

Slaves and Slave Regulations at the Cape: 1806 — 1834

by

DR. W. J. DE KOCK

AT the time of the Second Occupation of the Cape by the British in January, 1806, there were 29,361 privately-owned and government slaves in the Colony. These were slaves and descendants of slaves imported from 1658 to 1803 and almost entirely owned in the Western Province. During the administration of De Mist and Janssens (1803 — 1806) the importation of slaves had been forbidden. In fact, the number of slaves found by the British on their return was about 800 less than when they left in 1803.

Sir David Baird took over the government-slaves as war booty but in his instructions to the Collector of Customs of 16th April, 1806, stipulated that no slaves found on captured ships or other vessels could be landed without written government permission. On two occasions in 1806 permission was granted to land slaves. From 1st May, 1807, the Slave-trade was abolished within the British Empire. After this date only a few slaves were imported illegally or by special permit. The abolition of the Slave-trade was the first great triumph of the Anti-Slavery Movement which had grown strong in Britain in the course of the 18th century. After 1807 this movement worked with the same unremitting energy till it gained its final triumph in 1834 with the total abolition of slavery within the Empire.

In discussing Cape slave regulations in this period between the abolition of the trade and of slavery itself, it must always be remembered that measures that emanated from Britain were drawn up under the influence of men who associated slavery in all British possessions with the atrocious and inhuman conditions under which slavery was practised in certain of the tropical West Indian islands and colonies. This was a most unjust judgment on the condition of slaves at the Cape where, according to many and impartial sources of the time, slaves had always been treated humanely and fairly.

The Earl of Caledon took a great interest in the welfare of slaves. He was satisfied that they were well treated. He suggested shortly after his arrival as governor in 1807 that government-slaves be freed or manumitted (as it was called in documents of the time). He encouraged the appointment of teachers for slaves.

His successor, Sir John Cradock, found just over 30,000 slaves in the Colony. In 1812 he issued a proclamation prohibiting all vessels transporting slaves from entering any part of the Colony and forbidding any contact of colonists with such ships. Cradock also repealed an old ordinance of the Dutch East India Company, dated 1770, which decreed that slaves who adopted Christianity and were baptised had to be freed. After 1812 such slaves still remained the property of their masters. Where the blessings of Christianity had formerly

been withheld by the slave-owners for fear of financial loss, there was now nothing to impede the conversion of slaves.

It was an old custom at the Cape that slaves could be locked up in gaol at the request of their owner for domestic offenses without any order from landdrost or fiscal. Cradock issued a proclamation on 1st January, 1812, instructing that such slaves were not to be kept in gaol longer than one month, unless awaiting trial on a criminal charge by a properly constituted court. If a court found proof of cruelty by owners and ordered the slaves to be sold by auction, a ten per cent tax was to be paid to the government. By the time Lord Charles Somerset arrived in 1814, the war against Napoleon was almost over. The post-war period was to be characterised by more powerful efforts on the part of the philanthropists in Britain to obtain total abolition of slavery. This Somerset had to bear in mind. Hence his efforts to improve the lot of the slaves.

Certain citizens of Cape Town were already in favour of emancipation of slaves. On 6th March, 1815, J. B. Hoffmann addressed a letter to the government suggesting the freeing in future of all female slave children born at the Cape. This would eventually wipe out slavery. This policy was, however, not adopted.

One of the first signs of active preparation for abolition came in 1816. On 26th April, 1816, Somerset issued his proclamation making compulsory the registration of slaves. He gave the reasons for this new regulation: Firstly, to control the many voluntary manumissions taking place, secondly, to prevent indentured negroes "prize negroes" (who were not slaves) and their children from being given the status of slaves. Thus a registration office was opened in Cape Town and at each of the drostdys. An Inspector of Slaves and assistant-inspector were appointed in Cape Town; in the country districts the clerk of the landdrost acted as inspector. Each slave-owner was required to produce a list of all his slaves, their names, sex, age, place of birth and their occupation (for slaves were the artisans of those days, masons, carpenters, tailors and decorators). The owner was further required to submit a record of all manumissions granted by him, transfers, inheritances, births, deaths and transfer of slave property. From this information each inspector or clerk had to compile an alphabetical list and issue a certificate to each person who came to register slaves. When a slave was sold the buyer had to obtain a certificate from the inspector or local official who had to be advised beforehand by the seller of his intention. On the certificate of transfer a stamp duty of five rixdollars was levied and an additional five rixdollars for the maintenance of the registration office. The government further undertook to supply on request a birth certificate for slaves to the owners.

Annually a commission of the Supreme Court was to be appointed to inspect the Cape Town register and to submit a report to the governor. Judges of the Circuit Court had to inspect the district registers and report on them.

Failure to comply with these stipulations before 31st March, 1817, implied that all unregistered slaves were freed, and all slave-children born after this date would be free unless the birth was registered within six months. Persons failing to supply full information on their slaves were liable to a fine of 100

rixdollars. No claims to a slave would be valid unless all the required records could be produced.

Lord Charles Somerset, assisted by the Secretary to the Government, Colonel Bird, took various measures in 1817 and 1818 to provide Christian education for government-slaves and to encourage the colonists in the same direction. On March 18, 1823, Somerset issued his well-known slave proclamation which granted privileges to slaves that they had never before enjoyed. This measure can be regarded as a direct result of the great rising tide of public opinion in England against slavery, both inside and outside Parliament. It became the custom now for the British Government to issue orders-in-council from time to time touching upon the treatment of slaves. Mostly these measures, when transmitted to the Colonies, enraged the slave owners and led to reprisals on slaves or to false expectations among slaves who thus became restive and rebellious.

What was the contents of this extraordinary Somerset proclamation? It can be summarised under ten points:

- (1) Slave-owners were forbidden to give their slaves any outside task on Sundays, except for purely domestic purposes.
- (2) No contribution of 50 rixdollars would in future be required of slaves on emancipation (formerly this amount had to be contributed to the church fund).
- (3) Children of Christian slaves had to attend the slave school for three days per week.
- (4) Christian slaves could marry with the written consent of their masters which was to be shown to the local authority.
- (5) Married slaves could not be separated and their legitimate children under 10 years of age could not be separately sold, unless by special decree of the High Court. The same applied to illegitimate children of under 9 years and non-Christian children under 8 years.
- (6) Children of Christian slaves had to be baptised within a year of birth and all Christian slaves were to be permitted to attend church service on Sundays. A declaration of oath by a Christian slave would henceforth be as valid as that of any other Christian.
- (7) Property legally acquired by slaves outside their ordinary service was guaranteed to them. They could dispose of it at will, or bequeath it.
- (8) Sufficient clothing and food was guaranteed to slaves; they were not to work more than 10 hours per day in winter or 12 in summer, except in exceptional circumstances (the ploughing or harvesting season) and then they had to be compensated with money or extra rations for their services.
- (9) Corporal punishment was limited to 25 strokes (sic) and could only be administered by the owner, lessee or superintendent, except in special cases (where the owner was a woman).
- (10) Slaves with a reasonable cause for complaint could lodge it with the local authority which was obliged to investigate it and to dispense justice. If the complaint were false, the complainant could, however, be punished for false accusations.

Somerset had indeed anticipated a resolution of the British House of Commons covering most of the points in his own proclamation, and adopted as a result of pressure by the *Clapham Sect* of philanthropists. When this was communicated to Somerset, he added to existing regulations a prohibition of corporal punishment for female slaves.

On instructions from Britain the Acting Governor, Major General Richard Bourke, published *Ordinance No. 19 of 1826*. This was much more detailed than the 1823 regulations; it contained 47 clauses. It was, in reality, the outcome of another bid in Britain by the anti-slavery men to secure total abolition. This took the form of many petitions to Parliament and a long debate in the House of Lords on slavery. Soon after Lord Bathurst, the Colonial Secretary, instructed Bourke to give effect to the wishes of Parliament. The result was this ordinance of 19th June, 1826. It incorporated all the Somerset regulations of 1823, but was much more explicit on fines for non-observance of the ordinance. It also contains additional matter. The Inspector of Slaves now became a Protector with assistants in the country districts. It was the duty of these officials to watch carefully over the interests of slaves and to see that the laws in their favour were strictly carried out. Privileges for baptised slaves were extended to all slaves. Slaves could compel their masters to liberate them on payment of a ransom legally acquired.

The ordinance created great indignation throughout the Colony. The Burgher Senate of Cape Town refused to hear it read to them, two members resigning in protest. On July 26, 1826, a great public meeting was called in Cape Town to discuss a petition to the King-in-Council. In Stellenbosch the heemraden refused to listen to the reading of the obnoxious document and Graaff-Reinet, remotest of the districts flared up in protest. The landdrost, Andries Stockenström, took the lead in calling a public meeting on 2nd October, 1826, and reported in moderate words to the government the feelings of his burghers.

It was clear that the Cape colonists felt slighted and outraged by the application to them of a measure so clearly intended for the West Indies where slaves still worked in gangs under the whip of heartless overseers. Not only were Cape slaves excellently treated but the general feeling, in Cape Town as well as in Graaff-Reinet, was strongly in favour of gradual abolition of slavery. The method proposed was the one mooted in 1815: the freeing of all female slave children at birth.

The agitation did not lead to any concessions on the part of the British Government. On the contrary, insult was added to injury by another British *order-in-council of 2nd February, 1830*, appointing a number of additional trustees for slaves in the various districts. One of the provisions of this order was that in future all slave-owners were to keep a *Punishment Record Book*. Every year this book was to be taken out at the office of the trustee and in it the owner was to note in detail each case of punishment administered to slaves, the nature of the offence and the punishment and of witnesses present. Twice a year this book was to be presented at the office of issue and the truthfulness of the entries attested on oath. The public reaction was more

violent this time. At Stellenbosch there was a riot and damage to property. Supplementary orders-in-council further excited the feelings of the colonists and agitation by slave-holders in Cape Town culminated in a great mass meeting of two thousand people on 17th September, 1832. The audience then marched to Government House and sent a deputation to present their views to Governor Sir Lowry Cole. In the end the colonists gained their point; the governor was instructed to suspend the application of the main source of unrest: the punishment book.

So severe was the strain imposed on slave-owners by the various regulations that it was indeed a relief when, at length, the British Parliament abolished slavery. The bill became law on 28th August, 1833, and stipulated that after a fixed date — 1st December, 1834, in the Cape Colony — all slavery was to cease within the British Empire. Slaves over six years were to be apprenticed for four or six years to their employers. If for six years then their working hours were to be reduced to 45 per week. The first day of December, 1833, can thus be considered the official date of the cessation of slavery in South Africa.

Boekbespreking

Van Jaarsveld, F. A.: Die Ontwaking van die Afrikaanse Nasionale Bewussyn, 1868 — 1881, pp. 198, prys 17/6, Voortrekkerpers, Johannesburg, 1957.

MET hierdie werk trag die skrywer om die probleem op te los, soos hy dit in sy eie woorde stel: „Wanneer het die Afrikaanse nasionalisme ontstaan en wat was die eienskappe daarvan? Hoe het die proses van nasionale selfbewuswording plaasgevind?” Wyle prof. N. Brümmer van Stellenbosch was waarskynlik die eerste persoon wat ’n veertig jaar gelede al hierdie vrae in ’n aantal voorlesings op ’n wetenskaplike wyse probeer verantwoord het. In die drie bande van *Kultuurgeskiedenis van die Afrikaner*, onder redaksie van C. M. van den Heever en P. de V. Pienaar, het verskeie medewerkers die wording van die Afrikaner en die ontlouking van sy nasionalisme as uitgangspunt geneem of as tema laat geld. Ook in die tweede band van *Geskiedenis van Suid-Afrika*, onder redaksie van A. J. H. van der Walt, J. A. Wiid en A. L. Geyer, is die probleem van die wording van die Afrikaner aangeroer. Deur die probleem nou vanuit ’n historiografiese en geestesgeskiedkundige hoek te benader en sy gevolgtrekkinge op wetenskaplike bronne te laat berus, het dr. Van Jaarsveld egter vir ons ’n besonder verdienstelike beeld van die Afrikaner se ontloukende nasionalisme gegee.

Omdat die werk nie suiwer beskrywende geskiedenis is nie, maar ook bespieëlend van aard is, lok sy metode en afleidinge dikwels reaksie uit. Hoewel die werk self nie juis polemies van aard is nie, het dr. Van Jaarsveld hom daarop voorberei dat dit wel polemieks kan uitlok, want gee hy toe „daar is seker kans op verskil van insig”. Dit tref dan ook dat die werk ’n benadering van die probleem is en nie soseer daarop gemik is om finale uitspraak daaroor te gee nie. Hierdie openhartigheid en sy nugtere en objektiewe vertolking verleen dan ook aan die werk ’n frisheid wat dit besonder lesenswaardig maak.