

CAPE OF GOOD HOPE.

N^o 8.—*A PROCLAMATION issued by Lord Charles Henry Somerset, for religious Instruction and treatment of Slaves.*

Cape of
Good Hope.

Proclamation by his Excellency the Right honourable General Lord Charles Henry Somerset, one of His Majesty's most honourable Privy Council, Colonel of His Majesty's 1st West India Regiment, Governor and Commander-in-chief of His Majesty's Castle, Town and Settlement of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice-admiral of the same, Commander of the Forces, &c. &c. &c.

WHEREAS I having taken into consideration the happy increase of the means of religious instruction, and the opportunities for religious worship which have been established in this settlement, and the benefit which is resulting therefrom to the community at large; and being confident that there exists but one feeling in the breasts of the inhabitants, that it is the bounden duty of every true Christian to civilize the lower classes, and to ameliorate their condition as far as may be consistent with the security of the state, and with a due consideration to the rights and privileges of all; and whereas it must be evident to every well-disposed and religious person, that the propagation of Christianity amongst slaves will tend, beyond any other measure, to promote morality amongst them, and to improve their condition and conduct,—do (under a sanguine hope that the following regulations may conduce to those desirable objects, and to the removing of any existing evils) hereby proclaim and order, that,

1st. Sunday being commanded in all Christian states to be a day of rest, it is hereby forbidden and declared illegal to compel a slave to perform field labour on the Sabbath day, or any other work, but such as is ordinarily considered work of necessity; complaint in such case to be made to the local authority, who is hereby empowered to exact a penalty for every such offence, if proved, not exceeding 50 rds. nor less than 10 rds.

2d. Slave

2d. Slave proprietors who have caused their slave children to be baptized in the Christian religion shall, as far as relates to such slaves, be exempt from any tax which has been imposed on slaves in this colony.

3d. The manumission of a slave who has embraced the Christian religion shall not be subject to the customary payment of 50 rds. to the reformed church; but such slave shall, nevertheless, be entitled (the same as other members of the church) to support from the vestry, under the usual regulations and conditions.

4th. Christian slave proprietors residing in Cape Town, and other towns and villages, and their immediate vicinity, where free schools are or may be established, are, after the 1st day of June next, to send their slave children above three years, and under ten years of age, at least three days in each week to the established free school nearest to their dwelling; and those whose residence will not permit them to afford this consoling advantage to their slave children, are anxiously invited to avail themselves of any means which may offer for giving them instruction.

5th. Slaves who have been baptized, and who are not within the prohibited degrees of consanguinity, may intermarry, with their proprietors (or respective proprietors) consent had in writing, and delivered to the local authority; and the children of such marriages shall be the property of the proprietor of the mother. The same shall hold good with regard to slaves of either sex, intermarrying with free persons; in which case also, when the wife is a slave, the children of such marriage belong to her proprietor.

6th. The consent, in writing, of the proprietor or respective proprietors, (as the case may be,) transmitted to the clergyman through the local authority, shall supersede the necessity of being asked in the church, or of appearing before the matrimonial court, to legalize the marriages of slaves; and the respective local authorities shall be responsible that all marriages between slaves are without delay enregistered as all other marriages are, and that a notification of the marriage be made to the general or district office (as the case may be) established for the enregisterment of slaves.

Slave marriages shall be celebrated in the church on Sundays, where the locality will permit; and in other cases, the clergyman will, once in twelve months, appoint the most convenient places in their respective districts for the purpose of marrying slaves and baptizing children, so as to remove the inconvenience arising from remote habitations, which marriages it shall be lawful for the clergyman to perform upon receiving the written consent of the proprietors, through the local authority, as above directed. The marriages of slaves, and the baptism of their children, shall be performed without fee or reward.

7th. After the celebration of marriages, it is forbidden for the parties to be sold separately, or the children of such marriages without the parents, (or the survivor of them,) until such children shall have attained the age of ten years, except under a decree of the court of justice.

8th. Children not born in wedlock of a slave woman, who has embraced the Christian religion, and has been baptized, shall not be sold from their mother, unless they shall have fully attained their ninth year; neither shall such Christian female slaves, so baptized, be sold, without selling to the same person any child she may have under the age of nine years, except under a decree of the court of justice.

9th. The regulations prescribed in the preceding clause, respecting children born of mothers who have embraced the Christian religion, and have been baptized, shall also be observed with regard to children born of slaves not of the Christian religion, and not having attained their eighth year, to whom the special care and attention of the mother must be considered indispensable; and all sales, not in conformity to the restrictions comprehended in this and the foregoing clauses, are hereby declared null and void.

10th. In order further to insure the observance of the preceding clauses, separate books shall be kept in the respective offices for the enregisterment of slaves, of all slave marriages, and of all slave children born in lawful wedlock, for which purpose owners shall report to that office, in their respective districts, the date and proof of baptism. Those who neglect causing the children of their Christian slaves, born in wedlock, to be baptized within twelve months after the birth of such children, shall incur a penalty of not less than 25 rds. and not exceeding 100 rds. for each offence, and shall be compelled to have such child or children baptized at their own expense.

11th. Slaves who have embraced the Christian religion, and have been incorporated in the church by baptism (although transferred or become the property of heathens) are not to be deprived of the right of attending at church, or place of

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Christian worship on Sundays, under a penalty of 10 rds., to be paid by the proprietor, unless justifiable cause can be shown for such prevention.

12th. The evidence of a slave upon oath, after baptism, may be received by the constituted authorities or competent courts, the same as that of any other Christian.

13th. The property possessed by a slave, whether acquired by work in extra hours, (with the permission of the proprietor,) by donation, legacy, inheritance, or by any other honest means, is inherent in the slave, and in no event belongs to the proprietor, except in cases of suicide. In cases where differences may arise with respect to the property of a slave, or the means by which such property has been acquired, either party may bring the case under the cognizance of the local competent court. Every slave is entitled to dispose of his or her property, or other rights legally acquired, as well during life as by will at his or her demise, according to the laws of the colony; but in consideration of the peculiar circumstances which attach to this class of the community, it is here enacted, that if a slave die intestate, having no husband, wife or child (as the case may be,) the last declaration of the party, relative to the disposal of his or her property, if made before two credible witnesses of the age of twenty-five years or upwards, assembled for the purpose, who shall depose on oath to the truth of their statement, shall be considered valid and effectual for the disposal of his or her property, under the direction of the Orphan Chamber, provided such disposal be not in favour of either of the said two witnesses; and the Orphan Chamber shall make the disposal accordingly. In cases where intestate slaves have no relations, and make no declaration, or last will and testament, such as above described, as to the disposal of their property, the property shall be paid by the Orphan Chamber into a fund formed for the purchase of such female slave children, as shall have been at one of the established schools during a period of four years, and who shall be particularly recommended by the committee for their moral and exemplary conduct during that period.

The value of the female slaves, whose freedom is thus purchased, shall be fixed according to their actual value at that period by a commission of the court of justice, and such purchases shall be exempt from all taxes and charges ordinarily imposed upon the manumission of slaves.

This fund shall be placed under the direction of a board, consisting of his excellency the governor for the time being, the colonial secretary, the chief justice, the president of the Orphan Chamber, the colonial chaplain, and the senior ministers of the reformed and Lutheran churches, and such other person or persons as the governor for the time being shall be pleased to appoint, who are also empowered to receive all donations and legacies which may be made in aid of the objects of this fund. In the disposal of property left by slaves, the fees to which the Orphan Chamber shall be entitled, shall be on a scale of one-half only of the established fees of that institution.

14th. Every slave is to be daily supplied with sufficient and wholesome food; and in cases of dissatisfaction relating thereto, appeal may be made by either party to the local authority; and if deficiency or bad quality be proved, the proprietor or employer for the time being shall incur a penalty of 25 rds., and for a second offence a penalty of 50 rds., to be disposed of as hereinafter directed in clause 23.

If on the contrary, the complaint be proved to be unfounded or frivolous, the complainant may be proceeded against as hereinafter directed.

15th. Every slave is to be kept provided with good and sufficient clothing by the proprietor for the time being; and in case of dissatisfaction, appeal may be made under the same provisions and penalties, on either side, as stated in clause 14.

16th. Slaves employed in garden or field labour are not to be compelled to work more than 10 hours in each 24 hours, from the 1st April to the 30th September; nor more than 12 hours in 24 hours, from the 1st October to the 31st March inclusive; except during the ploughing or harvest seasons, or on extraordinary occasions, when a remuneration shall be made to them in money, or by an additional proportion of food, according to the discretion of the local magistrates, (if appealed to,) under a penalty not exceeding 50 rds., nor less than 10 rds.

17th. Proprietors or persons employed by them are not at liberty to inflict any punishment on a slave, beyond what may be considered a mild domestic correction; this correction is only to be given with rods, or other implements of domestic punishment; it is not to exceed 25 stripes, and is in no case to be repeated within 24 hours, nor until the delinquent shall have recovered from the effects of any former correction,
under

under a penalty, in breach of any of the provisions of this clause, not exceeding 100 rds. nor less than 50 rds. for each offence.

18th. Should it be necessary for the security or safety of a family or individual to put a slave in irons, the same shall be reported within 24 hours to the local authority, under a penalty of 50 rds., stating the cause and circumstances under which such measure could be justified.

19th. Maltreatment of a slave by the proprietor, not attended with death, may be punished by fine, imprisonment, banishment, or other sentence of the law according to the nature of the case, and the degree of cruelty exercised, and the slave may be publicly sold for the account of the proprietor, but under special condition of never again coming into his power, or into that of his parents, children, brothers, or sisters; but when the maltreatment of a slave has been attended with death, it must be recollected, that the court, in giving judgment, will be guided by the law applicable to homicide.

20th. Maltreatment of a slave by the overseer, or representative of the proprietor, or other individual, shall be punished as if the same had been inflicted on a free person placed under the superintendence or direction of such overseer, or other representative of the proprietor. Domestic punishment is forbidden to be inflicted on a slave by any other hand than that of the proprietor, employer, or overseer (not being a slave,) except in cases where the proprietors or employers, having no free person in their employ, are females, or infirm, or suffering under disease, or are upwards of 60 years of age, under a penalty of 100 rds. nor less than 50 rds. to be paid for each offence by the person who has caused such illegal punishment to be inflicted.

21st. On the complaint of a slave to the local magistrate against the proprietor, or other individual, the magistrate shall take charge of the complaining slave, and inquire into the case forthwith; in order, should the complaint be well founded, to proceed against the person complained of in such manner as the law directs; but should the complaint prove groundless, the slave shall be condemned to such legal punishment as the nature of the case may require.

22d. The corpse of a slave shall not be interred, without permission being first obtained from the fiscal, landdrost, or field cornet, under whose immediate jurisdiction the employer, for the time being, resides, under a penalty of 50 rds.

23d. All penalties incurred under the provisions of any of the clauses in this proclamation shall be disposed of as follows: one-third to the informer, and two-thirds to the fund specified in Clause 13, for purchasing the freedom of female slave children of the free schools.

24th. It is clearly to be understood, that none of the provisions contained in the foregoing Clauses do, or will affect, in any degree, the property of the proprietors in their slaves, or their just claims to their services.

And that no person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my hand and seal, at the Cape of Good Hope, this 18th day of March 1823.

(signed) *C. H. Somerset.*

By command of His Excellency the Governor.

(signed) *C. Bird,*

Secretary.