

# **Towards a history of convict labour in the nineteenth century Cape**

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## **ABSTRACT**

From the 1840s onwards an extensive and well-regulated system of convict labour was instituted in the Cape Colony of South Africa. At the time, the system was lauded for both its material achievements – the building of roads and mountain passes – and its reformatory and rehabilitative influence on indigenous criminals. This article seeks to explain that the system had its origins in penal experiments in Australia, rather than Cape conditions. It also seeks to sketch a historiographical approach to writing a history of the convict experience within a system marked by tremendous diversity amongst the convict population and by disparate conditions across time and space.

## **KEYWORDS**

Convict labour, Cape Colony of South Africa, Australia

## **I**ntroduction

During the course of the nineteenth century, labour relations in the British Cape Colony underwent a profound transformation. Firstly, the slave trade was abolished in 1807, as it was throughout the British Empire, prior to the abolition of the institution of slavery itself in 1834. Secondly, after a brief period where legislation (the Caledon Code of 1809) seemed to confirm the position of the indigenous Khoikhoi as *de facto* slave substitutes, they too were liberated from labour bondage by Ordinance 50 of 1828. In theory, then, after 1838, when the period of compulsory ex-slave apprenticeship was ended, there was no un-free labour at the Cape. Henceforward, all labour relations would be covered by legal contracts and wages would be paid to the labourers. It was at precisely this moment, however, when supposedly free men and women were able to sell their labour in a free labour market, that the

Cape government instituted a rigorous, extensive and efficient convict labour system that was, for a time, the admiration of the British Empire.<sup>1</sup> Even more extraordinary is that the system reached its zenith just as convict labour was being phased out in Britain's Australian colonies. Seemingly undeterred by the Empire wide retreat from forced labour the supporters of the Cape's convict system claimed real success in the essential business of punishing and rehabilitating criminals. More than this, they claimed, the convict system could make good British subjects out of people who were previously regarded as having been wild or savage. Proponents could also claim that convict labour had unlocked the Cape's economic potential through the role it had played in linking the interior to the coastal regions, by building roads and mountain passes, as well as by the improvement of harbour facilities, particularly through the construction of the Breakwater in Cape Town.<sup>2</sup> Moral regeneration, the propagation of British values and economic progress were praiseworthy imperial objectives, but were they best achieved through a forced labour system? The answer seems to be, at least in the case of the Cape Colony, that they were, and this was because of the unique circumstances to be found in the nineteenth century Cape.

Although it is tempting to see the convict labour system at the Cape as being a substitute for slavery, or as a compensatory source of un-free labour designed to meet the labour needs of the post-emancipation colony, the relationship between the two forced labour systems is not that straightforward.<sup>3</sup> The origins of the Cape convict system are not to be found in the traditions of Cape slavery, nor in the labour crisis caused by the abolition of slavery and the emancipation of the Khoikhoi. Rather they are to be found in the debates and experiments concerning convict labour and penal reform in the British Empire and, particularly, in the Australian colonies. The roots of the Cape's convict system, in fact, lie in Van Diemen's Land in the 1830s and early 1840s. The chief designer and initiator of the Cape's convict system was its colonial secretary, John Montagu, who had previously been the colonial secretary of Van Diemen's Land. It was in Van Diemen's Land that Montagu had tried to reform the existing convict system, which had

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<sup>1</sup> For the creation of this convict system and its reception by the British government see PENN, Nigel. " 'Close and Merciful Watchfulness': John Montagu's Convict System in the Mid-Nineteenth-Century Cape Colony". *Cultural & Social History*, vol.5, Issue 4, December 2008, pp. 465-480.

<sup>2</sup> For a contemporary view of the success of the Cape convict system see NEWMAN, W.A. *Biographical Memoir of John Montagu With a Sketch of the Public Affairs Connected With the Colony of the Cape of Good Hope During His Administration As Colonial Secretary From 1843-1853*. London, 1855.

<sup>3</sup> The connection between the end of slavery and the institution of the Cape convict system is made by BERNAULT, Florence. "The Politics of Enclosure in Colonial and Post-Colonial Africa". In: BERNAULT, Florence. ed. *A History of Prison and Confinement in Africa*. Portsmouth, NH: Heinemann, 2003, p.8.

developed from something known as the Assignment System – where individual convicts were assigned to colonists as labourers - into what became known as the Convict Probation System. The key features of the latter system (which owed something to the ideas of Alexander Maconochie, the idealistic private secretary of Governor Franklin of Van Diemen’s Land) were that groups of convicted men should work at hard labour in gangs under close supervision within a system that allocated rewards or punishments according to the conduct of the convict. The Convict Probation System was a failure in Van Diemen’s Land, partly because Montagu was fired before he could implement it properly (after having become involved in disputes with the Governor and his interfering wife, Jane), partly because more convicts were sent to Van Diemen’s Land than the island could cope with and partly because public opinion as a whole was turning against the idea of convict labour in Australia. In 1843, however, Montagu was appointed to the Cape as Colonial Secretary and found himself in a position to implement, unimpeded, his reformed convict system.<sup>4</sup>

Interestingly, Montagu was never ordered by his colonial masters to reform the Cape’s prison system. This was an initiative he took upon himself. His first priority had been to reform the colony’s financial system and make it credit worthy.<sup>5</sup> Though Montagu argued that the Cape would benefit from the implementation of a well organized convict labour force it was not the labour situation at the Cape that prompted the introduction of his system. Rather, Montagu was concerned to prove his previous critics wrong and demonstrate that he had a contribution to make to debates about penal reform. Whilst he deplored the inefficient and haphazard use of convict labour in the colony before his arrival, as well as the disgraceful state of prisons, including that of Robben Island, his reforms were aimed primarily at proving that he could run an effective penal system, not at creating a new source of un-free labour, especially not for the colonists. Although the colonists continually complained of a labour shortage, the convict labour system was not designed to provide them with convict labourers for that would have been a reversion to the already discarded and discredited Assignment System of Australia. Arguably, the colonists could have had all the labour they needed had they been prepared to pay attractive wages, but seemingly this was not an option in the recently emancipated Cape.

Montagu took great pains to insist that his convict labour system was aimed at the reform and punishment of the convicts and not simply at their economic

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<sup>4</sup> PENN. “Close and Merciful Watchfulness”. *op.cit.*

<sup>5</sup> See BREITENBACH, J.J. ‘The Development of the Secretaryship to the Government at the Cape of Good Hope under John Montagu (1843-1853)’. *Archives Year Book for South African History*, II, 1959, for a discussion of Montagu’s career at the Cape.

exploitation as this would have been akin to slavery. Most of the regulations and instructions he issued concerning the management of his convict system have to do with matters relating to the surveillance and disciplining of the convicts rather than the amount of work to be extracted from them. The regulations also emphasized that good conduct could result in a convict earning remission of sentence as well as gaining certain financial rewards or promotion from one category – the chain gang – to a more favourable one – the road gang. Montagu's system also placed great emphasis on the education of the convicts, stressing the need for instruction in literacy and Christianity whilst serving one's sentence. Explicit instructions were also given concerning the provision of adequate food and clothing as well as access to medical care.<sup>6</sup> The end result of Montagu's system was supposed to be the reintegration of a morally reformed, physically healthy, hard working Christian and literate penitent, with employable skills, into society.

It might be argued that Montagu's convict labour system was simply a new form of government slave labour, similar to that of the labour of Company slaves from the slave lodge during the seventeenth and eighteenth centuries when they worked on public projects for the VOC. From the beginnings of British rule at the Cape, however, the government had sought to disassociate itself from slave labour and had not used slaves on public projects. It is true that convict labour was probably the cheapest way for the government to accomplish large-scale public works, but this is by no means certain and would bare renewed scrutiny. Many contemporary observers wondered whether the convict road building projects were, in fact, that cheap, and their expense – an alleged one sixth of government revenue - was an important reason for the phasing out of such projects towards the end of the nineteenth century.<sup>7</sup> Certain mountain passes or sections of road were handed over to private individuals to build from time to time, but these were not always successful and included some notable bankruptcies.<sup>8</sup> It is most likely that the truly difficult projects could only have been built using the resources that the Cape government could bring to bear, but this does not mean that they were cheap. In short, the utilization of convicts on public works brought economic benefits to the Colony, but this is not the same as arguing that the primary

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<sup>6</sup> "Regulations for the Discipline and Management of Convicts Employed on the Roads of the Colony of the Cape of Good Hope", 1 Jan. 1844, in Papers, 1847 (742), HCPP, pp. 70-78.

<sup>7</sup> KEEGAN, Timothy. *Colonial South Africa and the Origins of the Racial Order*. Cape Town: David Philip, 1996, p. 212.

<sup>8</sup> See for example the fate of Jan Tassie, originally contracted to build the Swartberg Pass in 1881. ROSS, Graham. *The Romance of Cape Mountain Passes*. Cape Town: David Philip, 2002, p. 134.

motivation for the institution of a convict labour system at the Cape was to find a replacement for slavery.

Nor was the convict labour system at the Cape in any way linked to the convict labour utilized by the Dutch during the period of VOC rule. During the seventeenth and eighteenth centuries, the VOC had sent hundreds of convicts, or *bandietens*, to the Cape as a form of punishment to engage in hard labour for the VOC for a number of years. The great majority of these *bandieten* had originated in the East Indies and had been charged with activities deemed to be criminal by the Dutch authorities. Once at the Cape they had worked on public projects – such as a breakwater for the harbour – and sometimes alongside Company slaves.<sup>9</sup> Despite the temptation to see similarities in the trans-oceanic convict system of the Dutch and the British at the Cape, it should be acknowledged that the Cape convicts in the nineteenth century were almost entirely of indigenous or local provenance. Cape convicts were not imported from abroad and were all deemed to have committed their crimes in the colony.

The Cape convict system, in other words, was not established to meet the Cape's labour requirements in the post-emancipatory era. Its global connectivity to other regions was that it was modeled on a version of the British convict system in Van Diemen's Land and had arisen from debates concerning good governance, crime and punishment and the question of convict transportation within the British Empire.<sup>10</sup> Essentially, it was established so that Montagu could prove a point, both to his superiors in England and his detractors in Australia. His point was that the Convict Probation System could be made to work if it was run efficiently, i.e., by himself. This is not to say that Montagu was not a sincere penal reformer. There is no reason to doubt that he was inspired by both Christian piety and the drive to increase economic productivity. His reforms certainly helped to develop the colony's infrastructure, but they were also designed to create better men. It is to these men that we should now turn.

## The Convicts

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<sup>9</sup> On the *bandieten*, see WARD, Kerry. *Networks of Empire: Forced Migration in the Dutch East India Company*. Cambridge: Cambridge University Press, 2009.

<sup>10</sup> The Cape's place in the networks of the British Empire is explored in BAYLEY, C.A. *Imperial Meridian: The British Empire and the World 1780-1830*. London: Longman, 1989; LESTER, Alan. *Imperial Networks: Creating Identities in nineteenth century South Africa and Britain*. London: Routledge, London, 2001 and LAIDLAW, Zoe. *Colonial Connections, 1815-45: Patronage, the information revolution and colonial government*. Manchester: Manchester University Press, 2005.

Despite the historical importance of the Cape's convict system, it has not received anything like the attention that it merits.<sup>11</sup> This is especially true of the men who worked in the system – the convicts. What do we know about the convicts?<sup>12</sup> Thanks to the highly efficient record system kept by Montagu (he had learnt about the importance of records and surveillance from his first boss in Van Diemen's Land, Governor Sir George Arthur) we can say a great deal about the men as statistics, but somewhat less about them as individuals. A key goal of a social historian of convict labour should be to try to discover what individual convicts felt and experienced within the systems that controlled them. The ideal form to reveal underclass lives is often through micro-history, a means of writing that I employed in a book on eighteenth century Cape criminals.<sup>13</sup> Criminal life stories, or convict lives, in other regions and societies have also frequently lent themselves to narration in the form of detailed micro-histories, but there are certain challenges that still have to be overcome in the Cape before such a methodological approach can be utilized for the study of nineteenth century Cape convicts.<sup>14</sup> What are they?

The first challenge is, paradoxically, an over abundance of material. The Cape convict system generated an abundance of paper work that has hardly been touched by historians. Between 1844 and 1898, the years the system was in operation, nearly 400 volumes of letters were received from the various convict stations scattered about the Cape. In addition to these volumes are volumes of letters dispatched to the convict stations as well as volumes of correspondence generated by the Central Road Board, an essential adjunct of the convict labour project.<sup>15</sup> It is true to say that these records have yet to

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<sup>11</sup> Some earlier studies include VAN WYK, H. "Die Geskiedenis van die Gevangeniswese in die Kaapkolonie, 1806-1910". Unpublished PhD thesis, University of South Africa, 1963; CORRY, T.M. *Prison Labour in South Africa*. Cape Town: Nicro, 1977 and VAN ZYL SMIT, Dirk. "Convicts on the Hard Road: Reflections on the System of Convict Labour introduced by John Montagu in the Cape Colony (1844-1853)", *De Rebus*, May 1981, pp. 223-226. See also Harriet Deacon's study of the Breakwater Prison, "A History of the Breakwater Prison from 1859 to 1905". Unpublished BA Honour's dissertation, University of Cape Town, 1989.

<sup>12</sup> For the past six years, I have been running a research project using undergraduate students from the Historical Studies Department at the University of Cape Town to explore the archival records and the material remains of certain convict stations within the system. The results are very preliminary at this stage and need to be synthesized, but I acknowledge the contribution made by my field trip students and researchers to my understanding of the Cape convict system.

<sup>13</sup> PENN, Nigel. *Rogues, Rebels and Runaways: Eighteenth Century Cape Characters*. Cape Town: David Philip, 1999.

<sup>14</sup> For a recent example, see Clare Anderson's *Subaltern Lives: Biographies of Colonialism in the Indian Ocean World, 1790-1920*. Cambridge: Cambridge University Press, 2012.

<sup>15</sup> The Convict Branch Papers are to be found in Cape Archives [CA], Colonial Office[CO], 6199-6566, Letters Received: Convict Stations, Departments and Miscellaneous Bodies and Persons, 1844-1898 and CA, CO, 6840-6868, Letters Despatched. The Road Board records run from CA, CO, 559-802. The Board was dissolved in 1862.

reveal their riches as the entire topic of convict labour in the nineteenth century Cape, unlike Australia and India, has been sorely neglected. To these rich sources, one should add the court records of the period, in which one could find the sentences and court proceedings involving the many thousands of individuals who were convicted of crimes and ended up as convicts. To date, very little work has been done with these sources, and such work that has been done has focused on high profile criminals who escaped the system rather than on the long serving victims of the system.<sup>16</sup>

These copious materials also contain an abundance of detail that seem to provide more than enough evidence from which to construct a series of individual microhistories. As an example we may consider the descriptions of a few of the convicts working at Bain's Kloof convict station between 1850 and 1852.

Convict number 1704. Name Hans Platje. Mother, Bushgirl, father Hottentot. Age 26. Private soldier in Cape Mounted Rifles and labourer. Native place, Cederberg, Clanwilliam. Tried by Court Martial, Grahamstown, desertion, first offence, sentence 7 years. Wife resides near Grahamstown.

Or:

Convict 1808. Name Cobus. African slave. Age 22. Labourer. Born Paarl, farm Lemoenkloof. 5'4", dark eyes, soft black curly hair, complexion brown, 2 black moles on brow, etc. Offence assault with intent to commit a rape. First offence, sentence 4 years. No religion. Can neither read nor write. No family.

Or:

Convict 1807. Name Richard Lucas Burton. Englishman, age 17. Apprentice on board ship. Born Monmouth. Wales, England (sic). 5'5", eyes light brown, hair, complexion fair with long visage. Marks: snake bite. Tried 13.1.50, Cape Town. Offence theft, first conviction, sentence 7 months. Religion Church of England. Can read and write. Single. Parents reside in Monmouth.<sup>17</sup>

With such detailed descriptions available, it might be argued, the microhistories virtually write themselves. The problem is that the historian is spoilt

<sup>16</sup> See for instance Kirsten McKenzie's work, such as *Scandal in the Colonies: Sydney and Cape Town, 1820s to 1850s*. Melbourne: Melbourne University Press, 2004 and HOLDRIDGE, Christopher. "The Escape of William Edwards: Respectability, Intrigue and Invented Identity in the Early British Cape and Australia". Unpublished B.A. Hons. dissertation, University of Cape Town, 2008.

<sup>17</sup> The examples are drawn from archival research in Sandra Steytler and Hans Nieuwmeyer's booklet, *Bain's Kloof Pass: Gateway to the North*. Paarl: Summit Publishing, 2003, pp. 23-24.

for choice and has almost too much detail. Here one should distinguish between micro-history and prosopography. What do the details of a hundred criminal lives add up too? The answer is probably that details simply for the sake of detail are better read as statistics. When the historian is faced by an abundance of sketchy details how does s/he decide what is truly the defining life history? There is no easy answer to the question and only saturation in many life stories as well as the complicated context of a specific moment will reveal which life truly illuminates that moment or a period or historical process. Sadly, prosopographical detail tends to become scarcer in the records towards the end of the convict system and the difficulty of individuating lives increases. The fact remains, however, that future historians of the Cape convict system have no shortage of material.

The second challenge facing historians wishing to say something about individual convicts in the system is that one would have to choose what category of individual would be a suitable subject for a micro-history. The great majority of the convicts were local men, or, at least, men who had been tried and convicted in the Cape for crimes committed in the Cape. This did not mean, however, that all were Cape born. A break down of convicts at Bain's Kloof convict station between 1850 and 1852 according to their countries of origin reveals that 398 were South African born, 34 from England, 1 from Wales, 4 from Scotland, 15 from Ireland, 16 from West Africa, 7 from the United States, 5 from India, 1 from East Africa, 1 from Holland and 3 were designated "Other".<sup>18</sup> The cosmopolitan nature of the gang is a reflection of the fact that Cape Town was an important port on the international sea routes and that men frequently disembarked at the Cape and got into trouble ashore. What these figures mask is that some of the British born men had, quite often, had a spell in Australia, sometimes even as convicts. This sprinkling of exotics should not blind us to the fact that the vast majority of convicts were non-white men from within or on the borders of the Cape.

Although the Cape convict system was ostensibly color blind and non-racist, in that all men in the system were initially treated equally, receiving equal food, equal labour, equal accommodation, equal punishments, equal rewards and equal instruction, it was simply not possible, in a racially divided society like the Cape, to ignore racial categories. Even the most ardent supporter of the system, W.A. Newman, the Dean of Cape Town and Montagu's friend and posthumous biographer was well aware that the mixing of races in the labour gangs was quite remarkable and that they provided a unique

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<sup>18</sup> *Ibid*, p.22.



microcosm of colonial life. It was also quite clear that they were the melting pots from which a civilized subject would emerge:

There may be seen, there at the same station, the should-be-civilized and the savage; the white man and the coloured; the culprit who has disgraced his Christian name by crimes which he has been taught to shun, and the heathen morally ignorant that theft is a crime, and who has hitherto been untaught that there is a God who has given his command against murder. There may be seen grouped at the same labour, dieted on the same rations, and even learning in the same school on the day of instruction, the English and the Dutch delinquents, the European sailor, the Africaner, the Kafir, the Bosjeman, the Fingo, the Hottentot, the Malay, the Mozambique; all shades of colour, all grades of intelligence; and yet perfect discipline, and mercy tempering justice, and encouragement holding out its advantages to the well-conducted...You may see, there, evil turned to good, and the ignorant taught to read...you may behold indolence earning industry, and the idle and thieving Bosjesman, and the cattle-lifting Kafir, making a high-road for commerce and civilization...In those stations the savage nature is restrained by wholesome discipline, and yet the same savage by his penal toil turns the wild mountain-pass to a road of usefulness, and the frowning tracks of barrenness into scenes of grandeur, cultivated beauty, and fertility.<sup>19</sup>

Newman's rather idealized description suggests that one of the virtues of the system was its even-handed, colour blindness. Yet from the inauguration of the system in 1844, Montagu divided up the convicts into racial groups and drew conclusions from the statistics. Between 1844 and 1848, for example, when there were over 700 convicts a year at work, an estimated 56.03% of them were described as being "Hottentots, Bushmen and Free Blacks"; 20.6% were described as being "Natives from the Border Tribes"; 10.63% were "Europeans or of European descent"; 8.38% were "Emancipated Slaves" and 3.83 % were "Prize Negroes [illegally traded slaves who were "freed" into colonial service], Foreigners, &c".<sup>20</sup> These figures would change over time though the categories remained basically the same. In some years, for instance, if there were a frontier war in progress, the numbers of "Natives from the border tribes" would increase whilst other categories declined.

<sup>19</sup> NEWMAN. *Biographical Memoir. op.cit.*, pp. 108-9.

<sup>20</sup> Montagu, Report, 1849, in Despatches, 1850 (104), HCPP, pp. 35-39.

From which of these categories should the “exceptional normal” subject of micro-history be drawn?<sup>21</sup> Ideally, a micro-historical approach should consider an individual, or individuals, from each category, although this would certainly be seen as endorsing Montagu’s system of racial categorization. It would not really help to categorize the criminals by the crimes that they had committed since nine tenths of those sentenced to convict labour had committed theft, especially of livestock, or assault. (Those who committed more serious crimes, such as murder, were usually executed and hence did not end up in the convict system). It was clear to Montagu that stock theft was particularly attractive to those classified as being Khoikhoi, San or blacks of the “border tribes” [predominantly Xhosa] since they had a “love of a wandering life” and felt the “indolence common to all men before the comforts and wants of civilized life have been felt”. According to Montagu, the Xhosa were also marked by “a love of exploit as well as plunder that characterizes [them] in [their] marauding expeditions against the herds and flocks of our frontier farmers”.<sup>22</sup> Quite clearly Montagu saw these criminal character traits as being racial in origin, or, if not exactly caused by race, caused by the low level of civilization which these races had obtained. His explicit belief was that his system would be able to correct these deficiencies of racial character though he admitted that whilst the “Khoikhoi, San and free blacks”, who made up more than half of the convicts, “were tractable and docile under a system of convict discipline”, the one-fifth or more of convicts from the border tribes were “less pliable and less accessible to moral influences”.<sup>23</sup> What this suggests, therefore, is that there were not only different racial categories for individuals within the system, but that the system changed, over time, to deal with these different categories.

This brings us to the third problem confronting the historian of convict life at the Cape. Which period of the half-century of the system’s existence should one focus on? My earlier paper on this subject focused on the inspiration for Montagu’s reform’s and the years during which he implemented them at the Cape. This period of “close and merciful watchfulness” was accounted a success by both the local government and the British government as well as by the majority of the Cape colonists, but it came to an end in 1852 due to Montagu’s ill health and his unpopularity in the colony. This unpopularity was partly the result of the erroneous public assumption that he was behind

<sup>21</sup> This term originates in the debates surrounding Carlo Ginzburg’s work on micro-history. Ginzburg argued that the anomaly tells us more than the rule, because it also speaks of the rule, whereas the rule only speaks of itself. But in a system with different rules we surely need an anomaly for each rule. For a recent discussion, see Perry Anderson’s review of Carlo Ginzburg’s *Threads and Traces: True False Fictive*. “The Force of the Anomaly”, *London Review of Books*, vol. 34, no. 10, 2012.

<sup>22</sup> Montagu, Report.

<sup>23</sup> *Ibid.*

the British government's plan to transport Irish convicts to the Cape – which provoked the rise of the Anti-Convict Association – and partly due to the correct assumption that Montagu, an arch conservative, was opposed to the granting of representative government at the Cape.<sup>24</sup> The challenge now, however, is to chart the development of the system after Montagu's removal from the Cape and this makes it necessary to consider life on those convict stations that were established after his recall.

On the whole, one may observe a gradual deterioration in the treatment of convicts at stations established in the post-Montagu era. To some extent this was due to the fact that, once representative government was granted in 1853, the colonists had a greater say over how budgets should be spend and they resented the idea of paying for convict benefits. Other factors that should be taken into consideration are those associated with the advent of the so-called “mineral revolution” in South Africa.<sup>25</sup> Once diamonds were discovered in and around Kimberley in the 1860s, legislation was created to deal with the influx of African migrant workers to that region. This legislation was then used to deal with the rapid urbanization and industrialization that took place on the Witwatersrand once gold was discovered in the 1880s. Such legislation was often concerned with marking racial differences amongst workers (for instance, separate compounds and separate residential districts were allocated for black workers; different rates of pay and different categories of work were proposed for the different races; different diets were provided for different workers, etc.) and it proved difficult for prison authorities at the Cape to ignore these developments. How could the convict labour system be more liberal than the labour system in industry and the mines?<sup>26</sup> A similar shift in sensibility could be marked in other government institutions at this time – such as hospitals, lunatic asylums and schools. The constant wars and racial hatred on the Colony's eastern frontier also did little to endear white colonists to the large numbers of Xhosa who were now becoming, through annexation and desperation, colonial subjects. Many of these Xhosa became convicts as the distinction between prisoner of war and criminal became blurred and there was little incentive for colonial prisons to treat enemies as worthy of rehabilitation. To the influx of Xhosa prisoners one may add Khoikhoi rebels

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<sup>24</sup> PENN. “Close and Merciful Watchfulness”. *op.cit.* See HATTERSLEY, Alan. *The Convict Crisis and the Growth of Unity: Resistance to Transportation in South Africa and Australia, 1848-1853*. Pietermaritzburg: University of Natal Press, 1965 for an account of the Anti-Convict Association.

<sup>25</sup> The racialization of Cape society in the late nineteenth century is explored by writers like Vivian Bickford-Smith in *Ethnic Pride and Racial Prejudice in Victorian Cape Town*. Johannesburg: Wits University Press, 2001 and DEACON, Harriet. “A History of the Breakwater Prison”. *op.cit.*

<sup>26</sup> A common trope of early work on the compound system in the South African mines put things the other way around: the compounds were frequently compared to prisons.

and deserters from the eastern Cape as well as the victims of the Cape's northern expansion – the San and Korana resisters of the late nineteenth century who became well represented in the convict gangs and at the Breakwater.

An examination of conditions of work at the convict stations reveals that, over time, the racist generalizations and assumptions written into the convict system would harden, as whites began to be housed and fed separately and the educational and religious instruction elements of the project were less rigorously and less equally applied. Money spent on the salaries of doctors or medical attendants was reduced and so was staffing. The system was not as tightly administered and there was a diminishment in its humanitarian, or reformatory content, at the same time as there was an increased emphasis on the economic exploitation of the convicts.<sup>27</sup> The discovery of copper and then diamonds in the northern districts of the colony, as well as long-term wool booms and a short-lived ostrich feather boom, provided great incentives for certain passes to be built and finished in a hurry regardless of the convicts' well being. Despite the long-term decline in the humanitarian project of the convict system, the particular sequence of events and processes in the late nineteenth century make it difficult to generalize about the treatment of Cape convicts over long periods. The scale of the system's time period, in other words, is too vast for an individual life story to encompass it. A lot, too, depended on the specific convict station to which a convict was sent, and this leads us to a consideration of the fourth major problem facing the historian of the Cape convict system – place.

The first project of the Cape convict system was to build a hard road between Cape Town and Stellenbosch across the sandy dunes of the Cape Flats. Thereafter, convict labour was directed to build a series of passes through the massive Cape Fold Mountains that served to separate the Cape's coast from the Cape interior. Different convict stations were established at each of the mountain passes, sometime one on each side of the mountain. As a rule, these mountain passes were high and isolated, in beautifully picturesque locations where mist and rain were common. They were often cold at night and snow capped in the winter, but hot in summer and during the day. The vegetation of these passes was *fynbos*, the hugely diverse plant kingdom characterized by proteas and hundreds of other floral species. Sometimes there would be patches of indigenous forest. The roads characteristically hugged the slopes of precipitous mountains above a river valley far below and would involve the construction of huge stone blocked terraces in retaining walls backfilled with rock blasted from the cliff sides by gunpowder. Food, building materials

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<sup>27</sup> PENN. "Close and Merciful Watchfulness". *op.cit.*, pp. 465 and 477. Also see below, pp. 10-16.

and medical aid would have to be brought from miles away and accommodation built on the spot. Sometimes prefabricated wooden barracks would be erected or dis-assembled and moved along the line of road following the progress of the work gangs. Sometimes substantial and secure prisons or magazines would be built out of stone, structures that exist to this day.

Although this might sound as though it was a homogenous environment there was actually a big difference between each pass and the degree of difficulty in construction varied immensely. After the Hard Road across the Cape Flats was built, the first stations were established on either side of the Outeniqua Mountains, above the town of George in the southern Cape, to build a pass through the mountains. The initial name of this pass was Craddock's Kloof but, once it had been finished in 1847, it was renamed Montagu Pass in honour of the Colonial Secretary. Passes were then built through Mostert's Hoek to the Warm Bokkeveld in 1848 (named Mitchell's Pass after the designer, Charles Mitchell) and then through the Liemietberge, to link Wellington to Mitchell's Pass. This pass was named Bain's Kloof, after its chief engineer, Andrew Geddes Bain and was finished in 1853 after employing the labour of some 450 convicts. Eventually there would be over twenty different convict stations of substantial size in the nineteenth century Cape with considerable movement of personnel from one to another. If one counts "convict camps", however, a figure of seven hundred and twenty has been proposed.<sup>28</sup> A second wave of pass building moved into the interior as the mountains of the Olifants Rivierberge (Piekeniers Kloof, 1859) and the Little Karoo were breached in the 1860s and 1870s. In the 1860s, whilst some convicts were finishing building Prince Alfred's Pass through the densely wooded and well-watered Tsitsikamma Forest, others were labouring in the desert like conditions of Little Namaqualand in the Cape's north-west in order to build a road to transport copper ore over the Tiger Kloof. Finally, the rugged and lofty Swartberg Mountains were breached by a spectacular pass in 1888. These mountains were even harsher and more remote from support than the Cape Fold system and surrounded by the semi-desert of the arid Karoo. With such diverse environments, it is reasonable to suppose that the convict experience was also diverse and that no two stations were the same.

From the above it may be seen that there were many distinct places in the vast geographical space in which the Cape convict system unfolded. This suggests that a fruitful approach to writing a history of the convict labourers within the system might be to focus on a particular convict station and its men, instead of trying to cover the space of the system as a whole.

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<sup>28</sup> LESTER, Claire-Anne. "Codified criminality: A socio-historical analysis of confinement at the Cape of Good Hope". *Historical Approaches*, vol. 9, History Department, University of Cape Town, 2011, p. 31.

It was not only geographical place that created convict place. The convicts' working environment was also directly shaped by the nature of the administrators to be found at each convict post. The system, as envisaged by Montagu, required dedicated and disciplined guards or wardens who would be expected to send in detailed weekly reports about every aspect of an individual convicts' conduct ranging from his willingness to work to whether or not he raised his hat to his superiors. Recording such fine detail eventually proved to be too onerous for the hard-pressed officials who manned the system and, by the end of the nineteenth century rather brief reports were sent in about how many men had died, deserted or arrived at a particular station. Initially guards had been recruited from the military, but a lot of these men resigned, complaining that they had never experienced such hard conditions of employment. Eventually people of colour were enlisted as guards when it was found to be difficult to attract Europeans to the job. There were constant complaints of drunkenness, desertion and negligence leveled against the guards who sometimes seemed to receive more punishment from the visiting magistrates than their charges. Certain convict superintendants, like John Dallas, worked on nine different convict stations before moving to the Breakwater Prison and left an impressive record of his fights with his superiors or underlings in the form of reams of tetchy and abrasive letters.<sup>29</sup> The engineer or road work supervisor was also an important influence at each pass and the road-building dynasty of Andrew and Thomas Bain presided over many a project, sometimes clashing with the convict supervisors over the allocation of men or resources.<sup>30</sup> A convict's work environment was thus crucially influenced by those put in charge of him. But it was perhaps even more influenced by those that he was forced to work with – his fellow prisoners – and a detailed micro-history would have to try to reconstruct the membership of a man's road gang or chain gang to be able to reconstruct the nature of personal relationships in a community of such diverse backgrounds.

## Conclusion

Having outlined some of the problems facing the would be historian of the Cape convict system it is time to try to say something about what the convicts experienced. Although it may be too early to attempt a micro-historiographical approach, the abundant details do allow us to make some

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<sup>29</sup> One of the descendants of John Dallas has written a biography of his great-great-grandfather. DALLAS, David. *Weaver, Warrior, Warder: Scottish Pioneer John Dallas and his South African family*. Victoria: West Rosebud, 2010.

<sup>30</sup> Works on the Bains include STORRAR, Patricia. *A Colossus of Roads*. Cape Town: Hansa, 1984 and LISTER, M.H. ed. *Journals of Andrew Geddes Bain*. Cape Town: Van Riebeeck Society, 1949.

generalizations about how they were treated. How convicts responded to such treatment is a bit harder to discern. For the most part convict thoughts and feelings are given expression in the letters that their supervisors wrote to the office of the Superintendent General of Convicts. Occasionally a literate convict would himself write a letter of complaint to the authorities, but this would usually get both himself and the station supervisor into trouble as convicts were not allowed to have paper and ink. (It is significant that, despite their isolation, the major stations were served by the postal service). Apart from words, the deeds of the convicts are also expressive of their feelings, especially acts of resistance such as escape or rebellion.

It may be stated without fear of contradiction that building roads and mountain passes was hard work. The basic building material was stone. It was blasted with gunpowder and then cut to size with hammers and chisels. Great stone blocks, sometimes weighing up to ten tons each, were manhandled into place on steep slopes with gigantic crowbars, levers, ropes, cranes and pulleys. The main means of construction was dry-stone walling, that is, cement and mortar were not used (because of the scarcity of fuel to burn the lime needed for cement) and the rocks were placed with great precision on top of each other. This was an accident rich environment and accidents did happen. Convicts were known for their bruised bodies and crushed fingers, but fatalities due to accidents were rare, comparing favourably to casualty rates in modern construction projects. Some men died in explosions and some under rock falls, but the majority of fatalities at the convict stations were caused by diseases, especially TB.

Not all convicts worked on the roads. Some, especially the more skilled, were used to maintain the iron tools or to do the necessary carpentry work. Until at least the 1860s, skilled convicts were paid up to three shillings a day for their services, a cost that amounted to 300 pounds an annum on the Knysna station. Others cooked, washed and repaired clothes or did chores around the camp-site or barracks. Food was generally good with men getting a hearty serving of one and a quarter pounds of meat a day and one and a half pounds of bread. Vegetables, apart from rice, were scarce, and extras like tea, coffee and tobacco rather dependent on good conduct or the station one was at. Clothing, shoes and bedding were usually adequate, especially in the early years, and provision was made for Sunday services and Wednesday afternoon literacy classes. Doctors, or medical examiners, either lived nearby the convicts or visited fairly regularly. Accommodation was frequently cramped and overcrowded, but otherwise kept the men warm and dry.

Punishments could be meted out for disobedience, desertion, insubordination, theft or violence. The men were not allowed to be whipped or beaten by their post supervisors or guards, but they could be imprisoned until a visit from the

local magistrate who could then administer physical correction if deemed appropriate. For the most part punishment consisted of solitary confinement, deprivation of rations or privileges, loss of good conduct points or an extension of the current sentence.

All of this seems fairly satisfactory and the system was run in accordance with Montagu's plans until about 1865, with the Superintendent of Convicts, Charles Piers, specifically instructing his officers to avoid racial segregation and to treat every man fairly regardless of colour. Despite this, there were constant escape attempts and the odd incidence of violence when one convict would attack another. Escape was difficult, sometimes because the men were chained together, but also because the convict stations were usually remote and it was difficult for fugitives to survive in the wilds. In populated areas, the public were offered rewards for the return of prisoners and these incentives usually resulted in recapture.<sup>31</sup> It was becoming clear that the Cape colonials did not mix well with "Natives of the Border Tribes" and these groups were often housed and fed separately. When Xhosa men attempted to escape, some of the other prisoners were quick to try to recapture them, thus earning themselves remission of sentence. Montagu had been proud of the low rates of recidivism amongst his convicts and had promised work at the Road Board for any convict who had done his time, providing them with papers so that they could find employment. In reality, however, it is difficult to trace men once they left the system and it is hard to say whether all time-expired convicts found work.

Around about 1865, the system began to change, for reasons that are outlined above.<sup>32</sup> Increasingly the government began to complain about the expense of the convict labour gangs and put increasing pressure on the road builders to complete their projects in the shortest period of time. There were frequent conflicts between engineers and convict supervisors as to how to meet deadlines, but both seemed to agree that it would be advantageous to reduce costs. This was achieved, quite openly, by reducing the quantity and quality of food, bedding and clothing and by reducing the amount of money spent on religious instruction, literacy classes, guards and medical care. Monetary awards to convicts were stopped and the entire rehabilitative aspect of the project was run down.<sup>33</sup>

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<sup>31</sup> 39 out of 42 escape attempts in 1860 were by "Hottentots, Bushmen or Kaffirs". Government Publication, G.P. G20 1861 Report of the Superintendent of Convicts for the year 1860.

<sup>32</sup> See pages 10-11.

<sup>33</sup> For evidence to support these contentions see the unpublished research essays of DE VRIES, Graham. "The Management of the Vlugt Convict Station Servicing the Completion of Prince Alfred's Pass, 1865-1867"; DUNCAN, Kyla. "The medical care provided to



Moreover, despite Piers' instructions to the Knysna station, the authorities in Cape Town had already decided, in 1859, to create a parallel office to his known as the Superintendent of Kaffirs, whose job it was to oversee and administer separate treatment for African convicts from beyond the Cape's borders. The non-racial principles of Montagu, although rather dubious to begin with, had now been abandoned. As the convict system was transformed into a blatantly racist, punitive, hard labour system, it shed its philanthropic cloak though it could still claim to be teaching black criminals the virtues of discipline and hard work. A noticeable feature of the years after 1865 is that there are far fewer white men in the ranks of the convict work gangs and it is possible that other forms of punishment were being found for them as the system became harsher and more racialized. It is likely, too, that more white prisoners were detained at the Breakwater Prison instead of being sent to the desolate wilderness of Namaqualand or the Swartberg Pass. This was partly because, with the rise of diamond mining there was a rise in white-collar crime, such as illicit diamond trading, largely committed by whites and deemed to be in a different class of crime to stock theft or assault.

Despite the reduction in white numbers, overall numbers continued to grow. The implementation of new pass legislation, designed to regulate the movement of Africans seeking jobs on the Kimberley mines, also swelled the ranks of Cape convicts. By the 1880s, when the last of the great convict passes – the Swartberg Pass - was being built, the convict stations were actually overpopulated and numbers were too great to be properly housed, clothed or fed. At Swartberg, fifteen per cent of the 447 prisoners were sick at any one time as many had to sleep on the floor in freezing conditions with insufficient blankets to ward off the effects of snow and rain. They now ate only twice daily, to reduce the time wasted on meals, and suffered from hunger and thirst, partly occasioned by a directive from the government to reduce the food rations of African convicts so as to reduce costs.<sup>34</sup>

By 1896, in keeping with broader trends in Cape society outlined above, the authorities were calling for complete racial segregation in the convict system and the prisons and describing racial mixing as the greatest blot of all in

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convict labourers at De Vlucht and Yzer Nek Convict Stations, Knysna during the construction of Prince Alfred's Pass 1858-1867"; MYERS, Lauren.

"Approaching the Prince Alfred's Pass Convict System: Official and Personal Sentiment Towards Convict Labourers and their Reform" and WOODS, Belinda. "John Montagu's view of rehabilitation and how this was reflected in reality at the Convict station on Prince Alfred's Pass". History Department, University of Cape Town, 2009.

<sup>34</sup> See the essays of LESTER, Clare. "Codified criminality: a socio-historical analysis of confinement at the Cape of Good Hope" and KEEGAN, Thomas. "The construction of the Swartberg Pass", *Historical Approaches*, Research Papers by History and Economic History Major Students of the University of Cape Town, Vol. 9, Historical Studies Department, University of Cape Town, 2011.

prison.<sup>35</sup> An indication as to how far the system had degenerated from the days of Montagu is provided by an article in a local journal called *The Lantern*. Its writer professed to be shocked to see in the Breakwater Prison “the delicate bank manager, the ex-fashionable young criminal of the shop till of Kimberley, side by side with the Bushman sheepstealer...the murderer, the raper and the Kafir insurgent”.<sup>36</sup> This was a far cry from the days when Dean Newman could rhapsodize about the beneficial nature of mixed race convict gangs. By this stage, however, the mountain passes had all been built and the prison gangs had largely served their purpose, having achieved, at least in colonial eyes, the economic, if not reformatory objectives, set by John Montagu.

As the Cape convict labour system adapted to twentieth century needs more and more convict labour was diverted to both the Kimberley mines and to private farmers to meet their labour needs. It is tempting to see in this a return to the long discredited Assignment System of Australia, banished because of its similarity to slavery and because it took convict supervision away from a supposedly benevolent state and placed it into the hands of profit-driven individuals. Though the overt forced labour component of the South African prison system has been largely phased out with the death of apartheid, conditions in South African prisons have never been as bad. It is somewhat surprising that despite the crisis in South African prisons today and the shocking prevalence of crime in society no historian has, as yet, attempted to draw a connection between the nineteenth century convict gangs of the Cape and rise of the criminal, or prison, culture on the Witwatersrand (as documented by Charles van Onselen).<sup>37</sup> Nor have students of the prison gangs who make up the Numbers Gangs of the contemporary Cape Flats (as described by Jonny Steinberg), attempted to make a connection between those gangs and those of the colonial Cape.<sup>38</sup> It is not too fanciful to predict that future historians may be able to make such connections by turning their

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<sup>35</sup> The Head of Convicts and the Prisons Department stated in 1896 that ‘The task of the Convict Department re-organized in 1888...[was] to remove the greatest blot of all – the indiscriminate association of Europeans and Natives by day, on work for which the former class was quite unfitted, and by night in badly constructed, overcrowded and ill-ventilated sheds’. Quoted by DEACON. “History of the Breakwater”. *op.cit.*, p. 43.

<sup>36</sup> *Ibid.*, p. 54.

<sup>37</sup> For Van Onselen’s work on South African prison culture see VAN ONSELEN, C. *Studies in the Social and Economic History of the Witwatersrand, 1886-1914*. New York: Longman, 1982 and “Crime and Total Institutions in the Making of Modern South Africa: The Life of Nongoloza Mathebula, 1867-1948”. *History Workshop Journal*, 19, 1985.

<sup>38</sup> STEINBERG, Jonny. *The Number: One man’s search for identity in the Cape underworld and prison gangs*. Johannesburg: Jonathan Ball Publishers, 2004. Steinberg believes that the Numbers Gangs trace their origins back to Nongoloza Mathebula, an African prisoner in the late nineteenth century Witwatersrand prison system. There is no indication in the work of either Van Onselen or Steinberg that the Cape convict system had any influence whatsoever in the prison culture of contemporary South Africa.

attention to uncovering the convict labour culture that doubtless existed in the many and diverse convict stations of the nineteenth century Cape.

