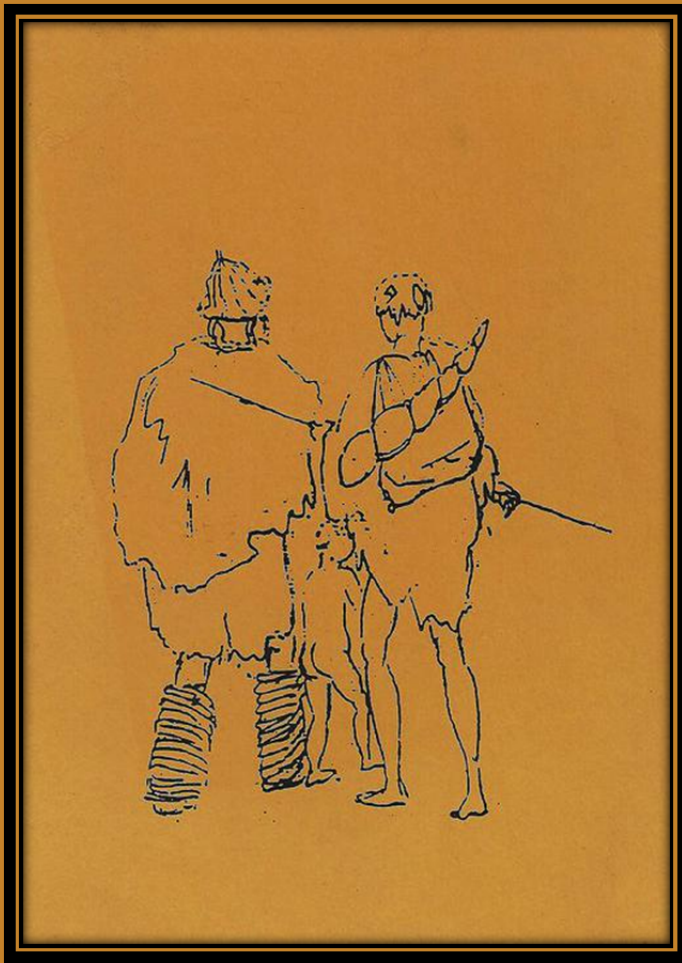


UL 06

Keeping the gate of Hell ...

*'subliminal racism' & early
Cape carnal conversations
between black men & white
women*



Uprooted Lives

Unfurling the Cape of Good Hope's Earliest Colonial Inhabitants (1652-1713)

Mansell G Upham

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Uprooted Lives

*Unfurling the Cape of Good Hope's Earliest
Colonial Inhabitants (1652-1713)*

Mansell G. Upham



*For min Far, min Mor
og min søstre*

Tak for altid væsen ...



Preface

Timon: Earth, yield me roots
He digs
Who seeks for better of thee, sauce his palate
With thy most operant poison. What is here?
Gold? Yellow, glittering, precious gold?
No, gods, I am no idle votarist.
Roots, you clear heavens! Thus much of this will make
Black white, foul fair, wrong right,
Base noble, old young, coward valiant.
Ha, you gods! Why this? What, this, you gods? Why, this
Will lug your priests and servants from your sides,
Pluck stout men's pillows from below their heads.
This yellow slave
Will knit and break religions, bless th'accursed,
Make the hoar leprosy adored, place thieves,
And give them title, knee and approbation,
With senators on the bench. This is it
That makes the wappened widow wed again –
She, whom the spital-house and ulcerous sores
Would cast the gorge at, this embalms and spices
To th'April day again. Come, damned earth,
Thou common whore of mankind, that puts odds
Among the rout of nations, I will make thee
Do thy right nature ...
William Shakespeare, *Timon of Athens*

Since 1976 **Eva Meerhoff**, born **Krotoa (c. 1643-1674)** and **Catharina (Groote Catrijn) van Paliacatta [Pulicat] (c. 1631-1683)** have haunted me. Discovering Krotoa (ancestor to *both* my father and my mother) and *Groote Catrijn* (seven traceable lineal descents – five maternal and two paternal) to be two of my most prolific ancestors; and also that these two formidable women are lesser known ancestors (even multiple) to so many other colonially induced people *rooted* at the tip of Africa – like so many other ancestral beings from my/our past - were reasons enough for me to give them undivided attention. But the discovery that Krotoa was the first indigenous Cape woman to be colonially incorporated; and that *Groote Catrijn* was the first recorded female convict banished to the Dutch-occupied Cape of Good Hope and its first Dutch East India Company (VOC) slave to be liberated - exacted their release from the shadows demanding that *their stories* be told. My ongoing research into the lives of especially the Cape's earliest colonial women (indigene, settler, sojourner, slave, convict) – women being the *fons et origo* of ongoing culture - affords me the opportunity to continue revisiting my original research - many initially featured (since 1997) in numerous articles in *Capensis*, quarterly journal of the Genealogical Society of South Africa (Western Cape). Krotoa's and *Groote Catrijn*'s importance and that of their colourful contemporaries has now been reassessed in terms of unravelling and understanding more fully the impact of Dutch colonization at the tip of Africa. There is



now a heightened awareness in South Africa of indigenouness and slavery. Until recently, however, both Krotoa and *Groote Catrijn* – and many other folk - have been mostly overlooked or excluded from the orthodox and politically selective slave pantheon currently encountered in the rewriting and re-institutionalization of South African historiography. The reality of *shared* indigenous and slave roots across a diminishing racial or ethnic divide, however, cannot any longer be suppressed. There is a need for expanded biographies on, and ongoing genealogical inquiries into, not only these very important early Cape colonial figures, but many others.

More than 30 years of researching and documenting each recorded individual that peopled the early colonial period of the VOC-occupied Cape of Good Hope (1652-1713), and given the present-day dearth of knowledge regarding diasporized slaves and the ethnocidally challenged indigenes, at a time when the need to incorporate the historically marginalized underclasses into a more global consciousness is being increasingly recognized, the publication of accessible representative biographies has become imperative. Ever since Anna J. Böeseken's seminal work *Slaves and Free Blacks at the Cape 1658-1700* in 1977, little attempt has been made to write more detailed biographies on any of the individuals originally referred to by Böeseken or any other people for that matter - thus the *raison d'être* for this collection of biographical excursions from the initial period of Dutch colonization. This collection comprises mostly indigenous and slave biographies for the period (1652-1713) ending with the devastating smallpox epidemic that utterly transformed the little colony forever thereafter. The lives of a few hundred people have been recollected in varying degrees of detail depending on how much has survived in the written record.

This work is also a tribute to my own indigenous and slave ancestors thus far unearthed from this period - consciousness of whom has given me a whole new more meaningful sense of being 'ameri-eurafrican' and then some ...:

the Goringhaicona:

Eva Meerhoff (born **Krotoa**)

the 'Bastaard Hottentot':

Frans Jacobs van de Caep

the African slaves:

Catharina Alexander van de Caep

Maria van Guinea [Benin]

Cecilia van Angola

Dorothea van Angola

Manuel van Angola

Diana van Madagascar

the Asian slaves:

Catharina (*Groote Catrijn*) van Paliacatta

Engela / Angela (*Maaij* Ans(i)ela van Bengale

Catharina (Catrijn) van Bengale

Catharina (Catrijn) van Malabar

Maria Magdalena (Mariana) Jacobse van Ceylon [Sri Lanka]

Jacob van Macassar

Maria Jacobs: van Batavia

and the pardoned Chinese convict:

Lim / Lin Inko *alias* Abraham de Veij.

Although much of South Africa's slave and indigenous heritage is being rediscovered, little about the people dating back to the 16th century has hitherto been unearthed. The



18th and 19th centuries have been more accessible to researchers and historians especially in view of the more legible and easier-to-read records. The 17th century has proved to be a lot more inaccessible due to the more difficult Gothic Dutch script. Invariably researchers (especially academics) have been reluctant to share their transcriptions of archival documents consulted when publishing. I have opted, instead, to rather share my transcriptions in order to arrive at greater accuracy, insight and understanding of these difficult records. It is hoped that more fleshed-out biographies of many more slaves, indigenes and others will follow.

My heartfelt gratitude to:

- my mother **Maria (Ria) Catherine Upham, née Priem (1933-1996)** and my sisters, **Beryl Catherine Brighton, née Upham (1955-2004)** & **Anne Caroline Upham (1957-1988)**, for undying inspiration;
- my father **William (Bill) Mansell Upham (1933-2006)** for being a free thinking devil-of-an-advocate;
- **Margaret Cairns (1912-2009)** for her ever-willing assistance and being my micro-historical muse;
- **Anna J. Böeseken (1906-1997)** for her mammoth contribution to South African historiography; and
- **Delia Robertson** for moral and other support - never doubting the value and relevance of my research.

Mansell George Upham
Tokyo, Japan
October 2012



Guide to the Text

General Historical Background

The wind-swept Cape of Good Hope ('the Cape') was a Dutch colonial trans-littoral holding or possession that emerged quite late (1652) in an already established colonial empire under the control of 'The United East India Company' or *Verenigde Oost-Indische Compagnie* ('the VOC') stretching from Southern Africa to Timor. The VOC-empire had grafted itself onto an earlier Portuguese empire, which had already paved the way for increased European colonial expansion into Africa and Asia. Dutch trade with Asia was organized through the VOC in terms of an exclusive charter (1602) from the States-General of the United Provinces of the Free Netherlands (the 'Dutch Republic') for trade and enforcement of Dutch interests against competitors. A commercial as well as a government agent in Asia, its business was conducted by a hierarchy of officials (called merchants) with headquarters in Batavia [Jakarta on Java, Indonesia], after 1619. The directors of the VOC in the Netherlands were known as the Lords Seventeen (*Heeren XVII*). The Company was formally dissolved (31 December 1795) and its debts and possessions taken over by the Batavian Republic, predecessor to the present-day Kingdom of the Netherlands.

The VOC's main priority at the Cape of Good Hope was to provide support to all of its ships that plied between the Netherlands (*Patria*) and the East Indies. This entailed the running of an efficient hospital, burying the dead and the ready supply of food and drink to the survivors. The colonial encroachment (*occupatio*) on aboriginal Khoe/San ('Hottentot'/'Bushmen') lands resulted in the signing of 'treaties' *ex post facto* in attempts to 'legitimize' Dutch occupation in terms of International Law. The Dutch soon rationalized their ill-conceived occupation of the Cape by transforming the refreshment station into a colony, importing slaves and convicts, granting company employees their 'freedom' to become permanent settlers and expanding territorially, thereby colonizing not only their land - but also the Cape aborigines themselves. By the time the Cape was a fully operational VOC refreshment station, *buiten comptoir*¹, factory, residency, fortified settlement and colony, a creole multi-ethnic Dutch-Indies culture had emerged at the tip of Africa (*het uijterste hoeck van Africa*). Significantly, the Cape of Good Hope was the only Dutch colony where the Dutch language, albeit creolized and indigenized, effectively took root and evolved into a formalized and institutionalized language - *Afrikaans*.

The Cape of Good Hope for that period is best imagined in terms of the present-day Cape Flats once being drifting dunes of sand. Between Cape Town and the second colony of Stellenbosch, there lay a waste-land of prehistoric sea-bed making the Cape peninsula appear to be an island cut off from the rest of Africa. The colony was initially a dumping ground for the VOC's sick, dead, political exiles and convicts. The place can be summed up by the following key words: fort, penal settlement, cemetery, hospital,

¹ *Buiten comptoiren* were out stations or subordinate dependencies, each with its own governor or commander, which before (1652), extended from Ceylon in the west to the Celebes and Japan in the east [CA: BP (*Cape Pamphlets*): Colin Graham Botha, 'Early Cape Matrimonial Law'].



slave lodge, vegetable garden, drinking hole and brothel. Transferred officials and servants could not be expected to stay there indefinitely and 'free-burghers' (*vrijburghers*) - a minority of whom were manumitted slaves termed 'free-blacks' (*vrijzwarten*) - and their wives, if not legally bound to stay for a fixed period as 'free citizens', would have opted to leave sooner. Some even deserted by running or stowing away. There were very few imported women so that there existed a maximum demand for sexual favours from slave women and detribalized aborigines. Some European women, appreciating this chronic shortage, even risked cross-dressing and leaving for the Cape and the East Indies disguised as men. A number were discovered even before their ships sailed past the Cape. Then, there were many more stowaways and high-sea captives. All life revolved around the coming and going of the VOC fleets and their motley crews - and keeping the 'Hottentots' at bay. An overpopulated hospital, multiple burials, illegal trade (either between the ship folk and the free burghers or corrupt officials or local aborigines), fornication, homosexuality, prostitution, gambling, drinking, squabbling, stealing, punishing and killing were the dis/order of the day.

Nomenclature, terminology, Dutch 17th & 18th century writing conventions & archival sources

17th century Dutch writing conventions display a healthy aversion to standardization. There is a tendency in South Africa to convert, incorrectly, old Dutch names found in original documents using modern Afrikaans writing conventions. In particular, the principle of 'writing one concept as one word' derives from a more removed (if not alien) High German convention imposed once written Afrikaans conventions became institutionalized. Hence, the original *Blaauw Berg* is rendered *Blouberg* and re-rendered *Blaauwberg* [*sic*]. The Dutch were happy to abide by the European (proto-international) name generally used for the Cape, viz. the Portuguese *Cabo de Boa Esperanza*. The Dutch, however, often influenced by French, gallicized the latter half of the name: *Cabo de Boa Esperance*. The Dutch rendition of the name is generally found as *Caep de Goede Hoop*. *Caep* or *Caap* is often also found as *Caab*. Place names are used as the Dutch knew them at the time, as opposed to latter-day 'politically correct' names. The spelling of personal names found in the records have been standardized (except when quoted directly from the sources) in order to avoid confusing the reader unnecessarily. Foreign terms are translated into English when they first appear in the text. Archival sources are not referenced separately, but are detailed in endnotes after each chapter.

Naming people

The 17th century Dutch generally used patronyms and toponyms, even when family names or surnames were known or in existence and sometimes used. The use of a family name serves often as an indicator of higher status. One's provenance or place of birth was more important. This is because of the European convention of bureaucratically confining people to their places of birth even if they had already moved away. Slaves were named in the same way. Many toponyms, however, are often interchangeable perhaps due to bureaucratic laxity and/or ignorance when dealing with the places of origin and/or purchase of enslaved and manumitted peoples, *e.g.*:

van Malabar / van Cochin / van Coromandel / van Paliacatta / van Bengale



Currency, weight & measurements

The VOC's monetary unit of account until 1658 consisted of two currencies:

the *guilder* (*gulden*) - also known as *florin* and represented by the symbol *f*; and the *stuiver* (1 *florin* = 20 *stuivers*)

the Spanish-American *rial* - also known as the *real*, *real-of-eight* and *piece-of-eight*. (1 *real* = 48 *stuivers*)

Thereafter the *rixdaalder* (*rixdollar*), abbreviated as *Rds* replaced these as the unit of account and converted generally to the amount of 2.5 to 3 *florins* per *rixdollar*. (1 *rixdollar* = 1 *real* = 3 *florins* = 48 *stuivers*). For the first half of the 17th century the Spanish-American *rial-of-eight* (also found as *real-of-eight*) was widely used in the East by the Dutch as real money and as a unit of account, being usually converted at about 48 *stuivers*, and considered as the (slightly overvalued) equivalent of the *rixdollar* (1 *real* = 2.4 *florins*). By VOC practice the *florin* was valued at 20 *stuivers* in the Netherlands and 16 *stuivers* in the Dutch Indies (including the Cape). As the *rixdollar* converted to 48 *stuivers*, it was worth 2.4 *florins* in the Netherlands and 3 *florins* in the Indies. This variance allowed persons transferring money from the Indies to the Netherlands to make a profit on the exchange rate. The Dutch pound (*pond*) weight most commonly used was the Amsterdam pound which amounted to 0.494 kg. Land (*erwen*) in South Africa was (and still is) measured by means of *morgen* and *roeden*.



Keeping the gate of Hell ...

'subliminal racism' & early Cape *carnal conversations*
between black men & white women

MANSELL UPHAM

(1st published 2001, updated Tokyo, August 2012)

Othello: Are you not a strumpet?
Desdemona: No, as I am a Christian.
If to preserve this vessel for my lord
From any other foul unlawful touch
Be not to be a strumpet, I am none.
Othello: What, not a whore?
Desdemona: No, as I shall be sav'd.
Othello: Is't possible?
Desdemona: O, heaven forgive us!
Othello: I cry you mercy, then.
I took you for that cunning whore of Venice
That married with Othello - You, mistress,
That have the office opposite to Saint Peter
And keep the gate of hell!

- William Shakespeare, *Othello, The Moor of Venice*



This article investigates how historians in the past explain an apparent irregularity of sexual activity between white women and black men during the VOC's colonial occupation of the Cape of Good Hope.

As starting point, let us look at that standard historical compilation entitled *The Shaping of South African Society 1652-1840* (edited by Richard Elphick and Hermann Giliomee), and more specifically, at the chapter 'Intergroup Relations, 1652-1795' by Richard Elphick and Robert Shell. The work was first published (1979) and revised in a second edition (1989). Generally considered to be authoritative, this book has often prescribed for university students, or relied on as a major reference work influencing (unduly?) much subsequent historical writings and research on colonial (and even modern) South Africa.



In a section all-embracingly termed *Miscegenation and Intermarriage*, these historians state the following:

“There was apparently little sexual activity in any district between black males and European females. Heese² has found references to only six such unions, and the authorities ruthlessly punished this sort of concubinage [*sic*]”.

Elphick and Shell illustrate the phenomenon of “this sort of concubinage” by giving three examples:

- the case (1694) of sexual immorality between **Jantje van Batavia** & 13-year-old **Adriana van Jaarsveld**³

² This reference is to Dr J.A. Heese (1907-1990) author of *Die Herkoms van die Afrikaner* and compiler of *South African Genealogies*.

³ Shell & Elphick (pp. 199 & 235, no. 58) state that she was 14 [*sic*] years old. Shell perpetuates this inaccuracy in his later work (1994), *Children of Bondage*, pp. 316-317. The court record [CA: CJ 3: (Criminal & Civil Cases, 22 November 194), p. 52] states that she was 13 years old in 1694. The event happened in 1694 - not 1695. Relying on his original work (1979 & 1989) with Elphick, Shell incorrectly states that **Jantje van Batavia** was still a slave and living at the house of his master when the event happened. At the time of the incident, **Jantje van Batavia** had already been manumitted and was a free-black working as shepherd for *landdrost* **Jan Mulder** and living at his employer's place.



- the case (1713) of **Anthony van Mozambique** for raping a minor [**Anne Jourdan**] (the victim Shell & Elphick leave unnamed); and
- the case (1732) **Hendrik van Nias** who also raped a minor [**Susanna Kuun**] (Shell & Elphick also do not identify the victim by name or age).

Were these three examples selected at random? Were these the only examples known to, or researched by, them? Not only are all taken from criminal records, but these were effectively brutal or illicit criminalized sexual encounters of abrupt duration. Although possibly qualifying as ‘miscegenation’, these incidents cannot be reconciled logically with the concepts of ‘concubinage’ and ‘marriage’. Concubinage *sensu stricto* is the cohabitation between a man and woman who are not legally married. Living together as *de facto* man and wife entails an element of duration or permanence and often tolerance (of sorts) by others. Elphick and Shell conclude from these three examples:

“The barbarity of these sentences was totally inconsistent with the mild, and rarely enforced, penalties against concubinage or rape between European males and black females”.

Thus far the enquiry, however, appears to have several shortcomings:

- The rarity of such interaction across the racial or colour lines is either accepted uncritically, or the issue played down by way of inconsistency and/or expediency.
- Rape, sexual assault, sex-with-a-minor, pædophilia, immoral sexual behaviour across the colour line between two consenting (loving?) adults who either connect only briefly, commit adultery, live in concubinage or are even legitimately married according to religious rites and societal conventions, rules and ceremonies etc, are simply lumped (equated?) together.
- The late Dr J.A. Heese is relied on (indirectly) for quantitative justification. The 6 incidents he found are not listed or described. This source is merely footnoted and substantiated as *personal communication*. Divulging the identities of the people singled out and the nature of these incidents could help us decide what type of relationships took place, eg marriage or rape or sexual molestation of a minor etc.
- Only three examples are relied on (directly) to cover a whole range of interracial sexual activity between black males and white females irrespective of age or consent or duration. The facts of the three cases quoted are assumed to be sufficiently illustrative of such varied interracial activity.
- It is stated categorically that all cases of “this sort of concubinage” were “ruthlessly punished” by the authorities.
- The ‘barbarity’ of the sentences imposed on the three cases in question are presumed to be “totally inconsistent” with the “mild, and rarely enforced, penalties” against ‘concubinage’ or ‘rape’ between European [*sic*] males and black females. No statistics are given. There is no conceptual clarification or indication of what the contemporary attitudes to rape might have been.

In his later work (1994) *Children of Bondage: A Social History of the Slave Society at the Cape of Good Hope, 1652-1838*, Shell approaches the same topic, but this time from the point of view of a stable and lawfully recognised relationship, viz marriage: ⁴

⁴ *Children of Bondage*: p. 318.



“Recent research on interracial marriages in the antebellum South has eschewed any reliance on anecdotal sources. The welcome practice of quantifying primary records has now caught hold in South Africa, and thanks to the careful genealogical work of the Historical Institute at the University of the Western Cape, we know that only two liaisons between a “full-breed” (*heelslag*) or mulatto [*halfslag*] male slave (or ex-slave) and a settler woman ever resulted in marriage”.

In a footnote he gives the examples of **Marguerite de Savoye** who married **Christoffel Snyman** (c 1690), and **Maria Roos** who married **David Hoon** (9 November 1794). These were lawful marriages and not 'liaisons' as Shell calls them. A *liaison* generally amounts to *illicit intimacy between a man and a woman*.⁵ Already in 1984 Hans Heese singled out four interracial unions between black men and white women at the Cape for the period (1652-1795).⁶

- **Christoffel Snyman & Marguerite de Savoye;**
- **David Hoon & Maria Roos**
- **Salomon Jacobs & Anne Elisabeth Zeeman**⁷;
- **Johannes Claassen** junior, the son of **Johannes Claassen & Johanna de Ryk** whose descendants were taken up in the White community.

The first three mentioned were all legal unions. The fourth man had three successive unions with women of varying hue: one *de facto* and the other two *de jure*.⁸

In a further attempt to quantify, (or at least identify) the documented cases involving black male / white female sexual interaction, the writer has found examples of many more consummated marriages or stable legal unions between black men and white women at the Cape during the VOC-period. Also singled out are the various recorded briefer sexual interactions that took place. In view of the ongoing research, these examples are not exhaustive. These incidents are categorized under various headings that reflect the intricacy of interracial variables involving white women and black men. Aspects, worthy of consideration, include:

- the *legal status* of these black and mixed race men in terms of being *free-born*, *freed* (manumitted) or *enslaved* and whether born in or out of wedlock (legitimate or illegitimate - *in echt* or *in onecht*);

⁵ Oxford Dictionary definition.

⁶ Hans F. Heese, *Groep sonder Grense*, pp. 6 & 14.

⁷ The racial make-up of **Anna Elisabeth Zeeman** [more correctly **Seemann**] however, is suspect. Her mother, **Hendrina Engela**, appears to be of mixed race. Significantly her sister, **Maria Susanna Seemann**, also married a man of colour. He was **Frederik Ziegelaar van de Caep**.

⁸ Firstly, he married *de facto* **Elisabeth Jacobs: van de Caep**. She was the daughter of **Jan Jacobsen & Anna Agnetha Pieterse**. Her father was the son of the free-black woman, **Maria van Guinea**, by **Jacob van Macassar**. Her mother was the likely manumitted daughter of a European father, **Andreas Peters** (from Lübeck) by an unknown slave woman [possibly the Cape-born *mesties* **Maria Pieters**:]. Secondly, he married (2 April 1751) the Cape-born **Cornelia van Wyk** who was of white parentage. Thirdly, he married (22 August 1756) **Aletta Booysen** (the daughter of the Cape-born white father, **Dirk Booysens**, and a mother of (as yet) unknown origin, **Aletta Harmens**).



- lawful marriage between a white woman and black man was possible - provided the black man was baptised (Christian) - and illegal and punishable (where applicable) as *concubinage*, *adultery* or *fornication* if he were Heathen or Moor;
- specific nomenclature and identity tags deriving from such legal status made for legally entrenched (also racial and racist) hierarchic discrimination, eg *christen*, *onchristen*, *vrij geboren*, *vrij zwart*, *lijfeijgen* / *slaaf*, *heelslagh*, *halfslagh* (*mestiço* / *mesties* or *mulatto*), *kastiço* (*kasties*), *Bastaard*⁹, *Bastaard Hottentot*, *Hottentot*, *Bosjesman*.

Christen = Christian.

Onchristen = non-Christian.

Vrij geboren = free-born and never enslaved (refers generally to *swartes* - indigenes, East Asian political exiles & to offspring of liberated slaves). Such a person was not the same as a free-black, although s/he would easily and often (even purposely) be mis-identified as being *vrij zwart*.

Vrij zwart = manumitted or liberated from slavery having ostensibly the same legal status as free-burghers. Sub-groups also existed, eg *vrij Chinees* & *vrij caffer*.

Lijfeijgen or *slaaf* = slave.

Heelslagh = full caste or full-blood (refers generally to non-white slaves having no white admixture). These were further distinguished *inter alia* as *neger*, *caffer*, *Indisch*, *Chinees* etc.

Halfslagh = half-caste.

Mestiço or *mesties* = half-caste (refers generally to child of a white father and an Asian slave mother).

Mulatto = half-caste (refers generally to a child of a white father and a black African / Negro / Bantu slave mother).

Kastiço or *kasties* = child of a *mesties* or *mulatto* slave mother and white father.

Bastaard = child of a white father & 'Hottentot' / 'Bushman' mother.

Bastaard Hottentot = child of a 'Hottentot' / 'Bushman' mother & (African / Negro / Bantu or Asian) slave father.

Hottentot = Cape indigene known as Quena / Khoena / Koina.

Bosjesman = 'Bushmen' / Sa(a)n and also 'Hottentots' who have been Bushmanised (ie 'Hottentot' minus their livestock and hunted down as 'Bushmen').

⁹ *Bastaard* = child of a white father & 'Hottentot' / 'Bushman' mother.



I INTERRACIAL MARRIAGES BETWEEN BLACK & MIXED RACE MEN & WHITE WOMEN

Slave *heelslagh* (later freed) men & white (Cape-born) women

Claas Jonas: *de Jonge* (c. 1705-1759) & **Anna Maria Brits** (1694-c. 1773)

They married at the Groote Kerk (12 July 1733). He was born in slavery and illegitimate. He was *heelslagh* and the son of the *heelslagh* Company-slave, Cape-born **Claas Jonas: *d'oude*** (baptised 1 August 1688) and the privately owned slave **Dina van Bima** (died 1782) - both freed by 1711. He was probably manumitted together with his mother by 1711. He was the grandson of former Cape-born *heelslagh* Company-slave woman **Armozyn [Claesz:] *de Cleijne van de Caep*** (1661-1733) likely by Company slave **Jonas van Malabar / van de Cust** and in all probability great-grandson of the Arab or Ethiopian Company slave woman, **Cornelia Arabus**, possibly by the privately owned slave (later free-black), **Paaij Claes van Guinea**. At the time of their marriage, **Anna Maria Brits** was the widow of the *vrij geboren*, illegitimate and *mulatto* **Hermanus Gerrits**. Their marriage is dealt with later in this article. She was the daughter of **Hans Jacob Brits** (from Stein) and the illegitimate, Cape-born **Dina Willemse *alias* Dina Ockerse** (c. 1672-1722). Her mother's illegitimacy may explain why she married 'down'. Her mother was the product of an adulterous union between **Maria Jans: Visser** (from Ommen) and her husband's *knecht* **Ockert Cornelisz: Olivier**. Her husband, **Willem Willemsz: *de Lierman*** (from Deventer), fled the Cape after killing a 'Hottentot'. During his absence, **Dina** and her brother **Cornelis** were conceived in adultery. Dina's illegitimacy was irreversible and the stigma invariably damned her descendants to the less 'respectable' and lower levels of Cape colonial society. The children of **Claas Jonas** and **Anna Maria Brits** were *mulatto*.¹⁰

Slave *halfslagh* (later freed) men & white (Europe-born) women

Christoffel Snijman van de Caep (1668-1705) & Marguerite-Thérèse de Savoye (1673-1742)

This union is exceptional. It is the only known recorded union between a Europe-born (white) woman and a manumitted 'black' (in this case *mestizzo* or half-black) man. They married at the Drakenstein (Paarl) church c. 1690. The Drakenstein marriage register for the period was destroyed in a fire.¹¹ He was born in slavery at the Cape and illegitimate. He was *mesties* being the son of the exiled convict and Company-slave **Catharina (Groote**

¹⁰ J.L.M. Franken, 'Willem Willemsen, van Deventer: Die avontuurlike lewensloop van 'n Riebeeckse vryburger', *Standpunte*, Nuwe Reeks 14 XI, nr. 2 Oct.-Nov. 1956; Esmé: Bull, 'An Anomaly in the Olivier Family', *Familia*, XXIII, no 3 (1986), pp. 46-53; Margaret Cairns, 'Armosyn Claas of the Cape and her Family 1661-1783 [sic]', *Familia*, vol. XVI, no. 4 (1979), pp. 84-99 & M.G. Upham, 'Armosyn Revisited', *Capensis*, no. 2 (2000), pp. 19-33; Mansell George Upham, 'Hell and Paradise ... Hope on Constantia / *De Hel en Het Paradijs ... De Hoop op Constantia*: Jan Grof (died ante 1700) and his extended family at the Cape of Good Hope - a glimpse into family, household, patriarchy, matriarchy, bondage, marriage, concubinage, adultery, bastardy, métissage, manumission, propinquity and consanguinity in 17th century Dutch South Africa before slavery's abolition, the weakening of kinship and emergence of the modern nuclear family: <http://www.e-family.co.za/remarkablewriting/HelEnParadijs-DeHoopOpConstantia.pdf>.

¹¹ M.G. Upham, *Capensis*, 'Missing Drakenstein Church Registers', no. 1 (1997), p. 13 & J.A. Heese, 'Verlore Trouboek van die gemeente Drakenstein, Paarl', *Familia*, no. 4 (1977), p. 81.



Catrijn) van Paliacatta (c. 1631-1683), by a white father. The soldier **Hans Christoffel Snijder [Schneider] / Snijman** (from Heidelberg), who was banished to Robben Island, was reputedly his biological father. His mother was baptised at the Cape (29 April 1668) while he was baptised at the Cape (9 March 1669). He was freed (December 1671), with his mother, following her second pardon by the governor-general in Batavia. As a result of his mother's marriage (20 December 1671), he was legitimized becoming the adopted son of the free-black **Anthonij Jansz: van Bengale** (died 1682). **Marguerite-Thérèse de Savoye** was born in Ghent in Flanders. She was the daughter of the famous Huguenot refugee **Jacques / Jacobus de Savoye (1636-1717)** (from Ath [Hainault / Hanegouwe]) by his first wife **Christine du Pont**.¹²

Slave *halfslagh* (later freed) men & white (Cape-born) women

Jacobus van As (1664-1713) & Maria Clements (1672 -1700)

They married at Drakenstein (Paarl) Church (8 May 1689). He was *halfslagh* and born in slavery, the illegitimate son of the privately owned slave Angela (**Maaij Ansela) van Bengale**. His biological father was reputedly the Company cooper, **Jan van As(ch) / Assen** (from Brussels). He was manumitted (13 April 1666), together with his mother and two siblings, **Anna de Coninck (1662-1734)** and the executed **Jan van As junior (1664-1688)**. He was legitimised in terms of his influential mother's marriage (15 December 1669) to his stepfather **Arnoldus Willemsz: Basson** (from Wesel). **Maria Clements** (baptised Cape 11 August 1672) was the Cape-born daughter of the Swede **Matthias Mikaelsson** (from Stockholm) and **Isabella van Delft** (from Bommel).¹³

Jacobus Steyn & Maria Potgieter

They married (4 October 1706). He was *casties* and born in slavery being the *voorzoon* of the privately owned, Cape-born *mulatta* slave, **Maria Lozee**, by an unknown father and likely grandson of the privately owned slave **Maria van Angola**. He was baptised at the Cape (29 August 1683). He was freed with his mother and legitimised by her marriage on 19 August 1685 to **Douw Gerbrandsz: Steyn** (from Leeuwarden). **Maria Potgieter** (baptised Cape 31 August 1687) was the daughter of **Harmen Jansen Potgieter** (from Nordhorn) & **Isabella Frederiks**: (from Amsterdam).¹⁴

¹² M.G. Upham, 'In Hevigen woede...Part I: Groote Catrijn: Earliest recorded female *bandiet* at the Cape of Good Hope – a study in upward mobility', *Capensis*, no. 3 (1997), pp. 8-33; Part II: Christoffel Snijman: his curious origins and ambiguous position in early Cape colonial society', *Capensis*, no. 4 (1997), pp. 29-35.

¹³ M.G. Upham, 'Maaij Ansela and the black sheep of the family: A closer look at the events surrounding the first execution of a *vrij burgher* in Cape colonial society for the murder of a non-European', *Capensis*, no. 4 (1997) pp. 4-18, (1998), nos. 1 (pp. 22-35, 2 (pp. 26-39), 3 (pp. 21-28) & 4 (pp. 37-40) (1998), (1999), nos. 1 (pp. 38-40) & 2 (pp. 27-38).

¹⁴ J.A. Heese, 'n Paar Aantekeninge by die Kwartierstaat van Paul Kruger', *Familia*, vol. VI, no. 1 (1969), pp. 19-20 & John Muir, 'Steyn - Die Stamboom van 'n Afrikaner-Familie', *Familia*, vol. V, no. 4 (1968), vol. VI, nos. 1 & 2 (1969), pp. 11-13 & 43-48.



Free-born *heelslagh* & white (Cape-born) women

Hendrik Claasen & Maria Booysen

They married at Stellenbosch (14 July 1709). Cape-born, he was *vrij geboren* out of wedlock. He was baptised at the Cape (30 December 1685). He was *heelslagh* being the son of the freed slaves, **Claas Gerritsz: van Bengale** (baptised Cape 10 February 1686) (died 1697) and **Sara van Solor**, (baptised Cape 3 September 1679). Prior to her marriage, his mother worked in the household of the senior official, **Willem van Dieden** and **Grietje Frans: Meeckhoff**, the widow of **Hinrich (Hendrik Snijer) Hinrichssen** (from Sürwürden). She also had an illegitimate child by the surveyor **Joan Wittebol** (from Amsterdam). **Hendrik Claassen** was subsequently legitimised by the marriage of his parents (13 March 1686). His mother remarried (1698) a *mestizzo* **Herman Buys** (from Batavia). She obtained a divorce from him (1707) because he ill-treated her and her children from the previous marriage.¹⁵ Buys had illegitimate children by the slave woman **Diana van Trankebar**.¹⁶ **Maria Booysen** (baptised Cape 26 December 1681) was the Cape-born daughter of the venerable **Boy Booysen** (from Barlt) and **Hermina van Nes** (from Wyk bij Duurstede). The social standing of the **Booyesen** clan continues to intrigue.

Mochamat Dayan, *alias* David Sultania & Marie Jourdan

They married (3 July 1740). She was the widow of the free-born illegitimate *mulatto* **Johannes Pretorius** (of whom see below). **David Sultania** was the son of the exiled rajah (**Alubasi Sultan**) and ranee (**Sitina Sara Marouff**) of Tambora. Born **Mochamat Dayan**, he was baptised **David Sultania** (1739). His sister **Sitina Asia**, baptised **Maria Dorothea Sultania**, was married to **Christiaan Carel van den Bos** (from Den Haag) who was executed for the rape of the 10-year-old **Johanna Hoog** (baptised 8 July 1725), the minor illegitimate child of the **Widow Pelzer**, **Elisabeth van den Berg**, by **Claas (de) Hoog**. The rape took place in the house belonging to the *deaconij* and inhabited by the impoverished ranee who was the daughter of **Shaikh Yusup**.¹⁷ **Marie Jourdan** (baptised 16 November 1704), was the daughter of **Pierre Jourdan** (from Belle Etoile [Luberon, Provence]) and **Johanna Adriana Junius**.¹⁸

Johannes Claasz: *junior*, *alias* Hannes Malabar & Cornelia van Wyk

They married at Drakenstein (Paarl) Church (2 April 1751). He was *vrij geboren*, illegitimate and *heelslagh*. He was baptised at Drakenstein (12 January 1724). He was legitimised by parents' later marriage. He was the son of the manumitted **Johannes Claasz: senior** (died c. 1727) and the *vrij geboren* **Johanna de Ryk** (baptised Cape 4 April 1712). His paternal grandparents were the free-blacks **Claas (van) Malabar** (died *post* 1747) and **Helena van Timor**. His maternal grandparents were the free-blacks **Arent van Macassar** and **Constantia van Bengale**. **Cornelia van Wyk** (baptised Drakenstein 25 March 1731) was

¹⁵ de Wet, G.C.: *Die Vryliede en Vryswartes in die Kaapse Nedersetting 1657-1707*, p. 212.

¹⁶ See J.A. Heese & R.T.J. Lombard, *South African Genealogies*, vol. I, p. 523.

¹⁷ J.L.M. Franken, *Die Hugenote aan die Kaap*, p. 172; M.G. Upham, 'At War with society ... Did God hear? ... - the curious baptism in 1705 of a 'Hottentot' infant named Ismael, *Capensis*, pp. 29-51.

¹⁸ Harry Booyens, 'Pierre de Cabrières and Pierre de Belle Etoile', *Familia* (September 2012) – baptism for Maria & her mother's names given by Booyens, however, are incorrect and have been corrected by Delia Robertson, *First Fifty Years Project*.



the daughter of **Roelof van Wyk** and **Aletta Bezuidenhout** who were both Cape-born. She was the maternal granddaughter of **Wynand Bezuidenhout** and **Gerbregt Boshouwer**, great-granddaughter of the Cape-born *mesties* **Adriaantje Gabriels**: and **Pieter Boshouwer**. **Adriaantje Gabriels**: was born in slavery and illegitimate, the daughter of the privately owned slave, **Catharina (Catrijn) van Malabar**. She was baptised (13 November 1667), freed with her mother and legitimised in terms of her mother's marriage (15 March 1676) to her stepfather, **Cornelis (Kees) Claesz: de Boer** (from Utrecht).

Free-born *mesties* men & white (Europe-born) women

Gerrit Basson (1673-1713?) & Johanna Ryninck: / Rykse Verburg (from Leiden)

Maaij Ansela's son by her lawful husband, he 'married up' or at least according to his station. The Verburg family was an established, high-ranking and well-connected VOC family. The marriage was childless. The DRC Archive's baptismal register index, De Villiers/Pama and Heese/Lombard, all incorrectly ascribe to them a child baptised **Hendrik** (1 January 1710). This was in fact the son of **Gerrit Jansz: van Deventer** and his wife **Arriaentie Jacobs** whose baptism was *witnessed* by **Gerrit Basson** and **Jannetie Rykse**.

Free-born *mesties* men & white (Cape-born) women

Willem Basson (1670-1713) & Helena Clements (1674-1713)

Maaij Ansela's son by her lawful husband, he married his sister-in-law who was the wife of his half-brother, **Jacobus van As** (see above). She was the Cape-born daughter of the Swede, **Matthias Mikaelsson** (from Stockholm), and **Isabella van Delft** (from Bommel).¹⁹

Jan Basson (1675-1706) & Zacharia Jans: Visser (1665-1713)

Maaij Ansela's son by her lawful husband, a bachelor, he shacked up with the widow of the free-hunter, **Diederich Putter** (from Zierenberg) who had died (1699_. A child, **Arnoldus Johannes Basson** (baptised 26 February 1702), was conceived out of this illicit union whose maternity became a bone of contention after his mother's death. The widow remarried (5 July 1706) **Andries Krügel** (from Tennenlohe) who later denied the existence of his late wife's bastard child. **Jan Basson** was half-brother to **Jan (Jantje) van As** who was executed (1688) for stock theft and the abduction and murder of the slave **Anthonij van Malabar**. His nephew, also **Jan van As** (baptised Stellenbosch 6 April 1692), the son of **Jacobus van As** and **Maria Clements**, was banished to Robben Island in 1716 for his immoral behaviour whilst still a ward of the Orphan Chamber. **Zacharia Jans: Visser** was born at the Cape and baptised (23 August 1665). Since Commander **Zacharias Wagenaer** had been her godfather, she was commonly referred to as *Zacharias Wagenaer*. Possibly, this is the earliest documented case of a woman at the Cape using a man's name. She was the daughter of the free-burgher **Johannes (Jan Groff) Coenraed Visser** (from Ommen), and **Margaretha (Grietje Groff) Gerrits**: (from Hardenburg) *alias* **Grietie Pietersz**. Her mother, who beat her slave **Claes van Malabar**, was axed to death by him (March 1692).

¹⁹ M.G. Upham, 'Maaij Ansela and the black sheep of the family: A closer look at the events surrounding the first execution of a *vrij burgher* in Cape colonial society for the murder of a non-European', *Capensis*, no. 4 (1997) pp. 4-18, (1998), nos. 1 (pp. 22-35, 2 (pp. 26-39), 3 (pp. 21-28) & 4 (pp. 37-40) (1998), (1999), nos. 1 (pp. 38-40) & 2 (pp. 27-38).



Her father had numerous illegitimate offspring by at least two slave women: the Company slave **Lijsbeth van Angola** and his own slave **Maria van Negapatnam**. Her half-sister was the infamous **Maria Jans: Visser** (from Ommen), *alias* **Maria Liermans:**, who had committed adultery with **Ockert Cornelisz: Olivier** (from Oudekerk). It was this half-sister's granddaughter, **Catharina Olivier** (baptised 30 December 1708) whose parents had both been wards of the Orphan Chamber, who married Zacharia's illegitimate son, **Arnoldus Johannes: Basson**. Her son was banished to Batavia (1739) for his involvement with the 'social bandit' **Estienne Barbier**.²⁰

Free-born *mulatto* men & white (Cape-born) women

Johannes Pretorius & Marie Jourdan

They married (1 February 1722). He was *vrij geboren* and *mulatto* being the illegitimate son of **Dirk Pretorius** (from Linteloo) by his concubine, the Cape-born freed slave **Maria Hans(en) / Hansdochter**. Recorded as a fisherman (1722), **Dirk Pretorius** was possibly the maternal grandson of the privately owned slave **Maaij Isabella van Angola**. He was baptised at the *Groote Kerk* (27 May 1691). He was the widower of **Constantia van Bengale** *alias* **Constantia van Malabar / Coromandel**, the widow of the Cape-born, free-black fisherman **Joost Ventura van de Caep**. They had seven children. **Marie Jourdan** (baptised 16 November 1704), was the daughter of **Pierre Jourdan** (from Belle Etoile [Luberon, Provence]) and **Johanna Adriana Junius**. On 3 July 1740 **Marie Jourdan** married (secondly) **David Sultania**, the son of the exiled rajah and ranee of Tambora. He was the maternal grandson of **Shaikh Yusup**. This marriage is discussed separately above.

Hermanus Gerrits (1701-1730) & Anna Maria Brits (1694-c. 1773)

They married allegedly (5 December 1723). He was *vrij geboren* and *mulatto* being the illegitimate son of **Gerrit Gerritz:** (from Oldenburg) by his concubine, the freed slave **Susanna van Bombasa [Mombasa]**, *alias* **Susanna van Madagascar**.²¹ He was baptised at the *Groote Kerk* in Cape Town (20 March 1701). **Anna Maria Brits** was the daughter of **Hans Jacob Brits** (from Stein) and the irreversibly illegitimate Cape-born **Dina Ockers: / Willems: (c. 1672-1722)**. She married **Claes Jonas de Jonge** (already dealt with *supra*).²²

Johannes Colijn & Johanna Appel

They married (23 September 1724). He was the widower of the free-born *kasties* **Elsabe Barzenius van Hoff** (daughter of the Cape-born *mestiz* **Margaretha Jans: Visser** and granddaughter of the Company slave woman **Elisabeth (Lijsbeth) van Bengale** by the free-burgher **Jan Coenraed Visser** (from Ommen)). He was *vrij geboren* and *mulatto*, the

²⁰ Mansell George Upham, 'Hell and Paradise ... Hope on Constantia / *De Hel en Het Paradijs ... De Hoop op Constantia*: Jan Grof (died ante 1700) and his extended family at the Cape of Good Hope – a glimpse into family, household, patriarchy, matriarchy, bondage, marriage, concubinage, adultery, bastardy, métissage, manumission, propinquity and consanguinity in 17th century Dutch South Africa before slavery's abolition, the weakening of kinship and emergence of the modern nuclear family: <http://www.e-family.co.za/remarkablewriting/HelEnParadijs-DeHoopOpConstantia.pdf>.

²¹ Just like the name *Mumbai* has been rendered phonetically as *Bombay*, the possibility exists that *Bombassa* is a phonetic 'corruption' / alternative to *Mombassa*.

²² Margaret Cairns, 'Gerrit Gerrits of Oldenburg and Susanna of Bombaser - An early 18th century couple', *Familia*, vol. XVII, nos. 3/4 (1980), pp. 49-56.



illegitimate son of the Cape-born *vrij geboren* **Maria Everts: van de Caep**. He was the maternal grandson of the freed slave, **Evert van Guinea** and his *de facto* wife the privately owned (later freed) slave, **Anna van Guinea / Angola**. He was baptised (26 December 1692). Although his mother was separated from her lawful husband **Jackie Joy van Angola**, she was still legally married. In terms of Roman-Dutch Law, if **Jackie Joy** were still alive, the law would have deemed him to be the biological father. This legal fiction was designed to prevent, or at least minimise, bastardy. His biological father was his mother's concubine, **Bastiaen Colijn** (from 's Gravenhage). His polygamous maternal grandfather 'earned' his freedom by collaborating with the Dutch in the capture of his runaway enslaved compatriots. His influential mother consolidated and added to the family's landed property and died a wealthy woman. She reputedly had an illegitimate child by the senior surgeon, **Willem ten Damme** (from Oldenzeel). One of the latter's legitimate descendants was the Cape Governor **Swellengrebel**. **Johanna Appel** was the daughter of Cape-born parents, **Ferdinandus Appel** and **Lavina Cloete**. **Ferdinandus Appel** committed adultery with **Maria Kickerts**, *alias Kickers* (ie 'frog'), the estranged wife of **Jan Cornelisz:** (from Oudbeyerland), *alias Bombam* and concubine of **Friedrich Both/a** (from Wangenheim). **Lavina Cloete** was the daughter of the notorious 'Hottentot' killer **Dronke Gerrit Cloete** and the granddaughter of the murdered **Jacob Cloete** (from Cologne).

Evert Colijn & Adriana van Deventer

They married (15 March 1739). He was *vrij geboren* and *mulatto*, the illegitimate son of the Cape-born *vrij geboren* **Maria Everts: van de Caep**. He was baptised (3 October 1700). His biological father was his mother's concubine, **Bastiaen Jansz: Colijn** (from 's Gravenhage). **Adriana van Deventer** (baptised 11 September 1712) was the daughter of the Cape-born **Jan Gerritsz:** (from Deventer) (baptised 21 August 1689) and **Magdalena Brits** (baptised 13 April 1692) and maternal granddaughter of **Hans Jacob Brits** (died 1729) from Stein and the irreversibly illegitimate, Cape-born **Dina Willemse / Ockerse** (c. 1672-1722). Her paternal grandmother, a purported genetic-disease-carrier, **Ariaantje Jacobs:** (from Rotterdam), was one of the specially recruited orphan girls sent out in 1688 on the *Berg China* to become settler wives.²³

Free-born *castiço* men & (Cape-born) white women

Roelof Olofse & Sara Cordier

They married (15 August 1728). He was *vrij geboren* and the legitimate son of the Cape-born *mulatta* ex-Company slave, **Sara Jans: Leenderts van Gijsselen / Gieselen** (1671-1713) and her husband **Andreas Wesse Olofsen de Noorman** (from Christiania). He would have been known a *cuarteron* in the New World. He was the maternal grandson of **Maaij Claesje van Angola** (who arrived on the *Amersfoort* in 1658) reputedly by **Leedeert Jansz: van Gijsselen** (from Den Haag). His mother had been severely censured by the Stellenbosch church for her immorality. After her husband's death in 1709, she had an illegitimate child, Sara Meurs by the *landdrost* at Stellenbosch **Samuel Martini de Meurs** (from Dordrecht), who later married **Jan Michiel Kromhout / Krumholect** (from Königsberg). **Sara Cordier** (baptised 28 January 1713) was the daughter of the French Huguenots, **Jean Cordier** and

²³ J.A. Heese, 'Die Hollandse Weesmeisies', *Familia*, vol. XIII, no. 3 (1976), p. 71.



Jeanne Terrier. Both husband and wife appear to have been impoverished (even unwilling) wards of the Orphan Chamber.

Cape aborigine ('Hottentot') man & (Cape-born) white women

Klaas Barends / Berend & Catharina Elisabeth Cloete

Their union commencing *c.* 1759 appears to have been *de facto*. Or were they married by missionaries? **Klaas Barends: / Berend** is recorded as being *een regte Hottentot*. **Catharina Elisabeth Cloete** (baptised 13 November 1740) was the daughter of **Gerrit Cloete** and **Huibrecht Slabbert**, the granddaughter of the notorious **Dronke Gerrit** and the great-granddaughter of the murdered **Jacob Cloete** (from Cologne). She trekked into the interior with her widowed father who 'went native'. She became the founding mother of the **Barends** families / clan of Griqualand West.²⁴

'Bastaard Hottentot' man & (Cape-born) 'white' woman

David Hoon (1766-1841) & Maria Roos

They married (9 November 1794). He was the son of **Sambouw van Madagascar** and **Rachel van de Caep**. He appears to be the son of a Cape aborigine mother, hence *vrij geboren*, and a slave father. She was the daughter of **Gijsbert Roos & Wilhelmina Booysen**, the granddaughter of **Gerrit Booysen & Johanna Durand**, the great-granddaughter of **Jean Durand** (from La Motte-Chalançon) & **Anna Wilhelmina** and the great-great-granddaughter of **Jan Willemsz: Vermeulen** (from Utrecht) & the former privately owned Cape-born slave, **Catharina Opklim van Bengale**.

²⁴ J.A. Heese & R.T.J. Lombard, *South African Genealogies*, vol. I, p. 596.



II CASES WHERE INTERRACIAL IMMORALITY AND RAPE ACROSS THE COLOUR LINE WAS PUNISHED

In his later work Shell *Children of Bondage* (1994) anecdotalizes under the heading 'Sexual Exploitation' (pp. 315-324) about a few more interracial (consensual and non-consensual) intercourse between enslaved / freed black men and white women / girl-children that appear in the criminal records:

- **Adriana van Jaarsveld & Jantje van Batavia**
- **Neeltje Olivier & Robert van Batavia**
- **Maria Mouton & Titus van Bengale**
- **Mrs van Bruel & her unnamed slave**
- Unnamed victim [**Hilletje Smits**] & **Jacob van de Coromandel Coast**
- Unnamed victim [**Risie Jacobs**] & **Cupido van Bengale & his master's daughter**

These examples, together with the cases originally cited by Shell and Elphick, are detailed chronologically below under more appropriate headings. Where other writers are known to have written about these incidents, these references have been added. Incidents during the period (1652-1800) that have not received attention until now are also included. What happened to the victims afterwards, if known, is also indicated.

ATTEMPTED RAPE OF A EUROPEAN FEMALE MINOR BY A MALE SLAVE

Five incidents are on record. Three of the girls (**Hilletje Smits**, **Neeltje Olivier** & **Susanna Kuun**) were almost young women at the time, whilst the fourth one (**Helena Nieuwoudt**) was only twelve-years old and the victims of the fifth incident (the **Ackerhuys** sisters) were six years old and six months old. Two of the assailants were more severely punished: one for running away and the other for harassing yet another older Christian woman (**Cornelia Henning**). **Neeltje Olivier** appears to have died the year following her rape in the smallpox epidemic (1713). **Hilletje Smits**, **Helena Nieuwoudt**, **Susanna Kuun** all married, becoming mothers and important ancestors. **Cornelia Henning** appears to have remained an old maid looking after her brother, the converted ex-Jew, former executioner, **Abraham Hartogh** (from Frankfurt).

1705 Jacob van de Coromandel Cust & Hilletje Smits

The slave belonging to **Isaac Schrijver**, **Jacob van de Coromandel Cust**, aged 25-years, cornered the 19-year-old **Hilletje Smits** at Jonkershoek, near Stellenbosch. It was dusk. He propositioned her for sexual intercourse. She refused him behaving 'properly' (*in billikhijd*) as would a daughter of European parentage *sijnde een dogter van Europeaansche geslagte*. By 10 o'clock that evening, she was saved from his clutches by a free-burgher who happened to pass by. Her assailant never got so far as to have sexual intercourse with her. Jacob ran off, was eventually arrested and brought to trial. At the trial, the prosecuting officer reminded the court that the crime had been committed *bij een slaaf en onchristen aan een dogter van Europeesche en Christene geslagte gepleegd*. The court reiterated this unnatural union by *een swarte lijfeigenen aan een vrije dogter van Europeansche geslag*. For his attempted rape and fleeing the law, he was sentenced to death. He was hanged (10 June



1705).²⁵ **Hilletje Smits** (baptised 1 April 1691) was daughter to **Jan Smit** (from Maastricht) and **Adriana Tol** (from Delft). Her mother remarried (11 January 1705) **Andreas Kuyper** (from Stettin [Swedish Pomerania]). She married (24 October 1705) the Swede **Matthys Andries de Beer** (from Wase [Vasa]), by whom she had nine children. During the first year of her marriage, her husband's illegitimate child by **Maria van Caab**, was baptised **Geertruyd**. After De Beer's death, she remarried (3 April 1757) **Johann Georg Zorn** (from PfiEFFE [Hesse-Nassau]), the widower of **Maria du Plessis** (previously the widow of **Jan van Ellewe**).

1712 Robert van Batavia & Neeltje Olivier

In October 1712, the 17-year-old **Neeltje Olivier** was left alone while her mother and brother were out in the fields with the slaves. She was 'accosted', so she claimed, by **Robert van Batavia**, aged 30 years, who belonged to Neeltje's maternal grandmother, the widow of **Gijsbert Dirx: Verwey** (from Cuijk), **Catharina (Trijntje) Theunissen Gansevanger de boerin** (from Harmelen [Utrecht]). Robert was adamant that Neeltje had led him on, and that this had not been the first time. Whilst mashing rice to feed the chickens, she made a point of squatting provocatively on her heels and enticing him sexually. The repartee that followed purportedly revolved around the word *melkert* being used as a sexual innuendo. Attempted seduction turned into 'attempted rape'. Robert, realising the outcome of even false accusations, fled. Caught soon thereafter, he was tried and sentenced to death.²⁶ **Neeltje Olivier** (baptised at the Cape on 15 April 1685) was the daughter, and 4th child, of **Ockert Cornelisz: Olivier** (from Ouwerkerk) and **Aletta Verwey** (from Woerden). She was deceased by 1721 and probably died a year after the attempted rape in the 1713-smallpox epidemic. She is not named in the will of her mother and the deceased estate papers of her maternal grandmother.²⁷

1729 Abel van Timor & Helena Nieuwoudt

Abel van Timor, a 40-year-old slave belonging to **J. M. Cruywagen**, was sent by his master to a Company outpost (*buitepost*). When at Salt River, he espied the twelve-year-old sister of **Anna Willemsz** and attempted to rape her. The victim was **Helena Willemsz**, who later adopted the name Nieuwoudt. She was rescued by the slave woman of **Anna Willemsz**, the wife of **Robbert Robbertsz: Brand** (from Christiania [Oslo]), who happened upon the scene. Abel fled to the neighbours, the house of the ex-Jew, former executioner, **Abraham Hartog**, and his spinster sister-in-law, **Cornelia Henning**. There he fondled a sleeping

²⁵ CA: CJ 4(I) Oorspronklike regsrolle en Notule, Landdros **Starrenburg contra Jacob van die Kus Coromandel**, 22.5.1705, 4.6.1705 en 6.6.1705, pp. 200, 205 & 207; CA: 1/STB 3/8 Verklarings en Pleidooie, Krimineel, ondervraging van Jacob, 2.5.1705; 1/STB 18/54 Notariële verklaringe, 11.5.1705; CJ 782, Vonnis van **Jacob van Coromandel** 6.6.1705, fol. 4; Hans F. Heese, *Reg en Onreg*, p. 98; J. Leon Hattingh, 'Beleid en Praktyk: Die doop van slawekinders en die sluit van gemengde huwelike verhoudings aan die Kaap voor 1720', *Kronos*, vol. 5 (1982), p. 40. Robert Shell (*Children of Bondage*, pp. 319-320 & n. 139) mentions this incident involving **Jacob van de Coromandel Cust & Hilletje Smits** but does not mention the victim by name.

²⁶ CA: CJ 5 Oorspronklike Regsrolle en Notule, Fiskaal *contra* Robbert van Batavia, 24.1 1.1712, fol. 83; CJ 782, Sententien, 24.11.1712, fol. 51; J. Leon Hattingh, 'Beleid en Praktyk: Die doop van slawekinders en die sluit van gemengde huwelike verhoudings aan die Kaap voor 1720', *Kronos*, vol. 5 (1982), p. 40; Robert Shell, *Children of Bondage*, p. 317; Hans F. Heese, *Reg en Onreg*, pp. 99 & 251.

²⁷ Mansell G. Upham, 'Neeltje Olivier (1695-1713?)', *Capensis*, no. 1 (2001).



Cornelia. He was, however, apprehended. His was tried and sentenced to be broken on the cross.²⁸ **Helena Nieuwoudt** was baptised (9 October 1718). She was the illegitimate daughter of **Gerrit Willemse** (from Leeuwarden) by his concubine, the Cape-born **Anna van Wijck**. **Gerrit Willemse** was estranged from his adulterous wife, **Maria Cornelisse**, daughter of freed slave **Catharina van Malabar** and **Cornelis Claesz**: (from Utrecht) *alias* **Kees de Boer**. He and **Anna van Wijck** could not marry while his marriage remained unannulled.

After his death, **Anna van Wijck** married **Isaak Nieuwoudt** (from Amsterdam) who adopted her children as his own. **Helena** married (4 March 1736) **Izaak Visagie**, the son of **Pieter Visagie** (from Antwerpen) and **Catharina Kiens** (from ter Veere) and stepson of **Wilhelm Meyer**, and later of **Martin Poussioun**. They were the parents of 11 children. Her half-sister, **Anna (Antje) Willemse** (baptised 22 August 1700) died (1754). She had been married thrice: firstly to **Harmen Franke(n)** (from Leiden); secondly 14 April 1720 to **Robbert Robbertsz: Brand** (from Christiania), the widower of **Cornelia (Neeltje) Floris: Slabbert** (from Meliskerke); and thirdly (3 May 1739) to **Joachim Ernst Wepener** (from Anklam). The last-mentioned had fathered children by **Regina van de Caap**. **Cornelia Henning** was sister-in-law to **Abraham Hartog** (from Frankfurt), the widower of her sister, **Anna Elisabeth Henning**. They were the daughters of **Christoffel Henning** (from Berlin) and **Antonetta Visser** (from Lekkerkerk). Their father had fathered a child by a Cape-born *mulatta* slave woman, **Martha Martens** in the Slave Lodge and had been relegated to Robben Island for assisting **Olof Bergh** (from Gothenburg) for stealing valuables from a Portuguese shipwreck whilst on orders to retrieve these on behalf of the Company.²⁹

1732 Hendrik van Nias & Susanna Kuun

In 1732 **Hendrik van Nias**, then 30-years old, was sent by his *patronesse* to the wheat fields to chase away the horses. There he found **Susanna Kuun**, the 17-year-old daughter of his deceased master and attempted to rape her. He was caught and sentenced to be bound to a cross and to be broken thereon. If he had not expired by evening, he was to be strangled to death.³⁰ **Susanna Kuun** (baptised 27 January 1715) was one of the minor daughters of **Hans Kuun** (from Magdeburg) and the Cape-born **Susanna Putter**. Her maternal grandmother was the Cape-born widow of the hunter **Diederik Putter, Zacharia Jans: Visser**, who had had the free-born *mesties* **Jan Basson** (son of **Maij Ansela van Bengale**) as a concubine and an illegitimate child by him after the death of her first husband. **Susanna** married (11 October 1747) **Carl Gustav Tregard** (from Uddevalla [Sweden]) who died (19 September 1767).

1767 July van Malabar & the two daughters of Barend Ackerhuys

In 1767 **July van Malabar**, 17-years old, the slave of **Barend Ackerhuys** was tried for attempted rape on his master's two daughters aged six years old and the sixteen months old. The court saw this as a personal injury to the blood of the slave's master and mistress calling his attempt an *afschuwelijke onderneeming van een vile slaaf aan de bloed van zijn lifheer en*

²⁸ CA: CJ 785, 21 vonnis van **Abel van Timor**, 4.8.1729; Hans F. Heese, *Reg en Onreg*, pp. 99 & 160.

²⁹ See M.G. Upham, 'Maij Ansela and the black sheep of the family, *Capensis*, no. 2 (1999), p. 28, n. 5.

³⁰ CA: CJ 785, 31 (2.10.1732 - 4.10.1732); Richard Elphick & Robert Shell, 'Intergroup Relations, 1652-1795' in Richard Elphick & Hermann Giliomee, *The Shaping of South African Society 1652-1840*, p. 200; Hans F. Heese, *Reg en Onreg*, pp. 99 & 207-208.



lijfvrouw. He was sentenced to hang.³¹ The victims were in all probability **Theodora Ackerhuys** (baptised 22 December 1756) and her half-sister, **Johanna Elisabeth Crause** (baptised 22 November 1758). Their mother was **Johanna Elisabeth Kuylets** who married (22 February 1756) **Johann Gottlieb Crause** (from Tilsit) and who married secondly (7 March 1762) **Barend Ackerhuys** (from Amsterdam).

RAPE OF A EUROPEAN FEMALE MINOR BY A MALE SLAVE

Only two cases involving sexual assault or rape *stricto sensu* on minors have been found. Both victims were young girls (**Risie Jacobs** & **Anne Jourdan**). **Risie Jacobs** left the Cape with her parents. Her assailant was also convicted for having illicit intercourse with a European woman before and after her marriage and consequently convicted for adultery. **Anne Jourdan** later married becoming the mother of many children.

1681 Cupido van Bengale & Risie Jacobs

The slave belonging to the constable at the Castle, **Jacob van der Voorde** and his wife, the *vroedvrouw* **Jelletie Hartmans**, was accused of creeping up against the minor child of his master, **Risie Jacobs**, one night. He sexually molested her *in cas van onkuysheijt en collicitatie* meaning that the slave had used force to gain his ends. Her age at the time is unknown, but we do know that her sister **Helena** was baptised (1676) so that she must have been at least seven-years old. On 3 February 1681 **Cupido van Bengale** was charged with the crime of having had *criminal conversation* with his master's daughter. His situation was further aggravated by additional charges of fornication about three years ago. This had been with another European female (**Anna Elisabeth Roleemo** of whom see later), both before and after her marriage *diverse en ontallige maalen* on various and numerous occasions “thus adding to his offence the greater crime of adultery”. He was sentenced to be hanged and burned under the gallows. The minutes of the Council of Justice state that “the prisoner had nothing to say in his defence, but left all to the will of the court”.³² **Risie Jacobs** and her parents left the Cape soon after the incident. What became of her later is not known.

1713 Anthony of Mozambique & Anne Jourdan

On 4 April **Anthony van Mozambique**, the 25-year-old slave of **Pierre Jourdan**, went to the *opstal* at *Haute Cabrière* at Fransch Hoek to fetch an axe. Here he learned that his master's fourteen-year-old daughter, **Anne**, would be bringing food to the slaves in the fields. He waylaid her, threatened her with a knife and raped her twice. He succeeded in keeping her with him for the duration of the night and she only escaped from his clutches the following morning.³³ “This being an execrable enormity and godless deed committed by the prisoner, a heathen (*hijden*) on a European (*Europeesche*) girl” the court sentenced **Anthony**

³¹ CA: CJ 791 (14.5.1767-16.7.1767); Hans F. Heese, *Reg en Onreg*, pp. 101-102 & 225-226.

³² CA: CJ 2 (Cri. and Civ. Cases, 1674-1688), 3.2.1681, p. 152; CJ 780 (*Sententien*), 3.2.1681, fol. 192; Anna J. Böeseken, *Slaves and Free Blacks at the Cape 1658-1700*, p. 43; Donald Moodie, *The Record*, p. 384; Marius Valkhoff, ‘Miscegenation in South Africa in the seventeenth and Eighteenth centuries’, pp. 99-118 (translated from the German original of the late Dr. J. Hoge, University of Stellenbosch) *New Light on Afrikaans-Malayo-Portuguese* (Gelelmus Peeters, Impunice Orientale, Louvain 1972), p. 115; J. Leon Hattingh, ‘Beleid en Praktyk’, p. 39; M.G. Upham, ‘Maaij Ansela’, p. 37.

³³ Shell & Elphick (p. 199); Hans Heese, *Reg en Onreg*, pp. 98 & 168. Heese confuses the name Jourdan with Joubert.



to be bound to a cross and to have his flesh pinched from his body by hot irons in four places. His body was then to be broken on a wheel, decapitated and his head was to be affixed to a pole where he had first insulted the girl. **Anna Jourdan** (baptised 30 December 1698/9), the daughter of **Pierre Jourdan** and **Anne Fouché**, married **Louis Fourie** widower of **Susanna Cordier** (died 1713) and father of ten children. She had eleven children by **Louis Fourie**.

RAPE OF A EUROPEAN ADULT FEMALE BY A MALE SLAVE

1761 Jephtha van de Caap & Petronella Marseveen

Only one case has come to light. A mother of four children, **Petronella Marseveen** died some time soon after her rape (1761) by **Jephtha van de Caap** (the slave of **Wed. Jacobus de Wet**). **Abraham le Roux** and his wife were *en route* from the Cape to Roodezandkloof when she decided to ride ahead to visit her mother. Before she could get there, **Jephtha van de Caap** (18-year-old slave of **Jacobus de Wet**) stopped her, pulled her from her horse and raped her. He was sentenced to be bound on a cross and castrated. His severed genitals were to be thrown in a fire and he was to be broken on the wheel. After death, his head was to be impaled on a stake at Roodezandkloof [Tulbagh] until it decomposed.³⁴ She was the daughter of **Pierre van Marseveen** and **Marie Theron** and granddaughter of **Pieter Jansz: van Marseveen** and **Elisabeth du Preez**. Her husband remarried (20 July 1766) **Cecilia du Preez** (died Swellendam 14 April 1823), the daughter of **Hercules du Preez** and **Martha du Preez** (born **du Preez**). Curiously the victim's paternal aunt was wife to **Charl Pieter du Plessis** who 'raped' **Elisabeth Viviers**.³⁵

ILLICIT INTERRACIAL INTERCOURSE WITH A PUBESCENT EUROPEAN / CHRISTIAN FEMALE

Four incidents have been found in the records and each one differs insofar as the assailant or alleged assailant are either free-black (**Jantje van Batavia**), 'Hottentot' (**Hermanus**), or slave (**Lindor van Malabar & Cupido van Bengale**). All four victims were already pubescent or young women and likely promiscuous or consenting partners. One was born in Europe (**Adriana van Jaarsveld**) and three were Cape-born of European / white parentage (**Anna Elisabeth Roleemo**, **Maria Domus & Adriaantje Plooi**). The charges of rape in all three cases could not be made to stick. The law did, however, prohibit (protect?) female Christians from interacting sexually with Heathens and Moors. Two of these young women were quickly married after their respective scandals. **Adriana van Jaarsveld** 'married up', a man connected to the church and willing to do the 'respectable thing' for a fallen woman. They left the Cape (1700). **Adriaantje Plooi** 'married down', a man of mixed race and similar background. The fate of the other two young women is unknown. **Risie Jacobs** left the Cape with her parents. **Maria Domus** is also likely to have left the Cape with her parents.

1681 Cupido van Bengale & Anna Elisabeth Roleemo

Cupido also sexually molested his master's minor daughter whilst committing fornication and later adultery, with **Anna Elisabeth Roleemo**. The Cape-born daughter of **Jan / Evert Roymerlo / Roleemo** and **Geertruijd Mentings** (from Hasselt), she was the stepdaughter

³⁴ CJ 789, 2, 18.6.1761 - 20.6.1761; Hans F. Heese, *Reg en Onreg*, pp. 99-100 & 220-221.

³⁵ J.L.M. Franken, *Die Hugenote aan die Kaap*, pp. 169-170 & *Familia*, vol. X, no. 4 (1973), pp. 99-100.



of **Dirk Bosch** (from Amsterdam) and later to the drunk **Johannes Pretorius** (from Ouddorp). She married at the Cape (6 September 1678) **Jan van Leeuwarden** who was the skipper *op het schip de Elisabeth*. She appears to have escaped censure. This case has already been dealt with above.

1694 **Jantje van Batavia & Adriana van Jaarsveld**

In 1694 the shepherd **Jantje van Batavia**, a manumitted slave and free-black, had sexual relations with **Adriana van Jaarsveld**, a girl aged thirteen living at the home of Jan's employer in Drakenstein, the *landdrost* **Jan Mulder** and his wife.³⁶ He had been the slave of **Hans Erentraut** and was freed *de gewenschte en dierbare vrijheijt* by the orphan masters at the age of 22/23 (23 June 1688) in accordance with the wish expressed by his master before his death. At his trial, the fiscal demanded death on the gallows, but Jantje, in self-defence, said that Adriaantje had been pregnant before he had sexual intercourse with her. Having heard his defence, the Council of Justice decided that they would delay their final judgement until the child was born. If the child was black, they would send Jantje to the gallows. If white, as it happened to be, the sentence was to be commuted to flogging, branding and a lifetime in chains ... It was noted in December that:

Dezen Adriana van een blanck kind verlost zijnde, is de sententie verandert in geselen, brandmercken en ad vitam in de kettingh.

Though there was evidence of the girl's general promiscuity, the court sentenced Jan to be scourged and sent in chains to Mauritius for twenty years' hard labour.³⁷ Adriana van Jaarsveld's origins are unknown. She is also found as **Adriana Hoffers**. She was in the care of Jan Mulder and his wife and may well have been a ward of the Orphan Chamber. After the incident, she was hastily married (9 January 1695).³⁸ Within days of her marriage, she baptised a daughter named **Johanna** (16 January 1695).³⁹ In September 1699, word was received from Mauritius concerning **Jantje van Batavia**. He had petitioned the Cape authorities for clemency begging

³⁶ **Johannes Mulder** arrived at the Cape (1682) as soldier on *Geele Beer*. He married (13 December 1682): **Johannes Mulder**, *jonkman soldaat van Rotterdam* en **Jacoba Legelaer**, *jongedochter uyt s'Gravenhage*. [Böeseken mentions her as *Jacoba Kicheler* from Den Haag]. On 28 November 1684 he was appointed *winckelier* and promoted (with **Jan Hendrick Blum**) to *guarnisoen boechouder*. Thereafter he was *landdrost*, free-burgher, church elder and surveyor (1687-1689).

³⁷ CA: CJ 297 Criminele Processtukke: Verklaring van Adriana van Jaarsveld, 27.8.1694, pp. 799-806; Verklaring van Jan van Batavia, 2.9.1694, pp. 807-819; Klagstaat teen Jan van Batavia, 22.11.1694, pp. 775-783; CJ 3 (Oorspronklike Regsrolle en Notule, Fiskaal teen Jantje van Batavia, 22. 11.1694), fol. 51 verso 52; CJ 780, Sententien, 28.5.1695, fol. 246; Anna J. Böeseken, *Slaves and Free Blacks at the Cape 1658-1700*, pp. 92-93 & 153; J. Leon Hattingh, 'Beleid en Praktyk', pp. 39-40; Floors A. van Jaarsveld, *Van Stamvader Adriaan to Ernst Jacobus van Jaarsveld 1702-1986 - 'n Stukkie familiegeskiedenis van onder* (Published Privately: Pretoria 1987), pp. 10-11; G. Con de Wet, *Die Vryliede en Vryswartes in die Kaapse nedersetting 1657-1707*, p. 213; Robert Shell, *Children of bondage*, p. 316. Shell incorrectly states 1695 [sic] as the year - it was 1694.

³⁸ The marriage entry reads as follows: **Mahiu de Ryke** van *Ligterveld*, *weduwenaer met Adriana van Jaarsveld* van Rotterdam.

³⁹ The baptismal entry reads as follows: *anno 1695 16 Januar:[ie] een kind van Adriana Jaarsveld, genaemt Johanna, getuijgen Mahiu de Rijke en Aeltje Claesje van Ameijde.*



“... that he might be relieved of his chains, and received a very good character and strong recommendation”.⁴⁰

1741 the ‘Hottentot’ **Hermanus** & **Ariaantje Plooy**

She was **Adriana Plooy**, daughter of **Simon (du) Plooy** (from Krommenie) by his second wife **Catharina Coopmans** who was the daughter of a Rotterdam orphan girl **Engeltie / Engeltje Cornelisse van der Bout** specially shipped out to the Cape in 1688 on the *Berg China*. The minor daughter of a deceased farmer, she was forced by threats of a ‘Hottentot’ **Hermanus** to give herself to him. Thereafter, she submitted several times of her own free will and she had a child by him. This illegal activity necessitated intervention by the Orphan Chamber & Council of Justice and the matter was heard by the Council of Justice and referred to the *landdrost* **Pieter Lourensz**.

blad 10 Pupille gedefloreert, hoe gehandeld

1741. 22. Feb:[rua]rij En nademaal haar Eerw:ns uijt de gemeene gerugten is te vooren gekoomen. dat de minderjarige **Ariaantje Plooy** door de eerloose conversatie met seekere Hottentot, nu ruijm vijf maanden geleeden een kind in ontugt had overgewonnen, soo is goedgevonden tot ontdeckinge van ‘t waare deesen saak deselve beneevens haar moeder **Catharina Coopman** wed:e **Sijmon Plooy** en broeder **Willem Plooy** onder welkers opsigte zij door deese Camer is besteed, teegens anstaande vergadering sullend zijn den 8 Maart bij missive voor ‘t collegie te ontbieden.

1741. 8. Maart de minderjarige **Ariaantje Plooy** ingevolge de genoemene resolutie van den 22. den laatst geweest maand Febr:ij met ene benewens haar moeder **Catharina Copman** wed:[duw]e **Simon Plooy**, en broeder **Willem Plooy** onder welkers opsigte zij door dese Camer is bestelt, op heeden ter vergadering verscheenen zijnde. Soo wierd aan de eerste melde door de den Heer President afgevraagd, of zij volgende ter ooren deesen Camer gekoomen gemeene gerugte bij seekere Hottentot een kind in ontugt had overgewonnen als wanneer zij sulx geconfesseert hebbende, te kenne gaf, dat zij op seekere tijd haar in de thuijn bevindende den Hottentot **Hermanus**, doenmaals bij de wed:[duw]e **Willem Rubeek**⁴¹ woonende, bij haar gekoomen was, ende haar door dreijgemente van haar te sullen vermoorden so ver gebragt hadde, dat zij sig aan zijne begeerte had overgeeven, en dus vleeselijk van hem bekend was, wissen dat zij beijde hunne vleeselijke conversatie nog drie agter een volgende dagen met den anderen gecontinueert hebbende zij **Ariaantje Plooy**

⁴⁰ H.C.V. Leibbrandt, *Précis of the Archives of the Cape of Good Hope: Letters Received*, p. 213 (Letter No. 78, p. 393 From Mauritius).

⁴¹ **Susanna Visser(s)**: alias **Susanna Elber(t)s**: born 1694; daughter of **Maria van Negapatnam** by **Johannes Coenraed Visser** (from Ommen [Overijssel]); baptized Stellenbosch 11 April 1700 [**Susanna** dochter van de meijdt van Juffrou **Elbers [Elberts]** [**Geertruida Elberts** - Mrs **Wessel Pretorius**], de getuigen Gertruij **Elbers [Elberts]**, ijs gedoop den 11 Aprijel 1700]; marries (1) **Hans Heinrich Hattingh** (from Speyer), widower of **Marie Lanoy** (from Aulus), widow of **Ary Lecrévent (Arie Lekkerwijn)**; farmer at *Spier*; dies c. 1729; marries (2) 10 February 1732 **Wilhelm (Willem) Rubeck [Rube / Rubeek]** (from Wesel) [Mansell Upham, ‘Hell and Paradise ... Hope on Constantia De Hel en Het Paradijs ... De Hoop op Constantia Jan Grof (died ante 1700) and his extended family at the Cape of Good Hope – a glimpse into family, household, patriarchy, matriarchy, bondage, marriage, concubinage, adultery, bastardy, métissage, manumission, propinquity and consanguinity in 17th century Dutch South Africa before slavery’s abolition, the weakening of kinship and emergence of the modern nuclear family’ (*First Fifty Years Project*, February 2012) <http://www.e-family.co.za/remarkablewriting/HelEnParadijs-DeHoopOpConstantia.pdf>].



haarselven vervolgens had bevonden van hem bevrugt te zijn, gelijk zij dat ook eijndelijk naar in de vijfde maand van haar swangergaan sulx aan haar voorengeciteerde moeder en broeder, die 't selve meede affirmeerden, bekend gemaakt te hebben, nu vijf maanden geleeden verlos was van 't door haar ter vergadering vertoont werdende kind, waar van zij constantelijk betuijge den voorn:[oemde] Hottentot **Hermanus** en geen ander de vader te zijn. Soo is naar desen aangaande met rijpheid van raaden gedelibereert, mitsg:rs aandagtelijk gepondereert te hebben 't groot gewigt van 't voorenstaande in alle zijne omstandigheeden.

Als Eerstelijk ten reguarde van 't bedreevene feijt door voorn: Hottentot **Hermanus**, waar omtrent de Statute van India onder den Titul van Hoererij en overspel dicteeren: dat eenig heijden, moor, ofte andere onChristen persoon met een Christenvrouw getrouwt ofte ongetrouwt boeleerende, sonder eenige remissie met 'er dood gestraft werden sal.

Ten tweeden ten respecte van gementioneerde **Ariaantje Plooij**: alsoo zij, veronderstelt dat door de voormelde drijgementen, haar voor de eerste rijse aan de wil van gesegde Hottentot had moeten onderwerpen, van die gedwonge daad nogthans ten eersten haade behooren kenissee te geeven aan haar moeder en broeder, maar geensints met hem nog den voorn: tijd ongetwijffelt met haar toestemminge die goddeloose conversatie te continueeren.

En ten laasten ten opsigte van veelgemelde moeder en broeder: ten saake deselve 't voorenstaande, schoon na den tijd van vijf maanden vernoomen hebbende sulx aan deese Camer sonder eenig verlet hadde moeten berigten in plaatse dat zijl: 't selve moedwilliglijk hebben versweegen, ende dus in haar verpligte respect omtrent dit Collegie als wettige oppervoogden van dikwels gem:[elde] **Ariaantje Plooij** grootelijx hebben gemancqueert, door haar, Eew:ns eenpariglijk goedgevonden en geresolveert alle 't voorenstaande aan den E:[dele] Agtb:[a]re Raad van Justitie deses gouverneur:s bij vertoogh voor te draagen, ende daarnееvens haar E:[dele] agtb:[ar]e eerbiedig te versoeken dat 't derselver behagen mogte zijn, hierinne soodanig te disponeeren, als tot stuijtinge van diergelijken verfoejelijk quaad, ende tot maintainue der eere en ontsagh van dit Collegie bevonden sal werden te behooren.⁴²

Johannes the illegitimate son fathered by the 'Hottentot' **Hermanus** was born (1741) and baptized at Stellenbosch (14 January 1742):

[1742] januarij 14 **Johannes de Vader Hermannus[sic] van de Caap de Moeder Adriana de Plooij** getuijge **Catharina Coopman**⁴³

Thereafter she married (24 November 1743) **Cornelis Vermeulen**, illegitimate son of the Cape-born *halfslag* **Jannetje Hans: Rutgertroost** by **Dirk Cornelisz: Vermeulen** by whom she had eight legitimate children.⁴⁴

⁴² CA: MOOC 5/1 blad No. 10 (*Pupille gedefloreert, hoe gehandeld*) transcribed by Mansell Upham; CA: CJ 2511 [Old no. CJ 807] (*Requesten*) no. 7 (Memorial to Governor **Ryk Tulbagh** from Orphan Chamber, 16 March 1741); Marius Valkhoff, 'Miscegenation in South Africa in the seventeenth and Eighteenth centuries', pp. 99-118 (translated from the German original of the late Dr. J. Hoge, University of Stellenbosch), *New Light on Afrikaans-Malayo-Portuguese* (Gelelmus Peeters, Impunice Orientale, Louvain 1972), p. 115; Mansell Upham, 'Keeping the gate of Hell ... subliminal racism & early Cape carnal conversations between black men & white women', *Capensis*, 2001/1, pp. 16-43.

⁴³ <https://familysearch.org/pal:/MM9.3.1/TH-267-12336-17694-98?cc=1478678&wc=11570159;>
<http://www.ballfamilyrecords.co.uk/bosmandevriesbuys/I263.html>



1793 Lindor van Malabar & Maria Magdalena Domus

On 5 July 1793 the slaves of **Pieter Domus** caught the 22-year-old daughter of their master and 26-year-old **Lindor van Malabar** in the kitchen *in flagrante delictu*. **Lindor** succeeded in persuading the court that their coupling had been at the instigation of **Maria Magdalena Domus** and that this had not been the first time. He escaped the death penalty but was punished by being flogged under the gallows, branded and banished to Robben Island for life in chains to do forced labour.⁴⁵ She was the daughter of **Pieter Domus** (from Middelburg), chief surgeon who married (27 November 1763) **Sara Hendrina de Wit** (daughter **Hans Peter Witt** (from the island of Röm) and **Johanna Schinke**, wid. **Johanna Christoffel Greve**). Was she the daughter baptised *Maria Hendrina* (30 June 1771)? Or did her parents have more children after the four mentioned in 'De Villiers/Pama, one being named *Maria Magdalena*?

ADULTERY - WHITE WOMEN WITH SLAVE MEN

Only one married *halfslag* woman (**Hester Jans: van de Caep**) was formally tried, convicted and punished for committing adultery with a non-Christian. Her adulterous behaviour could not remain concealed in such a remote outpost as Mauritius and may well have come about at the instigation of her enraged husband. What happened to her after she had served her sentence, is as yet unknown. Only one other woman – initially presumed by historians to be European but actually of mixed race (**Mrs Bruel**) was censured - and only by the church. One woman's adultery (**Anna Elisabeth Roleemo**) was merely a continuation of her illicit liaison prior to her marriage. She appears to have left the Cape. She does not seem to have been officially upbraided for her scandalous and adulterous behaviour either before or after her marriage. The other cases appear to have been alleged or slanderous (**Cecilia du Preez**) or were exposed following investigations into more serious crimes relating to the same woman (**Maria Mouton**).

1681 Anna Elisabeth Roleemo & Cupido van Bengale

Cupido also sexually molested his master's minor daughter whilst committing fornication, and later adultery, with **Anna Elisabeth Roleemo**. This case has already been dealt with above.

1691 Hester Jans: van de Caep & her unnamed slave

She was the *mestizzo* wife of free-burgher **Gerrit Jansz: van Ewijck** at Mauritius. Accused of *mixing* with her slave and living in adultery *wegens sig met haer eigenen slaef v:[er]mengd, en in overspel geleefd te hebben*, she was sent to the Cape on the *Berg China* to be put on trial.⁴⁶ The Council of Justice sentenced her to be tied to a pole and flogged and condemned her to a punishment of five years in chains in the public works to labour together with the other slave women:

⁴⁴ Mansell George Upham, 'Who is Jannetje Rutgertrout?', Fifty Years Project (2012) <http://www.efamily.co.za/RemarkableWriting/JannetjeRutgertrouts.pdf>.

⁴⁵ CA: CJ 796, 23 Vonnis van Lindor van Malabar, 7.10.1793; Hans Heese, *Reg en Onreg*, pp. 100 & 230.

⁴⁶ CA: CJ 3 Crim. and Civ. Cases 1689-1696, 14.9.1691, p. 51; Anna J. Boeseken, *Slaves and Free Blacks at the Cape 1652-1700*, p. 43.



*praesentib; ut s:a Eoden die [Vrijdag den 19 September 1691]
 deselve eij:r
 Contra
Hester Jans van de Caep
 Huijsvrouw van **Gerrit van**
Ewijck, Vrijburger opt'
 eijlandt Mauritius woonagtig
 ged:e wegens sig met haer
 eijgen slaeft V:[er]mengd, en in
 overspel geleefd te hebben
 Hij doet eijsch ende concludeert pro ut in scriptis
 overleverende stucken en documenten tot
 verificatie van dien specterende.
 de gedaegdesse antwoordende persisteert
 bij hare gedane iterative confessien en
 recolemente van dien:- biddende den
 E: A: raed om genade.
 hij pers:t voor reper:- de ged:e voor duplicq, partijen renuntieren van verder productie.*

*Den E.A. raed etc:a doende regt &= [?] cond:t de gedaegdesse om gebragt te werden ter
 plaetse daer men gewoon is criminele sententien t'executeren, om aldaer den scherpregter
 overgelevert, en aen een pael gebonden, met roeden welstrengelijck gegeesselt te werden, -
 band haer voor den tijd van 5 jaren aen de gemene wercken benevens E:e Comp:s Slavinnen
 t'arbeijden, mitsgaders inde kosten ende wijze van Justitie.*

What happened to her slave paramour, we are not told. In all probability he met a harsher fate on Mauritius ... Her husband, **Gerrit Janse van Ewijck**, left Mauritius (alone?) for Batavia (1707). His estranged wife was purportedly the daughter of **Jan Harmens: Woltering**, *alias Noordoos*.⁴⁷ **Lucretia van Bengale** was Woltering's wife.

Her parentage, however, has subsequently been clarified. She was born (c. 1662) on Robben Island and baptised (4 September 1663)⁴⁸ at the Cape the daughter of **Jan Sachariasz: / Zachariasz:** (from Amsterdam) by his wife **Maria van Bengale**. She accompanied her father & sister **Maria** to Mauritius and married on Mauritius **Gerrit Jansz:** (from Ewijk). The muster rolls list her future (but later estranged) husband as neighbor or housemate to **Armozijn the elder** (1690 & 1695).⁴⁹

⁴⁷ Dan Sleigh - personal communication.

⁴⁸ "This evening a child which had been brought over from Robben Island, and belonged to **Jan Sacharias**, the Superintendent there, was after prayers, baptised by Rev. **Petrus Cassier**" ... *Den 4en deo heeft Dom. Kasier, des avonts voor het gebedt, gedoopt de dochtertje van Jan Zacharias, leggende op het Robben Eijlant, ende is genaemt Hester; de getuigen zijn de ouders selve.*

⁴⁹ Mansell George Upham, 'What can't be cured, must be endured ... Cape of Good Hope – First Marriages & Baptisms (1652-1665), First Fifty Years Project (2012) - <http://www.e-family.co.za/remarkablewriting/FirstBaptismsAndMarriages.pdf>.



1714 Maria Mouton & Titus van Bengale

Maria Mouton was executed because she had murdered her husband with the aid of her slaves, one of whom she had seduced:⁵⁰

... vrijwillig heeft geconfesseert en beleeden dat zij zoo wel bij 't leeven van haar man, als na zijn dood met haar slaaf Titus in concubinage heeft geleefd, dat ze zes maanden voor haars mans ombrengen met Titus geraadpleegd heeft, op wat wijze zijluijden haar man soude ombrengen.

Shell describes the incident as follows:

"The most spectacular case of an interracial liaison was one in 1714 between the 24-year-old **Maria Mouton** from Middelburg in Zeeland, who had a love affair with her slave, **Titus of Bengal**. She, with **Titus** and several slave accomplices murdered her husband of eight years, **Franz Joost** of Lippstadt. The Cape court sentenced Titus to be publicly impaled through the anus until death. While impaled he was given a flask of rice brandy (arrack) by several onlookers, one of whom duly chided him lest he become too drunk. The diarist recorded **Titus's** sardonic answer: "It did not matter as he sat fast enough and there was no fear of falling." The diarist of this event concluded: "It is true that whilst sitting in that deplorable state, he often joked, and scoffingly said that he would never again believe a woman ..." ⁵¹

The twenty-year-old **Fortuin van Angola** (slave of **Frans Jooste**), an accomplice, was sentenced to have his right hand cut off, to be broken on the wheel and to be decapitated. **Maria Mouton** was to be garrotted (ie strangled to death) and the body to be impaled by a fork. **Maria Mouton** (from Middelburgh) married (1706) **Franz Joost(e)** (from Lippstadt). He was murdered (31 January 1714). They had two children.

1716 Mrs van Bruel

In September 1716, the Drakenstein Church council concluded that "from widely circulating rumours, and despite repeated admonishments, it was clear that Van Bruel's wife was living a very evil life with her slave (*een seer boos leeven met haren slaaf lijden*). She was consequently called before the church, and told that unless she desisted and sold the slave, she would be excluded from the communion." She reluctantly agreed to comply. Her response: as her husband was having difficulty selling her slave paramour, would the Church be patient?⁵² This woman was of slave origin according to the notes drawn up by Dr J. Hoge featured in the thesis of Maria M. Marais entitled 'Armesorg aan die Kaap onder die Kompanjie 1652-1795' (*Archives Year Book for South African History* (1943). Was this the reason the authorities were less harsh and effective in their remonstrations against her adulterous liaison with her slave? She was **Deborah Willemse van de Caeb**. The daughter of the free-black **Johannes Willemse van Bengale**, she married (14 April 1765) the button-maker **Franz Brende alias Briel / Bril / Brul** (from Bamberg), by whom she had eleven

⁵⁰ Marius Valkhoff, 'Miscegenation', p. 115.

⁵¹ CA: CJ 783, 3 (30.8.1714 - 1.9.1714); Marius Valkhoff, 'Miscegenation', p. 115; Robert Shell, *Children of Bondage*, p. 317; Hans F. Heese, *Reg en Onreg*, pp. 39-40, 143, 198 & 265.

⁵² C. Spoelstra, *Bouwstoffen voor de Geschiedenis der Nederduitsch-Geref. Kerken in Zuid-Afrika*, vol. 2, p. 431; Robert C.-H. Shell, *Children of Bondage*, pp. 317-8 & 319; Pieter Coertzen, *Die Hugenote van Suid-Afrika 1688-1988* p. 100.



children. The (somewhat dysfunctional) family features as **Brende** in Hoge's *Personalia of the Germans at the Cape* and as **Briel** in J.A. Heese and R.T.J. Lombard's *South African Genealogies*.

1765 Mother of Johannes Stephanus Olivier - Cecilia du Preez, wife of Johannes Olivier

In an altercation with **Johannes Stephanus Olivier**, it transpired that the notorious **Carel Hendrik Buitendag** had accused the former's mother, **Cecilia du Preez**, of having sexual relations with slaves in a letter he had written to her. Tempers flared at the farm of **Cornelis Grobbelaar** near the *Koopmans Rivier* in the presence of witnesses. Buitendag was adamant: "Yes, I'll say it again that your old mother has been conniving with my slave" (*Ja, dat zeg ik nog dat jouw oude moer mijn slaven konkel*).⁵³ **Cecilia du Preez** (baptised 14 May 1713) was the daughter of **Philippe du Preez** and **Elisabeth Prévot** and stepdaughter of **Christian Gobrecht** (from Magdeburg). She was married to **Johannes Olivier**. She died at Tulbagh (11 April 1781).

⁵³ CA: 1/STB, nol. 685 / 686 (old) (Notarial declarations), vol. 18/162 (new) (20 April 1765 (1760-1779); Marius Valkhoff, 'Miscegenation', p.114.



CONCLUDING REMARKS

“The psychosexual racist logic arises from the phallic obsessions, Oedipal projections, and anal-sadistic orientations in European cultures which endow non-European (especially African men) and women with sexual prowess... and identify non-Europeans (especially black people) with dirt, odious smells and faeces”.⁵⁴

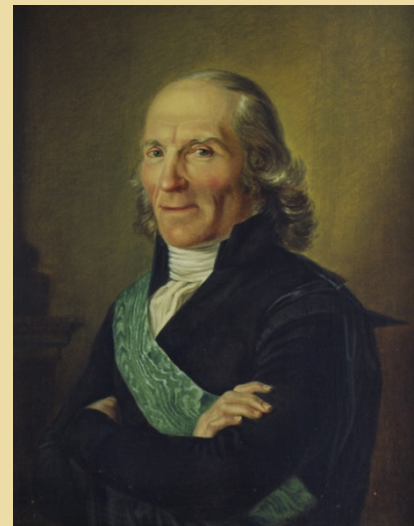


When Kolb⁵⁵ observes that white women at the Cape gave birth to non-white children and that they made their husbands believe that they had been frightened by some other 'Hottentot' or slave during their pregnancy, he confirms that the whole question of black male / white female interracial sex must have been taboo in the extreme.

Peter Kolb (1675-1726)

Thunberg preferred to dwell on what happens afterwards.⁵⁶

“The daughters of the colonists are sometimes with child by their father's black slaves. In this case, in consideration of a round some of money, a husband is generally provided for the girl; but the slave is sent away from that part of the country”.



Karl Peter Thunberg (1772-1775)

⁵⁴ *The Sunday Times* (19 February 1999) reporting on the enquiry by the Commission for Human Rights into 'racism in the media' and quoting Claudia Braude quoting Cornel West's contentious definition of 'subliminal racism'.

⁵⁵ Marius Valkhoff, 'Miscegenation', p. 114.

⁵⁶ Marius Valkhoff, 'Miscegenation', p. 114.



Sexual advances on the part of a male slave on his master's wife were regarded as an affront in the extreme followed by commensurate punishment. This is evident in the trial of **Claas van Bengale**, a slave belonging to **Anne Marais** and her husband **François Rétif**.⁵⁷

Shell's assessment on black male / white female interracial sexual contact (quoted hereunder) needs to be re-evaluated:⁵⁸

“The earlier and very rare domestic liaisons between settler women and male slaves should not be regarded as evidence of racial fluidity in the colony, as some scholars suggest. All such encounters were forbidden by statute, and the male perpetrator was harshly punished *if and only if* he was a black slave. For example, the courts did not sentence any European settlers to death for concubinage with, or rape of, a female slave. The same courts did, however, sentence many male slaves to banishment or death between 1658 and 1795 for the merest suggestion of a sexual advance against a settler woman. Jan van Batavia, for example, who had made love to a settler girl, was sentenced to be scourged and banished to Mauritius, there to be chained for 20 years, while Mrs van Bruel, the amorous European settler woman who had lived a "very evil" life with her slave, was simply barred from Church communion for her transgressions. The language of a 1705 death sentence for a Stellenbosch house slave who had an encounter with a European's daughter discloses that the disparate status and race of the partners bore heavily against the accused slave in such liaisons, "and that [this crime was committed] by a black slave on a free girl of European breed &c.". The predominance of male slaves in the colony, many of whom had little opportunity for heterosexual gratification and only some of whom had had daily domestic contact with settler women from childhood, no doubt increased the likelihood of such encounters. That male slaves were housed separately from their owners was probably the main reason, but not the only one for the rarity of liaisons between white women and black men”.

Shell's claims about the many prosecutions of slave men “for the merest suggestion of a sexual advance against a settler woman” cannot be reconciled with the very few convictions comprehensively compiled by Hans Heese for the entire 18th century and with those found during the 17th century. In the afore-mentioned extract, Shell confuses *male slaves* with *black men*. The free-black **Jantje van Batavia** is again mistakenly considered to still be enslaved at the time of his sentencing. The incident (1705) that Shell trivialises as an 'encounter', involved an attempted rape by a fugitive assailant.

In conclusion, there is a need to contextualise rape, sexual molestation or assault, punishment and the application of law and to distinguish carefully such incidents from consensual legal and illegal interracial unions. Not only the legal status of both assailant and victim and of each consenting / non-consenting party, but also the nature and lawfulness of the sexual activity, the harm that followed and any additional culpability or aggravating circumstances on the part of the aggressor. Regarding lawfully recognised unions and tolerated concubinage, factors such as propinquity, the *soort-soek-soort* or *birds-of-a-feather-flock-together* principles, familial dysfunctionality, respectability and social acceptance (or lack thereof), all need to be considered. Only then can any meaningful deductions be made about any apparent irregularity concerning at least the *recorded* sexual activity between white women and black men during the VOC's colonial occupation of the Cape of Good Hope.

⁵⁷ See chapter entitled 'Die verhaal van Anna Marais en die slaaf Claas van Bengale' by Celestine Pretorius, *Al Laggende en pratende: Kaapse vroue in die 17de en 18de eeu*, pp.41-43.

⁵⁸ Robert Shell, *Children of Bondage*, pp. 319-320.



Before embarking on such a study, it may also help to consider the following summary of inherently (racially?) discriminatory Roman-Dutch Law principles pertaining to the VOC-occupied Cape:

- The legal basis of Dutch society in general is an amalgam of Roman Law, Germanic Common Law & Judæo-Christian Canon Law.
- Civil society in the Dutch colonies consisted of three categories of legal subjects: *free persons* (imported or indigenous), *slaves* (imported or locally born of slave parents) and a concessionary category of *freed persons* (former slaves).
- The established faith was Christian but the established church was Protestant and Reformed.
- The rest of the world was regarded as being either Jewish or Mohammedan (*Moors*) and the remainder (including the Chinese) as being 'unenlightened', ie Heathen or Pagan, whose testimony was inadmissible.
- Christians were *ipso facto* free.
- Christians had to be baptised and sufficiently culturally Netherlandized **free persons** (Europeans or creole / Cape-born whites), **free-born persons** (generally colonised indigenes & later the offspring of freed persons), or **freed persons** (former slaves now manumitted).
- Marriage was non-polygamous and only legal between a Christian man and Christian woman (irrespective of any racial or ethnic background).
- Marriage was initially exclusively an ecclesiastical institution, the legality of which was later secularised requiring recognition by civil authorities.
- Marriage no longer had to be performed in church to be legal. (Lutherans, Mennonites and Roman Catholics, for example, could marry legally at the Cape on obtaining permission from the Commissioner of Matrimonial Affairs, usually an officer of the Council of Justice) - permission, however, initially was subject to ecclesiastical approval (eg proof of baptism and confirmation).
- Marriage between Christians and Jews and Christians and Muslims, were not legally recognised.
- Slaves as unfree people had no right to legal marriage but were encouraged to 'marry' *inter se*.
- Non-Christian or culturally alien marriages between slaves (eg Muslim, Hindu, polygamous or indigenous African / Asian), although encouraged and unofficially tolerated, had no legality.
- Morality & Immorality were legally regulated and derived from Canon Law (eg at one stage sex between a Christian and a Jew qualified as bestiality, ie sex with an animal)
- Extra-marital intimacy (incest, adultery, concubinage, whoredom, fornication, sex between Christians and non-Christians, sodomy and bestiality) were outlawed.
- The criminalisation and juristic / judicial condemnation of 'unnatural' practices / acts or sexual offences between males were biblically derived. These are already featured in the *lex Julia de adulteriis* which imposed the death penalty. In addition, such acts were expressly proscribed by Justinian in his Novels. Roman-Dutch jurists lumped all unnatural offences together under the title *Sodomie, Onkuisheid tegen de natuur* or *venus monstrosa*. A discernible pre-occupation with punishment took precedence over the niceties of definition. The concept of *unnatural acts* appears to have covered a multitude of sins, as it were. *Sodomy* and *bestiality* (often collectively known as *buggery*), as they are understood today, were not separate crimes: these were simply ways of committing *venus monstrosa*. The crime was constituted by the 'gratification of sexual lust in a



manner contrary to the order of nature'. Jurists were not *ad idem* as to what all fell within the ambit of *unnatural acts*. That the concept was highly relative is confirmed by the fact that at one stage jurists such as Joost de Damhouder (1507-81) & Carpzovius (1595-1666), opined that even ordinary sexual relations between Jews and Christians were punishable acts qualifying as *sodomie*.⁵⁹

Theory and practice (political application) in Occidental law, however, do not necessarily coincide. For example, the sexual availability of Christian women was severely curtailed, the same cannot be said for Christian men;⁶⁰ likewise, the protracted inability of Christianity to embrace initially the 'Hottentots' and the consistent mishandling of these people as the antithesis of the 'noble savage'.⁶¹ White Christians and (non-white) *vrij geborenen* - whether Christianised or not - were 'equal' in the eyes of the law, but socially, economically and politically, they were worlds apart.

Iago: ... Now, sir, be judge yourself
Whether I in any just term am affin'd
To love the Moor ...

William Shakespeare, *Othello, The Moor of Venice*

⁵⁹ J.R.L. Milton, *Hunt: South African Criminal Law and Procedure Vol. II: Common-Law Crimes* (Juta, Cape Town 1982), p. 268.

⁶⁰ The writer is currently working on an enquiry into the prosecution of concubinage at the Cape for the same period covered in this article.

⁶¹ M.G. Upham, 'At War with Society ... Did God hear? ... the curious baptism of a 'Hottentot' infant named Ismael', *Capensis*, no. 4 (2000), pp. 29-51.

