

**“FOUL DEEDS OF UNPARALLELED ATROCITY”:
COLONIAL LEGISLATION AND NATAL’S 19TH CENTURY RAPE SCARES**

**Jeremy Martens
Graduate Program
Department of History
Queen’s University at Kingston**

Introduction:

December 2 1886 saw the inhabitants of Durban ‘lashed...into a frenzy.’¹ That morning a 22 year old white woman had allegedly been dragged into some bushes by a black man and brutally ‘outraged.’ In the evening, after a suspect had been arrested by the police, a furious crowd of 400 gathered at the Point. Angry speakers whipped up sentiment, and to loud cheers it was proposed that ‘if the law was not sufficient...get hold of the Kafir as soon as he left the Court and mutilate him in the middle of West Street, also brand him, thrash him, and let him go.’² Another speaker demanded that the government change the law so that ‘every native convicted of such a crime...be publicly hanged.’³ The excitement in Durban was so great that the police were forced to move the prisoner to jail for his own safety.

Over the next few days several large and rowdy meetings were held in Durban and Pietermaritzburg, the ‘social curse’ of black men raping white women was discussed in the legislature, and male settlers seethed. On December 7, when a white woman was reportedly attacked at Congella, Durban settlers tried to take the law into their own hands. St Paul’s bell was rung for a quarter of an hour while an ‘immense crowd’ assembled outside the police station where a black suspect was being held. The crowd then stormed the station, overpowered police officers and searched the cells. The suspect had, however, escaped detection: he had been dressed as a constable and whisked away to jail by police.⁴ For the next month ‘Native Outrages’ remained a burning public issue while Natal’s male settlers fumed, fretted, and devised plans to check the ‘evil’. But then, suddenly, in January the panic began to subside, and little more was heard about the ‘social pest’ in 1887.

This was not the first time Natal had experienced a black rape scare. Although it had lasted considerably longer, a similar phenomenon had taken place in the late 1860s and early 1870s. Research on this earlier panic has shown that few white women were attacked by black men at this time, and that actual rape cases cannot alone account for the level of anxiety experienced.⁵ The same is true for the latter scare – according to the Natal Attorney General there was no abnormal increase in the number of rape cases tried in 1886.⁶ It is clear that if these panics are to be understood, they need to be scrutinised closely.

Norman Etherington has attempted to place the earlier rape scare in context, but thus far no one has investigated the legislative legacy left by both panics.⁷ My primary intention in writing this piece is to plug this gap. Most of this paper is therefore descriptive and is devoted to outlining the many attempts made (of which not all were successful) during both scares to manage settlers’ anxiety through legislative means. It will be demonstrated that the public outcry during these panics prompted the Natal

¹ *Natal Witness* December 4, 1886.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*, December 8, 1886.

⁵ See N. Etherington, ‘Natal’s Black Rape Scare of the 1870s’ in *JSAS* 15 (1)

⁶ Cited in *ibid.*, p. 52.

⁷ Brief mention is made of the rape law passed in response to the 1886 scare in J. Riekert ‘Race, Sex and the Law in Colonial Natal in *JNZH* VI, 1983.

Legislature not only to introduce and pass repressive rape laws, but also to enact measures designed primarily to restrict and regulate urban black labourers.

The second part of this paper - in a very cursory and tentative way - begins to explore why anxiety about rape led to the enactment of labour legislation. I suggest that the wider economic circumstances prevailing in Natal at the time of the panics impacted upon white men's view of themselves in relation to both black men and white women. Natal's nineteenth-century rape scares can perhaps be seen as a manifestation of white male settlers' anxiety about the independence of both black men and white women.

Agitation for Legislation During the Rape Scare of 1867-1873:

Towards the end of the 1860s white Natal became increasingly concerned about a perceived increase in sexual crimes perpetrated by black men against white women.⁸ Reports of such crimes had of course attracted attention prior to this time,⁹ although the anger these incidents provoked was relatively short-lived. By late 1867, however, temporary expressions of outrage at isolated incidents of rape had begun to mushroom into a fully-fledged funk, even though there was no corresponding increase in the number of cases of attacks by African men on white women brought to court. In fact, reports filed by the Natal Attorney-General and the Colony's Clerks of the Peace indicate that fewer cases were brought to official attention in 1867 than in the previous year.¹⁰

The beginnings of the 'Rape Scare' can perhaps be traced to October 1867, when the Natal Legislative Council passed a resolution - addressed to Lieutenant-Governor Robert Keate - requesting that consideration be given to the question of introducing 'some measure to secure the better repression of crimes by Natives.' The resolution went on to enquire about 'the expediency and practicability of introducing the punishment of transportation beyond the seas, instead of death, in certain cases of crimes committed by Natives.'¹¹ Although the Legislative Council members in their address did not specify the 'certain cases of crimes' they had in mind, Keate was informed that 'the particular crimes alluded to were those of Rape and assault with intent to commit Rape upon White women, which it was said had lately increased.'¹²

Keate forwarded the address to the Natal Attorney-General, M.H. Gallwey and to Theophilus Shepstone, Secretary for Native Affairs. Their reports, and a despatch on the subject sent by Keate to the Secretary of State for the Colonies in London reveal that the top officials in the Natal Government took very seriously the issues raised by the address.

⁸ Etherington, 'Natal's Black Rape Scare' in *JSAS* 15 (1), pp.36-7.

⁹ See, for example *Natal Witness* January 24 and December 19, 1865; cited in Etherington, 'Natal's Black Rape Scare' in *JSAS* 15 (1), p. 38.

¹⁰ 'On Resolution of Legislative Council...' (Dec. 30 1867), in PAR, AGO Vol. 1/10/2 (AGO Report Book), pp. 100-108; 'Return of Cases tried or charges made of Assault by Natives on white Females from 1st January 1863 to date, in the Counties of Durban, Victoria, and Alexandria...' (March 23, 1868), 'Return made by the Clerk of the Peace for the Counties of Pietermaritzburg Umvoti and Alfred and Division of Upper Umkomazi...' (April 1, 1868), Clerk of the Peace (Klip River & Weenen Counties) to Attorney General, Pietermaritzburg, March 13, 1868 in PAR, CSO Vol. 301 (Letters Received, 1868), Ref. 934/1868.

¹¹ Address No. 49, PAR, GH Vol. 878 (Addresses), pp. 25-7.

¹² Keate to Buckingham and Chandos, March 6 1868 in PAR, GH Vol. 1216 (Despatches to Secretary of State for the Colonies), Despatch No. 36, p. 168. See also 'On Resolution of Legislative Council...' (Dec. 30 1867) in PAR, AGO Vol. 1/10/2 (AGO Report Book), p. 100.

Furthermore, these men were quite willing to implement repressive legislation to counter what they perceived to be an extremely serious and repugnant crime.

Although Gallwey advised Keate that the Legislative Council by its address was requesting him to violate those sections of the Royal Instructions that forbade distinctions on the basis of colour, he agreed that the legislature could impose a more severe punishment for the crime of rape. He was, however, opposed to any legislation that proposed to facilitate convictions in rape cases by altering the laws of evidence, and allowing victims to give their testimonies *in camera*. Such a law would favour the accusers, and might overlook the fact that in some of the cases in which Africans were prosecuted for assaulting white women, 'circumstances were proved, showing consent on the part of the female,' and that in many cases there was 'undue familiarity.'¹³ He felt that the only way to prevent 'carnal connection' between Africans and white women would be for the Lieutenant-Governor, in his capacity as Supreme Chief, to declare such sexual relations criminal.¹⁴ As for the Legislative Council's suggestion that transportation be introduced as a punishment, Gallwey pointed out that under Native Law the Supreme Chief already possessed the power to banish black prisoners for life. He was of the opinion that African prisoners could legally be transported to the island of Inyack without violating the Royal Instructions.¹⁵

Shepstone, for his part, heartily supported transportation as a deterrent, but - owing to its proximity to Natal - was unsure whether Inyack was an appropriate destination. He was also in favour of altering the laws of evidence in cases where African men stood trial for rape. However, he acknowledged the possibility that such a law could be abused, and saw 'great inconvenience in it where a white female is the subject of the crime but none where a Native.'¹⁶

In his despatch to the Secretary of State, the Duke of Buckingham, Keate pointed out that the statistics provided by the Attorney-General did not lead him to conclude that special legislation directed only at Africans was required. Even so, he was clearly willing to alter the punishment of banishment of Africans into that of transportation, and went so far as to enquire of his superior whether there was any place within the Empire to which prisoners sentenced to transportation in Natal could be sent.¹⁷ The Duke of Buckingham's reply, dated June 23 1868, was curt, reminding Keate that 'transportation has been given up in all parts of the British Dominions, and that there are many reasons for feeling assured that it could not be maintained by Natal without injurious consequences.'¹⁸ However, by the time this despatch reached Natal, male settlers had become so excited by

¹³ 'On Resolution of Legislative Council...' (Dec. 30 1867) in PAR, AGO Vol. 1/10/2 (AGO Report Book), p. 101.

¹⁴ Ibid.

¹⁵ Ibid. Gallwey pointed out that the Natal legislature had no power to legislate for any locality beyond the borders of the Colony. However, as the island of Inyack (Inhaca) in Delagoa Bay had been annexed to Natal by order in Council on November 20, 1861, it fell within the Colony. The Union Jack had been hoisted on Inyack on December 5, 1861, and both it and an adjoining island (Elephant Island) had been declared attached to Natal. See Natal Government Notice No. 158, 1861.

¹⁶ 'Mem. On R2564/1867' in PAR, SNA Vol. 1/7/5 (Reports, Statements and Messages), p.231.

¹⁷ Keate to Buckingham and Chandos, March 6 1868 in PAR, GH Vol. 1216 (Despatches to Secretary of State for the Colonies), Despatch No. 36, p. 168.

¹⁸ Buckingham and Chandos to Keate, June 23, 1868 in PAR, GH Vol. 49 (Despatches from Secretary of State for the Colonies), Despatch No. 112, p. 13.

the 'increase' in 'Native Outrages' that they were in no mood to let the matter of legislation rest.

By early 1868, public indignation at the 'increasing frequency with which assaults by natives are occurring'¹⁹ had begun to provoke strident editorials and a lively correspondence in the Colony's newspapers. Contributors accused the government of complacency, and demanded tougher legislation. David Buchanan, editor of the Natal Witness, commented that if,

as undoubtedly there are, peculiar circumstances that render the detection, apprehension, and conviction of native offenders more difficult than that of other classes in the community, it may be important to consider how, without resorting to partial legislation, measures may be taken to prevent the increase of crime, and to ensure the capture and conviction of this particular class of offenders. This is a subject worth the attention of the executive, as well as of the legislature, and should be dealt with in a fair, firm and practicable manner.²⁰

Other settlers were less restrained. In a letter to the editor of the Witness three weeks later, 'J.S.' fulminated that

[t]hese disgusting cases are indeed becoming too frequent for us to restrain our indignation at the lukewarmness of the authorities, in not using some endeavour to suppress these abominable crimes. That they *can* be suppressed there cannot be a shadow of a doubt, and if our Executive will not make the attempt *we must do it ourselves*. And the first step I would recommend is to hold a public meeting, and show His Excellency the immediate necessity of adopting some measure of security to the white population, - and this must be *done at once*; or, secondly, if the Government refuse to act, let a second meeting be convened, at which there will be no lack of resolutions, and of such a nature that there will be no mistaking the feeling of every man in the colony.

If, through the supineness of our Government, we must have Lynch law, why then let us have it, and show them that as Englishmen we will at all risks defend our families.²¹

In the absence of new legislation from the government, municipal authorities attempted to restrict the movements of black people. In January 1868, the Pietermaritzburg City Council passed a by-law that proposed to make it unlawful for

Coolies, Kafirs, Hottentots or other Colored persons to carry...offensive weapons through the public streets or thoroughfares..., nor shall persons be allowed to ramble through the streets or thoroughfares of the City after 10 o'clock P.M. without being able to state to the police if required the names of their employers, or otherwise to satisfy them that they are out upon some proper errand....²²

¹⁹ Natal Witness, February 7, 1868.

²⁰ Ibid.

²¹ Ibid., February 28, 1868 (original emphases). For other Letters to the Editor regarding 'Native Outrages' see Natal Witness, March 17, 24, 27 and 31, 1868.

²² A copy of By Law 51, passed by the Pietermaritzburg City Council on January 24, 1868 can be found in the City Council Minutes for April 6, 1869. PAR, 3/PMB Vol. 1/1/4 (Council Minutes), p. 343.

The Attorney-General, however, deemed this by-law illegal, as it exceeded the powers the municipality was entitled to, and consequently the measure was disallowed.²³

In an effort to spur the government to action, inhabitants of Durban formed a Vigilance Committee and sent a memorial signed by 397 settlers (of whom only a small number were women) to the Lieutenant-Governor. The memorialists 'view[ed] with alarm the frequent assaults committed by coloured Men upon the female portion of the community' residing around Durban and claimed that it was 'unsafe for females to travel along the various roads or to be left at their own houses unguarded.'²⁴ They maintained that such assaults took place both during the day and night, and were 'of constant occurrence,' but that they were not widely reported because the victims objected to appearing in public at the trials of the offenders. The memorial suggested that if the examination of victims were to be held in private, criminals would be apprehended and punished more easily.²⁵

Furthermore, the memorialists demanded that 'immediate steps be taken' by the government to prevent such crimes and to punish the perpetrators. To this end they suggested

that a system of registration might be carried out by the Magistrates of the various Boroughs and Townships of the Colony to include every Kaffir coming to reside therein or offering himself for employment[.] That he should be obliged to wear in some conspicuous place a metal certificate of such registration, and that a fine should be imposed on all persons engaging a Kaffir, either for a day or for a longer period, who shall not insist on the production of such badge of registration; or such other regulation as Your Excellency may deem best to provide effectually for the apprehension and punishment of men guilty of these offences so destructive of domestic security and comfort[.]²⁶

They recommended further that a law be passed that would prohibit African men 'from being in any Road, street or footpath in any Borough or Township without having a proper pass from their employers, or some duly appointed authority,' and that the system of transportation be adopted.²⁷ Finally, the memorialists informed Keate that they were

strongly impressed with the conviction that the Native Marriage Customs of the Kaffirs, especially the sale and purchase of wives, greatly tend to aggravate these offences, debarring the young men from getting married, and that if any measure could be devised for a modification of such customs it would greatly tend to allay the frightful evil to which Your Memorialists advert[.]²⁸

²³ Report of M. Gallwey, dated February 12, 1868 in PAR, CSO Vol. 294 (Letters Received), Ref. 222/1868.

²⁴ Memorial (dated March 5, 1868) to Keate in PAR, CSO Vol. 298 (Letters Received), Ref. 696/1868.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid. The memorialists maintained that the forms of punishment 'now administered to coloured prisoners is wholly insufficient...and that instead of deterring convicts...and others from the commission of crime, it forms only [a] matter of jest amongst them.' There seems to have been a widespread belief amongst settlers that transportation was 'terrible to the Kaffir mind.'

²⁸ Ibid.

The hue and cry over 'Native Outrages' had the effect of prompting the Executive to make further enquiries. In early March the Lieutenant-Governor instructed the Attorney-General to obtain returns from the Colony's Clerks of the Peace for cases tried or charges made of assaults by Africans on white women. The Clerks of the Peace were instructed in their returns to state the 'tribe' of the accused men, whether or not they lived in Natal, and also to provide information on the 'position and general character of the person assaulted.'²⁹

Perhaps in response to the Durban memorial, the Colonial Secretary (on behalf of the Administrator of the Government³⁰) asked for the Durban Town Council's opinion on whether the frequent reports 'of assaults by colored men on European females' were founded on fact, and if so, suggestions on the cause and remedy of the 'evil.'³¹ The report submitted by the Council committee appointed to address the question mirrors in many respects the Durban memorial. Court procedures in rape cases, the 'unnatural' system of polygamy and the large number of African men employed in the Colony were blamed for the assaults. The committee also suggested that a system of registration and passes for Africans be introduced, and that polygamy be discouraged.³²

The report also argued that the crimes in question would be decreased if African women were encouraged to enter domestic service. The committee maintained that 'the fact of native men and boys being largely employed in domestic service, and so brought into close and daily contact with European women tends greatly to encourage the evil complained of.'³³ Other recommendations put forward were the establishment of 'native villages' in the vicinity of the towns where most of the attacks took place, the adoption of a system of 'giving and requiring written characters with all servants not engaged for the first time' and the 'compulsory registration of all engagements of more than a few days duration.'³⁴ These measures would cause inconvenience to the white population, but were necessary 'to give security to the female part of the community.' Finally, the committee added that they believed that the 'offenders of the kind in question' were mostly 'refugees or immigrants' rather than 'resident natives,' and they suggested that this point should be investigated further.³⁵

By the beginning of winter, elected members of the Legislative Council were also pressing the government on the subject of legislation. Captain Harford asked the Colonial Secretary, D. Erskine, during the Council session on June 23 'whether the Government

²⁹ Erskine to Gallwey, March 6, 1868 in PAR, AGO Vol. 1/8/10 (Letters Received?), Ref. 107A/1868. For the returns themselves see Table 2 and 'Return of Cases tried or charges made of Assault by Natives on white Females from 1st January 1863 to date, in the Counties of Durban, Victoria, and Alexandria...' (March 23, 1868), 'Return made by the Clerk of the Peace for the Counties of Pietermaritzburg Umvoti and Alfred and Division of Upper Umkomazi...' (April 1, 1868), Clerk of the Peace (Klip River & Weenen Counties) to Attorney General, Pietermaritzburg, March 13, 1868 in PAR, CSO Vol. 301 (Letters Received, 1868), Ref. 934/1868.

³⁰ Commandant Brown became Administrator of the Natal government after March 17, 1868 during the absence from the Colony of Lieutenant-Governor Keate.

³¹ Erskine to Snell, March 23, 1868 in PAR, CSO Vol. 2306 (Letter Books), p. 351.

³² 'Report of the Committee....' (April 21, 1868) in PAR, CSO Vol. 302 (Letters Received), Ref. 1011/1868.

³³ Ibid.

³⁴ Ibid. Pietermaritzburg settlers also favoured a system of written character references for African workers. See Natal Witness March 24 and 27, 1868.

³⁵ Ibid.

intended taking any special notice of the increase of Kafir outrages, and more especially those committed on European females?’³⁶ He added that

if immediate notice was not taken by the Government...a system of Lynch law would ensue, and that some law as that which exists in England against housebreakers ought to be passed in this colony. In the present state of things he would...have no more compunction in shooting a Kafir committing an outrage than he would have in killing a rat.³⁷

Erskine replied that the Executive was still awaiting the Secretary of State’s reply regarding the implementation of transportation as a punishment for these crimes, and that in the meantime the government thought it advisable that the police force be strengthened.³⁸

When the Duke of Buckingham’s despatch on the subject of transportation did finally reach Natal, Erskine read it to the Legislative Council. In ruling out transportation, the Secretary of State had suggested that the building of ‘well constructed prisons’ in Natal would be ‘the proper course’ in checking the evil. It is clear from the Colonial Secretary’s comments to the Council that the Executive was not happy with the despatch, and that it was understood that some other form of legislation would have to be passed in the near future. Erskine pointed out that he had made the despatch public

as it was considered necessary that a Bill should be introduced....There was no chance of this colony ever being in a position to afford the model prisons as those referred to in the despatch....If any hon. Member had a motion to bring forward he would be glad to hear it.³⁹

This announcement was made in the spring, towards the end of the 1868 Legislative Council session, and the subject was dropped until the following year.

Although dropped by the Legislative Council, the issue of ‘Outrages’ remained a burning public issue. In April 1869 the Pietermaritzburg City Council again passed the ‘curfew’ by-law that had been disallowed the previous year. It also amended an existing by-law in order to prohibit any ‘person or persons’ from standing or congregating ‘on any footpath street or public place within the borough, so as to obstruct free traffic or endanger the public peace....’⁴⁰ Both by-laws were again deemed to be *ultra vires*. Colonial Secretary Erskine pointed out that no law existed to prevent people from congregating in public, and further that no Vagrant Act was in force in Natal and that therefore the ‘curfew’ by-law was illegal.⁴¹

However, a report of a political meeting hosted by the Natal Farmers’ Club in Pietermaritzburg, two weeks before the opening of the 1869 Legislative Council session, makes it apparent that moves were afoot among the settler elite to have legislation

³⁶ Natal Witness, June 26, 1868.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*, September 8, 1868.

⁴⁰ Minutes of Pietermaritzburg City Council, April 6, 1869 in PAR, 3/PMB Vol. 1/1/4(City Council Minutes), p. 343.

⁴¹ Erskine to Williams, May 13, 1869 in PAR CSO Vol. 2308 (Letter Book), pp. 496-8.

introduced that year 'for the protection of European females from native outrage.'⁴² The meeting was attended by the newly elected Legislative Council member for Pietermaritzburg City, J.W. Turnbull, and it seems that he heeded the admonitions of the meeting's chairman that legislation was necessary if 'we have any regard left for our wives and daughters' peace of mind, not to say lives.'⁴³ It was Turnbull who, at the opening of the session, made it known that he would introduce such a measure.

Turnbull, described as 'a man of firmness of character, unblemished honour, and of great business capacity' put forward a bill that, 130 years later, still leaves one aghast. Bill No. 1 of 1869 ("For the protection of women and female children.") proposed that

[w]hereas assaults on women and female children in this colony are of frequent occurrence, and it is expedient to make the punishment for such crimes more notorious and deterring....

1. That in all cases where any man or boy over the age of fourteen years shall be convicted of an *assault with intent* on any women or female child, such man or boy, in addition to the punishments at present inflicted for such crimes, shall be sentenced to have the letter R distinctly, conspicuously, and permanently branded on his forehead by the public executioner.

2. That in all cases where any man or boy over the age of fourteen years shall be sentenced to death for any crime perpetrated on the body of any women or female child, and such sentence shall be carried into execution, the body of such criminal after death shall be publicly exposed in an iron cage to be suspended in such place as the judge may direct....⁴⁴

This bill won Turnbull the admiration of the editor of the Natal Witness, who lambasted the Executive Council for not introducing legislation the previous year, and congratulated Turnbull for knowing better than to 'waste his time by consulting those who are wedded to their own peculiar conservative and Kafir-patronising notions.'⁴⁵ The editor felt convinced that branding 'would carry more warning...than any other punishment' and maintained that the bill was 'even-handed' because it made no mention of colour.⁴⁶ He acknowledged that the bill seemed 'to clash' with the Charter of Natal, which provided that no Natal laws should be repugnant to the laws of England. However, in his opinion, 'although it is certainly repugnant to the spirit and letter of the law of England' to legalise polygamy and lobola ('the traffic in human flesh'), 'it does not to us seem repugnant to the laws of England that we should suspend a criminal by the neck, or even in a cage, for a somewhat longer time than the laws of England now consider necessary.'⁴⁷ Furthermore, those who denounced the bill as 'a relic of the dark ages,' were merely 'ignorant...who in this way bring down (and very naturally so) the dark ages to their own lives....'⁴⁸

⁴² Natal Witness, May 4, 1869.

⁴³ Ibid. See also May 7, 1869.

⁴⁴ The Natal Government Gazette, May 4, 1869.

⁴⁵ Natal Witness, May 7, 1869. Etherington points out that it is not known who the editor of the Witness was at his time. 'Natal's Black Rape Scare,' p. 45 footnote no. 45.

⁴⁶ Natal Witness, May 7, 1869.

⁴⁷ Ibid.

⁴⁸ Ibid.

More sober heads prevailed in the Legislative Council, however, and a Select Committee was appointed to consider the bill. The committee consisted of Shepstone, the Secretary for Native Affairs, Gallwey, the Attorney-General, Turnbull and another elected member, Mr Polkinghorne. They decided after discussion that ‘with a view to prevent the occurrence of such assaults and for the better protection and security of the people, provisions be made in the Law based upon the Statute of 5 George IV. c. 83. to extend only to the municipalities.’⁴⁹

While in committee, Turnbull’s draconian bill was renamed, and transformed into the measure that (once passed into law) for the first time empowered Natal’s urban authorities to enforce a night curfew for black people.⁵⁰ The bill was given the Royal Assent in September. Section Two stated that in every borough in the colony

every coloured person found wandering abroad after, and before such hour as such [borough] Corporation may fix, and not giving a good account of himself, or herself; every person being found at any time in or upon any dwelling-house, warehouse, shop, stable, kitchen or out-house, or in any enclosed yard or garden, and not giving a good account of himself, or herself; every person wilfully, openly, lewdly, and obscenely exposing his person in any street, road, or public path, or in view thereof, or in any place of public resort; every person publicly behaving in a riotous or indecent manner within a borough; and every person apprehended as an idle, disorderly, or suspicious person, and violently resisting any constable or policeman so apprehending him or her, and being subsequently convicted....shall be deemed an offender...; and it shall be lawful for any magistrate to commit such offender, on conviction, to the gaol, there to be kept to hard labor for any time not exceeding three months, or to inflict...such fine, not exceeding five pounds sterling....⁵¹

In their deliberations the Select Committee had also come to the conclusion that vagrant legislation would not, by itself, adequately protect the white female community from black attackers. Thus in their report presented to the Legislative Council on June 30, 1869, the committee argued that ‘it is advisable that another Bill more particularly providing for the prevention of the crime of rape should be passed.’⁵² The next day, Turnbull introduced a bill (“[f]or better preventing the crime of Rape”), that, like the vagrant measure, specifically targeted people of colour. Section One imposed the death penalty on ‘every Hottentot, Coolie, Bushman, Lascar, or native convicted of the crime of rape on the body of any white female.’⁵³ Section Two, meanwhile, imposed either the

⁴⁹ Select Committee No. 5, 1869: Minutes for June 10, 1869, in PAR, NPP Vol. 253 (Select Committee Proceedings). I have not yet tracked down this statute, but I presume that it is a measure directed against vagrants.

⁵⁰ Initially, while in committee, it was renamed ‘Bill for the protection of women and female children and punishment of idle and disorderly persons and vagrants within the Boroughs of the Colony of Natal.’ When passed, it became ‘Law No. 15, 1869: “For the punishment of idle and disorderly persons, and vagrants, within the Colony of Natal.”’ The first section of the law applied to areas outside of boroughs.

⁵¹ Law No. 15, 1869 in Natal Government Gazette, September 28, 1869. Section 5 defined the words ‘coloured person’ as ‘any Hottentot, Coolie, Lascar, or any of the people commonly called Kafirs, whether they are refugees from any of the surrounding states or tribes, or belonging to the tribes originally in this colony and its neighbourhood.’

⁵² Select Committee Report No. 3, 1869 in PAR, NPP Vol. 254 (Select Committee Reports)

⁵³ Bill No. 34, 1869 in Natal Government Gazette, July 6, 1869.

penalty of death or transportation across the seas for life (or for any term not less than fifteen years) on any person of colour convicted 'of the crime of assault with intent any (sic) white woman or female child violently and against her will to ravish and carnally know.'⁵⁴ In the event that the punishment of transportation could not be carried out, the convicted person would be sentenced to life (or for a term not less than ten years) in prison with hard labour, and - if the court saw fit - periods of solitary confinement and public floggings.⁵⁵

Both the Vagrant and Rape bills passed through the Legislative Council without a hitch. Although both measures discriminated along colour lines, Attorney-General Gallwey – in reports to Lieutenant-Governor Keate – expressed his opinion that this fact should not prevent either bill from being assented to.

With regard to the Vagrant bill, Gallwey passed along to Keate Theophilus Shepstone's opinion that there

were many servants in this City [Pietermaritzburg] and in Durban who were members of tribes resident beyond the borders of the Colony and were in no way affected by the tribal responsibility for acts committed by members of a tribe such as obtains in this Colony, and who thus evade instructions given by the Supreme Chief.

Moreover an Order issued by the Supreme Chief that Natives should not be abroad after a certain hour might clash with a Master's lawful commands; and this law was considered necessary.⁵⁶

Gallwey pointed out that the police authorities were in favour of the measure, and furthermore that Africans themselves 'admit...that they have no right to be abroad after the hour that Her Majesty's Troops are compelled to return to Barracks.'⁵⁷ Keate was clearly convinced by these arguments, as he decided to assent to the bill.

Gallwey also strongly urged the Executive Council to assent to the Rape bill. In a report he stated that there 'is a very strong feeling upon the necessity for this measure and I am aware that its rejection would cause much public indignation.'⁵⁸ He justified the bill's colour discrimination by arguing that the same distinction obtained in both the Cattle Stealing Law and the Spirit and Gunpowder Law.⁵⁹ However, the Executive Council remained unconvinced by this argument and the measure was reserved for the signification of Her Majesty's pleasure.

Keate's despatch on the subject sent to the Secretary of State outlines the reasons for the Executive's reservations. Although Keate remained partial to the punishment of transportation in cases of rape, he was concerned that the provisions in the bill were not applicable to whites.⁶⁰ Gallwey had provided statistics in his report that pointed to an

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ 'Statement on Law No. 15, 1869,' pp. 209-210 in PAR, GH Vol. 1017.

⁵⁷ Ibid., p. 211.

⁵⁸ Report on "Prevention of Rape" Bill, dated September 7, 1869, pp. 401-402 in PAR, AGO Vol. 1/10/2 (Report Book).

⁵⁹ Ibid.

⁶⁰ Despatch No. 101, Keate to Granville, October 22, 1869 in PAR, GH Vol. 1217 (Despatches to Secretary of State), pp. 112-115.

increase in the numbers of white women raped by Africans, however, Keate was of the opinion that these attacks were

attributable to causes easily explained by the Social habits of the Colonists, and that to a great extent it is within the power of every white woman to restrain them.⁶¹

Keate admitted that ‘there exists a very strong feeling on the subject’ to which he had no wish to run counter.⁶² Even so, to assent to such a stringent measure - one that specifically targeted Africans and not whites –

would be somewhat inconsistent with the strong language which has been used in the Legislature throughout the Session in advocating the necessity of transferring the control of the Native population from Crown to the House in order that the latter might bring them under “civilized Law”.⁶³

Such a measure would either hamper the Executive Council or place a heavy responsibility on it ‘in the exercise of the power of commuting sentences and virtually to transfer the equalization of punishments of whites + blacks from the Law to the Executive.’⁶⁴

Keate’s qualms about the Rape bill were shared by the Earl Granville, Secretary of State for the Colonies. In explaining why he was disallowing the bill, Granville made clever use of notions about civilization. This was perhaps a deliberate ploy, a response to Keate’s comments about the colonists’ desire to bring Africans under ‘civilized Law.’ It was the ‘plain duty of Government,’ Granville acknowledged, ‘to leave untried no means of putting down this crime, both in order to the civilization of the natives, and the protection of European women.’⁶⁵ In some cases the application of ‘different scales of punishment to classes of persons differing widely and indisputably in their habits and in their sensitiveness to pain or disgrace’ was defensible. However, in situations where ‘a civilized white and uncivilized black population’ lived side by side, it was imperative that the laws ‘imposed by the dominant civilized class’ be as equitable as possible. Equitable laws curbed the abuse of legislative power by whites and reinforced black people’s faith in the justice of the ‘civilized majority.’⁶⁶ Equal laws were important for the sake of morality ‘because savages will hardly believe that the Government really abhors the crime which it punishes, if it do not punish it in all alike.’⁶⁷ Granville was prepared to sanction a law that would make rape a capital crime, however, this law would have to apply to whites as well as blacks.

Although Etherington makes it clear that the ‘Rape Scare’ continued to generate anxiety until at least 1873, if one uses popular agitation for - as well as the attempts to

⁶¹ Ibid., p.114.

⁶² Ibid.

⁶³ Ibid., pp. 114-115.

⁶⁴ Ibid., p. 115.

⁶⁵ Select Document No. 5, Legislative Council, Second Session, Fifth Council in PAR, NCP Vol. 4/1/1/3 (Select Documents Presented, Leg. Co., Natal) also cited in Etherington, ‘Natal’s Black Rape Scare,’ p. 45, footnote 47.

⁶⁶ Ibid.

⁶⁷ Etherington, ‘Natal’s Black Rape Scare,’ p. 45, footnote 47.

enact - repressive legislation as an index, the panic appears to have reached a climax between 1868 and 1870.⁶⁸ A half-hearted attempt was made in the Legislative Council to pass a modified Rape Bill in 1870, but the measure was dropped before the end of the session. The Pietermaritzburg City Council drafted a Vagrant by-law in early 1870, but did not pursue the matter again until the following year.⁶⁹

However, it seems plausible that continuing concerns about 'Native Outrages' explain why in March 1871 the Pietermaritzburg Council did finally choose to adopt, *verbatim*, Section One of Law No. 15 of 1869 as a by-law. As well as prohibiting lewd, riotous, disorderly, idle and suspicious behaviour, this measure empowered magistrates to fine or imprison '[e]very coloured person found wandering abroad within the Borough after 10 o'clock p.m., and before 5 o'clock a.m., and not giving a good account of himself or herself.'⁷⁰ In any event, there can be no doubt that the panic over 'Native Outrages' inspired the enactment of Law No. 15 in the first place. And, when one realises that the curfew remained in force in Pietermaritzburg until well into the twentieth century, it is clear that the Natal Rape Scare of the 1860s and 1870s left a lasting legislative legacy.

The panic was perhaps also a factor behind early attempts to control black urban labourers in Natal. We have seen how in 1868 both the Durban Vigilance Committee and the Durban Town Council argued that a system of registration and passes for Africans working in towns was essential if 'outrages' were to be prevented. Perhaps partly in response to this agitation, in 1870 a 'Native Registration' bill was introduced in the Legislative Council, however, the measure did not receive sufficient support and was dropped. We have seen also that Shepstone was in favour of the Vagrant Act because it allowed urban authorities to exercise a measure of control over those African workers who were able to evade the dictates of the Supreme Chief.

When Shepstone introduced his pass-registration system to control "togt" labourers in Pietermaritzburg and Durban in 1874 (described as 'the beginning of urban native administration in Natal'⁷¹), he stated in mitigation of this measure that Africans in towns 'feel no restraint in the midst of temptations to evils.'⁷² This, he continued, 'must produce demoralization, lead to drunkenness, and tempt to every form of crime.'⁷³ The "togt" proposals were therefore designed to

check several growing evils, among which are - *liberty that is becoming licentious, and therefore injurious to all in the towns, both black and white*; the creation and communication to the surrounding native tribes of vicious impressions and ideas detrimental to their effective government; combination to exact from the necessities of employers higher wages than as a rule the service is worth, and direct discouragement to the natural and desirable relation of master and servant.⁷⁴

⁶⁸ And not in 1872, as Etherington argues. *Ibid.*, p. 37.

⁶⁹ Revise Committee Minutes, January 13, 1870 in PAR, 3/PMB, Vol. 7/1/1 (Revise and Survey Committee Minute Book).

⁷⁰ *Natal Government Gazette* June 13, 1871.

⁷¹ M. Swanson, 'The Urban Factor in Natal Native Policy, 1843-1873' in *Journal of Natal and Zulu History*, III, 1980, p. 12.

⁷² Cited in *Ibid.*, p. 13.

⁷³ *Ibid.*

⁷⁴ *Ibid.*, pp. 13-14. My italics.

If the links between urban labour legislation and white fears about 'Native Outrages' in the late 1860s and early 1870s seem a little obscure, the same cannot be said for another 'Rape Scare' that excited the passions of white Natalians in the nineteenth century. In 1886 the relationship between fears about black rape and the desire for legal controls over African urban workers would prove to be easily discernible.

Agitation for Legislation During the 'Rape Scare' of 1886:

The rape panic that had gripped Natal in the late 1860s and early 1870s abated rapidly after 1874, and the colony experienced no comparable anxiety for the next twelve years.⁷⁵ However, at the end of November 1886 a blue funk again settled over white Natal. Male colonists again nervously imagined 'their' women to be in imminent danger of being raped by Africans. Over the next 6 weeks several large, angry public meetings were held, authorities were petitioned and bills were introduced into the legislature. The anxiety turned out to be short-lived, and by the end of January 1887 it had blown over. Even so, the panic - while it lasted - was perhaps more intense than that which had taken place over a decade earlier. And, like its predecessor, it left a lasting legislative legacy.

Concerns over the supposed threat posed by black rapists had surfaced intermittently for some time prior to the start of the panic proper. After Mary Ellen Murphy was raped and murdered near Camp's Drift, Pietermaritzburg in July 1883, the Pietermaritzburg Magistrate trying the case opined that 'it cannot be denied that an era of assaults by Natives on white women has set in, and has not yet culminated.'⁷⁶ Similar sentiments were expressed in the Legislative Council at much the same time, during a discussion held on the subject of 'natives molesting European women.'⁷⁷ The Council voted to send an address to the Governor requesting that a commission be appointed to investigate whether the laws relating to criminal assaults on white women were sufficient (the Governor turned down the request). However, this anxiety was temporary and seemed to attract little public attention. Commenting on the Murphy murder, the editor of the *Natal Witness*, F.R. Statham, in fact argued that it was only those 'unacquainted with the characteristics of the native' who entertained doubts 'as to the absolute safety of living among a race whose nature is primarily savage.' Familiarity of contact had the effect of 'entirely dispel[ing] that idea.'⁷⁸

But at the end of 1886 the mood in white Natal was far more hostile. On November 24, John Robinson stood up in the Legislative Council and moved that an address be sent to the Governor, requesting him to appoint a commission 'to report upon the Laws relating to the treatment of cases of criminal assaults upon females, with a view

⁷⁵ Etherington, 'Natal's Black Rape Scare,' pp. 51-52.

⁷⁶ J. Riekert, 'Race, Sex and the Law in Colonial Natal' in *JNZH*, VI, 1983, p. 84.

⁷⁷ *Debates of the Legislative Council of the Colony of Natal*, Vol. 6 (Pietermaritzburg, W.M. Watson, 1895), pp.238, 323-6, 361-7 (August 14 -29, 1883). The subject was brought up again in the Council in 1885 (See *Legislative Council Debates*, Vol. 9, p. 390). However, there seems to have been little public interest until the following year.

⁷⁸ Riekert, 'Race, Sex and the Law,' p. 84.

to provide if possible for the better protection of women and children in this Colony.’⁷⁹ Robinson went on to say that he did not think that any member of the Council

needs to be convinced of the fact that as a community we labour under a form of social terrorism which has no counterfeit in any other Colony under the British Crown. From time to time in this Colony we have been, and we are being, horrified by instances of assault upon unprotected children, which cause the blood of the community to curdle, and cause every heart to boil with indignation and horror that such things are possible in a British community claiming to be civilised.⁸⁰

A commission was necessary in order to consider ‘whether the domestic conditions of the Natives living in our towns’ were conducive to this kind of assault, and whether the colony’s laws were ‘sufficiently deterrent in their action as regards this particular class of crime to prevent Natives from indulging in it to the extent they do.’⁸¹

Other members heartily endorsed Robinson’s comments. One of the representatives for Durban County, F.W.B. Louch, felt that the colony’s laws were wholly inadequate. He believed that a ‘stringent and decisive’ measure of punishment needed to be meted out ‘to any man who dares to violate a European girl.’⁸² If the perpetrator

were branded, as he ought to be, with a hot iron, given 100 lashes, and then hanged in public, and the Kafirs were made to know why, and if tribal responsibility were made a *sine qua non*, we would stamp this thing out.⁸³

Less than two weeks later the Legislative Council again sent an address to the Governor, ‘praying him to direct the attention of the bench of Judges to the appalling spread of the crime of rape’ and asking whether ‘for the protection of society, conviction should not be followed by capital punishment, publicly inflicted.’⁸⁴ In moving the address, Robinson warned that if nothing was done by the authorities ‘to arrest this terrible evil,’ the public would take the law in to their own hands.⁸⁵ He went on to say that he did not think ‘the moral sense of any community would find fault with any body of men who, in default of action on the part of the governing and judicial authorities, resorted to such extreme steps.’⁸⁶ And again, three days later, another address was sent. This time the Council requested the Governor to ‘provide for the more expeditious trial of cases of assault on females, and for the examination in private of the chief witness in such cases.’⁸⁷

⁷⁹ Legislative Council Debates, Vol. 9, p. 390 (Nov. 24, 1886). Robinson was one of the Council Members representing the Borough of Durban.

⁸⁰ *Ibid.* This speech is also cited in Riekert, ‘Race, Sex and the Law,’ pp. 85-86.

⁸¹ *Ibid.*

⁸² *Ibid.*, p. 391.

⁸³ *Ibid.*

⁸⁴ *Ibid.*, p. 433 (December 6, 1886).

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*, p. 467 (December 9, 1886)

Indignation was certainly not confined to the Legislative Council chamber. On December 4, 1600 people gathered at the Durban Town Hall to express their ‘horror’ at ‘the foul crimes committed on our women and female children.’⁸⁸ Three resolutions were passed at this meeting, and these were forwarded to the Colonial Secretary. The first called upon the government to ‘satisfy an indignant public’ by amending existing laws in order to provide for ‘the speedy trial, and, on conviction, the public infliction of the full penalty of death, in all proved cases of rape.’⁸⁹ The second called for ‘public flogging and branding’ in all cases ‘where brute force is used criminally against weakness, particularly in cases of attempted rape or indecent assault.’⁹⁰ In the final resolution, the meeting recommended ‘the establishment, at a convenient distance from towns, of Native Locations; such Locations to be under proper police supervision.’⁹¹

The same meeting also resolved unanimously to petition the Legislative Council ‘to give its support to a Bill to provide for the registration of Natives in the Boroughs and Townships.’⁹² The petition, written up by Durban’s mayor, pointed out that, of the many Africans working in Durban, only those ‘who are employed as day labourers are subject to any rules or regulations or system of registration.’ These ‘togg’ regulations had ‘worked very advantageously,’ and the application ‘of a system of registration to the Native monthly servants of the Borough will be of great advantage.’⁹³ Registration would protect householders ‘from the risk which is constantly incurred of unwittingly employing servants of bad character,’ would tend to promote ‘security of person and property,’ and cause a ‘diminution in crime’ and would afford ‘facilities for its detection.’⁹⁴

Pietermaritzburg’s Theatre Royal was the scene of a gathering of 700 persons who met on December 6 to consider ‘the recent outrages which have been perpetrated on European females by natives, and the best means of suppressing such crimes in the future.’⁹⁵ Two resolutions were passed at this meeting, and these were forwarded to the Colonial Secretary and the Legislative Council. The first resolution expressed the meeting’s ‘detestation and abhorrence of the crimes committed on our women and female children’ and, like the resolution passed in Durban, urged the government to amend the existing laws so that those found guilty of rape would suffer capital punishment, ‘publicly inflicted.’⁹⁶ The second resolution called upon the government to ‘institute and provide some means, by registration or otherwise, which will lead to the more certain detection of offenders.’⁹⁷

John Jex Chapman, Pietermaritzburg’s Mayor, sent two further petitions to the Legislative Council on the subject of ‘Native Registration.’ The first of these petitions,

⁸⁸ Robarts to Acting Colonial Secretary, Dec. 6, 1886, and ‘Resolutions’ in PAR, CSO Vol. 1107 (Letters Received), Ref. 4779/86. A similar, although smaller, meeting had been held at the Point on December 2. See the introduction.

⁸⁹ ‘Resolutions’ in CSO Vol. 1107, Ref. 4779/86.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Petition No. 39, 1886 in PAR, NPP Vol. 645 (Petitions Presented to Leg. Co.).

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Chapman to Haden, December 7, 1886 in PAR, CSO 1107 (Letters Received), Ref. 4789/86.

⁹⁶ Ibid., and Petition No. 40, 1886 in PAR, NPP Vol. 645 (Petitions Presented to Leg. Co.).

⁹⁷ Ibid. For a report of the meeting, see Natal Witness, December 7, 1886.

dated December 10, pointed out that the recent public meeting had alerted the Pietermaritzburg City Council 'to the necessity for more careful and prudent domestic arrangements in connection with native servants employed within the Borough.'⁹⁸ Consequently, the council had issued a circular to householders, urging them to co-operate 'in this direction.' By this time a 'Native Registration' bill had been introduced into the Legislative Council, and the city council was of the opinion that if the 'outrages' were to be suppressed effectively, at least three points would have to be incorporated into the measure. The first was that 'all natives, male or female...in the Boroughs...shall be compelled to register with the Superintendent of Police his or her name, age, tribe, location, and name and residence of his or her employer, if any.'⁹⁹ The second point was that all employers who employed unregistered Africans of either sex should be penalised, and the third was that it should be made penal 'for any householder to harbour natives on his premises, other than those in his employ.'¹⁰⁰

At the Durban meeting held on December 4, MLC Harry Escombe had stated forcefully that 'this curse shall and must be wiped out.' He had pointed out the 'defects' in the law as it stood, and said that more effective means 'for identifying people of native race' needed to be devised. This, he had continued, 'could only be secured by registration,' and to secure this end as quickly as possible, a bill needed to be introduced during the present session of the Legislative Council.¹⁰¹ Two days later Escombe introduced Bill No. 53 of 1886 ('To facilitate the Registration of Natives within Boroughs and Townships'), which proposed to make it lawful for the Town Council of any Borough 'to establish a system of registration of Natives.'¹⁰² Taking into account the 'intensity of feeling' in favour of registering 'native servants,' Statham of the Witness was confident that such a measure would be passed before the Council separated at the end of the session.¹⁰³

Natal settlers had long cherished the ideal of a comprehensive system for the registration of urban Africans. In 1883 Escombe had introduced a bill which aimed to expand the scope of the "Togt" regulations by compelling all African workers, and not

⁹⁸ Petition No. 43, 1886, dated December 10 1886 in NPP Vol. 645. The later petition (Petition No. 45, 1886, dated 14 December 1886) reiterated many of the same points made in Petition No. 43, and seems to have been prompted by a confidential report presented to Council by the Pietermaritzburg Superintendent of Police, W. Fraser. This report stated that in order to suppress crimes against women, a full and complete registration of Africans was needed: 'It should be incumbent upon every Native, before leaving the district in which he resides to come to any of the townships, to obtain from the Magistrate...a full descriptive...passport; this passport he should be compelled to deposit with the registering officer of the town he may proceed to; he should...receive in exchange a...certificate....The Native should be compelled to carry the certificate...and show it to every employer... [who] should...supply a pass to his Servant, to be carried whilst in his service, and returned on his discharge. The Native whilst seeking service should be compelled to report daily to the Registering Officer, and to reside at some Barracks set apart for that purpose. Before leaving town he should...return...his Certificate, and receive his Passport, which he should on his arrival in his district deliver to the Issuing Officer.' See Pietermaritzburg Corporation, Confidential Report in PAR, 1/BLR Vol. 8, Ref. P64/87. This report is cited in Dominy...

⁹⁹ Petition No. 43, 1886, dated December 10 1886 in NPP Vol. 645.

¹⁰⁰ Ibid.

¹⁰¹ Natal Witness, December 6, 1886. Escombe represented the Division of Newcastle.

¹⁰² Natal Government Gazette December 14, 1886.

¹⁰³ Natal Witness, December 9, 1886

merely day labourers, to register when working in town.¹⁰⁴ This measure had been passed by the Legislative Council but had subsequently been disallowed in London. For the next three years fitful attempts had been made in the Council to pass a new registration law, but sufficient support had not been forthcoming.¹⁰⁵ In fact J.L. Hulett (MLC for Victoria County) had introduced a Native Servants Registration bill¹⁰⁶ in September 1886, but the measure had failed to pass second reading. However, by December the sense of urgency accompanying the Rape Panic served to spur on the passage of Escombe's new bill and it received the Governor's assent on February 25, 1887.¹⁰⁷

Popular pressure for stricter rape legislation also resulted in prompt and decisive action on the part of the government. On December 13 Governor Havelock introduced a bill "to regulate and define the punishment for the crimes of Rape and Assault with intent to commit Rape and of Indecent Assault."¹⁰⁸ In a message to the Legislative Council, Havelock stated that it appeared 'that sufficient cause exists for having recourse, for the protection of females and for the repression of these crimes, to measures of specially severe punishment.'¹⁰⁹ This measure certainly was severe - it made rape a capital crime. It also imposed the punishment of transportation (for a minimum of fifteen years and a maximum of life), or imprisonment (for a minimum of ten years) with hard labour, public flogging and solitary confinement for the crime of assault with intent to rape. Indecent assault was made punishable by imprisonment for a maximum of two years with hard labour and thirty-six lashes.¹¹⁰ Only minor amendments were made to this bill and it received the Governor's assent on February 1 1887, to become Law 27 of 1887.

Furthermore, it appears that the panic induced the Legislative Council to tighten up the vagrant law passed during the 1869 scare. Law No. 16 of 1887 (which passed its third reading on December 14, 1886) amended those sections of the 1869 legislation that had allowed 'many idle, disorderly, and suspicious persons [to] escape punishment because they have not violently resisted the constable apprehending them.'¹¹¹

The new rape legislation was promulgated in March of 1887.¹¹² However, Law No. 23 - the measure facilitating the registration of Africans in the Colony's boroughs and townships - was subsequently disallowed by the Secretary of State, who had objected to two provisions in the law. The first was the clause that allowed the Governor to extend the provisions of the law to any borough or township in Natal. The Secretary of State made it clear that he would consent to the measure only if it applied to Pietermaritzburg and Durban. The second clause objected to was that which ensured that the law only

¹⁰⁴ S. Kunene, The Pass System in Colonial Natal, 1845-1910 (Unpub. MA Thesis, University of Natal Pietermaritzburg, 1995), pp. 59-60.

¹⁰⁵ Ibid., p. 60

¹⁰⁶ Bill No. 16, 1886.

¹⁰⁷ This law was subsequently disallowed by the Secretary of State in London. The fate of registration legislation in Natal will be discussed at greater length below.

¹⁰⁸ Riekert, 'Race, Sex and the Law,' p.86.

¹⁰⁹ Natal Government Gazette December 21, 1886.

¹¹⁰ Riekert, 'Race, Sex and the Law,' p.86.

¹¹¹ Natal Government Gazette February 15, 1887.

¹¹² Riekert, 'Race, Sex and the Law,' p. 87.

applied to Africans. The Secretary of State made it known that he would prefer it if the measure applied to 'all servants not being of a European race.'¹¹³

The following year the government revised Escombe's measure in line with the Secretary of State's recommendations and reintroduced it into the Legislative Council. Law 21 of 1888 ("to facilitate the Registration of Native Servants and Servants belonging to Uncivilised Races within the Boroughs of Pietermaritzburg and Durban") was passed by the Council and received the Governors assent on October 24 1888. This time it received the Royal Assent. The measure authorised Natal's two principle towns to 'establish a system of registration of Natives, or persons belonging to uncivilised races, resident, and employed by the day or month, or any longer period, or seeking employment, within their respective Boroughs.' Any 'uncivilised' person contravening any of the municipal by-laws made under the provisions of this law was liable to be arrested and imprisoned for up to 24 hours while waiting for trial. Once convicted, he or she was liable to a fine or imprisonment. Provision was also made for the registration of contracts between masters and servants.¹¹⁴

Although the measure allowing for the registration of Africans in Pietermaritzburg and Durban became law almost two years after the rape panic, it can be said with some certainty that the momentum provided by the panic was an important factor in its eventual promulgation. Law No. 21 of 1888 was a revised version of the measure introduced at the height of the scare, passed by a Legislative Council mindful of the public agitation for a system of 'native' registration, and assented to by the Governor. It is reasonable to assume that had the rape scare not taken place, laws providing for a system of urban registration for black people would not have been in place in Natal by 1890.

Contextualising Rape Panics in Colonial Natal: A Preliminary Investigation

Norman Etherington has hypothesised that the Rape Scare that took place in Natal in the late 1860s and early 1870s 'was born of a broader fear of losing control.'¹¹⁵ The attempts by settlers and colonial officials during both scares to deal with 'outrages' by enacting coercive laws certainly add credence to this view. Both panics spawned legislation designed to control the movements of black people in urban areas, and it seems that these laws helped to diffuse the fears about control that led to the eruption of settler anxieties in the first place.

But when one examines the nature of the legislation that settlers pressed for, and colonial legislators subsequently passed, one is presented with an intriguing question. It is not immediately clear why white settlers, in the midst of scares about rape, should clamour for measures usually designed to regulate labour. The question becomes more compelling when one remembers that there was no substantial increase in cases of rape during either panic.¹¹⁶ Although white anxiety over the supposed threat posed by 'outrages' was certainly real, actual assaults upon white women cannot explain the depth

¹¹³ *Legislative Council Debates*, Vol. 11, pp 77-78. (August 6, 1888)

¹¹⁴ Law No. 21, 1888.

¹¹⁵ Etherington, 'Natal's Black Rape Scare,' p. 50.

¹¹⁶ Both Etherington (with regard to the earlier panic) and Riekert (with regard to the latter) come to this conclusion. See 'Natal's Black Rape Scare,' p. 37 and 'Race, Sex and the Law,' pp. 83-84.

of this anxiety. The fact that white men, and not white women, were the protagonists in the scares also adds to the confusion; as Etherington notes, the voices of white women were for the most part absent.

It is the contention of this paper that if Natal's rape scares are to be understood (if indeed that is possible), at least two things have to take place. The first is that the spotlight must be shifted away from white women, African men and rape, and instead placed directly upon the white male settlers who, through their strutting and fretting, created the panics. Etherington has made some headway in this regard, although his analysis is weakened, in my view, by rather static ideas about gender. Second, the links between male settlers' fears about the perceived vulnerability of white women in the face of African men's lasciviousness, and their wider concerns over African labour supply need to be uncovered.

Depressions and African Labour in Natal, 1860s and 1880s:

The first clue that points to a potential explanation for the link between concerns about labour and the outbreak of rape panics is the timing of the scares themselves. The first panic seems to have reached a climax between 1868 and 1870, the second peaked at the end of 1886. Colonial Natal experienced its first major economic depression during the second half of the 1860s, and its second in the mid-1880s. Both depressions caused major economic upheaval. Between 1865 and 1870 there were large numbers of insolvencies in the colony, agriculture, trade and commerce was adversely affected, and unemployment was rife in Pietermaritzburg and Durban.¹¹⁷ The depression in the 1880s caused similar economic difficulties.¹¹⁸

In such straitened circumstances, the short supply of cheap African labour (which had always raised the ire of Natal's white inhabitants) provoked anger and frustration among the settler population. In an attempt to secure an increased and more reliable labour supply the Legislative Council had in 1869 introduced a bill which proposed to allow magistrates to register African labourers, and "to arrange for the introduction of the required number of servants from the Amatonga and Amaswazi countries and for the return of such servants."¹¹⁹ In a despatch to the Secretary of State, Lieutenant-Governor Keate explained why the bill had been considered necessary:

The Natives of Natal inhabiting the locations on which they have been settled are, in fact, landholders, though under a peculiar tenure. As such they are producers, in which they compete with the Colonists. The habits of industry they are gradually contracting make this competition year by year more serious. But they are not, nor will they, ever be producers to such an extent as to prevent their supplying from among them to the Colonists a very large body of labourers for

¹¹⁷ B.J.T. Leverton, 'Government Finance and Political Development in Natal, 1843 to 1893' in Archives Year Book for South African History Vol. 33, Part 1, 1970 (Johannesburg, Perskor, 1971), pp.99-100. For a detailed study on the social effects of the 1860s depression see J. Parle, The Impact of the Depression upon Pietermaritzburg during the 1860s (Unpub. MA Dissertation, UNP, 1988)

¹¹⁸ Leverton, 'Government Finance', pp. 208-254.

¹¹⁹ Keate to Granville, May 19, 1870, in Document No. 35, 1870-71 Selected Documents Presented, Legislative Council Natal, 1866-1874 (Pietermaritzburg, Times Printing, 1890) This bill was passed by the Legislative Council but was not assented to by the Secretary of State.

wages. Of these labourers, however, comparatively few are as yet absolutely dependent on wages for their livelihood, for they have, more or less, share and interest in the location lands. The majority of them are apt, in consequence, to offer their labour on terms and conditions more suitable to themselves than to the Colonists who employ them. The latter want to secure long terms of service at small wages; the former prefer short periods of service terminable almost at their own discretion, with wages on a more liberal scale...¹²⁰

The labour shortage had also been a major consideration behind the passage of Law No. 1 of 1869, which empowered the Lieutenant-Governor to impose fees on polygamous marriages. Keate was optimistic that

a considerable effect will be produced on the labour market in an indirect but certain manner by the operation of the Law now at length being put into force for enabling the Lieutenant-Governor to impose fees on the registration of Native marriages. This will, if my prognostications are correct, call forth such an increased demand for employment as to obviate the necessity of devising any machinery...for bringing together masters and labourers.¹²¹

White settlers' inability to secure a reliable labour supply was also behind the numerous attempts in the 1880s to introduce a system of labour registration. The 1882 Natal Native Commission had been in favour of registering African males, in part because registration would assist 'in the better working of the Masters and Servants' Ordinance.'¹²² In moving the second reading of a 'Registration of Native Servants Bill' in July, 1885, Victoria County MLC J.L. Hulett pointed out that it was

quite unnecessary to urge the great advantages that would accrue to the employers of Natives by the passing of a law of this sort. It is well known that Natives are very erratic in their mode of rendering employment to their employers. They are very ready in engaging in service, but they consider, possibly owing to the freedom of their past life, that no obligation should rest upon them to fulfill the terms of their engagement.¹²³

Race, Gender and Work: Settler Ideas about Civilisation

The combination of labour shortages and depressed economic circumstances help to explain why the Legislative Council passed the 1869 vagrant law - which circumscribed the freedom of 'idle vagrants' and other black people not gainfully employed - and registration measures in 1887 and 1888. Even so, it still seems unclear why such initiatives would be spurred on by a panic over rape.

The relationship begins to appear less murky when one realises that white Natalians had linked ideas about race, gender, work and sexuality virtually since arriving

¹²⁰ Keate to Kimberly, October 24, 1870 in Ibid.

¹²¹ Keate to Granville, October 30, 1869 in Ibid.

¹²² Report of the Natal Native Commission, 1881-2 (Pietermaritzburg, Vause, Slatter & Co., 1882), para. 42.

¹²³ Debates of the Legislative Council of the Colony of Natal, [3rd Session – 11th Council from June 18 to Sept. 24, 1885] Vol. 8 (Pietermaritzburg, Natal Printing & Publishing, 1885), p. 169.

in the colony in the 1840s and 50s. Consider, for example, this excerpt from the report of the 1853 Native Commission:

The Kafirs are now much more insubordinate and impatient of control; they are rapidly becoming rich and independent, in a great degree owing to the polygamy and female slavery which prevails.... If the wealth of the Kafirs, above referred to, proceeded from the regular honest industry of the male population, the Commissioners would hail it as a certain sign of their improvement, but as long as it is drawn from the forced labour of females, it has no such signification, it is an index merely of the increasing numbers and exertions of the women, and can unfortunately only be taken as evidence of the increasing means of sensual indulgence available to the males.¹²⁴

The above extract is one of many examples of the ‘civilisation discourse’ that Natal settlers employed to contrast their advanced state of ‘civilisation’ with the ‘barbarism’ of the colony’s African inhabitants.¹²⁵ Race was an obvious distinguishing characteristic, but the fact of being English did not necessarily mean one was civilised, as behaviour was an equally important indicator. The epitome of civilisation tended to be portrayed as the English middle class family, which consisted of an industrious, devoutly Christian husband who supported his (one) wife and children. Civilised men sold their labour in the public sphere, while wives worked at home, dependant upon the income provided by their husbands. This income was spent wisely – the profligacy of both the upper and the working classes was frowned upon. In general, one’s adherence to the tenets of Christian teaching and morality was indicative of the level of civilisation attained.

Settlers’ understanding of civilisation was constantly defined against the ‘barbarism’ of Natal’s African population. Not only were Africans deemed to be racially inferior, they were polygamous heathens who subverted gender roles. African men supposedly sat at home idly while their many wives tilled the fields and made them rich. African men’s purported idleness and their ‘unnatural’ gender relations were, in terms of the settlers’ civilisation discourse, an indication of excessive and dangerous sexual appetite.

The link between Africans’ ‘dangerous sexuality’ and (what settlers believed to be) their attitudes towards gender roles and work appears in the excerpt cited above, but also in sources produced during the panics. In May 1869, the editor of the Natal Witness penned the following:

A Nation whose monarch is a woman ought not to tolerate injustice to womankind. All the world over, the degree of fair usage and protection which man accords to his more tender companion, has come to be regarded as the most correct text of advancement in civilization and in all the refinements which adorn the most forward nationalities. On the converse, take whatever numerous and extensive kingdoms of the earth you like as an example, wherein woman is dishonored to a slave, and it is a certain fact that man will there be found degraded to a serf....But wherever, as a matron, mother, wife, or sister, she meets with her due appreciation, defence, and regard, there will be found the

¹²⁴ Cited in Riekert, ‘Race, Sex and the Law in Colonial Natal,’ p. 83.

¹²⁵ For an absorbing study on the discourse of civilization in the North American context, see Gail Bederman, Manliness and Civilization (Chicago, 1995).

best evidences of progress from rugged barbarism towards the higher standards of civil life.

We are led to this prelude by a question which has of late assumed a most prominent and threatening character....We allude to the increasing attacks and assaults upon white girls and women made by colored males....¹²⁶

The editorial went on to argue that 'the brutal system of *ukulobola* which prevails among the Kafirs' lay at the root of these attacks. Being 'but another phase of slavery,' it brought 'similar curses in its train.' Moreover, the 'great "social evil"' of polygamy' led to sexual frustration - '[w]hen one man is allowed to have five wives, it is clear that four must go unmarried and wifeless....' As a result, Natal contained 'a formidable phalanx of savage unmarried men;' a situation that 'entails upon the white race this bitter curse.'¹²⁷ It is no coincidence that polygamy and lobola were at the same time regarded as a main reason for the labour shortages experienced by settlers. Not only did African marriage practices result in dangerous sexual behaviour, African men were entitled to 'buy' large numbers of wives, who worked for them. African men were thus allowed to live a life of barbaric indolence, immune from the civilised world of monogamy and wage labour.

Protests about African marriage practices were largely absent during the 1886 panic, however, the link between African labour practices and dangerous sexuality surfaced in another guise. In his report 'Crimes of Rape and Indecent Assault committed by Natives – Cause and Means of Suppression,' presented to the Pietermaritzburg Town Council in December 1886, Police Superintendent Fraser pointed out that it was

manifest that, in this Colony, the male Native, when employed in domestic service, replaces as a rule the housemaid, chambermaid, or other female domestic of European life....

Many of our citizens, through ignorance of the proper relations which should exist between Master and Servant, from their wilful regard or from an absolute misconception of the savage animal nature of the Native, have so handled their servants as to render them a public nuisance and a social curse.

No precautions are taken or enquiries made on engaging a Native servant; the man who comes direct from the Gaol or the Venereal Ward of the Hospital is accepted without question or reference, and often performs duties which would be relegated to an European female domestic.¹²⁸

Judge Walter Wragg concurred in this view:

In Natal Kaffir men are employed to perform work which in other countries is usually done by women, and it is astonishing how white men and women tolerate the presence of Kaffir males, almost entirely naked, in their kitchens, dining rooms, and bedrooms.¹²⁹

¹²⁶ Natal Witness, May 21, 1869.

¹²⁷ Ibid.

¹²⁸ Pietermaritzburg Corporation, Confidential Report in PAR, 1/BLR Vol. 8, Ref. P64/87. See also note no. 91.

¹²⁹ Report by Walter Wragg, December 16, 1886 in GH Vol. 931 (Leg. Co. Addresses), p. 107

The fact that African men worked as domestic servants was commonly regarded as a cause – during both panics - for the supposed ‘outrages’ committed on white women.¹³⁰ Again, as with polygamy, it would seem that white Natalians believed that an ‘unnatural’ and ‘uncivilised’ gender division of labour - in this case men doing ‘women’s’ work in a domestic environment – led to ‘unnatural’ and dangerous sexual urges.

It would appear that, during both panics, the Africans portrayed as the most dangerous were those who were independent and able to resist government authority and the advances of white employers. Polygamists and male domestic servants refused to work in the occupations white employers decided befitted their station in life. It was ‘the floating Native population of our Towns,’ those men who were ‘aliens and refugees from States beyond our Borders, without wives or possessions’ who were pinpointed as deviant.¹³¹ The ‘partially civilised’ were also attacked (‘eighty out of every hundred Native criminals are *soi disant* “School Kafirs.”’¹³²). Perhaps “School Kafirs” is a reference to those Africans associated with missionary endeavours. It is well known that settlers resented the ‘partially civilised’ kholwa who were economically independent and competed successfully with white producers.

The Rape Scares and Settler Control over White Women.

If white men’s concerns about African labour and African sexuality were intertwined during the panics, it is obvious also that male anger over ‘outrages’ signified anxiety with respect to white men’s relations with white women. The sources cited throughout this paper show that the most frequent male response to reports of rape was that women and children required ‘protection,’ and that it was up to white men to provide it. Men employed the civilisation discourse to cast this protective role as the ‘best evidence...of progress from rugged barbarism towards the higher standards of civil life.’¹³³ This emphasis on protection suggests that during the scares men were attempting to assert their authority - over black men, as we have seen - but also over white women. The remainder of this paper will, in a preliminary and cursory manner, speculate as to why white male Natalians in the late 1860s and mid-1880s felt it necessary to entrench their role as ‘defenders’ of white women.

It has been argued above that the rape scares should be placed within the context of the economic depressions experienced by Natal in the nineteenth century. Research into the social effects of the 1860s depression has shown that (in Pietermaritzburg at least) poverty and unemployment were endemic between 1865 and 1871.¹³⁴ Although little is known about the 1880s depression, it would seem that similar economic difficulties plagued Natal towns in the mid-1880s.¹³⁵ It is possible that destitution and joblessness had the effect of undercutting the gendered position of white men as providers for women and children. Clearly, more research needs to be done; even so,

¹³⁰ For the earlier panic see for example ‘Report of the Committee....’ (April 21, 1868) in PAR, CSO Vol. 302 (Letters Received), Ref. 1011/1868 and *Natal Witness*, March 17, 1868.

¹³¹ Pietermaritzburg Corporation, Confidential Report in PAR, 1/BLR Vol. 8, Ref. P64/87. See also ‘Report of the Committee....’ (April 21, 1868) in PAR, CSO Vol. 302 (Letters Received), Ref. 1011/1868.

¹³² *Ibid.*

¹³³ *Natal Witness* May 21, 1869.

¹³⁴ Parle, *The Impact of the Depression*, pp. 130-148; 179-183.

¹³⁵ Leverton, ‘Government Finance,’ pp. 208-254.

there are hints that men were generally anxious about gender roles at the time of the scares.

One such hint is buried in correspondence from the late 1860s between the Natal Executive and the Pietermaritzburg Benevolent Society. The high levels of poverty and unemployment in Pietermaritzburg had led to the establishment of a Benevolent Society in that city in 1865.¹³⁶ The society was run exclusively by women volunteers (for the most part wives of government officials and other leading male citizens), who dispensed financial and other aid to those they considered needy and deserving. The government allocated yearly grants after 1866, however, the society also relied on public donations to carry out its work. Many families were helped, and it is significant that large numbers of men as well as women were given financial assistance throughout the depression years.¹³⁷

It seems that by the late 1860s male government officials were beginning to feel that it was improper for women to dispense public monies to unemployed men. On the envelope of an 1868 letter from the society to the government requesting financial aid, Colonial Secretary Douglas Erskine scribbled the following:

The Lieut Governor is anxious that some Gentlemen should be associated with the Society or that some other method of distributing the funds of the Government be adopted...¹³⁸

After this suggestion was presented to the Benevolent Society, the government received a polite but firm response from the secretary, Mrs M. Anderson. She pointed out that the Ladies Committee of the Society felt that it was 'impracticable and undesirable that gentlemen should take part with the ladies in the management of the Society as there are many cases of such a nature they are entirely within the province of ladies.'¹³⁹ Erskine was unsatisfied with this retort. At the bottom of the letter he wrote:

I am aware that the Lieut Governor is of opinion that some Gentlemen should be associated with the committee as the ladies feelings are apt to be more easily worked upon than those of men accustomed to the hard every day business of life[.]¹⁴⁰

Although the government chose to let the matter rest for the remainder of 1868, in early 1869 a renewed effort was made to decrease the power of the Benevolent Society. When the society requested a further £50 from the Lieutenant-Governor, Erskine wrote back to enquire 'whether any persons thrown out of employ by the effects of the Commercial disasters' had been relieved by the society.¹⁴¹ The secretary's curt reply that 'many such cases have been relieved' failed to satisfy Erskine. He scribbled on the letter that the reply was 'vague' and complained that 'no details' had been given. The letter, he wrote, 'corroborates an impression I have formed that some quite different machinery for

¹³⁶ Parle, *The Impact of the Depression*, p. 140.

¹³⁷ *Ibid.*, pp. 140-1.

¹³⁸ Anderson to Erskine, March 30 1868 in CSO Vol. 300 (Letters Received), Ref. 864/1868.

¹³⁹ Anderson to Erskine, April 17, 1868 in *ibid.*

¹⁴⁰ *Ibid.*

¹⁴¹ Erskine to Anderson, February 9, 1869 in CSO Vol. 2308 (Letter Books), pp. 136-7.

relieving public distresses desirable [...] I think the matter had better be discussed in Exctve Council.¹⁴²

In March the Executive Council considered 'the question of devising some place for the better relief of poor and destitute persons,' and decided that 'some plan' should be arranged with the mayor of Pietermaritzburg.¹⁴³ Soon after this meeting, Lieutenant-Governor Keate sent a memo on the subject of the Benevolent Societies of Pietermaritzburg and Durban to the mayors of both boroughs. In the memo Keate referred to an address he had made to the Legislative Council in 1867, in which he had discussed

the question of the support of indigent persons in the two towns who had become such from causes other than those to which the distress ordinarily releaved (sic) by private charity is attributable; [t]he cessation for instance of the demand for labor of various kinds. In the absence of any other organization, the machinery of these associations was taken advantage of....This machinery is worked by Committees of ladies who are no doubt fully capable of dealing with the objects for which the societies were first formed, the discovery, that is, and relief of families in distress through sickness or other ordinary causes, but an organization of a more public + less purely domestic character appears to me to be needed for the more complicated forms of pauperism which I had in view when I called the attention of the Legislature to the subject.¹⁴⁴

Keate went on to propose that the management of the Benevolent Societies be 'remodelled,' and that women be confined to 'a sub-committee of ladies' that would 'assist' the managing body.¹⁴⁵ When the Pietermaritzburg Town Council discussed the memo, councillors endorsed and echoed the Lieutenant-Governor's suggestions.¹⁴⁶

As it happened, the women who ran the Pietermaritzburg Benevolent Society were successful in fending off these attacks, and the Natal Executive Council's plans came to naught. What this perhaps trivial episode suggests, though, is that influential men were sensitive to what was perceived to be women's transgression of acceptable gender boundaries, and further, that this transgression had been possible because depressed economic circumstances had altered the position of men in colonial society. This sensitivity is perhaps indicative of a general sense of unease felt by men who believed that their control over women's behaviour was slipping. The scares can possibly be seen as a manifestation of this unease, as well as an opportunity for men to reassert themselves.

There are other indications, from both panics, that white male Natalians were anxious about white women's independence and transgression of acceptable boundaries. Some of the sources cited above illustrate that settlers blamed 'undue familiarity' between white women and their African employees for the 'outrages.' There is an undercurrent perceptible in these sources that suggests that men recognised that sexual contact between black men and white women was a reality in colonial Natal.¹⁴⁷ Although

¹⁴² Anderson to Erskine, March 4, 1869 in CSO Vol. 326 (Letters Received), Ref. 597/1869.

¹⁴³ EC minutes, Meeting no. 6, March 10, 1869 in EC Vol. 8, pp. 409-10.

¹⁴⁴ Memo by Keate (no date) in CSO Vol. 326 (Letters Received), Ref. 597/1869.

¹⁴⁵ Ibid.

¹⁴⁶ Pietermaritzburg Town Council Minutes, April 6, 1869 in 3/PMB Vol. 1/1/4 (Minute Books), pp. 344-5.

¹⁴⁷ This is particularly apparent in reports that stressed whether rape victims were 'respectable' or of 'bad character.' The implication was that women of 'bad character' solicited the attentions of black men and that

beyond the scope of this paper, I hope in the future to investigate the ways in which the rape panics provided an opportunity for white men to constrict the sexual freedom of both black men and white women. The draconian rape law passed in 1887 made rape a capital crime. Given that juries consisted only of white men and it was these men who ultimately decided whether rape or consensual sex had taken place, sex between black men and white women became extremely dangerous after 1887. Finally, it is also interesting to note that at the height of the 1886 panic, a Contagious Diseases bill was introduced into the Legislative Council. Like the legislation passed in England, India and the Cape, this measure proposed to subject women suspected of being prostitutes to periodic medical examinations. Although the bill was not passed, its introduction is another indication that women's sexuality was regarded as dangerous by white settlers at this time, and that men were eager to circumscribe women's sexual independence.¹⁴⁸

Conclusion

A more careful and thorough analysis of both primary and secondary material is required if the arguments outlined above are to become more convincing. Even so, the essentially empiricist approach taken in this paper has managed to uncover some enticing leads. This research suggests that the rape scares that took place in nineteenth-century Natal were a manifestation of white male settlers' anxieties about the independence of both African men and white women. Although these settlers claimed to be concerned about protecting white women from 'dangerous' African men, in circumstances of poverty and high unemployment, they were also resentful of Africans who refused to sell their labour on white employers' terms and fearful that their control over white women was slipping. And if the panics were a manifestation of male Natalians' insecurities, they also provided an opportunity to reassert dominance. Repressive rape legislation, curfews for Africans in town, and labour registration laws were some of the ways in which this dominance could be restored.

they were partly responsible for the attacks on 'respectable' women. See for example the reports in CSO Vol. 301, Ref. 934/1868.

¹⁴⁸ There were two attempts to push a Contagious Diseases bill through the Legislative Council, in 1886 and 1890, both of which failed. This fascinating story will be told in another chapter of my thesis.