

THE WHITE CHIEF OF NATAL:  
SIR THEOPHILUS SHEPSTONE AND THE BRITISH NATIVE POLICY IN  
MID-NINETEENTH CENTURY NATAL

by

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## **ABSTRACT**

The native policy of Sir Theophilus Shepstone was influential in the evolution and formation of mid-nineteenth century Natal. From 1845 to the incorporation of Natal into the Union of South Africa in 1910, the native policy of Theophilus Shepstone dictated the organization and control of a native population of well over 100,000. The establishment and makeup of this system was an important institution in not only the history of Natal, but South Africa as a whole. While Shepstone was significantly impacted by the events of his early life, the main aspect of Shepstone's policy remained the Locations System. This system, created by the Commission for the Locating of the Natives in 1847, would dominate much of Shepstone's early career in Natal, especially the challenges made to the system during the formative years of the native policy. Shepstone's work in Natal would be called into question by several government officials, including Lieutenant-Governor of Natal Benjamin Pine. This conflict with the Natal government would eventually lead to Shepstone's abandonment of the Locations System for what would become known as his "Grand Removal Scheme." While the failure of this scheme would lead to the complete incorporation of the locations system, the longevity of the locations system itself is a product of the astuteness of Shepstone. While the colony of Natal was significantly impacted by economic and social factors, Shepstone remains one of the most influential figures in the evolution of the native policy of British Natal.

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## INTRODUCTION

In 1877, Sir Theophilus Shepstone took part in one of the most famous cases of British expansion in South Africa. British officials, led by Shepstone, annexed the Boer controlled South Africa Republic, also known as the Transvaal. It was one of the largest land annexations in history and was done under the supervision and approval of Shepstone. This annexation has dominated much of the literature dealing with Shepstone and his career as a colonial administrator in South Africa. However, Shepstone's longest lasting contribution came much further south, along the Umgani River near Port Natal.

Shepstone's work on the native policy of British Natal during the mid-nineteenth century, namely the locations system established in 1846, was perhaps one of the most important and longest lasting institutions established during the era of colonial Natal. From 1845 to the incorporation of Natal into the Union of South Africa in 1910, the native policy of Theophilus Shepstone dictated the organization and control of a native population of well over 100,000. The establishment and makeup of this system was an important institution in not only the history of Natal, but South Africa as a whole. The system created by Shepstone would be influential in the British expansion of the entire Sub-Saharan region and create a form of native control that would continue to dominate British policy into the twentieth century. This thesis will attempt to create a better understanding of the establishment of the native policy of Shepstone and the manner in which this policy impacted the colony of Natal during the late 1840's to the early 1850's. This time frame coincides with the formulation of the native policy and covers the period in which the groundwork of Shepstone's policy in Natal was laid.

The primary focus of the native policy falls under the Locations System. This system, created by the Commission for the Locating of the Natives in 1847, would dominate much of Shepstone's early career in Natal, especially the challenges made to the system during the formative years of the native policy. This location system, which was originally proposed by Dr. Henry Cloete, would become the cornerstone of Shepstone's policy within Natal. The makeup of this system would include the concept of gradual "civilization", in which the native Africans would maintain elemental aspects of their culture, namely the traditional chief system, in an attempt to gradually bring the native tribes into the fold of a "civilized", Christianized people. The primary difficulty in this system, as will be shown, was not only the native population, but the Natal government itself.

Covering roughly 1843 to 1855, the formative years of what would become known as the "Shepstone system" were dominated not only by Shepstone's implementation of policy, but by the criticism he and his policy faced by the white settlers of Natal. Primary issues of labor, land, and money would eventually force Shepstone to rethink his overall policy, and pressures from the Natal government under Lieutenant-Governor Benjamin Pine would ultimately force Shepstone to reconsider his overall policy and make the somewhat extreme proposal that would be known as the Grand Removal Scheme. This scheme, which was a complete change in policy from the locations system, would eventually become only a footnote in the history of the native policy of Natal, but its importance to Natal cannot be understated. Therefore, to better

understand this scheme is to better understand not only the situation in the Natal government in the early 1850's, but also the mindset and intentions of Shepstone himself.

It is essential to first recognize that the system implemented by Shepstone was the result of a belief that the native people of Natal, and native Africans in general, were not fit to take part in white society, and that until they became properly "civilized", the interaction between these two cultures would be near impossible. This is why Shepstone strongly favored what would become known as the doctrine of indirect rule. If the native populations were simply directed along the path to civilization, instead of pushed into civilization by force, Shepstone believed that it would be for the betterment of not only the native populations, but the white populations of the colony as well. It must be noted however, that Shepstone never envisioned a society in which the two races would coexist in complete equality. This is the defining aspect of Shepstone's policy: indirect rule which would lead to the full civilization of the natives so that the native population could become a part of the British Empire, but not on equal terms with their white counterparts.

It would be considerably difficult to summarize the work done by Shepstone in a single thesis. His work in just Natal spanned nearly four decades, and his life and career in Southern Africa as a whole would extend over seven. Considerable work has already been done on Shepstone, but much of this work does not concentrate on the initial establishment of the native policy of Natal. Shepstone's policy during the early development of British Natal is usually perceived as a small, but important section of his overall career. C.J. Uys and J.R. Sullivan both examine the full extent of Shepstone's career. Uys uses the early career of Shepstone within the administration of Natal to draw

parallels to the annexation of the Transvaal, which Shepstone oversaw in 1877. In doing so, Uys creates a dichotomy between the Shepstone of the 1840's and the older Shepstone of the 1870's, but at the same time establishes continuity between the two's processes. According to Uys, an understanding of the evolution of Shepstone as a British administrator can be drawn specifically from his early career in Natal and the creation of his initial native policies. While this is largely true, the older Shepstone is cast in a negative light to highlight the innocence and promise present in early Natal.<sup>1</sup> Sullivan, more simply, casts Shepstone as a heroic figure within the sphere of the influence of native populations in Southern Africa. At the same time, however, Sullivan depicts pre-colonial Natal as a savage land ruled mercilessly by the Zulu King Shaka; casting doubt on the positive nature of Shepstone's policy.<sup>2</sup>

The only work that has been done on Shepstone that can be considered somewhat of a biography is R.E. Gordon's work on the Shepstone family. Gordon attempts to look at the key contributions of not only Sir Theophilus Shepstone, but also his entire extended family and their effect on the makeup of British Natal. Gordon's work, however, was approved and supervised by the Shepstone family, so the impartiality of the presentation of Shepstone could be brought into question. It remains, though, the closest example of a biography of Shepstone and provides one of the most detailed and insightful examination of Shepstone's life and career.<sup>3</sup>

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<sup>1</sup> C.J. Uys, *In the Era of Shepstone: Being a Study of British Expansion in South Africa (1842-1877)* (Lovedale, South Africa: Lovedale Press, 1933).

<sup>2</sup> J.R. Sullivan, *The Native Policy of Sir Theophilus Shepstone* (Johannesburg: Walker & Snashall, 1928).

<sup>3</sup> R.E. Gordon, *Shepstone: The Role of the Family in the History of South Africa, 1820-1900* (Cape Town: A.A. Balkema, 1968).



Shepstone's influence in the realm of South African history, however, remains somewhat ambiguous. Some historians, such as Sullivan and David Welsh, suggest that the institution of apartheid was a direct result of influence by the Shepstone system. Sullivan simply points out in his work, published in 1928, that there are considerable similarities between the government of early twentieth century South Africa and the policy implemented by Shepstone in nineteenth century Natal. Welsh, on the other hand, points to Shepstone as being part of a long line of white segregationists who would eventually dominate twentieth century South Africa. While Shepstone's policies may have not directly caused the apartheid situation in South Africa, Welsh asserts Shepstone's influence amongst politicians in the regions would last long after his death and into the formation of the Union of South Africa.<sup>4</sup> This mindset of Shepstone's influence on apartheid is widespread through much of the historical community. Even historians like Mahmood Mamdani have pointed to the policy of colonial Natal in the mid-nineteenth century as the "genesis" of indirect rule and eventually apartheid in South Africa.<sup>5</sup> It should be noted that the direct roots of apartheid are still being discussed within the historical community, and that Shepstone is just one of the possible links to twentieth century South Africa. It is obvious, however, that Shepstone's influence is a core issue discussed by many African historians.

Perhaps one of the most current historians dealing directly with the topic of Shepstone is Thomas McClendon. McClendon has begun the examination of Shepstone's

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<sup>4</sup> David Welsh, *The Roots of Segregation: Native Policy in Colonial Natal, 1845-1910* (Cape Town: Oxford University Press, 1971).

<sup>5</sup> Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, NJ: Princeton University Press, 1996).

early career and work in not only Natal, but the factors that influenced Shepstone in his early life as well.<sup>6</sup> His work has provided a wonderful springboard from which this paper can find a niche within the historiography. McClendon's continuing work on Shepstone will only increase our knowledge of this important historical figure. A final note on historiography. No paper on the topic of Natal would be complete without making specific reference to Donald R. Morris and his groundbreaking work on Natal and the Zulu nation.<sup>7</sup> Inspiration for writing on this subject came specifically from Morris' work. While considerably less academic than other works on the topic of Natal, Morris created a work that will survive for generations as an astute, accessible example of African history. Its collection of secondary sources written on the region during the late nineteenth and early twentieth century is an obvious aid for any work done on nineteenth century Natal. Morris' book was one of the first major attempts to organize the work that had been done regarding the history of Natal and the Zululand. While mostly a narrative, Morris was able to create a concise and insightful examination of the region and in doing so, makes the topic much more accessible to the general public. For this reason, Morris not only created a major work in history, but produced a work that would provide a starting point for future research on the topic of British Natal and the Zululand.

Much of the work that has been done on Shepstone has focused primarily on his later career, namely the annexation of the Transvaal region in 1877. However, Shepstone's career spanned nearly seven decades in Southern Africa, and most of that

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<sup>6</sup> Thomas McClendon, "Who Put the Mission in Civilizing Mission? Reconsiderations of Shepstone's Early Career," *Presented at the North East Workshop on Southern Africa* (April 2002): 1-39.

<sup>7</sup> Donald R. Morris, *Washing of the Spears: The Rise and Fall of the Zulu Nation* (New York: De Capo Press, 1998).

time was spent within the colony of Natal. There have been few contributions to the historiography of Shepstone which have revolved around his early years as an administrator in Natal, before he became the dominant force in colonial affairs in the region. Most of the work that has been done has focused primarily on the later years of the Native Policy, after it had been established as part of the Natal government. But this early period between 1843 and 1855 is critical to creating a better understanding of the evolution of Shepstone's policy and how it would become the main form of native administration within the colony for more than half a century. Much of the historical content in this thesis has been previously examined by other historians, but in most cases, only in the context of how it directly affected the development of British administration during the later parts of the nineteenth century. This is not simply the case. Shepstone's policy was formulated in a time of great necessity as well as great danger in the history of Natal, and his ability to maintain the peace during this period is a testament not only to the abilities of Shepstone, but to the unique situation which existed within the colony of Natal.

This thesis will begin with an examination of Shepstone's life and career before his arrival in Natal in 1845. Shepstone's interaction with the native populations of the Cape Colony and his missionary background would have significant influence on his future work. Chapter two will examine the creation of the locations system in Natal. Once Shepstone arrived in Natal, his part in the creation of the locations system under the Commission for Locating the Natives in 1846 would be some of his most influential work. The social and economic changes implemented in Natal by the locations system would be

far reaching, but the system was not created unchallenged. Chapter three will examine the challenges against said system. With the arrival of the new Lieutenant-Governor Benjamin Pine in the early 1850's, many officials within Natal and Britain's government, namely the Colonial Secretary Earl Grey, began calling into question the system created by Shepstone. Other alternatives to the system were proposed, the most radical being Shepstone own plan for the mass removal of a large section of the native population. Chapter four will examine this plan, known as the Grand Removal Scheme. Shepstone's proposal, which would in essence place him in charge of a small African nation, would be rejected by British official as unfeasible and would eventually be nothing more than a footnote in Shepstone's overall career. Shepstone's native policy would, however, live on, and continue to flourish long after Shepstone retired in 1875.

The work of Sir Theophilus Shepstone during mid-nineteenth century Natal would be affected and influenced by several outside sources, including the work of the British government, but his life before his arrival at Port Natal in 1845 would greatly impact his later career.

## CHAPTER 1: THE ORIGINS OF A SYSTEM

Sir Theophilus Shepstone has in some cases been demonized for his connection to apartheid within South Africa. Shepstone's native policy, created in Natal during the mid-nineteenth century, was influential in the categorization and organization of a substantially large native population in the colony. While the connections to apartheid in Shepstone's policy are apparent, this policy has also been called one of the most stable and peaceful colonial systems created within Southern Africa. However, Shepstone's life and his native policy did not begin with the British annexation of Natal in 1845, but instead in Gloucestershire, England in 1817. Shepstone's early life in South Africa would eventually result in his greater understanding of not only the continent itself, but of the people and cultures that inhabited the region. However, before the arrival of Shepstone's family in South Africa, political and social turmoil was taking part in the Natal region which would have a significant impact on the region of South Africa as a whole.

South Africa during the early nineteenth century would eventually be dominated by the influence of a small African group called the Zulus. Under the rule of the Zulu king Shaka, the Zulu nation was able to expand its territory and influence considerably and, in the process, displace and relocate a large section of the native population within the Zululand and Natal region of Southeastern Africa. This expansion by King Shaka has become known in historiography as the *mfecane*, or "crushing"<sup>8</sup>. In relation to the *mfecane*, there is a need to establish its connection to Shepstone's policy within Natal.

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<sup>8</sup> For more on the origins of the term *mfecane*, see J.D. Omer-Cooper, *The Zulu Aftermath: A Nineteenth-Century Revolution in Bantu Africa* (Evanston: Northwestern University Press, 1969)

The *mfecane* is a historiographic concept that points to the period of massive political, social, and economic change that occurred in the region of South Africa, Natal, the Zululand, and the surrounding areas during the 1820's. The cause of this change can be linked directly to the rise of the Zulu nation under Shaka, and the military expansion and forced migration that resulted from the rise of the Zulu nation.

At the very center of the *mfecane* argument is the concept that it was an autonomous event that occurred outside of European influence. J.D. Omer-Cooper provided the basis for the *mfecane* thesis, which became a staple of the historiography of nineteenth century South Africa. Julian Cobbing and John Wright are the main proponents of the opposing view, claiming the *mfecane* is an *apartheid* myth created by liberal historians to legitimize racial inequality in South Africa.<sup>9</sup> However, all of these historians must rely on evidence stemming directly from European sources, which could be perceived as considerably biased. Cobbing and Wright criticize the journals and diaries of Nathaniel Isaacs and Henry Francis Fynn, but are not able to provide alternatives in relation to the historical understanding of emergence of Shaka and the early Zulu kingdom.

The importance to the Shepstone policy as it relates to the *mfecane* is connected to the initial impact of such a large group of natives settling in the region during the late 1830's and 1840's, following the collapse of Shaka's power and the internal strife taking place within the Zulu kingdoms. With such a dramatic increase in the number of natives

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<sup>9</sup> For more on this debate, see John Wright, "Political Mythology and the Making of Natal's Mfecane," *Canadian Journal of African Studies* 23, no. 2 (1989), 272-291. and J.D. Omer-Cooper, "Has the Mfecane a Future? A Response to the Cobbing Critique," *Journal of Southern African Studies* 19, no. 2 (June 1993), 273-294.

in the region through what was essentially a forced migration, the British government would be forced to deal with the growing concerns of the white population to the native issue. A direct result of that forced migration was the near 200,000 natives in Natal at the time of Shepstone's arrival in 1846. The root cause of the *mfecane* is an extensive topic which cannot be fully covered within this thesis, but it is still a key element of the Shepstone policy, though not an obvious one. However, the *mfecane* would not dramatically affect Sir Theophilus Shepstone until he had firmly established himself as a successful British administrator in Southern Africa.

Three years after his birth in England, Shepstone's parents moved to the Cape Colony in 1820 and shortly thereafter Shepstone's father, William, became a missionary with the Wesleyans, an evangelical offshoot of the Anglican Church. Shepstone's family worked as missionaries around Grahamstown in the Eastern Cape region. Shepstone's family would continue to move around the Grahamstown region for the next twenty years. During that time, Shepstone began to develop an understanding of the Nguni language, enough so that he became a missionary translator at the age of fifteen.<sup>10</sup> Shepstone's understanding of the Nguni language would place him in the good graces of several major local leaders in the region, but conflict within the region would eventually result in Shepstone shifting from missionary to government agent.

Between 1828 and 1834, there were a series of conflicts between the British and native populations along the Eastern Cape. In 1828, a series of battles between the British and the Ngwane, involving the British attempt to rescue the allied Tembu tribe to the east,

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<sup>10</sup> Thomas McClendon, "Who Put the Mission in Civilizing Mission? Reconsiderations of Shepstone's Early Career," *Presented at the North East Workshop on Southern Africa* (April 2002), 6

resulted in a heightened sense of concern within the Grahamstown region.<sup>11</sup> Following those assaults, the Xhosa natives attacked the colony again in 1834, fighting what could be described as a guerilla war against the British for almost a year. Shepstone's previous work with the natives and his mastery of the Bantu languages made him a suitable candidate for government interpreter. The seventeen year old Shepstone was assigned to Colonel Harry Smith, a successful military leader against the natives and a heavy influence on the young Shepstone with his personal bravado and strong opinions of the natives in South Africa.<sup>12</sup> Shepstone continued to work for Smith until the conclusion of the war and would go on to act as an interpreter for the British government, including in 1835 when he worked for Sir Benjamin Durban on an expedition against the natives within the Natal region.<sup>13</sup>

It was during this time that Shepstone acquired one of his most famous nicknames. Colonel Smith would often refer to Shepstone by his Xhosa name, "Somtsewu" or "Somtseu," which translates to "white father." Among the natives and many of the British officials in South Africa, this would become the common name for Shepstone.<sup>14</sup> While the interpretation and translation of this name is somewhat fluid, the common use of the name is what is important, largely because it remained a universal title for Shepstone for the remainder of his life. While the acquisition of native names was not

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<sup>11</sup> For a deeper examination of these events, and the historical controversy surrounding them, see Julian Cobbing, "The Mfecane as Alibi: Thoughts on Dithakong and Mbolompo," *The Journal of African History*, v. 29 no. 3. (1988), 487-519.

<sup>12</sup> (McClendon, 8)

<sup>13</sup> J.R. Sullivan, *The Native Policy of Sir Theophilus Shepstone* (Johannesburg: Walker & Snashall, 1928) 23.

<sup>14</sup> R.E. Gordon, *Shepstone: The Role of the Family in the History of South Africa, 1820-1900* (Cape Town: A.A. Balkema, 1968), 100.



uncommon for many British and colonial officials, the fact that Shepstone's Xhosa name would continue to persist even into his later career is a demonstration of his connection with the native population.

Shepstone would continue to work as a translator into the 1830's, transferring between military posts and dealing largely with problems associated with the native populations. Perhaps one of his most important assignments involved the correspondence between the British government and Faku, the Great Chief of the Amafondas. Faku was an important figure during the 1830's largely because of the location of his territory. Placed between the Eastern Cape and Boer controlled Natal region, Faku was in an important and sometime vulnerable position between both groups. Shepstone was assigned to Major Samuel Charters in an expedition to secure British interests in the region. During this trip, Shepstone would often act as messenger to Faku and help to dispel any concerns the chief might have with the British presence.<sup>15</sup> This relationship between Faku and Shepstone would develop into a friendship which would play an active role in the removal scheme proposed by Shepstone in the 1850's.

Shepstone's role in the Charter expedition would also give him his first look at the region of Natal itself. The British had been stationed in Port Natal, but on several occasions were called upon to investigate the outlying regions occupied by both the Zulus and the Boers. Shepstone was required on several occasions to not only act as interpreter, but also as a scout for the British expedition. On one particular occasion, Shepstone was instructed to meet with a Zulu deserter on the Natal-Zululand border to gather

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<sup>15</sup> "From Major Charters. Message to Faku, Chief of the Amafondas, Port Natal, 11<sup>th</sup> December, 1838" in John Bird's, *The Annals of Natal, Volume I* (Cape Town: T. Maskew Miller, 1965) 437.

information in regards to the Boer conflict with the Zulu. He reported that the Boers had thoroughly defeated the Zulus and the Zulu king Dingaan had sued for peace.<sup>16</sup>

Unbeknownst to Shepstone, this conflict between the Boers and Zulus would be partially responsible for the eventually “native problem” Shepstone would face in Natal, as a number of Zulu refugees would flee to Natal at the end of this conflict.

Following his work with Major Charter, Shepstone returned to Grahamstown in 1839 where he was appointed Resident Agent for the Kaffirs of T’Slamie and Congo and stationed at Fort Peddie.<sup>17</sup> Much of Shepstone’s time in this position was uneventful, save for an incident involving a local chief by the name of Phato. Around 1843, William Shepstone, Theophilus’ father, raised the ire of one chief Phato. William had made the assumption that because Phato’s brother, Khama, had become more Christianized and loyal to British interests in the region, Phato would also fall along the same lines. This was not the case, as Phato was growing more and more hostile toward the British. Shepstone, unaware of this division which was growing between the two brothers, reallocated Khama’s land following Khama and his people’s trek northward. In doing so, Phato’s frustration with the Shepstone family resulted in an attempted murder against the younger Shepstone. Theophilus survived the attack, and showed a considerable degree of personal courage.<sup>18</sup> This event gave Shepstone a certain degree of fanfare, and would be instrumental in his eventual appointment as Diplomatic Agent to the Native Tribes of Natal in 1845.

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<sup>16</sup> (Bird v I, 497-498)

<sup>17</sup> (Gordon, 103)

<sup>18</sup> (McClendon, 10-11)

While Shepstone's early career was not nearly as eventful as his later years, his work with the native populations and as an interpreter did cement a greater understanding of the natives in Shepstone's mind. He had seen the diplomatic nature of the tribal system and the authoritarian attitudes of several chiefs. But in the process, Shepstone had also gained the same belief that had driven his family to become missionaries: Christianization was the key to civilization. But this missionary outlook would also be combined with the overall perception of a British administrator, two mindsets that would serve him well on his future in Natal. In essence, Shepstone's early years were a training ground for him to develop not only a greater appreciation for Southern Africa, but a greater ability to deal with the hardships that would follow him in the future. At this point in his career, Shepstone was far from a bright eyed idealist, but he had yet to fully deal with the responsibility of not only translating and interpreting the natives, but governing them as well.

## **CHAPTER 2: THE LOCATIONS SYSTEM OF NATAL**

The Native Policy created by Sir Theophilus Shepstone strived to produce a much more “civilized” group of natives in mid-nineteenth century Natal. This policy would have considerable influence on the evolution of the relationship between white settlers and natives for more than half a century. However, Shepstone and others realized that the complete removal of Bantu and Zulu tradition within the native societies following the British annexation in 1845 would result in disaster in Natal. The native tribes in Natal, numbering between 80,000 and 120,000 by 1845, were an obvious threat to the Boer and English settlers. Such a population would threaten any attempt at complete colonization. The ability to organize and “civilize” these natives fell on Shepstone, who was properly prepared for the task.

The key aspect of Shepstone’s Native Policy that attempted to categorize and civilize the natives was the Locations System. This system, adopted by Shepstone and the Commission for Locating the Natives in 1847, was created with the intention of directing and controlling the massive native population that had become a growing concern in the colony. However, what was the organization of this system and how was it implanted throughout the colony? It is essential to appreciate the influences and circumstances that brought about this system to better understand how this system would impact the overall development of the Natal Native Policy during the early British colonial era in Natal. It must first be understood, however, that Shepstone did not institute this system alone, and the locations were greatly influenced by the political and social climate in Natal in the late 1840’s.

Before Shepstone's arrival in 1846, the native question had remained a constant issue. Following the Boer occupation of Natal in 1840, the Boer government system, known as the Council of Representatives, or Volksraad, was established in Pietermaritzburg and began examining possible resolutions to the native population. When the Boers arrived in Natal in 1838, the Dutch farmers believed there were only a few scattered groups of natives in the area. However, in 1840, Andrian Pretorius aided in the overthrow of the Zulu King Dingaan and was partially responsible for the installation of Mpande as king.<sup>19</sup> During Mpande's exile in 1838, 17,000 Zulus escaped to Natal. Many remained once Mpande returned to Zululand.

With the ascension of Mpande, there was a flood of natives into Natal. They had returned to their homelands after their forced migration during the reign of Shaka and the resulting *mfecane*. Others had fled to Natal because of the political upheaval that took place following Mpande's rise to power. This included the aunt of Mpande's half brother, Gqugqu, and thousands of her followers in 1843.<sup>20</sup> Yet most of the natives who were arriving in Natal during the early 1840's were returning to their families' homelands. However, the British and Boer settlers of Natal would continue to refer to the natives as "Zulu refugees" well into the 1850's.<sup>21</sup> But to the Boers, this wave of native arrivals was seen as a sort of invasion of their lands. The Volksraad were forced to find some solution to this new native problem.

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<sup>19</sup> J.R. Sullivan, *The Native Policy of Sir Theophilus Shepstone* (Johannesburg: Walker & Snashall, 1928). 16

<sup>20</sup> Donald R. Morris, *Washing of the Spears: The Rise and Fall of the Zulu Nation* (New York: De Capo Press, 1998) 165

<sup>21</sup> William C. Holden, *History of the Colony of Natal, South Africa* (London: Alexander Heylin, 1855) 202

The proposal put forward by the Volksraad in August 1841 called for the complete removal and segregation of the native populations of Natal. The Council resolved:

That it is highly necessary for the safety of this community that all Kafirs [natives] who are now residing amongst us be separately located on one side, instead of allowing them to live amongst us; that the said Kafirs, with the exception of a few, who live at Natal, had no right or claim to any part of the country, they having only come amongst us after the emigrants had come hither, with a view of being protected by us[.]<sup>22</sup>

The resolution went on to allocate land along the Umtamfuna and the Umzimvubu rivers as a large native reserve where the natives could be removed from European society and left, in a sense, to their own devices. The Volksraad preferred a voluntary removal of the natives, but the council did give specific instructions to the Commandant-General that the natives be forcibly removed if necessary.

It is important to understand the proposal put forward by the Volksraad in the context of the situation. The Boers saw the arriving natives as an invading force onto the lands that they had laid claim to as their new homeland. The Boers had already migrated from the Cape Colony because of their growing concern for the lack of land provided by the British. Nevertheless, the Boers also believed in the divinely ordained superiority of the white race. The Boers left the Cape Colony specifically because they believed the British “legislation as a whole threatened the entire system of color distinction”, noting the emancipation of the slaves and the unsatisfactory monetary compensation to the slave

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<sup>22</sup> “Extract from Resolution Taken by the Honourable Volksraad, at their Meeting, Held at Pietermaritzburg, on Monday, 2<sup>nd</sup> August, 1841” in John Bird’s, *The Annals of Natal, Volume I* (Cape Town: T. Maskew Miller, 1965) 644-655

owners, as well as other legislation.<sup>23</sup> The Dutch farmers intended on simply removing the natives from land the Boers felt they had rightful claim to and quarantine the natives onto a strip of land where they could be monitored and controlled so they did not become a threat to the European population. This is evident with the suggestion of the appointment of a Boer “chief captain” within the native reserve who would enforce the decrees of the Volksraad whenever it was called for.<sup>24</sup>

It is unclear as to whether this organization of the natives would have succeeded or failed, as the resolution was never put into action. In 1841, the British announced their intentions of annexing Natal. While Britain had created an initial claim to the area around Port Natal during the 1820’s with the expedition led by Captain James King and Henry Fynn, the Boer migration to the region and the lack of interest in the area by the British led to no more than simple trade relations in Natal. However, by the 1840’s, Durban had been seized as a British interest and the Cape government had begun to express interest in the territory. After brief confrontations between the British colonial military and Boer militias, the administration of the Cape Colony declared the district of Natal British territory in May 1843.<sup>25</sup> Dr. Henry Cloete was appointed Commissioner of Natal with the specific instructions from Lord Stanley, the Colonial Secretary. The “essential conditions” ordered by Stanley revolved directly around the natives of the colony:

1. That there shall not be ...any distinction of colour, origin, race, or creed; but that the protection of the law...shall be extended impartially to all alike.
2. That no aggression shall be sanctioned upon the natives residing beyond the limits of the colony...unless acting under the...Government.

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<sup>23</sup> J.D. Omer-Cooper, *History of Southern Africa* (London: James Curry Publishers, 1987) 72

<sup>24</sup> (Bird vI, 645)

<sup>25</sup> C.J. Uys, *In the Era of Shepstone: Being a Study of British Expansion in South Africa (1842-1877)* (Lovedale, South Africa: Lovedale Press, 1933) 21

3. That slavery in any shape or under any modification is absolutely unlawful[.]<sup>26</sup>

Obviously, the Boer's fear of the British policy toward the natives being extended from the Cape Colony to Natal was not unfounded. This did not prevent the Volksraad from attempting to influence the newly arrived Commissioner of Natal to have a more favorable position toward the Boers.

In November 1843, the Volksraad in Pietermaritzburg resubmitted their removal scheme of the natives to Cloete. Citing the issue of security and stolen cattle, the Volksraad proposed the creation of a large native reserve on the farthest side of the Tugela River. However, a key difference between this proposal and the one in 1841 was the issue of native labor. The Volksraad, realizing the potential of native laborers in the Boer household, planned for the removal of all natives in Natal except "such Kafirs as may engage themselves for hire as labourers amongst the people; yet so that every household shall not retain more than five Kafirs with their families[.]"<sup>27</sup> The limit imposed on the number of natives per household indicates the overall intention of the proposal remained and near total removal of the natives from Natal was still the primary goal of the proposal. However, the Volksraad hoped the incorporation of the natives into their future plans would appease the British Commissioner.

Cloete did not feel that the Volksraad plan would succeed. His problems with the proposal stemmed specifically from logistical and economic factors. Cloete's reservations were numerous:

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<sup>26</sup> "Despatch from Lord Stanley to Sir G.T. Napier, Downing-street, 13<sup>th</sup> December, 1842" in John Bird's, *The Annals of Natal, Volume II* (Cape Town: T. Maskew Miller, 1965) 146

<sup>27</sup> "Extract of Resolutions at Meeting of the Volksraad, Held at Pietermaritzburg, on 4<sup>th</sup> and 5<sup>th</sup> September, 1843" in John Bird's, *The Annals of Natal, Volume II* (Cape Town: T. Maskew Miller, 1965) 282



First. It appears to me that the removal of so large a mass of people from various parts of this widely extended colony would be attended with almost insuperable difficulties...by settling down at once forty or fifty thousand persons...would entail (I fear) great miseries and hardships upon them in the first instance.

Second. The location...would require very extensive tracts of country, to provide not only for themselves, but prospectively to secure competency to the rising generations.

Third. The Volksraad seem to betray some inconsistency in their very suggestion...there seems to be no just reason why the industrious and wealthy farmer...should be limited to only five male servants, and should not avail himself of the means of obtaining as much labour as the wants of his farms might require.

Fourth...By huddling together so vast a population as forty or fifty thousand people on one location, it is evident that they will fall back to their natural and lawless habits[.]<sup>28</sup>

The root of Cloete's reservations comes from the formation of one "location," in which the threat of a single native population could cause violence and turmoil within the colony. Proper supervision by European officials was a critical issue in the "civilizing" of the natives in Natal. Without enough land or supervision, to Cloete, hope for "civilizing" the natives was minimal. However, Cloete believed that the Volksraad proposal was the product of a need for mass removal and complete segregation instead of creating a more reasonable and enduring proposition to the native problem. Instead, Cloete submitted his own plan for the massive native population, which would become the inspiration for the locations system.

Instead of one large location, Cloete suggested the establishment of several locations in Natal. Each of these areas would be "a little way removed from the contaminating influence of the chief town and port."<sup>29</sup> The pivotal example of the

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<sup>28</sup> "Her Majesty's Commissioner in Natal (Mr. H. Cloete) to the Hon. J. Montagu, Secretary to Government, Pietermaritzburg, 10<sup>th</sup> November, 1843" in John Bird's, *The Annals of Natal, Volume II* (Cape Town: T. Maskew Miller, 1965) 312-313

<sup>29</sup> (Bird vII, 314)

locations system comes from the work of missionaries in Natal. Cloete gives Dr. Adams of the American Board of Commission for Foreign Missions as an example of the head of a successful location. This institution, containing some ten to twelve thousand inhabitants, described as kept in a “very effective manner,” would be the model for the future locations in Natal, according to Cloete.

It would be, however, necessary to first distinguish between the original occupants of the territory and the “late deserters of the Zulu country.”<sup>30</sup> This would aid in creating a better understanding of who had a rightful claim to the land and who was simply a refugee squatter. In order to accomplish this understanding of rightful claims, an inspector would have to be appointed to examine all of the kraals in the area and collect the best data possible. In these aboriginal kraals, “certain tracts of land should be inalienably vested in the chiefs of such kraals, or their descendants, in trust for the use and behoof of all the inhabitants of such kraals as tenants in common.”<sup>31</sup> Nonetheless, Cloete had a concern for the “savage nature of the natives.” Namely, two vices “too deeply rooted in the disposition of the Zulu to be easily eradicated—the first is the plunder of cattle, and the next abduction of women.”<sup>32</sup> Without the regulation of these problems, Cloete felt that the very security of the colony was threatened. However, much of Cloete’s native experience came from his travels and observations in the Zululand. Cloete’s hoped that these tendencies were more prominent in the Zululand than within the Zulu refugees in Natal. Overall, Cloete’s proposal for the locations system centered

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<sup>30</sup> (Bird vII, 313)

<sup>31</sup> Ibid.

<sup>32</sup> (Bird vII, 314)

around the involvement of the missionaries, the creation of multiple locations, and the appointment of a Government superintendent to oversee the development and security of the natives in each location.<sup>33</sup>

Cloete's proposal provided the inspiration for the native policy in early British Natal. Nevertheless, the proposal would not be given the opportunity to flourish until the British established a government in Natal. One of the first major appointments was that of Dr. William Stanger as Surveyor-General of Natal. Stanger's first goal was "to carry out the intentions of Her Majesty's Government [in the] measurement and appropriations of lands."<sup>34</sup> It was also part of Stanger's initial instruction to prepare for the establishment of native locations as Cloete suggested in 1843.

The Cape Colony Governor Maitland determined that the Natal Government would consist of a Lieutenant-Governor, a Recorder, a Secretary to Government (who would also act as Treasurer and Registrar of Deeds), and a Crown Clerk. Cloete was appointed Recorder because of his colonial experience and his part as the advocate of the Colonial bar.<sup>35</sup> Martin West, a successful colonial administrator, was appointed Lieutenant-Governor by Maitland. It was made clear to West that Natal would remain a subsidiary colony to the Cape and the Natal government would report to the Cape in all major administrative matters.<sup>36</sup>

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<sup>33</sup> (Bird vII, 315)

<sup>34</sup> "Colonial Secretary (Cape) to W. Stanger, esq., Colonial Office, Cape Town, 17<sup>th</sup> February, 1845" in John Bird's, *The Annals of Natal, Volume II* (Cape Town: T. Maskew Miller, 1965) 450

<sup>35</sup> "Governor (Sir P. Maitland) to Secretary of State, Government House, Cape of Good Hope, 1<sup>st</sup> October, 1845" in John Bird's, *The Annals of Natal, Volume II* (Cape Town: T. Maskew Miller, 1965) 471

<sup>36</sup> "Instructions Issued by His Excellency Sir Peregrine Maitland, Governor and Commander-in-Chief of the Colony of the Cape of Good Hope, to Martin West, Esquire, Lieutenant-Governor of the District of Natal" in John Bird's, *The Annals of Natal, Volume II* (Cape Town: T. Maskew Miller, 1965) 476-478

Perhaps one of the most important appointments was that of Theophilus Shepstone. Cloete had made clear in his proposal that proper administrators, who were able to understand and communicate with the natives, were critical to the success of the locations system. Governor Maitland believed that it was vital for the right man to be appointed to that position, naming Shepstone specifically as the most able individual to take on the role as diplomatic agent.<sup>37</sup> In November 1845, Shepstone was appointed Diplomatic Agent to the Native Tribes residing within the District of Natal, with Major Smith of the 27<sup>th</sup> Regiment appointed Frontier Agent-General and military advisor in the activities of the natives.<sup>38</sup> With the establishment of proper government officials, the colonial government was properly prepared to deal with the native problem with legitimate, established British Colonial Rule.

It soon became clear that the best plan for the natives available was Cloete's locations system. Shepstone did not initially agree with the plan and would later suggest his own removal scheme in the 1850's,<sup>39</sup> but eventually realized that it was the most logical means to supervise and "civilize" a native population of such a large size that existed in Natal. Shepstone also understood that the concept of gradual civilization would best fit within the locations system than any other proposed plan. The Commission for Locating the Natives was formed in 1846, consisting of Dr. Stanger, Shepstone,

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<sup>37</sup> (Bird vII, 472)

<sup>38</sup> "Sir P. Maitland to Secretary of State, Government House, Cape of Good Hope, 1<sup>st</sup> December, 1845" in John Bird's, *The Annals of Natal, Volume II* (Cape Town: T. Maskew Miller, 1965) 474

<sup>39</sup> Thomas McClendon, "Who Put the Mission in Civilizing Mission? Reconsiderations of Shepstone's Early Career," *Presented at the North East Workshop on Southern Africa* (April 2002): 18.

Lieutenant Gibb of the Royal Engineers, and Rev. Adams and Lindley of the American mission which Cloete had proposed as an example of a proper location in Natal.<sup>40</sup>

The commission was given very specific instructions in its handling of the natives by Lieutenant-Governor West in 1846. The first undertaking of the commission rested on the reporting “upon the numbers of farmers and other holding land in the district of Natal.”<sup>41</sup> This falls in line specifically with the initial suggestions made by Cloete. This commission’s task involved dealing with both Boer and native interests, and West clarified to the commission that “there shall not be in the eye of the law any distinction of colour, origin, language, or creed; but that the protection of the law...should be extended impartially to all.” It was obvious to West, however, that the natives were the group in most need for protection. Section IX of his proclamation stated that “the colonial government will spare no pains to secure protection and justice to the native tribes around Natal.” Nevertheless, West believed that a dense European population and a native population of some 80,000 to 100,000 people could comfortably live in the “abundant space of most fertile country” in Natal.<sup>42</sup> A final note by West to the commission shows the importance of their tasks:

It is the chief object of your [the Commission for Locating the Natives] appointment to see that the public faith is kept with both parties; and where any difficulties may present themselves, from the isolated position of the selections which have been made, either by Europeans or Kafirs, to propose to government, by way of compromise, such an exchange as shall be satisfactory, especially to the parties removed.<sup>43</sup>

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<sup>40</sup> (Holden, 191)

<sup>41</sup> (Holden, 191)

<sup>42</sup> (Holden, 192)

<sup>43</sup> (Holden, 193)

With their instructions made clear by the Lieutenant-Governor, and with the blueprint provided by Cloete, the commission would begin the process of forming the locations system of the colony of Natal. And the individual who would spearhead that system would be Theophilus Shepstone.

Given his directions, Shepstone began drawing up the proper organization for each of the locations. The commission submitted its report in March 1847 and came to several conclusions. The group made it known that the district was, at that point, “inhabited to a very limited extent by white colonists” and that most of these white settlers resided in the areas of Durban and Pietermaritzburg. Shepstone and the commission concurred that there were some 100,000 natives within the colony and that much of the hardship these natives had faced had nearly resulted in “their ultimate extermination or subjugation by the Zoolahs [Zulus]-a tribe which, under the ambitious and enterprising Chaka, grew into a formidable power from the wreck of its neighbors.”<sup>44</sup> The years under the Zulus and the subsequent collapse of Chaka’s dynasty had, in the commission’s opinion, weakened and nearly destroyed the tribal system amongst the natives, stating that:

Its own chiefs, to whom, under other circumstances, a ready obedience would be given, are being disregarded, as gradually, by the operation of our laws, it is discovered they possess no constitutional authority; and thus, from the extreme depths of the most cruel despotism, it finds itself suddenly raised to a position in which it would be considered a experiment to place even civilized communities.<sup>45</sup>

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<sup>44</sup> “Natal. Correspondence Related to the Establishment of the Settlement of Natal, Presented to both Houses of Parliament by Command of Her Majesty, July 1848,” in James and Luke Hansard, *Irish University Press Series of British Parliamentary Papers: Africa* 28 (Shannon: Irish University Press, 1968), 146. From here on (IUP BPP V. 28)

<sup>45</sup> *Ibid.*

The near end of the chief system had placed, in the eyes of the commission, 100,000 natives “without any law whatsoever actively and efficiently operating among them.” With this vision in the mind, the commission set forth its proposal for the dealing with the growing native population.

Shepstone stressed the need for a European functionary to oversee the natives, in other words, a magistrate. The commission put forward that each location should be governed by a superintendent/resident agent of the Government. This agent, or magistrate, should be allowed assistants, as well as the aid of European police officer to establish a native police force.<sup>46</sup> However, Shepstone made clear that this functionary should not be a missionary, namely because the focus of the missionary should be in other areas besides administration. Magistrates would also act as census taker, being sure to register all native occupants, including men, women, and children, as well as the property owned by those individuals, such as cattle. A key function of the magistrate would also be to operate as administrator of justice. The magistrate would act as judge while the tribal chief and his councilors would act as the jury and make the final decisions on many legal matters. The council stipulated that:

In administering the government of this location he [the magistrate] should conform as much to their [the natives] own law as is compatible with the principles of ours, until by degrees the whole may with advantage be brought under our code; but we are of opinion that it would be productive of no good result suddenly to abrogate the laws and usages they have practiced from time immemorial, except such as are connected with their ideas of witchcraft and which affect the lives of the accused.<sup>47</sup>

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<sup>46</sup> (IUP BPP V. 28, 147)

<sup>47</sup> Ibid.

Shepstone envisioned a gradual introduction to “the maxim of European jurisprudence” in the native justice system; taking more power out of the hands of the chief and into the hands of his subjects. But some aspects of native culture would continue to be an issue to most of the commission, including Shepstone. Witchcraft and the death penalty remained a controversial issue the British were unable to deal properly with. Many believed that the practices should be made illegal outright, as they in no way could be affiliated with civilized society. Shepstone disagreed with this approach, believing that these “savage” customs would eventually dissipate within the locations. Along those same lines, the commission believed that that status of women within the native society should be greatly examined and that great effort should be made in “raising their women in the scale of native society” namely the recommendation that the matter of marriage and divorce should be of “much more serious importance than at present.”<sup>48</sup> This was a direct challenge to the institution of polygamy that existed among the native tribes, a tradition that none on the council believed should be allowed to continue.

The missions, however, remained the key element in the civilizing of the natives. Shepstone envisioned a missionary in every location, with Sunday and weekday schools for the natives. Shepstone saw the locations as a “noble opportunity to Christianize and civilize 100,000 degraded human beings to whom the blessings of British rule has so suddenly been accorded.”<sup>49</sup> According to the commission, there should be an adequate number of schools and missions in each location to suitably serve each location. Along

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<sup>48</sup> (IUP BPP V. 28, 147)

<sup>49</sup> R.E. Gordon, *Shepstone: The Role of the Family in the History of South Africa, 1820-1900* (Cape Town: A.A. Balkema, 1968), 126.



those same lines, it was suggested that a government grant be provided annually to help support the missionaries as well as to make sure “the civil and ecclesiastical departments in the locations be perfectly distinct.”<sup>50</sup> The land the locations would exist upon, according to Shepstone, should remain Crown land, with the natives living on communal tenure. Shepstone believed that this would place the natives’ faith in the government as well and provide an example of the British commitment to the natives by using Crown land for the locations. In such a system, Shepstone considered this an opportunity to take advantage of the nature of the natives. The British should seize the opportunity to take these people, “trained to implicit obedience,” and mold them into a more civilized society.<sup>51</sup>

It should be noted, however, that the commission did not take into account any legitimate claim to the land the natives may have had before the 1840’s. While the commission did attempt to categorize the natives into groups that had existed on the lands before British and Boer occupation, it remained considerably difficult to fully understand which native groups had legitimate claims to the land. Instead, the native population would be removed to specific locations put aside by the commission and in turn would be instructed to make changes to their culture that would eventually lead them to “civilized” society. However, to allege that the natives had no claim to the land they were living on prior to their removal to the locations would be completely untrue, instead it is a testament to Shepstone’s relationship with the natives that allowed the British to peacefully create such a large population shift in the colony of Natal.

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<sup>50</sup> (IUP BPP V. 28, 147-148)

<sup>51</sup> (Gordon, 126)

One key aspect of these changes in the native population would be to focus the native economy more on agriculture instead of livestock, which acted as the root of more progressive ideas. The diversification of economic interests would, according to the commission, provide the native with a greater number of skills as well as products within their society. Cotton was shown as an example of a plant which did not require replanting every year, which would more likely attach the natives to the locations, providing the natives better economic security and a better means to improve their everyday lives. The commission believed that this type of economic activity would also more quickly lead to the natives being able to appreciate and accept the concept of private property within their native society. It was also suggested that on top of the missionary schools established, model mechanical schools should be formed in each location so that “the useful arts should be taught and practically illustrated.”<sup>52</sup> However, the new economic knowledge provided by the British government should not be left unregulated. The commission insisted that traders should not be permitted within the locations without the express knowledge of the magistrate. To obtain permission, traders would be forced to disclose the purpose and description of items sold to the natives within the locations.<sup>53</sup> The impact of economic changes in the region would also significantly affect these decisions of not only the commission, but the colony as a whole.

Trade had remained one of the key contributors to Natal economy even before the British arrival in the 1840's, but by 1846, new agricultural industries had taken root within the colony. The commission had made it clear that cotton would have a positive

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<sup>52</sup> (IUP BPP V. 28, 148)

<sup>53</sup> Ibid.

impact on native society in 1846, and this idea would largely be influenced by the growing cotton industry in Natal during the late 1840's. Some 30,000 acres were granted by the government to the Natal Cotton Company in 1847. However, high expectations resulted in lackluster sales figures. Also, many of the laborers who were brought into the colony to cultivate the land had little to no knowledge of cotton, their expertise lying more in oats, rye, potatoes and beans. The company soon withdrew its request for Crown land and eventually the cotton industry itself would collapse years later.<sup>54</sup> Land speculation would also be a major industry during the 1840's, connected directly to speculation in the cotton industry, causing large areas of land to be bought up for future cultivation. With the collapse of the cotton industry, however, much of this land was left largely unoccupied.<sup>55</sup> All of these economic changes would dramatically affect the makeup of the colony, but the most obvious aspect of the locations system would be the amount of land that would be set aside for the native population.

The economic opportunities which had been presented to the natives prior to 1846 were very few. Some would take part in the unsuccessful cotton industry. In many cases, outside of the traditional tribal system, natives would be placed into a sort of labor exchange relationship with white farmers in which natives were granted the rights to live on the white farmer's land in return for doing work for the white farmer when called upon. On smaller farms, this would typically involve the running of cattle, which in many cases natives would be rewarded with their own cattle. However, on larger commercial

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<sup>54</sup> Alan F. Hattersley, *The British Settlement of Natal: A Study of Imperial Migration* (Cambridge: University Press, 1950), 86-87.

<sup>55</sup> (Hattersley, 85)

farms, payment typically took the form of either food or some type of currency and the possibility of the natives gaining their own cattle was considerably less.<sup>56</sup> White farmers would also have considerable difficulty with the growing “squatter” problem. Many natives, in an attempt to avoid either rent or a labor contract with white farmers, occupied either Crown land or land that was privately owned by whites. In many cases, due to issues with land speculation in Natal, some areas of land were left nearly unoccupied by white settlers and resulted in many natives squatting on the unoccupied land free of rent. In essence, the natives were taking advantage of what could be described as absentee landlords in rural Natal. While there were laws on the book against squatters, there would continue to be problems with squatters in Natal well into the twentieth century.<sup>57</sup> This issues would continue to cause hostility from the white farmers, who became more and more concerned with Shepstone’s policy and how it would improve the land situation. Land would remain a critical issue, and the commission headed by Shepstone would have to decide what land would best fit the native population.

The realm of the native territory would need to be large enough to fully support the native population. The area set aside by the commission was approximately 2,000,000 acres for ten locations.<sup>58</sup> Three large locations, that would be located on the coast, would contain 1,240 square miles. The estimated population of each location would be about 30,000.<sup>59</sup> This land, however, was not the most livable territory within the colony. The

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<sup>56</sup> Henry Slater, “The Changing Pattern of Economic Relationships in Rural Natal, 1838-1914,” in *Economy and Society in Pre-Industrial South Africa*, ed. Shula Marks and Anthony Atmore (Hong Kong: Longman, 1980), 160.

<sup>57</sup> (Slater, 162-163)

<sup>58</sup> (Sullivan, 52)

<sup>59</sup> (Holden, 199)

land occasionally experienced severe droughts, as well as destructive swarms of locusts. Of the locations a great part was “only fit for the residence of Kafirs, from the unevenness of the country; and, were they not inhabited by them, would soon become such a den of wild beasts as would be a great scourge to the adjacent farms.”<sup>60</sup> The geography of the land was barren and rocky and was not suited for the shift to agriculture that Shepstone hoped for:

The locations are mostly picked out in the worst part of the country. They are very large and perhaps you would think they are sparsely occupied, but the agricultural portion of the land is small. It is good for cattle but not for people who are an agricultural people.<sup>61</sup>

Despite the size of the land allocated to the natives, only a fraction of it would be considered livable. Not only that, but the land did not compensate for future growth, which would be a necessity for long-term occupation of the locations. Regardless of the amount of land, the native population was living at a fraction more than 24 persons per square mile; greater than the average in North America, South America, and the whole of Africa.<sup>62</sup> At that ratio, the population density would quickly overwhelm the large expanses of land provided by the British, paving the way for future problems.

Throughout the establishment of the locations system, land would continue to be the most controversial issue during the late 1840's and early 1850's.

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<sup>60</sup> “‘S.D.J.,’ in the ‘Natal Witness,’ February 9<sup>th</sup>, 1849” in William C. Holden’s, *History of the Colony of Natal, South Africa* (London: Alexander Heylin, 1855) 199-200.

<sup>61</sup> “Evidence of H.C. Shepstone (formerly Secretary for Native Affairs, Natal) before S.A. Native Affairs Com., 1903-5” in J.R. Sullivan’s, *The Native Policy of Sir Theophilus Shepstone* (Johannesburg: Walker & Snashall, 1928) 53

<sup>62</sup> These numbers were determined by the research of William Holden for the global averages in 1855. (Holden, 199)

The most important question on the minds of the colonial administrators and government officials in Natal was cost. Natal was in the process of building a new government and a new infrastructure following the British annexation, and the cost of the locations project remained an issue. Each location would have one Superintendent at the cost of 250*l*, one Clerk: 100*l*, schools for the education of the natives: 100*l*, and a native police force to keep the peace: 100*l*. The estimated cost each location was 550*l* with a total cost for all ten locations being 5,500*l*.<sup>63</sup> To counteract the cost of the locations, Shepstone knew it would be necessary to have the native locations be self-sufficient and independent from other colonial taxes. Shepstone proposed a poll tax of three shillings, which would later be transformed into a hut tax for each family. 70,000 out of 100,000 natives that would be taxed (natives over sixteen years old) under this system, the annual collection by the government would be 10,500*l*.<sup>64</sup> Shepstone had created a planned tax system that would also offset the cost of the locations. However, the Colonial Secretary did not feel that the natives would actually pay the tax without more incentives and lacked confidence in Shepstone's plans. Even following Shepstone's successful tax collection in 1851, the government remained skeptical. Unfortunately, conflict between the local government and Shepstone would remain a major theme in the overall locations system.

Shepstone's ideal policy, which he advocated from 1846 to 1852, would be the gradual process of "civilizing" the natives. The first stage would involve the vesting of lands in trustees for the natives. This would involve the guaranteeing of areas of land to

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<sup>63</sup> (Sullivan, 73)

<sup>64</sup> Ibid.

the natives. While living on this guaranteed land, the natives would retain most of the elements of their native culture, including tribal hierarchy and native law. However, at the same time, elements of European civilization, namely schools, missionaries, and “civilizing agents,” would be gradually incorporated into native society.<sup>65</sup> These “civilizing agents” would come in the form of Western influence which would bring the natives more in line with what the Europeans would describe as “civilized society”, including education, agriculture, and Christianity. The ultimate goal of this policy was the instilment in the natives of a value for personal property. Eventually, the natives would be granted individual titles, but only when they were considered “fit for them.”<sup>66</sup> The determinations for who was fit for these titles would be decided upon by Shepstone and other colonial officials. The hope was that when the natives gained an understanding of the value of private property, the tribal system would eventually break down, leading the way to a loss of power of the chiefs as well as approaching a more democratic form of government. The final, ideal stage of the system would lead to the privilege of full citizenship in the South African Nation.<sup>67</sup> At the very heart of Shepstone’s policy was the goal of the complete “civilizing” of the natives. Yet, this remained only the ideal system envisioned by Shepstone.

Shepstone’s system was specifically characterized by his personal relationship with the native population. Shepstone’s ability to interact and direct the native population would be one of the key factors in the long term survival of the locations system. For

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<sup>65</sup> (Sullivan, 44)

<sup>66</sup> (Sullivan, 45)

<sup>67</sup> (Sullivan, 45-47)

much of the early period of Shepstone's administration, he remained one of the few government officials to physically interact with the natives. As Diplomatic Agent, it would become Shepstone's job to not only deal with native concerns, but, on several occasions, to act as the representative to the British Crown. This type of interaction would eventually result in the association of Shepstone as the true symbol of power to the native populations in Natal.

Shepstone's interaction with the natives is made most clear when examined from an outside source. John William Colenso was appointed Lord Bishop of Natal and arrived in the colony in 1854. His tour of the colony with Shepstone gives a first hand account of the native's interaction with Shepstone, as well as their overall disposition toward the Diplomatic Agent. Shepstone's status within the native population granted him a title shared by none other within the colony: *Inkosi Inkulu*-the Great Chief.<sup>68</sup> This title was bestowed upon him by the native population as a sign of respect, and as part of their agreement that the British government represented the highest political power in their land. However, instead of giving said title to the Lieutenant-Governor, who had the highest political position within the colony, it was given to Shepstone because of his interaction and close contact with the natives. Shepstone was also sure, however, to make clear to the natives that he was not the supreme power within the British government, making clear on several occasions that his ruler was the Queen of England, whom, as Shepstone would describe, "loved her black people as well as her white."<sup>69</sup>

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<sup>68</sup> John William Colenso, *Ten Weeks in Natal: A Journal of a First Tour Visitation Among the Colonists and Zulu Kafirs of Natal* (Cambridge: Macmillan, 1855), 79.

<sup>69</sup> (Colenso, 98)



Perhaps because of Shepstone's status with the natives, he was subject to considerable fanfare whenever he arrived in a village or traveled throughout the locations. Masses of people would come out to see Shepstone, in some instances under the direction of their chief, and would salute him as he went past. He was called "the great black one" as Shepstone was recognized chief of all the blacks of Natal. He was called "Thou that eatest with strength" as a testament to his great power and property. Shepstone was given the royal salute "Bayete" when he arrived at a native kraal, and would be given a seat of honor at royal dinners amongst the natives.<sup>70</sup>

It could be called into question the legitimacy of this praise, largely because Shepstone was one of the few British officials who visited regularly within the locations. The native chiefs of Natal had been granted legitimacy by Shepstone's administration, and they had been made aware of it. Therefore, much of this praise could be the result of direction by the local chiefs, while some of it could be simple misinterpretation by white observers. Colenso was a good friend to Shepstone, and the interpretations he made about the native mannerism, as well as the translations provided to him, could be the result of a warped view of the natives and Shepstone. What is clear, however, is that Shepstone did have a position of authority within the native locations of Natal. He was the "Great Chief" simply because it was critical for him to fill in that role. For years, he would act as arbitrator and judge on many natives' cases and at the same time deal with internal conflicts between each of the native tribes. In many cases, Shepstone was alone in his administration of the colony, with little to no help from other government officials and

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<sup>70</sup> (Colenso, 102-103)

almost no funding for any of the projects proposed by the Commission for the Locating of the Natives. In the end, Shepstone's main goal in the early administration of Natal was to maintain peace, and Shepstone believed that peace would eventually lead to the gradual civilization of the native population. Unfortunately for Shepstone, the locations system he had helped to establish would continue to have problems.

By the end of 1847, it soon became obvious that the locations system would not exist in its ideal state which had been presented by the Commission for the Locating of the Natives. The Boers and other white settlers in the region did not easily accept the allocation of so much land to natives. Unfortunately, the ideal form of the locations system would never fully develop in Natal. Problems would continue to exist in the implementations of the policies suggested. The appointment of magistrates would not be made by the government until the 1850's and changes within the Natal government would cause questions to arise on feasibility of the system itself.

The locations system, adopted by Shepstone and the Commission for Locating the Natives, was created with the intention of organizing and controlling the massive native population that had become a growing concern in Natal. However, the establishment of the locations system would have multiple ramifications. It would influence native policy in Natal for the next century as well as provide the precursor to Shepstone's long administrative career in Natal. It is essential to understand the influences and circumstances that brought about this locations system to better understand how this system would impact the overall development of the Natal Native Policy during the early colonial era in British Natal. While there remained opposition to the locations system for

the next decade of Shepstone's administration following its introduction in 1846, by the end of 1847, the prerequisites for the location system were in place. The enactment of that system between 1846 and 1851 would eventually lead to a call by white settlers to completely rework much of the system by new commissions. Nevertheless, every new commission would be in some way influenced by Shepstone and the locations system would continue to move toward the preservation of Bantu-Zulu culture as a means to keep the peace and create a gradual civilized native population. However, Shepstone's system would be challenged by not only white settlers in search of more land, but members of the British government as well who did not believe in the validity of the locations system. The early 1850's would be defined by this debate as to whether to reform the locations system or simply remove it entirely.

### CHAPTER 3: CHALLENGE TO A SYSTEM

On August 1, 1849, Lieutenant-Governor Martin West died. Sir Theophilus Shepstone, the Diplomatic Agent to the natives of Natal, would later describe him simply as “a good governor”, but would soon realize how crucial West had been to Shepstone’s locations system which had been created by the Natal government in 1847. Martin West had been one of Shepstone’s strongest supporters in Natal, giving Shepstone near free reign over his own administration of the natives. West had “place[d] great reliance on him [Shepstone] and left him largely to his own devices in the sphere of native affairs.”<sup>71</sup> This would be the last time in several years a governor would place such trust in Shepstone and leave him to deal with the natives in his own manor. The death of West and the arrival of the new Lieutenant-Governor, Benjamin Pine, could be seen as the beginning of the end of the locations system originally envisioned and created by Shepstone.

The locations system of Natal, which was created to organize and eventually “civilize” the native population of the region would face major criticisms during the late 1840’s and early 1850’s. These criticisms would be crucial in the development of British native policy in Natal as well as the eventual evolution of the native population in South Africa as a whole. The main opponent of these changes proposed by the Pine government and the key defender of the locations system would be Sir Theophilus Shepstone. As pressures mounted on Shepstone dealing with taxes, native unrest, and white settlers, the

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<sup>71</sup> R.E. Gordon, *Shepstone: The Role of the Family in the History of South Africa, 1820-1900* (Cape Town: A.A. Balkema, 1968), 156.

arrival of a new governor who was less sympathetic to Shepstone's plans would only increase these pressures on Shepstone's system.

While the economy had remained a critical issue during the early years of the development of the district of Natal, it became much more of an issue during the late 1840's. Problems with the cotton industry and land speculation remained abundant, as well as problems with the native population and amount of land allocated to them within the colony. This would eventually lead to conflict between white farmers and Shepstone's locations system. Issues regarding land, taxes, and the positions of natives would continue to be called into question, even after major attempts were made to rectify the problem. But before many of these issues would be brought forward to new government under Benjamin Pine, Shepstone was first called on to deal with the issue of taxing the native population.

In August 1850, Shepstone returned from his tax collection venture. This endeavor had initially been approved by Lieutenant-Governor West in July 1849 before the Lieutenant-Governor's untimely death. Shepstone had set out to collect a "hut tax" of seven shillings (7*s*) for every native hut in the district. His report on this collection emphasized that the natives had provided the tax with minimal incident. Overall, the collection could be deemed a success. As of August 20, 1850, Shepstone had received:

8831*l.* 4*s.* (eight thousand eight hundred and thirty-one pounds and four shillings sterling), of which 3306*l.* 7*s.* was paid in cattle, and 5241*l.* 2*s.* in cash, and 283*l.* 15*s.* in road receipts. Cattle have been sold for 3201*l.* 4*s.* 1*d.*, showing a losses on the amount at which they were valued and taken of 105*l.* 2*s.* 11*d.* There are, however, six head still unsold, which will reduce the difference to 100*l.*, or less.<sup>72</sup>

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<sup>72</sup> (IUP BPP V. 28, 611)

Shepstone's trip had taken four months in which he had traversed the entire district of Natal. Shepstone believed that the best way to assure cooperation from the natives was to collect the tax personally, understandable giving the status he had earned within the tribes during his initial years as the key native administrator in the colony. Shepstone's trek across Natal had also put him in direct contact with most of the native inhabitants of the district. He claimed that the tax had been enforced upon 25,232 huts, and 5,368 receipts had been issued. But perhaps one of the most successful aspects of the collection was, according to Shepstone, that it "afforded a practical illustration to each of their inmates of the supremacy of the government of the district."<sup>73</sup> With this tax collection, Shepstone had demonstrated to the native population the authority the British government commanded over the colony.

There was one major question raised during the collection of the hut tax. It was unclear if native workers who resided on private property and were engaged to farmers fell under the auspices of the hut tax. White farmers believe that the tax should be regulated in the same manner as the locations, while others believed that these natives should be exempt because of their working situation. Shepstone believed that the tax was advantageous to both parties in situations where farms required large amount of native labor. Shepstone argued that the natives working had more opportunities to earn the money to pay the tax than those on the locations and that the tax would require natives to continue working on the farms to pay their own taxes. A type of symbiotic relationship would keep the native laborers on these large farms working so they could not only pay

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<sup>73</sup> (IUP BPP V. 28, 611)

their own expenses, but also be able to pay the yearly hut tax. Shepstone did not believe, however, that this same mindset would apply to grazing-farming, simply because in those situations, the native was permitted to live on the farmer's land free of charge with the understanding that the farmer may call on the native to perform occasional jobs.

Shepstone believed that if the tax was levied on these natives, they would be forced to seek other employment or means to pay the tax, resulting in the farmer losing the natives services.<sup>74</sup> Shepstone would admit that the final decision on this matter would not be his own, and would fall under the jurisdiction of the new governor of Natal.

It is important to make clear the significance of Shepstone's tax collection in Natal. It had remained a pivotal issue in the Cape Colony of how to successfully collect a tax from the native population. In many cases the government was simply unable to implement any form of tax collection. The fact that Shepstone had been able to convince most of the native population to take part in this "hut tax" is evidence of not only the abilities of Shepstone, but also his relationship with the native population. Because the native population had limited access to currency, Shepstone had acknowledged his role as "white chief" in the region and accepted the traditional form of payment: cattle. Over a third of the money raised by Shepstone was the result of selling off cattle acquired through tax collection. Shepstone's ability to incorporate native customs into British administration was the key aspect of his overall success in collecting the "hut tax." Unfortunately for Shepstone, this success would not translate into a full acceptance of the native policy he had worked to create.

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<sup>74</sup> (IUP BPP V. 28, 612)

While Shepstone's tax collection could easily be deemed a success, the system in which he was operating was already brought into question by several major colonial figures. Earl Grey, the Colonial Secretary, approved of Shepstone's taxation plan. Yet, while he was approving this plan, he was already in the process of making suggestions as to how it could be changed and altered. Grey suggested that some of the families within these tribes have been forced into the district "by stress of war and other calamities" and these families and groups may feel no true loyalties or dependency on their local chief. On top of that, Grey makes the assumption (as he has no formal knowledge of the Natal natives) that the lower classes within the tribes do not have enough physical possessions or property to properly pay for this tax and suggests the creation of a system in which the responsibility to pay the tax would fall solely at the feet of the chief, in which this tax would become more of a tribute by the tribe instead of a tax on each "hut."<sup>75</sup> In fact, Grey would go on to make his own suggestions for the overall future of the natives.

It is crucial to understand that Grey, like many other colonial officials during the mid-nineteenth century, did not necessarily approve of the system Shepstone had created. This could be attributed specifically to the nature of British policy in South Africa during the mid-nineteenth century and the transition that was taking place in the mindset of several prominent British officials. During the first part of the century, many liberals viewed the British involvement in the colonies as a means to eventually assimilate all members of the continent, both black and white. However, following the frontier wars in the Cape Colony mid-century, many British officials feared a growing native population

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<sup>75</sup> (IUP BPP V. 28, 556)



outside of British control on the frontier. Officials such as William Porter, Attorney-General to the Cape, suggested that the best means to suppress political unrest by the native populations was by exercising the franchise and allowing the natives to participate in parliamentary government. One key influence to this decision came from the growing economic concerns for labor in Southern Africa. British officials believed that granting these rights to the natives would eventually lead to the native participation in free wage labor and land ownership, thus solving the growing need for labor expressed by many members of the colony.<sup>76</sup> Individuals such as Earl Grey believed that the means in which to keep the colony safe as well as improve the lives of the natives would be the complete incorporation of the natives into white society.

Grey points out that it would fall onto the chiefs to be responsible for the tribute and that:

Ultimately, perhaps, they might be persons chosen by each community and approved of by the Government, which would be a first step toward admitting these people to a share in the management of their own affairs. If it were possible in this manner to appoint or to provide for the election of chiefs, the scheme of taxation or tribute, which I am now describing, might be extended, not to the tribes only, but to the natives generally.<sup>77</sup>

Grey, with this statement, not only proposed a complete reconfiguration of the current tax system created by Shepstone, but was challenging the entire locations system as well as how the natives had been administrated up to that point. Grey's ultimate goal would be "to establish one uniform system of taxation for natives and Europeans."<sup>78</sup> As colonial

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<sup>76</sup> Shula Marks and Stanley Trapido, "The Politics of Race, Class, and Nationalism," in *The Politics of Race, Class, and Nationalism in Twentieth-Century South Africa*, Shula Marks and Stanley Trapido, ed. (London: Longman, 1987), 4-5.

<sup>77</sup> (IUP BPP V. 28, 557)

<sup>78</sup> Ibid.

secretary, Earl Grey, with this letter, had challenged the locations system and created his own categorization of the natives which he believed would be more effective and would be more advantageous to the native population. The tax system proposed and approved by Grey appeared to be only a stop-gap measure for future dealings within Natal.

Despite all this, Shepstone was still praised for his work in collecting the hut tax. Shepstone did, in his report, make it obviously apparent that:

This measure was planned, undertaken, and carried out by me [Shepstone] personally; that it involved much responsibility, anxiety, and discomfort, keeping me four months in the field during the most inclement part of the season; that it was superadded to my already overwhelming duties, which were of necessity nevertheless carried on simultaneously with the collection of the tax; and that it was eminently successful.<sup>79</sup>

Shepstone was clearly looking for praise, and not just that, but compensation for the work he had put in for the tax collection. Lieutenant-Governor Benjamin Pine, on arriving in Natal, was made aware of Shepstone's report, and was very open with his praise to the Diplomatic Agent and tax collector. In his report to Governor Smith of Cape Colony, Pine suggested that allowances be made for the work Shepstone had performed as tax collector. The sum of eight percent of the amount collected was recommended and agreed upon (to the amount of over 183*l.* paid to Shepstone for his services). It is quite clear that Shepstone had impressed the new Lieutenant-Governor with his travels which had taken him across the entire district, during the raining season, and how Shepstone was able to make contact with every major tribe and village in Natal and that those who paid the tax were generally cheerful. Pine's finest praise for Shepstone was when he admitted that "the success which has attended this most important but somewhat perilous

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<sup>79</sup> (IUP BPP V. 28, 612)

measure of taxing upward of 100,000 barbarians is due entirely to the energy and ability of Mr. Shepstone, and the influence which he has acquired over them.”<sup>80</sup> This same praise was passed on to Governor Smith and conveyed to Earl Grey in London. But despite all the acclaim, it had become obvious that the new government in Natal would cause considerable changes to occur within Shepstone’s system.

The first major endeavor of the Pine government was the appointment of resident magistrates for each of the major locations. Mr. George Thompson was to be the magistrate of the Umzinyati location, Mr. G.R. Peppercorn for the Impafana location, Mr. Mesham for the Inanda location, and Mr. James Cleghorn for the Umvoti location. The primary goal of these appointments followed the same mindset that was Shepstone’s original intention with the location system: the magistrates would be a conduit through which the colonial government could impose regulations, oversee the natives, and collect taxes. Pine did point out that there are particular characteristics critical to filling such a position, including tact and “great command of temper” which Pine believes “the absence of [these qualities] would be fatal to the usefulness of these officers having to control the unbridled passages of savages.”<sup>81</sup>

Most of the men appointed by Pine had a letter of introduction from Earl Grey and only one, Mr. Cleghorn, was personally recommended by Shepstone. Pine did, however, realize that some of these gentlemen, like any administrator, could appear perfectly fit for the position and then demonstrate qualities that would make him a detriment to not only himself, but the administration of the natives. Therefore, Pine made

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<sup>80</sup> (IUP BPP V. 28, 610-611)

<sup>81</sup> (IUP BPP V. 28, 651)

clear that these men would be appointed for a period of one year, and their approval and continued work within the colony would fall under the supervision of the Lieutenant-Governor and the advice of Shepstone. Overall, Pine believed that these magistrates would be part of the first step in the creation of a general government of the natives in Natal. To accomplish this goal, Pine understood that it was critical to first collect information on the natives before it was possible to begin the administration of them. Pine, in an attempt to gain more knowledge, directed:

The magistrates already appointed to collect a variety of statistical and other information; when this is obtained, I [Pine] hope, if not sooner, to lay before your Excellency and Earl Grey such a scheme for the government of the natives of the district, mainly based upon the admirable suggestion contained in Earl Grey's Dispatch...as shall appear most likely to conduce to the temporal and eternal welfare of the interesting people whom the Almighty has been pleased to commit to our care.<sup>82</sup>

Pine was referring specifically to the document in which Earl Grey had called into question the tax system proposed by Shepstone.

In his criticism of Shepstone's system, Grey had gone on to point out that the locations system established by Shepstone was adopted "without proper legal authority." Grey believed that the Ordinance of 1845, which had been put forward by Cloete, was not being properly followed. In fact, Grey believed that while the locations themselves should not be removed, he agreed with Cloete's proposal that all natives outside the locations should be given a pass or, more effectively, "each male should be distinguished by a plate or metal, with the number of the station to which they may belong."<sup>83</sup> Not only that, but Grey also believed that the natives should clothe themselves in the European

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<sup>82</sup> (IUP BPP V. 28, 652)

<sup>83</sup> (IUP BPP V. 28, 559)

manner whenever they were in a white village or appeared in front of a government official. Shepstone's view "that the laws of the natives should be administered by the Government through the agency of hereditary chiefs, and such other persons as it may be fit to appoint," is called into question by Grey, who inquired if the process would achieve the same end of civilizing the natives.<sup>84</sup> Oddly, Grey did not view the entire Natal situation as a failure. He believed that the overall intention of the locations system could still have a positive outcome. Grey remarked that:

The report of the Commissioners for the locating of the natives in 1847...are so ably drawn up, and are substantially so entirely accordance with my own [Grey's] view, that it is unnecessary for me to enter into any further details of the measures necessary for bringing the rude tribes in Natal into the condition of civilized communities, and I confidently trust that by the means which have been point out, and by the energy of the local Government, this great change may eventually be accomplished, and that in course of time, this influence may be felt far and wide in the interior of Africa.<sup>85</sup>

However, changes would have to occur to create a civilized colony envisioned by the Colonial Secretary and Grey had provided Pine with a blueprint of what changes would have to occur. Following the appointment of the location magistrates, Pine was now in direct control of the key administrators to the natives within Natal. While Shepstone remained the Diplomatic Agent to the natives, he had essentially become an advisor to the Pine government and could only make an attempt to salvage the system he had worked to preserve for the past five years.

By the end of 1851, Pine had established himself as the key political figure in Natal. His next course of action would be a reconfiguration of the native scheme and

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<sup>84</sup> (IUP BPP V. 28, 559)

<sup>85</sup> (IUP BPP V. 28, 561)

create a new system of organizing the native population of Natal. Much of the drive to create such changes was the result of the Kafir War in 1851 on the Cape Colony frontier. Commanded by Governor-General Smith, the British government was forced to respond to native violence within the frontier region of the Cape, resulting in a greater fear of some of the native populations in South Africa. As Natal had such a large native population, the fear of similar events occurring within the colony was clearly on the mind of the new Lieutenant-Governor. In his criticism of the locations, Pine points out that they are of an immense size, between 60,000 and 450,000 acres and that they contain:

The most broken country, and the strongest natural fastnesses in the district. Had the great warriors of Chaka or Dingaan had the choosing of these locations, they could not have selected spots better adapted to enable the natives to set at defiance the arms of the white men and the authority of Government.<sup>86</sup>

Pine goes on to detail how the native population has not only continued to grow, but also comments on their docile, submissive nature, caused by “having been awed by the martial sway of the boers.”<sup>87</sup>

Pine’s intentions for the natives were more in line with the opinions put forward by Earl Grey. He believed that because the natives were so spread out and “half of this population was made up of remnants of clans without chiefs”, that Natal would be the perfect environment to organize these groups into smaller communities that could be more easily governed. Pine almost laments at the lost opportunities within the district to “mould [the natives] more easily to our views” and some native practices, such as

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<sup>86</sup> “Natal. Further Correspondence Related to the Settlement of Natal (In continuation of Papers presented July 30, 1851), Presented to both Houses of Parliament by Command of Her Majesty, July 1848,” in James and Luke Hansard, *Irish University Press Series of British Parliamentary Papers: Africa* 29 (Shannon: Irish University Press, 1968), 40. From here on (IUP BPP V. 29)

<sup>87</sup> *Ibid.*

witchcraft, that “stood most in the way of their civilization, might have been imposed as the indispensable terms upon which permission to inhabit the district should be granted to them.”<sup>88</sup> Pine perceives the native situation in Natal to have been no better than any other native tribe outside of British influence. Pine was not only fearful of the native culture and tribal customs, including the concept of multiple wives for each native, but was also concerned as to what effect this situation would have on the British settler. Pine writes, “How can an Englishman with one pair of hands compete with a native man with five to twenty slave wives?”<sup>89</sup> The Lieutenant-Governor’s concern not only rested with the placement of the natives, but how they would affect the economy of Natal as well.

Pine was not the only English official concerned with the principles of labor within the colony. Reverend William C. Holden, a long time resident of the colony, published a pamphlet in 1850 entitled “The Kafir Labour Question.”<sup>90</sup> Holden points out in his pamphlet that considerable strain was felt by the white farmers of Natal largely because of a lack of native labor within the colony. The pamphlet not only includes several possible solutions to the problem which were echoed within the white community, but also gives a solid understanding of the colonist’s view of the natives and their place within colonial society.

Holden’s stance on the native problem within Natal was very similar to that of Pine. Holden believed that the locations system itself was flawed and that the plan was “false in its principles, and injurious in its consequences.” The idea of keeping the natives

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<sup>88</sup> Ibid.

<sup>89</sup> (IUP BPP V. 29, 41)

<sup>90</sup> This pamphlet was included within Holden’s *History of the Colony of Natal* in Chapter VIII, “The English Government of the Natives.” William C. Holden, *History of the Colony of Natal, South Africa* (London: Alexander Heylin, 1855), 177.

a “separate, distinct people, enjoying their own heathen rights and immunities” was seen as a great injustice by Holden. Like Pine, Holden believed that before the arrival of the British, the Natal natives were in the greatest position to be influenced and they were “scattered, broken, powerless, and honest, and this disposed to submit to any form of government under which the English might be pleased to place them[.]”<sup>91</sup> But instead, the natives remained within their tribal societies, which Holden points out were “grossly impure” and “contrary to the dictates of humanity.”

While most of Holden’s work can be seen as part of the typical stereotypes the white settlers envisioned in the natives, the reverend represented the growing resentment that existed among white settlers during the early 1850’s. Because the locations system had granted so much land to the natives, many whites believed that they were not being given equal opportunities to gain such land. Even natives who were living on private property owned by white farmers and had entered a labor agreement in exchange for living on the land were in some cases exempt from working for white farmers, largely because of the hut tax which natives had universally paid its first year of implementation. White farmers who had entered an agreement with natives were no longer guaranteed the labor they had expected. In some case, Holden submitted:

When the owner of land goes to the Kafirs on his estate to request them to work, they say, “No!” and resent their tax-receipt, to show that they have paid what was demanded, and that nothing more is needful; and, when urged to labour, they independently answer that they shall move to some other place, where nothing will be required.<sup>92</sup>

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<sup>91</sup> (Holden, 179)

<sup>92</sup> (Holden, 183)



And this issue of labor was in no comparison to the problems whites had with the natives and their multiple wives. Like Pine, Holden believed that this system created laziness within the native society, as it was perceived that the wives did all of the work while the men remained idle. Holden states in his pamphlet that if the natives and the whites were placed under one legal system and one government, that it would provide for the civilization of not only the natives, but the improvement of the colony itself. Because if “the Kafir [has] only one wife...he will be obliged to work.”<sup>93</sup> And not only would the native be obliged to work, he would also be willing to work for white farmers, so that in turn the native could eventually become a land owner himself.

The largest injustice seen by the whites within the colony was the giving of free land to the natives. A more ideal set up for the colony, according to Holden, would be smaller native settlements set up close to English towns, allowing the natives to supply labor when needed to the towns and to earn money to pay for the land in which they would live on. The abolition of the chief system would be critical to this process, of course, and the people would “*not become actual possessors of the land by gift*; but, if they are able to purchase, let them do so at a reasonable rate; if not, let them have the land on loan.”<sup>94</sup>

This type of situation would be considered by many a great improvement on the lives of the natives, and would also provide greater economic prosperity to not only white farmers, but the white townsfolk as well. Under the current situation described by Holden in 1850, many settlers were unwilling to have native establishments, including working

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<sup>93</sup> (Holden, 182)

<sup>94</sup> (Holden, 187) Italics in original document.

families and married couples, within the English towns, causing many of the native workers who had been brought to work in the town to leave to either the locations or mission-stations. Holden described his own personal experience with this type of situation:

Take the case of my own servant-boy, Luke, who has been in my employment for three years, is well clothed, talks a little English, read the Kafir Scriptures, performs as the work [of our household]. He is about to be married to a Kafir girl, who speaks English, is well clothed...and is in every way a most valuable household servant. In a few weeks they will be married, and then they will have to leave the town in the same way.<sup>95</sup>

This is most likely why Holden was such a firm believer in native communities established outside of English towns, because he feared that so many newly civilized natives would be forced back into the tribal locations. Holden's account also points to another opportunity presented to the native population, namely that of urban labor to many of the well established members of Natal's society. Overall, Holden believed that the incorporation of the natives into a British government and the gradual possession of private property and land would bring them into the fold of civilization and that the continuation of the native's "savage" culture would only delay this process.

The simple truth is that Holden was not alone in his view of this situation. These ideas were previously endorsed by Earl Grey in his report on the approval of the hut tax and would continue to be echoed by not only the Pine government, but many of the white settlers within the colony as well. On the issue of land, Pine had proposed a gradual redistribution of land in which "small" portions of 20,000 to 40,000 acres would be taken from each location and divided into sections, "giving one half or even a greater quantity

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<sup>95</sup> (Holden, 186)

to individual natives and their families, and forming white settlements out of the remainder.”<sup>96</sup> In essence, this process would be taking portions of the locations land away from the natives and giving it to white settlers at a reduced rate. Pine defended his plan by stating that while it would appear that this measure would remove the natives from a portion of their land, the British gave “the natives, as individuals, rights which they never had before, and render their lands more valuable by their proximity to the settlement of white men.”<sup>97</sup> To Pine, he was simply correcting a mistake that had been originally made with the locations system and was attempting to make the corrections by reallocating land controlled by the British government. Not surprisingly, this plan was widely supported by white settlers within the colony and deeply opposed by Shepstone.

Pine had, however, made this proposition with the support and suggestion of not only Earl Grey, but several prominent members of the Natal community. In October of 1851, a memorial was delivered to Lieutenant-Governor Pine with the undersigned names of over 275 members of the Natal colony, a result of a public meeting held in Durban to address the growing issues colonist had with the native policy of Natal. The meeting had arrived on several resolutions stemming specifically from the issue of labor within the colony of Natal, an issue Reverend Holden had described as one of the most pressing within the colony. These resolutions pointed out that the policy of the district had failed, “chiefly in consequence of the great deficiency of agricultural labour” and that the location of the natives had “tended to discourage rather than promote habits of useful

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<sup>96</sup> (IUP BPP V. 29, 41)

<sup>97</sup> (IUP BPP V. 29, 42)

industry.”<sup>98</sup> The colonial government, according to the resolutions, had created an “erroneous policy” as to the rights of the natives and their claim to the land within the colony. Even the overall size and population of the locations were seen as a threat not only to the structure and survival of the colony, but also the European population as well. Therefore, this meeting of 275 members of the Durban community, came to the conclusion:

That the breaking up of some of the locations, and a great reduction in size of others, in conjunction with wholesome regulations for the maintenance of good order regularity within these locations, would have tendency to remedy to some extent the evils now felt, and to throw a large mass of native labour into the hands of agricultural and other classes[.]<sup>99</sup>

Essentially, the colonist saw the destruction of the locations system as a means to increase the labor population as well as remedy any issues in regards to land within Natal. The colonist also took issue with natives living on private land, but they believed that “inducements should be offered to the natives to leave the locations for the purpose of engaging in the service of the farmers” and that those that did so “should be released from the authority of their chiefs, and protected against the oppression of native law and customs...enjoy the privileges of British law and civilization.”<sup>100</sup> The members of this meeting had resolved that the customs of the natives had been treated with too much leniency, and that it was critical not only for the “growth of civilization” but to prevent “grievous injury on the white population” that these resolutions should be observed and followed by the Lieutenant-Governor of Natal.

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<sup>98</sup> (IUP BPP V. 29, 47)

<sup>99</sup> Ibid.

<sup>100</sup> (IUP BPP V. 29, 47-48)

Such a resolution from the members of the colony would have been a resounding call for change, and Pine agreed with many of the resolutions put forward by the public meeting in Durban. Therefore, in January 1852, Pine began the process of creating a new commission to deal with the “native problem.” This Commission of Inquiry was charged with the task of investigating “the past and present state of the Kafirs in the District of Natal.”<sup>101</sup> However, this commission was created with the intention of including all interest-groups within the district, which would include government officials, new immigrants from Britain, older established English colonist, and Dutch-speaking whites.<sup>102</sup> The overall goal of the commission was spelled out in its directive to “the future government of the native tribes within the district” dated September 27, 1852. Pine made clear that this commission had been created not only for its importance “politically, the peace and welfare of the district” but also “morally, as connected with the civilization of many thousands of our fellow creatures[.]”<sup>103</sup>

The primary purpose of the commission would rest in the information collected by the members of the commission on the status of the natives within the colony. The commission would be set to determine the number of natives within the colony as well as where each tribe originated. The primary reason for this information would be to determine which natives had aboriginal claims and which native groups had migrated to the colony in recent history. The commission was also directed to discover where new native arrivals to the colony were coming from and in what number, as well as the cause

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<sup>101</sup> David Welsh, *The Roots of Segregation: Native Policy in Colonial Natal, 1845-1910* (Cape Town: Oxford University Press, 1971), 33.

<sup>102</sup> (Welsh, 33)

<sup>103</sup> (IUP BPP V. 29, 100)

of why natives within the colony were leaving the district to “part beyond British rule.”<sup>104</sup> The categorization of the natives as aboriginal or immigrants was a clear indication of the focus of early examinations of the native population to determine which groups had a legitimate claim to the land and which groups had simply migrated as a result of the wars of Shaka and the *mfecane*.

The directive to the commission also required its members to create a full report of not only the native population, but its government and social organization as well. The powers of the native chiefs and the hereditary lines of each chieftainship were important to understand which tribes had a legitimate, hierarchical rulers and which tribes did not. Pine also wanted the commission to examine the “propriety of continuing those powers in the chiefs, or, if not, of modifying them, and employing the chiefs as Government officers, at paid salaries.”<sup>105</sup> Under this system, the tribal chief would no longer be reliant on the generosity and tribute of his subjects, but instead the chiefs would be subordinate and economically dependent on the British government. Pine was in essence attempting to implement Earl Grey’s plan of transitioning the native chiefs into government officials who reported directly to the British government. Within that aspect, the commission was responsible for creating a full understanding of native law, including the legality of age for males and females, or when a boy would officially become a man, the legal requirements within marriage, the regulation of the succession of property, the recovery of debts, and the law as it related to enforcement of crimes and punishment. And within all of this, Pine directed the commission to discover the “causes of the want of labour,

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<sup>104</sup> Ibid.

<sup>105</sup> (IUP BPP V. 29, 101)

and the remedies applicable to ensure labour.”<sup>106</sup> This, of course, was the question most critical to many of the colonist within the district.

When the report was finally submitted, it provided many of the answers Pine had wanted to hear in relation to the natives. The commission would eventually report back all of the criticisms that had been weighed on the location system and the native population as a whole. The commission specifically attacked the savage and uncivilized nature of the native’s social and government system. The commission cited specifically the increase in wealth among many of the native men, however:

If the wealth of the Kafirs...proceeded from the regular host industry of the male population, the Commissioners would hail it as a certain sign of their improvement, but so long as it is drawn from the forced labour of females, it has no such significance, it is an index merely of the increasing numbers and exertions of the women, and can unfortunately only be taken as evidence of the increasing means of sensual indulgence available to the males.<sup>107</sup>

The commission emphasized specifically the size of the locations as a direct reason why this type of situation had occurred. Not only that, but the commission pointed particularly to the native chiefs as being one of the most dangerous aspects of native society.

Claiming that the system itself should be removed and the native population should be placed “as it ought to be under the sole control and guidance of the white authorities as the only supreme chiefs.”<sup>108</sup> The remainder of the report was just as scathing to both the native population and the locations system.

While Shepstone had been appointed a member of this commission, he was not as prominent and did not have the same influence he had in the 1847 Commission.

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<sup>106</sup> Ibid.

<sup>107</sup> Quoted in (Welsh, 34)

<sup>108</sup> (Welsh, 34)

Shepstone, in fact, refused to sign the final report by the 1852 Commission of Inquiry and attempted to disassociate himself from the report and its overall conclusion on the natives and the locations system.<sup>109</sup> Shepstone remained one of the few white officials within the Natal government to support the traditional native structure, and continued to defend the locations system to Pine and the colonist.

By 1852, Shepstone had been pushed aside by the Pine government and remained one of the few voices to guard the native population from the proposed plan of both the Pine government and the Commission of Inquiry. Shepstone believed that the implementation of such a plan proposed by the Commission of Inquiry would completely destroy any progress which had been made for the natives up that point. Shepstone's main problem with the proposed land reformation was the idea that there would be no specific territory put aside that could be assured to be considered "native land." The Diplomatic Agent had given his assurance to the natives that these locations would be set aside for their use and that:

To cut up, therefore, or even touch these locations, before any definite and permanent provision is made for the natives elsewhere, will not only make the Government appear unfaithful, destroy all reliance on the word of every public officer, but furnish disaffected chiefs and designing men with an engine which may here after be turned against us with fearful effects.<sup>110</sup>

The end of the locations system, to Shepstone, would spell the end of the peaceful coexistence which had taken place in Natal for the first five years of his administration. Not only that, but Shepstone believed that the preservation of his positive relations with the natives was critical to future success in the colony and for the natives:

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<sup>109</sup> (Welsh, 33)

<sup>110</sup> (IUP BPP V. 29, 42)



to be removed from where they [the natives] supposed themselves secure, by me [Shepstone]...to spots from whence I may have to remove them again next year, it would be entailing great poverty, perhaps distress, upon them, most manifestly shaking all confidence on their part, and simply destroying my character among them, without any compensating advantage to the Government.<sup>111</sup>

In his response to the Pine proposal, Shepstone not only made these scathing criticisms but also gave a detailed report of the success he felt he had accomplished with the native populations of Natal.

Perhaps the proudest achievement Shepstone believed he had accomplished in Natal during his first five years as Diplomatic Agent and administrator to the natives was the era of relative peace which existed within the colony. Providing the Kafir war on the frontier of the Cape Colony as an example, Shepstone pointed out that “this district [of Natal], containing upwards of 100,000 natives, divided into several tribes...has been at peace.”<sup>112</sup> Not only was there this era of extended peace between natives and whites, but with the exception of the minor incident involving chief Fodo in the northwestern territory, the native tribes were largely kept from “warring even among themselves.”<sup>113</sup> Shepstone was not subtle, however, in placing the responsibility for the management of the natives solely on his own shoulders, stating that:

I [Shepstone] have exercised uninterruptedly for five years every function of government, executive, judicial, and military, and I believe I can without presumption say with perfect success, as far as the natives themselves are concerned.<sup>114</sup>

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<sup>111</sup> (IUP BPP V. 29, 43)

<sup>112</sup> (IUP BPP V. 29, 43)

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

Shepstone's accomplishments were many, and in his defense of the locations system, he went on to outline what his duties were within his role, and what major challenges he faced.

Shepstone did admit that the locations system of Natal did have some shortcomings, but argued that these shortcomings were the direct result of the delay in the implementation of plans put forward by the Commission for Locating of the Natives in 1847. Shepstone points to these delays resulted in not only a native population which had become more financially stable and independent, resulting in a greater unwillingness to accept new control, but an inflated expectation by the white man to have a "more civilized description of control" which Shepstone argues the natives had yet to become fully comfortable with.<sup>115</sup> These problems, according to Shepstone, were only dwarfed by the problems that existed with the locations themselves, as Shepstone cited again several promises and provisions proposed by the Commission of 1847 that had simply not been carried out. Shepstone believed that because no permanent improvements to the lands occupied by the natives had been accomplished, the government had yet to fully entrust the land to the natives themselves, as was directed by the Commission. This criticism was at the center of Shepstone's argument for reform:

The natives have no security in the possession of their lands; the white population naturally from time to time seek to have alterations made to the boundaries of their [the native's] locations, and this in some cases has been done.<sup>116</sup>

Without a sense of ownership in the most broad, tribal sense, Shepstone could not conceive of the idea of individual property for the native population.

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<sup>115</sup> (IUP BPP V. 29, 44)

<sup>116</sup> Ibid.

Also, while there had been mass criticism of the size of the locations from the white population of Natal, Shepstone argued that the land that had already been allocated to the natives was not nearly enough. Shepstone claims:

Not much more than two-thirds of the native population is provided for by the land appropriations that are made...if the average number of acres supposed to be necessary for the maintenance of a family is taken, it will be found that it is impossible to attempt to locate 100,000 natives in the present locations.<sup>117</sup>

Consequently, this type of examination of the size of the locations would not have been very well received by both the Pine government and the white settlers. As asserted by Earl Grey, Pine, and the Commission of Inquiry, the expansion of the locations was not even a possibility, as they believed the problem rested in the natives already having too much land at their disposal. However, Shepstone held the belief that not only would that mindset fail the natives in the long run, but that the changes attempted by the Pine government during the early 1850's had already begun to fail.

Shepstone made specific reference to the recent appointment of new magistrates for the administration of the natives. While most of the individuals who had been appointed had letters of reference from Early Grey, few of them had been properly prepared to deal with the native situation in Natal. It had taken Shepstone several years to develop an understanding and affinity with the natives that allowed him to govern and act as judicator within the tribes. Shepstone claimed that while it had been nearly a year since the appointment of the magistrates, "their establishment [of government] are as yet so incomplete that they are necessarily inefficient."<sup>118</sup> Shepstone asserted that with the

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<sup>117</sup> (IUP BPP V. 29, 44)

<sup>118</sup> (IUP BPP V. 29, 44)

growing influx of white settlers within the colony of Natal, it was crucial for some type of reexamination of the laws that had originally established the colony. However, one of the key factors in being able to sway and influence the natives was a degree of understanding with the native population. Shepstone stressed:

That until the magistrates have had an opportunity of acquiring an influence of a personal character, half their efficiency in this respect is thrown away; so that neither the people, nor the officers appointed over them, were prepared for the circumstances they find themselves placed in.<sup>119</sup>

Shepstone still believed that it was personal character and respect that influenced the natives and paved the way for future civilization and without that, change would be simply impossible. Unfortunately for Shepstone, the government had already begun making plans to create even more changes in relation to the magistrates' responsibility within the colony of Natal.

The intention of the native magistrates was very clear: to act as superintendents to the native population. However, the jurisdiction of the native magistrates for the natives and the resident magistrates for the white settlers would sometimes clash. Therefore, it was decided that the magistrates jurisdiction would combined to include both whites and natives. This change, according to Shepstone, went against the very idea and function the magistrates had been created for. Without the presence of native magistrates, Shepstone made that prediction that:

The consequence [of abolishing native magistracies] is, that instead of a Native population having an officer residing among them, whose attention would be constantly directed to their improvement, advising and guiding them, acquiring their confidence and gaining by his intelligence and devotion to their interests, an

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<sup>119</sup> (IUP BPP V. 29, 44)

influence over them which might control their very thoughts, the whole of the native population are left to their own devices and thoughts.<sup>120</sup>

Shepstone would go on to speculate that if there had been no change to the magistrate system, then power would steadily shift from the native chiefs to the “White Superintendent” and that “the valuable machinery of Native Government would have gradually fallen into the hands of the Officers of Government.”<sup>121</sup> Instead, Shepstone envisioned what he deemed a lost opportunity as to what the duties and abilities of the native magistrates could have granted the native system.

Consequently, Shepstone’s opposition to the changes to the native system in 1851 and 1852 largely fell on deaf ears. This could be due largely to the fact that the new government under Pine had begun to side with the white settlers of Natal, who largely disagreed with Shepstone’s approach to dealing with the native population. However, Shepstone would continue to protest the changes that were attempting to be made on the system he had spent the last five years molding and creating. In his defense of the native system, Shepstone would sometimes provide letters and quotes by the late governor to emphasize his point that evil consequences could result from the careless implementation of policy.<sup>122</sup> When Lieutenant-Governor Martin West had died in 1849, Shepstone had simply stated he was a “good governor.” But when these changes to the native system began being implemented within Natal, despite the arguments presented by the Diplomatic Agent, Shepstone realized how crucial West had been to his early native policy within the colony of Natal.

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<sup>120</sup> Shepstone, Notes, p. 78 in (Welsh, 22)

<sup>121</sup> Ibid.

<sup>122</sup> (IUP BPP V. 29, 45)

## CHAPTER 4: A NEW SOLUTION

Sir Theophilus Shepstone, Diplomatic Agent to the native population of Natal, was responsible for the creation of a locations system which was conceived to organize and eventually “civilize” the native population of Natal. However, by the end of the 1840’s, a new Natal government under Lieutenant-Governor Benjamin Pine, and with the support of the white settlers of the colony, began to propose radical changes to the makeup of Shepstone’s native policy. With the changes being enacted by the Pine government in the early 1850’s, Shepstone could see the beginnings of the end of the native policy he had spent the last five years attempting to preserve. The proposals by Pine and the Commission of Inquiry would begin the destruction of the locations system and begin the process of forced integration between the races, a prospect Shepstone believed the natives were still unprepared for. Therefore, Shepstone began preparations for a scheme that could be beneficial to both the natives and the white settlers of Natal. During the 1850’s, Shepstone would make several proposals for what would become known as the Grand Removal Scheme in which a large portion of the native population of Natal would be moved out of the colony by Shepstone to a new territory in which they could live under their own tribal customs. The reason for Shepstone’s proposal remains unclear, but several factors contributed to this plan, including past attempts by the Boers, frustration with the colonial government, and Shepstone’s own understanding of the native population.

The plan for Shepstone’s removal scheme was not an original idea. During the Boer occupation of Natal during the early 1840’s, a similar proposal was put forward in

the Volksraad August 1841 which called for the complete removal and segregation of the native populations of Natal.<sup>123</sup> The resolution went on to allocate land along the Umtamfuna and the Umzimvubu rivers, but, as previously discussed, this resolution was never enacted upon largely because of increased British involvement in Natal. However, this proposal had been put forward largely because of fear from the Boer population of increased native immigration into what was seen as Boer territory, and not an organized plan of restructuring an existing system, as it was with Shepstone's proposal.

The first hints of a grand removal scheme came from the suggestions put forward by the Commission of Inquiry in 1852. The commission had recommended that Shepstone "to release pressure on the locations, should take with him beyond the Southern boundary of Natal a body of natives who would thus find a new home."<sup>124</sup> So future plans were prepared, but the plan was soon dismissed citing problems with the local governments. But two years later in 1854, Shepstone resubmitted a similar proposal that would in essence accomplish the same goal. Yet this plan involved Shepstone taking a much more active role in the removal of the native population and would begin a planned migration that Shepstone would later lament had "nearly come about."<sup>125</sup>

Shepstone's removal scheme was a dramatic shift from his previous administration within Natal. The plan was simple. Shepstone would lead a large body of the native population of Natal from the locations to the vast territory to the south of the

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<sup>123</sup> "Extract from Resolution Taken by the Honourable Volksraad, at their Meeting, Held at Pietermaritzburg, on Monday, 2<sup>nd</sup> August, 1841" in John Bird's, *The Annals of Natal, Volume I* (Cape Town: T. Maskew Miller, 1965) 644-655

<sup>124</sup> R.E. Gordon, *Shepstone: The Role of the Family in the History of South Africa, 1820-1900* (Cape Town: A.A. Balkema, 1968), 172.

<sup>125</sup> (Gordon, 177)

Umzimkulu River, which was the southern boundary of Natal. There Shepstone would establish a native territory that would be ruled, regulated, and maintained in the typical tribal manner. However, what was most unusual about this plan was the role of Shepstone himself. Shepstone would act as supreme Chief, or *Ukumkani*, of the native tribes in the region and direct them in the same manner any other native chief would preside.<sup>126</sup> The manner in which Shepstone planned to accomplish this feat is related specifically to not only his relationship with the natives of Natal, but his ability to negotiate and position himself as a member of the native community.

The person who was in control of the land to the south of Natal was an old chief by the name of Faku. He commanded a large section of territory which separated the Cape Colony and Natal, and was supreme head of the Amampondo people. Shepstone had known this man since childhood, and had developed such a close relationship that the chief often referred to Shepstone as “his son.”<sup>127</sup> In fact, the relationship that Shepstone had instilled with the natives of Natal seemed to inspire the same response from the Faku’s people as well. In May 1854, Shepstone set out to meet Faku with his family and children in an attempt to solidify his plans for his grand removal scheme. Shepstone purposely brought his family with him in an attempt to “prevent any misconception by Faku’s people of the character of my[Shepstone’s] visit” on the chance that his party could be perceived as an invasion force.<sup>128</sup> Upon his visit, Shepstone discovered that the old chief was quite ill, and there was a possibility that Faku would die very soon.

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<sup>126</sup> John William Colenso, *Ten Weeks in Natal: A Journal of a First Tour Visitation Among the Colonists and Zulu Kafirs of Natal* (Cambridge: Macmillan, 1855), 148.

<sup>127</sup> (Colenso, 148)

<sup>128</sup> Letter from Shepstone to Colenso, 31 August 1854 (Colenso, 151)



Therefore, Shepstone began the process of negotiating with the chief his plans for the removal scheme. According to Bishop John Colenso, Lord Bishop of Natal and personal friend to Shepstone, Faku had “often begged him [Shepstone] to come and settle near him, offering to give him any quantity of land he may require for himself and his people.”<sup>129</sup> It is no surprise then that on Shepstone’s arrival and meeting with the chief, 500 of Faku’s chief men had been summoned to witness the meeting between the chief and Shepstone.

An agreement was made in which the chief consented to the occupation of “such an extent of the country, between him [Faku] and Natal...and made over to my [Shepstone’s] exclusive control the mouth and port of the St. John’s River.”<sup>130</sup> Not only would Shepstone be granted this vast territory to transplant the native population of Natal, but he would also be placed into the position of chief in Faku’s territory as:

Nearly all the chiefs and counselors, residing between Faku and Natal, signed an instrument, electing me [Shepstone] as their supreme chief, in the fullest sense of the word; by which, as I explained to them most particularly, they placed themselves, their wives and children, their property and their country in my hands.<sup>131</sup>

The extent to which Shepstone was placing himself into the native society cannot be understated. By making this agreement in principle, Shepstone had positioned himself within the social hierarchy of the native tribes within Faku’s kingdom. This not only situated Shepstone in a very unique situation, but also placed him in considerable danger from other chiefs under Faku who secretly opposed the agreement.<sup>132</sup> However,

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<sup>129</sup> (Colenso, 148)

<sup>130</sup> Letter from Shepstone to Colenso, 31 August 1854 (Colenso, 155)

<sup>131</sup> Letter from Shepstone to Colenso, 31 August 1854 (Colenso, 156)

<sup>132</sup> Letter from Shepstone to Colenso, 31 August 1854 (Colenso, 157)

Shepstone still agreed. But there remained one condition. He could only accept this position with the approval of the Queen and the British government.

In March, Pine had given his tentative approval of the proposal put forward by Shepstone. This had prompted Shepstone to solidify the agreement Faku on his trip to the chief's territory. However, Pine's intentions on approving the plan are unclear. The removal scheme would have freed enough land for the implementations that Pine and the Commission of Inquiry had prepared. Also, the removal of such a large section of the native population would lessen the demand for labor, as those natives who remained in the colony would be free to work for the white settlers. Or, it is possible, Pine wished to be rid of Shepstone and this proposal gave him the best excuse.<sup>133</sup> Whatever the reason, Pine's tentative approval of the plan in March 1854 would open the way for discussion on the merits and problems with the removal scheme.

Shepstone's most outspoken supporter on the removal scheme was his good friend John Colenso. Colenso believed that not only could Shepstone successfully transplant the 50,000 to 60,000 people to the new territory, but that this process would gradually "bring them over to the habits of civilized life, and in every way to raise and improve their condition."<sup>134</sup> Not only that, but Colenso believed, as Shepstone did, that this migration would solve most of the problems related to an over crowded population in the district. The new territory created by Shepstone would not only provide a home for thousands of natives, but would also create a "kind of *safety-valve* provided for the passions of the people [native], in case of any discontent arising among them." Colenso,

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<sup>133</sup> (Gordon, 175)

<sup>134</sup> (Colenso, 148)

like many others, envisioned, with the removal of so many natives in the colony, the natives who were left behind and the natives who would continue to migrate to Natal could be placed under more “civilized” restriction, including the ending of polygamy, the use of respectable clothing, and the ending of the sales of wives, which Colenso claimed as “absolutely necessary for their improvement in civilization.”<sup>135</sup> Colenso also believed this system would greatly assist in the process of conversion by the missionaries of the colony.

Colenso’s vision for the future did not stop there. Colenso believed that if Shepstone were to survive the migration with the natives, his influence within South Africa would spread considerably. Shepstone would most likely bring the Amampondo people under his rule once the old chief Faku died, and in doing so:

His [Shepstone’s] authority would be felt over the whole of Kafirland; and at length that very rich and productive region- incomparably the finest in all South Africa- would have rest from its many troubles, and welcome the peaceful steps of commerce, civilization, and Christianity.<sup>136</sup>

If Shepstone did not survive the migration, though, Colenso still believed it would benefit the region and not be a source of increased trouble in the colony. What is important to understand, nevertheless, is that some believed that this territory created by Shepstone could lead to a greater unification of native peoples under British rule.

Despite its supporters, there were also many who opposed the removal scheme namely Sir George Grey, High Commissioner and appointed Governor of the Cape Colony in 1854. As governor of the Cape, Grey had been given specific instructions from

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<sup>135</sup> (Colenso, 149)

<sup>136</sup> (Colenso, 150-151)

the Colonial Secretary to refuse permission for such a plan because Grey saw no reason to support and protect a new colony within South Africa. He claimed:

The proposition, therefore, is nothing else than that Great Britain should establish a new Kingdom in South Africa...making Mr. Shepstone the King of that country, guarantee to him the security and integrity of his Dominions, give him a pension of 600*l* a year, and agree that he is to have despotic powers in governing the country, in raising its revenue, in expending them.<sup>137</sup>

Grey saw no reason to support this new venture unless the cost would be nonexistent to the British government and the reasons for creating this new nation were anything beyond simply the creation of a new sovereignty within South Africa. To Grey, the natives saw Shepstone as a British government official, and therefore the land under his control would be perceived as a part of British territory, making the existence of the new kingdom impossible without British approval.<sup>138</sup>

With the denial by Grey, the removal scheme was in all essence dead. Shepstone did have one final opportunity to convince Sir Grey at a breakfast in Peitermaritzburg, but according to Shepstone following the meeting:

I am afraid he will not let me go...he says the whole of the frontier politicians are opposed to the scheme as dangerous to them...I am very disappointed, but I supposed if I cannot make an impression on him, I must submit with a good grace.<sup>139</sup>

The decisive end of the removal scheme is somewhat interesting. Shepstone had been fully committed to the idea that he and his family would move to the outskirts of civilization in a nearly deserted area of Southern Africa to, in essence, lord over a group of natives as their chief and supreme ruler. The question remains as to why this was so.

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<sup>137</sup> Quoted in C.J. Uys, *In the Era of Shepstone: Being a Study of British Expansion in South Africa (1842-1877)* (Lovedale, South Africa: Lovedale Press, 1933), 37.

<sup>138</sup> (Gordon, 176)

<sup>139</sup> Quoted in (Gordon, 176)

Shepstone's passion and commitment to the removal scheme is in some ways a paradox to his previous stance on the locations system. Shepstone had established a firm belief that the locations system was the key manner in which to deal with such a large native population. However, with his full acceptance of the removal scheme, and his willingness to transplant his entire family, it becomes unclear to what his true intentions were. Shepstone's early work as a missionary and his deep connection to religion and the tenants of his parents would have had a considerable amount of sway over his actions. In his letter to Colenso following his trip to Faku, Shepstone admitted his anxiety with his plan, but on reading his prayer book:

My conclusion is this: 'If it is the path of my duty, I shall walk it, and God will bless me in so doing; if the contrary, I shall not be allowed to undertake it: circumstances, over which I have no control, will arise to prevent it.'<sup>140</sup>

The combined mindset of missionary and diplomatic agent remained a part of Shepstone's frame of mind during much his colonial career.<sup>141</sup> While Shepstone did have other options in dealing with the native population, including attempting to alter or compromise on the plans proposed by the Pine government, his commitment to the removal scheme remained his core answer to the native problem. However, Shepstone had maintained that the civilization of the natives was of the highest priority in relation to his mission in Natal.

For much of Shepstone's early career in Natal, he had been viewed by many of the colonist as the protector of the natives. However, this did not mean that Shepstone

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<sup>140</sup> Letter from Shepstone to Colenso, 31 August 1854. (Colenso, 157)

<sup>141</sup> For a deeper examination of Shepstone's early career in relation to the removal scheme see Thomas McClendon, "The Man Who Would Be *Inkosi*: Civilizing Missions in Shepstone's Early Career," *Journal of Southern African Studies* 30, no. 2 (June 2004): 339-358.

was an advocate for equality of races or that the natives and whites were in any way equivalent. Shepstone was still a nineteenth century British gentlemen raised largely in British society, but his unique world view stemmed specifically from the time he had spent with the natives. Shepstone believed that a gradual approach to civilization was critical largely because he believed the natives were incapable of understanding many concepts of European law and society:

It is to a knowledge of law and relation of things that European civilization is moving and until this deficiency in the Natives is remedied I [Shepstone] am persuaded that no legislation nor reform will reach them. No great political or other improvement however plausible or attractive it may appear can be productive of lasting benefit unless it is preceded by a change in the views and opinions of the people it is to affect.<sup>142</sup>

If the groundwork to civilization was not initially paved, Shepstone believed that long-term civilization was impossible. Perhaps this is why Shepstone was forced to make his proposal for the removal scheme in 1854. The changes being implemented by the Pine government would not only, in Shepstone's opinion, propel the natives into civilization too quickly, but it would also destroy any personal progress he had made with the natives in his early years in Natal.

Strangely enough, Shepstone could have also had other incentives to support his own removal scheme. In 1854, Shepstone was in regular correspondence with his friend George Cato, who had talked with Shepstone about the possibilities of copper mining in the territory Faku was willing to give to Shepstone. Not only that, but as a Durban banker, Cato also had other business plans for the region.<sup>143</sup> It is unclear what Shepstone's

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<sup>142</sup> Quoted in (Welsh, 37)

<sup>143</sup> (McClendon, 28)

overall role would have been in these business ventures, or if it was even possible to have a profitable enterprise in the region, but it should at least be noted that these correspondence were taking place while Shepstone was examining Faku's territory.

Shepstone also was a strong opponent of the principle of non-expansion, in which the British government in South Africa would simply consolidate its infrastructure and avoid large scale expansion. Shepstone believed that expansion was critical for the British government because it was necessary not only for the protection of the colony, but for the eventual civilization of the natives as well. Following the denial of his removal scheme, Shepstone had confided in Lord Stanley of the Cape Colonial Office, that if his removal scheme had gone through that it would eventually result in "the British government assuming the sovereignty of the county. This was the result to I [Shepstone] looked forward as the inevitable effect, as well as the reward of my undertaking."<sup>144</sup> With the annexation of the territory, Shepstone believed it would give more legitimacy to the idea of expansion within South Africa.

Despite these connections to money and political ideology, Shepstone's reasons for proposing the removal scheme most likely rest in the actions of the Pine government during the early 1850's. Shepstone's frustration with the Pine government was evident in his letters challenging the changes that had been planned for the locations system. But it is also important to understand Shepstone's mindset at the time. During the administration of Lieutenant-Governor Martin West, Shepstone had been given, in most respects, a free hand to deal with the native population as he saw fit. Shepstone had embraced the

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<sup>144</sup> (Uys, 37)

suggestions made by Dr. Henry Cloete and in turn worked to create the groundwork for the locations system under the Commission of 1847. Shepstone had committed himself fully to this system, and had worked to the extent of his abilities to see that it succeeded. His relationship and level of contact with the native population gave him a deeper understanding of the native culture that he believed made him the primary expert on the native population of Natal.

However, until the arrival of the Pine government, Shepstone had been able to work with the natives by his own devices. His ability to embrace the native culture had made him not only one of the most knowledgeable white experts on the natives, but it also made him one of the most recognizable and respected whites among the native population. Living in this situation for nearly five years would have dramatically affected Shepstone's view of not only himself, but his standing within the colony of Natal. Despite many of his efforts to the contrary, Shepstone remained the key figure representing the British government seen by the natives within the colony. This type of authority, standing, or "power" as some would call it, within the colony would very much be something that Shepstone would grow accustomed to. Although the original suggestions by the Commission for the Locating of the Natives had recommended the creation of a magistrate for each location, this had not been done until after the arrival of Pine in 1852. When the Pine government suggested the appointment of magistrates, Shepstone heartily agreed, but they did not measure up to the standards Shepstone had placed upon himself during his years of administering the natives alone. With the suggested changes by the Pine governments, Shepstone saw the end of the locations



system he had attempted to preserve over the last five years of his life. Such a realization would likely cause a dramatic change in his position of how to deal with the native population. Shepstone was, in essence, a product of his own creation. He had become the lone individual who, in his opinion, could resolve the native situation in Natal, and therefore, any path to civilization he believed in would be the best path possible for the native people.

In 1864, years after his removal scheme had been rejected and while he was still Secretary of Native Affairs in Natal, Shepstone took a short trip across the Natal border to the Zulu country. Shepstone had claimed “it is difficult to observe exactly the progress they [the natives of Natal] have made since their first contact with civilization.”<sup>145</sup> Shepstone believed that natives had made considerable progress, but on examining and interacting with the Zulu tribes, came to the conclusion that “the progress [was] much greater than I expected.” Shepstone would go on to compare the advantages and disadvantages of the Government of Natal and how it had, in fact, aided in the overall civilization of many of the natives within the colony of Natal.<sup>146</sup> This type of optimism and praise for the progress of the natives was severely lacking during the early years of the locations system, especially during the time of the Pine government.

Shepstone’s key problems with the reforms suggested by Pine rested in the speed at which civilization was possible. Shepstone’s belief in the gradual civilization of the natives rested largely in his perception that the native population would be gradually civilized to the point where no hierarchical chief was necessary. Individuals like Pine and

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<sup>145</sup> Alan F. Hattersley, *Later Annals of Natal* (London: Longmans, Green, and Co., 1938), 226.

<sup>146</sup> (Hattersly, 226-229)

Colonial Secretary Earl Grey opposed this idea, largely because of the belief that if the natives continued to participate in a “savage” lifestyle, it would only prolong the “savage” nature of their society. Whether one side was right or wrong is difficult to determine, but neither side would have a full opportunity to argue their point.

Following termination of Shepstone’s removal scheme, the Diplomatic Agent to the Native Tribes in Natal was reassigned as the Secretary for Native Affairs within the Colony of Natal. This new title and position would solidify Shepstone as a force within the colony for many years to come. However, the Pine government would not be so lucky. Pine left Natal in March 1855 for what he believed to be a short trip to the Cape Colony. Yet, in 1856, news was received that Pine would be replaced as Lieutenant-Governor of Natal.<sup>147</sup> Pine would go on to become Governor of the Gold Coast (modern day Ghana) and Natal would have a new Lieutenant-Governor in John Scott. The reasons for Pine’s removal remain somewhat unclear. He would return years later, but would not produce the same conflict with Shepstone as his first administration had. Shepstone, ironically, clearly respected Pine and, shortly before the end of the Lieutenant-Governor’s time in Natal, praised Pine’s swift actions in dealing with a problem on the border and lamented that:

I [Shepstone] frequently think if I could but rid him [Pine] of one or two little but nevertheless serious drawbacks to him, we could not have a better governor. The chances are that in many things we shall not get as good a one.<sup>148</sup>

However, with the end of the Pine government in Natal, Shepstone was left to once again become the chief official in the administration of the natives within Natal.

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<sup>147</sup> (Gordon, 177)

<sup>148</sup> Ibid.

The question remains, though, as to what would have been the result of a successful removal scheme by Shepstone. The creation of an independent African nation between Natal and the Cape Colony would have significantly affected the dynamics of South Africa for years to come. If Colenso's predictions were to be considered, the nation created by Shepstone would become "the finest is all South Africa" and would be shining symbol of peace, commerce, civilization, and Christianity.<sup>149</sup> It must, of course, be taken into account that Colenso was not only a friend of Shepstone, but also Bishop of Natal and head of most of the missionary activity within the colony. The possibility of Shepstone's nation surviving without British support is unlikely, which was the main contributing factor to its failure. However, if Shepstone had indeed succeeded in his removal scheme, it is very likely that the British government would have eventually been forced to annex the territory out of either fear or necessity, as Shepstone had predicted. In all likelihood, had the removal scheme been successful, there would have remained many of the same problems which had already existed in Natal. Perhaps Shepstone's plans for gradual civilization in a tribal society would have succeeded, but it is just as likely Shepstone would have fallen under the spell of many nineteenth century African explorers and "gone native." As one historian has described:

Shepstone's role in colonial history might have been closer to that of such literary figures as the heroes of Conrad's *Lord Jim* or Kipling's *The Man Who Would be King* than to the stern-faced administrator suggested by familiar portraits-both photographic and historical-of Natal's master of African affairs.<sup>150</sup>

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<sup>149</sup> (Colenso, 150-151)

<sup>150</sup> Many thanks to Thomas McClendon for making this parallel between British literary figures and the image of Shepstone, (McClendon, 1)

The role which Shepstone would eventually play in relation to the natives of Natal would be that of an administrator and not a ruler. Shepstone's removal scheme would remain a footnote in his long career, but its importance lies largely in the concept that one could support a system for so many years, as Shepstone had with the locations system, only to turn his back on that system in favor of making a proposal for what could only be described as an incredibly non-conventional scheme.

## CONCLUSION

For the remainder of Shepstone's administration of Natal, the Secretary for Native Affairs would continue to have near complete authority over the native policy of Natal. The locations system in which Shepstone had so intensely defended would continue to exist in some form or another for the next fifty years. Shepstone and Natal would become synonymous with one another and the concept of native policy within Natal would be defined by the policy of Shepstone. Some would argue that this was largely because Shepstone remained unchallenged in his stance as expert and head advisor in all things associated with the natives. During Shepstone's near thirty years as Diplomatic Agent or Secretary for Affairs in Natal, there were a total of eight Lieutenant-Governors and one head Administrator. Shepstone remained one of the most stable and longest lasting government officials in the Natal government, remaining one of the few original members of the first administration of Martin West. However, because of his experience, in both the government and in dealing with the natives, many Lieutenant- Governors would defer to Shepstone's wisdom and judgment on issues in relation to his native policy. One resident of the colony, R.E. Ridley claimed that many of the Lieutenant-Governors of the colony had been "tools of Theophilus Shepstone" and that these governors were:

Called upon to take action in native matters before they [the Lieutenant-Governors] had any idea whatever of the native question. Placed in this position they were simply compelled to do as Mr. Shepstone requested. They depended

upon him for what information they obtained in native affairs, and were, as a matter of course, bound to support his policy.<sup>151</sup>

This was one of the keys to Shepstone's longevity within the Natal government. Despite opposition to some aspects of his policy, Shepstone remained the most credible and abundant source of information of the natives within the colony of Natal. With the exception of the Pine government, no major opposition was given to Shepstone during his term within Natal. And while residents like Ridley questioned Shepstone's authority within the colony, others, like Sir Bartle Frere saw how useful Shepstone could be, writing:

Were I Governor of Natal, Shepstone is a man I should wish to have a hand to refer to for information and advice, which, when you get it out of him, is sure to be sagacious and worth having.

Frere did, however, note the stubbornness and secretive nature of Shepstone as well:

He would rule a Zulu country well, after White-Zulu fashion, but would reform and report nothing unasked, and would tolerate no partner in his realm.<sup>152</sup>

Shepstone's legacy would lie not necessarily in his relationship with other administrators, but the manner in which he was able to become the leading native expert in the region.

Shepstone's career would be marked by his longevity and his abilities in interacting with the native populations. One of Shepstone's last major acts as Secretary for Native Affairs was also one of his most famous. Following the death of the Zulu king Mpande in 1872, there was a power struggle within the Zulu kingdom which eventually resulting in the installation of Cetshwayo as King in 1873. As Shepstone was invited to

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<sup>151</sup>*Natal Witness*, 4 April 1873, quoted in (Welsh, 202)

<sup>152</sup> Quoted in John Martineau, *The Life and Correspondence of the Rt. Honourable Sir Bartle Frere*, 2 vols. (London, 1895), ii.

the coronation ceremony, he used this opportunity to not only make a showing of British power, but to show British support and approval of the new king. In what could only be described as a grand precession, Shepstone organized a large body of militia to march with him to the coronation. Upon arrival, Shepstone sought out Cetshwayo and “crowned” him King of Zulu nation. This coronation, which one missionary described as a “farce,” was more of a diplomatic tool used by Shepstone to gain greater influence within the Zulu Kingdom. Therefore, during this coronation, Shepstone entered negotiations with Cetshwayo dealing specifically with missionaries and the migration of labor. Shepstone agreed to limit missionary activity in Zululand and to support Cetshwayo as the Zulu King while Cetshwayo agreed to normalize the migration of labor between the Zululand and Natal.<sup>153</sup> While these agreements were only tentative and did not have the full backing of either party, what remained considerably important about this meeting was the speech Shepstone gave following the coronation. In this speech, Shepstone outlined a list of suggestions that the Zulu kingdom should follow in the future, such as fewer death sentences and the right to appeal to the king. The contents of this speech was not presented with any true authority over the Zulu, but the importance of this speech rested in the fact that five years later, Cetshwayo’s refusal to follow these suggestions were used as an excuse to go to war with the Zululand.<sup>154</sup>

Shepstone announced his intention to retire in May 1875. This would end a career that had spanned over thirty years in the service of the colony of Natal. Shepstone would

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<sup>153</sup> Norman Etherington, “The ‘Shepstone system’ in the Colony of Natal and beyond the borders,” in *Natal and Zululand From Earliest Times to 1910: A New History*, edited by Andrew Duminy and Bill Guest, (Pietermaritzburg: University of Natal Press, 1989), 183-185.

<sup>154</sup> *Ibid.*

remain a major public figure in regards to native policy within South Africa. Shepstone also played a major part in the annexation of the Transvaal in 1877, which remains one of his most memorable accomplishments. However, Shepstone's work in Natal, which dominated his colonial career, is a testament to colonial administration in nineteenth century South Africa.

The work of Sir Theophilus Shepstone's native policy in Natal shaped the understanding and relations between the native and white populations within the colony. The locations system, which was initially proposed by Cloete, was embraced by Shepstone as the means to both control and gradually "civilize" the native population. Shepstone's career was dominated by this native policy. It would define him, and also define the makeup of Natal for much of the nineteenth century. However, while Shepstone's career was considerably influenced by his missionary and religious background, he remains a demonstration of the British colonial official. From his arrival in 1845 to his eventually departure in 1875, Shepstone consistently remained a British official, loyal to Queen and Country. The implementation of his policies, though extensively influenced by the native populations, was rooted in the drive not only to improve the native people of Natal, but to significantly improve part of the dominion of Queen Victoria. This, perhaps, was one of Shepstone's greatest strengths. He was capable of making connections and inroads with the native people, but at the same time influence both the natives and the British government to agree with him and his policy.

The native policy of British Natal during the mid-nineteenth century was defined by the locations system. During the life of this system, the Pine government of the early



1850's was one of the few administrations to challenge this system. Eventually, even the changes implemented by the Pine government would fail to come about. Simply put, the locations system had become the established norm within the colony, and Natal suffered what many British colonies suffered during the early expansion of the empire: what John Galbraith would describe as "humanitarianism on the cheap."<sup>155</sup> Ironically, Pine's confrontation with the locations system would push Shepstone to the point of near abandonment of the locations he had so fiercely attempted to preserve. However, the removal scheme proposed by Shepstone was, in some sense, a footnote to the long and, some would say, successful career of Sir Theophilus Shepstone. The longevity of the locations system itself is a product of the longevity of Shepstone. Shepstone's greatest belief was that the preservation of peace within the colony would result in the civilization and improvement of the native population. In 1892, nearly fifty years after arriving in Natal at the age of twenty eight to help deal with a native population of over 100,000, Shepstone marveled at what he considered his greatest success:

The history of Natal may be left to speak for itself. Forty-six years of existence, and forty-six years of peace, as far as its internal management in concerned, is a record that no other South African state can show.<sup>156</sup>

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<sup>155</sup> John S. Galbraith, *Reluctant Empire: British Policy in the South African Frontier, 1834-1854*, (Westport, CN: Greenwood Press, 1978), 229.

<sup>156</sup> Sir Theophilus Shepstone, "The Native Question: Answer to President Reitz," Reprinted from the "Natal Mercury," 29 Jan. 1892, 16.

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