The Cape Colonial Government System of Red-line Diagrams

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SUMMARY

During the years of European conquest and trade, a settlement at the Cape near the Southern tip of Africa began as an important victualling station. For the first two hundred years of occupation and as the need for fresh produce increased, land was allocated by the Dutch East India Company. Downplaying any existing indigenous land rights (nowhere documented), Free Burgers (immigrants from the colonial motherlands who wished to remain in the colony) either appropriated for themselves or were allocated a piece of land. This land was eventually surveyed, reflected on a diagram and then registered by deed of grant from the colonial government under the Roman Dutch legal system. Once much of the desirable land had been occupied by colonial subjects, a form of densification was needed. The Cape Colonial Government, which was, from the early 1800s, under British rule, published processes of subdividing the existing land parcels that were surveyed and reflected on Cadastral diagrams lodged with and approved by the then Surveyor-General of the Cape Colony.

The so-called “Red-line Regulations” came into effect by Government Notice in 1879. This set of legislation was ultimately repealed by The Land Survey Act, 1927, which came into operation in 1929. The Red-line Regulations were therefore in operation for almost 50 years. Professors Fisher and Whittal have described the history of the “Red-line diagrams” in their comprehensive book entitled "Cadastre: Principle and Practice". The Red-line Regulations caused confusion for future generations by prescribing that any new diagram of the subdivision of an earlier property must contain two figures: firstly, the exact representation of the portion to be taken from original diagram in black and, secondly, the figure of the portion as resurveyed superimposed thereover in red.

The red-line diagrams of the Province of the Eastern Cape were the author’s responsibility for the 14 years he was the Surveyor-General of the Eastern Cape. Having encountered many instances of

confusion in understanding of the Red-line Diagrams, the author has examined this historic practice in some detail. This paper is therefore based on research on the application of the red-line diagrams, focussing on two specific examples resulting from dealing with his resolution of disputes thereover.