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**THE ALBANIA SETTLEMENT OF GRIQUALAND WEST
(1866-1878)**

THESIS

Submitted in fulfilment of the
Requirements for the Degree of
MASTER OF ARTS
of Rhodes University

by

JUNE MARGARET KURTZ

January 1988

For my husband
Donald Wayne Kurtz

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PREFACE

As the Albanian Settlers had done more than a hundred years earlier, I moved to the Northern Cape from the Eastern Cape. This was what initially stimulated my interest in this little group, some of whose descendants are still to be found on their farms with the English-sounding names in what used to be Albania, but is now the District of Herbert.

Although Albania is mentioned in many books, little had been written specifically on the settlement and its people. It also seemed time to polish David Arnot's very tarnished image a little by adding Warren's views to those of Stockenström, who cannot be regarded as anything but extremely biased against the unfortunate Griqua Agent, but whose views have been given unfair prominence, because they supported the Free State's claims that it had been swindled out of the Diamond Fields.

I should like to thank the many people who have guided and helped me in the research for and the writing of this thesis. Above all I owe a great debt of gratitude to my supervisor, Professor T. R. H. Davenport, who bravely took over when my first supervisor, the late Professor Winifred Maxwell, passed away, whose patience has been inexhaustible and whose scholarship and insight have been of immeasurable value to me. I should also like to thank Dr Richard Liversidge, then Director of the McGregor Museum in Kimberley, who suggested this subject to me as being worthy of research and whose support and interest were unflagging. Mrs Muriel Macey of the Kimberley Public Library spent hours searching through the Africana section for relevant material and had many helpful suggestions. The Wayland and Cook families in particular provided me with fascinating information on their families, which was most useful. Mrs Ellen Walsh patiently and skilfully drew all but one of the maps and Mrs C. Kleinjan and Mrs L. Bolding kindly translated some of the more difficult Dutch passages in the documents, when I got stuck. I am also

grateful for the unfailing courtesy and helpfulness of the staffs of the Cape Archives in Cape Town, the Orange Free State Archives in Bloemfontein, the Cory Library at Rhodes University, the Jagger Library at the University of Cape Town, the Albany Museum in Grahamstown and the McGregor Museum in Kimberley.

Then, I should like to thank the Human Sciences Research Council for generously granting me a bursary; and the Cape Education Department for granting me the study leave which made completion of the thesis possible.

Many people have helped by responding promptly and fully to queries and requests for information and I am most grateful to all of them.

Finally, I would like to thank my husband, Don, who has spent many hours teaching me how to use the word processor and preparing this thesis for printing. His belief in me kept me going when all else failed and his encouragement and support have meant more to me than can be expressed here.

AbstractThe Albania Settlement of Griqualand West, 1866-1878

The history of the Albania Settlement of Griqualand West is examined from its beginnings in 1866 to its demise in 1878.

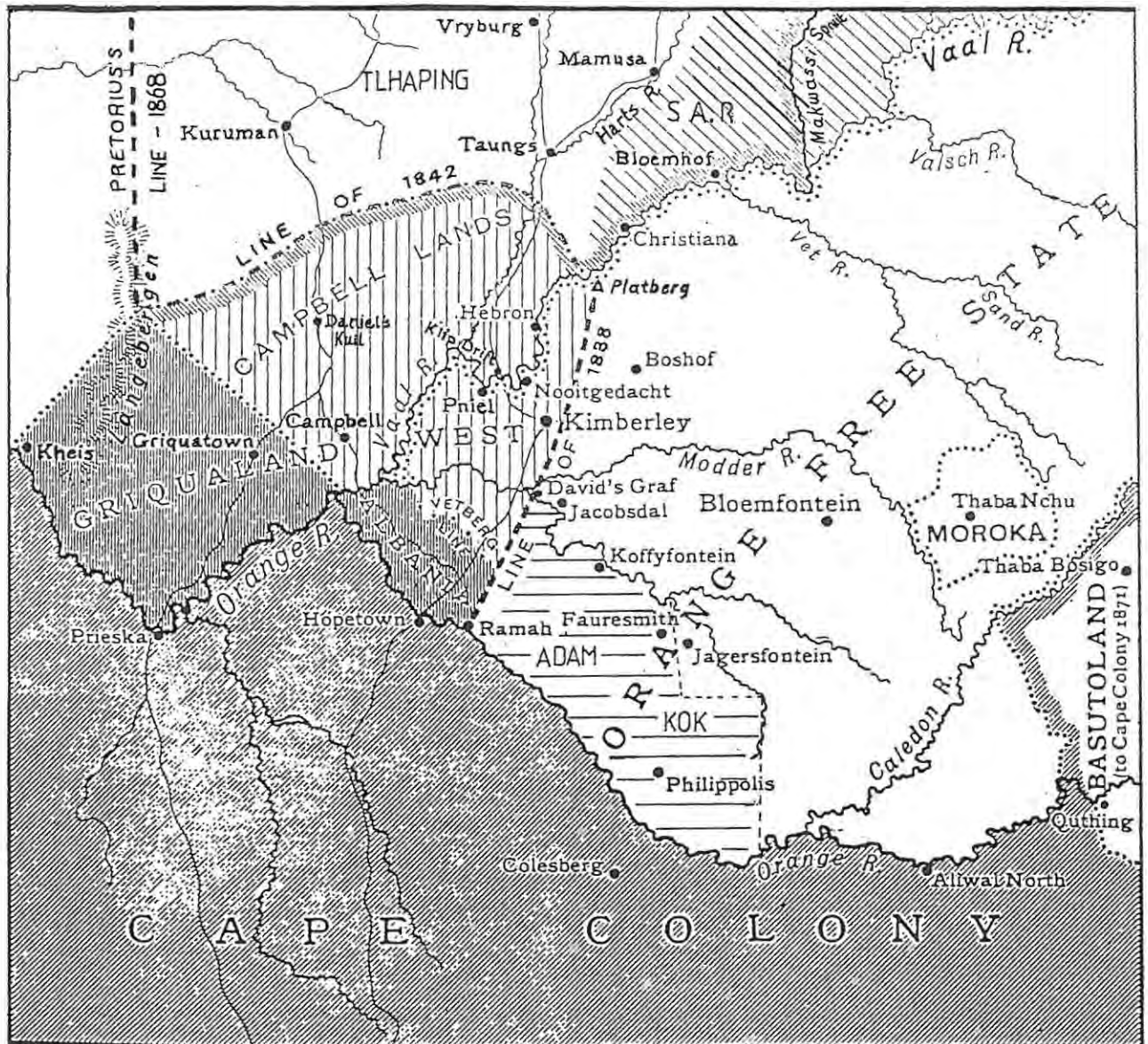
Albania was very much a product of its time. Nineteenth century British colonial policy was basically expansionist, despite minor fluctuations caused by the various influences affecting it, such as the Free Trade and Mercantilist doctrines, social factors within Britain and events within the colonies themselves. From 1815 colonial settlements were fairly common in British territory, especially after Wakefield had provided a convincing theoretical framework for them.

Within South Africa itself there are differing interpretations of what motivated British policy and of the role of the missionaries, while the changing political and economic landscape markedly affected Britain's decisions. British Government settlement schemes were undertaken mainly for social or military reasons, but there were also many settlements founded by land speculators.

The economically depressed 1860s hit the Eastern Cape hard and this, combined with the transition to sheep farming, which created considerable land hunger, made the Albania scheme attractive to Eastern Cape farmers.

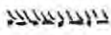




The Griqua people led by Andries Waterboer had made a great effort to establish hegemony north of the Orange River, over the Sotho-Tswana and other Griqua chiefs. By 1866 the attempt had failed and Free State farmers were encroaching onto Nicholas Waterboer's lands. When Waterboer's agent, David Arnot, proposed the establishment of a settlement of Albany men to act as a "Wall of Flesh", Waterboer accepted the idea. Arnot's motivation was also land speculation in an area where diamonds were likely to push up land values.

From its inception the settlement was dogged by quarrels, mainly over land, amongst the parties involved - the Griqua, brutally removed to make way for the settlers; the settlers, dissatisfied with the land tenure system and their administration; Arnot; the British and the encroaching Boer farmers. After the 1871 annexation of Griqualand West, into which Albania was absorbed, it took seven years, two Land Commissions, a Land Court and a special Land Claims Commissioner to sort out the tangled claims and bring order to the area and Albania's history to a close.



GRIQUALAND WEST

(based on E.A. Walker, "A History of Southern Africa", p. 335)

- Line of Keate Award 
- Undisputed Griqua Territory 
- Territories claimed by Waterboer 
- Trade Routes 
- Eastern Griqua Territory until 1861 

CHAPTER ONE

THE BACKGROUND TO THE ALBANIA SETTLEMENT SCHEME

This chapter places Albania in the context, firstly, of British colonial policy in general and of land settlement schemes involving Britain in particular: in Canada, Australia, New Zealand and South Africa itself; and, secondly, in its economic and political context, concentrating on the economic crisis of the 1860s and on the Separatist issue to explain Arnot's choice of Eastern Cape farmers as prospective settlers. Finally, it deals with the history of the western Griquas, to indicate why Nicholas Waterboer accepted the Albania scheme.

a. British Colonial Policy in the Nineteenth Century and its Effects on Expansionism:

There were many varied influences acting on British colonial policy during this period: economic, political, strategic and social. What follows is a brief and greatly simplified discussion of some of these complex influences, especially as related to South Africa.

While historians differ greatly on the reasons and degree to which British colonial policy fluctuated during the nineteenth century, most agree that there was a clear change in 1815. Before this Britain preferred to acquire colonies suited to trade rather than settlement, in which she had little interest. Colonists were seen primarily as a source of labour to develop the colony economically to make it a more worthwhile trading partner. However, after 1815 the economic distress following the Napoleonic wars, the overpopulation in relation to employment opportunities, the starvation and the consequent riots and disturbances led to a new interest in colonial settlement, although it was implemented in a very disorganised way until Wakefield¹ gave it coherence and shape. Charles Buller called this change "the shovelling out of

¹ See below.

paupers"², while Malthus pointed out that it was necessary to get rid of excess labour in order to drive up the wages of those left behind. Opponents of the theory insisted that getting rid of people only created a vacuum which would be refilled by the same kind of people, thus solving nothing and losing the capital needed to create jobs. The poor would be better served by spending this money in England. However, a particular combination of circumstances, namely, that Britain had, at the same time, abundant land available, capital to invest and too large a population, led to the adoption of the pro-settlement view in the second quarter of the nineteenth century.³ Thus colonial policy cannot be seen in isolation from British domestic conditions, concerns and prejudices. One important aim was to reduce the numbers of English poor in such a way that they would not become more militant than they already were and to establish a stable class society based on that in England.⁴ Such colonies would be social and economic assets.

However, settlement tended to mean expansion as the settlements grew and expansion often, especially in South Africa, meant conflict, which was vastly expensive. Thus, Britain's colonial policy was essentially ambivalent, fluctuating between protection of her settlers, native tribes and her strategic interests and disinclination to foot the large bills this protection entailed. Because of this ambivalence her

2 Quoted by K. E. Knorr, *British Colonial Theories, 1570-1850*, p. 269.

3 Knaplund, P., *James Stephen and the British Colonial System*, p. 68.

4 These attempts to reproduce British society in the colonies were often influenced by attitudes developed in the course of the colonisation and development of Ireland and Scotland and there are specific parallels with South Africa. For instance, the replacement of self-sufficient peasant communities in the Eastern Cape and Cape Midlands by sheepruns bears a marked similarity to the Highland clearances. Racial attitudes too were affected. Even in non-Irish colonial situations, the labouring classes - in South Africa, the Afrikaners and even more the Blacks - tended to be equated with the despised Irish labourers. This helps to explain the great social distance between English and Afrikaner, Black and White.

policy was profoundly affected by factors such as the character of the Colonial Secretary and his permanent undersecretary and, in those days of slow communication, of the Queen's representative within the Colony, such as the Governor and High Commissioner at the Cape; the pressure of English or colonial public opinion influenced by such moulders of opinion as the Humanitarians, Free Traders, Separatists or Imperialists; Britain's own needs (already described) and circumstances within each colony. Thus it is not surprising that interpretations differ so widely as to exactly what determined British colonial policy.

Thus, some have seen it as a struggle between expansionist Mercantilists and non-expansionist Free Traders. In this view, the Mercantilists, believing that the object of trade was to export goods at the highest prices, wanted colonies, which they could monopolise economically and visualised a kind of British "Zollverein", in which the colonies were compliant suppliers of raw materials and buyers of manufactured goods. The Free Traders, on the other hand, were confident that Britain could stay on top without such monopolies and believed that the colonies were too undeveloped to provide the wider markets needed by an industrial society. Only Free Trade could ensure such markets⁵ and this made Free Traders anti-Imperialist.

However, for at least two reasons this is not convincing. It oversimplifies the issue and, secondly, there is debate about the extent of the Free Trade movement's anti-Imperialism. During the nineteenth century, Britain acquired huge tracts of territory, no matter which party was in power. Robinson and Gallagher⁶, who defined Imperialism as

5 In the 1820s William Huskisson and Thomas Wallace introduced reforms in the direction of freer trade, although Huskisson was neither anti-Imperialist nor a strict Free Trader. The monopolist colonial system became preferential instead.

6 Robinson, R. and Gallagher, J., "The Imperialism of Free Trade", *Economic History Review*, Second Series, Vol.VI, No 1 (1953), pp. 1-15.

the political aspect of the "process of integrating new regions into the expanding economy"⁷, argued that this expansion was because in practice most Free Traders were Imperialists, since trade inevitably went hand-in-hand with political control. Self-interest saw to that. They considered the only real difference between the Mercantilists and the Free Traders to be that the former used power to obtain possession and therefore commercial supremacy and monopoly, while the latter used power to protect trade security. The effects were the same: a "grand strategy"⁸ aimed at continuous expansion in order to maintain British interests at the desired level, ideally through a combination⁹ of political and economic penetration which allowed Britain to dominate those economies which best suited hers. Once involved, Britain guarded her interests, informally or formally "where informal political means failed to provide the framework of security for British enterprise (whether commercial or philanthropic or simply strategic)"¹⁰. While Robinson and Gallagher accepted that the Free Traders saw the extension of formal control as a last resort, they have shown that the intensified challenge to Britain towards the close of the century made this last resort more common and that Free Trade influence did not cause one colony to be given up during this time. They stress that the desire not to annex should not be confused with a desire not to control, formally or informally, pointing out that, in the South African context, indirect control was exercised over the interior republics through control of the coastline and ports. Even the grant of Responsible Government was not a device for separating

7 Robinson, R., and Gallagher, J., *op. cit.*, p. 5.

8 Davenport, T. R. H., *South Africa: A Modern History*, 2nd Ed., p. 120.

9 In China, the lack of commercial backup for political penetration led to the failure of British policy there.

10 Robinson R., and Gallagher, J., *op. cit.*, p. 13.

colonies from the parent state, but a way of maintaining British interests by indirect methods, since such governments were expected to remain loyal agents of British colonial trade and power. Economic dependence kept colonies bound to Britain, who always reasserted control if her interests were threatened and who exercised control in various ways, such as through the High Commissioner¹¹ in South Africa, to ensure protection against external threats. In addition, she could and did use colonies as cheaper and more efficient agents of expansion - in South Africa, for instance, Britain used the Cape to annex Basutoland and the Diamond Fields.

MacDonagh¹², on the other hand, has shown that the true Free Traders, led by Cobden and Bright, did oppose the development even of informal Empire, because it conflicted with their political views. Imperialism supported the armed forces and thus the aristocracy, enemy of economic virtue, which supported the Empire with all its "bellicosity, war, waste, outdoor relief for its cadets and clients, and a steadfast opposition to Free Trade."¹³ Free Traders resisted an aggressive foreign policy, holding that coercion contradicted free trade. Trade would be better served without occupation, which often destroyed self-government and ultimately caused international trade to suffer by leading to hatred and war, squandering resources and reducing commerce and lasting markets. While agreeing that British policy was essentially expansionist from 1845 to 1860, Macdonagh has shown¹⁴ that this was not because

11 Fryer defines the High Commissioner's job as being to exercise paramountcy over peoples not legally subject to Britain. (Fryer, A. K., *The Government of the Cape of Good Hope, 1825-1854*, pp. 127-128, AYB, Vol.1, 1964).

12 MacDonagh, O., "The Anti-Imperialism of Free Trade", *Economic History Review*, Second Series, Vol. XIV, No.3 (April 1962).

13 *Ibid.*, p. 492.

14 *Ibid.*, pp. 489-501.

the Free Traders were all secret Imperialists, but because of the many other forces at work in British society, not just self-interest, as Robinson and Gallagher seemed to imply, but also missionary Christianity, jingoism and the drama and vicarious excitement of Empire as depicted in the Popular Press. In the 1850s Imperialism gained enormous popular appeal and from then on the Radicals were essentially in the political wilderness. After 1846, Palmerston's return to office and Britain's reduced absorption in Home affairs led to a more aggressive foreign policy, since the Palmerstonians believed that the expanding economy needed the protection of power. The Radicals had mistakenly believed that Empire had no real interest for the Middle and Working classes, who would, in time, begin to work against it, but the election of 1857 showed their error - they were driven from the House of Commons and Palmerston's policies received a resounding endorsement. Nevertheless, the Free Traders did continue to exercise some influence in the direction of anti-expansionism, for, even within Palmerston's Cabinet, there were Free Trader sympathisers, such as Gladstone, Chancellor of the Exchequer in Palmerston's second administration, who did, in fact, reduce expenditure on the Empire. In the 1850s free trader views coincided with those of colonial reformers, such as Sir William Molesworth, who wished to cut costs by giving colonial legislatures more power. To confuse matters further, both Imperialists and anti-Imperialists often used to the same arguments to support their views: economic interests, Christian principle and national honour.

Macdonagh's view that public opinion favoured expansionism is supported by Robinson, Gallagher and Denny¹⁵, who have shown that many mid-Victorians believed that Free Trade and restricted government brought prosperity, with its corollaries: moral betterment and intellectual en-

15 Robinson, R., Gallagher, J. and Denny, A., *Africa and the Victorians*.

lightenment. Thus expansion was not only an economic necessity for industrial growth, but also a moral duty: to spread the blessings of the British way of life by carrying the seeds of freedom, civilisation and Christianity to all parts of the globe and creating new nations, similar in blood, habits and feelings to England.¹⁶ Freedom through expansion is contradictory, as the true Free Traders realised, yet it is easy to understand the attraction of the idea. By the 1860s this optimistic idealism was less certain, but still there. Public opinion was important because Robinson *et al.* have shown that private enterprise played a notable role in expansion. "Myriads of individual Britons in search of maximum opportunity"¹⁷, formed relationships with enterprising individuals and classes in foreign societies to "act as yeast and leaven the lump."¹⁸ These enlightened groups, known as collaborators, then combined to bring about peace and liberal reform. Collaboration worked best where there were transplanted white communities to act as collaborators, since these areas tended to have fairly stable governments and the same cultural background as Britain. Robinson *et al.* also asserted that Britain was often prepared to annex more land if the colonists themselves so wished, although in South Africa this certainly depended on circumstances.

Another important aspect of British imperialism on which historians differ is the question of the role played by missionaries¹⁹, how much influence they had and whether they were for or against expansion

16 Morrell, W. P., *British Colonial Policy in the Age of Peel and Russell*, pp. 1-28.

17 Robinson *et al.*, *op. cit.*, p. 3.

18 *Ibid.*, p. 3.

19 See also p. 47.

of British control. As regards South Africa, J. S. Galbraith²⁰ believed that the Treasury was a more important influence and that the humanitarians were essentially non- or even anti-expansionist. W. M. Macmillan believed that they were not necessarily anti-Expansionist and that they did have some influence, although even at the height of his power the Cape colonial government was never "in Dr Philip's pocket"²¹, as the popular view often had it. Macmillan approved what he saw as the missionaries' stand for freedom, considering, for instance, the Treaty System a well-meant attempt to bring the Griqua under the protection of colonial law, so that, at worst, they could continue as free labourers with the right to appeal to efficient courts. However, Macmillan realised that missionary influence was limited, for, although "On the face of it, Humanitarianism was on the way to winning the battle with Economy, to become the guiding motive of British policy"²², in fact, Britain was not prepared to go any further than this very "timid concession...to humanitarian concern."²³ Thus, the missionaries were often awkwardly placed between the British government (or the Boers) and the Griqua or other Black groups, trying to urge restraint on the latter, while trying to obtain concessions from the former and often only antagonising both.

20 Galbraith, J. S., "The Turbulent Frontier as a Factor in British Expansion", *Comparative Studies in Society and History*, Vol. II, (1959-1960).

21 *Ibid.*, p. 94.

22 Macmillan, W. M., *Bantu, Boer and Briton*, p. 208.

23 *Ibid.*, p. 210.

Later historians, such as Atmore and Marks²⁴, Macdonagh and the Marxist Majeke²⁵ argued that missionaries were not only of crucial importance in shaping British policy, but also very effective in bringing about expansion, often deliberately undermining the fabric of African society to create what they considered a better, Christian, capitalist society. They favoured work, cash-crop production or work for White colonists, so that the changes they brought about often helped establish the accepted British social order, rather than threatened it, as so many of their critics believed. Their initial encouragement of the African peasant disappeared later as the settlers extended their political control over the colonies, including Griqualand West. The Missions fostered annexation, often demanding it. This meant inevitably the end of Black independence and the transformation of Blacks into "inoffensive Christians"²⁶, a revealing phrase about the function of missionaries as seen by the Colonial office. Majeke goes even further, pointing out that nineteenth century Christianity taught the poor to accept inequality and injustice in the hope of a better after-life and accusing liberalism of serving the new capitalism. In support of his views, he quoted Dr Philip's own preface to *Researches in Southern Africa*: "our missionaries...are extending British interests, British influences and the British Empire...wherever the missionary places his standard among a savage tribe, their prejudices against the colonial government give way, their dependence upon the colony is increased by the creation of artifi-

24 Atmore, A. and Marks, S., "The Imperial Factor in South Africa in the 19th Century: Towards a Reassessment", *Journal of Imperial and Commonwealth History*, III: (1974).

25 Majeke, N., *The Role of the Missionaries in Conquest*. Majeke's views are given fuller consideration in the section on the Griquas.

26 Atmore and Marks, *op. cit.*, p. 119.

cial wants...Industry, trade and agriculture spring up."²⁷ However, Davenport²⁸ has shown that a more moderate view is more convincing. It is unfair to lump all the missions together, since their outlooks differed widely. Not all missionaries tried to impose a European lifestyle and many were extremely useful to the Chiefs in their dealings with White traders, settlers and officials.

Another factor which affected colonial policy was the character of the men in the Colonial Office and at the Cape as Governors and High Commissioners. As an example, the Duke of Newcastle wanted to extend self-government and opposed expansion for reasons of economy, which led him to order the abandonment of the Orange River Sovereignty in 1854. On the other hand, Wodehouse, although he would not intervene in the Griqua dispute with the Free State, did intervene vigorously to protect the Sotho by annexation.²⁹

The Treasury also had much to say regarding colonial policy, mostly on the anti-expansionist side, especially where South Africa was concerned. The frequent wars led to constant harping on the need to economise. Galbraith stresses this as "the ruling influence".³⁰ It was often a battle to balance Treasury demands with Britain's other concerns, such as strategic or political goals.

Finally, conditions within each colony led to changes in colonial policy intended to meet changing circumstances, although here again historians are divided as to the extent to which these changes were merely reactive, as J.S.Galbraith argued, or whether, as Atmore and Marks established, the Imperial Factor played a formative role. In Galbraith's

27 Majeke, N., *op. cit.*, p. 8.

28 Davenport, T. R. H., *op. cit.*, 3rd Ed., pp. 277-280.

29 Davenport, T. R. H., *op. cit.*, 2nd Ed., pp. 120-127.

30 *Ibid.*, p. 120.

view, the British government merely reacted to the policies of successive Cape Governors, which he described as "expansion for security"³¹, attempts to eliminate disorderly frontiers by annexation, leading to further problems and annexations, more or less reluctantly accepted by Britain. Marks and Atmore³², on the other hand, pointed out that, far from being a passive force, the Imperial Factor was vital from the start and finally tipped the balance permanently in favour of the Whites after 1870/80 to protect British interests, which were always the paramount consideration. Thus the withdrawal from the interior in 1852 and 1854 was possible and desirable only because informal means of control could still be applied, although the republics' problems would no longer be Britain's direct concern. The Transvaal was cut off from the sea, internally divided, economically dependent on the banks and merchant houses of the Cape and especially Natal. The Orange Free State was stable enough to give British trade enough opportunity not to need intervention. Each time the Republics tried to expand or consolidate their power they were thwarted - in 1860 and 1868 at Delagoa Bay, in 1861 and 1868 at St Lucia Bay, the Free State in its "attempt"³³ on Port St Johns. their union was prevented in 1860. their claims to Griqualand West rejected in 1870 and the diamond areas annexed by Britain to strengthen the Imperial position. However, by the 1870s and 1880s this had changed. The confidence of the earlier period which had made annexation unnecessary had changed to fears that competitors would forestall Britain. In 1867 Wodehouse had advised Britain to absorb the Republics

31 Galbraith, J. S., *op. cit.*, p. 166.

32 Atmore, A., and Marks, S., *op. cit.*, pp. 105-139.

33 John Benyon in *Proconsul and Paramountcy* says that it is not clear that the Free State really wanted Port St Johns, but Wodehouse believed they did and urged Faku to cede the port to Britain, as did Frere. It was proclaimed British on 4th September, 1878. (Benyon, p. 92 and his footnote 75 on p. 107).

while they were still weak, since it would have to be done sooner or later because their nationalism and alien culture would inevitably lead to a conflict of interests. This helps to explain the popularity of federation. The federal government would keep order and control native and frontier policy, while the Cape would control the trekker republics and watch over imperial interests. As pointed out earlier, Britain preferred to work through a collaborator. In South Africa the Cape, self-governing from 1872, was the only possible collaborator, but was unenthusiastic and obstructive about the annexations she was expected to carry out. Britain therefore had to ensure that she was leaving a manageable situation and so the 1868 annexation of Basutoland was intended to make the North-eastern frontier more defensible, while the 1871 annexation of Griqualand West was supposed to bring order to the turbulent Diamond Fields to reduce the possibility of conflict on the Cape's northern border. The annexation could also be expected to strengthen the Cape's economy, since import duties and taxes on the greater population would help balance the added administrative costs, but this was not a major factor. For several good reasons, possession of the Diamond Fields could not be allowed to pass to the Republics: the Transvaal appeared to be blocking the labour supply routes from Central Africa, thus threatening the road to the North, the key to further northward expansion and to trade and commerce, which lay through Griqualand West; the republics were incapable of ruling such alien communities as the diggings³⁴ and possession was likely to strengthen their resistance to imperial supremacy and confederation. Immigration and speculation linked with rising land values had given impetus to the expropriation of tribal

34 In September, 1870, Wodehouse told the Secretary of State, Granville, that he felt that Waterboer was entitled to the diamond areas, but that neither he nor the Boers would be able to rule them. (Mona Macmillan, p. 181).

lands and increased the competition for land and as the problems worsened, Britain became more determined to resolve them by federation. In 1875 the federation scheme was pushed forward, but failed, for union in South Africa required "peaceful frontiers, contented Bantu, full colonial treasuries and Boer consent"³⁵ and this combination remained elusive. Between 1877 and 1880 Ngqika, the Pedi, the Griqua, the Tlhaping and Rolong, the Zulu and the Sotho all rebelled to protect what was left of their lands. This led to strong criticism of Britain on grounds of humanity and expense. The rebellions were quelled at last, but the federation scheme was beyond resurrection. Nevertheless, South Africa was no longer the Colonial Cinderella, but rather the focus of huge British investments, because Britain had shifted from demands for cotton and markets for textiles to railway development, overseas investment and the development of "modern" infrastructures in the undeveloped world. The discovery of diamonds and gold, therefore, made South Africa a very desirable possession indeed. She produced most of the world's gold at a time when the gold standard was becoming almost universal. The repercussions on South Africa were enormous. Labour was essential for such very rapid economic development. Within a generation all the remaining independent Southern African territories were brought under Imperial control, or under local sub-Imperial control. As Sir Bartle Frere pointed out, these territories had become anachronisms.

To sum up, colonial policy was essentially expansionist throughout the century and by the late 1860s was becoming more so, so it was not unreasonable of Arnot to believe that his scheme might find a favourable hearing.

35 Robinson, R., Gallagher, J. and Denny, A., *op. cit.*, p. 62.

b. Settlement schemes in British Colonies: Theory and Practice.³⁶

i. General:

In the 17th Century, Cromwell sent British settlers to the West Indies, and, in the 18th Century, about 4000 colonists went to Halifax in Nova Scotia. Military outposts were settled and convicts transported, but apart from these, there was little British settlement until after the Napoleonic wars, for reasons already discussed. In the 19th century, however, land settlements of various kinds were a major feature. Such schemes may be very broadly defined as the use of colonial land to persuade settlers to fulfil a purpose determined by the originator of the scheme. That originator might be the state or a private individual, Church or company. For the State there were many arguments in favour of emigration schemes³⁷: defence of the Empire; humanitarianism - misery at home could be alleviated by the use of overseas land; the economy, since migration would lead to capital growth for England and the Colonies; political expedience, since colonies could be used to get rid of the revolutionary poor who threatened throne, altar and nobility, while building bulwarks of British strength if, as planned, British middle class values could be transferred to these colonies; or the reason might be that the poor drained local resources.

36 This section is based largely on the following works: McIntyre, W. D., *Speeches and Documents on New Zealand History*; Eastward, J. J., and Smith, F. B., *Historical Studies Australia and New Zealand*; Shepperson, W. S., *British Emigration to North America*; Degler, C. N., *The Age of the Economic Revolution*; Morrell, W. P., *British Colonial Policy in the Age of Peel and Russell* and *British Colonial Policy in the Mid-Victorian Age*; Owens, J. M. R., *New Zealand Before Annexation*; Marais, J. S., *The Colonisation of New Zealand*; Roberts, S. H., *History of Australian Land Settlement*; Knaplund, P., *James Stephen and the British Colonial System*; Bloomfield, P., *Edward Gibbon Wakefield*; Knorr, K. E., *British Colonial Theories*.

37 See also the beginning of this chapter.

Church groups saw emigration as serving a dual purpose in that they could help their distressed members, while at the same time strengthening their own establishment, which might be threatened by the poverty-stricken. Their settlement schemes may be categorised as those aimed at founding Utopias, while private individuals and companies saw these schemes as golden opportunities for land speculation. However, British business, at first strongly in favour of emigration schemes, reversed its ideas after 1850 and became positively anti-emigration, because the expansion of industry after this time led to labour shortages.

The government's attitude to the emigration companies was ambivalent. Even where the companies collaborated with the government, they were a rather mixed blessing. They did bring in capital, but there was always the danger of "imperium in imperio", there were often disputes, especially over land grants, into which the government always seemed to be dragged. James Stephen³⁸ disliked them, because they alienated land not intended for immediate occupation, resulting in much absentee ownership, which was bad for the colonies and the settlers. When they did not collaborate they were even worse, often forcing the British government into annexations it would rather not have carried out. Thus the failing Swan River settlement in Australia had reluctantly to be added to the Empire, because Britain felt she could not wash her hands of it. In May 1839 the New Zealand Company rushed a ship out to New Zealand to grab land, to prevent the British government from pre-empting land sales and so stopping the company from making profits. There were other land sharks at work too and their activities often forced Britain to act faster than perhaps she should have done. Annexation was brought about by migration and migration increased because of the possibility of annexation. Thus, a kind of self-perpetuating cycle was established, in

38 James Stephen was Under-Secretary for Colonies from 1836 to 1847.

which government and private speculators were not independent of each other.

At the beginning of the 19th century, the few state-aided schemes were largely for defensive purposes, such as the Rideau Lakes Scheme, initiated in 1815 by Lord Bathurst³⁹ in Canada to build up its population to enable it to defend itself against the growing strength and expansionism of the United States. The Anglo-American War (1812-1814) had made it clear that the United States thought it their "Manifest Destiny" to occupy the whole of North America. The Treaty of Ghent at the end of the war had not resolved the issues which had caused it, so emigration was seen as a wise counter to American ambitions. The scheme was very similar to the later 1820 settlement to the Cape. However, Napoleon's Hundred Days disrupted transport arrangements and only 699 of the intended 4000 settlers reached Canada, towards the end of 1815. Assistance had to be given well into 1819, but the scheme was reasonably successful, unlike the private Red River Scheme of 1812 to 1815, which ruined its promoters and was described by a Parliamentary Committee as "an unwise speculation."

In 1817 Britain altered the terms on which settlement could be arranged. Only persons with capital could organise parties. Few did so and few settlers left England at this period. By 1819, however, there was such public demand for assisted emigration that Parliament approved a grant to aid settlers. It was applied for the first time to the 1820 settlers. This was the only other fairly large state-aided settlement scheme during this period, although there were several private schemes.

At the Cape, settlement schemes had been frequently proposed: In 1797 the Fiscal, W.S. van Ryneveld, had suggested one around Algoa Bay. In 1809, Lieutenant-Colonel Richard Collins had given the same advice to

³⁹ Secretary-of-State for War and Colonies from 1812 to 1815.

the Earl of Caledon, Governor of the Cape, to provide a buffer against the Xhosa. In 1813, Colonel John Graham actively began to promote such a scheme. Bathurst gave rather unwilling consent for Graham to canvass for settlers in Sutherland, Scotland, but, for various reasons, the scheme never got off the ground. Three small private schemes followed. In 1817 Captain Benjamin Moodie and a Cape merchant, Hamilton Ross, brought out about two hundred artisans from Leith, in three ships (*Brilliant*, *Garland* and *Clyde*). Demand for their skills was great, and, despite setbacks such as the breaking of indentures by some of the men, Moodie made a good profit and was able to establish a successful agricultural settlement at Grootvader's Bosch, near Swellendam. Somerset tried to persuade Moodie to take up land in the Suurveld, but Moodie was too shrewd to have his scheme turned into the military buffer type of settlement, with all the accompanying pressures. This and the two following schemes were typical of the labour-oriented settlement scheme. James Gosling brought out twelve boys from a Refuge for the Destitute in 1818, only to find that some of the boys had criminal tendencies. Lastly, there was Peter Tait's small settlement near George, consisting of twenty-seven Scottish settlers. They did well for themselves, but the unfortunate Tait lost all his money, due to crop failures in three successive years and returned to England in 1824.

By this time, the Colonial Office would have been well aware of the Cape as a potential, if not particularly attractive, area for colonisation and in 1820 military pressure combined with commercial and political circumstances in England (see beginning of chapter) and the Cape culminated in the 1820 settlement. Several Cape merchants, notably Henry Nourse, wanted British immigrants as a way of stimulating trade. It also seemed wise strategically to increase British numbers at the Cape, to reduce the numerical superiority of the Dutch. A British agri-

cultural settlement along the Eastern Frontier would also restrain Dutch expansion and hold back the Xhosa, thus resolving the Frontier problem - it was hoped. So about 6000 souls were despatched to the Eastern Cape to "take root and grow, or die where (they) stood,"⁴⁰ on their 100 acre farms.

It was many years before the settlement could be called successful. During this time, the settlers had to rely heavily on government aid, as did the Rideau Lakes settlers. It was becoming clear that state-aided schemes had a better chance of success, since the state had the resources necessary to underpin a settlement for the several years it could take for it to establish itself and prosper. In general, private companies and individuals did not have these resources⁴¹, and their failure rate was proportionately higher. However, the long dependence of such settlers did not appeal to the Colonial Office. Between 1823 and 1825 Peter Robinson of Upper Canada was permitted to send Irish farmers to lands along the Upper St Lawrence River with government support. The scheme failed and no further aid was forthcoming for settlement schemes until the late 1820s and early 1830s.

At this time Britain's domestic needs once again made colonisation attractive to the government. There was severe social distress, especially amongst the rural poor of southern England. Colonies offered homes and jobs for the needy, while the availability of labour would not only improve the colonies' economic status, thereby increasing demand for British goods, but also encourage landowners to buy more land. The proceeds from these sales would help replenish the depleted Treasury coffers, which, in turn, would promote the recovery of the stalled

40 Henry Hare Dugmore, *The Reminiscences of An Albany Settler*, ed. F. G. van der Riet and L. A. Hewson, p. 20.

41 This contradicts the theory of Robinson *et al.* that private enterprise was mainly responsible for expansion. See page 7.

British economy. Settlement schemes were also ways of expanding the Empire, as already noted.⁴² As a result, state-aided schemes became relatively common and various theories were put forward to provide the theoretical framework for colonisation. In 1826-7, a Committee of the House of Commons recommended carefully controlled emigration schemes, based on sound capitalist principles⁴³. The aim was to transplant English society: "laws, customs, associations, habits, manners, feelings - everything of England, in short, but the soil."⁴⁴ But the most important contribution to colonial theory was Edward Gibbon Wakefield's Systematic Colonisation, based on sufficient price and encompassing capitalist control of the land, proper survey and intensive exploitation. Wakefield's theory influenced colonial policy for years, since in 1831 the Colonial Secretary, Lord Goderich, issued the Ripon Regulations, based on Wakefieldian theory, to regulate colonisation.

Wakefield had quickly seen the lesson in the failure of the 1828 West Australian Swan River scheme, founded to prevent French occupation of the area. The scheme's promoters had offered forty acres of land for

42 Land alienation for political, social or economic purposes was not unique to British colonies. The United States Homestead Act passed by Lincoln (1862) was intended to help landless settlers, but achieved little, although it did bring new acreage under cultivation, because the best western land had already been excluded by previous legislation and the provisions of the act were easy to evade. Therefore thousands of acres of land meant for homesteaders fell into the hands of the large holders (cattlemen and speculators) through fraud and deception. Nevertheless, the spirit of the law was observed, since the intention was to expand production under private auspices - capitalism - and this it did. Several other acts used land as bait in order to open up the Far West: the 1873 Timber Culture Act gave land to anyone who would plant trees on a quarter of his land; the Desert Land Act (1877) to anyone who would irrigate part of the land within three years and the 1878 Timber and Stone Act gave land at \$2.50 per acre for timber and stone if the claimant swore that there were no valuable minerals on the land.

43 Egerton, H. E., *A Short History of British Colonial Policy*, p. 281.

44 McIntyre, W. D. and Gardner, W. J. (ed), *Speeches and Documents on New Zealand History*, p. 21.

every £3 of capital invested to the government's satisfaction, but the government would be responsible for neither transport nor maintenance. Private capitalists saw their chance and negotiated an agreement with the government to organise the emigration of at least ten thousand people within four years, in return for large land grants. Thus, a Mr Peel received a 500 000 acre land grant in return for sending out four hundred emigrants. Several similar grants were made, including one to the governor. The result was inevitable - a tiny population spread over an enormous unmapped area without roads. Nor was this all. Because land was so cheap, labourers quickly earned enough to buy their own land and soon there was no-one left to work the vast tracts of land. Hardship and disappointment followed. Wakefield argued that Britain was foolishly squandering a valuable asset: Crown Lands. Control of the land was essential if Britain were to control the type of society established. His theory was, first, that land should always be sold at a "sufficient price", a vague idea based on a sum which would ensure that labourers would have to remain such for a reasonable period by correlating the wage rate with the length of time necessary to earn enough money to buy land at the prevailing rates. To encourage a more stable and closely-knit society, sales should be confined to suitable areas. Secondly, the Government should take responsibility for colonisation and not leave it in the hands of private individuals or companies. Wakefield despised the "slovenly" and "scrambling" approach to colonisation hitherto pursued by Britain. Emigrants should be carefully selected to form a well-balanced community, economically and socially, for Wakefield was fully aware of the political value of land control. Finally, he advised that the money raised by land sales be used to assist emigration, hoping that such a Government-controlled fund would attract a better class of Englishman to the Colonies, while still assuring the labour supply.

The system made it difficult for most labourers to buy their own land and was severely criticised by Karl Marx. Although it benefited some colonies, it ignored many important factors, such as the effect of private sales and voluntary emigration on the relationship between land and labour, the availability of markets and the quality of the land, as well as that governments sometimes need to use free land grants for their own ends.⁴⁵ The theory was not suited to the timbered areas of North America, where massive land grants had made the introduction of any new scheme impossible and where spontaneous emigration made emigration schemes superfluous, nor to the dry areas of Australia, where it failed to cater adequately for the needs of the sheep farmer. In South Africa, only in Natal did an approximation of Wakefield's system develop, but here the lower stratum was not the British labourer, but the Black or Indian labourer, which helped to create a racially divided society. Then, the colonies did not, as colonial theorists had predicted, play a major role in the recovery of the British economy: railway and industrial development were the main factors. Finally, it was just not possible to regulate emigration to reproduce "all that was good in an old society."⁴⁶ Wakefield's theory involved social engineering, since it tried to prevent some people from obtaining independence through land ownership, a not uncommon, but often resisted, practice. For instance, in 1861, New South Wales passed Robertson's Land Acts, which aimed to settle unemployed gold miners as small farmers and thus establish them as members of the middle class. It was a way for the middle class to

45 See Knaplund, P., *James Stephen and the British Colonial System*, pp. 66-94.

46 Morrell, W. P., *British Colonial Policy in the Age of Peel and Russell*, p. 7.

establish its superiority over the squatters and cattle runners.⁴⁷ The theory also caused the land speculation it was intended to discourage, because people believed that its application would cause a boom in land prices, especially as the "sufficient price" was often set at far too high a level. However, the faults of Wakefield's theory do not overshadow its importance, which lies in the fact that, for the first time, it provided a basis for systematic colonisation. As such it had a considerable and often beneficial impact on British colonial affairs.

Two settlements were made in New Zealand in accordance with another of Wakefield's theories: the establishment of a colony in collaboration with the Church - at Otago(1848), with the General Assembly of the Free Church of Scotland, and at Canterbury (1848), with the Church of England, in the form of the Canterbury Association⁴⁸ led by John Robert Godley. These attracted a better type of settler (that at Canterbury included two archbishops and seven bishops!) and were fairly successful, since they were based on religious unity.

Although the Government began to exercise more control over emigration during the 1830s (the Ripon Regulations in 1831, a Board of Colonial Land and Emigration Commissioners was set up in January 1840

47 Eastward, J. J. and Smith, F. B. (comp.), *Historical Studies, Australia and New Zealand, Selected Articles*, pp. 103-126.

48 The Canterbury Association felt that the poor who had populated the earlier settlements were not equipped to preserve the higher elements of civilisation. Without the upper classes to guide, advise, relieve distress, teach and provide religion, degradation resulted. Their scheme would provide men "who would elevate and purify the tone of society." (*Speeches and Documents on New Zealand History*, pp.28-35). It would also attract the "uneasy classes", those who were disturbed by European political and social trends, who feared that they would have to descend to a lower station, or that there were no opportunities for their children and that class wars were inevitable. The Eastern Cape farmers who responded to Arnot also felt that their way of life was threatened by insecurity and saw the scheme as a way of establishing a new society as they wanted it. Ironically, it was the lack of security of land-ownership in Albania which helped to destroy the settlement.

and stricter control kept over conditions on emigrant ships), there were still private individuals setting up emigration schemes. In fact, during the 1830s and "Hungry Forties" especially, colonising projects flooded the old Colonial Office in Downing Street, testifying to the severity of social distress. These reached a peak in about 1850. Between 1831 and 1851, 2 640 848 emigrants left Britain. Most of them were privately paid for, there was little government aid given until 1846, when Earl Grey made some available to deal with the problems caused by the Irish and Scottish food shortages and unemployment. Between 1852 and 1860 there were ten changes of head at the Colonial Office, and policy was rather inconsistent, but despite Disraeli's comment about colonies being millstones about England's neck, most governments continued to support colonisation to some degree, with co-operative private societies supplementing official support. Thus, when distance (in the case of Australia and New Zealand mainly) made individual migration unlikely to colonies suited to settlement, the government took responsibility, although rarely with enthusiasm.

ii. Land policy at the Cape and post-1820 Settlement and Land Speculation Schemes in South Africa⁴⁹

At first, British land policy at the Cape was to leave things as they had been under the Dutch. Only geography made the Cape important to British trade patterns. Colonisation was not a priority, so there was no need to make room for British nationals or to transfer English concepts and institutions. In 1813, Cradock made some changes to the land system to make British rule easier. Farms were all to be on perpetual quitrent and no larger than 3000 morgen. No provision was made for selling land to Blacks because the missionaries were expected to look

49 This section is based largely on Duly, L. C., *British Land Policy at the Cape 1795-1844*, and Davenport, T. R. H., *Some Reflections on the history of Land Tenure in South Africa* (Acta Juridica, 1985).

after the interests of their tribes. British land policy at the Cape was considered a regulatory service for the European.⁵⁰ Although land policy was basic to the often-expressed desire to protect Black peoples against White expansion, by following "Wakefieldian logic in the drafting of its land codes, the Colonial Office was building an empire of White colonists".⁵¹ In other colonies, the effect of America's appeal to emigrants was the adoption of America's orderly and effective land programmes. But the Cape was not regarded as a good place of emigration and therefore land administration was left in disorder. There was little communication between Cape Town and the interior or eastern frontier and as a result, grievances were not heard and problems could be overlooked.

As always, land was a political tool. The Kat River Settlement, the military villages of Woburn, Juanasburg and Ely and Sir Harry Smith's offer of land in Natal to persuade Boers not to leave⁵² are a few examples of such use of the land. There are many others. Lord Grey generally favoured White settlement and the usual method was to grant private individuals or companies concessions in the purchase of land. The mid-19th century, then, saw a large number of land speculation schemes, which indicates a relative, although largely artificial, land

50 Duly, L. C., *op. cit.*, p. 187.

51 *Ibid.*, p. 186.

52 Smith offered them 6000 good acres by grant or sale to be inalienable for seven years. Three or four hundred families accepted the offer. Lord Grey thought these farms far too big, that their inalienability was not conducive to improvements, that the grants discouraged British settlers and would further complicate the native question. Smith had appointed a land commission which recommended the relaxation of the twelve months occupational and the inalienability conditions, which had depreciated the value of claims. This suggests that some of the claimants had an interest in land speculation. Lieutenant-Governor Pine finally decreed the abandonment of both conditions. There would be 313 grantees, 127 non-Boer. It was felt that this arrangement would not jeopardise settlement or native rights.

scarcity. In general, land issue procedures were vague and informal and often intruded on the land rights of the indigenous peoples. Crown Land was any land for which formal title had not been granted. In Natal and the South African Republic this could include tribal land, if the state felt that such land was subject to its control.

Settlement Schemes at the Cape

There were several schemes at the Cape after 1820. Having tried something similar in New Zealand, Sir George Grey brought out German soldiers led by Baron Richard von Stutterheim between 1857 and 1859 to settle some three hundred approximately 1500 acre farms on the eastern frontier. The area was divided into wards and commissions for purposes of defence. The colonists, legionaries who had served in the Crimea, had to occupy their farms and be able-bodied and able to defend themselves. On arrival they would be disbanded, but would be liable for service for seven years. They were to get £5 for cooking utensils and tools and an acre of garden rent-free, on which they were required to build and maintain a cottage. Officers got better terms. Only 2362 people came out under this scheme, including a mere 361 women and 191 children⁵³. Some of the wives had been hastily married and were of dubious respectability. All in all, it was not a great success as a settlement scheme, despite Grey's attempts to improve matters by importing some Irish girls as prospective wives in 1857 and offering an instalment scheme to attract further settlers. Grey then turned to the colonial farmers, offering them land between King William's Town and East London on liberal terms. The two hundred farms were to comprise fifteen hundred acres at a quitrent of £3. Applicants had to be under forty, unless they had grown-up sons, had to reside on the farm and do burgher

⁵³ Wakefield believed in balancing the sexes in any settlement. This scheme seems to prove that he was right.

duty and show that they had the capital to stock and improve the farm. There seems to have been some response to this, since the *Graham's Town Journal* of 18th December 1858 remarked rather sourly that "Albany has been weakened to strengthen a line further in advance."

When Wodehouse became Governor, like Grey he decided to try settlement as a form of military defence in the Transkei. He wanted one thousand European farmers on military tenure. One to three thousand acres were offered at a quitrent of £1 per hundred acres. The grantee should occupy the land in person for three years and settlers were to maintain and equip one able-bodied White adult for every five hundred acres held. Only a few applications were received, despite modifications to the proposals. Finally, Cardwell ordered the abandonment of the scheme, preferring to withdraw British influence behind the Kei. Wodehouse then settled Chiefs in the area, so as not to restore it to Sarhili. However, British Kaffraria itself still offered opportunities for settlement and the land-hungry Eastern districts submitted fifteen hundred applications for land in this area. Commercial interests were also enthusiastic: in 1858 the Colonisation company in London issued a prospectus at the first mention of expansion, while in 1861 the South African Colonisation Society mooted a scheme to settle in Kaffraria proper. This company comprised Londoners with support from Cape Town, Port Elizabeth, Grahamstown and Durban. In all, about six thousand German and British settlers moved to the Cape and British Kaffraria between 1857 and 1862.

The reason for the land hunger in the Eastern Districts can be found in an important change which had taken place in the economy of the Cape, and especially of the Eastern Cape, between 1834 and 1854. Wool had become the dominant product, resulting in a shift in the demography

of the area.⁵⁴ Settlers left Albany for those areas which were best for sheep-farming and therefore most profitable. In 1847 Victoria East was annexed, which meant that farmers could move into Xhosa sheep country. This they were not slow to do, especially the Lower Albany farmers, and there was a large movement of these farmers at this time, so much so that in 1855 the Cape Parliament was informed that so many of them had gone to the area between the Fish and the Keiskamma that the population was much scarcer than before the 1846 war⁵⁵. Land within the Colony had become impossibly scarce by the mid-1840s. Most of the worthwhile land had already been granted by the government to private individuals. This accounted for three fifths of the available land. Mountain ranges and arid plains unsuitable for farms made up the remaining two-fifths. There were, indeed, still those who tried to attract immigrants by promising them land. For instance, J.C.Chase in a pamphlet entitled, "The Cape of Good Hope and Eastern Province of Algoa Bay" (1843) described the colony as under-populated with much land available within and without the Colony itself. Disillusioned immigrants correctly accused him of inaccuracy, for there was nothing inside the colony and almost nothing along the borders. Nevertheless, there was a pressing reason for these attempts to interest immigrants. Men such as Chase, Robert Godlonton and, most interestingly, Richard Southey feared that the numerically superior Boers would gain the upper hand when the Cape gained self-government, and that this would be detrimental to all interests except the Boers' own. They believed that economic development was the only answer to this. It would attract British settlers and concen-

54 See Kirk, T., "Some Notes on the Financial State of the Eastern Cape, 1840-1850, and the fate of the Kat River Settlement", *Collected Seminar Papers No. 26 on the Societies of Southern Africa in the 19th and 20th centuries*, Vol. 10, Institute of Commonwealth Studies, London (1971-1972).

55 *Ibid.*, p. 13-19.

trate wealth in British hands, which would lead to continued political power. Albany had little industry, so agriculture had to provide this economic development. Southey himself remarked that it would have to be relied upon to "open up the resources of the country".⁵⁶ But without land this was impossible, hence the interest in the Kat River area. Neither the Xhosa nor the Boers were seen as providing much competition, since they were viewed as slow-thinking and lazy. The problem was that British capitalists had bought up Boer land for speculation, so that even in areas of densest British settlement many farms were unoccupied or held on leases from private owners. "A spirit of speculation (for it would appear that wherever they go, the English will speculate) gives rise to frequent changes of property...and sales of land are often made more upon speculative principles than with a view to farming..."⁵⁷ The land scarcity was thus artificial to some extent. The wealthy bought to speculate each time the frontier advanced and excluded the poorer applicants for land. For instance, a man named Stanton had three farms, each on a former boundary - "KluKlu" on the Kat River, "Reading" seven miles beyond this and "Schelm Kloof" on the Fish. Many Western Cape people had Eastern Cape estates and speculators were extremely active.

In view of all this, it is not surprising that Arnot, with his anti-Boer, Eastern Cape background, his desire to make money out of land, his presumed awareness of other land speculation schemes and his friendship with Southey should have come up with the Albania scheme. Eastern Cape sheep farmers were by far the most likely to respond to such a scheme, because of their land hunger, so it was to be expected that Arnot should emphasise Albania's suitability for sheep farming when

⁵⁶ *Ibid.*, p. 19.

⁵⁷ *Ibid.*, p. 20, quoting Gilchrist, "The Cape of Good Hope. A Review of the Present Position" (1844).

he began advertising for settlers in the area. From 1857 Hopetown had become a major wool area, producing twelve hundred bales of wool, a figure which was rapidly becoming higher. "It has also considerable advantages from its proximity to the Griqua country, with the natives of which it carries on a large trade."⁵⁸ Arnot also stressed the peace of Albania, in contrast to the necessarily military-oriented eastern frontier settlement schemes. The combination of land and peace was irresistible.

Finally, the Transkei provides a particularly interesting parallel with the Albania scheme, at almost exactly the same time. In 1863 Ngangelizwe became Chief of the Thembu people. Because of ill-feeling between the Thembu and the Mpondo and Xhosa, and because of internal threats from the powerful head of the Qwati clan, Dalasile, Ngangelizwe encouraged aliens to settle in his territory. These aliens were a Fingo clan under Menziwe and a number of European farmers. The latter settled along the banks of the Umtata River to form a barrier between Ngangelizwe and the Mpondo. A second little White community was founded in 1867 at the Slang River on another of the Thembu borders. Each farmer paid rent at £6 per annum. By 1874 there were about eighty families, so Ngangelizwe was deriving considerable rentals from them, as well as some protection. In return he was supposed to "secure them against annoyance from his own subjects, but he failed to do so."⁵⁹ When Thembuland was taken over in 1875, these farmers remained on the same conditions as before, except that they now paid their rent to the government and not to Ngangelizwe. In 1882 their lands were incorporated in those assigned to White settlement. The Umtata River settlement had already been aban-

58 Hobart Houghton, D. and Dagut, J., *Source Material on the South African Economy*, Vol.I, p. 77.

59 Brownlee, F., *The Transkeian Native Territories, Historical Records*, p. 28.

done, but in 1882 part of it was bought and formed the site of the present-day town of Umtata.

Natal:⁶⁰

Here, few even of the Boer settlers had actually occupied the farms claimed. By 1843 land speculators seem to have taken over many unoccupied claims. This continued when the British took over in 1842. Cape and London-based speculators acquired land claims from the Voortrekkers as well as large areas of Crown Land from the government, in return for bringing out English settlers and establishing them on small Natal farms. Between 1849 and 1852 there were several such schemes, involving about five thousand immigrants. Francis Collison bought fourteen farms and offered one hundred acres and free passage for a man and wife for £100. Few of his settlers could afford more than thirty or forty acres, so Collison turned to men of capital, such as Joseph Charles Byrne, to whom he sold two 6000 acre farms for Byrne's own scheme. Byrne was an Irish-born adventurer, described by Hattersley⁶¹ as "bringing misery to many who committed their fortunes to his care". His first ship arrived on 16th May, 1849, the last on 18th February, 1851, bringing over three thousand settlers. Even before the last ship left England, Byrne had been declared bankrupt. Edward Chiappini and J. C. Zeederberg were Cape merchants who bought up many farms. From the Eastern Cape too, there was interest - W. R. Thompson bought a large estate overlooking the Bay. Jonas Bergtheil tried unsuccessfully three times to establish settlements: at Umhloti (1847-twenty-eight people); at New Germany (1848-

60 For this section see Christopher, A. J., *Crown Lands of British South Africa, 1853-1914*; Hattersley, A. F., *The British Settlement of Natal*; Slater, H., *The Natal Land and Colonisation Company, 1860-1948*; Slater, H., *The Changing Pattern of Economic Relationships in Rural Natal: 1838-1914*; Brookes, E. H., and Webb, C. deB., *A History of Natal*.

61 Hattersley, A. F., *A History of Natal*, p. 102.

thirty-five German peasant families) and at New England (1850), mainly attempting to grow cotton. In 1859 he and Adolph Coqui set up a joint stock company to buy land on speculation, to expedite settlement and so push up the value of the rest of the land. In August 1861 The Natal Land and Colonisation Company went public with support from British financiers. It went through a bad patch during the 1860s but recovered after the mineral discoveries of the late 1860s and 1870s caused land values to rise. J. S. Christopher (1848); R. M. Hacket and J. Lidgett (1850) and G. P. Murdoch (1850) all had small settlement schemes, none of which was very successful.

As a result of various factors (amongst which was the domination of the market by Black farmers, which made White competition difficult and led to the flooding of the market with cheap land at a time when few had the capital to buy and hold the land), large land holdings were built up by just a few Natal and Cape merchants. In 1847 thirteen companies claimed sixty-two farms totalling 230,000 acres at a cost of 2d per acre. As a result of this and the shortage of labour and capital, the development of capitalist farming was hindered. Eventually, of the six million acres of land owned by Whites, five million were owned by absentee landowners. The Natal Land and Colonisation Company alone owned one million of these acres. An interesting and perhaps unexpected side-effect of this was to leave land in the hands of African peasants. Many land speculators found that it paid them to have Black tenants where the cash value of the land was low. But as soon as land values increased the speculators ordered their tenants off the land. Those who developed settlement schemes to utilise their land holdings, such as Byrne, needed rapid returns to make a profit and create further capital to continue the schemes. Therefore they had to sell fast and at high prices, so settlers were expected to start producing quickly and suc-

cessfully to push up the value of neighbouring lands. The promoters tried to present a picture of Natal as a paradise, settled and rich. Since this was far from being the truth, many settlers were disillusioned. Farms had deliberately been kept small, in Wakefieldian manner, to enforce the purchase of further land, but the settlers proved too poor to do this. Many gave up very quickly, since the companies did not apply Wakefield's principle of careful selection and some settlers were totally unsuited to farming. These sold their farms to speculators or back to the original company at very low prices, further depressing the market. The settlement companies' operations ground to a halt and some holdings reverted to the Crown. In December, 1850, the Colonial Office decided to stop the organisation of emigration by private companies. In any case the economic recovery of Britain had made emigration less attractive and after 1852 emigration figures dropped drastically. Those who remained on the land turned to trading with the Blacks or Dutch or developed small-scale mixed farming. Many had to rely on help from home in England to survive. Further problems resulted from the collapse of the credit network after 1862 because of the war between the Orange Free State and the Basuto. Only at the end of the depression did land prices begin to rise, enabling land companies to sell off their lands at last. Another reason for the failure of the Natal land schemes was the rumour that gold had been found in Australia. As the diamond discoveries later lured Albanians away from their farms, so Natalians were lured to Australia.

Labour was a major problem in Natal, which the land companies tried to solve without much success. There was conflict between the government, which wanted a viable Natal and was prepared to accept Black producers, and the settlers who wanted to push Blacks off the land to get their labour. The landowners tended to support the government, but

only until land prices started to rise. For the Blacks this access to the land was crucial to avoid being forced into the White labour market and to be in a position to exploit opportunities offered by the White presence. By the early 20th century victory had gone to the White farmers.

Transvaal and Orange Free State

In these areas land was doled out generously at first. For instance, the Free State lavishly gave out land in the "Conquered Territory" by grant or auction. Transvaal burghers were allowed two farms, one in the Highveld and one in the Lowveld. However, here too, land speculators were busy. In the Transvaal, Henderson Transvaal Estates Company and Transvaal Consolidated Land and Exploration Company, Limited, owned six hundred and fifty-six farms. People who acquired land as payment for commando duty often resold this land to speculators, who assumed that eventually they could make the land pay. At the time when Britain was about to give up the Free State in 1854, it was remarked that the only people who were happy with her rule were the land speculators, so it is clear that they were present there too.

c. The Economic and Political Background to the 1860s

i. The economic fluctuations of the 1860s:

The 1850s had been a decade of great progress at the Cape. Revenue rose from £245 785 to £525 371, exports almost trebled and imports more than doubled. Wool exports alone rose from £199 432 in 1849 to £2 102 513 in 1866. World price levels were rising, mainly due to the Californian and Australian gold discoveries. Telegraph and railway construction had bright prospects. Banks were paying substantial dividends and shares were quoted at high premiums. Thousands of immigrants arrived in the Cape and Natal. However, from 1862 to 1866 the number of applications for immigration dropped dramatically - from 485 per annum to 418 in

1863, then to an average of 394. These figures are a measure of the crises which assailed South Africa during the sixties.

In the early 1860s, the first two great Imperial Banks opened and soon absorbed the colonial banks. The first was the London and South African Bank which started in Cape Town in June 1861 and quickly opened branches in Port Elizabeth, Grahamstown and Durban. In September, 1862, it moved its Head Office from Cape Town to Port Elizabeth, in recognition of the growing commercial importance of the Eastern Cape. The second was the Standard Bank of British South Africa, brainchild of Port Elizabeth merchants, especially John Paterson. By 1863 these two Banks had almost double the total capital of the twenty-seven local banks. Their impact on the economy of the Eastern Cape was considerable and not altogether beneficial. At first, most people welcomed the intense banking boom, which coincided with a similar boom in England, but soon there was a reaction (as in England). It was felt that the Banks lent money too freely, to people who were not suitable recipients and who speculated wildly without any prospect of being able to repay their debts, thus involving others in their ruin. These views were correct and in 1865 Port Elizabeth faced a severe crisis. *The Argus* of 18th April 1865 reported that the failures were due to "the sudden introduction of a large amount of British capital into a town already sufficiently supplied with capital for all legitimate purposes of business,"⁶² while the *E.P.Herald* felt that new agricultural systems should have preceded the introduction of new banking and other capital. The prices of produce varied so widely that the easy availability of money made "gambling speculation" inevitable. Combined with the severe drought (the winter of 1862 was particularly severe, causing the first of several bad har-

62 Arndt, E. H. D., *Banking and Currency Development in South Africa 1652-1927*, p. 261.

vests, followed by heavy live-stock losses), the tremendous increase in credit facilities was a dangerous mixture. Unavoidably, commercial depression followed agricultural depression. The Western Cape felt the effects earlier than the Eastern Province and Natal. This was because, in the Eastern Cape, according to Amphlett's *History of the Standard Bank of South Africa*, open accounts were common between retailers and consumers, and payment was usually done in the form of promissory notes. In their turn, retail dealers gave six months' acceptance to merchants, who could fall back on their "home supporters". "Everybody took and gave credit, bad debts were common, and prices therefore ruled high."⁶³ England's prosperity had made her readily extend trade credits to South Africa, but this meant that the latter's prosperity was based on "inflated credit and artificially stimulated optimism".⁶⁴ A reaction was bound to occur. The panic began in 1865 in Port Elizabeth and Natal, where over-intensified speculation had finally reached breaking point. All the banks suffered great losses and some went under. Between 1866 and 1869 four Cape District Banks and two in Natal were liquidated. In December 1865 the Standard Bank could declare no dividend, the only time in its long history that this has happened. The crisis was mainly a banking and financial one, but came just when a long period of economic prosperity was ending and at the same time as depression struck England, so that it was one of the severest recessions of the century.

In addition, the Western Cape's extravagance had landed the Colony in deep financial waters. The Public Works Department had not only overspent its parliamentary grant, but had spent £200 000 on building gaols, which were found to be unfit for use. As early as September,

63 Schumann, C. G. W., *Structural Changes and Business Cycles in South Africa, 1806-1936*, p. 80, quoting Amphlett, *History of the Standard Bank of South Africa*, p. 24.

64 Schumann, C. G. W., *op. cit.*, p. 80.

1862, a Cape journalist reported that "poverty peeps out of elbowless coats and dilapidated boots among the poorer classes and lurks in the rigid set of mouth and furtive glance of tradesmen."⁶⁵ By then the drought had been going on for three years, unemployment was common, and the reports of the various Civil Commissioners mention that there was a rise in sheep-stealing (Civil Commissioner, Colesberg, 1862); that the insolvencies for 1862 totalled nearly £400 000 (Civil Commissioner, Graaff-Reinet); that money was scarce and interest rates high and that there had been a "fearful depreciation in the value of fixed property."⁶⁶

There was a slight improvement in 1864, but, by the end of that year, events outside South Africa had choked off this partial recovery. The depression deepened and for several years the Cape had difficulty in financing even the ordinary functions of Government. The Civil War in America caused a widespread disturbance of world markets, as well as the loss of an important wool market to the Cape. It also made sea transport difficult. There was trouble in the Lancashire cotton industry, which affected the manufacture of woollen goods and therefore the wool market. Immigration stopped and many of those who had already arrived, and who could afford to do so, left for New Zealand, the Argentine or the United States. A report in the *Eastern Province Herald* of Friday, 27th September, 1867⁶⁷, headed "Emigrants for Monte Video", stated that a ship was due to leave with about fifty emigrants, artisans from Port Elizabeth, King William's Town and Graham's Town "in consequence of the

65 *Cape Chronicle*, September 1862.

66 Hobart Houghton, D., and Dagut, J., *op. cit.*, p. 23.

67 Also a report in the *Graham's Town Journal* of 13th September: Monte Video, South America "offers capital opportunity to passengers desirous of bettering their condition in that prosperous and wealthy country." Cabin passage £20, Steerage £10.

dullness of trade." Many people were unemployed. Private charity helped, but the burden was too heavy to be borne by individuals. Numerous charitable institutions were established to prevent actual starvation, "but there was the danger of creating a class of paupers by such means."⁶⁸ Finally the Governor started a series of relief works, such as the building of the pass through Tulbagh Kloof, started in September 1864. In Port Elizabeth there was such poverty and distress that the Town Council began a new road in Cooper's Kloof and the building of a large store for a produce market. In Albany the Civil Commissioner commented specifically on the amount of White poverty: there were "Many industrious, steady men who do not know how to earn daily bread for their families and themselves."⁶⁹ Still the drought continued, farmers could not plough, and wheat imports became necessary. In the East the wool season was late. Commercial failures in Port Elizabeth followed those in the Cape. In June 1865 another war broke out between the Free State and the BaSotho, which meant the loss of yet another market, as well as difficulty in collecting debts from the afflicted areas. At the beginning of 1868 the Port Elizabeth Chamber of Commerce complained to Wodehouse that it had claims on the Free State for more than £300 000, for which it could not get redress. At the same time, the London money market tightened, the demand for wool fell still further, the bottom fell out of the property market and retrenchment was the order of the day. In Port Elizabeth alone there were three hundred jobless. Soon unemployment was a national problem for the first time. According to the census of 1865, the population of the Cape was half a million. Nearly 80% of persons unemployed were engaged in agricultural activi-

68 Theal, G. M., *A History of South Africa*, Vol.5, p. 79.

69 Hobart Houghton, D., and Dagut, J., *op. cit.*, p. 178.

ties, while only 12% were in industrial occupations.⁷⁰ Hence the severity of the blow delivered by the drought, compounded by a disease of the vineyards, which had led to a drop in wine production. There had been little real poverty until now, but this only worsened the situation, because there was no public provision for dealing with poverty.⁷¹

The building of railways in the East had to be deferred, a large number of smaller banks went under, bonded warehouses overflowed with unsold goods, every issue of the newspapers carried reports of bankruptcies. By September, 1866, the outlook was critical. Import figures were dropping, indicating a drop in consumption due to widespread poverty; revenue was decreasing, expenditure rising and complaints about taxation were loud. Parliament faced a deficit of £94 000 and an estimated shortfall of £116 727 for 1867, because the deficits it had incurred every year since 1858 had grown ever greater during the depression.

There were, of course, political consequences too. Inevitably the situation was ripe for conflict between the executive and legislature. Although Hobart Houghton and Dagut deny that the 1860s were depressed, claiming that these years show many of the typical elements of a post-industrial period and that there was hope and confidence in the future, they do admit that 1862 to 1869 were years of poverty at the Cape. The government was struggling to raise the necessary funds for administration, especially since the House of Assembly refused stubbornly to agree to the imposition of taxes in 1863, 1867 (on wool) and 1869 (on wine and spirits). It now became obvious that the steady development of administration could be a very mixed blessing. The gaols, frontier police, ed-

70 Hattersley, A. F., *An Illustrated Social History of South Africa*, p. 205.

71 *Ibid.*, p. 205.

ucation, postal services, subsidy to the Telegraph Company and increases in the Judiciary were all a heavy burden on the Treasury.

Meanwhile, the possibility of trouble in Europe and her own economic problems led Britain to feel that colonial defence should be secondary to that of Britain herself. Therefore Kaffraria's Imperial grant was cut off. In August 1864, Edward Cardwell at the Colonial Office ordered the abandonment of the Transkei to Sarhili. Sir Percy Douglas, Commander of the Frontier Troops, opposed this, but Wodehouse agreed, realising that any attempt to push Sarhili back beyond the Umtata River could only lead to further wars. The Kaffrarians were not pleased, especially since the Cape Parliament was then forced, very reluctantly, to annex Kaffraria.

The pressures on the frontier led to the usual farmers' complaints that cattle raids had increased. In the King William's Town area, a group of farmers formed a "Mutual Protection Association"⁷², several members of which were arrested and sent for trial in Port Elizabeth. Frontier opinion was strongly on their side and they were acquitted, but the Society was stopped, because its activities were likely to cause further friction on the frontier.

The terrible drought ended at last in 1866, but brought no end to the economic distress. Because there was a record wool season and good crops in the East, West, British Kaffraria and the Orange Free State outside the war zone, there was a glut on the market - resulting in a fall in prices. Many Blacks were able to return to the Transkei, because the availability of food there made working for colonial farmers unnecessary, which led to further complaints from the latter.

⁷² Some members of this Association raided Umjusa's kraal. Theal, *op. cit.*, Vol. 5, p. 79.

In 1867 distress in the Cape Colony reached the "most acute point that it attained at any time during the nineteenth century."⁷³ The *Graham's Town Journal* of 2nd September, 1867, reported that the Dean of Cape Town had remarked that "he had never known as much destitution in this city as now existed." Case after case of death by starvation had been reported during the previous few days, while fever was also taking its toll - Somerset Hospital returns of fever patients admitted rose from three in June 1867 to forty-six in July to one hundred and twenty-four in August.

After 1868 there was a gradual recovery, based on the return of "fruitful seasons" (as far as the Civil Commissioner for Murraysburg was concerned the drought ended on 12th January, 1866, as the result of a day of prayer, and was followed by a good wool clip); wool production (wool comprised three quarters of the Cape's trade); ostrich feathers; peace in the interior and the discovery of diamonds, although even during these more prosperous years eleven local banks disappeared and farmers had to deal with too much rain in 1864, followed by rust and "blekziekte" in their flocks. Only 1866 could be described as a good agricultural year.

The Orange Free State and Transvaal had also been in a bad state financially and had issued paper money which had soon depreciated in value. However, by 1860, farms in the Free State, at least, were rapidly increasing in value. For instance, only two thirds of the farm *Prospect* in the Smithfield district, bought for £40 in 1849, sold in 1860 for £2225.

This was certainly not true of the Cape, where the depression and scarcity of money meant that the value of land fell from an average of £2 to £2.10 per morgen to half that amount. By the early 1870s even the

73 *Ibid.*, Vol. 5, p. 83.

best land was still selling at only twenty to thirty shillings per morgen, the rest was going for ten to twenty shillings or less. Only where merino sheep were being raised were land values rising. For instance, in the Colesberg Division two farms changed hands in about 1860 for thirty two shillings and thirty three shillings and fourpence per morgen respectively. This was land which ten years earlier would have gone for less than eight shillings. Even so, in 1867 the Civil Commissioner for Mossel Bay reported that he thought that nine out of ten farmers would part with their farms for a fair price and trek, merely from the great ambition to have much larger pasturage over the border."⁷⁴

The seventies were quite different, being years of exceptional expansion in South Africa, whereas Europe, America and England remained in the grip of depression. The Diamond Fields brought new capital, enterprise and immigrants, while exports rose dramatically, being five times higher in Natal in 1889 than in 1870, and ten times higher in the Cape, which gave greater purchasing power. Basutoland became the granary of the Diamond Fields and the agriculture and trade of the Orange Free State, Cape and Natal were stimulated. Land values soared. In East London alone revenue went from a pathetic £12 000 in 1870 to an impressive £90 000 in 1875. In 1872 the political consequences of this economic recovery were realised when Responsible Government was granted to the Cape, strengthening the optimism and fuelling economic progress.

ii. Eastern Cape Separatism and its effect on Eastern Cape political groupings:

Separatism was based on economic and military causes going back almost to the arrival of the 1820 settlers. The arguments in its favour were resurrected after each war. In 1856 the issue was raised again, at a time when the wool industry was becoming the backbone of the Cape's

⁷⁴ Hobart Houghton, D., and Dagut, J., *op. cit.*, p. 63.

economy. The increased prosperity and correspondingly greater population in the east and midlands enhanced the importance of Port Elizabeth, which yearned for a Supreme Court and Deeds Office like Cape Town's. However, the separatists came mainly from Grahamstown and the other Settler centres, which wanted to influence the formulation of a policy "which would promote trade and allow them free rein for their vigorous expansionist thrust beyond the colonial borders."⁷⁵ The leaders were a dynamic group of business leaders, who were "full of enterprise and bent on conquest, whom no government will be able to control" as Fairbairn wrote to his son in 1851.⁷⁶ Port Elizabeth was in favour at first, while Graaff-Reinet and Cradock were only luke-warm, although there were pro-Separatist men from Albany in Graaff-Reinet. The Separatists emphasised the "British" aspects and thus alienated the Dutch. The movement lost what unity it had had when Grahamstown lost her dominant position because Graaff-Reinet and the Midlands were not prepared to accept Grahamstown's control. Grahamstown and Graaff-Reinet were competing for control of the road and rail links to the interior after 1861. From 1865 this rivalry intensified and the incorporation of British Kaffraria brought further rivalry - between Grahamstown and East London. Eventually Port Elizabeth, too, turned against Albany. Even in Albany, the Separatist heartland, there were suspicions that Separation would benefit only the large merchants, so smaller merchants tended to oppose it. Even British Kaffraria, which might have been expected to support Grahamstown since it had wanted to expand into the Transkei and had favoured total separation from the Cape, had accepted in 1864 that such expansion was impossible. It then became determined not to accept con-

75 Le Cordeur, B. A., *The Politics of Eastern Cape Separatism 1820-1854*, p. 281.

76 *Ibid.*, p. 282.

trol by the Eastern Province if it could not evade incorporation into the Cape. In 1872, it actually established the Kaffrarian Association to oppose the E.P. Separation League.

Separation failed mainly because, especially by the 1860s, there were no longer any real grievances which separation could have resolved. By 1865 shipping progress and the telegraph had made the distance from Cape Town to the Eastern Cape less important. Cape Town could be reached by sea in only four days. In addition, Wodehouse's 1865 frontier settlement reduced tension and therefore the dissatisfaction with the West. It cannot be regarded as a major cause of the Albania settlement, although many of the settlers came from pro-Separatist areas (such as Grahamstown, the Albany district, Victoria and Cradock), except possibly insofar as it contributed to a general sense of dissatisfaction very prevalent in the Eastern Cape and thus a readiness to pull up roots and move elsewhere which Arnot could exploit by offering his settlement scheme. No evidence was found to suggest that any of the settlers felt strongly about Separatism, although Arnot himself was very much in favour of it, being Secretary of the Colesberg Branch of the Separation League.

d. The Griqua People before 1865⁷⁷

Blacks have been absorbed into South Africa's plural society in a subordinate political role and their political power has been steadily eroded. Yet many Black societies did use new ideas to defend their traditions and to win more political power within these plural societies. Guns, horses and integration into the money economy were used to increase the power of these traditional societies, while conversion to Christianity or a "European" education were often regarded as tools to raise the social or political status of the individual in a White-controlled society, especially one in which racial distinctions were not nearly as rigid as they would become in the later nineteenth and twentieth centuries. The Griquas are perhaps the best example of this type of society and, for a few years at least, they came close to achieving a unique and valuable position in South African society. Albania was part of this attempt.⁷⁸

Griqua Society was unusual and anomalous in that it might be regarded as the "first stage of a new political community, indigenous to Southern Africa, and representing a cross between the old Khoi forms [of

77 This section is based mainly on the following: Arnot, D., and Orpen, F. H., *The Land Question of Griqualand West*; Beinart, W., *Settler Accumulation in East Griqualand from the Demise of the Griqua to the Natives Land Act*; Burchell, W. J., *Travels in the Interior*; Campbell, J., *Travels in South Africa*; Lichtenstein, H., *Travels in Southern Africa*; Agar-Hamilton, J. A. I., *The Road to the North*; Bundy, C., *The Rise and Fall of the South African Peasantry*; Cooper, F., *Peasants, Capitalists and Historians*; Davenport, T. R. H., *Some Reflections on the History of Land Tenure*; Halford, S. J., *The Griquas of Griqualand*; Legassick, M. C., *The Griqua, the Sotho-Tswana and the missionaries, 1780-1840: the politics of a frontier zone*; Lewis, J., *The Rise and Fall of the South African Peasantry: a critique and reassessment*; Macmillan, W. M., *The Cape Colour Question*; Majeke, N., *The Role of the Missionaries in Conquest*; Marais, J. S., *The Cape Coloured People*; Ross, R., *Adam Kok's Griquas; Griqua Government and Griqua Power and Wealth*; Strauss, T., *War Along the Orange*.

78 This chapter is based mainly on the interpretation of Robert Ross and Martin Legassick, since Albania seems to fit most logically into their view of Griqua history.

government] and those of the frontier Boers."⁷⁹ If it had succeeded, it might have provided a model for a plural South African society, since it incorporated people from other ethnic and cultural backgrounds, not, indeed, as equals, but also not by enforcing a rigid dichotomy as the Boer Republics had done between Black and White. But it was not to be. The decline began in 1848 with the annexation of the Orange River Sovereignty and the re-assertion of Sotho-Tswana autonomy. The increasing polarisation between Black and White continued through David Arnot's attempts to resolve the situation, until the annexation of 1871 and the subsequent land commissions finally ended the Griqua era. All the claims and counter-claims to land, property and leadership, which had occupied the frontier zone period and had been manipulated by the missionaries and the Griquas themselves, were now manipulated in the interests of white supremacy.

Land and the right to it were always the crucial elements. Most Black groups saw the price given for land as recognition of their authority over it, whereas Whites usually saw it as transfer of ownership and authority, especially in the frontier zones where authority over land was unenforceable or disputable. White farmers could assume "sovereignty" themselves until they could transfer this authority to a white-ruled state. This process might be called "progressive annexation."⁸⁰ White settlement often preceded White hegemony and settlers often, but only temporarily, recognised the autonomy of the infiltrated non-White political communities. Whites could most easily take over if they were helped by the Imperial power, hence the importance of Britain and the "Imperial Factor". Thus, in 1848 Sir Harry Smith tipped the balance in favour of the Orange Free State *vis-a-vis* Adam Kok's Griquas

⁷⁹ Ross, R., *Griqua Government*, p. 42.

⁸⁰ Legassick, M. C., *op. cit.*, p. 655.

and it was Britain who took Griqualand West from the Western Griqua in 1871.⁸¹

Yet by this time the Western Griqua were far from being the primitive nomads Andries Stockenstrom described them as during the Land Court hearings. They had a fairly sophisticated government, with clear land tenure laws and an effective administrative and taxation system. The way in which this came about needs description.

In the mid-18th Century, Adam Kok I moved from Piketberg to the Khamiesberg⁸², largely because of military service requirements, land pressure and the introduction of measures to control free movement. The Griquas, then known as "Bastards", held land as the Whites did, some having had land claims registered, while others held it by tacit consent - although mainly on the colonial fringes. They controlled considerable areas within the Cape Colony and along the northern border and spoke proudly of "onze natie".

By 1800 land was already becoming scarcer. Wealth was concentrated in the hands of the strongest (such as the Kok family) while others had no means of subsistence. This made it imperative to establish a more structured political organisation to create a settled community which could provide such people with alternative means of subsistence. In August, 1804, seeds were planted for the first time around Klaarwater. Yet this posed another problem, never fully resolved. A change to settled agriculture threatened the old economy, since the time needed for hunting and trade would have to be spent on cultivation. In April 1805 the construction of stone houses began. Klaarwater would be the centre of the new Griqua state. It was a heterogeneous society with

⁸¹ *Ibid.*, p. 18.

⁸² The most useful sources for the early history of the Griquas are Legassick, Halford, Ross and Marais, *op. cit.*

marked differences in wealth, status and culture. The Bastard families had the highest status, they were the "swarthy Hollanders",⁸³ while the !Kora had the lowest. In each family a "big man" would be elected to the Raad or to an office such as Veld Kornet or Boschmeester. These men monopolised church and state affairs and were linked to their "constituencies" by ties of kinship, which weakened as wealth and the challenge of the Orange Free State increased individualisation. Griquas who owned no land were dependent on those who did, as were many servants and refugees, such as San and !Kora people. Because the Griqua had taken over !Kora and San areas, these former inhabitants had had to choose between incorporation and escape. Those who chose the latter were treated viciously. Yet there were many who chose incorporation and who were hiring their services to the Griquas by the 1820s. Some even became landowners.

By 1805 the Griqua had permanent possession of the springs fifty miles south-west and north-east of Klaarwater and took others later. As long as they had been semi-nomadic they could share the fountains, but once they were settled, permanent access to water became vital and the fountains had to be controlled. Nevertheless, in the north the Griqua did not trespass on Tlhaping lands.

Settlement meant more demands on the leaders, who faced competition from the London Missionary Society for control. The extent of this competition is disputed by historians.⁸⁴ Ross emphasised that while their influence was great, missionaries were not all-powerful, pointing out that magistrates were always appointed by the Kok and Barends fami-

⁸³ Legassick, M., *op. cit.*, p. 176.

⁸⁴ On the role of the missionaries, see Ross, R., *Adam Kok's Griquas; Griqua Government*; Bundy, C., *The Rise and Fall of the South African Peasantry* (not specifically related to the Griqua); Legassick, M., *op. cit.*, pp. 660 et seq.; Majeke, N., *op. cit.*

lies, not the missionaries, and that many Griquas considered Christianity useful, because it allowed full incorporation in Colonial society and conferred status and the benefits of education. They were therefore prepared to accept considerable church interference. Ross acknowledged the political role of the missionaries as the medium of communication between the Griquas and the government and as agents of western Christian culture⁸⁵, but believed that this was generally useful. Legassick was perhaps more critical of the missionaries, accusing them of manipulating Griqua society to satisfy their political aims⁸⁶ without fully understanding the results of what they were doing. Majeke, on the other hand, accused the missionaries of responsibility for all the evils which befell the Griqua. They caused the Griqua to abandon their natural allies, the other tribes north of the border, to protect the British at the Cape; neutralised the potential military threat of a united Griqua community which might have closed the Road to the North and turned it into a weak buffer state like the Kat River Settlement. They divided in order to rule, setting up three centres and fostering strife amongst them, acted as overlords and forced the chiefs to serve the government through them, although its interests were contrary to those of the people. He even blames the missionaries for blocking the Griqua advance north and east, so causing them to be left impoverished landless labourers. Much of what Majeke says is justified, but he has overstated the case in his anxiety to give the "other side" of the commonly accepted version of Griqua history. Ross and Legassick are more convincing in their views. Basically, after 1800 the Griqua were at a stage in their history when they had to change from one kind of society to another.

85 This has already been discussed in general terms in Section a. Only aspects concerning the Griqua specifically will be dealt with here.

86 In Dr Philip's case the aim was to create a Christian Griqua Republic accommodationist towards the Cape Colony. See below.

They chose a way in which the missionaries concurred and therefore supported the Griqua thus gaining considerable influence and undoubtedly manipulating Griqua society to fit in with their political goals. But the Griqua were not passive victims and the eventual failure of that society was due to many factors, which need to be considered. It cannot be laid entirely at the missionary door.

In 1809 Adam Kok II and Barend Barends were recognised as Chiefs by the Colonial Government and staffs of office were conferred on them by Lord Caledon. In 1813 the Bastards of Klaarwater became the Griquas of Griquatown and adopted a constitution, both at the suggestion of the Rev. John Campbell.⁸⁷ The constitution comprised thirteen laws, mainly codifying offences. The Chiefs were given fairly limited powers, while the Church gained direct influence over the political system, undermining the power of the two leading families, Kok and Barends. Chiefs were to be "commanders in things requiring the public safety"⁸⁸ and to act with the missionaries as the court of appeal. Nine popularly-elected magistrates would enforce more egalitarian laws, applicable to all - Griqua, San and !Kora. The Church also enhanced its power by training lay preachers to take over the running of the church later on, such as Jan Hendrik, Barend Barends, Peter David and Andries Waterboer, who became lay preachers in 1814 at Graaff-Reinet.

Nevertheless, in 1814, the Griquas successfully resisted the attempts of the government through the missionary, Anderson, to force them to send conscripts for military service and to hand over criminals. Missionaries did not have things all their own way and being a government agent weakened Anderson's position amongst the Griqua, even though the refusal to send conscripts meant that the privileges granted as a

87 John Campbell was an L. M. S. Inspector

88 Legassick, M., *op. cit.*, p. 190.

result of Anderson's requests were removed and the Griquas no longer had legal access to the Colony. In fact, depriving them of legal trade gave an incentive to return to the old raiding ways and ignore the missionaries. The result was a rebellion in the form of a split. Those who rebelled (the young, less wealthy and the dependent) considered the chiefs tools of the government and missionaries. Cornelius Kok I and his son, Adam Kok II, went off to Campbell as private individuals. Waterboer later stressed this, implying that the Koks' authority had atrophied. Daniel's Kuil and Campbell were now semi-autonomous. Climatic conditions made this important: Griqualand was steadily drying out from the west. This desiccation forced the Griquas to occupy more territory to the east and north. By 1816 Campbell had a larger population than Griquatown, because it was better for agriculture. Between 1801 and 1824 Griquatown's population remained almost constant at seven to eight hundred and its government was in a state of semi-collapse.

Worse still, by 1817 the Colonial government had begun to see the Griquas as a potential threat. Their freedom was supposed to be making the white frontiersmen jealous. Both Somerset and Donkin wanted to close the mission and resettle the Griquas nearer the border or within the colony itself. In 1819 the Governor told Dr Philip that Griquatown should be broken up, because the Griquas were not amenable enough.⁸⁹ However, in 1820, Stockenstrom visited Griquatown and suggested that the Griquas could be useful as civilising agents, a more pragmatic approach which recognised that the government did not have the power to control them anyway. Also in 1820 Anderson left, Moffat arrived and Andries Waterboer, with L.M.S. support, became Chief.⁹⁰ He was of San extraction, so, unlike the Kok and Barends families, had not been a British subject.

89 MacMillan, W. M., *The Cape Colour Question*, pp. 132-133.

90 On 20 December, 1820.

His election was a victory for the Griqua over the Bastard element and for the missionaries, whose protege he was. Another Stockenstrom suggestion resulted in the appointment of John Melvill as Government agent on 21st March, 1822. The colonial government also recognised that all those who lived within the Griqua area should be subject to Griqua laws. This was potentially a charter for extending the Griqua state over the surrounding communities.

Yet initially there was further friction. Melvill augmented Waterboer's authority, which irritated those who disliked Waterboer and government interference. In 1825 an agreement finally separated Waterboer and the old Chiefs, Adam Kok and Barend Barends, who moved to Philippolis, although they would meet annually to discuss general affairs and murder cases. Waterboer disliked this arrangement because it further fragmented Griqua society, but could do little except ignore the terms of the agreement. There were now three Griqua communities: at Griquatown, Campbell and Philippolis.

Griqua society always grew by incorporation as well as natural increase, attracting many from the Colony with its increasingly restrictive laws. It was in a unique position: being a non-white group established on the fringe of the Cape Colony with whom its interests lay, since it was part of the Cape's cash economy and under British hegemony.⁹¹ The Griquas could act as intermediaries between the colonists, for whom it was illegal to trade across the frontier, and the interior. Such trade was also essential to the Griquas. Their status depended on their access to guns and gunpowder, possession of which was illegal, so to get them they sold the products of raiding, hunting and trading with

91 A similar idea was later tried in British Kaffraria.

the Sotho-Tswana⁹² (for some time, agricultural produce made up only a small part of their trading items) to the colonists and bought guns and powder with the proceeds. Relations with the farmers along the frontier were friendly or, at worst, grudgingly co-operative. This collaboration in illegal trade bypassed all Government and missionary restrictions, for as the Tulbagh farmers stated bluntly in 1818, "Oxen were the best passes they could bring."⁹³ The farmers also got apprentices taken in Griqua raids. There was no competition over land at this stage, since the Griqua were outside the Colony. It is clear from reports that they were doing very well during these years and both Ross and Legassick stress their commercial aptitude. In 1820 the "Bastard Grikas and Corannas" brought about seven hundred oxen, twenty-seven wagons loaded with elephant tusks, salt, and skins of all kinds, as well as some wheat to the Beaufort fair. In the 1830s the Boers complained that the Griqua had an unfair advantage over them in the cattle markets of Graaff-Reinet and Grahamstown, because they had access to the grasslands north of the Orange. In the 1850s they took to merino sheep farming at least as quickly as the Boers did. The Griqua were also part of the economic shift from the South-western Cape to the eastern and northern borders, because of their long-distance trading to the north and transport riding to the south and their pastoral activities. They were aided by the development of Port Elizabeth's harbour, more accessible from the interior than Cape Town. In addition the Griqua helped to open up the interior to trade: Ngamiland and Barotseland, although Mzilikazi's efforts to control this trade caused several wars with the Griqua led by Barend

92 For cattle, ivory, jackal and civet karosses, and the excellent metal-work of the Sotho-Tswana in exchange for coffee, tea, beads. The Sotho-Tswana had been used to sending goods north-east, but now directed their trade south-west, a major reorientation for these northern tribes.

93 Legassick, M., *op. cit.*, p. 132.

Barends and Jan Bloem. After the Ndebele had left, the trading was taken over by the "small" men, full-time traders who often became leading citizens of the Captaincies after retirement, such as Adam Januarie, a member of the Griquatown Raad under Nicholas Waterboer.⁹⁴ Hunting was centred on Griquatown rather than on Philippolis and reached a peak in the late 1840s and early 1850s. But elephants were becoming scarce even in the first decades of the 19th century. Burchell describes Barends's return from an elephant hunt in about 1812 with only twelve elephants with two hundred lbs of ivory, since all but one were females with small tusks. In addition, the Tlhaping had refused to trade, because superstition had labelled the time unpropitious. Because of the scarcity of elephants, barter with the Sotho-Tswana increased. To get ivory, the Griqua had to go ever further afield, although not generally beyond the Molopo or east of the Vaal and Harts.

The disturbances of the years 1820 to 1826 had made it clear that it might be wise to consolidate Griqua power, but this was not easy. The Griqua were no longer the only ones with guns and the missionaries were not willing or able to get powder. The Colonial government was keeping a wary eye on them because of the potential for trouble with so many white frontiersmen over the Orange. Waterboer's own power was far from secure and there were rebellions against him in 1824-5 and 1827. However, Melvill's departure (which strengthened the frontier states by allowing them to deal directly with the colonial government) and the appointment of Peter Wright to Griquatown in 1826-7 led to much improvement. But, at the same time, Waterboer's relationship with Cornelius Kok deteriorated and the two never again acted together. Kok became totally autonomous. Nor did it prove possible to restore the "special"

⁹⁴ See Ross, R., *Adam Kok's Griquas*, p. 71.

relationship with the colony, which remained neutral in these disputes, much to Waterboer's disgust.

In 1832 an important event took place. Dr Philip visited Griquatown during a tour and suggested a more formal recognition of Waterboer's role as defender of the frontier. At first he recommended incorporation in the Colony on the same terms as the Kat River Settlement, but this idea developed into something far more ambitious. The 1820s had shown that Waterboer could not achieve hegemony over Transorangia on his own and it was this hegemony that Dr Philip hoped to bring about. He saw the Griqua defending the northern frontier against raiders or the Ndebele, stopping slaves from escaping and preventing white colonists from making contact with the banditti, in return for support from the Colonial Government. No longer were Griquatown and Kuruman to be merely stepping stones to the interior. Griquatown was to become the focus of a great Christian Griqua Republic, controlled by the L.M.S. and controlling all the peoples of the northern frontier. Stockenstrom had anticipated such a role in 1820 when he had commented that the Griquas did have a "shadow of restraint"⁹⁵ on the Korana. But this ambitious scheme demanded unity, not only amongst the Griqua, but also between the Griqua and Sotho-Tswana. It was a risky idea. If the Griqua failed to unify, they would also fail to ward off white supremacy. Secondly, if they refused to share power with the Sotho-Tswana, they would weaken Sotho-Tswana power in their attempt to increase their own, and thus further weaken the non-white forces arrayed against white encroachment. Thirdly, if the Griquas were subordinate to the missionaries and did not gain admission to the colony on equal terms, they would lose land and power to the whites. All these things happened.

95 Legassick, M., *op. cit.*, p. 472.

However, this lay in the future. Dr Philip at once set about undermining the power of the other Griqua chiefs, by claiming absurdly that, since the L.M.S. had put the Griquas there, it could replace the chiefs at will. Waterboer was disliked by most Philippolis and Campbell Griquas, who were incensed by the suggestion that he should become overall chief and totally rejected the idea. Colonial forces would have been necessary to enforce the scheme, which would only have driven the Griqua into becoming marauders again. Dr Philip had to back down, but not for long.

The years between 1832 and 1836 were a time of expansion and optimism and new impetus was given to Dr Philip's scheme. By 1836 even Stockenstrom admitted that Waterboer was intelligent, capable and sincere, although Legassick points out that this was because he was a collaborator or "accommodator"⁹⁶, who served colonial interests. However, Waterboer was also advancing his own interests. He had been no more successful than other chiefs at state-building, until he got preferential treatment, but he was shrewd enough to realise that Dr Philip could ensure what he needed from the Colony: defence, which would protect him against raids, revolts, white encroachment (already a problem at Philippolis) and also undermine those chiefs who would not collaborate, thus enabling him to fulfil his territorial ambitions more easily. Submission to the L.M.S. was a small price. There were also economic reasons. Survival needed a strong economic base: settled agriculture. Yet the springs were drying up. The first reports of fountains failing date from 1811 and the situation was steadily deteriorating. From 1831 to 1834 there was a severe drought at Griquatown which forced the Griqua to disperse to the Orange River to save their cattle. There were no crops. The Griqua had three options - they could irrigate, but this was diffi-

⁹⁶ *Ibid.*, p. 483.

cult and expensive; they could take possession of other fountains at Daniel's Kuil or Campbell, but these would not be sufficient; or they could increase the number of Sotho-Tswana under Griqua control, since the Sotho-Tswana were better cultivators in Northern Cape conditions and did not irrigate. There were two ways to achieve this control - expand Griqua borders, or bring Sotho-Tswana into Griqua territory. The Griqua chose the second way between 1832 and 1835. This failed and they then tried to strengthen their control over Sotho-Tswana in the area. The idea was that the Sotho-Tswana should cultivate, while the Griqua hunted, traded, herded and defended the area. The missionaries encouraged this, contrary to their usual practice of teaching trades and agriculture, recognising that the Griqua were not really farmers, but willing to accept this so that the Griqua would be left free to secure their hegemony.

On 11th December, 1834, the Colonial Government signed a treaty with Waterboer in Cape Town. This decision was the result of raids by marauding groups on the northern frontier. The Colonial Government believed that Waterboer might be a useful ally against such groups, at little cost to the colony. Waterboer returned to Griquatown on 22nd March, 1835, the "friend and ally" of the Colony. He had agreed to protect the frontier from Kheis to Ramah (see frontispiece), to send back fugitives, to warn of possible attacks and to assist colonial forces, in return for a salary of one hundred pounds per annum, arms and ammunition and fifty pounds per year for the school at Griquatown for Griqua education, especially in English. The treaty did not define his territory very accurately - it was described as bounded by the Orange River on the south, the Vaal River on the east, the Langeberg and the desert on the west and on the north as extending to Kuruman and Taungs, but this really meant, as Sir Benjamin D'Urban later commented, "limits to the

north undefined."⁹⁷ In a separate and confidential document, Peter Wright was appointed Government Agent, which gave him political power.

There was a good deal of contact between the Sotho-Tswana chiefs and Waterboer in late 1835, so that it seemed he might really be able to extend his hegemony. But there was an almost immediate reaction, as fears of his assumption of power turned the chiefs against him. The Tlharo wrote, "We like your friendship, but not your sway."⁹⁸ Chiefs also complained of seizures of guns, ammunition and wagons by the Griquas because they wanted the monopoly. To those at Kuruman, it seemed that they were the focus of Griqua expansionist ideas and that the Griqua had ideas of control no different from those of the whites.

Another attempt was now made to assert control over the other Griqua chiefs, using a two-pronged attack: from Waterboer and Wright in Griquatown and Dr Philip in Cape Town. Attempts were made to discredit these Chiefs and implicate them in raids. The unfounded accusations failed to oust Kok and Barends and the former became leader of the anti-Waterboer-Wright-Philip axis, while Waterboer had to concede that Barends was really chief of Daniel's Kuil. However, Barend Barends moved to the Caledon valley soon afterwards to escape Sotho-Tswana and Griqua pressure and !Kora raids. Waterboer bought his farm, so the question of political rights remained unresolved. Jan Bloem replaced Barends, forming a small state and a kind of coalition with Mahura, brother and rival of Mothibi, chief of the Tlhaping, who had sought Waterboer's protection in this power struggle.

Meanwhile, Adam Kok at Philippolis was also beset by internal dissension and by whites, who wanted to graze across the Orange and who resented both his efforts to stop them and Griqua competition in the cat-

⁹⁷ Legassick, M., *op. cit.*, p. 483.

⁹⁸ *Ibid.*, p. 500.

tle markets. Philip wanted Kok overthrown, but in the end had to recognise Philippolis as a separate state. He then recommended that the Colonial Government sign a treaty with Kok, similar to Waterboer's, but before this could happen, Kok died and there were succession struggles between his sons, Abraham and Adam III, which the former won. The Colonial Government then prepared a treaty, but insisted on a preliminary agreement with Waterboer. As a result, after a meeting between Abraham Kok and Waterboer at Griquatown, an agreement was signed on 23 February, 1837, after full endorsement at a General Meeting. The two chiefs would jointly govern "the Griqua country" under two separate governments and separate laws. There would be a joint Council meeting biennially and joint action in warfare, capital punishment or in the event of a rebellion against either one. The division between their territories was at Ramah, although the northern borders were not fixed. The land claims by Cornelius Kok at Campbell were legally excluded. This treaty with the Philippolis Griquas had potential for strengthened, though dual, Griqua hegemony.

Still Dr Philip was not satisfied with the progress of his plan for a Christian Griqua state. The Sotho-Tswana had not accepted Waterboer's hegemony, which was vital to the success of the plan, nor had any other Griqua chief or even the refugees around other mission stations. However, there were one or two positive signs. Mothibi had been converted to Christianity and, as a result, his Tlhaping had begun to be incorporated into the Griqua state to a greater extent, through the Griquatown church, which cut across traditional political communities and thus opened the possibility of a wider and stronger political community. One reason why this wider political unit failed to materialise was that the missionaries at Kuruman and Griquatown did not co-operate, because

they suspected those at Griquatown of being out to strengthen Waterboer's political power.⁹⁹

In the late 1830s Waterboer began acting in a very threatening way towards Moffat, Cornelius Kok and others - sending out armed parties to tell them that they would be moved and that the Griquas would soon have control of the whole country, as well as the church and stores. In mid-1839, a party (which included Nicholas Kruger's brother and Lambert Jansz) went to investigate territory near Mosega, which had belonged to the Hurutshe. They said that they had been invited by the Chief, but the Hurutshe said that they had only asked for a missionary.

Meanwhile, at Philippolis there had been another change of leader - Abraham Kok had become embroiled in unsuccessful expeditions against Mzilikazi and had been overthrown by his brother, Adam Kok III, who received support from Waterboer, despite his treaty with Abraham Kok. On 9th November, 1838, Waterboer signed a new treaty with Adam Kok III. It was the same as the earlier one, with two exceptions. It was stated that "the chiefs and inhabitants of Griqua Town and Philippolis will be considered as one people, and also stand in connection with each other, having one interest."¹⁰⁰ Secondly, the boundaries were more clearly defined. Adam Kok's land stretched from Ramah to Cornet's Spruit to beyond the Caledon River, and then northerly to the Modder River. Waterboer's boundary was from Kheis to Ramah and northerly to Platberg¹⁰¹ (see frontispiece). Disputes were to be arbitrated by the Cape government, although this provision was never implemented. The joint meetings took place at least until 1855. At first they met twice a year, alter-

⁹⁹ For details of these events see Shillington, K., *The Colonisation of the Southern Tswana, 1870-1900*, pp. 12-23.

¹⁰⁰ Legassick, M., *op. cit.*, pp. 553-554.

¹⁰¹ This is from the Bloemhof Blue Book, pp.30-31. Also Acc. 611, Vol. 41, 22nd September, 1870.

nating between Griquatown and Philippolis, but later only once a year, at Ramah, an outstation of Philippolis, which was more convenient for both. The treaty itself was amended in 1850, to state that the Kaptyns would "advance" the peace of the interior and maintain it to facilitate the spread of Christianity. The two governments saw themselves as part of a single entity.

Adam Kok III now also adopted an aggressive expansionist policy. It would appear that the Griqua were somewhat over-confident and assertive. Dr Philip had seen their role as being within the colonial framework. The Griqua nationalists now saw themselves as fully independent with the right to rule over the !Kora and Sotho-Tswana, because it was "their" country, not because they were protecting the Colony or even these groups. The L.M.S had encouraged this, but by this time the missionaries were complaining that the Griquas were arrogant and haughty. Legassick has pointed out that there is evidence that the Kat River settlers were encouraging the Griquas to remove all white missionaries and instal a completely native agency.¹⁰² At the same time, Sotho-Tswana resistance to Griqua attempts to impose control increased. The Ndebele had left the area and no longer threatened the Sotho-Tswana, so many of those who had sought Waterboer's protection during the 1820s and 1830s began to move northwards and to resist Christianity, especially that involving the Griquatown church. The whole matter was complicated by the power struggles taking place within the Sotho-Tswana group. In January, 1839, Waterboer visited Jantje and Mothibi to try to ensure that Lekatlong remained in the Griquatown orbit.

From 1840, therefore, at Dr Philip's suggestion, Waterboer moderated his expansionist drive. In April, 1840, there was a general assembly of Griquas at Philippolis to settle affairs, including the dispute

102 Legassick, M., *op. cit.*, pp. 553-562.

between Waterboer and Cornelius Kok. It is possible that they also laid down the boundary line between Griquatown and Campbell, since in September, 1840, Wright mentioned that it was well-known that Waterboer's northern border lay a little north of Daniel's Kuil.

At this time, too, the irrigation project was begun again, now on the Orange River about eight to ten miles above its confluence with the Vaal. This was some four years after the Griquatown fountain had stopped flowing and two years after the surface water had dried up. This indicates that it was only now that the Griquas gave up the idea of expanding. Since they had to accept that they could no longer move to a more fertile area, they were forced to begin to think of renovating Griquatown itself. Another indication that Waterboer was no longer considering expansion was that in 1840 he rejected an appeal from Mahura, erstwhile ally of Waterboer's rivals, for help in the course of succession struggles amongst the Tlhaping.

However, two years later, in April, 1842, the pair did sign a treaty at Taungs, in terms of which they would meet when necessary, would govern within their own boundaries and would call in arbitration by impartial judges, not from the Colony, in case of dispute. They could take independent defensive but not offensive action. The treaty also laid down the boundary line. Mahura probably felt that this line protected him against Griqua expansionism and strengthened his claim to be the legitimate ruler (rather than Gasebonwe or Jantje).¹⁰³ The treaty ignored the claims of Jan Bloem and Gasebonwe and left Jantje in Waterboer's territory. The treaty remained largely theoretical, since the Tlhaping rejected it, but is significant in that it marked the end of Griqua northern expansion by delineating the spheres of influence of

103 Gasebonwe was the senior surviving son of Mothibi. Jantje was another son, who had converted to Christianity.

Griqua and Sotho-Tswana (see frontispiece). It therefore marks the "beginning of the long stagnation and decline of Griquatown."¹⁰⁴

With agriculture almost impossible, with their dream of becoming a non-productive elite exercising hegemony over others fading, as this hegemony was challenged by the missionaries, the Sotho-Tswana and the white farmers, many Griquas returned to hunting and trading for their livelihood, especially along the northern road through what is now Botswana. The discovery of Lake Ngami in 1849 stimulated this and they went as far afield as the Kalahari and Mzilikazi's new state, but the steadily decreasing game herds meant that this really marked the end of large-scale hunting and the possibility of relying on it for a livelihood. The north-east had been closed to them in 1842, when the Boers told them that they could no longer shoot game in their country. Their consciousness of themselves as a people began to erode and with it their dignity and pride. The 1840s were years of progressive demoralisation, with alcohol becoming a problem. Apart from the Albania scheme, the main resistance to white expansion came, not from the Griqua, but from the Sotho-Tswana, Moshweshwe and Mahura. Waterboer could no longer prevent white infiltration. That this did not happen to any great extent at first, was due mainly to the infertility of the area. Nevertheless, in 1844 Waterboer and fifty of his men spent two months at Philippolis, as a precaution against Boer aggression and in March 1845, Waterboer sent men over to Philippolis, when Kok tried to arrest a Boer and fighting broke out. In 1848 Waterboer and Kok helped Sir Harry Smith at the battle of Boomplaats, although not involved in the actual fighting, in the futile belief that Britain would defend their interests.

Even the Church was in trouble. Edward Solomon replaced Wright in 1843 and found that corn was being sown and square houses being built,

104 Ross, R., *Adam Kok's Griquas*, p. 27.

but this positive impression was soon reversed, when it became clear that dissent was everywhere. Church membership was declining. Waterboer's own wife, daughter and niece were separated from the Church. In 1843 the man who had been the first native agent, Jan Fortuin, resigned over a payment dispute. By 1848 there were only four native agents left. Work on the irrigation scheme was only sporadic, despite the fact that Isaac Hughes settled at Backhouse in the 1840s to encourage the scheme. It was finally abandoned in 1850 as impractical without the financial backing needed to get pumps or the skills necessary to install them. From about 1847 many older Griqua families and Sotho-Tswana departed, although there were still some fresh arrivals. For example, in 1867 inter-tribe war amongst the Korana led to the defeat of the Bovenstanders and one of the leaders and his followers fled to Waterboer's territory in 1868.

Waterboer, himself, was becoming apathetic, not even rousing himself to protest at the alienation of land to white farmers by Cornelius Kok. In 1849, the missionary, Solomon, remarked that Waterboer should give up the chieftainship to his son, Nicholas, "a very respectable, intelligent young man, now turned thirty-one years of age."¹⁰⁵ Three years later Andries Waterboer died, on 13 December, 1852, and Nicholas became Chief, since the Chieftainship had become almost hereditary in the case of the Waterboer and Kok families, although the formal procedure of election was complied with.

Nicholas Waterboer inherited a declining state, but not an atrophied one. Political reforms had been made in 1847, while the land tenure laws had been codified in 1849.¹⁰⁶ Griqua families or subject groups had defined rights to particular areas and fountains within the

¹⁰⁵ Legassick, M., *op. cit.*, p. 615.

¹⁰⁶ See Legassick, M., pp. 616-617.

state and could transfer, buy and sell these amongst themselves with the Chief's consent, but no land alienation to foreigners was allowed. In 1855 Solomon reported that there was a regularly organised government, with a written code of laws by which to adjudicate criminal cases. Griqualand West's constitution must have been similar to the 1870 Constitution for Griqualand East which Ross described.¹⁰⁷ Nineteenth century Griqua social organisation was a "democratic oligarchy". The elected Kaptyn had limited powers. Most decisions were taken in council with the twelve-member Raad, which the Kaptyn could influence but did not fully control. He could dismiss the Raad, veto its decisions, diminish any civil or criminal cases, had to sign death sentences, was the only person able to grant government land, chaired and appointed the Uitvoerende or Executive Raad, had to be present at all Wetgewende (Legislative) Raad sessions (this was an elected body), had to work with these bodies in dealing with external relations - wars, treaties, the reception of foreigners, the hiring and selling of government land to non-burghers and was the only legal distributor of gunpowder. Every Sunday there were prayers for him in the churches, which gave him spiritual legitimacy. The Executive Council, appointed by the Chief, carried out the laws, collected and distributed government revenue and was the final court of appeal. Its members had ex officio seats on the twelve member Legislative Council, which met at most every three months and was elected by adult (over 20) males who had been Griqua citizens for at least three years. Females had no political role. The well-organised Field Cornetcies formed the constituencies and voting (by discussion not secret ballot) was overseen by Executive Council members. Raad members were paid per session and fined for non-attendance, unless away on government business. They could send a "provisional", who had to be ap-

107 See Ross, R., *Griqua Government*, pp. 25-42.

proved by the Kaptyn or Raad. In either case, the Councillor received half-pay. The Wetgewende Raad was opened by the Kaptyn, but chaired by a member elected by the Raad. Laws could be proposed by any member of either Raad. There were Magistrates (at Griquatown it was Lambert Jansz) to hear minor cases, but the people could appeal from them to the Raad, which heard all serious cases. There was no taxation until the Kaptyns found themselves in financial difficulties. Thus, when the Colonial Government refused to renew the 1834 treaty, Nicholas Waterboer had to introduce a general tax on Griqua burghers, which amazed the missionary Isaac Hughes by its effective operation. The large Black populations subordinate to the Griquas were mostly left alone to rule their villages as they wished. After 1859, Nicholas Waterboer gave them the vote in Raad elections, but they seem to have played a very minor role in the government of the community.

By 1855 the population of Griquatown was eight to ten thousand people, but of these few were Griqua. Most were San, !Kora, some Xhosa from Zak River (who arrived in 1847) and some Tlharo (most of these left). Thus, a small minority was still exerting control over a large, only partially incorporated, majority, which meant that it was a rather frail state.

When Andries Waterboer died, the treaty with the Colony was not renewed, although the subsidy to the school continued. In 1853, Hughes described this news as coming like a thunderclap, because the Griquas had always hoped to be incorporated in the Colony. Repeated requests were made for the renewal of this treaty, but to no avail, until David Arnot arrived on the scene. Arnot became Waterboer's Agent and Representative in October, 1853.¹⁰⁸ Waterboer hoped that Arnot would be able to help safeguard his land against the Free State, already forcing Adam

¹⁰⁸ Gutsche, T., *The Microcosm*, p. 137.

Kok's Griquas off their lands. From 1862, Arnot repeatedly urged Wodehouse to intervene. In 1865, Arnot told the Governor that, without protection, the Griquas and other tribes in the area, would be left to wander as vagabonds or reduced to the status of mere servants, but it was not until the diamond discoveries that Britain intervened. Most non-Griquas left then, leaving only a few Griquas to eke out an existence, "still claiming to rule over a non-existent state."¹⁰⁹

Perhaps Dr Philip should have concentrated on building up Philipopolis into a smaller, stronger state. By 1861, the Eastern Griquas were far more "civilised" than Waterboer's western Griquas ever were, according to Marais.¹¹⁰ They had better land, a more settled population, private ownership of land, good houses, a schoolmaster paid to teach the children, large herds of cattle, even (in 1859) a newspaper. Grey described them as wealthy, with a minister and several schoolmasters being paid and prosperous families who owned some half a million acres in 1860. Yet white infiltration made the state non-viable in the end too.¹¹¹ Land speculators were very active in Adam Kok's territory and elsewhere at this time. Even during the Sovereignty, officials grabbed enormous areas of land and were so pre-occupied with speculating that they often neglected their public duties.¹¹² They were keen to get Griqua lands onto the market too. Where Griqua interests clashed with theirs, those of the Griquas were doomed. In 1857 the Orange Free State created five Field-Cornetcies in the inalienable section of Griqua territory, thus directly challenging the authority of Kok and his Raad.

109 Legassick, M., *op. cit.*, p. 619.

110 Marais, J. S., *The Cape Coloured People, 1652-1937*, pp. 57-59.

111 For the way in which this happened, see Ross, R., *Adam Kok's Griquas*, pp. 91-96.

112 *Ibid.*, p. 82.

They also published the secret clause of the 1853 treaty with Sir George Clerk which stated that any Griqua land sold to a White became part of the Free State at once. In addition, they refused to regard the Griqua as *menschen*, but as *volk*, a derogatory term which made their view of Griqua status only too clear. So the Philippolis Griqua trekked to Griqualand East in 1861. But history repeated itself there too. Beinart¹¹³ has shown that White officials in Griqualand East were paid in land grants and that of five hundred and five farms available, sixty-three were held by Whites. All Whites recognised as Griqua burghers got at least one farm, so that early settler land accumulation was founded on burgher rights and office in the Griqua state. Later on, a private market in land developed as individual Griquas sold off their farms and merchants took land in settlement of debts. By the end of the 1880s most land had gone to those with capital and credit-worthiness, who were mainly English-speaking colonials. This has many parallels with the story of Griqualand West and Albania and helps to illustrate the ways in which the Griqua lost their land.

The Griqua had needed to be a strong community to resist the forces arrayed against them, yet the typical frontier traditions of individualism and commercialism led the poorer members to sell off their lands - a fatal error. In a racially divided country such as South Africa was becoming, the Griqua community was only as strong as its weakest member, in that the weaker members who sold off their lands, usually for wretchedly small sums of cash or for goods, undermined the rest of the community and allowed the White group to pick it off piecemeal. A united front was essential, but was not achieved. The Griquas wanted to be like the White group, and therefore never made common cause

113 Beinart, W., *Settler Accumulation in East Griqualand from the Demise of the Griqua to the Natives Land Act*, in Beinart, Delius and Trapido, *Putting a Plough to the Ground*, pp. 259-310.

with the Blacks. Yet the White group increasingly rejected all who were not White, even where there was little cultural difference. There was no viable position for the Griquas in this society, even though they were often literate and Christian, employed Blacks as labourers and sometimes lived as rentiers on the proceeds of Black peasant farming. White society always undermined the legal and commercial basis of peasant agriculture, wherever it began to be successful.¹¹⁴ To be free, independent and coloured was an anomaly to be cleared up as quickly as possible. And so, Griquatown declined from the 1840s until "its catastrophic crash in the early days of the diamond fields."¹¹⁵ It is significant that of all the similar communities, at the Kat River, in Namaqualand, only the Rehoboth settlement survived and developed to some extent - because they maintained their unity. The Kat River settlement collapsed after the 1851 rebellion, while the Namaqualand settlements were too arid and poverty-stricken to survive.

Even without diamonds and if the Griqua had stuck to farming there would probably have been little hope for them. F. Cooper and J. Lewis¹¹⁶ have challenged Bundy's thesis about the rise of Black peasant farmers in the Eastern Cape. They point out that these farmers were, in fact, not able to respond effectively to the wider challenge of market competition. Lewis queries whether there was ever a genuine rise of the peasantry, since census figures show that only a very small minority were successful. He says that this does not prove that the majority could ever have surmounted the obstacles, tied as they were to the

114 See Shillington, K., *op. cit.*, pp. 1-148 and Bundy, C., *op. cit.*

115 Ross, R., *Adam Kok's Griquas*, p. 137.

116 Cooper, F., *Peasants, Capitalists and Historians*; Lewis, J., *The Rise and Fall of the South African Peasantry: a critique and reassessment*. Also Davenport, T. R. H., *Some Reflections on the History of Land Tenure in South Africa*, (*Acta Juridica*, 1985, pp. 53-76).

Cape's economy. Their small holdings were in inconvenient areas, it was hard to obtain capital and land was becoming scarcer and deteriorating because of population growth and territorial segregation. All these limitations applied in West Griqualand too where increasing aridity was another negative factor.

The ideas discussed above illustrate an important change in the way historians have perceived the collapse of Griqua society. Marais blamed it largely on the improvident, semi-nomadic nature of the Griquas and alcohol, but Legassick, Ross, Beinart and Majeke have shown convincingly that the causes were far more complex. At the beginning, the existence of the Griqua state had suited the L.M.S., the merchants of Port Elizabeth and the Cape with whom they traded and the administrators, who wanted allies and buffers in the North. But the demoralising effects of the failure of Dr Philip's scheme, the decline of their trade, the discovery of diamonds and Arnot's cleverly concocted claims to the area on their behalf combined to make the Griqua peculiarly vulnerable. They were weak, but they had a good claim to a very rich area and were thus easy game for exploiters. It has been argued that the case Arnot presented was legalistic, laboured and specious, but in a frontier zone, legitimacy is a vague and unstable concept, although a leader could try to buttress his authority with various forms of "legitimation".¹¹⁷ All the chiefs and the White states could provide a history to support their own legitimacy or deny that of others. David Arnot's case was based on Dr Philip's earlier arguments and on three treaties: those of 1834 with Britain, of 1838 with Adam Kok and of 1842 with Mahura and was certainly no less plausible than the other claims made to the territory east and south of the Vaal.

¹¹⁷ Legassick, M., *op. cit.*, p. 649.

To sum up then, the ambitious attempt to assert hegemony in the area north of the Orange weakened and split the Griqua, at a time when their most serious threat was approaching in the form of White race-conscious land-hungry settlers with capital and credit-worthiness to back them, and at a time when hunting could no longer provide an adequate livelihood and climatic conditions were destroying the weak agricultural basis of their society. Perhaps Waterboer hoped that the Albanians would take the place of the Sotho-Tswana in allowing the Griquas to live off the proceeds of renting land and exercising sovereignty. Perhaps he hoped that the British Albanians might force British intervention on the Griqua side or that their acknowledging his leadership and thus ownership of an area where his control had never been very strong might strengthen his claim to the disputed area. At the same time they would form a barrier against the Boers who had forced Adam Kok out of his lands. This would be fighting fire with fire, Whites against Whites. He would not be giving up much and the potential benefits must have seemed worthwhile.

Thus, the threads can be brought together. The British Government was accustomed to land settlement schemes as political tools, so Arnot could justifiably hope for co-operation. Land speculators¹¹⁸ were very active throughout the century - for personal and political ends, so there was nothing unusual about Arnot's activities. The Albany sheep farmers had been through a bad economic and political period and were land-hungry. Waterboer needed a way of re-establishing his power and preventing a White Boer take-over. David Arnot hated the Boers, was sympathetic to the Griquas and eager for personal gain and he had a powerful ally in Richard Southey. The result was Albania.

118 See Shillington, K., *op. cit.*, p. 139, for speculation in Bechuana-land.

CHAPTER TWO

EVENTS LEADING TO THE SETTLEMENT OF ALBANIA (1866-1868)

a. Genesis:

In 1866 and 1867 there were wars between the Free State and BaSotho, each of which left the BaSotho with less land. By 1861-2 the Eastern Griqua Chief, Adam Kok, had abandoned the unequal struggle and moved to Griqualand East. Clearly the land-hungry Free State was a most uncomfortable neighbour for a small Black-ruled State without powerful allies. Already, the Free State was showing more than a passing interest in the remaining Griqua lands, as a result of the dispute over exactly which lands Adam Kok had sold. The High Commissioner (at this time Wodehouse), one of whose tasks it was to watch over British interests in the interior, had to be persuaded that the protection of Griqualand was in Britain's interest. Arnot never missed an opportunity of pointing out the strategic value of the area, especially that it lay across the Road to the North, but Wodehouse proved too cautious¹ and Arnot realised

¹ It should be noted that legally the High Commissioner had no right to found or enforce "legal jurisdiction either criminal or civil beyond the limits of British territory." (Benyon, *ProConsul and Paramountcy in South Africa*, p.77.) However, Wodehouse argued that even if these powers were not legal, the people believed they were and should not be told otherwise, because the government needed all the power it could get and the High Commissioner's powers were amongst the most important. High Commissioners therefore continued to exercise these powers as the chief executive instruments of British frontier policy. Therefore Wodehouse was quite prepared to intervene across the colonial borders if he thought it necessary. Thus, when friendly mediation failed to resolve the conflict between the Free State and the BaSotho, Wodehouse was ready to use his powers as High Commissioner to bring about direct control. The BaSotho had asked for protection in 1867 and a protectorate was declared in 1868, despite Boer opposition. Southey saw this as the first step in a new phase of expansion which would encircle the Republics by taking over the lands of Waterboer, Mahura and Mzilikazi. This would link Natal and the Cape - "if it doesn't we can easily annex a little more...and then we can run round the Free State and Transvaal and join you again about the sources of the Vaal River." (Southey Papers, Acc. 611/56, Southey to Erskine, 18th February, 1868, quoted by Benyon, p. 98). So, between diamonds and strategic considerations, annexation of Griqualand West was almost guaranteed, even though the Colonial Office's annoyance over the annexation of Basutoland did lead to a temporary backing-off, in that

that he would have to find other ways of attracting British interest and intervention.

In 1862, Arnot visited Bloemfontein for talks with the Free State Executive and President Pretorius about the boundary line. The talks were a failure because Waterboer would only recognise the Ramah - David's Graf² - Platberg Line and the Free State was determined to accept only their version of the disputed 1855 Vetberg Line. Letters from the Free State of a "threatening nature",³ and his failure to persuade Wodehouse to involve himself in the dispute, made Arnot decide (early in 1866) to advise Waterboer to consider establishing a settlement on undisputed ground. Initially, in fact, Albania did not include only undisputed ground, since the Free State laid claim to the ground north of the Vetberg Line,⁴ which Arnot had originally intended to be part of the settlement. However, he could not find enough settlers and was not strong enough to oust the Free State without large numbers of settlers behind him. Therefore, only Southern Albania was ever effectively settled and it is to this area that the name Albania refers. As Inez Sutton has pointed out,⁵ the Vetberg Line itself was not recognised by

the High Commissioner did not annex land on the Transvaal's western border when the Transvaal tried to move westwards after the Tati gold discoveries.

- 2 David's Graf was the grave of David Isaac, one of Andries Waterboer's soldiers, who died of wounds after an expedition in 1829 or 1830 on the south bank of the Riet River. See Figure 1.
- 3 Griqualand West Land Court Evidence Taken Before His Honour Judge Stockenstrom in the matter of Certain Land Claims, p. 199.
- 4 G.W.L.C. 33, p. 71. See figure 1.
- 5 Sutton, I., *The 1878 Rebellion in Griqualand West and Adjacent Territories*. However, on 11th November, 1867, "M. J." of Riet River in the Jacobsdal District wrote to the *Friend*, pointing out that he had been at the meeting held at *Abrahammoosfontein* to discuss the Vetberg Line and at the erection of the beacons and that Waterboer had also been present and had actually helped erect some of the beacons "with his own hands." Waterboer had never protested about the issue of title deeds across this line, although the usual government notices calling for objections had been regularly published. Nevertheless, this does

Arnot or Waterboer, who never asked for this definition. Few sources other than the extremely partisan Lindley⁶ ever asserted that he had. Most other sources agreed that the Free State had asked Adam Kok to define this line during negotiations between the two governments. Adam Kok had, therefore, acted unilaterally, although he was meeting Waterboer regularly in terms of the 1838 agreement between the two Griqua governments. Waterboer consistently denied all knowledge of this line and stated that he had never consented to it, although he did accept it tacitly until the land disputes arose. The line itself is extremely vague and would be exceptionally difficult to map now, since some of the points are objects such as a camel-thorn tree, which would be impossible to locate. In 1872 Orpen described this line as commencing at a spot called

"the Kalk" on the Modder River. Thence to a small hill called "Kok's Koppie". Thence to the "Lotberg of Vetberg" then to "Kabab's Pan" - Thence to a small hill on which is a beacon not far from Albert Burgher's homestead at "Klein Karee" (now called Klip Pan) and thence over a beacon on a low ridge to the Line joining David's Graf and Ramah. This North Eastern boundary of your survey is commonly called the "Vetberg Line" and Adam Kok gives a not very close description of it in a document signed by him under date 10th October 1855.

The line was to be a perpetual source of trouble throughout the history of Albania.

Arnot's settlers were to be Albany men (hence the name Albania) of British descent, who would act as a protective barrier between Waterboer and the Boers. Arnot believed that the successful establishment of such a settlement would eventually force Britain to intervene to protect the interests of British subjects. By doing so, she would prevent further encroachment on Griqua territory. This was the theory behind the establishment of Albania. In addition, British dominion over the area would

not prove that Waterboer accepted the line, merely that he knew about it and did not protest at first.

⁶ Lindley, A.D., *Adamantia*. See Chapter four.

greatly enhance land values - Arnot was always practical. He had gone bankrupt on a large scale in 1863 and probably decided to turn the land which Waterboer had previously given him in Griqualand into a source of income. Not only could he collect his fees as Griqua Agent, but he could also lease his own lands to the settlers. However, there is considerable irony in the fact that this was to be entirely a white settlement, with land ownership actually forbidden to those of other races, including the Griquas on whose land it was to be established and whom it was intended to protect. Those Griquas who were living in the area were to be removed. It was not done gently.

Two other factors may have influenced Arnot's plans: Wodehouse's absence and the presence of diamonds. Wodehouse went on leave for six months from the beginning of 1867. Since he did not favour the scheme, perhaps Arnot deliberately chose this time. Secondly, for many years Arnot had travelled extensively in the area of the first diamond discovery, because of his position as Agent for the Griqua Government (his involvement in Waterboer's affairs dated from 1856) and others. In 1859 he had been made a Justice of the Peace at Hopetown, the closest centre to Griquatown. If anyone were likely to have heard whispers of "blink klippe", it was Arnot, especially since he was known to be interested in botany, ornithology and so on. Perhaps it was merely coincidental that diamonds were discovered in this area (remembering that the original Albania would have included Kimberley), but one wonders. The position of Albania was not lost upon Dr Atherstone, who commented in a letter to his son that it was "close to the diamond discoveries".⁷ If Arnot did know about the presence of diamonds, it must have given him good cause to believe that Britain would be interested and that land acquisition in the area would be profitable. Sir Philip Wodehouse was not averse to

⁷ Atherstone to his son, 30th June, 1867, *Diamond Fever*, p. 63.

annexation *per se*, for in March 1867, he asked the Colonial Office about the possibility of annexing a large portion of South West Africa, where silver had been discovered.⁸ Yet Arnot said nothing about diamonds for some time, although it would appear to have been the ideal bait to hook Britain. This was probably because he was dealing secretly in diamonds himself, probably with the London diamond merchant, Harry Emanuel⁹ and was soon involved in negotiations with Waterboer for the sole right to prospect in Griqualand. No doubt he wanted to have this concession in his pocket before being too enthusiastic about the discoveries, so for months he said nothing about his planned mineral concession company.¹⁰

Whatever his motivation, Arnot energetically set about getting his scheme under way, by drawing up a circular, which he later withdrew because the printers had "made a puff of it, and allowed it to get into the hands of Free State".¹¹

In mid-1866,¹² Arnot travelled to Graham's Town, from Colesberg, where he had his legal practice, intending to secure the co-operation of his old friend, the Land Surveyor, Francis Henry Samuel Orpen,¹³ and to

8 *Ibid.*, p. 35.

9 *Ibid.*, pp. 133, 135, 141 and 144. Arnot was acting as go-between in the sale of diamonds found by Griquas. One wonders whether he took a percentage or whether this service was purely disinterested. Whatever the case, the Griquas do not appear to have appreciated Waterboer/Arnot's attempts to control the disposal of diamonds and many took them to diamond dealers at Hopetown and elsewhere, much to Arnot's annoyance.

10 See Chapter three.

11 Griqualand West Land Court Evidence, p. 199.

12 Arnot was, typically, involved in all kinds of schemes at the same time. At this time, he was one of the members of a two-man committee deputed to collect exhibits for the Cape Colony's stand at the 1867 Paris Exhibition. The other member was Henry Green and since the pair did not get on very well, the collecting went rather slowly. (see Robertson, M., *Diamond Fever*, p. 23).

13 See Biographical notes.

organise meetings and issue three notices (all these notices were later ratified by the Chief-in-Council¹⁴) about the scheme to find out whether Albany men would respond to it. Orpen was out of town, but returned on receipt of Arnot's letter, explaining that both Waterboer and Mahura, believing that "Settlers of British extraction would treat the rights of the natives with greater respect than would be shown them by Free State farmers",¹⁵ wished to establish settlements between themselves and the Boers of the Free State and Transvaal respectively. The letter also described Arnot's plans for the settlement and offered Orpen the post of Surveyor-General and an appointment as Magistrate. Orpen accepted and the two men set about drawing up their proposals for circulation to the Eastern Cape farmers and publication in the *Great Eastern*¹⁶ and *Graham's Town Journal*. The proposals aroused considerable interest in the Eastern Cape. People were tired of the continual disturbances on the frontier,¹⁷ and the sheep- and goat-farmers were land-hungry.¹⁸ Albania of-

14 See pp. 103-104.

15 "Memorandum of Statistical and other Information regarding Griqualand West", Francis Henry Samuel Orpen, 29th June, 1872 (S.G.G.L.W.33 - Letters Dispatched).

16 R. W. Murray had previously been Proprietor and Editor of the *Cape Argus* and had known the Orpens and, by correspondence, Arnot. He was at this time editor of the *Great Eastern* and said later (1874) that Orpen had spoken to him about inserting advertisements, as he had done to Glanville of the *Journal*. Orpen had then called for tenders and the *Journal*, having submitted the lowest tender, had received the advertisements.

17 See letters on pages 106 (Wayland to *Graham's Town Journal*) and 108 (Arnot to Southey).

18 See Chapter one. Alfred Buckley was such a farmer. The Editor of the *Colesberg Advertiser* (1st October, 1867) described him as an Albany farmer who had a flock of thoroughbred Angora goats and who had sent a quantity of hair to England with instructions to his agent to get it manufactured into several kinds of cloth and returned to Africa. The cloth had proved to be of a very superior make, which was bound to fetch high prices in the English market. Buckley was clearly a progressive farmer, so it is telling that he should have chosen to move to Albania.

ferred a peaceful stretch of good sheep country and, although there were indeed disadvantages, such as the system of land tenure under which the land would be held,¹⁹ Arnot, Orpen and Bowker all promised that this would not make any real difference. The Griquas were known to be pro-British and could be relied upon not to cause the kind of conflict so common on the Eastern Frontier. No wonder the scheme found ready takers.

The Free State's reaction was swift. A lengthy Official Notice appeared in the Orange Free State Government Gazette and the *Friend of the Free State* on 15th March, 1867, and on 20th March in *De Tijd*. The notice, signed by Neilen Marais, the Free State Government Secretary, warned prospective immigrants against the scheme: the land in question, bordered by the Orange and Vaal Rivers and the Free State itself, belonged to the Orange Free State and settlers could expect only loss and disappointment if they should "enter into any engagement in regard to said Territory".

The *Graham's Town Journal* published this notice on 22nd March, together with an article from *The Friend*, entitled "Waterboer's Wall of Flesh", reiterating the Free State warning: farmers were being warned in time against "being misled by Captain Waterboer, and his very active agent and representative at Colesberg, Mr David Arnot."

The Free State assertions were quickly denied, both by Arnot, and by someone using the *nom-de-plume*, "An Old Sovereignty Man", whose letter to the Editor appeared in the *Journal* on 25th March. He pointed out that since the Free State herself had defined the land in question as being bordered by the Free State, it could not very well be in the Free State. The letter continued:

19 For the conditions on which the farms were granted see later in this chapter.

The Free State Government will ... hardly dare to deny that Waterboer had *some* territory somewhere, and that that territory is described in the treaty with Sir B. D'Urban, of 1834, as having for its southern boundary "the line from Kies [*sic*] on the Orange River, along that river and the Nu Gariep to Ramah" about four hours ride above Hopetown - that treaty is still in full force, and under its provisions, Waterboer draws a yearly stipend of £150.²⁰ The country on the north side of that line is, therefore, undeniably Waterboer's property whatever the Free State may choose to say to the contrary; and those who may please to go there have no occasion to ask President Brand. The boundary between Waterboer and Adam Kok's country (now Free State) is just as indisputable - namely from Ramah above mentioned, to David's Graf, near the junction of the Modder and Riet Rivers, and thence to Platberg on the Vaal River...Nothing would please me better than to see every document in print and let the common sense and justice of frontier Englishmen judge the matter.

The leader of the *Great Eastern* of 28th March, 1867, was more reasonable in tone, but also critical of Free State claims. While not presuming to advise anyone to trek to Albania, it felt that President Brand should have defined his claims to the area more precisely, since he had given the impression that the Free State owned the whole area, thus deterring possible settlers.

Towards the end of April,²¹ Arnot took Edward Solomon²² of Bedford to task for criticising the Albania scheme. On 4th May, 1867, Solomon replied as follows:

What I suppose gave rise to the paragraph in the papers was this. I happened to meet an English farmer living in Lower Albany who told me that he had been spoken to about going to Waterboer's country and asking my opinion. This was the first time I had heard anything of the scheme. In reply I said that "I did not know what part of the country the English farmers were intended to occupy - that to the West of the Vaal River the country belonging to Waterboer, as far as I knew, was generally dry, subject to drought and not favourable for sheep - that the country between Ramah and Vaal River was better but that I must warn him that *although I knew the country did of right belong to Waterboer* yet it was claimed by the Free State and I doubted if the Free State authorities would permit any parties to settle there as Water-

20 See Chapter one, p. 65, this statement was somewhat inaccurate.

21 The first diamond had been identified by Atherstone at the end of March, having been found in January or February at *De Kalk* near Hope Town. This must have had some impact on Albania.

22 See Biographical notes.

boer's subjects - that if he went there he must be prepared to look to his rifle and defend his rights against the Free State - that if he and others would do that I should be very glad as nothing would please me better than seeing the country in Waterboer's hands held by his subjects as it did belong to him but that I did not wish him and other English farmers to go there without knowing the true position of things and what they might expect." This is what I said to Mr J. Baines²³ of the Kariëga and I suppose through him got to someone who put the paragraph in the paper. For *that* I am not responsible; for what I said I *am*; I am prepared to stand by it as it is I believe true and when asked for my advice I was bound to state the whole truth or what I believed to be such. I am sorry if Waterboer is grieved at what I may have said or should think that I am opposed to his interests. I think I have given him sufficient proof that I am not...[he did not feel] called upon to contradict the statement in the papers.²⁴

Despite the controversy over Waterboer's rights to the land he was offering for settlement, the scheme was rapidly gaining support. Shrewd dealers like the Hope Town General Dealer, William Roach, were quick to see the possibilities. As early as 3rd January, 1867, he placed an advertisement in the *Graham's Town Journal*, offering prospective Albanian settlers 5 000 Good Merino Ewes, of suitable age, accustomed to the pasturage of the new settlement and at reasonable prices.

On 18th June an editorial in the *Colesberg Advertiser* reported that several Albany farmers were about to leave for Albania, and mentioned the great interest in the scheme, not only in Albany but in other parts too. The paper expected many to come with the intention of establishing themselves in farming in the new territory.

To a large extent this interest was due to the influence of a new colleague, Thomas Holden Bowker, well-known and widely respected, especially in the Eastern Cape. Arnot and Orpen had offered him the post of Commandant of Albania, and a "double-sized farm at a nominal rent".²⁵

23 Baines must have taken fright, for he never went to Albania.

24 Edward Solomon to David Arnot, Bedford, 4th May, 1867. G.W.L.W. C3. 22.

25 Arnot, D. & Orpen, F. H. S., *The Land Question of Griqualand West*, p. 80-81.

Bowker had accepted enthusiastically and volunteered to use his influence to induce others to join the movement. Not everyone thought he was a good choice, however. Arnot and Orpen had also tried to enlist the support of R.W. Murray, Editor of the *Great Eastern*,²⁶ who, in 1874, described his role in the affair in an article in the *Diamond News*, of which by then he had become the Editor.

At the time, Arnot and Orpen had been planning a meeting²⁷ to discuss the Albanian constitution. Earlier on the same day, they had had a meeting with Murray at his home. The scheme had been explained to him, but his reaction had been entirely disapproving, on account of their financial scheme, which he had believed to be unworkable because the public would not have understood it and it would not have inspired anyone with confidence. (In this belief he was correct.) He had proposed a "fair and workable" alternative scheme: Albania should be divided into a certain number of farms, applications called for and terms stated. Then, following allotment, tickets should be issued, upon which allottees should pay an instalment sufficient to cover the surveying expenses and the subsidy to be paid the Chief Waterboer. He still believed this a fair proposal.

Arnot and Orpen had then told him of the meeting later that day to discuss Albania's form of government. The settlers were to be left to make their own laws, but it had been proposed that they should have a

26 Orpen had asked Murray for advice on the settlement scheme, because of his experience in public affairs and his always having been an "ardent supporter of schemes having for their object the reclamation of waste lands and improvement in the cultivation of the land of the Country." (*Diamond News*, August, 1874).

27 See page 87.

Council and President, who was to be Bowker.²⁸ At this Murray had laughed and said

they would make themselves ridiculous in the eyes of everybody; that Bowker, if he had ever shown any capacity for public business, must have done it before he was a member of the Cape Parliament, but that he was then too old for public work, and evidently effete. Orpen and Arnot laughed too, but they said Bowker had great influence with the Dutch.²⁹ My answer to that was that I entirely disapproved of making this a Dutch or English matter. If I had anything to do to it, I said it must be a land question founded upon right principles, and that it should stand or fall upon its own merits.

Despite Murray's misgivings, Bowker did convene several public meetings.

On 24th June the *Journal* announced that,

In furtherance of the object of the meetings recently held at Mr James Banks' and Mr John Forward's, near Bathurst, relative to the settlement of the new Province of "Albania", ...Mr T.H. Bowker (acting with the instructions and concurrence of the parties interested in the above golden opportunity) requests the attendance of all Gentlemen, Delegates of Parties, &c personally or by letter, to a PUBLIC MEETING, to be held at George's Hotel, Graham's Town, on Tuesday, the 9th July.

The meeting had to be postponed to the 16th, but it was well-attended, about 100 people being present including city-dwellers and approximately fifty farmers from Lower Albany, Albany and Bushman's River. Bowker took the Chair and J. Roberts acted as Secretary. Bowker first read the "Bill to encourage and promote the Settlement of British Settlers in a portion of the Griqua country"³⁰ and then spoke glowingly of the prospects. He later wrote to Arnot:

28 Despite Murray's criticism, Bowker was popular in the Free State. On 12th July, 1867, a letter to the Editor of the *The Friend* appeared suggesting that Bowker would make a good Free State General. He was, in fact, offered the Landdrostship of Winburg, causing great speculation when he refused it. (*The Friend*, 9th August, 1867, Free State Archives).

29 In view of the requirement that settlers should be British, it is strange that this should have been the reason for appointing Bowker. Perhaps the intention was that he should use his influence to prevent the Free State from encroaching on Albanian ground.

30 See Appendix One.

I was listened to with great attention. I gave them a short history of the origin of the Griqua nation, and of the circumstances of the country they occupied, down to the present time, and the Griqua Chief's reasons for filling up his unoccupied lands with Englishmen. I drew examples from the successful occupation of similar border countries, and showed what I thought were superior advantages in the present scheme. What were the prospects, &c, where our markets would be, freedom from old colonial troubles, native reserves, taxations, and many other things, and how that the conditions of lease were nearly equal to the grant. I showed also the freedom of the present plan compared with the rigorous personal occupation of the Cathcart system.³¹ I also gave them to understand, that I had already received applications from many gentlemen of first-rate capability, and that we had a prospect before us of erecting a new province that was destined to take the lead of all countries beyond the river ...³²

Applications were to be sent to Bowker, Orpen or Latham. As soon as there were sufficient people ready to leave, the Commissioners would assemble in Albania to allocate farms to the emigrants, singly or in groups, depending on the size of the parties. The Commissioners should reserve the right to determine which land was best suited to each settler.³³

After the facts had been put to the meeting, discussion ensued. Messrs Buckley, J Roberts, Fletcher, Estment, Wayland, Latham and others were all in favour of the scheme. A resolution was then passed, accepting the general terms, but Roberts objected to the stipulation about treasonable practices,³⁴ "on the ground that no court was specified. A

31 The Cathcart system was Sir George Cathcart's way of settling the Eastern Frontier after the 1850 war. He founded Queenstown in 1853 and decreed that the eastern frontier area should serve as a buffer between the Colony and British Kaffraria. Bowker and many others opposed the scheme because it did not push the Xhosa back beyond the Kei.

32 Arnot, D., and Orpen, F. H. S., *op. cit.*, p. 82-83.

33 *Ibid.*, p. 83.

34 The clause objected to was Clause IV(c): "The Lordship of Sovereignty of the Chief Nicholas Waterboer or his lawful successors over the whole territory and its inhabitants, shall be recognised and maintained; and any treasonable acts or practices, against such sovereignty, such as conspiring to cause the annexation of the said territory, or any part thereof, to any State or Country, or any other Government, or the like, shall cause the lease or leases held by any

committee, consisting of Buckley, Roberts and C. Caldecott, was appointed to consider and suggest alterations."³⁵

The *Journal* thought that "many of our coast farmers will accept the offer, and that before long there will be a considerable trek over the River."³⁶ Bowker, however, in a letter to Arnot, identified one of the weaknesses of the scheme: that the land was to be leased and not granted.

There's so much in a name; everything could be done under the leasing system, but it will not be; it is the difference betwixt Bond and Free...everything is going on quietly and well, and all the better for the future stability of the new country.³⁷

In response to the meetings being held in the Eastern Cape, the Free State published another warning in its *Gouvernements Courant*. All persons were warned against taking farms under Waterboer's authority in the Campbell grounds, since the Free State had verbal and written evidence that it belonged to them. The matter had been referred for arbitration. It was not that they did not want the Albanians, indeed the land would be far better in their hands, but they feared that the settlers might

person or persons so offending to become at once void and of no effect, such person or persons being amenable to the laws of the settlement as administered by the courts hereinafter provided for." This last is probably the addition required by Roberts, as this is the amended draft read out in September in Caldecott's store.

35 *Cape Argus* reprint dated 25th July, 1867, of a report from the *Graham's Town Journal* of 17th July.

36 17th July, 1867.

37 Arnot, D., and Orpen, F. H. S., *op. cit.*, p. 83. Letter from Bowker to Arnot, 22nd July, 1867 from *Tharfield*. Arnot's decision to accept the leasehold method of land tenure is strange in view of his campaign against the lease of Crown lands at Hopetown and Colesberg in September, 1866. Arnot wanted these lands sold, but perhaps there was an element of personal interest, for Henry Green accused him of acting on behalf of his brother-in-law, Thomas Draper, who was the only person who had the money to pay for land at the time. See Robertson, M., *Diamond Fever*, pp. 22-24.

find their titles disputed and themselves deceived by Waterboer and Arnot.³⁸

Nevertheless, names were pouring in - a list sent to Bowker contained at least 100 applications for Albanian farms, including one from the Bishop of the Free State!³⁹ In July, Bowker informed Arnot that a single post had brought applications from twenty-five Winterberg farmers, who, even after reducing their stock, would take up 10 000 sheep, 880 cattle, 250 horses, 25 or more wagons, while other applicants were even wealthier.⁴⁰ Others were rather humbler, as the following two letters indicate. J.B. Westcott of the Mount Pleasant district near Fort Peddie, wrote as follows, on 8th July, 1867 (the spelling is his own):

To T.H. Bowker esq. Sir i have written a few lines to enquire of you if the farmes are all given out in Captain Waterboeres Country. if not if it convenient for me to have 2 farmes. one for myself and one for my 2 eldest Boys the oldest is nearly 20 years of age, the other is nearly 18 we have also several younger Boys i have sent this by my wifes oldest son Jerimiah randall who is also come to try to get one for himself. he is married and as got 2 children he will see you himself you can please tell him the conditions of grant and wether you think we shall Be able to get them or not i have been 26 years in the colony and in 2 Kaffer wares Mr Banks and Mr forward knows me as i lived with Mr forward when he Built Mr Cock's house i worked Both with William and John Forward if i cannot get 2 places try and get me one you can please let my wifes son know all about it. By doeing so you will kindly oblige me. I remain kind sir your obt servt. J. B. Westcott.⁴¹

The second letter was from Mary Elizabeth Barber, Thomas Bowker's well-known sister.⁴²

38 *Gouvernements Courant*, Friday, 26th July, 1867, entitled "Waterboer and the Campbell Lands". (Orange Free State Archives.)

39 G.W.L.C. 28, C.6, No. 32.

40 Arnot, D., and Orpen, F. H. S., *op. cit.*, p. 81. Letter from Bowker to Orpen, 29th July, 1867. Written at *Tharfield*, Bowker's Eastern Cape farm.

41 No. 967. Cory Library, Rhodes University. Original letter. On Bowker's list of applicants, he appears as "J. B. Westcot and three others".

42 Mary Elizabeth's plant and insect drawings won her considerable recognition.

My dear Holden, If you have quite made up your mind to go to Waterboer's country then Mr Tweedie is your man to look after your sheep. Just the one you want. He thoroughly understands the management of stock and has farmed both in this part of the world and in the Graaf(sic) Reinet district. He has been staying with Mr Nicol who gives him a good character...for we heard that Waterboer was going to give you the use of 2 000 sheep at once, and if this is true you must have someone to take care of them....⁴³

Another letter of enquiry came from Dr Benjamin Hall, in Somerset East.⁴⁴ He had a brother who had been in New Zealand for ten years, who now wished to obtain some Albanian land. He himself would have liked to settle in Albania but, with a family of six, felt that he should not abandon the security of Somerset East. However, should he be offered a good salary, he would reconsider. He urged Bowker to think of the difficulty of "obtaining medical aid in such an out of the way part of the country." If Bowker should decide, on the strength of these hints, to offer "sufficient inducement",⁴⁵ one of them would travel to Grahamstown to attend the meeting. He also mentioned that his brother had done surveying work in New Zealand and would be pleased to be offered similar work in Albania.

Warning voices were still being raised, however. On June 10th, 1867, Thomas Webster, at Rouxville in the Free State, wrote to Bowker about Waterboer's country, saying that it was excellent sheep country, but very dry. He had stayed with a man named Holloway, who had trekked

43 No 969. Cory Library, Rhodes University. Dated 15th July, 1867. Tweedie's name does appear on Bowker's list of applicants, but since Bowker never went to Albania, Tweedie did not get there either.

44 Hall to Bowker, 9th July, 1867. No. 968, Cory Library, Rhodes University.

45 Both the Halls were in fact induced to go to Albania, Alfred joined Arnot and Orpen on their way up to Albania and was made an allotment Commissioner. Benjamin W. Hall was appointed Surgeon and Apothecary in the district of Albania by Arnot, although only in 1871, on 1st February. Two other appointments of Surgeon-Apothecaries had already been made a month earlier on 2nd January, of Edward Lindsay de Morgan, M.R.C.S. and L.S.A. of London, and of Frederick Forster, Apothecary. (C.6 No. 32, C.7 No. 3).

there over the Vaal River. This man had told him that he had had only 400 sheep and had been in debt, but, after five years, possessed 4 000 sheep and had no debts. Nevertheless he believed that the Orange Free State would be a safer and more fertile place to settle, especially since peace had been "patched up". It would be better to pay for Free State land than to get the other for nothing, since it was the best country in southern Africa capable of bearing a very dense population, whereas Albania's dryness would mean that the lands would have to be much larger and sparsely populated. He had just received an express summoning him to appear before the Volks Raad at once, but he did not intend hurrying because he was so "disgusted and savage with them and their ruinous policy", the effect of which was "to build this nation of thieves up". He supposed he ought to be satisfied with "the last squeeze we gave them", but felt that if the burghers had but turned out two months earlier, as he had advised, they would have crushed the Ba-Sotho. Even if they had just stayed one month longer their position would have been better.⁴⁶ Webster rather undermined his case by referring to the recent war with the BaSotho. This was exactly what the Albanians wanted to avoid, so no matter how fertile the Free State, Albania would have been more attractive to many because there was no threat of trouble with the Griqua. The Free State would have been anxious to acquire the settlers itself since it needed able-bodied men for the constant skirmishes with the Ba Sotho.

The *Advocate*⁴⁷ of 5th August regretted that so many farmers were likely to leave for Albania and commented tartly, "We even hear that it is the intention of one or two intelligent farmers from this district to leave for the new country."

46 No 970, Cory Library, Rhodes University.

47 Reprinted in *Graham's Town Journal* on 5th August, 1867.

Meanwhile, Orpen had suggested that before the Commissioners left for Griqualand to allot and inspect the farms, it would be wise for Arnot to visit Grahamstown once more, to meet personally "the leading men among the applicants for land, and [explain]...to them *viva voce* anything they might consider as requiring explanation."⁴⁸ Arnot agreed and travelled down towards the end of August. Before calling the public meeting⁴⁹ at Caldecott's large General Dealer's shop in Church Square, he, Orpen and the attorney, G. G. Wright, drew up the conditions on which lands would be granted. The meeting was attended by Orpen, Bowker, Wayland, Buckley and R. W. Murray, amongst others. The conditions of settlement were discussed and Murray objected strongly to several points, so that Arnot and Orpen must have regretted persuading him to attend. They ignored his objections and Arnot later claimed that the conditions had been agreed to unanimously.

The draft constitution⁵⁰ consisted of seven main sections. The first three sections defined the area of Albania, made Arnot the Griqua Resident and only medium of communication between the settlers and Waterboer and empowered him to lease lands to British settlers. Section Four contained the twenty-three conditions upon which leases would be granted.⁵¹ Some of the more important clauses follow. Waterboer's

48 Arnot, D., and Orpen, F. H. S., *op. cit.*, p. 84.

49 There is some confusion about the date of the meeting; Arnot gives three: Saturday, 31st August or Sunday, 1st September and Wednesday, 4th September, but it was probably the first. The copy of the Constitution discussed at the meeting is dated 4th September, 1867 - G.W.L.C., 23. It is almost certain that this was the meeting which Murray attended.

50 See Appendix One for the full text of this Bill to encourage and promote the Settlement of British Settlers in a portion of the Griqua country. G.H. 14/2.

51 The "Conditions upon which Farms will be granted on Lease in the Province of 'Albania' in the Griqua Territory" were published in a Griqua Government Notice dated 4 September, 1867. These conditions were slightly different and there were 12 (See Appendix Two). In ad-

sovereignty had to be recognised, but British laws would be in force. David Arnot was given the title of Griqua Resident (to reside on *Eskdale*, 14 000 morgen or 29 000 acres in extent, which was to be Arnot's official residence and was granted in freehold⁵²). Orpen was appointed Surveyor-General of Griqualand West, including Albania, and given a monopoly on surveying and on "authorising other surveyors to survey". He was also given the appointment of Resident Magistrate and Civil Commissioner for the whole Settlement, the seat of the Magistracy to be at *Waterford*. Thomas Bowker was appointed General Commandant with a Commission as Justice of the Peace, enabling him to relieve Orpen when necessary. He was given authority to organise a system of military defence, to divide the country into hundreds,⁵³ and appoint captains of hundreds under him. Subordinate civil appointments were to be in the gift of the Resident Magistrate and military ones in that of the General Commandant. Other officers would be appointed later when necessary. Waterboer was to receive, through Arnot, 25% of all rents and licences, as well as 25% of all licence fees on goods passing through the settlement. The remainder would accrue to the settlement's general revenue,

dition, each lessee got his own copy of the conditions with his lease, but these again were slightly different, consisting of 11 clauses. (See Appendix Three).

52 Only Arnot got his land in freehold. The land tenure system adopted in Albania was one of its major weaknesses. Many of the settlers felt that the leasehold or quitrent methods of land tenure did not offer the security which they desired and this became a major source of conflict. Both Murray and Bowker pointed this out to Arnot and Orpen at an early stage, but they did not heed these warnings. Arnot was certainly providing well for himself, though perhaps the provision was, at this time, potential rather than actual. He had *Eskdale* in freehold, he obtained the Reserve, the rents of which were his until he chose to sell if land values rose, as President of Albania, he could control any changes of property ownership and would have some control over any mineral discoveries, too. In 1868 he extended the mineral concession to the rest of Griqualand. For details of this see Chapter three.

53 Hundreds were ancient county divisions in Britain. Arnot was clearly determined to stress the British connections of the settlement wherever possible.

which was subject only to the reservation that salaries for officials were to be paid out of it. All goods had to pass through Albania in terms of the Act.⁵⁴ Arnot was very careful to ensure that the Chief made over all rights to precious metals, precious stones, or minerals found in the settlement to the Provincial Government, but the lessees not on the Reserve would have the right to all precious stones or metals on their lands. This was contrary to the usual practice, which left mineral rights with the Crown, or, in this case, the Chief.

A township was to be laid out at Backhouse and named Waterford. The flag of Albania was to be a red standard with a small Union Jack in the centre.⁵⁵

Section Five of the constitution bound Waterboer to move all his subjects out of Albania, the Commissioners having the power to appraise the amount of compensation, if any, to be paid by a lessee for any improvements made by the native occupier or owner. This was to be a highly controversial issue and the source of much hardship amongst Griquas removed from their farms.

Section Six exempted the lands already allocated in freehold to Arnot from any conditions which were inconsistent with freehold tenure. The Commissioners could, however, impose conditions regarding roads, ferries, or water privileges where necessary, and any revenues accruing from such services would form part of the general revenue of the Province.

In a footnote appended some time later, it was added that G. H. van Breda, who had been offered the post of Surveyor-General, had de-

⁵⁴ Since Albania lay across a major trade route through Hopetown to the north, this was not difficult for the transport riders, but the licence requirement caused great resentment and Arnot was forever complaining that the traders were ignoring the law on this point. See also end of this chapter.

⁵⁵ See page 113 for a full description.

clined the offer and that Orpen had received this appointment in his stead. Bowker had withdrawn,⁵⁶ so his appointment lapsed.

Murray took exception to the clause about swearing allegiance to Waterboer:

I am saying nothing against the Chief Waterboer...He is a shrewd man and more capable of thinking and better qualified to preside over the destinies of a country than Holden Bowker, for he has vigour of mind and is not double-tongued. I entertain for that Chief all the respect that is due to him, but he is never going to be my sovereign, and my old frontier friends hold the same opinion that I did and hold it still.

Murray was sure that this was why the scheme failed. He also objected to Bowker, even though it was explained that he was to be only a nominal president and that his appointment was intended to attract the Dutch. The meeting then broke up, with Arnot and Orpen so offended with Murray for spoiling their chances that they did not meet him on friendly terms for some time afterwards.

Soon after the meeting at Caldecott's store, Arnot wrote to Sir Philip Wodehouse in the hope of winning his support for the constitution, a copy of which was enclosed in his letter. It was clear that Arnot himself had some doubts about the legal implications of his constitution, which, he hoped, took into account the various conflicting opinions and interests involved and the somewhat anomalous political status of Albania in its "double relation of individual allegiance to Her Majesty and yet collective subjection to the Sovereignty or rule of a native Chieftain," as well as the three needs of the settlement: good government, "a clear understanding and definition of its relations to the supremacy of the Chief in his own territory" and an "avoidance of all clashing with Imperial policy." Arnot went on to ask for Wodehouse's views on questions of jurisdiction in capital cases and the light in which Britain might regard Courts of Criminal Jurisdiction de-

⁵⁶ See page 94 et seq.

giving their powers from the Chief while the judges, juries and accused were without exception British subjects. He also proposed that the Chief's veto be vested in a body of three: the Chief, the Chief Executive Officer (Elective) of the settlement and the Governor of the Cape; or, alternatively, that matters on which the Chief and the Legislative Assembly of the settlement could not agree, should be referred to the Governor, since Arnot felt that such disagreements might be fairly frequent because of the colour difference between ruler and ruled. Arnot then asked that, if Wodehouse found the conditions of lease acceptable, he place the draft constitution before the Attorney-General, so that he could draft an Ordinance agreeable to Britain, just and fair to the settlers and consistent with Waterboer's wishes. In this way a firm foundation would be laid for Albania, which in after years would contribute to the peace and welfare of South Africa and lighten the labours of future Governors. If Wodehouse did not find the constitution acceptable, Arnot wished him to hand it to the ex-Attorney-General, Porter, who would doubtless "for the sake of philanthropy" draft the required constitution.⁵⁷

The questions put by Arnot in this letter were vital ones. The settlement was a very strange creation, legally. Waterboer had not, despite numerous attempts to do so, been able to re-establish the relationship with Britain which had existed during his father's Chieftainship as a result of the 1834 Treaty, so that there was no formal relationship with Britain at all. The idea of the settlers remaining British subjects as individuals, while becoming Griqua subjects as a group is guaranteed to make any legal mind shudder at the potential difficulties. That these difficulties mostly did not materialise, was probably due only to the short-lived nature of the settlement.

57 David Arnot to Wodehouse, 4th September, 1867. G.H.14/2.

Arnot clearly had some doubts about the effect of his arguments, because he persuaded D. C. Grant, his *locum tenens* in Colesberg during Arnot's absence in Grahamstown, to write to Wodehouse too, urging him to support Arnot, since Albania would bring about "the solution and regeneration of the Transgariep" and the arbitration question was holding up this worthy cause.⁵⁸

But Wodehouse was not to be swayed by Grant or Arnot and replied on 21st September that he regretted having to refuse to meet Arnot's wishes or to take any step which would commit the British government to an arrangement for the settlement and government of a tract of country, part of which was claimed by the Orange Free State and over which Britain had no control.⁵⁹

This dampening reply drew from Arnot a lengthy and rather disingenuous protest, written at the Backhouse Mission Station. He pointed out that he had deliberately excluded all mention of disputed boundaries in order to avoid any conflict on the issue and that there could surely be no objection to Waterboer's right to settle people in undisputed territory. By merely accepting the draft, Wodehouse would not be involving himself or his Government in any dispute.⁶⁰

Wodehouse remained adamant, but this did not prevent Arnot from proceeding with his scheme. On 9th September, a notice in the *Journal* informed prospective settlers that deposits on their farms could be made in Grahamstown at the Frontier Commercial and Agricultural Bank; in Colesberg at the Standard Bank and in Hopetown at James Wykeham's place of business. The scheme also gained a prominent potential supporter, but, in doing so, lost the far more valuable support of Holden Bowker.

58 D. C. Grant to Wodehouse, 24th August, 1867. G.H. 14/2.

59 Wodehouse to Arnot, 21st September, 1867. C.3.17.

60 Arnot to Wodehouse. 14th October, 1867.

b. The Split with Holden Bowker:

After the meeting at Caldecott's shop, Bowker had gone back to his farm, intending to return to Grahamstown on the following Wednesday week, September 11th, when he, Arnot and Orpen were due to start for Griqualand West. However, on the 4th, Sir Percy Douglas, Lieutenant-Governor of the Cape and Commander of the Forces, visited Graham's Town and, in the course of his visit, called at Orpen's home to meet Arnot. The meeting proved fruitful. Douglas showed great interest in the Albania scheme and agreed that they should name the capital Douglas after him. He suggested that the settlers would do well to adopt the Douglas family motto as well: "Hold Fast".⁶¹ It was agreed that Douglas should get four farms, for his sons and for the chaplain he had brought out from England "to settle down as a farmer and to watch over the young Douglas's".⁶² In return he "promised to contribute liberally towards leading out the Vaal River, and other improvements."⁶³

Privately, however, Sir Percy had some doubts about the scheme, perhaps as the result of consulting R.W. Murray, who

had asked him what they would say in England if they saw that the sons of the Lieutenant-Governor of the Cape Colony had sworn allegiance to a native chief. Sir Percy had not noticed this condition before, but when I pointed it out to him he agreed with me that before any of us could settle down in Albania the chief must be paid out and disposed of.⁶⁴

On 21st September, Sir Percy Douglas wrote to Sir Richard Southey to ask his opinion. He had been strongly urged (no doubt by Arnot) to set up his son⁶⁵ and a clergyman and his wife in Albania and given an option on

⁶¹ *Graham's Town Journal*, 16th September, 1867.

⁶² Murray, R. W., *Diamond News*, August, 1874.

⁶³ *Friend of the Free State - Colesberg Correspondent*, 11th October, 1867. (from *Graham's Town Journal*).

⁶⁴ Murray, R. W., *op. cit.*

⁶⁵ Murray believed there was more than one son.

four farms or about 25 000 acres, probably on the banks of the Orange River immediately opposite Hope Town, next to Arnot's own farm. He had also been told that his son's friend would be "pretty handsomely paid for serving the Church at Hope Town." He wanted Southey to tell him as much as he could about the facts of the dispute between the Free State and Waterboer and whether it would be safe for him to locate his "adventurers" in the area. He asked Southey to telegraph a hint as to whether to entertain his "project of "Albania" [or] to abandon it?"⁶⁶ Southey's response must have been discouraging, for in reply Douglas agreed to keep Southey's remarks to himself and reported that Bowker had abandoned the project. He would certainly not involve his son in it without serious consideration and after the best advice.⁶⁷

Bowker had indeed deserted Arnot and Orpen. Had Sir Percy fulfilled his promises the loss of Bowker might have been of less importance, but Sir Percy had decided against the scheme, as he informed Arnot on 25th October:

Political considerations...prescribe to me the propriety of not connecting myself with the Albania scheme, unless I possess the clearest, in fact, official information that the scheme be approved by the High Commissioner - and a prudent regard for the interest of my friend Mr Mater[?] prescribe to me not to encourage him to take part in the venture under existing circumstances of doubt as to the right of possession to the lands which it is proposed to colonise. Hence in view of these paramount considerations I must entirely renounce all idea of permitting my friend and my son to connect themselves with a project, which I shall hereafter be very willing to reconsider, when the political and legal impediments to my son taking part in it shall have been entirely removed. I have written to my friend Mr Southey to acquaint him that I do not deem it right to entertain the idea of allowing my son to join in the scheme under existing circumstances, but that I shall be prepared to reconsider the matter should he have it in his power to inform me that the project has the sanction and the approval of the Government.⁶⁸

66 Douglas to Southey, 21st September, 1867. Acc. 611, Vol. II, Southey Papers.

67 Douglas to Southey, 4th October, 1867. Acc. 611, Vol. II.

68 Douglas to Arnot, 25th October, 1867. G.W.L.C. 28. C.3 No 8.

Since this information was not forthcoming, nor was Douglas's reconsideration.

The loss of Bowker was therefore a very serious blow. It appears that none of the men Bowker had recruited ever went to Albania. His withdrawal must have shaken faith in the scheme, since he had considerable influence in the Eastern Cape. The true story behind Bowker's withdrawal is obscure, for both sides made bitter accusations against each other, both in 1867 and later, before the Land Courts, but it does seem that Bowker withdrew largely out of pique that the capital of Albania was to be named Douglas and not Bowkerstown after him, as he had hoped.

According to Arnot and Orpen, Orpen wrote to Bowker after Sir Percy's visit, telling him that it had been arranged that the new capital would be named Douglas, and trusting that he would rejoice with them at having secured a powerful ally in the person of the Lieut-Governor, at the small cost of giving his name to a town yet to be built.⁶⁹

On 9th September, Bowker replied that he felt

a good deal upset by the announcement in the *Journal* of Friday last, that the new town is to be called "Douglas", instead of "Bowker's Town". Those who know me know that my political feelings and reasons are far stronger than my vanities. The adoption of "Douglas" for "Bowker's Town" will very much prejudice my political interest with all who know me, while the latter would have given me additional security and *ec/lat*, and that confidence and popularity which I have somehow been credited with.⁷⁰

The rest of the letter carped about the route taken by the Commissioners, which had excluded Bathurst, Fort Peddie, King William's Town, Alice, Fort Beaufort, Winterberg, Queen's Town and Cradock, the main recruiting centres for settlers, thus allowing an opportunity of laying a broad foundation for their structure and ensuring the fullest success,

69 Arnot, D., and Orpen, F. H. S., *op. cit.*, p. 85.

70 *Ibid.*, p. 85.

to slip by. He was also annoyed by the announcement that professional assistance would be obtained to draw up the Albanian Constitution Act - Arnot and Orpen's clear, straightforward draft of the conditions would be much more easily understood by burghers, than "the legal elaborations of the highest professional talent in the Colony."

Having replied to this letter, Arnot and Orpen left Grahamstown as planned on 14th September, but without Bowker. At Colesberg, they received another letter from their erstwhile colleague, stating that he considered their independent actions

entirely subversive of those plans which I consider so essential to our ultimate success! Under these circumstances I find it impossible to take any further action in the matter, unless the Chief should see fit to annul the proceedings, and place the matter upon its original footing.⁷¹

To Orpen he wrote separately that he had read their explanations, but that he was bitterly disappointed

at the awkward turn matters have taken...I had the fullest confidence when I left Graham's Town...that no further important action would be taken during my...absence. The subject of naming the new town was a matter of the last importance to me, as I have felt to my cost when I did not allow Sir George Cathcart to call Queen's Town by my name. Everything in this case depends upon supporting my own political influence, as it is not the mere settlement of a certain tract of country, but the creation of a new political power, which should, by its prestige and importance overawe those diplomatic and territorial differences which are so certain to arise if any opportunity is offered for their unwelcome intrusion.⁷²

On 23rd September, Bowker informed them that, although he was still receiving applications, he was now advising the applicants to reapply according to the terms of the advertisement, as he considered that the action taken by the other Commissioners during his temporary absence had "upset" him and "pitched him overboard". He undertook to do nothing to undermine the scheme, but could no longer take any active part in the

71 *Ibid.*, p. 86.

72 *Ibid.*, p. 87.

settlement and complained that he had hoped to have some considerable patronage with which to reward many of his old friends and faithful adherents. He was now busy trying to make up for lost time.⁷³

To this letter, Arnot and Orpen added the following rather uncharitable note:

This means, "with me for Commandant, we could have kicked out the Boers who made nefarious claims, but now your only chance, as you have not me to fight them for you, is to leave them in possession and occupy only what they don't claim".⁷⁴

The dispute dragged on, with recriminatory letters travelling back and forth, until Orpen asked Bowker to publish his reasons for withdrawal from the scheme in both the *Great Eastern* and the *Graham's Town Journal*, pointing out that he and Arnot had done nothing not agreed to by Bowker, except to change the name of the capital from Waterford to Douglas, and to agree to get higher legal advice, from the Governor and Attorney-General, which Bowker had known about. He ended by asking Bowker to decide whether he still wanted the farms offered him and pointing out that the name of Douglas ought to have increased his political influence by showing the General to be a new adherent and joining his influence, if he had any, to Bowker's.⁷⁵

Orpen's arguments made no impression on Bowker, who had in the meantime received a letter from "Verus Amicus" in the Free State. This letter was published in the *Friend*,⁷⁶ with a very long introduction "proving" that the Vetberg Line had been recognised by Waterboer and the claim that their "esteemed correspondent" would completely annihilate Waterboer's claims to any land north of the Riet and Modder Rivers. The

⁷³ *Ibid.*, pp. 87-88.

⁷⁴ *Ibid.*, pp. 87-88.

⁷⁵ *Ibid.*, pp. 89-90.

⁷⁶ On 20th September, 1867.

newspaper did not wish to throw cold water on the Albania project, but would be failing in its duty, did it not warn prospective settlers that Waterboer owned only 50 or 60 farms on their side of the Vaal, so that the other 100 settlers would have to be placed west of this river. (This gives a rough idea of the number of settlers who had applied for farms at this time.) Much of the land not belonging to Free State farmers belonged to merchants from Port Elizabeth and even London.⁷⁷ This was followed by a recommendation that Waterboer should sell out and follow his cousin, Adam Kok, to No-Man's-Land, and give up his "proper territory" to Albania. He should, however, not remove his neighbour's landmarks, or the scheme would end in failure or "something infinitely worse." This veiled threat was followed by a copy of the treaty between the Free State and Adam Kok which had established the Vetberg Line in 1855. Then came the letter from "Verus Amicus",⁷⁸ dated 9th September. It began rather melodramatically, with dire threats about innocent blood being spilled and warnings that Bowker was being taken in by greedy and unscrupulous agents and would spend his declining years fruitlessly trying to put everything right again. Then the writer questioned Waterboer's right to so much land, because he had only been Adam Kok's "achter ruiter". This is nonsense and wholly misses the point. Secondly, until the appointment of a High Commissioner, Cape Governors had had no jurisdiction beyond the Cape, so that Sir Harry Smith had been perfectly entitled to set aside all acts of previous governors. Thirdly, Smith had not intended to recognise Waterboer's claims east of the Vaal, because he had not mentioned him. After this came assertions that other minor Chiefs had owned the land in the disputed area and had

77 This must refer to the companies buying up farms in the area in the hope of finding diamonds, such as Dunell, Ebdon and Co.

78 *Verus Amicus* was Joseph Allison, who had just retired as Free State Government Secretary.

sold to the Free State, that the Vetberg Line proved that Waterboer had not owned the area, that it was a cheek on Waterboer's part to dare to claim such large areas, when all he needed were a dozen or so farms; that the only farms which Waterboer had complained about to Warden as being in his territory were three on the Vetberg Line, namely: *Drie Koppies*, owned by W. D. Jacobs, *Waterbank* owned by S. Vermaak, and *Scholsfontein* owned by S. L. van Heerden. Finally, the letter asserted that Cornelis Kok had been recognised as an independent Chief by the British government in 1848, so that he could not have been subject to Waterboer. This letter is typical of the Free State arguments and shows all the flaws - the appeals to specious legalistic arguments and the refusal to admit that Waterboer had at least as good, if not a better, claim, than the Free State had.⁷⁹ Even Bowker had the grace to admit that the letter was unsound.⁸⁰

On 27th September, Bowker complied with the request to publish his reasons for withdrawal, and it is clear that "*Verus Amicus*" had had some impact, if only in giving Bowker an excuse for getting out of the scheme. His letter appeared in the *Great Eastern* and the *Graham's Town Journal* on 2nd October, 1867:

On the 9th of this month (September), I addressed letters to my fellow Griqua Commissioners, then in Grahamstown, tantamount to my resignation. I found that the position I had supposed I was to occupy in this scheme of colonisation had been compromised by the separate or independent action of the other Commissioners; under the circumstances I felt I could not, with propriety, take any further action in the matter, and that they must get on without me. I am convinced that with the able assistance of the gentlemen with whom I was associated, that I could have done the thing properly, but I will not peril my friends nor my own interests by following the actions or ideas of other people - however clever - whose experience is that of schoolboys compared with my own.

79 See Chapter one for the reasons why Waterboer had a good case for regarding himself as the most important Griqua chief.

80 On 23rd September, 1867, in reply to *Verus Amicus*, the *Journal* carried a defence of Waterboer's rights from a correspondent calling himself *Veritus Vincit*.

The Griqua Commissioners have gone up without me. I am sorry for my friend, Mr Arnot, who is, I expect, as much disappointed as myself at the awkward turn things have taken in regard to my leadership. I am still of the opinion that the occupation of these lands will prove highly advantageous to those who may be so fortunate as to secure them. Under the above circumstances, I do not think it more than necessary to state that I have seen the lengthy and unsound letter addressed to me in the *Friend of the Free State* of the 20th September, in which the writer tried to prove his case by ignoring every claim but those on his own side. I need only further add that had I been able to have carried out this new settlement according to my own ideas, that my friend "Verus Amicus" would have found that all existing rights would have been fully respected and admitted and placed on a secure foundation as all such claims were in Sir George Cathcart's time. The proper occupation of the country would, as in the Queen's Town and other border settlements not only have proved a very great advantage to the new inhabitants, but would likewise have secured the peace, and raised the value of every acre of land in all the surrounding countries.⁸¹

Editorial comment in the *Great Eastern* was uncomplimentary:

Mr Holden Bowker has withdrawn from the "leadership" of the Albania Settlement. He discovered it seems that he was to have a divided throne. The other Commissioners took separate and independent action, and this did not suit the temper of a man who has not only ideas of his own, but an experience of his own, in the matter of settlement making...we do see clearly...that it is just as hard work and just as uncertain work, to people an Albania with British settlers or their sons, as it is to carry out the idea of a Latin race in America, and effect the salvation of Mexico by an Austrian prince and a French army. We shall now have to see how the new settlement over the river will go on without its Maximilian, who, we dare say, will be safer at *Tharfield* than at Douglas.⁸²

81 *Great Eastern and Graham's Town Journal*, 2nd October, 1867.

82 *Great Eastern*, 2nd October, 1867. It should be remembered that the Editor of this paper was the virulently anti-Bowker R.W. Murray. This was part of a long-drawn-out editorial battle. Murray's article was copied in the *Friend* on 11th October, 1867, followed by comments from the Editor. Bowker's resignation proved that there was a "screw loose" in connection with the scheme, which was designed to dupe Waterboer, the Free State and the settlers, who would be "frightfully disgusted" when they first clapped eyes on "their promised land." They would do better to "occupy a portion of our newly annexed border territory." (This was land taken during the recent war against the BaSotho.) The *Friend's* article elicited a withering blast from Murray on 21st September: the Albanians intended to take possession and he would like to hear how the Free State intended to prevent it. If President John Brand intended to fight, he would get the worst of it, for the settlers would be well backed by the Griquas. He was not surprised that the Free State would prefer Albania to be left to "weeds and wildbeasts", while the Albanians took possession of the "conquered territory". "If two hundred Englishmen took possession of that territory, they would be in fact giving to the Free State the

Bowker's letter to the newspapers further infuriated Arnot and Orpen, and on 28th October Orpen informed Bowker that he felt he had treated them very badly. He continued:

You then published in both [newspapers] letters stating that the "Griqua Commissioners" had so altered previous arrangements that you could not remain in connection with them, and carefully abstained from giving the public the same reason for your withdrawal which you gave to us, from which it is plain you must be yourself ashamed of it; and you go on to say you are "sorry for Mr Arnot", thus, I suppose, hinting that you cast all the blame upon me of some crime or misdemeanour of which I am utterly ignorant, for I suppose you mean Arnot and myself by the "Griqua Commissioners", a title I never heard of before. The Act provided that Arnot was to appoint Inspection Commissioners, to inspect and allot farms, and that you and I were to be the Commission at and around "Backhouse", and Mr Latham and Mr Surveyor Breda at Ramah, was understood between us, but no "Griqua Commissioners" ever existed. You see how the Free State paper gloats over your defection, and prophesies that the whole scheme got up by "Designing persons", of whom I suppose I am one, will, in consequence, fall to the ground. You have done us all the harm you could, and done that harm to the people whose principal object in taking you into their councils was to benefit you personally.⁸³

Orpen ended with reflections upon Bowker's "overweening egotism" and ridiculous vanity and said that he was sending his letter open to Dr Atherstone and Mr Wolfe for their perusal. Wisely, Dr Atherstone apparently never gave this letter to Bowker.

c. The Establishment of the Settlement:

While the three men quarrelled, applications continued to be made. On 18th September, Arnot made it clear that payment of a deposit would be considered an application. Application could also be made by letter to him at Colesberg, where he and Orpen halted for a couple of weeks⁸⁴ un-

living wall which they cannot provide for themselves." To this the *Friend* replied (on 27th September, 1867) that the Griquas were "but a handful and...little thought of here", and while the Albanians were welcome to occupy undisputed lands, they should not attempt to settle on land claimed by the Free State.

83 Arnot, D., and Orpen, F. H. S., *op. cit.*, pp. 92-3.

84 *Graham's Town Journal*, 18th September, 1867.

til the end of September,⁸⁵ before leaving to inspect the Albanian farms. Orpen reported that Surveyor Breda would follow shortly and that the people of Colesberg were even keener than those in Albany to get farms and they were mostly people who knew and had travelled in the country. He recommended that people from the lower districts should sell off their sheep and purchase again further north, or they would lose heavily, if they took them up at that time of the year. Equally good breeds were to be had there.

On 1st October, the *Colesberg Advertiser* reported that Arnot, Orpen and others had left for Albania to make arrangements for the reception of the settlers. J Morison and E Grimmer of Colesberg had gone and they believed that a good many persons were on their way to Colesberg en route to Albania. The writer continued:

So far as we are able to judge, the men who are about to settle on the new land are men of the right stamp, and we have no doubt they will succeed. The tract of country, especially the southern part of it, is good and will doubtless answer well for all kinds of stock. Sheep and goats will do well, farming in its various branches may be carried on successfully, and many a family may rear there a happy home for themselves and their children. From the surrounding natives nothing need be feared, and stock stealing, which has been the bane of the lower country, will scarcely, if at all, exist. It is well to speak cautiously, and to guard against being too sanguine, but taking everything into account, we believe there is every prospect of the Albanians doing exceedingly well. Waterboer is a superior man, clear and straightforward in his dealings, will give the Albania men no trouble, but do all in his power to render the new settlement a prosperous one. Let the Chief be dealt with honourably and all will go on well. From all we have heard of him and his principal men, we have every confidence in them. The movement is doubtless one in the course of God's Providence, and will, in many ways be productive of good. Although it meets with no favour at the hands of the Free State Government, it is not difficult to perceive that it may ultimately be a great benefit to the State, and should, we think, at least be encouraged by Mr Brand's government in every possible way. The Free State, if it can see what will promote its own interests, will perceive that it has nothing to lose but everything to gain by the formation of the new settlement.

85 *The Graham's Town Journal* of 27th September, 1867, published a letter from Orpen saying that he and Arnot were leaving the following day for Albania. The date of the letter is not given.

Arnot and Orpen were joined along the way by Alfred Hall, an applicant for land, who had some knowledge of land surveying⁸⁶ and whom Arnot therefore appointed one of the allotment commissioners. The journey through Albania was described by Orpen in a letter to the *Journal* written on 5th October after their arrival in Griquatown.

... We travelled from Hopetown by a road which kept within 3 or 4 miles of the Orange River all the way, until within a dozen miles of Backhouse, and then crossed over to that place. Along that line of road we never saw a bit of bad grazing veld; the first half of it passed through "gebroken veld" i.e. karoo mixed with grass, the karoo predominating; the latter half, grass, with a small mixture of karoo and scattered thorn trees, and camel-doorns, and other trees. This latter half is in some places very sandy, so as to make dam-making precarious. A young Albany farmer, Mr T. Smith, accompanied us as far as Backhouse, and he is highly pleased with what he has seen; and when we came on here, we hired a horse at Backhouse, and got a native Field Cornet to accompany him and show him the remainder of the country. He will have Thursday, Friday, Saturday and Monday to ride about before we return there, so that he will have seen nearly the whole of it; and then he will accompany Mr Arnot to Hopetown, right through the middle of the country, so that he will be able to give a thorough report of what he has seen. He is an intelligent young fellow, and collects specimens of every description of bush and grass, to take with him and show to those who want information in Graham's Town. Water is the only thing wanting. As far as I can see, the veld is not only good but excellent for all kinds of stock. Many farms will have the rivers, Orange, Vaal, and Riet, and those inland must get dams or wells where they can. I saw, a little beyond Backhouse, what I never saw before - that is, a dam, made by a Bechuana native; but it has, unfortunately, not rained since he made it. The whole country is excessively dry for want of rain but that renders it just the best time to see it, and the fact that all the stock we have seen is in capital condition, proves more in its favour than its appearance ever could. Those who are wide-awake would rather see it now to judge of it, than in a good season ...⁸⁷

On arrival in Griqua Town, a meeting was held with Waterboer and his Councillors, and Arnot reported on the progress of the scheme. The *Extract from the records of the Griqua Volksraad in the Session held at Griqua Town on the 7th October, 1867*, indicates the wide powers given to Arnot. The first resolution, which was proposed by W. P. Fortuin, sec-

⁸⁶ See footnote 45 on page 85.

⁸⁷ *Graham's Town Journal*, 18th October, 1867.

onded by Lucas Kok and carried unanimously, expressed the Raad's approval of what Arnot had done so far in regard to the leasing conditions in Albania.

The second resolution was proposed by Nicholas Kruger and seconded by Lambert Janz. It stated that Arnot, already Secretary, Agent and Representative of the Griqua Government and its Chief within the Colony of the Cape of Good Hope, should hold the same office within Albania in all matters connected with its establishment with full power and authority to grant or refuse leases, to appoint Commissioners as his representatives for the inspection of farms and the granting or refusing of leases. He was also given full control of the financial aspects of the settlement. This was carried unanimously.⁸⁸

However, already a Commandant was needed to eject those Boers who had unlawfully or fraudulently got hold of Griqualand farms.⁸⁹ (It had been decided that Boers who had got their farms at second hand or subsequent to the settlement would merely have to pay a fine, but would then be on the same footing as the Albanians.⁹⁰) Arnot and Orpen had wished to offer the appointment to Hermanus Bertram of Queen's Town. Bowker had thought this an unnecessary appointment and had said they should go

88 G.H. 14/2. Enclosed in letter Arnot to Wodehouse, 30th January, 1868. Afrikaans version of first only, G.W.L.C. 35. In his evidence before Stockenstrom's Land Court, Arnot said that the proposal was put to a general meeting (Landsvergadering) at Griqua Town in 1867. Presumably he meant this meeting.

89 Nicholas Waterboer had issued a *Proclamatie* on 15th October, 1862, warning illegal white settlers that documents giving them land were not legal unless signed by himself or by his father, Andries Waterboer. The notice also stressed that the only boundaries recognised by the Griqua people were those drawn up in 1834 with the Cape Governor, in 1838 with Adam Kok and in 1842 with Mahura. See Chapter one. (Cory Library, Rhodes University, No. B.152).

90 See Chapter three for discussion of the conflict with the Boer farmers.

in for the "peaceable system".⁹¹ He believed they should accept the old claims as part of Albania, since it would be difficult to dispossess these farmers. In this he was correct and his suggestion was a wise one. He thought that Arnot and Orpen should persuade Sir Percy Douglas himself, who was due to retire during 1868, to settle in Albania, but, in the end, a new Commandant was not appointed.

For the next seven or eight months Arnot, Orpen⁹² and Hall were kept busy inspecting and allotting farms, the two latter acting as Commissioners, while Arnot granted the leases. Settlers were now trickling into Albania. A report in the *Cradock Register*⁹³ headed "The More's the Pity!" stated that a large trek had passed through Cradock two days earlier for the untried dangers and difficulties of life in Waterboer's country. The paper deplored the loss of the Messrs Wayland and others of the same stamp, intelligent and enterprising farmers who could not be spared from the Colony. Pioneers there had to be in the cause of civilisation, but the paper strongly regretted that industrious and persevering men should be obliged to seek for new territory.

Shortly after Arnot and Orpen's arrival in Albania, Government notices dealing with the appointment of officials and the everyday running of a country began to appear in Colonial newspapers. On 19th November and 4th December, 1867, respectively, John Rostoll and Charles William Henry Wayland were appointed Poundmasters: Rostoll at *Waterford* and Wayland at *Belmont*, formerly known as *Uithaalder's Fontein*, both for one year. Pound fees and regulations would be the same as those applying in the Colony. Another notice appearing on the 19th stated that every

91 Arnot, D., and Orpen, F. H. S., *op. cit.*, p. 95.

92 Orpen was responsible for naming the farms, hence the wholly English and Irish names.

93 Copied in the *Graham's Town Journal* on 7th October, 1867.

wagon entering or passing through Albania with goods, or merchandise of any description, had to have a licence, costing three pounds sterling. This licence was equivalent to a hawker's licence valid throughout Griqualand.⁹⁴ Licences could be obtained from Arnot's Colesberg office, James Wykeham in Hope Town and John Rostoll at *Waterford* and *Cleyton's Kraal*. Any wagon owner found without such a licence would be liable to a fine of £10 sterling, and in default, to confiscation of his wagon, oxen and goods. This was a most unpopular regulation.

C. J. Wayland had promised to report to the *Journal* on conditions in Albania as soon as he was settled there. His letter appeared on 20th November, 1867. As a farmer he had been favourably impressed. Despite the drought and locusts which had compelled him to leave his sheep in the Cradock area, he had been pleased by the good condition of the Griqua sheep. The flocks were free from scab and their cattle, too, were good, although the numbers had declined as a result of lung-sickness. The horses were ill-bred, but their condition fair. Goats were thriving and Wayland hoped that the settlers would introduce Angora goats into Albania. Pasturage was excellent, with fine grass veld, grass and karoo, and karoo only. "Some farms are dotted over with magnificent camel thorn which gives it a charming picturesque and park like appearance. I am told the wood makes good axles for wagons, furniture, etc." The Griquas were "by command of their chief...daily trekking out of the country to make room for the new comers."⁹⁵ Wayland went on enthusiastically:

I may mention; though last, not least, that their settling in this fine province, will be entirely free from the dread of Kafir Wars and Kafir depredations, and will therefore have no fear of being plundered of their property. The only border tribe is the Griqua nation; and thieving is a rare crime among them. There is a small

94 Colesberg Advertiser, 19th November, 1867. These notices appeared in Dutch as well.

95 See Chapter three - these removals were not taking place peacefully at all.

band of thievish Kafirs living beyond Waterboer's territory, who sometimes enter his country and the Free State in marauding parties to plunder, but the Chief is prompt in capturing and punishing them. The Chief Waterboer is a man possessing all those qualifications so essential in a ruler, his character is strongly marked by principles of truth, honesty, justice, and piety, and he has ever proved himself to be the only Chief in South Africa who exercises thorough control over the people he governs. It is no exaggeration to say he is a Model Chief and the new Settlers in Albania may on this score congratulate themselves. The Chief's Agent, Mr David Arnot, is a straightforward energetic man, and is using the most strenuous efforts in his power to further the interests of the settlement. New comers may therefore rely upon this gentleman paying every attention to their interests and requirements. The Chief has evinced good judgment in his choice of Mr Arnot as agent and has undoubtedly fixed "the right man in the right place". Mr F. Orpen, Land Surveyor, assisted by Mr Hall, his brother commissioner, are energetically engaged in inspecting the farms and planting beacons, regardless of the privation and numerous inconveniences to which they are subjected in travelling over an unoccupied country, and living in the veldt during a time of drought.

As Orpen had done, Wayland advised settlers not to bring up their own sheep, but to buy those accustomed to the Albanian veld at Hopetown. As regards the land dispute, he said that Waterboer was too upright a man to desire a single acre of land to which he was not justly entitled. If the Free State government were only similarly motivated, it would accept arbitration. All the "intelligent portion of the Free State community" must see that the occupation of Albania by respectful and enterprising neighbours could only promote their social, political, and commercial interests and enhance their land values.

A few days later,⁹⁷ the *Friend* reported that Alfred Buckley, formerly of Grahamstown, but for some years resident on the Modder River, was also on his way to Albania. He had bespoken four farms for himself and his sons and was going to see for himself what conditions were like,

96 *Graham's Town Journal*, 20th November, 1867. It should be noted that, although by this time diamonds were trickling in, none of the many writers on Albania mentions them. Although they must have been an added enticement later, it seems clear that this stage it was Albania's agricultural possibilities which attracted settlers.

97 On 22nd November, 1867.

before committing himself further. He stayed, so he must have found them acceptable.

This was not true of Sir Richard Southey's son and brother. In December, 1867, Southey informed Arnot that he was sending the latter's two notes to his son, but he thought that both his son and brother had decided not to go to Albania. If they were to move from Queen's Town they would prefer to buy land in the Cradock - Middelburg or Colesberg Districts. He was sure that parts of Albania were suitable for grazing and cultivation if water could be obtained, but he was against his son's taking a leasehold property and building. It would be better to buy a farm where houses already existed. He hoped that the Waylands and Colliers and other settlers would find it all they anticipated and would be prosperous.⁹⁸ Arnot replied two weeks later in an attempt to convince Southey of the scheme's merits:

It would appear that your brother, Harry, has recently somewhat modified his tone of disparagement with reference to Albania & I observe that both your brother and son have given up all idea of coming to Albania. Of course I would myself recommend every person in the position of being able to purchase a farm with house & all on it, in the Colony, rather to do so, than come to Albania, which was chiefly intended for English and European settlers; not in possession of the means of doing as your brother and son can and more especially do I think that the measure adopted by the latter should be approved of, when it is quite clear to my mind that you are laboring yet, notwithstanding my already full explanations furnished to you, of the nature of the Albanian leasehold of public lands which could never revert to the Griqua Govern^t. excepting the lessee or his descendants choose to decline paying up the annual lease rents. I believe in the Colony we would do the same thing, if the quitrents were not paid on a farm, the farm will have to [be] sold to pay the Government, and thus fall out of the hand of its proprietor. In the case of neither Albania nor Cape Colony would such a change originate with the Government but simply with the Lessee or Grantee. In Albania as in that Colony (the difference being only in name but in effect none) so long as (if the properties change owners to the advantage of the Sellers of the Albania farms,) the quitrents or my lease rents as originally fixed are for ever at that rate to be paid to the Govt, the amt. of sale of lease with buildings thereon wholly belongs to, & the benefit derivable by the outgoing tenant or lessee. Parties on the spot, who understand the whole scheme and the exact nature

98 Southey to Arnot, 6th December, 1867. C.3.21. G.W.L.C.28.

of the tenure of the lands, seem more and more satisfied with the country and their prospects in their newly adopted settlement.

Albania was mainly first-rate pastoral country, but dams would enable the growing of sufficient corn to make the area self-sufficient. It was free from "Kafir or other native depredations" and from the wars which were proving such a severe cross to the Free State. Arnot then launched a bitter attack on the "miserably conducted" Free State government, but such was always the case with "mongrel settlements". His move to get English settlements raised up alongside the Dutch communities would strengthen the hands of English and Europeans there and eventually the whole of South Africa from Cape Town to Natal would become one vast and important South African English dependency. "...it may not happen in your or my days, but come it will and is not our duty if we feel convinced that such must come, to help on everything in favour of Englishmen?" The men coming into Albania were people of character and means, so the settlement was bound to prosper.⁹⁹

Arnot well knew that the idea of an English South Africa was close to Southey's heart and might therefore be expected to influence him in Arnot's favour. He used variations of this argument on several other occasions, in his attempts to secure official recognition. This letter ended with yet another appeal for Wodehouse to intervene and order both parties to submit their claims for arbitration.

All the while the granting of leases continued. On 27th November, *Springvale* (No. 48 in the Albanian Land Register) was leased to John Fincham at a rental of £29.15s per 6 350 acres.¹⁰⁰ This sum was payable until the actual extent of the farm had been determined by survey, when

99 Arnot to Southey, 21st December, 1867. Acc. 611, Vol. 28. Arnot's concluding comments tie in with Wakefieldian theories - see Chapter one, page 19.

100 G.W.L.C. 23/353.

adjustments would be made. Payments were to be made to Draper in Colesberg and thereafter banked in the Standard Bank of British South Africa. W. Dugmore (care of S. Oates, Graham's Town) was granted *Torquay* (No 20) on the same date, at an annual rental of £15 Sterling - less the amount of deposit already made on this farm and subject to the Conditions published in the Government Notice of 4th September 1867.¹⁰¹ The first year's rent was payable in advance. Arnot's letter, together with the Bank receipt for the above sum, would provide documentary evidence of Dugmore's right to the farm until the Lease was formally executed. Immediate occupation in person, or by proxy, was strongly urged upon settlers, "as the welfare of the settlement mainly depends upon its speedy occupation."¹⁰² This was a problem, despite a letter in the *Colesberg Advertiser* of 20th December, which stressed how good Albania was for stock, but insisted that the writer (Arnot?) did not wish to attract more settlers, "for we have enough already". This was not true: Arnot desperately needed influential settlers to replace Bowker. The warnings that the land tenure system to be adopted in Albania would put off prospective settlers had been correct.

The Conditions of Settlement demanded that settlers take an oath of allegiance to Waterboer, the form of which was as follows (This is the oath administered to Gilbert Burnet Biddulph):

... being an applicant for the lease of a farm in the said Province, hereby bind myself, that, should such lease be allotted to me, I shall never, by act, word or deed, deny, impugn, question or cast a doubt upon the just and righteous rights of the Chief Nicholas Waterboer to the whole of the said province - nor shall I, while holding such a lease, or residing, or being within the said province, ever, by act, word, or deed, be aiding, assisting or abetting any person or persons, State or States in any attempt to deprive the said Chief of the said Province, or of any other

101 See Appendix Two. *Birbury* was granted to Gilbert Biddulph on 27th November, while *Fermanagh* and *Edinburgh* were granted to Cornelius Faber on 9th December.

102 G.W.L.C. 23/353.

portion of his dominions, or to annex the same to any other State or Territory. And I fully and unequivocally hereby submit my person and property to all such penalties as in the Charter of Constitution of the Province of Albania shall or may be provided for the punishment of persons so offending.¹⁰³

The oath was controversial, as R. W. Murray had warned, and gave rise to some heated argument, such as in this letter to the *Cape Standard*, in early December. The writer was Henry A. Stamper at *Belmont* in Albania.

In your issue of the 19th instant, and under the head of "Border Republics", I was somewhat surprised to find the following: "Preparations are in progress for settling the province of Albania, in the Griqua Territory, but we have not heard of any considerable movement in that direction among our border farmers, many of whom are reconsidering their rather sudden resolution to throw off their allegiance to Queen Victoria." Being myself one of our "border farmers", and also one of some sixty or seventy who have taken farms in the new province to our own complete satisfaction, whether you have heard of us or not matters little to me, but to have it given out to the world that we had resolved to throw off our allegiance to the Queen, is a statement which I cannot allow to go uncontradicted. Englishmen are not in the habit of throwing off their allegiance, in spite of their own Government having, in the case of the Free State, cast them off.¹⁰⁴

Other satisfied settlers were Robert and Charles Collier, influential and well-to-do stock farmers from Beaufort West, who, the *Colesberg Advertiser* reported on 10th December, had been so pleased with the capabilities of Albania that they had already settled down there with some 4 000 sheep and other stock.

The beginning of 1868 brought further extension of Albanian lands available for settlement. The *Journal* of 7th February reported that Orpen had completed his survey of the area around Douglas at the beginning of the month and that 800 acres of irrigable land were being offered. The report commented that this quantity of land would repay the expense of making a furrow. (This was done a few years later.) By February,

103 G.W.L.C. C.6. No. 32.

104 This letter was sent to the *Cape Argus* for publication as well. The oath was not taken very seriously, since by 1869 some of the settlers were attempting to bring about a union with the Orange Free State.

1868,¹⁰⁵ all the country south of the Vetberg line had been allotted in farms, but here it had to cease because Waterboer and his people were too weak to dispossess those who, on the north of that line, were backed by the Free State in their squatting upon Griqua lands and who justified their encroachment by pointing to some of the farms inadvertently granted within Griqualand by Major Warden as British Resident of the Orange River Sovereignty.¹⁰⁶

In *The Land Question of Griqualand West* Arnot and Orpen stated that since the lands north of the Vetberg line could not be occupied, "we determined to merely hold our own up to the Vetberg line as then claimed by the Free State, in the hope that Anglo-Saxon energy, having once got in the thin edge of the wedge, would yet one day enable us to drive it home."¹⁰⁷

On 11th February, 1868, the *Eastern Province Herald* of Port Elizabeth reported that the Albanian flag was on display in A.C. Stewart & Co's shop in Main Street. The flag was a "large red ensign, with the Union Jack in the corner, and a smaller one in the centre. It is well made, and will take a good breeze to fill it out. We hope it may always wave in peace over the hardy settlers." This description differed as to the colour of the flag from Arnot's description in a letter to Southey in 1870. Arnot described it as a white flag with a Union Jack in the left-hand top corner with a small Union Jack attached to the lower right-hand point of the larger one, and in the centre of the whole. It had been adopted in 1867 by the Chief

for his own country and to wave over the loyal British people, and furthermore adopted in token of remembrance of the allegiance (sic) and friendship of half a century with the British Government

105 According to Arnot, the month was May. Arnot and Orpen, p. 100.

106 Orpen's memorandum, see footnote 15, p. 76. S.G.G.L.W. 33.

107 Arnot, D., and Orpen, F. H. S., *op. cit.*, p. 101.

and in token of a further cementing of friendship in inviting preferently or exclusively British *loyal* subjects to come and settle within [Albania]...The existence of this flag of which the Chief had one made in 1867 - on 20 feet x 11 feet sheet of Bunting, I failed to notify to you for Registration...[The interpretation] of the flag adopted by the Chief [is] Young England attached to Old England betokened a purely English Colony coming between him and other outsiders.¹⁰⁸

During 1868, although several applicants, such as Wills and AM Cameron,¹⁰⁹ changed their minds about becoming part of the scheme, settlers continued to trickle into Albania. W Dugmore at Koonap informed Arnot on 21st June that he was still making preparations to trek in July. Arnot replied:¹¹⁰

I fancy that your lambs must by this time be strong enough to commence your trek, judging from the time you first named to me of their commencing. you will no doubt be glad to know that the Cradock, Colesberg and Hope Town Districts are at present in an excellent state to "trek" over with sheep & Albania is in a most splendid condition, notwithstanding that that drunken fellow W.H. Wallace who brags of having gone from Graham's Town right up to Kuruman in eight days, undertook as "Own Correspondent" of the *Great Eastern* to call Albania a howling wilderness - but the fellow is too low a character for me to waste my breath about - but would you fancy a paper calling itself respectable containing such arrant trash.

I am glad to hear of you having the nipple Orange Trees ready in tins - token of your intention to bring up an assortment of choice fruits. I intend putting in as you suggest a lot of young seedling peach trees, also plant peach stones, to raise stocks for grafting on next year. The Orange River Bridge affair is an old hobby of mine - rather too late this season for us to do anything in it, we shall not lose sight of it.¹¹¹

I intend going up about the end of the month for good and all...

108 Arnot to Southey, 25th October, 1870. Acc. 611. Vol. 41. Arnot seems never to have given up hope that if the Griquas continued to behave like British subjects, they would eventually be accepted as such. This explains his emphasis on words such as allegiance, loyalty. Perhaps he hoped to arouse guilty feelings in the British administrators to make them get involved.

109 There was much unpleasantness over their farms - see chapter three.

110 Arnot to Dugmore, 7th July, 1868. (No reference given).

111 Whatever his faults, Arnot had a sincere interest in botany and nature generally. He was an enthusiastic innovator, too. For evidence of this, see Thelma Gutsche's book, *The Microcosm*.

Overall, considerable progress had been made. The land surveyors had been working hard to get the farms and erven at Douglas surveyed, lands had been allocated to applicants in a reasonably efficient manner. Diamonds had been discovered and Arnot was well aware of their potential value in persuading Britain to intervene. In addition, Albania straddled a major trade route to the north and Arnot had seen to it that wagons crossing the area needed licences - which must have been lucrative, if not popular.¹¹² Nevertheless, the first signs of trouble appeared during 1868 and from then until its demise the settlement was plagued by dissension and discontent.

¹¹² See page 89. At the end of 1867, while on his way to Albania, Arnot was assaulted in Hopetown by at least five men, who resented his application of the regulations about the grant of licences. (see also *Diamond Fever*, p. 114).

CHAPTER THREE

THE YEARS OF CONFLICT - GRIQUA VERSUS SETTLER VERSUS ARNOT VERSUS BOERS
VERSUS BRITAIN (1868 - 1870)

By the beginning of 1868 Albania faced several problems, both minor and potentially serious. The political situation remained in a state of stalemate, despite Arnot's best efforts. As a result, he had to accept that, lacking military strength and the necessary numbers of settlers, he could not effectively colonise the northern part of Albania. By now eighty-three farms had been granted south of this line.¹ Only a handful of settlers, Orpen amongst them, had accepted farms in northern Albania: north of the Vetberg Line and between the Vaal and Harts Rivers. Arnot refused to admit that he had given up the northern part,² but in practice this was so. His political problems were aggravated by the fact that the Vetberg Line itself was not free of dispute. All along the eastern section of the line, Free State and Settler farms overlapped, leading to endless bickering between their owners. These disputes dragged on until Warren resolved the problem a decade later.

A second and major problem was the discontent amongst the new settlers. Arnot had not managed to attract nearly as many settlers as he had hoped to Albania and those who had come up soon found that life in the new territory was not all they had been led to believe. The result was that before the end of the year Arnot found himself faced with associations of angry settlers.

a. The Griqua Removals:

The third problem had the most far-reaching consequences and will be dealt with first. This was the unrest amongst the Griquas, stemming

¹ See figure 2.

² See Chapter two, p. 112.

from the fact and manner of their removal from Albania to make room for the Settlers.

In 1867 the L.M.S. had two missionaries stationed in Griqua territory: James Good at Griquatown and Isaac Hughes at Backhouse.³ However, in August 1867⁴ Good advised the Directors that he was giving up on the long-planned irrigation scheme⁵ and that he felt that Griquatown was too small to merit independent mission status. For a population so thinly spread Isaac Hughes would be enough. This gives some idea of the deterioration of Griquatown, and further evidence is provided in Good's 1868 report.⁶ The fountain was dry, with only enough water to irrigate a small plot of land, while the people had once again scattered into single families, spread over hundreds of miles. They were becoming "cold and careless". If the irrigation scheme had worked it would have concentrated the people and prevented this.

At this juncture, the Albania scheme was put forward. At first, the missionaries opposed it, realising that it would deprive the Griquas of vitally important arable land just when they were most vulnerable to social upheaval. In December, 1867, Hughes informed the Directors⁷ that Waterboer had announced in March, in the presence of his Council and Arnot, that he was offering the Backhouse division of Griqualand to English farmers in preference to the Free State Boers, who had long threatened to take over this area and Campbell dorp. Waterboer was

3 Hughes was at Backhouse from 1845 until his death in 1870.

4 L.M.S. documents, Letters Received 239, Box 34-35, ZL 1/3/27, 1866-1868, James Good to Directors, 28th November, 1867.

5 Hughes had moved to Backhouse (later Douglas) to get an irrigation scheme going, so that Waterboer and the Griquas could eventually move there from Griquatown. However, the necessary funds failed to materialise and the move never took place.

6 *Ibid*, Report on the Griqua Mission by James Good, 1868.

7 *Ibid*, Isaac Hughes to the Directors, 16th December, 1867.

about to order his subjects to vacate the area. This had upset Hughes, but some settlers had already arrived and there was nothing to be done. Orpen was busy allocating lands and the natives were mostly gone, so that his congregation was much diminished. "The people of course are sullen" and were dispersing in many directions, although some had settled just across the river and came over for church (which indicates the stability of this population). Hughes accurately predicted that he was sure he would always have a congregation because the English would need a "coloured population to serve them." He hoped, therefore, that the Society would not cast him off because Backhouse was partly broken up and his labours somewhat disturbed, for he could help Good and he wished to stay and do what he could for the population which would gather round him. He had hoped that the scheme might fail, because of the aridity of Griqualand West compared with the fertility of Grahamstown, but this had not happened. In what seems to have been an effective bit of bribery on the part of the commissioners to win him over, he had been offered a farm for his son, so that he could be near him. He hoped that Isaac Hughes Junior would accept. All this makes it clear that the Church in the form of the L.M.S. was no longer willing or able to strengthen the Griqua against intrusion. Good wanted to abandon Griquatown and Hughes was soon seduced into accepting the Albania scheme, despite his initial opposition and dismay.

By accepting farms in Albania, the settlers showed that they accepted the removal of the Griqua occupants, but many were well aware of the dislocation their arrival had caused, as the following letter from C.J.Wayland shows. After complaints about the Boer farmers, he wrote:

It is certain that Albanian affairs are daily becoming more and more discouraging and unless we get some Englishmen to come quickly and occupy a number of the farms I fear that the whole scheme will be a failure and fall through - it certainly will not be for want of energy and perseverance on your part, but simply because we cannot get men into the country, both the Dutch and the

Griquas take advantage. Cook was told ... that there is a rupture between the Captain and his Raad, with reference to Albania and that in consequence they have refused to meet him for some time and intend to come and take back the Country &c &c. From these and more reliable sources I learn that the Chief's people are deserting him very fast leaving his country and that much disaffection prevails and the Griqua Nation quite broken up.⁸

These rumours support the charges that the Griqua Raad had not been taken fully into Arnot's and Waterboer's confidence about the Albania scheme and the removal of the Griquas from the area. Waterboer himself may not have known the full details. Certainly, he disapproved so strongly of Arnot's actions in this regard that in May 1869 he refused to give Arnot the authority to represent the Griquas at a meeting with the Free State.⁹

The Griqua inhabitants themselves were justifiably unhappy at being forced to move from Albania and bitterly antagonised by the manner of their removal. Waterboer had ordered them to move into "Griqualand proper"¹⁰ when the settlers arrived, and had promised to compensate them for the lands they were losing, but the actual removals involved the violence and brutality so characteristic of South Africa. That they should have been authorised by the man who was the Griqua Agent does not say much for Arnot's loyalty. In addition, Waterboer did not have the backing of his Councillors, at least two of whom, Jansen and Vaneel, begged him to bring the people back.¹¹

There were certainly large numbers of Griquas living in Albania, for many witnesses who gave evidence before Stockenstrom and Warren made this clear. This makes Waterboer's statement to the Land Court rather

8 C. J. Wayland to Arnot, 4th May, 1868. G.W.L.C. C8.9.

9 See p. 134.

10 This is an interesting phrase which might be regarded as an indication that Waterboer already saw the eastern area, in which Albania lay, as lost to the Griqua.

11 Waterboer to Arnot, 19th November, 1869. G.W.L.C. 33/34.

odd. He said that he had allowed farmers to occupy Albania to get the country occupied: "There were no permanently occupied places in Albania."¹² Yet the Griqua Field-Cornet for the Albania ward, Jantje Griqua, stated¹³ that there had been many Griquas in the area, most of whom had left before the Settlers arrived. He himself had been moved from the area at that time. *Slypsteen*, since renamed *Summerhill*, had been his farm and he had not consented to give it up, but, like the rest of the Griqua inhabitants, had been given no option, although most had been given other farms as compensation. Jan Thosa also claimed *Slypsteen*. He told the Court that he had got a request¹⁴ from Andries Waterboer and had lived there for sixteen years before the Albanians arrived. Alwyn van Heerden later testified that Thosa had been headman of a fair-sized group and had been on the farm since 1855.¹⁵ When he had been told to leave, he had gone to Arnot, who had told him to go back and turn away Van Heerden, who had frequently used the farm with Thosa's permission. When Thosa had returned to the farm, Peter Wright had burned his huts and loaded all Thosa's produce, such as pumpkins, onto his waggons. Thosa testified that he had had 150 cattle and 30 horses when he was turned off, and some of his people had had sheep and goats. He and about 30 men had then moved to Nicholson's farm near Douglas. Waterboer had neither promised nor given him another farm, although he had done considerable ploughing on his farm before being forced to move. Arnot's role in this episode is odd - one wonders whether he was using Thosa to

12 Stockenstrom, A., *Griqualand West Land Court Evidence Taken Before His Honour Judge Stockenstrom in the matter of certain Land Claims*, p. 110.

13 *Ibid.*, p. 130.

14 A request was an undefined right to a certain area of land.

15 Stockenstrom, A., *op. cit.*, p. 230.

get rid of Alwyn van Heerden, a Free State farmer, before getting rid of Thosa, to clear the way for Peter Wright, an Albanian.

Orpen's evidence to the land courts also confirmed the presence of Griquas in Albania during his survey in 1867 and 1868. There was a large group¹⁶ on *Belmont*, Wayland's farm, with a "great deal of stock"¹⁷. A smaller group was living on the road from *Belmont* to Kabab's Kop at a small dam. This group told him that they had been told by Waterboer not to make a dam, because the Boers would come and jump it. In fact, this ruling had become a law - anyone making a dam would be fined £7.10s. Orpen had also found some Griquas at the junction of the Riet and Vaal Rivers. Under cross-examination by Sampson, Orpen said that he had never heard that the *Belmont* group had been burned out to make room for the Albanian grantees,¹⁸ nor that many had been compelled to go to the Boers with their cattle. Nothing had been said about recognising the rights of those in possession, but Commissioner Campbell had told him that the division of the country would not affect natives in possession because farms would be allotted to them. Yet from the claims made and the evidence given before Stockenstrom, it is clear that many Griqua families did not accept that they had given up their rights to the lands they had been forced out of by men such as Lambert Jansz,¹⁹ Waterboer's most prominent Field-Cornet, who had been stationed

16 According to Jan Salvan, a farmer and transport rider from the Free State, there were about 300 men, women and children on Belmont in 1865 - "Griquas, Kafirs and Batlapins". *Ibid.*, p. 192.

17 *Ibid.*, p. 128.

18 This evidence was supported by that of Andries van Rooy, one of Waterboer's heemraden, who added that the Griquas who had been driven out had gone to live about the river, where they were at that time. *Ibid.*, p. 162.

19 Lambert Janz was the half-caste son of Lambert Jansz, Senior, a missionary who had joined Anderson. He died in 1815. His son was a prominent Councillor from the 1840s.

in Albania in pre-settler days to "see about thefts"²⁰ and keep the area free of permanent Whites. At the time of the Settlement, he had been the one who had told the Griquas to move north of the Vaal.

Other Griqua families also described the insensitivity which had accompanied their removals. The Lottering family explained that Arnds Lottering, since deceased, had been a Field-Cornet and had occupied his farm from 1820 to his death in 1860, when Arnot and Orpen had expelled Lottering's widow to make room for the Albanians. She had returned to the farm and her stock had then been sent to the pound.

Daniel Lesime stated that he was a Basuto, a relative of Moshesh, who had formerly lived between the Orange and Vaal Rivers. When the Albanians arrived, he and his group had been driven through to the right bank of the Vaal by "Vilgee and Lombard Jansen".²¹ A good many of his sheep had been drowned. Jan Nieuwhoud had also been living in the area, but had left on receipt of a letter from the Special Magistrate, John Campbell.²²

C.W.Mathews told the Land Court that the Krotz (or Krotze) family had asked his permission to remain on *Biessiesputs* (also known as *Biessiesvley*),²³ which they claimed together with *Rietfontein*, and had told him that Edward Harvey also claimed this land. Adam Krotz had bought the land from his father-in-law, Jan Engelbrecht, for £400 in goods, a waggon and twelve each of horses, mares, foals and oxen. His brother, Marthinus, had drawn up the Deed of Sale. The family had built

20 Stockenstrom, A., *op. cit.*, p. 129.

21 This must be Lambert Jansz - spelling of names varies enormously. His name also appears as Lombard Jantsen.

22 This is the same John Campbell who was later made a Magistrate on the Diamond Fields - see Chapter four for details of a land scandal he was involved in.

23 Renamed *Donnybrook* by the Albanians.

dams on the farm. When the Albanians arrived, Wayland or Arnot had come to drive them off, and they had complained to Waterboer, who told them to continue working the farm - he would speak to Arnot. Waterboer also sent his Deputy-Captain, April Sauls,²⁴ and Lombard Jantsen [sic] to investigate the matter. Arnot told them that Krotz was a rebel and he would not have rebels in Albania. Nevertheless, the investigators supported Krotz and Waterboer said they should be allowed to remain in Albania. Meanwhile, the family had also asked Mathews for advice. He had given them twelve days longer, while he wrote to Waterboer. This time Arnot replied on behalf of Waterboer: that Mathews should see the Krotz family and tell them that they should leave. The letter threatened forcible removal if the family did not do so. Waterboer was horrified and informed Arnot coldly that he had heard of his treatment of the Krotz family with great astonishment and adding, "So you never had my authority to threaten anyone with weapons. I made it my desire that weapons should be avoided."²⁵ On 22nd December, 1869, C.W. Mathews reported to Arnot that he had seen "the three Krotz's" and had read to them the order of the Chief (to move). He had received a dignified but bitter answer from Goliath Krotz:

I cannot understand that the Chief should give such an order after his letter to me of the 20th November last. I hold a request of the farm *Buisjes Put* of which *Riet fontein* is a portion. I do not claim the former portion but think I am entitled to the latter. If the Chief says I have no request, and no right to the farm, that his signature to the request is nothing - then of course I must trek.

Waterboer had then promised them lands north of the Vaal and Special Magistrate Campbell had sent them a letter in 1871 ordering them to leave. Mathews's testimony concluded:

²⁴ April Sauls himself had lived in Albania until two and a half years before the Albanians arrived, when he had moved closer to Griquatown because he had become a Councillor.

²⁵ Waterboer to Arnot, 19th November 1869. G.W.L.C. 33/34.

They left. I believe they came to the Diamond Fields. I considered the Chief's authority sufficient for turning them off.²⁶

There is evidence, however, that one of the Krotz brothers, Arnoldus, who had been one of Waterboer's Field-Cornets, was still on *Biessiesputs* in 1872, having left in 1868, but returned in 1869.²⁷ According to his evidence to Stockenstrom, Marthinus Krotz was also still in Albania until 1872, when he obeyed Waterboer's request to leave until the Free State's intentions were clear. Waterboer told him that he was afraid there might be a row and he did not want Krotz involved.

When Arnot himself was questioned about the ejection of Griquas, he admitted that Brower, who had had a house on *Eskdale*, in which he had lived for eighteen years, had been told to leave, but claimed that it was because of continual sheep-stealing.

Further evidence of the harsh treatment meted out to the Griquas came from Cornelius Faber, another Albanian. He had been commandeered by John Rostoll to join an armed group going to turn Griquas off *Delport* and *The Horn*.²⁸ Some had refused to go and had been taken prisoner. Some members of the commando wanted to burn the Griqua huts, but Faber had stopped them. He admitted in his evidence that these Griquas had been there a long time, and that he was not "aware they were thieves".²⁹ Katrina Manel, a Griqua, said that she had been driven out of Albania by Lombard Jansz "because the white people came there" (Circa 1865). H. Nicholson testified during the same hearings that:

26 Stockenstrom, A., *op. cit.*, p. 181.

27 *Ibid.*, p. 197.

28 It is not clear which farm he means, as there is no *Delport* amongst the Albanian farms. *The Horn* lies in the southern part of the Reserve.

29 Stockenstrom, A., *op. cit.*, p. 218.

Since then a great many people who had been driven out of Albania by Waterboer and Arnot have settled on the farm³⁰ without my permission. I have told them to leave. They were driven out of Albania about 1867. They refuse to go, denying my right to the farm.³¹

On 10th July, 1868, the *Friend* gave some idea of the unhappy state of affairs in Albania, when it reported that the settlers were complaining that Griquas were trespassing and that Waterboer was too weak to do anything about it. The writer wondered what would become of the Albanians, for he had heard on good authority that Waterboer and his Raad had

cancelled the hire of the ground on this side of the Vaal, and that the Albanians must leave on or about the 1st August, and that the old inhabitants are to re-occupy their former places.³²

This was just a rumour, but it clearly shows the insecurity and hostility prevalent in the area.

All the evidence makes it clear that these Griquas were not nomads, but that they had clear titles to land, owned considerable property and had led settled lives until uprooted by the Albanians. Undoubtedly, these incidents contributed to the resentment which culminated in the Griqua Rebellion of the 1870s. Warren did his best to reduce the discontent caused by these removals but by then it was too late.

30 This was *Badfontein* in the Northern Reserve, which he had bought in 1861 from Jacob Waterboer, who had got it from Cornelis Kok. He had driven off a native occupant and taken possession.

31 Stockenstrom, A., *op. cit.*, p. 60. The evidence of Henry Green (p. 185) shows that Griquas were driven out of Northern Albania too. He had been offered land in the Northern Reserve, because Arnot wanted the Albanian farms occupied. Because the area was disputed, Green was told that he could have more ground and priority of selection. He also agreed to the cancellation of the mineral cession (which Arnot said was in the way of the British takeover) in exchange for two quitrent farms of 4 000 morgen. He selected his boundaries in 1871 and told the occupants of the 30 to 40 huts on this land to leave after the harvesting of their mealie crop.

32 *Friend of the Free State*, 10th July, 1868.

b. Conflict with the Orange Free State:

As already mentioned, the northern border of Albania was effectively the Vetberg Line, but it was not a clearly defined boundary³³ and several Free State farms spilled into Griqua (later Albanian) lands. According to Dirk Jafta,³⁴ a Griqua who lived on *Belmont* until the Albanians arrived, the white farmers had begun to arrive after the 1862 drought. He named Van Wyk, Fraser, A.Burger on *Klippan* and Van Eck on *Kafir Point*. These farmers had arrived with their stock, but had paid taxes to Waterboer until Arnot came and took the land away. Jan Salvan³⁵ told the Land Court that Cobus van Heerden had made a dam near *Vetgatpan* before the settlers came, but had not lived there. Salvan had wanted to make a dam there too and had complained to Lombard Jansz, who had told him that Van Heerden would not hold the farm. Waterboer appears to have been making it quite clear that these farmers had no permanent claim to these lands, even where their presence was tolerated. Access was by no means a foregone conclusion. Van Heerden had negotiated for *Zwinkspan* in 1862 with Frans Liebenberg, who also wanted it, but had not taken it because he was not sure whether Waterboer would allow access. Van Wyk had moved to *Zwinkspan* in 1865, when, according to Jan Salvan, there had been no other Boers in the neighbourhood.³⁶ Alwyn van Heerden had arrived in 1859. In 1867 he had occupied *Ottawa* at Arnot's invitation. He had, however, refused to pay the £33.10s per year rent asked by Arnot, who

33 The version drawn up in 1863 differed from that laid down in 1869 (see later in this chapter). As far as the Free State was concerned all farms for which British land certificates had been given out belonged to her. Notulen Der Verrigtingen van den Hoog Edelen Volk-sraad, 6th May, 1867. Free State Archives.

34 Stockenstrom, A., *op. cit.*, p. 193.

35 *Ibid.*, p. 192.

36 This does not tally with other evidence - perhaps he meant the immediate neighbourhood.

had told him that he was a fool, as in a year's time it would be his private property. Arnot, according to Van Heerden, had added, in an amazingly cynical remark:

"Who would work for the Griquas. They ought to have been cleared out long ago. In a year's time it will be Free State country." He said the rent was high because money was wanted in the bank for a Constitution.³⁷

Free State land values had risen considerably and a takeover would have been useful to a land speculator, so perhaps Arnot really hoped that the Free State would annex the area if Britain rejected it. But this would have been opportunism of a very high and unattractive order.

Cornelius Faber had arrived in the area in 1862. In 1867, he accepted Arnot's suggestion that he should hire farms in Albania and took possession of two and a half.

During his survey in 1867, Orpen had found Van Eck, Van Wyk and Fraser living on Waterboer's side of the line. Burger was living on the Orange Free State side, but claimed land on the Griqua side. Van Heerden of *Scholtzfontein* was also over the line. Fraser, Burger and Van Eck admitted being over the line, and the two latter said that they were willing to become Albanian lessees in order to secure their lands.

It should be noted that Free State farmers were not alone in trying to obtain land in Griqualand before 1867. Wayland had tried to buy Nicholas Kruger's farm for £250, but Kruger, who valued it at £6000, refused. Such a sale to an outsider would have been illegal under Griqua law. Yet when John Rostoll had arrived in the area in 1860, he had bought a boat and buildings on the northern bank of the Orange River at *Waterford* from someone named Fritz. He had informed Waterboer, who had professed to be pleased. In 1865 Rostoll had a disagreement with Faber, because his sheep were drinking at Faber's dam on *Langford*, the neigh-

³⁷ Stockenstrom, A., *op. cit.*, p. 219.

bouring farm. Faber complained to his field-cornet, Blok Steenekamp (apparently a Free State officer), a court was held and Rostoll was fined. He refused to pay and his "boy was beaten".³⁸ Waterboer then intervened and said that he had not agreed to Faber's being there and that Rostoll could use both *Langford* and *Waterford* and eject any other claimants. He lived there from 1860 to 1867, paying taxes to Waterboer. This evidence indicates that, by 1867, Waterboer had had several years of dealing with encroachment on his lands and fractious foreign intruders. No wonder he was ready to let the Albanians try to rule the area.

The owners of the disputed border farms were forever bickering and annoying each other in whatever way they could. On 13th April, 1868, Wayland complained to Arnot that Van Eck was squatting on *Kaffirskop*, which had been allotted to Cook several months before. Van Eck had been given notice of this, but was now molesting Cook, although *Kaffirskop* lay within Albania, as the Free State itself admitted. Van Eck claimed to be acting under his Landdrost's written authority, which authority was at the house of Van der Merwe, the previous owner. Wayland also accused one of the Van Heerdens of having erected a beacon and claimed land which covered about eight miles within the Vetberg line. He concluded that, although it was the anxious wish of the settlers to live on amicable terms with their Free State neighbours, such conduct as Van Eck's was calculated to produce ill-feeling and disturbance.³⁹ Arnot enclosed this letter in a letter of protest which he sent President Brand on 28th April.

On 9th June, Wayland was complaining again - this time of the trespassing of Klaas van Wyk of *Swinkspan*, which Van Wyk claimed was in

³⁸ *Ibid.*, p. 216.

³⁹ Wayland to Arnot, 13th April, 1868. G.H. 14/2.

the Free State. After detailing one of Van Wyk's transgressions, Wayland continued:

These Boers are becoming very troublesome to the new Settlers in this Country, who will not long submit to their arrogance and injustice, something must be done at once to prevent fatal consequences which I feel assured you would deplore as much as myself.⁴⁰

Arnot duly complained to the Free State in numerous letters,⁴¹ until finally, afraid of British intervention,⁴² the Free State decided to do something about the situation. On 12th August, 1868, F. K. Hohne, the Free State Government Secretary, informed Arnot that President Brand had appointed a Commission to investigate the complaints against Van Eck and others.⁴³ It would meet at *Scholtzfontein* on 1st October and Waterboer was asked to send a representative. Arnot took strong exception to the site. *Scholtzfontein*, he replied angrily on 15th September, is "a place far within his [Waterboer's] territory and not named in his letters of April &c 1868." (These were the various letters of complaint.) In any case, the Volksraad had resolved in May that the complaints against Van Eck and others should be investigated on the spot where the incidents

40 Wayland to Arnot, 9th June, 1868. G.H. 14/2. (Enclosed in letter from Arnot to Wodehouse, 23rd June, 1868).

41 On 23rd June, 1868, Arnot passed on Wayland's complaint about Van Wyk to Brand, demanding that the Free State government restrain its subjects from molesting Albanians and their servants. Naturelle Oppenhoofde, Waterboer, 1846-1870, Orange Free State Archives.

42 The Free State well knew that Britain was keeping a sharp eye on the situation. On 8th June, 1867, Wodehouse had asked Brand for a description of the disputed lands, saying that the dispute was threatening to affect the trade route to the north. On 26th June, Brand had replied that he was prepared to accept arbitration and that he had "made enquiries of gentlemen well acquainted with the locality and they tell me that the road is a long way from the disputed country." Brievenboek Staats-president, March 1865-July 1867, p. 520, Free State Archives.

43 F. K. Hohne to Waterboer, 12th August, 1868. G.H. 14/2.

had occurred.⁴⁴ Arnot urged the Free State to submit to arbitration by Wodehouse and criticised the Free State's insistence that farms for which British Land Certificates had been issued belonged to her, because these Certificates had been granted in error as to the true position of the lands (which were in Waterboer's territory) and had been provisional, since no inspection had taken place when the certificates had been issued. Therefore they had not been made final or permanent before the abandonment of the Sovereignty.⁴⁵

He also informed Hohne that Waterboer had decided not to be represented, as a protest against the Orange Free State's choice of venue. Arnot then began ordering Boers off Albanian farms. On 2nd September he wrote to Jacobs, Du Plooy and others, and to Antonie Potgieter, who, according to him, had been squatting on Peter Wright's farm for four months without paying rent to Wright or Waterboer. The letters warned them to move off this farm and that of Buckley at once.⁴⁶

Arnot's hopes of British support and intervention were dashed again in October when, in reply to yet another appeal,⁴⁷ Wodehouse wrote to say that he regretted that he remained convinced that any interference on his part would only tend to aggravate the differences between Waterboer and the Free State.⁴⁸ Nevertheless, Arnot might have been encouraged by a letter in which Chalmers told Southey that diamonds were

44 Arnot had been informed of this resolution by Changuion on 24th June, 1868.

45 Arnot to Hohne, 15th September 1868. G.H. 14/2.

46 Arnot to Jacobs, Du Plooy and others; Arnot to Antonie Potgieter, 2nd September 1868. G.W.L.C. 28 C8.18.

47 Arnot to Wodehouse, 15th September, 1868. G.H. 14/2. "The Chief ... begs and prays for Your Excellency's immediate action in giving ... Waterboer the redress asked for trusting most fully ... in the generosity and justice of the British Government."

48 Wodehouse to Arnot, 3rd October, 1868. G.W.L.C.28. C8.25.

"turning up sharp" now that the Griquas were making a regular search for them, and suggested that it would be worthwhile to make some arrangements with Waterboer to take over his country.⁴⁹ Even though he was unaware of this letter, Arnot certainly hoped that diamonds might induce Britain to intervene and on 6th December, 1868, he informed Southey of further diamond discoveries.

The Diamond of John Blok and another one which Mr Peter Wright [has] have both been found in Albania - the Griquas having been in the winter of last year removed by us from the Griqua Albanian or South side of the Vaal River to the Griqua or North side of the Vaal, will account for the most of the Diamonds being found on the North side. The fact is, the formation of the soil &c on both sides is identical & of course the application that will be taken into consideration by the Chief will refer to mining on the North side of the Vaal River, the South side of the Vaal being private properties now belonging to the Albanians (British subjects and as such to call themselves and remain) ... I know the Chief will be ready to offer Albania (and certainly with hearty consent of its people) and his other on the South and East of Vaal River territory, to which he will satisfactorily prove his rights and claim to the jurisdiction of the British government on most easy and favourable conditions - if I only knew that the governor would entertain it I should for the Chief's behalf make a formal offer at once.⁵⁰

Diamonds were not the only inducement being held out to the British. Gold had been discovered at Tati. Arnot seized the opportunity of urging Southey yet again to annex the Griqua territories, even trying to persuade Southey that the Boers would welcome a British takeover.

The direct and shortest route [to the goldfields] lies through Albania, and I hope that the Governor will yet see the necessity of carrying out a favourable consideration of Waterboer's offer to take all the territory he lays claim to on the South and East of the Vaal River including Albania and which will besides Albania, as an undisputed tract, include the greater portion of the districts of Jacobsdal and Boshof (at least 700 farms)...under British Protectorate. The matter can be settled with a stroke of the pen - the Boers in those districts, if they can retain the farms under British Titles, will be overjoyed, great numbers of them have told me so over and over again.⁵¹

49 W. B. Chalmers to Southey, 16th October, 1868. Acc. 611, Vol. 32.

50 Arnot to Southey, 6th December 1868, Acc. 611, Vol. 33.

51 Arnot to Southey, 23rd May, 1868. Acc. 611, Vol. 30.

He then proposed Bowker's⁵² appointment as Commandant and Magistrate of this Protectorate at £400 p.a., with the grant of two farms in the area; Orpen's appointment as Magistrate at the same salary with one farm, and his own appointment as Waterboer's representative in Albania at a salary of £450 p.a.

Meanwhile, Hohne had written to Waterboer⁵³ regretting the latter's decision not to be represented at the Commission's meeting and stating that the Commission, comprising Landdrost Van Soelen, F. McCabe and Jan Serfontein, would nonetheless investigate the matter as planned.

The Commission duly arrived at *Scholtzfontein*, found nobody there, went on to Campbell and finally reached Griquatown, where they learned that Waterboer was (conveniently) ill and unable to see them and that Arnot was away. They had, therefore, to kick their heels until Arnot returned, several days later. When he did arrive, the Commission proposed that a solution to the whole problem could be found by exchanging the Campbell Lands for Albania. This was totally unacceptable, but Arnot felt it wiser to stall for time by pretending to consider the offer, rather than to refuse it outright. He therefore told the Commission that he thought it quite a good scheme, but, unfortunately, the Governor had asked him not to "move in any matter before he had heard of [from?] him." In any case, Arnot continued untruthfully, the Governor was coming to Basutoland and planned to annex the whole of Griqualand.⁵⁴

52 It is strange that Arnot should have requested a post for Bowker, considering the very strained relationship between them at this stage. Arnot must have wanted to regain Bowker's support and, with it, Bowker's influence.

53 Hohne to Waterboer, 30th September, 1868. GH.14/2.

54 Dagrapport van Van Soelen, 22 September - 19th October, 1868. G.S. (O.F.S.) 1302. On 21st November, 1870, Arnot gleefully told Southey that Van Soelen was in gaol in Bloemfontein for "squandering Orphan and Public moneys without leave, that is, stole these moneys." (Acc. 611, Vol. 41).

On 23rd November, Arnot wrote in Waterboer's name to Wodehouse to complain bitterly about the wrongs done him by the Free State. He (Waterboer) blamed the fact that he was not represented at *Scholtzfontein* on the Free State's last-minute changes of venue, at variance with the 14th May resolution of the Volksraad and with the Free State's 24th June letter; and on the fact that the Free State had persisted, despite requests to cease doing so, in sending letters direct to him instead of to Arnot, who dealt with such matters. He then described his illness, caused by being thrown from his buggy, before coming to the real point of the letter: a protest against the Free State's audacity ("schameloosheid") in offering to exchange the Campbell Lands for Albania, both of which belonged to him already. In any case, bound as Waterboer was by the 1834⁵⁵ treaty to protect the Kheis to Ramah Colonial boundary, he could scarcely give up Albania which formed a large part of the land along this boundary. This last was a skilful bit of political manoeuvring, since the Colonial Government did not in fact accept that this treaty, made with Andries Waterboer, also applied to Nicholas Waterboer. Arnot hoped that, by behaving as though it were still in existence, the Government would finally by force of habit and custom accept it as a fact. After accusing Van Soelen of trying to make trouble amongst Waterboer's petty Chiefs, the letter ended with the usual appeal for arbitration or annexation.⁵⁶

Despite the failure of this mission, the Free State government made another attempt to resolve the situation, by asking Waterboer to name a place and date for a meeting to discuss the subject. Arnot replied that they could meet on Monday, 31st May, 1869, at *Swinkspan*, Fraser's farm. The Free State then appointed a second Commission, made

⁵⁵ See Chapter one.

⁵⁶ Waterboer to Wodehouse, 23rd November, 1868. G.H. 14/2.

up this time of Charles W. Hutton, Dr Daniel van Niekerk (members of the Volksraad) and Francis McCabe (Landdrost of Bloemfontein and member of the Executive Council). Their job was to hear complaints against the Boer farmers and to establish the exact position of the Vetberg Line.

Nothing went right for Arnot at the meeting. When he arrived at *Swinkspan* he found only McCabe, who greeted him with the news that Van Niekerk and Hutton were staying with Van Wyk, whose homestead was also on *Swinkspan*, and that the hearing would be held at Van Wyk's home,⁵⁷ a most irregular proceeding in view of the fact that Van Wyk was one of the defendants. Wayland, the plaintiff, was naturally reluctant to prosecute a man in his own home, and said that, since a whole year had elapsed since Van Wyk's offence, he would prefer merely to take measures to prevent a recurrence of the event, than to go on with the prosecution. He proposed to acquaint J. van Eck and Van Wyk with the actual boundary line of their farms. However, at this point Arnot was banned from any further participation in the proceedings, which effectively meant the end of the case against the Boer farmers. The reason for the ban was as follows. Arnot had visited Griquatown just before the meeting to discuss with Waterboer who would represent the Griquas, and, should the choice have fallen upon him, as he confidently expected, to obtain the necessary Power of Attorney. But Waterboer refused even to see him, because of the way in which Griqua subjects had been forced off Albanian land. There is evidence that Waterboer also suspected Arnot of dealing in diamonds behind his back.⁵⁸ The coolness between them was not new. In October 1868 Chalmers had reported that J. G. Alexander had been turned out of Griqualand because he had only Arnot's permission to

⁵⁷ Arnot's main grievance about this change of venue seems to have been that McCabe waited until after he had outspanned before telling him about it.

⁵⁸ Robertson, M., *Diamond Fever*, p. 151.

search for diamonds. Arnot was furious with Waterboer and in a reproachful letter said that he had been mocked and ridiculed by the people during his long wait for the Chief and was becoming heartily tired of such insulting and contemptuous treatment. The Chief's staying away was harming his name. In addition his absence had spoilt his claim to a big diamond and Arnot felt that this was foolish when the whole world wanted to make out that Waterboer had no right to the diamonds.⁵⁹

As a result, Arnot had arrived at the meeting without a Power of Attorney,⁶⁰ a point on which Vels, the attorney representing the Boer farmers, was quick to seize. He demanded that Arnot be banned from the proceedings. McCabe and Van Niekerk voted in favour of this and overruled Hutton, so Arnot was excluded from any further participation, despite his vehement protests and arguments. The Commission then informed Arnot that they had been given a second task by their Government, namely, to go over and beacon the Vetberg Line. Arnot protested more vehemently than ever - that the Vetberg Line was not acknowledged by Waterboer, that he had never signed any document accepting such a division of his lands, and that the only boundary line was the Ramah - David's Graf - Platberg line. Nonetheless the Commission insisted that they would go over the line as published in October 1855 by the Orange Free State Government. They added the claim that, since Sir Harry Smith had taken over the whole area between the Orange and Vaal Rivers as Sovereignty and had given it all to the Orange Free State on abandonment of the Sovereignty, they were entitled to take all the farms holding British Land Certificates, on Waterboer's side of the Vetberg Line. Arnot was furious, but could do nothing. Unwillingly, under protest and on the understanding that it did not imply acceptance of their actions,

59 Arnot to Waterboer, 5th May, 1869. G.W.L.C. 28, C9, No. 10.

60 Arnot and Orpen, p. 319.

he accompanied the Commissioners on their task. The Line⁶¹ was, therefore, beacons off in his presence and that of W. O. Corner who had been present when Adam Kok had beacons the Line. Jan Salvan later told the Land Court that the Boers told the Commissioners where the beacons should be and the Commissioners piled up stones at these places.⁶²

No sooner was Arnot back at *Eskdale* than he hastened to report to Wodehouse. In addition to his complaints about having been banned from the proceedings and the beaconing of the Vetberg Line, he reported that the Free State was claiming not only the two and a half farms overlapping the Line,⁶³ but also another 127 000 acres of land, for which it was claimed that British Land Certificates had been granted. He ended with the usual plea for annexation, this time backed by financial reasons: should the Free State seize the Campbell Lands,

then the Colonial trade with the interior natives already amounting according to well ascertained sources to something between £180 000 to £200 000 and the high road to the interior [which] goes via Hope Town, through Albania and Campbell, will be, if not altogether stopped, then hampered, to a most injurious extent...I may further state...that of the miserable remnant of land as defined by the so-called Vetberg Line of the Free State (and which hitherto for the sake of peace and with the hope of some day getting a settlement, the Chief duly observed) some eight to 10 farms which had been allotted to English Settlers from the Colony, and who were in quiet possession for the last 18 months of said farms, have had them swallowed within F.S. territory.⁶⁴

Arnot added that Waterboer had agreed to sign Porter's Deed of Submission agreeing to arbitration, subject to the emendations agreed upon by

61 See figure 1.

62 Stockenstrom, A., *op. cit.*, p. 192. Stockenstrom accepted this line as the correct one.

63 President Boshof had mentioned these farms to Sir George Grey in a letter dated 13th June, 1856, as having British Land Certificates, and had requested compensation for them, which is an admission that they were in Waterboer's territory. He had failed to get compensation. Arnot claimed that these certificates had never been made final anyway, having "been granted in error of their true position". Arnot and Orpen, p. 321.

64 Arnot to Wodehouse, 9th June, 1869. G.H. 14/2.

Brand and Arnot, that is, that the arbitration should concern only the lands north of the Vaal. He had already informed Hohne of this decision in an earlier letter,⁶⁵ sent with a copy of a protest to the Commission, and a request to place it before Brand. Here, as far as official action was concerned, the matter rested for several months.

The unresolved border dispute caused great insecurity amongst the settlers. In July 1869, Wayland begged Southey to intervene. His letter indicates very clearly the disenchantment of the settlers with Arnot's Albania scheme ("a delusion and a miserable failure"):

I was induced to remove to this locality in consequence of information received from Mr T.H. Bowker and others that there were some 700 or 800 farms to be given out by Waterboer to British Settlers and that I could with a limited capital procure farms for and settle my children and friends comfortably around me - I have now learnt to my sorrow that it was a delusion. Last month a Commission was sent...to settle the long pending boundary question...Their boundary line...leaves to the "settlement of Albania" only about 60 small farms of 3000 morgen each, *two thirds of these are Mr Arnot's private property* and called "*the Reserve*". This doubtless will surprise you. It is only within the last few weeks that my eyes have been opened to facts connected with this Albanian scheme. I have recently been to Griqua Town and had an interview with the Chief and his Council. I found him and his Council extremely dissatisfied with Mr Arnot's management (or what they considered his mis-management) of their affairs. They talked of taking matters out of his hands and ignoring what he had already done. A brother-in-law of the Chief claims the farm on which I live and which was allotted to me by Mr Arnot and threatens to sell it over my head, although I have expended a large sum in buildings, dams and other improvements, to lose which would be the ruin of myself and family. Three other farms allotted to my sons have been taken by the Free State Commissioners. It is quite obvious that unless some measure be shortly adopted to avert it ruin and disaster to myself and other Settlers will be the result, for the Free State Commissioners told me that their Government *claimed a right to the whole of Albania*. It will be apparent to you that we are too small a community to govern ourselves and it is too absurd for British subjects to think of living under a Griqua Government, consequently our affairs are got into a most complicated and unhappy state. I have pointed this out to Mr Arnot and told him that we must have other arrangements and a speedy and definite settlement of our concerns - that we could not longer endure this state of suspense and insecurity of life and property.

65 Arnot to Hohne, 5th June, 1869. G.H. 14/2.

He did not believe Arnot's expressed conviction that Britain would be interested in taking over such a small area, and felt that Arnot was merely procrastinating in order to further his own interests. Wayland asked Southey to let him know whether there was any probability of British annexation, so that, if there were not, the settlers could make favourable terms with Waterboer and buy clear titles to their farms. Then, if the Free State were to annex the area, it would surely recognise settler rights. He also urged that Wodehouse should undertake the task of arbitration, for, unless he did, all the interior trade and traffic would be halted. He had been told that the Free State would fix its beacons on the point of "Long Berg", and that left no other road but through the Koranna country and the Kalahari desert. Waterboer was talking of visiting Cape Town to lay his complaints personally before the Governor and had asked Wayland whether he thought it advisable. He had replied that it was too late for this to be of any use to Waterboer. It should have been done years before.⁶⁶

At the end of 1869, some of the Settlers even proposed having Albania annexed to the Orange Free State, because of their dissatisfaction with their government. To forestall Free State interference, Waterboer begged Arnot to help him persuade Britain to annex the area. In return he would persuade the Councillors to agree to offer Griqualand West to Britain and would give Arnot "a grant of land of similar extent to that allotted to him in Albania" west of the Vaal. Arnot would also get a pension of £1000 sterling per annum, "to be provided for out of the territory which would be ceded to the British Government." Not surprisingly, Arnot agreed to help and the Chief assembled his Councillors, "who fully concurred in the proposed arrangement."⁶⁷ There is consider-

66 Wayland to Southey, 20th July, 1869. Acc. 611, Vol. 36.

67 Arnot and Orpen, p. 104.

able doubt about this second grant to Arnot. Before the Land Courts, the Councillors denied having been told about it at all, let alone having agreed to it. They claimed that they had been told that the document put before them by Waterboer was merely routine business and since most could not read, they had accepted the Chief's word and signed.

Arnot's renewed attempts to secure British annexation received an apparent setback at the end of April, when Wodehouse told him that he would shortly be leaving for England, and that this would prevent him from rendering "any further assistance towards the settlement of the disputes between the Free State and the Chief Waterboer."⁶⁸

Yet British annexation was drawing closer. Wodehouse had asked Brand for a definition or map of the Free State's claims and Brand had responded with a promise to endeavour to settle the dispute. As a result, Brand and Waterboer met at Backhouse on 31st March, 1870, a time and place chosen by Waterboer. Brand again proposed that the Free State would give up its claim to the Campbell Lands, if the Griquas gave up their claims to the lands south of the Vaal River. Waterboer refused, saying that both areas belonged to him and he was not prepared to exchange one part of his own lands for another. However, both parties finally agreed that the subject of arbitration might be limited to the Campbell Lands. Arnot insisted that all these negotiations be carried out by letter and not verbally. It was just at this point, when it seemed that arbitration would finally take place, that Arnot received the news of Wodehouse's imminent departure for England, but what seemed a blow to his hopes, in fact proved very fortunate. The Acting Governor was Sir Charles Hay, who was dominated by his permanent officials, the most prominent and influential of whom was none other than Sir Richard Southey. Southey firmly believed that the Conventions were merely ob-

⁶⁸ Wodehouse to Arnot, 23rd April 1870. G.W.L.C.31. D5.23.

stacles to British control of Southern Africa and to be ignored or even, if possible, eliminated. Since he lacked Wodehouse's rigid sense of justice and much of his restraint, Southey was Arnot's ideal ally.⁶⁹

Meanwhile, another conference had been arranged between the Griquas and the Free State, this time at *Nooitgedacht*, on 18th August, 1870. It produced some startling events. According to Arnot, the Free State Executive Committee refused to hear any evidence in support of Waterboer's case from his Councillors, claiming that they were interested parties. Waterboer and Arnot therefore withdrew from the meeting after five days of argument. The Free State Commission, however, continued to sit and, having dismissed Waterboer's claims to its own satisfaction, proceeded to issue a proclamation, annexing the Campbell Lands to the Free State. Nor was this all. President Pretorius of the Transvaal had been present at the meeting and he now rushed through his Volksraad,⁷⁰ with Free State approval, a bill giving to one company a mining concession which included all the best areas between the Vaal and Harts rivers. Immediately charges of conspiracy arose, and there was uproar in the mining camps, which Waterboer encouraged by drawing up and affixing to the Diggers' Committee tent at Klipdrift, a notice stating that the Free State had failed to prove that Henry Harvey had had the authority to dispose of the Campbell Lands: that he [Waterboer] had produced Treaties (1834, 1838 and 1842)⁷¹ proving that he was indeed Chief of the whole area in dispute; that, since the Cessionaries named in the 1868 Deed of Cession and Right⁷² had failed to observe the conditions laid

69 This is not to say that Southey was dishonest in any way. He really believed that British control was best for Southern Africa.

70 With barely enough members present to make a quorum.

71 For these treaties see Chapter one, that of 1834 was with the Cape government, of 1838 with Adam Kok and of 1842 with Mahura.

72 See page 149-150.

down, it was declared null and void, and that, since circumstances in Griqualand had so changed as to make it impossible for him to rule effectively and to guarantee the security of life and property, he appealed to Britain to annex the area. This notice was dated 25th August, 1870. The chaos which now prevailed led to Stafford Parker's establishing the Diggers' Republic and to a definite British commitment to intervention, in the form of the appointment of John Campbell as Special Magistrate to the Diamond Fields. Pretorius's attempts to defuse the situation by withdrawing the concession and promising the diggers control of their own affairs came too late. Arnot had made two further appeals to Southey, stressing the threat to the road to the interior, since both major routes, to Kuruman and via Taungs, would be severed by the Free State and Transvaal annexations. The road to the north also connected the colony with the Diamond Fields, where there would be 50 000 people within six months. The British Government had to do something, for Free State and Transvaal impudence would "get the bait" unless they looked sharp.⁷³ He believed that the British Government was bound to interfere in view of Wodehouse's positive replies to the 1869 Hope Town and Port Elizabeth Chamber of Commerce memorials, appealing specially for the protection of the trade routes to the Diamond Fields.⁷⁴ A sympathetic Cape government was receiving dozens of similar appeals from businesses in Cape Town, Durban and Grahamstown, which were determined not to allow the dazzling riches of the Diamond Fields to fall into foreign hands.

Arnot, however, was clearly not yet convinced that Southey did intend to annex Griqualand West, for he continued to write urging him to do so. On 13th October he informed Southey that, if Britain did annex Albania, there would be money available, since the revenue would be col-

73 Arnot to Southey, 1st September 1870. Acc. 611, Vol. 41.

74 Arnot to Southey, 15th September 1870. Acc. 611, Vol. 41.

lectable on 1st January, 1871, and only "a mere fraction" would be claimed by Waterboer, who had intimated that he would leave the matter in Arnot's hands.⁷⁵

A week later he told Southey that even were he given a new appointment under the British Government, he would still be adviser and assistant to Waterboer and the Tlhaping and Rolong Chiefs, since he was in honour bound to assist them.

Waterboer has already given me a formal grant of land and the other Chiefs have promised. To be sure these lands may be worth little at present but some day must look up...I do not despise such tokens of gratitude.⁷⁶

Arnot seems to have felt it necessary to justify some of his activities - a guilty conscience?

Another letter dealt with official appointments in Albania in the event of annexation. He had told Charles Mathews (Acting Magistrate), and C.J. Wayland and Peter Wright (Justices of the Peace) that their appointments would cease when Britain took over in order to avoid confusion, but he recommended that Mathews (who had acted as Resident Magistrate of Colesberg whenever Rawstorne was on leave) and Wayland be made Justices of the Peace under British rule.⁷⁷

On 19th December, 1870, Arnot returned to the subject of Boer encroachments as a result of Hutton's 1869 definition of the Vetberg Line. The letter reiterated Arnot's objections to this line, which despoiled the Albanian lands of as much as nine miles in width in some cases, and continued with an agitated appeal to Southey to use his influence to prevent the Free State farmers from

coming and taking horses, cattle, Etc. Etc. to FS pounds and from lands hitherto in peaceable possession of the Albanian farmers.

75 Arnot to Southey, 13th October 1870. Acc. 611, Vol. 41.

76 Arnot to Southey, 20th October 1870. Acc. 611, Vol. 41.

77 Arnot to Southey, 26th October 1870. Acc. 611, Vol. 61.

It is most annoying that Messrs Dugmore and Cook had a few days back to release their horses (taken from their own "veld" by a so-called Free State Boer [Ochert Fourie] from as I maintain 9 miles on the Albanian side of the so-called A. Kok's Vetberg Line) out of a Pound on the East Bank of the Vaal, though north of the Riet River...

Another Fourie, Louis, had bought a farm which encroached on Wayland's farm, *Belmont*, and was constantly pouncing on Wayland's cattle.⁷⁸

...Wholly within Albania lies the farm called Kafir's Kop, mapped out last year by Mr C. W. Hutton as the property of Mr F. van der Merwe a Free State subject whilst at the Commission last year Mr Hutton told me that Kafir's Kop had been registered in the FS Land Registry as far back as 1854. I remarked that if it lies wholly within Waterboer's territory, that a registry of a farm in Waterboer's lands in their books constitutes no legal Title in favour of van der Merwe and so of course that we would on no account recognise it.

Arnot insisted that it had not been issued on British Land Certificate Title, nor on C. Kok's and that it had been illegally sold by a woman not even one of Waterboer's subjects, although it was part of Waterboer's territory.⁷⁹ And so this problem dragged on until the Land Courts finally dealt with it.

c. Settler Affairs and Conflict between Arnot and his Settlers:

At the beginning of 1868, settlers were still arriving, farms being allocated and administration being organised. Although much of the correspondence from this period deals with such matters, the first signs of conflict also showed themselves.

The first disagreements between Arnot and his settlers arose largely out of Arnot's occasionally inefficient allocation of farms and

⁷⁸ This whole situation became rather farcical. The Albanians took to marching any Free State cattle found on "their" farms off to the nearest Pound. On 5th January 1871, Arnot wrote to Southey to assure him that "on our side I have forbidden the settlers from taking the cattle &c of so-called Orange Free State burghers from disputed land to the Albanian Pounds and they have listened to orders." Acc. 611, Vol. 43.

⁷⁹ Arnot to Southey, 19th December 1870. Acc. 611, Vol. 42.

his high-handed ways, such as his handling of the matter of the pont on the Orange River.

John O'Reilly had bought the farm, *De Hoek*, at the Vaal/Orange junction, after his father's death in 1848, in order to maintain his mother by operating the pont which had been working there for several years. On 7th March, 1867, he asked Southey to intervene because Waterboer, acting on Arnot's advice, had stopped him from working his ferry. There was considerable correspondence on the subject, including a letter from Henry Green to Southey, in which he accused Arnot of having only his own interests at heart and not those of the Griqua people. Arnot, according to Green, had been given a hundred thousand morgen by Waterboer and had selected mainly river veldt and land at Backhouse, where he planned to establish his own ferry. The revenue was supposed to be about £500 per annum if O'Reilly's pont could be stopped to give Arnot the monopoly. Southey refused to become involved, but Arnot's role in the matter is certainly open to suspicion.⁸⁰ The pont caused more trouble during September, 1869, when Rostoll, who appeared to have taken over from O'Reilly as sole operator, sharply criticised Arnot for having granted Fraser permission to have a pont on the Orange.⁸¹

Then there was a dispute with John Fincham and Ralph Cawood, who asked Arnot on 12th April, 1868, for Will's two farms if still vacant, or one which A.M. Cameron had applied for but no longer wanted. The money for Fincham's farm had been sent by Biddulph and Fincham wanted the lease "drawn out according to the Allotment Plan."⁸² On 4th May Fincham told Arnot that he and Cawood had taken *Wigton* (No.22), which

80 Robertson, *op. cit.*, pp. 29, 45, 47-8, 53 and 61.

81 Rostoll to Arnot, September 1869. G.W.L.C.28, C9. No. 26.

82 J. Fincham and R. Cawood to Arnot, 12th April, 1868. G.W.L.C. 24, p. 332.

had been allotted to Kuming [?] and No.47 (*Leinster*)⁸³ allotted to Alexander Murray. They had already taken possession and regarded their hire as having started on 1st May, 1868.⁸⁴ Unfortunately *Wigton* was also claimed by someone called Saunders and, on 15th May, Cawood complained to Arnot that he was now without a place. His ewes were lambing and giving up the farm would be a serious loss, which he would not accept unless compelled. He felt that such problems would dissuade people from settling in Albania.⁸⁵

Arnot replied in placatory fashion that, although Cawood could not have *Wigton*, he could have instead the two farms allocated to Will, which he had requested in April. These farms adjoined Fincham's, No.48 (*Springvale*), and would make a splendid block - running parallel to Bid-dulph's and Colliers's farms, *Van Vuuren's Put* (now *Birbury*), *Wit Put* and *Leeuw Pan*. He urged Cawood to apply for them at once, as there were other eager applicants.⁸⁶

Wayland referred to this dispute in a letter to Arnot dated 25th May.⁸⁷ He complained that Cawood was making trouble, but was probably only trying it on and would move off on receipt of Arnot's reply. In fact, Wayland himself helped to resolve the problem, for in a postscript he mentioned being glad to find that Cawood had adopted his suggestion of taking *Quagga Pan*⁸⁸ and giving up *Wigton* to Saunders and seemed quite satisfied. He suggested that Arnot send Cawood his allotment papers as

83 *Leinster* had been *Kwassie Pan*, also spelt *Karossie Pan* or *Courasie's Pan*.

84 Fincham to Arnot, 4th May, 1868. G.W.L.C. 24, p. 359.

85 Cawood to Arnot, 15th May, 1868. G.W.L.C. 24, p. 82.

86 Arnot to Cawood, 26th May, 1868. G.W.L.C. 24, p. 169.

87 Wayland to Arnot, 25th May, 1868. G.W.L.C. 24, p. 334.

88 *Quagga Pan* had been allocated to Collier, but he had refused it.

soon as possible. Soon afterwards, Cawood did indeed ask Arnot for the papers for *Quagga Pan* in his name. He apologised for the ill feeling over *Wigton*, but was now satisfied.⁸⁹

Arnot must have breathed a sigh of relief on receipt of this letter, but seems to have learned little from the incident, for on 10th September, 1869, C. W. Mathews in his role as Justice of the Peace wrote a strongly-worded complaint to Arnot for letting William Kelly's farm *Lilydale* from under him, when he had paid the rent until the end of the year and had a receipt to prove it. Kelly had sublet the farm to R. J. Ortlepp, who had left without paying the rent. Arnot had then let the farm to Van Vuuren, without telling Kelly, who was justifiably annoyed. Arnot promised Kelly a better farm after the expulsion of Fourie, Van Vuuren and other Free State farmers. This did not soothe Kelly, who replied that he did not want the property of others and took the matter before Mathews. The latter supported Kelly and warned Arnot that his course was a wrong one, which would cause great dissatisfaction and give people reason to suppose that justice, law and safety were not to be had in Albania.⁹⁰ Arnot was summonsed to appear, but refused and Mathews was unable to force him to do so, although Kelly went to Mathews three times.

Although land was the primary concern of the settlers, contemporary correspondence made it clear that they were aware of the presence of diamonds, which must have been an added inducement to move to Albania. Writing to Arnot in May⁹¹, Wayland stressed the need to publicise

89 Cawood to Arnot, 8th June, 1868. G.W.L.C. 24, p. 335.

90 C. W. Mathews to Arnot, 10th September 1869. G.W.L.C.28, C9.29 (See also Cawood to Arnot, 26th February 1870, accusing Arnot of having let *Block's Dam* to Lowe over the head of Alwyn Van Heerden. G.W.L.C. 31, D5.9).

91 The letter also mentioned Wayland's delight at hearing that the Murrays were on their way up, since he felt Albania needed every settler

the fact that the last diamond had been picked up in Waterboer's country: "The English may deem the Country worth having if they fancy there are Diamond Fields to be found here..."⁹² Arnot did indeed emphasise the point in a letter to Southey on 11th August, in which he stated his belief that many diamonds would be found in Albania and Griqualand West, so that Britain should at once aid Waterboer and the deserving Albanian colonists. The letter also begged Southey to order Chalmers, Resident Magistrate at Hope Town, to exclude the Albanians from the ban on the sale of arms and ammunition from the Colony to Trans-Orangians. Wayland⁹³ had been refused a permit for five pounds of gunpowder and Arnot angrily complained that this was giving to their enemies the knife with which to cut Albanian settlers' throats.⁹⁴

Southey's reply was very dampening indeed:

In reply to your letter...requesting that the Settlers...may be supplied with ammunition for self-defence as well as for sporting purposes, I am directed to acquaint you that as His Excellency the Governor does not know who the Albanians are or with whom they may be concerned, His Excellency is not prepared to give directions especially applicable to them in regard to the supply of ammunition.⁹⁵

This must have been particularly hard to swallow, since Shillington has shown that, during the 1860s, Southey regularly authorised the sale of large quantities of munitions to Blacks living beyond the Orange.⁹⁶

Administration proved to be another problem in Albania. It was difficult to find officials both willing and able to fulfil their duties

it could get. The settlement acquired a doctor during 1868 - Dr Stephen Spranger, FRCS (London), who had had a practice at Alice in the Eastern Cape.

92 Wayland to Arnot, 25th May, 1868. G.W.L.C. 24, p. 334.

93 Wayland to Arnot, 4th May, 1868. G.W.L.C. C8.9.

94 Arnot to Southey, 11th August, 1868. Acc. 611, Vol. 31.

95 Southey to Arnot, 27th August, 1868. G.W.L.C.28, C8.17.

96 Shillington, K., *op. cit.*, p. 25.

satisfactorily. For instance, in October, 1868, Peter Wright resigned his Commission of the Peace, held since 30th January, 1868, due to his "inexperience in legal and official matters, as also a want of time."⁹⁷ Later, the disputes amongst Arnot, the settlers and Waterboer led to a serious breakdown of administration.

The payment of rents also caused difficulties. Although quick to complain, settlers were frequently slow to pay their rents, often through no fault of their own, since several were finding money hard to come by. Thus, on 23rd January, 1869, G.B. Biddulph of *Birbury* asked Arnot rather pathetically for an extension of time to pay, which he would do as soon as he had shorn and sold the wool. He wished to bring to Arnot's notice "the hardness of the times, and the difficulties [sic] young beginners [sic] have to contend with on these new and unworked places", which had taken all his ready cash, when he had nothing coming in. He regretted having to appeal in writing, but had no horse, so could not call in person.⁹⁸ John Fincham, too, was financially embarrassed and had leased one of his allotments, *Springvale*, to Ralph Cawood.⁹⁹ Even Arnot's son-in-law, Francis Somerset, was finding times hard and appealed to Southey for an official appointment to tide him over.¹⁰⁰

Another Albanian irritation was the irregularity and uncertainty of postal deliveries, as an item from a March edition of the *Colesberg Advertiser* indicated. The writer understood that all the Albanians

97 P. Wright to Arnot, 19th October 1868. G.W.L.C.28, C8.27.

98 Gilbert Burnet Biddulph to Arnot, 23rd January 1869. G.W.L.C.28. C9.1.

99 Receipt Arnot to Cawood, 19th February 1869. G.W.L.C. 23, p. 399.

100 F. H. Somerset to Southey, 1st July 1869. Acc. 611, Vol. 36.

would willingly contribute towards the cost of a post between Hopetown and Albania, to ensure delivery of letters and papers.¹⁰¹

However, these problems were minor compared with the conflict between Arnot and his settlers, which started in November, 1868. It began with a petition from the Reserve lessees to Arnot, asking for a reduction in the rents being levied on the settlers. This was despite a Griqua Government Public Notice of 18th November, 1868, pointing out that Arnot was the required intermediary in all transactions with the Chief and warning settlers that they should heed his instructions.¹⁰² As this petition sums up settler grievances very clearly, it is quoted in full:

We the undersigned inhabitants and Lessees of farms in the Reserve in the Province of Albania beg most respectfully to bring to your notice

1st The smallness of the farms in the Province and the incapability of carrying the Quantity of stock required to be kept on them sufficient to make good the annual rent of each and every such farm.

2nd That these farms can only be used and termed as midling [sic] sheep and cattle farms and that you cannot cultivate on any one of them without going to a very large expense - in fact an outlay so Great that but few Persons would be able or in a Position to carry out.

3rd We have to beg and request that you will take into your favourable consideration the heavy Rents laid upon these farms and that through the Great depression in the wool market as well as the market for all kinds of stock and that we Petitioners do not find ourselves in a Position to pay the Enormous Rent Fixed upon these farms.

4th Petitioners therefore beg most respectfully to suggest that you would Give this their Petition your favourable consideration, and reduce the present rents of every farm to £15.

5th That your Petitioners are sorry to find that some of the occupiers of farms in this Province have made up their minds to leave. This is we believe caused through the exorbitant [sic] rents to be paid as also the paying the money into the Colesberg

101 Colesberg Advertiser, 2nd March, 1869.

102 The notice appeared in the *Colesberg Advertiser* on 16th February, 1868. It also pointed out that only merchants were required to have licences to travel through Albania. Ordinary travellers were exempt from this requirement.

Bank which puts them to a great inconvenience and expense as also their objection in toto to the Leases which they have to sign.

6th Your petitioners further think that by reducing the rents to the sum now proposed by them viz. £15 p. farm the whole country will be occupied by a respectable class of people. We your petitioners have further to request that you will give this our Prayer your immediate attention and favour them with an early reply ...

Signed: Ralph Cawood, T. H. Somerset, W. M. Marillier, Geo. C. Stubbs, A. Murray, Ino. Murray, E. Faber, A. van Eerden, John Rostoll, Thomas Saunders, John Fraser,¹⁰³ P. T. Moller, W. G. Holtzhouzen.¹⁰⁴

This petition was the beginning of a long and increasingly acrimonious battle between Arnot and the settlers.

Fortunately, some of the last events of 1868 were more pleasant for Arnot. On 30th December, Nicholas Waterboer granted a mining Concession,¹⁰⁵ the Deed of Cession or Acte van Concessie, of all mining rights for 30 years, outside Albania and Waterboer's private lands, to the following: Charles Wheatley Mathews (*Suffolk*, Albania), Wm Grimmer (Colesberg), Lorenzo Boyes (R. M., Namaqualand), Fitzroy Henry McClean Somerset (*Palmietfontein*), Henry Green (R. M., Colesberg), Henry Beadle (Cradock), David Arnot (*Eskdale*) and Andries Waterboer, Nicholas's son.

Arnot had kept uncharacteristically quiet about the negotiations for this concession. He had written to Southey on 6th December, for instance, mentioning the diamond discoveries but saying nothing about the concession,¹⁰⁶ although he did mention that the Chief had been applied to

103 John Fraser had only been on his farm for a few months. He had written to Arnot on 21st July, 1868, to say that Rostoll had shown him the line on one side and Saunders on the other and that his stock were there, and he and his family intended going over "next week". He had sent the money for his farm. Now, only four months later his name was appended to the list of dissatisfied tenants.

104 Petition of Inhabitants to Arnot, 23rd November, 1868. G.W.L.C.23, p. 331.

105 Concession by Nicholas Waterboer, 30th December 1868. G.H. 14/2.

106 See page 139.

by some gentlemen in connexion with Mining Companies in England, with offers to carry on Diamond and Gold mining as well as of other minerals in his country.¹⁰⁷

Clearly he was afraid of competition, and anxious to get the Diamond Metal and Mineral Association established without too much publicity, probably because he knew the concession could not be enforced, but hoped to make money by selling the company.¹⁰⁸ All kinds of skulduggery followed, involving the origins of the "Star of South Africa" and the subsequent court case, which denied the right of the concessionaires to sole prospecting rights.¹⁰⁹ In 1870, Arnot claimed that the Cessionaries had agreed to the nullification of the concession for the good of the country, since this would facilitate annexation. A less charitable view is that he made a virtue of necessity, especially when it is found that each of the Cessionaries was granted two farms between the Vaal and Harts rivers at £3 per annum quitrent, as compensation. These grants therefore accounted for 16 of the claims in this area. Unfortunately, not all the Cessionaries were prepared to give up their claims as readily as Arnot and some of them appointed a lawyer (James Wykeham of Hopetown) to take the case further. On 15th September Wykeham, acting on behalf of Charles Mathews and unnamed "others", wrote to Waterboer to complain about the cancellation of the Deed of Cession, telling him that it was an illegal action and that Mathews held Waterboer and his government responsible for all damages and costs which he had already incurred, or would incur.¹¹⁰ This was yet another problem which would require settlement by the Land Courts. It should be noted here that the Cape Government was very slow to take action regarding their right to

107 Arnot to Southey, 6th December, 1868. Acc. 611, Vol. 33.

108 For full details, see Robertson, M., *op. cit.*, pp. 156-161.

109 *Ibid.*, pp. 148-190.

110 G.W.L.C. 24/351.

precious stones and metals found in South Africa. In December 1868 the Duke of Buckingham and Chandos sent Wodehouse details of the rights of the Crown in Brazil to diamonds found on Crown lands which had been sold, "in case any extensive discoveries should follow, it might not be proper to make suitable reservations in any Crown lands disposed of in the neighbourhood", but nothing was done for some time.¹¹¹

More valuable to Arnot than the Concession was the fulfilment of the unanimous resolution taken by Waterboer's Council at Backhouse on 8th August, 1867, that Arnot should be granted the Albanian Reserve in freehold in recognition of his services past and future and to provide a suitable income for him and his family from its rents and usufructs. This grant was made on 29th December.

The terms of the grant of the enormous Reserve, measuring nineteen miles on each side (361 sq. miles), were as follows: It was made to Arnot's minor son, William Octavius Robert Arnot, with Arnot, Dr William Grimmer, Thomas Draper, Junior, and Thomas John Plewman appointed joint guardians and Curators. By joint will with his wife, Arnot could decide how to use the income for the "maintenance and education" of his son and for the enjoyment during his lifetime of himself, his wife and their children.¹¹²

111 G.H.1/61 - 1/65. See also *Diamond Fever*.

112 Grant by Waterboer and Council, 29th December 1868. G.W.L.C.28 (C6 No. 33)A. The Reserve borders were as follows: The Northern line of the "Reserve" includes (takes in) the pieces of ground inspected and marked off by the Commission of Inspection now known as No. 28 *Summerhill*, No. 29 *Ottawa*, No. 30 *Coventry*, No. 31 *Lilienstein*, No. 37 *Egmont*, No. 44 *Bannockburn*, No. 50 *Forfar*, No. 54 *Chalk Farm*, No. 56 *Hopefield*, No. 64 *Burton* to the East including No. 65, No. 60 *Oatlands*, No. 59 and 61 *Tyrone*, No. 55 *Devondale*, No. 58 *Donnybrook*, No. 57 *Suffolk*, and excepting by the farm *Eskdale* the Reserve grounds are bounded on all sides by the Orange River and further it is to be distinctly understood that the confirmation of the inspection of "Reserve" grounds herein named and the granting hereof shall - even in the absence of more complete documents - serve as a final document of perpetual grant.

A second grant, made on 31st December, 1868, gave Arnot *Eskdale* (*Loskops Fontein*) and a piece of ground at Douglas (or Backhouse) about 12 acres in extent as a "gift in perpetual freehold property". As in the case of the first grant, this one was made for services rendered and to be rendered, these grants "indicating our well meant and fond feeling and respect towards him."¹¹³ Arnot could dispose of *Eskdale* and the land at Backhouse by joint will with his wife as he thought fit.

There is considerable doubt about the legality of the grant giving Arnot the Reserve, a subject which will be discussed in a later chapter. Arnot claimed that it was his reward for reactivating the 1834 treaty in 1859, but since Britain denied having reactivated it, the claim is unconvincing. Nevertheless, by the end of 1868, Arnot must have felt that at last he had made adequate arrangements for the future security of his large brood.

He did not have long to feel complacent. Things were not going well. Southey had not been replying to his letters and on 22nd April, 1869, Arnot wrote querulously:

How is it? I never get a line even from you, although I have written several times. Is there anything wrong between us? I hope not.¹¹⁴

It was also at this time that some of the settlers attempted to have Albania annexed to the Free State, no doubt out of frustration at the lack of efficient, firm administration. Wayland himself favoured this move, because, like the other settlers, he was annoyed that the original conditions laid down by the Constitution act had not been carried out. He

113 Grant of *Eskdale*, 31st December 1868. G.W.L.C. 28 A. Since this grant was mentioned in the 1867 Constitution Act, this merely confirmed it.

114 Arnot to Southey, 22nd April, 1869. Acc.611, Vol.35. This letter also contains the news that Mathews had opened a large store in Albania, from which to supply hunters going into the interior, a trade for which Albania was well-situated.

wanted free title to his lands so that he could do what he liked on them. However, others strongly opposed the idea of Free State annexation, as this well-argued letter from the Colesberg Advertiser¹¹⁵ makes clear:

If such desire [for annexation] were originated by the Resident Dutch farmers only, there is no doubt that it would be agreeable to the Boers' feelings, and cause no surprise generally. They (the Boers) could not be blamed for leaning to a Government, consistent with their own notions and supported by their kindred. The English farmers had best deliberate upon the consequences of surrendering the control of their possessions to a foreign power. Setting aside the transfer of their fealty, what would they gain by denying their obligations to Waterboer? Although the Albania farmers have the possession of the land secured to themselves yet they can neither convince themselves nor anyone else that they have the right to surrender their estates to the Free State Government or any other power, independently of the sanction of Waterboer, while he is in the capacity of a landlord. The Albania farmers have the right to govern themselves consistently with that which is "lawful and right", in accordance with the conditions of their occupancy, but their laws must be consistent with the lawful rights of others. The stuck-up self assertions of a few discontented tenants will never make their titles amount to free-holdings of the land. If they can see so much perfection in the administration of the Dutch law, they can undoubtedly adopt the whole jurisprudence of the Free State, or such portions as may suit their requirements; but they cannot bring to their aid any law or laws that will nullify the superior right and title of Waterboer to the land which he has granted to the Albania farmers for agricultural or pastoral purposes at a nominal rental. They can build, cultivate, improve and increase the value of their farms, so that the Chief, should he desire to retake them into his own possession, would find great difficulty in paying for them at an increased value; unless after the expiration of the twenty-one years the farms are made of less value than at the beginning of the lease. But with moderately well-directed industry in opening springs, making dams, deepening pans, building houses, stables and necessary outhouses, planting orchards, vineyards, orangeries and inclosing land for cultivation - the increased value of the farms would be too great for Waterboer or his Exchequer to pay for; so that the farmers may have the possession of their places entirely in their own power, if they only look after their interests and let petty jealousies alone. Individual errors may be the cause of severe grievances and merit the censure of the inhabitants generally, but the welfare of this little state can certainly be safely guarded, nursed and watched over by thoughtful and well-guided combination; and the misdirected efforts of a grasping person cannot do much harm by attempts at avaricious encroachment. The Colonial Government cannot soothe itself into a state of indifference with respect to the Government or possession of this important little corner. Being one of the highways to the interior, a

115 Colesberg Advertiser, 22nd February 1870. G.W.L.C.30. D1.14.

bar could be placed here which would turn a valuable trade entirely in another direction, and cut off from the Colony, in this direction, a large amount of capital, and do much mischief, not only to the vested interests of Hopetown, but to their places. The least that can be looked for will be the kind consideration and advice of His Excellency the Governor and the sympathy of the members of the Colonial Parliament.

The letter was signed by "One who paid a short visit." Harmony was clearly in short supply in Albania. James Wykeham, told by Arnot about this move toward the Free State, also thoroughly disapproved and hoped that Arnot would checkmate his opponents and "make them suffer for their malicious and spiteful behaviour to you."¹¹⁶

This was more easily said than done. On 28th September, 1869, the settlers held the first of a new series of meetings, on Fraser's farm *Langford*, to protest against the high farm rentals. It appears from the minutes that Arnot had agreed to reductions, but had then sent round an uncompromising circular, to which the lessees took great exception. Fraser chaired the meeting and it was agreed that a receipt was sufficient to enable a settler to vote. Then the following points were made. Although the settlers knew that the farms were intended to be 3 000 morgen, few had seen the beacons and many doubted that their farms comprised their full extent. Secondly, the settlers felt that it was impossible for any man to know the capabilities of his farm until he had occupied it for a year or two, especially as lack of water had made it difficult to assess the farms' true potential, even though the lessees had spent a great deal on improvements.

Thirdly, the meeting was reminded that the original charge per acre had been 1 1/8d, so settlers had assumed that the farms were in most cases larger than 3000 morgen "on account of the high sum charged for individual Farms." These high rentals would have been impossible to pay even had the wool market remained firm. The settlers were prepared

¹¹⁶ Robertson, M., *op. cit.*, p. 197.

to pay no more than the £22.10s Arnot had "promised individually" and in answer to the settler Memorial to accept. They were astonished by "the tenor of the present circular" which they considered quite uncalled for considering Arnot's promise. The settlers were prepared "to subscribe the Leases on their being altered and submitted to any qualified Advocate that can attend to their interests or laid before them for consideration." If Arnot rejected this, the settlers wished to be permitted to appeal to Waterboer personally.

The settlers felt that rentals should be paid at a place within Albania, and that Arnot's requirement that payment be made in Hope Town indicated lack of confidence in Albania's future.¹¹⁷

Cloete and Muller, absent because they did not know about the meeting, were to be informed of the resolutions. The Minutes were then signed by those present.¹¹⁷ Rostoll, Cawood and Fraser were delegated to communicate the views of the meeting to Arnot. Rostoll later told the land court that the same three men had been appointed to visit Waterboer, but had not been able to get a satisfactory reply from him, for he had merely said that the Reserve was kept to pay Arnot's salary. On other occasions he had refused even to discuss this subject.

On 11th October, Fraser told Arnot that he could not answer the latter's letter to him in response to the communication of the meeting's views, because the Settlers had promised to act in unity, but Arnot's document would be placed before a meeting scheduled for 19th October.¹¹⁸

Before this meeting took place, the Albanians also demanded that the Constitution, the grant of which had been "one of the principal and

117 Minutes of a Meeting of Albanians, 28th September, 1869. G.W.L.C. 23, pp. 337-9. Those who signed the Minutes were J. M. Fraser, A. Van Eerden, Geo. C. Stubbs, R. Cawood, W. Kealey (Kelly?), J. Rostoll and P. T. Muller.

118 Fraser to Arnot, 11th October 1869. G.W.L.C.28, C9.48.

most important conditions in leasing the farms in Albania", be created within five weeks of the date of the letter.

Upon the compliance or non-compliance of this request depends our further operations and stand we take as settlers in Albania under the inducements held out to us.¹¹⁹

Arnot did not comply with this demand and the next meeting took place as planned, at *Brechin*, Ralph Cawood's farm,¹²⁰ under Charles Mathews's Chairmanship. The settlers refused to believe Arnot's statement that the Chief saw the previous meeting's decisions as a derogation of his rights. There had not been time for Arnot to have seen the Chief or his Council, so his reply could not possibly represent the Chief's views. (Arnot was acting in his usual high-handed way, without the Chief's knowledge or consent.) Waterboer was known to be approachable and the settlers felt the problem should be laid before him if Arnot refused to carry out the terms on which the settlement had been made.

The Chairman noted his dissent from this.

The meeting also found it hard to understand the way in which Arnot was now distinguishing between the Public and Private Grounds,

119 The Albanians to Arnot, 15th October, 1869. G.W.L.C. 23, p. 348. This ultimatum was signed by C. W. Mathews - *Suffolk*; A. Mathewson - *Donnybrook*; Peter Wright - *Wiltshire*; E. B. Cook - *Thornhill*; B. Williams - *Burton*; A. de Villiers - *Cameelvantein* [sic]; Henry Dugmore - *Torquay*; H. Dugmore signed on behalf of J. W. Dugmore - *Smithfield*, and J. H. Dugmore - *Thomaston*; H. G. Stenekamp - *Clydesdale*; Alfred Buckley Junr. pro Alfred Buckley Senr - *Buckland*; Alfred Buckley Junr. - *Nottingham*; I. Hughes Senr. - *Carnarvon*; P. Wright signed for T. H. Sinden and Alex Murray; Geo. C. Stubbs; H. H. Holtshuizen; A. van Eerden; Ralph Cawood; T. Holtshuizen; F. Cloete; W. Kealey [Kelly?]; P. Moller; W. Ashbrook; C. Faber; J. Fraser; C. Lottering; G.B. Biddulph; J. Rostoll; - a total of 30 names.

120 Those present were C.W. Mathews*, Frans Cloete*, Alwyn van Heerden, Paul Moller*, Theunis Holtshuizen*, Alex Mathewson*, William Ashbrook*, Peter Wright*, George Stubbs, John Fraser*, Frans Lottering, Ralph Cawood*, Wessel Holtshuizen*, William Kelly*, John Rostoll*, Her. Holtshuizen*, Gilbert Biddulph, W.M. Smith, Cornelius Faber*, Hy. Dugmore*, Conrad W. Lottering*. The names marked with asterisks are those who signed the minutes at the end of the meeting.

since they had always understood that Waterboer had nothing to do with the Reserve. In any case, they considered any concession or agreement made by Arnot as equally binding on the Chief, since they, the Lessees, had made such agreements in good faith.

The meeting then passed a resolution, proposed by Peter Wright, that since two years had expired without an act of constitution being granted, Waterboer and Arnot should be requested by letter to draw up such a constitution at once and submit it to the settlers for approval.

It was also agreed that, in the event of the Chief's deciding to carry out the plan promulgated in the circular (although the settlers felt it was quite uncalled for), they should point out to him that, in all fairness and in terms of the law, they were surely entitled to some compensation for the work done on the farms, as well as for the other losses sustained as a result of embarking in all good faith in the formation of the settlement.¹²¹

To this are appended the names of C. W. Mathews, P. Wright and A. Mathewson. Mathews, Fraser and W. Holtshuizen¹²² were asked to communicate these views to Arnot. In the absence of the Circular, it is difficult to know what the Chief's plan was, but it would appear that Arnot had threatened to hand over the affairs of the Reserve to Waterboer, or that Waterboer had decided to buy out the Albanians and get rid of their troublesome presence.

Arnot took extreme exception to the settlers' decision to seek a personal meeting with Waterboer, choosing to see it as a reflection on his ability to deal with the situation. He complained angrily to Mathews, but the latter replied that he could not understand Arnot's atti-

121 Minutes of a meeting at *Brechin*, 19th October, 1869. G.W.L.C. 23, pp. 345.

122 The spelling of this name varies greatly, but *Holtshuizen* has been preferred where it is not part of a direct quotation.

tude respecting the Conference with the Chief. He was not aware of its being to hear complaints against Arnot, but believed it to be an effort to get the constitution act drawn up. He promised to mention the matter at the next meeting.¹²³

Arnot refused to be pacified, and in a fit of pique renounced all activity in Albania: the Chief could take over and he "would be saved an immense deal of bother and heart-burning."¹²⁴

Cawood mentioned the letter to Mathews, who wrote rather anxiously:

I am not aware the Chief had taken the lease matters into his own hands. Do you mean to say the reserve ground is to [be] paid to him as well - or merely the Govt. farms. I suppose though the latter - Janzy wrote me word there were no officials in Albania & any complaints must be lodged at Griqua Town. Now this is folly and in direct opposition to the notice signed by himself last December "rather than the Chief."

Now Arnot, my dear fellow, let me know if there is to be any bother with these places or not for I cannot afford to improve this place to the extent I am doing and then to lose it. I am now building a comfortable house which I will at once knock on the head if necessary...I wish to make this and the neighbouring farms my stay with my children for life - therefore let me know...By the bye the meeting of inhabitants is on Monday next at Mr Cloete's. Say if there is anything you wish to say.¹²⁵

Ironically, only a week before this meeting, in a long letter attached to his account, William Phillipson of Phillipson and Co., told Arnot that he was glad to hear that Arnot was

in a fair way to put a finishing stroke upon your refractory tenants...some people here say that "Arnot is one too many for all the Albanians with all their public meetings and protests into the bargain..."¹²⁶

Phillipson's flattering remarks were very wide of the mark.

123 Mathews to Arnot, 30th November 1869. G.W.L.C.28 C9.63.

124 Arnot to Cawood, 4th December 1869. G.W.L.C.24 p. 10.

125 Mathews to Arnot, 7th December 1869. G.W.L.C.28, C9.67.

126 Robertson, M., *op. cit.*, p. 226. This letter, dated 6th December, 1869, ended with a gentle but firm reminder that Arnot had not paid his account.

The next meeting duly took place on 13th December at *Birbury*. Peter Wright took the Chair, and Mathews, as Secretary, read the letter he had received from Arnot after the last meeting. It was then minuted that the Chief had decided to investigate the matter personally, which delighted the settlers, who felt that the farms of Cloete, Faber and Wright would be suitable for a conference with the Chief.

Next the meeting was told about the letter which Cawood¹²⁷ had received from Arnot at the beginning of the month and it was agreed that no further payments of any kind would be made until the meeting with the Chief had taken place.¹²⁸ This motion was carried by sixteen votes, Mathews dissenting. The meeting denied that any charges other than those set out in the previous minutes, had been brought against Arnot. Copies of these minutes were to be sent to both Arnot and Waterboer. This was done on 18th December.

The day after the meeting Mathews, who seems to have been one of Arnot's very few supporters, wrote kindly that he had resigned as Chairman and Wright had been appointed instead. Little or nothing had been done at the meeting and he was very sorry that Mrs Arnot was taking "to heart the behaviour of the inhabitants here". He hoped that the dispute would soon be resolved.¹²⁹ Fraser's conscience apparently worried him too, for he told Arnot that, although he was glad the Chief was taking

127 Arnot to Cawood. 4th December 1869. G.W.L.C.24 p. 10.

128 "Minutes of a meeting of Inhabitants and Lessees of Albania." 13th December 1869. The following Inhabitants and Lessees of Albania were present: P. Wright; C. W. Mathews; Wessel Holtshuizen; J. Fraser; Edward Cook; R. Cawood; W. Kelly; H. Dugmore; H. Oates; F. Cloete; P. Moller; Munick; D. Willemse; A. de Villiers; Th. Holtshuizen; A. van Heerden; Cor. Faber; Her. Holtshuizen. G.W.L.C.23, p. 340.

129 Mathews to Arnot. 14th December 1869. G.W.L.C.28. C9.73.

over, he regretted the disagreement over the rents and Lease Deeds. If Arnot were a sheep farmer, he would understand the settlers better.¹³⁰

Meanwhile, the Krotze family removal in early November had led to very strained relations between Waterboer and Arnot, so at this point Albanian administration became very difficult. There was little communication amongst the three groups involved and anarchy seemed imminent.¹³¹ For instance, on 23rd December, Mathews wrote angrily to Arnot about what had occurred when, as Resident Magistrate, he had attempted to arrest some thieves. Faber, Smit and two traders, Page and Emslie, had defied him, saying that there was no-one of any authority in Albania.¹³² Mathews demanded that Arnot should at once ask Waterboer to reprimand Faber and Smit and support him, or he would resign. It was essential that the Chief should support those placed in authority, unless he wished "that nothing but disorder, and dissension should reign instead." He considered that the present disturbance was entirely owing to the Chief's sending messages to such people as those he now complained of "That there were no officials in Albania".¹³³

In addition, the settlers were not paying their rents. James Wykeham in Hopetown complained to Arnot early in January, 1870, that

130 Fraser to Arnot. 15th December 1869. G.W.L.C.23, p. 344.

131 Tellingly, even road maintenance was being neglected, for, on 15th September, 1869, the Secretary to the Hopetown Divisional Council complained to Arnot about the bad state of the road from *Waterford* to the *Ioskopen*, which was the main road to the interior. He appealed for the removal of the stones, which were inconveniencing the many travellers passing that way.

132 There were certainly some grounds for this accusation, as John Fraser wrote to Arnot in September 1870: "The great fault all along in transacting Albanian affairs seems still to continue; it is really a pity [*sic*] there is not more confidence under all."

133 Mathews to Arnot, 23rd December 1869. G.W.L.C.28, C6. No. 33. See also letter Mathews to Arnot, 7th December 1869.

only one settler, Jacob Erasmus Jnr of *Clydesdale*, had paid his £15 rental for the current year, although he had noticed

that a great many of the Lessees were here in Town during the past week - several of whom called upon me but did not pay - John Rostoll in a most uncourteous and violent manner said positively that he would not pay.¹³⁴

Meanwhile an Albanian delegation, which appears to have included Peter Wright and John Fincham, had had an interview with Waterboer and Arnot in December, during which Waterboer had said that the Reserve did not belong to Arnot, but only two farms totalling between 20 and 25 000 morgen.¹³⁵ Thereupon Fincham had abruptly told Waterboer, "If it is Arnot's I will not work on it",¹³⁶ to which Waterboer replied that it was not, so he could safely work it. Arnot had asked Fincham whether he was against him and Fincham had said that he was not, but he wanted justice. Again, Waterboer and Arnot had told him not to be foolish, but to go and work his farm, which he had done.

The meeting at Cornelius Faber's farm, *Stuurman's Kuil*, took place on Monday, 17th January:

for the purpose of taking into serious consideration, a course to be adopted (consistent with the authority of the Chief and...necessary to the good Government of Albania) to give effect to the result of the interview of Mr Wright with the Chief last month and generally.¹³⁷

Arnot was present at this meeting, having been informed of it by Mathews, and it was decided to seek another meeting between the settlers and Waterboer and his Council, at Griqua Town. According to Arnot and Orpen's book on the land question, this meeting produced nothing but frustration since the Griqua Government proved unable to resolve the settler

134 Wykeham to Arnot. 11th January 1870. G.W.L.C.31. D5.1.

135 See Appendix Two. The leases given to the settlers made it quite clear that the Reserve was private property.

136 Stockenstrom, A., *op. cit.*, p. 213.

137 Mathews to Arnot, 13th January 1870. G.W.L.C.31. D5.2.

grievances. In the end, while acknowledging Arnot's efforts, the Council asked that he return all documents in his possession and allow them to sell, as Adam Kok had done, to the Orange Free State and leave the country altogether. It seems bitterly ironic that the scheme intended to save the Griquas from the Free State should have collapsed to a point where the Griquas felt that selling out to the Free State was better than dealing with the squabbles and avarice of the settlers who had come to provide the protective "wall of flesh." However, Cawood later told the land court that the meeting had failed because of the wrangling of Wright, Wayland and Arnot. The latter had refused to allow the Raad to interfere in reducing the Reserve rents, because they were his business. Waterboer had finally told the settlers to go home and he would be present at yet another meeting to be held at Faber's farm in March 1870. It may have been at this time that Waterboer described the dispute in a delightful image:

I see Arnot has dug a deep well for you and you are at the bottom of it, and can't get out, and called me to assist you. I will bring a ladder to bring you out.¹³⁸

At this meeting, the lessees demanded their farms on the same terms as the government farms. Waterboer told the angry lessees that they should pay the full rents for 1870, but in 1871 the amounts would be reduced and he would receive them himself, as they could not agree with Arnot. Again Waterboer was asked about ownership of the Reserve and said that it was his. Arnot did not reply. Fincham later complained to the land court that on the strength of this he had made considerable improvements to *The Grange*.¹³⁹ At the same meeting Arnot begged Cawood not to go against him. Cawood replied that no-one would if Arnot kept his word

138 Stockenstrom, A., *op. cit.*, p. 219.

139 He had a house of 1 600 square feet, a shop of 1 620 square feet, outside buildings, a kraal, fully stocked land and a dam.

about reducing the rents. Arnot then promised to reduce Cawood's rent (this seems a little underhand) and told Waterboer about the arrangement. Cawood was clearly not fully convinced of Arnot's integrity, and asked for this promise in writing. When Arnot said that he had his word, Cawood retorted that Arnot had so often broken his word he could not trust to it. Arnot answered, "If I break my word you can call me vagabond whenever you meet me".¹⁴⁰

William Kelly also made it clear that he was extremely dissatisfied with Arnot, and, outside afterwards, said to Waterboer:

it seems Arnot is king, not you; [Waterboer] said Arnot is nothing, he is my dog...I said take care the dog does not bite you, he has tried to bite some of us, and has bitten me.¹⁴¹

After this meeting, Cawood, Fraser and Rostoll were asked to go to Douglas to see the Griqua government again. All the Councillors strongly denied that the Reserve belonged to Arnot, even though Cawood said that he had seen a document giving it to Arnot and accused Waterboer of granting the land without his Council's knowledge. This annoyed Waterboer, who ended the meeting. Arnot was also greatly annoyed when he heard about it and refused to reduce the rent on Cawood's farm after all. After this Cawood and Faber went to Arnot twice about having their improvements valued. Arnot again tried to buy them off by offering to reduce their rents and asked why they should bother with the others. This time Cawood refused to be bribed and insisted that what Arnot did for one, he should do for all. If he would not reduce the rents, he should pay out on the improvements. Arnot merely replied that he was not a bank and asked where he was supposed to get the money to pay out the settlers.

140 Stockenstrom, A., *op. cit.*, p. 215.

141 Stockenstrom, A., *op. cit.*, p. 220.

By this time, Cawood and Fraser were already planning to leave, although Waterboer asked them to abide by the arrangements made with Arnot for the rest of 1870, new arrangements could be made for 1871. If no agreement could be reached, they would be paid out for their improvements, so that they would not be the losers.¹⁴² A second letter accepted that settlement could not be reached and granted them permission to appoint a valuator, as he would likewise do, to appraise the work done on their farms.¹⁴³

Fraser informed Arnot of these arrangements, saying that he would tell the settlers of the "paying out idea" and encourage them to appoint disinterested valuers as soon as possible, so as to get the matter cleared up quickly. The Chief would act as arbitrator should Arnot's and the settlers' valuers not agree.¹⁴⁴

A few days later, Fraser invited Arnot to the 19th April meeting at *Langford*. He added that Arnot would naturally have to approve of the valuers selected in disputed cases, but disagreed with Arnot's suggestion that a specific day should be set for the commencement of valuation, on the grounds that this was "premature and arbitrary".¹⁴⁵ Arnot did not attend the meeting, so Fraser sent him a report. It had been a Sunday and few people had been present, so it had been decided to resume after Church. Those present had generally felt that no one lessee should "be at liberty to lease" until a general valuation had taken place and all had been paid out. The date for taxation was to be set-

142 Waterboer to Cawood and Fraser, 12th April 1870. G.W.L.C. 23/391.

143 Waterboer to Cawood and Fraser, 12th April 1870. G.W.L.C. 23/395.

144 J.M. Fraser to Arnot, 14th April 1870. G.W.L.C.31. D5.20.

145 Fraser to Arnot, 16th April 1870. G.W.L.C.31 D5.21.

tled when the valuations had been approved, but for the present nothing definite had been decided.¹⁴⁶

Waterboer¹⁴⁷ himself loyally continued his attempts to persuade the settlers to pay their rents, but by this time Fraser was almost ready to leave and asked Arnot whether, if he were able to trek before September as he hoped, eight days would be sufficient notice and whether Arnot would still be prepared to pay him out.¹⁴⁸ Fincham had already left and was living at Klipdrift with the thousands of other hopefuls searching for diamonds. In October, 1870, Arnot reminded him that his £30 rent on *The Grange* (fixed on allocation to its first owner, Collier) was due on 1st January, 1871. He hoped there would be no difficulty about paying,

inasmuch as great success seems to have attended your efforts at the Diamond Fields combined with the fact of wethers (hamels) selling now at 18s/ each at the Diggings, which facts I do not however quote to expect that you should pay me higher rents than that named in the original allotment of *The Grange*.¹⁴⁹

Fincham promised to pay as soon as possible, but added gloomily that he was sorry to say that he had not been very fortunate in the fields up to then in finding diamonds.¹⁵⁰

As settlers began to trickle out of Albania, the problem of who had authority raised itself again. From the following correspondence, it is clear that administration was being severely hampered by this uncertainty.

146 Fraser to Arnot, 20th April 1870. G.W.L.C.31. D5.22.

147 Waterboer to Fraser and Cawood, 20th May 1870. G.W.L.C. 23/356.
Also Fraser to Arnot, 23rd May 1870. G.W.L.C. 31. D5.29.

148 Fraser to Arnot, 28th May 1870. G.W.L.C. 31. D5.31.

149 Arnot to Fincham, 25th October 1870. G.W.L.C.23, p. 356.

150 Fincham to Arnot, 19th December 1870 (from *The Grange*). G.W.L.C.23, p. 362.

C. W. Mathews had asked Peter Wright and John Fraser to act as a Commission for the provisional settlement of a question of disputed boundaries pending between Alwyn van Heerden of *Ottawa* and M. C. Louw of *Lilienstein*. Wright replied that he had

to state that as the farms in question are situated within what is called the "Reserve" in the internal affairs of which I have neither interest or voice; I would consider myself as intermeddling in matters beyond my province, were I to undertake the functions you require of me.

He declined to be a member of the Commission, and went on,

Permit me to add, that until the receipt of your communication..., I was not only not aware that you were discharging the functions of Resident Magistrate of Albania, but was entirely ignorant that such an official person was in the district, no public intimation of your appointment by the Chief and Council having been made in newspapers or by circular. In Mr David Arnot's circular letter dated Griqua Council Chamber Griqua Town 22nd Dec. 1869 addressed to yourself, Mr J. M. Fraser and myself, we were informed that we must have recourse to the Magistrate's Court at Griqua Town, in all matters of complaint of a magisterial nature; and it so happens that by a letter lately received by me from Mr Francis Orpen, I learn that he still claims the office of Resident Magistrate of Albania as appertaining to him of right. In April last the Chief Waterboer told Mr Sinden and myself that the Public grounds would from that time be under his sole charge. Such being the case, I must, for my part and without intending the least offence to you personally, decline to recognise your present authority.¹⁵¹

Mathews, however, did take personal offence and wrote indignantly to Arnot, enclosing Wright's letter and demanding that it and a copy of his letter be sent to Waterboer

as it would be useless my attempting to keep order in Albania without receiving the support from him I am entitled to...If known at all that my authority is questioned, even by one individual, you are well aware the consequences would probably be very prejudicial to the good of the settlement; inasmuch as the want of a Constabulary force prevents my carrying out any decision in a case that might be requisite.¹⁵²

A few weeks later Mathews had further cause to complain of his lack of effective authority, this time in connection with the Van Schalkwyk mur-

151 Peter Wright to C. W. Mathews, 13th September 1870. *Zoutpans Put*, Albania. G.W.L.C. 31. D5.61.

152 Mathews to Arnot, 1st October 1870. G.W.L.C.31, D5.61.

der trial.¹⁵³ Sinden had not bothered to obtain Mathews's signature on the warrant for Van Schalkwyk's arrest and had in fact "questioned my having any authority whatever in the settlement."¹⁵⁴

By this time, government was barely functioning in Albania. Arnot's officials had little support or power. Once again he turned to Southey, begging him to take over the country to eliminate this anomalous situation. He thought it unnecessary to have

two sets of administrations over one and the same tract of country and over the same people namely British subjects ie one administration exercising only criminal jurisdiction under 26 and 27 Vict. Cap. 35 and the other (the Albanian) both criminal and civil under and for behalf and in the name of the Chief, so long as no settled arrangements shall have been arrived at, as to taking over Albania, and sole charge shall have been taken up by the British Govt. of both its civil and criminal jurisdiction. [It would be a pity if the Diamond Fields residents could not get] a settlement of a civil case without having to come to the Albanian Court or the Colony - for the Albanian draft constitution made it optional in some and compulsory in cases where capital crimes were involved that the cases should be referred to the Colonial Courts.¹⁵⁵

One feels that Arnot should have thought of all this earlier.

153 This trial caused considerable difficulty. Van Schalkwyk was accused of committing a murder on A. Buckley's farm, but according to a report in the *Friend of the Free State* of 15/12/1870, "the Magistrate of Hopetown held no commission (under the Act of Victoria) authorising him to issue a warrant for having van Schalkwyk brought into the Colony; consequently, the only course which the Albanians could adopt, was to take the prisoner to Griquatown, on the warrant of Waterboer himself, I fancy." G.W.L.C. 31, D1.15. Fryer points out that the Cape of Good Hope Punishment Act of 1836 was renewed in 1863, but then applied only in areas "not being within the Jurisdiction of any civilised governments." (A. K. Fryer, "The Government of the Cape of Good Hope, 1825-1854", p. 128, footnote 7, AYB (Vol.1) 1964).

154 Mathews to Arnot, 25th November 1870. G.W.L.C.31. D5.81.

155 Arnot to Southey, 28th October 1870. Acc. 611, Vol. 41. A case which illustrates the prevailing judicial confusion had occurred in July 1869, when M. M. Harvey of the Resident Magistrate's office at Hopetown, had written to Arnot about "a Griqua calling himself 'Gert Snyders' who was in gaol in Hope Town undergoing a sentence which will expire on the 12th inst. A person named Muller, has charged him with theft, in stealing cattle from Van Vuren's Put [also known as *Birbury*] in Albania, this cannot be dealt with here but if you wish to punish him you had better send for him on the 12th inst. when he will be handed over, failing which he will be discharged." G.W.L.C. 28, C9. No. 15.

He went on to recommend Commissions for Orpen, Wayland and Mathews and pointed out that Waterboer allowed three quarters of Albania's revenue for its Government and Officers. He also suggested the appointment of Orpen to Southern Albania as Justice of the Peace at a salary of £400, and of another, to be stationed near Hebron, for Northern Albania. This was really wishful thinking, since in practice Albania had never included land north of the Vetberg Line and there was not the slightest chance of making Northern Albania a reality.

On 29th October, Arnot recommended that Orpen, Wayland and Mathews be given the power to "act in concert with or under the British Commissioner as Head Magistrate". He added that he hoped to persuade Waterboer to sign a document giving civil as well as criminal jurisdiction to the Commissioner over the whole of Albania and "other portions of Griqualand North of the Vaal"¹⁵⁶ so as to be able to act in any circumstances.

In view of all Albania's difficulties, it is interesting to find in the *Cape Monthly Magazine* of about that time, an article giving a totally different, though perhaps not unbiased, picture of Albania and its inhabitants.

The soil of "No Man's Land", or "Albania" as it is now called - that narrow strip which lies between the Colonial boundary and the country claimed by President Brand's govt - is said to be very fertile, as is the whole country near the Vaal River. The farms are large, and the farmers, to judge by their comfortable appearance, their buxom wives, and chubby-faced children, are well-off. For the most part, the farmers - especially the old men - are exceedingly intelligent; and when we remember that this part of the country was peopled by old colonists, who, from political reasons, expatriated themselves from the districts in which they were born, freely surrendering house and land and kindred that they might breathe what they at least, whether rightly or wrongly, considered a purer political atmosphere, we cannot but honour and respect them. Many of these men converse freely upon the present aspect of affairs in the Free State. They prefer their own government, but they yet acknowledge its weakness to deal with a large influx

156 Arnot to Southey, 29th October 1870. Acc. 611. Vol. 41.

of population from Europe and America, and the necessity of a strong government to enforce laws and maintain private right.¹⁵⁷

Albania's capital, Douglas, was certainly making progress: 154 half acre water erven had been plotted out and 250 more were planned "on which an abundance of water will be laid on". The area itself was "as even as a table, and the most splendid alluvial soil imaginable up to 24 feet depth pure soil without rocks." A chapel, mission house and one other house had been built already. Thousands of dry erven could be laid out and, Arnot told Southey, Douglas would be "the town and centre of the Digging Community."¹⁵⁸ Again it was wishful thinking. The diggings were a long way from Douglas and the development of Kimberley soon killed any dreams that Douglas might provide the urban heart of the digging community. Arnot's little Empire was crumbling, beset from within and without. The discovery of diamonds had unleashed forces far too big for one man, however able, to handle. From the time the first diamond was picked up, Arnot and his Albanians and the Griquas had become insignificant groups whose problems were overshadowed by the somewhat one-sided struggle for supremacy being waged by Britain against the Free State and Transvaal. From now on these small groups were heard only when it suited the powers involved to make use of their so-called rights to achieve their own ends. By the end of the following year, both Albania and the Griqua nation had been swallowed up in the newly-created Griqualand West. This suited most of the Albanians, but it was the end of Arnot's dreams of great wealth and influence and the end of the Griquas as an independent people.

157 *Cape Monthly Magazine*, "Across the Karroo", R.M.R., Vols 1-11, 1870-1, pp. 226-231.

158 Arnot to Southey, 17th November 1870. Acc. 611, Vol. 42.

CHAPTER FOUR

THE ANNEXATION OF GRIQUALAND WEST, THE LAND COMMISSIONS AND
STOCKENSTROM'S LAND COURT: 1871 - 1876.a. The Annexation of Griqualand West:

By the end of 1870, Southey and Hay¹ had clearly decided that the Free State was to be forestalled at any cost. The rights of Waterboer, Arnot, the Transvaal or the Orange Free State mattered far less than the question of who, Britain or the Free State, was to control the Diamond Fields, with its lands, vast riches and turbulent population. Diamonds had inflated land values enormously and there was income to be derived from the granting of concessions, the issuing of licences and the collecting of rents. Yet Mona Macmillan has pointed out that the annexation of the area proved to be more the work of individuals than a matter of British policy. In fact, the Colonial Office was most reluctant to take on this responsibility. It was true that the duties on imports headed for the Diamond Fields were a rich source of income to the coastal colonies, but this would remain true no matter who owned the Fields. There was also some humanitarian pressure on Gladstone's government to annex, but based on inaccurate stories about atrocities, when the crucial issue was the pressure on the land. The annexation occurred mainly because of the views of Barkly and Southey, who believed that the Republics were incapable of controlling the area effectively, let alone of being responsible for the developing socio-economic patterns which would re-shape Southern African society. The economic pivot was shifting to the interior. Britain could not be allowed to let her

¹ Hay was Acting Governor after Wodehouse left, until the arrival of Barkly, the new Governor, in December, 1870. He relied heavily on Southey, whose influence was therefore very great at this time. It is paradoxical that, just as the Cape was about to achieve self-government (so that the High Commissioner's powers should have been diminished), two major acts of expansion were undertaken through this office: the annexations of Basutoland and of Griqualand West.

paramountcy slip away, so she had to control the interior. The Republics' lack of financial stability and efficient administration made things easier, since there was very little they could do to stop the British, especially since the latter refused to regard the Conventions as anything other than "informal qualified agreements with non-Sovereign frontier communities."²

On 19th November, 1870, Hay informed the Earl of Kimberley that he had received a petition from Waterboer asking for the proclamation of British authority over Griqualand West, because of the large numbers of diggers and the uncertainty as to Boer intentions. Waterboer was sure they were going to seize the lands and eject the Griqua inhabitants. Hay reviewed Waterboer's claim favourably: The Griquas were Christian, had protected the northern border, had European laws, and had made a treaty with Britain in 1834, in terms of which payments were still being made even though Cathcart had denied that the treaty applied to Nicholas Waterboer too. Hay concluded that such tribes as the Griqua seemed to him "the natural means by whose agency Africa may eventually in great part be civilised."³

However, it was Brand himself who precipitated the confrontation by appointing Olof Truter Landdrost at Pniel. Hay waited no longer. He issued a Government Notice promising the diggers British support in all "lawful" proceedings. This was intended to encourage the Diggers to disobey the Free State's authority. Next he appointed John Campbell Special Magistrate under the Cape Punishment Act, which permitted the appointment of such magistrates only to Native territories. By this action, therefore, Hay was definitely committing himself to support Water-

2 Benyon, J., *ProConsul and Paramountcy in South Africa*, p. 122.

3 Wilmot, A., *The Life and Times of Sir Richard Southey*, p.341. This is in direct contrast with Stockenström's view of the Griqua.

boer. Further events had to await the arrival of the new Governor, Barkly, but the issue had been decided. The Colonial Office would accept annexation, but there was an important condition: the Cape should take responsibility for the Diamond Fields. Therefore the Cape had to be made self-governing. As a result, Barkly's instructions were to encourage the Colonists to undertake their own government as soon as possible, although this put him in an impossible position. Molteno's pro-Responsible Government Party at the Cape opposed the annexation, while the Anti-Responsible Government group, led by Southey, favoured it. So, as Governor, Barkly was on the side of Molteno, while as High Commissioner he was Southey's ally. It is not surprising that in the end he satisfied almost nobody.

C. W. de Kiewiet accused Barkly of leaning too heavily upon Southey, but Mona Macmillan has shown that Southey was well-qualified to advise on affairs north of the Orange⁴ and that Barkly was aware of Southey's bias in favour of British control and took both aspects into account.

Soon after his arrival in Cape Town, Barkly was confronted by Brand, determined to present his case to the new Governor before he could be corrupted by Arnot and his cohorts. It was already too late - Barkly, in his turn, produced all Southey's and Hay's arguments. Brand fatally undermined his case by claiming that the whole Sovereignty annexed by Smith in 1848 had been given to the Free State at its abandonment in 1854, forgetting that the Free State itself had recognised both Adam Kok's and Moshoeshoe's independence on several occasions. It was also discovered that there were errors of transcription in certain of the Free State evidence, and to crown all, it was found that the water-

⁴ He had collected fines from the Immigrant Boers in the Sovereignty in 1849 and had overseen the boundary demarcation of the Orange Free State.

mark on one document postdated the transaction recorded on the document.⁵ This, of course, gave weight to Arnot's claim that the Free State had forged some of its evidence. Brand's credibility had suffered a grievous blow and made all his claims, many perfectly true, suspect in Barkly's eyes, prejudiced as he already was. Barkly therefore flatly refused Brand's offer to submit to arbitration the sovereignty over the Campbell Lands, but not the lands east of the Vaal.

Southey and Barkly were determined to use Arnot's carefully drawn-up case to secure the diamond fields, knowing that they could override his own claims to land. It is difficult to escape the conclusion that Arnot was cynically used and then discarded. Southey, though supposedly Arnot's ally, did little to help him during his struggles with the land courts. Although they had the same goals, the extension of British power and control, Southey disliked land speculators and clearly regarded Arnot as an expendable though useful tool. He supported Arnot's arguments in favour of annexation and of Waterboer's rights, while, behind Arnot's back, he was callously ready to dismiss Arnot's own claims to land. This is clear from letters Southey wrote to and about Arnot. For instance, on 29th October, 1870, he wrote Arnot a cordial letter in which he agreed that the Chiefs had gained independence on the withdrawal of the British Sovereignty, so even if it had covered Waterboer's land east of the Vaal, which Southey believed it had not, "that ceased when we withdrew".⁶ Warden's grant of the two and a half farms on Waterboer's side of the Vetberg Line had not been valid.

Yet, Southey gave Arnot no support when, on 28th February, 1871, he was attacked by Barkly for giving him a Memorandum full of "preposterous demands":

⁵ Wilmot, A., *op. cit.*, p. 215.

⁶ *Ibid.*, p. 194.

25% of the gross revenue to be paid over to them, and the farms in all directions out of the Transvaal and Orange Free State encroachments to be reserved for them and their friends. In short, they wish the British Government to pick the chestnuts out of the fire, while they enact the monkey's part and eat them...I am vexed, however, at Mr A.'s showing the cloven foot, though I always rather mistrusted him.⁷

Southey's reply was that he was not surprised by Waterboer's and Arnot's attempts to drive a good bargain, since Arnot had hinted⁸ at the possibility of a well-paid official post with Waterboer when Britain took over, and had also said that Waterboer had agreed to make provision for him in the negotiations and would like Arnot to be given a government position. Southey went on, in a way which rouses some sympathy for Arnot, unscrupulous as he himself often was:

But I do not anticipate any real difficulty on that head. Without us they are helpless. If Arnot retains and gets title to the lands Waterboer has given him, he will be a lucky man.⁹

On the Fields themselves, the more responsible diggers generally agreed with the Colonial Office's view that only Britain was strong enough to impose law and order in the area and therefore favoured British annexation. At the end of January, Barkly visited the Fields, and what he saw convinced him of the need to settle the dispute as soon as possible, so that the turbulent diggers could be controlled. Barkly's sympathies were very much on the side of the Diggers and he felt that the Free State was incapable of governing the area or its Black inhabitants justly. Barkly was well-aware that Blacks were not allowed to own land legally or to qualify for the franchise in the Boer Republics.

The finer details of the annexation need not concern us here, since Albania was not involved until the various land courts sat to de-

⁷ *Ibid.*, pp. 216-217.

⁸ In a letter to Southey, dated 20th November, 1870.

⁹ 11th March, 1871. Wilmot, A., *op. cit.*, p. 196.

cide on the settlement of land problems. The following is a broad outline of events.

Barkly's decision to annex was supported by the Keate Award.¹⁰ An Arbitration Court had been set up at Bloemhof to arbitrate amongst the various claimants to the Northern part of Griqualand West, viz. Pretorius of the Transvaal, Mankoroane of the Tswana, and Waterboer. The Arbitrators, J. Campbell and A. A. O'Reilly of the South African Republic, failed to agree, and the Lieutenant-Governor of Natal, Keate, was left to make the final decision. On 17th October, 1871, predictably, he decided for the Chiefs against the Transvaal. This decision was held to prove the justice of Waterboer's claims, south of the Keate Award line. Arnot had provided Waterboer's appeal for protection and only ten days later, on 27th October, 1871, Barkly announced the annexation of Griqualand West. The area became British territory and all its inhabitants British subjects. At the same time Barkly issued the "Quieting Proclamation", directing

that all persons claiming title or right of possession to lands within the said territory should send to the Civil Commissioner of the district a statement in writing of the particulars of the said claim, in order that the same might be finally approved of by Her Majesty's Government, and also confirming all existing titles of private persons which they had possessed under the laws of the State or Government under which they had been living.¹¹

10 Shillington established that the Keate Award and annexation were not the result of the arbitration, but that Bloemhof was "a rubber stamp to lend authority to British interests and designs" (p. 53) namely, the acquisition of control over the Diamond Fields and the protection of the Road to the North. He supports his theory by pointing to the appointment of Keate as arbitrator. Keate's views were well-known to be pro-British. There was no doubt whatever that he would decide the way he did.

11 Warren, Lieutenant-Colonel Charles, *Report on the Land Question in Griqualand West*, p. 11. Since there were sometimes up to a dozen people claiming the same area, this Proclamation only complicated matters, because they all believed they had been confirmed in possession.

Just before the annexation, Waterboer appeared to get cold feet about a British takeover. Perhaps, at last, and too late, he realised that he would lose his land and power just as inexorably under British "protection" as through Boer "aggression". From later actions, it seemed that he had hoped to retain some lands and some sovereignty, that is, the right to dispose of the lands under the law. In any case, during Barkly's visit to the Diamond Fields, he proposed that Barkly annex only the "Diamond producing Districts". This comprised Albania, the land settled by Free State farmers and claimed by the Free State, and the area between the Vaal and Harts rivers, which was claimed by Jantje Mothibi and the South African Republic. This would have left Waterboer in control of all the lands west of the Vaal/Harts rivers, including the Campbell Lands, and would have meant that he lost only what - *de facto* - was already lost. In effect, what he wanted was control over his people, while Britain took over the whites. Barkly refused. According to Warren he found these terms so preposterous that he would not even consider them, and

informed the Chief, 16th August 1871, that if he desired to cede his territories it must be without reservation.¹²

He did however promise compensation for personal losses. Waterboer and his Councillors capitulated and on 7th September 1871 agreed to the annexation of their entire lands. Arnot, however, later produced an earlier cession (1st September) which he contended showed that Barkly had accepted Waterboer's proposals. Warren believed, probably rightly, that the Griquas were never actually asked their opinion on the subject and were misled into believing that Griqualand west of the Vaal continued in their possession and that Waterboer remained Chief. Waterboer himself reinforced the impression by continuing to hold court at Griquatown and

¹² Warren Report, p. 11.

to give out farms at 10s each to any of his deluded subjects who asked for them. One wonders whether Waterboer himself really understood what had happened, or whether Arnot misled him too about the real situation, in order not to incur his wrath. In any case, this misunderstanding was one of the causes of the 1878 Griqua Rebellion. In 1872 Southey visited Waterboer and found a sad state of affairs. The chief, who

in his prime had been a fine, dignified, well-spoken man of superior intelligence...was failing in health, and, unable to control his family, was yielding to intemperance. The people about him lived on him without compunction, and...he was already in debt. Worse than all, he was beset with designing persons, some of whom continually urged upon him that when he had given over control of the Diamond Fields he had not given up jurisdiction over his own people and these urged him to assert his powers and give titles to land.¹³

Other Griquas feared that the English government would not grant them title to their farms and that they would lose them. Southey commented that the government had not dared to send an English magistrate to Griquatown, fearing that this would add to their fears. As it turned out, Griqua fears were well-founded.

b. The First Land Commission:

Once Griqualand West had been annexed, the most urgent problem was settlement of the land claims. Southey said of the area that there were few tracts of land which did not have more than one claimant and some had as many as a dozen.¹⁴ Only the land speculators were happy to delay settlement, in the hope that land prices would rise, since they were picking up Griqua claims for next to nothing, often with the aid of Cape brandy.

The first body appointed to investigate land claims was a three-man commission, or Land Board, appointed by Barkly early in 1872. The

¹³ Wilmot, A., *op. cit.*, p. 267.

¹⁴ Macmillan, M., *Sir Henry Barkly*, p. 217.

members were Orpen, Civil Commissioner for the District of Griqua Town from October 1872; Buyskes, Sheriff of the Province of Griqualand West from the same date, and none other than T.H. Bowker, the background to whose appointment was unusual. Orpen had been informed, just before annexation, that he would remain Surveyor-General and Magistrate. He then wrote to Bowker to propose that he apply for an appointment as well. It is not difficult to understand Orpen's motives. Although accusations and recriminations had embittered their earlier relationship with Bowker, both Orpen and Arnot knew that getting their land claims passed was not going to be easy and an ally in the right place would be most useful. They must have felt that gratitude would secure Bowker's support for their claims. Bowker replied that he was awaiting Barkly's decision on whether he would be given a position on the diamond fields. He added that he was financially rather embarrassed, but that if Waterboer would give him a farm and he got "a decent situation, matters would soon work square."¹⁵ Arnot assured Bowker that he would get a farm, "in spite of his having deserted us",¹⁶ to which Bowker replied that he appreciated Arnot's "kindness in watching over my interest with the Chief and our own Colonial rulers."¹⁷ He went on to reveal his bitterness at the lack of recognition and recompense from the Colonial Government for his labours during the Frontier Wars, before suggesting indirectly that he be appointed to establish a burgher force in the new territory. In reply, Arnot and Orpen suggested that he should accept the post of Inspector of Diamond Rushes, although Bowker felt that it was not an important enough job for him. It would at least bring him up to the

15 Bowker to Orpen; Orpen to Bowker (Arnot and Orpen, *The Land Question of Griqualand West*, p. 117).

16 8th November, 1871. Arnot and Orpen, *op. cit.*, p. 117.

17 *Ibid.*, p. 117.

Fields and would not stand in the way of his accepting a better job, should one arise. Bowker unenthusiastically accepted this proposal. However, on March 1st, Bowker wrote to say that Southey had offered him an appointment as member and secretary of the Land Commission. He had accepted and would be leaving shortly for the Diamond Fields via King William's Town and Queen's Town. He had already received the lists of farms, and his instructions and wondered whether the fact of his being a Commissioner would prejudice his receiving a grant of lands. He felt that if the farms were a free gift or under Waterboer's conditions, there would be no objection to his accepting them. Arnot and Orpen took all the credit for this appointment.

On his way to join the land commission, Orpen spent a few days with Arnot at *Eskdale*. During this time, Waterboer arrived (at Arnot's request) in order to certify the lists of Albanian land grants. This he did on 7th December 1871. According to Orpen, he then asked the Chief not to leave without giving them (Arnot and Orpen) a list of the lands belonging to him personally or to his people. Waterboer replied that the Government had

enough to do to keep their hands employed in settling the white people first, and he and his people could wait until his return.¹⁸

He was on his way to visit his father-in-law, Adam Kok, in Nomansland at the time and only returned in 1873. According to Arnot and Orpen, this was the reason why Arnot could not later give the Land Commission a list of the Griqua land claimants, and not because he neglected their interests. In fairness to Arnot, Griqua land tenure was not straight-forward. Some Griquas had written documents from Waterboer, but others simply occupied kraals with "common rights."¹⁹ As a result, of the 1801

¹⁸ *Ibid.*, p. 121.

¹⁹ Sutton, Inez, *The 1878 Rebellion in Griqualand West and Adjacent Territories*, p. 124.

claims registered by the commission, only a few were from the Griquas, who could not get titles until Waterboer returned to issue them. Waterboer was also reported to have said that although he had signed the Albanian lists, they were not perfect and would need modification by Arnot, who had the same powers as Waterboer himself in the area between the Free State and the Vaal and Harts rivers. This incident would later lend weight to the accusations of swindling and land-jobbing which were made against Arnot.

Even before Bowker arrived and the Commission met officially, trouble arose. The scandal concerned a grant of four farms to John Campbell, one of the Bloemhof Arbitrators. The facts (according to Arnot) were that the Griqua government had made Campbell a Special Magistrate in 1863, and was now about to make him a Civil Commissioner. For these services, Arnot had decided to arrange a land grant, knowing that the Griqua Government could not afford to give Campbell a salary. Arnot insisted that this had happened in January 1871, before the British take-over, but he had not told Campbell of his good fortune, as he wanted it to be a surprise. The grant appeared on the list signed and approved by Waterboer in Arnot's home in December 1871. In March 1872, during a survey tour of Griqualand West, Orpen visited Campbell at Klipdrift and reported that he had said how surprised he had been to receive the grant from Arnot. As Orpen was on his way to join Buyskes, Campbell asked him to take the documents with him and lay them before Buyskes. He had had an offer for one of the farms, but could not accept it until the grants had been approved. Since he needed the money he was anxious to have this done as soon as possible. Orpen did as asked, but met immediate resistance from Buyskes, who saw the matter in a rather different light and declared that he would have nothing to do with a "very improper transaction - the grant of land by one of the parties to

his arbitrator."²⁰ He insisted that Campbell's claim be put in with the rest after Bowker's arrival. Buyskes also criticised Arnot's "grasping and avaricious" nature to such an extent that Orpen, who had been going to put forward Arnot's own claims, felt it wiser not to and returned them to Arnot with a letter expressing his opinion that Buyskes was not a fit person to be on the Commission. This letter unfortunately fell into Buyskes's hands and was made the subject of a complaint against Orpen by the Land Commission. Since Orpen had also asked Southey to replace Buyskes, it is not surprising that Buyskes was offended.

Bowker arrived at Klipdrift at the end of March 1872, but still work could not begin because Orpen had gone off again on the rest of his survey tour for the purpose of producing a map of the area. In the meantime Bowker was staying with Campbell and the pair began tabulating the claims so far received. Orpen arrived on Tuesday, 30th April, 1872, and the first meeting of the entire Land Commission took place on Monday, 6th May, at Klipdrift. It was resolved that the Secretary to the Commission should be authorised and instructed to certify and register any original documents produced by claimants, if that document were in accordance with the lists of grants by the Griqua Government, signed and approved by Waterboer. After some discussion the Commissioners came to Arnot's claims. Arnot had enclosed the various documents and papers granting him land in Albania and elsewhere, in a letter dated 29th April 1872. Orpen proposed that since he himself could vouch for the authenticity of the documents, they be passed at once. Buyskes refused to do this and proposed an amendment: that since the documents had not been signed by most of the Griqua Councillors²¹ and since Buyskes felt that

20 Orpen to Arnot, 26th June 1874 (Arnot and Orpen, p. 316).

21 In addition, some of the signatures were in the same hand. Orpen explained that this was because those Councillors

the Chief's right to alienate lands after Britain's annexation was doubtful, the matter be postponed until Barkly had been consulted. Orpen then withdrew his original proposal and the amendment was carried unanimously, but this united exterior was only superficial. Orpen never attended another meeting of the Commission. In their book, Arnot and Orpen averred that the reason for Orpen's withdrawal was that he had become convinced that Buyskes was firmly opposed to all Arnot's claims, and that Bowker had been so misled by Buyskes that he was now "a mere tool in Mr Buyskes's hands."²² However, there certainly appears to be a grain of truth in Bowker's accusation that Orpen tried to get rather questionable documents approved by the Commission without examination, by personally vouching for them. Whether Arnot's claims were just or not, this method of getting them passed was a dubious one.

Bowker tried to smooth matters by writing to Arnot on 9th May to explain why the claims had been rejected, saying that Buyskes had drawn his attention to the fact that they were exceeding their instructions by certifying the validity of claims. All they were empowered to do, in terms of their instructions, was to

receive, examine, inquire into, and enregister claims to land in the territory of Griqualand West, and also to ascertain and report, for His Excellency's information, what lands should, in your opinion, be reserved and set apart for the use and occupation of the native inhabitants and for public purposes, sites of towns &c.²³

This letter only strengthened Arnot and Orpen's belief that Bowker was firmly under Buyskes's influence, and did nothing to placate them. They must have been very piqued that their efforts on Bowker's behalf had not paid off: Bowker was not prepared to be a rubber stamp, as they had ob-

who could not write allowed others to sign on their behalf.

²² Arnot and Orpen, *op. cit.*, p. 127.

²³ *Ibid.*, p. 128.

viously hoped. Once again the relationship between Bowker on the one hand and Arnot and Orpen on the other deteriorated into a battle of letters, each more acrimonious than the last.

Orpen, who was busy with the boundary survey²⁴, used this as his excuse not to attend Commission meetings. Nevertheless, he accused the remaining Commissioners of bombarding him with offensive letters until he was forced to complain to Barkly²⁵. This did nothing to halt Bowker's stream of letters. On 26th November, 1872, he wrote sarcastically to the Colonial Secretary that, since Arnot had managed to present a list (see Appendix Four) of European claimants with great alacrity

it was supposed [he] would experience as little difficulty in discovering the private rights of the subjects whose Representative and agent he has been for some time past, and whose interests he is alleged to have had, and still to have, at heart. Indeed were it only from a sense of gratitude for the almost boundless munificence displayed by that nation to himself that the private rights of the Griquas would have received his first care.²⁶

On 19th December he confided to the Clerk to the Governor of Griqualand West his suspicions as to the validity of Arnot's claims for himself and his friends.

...the inconsistencies and palpable contradictions of the documents upon which Mr Arnot has founded his claims; the manifest evidences some of these documents bear upon themselves of having been tampered with and the absence of actual signatures of persons by whom they are purported to be signed and numerous other suspi-

24 Oberholster was scathing about Orpen's boundary lines, but, since Oberholster was determined to prove that the Free State was entirely innocent of any underhand activities and that she was the wronged victim of a dark plot hatched by Arnot and his cronies, he cannot be regarded as anything but extremely biased and therefore suspect. According to Mona Macmillan, the Cape Surveyor-General, George Gilfillan had made a map which placed the dry diggings well within the Griqua area. The Free State Surveyor-General then produced another map, which Barkly felt was unfair, since the terminal points excluded Ramah. He then asked Orpen, Griqualand West's Surveyor-General, to find the boundary beacons and draw up a new map. The OFS was invited to check this survey, but did not.

25 Arnot and Orpen, *op. cit.*, p. 129.

26 Bowker to Colonial Secretary, 26th November 1872. G.W.L.C.51 packet 3, No. 88.

cious circumstances; that they all serve to confirm a conviction that every circumspection and caution should be observed in accepting as undisputed and truthful the representations volunteered by Mr Arnot, as they may be fraught with much danger, and with gravest injustice to *bona fide* occupants and owners of land in this Territory.²⁷

He also accused Arnot of having held back information, even while assisting the Commission to draw up a list of the Albanian farms for advertisement and of trying to stop publication of such a list, knowing full well that doing so made it less likely that the Commission would be able to obtain this information. Letters in similar vein went to Arnot himself on the 20th²⁸ and to the Governor again on the 21st²⁹, although to the latter he added the accusation that Arnot had been altering and creating "copies" of documents for his own purposes.

On 7th February Bowker castigated Orpen for his non-co-operation, adding that the Commission would be very sorry if Orpen's stubbornness should hold up the settlement of questions on which the future well-being of the Territory depended.³⁰ Six weeks later, he complained to the Colonial Secretary of Griqualand West about the behaviour of Arnot, who had repeatedly been asked by the Commission to supply the names, if any, of farms in Albania other than those given by him. The reason

why he has hitherto so pertinaciously refused to comply with so reasonable a request becomes more and more apparent, when it is found that unfortunate Griqua subjects, like Adam Krots, have had the misfortune once to possess if they do not now, farms like *Biessiesvley*, *Leopan* and *Rietfontein*; which have since been leased by the "Griqua Representative", to Messrs C. W. Mathews, Koeke-moer, and Holtshausen. While the Commission does not credit the share Mr Campbell is alleged to have had in the ejectment from the ground of this poor man, it cannot but deplore the reception of its often repeated solicitation for powers to treat more fully

27 Bowker to the Clerk to the Governor of Griqualand West, 19th December 1872. G.W.L.C.51 packet 3, No. 211.

28 Bowker to Arnot, 20th December 1872. G.W.L.C.51 packet 3, No. 214.

29 Bowker to Governor of Griqualand West. 21st December 1872. G.W.L.C.51 packet 3, No. 240.

30 Bowker to Orpen, 7th February 1873. G.W.L.C.51. packet 3, No. 167.

with cases, in which ignorant and defenceless natives are arrayed on one side and insatiable and unscrupulous "land jobbers" on the other.³¹

In 1874 this feud became increasingly bitter. Bowker allowed his feelings about Arnot to cloud his judgement to the extent that his comments to a friend named Drury about the "Grand Land Swindle...so arranged that the Government can carry out D. Arnot's plans"³² led to his dismissal from membership and secretaryship of the Land Commission on 21st November, 1873. Barkly later told Carnarvon that Bowker had "suffered himself to become the dupe and tool of what in America would be termed a 'Ring' of land sharks"³³, while Southey commented that the commission had not recognised the "delicate nature of its duties" and that its

fitful and ill-considered "inquiries" were stimulating the activities of those bent on acquiring land, alarming and irritating the Natives, and at the same time encouraging President Burgers in his hopes of territorial extension.³⁴

This effectively meant the end of the Commission, since two of its three members would now be absent. Bowker was barred from attending and Orpen refused to attend.³⁵ However, Bowker did not easily accept dismissal.

31 Bowker to Colonial Secretary, 31st March 1873. G.W.L.C.51 packet 3, No. 619.

32 Macmillan, M., *op. cit.*, quoting Southey to Barkly, 2nd February, 1872, p.217. In his letter to Drury, Bowker had stated that all land titles prior to annexation were to be cancelled. Drury immediately wrote to Kimberley, who passed on the protest to Barkly. Southey immediately removed Bowker from the Land Commission, stating that he pitied Bowker for his monomania about his own great doings. (See references in Minott, L. L., *Sir Richard Southey: Lieutenant-Governor of Griqualand West, 1872-75*, p. 107). Southey had disapproved of the composition of this commission from the start (he also considered Buyskes dishonest).

33 Macmillan, M., *op. cit.*, quoting Barkly to Carnarvon, 6th April, 1874 (PRO 30/6/32), p.217. Macmillan also pointed out that J.H. Bowker, who had been made Commander of Police for Griqualand West was sacked for proving venal.

34 Wilmot, A., *op. cit.*, p. 268.

35 From reports in various papers, it seems that Buyskes was also eventually dismissed, although the reason is not made clear. Most papers seem to have felt that his dismissal had been justified, even the

At the end of January, 1874, he informed the Legislative Council of Griqualand West that he had asked the Government to appoint a Commission of Enquiry into his suspension and begged that no further action be taken until its appointment. It would investigate the circumstances of his suspension and the "anomalous state of affairs"³⁶ he had discovered during his journey through the Districts of Kimberley, Barkly and Hay. In the meantime, letters poured from his pen, some explicitly attacking Arnot, by alleging, for example, that:

his monstrous scheme...became the basis of British policy to the disgrace and ruin of every thing connected with British rule.³⁷

Another letter went to Barkly:³⁸

On the 30th of April last [1874] I received the official notice from the authorities here that my suspension had been confirmed by Earl Carnarvon - I have reason to believe that this confirmation has been procured or given upon *ex parte* statements made by me of being engaged in a "great Land Swindle". The statements in a letter to Mr Drury were not made at random. I became aware of the painful facts upon which they were founded soon after my arrival at Klipdrift on the 27th March 1872, and it was not until the 17th July 1872, when I found the Government were determined to perpetrate an act that would disgrace British Rule in South Africa forever that I penned that letter and to the purport of its contents I still adhere and am prepared to prove, whenever the [illegible word] outcry for justice against a wholesale robbery shall induce Her Majesty's Government to appoint a Royal Commission to investigate the shameless proceedings which have checked all improvements and unsettled all rights, until the very name of this so-called British Government stinks in the nostrils of every honest man in

Herald of Graaff-Reinet, where he had been Clerk of the Peace for some years. See report in the *Diamond News*, 6th August, 1874.

36 T.H. Bowker to Legislative Council of Griqualand West, undated. Cory MS 2129, 2130 and 2131. Letter 2 shows slight changes. 2130 is a neat copy of 2129, dated 23 or 28 January 1874. Paragraph 2 left out of this and 2131, i.e. from "anomalous ... Kimberley, Barkly and Hay".

35 Bowker to Legislative Council, undated. Cory MS 2126. Bowker became very anti-English after his suspension and did his best to persuade Waterboer's Raad to declare that they had not understood what the petition for English rule meant.

38 This letter is undated, but was clearly written some time after April 1874.

the country, as well as in those of the surrounding tribes and peoples.³⁹

On January 16th, 1874, he drew up a Circular letter⁴⁰ setting forth his case and advising each recipient that his name would be submitted by Bowker to the Commission, if one should be appointed, and he would be required as a witness. Bowker was getting in early and canvassing for support.

When he got no satisfaction, Bowker took his case ever higher: to the Earl of Kimberley and then to Queen Victoria herself. None of these is dated, but one can assume that they were written at about this time. To the Earl of Kimberley he wrote (showing that some convenient laundering of the truth had taken place in the interim):

... in the year 1867 your Memorialist was requested by the Chief Waterboer through his agents, David Arnot and F.H.S. Orpen, to collect some hundreds of Albany Settlers and sons of Settlers for the purpose of filling the waste-lands supposed to be lying between that Chief's country and the Trans-Gariepine Republics. Your Memorialist collected many hundreds of Albany settlers for this object, all of whom possessed the means of stocking and working the new lands. Your Memorialist discovering that the greater portion of these lands intended to be settled, had yet to be acquired in some way from the owners and Inhabitants⁴¹ resigned his commission and a few only some twenty-five more or less proceeded to Albania, where they were settled by the Griqua agent, to the yet unabated distress of many of the original proprietors.⁴²

39 Bowker to Barkly, no date. Cory MS 2140.

40 Two of these are in Cory Library, Grahamstown: one to Peter Wright near Douglas (16th January, 1874) and one to Waterboer (same date). Cory MS 2125 and 973.

41 In a letter to a newspaper, dated 18th June, 1874, Bowker declared that he had believed the Grikas would be allowed to purchase land in Albania on the same terms as the settlers and that the Boers in the area would be allowed to remain. He had resigned when he had found that this was not the case. When one considers Bowker's activities at the Kat River settlement and the fact that his older brother was John Mitford, who made the "Springbok Speech" in August 1844, in which he compared the natives to the springbok, which had vanished before the white men to the great benefit of the country, this letter is rather hard to swallow. Cory Library, No.974; Marais, pp. 234-237.

42 In the year 1871 Memorialist in Cape Town, applied to Sir Henry Barkly on account of his strong claims upon government for his former

The rest of this letter (see footnote 42) gives Bowker's vituperative explanation of Orpen's withdrawal from the Commission, which had struggled on, as a quasi-Land Board, to fulfil its instructions. Bowker then asked that he be reinstated and given permission to carry out instructions without let or hindrance.⁴³

His only real support, however, came from his brother, Robert Mitford Bowker of *Craigie Burn*, who wrote⁴⁴ to tell Bowker about a letter to the Editor from "John Brown":

I see from what he [John Brown] states that Arnot's great Chief is as you have already stated nowhere and a mere upstart, but from his connection with Arnot as his agent thinks he will have the English on his side and I suppose if the Southey influence is strong enough such may be the case some day. From what Brown states I

unrequited services and also offered his services should any occasion of importance arise in which His Excellency might require him. On the 14th March 1872 Memorialist was appointed as Land Commissioner and Secretary in conjunction with Messrs P.L. Buyskes and Mr [sic] F. H. S. Orpen for the settlement of land claims, vide the instructions of the 14th March 1872 and the Proclamation of Sir Henry Barkly No. 72 of 1871 (27th October 1871) which guaranteed the safety of all previously acquired possessions to the owners the same as if they had been in any other part of the Colony. Upon the assembling of the Commission at (Klipdrift) Barkly, Orpen proposed that Arnot's claims should be passed. Refused. Orpen withdrew. The Commission then confined its operations to the collection of title deeds, claims to land, and oral or other evidence from which it appeared that the claims of Mr Arnot nefariously attempted to be passed through the Commission, were of the most inadmissible character. As no assistance had been received from either Arnot or Orpen, the country had been subjected to long and unnecessary delay, loss and subsequent dissatisfaction. From the 14th March to the removal of the Land Commission from Klipdrift to Kimberley [Southey moved the commissioners to New Rush in April 1873, and informed Barkly that he felt that everyone had had enough time to register claims, while the government would be responsible for the natives] up to the 27th June, 1873, the Commission under a modified form (quasi-Land Board) preserved the integrity of the instructions and the Proclamation. T.H. Bowker to the Earl of Kimberley, undated. Cory MS 2134.

43 To Queen Victoria he wrote in much the same vein. Two copies of these Memorials to the Queen are to be found in the Cory Library, the first of which is incomplete and the second very badly damaged. The first details the history of the Commission once again, while the second, in addition, has an appeal against his suspension from the Commission by Carnarvon, on evidence supplied by the parties "whose integrity he had so seriously impugned." Bowker to Queen Victoria, no dates, Cory MS 2128, 2139.

44 This letter appeared in the *Diamond News* on 23rd March 1874.

cannot see how the Natives are to be turned out from their Present dwellings to please either Southey or Arnot or Monkaronne [sic] or any one. I see however Mr Brown though evidently no favouret [sic] of the Arnot clique is afraid of the Boers getting too strong a hold of the country though from all that has taken place it is the best thing that can happen. What was the Free State only a few years ago? And what may it not be in other [sic] 20 or 30 years? John Brown talks of the Boers getting possession of the country and stopping the road to the interior and diverting the trade to Delagoa Bay etc. Who ever heard of such a thing as a civilized people stopping the way to any place?⁴⁵

Nevertheless, when T. H. Bowker asked his brother to try to work up support for the annexation of the Diamond Fields to the Cape, the latter refused outright. He explained that he had fought Barkly's Bill and could hardly switch viewpoints at that stage, and in any case, he had

lately got hold of a book written by Captain Augustus F. Lindley⁴⁶ the said book being a vindication of the Rights of the Free State to the Diamond Fields, Albania and the Campbell Lands. I always believed the English and Colonial Government had no right to the lands and after reading Lindley's book there can be no doubt but the English Government at the instigation of Sir Henry Barkly have acted in the most dishonorable manner toward the Free State, and your term of swindle is far too mild a name for the transaction.⁴⁷

After this Bowker seems to have given up in disgust, and his voluminous letters on this subject ceased.

c. The Executive Committee Investigation:

By this time, a second commission had been appointed to continue the work which had to be done. It also comprised three members, this time the members of the Executive Council: J. B. Currey⁴⁸, J. C. Thompson and

45 R. M. Bowker to T. H. Bowker, 23rd March 1874. Cory MS. 983.

46 Lindley, A. F., *Adamantia*.

47 R. M. Bowker to T. H. Bowker, 6th July 1874. Cory MS 986.

48 John Blades Currey was the unpopular Government Secretary to Southey, who became Lieutenant-Governor on 9th January, 1873. Barkly had announced that Griqualand West would become a Crown Colony, after ordering Southey to withdraw the controversial bill which would have incorporated this area in the Cape. There was to be a small Legislative Council to represent the inhabitants of the area. David Arnot was elected to this body as the member for Hay, which covered the Griquatown area.

R. W. Giddy. They sat from September, 1874 to May, 1875, to examine claims, decide who should get land and issue provisional titles pending the results of the survey being carried out by Orpen. Disputed cases were to be set aside to be heard by a special court. This, too, was not a very successful commission. It had been decided that a Land Court should be set up and this led the commissioners to feel that their work was not altogether relevant. They also felt that the evidence upon which they had to decide cases was often insufficient. Nonetheless, Southey and Currey felt that the commissioners should at least issue reports, even if they did not decide who should get titles. The problem was exacerbated by Orpen's survey itself, which was premature, slow and expensive, and only complicated the land court proceedings. As regards the Griquas, neither of the two commissions ever got round to giving out the necessary certificates to Waterboer or his people, although by January 1874, according to Warren, the Government had finally received Waterboer's lists of his private properties and some of those belonging to his subjects (Griquas only). Only his signature appeared on these lists, but Warren testified that the members of the Raad examined the copies advertised in the press on 29th May 1874, and confirmed that they were correct. Waterboer's claims on List A amounted to about 100 000 morgen, and apparently it was intended that this land should be handed to him at once, since it was stated that the remainder of the claims could not "be immediately 'allotted'". The instructions given to the Commission about Waterboer's claims were that they should "ascertain and define the boundaries of other lands the private property of Captain Waterboer or other Griquas" as set forth in Lists A and B. This seems to indicate that the Government did intend to "behave liberally"⁴⁹ towards Waterboer. At one point, Southey tried to issue provisional titles to

⁴⁹ Warren Report, *op. cit.*, p. 12.

those Griquas whom Waterboer had certified as having individual rights, but this proved too complicated and had to be abandoned.

Southey had the sole right to issue land titles and was determined to use this right to implement his political and economic policies. He wished to use the Crown lands to create a strong farming community so that Griqualand West's economy would not be too dependent on the mining industry. The sale of Crown lands would also help to finance the government of the Crown Colony. This explains his instruction to the Commission to report on how much land would be available for the government to dispose of after the Griquas and other native occupants had been provided for. This also explains why Southey determinedly opposed the claims of the large land-speculators. He wanted a "community of colonists based upon "progressive" white farming."⁵⁰ The claims of Arnot and other speculators undermined this scheme and so Southey thwarted them whenever he could. He planned to outwit them by issuing titles only to those who were actually occupying the land they claimed. This did not endear him to the speculators. He was also unpopular with many diggers because he refused to introduce mining regulations based on colour.⁵¹

Given Southey's attitude, one might expect the Albanians to have got on very well with him. The Albanians formed the kind of farming community he wanted and, like him, they were anxious to settle once and for all the matter of land ownership. By 1873 they had established a flourishing trade in fresh produce with the Diamond Fields, and stability and security would enhance this trade.⁵² Unfortunately, the Alba-

50 Shillington, K., *op. cit.*, p. 71.

51 This was one of the causes of the Black Flag Rebellion in 1874. See Roberts, B., *Kimberley, Turbulent City*, pp. 130-143.

52 Some idea of its volume can be obtained from a letter Joseph H. Dugmore sent his sister, Louisa, on 4th August,

nian relationship with Southey and the land commissions was not a very happy one. When Southey had arrived in January 1873, the settlers had been so eager for action that they had met him with a welcoming petition,⁵³ which expressed their conviction that there would be no further delay in issuing formal titles to the land acquired before the annexation, and pointed out that Albania proved Waterboer's right to cede the area to Britain. Although Southey supported the Lower Albanian claims, Arnot's enormous claims proved an obstacle to speedy settlement. Southey was rather discouraged by the way in which Waterboer had granted such large areas to non-Griquas. Not only were there the eighty-three 3 000 morgen farms of Lower Albania (sixty of which were claimed by Arnot, Orpen and Wayland), but in the so-called Upper Albania, there were another two hundred and seventy farms available. In neither case had provision been made for the native inhabitants and Southey refused to expel them until this was done. (Southey was rather selective in his application of this principle, ignoring Tlhaping occupation where it suited him.) To make matters worse the Boers and Albanians were, as always, quarrelling over the boundary line. In June 1873, Currey had to be sent to Southern Albania (Lower and Southern Albania both refer to the area south of the Vetberg Line) to calm things down.⁵⁴ He found to his amazement that in some cases the Boers claimed 20 000 to 30 000 morgen for a single farm.

1873, from Vetberg, District Hay. Isaac Dugmore had started that evening for the Fields, taking "75 cauliflowers, 67 cabbages, 200 lettuces, 18 bunches turnips, 26 onions and 20 of carrots. I hope he will get a good price." (J. H. Dugmore to Louisa Dugmore, 4th August 1873.)

53 Ellen Wayland, writing home to her husband, Charles, from England on 22nd November, 1872, expressed her pleasure at Southey's appointment, because he was a friend of her husband and the Albanians could expect some improvement in the situation. (McGregor Museum, Kimberley, MMIC 6577).

54 Minott, L. L., *op. cit.*, p. 101-102.

To make matters worse, since the attempt to use Bowker to get claims passed had failed, Orpen had instigated a campaign of petitions and letters to newspapers, demanding the immediate issue of Waterboer's grants. Southey refused to be stampeded - no land certificates would be issued until the land had been surveyed and provision made for the native inhabitants.⁵⁵

Orpen finally completed the survey of Albania in November, 1874, and informed the Secretary of Government that he was expecting the diagrams of undisputed farms shortly - the government already had the diagrams of the disputed ones.⁵⁶ On the last day of 1874, he sent the list of undisputed farms, which had been surveyed by Gilfillan, with a request for instructions "as to the names of the persons in whose favour titles to these farms are to be made out."⁵⁷ The list was as follows: No. 7, *Nottingham* (4653 morgen); Douglas Commonage (5196 morgen); No. 5, *Bucklands* (3699 morgen); No. 6, *Buccleugh* (2846 morgen); No. 26, *Hereford* (5209 morgen); No. 27, *Wiltshire* (2341 morgen); No. 25, *Saratoga* (3245 morgen); No. 24, *Ettrick* (4420 morgen); No. 23, *Tullochgorum* (5953 morgen); No. 12, *The Downs* (4059 morgen); No. 10, *Carnarvon* (4513 morgen); No. 9, *Clydesdale* (5758 morgen); No. 20, *Torquay* (3728 morgen); No. 8, *Stratford* (5006 morgen). These farms made up less than half the Albanian farms and did not include the Reserve

55 Ibid., p. 107 et seq..

56 Orpen to Secretary of Government, 16th November 1874. G.W.L.C. 33 p. 468. The survey had taken some time, Orpen gave Gilfillan his instructions in August 1873 (G.W.L.C.33 p.236). He was to subdivide Albania into 3 000 morgen farms, using the original beacons of inspection, which were to be pointed out by the claimants, who had been told some time before to have them "ready erected and in good order." In disputed cases he was to measure the whole farm and collect as much information as possible about claims partially in the Free State.

57 Orpen to Secretary of Government, 31st December 1874. G.W.L.C. 33, p. 492.

area, so clearly there was still a great deal of disagreement over Albanian land claims.

The Reserve in particular was a thorny issue. As shown in Chapter three, Arnot claimed it in its entirety, while the lessees insisted it belonged to Waterboer and the Griqua Government and that Arnot had the right only to the rents. On 20th March, 1875, a new petition (to Barkly) was drawn up by the Reserve farmers, who had heard that titles to these farms were to be issued to Arnot and his son and who denied their right to such titles. In support of their claim they cited a document from Waterboer himself,⁵⁸ in which he pledged himself to pay any one or all of them, a reasonable sum of money for improvements if they wished at any time to give up their holdings. They also stated that Waterboer had denied before his Council that the Reserve had ever been given to Arnot or his son. Waterboer's pledge and this denial had encouraged the settlers to remain and carry out extensive improvements, in the belief that they would receive their leases within five years of the date of occupation. In the interim they had paid Arnot rent

a sufficient recompense for any services rendered to Captain Waterboer and his people we humbly submit, with the grant of the Farm now occupied by Mr Arnot in extent 20 000 morgen - the only unreserved grant ever made by Captain Waterboer to him or to his Son.

The petitioners asked Barkly for an investigation into the matter "to enable us to know to whom the land really belongs."⁵⁹

Currey acknowledged this petition on 8th April and assured the memorialists that all claims would be investigated and a Land Court set

58 See Chapter three, p. 164.

59 Petition to Barkly by those holding farms in the Reserve, Albania, District of Hay - 20th March 1875. G.W.L.C. 24/380.

up to deal with disputed claims. He therefore urged them to lodge their objections as soon as possible.⁶⁰

This was not enough for the Reserve lessees. They also drew up a Memorandum "Intended for the Hon^{ble} the Attorney-General, prior to calling a Meeting", to draw his attention to the facts:

1stly That the first Settlers hired their farms from D. Arnot acting in his capacity of Griqua Representative and not in his own interests which fact our receipts for rent up to the end of the year 1869 will prove. 2ndly That after some time had elapsed certain leases were tendered for signature to the lessees whereby it was made to appear that the Reserve had been granted in trust to D. Arnot's minor son, by the Chief and his Council, whereupon certain of the lessees waited upon the Chief and his Council with a copy in the Dutch language of the lease and enquired of them whether they had made such a grant, to which question a most emphatic denial was given. 3rdly In the year 1869 at a Public Meeting held at the farm *Fermanagh* situate in the Reserve at which the Chief and his Council were present, they were pointedly asked to whom the Reserve belonged, to which they unanimously replied "It belongs to us" or the Griqua Government. 4thly Later in the same year a deputation consisting of Messrs R. Cawood, T. Frazer and J. Rostoll chosen by the Lessees of the Reserve to represent certain grievances of their community to the Chief Waterboer were desired to meet him at Douglas and upon that occasion the delegates before entering upon other matters, desired a distinct expression from the Chief and Council as to whom the Reserve belonged, as in the event of its being D. Arnot's private property they were prepared to treat personally with him. The Chief referred the delegates to his Council who unanimously exclaimed that Arnot had already received his grant viz. *Loskop* (now *Eskdale*) and that the Reserve belonged to the Griqua Government. It has always been understood by the lessees that the Reserve was set apart by the Griqua Government for the purpose of paying its Representative his Salary while he was engaged in fighting for the "Ramah and David's Graf" Line and that for his services in forwarding the settlement of Albania he received a grant of the farm *Loskop* now known as *Eskdale* and there are those amongst us who were present when the beacons were pointed out to him. We have also at various periods been distinctly informed by the Chief, by his Council and by D. Arnot himself that such was the case. We are more doubly surprised to see the farm has been granted to Mr C. J. Wayland and are anxious

60 J. B. Currey to Petitioners, 8th April 1875. G.W.L.C. 24/386. The Land Court referred to by Currey was the one established in mid-1875, to replace the defunct Land Commission. There had been considerable difficulty in getting this Court set up. The Governor had issued instructions that an ordinance should be passed by the Griqualand West Legislature. According to Theal (Vol. 8 p. 419) the Legislature did not want to pass any such ordinance, and raised difficulty after difficulty, until Barkly himself was forced to come up to Kimberley and presided over the Legislative Council, when the land settlement ordinance was finally passed on 9th September, 1875.

to know what that gentleman's services have been, to entitle him to such a grant.⁶¹

An interesting table followed this Memorial, giving the names of the Reserve Lessees, how they had acquired their farms and the value when first purchased, plus the purchase price, duration of occupation, cost of improvements and the number of farms occupied.⁶² There were thirty-three farms involved, with sixteen claimants. All declared that they had carried out improvements ranging from £200 to £2100 (in the case of John Rostoll). Most had occupied their farms for seven or eight years, although Herman Fourie had had his for only one year.

Having learnt by the Government Gazette Extraordinary of 6th November that David Arnot had claimed the Reserve in violation of the agreement between himself as representative of the Chief Waterboer and the settlers, these Lessees met on 15th November, 1875, at Fincham's farm *Witte Puts* (or *The Grange*). Hermanus H. Holtshuizen was elected to the Chair. He explained the object of the meeting and called upon Matthewson to propose the first resolution, which was that Arnot's claim was wholly untenable and bad in law and that the Lessees pledged themselves to use every constitutional means to set it aside.

This proposal was seconded by John Rostoll, and passed unanimously. A second proposal - to forward the Memorial and Table mentioned above to His Excellency the Administrator for transmission to the Attorney-General - was made by R. Cawood, seconded by Fincham and carried unanimously.

The third proposal, made by Theunis Holtshuizen, seconded by Alwyn van Heerden and again carried unanimously, was that a fund should be started to pay the expenses of defending the case if necessary before

61 Memorandum prepared by the Lessees of the Reserve for the Attorney General. G.W.L.C. 26, pp. 288-289.

62 Table of farms. G.W.L.C. 26, p. 290. See Appendix Five.

the Land Court, and that Cawood and Faber should be appointed Agents and Attorneys with full powers to act on behalf of the Lessees.

Theunis Holtshuizen also made the fourth proposal, seconded by John Holtshuizen and carried unanimously. It was that no rents be paid for any Reserve farms to David Arnot until the land question had been finally settled.⁶³ The feud of the lessees with Arnot must have had some influence on Stockenstrom, who was certainly not unbiased in any case.

d. Stockenstrom's Land Court:

The Land Court was established by Ordinance on 9th September, 1875.⁶⁴ On 10th September, Barkly appointed Andries Stockenstrom Judge of the court.⁶⁵ The following day he informed Carnarvon of the appointment, stating that Stockenstrom's knowledge of Dutch law and language made him well-suited to the task. He would have to be highly remunerated, since he had given up a lucrative practice, but Barkly felt that this would be cheaper in the longer term than appointing a commission of inferior men.

63 Minutes of a Meeting of Lessees of the Reserve, Albania. G.W.L.C. 26 p. 291.

64 Barkly had to endure irritating delaying tactics on the part of Arnot and Currey before he got the Land Court Bill through. (See Macmillan, M., *op cit.*, pp. 236-237). Southey was furious about the appointment of a single judge. He had wanted a commission with judicial power, but Sidney Shippard, Griqualand West's Attorney-General, went behind Southey's back to Barkly and the pair decided on the Land Court. It obliged even those whose claims were undisputed to employ solicitors and counsel and to appear in court, to obtain formal recognition of what Barkly's "Quieting Proclamation" had guaranteed at the time of the annexation.

65 For full details of the Land Court, see A.N. White's thesis: "The Stockenstrom Judgment, the Warren Report and the Griqualand West Rebellion, 1876-1878". Bowker's chagrin was great at this appointment, which he had hoped for, as his brother's letter of 5th October, 1875, makes clear: "I see that Sir Henry Barkly has found out you were right [about the land swindle], but instead of putting you in to adjudicate the claims he has appointed Stockenstrom". Cory MS. 988.

He expected, basing this on Shippard's advice, that the work could be completed in nine months, so that the cost would not be very great.⁶⁶

Meanwhile in August 1875 both Southey and Currey had retired⁶⁷ and for a short while the Recorder, Jacob Dirk Barry, acted as Head of Government until the arrival of Major William Owen Lanyon. These changes deprived Arnot of what little support he might have had from Southey, weakening him considerably in his battle with the Land Court.

Stockenstrom spent the rest of 1875 and well into 1876 hearing the evidence. No doubt he was working under difficult conditions, but, in many respects, his conduct was highly questionable, especially in his dealings with the Griquas and Arnot. Everyone had to submit his or her claim to land to the Land Court, including the Boers with Free State titles or British Certificates, and the Griquas.

In the case of the Griquas, Stockenstrom refused to agree that they were anything other than nomads, with no right to alienate land, basing his belief on the writings of travellers, such as Burchell, who had visited the area more than fifty years earlier. Nothing anyone said could budge Stockenstrom.⁶⁸ Southey said later that he too would have rebelled if he had been treated the way the Griquas had been. Waterboer himself was forced into Court,

66 Barkly to Carnarvon, 11 September, 1875. Further Correspondence Relating to the Colonies and States of South Africa, p. 69, 1BB8 C1401, Free State Archives.

67 It would be more accurate to say that they had been sacked as a result of their handling of the Black Flag Rebellion. Sir Owen Lanyon arrived in November, 1875, to succeed Southey.

68 See White, A. N., *op. cit.*, pp 43-45, 52-56. It is interesting to note that in 1836 a New South Wales Court decided that the Aborigines were too few and too poorly organised to be considered "free and independent tribes" who owned the land they lived on. To a nomad, one area was as good as any other and so they could be driven out without compunction (Hughes, R., *The Fatal Shore*, p. 275). Perhaps Stockenstrom knew about this - he certainly applied the same principle to Griqualand.

insulted by the judge, his case was withdrawn, his claims disallowed, although guaranteed by the British Government, and in addition to this his Land Court law expenses amounted to over £1000.⁶⁹

There was an ugly row in court when some of the Griqua councillors denied signing the various land cessions to Arnot. Some mentioned a land register which Arnot and Waterboer said had never existed.⁷⁰ The Judge then threatened to send out a sheriff with a search warrant. Shippard, the Attorney-General, objected to this, but suggested calling Waterboer to the witness-box. Stockenstrom then burst out

How can I depend on a man who is a drunkard, half an imbecile, and a puppet in the hands of others?⁷¹

This extraordinary remark was reported to Waterboer and his Counsel, Halkett, by Coryndon. The next morning Stockenstrom seemed aware of his blunder

and commenced in a rather humble manner to explain to Halkett how the thing came about and then Halkett got up and withdrew his case...Stockenstrom was sat upon entirely.⁷²

After this, Waterboer refused to appear again, although he was willing to give evidence.

In the case of the ordinary Griquas the results were even worse. Either they had to abandon their claims altogether, since they could not afford legal costs, or they took their cases to court, could not pay the heavy expenses involved, and fell into the hands of speculators, who through their agents had taken over their farms.

When Stockenstrom gave judgement⁷³ on 18th May 1876, most Griqua titles were disallowed, while Orange Free State titles were confirmed.

69 Warren, C., *op. cit.*, p. 13.

70 See White, A. N., *op. cit.*, p. 58.

71 Wilmot, A., *op. cit.*, pp. 300-301.

72 *Ibid.* See also White, A. N., *op. cit.*, pp. 47-51.

73 Stockenstrom began handing down his decisions on 16th March, 1876.

One hundred and forty Boer farmers were considered to constitute effective occupation of the Campbell Lands, although there were at least as many Griqua there. Waterboer himself, and members of his Raad such as L. Jantz, L. Kok and S. Pienaar (later one of the leaders of the Rebellion) all had claims disallowed. Waterboer got three farms. Of the claims based on titles granted by Waterboer or the Griqua government, thirty-six were allowed, two hundred and twenty-four disallowed, while of other Griqua claims, twenty-four were allowed, one hundred and three not. Two hundred and three claims, nearly all Griqua, were not disposed of at all because, as Warren later pointed out, the work of the Land Court was so rapidly got through that several hundred claims were left out altogether.⁷⁴ What was done was full of discrepancies and omissions. As a result, the land question, far from being solved, remained a serious problem, which proved such a brake to all progress in Griqualand West that Sir Charles Warren had to be appointed to sort out the situation once and for all.

On 17th June, 1878, during the rebellion, John Blades Currey, in laager at Griquatown, speculated in a letter to Southey about the causes of the rebellion. He isolated four main causes: racial conflict, the influx of Boers and surveyors actively planting beacons, dishonesty on the part of shop-keepers, but most of all, the failure to settle the land question, even by Warren. However, Currey believed that the Land Court was most to blame, especially for its insistence on the appearance in court of claimants with their witnesses.⁷⁵ Most could not comply, and had not appeared and one hundred and sixteen of these claims were

74 For full details, see White, A. N., *op. cit.*, p. 59 *et seq.*, and his Appendix D, pp. 163-165.

75 This was exactly what Southey had tried to avoid when he had appealed for a different form for the land court. However, Shippard and Barkly had prevailed. See footnote 64.

summarily disallowed. Such gross unfairness was the root of the discontent, Currey felt.

Perhaps they trusted Waterboer to plead for all of them, but Waterboer had more than he could manage in connection with his own claims, and you will remember that after the Judge had addressed some violent and opprobrious language to him from the Bench his counsel threw up their briefs. It is easy to imagine that Waterboer left the Court burning with indignation...Waterboer took to deep drinking, and it is not unreasonable to suppose that his disappointed followers urged him on in a wrong course [i.e. to rebel].⁷⁶

Dr Matthews agreed with Currey that, of all the grievances which led to the disturbances in Griqualand West, the non-fulfilment of promises respecting land titles was the greatest.⁷⁷

Nevertheless, although the results of the Land Court were so unsatisfactory, the evidence led before it provides fascinating details of the history of Albania.

Henry Green's evidence pointed to some of the problems which Arnot had had in trying to keep Albania occupied. Green had obtained four grants in Southern Albania on lease, namely *Kameelfontein*, *Groot Kruidfontein*, *Ottawa* and *Lilienstein*. In December 1868 he became one of the concessionaires⁷⁸ to search for diamonds. Van Heerden was renting *Ottawa* and *Lilienstein* and was anxious to obtain the leases for himself, while Green had applicants for the other two farms as well. He had expected his brother from England to occupy but he had not come out, and as Arnot was very anxious to have the farms occupied, he had agreed to Arnot's proposal that he exchange for farms in Northern Albania. Arnot had told him that there was a drawback in that the northern part of Albania was disputed by the Free State. However he had made the exchange, since to counterbalance the risk involved, he had been permitted to have

⁷⁶ Wilmot, A., *op. cit.*, pp. 304-305.

⁷⁷ Dr J. W. Matthews, *Incwadi Yami*, p. 284.

⁷⁸ See Chapter three.

a more liberal allowance of ground. The extent of his four farms in Southern Albania had been 14 216 morgen. He was to pay £15 per 3 000 morgen in Northern Albania, with the right of making the quitrent perpetual by a payment of £250 and £3 per year quitrent. He had paid a deposit of Two Guineas on each farm. He was, however to await the settlement with the Free State. In September, 1870, Waterboer had offered his country to Britain, whereupon Green had made enquiries and selected the farms named in his claim, and had informed Arnot of his decision. He had also asked Arnot whether he should put up beacons before the question had been properly settled. In the meantime the lease had been prepared and signed by Waterboer. When the boundaries were completed, they would be inserted in the lease. Green had then heard that Waterboer wanted to cancel the cession to search for diamonds. They had taken advice, and Arnot, on Waterboer's behalf, had offered each of the concessionaries two quitrent farms of 4 000 morgen in lieu of their rights under the cession. He had accepted the offer on condition that these two farms adjoined Meremetse.⁷⁹

The Albanian farms then came under Stockenstrom's scrutiny. He dealt summarily with the disputes over the Vetberg Line farms, by pronouncing that, in terms of the Quieting Proclamation, they should be judged as if they lay in the Free State and were subject to Free State law, even though he admitted that they lay south of the Vetberg Line. The reason for this strange decision was that the sale of land by Cornelius Kok had been followed by the issue of British land certificates and that since all this pre-dated the Vetberg Line, he did not feel that the claimants should be inconvenienced by agreements between Chiefs!

⁷⁹ For the cession see evidence of H. Green, p. 185, and also Chapter three, pp. 149-150.

Early in March, 1876, Buyskes was called to the witness stand, where he launched a biased and bitter attack on Southey, Orpen, the Albania scheme in general and Arnot in particular for getting the Reserve. He claimed that Arnot had not had the consent of the people, so that grants made by him were illegal in Albania. He said that in 1870 Arnot had "ceased to be a landlord to the grantees, if ever he was one, and the Griqua Government became such landlords in his room."⁸⁰

Stockenstrom agreed that the leases framed by Arnot were not quite in accordance with the intentions of the Griqua Council, but because of the Quieting Proclamation, the improvements carried out by the settlers and the fact that the dispossessed Grikwas were to get land north of the Vaal, he accepted them unless they clashed with better titles.⁸¹

Wayland's evidence gave a glimpse into the history of a fairly typical settler, albeit one of the wealthier and more successful members of the community. Part of his evidence is given as an example of the kind of testimony heard by Stockenstrom from the Albanians:

I am a farmer residing in Albania at Belmont. In 1867 I was farming between Fort Beaufort and Alice, when I learned from public print of the intention of settling Albania. I attended meetings, and know that a Constitution Act was made. I was an applicant. I applied for myself and family, and friends. I started in September, 1867. I had the promise, if I arrived first, to have the first pick. My sons were then minors. I brought my stock up. I went and took up my residence at once at *Belmont*, and applied for it, I was appointed one of the inspection commissioners. I did not know at that time that the 2 1/2 farms had come over the Vetberg Line. I then took out *Lovedale* for my son, C. Wayland, *Sheephouse* for Walter, and *Cliro* for Arthur. *Cilrhew* at that time was allotted to Spranger. There were a hundred or 2 natives on *Belmont*; it was a Griqua village. There were no enclosed lands; there were no Boers on any of the land I claim for myself and family. I met one Van Eck at *Kafir'skop* [sic] near *Zwinkspan*, not where he now resides. I have been building and increasing my buildings from the time I went there. All the farms claimed by us

80 Evidence of Buyskes to the Land Court (reported on 9th March 1876). G.L.W. 6, 158(a). After his dismissal from the Land Commission, Buyskes must be regarded as a very biased witness.

81 For details of evidence given by Albanians, see Stockenstrom, A., *Evidence*.

are occupied. The farms disputed by Free State claimants are now used in common by us and the other claimants until disputes are settled. In 1867 and 1868 the beacons were erected. My sheep arrived from the Colony in about April or May, 1868. I made *Belmont* the head quarters of my party, and we used the adjoining farms. At *Belmont* I have spent £500 to £600 in getting out water and improvements. I have let *Belmont* to my three sons. In January, 1868, I took lease of *Harefield*. I saw no sheep station there, but I did see sheep. No signs of native locations. The natives told me themselves on my arrival that they had received notice to quit Albania. Andries Pampier, the headman at *Belmont*, told me he had notice to leave. He remained about six months and then left. A number of them remained with me, and are still with me as servants. The natives used to live near the rivers except after rains, when they went back inland. I continued in peaceable possession till May, 1869, when the Free State Commission laid down the so-called Vetberg Line of 1869. At that time we used *Belmont* as head-quarters and used the adjoining block of farms. We had 3 000 sheep at that time and 200 cattle and horses. Klaas van Wyk was living at *Zwinkspan* in 1867, and then applied to Arnot for farms in Albania. Two pieces were allotted there. I did not know Van Wyk's boundaries of *Zwinkspan* till the Commission of 1869. I accompanied them ...⁸²

However, in his judgement, Stockenstrom declared that the case of *Belmont* was somewhat exceptional. N. Kruger had owned it before the settlers arrived, and still claimed it, so that, strictly speaking, he was entitled to take it back at the end of Wayland's 21-year lease. Stockenstrom rejected this because Kruger had signed the Council resolution approving of the leases and Wayland had therefore taken possession of the land and carried out costly improvements. Therefore, Stockenstrom judged that

Kruger and his heirs are entitled to an annual sum of £15, in perpetuity from the occupier of *Belmont*.⁸³

This decision meant that the Albanian lands had indeed been alienated from the Griqua people despite the terms of the leases, and the Griqua law which forbade such alienation. The farms might just as well have been freehold grants, since it was obvious that no Griqua would be able to reclaim his land at the end of the lease.

⁸² *Ibid.*, evidence of C. J. Wayland, p. 190 *et seq.*

⁸³ Stockenstrom, A., *Judgment*, p. 20.

As regards the Reserve, a great deal of evidence was led, much of it detailing the events dealt with in Chapter three. Arnot based his claims on two main points - that Waterboer and his Council had given him the areas he claimed, and secondly, that, at the time of the annexation, Barkly had agreed to the condition that recognition of Arnot's claims was a *sine qua non* of the cession of Griqualand West. In regard to the latter, Stockenstrom decided that, since Barkly had not been aware of the extent of Arnot's claims, these claims were not guaranteed in terms of the Quieting Proclamation. He therefore decided to judge each claim individually. This meant that Arnot's claims rested on his being able to prove that Waterboer and his Councillors had granted him the land in question. He insisted that he had been given two farms in recognition of his services, and the rents from the Reserve as his salary (about £1 000 per annum), but that this had later been altered, so that the whole Reserve, *Eskdale* and erven at Backhouse were granted to him.

One after another the Councillors denied that Arnot had ever been given more than the two farms which made up *Eskdale*, and said that they had all signed that document. Strangely, this document had only Waterboer's signature, while the one granting the Reserve had all the Councillors' signatures. It would seem that some-one had been doing a little underhand swapping around of documents. Some of the Raad members said that they had heard the word Reserve, but Waterboer had told them it would still belong to the Griqua people, so they had signed. They had felt that Arnot should get money not land for his services. Jantje Griqua said:

We could not understand the meaning of the word "Reserve". Captain Waterboer said you are so slow in paying Mr Arnot, perhaps the settlers will come in and pay him everything, and therefore we have kept the Reserve to pay Arnot out of it. He was to have two

farms out of the Reserve, and the rest of the Reserve was to be retained for the Griqua nation.⁸⁴

Only Lombard Jantz and Willem Vaneel admitted knowing about the Reserve, and the former stated that he had signed the names of Jantje Griqua, Prins Nero, Isaac Haai and Willem Vaneel, because they could not write.

The Reserve lessees testified that in 1870 it had been quite clearly stated that the Reserve belonged to the Griqua nation. C. W. Mathews told the court that the presence of Waterboer and some of his councillors at the meeting at Faber's showed that he must still have had some control over the farms. When Waterboer had agreed, at the lessees' request, to collect their rents, Arnot had remarked that he was quite happy to have his salary collected for him instead of having to collect it himself. Arnot did, in fact, continue to receive his rents from the lessees until 1875, because they felt he had earned a salary for his attempts to settle the disputed boundary lines, although Rostoll told the court that payment was sometimes made under protest. He had paid for the sake of peace and because he had felt that the lessees should wait for the settlement of the land question before refusing to pay.

After all the years of bickering with his tenants, there were only a few witnesses to testify for Arnot. Peter Wright, Wayland and Cook all said that they had known the Reserve was Arnot's. Cook said that he had been aware of the dissatisfaction over high rentals, lack of law and order and the absence of payment for improvements, but had never heard anyone dispute Arnot's title until the land court hearings. Orpen testified that he had asked Waterboer why he and the Raad had made the public farms renewable leaseholds instead of perpetual quitrents. Waterboer had replied that if they wanted to make them the equivalent of quitrents by wording them so that they did not break the law against

⁸⁴ Stockenstrom, A., *Evidence*, p. 165.

alienation they could do so. Orpen had then asked him why he had not put a rent on Arnot's lands so as not to break this law, but Waterboer had declared that he regarded Arnot as a Griqua subject and could therefore make his grant freehold.⁸⁵

After hearing all the evidence, Stockenstrom remarked on how distressingly easy it had been to tell the Councillors what was on a document and to have them sign it. Since most were illiterate it was only too easy for a trusted agent to deceive them.⁸⁶ Since Stockenstrom based his judgement on this belief that Arnot was wholly unscrupulous, Arnot fared badly indeed. His claims to the Albanian and Northern Reserves, as well as to the erven at Douglas were disallowed. He would get Eskdale and the rents from the Reserve only. Henceforth, the Reserve tenants would hold their land on the same terms as those on the public lands as regards ultimate purchase and so on. There is no doubt that Stockenstrom was extremely hostile to Arnot, who was given an unusually unsympathetic hearing. Arnot was extremely bitter at the outcome of the hearings, and said that he might as well have ensured that the area had gone to the Free State, which had at least paid Adam Kok honourably. To Southey he lamented:

I might die tomorrow and what would become of my wife and children?⁸⁷

Certainly there were others who felt that he had received a raw deal. The *Diamond News* had commented some time before that Arnot had good and substantial claims, and that he ought to be well-rewarded, since it was through his efforts that British rule had come about, and he had devoted

85 This is particularly interesting, since this is what Stockenstrom said was not part of Griqua tradition.

86 The evidence given to Warren did not bear out Stockenstrom's accusations. See Chapter five.

87 Gutsche T., *The Microcosm*, p. 188.

years of labour and ability to the "public interests of Griqualand West".⁸⁸ This was a predictable attitude from this particular newspaper, which had always supported Southey and Arnot against Bowker, but it was not an unusual point of view.

Like Arnot's, Orpen's claims were also disallowed, but his attorney, Sydney Carlisle, asked for their re-publication, as Orpen maintained that if they had not been under the heading of Griqua engagements they would have been allowed. This was accepted to save time and confusion, as it could

form no precedent as today [6th June, 1876] is the last day for sending in applications."⁸⁹

Meanwhile, partly in an effort to win support for their claims, Arnot and Orpen had, at Southey's request, collaborated in writing a book called *The Land Question of Griqualand West*, which caused Barkly to ask Lanyon whether it should be published for general sale in case it stirred up further controversy, although he felt that there would probably not be much demand for the book. But Byron Sampson had complained about what had been said about him in the preface. Barkly felt that Sampson had little reason to complain,

considering the very strong language applied by Messrs Robinson and Sampson to the late Lieutenant Governor and others...I should...be sorry that the imputation likewise unjustly cast on the Government of the Orange Free State in that preface, should be officially put forward and would suggest, therefore, that the page containing them should be torn out before any further copies are issued.⁹⁰

Sampson and the Rev. William Robinson had land grants from Theodore Doms and were backed by Bowker, Buyskes and the *Diamond Field* against Water-

88 *Diamond News*, 24th September, 1874.

89 10th June 1876. G.W.L.C. No. 8, p. 138.

90 Barkly to Major Lanyon, 10th May 1876. G.L.W. 6/100.

boer's grantees, including Arnot and Orpen.⁹¹ Lanyon agreed that "perhaps on the whole it would be better not to publish the book",⁹² though it probably would not sell.

However, Lanyon's caution was no match for Arnot and Orpen and, in 1875, the book was indeed published, although it did not have the desired effect on the outcome of the Land Court, despite the reproduction of all the promises made at various times by Barkly and Southey to Arnot.⁹³

On 6th July, 1876, W.P. Hutton wrote to Francis Villiers, Secretary to the Administration, from the Land Court in Kimberley, to tell him that, in all, there had been 1678 applications for land, 297 cases had been provisionally allowed, 706 disallowed, 14 withdrawn, 15 absolved from instance and 211 cases made absolute. Appeals had been made in 163 cases, the Crown appealing in eight.⁹⁴

Unfortunately, this was not the end of the saga. The dissatisfaction⁹⁵ resulting from Stockenstrom's often high-handed and over-hasty decisions necessitated the appointment of Captain Charles Warren, of the Royal Engineers, to sort out the confusion once and for all. Yet, Stockenstrom's land court is usually the only one mentioned in South African history books, even though many of his decisions were criticised or reversed. Because he seems to have had the last word it is time the record was put straight.

91 Minott, L. L., *op. cit.*, p. 100.

92 Lanyon to Barkly, 19th May 1876. G.L.W. 6/100.

93 See Chapter five. Lindley's pro-Free State book, *Adamantia*, had appeared in 1873.

94 W. P. Hutton to Francis Villiers, 6th July 1876. G.L.W. 6/141. These figures include Albanian claims.

95 See White, A. N., *op. cit.*, pp. 61-64.

CHAPTER FIVE

THE WARREN REPORT¹

Captain Charles Warren, RE, had been sent to South Africa in October, 1876, to act as Britain's representative in drawing up the final boundary lines between Griqualand West and the Orange Free State. He completed his survey in the middle of 1877 and moved to Kimberley in July (although his official appointment was dated 10th November, 1877) as a special land claims commissioner charged with the task of investigating and reporting upon the land claims and then of finally settling the Land Question of the Province of Griqualand West.² So many cases were on appeal that few of the Land Court judgments could be made absolute; many cases had been left out altogether; while in others obviously incorrect decisions had been made. Warren's instructions were detailed: he was to attempt to compromise and settle the various complications arising out of the Land Court's disputed judgments, such as those cases where the Land Court had granted claims based on original Orange Free State titles, but the land claimed was in excess of the nominal acreages specified by the titles, or as regards the disputed farms on the Vetberg Line; he was to advise and make recommendations in those cases Stockenstrom had refused to hear because he considered them matters for the Government to decide, such as the claims of Waterboer, Arnot, the Mineral concessionaries and of W. W. Greef and the Albanian refugees; he was also to make individual recommendations where Stockenstrom had only given general judgment, as in the cases of allotted farms, to determine

¹ For full details on Warren, see A. N. White's thesis: "The Stockenstrom Judgment, the Warren Report and the Griqualand West Rebellion 1876-8.", p. 64 *et seq.*

² Government Notice No. 200 of 1877, signed by W. Owen Lanyon. Warren, Sir Charles, *Report on the Land Question in Griqualand West by Lieutenant-Colonel Charles Warren, RE, CMG*, p. A.2.

their extents and quitrents³ and generally to advise the Government on all questions relating to the lands of the Province.

All questions for report were to be referred to Warren by the Government. In his report, however, Warren pointed out that his recommendations did not necessarily represent his full opinion on any particular subject, but rather the common line of agreement at which he could persuade contending parties to meet.⁴ Since he was not bound by a court of law, Warren was able to deal with the remaining problems in a broader way and certainly it was true that Stockenstrom had "broken the back of the land problem",⁵ making it easier for Warren to tie up the loose ends.

Warren's recommendations all went to the Executive Council for consideration, before being approved by Lanyon and sent to the Governor, Sir Bartle Frere. This meant that his decisions had at least a measure, however small, of popular participation, whereas Stockenstrom had been completely autocratic, which had laid him open to charges of bias, whether justified or not.

After studying the question of original land ownership in Griqualand West, Warren concluded that the British Government had taken over certain liabilities together with the land, which Stockenstrom had not considered binding in a court of law, although Barkly himself had guaranteed them in writing. The claims concerned were those of Waterboer, Arnot, the Griqua councillors, other Griquas and natives and those Europeans who had occupied or bought land with Waterboer's permission before the British takeover. These could not be invalidated by the Land

3 Warren Report, *op. cit.*, pp. 14-15.

4 *Ibid.*, p. 15.

5 White, A. N., *op. cit.*, p. 75.

Court's unjust refusal to accept them. These claimants therefore not only had valid claims, but also had Barkly's promise.

Only the arrangements regarding Arnot, the Albanian settlers and Griqua refugees need be dealt with here.

Schedules 19, 20, 21 and 22 dealt with Nicholas Waterboer's land grants, all of which the Land Court had disallowed. Sixty-four were in appeal, amongst them the cases of David Arnot, George Paton, Henry Green (one of the Diamond concessionaries), Francis Orpen and the Albanian Reserve tenants. These cases were dealt with separately. Of the others, compromise was the answer, since many of the claims appeared to Warren to be justified, despite their disallowance by the Land Court. Many of them had been on the original list sent to the Government at the time of the British takeover.⁶

Warren then went on to deal with the emotive issue of David Arnot's claims. On 10th October, 1877, Arnot had written a long Memorial to Warren, appealing for real justice, "not merely to see what my necessities may wring from me."⁷ He had "struggled single-handed and against hope" to protect "our native allies" against aggression. This

led to so much of my time...being taken up in the contest, that at last I could no longer in justice to my family⁸ serve without re-

6 The Albanian farms affected under Schedule 19 were *Manest*, *Cliro* and *Harefield* (C. J. Wayland), *Kenmare* claimed by Anne Graham, *Arnotsdale* and *Stockdale* claimed by G. A. Arnot, *Lovedale* claimed by C. J. Wayland, *Sunnyside* claimed by J. W. Dugmore. Under Schedule 21 the following Albanian claims in appeal were settled by compromise: *St Clair* (F. H. S. Orpen) and *Homebush* (E. P. Wayland).

7 Memorial of David Arnot to Captain Warren - 10th October, 1877, at Kimberley, Warren Report, *op. cit.*, pp. 138-139.

8 There can be no doubt that Arnot did his best for his large family. For example, some years before, he had asked Southey for a post for his son-in-law, Fitzroy Maclean Henry Somerset, describing him as aged 30 "strong as a horse, honest as daylight, steady as a rock", educated at Oxford, clever and quick (Wilmot, A., *The Life and Times of Sir Richard Southey*, p. 196). Somerset was eventually given the post of Civil Commissioner at Douglas. On 23rd July, 1872, Arnot asked for a post for another son-in-law, Smuts.

muneration for my past services...None could then be given but land, rendered of little value, 1st, through the action of the Griqua law as regards foreigners; 2nd through the repudiation by Government of its obligations; and third, the consequent risk of absorption through the progressive seizures in progress.⁹

The Memorial contains many of the details already given elsewhere, but, as point 22, Arnot offered to give up his claim to the Northern Reserve, because

Government has by injustice caused me to fail in obtaining for the Griquas the "quid pro quo" for which I received it, for it has for six years withheld their titles for what I had to fight; and secondly, because in that time Government has (it is true, with my consent) located numbers of natives within that Reserve, and it is against my whole nature to dispossess them.¹⁰

Warren was not convinced by these protestations and criticised Arnot for bitterly antagonising the Griquas by ruthlessly expelling them from their lands to make room for his settlers. Although he had had Waterboer's permission, his actions had clearly proved

that whatever else might be his object, it certainly was not love or consideration for the individual native which brought him into these parts.¹¹

On the other hand, while admitting that Arnot's motives for taking up the cause of the Griquas may have been "self-interest, self-preservation, and self-aggrandisement", Warren justly pointed out that these were also the motives

not only of all those engaged in the controversy on this outskirts of civilisation, but also of many others in the Cape Colony who found that the success of Arnot would be tantamount to a failure of their own schemes.¹²

For instance, during the negotiations connected with the annexation of Griqualand West, Arnot had been employed by Barkly to collect evidence

9 Warren Report, *op. cit.*, p. 138.

10 *Ibid.*, p. 139. Arnot had been less squeamish about the unfortunate Albanian Griquas.

11 *Ibid.*, p. 27.

12 *Ibid.*, p. 27.

and in other matters connected with the Free State claims to Griqualand West.¹³ This had led to Arnot's becoming extremely unpopular with the Free State and the "old Dutch party in the Cape Colony.", both of whom wished to see Arnot stripped of everything, although both Barkly and Southey had promised that his claims would be granted. Nor had there been any indication, until July 1875, that his claims would have to be submitted to a Land Court

presided over by a very young Dutch barrister, who he had hitherto looked upon as one of his most determined antagonists on the side of the Republican States, and who in taking over the duties of the judge of the Land Court would only leave the atmosphere of political strife for a while and then return.¹⁴

Arnot had had no option but to obey and as a result had been publicly stigmatised by Stockenstrom as a person in whose word no reliance could be placed, accused of bringing a groundless charge of forgery against another man (Crossley¹⁵) and had the whole of his claims disallowed except *Eskdale*, the rents for life of the Albanian Reserve and his claims against the Griqua Government for his services.

Arnot had appealed against the decision and the Supreme Court was at that time hearing his claims to *Eskdale* (with mineral rights); the Southern Reserve, in freehold with mineral rights; the Northern Reserve; the farm *Clydesdale* on lease; ten farms between the Harts and Vaal

13 *Ibid.*, p. 28.

14 *Ibid.*, p. 28.

15 This arose as the result of a long-standing quarrel over *Ramah* between Arnot and Mathews, which involved Crossley. Stockenstrom had castigated Arnot for trying to wrest from Mathews the land which he himself had sold him, and for bringing a groundless charge of forgery against Crossley to strengthen his hand. Arnot had been ordered to pay all Mathews's costs, which meant that he was being punished for trying to prove invalid the evidence against him. Crossley's document was indeed of doubtful validity. Adam Kok frequently signed blank forms of gift farms, which could be filled in later. Warren himself had seen several such blank forms, and therefore accepted Arnot's objections. The document could easily have been filled in "when time and circumstances suited" Crossley.

Rivers and £1 000 per annum pension. Warren told Arnot that he was free to see him to discuss a possible compromise, without prejudicing his claims in any way. Arnot accepted this offer, although, as Warren pointed out, in doing so, he was actually throwing away a good chance of getting all his claims, for he still had Barkly's promise to fall back upon, even if the Supreme Court threw out his appeal. However, he appeared before Warren and after a fortnight of difficult negotiation, Arnot gave up his claims to the mineral rights on the claimed land, to the Northern Reserve (about 261 square miles) and to the ten farms for his Griqua services and his claims to have the land in freehold. Finally, all he claimed were *Eskdale*, *Clydesdale*, the Southern Reserve and his pension.

The final settlement was as follows:

Arnot was claiming *Eskdale* in freehold and certain erven at Backhouse or Douglas. Stockenstrom had given Arnot *Eskdale* in freehold, but had disallowed the erven. Thereupon, the Attorney-General had appealed against the grant of *Eskdale* as a freehold and Arnot had appealed against the disallowance of the erven. This was settled by Arnot's agreeing to accept *Eskdale* on perpetual quitrent, with Warren's promise to recommend that it be awarded him as a quitrent farm with "quitrent remitted endorsed on the title",¹⁶ and by granting him the erven consisting of about twelve acres, on the same terms.

Warren's twelfth report dealt with Arnot's claims to the Southern Reserve with its thirty-six farms. Stockenstrom had rejected most of Arnot's claim and recommended only that Arnot get the rents for life and that the tenants should get the option of ultimately purchasing their farms. Having described the assurances which Arnot had had that his

¹⁶ Warren Report, *op. cit.*, p. 28.

claims would be liberally dealt with,¹⁷ Warren came to a very different conclusion from Stockenstrom's. He believed that Waterboer and his Councillors¹⁸ had intended to grant Arnot the Reserve in recognition of his services as their agent at Colesberg from 1858-1867 and in Albania from 1867-1871. Warren based his belief on simple economics: Arnot had been doing business to the value of £1 000 per annum in Colesberg and would scarcely have been prepared to give up this business to take *Eskdale* alone, which was worth less than £120 per annum. Warren therefore arranged with Arnot (because of the ill-feeling still existing between Arnot and the settlers, they could not be brought together) that he should get the rents of the Southern Reserve for twenty-three years, with the proviso that the tenants could at any time pay them off to him in a lump sum at the rate of £500 per 3 000 morgen and secure the farms for themselves, at an annual quitrent of £1 sterling per 1 000 morgen to the Government.¹⁹ This settlement was, in Warren's view, more favourable to both parties than that of the Land Court.

Waterboer had settled on a figure of £850 per annum for Arnot's pension, but after discussion, Arnot agreed to accept £500 per annum, "payable on the joint lives of himself and wife and on the survivor" (i.e. on the longer of their two lives).

17 See Chapter four.

18 This must be regarded as doubtful, although Arnot later claimed that most of the Councillors finally admitted that they had granted him the Reserve - Andries van Rooy on his death-bed. According to Arnot, Prins Nero had admitted that he had been persuaded by agents to say that the Council had not given Arnot the area, while Kruger had simply lied about it.

19 If they did not purchase in this way, they would, when the lease expired, be entitled to compensation for permanent improvements to an amount which would be decided by arbitration later on. Arnot and the Trustees also had to agree to indemnify the Government against all claims to Ramah and to any portion of the land constituting the Southern Reserve.

Warren then summed up the financial aspects of Arnot's claims in relation to the offer made him by Barkly and the recommendation of Stockenstrom and concluded that Arnot was asking only £3 400 more than Stockenstrom had recommended and that it would benefit the government to accept Arnot's proposals by eliminating the possibility of greater expenses arising from the case before the High Court. As regards the twelve farms claimed by Arnot from the Griqua Government, in lieu of liabilities and because of his employment in 1872-4 by Barkly on various matters connected with the land disputes, it was agreed that he should be recommended for £1 000 p.a. in lieu of all claims he might have against the British or Griqua governments. Warren noted that Arnot had already spent £2 000 on legal fees and that he had not received payment for his services for the three years after annexation, nor any financial recompense for writing the book, *The Land Question in Griqualand West*, which had been commissioned by Lieutenant-Governor Southey. He therefore recommended that Arnot be granted, as requested, £3 000, being £1 000 per annum for the years 1872-4 and that his pension of £500 p.a. begin from 1875. This sum, however, would not have to be paid in full since Arnot was liable for the following expenses: Seven years perpetual quitrent on the Reserve from 1870-1877 = £700; Survey on *Clydesdale* and *Eskdale* = £143, ditto on the thirty-six Reserve farms at £30 each and on 2 farms at £25 each = £1130; capitalisation of the leases on *Clydesdale* and two other farms = £900 - totalling in all £2 873. The Treasury would therefore be liable for only a few hundred pounds.

Warren also cleared up charges against Arnot's veracity, arising from his claim to *Clydesdale*, for which Arnot had put in his claim with a letter from Steenekamp, a sub-lessor, stating that he had no claim to the farm. Unfortunately, the Colonial Secretariat had mistakenly substituted the name of Steenekamp for Arnot as claimant and had put down

Arnot's name as claimant for "one farm",²⁰ without specifying which one. When the case came before the Court, Arnot claimed *Clydesdale* and was censured by the judge for laying claim to Steenekamp's farm and censured again when he disclaimed knowledge of the "one farm", for having sent in a claim for a farm about which he could give no information. Stockenstrom had then awarded *Clydesdale* to Steenekamp, who had already refused in writing to claim it.

The perpetual leases in Albania from Nicholas Waterboer had all been allowed by the Land Court, subject to preference of Free State titles on the Vetberg Line, dealt with below. The claimants to these farms were recommended by Warren for quitrent grants on the terms of their leases, with power to reduce the quitrents to a minimum of one pound per 1 000 morgen at any time by payment of a lump sum.

Warren felt strongly that the rents on all Griqualand West farms should be reduced to the level prevailing in the Cape, namely, £1 quitrent per 1 000 morgen, whereas the Griqualand West administration wanted to raise the price to £5 as on the Albanian and some of Waterboer's grants. He also felt that tenants should have the option of paying off the excess of quitrent over £1 in a lump sum at 16 2/3 years' purchase. In the Cape tenants had to pay off on £5 and still pay £1 per 1 000 morgen. Warren wanted payment to be based only on the excess of £5 over £1, that is, £4. Warren also proposed changes to the method of leasehold selling, which he felt retarded land sales and made owners fight shy of improvements. Warren clearly believed in land as a social tool. He put these theories into practice in dealing with the Albanian leasehold farmers, recommending that they be granted their lands at £5 per 1 000 morgen with the power to capitalise the excess on £1 at 16 2/3 years' purchase, leaving an annual quitrent on the farms of £1 sterling

²⁰ Warren Report, *op. cit.*, p. 29, 1021, Schedule 20.

per 1 000 morgen. The exceptions to this were the Reserve, *Eskdale*, *St Clair* and Backhouse.

Reports Nos 10 and 11 dealt with the claims of the Orpen family. F. H. S. Orpen claimed three farms on the Harts River and two in Albania, namely, *Ard Tully* and *Killowen*, both of which were in appeal, as they were also claimed by Free State farmers (they lay on the Vetberg Line). Orpen agreed to give up his claims to *Ard Tully* and *Killowen* in exchange for lands in the Hay district and the same settlement was made for the farms along the Harts. Orpen was also awarded compensation for the rent (£92.10.6d) he had already paid on these farms, by having the rent on the land to be granted him remitted to this amount. This settled these cases.

Maria and C. J. Wayland's claims to *Avoca* and *Homebush* were dealt with in Report No 120. These farms lay on the Vetberg Line and were overlapped by *Kalkfontein*. The Land Court had given judgment in favour of *Kalkfontein* and the case was in appeal. C. J. Wayland, however, wished to withdraw his appeal on condition that he was given land elsewhere and asked that the two farms be made into one and given to Maria Wayland. Warren accepted these requests and recommended that Maria Wayland be granted the farms on one title, amounting to about 275 morgen at an annual quitrent of £5 sterling per 1 000 morgen, "with power to capitalise the excess on one pound at 16 $\frac{2}{3}$ years' purchase, leaving on the farm a perpetual annual quitrent of one pound sterling per 1 000 morgen."²¹ C. J. Wayland would receive an equivalent (about 1 419 morgen) amount of land elsewhere, to be decided later.

The Vetberg Line gave Warren several headaches. Along it were thirty-nine disputed farms, involving seventeen Free State titles and twenty-four Albanian leases. The owners had all been guaranteed their

²¹ *Ibid.*, No. 120, p. 103.

lands by Proclamation 72,²² but, since many of their farms overlapped, this only added to the confusion. Stockenstrom had not questioned the validity of the Albanian claims and had allowed nearly all of them, even those on the Vetberg Line, although this was always subject to the prior claims of the Free State titles, on the ground that the Free State was the most stable government and was actually exercising jurisdiction over Waterboer's land in spite of his protests. However, in some cases the inspection reports of the Free State Government itself showed that there was uncertainty over right of title, while the land in question was in fact acknowledged to be rightfully under Waterboer's jurisdiction. Stockenstrom had recognised this to the extent of giving *Klip Pan*, *Zwinkspan* and *Scholtzfontein* to the occupants on the grounds that they were living *de facto* under the Free State Government, "in defiance of the known rights of Waterboer and his Albanian lessees."²³ Preference had been given to the Free State farmers because of their Government's strength, which had enabled them to oust Waterboer's tenants. Warren acknowledged that in doing this they were merely following a well-established tradition - Griquas had ousted the Bushmen, the English in Albania had ousted the Griquas and the Boers had ousted the English. Nonetheless, because of Proclamation 72, this led to the entering of appeals. Warren's problems were compounded by the antagonism existing between the two parties, neither of which could bring itself to speak to the other. This is not surprising in view of the mutual annoyance which had been practised for so many years along the Vetberg Line.²⁴ Warren's solution was ingenious. He spoke to both parties and found that, while the Boers were determined to hold onto the land whatever the rental

22 See Chapter four, "The Quieting Proclamation".

23 Warren Report, *op. cit.*, p. 23.

24 See Chapter three.

asked, the Albanians were more interested in the rental payable on the land than in the land itself. Therefore, Warren arranged that in most cases the Boers got the land they claimed beyond the Vetberg Line at the Albanian rental of £5 per 1 000 morgen (or a lump sum in lieu thereof), (against the £1 per 1 000 morgen they were paying on the Free State titles), while the Albanians would receive farms on the west side of the Vaal River in lieu of the land they had given up in Albania, at a moderate rental. This solution was not achieved easily, since party spirit was running high, but eventually all the claims were settled with one exception, that being a case where the parties were out of the country.

Reports 123, 125 and 204 dealt specifically with *Swinkspan*, *Waterbak* and *Scholtzfontein*, all of which were in appeal. *Swinkspan* (or *Driekopspan*) was claimed by A. van Wyk. It had a British Certificate, but had been reduced to 6 000 morgen by the Land Court. Van Wyk was claiming the whole farm according to the beacons, although it overlapped several Albanian farms, which were also in appeal as a result. It was agreed that both parties would withdraw their appeals on condition that Van Wyk obtained 6 276 morgen in accordance with the Land Court judgment, at a rental of £1 sterling per thousand morgen per annum, plus three pieces, two of 700 morgen, to make the farm a reasonable shape, at £5 per 1 000 morgen. The third piece would consist of 350 morgen, and was

so arranged in order that Mr Van Wyk and Mr Wayland should meet together and become on amicable terms, there having been continual estrangement between the parties on account of the Vetberg Line for several years past.²⁵

In Warren's final recommendation this arrangement was slightly amended in that Van Wyk was expected to pay only £4 per annum on the extra 1 750 morgen, and was given the power to capitalise this additional rental at

²⁵ Warren Report, *op. cit.*, No. 123, p. 103.

16 2/3 years' purchase (about £120) within two months, leaving a perpetual quitrent on the whole (8 026 morgen) of £1 sterling per annum.

Louis J. Fourie's farm, *Waterbak* (or *Zoutfontein*) had also been reduced to 6 000 morgen by the Land Court and was therefore in appeal. Fourie claimed about 16 000 morgen according to the beacons, for which he had paid £1 500. As in Van Wyk's case, the Albanian farmers whose farms were encroached upon were appealing against the judgment. Again Warren produced a compromise solution. The appeals were withdrawn on condition that Fourie got the 6 000 morgen awarded him by the Land Court plus the rest of *Stockdale* (about 2 044 morgen) and part of *Hayfield* (about 630 morgen) and a part of *Hayfield* and *Cliro* (about 350 morgen). These three pieces were to be at a rental of £4 per annum under the same conditions as applied to Van Wyk. An arrangement similar to the one between Van Wyk and Wayland was made regarding the last named 350 morgen, in order to bring about a reconciliation between Wayland and Fourie.

J. S. van Heerden's claim to half of *Scholtzfontein* had been allowed by the Land Court, but without defining its extent. Van Heerden now agreed to accept 7 446 morgen, giving up about 5 000 of the 12 446 morgen he had claimed to the Albanian claimants. The boundaries of the farm were now clearly defined. The perpetual annual quitrent was to be £1 per 1 000 morgen .

Warren then turned his attention to the grievances of the Albanian Reserve farmers.²⁶ During the time he had been busy with his survey work, Warren had visited several of the Albanians, including Wayland on *Belmont*. He had been impressed by what he had seen, describing Wayland's house as

the show-house in these parts. Mr Wayland has made the desert blossom as the rose. He has constructed a large dam...The house is of brick and masonry...The garden here is large and well-wa-

²⁶ *Ibid.*, No. 150, p. 104.

tered...he took us over his garden and with manifest pride showed us hollyhocks, petunias, periwinkle, tamarisk; all kinds of stone fruit (apricot, peach, plum), orange-trees, pomegranate; all these he has planted himself. All this out of the sweat of the brow; all the result of elbow grease.²⁷

Perhaps it was because he had got to know the people involved in these appeals (he visited the Griquas too), but certainly Warren's treatment of the settlers and others who appeared before him was far more understanding and reasonable than Stockenstrom's. His method of dealing with those cases which had been noted for appeal against the judgment of the Land Court was to persuade the disputants to come to him to try to work out a compromise solution, as he realised that no settlement could be achieved unless these cases (over 200 in number) were withdrawn. However, since he had not the power to order the various parties involved to come before him, he had to use his powers of persuasion. It was a long process, but to Warren's great credit, after five months of work, all but four of these cases had been withdrawn. Not only had he achieved this, but, by taking these cases out of the Courts he had saved the claimants, and the Government, thousands of pounds in legal fees. Warren's achievement is particularly remarkable in view of the opposition, not only from the claimants, but from the lawyers and land agents, with whom he was forced to take a very strong line. He also had to contend with opposition expressed publicly in the newspapers from a party which had adopted the Albanian Reserve question as its "watchword". The Land Agent, Buyskes, had brought two so-called delegates from the farmers of the Reserve to see Warren, namely Fincham and Van Heerden. The interview was "disagreeable" and Fincham was turned out of Warren's office, whereupon he threatened to hunt Warren "like a porcupine on a

²⁷ Warren, C., *On the Veldt in the Seventies*, p. 28.

moonlight night".²⁸ After this confrontation, Warren commented dryly that:

They had no tangible grievance that I could ascertain. Mr Fincham's principal idea appears to be that he would fight this or any other Government till he had no clothes to his back, but the grounds on which he would propose to do this seem to be quite immaterial.²⁹

However, this intransigence endured only while Buyskes remained with the two delegates. About an hour after their departure, Van Heerden changed his mind, and reappeared in Warren's office accompanied this time by his attorney, Haarhof, to say that he was prepared to take his farm on the Government's terms. Warren thereafter refused to see Fincham again, as he had been informed that Fincham did not truly represent the views of the majority of the tenants. Warren had quickly realised that the only point on which the Albanian farmers were all agreed was that they wanted their rents reduced. The settlers had originally leased their farms for thirty-three years from Arnot on the clear understanding that it was private property, at an average of 1 1/8 penny per acre, not per farm as Fincham asserted. These rentals were to have been adjusted after survey according to the actual size of the farms. This survey had taken place in 1875 and Warren had then drawn up the amounts payable for 1876 and 1877, which amounts were due for immediate payment, regardless of any arrangements which might be made between Arnot and his tenants for earlier years. Since many of the farms were actually larger than 3 000 morgen their owners would have been liable for extra rental, so that it was not in their interest to have any readjustment made. This applied to *Summerhill*, *Ottawa*, *Fermanagh*, *Egmont*, *Brechin*, *Chalk Farm* and *Hopefield*. In the cases of *Fermanagh*, *Egmont*, *Leinster* and *Forfar*, the

²⁸ Warren subsequently arrived at Fincham's home at 3 a.m. and offered to be hunted. The pair ended up good friends over a drink and early breakfast or late supper! (*Ibid.*, pp. 378-379.)

²⁹ Warren Report, *op. cit.*, No. 150, p. 104.

printed leases had been signed, so that the owners could not dispute their positions. In the case of *Devondale* and *Chalk Farm* the extent of the farms was just on 3 000 morgen and the rental 1 1/8d per acre, so that readjustment would make no difference; while, where tenants had purchased their farms within the last four or five years before 1877, the tenants had no right at all to question what had happened before their purchases. This applied to *Langford*, *The Hire*, *Lynne West* and *Leinster*. Rostoll, who had sworn in the Land Court that he had paid his rent for *The Horn* to Arnot only because Arnot had told him he was the Griqua Representative, had since sent in to the Government the bill of sale for this farm, on which it clearly stated that the farm was the private property of Arnot's son, so that he was aware that *The Horn* was claimed by Arnot. Warren therefore recommended that where there was no dispute, or cause for it, those rents be collected, while he investigated the remainder. The Land Court Judgment had simply been that the rents of the Reserve should be paid to Arnot, nor had Stockenstrom suggested that they be reduced. He had merely recommended them for the

favourable consideration of the Government, and thinks that as regards ultimate purchase they should be on the same footing as to the Albanian tenants, i.e. to obtain grants at 16 2/3 years' purchase on rental.³⁰

Warren wished the Resident Magistrate and Civil Commissioner at *Langford*, Captain Marshall of the Cape Mounted Rifles, to explain to the lessees of the Reserve that the terms offered them were more favourable than those Stockenstrom had offered. However, at Marshall's request, Warren decided to visit the Reserve tenants himself, but refused to see them in a body, convinced that they would be more reasonable one at a time. Fincham was first, and, since they understood each other by this

³⁰ *Ibid.*, p. 104.

time (see footnote 28), the case was soon settled. Since Fincham had been the main spokesman, the others followed his example, except

rich old Rostoll, the pont-keeper, who said that nothing would ever induce him to pay rents to Arnot. Then I said, "Capitalise at once, and you can pay to the Government." That was a way out of his difficulty and he has given in too.³¹

Warren secured the tenants' consent in writing to the leases according to his recommendations, and they told him that they were satisfied that their interests had been looked after, disproving the claims in the papers that these very tenants would not agree to any compromise, would bring their cases into court and would not accept the leases recommended by the courts.

Report 201 also dealt with Albanian Reserve farmers. H. H., T. J. and H. A. Holtshuizen, J. van Wyk, A. Matthewson, J. Ludeck, H. A. Wright and W. Marillier were all paying about £10 per 1 000 morgen, and all had small farms with no chance of buying land near them on which to keep stock. They were thus "so heavily weighted that they cannot prosper."³² These farmers were granted lands around Lanyon River at an annual rental of £4, with the power to capitalise the excess on £1 on the usual terms, leaving an annual quitrent of £1 per 1 000 morgen.

Ralph Cawood's claim³³ to one farm had been disallowed by the Land Court because Arnot had declared it invalid, in spite of the fact that Wayland's claim to a farm under the same circumstances, that is, for his services under the Griqua Government as Magistrate and Field Cornet, had been declared by Arnot to be valid. It was clear that there was, on Arnot's part, some spite involved in this case, since Cawood was one of

31 Warren, C., *On the Veldt in the Seventies*, p. 379.

32 Warren Report, p. 110. See also Schedule 41, p. 62. Several other farmers were granted additional farms elsewhere because of the high rentals they had been paying Arnot, and the small size of their farms.

33 Warren Report, *op. cit.*, Report No. 197.

the Reserve farmers and had been deeply involved in the disputes over Arnot's claims. Cawood had been one of the original settlers, but after years of work possessed only two small farms at the very high rental of £10 sterling per 1 000 morgen, ten times more than the neighbouring Boer farmers were paying for their much larger farms. Warren, therefore, recommended that Cawood be granted a farm of 3 880 morgen at a rental of £3 per 1 000 morgen, on the same terms as the farmers mentioned above.

Report 210 dealt with some who had almost been Albanians, for the claimants were Bradfield's party, who had been granted farms in Albania in 1867, but whose farms had not been given out because they lay along the Vetberg Line in the area claimed by the Free State. These people had then been allotted unlocated farms near the Harts River. Now they wished to take up their farms, having paid their deposits in 1867. The men involved were living at the time in New England and were Samuel Duffy, Charles Emslie, Thomas Glass, J. P. Poultney, J. W. Sephton, J. H. Sephton and J. Bradfield. All were granted farms between the Vaal and Harts rivers.

As regards the Griquas, Warren was far more sympathetic than Stockenstrom had been. By this time, the Griquas were in great distress as the London Missionary Society papers show. For some time, there had been no missionary stationed at Griquatown and the village had had to be content with occasional visits from the missionaries at Kuruman and the ministrations of Jan Sephigo (or Sepego), a Bechuana deacon, whom the Griquas disliked because of jealousy over Bechuana progress. On January 17th, 1876, John Smith Moffat, who had agreed to be responsible for the Griqua part of the huge district, visited Griquatown and reported as follows to the Directors:

The Griquas themselves are fast frittering away to nothing. Drink is asserting its...sway and Nikolaas Waterboer the ex-chief leads the van on the road to ruin. During the five days I spent in the town I was unable to get a proper interview with him till the last

moment; when ready to start, and during the odd moments when I did catch him he was more or less under the influence of drink. He never made his appearance at a single service and I unhesitatingly put him and his hench-man, Lambert Yanz [*sic*], aside from any approach to church membership.³⁴

Moffat wished to give up the work at Griquatown, as he felt he could not minister effectively from Kuruman, but he appealed for a minister to be stationed there, because many Bechuanas lived in the area, and they had made a creditable stand against corruption,³⁵ which should not be allowed to go to waste.

The L.M.S. then appointed A. J. Wookey to take care of Griquatown, but, since he also had to cover the vast area north to Phitsane, a distance of about 256 miles, there was little improvement. In a letter to the Directors on 5th February, 1878, he mentioned that he had been responsible for the village for thirteen months, so he must have started in about December, 1876, but he had only visited it twice - in August and December 1877.

The church there is in great confusion still, but I think that if it could be regularly visited things would become better as the people settled down under the new Government and have their locations permanently settled.³⁶

Wookey also reported that:

The people seem to be gradually disappearing from the neighbourhood. Those who have farms are nearly all selling them to Dutchmen and others. And I think that eventually some of them will leave for other places, while others will remain as servants &c in the country. Griquatown will then perhaps remain as a centre to which they may gather at stated periods and be visited by a Missionary.³⁷

34 London Missionary Society, Reports, ZL 1/8/1, Box 1 and 2, Report of Ashton 1875.

35 *Ibid.*

36 *Ibid.*

37 London Missionary Society, ZL 1/3/32, Box 39, Minutes of a meeting of the Sub-Committee held at Kuruman, 7th January, 1878.

Warren had visited Griquatown at the beginning of October, 1877, arriving on Monday the 1st. The picture he painted was full of the same kind of gloom from the Griqua point of view. A few days before there had been forty wagons there, for the Dutch had just made the village their Nachtmal centre, which would make the town grow. The Dutch were rapidly buying up farms in the area. The only thing holding back land sales was the high quitrent of £5 per thousand morgen. There were only a few whites living in Griquatown and most of these were living off the land question and the litigation which had followed the Land Court. The Griquas looked untidy and Warren commented on the drying out of Griquatown and its surrounds. On 2nd October, Warren visited Waterboer, who was no longer drinking heavily, but whose swollen eyelids showed that he had been a hard drinker, as all three of his sons were still. He lived in a good, but badly furnished, house near the Courthouse and had good features, curly white hair and a white beard. Although very pleasant, he was

haughty and dictatorial and talked as if the whole country still belonged to him, and as though he would settle everything with a wave of the hand.³⁸

Waterboer had clashed badly with Roper, the man sent as first Resident Magistrate to Griquatown, who had actually had Waterboer arrested and imprisoned. The missionary, Ashton, at Barkly, reported on 6th April, 1877, that Waterboer had just been taken past as a prisoner to Kimberley prison for resisting the police and setting a prisoner free at Griquatown. Although Waterboer was back in Griquatown at the time of Warren's visit, this undignified treatment rankled, not surprisingly, and according to Wilmot, he was busy distributing arms and gunpowder to his people by night at the very time of Warren's visit.³⁹

38 Warren, C., *On the Veldt in the Seventies*, p. 339.

39 Wilmot, A., *op. cit.*, pp.304-305.

Warren decided that Waterboer was entitled to thirteen farms, but

the worst of the matter is that Waterboer is not fit to look after his own affairs. His lands ought to have been put into commission at the very beginning: now it will be difficult to save much for him out of the wreck of his claims, as he has plunged too frightfully into the hands of the land-agents and money-lenders. I hear of the interest on some of his debts exceeding greatly the original sum lent. I can see no rosy side to this business.⁴⁰

Warren described how Waterboer had been given only three farms by the Land Court, but had had to sell them in order to pay his living expenses, as his temporary allowance had only averaged £500 per annum. In addition, he had had to borrow £1 000 to pay off the expenses he had incurred in presenting his case to the Government. In 1876, he had paid David Arnot another £6 000, to put his case before the Governor-in-Chief. Warren felt that Waterboer had not been treated well at all and deserved a more generous settlement.

Warren mentioned the huge debts owed by many of the other Griquas too. The interest on these debts was so high that what, in many cases, had been quite small debts were now very large. Another irony he highlighted was that, while Stockenstrom had upheld the validity of Cornelis Kok's land sales, which were illegal under Griqua law, he had disallowed the claims of the law-abiding western Griquas

on the plea that they are nomads, and all their lands become Crown lands; so that actually according to this Dutch view, the only property a native can have in his land is when he parts with it.⁴¹

In his report, Warren blamed the Land Court for what was happening to the Griquas, a view supported by Southey. They had not had the money for their legal expenses, judgment fees and other heavy expenses and, as a result, had fallen into the hands of speculators, who, through their agents, had taken over the Griqua farms. Few had received more than

⁴⁰ Warren, C., *On the Veldt in the Seventies*, p. 344.

⁴¹ *Ibid*, p. 374.

£250, although these were all water farms and worth more than £500. To make matters worse, they seldom got more than £80 to £100 in cash. Few of the disputes over lands had actually been settled, many claims had been left out altogether, because of the haste with which the Land Court had got through its business, and the problems all remained.

Warren attempted to compensate those Griquas who had been expelled by the Albanians and whose claims had been omitted by Stockenstrom by giving them farms. If this were not possible, he situated them in locations. Amongst this group were the Lottering family, Ben Lesime, M. Bezuidenhout, Piet April (estate), Jan Thosa, Fred and Marthinus Krotz, who all got farms, and Oude Smous, Jacob August and Paul Stigling, who were placed in locations.⁴² Warren also accused Waterboer of dealing in a very vacillating way towards the Krotz family, telling them to return to Biessies Vley, while allowing Arnot to turn them off.⁴³ As some compensation, they were to get nearly 16 000 morgen north of the Vaal.

The attempts to compensate the Griqua were not wholly successful. Certainly they were not satisfied with the arrangements. Wilmot described how the natives whose cases had not been heard by the land court had been told to lodge their claims with Roper, together with any supporting evidence. Over a hundred such cases were submitted,

the Natives coming at great trouble and expense from the furthest limits of the Province.⁴⁴

Then in December, they had been told that their claims could not be entertained. Roper believed that this had been the major cause of the rebellion. There was also confusion about the status of Waterboer, who, according to Warren, had not told his people he was no longer Chief and

42 For the full list; see Warren Report, *op. cit.*, Schedule 40, p. 61 and evidence on page 116.

43 See Chapter three.

44 Wilmot, A., *op. cit.*, p. 305.

who had continued holding court and giving out farms at ten shillings each. Warren attributed much of the dislike of the British to this deceit, but this is an oversimplification.⁴⁵ In addition to the causes highlighted by White, the Albania settlement cannot have roused any feelings of affection for the English in Griqua breasts, especially since the problems regarding those who had been expelled had not yet been wholly settled, as this Memorandum by Orpen indicated.

In 1867 a certain Batlaru named Old Smous lived with his family and retainers at a place in Albania called after him *Smous Dam* and he and they were removed by the Griqua Government to make room for the Albanian settlers. Old Smous also appears on Waterboer's list as one of those entitled to land. The places where the above and several other Bechuanas are living have in a great measure been swallowed up by claims allowed to H. D. Nicholson, C. Faber and others and as the natives will have to move ... I asked Capt. Warren to recommend that all the country surveyed by Mr Rawstorne and not appropriated to grants should be reserved *pro tem.* as locations for them.⁴⁶

Although Warren had the best intentions, by the time he had finished his task, well over two thirds of Griqua lands were in the hands of Whites or the Crown, as the following table from *On the Veldt in the Seventies* shows:

White settlers had all the land east of the Vaal, except the Pniel Mission Station.....	<u>Morgen</u> 1 568 000
White occupied land west of the Vaal.....	<u>616 000</u>
Total White-occupied lands.....	2 184 000
Total lands of Griqualand West.....	<u>5 696 000</u>
Land available for natives, etc.....	3 512 000
Lands recommended for natives' farms.....	803 000
Native locations.....	<u>660 000</u>
	<u>1 463 000</u>
Unoccupied land available as Crown lands.....	2 049 000

45 See White, A. N., *op. cit.*, p. 84 *et seq.*

46 Memorandum, F. H. S. Orpen, dated 20th March, 1878. G.L.W. 117.

The total permanent native population was about 21 000, with about 10 000 of that number living on Crown land and white-owned farms. Of the remaining 11 000, 7 000 were settled between the Vaal and Harts, so Warren felt the locations should be sufficient. They were not yet fully occupied, but more land was available if needed. This was his theory, but in practice this was not so.

Crown lands were used as government tools - to attract settlers, create stability, provide state revenue, produce food. Most administrators felt these purposes were served only by the Whites, so very little, if any, of this land would have been available to the Griqua. No wonder they rebelled in 1878. By that time Albania's history was complete and the Albanians played no direct role in the Rebellion, except insofar as their removals of Griqua occupants of their farms still rankled in Griqua memories.

CHAPTER SIX

CONCLUSION

On Saturday, 27th April, 1878, the Griqualand West Government Gazette appeared, containing Government Notice No 72 of 1878, Colonial Secretariat, Kimberley, 4/4/1878, signed by Francis Villiers, acting Colonial Secretary. It was the list of all final Titles for Farms in the Province issued from the Office of the Surveyor-General to 20th March, 1878.

With Warren's report, most of the controversy, if not the bitterness, surrounding Griqualand West passed into history. The Albanian settlers were such no longer - now they were residents of the Province of Griqualand West, in the district of Herbert. Only in the Afrikaans name for the area is there an echo of the past - Die Albanie.

Many settlers had already left their farms for the attractions of the Diamond Fields. Nevertheless, some remained and prospered, supplying the Diamond Fields regularly with produce, so that for them the promise of Arnot's scheme was fulfilled: the Cooks, Dugmores, Waylands are still there today.

In 1886, the Cape Post Office Directory described the Division of Herbert as having a mixed population of "Europeans, Quadroons, Kafirs, Basutos and Bushmen", the whites totalling about 1 000 and the natives about 1 500. The soil was very productive where water could be procured,

wheat and other cereals, tobacco and grapes all being grown with success. Cattle and sheep farming are largely carried on by the farmers, but ostrich farming is on the decrease. The district is visited periodically by severe droughts, but facilities exist and are being made use of for the erection of dams, and on three farms there are pumps worked by steam. One of the most successful of these is at *Avoca*, belonging to Mr Wayland, who produces annually oats, mealies, pumpkins, sweet and water melons &c, and although the engine has only been at work about two years, enough has been done to prove the richness and the fertility of the soil when water in sufficient quantity can be obtained. Another engine is

situated at the junction of the Riet and Modder Rivers and is owned by Mr John Rostoll, who is endeavouring to establish a township at that place. At Douglas and Campbell the water supply is being improved by the Government, and when the works are completed more than double the present quantity of water obtainable from numerous springs will be available for use. The climate is hot from the middle of October The seat of the Magistracy is at Douglas, and periodical courts are held monthly at *Thornhill* and bi-monthly at Campbell. Mineral springs exist at *Saratoga* and *Hereford* Salt-making is carried on at a salt pan on the farm *Wiltshire*.¹

As for Arnot, now 56, tired after 20 years of struggling to achieve his aims, bitter at being denied most of his claims, ruined by the heavy legal expenses he had been forced to incur, Griqualand West must have been too great a reminder of his failures. He left it (and the Legislative Council upon which he had sat for six years) in 1878, and took his family to Cape Town. A letter to Wayland dated 10th June, 1877, from H. Roper, who had been valuing the land prior to the annexation by the Cape, described yet another problem over the Reserve farms and perhaps this was the last straw. These farms had had to be revalued for tax purposes, because they had been valued at far too high a level. This was

another of Warren's muddles, he altogether forgot all about taxation in that brilliant agreement he drew up between Arnot and his lessees....there was a howl when Wykeham asked that the valuation should be reduced to the value put upon them by Warren, viz. £500 per 3 000 morgen. However, they had to come down at last, because, in spite of their violent opposition, it necessarily became plain to them after a time that the value of the ground to him could never be more than £500 per 3 000 morgen whatever the real value might be and as he as owner would have to pay the taxes it was reduced to this valuation at last. It was the best thing that could be done, but it is not fair to the other landowners, who will have to pay a higher rate in consequence of the reduction of Arnot's rates.²

In Cape Town Arnot bought a house at 77 Buitenkant Street on the corner of Mill Street. Perhaps he battled to make ends meet, for in 1886, at the age of 65, when most men are retired, Arnot joined the firm of

¹ Cape Post Office Directory, 1886.

² H. Roper to Wayland, 10th June, 1877. (McGregor Museum, no ref.).

Scanlen and Syfret as a special clerk, mainly engrossing legal documents.³ At some time during these last years Arnot moved to 15 Belmont Terrace in Cape Town, for it was there that he died on 6th June, 1894, aged 72 years and 11 months. The man who had fought so hard to secure for Britain the richest prize in South Africa died in straitened circumstances, leaving only personal effects according to his Death Notice.⁴ He was buried in the graveyard of St Saviour's Church in Claremont. The Cape Argus reported his death, but the Diamond Fields Advertiser copied the Argus's report only two weeks later, in the smallest print, inconspicuously inserted under "Local and General". Nowhere else was his death even recorded, not even in Colesberg, where he had held so many important positions during his years there.

The impact of Albania on Griqualand and the Griquas had been considerable and, for the Griquas, mostly negative, politically, economically and socially. Its presence further undermined Waterboer's authority, because of the disputes over the Griqua removals and the granting of the Reserve to Arnot, and because it gave Britain another reason to justify her takeover of the area. Then, the fairly violent invasion by a strongly racially-based group forced out an established group of Griquas and led to their scattering across vast areas of the country and further into the interior. This was accompanied by a breakdown of the social structure and the Griqua gradually became again a nation of single families, without cohesion. What made this so serious was that the invasion strengthened a process already under way. Griqualand West was drying out from the west. The fountains were yielding next to nothing by 1868 and a series of droughts in the mid-19th century caused chaos. The Griquas had already begun scattering, a fact bewailed many times by

3 Thelma Gutsche, *The Microcosm*, p. 189.

4 Death Notice David Arnot, 1312/1894, M00C 6/9/329.

the missionaries who saw their flocks disperse. The missionaries had hoped the irrigation scheme on the Vaal would be the solution, which would draw all the scattered and far-flung groups back into a cohesive community, in which they could work profitably. Thus the location of Albania was disastrous. This was the only potentially fertile part of Griqualand, a fact commented on by many writers about Albania, as they waxed lyrical about its agricultural potential. One wonders why Waterboer agreed to give up this area, which he so desperately needed for his own people. Perhaps Arnot convinced him that no settlers would arrive if the settlement were to be located in the dry west. Whatever the cause, it was the death blow to the already weakened Griqua polity. And so, a scheme which had as its avowed purpose the "saving" of the Griquas from the Free State, merely delivered them over to a fate as sure and as sad. The Griquas had collaborated with the British and the Cape throughout their early years, when their help was needed to police a turbulent northern frontier. But when the Boers arrived and proved to be stronger than the Griquas, it became clear that they would be more useful collaborators to the British, or, at least, that it would be foolish to antagonise them too greatly by supporting the Griqua with any enthusiasm against the Boers. And so, cynically, the Griqua who had always had such touching, if misguided, faith in Britain's protection, were cast adrift. Only once diamonds had been discovered and it proved necessary to take control of the fields to prevent the Free State from becoming too strong, were Waterboer's rights remembered, in a way which destroyed the frail society once and for all. The Griqua economy had been too narrowly based and they had been too isolated and they had trusted too many untrustworthy people.

For the settlers the scheme had been fairly successful. Wakefield would have approved. But for the Griquas, the scheme had been a kind of

Trojan horse - once let into Griqualand it proved to be the end of all hope of evolving that unique polity, for which Dr Philip and Andries Waterboer had so determinedly striven and which just might have pointed South Africa in a different and more peaceful direction. Instead the demands of the infant diamond industry for labour and for the elimination of competition from non-white people led to the imposition of the first pass-laws, to laws which forbade any person with more than one quarter "black blood"⁵ to obtain a licence to dig and to discrimination based solely on skin-colour. In a country obtained from the Griqua people this is the final cruel irony.

⁵ John M. Smalberger, "The Role of the Diamond Mining Industry in the Development of the Pass Law System in South Africa". *International Journal of African Historical Studies*, ix, 3 (1976) pp. 419-434.

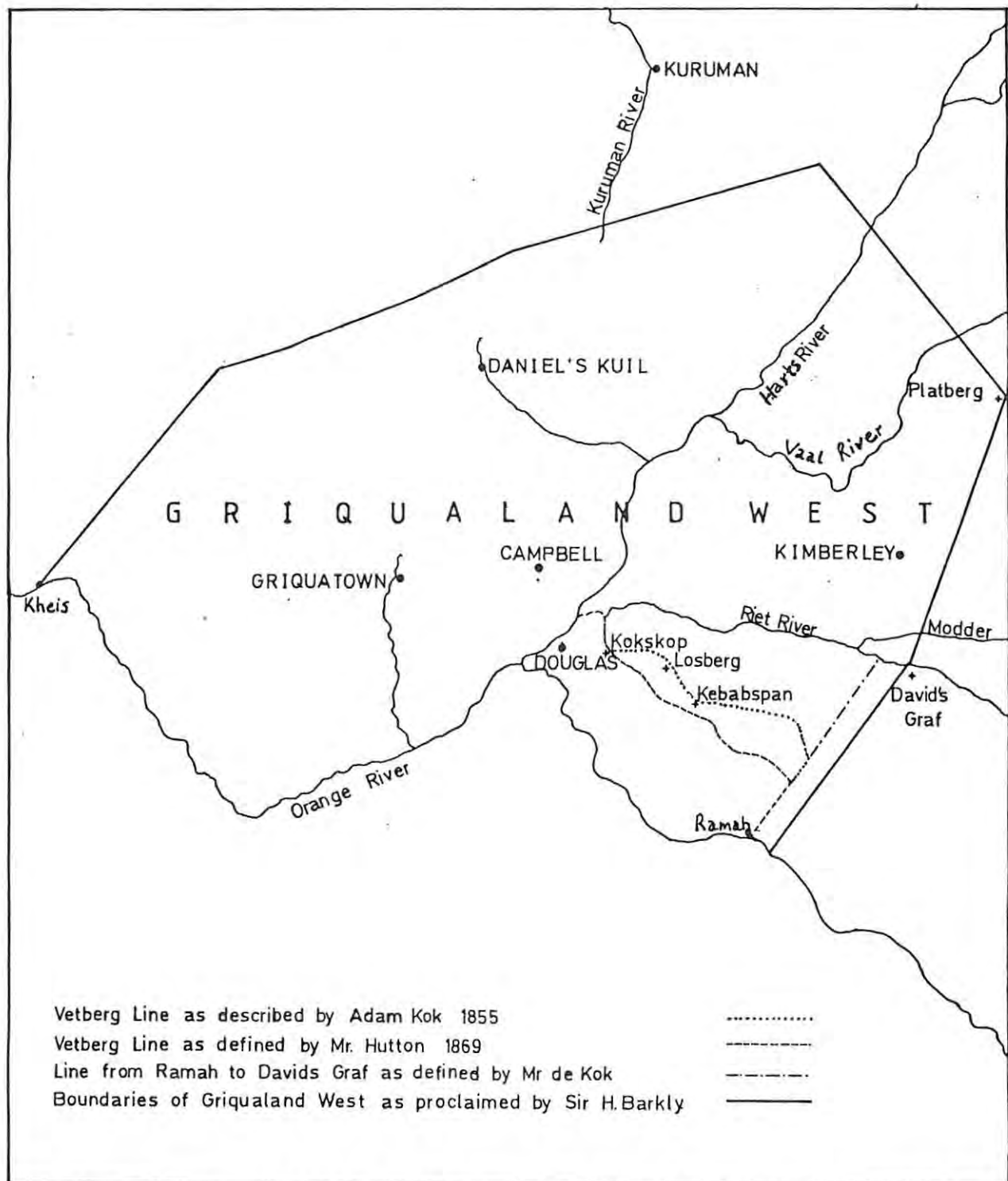


Figure 1: GRIQUALAND WEST SHOWING THE VETBERG LINE (Arnot and Orpen, 1875)

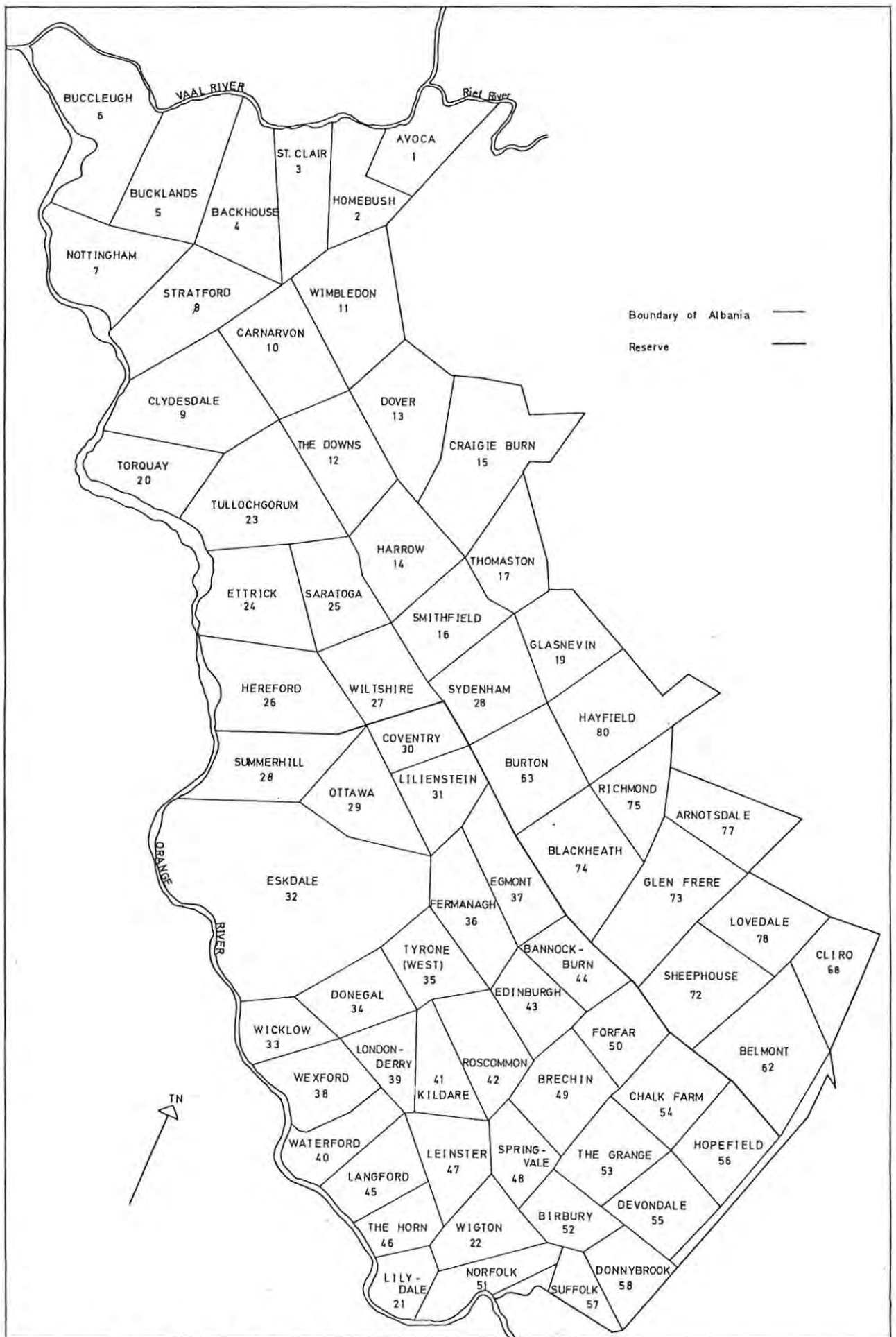


Figure 2: ALBANIA INCLUDING THE RESERVE

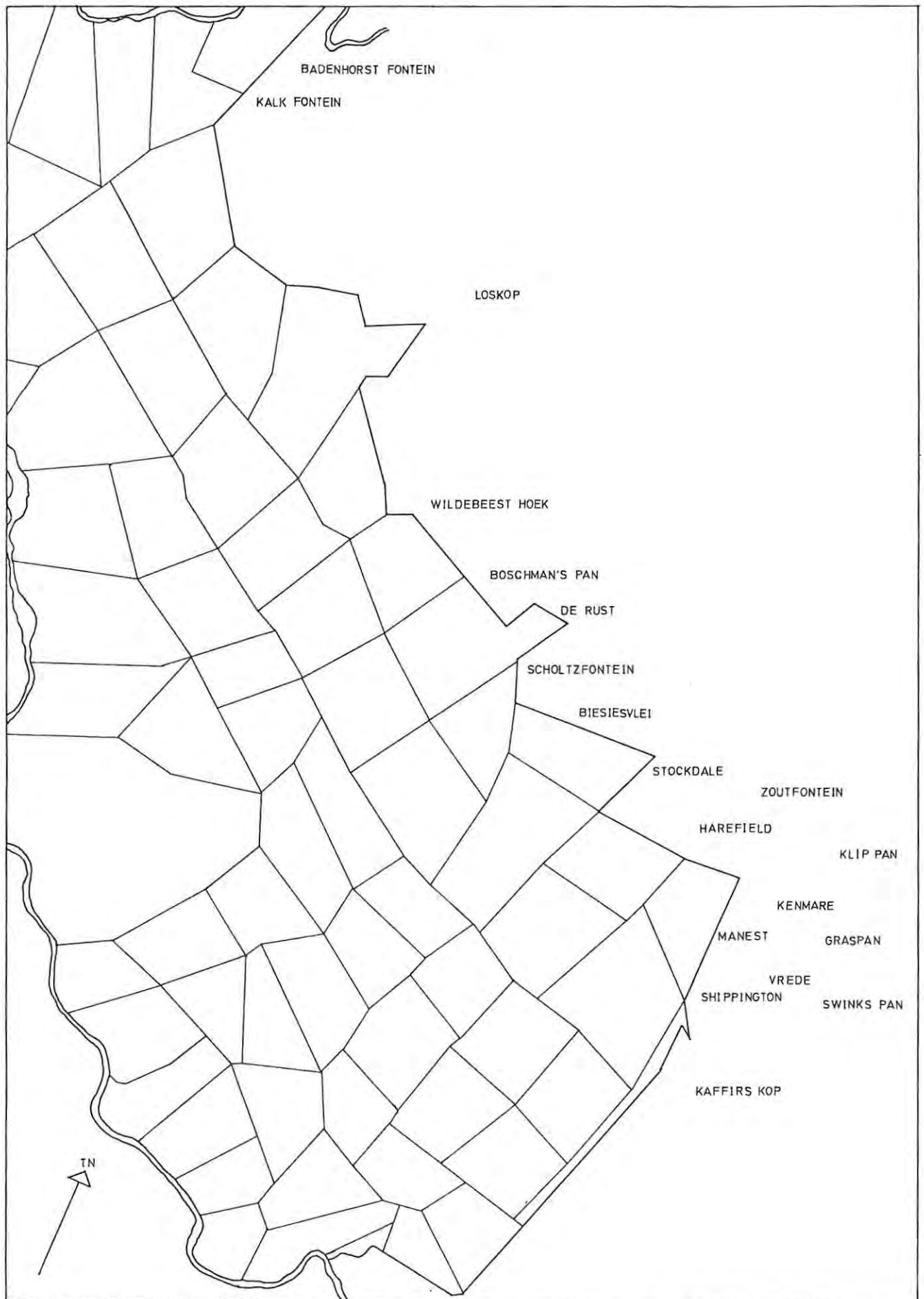


Figure 3: FARMS ALONG THE DISPUTED NORTHERN ALBANIAN BORDER (Exact boundaries are unknown)

Appendix One

The following is the draft of the Albanian Constitution Act as read and discussed, clause by clause, at the meeting of applicants for leases held in Mr Caldecott's store Grahamstown on the 4th September 1867-

Where any alteration was proposed, *and carried*, the same is enclosed in brackets.

Bill

To encourage and promote the settlement of British Settlers in a portion of the Griqua Country - whereas it is the earnest desire of the Western Griquas and their Chief Nicholas Waterboer to cultivate the friendship of British Subjects, and whereas, for that purpose, and for divers good causes them thereunto moving, it is by the said Griquas and their Chief considered desirable that a certain portion of the Griqua Territory should be leased out in farms to British Settlers exclusively - be it enacted by the said Chief Nicholas Waterboer with the advice and consent of the Volksraad of the Western Griquas as follows -

I That portion of the Griqua Territory lying to the Eastward of the Vaal and Hart Rivers, and between those rivers and the Western boundary of the Orange Free State shall henceforth be called and known as, and is hereby named, The Province of Albania

II That David Arnot Esquire, now of Colesberg, is hereby nominated and appointed sole and only agent of the Griqua Government for the purposes of this Act, and that, upon his death or removal, it shall be lawful for the Chief Nicholas Waterboer, by some writing or instrument under his sign manual, and the public seal of the Griqua Nation, to nominate and appoint a successor to the said David Arnot Esquire with full powers under this Act. (N.B. herein must be inserted provision that D.Arnot or his successor is the sole medium of communication between Wa-

terboer and the Provincial Government with the title of Griqua Resident.)

III That the said David Arnot Esquire, in his said capacity as agent under this act, is hereby enjoined and empowered to lease to British Settlers exclusively farms in the above described Province of Albania such farms to be of the average extent of 6350 English Imperial Acres. The said David Arnot Esquire having *full power and authority to grant or refuse leases, and allot farms to applicants at his discretion* or to delegate such power and authority to Commissioners, who may be appointed by him for that purpose. (The power of D.Arnot or his delegates to *allot*, as well as grant or refuse, to be expressly defined, as also to decide amount of rent, or delegate that duty.)

IV That the Leases in the preceding section mentioned shall be subject to the following conditions.

a. Each lease shall be executed in duplicate and in the form hereinafter provided in the Schedule A of this Act, that is to say, this Act itself shall be printed as part and parcel of the document and the blanks left in the said form shall be filled in with the necessary names, dates, and signatures. (Provision to be made, in alteration of this clause, that provisional titles like the Land Certificate in the Sovereignty be first issued on allocation, and the formal titles only after survey, and with plan attached)

b. The leases shall be for a term of 21 years each from the date of the allocation of each farm and renewable for further terms of 21 years each at the original rent, at the option of the Lessee, his heirs, executors, administrators, or assigns. (The wording of this clause to make it as clear as possible that the leases are *actually perpetual* without breaking the Griqua law which forbids *sales* of land, another

clause might be inserted preventing a lease lapsing by chance or inadvertence in not renewing)

c. The Lordship or Sovereignty of the Chief Nicholas Waterboer or his lawful successors over the whole Territory and its inhabitants shall be recognised and maintained and any treasonable acts or practices against such Sovereignty, such as conspiring to cause the annexation of the said Territory, or any part thereof, to any state or country, or any other Government, or the like, shall cause the lease or leases held by any person or persons so offending to become at once void, and of no effect, such person or persons being amenable to the Laws of the Settlement as administered by the Courts hereinafter provided for. (Waterboer's Sovereignty to be particularly strongly insisted upon so as to render any idea of independence utterly impossible.)

d. Every farm leased under this Act must be and continue in the bona fide occupancy and use of the Lessee, or his lawful representative, for farming or industrial purposes, provided always that such representative of any lessee must be a European, or a person of European descent, unless in special cases where permission to employ other persons for the purpose shall have been obtained from the said David Arnot Esquire acting in his aforesaid capacity, or his lawful successor as Representative of the said Chief and Government. (Penalty for non-occupation to be provided)

e. No lease shall be transferable without the express consent of the said Agent David Arnot Esquire, or his duly appointed successor, first had or obtained in the form hereinafter provided in Schedule B. (The power here vested in D.Arnot to be modified thus, He shall be President of a Land Board of three with a casting vote, the two others appointed by the Provisional Government.)

f. The first payment of rent for each farm leased under this Act shall be made for one year in advance, on the day of allocation, or issue of provisional title, the second payment of rent shall take place on the first day of the January next ensuing after the expiry of one year thereafter, and shall include, not only one years rent in advance, but also the proportional rent for the time between the end of such first year, and such first ensuing day of January, and all subsequent payments shall be for one year in advance, and be made on the first day of January in each year. All payments of rent shall be made to the said David Arnot Esquire, or to such Government Officer of the Settlement as shall hereafter be appointed to receive the same, and the receipt signed by the said David Arnot or such officer shall be considered a full and complete receipt and acquittance for the same. (To stand as it is but to be expressed in proper legal phraseology.)

g. The common law of England, except as is provided in the succeeding section, shall have full force and effect in and over the said Territory and its inhabitants until modified by enactments made and agreed to by a majority of the representatives of the Lessees elected in such numbers, and for such terms, and in such manner as may be determined upon by a general Council or conference of Lessees to be convened by the Chief Waterboer at such time and at such place within the Settlement as to him shall seem meet, so soon as or not later than three months after the number of Lessees shall have reached or exceeded Seventy-five. Provided always that no such enactments shall have force as Law until confirmed by the said Chief Nicholas Waterboer, or his lawful successor, under his seal and his manual. (This clause to be modified in so far as that Waterboer waives his right of veto for a time, and is not to exercise it until three years after the date of the first assembling of the representatives. This in order to allow time for the con-

struction of a pretty full code of Laws, and form of constitution without his interference. After the three years he must have, and be able to exercise, the power of veto as here provided.)

h. The Rules of Court now in force in the Colony of the Cape of Good Hope shall (until modified as in the preceding [sic] section is provided respecting the Law) as far as they can be rendered applicable, regulate all legal proceedings in the said Territory.

i. The administration of the Law shall be in the hands of a Magistrate or Magistrates, Justice of the Peace, or Justices of the Peace, appointed by Commissions signed by the said Chief or his lawful successor, and all summonses, writs or processes, whatsoever shall run in the name of the said Chief as follows

"Nicholas Waterboer by the Grace of God and the will of his people Chief"

(This to be modified in so far that the Chief can only appoint officers recommended by the Provincial Government hereafter but without prejudice to the nominations already made by him namely - D. Arnot, F. Orpen, T. H. Bowker and G. H. van Breda)

k. [j. seems to have been ignored] Each Magistrate shall have jurisdiction to the amount of £40 British Currency in liquid and to the amount of £20 British Currency in illiquid cases - and in criminal cases to three months imprisonment, or 50 lashes with or without hard labor [sic]. Civil cases of larger amount, or criminal cases of a graver nature shall be tried by a jury of nine and shall be heard before a Court, of which the Magistrate, or, if there be more than one in the Territory, then the Senior of them, shall be the President, and two or more Magistrates, or Justices of the Peace shall be members

(The constitution of the higher Court herein provided may be modified hereafter by the representatives as they see fit - it is only inserted here for the sake of order at starting)

l. An accurate plan of his farm shall be furnished to each Lessee and be attached to his lease, the cost of the survey being defrayed out of the revenue of the Province, and each plan must be furnished to him within five years after allocation of his farm.

(The Chief issues the formal lease and plan but the provincial Govt pays for the survey)

m. The Lessees shall not be expected or called upon to assist in any native wars, in which the Western Griquas may be concerned, and shall be at full liberty to defend themselves in any war with which they may be threatened.

n. All the conditions herein provided are to be interpreted with due regard to the desire of the Griqua Nation to allow the Lessees the fullest liberty to manage their own affairs, as though they constituted an independent state, provided always that the Sovereignty of the Chief Nicholas Waterboer and his lawful successors be fully acknowledged as herein set forth, and that all official appointments shall emanate from him, and have jurisdiction under his authority.

o. The Chief Nicholas Waterboer has appointed David Arnot Esquire his representative under this Act with the title of Griqua Resident, who is to reside on the estate called Eskdale in extent about 14,000 morgen or 29,000 acres, which estate is granted to the said David Arnot Esquire in Freehold and is to be his official residence. The chief has appointed Francis Henry Samuel Orpen Esquire Surveyor General of Griqualand West including the Settlement of Albania, with a monopoly of surveying, and of authorizing other surveyors to survey, the said Francis Henry Samuel Orpen is also appointed Resident Magistrate and Civil Com-

missioner for the whole Settlement, the seat of Magistracy to be at Waterford, until a subdivision into two or more Magistracies shall have taken place, his salary to be £400 per annum and he is to have a lease of one farm to be chosen by himself at a nominal rent.

Thomas Holden Bowker Esquire is appointed General Commandant with a commission as Justice of the Peace giving him Magisterial jurisdiction throughout the Settlement, enabling him to relieve the Resident Magistrate when absent on duty, his salary to be £400 with a lease of a farm of 12700 acres at a nominal rent, he has authority to organize a system of military defence, to divide the country into hundreds and appoint captains of hundreds under him.

The subordinate civil appointments such as constables and the like are in the gift of the Resident Magistrate and those of a military character in the gift of the General Commandant.

p. The Officers in the preceding section mentioned being all that the Chief considers absolutely necessary for the maintenance of order at the commencement of the Settlement. The question of the future necessity for the appointment of other officers or the division of the Settlement into two or more Districts or Fiscal Divisions will remain for the consideration of the Representatives when elected, who will make such recommendations as to appointments to the Chief as they may deem expedient and the Chief will appoint the persons nominated.

q. The Chief is to receive through his Representative twenty five per cent of all rents and licenses under this Act, and also twenty five per cent of all license fees, if any, levied by the Provincial Government on goods passing through the settlement to or from the interior. The remaining seventy five per cent of both to go to the general revenue of the Settlement, subject to no reservation save that the salaries above mentioned must be paid out of it. The Chief to forfeit his share

of the Licenses and fees if at any time he permits or legalizes the transit of goods to or from the interior through any part of his Territories other than the Settlement.

r. The rents in the Settlement shall vary from £7.10 to £15 per farm, the word farm being taken to mean exactly 6350 Imperial English Acres. The beacons of farms as fixed it [at?] inspection to remain as then fixed, but the rent as originally assessed to be increased or diminished, so soon as the actual extent is ascertained by survey, in proportion to the excess or deficit of acreage.

s. British Currency and Imperial English weights and measures are established as the only legal currency, weights, and measures in the Settlement.

t. The Chief makes over to the Provincial Government all the usual rights of Royalty or the like in regard to precious metals, precious stones, or minerals found in the Settlement. (Private Lessees however under this Act having a right to all precious stones or metals found on their lands)

u. A Township will be preserved at or near Backhouse, and building Lots or garden Lots laid out therein and allotted to applicants at annual rents on such conditions, other than those applicable to farms under this Act as may be decided upon by David Arnot Esquire or by the Commissioners delegated by him as provided by Section III of this Act. The town to be named Waterford and to be the seat of Government. The position or establishment of future towns to be decided by the Representatives.

v. The Flag of the Settlement to be the red Standard of England with a small Union in the centre.

w. The Chief reserves the right to retain six farms in the Province, over and above those mentioned in Section VI to be by him kept

as his own private property, or given away or disposed of as he may see fit.

V. The Chief binds himself to remove all his Griqua or other native subjects out of the Province in such manner and at such times as will prevent their interfering with the settlement of the country by British Settlers exclusively. The Inspection Commissioners having power to appraise the amount of compensation, if any, to be paid by a lessee for any small dam or other improvement made by the previous native occupier or owner.

VI. And whereas a certain tract of land, situated within the settlement has already been alienated and granted to the said David Arnot Esquire, that tract of land is exempted from all such conditions in this Act provided as are inconsistent with his Freehold ownership of the same. The inhabitants, occupiers, or lessees of the said land being nevertheless amenable to the Laws, and entitled to the enjoyment of equal rights and privileges with the actual lessees under this Act. The Commissioners above mentioned being nevertheless empowered to impose upon any portion of the said land so alienated such conditions regarding roads, ferries, or water privileges as they may deem expedient, and all revenue derived from such conditions shall form part of the general revenue of the Province.

VII. This Act may be cited for any purpose as "The Albania Constitution Act 1867".

N.B. In the original draft Mr G. H. van Breda was to be Surveyor General, as he declined the offer Mr Orpen received the appointment.

Mr Bowker withdrew and therefore never received his appointment.

The town named in the draft "Waterford" was afterwards re-named Douglas. [G.H. 14/2].

Appendix Two

Conditions upon which Farms will be granted on Lease in The Province of "Albania", in the Griqua Territory:-

1. That the leases will be granted with a view to the locating of a British and European Settlement in that Province, subject to all the provisions of the Act or Constitution Ordinance hereafter to be prepared and to be passed by the Chief of the Western Griquas - Nicholas Waterboer and his Volksraad - granting to the Settlement its own Constitution and powers of internal Self-Government, the administration of justice, the raising and expenditure of revenue, and all other matters and functions - Legislative, Municipal, or otherwise - incidental to the good Government of the Settlement.

2. The lessee, by himself, or his lawful representative, who shall be of European descent, will be required to reside upon and occupy his farm during his term of lease; but he shall at any time during such period be at liberty to cede and assign his lease of the same to a purchaser, assignee, or sub-lessee, approved by the Land Board of the Settlement, who will be bound by the same conditions of lease as the original lessee.

3. The farms will be leased on an annual rental averaging from £7 10s. to £15 per farm, to be fixed by the Inspection Commission constituted for that purpose:- payable yearly in advance - the first payment to be made on allotment of the farm and issue of the provisional lease, and thereafter to be adjusted and be payable on the first day of January in each and every succeeding year.

4. The leases shall be for a term of 21 years each from the date of the allotment of each farm, and renewable thereafter for further terms of 21 years each at the original rent, at the option of the lessee, his heirs, executors, administrators, or assigns.

5. The surveying and inspection expenses will be defrayed by the Provisional Government of the settlement, and the diagram and deed of lease will be issued within five years from the date of allotment.

6. The farms will be allotted in their discretion by the Inspection Commission to the applicants in the order of their respective applications; due regard being had to the granting of blocks of farms to parties desirous of being located under any head of a party, or in close proximity.

7. The farms shall be occupied within twelve months from the day of the allotment.

8. Any neglect or breach of the conditions will subject the lessee, or holder of the lease, to such penalties as shall or may be declared by the Act or Constitution Ordinance of the settlement.

9. Any lessee having an allotment and not occupying the same in terms of these conditions or of his provisional lease, within twelve months from the date of allotment, shall be liable, in the discretion of the Inspection Commission, to forfeiture of his farm, and of all moneys paid or advanced by him upon or in respect of the same, and without compensation thereon.

10. Every male lessee, or legal holder of a lease, shall have a vote or voice in all matters affecting the representative institutions and appointments of the settlement, in accordance and in so far as the same is consistent with the provisions of the said Act or Constitution Ordinance or any legal enactment to be passed in pursuance thereof.

11. The Inspection Commission or Commissions will be forthwith appointed by the Chief Waterboer, through his agent and representative, David Arnot, Esquire, for the purpose of immediately parcelling out and allotting farms to applicants.

12. A deposit fee of £2 shall be paid by each applicant, for the purpose of meeting preliminary expenses, to be thereafter deducted from the first said yearly payment of rent. Such deposit may be made in Grahamstown at the Frontier Commercial and Agricultural Bank; in Colesberg at the Standard Bank; and in Hopetown to James Wykeham, Esq.

N.B. - Intending applicants are informed that a certain tract of land between the "drift" (ford opposite Hope Town and Ramah), being private property, is not subject to those of the above conditions regarding amount of rent or length of lease. The trustees of the property, however, offer it in farms at an average rent of 1 1/8 d. per acre, and on leases of 33 years. The lessees - except in not holding their leases from the Chief - will, in other respects, be subject to the above conditions; applicants will therefore please to state whether they contemplate obtaining one of these farms, and if so the fact will be noted on the deposit receipt.

It is also notified that a town (the seat of the Magistracy) to be named DOUGLAS, will be laid out at or near Backhouse, on the Vaal River, where building lots will be granted on an annual rental of £1 per annum each, the cost of survey (£1 10s. per lot) to be defrayed by the lessee - the holder of a deposit receipt for that sum (viz., £1 10s.) being considered an applicant.

[G.H. 14/2]

Appendix Three

Conditions governing Albanian Leases. From the formal printed lease form given to settlers before the promulgation of the Act of Constitution (this never happened.):

Clauses 1 to 5 are as given in Appendix Two, but Clause 6 is omitted. Clauses 7 to 10 are, therefore, here numbered 6 to 9, but are otherwise the same. Clauses 11 and 12 are omitted and instead the following clauses appear as 10 and 11:

10. Servitude is reserved of making and maintaining Waterfurrows through any farms, for the use and benefit of lower ones: without prejudice, however, to the water-rights of the former.

11. All Beacons shall be substantially erected - four feet in height - whitewashed and kept in repair.

[G.H. 14/2]

Appendix Four

Annexure A to letter from Arnot to Barkly, 25th June, 1872 [GH14/2]:
List of persons entitled to farms in the Wards Upper and Lower Albania,
District of Griqua Town, Griqualand West, by engagement of the Griqua
Government, the farms being capable of being converted from Lease-hold
into Quitrent Grants by purchase by the Lessee at 16 $\frac{2}{3}$ years purchase,
at his own option. The rents are stated at per 6 350 Acres and the
quitrent in case of redemption of the rent is fixed at £3 per 6 350
acres or 3 000 morgen.

<u>District</u>	<u>No</u>	<u>Rent(f)</u>	<u>Name</u>
Griquatown	1	15	Charles Joseph Wayland
"	2	"	Edwin Poyntz Wayland
"	3	nil	Francis Henry Samuel Orpen
"	4	nil	Revd I Hughes for W. V. Hughes
"	5	15	Alfred Buckley Senior
"	6	"	Alfred Buckley Senior
"	7	"	Alfred Buckley Senior
"	8	"	Edward William Joseph Buckley
"	9	"	David Arnot for M. Arnot
"	10	12.10	Charles Joseph Wayland
"	11	" "	Thomas Henry Sinden
"	12	15	Thomas Henry Sinden
"	13	"	Thomas Henry Sinden
"	14	22.10	James Steele Wright
"	15	15	William Dugmore Senior
"	16	22.10	John William Dugmore
"	17	15	Joseph Hare Dugmore
"	18	"	Edward Boyer Cook
"	19	"	Edward Boyer Cook
Griqualand	20	"	Henry Dugmore
"	23	nil	Donald Campbell Grant
"	24	15	David Arnot
"	25	22.10	David Arnot
"	26	3	Peter Wright - quitrent farm
"	27	3	Peter Wright - quitrent farm
"	32	nil	David Arnot - freehold
"	62	15	Charles Joseph Wayland
"	63	12.10	Edward Boyer Cook
"	68	15	C. J. Wayland for Arthur Wayland
"	69	"	C. J. Wayland for Arthur Wayland
"	70	"	C. J. Wayland for Arthur Wayland
"	71	"	Charles Joseph Wayland
"	72	"	C. Wayland for Walter Hart Wayland
"	73	"	C. Wayland for Charles E. Spranger
"	74	"	Edwin Poyntz Wayland
"	75	"	Charles Joseph Wayland
"	76	"	C Wayland for Stephen A. Spranger
"	77	"	George Albert Arnot
"	78	"	Charles William Henry Wayland
"	79	"	George Albert Arnot
"	80	"	Charles Joseph Wayland
"	81	"	John W. Dugmore
"	82	"	F. H. S. Orpen
"	83	15.11.10	F. H. S. Orpen
		<u>Total</u>	
		591.11.10	

No. 21, 22, 28-31, 33-61, 64 and 65 being included in the grant of Reserve to D. Arnot. 66 and 67 are in the possession of J. Skuiming [?] and Klaas van Wyk.

List of persons entitled to agricultural lots at Douglas in extent 5 acres each at a quitrent of one pound sterling per annum each.

<u>Name</u>	<u>No. of Lots</u>
David Arnot	5
Peter Wright	2
F. H. S. Orpen	3
C. J. Wayland	4
C. W. Mathews	2
C. Faber	2
John Rostoll	5
A. van Heerden	1
Alfred Buckley Senior	4 - these lots are the lowest adjoining Mr Buckley's farm.
William Dugmore	3
James Wright	1
Alexander H Murray	1
David Arnot	1 - freehold 12 acres
Edward Boyer Cook	1
Charles and Arthur Spranger	1
Total	<u>36</u>

NB. The chief's allotments with Pump House etc. and Arnot's grant of ditto on 30 Decr 1868 are also to be reserved.

Dated 7 Dec. 1871.

Appendix FiveTable of Albanian Reserve Farms: (see Chapter four, footnote 62)

Column (1): Name of Lessee
 Column (2): Farm how acquired and value when first occupied
 Column (3): Duration of occupation in years
 Column (4): Cost of improvements
 Column (5): Number of farms occupied

(1)	(2)	(3)	(4)	(5)
R. Cawood	Lease abt £15	8	£1500	2
Hermanus Holtshuizen	Purchase £60, abt £10	7	£ 300	1
Theunis Holtshuizen	Ditto	7	£ 800	1
John Holtshuizen	Lease, nil	7	£ 300	1
John Rostoll	Purchase £1450, nil	8	£2100	7
Alwyn Van Heerden	Lease abt £5	8	£ 800	1
Cornelius Faber	Ditto	8	£ 900	3
John Fincham	Purchase £260, abt £10	5	£1500	1
Peter Wiids	Ditto £475, abt £400	6	£ 900	2
J. Van Wyk	Ditto £185, abt £30	2	£ 650	1
J. Matthewson	Ditto £125, nil	5	£ 500	1
Jacob Ludeck	Ditto £140, abt £20	2	£ 500	1
J. Schuman	Ditto £300, abt £200	2	£ 800	2
H. Fourie	Ditto £100, nil	1	£ 200	1
				<u>26</u>
John Wright (absent in Hope Town during the meeting)				3
W. Marillier				2
Adjoining Eskdale unoccupied				2
<u>Total number of farms in the Reserve:</u>				<u>33</u>

[G.W.L.C. 26, p. 290.]

Appendix SixTable of Farms and their histories

<u>Name of farm</u>	<u>No.</u>	<u>Original name</u>	<u>Transfers and other details</u>
Bannockburn	44		Title to David Arnot 26/8/1879
Birbury	52	Van Vuuren's Put	Gilbert Burnet Biddulph (27/11/1867) £30 p.a.: Pieter Wiid (n.d.):D. Arnot 26/8/1879.
Brechin	49	Quaggaspan	Leased by Arnot to Ralph Cawood (19/4/1869). Collier had intended taking it, but in May 1868 Wayland told Arnot Collier did not want it. E. P. Wayland leased it 3/12/1867, ceded to C. J. Wayland 25/6/1869, back to E. P. Wayland 4/5/1870 D. Arnot 26/8/1879.
Chalk Farm	54		Theunis G. Holtshuizen, D. Arnot 26/8/1879.
Coventry	30		D. Arnot 26/8/1879
Devondale	55		D. Arnot 26/8/1879
Donegal	34		D. Arnot 26/8/1879
Donnybrook	58	Biessiesputs Biessiesvley	A. Mathewson ceded to C. W. Mathews Dec. 1869. D. Arnot 26/8/1879
Edinburgh	43		Cornelius Faber (9/12/1867), rent £33.10. Lease dated 18/1/1868. Hiring rights granted to Theunis Johannes Holtshuizen 30/9/1868. Granted to George Campbell Stubbs 1/3/1869 provided recognised Faber's right to Egmont. D. Arnot 26/8/1879.
Egmont	37		Cornelius Faber, rent £33.10, 12/3/1875. D. Arnot 14/8/1879.
Eskdale	32	Loskopsfontein	David Arnot final title 8/10/1880

Fermanagh	36	Cornelius Faber, rent £34.10, 12/3/1875. D. Arnot 14/8/1879.
Forfar	50	Allotted to Wills, then by Arnot to Ralph Cawood (3/3/1869), letter 24/9/1871 Cawood said that Fincham was liable for half rent of £34 due. He would pay on condition Fincham had no further right. D. Arnot 26/8/1879.
Grange, The	53	Collier, then Fincham, £30 p.a. D. Arnot 14/8/1879
Hopefield	56	H. H. Holtshuizen D. Arnot 26/8/1879.
Horn, The	46	C. W. Mathews sold 11/1/1873 to Frederick Remington and Frederick Holmes, Hopetown traders, including parts of Langford and Mathews' Pont. John Rostoll took lease 1/1/1875, rent £33.10. D. Arnot 26/8/1879.
Kildare	41	Rostoll (1/1/1875). D. Arnot 26/8/1879.
Langford	45	John Fraser, let part to C. W. Mathews in trust for son, Charles Fossey, 3/8/1870, remainder 9/10/1872. John Rostoll leased it at £30 on 1/1/1875. D. Arnot 12/3/1880.
Leinster	47	Karossie Pan Courasie's Pan Kwassie Pan Allotted to Alexander Murray, then to Cawood and Fincham (1/5/1868), then to A. Mathewson (1874) D. Arnot 26/8/1879.
Lillienstein	31	Henry Green, then M. C. Louv. D. Arnot 28/8/1879.

Lilydale	21	William Kelly. On 24/6/1874 Barend van den Berg sold the lease to Hendrik Rynhardt Fourie for £50 sterling payable in one hundred sheep. D. Arnot 14/8/1879. Mathewson had it in 1891.
Londonderry	39	John Rostoll, rent £32.10. D. Arnot 26/8/1879.
Norfolk	51	C. W. Mathews asked for lease Dec. 1869. D. Arnot 26/8/1879.
Oatlands	60	No information available.
Ottawa	29 Jantjes Dam	Henry Green, then Alwyn Jacobus van Heerden, receipt for rent dated 11/5/1870. D. Arnot 14/8/1879
Roscommon	42	John Rostoll, rent £33.10, 1/1/1875. D. Arnot 26/8/1879.
Shippington) Skeffington)	65	E. B. Cook, lease dated 18/9/1868, rent £15.
Springvale	48	John Fincham 27/11/1867, rent £29.15 per 6350 acres. Leased to R. Cawood 1868-9. D. Arnot 26/8/1879.
Suffolk	57	C. W. Mathews asked for lease Dec. 1869. D. Arnot 16/1/1880.
Summerhill	28 Slypsteen	A. Murray. D. Arnot 21/4/1881.
Tyrone (East)	61	No information.
Tyrone (West)	35	Cornelius Faber. D. Arnot 28/8/1879.
Waterford	40	John Rostoll became Poundmaster there on 19/11/1867 for one year. Lease dated 1/1/1875 rent £37.10. D. Arnot 18/3/1880.
Wexford	38	John Rostoll, lease 1/1/1875, rent £33.10. D. Arnot 26/8/1879.

Wicklow	33	D. Arnot 26/8/1879.
Wigton	22	Kuming, Saunders, claimed by Cawood May 1868. D. Arnot 26/8/1879.
Remainder of Reserve		D. Arnot 30/1/1880
<u>PRIVATE FARMS</u>		
Ard Tully		F. H. S. Orpen (12/12/1867). Lease dated 29/1/1868. Not occupied before 1872.
Arnotsdale	77	Leased to George Albert Arnot, Arnot's younger brother. Rent £15 p.a., lease dated 14/9/1869. Final title to W. H. Wayland 25/9/1879.
Avoca	1	Arnot leased it to A. C. Hall (1/1/1868, rent £15), ceded to Chapman, ceded to C. J. Wayland 20/4/1870. Final title to M. Wayland 4/10/1878.
Backhouse	4	Leased to the widow of the Rev. Hughes, who had occupied the site from 1858. I Hughes Snr had a lease dated 1/1/1868, rent two shillings and sixpence. Later A. Hughes and Peter Wright had it. Final title to the Executors of Hughes, 24/1/1877.
Belmont	62 Uithaaldersfontein	C. J. Wayland leased it from Arnot (3/12/1867, rent £15). Charles William Henry Wayland became Poundmaster there on 4/12/1867. Alfred Crawshay Hall ran the post office on Belmont. The Griqua Raad member, N. Kruger, claimed it before the Land Court, but the claim was disallowed, although Kruger was to get £250 if the place were sold. C. J. Wayland had it in 1873 and got final title on 6/12/1877.

Blackheath	74	Edwin Poyntz Wayland, lease 3/12/1867, rent £15. Final title to C. W. H. Wayland 5/10/1876.
Buccleugh	6	Allotted to Alfred Buckley 27/11/1867, lease 26/12/1867, rent £15. James M. Turner got final title 30/8/1876. (He was Kimberley gaoler from 19/4/1879.) Size of farm was 2846 morgen.
Bucklands	5	Alfred Buckley Snr. Allotted 27/11/1867, lease 26/12/1867, rent £15. Final title to J. M. Turner 30/8/1876. Size 3699 morgen.
Burton	63	E. B. Cook, lease dated 18/9/1868, rent £12.10. B. Williams seems to have had the farm in October 1869 but final title went to Cook 30/8/1876.
Carnarvon	10	Arnot allotted this to D. Hughes on 22/11/1867, rent £12.10. I. Hughes, eldest son of the late Rev. Hughes, had it in 1867, so it seems to have been for him. His lease was dated 26/7/1869. He did not occupy because there was no water. Wayland, who had adjoining ground, leased it on 13/9/1876. It was claimed by Waterboer before the Land Court, but the claim was disallowed. Final title went to C. J. Wayland on 30/8/1876. Size 4513 morgen.
Cilrhew	73	Charles Emly Spranger 3/12/1867, rent £15. Sold to C. J. Wayland, lease dated 3/12/1875. It seems that Wayland changed the name of this farm to <u>Glen Frere</u> (see below) when he took it over since they have the same number.

Cliro	68	Arnot to C. J. Wayland for Arthur Wayland. Lease dated 3/12/1867, rent £15. Final title 9/3/1880.
Clydesdale	9	Leased to Samuel Oats (27/11/1867) ceded to Arnot, let to Johan David Gerhardus Steenekamp Jnr (9/2/1869). In Jan. 1870 Jacob Erasmus Jnr was on the farm. Waterboer and Katrina Manell both claimed the farm before the Land Court, but their claims were disallowed. Final title to David Arnot 20/9/1877. The size was 5758 morgen.
Craigie Burn	15	William Frederick Dugmore, as father and guardian of Isaac Dugmore, lease dated 15/9/1869, rent £15. Final title 1/5/1879.
Dover	13	Thomas Henry Sinden, lease dated 14/5/1869, rent £15. Final title 4/10/1878.
Downs, The	12	T. H. Sinden, lease dated 14/5/1869, rent, £12.10. Final title 30/8/1876. Size 4059 morgen.
Ettrick	24 Kameelfontein	Thomas Eade, 12/12/1867, lease issued on same date, rent £15. Re-allotted to Thomas Bradfield 7/4/1868. Leased to D. Arnot for Decima 3/11/1868, then to Peter Wright 1/1/1871. He got final title on 30/8/1876. According to Land Court Evidence Henry Green may have owned this farm before or after Eade. Size 4420 morgen.
Glasnevin	19	Orpen wanted this farm for his brother, Richard John Newnham, but it was allocated to E. B. Cook, lease dated 18/9/1868, rent £15. Final title to Cook, 4/10/1878.

Glen Frere	73	C. J. Wayland, final title 4/10/1878
Harefield	70	Josiah Hare and C. J. Wayland, both leases dated 30/1/1868, rent £15. C. J. Wayland appears to have been the one who got it, as no more is heard of Hare.
Harrowgate	14	James Steille Wright, allotted 1/1/1867, lease 23/3/1869. Rent £22.10. Final title 30/8/1876.
Hayfield	80	Arnot leased it to C. J. Wayland, lease dated 29/3/1869, rent £15. Ceded to W. H. Wayland 21/7/1874. Final title to W. H. Wayland 30/11/1879.
Hereford	26 Kameeldam	Allotted to Peter Wright 28/11/1867, lease dated 26/12/1867, rent £15. Final title 30/8/1876. There were mineral springs on this farm. Size 5209 morgen.
Homebush	2	Allotted by Arnot to Benjamin Hall, 12/12/1867, lease dated 3/1/1868. Ceded to Arnot for daughter Emily, then to S. Kilgrew (9/1/1869), then to Maria Wayland, wife of Edwin, on 3/1/1870. Rent £15.
Kenmare	71	C. J. Wayland for Anna Graham, lease dated 3/12/1867, rent £15.
Killowen		Orpen, F. H. S. 12/12/1867, lease dated 29/1/1868. This farm was on the Vetberg Line and it is not clear that it really fell into Albania. It was not occupied before 1872.
Lovedale	78 Rietpan (74,59)	Taken for C. W. H. Wayland and Edwin Poyntz Wayland, lease dated 3/12/1867, rent £15. Final title to C. W. H. Wayland on 4/10/1878.

Manest	69	Arnot leased to C. J. Wayland 3/12/1867. Rent £15.
Nottingham	7	A. Buckley, Junior. James Turner 30/8/1876. Size 4653 morgen.
Richmond	75	Arnot to C. J. Wayland, lease dated 29/3/1870, rent £15. Ceded to Arnot for daughter Nona, 3/11/1868, then to Peter Wright plus a quarter of the Salt Pan 1/1/1871. Rent for Wright £22.10. Ceded to W. H. Wayland July 1874, and he got final title 3/11/1879.
Saratoga	25	Allotted to Thomas Eade (who declined it) 12/12/1867. Thomas Bradfield of Queenstown got it 7/4/1868, then ceded to David Arnot for his daughter, Nona, 3/11/1868, ceded to Peter Wright with 1/4 portion of the Salt Pan, £22.10, on 1/1/1871. Final title to him 30/8/1876. This farm also had mineral springs. Size 3254 morgen.
Sheephouse	72	C. W. H. Wayland, lease dated 3/12/1867, rent £15. Ceded to C. J. Wayland 10/7/1874. Final title issued to him 4/10/1878.
Smithfield	16	John William Dugmore, lease dated 14/9/1869, rent £22.10. Rented by Wright, who owed £50 on this and Torquay for 1870 and 1871. Final title to Dugmore 30/8/1876.
St Clair	3	Allotted to Orpen 12/12/1867 in freehold, 2/6 peppercorn rent per year. Lease dated 29/1/1869. Orpen leased the farm to C. J. Wayland. Final title to Orpen 24/1/1877.

Stockdale	79	G. A. Arnot (David Arnot's brother), 14/9/1869, rent £15.
Stoneham	76	Arnot to Stephen Arthur Spranger, lease dated 29/3/1870, rent £15. Ceded to C. J. Wayland, 1/2/1874.
Stratford	8	Allotted to Edward William Joseph Buckley 27/11/1867, lease dated 26/12/1867, rent £15. Ceded to J. Turner, who got final title on 30/8/1876. Size 5006 morgen.
Sunnyside	81	John William Dugmore, lease dated 15/9/1869, rent £15, final title 4/10/1878.
Sydenham	18	Allotted to Orpen 9/12/1867, lease dated 1/1/1868, rent £15. Ceded to E. B. Cook 18/9/1868. Name changed to Thornhill (see below.)
Thomaston	17	Joseph Hare Dugmore, lease dated 14/9/1869, rent £15, final 4/10/1878.
Thornhill	63	Orpen wanted it, but it was allotted to E. B. Cook, lease dated 18/9/1868, rent £15, final title 30/8/1876.
Torquay	20	Allotted to Henry Dugmore (27/11/1867), lease dated 14/9/1869, rent £15. Rented by Wright according to letter from Arnot in May 1871. Waterboer claimed it during the Land Court hearings, but the claim was disallowed. Final title to Dugmore 30/8/1876. The size of the farm was 3728 morgen.

Tullochgorum 23

Special grant to Donald Campbell Grant 12/12/1867, at 2/6 peppercorn rent, lease dated 30/1/1868. Ceded to H. Dugmore 14/9/1869. At the Land Court hearings Waterboer and D. C. Grant's Estate both claimed the farm. Waterboer's claim was disallowed and Margaret Grant got final title on 24/1/1877. The farm's size was 5953 morgen.

Wiltshire 27

Allotted to Peter Wright 28/11/1867, lease dated 26/12/1867, rent £15. Final title 30/8/1876. There was a salt pan on this 2341 morgen farm. Later sold to E. B. Cook.

Wimbledon 11

Thomas H. Sinden, lease dated 14/5/1869, rent £15, final title 4/10/1878.

Notes:

Douglas: At the Land Court hearings the following people claimed agricultural erven at Douglas: Orpen (3); C. J. Wayland (4); E. B. Cook (1); C. A. Spranger (1); W. Dugmore (3); D. Arnot (5).

Orpen: Orpen got a special grant of a lot on the Vaal River 12/12/1867 for a peppercorn rent of 2/6, lease dated 29/1/1868, as well as two farms, Nos. 82 and 83, near Vetberg, at rentals of £15 and £9 respectively.

Size of Farms: Where sizes are given, these are based on the survey by Gilfillan dated 31st December, 1874.

Appendix Seven

Biographical notes

[These are not intended to be exhaustive, but give details only of the better-known settlers.]

Arnot, Anne was born in April or May 1826 in Norfolk, England, the daughter of John and Ellen Grimmer (born Gibbon). She died on Thursday, 8th March 1906, aged 79 years and 10 months, at Chartleigh, Three Anchor Bay. This house was described as follows:

The best-known of houses standing here was *Chartleigh*, owned notably by Mr E. J. Earp, and, after 1892, by Dr George E. C. Anderson. For over fifty years *Chartleigh*, single-storeyed and sprawling, was a well-known boarding house, until, in 1960, it was demolished, to make way for the present block of flats that bears its name.

Anne Arnot was buried in the family plot (Number 88) in St Saviour's Churchyard, Claremont.

Arnot, David was the son of David Arnot, Senior, and Catherine van Wyk (also known as Kaatje van der Jeugd). David Senior was born at Cupar in Fifeshire, Scotland, in about 1795, to David and Janet (born Brown). He came to South Africa in 1817 as one of the Moodie settlers and was indentured to Frederick Korsten at Bethelsdorp Mission. Here he met Catherine van Wyk, who was a baptised Hottentot member of the mission. Arnot had to obtain Lord Charles Somerset's and Moodie's permission to marry her because she was not white, but the marriage took place in 1819. David Arnot, Junior, was born in Uitenhage, on 26th June, 1821, the first of David senior's children. The others were Lucy, Janet, Henry Edward, Eliza Sophia, George Albert (who later obtained an Albanian farm) and Edward Thomas. Two sisters, Mary Louisa and Emily Ellen died of the typhus-like fever epidemic of 1852, at the ages of fifteen and ten respectively. David Arnot senior had established an independent smithy in Uitenhage, but went insolvent in 1827, recovered, but was ruined again by the 1835 war. Young David was sent to school at James

Rose-Innes's academy in Uitenhage, where his schoolmates included C. H. Somerset and Atherstone. After his mother's death, his father had married again in March 1833, Mary Nelson of George, a young widow, who was the daughter of Edward and Julia Turvey. In September, 1836 Sir Benjamin D'Urban nominated Arnot as one of the five boys he could send annually to the South African College in Cape Town. Here Arnot spent 1837 and 1838. J. H. Brand, J. H. Hofmeyr, the Marquard brothers and James Rose-Innes (Junior) were all there at the same time. In 1841 his father went bankrupt again and moved to Colesberg, where his smithy was much in demand and he prospered. David, Junior, became a General Agent in 1845, and married Anne Grimmer in the same year. In due course, they had twelve children. Arnot had wide-ranging interests, including botany and ornithology, and had a bird and a plant named after him, *Stapelia arnoti* and *Thamnolaea arnoti* (Arnot's chat). He collected many specimens to send to Sir William Hooker at Kew. There are many evidences of these interests, but the following came from a fellow Albanian, Joseph H. Dugmore, in 1873:

Father has sown over 120 different kinds of ornamental trees; he got the seed from Mr Arnot, most of it comes from the Royal Garden, Kew, and the remainder from Sir H. Barkly.

He became Adam Kok's agent and, from October, 1853, Nicholas Waterboer's as well. In 1859 (the year of his father's death at the age of 64) he was appointed Justice of the Peace at Hopetown. The drought of 1862 ruined Arnot and it was probably at this time that he began to plan ways of using the lands granted him in Waterboer's territory to restore his fortunes. He became a member of the Legislative Assembly of the Crown Colony of Griqualand West in 1874. Arnot died in 1894, aged 72 years and eleven months.

Arnot children in order of birth:

Ellen Amelia (born 1848). At the age of five (1853) she was sent to Miss Wilmot's Select School for Ladies at Wynberg in the Cape, where she remained for eleven years, visiting her family only once for three months during that period. She returned an accomplished musician and teacher and married Fitzroy Maclean Henry Somerset.

Sarah Selina married Johannes Adriaan Smuts.

Anne Harriet married an Adendorff. Died before 1906.

Maria Catherine (born 26th October, 1852) married Charles William Henry Wayland. There were four children born of the marriage, two sons (Charles Claude and Henry Arthur) and two daughters (Matilda Bertha and Vida Anne). Maria Wayland died in Rondebosch Hospital, on 15th June 1900, aged only 48 years and 8 months, leaving no property. She is buried in St Saviour's Churchyard.

Emily married a Howe-Browne.

Marion married a Campbell.

Septima. She appears to have died before her father, since her name does not appear on his death notice.

William Octavius Robert (born 1861).

Nona Edwarda Emma Wilmot died at Rondebosch on 17th August, 1881, aged sixteen years, six months and twenty-one days.

Decima Elizabeth Johanna Margaret died on 13th April, 1959. She is also buried in St Saviour's Churchyard.

John Robert Oliphant.

Lydia Augusta.

Sources: Death Notice Anne Arnot, 780/1906, 6/9/542; Marischal Murray, *Under Lion's Head*; Thelma Gutsche, *The Microcosm*; Marian Robertson, *Diamond Fever*, Arnot and Orpen, *The Land Question of Griqualand West*; Death Notice of David Arnot, 1312/1894, MOOC 6/9/329; Death Notice of

David Arnot Senior, 6371/1859, MOOC 6/9/88; Letter J.H. Dugmore to his sister, Louisa, on 4th August, 1873; SESA, Vol.1.; Death Notice M C Wayland, 2754/1900 MOOC 6/9/407; Gravestones in St Saviour's Churchyard, Claremont, Cape Town.

Biddulph, Gilbert Burnet lived on *Quaggapan* in Albania. He was a Justice of the Peace for Hopetown in 1864 and was involved in the court case over ownership of the "Star of South Africa".

Source: Marian Robertson, *Diamond Fever*, p. 185-6.

Biddulph, William Burnett was Postmaster at Colesberg. He was fourteen at the time of the 1820 settlement, so he must have been born circa 1806. He had been a trader in the interior, so would have been familiar with Griqualand West.

Bowker, Thomas Holden was born in Gateshead, Durham, England, on 24th February, 1807, to Miles Bowker and Anna Maria Mitford. He was the fourth child of a family of eleven. He came to South Africa with his family in 1820, aboard the *Weymouth*. The family settled first at *Olive Burn* and then at *Tharfield*, which Bowker inherited on his father's death in 1839. Thomas Holden married Julia Eliza McGowan, daughter of John McGowan, and the couple had three sons and four daughters: Emily Atherstone, Thomas Holden, Katherine Mitford, Mary Layard, John Mitford, Julia Eliza, Miles McGowan. As a Settler, Bowker saw a great deal of active military service. He became an officer in the Grahamstown Native Infantry in 1835, and commanded Kaffir Drift Fort in 1846. He rose to the rank of Commandant at the time of the Eighth Frontier War (1850-1853), when he was chosen to command the burghers defending Whittlesea. He founded Queenstown, drew up a plan for frontier defence, which Cathcart adopted under his name, and, in 1863, was invited to stand for the Presidency of the Orange Free State. However, Jan Brand won the elec-

tion. In 1872 he became Secretary to the Land Commission, and served as a member of the Legislative Assembly for many years, being the M.P. for Albany and later for Queenstown. He died on 26th October, 1885, and was buried at *Tharfield*, beside his father.

Source: I. Mitford-Barberton, *Comdt. Holden Bowker*; SESA, Vol.2, p. 471; Letter in the *Volksblad*, 12th September, 1863.

Buckley, Alfred, born in England, married twice: Mary Thomas, who died on 13th January, 1872, and Annie Maria Payne, who died on 18th March, 1896, so that he was a widower at the time of his death. Altogether he had seven children: Mary Elizabeth Hedding, Margaret Buckley, Fanny Dolley, Louisa Buckley, Edward William Joseph, Alfred and John Phineas. His occupation is given as Farmer. Some time before 1876 he disposed of all four of his Albanian farms to James Turner (see below), and returned to the Grahamstown area, where he had been farming at the time of the Albania settlement. Buckley died at *Bucklands* in the Albany District, aged 83 years seven months and twenty three days, on 29th December, 1900, leaving landed property, live stock and movables.

Source: Death Notice A. Buckley, 131/01, 6/9/418.

Cawood, Ralph Cawood, born at Manley Flats, Cape Colony, to Joshua and Mary Cawood. His mother had been a Miss Manley and his father was the son of David and Mary Cawood of Hayhurst's party of Settlers. Ralph Cawood became a farmer, and married Elizabeth Dobson, who died in February, 1865 or 1866. His second wife was Harriet Martha Freemantle. By his first wife, he had four children: Henry Ralph, Mary Ellen, Edward William and Johanna Elizabeth, and by his second wife twelve more: Herbert, Frank, Agnes, George, Ralph David (born 27th April, 1875, and baptised in Kimberley by James Fisk on 24th July, 1875), Allen Allicocke, Joshua, Harriet Georgina, Charles Alfred, Edwin, Ernest and Alice Dove.

The last eight children were all under twenty-one at the time of their father's death. Cawood died aged 65 years and four months, at his residence, *Vlakfontein*, on 22nd April, 1895, leaving three farms and stock. He was a Field-Cornet in Albania, but, like Fincham, not a very satisfactory tenant, being quick to complain and slow to pay. On 11th January, 1875, for instance, he wrote to ask Arnot for an extension of time in which to pay his rent, as he had had to help Remington and that had left him

hard up but I will endeavour to let you have the rent in about 2 months from this, hoping this will do for you as I really cannot pay at present...Mr Fincham wishes also for you to wait a little as he has no money but he says he will let you have it as soon as possible.

Source: Death Notice R.C. Cawood, 1082/95. 6/9/341; letter from R. Cawood to Arnot, 11th January 1875. G.W.L.C.24/p. 73; Baptismal Certificate of R. D. Cawood; I.Mitford-Barborton, *Arms and Families of 1820 Settlers*.

Cook, Edward Boyer, born in Cape Town on 3rd November, 1837, the second son of Edward Cook, a Wesleyan minister of Lincolnshire, England, and Mary Frances Thornhill, daughter of one of the 1820 settlers who settled at Port Alfred. Edward Cook Senior came to South Africa as a missionary and was sent to Nisbet Bath in Namaqualand. He died on the banks of the Orange River and the family returned to England, but Edward, Junior, came back to South Africa at the age of seventeen and became a learner farmer at Cradock with Collett. He moved to Albania, from Cradock, in 1867. On 21st June, 1870, he married Emma Wayland (born 20th October, 1848), fourth daughter of Charles Joseph Wayland. The marriage was performed at *Belmont Farm* by the Rev. James Scott, Wesleyan minister of Fauresmith. The couple had nine children. Cook farmed sheep, goats, cattle, horses and ostriches, grew fruit and vegetables, and made butter, some of which were sent to the Diamond Fields.

Thornhill had the only shop in the area, so did a roaring trade, especially during the South African War, when there was a military camp on the farm, under the command of Colonel Pilchers, the youngest Colonel in the British army at that time, according to Cook family tradition. Edward Cook died on his farm *Richmond* near *Thornhill* on 22nd July 1909, as the result of a cart accident, aged 72 years and 10 months, leaving both movable and immovable property, a wife and five children. Emma died in Bloemfontein on 10th August, 1924, and is buried at *Thornhill*, with her husband. On *Thornhill*, there are still the remains of a dwelling house, a police post building and a stable for the horses used in the post-cart which plied between *Belmont* and Douglas.

Edward Cook's children:

Mary Frances, born 19th March, 1871 at *Belmont*. She married Otto Henning.

Ellen Matilda, born 19th July, 1872, at Hopetown. Educated at the Wesleyan Girls' High School in Grahamstown. Married Herbert Oswald Dugmore (born 2nd October, 1877) of *Smithfield*, the neighbouring farm, on 6th November, 1905. The couple settled on *Sunnydale*, where Ellen died on 1st October, 1957.

Charles Herbert Thornhill, born 12th October, 1873, at Hopetown. Died 1881.

Edward Mounsey, born 16th April, 1875, at Hopetown. Died 1897.

Matilda Hart, born 14th July, 1876, at Hopetown. She married Edward Thornhill Gilfillan.

Arthur Wayland, born 27th February, 1878, at *Thornhill*. Died 1881.

Dorothea Mounsey, born 27th April, 1880, at Hopetown. Died at *Lovedale* of diphtheria during the 1881 epidemic.

John Thornhill, born 3rd November, 1882, at Hopetown.

Reginald Boyer, born 2nd April, 1887, at Hopetown.

Sources: Wayland family tree; Death Notice E. B. Cook, 3758/09, 6/9/630; notes compiled by Miss E. Ruth Cook; Norman Hooper, *Ellen Dugmore of Sunnydale*; Albany Museum, S.M.5331 and 5374(3); *Graham's Town Journal*, 1st July, 1870, p. 1, column 1.

Cron Wright, Peter, born in Griqua Town in 1826 to Peter and Margaret Wright. He married Jane, who died in 1882. Peter Wright died aged 72, at his son's home, *Papkuil*, in the Hay district, on 15th June, 1897, leaving £59.2.0. cash. His son, also Peter, married a daughter of Isaac Hughes, and their son married Olive Schreiner. His daughter, Agnes Cron Wright, turned twenty-one on 10th February, 1898. In evidence before Stockenstrom's Land Court, Cron Wright said,

I live in Albania close to Orange River at Old Salt Pan...My father was missionary there [Griquatown]. I went to Cape Town as a youth and returned in 1839, and since that have always been in Griqualand. My father was confidential agent to the British Government with Waterboer. He held that office from 1834 to 1843.

In 1875, Stow described Wright's salt-making procedure. First the saliferous sand from the bottom of the pan was soaked in a quantity of water. This brine was then drained off, properly cleared and strained and boiled for a considerable length of time in large iron pots. When cooled, the salt separated in crystalline form at the bottom.

Sources: Death Notice P. P. Cron wright, 542/98, MOOC 6/9/363; Stockenstrom, *Evidence*, page 100; Stow, G. W., *Geological Notes Upon Griqualand West with Descriptions of the Specimens by Professor T. Rupert-Jones*.

De Morgan, Edward Lindsay, M.R.C.S and L.S.A. of London was appointed Surgeon and Apothecary in Albania on 2nd January, 1871. **Source:** G.W.L.C.28, C6, No.32.

Dugmore, Joseph and John William were the original Albanian Dugmore settlers. They came from Salem near Grahamstown.

Dugmore, Eliza Jane, was born in 1853. She was the granddaughter of the 1820 Settler, Isaac Dugmore. She died in Albania and is buried in the *Smithfield* cemetery. In 1871 she undertook the long journey to the Diamond Fields and then to Albania, where her father had decided to settle. She kept a diary during the journey, which provides an interesting account of the rigours of travel at that time. Until then, she had lived at *Klipplaatdrift* on the Koonap River, halfway between Grahamstown and Fort Beaufort, and does not seem to have been overjoyed at the prospect of life in Albania. Her father had not yet built a house when she arrived, so the family was living in a tent under a camel-thorn tree, near the Vetberg Hills. She was the sister of Henry, Louisa and Isaac Dugmore.

Dugmore, Henry wrote to his sister, Louisa, on 7th February, 1873, apparently from the home of Eliza Jane, who was back on the Koonap River:

I heard up at Stapleford that I was engaged to a Miss Hughes in Albania [This rumour appeared to have amused Dugmore]...I have made rather a long stay this time...I have no fresh oxen here that is why I have to stay here so much longer than in Albania. I think it is quite decided that Maria and Willie are going up with me this time and I think H. Barnes will go too.

Sources: Dugmore family members; Diary of Eliza Jane Dugmore (McGregor Museum, MMK 2717); letter H. Dugmore to Louisa Dugmore, 7th February 1873 (Cory Library).

Fincham, John Thornton Zachariah was born in Graaff-Reinet on 6th June, 1836 and became a farmer and general merchant. He was the son of John Fincham (1809-1858) who came to South Africa in 1828. John Junior married Louisa Ann Freemantle, who was born in Grahamstown on 11th February, 1842, on 14th September, 1858, in Middleburg, Cape. He died in Grahamstown on 13th March, 1898, and his wife died shortly after him, on 1st December, 1898, also in Grahamstown. Their eldest son, John

George Benjamin Fincham, was probably born in 1859. He died in August 1878 and is buried at *The Grange*, Fincham's Albanian farm.

Source: Albany Museum, Family Tree, SMD 588, File 29, p.158.

Forster, Frederick was an Apothecary, appointed on 2nd January, 1871, to be a Surgeon and Apothecary in Albania.

Source: G.W.L.C.28, C6, No.32.

Hall, Benjamin W. was appointed Surgeon and Apothecary in Albania on 1st February, 1871.

Source: G.W.L.C.28, C.7, No. 3.

Mathews, Charles Wheatley was born in England in 1826 and died on 14th January, 1881, at the Carnarvon Hospital in Kimberley, aged 54. He had been a shopkeeper in Colesberg, where he arrived in about 1860 and where he met Arnot. In 1865 he went bankrupt, and moved to Albania in 1867. By April 1869 he had opened a large store in Albania, and was supplying hunters from the interior, although he found it difficult to obtain a permit for lead and gunpowder. On 5th April, 1869 he took the oath as a Justice of the Peace, promising to do "equal right to the rich and to the poor." He was a leading figure in at least two attempts to obtain diamond concessions. At the time of his death, his condition in life is given as Civil Servant in Lichtenburg, Transvaal, so he was clearly one of the settlers who left, at least temporarily. He was buried in Beaconsfield, Kimberley. He was married to Eliza Mathewson (probably the sister of Alexander Mathewson) on 12th May, 1852, in Colesberg. The pair had eleven children: Charles Fossy, Edward Henry, Robert Alexander Bates, Elizabeth Emily, Donald, Alfred, Henry, Herbert, Emily, Florence and Lorenzo. He left movable and immovable property, the extent of which was not known.

Source: Death Notice C. W. Mathews, 1577/81, MOOC 6/9/179; Marian Robertson, *Diamond Fever*; letter Arnot to Southey, 22nd April, 1869, Acc.611, Vol.35; G.W.L.C.28, C.6, No. 32.

Mathewson, Alexander born 4th November, 1837, in Uitenhage to Alexander and Eliza Mary Anne. He married Louisa Cornelia Jacoba Jansen van Rensburg (born on 4th December, 1846) on 20th July, 1863, at Dordrecht. The couple had twelve children: Eliza Mary Ann, Martha Gertrude, Louisa Jacoba, Alexander, Frances Rachel, Anna Dorothea, Charlotte Frederica Augusta, Hester Helenah, Edith Florence, Alice Mabel, Charles Peter and James Edward. Mathewson had the Albanian farm *Leinster*. Things do not seem to have gone very well for him in Albania, for, on 15th June, 1874, he wrote to ask Arnot to extend to May the time in which to pay the remainder of his rent. He could only afford to pay £15 at that time. He also asked that someone be sent to collect the money, since

through the drought, my horses are so miserably poor and foot sore that I see no chance for such a distance to be gone off by them...Do not blame me that I thus disappoint you for it is not that I have got it that I do so but I am wholly left powerless through the drought.

He died aged 53 years 11 months and 28 days on 28th October 1891, at his farm, *Lilydale*. He is classified as a farmer. He left his wife and all twelve children, only four of whom had reached majority at the time of their father's death.

Source: Death Notice A. Mathewson, 1996/91, MOOC 6/9/299; Settlers Museum, Grahamstown; Letter Mathewson to Arnot, G.W.L.C.24/p. 102.

Orpen, Francis Henry Samuel, born in 1826 at Rosstrevor, County Down in Ireland, was the son of Dr Charles Edward Henry Orpen and Alicia Frances Sirr. Frank Orpen and his brother, Charles Sirr, visited Colesberg in 1846, and liked it so much that they decided to emigrate to the

Cape. This they did, with three other brothers. In 1848 their parents, two more brothers and their only sister followed suit. On Sir Harry Smith's advice Frank studied surveying in Cape Town. Sir Harry promised him an appointment as Surveyor in the Orange River Sovereignty if he should qualify, which he did. Before the Land Court, Orpen testified as follows: Arnot had offered him the survey of Albania, during his visit to Grahamstown in 1867 to find settlers for his scheme. He had also offered Orpen two farms, *St Clair*, near Backhouse, and one for Mrs Orpen in the upper country (Northern Albania, presumably). Orpen could allot himself a further three farms in Northern Albania, as well as one for his brother, Richard John Newnham Orpen. He had gone up with Arnot and had made arrangements to divide the country into farms, after visiting Waterboer to make arrangements with him. He had also been made a magistrate. In 1867 or 1868 he had allotted himself *Ard Tully*, *Killowen* and *Thornhill* as well as *St. Clair*. He had taken *Ard Tully* himself because it was one of the farms with a boundary disputed by the Free State. *Thornhill* had been given to Cook, who had also been given Orpen's brother's farm, *Glasnevin*. Neither *Ard Tully* nor *Killowen* had been occupied in any way before 1872. When he found out that Britain was to take over he had asked Arnot for formal grants, but Arnot had asked him to wait until after the Bloemhof Arbitration. He had finally got the documents in January 1872. He had been exempted from occupation because of his duties as Magistrate and Surveyor-General. He had also been exempted from paying rent until the Griqua Government could pay his salary. *St. Clair* had been leased to C. Wayland, and the grazing rights on *Killowen* and *Ard Tully* had also been leased, since 1872. Quitrent had been paid to the end of 1874. On 27th December 1871, he had first given notice to Ockert Fourie of Grensplaats to keep off his farms. He had warned him several times since. Waterboer had given him, as Magis-

trate, good instructions to order the people to leave to make room for the Albanians. The people had moved from Albania in 1867 to the west of the Harts and Vaal rivers. He had seen Waterboer sign three lists at *Eskdale* on 7th November 1871. Arnot had not offered him the three farms in December 1871.

Orpen continued to hold various government posts for many years, and was one of the members for Barkly (the other was Rhodes) of the House of Assembly in Cape Town after Griqualand West was finally incorporated in the Cape on 15th October, 1880. He died aged 68 years and four months, on 22nd February 1893, at his residence *St Clair*, which was part of Albania. He left a wife, Sarah Ann (born Murray), whom he had married in October, 1855, and six adult children: Charles Edward Herbert, Alicia Frances Charlotte Godwin, Francis Hugh Raymond, Redmond Newnham Morris, Lilian Grace Ida, Katherine Irene Theodora; as well as immovable property in the Districts of Barkly, Hay and Herbert, and movable property in the district of Herbert.

Sources: Death Notice, F.H.S. Orpen, 791/93, 6/9/315., Thelma Gutsche, *The Microcosm*; Stockenstrom, *Evidence*, p.188.

Rostoll, John was born in about 1829 in the Cape Colony. He was appointed Poundmaster at *Waterford*, and issuer of wagon licences in November, 1867. He married Sarah Anne Quin and had eleven children: Theresa Lucy (married W. Beck), Robert John, Edwin John, George (both these sons predeceased their father, no issue), Alida, Cecilia (married C. Wade), Emily Armitage, Charles, William, Nora and John, who also died before his father. At the time of his death, which took place in Kimberley, Rostoll was described as a retired farmer. He died on 8th December, 1907 aged 78 years, leaving immovable property.

Source: Death Notice J. Rostoll, 262/08, 6/9/587; G.W.L.C.28, C.6. No.32.

Sinden, Thomas Henry, born on 11th April, 1821, in England to John and Mercy Sinden, died at his farm *Dover* on 18th January, 1885, aged 63 years, nine months and seven days, leaving both movable and immovable property. He and his wife had six children: Aletta Susanna Hibbert, Martha Maria Hibbert, John Gotlich, Thomas Henry, Alida Johanna, Abraham Paulus. One of his daughters (probably the youngest, Alida) married a Dane named Ekmann.

Source: Death Notice T.H. Sinden, 698/85, 6/9/219: Warren, *On the Veldt in the Seventies*.

Solomon, The Rev. Edward was born to Jewish parents on St Helena Island in 1820. He was a brother of Saul Solomon. He was converted to Christianity by Dr Philip and became a missionary of the Congregational Church, which was linked with the L.M.S. In 1840 he married Dr Philip's niece, Jessie Matthews. He was a missionary at Griquatown from 1843 - 1851, moved to Philippolis for seven years, and then to Bedford, where he remained for twenty-seven years. In 1886, he drowned at Sea Point, Cape Town, having apparently got up early to go for a walk along the sea-front, become giddy and fallen into the sea near the old Wentworth Hotel. He left four sons and four daughters.

Source: W. E. G. Solomon, *Saul Solomon, The Member for Cape Town*.

Southey, Sir Richard was born on 25th April, 1808, and came out to South Africa in 1820 at the age of twelve. He had little formal education, and worked on his father's farm until he was sixteen. Then he went to Grahamstown, where he served as a clerk until he was twenty-one, when he tried hunting, trading and soldiering until he secured an appointment as secretary to Sir Harry Smith in 1847. Later, he was Treasurer and Accountant-General of the Cape and acted as Colonial Secretary during William Rawson's absences. When Rawson left in 1864, Southey was

appointed to this post. As Colonial Secretary, Southey worked hard to bring about the annexation of the Diamond Fields. He had considerable influence over Hay in the inter-regnum between Wodehouse's departure in May 1870 and Barkly's arrival in December 1870. In 1872, when the Cape achieved Responsible Government, the office of Colonial Secretary ceased to exist and Southey went on pension. However, the pension was not adequate and so he accepted the post of Lieutenant-Governor of Griqualand West at the beginning of 1873, and held this post until the Black Flag Rebellion in 1875, when the post of Lieutenant-Governor was abolished. He then retired on pension, and later entered Parliament as the member for Grahamstown. He was knighted for his services and lived to be ninety-three. His first wife, Isabella Shaw, whom he had married in 1830, died in June 1869, but he married again at the end of 1872. His new bride was Susan Krynauw, and he had two children by her, one in 1881, when Southey was seventy-three, in addition to the five sons from his first marriage.

Sources: Marian Robertson, *Diamond Fever*; Brian Roberts, *Kimberley, Turbulent City*, Mona Macmillan, *Sir Henry Barkly, Mediator and Moderator*; The Hon. Alex Wilmot, *The Life and Times of Sir Richard Southey*; L.L. Minott, *Sir Richard Southey - Lieutenant-Governor of Griqualand West, 1872-1875*.

Spranger, Charles Emly married Ellen Prynne Poultney (1859-1907)

Stockenstrom, Sir Andries was born in Graaff-Reinet in 1844. He studied law in London, then became a barrister in the Eastern Districts Court in the Cape Colony in 1856. Appointed Judge of the Land Court in Griqualand West on 10th September, 1875. Described by Barkly at the time as probably better qualified than anyone else to "discharge the duties of so difficult an office." He became Attorney-General of the Cape

in 1877, member of the Legislative Council in 1878, a Judge again in 1879, shortly before his death in 1880.

Sources: A. N. White, "The Stockenstrom Judgement, the Warren Report and the Griqualand West Rebellion, 1876-78", p. 152; Free State Archives, Further Correspondence relating to the Colonies and States of South Africa, Barkly to Carnarvon, 11th September, 1875.

Turner, James died at Bucklands on 1st September, 1911, aged 89 years and eight months. On 9th and 10th November, 1911, his Estate was sold. The four Albanian farms, *Bucklands*, *Buccleugh*, *Nottingham* and *Stratford* were bought by the Union government at an average price of 22/6 per morgen. The whole estate fetched about £40 000.

Source: Diary of Turner's grandson, James Scott Turner, in the possession of B. O. Armstrong.

Warren, Sir Charles was born on 7th February, 1840. Became a Captain in the Royal Engineers in 1869. In 1876 he was ordered to demarcate the disputed boundary line between the Orange Free State and Griqualand West, together with J.E. de Villiers, the Free State representative. He was then appointed Special Commissioner to settle the land claims on appeal with the High Court of Griqualand West. In January, 1878 he took command of the Diamond Fields Horse and led them during the Ninth Frontier War, where they bravely defended Debe Nek, near King William's Town. In April, Warren became a Major and returned to Griqualand West in May to lead the troops against the Griqua during the Rebellion. In March 1879, he replaced Lanyon as Administrator of Griqualand West, but returned to England in October 1879. In 1884 he returned to South Africa to lead the successful expedition against Stellaland and Goshen. He was knighted in 1887, retired in 1898, but, on the outbreak of the Boer War in 1899, returned to South Africa to become deputy com-

mander-in-chief of the British forces, under General Sir Redvers Buller. The pair disagreed on tactics and just about everything else. In April 1900 Warren became military governor of Griqualand West to deal with the Cape rebels. He went back to England in July 1900, became a General in 1904, retired again the following year, and died on 21st January, 1927. Most people admired the way he dealt with the land problems, but there were criticisms of some of his decisions.

Sources: Sir Charles Warren, *On the Veldt in the Seventies*; A. N. White, "The Stockenstrom Judgement, the Warren Report and the Griqualand West Rebellion, 1876-78"; Brian Roberts, *Kimberley, Turbulent City*.

Waterboer, Nicholas was born in 1819 and succeeded his father, Andries, as Chief of the Griqua people in 1852. By this time the power of the Griquas was already declining for reasons discussed in Chapter one. His lands were annexed at his request in 1871, but he was not treated generously by the land courts and took part in the Rebellion, although he was accused only of complicity. Nevertheless, he was sent to Hopetown until the Rebellion was over. He then moved to Griqualand East, since Adam Kok was his brother-in-law, and worked as a carpenter in Kokstad. He died in 1896.

Sources: A. N. White, "The Stockenstrom Judgement, the Warren Report and the Griqualand West Rebellion, 1876-78"; Marian Robertson, *Diamond Fever*.

Charles Isaac Wayland was born on 16th September, 1791. He became a barrister and came out to South Africa at his own expense before 1820. He married twice, first a Miss Lewis, mother of Charles Joseph and Lucy Ann, then a Miss Martindale, who gave birth to five children: Edwin, who farmed at Avoca, Emma, Louisa, Frederick (murdered by Chinese pirates) and Alfred. Charles Isaac Wayland is buried at Avoca.

Wayland, Charles Joseph, farmer, born 8th March, 1817, in Bristol, England, the son of Charles Isaac Wayland. Charles Joseph married twice: Matilda Hart, by whom he had eight children, and Grace Simmonds, who had no children. Matilda Wayland died on 6th July, 1874. In 1857 he was appointed a Justice of the Peace for the Uitenhage district and continued in this post until 1867. The report of Emma Wayland's 1870 marriage which appeared in the *Graham's Town Journal* mentioned that she was "late of the district of Fort Beaufort", so the family must have moved there some time before it moved to Albania. This is borne out by the following evidence, given to the Land Court, when Wayland testified:

I am a farmer residing in Albania at *Belmont*. In 1867 I was farming between Fort Beaufort and Alice, when I learned from public print of the intention of settling Albania. I attended meetings, and know that a Constitution Act was made. I was an applicant. I applied for myself and family, and friends. I started in September, 1867. I had the promise, if I arrived first, to have the first pick. My sons were then minors. I brought my stock up. I went and took up my residence at once at *Belmont*, and applied for it, I was appointed one of the inspection commissioners. I did not know at that time that the 2 1/2 farms had come over the Vetberg Line. I then took out *Lovedale* for my son, C. Wayland, *Sheephouse* for Walter, and *Cilro* for Arthur. *Cilrhew* at that time was allotted to Spranger. There were a hundred or 2 natives on *Belmont*; it was a Griqua village. There were no enclosed lands; there were no Boers on any of the land I claim for myself and family. I met one Van Eck at Kafir'skop [sic] near Zwinkspan, not where he now resides. I have been building and increasing my buildings from the time I went there. All the farms claimed by us are occupied. The farms disputed by Free State claimants are now used in common by us and the other claimants until disputes are settled. In 1867 and 1868 the beacons were erected. My sheep arrived from the Colony in about April or May, 1868. I made *Belmont* the head quarters of my party, and we used the adjoining farms. At *Belmont* I have spent £500 to £600 in getting out water and improvements. I have let *Belmont* to my three sons. In January, 1868, I took lease of *Harefield*. I saw no sheep station there, but I did see sheep. No signs of native locations. The natives told me themselves on my arrival that they had received notice to quit Albania. Andries Pampier, the headman at *Belmont*, told me he had notice to leave. He remained about six months and then left. A number of them remained with me, and are still with me as servants. The natives used to live near the rivers except after rains, when they went back inland. I continued in peaceable possession till May, 1869, when the Free State Commission laid down the so-called Vetberg Line of 1869. At that time we used *Belmont* as head-quarters and used the adjoining block of farms. We had 3 000 sheep at that time and 200 cattle and horses. Klaas van Wyk was living at Zwinkspan in 1867, and then applied to Arnot for

farms in Albania. Two pieces were allotted there. I did not know Van Wyk's boundaries of Zwinkspan till the Commission of 1869. I accompanied them...[Wayland then described the work of the Commission - see chapter 3]

Charles Joseph died at Hopetown on 14th September 1889, aged 72 years and 6 months, leaving landed property. His unmarried sister, Lucy Ann (born 28th November, 1815), lived with the family. She died on 22nd August, 1878 at Uitenhage.

Charles Joseph Wayland's children:

Maria Amelia, born 2nd September, 1843 at *Wheatlands*, Graaff-Reinet district. Unmarried.

Louisa Matilda, born 5th May, 1846, at Somerset East. Married Jesse Albut on 10th January, 1866.

Elizabeth, born 27th September, 1847, at *Wheatlands*. She married into the Ward family.

Emma, born 20th October, 1848. Married Edward Boyer Cook, of Thornhill. On 15th November, 1873, her father wrote as follows to her husband:

My dear Edward, I received yours of yesterday. I cannot tell you the pleasure it affords me to hear that dear Emma was better - Mrs Brink says she suffers the same if she allows the infant to suck too much. I was very vexed as well as yourself to hear that the cart was smashed because we have not a Tradesman in the Country who can repair such a thing properly - but it is no use to grieve over spilt milk - it is always dangerous to span oxen in a Cart. I wish you had kept it in your Wagon House - Brink says he can show Williamson how to mend it. A heavy rain fell at Zwinks Pan and filled Van Wyk's Pan but we got none of it. With fond love to dear Emma. Your afft. father, C. J. Wayland.

For further details see under Edward Boyer Cook.

Charles William Henry, born 1st August, 1850, at *Wheatlands*, died 14th May, 1929 at *Lovedale*.

Walter Hart, born 1st August, 1852, at *Wolwekraal*, Uitenhage district. He farmed at *Fort Richmond* in Albania. He married his younger brother's wife's sister, Florence Surney Wroe (born 31st October, 1862, at Potter's Bar, London), on 25th June, 1884. Mrs Wayland died on 28th July,

1930 at Herbert, while her husband died 2nd August, 1935, at *Manor Holme*, and was buried in Middelburg, Cape Province.

Ellen, born 22nd June, 1854, at *Wolwekraal*. Married Alfred Gilfillan at *Lovedale* in late February or early March, 1881. She died at *Strathfillan* in 1935, buried in Middelburg.

Arthur Edwin, born 5th February, 1856, at *Wolwekraal*. Married Helen Wroe in 1885, died at *The Glen*, buried in Steynsburg, Cape. There is a charming account of Arthur Wayland's marriage, as well as of the christening of Lilian Florence, infant daughter of Mr and Mrs Walter Wayland, by the priest who performed both ceremonies, in an article entitled "The Inside of a Week", in the Anglican Church magazine for August, 1885. He added

it was a special privilege to make the acquaintance of Mr Charles Wayland, Senr., one of the pioneers of Grqiualand west, upon one of whose farms..."The Star of South Africa" was picked up in the early days.

Sources: Wayland family tree compiled by the family, especially N. Hooper of *Salt Lake*; notes compiled by Miss Ruth Cook; Death Notice C J Wayland, 1731/89 MOOC 6/9/272; information supplied to Mr Hooper by J.M. Berning of the Cory Library, Rhodes University; D.F. Du T. Malherbe, *Family Register of the S.A. Nation*; Anglican Church Magazine, August, 1885; Stockenstrom, *Evidence*.

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