

# **The Purposes of Land Settlement in the Anglo-Egyptian Sudan, 1898-1914: Drawing Paths through the Weeds**

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## **The Purposes of Land Settlement in the Anglo-Egyptian Sudan, 1898-1914: Drawing Paths through the Weeds**

This Article examines the programme of land surveying and registration that was undertaken by the British-led administration of the Anglo-Egyptian Sudan in the period 1898-1914. The Legal Secretary, Edgar Bonham Carter, stated that programme the most important project of his division in this period. Scholars have shown that the programme, known as land ‘settlement’, was used to build alliances with elites and to clarify title for European investors in the new irrigation scheme at Gezira. This Article argues that, as such, the ambitions of land settlement were relatively limited. In many other colonies, and in Britain itself, politicians and administrators across the political spectrum saw the reform of private property in land as the key for addressing structural problems in agricultural labour. One might have thought that, in Sudan, land settlement might have provided a means of addressing the dependence on slave labour in agriculture. The Article demonstrates that, but for a small number of administrators (including Bonham Carter), this was not the case. The general indifference to slavery itself carried through to an indifference to the transformative potential of land law. It examines the proposals of this minority of administrators, and contrasts their views with the majority’s focus on land settlement as demonstration and opportunity to enhance state power.

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The British colonial administrations of late nineteenth and the early twentieth centuries invested a tremendous amount of energy in the surveying and registration of land.<sup>1</sup> In Sudan, the subject of this paper, this process – called land ‘settlement’ – began as soon as a civil government was established in 1899. Indeed, Lord Kitchener, the first Governor General of Sudan, and the commander of the Anglo-Egyptian army that defeated the Sudanese forces in the previous year, ordered surveys to be conducted even before the key victory at Omdurman. Surveying and registration were not undertaken lightly: they imposed a heavy burden on frequently under-staffed colonial

administrations. Nevertheless, in 1915, Edgar Bonham Carter, the Legal Secretary of Sudan from 1899 to 1919, declared that there was no part of the work of his department that was 'more valuable to the Government or beneficial to the natives than that of the land settlement'.<sup>2</sup> At the time, the Condominium Government was engaged in setting up an entire legal system. Judges were appointed, new civil and criminal laws were drafted, and the place of Islamic and customary law was being addressed.<sup>3</sup> Apparently, as significant as these might have seemed, land settlement was even more important. Yet, in Sudan, there were no plans to bring in European settlers, as in eastern and southern Africa; 'settlement', in Sudan, was a narrower process of identifying existing owners and recording their details in registers. Put this way, it seems surprising that Bonham Carter gave it such emphasis.

In general terms, land settlement was an example of a state project for enhancing the legibility of its people and territory. In *Seeing Like a State*, James Scott argues that surveys and registers are useful to the state because they eliminate the need to understand local customs and practices concerning land use and title.<sup>4</sup> In Sudan, British plans for new infrastructure and irrigation projects would require the acquisition of rights over land. However, in their view, attempts to identify the owners of land would be defeated by an impenetrable thicket of customary and Ottoman-era law, with an overlay of Mahdist re-allocations of title.<sup>5</sup> The deeds that were in existence could not be trusted and, even on the ground, the existing boundaries between plots were often 'little more than a path through the weeds'.<sup>6</sup> In principle, land settlement would bring clarity, authority and central control over title questions. However, like many grand projects of this period, land settlement failed to live up to expectations. By the 1920's, the Condominium government brought the project to an end, with only about one per cent. of the land under registration.

This Article shows that land settlement was initially so attractive to the government because it was the kind of project that any modernist colonial state would pursue. It was more a case of ‘looking like a state’, as the title of one of Steven Pierce’s articles suggests, than ‘seeing like a state’.<sup>7</sup> Beyond this, however, relatively little thought was given to the specific circumstances of Sudan. For example, in other colonies, the period from the 1890s to the start of World War I ‘was marked by bold experiment and intervention as the new regimes sought to transform local societies based on the widespread introduction of private property and wage labor relations’, to quote Joseph Hodge.<sup>8</sup> This was no guarantee of success, but Hodge’s observation highlights the Condominium’s lack of purpose. Indeed, Sudan should have been a good candidate for ‘bold experiment and intervention’, given its heavy reliance on slave labour in agriculture. On taking power, the British administration decided against attempting to abolish slavery, as it feared that it might jeopardise agricultural production or undermine important alliances with leading landowners; this, it was thought, could create an environment for a resurgence of Mahdism.<sup>9</sup> These fears were reflected in the laws and practice of land settlement, which ultimately favoured elites within Sudan. Nevertheless, as this Article shows, there were several officials who took the more radical view that land settlement provided an opportunity to redistribute rights in ways that would empower peasants and bring an end to slavery. The Article examines how they worked within the ordinances to reflect their own political views, and the extent to which they were successful.

This becomes apparent when studying the main primary source for this article: the reports of the British officials who were in charge of land settlement in the field.<sup>10</sup> These reports followed a standard pattern, with descriptions of the region, the people, their agricultural methods, the progress of surveying, and the reasons behind decisions

on the recognition and registration of title. The reports were wide-ranging; indeed, a number of land settlement officers used their reports as the basis for publications on local land tenures and customs.<sup>11</sup> They are a valuable source of information, and yet they are relatively under-researched, especially in relation to the thinking of these officials on the purposes of land settlement. By relying on these reports, the analysis resembles James Fenske's approach in tracing the influence of the courts on the development of private property rights in land in Southern Nigeria.<sup>12</sup> Fenske criticises Martin Chanock and Sara Berry for downplaying "the considerable role played by individual judges as personal actors in the colonial courts",<sup>13</sup> and in particular the "glaring" exercise of personal will by some judges.<sup>14</sup> In the case of Sudan, land settlement commissions and officials, rather than judges, held the power to make decisions regarding title. Hence, it is in these reports, these exercises of personal will are found in the land settlement reports, and it is here that their individual interpretations of the law and policy are found.

### **Land settlement, order and power**

Although the Condominium government ultimately registered much less land than it had intended, there were precedents that suggested that surveying and registration on this scale would be manageable. The rise of the Ordnance Survey and grand projects such as the Great Trigonometrical Survey of India demonstrated the potential of new surveying technologies.<sup>15</sup> In Ireland, extensive surveys were done in the first half of the nineteenth century to enable taxation.<sup>16</sup> New systems of title registration had already been introduced in a number of British colonies, in Africa and elsewhere.<sup>17</sup> The British in Egypt sought to create a cadastral register for revenue in the late nineteenth century in Egypt.<sup>18</sup> Indeed, they drew on work already done by the Ottomans, who created registers for purposes of levying taxes.<sup>19</sup> By turn of the century, the production of

detailed maps and records of title had become one of the standard projects of a colonial regime. As Kitchener began his career assisting and then conducting surveys in Palestine and Cyprus,<sup>20</sup> it is not surprising that land settlement became a priority when he became Governor General of the Condominium.

In principle, maps and registers would provide an administration with the information that was needed to engage in development. Hence, Scott highlighted their importance in enhancing the legibility of people and territory to the state. Other scholars have said that activities such as surveying and registration were attractive because they had become indicia of the modernist colonial state. By engaging in the process of land settlement, the colonial administration could identify itself as a state, to itself, and to audiences within the colony and abroad. Timothy Mitchell's *Rule of Experts: Egypt, Techno-Politics, Modernity* shows how the surveying and titling projects in Egypt helped to construct the state, its subjects, and the relationships between them.<sup>21</sup> In 'Looking like a State: Colonialism and the Discourse of Corruption in Northern Nigeria', Steven Pierce argues that, by producing land surveys and title records in Northern Nigeria, 'state actors could identify themselves as state actors'.<sup>22</sup> Similarly, in relation to Kenya, Keren Weitzberg says that 'Through registration and census efforts, colonial officials in Kenya created the appearance of a bureaucratically efficient, panoptic state and mimicked the forms of authority that were so central to the modernist conceits of colonialism.'<sup>23</sup> Hence, by introducing land settlement in Sudan, the British administrators could satisfy themselves and their overseers in the Foreign Office that they were acting in the role expected of them.

Their expected role, over the short term, would focus on the restoration of order. Sudan was certainly not the only place where the British saw this as their mission: Robert Home has said that, with respect to the Palestine mandate, the British 'saw part

of their role as modernizing decadent Oriental law and administration, bringing order to the “chaos” left by the displaced Ottoman Turks, and converting a neglected backward province into a “modern” state.’<sup>24</sup> In Sudan, the immediate objectives were framed in terms of crisis. The Earl of Cromer, the Consul-General of Egypt, stated in a report to the Foreign Office in 1902 that the British found the country in a state of devastation: ‘The population had been more than decimated by famine, disease, and external and civil war. It can scarcely be said that a germ of civilisation existed.’<sup>25</sup> An official report from Kitchener’s successor, Reginald Wingate, included an estimate that the population had dropped from over eight million before the Mahdist regime to under two million by the turn of the century.<sup>26</sup> These figures were just crude estimates, and may have been inflated to make the case for British rule.<sup>27</sup> Even so, they reflected Cromer’s view that the task went beyond the revival of the machinery of government: ‘A whole administrative and fiscal system had to be created afresh.’<sup>28</sup>

The Anglo-Egyptian Condominium Agreement of January 19, 1899<sup>29</sup> provided scope for the British to create this new administrative and fiscal system. The Agreement acknowledged the Khedive’s sovereignty over Sudan, but declared that the Khedive could only act on the advice of a British-appointed Governor-General of Sudan. The disorder reported by Cromer was addressed by legislation, with the Condominium’s first ordinances being the Town Lands Ordinance, 1899<sup>30</sup> and Title of Lands Ordinance, 1899.<sup>31</sup> These two ordinances allowed the Governor-General to appoint commissions to determine title to land. Crucially, titles would be determined without reference to the courts, and hence without the delays that the judicial process would entail. The Town Lands Ordinance applied within the towns of Khartoum, Berber and Dongola, and the Title of Lands Ordinance to agricultural land.<sup>32</sup> The theme of disorder was echoed in the legislation: the Preamble to the Town Lands Ordinance stated that it was impossible to

locate many of the proprietors in the towns, and the Preamble of the Title of Lands Ordinance suggested that a proliferation of disputes over land was preventing the revival of cultivation. Subsequently, the Kassala, Gedaref, El Dueim and El Obeid Town Lands Ordinance 1904<sup>33</sup> extended the Town Lands Ordinance to the named towns, and the Suakin Town Land Registration Ordinance, 1904<sup>34</sup> separately provided for a commission to settle land in Suakin. The Land Settlement Ordinance 1905 provided for the appointment of land settlement officers to determine title to 'waste and forest land'.<sup>35</sup>

The British may have said that Sudan was in chaos, but it was not the case that there had been no land law or land reform. To some extent, they continued reforms that had begun under the old Ottoman-Egyptian regime.<sup>36</sup> It had begun its own programme of surveying and registration in Sudan, in part to support the construction of the railway along the northern Nile, and in part to create an administrative infrastructure for taxation.<sup>37</sup> In Egypt, a new code of land law was introduced in 1858 which, like the Ottoman Land Code of the same year, sought to clarify the state's power over land and private property.<sup>38</sup> Some aspects of the Egyptian law were incorporated directly into the land settlement system in Sudan. The Title of Lands Ordinance, 1899, for example, applied the Egyptian rules on the acquisition of land by prescription.<sup>39</sup>

Whether, as the Title of Lands Ordinance suggested, Sudan would descend into endless litigation without land settlement is also questionable. Indeed, in 1905, Wingate stated that land settlement would 'avoid the discontent and disturbance which would have been occasioned by an investigation in every dispute into the history of the last twenty years, followed by fresh evictions and to induce the population to settle down to cultivate with confidence.'<sup>40</sup> This may have been the belief, but none of the districts provided any hard evidence that land claims had proliferated since the British re-entered

Sudan. Equally important, there was no evidence that disputes could not be dealt with by customary processes. Indeed, some commissions found that it was very difficult to persuade the local population to engage with the process at all. H. Bell reported that many of the local residents refused to take the settlement process seriously, at least until he threatened them with eviction.<sup>41</sup> Eventually, those who did not file claims 'were made to sign a paper acknowledging the government ownership of the land and that they might be evicted at any time.'<sup>42</sup> Furthermore, as H.A. MacMichael found, the landowners sometimes found that the new systems were of little value and simply ignored them. In Bara Markaz, for example, he reported that adjacent owners from the same extended family regularly adjusted their borders to accommodate the needs of their family, and saw no reason to give notice to amend the land register when they did so.<sup>43</sup>

It is quite possible that land settlement itself provoked or escalated disputes over land. N.T. Borton, President of the Kordofan Land Commission, stated that many claimants believed that unsuccessful claims would be awarded compensation, and therefore they would 'lay a petition like a cookoo's egg and never trouble themselves any more about it or say where they are to be found when wanted.'<sup>44</sup> More generally, the key feature of land settlement may have exacerbated issues. That is, the British administrators favoured land settlement because it was rapid and comprehensive, unlike tribal and familial negotiation or case-by-case methods of judicial resolution. Consequently, they often forced disputes that might have been peacefully (if slowly) resolved privately into the public arena, for a rushed decision. Indeed, H. Bell acknowledged that land settlement proceeded so quickly in El Obeid that he made decisions before he fully understood the factual background of many of the claims.<sup>45</sup> It is possible that the most serious revolt faced by the Condominium in its first decade

may have been triggered by land settlement. In 1908, Abd al-Qadir Muhammad Imam Wad Habuba killed several members of the land settlement team working in Gezira.<sup>46</sup> Eventually, he was captured and executed, but Hassan Ahmed Ibrahim's account of the events, drawing on British and Sudanese sources, shows that he objected to several decisions of the land settlement commission.<sup>47</sup> In the end, the British emphasis on rapid progress may intensified some of the problems it was supposed to resolve.

Land settlement helped the Condominium government with its audience outside Africa, as it showed the Foreign Office and potential investors that it was able to develop the infrastructure for economic growth. Within Sudan, it provided a visible demonstration of the power of the new administration and its relationship with the land and its people. As Michael Given shows in respect of the survey conducted by Kitchener in Cyprus, surveying was not confined to the generation of paper records. The land itself was subject to physical changes, with new boundary markers, fencing and other evidence of the colonial presence.<sup>48</sup> In Sudan, the chief surveyors in the Gezira stated that, at every minute of latitude and longitude, they erected an iron pole or beacon with the co-ordinates stamped on it.<sup>49</sup> As quoted above, E.N. Corbyn stated that, prior to land settlement, land was often demarcated by 'little more than a path through the weeds'.<sup>50</sup> In his report, Herbert St. George Peacock stated that the surveying team replaced temporary mud pillars with boundary stones. To the Sudanese, and to the British, the stones provided a visual reminder of the permanence of the colonial state.<sup>51</sup>

Registration, like surveying, also provided an opportunity to demonstrate the commitment to modernity and the new relationships it brought. The records reveal that, in the field, there was often an awkward mix between the demonstration of the raw power and the desire to show that land settlement would benefit the Condominium's subjects. These different aspects are neatly captured by the photograph from the early

Condominium in Figure 1.<sup>52</sup> A land settlement officer, Uthman Afandi, is distributing certificates to the landowners. He stands above them, as they wait patiently for the favour of the sovereign to be shown to them. The demonstration of power is clear: access to land now depended on co-operation with the colonial state.

[Figure 1]

The photograph is from the collection of Thomas Archibald Leach, and is dated 1907, when he was Deputy Inspector in the Land Settlement Service of Halfa Province.<sup>53</sup> At that point, Leach would have been no more than twenty-five years old.<sup>54</sup> Like many other land settlement officers, he was recruited directly from university.<sup>55</sup> He would have received a year's further training in Sudan, but would have been sent to Sudan with no practical experience. The men awaiting certificates appear to be considerably older than Leach would have been. The willingness to give authority over sheiks and village elders to administrators such as Leach was, by itself, an expression of power. Sheikhs, landowners and village elders were not thrown out of their positions of authority within their communities, but they were now subordinate. Land settlement also carried the message that race, education and class were the new determinants of power.

The photograph also highlights Tania Murray Li's criticism of Scott's theory.<sup>56</sup> Li argues that Scott describes the state as a monolithic entity, with a clear sense of its own identity and purpose. In practice, the state is much more messy, with different actors pursuing different agenda. The photograph illustrates these complex relationships. Its caption states that Uthman Afandi was a land settlement officer. Unfortunately, there is no other information in the records that would help to identify him or his role in the land settlement team, but his dress suggests that he was one of the many Egyptians who filled mid-ranking roles in Condominium bureaucracy in the

period before World War I.<sup>57</sup> Heather Sharkey argues that many of them were attracted by higher salaries and better career prospects, but some may have harboured the Egyptian nationalist view; that is, they expected British rule to be temporary, and Sudan would become an important part in a fully independent Egyptian state.<sup>58</sup> Co-operating with the British in the early stages of development therefore served both the personal interests of the officials and the longer-term interests of the nationalists. Land settlement itself provided attractive opportunities for Egyptian officials, as they were often in charge of the demarcation and registration teams that were part of a larger land settlement team.<sup>59</sup> As leaders, they did much of the work involved in determining boundaries and titles, under the broad direction of the British settlement officers. In effect, Egyptians were given a role in land settlement that reflected their superior status as coloniser of Sudan and their subordinate status as colonial subject of Britain. The Title of Lands Ordinance, 1899 went as far as making it possible for a commission to be led solely by Egyptian officers. Indeed, a commission that was appointed for the Sennar district in Gezira in 1901 did not include any British members. However, this was an experiment that was not repeated. In 1913, F.P. Osborne referred to its ‘astonishing judgments’, ‘touching credulity’ and ‘collusive actions’, which resulted in awards of extensive tracts of land to small elite.<sup>60</sup> The government reversed some of its decisions, which in turn led to further disputes that were still being heard in the courts several decades later.<sup>61</sup> Thereafter, it ensured that crucial decisions would remain in the hands of British officials.<sup>62</sup>

Land settlement also provided opportunities for the Sudanese, either as ‘notables’ appointed as commissioners<sup>63</sup> or in supporting roles such as surveyors, clerks and junior officials. The new Gordon College in Khartoum ran surveying courses to provide staff for the land commissions. The chief surveyors (all British) on the Gezira

project reported that survey measurements were ‘done entirely by boys from Gordon College who, when trained, proved reliable’.<sup>64</sup> The inclusion of Sudanese members in these clerical and supporting roles was a necessity, as the British did not have the staff to undertake land settlement on their own. Indeed, Wingate once remarked that the British governed Sudan by ‘bluff’.<sup>65</sup> However, it also demonstrated that the new colonial authority offered places and power for those who worked with it. Their presence in the field demonstrated to the local population that education, and especially co-operation, could provide a route to power. In addition, to return to Li’s thesis, there was no single mission for land settlement. Land settlement provided opportunities for Egyptian and Sudanese members of teams to pursue their own interests, whether focused more narrowly on their careers or, as Sharkey argues, on the broader aims of nationalism. This was not, however, a form of resistance; indeed, they may have shared the view that land settlement was a worthwhile project.

### **Land settlement, labour and slavery**

The diversity of purpose also applies to the British members of the bureaucracy. Like the Egyptian and Sudanese members of the land settlement teams, they did not seek to challenge the policies behind land settlement. Nevertheless, they did exploit opportunities to develop their own views on land tenure and redistribution, especially in relation to empowering the peasantry. These opportunities became available for two reasons. First, the land settlement officers found that the ordinances could be interpreted and applied flexibly. As written, they only authorised the settlement officers to ‘adjudicate’ claims. On the face of it, the settlement officers could not treat Sudan as a blank slate and allocate land as they saw fit, without reference to its history. However, the British officials were often so sceptical of evidence of prior title that they discounted its relevance completely. Settlement officers regularly dismissed existing deeds as

inaccurate, forged or impossible to verify.<sup>66</sup> Even where title documents did appear to be valid, reasons could be found to dismiss their relevance. In Suakin, for example, Herbert St. George Peacock reported that plots referred to in documentary records overlapped to such an extent that that records were of little value.<sup>67</sup> Riverain plots were also said to be out of alignment;<sup>68</sup> in other areas, boundary markers were lost and there was no consensus on their former position.<sup>69</sup> If, however, the older records strengthened the government's own claims to land, settlement officers were inclined to give them more weight. When describing claims to the ownership in the Shendi district,<sup>70</sup> S.A. Tippetts noted that land had been registered under Mussa Pasha as the Governor General of Sudan. However, Tippetts believed that the register was not intended to identify title, but merely liability for tax. Subsequently, Jaafar Pasha (a governor) rescinded the tax, but allowed cultivation if land was watered and taxes were paid. From this, Tippetts concluded that the new ordinances transformed the tax liability into a proprietary right to use the land, provided they observed Jaafar Pasha's conditions. This may appear to be a gain for the cultivators, as their rights of use would now be registered. However, under the Title of Lands Ordinance, 1899, cultivation for more than five years should have established their title to ownership, without the conditions. Nevertheless, Tippetts decided that the old register should prevail over the five year rule, despite the clear language, as it would subordinate the cultivators' interests to those of the state. Whether by selecting evidence, or by interpreting the statutory language, settlement officers could give themselves some leeway to move beyond adjudication of claims to the re-allocation of land.

The second reason concerned the limited ambitions for land settlement. Undoubtedly, land settlement provided a tool for centralising control in Sudan. In addition, it was thought that it would help attract foreign investment in specific projects,

such as the Gezira irrigation scheme. However, in many colonies, land reform and registration were used to address issues relating to the supply of labour.<sup>71</sup> In southern Africa, for example, land registration provided a means of forcing Africans into wage labour and the cash economy, which it did by reducing plot sizes below the subsistence level.<sup>72</sup> Measures were not always aimed at disempowering peasants: in Egypt, the ‘five feddan’ law sought to keep peasants in agriculture, by relieving peasants from the forfeiture of land for debt. Even in England, Liberals sought to shift power to tenants and agricultural labourers through laws that facilitated the dissolution of large estates and the provision of security of tenure for tenants.<sup>73</sup>

Given the precedents, one might have expected the Condominium to take a view on the potential role of land settlement in addressing slavery. As noted above, Wingate reported a dramatic fall in population; the amount of land under cultivation had dropped significantly during the War, and the risk of famine was real.<sup>74</sup> This, in turn, demanded action on managing and increasing the supply of agricultural labour. The source of labour would be internal, as there were no plans to bring in European settlers, as in eastern and southern Africa. Neither was there a policy of driving agricultural labour into industry, as in southern Africa, although there were shortages in both.<sup>75</sup> As Peter Cross put it:

on the one hand, it [development] required that the largest possible numbers remain attached to the land, in order to restore and, if possible, raise agricultural production; on the other, it required a reservoir of free labour, available for work on the infrastructural projects without which it would be extremely difficult to integrate Sudanese agriculture into the imperial market.<sup>76</sup>

These issues were particularly difficult in Sudan because agriculture depended heavily on slave labour.<sup>77</sup> This was especially true in the northern regions, where slaves worked

the traditional, labour-intensive pumps for irrigation. The importance of slavery to the landowners was demonstrated almost as soon as the war ended: in 1898, a group of 'notables of Omdurman' petitioned Kitchener, stating that 'the best help the government could give to the natives to ameliorate their present state and save them from danger, want, and hunger is to allow them to keep their slaves.'<sup>78</sup> Instead of challenging the petition, the British elected to tolerate slavery. Article 11 of the Anglo-Egyptian Treaty prohibited external trade in slaves, but said nothing about the use of slaves in domestic agriculture. The colonial records show that slave numbers increased quickly after the Mahdist war, and were soon at the pre-conflict levels.<sup>79</sup> It is apparent that traditional irrigation recovered quickly, so it is likely that there was considerable trade in slaves in the early years of the Condominium.<sup>80</sup> The British did little to address slavery until the mid-1920s (even then, it was reluctant to take action). Before then, confidential circulars instructed administrators to induce or force runaway slaves to return to their masters; at best, the runaways were given the option of paying for their freedom.<sup>81</sup>

Throughout this period the Condominium government was aware that its policy would be condemned in London. The Sudan government therefore embarked on a policy of obfuscation and denial.<sup>82</sup> Even the language of slavery was carefully controlled: slaves became 'servants' or 'Sudanese', and slave owners were 'natives' or 'Arabs'. Where the official accounts did discuss slavery, they focused on measures taken to suppress the external slave trade rather than the true position in domestic agriculture.<sup>83</sup> Internally, many of the British administrators in the field saw no difficulty with the continuation of slavery. Ernest Jackson even suggested that they should supervise the division of female slaves amongst heirs of the more powerful slaveowners in one district, as a means of ensuring peace.<sup>84</sup> Others were less enthusiastic, but still accepted the rationalisations for slavery. In general, the British believed that slaves were

well-treated and would become idle and disruptive without discipline.<sup>85</sup> Various ordinances were enacted with the supposed aim of protecting ‘servants’, but the British administrators were often more concerned that former slaves would congregate in towns.<sup>86</sup>

The British therefore tolerated slavery, but they expected that it would disappear without direct intervention. In this early period, they believed that advances in crop science and mechanisation would soon cause landowners to abandon farming methods that relied on slavery.<sup>87</sup> However, little thought was given to the impact that land settlement could have had on slavery and the structure of labour. Nevertheless, several members of the bureaucracy did find room to reflect their own political views relating to labour on land settlement. Both followed Liberal thinking on land and labour, as explained below. The first was Herbert St. George Peacock, a civil judge, who was in charge of land settlement in 'all waste forest uncultivated or unoccupied land' in Gezira from 1906 to 1910.<sup>88</sup> The second was Edgar Bonham Carter, the Legal Secretary. As Legal Secretary, Bonham Carter had oversight of the land settlement process, but it was in respect of the allocation of rights to collect gum Arabic that his Liberal views found expression.

### ***Herbert St. George Peacock and the Gezira***

In his report on the Gezira, Peacock argued that a system based on small, individual holdings, with the owner directly engaged in cultivation, would be more stable and productive over the long term.<sup>89</sup> This was partly due to history and practice, as he argued that individual ownership was not a new or foreign concept in Gezira, but well-established.<sup>90</sup> Hence, it would be both unjust and politically dangerous not to recognise titles in individuals.

Peacock's views are apparent from his book, *The Anglo-Egyptian Sudan: A Report on the Land Settlement of the Gezira*, which was based on his work in Gezira. He arranged for its publication in London, but beyond this, there is no other information on his political views or allegiances.<sup>91</sup> He led an unremarkable life, with no other distinctions before his arrival in Sudan in 1905, during his career, or after his return to England in 1926. In his report on Gezira, Peacock referred to Lord Cromer several times, either in recognition of his authority or to indicate his own sympathy with Cromer's views. As Aaron Jakes has shown, the British in Egypt became more concerned with the social aspects of land tenure as the fiscal situation stabilised. They justified their presence in Egypt in terms of a larger mission of addressing disparities in wealth and the protection of peasants from large landowners.<sup>92</sup> This seems to have caught Peacock's imagination. He specifically referred to Egypt's 'five feddan' law, which protected peasants from forfeiture of land for debts.<sup>93</sup> His general approach followed from a comment made by Cromer in one of his official reports: 'The lesson which, I conceive, lies at the bottom of all labour problems, that a man must work or starve, has not yet been brought home to the mass of the inhabitants of the Sudan.'<sup>94</sup> Cromer's comments were aimed as much at the landowners as the rest of the population. From the British perspective, the shortage of workers was exacerbated by the reluctance of the wealthier landowners to engage in manual labour. Presumably, if the landowners would cultivate the land themselves, the demand for slavery would decline.<sup>95</sup> Reducing the size of their holdings would be one means of achieving this. Accordingly, Peacock favoured a system of tenure centred on a class of smallholders. As a general rule, he would only allow a claimant 'so much land as it would have been possible for him to occupy under past conditions.'<sup>96</sup> In practice, this usually came to about twenty-five feddans,<sup>97</sup> which he described as the 'economic holding of the

district'.<sup>98</sup> Peacock did not elaborate on his sense of the 'economic holding', but it is clear that this was intended to be the amount that could be cultivated without relying on slaves.

Peacock's views were supported by some government agriculturalists. In a report dated 1915, the Sudan Central Research Farm stated that the shortage of agricultural labour gave 'the small owner working his land with the assistance of his family . . . an enormous advantage over the large proprietor.'<sup>99</sup> Amongst the land settlement officers, H.A. MacMichael argued that individual ownership would encourage cultivation: even if land was vested in the tribe, 'a willing cultivator should be allowed to clear the ground and cultivate with a prospect of individual ownerships in the future as a reward for his trouble.'<sup>100</sup> It is not clear whether MacMichael was hoping that individual smallholdings would undermine slavery, but like Peacock, he believed that a system of smallholdings would lead to an increase in cultivation.

Peacock and (possibly) MacMichael were in the minority amongst the land settlement officers. In Gezira, the liberal vision of independent smallholders exercising personal initiative under the discipline of the market collided with the modernist impulse to develop and manage industrial agriculture on a grand scale. For the British, success in Gezira would depend on scientific and technical capacities for land management that the local farming community did not have. Hence, the government rejected Peacock's liberal vision of smallholders, as well as schemes that would have relied on an elite group of landowners to manage the land. The Gezira Land Ordinance 1921 provided the legal basis, as it allowed the government to compulsorily acquire forty year leases from the owners, to be sub-let back to them on annual terms.<sup>101</sup> Initially, the standard plot was thirty feddans, rather than the twenty-five that Peacock recommended. It was later increased to forty feddans, depending on the crop.<sup>102</sup> For

claimants of higher status, up to 160 acres could be available. Claimants who were able to secure nominees to hold for their benefit could obtain even more.<sup>103</sup>

In the Gezira project was, in many ways, an example of a grand, modernist project, where experts exercised close control of management. However, the reliance on slave labour continued. This was delicately handled by focusing management on the tenants rather than their slaves.<sup>104</sup> In Gezira, the owner/tenants had little of the freedom associated with ownership or even an agricultural tenancy as understood in England. The Sudan Plantations Syndicate, a commercial enterprise entrusted with management of the scheme, dictated the choice of crops, the timing of sowing and harvesting, and the use of insecticides.<sup>105</sup> The owner-tenants who did not comply with the terms of the annual lease could be refused a renewal, thereby allowing government to exercise control over land use without taking responsibility for labour. In 1924, as the scheme began to reach its full capacity, supervision alone required over one hundred field inspectors.<sup>106</sup> Some scholars have argued that this level of supervision should be seen as turning the former owners into little more than employees, rather than independent proprietors.<sup>107</sup> Whilst it is certainly true that they did not operate with the independence or initiative that might have been available to smallholders under Peacock's vision, it was also true that they did not become manual labourers. Anna Clarkson argues that 'tenants proved able to adapt the structures of the Scheme to reflect the existing cultural values of Gezira society and in the process place themselves at the apex of that society.'<sup>108</sup> So long as the government and Syndicate were able to dictate the technical aspects of farming, they seemed indifferent to the social side, especially in relation to slavery. Government officers acknowledged the existence of thousands of 'servants' in Gezira in the mid-1920s. Only a small number of slaves were granted their freedom by the government, and officials provided the usual apologies that the slaves were treated

well.<sup>109</sup> Slavery declined only when the tenant/owners began to find seasonal wage labour less expensive than slave ownership.<sup>110</sup>

Ultimately, the emphasis on large-scale farming and management in Gezira excluded Peacock's ideas on land and labour. Arguably, they should have had a better reception in the areas that would remain in more traditional forms of agriculture, but his views were not followed elsewhere. In general, other land settlement officers, like the central administration, focused on the prevention of a Mahdist revival rather than the promotion of social change. The British land settlement officers regarded Mahdism as a radical departure from a long history based on traditional, stable social structures. By this view, the unrest that led to the 1882 revolution could not be attributed to slavery or land tenure. Where land settlement officers did report conflict, they tended to characterise it as tribal conflict based on narrow feuds, rather than deeper changes in trade, farming methods, landholding patterns and the like.<sup>111</sup> The economy and social structures appeared to the British to be relatively static; local battles over land were seen as neighbourly disputes that would come to an end with rule of law and land registration. It followed that more substantive reforms, such as the redistribution of land or the abolition of slavery, would be destabilising. If implemented, they could easily undermine alliances with tribal leaders without providing any gains with other politically significant groups. A typical expression of this view was given by J.G. Matthew, in a report on land tenure in the Singa District.<sup>112</sup> He stated that 'the whole nature and life of the people is bound up with the idea of reverence for and acknowledgement of the powers of the Head Sheikh as their chief and landlord.'<sup>113</sup> Those directly engaged in cultivation did not claim the land as their own; instead, they recognised the authority of the sheikh, both as private landlord and public ruler. Matthew did not favour any change that would undermine the authority of the sheikh, as

it would upset the 'whole order of things'.<sup>114</sup> Upsetting the 'whole order of things' might have been exactly what was needed to move agriculture away from slavery, but the British were plainly concerned with maintaining stability. Edgar Bonham Carter questioned the accuracy of Matthew's observations, but agreed that 'it is in the interest of the government to maintain the position of the old and influential families and by generous treatment to obtain their loyalty. They are the natural leaders of the people, and if loyal may be most valuable to the government.'<sup>115</sup> As the 'old and influential families' relied on slave labour, the government was reluctant to take any significant action on the use of slaves in agriculture.<sup>116</sup>

In fact, the traditions that the British believed had existed for generations were relatively recent. The structure of land and labour had changed dramatically through the nineteenth century, largely in response to the Ottoman-Egyptian government (1820-1885) demand for slaves and revenue.<sup>117</sup> It conducted regular slave raids to the south in the first decades of its rule, primarily to obtain soldiers, but also to sell slaves for revenue or to use as a form of payment to creditors.<sup>118</sup> The expansion of slavery was accompanied by increasingly onerous tax demands, which encouraged labour-intensive systems of farming. For example, a flat tax on land, regardless of productivity, encouraged landowners to use slaves to increase production.<sup>119</sup> In addition, in many regions, customary law permitted the acquisition of uncultivated land by commencing cultivation; in practice, individuals with access to slaves were therefore able to accumulate land.<sup>120</sup> More generally, individuals and families that were able to cope with the tax burden began to move away from communal arrangements and seek individual landholdings. With land irrigated by traditional waterwheel pumps, for example, there was a transition from a system of common ownership of the land but individual ownership of fruits, to individual ownership of the land itself.<sup>121</sup> Indeed, those who

could negotiate their way through the new demands of revenue and commercialisation of land and labour were often able to increase their wealth, despite the increasing burdens. Speculation and hiring out of land and slaves became more common, as the rural economy became more commercialised.<sup>122</sup> The British perception of Sudan's past overlooked the change that had been taking place well before the Mahdist period.

The imagined stability of the past, and the concerns over a resurgence of Mahdism, came together in the rules on title contained in the land settlement ordinances. As noted above, the ordinances directed the commissions and settlement officers to 'adjudicate' on claims. The laws were drafted by W.E. Brunyate, the Legal Advisor to the Egyptian government, and were based on the Egyptian principles of title by prescription. Accordingly, continuous possession for the five years preceding the date of the claim would provide an absolute title to the land.<sup>123</sup> In some respects, these principles would have seemed appropriate for Sudan, as they would minimise disruption to cultivation in the aftermath of the Mahdist war. However, crucially, the ordinances did not require personal cultivation or occupation: in order to protect the sheikhs and other landlords, they provided that possession could be proved by 'receipt of rents or profits'.<sup>124</sup> In addition, as sheikhs often collected rents and profits on behalf of the village, they were able to augment their holdings at the expense of their community by registering the land in their personal capacity.<sup>125</sup> Moreover, other provisions allowed those who had been dispossessed by Mahdists to recover their land, provided no other claimant was able to invoke the five year rule.<sup>126</sup> Ultimately, as Tim Niblock argues, the sheikhs were often able to exploit land policies to enhance their position. Some tribal leaders were able 'to establish ownership rights over land which had in fact been communal property.'<sup>127</sup> As large landowners made the most extensive use of slave labour, land settlement probably did more to continue slavery than end it. In 1926, C.A.

Willis reported in 1924 that the numbers of slaves remained steady throughout this period.<sup>128</sup> Indeed, a 1915 report by the Sudan Central Research Farm stated that ‘the most primitive methods of agriculture, a strong and inherited objection to work for a daily wage, intolerance of control and an intense conservatism are the legacy of slavery to the land-owner, who is now called upon to bear the unaccustomed burden of field labour.’<sup>129</sup> The trade in slaves continued, both internally and externally, and agriculture continued to depend on slave labour.<sup>130</sup> Plainly, it is very difficult to say whether Peacock’s vision, if implemented, would have led landowners to abandon slavery. Nevertheless, it is clear that, without it, slavery continued without serious challenge.

### ***Edgar Bonham Carter and gum arabic***

It was only in relation to the harvesting of gum arabic that land policies focused on the protection of peasants. This was due to the influence of Edgar Bonham Carter, the Legal Secretary who attributed great importance to land settlement. He was not closely involved in politics, although he came from a Liberal family and he joined the London County Council as a Progressive in 1922. He probably turned his attention to gum arabic because it was one of Sudan’s most lucrative export crops before and during the Condominium.<sup>131</sup> The gum is extracted from acacia trees, but the trees were not cultivated in the usual sense. Acacia trees grew naturally and would normally be cleared from fields to allow cultivation, but they were allowed to grow when the land became exhausted and cultivation was abandoned. Gum collection itself is fairly simple, if arduous. It is collected from the tree after it has exuded through cracks in the bark. These cracks may appear naturally, but often they are the result of tapping several weeks before gum collection.

Gum collection seems to have been a small-scale, relatively unorganised activity before and during early Condominium.<sup>132</sup> Sheikhs often controlled collection within

their village. In general, villagers were not required to pay for access to gum ‘gardens’ and outsiders were permitted access for a fee.<sup>133</sup> Traders, including some foreign traders, travelled through villages to buy gum, which would then be traded through the supply chain for export.<sup>134</sup> The trade networks were disrupted during the Mahdist regime, with the export trade dropping to about one-sixth of its high point in 1881.<sup>135</sup> Accordingly, the Condominium administration took several steps to increase production and trade. The most important was the extension of the railway to El Obeid, in the Kordofan gum producing region, in 1913.<sup>136</sup> However, the administration also addressed the question of labour. The key person in the industry, from the British perspective, was the collector of the gum. As E.N. Corbyn stated in his report on Kordofan, there were plenty of gum-producing trees, but production was held back by a lack of collectors.<sup>137</sup>

The issue was security, especially for collectors from outside the village: as S.A. Tippetts reported, the sheikh could terminate their access at any time, without challenge.<sup>138</sup> Most of the commission members and settlement officers believed that providing greater security for collectors would lead to an increase in their number.<sup>139</sup> However, as Bell reported, the ownership of trees was uncertain. The local sheikhs claimed ownership of all trees within their villages, but as the trees only grew when cultivation ceased, they could not demonstrate the quality of possession required by the ordinances for title to ownership.<sup>140</sup> The government therefore declared itself owner on the basis that the land and trees were ‘unoccupied land’ under the Land Settlement Ordinance, 1905.<sup>141</sup>

The position with collectors’ rights of access was more complicated. The Land Settlement Ordinance allowed registration for ‘benefits that arise out of the land and things attached to the earth or permanently fastened to anything attached to the earth’;<sup>142</sup>

specific examples included rights to pasture, forest produce and the use of water.<sup>143</sup> However, registration would only be available to proprietary interests, and it was not clear that the right to collect gum was proprietary in nature. It had none of the hallmarks associated with property, as it was not exclusive or transferable, and did not attach to specific trees or land. Instead, it was more like a personal licence to engage in a trade within an area.<sup>144</sup> Indeed, C.A. Willis found that the sheikhs' authority to demand payment derived from status and power unconnected with ownership rights under private law.<sup>145</sup> Rather, their authority was held in a governing capacity. For that reason, he concluded that the rights of gum collectors (and the sheikhs) were not proprietary and hence they lay entirely outside the land settlement process. Other reports took the contrary view, as they state that the sheikhs held land as private entitlements, and from this it seemed to follow that the gum collectors held interests capable of registration.<sup>146</sup>

In 1913, Bonham Carter wrote a note to resolve the uncertainty regarding title to gum gardens.<sup>147</sup> Individual rights of access would be recognised, but they would not be absolute. They would lapse if the holder failed to tend the trees and could not be transferred or sub-let. These recommendations followed from his view that 'the growth of a system of landlordism over the natural products of the country involves the deprivation of the community, as represented by the government, of revenue, and of the actual cultivator of part of his profits.'<sup>148</sup> Similar principles would apply to gum-bearing trees within villages, except that ownership would be held by the village. The village would allot gardens to individuals, but only for their own use: there would be no right to sell or sub-let.<sup>149</sup> Furthermore, they would be terminable at any time by the government. As such, it would seem that they were granted as personal licences rather than proprietary rights of access. Nevertheless, Bonham Carter felt they should be registrable, in order to provide security to the gum collector.

As a civil servant, Bonham Carter was constrained in the manner of expressing his views, but his justification was clearly aligned with the Liberal policies of the period.<sup>150</sup> It is interesting to note that his report states that the 'The Report issued in 1910 as a Blue Book of the Northern Nigeria Lands Committee' was of 'the utmost value'.<sup>151</sup> This Report resulted in Land and Native Rights Proclamation of 1910, which nationalised all land in Northern Nigeria province. It drew Bonham Carter's attention because nationalisation was not presented as a land grab for the benefit of European settlers and concessionaires, but as a means of protecting peasants from the traditional chiefs who sought to enhance their power by eliminating the aspects of communal tenure that protected the peasantry. As Tim Niblock has pointed out, this was an issue in Sudan as well.<sup>152</sup> In relation to gum arabic, Bonham Carter therefore aligned his policy with other colonial policies that protected the rights of peasants against both the traditional chiefs and, equally important, the forces of the market.

Bonham Carter's recommendations were approved by the Governor General in a brief note.<sup>153</sup> Given that Wingate was content to allow slavery, and favoured alliances with the landed elite, it may seem odd that he approved of a policy that would reduce the power of the sheikhs. It was not, however, nearly as severe in its effects as Peacock's proposal for Gezira; at most, it denied the sheikhs a relatively small, unearned income. Furthermore, as the Gezira project demonstrated, the government was not averse to putting itself in the position of landlord where the crops were financially important.

In practice, Bonham Carter's hope that gum collectors would be free of the power of the local elite was not realised. After World War I, when indirect rule was implemented, the government allowed sheikhs and overlords to administer the gum gardens on its behalf.<sup>154</sup> Many of them collected fees for their own benefit. In some

cases, collectors were also required to hand over as much as half of the crop to the sheikhs or overlord.<sup>155</sup> As Mustafa Babiker demonstrates, government intervened when a low-ranking sheikh or member of family asserted personal ownership of gum gardens, or at least personal ownership of the access fees, but it was more likely to support senior overlord in such cases.<sup>156</sup> There were suggestions that the power to collect fees for the personal use of the sheikhs and overlords be abolished. However, this would have been on payment of compensation, which the government could not afford.<sup>157</sup> As a result, Bonham Carter's ambition to bring landlordism to an end did not succeed, and the structure of peasant labour did not change significantly. If anything, sheikhs and overlords were able to expand the territory of villages in order to increase the land under their control and potentially maximise the gum revenue. Ultimately, as in Gezira, practical politics prevented the effort to use land law to improve the conditions of the slaves and peasants.

## **Conclusions**

Like many other colonial projects that were intended to produce centrally managed, standardised records, land settlement in the Condominium fell short of expectations. By the start of World War I, an official report stated that less than one per cent. of the land was registered, with the concentration in the urban areas, the Gezira district, and riverain areas in the north.<sup>158</sup> Land settlement was suspended during World War I, but on its resumption after the War, it was confined to the towns and the areas destined for the large cotton schemes. Elsewhere, to the extent that the administration sought to control land use and ownership, it did so through the local elites. Even where registers were completed, they proved to be much less useful than expected. Correspondence in the 1920's between B.H. Bell, the Chief Justice, and Harold MacMichael, now the Civil Secretary, expressed doubt that the system could ever operate effectively.<sup>159</sup> A Land

Registration Committee was set up to investigate the situation, and in 1929 it reported that many landowners avoided registering their transactions because they found it too cumbersome.<sup>160</sup> Some changes were made, but a further report in 1950 the system still had serious defects.<sup>161</sup> There was, in particular, a problem with fractional interests. As the ordinances only allowed a 'person' to be registered as owner, some tribal leaders established ownership rights over land that had been communal;<sup>162</sup> however, the benefits from simplifying title were marginal, because ordinances also permitted multiple 'persons' to be registered as owners of a single plot.<sup>163</sup> In 1950, A.B. Miskin stated that the number of registered owners of an undivided share in land varied "between about twenty in the Gezira to five hundred and seventy six in Merowe-Dongola: the average for Northern Province is three hundred per plot."<sup>164</sup> Clearly, the system of registration would have been far more workable without the registration of undivided interests, or at least with more manageable limits on the number of owners that could be registered. In practice, however, the government had to yield to political necessities, even though the system became so cumbersome that it lost much of its value.

These failings in land settlement were not seen as failings of the technical processes of surveying and registration. Indeed, colonial governments continued to pursue land titling projects.<sup>165</sup> However, in Sudan, the impetus for registration was lost, perhaps because it had achieved its primary practical purpose. By 1925, the Sennar Dam was completed and the administrative infrastructure for managing the Gezira development was coming together. Land settlement had played its role: not only had it helped to establish confidence in land titles but, along with other infrastructure projects, it had also shown that the Sudan government could be trusted as a competent, modern administration.

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<sup>1</sup> Bunton, “Demarcating the British Colonial State”; Given, “Maps, Fields, and Boundary Cairns”; Home, “Scientific survey and land settlement”; Home, “An ‘Irreversible Conquest’?”; Edney, *Mapping an Empire*; Crais, *The Politics of Evil*, 68-83; Braun, “The Cadastre and the Colony.”

<sup>2</sup> E. Bonham Carter to F.R. Wingate, May 15, 1915, Sudan Archive at Durham, Durham University (hereafter SAD), 542/16/28, 29.

<sup>3</sup> Massoud, *Law’s Fragile State*, 44-84; Warburg, *The Sudan under Wingate*, 124-136; Daly, *Empire on the Nile*, 60-62.

<sup>4</sup> Scott, *Seeing Like a State*.

<sup>5</sup> See, for example, E.N. Corbyn, “Report on rural land settlement and development in Kordofan,” May 5, 1914, SAD.542/3/34-41, 38; J.G. Matthew, “Report on the system of land tenure in Singa District,” Mar. 23, 1909, SAD.542/9/1-45; 542/13/1-47, /27; F.P. Osborne, “Report on land tenure in Sennar District,” Mar. 9, 1913, SAD.542/11/1-14, 9; Herbert S.G. Peacock, “Report of the Suakin Land Commission,” Jan. 23, 1906, SAD.542/8/1-19, 6.

<sup>6</sup> *Ibid.*, Corbyn, 38.

<sup>7</sup> Pierce, “Looking Like a State”.

<sup>8</sup> Hodge, *Triumph of the Expert*, 52.

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- <sup>9</sup> Sikainga, *Slaves into Workers*; Nugud, *Slavery*; Serels, *Starvation and the State*; Hargey, “Festina Lente: Slavery policy”; Warburg, *Sudan under Wingate*, 170-182.
- <sup>10</sup> Some of the material in the reports found its way into academic and professional literature: see Peacock, *Anglo-Egyptian Sudan*; Leach, “Date Trees”; Matthew, “Land Customs”. However, the majority were not published and probably have been lost if it were not for Stanhope Rowton Simpson, who joined the Sudan Political Service in 1926 and worked in various capacities, including Commissioner of Lands and Registrar General, until 1953. Simpson kept many of the reports of the land settlement officers, and they form part of Durham University’s Sudan Archive and Collection. (By contrast, Twining reported that the judgments of the High Court were regularly destroyed by the Condominium administration in order to reduce demands for storage: Twining, “Law Reporting,” 177.)
- <sup>11</sup> Peacock, *Anglo-Egyptian Sudan*; Leach, “Date Trees”; Matthew, “Land Customs”.
- <sup>12</sup> Fenske, “Emergence”.
- <sup>13</sup> *Ibid.*, 37, referring to: Chanock, “Paradigms, Policies, and Property”; Berry, “Hegemony on a Shoestring”; and Berry, *No Condition is Permanent*.
- <sup>14</sup> *Ibid.*, 38.
- <sup>15</sup> Edney, *Mapping an Empire*.
- <sup>16</sup> Home, “Scientific Survey,” 2-3; Guinnane and Miller, “The Limits to Land Reform”.
- <sup>17</sup> Offer, *Property and Politics*; Taylor, *The Law of the Land*.
- <sup>18</sup> Home, “Scientific survey,” 11; Mitchell, *Rule of Experts*, 84-120.
- <sup>19</sup> Jorgens, “A Comparative Examination,” 100, 112; Mitchell, *Rule of Experts*, 52-79, 85-95; Jakes, “The Scales of Public Utility”.
- <sup>20</sup> Given, “Maps, Fields, and Boundary Cairns,” 15; Simpson, “Land Law in the Sudan,” 61.
- <sup>21</sup> Mitchell, *Rule of Experts*.
- <sup>22</sup> Pierce, “Looking Like a State”, 910.
- <sup>23</sup> Weitzberg, “The Unaccountable Census”, 411.
- <sup>24</sup> Home, “An ‘Irreversible Conquest,’ 293.
- <sup>25</sup> Cromer, “Report,” (1902), 5.

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- <sup>26</sup> Cromer, "Report," (1903), 3; the figures are taken from Wingate, "Memorandum of the Governor-General," (1903), xiii.
- <sup>27</sup> Daly, *Empire on the Nile*, 18-21.
- <sup>28</sup> Cromer, "Report," (1902), 5.
- <sup>29</sup> Agreement between Her Britannic Majesty's Government and the Government of His Highness the Khedive of Egypt, 1.
- <sup>30</sup> Sudan Gazette no. 2 (May 27, 1899), 1.
- <sup>31</sup> Sudan Gazette no. 2 (May 27, 1899), 4.
- <sup>32</sup> The Hillet Hamid (Khartoum North) Village Lands Ordinance 1910, Sudan Archive Durham 627/12/31 (hereafter SAD) confirmed that a provisional allotment of plots would be made final.
- <sup>33</sup> Sudan Gazette no. 59 (Feb. 1, 1904), 166. The Preamble states that commissions had already been appointed for the towns; this Ordinance was intended to regularise their status.
- <sup>34</sup> Sudan Gazette no. 63 (Jun. 1, 1904), 179.
- <sup>35</sup> Sudan Gazette no. 80 (Aug. 24, 1905), 370. The settlement officers had the same powers as a full commission under the 1899 Ordinance.
- <sup>36</sup> See generally Powell, *A Different Shade*, 64-104; Mitchell, *Rule of Experts*; Stiansen, "The gum arabic trade"; Bjørkelo, *Prelude to the Mahdiyya*.
- <sup>37</sup> Jorgens, "A Comparative Examination," 100, 112; Mitchell, *Rule of Experts*, 52-79, 85-95; Jakes, "The Scales of Public Utility".
- <sup>38</sup> Jorgens, "A Comparative Examination"; Islamoglu, "Property as a Contested Domain"; Mundy, and Smith, *Governing Property*, 40-51.
- <sup>39</sup> Sudan Gazette no. 2 (May 27, 1899), 4, s.6.
- <sup>40</sup> R. Wingate, "Memorandum of the Governor-General," (1905), 64.
- <sup>41</sup> H. Bell, "Report on the settlement of El Obeid Town Lands by Mr. Bell," 1912-13, SAD.542/1/8-20, 10.
- <sup>42</sup> *Ibid.*, 14.

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- <sup>43</sup> H. MacMichael, "Report on the land question in Bara Markaz," Jan. 1, 1908, SAD.542/3/1-11, 8.
- <sup>44</sup> N.T. Borton, "Report by N.T. Borton, President Kordofan Land Commission on the method of procedure adopted by the Commission," Apr. 20, 1903, SAD.542/1/1-7, 6.
- <sup>45</sup> H. Bell, "Report on the settlement of El Obeid Town Lands by Mr. Bell," 1912-13, SAD.542/1/8-20, 4.
- <sup>46</sup> Sheikh Abdel Kader Mohammed Imam (as given in Peacock; elsewhere, he is referred to as 'Abd al-Qadir Muhammad Imam wad Habuba'); see Peacock, *The Anglo-Egyptian Sudan*, 40; Daly, *Empire on the Nile*, 125-127.
- <sup>47</sup> Ibrahim, "Mahdist Risings," 444-452.
- <sup>48</sup> Given, "Maps, Fields, and Boundary Cairns".
- <sup>49</sup> Pearson, Crompton and Vines, *Notes on the marking out of the Gezira*, 5.
- <sup>50</sup> E.N. Corbyn, "Report on rural land settlement and development in Kordofan," May 5, 1914, SAD.542/3/34-41, 38.
- <sup>51</sup> Peacock, *Anglo-Egyptian Sudan*, 22.
- <sup>52</sup> There is a duplicate holding in an album donated by Thomas Leach, entitled "Osman Efendi distributing land certificates at Arneti." SAD.766/8/115.
- <sup>53</sup> Extracts from a report by Leach are available in Thomas Archibald Leach, "Report of the Land Settlement of Sukkot and Mahas, Halfa Province, 1907-1911," in Thompson, *Land Law*, 503-530.
- <sup>54</sup> Clayton, *An Arabian Diary*, 332.
- <sup>55</sup> Kirk-Greene, "The Sudan Political Service"; Mangan, "The Education of an Elite".
- <sup>56</sup> Li, "Beyond 'The State'"; see also Fenske, "Emergence".
- <sup>57</sup> Sharkey, *Living with Colonialism*, 75-78.
- <sup>58</sup> *Ibid.*, 75.
- <sup>59</sup> See e.g. Peacock, *Anglo-Egyptian Sudan*, A1, 19-44.

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- <sup>60</sup> F.P. Osborne, "Report on land tenure in Sennar District," Mar. 9, 1913, SAD.542/11/1-14, 8, 13.
- <sup>61</sup> *Heirs of Mohamed Ali el Howeires v. Sudan Government*, C.A. 1941 AC-REV-32-1941, in Thompson,, *Land Law*, 447-502.
- <sup>62</sup> Note that the Land Settlement Ordinance, 1905 did not require commissions; instead, a single settlement officer had overall responsibility, thereby making it easier to maintain greater control with fewer British members of staff.
- <sup>63</sup> Title of Lands Ordinance, Sudan Gazette no. 2 (May 27, 1899), 1, s.1.
- <sup>64</sup> Pearson, Crompton and Vines, *Notes*, 15.
- <sup>65</sup> F. Wingate to Asser, May 14, 1908, SAD.282/5/44.
- <sup>66</sup> J.G. Matthew, "Report on the system of land tenure in Singa District," Mar. 23, 1909, SAD.542/9/1-45; 542/13/1-47, /27; F.P. Osborne, "Report on land tenure in Sennar District," Mar. 9, 1913, SAD.542/11/1-14, 9.
- <sup>67</sup> Herbert S.G. Peacock, "Report of the Suakin Land Commission," Jan. 23, 1906, SAD.542/8/1-19, 6.
- <sup>68</sup> E.N. Corbyn, "Report on rural land settlement and development in Kordofan," May 5, 1914, SAD.542/3/34-41, 38; Peacock, *Anglo-Egyptian Sudan*, 48.
- <sup>69</sup> Herbert S.G. Peacock, "Report of the Suakin Land Commission," Jan. 23, 1906, SAD.542/8/1-19, 4; H. MacMichael, ""Report on the land question in Bara Markaz," Jan. 1, 1908, SAD.542/3/1-11, 6.
- <sup>70</sup> S.A. Tippetts, "Reports on the Karru land in Shendi," Nov. 18, 1906 – Nov. 24, 1907, SAD.542/7/16-27.
- <sup>71</sup> Hodge, *Triumph of the Expert*, 52; Paulin, *White Men's Dreams*, 145-178; Braun, "The Cadastre and the Colony"; Crais, *The Politics of Evil*, 68-83.
- <sup>72</sup> Paulin, *White Men's Dreams*, 145-178; Braun, *The Cadastre and the Colony*.

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- <sup>73</sup> Packer, *Lloyd George, Liberalism and the Land*; Biagini, *Liberty, Retrenchment and Reform*, 184-190; Offer, *Property and Politics*.
- <sup>74</sup> Cromer, "Report," (1903), 3; the figures are taken from Wingate, "Memorandum of the Governor-General," (1903), xiii.
- <sup>75</sup> Paulin, *White Men's Dreams*, 145-178; Braun, *The Cadastre and the Colony*.
- <sup>76</sup> Cross, "British attitudes to Sudanese labour," 224.
- <sup>77</sup> Sikainga, *Slaves into Workers*; Nugud, *Slavery*; Serels, *Starvation and the State*; Hargey, "Festina Lente: Slavery policy"; Warburg, *Sudan under Wingate*, 170-182.
- <sup>78</sup> "Petition from 69 notables of Omdurman to the Sirdār, H.H. Kitchener, appealing for fairer treatment of local people by soldiers searching for Mahdist supporters Arabic with English translation," Oct. 2, 1898, SAD 430/6/4-5.
- <sup>79</sup> Sikainga, *Slaves into Workers*, 38-44; Nugud, *Slavery*, 103-115.
- <sup>80</sup> Serels, *Starvation and the State*, 117; Broun, "Annual Report," 10.
- <sup>81</sup> Sikainga, *Slaves into Workers*, 44-50; Nugud, *Slavery*, 89-103
- <sup>82</sup> Sikainga, *Slaves into Workers*, 44-50; Nugud, *Slavery*, 89-103; Serels, *Starvation and the State*, 115-116.
- <sup>83</sup> See e.g. Wingate, "Memorandum," (1914), 36-37. Statistics were collected to show that a significant number of arrests for slave trading were being made: McLoughlin, "Economic Development".
- <sup>84</sup> E.S. Jackson, "Report on Southern District, Bahr al-Ghazal Province," 1911, SAD.542/18/1-66, 42-43.
- <sup>85</sup> Sikainga, *Slaves into Workers*, 37-38; Hargey, "Festina Lente," 250-255. In his annual report for 1908, the Governor General indicated that the "natural indolence of the Sudanese ex-slave" and "naturally lazy" character of the Sudanese were causes of labour shortages: Wingate, "Memorandum of the Governor-General," (1908), 70, 71.
- <sup>86</sup> See Sikainga, *Slaves into Workers*, 73-94; Serels, *Starvation and the State*, 114-128.

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- <sup>87</sup> This was supported by the agricultural experts: Sudan Central Research Farm, *Pump irrigation*, 1-2, 19.
- <sup>88</sup> Sudan Gazette no. 92 (Apr. 1, 1906), 467.
- <sup>89</sup> Peacock, *The Anglo-Egyptian Sudan*.
- <sup>90</sup> Peacock, *The Anglo-Egyptian Sudan*, 36. See also S.A. Tippetts, "Extract from S.A. Tippetts' report on land titles," Mar. 16, 1912, SAD.542/2/6-13, 10-11.
- <sup>91</sup> Peacock went to Eton, joined the Inner Temple in 1894 and worked on the Midland Circuit. He did not appear as counsel in any of the official law reports of the period, which suggests that his career was not particularly noteworthy. His appointment to Sudan took effect on February 17, 1904 and he served as a civil judge until his retirement on August 21, 1926.
- <sup>92</sup> Jakes, "The Scales of Public Utility."
- <sup>93</sup> Peacock, *The Anglo-Egyptian Sudan*, 67n.
- <sup>94</sup> Cromer, "Report," 1903, 5.
- <sup>95</sup> E.g. Sudan Central Research Farm, *Pump irrigation*, 16; see Sharkey, "Luxury, Status" on the cultural importance of slavery.
- <sup>96</sup> Peacock, *The Anglo-Egyptian Sudan*, 48.
- <sup>97</sup> A feddan was about one acre.
- <sup>98</sup> Peacock, *The Anglo-Egyptian Sudan*, 61.
- <sup>99</sup> Sudan Central Research Farm, *Pump irrigation*, 16.
- <sup>100</sup> H.A. MacMichael, "Report on the Kheiran (cultivable basins)," Jan. 14, 1911, SAD.542/3/12-34, 21.
- <sup>101</sup> Gezira Land Ordinance 1921, no. 12 of 1921, Sudan Gazette no. 382 (Oct. 20, 1921) 1482.
- <sup>102</sup> Bernal, "Colonial Moral Economy".
- <sup>103</sup> Niblock, *Class and Power*, 53.
- <sup>104</sup> Aufhauser, "Slavery and Scientific Management"; Barnett, "The Gezira Scheme".

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<sup>105</sup> Bernal, "Colonial Moral Economy," 462.

<sup>106</sup> "In every year from 1924 there were over one hundred British field inspectors employed by the Syndicate to directly supervise each tenant's cultivation, and in the late 1920s, when at a height, these figures were much closer to two hundred." Clarkson, "Courts, Councils and Citizenship," 4.

<sup>107</sup> Bernal, "Colonial Moral Economy," 462-69.

<sup>108</sup> Clarkson, "Courts, Councils and Citizenship," 15

<sup>109</sup> *Ibid.*, 71-72.

<sup>110</sup> *Ibid.*, 71: in Gezira, "hired labour became a more efficient manner of farming, and the elite actually looked to the government to abolish slavery as a means for them to escape their obligations in the upkeep of slaves."

<sup>111</sup> See e.g. Peacock, *The Anglo-Egyptian Sudan*, 5-18; S.A. Tippetts, "Report on certain lands on the Atbara," Jan. 28, 1906, SAD.542/7/1-15, 2-3.

<sup>112</sup> J.G. Matthew, "Report on the system of land tenure in Singa District," Mar. 23, 1909, SAD.542/9/1-45; 542/13/1-47.

<sup>113</sup> *Ibid.*, 41.

<sup>114</sup> *Ibid.*, 42.

<sup>115</sup> E. Bonham Carter to P. Munro, Feb. 16, 1910, SAD.542/12/9-24, 14.

<sup>116</sup> Legislative action was taken: for example, there was a requirement to register 'servants' and a prohibition on enslaving anyone born after 1898. In practice, these were frequently not observed. Sikainga, *Slaves into Workers*, 36-73.

<sup>117</sup> Ewald, *Soldiers, Traders, and Slaves*; Spaulding, "Slavery, Land Tenure and Social Class"; Bjørkelo, *Prelude to the Mahdiyya*.

<sup>118</sup> Mitchell, *The Rule of Experts*, 59, states that the models of American and Caribbean slave plantation agriculture influenced early nineteenth century expansion of slave trade by Egyptians in Sudan.

<sup>119</sup> Spaulding, "Slavery, Land Tenure and Social Class," 14.

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- <sup>120</sup> Bjørkelo, *Prelude to the Mahdiyya*, 53.
- <sup>121</sup> Spaulding, "Slavery, Land Tenure and Social Class".
- <sup>122</sup> Ewald, *Soldiers, Traders, and Slaves*, 168.
- <sup>123</sup> Title of Lands Ordinance, 1899, Sudan Gazette no. 2 (May 27, 1899), 1, s. 6(I). Land Settlement Ordinance, 1905, Sudan Gazette no. 80 (Aug. 24, 1905), 370, s. 7.
- <sup>124</sup> E.g. Title of Lands Ordinance, 1899, Sudan Gazette no. 2 (May 27, 1899), 1, s.6;
- <sup>125</sup> J.G. Matthew, "Report on the system of land tenure in Singa District," Mar. 23, 1909, SAD.542/9/1-45; 542/13/1-47 remarks that rent receipts were regarded as stronger evidence of possession than deeds granted prior to the Condominium.
- <sup>126</sup> Title of Lands Ordinance, 1899, Sudan Gazette no. 2 (May 27, 1899), 1, s. 6(I). There was no exception under the Land Settlement Ordinance, 1905, but it would have been redundant, as the Mahdist rebellion had been put down more than five years prior to its enactment.
- <sup>127</sup> Niblock, *Class and Power*, 53; Awad, "The Evolution of Landownership," 226-228, argues that the concentration was not so great, although he accepts that plots were often consolidated without formal changes in title.
- <sup>128</sup> C.A. Willis, "Report on Slavery and the Pilgrimage," 1926, SAD.212/2.
- <sup>129</sup> Sudan Central Research Farm, *Pump irrigation*, 1.
- <sup>130</sup> Sikainga, *Slaves into Workers*, 95-121; Nugud, *Slavery*, 89-150; Hargey, "Festina Lente".
- <sup>131</sup> Cromer, "Report," (1902), 6.
- <sup>132</sup> Tignor, "The Sudanese Private Sector," 181-196; Stiansen, "The gum arabic trade"; Babiker, "Land-tenure in Kordofan".
- <sup>133</sup> As villages often moved to new locations after the fields were abandoned, the gum trees could be a considerable distance from the village: E.N. Corbyn, "Report on rural land settlement and development in Kordofan," May 5, 1914, SAD.542/3/34-41, 41-42.
- <sup>134</sup> Tignor, "The Sudanese Private Sector," 181-196.
- <sup>135</sup> Tignor, "The Sudanese Private Sector," 181; Stiansen, "The gum arabic trade".
- <sup>136</sup> Tignor, "The Sudanese Private Sector," 186; Babiker, "Land-tenure in Kordofan".

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- <sup>137</sup> E.N. Corbyn, "Report on rural land settlement and development in Kordofan," May 5, 1914, SAD.542/3/34-41, 41.
- <sup>138</sup> S.A. Tippetts, "Extract from S.A. Tippetts' report on land titles," Mar. 16, 1912, SAD.542/2/6-13.
- <sup>139</sup> E.g. Tippetts, *ibid.*; C.A. Willis, "Mr. Willis' Report: Settlement of Gum Gardens & the rights of Tugundi," Mar. 16, 1912, SAD.542/2/8.
- <sup>140</sup> H. Bell, "Extract from B.H. Bell's report on the claim of Awalad Ahmad Bey Daf Allah to land in Goz Ashgar and vicinity," Dec. 31, 1913, SAD.542/5/1-13 (1913), 4-6, distinguished between the 'gum gardens' in villages and those some distance from a village. As villages moved in some districts moved to be closer to land under cultivation, and gum trees left to grow in former sites, there could be considerable distance between them; however, the sheikh and village normally took the view that ownership was retained.
- <sup>141</sup> Willis, "Settlement of Gum Gardens & the rights of Tugundi 1914," Mar. 16, 1912, SAD.542/5/11; see also S.A. Tippetts, "Extract from S.A. Tippetts' report on land titles," Mar. 16, 1912, SAD.542/2/6-13.
- <sup>142</sup> Section 2.
- <sup>143</sup> Section 6.
- <sup>144</sup> There is some doubt that this reflected the true position: as the gum trade became more valuable in the nineteenth century, individual transferable ownership of gum-producing land became more common. Stiansen, "The gum arabic trade in Kordofan," 63
- <sup>145</sup> Willis, "Settlement of Gum Gardens & the rights of Tugundi 1914," Mar. 16, 1912, SAD.542/5/1; see also S.A. Tippetts, "Extract from S.A. Tippetts' report on land titles," Mar. 16, 1912, SAD.542/2/6-13.
- <sup>146</sup> E.g. S.A. Tippetts, "Report on Um Ruaba (Taiara) land," 1908, SAD.542/4/1-10.
- <sup>147</sup> E. Bonham Carter, "Note by E. Bonham Carter, Legal Secretary, on the settlement of title to gum gardens," Apr. 22, 1913, SAD.542/5/14-19.

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<sup>148</sup> Ibid., 16.

<sup>149</sup> Bonham Carter, “Note,” 16.

<sup>150</sup> Packer, *Lloyd George, Liberalism and the Land*; Biagini, *Liberty, Retrenchment and Reform*, 184-190; Offer, *Property and Politics*.

<sup>151</sup> Northern Nigeria Lands Committee, *Report*.

<sup>152</sup> Niblock, *Class and Power*, 53.

<sup>153</sup> Bonham Carter, “Note”.

<sup>154</sup> Babiker, “Land-tenure in Kordofan”.

<sup>155</sup> Babiker, “Land-tenure in Kordofan,” 214-217.

<sup>156</sup> Babiker, “Land-tenure in Kordofan,” 214-222.

<sup>157</sup> Babiker, “Land-tenure in Kordofan,” 214-222.

<sup>158</sup> Sudan Government, *Report of the Land Registration Committee*.

<sup>159</sup> Thompson, *Land Law*, 533.

<sup>160</sup> Sudan Government, *Report of the Land Registration Committee*.

<sup>161</sup> Miskin, “Land Registration,” 283. S. Rowton Simpson, in both Simpson, “Land Law,” 62 and S. Rowton Simpson, “Land Law and Registration in the Sudan,” suggests that the system enjoyed greater success than indicated, but he was concerned with the technical clarity of the later legislation rather than the achievements of early land settlement.

<sup>162</sup> Niblock, *Class and Power*, 53.

<sup>163</sup> Title of Lands Ordinance, s. 2; Town Lands Ordinance, s. 5; Suakin Town Ordinance, s. 4; Land Settlement Ordinance, s. 4.

<sup>164</sup> Miskin, “Land registration,” 283.

<sup>165</sup> See e.g. Berry, *No Condition is Permanent*; Chanock, “Paradigms”; Pierce, “Looking Like an Expert”.

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Figure 1. "Uthman Afandi, a land settlement officer , distributing land certificates to the villagers of Arneti Island." SAD.766/8/115. Reproduced by permission of Durham University Library.

