influenced levels of production and labour migrancy in part by controlling the allocation and settlement of land.¹⁰⁰³

Such appointments served as an important means through which to cultivate colonial support. In order to undermine the purchase of Sigcau's paramountcy, officials were particularly keen to employ either those chiefs who were sympathetic to colonial rule or local notables who would necessarily rely on the state for their patronage. For both, headmanships guaranteed a salaried income at a time when the sources of independent wealth usually enjoyed by Mpondo chiefs had been restricted.¹⁰⁰⁴ It also provided incumbents with an opportunity to build or expand a local power base by virtue of their intermediary position; moreover, it placed them in prime position to collect those customary dues – whether death duties (*isizi*), court and immigration fees, or cattle fines – still sanctioned by the state.¹⁰⁰⁵ Little wonder

¹⁰⁰² Beinart, *Political Economy*, p. 37.

¹⁰⁰³ Colin Bundy, 'A Voice in the Big House: The Career of Headman Enoch Mamba', in William Beinart and Colin Bundy, *Hidden Struggles in Rural South Africa: Politics & Popular Movements in the Transkei & Eastern Cape, 1890-1930*, (London: Currey, 1987), p. 79; Beinart, *Political Economy*, p. 36.

¹⁰⁰⁴ Beinart, *Political Economy*, p. 35.

¹⁰⁰⁵ Beinart, *Political Economy*, p. 39.

then, that the ‘competition for control over headmen and dues’ became a central feature of intra-Mpondo politics in the post-annexation period.¹⁰⁰⁶

In many respects, the demarcation of locations arguably complimented the pre-colonial pattern of decentralisation by providing regional chiefs with their own (now-limited) local spheres of autonomy.¹⁰⁰⁷ Such developments were deliberately designed to discriminate against Sigcau; contrary to the colonial support he presumed he possessed, the Cape refused to grant him the right to nominate the headmen in Mhlangaso’s former chiefdom.¹⁰⁰⁸ Such tensions persisted until his death in 1905 and abated only after the succession of his son, Marelane, in 1909, when officials began to revise their antipathy towards the royal house. Eager to better accommodate him towards colonial rule, they began to look more favourably upon traditional authorities as the best means to control their rural populations. Reflective of the wider impact of segregationist ideologies upon ‘Native policy’ from 1910, in Pondoland this entailed the maintenance of certain social relations which themselves oriented around continued access to communal land and the preservation of communal tenure.

Symbolised by the powers of the chieftaincy, this shift in favour of communal land-holding was supported by the paramount himself, who sought the restoration of some of the powers once removed from his father.¹⁰⁰⁹ This turn towards “tradition” served multiple purposes. For officials, it could confer legitimacy upon

¹⁰⁰⁶ Beinart, *Political Economy*, p. 39.

¹⁰⁰⁷ As in other contexts, the delimitation of these locations more often than not reflected existing realities on the ground. Keegan, *Colonial South Africa*, p. 208.

¹⁰⁰⁸ Beinart, *Political Economy*, p. 38.

¹⁰⁰⁹ Beinart, *Political Economy*, p. 126, 111.

particular policies and interventions; for chiefs and headmen, it lent an important justification for the maintenance of their preferential positions within Mpondo society; and for commoners too, it provided the language with which to fight for the continued access to essential rural resources.¹⁰¹⁰ This confluence of interests was perhaps best embodied by the support proffered by the paramountcy following the promulgation of the 1913 Natives Land Act. The South African Native National Congress (SANNC) unequivocally opposed the establishment of African rural reserves. Yet many Mpondo councillors supported what they saw as the legislative protection of communal tenure – from which their own authority derived – from alienation and colonial expropriation.¹⁰¹¹

The importance of the Act, in laying the legislative foundations for the legal structure of apartheid, is well-established.¹⁰¹² In noting the qualitative shift in colonial policy from 1909, Beinart's argument speaks to the now familiar themes of twentieth century South African state-formation; principally, the incorporation of chiefs and headmen as agents of the colonial state, bolstered by the development of specific spatial and administrative units – reserves, districts and locations – alongside the concomitant embracing of tradition and custom.¹⁰¹³ Those studies concerned

¹⁰¹⁰ Beinart, *Political Economy*, p. 113; Beinart, 'Chieftaincy and the Concept of Articulation', p. 95.

¹⁰¹¹ For a detailed example of the defence of the 1913 Natives Land Act proffered by prominent Mpondo councillor W. D. Cingo, see Beinart, *Political Economy*, pp. 123-24. The support for some of the major provisions of the Act thus constituted an important means by which to protect certain pre-colonial social relations. In other contexts, opposition to the Act also served to maintain the internal integrity of particular polities and the preferential access of certain royal families to key natural resources. See Fred Morton, 'Land, Cattle and Ethnicity: Creating Linchwe's BakKgatla, 1875-1920', *South African Historical Journal*, 33:1 (1995), pp. 131-54, especially, p. 152, 153.

¹⁰¹² Harvey M. Feinberg, 'The 1913 Natives Land Act in South Africa: Politics, Race and Segregation in the Early 20th Century', *International Journal of African Studies*, 26:1 (1993), p. 66.

¹⁰¹³ Indeed, Beinart notes the relative success of both Western and Eastern Mpondo paramounts in securing additional rights, usually at the expense of local chiefs and headmen, on the basis of appeals to tradition – as evidenced by the books published on Mpondo history and custom by W. D. Cingo (1925) and Victor Poto-Ndamase (1927). See Beinart, *Political Economy*, p. 121.

with the increasing immiseration of rural populations, and the implications for their governance in the post-apartheid period, have understandably emphasised the steady transformation of the chieftaincy into an appendage of the state as a principal factor.¹⁰¹⁴ From this perspective, the certainty of these developments appear obvious. Yet as this thesis has argued throughout, they emerged from a larger imperial climate defined by its jurisdictional ambiguity – one that provided Mpondo actors with broad scope to negotiate and shape what was a protracted process of political incorporation. Such engagement did not simply cease upon annexation. As Beinart demonstrates, colonial interventions were mutually re-qualified by older forms of socio-economic organisation that bolstered the productive capacity of already autonomous homesteads whilst feeding into longer-established patterns of rural differentiation.¹⁰¹⁵ In doing so, he calls attention to the limits of social transformation within Pondoland whilst highlighting how local power relations could shape the broader articulation of national policies such as the Natives Land Act.¹⁰¹⁶ As such, its immediate impact was limited – partially qualified as a response to, rather than a unidirectional imposition upon, pre-existing social relations.¹⁰¹⁷

This chapter builds on this argument by demonstrating how intra-Mpondo political relations similarly shaped the processes of state-formation in the early colonial period. Specifically, it explores how local loyalties and rivalries were crucial

¹⁰¹⁴ Hendricks, *Pillars of Apartheid*; Hendricks, 'Tribalism, Chiefs and Apartheid'; Ntsebeza, *Democracy Compromised*; Ntsebeza, 'The More Things Change'.

¹⁰¹⁵ Beinart, *Political Economy*, p. 128.

¹⁰¹⁶ Beinart, *Political Economy*, p. 164; Beinart, 'Beyond Homelands', p. 7.

¹⁰¹⁷ William Beinart and Peter Delius, 'The Historical Context and Legacy of the Natives Land Act of 1913', *Journal of Southern African Studies*, 40:4 (2014), p. 667. As the authors note, it was 'an interim measure to maintain the 'status-quo' of land occupation and ownership...the broader outlines of segregation...[were] not set in train until...after the passing of a further Native Trust and Land Act in 1936'. See p. 668.

in determining the demarcation of magisterial districts and locations, as well as the ability of resident magistrates and headmen to “broadcast” their authority within them.¹⁰¹⁸ In order to demonstrate this, I argue that these interventions served to once again precipitate a reconfiguration of intra-Mpondo political relations; they were necessarily interpreted according to long-existing understandings concerning the exercise of authority and subjecthood. Underscoring a chiefly desire to maintain their long-held autonomy, they also continued to animate Mpondo actors well beyond the promulgation of the Natives Land Act - despite the apparent consensus of support proffered by the paramountcy.

In a confidential despatch to Pietermaritzburg in May 1918, the Resident Magistrate in Harding recalled the ‘antagonistic feeling’ that pervaded Pondoland; gathered at Marelane’s Great Place, numerous chiefs emphasised their opposition to the Act, ‘by force of arms if necessary’.¹⁰¹⁹ Such discontent likely reflected a growing resentment towards colonial intervention prompted by a new levy to tackle East Coast Fever between 1913 and 1917.¹⁰²⁰ Whatever its cause, it caught the attention of officials in Pretoria, who were informed that Mpondo chiefs had warned that

¹⁰¹⁸ The term is borrowed from, and exemplified by Herbst, *States and Power*, p. 49, 61, 88 and 174.

¹⁰¹⁹ (PA) CNC-325: Resident Magistrate, Harding to Chief Native Commissioner, Pietermaritzburg, 10 May 1918.

¹⁰²⁰ Beinart, *Political Economy*, p. 109. It is also possible that this discontent tapped into a wider antipathy towards colonial rule – and a re-turn to empire as a viable alternative – during the closing stages of the First World War. The retention of an optimistic faith in empire, particularly amongst black populations in the Cape, is explored in Bill Nasson, ‘Why They Fought: Black Cape Colonists and Imperial Wars, 1899-1918’, *International Journal of African Historical Studies*, 37:1 (2004), pp. 55-70. There were, however, very few volunteers from Eastern Pondoland to join the South Africa Native Labour Contingent; as Beinart notes, Marelane himself advised neutrality on the issue. See Beinart, *Political Economy*, p. 109.

‘should the Government carry out the proposals to separate Europeans from Natives, the Europeans would be driven overseas from where they came’.¹⁰²¹

This gathering underlines Beinart’s argument that the political processes surrounding the chieftaincy remained deeply embedded in the twentieth century.¹⁰²² The forming of mass meetings at the Great Place was indicative both of ‘internal conflict and reactions to successive acts of state intervention’ and were ‘often translated into battles for local authority in disputes over headmanships or competition between different branches of chiefly families’.¹⁰²³ This chapter explores these very issues and highlights how various Mpondo actors sought to negotiate the fractures and fissures within Mpondo society as well as the new political climate of colonial rule. In order to do so, it focuses on the following: the practicalities of establishing magisterial authority and the broad attack on the preferential position of Mpondo chiefs; the demarcation of magisterial districts and locations; and the opportunities such divisions provided for certain Europeans to expand and consolidate their own land holdings. Whilst the potency of these issues extended beyond the 1913 Natives Land Act, this chapter nevertheless focuses on the pre-1913 period. As Lindsay Braun notes, it was during this time that ‘hard boundaries and clear notions of proprietorship’ came to be formally articulated. As such, its passing serves as a useful moment from which to assess the impact of longer-existing jurisdictional disputes on the early evolution of the colonial state.¹⁰²⁴

¹⁰²¹ (PA) CNC-325: Chief Native Commissioner, Natal to Department for Native Affairs, Pretoria, 6 June 1918.

¹⁰²² Beinart, *Political Economy*, p. 151.

¹⁰²³ Beinart, *Political Economy*, p. 151.

¹⁰²⁴ Braun, ‘Cadastre and Colony’, p. 7.

Chiefly Politics and the Practicalities of Colonial Rule:

Reflecting on the first ten months of colonial rule, the Resident Magistrate of Ngqeleni could report: 'The common people throughout the whole of Pondoland are delighted at the change of administration; they feel that both life and property are now safe; they have a fair trial in our courts and in civil cases they recover what they obtain justice for instead of the whole being appropriated by the Chief'.¹⁰²⁵ His thoughts were echoed by the magistrate in Tabankulu, who similarly exclaimed: 'I think it can be safely stated that the petty chiefs and people are glad to be under a civilised government. It is only natural that some of the chiefs should feel the loss of the despotic power they once held...but the majority of the people appear content and happy'. For him, 'the settlement of Pondoland may now be looked upon as accomplished'.¹⁰²⁶

Such comments reveal a self-confidence held by many Transkeian officials. As chapter 4 discussed, many viewed their role as central in shepherding local populations towards the hallmarks of civilised government. These broad attacks on the preferential position of Mpondo chiefs provided the ideological and moral justification for their interventions in African society. Whilst emancipating individual inhabitants from the depredations of traditional leaders, it was up to the resident magistrate to ensure the stable subordination of local populations as the best means to achieve the civilising potential of empire. Such responsibility replicated the personalism and proximity of the chiefly rule they sought to supplant. As the Resident

¹⁰²⁵ (CA) CMT-3/141: Resident Magistrate, Ngqeleni to Chief Magistrate, Transkei, 14 December 1894.

¹⁰²⁶ *CA) CMK-1/139: Resident Magistrate, Tabankulu to Chief Magistrate, Transkei, 31 December 1894.

Magistrate of Flagstaff argued, it was 'part of the Magistrate's duty to know *his* district [and to be] more in touch with *his* people'.¹⁰²⁷ Likewise, the magistrate of Lusikisiki – in which Sigcau's Great Place was now located – similarly sought a personal introduction with those under his charge. At a huge meeting of residents, the official had Sigcau 'introduce him to the people', where they discussed a range of issues from the forced removals of lepers, the preservation of forest land and the construction of a railway line. Having met them, there was 'no doubt', he thought, 'that everything will go smoothly'.¹⁰²⁸

His confidence arguably revealed an 'anti-rationalist streak' that was typical of Transkeian officials; less concerned with the operations and methods of governance, they instead valued discretion and experience.¹⁰²⁹ As Ivan Evan notes, the accumulation 'of detailed knowledge about their respective districts...through "personal contact" [was an] article of administrative faith' for many magistrates'.¹⁰³⁰ Yet whilst 'this approach emphasized [sic] the salience and internal complexity of specific local events', this was often 'at the cost of a wider and deeper picture'.¹⁰³¹ Of course, officials were broadly aware of the immediate impact of their presence in Pondoland. Many noted how 'petty chiefs' sought 'to quickly settle down peaceably' to the prospect of colonial rule since it afforded them an opportunity to act 'on their

¹⁰²⁷ (CA) CMT-3/48: Resident Magistrate, Flagstaff to Chief Magistrate, Transkei, 19 August 1902. My emphasis.

¹⁰²⁸ (CA) CMT-3/49: Resident Magistrate, Lusikisiki to Chief Magistrate, Transkei, 9 January 1902.

¹⁰²⁹ Evans, *Bureaucracy and Race*, p. 164.

¹⁰³⁰ Evans, *Bureaucracy and Race*, p. 165, 166. In other contexts – both temporal and geographical – administrators often resisted attempts at the increased bureaucratisation of colonial rule. See Brett L. Shadle, "Changing Conditions to Meet Current Altering Conditions': Customary Law, African Courts and the Rejection of Codification in Kenya, 1930-1960", *Journal of African History*, 40:3 (1999), pp. 411-31.

¹⁰³¹ Evans, *Bureaucracy and Race*, p. 164.

dissatisfaction' with their seniors.¹⁰³² Another noted how 'the old loyalty and reverence for the paramount' had since 'been weakened by the rapacity of councillors' and that 'internal dissention had played a part in paving the way for annexation' which had been 'hailed with delight by the mass of the people'.¹⁰³³ 'The chiefs', by contrast, '[were] alive to the fact that their power is on the wane and are naturally using their best endeavours to retain as much power as possible'.¹⁰³⁴

Yet officials were arguably unaware of the extent to which the establishment of magisterial authority could perpetuate and even strengthen the potency of chiefly politics. When a prominent trader in Bizana, for example, complained about the numerous attacks on his trading stores, messengers were immediately despatched to Sigcau in order to secure some redress. Yet the paramount did little to resolve the issue. As he explained, 'I have given up my country and do not know why I am being bothered'. This, he said, was a 'problem for the white man'. In certain contexts, the royal house arguably sought to instrumentalise the transfer of power implied by annexation in order to eschew any responsibility for the actions of other Mpondo inhabitants. As such, he warned the messengers that if they were sent again, then they would 'either be beaten or killed'.¹⁰³⁵

Following the murder of a local resident in Tabankulu, local chief Xididi similarly claimed that whilst Sigcau had acceded to annexation, 'I have not come

¹⁰³² (CA) CMT-1/139: Resident Magistrate, Umsikaba to Chief Magistrate, Transkei, 1 January 1895.

¹⁰³³ (CA) CMT-1/139: Resident Magistrate, Umsikaba to Chief Magistrate, Transkei, 1 January 1895.

¹⁰³⁴ (CA) CMT-1/139: Resident Magistrate, Umsikaba to Chief Magistrate, Transkei, 1 January 1895.

¹⁰³⁵ (CA) CMK-1/136: Resident Magistrate, Nthlenzi to Assistant Chief Magistrate, East Griqualand, 31 July 1894.

under the Government...I act independently of him'.¹⁰³⁶ Their responses thus demonstrate the limitations placed on the practicalities of colonial rule, which depended – on the first instance at least - on its visibility and proximity to the newly colonised. Whilst officials sought to establish their authority through the cultivation of personal contact, such power was likely to dissipate with distance beyond the confines of the resident magistracy.

Yet even within the very confines of their own courts, resident magistrates were largely unaware of the machinations of certain Mpondo chiefs. In one breath, the magistrate at Flagstaff could comment on the 'extremely helpful' behaviour of local chief – and prominent ally of Sigcau – Langa, for aiding the official in the demarcation of a commonage on land within which his father had been buried.¹⁰³⁷ However, when the same chief was arrested following an alleged assault, the official could only comment that his actions typified those of all chiefs in Pondoland, who were likely 'feeling sore at their loss of power...[nevertheless], so far as I can judge, the people themselves show no sign of restlessness and appear to be satisfied'.¹⁰³⁸ Such a view was based on the number of people that had come to witness his trial. But a statement by one man, Ntlanga, recalled how 'they were not happy as they were not independent anymore'.¹⁰³⁹ 'Many of them attended with short stabbing assegais, axes and guns concealed under their blankets as they were determined to

¹⁰³⁶ (CA) CML-1/139: Resident Magistrate, Tabankulu to Assistant Chief Magistrate, East Griqualand, 4 July 1894.

¹⁰³⁷ (CA) CMT-3/52: Resident Magistrate, Flagstaff to Assistant Chief Magistrate, Pondoland, 9 December 1899.

¹⁰³⁸ (CA) CMT-3/50: Assistant Chief Magistrate, Pondoland to Chief Magistrate, Transkei, 27 March 1897.

¹⁰³⁹ The following is taken from (CA) CMT-3/50: Assistant Chief Magistrate, Pondoland to Chief Magistrate, Transkei, 27 March 1897. Statement by Ntlanga.

resist the apprehension of Langa...they are waiting for an opportunity when the magistrate will go out of camp...that they will capture and kill him then attack the camp'. What the official mistook as enthusiasm for the judicial procedures of colonial justice in fact served as an opportunity for Mpondo inhabitants to enact their very own.

Such actions underscore the acute vulnerability of officials as they attempted to establish their authority within their respective districts. The saliency of their claims to govern particular spaces was mitigated by the practicalities of geography, as well as the loyalties and enmities that characterised the Mpondo polity in the post-annexation period. Indeed, in certain instances these issues were even conflated. Again in Flagstaff, the Resident Magistrate was charged with investigating the murder of Nogwanya, a former follower of Mhlangaso.¹⁰⁴⁰ When the official had earlier toured his location, he was informed that the now-deceased had moved to seek work on 'the Gold Fields', whereas in fact, he had been murdered at the kraal of Sigcau's brother, Masipula. For the magistrate, it was clear that the paramount was involved: 'it appears that cases of this kind are a new development. In former times, victims were put to death in broad daylight...Pondo chiefs undoubtedly received a check in these brutal murders by the introduction of the Colonial Government, but now they are learning that our law does not accept the evidence except of eye witnesses'. As such, chiefs had developed a new innovation: 'the Paramount's consent is obtained to the...death of some unfortunate. Those set apart to perform the cold blooded tragedy are duly nominated and all plans made for the

¹⁰⁴⁰ The following is taken from (CA) CMT-3/50: Resident Magistrate, Flagstaff to Assistant Chief Magistrate, Pondoland, 27 July 1898.

execution of the dead with as little fuss as possible after nightfall'. In this way, pro-Sigcau chiefs sought to influence those headmen who were subordinate to them, 'thereby making the administration of the country a rather difficult matter'.

Demarcations and Contestations:

If the loyalties and rivalries that existed between Mpondo chiefs qualified the establishment of magisterial rule across the country, it was even more central in shaping the very boundaries in which it was to be exercised. This was made particularly evident following the establishment of a Boundary Commission, designed to demarcate administrative districts and locations, that was commissioned between December 1896 and July 1898. As chapter 2 demonstrated, colonial officials sought to rationalise intra-Mpondo relations through the construction of jurisdictional borders based on a "tribal" conception of African society that viewed local chiefdoms as internally coherent, culturally cohesive and politically centralised. Yet such interventions did not occur in a political vacuum; they were necessarily to be inscribed upon a landscape that had long been defined by its jurisdictional heterogeneity and political decentralisation – characteristics which were reflected by Pondoland's political geography and inflected with potent understandings concerning the exercise of authority and subjecthood.

The Resident Magistrate temporarily placed at the Isisele, for example, had sought to keep those who had rebelled against Sigcau entirely separate from those who had supported him. This was particularly important; whilst it had long served as a difficult area that had resisted the jurisdictional reach of the royal house, many of those who had fought against Mhlangaso had since occupied the lands left by fleeing

rebels. Despite the desire of the paramountcy to retain what were often vast and arable land-holdings, the colonial government was nevertheless eager to settle returning rebels on their former sites in the pursuit of administrative exigency. To that end, officials made clear to Sigcau that they intended to divide the region into relatively equal locations in order to ensure that all inhabitants had 'sufficient land for the sustenance of the people'.¹⁰⁴¹ Such action nevertheless inspired certain residents to call for the return of Sigcau's former rival. On 21 February 1898, six clans from the Isisele petitioned the government to advance this very cause; 'they pointed out that he had not been guilty of any real crime and had now been in exile for four years. They also added that there was no need to talk about the power of any chief, as Government now firmly established itself as the only Chief in the country, but that at the same time they regarded Umhlangaso as their father and his continued absence caused them great sorrow'.¹⁰⁴²

As Beinart notes, this request was not realised until 1909 – long-after the death of Sigcau in 1905. But the support he clearly still fostered did not dissipate with time; whilst he was ordered to settle in Bizana, rather than his former stronghold in Nthlenzi, the chief nevertheless set about collecting death duties from his former followers in that very region.¹⁰⁴³ Such an act demonstrated the increasing importance of customary dues in the maintenance of their personal and political pre-eminence following the severe restrictions placed on the accumulation of private sources of

¹⁰⁴¹ (CA) CMT-3/50: Assistant Chief Magistrate, Pondoland to Chief Magistrate, Transkei, 22 February 1897.

¹⁰⁴² ¹⁰⁴² (CA) CMT-3/50: Assistant Chief Magistrate, Pondoland to Chief Magistrate, Transkei, 22 February 1897.

¹⁰⁴³ Beinart, *Political Economy*, p. 114.

wealth.¹⁰⁴⁴ But it also points to the fragmented nature of authority within the region itself. Whilst Sigcau had immediately sought to claim the region in the aftermath of annexation, he was especially eager to avoid the land being divided into various locations so that he could place his son and successor, Marelane, over the entire district. For officials, such demands were utterly ‘preposterous and [could not] be entertained’ – although, the settlement of the future paramount would provide an opportunity for the government ‘to get a hold on the lad’.¹⁰⁴⁵

Whilst agreeing to the establishment of a royal house in the region, the issue nevertheless had far-reaching consequences. During Marelane’s regency, Sigcau’s brother, Masipula – who had occupied Mhlangaso’s old kraal - was nominated to act as headmen to maintain a royal presence in this rebel stronghold. As such, he was likely imbued with much authority. Indeed, when the time came to select a site for Marelane to occupy upon, Masipula refused to attend the meeting organised between himself, Sigcau and the Resident Magistrate to decide the issue. When he eventually did arrive, he was accompanied by a large number of followers, ‘who were singing war songs, evidently with the intention of aggravating Sigcau’s people’.¹⁰⁴⁶ When questioned over the incident, Masipula was alleged to have claimed an ‘indifference as to whether he might die or be killed’, thereby seemingly confirming

¹⁰⁴⁴ Beinart, *Political Economy*, p. 114.

¹⁰⁴⁵ (CA) CMT-3/50: Assistant Chief Magistrate, Pondoland to Chief Magistrate, Transkei, 24 December 1898.

¹⁰⁴⁶ (CA) CM-3/52: Assistant Chief Magistrate, Pondoland to Chief Magistrate, Transkei, 15 May 1901.

reports that the chief and his men had come to the meeting with 'guns concealed under their clothes'.¹⁰⁴⁷

Such hostility thus necessitated the removal of Sigcau's brother to the neighbouring Qasa location. Seeking to maintain an autonomy that was his by birth, but which had arguably been bolstered by his initial placement at the Nthlenzi, the maligned chief requested that a parcel of his former location now be added to his current site.¹⁰⁴⁸ Yet doing so served to exacerbate the tensions that had been precipitated by his removal to the Qasa location in the first place. Seeking to consolidate his position, his request brought him into conflict with a prominent support of Sigcau, Langasiki. Numerous skirmishes broke out between the two. Consequently, Sigcau was called to arbitrate the dispute. Such were the messy and complex configurations of power that the very chief whom officials had sought to undermine through their actions at the Nthlenzi, had thus become central to the establishment of peace in the neighbouring district.¹⁰⁴⁹

To be sure, Sigcau was not the only royal whose strategic attempts to place family members in potentially profitable sites were thwarted by the colonial government. In 1909, the Western Mpondo paramount, Bokleni, had similarly sought to establish his own son, Parafine, in a location in Ngqeleni. Whilst the chief had sent another son to propose the claim to the local population, he nevertheless proceeded to impose the royal family member regardless of their decision. Such action

¹⁰⁴⁷ (CA) CM-3/52: Assistant Chief Magistrate, Pondoland to Chief Magistrate, Transkei, 22 May 1901.

¹⁰⁴⁸ (CA) CM-3/52: Assistant Chief Magistrate, Pondoland to Chief Magistrate, Transkei, 30 November 1901.

¹⁰⁴⁹ (CA) CM-3/52: Assistant Chief Magistrate, Pondoland to Chief Magistrate, Transkei, 2 April 1902.

precipitated huge discontent in the region. Whilst two minor clans, the Ncote and Nqayiya, favoured Parafine's appointment, the larger Nqanda were resolutely opposed. Such division reflected the competition for power that already existed between these composite communities; the former two clearly saw the royal house as a potentially profitable ally in the maintenance of their own claims against their larger rival. But as one Nqanda resident made clear to the resident magistrate, 'we ama-Nqanda are a distinct set from the Pondos...We undergo certain ceremonies which are not performed by the Pondos such as circumscion...the opposition of which by Bokleni's son will cause endless friction and threaten the welfare of our people and that of Bokleni' himself.¹⁰⁵⁰

The types of contestations that erupted across the country as colonial officials sought to rationalise Mpondo land arguably demonstrates the complex intersection of multiple and often contradictory claims in the shaping of state's administrative character. Indeed, such disputes serve as a useful reminder of the jurisdictional heterogeneity and regional autonomy enjoyed by various Mpondo inhabitants since the mid-nineteenth century. Attempts to establish magisterial authority across the country thus intensified long-existing claims and counter-claims to the same space. On 21 March 1904, for example, Nicholas Lochenberg lodged a complaint against Manundu – a prominent local chief of the Isikelo House – in Bizana. The resident argued that Manundu's father, Bekemva, had absorbed a large portion of land that had been granted to Lochenberg's grandfather by Faku following his assistance in repelling Zulu marauders in the late 1820s. Such encroachment had continued under

¹⁰⁵⁰ (CA) 1/NQL-3/1: Resident Magistrate, Ngqeleni to Chief Magistrate, Transkei, 1909.

Manundu himself, causing greater intermingling between these otherwise hostile communities. In articulating his complaint, Lochenberg made clear that he did not 'claim the land as my personal property, but I hold that I and my people have a right to the location which was defined for us by Faku and Mqikela.' Whilst he was 'never informed that a boundary commission was sent some time back to arrange the several locations in Pondoland', its efficacy was nevertheless re-qualified by a claim that had long preceded annexation in 1894.¹⁰⁵¹

Such disputes could have the opposite effect too; the nascent attempts by officials to establish their authority provided numerous Mpondo actors with the opportunity to falsify claims that imbued them with a regional autonomy that could last for decades into the twentieth century. In 1925, officials were called to Lusikisiki to investigate another complaint against the Isikelo House.¹⁰⁵² This time attempting to encroach upon local headmen Hlamandana's location, interviews with local residents questioned the claims made by the senior Mpondo chief that his settlement had likewise been granted to him by Faku. Whilst the Isikelo claimed that they had been placed there by the then paramount as a royal representative between the Mtentu Gorge and Natal border, it transpired that their location had in fact been determined by Manundu's desire to avoid the displeasure of his brother and former paramount, Mqikela. It was only after the former's support for Sigcau during the civil

¹⁰⁵¹ (CA) CMT-3/49: Assistant Chief Magistrate, Pondoland to Chief Magistrate, Transkei, 21 March 1904; (CA) CMT-3/49: Assistant Chief Magistrate, Pondoland to Chief Magistrate, Transkei, 20 March 1900.

¹⁰⁵² The following is taken from (CL) Resident Magistrate, Bizana to Chief Magistrate, Transkei, 23 July 1925, McLoughlin Papers, MS. 14. 304, File 2.

conflict that he was reinstated to his senior position; 'therefore, prior to annexation they did not derive any rights or privileges' by virtue of their royal relation.

Such contestations arguably demonstrate the centrality of intra-Mpondo political relations in determining both the administrative character and institutional viability of colonial rule in Pondoland. Whilst these provided opportunities to instrumentalise colonial interventions for a swathe of often contradictory ends, they also provided encouragement to local administrators. As the Assistant Chief Magistrate in Pondoland made clear, 'such disputes...simply go to show that the Pondos are now in favour of the location boundaries to which they so strongly objected a few years ago'.¹⁰⁵³ In many respects the delimitation of new administrative borders arguably complimented longer-existing patterns of political decentralisation and the jurisdictional heterogeneity that underwrote the autonomy of multiple Mpondo chiefs. Little wonder, then, that when a second boundary commission was established in 1914, the Mpondo paramount, Marelane, sought to amalgamate several locations under the authority of the royal house. Indeed, two years' prior the paramount had written to the Chief Magistrate of the Transkei to inform him that the appointment of headmen was to proceed on the basis of two distinct classes: headmen and commoners. As he proposed, 'commoners appointed headmen should be informed that they are merely acting for my children who will replace them when they attain manhood'; furthermore, 'whenever a headman dies, I should be given an opportunity of recommending a successor'.¹⁰⁵⁴

¹⁰⁵³ (CA) CMT-3/52: Assistant Chief Magistrate, Pondoland to Chief Magistrate, Transkei, 28 September 1901.

¹⁰⁵⁴ (CL) Marelane Sigcau to Chief Magistrate, Transkei, 25 March 1911, McLoughlin Papers, MS. 14. 304, File 2.

As Beinart notes, from 1909 onwards officials became far more likely to accommodate the demands of the Mpondo paramountcy. If popular, the appointment of royal nominees provided stability to the exigencies of local administration whilst further imbricating the royal house into the institutional structures of the colonial state.¹⁰⁵⁵ Yet as the above examples demonstrate, there existed a swathe of competing claims to various sites across Pondoland that were reflective of the continued potency of those factions and fissures that comprised the polity at the time of annexation. Whilst a turn towards the royal house was no doubt important, the saliency of local conflicts and disputes remained.¹⁰⁵⁶

Loyalties and Land:

Intra-Mpondo disputes were not, however, the only contestations that revealed the continued potency of contested notions of authority and subjecthood. In the wake of annexation, numerous Mpondo-European contestations over land surfaced to reveal the importance of older affiliations and loyalties. Ironically, it was the Cape's legal victory over the Cook Brothers that precipitated these disagreements. As chapter 4 demonstrated, the judicial determination of the Cape Supreme Court had upheld the government's decision to overturn their commercial concessions on the basis that to have recognised them would have been to maintain the despotic authority of a paramount they hoped to supplant. As the Secretary for Native Affairs noted in 1903, however, the consequences of its decision was to make all 'European occupiers of land in the Pondoland Locations mere squatters in the eye of the law

¹⁰⁵⁵ Beinart, *Political Economy*, p. 116.

¹⁰⁵⁶ Beinart, *Political Economy*, p. 126.

without any rightful authority'; indeed, he lamented how this was 'unsatisfactory... for Europeans who urged that some measure of relief should in fairness be afforded them...[whilst] it was still more unsatisfactory from the point of view of the natives who observed on all sides the "grabbing of land" by unscrupulous Europeans'.¹⁰⁵⁷

With this in mind, the colonial government sought to establish a Pondoland Land Commission in 1899. Headed by Robert and Arthur Stanford – the Assistant Chief Magistrates of Tembuland and East Pondoland – the commission was informed to deal liberally with all European claims involving 'land under the plough'. As they reported, 'the material point in these cases is whether or not [European] occupiers should have the right to transfer their holdings to others. Sigcau and the Pondos are much against their doing so, alleging that they Europeans, in regards to land tenure, are on exactly the same footing as their Pondo neighbours, who, on removing from a location, hand their gardens to the chief or headmen for allotment to others'.¹⁰⁵⁸ The resistance evidenced by many Mpondo actors was undoubtedly rooted in the nature of the allocation of land to European cultivators in the pre-colonial period. Operating on the sufferance of Mpondo chiefs, they received no title to land but instead annually validated their allotments through the payment of tax. When the Commission sought to formally establish a legal right to possession, numerous statements were thus provoked that underscored the authority of Mpondo chiefs rather than the proprietorial claims of European residents themselves.

¹⁰⁵⁷ (CA) NA-537: Memorandum by the Secretary for Native Affairs, 17 October 1903.

¹⁰⁵⁸ (CA) NA-535 (Part I): Land Commissioners to Chief Magistrate, Transkei, 2 May 1901.

Two examples are worthy of note, not least because they highlight the complex negotiations of authority that characterised the validation of pre-colonial claims in the post-annexation period. One man, Mr Wirth, sought to have his land at the Ntafufu location validated by the Commission, in order to prevent local Mpondo inhabitants from continually trespassing on his land.¹⁰⁵⁹ Wirth was a chemist and had at one point been asked to serve as a physician at Mqikela's Great Place until his death. His relationship with the royal house stood him in good stead. During a quarrel with a local resident over the right to cultivate a particular allotment, Wirth 'took a loaded revolver and to frighten the man fired over his head. Unfortunately, the man had an axe in his hand with which he was gesticulating and the bullet struck the blade, glancing downwards and inflicting a somewhat serious flesh wound on the man's back'. Immediately, the war cry was raised and numerous Mpondo inhabitants gathered at Wirth's property and began to burn it down. His only sanctuary was the Great Place itself. Despite the German's attempt to sell his land to another European without permission, he was nevertheless recognised by the royal house by virtue of the services he had rendered to Sigcau's father. As such, the practice of property transferral, much abhorred by the paramount, was sanctioned as a result of the loyalty he had shown to Mqikela.

An equally contentious dispute emerged in Port St. John. The claim involved a resident farmer, Charles Frederickson, who sought to have his sixty acres of land legally acknowledged by the Commission. His case provoked local outrage, not least because the original grant consisted of only six acres. In addition, the farmer had also

¹⁰⁵⁹ The following is taken from (CA) NA-535 (Part II): Land Claim 50: E Wirth, 31 August 1901.

enclosed another tract of land upon an important wagon route in order to build a pig-run for his animals.¹⁰⁶⁰ The chief Hlamvana, upon whose land Frederickson's plots were located, stated that when he tried to resolve the issue with Frederickson, the European told him he 'had nothing to do with the land...[he] says that I and Nqwiliso are nothing more than a couple of baboons'.¹⁰⁶¹ Yet further testimonies revealed that it was the Mpondo paramount who had originally granted the land. Frederick's own evidence, however, suggested that the issue was more complex. He argued that the land had been offered as a reward for the services he had rendered to the chief during the outbreak of the 1880-1 Mpondomise war. Following the murder of Resident Magistrate Hope, 'Nqwiliso had stated that he wanted to help but his people were against it...our informant stated that Nqwiliso would go...but would not fight himself, and we came to the conclusion that we could render...very valuable service, the best proof of which is by what Nqwiliso himself said in thanking us when we got control over the rebels'.¹⁰⁶² Viewed in this way, the contestations precipitated by Frederickson's claims, whilst rooted in the extension of the original grant he had received, reflected the messy negotiation of authority in Pondoland. For the European, his title was thus born from the loyalty he had shown to the Mpondo paramount, at a time when his own followers refused to support him.

Conclusion:

The wide array of contestations explored in this chapter suggest that the attempted establishment of colonial rule in Pondoland continued to be re-qualified by intra-

¹⁰⁶⁰ (CA) NA-536-A647: Arthur Stanford to Chief Magistrate, Transkei, 12 January 1901.

¹⁰⁶¹ (CA) NA-536-A647: Statement by Hlamvana at Big Mgazi, 29 November 1899.

¹⁰⁶² (CA) NA-536-A647 Statement by Charles Frederickson at Port St. John, 15 October 1900.

Mpondo loyalties and rivalries, the jurisdictional disputes these embodied, and longer-existing notions of authority and subjecthood. These issues not only survived the transition from independence to annexation. Crucially, they helped to determine both the institutional viability and administrative character of the early colonial state. Such an acknowledgement is incredibly important, since it suggests that those constitutional moments – whether annexation in 1894, unification in 1910, or the passing of the Natives Land Act in 1913 – brought any end to the contentious conversations that had pervaded Pondoland since 1878. This argument is reflected by the archival material itself, which unsurprisingly catalogues a continuing array of competitions over land and local resources throughout this period. The paradigmatic shifts implied by these moments were thus requalified by a constant threat of intra-Mpondo political reconfiguration that reveals the complex and messy negotiation of power and its ability to shape the structures that emerged in the post-annexation period.

Conclusion: Back to the Future? The Nhlapo Commission (2010) and the Mpondo Past:

On the 29 July 2010, South African President Jacob Zuma confirmed the findings of the Nhlapo Commission, established by former President Thabo Mbeki in 2004 to examine and resolve traditional leadership disputes amongst the many kingships that comprise the country. The determinations of the Commission broadly concerned two areas: the legitimate existence of particular paramountcies, and the settling of genealogical disputes over the rightful heir of certain royal houses.¹⁰⁶³

Two of its judgements concerned the Mpondo polity. The first referenced the rightful heir of the Eastern Mpondo royal house. The Commission supported the removing of the then incumbent, King Justice Mpondobini Sigcau (1978-2013), and his replacement by his nephew, Zanozuko, who was installed as paramount in April 2011. This decision was based on the alleged illegality surrounding the nomination of Mpondobini's father, Botha Sigcau, to the Eastern paramountcy in 1939. This ruling was subsequently overturned by the South African Constitutional Court, but was further complicated by the death of the incumbent on 25 March 2013 and his replacement by current regent, Queen Lombekiso MaSobhuza Sigcau. The dispute remains unresolved and its controversy is likely linked to the potential profit of huge infrastructural and mining projects intended for the Wild Coast region of the Eastern

¹⁰⁶³ 'Information Sheet: The President's Announcement of the Findings and Recommendations of the Commission on Traditional Leadership Disputes and Claims (Nhlapo Commission), 29 July 2010', <http://pmg-assets.s3-website-eu-west-1.amazonaws.com/policy/100729infosheet.pdf> [accessed 15 November 2013].

Cape.¹⁰⁶⁴ The second determination concerned the non-recognition of the Western Mpondo kingship; the authority of the Western paramountcy is to revert back under the royal house in the East following the death of the current king, Ndamase Ndamase. This decision is predicated on an understanding of customary law, which states that there can only be one Mpondo king.

These determinations have unsurprisingly caused huge controversy within Pondoland itself. Yet the establishment of the Nhlapo Commission also highlights the broader tensions surrounding the accommodation of traditional authorities within the institutional structures of the post-apartheid state. Recognised by Chapter 12 of the Constitution (1996), its patriarchal principles and the primacy of lineage succession rather than election means that the role of the chieftaincy clearly conflicts with the principle of universal rights established in a democratic South Africa. As Fred Hendricks and Lungisile Ntsebeza argue, their recognition has ‘far-reaching implications for gender equality, for control over land allocation, for the universal franchise and for democratic local governance’.¹⁰⁶⁵ A raft of recent legislation – the Traditional Leadership and Governance Framework Act (2003), the Communal Land Rights Act (2004) and Traditional Courts Bill (2008) – have enshrined the establishment of traditional authorities and their right to determine access to land and judicial council. To that end, ‘the ANC-led government has given power to traditional leaders on basically the same lines as the apartheid state’.¹⁰⁶⁶

¹⁰⁶⁴ For an overview of the developmental aspects of the ruling, see ‘In Pondoland, confusion will reign till Kingdom come’, *Mail & Guardian*, 21 June 2013, <http://mg.co.za/article/2013-06-21-00-in-pondoland-confusion-will-reign-till-kingdom-come> [accessed 1 March 2014].

¹⁰⁶⁵ Hendricks and Ntsebeza, ‘Chiefs and Local Governance’, p. 100.

¹⁰⁶⁶ Henk Smith, ‘An Overview of the Communal Lands Right Act 11 of 2004’, in Aninka Claassens and Ben Cousins (eds), *Land, Power & Custom: Controversies Generated by South Africa’s Communal*

Such issues are not solely confined to contemporary South Africa.¹⁰⁶⁷ Yet in attempting to resolve traditional leadership disputes generally, and in seeking to reunite Eastern and Western Pondoland in particular, the Nhlapo Commission demonstrates how presumptions about pre-colonial power and jurisdictional boundaries have informed this attempted reconstitution of traditional authorities in the post-apartheid present. Nevertheless, challenges against the Commission's determinations have, as Jeff Peires notes, been largely based on technical questions of legal procedure; very little legal argument has turned on the issue of historical evidence.¹⁰⁶⁸ Having sat on the Commission himself, Peires is highly critical of its decision to base its judgements on customary law; such an approach, he argues, is highly inappropriate and utterly invalid – especially when considering the legitimacy of those chieftaincies established prior to colonial intervention.¹⁰⁶⁹

The underlying basis of the claim to Western Mpondo sovereignty concerns events explored in chapters 1 and 2 of this thesis; following Faku's re-crossing of the Mzimvubu River in the mid-1840s, the then paramount established his Right-Hand son, Ndamase, on its western banks in order to avoid a potential civil conflict with his Great son, and subsequent paramount, Mqikela. The authority invested in Ndamase by Faku was claimed by the Eastern paramountcy to have been personal and uninheritable; there was to be no legitimate transfer of power to Nqwiliso following

Lands Right Act, (Athens, OH: Legal Resources Centre, 2008), p. 39; Lungisile Ntsebeza, 'Chiefs and the ANC in South Africa: The Reconstruction of Tradition?', in Aninka Claassens and Ben Cousins (eds), *Land, Power & Custom: Controversies Generated by South Africa's Communal Lands Right Act*, (Athens, OH: Legal Resources Centre, 2008), pp. 238-39.

¹⁰⁶⁷ See Carolyn Logan, 'The Roots of Resilience: Exploring Popular Support for African Traditional Authorities', *African Affairs*, 112:448 (2013), pp. 353-76.

¹⁰⁶⁸ Peires, 'History Versus Customary Law', p. 2.

¹⁰⁶⁹ Peires, 'History Versus Customary Law', p. 2.

the death of his father in 1876. Yet Peires questions the viability of this interpretation of Mpondo custom. Far more important for him is the subsequent action of Nqwiliso, who subsequently sought recognition of his sovereignty by British administrators in 1878 in exchange for the sale of Port St. John and the sole rights to the navigation of the Mzimvubu River. As Peires argues, 'the Commission [should have] proceeded on the basis that the Western Mpondo kingship was nothing more than the payoff made to a colonial puppet'. Had it decried the illegitimacy of the Western paramountcy on this basis, 'it would have been difficult to fault its reasoning'.¹⁰⁷⁰

The criticism of the Commission to draw on customary law clearly reflects concerns that any such determination would simply reflect the mutation of a traditional institution employed in the service of colonialism and apartheid. Yet Peires' own conclusion is no less problematic; castigating Nqwiliso as a 'puppet' evokes a familiar history of collaboration between chief and state and the imbrication of the former into the administrative structures of the latter. Articulated in the post-apartheid present, such broad claims about the historical trajectory of indigenous institutions may seem self-evident. Yet this sense of certainty should not preclude an exploration of the idiosyncratic uncertainties that this relationship precipitated in particular geographical and temporal contexts.¹⁰⁷¹ Nor should it exclude an awareness of the ways in which local understandings of jurisdiction, authority and subjecthood served to determine the institutional articulation of this dynamic. To do

¹⁰⁷⁰ Peires, 'History Versus Customary Law', p. 3.

¹⁰⁷¹ A similar argument can also be made with regards to the post-apartheid period, where the operation of ethnicity, for example, should not necessarily be reduced to its transformation and instrumentalisation under colonialism and apartheid. See Hylton White, 'A Post-Fordist Ethnicity: Insecurity, Authority, and Identity in South Africa', *Anthropological Quarterly*, 85:2 (2012), pp. 397-428.

otherwise risks anachronism. As Frederick Cooper suggests, often what is more important is 'what one does not see: the paths not taken, the dead ends of historical processes, the alternatives that appeared to people in their time'.¹⁰⁷²

Indeed, this thesis has sought to highlight the myriad alternatives and political possibilities that faced various Mpondo actors as they negotiated the protracted process of political incorporation into the Cape. Such an approach has avoided an assumption about the teleological trajectory of Pondoland's historical development; rather, it has actively underscored the contingency of colonial claims to rule the country. This argument rests, in the first instance, on an acknowledgement of the particularities of Pondoland's geographical location. Situated on the margins of empire and far away from established centres of power in Cape Town or Pietermaritzburg, projections of imperial power and the subsequent – though not synonymous – processes of colonial state-formation played themselves out very differently here. Of course, the country was not immune to wider economic shifts or the conflagrations that erupted along an ever expanding eastern frontier. But these broader patterns of change modified, rather than undermined the existing foundations of Mpondo political authority.

As chapter 1 made clear, the geo-political imperatives of the early-to-mid nineteenth century meant that officials paid little attention to the internal dynamics of Mpondo society. This earlier period had first witnessed a defensive turn towards closed settlement and the incorporation of multiple migrating chiefdoms eager to flee the instability and upheaval of Zulu expansionism. Such political

¹⁰⁷² Cooper, *Colonialism in Question*, p. 18.

entrepreneurism ensured the re-accumulation of stock and the consolidation of the boundaries of the Mpondo kingdom; in turn, this helped re-cast the then paramount, Faku, into a potentially important ally in an otherwise volatile region. Officials were, however, clearly unfamiliar with how power was practically wielded in Pondoland. Attempts to demarcate the boundaries of the polity – through treaty and territorial acquisition prior to 1870 – reflected a colonial conception of the kingdom as internally centralised, culturally cohesive and essentially bounded. Yet such initiatives ran counter to the twin processes of economic atomisation and political decentralisations that underpinned chiefly rule in Pondoland from the mid-nineteenth century.

This particular argument is not new; William Beinart has underlined the importance of these developments in terms of the changing material basis of Mpondo chieftainship, the increased independence of the Mpondo homestead and the centrality of long-established social relations in shaping the country's absorption into the wider colonial economy. Yet the settlement and subsequent dispersal of numerous chiefdoms from the mid-nineteenth century precipitated a fundamental transformation in the way that political authority was both practiced and perceived. Indeed, this thesis has argued that the polity became characterised by its jurisdictional heterogeneity and a differential process of incorporation that bound its composite communities in various ways and degrees to the Eastern royal house. These institutional arrangements were further reinforced by the physical location of these multiple constituencies; the power relations, communal solidarities and divisions that comprised the kingdom were largely fostered by the political geography of Pondoland. As a result, all Mpondo chiefs enjoyed an autonomy that

was born from the political decentralisation of the mid-nineteenth century. But intra-Mpondo relations were themselves highly variegated, influenced both by the jurisdictional reach of the royal house and the loyalties and rivalries it inspired.

This shift from political economy to political geography thus foregrounds the continual reconfiguration of this network of affiliations and animosities in a way that necessarily underlines the importance of Mpondo understandings of authority and subjecthood. In doing so, this thesis has advanced three interconnected arguments: firstly, that these notions were formative in shaping the protracted process of incorporation into the Cape; secondly, given the limited colonial presence in Pondoland, their political potency can only best be understood by exploring their articulation within a wider imperial context. And thirdly, that these intra-Mpondo shifts were facilitated by, and foundational to, the intersection of indigenous, colonial and imperial jurisdictional disputes in ways that fundamentally shaped the administrative and institutional character of the early colonial state.

Indeed, as chapter 2 illustrated, the first significant political intervention *within* Mpondo society was precipitated by imperial proclamation in 1878 rather than through colonial action. Frere's edict intended to better regulate intra-Mpondo relations and governance through the introduction of new political boundaries formalised by the partition and partial annexation of the country. Yet doing so precipitated a swathe of contentious conversations amongst Mpondo actors about the exercise of authority and subjecthood in Pondoland. These notions were hardly abstract; rather, they reflected a real ontological uncertainty about political order, the welfare of particular communities, the right to territory and the demarcation of

space. In certain circumstances, chiefs and their followers also sought to police the boundaries of inclusion and exclusion into the polity; these were not just arguments over *who* did and did not belong – many were also forced to articulate *how* they belonged as well. These contentious conversations were, first and foremost, rooted in claims to particular tracts of land and local resources. But they likewise evoked the differential process of incorporation that bound chiefly communities in various ways to the Eastern royal house; to that end, they also revealed much about the variegated structures of Mpondo political authority itself.

By exploring this political dialogue, chapter 2 demonstrated that European intervention prior to annexation in 1894 was more than just material in nature; in 1878, it prompted Mpondo actors to articulate and defend their claims to autonomy in ways that underscored the country's jurisdictional heterogeneity. Such a focus enriches the history of the Eastern Cape by highlighting how political authority was practical perceived and negotiated within one of its principal chiefdoms. But it also better integrates the polity – usually only incorporated into regional studies of the Transkei – into a broader history of imperial governance. Indeed, the impact of Frere's proclamation demonstrates a crucial point about the extension of British sovereignty; more often than not it served to highlight either pre-existing or counter claims to govern the same space by various indigenous, colonial or extra-colonial historical actors. Whilst intra-Mpondo disputes were local in effect, in this instance they were clearly precipitated by supra-local attempts at intervention.

This argument is important, not least because it highlights how the more familiar processes of colonial state-formation were often born from the intersecting

interests of multiple actors across various contexts. The conflicts between Nci and Xesibe protagonists, for example, served largely to underline the limited jurisdictional reach of the Eastern royal house. Yet its inability to contain the continual outbreaks of violence in the country's north-east ultimately prompted the Cape to formalise the Xesibe border in 1883. In doing so, colonial officials arguably provided some relief to a much maligned Mqikela, even if leading chiefs and councillors maintained their opposition to this intervention. Indeed, there existed much antipathy between the government and Great Place. Yet these initiatives paradoxically facilitated the implicit interdependence between these otherwise inimical institutions.

As chapter 3 demonstrated, the Cape increased its own efforts at intervention from the mid-1880s. The formal annexation of Port St. John (1884), the entire Mpondo coastline (1885), Xesibeland and Rode Valley (1886): each attested to a colonial desire to stabilise the jurisdictional boundaries of the polity. Doing so, however, instead fragmented the country into a multi-jurisdictional space comprised of increasingly exclusive imperial, colonial, Eastern and Western Mpondo arenas of rule. Colonial pretensions to power thus remained limited to certain regions whilst centralising specific areas in which the royal house could better assert its own authority. Such developments bolstered the hostility between the two and increased the likelihood for greater instability, whilst simultaneously fostering a greater ambiguity over *who* precisely governed Pondoland. As a result, numerous Mpondo, European and extra-local actors sought to take advantage of this jurisdictional impasse; chiefs, commoners, traders, Natalian settlers and officials: each attempted to advance their own claims to the country.

Exploring these pretensions to power demonstrated how the introduction of new jurisdictional boundaries served as important resources to be used by various actors. They were able to switch between, simultaneously treat with, or avoid altogether the multiple authorities that now comprised the country. Negotiating the increasing antipathy between royal house and state, many engaged in the constant swapping of affiliations between the two, thereby harnessing colonial intervention towards a myriad of diverging ends. For Mpondo chiefs, this jurisdictional ambiguity provided an opportunity to maintain an autonomy that had long been enjoyed and which was increasingly threatened by the centralising tendencies of the Eastern paramountcy. For Natalian actors, the inability of the Cape to consolidate its own claim to rule offered the promise of potential annexation and the extension of the country's southernmost border. Of course, there existed no conscious collaboration between these largely unconnected agendas; nevertheless, chapter 3 demonstrated how these could meaningfully intersect to render the Cape and paramountcy mutually circumscribed. Indeed, both seemed to share in the struggle to command the loyalty of those they sought to rule. It was in this context of increasing imbrication that annexation therefore occurred. Far from signalling the subordination of the royal house to the Cape, it provided a temporary boon to these otherwise inimical authorities. For the former, it served to reaffirm an authority that had fractured following the outbreak of civil war. For the latter, it allowed officials to lay claim to a country that was simultaneously sought by its sister colony.

In making this argument, this thesis has illustrated how the institutional boundaries separating chief and state were arguably at their most permeable at precisely the moment when colonial authority was, legislatively at least, proclaimed.

As I have argued throughout, this process of increasing interdependence was principally born from the shifting configuration of intra-Mpondo political relations precipitated by imperial intervention in 1878. As chiefs and commoners sought to maintain their long-held autonomy, they engaged in contentious conversations concerning the exercise of authority and subjecthood that in turn requalified multiple attempts at intervention in Mpondo society. The moment of annexation was no different. As chapters 4 and 5 demonstrated, the formalisation of colonial did little to settle to question of *who* ruled Pondoland. Quite the opposite, since incorporation also entailed the country's inauguration into empire, those same jurisdictional disputes became imbued with an imperial inflection that only increased their political potency.

As the judicial challenges mounted by the Cooks' and Sigcau revealed, those on either side of the colonial divide could share in a mutual invocation of imperial membership to challenge the efficacy of the Cape's claim to rule. The former aimed to prove the 'despotism' of the colonial state; the latter was eager to highlight the 'repugnant' practices of its Transkeian administration. These debates were largely symbolic; as officials began to replicate the practices and personalism of those chiefs they sought to supplant, extra-colonial, colonial and indigenous actors simultaneously sought to monopolise the meaning of what British rule meant in a colonial context.

Nevertheless, they also revealed a very real dispute over the state's right to govern that was readily exploitable by various Mpondo actors. In the first instance, they used the occasion of the Cooks' trial to advance factions and fissures that had

been exacerbated by civil conflict. These loyalties and rivalries were also the cause of Sigcau's own incarceration, as the paramount struggled to affirm an authority below that was doubly intended as a show of strength to colonial officials, who similarly sought to consolidate their claim to rule. Taken together, these judicial disputes thus marked an important moment in the intersection of indigenous, colonial and imperial jurisdictional disputes that – as chapter 6 demonstrated – served to shape the administrative character and institutional viability of the colonial state itself.

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