

The *Boers* of Dutch Descent under British Rule in South Africa

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Key words: Freehold title, land occupation, land tenure security, de facto land rights, land administration.

SUMMARY

The Dutch had occupied the Cape Town area of South Africa as early as 1652 to provide a victualling station for the *Vereenigde Oostindische Compagnie* (VOC – the Dutch United East India Company) to restock their ships travelling between the Netherlands and their interests in South East Asia. Free *burghers* expanded their occupation northwards and eastwards from the Cape. Although the VOC fully intended the free *burghers* to remain subjects of the company, the further they migrated from the original VOC settlement, the less committed the free *burghers* became to supplying the company with fresh food and the more they became free from obligations to the VOC. These migratory free *burghers* became known as “*trekboers*”. The VOC established towns at Swellendam and Graaff Reinet in an attempt to hold the *trekboers* accountable, with limited success.

There was sporadic conflict between the *trekboers* and the indigenous *Khoikhoi* herders and the *San* hunters. The conflict involved three things: land, cattle and women; the three “needs” of the *trekboer*! By the time the British took over the Cape Colony, the *trekboers* had extended their movement as far as the Great Fish River. And so the British inherited a volatile environment, particularly along the Eastern frontier.

Any colony was expected to be of financial benefit to the imperial authorities, and so generation of revenue was achieved through the sale or rental of land. The British Colonial Government, therefore, attempted to establish an administration system to ensure that all newly adopted subjects (Dutch, British, French, *et al* or *trekboer*) purchased and paid tax on their land holdings. This was not popular, especially among the *trekboers*, and so for the next hundred years, the *Boers* attempted to disassociate themselves from British rule, continually moving and establishing their own Republics.

This paper is about the South African people group colloquially called the “*Boers*”, who are descendants predominantly of the Dutch settlers. Due to the circumstances at the time, the *Boers* were variously known as free *burghers*, *trekboers*, *Voortrekkers* (sometimes abbreviated to *trekkers*), pioneers, frontiersmen, frontier ruffians, adventurers, misguided subjects of the Crown and Farmers.

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1. INTRODUCTION: EXPANSION FROM THE WESTERN CAPE

In 1652, the *Vereenigde Oostindische Compagnie* (VOC – the Dutch United East India Company) established a settlement at what is now Cape Town to provide fresh supplies to their ships voyaging between the Netherlands and their interests in the East Indies (what is now Indonesia) (Fisher and Whittal, 2020). Five years later, the VOC agreed to grant land parcels to free *burghers* (former employees of the company who decided to stay on in the Cape) to increase the production of fresh food. As time went by, and the population of free *burghers* increased, so the *burghers* expanded their occupation northwards and eastwards from the Cape. Although the *burghers* remained subjects of the VOC, the further they migrated from the original VOC settlement, the less committed the *burghers* became to supplying the company with fresh food and the more they became dependent on livestock. These *burghers* became known as the “*trekboers*” (literally meaning “pull farmers”, describing their lifestyle of living and moving in wagons pulled by a span of oxen), as they continually moved away from the Cape in search of better grazing land and freedom from obligations to the VOC.

There was sporadic conflict between the *trekboers* and the indigenous *Khoikhoi* herders and the *San* hunters. The conflict involved three things: land, cattle and women; the three “needs” of the *trekboer*! While assimilation between these frontiersmen and the indigenous groups was frequent, “*peace could generally be maintained through judicious distance*” (Braun 2008, p. 36). By the end of the 18th century, the *trekboers* had extended their migratory occupation as far as the Great Fish River.

Graaff-Reinet was established by the Dutch East India Company in 1786 as a trading post in an attempt to re-establish the commitments of the *trekboers* to the VOC. However, in 1795, the town's *burghers*, who objected to the re-imposed Company's taxation, proclaimed themselves to be the independent "Colony of Graaff-Reinet". The *burghers* then requested guardianship from the government of the Netherlands. Before the authorities at Cape Town



could take decisive measures against the Graaff-Reinet rebels, they were compelled to capitulate to the British who had invaded and occupied the Cape. In February 1803, due to the 1802 signing of the short-lived Treaty of Amiens, the British returned the Cape Colony to the Netherlands, but reoccupied it in 1806 as a strategic move against the French during the Napoleonic wars, when Napoleon included the Netherlands in his empire.

Kaapkolonie 1795, <https://commons.wikimedia.org/w/index.php?curid=20756494>

Dutch law instituted by the Dutch colonisers was a foreign concept to both the nomadic *Khoi* and *Nguni* herders, whose wealth was in cattle, not immovable property!

2. THE *BOERS* UNDER BRITISH IMPERIALISM

The British, when they had finally wrested the Cape Colony from the Dutch in 1806 inherited a volatile environment, particularly along the Eastern frontier. By British government proclamation, the extent of the colony was defined and all land within the colony was deemed to be Crown Land, unless it had been surveyed, delineated on a diagram and allocated through registration in a deeds registry. The British also encouraged mass emigration from Britain, the most notable of which was the first wave of about 4,000 British Settlers that arrived in 1820 and were settled on the Eastern Frontier as a buffer between the Cape Colony and the indigenous tribespeople.

Any colony was expected to be of financial benefit to the imperial authorities (Brookes and Webb, 1965, p. 42), and so generation of revenue was at the forefront of the colonial authorities' minds. This was achieved through the sale or rental of Crown Land. The British Colonial Government, therefore, continually extended the eastern frontier of the Colony, under the pretext of limiting conflict between their subjects and the *Nguni* peoples, but primarily in order to ensure that all settlers (Dutch, British, French, *et al*) or *trekboer* remained subject to the British Crown and paid tax on their land holdings. By 1835, the border between the *Nguni* Clans and the British Colony was redefined as the Kei River (Viedge, 2001, p.3). The treaty of amity, between Lieutenant-General Sir Peregrine Maitland (representing the Queen) and Paramount Chief Rili (representing the indigenous people), of 1844 recognised the area occupied by what had become known as the *amaXhosa*¹ as a separate territory, east of the Great Kei River (Public Domain Treaties, 1844 – 1845).

In the meantime (i.e., between the years 1816 and 1828) further North, Shaka's warriors conquered most of the *Nguni* clans that had occupied the areas of what is now KwaZulu-Natal (Brookes and Webb, 1965, p.15). Although a few escaped with their lives, it was at the expense of their property and livestock. Turned into refugees, most of them fled south into the Transkeian Territories. Bereft of wealth and tribal structure and displaced from the land they had occupied, they became known as the "*amaMfengu*" (which means "wandering people"). Ross (2013, p. 144) suggests that the *amaMfengu* were not necessarily only refugees from Natal, but included "*those who had thrown off their allegiance to the Xhosa chiefly families and decided to enter the Cape Colony and to accept the laws and the government of the whites.*" Destitute and receptive to Christianity, the refugees readily accepted employment on the *Boer* (a term meaning "farmer", but inclusive of the *trekboers*, many Dutch *burghers*, the pioneers, the frontier ruffians and adventurers) and British Settler farms, or as infantry in the "Coloured Regiment" used by the British for the defence of the colony's eastern frontier. While there were clashes between the "Europeans" (*Boers* and

¹ "*amaXhosa*" is a term of disputed origin that referred to the amalgamation of all the people of African origin that had been concentrated in the Transkeian Territories, including *San* and *Nguni* clans and the *amaMfengu*.

British Settlers) and the indigenous peoples, even those who took no part in such rebellions were removed from their land and resettled across the Great Kei (Braun, 2008, p. 48).

3. MASS MIGRATION OF THE BOERS OUT OF THE CAPE COLONY

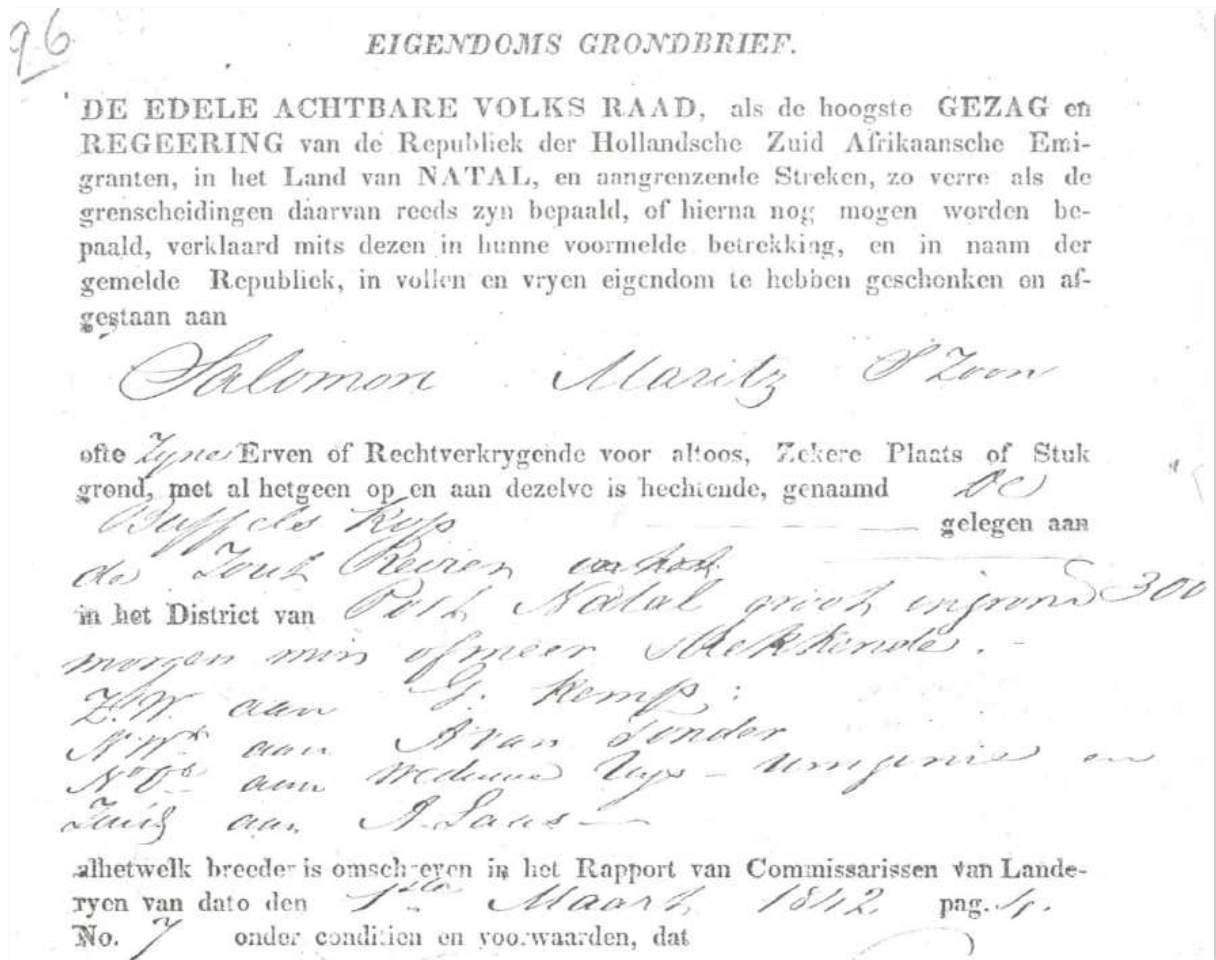
Louw (December, 1986) writes: “During this period, the *Boers* were getting very dissatisfied with the British government of the Cape. One of their big grievances was the fact that about 80% of them who had farms had never received title to their land. So again land registration (or lack thereof) was a moving force in our history.” Gathering at Graaff Reinet, the *Boers* began to trek further north. In October 1837, Pieter Mauritz Retief and his party crossed the Drakensberg into what is today part of the Province of KwaZulu-Natal. Their scouts had identified a vast tract of fertile land that they considered to be unpopulated no-man’s-land, except for a small settlement of traders and frontier ruffians residing at the Bay of Natal. An historian interviewed on the SABC-TV programme “*Groep Sonder Grense*” screened on Sunday, 3rd October, 1999, suggested that the total number of *Boers* (known as “*Voortrekkers*”, which literally means “front pullers” but adopted as the term for the *Boer* pioneers), inclusive of wives, children, servants and slaves, could have been as many as 25,000.

A delegation of *Boer* leaders, including Retief, were executed at the residence of Dingane on or about the 5th February 1838; the reasons for which will never be known. It has been debated that the *Voortrekkers* offended Dingane by their “invasion” of Natal. Other reports speculate that it was because Retief refused to supply Dingane with horses or guns. Another theory was that the British missionaries and traders (led by Captain Gardiner, a retired naval officer who had established a mission station at the Bay of Natal) persuaded Dingane to resist the *Boers*, as the *Boers* would otherwise break the monopoly held by the traders over the region.

The *Voortrekkers*, in revenge for the death of their leader, eventually drove Dingane and his army over the Pongola River and, returning to their families, established the *Boer Republiek van Natal*. Three towns were laid out: Pieter Mauritz Burg (named after Retief and now known as Pietermaritzburg) as the capital, Congella near the Bay of Natal (now part of Durban) and Weenen. The republic was divided into 12 wards, each with a *Veldt Cornets* (an honorary district officer) overseeing its affairs. A *Volksraad* was elected in March 1839 with 24 members, who met on the first Monday of January, April, July and October each year. A new chairman was to be elected at each meeting. In 1841, the *Volksraad* passed a law stating that land tenure would be freehold and that every *Voortrekker* who had come to the republic before the beginning of 1840 was entitled to two farms together with one Erf in any of the three towns. The *Volksraad* granted land on a lavish scale, on payment of a small registry fee, but no survey was possible due to the lack of surveyors at the time. The “owner” was then free either to occupy the land or sell his rights to others.

Bulpin (p. 127) explained that: “*after the defeat of the Zulus, the trekkers learnt just why Natal had been so inviting a no-man’s-land. A horde of tribespeople who had fled the country*

in fear of their lives twenty years before in Shaka's time, now started to troop happily back from sundry points of refuge in foreign lands. Overnight, whole parties of people would appear on farms, mostly allotted to trekkers but as yet unoccupied, squat contentedly down on their old kraal sites, and erect huts. This influx drove the trekkers almost to distraction. After lengthy deliberation they decided, on the 2nd August 1841, that all the returned tribespeople should be forcibly collected, removed and settled in one vast location between the Mzimvubu and the Mthamvuna Rivers... with a convenient deviation which allowed each farm to retain five families of African squatters as a labour force”



Extract of “Eigendoms Grondbrief” of Solomon Maritz, dated 15th April 1842, Pietermaritzburg Archives

4. AND THEN CAME THE BRITISH (AGAIN)!

The British, however, did not recognise the *Republiek van Natal*, and considered the Boers resident there to be “*misguided Subjects resident in the District of Port Natal*”, even though it was not yet part of the British Colony. Louw, (December 1986) picks up the story: “*Later in 1842 the Volksraad was warned by the Cape Government to cease granting land until the whole subject had been looked into. The Cape Government seemed to think that they had an*

obligation to look after the Boers and seemed to presume that any land that the Boers occupied was their responsibility...”

Many factors seemed to combine to have given the British Colonial Government reason to possess Natal, including the following possibilities:

- 1) After Dingane’s failure to repel the *Voortrekkers*’ invasion, the traders of the settlement at the Bay saw fit to lodge a greatly exaggerated protest with the Colonial Government (conveniently swearing allegiance when it suited them), claiming that Shaka had granted the land to the British, and appear to have grossly exaggerated the facts! They noted that an American brig had entered the Bay of Natal and had traded with the *Voortrekkers*. A foreign power was entering the “British Trade preserve” of Southern Africa, which, according to the traders, would result in a strategic threat on the sea route to India!
- 2) The *Boers* were plagued with stock losses, mostly at the hands of the *San* hunters. Rumours of the punitive raids travelled southwards, with each alarmed tribesman shouting a greater distortion. By the time the British heard of the event in their frontier outposts west of the Great Kei River, the raid had been elevated to a full-scale invasion of the peaceful *Pondo* tribal lands.
- 3) The reports of the forced removals into the area between *Mzimvubu* and the *Mthamvuna* Rivers were noted by Louw above. The *Pondo* chief sent screams of panic to the British. Any disturbance outside the boundaries of the Cape Colony would inevitably result in the southward movement of refugees, which would impact negatively on the already unstable political balance of the Colony’s borders. Sir George Napier, Governor of the Cape Colony, sent despatch after despatch urging the British government to intervene in Natal to “*save the native tribes from oppression and to prevent a recrudescence of slavery.*” (Brookes and Webb, p. 45) Of course, the British politicians were reluctant. “*New territorial acquisitions that could not be justified on the balance sheets of empire were almost certain to come under sharp attack, no matter how strong might be the reasons for annexation on other grounds.*” (ibid., p. 42)
- 4) The British wanted to control all affairs of Southern Africa, even beyond their proclaimed boundaries. However, the British did not want Natal, but would not allow the *Boers* to have it either. To the British, the *Boers* were rebellious British subjects who had to be forced to acknowledge their allegiance to the British crown. The Colonial Government instructed Captain Smith to relocate from the Umngazi River to the Bay of Natal in order to protect the trading settlement from the *Boers*. The *Boers* objected to their presence, and put them under siege. Of course, now the British had an excuse to retaliate.

Once this “rebellion” had been crushed, the British Government could not make up its mind what to do with the place. At last, Napier was given his instructions, and he proceeded to incorporate Natal into the British Colony. This is recorded by a Proclamation in the Cape of Good Hope Government Gazette No. 1951, dated Friday, May 12, 1843. The following extracts of that proclamation are reproduced:

“Whereas Her Majesty the Queen, in reference to the resistance to Her Royal Authority, manifested, some time since, by certain of Her, then, misguided Subjects resident in the District of Port Natal, hath been graciously pleased to bury past transactions in oblivion, and to declare Herself desirous of being able to rely upon the assurances of loyalty and obedience which Her said Subjects have solemnly and deliberately given...

- I. *...Appointed the Hon. Henry Cloete, Esquire, L.L.D., to be, during pleasure, her Majesty’s Commissioner for the District of Port Natal.*
- II. *That Her Majesty’s said Commissioner is authorised to communicate formally, to the Settlers in the said District, that Her Majesty has been graciously pleased to approve of and confirm the act of General Amnesty of the 15th July 1842... with respect to the various persons concerned in the late revolt, and attack upon Her Majesty’s Troops.*
- III. *That the district of Port Natal according to such convenient limits as shall hereafter be fixed upon and defined will be recognised and adopted by Her Majesty the Queen as a British Colony and that the Inhabitants thereof shall, so long as they conduct themselves in an orderly and peaceable manner be taken under the protection of the British Crown...*
- IX. *...All sums of money arising from land, and whether by sale, rent, fine or quitrent, shall be vested in her Majesty, as shall also dues and customs which may at any time, after the legal establishment of the Colony, be collected on any part of the Natal Coast, and all such sums of money shall be applied exclusively to the maintenance of the Civil Government of the District.*
- X. *That the Farmers and all others holding land within the District of Port Natal, shall, pending the further pleasure of Her Majesty, be protected in the enjoyment of all such lands as they shall be found by Her Majesty’s Commissioner to claim and hold.*
- XI. *That the Farmers and all others holding land within the said District, will be called upon by the said Commissioner to make accurate Returns showing the quantity of land which they, or those from whom they derive their claim, shall have bona fide occupied for a period of twelve months next before the arrival of the said Commissioner in order that, - after such returns shall have been verified by the said Commissioner, - Grants from the Crown may be made to the several parties, to such an extent and upon such terms, as Her Majesty... may approve of and impose.”*

In the same Gazette, a minute read by the Governor in the Legislative Council on the 4th May, 1843, was published for general information. Much of the minute is a duplication of the above Proclamation. However, the following extracts are reproduced, as they contain extra information:

“The Commissioner shall make it his first duty, to enquire into, and report upon, the number of Farmers and others holding Land within the District of Natal, and of the extent of it, which

they, or those from whom they derive their claim, shall respectively have bona fide occupied for a period of twelve months previous to the arrival of the Commissioner, with a view to their receiving hereafter, grants from the Crown for such an area thereof as Her Majesty may determine, subject to such Fine or Quitrent as Her Majesty may see fit to impose. In the meantime, they will be protected in the enjoyment of all such Lands as they may be found by the Commissioner to claim and hold... no grants or sales of lands, in the Natal District, can be made to any person pending the signification of Her Majesty's pleasure on the subject...

"Her Majesty's Government is also anxious to place the Institutions of the Colony upon such a footing, consistent with the maintenance of Her Royal Authority, as may be most acceptable to the bulk of Her Subjects... that the contentment of the Emigrants, rather than the abstract merits of these institutions, will guide the decision of Her Majesty's Ministers.

"I am positively restricted, for the present, from the disposal of any land at Natal; and I am further instructed to discourage, to the utmost of my power, any speculative Emigration which maybe likely to arise on the first intimation that Natal is to be adopted and taken under British Protection."

Now that Natal had been annexed, the next step was for governance to be established, especially with regard to the ownership of land. The following is an extract of a letter from Sir Peregrine Maitland, Governor of the Cape, to Dr. William Stanger, dated 17th February 1845:

"Whereas, by letters patent, bearing date the thirty first day of May in the year of our Lord One Thousand, Eight Hundred and Forty Four, Her Majesty the Queen was graciously pleased to annex the Territory of Natal to the colony of the Cape of Good Hope... Her Majesty has... authorised, empowered and directed me, to cause the said Territory to be surveyed and its boundaries to be accurately defined and also to cause certain extents of land within the said Territory to be measured and grants thereof to be made and issued to certain parties whose claims thereto have been graciously allowed by her Majesty... I constitute and appoint you, William Stanger Esq. to be Surveyor-General of the said territory of Natal."

A letter of instruction also dated 17 February 1845 and signed by the Colonial Secretary of the Cape, John Montagu, to Dr Stanger listed his tasks, some of which were: -

1. Survey the boundaries [of the Territory],
2. Survey Durban Erven,
8. Survey Pietermaritzburg Erven,
14. Survey Weenen Erven,
17. Survey the farms."

Commenting on Dr. Stanger's appointment and tasks, the Louw (June 1989) notes: *"Later some people were to blame Dr Stanger for helping to accelerate the emigration of the Boers from Natal due to his insistence on leaving the survey of farms to last. From normal priority point of view, he was considered correct and anyway he followed his written instructions in the order which they were listed ... Dr Stanger had to survey the whole of Natal, which was*

found to be much larger than originally thought, as well as the properties in all the towns and the farms ... He only had the four surveyors to assist him ... The task was a monumental achievement and of great significance. This work formed the basis of all subsequent triangulations of this area. All of the roads were also surveyed under his direction, particularly a good road between Durban and the Capital, the construction of which was planned by him."

Having unilaterally converted the *Republiek van Natal* into the District of Natal of the British Cape Colony, there were several reasons why the British Colonial Government could not keep the *Boers* on their farms, nor even in Natal:

a) Many refused to accept British rule – after all, that is one of the reasons they left the Cape in the first place,

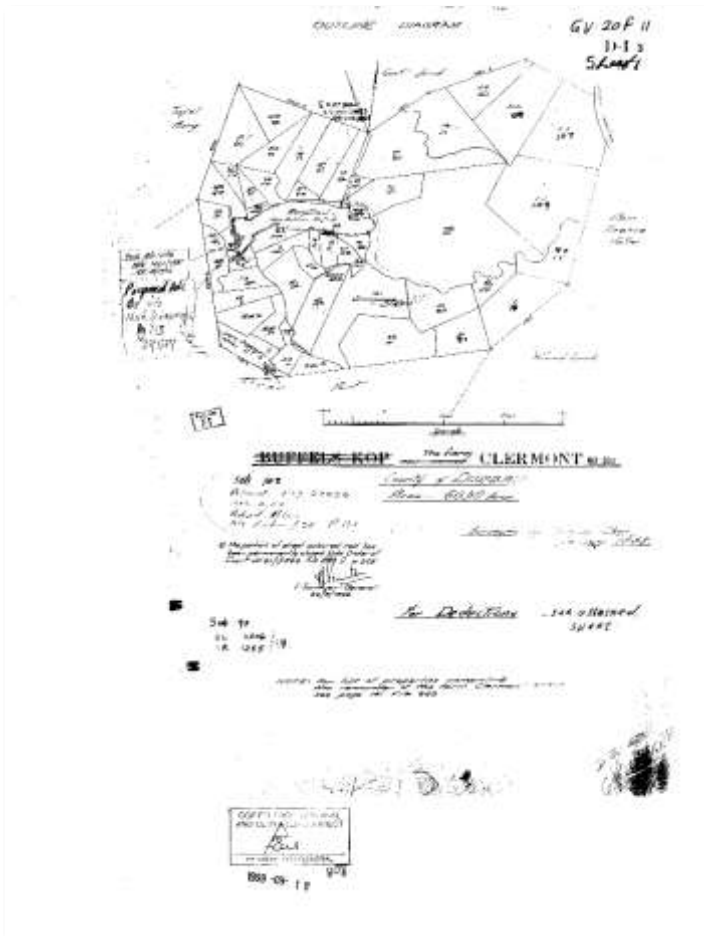


Diagram of Solomon Maritz' property dated January 1848

b) Each family was only allowed one farm, even though many had purchased more, Reclamation of ancestral lands by the tribes dispossessed by Shaka as well as land invasions from others seeking land,

c) Stock theft,

d) The British had been very slow in providing the *Boers* with the Title Deeds to their farms,

e) The insistence by the Colonial Government to outlaw slavery – another reason why the *Boers* had left the Cape.

The British went to great lengths to get them back onto the land. The following is extracted from a Proclamation of Sir H. G. Smith, Governor of the Cape as appeared in the Cape of Good Hope Government Gazette. The number and date of issue of this Gazette is unknown as only an extract could be found, but the Proclamation is dated 10th February 1848.

“And I hereby PROCLAIM and DECLARE, that every exertion shall be made to put into possession of a good and extensive Farm, not exceeding Three Thousand Morgen, all such of Her Majesty’s original Emigrant Subjects, as have claims upon the Government of Natal for

Land, either by grant where the claim is strong and peculiar, or in ordinary cases by purchase at a valuation, or by public sale... to place in his true position and upon his own land, every man of Her Majesty's Subjects as well Burghers ..., that each and all may be equally protected, and that all intermixture be avoided.

“And I hereby PROCLAIM and DECLARE, that every Individual in occupation of Land shall receive his Diagram and Title therefore with the least possible delay, that he may know, and hold, his own Land inviolate from the inroad and location of the other...

“And I hereby PROCLAIM that it is my desire, that all the subjects of her Majesty, for whom I have so unequivocally and unhesitatingly pledged my security, do return to their Farms, and that they place that confidence in Her Majesty's Government, the Government desires ever to place in them.”

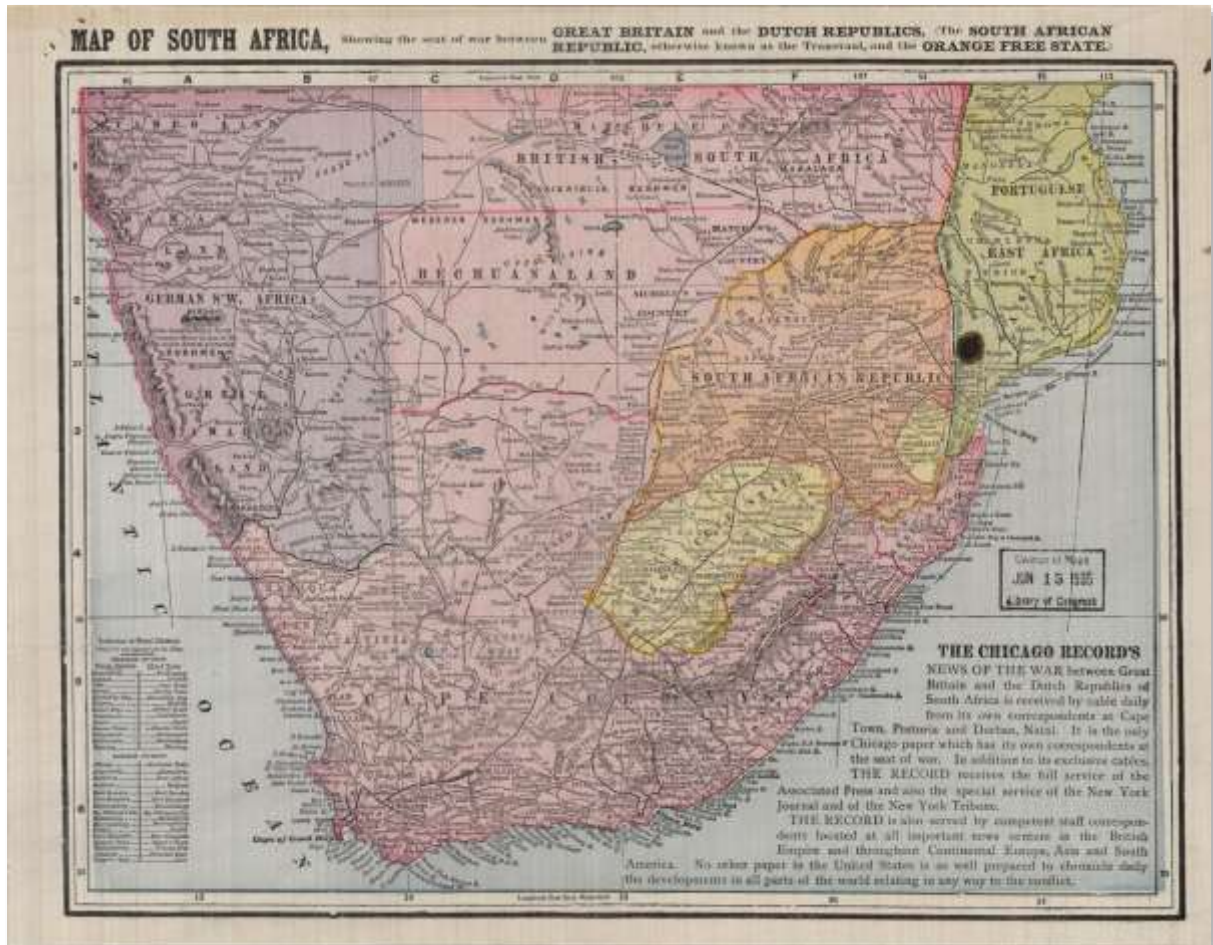
Some *Boers* stayed; others chose to leave the Natal Colony and several *Boer* Republics were created to the North -

5. CONCLUSION

The British inherited from the Dutch a volatile environment, particularly along the Eastern frontier of the Cape Colony. Any colony was expected to be of financial benefit to the imperial authorities, and so generation of revenue was achieved through the sale or rental of land. The British Colonial Government, therefore, attempted to establish an administration system to ensure that all newly adopted subjects (Dutch, British, French or *trekboer*) purchased and paid tax on their land holdings. This was not popular, especially among the *trekboers*, and so for the next hundred years, the *boers* (a term meaning “farmers”, but inclusive of the *trekboers*, many Dutch *burghers*, the pioneers, the frontier ruffians and adventurers) attempted to disassociate themselves from British rule, continually moving and establishing their own Republics.

Initial *Boer* land grants were recorded very roughly – nothing more than a line in a ledger, containing no more than the name of the occupant and a rough reference to position. By April 1842, the first detailed “Eigendoms Grondbriewen” were printed for the land allocations in Natal. Two members of the Volksraad and the Secretary signed these. Stored in the Archives in Pietermaritzburg are many original documents indicating the *Boer* allocations. The property descriptions contained therein describe them in relation to the adjoining allocations and in terms of duration of horseback rides in the different directions from a central point.

However, after the usurpation of Natal by the British, the allocations made by the Voortrekker Volksraad were only respected in so far as the allocation was still occupied at the date of their subsequent survey and the occupant could prove a full 12 month occupancy. It was only as a last resort that they recognised the original “Eigendoms Grondbrief”. Wherever these were surveyed by government surveyors of the British Administration, those diagrams of land parcels remain to this day in the Offices of the Surveyors-General.



“Map of South Africa, Showing the Seat of War between Great Britain and the Dutch Republics,” Chicago Record Newspaper, nd. Geography and Map Division, Library of Congress.

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Chris Williams-Wynn (South Africa)

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BIOGRAPHICAL NOTES

Chris Williams-Wynn grew up in the Eastern Cape, South Africa, and went to school at St Andrew's College in Grahamstown. He completed a BSc (Honours) degree in Land Surveying from what is now the University of KwaZulu-Natal in 1981 and his Masters in Public and Development Management at the University of the Witwatersrand in 2007.

He is a Registered Professional Land Surveyor, a Registered Sectional Titles Practitioner and a Registered Township Planner. Having worked for 17 years in the private sector, he moved into the government sector due to his deteriorating physical ability. Mr. Williams-Wynn was appointed the Surveyor-General: KwaZulu-Natal on 1st May 1998, and transferred at his own request to establish the Office of the Surveyor-General: Eastern Cape on 1st July 2010.

Mr. Williams-Wynn advises Government institutions on land issues, with particular interest in legislation affecting property development approvals and land administration. He serves on the Townships Board, the Land Use Regulations Board and the Spatial Planning and Land Use Management Steering Committee. He has recently had papers published in the PositionIT magazine, the Deeds Journal and on the FIG website. One of his main passions is to see people in the Traditional Communities also benefit from the Land Rights system of the country.

Outside of his survey career, Mr. Williams-Wynn is interested in environmental conservation, with special interests in birds, trees and estuaries. This interest has benefited his knowledge concerning coastal public property and the legal position of boundaries adjoining the high water mark of the sea and rivers. He is a Society Steward of the Methodist Church and an active Rotarian. He is married to Glenda, a Natural Sciences Graduate, who works in the Conservation Ecology Research field and they live in Kidd's Beach.

CONTACTS

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