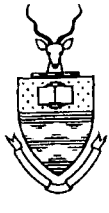
Reprinted from

AFRICAN STUDIES

Quarterly Journal



WITWATERSRAND UNIVERSITY PRESS
JOHANNESBURG

GRIQUA GOVERNMENT[1]

ROBERT ROSS*

Historical excursions into the traditional stamping grounds of anthropologists have many advantages, particularly when concerned with questions of political organization. For one thing, historians are in less danger of finding events catching up with them and nullifying their results. On a more serious level, the understanding of the political systems of so-called 'traditional' Africa — and indeed many other parts of the 'Third World' — can only be achieved by the historian, for the imposition of colonial rule over virtually the whole continent drastically altered the relationships of power within those societies. They were reduced from independent sovereign entities to units within a system of imperial domination, or, in the post-colonial era, to sections within a state which is normally concerned to reduce the power of 'tribal' loyalties. Thus an anthropological classic like *African Political Systems*,[2] based on field-work carried out solely in colonial situations, is necessarily an historical work, however much its editors might have denied such an allegation. Indeed, in reading the anthropology of the pre-war period, one looks in vain for an understanding of the effects of colonialism upon the societies that were being studied, a lacuna that is probably connected with the agreement, tacit or otherwise, of the anthropologists with the Imperial Ideology of Indirect Rule, prevalent among the British, if not their fellows.[3] Thus there appears to be no mention in Evans-Pritchard's works on the Nuer, based on his field-work as an official of the Sudan Government (a government, incidentally, that pushed such theories further than most) of the widespread revolts against the British that had devastated Nuerland less than ten years before his arrival. Nor have anthropologists completely cured themselves of the temptations of ahistoricity, even when writing supposedly historical works. Shula Marks has recently critized Monica Wilson's fascinating descriptions of the Khoi before the European take-over, very cogently pointing out the dangers of assuming that the findings of modern ethnography can be read back two hundred years and applied to different ecological and historical milieux.[4]

*Mr. Robert Ross is a historical research student at St John's College, Cambridge.

[1] An earlier version of this paper was presented to a Seminar in the School of African Studies at the University of Cape Town. I owe much to comments made on that occasion, and subsequently by Martin Legassick and Graham Harding.

[2] M. Fortes and E. E. Evans-Pritchard, eds, *African Political Systems* (Oxford, 1940).

[3] See, for example, ibid., p. 1, and B. Malinowski, *Argonauts of the Western Pacific* (London, 1923), p. 466.

[4] Shula Marks, 'African and Afrikaner historiography', *Journal of African History* 11, 1970, p. 443, citing Monica Wilson, "The Hunters and Herders" in, M. Wilson and L. Thompson, eds, *Oxford History of South Africa I* (Oxford, 1969), pp. 58-59.

To be fair, however, it should be mentioned that asking historical questions of societies which have long been the concern of historians, such as pre-industrial England, has been yielding fascinating results,[5] while no historian can ever hope to rival the insight that a good field-worker can gain into the society in which he lives, particularly if the field-worker is aware of the dangers of projecting the current situation back into the past, without taking sufficient account of the historical processes through which it has developed.

I

This paper sets out to investigate the ways in which the Griqua people of southern Africa organized their political life in the period between the establishment of stable forms of government in about 1830 and the quashing of such government by the imposition of colonial rule in 1871 and 1874. In order to do so it introduces the term "Captaincy", as the most suitable appellation for these and similar polities, and outlines the historical and social development of these people, as without this the various stages of organization cannot be understood. It then proceeds to describe the appointment and functions of the various officers of government, the workings of the legislative and juridical bodies and the effects on the internal organization of the Griqua Captaincies of their relations with each other and with the various Bantu tribes over which they held suzerainty. But it does not attempt to analyse the relationship of the Griquas with the White powers in southern Africa.

The major advantage that an anthropologist has over an historian, as will be evident in this paper, is that the situation he observes is immediate to him, so that he does not have to rely on the chance preservation of documents, or the memory of old men and the dubious interpretation of oral tradition to obtain his information. He thus avoids the more serious limitations that the historian of pre- and barely-literate societies has to face. Even among the Griquas this problem is very considerable, for, although the government of the Captaincies was recorded in writing, a very large proportion of these records have been lost. Thus, most of the records of the government of *Kaptyns* Adam Kok II and III in Philippolis, in the southern Orange Free State, were swept away by a river in the Drakensberg in about 1863,[6] although a few administrative papers, which appear to have remained in the possession of the last secretary to the Philippolis Government, did find their way into the records of the Griqualand West Land Court. They are now in the Cape Archives. Many of the Griqua laws, or perhaps merely a selection of them, were copied into a large and tattered book. Here has been preserved the most valuable collection of documents for the purposes of this paper, the records of the Griqua Government of East Griqualand from the period of the trek into that area during 1862–63 to the loss of independence in 1874.[7] These records are full,

[5] See, for example, Keith Thomas, 'History and anthropology', *Past and Present* 24, 1963, and also such works as his *Religion and the Decline of Magic* (London, 1971), Peter Laslett, *The World We Have Lost* (London, 1965), and Alan Macfarlane, *Witchcraft in Tudor and Stuart England: A Regional and Comparative Survey* (London, 1970).

[6] William Dower, "History of the 40 Years Money Claim" in, Cape Archives (hereafter C.A.) C.M.K. 1/140.

[7] These are to be found in the Cape Archives Griqualand Oost (hereafter simply G.O.) files.

however, only for the last four years of the polity, when they were organized by G. C. Brisley, an Englishman who was secretary to the Griqua Government, and in any event do not contain much information on the activities of the subordinate officials of government. There is, for instance, no mention of the 'outlawry' of Cornelis van Wyk,[8] nor of the *cause célèbre* when Nicholas van der Westhuis fined Harry Escombe, the future Prime Minister of Natal, £5 for contempt of court.[9] Moreover, there are, evidently, considerable dangers in reading back the style and system of administration that developed in East Griqualand into the very different political and geographical environment west of the Drakensberg, particularly in regard to 'native policy' and local administration in general. For the Philippolis Captaincy, in the west, therefore, it is necessary to rely to a large extent on those laws that survive, on various official documents (most notably the two treaties of 1837 and 1838 with Waterboer, and the subsequent amendments made to them,[10]) and on the various comments and descriptions that outside observers made of the situation as they saw it. For investigating the government at Griquatown, these latter two classes of information are almost the only survivals, the only exceptions being Waterboer's land and cash books, which are of little use.[11]

Of the outside observers, by far the most important are the various missionaries, above all Peter Wright, his colleague, Isaac Hughes, and Edward Solomon. Wright worked at Griquatown from 1825 until 1842 and then moved to Philippolis, where he died the next year. Hughes was at Griquatown from 1828 right through to his death in 1870 and Solomon went to Griquatown in 1840 and was later in Philippolis from 1851 to 1857. All their letters are preserved in the archives of the London Missionary Society, as are those of William Dower, whose descriptions of the East Griqualand settlements are most enlightening. But these letters must be used with caution. These men were often concerned to mould the political life of the society in which they worked and also to provide a good report of their actions or to exaggerate their difficulties in times of failure and so to satisfy their financial backers in England. Nevertheless, the missionaries, who were frequently the confidantes and advisors of the *Kaptyns*, were participant observers in Griqua politics and their observations may thus be relied on to a considerable extent. There are many descriptions by other travellers, for both Griquatown and Philippolis were on the main routes into the interior of Africa and so were visited by the type of naturalist-cum-sportsman or missionary inspector who so frequently wrote their memoirs.[12] These are of much less value, for they tend to impose the stereotypes of either the Boer and British colonists, or of the English philanthropists, following Dr Philip, thus giving a distorted view of the society they

[8] G.O. 10.
[9] William Dower, *The Early Annals of Kokstad and Griqualand East* (Port Elizabeth, 1902), p. 50.
[10] See D. Arnot and F. H. Orpen, *The Land Question in Griqualand West* (Cape Town, 1875), pp. 191-94, 270. The original of the 1835 treaty is in G.O. 2.
[11] This is in C.A. G.W.L.C. 34.
[12] Among the most important of these are Lichtenstein, *Travels in Southern Africa in the Years 1803, 1804, 1805 and 1806* 2 ed. (Cape Town, 1930–1), William Burchell, *Travels in Southern Africa* ed. by I. Schapera, (London, 1953), James Backhouse, *A Narrative of a Visit to Mauritius and South Africa* (London, 1844), R. G. Cumming, *Five Years of a Hunter's Life in the Far Interior of Southern Africa* 2 vols, (London, 1856), N. J. Merriman, *The Kaffir, the Hottentot and the Frontier Farmer* (London, 1853), and J. J. Freeman, *A Tour in South Africa* (London, 1853).

visited. Moreover, for the purposes of this paper, it should be noted that they scarcely ever stayed long enough to gain first-hand evidence of the political process of the Griqua Captaincies. An honourable exception to this is Dr Andrew Smith, who made a long trip north of the Orange River in 1834–35 on behalf of the Colonial Government and whose diaries yield considerable information on the people he visited, most notably on the Philippolis Captaincy.[13] The Rev. John Campbell, who was largely responsible for the amalgamation of the scattered communities around Griquatown in 1813, also left a very important account of this event.[14]

II

This paper, then, is concerned primarily to elucidate the ways in which newly-formed societies were able to organize themselves, by means of a political system utilizing the various streams that flowed into their inheritance. As such it is not concerned with the formation of that political system, nor can it go into great detail in describing political developments, except in so far as these determined 'constitutional' realignments. Nevertheless, before attempting to analyse the various institutions of Griqua Government, it is necessary to give a description of the internal structure of the community and also of its history, so that the problems of government can be seen in proper perspective.

Essentially the Griquas were a group of pastoralist farmers more or less fully incorporated into the cash economy of nineteenth-century southern Africa. They lived on game, milch-cattle, vegetables and corn of their own cultivation and on the meat of their own extensive herds of sheep. After about 1850, when the merino strain was introduced into the Griqua flocks, the sheep were used increasingly for wool production. In the early days the Griqua sold many cattle to the Cape Colony, but after about 1825 this became far less important, and their considerable wealth came primarily from the sale of wool, horses, and from trading in ivory and skin karosses with the Tswana. Secondary activities such as transport riding (and salt production around Philippolis) were also of significance.[15] After the trek to East Griqualand, wood cutting became moderately important, and tentative moves were made to begin mining copper ore. In general, however, the Philippolis Captaincy was far richer than that based on Griquatown, although after the trek to East Griqualand the Griquas of Philippolis lost most of their wealth.[16]

The social organization of the Griquas can be described as a democratic oligarchy. Essentially the units of Griqua society appear to have been large extended families, the members of which tended to settle together and to act in concert during an emergency. Only the males were politically important. For instance, the Witteberg, to the north of Matatiele in East Griqualand, was settled almost exclusively by

[13] P. R. Kirby, ed., *The Diary of Dr. Andrew Smith* 2 vols (Cape Town, 1939-40).
[14] The Rev. John Campbell, *Travels in South Africa* (London, 1815).
[15] For a more detailed exposition of these themes, see Robert Ross, "Griqua Power and Wealth; An Analysis of the Paradoxes of Their Interrelationship", Paper presented to the Institute of Commonwealth Studies, London, South African Seminar, 1972.
[16] For instance, Kok claimed that, in 1862, the Griquas had 200 000 sheep. (Kok to Wodehouse, 28 March 1862, Cape Parliamentary Paper (hereafter C.P.P.) G53'62, 18.) In the 1878 census, published in C.P.P. G17'78, the Griquas were credited with 6 210 sheep.

Pienaars, or by people with a known connection with that large clan. This example may perhaps be somewhat atypical, because the Witteberg area was dubiously under the control of Mount Currie, and the Pienaars had moved up to attempt to control the Sotho of the area under Nehemiah Moshoeshoe, but it suggests a pattern that is followed in a less clear-cut way by other groups, such as the Marais clan on the Mvenyana River, or the Draais at Riet Vlei.[17] Each of these groups had one leading man (Gamga Jan Pienaar, Samson Marais and Piet Draai, in the examples given) and they combined to have him elected to the *Raad* or appointed as *Veld Kornet*, *Boschmeester* and so forth. Thus there was always a group of prominent members of the community, sometimes described as 'big men', who arranged the affairs of the Captaincy, who monopolized the various offices in both church and state and who were linked to their 'constituencies' mainly by ties of kinship.[18] There were, of course, many individuals who did not have such 'big men' among their relatives, but, although they were thus of little importance in the politics of the Captaincy, they were not in consequence discriminated against. But there were periodic complaints in East Griqualand that the descendants of slaves did not get elected to the *Raad* or appointed to the various state offices.[19]

There is, however, no reason to believe that the balance between clan loyalties and wider community pulls remained stable. On the contrary, it could be expected that the different pressures to which the Captaincy was subjected would produce different results. Specifically it would appear that the combined effect of increased wealth and the challenge of the Free State worked to increase individualization at the expense of clan ties. Conversely, in the period after the trek to East Griqualand, the absence of a single strong enemy challenging the integrity of the Captaincy and the far greater poverty that Griquas were experiencing at this time would tend to stress familial loyalties, although the data are far too meagre for any firm conclusion to be drawn.

Subordinate to the Griquas proper, there were, in all three areas, considerable Bantu populations, the leaders of which had little power within the Griqua community, although they were generally left in charge of their own villages in an early form of indirect rule. In Griqualand East they were even dignified with the title of *Veld Kornet*,[20] but nowhere did they have a direct part in the Government of the Captaincy, except in Griqualand West, where, after 1859, Nicholas Waterboer gave them the vote in elections to the *Raad*. Even here, however, there is no indication that they ever played any important part in the government of the community. The above refers to those Bantu who still lived a traditional life. Others had become assimilated to the Griquas and enjoyed full citizenship. Jan July, for instance, a Sotho picked up in Philippolis, became a protégé of Adam Kok III and a *Veld Kornet*.[21]

Griqua society developed on the north bank of the Orange River during the

[17] This information has been gleaned from the Land Grants in East Griqualand in G.O. 10 and 11.
[18] C.P.P. G58'79, 50.
[19] Dower, *Early Annals*, pp. 17, 19.
[20] G.O. 3, 6 June 1872.
[21] G.O. 10 June 1872, C.P.P. G37'76, 63–4.

late eighteenth century, in loose villages under the control of two major families, the Koks and the Barends.[22] In 1813, John Campbell initiated a more formalized governmental order, but this was short lived, and fell to pieces, mainly because of the arrival of new immigrants and the attacks of dissident members of the old community, the Hartenaar rebels. Neither of these groups had ties with the original core families. In 1820, Andries Waterboer was elected chief over Griquatown, primarily as a representative of the mission faction, and he managed to maintain his power throughout the succeeding thirty years, despite rebellions by those known as the Bergenaars, in the period up to 1828. On his death, in December 1852, he was succeeded by his son, who ruled up to the annexation of Griqualand West by the British. Meanwhile the major families of the old Griquas were able to exercise considerable political power. Barend Barend's following disintegrated in the aftermath of a disastrous commando raid against Mzilikazi in 1831, but the Koks were able to establish themselves in Philippolis in the southern Free State during the late 1820s. Here Adam Kok II ruled until his death in 1835 and, after a disputed succession, his son Adam III was able to set himself up. This Captaincy, which acquired considerable wealth, was, however, in the direct line of Boer expansion, and found it increasingly difficult to maintain itself *vis-à-vis* the nascent Free State community. Finally, in 1861, the Philippolis Captaincy trekked *en bloc* over the Drakensberg into Nomansland (modern East Griqualand) which, although very thinly populated, was claimed as part of the domain of the Mpondo. Their main settlement was in a *laager* under Mount Currie, and later in the village of Kokstad. Here Adam Kok III and his subjects managed to re-establish their organization, although evidently they were faced with different types of administrative problems and had lost most of their wealth in the trek over the mountains. This organization lasted until they were annexed to the Cape Colony in 1874, rather against their will. Thereafter, especially as Adam Kok died in 1875 and no successor who possessed any credibility was appointed, all political organization fell apart, and would only re-emerge in the proto-nationalist movements lead by the Le Fleur family.[23]

III

The term "Captaincy" which is used here to describe the Griqua political system, will be defined mainly by a description of the system in action, but it is nevertheless worthwhile justifying the use of the term. It refers primarily to all groups which call their leader a "*Kaptyn*" but I propose that the term might be more generally applicable to all those societies in which the leader is elected for life, but in which his powers are severely limited and to which members are recruited on a very wide, non-ascriptive basis. In one sense, therefore, a "Captaincy" is a particular type of constitutional monarchy; in another, it holds many of the features of a republic.

[22] By far the best general history of the Griquas is to be found in J. S. Marais, *The Cape Coloured People, 1652-1937*; repr. (Johannesburg, 1968), Ch. 2. For the period up to 1840 see M. C. Legassick, *The Griqua, the Sotho-Tswana and the Missionaries; The Politics of a Frontier Zone* (Ann Arbor, University Microfilms, 1969). (C.C.L.A. Ph.D. thesis)

[23] On Le Fleur, see J. J. Leeuwenburg, "The Griqua Reformation Movement", Paper presented to the South African Seminar, Institute of Commonwealth Studies, University of London, 1971.

The logic behind the use of the term is primarily the negative one that the alternatives are essentially unsatisfactory. The Griquas never used the word themselves, but then they do not appear to have had any term corresponding to the concept 'state', that is, to a depersonalized entity divorced from its members in so far as its existence and continuity are concerned. They spoke of the Griqua "*Regeering*", the "government", and occasionally of the Griqua "*natie*", or "*volk*", that is to say, "nation" or "people".[24] Nevertheless, the constitution of 1870, the most complete statement of Griqua governmental ideals, merely described the *Kaptyn* as "the highest power in Griqualand",[25] so that the prime basis of his rule was seen to be territorial. The term "Captaincy", however, is here intended to serve as an abstraction for the various attributes of the Griqua polity, i.e., territoriality, ethnicity and governmental institutions. It takes its form from the fact that the title of the head of government, in all Bastard and many Khoi communities (as well as among the Griquas) was "*Kaptyn*", and is thus strictly analagous to such terms as "kingdom" or "chieftaincy".

The advantages that it possesses over the available alternatives, such as "tribe", "state" or "republic", are manifold, primarily because such designations have developed too many connotations. A monarchical republic is difficult to conceive of even if the monarch is elected. Tribes appear, at any rate to a layman, to be traditional bodies controlled by hereditary monarchs, with ascriptive membership, whereas the Griquas' recent origin and continual incorporation of new members belied any such tradition.[26] States are defined by the possession of a certain level of organization indicated by the presence of institutions to perform a certain minimum of governmental tasks.[27] Precisely what these tasks should be is a matter of considerable debate, which should not concern our present purpose, for any discussion of whether the Griqua polities were states would necessarily lead to a discussion as to when they became such; that is when what were manifestly the same entities should be considered to have achieved the status of state. Aside from the inevitable evolutionism involved, it is always wise to avoid slashing unnecessary rents in the "seamless web of history".

If the term "Captaincy" has any validity, it is suggested that it be adopted for the various independent groups that arose north of the Orange River in the nineteenth century, the Griquas, the Newlanders of Carolus Baatje in the Caledon River valley, the Rehobothers and the "*Regeering van die Kalahari Woestyn*" under the Vilanders, father and son. To which other groups it might be applied is dubious, but it might be thought applicable to some of the Khoikhoi groups, at any rate those with a more complex political structure, whose head was also termed *Kaptyn*. These would include the various *!Kora* groups of the Free State,

[24] Dower, *Early Annals*, p. 73, Marais, *Cape Coloured People*, p. 37, and G. W. Stow in, *Cape Monthly Magazine*, August 1872.

[25] Published in C.P.P. G58'79. The original is in G.O. 2.

[26] This is not to say, of course, that they actually possess such characteristics. Schapera, for instance, uses "tribe" in the southern African context purely as a locally used synonym for "political community". See I. Schapera, *Government and Politics in Tribal Societies* (London, 1956), Ch. 1.

[27] See, for instance, David Easton, "Political Anthropology" in, Bernard Siegel, ed., *Biennial Review of Anthropology* (Stanford, 1957), or Morton H. Fried, "Anthropology and the Study of Politics" in, Sol Tax, ed., *Horizons in Anthropology* (Chicago, 1964).

notably the Springbokke under Jan Bloem, the various bodies under the Afrikaner clan in South West Africa, and possibly such Nama groups as the Red Nation, the Bondelswarts, the *!Hobesen* of Hendrick Witbooi and others.[28]

IV

The position of *Kaptyn* was officially elective, but in fact was more or less hereditary within particular families, notably, the Waterboers in Griquatown and the Koks at Philippolis. As there were, in fact, only two successions after the establishment of the Captaincies, generalization is impossible, and, in consequence, it is necessary to examine both these examples, and also the election of Waterboer in 1820 and the speculation among the Griquas as to what would have happened on Adam Kok III's death, in an attempt to discover the bases of Griqua succession.

The elections at Griquatown were straightforward. In 1820, after the collapse of the power of the "old chiefs", the elders met at the "hint" of Helm and Moffat, the missionaries, and proceeded to elect Andries Waterboer. They did this despite his youth (he was only 32 years old), inexperience and lack of connection with any political authority, bar that emanating from the church. One may speculate that this was because the elders failed to agree among themselves on the election of one of their own number, and so brought in a new man, who had the advantage of strong connections with the mission and the ability to write.[29] After Andries's death, in the last days of 1852, there was, in contrast, not the slightest difficulty in deciding on a successor, as his son, Nicholas, had long been groomed for the Captaincy, and was by far the most eligible individual in Griquatown. Nevertheless, the formal procedure of election was complied with.

On the death of Adam Kok II in 1835, the situation in Philippolis was decidedly more complicated, as Adam had died leaving two sons, Abraham and Adam, each with considerable followings, between whom he had never made a serious choice. Their elder brother Cornelis had died in 1829. Adam, the younger of the pair, had on occasion acted as *Provisionaal Kaptyn*, during his father's absence at the Kat River, and was, unlike his brother, a member of the *Raad*.[30] The various factions were still marshalling their respective strengths when, on 26 January 1836, the Civil Commissioner of Graaff Reinet, W. C. van Ryneveld, with five border *Veld Kornets* from the Colony and sundry other burghers, arrived in Philippolis and persuaded the Griquas to elect a *Kaptyn* for "their own interest". Mainly because they needed a treaty with the Colony, the Griquas elected Abraham as *Kaptyn*, by a majority of 168 to 68.[31] Abraham did not last as *Kaptyn*, for although he was able to effect a treaty with Waterboer, which was one of the prerequisites of the Philippolis community achieving a satisfactory *modus vivendi* with the Colony, he soon lost the support of both his own faction (because he failed to support them after an abortive commando against Mzilikazi), and that of the "modernizers" who were at odds with the mission, of whom the Secretary,

[28] On these groups, see Marais, *Cape Coloured People*, Ch. 3, J. A. Engelbrecht, *The Korana* (Cape Town, 1936), and Heinrich Vedder, *South West Africa in Early Times* (London, 1938).
[29] Robert Moffat, *Missionary Labours and Scenes in Southern Africa* (London, 1842), p. 200, and Legassick, *The Griqua*, p. 222.
[30] P. R. Kirby, ed., *The Diary of Dr. Andrew Smith I* (Cape Town, 1939), p. 72.
[31] Minute of a Meeting at Philippolis, 26 January 1836, C.A. G.R. 10/35.

Hendrick Hendricks, was the spokesman. Adam thus had the more or less total support of the Philippolis Griquas and, with a certain amount of aid from Waterboer, was soon able to oust his brother.[32] The whole episode shows that a *Kaptyn* could be deposed if he lost the support of the influential men among his subjects, and if there was an alternative candidate on whom they could agree, but, in fact, such a deposition was exceedingly rare, for the theory of government was that the *Kaptyn* should be appointed for life. (It is interesting to compare this with the customs of the Newlanders, a small Bastard group in the Caledon River valley, who elected a new *Kaptyn* every year before the Wesleyan missionaries interfered. The procedure was far more republican than that obtaining among the Griquas.[33]) Nevertheless, factional competition was frequently intense and became particularly so during the late 1860s and early 1870s, when Adam Kok III was expected to die, but had no designated successor. Thus the various 'big men', with claims to legitimacy based on their relationship to the *Kaptyn*, were angling for support, with the result that the Captaincy became badly split between the adherents of Adam 'Muis' Kok and those of Jan Jood and Jan Bergover. Indeed, it was decided at this time that "*de post van Kaptyn of Koning dernatie zyn een erflyk* [inheritable] *post*", but, as there were no rules for succession, this decision appears to have been the result of dissension among the *Raad*, with a consequent unworkable compromise. In the event, however, Kok survived until after the annexation of East Griqualand by the British, and it was in this atmosphere of uncertainty and dislocation that a man who had no relationship to the Kok family, Lucas van der Westhuis, a prominent *Raadsman*, was elected early in 1876.[34]

As the *Kaptyn's* office was elective, so his powers were limited by those who elected him. The great majority of his decisions were in fact taken in council with his *Raad*, over which he had by no means complete control, although his power as the wealthiest member of the community gave him considerable influence. The constitution of 1870 in Griqualand East, which may be thought of as a distillation of the practice of the previous few years, allowed the *Kaptyn* to dismiss the *Raad* and to veto all *Raad* decisions. He had the power to diminish sentences both in civil and in criminal cases, his signature was necessary before capital punishment could be carried out and, most importantly, he had the sole power of granting government land. He appointed and chaired the *Uitvoerende* (Executive) *Raad* and had to be present at all meetings of the *Wetgevende* (Legislative) *Raad*, but had to act in concert with these bodies for the purposes of external relations, that is making war, making treaties, receiving foreigners and hiring and selling government land to non-burghers.[35] The constitution thus gave the *Kaptyn* considerable power, and there is no reason to suppose that such power was limited to the Nomansland Captaincy. The relationship of Waterboer to his *Raad* was, for instance, more or less identical to that of Kok to his.[36] This power was further

[32] Atkinson to Directors, 25 December 1837, London Missionary Society Archives (hereafter L.M.S.) S.A. Boxes 15/4/B.
[33] Cameron to Secretaries, 23 July 1840, Wesleyan Methodist Missionary Society Archives, S.A. Box XVII.
[34] Dower, *Early Annals*, pp. 45, 82, and G.O. 1, 8-9 March 1871.
[35] C.P.P. G58'79, 60-1.
[36] Isaac Hughes in, *Annual Report of the L.M.S.* (London 1853), p. 28.

enhanced by the spiritual legitimation, slight though it was, that was conferred by the prayers given for the *Kaptyn* each Sunday in church, although this did not prevent the *Kerkraad* from excommunicating him on occasion.[37] Moreover, he was the only legal distributor of gunpowder. Nevertheless, the frequent absence of Adam Kok III from Philippolis or Kokstad, and the almost institutionalized installation of his cousin, Adam 'Eta' Kok, as *Provisionaal Kaptyn*, shows that the *Kaptyn* was by no means indispensable to the continued government of Griqualand.[38]

There were no subordinate officials of state interposed between the *Kaptyn* and the *Raad*, but at both Philippolis and Kokstad there were three individuals with specific governmental functions, above the level of magistrate and *Veld Kornet*. All three were appointed by the *Kaptyn*-in-Council.[39] By far the most important was the Secretary, whose power during the period between the founding of Philippolis and 1850 rivalled that of the *Kaptyn* himself. This was primarily due to the considerable personal influence of the redoubtable Hendrick Hendricks, the incumbent during this period, who might almost be considered to be the first professional politician in South Africa. He came of an old Bergenaar family and retained a certain interest in the trade with the Tswana, but handled the bulk of the correspondence of the Captaincy with the Colonial Government, and such other bodies as the Mission headquarters. He developed his influence as a result of the illiteracy of Adam Kok II, in contrast to the situation at Griquatown, where the Waterboers, father and son, who were the most literate members of the community, had no need for any such official. After Hendricks's dismissal in 1850, the office was in the hands of people who could never have had any influence on the internal politics of the Captaincy. The first was Coenraad Windvogel, a man lately arrived in Philippolis, probably from the Kat River or one of the other missionary institutions. Then there were two Englishmen, W. J. Crossley, originally a school teacher,[40] and G. C. Brisley, a trader who gained influence with Kok and used his position to advance the ends of his firm, Strachan & Co.[41] Nevertheless, the Secretary continued to deal with the majority of the out-going correspondence of the Captaincy, and with much of the routine internal business, and had an *ex officio* seat on the *Uitvoerende Raad*. So did the Treasurer, the second of the officials, whose main job appears to have been to look after the state cattle, as Brisley, when Secretary, dealt with the finance and the tax.[42] This office of Treasurer appears to have originated in East Griqualand, and Jan Bergover was the sole incumbent.

The third of these officials was the *Kommandant*, whose job was to command the Griqua forces in war. He was normally appointed by the *Kaptyn*-in-Council for a specific campaign, and the position was kept away from members of the Kok

[37] Dower, *Early Annals*, p. 22, Law 4 of 1838, G.O. 2.
[38] Ibid., p. 77.
[39] G.O. 1, 8-9 March 1871.
[40] Van der Schalk to Freeman, 18 June 1850, L.M.S. 25/1/C. Solomon to Tidman, 8 June 1855, L.M.S. Philip Papers, 3/4/D.
[41] Dower, *Early Annals*, p. 16, and G. P. Stafford and Darby and Tyrrell to Special Commissioners, 27 October 1875, in C.P.P. G37'76, 97-8.
[42] Dower, *Early Annals*, p. 42.

family. Thus 'Rooi' Jan Pienaar was appointed to lead the Griqua commando against the Bhaca in 1871 over the head of Adam 'Muis' Kok. 'Rooi' Jan, however, had considerable experience, both in cattle raiding against the Sotho during the troubles with Nehemiah Moshoeshoe in the 1860s and possibly in the struggles with the Boers leading up to the Battle of Zwartkoppies in 1845.[43] During the troubled times of the trek over the Drakensberg, when the Griquas were fighting almost continually, there was a permanent *Kommandant*, Isaac Read.[44]

The basic political decisions of the Captaincies were taken in the *Raaden*, or councils. These may be seen as the outgrowth of the meetings that a Khoi chief would have had with the various influential men under his rule and may be presumed to be as old as any Griqua organization. Certainly, as early as 1829, the existence of a similar body was formalized with a definite membership at Philippolis, and its powers were very loosely defined in 1833, while in Griquatown the council appears to have been established even earlier.[45] Both in Griquatown and Philippolis there later developed a definite division of function, producing two councils, the *Uitvoerende Raad*, which approximated to the Executive Council of the *Kaptyn* and was appointed by him, and an elective *Wetgevende* or legislative *Raad*. Once more, the concerns of these bodies will be described in terms of the 1870 constitution, whose basis may tentatively be considered to be similar to those in Philippolis and in East Griqualand. According to this, the Executive Council was empowered to "execute all laws and works in the country, of whatever kind, and be responsible for the same, and . . . have power of all executive officers". It was to collect and distribute all revenue due to the government. Moreover it acted as the final court of appeal in all cases, and its members had *ex officio* seats on the Legislative Council. This latter body's size and frequency of meeting fluctuated, although it normally contained about six members and met, at its most frequent, once every three months. It was elected by the burghers, that is to say on an adult male franchise of full Griqua citizens over the age of 20, for a term of three years. The *Veld Kornetcys* formed the constituencies, and members of the Executive Council or other prominent officials present to oversee the voting, which was conducted by open discussion, not secret ballot.[46] It would appear that the *Veld Kornets* themselves were not eligible for election, but the system of candidature was so weak that, in 1870 one such, Jan Bezuidenhout, was elected, while Marthinus Booysen was elected to serve for two wards. In consequence, a re-election was ordered by the joint *Raad*, which recommended who should fill the vacant places. This was followed in only one of the two constituencies.[47] The members of the *Raad* were paid £2. 10s. a session for their attendance, and fined if they did not attend, unless they sent a 'provisional' who needed the consent of the *Kaptyn* or *Raad* chairman before he could sit, or unless they were away on government business, when they received half pay.[48] The *Wetgevende Raad* had to be opened by

[43] G.O. 1, 6 September 1871, and F. W. Rawstorne to Assistant Secretary to the Lieutenant-Governor, 9 April 1845, C.A. L.G. 204.
[44] G.O. 10, claims of his widow.
[45] Kok to Governor, 27 January 1829, L.M.S. 11/3/A.
[46] Evidence of G. C. Brisley, before the Commission on Native Laws and Customs, C.P.P. G4'83, 512.
[47] G.O. 5, 16 August 1870 and 7 September 1870.
[48] G.O. 8.

the *Kaptyn*, but was chaired by one of their own number, presumably elected by the *Raad*. Its function was described as "to make laws for the benefit of the people and country" and these laws might be proposed by any member of either *Raad*.[49] The decisions of the *Raad*, once taken, were promulgated by being posted on a notice board in the centre of the settlement, at any rate in East Griqualand.[50] Both in Philippolis and in East Griqualand the general business was done by a *Raad's Klerk*, Wentzel Heemro, who received £30 *per annum* and a free house for his services, and may have been appointed to counterbalance the power of the Government Secretary.[51]

Opinions as to the effectiveness of the *Raad* differ. Smith, in 1834 sat in on a meeting discussing the consequences of his visit and was impressed, although he found them suspicious of his motives. The *Raad* was, he wrote, the body "best calculated to carry on the administration of a small community such as theirs".[52] The Commission of Enquiry into the Griqualand East Rebellion, in contrast, relayed a disparaging picture of the *Raad*, describing how it oppressed the population and had once appropriated to its own use a horse over which there was a dispute. A similar picture was presented a few years earlier by the Commission of Enquiry into Native Affairs.[53] Dower considered the *Raad* to be primarily a pressure valve by which grievances could be aired but which had little actual power, primarily because Adam Kok kept control. He also gives a charming account of the way in which the *Raad* was supplied with coffee and sugar on the government account and how the sessions were terminated by the announcement that the meat, prepared for refreshment, was cooked.[54] Marais, who also views the *Raad* rather disparagingly, points to the fact that only 151 votes were cast in the elections of 1873. Figures exist for four of the six constituencies. This gives a participation of around a third, assuming an adult male population of about 700.[55] In general, it may be said that serving on the *Raad* was a comfortable, prestigious and not particularly onerous activity, and the *Raad* itself did not have much business to transact, although when it did it could perform effectively if not with great dispatch.

Perhaps for this reason, the Griqua *Raad* does not appear to have corresponded particularly closely to either of the polarities between "*élite*" and "area" councils that have been posited by various anthropologists.[56] In general, so far as can be gleaned from the data, it appears to tend more towards the former type, and thus not to admit overt dissension within its ranks, primarily in consequence of its position set apart from the majority of those with whom it had to deal. This tendency appears particularly clear when the *Raad* was concerned with the Bantu

[49] C.P.P. G58'79, 60-1.
[50] Ibid., p. 88.
[51] G.O. 2, 10 November 1865.
[52] Kirby, ed., *The Diary of Dr. Andrew Smith I*, pp. 72-73.
[53] C.P.P. G58'79, 50, and C.P.P. S.C. 12'73, 111.
[54] Dower, *Early Annals*, pp. 17-19.
[55] Marais, *Cape Coloured People*, p. 65. The original is in G.O. 5. See also C.P.P. G17'78, 73, and G21'75, 120.
[56] In this analysis, I follow F. G. Bailey, "Decisions by Consensus in Councils and Committees" in, *Political Systems and the Distribution of Power* (London, 1965), p. 13. (A.S.A. Monographs 2) and Adam Kuper, "Council Structure and Decision Making" in, A. Kuper and A. Richards, eds, *Councils in Action* (Cambridge, 1971).

groups, who were not full citizens, but was also in evidence when it dealt with those members of the Griqua community who were not of high status, or who constituted a threat to the *Raad* itself. When, however, an issue split the *Raad* itself by involving conflicting interests, a very different set of affairs existed, and conflict became particularly vehement. The value of maintaining a common front was then considerably less than the prizes at stake.

The functions of the various local officials of the Griqua Governments, the *Veld Kornets*, the *Vrederegters* and the *Magistraats*, are far more difficult to ascertain, primarily because they appear to have changed frequently during the period in question. It would appear that the *Veld Kornet* (an old Griqua title, originating with the Dutch in the Colony) was originally the sole local official, whose functions were both judicial, trying minor cases, and political, acting as leader of the local community, commanding the burghers of his *wyk* in battle, and so forth. Thus, in the instructions to Jan David, *Veld Kornet* of the Riet River *wyk* of Philippolis, issued on the 27 August 1852, it is explicitly stated that he was to be the only magistrate below the *Raad*, administering its laws among the inhabitants of his *wyk*.[57] There was a magistrate in both the Philippolis Captaincy, where Jan Pienaar (probably 'Rooi' Jan) held this post, and at Griquatown, where in the last years Lambert Jansz was so designated, but their functions are unknown. They may very well have approximated more closely to those among the Rehobothers, where the *Magistraat* was merely the leader of the *Raad*, with no specific judicial powers, than to those which later pertained in East Griqualand.[58] Incidentally, the payment of *Veld Kornets* in Philippolis appears to have been 50 rix-dollars (£3. 15s.) *per annum*.[59]

The duties of the officials in the East are rather better known. The various *Veld Kornets*, who had specific areas with definite boundaries,[60] were concerned with the collection of revenue (from which they received 10 per cent as their emolument), with the organization of the African locations within their *wyk*, with the control of burgher duty and with various subordinate judicial matters when there was no magistrate in the area. Donald Strachan, a White trader in the Umzimkulu district, was in fact both *Magistraat* and *Veld Kornet*.[61] The magistrates were of two types. Firstly, there were those who were sent to administer the frontier districts and to control those areas within the Griqua country, such as Matatiele, that were settled by Sotho or Nguni. Here Adam 'Eta' Kok and his two sons Adam 'Muis' and Lodewyk served in quick succession.[62] Secondly, there were those who held office in the main areas of settlement, one at Mount Currie and one at Umzimkulu, and acted as law officers. The magistrate at Mount Currie, Lodewyk Kok, who was appointed in 1870, was given regulations which stipulated that he was to sit two days a week, and deal with licences and all forms of civil and

[57] G.O. 2.
[58] G.W.L.C., 28, folder C4, G.W.L.C., 29-32, *passim*, E. Fischer, *Die Rehobother Bastards und das Bastardierungsproblem beim Menschen* (Jena, 1913), p. 232.
[59] Appointment of Frederick Krotz, *Veld Kornet* of Ramah, G.O. 2.
[60] Dirk Zwartz to Adam Kok, 8 March 1871, G.O. 5.
[61] Unpublished Annexure to the Constitution of 1870, G.O. 2, and Brisley's Memorandum, 17 October 1874, C.P.P. G21'75, 74.
[62] C.P.P. G58'79, 50.

criminal cases. There were rules as to the payment of costs to witnesses and to those who arrested thieves and the whole document gives the impression of considerable organization and competence, particularly as the magistrate was provided with a clerk and a *Schafmeester*, as well as with police. Moreover, the magistrate received a salary of £60 *per annum*, and his clerk £35.[63]

The position of the *Vrederegter* (Justice of the Peace) appears to have been that of an under-magistrate, and was, held, for instance, by Coenraad Windvogel at an annual salary of £50,[64] but it is impossible to ascertain precisely what distinction there was between him and the other legal officials, if indeed there was any. Similarly, the shadowy *Gerigtshof*, composed of a *Magistraat*, a *Veld Kornet* and a *Vrederegter*, cannot be given a precise place within the legal structure of East Griqualand, although it was possibly a substitute for the *Raad* in cases of lesser importance in the distant parts of the territory.[65] It would, in this case, have supplemented the notorious *Rondgaandegerigtshof*, which, under Smith Pommer, appears to have resembled a group of travelling extortioners, rather than a court of law. This institution was, moreover, apparently self-constituted.[66]

This raises the tricky problem of precisely how far the administrative structures of East Griqualand, Philippolis or Griquatown existed merely as figments of the legislator's imagination, and how far they were facades behind which the leaders of the community exploited their subjects. What can be said is that they investigated cases of robbery, murder, rape and adultery without favour, as well as coping with lesser offences. For instance, 'Rooi' Jan Pienaar, the *Veld Kommandant*, was once ordered to pay for a horse that he appropriated on government business from Sidoyi, the Ntlangwini chief, and then lost.[67] Two relatives of the *Kaptyn*, Willem and Jan Kok, were sentenced to three months hard labour and twenty-five *"slagen"* (stripes), by Donald Strachan.[68] Punishments might be severe. For murder, capital punishment was the rule, but it was rare and distasteful to most Griquas, probably in memory of the hanging of five Bergenaars in Griquatown by Andries Waterboer during the troubles of the 1820s.[69] Thus, in 1847, Major Henry Warden, the British Resident in Transorangia, reported that he had been asked to attend the hanging of two 'Bushmen' for the murder of a Boer, in case there was any trouble.[70] Also, the Griqua Governments were fairly successful in forbidding the sale of strong drink in the territory.[71] Complaints might be made against various officials, and Coenraad Windvogel was driven from his post of *Vrederegter* by complaints made against him, although this may well be attributable to political enmity rather than to his incompetence, as his accusers were Louw Pretorius, a member of the *Raad*, and the powerful Ullbricht clan.[72] Marais's

[63] G.O. 3, 10 October 1870, G.O. 1, 7 December 1869, pp. 102-5.
[64] G.O. 2, 8 December 1864.
[65] G.O. 2, Unpublished Annexure to the Constitution of 1870.
[66] G.O. 4, 22 August 1870, C.P.P. G58'79, 50.
[67] G.O. 1, 8 December 1868.
[68] G.O. 1, 19 October 1864.
[69] Legassick, *The Griqua*, pp. 409-10.
[70] Warden to Montagu, 22 October 1847, C.A. G.H. 10/1.
[71] G.O. 2, Laws of 16 October 1843 and 8 August 1861, Dower, *Early Annals*, p. 67.
[72] Windvogel to Kok, 18 January 1866, G.O. 5. See also Philander Gous and 29 others to Kok, 7 November 1871, *ib. loc.*, for a similar, if apparently unsuccessful complaint.

summing up of the various court cases, that "substantial justice seems generally to have been done" thus remains a very fair assessment of Griqua legal proceedings.[73]

The Griqua *Kaptyns* were initially extremely wealthy and at first there was no need to impose taxation. Quite considerable public works and capital investments, such as the construction of a mill at Philippolis, the blasting of irrigation works there, and the buying of a pump to utilize the Vaal River for irrigation, came out of their pockets, as did the cannons that the Griquas bought at the cost of some £3 000 to assist their passage over the Drakensberg.[74] The *Kaptyns'* wealth accrued from their personal herds and lands, which were so considerable that Adam Kok was rumoured to be worth £50 000 in 1863,[75] and also from the salaries that the Cape Colonial Government paid them in virtue of the treaties they had concluded with successive governors. Thus, the development of taxation came only when the Griqua *Kaptyns* fell into financial straits. Thus, after the Colonial Government refused to renew their treaty on the death of Andries Waterboer, his son, Nicholas, was forced to introduce a general tax on the Griqua burghers, which Isaac Hughes was surprised to see operate effectively.[76] Far more extensive taxes were imposed in East Griqualand after the trek, and for these there is considerable information. On the 15 October 1874, G. C. Brisley drew up a Memorandum for Sir Henry Barkly, in which he enumerated the income of the Griqua Government, at any rate as it was in theory.[77]

Quitrents on 200 farms	£ 600
Hut taxes (1874 figures *a* 5/-)	£1 171. 8. 3. (*sic*)
Licenses, for trading and other activities	£ 180
Fees of office (say)	£ 600
Sales of Government land (1874)	£ 150
Quitrents on erven	£ 7. 10. 0.
	£2 708. 18. 3.
which was disbursed as follows:-	
Kaptyn (say)	£ 800
6 Field Cornets (say £75 each as a proportion)	£ 450
Magistrates, police, etc.	£ 500
Chiefs and headmen	£ 150
Uitvoerende Raad (8 members)	£ 620
Volksraad (15 members)	£ 150
	£2 670

[73] Marais, *Cape Coloured People*, p. 65.
[74] Hughes to Tidman, 6 December 1858, L.M.S. 31/1/B, the Rev. J. Mackenzie, *Ten Years North of the Orange River* (Edinburgh, 1871), p. 6, and C.P.P. G58'79, 51.
[75] Journal of Edward Twells, Bishop of the Orange Free State, in the Archives of the United Society for the Propagation of the Gospel, File E. 26. Much of this money was lost, however, as Kok's debtors for Free State lands defaulted.
[76] Hughes to Thompson, 14 May 1855, L.M.S. Philip Papers, 3/4/C.
[77] G. C. Brisley's Memorandum, 15 October 1874, C.P.P. G21'75, 72.

Brisley gave further information to show that the Government was some £600 in debt, although the balance of the expenditure had been used for four years in paying off what was owed, but that there were no arrears on the salaries of the officials, which took up the major part of the income of the state. There was about £100 due for arrears in quitrent. On a more detailed level, it may be worth mentioning that the Mount Currie magistracy took £280. 2. 0. in fines between December 1869 and September 1870, but its running expenses were such that it only made a profit of £30.[78] The impression thus given is that the 'big men' of the Griqua Government were not in the least averse to making use of the organs of government to increase their own public wealth. No money appears to have been spent on public works. Kok himself received a salary consisting of the income of the Umzimkulu district, less the expenses of collection and the cut of the local officials.[79] It should be noted, however, that the country was in a state of acute depression, and the Griquas were only just beginning to develop it, so that it is natural, if unfortunate, that the first claims on the income of the Captainey should have been the wages of those who administered this money, rather than road building, the maintainance of the drifts through the rivers or the establishment of the water supply for Kokstad.

Both in Philippolis and in East Griqualand, the Griqua Government did enact rules for the exploitation of its economic resources. Thus the major salt pan near the Riet River was placed under the control of the local *Veld Kornet* in 1852. He was deputed to prevent people from outspanning too near the pan, presumably to prevent them from fouling it and was to provide a suitable outspan nearby. He was also to stop the exploitation of the pan without a licence, which cost $1\frac{1}{2}$ rix-dollars (2/3d.) a *muid*.[80] Similarly in East Griqualand, regulations were promulgated forbidding the exploitation of the forest save under licence from the *Boschmeester*, who was to take half the resultant income as his salary. Thus he could give the lease on forty yards radius at the rate of 10s. a month, and still charged 6d. a foot for stinkwood and 1/6d. for twenty feet of yellow-wood. It was also decided that any saw pits left in the bush might be auctioned for the Government, while specific areas were laid aside in which wood might not be cut.[81] There were also rules imposed to prevent the spread of Redwater sickness among cattle, the efficacy of which shows that in some respects at least the Griquas were more competent than the Colonial administration that replaced them.[82] In Philippolis regulations for the siting of houses were laid down,[83] while in Mount Currie a postal service was organized under G. C. Brisley.[84] Although there are no records of mineral concessions ever being granted, this is, one guesses, primarily because none was ever applied for, for in 1867 Kok sent a wagon-load of copper ore from a lode in the Xesibe country to Durban, apparently on his own initiative.[85]

[78] G.O. 5, September 1870.
[79] G.O. 1, 12 July 1874. It was mentioned that this was in consequence of the *Kaptyn* paying off all his debts to the Government.
[80] G.O. 2, for 1852.
[81] G.O. 1, 7 March 1870, Strachan to Brisley, 27 June 1871, G.O. 5.
[82] G.O. 3, 4 March 1874.
[83] G.O. 2, Law 3 of 1838.
[84] G.O. 5, folder marked Poswese. There is a facsimile of the stamp in Dower, *Early Annals*, facing p. 32.
[85] C.P.P. G21'75, 112.

V

In their contract with the Bantu tribes around them the Griquas were always careful to maintain a dominant position.[86] There were occasional exceptions to this. Waterboer was finally persuaded to allow the Tswana of Griqualand West the vote in the elections to the *Raad*, while assimilated Africans such as Jan July or various 'Church Kaffirs' might be given burgher rights and land. The general policy of the Griquas was to leave the Bantu to administer their own affairs, except when these produced anomalies with the Griqua system of law. For instance, there was a gradual introduction of capital punishment for murder among the tributaries to the Griqua order in East Griqualand,[87] and the Government attempted to crush the practice of "smelling out" for witchcraft. Nomtsheketshe, chief of one section of the Bhaca, was expelled from the territory in consequence of his condoning this practice.[88] For the rest, however, the Griqua were mainly concerned with maintaining their political control and with collecting hut tax, which was highly lucrative. At times it might be thought necessary to control troublesome areas more closely, but when matters were stable Bantu chiefs were appointed as Griqua *Veld Kornets*.[89] It seems that various Bantu chiefs received a salary, presumably subvented from the profits of hut tax.

VI

Up to now the discussion of the Griqua Captaincies has been conducted in isolation from the affairs of the rest of southern Africa. But it is necessary to consider the interactions of the two Captaincies before the trek to East Griqualand. These are reflected in the two treaties of Andries Waterboer with, successively, Abraham and Adam Kok, on the 25 February 1837 and the 9 November 1838. The latter treaty, which was long lasting, was amended on the 7 November 1850.[90] These treaties institutionalized the meeting of the two *Kaptyns* with their *Raaden*, originally on a half-yearly basis, alternately at Philippolis and Griquatown, but later occurring but once a year, and always at Ramah, an out-station of Philippolis on the boundary between the two Captaincies. The combined meeting did have certain powers, limiting the actions of *Kaptyn* and *Raad* in either area. Specifically, war was not to be made without the consent of both parties, and each *Kaptyn* had the duty to come to the aid of the other in times of rebellion (but this was not invoked when Waterboer came to the assistance of Adam Kok III to help him depose his brother) and to combine against attacks from neighbouring tribes. Moreover, in the latter treaty, it was laid down that the Griqua *Kaptyns* were to keep themselves ready to "advance" the peace of the interior, and to maintain it for the spreading of Christian teaching. The other major function of this meeting was to regulate the imposition of the death penalty. In 1837 it was

[86] I have described the relations for the East Griqualand period in much greater detail in "The Impact of the Griquas on the Polities of the Eastern Transkei", Paper presented to the Conference on the History of the Transkei and Ciskei, Grahamstown, 1973.
[87] Evidence of Brisley in C.P.P. G4'83, 511.
[88] W. D. Hammond-Tooke, *The Tribes of the Mount Frere District* (Pretoria, 1956), F. Stafford to Henrique Shepstone, 17 March 1871, enclosed in Keate to Barkly, 10 August 1871, C.A. G.H. 9/9.
[89] See above.
[90] See above, footnote 10.

decided that all cases that were considered to merit the death penalty should first be submitted to the Chief Justice of the Cape, but this was changed a year later, so that it could be imposed on the agreement of the *Kaptyns*-in-Council. In 1850 it was further agreed that, in cases of emergency, the death penalty could be imposed with only the *Kaptyn* and three councillors from each side present, representing the full *Raad*. A decision that any dispute between the two Captaincies was to be arbitrated by the Cape Government, was never implemented.

From these treaties it can be seen that the Griqua Governments of Philippolis and Griquatown saw themselves as part of a single entity. As such it was a contradistinction to such divergent groups as the Griquas of Cornelis Kok at Campbell and his allies such as Jan Bloem, the *Kaptyn* of Springbokke !Kora. The limitations which the annual council placed on the actions of the *Kaptyns* was adhered to, not only because they were not onerous, but also because they accorded with the wishes of the Griqua people to be considered a law-abiding and respectable people.

This tendency must be seen behind all the Griqua attempts at governmental organization discussed in this paper. There is a danger of stressing the intention at the expense of the performance, for there were times, notably in the first years in East Griqualand,when the polity bordered on a state of anarchy, but the point is important. On one level, the frequent failures of the Griquas to live up to their ideals is of less account than the fact that these ideals existed. In intention, and for the most part in practice, the Griquas were a law-abiding people, democratically organized, using that word in its widest sense. The processes that have been described thus represent the first stage of a new political community, indigenous to southern Africa, and representing a cross between the old Khoi forms and those of the frontier Boers (with considerable mission influence playing its part). These communities ceased to exist with the annexation of Griqualand West in 1871 and of East Griqualand in 1874, with the consequence that the main bonds that had held the Griqua people together were dissolved. To show that they existed, and how they held the *"volk"* together, has been the purpose of this paper.