

important, but not paramount. The collapse of the VOC did not change interactions between settlers and Khoisan, it did not change labor relationships, and it did not directly alter frontier identities.

The Era of Transitional Governments

The demise of the VOC ushered in nearly two decades of uncertain political control at the Cape. The British were not committed unanimously to claiming either power or territory in southern Africa at the turn of the nineteenth century.¹ Moreover, the British did not find their new acquisition particularly easy to govern. Bill Freund points out that "The development of the colony was only in part a direct result of the policies and wishes of the Heren XVII; the successor regimes would find, often to their disgust or to their cost, that the Cape social structure was sufficiently resilient and deeply rooted to defy administrative attempts at change."² **5**

The Cape during the first British occupation was particularly chaotic.³ The Khoikhoi, Xhosa, and frontier settlers all rebelled against British rule (although not in a coordinated or concerted revolt, which might have changed the course of both South African and British imperial history). Given the initial British ambivalence toward claiming the Cape and the subsequent difficulties with day-to-day administration, there was little discontent among British policy makers when Cape was returned to Dutch control in 1803. **6**

The subsequent Batavian period, especially under Commissioner-General J.A. de Mist, has been seen since Theal's era as a period of attempted progressive reform.⁴ Freund argues that the period was, in fact, not a huge departure from previous policies and that many of de Mist's proposed changes were not carried out, since de Mist was constrained both by a lack of resources and by the unstable social order at the Cape.⁵ **7**

The British reclaimed the Cape in 1806 but had neither the inclination nor the power to initiate significant local changes for several years. Although British possession resulted in new faces leading the Cape government, the underlying administrative structures remained constant during the era of transitional governments. The official working language of the colony did not switch from Dutch to English until several years into the second British occupation, and even after that time official correspondence frequently appeared in Dutch. **8**

Thus the figureheads of government changed in rapid succession between 1795 and 1806, but the functional administration remained stable and the daily life of most inhabitants unchanged. This quotidian continuity was particularly true on the Cedarberg frontier, where interaction with state power took place through the mediation of veldkornets and, occasionally, the landdrost himself. This process was not altered by shifts in colonial power at **9**

the turn of the nineteenth century. Consequently, it is difficult to argue that this period, though important for the development of state structures in South Africa, was crucial to consolidating orthodoxy in the Cedarberg.

Abolition of the Slave Trade

The one edict of the transitional era that did have far-reaching implications for the Cedarberg frontier was the abolition of the slave trade throughout the British Empire in 1808. This steep change in the availability of labor at the Cape gradually transformed the composition of the labor force.⁶ The percentage of slaves in Cape Town's urban population fell by half between 1806 and 1834.⁷ Robert C.-H. Shell demonstrates that this decline was accompanied by an increase in the number of slaves in outlying districts, including the Cedarberg region.⁸ It is plausible that abolition of the trade served to further entrench the use of slave labor on the frontier, and that this led to a firm, final preeminence of settler command of agricultural labor, thus cementing settler orthodoxy. **10**

Although there were undoubtedly more slaves in the frontier districts in the early decades of the nineteenth century than there had been in the eighteenth century, the shift of slaves away from Cape Town after 1808 should not be seen as a displacement or replacement of Khoisan laborers. On the frontier, most labor was impressed Khoisan, so it was not directly affected by a change in the slave trade regulations.⁹ **11**

An increase in the number of slaves in the frontier districts accompanied a gradual increase in the settler population and a concomitant demand for more labor on the frontier. Although there were more slaves in the frontier districts after 1808, this addition to the available labor pool did not serve to diminish points of conflict between settlers and Khoisan.¹⁰ Nor, it seems, did it diminish conflict between slaves and indentured servants. The labor relations fraught with racial implications and struggles over independence that characterized the Cedarberg in the eighteenth century continued into the nineteenth century beyond the moment that the slave trade was abolished in British possessions. **12**

Finally, ending a study of frontier struggles with abolition places more emphasis on the importance of labor relative to the importance of land in an agricultural nexus. The interconnectedness of land and labor underpinned the agricultural society of the Cedarberg, so an ending date that directly affects only one piece of that equation leaves the story unbalanced. **13**

Clanwilliam Becomes a Subdrostdy

There are, however, other valid reasons for ending a study of the Cedarberg frontier in 1808. The administrative units of the Cape were occasionally reapportioned during both the VOC and the British periods of rule. One of those redistricting efforts affected the Cedarberg in 1808, when a subdrostdy was established in the village of Jan Dissels Vlei. This change represents the first time that government officials resident at the Cape recognized the need for local administration in the Cedarberg. 14

When colonists first began claiming land near the Olifants River in 1725, the Cedarberg region fell under the jurisdiction of the Stellenbosch landdrost. Despite the more than two hundred kilometers separating present-day Clanwilliam from Stellenbosch, the Cedarberg's initial incorporation into the Stellenbosch district was not anomalous. In 1725 the VOC recognized only three spatial and administrative divisions in the European settlement. The Cape district included Table Bay, Table Valley, the Cape Peninsula, part of the Cape Flats, and the west coast from the Peninsula north to the mouth of the Berg River.¹¹ The Stellenbosch district included all other territory claimed and administered by the VOC. The third division was land outside the purview of the Company, as yet unseen or unclaimed by colonial forces. Thus the Cedarberg region, not falling within the narrow confines of the Cape District, was by default part of Stellenbosch, distance notwithstanding. 15

After 1700 most new colonial settlement moved eastward from the village of Stellenbosch. The pass through the Hottentots-Holland Mountains leading to the Overberg district was well traveled throughout the eighteenth century.¹² This easterly direction of travel and colonial expansion was more popular than northerly expansion and thus has received much more attention from subsequent historians. 16

Cross Reference:
Compare the histories of northerly and easterly expansion.
(chapter2.html#p13)

The Hottentots-Holland Kloof, although hardly the most dramatic vista to be seen from the coastal plain between the mountains and False Bay, was a focal point for anyone traveling eastward from Cape Town.¹³ The passage on both sides was treacherous for draft animals and wagons alike. A graded road was not built until 1830, leaving travelers to manage the steep and rocky terrain as best they could. The lower reaches of the pass were of soft red clay, which added to the difficulty of approaching the pass. The naturalist Anders Sparrman described his crossing of the Kloof in 1776: 17

"The next day . . . we got up at day-break, in order to take our journey over Hottentots Holland's Mountain, in the cool of the morning. The way up it was

very steep, stony, winding, and, in other respects, very inconvenient. Directly to the right of the road there was a perpendicular precipice, down which, it is said, that wagons and cattle together have sometimes the misfortune of falling headlong, and are dashed to pieces."¹⁴

Despite its limitations as a thoroughfare, the Kloof was the only means of traversing the imposing mountain range that divided the more developed districts of the Cape and Stellenbosch from the eastern frontier regions known generally as the "Overberg," or "over the mountain." Wild game, hunters, and pastoralist Khoikhoi used the pass—called Gantouw or "Elands Path" by the Khoikhoi—prior to the arrival of European settlers.¹⁵ **18**

Although the passage there was difficult, the Overberg district on the far side of the Hottentots-Holland offered rich pasture and fertile soil for farming. The region was more attractive to settlers than the more easily accessible northern frontier area of the Cedarberg and the Olifants River Valley. **19**

The VOC formally recognized the eastern frontier's increasing appeal for colonial settlement and its increasing importance as a locus of agricultural production in 1745 when it created a third magisterial district with its seat in Swellendam. Colonial settlement in the Overberg increased from that time onward, and the Hottentots-Holland Kloof saw increasing traffic in farmers, frontiersmen, livestock, and communication between the Overberg on one side and the Cape and Stellenbosch districts on the other. **20**

The more thinly populated and more arid Cedarberg region remained a part of the Stellenbosch drostdy. As the areas between Stellenbosch and the Cedarberg became more densely settled, the colonial government created more new magisterial districts to which the administration of Clanwilliam was assigned. In 1804 the region was incorporated into the newly created Tulbagh district. In 1822 the administrative locus shifted to the Worcester district. **21**

In the mean time, the region centered on the lower Olifants River Valley was constituted as a subdrostdy. A localized increase in cattle raiding and reprisals proved difficult for the Cape government to manage. In response, the government purchased the opstal on the farm Zeekoevlei—originally claimed by Jan Andries Dissel—from its current owner, Sebastian van Reenen. The subdrostdy and nascent village took its name from the farm's first claimant. This official recognition of the population settled near Jan Dissel's Vlei suggests that the colonial administration for the first time recognized the settlement as large enough and significant enough to need local governance. **22**

Areas further from Cape Town than Jan Dissels Vlei were drawn more quickly and directly into the administrative structure of the colony than the Cedarberg was.¹⁶ Until the early nineteenth century the Cedarberg received scant official attention from Cape Town. The establishment of a subdrostyd in 1808 was certainly a turning point in the colonial history of the Olifants River Valley and the Cedarberg region, giving settlers easier access to land registration and an arbitrator for labor disputes. This change also meant that settlers, slaves, and Khoisan could be subject to a more strict application of colonial law. **23**

The importance of administrative recognition marking the closer incorporation of the Cedarberg into larger colonial power structures is undeniable. However, to pick the 1808 founding of the subdrostyd as the ending date for the frontier era implies that centrally determined administrative function was the salient point for establishing uncontested settler control of the region, rather than such control being determined by the relationships between settlers and Khoisan. Ongoing attempts after 1808 to restrict further the Khoisan population, maintain control of slave and bonded labor, and exercise increased colonial control over land use suggests that although settler efforts were bolstered by the new subdrostyd, important aspects of land and labor control remained contested. Thus the frontier cannot be construed as conquered by 1808. **24**

The Caledon Code

Farmers in the established regions of the colony as well as on the frontier continually clamored for a larger and more stable labor supply. The need to secure adequate farm labor intensified after the abolition of the slave trade, whereupon increased attention was directed toward Khoisan laborers. The first official response came in 1809 from Governor Caledon. His Hottentot Proclamation of November 1 simultaneously restricted the free movement of Khoikhoi and attempted to regulate their conditions of service to colonists. **25**

The Caledon Code was the first legal change to local labor customs after the British assumed control of the Cape.¹⁷ The new regulations required labor contracts between each worker and employer. The contracts had to be completed in triplicate: one copy going to the employer, another copy to the laborer, and a third copy to be filed with the landdrost. The proclamation further required that every Khoikhoi individual within the boundaries of the Colony have a fixed place of residence registered with either the fiscaal or the landdrost; Khoikhoi were required to procure passes for moving out of their district of registration. Landdrosts were charged with issuing passes to Khoisan laborers, a regulation that affected individual work seekers in particular. Landdrosts thus had enormous power over individual Khoisan, and **26**

increased power relative to colonial settlers, since the landdrost in effect distributed labor among farmers in his district. "These requirements placed the Khoikhoi (they applied only to 'Hottentots') at the mercy of those most interested in tying them down."¹⁸

These detailed changes did not, however, provide explicit provisions for the servitude of youths. In 1812 Governor Cradock responded to pleas from landdrosts and settlers alike. His Apprenticeship of Servants Law, promulgated 23 April 1812, authorized a ten-year period of apprenticeship for young Khoikhoi who were maintained on a settler farm during their early childhood. Thus a child raised on a settler farm until she turned 8 would then be obligated to serve that homestead until she was 18. This provision constrained Khoisan of all ages, since parents—even if they had served out their contractual obligations—could not leave a farm if they wanted to keep their family intact. **27**

These increasing restrictions on the mobility of labor first established by the Caledon Code were extended gradually. In 1817 "apprenticeship" was expanded to include some "Bushmen" children. Two years later, youth "apprenticeship" was extended to orphaned Khoikhoi, a provision that was easily abused by labor-hungry settlers and colonial officials. The proclaimed goal of protecting Khoisan and their children from abuse by requiring registration and fixed periods of time for "apprenticeship" served in actuality to limit the mobility of individual Khoisan, depress wages for farm servants, and increase the labor supply available to settler farmers. **28**

In the same period that the colonial economy was firmly entrenching Khoisan labor in a subordinate position, settler farms were also increasingly absorbing previously independent San individuals and their labor power. Between 1806 and 1808, there was a marked improvement in relations between San and settlers in the northeast regions of the colony, including Sneeuwberg, Tarka, and Nieuwveld. An increased number of San in these regions went to work on settler farms.¹⁹ Increasing Khoikhoi subordination worked in conjunction with a greater incorporation of San and Bastaard laborers, leading to a further blurring of the distinctions among individuals of indigenous origins. Legassick argues, "From this time, it would seem, the colonial mind steadily assimilated the Bastards into the category of a homogenous 'Hottentot' (Coloured) labouring class. Commissioner Bigge referred to ' . . . the Hottentots . . . in which class is generally included the mixed race of Hottentots and the white and free coloured inhabitants denominated 'Bastards.'"²⁰ **29**

Freund's assertion that after 1809, "The new British authorities stood for a policy of rigidly subordinating servants while also protecting them against contractual abuses," is an apt summation of labor regulation in the early nineteenth century.²¹ Ultimately the "reforms" of 1809 and 1812 entrenched the landless status of Khoisan laborers. Thus the change in labor regulations initiated by the Caledon Code provides a plausible closing point for a discussion of **30**

labor relations on the Cedarberg frontier. These regulations also effectively limited independent Khoisan access to land, thereby further assuring the dominance of settler culture and agricultural practices on the frontier. Subsequent events, however, indicate that settler hegemony on the frontier was not yet assured, despite the significant restrictions on Khoisan mobility initiated in 1809.

Introduction of Quitrent Land Tenure

Gradual changes in labor policy were accompanied by adjustments to the system of land tenure both for settlers and indigenous claimants to land. A two-tiered system of land tenure prevailed at the Cape under the VOC. The Company granted a limited number of farms in freehold, most of them in the Cape District and the area immediately surrounding the village of Stellenbosch.²² The overwhelming majority of land claimed by settlers were loan farms. Although legally limited to a series of renewable one-year leases, in practice loan farms were long-term, stable, alienable property claims.²³ 31

Cross Reference:

The loan farm system prevailed in the Cedarberg.
(chapter3.html#p13)

After 1806 the new British government at the Cape began to take a more active interest in both agricultural production and land tenure policies. Officials drew a direct correlation between formal land tenure legislation and what they perceived to be inadequate levels of agricultural production among the colony's settlers.²⁴ Convinced that more permanent and secure land tenure would encourage farmers to make the necessary capital improvements in order to increase productivity, British planners set about modifying the land tenure system to provide for longer terms of occupation and higher, more consistent collection of rents.²⁵ 32

Discussion of possible changes culminated in Governor Cradock's Proclamation of August 6, 1813, that introduced the quitrent system that prohibited the further granting of loan farms, including the approximately 2,000 pending applications for new claims.²⁶ The Proclamation further stipulated that existing loan farms should be reregistered as quitrent farms with 99-year leases. The measure was intended to provide farmers with a greater degree of security about their property, to give the state with greater control over the distribution of settlers in the landscape, and to promote greater efficiency in recording and collecting fees. In actuality, farmers felt secure enough with loan farm tenure to make significant capital improvements to the land, as the auction price for Barend Lubbe's farm at Groote Valleij attests.²⁷ 33

The burden of reregistering their existing claims and the higher barriers to new claims imposed by the Proclamation in fact made frontier settlers less secure on the land, not more. Cradock's proclamation also limited the amount of frontier land available to settlers, a squeeze on frontier farmers that Freund argues led directly to the Slachtersnek Rebellion in 1815 and the Great Trek that began in 1834.²⁸ **34**

For Cedarberg farmers who held land through loan farm claims in 1814, Cradock's Proclamation was a short-term, bureaucratic inconvenience that was not likely to change their long-term view of their stability on the land. For farmers—or aspiring farmers—who did not yet have their own land claims in 1814, the change in tenure system only made it more difficult to make an independent bid for a farm. **35**

Although the quitrent system did not have an immediate effect in the Cedarberg area, in the long term, Cradock's Proclamation served notice that the relative land free-for-all enjoyed by any settler (and the few Khoisan) who cared to make a land claim was at an end. In this sense an administrative fiat closed options on the Cedarberg frontier that had been available for 88 years, limiting both settler and Khoisan claims to land. **36**

Irish Settlers Arrive in Clanwilliam

Existing colonial settlers may have seen the quitrent system in a negative light, but that same form of land tenure was billed as a great advantage in the general British recruitment of new colonists for the 1820 settlement scheme. The plan to export working people from an overcrowded Britain to help shore up the Cape Colony's beleaguered eastern frontier was conceived in Britain, not in South Africa, and thus was designed to serve domestic and imperial aims rather than to meet the needs of the Cape.²⁹ **37**

Overall, 4,000 British settlers went out to South Africa as part of the 1820 program. Of 32 total ships, 27 sailed between 19 December 1819 and August 1820.³⁰ Officials at the Cape were poorly prepared for the early waves of immigrants. Administration was sloppy and three parties of migrants originally from County Cork were directed up the west coast instead of along the Indian Ocean coastline to Albany. The ships from Ireland arrived at Saldanha Bay in May and June of 1820. From there the parties made their way overland to the subdrostdy at the recently renamed Clanwilliam.³¹ **38**

The efforts to bolster colonial settlement in the Cedarberg with the Irish settlers at Clanwilliam did not succeed for a variety of reasons. First, like their counterparts in Albany, too few of the immigrants had practical farming experience, though it appears there were more farmers among the Clanwilliam settlers than among those who went directly to Albany.³² Second, the climate and landscape of the Cedarberg were particularly ill suited to **39**

agricultural techniques practiced in Ireland. Finally, the parties of Irish immigrants were settled on too little productive land. A survey completed in April 1820 concluded that the four tracts of land allocated to the incoming settlers could support eighty families. The four parties of Irish immigrants comprised 125 families, who were nevertheless settled on the originally allocated land.³³

The leaders of each of the four parties—Butler, Ingram, Synnot, and Parker—were responsible for allocating land among the families in their respective groups. Squabbling in the groups began from the moment of the first land allocation. By September 1820—only four months after his arrival—Butler had already sold his individual allocation and left the region.³⁴ When His Majesty's Commissioners Mssrs. Hayward and Marsh arrived to hear grievances in March 1825, they found only two men and their families living in the locations originally allocated to them. Only 12 men and their families plus three unmarried women remained in the area at all.³⁵ **40**

The majority of the Irish settlers originally sent to Clanwilliam moved to the eastern frontier areas near Albany as soon as they could. Because they did not stay in large numbers, their effect on the economy and social fabric of the region was not pronounced. Synnot gave his name to a peak near the village of Clanwilliam. A few other Irish surnames survive in the district to the present day, though the region remains predominantly Afrikaans speaking. Thus the English-speaking Irish were not a significant enough presence to prompt a change in local language, even though their presence in the area coincided with the beginning of the Cape administration's Anglicization program that began in 1822. **41**

The government's decision to send two shiploads of 1820 settlers to the Cedarberg frontier indicates the region had gained the attention of administrators. It also suggests that they thought the northwestern frontier, like the eastern frontier, could benefit from an infusion of settlers to help bring the frontier firmly into the colonial fold. However, the rugged landscape, arid climate, and poor planning combined to foil colonial efforts a bit longer. **42**

Apparatus of Christian Churches Arrive

From the perspective of the colonial administration, there were a series of concerted attempts to establish state control and settler hegemony during the first third of the nineteenth century. First, a subdistrict was established in 1808, then there was the purposeful dispatch of new settlers to the region in 1820. These developments were clear signals from the Cape colonial government that the Cedarberg was considered a functional part of the colony. **43**

Further efforts to regularize colonial social structure in the Cedarberg came from Christian churches, first from the predominant Dutch Reformed Church (NGK) and soon after from Rhenish missionaries.³⁶ The formal, active establishment of religious authority came to the Cedarberg over a century after the first Dutch Reformed settlers arrived, but this delay in establishing churches in outlying areas is in keeping with the circumscribed role played by the NGK during its first 150 years at the Cape. **44**

During the VOC era, the NGK was the official church of the colony, and was both controlled and funded by the Company. The VOC made appointments to the Church Council and until the later eighteenth century prohibited other denominations at the Cape. As a commercial enterprise the VOC was interested primarily in profitability, and secondarily in mechanisms of social control necessary to maintain the order that is prerequisite for smooth economic functions. **45**

In its Indian Ocean possessions, the VOC actively encouraged Dutch Reformed proselytizing, but in places such as Formosa, Ceylon, and Amboina the Company faced direct competition from Islamic and Roman Catholic interests.³⁷ At the Cape there were no such competing interests, either economically or religiously, and thus the VOC did not expend much money or effort on the Church.³⁸ In 1790 there were fewer than ten Dutch Reformed ministers. All were employed by the VOC and primarily served the settler population.³⁹ **46**

At the Cape, initial efforts to convert Khoikhoi were not particularly fruitful.⁴⁰ There were vehement discussions throughout the eighteenth century about the issue of converting slaves. The NGK's Synod of Dort in 1618 stated that Christians could not enslave other Christians, thus the conversion of slaves presented real logistical and economic problems for slave owners. As a result there was not much instruction—secular or religious—provided to slaves.⁴¹ Theoretically the NGK was open to converted slaves and free blacks, but in practice the Church primarily served white European and European-descended colonists. Elphick and Shell conclude that, **47**

[I]n the Company period the spread of Christianity among privately owned slaves was slow, and among Khoikhoi negligible, and that its presence at the Cape did not narrow the social and cultural gulf between settlers and officials on the one hand and Khoikhoi and slaves on the other.⁴²

Consequently, when the Dutch Reformed Church began to give attention—and permanent pastors—to the outlying areas of the colony, it was ministering primarily to settlers and not to their slave or Khoisan laborers.

Neither encouraged nor financially supported by the VOC to do more among its settler flock, the Dutch Reformed Church left the religious life of frontier settlers largely to their own ministrations until the nineteenth century. The lack of Christian infrastructure on the frontier did not, however, imply a lack of religious practice or belief among settlers. Household heads led regular worship services. The celebration of *nachtmaal*, or Holy Communion, was a notable rural event worthy of a two- or three-day journey to participate. Traveling NGK preachers, *predikanten*, made their rounds, baptizing children born since their last visit and solemnizing marriages that had not waited for the blessing of an ordained minister to begin. **48**

Thus the formal expansion of the NGK into rural or frontier areas was not a missionary effort to convert new or lapsed souls, but rather a service to practicing Calvinist believers who requested ministration. In some ways, the creation of new NGK gemeente mirrored the creation of new landdrost districts, dividing both congregations and constituencies into manageable sizes in terms of geography and population. **49**

Despite the tight level of state control of the NGK, Church policies and intentions did not always reflect the desires of VOC officials. Administrative structure of the NGK developed very differently from that of secular governance at the Cape. **50**

The first NGK gemeente was established in Cape Town in 1665. The second was created in Stellenbosch in 1686 and the third in Paarl/Drakenstein in 1691. Unlike secular administrative districts that next spread eastward, the Church created two new gemeentes to the north of the village of Stellenbosch, but still in the Stellenbosch district, establishing the Roodezand (modern Tulbagh) congregation in 1743 and the Swartland gemeente in 1745, half a decade before the Church created a ward in Swellendam in 1798.⁴³ **51**

The Church thus subdivided congregations in the most populous areas of the Southwestern Cape before turning its attention to frontier areas in either the northwest, northern, or eastern districts. This pattern demonstrates that in the VOC period, the NGK did not follow the administrative lead of the Company. The Church did not establish any new gemeente during the period of transitional governments. Soon after the British assumed definite control of the Cape in 1814 the NGK created a series of new wards by subdividing existing gemeentes. This effort was confined to the Western Cape, in direct contradistinction to the British government's efforts on the colony's eastern frontier. **52**

This comparison of church and governmental administrative expansion suggests that the NKG was not an active participant in the colonizing project at the Cape.⁴⁴ The church established new gemeente where conditions were relatively stable and where there was a receptive Dutch Reformed population. **53**

In the Cedarberg, increasing attention from centralized Church and state authorities overlapped in the first third of the nineteenth century. The NGK assigned the first missionary, Leopold Marquard, to Clanwilliam in 1816.⁴⁵ Ten years later, the NGK established a church in the village.⁴⁶ These decisions by the NGK are a strong indication of settler dominance in the region. **54**

A Rhenish mission station was established at Wupperthal four years later, in 1830.⁴⁷ The mission—about fifty kilometers from Clanwilliam as the crow flies, but considerably further over the rough mountain passes—was not in competition with the NGK because it was ministering to the Khoisan population, which suggests that the Khoisan were no longer seen as a hostile threat but rather as potential converts, labor to support the mission, and—in the most charitable reading—a population in need of sanctuary from labor-hungry settlers.⁴⁸ **55**

The advent of a Rhenish mission at Wupperthal in 1830 and a Dutch Reformed gemeente in Clanwilliam in 1826 are strong indications that settler norms were prevailing in the contest over lifestyle and social structure in the Cedarberg.⁴⁹ **56**

Ordinance 50

At the same time that churches were asserting their presence among settlers and Khoisan in the Cedarberg, the State enacted new legislation intended to afford Khoisan equality and some measure of protection under the law. Ordinance 50 of 1828 built on Ordinance 49, issued two days earlier, which ended apprenticeship for Khoisan laborers. Ordinance 50 went further, abolishing passes for Khoisan, guaranteeing equality before the law, mandating that all employment agreements over one month had to be put in writing and could not extend beyond one year, ensuring that Khoisan were not subject to compulsory service, stating that children could not be apprenticed without their parents' consent, and clarifying Khoisan right to own land. **57**

In other parts of the colony, particularly the eastern frontier, where missionaries such as John Phillips worked actively on behalf of Khoisan and Bastaard civil rights, Ordinance 50 was welcome and provided tangible results, such as the land ownership that underlay the Kat River Settlement, established in 1829.⁵⁰ In the Cedarberg, however, the provisions of Ordinance 50 produced few tangible effects. **58**

Colonial opinion was split regarding Khoisan legal right to hold title to land. Ordinance 50 settled this debate in 1828.⁵¹ But regularizing access to land and land tenure for European-descended settlers and indigenous-descended Khoisan and Bastards in fact produced little change in the Cedarberg region. Prior to legal clarification of land tenure rights in 1828, Khoisan and Khoisan-descended people held title to farms in the Cedarberg and other areas of **59**

the northern frontiers.⁵² Dawn Nell's study of land tenure in the Clanwilliam district during the nineteenth century does not indicate a shift in ownership patterns immediately after 1828, but instead suggests continuity through the first half of the nineteenth century, changing only when increasing population put heavier demands on access to land in the final quarter of the century.⁵³

Cross Reference:
Read more about Khoisan land claims.
(chapter3.html#p32)

In general terms, Ordinance 50 affected the Cedarberg much as it did the rest of the colony. At this point in the nineteenth century, undercapitalized farmers throughout the settled areas of the Cape badly need their laborers at a time when more goods were being offered by traveling traders. Colonial authorities, influenced by the work of John Philips and others, intervened on the side of Khoisan labor to provide protection. **60**

There is little explicit documentation of this issue for the Cedarberg, though we can assume that settlers sought to keep their land and engage labor on terms favorable to themselves. Nell's work demonstrates that a few families of Khoisan or slave origin managed to keep a tenuous hold on land through the first half of the nineteenth century, but for most Khoisan in the region, it is safe to assume that, as Giliomee wrote about the eastern frontier, "Such was the structure of colonial society that even Ordinance 50 of 1828 failed materially to change the position of the Khoikhoi."⁵⁴ **61**

Ordinance 50, interpreted as direct state intervention into the relationship between masters and servants, limited the availability of farm labor in the Cedarberg, as settlers claimed it did in other areas of the colony.⁵⁵ The legislation shows that frontier farmers were being incorporated more tightly into colonial legal structures, and indicates that labor relations between farmers and Khoisan were increasingly regulated, with stronger distinctions between free and bonded labor, but it was not a step change that definitively ended frontier engagements. **62**

Emancipation of the Slaves

The emancipation of the slaves at the Cape had a much more profound effect on labor relations than did Ordinance 50.⁵⁶ As such the event—whether dated to the proclamation in 1834 or the end of the transitional apprentice period in 1838—merits consideration as a closing point for a study of labor relations in the Cedarberg. Moreover, the fact of newly freed workers in search of postslavery alternatives had important implications for land tenure: would freed slaves be able to establish farms of their own? Thus the era of emancipation offers **63**

tantalizing prospects for analyzing changes in labor relations and land tenure at precisely the period when both church and state were exercising increasing authority and claiming an increasing presence on the Cedarberg frontier. Unfortunately, too little research has been done on the effects of emancipation in frontier regions to make conclusive statements about the Cedarberg.

By drawing comparisons with other areas of the Cape Colony we can, however, make tentative suggestions that bear further investigation. Following an initial labor shortage immediately after the 1 December 1838 emancipation, a number of former slaves may have returned to their previous masters seeking work in a familiar environment.⁵⁷ Other freed slaves probably moved to more densely settled areas of the colony in search of work, as did some Khoisan from the region.⁵⁸ **64**

Cross Reference:

There is evidence of some mobility among Khoisan laborers.
(chapter4.html#p28)

Whatever the individual outcomes of emancipation for freed slaves and their former owners, collectively the act of emancipation served to regulate further labor relations in frontier regions. The combined effects of emancipation and Ordinance 50 ended bonded labor at the Cape. Where Ordinance 50 made clear the distinction between free Khoisan labor and chattel slavery, emancipation ten years later made the Khoikhoi-slave distinction irrelevant, combining slaves of Indian Ocean and Asian descent with descendants of indigenous Khoikhoi and San into a single category of laborers, mostly landless and differentiated from their masters or bosses by skin color. **65**

This change, although not directly related to issues of a contested geographical frontier, was an important turning point for later developments in both race relations and labor relations in South African history. **66**

The Clanwilliam Magisterial District

This series of increasing regulatory intrusions on the part of the state peaked in 1837, when Clanwilliam was proclaimed the seat of a newly created magisterial district. The arrival of the new magistrate marked the culmination of a gradual consolidation of the Cedarberg frontier, rather than a firm, single point of dominance. Starting early in the nineteenth century, a number of changes affected land tenure for both settlers and Khoisan. Competition for land **67**

was already in evidence when the Irish settlers arrived in 1820, a point of contention that intensified throughout the nineteenth century and took on increasingly racial overtones over time.⁵⁹

Simultaneously, a series of government decrees increasingly regulated the relationship between masters and servants on rural farms, including those in the Cedarberg. These proclamations, Ordinance 50 in particular, were intended to offer some measure of protection to bonded labor, especially to Khoisan. This level of attention from the colonial government implies a growing sense of responsibility on the government's part for a group of people being incorporated into the colonial realm, albeit at a subordinate level.

68

Thus the establishment of a new magistrate's office in Clanwilliam was more of a symbolic ending to the process of frontier conquest than it was an active mechanism for resolving conflict or asserting settler hegemony. That hegemony was assured by progressive control of land tenure and conditions of employment in the preceding decades of the nineteenth century.

69

Notes

Note 1: Vincent Harlow, "The British Occupations 1795–1800," *Cambridge History of the British Empire*, VIII (Cambridge: Cambridge University Press, 1936); John S. Galbraith, *Reluctant Empire: British Policy on the South African Frontier 1834–1854* (Berkeley: University of California Press, 1963).

Note 2: William M. Freund, "The Cape Under the Transitional Governments, 1795–1814" in *The Shaping of South African Society, 1652–1840*, 2nd edition, eds. Richard Elphick and Hermann Giliomee (Johannesburg: Maskew Miller Longman, 1989), 324.

Note 3: For a general discussion of the period, see Hermann Giliomee, *Die Kaap tydens die eerste Britse bewind, 1795–1803* (Cape Town: Hollandsch Afrikaansch Uitgevers, 1975).

Note 4: For a more recent reassessment that focuses on the available nineteenth-century source material, see Karel Schoeman, "Die Kort Bataafse era aan die Kaap, 1803–1806—'n oorsig van eietydse bronne," *Quarterly Bulletin of the South African Library* 52:4 (1998), 162–81.

Note 5: Freund, "The Cape Under Transitional Governments," 325.

Note 6: Robert C.-H. Shell, *Children of Bondage: A Social History of the Slave Society at the Cape of Good Hope, 1652–1838* (Hannover, NH: Wesleyan University Press, 1994), 143–44.

Note 7: Andrew Bank, "The Erosion of Urban Slavery at the Cape" in Nigel Worden and Clifton Crais, eds., *Breaking the Chains: Slavery and its Legacy in the Nineteenth-Century Cape Colony* (Johannesburg: Witwatersrand University Press, 1994), 80–81.

Note 8: Shell, *Children of Bondage*, 144–47.

Note 9: Nigel Worden, *Slavery in Dutch South Africa* (Cambridge: Cambridge University Press, 1985), 138.

Note 10: Susan Newton-King, *Masters and Servants on the Cape Eastern Frontier* (Cambridge: Cambridge University Press, 1999), 207.

Note 11: J.S. Bergh and J.C. Visagie, *The Eastern Cape Frontier Zone, 1660–1980* (Durban: Butterworths, 1985), 2, 7.

Note 12: For a discussion of colonial settlement east of Stellenbosch in the nascent Swellendam district, see Edmund H. Burrows, *Overberg Outspan: A Chronicle of People and Places in the Southwestern Districts of the Cape* (Cape Town: Maskew Miller Limited, 1952; reprint, Swellendam: Swellendam Trust, 1988).

Note 13: Sparrman, 1: 137–40. Carl Peter Thunberg, *Travels at the Cape of Good Hope 1772–1775*, ed. V.S. Forbes (Cape Town: Van Riebeeck Society, 1986), 111. Lady Anne Barnard, *The Cape Journals of Lady Anne Barnard 1797–1798*, ed. A. M. Lewin Robinson with Margaret Lenta and Dorothy Driver (Cape Town: Van Riebeeck Society 1994), 305–6.

Note 14: Anders Sparrman, *A Voyage to the Cape of Good Hope . . . 1772–1776*, 2 vols., ed. V. S. Forbes, trans. J. & I. Rudner (Cape Town: Van Riebeeck Society, 1975), 1: 137.

Note 15: C. Graham Botha, *Place Names in the Cape Province*, (Cape Town and Johannesburg: Juta, 1926), 33.

Note 16: For example, the Swellendam district was divided in 1785 with the creation of a new district at Graaff-Reinet, nearly six hundred kilometers east of Cape Town. The further division of the eastern frontier into districts including Somerset, Albany, George, and Uitenhage happened earlier than the parallel creation of new magisterial districts in northern frontier areas. For an outline of the creation of eastern frontier districts, see Bergh and Visagie, *The Eastern Cape Frontier Zone*, 24–39.

Note 17: Dooling, "The Origins and the Aftermath," 50.

Note 18: Richard Elphick and V.C. Malherbe, "The Khoisan to 1828," in Elphick and Giliomee, *Shaping*, 41.

Note 19: P.J. van der Merwe, *Die Noordwaarste Beweging van die Boere voor die Groot Trek (1770–1842)* (The Hague: W.P. van Stockum & Zoon, 1937; reprint, Pretoria: Die Staatsbiblioteek, 1988), 153–75.

Note 20: Martin Legassik, "The Northern Frontier to 1840," in Elphick and Giliomee, *Shaping*, 374; citing *RCC*, XI, 252–56; XII, 111–12, 242–48; XXVIII, 37.

Note 21: Freund, "The Cape Under Transitional Governments," 336.

Note 22: For a visual representation of the freehold farms, see Leonard Guelke's map, "The Southwestern Cape Colony, 1667–1750: Freehold Land Grants" scale, 3 inches = 10 km. (Department of Geography Publication Series, Occasional Paper No. 5. University of Waterloo, 1987.)

Note 23: The most recent general overview of loan farm practices is Leonard Guelke, "Land Tenure and Settlement at the Cape, 1652–1812" in C.G.C. Martin and K.J. Friedlaender, eds., *History of Surveying and Land Tenure in South Africa* (Cape Town: UCT Department of Surveying, 1984), 7–34. The standard reference for early Cape land tenure is C. Graham Botha, *Early Cape Land Tenure* (Cape Town: Cape Times Limited, 1919).

Note 24: Botha, *Early Cape Land Tenure*.

Note 25: The standard work on land tenure policy in the nineteenth century remains L.C Duly, *British Land Policy at the Cape, 1795–1844: A Study of Administrative Procedures in the Empire* (Durham: Duke University Press, 1968).

Note 26: *RCC*, IX "Cradock's Proclamation," 6 Aug. 1813, 204–8.

Note 27: Guelke, "Land Tenure and Settlement," 20, 23–24.

Note 28: Freund, "The Cape Under Transitional Governments," 332.

Note 29: J.B. Pieres presents a succinct discussion of the 1820 settlement scheme in "The British and the Cape, 1814–1834," in Elphick and Giliomee, *Shaping*, 472–518.

Note 30: Graham Brian Dickason, *Irish Settlers to The Cape: History of the Clanwilliam 1820 Settlers from Cork Harbour*. (Cape Town: A.A. Balkema, 1973), 16.

Note 31: Governor Cradock renamed the post and the region for his father-in-law, Earl of Clanwilliam, in 1814.

Note 32: According to the only study devoted exclusively to the settlement of Irish immigrants at Clanwilliam, 42 percent of the new arrival were farmers, 32 percent were skilled craftsmen or artisans, and 21 percent were involved in commerce, trade, military, and professions. Dickason, *Irish Settlers to the Cape*, 15–16. As Peires points out, it is probable that the percentage of farmers is overstated, since applicants might have exaggerated their agricultural experience in order to secure passage for themselves. Even so, the proportion of farmers originally settled in Clanwilliam is higher than the 36 percent attributed to the immigrant population in Albany. Peires, "The British and the Cape," 475.

Note 33: Dickason, *Irish Settlers to the Cape*, 15–17.

Note 34: Dickason, *Irish Settlers to the Cape*, 51–52.

Note 35: Dickason, *Irish Settlers to the Cape*, 18–19.

Note 36: I will refer to the Dutch Reformed Church by its Dutch initials, NGK, for *Nederlands Gereformeerde Kerk*.

Note 37: C.R. Boxer, *The Dutch Seaborne Empire 1600–1800*, (London: Hutchinson, 1965, reprint London: Pelican Books, 1973), 138–49

Note 38: Ad Biewinga, "Kerk," Chap. 4 and "Gemeente," Chap. 5 in *De Kaap de Goede Hoop: Een Nederlandse vestigingskolonie, 1680–1730* (Amsterdam: Uitgeverij Prometheus and Bert Bakker, 1999).

Note 39: Richard Elphick and Hermann Giliomee, "The Origins and Entrenchment of European Dominance at the Cape 1652–c.1840) in Elphick and Giliomee, *Shaping*, 535.

Note 40: The story of Eva, or Krotoa, a Khoikhoi woman raised in Jan van Riebeeck's household and a self-proclaimed Christian, ended in her tragic alcoholism and suicide. Other early examples of Khoikhoi Christian converts led similarly troubled lives and as such were not popular models for conversion. For an evaluation of Krotwa's life and position in Dutch colonial society at the Cape, see V.C. Malherbe, *Krotoa, Called Eva: A Woman Between*, Communications No. 19 (Cape Town: UCT Centre for African Studies, 1990) and Mansell Upham, "In a Kind of Custody: For Eva's Sake, Who Speaks for Krotwa?" unpublished paper, 1997.

For an account of the one successful mission in the eighteenth century see Bernhard Krüger, *The Pear Tree Blossoms: A History of the Moravian Church in South Africa, 1737–1869* (Genadendal: Moravian Book Depot, 1966).

Note 41: Shell points out the levels of religious and secular instruction differed between Company slaves and privately owned slaves held by burghers. For a discussion of this distinction see Shell, *Children of Bondage*, xxxi–xxxiii. For his discussion of Christian conversion (or lack thereof) among Cape slaves, see *Children of Bondage*, 330–56.

Note 42: Richard Elphick and Robert Shell, "Intergroup Relations: Khoikhoi, Settlers, Slaves and Free Blacks, 1652–1795," in Elphick and Giliomee, *Shaping*, 191.

Note 43: R.T.J. Lombard, *Handleding vir Genealogiese Navorsing in Suid-Afrika* (Pretoria: Raad vir Geestewetenskaplike Navorsing, 1990), 116–20.

Note 44: This conclusion is preliminary and warrants further investigation. To date the role of the NGK in settler society and in colonizing the Cape has received little attention from historians. Elphick and Giliomee also point out the lack of a good study of the Church at the early Cape, "European Dominance at the Cape," 527.

Note 45: Dickason, *Irish Settlers to the Cape*, 19.

Note 46: D.A. Kotzé, *Van Roodezand tot Gariep: Die 150 jarige bestaan van die NGK gemeente Clanwilliam 1826–1976* (Goodwood: Nasionale Boekdrukkery, 1981).

Note 47: Stephen Granger, "Land Tenure and Environmental Conditions at Wupperthal," (MSc thesis, University of Cape Town, 1982).

Note 48: For a discussion of the role of missions in protecting Khoikhoi labor, see Russell Viljoen, "Khoisan Labor and the Moravian Mission Movement, 1792-1795," Chap. 7 in "Khoisan Labour Relations in the Overberg Districts During the Later half of the Eighteenth Century, c. 1755–1795" (MA thesis, University of the Western Cape, 1993). For a history of early missions in South Africa, see Bernhard Krüger, *The Pear Tree Blossoms*.

Note 49: The Moravian Church took over the administration of the Wupperthal mission in 1965. Bernhard Krüger and P.W. Schaberg, *The Pear Tree Bears Fruit: A History of the Moravian Church in South Africa Western Cape Province, 1869–1980* (Genadendal: Moravian Book Depot, 1980), 154.

Note 50: On the Kat River settlement, see Robert Ross, "The Kat River Rebellion and Khoikhoi Nationalism: The Fate of Ethnic Identification," *Kronos: Journal of Cape History* 24 (1997): 91–105 and Jane M. Sales, *Mission Stations and the Coloured Communities of the Eastern Cape, 1800–1852* (Cape Town: A.A. Balkema, 1975). On Griqua settlements, see Robert Ross, *Adam Kok's Griquas: A*

Study in the Development of Stratification in South Africa (Cambridge: Cambridge University Press, 1976). For the effects of Ordinance 50 see Clifton Crais, "Gentry and Labour in Three Eastern Districts," *SAHJ* 18 (1986), 125–46; Leslie C. Duly, "A Revisit with the Cape's Hottentot Ordinance of 1828," in M. Kooy, ed., *Studies in Economics and Economic History* (London: Macmillan, 1972).

Note 51: W.H. Macmillan, *Cape Colour Question* (London: Faber & Gwyer Limited, 1927; reprint Cape Town: A.A. Balkema, 1968), 147.

Note 52: Penn, "The Northern Cape Frontier Zone," 37, 287.

Note 53: Dawn D'Arcy Nell, "Land, Landownership and Land Occupancy in the Cape Colony During the Nineteenth Century with Specific Reference to the Clanwilliam District," (BA Honours Thesis, University of Cape Town, 1997), 8–10, 17–21.

Note 54: Hermann Giliomee, "The Eastern Frontier, 1770–1812," in Elphick and Giliomee, *Shaping*, 452.

Note 55: V.C. Malherbe, "Indentured and Unfree Labour in South Africa: Toward an Understanding," *SAHJ* 24 (1991): 8–10.

Note 56: For the effects of emancipation, see John Edwin Mason, *Social Death and Resurrection: Slavery and Emancipation in South Africa* (Charlottesville: University of Virginia Press, 2003); Nigel Worden and Clifton Crais, editors, *Breaking the Chains: Slavery and its Legacy in the Nineteenth-Century Cape Colony* (Johannesburg: University of Witwatersrand Press, 1994); Pamela Scully, *Liberating the Family? Gender and British Slave Emancipation in the Rural Western Cape, South Africa, 1823–1853* (Portsmouth, NH: Heinemann, 1997).

Note 57: For example, see Elizabeth Anne Host, "Capitalization and Proletarianization on a Western Cape Farm: Klaver Valley 1812–1898," (MA thesis, University of Cape Town, 1992). Klaver Valley is south of the Cedarberg, but not an unlikely point of comparison.

Note 58: CA: 1/STB 18/195; 1/STB 18/196; 1/STB 18/197 *Lists of Indentured Bastaard-Hottentots* 1776, 1829. CA: 1/STB 16/142, *Hottentot Register*, 1818–1819.

Note 59: Nell, "Land, Land Ownership and Land Occupancy," 31–54.