

406

EMANCIPATION - AND AFTER:
A STUDY OF CAPE SLAVERY AND THE ISSUES
ARISING FROM IT, 1830-1843

A

Thesis for the M.A. Degree

by

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1953

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Henry Fielding has remarked that the art of writing prefaces is over. As an introduction to a Master's thesis, this dares offer no more than an apology, a demand, and my thanks.

An apology for its length, and for what might appear at first as unwarranted detail, but it was presumed that the reader (as well as the writer) was sufficiently interested in attaining so full a picture of slave emancipation in South Africa as to justify the inclusion of all facts centring around Abolition. It may also be necessary to explain that, from the nature of the subject, it was feasible to choose as examples in the footnotes, episodes of a later date than that under immediate consideration, if such were good embodiments of an attitude which prevailed over a number of years.

As the choice of so many newspapers as source material may be open to query, the explanation follows that, this thesis being one of conditions and attitudes rather than of definite events, a source was essential which

would provide contact with public opinion. There being insufficient diaries and memoirs for this period, newspapers were the resource to mirror most widely the circumstances of the time. An authority at the Cape Archives has since mentioned that, with caution, the Cape papers are trustworthy media, and a checking of the figures given in them with those of official documents where such exist, upholds this assertion. Mention of the characteristics of some may prove useful when considering references: for economic analysis, the "Commercial Advertiser" has penetrating articles by a well-informed editor; the "Zuid Afrikaan", which has not been drawn on by former students in this field - notably Edwards and Wastell - was the outlet for the views of the farmers and the slave-owning group; the "Cape Town Mail", a primitive though unofficial Hansard, gives verbatim accounts of debates in the Legislative Council.

The demand: I am aware that some of the conclusions put forward on subjects already well digested by eminent historians, are a radical deviation from the beliefs they hold, but to which I could not agree on the basis of the past research. I would be grateful if, should future scholars of this period consider these arguments worth their mention, they would acknowledge the thesis from which they come.

Finally, my thanks to Mr. Victor de Kock of the Archives, who first suggested this subject to me, and to Mr. L. Thompson of Cape Town University, for his interest and help. Also to the staffs of the Archives and the Public Library who unwearingly bore my demands for material. If through their co-operation this period of our history has been brought into sharper relief, their efforts will not have been completely wasted.

E.H.

ABBREVIATIONS USED

As the length of this thesis necessitated making the references in the footnotes as brief as possible, the following is a list of abbreviations used:-

- A-CT Albany registry office to Cape Town office¹
- B-CT Beaufort registry office to Cape Town office
- C.A. South African Commercial Advertiser
- Comp.comms. Compensation commissioners
- C.T.Mail Cape Town Mail
- CW-CT Clanwilliam registry office to Cape Town office
- G.G. Government Gazette
- G.J. Graham's Town Journal
- GR-CT Graaff Reinet registry office to Cape Town office
- Misc.letters Miscellaneous letters to Cape Town office
- Sb-CT Stellenbosch registry office to Cape Town office
- Si-CT Simonstown registry office to Cape Town office
- Sw-CT Swellendam registry office to Cape Town office
- W-CT Worcester registry office to Cape Town office
- Ware Afrn. Ware Afrikaan
- Z.A. Zuid Afrikaan
-

¹ These letters and reports from the district slave registry offices to the Cape Town slave office include those of the district Guardians, to 1830, and of the similar Protectors, 1830-1834; and after 1834, of the "keepers of the late slave registers".

BONDAGE

CHAPTER I

BRIEF HISTORY OF CAPE SLAVERY TO 1830

The history of slave-owning at the Cape is almost as old as the settlement itself. Because the Hottentots did not provide a suitable quality of labor, slaves were introduced in 1657 - three males and seven females brought for service to the Dutch East India Company began an importation of increasing numbers of slaves; these became available for purchase by the free burghers when the needs of the Company had been satisfied. The obtainment of any other type of labor for the growing settlement continuing to be scarce, their shipment to the Cape was a recognised traffic during the following 150 years, and already in 1710 the 995 whites were outnumbered by some 1500 slaves; by 1830 the ratio was 90,908 free citizens to 33,583 slaves.¹

Since the trade was begun in the middle of the 16th century, society had not looked upon slavery as morally incorrect: the acceptance of Christianity as the criterion of equality justified the enslavement of the heathen. Shipments to the Cape consisted of three types of slaves: negroes from Madagascar and the African coast, who were put to the most lowly tasks; Asiatics - sometimes including political offenders; and, as a more valued class of Asiatics, the Malays, an industrious and talented group fetching high prices. The most favored slave in the Colony, however, was the often almost white half-breed, of European and slave parentage.

Within one year of their arrival, arrangements were made to cater for the slaves as a separate unit of the community. A school was established for them in 1658, and English and Dutch schoolmasters and mistresses were among the staff of the Slave Lodge built in 1680 to house the Company's slaves. Efforts were made to encourage Christianity among the slaves and to promote the baptism of their children. In 1688

¹ Government Blue Books 1830 p.256. The 90,908 citizens included free blacks.

some order was brought into these haphazard regulations for their welfare by the visiting commissioner, H.A. van Rhee. The rules he laid down limited the period of servitude for both imported and locally-born slaves; he also recognized the growing antagonism towards color in his order that, although marriages between Europeans and half-breeds were valid, unions between Europeans and free blacks of full color were to be prohibited.

Formerly, there had been no barrier against social intercourse between black and white, provided all were Christians, but already before the 18th century, skin color rather than religious belief began to decide social relations. This standard gradually crept into the ethics of the European nations; at the Cape it also arose from the fear of the increasing amount of slaves, as importation steadily went on, although in the Colony, the whites were never to be outnumbered by their slaves as was common in other slave-owning countries. This fear caused the enthusiasm to Christianize slaves to lessen, more so as, during the 18th century, the demand for slaves rose and they became more valuable. According to the principles of the previous century, conversion meant freedom, and the owners did not wish to lose their slaves in this way. The Dutch government, attempting to remedy the diminishing amount of slave baptisms, in 1770 forbade the sale of Christian slaves, but instead of promoting conversion, the decree hindered it, for to his proprietor, a baptized slave lost his trade value. To the owners, a slave's value had become a most important feature, for slavery and the slave trade was by the second half of the 18th century a highly organized institution. At the Cape, the permanence of bondage became marked in 1754, when a special slave code was introduced, and in 1775, when it was laid down that the children of slaves were in future to serve as apprentices until their 25th year. Besides being a labor source, the slave became an asset as a form of investment for the owner and for his heirs on his death -

ie. capital with which they did not like to part. Manumissions were comparatively less frequent than during the first 40 years of slavery in the colony, yet slaves were able to attain their freedom by gift or by purchase during the 1700s, and a small but industrious class of free blacks became a regular feature of the Cape community.

The prosperous slave trade, which put large profits into the coffers of British merchants, ended as a result of a realisation in the liberal last years before the nineteenth century, that the slave was not merely a piece of property with a market value, but a human being. After twenty years of parliamentary struggle, humanitarian interests in England were able in 1807 to secure the abolition of the British slave trade. In the succeeding ten years, Britain tried by treaty-making to persuade the major continental powers to follow her example, but the Spanish and Portuguese ships still continued illegally to carry slaves to foreign and sometimes to British colonies, where they were smuggled in at the high prices which made the enterprise worthwhile. By the right given her through the treaties, Britain was able to hamper this traffic somewhat and alleviate suffering by capturing these slavers and depositing the negroes in her possessions, notably Sierra Leone. Of these prize negroes, the Cape received over 2000 between 1807 and 1816; they were apprenticed for 14 years before gaining total freedom.

At Cape Colony, the character of slave-holding differed from the driving-system in the other British colonies. Unlike the West Indian plantocracy, the Colony's owners did not hold slaves as a source of large profits, but merely as a safe form of investment and for labor purposes on a domestic scale. The Dutch government had considered giving the inhabitants a representative assembly if they would free their slaves in return, but before this scheme could be brought into operation Britain had re-occupied the Cape and, under the terms of cap:

tulation, had guaranteed the right of slave property to the owners. The colonists were thereby assured that their valuable slaves were looked upon as legal possession, although no more were imported after the 1807 act abolishing the trade.

Britain had hoped that, once the trade was forbidden, the resulting scarcity would cause owners to take more care of their slaves and give them better treatment; she still held that direct regulations for slave welfare could hardly be introduced by her, as the slave was private property. However, to prevent the frequent re-enslavement of freed negroes, Britain in 1816 legislated that all slaves were to be registered as well as their future births and deaths.¹ This law helped bring some control over the chaotic state of ownership.

It was the first of several ameliorative laws which became unavoidable under the pressure of British public opinion whose attention was being directed to the sufferings of their black fellow-creatures abroad. The Cape governor, Lord Charles Somerset, was able in 1823 to adroitly forestall any inapplicable regulations from the distant government by a proclamation which, although to the advantage of the slaves, did not cause alarm among the proprietors.² Improvements therein included the encouragement of Christianity among slaves and rules for their education; the length of working time was laid down, punishment moderated, slaves were allowed to own property and in court their evidence became acceptable on oath. To the local magistrates was allotted the task of guarding their interests.

The slave-owners were hardly disturbed by the 1823 law, for it was not strictly enforced. But they were seriously alarmed by Ordinance 19 of 1826,³ based on an Order-in-Council of 1824 which had improved the conditions of slaves in Trinidad and the other West Indian Crown colonies. Re-enforcing the allowances made to slaves three years earlier, the innovation

1 G.G. 27 April 1816.

2 Ibid 22 March 1823.

3 Ibid 30 June 1826.

ed or amended without the sanction of the British Crown.

It was the first experiment by the British government to "free" a colored people, and as such they could have learnt much from it. As no provision had been made for the welfare and guidance of the Hottentots, these people, who had rarely been able to apply themselves to more exacting work than herding or waggondriving, took to vagrancy or settled in large numbers at the missionary institutions, so that freedom for many of them became synonymous with misery! To the farmers, it also caused a shortage of labor, tided over by the presence of the slaves and in the eastern districts, of the Kaffirs, the latter being allowed to work in the Colony under the pass regulations of Ordinance 49, 1828.

The effects of Ordinance 50 were not studied objectively by the authorities, or they might have suggested measures for the much wider emancipation that was to follow so soon. It was possible that at least Cape Colony would be subject to a similar experience on a larger scale when the slaves were freed. These were the fears of many of the people - would they be justified? In the next 15 years lay the answer.

1 Boyce, W.B. Notes on South African affairs, from 1834 to 1838. Grahamstown, 1838. Mentions pp.126-27 that the less industrious Hottentots lived in poverty after Ordinance 50. Pringle, Th. African sketches. London, 1834. p.396 on the first effects of the Ordinance on the Hottentots, gives a similar opinion.

of the 1826 Ordinance was that slaves were able to bring their masters to court and that the office of registrar of slaves was extended to that of registrar and guardian; these officials being given the wide powers to act "in such manner as may be most conducive to the benefit and advantage of such Slave."¹

The ordinance was deeply resented throughout Cape Colony, as introducing impertinent meddling in a relationship which only concerned the master and his property. In protest, the Burgher Senate of Cape Town and the Stellenbosch heemraden refused to be present at the reading of the law. Apart from its inducing unnecessary interference, it was felt that the conditions of slaves at the Cape were not such as to warrant extra protection being given them. Prior to this new legislation, there had been satisfaction among masters and, apart from two minor rebellions in 1808² and 1825, little restlessness among the slaves. The latter part of the 1820s gave rise to uncertainty in master and slave relations, an insecurity promoted by the knowledge that Britain was contemplating the complete emancipation of the slaves at some unspecified date.

Resentment was increased by the legislation affecting the status of the Hottentots. The detribalized Hottentots had been virtual slaves before the Earl of Caledon's Code of 1809 had bettered their position; now, propaganda on their behalf by the missionary, Dr. Philip, so influenced public opinion in England that it led to the issue of Ordinance 50 of 1828. This secured civil rights to the Hottentots and gave them the ability to own land; they no longer needed passes, and were not to be punished or forced to work on the excuse of vagrancy. Its most far-reaching clause, however, was the stipulation that no part of the ordinance could be repea

1. G.G. 30 June 1826. Ordinance 19, Clause 7.

2 For a detailed account of this rising see Borchers, P.B. Autobiographical memoir. Cape Town, 1861. pp. 292-96.

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CHAPTER II

ASPECTS OF SLAVE-HOLDING AT THE CAPE
IN 1830

Accounts of slave-holding by contemporaries of that usage oscillate between tales of inhuman cruelty and praise of the civilizing effects on the negro of a useful economic system. For the Cape, neither of these descriptions were common. Although reports by missionaries and travellers gave the seamy side of slave life, in comparison to the West Indies and America it was conceded that Cape slavery was lighter and less harsh than the practices on the great Western plantations.¹

The amount of slaves registered at the Cape in 1830 was 33,583, with the males about 1/4 more than the females; during the next three years the number was to rise slightly, in spite of abolition propaganda from England and the resulting insecurity of slave property. The slaves formed a large, stable and recognised part of the artisan and laboring population. As the carpenters, washerwomen, coachmen, gardeners, tailors, housemaids, vegetable-sellers etc., their place in the community covered almost every proletariat occupation, hardly paralleled among the white classes, who did not frequent such trades. It was this aptitude for performing a variety of menial tasks that enabled the large households in the western areas to become virtually independent establishments, and it was the lack of contact with other society, that strengthened the close relationship between master and slave. A study of the court cases brings to light how intimately slaves were acquainted with the household affairs.

As a class, the slaves were very unequally distributed among the populace. Not only were 74% to be found in the western districts,² but the numbers owned varied from one to forty and over, depending on the financial position and occupation of the owner. Possession of slaves was legally open to anyone, if they were free citizens i.e. including women, free blacks and

¹ Even Lord Stanley, as Colonial Secretary, had to admit this to a deputation of the Cape Trade Society in June 1833.

C.A.31 Aug. and 4 Sept. 1833.

² Theal, G.M. History

of S. Africa. 1834-1854, London 1893

honors under the supervision of their guardians.

A slave was looked upon as the absolute property of the owner, only differing from inanimate possessions by its human characteristics, and for these the Cape people made such provision that slaves had a certain amount of freedom, determined more by custom than by law. They were, for example, allowed to hire themselves out and the owners in this case, ^{received} regular payment of part of the slave's wages¹. If he had several slaves paying in this manner, an owner need have no other means of support². Slaves were also able to earn for themselves by selling the produce of the plots their masters allowed them³, or by overtime and Sunday work. Sunday labor had by the 1823 law been reduced to work of necessity, but it seems to have been of common occurrence at the Cape, not only because farming was so dependent on favorable weather, but as many slaves were Mohammedans, they were not averse to earning Sunday wages⁴, the rate of which was fixed quarterly by the local officials and which in 1830 yielded from 1/1½ in the east to 10/4 a day in Cape Town⁵. With such earnings the slave could buy himself free, or acquire property which would be completely his own; he could also deposit the money in the Savings' Bank⁶. Another way of coming into property was by bequest in his master's will⁷.

One of the horrors loudly deplored by the abolitionists was the separation of slave families by sale. By Somerset's law, this could be prevented by Christian marriage, the children of such a union only being separated from their parents after their 10th year. Yet Christian marriages were not popular among the slaves, and the masters did not propagate Christianity as fervently as they could have done, because of its

1 For example of this see Stellenbosch registry office to C.T. office 1/32 3. July 1829.

2 Z.A. 15 Sept. 1833. Correspondence.

3 Confidential reports of Protector June-Dec. 1830.

4 Ibid

5 See quarterly returns to C.T. office.

6 Very few slaves made use of this; in 1832 only 105. C.A. 23 Jan. 1833.

7 This occurred only occasionally. Confidential reports 29 Dec. 1829.

very hindrance to sale. Neither did slave parents object to leaving their young children in the care of a past owner, if he had shown himself kind.

The law of 1823 had also tried to promote education: slave children were to attend school at least three days a week. Facilities for instruction for both children and adults were to be found at the few free schools, the Sunday and mission schools and through the clerks appointed for this purpose by individual churches¹ unlike the American slaves, those of the Colony were encouraged to read and write, and were willing and able to address themselves to the Governor should the need arise². But attendance at the schools was not strictly enforced and was neither regular nor of long duration.

Their mode of life made the slaves people whose attention was focussed on the present. They were fond of dress³ and enjoyed dancing, gambling, music. From the absence of complaints against the food and clothing given by the masters, it may be deduced that the slaves were satisfied with these conditions within the limits of bondage⁴, although in the eastern districts where the masters themselves lived in poverty, life was harsh with few luxuries. But kindness of the master did not spell docility, and the slaves were known to abuse leniency and be impertinent to a degree, particularly the women⁵. The great advantage of their position was its irresponsibility and its social security; the great drawback, that they were unable to shape their own future except in a very limited range. Without the means of betterment and freedom of movement, or the possibility of self-expression through choice, they were unfree.

1 Grahamstown Journal 28 Feb. 1833.

2 For letters written to the Governor by slaves see Worcester registry office to C.T. office 1/48 30 Oct. 1831. Miscellaneous letters 1/51 31 Aug. 1830.

3 Confidential reports June 1832-June 1833.

4 Ibid as stated by the Protector.

5 Many complaints on this head eg. Sb-CT 1/34 29 April 1830.

Pecculiarities of the "slave triangle"; the slaves.

Slavery has been looked upon as an institution in which the being held in bondage has few or no rights. By the 1823 law, protection of their interests was casually vested in the local magistrates; by 1826, the new Guardians were given definite powers on the slave's behalf, and it became possible for slaves to bring their masters to court for unnecessary, or excess of, punishment. The slaves were quite aware of the protection afforded them; they showed competence both in collecting evidences and in obtaining witnesses or lawyers in their cause.¹ The cases brought by them against their masters were mostly accusations of cruelty, tried by the Circuit Courts which lumbered through Cape Colony twice yearly, or by the Supreme Court in Cape Town.

The slaves had recourse to the eleven district Guardians, or to the central office in Cape Town; against their own friends these officials had the unenviable task of having to support the acknowledged underdog. Upon a slave's complaint, the Guardian would first try to reconcile slave and master, and either induce the one to withdraw his charge, as frequently happened, or persuade the latter to admit his mistake and promise better treatment. If reconciliation failed, trial ensued; and accusation by a slave could become a long process, passing through the hands of several officials and taking months to complete.² The process of trial was complicated by the need for interpreters, the contradictory statements made by the colored witnesses and the loss of valuable evidence by not being able to call upon slaves not knowing the meaning of the oath; evidence might also be distorted from fear of the master's wrath after the trial.³

From Rogers' reports, it may be surmised that one third to

1 Misc. Letters 1/51 5 Feb. 1830. Ibid 26 July 1830.

2 In Rogers' Confidential reports there are given in each the number of incomplete slave cases still pending, the average per report being 6.

3 Reports on memorials 1/57 22 Jan. 1831.

Witnesses at those trials were able to confer together before entering court; this accounts for the similarity of statements. Worcester registry office to C.F. office 1/49 5 Feb. 1833.

Interpreters were still needed ten years later. See Z.A. 23

one half of the complaints were based on fact. It would have been remarkable had there been no frivolous accusations, for complaint to the Guardian allowed the slaves, particularly the women, to enjoy the publicity, the change from work and the occasion of being able to flout their master's authority. This accounts for cases being brought up which were exaggerated or which had occurred months, sometimes years before¹ although slaves making baseless complaints were liable to punishment.²

But that the masters lost one third to one half of the cases brought against them is proof that too heavy exactness was common. There were cases of brutality when the masters took the law into their own hands for the slightest trespass, or practised the more refined cruelty of continual nagging.³ £50 fine and three months' imprisonment was the heaviest punishment that could be inflicted on owners in such instances⁴ apart from forfeiture of all slaves in cases of repeated cruelty.⁵ This besides those complaints which did not even reach the Guardians due to the inability of the distant slaves to visit them.

If the reason for trial was not brought about by the slave himself, there were two other instances in which he could find himself before a court. One was his being guilty of a crime. In contrast to the Hottentots, slaves were seldom arrested for drunkenness or fighting, as theft was their main offence - a natural temptation in a community where they

Aug. 1839 for a case in which the advocate had to interpret for the opposite party.

1 See Albany registry office to C.T. office 1/10 24 April 1832 for a complaint based on a grievance of 1822.

2 Ordinance 19, 1826. Clause 17.

3 Confidential reports 28 July 1830.

4 C.A. 26 May 1830.

5 Ordinance 19, 1826. Clause 43. For an instance see Swollen registry office to C.T. office 1/40 20 April 1830.

It is generally believed that the jurics were prejudiced against the slaves from the nature of their relations and liable to decide in favor of the master against overwhelming evidence. In my study of cases, I have not found this so, and the fairness of Cape jurics has been remarked on by Rogers (Confidential reports June-Dec. 1831) and D. Koo-die, the Grahamstown Guardian and afterwards chief assistant protector of the eastern districts (Grahamstown registry office to C.T. office 1/22 30 Sept. 1830). I have found references to the opposite view to be based repeatedly on

lived in such close contact with their masters' households. Desertion was another of their most prevalent crimes and was heavily punished by the courts. Slave misdemeanors, however, compared favorably with the criminal records of the Hottentots and Kaffirs, and they were looked upon as a law-abiding people.

The other need for appearance in courts was request for freedom, if such was being illegally withheld. By Dutch law a female slave was free if she could prove that she had borne her master a child²; a male slave might be a prize negro wrongly detained³. Illegal detainment by various means was sometimes practised by owners, particularly by heirs to estates, of which slave property formed a coveted portion⁴.

Although there were cases in which slaves preferred life under a good master to freedom and its responsibilities of providing for oneself⁵, liberty was the desire of the great majority. Old slaves were often freed and provided for as reward for their years of service; younger ones were manumitted by their existing owners or, more popularly, freed through will. A slave could also buy his freedom, with money earned himself or supplied by a relative or friend (including white colonists⁶). The amount paid depended on the age and capability of the individual, and should a grasping owner continually raise the price or change his mind on the promised manumission, it put a severe strain on the applicant⁷. Slaves derived an advantage here if owned by Mohammedans, whose religion secured good

the same cases of cruelty, notably the case of Lodewyk v Laubscher (Confidential reports 28 July 1830). A biased pro-Dutch jury was not probable under a system which demanded that all jurymen understand English; although the were English slave-owners at the Cape, they were relatively new to the blunted outlook which slavery was eventually supposed to bring about on the minds of owners.

- 1 State of slave crime; calculated from reports of criminal cases C.A. 27 March 1830 to 29 Jan. 1831.
- 2 Misc. letters 1/51 4 Dec. 1829.
- 3 Sb-CT 1/32 8 Aug. 1829.
- 4 There are many instances of this eg. Misc. letters 1/51 13 Dec. 1830.
- 5 Government officials' letters 1/7 14 Jan. 1828.
- 6 Ibid 3 Aug. 1826. W-CT 1/48 14 March 1831.
- 7 Sb-CT 1/32 9 June 1829.

treatment of the bondsman, and the freedom of ^{of Mahⁿ} him and his progeny on the death of the owner.¹

The routine for manumission was hampered by obstacles such as the mortgaging of slaves, the need for security when freeing slaves over fifty years of age so that they would not become a burden on the community,² and difficulties arising from extraordinary situations for which there was no precedent.³ Such gave rise to copious correspondence between the local officials and the chief Guardian in Cape Town, with the need for individual judgement by the authorities in each case.

The stumbling-block in the way of giving slaves their freedom was their value as property. Cape Town had by far the greatest proportion of manmissions, yet in the fourteen years before 1830, only 1150 slaves were liberated there.⁴ Not many manmissions were likely, wrote Rogers in 1830, the "inhabitants of this Colony being too Poor to make great sacrifices" nor, said Sir Lowry Cole on addressing the Philanthropic Society for freeing slaves, could much co-operation be expected from the Cape people, who could not give up what constituted their existence.⁶ It is essential to realise just how far slaves were treated as property. They were owned by corporate bodies;⁷ as a recognised form of investment, owners would sink almost their whole capital in them beyond the limits of their usefulness as labor, although slaves were expensive to keep. Offspring of a marriage between a slave woman and a free man were the possession of her owner,⁸ and a guardian who failed to register his ward's newly-born slave child within six months, so that the child became free, had to compensate his ward for the loss.⁹

1 C.A. 18 July 1838. The Mediator 15 Jan. 1839.

2 SB-CT 1/34 18 Jan. 1831.

3 eg. What was the legal status of a slave who had crossed the Colony's boundary: Somerset registry office to C.T. office 1/25 31 Aug. 1831.

4 Confidential reports 28 July 1830.

5 Ibid.

6 C.A. 27 July 1831.

7 SB-CT 1/32 27 Oct. 1829.

8 Somerset's 1823 proclamation. Clause 5.

9 Reports on memorials 1/58-13 July 1830.

The human element of this form of property proved both a help and a hindrance. A help insofar as the owner derived profit from the slave's children, which were his; a hindrance if the slave was committed to prison, became¹⁾ or died. In the latter instance the loss was considerable, amounting to the money paid for the slave, the sum for which he could have been resold, and the work of which he would have been capable i.e. the "interest" on the capital invested in him. There was inconvenience if the buying price had not been paid off at the slave's death, or if he had been mortgaged.

There was a fair trade in slaves at the Cape, large numbers being sold at one time or by one owner. Prominently listed among notices of other property for sale, the newspaper advertisements offering slaves gave their name, age, origin and work usually performed by them. They were preferably dispensed with through private sale, as the prices were higher than by the alternative of public auction; tendering was another method, rarely resorted to.² Prices depended on the ability, age, sex and demand. The highest amounts derived were for male slaves between the ages of 18 and 30, when the value could reach £150; this however, was by no means a standing rule: a skilful 45-year-old waggondriver brought £144-7-6 as late as 1833. Women went for less: a 16-year-old housemaid might fetch only £22-10, a 34-year-old washerwoman £64-10³. Payment could then be made in instalments, in which case sureties were necessary. Sale price depended on the individual in hand: a hard-working slave would be eagerly sought and also receive better treatment, if he were sold at all; less good or impertinent slaves were rapidly passed from

1 The sellers would try to sell their slaves first by private sale, as is stated in the numerous advertisements, and then resort to public auction. In the 1834 slave assessments, it was also found that prices at private sales were higher than at public by 1/6 and over.

2 Advertisements to this effect in the local newspapers.

3 Sb-CT 1/35: Statements in letters to the central office, from end of April to middle of October 1833.

hand to hand, or allowed to hire themselves out.

X
There were two transactions at the Cape in which slave property played a significant part. Of these, mortgaging was of primary importance. By 1834, slave mortgages amounted to £400,000¹. It was a common form of financial agreement, and any type of slave could be used, including those hired out to another master, as well as unborn children² but mortgaged. Slaves could not be sold without the permission of the mortgagees. Mortgages for one set of slaves might reach thousands of pounds in some cases, and more frequently well into the hundreds³. Although the mortgagees held an unconscious power in their hands, there was no unease among the mortgagers, the practice being so widespread.

states Secondly, slave property was highly valued in estates. It made up part, or even the whole, of the inheritance, and was dealt with in great detail by the testators. It caused a considerable amount of trouble among the heirs from its indivisible nature and the fear of its death or desertion⁴. The unlawful revocation by heirs of promises of freedom made by testators⁵, and the clauses in wills that the slaves therein mentioned and his descendants are to remain a minimum number of years in service to the family⁶, are indicative of the value set upon slaves by heirs and testators.

Fraud and excuses to the authorities to prevent manumission was warranted in the eyes of the owners, for the slave represented not only monetary worth, but an indispensable source of labor as well. In Cape Colony, there was no other steady labor but that of the slaves. The Hottentots were unreliable and unskilled, and the free blacks constituted only a small group with a preference for independent trades such

1 Z.A. 21 March and 28 March 1834.

2 Z.A. 11 Feb. 1831.

3 20/57 Receipts for Counter compensation claims paid and unpaid.

4 There were many cases of difficulties over estates. Misc. letters 1/52 1 April 1833.

5 Sb-CT 1/31 4 Sept. 1829.

6 Misc. letters 1/51 11 Nov. 1830. Sb-CT 1/35 27 Dec. 1832.

as chophooping. White laborers were scarce. The slaves were therefore indispensable to the colonists, particularly to the farmers in the western districts.¹ This situation gave rise to such statements as:

"It is impossible for him to manumit Piet for the Sum of 400 rd. as Piet is to him as his right hand at his farm that if he had to choose between Piet and Rd.3000, ready money he would rather take Piet, as he can not miss him".²

The same dependence was to be found in all circumstances in which slaves were employed -

"ik weet niet wat myn vrouw zal beginnen, als zy weg is"

wrote a master of his young slave maid.³ Absence in hospital, in prison or by desertion put an immediate strain upon a town household or farm, for no satisfactory substitute was possible where production and prosperity was based on static slave labor.

The owners.

Because the Cape owners were not wealthy men, but had to take care of the property in which they had invested their careful capital; and because Cape agriculture was not based on the large-scale profiteering ideals of the West Indies, but rather on a system whereby the slaves were "taken from the Garden to the House and from that to the Field or to any other labor as occasion necessitates";⁴ Cape slavery was dignified by more humane treatment than in the other British colonies. In view of their action during the years covered by this thesis, a short account of the attitude of the owners towards their slaves is essential.

At the end of 1850 there were some 4000 slave owners in the Colony (not including managers to whom slaves had been hired out). Of these, Stellenbosch boasted 842. It is note-

1 C.A. 26 Jan.1831. Letter from Jones of Bloemhof.

2 S5-CT 1/34 29 April 1830.

3 Stellenbosch registry office to C.T.office 1/41 30 Nov.1833. For earlier instances, S5-CT 1/40 27 July 1830 and 28 Sept.1830.

4 Confidential reports June1832 to June 1833.

worthy that the amount of owners in the Graaff Reinet district was more than in the Cape district, but the latter possessed more slaves per owner¹. It is also necessary to point out here that the fallacy believed - that the slave owners were "the Dutch" and the "rescue party" the English elements in the population - is erroneous. There were English slave owners as likely to be affected by any legislation on the slave issue as were the predominant Dutch group². The two nationalities were still noticeably separable, as was natural after so short a period of British rule with its accompanying innovations, but they tolerated each other with mutual respect and were ready to sink differences for the benefit of Cape Colony; a slow growing together was probably at this time.

The scattered state of the whole population and its drawbacks for governmental purposes, are well-known; as regards the slave-owners, the majority of them lived within 9 hours' ride on horseback from the nearest civic centre, where resided the Guardian, the doctor and where the Circuit was held. But at Clanwilliam, for example, most owners had to ride 12-15 hours before reaching the Guardian; even in the Cape district 38 of them lived within 18-31 hours' ride, and in the Worcester area 15 had more than 48 hours' travel before them when registering a slave transaction, birth or death, or when called up in connection with a complaint by a slave³.

Besides living in a scattered state, the farmers in the eastern districts moved from place to place in search of graz

1 From figures sent in by the district offices to the Cape Town slave office, February to May 1831, in answer to a circular of 4 Feb. 1831. Returns from Albany, Beaufort, George and Simonstown are missing.

Stellenbosch.....	842
Swellendam.....	557
Worcester.....	507
Graaff Reinet.....	438
Cape district.....	369
Somerset.....	333
Uitenhage.....	270
Clanwilliam.....	206

2 Vide names of slave-owners in local newspapers and names mentioned in letters from the district registry offices; also lists of compensation claimants in Government Gazette

3 Distances given in statistics from the district offices of the Registrars and Guardians, February to May 1831, as in (1).

ing for their cattle, migrating from their homes for months. Communications were hazardous and summons as witness or to fetch a deserted slave liable to remain several weeks at the postal centres before reaching the addressee¹. On the side of the owner, heavy rains, bad roads and unusual conditions such as horse-sickness, impeded the personal attendance demanded in slave dealings.

This dispersion and the resulting illiteracy and ignorance of the English language, made the masters unaware and unappreciative of foreign activities relating to their slave property. Even if they knew the latest laws on the subject, their was no guarantee that they understood its contents²; but ignorance of the slave laws was not only to the detriment of the owners - it could be too easily pleaded by men otherwise bound to pay a heavy fine for non-registry.

It was fortunate at the Cape that the Governor was wont to mitigate or withdraw completely the fines so frequently incurred by the colonists; apparently realising the uncutability of the 1826 law imposed on Cape conditions, the Governor, on Rogers' lenient advice, gave practically assured mitigation of the fines for whose reduction the colonists habitually applied in memorials³, although the government thereby lost a useful source of revenue. This somewhat alleviated the strain on slave owners, whose lives were irritated by details of slave registration which included personal reporting to the Guardian of the district (not to the nearest Guardian or to the available field-cornet), within certain dates after every slave birth, death and slave transaction. Carelessness sometimes ended in deliberate misstatement of facts to avoid penalty⁴, and bordered on the purposeful disregard and teasing of the Guardians that was also practised⁵.

1 Graaff Reinet registry office to C.T. office 1/22 19 Feb. 1829

2 Z.A. 20 Aug. 1830. Confidential reports June - Dec. 1830.

There are continual complaints from the district offices of the illiteracy and ignorance of the owners.

3 Reports on memorials 1/57 and 1/58. Almost all fines were withdrawn by the authorities.

4 Sz-CT 1/39 10 Aug. 1829.

5 Ed-CT 1/31 31 March 1829. Sb-CT 1/33 28 Sept. 1830.

There were, however, slave owners who were successful in co-operating fully with the law - even taking great trouble to relieve the slave of the cause of the complaint.¹ But informed and tolerant masters yet found it difficult to accept a law that allowed slaves to complain against them.² Slaves were, first and last, a thing of property. This besides the practical inconvenience complaint to the Guardian caused to the employer. A slave might absent himself without notification of his intention to the master; or the master would be called upon by the Guardian to fetch the complainant from his office.³ This meant loss of time and labor to the master, particularly if the grievance led to a court case.

For all those involved in these slave trials, there were numerous irritations with which to contend. Witnesses (slaves and colonists) had to be called from great distances, often at the farmer's busiest time of the year, and high prices paid for accommodation in the town where the circuit was being held. Always with the possibility of a charge being withdrawn at the last moment.⁴

The reports of the Guardians, and later of the Protector, are filled with detailed accounts of court cases, ending either with the punishment of the slave for false complaint, or with the fining of the owner. The latter were penalized if they were found guilty of excess of punishment, or of punishment without cause.⁵ This last was a very wide statement. There were instances of malicious cruelty, both physical and mental, but to the normal owner it was no crime to give his slave a slap for mistakenly boiling a cabbage. The 1826 law made no provision for this lighter, if unwarranted form of chastisement, which the owners considered routine for the successful running of a slave household, and a man was fined £5

1 For a good but later instance of this: V-CF 1/49 24 June 1831.
 2 Z.A. 19 Aug. 1831.
 3 Slaves occasionally complained to the Cape Town office, not to the nearest authority. Sb,CF 1/34 27 June 1831. Lico. letters 1/51 25 Oct. 1831. (Slaves having to be fetched from Cape Town by masters in Stellenbosch and Caledon respectively.)
 4 This still happened as late as 1834. V-CF 1/49 16 April 1834.
 5 Sb-CF 1/34 29 Jan. 1830.

to £10 whether he had given a few smacks or a violent beating. Based on the type of misdemeanour, and not on the individual circumstances of the case, this inflexible form of punishment was disliked even by the authorities.¹ It was resented by the owners more particularly as to them the whole theory of Guardian and complaint was looked upon as an unnecessary interference in domestic affairs. This partly accounts for their reaction during the following years to the laws made in connection with the colored races.

In their dealings with the officials, the owners were frequently represented by agents. Agents of all sorts were common at the Cape at that time,² and if the slave owners lived far from the main town of their district, or if they were women, it was imperative that a man in closer touch with the business world should stand for their interests. In slave dealings, agents could act as freely as the owner himself could have done, had he been present. Unfortunately, they were not a suitable solution for conditions in the colony, and appear too often as incompetent and disinterested, or meddling and overbearing.³ Yet on their side they had to tolerate tardy and incomplete instructions from their employers, and were subject to risks when it came to paying fines on the owners' behalf.⁴ Agency was an unsatisfactory arrangement, and the slaves did not benefit from it when it applied to them.

The Guardians.

In the triangle of slave, master and Guardian, the Guardians looking after the interests of the slaves had a most unenviable position. They had originally been only Registrars, an occupation assigned to the district clerks in 1816, and a

¹ Sb-CT 1/34 29 Jan. 1830. V-CT 1/49 22 Oct. 1832.

£40 to £120 was the annual salary of the assistant Guardians (Almanac 1830. Slave Protector's Department); compare with the £5-£10 fine for each offence.

² Advertisements in newspapers. Also by agents for slave owners, advertising for eg. a deserted slave.

³ Sb-CT 1/34 2 Feb. 1831. GR-CT 1/22 10 Jan. 1834.

⁴ G.J. 6 Nov. 1833.

such had not aroused the antagonism of the owners. By Ordinance 19 of 1826, they had been given the additional duties of Guardians of the slaves' concerns, with a central office still in Cape Town, administered by G. Rogers.

The duties of the Registrars were actually in opposition to those of the Guardians¹. The former had kept statistical records of the owners' proprietary rights; their monthly accounts to Cape Town were taken from their various diaries and folios². The Guardians' work, as that of the later Protectors, was taken up with the more delicate task of human relations. It was to them that the slaves came to complain; if the subtle attempts at reconciliation with the masters failed, it was the duty of the Guardians to take preliminary examinations, note down depositions in court, and make detailed reports of the proceedings at these trials. This besides lesser regular tasks and the extraordinary requirements their position necessitated. They stood for the slaves' interests - as Registrars they had secured the owners' claim to their property.

The power and the work assigned to the post of Guardian was not clearly laid down, and due to the meagre salaries, the holders of the office had to take on other employment to increase their pay³. Their labors brought them into contact with unofficial bodies and government authorities: the local judicial officials, the sheriffs, the civil commissioners (who transmitted to Cape Town the fines taken for late registry or as a result of court cases)⁴ and with the field cornets, more on the side of the slave owners and against the Guardians than they should have been, considering the theoretical impartiality of their offices⁵.

1 Their duties have been dealt with in some detail here, as no printed account of them exists - of their work in Cape Town. The statements following in the text have been compiled from contact with their letters and reports.

2 These included: daybooks, folio for each slave owner, book of mortgages, book of conditions of sale, book of sale by auction.

3 Gb-CT 1/34 21 Dec. 1830. They were usually also agents for the Orphan Chamber. Z.A.3 June 1831. C.A.6 July 1831.

4 One-third of these fines went to Rogers until 1832, as the head Guardian (Protector) was also underpaid. Confidential reports Jan.-June 1832.

5 Gb-CT 1/13 25 Jan. 1833.

There was much correspondence between these busy Guardians and the central office, for each case of slave complaint was dealt with individually in detail. In spite of, or because of, this, the slave records appear to have been in a state of confusion, partly due to incomplete information given by the owners, or misunderstanding on the part of the Guardians who were as yet unsure of the extent of their powers,¹ and also due to tardiness from Cape Town in sending instructions or copies of regulations.² There was the red tape proverbial of government offices.

The slave owners did not take kindly to the institution of guardianship, although in the following years their attitude became more tolerant.³ On occasion, the influence these protectors had with the slaves, had a favorable result for the masters, and the system of complaint by the slave also acted as a means of giving vent to feelings which might otherwise have taken a more harmful course. This was so when the knowledge of definite emancipation made the slaves unruly and disobedient. But throughout their official existence, the Guardians were looked upon as intruding on the rights of property. Especial dislike was felt for the ease with which they became lawyer for the slave in court cases, after acting as impartial arbitrator. Their attempts to be unbiased did not break down the suspicion with which they were regarded by the owners, yet disparagement by their neighbors did not apparently make them apathetic towards their charges. They continued following up the slightest grievance, and also tried to bring about more manumissions - to the owners, this was deprivation of lawful property. Their task was made no easier by the instances when a punishment of a slave was justified, but had taken an illegal form, when they yet had to bring the master to book.⁴

¹ Government officials' letters 1/7 29 Aug. 1826.

² Sw-CT 1/40 30 Aug. 1830.

³ Confidential reports. Jan.-June 1832. Rogers complains continually of the irksome nature of the office of protector. Confidential reports. June-Dec. 1830 and Jan.-June 1832.

⁴ Misc. letters 1/51 16 May 1831.

The Guardians might have been overzealous or domineering in their labors¹ but they came up against stubbornness, deceitful arguments²; distance was always against them, both in action towards the masters and in advice from the central office, and they were continually short of clerks to help them³. They took risks on behalf of the slaves⁴, although they were aware of the frivolous nature of some complaints, and the contradictory evidence by slaves embarrassed court proceedings. Their impartiality under trying conditions have been unappreciated both by their contemporaries and after.

It was through them that the ameliorative spirit of the time first came to bear directly on the slave owners in a hitherto unexperienced manner, and unwittingly their actions gave to the future British slave laws that flavor of interference in property and household rights, which was to discredit the emancipation issue in the eyes of the colonists.

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1. From the tone of his letters, the Stellenbosch Guardian, O. J. Bergh, was particularly so. Also the Worcester Protector V-CT 1/49 31 Jan. 1833.
 - 2 Sb-CT 1/31 31 March 1829. Sb-CT 1/33 28 Sept. 1830. Misc. letters 1/51 17 Feb. 1831.
 - 3 Colonial office letters to C.T. slave office 1/6 15 Feb. 1829. Ibid 1 July 1830.
 - 4 Uitenhage registry office to C.T. office 1/42 9 Nov. 1830. Ibid 23 Jan. 1830: Cape Town Guardian stood surety for a slave so that she might gain her freedom; Uitenhage Guardian lent slaves 30 rds. for a journey.

ABOLITION

23.
spectacular accounts of distant lands.

During these four years then, the British government was undermining those most guarded of human beliefs; a man's right to do as he wishes with his own property, and the privacy of his purse. The colonists felt themselves racked by the laws introduced by Britain in 1830 and 1831, and abolition came as a relief in its finality.¹

The first of these laws was the Order-in-Council of 2nd February 1830; which came into effect in Cape Colony on 26th August 1830.² It was not the object of this Order to lessen the economic rights of the owners - it was specifically stated therein that although the slave was thereby given almost unconditional right to marry, such marriage was not in any way to interfere with the status of the slave as property. Nor was it intended to injure the authority of the owner or master who could still punish his slave if he thought fit. The aim of the Order was to assimilate the varying treatment of slaves, and as such it was primarily intended for the West Indian colonies. The Cape was the colony owning the fifth-largest amount of slaves,³ yet no exceptions were made to cater for her needs. The abolition of Sunday markets and of Sunday labor, and the references to whips and manufacturing slaves were incompatible with Cape conditions, as was the clause that up to sixteen years of age a child could not be sold apart from the mother.⁴ Nor did the visiting required of the Protectors take into account the distances between homes in the Colony. The sole authority who could have regulated matters was the Governor, who was likely to have a more thorough knowledge of the country's peculiarities, but legislation on the new Order by him was restricted to details on law-courts, actions and fines.

1 Z.A. 7 Jan. 1830. Ibid 13 Sept. 1833.

2 For the Order vide G.G. 13 Aug. 1830. No. 1283 *N_o Vol*

3 Wastell, R.E.P. The history of slave compensation 1833 to 1835. London University, 1932. p.298. Table.

4 Slave girls of that age in Cape Colony were frequently mothers themselves. Confidential reports June-Dec. 1830. Z.A. 7 Jan. 1830. Memorial to Cole.

For Cape Colony the most important of its clauses were; the revocation of all slave laws made between 1824 and 1829; the restriction of punishment of male slaves to 25 lashes, to be given only once in 24 hours in the presence of one free or six slave witnesses; females were no longer to be whipped, but chastised by light beating as used for children, or for heavy offences, by placing in the stocks. Protectors were to take the place of the former Guardians, although in practice this was a mere continuation of their office with wider powers. More revolutionary was that owners and masters were to take out Punishment Record Books, in which punishments of slaves were to be entered, with reasons for, and circumstances attending, the given punishment. The owners and masters were to swear twice yearly to the truth of the statements written in the books; if unable to attend for this purpose on proven medical grounds, the Protectors were to visit these owners to administer the oath.

Sir Lowry Cole made some slight alterations to suit Cape conditions, but could not materially change the law¹. The Order threw the colonists into a ferment. From all parts of the country, the government offices received memorials requesting its suspension either wholly or in part, particularly the provision relating to the Punishment Record Books and the ineffectual treatment of insolent female slaves². Two deputations visited the governor on 28th December 1830 and 18th January 1831, with similar ends in view, but were referred to the dubious resource of petition to the King to relieve their grievances³. Sir Lowry

1 The governor's amendments were:-

- ✓ Proclamation of 9 Aug. - For judicial functions of the Assistant-Protectors.
- ✓ Proclamation of 12 Aug. - Laying down mode of punishment, what constituted work of necessity, abolition of Sunday markets.
- ✓ Ordinance 75. 9 Aug. - Regulating food, lodging, working-hour.
- ✓ Ordinance 76. 9 Aug. - On baptisms of slaves, and notification of deaths.
- 19
Court promulgation. G.G. 20 Aug. - On powers of Protectors in court.

2 Confidential reports June-Dec. 1830. Ibid Dec. 1830-June 1831. Z.A. 14 Jan. 1831. Correspondence. C.A. 16 Nov. 1831.

3 Z.A. 7 Jan. 1831 and Z.A. 21 Jan. 1831.

himself could do nothing. He discouraged the sending of memorials and would not allow public meetings on a subject so provoking; he also publically refused to commit himself on the rising question of emancipation.¹ Excited slave-owners had to be satisfied with meetings in their homes.²

The Punishment Record Books were the innovation with which both officials and owners found most cause to quarrel. The harassed Assistant-Protectors (in most cases the former Guardians) were at a loss as to the distribution, unless the field-cornets were pressed into service.³ The more distant of the farmers in all probability knew nothing of the new Order;⁴ if they did, the majority of them were too uneducated to fill in the English "black books"; nor was it easy on the lonely, poorer farms to find the requisite number of witnesses.⁵ The main objection of the owners, however, was not to the practical aspects, but to the moral. They had either to incriminate themselves by recording correctly on oath, or commit perjury by not recording all the punishments and swearing falsely. To the proud and religious Cape farmers this was a very real dilemma.⁶

Without large-scale organization they sought their own remedy: they simply did not take out the Books.⁷ From June to December only two owners in the Stellenbosch district, two in the Albany, one in the Uitenhage area, made returns of punishments; similar numbers showed for the other districts. The amount of defaulters rose accordingly: at least 259 for Uitenhage.

1 G.G. 11 Feb. 1831. ^{No Vol}

2 Z.A. 22 July 1831. ^{Vol. II No. 68}

3 Albany registry office to C.T. office 1/10 16 Feb. 1831. ✓
W-CT 1/48 14 March 1831. Z.A. 14 Jan. 1831. ✓

4 A-CT 1/10 12 Oct. 1831. Ibid 29 Oct. 1831. Sw-CT 1/35 2nd Nov. 1830.

5 C.A. 30 April 1831. Confidential reports June-Dec. 1830. ^{b⁶m}
- Rogers maintained that not eight people in a field-cornet could write, and not four understand English. (b¹)

6 A-CT 1/10 12 Oct. 1831. Besides references to this fact in English and Dutch newspapers.

7 Complaints from the Assistant-Protectors of separate districts summarized in Confidential reports Dec. 1830-June 1831. Ibid June-Dec. 1831. Ibid June 1832-June 1833.

20.
hage by November 1831, 100 for Beaufort, and by July 1832...
over 420 for Somerset.¹ Others took out the Books, but return-
ed them unused, in spite of the £10 to £50 fine for non-com-
pliance.² But dislike was not always shown so quietly, and in
the great slave-owning district of Stellenbosch opinion flar-
ed up openly:

³When the few submissive proprietors of the surrounding
area came to swear according to the law on 11th April 1831,
they were insulted by a mob gathered in front of the Stellen-
bosch court-house. The departure of the Justice of the Peace
for Paarl was accompanied by "mud, sand, eggs, shoes, and
other substances"⁴, and the Assistant-Protector and district
surgeon had several of their windows broken. Resistance at
Worcester was also serious, although calm: some 180 farmers
signed a declaration that it was impossible for them to keep
the Punishment Record Books.⁵

It was fortunate for the Cape owners that the chief offi-
cials, the Protector and the governor were of their opinion.
In his reports to the Secretary of State, Rogers again and
again stressed the impracticability of enforcing the Order,
particularly the clause of the Record Books. No action was
taken by the government authorities against the numerous de-
faulters,⁶ and the Stellenbosch rioters received only a £10
fine, instead of prison sentence.⁷ The British government
suspended but did not repeal the offending clause in February
1832,⁸ and restricted Punishment Record Books to owners living
within 20 miles of the district centre only. Had it been
referred first to the Protector at the Cape before being ap-
plied by Britian, much ill-feeling might have been averted;
as it stood, the whole Order brought about an estrangement.

1 AcCT 1/10 12 Nov. 1831. (Uitenhage); Beaufort registry of-
fice to C.T.office 1/11 19/Oct. 1831; A-CT 1/10 26 July/
1832 (Somerset figures).

2 A-CT 1/10 16 Feb. 1831. Z.A. 27 May 1831. Vol. II No. 60.

3 For Stellenbosch episode: C.A. 23 April 1831. Z.A. 6 May
1831; Colonial office letters 1/6 19 April 1831.

4 C.A. 17 Sept. 1831. Trial in Circuit court.

5 For Worcester episode: C.A. 30 April 1831. Z.A., 29 April,
1831.

6 Confidential reports June-Dec. 1831. 7 5078. Vol. II No. 66

7 C.A. 17 Sept. 1831.

8 Order-in-Council 6 Feb. 1832. G.G. 17 Aug. 1832. ✓

which had not existed before between the home government and the Cape colonists.¹

An excuse for a representative assembly was never far from the minds of the Cape inhabitants; seizing the opportunity, and quoting the recent unsuitable slave law as an example of typical misguided legislation by a distant body, the Cape sent three memorials to the King, asking for a representative assembly. In return, slavery was to be abolished completely in the Colony.² This was a bargain which the British government was not prepared to make, fearing the suppression of the black by the white once the colonists had control of their own affairs.

The slave proprietors were left to digest the 1830 Order-in-Council until the end of April 1832, when rumors of a new and yet more drastic slave code reached the colony.³ The newspaper agitation thereon resulted in attacks on the new proposals in several letters, of which the Koeberg letter came to be looked upon by the proprietors as the embodiment of their attitude.⁴ This prophesied the total ruin of the country if an Order was to be applied which to them threatened civil safety and broke down property rights. "The Slaves are our goods and our property, to be ours in the most absolute sense", stated the signatories.⁵ To suppress the growing uneasiness, Cole in June forbade the publication of opinions likely to stir up the people, and promised exile to any person endangering the peace and security of the colony.⁶ This warning was regarded by the colonists as an insult to the inherent right of the British subject to voice his sentiments.⁷

As yet, the dreaded Order-in-Council of November 1831 had not formally reached the Cape. Before its arrival, the owners were pacified by the information that it would not

1 Confidential reports June-Dec. 1830. Ibid Jan.-June 1832.

2 C.A. 25 May 1831. Ibid 20 July 1831. Z.A. 22 July 1831.

3 Z.A. 27 April 1832. Ibid 4 May 1832. C.A. 9 May 1832.

4 Z.A. 11 May 1832. For letters asserting its principles, vide Z.A. 25 May - 8 June 1832.

5 Z.A. 25 May 1832. Letter written as sequel to the one from the Koeberg, and theoretically signed by a majority of the 105 men who had signed the first.

6 Ordinance 90. G.G. 8 June 1832. ✓ No Vol

7 Z.A. 29 June 1832. Ibid 6 July 1832.

apply to the Colony, for which special provisions were being made by Britain.¹

The November Order was promulgated on August 14th 1832². In fact, it did not change slave regulations at the Cape to any great extent for, although revoking all laws arising from the Order-in-Council of February 1830, it was largely taken up with re-stating these provisions in more detail, a quality which the slave-owners were too agitated to note. Its novelty lay in the reconstruction of the system of Protectors - they were given extraordinarily wide powers, including arrest and imprisonment of owners who refused to testify. Also new were the details of requirements for food, clothing and working hours, and the establishment of Courts of Requests for slaves for cases involving slave property under £10. A medical authority was to visit at least once a fortnight all estates with more than 40 slaves on them, and the 25 lashes that could be given a male slave were reduced to 15; but only 3 slave witnesses were necessary at such a punishment instead of the six that had been required before. Property rights remained untouched: the clause that marriage was not to interfere with the right of the owner to the slave, was re-stated, and it was laid down that temporary removal of a slave to a land where slavery was not recognised, did not free such slave from bondage.

The colonists now had a definite basis for their argument and the governor sanctioned the holding of a public meeting on 17th September³. The four weeks before the meeting brought some local changes in the new Order. The provisions that had been promised by Britain to mitigate it in accordance with Cape conditions proved disappointing: a new Order-in-Council drawn up specifically for the Colony on 6th February 1832 merely limited the Punishment Record Books to owners living within twenty miles of the towns, allowed the Protectors to al

1 Z.A. 15 June 1832.

2 Order-in-Council of 2nd November 1831. G.G. 17 Aug. 1832.

3 Z.A. 24 Aug. 1832.

ter the regulations on food and clothing if they thought it necessary, and decreased the rate of fines¹. Sir Lowry thereupon changed the stipulations regarding food for slaves; he also laid down the procedure for summoning owners to court, and orders on the imprisonment of female slaves in stocks. The Courts of Requests were likewise set up². But the scope allowed him was too narrow for essential improvements, and the colonists still considered it necessary to bring their grievances to the notice of the British government in the hopes of obtaining relief:

On 17th September, 2,000 slave-owners attended the eagerly-awaited meeting in Cape Town³. The unanimous resolutions resulting from their rousing speeches were directed against the inapplicability of the November 1831 and February 1832 Orders and the distrust these threw upon the owners. They objected to the power of the Protectors, the regulations on hours of work and on medical attention, and to the principle of the Punishment Record Books. The prescribed mode for domestic correction was, in their opinion, inadequate and cumbersome. The resolutions included a demand for a representative assembly, as "the Public Meeting feel convinced, and as the clear proof thereof before them in this Order of H.M. in Council, of the absurdity of his Majesty's Ministers being allowed to make laws and regulations for our properties"⁴. Once representation was attained, the proprietors would cooperate in ameliorating and finally abolishing slavery. These proposals were taken by the whole assembly to the governor, with the request to suspend the Order; on his refusal, those present signed a general protest, and dispersed.

1 Order-in-Council of 6 February 1832. G.G. 17 August 1832. Confidential reports Dec. 1831-June 1832.

2 On imprisonment of female slaves in stocks: Proclamation of 27 Aug. 1832.

Assignment of Assistant-Protectors to districts: Proclamation of 28 Aug. 1832.

Rules for setting up Courts of Requests: 6 Sept. 1832.

Procedure for summons to court: 7 Sept. 1832.

Rations for slaves: Proclamation of 10 Sept. 1832.

3 For accounts of meeting, see C.A. 19 - 29 Sept., Z.A. 21st and 28 Sept. 1832.

4 C.A. 26 Sept. 1832. Resolutions. Clause 13.

The meeting had elected a committee to embody the resolutions in a petition to the King; nothing came of it, as the British government looked upon the demands as unjustified¹. But the committee remained, to represent the slave-owners, and as late as the middle of 1833 it took upon itself the right to act on behalf of the proprietors.² These extra-judicial activities brought it into conflict with the government, who refused to deal with it in any but a limited capacity³ and forbade the election of committees at future meetings⁴. In answer to the many protests continuing to reach the government offices on the unsuitability of the Order, Cole also re-issued a decree of 1824, rejecting any memorials which were not couched in the proper language⁵. It was consequently impossible for the slave-owners to make themselves heard, and when Sir Lowry left the colony in August 1833, his administration was subject to bitter remarks by inhabitants of the Cape.⁶ This was hardly fair on their part, as the governor could do very little in the limited field left him for legislation, and the continued mitigation of the fines and non-enforcement of the objectionable parts of the Order, are indicative of both courage and understanding on the side of the authorities.⁷

The two Orders-in-Council did more to embitter the proprietors against the British government than any abolition legislation two years later. As a result of the laws, the attitude towards the slaves became not more kindly, but harsher⁸. Transgressions against the law did not decrease; instead, the number of complaints by slaves mounted⁹. This was due less to worse treatment by the masters than to increasing insubordination among the slaves, the complaints being largely of a

1 Z.A. 24 May 1833.

2 Z.A. 12 July 1833.

3 Z.A. 2 Nov. 1832. Correspondence of committee. Ibid 12th July 1833.

4 Z.A. 28 Dec. 1832.

5 G.G. 2 Nov. 1832.

6 Z.A. for Aug. 1833.

7 Confidential reports Dec. 1830-June 1831. Ibid June-Dec. 1833. Ibid Dec. 1833-June 1834.

8 Confidential reports June-Dec. 1830. Z.A. 11 Feb. 1831.

9 Confidential reports Dec.-1830-June 1831.

minor or facetious nature. The slaves became daily more impertinent and disobedient, claiming they had the British nation behind them ready to defend their actions against their masters¹

The deterioration in master and slave relations was due not to the enforcement of the specific regulations - for the authorities would not punish, or pardon, masters not complying with the Orders² - but to principle: the resentment of the colonists to intervention by a foreign body which set out to control their property to inside their front door. To later colored legislation, their attitude had been soured; and they were still uncertain as to the British will in regard to the future of their slave property.

¹ Confidential reports June-Dec. 1830. Ibid June-Dec. 1832. Z.A. 10 Aug. 1832.

² Confidential reports Dec. 1830-June 1831. Ibid June-Dec. 1833. Ibid Dec. 1833-June 1834.

CHAPTER IV

THE EMANCIPATION ACT

By 1832 the question of emancipation could no longer be averted by the British parliament. The spirit of reform that was soon to lead to social improvements at home, chose as an outlet in the early 1830s the freeing of 800,000 human beings from bondage. Policy regarding the slavery issue had played a prominent role in the recent elections, and that the public was insistent upon attaining its wish was re-asserted in the many petitions for emancipation that reached the government.

For Parliament it would be a delicate task to take from the owners a type of property whose importation Britain had in past years not only encouraged, but whose inviolability had been recognised, for example, in the 1806 terms of capitulation when the Dutch ceded the Cape to Britain. To all but the most ardent abolitionists, compensation in some form would therefore, be essential. Debate now arose as to the nature and amount of such compensation. The second major problem was the unobtrusive transition of so many slaves to freedom - a gradual change from one status to another was preferable. Provision would have to be made for the education of the slaves prior to and after abolition, so that they could take their place as responsible free citizens. Vagrancy laws might be necessary; and regulations fixing wage rates lest the West Indian planters avenge themselves by paying such low rates that decent living standards would be made impossible for the freed slaves.

It is presumed that the reader has a knowledge of the history of the Abolition movement in Britain and the West Indies, as it is not possible to enter into details here. Recommendable books are:-
 Burn, W.L. Emancipation and apprenticeship in the British West Indies. London, 1937.
 Edwards, I.E. Towards emancipation: a study in South African slavery. Cardiff, 1942.
 MacInnes, C.M. England and slavery. Bristol, 1934.
 Mathieson, W.L. British slavery and its abolition, 1823-1838. London, 1926.

Various plans were put forward to end slavery. Counter proposals and reasons for resistance came from the powerful representatives of the West Indian planters. Public opinion expressed itself in meetings and petitions. Amidst such clamour the Abolition bill was drafted, and passed on 4th August 1833, a remarkably just piece of legislation under trying and emotional circumstances.

By the Abolition Act of 28th August 1833, the status of slave was to be abolished throughout the British possessions from 1st August 1834 in the West Indies, 1st December 1834 at the Cape, and 1st February 1835 at Mauritius; but the slaves were to continue under their masters' authority as apprentices for five or seven years, depending on whether they were non-praedral or praedral slaves. Besides apprenticeship, £20,000,000 was to be divided among the owners as recompense for the loss of their property and its services. The masters were to feed and clothe the past slaves as before, but children under six were free and had to be maintained by their parents unless such maintenance was not possible, when they were to be apprenticed until the ages of 20 and 24 for girls and boys respectively. The interests of all apprentices were to be protected by special impartial magistrates to be sent out from England; other officials provided for in the Act were the Commissioners of Compensation, with a central board in London and assistant bodies in the separate colonies.¹

To the Cape, the emancipation act did not come as a surprise. For the past years the whole question of the legality of slavery had come under the review of such writers as Chase Fairbairn, Wright and Miller,² and it was urged by them that

¹ Abolition Act. 3rd and 4th of William IV, cap. 73.

² Chase, J.C. Practical considerations on the exact position of the slave question. Cape Town, Greig, 1831.

Fairbairn, John. Five papers on the slave question. Cape Town, Greig, 1831.

Wright, Rev. William. Slavery at the Cape of Good Hope.

the colonists would of their own accord put forward an acceptable scheme for abolition, rather than be subject to one from England less suited to the Colony's needs.

Various attempts to end slavery had been made during the last thirty years at the Cape. In 1803 the Dutch government had planned to free all female slaves and allow the colonists a representative assembly as reward¹. In 1826 27 slave-owners of Graaff Reinet had petitioned the governor that slavery be abolished by freeing all female slave children born after a certain date, an offer which the governor ignored². The following year, the government slaves were freed, the old being cared for and the children apprenticed³.

Before 1834, the only way in which owners could emancipate their slaves was to free them individually, unless they applied to the Philanthropic Society, established in Cape Town in 1828⁴. This association was open to appeals from slaves and slave-owners; it undertook to free female children by buying them from willing proprietors, preferably at a reduced price, and apprenticing them, until they were 18 years of age, to masters willing to train them in a useful occupation and teach them the principles of education and religion. Although by 1833 the Society had branches in Graaff Reinet, Somerset and Stellenbosch⁵, the sparse donations of the colonists to this fund showed that the scheme did not have their real support, in spite of optimistic affirmations of its success by members, and concurrent declarations by slave owners of their willingness to free their slaves if only they were given a reasonable price⁶. By August 1833, when the active period of its existence ceased, the Society had bought 127 girls⁷.

¹ London, Longman, Rees, Orme etc. 1831.

Miller, Thomas. Considerations on the exact position of the slave question. Cape Town, Greig, 1831.

1.C.A. 19 Jan. 1831. Z.A. 20 May 1831.

2 C.A. 19 Jan. 1831. Chase, J.C. Practical considerations... 1831. p.25.

3 Z.A. 29 Dec. 1837.

4 Chase, op.cit. p.23. Ordinance 70. G.G. 3 Feb.1830.

5 C.A. 23 Nov.1831 for Graaff Reinet. Almanacs 1832 for Somerset. C.A. 7 Aug. 1833 for Stellenbosch.

6 G.G. 14 Sept. 1832. Report of Society.

7 C.A. 7 Aug. 1833.

Another concerted move which had brought some small measure of success, had been the freeing by a handful of slave-owners of their female children in April 1831; their offspring to be apprenticed until the girls were 14 years of age and the boys, 25¹. Although this was an unnecessarily prolonged type of emancipation, much personal venom was vented upon these men by other slave-owners, who suggested underhand dealings and impure motives behind the generosity of these fellow proprietors.² Further suggestions for abolition were those put forward in 1831, when three petitions offered the emancipation of the slaves if the Cape were granted a representative assembly.³ None were of any effect.

It is an open question whether the Cape owners would have abolished slavery at all or by what slow means they would have chosen to do so, had they been left entirely to their own devices. Among the proprietors were conservative men who considered any attack on this form of property to be equivalent to robbery,⁴ and even local philanthropists realised that freedom would spell ruin to the owners without some form of compensation.⁵ Until the Abolition Act was published, the inhabitants were uncertain whether any amends at all would be made for the loss of capital or even what Britain's plans were for changing the status of the slaves. The only body which attempted to inform the anxious colonists as to how matters stood, was the Cape Trade Society in London. It sent a deputation to Lord Stanley in June 1833, to draw his attention to the extraordinary nature of slave-holding in Cape Colony - its mildness and the scattered state of the population, which warranted special arrangements being made to suit its conditions. Stanley acknowledged both these points; he also declared the possibility of separate emancipatory legislation for the Cape, as it was a Crown colony; but he could not ac-

1 C.A. 15 Jan. 1831. Ibid 2 Feb. 1831. Also, Replies to memorials from Colonial office 1/56 25 May 1831; Watermeyer to Protector.

2 Z.A. 21 Jan. 1831. Ibid 4 Feb. Ibid 4 March 1831.

3 C.A. 25 May 1831. Ibid 20 July 1831.

4 L.-CT 1/49 4 June 1834. Z.A. 11 Feb. 1831. Ibid 21 Jan. 1831.

5 C.J. 1 Aug. 1833. Editor on Stanley's resolutions. Fairbairn

acquiesce in any such slow method of abolition as the freeing of female slave children¹. The slave-owners drew little hope from these remarks.

Just before the Act of emancipation was published in the Colony on 10th-January 1834, the acting-governor issued a circular and proclamation by the King to forestall any disturbance. Besides asking officials, owners and slaves to co-operate with government at this critical time, the fears of the owners were lessened by the information that they were to receive compensation and that vagrancy laws would be passed to stop vagabondage. As the owners were now somewhat soothed by this knowledge, there was little else Wade could do, besides await the reaction of the colonists to the fait accompli.

The slave-owning inhabitants were more prominent in voicing their opinions on the act than the philanthropists. The latter held that with the freedom of the slave, the prosperity of the country was ensured: labor would then be free to apply itself to new developments as the demand arose; this labor would be guaranteed by the laws that were undoubtedly to be passed to hinder vagrancy. The increase in the consumption of food and manufactured articles, as the freed slaves raised their standard of living, would allow more money to circulate which, together with the removal of so many mortgages, meant a sounder financial basis for the colony. The irritation of Protectors, passes, court cases, would all fall away.³

The exponents of the opposite viewpoint foresaw nothing short of chaos and a bloodbath as the whole hoard of immoral negroes was let loose upon the colony.⁴ Their more immediate

1 C.A. 31 Aug. and 4 Sept. 1833.

2 G.G. 7 Jan. 1834.

The Abolition Act was published in the G.G. 10 Jan. 1834, but the colonists were already aware of its contents before this formal publication, as the newspapers had printed the Act in December. Extra copies were printed by the "Commercial Advertiser" to keep up with the demand. (C.A. 21 Dec. 1833).

The new governor, D'Urban, arrived shortly after the formal publication of the Act.

3 C.A. 11 Sept. 1833. G.J. 19 Sept. 1833.

4 Z.A. 11 June 1830: Correspondence. Ebid 28 Jan. 1831.

concern, however, was financial, and was embodied in the resolutions resulting from a meeting of some 500 slave-owners on 22nd March 1834 in Cape Town. In them they asked that all slaves be termed ^{non-}praedial i.e. domestic at the Cape, as most suitable to the nature of slavery there; that, the awkward time chosen for emancipation being harvest, labor be secured in some way by the government for this period; that the powers of the Justices of the Peace be extended, rather than burden the colony's finances with special magistrates. They requested that £400,000 of the compensation money be advanced, so as to satisfy the many mortgagees and to alleviate any economic suffering of the mortgagers. For the same reason, it was hoped that the appraisers who were to evaluate the slaves would begin their work as soon as possible, so that an approximate value of the slaves might be known by the time the act came into operation. These request were embodied in a petition to the King, with D'Urban's strong recommendation of the advancement of the £400,000.²

The petition had not mentioned the other problems which occupied the attention of the colonists, and which were centred around the slave as part of the community. The welfare of the old slaves and the children were considered by Dutch and English alike. Formerly, the old had been provided for by the individual masters; now, it was felt that they should be maintained by some government institution.³ The children were less easily disposed of. In the past, they had always proved a difficulty when individual masters had wanted to free the parents; now, the colonists did not wish to see them wandering about as uncared for as the free Hottentot children, but the

1 The purpose of this meeting was to consider the Abolition Act and "to submit to His Majesty such Measures as may be deemed absolutely necessary to protect their Interest and the Welfare and Security of the Colony" when carrying emancipation into effect. (G.G. 7 March 1834).
For resolutions see Z.A. 21 and 28 March 1834.

2 Z.A. 2 May 1834. Correspondence between committee and government gives D'Urban's recommendation.

3 Z.A. 27 June 1834. Ibid 4 July 1834.

masters were not willing to shoulder the expenses of bringing them up without the prospect of having their labor later.¹ No solutions were offered for this disadvantage.

Once the slaves had been freed, the farmers saw no way of obtaining an ensured supply of labor.² They disliked paying the wages demanded by free laborers, and it was hoped that an answer would be found in the vagrancy law which had been promised by Wade, for without it the colonists feared confusion and the destruction of their property.³ They had experienced the effect of Ordinance 50 upon the Hottentots, of whose stealing and squatting on farmers' property there were still continual complaints, especially from the eastern districts, where the inhabitants also had to contend with the roving Kosa from across the frontier.⁴ Although the majority of the slaves were in the west, deserters were known to ally themselves with the Hottentots and to follow their ways⁵ with no inducement to work, the farmers saw no reason why the freed slaves should not generally take to thieving for a living. Vagrancy laws existed in Britain; she could consequently have no objection to similar precautions in the colonies.

It was in vain that the philanthropic party at the Cape pointed out that not only were the slaves there known in the main to be law-abiding and industrious, but that any vagrancy law would be against the provisions of Ordinance 50. Government and public opinion in England would never allow a return to a condition which would jeopardize the freedom of Hottentots and past slaves. These admonishments were of no avail, and in 1834 the conflict on the need for a vagrancy law overshadowed even the prospect of the coming apprenticeship.⁶

¹ For a concise statement on this viewpoint, see Disc. letter 1/51 15 Oct. 1831. Parby to Rogers.

² Z.A. 10 Jan. 1834. Letter from Louw. Ibid 8 Aug. 1834.

³ G.J. 12 June 1834. Confidential reports June 1834.

⁴ There were always complaints on vagrancy, particularly from the east, throughout the past four years. See Commercial Advertiser for 1830, Zuid Afrikaan for 1831, Grahamstown Journal almost every issue.

⁵ Z.A. 28 Jan. 1831.

⁶ The vagrancy law was the question which filled the newspapers in 1834. The standpoint taken by the philanthropist in the Commercial Advertiser was a direct contradiction of the hopes expressed in 1833. It is worthy of note that

The drafting of a law to counteract vagrancy, in view of the coming emancipation, was one of the first activities of the Legislative Council, instituted in January 1834¹. The core of the simple but wide provisions of this draft was the apprehension by the field-cornets of anyone - both black and white - who had no apparent honest means of livelihood, and the forced employment of such until otherwise hired or recognised as capable of living independently.²

The publication of the draft in May raised a hornets' nest about the heads of the Council.³ Those against the bill contended that it was arbitrary and liable to re-enslave the colored races, degrade and immobilize labor, and hinder movement of all colonists. This besides the difficulties of enforcement. Those for the bill rejoiced that at last some means would be available to check the colored peoples. The presence of two such conflicting points of view brought about a flow of petitions to the government offices, so that at one meeting no less than 16 parts of the Colony were represented in the memorials that lay on the Council table.⁴ According to the "Commercial Advertiser", 2,684 men had signed in favor of such a law, 807 against.⁵ The latter included petitions from the Kat River Settlement and the missionary institutions, at which the Hottentots were gathering in a state of alarm, and one from Dr. Philip. This last was printed, and referred to the civil commissioners for comment. All but the commissioner for Uitenhage negated Dr. Philip's objections to the bill.

On September 8th, with the approval of the judges, the bill became law, subject to ratification by the King⁶. Its clauses included the repeal of the second section of Ordinance 50 and all existing vagrancy laws, and made provisions to pre-

the "Grahamstown Journal", although English, was very much in favor of the law.

1 G.G. 24 Jan. 1834. Its meetings only became open to the public in October, but the newspapers kept the people informed.

2 Z.A. 16 May 1834.

3 For the proceedings, memorials and opinions on the law, see Z.A. 30 May - 14 Nov. 1834; C.A. 14 May - 25 Oct. 1834.

4 C.A. 9 Aug. 1834.

5 C.A. 1 Nov. 1834.

6 Z.A. 12 Sept. 1834.

vent squatting and vagrancy in more definite terms than the draft.¹ The bill became law by a majority of one, but the governor dissented from the measure as he believed the home government would not allow so dangerous a law, and that the existing laws against thieving and wandering were sufficient to restrain vagabondage.² His remarks were highly resented by the colonists,³ who looked upon them as nothing short of treachery to their interests, but further criticism was stopped by the judges' reconsideration of the law, and their declaration that, as it went against Ordinance 50,⁴ it were better if the King's pleasure be known before it was enforced. As some of the public officials had already acted on the new law, its revocation caused some confusion and loss of prestige.

When this withdrawal came about, the day of emancipation was only a few weeks away. All members of the community were in an unsettled state of mind. The government was afraid to act lest it curtailed the freedom of any of the peoples of the colony, or burdened the colonial treasury, and its only preparations were resolutions of October 29th, for the better education of the colored people;⁵ which paralysis and nondescript legislation on the issue received the censure of the colonists.⁶

The slaves themselves were at a loss. They were unsure of the strength of their present position, and did not rightly know what their rights would be under apprenticeship.⁷ In the weeks before December, they were exhorted by the editors of the local newspapers to accept freedom calmly, yet there were

1 C.A. 12 - 24 Sept. 1834.
 2 Z.A. 3 Oct. 1834.
 3 Particularly by the people in the eastern districts. G.J. for October 1834.
 4 Z.A. 14 Nov. 1834. The judges had considered the bill before its third reading and passed it. The uncertainty of the Cape government on this issue must be put down to the inexperience of the new Legislative Council.
 The reason for including here a detailed account of the proposed vagrancy law is the light it throws on the inability of the colonists to voice their opinions with any effect. This is reflected later in the causes of the Trek.
 5 G.J. 13 Nov. 1834. Resolutions.
 6 C.A. 27 Sept. 1834.
 7 C.A. 5 Nov. 1834.

no outward signs of rebellion among them as some of the inhabitants feared; as a form of property they were still sold until shortly before apprenticeship, but their prices had fallen at the auction sales.¹

The masters glowered after four years' experience of changing laws which had regulated their conduct to an uncomfortable degree and tended to alienate master and slave. Yet emancipation was not unwelcome to many colonists, and schemes were put forward for commemorating the 1st of December, in accordance with the Thanksgiving festivities in the other colonies where slavery had been legally abolished on August 1st.²

On the 10th November came D'Urban's proclamation declaring all slaves free as from 1st December 1834;³ the great day itself gave no justification for the anxiety some inhabitants had shown. Flags flew from the Commercial Exchange and from ships in the Bay; in Cape Town a public dinner was given to honor the occasion. In the districts it was celebrated by meetings of a more religious nature. The slaves, the subject of these rejoicings, promenaded the streets in groups with and without music, some masters having given them the day as a holiday or made more material presents in the form of clothes or money. The majority of the slaves took the day quietly.⁴ In their several public addresses of gratitude,⁵ they thanked the King, Parliament and the British people, the Governor and their friends in the Council, for the boon granted them. Bondage was over; the slave was free.

1 Already before the publication of the Act, slave property had been an insecure form of investment; this continued even after the knowledge of the compensation money. Sb-CT 1/35 17 Sept. 1833. Z.A. 28 March 1834.
2 Z.A., 21 Nov. 1834. C.A. 15 Nov. and 29 Nov. 1834. GJ. 6 Nov. and 27 Nov. 1834.
3
4 C.A. 3 - 20 Dec. 1834. G.J. 4 - 11 Dec. for reports from the eastern districts' celebrations.
5 There were three of these: C.A. 3, 10 and 27 Dec. 1834.

CHAPTER V

APPRENTICESHIP - 1834 - 1838

Although abolition had been achieved, the emancipationists' zeal had not as yet worn itself out. Parliament was still subject to demands by the anti-slavery party, whose members became concentrated during the next years in the several societies established in the interests of the aboriginal tribes in the British possessions and of slaves in foreign lands. These societies drew the attention of the government to the treatment of the apprentices in the past slave colonies, particularly in the West Indies. So harsh was their criticism of this system of "continued slavery" and their insistence that the British taxpayers had been gulled by paying the £20,000,000 for nothing, that Parliament would have felt obliged to end the term of apprenticeship in the West Indies in 1838 instead of 1840, had not the planters there made this move of their own accord - but under protest that it broke the compromise embodied in the 1833 Abolition Act.

To complete its work, anti-slavery fervor turned to foreign lands. Already it had lit a spark in the United States, where the 1830s saw a sudden growth in the disapproval by the North of the slavery in the Southern States. In Europe, Britain's exertions bore some fruit in a decree by the French king in 1836, whereby any slave setting foot on French soil became automatically free; and in a treaty with Portugal in 1837, whereby Portugal completely abolished her slave trade, instead of mere partial abolition.

In South Africa, it was not the condition of the apprentices which drew philanthropic sympathies. There, the spotlight that had been centred first on the Hottentots and then on slaves, moved to the Kaffirs in the east, and British policy was regarded by the frontiersmen as a sorry continuance

of the misguided legislation on the Hottentots and slaves. These four years were to see the British Select Committee on the aboriginal tribes of South Africa; the abandonment of the Province of Queen Adelaide, ceded by the popular D'Urban after the Kaffir war of 1834-1835 (for which the blame was put on the colonists by the home government); and the passing of the Cape of Good Hope Punishment Act to provide some control over the increasing number of people emigrating from the Colony to the lands beyond the Orange River and the fertile slopes near Port Natal. With such events dominating the scene, the state of the apprentices played a minor role.

Apprenticeship had been a common status for centuries, prevalent at the time in Europe and in the Colony among the mechanical trades, but this form differed from that chosen to end slavery. At the Cape, it had also been used as a favorable method of terminating the bondage of slaves even before 1834 - individual slaves sometimes became apprentices for a certain period before being given complete freedom by their owners¹; while the prize negroes, taken since 1807 by Britain from illegal slavers, were apprentices for fourteen years before becoming free blacks.

From the mention made in the Abolition Act, it was perceptible that the treatment of the apprentice was not to differ greatly from that of the slave². The Act left detailed regulations to the governors of the colonies, under final consent from the King, but the compensation money would be forfeited by any colony attempting to enforce unsuitable legislation. At the Cape, there had been no law-making on the conditions of the apprentices prior to emancipation day, except for a proclamation in November³ that they were not to work more than 45 hours

1 Misc. letters 1/52 9 Dec. 1833. Hawkins to Rogers.

Reports on memorials 1/57 24 July 1834.

2 According to Rogers, the amount of slaves becoming apprentices was 38,257, in the following age groups:-

5,660 slave children under 6 years.

9,478 slaves from 6 - 18 years.

14,344 slaves from 18 - 45 years.

8,775 slaves over 45 years.

Confidential reports June-Dec. 1833. This total differed from the amount for which compensation was given by the Compensation Commissioners, which was 38,427.

3 G.C. 14 Nov. 1834.

per week. Only on January 5th 1835 was Ordinance 1 of 1835 promulgated, on the treatment to be given the apprentices.

¹The Ordinance that put into effect the Abolition Act indicated that the new relationship was to be regarded as a contract rather than a period of involuntary servility. The law closely followed the precedent set by the Orders-in-Council, both as to subject matter and in the detailed form of its clauses. It went into more particulars as to maintenance, working hours, sickness and degrees of punishment than the Orders for the slaves had done, yet these differed little from the regulations and custom prevalent under slavery. Sections unknown before were the listing of the duties of the apprentice, and the appointment of special magistrates to receive and try complaints of the past slaves; also the warning that, if any apprentice wilfully absented himself from his employer, such time of absence had to be made up by the absence after 1838.

This law was the only one in Cape Colony which regulated the lives of the apprentices, except for the arrangements made for the special magistrates. By the Ordinance, the country was to be divided into 22 districts each under the jurisdiction of such an official, of which eight were to be sent from England. But like the other colonies, The Cape was to suffer from an insufficiency of these men, only seven arriving from England and eight being selected locally to fulfill the task destined for the 22.² Moreover, those from overseas arrived late, and having been officers in the British army and navy before their present appointment, they had little in common with the Dutch farmers, who viewed them with the traditional distrust of things official and things foreign. But unlike the West Indian colonies, where these magistrates met with disrespect and even forms of mental cruelty,³ those at the Cape won from the inhabitants a certain amount of esteem,

1 G.G. 7 Jan. 1835.

2 C.A. 21 Dec. 1836.

3 Mathieson, V.L. British slavery and its abolition, 1823-1838. London, 1926. For account of the special magistrates in the West Indian islands; and Burn, V.L. Manu-

although this was not universal, but in the latter years of slavery, the owners had come to appreciate the services of the slave Protectors, and the regard was repeated in the case of the special magistrates¹. Their work in a foreign land was not easy: they had to visit all apprentices in their districts every six months (a part of their duties which the employers disliked), hold court twice weekly in the principal villages, and receive complaints as the Protectors had done, but, unlike the Protectors, try them as well. Punishments, contracts, apprenticeship of children, all came under their jurisdiction:

Their work, therefore, was virtually a prolongation of that of the Protectors, but with extended powers. Their appointment was not the only circumstance which showed a continuation of the official machinery of slave days. The "keepers of the late slave registers" still sent their reports to the central office in Cape Town, which only lost its identity in 1840, when it became part of the Deeds Office.³ The office had to be kept open for reference to documents and because records were necessary of all apprentice transactions⁴. Indentures of apprentices were as transferable and as hereditary as slave property had been; with fees for registering such dealings, and fines for non-registry; and apprentices could still buy their freedom⁵. The sale of indentures flourished as openly as the sale of slaves had done, and although Ordinance 1 of 1835 made it illegal to display apprentices for the purposes of such sale, it was still possible in some cases to view the laborers and servants before buying the right to the remainder of their services.⁶

pation and apprenticeship in the British West Indies.

London, 1837, for a more detailed study of these officials.

1 For complimentary opinion: Z.A. 8 May 1835. Correspondence. Z.A. 18 Jan. 1839. Correspondence.

For derogatory opinion: Z.A. 24 Aug. 1838. C.A. 21 Dec. 1836.

2 C.A. 21 Dec. 1836. C.A. 2 May 1835. Misc. letters 1/52

20 Jan. 1835. Also notices of sessions and summons in the Government Gazette.

3 The Slave Office joined the Deeds Office in 1840, the Deeds Office in the same year becoming separate from the Treasury. Z.A. 17 April 1840. Blue Books. 1840. p.106.

4 C.A. 10 Dec. 1836.

5 A-CT 1/10 3 July 1835. Reports on memorials 1/58 25 Aug. 1835. Misc. letters 1/52 13 April 1835. Almanacs 1838, p. 228: Fees for registry.

Neither had the attitude of the masters changed towards their domestics and workmen. If by the Abolition Act the slaves had gained the higher status of apprentice, this advancement had not added one cubit to the social stature of the colored worker in the eyes of the employers.¹ Until shortly before complete freedom in 1838, the treatment of the past slave was no better than four years previously.

The employers saw no reason for greater respect towards these people. That little was done to educate them to the new responsibilities which would soon be their lot as free citizens, was partly the fault of the British and colonial governments, who did not achieve much beyond good intentions. The schools that were open to the apprentices - the mission and Sunday schools, the evening and infant schools, and the various free schools scattered thinly throughout the Colony - were not sufficient to educate an influential proportion of the apprentices.² However, habits of thrift were encouraged by the Life and Fire Assurance Company, which offered to insure the lives of past slaves;³ and by the Savings Bank Society, claiming one-sixth of its 1729 depositors to be coloreds at the end of 1836.⁴

If the character of the past slaves did not show any noteworthy alteration during these four years, yet neither did they deviate from their former good criminal record. A survey of cases tried in Cape Town before the Special Magistrate the Supreme and the Police Courts from February to June 1837, indicates that the majority of apprentices coming before the

The reports of the keepers of the late registers after 1834 were spasmodic and lasted only until 1837, although they were supposed to be kept as regularly as before. That they are so incomplete is due either to loss or more probably that the keepers were uncertain whether the routine was to continue.

6. C.A. 27 May 1837. Correspondence. G.G. 4 Sept. 1835. Advertisement for sale at Hout Bay.

1 The attitude towards color was still strong. Even free blacks were looked down on: two years before Abolition a public vindication was necessary by a man alleged to have invited one such to a public dinner in Grahamstown. G.J. 22 June and 29 June 1832. Advertisements.

2 There is no definite indication how many apprentices did receive schooling, in the Blue Books and newspapers.

3 C.A. Nov. 1833. Regular advertisement from then on.

4 Moderator 31 Jan. 1837.

Special Magistrates were brought on charges of desertion, with disobedience and negligence at work coming second; theft was the crime for which they were most frequently tried in the Supreme Court; in the Police Court, arrests were primarily for drunkenness, disturbance of the peace and minor thefts.¹ From this it is evident that the nature of crime as practised under conditions of slavery had not changed to any great extent with apprenticeship, nor had the amount of crime among these people increased in comparison with the other colored races, with one exception:

Desertion was the offence which became most prevalent among the apprentices.² Deserters were still recovered by the same routine of advertising, but both this and the efforts of the Special Magistrates were ineffectual in checking the misdemeanor. In May 1837, the government was obliged to ask all judicial officials to prevent, as far as possible, the harbouring of runaway apprentices in their districts,³ as the amount of desertions were growing so in these last years of apprenticeship.

The best means of putting a stop to this annoyance would have been a vagrancy law, particularly as such could also have been used against the Kaffirs plundering in the eastern districts after the war.⁴ But a vagrancy law was impossible under the clauses of Ordinance 50, although the other colonies were allowed to pass such to check desertion and vagabondage; and throughout the period of apprenticeship the colonists did not cease to ask that a vagrancy law be granted them.⁵

Complete freedom was gradually drawing nearer. 1834-1838 did not see any great progress among the past slaves. These

1 Moderator 21 Feb.-27 June 1837. Gives summary of court case.

2 Z.A. 18 Aug. 1837. Correspondence. Also notices in local newspapers in the last eighteen months before freedom.

3 G.G. 26 May 1837.

4 The Kaffirs were dealt with in an ordinance for the better prevention of crime against life and property, in G.G. 27 April 1836, which had little effect.

5 Z.A. 29 July 1836. Wake Afrikaan 13 Sept. 1838. G.J. continually.

years were remarkable in that the problem of policy towards the colored races was coming to be recognised as being a wider one than merely legislating separately for Hottentots or slave or Kaffirs on different levels in the community. This period was also most important to the expansion of South Africa, for it saw the beginning of the trekking movement in the east.

While the Colony was undergoing depletion there, it was making extraordinary progress in the west. Both were due in varying proportions to the first aftermath of emancipation: the compensation money, paid to the owners for the loss of the services and property of their slaves.

CHAPTER VI

THE COMPENSATION MONEY

"The Hon. Mr. Ross:-'...We have little left but our character,
 and now they wish to take away that,'
 Mr. Buckton:-'And the Compensation Money too?'
 Mr. Ross:-'That was no Compensation at all.'"

The abolition of slavery presented the old problem of the ethical versus the material - humaneness versus property rights. It is inconceivable in the twentieth century that a man could consider another in the same category as wagons or livestock. In the Cape newspapers, an advertisement for a runaway slave differed little from that for a strayed cow or horse. The Cape colonists had treated their slaves relatively well; in the main they were not against the theory of emancipation - as a theory; but the issue touched their pockets too closely to allow them to give up their slaves with ease.

The owners considered compensation essential to abolition. But to be effective, it had to be sufficient, and it was impossible for the British people, who were not aware of the ramifications of this type of property, to fully repay the loss. They realised the loss of capital resulting from emancipation i.e. the loss of the slave as property, and also the loss of interest on that capital i.e. the service given by the slave; but the subtler situations of a slave-holding community were generally unknown to them. The families owning slaves were dependent on them for physical comfort, and sometimes on the income derived from the steady wages of slaves hired out. The wide extent of mortgaging of slaves, especially in Jamaica and at the Cape, where two collateral securities were necessary for every mortgage entered into, caused a direct and indirect interest in slave property among a large part of the population who in England were not recognised as being affected by abolition at all. Again, in some cases, buyers still owed money on their slaves to the sellers, or the slaves had already paid part of their own value to the

owner with the old idea of buying their freedom. The trouble and loss arising from such circumstances could never be compensated.

In the economic interests of the colonies, fair and immediate settlement of compensation was imperative. But at least in Cape Colony, owners were uncertain whether Britain would be able to pay so large a sum¹ - the £20,000,000 eventually voted was equal to half Britain's annual revenue in 1835.² Britain did her best to ensure as fair a remuneration as possible. The Compensation Commissioners in London asked the colonies not only for details regarding their prevailing monetary practices,³ but also for information on local laws and customs likely to help them in adjudicating the various claims.⁴ They were also wise in allotting the money, not according to the number of slaves owned, but according to the type of slave owned - a difficult classification, as the value of different types of slaves varied so much in the separate colonies.

The £20,000,000 decided on by Parliament in 1833 had to cover compensation and all expenses connected with it; also, £51,926-0-5½ was set aside from the total allotment as a Reserve Fund which could be drawn on to fulfil late claims and claims for deserters who might be recovered; of this, £11,414-10-10½ was allowed the Cape.⁵ Britain also looked upon the four years' apprenticeship as part of the compensation; this was quite unappreciated by the owners, who hardly counted these uneasy years as any form of recompense.

The Compensation money was to be divided among the colonies in proportion to the value of their slaves. To provide a fair basis of such apportionment, the slaves in each colony had to be appraised according to type. Appraisal was only

1 Z.A. 25 Feb. 1831. Correspondence. C.A. 8 June 1831. Correspondence. Confidential reports June-Dec. 1833.

2 Wastell, R.E.P. A history of slave compensation, 1833-1845. University of London, 1932. Unpublished thesis for M.A. p.236.

3 Compensation commissioners; Miscellaneous letters. 20/4 Aug 1834.

4 Comp. commrs; Instructions 20/2 4 Nov. 1833.

5 Wastell, op.cit., p.86.

possible if the average value of each type of slave was known. This average value was to be deduced from the prices paid for slaves at the public and private sales from 1823 to 1830; and the calculation of these prices was the first task which faced the Assistant Commissioners when they took up office at the Cape in the first months of 1834.¹

The money paid for slaves at public sales could be ascertained from the books of the Registrars,² but that of private transactions required information from past buyers and sellers taken on oath by the civil commissioners.³ These returns were completed by January 1835, a feat which merited the praise given by the central Commissioners in London:⁴ for the usual obstacle of distance from the local authorities was enhanced by the drought which caused many owners to move from their homes, and deducing the price paid for slaves became complicated when they had been sold together with other goods for a lump sum, or when the necessary documents were lost.⁵ When complete, the returns showed that the highest prices prevailed in Albany and Uitenhage, the lowest in Clanwilliam. High prices were not coincident with a small amount of slaves - Albany had least slaves, but Uitenhage had more than Clanwilliam and Somerset.⁶

Before the returns were quite complete, the appraisals had already begun, upon which the whole allotment of the compensation fund depended. The slaves were valued according to a careful division into classes which had been drawn up by the British government to cover as accurately as possible the varying types of slave labor in her possessions. As the efficiency of the field-cornets was somewhat in doubt,⁷ voluntary appraisers were appointed to travel the country in pairs and

1 Comp.comms: Instructions 20/2 4 Nov.1833. (Actual date of establishment of the Assistant Board of Compensation is doubtful - G.G. 16 May 1834 for first public notification)

2 Comp.comms: Instructions 20/2 4 Nov.1833.

3 Comp.comms: Letters dispatched 20/4a 13 June 1834. From June to Sept. 1834 there were notices by the civil commissioners in the Government Gazette, naming the people whose attendance was required.

4 Comp.comms: Instructions 20/2 27 April 1835.

5 Comp.comms: Letters dispatched 20/4a 13 June 1834.

There are continual references at this time to the drought.

fulfil this most important of stages in the apportionment of the Compensation money. Preferably slave-owners themselves, the appraisers had to be virtual paragons of men. They had to do their task quickly and efficiently, on a maximum payment of £100¹.

The appraisal in Cape Colony had to be completed by 1st March 1835², but the appraisers were only appointed in the six weeks following the end of October 1834, and they set off on different dates in the first weeks of December. Special arrangements were made to assess the slaves on Robben Island, in the prisons and in the Somerset Hospital³, while the other government officials - field-cornets, justices, civil commissioners and keepers of the late registers - were to help the appraisers as much as they could, and prepare the owners for the assessment⁴.

Instead of March 1835, the valuation was only completed in May 1836⁵. It was unfortunate that it came during a time of disruption in the Colony. Masters and apprentices as far westwards as Swellendam were saddling to fight the Kaffirs; in the east, trekking due to the drought, and confusion after the war caused incompleteness in the appraisals for the eastern districts, where one of the appraisers was killed during hostilities⁶.

Apart from these abnormalities, complete assemblage by the owner of all his past slaves was not always feasible, some being hired out to distant parts or having deserted. De-

6 Tables at end of Comp.comms: Letters dispatched 20/4a.

7 Comp.comms: Misc.letters 20/4 10 Oct. 1834.

1 Comp.comms: Instructions 20/2 17 April 1834. Comp.comms: Letters dispatched 20/4a 31 Oct. 1834.

2 Comp.comms: Instructions 20/2 17 April 1834.

3 Comp.comms: Letters dispatched 20/4a 10 Dec. 1834.

Ibid 31 Oct. - 3 Dec. 1834 for appointments.

G.G. 28 Nov. - 5 Dec. 1834 and C.A. 29 Nov. 1834 for departures of appraisers.

4 Comp.comms: Misc. letters 20/4 19 April and 14 Nov. 1834.

5 Comp.comms: Letters dispatched 20/4a 19 May 1836.

6 Comp.comms: Returns of slaves 20/61. Beaufort division. The appraisals for the eastern districts were incomplete and confused, and odd valuations were necessary throughout 1835. Comp.comms: Letters dispatched 20/4a. Letters to eastern districts.

serters were to trouble the Assistant Commissioners in Cape Town as late as December 1844, when a claim for one was put forward.¹ Even had all apprentices been assembled with their rightful owners, delay would have been brought about by the inaccuracies which were found in the registers - due to past laxity on the part of owners and officials - and which gave rise to copious correspondence between the civil commissioners in the districts and the Assistant Compensation Commissioners in Cape Town. The appraisers had to take what might almost be termed a census of the past slaves before assessing their value.

They appraised 35,745 slaves, worth £3,041,890-6-0.² This sum was not arrived at without some hindrance, as the rate of assessment was not uniform. Beaufort owners claimed that they had been valued too low;³ George district was rated too highly and the apprentices there had to be re-valued. In this second valuation, 54 owners refused re-appraisal in spite of being threatened with forfeiture of their share of the compensation; their past slaves had eventually to be valued from the registration lists.⁴ In comparison with other colonies, the rate of valuation at the Cape was a high one,⁵ although this was probably not intentional on the part of the appraisers. Too little recognition has been given to these men. With their wagons and horses they had to cover miles of rude country and still have a clear head and new interest for their work at every out of the way farm they visited, as on their judgement depended the sum set aside for the colony as a whole and the portion each owner would receive.

The local office that directed all the activities dealing with the compensation claims of the Colony, was the Board of Assistant Commissioners. The Board consisted of the governor,

1 Comp.comms: Letters dispatched 20/4a Dec. 1844.

2 Ibid 19 May 1836.

3 Ibid 22 May 1835.

4 Ibid 27 Nov. 1835 and 19 May 1836.

5 Ibid 22 May 1835.

the attorney-general and six unofficial members, who were preferably to be slave-owners.¹ As all expenses of the Commission in the colonies and in London were deducted from the Compensation Fund, economy was heavily stressed in the instructions, and at the Cape only the attorney-general and two of the unofficial members received payment for their services.²

The Commission in Cape Town (as in Mauritius) had been granted greater powers in dealing with the compensation claims than the Boards in those colonies nearer England, which helped relieve the heavy work of the central Commissioners in London. The claims from Cape Colony came under their review from November 1836, when a large portion of claims from the other colonies had already been completed. Although the colonial Commissioners tried to minimize inaccuracies, it was necessary to refer claims back to them to clarify minor points, before such could be finally considered. In the resulting communications, the local Boards had to act as intermediaries between the London office and the petty officials in the districts. The main work of the colonial offices, however, was to receive claims and forward them to London, with reports on their validity. Checking the validity gave a judicial flavor to the labors of the Assistant Commissioners, as the consideration of the counter-claims entailed hearing witnesses and judging documents.³

Claims were of two kinds: straightforward uncontested claims, of which the Cape put forward 5,347 totalling £989,622-18-7½⁴ and contested claims, which were advanced by mortgagees, by other creditors, or by apprentices who had paid part of their own value with a view to freedom. Contested claims for the Colony numbered 746, worth £266,672-9-10.⁵ For the filing of claims, the local authorities were at the disposal

1 Comp.comms: Instructions 20/2 26 Dec. 1835.

2 Ibid 16 Dec. 1835. Comp.comms: Letters dispatched 20/4a 17 March 1835.

3 Vastell, op.cit., p.44.

4 Comp.comms: Instructions 20/3 30 Sept. 1836. C.A. 21 Jan 1837. Extract from "London Gazette".

5 Comp.comms: Minutes of proceedings 20/1.

6 Vastell, op.cit., p.120.

7 Comp.comms: Letters dispatched 20/4a 30 Oct. 1835.

8 Vastell, op.cit., p.121.

cal of the claimants, who found some difficulty in completing the forms.¹ Extra clerks were appointed in the district centres to help,² but these temporary officials were themselves not always acquainted with the procedure and sometimes gave incorrect information.³ Further dissatisfaction was caused by the varying fees charged when filing the claims. The London office had particularly stressed that no payment was to be required of the already troubled claimants,⁴ but to cover the costs of the extra clerks, 2/- was charged on every claim filed and in some districts more.⁵

Numerous mistakes arose when filing the claims, although the procedure was made as simple as possible.⁶ For the Cape, all uncontested claims were to have been put forward by 1st July 1835, contested claims by 1st September 1835.⁷ But by June 1839 300 claims had still not been forwarded to the central Commissioners - by far the largest part of the items yet outstanding in the London office.⁸ In answer to the complaint of the central Board, the Cape Board pleaded as excuse for the delay the size of the colony and distance from the authorities, the absence of many owners beyond the boundary, and the refusal of some claimants to receive anything but the full appraised value of their slaves.⁹ In 1839 and 1840 it sent out frequent circulars to the civil commissioners,¹⁰ asking them to hurry claimants in filing outstanding claims, some of which were worth several hundred pounds.¹¹ The closing dates for uncontested claims had to be extended from July 1835 to October 1840 and again to 31 December 1842; contested claims were

1 Comp. commrs: Letters dispatched 20/4a 24 April and 29 May 1835. Also notices by district officials in newspapers: Z.A. 22 May 1835. Notice by Stellenbosch Justice.

2 Z.A. 14 Aug. 1835.

3 Z.A. 4 Sept. 1835. Correspondence.

4 Comp. commrs: Letters dispatched 20/4a 9 April 1835.

5 Almanac 1837 p.27 Appendix A. This was a lucrative source of revenue, as can be seen from the reports of the Keeper of the late slave registers.

Owners in Tulbagh said they had to pay 6/- per claim:

Z.A. 28 Aug. and 4 Sept. 1835. Correspondence.

6 Claimants, for example, sent claims direct to the Commissioners in Cape Town, or even to England, instead of to the civil commissioners.

7 Comp. commrs: Instructions 20/2 2 April 1835.

8 Comp. commrs: Line. letters 20/4 25 June 1839.

9 Comp. commrs: Letters dispatched 20/4a 19 May 1836 and 31 Dec. 1839.

acceptable until 31 December 1845, and those involving court cases were to be held over even longer. But in spite of urging by the Cape Board, by the end of 1842 91 uncontested claims were still unfilled.²

The £5,906-18-4½ which these were worth then reverted to the public and became a subject for the Legislative Council.³ The Cape Commission itself was eventually closed in April 1844 with only one member remaining to handle any future business; until in May 1846 it lost its identity when its documents were transferred to the Deeds Office.⁵

The Cape claimants were severely disappointed in the result their claims brought forth. The British government had only been able to make allowance for paying half the monetary compensation: the Cape claimed £2,824,224-7-9 on 38,427 slaves⁶ but her share of the Compensation Fund was £1,247,401-0-7½.⁷ The claimants therefore maintained that they were receiving only £34-11-7½ for goods worth £73-9-11 (the average value of a slave at the Cape).⁸

There would also be an inevitable delay before the money was actually paid, likely to cause panic among creditors and mortgagees. To forestall the financial straits in which many owners would find themselves should the creditors call in their debts before the money arrived, the slave-owners had asked in March 1834 that £400,000 be forwarded, to be available to mortgagees. In June 1834 the Cape Trade Society also approached the Central Commissioners and the British Treasury;

10 Comp.comms: Letters dispatched 20/4a Circulars from 29 Nov.1839 to 29 Aug.1840.

11 Comp.comms: Receipts for claims and counterclaims 20/5a and 20/57a, 20/57b: Receipts not completed.

1 Comp.comms: Instructions 20/3 24 Jan.1840. C.A. 15 Sept.1841.

2 Comp17 Sept.1842.

3 C.A. 21 Oct.1843.

4 Comp.comms: Letters dispatched 20/4a 13 April 1844.

5 G.G. 6 May 1846.

6 Comp.comms: Instructions 20/2 8 July 1835.

7 Ibid 24 Nov.1836.

8 C.A. 21 March 1834.

suggesting quicker compensation and that claims of less than £150 (of which there were at least 1000 at the Cape)¹ be settled locally, as the colonists there did not have the financial contacts with England that the West Indies enjoyed.² The British government could not accede to either request, nor to a further petition resulting from a meeting of slave-owners in Cape Town in August 1835, asking that at least part of the compensation be transmitted direct to the colony in specie, so that poor claimants might not be subject to further loss by having to employ agents to recover their money in England.³

The claimants hoped that the compensation would be directly remitted to the colony in specie either wholly or in part. If this was not done, they would already have lost more than half their remuneration due to the insufficient apportionment and after deducting agents' fees. Their optimism was checked in the middle of 1836, when the news reached them that the money could only be received in London.⁴ Their consternation increased, however, on hearing at the beginning of 1837 that the compensation was to be paid in 3½% government stock.⁵ At the end of 1836 this stood at 97%,⁶ with the money market uneasy from the banking crises in America and England. Due to these arrangements, a further 10% loss at least would be incurred on the claims,⁷ although the interest due on each claim from December 1834 to the time of payment might partly make up the loss.

When the terms of the final settlement became known, both Dutch and English in the Colony found it difficult to believe the situation in which the claimants stood.

"The dismay, disappointment, and distress, which became general throughout the Colony, when the real amount of compensation and the mode of payment was made known, it would be difficult to describe".⁸

1 Z.A. 1 April 1836. Extract from the "Times".

2 C.A. 22 Nov. 1834.

3 Z.A. 28 Aug. 1835.

4 Z.A. 3 June 1836. Advertisement by Hamilton Ross and Co. the first intimation of this. Until then, the colonists had firmly hoped the money would be paid direct to the colony. C.A. 19 March 1836.

5 C.A. 4 and 7 Jan. 1837.

6 C.A. 4 Jan. 1837.

7 Z.A. 24 March 1837. Letter from a "Colonist", taken from

It is, wrote the editor of the "Grahamstown Journal", the most

"signally unjust, as well as offensively arbitrary, proceedings we ever heard of, and is a transaction discreditable to any government laying claim to fair and honest dealing with a public creditor",¹

an opinion generally, if less forcibly held by the Cape inhabitants.

With so depleted a form of compensation,² the colonists showed no enthusiasm in filing their claims. Even with the prospect of favorable recompense, there would have been delay in preferring claims; the distance and ignorance of the scattered population, the war and the late return of the owners, the filling in of forms compiled with an eye more to West Indian than Cape conditions - all these led to delay in completing the claims, retarding still more the arrival of the money.

Cape Colony was by no means unused to monetary dealings with overseas establishments, although³ this development was hidden under the inexperience of the average colonist regarding large-scale financial operations. As an agricultural community, the Cape people had little chance to become acquainted with the intricacies of finance. Neither did there exist monetary establishments able to handle an influx of specie amounting to almost £1,000,000, after agents' fees had been deducted; the existing Government Bank and Savings Bank were totally inadequate for such a transaction. Only the merchants had the necessary knowledge, which came from handling the commerce of an important port of call³. The onus of transmitting the compensation, therefore, fell on the numerous trading companies. These firms had regular contact with business-houses in London;⁴ they were the only corporate bodies in the Colony with an organization to hand which could easily deal with the sums in-

1 the "Commercial Advertiser".
2 C.A. 29 May 1839. Letter from Parlyb.
1 G.J. 19 Jan. 1837. Editor.
2 For amounts appraised and awarded, vide Appendices.
3 That the merchants were used to dealing, for instance, with bills of exchange, shows a fairly high stage of financial development.
4 There were at least 15 firms in Cape Town offering to deal with claims, 5 being branches of, or connected with, London companies.

volved, and which were wealthy enough to advance money or buy claims for ready cash. Their services were guaranteed and likely to be more prompt than those of individual agents.

The firms and the individuals transmitting the compensation, have been represented as callous profiteers exploiting the plight of the helpless claimants by charging exorbitant agency fees or buying claims far below their value. They were really houses of repute, whose directors were among the leading men in the colony, interested in its progress and able to finance its development. Their eagerness to handle the claims¹ and the complaints by contemporaries,² was enough to show that they made large gains at the expense of individuals; the profits made, however, were constructively invested in the interests of the community. Moreover, it must be considered that their services involved them in a certain amount of risk - until the middle of 1836, it was thought that the money would be paid directly to the colony, and any steps taken by the merchants as agents would have gone without remuneration, while they were also exposed to the fluctuation in the 3¹/₂ stock, once they had bought the claims. Without their aid, the claimants would have been put to enormous trouble to attain their money, with no possibility of receiving for their claims the ready cash some of them so urgently needed.

Prominent advertising by firms began in the first months of 1836² and only fell away during 1838³. The services offered were of three types: agency, purchase, and exchange for goods. The first method, although incurring delay, was the most advantageous for the claimant. On paying a varying commission, safe transmittal of money was guaranteed, the firm was ready to advance a certain amount to the client (on interest) and offered to invest the money for him, or transmit it in any manner he directed. The sums handled by the firms as agents

1 G.G. 2 June 1837. Advertisement by Hamilton Ross, wanting to purchase £5000 worth of Compensation Claims.

2 In all newspapers. The advertisements on Compensation Claims on occasions amounted to as many as eight in one copy. The information contained in this section on the services of the firms has been taken from these.

3 Hamilton Ross and Co. continued until April 1839. G.G. 19 April 1839.

were very large, and importing companies found themselves receiving amounts up to £10,000 with more expected hourly in scheduled ships.¹ Selling for cash was less favorable, as the firms bought the claims at a discount, aware that the sellers were sorely in need of money and ready to take any price offered: many of these claimants were mortgagers. Thirdly, the companies exchanged goods for Compensation Claims, a practice which was not as popular as the other two.

Most of the colonists received their compensation by direct selling of claims, and the second half of 1836 saw the rapid buying up of these by the companies at prices below their real value.² This boom was due to the recent news that the compensation would definitely be paid in London only; the general despair being added to by rumors of delays in payment overseas, which news was sometimes spread by the firms themselves, they being considered as a prominent source of information from their overseas' connections.³

Although the mercantile houses dealt with most of the Compensation money, private individuals also offered their services as agents, some of them having contact with companies in London.⁴ Their terms were more liberal, but transmission of the money was likely to take longer, and there was always the possibility of fraud. The eastern districts were more open to the dealings of rapacious agents,⁵ as trading companies were only present in the large centres and the scattered population had little to do with them.⁶ The means of receiving the compensation were severely restricted in the undeveloped and restless eastern areas, and claimants were in some cases forced to accept one-fifth or less of the com-

1 G.A. 24 Feb. 1837. Advertisement by R.A. Zeederberg.

2 G.G. 5 Aug. 1836. Notice by Aspelung Jnr. In the advertisements of this time there is a marked falling off in offers for agency, they being mainly propaganda for buying claims.

3 Z.A. 17 Oct. 1836. Notice by Hudson, Donaldson and Dixon.

4 G.J. 7 Feb. 1839. Editor.

The statements on private agents are again taken from the numerous notices in the papers.

5 Z.A. 10 March 1837. Correspondence. C.A. 29 May 1839. Letter from Parlby. G.G. 21 April 1837. Notice by W. Cook - the schedule of his visiting different districts for buying claims indicates the type of occasion on which claims were "knocked down".

00.
pensation due to them, if they accepted it at all.¹ A further inducement to lose faith in the British government.

There were two other methods of disposing of claims. One practised but infrequently and only before 1837 was acceptance of claims by private individuals as payment for varying kinds of property.² The other was by tendering, which was a favored procedure when claims made up part of an estate, particularly if it was insolvent. Such claims for which tenders were invited were sometimes worth thousands of pounds.³

For diverse reasons, some claims were not filed at all. This accounted for there being left over in 1843 an unclaimed £5,906-18-4 $\frac{1}{2}$ from uncontested claims. On a decision of the Legislative Council in October 1843, this was invested and the interest thereon used for the education of prize negroes, the freed slaves and their children.⁴ This was a fair enough settlement, as the British government could have kept the money for her own uses. Unfortunately, the colonists were in no position to appreciate this fairness, as they had personally suffered too much from the Compensation money to realise its points of merit.

The colonists had resented all major arrangements affecting them which had been made by Britain since the "freeing" of the Hottentots. The Orders-in-Council, the apprenticeship system - which was not looked upon as part of the Compensation - Britain's attitude to frontier troubles, and now the way in which the Compensation money was being paid. The results of this latter were many-sided, and touched both the individual and the national economy.

The obvious loss fell first upon the slave-owners. These counted 3,344 men and women (about one-ninth of the claimants)⁵

6 There were four mercantile houses in Grahamstown handling claims, and one at Port Elizabeth.

1 G.J. 22 Dec. 1836. Correspondence.

2 C.A. 18 Feb. 1835. Correspondence. (In exchange for sheep).
G.G. 18 Nov. 1836. Notice of sale of cottage.

3 In Cape Town newspapers intermittently from October 1836.

4 Cape Town Mail 21 Oct. 1843. Legislative Council.

5 Wastell, *op.cit.*, p.299.

were women)¹ at various stages of prosperity, claiming from one to eighty slaves in the western districts; even in the east, there were men with over twenty slaves to their credit.² Many of these owners had sunk all or a large portion of their capital in slave property.³ It was therefore a most serious loss to them to receive only one-half or one-third of the value invested in such property. Cases which may serve as examples are: £222-8-2½ were received for a claim with an appraised value of £697-0-0, £351-10-0 for slaves worth £1,125, £359-9-1 for others amounting to £885.⁴ There were some few instances where claimants obtained a sum close to that put forward by them,⁵ but generally the direct loss was one-half to two-thirds.⁶

The position was worse for the owner who had not completed payment on his slaves at the time they were emancipated, and also for the mortgager and mortgagee. Slave property at the Cape was mortgaged in 1834 to the amount of £400,000, a practice which extended to all classes of people who otherwise had no personal contact with slavery at all. Had the British government assented to the colonists' request and transmitted this sum promptly in specie, embarrassment might have been avoided on both sides. The mortgagees, however, realising they were likely to lose their money on the emancipation of the slaves and the accompanying inadequate compensation, began calling in the sums owed them, towards the end of 1834 and throughout 1835. This period was marked by sales of all

1 Deduced from the lists of claimants published in the Government Gazette 30 April 1835 - 17 June 1836.

2 Highest figures in the western districts are:-
T.F.Dreyer of Cape District: 86 slaves. G.G. 10 July 1835.
A.van Breda of Cape District: 83 slaves. Ibid 21 Aug. 1835.
P.v.d.Byl of Stellenbosch: 82 slaves. Ibid 17 July 1835.
Highest figures in the eastern districts are:-
C.Rademeyer of Uitenhage: 39 slaves. G.G. 11 Sept. 1835.
W.J.v.d.Merwe of Graaff Reinet: 38 slaves. Ibid 24 July.
J.du Plesie of Uitenhage: 29 slaves. Ibid 11 Sept. 1835.
For the 6 eastern districts I have counted 21 claimants with 20 slaves or over.

3 Z.A. 4 Feb. 1831. Correspondence. Confidential reports June-Dec. 1833.

4 Comp.comms: Letters dispatched 9 June 1837; Z.A. 19 Oct. 1838. Correspondence; C.A. 29 May 1839. Correspondence.

5 Z.A. 2 Feb. 1838. Editor. Comp.comms: Letters dispatched 20/4a 30 June 1837. C.A. 22 Feb. 1837.

6 Z.A. 29 July 1836. Editor. C.A. 29 May 1839. Letter from Parlyb. G.J. 11 June 1840.

and throughout 1835¹. This period was marked by sales of all kinds of property, numerous cases of insolvent estates and civil cases, as the mortgagors were forced to go into a state of temporary insolvency, having no other means to pay and with the settlement of Compensation payment still uncertain. As a man's slave property was in some instances worth more than all his other forms of property², these were cause for despair and poverty until the actual arrival of the money provided some relief³.

If the Compensation had an adverse effect on individuals because the money was not available to them, it was to have the opposite effect on the Colony as a whole. The stock having been sold in England, never before had so much specie entered the country at one time - it was six times more than the amount of money in circulation⁴. Prior to its arrival, two opinions had been feebly held concerning the result such a sudden influx would have on the economy of the colony: either it would give the necessary impetus to the progress of the Cape, both in agriculture and in commerce⁵; or it would cause depreciation of money and increased prices⁶. Both beliefs were to materialize. But very little attention was on the whole given to the possible consequences or what should be done to remedy those that might be detrimental, and when the Compensation money began coming into the colony in the first months of 1837, lack of concerted action led to much squandering and unnecessary extravagance.

1 Z.A. 19 Dec. 1835. Columns of newspapers for sales and notices on estates, which increased remarkably during the time.

2 Z.A. 9 Aug. 1833. Correspondence. Ibid 2 and 4 Dec. 1834.

3 Although before the entry of the money there were numerous assertions that the lack of speedy and adequate Compensation would cause much individual distress, there is little evidence in the sources used to substantiate statements made by eg. Theal that the scarcity of Compensation resulted in permanent poverty. In the case of mortgagors, the validity of such statement is comprehensible, but for claimants owning their slaves in full ownership, there could have been little noticeable lack of money - instead the opposite was the case, as the capital invested became liquid.

4 C.A. 30 April 1834. Editor.

5 Z.A. 23 May 1834. Editor. C.A. 17 October 1835.

For 1837 and 1838 the Cape was to experience an abundance of money which completely overwhelmed some inhabitants¹

"It caused a giddiness in the pockets of the people here similar to the effect produced by strong wine on a head that has been always accustomed to water", retrospectively wrote the editor of the "Ware Afrikaan" in 1841.² The latent capital sunk in slaves was suddenly converted to liquid form, which the people could not refrain from spending either abroad or locally. Some claimants ordered their agents to send their compensation to them in the form of goods; by this means, a large amount of money left the Colony to enrich the merchants of England and the Continent.³ Others bought from local mercantile firms, so that the latter began importing goods in abnormal quantities,⁴ and the value of imports almost doubled within four years:-

In 1836	imports	were	worth	£891,162-9-5.
" 1837	"	"	"	£1,090,506-9-8.
" 1838	"	"	"	£1,058,960-9-1.
" 1839	"	"	"	£1,403,295-0-6, ⁵

when the importers, realising too late that the demand had ceased, were faced with overstocking,⁶ and imports returned to a normal level.

Besides the merchants, the body which derived most immediate advantage from this influx of goods, was the government. During these years, customs duties came to form one-quarter of the colonial revenue:-

In 1836	customs	duties	amounted	to	£28,837-1-1.
" 1837	"	"	"	"	£34,457-18-7.
" 1838	"	"	"	"	£44,177-5-2. 7
" 1839	"	"	"	"	£42,423-3-7½.

Confidential reports June-Dec. 1833.

6 Z.A. 18 April 1834. Correspondence. Ibid 30 May 1834.
Correspondence. C.A. 3 Oct. 1835.

1 Meditator 24 April 1838. Correspondence. G.J. 18 Feb. 1841.
Bank report. Cape Town Mail 10 Dec. 1842. Public meeting.

2 Ware Afn. 28 Sept. 1841. Editor.

3 The editor of the "Commercial Advertiser" claimed that one-half of the money only came in as specie. C.A. 8 June 1839.

4 Ware Afn. 28 Sept. 1841. Editor. C.A. 29 March 1837. Correspondence. Extra warehouses were built to house the goods. C.A. 14 Aug. 1839.

5 Blue Books 1836-1839. Imports and exports.

6 G.J. 19 Aug. 1841, as from "Commercial Advertiser".

7 Blue Books 1837-1839. Imports and exports. C.A. 16 Dec. 1840. Statement by Government secretary.

This increase made more revenue available to the government for the good of the whole community, and enabled a quicker paying off of the Colony's debt to England, putting more money at the government's disposal in the next decade for national improvements.¹

Consequent to the increased consumption was a rise in prices. From 1838, all classes were subject to the high rate of provisions, and complaints were heard from over the whole colony on the high cost of living. This inconvenience lasted to the end of 1839, when prices became stabilized once more, except in the case of wheat.²

Apart from spending their money, the inhabitants had no other means of disposing of it. Large sums were openly offered for investment³, or sunk in buying landed property⁴ or erecting new buildings,⁵ but there were few other undertakings in which it could be invested, as before Compensation there had been little money available and consequently almost no demand for opportunities of employing capital. There were only six joint-stock companies, established since 1819, giving chances for investment, but there was little local interest in them,⁶ and the needs of the Cape merchants had not gone beyond agitating for a bank offering better facilities than the Government and Savings Banks, a request which had been refused them by the British government for the past 10 years?⁷

With the entry of the Compensation money, opportunities for investment, and a better bank, capable of handling such large amount, became imperative. As Britain had refused to allow the merchants to set up a joint-stock bank on the model popu-

1 Vide infra section on conditions of colony 1838-1843.

2 Letters and editorials in newspapers from March 1838.

3 In newspapers eg. Z.A. May 1837 to July 1839.

4 Ware Afr. 28 Sept. 1841. Editor. Blue Books 1838 p.43: Increase in transfer dues due to more landed property sales.)

5 C.A. 23 Oct. 1839. Correspondence. Alexander, J.E. An expedition of discovery into the interior of Africa. London, 1838. p.28.

6 C.A. 3 Oct. 1838.

7 For an account of this and the meagre financial facilities in the Colony, see Arndt, E.H.D. Banking and currency development in South Africa (1652-1927). Cape Town, 1928.

ular in England at the time,¹ the merchants in 1837 established a bank by trust-deed, and in August the Cape of Good Hope Bank was officially opened.² It was followed one year later by the South African (Agricultural) Bank; this, unlike the Cape of Good Hope Bank, was primarily a bank of deposit, catering for the needs of wealthy agriculturists even in its office hours.³ Both banks proved successful,⁴ and in November 1838 the eastern districts put forward plans for their own Eastern Province Bank.⁵

These business houses not only handled money, but they also formed a source of investment for people interested in buying shares. Because Compensation had brought relatively small amounts of money into the hands of many people, rather than very large sums among only a few capitalists, a type of establishment was needed which would provide small holders with an outlet for their money on a more profitable basis than merely banking it. The solution for this was the joint-stock company. This desire coincided with the need for easing the growing pains of the community. More money was essential to improve agriculture, particularly the quality of Cape wines and wool, which was making headway in the early 1830s. Better roads and harbours were urgently required if the colony was in any way to progress and cater for the improved shipping activities of the European nations, on whose patronage she was dependent.

The improvement of agriculture was left to the individual recipient, but that of public works was partly met by the public, on the instigation of the merchants. These needed an outlet for the profits made from buying Compensation claims or acting as agents for the claimants, and from the excessive income derived from increased sales of goods. They were also the only individuals in the colony with the necessary knowledge to begin large-scale undertakings; and were the leading

1 C.A. 17 Jan. 1838. Report of Cape of Good Hope Bank.

2 C.A. 2 Aug. 1837.

3 C.A. 8 Aug. 1838.

4 C.A. 1 Aug. 1838. C.A. 9 Dec. 1837. Notice on shares.
Ibid 17 Jan. 1838. Report.

5 C.A. 3 Nov. 1838. Mediator 6 Nov. 1838.

figures in the establishment of the joint-stock companies, which offered a solution to small and large capitalists alike. For three years speculation and the buying of shares turned Cape Town into a "vast Stock Exchange"¹ as projects were successfully floated, or enthusiastically suggested but stillborn.² By 1839 eight more companies offered opportunities for investment:-

Cape of Good Hope Bank,	established in 1837.
Port Elizabeth Jetty Co.,	" " 1837.
S.A. Agricultural Bank,	" " 1838.
Eastern Province Bank,	" " 1838.
Cape of Good Hope Marine Assurance Co.,	established in 1838.
Board of Executors,	" " 1838.
Commercial Wharf C.,	" " 1838.
De Protecteur Fire and Life Assurance Co.	established in 1838. ³

Severe losses, however, were experienced in the early years of the 1840s, as other newly-formed companies proved failures and had to be dissolved.

Stimulated by the unity and the interest in the common weal that marked the setting up of these bodies, and given an impetus by similar societies being formed in England at the time, other forms of association were begun, with the accent on individual and social welfare. These included the "Society for the support of widows and aged poor women", the "Society for the European sick and burial" and the "Cape Friendly Society".⁴ These associations, both commercial and benevolent, were to remain after Compensation money had been absorbed into the Colony's economy, to form an active force in its progress.

Of the two opinions which had been held prior to the entry of the money into the Colony, one had pessimistically forecast a rise in prices and a monetary depreciation with a low

¹ C.A. 12 Sept. 1838. Correspondence.

² Z.A. 10 Aug. 1838. Editor. G.J. 23 Aug. 1838. Editor. Meditator 16 Oct. 1838. Editor.

³ Based on C.A. 3 Oct. 1838 and Meditator 2 Oct. 1838.

⁴ Ibid

During this period, two major newspapers began publication: The "Moderator" (1837), which became the "Meditator" and "De Ware Afrikan" (1838); and one minor, "Price Current" (1838).

ing in the rate of interest. This forecast also materialized. Prices rose, while the existing high rate of interest of 6% fell to 5% and by 1838 to 4%. This was advantageous for the debtors, but detrimental to the creditors, and brought about a demand by the latter in October 1839, for the repeal of the existing usury laws, which compelled money-lenders to charge a uniform rate of interest. The repeal would have allowed them to lend at any rate they pleased and could obtain. Although the measure did not pass the Council, it resulted in widespread alarm among the non-commercial classes, particularly as mortgaging was still popular in the Colony. The strong opposition shown by the excited public gave an unforeseen spur to the demands for a representative assembly, a desire which the commercial progress of the colony appeared to warrant.

Was the Compensation money beneficial to the Cape or not? Although individuals suffered loss and even poverty, if a personal opinion may be ventured, I believe it can be said to have been to the good. It aroused in the Cape people an awareness of the possibilities of their country which was both healthy and necessary at the time. Suppositions are vain, but if there had been no such stimulus during these years, the progress which the money made possible could perhaps not have come for another twenty years, considering the slowness which always characterized Cape action. It is difficult for persons to see advantages when pressed by creditors, and faced with the prospect of a disintegration of the laboring class which had supported them, as many colonists of that period found themselves. The slave-owners never ceased to believe that they had been robbed of two-thirds of their lawful property, and they continued to feel bitter accordingly. But for the first time, wealth was available in the colony in

1 C.A. 27 May 1837. Draft 10P ordinance. BLUE BOOKS 1838. p.223.

2 C.A. 9 Oct. - 2 Nov. 1839.

3 Z.A. 16 Nov. 1838. G.J. 2 July 1840.

such amounts that it could be used for large-scale commercial undertakings as was warranted by the stage of development which the colony had reached. The merchants, who were accused of profiteering at the expense of the claimants, used this welcome opportunity to advantage, and through their endeavors Cape Colony as a whole derived lasting benefit from the fateful Compensation money.



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CHAPTER VII
BEFORE FREEDOM

While the Compensation money was coming into the Colony, and the trekking in the east was causing alarm among the remaining inhabitants, the day of actual freedom was drawing nearer. This for the Cape was 1st December 1838, as her slaves had been classed as non-*praedial* at the request of the colonists in 1834.¹ It was a period of apprehension in all the slave-owning colonies, as in the West Indies the self-governing islands had also decided to end apprenticeship in 1838 rather than in 1840.

The Cape had particular cause to feel uneasy. The government had made no provision for the new status of the colored class. Apart from re-fitting the "Government slave hospital" to receive a greater amount of inmates, no preparation had been made for old or sickly coloreds who would soon be dependent on their families or on charity, in a country in which there existed no poor law to help them.² Education of the apprentices had been limited, the intentions of the British government not having been put into effect locally. Only one piece of constructive legislation - and that an Order-in-Council - had been enacted with the interests of the late slaves in view.³ This law on the regulation of marriages included provisions by which the illegal unions existing under slavery could be validated and the children recognised as born in lawful wedlock, if such marriages were solemnized within one year after 1st February 1839. This gave opportunities for legalizing the casual marital relations existing amongst the past slaves. Apart from this, no preparations were made by

1 Z.A. 28 March 1834. Resolutions of public meeting.

2 C.A. 27 Dec. 1837. The "Government slave hospital" was officially the "Hospital for aged and infirm government apprentices". The building was the old Slave Lodge, which since the freeing of the government slaves in 1826 had been used to house old or sick government apprentices or children not yet old enough to be indentured.

The British government also passed an Abolition Amendment Act in April 1838, for the better and more liberal treatment of apprentices, but this hardly affected the Cape.

3 G.C. 5 April 1839. Order-in-Council of 7 Sept. 1838.

the colonial government, and it was left to the newspapers to instil into the apprentices a sense of the responsibility that would be incurred by being free.

These exhortations asked the apprentices to co-operate with their past masters by continuing to provide them voluntarily with agricultural labor, as they had been forced to do in the past. The apprentices made up the majority of the laborers, on whom the grain farmers in particular were dependent¹. Freedom came at an awkward time for Cape Colony, December being harvest, when the reapers "cannot be spared a single day from their work, without great inconvenience and risk";² and the colonists feared that the antipathy of the past slaves towards agriculture and towards their masters, would cause them to leave the land in great numbers for the towns.³ The members of the philanthropic party pointed out that this inconvenience would only be temporary: high wages in the towns would fall rapidly with the influx of superfluous labor, and the resulting competition, plus the existing abnormal cost of living, result in the laborers returning to the farms. The amount of available labor was not being decreased; and "Liberty is not bread"⁴ - the colored people would have to work to live, the quality of such work improving as they derived corresponding wages. Moreover, free labor could move to where it was most needed, a flexibility even more welcome since the Compensation money opened up possibilities for new industries and for improvements; and their being paid in wages meant increased circulation of money in the colony.⁵

These prophecies did not deter farmers from offering their apprentices bribes to induce them to remain after 1st December.⁶ Apprentices had been leaving their employers in un-

1 Meditator 10 July 1838. Account from "A Subaltern's sick leave".

2 C.A. 8 Nov. 1837. Editor.

3 C.A. 27 Jan. 1838. Correspondence. Z.A. 29 Jan. 1836. Article by "P". Ware Afn. 22 Nov. 1838. Editor.

4 Ware Afn. 29 Nov. 1838. Editor.

5 Meditator 10 July 1838. Correspondence. C.A. 8 Nov. 1837. Ibid 20 Dec. 1837. Editor.

6 Ware Afn. 29 Nov. 1838. Editor.

usual numbers during the past two years, either by deserting or, increasingly, by obtaining their legal discharge through the medium of the special magistrates, and so becoming free.¹ In the eighteen months preceding 1st December 1838, there were numerous advertisements for domestic and other servants. While some of these demands may have arisen from the luxury and higher living standards brought about by the Compensation money, others must have been caused by apprentices leaving their masters, or by the employers making provision for the future, stress being laid on applicants producing good testimonials. The fear of being left without sufficient labor led to suggestions for the importation of laborers from Europe and Asia,² and an unsuccessful memorial from several farmers had asked for Africans from Sierra Leone and environs.³

A wide-spread measure to secure labor for the future was the illegal apprenticing of colored children on longterm indentures,⁴ a complete reversal of the custom prevalent under slavery, when the freeing of children had been a popular mode of manumission. It became necessary to pass Ordinance 3 in September 1838 to put a stop to this practice, the Ordinance being based on an April 1838 Order-in-Council to amend the Abolition Act, an Order which otherwise did not affect the Colony.⁵ Ordinance 3 made unlawful the detainment of past slaves as apprentices on any charge whatsoever, after 1st December 1838, which prevented the illegal indenturing of apprentices' children; it also provided for colored children who might be left destitute after 1838 by imposing strict regulations through the local officials on any child apprenticeship. The gist of this ordinance had to be emphasized

1 Z.A. 29 Dec. 1837. Editor. Also notices in newspapers by Special Magistrates. An apprentice could win his discharge from the master if the latter could not produce a good reason for wanting to detain him.
 2 Z.A. 29 Dec. 1837. Editor. G.J. 2 Aug. 1838. Editor. Moderator 14 February 1837. Editor on Agricultural Society
 3 The date of the memorial is uncertain: the colonial government answered it in G.G. 5 Oct. 1838.
 4 C.A. 9 Jan. 1836. Correspondence. Ibid 3 Jan. 1838. Editor.
 5 G.G. 5 Oct. 1838. Ordinance 3, not allowing any form of apprenticeship to extend beyond 1838, was actually a reversal of Cap.5, Clause 8 of Ordinance 1 of 1835, which allowed masters to detain apprentices to complete their

again in December 1838 and January 1839, as masters continued to act against it and apprentice children.¹

Employers, therefore, were left without any hold on the past slaves, a situation aggravated by there being no vagrancy law, nor any legislation as yet to regulate relations after 1838 between master and servant; and they did not dare hope that the colored laborers would remain with them on the strength of past good treatment or through loyalty, as some optimistic people believed.² To the masters, there was no reason why the past slaves when free should lead anything but dissolute, idle lives, with liberty become licence.³ Anti-philanthropic sentiments feared that 1st December would already witness carousing and loud revelry among the coloreds.⁴ By 1838 the poetic muse was piping a different tune -

"Ach! wat bange and droeve zorgen,
Ziet gy niet voor u verborgen,
Als de bittere dag vervall'
Dat de Slaaf vry wezen zal!?"⁵

four years of service, if the apprentice had wilfully kept away from work.

1 G.G. 28 Dec. 1838 and Ibid 4 Jan. 1839.

2 Moderator 14 Feb. 1837. Ware Afn. 22 Nov. 1838.

3 Meditator 7 Aug. 1838. Z.A. 3 Aug. 1838. Correspondence. C.A. 27 Jan. 1838. Correspondence.

4 Meditator 6 Nov. 1838. Correspondence. Ibid 9 Nov. 1838. Correspondence.

5 Meditator 2 Jan. 1838.

F R E E D O M

CHAPTER VIII

THE CONDITION OF THE COLOREDS
AFTER 1838

The unusually wet and cold weather experienced over the western parts of the Colony on the 1st December 1838 dampened any processions or manifestations of joy that the apprentices might have had in mind, much to the relief of the inhabitants, for the new governor, Sir George Napier, had taken no steps against possible licentiousness¹. At the Cape, as in the West Indies, emancipation day 1838 passed quietly. Although the canteens were by no means empty, there was no unruliness, and the churches all over the colony were well attended for the extra services given².

It had been feared that the colored servants would leave their employers once they were free, and this fear materialised almost immediately. Already during the first days of total freedom, many town households found themselves without servants, while the laborers gradually came in from the farms,³ sometimes leaving their old relatives to the care of willing - or unwilling - masters.⁴ In several cases employers took the opportunity to turn out worthless servants, or were able to make contracts with their past apprentices;⁵ but it was found impossible to achieve any stability in labor relations in the first months, and even the newly-established, and badly-needed, labor registry office for bringing together masters and servants, had to admit defeat.⁶ It had been realised that the apprentices, would, in the first moments after 1st December 1838 be blinded by their freedom and averse to the old pursuits they had been forced to follow under slavery, but the inhabitants were uncertain how long restlessness and idleness would last.

1 W.A. 5 Sept. 1839. Letter from Napier.
2 C.A. 5 Dec. 1838 - 2 Jan. 1839. Z.A. 7 - 28 Dec. 1838.
Ware Afn. 6 Dec. and 20 Dec. 1838. G.J. 6 Dec. 1838.
3 Z.A. 7 Dec. 1838. Editor. Ibid 14 Dec. 1838.
Ware Afn. 6 Dec. 1838. Editor.
4 Meditator 15 Jan. 1839. Correspondence. Z.A. 21 Dec. 1838.
5 Meditator 4 Dec. 1838. Editor. C.A. 22 Dec. 1838.
6 G.G. 7 Dec. 1838. Advertisement. Ware Afn. 10 Jan. 1839.
Editor.

As the late apprentices had been primarily farm laborers agricultural pursuits would be affected most by their leaving their old occupations, especially where there was wholesale abandonment of farms. The cornfarmers suffered the greatest anxiety, December being

"the period most precious to the Farmer for Stacking or Housing his Crops which become so suddenly ripe and the grain so easily shed, that the utmost activity and Alacrity is indispensable to prevent very serious loss".¹

Heavy rains fell during the month, and not only were the farmers late in reaping, but not being able to gather in the sheaves immediately due to lack of labor, the wheat fell a prey to birds and rot. Threshing was slow; transport of the grain uncertain as the late apprentices had constituted the waggon-drivers and leaders responsible in past years for bringing it to the market. The price of provisions was already high, and wheat and bread were likely to go higher still under such difficulties.²

"De slaaf is vry, - maar dan ook vry van arbeid"³ It applied not only to the agriculturists, but also to the townspeople. The prosperity occasioned by the Compensation money, had caused many townsmen to enlarge their establishments; these and less pretentious ones now received a serious setback as cooks, coachmen, nursemaids, houseboys - often after years of service to the family - left their old masters.⁴ To replace them was difficult, with the rate of wages the coloreds began to ask, and the demand for testimonials upon which employers were now beginning to insist. Such abandonment was inconvenient in normal circumstances; it was worse where abnormal conditions eg. permanent illness, had made persons totally dependent upon the services of the slaves they had securely owned. If security for the future was being taken from the late slaves, it was also being taken from the masters, in this passing from eighteenth-century into modern economic and social relations.

1 Confidential reports June-Dec. 1833.

2 Ware Afn. 17 Jan. 1839. Correspondence. C.A. 29 Jan. 1839.

Editor. For further references vide infra section on labor

3 Ware Afn. 10 Jan. 1839. Letter from Koeberg.

4 Ibid 13 Dec. 1838. Editor. C.A. 9 Jan. 1839. Editor.

The apprentices spend their first restless months of freedom at leisure. Such contracts as they made, preferably oral or only for the day, did not hinder them from suddenly leaving their masters at unexpected moments.¹ It was hoped that in time they would settle as steady laborers, for the Cape slaves had been docile, and on good terms with their masters; it would be detrimental to the Colony to lose the labor of these often industrious and skilled workmen. They began freedom by not being sufficiently prepared for the responsibilities of a new existence,² and had no knowledge of the need for security, which in the past had been automatically provided for them by their masters. If at first they were averse to their old labors and interested in work merely for its high wages, such a reaction was only natural. But how long was it to last?

The results of the emancipation of the slaves may be summarized as follows:-

The influx of the Compensation money to the Cape (which has been dealt with in the last section),

The change in the living conditions of the late apprentices.

The deficiency of labor.

The consequent demand for immigration, and the introduction of prize negroes in partial fulfilment of this demand.

The impetus given to the need and possibility of representative government.³

After the first few months of idleness, for which the colonists had been prepared, it became obvious that the coloreds were not going to establish themselves immediately as a constructive part of the community, as the philanthropists had prophesied. It took some three years before the freed appren-

✓ 1 W.A. 10 Jan. 1839. Correspondence. Vide section on labor.

2 Affirmed by a visitor to the Cape; G.J. 11 May 1843. Extract from book by C.R. Baynes, "Reflections during a ramble in the East".

3 For emancipation and the Trek, see "Note" at end of thesis.

tices conformed to the course set by slaves and prize negroes previously freed i.e. the free blacks, who were a class following such proletariate occupations as tailoring, fishing, fruit selling, grocers. Some of them had been able to accumulate property, and owned land and buildings in Cape Town.¹ But the free blacks had avoided becoming agricultural laborers; this example should have been warning enough of the tendencies the past apprentices would show once they were able to choose their occupation.

Until 1838, the late slaves had been settled mainly in the country, with only 5,702 out of 35,843 of them living in Cape Town.² The first outcome of their emancipation, was the upsetting of this distribution, as they migrated to Cape Town and the villages, to take up a way of life to which they had not been accustomed.³ Before this time, they had lived on the farms, and were fed on specified rations by their masters, who also had to attend to their slaves when they fell ill. After 1838, the coloreds were to be found thickly settled in the shabby quarters of the towns, particularly Cape Town, where in

"low apartments, twelve feet square, as many as twenty human beings have been discovered lodging, feeding, and sleeping",⁴

and with insufficient water supply to ensure cleanliness.⁵ Their diet was poor, consisting chiefly of fish and rice;⁶ drinking was heavy and one of their two main crimes, although the government tried to fight the evil by limiting the issue of licences to canteens. Under such conditions, it was difficult to combat disease, and when measles broke out early in 1839, it spread rapidly among the lower classes, causing the number of deaths in Cape Town alone to rise from 380 in

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- ✓ 1 Almanacs 1836 for list of free blacks and type of occupation Burchell, W.J. Travels in the interior of Southern Africa London, 1822. v.1. p.33.
- ✓ 2 C.A. 28 Nov. 1838. 14,410 of the apprentices lived in the Cape District (apart from Cape Town) and Stellenbosch.
- 3 C.T. Mail 13 March 1841. Editor. Z.A. 11 Jan. 1839. Correspondence.
- 4 G.J. 18 April 1839. On extract from "Commercial Advertiser"
- 5 Z.A. 1 May 1840. Public meeting. Ware Afh. 12 May 1840. Editor. C.J. 28 April 1842. Legislative council.
- 6 Z.A. 6 Nov. 1840. Editor.
- 7 C.G. 3 May 1839. C.A. 29 Dec. 1838.

1838 to 1113 in 1839¹. One year later, smallpox caused similar havoc, the number of deaths being 973 for 1840.² These diseases depleted still further the available labor resources in the towns, and forced employers on the land to be wary of engaging strange laborers. But they had the advantage of drawing the attention of the people and the authorities to the living conditions of this class of the community, and steps could be taken to remedy them.³

Although the majority of past apprentices had not accumulated much money before freedom, and refused after to stay with one employer long enough to earn any substantial amounts, cases of destitution were rare. There was no poor law in the Colony, which was singularly free of pauperism;⁴ yet the setting at liberty of so many persons not used to independence did not bring prominent beggary with it.⁵ More poverty there must have been, for there was a rise in the expenditure of the Leper Institution⁶ and in the applications for entry to the Hospital for Infirm Persons (for the coloreds),⁷ but there was no great increase in cases of destitution, which may be partly accounted for by the slender needs with which these people were satisfied.

When it became obvious that the late apprentices would in future form a distinctive part of the urban population, the problem arose as to whether their residential areas should be restricted. The British Secretary of State was against separation, a policy which Napier tried to enforce,⁸ but either voluntarily or with encouragement, the coloreds tended to settle in definite areas or suburbs known as locations - there were such outside Worcester and Uitenhage by 1844,⁹ and Plumstead village, Simonstown, Wynberg, and Ronde-

1 Blue Books 1839 p.199.

2 Ibid 1840 p.229

3 eg. the action arising out of the public meeting of 25th April 1840. Z.A. 1 May 1840.

4 C.A.22 May 1839. Correspondence.

5 C.A. 1 Jan. 1840. Editor.

6 Blue Books 1842 p.47.

7 Blue Books 1841 p.140, Was the "Government slave hospital".

8 Z.A. 15 Feb. 1839.

9 Worcester: Almanacs 1841 p.536. Z.A.2 Oct. 1840. Circuit Court. Uitenhage: G.J. 4 Jan.1844.

bosch were all centres with an unusually large proportion of colored people.¹

Another tendency to which the government was averse, was the gathering of the coloreds at the missionary institutions.² No definite figures were obtainable of the numbers which had moved to these centres, which were popular because they were less open to government control, offered schooling facilities and plots of land on which the coloreds could build cottages.³ The surrounding farmers accused the institutions of drawing away their sources of labor, and maintained that the inhabitants plundered their farms. But the opposition of authorities and farmers did not deter the missionaries from finding it necessary to set up new centres, such as they did at Wupperthal, Farmerfield, Haslope Hills and Kopjes Kasteel, while the number resident at old institutions in the early forties showed an increase in comparison to earlier figures.⁴

Still other past apprentices settled in cottages or on plots rented from individual farmers in exchange for money or their labor;⁵ or squatted on private and crown land, such as the Cape Flats, an offence which was difficult to keep in check due to the lack of vagrancy laws.⁶

Among those who hired plots were coloreds who became good market-gardeners; but there was no widespread desire to hold land or till the soil. In this way, the interests of past slaves and past masters became estranged, where formerly the prosperity of both had been dependent on their mutually working the soil. This alienation was a disadvantage to the whole colony, for the farmers were for some time unable to embark on large-scale projects, and the coloreds, continually moving from place to place, could never attain positions of

1 C.A.16 Jan.1839. Correspondence. G.J.20 Oct.1841. Legislative Council.

2 Ware Afn.21 March 1839. Legislative Council. Ibid.3 March 1840. Correspondence. Mediator 7 Feb.1839. Correspondent

3 G.J.2 April 1840. Wesleyan Missionary report.

4 Z.A. 28 Dec. 1841. Correspondence.

The statements made here on the institutions were deducted from a comparison of the Blue Books, 1830-1843, as the source most likely to give an idea of their growth, but even the government was unsure of the actual number of past slaves who had moved to the missions. The Books

responsibility or give the community the qualities such engender. After emancipation, there was a totally new character to labor relations: where formerly the regulation of labor had been one-sided, depending on the capital and will of the slave owner, it was now based on the co-operation between the employer, who had to offer work, and the employee, able to sell his services as he thought best.

For three years, the farmers had to struggle with a labor deficiency, while the coloreds found employment in the lower trades. Some remained there: the Malays, the most industrious group, became well-known fishermen;¹ others were able to acquire property of varying value.² By 1843 the complaints of their restlessness had considerably lessened and, although not working as steadily as could be wished, were finding markets for their labor to the satisfaction of employer and employee, if it were possible for former slave-owners to be satisfied.

Morally, the past apprentices took the opportunity to improve themselves. After a temporary period of two years, during which their crimes of thieving and drunkenness were much more frequent than formerly,³ the charges against the coloreds began comparing favorably with those laid against the other classes of the community. Government officials applauded the behaviour of the past slaves by the early 1840s and the mild state of crime in the west where lived the majority of the colored people,⁴ particularly in comparison with the serious plundering by the Xosa in the east. These results

merely use the term "coloreds" (in its widest sense) for the people there i.e. including Hottentots and Kaffirs; no definite figures for the past slaves are given.

- 5 C.E.Mail 24 Dec. 1842. Petition on road. Z.A. 4 Oct. 1839. Remarks by H.Ross. Mediator 12 Feb. 1839. Editor.
6 G.J. 28 May 1840. Legislative Council. Z.A. 27 Oct. 1843. Memorial from Beaufort.

- 1 Almanacs 1843. Somerset West. p.381. C.T.Mail 7 Jan. 1843.
2 G.J. 5 May 1842. From "Commercial Advertiser"; Correspondence. Almanacs 1844. List of free blacks, with property owned.
3 Mediator 19 Feb. 1839. Editor. Z.A. 29 July 1839. Circuit Court, Stellenbosch.
4 Z.A. 1 Feb. 1842. Circuit Court, Stellenbosch. C.T.Mail 23rd April 1842. Criminal sessions. Ware Afn. 10 Nov. 1840. Correspondence.

may have been partly due to an increase in the police force, and also to the continued mediating services of four of the special magistrates.¹

In religion, there was a marked improvement in church attendance. The amount of slaves professing Christianity had always been small, but in the post-1838 period the enthusiasm for the Christian religion rose. In Worcester, Somerset and Stellenbosch attendance at the local churches was more than good;² in Paarl, Fransch Hoek and Wagenmakers Vallei, private donors caused the erection of chapels for the freed apprentices for whom the Paarl chapel and Stellenbosch church were soon too small, and other measures had to be taken to accommodate the colored congregations there.³ In November 1842 the synod of the Dutch Reformed Church gave the colored people the right to serve as ministers, if properly qualified - recognising the equality of the coloreds in the church and allowing them to further the zeal they had recently shown.⁴

It is more difficult to assess the progress made in schooling, for with few exceptions, "white and black" were still educated together, and the latter included past slaves, Hottentots and Kaffirs. By 1843 there were 3741 pupils enrolled in 25 mission schools, and 5592 in the day schools connected to the missions;⁵ this excluded Sunday and evening schools and the special colored schools at Stellenbosch, Swellendam and Uitenhage, as well as Beaufort, Graaff Reinet and Colesberg.⁶ The interest accruing from the remains of the Compensation money, invested in 1843, would find good use in this field, especially with the new organization of education and the appointment of more teachers, which took place in the 1840s. It

1 The four special magistrates which were kept were those at Wynberg, Malmesbury, Paarl, Caledon; they had no civil superintendence. Blue Books 1838

2 Blue Books 1838-1843. Religious establishments.

3 Z.A.11 Dec. 1840. C.A. 3 Aug. 1842.

4 C.A. 19 Nov. 1842.

5 Blue Books 1843 p.256, last p. of the section.

6 Blue Books 1838-1843. Educational establishments.

As in the case of religion, it is almost impossible to ascertain how many of the pupils were actually past slaves. eg. the school at Uitenhage contained 250 coloreds in 1843, but these past slaves also included Hottentots. Blue Books 1843 p.256. Item 77-78.

was necessary that money should be available for separate schools, for already by 1843 it was becoming apparent that the standards of good clothing, cleanliness and regular attendance at mixed schools were beyond the means of most coloreds.¹

- apart from the hostility by the Europeans towards these mixed schools, which first showed its face after 1838² - a feature alien to the outlook of the colonists under slavery, where the slave children had been able to receive education with those of the master, if not otherwise employed.

There was a growing divergence between the past slaves and the Europeans in Cape Colony after the final attainment of freedom. This had been neither the intention of the British government; nor of the colonists themselves, for there were persons among the colored population whose education and manners were equal to those of some of the whites. On the surface, there was a seeming equality - coloreds and colonists were to be found in the same churches and schools; the criminal and population returns made no distinction between the two groups, and of the 2069 voters in Cape Town in 1842, 830 were coloreds.³ But the late apprentices were looked upon as a separate caste.⁴ This might have been due to the divergence of economic interest after 1838, when the laborers left their past occupations in such great numbers; or have arisen from the resentment slave-owners felt towards the way in which Emancipation had been put into effect; or because the coloreds showed a completely different outlook to that of the Europeans as to what they expected from life. As slaves they

1 C.A. 22 Jan. 1842.
2 C.T.Mail 10 June 1843. Legislative Council.
3 Almanacs 1844 (No pagination).
4 This is noticeable from newspaper opinions, and affirmed by contemporary writers; - W.Irons, writing in 1858, still speaks of the "slaves". Irons, W. The settler's guide to the Cape of Good Hope. London, 1858. p.100. Books stressing the fact that no hostility was felt towards the coloreds after 1838 point as evidence to the election of a Malay as wardmaster in 1840. Against this must be weighed his declining to serve, although the public showed no animosity towards the original election. Newman, V.A. Biographical memoir of John Montagu. London, 1855. p.363.

did not have to think of security for the future; they consequently had no conception of its importance once they were independent. Neither were they interested in the progress of the Colony, as any earnest interest they might have cultivated was made impossible under slavery, which allowed them no responsibility or means of self-expression, and was likely to root them from their environment at the master's desire. The slaves therefore, had had to find solace in a carefree and blunted attitude towards life. It could hardly be expected that their characteristics could be changed within four years, and the coloreds carried their outlook with them into immediate freedom.

CHAPTER IX

THE DEFICIENCY OF LABOR

"Farmers of all sorts, wine, corn and cattle farmers, in most, if not in all the western districts of the Colony, find their operations checked by the disappearance of their ordinary laborers. It is become difficult to secure even domestic servants",¹

wrote the editor of the Commercial Advertiser in February 1839. On the attainment of their freedom, the late apprentices had migrated to the towns, leaving the farmers to cope as best they could.²

"We are here miserably situated with our late apprentices; mine have all left, and I cannot get any others",³

complained an inhabitant of George one month later. The apprentices having left, there was no one to take their place. The Hottentots were unreliable, and in most instances could only be pressed into work as herdsmen; the free blacks preferred being artisans in the towns; the Kaffirs were not as skilled, and were concentrated in the east, although they did there partly help to alleviate the labor shortage. But the west was left entirely without resource, nor had any legislation been passed to regulate working conditions and contracts between the free laborers and their employers.

Cape Colony was not alone in its trouble. In Mauritius and the West Indies, past owners were compelled to sell their property from lack of laboring hands, the freed slaves taking to farming on their own either individually or in groups; when they did work for the planters, it was for high wages. The decline in Jamaican sugar production in the forties, was due in some degree to the labor deficiency on the plantations. There was much inter-island migration in these first years, as the laborers moved to those Indies where they were offered the best wages, until the legislatures passed laws to prevent the loss, and immigrants were obtained from Sierra Leone and the East to remedy the situation.

1 C.A. 20 Feb. 1839.

2 G.J. 8 Aug. 1839. Correspondence. Meditator 26 March 1839. Editor. Z.A. 24 Jan. 1840. Correspondence.

3 G.J. 18 April 1839. Letter from Zuid-Afrikaan.

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The Cape papers published what news they could of conditions in the sister colonies, soothing the colonists in the knowledge that at least they were not alone in their trouble. But the accounts became less palatable when the West Indies were allowed to pass vagrancy laws and import labor from abroad; the former were impossible at the Cape, and the colonists acted too slowly to enable the latter to tide over the first difficult years of the new relationship. Immigration was particularly acceptable to the Cape with the progress there during the 1830s, both before and more so after, the entry of the Compensation money; but suggestions for immigrant laborers - from England or from beyond the frontier - had before 1838 been confined to the eastern districts, which had steadily complained of insufficient workers even then.²

The change from slave to free labor entailed placing it on a completely new basis. Slave labor is expensive - a man embarking on a new enterprise must have double the capital needed for free labor, where the initial expense of buying his slaves falls away and the money used to keep the slaves housed and fed goes to paying wages. Slave labor is also inflexible. Profitable manufacturing industries being against the nature of slave-owning communities, which must remain primarily agricultural. The standard of labor there is poor: with no stimulus but compulsion to occupy themselves, the slaves are disinterested and have no need to raise the quality of their work.

At the Cape, however, slave labor was still the best obtainable. Free blacks rarely became laborers and these were disliked by the farmers.³ Such as there were, were only employed at harvest time, when their expense and independence lowered both the farmer's profits and his prestige.⁴ After 1838, free labor was the only kind available, the farmer having to

1 Z.A. 10 May 1839. Editor.

2 C.A. 10 Dec. 1831. Correspondence. G.J. 16 May 1833. Editor.

3 C.A. 10 Aug. 1831. Fairbairn's speech. C.A. 12 Feb. 1833. Correspondence.

4 Z.A. 2 March 1832. Editor. Ibid 12 Oct. 1832. Correspondence.

compete with his neighbors for such workers as offered themselves. The despair led to the bribing of others' servants and workmen,¹ and to the employment by the agriculturists of any laborer with or without testimonials² - a consistent demand for such would have helped steady relations and forced the colored to provide a better quality of work.

Even when the farmers obtained laborers, there was uncertainty as to their treatment. Those owners who had been lenient to their slaves in former years, had been deserted as readily by their past apprentices as had the stricter masters. Would strictness enforce respect? The attitude of the coloreds gave no indication of the correct course. As they could not be forced to remain at their work - there being no law on labor contracts, and the magistrates far - the past slaves took the opportunity of flaunting freedom and humiliating their employers. During the first two years, when the coloreds chose to apply themselves to work, its quality was poorer than under slavery; they were quick to take affront and to leave their employers singly or in groups for no apparent reason and at unwarranted times. This course of action was simplified by their preferring to hire themselves out for the day on oral contract³. Only in 1841 did the past apprentices revert to some semblance of their former steadiness, and return to the farms.

"Since the 1st of December last, we have to struggle very much about the cultivation of our farms"... 4

"...nor do we see the slightest prospect before us, than that of abandoning the cultivation of our lands - from the want of hands to conduct farming operations the agriculturists in this neighbourhood are

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- 1 A fairly common practice by which the colonists were irritated. Examples are Z.A. 21 June 1839. Correspondence. C.A. 1 May 1839. Correspondence.
 - 2 The newspaper editors were continually advising the colonists to demand "characters" of applicants for posts, as had begun before December 1838, but in the want for labor this precaution was ignored. C.A. 21 Dec. 1839. Editor. Ware Afn. 25 July 1839. Editor. Ibid 10 March 1840.
 - 3 There are numerous complaints on the lax habits of the coloreds at work. Some are: W.A. 28 Jan. 1840. C Ibid 4th Feb. 1840. Z.A. 7 July 1840. C.A. 22 Jan. 1840. Legislative Council.
 - 4 Z.A. 24 May 1839. Letter from Wagemakers Vallei.

driven to despair."¹

"I have been offering Rds. 30, besides food and clothing, for a herdsman, because I am unable to do it myself; but I cannot get any one. Tell me, for God's sake, what must I do!"²

- Complaints on the deficiency of labor came from agriculturists in all parts of the colony;³ relatives and friends were forced to help the farmers' families accomplish the work which the past slaves had done.⁴ The cattle farmers had least cause for anxiety, as Hottentots could be employed for herding the wine farmers, who had been the largest slave proprietors, also found themselves at an advantage: although they experienced difficulty in obtaining men to turn their vineyards⁵ and gather the grapes, they were able to offer higher wages from the remains of the Compensation money they had received, and their crop was more popular than that of the cornfarmers. The cornfarmers in the wheatlands of the Koeberg and Zwartland suffered most heavily from the refusal of the late apprentice to work on the land.⁶ Not having owned as many slaves as the wine-farmers, they had less money available to pay the worker they so urgently needed, and their crop had few attractions. Freedom came during one of the peak periods in the calendar of the cornfarmers. The amount of wheat harvested being small due to the unseasonal rains and the lack of reapers, the same want led to difficulties in threshing and transporting the grain to market.⁷ Not only could grain not reach the market, so that farmers took to selling it on their farms⁸, but it almost doubled its normal price: a load of wheat costing £12-15 in January 1838, fetched £21 in January 1839.⁹ Although this

1 Meditator 7 Feb. 1839. Letter from Hottentots, Holland.
2 Z.A. 5 April 1839. Letter from Paarl.
3 In 1839 and 1840, there were continual letters of complaint. See eg. Z.A. 3 March 1839, Ibid 31 Jan. and 7 Feb. 1840; Ware Afn. 4 Feb. 1840; C.A. 9 Jan. 1840; G.J. 18 June 1840.
4 Children especially had to be kept from school to do farm-work, eg. Z.A. 3 May 1839. Correspondence. W.A. 11 April 1839. Z.A. 20 Jan. 1840. G.J. 10 Dec. 1840.
5 C.A. 29 Jan. 1840. Z.A. 20 Jan. 1840.
6 Ware Afn. 14 March 1839. Correspondence. Ibid 28 Jan, 1840. Correspondence. G.J. 26 March 1842. Legislative Council.
7 Z.A. 3 May 1839. Correspondence. C.A. 18 May 1839. Editor. There was also a serious outbreak of horsesickness in the first months of 1839. (G.G. 22 March 1839).
8 C.A. 16 March 1839. Editor.

hardly affected the coloreds (their main diet being fish and rice), it led to an increase in the price of bread and so in the cost of living throughout Cape Colony¹. The shortage of grain was also detrimental to trade interests, as it affected the supply and price of provisions on which the ships calling at the Cape were dependent. ^{10.} ~~The~~ relieve the shortage, the Colony - usually boasting a surplus of grain - was forced to import from abroad; the 26,288 muids of wheat and 22,000 muids of flour imported in 1839 to the value of £90,000 were not obtained without some hindrance, as in Europe the harvest had also been insufficient².

When in 1839 ploughing and sowing began for the new wheat crop, the number of ploughs used was only half to that employed in former years³, and the amount of seed sown one half to almost two-thirds less⁴. Due to the lack of farm-hands, sowing took longer, and the late plants lost the benefit of the early rains, making them less able to withstand the drought which occurred in September⁵. Whereas the harvest of 1837 had totalled 47,955 muids, and that of 1839 26,875, the harvest completed in 1840 sank to 15,434 muids⁶. A meeting of Stellenbosch farmers on 22nd January 1840 blamed the labor deficiency for the failure; as there existed some doubt whether the government was fully aware of the real cause of the drop in the wheat harvest, the farmers demanded a government inquiry into the comparative amount of laborers working before and after emancipation⁷. An unofficial return from Paarl, taken from statements by 39 farmers, showed that these required two to six times the amount of laborers and servants they

9 C.A. 29 Jan. 1839. Editor.

1 Meditator 26 March 1839. Editor.

2 C.A. 12 Feb. 1840. Legislative Council. Ware Afn. 21 March 1839. Legislative Council.

3 Z.A. 24 Jan. - 7 Feb. 1840. Correspondence.

4 Ware Afn. 28 Jan. 1840. Z.A. 24 Jan. - 7 Feb. 1840. Correspondence.

5 C.A. 22 Jan. 1840. Editor.

6 C.A. 9 April 1842. Correspondence.

7 Z.A. 31 Jan. 1840. Memorial.

From a statement by the non-official member, Mr. Cloete, on the reasons for the bad harvest, the colonists believed that the Council did not recognise their difficulties. Mr. Cloete was forced to publish a clarification of his remarks in face of the indignation of the public. C.A. 22 Jan. 1840. Ware Afn. 11 Feb. 1840.

they were able to obtain;¹ and several agriculturists threaten-
 ed to trek rather than remain to face ruin and the abandonment
 of agriculture which it was believed would result from the la-
 bor deficiency.²

While some of the farmers in the western districts were
 considering leaving the Colony, as the inhabitants in the
 east were doing in such large numbers, agriculture in the fron-
 -tier districts also suffered from the unwillingness of the
 past apprentices to follow their former pursuits. The Eastern
 Province had not been as dependent on slave labor as the West-
 ern, but the progressive sheepfarmers there found difficulty
 in obtaining substitutes for the skilled shearers.³ The pre-
 sence of Hottentots and Kaffirs helped alleviate the situation
 but the restlessness among the western coloreds after 1838 and
 their demand for higher wages had spread to the east by 1840,
 and led to insecurity in labor relations there until 1842,⁴ it
 being necessary to allow willing soldiers to help with the
 harvest on the frontier in 1840.⁵ By 1842, the western areas
 had been able to achieve some stability already, as the past
 slaves again took to farm-work, and a good crop of 31,805
 muids in 1841 led the harvests back to their former level.⁶

In their distress, the farmers had turned to various ex-
 pedients to obtain labor. These had ranged from local measur-
 es such as drawing on the inhabitants at the missionary insti-
 tutions⁷ to proposals for immigrants from England.⁸ The govern-
 ment officials, while recognising that the farmers' complaint
 regarding labor was justified, were not prepared to act in
 their favor. The Legislative Council itself looked upon immi-
 gration as the only remedy, but waited for the colonists to

1 For return vide Z.A. 7 Feb. 1840.
 2 The desire to trek was not an uncommon idea among the farmer
 in the west. Ware Afn. 31 Jan. 1839. Z.A. 23 Aug. 1839.
 Ibid 27 March 1840.
 3 Ware Afn. 3 March 1840. G.J. 18 Feb. 1841. Ibid 10 June 1841.
 Theal maintains that progress in sheepfarming was an effec-
 of emancipation as, according to him, more farmers turned to
 sheepfarming, which needs less constant labor than crop
 farming. This statement cannot be upheld: sheep were al-
 ready proving profitable and of great promise in the early
 thirties, and when the experienced apprentices left, the
 sheep farmers were at a disadvantage for some time because
 of the lack of able workers knowing how to handle the wool
 with the skill it demands.

make the first concrete proposal in this direction, as indication of their sincerity, and also because the colonial treasury could not finance such an undertaking¹ But the enthusiasm of the inhabitants could not make up for their habitual inactivity and general poverty, which, besides, resulted in their offering wage rates which the government believed were too low to draw immigrants.

On the question of the rate of wages in the Colony there existed some doubt and a variety of opinions. An attack in October 1841² on their insufficiency and the bad quality of the food, formulated one belief prevalent after emancipation - that the farmers themselves were the cause of the want of laborers by not treating their men well enough to attract the necessary labor³. Others, particularly the agriculturists, complained that since 1838 the wages demanded were exorbitant, especially in comparison with England where laborers received 11/- a week,⁵ or even compared to the salaries of the local government clerks earning £40 to £80 per annum⁶. Before freedom, the free laborer had rated 9d to 1/6 a day⁷ (the difference depending on the district in which he worked, the type of labor executed and whether board and lodging was included or not). A study of Blue Books, letters and editorials after 1838, however, shows that, in spite of the assertions of the farmers, there is no evidence that the rate had risen, except

4 C.T.Mail 17 April 1841. G.J. 1 July 1841. Correspondence. G.J. 31 March 1842. Editor.
5 G.J. 24 Dec. 1840.
6 C.A. 9 April 1842. Correspondence.
7 Z.A. 24 Jan. 1840. Correspondence.
8 Vide infra section on immigration.
1 Ware Afn. 21 March 1839. Legislative Council. Z.A. 21 Feb. 21 Feb. 1840. Answer to petition. C.A. 12 Feb. 1840.
2 This attack by Thomas Lawton at a missionary meeting began a national debate on wages, C.T.Mail 16 Oct. 1841.
3 C.A. 29 Jan. 1840. Ware Afn. 21 March 1839. Legislative Council: Attorney-general.
4 Mediator 26 March 1839. Editor. Z.A. 24 Jan. 1840. G.J. 1 April 1841. Editor. C.A. 9 April 1842. Correspondence.
5 G.J. 16 June 1836. English factory commission report.
6 Approx. 2/3 to 5/- a day. G.J. 9 June 1840. Correspondence. Also reports of Slave registry offices.
7 C.A. 26 May 1833. Almanac 1832. Albany.

95.
for mechanics, who could now earn up to 4/- daily; for an ordinary laborer even 2/- a day was a rare wage.¹

Perhaps the circumstances in which the farmers found themselves caused the wages to be excessive in their eyes. At harvest and sheep-shearing time wages had always been higher 1/6 to 3/- a day besides food and wine, but whereas formerly few extra laborers had been needed to supplement the farmer's own slaves, now suddenly all labor had to be so paid, with a consequent rise in farm expenditure. The quality of the work was poor, and the employer ever feared that the workers would leave before the task had been completed. The farmers resented that the wages earned were almost pure profit, as the colored laborers paid steady rent but rarely, and were mostly fed by the employer, who in many cases also fed the laborer's family, although the food given might be coarse and plain, as the poorer farmers had no better themselves². The Cape farmers were frugal. They saw no reason why the past apprentices should not be forced to economize, or receive anything but a small margin over necessity³. It was known that the coloreds only worked when they no longer had money on which to live in idleness⁴; therefore, a high wage did not ensure a constant source of labor, which to the farmer, a lower wage might well do.

After 1838, then, it was only the artizan and domestic servant who earned more in comparison to pre-1838 wages. The rise in the rate of the latter - in Cape Town a servant could earn up to 60/- a month plus board and lodging - was the only instance where scarcity forced up the wage of a laboring group. On the land, average rates remained the same, but were open to variations in the mode of payment: some employers gave additional rations of brandy, coffee or tobacco, others paid partly in produce, or, in the east, in stock or clothing.

1 Wage rates deduced from Blue Books 1838, 1841 and 1842; Agriculture; and miscellaneous newspaper articles.

2 Z.A. 19 April 1839. G.J. 18 June 1840. C.T. Mail 30 Oct. 1841

3 Ware Afn. 28 March 1839.

4 Ware Afn. 3 March 1840. Ibid 2 Nov. 1841. C.A. 9 April 1842. Daily rations offered by the government to free able-bodied laborers were in 1843: 1½ lb. meat (at 1½d per lb.), 1½ lb. bread (meal was 1½ per lb.), 2 oz. rice, ½ oz. salt. From

A popular belief among the farmers was that the rate of wages could be stabilized by a vagrancy law forcing the coloreds to find work under any conditions, which would also prevent the stealing from which the less conscientious unemployed found a living. Complaints of vagrancy did not abate after freedom,¹ especially from the frontier, which was open to looting by the Kaffirs; but Ordinance 50 was still in force, and Dr. Philip on his guard to stop any re-enslavement of the colored peoples by such a means.² The governor could see no way of introducing a solution which would satisfy the colonists on this subject of "extreme delicacy and difficulty",³ not only because of Ordinance 50, but the nature of the country and sparsity and modes of living of all members of the population, were against an efficient and fair application of such a law.

Napier hoped that the Master-and-servant bill which was under consideration from 1839 to 1843 would help regulate labor relations. Judging by the few demands from the colonists before freedom, there had been little realisation that such a law would be needed after 1838, and the governor himself only introduced the motion in July 1839, after the members of the Council had had sufficient opportunity to study the effects of emancipation.⁴ By that time it had become apparent what uncertainties needed remedy - regulations against enticing away another's servants, what punishments could be meted out for striking work, how could contracts be effectively drawn up and put into practice when the contracting parties were at such a distance from the local authorities. Clarity was needed on these and other points brought about by the new relationship in which employers and employees found themselves.

G.G. 15 Dec. 1843; prices from G.J. 3 Dec. 1840.

1 G.J. 18 April 1839. Ware Afn. 19 Sept. 1839. Editor. Ibid 19 May 1840. (From Hantam). Z.A. 31 Jan. 1840. Memorial. Ibid 26 Dec. 1843. (From Worcester). G.J. 6 June 1839. Memorial from Uitenhage. Ibid 6 April 1841. (From Lower Koonap).

2 Z.A. 30 Aug. 1839. Philip to Sturge.

3 C.A. 13 July 1839. Legislative Council: Governor.

4 Z.A. 26 July 1839. Legislative Council.

The draft introduced by the governor was based on the Order-in-Council of September 1838, promulgated to settle conditions in three of the West Indies and in Mauritius. ¹ Cape Colony was allowed to draw up its own law to regulate labor relations (subject to the Queen's ratification); and the colorists were allowed to voice their opinions on the subject, at Napier's invitation. As the debates proceeded, the few petitions and letters thereon indicated that the inhabitants were wary as to whether the law would not merely aggravate existing conditions in favor of the coloreds, although their main criticism was at the unnecessary distinction made between black and white employees. ² When the proposed ordinance was dispatched to the Secretary of State in January 1840, ³ this defect had been remedied, and also several changes made lengthening the periods of contract in favor of the employer. Russell's comments on the draft were received a year later, and were limited to the censure of this length of contracts, which he regarded as detrimental especially to the late slaves. ⁴ The Legislative Council having hurriedly altered the offending clauses, the draft took its final form in March 1841. ⁵

Made for the Colony and any territories dependent on its government, the ordinance repealed almost all previous laws on contracts, including Ordinance 50. Its most important stipulations related to the length of contracts: if unspecified, these were to hold good for one month, if specified, they could not be made for longer than one year whether oral or written, but the latter could reach to three years if made before a magistrate. To safeguard the past slaves against abuse they were subject to special conditions, oral contracts in their case being limited to a maximum of three months, and

1 Ware Afn. 18 July 1839. Legislative Council; Governor.

2 Z.A. 23 Aug. 1839. Ibid 6 Sept. 1839. G.J. 21 May 1840. Ware Afn. 10 Aug. 1839. Legislative Council.

3 C.T. Mail 6 March 1841. Legislative Council.

4 C.T. Mail 6 March 1841. Legislative Council, for Russell's objections.

5 Ordinance 1 of 1841. G.G. 5 March 1841.

written contracts to one year; these advantages were to last for them until 1st January 1849. No way of indentifying a past slave was suggested.

The Ordinance had incorporated Ordinance 3 of 1838, on the apprenticeship of children. Great care was taken to hinder their illegal apprenticeship, and the protection of their interests was put in the hands of the magistrates, to an extent reminiscent of the duties of the slave Protectors. The magistrates also settled wage disputes and arguments between master and servant if such involved a sum under £20 or a term of service of one year and under; matters above these limits came before the Supreme and Circuit courts.

The manner in which wages were to be paid was laid down; colored servants were to receive board and lodging in addition unless specified otherwise, and with the master's consent their families might live with them, although such would not automatically give the employer the right to demand the services of the family. Other sections regulated the course to be adopted on the death or the marriage of employer or employee the treatment of the employee if he were temporarily incapacitated while in service, and how far the servant need follow the master should the latter move his place of abode or undertake a journey. Regulations were laid down regarding testimonials, and no intimidation of master or servant was allowed regarding working conditions for any purpose whatsoever. Specific punishments were also enumerated for breaking any of the clauses incorporated in the ordinance.

As an influence of the past, registration of births and deaths in employees' families was still to be made in the rural parts to the field-cornets; as an acknowledgement of the future, masters and servants were allowed to decide amongst themselves details of hours of work, wage-rates and other conditions.

Fulfilling an immediate need, the Ordinance was published at once, and had to be retracted, as the judges considered

re-submission to the Queen essential, since the new law nullified Ordinance 50.¹ It was only confirmed in August 1842, and became law on 16 December of that year, until 31st July 1844.² It was then extended with the Crown's consent to 30th June 1846,³ and only then allowed by Order-in-Council to remain in force until the Cape government should consider it necessary to withdraw it.⁴

The Masters and servants Ordinance had been urgently required by the Colony after 1838; but its value was seriously impaired by the tardiness with which it came into force, as labor relations were stabilizing themselves of their own accord by 1842. Even after it came into effect, masters complained that they did not have enough check over their employees. The Ordinance did little more than co-ordinate existing conditions; it left the major complaints of the farmers - the rate of wages, vagrancy, the obtaining of sufficient labor - without solution. It did, however, give equal opportunity and treatment to black and white alike; if it had not done so, Britain would have found less favor with it; but within its wide scope, differentiation was still possible. Because of its moderate and unpretentious character, it was flexible enough to cover conditions in the Cape and South Africa from that time onward, and became the basis of labor relations and laws until the present day. Beside the change in the life of the slaves themselves, it was the most long-lived effect of emancipation.

1 G.G. 19 March 1841. Because of the urgency which demanded that the Ordinance come into effect as soon as possible, precedence was overruled in the Legislative Council at its final reading, and only the offending clauses considered, instead of the whole Ordinance, as was custom. (C.T. Mail 6 March 1841).

2 G.G. 16 Dec. 1842.

3 Ibid 11 April 1845.

4 It was first reissued in 1856, when its regulations became stricter towards employees.

CHAPTER X

IMMIGRATION AND THE PRIZE NEGROES

When by 1840 the demand for labor had not yet ceased, the colonists turned to immigration as a means of providing them with farm-hands and servants. Immigration became the leading question at the Cape from 1840 - 1842¹. Conditions were particularly favorable at the time for such an undertaking. Dissatisfaction among the badly paid workers in the crowded towns in Britain had led to emigration to the colonies under schemes which had become organised during the past ten years, and which were of marked benefit in alleviating the mother country of her population while providing settlers for the colonies, the emigrants being able to prosper to a degree which would not have been possible for them in the homeland. In 1831 the government had appointed commissioners to provide information to emigrants on conditions abroad;² privately, societies, newspapers and companies were established to foster the movement. Added impetus was given in 1840 when the Wakefield system of colonization was devised i.e. the cheap method of subsidizing emigration with money raised from the selling of colonial crown land.

The Cape had never received her fair share of attention in these activities³. Her reputation in Britain still suffered from exaggerated reports by travellers and from anti-slavery agitation of previous years,⁴ and the voyage to the Cape was comparatively expensive for any would-be emigrant.⁵ Since the 1820 settlers, Cape Colony had only received an average of 219 immigrants annually,⁶ in spite of demands for more

1 It even took preference over frontier affairs in the *Grahamstown Journal*, 1841-1842. From 1838-1843 letters and schemes for it filled the papers.

2 E.A. 24 Feb. 1832. The Cape Colony was asked by them to send details on the prospects for future immigrants.

3 E.A. 28 June 1842. Letter from "Emigration Gazette".
In the report of the Land and emigration board in London Cape Colony was allotted only 11 lines (Ware Afr. 20

from the sparsely-populated eastern districts and suggestions from private individuals believing in its benefits to the Colony.²

The only immigrants who had come to the Cape in the 1830s in substantial numbers and under an organized scheme, were the Juvenile Emigrants, sent out by the Children's Friend Society, established in England in 1830 to provide homes for destitute children. Turning its attention in 1837 wholly to the Cape, where it was represented by a sub-committee and guardians of the children's interests, the Society had by September 1839 sent out 750 children of an average age of 14 years, to be apprenticed in the usual way as in Europe for some six years to colonial masters, who taught them a trade and saw to their education. The inhabitants welcomed this form of immigrant, for their entry in small batches made assimilation easy and their youth made them tractable and let them readily adapt themselves to conditions in their new country. Moreover, they were cheap - masters had to pay a premium of £7 to £9 for the indenture.³

Unfortunately, growing criticism in the 1830s of the apprenticeship system in England, where it was abused by Twist and Copperfield practices; and the suspicion which existed there of conditions in former slave-owning colonies, particularly the Cape, forced the juvenile emigrant scheme to be abandoned in 1839. Although a commission in 1840 cleared the Colony's reputation of any charges of "white slavery",⁴ the prejudice in England against the Cape forbade any further immigration of this sort.⁵ The only type of youthful immigrant which the British government was ready to allow, was the juvenile

1 Z.A. 30 Sept. 1831. Meeting in Albany. C.A. 11 April 1832 Meeting in Uitenhage.

2 G.J. 14 Nov. 1833. Z.A. 16 May 1834. C.A. 3 Feb. 1838 - for offers to bring immigrants from England and the East.

3 C.A. 15 May 1833. Ibid 17 May 1837. The Commercial Advertiser gave regular notification of their arrival.

G.G. 27 Sept. 1839.

4 For the commission of 4 Resident Magistrates.

delinquent, and she was preparing in 1841 to put this plan in motion; but it came to nothing due to the violent antagonism of the colonists against the introduction of this type of immigrant likely to exert a detrimental influence upon the community.¹ In spite of their eagerness for juvenile emigrants, the inhabitants wholeheartedly refused these; considering the severity of the penal laws in Britain at the time, it is probable that their fears were groundless, and that this arrangement might have proved to be to their liking.

As the introduction of children was forbidden them, the Cape colonists had two other sources of immigrants to which they could turn: adult laborers from England and the Continent or negroes from Asia and Africa, including Keffirs beyond the frontier. Negro labor was being tapped by the other colonies who had owned slaves in the past; by 1838 Mauritius, who had been importing Indian Hill Coolies in anticipation of the labor deficiency likely to arise with freedom,² joined the West Indies in obtaining free negroes from Sierra Leone and St. Helena, to which were brought negroes captured by British ships from foreign slavers. These schemes were financed from colonial revenue.³

The Cape colonists felt that the Legislative Council should make money available to enable them to obtain either negroes or Europeans; financing by the British Treasury was obviously not possible. But the colonial revenue was insufficient, and it was doubtful whether the sale of crown lands would yield any substantial sums. There was one opinion prevalent at the Cape which was against immigration, believing it might lead to a "swamping" of labor, with a consequent drop in wages as black and white competed, and perhaps an increase

1 The memorials against it included one from the Cape Town wardmasters, and another from the ministers of various churches. The Legislative Council was also opposed to the plan. C.A. 18 June, 6 July and 27 July 1842. Z.A. 24th June 1842. C.T. Mail 18 July 1842.

of vagrancy as a result. Unlike the juvenile apprentices, if the laborers introduced came from Europe, it was possible that they would be of the wrong type, and find it difficult to adapt themselves to the Dutch language and the isolated living conditions in the colony. If negroes were introduced after expensive competition with the West Indies, it would give Britain reason to interfere to prevent what she might look upon as a new form of slavery, and the eastern districts particularly believed that there were already enough colored races in the Colony without bringing in more.¹ But the objections were overruled by an overwhelming opinion in favor of immigrants of any sort, especially with so many colonists leaving the country on trek. The Cape was open to progress, both in trade and agriculture, and for this a better quality of laborer was necessary, with interest in his own and in his master's advancement, unlike such colored labor as was available. Land was cheap, and in 1840 the Cape again offered food at prices lower than in England; its usual abundance would be added to with a greater amount of working hands, and increased consumption meant more money in circulation. Competition would only raise the quality of work and the rate of wages, and the developments proposed in the early forties in the educational and municipal fields allowed European immigrants to feel at ease.²

The Cape Agricultural Society made the first and unsuccessful attempts at the beginning of 1839 to obtain negroes from Mozambique and Madagascar; immigration from England was considered more desirable, preferably on the Wakefield system, which was warmly advocated by the colonists. As a result of a meeting of 1st July 1840, its adherents addressed a petition to the Secretary of State, asking that the Wake-

1 G.J. 4 April 1839. Editor. Ibid 25 April 1839. C.A. 22 July 1840. C.T.Mail 2 April 1842. Legislative Council: Attorney-general.
2 C.A. 20 April 1842. Correspondence. C.T.Mail 15 July 184

field principle be applied to Cape Colony. The petition suggested that, to secure a free passage to prospective immigrants £12,000 from the colonial revenue be used for the purpose; the £12,000 being derived not only from the sale of the large amount of waste land, but from all government income obtained from the land - quitrents, hire of land and forest use.¹ An independent petition with similar proposals was drawn up by the eastern districts.²

The governor, who was asked to transmit both these to England with his remarks thereon, openly believed that the suggestions were impossible of fulfilment. Although 5 million acres of waste land were available for the project, they had been incorrectly surveyed, and good patches of land were interspersed with arid areas. The colonial treasury, with barely enough for routine government activities, would not stand the strain of £12,000, a sum which could not be procured by selling land at the current 5/- per 100 acres, or from quitrent, for which sixpence per 100 acres was only extorted from the farmers with difficulty. Improvements on public works were, in Napier's opinion, more urgently needed than immigrants liable to find living conditions at the Cape not to their liking.³

Although Napier's views on the subject were known, the colonists eagerly sent the two petitions around the whole colony for signature, claiming Britain could hardly refuse an urgent request coming from all the inhabitants.⁴ While awaiting a favorable reply, other measures were enthusiastically entered on at the Cape. Almanacs, advertisements and articles in newspapers catered for, and supplied information to, British emigrants who might be preparing to tra-

1 C.A. 4 July 1840.

2 Z.A. 26 June 1840.

3 Z.A. 7 Aug. 1840. Legislative Council; Governor. Also C.T. Mail 16 Oct. 1841. Napier on memorial.

4 C.A. 22 and 25 July 1840. C.T. 27 Aug. 1840.

¹vel to the Cape. A lodge for them was set up in Port Eliza-
²beth, and the London and Westminster Bank declared itself
 willing to grant letters of credit to emigrants to the Colo-
³ny. This letter was indicative of the support given by Bri-
 tish interests, who had not been idle: the South African
⁴Land Company and the Cape of Good Hope Loan Emigration Soc-
⁵iety were set up for the purpose of fostering emigration to
 the Cape, and although propaganda from the Cape itself was
 so weak as to scarcely warrant the notice taken of it by the
 British organisations, efforts in England on behalf of the
 Colony were successful enough to have brought about the arri-
⁶val of three emigrant ships by February 1841.

These promising beginnings received a severe check by
 Russell's reply to the two memorials, received at the Cape
 in September 1841. Even a deputation of the Cape Trade Soc-
⁷iety had been unable to make Russell alter his views, which
 were based on Napier's disparaging report accompanying the
 petitions. The Secretary endorsed Napier's opinion that,
 although commendable, emigration to the Cape was too expen-
 sive to allow its being financed by the colonial treasury;
⁸so completely discouraging the high hopes of the colonists.

Having "called for labor, which is their bread, they
 get, not a stone, but a sermon stitched with
 red tape".

Both by the public and in the Legislative Council, the gov-
 ernor was attacked for betraying the interests of the inhabi-
 tants in so unsympathetic a report, "calculated to do more
 mischief to the Colony, than had been done to it by any
 Governor who had preceded him in office".
¹⁰The demand for
 a representative assembly became strong. Napier's justifica-

1 The enthusiasm was fed the printing of parliamentary debat-
 es on emigration and accounts of emigration to other col-
 onies.

2 Almanacs 1841. p.409.

3 C.J. 31 Dec. 1840. The Liverpool Bank followed suit in
 1843 (C.T.Mail 11 Feb. 1843. Bank report).

4 C.A. 30 Sept. 1840. C.A. 18 May 1841.

5 C.T.Mail 5 June 1841.

tion that he did not consider as convincing the mere 1000 and 250 signatures collected in support of the western and eastern petitions respectively, could not persuade the unofficial members of the Legislative Council that immigration was not worth the cost it would entail.¹ Twice in 1843, three of the unofficial members attempted to sway the Council in favor of allowing £1,200 to be set aside in the 1843 estimates as a small start to financing immigration from Britain. When the proposal was rejected, Messrs. Ebdon and Breda dissented from the estimates.²

The Legislative Council was not averse to organising immigration if such did not mean financing it, and it looked to the colonists for constructive suggestions. These had now turned to privately-financed schemes to provide large-scale immigration. Realising that the importation of laborers from Asia or from beyond the frontier might lead to intervention by Britain,³ they yet hoped to encourage emigrants from England and also from Germany.⁴ In the western districts the popularity of the juvenile emigrants still lingered in the minds of the masters, and a proposal was put forward in 1842 to bring negro children from St. Helena,⁵ followed by another in March 1843, when the Agricultural Society approached the governor with an inexpensive project for bringing out children of poor English families. Napier could not visualize the practical application of either plan and was therefore forced to reject them.⁶

Individual attempts on a small scale were still tried to bring in laborers, and were in some cases successful?

9 Z.A. 22 Aug. 1842. From "Colonial Gazette".

10 Z.A. 16 Nov. 1841. Public meeting in Grahamstown on Napier's report. For opinions against the governor, vide Z.A. 7 Nov. 1841. C.T.Mail 26 March 1842. Agricultural society meeting.

1 Z.A. 19 and 23 Nov. 1841. Legislative Council. C.T.Mail 2 April 1842. Legislative Council: Resolutions.

2 C.T.Mail 1 and 22 July 1843. Legislative Council.

3 C.T.Mail 27 Nov. 1841.

Organization from England had also resulted in the irregular departures of emigrant ships for the Cape, carrying from 50 to 100 passengers each. Three of these arrived during 1842, and at least six in 1843;¹ but as with the private projects, these operations lost in value due to the unsuitability of the immigrants that were brought out. Instead of being the laborers and domestics the Colony wanted, they were discharged soldiers or people with no definite trade.² By the end of 1843 the enthusiasm at the Cape for European labor was dwindling after such unfavorable occurrences, and it was not possible to foresee that in the next years suitable immigrants in sufficiently large numbers would be arriving under government supervision, as the people had wanted. Moreover, the colonists had directed their energies to obtaining labor from another and more fruitful source: the prize negroes captured by British ships from the Portuguese slavers.

The possibilities of importation of colored labor from abroad (on the lines followed by the other colonies taking laborers from India and Sierra Leone) had already been realized in 1838, when a petition had been sent to the Secretary of State for permission to introduce free negroes from Sierra Leone and the surrounding coasts, in view of the coming emancipation and the probable deficiency of labor that would result.³ It was impossible for the government to agree to this request and to a similar one put forward in 1839,⁴ for in England the fears of Cape leanings towards slavery had not yet died down, and the whole system of shipping even free negroes from one colony to another was coming under the strong reproof of the Abolitionists. Their ardour was rekindled by the belief that the slave trade had not lessened, in spite of Britain's efforts

1 Figures on immigrants and ships deduced from G.J. 13 Oct. 1842 - 28 Dec. 1843, and C.T. Mail 24 Sept. 1842 - 2 Sept. 1843. This number of ships cannot be looked on as definite.
 2 G.J. 13 Oct. 1842. Ibid 24 Nov. 1842. Ibid 6 Jan. 1843.
 3 Vide supra - 71.

in that direction. Any government concession to import negroes to the Cape would have been met by an outcry from their side.

By the 1837 treaty with Portugal, Britain had the right to confiscate any of these slavers her ships were able to capture, and the freed negroes from these operations had in the past been sent to Sierra Leone and lately to St. Helena, but in 1839 the Cape became partaker in this allotment, when in December some 720 negroes were unexpectedly brought to the Colony, where no arrangements existed for their arrival. After some preliminary mismanagement, their distribution was allocated to the Collector of Customs, under whose custody had fallen the apportionment of the prize negroes captured since the abolition of the slave trade in 1807.¹ Regulations were drawn up for their treatment: males over 17 and females over 15 years of age were to be indentured for one year, children under these ages until they were 18 and 16 years respectively. Their training was to include educational and religious instruction, and for obtaining their services, master were to pay of £1. This last had to be retracted as it might be considered a form of slavery.²

The arrival of these negroes had been most timely for the colonists. The one year's apprenticeship was too short to allow them to become accustomed to the colony completely before freedom, particularly as they did not understand the language, and the masters were not ensured of the continuatio of their services once the twelvemonths were over; but the prize negroes were generally welcomed,³ and applications for them outnumbered those available.⁴ At first there were com-

1 C.A. 25 Dec. 1839 - 8 Jan. 1840. On arrival, the negroes had been hurriedly distributed by the Simonstown magistrate, but as they carried small-pox, it was necessary to recall them and redistribute them after a medical examination. (G.G. 10 Jan. and 14 Feb. 1840).

2 For terms of apprenticeship, vide G.G. 3 Jan. 1840.

3 C.T. Mail 27 March 1841. Agricultural Society meeting. C.A.
1 Dec. 1841. Editor.

plaints of unfair distribution, but criticism dwindled to regret that there were too few of them to successfully solve the labor shortage, and agitation consequently continued for immigrants from England. It was strongly held, however, that this type of immigrant was preferable to that coming from Europe, for where the latter might offer a higher quality of labor and bring about a raised standard of living, the prize negroes were less expensive to keep and more tractable to teach, and on becoming free, readily found their place with the colored classes already present in the Colony.

So welcome was this type of laborer, that when it was heard at the beginning of 1841 that there were 1,500 negroes on St. Helena which the island could neither use nor support, representations were immediately made to the governor to secure them for the Cape, against competition from Mauritius and the West Indies.¹ As Napier could not act in the matter without instructions from the British government, he advised the colonists to approach directly the Collector of Customs at St. Helena.² The Collector there having received orders from England that the negroes were to be sent to any colony willing and able to pay for their transportation,³ they began to arrive at the Cape from March 1842 onwards, and by the middle of the year, some 1,360 had been distributed in the colony.⁴ This number excluded 148 prize negroes brought to the Cape in November 1841 on the initiative of the governor, who had negotiated with Rear Admiral King - in charge of the distribution of prize negroes destined for Rio de Janeiro - for the sending of more of these favored immigrants to the Cape.⁵

1 Ware Afr. 30 March 1841. Memorial.

2 Ibid 30 March and 6 April 1841.

3 Z.A. 17 and 24 Dec. 1841.

4 Z.A. 20 May 1842. No definite date is given as to when the last group of negroes came from St. Helena; presumably it was in May 1842, when one of the ships bringing them to the Cape was wrecked, and the £6000 allotted to this scheme had been used up.

5 Ware Afr. 16 Nov. 1841. C:A, 1 Dec. 1841.

The cost of transportation was £1000.

The obtainment of negroes from St. Helena was of short duration, but prize negroes from slavers captured by Britain were still brought to the Cape.¹ These negroes came mainly from the East coast of Africa, and to the mixed coloreds in the western Cape were added a pure colored race with features resembling those of the Kosa, who were rarely to be found in the westerly areas. The negroes and the Kosa were unintentionally kept separate, the former not reaching the frontier districts. The inhabitants of the Eastern Province hoped for English immigrants rather than add to the dark races with whom they already had to cope;² and the authorities preferred to apprentice the prize negroes to masters living in areas where control was easier than in the east.³ The Collector of Customs, working in harmony with the local magistrates, kept a strict check that the negroes were not apprenticed for longer than the stipulated period, after they had been carefully distributed among the many applicants for their services.⁴ The prize negroes were to be found both in the service of the government, and in the service of masters in town and on the land, in various capacities;⁵ but their usefulness was somewhat lessened by an Order-in-Council of January 1843, by which only adults over 21 were allowed to do farm work, and then only for one year.⁶

Their good treatment was reciprocated with few cases of crime apart from desertion;⁷ they were given schooling either at the discretion of the master or in the negro school at Pa-pendorp,⁸ and religious instruction sometimes led to conversions to Christianity.⁹ It was asserted that their behaviour was satisfactory once they became free,¹⁰ as they readily associated themselves with the colored class who were becoming accustomed to the new relationship with their employers.

colonists in turn collected to refund these sureties should it be necessary. (E.A. 21 and 24 Dec. 1841; C.T. Mail 1 July 1843. Legislative Council).

1 Notice of the dates of the expiration of the terms of 47 of them occur as late as G.G. 9 March 1854.

2 G.J. 27 Jan. 1842. Editor. Ibid 2 Feb. 1843. Editor.

3 C.T. Mail 12 Feb. 1842.

4 Wide frequent notices of expirations in Government Gazette

- 5 eg. in the Police deparmtant, Cape Town (G.G.30 Oct. 1840);
on coasting vessels (C.T.Mail 17 Sept. 1843).
 - 6 G.G. 21 July 1843. Order-in-Council of 4th Jan. 1843.
 - 7 C.A. 27 April 1842. Criminal sessions. Frequent notices
of desertion in the local papers.
 - 8 Blue Books 1843 p.250.
 - 9 G.G. 19 May 1843. Notice of baptism.
 - 10 C.A. 27 April 1842. Criminal sessions.
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CHAPTER XI

THE NEED FOR
REPRESENTATIVE GOVERNMENT.

With the importation of the negroes, it became evident that the colonists needed a stronger voice in government. The negroes had only been transported with money temporarily provided from the Commissariat, under the condition that six men stand surety for the £4,000 needed for the transportation, as the governor was powerless to authorize such an expenditure from the Treasury without the sanction of Britain; fortunately, on hearing that the St. Helena negroes had been sent to the Cape, Britain allowed the sum to remain as paid by the Cape treasury, and the sum collected by the colonists to refund the six men, should they be called upon to pay the £4000, could be used to some other end. This was but one of the instances brought about by emancipation which indicated that Cape Colony was ready to control its own affairs.

In the West Indies, and in America, the question of abolition had political implications; the Cape was no exception, for since the beginning of the nineteenth century, abolition of slavery had been linked with the acquisition of representative government. In 1803 the Dutch government had considered giving the colony a representative assembly if in exchange the slaves would be emancipated; in the ten years before abolition in 1834, a similar willingness to "barter"¹ freedom for representation had been prevalent among one section of the population, and had been expressed in the petitions of 1831. One reason for welcoming abolition, especially to the British section of the population, was the belief that with the removal of inequality between black and white, no objection stood in the way of the Cape attaining a representative assembly.²

¹ Chase, J.C. Practical considerations on the exact position of the slave question. Cape Town, 1831; p.30.

² C.A. 19 Oct. 1831. Ibid 4 Sept. 1833. Z.A. 10 Oct. 1834.

The Legislative Council, which first sat in 1834, included five unofficial members appointed by the governor. The Colony was fortunate to find in these, men who had the welfare of the country at heart and who dared to put the colonists' viewpoint in unminced language. But their criticism had to stop short at querying the policy of the British government,¹ and with a majority of votes in their favor, the official members were liable to stand ranged against the unofficial.² The only weapon left to the colonists when wanting to bring their opinion to the attention of the British government, was the frequent but ineffectual petitioning; they could also send letters to the Council members or to the newspapers on measures before the Council, as the debates were published.

The mode of paying the Compensation money and the course taken by the government in the east after the Kaffir war, were two strong instances of inconvenience being inflicted upon a people powerless to influence the policy to which they would be subject, and under which they might have to suffer. Aversion to this principle was one motive behind the Trek. But after the apprentices had been freed in 1838, the occasions grew more numerous when it became obvious that some voice must be given to the people if the Colony was to prosper - because after freedom, the Legislative Council was faced with troubles which demanded immediate solution by men with a knowledge of local conditions. Instances included: the need for vagrancy laws, measures to ensure sufficient labor, a master and servant law which could be applied at once, control of colonial finance so that the necessary European immigrants or prize negroes could be sent for as the Colony needed, without reference to Britain.

Moreover, the Colony had rapidly become more ripe for a representative assembly. The progress at the Cape during the 1830s had received added impetus by the influx of the large

1 Ware Afn. 26 May 1840. Legislative Council. C.T.Mail 28 Feb. 1843. The Council.

2 C.T.Mail 18 June 1842. Legislative Council. Ibid 6 - 13 Aug. 1842. The Council.

amounts of money in 1837, which led to the establishment of progressive institutions. The men who directed these and who handled the Compensation money, came to acquire a sound knowledge of, and deep interest in, the economics of the country, but they had no medium by which to direct the use of the local taxes as they might think best.

Napier himself recommended in 1841 that the Cape Colony be given a representative assembly. The inhabitants were gaining experience in representing local interest by acting on juries, municipal boards and church councils. Their willingness to conduct matters pertaining to their country was seen in the enthusiasm with which they entered into the establishment of joint-stock companies for the general welfare; their unity, in combatting the suggested repeal of the usury laws in 1839; their readiness for sacrifice, in the collection of the £600 and some £3,500 to pay for the transport of the negroes the Colony needed. Cape Colony had outgrown the Legislative Council.

This realisation, and the knowledge that the British government was granting representation to her other possessions - Canada and New South Wales - led to three petitions being addressed to the queen in 1841¹. The colonists' hope of success lay in the equality that existed between master and former slave since freedom in 1838. The same sense of equality had been incorporated in the draft of the Masters and servants ordinance, which made no distinction of color between employees. Without emancipation of the slaves, the colonists had little chance of any favorable consideration of their request by the British government, who would never allow the Cape a representative assembly under conditions which made possible oppression of the blacks by the whites.

1 These petitions were:-

By municipal officials. 23 July 1841. (E.A.30 July 1841, 6 Aug. 1841).

By a public meeting. 24 Aug. 1841. (C.T.Mail 28 Aug. 1841).

By people of Albany. Resolutions of meeting of 30 Oct. 1841. (G.J.4 Nov. 1841).

News of representation being granted to other colonies was avidly published in the Cape papers.

Stanley's answer to the petitions showed that the home government was in agreement with the wishes of the Cape people but as yet considered it too early to grant representation to a colony scarcely out of slavery.¹ Oppression of the coloreds by the colonists, and the difficulty of a franchise suitable for both groups, presented two obstacles which could only be eliminated by giving the late slaves more time to raise themselves to the same standard of living as the white element of the population; and the Europeans in turn, needed time to rid themselves of the tendency to look upon the coloreds as inferior. The British government realised, however, it was only a matter of years before representation would be granted to the Cape, there being no other serious obstacle in the way; emancipation having made imperative, and opened the way to, the longed-for representative assembly.

I Z.A. 2 Aug. 1842. Stanley's reply.

A public meeting was held to answer his points. The resulting opinion held that an Upper House and a governor appointed by the Crown would stop oppression. (C.T. Mail 1 Oct. 1842. Z.A. 7 Oct. 1842).

CHAPTER XII

CONDITIONS IN CAPE COLONY IN 1843
AND CONCLUDING REMARKS

By 1843 Cape Colony had not merely returned to normal conditions, but was showing a progressive trend which boded well for the future. This prosperity was not a continuation of that experienced in 1837 and 1838 with the extraordinary influx of specie, for between 1839 and 1841, the Colony underwent a period of financial strain as the reaction to two years of abnormal extravagance set in.

During this time, money became scarce and interest rose again to 6%,¹ a deficiency aggravated by the amounts which the trekkers took with them.² Trade was poor: the warehouses were overstocked and customers lacking, and firms which only two years previously had been handling Compensation claims with confidence, were forced to close down.³ Customs duties fell with the decreased imports; exports dwindled due to the smaller amounts of agricultural produce, resulting from the lack of labor and the removal of so many stock farmers from the Colony. Private individuals were forced to sell the various types of property - houses, land, carriages - which they had been able to afford in 1837; with no-one to buy, the value of landed property declined⁴ and mortgaging became once more a common practice.⁵

These effects lasted until 1841, by which year the last vestige of the abnormality which the Compensation money had brought with it, may be said to have been over, and the Colony could devote itself to drawing to her advantage from the experiences of the past years.

A marked improvement was noticeable in the government of the country, well-supported by the interest which the public

1 Z.A. 9, July 1841

2 Blue Books 1838 p.223.

3 G.J. 2 Jan. 1840. I have counted seven firms, two of them large establishments, who closed down during this time.

4 G.G. 3 Feb. 1843. Savings' Bank.

5 C.A. 21 Aug. 1841. Z.A. 18 Oct. 1839.

showed in every project considered for the national benefit.

The Legislative Council was able to place the Colony on a sound financial footing. The measures taken from 1840 to 1843 to bring this about, included a revision of taxes and a stricter collection,¹ the cancelling of paper-money² and the final abandonment of the rix-dollar as legal tender.³ With the increased rate on customs, the revenue rose from £179,590-15-0 $\frac{1}{2}$ in 1841 to £221,721-6-5 $\frac{1}{4}$ by 1843.⁴ With this increase, the government was able to embark on public improvements long found wanting. Under Montagu's scheme, good roads would be available to the Colony; harbour improvements would benefit her trade. Other forms of betterment followed suit: a new educational system, the establishments of municipalities, regulations for the general welfare by these and by the government, allowed the Colony to make a remarkable recovery from the sorry outlook two years before.

A healthier communal spirit was also noticeable, as the public continued its interest in the economic and social wellbeing of the country, an interest largely fostered by the entry of the Compensation money...five years after freedom, Cape Colony had no reason to regret emancipation.

Leaving the Colony well on the road of self-development, what conclusions must be drawn from the experiment of emancipation, 1830-1843?

- that slavery is not a state of unmitigated evil, but that it has its advantages for the community: the assurance of labor, security for the worker, the care by the master of his servants (who represent capital) if slavery is merely on a domestic level. Particularly Britain's two Orders-in-Council

1 G.G. 18 Dec. 1840. C.A. 1 Jan. 1842.

2 C.A. 11 Nov. 1843.

3 G.G. 15 Jan. 1841.

4 Blue Books 1841 and 1843. Revenue.

The revenue was still below the expenditure, but the amount yielded was larger, and allowed the government to spend more on improving the Colony, including the support of immigrant scheme from England.

embody principles valuable where an aboriginal tribe comes into contact with another civilization. Attention need only be made in this connection of the system of protectors, or of Special Magistrates, basing each case on its own merits and not on legal precedent, a commendable proceeding where the traditions and character of the opposing parties are so different.

- that criticism that Britain did not show sufficient care in compensating the slave-owners, is unjust. She attempted by every means to give as full compensation as was possible within the financial limits. But that the way in which the slaves were emancipated could hardly have been done more clumsily. Four years is insufficient, even with good education, to teach a people the responsibilities of freedom. Once she had passed her Abolition and Amendment Acts, she too readily left the colonies to their own devices, instead of following through her good intentions.

- that the split between the Dutch and English in the Colony came about imperceptibly during the period under consideration; instead of the growing together that seemed probable in 1830, there was a divergence by 1843.

The final effects of emancipation are not yet over. The crusade that Britain began more than a hundred years ago, has since spread over the world, and as regards South Africa, she is back where the Cape colonists were in the 1830s. The ultimate outcome of the sentiment of emancipation may not yet have been written in the pages of her history.

NOTE ON
EMANCIPATION AND THE GREAT TREK

Emancipation as a cause of the Trek has aroused wide interest. Because of the many implications of the Trek and the controversial nature of the subject, I have chosen to deal with emancipation and the emigration in the east as an additional note, as separate treatment allows for the expression of personal opinion, which would not have been possible if the subject had been included in the main body of the thesis.

Two arguments exist on emancipation as a reason for the Trek: that it was a primary cause of the movement; or, that it was a subsidiary factor which had little influence on actual emigration. The relationship of emancipation and the Trek can be realised better when the terms are used less loosely. Emancipation involved three issues: abolition as a theory, the compensation money, and freedom in 1838. Similarly, the Trek consisted of several parts: the movement to the end of 1835, a stronger one from 1836 to 1838, and a third dating from 1838, when the westerly areas began to be affected. These distinctions help clarify the problem as to how far "emancipation" was a cause of the "Great Trek". From the evidence gathered, I believe abolition was only a cause insofar as it was a manifestation of Britain's philanthropic policy. Rather was the lack of adequate compensation a moving factor. If emancipation is at all to be quoted as directly influencing the exodus of so many people from the Colony, it was perhaps more so in the later years, than at the beginning.

When considering emancipation in regard to the Trek, it is necessary to take into account other contemporary facts which will relegate it to its true position in the life of the times.

The habit of the eastern farmers had for 150 years been to wander eastwards in search of independence from government control and to find pasture for their herds; unlike the Bri-

tish 1820 settlers, who were affected quite as much by the Caffir inroads, they were used to moving from place to place. Their type of character had evolved from the hard and solitary life they led, and included qualities found in people in rural parts of the world even today. This accounted for their obstinacy, their suspicion of innovations and newcomers, their inability to grasp the explanation of acts done outside their local sphere. The rigors of their existence and the monotony of the diet resulted in an attitude looked upon as intolerant by people not aware of the difficulties with which they were surrounded.

They lived in an area in which they were outnumbered by the colored races, and at a distance from the nearest neighbour or government authority which would make any policy of benevolence disastrous. As farmers, the successful running of their farms and herding of the livestock was dependent on the nature of the labor they could command. Every employer thinks he knows best how to treat his laborers, and the tinkering, by the British government, to which the slave laws were subject from 1816 to 1831, would have caused serious repercussions among South African farmers even of the present, should similar legislation find place now.

Interference in the treatment of servants was resented still more as the nature of the household was strictly patriarchial. This characteristic was strengthened because the frontier farmers were a deeply religious people, their strict piety enabling them to keep some link with culture and education. Moreover, their biblical fervour made them regard as inferior all heathens, such as the colored races very largely were.

Necessity and belief, therefore, colored their attitude towards their servants, including their slaves. But any meddling by an outsider with their slaves, was open to further opposition, as they represented capital, the deprivation of which would seriously affect the eastern farmer, who was poor and his heirs.

For thirty years before the Trek, the Colony had been open to innovations by the British government, with which the localism of the frontiersman could find little sympathy. British rule had abolished the beloved landdrosts and heemraden; it had installed jurors who had to be able to understand English; it had changed the official language and the rixdollar currency. Now, towards the end of the 1820s, it began a policy towards the colored races, which was based on English philanthropic sentiment, totally alien to the frontier farmer, rather than on a practical knowledge of South African circumstances.

The enlightened views of the British people in the first half of the nineteenth century were inclined to sentimentality. In the 1820s, the amelioration of the conditions of the down-trodden slaves received wide-spread support, fed by the more spectacular accounts by well-meaning missionaries and travelers. Under this impact, it was difficult for the British government to remain impartial towards the slave-owning colonists, and from the detailed accounts of slave treatment that it required its colonial officials to send, the government was inclined to eye the worst and suspect the slave-owner of wilful cruelty. It is always difficult to form a correct picture of circumstances known only through correspondence, particularly if the receiver is unconsciously biased. The Cape was in a most disadvantageous position in regard to any legislation for the coloreds as made by Britain, as the Cape was further away than, and had totally different conditions to the other slave-owning colonies, for which the laws were primarily made.

The trend towards partiality which first influenced the Cape Colony to any great extent, and which was to have a lasting effect on British attitude towards the Colony, was made manifest in Ordinance 50 of 1828, which gave civil rights to the Hottentots. The Hottentots were prevalent in the east, where they supplied a substantial part of farm labor. After

Ordinance 50, it became impossible to control the habits of these wandering people, and their vagrancy was made worse by the presence of hostile Kaffirs who strayed into the Colony from beyond the Keiskamma River. A vagrancy law would have allowed a check to be kept on these people, but although the local government realised its advisability, the stipulations of Ordinance 50 made it impossible to pass such a law, and the living conditions and labor resources of the farmer in the east remained insecure.

Britain next formulated the Orders-in-Council of 1830 and 1831, intervening in the treatment of the slaves. The Orders were quite inapplicable to South African conditions, which had no plantation system, and where the scattered slave owners were put to great inconvenience and risk to comply. The frontiersman particularly found it dangerous to leave their homes in the face of marauding Koss merely to act in accordance with laws which had been made without taking into consideration local circumstances. Their pride was hurt when they and their womenfolk were summoned on a charge by a being whom they looked upon as inferior. What else could the protectors do but break down an old relationship by boosting the slave to a state of insubordination? The frontier farmers were to dislike so strongly the Special Magistrate introduced with apprenticeship.

Manicipation - with compensation - came in 1834. For the past years, it had been obvious that such would come sooner or later, yet this knowledge did not create a large-scale exodus. Only a few families under Louis Trichardt, trekked at this time. It may therefore be presumed that the eastern farmers were not against abolition, with sufficient compensation. The first concerted move in the Colony to gradually free the slaves, had come from Grahamstown in

1 There were numerous letters during the apprenticeship period, against the growing insubordination of the apprentices during the last two years before freedom.

1826, while in the Trekker governments set up later outside the Colony, slavery was not permitted. Had it been the intention of the slave-owners to leave the colony because of abolition, they would have left either before 1834, or during 1835 immediately after the war - if they had stopped to fight at all.

The main exodus began in 1836 when the British policy went so strongly against the inhabitants of the eastern districts. The frontiersmen did not begin their mass movements until it was clear that the philanthropic attitude of the home government would not allow it to act in their interests. The proceedings of the Aborigines Committee in 1836 showed that it was hardly prepared to take into consideration the viewpoint of the frontier Boer; shortly after giving his evidence against the colonists, Stockenström was appointed lieutenant-governor of the eastern province. To explain their position, the inhabitants of the eastern districts pinned their hopes of vindication on a commission of inquiry, to travel the areas and report on the true situation between the defending farmer and the plundering Kaffir; the commission was refused. It is hardly surprising that the eastern colonists lost confidence in the impartiality which the British government claimed towards its subjects. Compensation for service in the war and for losses of animals was of a minimum; simultaneously came the news of the likely nature of the slave compensation money; In February 1837 came the order that would most closely affect the lives of the frontiersmen: the Province of Queen Adelaide, ceded by D'Urban after the war to secure a safe settlement for the colonists, was abandoned by order of the British government, and the old unsuccessful system of treaties with the Kaffir tribes was again instituted to keep the peace. This would again lay open the homes of the eastern farmers to devastation and looting. Trekking then began in earnest.

v1

The reasons for the Trek were not known with certainty even by the colonists who remained, and various theories were put forward to account for it, including that of the abolition of slavery. This was the cause which in Britain was regarded as the prime factor of the movement, as was natural to circumstances in Britain at the time: the situation on the frontier was never fully grasped by the authorities, whereas slavery and the cruelty of the masters came uppermost to their minds when thinking in terms of the colonies which had formerly possessed slaves. That the theory of abolition was not the foremost motive in bringing about the Trek may be concluded from the sequence of events, as noted here. This does not say that abolition did not give additional cause for trekking in individual cases, but it cannot be looked upon as a decisive factor.

The lack of adequate compensation had more direct effect in setting the wheels rolling. This objection is one most consistently mentioned by the trekkers for leaving, in their memoirs, and was also conceded by the remaining inhabitants and by the colonial officials. Individually, the eastern farmers lost proportionately more than the western proprietors; not only because they were as a whole poorer, but because the mode of payment was made particularly irksome for them, and they had to lose heavily by traders buying their claims for 20% of their value, or by not being able to cash their claims at all, due to the inaccessibility of some of the homesteads. The government had made no provision at all to cater for conditions in the eastern parts. This blow fell at a time when the British policy towards the frontier had been made apparent, and came as yet another example of seeming unwillingness on the part of the home government to take measures for the wellbeing of its subjects.

If at any time the actual freeing of the slaves brought about departure, it was in the later years of the Trek. In 1839 and 1840, farmers of the westerly districts began to emigrate, and it may be presumed that this was greatly due to the upset in labor relations and the attitude of the servants towards their masters; farmers saw no option to abandoning their farms from the lack of labor. Unfortunately, in contemporary letters and opinions, this later movement was merely looked upon as part of the eastern trek, and no special reasons were assigned to it. Because of this lack of evidence, it is difficult at this point to ascribe any definite motives for the later migration, although future research may be able to throw light on this aspect.

It is useless to ask whether, had there been no emancipation, would there have been a Great Trek? If there had been no philanthropy in England, the whole policy of the government might have been different in regard to frontier relations, and the colonists not suspected of instigating frontier trouble. That the compensation money and the 1838 freedom caused trekking, can be upheld with reason, but abolition itself cannot be quoted as having brought about the Great Trek

AVERAGE VALUE FOR CAPE SLAVES AS AWARDED BY THE
COMPENSATION COMMISSIONERS, LONDON. 1

<u>Number of slaves</u>	<u>Class</u>	<u>Average per head</u>
<u>Praedial unattached</u>		
399	Head people	£65-0-4 $\frac{3}{4}$
297	Tradesmen	£64-2-5 $\frac{1}{2}$
132	Inferior tradesmen	£49-0-10 $\frac{1}{2}$
5,671	Field laborers	£54-11-0 $\frac{1}{2}$
5,333	Inferior field laborers	£35-17-1
<u>Non-praedial</u>		
1,195	Head tradesmen	£61-13-3 $\frac{1}{4}$
953	Inferior tradesmen	£41-13-5 $\frac{1}{4}$
20	Head people employed on wharfs	£40-3-10 $\frac{1}{2}$
23	Inferior do. of same description	£41-2-6 $\frac{1}{2}$
5,239	Head domestic servants	£47-4-3 $\frac{1}{2}$
9,860	Inferior domestics	£29-7-6 $\frac{1}{2}$
5,731	Children under 6 years of age	£6-13-0
892	Aged, diseased or otherwise non-effective	£5-15-8

1 Comp.comms: Letters dispatched 20/4a 19 May 1836.
C.A. 8 June 1836.

DISTRIBUTION OF THE COMPENSATION MONEY ACCORDING TO CLASS¹

<u>Class</u>	<u>Appraised value</u>	<u>Amount awarded</u>
<u>Praedial</u>		
Head people	£63,251-15-0	£25,943-0-8
Tradesmen	£46,433-15-0	£19,045-0-10 ¹ / ₂
Inferior tradesmen	£15,783-10-0	£6,473-13-8 ¹ / ₂
Field laborers	£754,256-1-6	£309,362-1-10 ¹ / ₂
Inferior field laborers	£466,203-3-0	£191,215-12-11
<u>Non-praedial</u>		
Head tradesmen	£179,659-5-0	£73,688-3-6
Inferior tradesmen	£96,825-12-0	£39,713-10-5 ¹ / ₂
Head people employed on wharfs	£1,960-0-0	£803-18-1
Inferior do. of same description	£2,306-4-10	£945-18-4
Head domestic servants	£603,108-7-0	£247,368-0-6
Inferior domestics	£706,218-11-6	£289,659-4-5
Children under 6 years of age	£92,922-9-2	£38,112-12-7
Aged, diseased or other- wise non-effective	£12,361-12-0	£5,070-3-5 ¹ / ₄
	<u>£3,041,290-6-0</u>	<u>£1,247,401-0-7³/₄</u>

¹ Comp.comms: Letters dispatched 20/4a 19 May 1836.
C.A. 10 Aug. 1836.

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1) Unpublished manuscripts

Slave Office: Letters received.¹

1/6	From Colonial Office	1826-1834
1/7	From Government Officials and others, Cape Town	1819-1826
1/8	From Slave Registry Office, Albany	1822-1828
1/9	" " " "	" 1829-1831
1/10	" " " "	" 1831-1836
1/11	From Slave Registry Office, Beaufort	1823-1838
1/12	From Slave Registry Office, Clanmilliam	1825-1829
1/13	" " " "	" 1829-1837
1/18	From Slave Registry Office, George	1826-1828
1/19	" " " "	" 1829-1835
1/21	From Slave Registry Office, Graaff Reinet	1825-1828
1/22	" " " "	" " 1829-1837
1/23	From Slave Registry Office, Simonstown	1822-1831
1/24	From Slave Registry Office, Somerset	1825-1828
1/25	" " " "	" 1829-1837
1/30	From Slave Registry Office, Stellenbosch	1826-1828
1/31	" " " "	" 1829
1/32	" " " "	" 1829
1/33	" " " "	" 1830-1831
1/34	" " " "	" 1830-1831
1/35	" " " "	" 1832-1836
1/38	From Slave Registry Office, Swellendam	1825-1829
1/39	" " " "	" 1829-1831
1/40	" " " "	" 1830-1832
1/41	" " " "	" 1833-1837
1/43	From Slave Registry Office, Uitenhage	1825-1837
1/47	From Slave Registry Office, Tulbagh-Worcester	1825-1828
1/48	" " " "	" 1828-1831
1/49	" " " "	" 1832-1836
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1/51	"	1829-1831
1/52	"	1832-1837

1 Contain detailed reports of court cases.

Those taken for research from 1826 onwards.

2 The figures given refer to the numbers these documents hold in the Slave Office records in the Cape Town Archives.

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- 1/54 By Slave Registry Office, Swellendam, from various Slave Registry Offices 1826-1828

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- 1/55 Replies to memorials from Colonial Office 1818-1829
- 1/56 " " " " " " " " 1830-1831
- 1/57 Reports by Registrar/Protector of Slaves upon memorials 1830-1835
- 1/58 Reports by Registrar/Protector of Slaves upon memorials 1828-1836

Reports

- 3/20a Confidential reports. Protector of Slaves 1829-1834 (No pagination).

Slave Compensation Office¹

- 20/1 Minutes of proceedings of the Assistant Commissioners of Compensation 1834-1840
- 20/2 Instructions to the Governor and Assistant-Commissioners of Compensation from the Commissioners of Compensation, London 1833-1835
- 20/3 Instructions to the Governor and Assistant Commissioners of Compensation from the Commissioners of Compensation, London 1836-1845
- 20/4 Miscellaneous letters received by the Assistant Commissioners of Compensation 1834-1844
- 20/4a Letters dispatched by the Compensation Commissioners 1834-1845
- 20/4b List of compensation claims (1835) and returns from the several country districts pursuant to a circular letter from Head Office dated 18th August 1835
- 20/5 -
- 20/16 Appraisalment of slaves for the districts. (Mentions names of owners and of slaves, their work, health, value, age etc.)
- 20/17 Valuation lists. (Compiled by Valuation Commissioners (Appraisers) as they travelled from farm to farm) 1834
- 20/18-
- 20/42b Documents relating to Emancipation compensation claims. (Are the actual claims with attached powers of attorney.)
- 20/43 Day book to compensation claims register 1835-1839
- 20/45-
- 20/46 Slave compensation register

¹ Not all of these were "read" - some of these sources eg. the actual claims, the books of receipts, were merely handled and deductions drawn where necessary.

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 20/49 Lists of the awards of the Commissioners of
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- 20/50-
 20/56 Receipts for compensation claims paid and not
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- 20/57-
 20/57b Receipts for counter compensation claims paid
 and not paid July 1836-Dec.1840
- 20/58 Book of counter claims
- 20/59 Power of attorney registry book 1836-1837
- 20/60 Compensation Office expenditure 1834-1844
- 20/61 Returns of the total number of slaves in the
 various districts according to the several
 classes and values.

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