

Historical relevance?: Ten sketches of women illegally enslaved at the Cape, 1823 to 1830

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Samevatting

Die artikel handel oor die verhale van slawevroue wat deel was van die slawehandelsproses teen die einde van die 18e eeu. Hulle is na die Kaap de Goede Hoop gebring as vry slawe of - soos hul eienaars gemeen het - as “geskenke”. Hierdie mini biografieë vertel die verhale van vroue wie se lot was dié van vervreemding van hul geboorteland, en slawerny in ‘n nuwe vreemde land. Slawevroue het protesteer en hul situasie by die owerhede aangemeld om sodoende hul vryheid terug te win toe dit moontlik was in die 1820s. Persoonlike getuienisse is beskikbaar van sulke vroue soos opgeteken in die Boek van Klagtes deur die *Guardian of Slaves* gedurende die opskudding van die 1820s. In die artikel word hierdie getuienisse kortliks bespreek, waarop elk se historiese relevansie vervolgens bepaal word.

Introduction

This essay focuses on the stories of individual slave women involved in the slave trade at the end of the eighteenth century. They were brought to Cape of Good Hope either as free individuals, as slaves or - as their aggrieved owners unconvincingly claimed - as “presents.” These mini biographies tell the dramatic stories of women whose destiny was that of both being uprooted from their home countries and being enslaved in their new country. They complained of, and reported their situations to the authorities when it was possible in the 1820s. We have their first person testimonies reported in the Book of Complaints kept by the Guardian of Slaves during the tumultuous 1820s. This essay reviews those testimonies and evaluates their accuracy and historical relevance.

A closer look at the legislation

To understand how things changed for slaves after the British took over the Cape Colony for the second time, it is necessary to write a few words on the legislation enforced by them. The first legislation that changed considerably—or at least formally—the legal position of slaves as chattels was issued on April the 26th, 1816. It made the registration of slaves compulsory¹, to distinguish them from the bulk of manumitted slaves and Prize slaves or prize Negroes as the documents sometimes describe.² To this end an office was established in Cape Town, managed by an Inspector of the Registry and an Assistant Inspector, who were in charge of registering against their masters' names the slaves' names, sex, age, place of origin, occupation and any remarks concerning them.

This measure was later modified as part of a wider legislative initiative, the Ordinance Nineteen of the 19th June, 1826, on which basis a Registrar and Guardian of Slaves was appointed to substitute the Inspector. Assistant Guardians were appointed for the country districts as well. The Guardian had the specific task of listening to slaves' complaints and investigating whether they were well founded.³ In *Ordinance Nineteen* the relationship between masters and slaves was thoroughly regulated. Slave owners had to provide a certain amount of food daily and clothes yearly, they could not make slaves work more than what the law, established, and they had to let them rest on Sundays. Moreover, they could not sell slaves separately from their wives or children under the age of ten. Besides, slaves could testify under oath in courts, and their punishments were restricted to a maximum of twenty-five lashes for men and to a milder whipping on shoulders for women. Masters had also to instruct their slaves in the Christian faith in order to make them “a more acceptable and politically safer subordinate class of labourers”.⁴ Previous

1 Previously only slaves belonging to the Vereenigde Oost-Indische Compagnie (VOC, the Dutch East India Company) were registered. The VOC started the Cape colony and had rights on its management, including the acquisition of slaves.

2 Prize slaves or Prize negroes were individuals captured and seized by the British after the abolition of the slave trade (by the British only) in 1808. Destined to be slaves, Prize slaves were captured either on French or Portuguese vessels and then apprenticed for fourteen years. Usually from Mozambique, they ended up staying at the Cape and mixed in with the local slave population,

3 In 1828 the Office of Registrar and Guardian of Slaves was divided into two separate bodies, each responsible for a particular province and with its own Guardian of Slaves. In 1831 the Registrars and Guardians of Slaves were replaced by two Protectors of Slaves.

4 Mary Rayner, “Slaves, Slaveowners and the British State, 1806-1834”, *Collected Seminar Papers of the Institute of Commonwealth Studies* (London, The Societies of Southern Africa in the nineteenth-twentieth centuries, 12 London), 28, p. 20; W Dooling, “Slavery and amelioration in the Graaff Reinet District, 1823-1830”, *South African Historical Journal*, 27, (1991), pp. 75-94.

to this Ordinance there had been the Somerset Proclamation of 1823, whose measures, similar to these, were valid for baptised slaves only.

As underlined above, these legislative measures were conceived as steps in a long process after which slaves were supposed to be freed and automatically incorporated into society as a subordinate class of workers. Slavery was eventually abolished in 1838, after four years of apprenticeship during which slaves had to adapt and look after themselves, earning their own livelihood and become independent.

A step backwards: The acquisition of slaves

To complete the picture of our enslaved women at the Cape, it might be worth to take a step back and explain how and from where slaves were usually acquired. There were three ways in which slaves were brought into the colony.⁵ The first was through trips to Madagascar entirely organised and supported by the VOC, then to Zanzibar and—after 1786—to Mozambique. In theory, all these slaves belonged to the Company, but it was not uncommon that some employees traded in slaves privately, which meant that they conducted the business without any kind of authorisation from the VOC.

The second way to obtain slaves was through VOC ships from Batavia and Ceylon returning to the Netherlands and stopping over at the Cape for refreshment. In this case slave owners (either Company employees or inhabitants of the colony) had to ask for special permission to the Company, since the VOC desired to control the practice of selling slaves at the Cape by travellers from the East Indies who otherwise would have to free their slaves once they arrived in Europe. These individuals preferred to sell their slaves at the Cape—where prices for slaves were high—instead of liberating them in Europe. The Company tried to prevent this trade by granting them permission to take their slaves with them only after they had paid the outward and return journeys for their slaves.

The third means of obtaining slaves was to purchase some from foreign traders (mostly British, but also French and Portuguese) on their route to the Atlantic, coming from the African East Coast or Madagascar. The target

5 JC Armstrong and N Worden, “The Slaves, 1652-1834”, Richard Elphick and Herman Giliomee (eds.), *The shaping of South African society, 1652-1840*, 2nd Edition (Cape Town, Longman, 1989), pp. 112-122.

for such sales were the free burghers who, in order to buy slaves, needed the Company's authorisation.

Women enslaved

Women were part of the slave trade as well as men. However, it happened that some women were enslaved after their arrival into the Cape Colony as free individuals. These women were brought into the Colony from Madagascar, India, Ceylon, or Batavia, places that were sources of slave or cheap labour for the Dutch, French and British. The contingency of unfavourable conditions, women's dependence and their lack of power led them to be burdened with the yoke of slavery from which they could not free themselves, for their cries for help were not successful and their attempts to regain freedom failed hopelessly.⁶ Some of them complained about their situation and their unfair 'detention' to the Guardian of Slaves in 1826, many years *after* they had been imported, when it became possible to do so. Some of the complainants were slaves—regularly registered—because their mothers or grandmothers had been or were still in such an ambiguous position. The analysis of the cases helps to understand how they came to be enslaved though they were free and whether the complaints reported by the guardian were authentic.

A problem of terminology

It is not always easy to understand these women's real situations and positions. Some of them were brought to the Colony after having been already bought in their countries of origin, 'ordered' on specific request, or with the clear aim to sell them once arrived. Others were even sent as "presents" for friends from Europeans residing in the East.

This essay deals with those who arrived at the Colony as free people who were not supposed to be sold. They were working for passengers on the ships en route to Europe, or they were the captains' mistresses, or they were simply left at the Colony being unable to continue the trip to Europe. The ambiguity of these cases is due to the absence of evidence to prove their exact moment of their enslavement.

⁶ The Guardian of Slaves forwarded five cases to the Court of Justice, urging its intervention in support of the women. See Cape Town Archives (CTA), Slave Office, SO, Book of Complaints 4/2, cases 11, 50, 52, 71, 97.

Whether this was a practice or a sporadic phenomenon is unclear. What is certain is that it occurred throughout the eighteenth century and it involved more women than is acknowledged in the literature. It is unknown how widespread this was as there are neither records nor documents of their enslavement and since not all the women complained or told their stories.

Robert Shell reported one case in 1742. A little girl named Clasina van Bengal, was “inexplicably left” in Cape Town though the ship she and her family had been on was directed to the Netherlands. The promise to send for her later on was never kept. Therefore Clasina had no choice but to grow up far from her biological family, whom she would have never seen again, and spend her life at the Cape as a slave. The circumstances of her enslavement are unclear, but an explanation could have been the “rescuing [of] abandoned or orphaned children from a worse fate.”⁷

‘Slave’, ‘servant’ or ‘present’?

The Guardian of Slaves listened to and registered these women’s grievances, trying to reconstruct the story of their lives and to determine their true status. Thus the Guardian of Slaves’ questions are direct and precise: he had to determine whether the reasons for their journey and stay depended on whether they were in fact already slaves or on other causes. That is also why the complainants and witnesses used terms to mean different things. The former generally referred to themselves as ‘servants’, while the latter called them ‘slaves’. Some were given as “‘presents’”, often without their knowledge, and these too were considered property. This interchange of terms led to a confusion in roles and to legal difficulties in defining them.

Were individuals sent as “‘presents’” to be considered ‘proper’ slaves or did they have a different status? And, if so, what was their position? Moreover, how could some people arrogate the lives of other human beings as “‘presents’” to themselves? Were they for their relatives to show their generosity, or for friends to whom they owed favours?

The problem of terminology is not to be underestimated, since it complicates the comprehension of roles in the context of the late eighteenth and early nineteenth century Cape Colony. The confusion in the use of words to define

⁷ RC-H Shell, *Children of bondage: A social history at the Cape of Good Hope, 1652-1838* (Johannesburg, Witwatersrand University Press, 1994), pp. 81 - 84.

the status of people is of great concern particularly as the strata of society were clearly divided and provided the social architecture of that society.

On one hand, it almost seems as if there was not the will to define roles clearly so that their manipulation was easier, whereas, on the other hand, there was the need to clarify individual positions in the society.⁸ As will become clear from the stories below, if the term ‘present’ had been defined there would not have been complaints on the issue because the person would have known his/her place in that context. The overlap was intentional: the confusion was a clear advantage to the ruling class.

‘Illegally detained as slaves’

In the Books of Complaints out of ten cases that concerned women declaring themselves as “illegally detained as slaves”, six almost certainly deal with women who were enslaved after their arrival at the Cape, and are supported by reliable proof given by witnesses.⁹ Three other are uncertain because the terminology used and the evidence given by witnesses do not coincide.¹⁰ The last case is not to be considered part of any of the two ‘groups’, it having been retracted by the witness—who was the complainant’s mother.¹¹

All the testimonies have been recorded in the Book of Complaints, or in other documents held by the Slave Office such as the Books of Inquiry, the Day Books and the Letter Books.¹²

Fredrica, Janna, Lucy, Marje, Mina and Marietje probably did not know each other and did not know that they could have shared an important part of their past, since their stories are different but can be grouped and considered together.¹³

They were living in Cape Town, they were slaves whilst they should have been free women. They were all diligently listed in the Slave Registers as properties

8 C Iannini, “Contracted chattel: Indentured and apprenticed labour in Cape Town, circa 1808 to 1840” (MA thesis, UCT, 1995), ch. 1; VC Malherbe, “Indentured and unfree labour in South Africa: Towards an understanding”, *South African Historical Journal*, 24, 1991, pp. 5-7.

9 CTA, Slave Office, SO, 4/2, cases 9; 18th August 1826; 10, 18th August 1826; 15: 23rd August 1826; 52, 18th January 1827; 71, 8th May 1827; 117, 10th December 1827.

10 CTA, Slave Office, SO, 4/2, cases 11: 19th August 1826; 50: 8th January 1827; 97: 9th October 1827.

11 CTA, Slave Office, SO, 4/2, case 63, 31st March 1827.

12 CTA, Slave Office, SO, respectively 4/5 (1826-1827), 5/1 (1826-1829), and 2/11 (1826-1830).

13 CTA, Slave Office, SO, 4/2, respectively cases 9, 10, 15, 52, 71, 117.

and were conducting their lives as they were forced to do, being aware that they could have aspired to a better existence. That is the basic reason why they decided to complain.¹⁴

Fredrica

Fredrica “claims the freedom of herself and children on the ground that her Mother named Sara came to the Colony as a Free person.”¹⁵ The Guardian questioned Sara who accompanied her daughter as a witness.¹⁶ This implied that Fredrica had been born in the Cape Colony as a slave but that her mother had been imported. Sara was a native of Madagascar and arrived at the Colony at the time of Governor Plettenberg (in the late 1780s) on a French ship. According to her deposition she was initially supposed to go to Europe with the Captain, M Boudin, who instead decided to leave her in Cape Town and fetch her on his way back from Europe. Sara’s parents had entrusted their twelve-year old child to him because he had promised to take her home at the end of the trip.

Flora, who came to the Cape on the same ship as Fredrica, came to witness on her behalf. In response to the Guardian’s questions:

“Were you [Flora] on board as a slave?”

She responded:

*Yes. I was taken from my own country [Madagascar] and sold as a slave. But Sara was not.*¹⁷

The last witness questioned for this case was Mr Martinus van Blerk, son of the person who hosted Sara when left in the Colony by the captain.¹⁸ In his deposition he said that:

14 CTA, Slave Office, SO, 6/28, Register for Cape Town and Simonstown district, “R” (1816-1833) folio 158; SO: 6/22, Cape Town and Simonstown, under “H” (1816-1834) folio 101; SO: 6/13, Cape Town and Simonstown, under “B” (1816-1834) folio 100; SO: 6/ 15, Cape Town and Simonstown, under “C”(1816-1834) folio 6; SO: 6/34, Cape Town and Simonstown, under “W” (1826-1834) folio 66; SO: 6/26, Cape Town and Simonstown, under “N” (1816-1834) folio 9.

15 CTA, Slave Office, SO, 4/2, case 9. Fredrica was registered as the property of Johan Philip Reinhardt in SO 6/28, *ibidem*. She was a housemaid born in the Cape Colony and had been registered on the 23rd November 1824 when she was about thirty-two years.

16 CTA, Slave Office, SO, 4/5, folio 7, 18th August 1826.

17 CTA, Slave Office, SO, 4/5, folio 27, case 9, 21st September 1826.

18 CTA, Slave Office, SO, 4/5, folio 49, case 9, 9th December 1826.

She [Sara] was I believe given to him as a present, but I cannot give any correct information respecting her as far as I can understand however she having been very young and at the time my father being Portuguese Consul & Spanish Agent had sometime from 2000 to 3000 slaves under his charge for sale and occasionally received one as a present.

Mr Martinus van Blerk was unsure whether Sara had been a present for his father or on what basis she was left at his father's house. He presumed she had been a present due to his father's position.

Janna

Janna's case is similar.¹⁹ She was brought to the Cape Colony in a Dutch ship by a "boatswain named Andries Ross who had adopted me as his child" when she was twelve. They lived together at Mrs Bergh's place, but then Ross went to Holland and left her at Mr van Balen's house promising to return to take her home one day.²⁰ He obviously never came back for her. At the time Janna spoke only Bengali, so she was transferred to one, Mr Hertzog in Breede Street, Cape Town, who gradually started to treat her as a slave and whose wife registered Janna as her property in the Slave Registers.²¹ In this way Janna found herself to be a slave in an alien context at the mercy of strangers who decided her fate as they pleased. The slave Domingo, the personal servant of the late Mr [Johannes Mattheus] Hertzog, testified in support of her complaint. He stated that he had heard his master saying that Janna, at the time living at Mrs Bergh's house, was not a slave.²² This case once again shows how easy it was—at that time and in that particular context—to ignore legality and to seize other people's lives without any kind of repercussion, especially when these people were outsiders and could not speak Dutch. Janna's case is a clear example of one of the obstacles which individuals newly brought into the Cape Colony had to face—the issue of the language being one of the most important and immediate means of expression between human beings. This

19 CTA, Slave Office, SO, 4/2, case 10. Janna was registered on the 19th May 1825 as the property of Stephanus Johannes Hofmeyr Jan's son (minor) in SO 6/22. She was a housemaid of about fifty-three and 1/3 years and she was born in Bengal.

20 Mr van Balen was an officer living in the Castle.

21 CTA, Slave Office, SO, Cape Town Archives, 6/22, widow of the late Johannes Mattheus Hertzog born Verwey. According to Pama this is probably the widow of [b1] Johannes Mattheus Hertzog 13.10.1737, wamaker en handelaar, who died on 11.5.1812; and who had married for the second time on 22.10.1775 to Susanna Verwey, who herself died on 21.7.1828.

22 CTA, Slave Office, SO, 4/5 folio 8, case 10, 18th August 1826.

was the most evident problem that alien slaves had. The language barrier made it more difficult to adapt to the new environment, and it was a particularly difficult issue in the context of the Cape Colony, where all the slaves had been imported—from the very beginning of its history—from many different countries. Thus, slaves had to learn their masters' language if they wanted to be able to communicate.

Lucy

Lucy was a servant of a passenger of an English ship and was brought to the Cape Colony from Madras around 1790, and left there when he left the Colony. She told her story to the Guardian who reported that she was a servant to Mr Johnson one of the passengers who, quitting the Colony left her with the widow of one, captain Smit who was afterwards married to one Klaas[je?] Peters. That on the deceased of [the] said Mrs Peters she remained in the service of the widower until the year 1823 when she and a number of her children were sold at a public sale to said P.M. Brink²³.

This report carries on saying that Lucy's sister, Prempie, was in the ship with her but she continued the trip to England with Mr Johnson. Lucy saw her sister again a few years after her [Prempie] going out to Bombay as servant of an English lady who lodged at the House of Mrs Call de Lille, now Mrs Matthiessen, on which occasion Prempie told Mr de Lille that Lucy was her sister and had arrived here [in the Cape Colony] as aforesaid, and she therefore begs that Mrs Matthiessen may be called upon respecting the circumstance in order to prove her having been brought here from Madras _ there being no slavery at that place in the year 1790 or several years previous. She also begs that Mrs Maasdorp may be examined relative to the place of her birth and the manner in which she came into the service of Mr Smit — and whether she was included as a slave in the Inventory made of her Estate at her decease.

Prempie, apparently free, tried to help her unfortunate sister. In 1790, she continued the journey to England with Mr Johnson as his servant. This fact made the difference between their destinies, since Prempie remained a servant, whereas her sister became enslaved at the Cape. In the copy of the inventory

²³ CTA, Slave Office, SO, 4/2 case 15. Lucy was registered in SO 6/13 and belonged to Petrus Michiel Brink C's son. She was a washmaid/semptress born in Malabar, and was forty- three and 1/4 year (at the time she was registered in 1824).

of his sister's property sent to the Guardian by Mr Maasdorp there is no mention of Lucy or other slaves.²⁴ The Guardian asked him why Lucy was not included in his sister, Mrs Peter's, inventory when she died. He replied that he could not recollect in which way his sister possessed Lucy because at that time he was very young and he did not know why her name was not on the list, but he thought that Lucy occasionally spoke to him about her freedom. Mr Klaas Peters added some more information to this case through two letters stating that the girl became his property through his marriage with Jacoba Christina Maasdorp,²⁵ that the inventory was made only for specific chattels and not for the whole property, that Lucy had never spoken to him about her freedom and that "Lucy was given to his said deceased wife by a lady who lodged at her house, but whose name is unknown to him."²⁶ Apparently these words ended the case, for nothing new intervened to save Lucy from her situation, as far as the Slave Office was concerned.

Deceived women

The next three complaints are more detailed, a fact that renders them ideal as complete examples of the issue of these deceived women. Deceived because they were brought to the Colony without being aware of where they were going to, because they fell into the hands of unscrupulous men, and in most of the cases they were too young to realise what was happening to them. They were left there with the false promise of being taken home but eventually, after they had been enslaved at the Cape, they did not have the means to go back to their countries. Moreover, by the time they went to complain, these women, torn from the affection of their families for such a long time, had made a life for themselves at the Cape and integrated into that specific context, although they still wanted to be free and regretted their misfortune. The extraneousness they felt when abandoned later faded away and converted into the search for freedom.

24 CTA, Slave Office, SO, 4/5 folio 14 case 15, 17th March 1827.

25 C Pama (compiler) & C Coetzee De Villiers (editor) "Geslagsregister van die ou Kaapse families", Two Volumes (Cape Town, Balkema, 1981) provides confirmation of these details, viz. s.v. Maasdorp [d2] Jacoba Christina Maasdorp born 29 November 1767, married Lourens Smit van Amsterdam, "kapitein ter zee", married second time 16 September 1792 to Claas Pieters v. Schenkenschan, "luitenant ter zee".

26 CTA, Slave Office, SO, 4/5 folio 221, case 15, 17th December 1827.

Marie on behalf of Betje and Grietje

Case number 52 of the 18th January 1827 was made by a grandmother, Marie, on behalf of her nieces Betje and Grietje, both detained as slaves respectively in the districts of Somerset and Swellendam.²⁷ Marie, born in Ceylon, arrived at the Cape as a free woman. A certain Captain Stoll, with whom she had had a child, left her at the Cape promising to fetch her on his return. She was left with one Mr Nicholaas van As who, two years after her arrival, moved to Swellendam because of his job and took her with him. Marie lived with him for many years until his son Hendrik decided to sell her publicly, profiting from his father's mental illness. It is not clear whether the old van As considered Marie a slave or not. She stated that she did the same work other slaves did, but without being provided with food or clothing, which were given to her by her husband. There is no proof of her having been sold to him by Captain Stoll as a slave, she only said in her complaint that "she was left in charge of Mr Nicholaas van As".

Caatje, Marie and Captain Stoll's daughter, who also went to testify on behalf of her children maintained in a state of slavery, was defined as a free woman at the beginning of her deposition: "Caatje a free woman attended at this office."²⁸ Her deed of manumission was produced when she was six or seven years of age because Nicholaas van As knew that his son was threatening to sell her. This is the reason why Hendrik destroyed it, although Caatje had already been freed. She could not save her children from being sold by an Agent of the Orphan Chamber in Swellendam on account of the Van As estate. In 1815 this case had already been brought to the attention of the Court of Justice which decided that the "complainants were not entitled to their freedom", a sentence confirmed one year later by the Court of Appeals. According to the Courts there was insufficient proof to allow them to liberate Marie, Betje and Grietje.²⁹ This then was another unsuccessful case for three women who could not assert their right to freedom, but at least tried to redeem themselves. The Ameliorative legislation improved the quality of their existences and decreased

27 CTA, Slave Office, SO, SO: 4/2 case 52, 18th January 1827. Marie's owner was Gerardus Johannes Hendricus Croeser, and registered her on the 17th May 1816 in SO 6/17 when she was fifty. She was a servant maid born in Ceylon. Betje and Grietje were respectively owned by Johannes Hendrik Hurter, CTA, Slave Office, SO, 6/43 (1822-1833), H., folio 26, Cradock district. He registered Betje, born in the Cape Colony, on the 12th July 1825 when she was already about seventeen and 3/4 years of age; and by Johannes Wilhelmus Wessels, Jan's son, CTA, Slave Office, SO, 6/121, W., folio 38, Swellendam district. Grietje, also born in the Cape Colony, had been registered on the 22nd January 1821 when she was about twelve.

28 CTA, Slave Office, SO, 4/5 folio 78, case 52, 18th January 1827.

29 CTA, Slave Office, SO, SO, 4/5 folio 79, case 52, 19th January 1827.

their masters' power over them. For the first time slaves became aware of their condition and could legally react when they thought their masters went too far with punishments or did not respect their duties.³⁰

Mina

Mina arrived at the Cape from Batavia where she was hired as a servant by a watchmaker named Mr Wever and his mistress, a native of Batavia, Bientong.³¹ She was supposed to follow them to Holland to take care of their children and, once there, go back to her country. Unfortunately for her some unforeseen events occurred and Mr Wever and his family remained at the Cape and Mina with them. They also had a slave girl, Samira, from Batavia.

For the first year they lodged at Mrs Kilian's who tried to buy Mina as a slave. Wever refused saying that the girl was a free person and offered to sell her the slave Samira. The watchmaker later rented a place where they lived for the following two years. At this point of the story Mr Wever sold Mina and when she complained, he answered that there being no written agreement between them, he could dispose of her as he pleased. She was first sold to one Mr Rorich and then to Mr Wilhelm, her master at the time of the complaint. Mina told the Guardian that being un-acquainted with the legislation she had not gone to complain at the time.

This version of the story was also given by Bientong, the mistress whom the watchmaker sold as he was in need of money.³² She was born in Batavia and went to the Cape Colony with Wever with whom she decided to leave her country. They had two children still alive, a girl born in Batavia and a boy born at the Cape. They planned to go to Holland, Wever's country of origin, but at that time a war broke out, an event that prevented them from going there. Therefore they prolonged their stay at the Cape. The Dutchman became poor and sold his mistress, his son and his servant Mina privately,

30 John E Mason, "The Slaves and Their Protectors: Reforming Resistance in a Slave Society, the Cape Colony, 1826-1834" *Journal of Southern African Studies*, 17(1), 1991, pp. 103-128; J Mason, "Hendrik Albertus and his ex-slave Mey: A drama in three acts", *Journal of African History*, 31, pp.1-37; W Dooling, "Slavery and amelioration in the Graaf Reinet District, 1823-1830", *South African Historical Journal*, 27, 1991, pp. 75-94; W Dooling, "The good opinion of others: Law, slavery & community in the Cape Colony, c.1760-1830", N Worden and C Crais (eds.), *Breaking the chains: Slavery and emancipation in nineteenth century South Africa*, (Johannesburg, Witwatersrand University Press, 1994) pp. 25-43.

31 CTA, Slave Office, SO, 4/2 case 71, 8th May 1827. Mina was registered as the property of Fredrik Wilhelm in SO 6/34. Born in Batavia, Mina was about twenty-nine when registered on the 5th June 1820 as a laundress.

32 CTA, Slave Office, SO, 4/5 folio 141, case 71, 11th May 1827.

whereas the slave was sold by public sale; the daughter had a better treatment, since she was sent to Bengal.

Bientong clearly stated that Mina was a servant and thus a free person. When asked by the Guardian why she maintained that Mina was a free girl whilst Samira was a slave, she stated that it was “because Mina was engaged to accompany us to Holland as a free servant, & Samira was bought by my Husband at Batavia as a slave.” There is no doubt that Mina should have been free, but the point is another one: at that time a man with financial difficulties abused other human being’s individual right to be free and disposed of their lives as he pleased. He took advantage of their ignorance and the weaker position of his son and of two foreigners, a servant and his own partner. Both women admitted in their respective complaints and testimony that they were, at the time, unaware of their right to complain. Apparently it was not complicated to deal with the sale of free individuals, Mr Wever had only to sell them privately and—as far as can be seen from the documents of this case—there were no consequences until Mina took her revenge through the only way she knew: the Guardian of Slaves. Major Rogers was concerned with Mina’s grievance and asked twice for the intervention of the Court of Justice in the matter, in order to find Wever’s residence to prosecute or, at least to interrogate him on the ground of having sold free individuals as slaves illegally.³³

Marietje

The last case is more complex and might seem to be controversial in that one of the witnesses referred to an episode that implied that the complainant was sold as a slave, but it is not clear when and by whom this was done. Moreover, they are written declarations thus the Guardian was unable to question the complainant and her two witnesses.

In the year 1795 a Captain van Wymeren arrived at the Cape with Marietje, a girl from Bengal.³⁴ When he had to proceed to his next destination, he left the girl in the care of his mother-in-law. On her death Marietje went to live

33 CTA, Slave Office, SO, Letter Book 2/11, folio 98 case 97, 2nd June 1827; folio 185, case 206, 22nd December 1827.

34 CTA, Slave Office, SO, 4/2 case 117, 10th December 1827. Marietje was registered as a housemaid belonging to Maria Elisabeth Nothling in SO 6/26. She was born in Ceylon and was registered when about thirty-seven years old on the 16th June 1816.

with a niece of the captain unlike the other slaves belonging to Mrs Zeeman, who were sold according to the usual praxis.

He returned around 1804 and being ill and in need of treatment, he remained in the Colony for a while. After he recovered, he suggested that Marietje go to Holland with a gentleman. When she refused he left her “under the Guardianship of Mrs Nothling who was to take care of her till she attains the age of maturity when she was to do as she pleased”. A few months after the captain had left, Mrs Nothling (under whose name Marietje was registered) told her that she had bought her from the captain himself. The women could have lied, but Marietje seemed to have passively accepted her version of the story, unable to assert her freedom.

The two written declarations authenticated by a notary give two different accounts of Marietje’s situation.³⁵ In the first, dated 18th December 1820, the master-at-arms and sail-maker Dirk Jansen reported that he looked after the captain when he was ill and that he was given “a bag containing silver money and two letters to Mrs Simons the mother of his wife in order thereby to obtain the freedom of said Marietje.” But Mrs Simons was already dead, so Jansen returned the bag and the letters to the captain who, before leaving again told Jansen that Marietje was eventually free.³⁶

From these words it would appear that van Wymeren had sold the girl the first time he returned to the Colony and that when he came back again he wanted to manumit her. There could be another interpretation of the Captain’s words; Marietje could have been dishonestly sold by the woman she was entrusted to, Mrs Nothling, so van Wymeren wanted to ransom her and give her back her life.

The discrepancy between Marietje’s complaint and Jansen’s written statement is apparent. Accordingly to the first she had been sold neither to Mrs Simons nor to Mrs Nothling, they just had to look after her, nevertheless at a certain stage the latter told her that she had bought her from the captain as a slave. According to Jansen’s written statement Marietje was in fact sold to the captain’s mother-in-law Mrs Simons.

³⁵ CTA, Slave Office, SO, 4/5 folio 218, case 117, 10th December 1827.

³⁶ CTA, Slave Office, SO, 4/2 folio 218, case 117: “That the captain being about to leave gave appearer (Jansen) his hand, & whilst holding it appearer asked him “Well captain how is it in respect to Marietje, is she now free?” To which he answered: “Yes Master do not trouble yourself any more about it. She is free”.

The second written statement was made by a freeblack woman named Selvia who was a 'daily' with the captain while he was in the Colony and who told her how he brought Marietje "from Bengal as a free child" and that once in her presence a gentleman asked the captain whether he could purchase the girl, to whom he replied "no, she is not for sale, but I will place her with Mrs Nothling till she attains the years of discretion & can gain her own livelihood, at which period Mrs Nothling must leave her at liberty."³⁷ Selvia also asked to buy her for 600 Rixdollars, a price that van Wymeren refused answering:

Why shall I sell such an innocent child I have money enough. I have neither wife and I took her from her parents as my own child.

On the 12th January 1829 Marietje went to the Guardian of Slaves' office to know whether he had progressed in her case, obtaining the answer that her evidence was insufficient to proceed with further investigations, but that the Guardian would have contacted her mistress to know why she had registered her in 1816.

Uncertain cases

What was certainly remarkable concerning all six cases mentioned above and the other four that also concerned imported women who were already bought as slaves or sent to the Cape Colony as "presents", is that as outsiders they were unconsciously part of the broader issue of the process of creolization. These women remained in the Colony for different reasons and became part of the Cape slave population that, at the turn of the nineteenth century was reproducing itself and increasing in number, but that still necessitated imports in order to satisfy the demand for labour.³⁸ These constant 'inputs' implied that new outsiders were continuously introduced into the mixed ethnic context of the already, but not yet completely, Creolised slave population of the Cape Colony; therefore they were perceived as being part of it, but they were not. Their destiny was that of being slaves in a foreign country and that of being forced to adapt to a new environment, circumstances that led them to partake in the slave population's occupations as such, but that also allowed them not to forget, as outsiders, their own customs and habits.³⁹

37 CTA, Slave Office, SO, 4/2 folio 218: "whilst Captain Van Wymeren was here she was daily with him".

38 As it has already been asserted, the variegated and mixed slave population of the Cape Colony consisted mostly of individuals imported from Madagascar, India, East Indies, the East African coast, and from Mozambique.

39 Though this is also true of other imported slaves, for instance those brought to the Cape in the 1790s, the last main period of slave imports, and those illegally imported after 1808.

As far as the ‘uncertain’ cases are concerned, it has already been said that it is not clear from the complaints and testimonies whether complainants were effectively slaves before they came to the Cape Colony—having been enslaved in their countries of origin, or whether they were merely “presents” for Europeans residing in the Colony.

Cases number 11 and 50 can be analysed together, since the complainants were sisters and mentioned as witnesses the same persons, although they went to complain separately and after a lapse of time of five months from each other. Their complaints differ also in length and accuracy⁴⁰.

Case number 97 has to be considered on its own because of the difference between the complainant’s and her mistress’ version of the facts; moreover, from a letter sent by one of the witnesses it seemed clear that Dela was a present, a status that is not easily definable⁴¹.

Samila and Caatje

Samila, Caatje, their sister Amarlita and their mother Catharina, after their arrival at the Cape Colony in April 1787 aboard a Dutch East India Company vessel from Ceylon, were immediately sent to a compatriot, Mr CH Matthezer.⁴² Caatje, in her written statement, declared that in the ship there were several slaves en route to Holland, all travelling with their masters’s permission, but that she herself, her mother and sisters did not have one. She also mentioned Article number 93 of the Statutes of Batavia, which forbade the importation into the Cape Colony of “any slave from any of the Dutch settlements in East India”, though apparently this was never implemented in practice. These were basically her arguments for her claim to freedom.

Both Samila and Caatje called as witnesses three persons who had been in the same ship with them: Onverwagt and Adolph, two freeman, and Spadille,

40 CTA, Slave Office, SO, 4/2 cases 11 Samila (or Samida, 19th August 1826) and case 50 Caatje (8th January 1827). For the above mentioned reasons it will be treated in particular Caatje’s case.

41 CTA, Slave Office, SO, 4/4 case 97, 9th October 1827.

42 CTA, Slave Office, SO, Cape Town Archives, 4/2 cases 11 and 50. Respectively Samila was owned by the widow of Jacob van der Merwe, Hendrik’s son; CTA, Slave Office, SO, 6/94 (1816-1835), M., folio 13, district of Stellenbosch. She was born in Bengal and was a house maid of about forty-seven and 1/4 years when registered on the 7th July 1819. Caatje was registered as property of the widow Andries Willem Beck, (and since the 4th October 1821 his widow Maria Cecilia van der Merwe) SO 6/13 (1816-1834), B., folio 40, Cape Town and Simonstown district. She was registered on the 16th June 1816 when about forty as a housemaid born in Ceylon. The vessel was the *Hofter Linde*, captained by one Pylhard.

a slave of Egbertus Bergh of Cape Town.

The first man had been a slave of Captain Pylhard at the time he arrived, but he did not know Catharina and her daughters from Ceylon nor anything about their status there.

Adolph, having known the women from Ceylon, gave a more complete and precise account.⁴³ He said that the women were all free there and they came to the Cape “to Mr. Marthese who was formerly her [Adolph was testifying on behalf of Caatje] Master in order to go back with him to Ceylon. Mr Marthese had gone to Holland and then returned back as far as the Cape from whence he sent an order that Catharina and her daughters should come to him.”⁴⁴

Adolph’s words sounded contradictory, for he said that Caatje and her mother and sisters were free in Ceylon, but he also stated that Mr Matthezer was Catharina’s former master. Was Catharina an ex slave in Ceylon or did Adolph use an inappropriate word?

Through the Guardian’s questions it is possible to clarify the doubt. He asked Adolph: “Was it usual in Ceylon when a slave was made free to have what is called a free paper or deed of manumission?”. Adolph answered: “Yes and Catharina had such which was burnt when the house of Mr Matthezer was destroyed by Fire”. When asked if he had seen this paper he said: “I have seen a paper which Catharina told me was her free paper and also a certificate of her baptism”. The Guardian went on to ask: “Was it usual for Slaves to be baptized at Ceylon at that time?” “Yes it was, and I was present in Ceylon when Catharina & her children were baptized”. Here Adolph introduced a significant and debated issue in the Cape context, whether baptized slaves should be free.

According to the 1770 Statutes of India, the baptism of slaves meant that masters could not sell them and had to emancipate them “in the event of their departure from this country or at their death, or to give them away or bequeath them to others under the same obligation, or upon their departure

⁴³ CTA, Slave Office, SO, 4/5 case 50, folio 71, 9th January 1827.

⁴⁴ Adolph probably remembered just the sound of the man’s surname as Marthese, but from here onwards his name has been spelled as Matthezer in documents.

from India to transfer them to such as may be willing to take them on the same conditions.”⁴⁵

At the Cape the issue had remained open since, notwithstanding repeated attempts to resolve it, authorities did not take any kind of decision. Slave owners generally believed that through baptism slaves gained civil status and could no longer be sold and that after baptism slaves were to be regarded respectfully rather than as mere chattels. As Shell has pointed out, “baptism at the Cape became a right of racial descent”, because it “was seen not only as a signified of spiritual salvation, but also as a primary symbol of the civic incorporation or exclusion of slaves and people of non Christian descent.” In other words, masters could not conceive of slaves having the same status as themselves, so they identified the term ‘white’ with christened and civilised, and ‘slave’ with heathen.⁴⁶

By the beginning of the nineteenth century, slave baptism was practised at the Cape by a small—almost irrelevant—percentage of slave owners, whereas at the end of the century the view changed: slaves were christened only if they inherited or if masters wanted to legitimise them. A plausible explanation could be that Catharina had been a slave of Mr Matthezer when he was still living in Ceylon, but that he had freed her before leaving, as Adolph believed her to be a free woman in Ceylon. If she was free it is difficult to understand how Matthezer could ‘order’ her and her daughters to go to the Cape Colony. And why then, were they registered as slaves? Spadille was the captain’s servant in the *Hof ter Linde* and was told by the captain himself that the women were passengers on board, whereas once arrived at Mr Matthezer’s place “they worked in the house as slave girls usually do”⁴⁷. He was not acquainted with them in Ceylon, so he did not know why they were going to the Cape, but he was sure that they were not treated as slaves before their arrival.

Another slave, Marje, stated that she knew the four women from Ceylon where they were free people and where they had been baptised, and that she

45 G McCall Theal, *History of South Africa*, (Cape Town, Struik, 1964), 11 Volumes, Facsimile of *Star* edition 9, pp. 131-132.

46 R Shell, *Children of Bondage: A social history of slave society at the Cape of Good Hope, 1652-1838* (Johannesburg, Witwatersrand University Press), 1994, pp. 336-337; pp. 338-346.

47 CTA, Slave Office, SO, 4/5 case 50, folio 73, 12th January 1827. Spadille’s owner was Egbertus Bergh, Cape Town Archives: Slave Office: SO: 6/13 Cape Town and Simonstown district. (1616-1834), B., folio 142. He registered him on the 22nd February 1822. He was born in Macassar and was a house servant of forty-five and ½ year.

did not know why they had left, but that she was in the same ship with them and they were passengers there⁴⁸.

To sum up: Catharina was once a slave in Ceylon belonging to Mr Matthezer who, shortly before leaving, baptised and freed her. Apparently she was a free person until she went to the Cape Colony with her three daughters, when Mr Matthezer 'ordered' them to do so. On board they were treated as passengers, but then they worked for him as slave girls 'usually do.' What Catharina did not know was that the widow of the late Egbertus van der Veld bequeathed her and her children to Mr Matthezer in her will, dated Ceylon 4th May 1777, and that based on that he could claim them as his property. Therefore these women had already been freed in Ceylon, but were re-enslaved at the Cape on the basis of a will left when they were still slaves. Was this a legally acceptable situation? Were Catharina and her daughters entitled to their freedom, or could they be subjugated again?

The Guardian of Slaves wrote to the Court of Justice to explain the case and to ask for further investigations. As a matter of fact he did not believe that the copy of the will was "strictly authentic." He therefore requested the Court to send a letter addressed to the Government of Ceylon asking for an "attested copy of the last will of Christina Breda who was the widow of Egbert van der Veld" which should also have been registered at the Orphan Chamber in Ceylon.⁴⁹ Moreover, the Guardian Rogers having found out that the women were not in the list of passengers of the ship *Hof ter Linde*, which undoubtedly brought them to the Cape, requested further investigation on this matter as well.

Dela

On 9th October 1827 Dela went to claim her right to freedom on the basis of her mother Rampie who arrived at the Cape as a free person.⁵⁰ Rampie was born in Bengal and sent when still a child as a present for Mrs Kotzé by one Captain Palmer in order to return a favour, which consisted of having left a

48 CTA, Slave Office, SO, 4/5 case 50, (17th January 1827): folio 77. Marje was not mentioned by Samila as witness, so she allegedly went to the Guardian's office only on Caatje's behalf.

49 CTA, Slave Office, SO, 2/11, case 24, (21st March 1827), folio 73

50 CTA, Slave Office, SO, 4/2, case 97 (9th October 1827). Dela of the widow Maria de Melander born Kotzé; CTA, Slave Office, SO, 6/10/1 (1816-1834), M., folio 36, Cape Town and Simonstown district. Dela was a housemaid of about twenty-two years, born in the Cape Colony and registered on the 18th June 1816.

child of his in the care of Mrs Kotzé (then Melander) while he was away.

Dela in her complaint referred to something that her mother used to say to her children:

She [Rampie] has often told me that if she chose to make complaint she and all her children would be free, but that she had not the means of paying the expenses & would therefore not take any steps⁵¹

In fact, Rampie never complained. On the contrary, after having been with Mrs de Melander, she was sold to Mr M Melk who was her present master and her children inevitably followed her fate. Witnesses for Dela's case reported the same episode that happened at a dinner at Mrs de Melander's house where they were all invited.⁵² An adopted daughter of the hostess struck a little Mozambican slave boy who was not behaving himself and the girl was scolded by her mother who then added that she could only treat and punish him that way but not Dela's children who were not to be treated as slaves. She went to fetch Captain Palmer's letter in order to prove it—dated Bengal 14th December 1786—in which was stated:

Mrs van Danhelman brings a box and a small tub of pickle and will also take the child from you to send to me—likewise a little slave for Mrs Koetzer or Mrs de Melander.⁵³

Mrs de Melander's daughter stated in her deposition that Rampie was a present for her deceased mother, that she—the witness—had never said anything regarding Rampie's right to freedom and that after her mother's death Rampie's several children had been publicly sold. She then went on to complain about Dela's misconduct, an obviously good reason for her to think of advertising her and her children for sale.⁵⁴

According to these words, the discrepancy in the living conditions between a slave and a 'present' was not so relevant. The only difference consisted in the fact that they did not receive the same kind of punishments, because the 'present' was considered as being different by the master and mistress, but at the end of the day neither was free and when his/her master or mistress died,

51 CTA, Slave Office, SO, 5/1: Day Book, case 97, folio 297, 12th October 1827.

52 CTA, Slave Office, SO, 4/5 case 97, folio 167, 17th October 1827 and 5/ 1, folio 298 same day, Mrs Robert Row born Helena Aspeling. SO 4/5, folio 168, 20th October 1827 and 5/1, folio 303 same day, Mrs Kincaid.

53 CTA, Slave Office, SO, 5/1, folio 309, 24th October 1827. In his letter the Captain mentioned also the surname de Melander because he knew that Mrs Kotzé was going to marry Mr de Melander but did not know when she could receive it.

54 CTA, Slave Office, SO, 5/1 case 97, folio 304, 23rd October 1827.

the heirs were forgetful of the individual's real status and ended up selling him/her as they used to do with other slaves. The status of 'present' has not been cleared up yet, but it was likely to be a formal definition of people who in practice were slaves.

Indeed, the Guardian of slaves believed in Dela's complaint and decided to request the Court of Justice to intercede in this case. He wrote asking:

to direct that Rampie the mother of Dela [...] may be summoned before a commissioner of the Court to give Evidence in this case and if her evidence should be in favour of Dela's statement, that a curator may be appointed to advocate her claim to freedom⁵⁵.

Major Rogers fulfilled his task carefully forwarding cases number 11, 50 and 97 to the Court of Justice, the highest authority on the matter, but unfortunately their outcomes are unknown.

An attempt at obfuscation

The last case concerning women who claimed their illegal detention in slavery is remarkable for its brevity and conciseness, due to the honesty of the complainant's mother Julenda.⁵⁶ She was a native of Bengal who had come to the Cape Colony as a child. She told the Guardian that she was a slave of Mrs Winterbach, Sanna's mistress as well, that she did not understand why her daughter should lie about being a slave and that there were no grounds for her complaint.⁵⁷ Sanna, the complainant, stated that her mother was, at the time, a free person. She based her deposition on what her sister had overheard in 1809. She had heard her mistress saying to her daughter that she did not have the transfer for Julenda, to whom the daughter replied not to worry because she could "have her registered as your slave and you can state that she is about fifty years of age."⁵⁸ Julenda's words were sufficient for the Guardian to close the case.

55 CTA, Slave Office, SO, 2/11 Letter Book (1826-1830), folio 186, case 208 (in this book the cases' numbering did not respect that of the other books). The Secretary to the Court of Justice, 22nd December 1827.

56 CTA, Slave Office, SO, 4/2, case 63, 31st March 1827 and SO 4/5, folio 128, 10th April 1827.

57 CTA, Slave Office, SO, 6/34 (1816-1834), Anna Margaretha Winterbach, W., folio 119, Cape Town and Simonstown district. Sanna, a housemaid of forty-five and 2/3 years born in the Cape Colony, was registered on the 28th March 1818. Her mother Julenda, a housemaid born in Bengal, was registered when she was sixty-one and 3/4 year old, on the 26th February 1824.

58 A transfer was an official, stamped document recording the change of ownership of property, slave or land.

The Guardian of slaves, masters and witnesses

Whether these slave women were stating the truth in their complaints or not, they were all trying to retrieve their lost freedom. They trusted the Guardian of Slaves who endorsed their attempts. In the Half Yearly Report at the end of 1827, he expressed his approval on the general utility of his task.⁵⁹ On the one hand, the Guardian supported them. On the other hand, he endeavoured to prevent them from the misrepresentation of facts and helped show them the 'right' way.⁶⁰

Masters were compelled not only to let their slaves denounce their grievances, but also testify before the Guardian if requested to do so. Unfortunately, few slave owners were called as witnesses in the cases analysed in this chapter. Thus it is not possible to generalise about masters' attitude towards their slaves who went to complain. They could interpret it as an act of resistance, something for which slaves would be punished once back home after the accusation. There were many cases of slaves who went back to the Guardian after a few days, to denounce furious whippings received because they had dared to do such a thing against them. Masters often felt betrayed by slaves, but most of all they saw the introduction of the Guardian as eroding their absolute control over their slaves.

They did not view the new figure of the Guardian as a mediator able to improve and enhance slaves' lives, but as a person who had stolen their total control over their chattels and might decide against their will. Nonetheless masters did go before the Guardian to support their own interests. Viewing their slaves as their property they were very unwilling to liberate them and always prompt to unburden themselves of their responsibilities towards them.

⁵⁹ CTA, Slave Office, SO, 2/11, folio 189, 73, Half yearly report of Registrar and Guardian of Slaves, 31st December 1827.

⁶⁰ CTA, Slave Office, SO, 2/11, folio 189, case 73, Half Yearly Report of Registrar and Guardian of Slaves (31st December 1827) folio 191, "The Establishment of Guardian for the Slaves has had the most beneficial influence as well as relates to the protection of the slaves as with respect also to their conduct towards their owners; and notwithstanding the hostility at first shown by the Inhabitants to this institution, there are I believe but a few who are not now convinced of its general utility. That slaves being in confidence in the Guardian are for the most part easily persuaded by him to do what is right and are satisfied with his decisions, they also have the benefit of his advice when they come to make complaints of any imagined acts of Injustice towards them, & which are often founded in misconception, and as the true state of their case is fully laid open to them, and all the circumstances for & against them carefully and clearly explained to them, they are generally induced to return contentedly to the service of their Masters".

Conclusions

The sample of slave and ex-slave witnesses is large and their testimonies detailed and vivid. These narratives of enslavement, from a historical perspective, make it so much easier to understand the world views of a new class of slaves at the Cape, those “illegally” enslaved. The witnesses recorded here knew the complainants having shared their experiences and grievances. We therefore have a glimpse into the friendship circles of slaves, a wholly new and refreshing portrait of slave solidarity. The slave witnesses were mostly relatives, members of the same households or even slave shipmates. They risked certain floggings. Their testimonies appear authentic with many points verifiable with independent sources, but they were not always accurate being based on distant memories and often another language. Pronunciation of such essential details as the slaving Captain’s names was varied, leading to poor secondary identification. In recent times, the main archival source for slaves has become the crime records which of themselves provide one depressing facet of a Cape slave’s life, one embedded in crime. These compelling autobiographical snippets, on the other hand, are fundamentally uplifting, insofar as they illuminate fellow human beings in their primary struggle up from slavery. In this struggle they had an unlikely accomplice, the British empire, trying to get slaveowners to behold that the end of slavery was finally at hand.