Preliminary investigations into the land comprising the Mabandla Tribal Authority, Umzimkulu

Van Warmelo; 1935: map 9
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1. Introduction:

Debbie Whelan of Archaic Consulting was approached by Peter Nixon, on behalf of iNkosi Baleni of the Ntlangwini, descendant of Sidoyi, with respect to unraveling the land matters which have resulted in uncertain boundaries, comprising the jurisdiction of the Mabandla Traditional Authority. The aim of this report is to pose a series of key questions which can then be used in proceeding with this matter.

2. Methodology:

Archaic Consulting was provided with two gazette notices, one for the 1906 boundaries, and another for the area re-gazetted in 1970, changing the name of the traditional authority from Lupawini to that of Mabandla. (See Annexures 1 and 2) This was the only information available, and is in contradiction to the information provided by the Department of Traditional Affairs, who have minimized the jurisdiction of Mabandla in their 2000 map, as attached in Annexure III. This led to the source material for the map, being gazette notice 5 of 1967. These various gazetted boundaries have been mapped, and form the data comprising Section 5 of this report. In addition, the information sourced from the Land Registers from the Deeds Office in Pietermaritzburg, forms part of this exercise.

Research chasing up these leads was carried out in the Natal Society Legal Deposit Library (Bessie Head) but was limited in success. Some publications on the area were consulted, such as the work on Donald Strachan, (Rainier; 2002) and the two works on the Umzimkulu traders by Milner Snell (2005, 2006). It must be stated at the outset that the physical borderline position of Umzimkulu has proven difficult in accessing information, due in part to its incorporation into KwaZulu-Natal, as well as its historic situation in the Cape Colony. This means that much information is available elsewhere, particularly archival references in the Cape Archives in Cape Town. Other information, such as that provided by Dr. Bainbridge, giving the Government notice for the Umgano and kwaHoha State Forests (277 of 1904) also forms part of the Cape Colony Gazette Notices, and these have not been found in KwaZulu-Natal.

The summarized information, and the key questions that need to be pursued, are found in the Executive Summary, forming Section 3 of this report.

3. Executive Summary:

The land in the Umzimkulu area, unlike that with the iNgonyama Trust in KwaZulu-Natal, is vested under the ownership of the Department of Land Affairs in Port Shepstone, and the person to speak to in this regard is Mr. Zulu. So we return to the original conundrum. However, it is indicated by officials at the Department of Traditional Affairs (Ngqabutho Bhebhe, Mphathi Sithole and Rudi Hillerman) that the tribal authority issues in the Umzimkulu area are anything but simple. It is also understood that the position and extent of the jurisdiction of the chiefs is one which is fluid, and cannot necessarily be pinned down in finality as these boundaries change depending on the seniority of a chief within the local dynamics. In the light that these officials have information which may be out of date, it is suggested that these officials be kept in the loop and supplied information as found, to assist them in sorting out these issues, which will then hopefully inform the Department of Land Affairs and their disposal of the land.

Returning to the source material for the Department of Land Affairs Tribal Areas map as supplied has revealed that the information used in the compilation of the map used defunct tribal authorities which had been rearranged in subsequent gazette notices, being the one supplied to the author, dated 1970. This means that, for a comprehensive study to be compiled which will eliminate all the glitches and supply an effective land record, the remaining Government Gazettes
from 1971 onwards should be checked for any subsequent notices repealing the previous boundaries. In addition, it is noted that the original document dated 1906 should be supplied in full, rather than just the schedule. These documents are lodged in the Cape Archives Repository in Cape Town.

It is also suggested that the land registers for the properties annexed in the 1967 schedule namely those west of the location lands, be scrutinised to assess how Aberfeldy was included in the 1970 gazette, but was absent in the previous one in 1967.

Recommendations:

- Scrutinize the remaining Transkei Gazette notices for subsequent Gazettes, bearing in mind that there are gaps in the collection and to establish information on Middleton.
- Scrutinize the land registers for the area west of the location to establish the position of Aberfeldy.
- Keep in touch with the officials from the Department of Traditional Affairs so that the original map which is relied on heavily can be reworked with more accurate information.
- Possibly establish the original boundaries as in the 1906 and 1904 proclamations, as well as the archival information on Middleton. This will either involve a trip to the archives in Cape Town, or establishing a person to do it on my behalf.

4. Land Registers:

It is understood that Ntsikeni 3 is the area originally gazetted as location land, to which other properties were added in later years. The land registers for those properties under dispute were investigated.

**Middleton**
*Grant 1883* to Jass Leeuw
1885 Deceased Estate to James Cole
1941 Deceased Estate James Cole to Duncan Cole

**Helvellyn (B28)**
*Grant 1883* to Stoffel van Wyk
1884 to James Cole
1941 Deceased Estate James Cole to Duncan Cole

**Langford (C114)**
*Grant 1883* to Abraham Kok
1885 to Willem Jan van Wyk
1885 to James Cole
1941 Deceased Estate James Cole to Duncan Cole
Brighton C54
Grant 1880 Klaas Goodman
1892 to Willem Jan van Wyk
1892 Susanna Petronella Carroll
1906 John Carroll
1939 Lucy Bishop
1939 Philip Robert Moss
1950 Philip Robert Moss to SANT (20707/1950)

Sidoi (C103)
Grant 1880 to Sidoi
1884 Deceased Estate Sidoi to George Steele Gass (371/1884)
1888 Alexander Francis Payn
1888 James Cole
1897 John Carroll
1939 Deceased Estate John Carroll to Lucy Bishop
1939 Philip Robert Moss
1950 Philip Robert Moss to SANT (20707)

Umgano (A142)
Grant 1880 Mauritz Pretorius
1883 Deceased Estate Mauritz Pretorius to Jan Willem van Wyk
1897 Deceased Estate Jan Willem van Wyk to Walter Hale Walton
1900 John Carroll
1939 Deceased Estate John Carroll to Maria van Wyk
1941 Sub 1 ‘Golden Valley’ to George Harold Housten McMillan
  1965 George Harold Housten McMillan to Jane Caroline Housten MacMillan
  1969 Jane Caroline Housten MacMillan to Vivian McNamara
  2000 Vivian McNamara to Bennett Sikhwebu Marawule
1940 Sub 2 Maria van Wyk to Frederick Hales Carroll
  1954 Mohatla Maphasa
  1963 Albert Bhungane
  1976 Deceased Estate to Government of Transkei (5575/1976)
  1954 Remainder of 2 Frederick Hales Carroll to Albert Bhungane
1946 Sub 3 Maria van Wyk to Vicar Apostolic of the Vicariale of Mariannhill
  1963 Sub 12 Mariannhill to SANT
  1963 Sub 6 Mariannhill to SANT
  1965 Mariannhill Sub 11 to Benjamin Pakkies
  1993 Benjamin Pakkies to Joseph Sebaka Pakkies
  1969 Mariannhill Sub 9 to Nicholas Pakkies
  1994 Nicholas Pakkies to Michael Thebane Pakkies
1954 Sub 5 Maria van Wyk to Amos Petela Bungane
  1996 Cyril Mzikayise
1961 Sub 8 Maria van Wyk to Jacobus Ntuli
1963 Remainder Maria van Wyk to SANT (21371/63)

The page for Ntsiken Location 3 is tantalizingly empty.
5. Mapping exercise

The original boundaries of the tribal area as noted in Proclamation N1130 dated 3/9/1906 (See Annexure I) of the Cape Colony demarcates an area as described below, embracing Ntsiken Location no 3 with excerpts of the declared forests KwaHoha and Umgano as proclaimed previously by Notice 277 of 1904. These boundaries were still extant at the time that Van Warmelo compiled his comprehensive ‘A Preliminary Survey of the Bantu Tribes of South Africa.’ In 1935.

![Fig: the area demarcated by Proclamation N1130 of 1906](image)

It is important to note that Van Warmelo, in April 1934, noted that in Locations 1 and 2 (Indawana/Umkel) the Taung people of Sotho origin were resident. He describes them as paying respect to Moshesh. (Van Warmelo; 1935:69) He describes that ‘As a result of the wars and disturbances attendant upon Shaka’s reign, numerous clans fled for safety from Natal, and crossed the Umzimvubu River. Of these, many members remained behind when the bulk of thir kin had migrated North again, after peace and prosperity had been restored there. In consequence, there probably is no place where the native population consists of so many small units and different elements as the Umzimkulu district. The make-up of the population of any given area is therefore even more heterogeneous than the following data would indicate, and I am unable to give figures showing, even approximately, the strength of those clans and sections whose number warrant their being named below. To properly clear up the tribal tangle in Umzimkulu district will require more time than I have at my disposal.’ (Van Warmelo; 1935: 24)

With regard to the Ntlangwini, there were 845 tax payers in Location no 3 in the 1930’s. In location 1 and 2, forming Indawana, there were 144 and 163 taxpayers respectively.

Government Notice 5 of 1967, dated 28 April 1967, appointed the Tribal Authorities in the Transkei in accordance with the Transkei Authorities Act no 4 of 1965. This Gazette Notice provided for extended lands, and included the Indawana under Headman Oscar Zala on
Indawana 1 and 2 and Brighton no C54\textsuperscript{1}. The Luphawini\textsuperscript{2}, led by Headman LS Sidoyi, occupied the Ntsiken Location, as well as all the lands to the west, excluding Aberfeldy. This, together with the Tribal Areas demarcated in this legislation, suggests that the information on the Tribal Areas map\textsuperscript{3}, compiled by the Directorate: Public Land Support Services in June 2000, relied heavily on this gazette as referenced.

![Image](image-url)\textsuperscript{1}

\textit{Fig: the green coloured areas describe the Luphawini Traditional Authority according to the Gazette Notice of 1967.}

Government Notice 102, dated 20/11/1970 showed extended boundaries. This appears to be largely a name changing exercise, given the preamble to the notice which says ‘Disestablishment of certain Tribal Authorities and establishment of others in their stead: Umzimkulu.’ However the discrepancy between the number of tribal authorities in the description and the tribal authorities mentioned, suggests at this stage that this may also have been a rationalization process in which the Luphawini gained land, being Indawana 2, which could previously belonged to another tribal authority, the Taung who paid respect to a Sotho monarch. The description is offered in terms of specific properties, in their entirety except for Glengyle, of which a portion is under jurisdiction.

Also in this proclamation are the farms Sidoi and Brighton, expropriated from Moss in 1950 and included in the Mabandla Traditional Authority, whereas it appears that previously they were part of the Taung as above. Indawana No 1 was issued to Chief Msingapantsi, of the Zwelethu Tribal Authority (previously the Msingapantsi Tribal Authority), who at the same time acquired some 8 other properties or portions thereof. Msingapantsi was based at Gungululu/Dumakude.

\textsuperscript{1} Note that in this document, Brighton is part of the Indawana Traditional Authority, and that an error perhaps gazetted a conflated Brighton and ‘no C54’ which is the farm number for Sidoi.

\textsuperscript{2} There was a name change in the following gazette which altered the Tribal Authority title from Luphawini to Mabandla. Archival reference 1/UKL 100 N11/1/3/2 notes the constitution of the Luphawini Authority according to Proclamation no 180 of 1956. Here it is signed by Mbutweni Sidoyi. In November 1958 the Luphawini Community opened up a banking account for Tribal affairs at the Barclays Bank at Ixopo.

\textsuperscript{3} Map Reference: G:\PLI\DRAWINGS\ECAPE\TRUMZ_DS.UCD (2855)
6. Further investigations

Due to the location of much of the information in Cape Town, it may be opportune to travel to the Archives to search the records quoted below, and also to find the original Government Gazette notices.


1/UKL 76 N2/7/3/91 South African Native Trust Land. Farms or Blocks. Umgano. 1959-1963

1/UKL 84 N2/10/3/6 Native-Owned and Tribal Land. Farms and Plots. Umgano. 1951 1954


1/UKL 100 N11/1/3/2 Bantu Authorities. Luphawini Community. 1956-1963

1/UKL 75 N2/7/3/75 South African Native Trust Land. Farms or Blocks. Sidoyi 1949-1966

1/UKL 8 4/1/3 Fences Removal to Correct Line of the Boundary Fence between Farm Stonehenge and Location No 2, Lower Indowana. 1923-1925 New No N2/1/2.

AGR 221 1865 Umgano Forest, Umzimkulu, opening of. 1894 1894

AGR 747 F2575 Transkeian Conservancy, Umtata. Fencing of Umgano Forest Reserve. 1897-1897

CGR 3/1/1 1287 Middleton: Expropriation of Land. 1890-1907

FCT 3/1/53 T702/14 Working Plans. Umzimkulu Northern Reserve, Hoha Forest. 1913


8 References

Carlson, K. (1947?) Transplanted : being the adventures of a pioneer forester in South Africa
s/n

Guthrie, F (no date) Frontier magistrate : reminiscences Stewart

Rainier, M (2002) Madonela; Donald Strachan, Autocrat of Umzimkulu Grahamstown, Mark Rainier


Cape Colonial Government: Proclamation N1130/1906

Transkei Government:

Government Notice no 5 of 1967

Government Notice no 102 of 1970
Annexure I

SCHEDULE

SUB-DIVISION OF THE DISTRICT OF UMAGANO

From a point on the northern boundary of the farm "Stonehenge", where it is crossed by the ravine in which the Tongobi Stream runs; down that ravine and the Tongobi Stream, where the latter runs into the Indowana River; thence up that river to the boundary of the farm "Belfast", and thence along the boundaries of the farms "Belfast", "Bathurst" and "Stonehenge" to the point where the boundary of latter farm is crossed by the first mentioned ravine in which the Tongobi Stream runs.

From a point on the northern boundary of the farm "Stonehenge", where it is crossed by the ravine in which the Tongobi Stream runs; down that ravine to where the Tongobi Stream enters the Indowana River; thence down that river to the boundary of the farm "Umgano"; thence along the boundaries of that farm and the farm "Stonehenge" to the point where the latter boundary is crossed by the first mentioned ravine in which the Tongobi Stream runs.

From a point on the Gniagongo Stream immediately below beacon 17 at the South-west end of the Intaikeni Reserve up that stream to where it crosses the boundary of the farm "Rokey Park"; thence Northerly along the boundaries of the farms "Rokey Park", "Killarney", "Longridge", "Benwell" and "Woolpoor" to where the Gungunumu Stream crosses the boundary of the latter farm; thence down that stream to beacon 1 at the most Southerly end of the Nkwevo Forest of the Umgano Forest Reserve; thence across the Gungunumu Stream along the south-east boundary of the Umgano Forest Reserve to the joint beacon of the farms "Langford" and "Brighton"; thence Southerly along the boundary of the farm "Langford" to beacon 3 at the Furthermost end of the Nkwevo Forest Reserve; thence Southerly along the boundary of that Reserve to the Gungunumu Stream and down that stream to beacon 1 at the most Southerly end of the Nkwevo Forest Reserve.

thence across that stream and along the boundary of that Reserve to the joint beacon of the farms "Langford" and "Helverllyn", and thence Southerly along the boundaries of the latter farm and the farms "Middleton", "Riverside" and "Edgerton" to where the Gungunumu Stream runs into the Gniagongo Stream; thence up the Gniagongo Stream to beacon 1 at the South-east end of the Intaikeni Forest Reserve; thence Westerly along the beaconed line of the Northern boundary of that Reserve to the bank of the Gniagongo Stream immediately below the first-mentioned beacon 17 of this Reserve.
Annexure II

Minister, have dissolved, with effect from 1st January, 1971, the Indawana, Luphawini, Msingapantzi, Cabane, Nqozana, Ladamo, Ndizamankulu, Jongilizwe, Gugwini, Mbuyane, Mvulose, Mfumulo and Mahalantini Tribal Authorities in the district of Umzikulu, and that I have established in their stead and with effect from the same date the tribal authorities in respect of the areas indicated opposite their names in the Schedule hereto.

It is further notified for general information that I have approved, in terms of section 3(1)(b) of the said Act, of the constitution of the said authorities as indicated in the said Schedule.

G.M.M. MATANZIMA,
Acting Chief Minister.

Waarnemende Hoofminister,
die Indawana, Luphawini,
Msingapantzi, Cabane, Nqozana, Ladamo, Ndizamankulu,
Jongilizwe, Gugwini, Mbuyane, Mvulose, Mfumulo
en Mahalantini-stamweve in
die distrik Umzikulu met
ingang 1 Januarie 1971 ontbind het en dat ek in hulle plek en met ingang van dienslike datum, die stamweve/hede vir die gebiede teenoor hulle name in die bygaande Bylae aangefui, ingestel het.

G.M.M. MATANZIMA,
Waarnemende Hoofminister.

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Annexure III
### Annexure IV

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<th>District</th>
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<th>Councilors appointed by Head</th>
<th>Councilors appointed by P. Chief</th>
<th>Ex Officio Members (Chief &amp; Head)</th>
<th>Total Membership</th>
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* (* *) indicates the administrative area.