

Sodomy, Race and Respectability in Stellenbosch and Drakenstein, 1689 – 1762: The Story of a Family, Loosely Defined

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CAST OF CHARACTERS

The trial (in order of appearance)

Gerrit Coetzee Jacobuszoon of Non Pareille and Goede Rust in Daljosafat, tried and executed for sodomy in 1733.

Pieter Lourensz, Landdrost of Stellenbosch.

Charles Marais, owner of Rust-en-werk in Daljosafat.

Johannes Louw Pretorius, 16 year-old stepson of Charles Marais.

Abraham le Roux, 24 year-old friend of Johannes Louw Pretorius.

Leendert Barendsz van Saxen, free black, married to Johanna de Ryk, daughter of Constantia of Bengal, owner of the grey mare allegedly sodomised by Gerrit Coetzee behind the quince hedge of Charles Marais.

Caatje or *Domine*, a 26 year-old Khoekhoe woman, seasonal worker on the farm Calais, belonging to Andries du Toit.

Claas Mallabaar, free black owner of Vlakkeland in Daljosafat, neighbour of Jacobus Coetzee.

Christoffel Beijer, freeburgher, guest of Claas Mallabaar.

Constantia of Bengal, free black, concubine of Claas Mallabaar, mother of Johanna de Ryk.

Andries du Toit, owner of Calais in Daljosafat.

Augustus Lourens van Holsteijn, *knecht* of the Widow Pieter Jurgen van den Heever.

Willem Stolts, free black owner of the farm Wolwedans, near Klipheuwel.

Alexander van Ternaten, 'elderly' slave of the Widow van den Heever.

Some of Gerrit Coetzee's paternal kin:

Jacobus Coetzee, father of Gerrit Coetzee, owner of Goede Rust and Non Pareille in Daljosafat.

Dirk Coetzee, father of Jacobus Coetzee, grandfather of Gerrit Coetzee *Jacobuszoon*; born in Kampen in 1655, son of Gerhard Coetse and Margaretha Claasdochter; *heemraad* of Stellenbosch, captain of the civic guard, church elder; farmed at Coetsenburg in Stellenbosch until his retirement in 1721.

Sara van der Schulp, born in Amsterdam, wife of Dirk Coetzee, grandmother of Gerrit Coetzee.

Gerrit Coetzee Dirkzoon, uncle of Gerrit Coetzee *Jacobuszoon*, heir to Coetsenburg.

Some of Gerrit Coetzee's maternal kin:

Louis of Bengal, grandfather of Gerrit Coetzee Jacobuszoon, born in slavery circa 1652, farmed in Jonkershoek until 1690, thereafter lived in Cape Town. Died circa 1715.

Lijsbeth van de Kaap, (later known as Lijsbeth Sanders), grandmother of Gerrit Coetzee Jacobuszoon, slave and concubine of Louis of Bengal from 1678 to 1688, later concubine of Johan Herfst or Herbst of Bremen, possibly born of slaves imported from 'Guinea' in 1658.

Elisabeth Louisz or Lowice, born 1680, daughter of Louis of Bengal and Lijsbeth van de Kaap; mother of Gerrit Coetzee Jacobuszoon; married Jacobus Coetzee in 1724.

Johann Herfst or Herbst of Bremen, lover and life partner of Lijsbeth van de Kaap from 1695 until his death in 1734, owner of Opperherfst in the Wagenmakersvalleij.

Hans Jurgen of Salzburg, a former Company soldier, granted burgher status in 1688, husband of Elizabeth Louisz, father of her first child, Johannes Jurgen.

Introduction

This article explores the interacting dynamics of race, class, status and respectability in the emerging colonial society at the Cape of Good Hope in the late seventeenth and early eighteenth centuries. It is essentially a case study which closely examines the background to the trial and execution of Gerrit Coetzee, the first freeburgher to be accused of sodomy at the Cape. By implication it raises a number of questions about the rural community in which Gerrit was raised, and it re-opens old debates about the role of race and the determinants of status in early colonial South Africa.

Gerrit Coetzee, as will become clear below, was a person of mixed descent (though this was not apparent in the record of his trial). His paternal grandparents were Dutch immigrants, staunch members of the colonial Reformed church and prominent participants in the community life of Stellenbosch-Drakenstein. His maternal grandparents, by contrast, had been born in slavery and his maternal grandmother, at least, was a woman of ill-repute, having twice been convicted of theft by the colonial Council of Justice. As one probes Gerrit's background and investigates the social networks within which he and his family lived, one comes to wonder about the meaning of his arrest and conviction and the motives behind his allegedly transgressive behaviour. Was he a victim of social or racial prejudice? Was he excluded, cold-shouldered or otherwise subtly marginalised by his young male peers in Daljosafat, where he lived? Was he driven by prejudice to seek the company of other marginalised individuals and ultimately to engage in suicidally transgressive behaviour? Or was he simply a young man who wrecked his chances by going too far?

The trial

On Thursday 10 September 1733 the freeburgher Gerrit Coetzee *Jacobszoon* (the son of Jacob) appeared before the Council of Justice in Cape Town. He was twenty-one years old and he was charged with sodomy. He was already a prisoner in the Castle, having been arrested and brought to Cape Town from his home in Daljosafat (in Drakenstein) some time in late July. Although he had twice been interrogated in the presence of commissioned members of the Council, this was his first appearance in the long meeting room in the Kat Bastion of the Cape Town Castle, where the council met every Thursday. He was to make two further appearances there before his death.

On this, his first appearance, he was bidden to hear the claim (the *eijsch*) of the investigating officer, *Landdrost* Pieter Lourensz of Stellenbosch. The *Landdrost* asked the Court to deliver an 'interlocutory sentence' condemning him to torture. He read out his claim and handed over a large body of documents in support thereof. Coetzee denied the charge and remained silent when the *Landdrost* concluded that he be condemned to '*de volkomen tortuur, soo als deselve alhier gebruikelijk is,*' (full torture, as is usually applied here) despite the fact that this threat was repeated several times.¹ Lourensz then repeated his claim (presumably in summary form). Gerrit Coetzee said again that he was innocent, and the hearing was concluded. The Council of Justice, chaired by the Governor Jan de la Fontaine and assisted by three freeburgher members, ordered that the young man be brought '*ad actum proximum*', and he was led away.²

In order to convince the court that torture was appropriate in this case, *Landdrost* Lourensz had been required to produce what was known as 'a full half proof' that the crime had indeed occurred and that Coetzee was the guilty party. According to the rules of Roman-canon law which governed criminal procedure in the Netherlands and in the territories controlled by its chartered companies, 'full proof' was constituted either by the suspect's confession - 'which is in law considered to amount to the strongest proof'³ - or by 'the testimony of two or more credible witnesses testifying of what they personally know ...'⁴ In the absence of a confession (as in this case) and without two eye witnesses, the court could not convict: '... so that it depends on the number of witnesses and the means of their knowledge. For if anything is proved by only one witness it cannot, without the aid of other corroboration, be received.'⁵ If, however, the court was in possession of sufficient evidence to render the accused 'vehemently suspect', it could order that he be tortured so as to obtain a confession which would 'complete the proof' or 'make the proof round'.⁶

1 CJ 15, Minutes of the Council of Justice, 10 September 1733; CJ 337, documents in criminal cases, 1733, *Eijsch ende conclusie of Landdrost Pieter Lourensz contra den burger Gerrit Coetsé Jacobsz*, presented in court 10 September 1733.

2 CJ 15, Minutes of the Council of Justice, 10 September 1733.

3 *Simon van Leeuwen's commentaries on Roman-Dutch law*, revised and edited by C.W. Decker, translated by J.G. Kotze, 2 vols (London: 1886), vol. II, 490.

4 *Ibid.*, 487.

5 *Idem*.

6 This expression is used in Theo van der Meer, *Sodoms zaad in Nederland: het ontstaan van homoseksualiteit in de vroeg-moderne tijd* (Nijmegen: SUN, 1995), 148, 150. See also J.G. Langbein, *Torture and the law of proof: Europe and England in the Ancien Régime* (Chicago: University of Chicago Press, 1976).

‘Vehement suspicion’ could be established by a ‘half proof’. This was defined by Simon van Leeuwen as

... evidence whereby the judge indeed obtains some knowledge of the case, but not complete, or such that judgment can be pronounced or justice done thereon. Such proof is for instance the evidence of one witness, whose evidence although he is a man of honour and credit, cannot be accepted as proof ...⁷

‘Common report’ or circumstantial evidence (*indicia* was the formal term) might also be taken to constitute a half proof.⁸

In this case, Lourensz was able to produce the statements of three eye-witnesses. The first two, the freeburghers Johannes Louw Pretorius and Abraham le Roux, testified that ‘about eight months ago’, while wandering one afternoon in the vineyard of Charles Marais, who lived in Drakenstein, across the Berg Rivier, they had, ‘to their great amazement’,

Seen a grey mare belonging to the burgher Leendert van Saxon standing in a ditch behind a quince hedge, on the rump of which the burgher Gerrit Coetse Jacobzoon went and lay, and then moved upon it as though he was using it, (*sig vervolgens daarop roerende als of hij deselve gebruikte,*) whereupon he, appearer, not wanting to watch that, went away from there with the aforementioned Abraham le Roux, without wanting to wait for the end of that work.⁹

The third eye-witness was a Khoe woman named Caatje or, ‘in her language’, ‘Domine’. The secretary estimated her age at twenty-five.¹⁰ She testified to a different incident which had allegedly occurred more recently, ‘at the beginning of the recent pressing-time’.¹¹ One evening at sunset, she said, she had arrived at the farm of the *vrijswart* (free black) Claas Mallabaar, in Drakensteijn. There she found the burgher Christoffel Beijer and the wives of (respectively) Claas Mallabaar and the *vrijswart* Cobus van Macassar. They were joined by the burgher Gerrit Coetzee *Jacobszoon*, who, after he had spent some time in the house, came to her in the waggon-house where she had lain down to sleep with her child, and asked whether he could ‘lie with her’. When she refused him he left at once and went behind the house in the direction of [Claas Mallabaar’s neighbour] Charles Marais *de jonge*, where Claas Mallabaar’s horses (an old mare with foal and a red-brown mare) were tethered to a pole. Soon after Gerrit’s departure from the waggon-house Caatje too went outside and she saw Gerrit Coetzee standing on a block, using the red-brown

7 Decker, ed., *Van Leeuwen’s commentaries*, vol. II, 493.

8 *Ibid.*, vol. II, 494. For further discussion of the legal requirements for torture, see S. Newton-King, ‘For the love of Adam: two sodomy trials at the Cape of Good Hope’, *Kronos* vol. 28, 2002, 21-42.

9 CJ 337, 315, Testimony of Johannes Louw Pretorius, 27 July 1733. Abraham le Roux’s account of these events is virtually identical. This and subsequent translations from the Dutch are my own. The original Dutch texts can be found in an earlier draft of this article.

10 CJ 337, 318, Testimony of the Hottentot Caatje, or Domine, 21 August 1733.

11 The grape-pressing season today begins in late January and ends in April.

mare 'against nature'. In his hand he held the horse's tail and the rope by which he had restrained it. Seeing this, Caatje approached to within a few paces of the scene. She sat on the ground and watched, 'and saw then that he was proceeding in that detestable work and was stirring his whole body.' She went even closer and confronted him directly, saying (as rendered by Secretary De Grandpreez): 'my God Gerrit, what are you doing there? (*mijn god Gerrit Wat doe je daar?*)' As he dismounted from the block she saw that the flap of his trousers was open. When he had removed the rope from the mouth of the mare and retied it to the pole, he left. Thereupon she, Caatje, banged on the door and windows of the house, shouting to the occupants: 'Look what Gerrit is doing with your horse!' ('*Kijk hoe Gerrit hier met jou paard omgaat!*') The two women and Christoffel Beijer came outside and saw the block still standing behind the mare and noticed that the animal had been incorrectly tethered. Finally, said Caatje, she had been able to see everything clearly because the moon shone brightly at that time.¹²

Caatje's testimony was, as Landdrost Lourensz pointedly remarked, elaborate and detailed. But she was a single eye witness *and* she was a heathen. And he (Lourensz) well knew that 'the testimony of a Hottentot against a Christian is not so sufficient that the same can serve in law as a half proof.'¹³ Her statement, unlike those of the other witnesses, could not be confirmed and supported by the solemn oath '*So waarlijk help mij god almagtig*'. But her evidence was, he thought, confirmed by the circumstantial evidence provided by Christoffel Beijer and the baptised free black woman Constantia of Bengal, one of the two women in the house at the time. Both confirmed that they had been awakened by Caatje banging on the windows and that they had seen the block still standing behind the mare. According to Beijer the block had lain at the door of the house just the evening before.

The two men who witnessed the first incident, behind the vineyard of Charles Marais, were of course both Christian, and both declared themselves ready to swear to the truth of their depositions. But because Gerrit Coetzee's back had been turned towards them and since they had not wanted to see more, they could not testify that penetration and ejaculation had taken place. Proof of penetration and the exchange of bodily fluids was required before a suspect could be convicted of '*volbragte* (completed) *sodomie*'. At best the Landdrost could use the evidence of Pretorius and Le Roux to secure a conviction for attempted sodomy, which was rarely if ever punished with death.¹⁴

Lourensz wanted more, however, and he therefore needed to convince the court that the evidence he had collected was sufficient to justify subjecting the sus-

12 CJ 337, 318, Testimony of the Hottentot Caatje, or Domine, 21 August 1733.

13 CJ 337, *Eijsch ende conclusie of Landdrost Pieter Lourensz contra den burger Gerrit Coetsé Jacobsz.*, presented in court 10 September 1733. For further discussion of this point, see Robert Ross, 'The rule of law in the Cape Colony in the eighteenth century', in Robert Ross, *Beyond the pale: essays on the history of colonial South Africa* (Hanover: Wesleyan University Press, 1993), 158-9. See also the recently translated thesis of the Cape-born Gijsbert Hemmy, *De testimoniis: a thesis by Gijsbert Hemmy on the testimony of the Chinese, Aethiopians and other pagans*, translated and annotated by M.L. Hewitt (Cape Town: University of Cape Town, 1998). I am grateful to Gerald Groenewald for bringing this latter work to my attention.

14 For an explanation of the requirements for a sodomy conviction, see Van der Meer, *Sodoms zaad in Nederland*, 144, 185 and Newton-King, 'For the love of Adam', 32.

pect to torture, so as to overcome his ‘stubborn denial’ and further uncover ‘such a horrible and godless crime ...’¹⁵

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How had Gerrit Coetzee’s alleged misdeeds come to the Landdrost’s attention? As in so many such cases, the trajectory from local rumour to formal judicial investigation has left few traces in the historical record. According to Lourensz himself he first became aware of the allegations in May that year (1733), though how and from whom is unclear. Was he reacting to rumours circulating in the community? Did someone approach him with information? Did he make informal inquiries before launching a formal prosecution? According to the court record it was not until late July that he took formal statements from Johannes Louw Pretorius and Abraham le Roux. On 28 July these statements were confirmed (*‘gerecolleerd’*) under oath at the Castle in the presence of Gerrit Coetzee, who was now under arrest. Coetzee himself was interrogated for the first time immediately afterwards.

He told his interrogators that some eight months ago he had indeed been behind the quince hedge adjoining the vineyard of Charles Marais. He had passed there on his way to cut wood beside the Berg River. Had he seen a grey mare belonging to Leendert van Saxon? ‘Yes,’ he said, ‘I don’t know if I saw the mare at that time or not, but it was indeed on our land for fourteen days and sometimes my brother and I fetched it from the *veld* and brought it home.’ Had he brought the mare to a ditch behind the vineyard? Yes,’ he said, ‘so as to mount it; and then I rode it home.’ Did he lie upon its rump? ‘No, but since the mare was quite high I put my hand on her hip so as to climb up from behind, but I couldn’t manage so I stood at her side and jumped up from there.’ ‘Never in my life have I done such deeds’, he said, when confronted with repeated invitations to confess to sodomy with the mare. ‘If I had done that I would deserve to die. However I never did it nor thought to do it.’¹⁶

The *Landdrost* did not let the matter rest here. He made further inquiries and three weeks later he secured two further statements: one from Caatje, already described, and one from Andries du Toit, owner of the farm Calais in Daljosafat, and therefore (as will become clear below) a neighbour of the Coetzee family.¹⁷ Du Toit told the two commissioners deputed to take his statement that, some time ago, ‘after the pressing-time’, his slaves had alerted him to the presence of Jacob Coetzee’s son Gerrit in his slave quarters (*in ’t slaave huijs*).¹⁸ Gerrit had already spent two consecutive nights there with them, they said. Du Toit told them to let him know, should Gerrit come again. That very night he received word that Gerrit was again among his slaves. He confronted him in the *slaave huijs*, asking him what he was doing there and whether his parents had sent him. Gerrit replied that his parents had not sent him and that he was looking for something, but he

15 CJ 337, *Eijsch ende conclusie of Landdrost Pieter Lourensz contra den burger Gerrit Coetsé Jacobsz.*, presented in court 10 September 1733.

16 CJ 337, 324-6, Interrogation of Gerrit Coetsé, 28 July 1733.

17 J.G. le Roux and W.G. le Roux, *Ons Drakensteine Erfgrond: Daljosafat (Paarl: Drakenstein Heemkring, undated)*.

18 CJ 337, 322, Statement of Andries du Toit, 21 August 1733.

would not say more. ‘Did you then come to steal?’ asked Andries du Toit; ‘or are you looking for one of my slave women?’ To which Gerrit responded

That he came there for a female Hottentot known to the appearer as Caatje, which Hottentot, who is squint, thereupon immediately said to Gerrit Coetse in substance: ‘You say that you have come for me, I would rather have to do with a dog than with you, because you had to do with a horse of Claas Mallabaar, to which Gerrit Coetse answered not one single word ...’¹⁹

‘Do you know,’ asked Andries du Toit, ‘that those who do such things deserve death?’ ‘Yes’, said Gerrit, but he said no more, neither admitting nor denying the accusation. His silence apparently led Du Toit to conclude that he was guilty, for he said: ‘since you know that such deeds merit death and since it is all the same to you that one should reproach you with it, why then did you do such a thing?’ Again, he got no response from the young man, who then went away, as did Caatje soon after, for she was only there for the pressing season.²⁰

Gerrit’s silence in the face of these accusations was later seized upon by *Landdrost* Lourensz who argued that it betrayed his guilt. An innocent person, wrote Lourensz, would not have suffered such an accusation in silence and would have asked that the ‘*hottentottinne*’ be punished for her insolence.²¹ Coetzee’s silence suggested, said Lourensz, that he wished to forestall further disclosures from Caatje, which might have led to the matter becoming widely known and attracting the attention of the judge.²²

However, when Gerrit himself was interrogated a second time, after being confronted with the new evidence in the presence of the new witnesses (Caatje and Andries du Toit), he revealed that he already had a sexual relationship with Caatje at the time of his visit to the house of Claas Mallabaar, at the beginning of the pressing season. He cast doubt on Caatje’s version of events: he had not asked her permission to lie with her, he said, ‘since he already had knowledge of her’ and he had not left her during the night. He had lain the whole night with her in the wagon-shed, ‘until the first cock-crow’, when he got up and went home.²³ He entirely rejected the remainder of her testimony, concerning the horse, the block and the trousers.

With respect to his visit to the slave quarters of Andries du Toit, Gerrit admitted that he had gone there ‘for a Hottentot *meijd*’ (Caatje), and he acknowledged that Caatje had accused him in front of Andries du Toit of having had sex with the horse of Claas Mallabaar, but he explained that he had maintained his silence because he did not want his parents to know that he had been on Du Toit’s farm.²⁴ By this Gerrit meant, presumably, that he wished to avoid a fuss, but his ‘frivolous’

19 *Ibid.*

20 *Ibid.*

21 CJ 337, 310, *Eijsch ende conclusie of Landdrost Pieter Lourensz contra den burger Gerrit Coetsé Jacobsz*, presented in court 10 September 1733.

22 *Ibid.*

23 CJ 337, 327, *Interrogation of Gerrit Coetsé Jacobsz*, 1 September 1733.

24 *Ibid.*

excuse made no impression on the Landdrost, who again voiced his suspicion that the suspect had merely wanted to head off further revelations.

A modern reader, accustomed to the methods of defence lawyers in adversarial criminal trials, may be surprised that *Landdrost* Lourensz entirely ignored Coetzee's references to his prior sexual relationship with Caatje. In a modern trial defence counsel would seize on such a detail, hinting at a lover's quarrel, the fury of a woman scorned, or otherwise seeking to prove hostile intent on Caatje's part. The defence might also draw attention to an inconsistency between the statement of Caatje on the one hand and those of the two circumstantial witnesses on the other. Caatje's account placed Coetzee's encounter with Claas Mallabaar's mare in the early part of the night, or at least well before daybreak (she specifically noted that the moon shone brightly that night), but both Christoffel Beijer and Constantia van Bengalen testified that Caatje had woken them 'the next day at cock-crow'.²⁵ This accords with Gerrit Coetzee's insistence that he had lain the whole night with Caatje and had left at daybreak.

This was not an adversarial trial, however, in which prosecution and defence square up to one another; it was an inquisitorial process, structured in accordance with the principles of Roman-canon law and governed by the Criminal Ordinances of Philip II. These had been introduced to the Spanish Netherlands by the Duke of Alva in 1570, in an attempt to bring some order to the diversity of criminal codes. The procedure was designed to be speedy and final.²⁶ A suspect had no right to defence counsel and his ability to come to his own defence was severely limited. He did not see or hear the evidence against him until the investigating officer (normally the Fiscal, in the case of the Cape) deemed it opportune to confront him with it. He could not cross-examine the witnesses, though he could rebut their allegations. Above all, he had no right to remain silent and, if the court granted permission to put him to 'a sharper examination', he could be compelled to speak.

Gerrit Coetzee was taken to the torture chamber in the Castle on Friday 11 September 1733. The entire Council of Justice was present, except for the Governor, Jan de la Fontaine, and the *Secunde*, Adriaan van Kervel, who was indisposed. The Fiscal, Daniel van den Henghel, who would have prosecuted the case had it not fallen under the jurisdiction of *Landdrost* Lourensz, was also present.²⁷ The prisoner was warned that he would be strung up '*aan de pleije*', if he failed to give truthful answers to the questions put to him.²⁸ 'Did he catch a grey mare, some ten months ago, and bring it into a dry ditch?' 'Yes', he said. 'Did he not then commit the sodomitical sin with this mare, which belonged to the burgher Leendert van Saxon?' 'Yes', he said. 'Was he not at the house of the *vrijswart* Claas Mallabaar on the Berg River one night in the last pressing season?' 'Yes', he said. 'Did he not again commit the sodomitical sin with a red-brown mare belonging to Claas Mallabaar?' 'I untied her,' he said, 'with the intention of doing so, but I didn't ac-

25 CJ 337, Statement of the burgher Christoffel de Beijer, 31 August 1733; statement of the *vrijswartin* Constantia of Bengal, 31 August 1733.

26 Newton-King, 'For the love of Adam', 24.

27 CJ 337, 334, Interrogation of Gerrit Coetsé, 11 September 1733.

28 *Ibid.* The *pleije*, also known as the manacles or strappado, was a form of torture in which the victim was suspended from a beam, hook, or pulley, while weights were attached to his feet. It distended the limbs, sometimes causing dislocation and was extremely painful. See John H. Langbein, *Torture and the law of proof*, 23, 84-5.

complete it because a Hottentot woman, Caatje, came up to me.' He had in sum, committed this 'sin' only once, behind the quince hedge of Charles Marais.²⁹

This admission, confirmed 'voluntarily' the following day, signed by the prisoner with a spindly cross,³⁰ and witnessed by all the members of the Council of Justice (except the *Secunde*, who was still indisposed) was sufficient to secure Gerrit Coetzee's conviction for the crime of sodomy. On the next court day, Thursday 17 September 1733, Gerrit Coetzee was sentenced to death by drowning. The court further ordered that the animals with which he had committed 'that horrible deed' were likewise to be put to death.³¹

This was not quite the end, however. In what may have been a last desperate attempt to save himself, or to gain more time, or alternately an attempt to purge his soul before death, Coetzee told his captors on the morning of his execution (Friday 18 September) that he wished to make a further confession.³² Two members of the Council of Justice were deputed to take his statement. He told them how, about a year ago, two ox-wagons carrying woodcutters had come to his father's farm in Drakensteijn from the direction of the Tijgerberg. One belonged to the Widow Pieter Jurgen van den Heever³³ and the other to the *vrijswart* Willem Stolts.³⁴ The wagons were accompanied by the Widow van den Heever's *knegt*, Augustus Lourens van Holsteijn, Willem Stolts and three slaves.³⁵ The day after their arrival Gerrit's father, Jacobus, sent him ahead to the forest with one of the visitors' wagons, accompanied by an 'elderly yellowish' slave named Alexander, whom Gerrit thought was Buginese. Gerrit was to lead the way to the place where the visitors intended to cut wood, while his father, Stolts, Lourens and the other two slaves followed in the second wagon.

On their way to the forest Alexander proposed to Gerrit that they should have intercourse with a horse 'and to do as man and wife', to which Gerrit replied that 'he would see when they got home'.³⁶ The wood-cutting party returned from the forest four days later, around midday, and that same day Gerrit and the slave Alexander were sent on an errand to Claas Mallabaar's farm.³⁷ On their way back home they saw a group of horses in a place between his father's land and that of

29 CJ 337, 334, Interrogation of Gerrit Coetsé, 11 September 1733.

30 *Ibid.*, *Recollement*, 12 September 1733.

31 CJ 15, 81, Minutes of proceedings in criminal cases, 17 September 1733. For an explanation of the death sentence passed on the animals, see S. Newton-King, 'A short paper about a dog', in Lance van Sittert and Sandra Swart (eds), *Canis Africanus, a dog history of South Africa* (Leiden: Brill Academic Publishers, forthcoming).

32 CJ 337, Landdrost Lourensz to Governor and Council of Justice, *Exhibitum in judicio* 8 October 1733.

33 Jurgen Petersen van den Heever, who arrived as a sailor in 1693, became a *knegt* in 1710 and later owned Meerendal near the Tijgerberg, as well as other farms. (J.A. Heese and R.T.J. Lombard, *Suid-Afrikaanse geslachtsregisters*, vol. 3 (Pretoria: Human Sciences Research Council, 1992), 247.

34 Willem Stolts had been the slave of the *oud-heelmeester* Jan Botma and his wife Stijntje Christoffel de Bruijn, who owned the farm Welgevallen, on the edge of Stellenbosch village. Welgevallen adjoined Coetsenburg, where Jacobus Coetzee was born and raised. After Botma's death in 1719, Stijntje de Bruijn moved to De Schotsche Kloof in Table Valley, where she made a will which stated that Willem and his fellow slaves Pieter van Bengalen and Christina Pietersz van de Caab should be freed after she died. The three slaves were also to receive a wagon, eight trek oxen and two fish nets with which to earn their living. (CJ 2602, Wills, no. 11, 14 July 1723.) Stijntje de Bruijn died in 1724 and by 1726 Willem Stolts had done well enough to buy the farm Wolwedans, near Klipheuwel, from the burgher Jan Valk. (Margaret Cairns, 'Willem Stolts of the Cape, 1692-1750', *Familia* vol. 27, 1990, 47. (I am indebted to Jackie Loos for this reference.)

35 CJ 337, 339, Further confession of Gerrit Coetsé, 18 September 1733.

36 *Ibid.*

37 It is not clear whether Gerrit spent the four days in the forest with the woodcutters. Augustus Lourens was adamant that Gerrit returned home the same day. (CJ 337, 344, Testimony of Augustus Lourens van Holsteijn, 7 October 1733.)

Claas Mallabaar, among them a grey mare which belonged to the burgher Leendert van Saxe (sic). Seeing this, Alexander said that they should try to catch one of the horses and he asked Gerrit which horse was the tamest, to which Gerrit replied ‘the one of Leendert van Saxe’. They caught the horse and led it into a nearby ditch, where they could not be seen.

Whereupon aforementioned Alexander used that mare against nature while the confessant held it fast, after which he confessant also tried to use that mare while Alexander held it fast, but couldn’t reach it for that purpose, so Alexander let the mare loose and lifted him up against her rump, through which help he the confessant also used the mare in his turn, after which doings both of them went [back] to his father’s house...

This was the same mare, he added, which he later used one other time behind the fence of Charles Marais’ vineyard.³⁸ Following this revelation *Landdrost* Lourensz immediately sought out the slave Alexander and detained him at the Castle. Gerrit’s execution was suspended while Alexander was found and interrogated. On Monday 21 September Gerrit ‘recollected’ his confession in Alexander’s presence (not under oath because he was already a convicted sodomite), adding a detail which was to become the focus of the subsequent investigation: he explained that when the woodcutters returned from the forest he and Alexander had been sent to Claas Mallabaar’s house to fetch wine, and he said that it was the *knecht* Augustus Lourens who had sent them. And all this was as true, he said ‘as he hoped shortly to appear before God and receive his judgment.’³⁹

In my opinion, Gerrit Coetzee’s third and last confession has the ring of truth. It has a breathless and urgent quality, as though the person whose speech was recorded was eager to unburden himself. But in the end (fortunately for Alexander) Coetzee was not believed. Alexander (who was about 50 years old and came from the island of Ternate in the Indonesian archipelago) acknowledged, when questioned, that about one year ago he had gone to Drakensteijn with his mistress’s wagon and her *knecht*, in the company of Willem Stolts, and that they had stopped at the farm of Jacobus Coetzee. Coetzee’s son Gerrit had indeed shown him the way to the mountains, but on his return he had not been sent to the house of Claas Mallabaar, he had not left Jacobus Coetzee’s house, he said.⁴⁰

The Council of Justice took the allegations sufficiently seriously to call a special meeting, on Tuesday 22 September, during which, at the Governor’s suggestion, Gerrit and Alexander were confronted with one another. The Governor urged Gerrit to tell the truth, but the young man stuck to his story, saying that there were witnesses who could back him up: the *vrijswart* Willem Stolts was present when

38 CJ 337. 339, Further confession of Gerrit Coetsé, 18 September 1733.

39 *Ibid.*, *Recollement*, 21 September 1733.

40 CJ 337, Interrogation of the slave Alexander of Ternaten (‘in de Portugeese taal’), 21 September 1733.

Pieter van den Heever's *knecht* gave him money and sent him with Alexander to buy wine from Claas Mallabaar; and Claas Mallabaar's wife or concubine ('*bijst*') had given him a jug of wine in the presence of Alexander.⁴¹ Alexander, by contrast, denied that he had ever been to the house of Claas Mallabaar. He knew it only from afar, he said, and the *knecht* Augustus Lourens could testify that he had not sent him there.⁴²

Perplexed by these contradictory statements, the Council of Justice instructed *Landdrost* Lourensz to question Willem Stolts, Augustus Lourens and Claas Mallabaar's concubine, 'so as to see whether one cannot throw some light on this tricky matter and [decide] which of the two – the accuser or the accused – they should believe.' The Council also decided not to further postpone the execution of Gerrit Coetzee. The sentence was to be carried out immediately.⁴³

Gerrit Coetzee was drowned the following morning (23 September 1733),⁴⁴ but the trials of the slave Alexander were not over yet. It took *Landdrost* Lourensz two weeks to find and question the additional witnesses. Their evidence conflicted in some respects with that of Gerrit Coetzee, but there were significant concordances. It emerged that Lourens had made two trips to the woods near Jacobus Coetzee's farm: he had gone there about three years ago, with three slaves, among them Alexander, and when he reached Jacobus Coetzee's place he had by chance met up with the free black Willem Stolts, who was likewise outspanned there. He had visited the woods again about one year ago, also with three slave men, again including Alexander. On this occasion he had again stopped at Jacobus Coetzee's farm, he said, but had not stayed overnight. He had not given Gerrit Coetzee money to buy wine and neither on his most recent journey to the forest, nor on the previous occasion, had he sent Alexander or any other slave to fetch wine from the house of Claas Mallabaar.⁴⁵ Willem Stolts confirmed that Alexander had been among the party of slaves accompanying Augustus Lourens to the woods about three years ago, but he said that, while Lourens and the slaves *had* spent the night on Coetzee's farm, he had not seen or heard that Lourens had given money to Gerrit Coetzee and sent him with Alexander, 'who was an elderly slave', to buy wine from Claas Mallabaar. He and Lourens had indeed spent an evening at Claas Mallabaar's house, he said, but Alexander was not with them.⁴⁶ And he himself had not been back to the forest since that time, whether with Lourens or alone. Finally, Claas Mallabaar himself appeared before Secretary de Grandprez and testified that he had not sold wine to Gerrit Coetzee on that occasion two or three years ago, when the woodcutters' waggons were on Gerrit's father's farm, 'and even less' to the slave Alexander, whom he did not know. He professed not to be aware that the Widow van den Heever's waggon with her *knecht* and her slaves had returned to

41 CJ 15, Minutes of proceedings in criminal cases, 22 September 1733. Claas Mallabaar's concubine was Constantia of Bengal. She was the mother of Johanna de Ryk, who in turn was the widow of Claas Mallabaar's deceased son, Johannes Claasz. Johanna de Ryk later married the free black Leendert Barendsz van Saxon, owner of the unfortunate grey mare. (Mansell Upham, 'Claas van Malabar', in Nicolaas Claassen and Gert Hendrik Claassen (eds), *Die Claas(s)en afstammeling in Suid-Afrika* (Centurion: 2001).)

42 *Ibid.*

43 *Ibid.*

44 *Ibid.*, 17 September 1733, marginal note.

45 CJ 337, 344, Testimony of the soldier Augustus Lourens van Holsteijn, 7 October 1733.

46 CJ 337, 346, Testimony of the *vrijswart* Willem Stolts, 7 October 1733.

Jacobus Coetzee's place one year ago, and when Alexander was presented to him, he said did not know him and had never seen him on his farm.⁴⁷

Were these witnesses lying in order to protect Alexander? Or were they colluding to protect Claas Mallabaar who may have been selling wine without a license?⁴⁸ Augustus Lourens may have been under instructions to cover up for Alexander who belonged to his employer. Willem Stolts may have been torn between loyalty to Gerrit's father Jacobus, whom he must have known during his earlier life as a slave on Welgevallen⁴⁹ and loyalty to Claas Mallabaar, a fellow free black landholder. He may in any case have been unaware of the nature of the investigation into which he was drawn. But it is worth noting that Stolts had reason to be grateful to the authorities at the Cape. In 1724 the Orphan Chamber had overseen the execution of the will which set him free; in 1726 he had bought his farm Wolwedans with the aid of a large loan from Hendrik Swellengrebel, a member of the Council of Policy and the Council of Justice; and in July 1733, while the case against Gerrit was in preparation, his request for an additional 14 morgen of land adjacent to Wolwedans had been favourably received.⁵⁰ Claas Mallabaar may likewise have been indebted to members of the colony's governing elite, but at present little is known of his origins or of the manner in which he had financed the purchase of his farm, Vlakkeland, in 1724.⁵¹

Alternatively, it may have been Gerrit who lied. He may, as suggested above, have simply been playing for time. Or his story may have been essentially true, but faulty in its detail. If it *were* true, it reveals a surprising and dangerous familiarity between a freeborn youth and an elderly slave, a subject to which I will return below. Be that as it may, when *Landdrost* Lourens reviewed the evidence given by the above-named three witnesses, he concluded that he could not proceed against Alexander of Ternate and he asked the Council's advice as to what he should do. At the next Council meeting, on 8 October 1733, Alexander was released, '*lost en schaadeloos*' (free and unharmed).

Freeburghers and Free Blacks

This particular sodomy trial attracted my attention for two reasons. First, as will be seen below, it is the only case of which I am aware in which a freeburgher was tried and executed for the crime of sodomy. While I cannot yet give a comprehensive account of all sodomy trials conducted at the Cape since 1652, a careful study of the seventeen cases tried between 1709 and 1734 reveals that none of the suspects in the other cases were freeburghers. Most were slaves, Khoekhoe or Company servants (usually ordinary soldiers or sailors, though there was one *schipper*, one *boekhouder* and one *onderkoopman* among them).⁵² In the subset of eight 'bestial-

47 CJ 337, 348, Testimony of the *vrijswart* Claas Malabaar (sic), 7 October 1733.

48 I am grateful to Leon Hattingh for alerting me to this possibility.

49 See above, note 34.

50 Cairns, 'Willem Stolts of the Cape, 1692-1750', 47.

51 Upham, 'Claas van Malabar'.

52 CJ 5-16, Minutes of proceedings in criminal cases and CJ 313-337, Documents in criminal cases, 1709-1734. My decision to begin my search in 1709 was arbitrary and I plan to work backwards from there.

ty' cases among the trials conducted in this period, four of the accused were slaves, two were soldiers and one was Khoekhoe. Gerrit Coetzee was the only freeburgher to be accused of sodomy in any form.⁵³ In 1713 an elderly freeburgher named Claas Holder, a *knegt* on the farm Duiwelsbergh in 't *Land van Waveren*, had allegedly been caught in the act of intercourse with a dog, but he committed suicide the same day and was therefore never brought to trial.⁵⁴ Holder was in any case more typical of those rootless Company servants (usually soldiers from the Castle garrison), who were loaned by the Company to freeburgher masters (whom they served as *knegten*, tradesmen, or schoolmasters) than of the freeburghers themselves: he was an *eenlopende man* - single, elderly and without property.

Gerrit Coetzee, by contrast, was a member of a prominent and prosperous freeburgher family - one of the leading settler families in the Colony, it could be said, at least by reputation. His paternal grandfather Dirk Coetzee (who died in 1725) was among the first freeburghers to be granted land in the new district of Stellenbosch. In 1682 he had established the farm Coetsenburg on the banks of the Eersterivier, on the outskirts of the new village. Dirk Coetzee had a long and distinguished record of public service, having been appointed *Heemraad* (Alderman) of Stellenbosch in 1687 and having served a further nineteen years in that capacity (on a rotational basis) between 1688 and 1721. He became a member of the Stellenbosch church council in 1685 and served on this body on and off for a further 36 years, first as deacon, then as elder, until his retirement from public life in 1721.⁵⁵ Gerrit's aunts Margaretha (Griet)⁵⁶ and Sara Coetzee had married men who were likewise members of the small local '*bestuurs-elite*'.⁵⁷ His orphaned cousins Matthijs Greeff (aged 22 in 1733) and Jan and Sara Krugel (aged 18 and 16 years respectively) stood to inherit thousands of guilders when they came of age.⁵⁸ His uncle Gerrit Coetzee *Dirkzoon* now farmed at Coetsenburg, and his own father Jacobus, though not well off, was the owner of two freehold properties in the Daljosafat ward of Drakenstein.⁵⁹

53 The term 'sodomy' has a long history and a complex etymology. Dutch jurists took their lead from Charles V's imperial criminal code, the *Constitutio Criminalis Carolina* in 1532, which defined sodomy as 'unchastity contrary to nature' with man, woman or beast. According to the Dutch historian Theo van der Meer, 'well-known sixteenth and seventeenth century Dutch jurists, such as Philips Wielant, Joost de Damhouder, Antonius Mattheus II, Ulrik Huber, Simon van Leeuwen and Simon Groenewegen followed the *Constitutio*' and 'were unanimous in their opinion that sodomy, as the most serious of all carnal crimes, merited the death penalty'. They agreed too that bestiality was 'the most horrible kind' of sodomy and felt that the animal should also be put to death. They were less sure of the status of heterosexual anal intercourse and masturbation. (Van der Meer, *Sodoms zaad in Nederland*, 29-30.) In medieval Christian theology, sodomy was a manifestation of the sin of *luxuria*. It was thus associated with self-indulgence and a love of excess. Christian theology consistently maintained that sodomy was the gravest and most dangerous of all the sins of the flesh.

54 S. Newton-King, 'A short paper about a dog' in L. van Sittert and S. Swart (eds), *Canis Africanus: a dog history of South Africa* (Leiden: Brill Academic Publishers, forthcoming).

55 Ad Biewenga, *De Kaap de Goede Hoop: een Nederlandse vestingskolonie, 1680-1730* (Amsterdam: Prometheus/Bert Bakker, 1999), 41 and 135; C 1086, Memorials and requests, Dirk Coetse to Council of Policy, exhibited 7 October 1721. Dirk Coetzee had also been Captain of the Stellenbosch *schutterij* (burgher infantry) from 1706-1721.

56 Leo Fouché (ed), *The diary of Adam Tas (1705-1706)*, (London: Longmans, 1914), 64.

57 The term is used by Biewenga: *ibid.*, 40. Margaretha Coetzee married the widower Matthijs Krugel in 1717. He was the owner of Stellengift in Simondium (Drakenstein) and served as *Heemraad* for several years. Sara Coetzee married Matthijs Greeff, son of the late *Heemraad* Matthias Greeff, in 1710 (when she was sixteen years old).

58 TEPC Project and Sentrum vir Besigheids- en Taaldiens, MOOC 8/3.103, Inventory of Jan Jurgen Roose, 21 December 1718; MOOC 8/5.71, Inventory of Matthijs Kruger and Margareta Coetzee, 8 March 1731.

59 TEPC Project and Sentrum, MOOC 8/6.11a, Inventory of Jacobus Coetzee; J.G. le Roux and W.G. le Roux, *Ons Drakensteinse Erfgrond: Daljosafat* (Paarl: Drakenstein Heemkring, undated), 5-7.

What was one to make of this? If Gerrit was guilty of the acts alleged against him, why had he risked his life, not to mention his reputation and his social position, indeed, his very membership of society (for buggers were shunned in much of Europe),⁶⁰ for the gratification of his libido? Why had he stepped so far outside the bounds of respectable behaviour as to lay himself open to the charges he now faced? Or, if he was innocent of the charges, why had he been falsely accused of so serious a crime? Alternately, if sexual play and experimentation with animals was relatively common among his peers, as it was among country boys in some parts of rural Europe at that time,⁶¹ why were other burgher youths not prosecuted? Why had Gerrit been singled out?

The second aspect of this case which caught my eye was the unexpected ease and familiarity of Gerrit's relations with free blacks and slaves in his immediate neighbourhood.⁶² He seems to have felt at home with Claas Mallabaar and his concubine Constantia of Bengal, whose farm Vlakkeland adjoined Goede Rust and Non Pareille, owned by his father, Jacobus Coetzee (see Figure 1 below). He was intimately acquainted with Caatje, who was apparently a seasonal worker, and he did not try to hide his connection with her, at least not from Claas Mallabaar's household, though he apparently did want to conceal it from his parents. He spent at least two nights among the slaves of Andries du Toit, who was likewise his father's neighbour (see Figure 1 below). And, finally, by his own account, he was willing to place himself under the tutelage of an elderly slave, by whom he was initiated into what today might be called 'high-risk sexual behaviour'.

While Gerrit Coetzee's familiar relations with slaves and free blacks seemed to me particularly noteworthy, the record of his trial also suggested that relationships between free blacks and free burghers (terms which were sometimes – but not often – applied to the same person)⁶³ in general in Daljosafat, where Gerrit lived, were relatively harmonious and even egalitarian. At least two of the free blacks named in the trial record – Claas Mallabaar and Willem Stolts – were landowners. As noted above, Claas Mallabaar's origins are obscure. He first appears on the tax roll of Stellenbosch and Drakenstein in 1710, when he paid f4 for 'leeuw en tijgergeld'.⁶⁴ In 1712 he was employed (as *knecht*?) by Gerrit Basson,⁶⁵ himself the son of the free black woman Engela, or Ansiela, of Bengal, who farmed at Honswijk, just north of Daljosafat (see map) until her death in 1720.⁶⁶ In 1724 he bought Vlakkeland from Maria Catharina Durier, widow of Guillaume le Lièvre (or de Haas), who had moved to the farm Welgevallen in Stellenbosch (adjoining

60 On this, see Jonas Liliequist, 'Peasants against nature: crossing the boundaries between man and animal in seventeenth- and eighteenth-century Sweden', in J.C. Fout, ed., *Forbidden history: the state, society and the regulation of sexuality in early modern Europe* (Chicago: University of Chicago Press, 1992).

61 *Ibid.*

62 'Free black' or 'vrijswart' was the term used to denote persons who had been born in slavery and later freed, either by their owners, by themselves, or by a third party. Hans Heese correctly criticises Elphick and Shell for using the term too loosely in *The shaping of South African society, 1652-1840*. (Heese, *Groep sonder grense*, 21.)

63 H.F. Heese, *Groep sonder grense: die rol en status van die gemengde bevolking aan die Kaap, 1652-1795* (Bellville: University of the Western Cape, 1984), 14, 28; Karel Schoeman, *Armosyn van die Kaap: die wêreld van 'n slavin, 1652-1733* (Cape Town: Human and Rousseau, 2001), 628-9.

64 Leon Hattingh, *Die eerste vryswartes van Stellenbosch – 1679-1720* (Bellville: University of the Western Cape, 1981), 69.

65 I/STB 5/7, Minutes of proceedings in civil cases, 21 March 1712.

66 For a wonderful, readable account of the life of Angela of Bengal, see Schoeman, *Armosyn van die Kaap*, pp. 642-646. For details concerning the transfer of Honswijk from one owner to the next, see Leonard Guelke and Robert Shell, *The deed's book: the Cape cadastral calendar, 1677-1731* (New Haven: Opgaaf Project, 1990).

Coetsenburg) with her son-in-law Jean le Roux of Normandie.⁶⁷ Claas Mallabaar owned Vlakkeland until 1746, when it was transferred to Jan Martin Kursz (or Coerts), who married Gerrit Coetzee's sister Jacoba in 1736.⁶⁸ Claas Mallabaar was therefore the immediate neighbour of Gerrit's father Jacobus, who farmed Goede Rust and Non Pareille in Daljosafat.⁶⁹ Vlakkeland was in fact one of a string of farms laid out along the rivulet, Dal-se-loop, which flowed into the Berg River just north of the present-day Daljosafat railway station (see Figure 1 below).

Claas Mallabaar clearly had good neighbourly relations with Jacobus Coetzee, supplying wine to his guests (or not, as the case may be) and allowing his son to come and go upon his property (though he was not at home on the fateful night when Caatje allegedly saw Gerrit having sex with his horse). He accommodated the burgher Christoffel Beijer (himself the child of a legitimate union between a free black woman and a European immigrant)⁷⁰ and he played host to the *knegt* Augustus Lourens van Holsteijn, and the free black Willem Stolts. Similarly, Leendert Barendsz van Saxon, whose horse is at the centre of this story, and who was married to Claas Mallabaar's former daughter-in-law, Johanna de Ryk (Claas Mallabaar's only son had died in 1727)⁷¹ seems to have been well integrated into the free community of Drakenstein. Van Saxon was respectfully described by Johannes Louw Pretorius and Abraham le Roux in their evidence as '*den burger Leendert van Saxon*'. This more respectful title was likewise adopted by *Landdrost* Lourenz in his *eisch*, although, one year before, the Secretary of Stellenbosch had minuted Van Saxon's claim against a fellow free black as that of the '*vrijswart Leendert van Saxon*'.⁷²

Should we conclude from this evidence, then, that the free population of Daljosafat and surrounding areas was bound together in a web of neighbourly and familial relations in which race and descent counted for little and the stigma of slavery was erased within one generation? Should we agree with Leon Hattingh, who concluded his careful study of free blacks in Stellenbosch with the observation that, while it might be true that the patterns of racial dominance which came to characterise South Africa in later centuries were already taking shape in the early eighteenth century, Stellenbosch society in the early 1700s was still an 'open society' without conscious colour prejudice, which could evolve in different directions with respect to the degree of correlation between the categories of race, status and class?⁷³ Hattingh was, of course, arguing against the conclusions of Richard Elphick, Robert Shell and Hermann Giliomee, who asserted in *The Shap-*

67 Deeds Office, T 1588, 7 April 1724. Claas Mallabaar paid f850 for Vlakkeland, a farm of 50 morgen. He paid f300 on transfer and the balance in 3 instalments. In October 1727 Jean le Roux informed the authorities that the debt to his mother-in-law had been paid in full.

68 Le Roux and Le Roux, *Daljosafat*, 11-12; for Kursz see Leon Hattingh, 'Die blanke nageslag van Louis van Bengale en Lijsbeth van die Kaap', *Kronos*, vol. 3, 1980, 17.

69 Le Roux and Le Roux, *Daljosafat*, 5-7.

70 Christoffel Beijer was the son of Andries Beijers, the Company's wagon-maker, and Catharina Vrijman of the Cape, who was born in slavery. They farmed at Bottelarij, near Stellenbosch. (Heese and Lombard, *Suid-Afrikaanse geslagsregisters*, vol. 1 (Pretoria: Human Sciences Research Council, 1986), 258.)

71 Upham, 'Claas van Malabar'.

72 1/STB 5/14, Minutes of proceedings in civil cases, 25 February 1732. Leendert Barendsz van Saxon's origins are presently unknown.

73 Leon Hattingh, *Die eerste vryswartes van Stellenbosch – 1679-1720* (Bellville: University of the Western Cape, 1981), 67, 74.

ing of South African Society that later patterns of racial dominance were already clearly discernible at the Cape in the eighteenth century. In their view, manumission and miscegenation made little difference to the overall societal pattern, which was characterised from early on by a high correlation of race and class, little upward mobility for people of colour and a 'congealing ideology' of white supremacy.⁷⁴ With respect to the arable regions of Stellenbosch and Drakenstein Shell and Elphick wrote:

Here the European settlers soon achieved comparatively balanced sex ratios and the formation of stable European families was possible. Consequently there was little pressure towards miscegenation, and hostility to concubinage intensified. There was also little manumission, even though most of the colony's slaves lived in these areas. Without the ginger group of free blacks who gave Cape Town its cosmopolitan air, this region was soon characterised by the assimilation of blacks to European culture, but not to their incorporation into the church or freeburgher society. A clear social distinction between Europeans and blacks was established soon after settlement. Prestige and local power became associated with landholding, and almost all landholders were European.⁷⁵

Hattingh responded cautiously to these assertions, pointing out that they were based on inadequate empirical data and that the two authors had greatly underestimated the numbers of free blacks in the arable districts.⁷⁶ He demonstrated that detailed research into the careers of individual free blacks and their offspring showed that people of colour in Stellenbosch district had greater access to credit, markets and opportunities to earn a living than Elphick and Shell had supposed. They were also not excluded from the church to the degree that the two authors had suggested and there was little evidence of strained relations between them and the majority of the burgher population. It is true, he wrote, that few succeeded as farmers, but this was more due to 'a lack of knowledge, insight and drive' than to their deliberate exclusion from the rural economy.⁷⁷ Most then were not landholders; in this he concurred with Elphick and Shell. But, he concluded, their children and grandchildren, especially those born of mixed relationships, were absorbed into the farming community through marriage. '*Hierin lê die ware bydrae van die vroeë vryswartes van Stellenbosch.*'⁷⁸

With these remarks in mind, we should take a closer look at the protagonists in the drama surrounding Gerrit Coetzee. Claas Mallabaar, Constantia of Bengal, Leendert van Saxon and Willem Stolts were all free blacks, born in slavery and

74 Richard Elphick and Hermann Giliomee (eds), *The shaping of South African society, 1652-1840* (Cape Town: Maskew Miller Longman, 1989 edition), 220-221, 536-540, 560.

75 Richard Elphick and Robert Shell, 'Intergroup relations: Khoikhoi, settlers, slaves and free blacks, 1652-1795', in Elphick and Giliomee, *Shaping*, 231.

76 Hattingh, *Eerste vryswartes*, 67.

77 *Ibid.*, 72.

78 *Ibid.*, 75.

later freed; Christoffel Beijer was a freeburgher of mixed descent (his father was German, his mother a free black). Andries (or André) du Toit (to whose role in these events we shall return) was a freeburgher of Huguenot origin. In 1733 he was 42 years old and he owned the farm Calais in Daljosafat, three kilometres upstream from Jacobus Coetzee's home at Non Pareille.⁷⁹ Later that same year, in fact just ten days before Gerrit Coetzee's first court appearance in September 1733, he acquired two more farms in Daljosafat: Kleinbos and Schoongezicht, the latter lying just half a kilometre from Non Pareille.⁸⁰ These farms came to him from the estate of his father, the former *heemraad* and church elder Francois du Toit, who lived at Kleinbos and died there in 1731.⁸¹ In 1736 Andries du Toit moved back to Kleinbos, where he had grown up, and his younger brother, Pierre, took transfer of Calais.⁸² The two Du Toit brothers, Andries and Pierre, were married to two sisters, Martha and Isabeau Rousseau, daughters of the late *heemraad* and church councillor Pierre Rousseau, who had farmed at Orleans in Klein Drakenstein (see figure 1 below).⁸³ There were six Rousseau sisters in all. Maria, the eldest, married Lodewijk Pretorius (fifth child of the *gequalificeerde* Company employee Johannes Pretorius) who owned the farm Rust-en-werk in Daljosafat. When he died she married Charles Marais, which was how Marais came to own Rust-en-werk. Rust-en-werk adjoined Vlakkeland, where Claas Mallabaar lived with his wife or 'concubine', Constantia of Bengal.⁸⁴ It was Maria Rousseau's sixteen-year-old son, Johannes Lodewijk (or Louw) Pretorius who had spotted Gerrit Coetzee allegedly attempting to have sex with Leendert van Saxen's grey mare behind his stepfather's vineyard in the early summer of 1732. As for Abraham le Roux, Johannes Louw Pretorius's companion on that fateful day, he was the 24 year-old son of the late Gabriel le Roux of Blois, who had owned Salomonsvlei in Klein Drakenstein.⁸⁵ Abraham's mother had remarried twice since his father's death in 1712 and Salomonsvlei had passed first to his stepfather, then to his elder brother, Pierre, who sold it to a neighbour in 1729.

It would seem then, on closer inspection, that much of the land in Daljosafat was owned by closely related and well-connected Huguenot families. What were their relations with the small community of free blacks at Vlakkeland? Were they neighbourly - characterised by friendship, conviviality and mutual support? Or were they marked by disdain, condescension, and social distance? Did *their* sons frequent Claas Mallabaar's house and drink his wine? Or was Gerrit somehow different?

There is not enough evidence to give a full and satisfactory answer to these questions. A closer look at Gerrit Coetzee's own background suggests that he was, indeed, 'different' from his Huguenot peers. And the more one probes his back-

79 Le Roux and Le Roux, *Daljosafat*.

80 *Ibid.*

81 *Ibid.*, 4, 12.

82 *Ibid.*, 15.

83 C.C. de Villiers and C. Pama, *Geslagsregisters van die ou Kaapse families*, vol. 2 (Cape Town: Balkema, 1966), 799.

84 Le Roux and Le Roux, *Daljosafat*, 8-9. Claas Mallabaar married Helena van Timor in 1721, but she seems to have died soon afterwards. (Upham, 'Claas van Malabar'.)

85 De Villiers and Pama, *Geslagsregisters*, vol. 2, 819; Le Roux and Le Roux, *Ons Drakensteinse erfgrond: Klein Drakenstein*.

DALJOSAFAT 1700

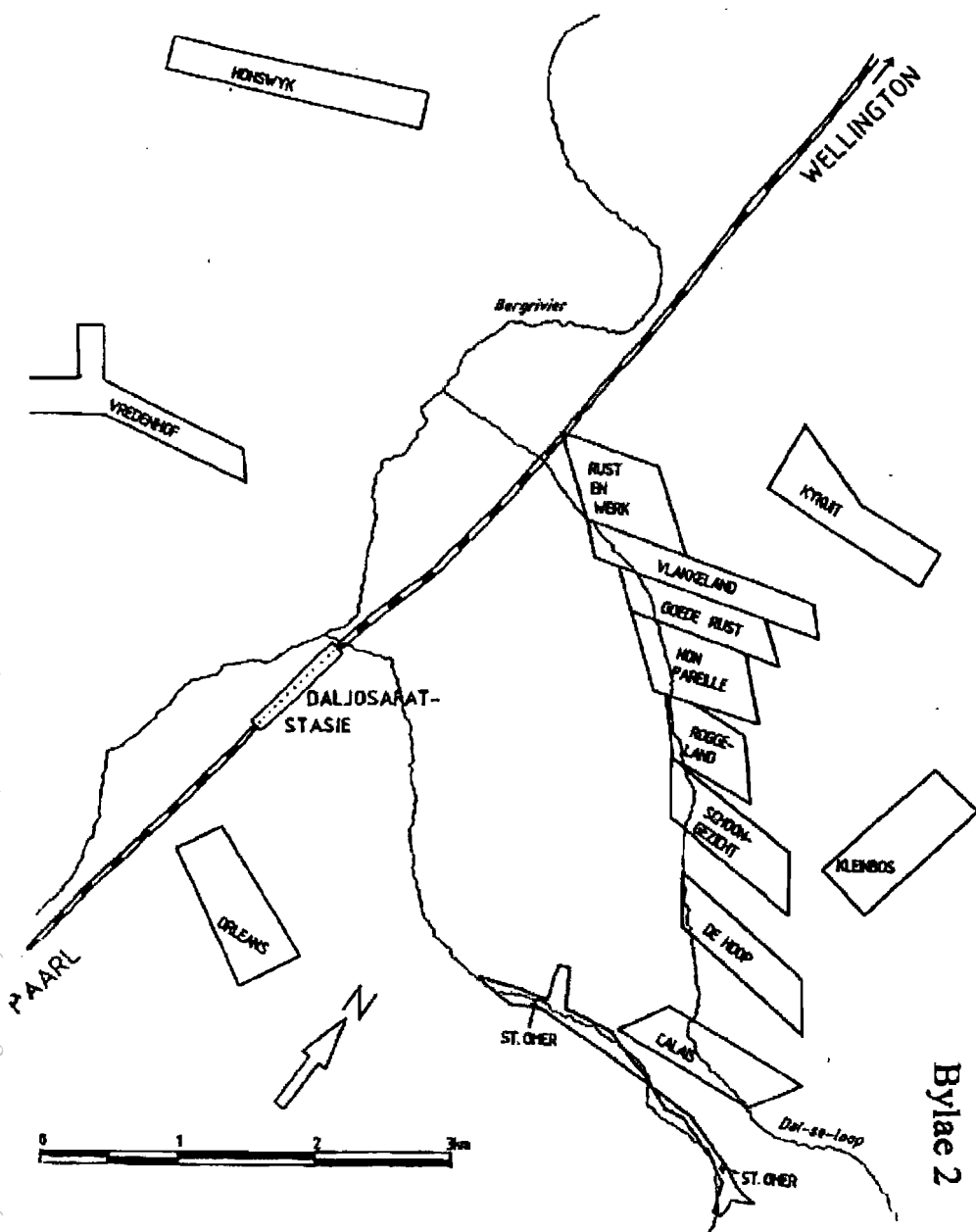


Figure 1: Map of Daljosafat, 1700 (Source: J.G. and W.G. le Roux, *Ons Drakensteinse erfgrond: Daljosafat* (Drakenstein Heemkring, undated)).

ground, the more the questions directed at him by Andries du Toit when he found him in his *slaavenhuijs* at Calais, after the pressing-time in 1733, acquire a disturbing edge: ‘What have you come to do here? Did your parents send you? Did you then come to steal?’ These were hostile questions to ask of a neighbour’s son; the grandson of a man who had served with Du Toit’s father on the college of *Heemraden* and who, like Francois du Toit, had been for many years an elder of the church. However, while young Gerrit Coetzee was indeed the grandson of Dirk Coetzee of Coetsenburg, he had not been acknowledged as such at birth, and his maternal grandparents were not white. They had, in fact, been raised in slavery, and after manumission they had not led entirely respectable lives. They had never married and, as we shall see, they had a ‘stormy relationship’. Gerrit’s maternal grandmother, Lijsbeth van de Kaap, was twice convicted of theft and his grandfather, Louis of Bengal, who had eventually made a respectable marriage and been accepted as a member of the Cape Town church, had suffered sequestration on two occasions. At the time of his death in 1715 or 1716, he was dependent on poor relief.

Louis of Bengal and Lijsbeth van de Kaap

Louis of Bengal had settled in Stellenbosch in 1683 when he was 31 years old. He was among a small group of free blacks who moved to the new settlement on the banks of the Eerste River in the early 1680s in order to take advantage of free land grants and new farming opportunities, partly in response to encouragement from Governor Simon van der Stel. He was granted 29 morgen on the banks of the river in an area known as Jonkershoek, named for Jan Andriesze, otherwise known as Jan de Jonker, who lived further up the valley.⁸⁶ Louis optimistically named his farm *Leef op Hoop*.⁸⁷ His near neighbours were Manuel and Anthony of Angola and Jan and Marquart of Ceylon.⁸⁸ Across the river, and about three kilometres upstream on the edge of the new village of Stellenbosch, lived fellow settlers Steven Jansz Botma (at Welgevallen) and Dirk Coetzee (at Coetsenburg).⁸⁹

Louis of Bengal spent his early life in slavery and, though his first owners at the Cape were men of high rank, one may assume that his childhood was hard. He was brought to the Cape in 1664 as a slave of the Commander, Zacharias Wagen-aer. He was then about twelve years old.⁹⁰ When Wagen-aer left the colony in 1666 his step-daughter sold Louis to the *Secunde*, Hendrik Lacus, for 80 rix dollars.⁹¹ In 1667 Lacus was sent away from the colony in disgrace and Louis was taken over by the Company, for whom he worked without reward for five years.⁹² In 1671 Commissioner Isbrandt Goske, who was visiting the Cape, gave him permission to

86 Jan Andriesze was also known as Jan Andriesze van Rijssen or Van Arendsdorp. (Hattingh, *Eerste vryswartes*, 39, 80.)

87 Schoeman, *Armosyn*, 646.

88 Hattingh, *Eerste Vryswartes*, map, p. 87; Schoeman, *Armosyn*, 649.

89 See Leonard Guelke, ‘The southwestern Cape Colony, 1657-1750: freehold land grants’, map produced by the Department of Geography, University of Waterloo, 1987.

90 Hattingh, *Eerste vryswartes*, 21; Schoeman, *Armosyn*, 646.

91 Anna Böeseken, *Slaves and free blacks at the Cape, 1658-1700* (Cape Town: Tafelberg, 1977), 28. One rix dollar equalled 48 stuivers.

92 C 8, Resolutions of the Council of Policy, 13 April 1672.

buy his freedom, but it took him some months to accumulate the means to do so. In April 1672 he was at last able to petition the Council of Policy to grant him his freedom. His petition was granted, provided he paid 50 reals of eight to Lacus' account.⁹³ 'From 1673 onwards,' notes Leon Hattingh, 'his name appeared annually on the roll of free inhabitants at the Cape.'⁹⁴

Louis prospered in freedom. By 1676 he owned two pieces of land in Table Valley: a garden on the lower slopes of the mountain, 'in the vicinity of present-day Breda Street'⁹⁵ and a residential plot in Bergstraat near the centre of the town.⁹⁶ By April 1678 he owned one slave: Anthonij van de Cust Coromandel, who in 1681 was brutally punished by the Council of Justice for desertion and assault, and set in chains for life.⁹⁷ In July 1678 Louis also acquired a female slave, the 18 year-old Lijsbeth van de Kaap. She had belonged to a neighbour, the Company's master carpenter Adriaen van Brakel, who had bought her in 1671 from one Mathijs Coemans for f160 (53 rix dollars).⁹⁸ Louis acquired her in a most unusual manner. In April 1678 she broke into his house in Bergstraat, opened a wooden cupboard in his room and stole a gold ring, three pairs of silver buttons and some money. When apprehended, she at first denied the theft, saying she had traded the items from a 'Hottento' named Corhaeij, but two days later she confessed (apparently under torture) and, presumably after receiving some form of corporal punishment, she was returned to her owner.⁹⁹ The Council of Policy determined that Van Brakel should compensate Louis for the losses caused by his slave. When he failed to do so, Louis again approached the Council, which ordered that Lijsbeth be sold to raise the money.¹⁰⁰ Instead, it seems, Van Brakel gave her directly to Louis.¹⁰¹ In this way Gerrit Coetzee's maternal grandmother became the slave and concubine of his grandfather, Louis of Bengal.

On 6 October 1680 the first child born to Lijsbeth and Louis was baptised in the church in Cape Town.¹⁰² (Louis himself had been baptised in 1675, when he was 'about twenty-three years old'.)¹⁰³ She became known as Elisabeth Louisz or Lowice. Louis and Lijsbeth had at least one further child, Maria, christened in 1686. Lijsbeth cannot have been Louis' only partner, however, for in 1685 a third daughter, Anna Louisz, was christened in Cape Town and her mother's name was given as Maria van de Kaap.¹⁰⁴

93 1 real was worth 54 stuivers; 50 reals thus equalled 56.5 rix dollars.

94 Hattingh, *Eerste vryswartes*, 21.

95 Schoeman, *Armosyn*, 646.

96 *Ibid.*, 646; Hattingh, *Eerste vryswartes*, 21.

97 Hattingh, 'Die blanke nageslag van Louis van Bengalen en Lijsbeth van die Kaap', 6 and *Eerste vryswartes*, 22. See also Böeseken, *Slaves and free blacks*, 90 and C 13, Resolutions, 14 July 1678.

98 Hattingh, 'Blanke nageslag', 12; Böeseken, *Slaves and free blacks*, 128; C 13, Resolutions, 14 July 1678.

99 CJ 2954, *Confessien en interrogatorien*, 1677-1685, 28 and 30 April 1678. I am deeply indebted to Mansell Upham for drawing my attention to these documents and for transcribing them. It has proved impossible to find a record of Lijsbeth's trial. The record of her confession on 30 April 1678 refers to her amending her previous confession 'op scherper examinatie', but there is no mention of this in the minutes of the Council of Justice for that year.

100 C 13, Resolutions, 14 July 1678.

101 This is the inference drawn by Mansell Upham, and it is supported by circumstantial evidence.

102 Hattingh, 'Blanke nageslag', 16.

103 Hattingh, *Eerste vryswartes*, 22.

104 *Ibid.*, 10, 12 and 19. According to Hattingh, a woman named Maria van de Kaap was a godparent at the Christening of Maria Louisz in 1686.

In July 1683, the year that Louis and his family moved to Stellenbosch, Louis signed a document in which he set Lijsbeth and her two children free. ‘*Ick Louis van bengale bekenne vrijgegeven te hebben mijn meijt genaamt lijsbeth van Cabo*’, he declared, ‘... *en meede vrijgeeft haer twee kinderen...*’¹⁰⁵ This document was tested in court six years later, and found wanting, but there is no reason to doubt the sincerity of Louis’ intention at the time.

Perhaps unsurprisingly, given its inauspicious beginning, the union of Louis of Bengal and Lijsbeth van de Kaap was not happy. Leon Hattingh, whose meticulous work guided me to the original documents, has described it as ‘apparently very stormy’.¹⁰⁶ In March 1687 the couple made a *trouwbelofte* (got engaged) before the College of *Landdrost* and *Heemraden* in Stellenbosch. Exactly one year later, however, Louis appeared before the College again, this time to sue Lijsbeth for desertion and to demand that she marry him. Lijsbeth countered that her promise to marry Louis had been conditional upon an improvement in his behaviour towards her. The *Landdrost* had warned him, she reminded the court, that he should no longer treat her so tyrannically, ‘*met smijten, slaan en dreijgementen van dooden ... (with shoving, hitting and threatening to kill her ...)*’, but since that time things had got worse, not better, and she no longer wished to marry him, nor would she live with him.¹⁰⁷ Lijsbeth was adamant, and she resisted all attempts of the assembled *Heemraden* to reconcile the couple. Finally she and Louis agreed to part: ‘Lijsbeth could go where she would, but she should neither marry another nor live with him ... as long as Louis remained unmarried.’ Louis got custody of the two children ‘*bij dito Lijsbeth in onecht geprockeert* (procreated out of wedlock with the said Lijsbeth)’, but the youngest child (Maria Louisz) was permitted to remain one more year with her mother, provided that Louis paid maintenance.¹⁰⁸ Thus was Elisabeth Louisz, later to become the mother of Gerrit Coetzee, given over into the unsafe custody of her father, Louis of Bengal.

The *Heemraden* of Stellenbosch were apparently unaware that there was a hidden dimension to this dispute. Only in April 1689, when Louis took his case to the Council of Justice in Cape Town, did it emerge that there was a third party involved.¹⁰⁹ The Council was informed that, ‘about a year and a half ago’, that is, not long after Lijsbeth and Louis had concluded their *trouwbelofte*, Louis had taken on a *knegt* named Willem Teerling (or Tarling), a 55 year-old Englishman who had been 16 years in the Company’s service and now worked as a shepherd among the freeburghers.¹¹⁰ Louis now alleged that, while in his house, Teerling had seduced and ‘debauched’ Lijsbeth and won her away from him. Being unable to prove this, he said, he was obliged to dismiss Teerling, whereupon Lijsbeth left him too. Her departure had caused him much damage, he averred, since he was unable to see to

105 1/STB 18/144, Notarial Declarations, 27 July 1683.

106 Hattingh, ‘Blanke nageslag’, 7.

107 *Ibid.*

108 *Ibid.*, 7. The source of the quotations is not named, but it must be 1/STB 5/1, Minutes of proceedings in civil cases, 15 March 1688.

109 CJ 3, Minutes of proceedings in civil cases, 10 February 1689.

110 CJ 291, Documents in criminal cases, interrogation of Willem Teerling, 6 April 1689.

both the land and the livestock on his own.¹¹¹ Wild animals had killed his livestock (he had lost a cow and calf to a ‘wolf’ [jackal] and 25 sheep to a leopard); fruit and vegetables had gone to waste; 16 chickens had gone missing and 2 morgen of grain had been left untended.¹¹² He asked the court to restore Lijsbeth to him as his slave and to free him once and for all from his *trouwbelofte*. From Teerling he wanted damages to the amount of f450 for losses suffered as a result of Lijsbeth’s departure.¹¹³

The Fiscal elected to institute a criminal prosecution against both Lijsbeth and Teerling, the former for disobeying and deserting her ‘*patroon*’ and owner and the latter for debauching Louis’ slave and seducing her away from her duty.¹¹⁴ The Fiscal was unimpressed by Lijsbeth’s *vrijbrief*. He called it ‘her pretended letter of freedom’ (*‘haare pretense brief van vrijdom’*) and said that it was of no value, because it had been issued on private authority and had not been validated by an oath sworn before the Secretary [of the Council of Justice?] and properly appointed witnesses. Furthermore, even a properly freed slave was required to remain obedient to his former master.¹¹⁵ The Fiscal concluded that Teerling should be compelled to make good Louis’ losses and to labour for two years at the public works; Lijsbeth should be whipped and branded and then restored to Louis as his slave, ‘with costs’.¹¹⁶

Lijsbeth and Teerling wisely denied having had carnal relations while still in Louis’ house, and Teerling, perhaps mindful of the agreement reached between Lijsbeth and Louis before the *Heemraden* of Stellenbosch in March 1688, denied that he had lived with her thereafter. But Lijsbeth freely admitted that she had had a steady relationship with Teerling since her departure from Louis’ house and that (in April 1689) she was four months pregnant by him.¹¹⁷

The court declined to grant the Fiscal all that he asked. Teerling was condemned to pay a fine of 25 rix dollars and to labour for two months at the public works; he was also to compensate Louis for his losses, by an amount still to be determined by the court. Lijsbeth was apparently discharged without punishment.¹¹⁸ She was not obliged to return to Louis.

It seems, however, that this court case marked the end of Lijsbeth van de Kaap’s relationship with Willem Teerling. According to her testimony before the Council of Justice in 1689, after she left Louis’s house at the end of 1787, she had gone to join her (unnamed) mother ‘*ten huijse van Abram van guinea*’.¹¹⁹ Teerling had gone to live first with Anthony of Angola (Louis’ immediate neighbour) and then with Jan Andriesze van Rijssen (Jan de Jonker) further up the

111 CJ 291, Statement of Louis of Bengal, 6 April 1689.

112 See list translated and reproduced in Hattingh, *Eerste vryswarte*, 25. The original document is almost illegible.

113 CJ 3, Minutes of proceedings in civil cases, 10 February 1689; CJ 291, Statement of Louis of Bengal. Louis’s recourse to the Council of Justice was perhaps provoked by a successful civil suit brought by Teerling in June 1688 for the repayment of 31 rix dollars which he had lent to Louis. (1/STB 5/1, Minutes of proceedings in civil cases, 11 June 1688.)

114 CJ 291, *Eijsch* of Fiscal Cornelis Linnes, 1689.

115 *Ibid.* On the duty of freed slaves towards their former masters, see Schoeman, *Armosyn*, 670 and Hattingh, *Vryswartes*, 56.

116 CJ 291, *Eijsch* of Fiscal Cornelis Linnes, 1689.

117 CJ 291, Testimony of Lijsbeth van de Caap, 6 April 1689.

118 CJ 3, Minutes of proceedings in criminal cases, 6 July 1689.

119 CJ 291, Interrogation of Willem Teerling, 6 April 1689.

valley of Jonkershoek. While there he seems to have had almost daily contact with Lijsbeth, so it is reasonable to assume that Abram van Guinea also lived in Jonkershoek, possibly with Jan Andriesze himself, or with Jan of Ceylon, Louis's neighbour on the other side.¹²⁰ However, while Teerling certainly returned to Stellenbosch after the completion of his sentence in September 1689, he does not seem to have rejoined Lijsbeth van de Kaap. In 1691 and 1692 he appears on the muster rolls as a single man.¹²¹ And by 1695, as we know from another source, Lijsbeth van de Kaap was already involved with the man who was to become her life partner, Johann Herbst or Herfst of Bremen.

In January 1696 Lijsbeth (now aged about 36 and described as 'a free black living in Stellenbosch') was again charged with theft. The Fiscal (Joan Blesius) alleged that, one Friday evening in March 1695, while lodging in Cape Town with the free black Jacob Cornelisz of Bengal, she had taken a locked casket ('*seeker kleijn indische kisje met kopere hengsels en slot plaatse*') in which Jacob Cornelisz kept his most precious goods ('comprising silverwork and other small things'), removed it secretly from the house and taken it the next day to Stellenbosch.¹²² The Fiscal was able to produce a confession signed with Lijsbeth's mark, as well as the damning evidence of two *veldwagters* attached to the *Drostdy* of Stellenbosch. They had been asked by Jacob Cornelisz to fetch Lijsbeth from the house of the freeburgher, Jan Herbst, and bring her to him so that he could confront her in their presence. She was indeed to be found at the house of Jan Herbst, which was located less than half an hour's walk from the village (probably in Jonkershoek).¹²³

Lijsbeth was guilty - she had admitted her guilt when confronted by Jacob Cornelisz and had returned the casket to him (with most of its contents)¹²⁴ in the presence of the Secretary of Stellenbosch - and the Fiscal demanded that, as 'a common thief' and repeat offender, she be punished in public and 'in her person'. He asked that she be brought to the public scaffold, 'and there delivered to the executioner, bound to a pole and severely whipped with rods', and thereafter clapped in chains to labour for three years at the public works.¹²⁵ Lijsbeth again admitted guilt but asked that she be spared the humiliation of a public whipping. She would be willing to pay a fine instead.¹²⁶ The court was lenient by the standards of the day: it ruled that the whipping would be administered by the *caffers* (convict police) in the Company's slave lodge ('*in 't slaven quartier*') - thus not exactly in private, but out of view of the general citizenry - and that the sentence of three years hard labour could be commuted to a fine of 50 rix dollars, 'in case of prompt payment'.¹²⁷

120 Abram van Guinea seems to have entered into a short-lived partnership with Matthijs Calmer. See Hattingh, *Eerste vryswartes*, 47. The Stellenbosch muster rolls for 1691 list the name of Abraham van Guinea immediately after that of 'Paij [Marquart] van Ceijlon' and the rolls for 1692 list 'Abraham van Guinea and Pladoor [*Plat oor?*]' below the names of 'Cornelis Joosten en Jan Hersts', who farmed as '*maats*' in Jonkershoek at the time. (VC 39, Muster rolls, 1660-1700; 1/STB 18/40, Contracts, 10 December 1692.)

121 VC 39, Muster rolls, 1660-1700.

122 CJ 299, Documents in criminal cases, 1696, *eijsch* of Fiscal Joan Blesius, 26 January 1696. For Jacob Cornelisz, also known as Jacob Cornelisz of Ceylon, see Schoeman, *Armosyn*, 640.

123 CJ 299, Testimony of the soldier Pieter Sours, 13 January 1696.

124 The contents of the casket are listed in CJ 299, Testimony of Hans Jurgen Smith, 25 January 1696.

125 CJ 229, *Eijsch* of Provisional Fiscal Joan Blesius, exhibited in court 26 January 1696.

126 CJ 3, Minutes of proceedings in criminal cases, 5? January 1696.

127 *Ibid.*

Did Lijsbeth serve out her sentence with the chain gang? Or did her lover Johann Herbst pay the fine? It seems unlikely that he could have raised the money. In 1692 Herbst had formed a partnership with Cornelis Joosten, according to which the two men agreed to share the costs and the returns of farming Joosten's land in Jan de Jonkershoek. In return for the use of the land, Herbst would help Joosten repay his debts to the Company.¹²⁸ But by 1695 the partnership seems to have been dissolved. In that year Herbst was listed alone on the muster rolls, with two children (one of whom may have been Lijsbeth's unnamed child by Willem Teerling and the other her little daughter Clara, fathered by Herbst)¹²⁹ but neither 'maat' nor spouse. Joosten, by contrast, had formed a new partnership with another man, named Hans Jurgen.¹³⁰ It emerges from another source that in 1694 Herbst had concluded an agreement with a certain Claas van Guinea ('*Klaes van genea*'): Herbst would provide Claas and his concubine (Hoen or Hoena van Guinea)¹³¹ with food, help him sow a muid of grain each year, and provide him with a garden, from which he, Herbst, 'would enjoy no more than what was needed to feed his family'. In return, Claas would place his six oxen at Herbst's disposal.¹³²

This agreement seems to have been markedly favourable to Claas van Guinea and Hattingh has suggested that he, rather than Abraham van Guinea, may have been the father of Lijsbeth van de Kaap. Hattingh notes that Claas van Guinea had made a similar agreement with Louis of Bengal on 15 October 1687, around the time (perhaps a little before) that Lijsbeth had left him for Teerling.¹³³ Certainly it seems very probable that Lijsbeth's parents were West African slaves. The so-called Guinean slaves had arrived at the Cape in 1658, brought by the VOC from the coast of Dahomey, in contravention of its agreement with the Dutch West India Company. 'Some were sent on to Batavia, some retained by the Company and some assigned to the first freeburghers.'¹³⁴ According to Hattingh, Claas van Guinea was freed by the Company in 1687 (the year of his agreement with Louis of Bengal), as 'old and worn out'.¹³⁵ Lijsbeth van de Caap was born in 1659,¹³⁶ so she may well have been the child of two newly imported 'Guinean' slaves. We do know, at least, that her brother, the free black Pieter Willemsz, also known as Pieter Willemsz Tamboer, transport-rider and drummer in the Stellenbosch burgher cavalry, was sometimes known as 'Pieter Willemsz Africano'.¹³⁷

If Lijsbeth van de Kaap had served her full sentence, she would have been freed from the chain gang in 1699. In that year Johann Herbst was granted land on the upper reaches of the Wamakers River in the newly settled region of Wagenmakersvalleij (now Wellington). Herbst (or Herfst) named his farm 'Opper-

128 1/STB 18/40, Contracts, 1694-1701, 10 December 1692. Herbst brought 8 oxen and 112 sheep into the partnership.

129 Herbst also had a son, named Johannes, born of the slave Cecilia of Angola in 1685. (Heese, *Groep sonder grense*, 9.)

130 VC 39, Muster rolls, 1660-1700. The significance of this will become clear below.

131 VC 39, Muster rolls, 1660-1700.

132 1/STB 18/40, Contracts, 1694-1701, 2 January 1694.

133 Hattingh, *Eerste vryswartes*, 44.

134 James Armstrong and Nigel Worden, 'The slaves, 1652-1834', in Elphick and Giliomee (eds), *Shaping*, 112.

135 Hattingh, *Eerste vryswartes*, 42.

136 Hattingh, 'Blanke nageslag', 10.

137 1/STB 5/10, Minutes of proceedings in civil cases, 11 May 1716. For the relationship between Pieter Willemsz and Lijsbeth van de Caap (or Lijsbeth Sanders, as she became known), see 1/STB 5/3, Minutes of proceedings in civil cases, 28 November 1729. For Pieter Willemsz' role as 'tamboer', see Hattingh, *Eerste vryswartes*, 48.

herfst'. He lived there with Lijsbeth (now known as Lijsbeth Sanders)¹³⁸ until his death in 1734, though in 1724 the farm was transferred to his son-in-law, Johannes Vosloo, on condition that Vosloo maintain him for the remainder of his life (Lijsbeth Sanders was not named in the agreement).¹³⁹ Herbst and Lijsbeth Sanders had two daughters: Clara, who may have been born before Lijsbeth was convicted of theft in 1696, and Gerbrecht, who was born in 1702 and married Johannes Vosloo in 1718.¹⁴⁰

When they first settled at Opperherfst, Lijsbeth and Herbst were assisted by the burgher (and tailor) Heinrich Venter, who agreed to help Herbst, '*wegen zijn swaekheijt*' (on account of his infirmity) to establish the farm. They would sow and reap together and share the profit and the loss.¹⁴¹ Venter made his 60 cattle available for ploughing and manure and pastured his sheep on the land. In 1704, however, Venter received his own land further downstream on the Berg River. He presumably then left Herbst and Lijsbeth Sanders to fend for themselves. In time, as we shall see, they gathered around themselves a small community of relatives, including the husbands and lovers of Lijsbeth's daughters by Louis of Bengal.

*

Louis returned to Cape Town in 1690, bitter over the departure of his slave and concubine and crippled by the losses he had suffered. He sold Leef op Hoop to his neighbour, Anthony of Angola, and retreated to Cape Town where he still owned a house and a garden plot. In 1694 he married Rebecca of Macassar, a free woman and a Christian (possibly a *mardijker*), recently arrived from Batavia.¹⁴² She joined the Cape church on arrival and it was perhaps under her influence, as Karel Schoeman suggests, that Louis was confirmed as a full member of the church in 1697.¹⁴³ For a while they lived a life of modest comfort in Louis' house in Bergstraat, but in 1705 Louis' debts caught up with him and he was obliged to submit to the sale of his house and its contents in execution of a judgment against him.¹⁴⁴

Louis had many debts - in 1703 he had mortgaged his house for 200 guilders to Joan Blesius the Fiscal (the same who had prosecuted Lijsbeth van de Kaap in 1696) - and one wonders whether some were not incurred in a bid for respectability and burgher status, as Louis settled down to life as a married man and church-goer in the Colony's only town.¹⁴⁵ In 1703, for example, he bought six ebony chairs at the auction of Christina Does, a prominent resident of the town.¹⁴⁶ The list of his possessions sold at auction in 1705 includes a backgammon board, eight porcelain dolls with porcelain hair, a silk *cabaaij* (jacket), 12 pictures, 2 mirrors, a curtained bed, 4 sheets, a teapot, 2 porcelain cups and saucers, 24 porcelain plates, 23 porce-

138 Mansell Upham suggests that 'Sanders' was derived from Alexander, which may have been Lijsbeth's father's name.

139 Le Roux and Le Roux, *Onse Drakensteinse erfgrond: Bowlei* (Drakenstein Heemkring, undated), 11; Deeds Office, T 1590, volume 33, donation inter vivos, 13 April 1724.

140 Heese and Lombard, *Suid-Afrikaanse geslachtsregisters*, vol. 3 (Pretoria: HSRC, 1992), 328.

141 1/STB 18/40, Contracts 1689-1701, 17 March 1699.

142 Hattingh, 'Blanke nageslag', 9; Schoeman, *Armosyn*, 647.

143 Schoeman, *Armosyn*, 647.

144 CJ 4, part 1, 154, 6 October 1704.

145 Louis is described as a '*vrijburger*' in several contemporary documents.

146 TEPC Project and Sentrum, MOOC 10/1.27, Inventory of Christina Does, 8 October 1703.

lain serving dishes, 18 table napkins, a round table and 12 chairs, including the 6 ebony chairs acquired in 1703.¹⁴⁷ The house itself (recorded as ‘*t huijs van Swart Louis*’) was sold for 603 rix dollars.

This was not the end of Louis’s troubles. ‘Indeed Hattingh remarks that since 1676 he was never without debt’, notes Karel Schoeman.¹⁴⁸ In 1708 the *Kerkraad* of Cape Town called in an outstanding debt of f300 and in 1711 his creditors finally claimed his garden land in Table Valley.¹⁴⁹ By 1715 he and his wife Rebecca were dependent on aid from the church poor fund. In that same year Louis made one last futile attempt to force Lijsbeth to return to him: he sued Jan Herbst for the return of his ‘slave’. The Council of Justice dismissed his claim as ‘frivolous’ and fined him 2 rix dollars for having handed in a document without a seal.¹⁵⁰ Louis died soon after, penniless and apparently embittered. His widow, described in church documents as ‘Rebecka’ or ‘*de vrouw van Swarte Louis*’, remained dependent on a monthly grant from the poor fund until her death in 1724.¹⁵¹ Louis had made her his sole and universal heir, but there was no estate to bequeath. However Louis’s three ‘*onegte kinderen*’, Elisabeth, Maria and Anna, were each left 50 guilders, for Louis had wisely entrusted these monies to the Orphan Chamber at the time of his marriage to Rebecca.¹⁵²

Jacobus Coetzee and Elizabeth Louisz

Louis of Bengal’s eldest daughter by Lijsbeth van de Kaap came to be known as Elizabeth Louisz or Lowice (Lowies in the modern spelling). She was the mother of Gerrit Coetzee. The identity of Gerrit’s father was less evident, if not to his parents, at least to the church and the community at large.

Elizabeth Louisz and Jacobus Coetzee may well have known one another as children. They lived but a short distance apart, Jacobus at Coetsenburg on the edge of the village of Stellenbosch and Lijsbeth at her father’s farm Leef op Hoop, a little further upstream on the Eerste River. Given the difference in the relative status of their parents, it seems unlikely that they met at church (Elizabeth’s mother Lijsbeth was not baptised),¹⁵³ or during the endless round of *kuiery*, card-playing and chat in which Jacobus’ parents and their more affluent neighbours indulged.¹⁵⁴ But Elisabeth Louisz and Jacobus Coetzee were exactly the same age (both having been baptised in 1680) and they may well have played together in Jonkershoek, along with the children of free blacks Jan van Ceijlon and Dina van Coelang, who were of similar age, and the much younger children of Jan de Jonker and Lijsbeth Jansz van de Kaap.

Elizabeth Louisz may have left Stellenbosch and returned to Cape Town with her father when he gave up farming in 1690. By 1695, however, when she was

147 CJ 2913, 116, list of movable goods sold in execution at the house of the *Vrijswart* Louis van Bengalen, 19 January 1705.

148 Schoeman, *Armosyn*, 648.

149 Hattingh, *Eerste vryswartes*, 29; Schoeman, *Armosyn*, 648.

150 CJ 6, Minutes of proceedings in civil cases, 142, 14 November 1715.

151 Schoeman, *Armosyn*, 648.

152 CJ 2597, Wills, 30 August 1697.

153 CJ 291, Documents in criminal cases, Testimony of Louis of Bengal, 6 April 1689.

154 Fouché (ed), *The diary of Adam Tas, 1705-1706*.

fifteen or sixteen years old, she was back in the Jonkershoek valley, living on Cornelis Joosten's land as the wife or concubine of Joosten's new '*maat*' (partner), Hans Jurgen of Salzburg.¹⁵⁵ Hans Jurgen was a former Company soldier who had arrived at the Cape in 1681 and received burgher rights in 1688. By the end of 1695, Elisabeth Louisz and Hans Jurgen of Salzburg had one child.¹⁵⁶ This may have been Johannes Jurgens, christened in Cape Town in 1700.¹⁵⁷

Did Elisabeth Louisz marry Hans Jurgen of Salzburg? No record of a marriage has survived, but there must have been one, for, many years later, when Elisabeth's children Dirk and Maria Coetze (sic) were christened in Drakenstein, they were described in the *doopregister* of Drakensteijn as '*Maria, oudt vijf jaren, en Dirk out twee jaren, doghter en zoon van jacobus coetze ongetrouwde, die deselven bij eenen Elisabeth Louies, getrouwde vrouw, gewonne heeft.*'¹⁵⁸ By contrast, in September 1722, when their youngest child Johannes Coetze was baptised, Elisabeth and Jacobus Coetze were both described in the Drakensteijn *doopboek* as '*ongetrouwden lieden*' (unmarried persons), so that Hans Jurgen must have died between December 1720 and September 1722. That would explain why Elisabeth Louisz and Jacobus Coetze did not marry until 1724, when they were both 44 years old.

Elisabeth Louisz's second child, Maria, baptised in Stellenbosch in January 1704, may well have been her first child by Jacobus Coetze. Maria's father is not named in the *doopboek*, but her godparents are named as Jan van Ceijlon and his wife Dina (of Jonkershoek), old associates of Elisabeth Louisz and her parents and well known to the Coetze family.¹⁵⁹ Elisabeth Louisz's third child, Elisabeth (baptised Anne Elisabeth in 1705) and all her subsequent children were the children of Jacobus Coetze, though this is not apparent from the *doopregisters*, for, while the father of Anne Elisabeth was not named, Jacoba, baptised in Cape Town in 1709, Margareta (baptised in Cape Town in 1711) and Gerrit (baptised in Cape Town in 1712), were christened under the name of Hans Jurgen of Salzburg.¹⁶⁰ Gerrit Coetze thus began life under a mistaken identity.

These entries in the *doopregister* of the Cape Town church have caused understandable confusion among those who have tried to reconstruct the genealogy of this branch of the Coetze family. But it is quite clear from other documents drawn up many years later that only Johannes, Elisabeth Louisz's first child, was fathered by her husband Hans Jurgen of Salzburg. For example, the liquidation account of Jacobus Coetze's mother, Sara van der Schulp, drawn up in 1745 but listing transactions carefully recorded prior to that date, states clearly that in 1739 (six years after the execution of Gerrit Coetze) Elisabeth Louisz and Jacobus

155 C 2748, *Diverse burger vrijbrieven en billetten*, no. 25. For Elisabeth Louisz's association with Hans Jurgen of Salzburg in 1695, see VC 39, vol. 1, Muster rolls 1660-1700. (Since Joosten's former *maat* was Johan Herbst, the lover of Elisabeth's mother, Lijsbeth van de Kaap, one may assume that Elisabeth Louisz met Hans Jurgen while living with her mother and Herbst in Jonkershoek.)

156 VC 39, Muster rolls, 1660-1700, Stellenbosch 1695.

157 VC 604, *Doopregister*, Kaapstad, 26 September 1700.

158 VC 644, *Doopregister*, Drakensteijn, 15 December 1720.

159 VC 632, *Doopregister*, Stellenbosch, 20 January 1704.

160 VC 604, *Doopregister*, Kaapstad, 3 February 1709; 12 April 1711 and 6 November 1712.

Coetzee had six children: Maria (born 1715), Elisabeth, Jacoba, Sara, Dirk and Jan Coetzee are clearly named as ‘*kinderen van booven gem: Jacobus Coetsé, bij gemelde Elisabeth Louisz verwekt*’.¹⁶¹ Margareta and the first Maria must have died before this date. And fifteen years earlier, in 1724, when the couple were finally able to marry, the *predikant* in Stellenbosch recorded the event as the union between ‘*Jacobus Coetsee van Cabo, met Elisabeth Glam wede, van Cabo (heb-bende 7 kinders tussen haar beide, wanneer vereenigt wierden.)*’¹⁶² The seventh child was Gerrit.

The origins of Jacobus Coetzee’s love affair with Elizabeth Louisz are hidden from the eye of the curious historian. As already noted, both spent their childhood in and around Jonkershoek, one of the most beautiful valleys in the area now known as the Cape winelands. When Elizabeth returned to the valley in the 1690s, living perhaps first with her mother and Herbst on Joosten’s land and then with Hans Jurgen, her path must (literally) have crossed that of Dirk Coetzee’s eldest son. Furthermore, it seems that Hans Jurgen made a fateful choice which brought his young wife into closer contact with the Coetzee family. In 1694, or thereabouts, he entered into an agreement with the *heemraad* Dirk Coetzee, in terms of which he would rent ‘a certain piece of land, lying in Jan Jonckershoek’, and in return for his enjoyment of the fruits thereof he would pay Coetzee 50 ewes. In 1697 (when Jacobus Coetzee and Lijsbeth Louisz were both seventeen years old) the two men signed a document stating that the contract between them had been fulfilled and that they had no further claims on one another.¹⁶³

Jacobus Coetzee’s relationship with Elizabeth Louisz seems to have caused his parents much distress. In 1707 they went so far as to persuade the Governor and Council of Policy to strip him of his burgher rights, enlist him as a soldier and send him to Batavia.¹⁶⁴ Such deportations were not unheard of at the time.¹⁶⁵ Indeed Jacobus’ parents may have got the idea from events of the previous year, when the Council of Policy, faced with widespread agitation against itself and the Governor, Willem Adriaan van der Stel, decided to get rid of ‘all single men and idlers ... especially those who are not of good behaviour and who cannot demonstrate that they earn their living honestly and decently,’ by ‘from time to time’ enlisting them as soldiers at f9 per month and sending them to India.¹⁶⁶

Jacobus Coetzee was widely reputed, according to the Governor, to live a ‘dishonourable and very scandalous life’ (*‘een persoon alomme berigt van een eerloos en zeer ergelijk leven*’) and his father and mother had persistently and urgently requested that he be sent away to India, ‘so that they might endure no

161 MOOC 13/1/3, no. 61, Liquidation account of Sara Jacobsz van der Schulp, *wede wijlen den burger* Dirk Coetsé, 31 December 1745.

162 VC 639, *Huweliksregister Stellenbosch*, 1700-1788, 2 November 1724. It is not at all clear why Elisabeth Louisz came to be named in some documents as Elisabeth Glim or Glam.

163 1/STB 18/40, Contracts, 26 February 1697. The land in question was known as ‘Assagajbos’. It was ‘a small piece of arable land in Jan-Jonkers Hoek, under the Groote-berg ... of which only 6 morgen were good land’ and it had been granted to Dirk Coetzee by Simon van der Stel, in addition to the 39 morgen which became known as Coetsenburg, ‘in order to compensate him somewhat’. (H.C.V. Leibbrandt, *Precis of the Archives of the Cape of Good Hope: requesten (memorials), 1715-1806*, vol. 1 (Cape Town: Government Printers, 1905), 257.)

164 C 1446, Letters despatched, Governor and Council at the Cape to Governor-General and Council of India, 10 March 1708. I have not been able to find a written request from Dirk Coetzee and Sara van der Schulp to this effect.

165 Schoeman, *Armosyn*, 437-438.

166 C 25, Resolutions, 11 March 1706. Cited in Schoeman, *Armosyn*, 438.

further disgrace through him (*op dat ze hier door geen meer schande van mogt beleeven*), in the hope that he might never come back from there.¹⁶⁷

These were harsh words to use of one's eldest son. And what of his children, Maria, now aged three and Jacoba, aged just one year? Did his parents spare no thought for them? Or, on the contrary, was it their very existence which caused them such distress?

It is worth pausing for a moment to ask what it was about Jacobus Coetzee's liaison with Elisabeth Louisz which so upset his parents. Was it her colour (being part West African, she may have been dark-skinned), her half-Asian ancestry, or the fact that she had been born a slave?¹⁶⁸ Was it her father's long struggle with debt and his recent sequestration? Or was it her mother Lijsbeth's extra-marital liaison with Herbst and her shameful reputation as a 'common thief'? Or were Dirk Coetzee and his wife Sara van der Schulp, both the children of Dutch burghers (he from the Protestant stronghold of Kampen and she from Amsterdam),¹⁶⁹ especially provoked by the extra-marital and adulterous context of their son's relationship with Elizabeth Louisz? Most likely all these factors combined to render them scandalised.

As Hattingh, Schoeman and Heese have ably demonstrated, relationships between women of colour and men of European descent were extremely common at the Cape in the seventeenth century, so much so that there was scarcely a family which was untouched by such a union. Contrary to the opinion of Elphick and Shell, such unions were not confined to the lower classes.¹⁷⁰ In Dirk Coetzee's own circle there were several men whose wives or mothers-in-law had been born in slavery or were descended from slaves. The wealthy blacksmith Matthias Greeff, for example, who had several times served as *heemraad* alongside Dirk Coetzee, was married to Susanna Claasen van de Kaap.¹⁷¹ His son Matthijs Greeff married Jacobus Coetzee's sister Sara in 1710 and after Sara's death in 1718, Dirk Coetzee and Sara van der Schulp took in their orphaned grandson Matthijs Greeff and raised him as their own.¹⁷² The *heemraad* and church elder Arrie Cruijtsman, who acquired the valuable farm Elsenburg in 1718,¹⁷³ was married to Maria Vosloo, child of an extra-marital relationship between Helena van Malabar and the Company's chief woodcutter, Johannes Vosloo.¹⁷⁴ Guillaume Frisnet, who farmed in Drakenstein, was married to Groot Armosyn van de Kaap, a former Company slave (possibly of West African origin) and long-time member of the Stellenbosch church.¹⁷⁵ And in 1720 Hans Jacob Conterman ('Hans de Smit'), a long-time resi-

167 C 1446 Letters despatched, 10 March 1708. I am very grateful to Mansell Upham for drawing my attention to this letter and its companion in C 382. Letters received, 9 November 1707.

168 For references to Dutch prejudice against Asians in general and Asian slaves in particular see Remco Raben, 'Facing the crowd: the urban ethnic policy of the VOC' in K. Mathew (ed.), *Mariners, merchants and oceans: studies in maritime history* (New Delhi: Manchar, 1995).

169 N.A. Coetzee, *Die stamouers Coetzee and nageslagte: herdenkingsuitgawe 300 jaar in Suid-Afrika* (Johannesburg, self-published, 1979).

170 Elphick and Shell, 'Intergroup relations', 198.

171 Heese, *Groep sonder grense*, 50; Heese and Lombard, *Geslagsregisters*, vol. 2, 516; Schoeman, *Armosyn*, 638.

172 MOOC 1/4, *Weeskamer Noutulenboek*, 8 August 1725.

173 Guelke and Shell, *The deeds' book*, 85; TEPC Project and Sentrum, MOOC 8/3.103, Inventory of Jan Jurgen Roose, 21 December 1718.

174 Schoeman, *Armosyn*, 638; De Villiers and Pama, *Geslagsregisters*, vol. 3, 1082-1083.

175 Schoeman, *Armosyn*, 561.

dent of Stellenbosch and a self-important man who jealously guarded his reputation, made a second marriage to Maria Beyers, daughter of Andries Beyers, the Company's waggon-maker, by the free black Catharina Vryman.¹⁷⁶ There are many other examples of such unions, but one final example from the mid-eighteenth century must suffice: that of Jacobus Coetzee's own brother Gerrit, who in 1751 at the age of 68, would marry Johanna van Beulen, child of the German Jan Jansz van Beulen [or Böllen] of Ditmarschen and Anna van de Kaap, a former company slave. Johanna van Beulen was also the widow of the free black Willem Stolts and, in marrying her, the elderly Gerrit Coetzee *Dirkzoon* assumed responsibility for her children by Stolts.¹⁷⁷

However each of these relationships was sanctified by marriage. This made them relatively rare within the wider category of relations between European men and women of colour. It is generally acknowledged that extra-marital relations between European men and slave born or slave-descended women were far more common at the Cape in this period than marriages. Many such relationships were transitory, but others were long term and produced children who were acknowledged by their fathers. In such cases, writes Hans Heese, 'the children were absorbed into the white community'.¹⁷⁸ In general, long term 'concubinage' (in the language of the day) was tolerated by colonial society, which turned a blind eye to its 'immoral' features, but there were some, especially within the Company establishment and the local '*bestuurs-elite*' (of which Dirk Coetzee was a prominent member), who found it reprehensible and took steps where they could to stamp it out.¹⁷⁹

In 1686, for example, Dirk van Koningshoven, a sergeant in the Company's garrison, was severely reprimanded by Commander Simon van der Stel and the Council of Policy for his 'misbehaviour' and 'scandalous life'. His concubine, Jannetje Bort, a newly emancipated *mestiço* slave of the Commander, had applied to the Council for 'permission' to marry Van Koningshoven, by whom she already had four children, '*onder versekering van trouwbelofte* (with the assurance of marriage)'.¹⁸⁰ The Council ordered Van Koningshoven to maintain the children and warned him that he would not receive permission to marry anyone other than Jannetje. This approach apparently succeeded, for the couple were married by the end of the year and went on to have another seven children together.¹⁸¹ Clearly, in this case, the assembled notables were offended not so much by the inter-racial nature of the relationship as by its illicit character.

In August 1707 a row erupted within the Church Council in Cape Town. The new minister, Franciscus Engelbertus le Boucq, refused to sit on the Council with two of its newly chosen members, the deacon Jan Oberholtzer and the elder

176 *Ibid.*, 43; Heese and Lombard, *Geslagsregisters*, vol. 1, 258. Maria Beyers was the sister of Christoffel Beijer, who testified at the trial of Gerrit Coetzee.

177 Cairns, 'Willem Stolts'; Heese and Lombard, *Geslagsregisters*, vol 1, 603; vol. 12, (Gisa, 2005), 280-82.

178 Heese, *Groep sonder grense*, 10.

179 For an illuminating discussion of concubinage in Batavia, see Hendrik Niemeijer, 'Slavery, ethnicity and the economic independence of women in seventeenth-century Batavia, in B. Andaya (ed.), *Other pasts: women, gender and history in early modern Southeast Asia* (Hawaii, 2000), 174-94.

180 Schoeman, *Armosyn*, 561.

181 *Ibid.*

Abraham Poulle, because it had come to his ears that neither had an unblemished reputation. Oberholtzer, he said, had only recently been confirmed as a member of the church, and he was in any case not fit to serve on the council ‘*dewijl hij zoo langen tijd met een swarte meijd, of hoer, huijsgehouden, en haar kinderen geprocreeerd of geprocureerd ...* (because he had for so long kept house with a black *meijd*, or whore, and had procreated children with her)’. Oberholtzer’s reply was scarcely more edifying. He answered that

Hij in dat leeven een weersin gekregen hebbende [,] zig tot den tróuw begeben hebbende [,] wel waar te sijn dat hij met zoo een meijd hadde huijs gehouden, maar dat de kinderen die sij hadde op sijn naam niet gedoopt en waaren ... (having developed an aversion to that life, he had embarked upon a marriage [and that] it was indeed true that he had kept house with such a *meijd*, but that the children she had had not been christened in his name ...) ¹⁸²

The woman in question was Agnieta Colijn, granddaughter of the manumitted slaves Evert and Marij of Guinea and daughter of Maria Everts, a woman of considerable substance, by the Hollander Bastiaan Colijn. ¹⁸³ Oberholtzer was lying: Agnieta’s children had apparently been born in his house and at least one, Johannes Overholscher (Oberholster), had been christened under his name in the church in Cape Town. ¹⁸⁴

Le Boucq’s objection to the appointment of Jan Oberholtzer as a member of the Cape church council reveals an unpalatable mix of theological rectitude and racial prejudice. He cited 1 Timothy: 3, which does indeed enjoin that deacons and elders of the church should be men of good repute, against whom ‘outsiders’ could raise no objections. Deacons should ‘be respectable,’ wrote Paul, ‘not double-tongued.’ Le Boucq’s reference to Agnieta Colijn as a whore was also not atypical: ‘whore’ and ‘concubine’ were virtually synonymous in seventeenth century Batavia. ¹⁸⁵ But his description of her as a ‘*swarte meijd*’ was gratuitously demeaning because it so clearly emphasised her non-European origins and her links with slaves and free blacks. ‘*Meijd*’ was a term usually used of slave women at the Cape, and Agnieta had been born in freedom.

Interestingly, the other members of the Cape Town *Kerkraad* could not find it in themselves to support le Boucq’s proposal to remove Jan Oberholtzer from office. They merely ‘shrugged their shoulders and after some discussion back and forth they would not consent to it’, whereupon Le Boucq said he would he take it on himself to dismiss Oberholtzer from the council. ¹⁸⁶

182 C 2147, *Verklaringen*, no. 112, 2 August 1707.

183 Schoeman, *Armosyn*, 651-3.

184 VC 604, *Kaapstad Doopregister*, 20 October 1702; Schoeman, *Armosyn*, 653.

185 But Agnieta may have been stung by the use of the term. When Oberholtzer left her to marry Helena du Toit (first cousin of Andries du Toit of Daljosafat, who was later to testify against Gerrit Coetzee) and begin a respectable life as farmer, church councillor and *heemraad* of Drakenstein, Agnieta quickly married another European, Jan Janse van der Heyden, a Hollander from Delft. (Schoeman, *Armosyn*, 653.)

186 C 2147, *Verklaringen*, 2 August 1707.

The parents of Jacobus Coetzee were certainly familiar with 1 Timothy: 3. They knew that a presiding elder of the church should ‘have an impeccable character’. He should also be ‘a man who manages his own household well and brings his children up to obey him and be well-behaved,’ for, asked Paul, ‘how can any man who does not understand how to manage his own household take care of the church of God?’ Dirk Coetzee, as we have seen, was also a long-serving *heemraad*, and he had recently been appointed Captain of the *schutterij* (civic guard) in Stellenbosch in place of Henning Hüsing, who had been sent to the *vaderland* to answer charges of fomenting resistance to the authority of Governor Van der Stel.¹⁸⁷ *Heemraden*, like elders of the church, were expected to lead by example. ‘*De voorbeeld functie van heemraden stelde dus hogere morele eisen aan hen dan aan de gemiddelde kolonist.*’¹⁸⁸ Given these heavy responsibilities, Dirk Coetzee may well have found his son’s behaviour intolerable, especially if it was flaunted, as it seems to have been, beneath his nose in the village of Stellenbosch.¹⁸⁹ Racial prejudice in the wider community, especially against women of African descent, who were rarely chosen as brides by Europeans, may have rubbed salt in his wounds,¹⁹⁰ but one suspects that, as in the case of Van Koningshoven, the chief affront was the adulterous nature of the relationship. Since Elisabeth Louisz was already married, there was little prospect of his son being able to regularise the situation. There was nothing for it but to send him ‘far away’.

Jacobus Coetzee was plucky, however, and he refused to go quietly. No sooner had he arrived in Batavia in his new capacity as Company servant than he, along with a fellow deportee, petitioned the Governor and Council of India to send him back again. He said that he had been born at the Cape, ‘and his parents still lived there and he had been made a soldier in a violent manner and sent away against his will’. He wished to return to the Cape with the next homeward-bound fleet, he said, so as to resume his life as a free agriculturalist.¹⁹¹ Therefore, wrote the *Hoge Regering* in Batavia to the Cape Council of Policy in November 1707, they had sent him and his companion back to the Cape, still in their condition as soldiers, ‘so that they could address themselves to the Governor and Council there’, and they recommended that the Council ‘deal fairly with these poor people and help them back on their feet’.¹⁹²

The Cape Council was outraged. The two men had no right to complain, they wrote, since the scandalous lifestyle of the first (Coetzee) was well known and the second was ‘a vile person and a great drunkard’. The deportees had misrepresented their circumstances, and the Council would be pleased if their Excellencies in Batavia would henceforth not give ear to such complaints, ‘unless supported by sufficient evidence; so that we should not always be required to answer to the simple

187 H.C.V. Leibbrandt, *Precis of the Archives of the Cape of Good Hope: Journal, 1699-1732* (Cape Town, 1986), 14 August 1706, 96-7.

188 Biewenga, *De Kaap de Goede Hoop*, 58.

189 In September 1704 Jacobus Coetzee was granted an erf in the village of Stellenbosch. (Guelke and Shell, *The deeds book*, transfer no. 1414.)

190 Heese notes that European men rarely chose women of African descent as long-term sexual partners. Most extra-marital liaisons with slaves involved women of Asian descent. (Heese, *Groep*, 8, 10)

191 C 382, *Inkomende brieven*, Batavia to the Cape, 9 November 1707.

192 *Ibid.*

complaints of this or that soldier or sailor, however unfounded, and to debate their supposed wrongs.' The second man would be sent straight on to the fatherland. As for Jacobus Coetzee, they would keep him in service at the Cape for a while, 'to see whether he makes any improvement in his way of life, in which case he will again be set free, provided his parents request it; but we believe they will have little inclination to do so, but would rather have him far away.'¹⁹³

Either Jacobus agreed (untruthfully) to mend his ways, or his parents relented: in November 1708 '*den landbouwer Jacobus Coetzee*' was granted a grazing license to settle with his stock in Drakenstein, '*over de Berg Rivier tusschen Baas Jan en Hendrik Roodenburg*'.¹⁹⁴ In February 1709, some eleven months after his return from Batavia, Jacoba, his third child conceived out of wedlock with Elisabeth Louisz, was christened in Cape Town. (Paternity was attributed to 'Hans Jurrien van Saltsburgh').¹⁹⁵

Then came 'the small matter of a horse'. In 1710 the *Oud-Heemraad* Abraham de Villiers brought suit in Stellenbosch against the burgher Jan Hoffman of Langenberg. Hoffman was the lover of Elisabeth Louisz' sister Maria Louisz (he married her in 1711) and the father of her three children.¹⁹⁶ De Villiers alleged that Hoffman had misappropriated his horse: a black mare which bore the marks of an injury inflicted by a wolf. It had gone missing during the *optrek* in Stellenbosch in September 1708.¹⁹⁷ Hoffman countered that the mare was his: he had bought it for 9 rix dollars at the *vendutie* of 'Victor' in April 1708. In support of his case he submitted statements by Jacobus Coetzee, Jan Herfst, Willem Cornelisz van Coeveld and Caspar Jansz. Coetzee testified that he knew the horse well; he had often borrowed it from Hoffman.¹⁹⁸ De Villiers bridled at the court's suggestion that he too should produce witnesses: he could do this, he said, but he had twice sworn an oath and his word counted for more than the statements of all Hoffman's witnesses. Their statements were '*inhabiel*' [unfit] he explained, 'since the accused and the witnesses are friends with one another, through their concubines (*door de bijsitten die zij hebben*), and that Willem Cornelisz v. Coesveld was the probable cause of the swapping of the horse'.¹⁹⁹

The '*bijsitten*' to which the Heemraad referred were Elisabeth Louisz, her mother Lijsbeth Sanders, and her sisters Maria Louisz and Anna Louisz. The first three were respectively the concubines of Jacobus Coetzee, Johan Herbst and Johannes Hoffman van Langenberg. Anna Louisz was in fact married to Caspar Jansz (son of Jan van Ceijlon of Jonkershoek).²⁰⁰ It appears that the family affairs of Jacobus Coetzee were indeed '*alomme berigt*' (widely reported) among the '*bestuurs-elite*' to which his father belonged.

193 C 1446, Letters despatched, Cape to Batavia, 10 March 1708.

194 RLR 1, 13 November 1708. Was 'Baas Jan' perhaps Jean (or Jan) le Roux of Normandie, who took transfer of the farm Vlakkeland in 1694? Or did Jacobus Coetzee first settle further afield, before settling at Goede Rust in Daljosafat in 1714? The latter possibility seems the most likely, since Jacques Vivier, the first owner of Goede Rust, apparently lived on the farm until his death in 1714, and Hendrik Roodenburg's farm De Dnuijve Valleij was situated far to the north of Daljosafat.

195 VC 604, Kaapstad *doopregister*, 3 February 1709.

196 J. Hoge, 'Personalia of the Germans at the Cape, 1652-1806', *Archives year book*, vol. 9 (1946), 167.

197 1/STB 5/6, Minutes of proceedings in civil cases, 30 December 1709.

198 1/STB 18/155, Notarial declarations, 19 January 1710.

199 1/STB 5/6, Minutes of proceedings in civil cases, 10 February 1710.

200 See Hattingh, 'Blanke nageslag', 11-12.

Abraham de Villiers won his case. Hoffman had been lying: the horse was not his. He had acquired it accidentally, as the result of a mix-up on the part of Willem Cornelis van Coeveld. Instead of returning it to its rightful owner he had falsely claimed it as his own. Dirk Coetzee, who, as *heemraad* had taken the sworn testimony of his own son given in Hoffman's defence, must have been mortified when the court found in favour of De Villiers. It also found that 'all the documents presented by the accused were objectionable and unfit, since, through blood relationship and otherwise they were intended to mislead the judge (*alle des gedaagdens ge-exhibeerde stukken mits vermenginge van bloetverwantschap als andersints tot mislijdinge van den regter gericht, inhabel en verwerpelijck zijn*).'²⁰¹

Jacobus Coetzee may not have intentionally lied in order to support Hoffman's case. He may not have known that the horse in dispute did not belong to Hoffman. But in a community where honour mattered deeply, the judgment of the assembled Heemraden was damning. His father had been shamed by association.

Inheritance

In 1721 Dirk Coetzee announced his intention to retire from farming: he was 66 years old, he explained, with an invalid wife and no children in the house. He had done his best to acquit himself well in the service of the church and the community and he now wished to retire from 'the unavoidable difficulties of country life' and spend the remainder of his life '*in meer ruste en minder omslag*' ('more rest and less upset') in Cape Town.²⁰²

In 1722 he and his wife Sara van der Schulp made preparations to hand over their homestead (Coetsenburg) to their second son Gerrit Coetzee *Dirkzoon*, who (coincidentally?) married Susanna Loefke in June that year.²⁰³ Gerrit was allowed to lease Coetsenburg on condition that he farmed it properly. In lieu of rent he was to pay his parents half the harvest of grain, wine and any other crops raised upon the farm.²⁰⁴ Over the course of the next three years he supplied them with quantities of wheat, peas, beans, dried fruit and almonds. In 1723 and 1724 he sent large quantities of brandy and wine to his father in Cape Town and in February 1725, one year after he had acquired Coetsenburg in freehold, he brought his father 'a load of good spars and a load of good slats, '*op mijn eigen landt gekapt door order van mijn vader, om sijn agterhuijs te vermaaken*' ('chopped on my own land by order of my father, so as to alter his outhouse').²⁰⁵

On 1 March 1724 Gerrit Coetzee *Dirkzoon* took transfer of Coetsenburg. His father set the price at f4000 and added a further f3600 for some 'loose goods' (2 slaves, 60 head of cattle, 30 *leggers*, and some agricultural tools and furniture) which went with the farm. Gerrit was to pay f2600 cash and the balance of

201 1/STB 5/6, Minutes of proceedings in civil cases, 24 February 1710.

202 C 1086, Memorials and requests, 7 October 1721.

203 Gerrit was 39 when he married Susanna Loefke. They already had one child, Eva, christened in 1719. Their second child, Adam, was christened on the day of his parents' marriage. (De Villiers and Pama, *Geslagsregisters*, vol. 1, 145.)

204 MOOC 14/14, Annexures to liquidation account of Sara van der Schulp, statement of Jan le Roux de Normandie, Coert Helm and Hendrik Coningshoven, 9 November 1728; see also an undated account submitted by Gerrit Coetsé.

205 *Ibid.*, undated account.

f5000 in five equal portions, the first payable on 1 March 1726 and the last due on 1 March 1730.²⁰⁶

On 26 February 1724, just three days before Gerrit made his mark upon the deed of transfer of Coetsenburg, Jacobus Coetzee finally acquired ownership of Goede Rust and Non Pareille, the two farms in Daljosafat which he had already occupied for some time. He agreed to pay f1200 for both farms together (a total area of 100 morgen) and, like his brother Gerrit, he signed a mortgage bond (*cust-ingbrief*) in favour of the previous owner of the land, in this case Pieter Jansz van Marseveen, a resident of Drakenstein. He paid him f300 upfront and promised to pay the balance in three annual instalments, the first due on 26 February 1725 and the last on 26 February 1727.²⁰⁷

Was Dirk Coetzee's eldest son Jacobus disinherited by his parents because of his long affair with Elizabeth Louisz? This is the conclusion implied by Leon Hattingh, whose study of the descendants of Louis of Bengal has been invaluable to me.²⁰⁸ But Hattingh is wrong in this particular. There is no evidence that Jacobus Coetzee was disinherited by his parents. On the contrary, Dirk Coetzee and Sara van der Schulp were scrupulously careful to ensure that their children were treated equally when their joint estate was divided among them. In their joint will, drawn up in 1714, when Dirk Coetzee was 60 years old, they explicitly ordained that 'any child of ours [who has enjoyed benefits from the estate] in order to marry or to acquire a home, according to the written record kept by us, will be brought to account after our death and [the amount of the benefit] deducted, so that by so doing none of our children should go short in his inheritance (*opdat sodoende niemand onser kinderen in sijn ervdeel verkort werde*)'.²⁰⁹ These provisions were repeated in the will drawn up by Coetzee's widow, Sara van der Schulp, in April 1727. She expressly stated that whichever of her children was indebted to the estate, whether '*tot uijthuwelijken of om haarlieden ter zeet te brengen* (to marry or to acquire a home)', and those for whom the estate had stood surety, should make good the amounts out of their share of the inheritance.²¹⁰

Sara van der Schulp also instructed her executors to divide all her woollen and linen clothing, '*mitsgaders gemaakt goud en silverwerk tot haar lijf behoorende*', as equally as possible between her two daughters, 'Margaretha Coetzee, married to the *heemraad* at Drakensteijn Matthijs Kreugel, and Maria Coetzee, married to the burgher Hendrik Stempel Muller ...'²¹¹ In 1727, Margaretha and Maria were her only two surviving daughters, as her youngest, Sara, had predeceased her. None of her daughters-in-law was similarly endowed.

Hattingh has also suggested that Elizabeth Louisz' name was wilfully omitted from the list of heirs.²¹² But this too is not correct. The inventory of Dirk Coetzee (compiled on 9 October 1725) and his widow's will (8 April 1727) followed the

206 Deeds Office, T 1582, 1 March 1724; MOOC 14/14, annexures to liquidation account of Sara van der Schulp, document dated 1 March 1724.

207 Deeds Office: T1580, 26 February 1724.

208 Hattingh, 'Blanke nageslag', 15.

209 CJ 2603, Wills, no. 6, Dirk Coetse and Sara van der Schulp, 14 August 1714.

210 CJ 2604, Wills, no. 13, Will of Sara van der Schulp, 8 April 1727.

211 *Ibid.*

212 Hattingh, 'Blanke nageslag', 15.

accepted pattern: the husbands of their daughters were mentioned by name, while the wives of their sons were not. This practice accorded with contemporary laws pertaining to marriage and inheritance: since the husband was the head of the community established by marriage, he was technically the heir, and not his wife. He was necessarily named in documents pertaining to the division of the estate. Once Elizabeth Louisz was widowed in 1738, her name appears in these documents, as the widow of Jacobus Coetzee.²¹³ By this time she and her late husband had received all but a tiny portion of their due inheritance: 344 rix dollars and 35 stuiwers. The balance of 8 rix dollars and 30 stuiwers was divided in exactly equal portions between Elizabeth Louisz on the one hand and her six surviving children by Jacobus Coetzee on the other.²¹⁴ Her family thus received exactly the same amount from the estate as the other heirs: 353 rix dollars and 17 stuiwers.

On the other hand, while there is no evidence of outright disinheritance, one could argue that Jacobus Coetzee was severely disadvantaged by his father's failure to extend him credit. There is no evidence that Jacobus Coetzee received any loan from his father or his mother. By contrast, his brother Gerrit was enabled to buy Coetsenburg, a well developed, irrigable and conveniently located farm on the edge of Stellenbosch village, and his younger brother Jan (the first of the sons to marry) was provided with surety for debts he had incurred for the purchase of property in Cape Town.²¹⁵ In both cases the terms of repayment were generous and flexible. In 1731, Gerrit Coetzee *Dirkzoon* still owed his parents' estate the sum of 804 rix dollars (ƒ2412). Jan Coetzee repaid some of his debt soon after the death of his mother, but the balance of ƒ1701 was still outstanding in 1739.²¹⁶ These sums were far greater than the ƒ1200 expended by Jacobus for the purchase of his two farms in Daljosafat and paid in full by the due date in February 1727.

The parents have eaten unripe grapes; and the children's teeth are set on edge. (Ezekiel 18: 1-2)

Jacobus Coetzee and Elizabeth Louisz were married in Stellenbosch in November 1724. They were both 44 years old.

It is not clear what happened to Elizabeth's husband, Hans Jurgen of Salzburg, for he is all but invisible in the archival record. In 1703 he was already described in the muster rolls as a man too old to attend the annual *optrek*.²¹⁷ By 1712 he seems to have been living in Drakenstein, alone and without property.²¹⁸ In 1719 he was still alive but described as '*oud en arm*', and dependent on poor relief from

213 MOOC 13/1/3, no. 61, Liquidation and distribution account of Sara Jacobsz van der Schulp *wede* Dirk Coetsé, 31 December 1745.

214 *Ibid.*

215 In November 1720 Dirk Coetsé stood surety for a loan of ƒ600 obtained by Johannes from one David Boelhouwer (1/STB 18/64, *Obligatiën*, 1 November 1720) and in February 1728 Sara van der Schulp took over a debt of ƒ3000 which Jan Coetsé had owed the Orphan Chamber since July 1724. (See MOOC 1/6, Minutes of the Orphan Chamber, 21 July 1724 and C 1088, *Requesten en nominasies*, no. 70, 141.)

216 TEPC Project and Sentrum, MOOC 8/6.98, Inventory of Sara Jacobsz van der Schulp, 23 February 1728; MOOC 3/1/3, no. 61, Liquidation and distribution account of Sara Jacobsz van der Schulp, 31 December 1745.

217 Hattingh, 'Blanke nageslag', 14.

218 *Ibid.*

the *diaconij* of Drakenstein.²¹⁹ He must have died soon after, for as we have seen, Elizabeth is described in the marriage register as a widow.

Jacobus and Elisabeth Louisz lived modestly at Non Pareille. Their house comprised only two rooms: a *kamer* and a *voorhuijs*. When Jacobus died in April 1738, four and a half years after his eldest son was drowned in Table Bay, his household effects were valued by his neighbours (Andries du Toit, Charles Marais, Jan Marais Charleszoon and Johannes Sweetmans) at a meagre 33 gulden ('*keuken goederen 18 guld: kamer en voorhuijs goederen 15 gl:*').²²⁰ His livestock and his store of wine were worth more, but the gross value of his entire estate amounted to only f3058 and, had the Orphan Chamber forced a sale (which it did not), there would have been scarcely f1500 left after debts to the doctor (f1000) and the *diaconij* (f600) had been paid.

Jacobus Coetzee's relatives were not among those who stood surety for the *vaders erfportie* of his three minor children (Sara, Dirk and Jan). Nor were they present at the death bed of Elisabeth Louisz some 24 years later (8 June 1762).²²¹ When the validity of her will was contested by the Orphan Chamber, it was not her in-laws, but her neighbours who came forward to testify to her wishes and support the claims of her son-in-law, Jan Oberholster (the repudiated child of the Swiss immigrant Jan Oberholtzer by his concubine Agnieta Colijn).²²² Among them were the *Oud Heemraad* Pieter du Toit of Calais and his nephews Stephanus and Guillaume du Toit, sons of Andries du Toit of Kleinbos.²²³

Elizabeth Louisz' neighbours had come forward on an earlier occasion to testify to the validity of a family bequest. In 1734 her mother, Lijsbeth Sanders (Lijsbeth van de Kaap), had come to live with her. Lijsbeth had left Opperherfst in Wagenmakersvalleij following the death of her partner, Johann Herbst. In February 1738 she entered into a retirement a contract with her eldest daughter, in terms of which she transferred her slave, Griet van de Caab, with Griet's six children, to 'Lijsbeth Louisz' in return for lifelong maintenance and 'good accommodation'.²²⁴ Since neither Lijsbeth Sanders nor Lijsbeth (Elizabeth) Louisz could write, the contract must have been drawn up by someone in the neighbourhood. It was carefully signed by seven 'trustworthy witnesses': Charle Marais (sic), Andries du Toit, Guiliam Overholster (child of Jan Oberholtzer by his lawful wife Helena du Toit), Ignatius Marais (Maree?), Kasper Raadts, Jacobus Marais and Abraham Leroe (sic). Two of these men had given evidence against Elizabeth's son Gerrit five years before.

Should we conclude, then, that the household and family of Jacobus Coetzee was embraced and accepted by his neighbours? Or, if 'embraced' be too strong a word, were they tolerated and grudgingly acknowledged to be full members of the close knit rural community in which they lived? Had marriage and the passage of time erased the scandal which had once attached to them? Was Gerrit's behaviour

219 TANAP Project, C 51, Resolutions of the Council of Policy, 21 November 1719.

220 TEPC Project and Sentrum, MOOC 8/6.11b, Inventory of Jacobus Koetse, 26 April 1738. The *kamer* and *voorhuijs* goederen were later revalued at f50 (MOOC 8/6.11a, Inventory of Jacobus Coetze, 8 May 1738).

221 CJ 856, Minutes of proceedings in civil cases, 22 July 1762.

222 MOOC 12/2, *Bewijzen*, 1738-1756, no. 6; CJ 1083, Documents in civil cases, 12 July 1762.

223 CJ 1083, Documents in civil cases, 12 July 1762.

224 MOOC 14/26, part 1, annexures to liquidation account of Elisabeth Lowice (1764).

and his dramatic (indeed, theatrical) expulsion from the community just a terrible aberration? Or am I right in suspecting that Gerrit's fate was somehow linked to the trajectories of his parents' lives, as they struggled to live out their commitment to one another in the face of social disapproval? Was Gerrit's life in some sense the price they had to pay for full integration into the freeburgher community?

We cannot answer these questions conclusively. But it may be useful to call to mind the work of Hans Heese and the careful comments made by Karel Schoeman as he summed up his chapter on free blacks in *Armosyn van die Kaap*. 'The extent to which free blacks were accepted in the social and economic life of the Cape during the first decades [of the Dutch occupation] is startling', wrote Heese in 1984. '*Die status wat 'n vryswart voor 1700 bekleed het, het grootliks van die individu afgehang en nie noodwendig van sy ras of etniese groepering nie.*'²²⁵ But both Heese and Schoeman have pointed to a turn for the worse in the status of free blacks during the first quarter of the eighteenth century. Schoeman writes of 'a process of "sifting" or stratification in the Cape community which became noticeable around 1700' and was associated with 'more and more signs of direct and indirect colour discrimination.'²²⁶

'During the 1720s', writes Schoeman, 'one begins to notice a whole series of isolated incidents of which no single one is perhaps particularly striking, but which together indicate a distinctly new contour and show how the ground was beginning to shift.'²²⁷ In 1722, for example, a separate militia company was established in Cape Town for free blacks - the '*Compagnie der vrijzwarten*' - 'so that they should not be left idle and thus be given opportunity for uncivil behaviour.'²²⁸ They would serve under officers from among their own ranks and, unlike their compatriots in the burgher infantry, they would not bear arms, but would rather be expected to fight fires and prevent the looting of shipwrecks.²²⁹ Participation in the burgher infantry had given free blacks a cherished sense of belonging and inclusion in the free community; the creation of a separate militia corps was thus a real blow to self-esteem and a threat to what upward mobility they may have enjoyed. Moreover, distinctions of this sort, though ostensibly based upon status rather than race could, as Schoeman has observed, easily shade into racial discrimination.

Already in the early years of the eighteenth century there were signs that an ugly racism 'smouldered beneath the surface', to use Schoeman's evocative phrase. It burst into the open in a document apparently drawn up by Adam Tas (married to the widow Hans Jurgen Grimp and thus a neighbour of Dirk Coetzee at Coetsenburg) in 1706 and directed against the Governor, Willem Adriaan van der Stel. The document had 15 signatories, mostly from the districts of the Cape and Drakenstein, and they expressed their fear and loathing of their coloured compatriots in vivid terms. Their slaves were not to be trusted, they wrote

225 Heese, *Groep sonder grense*, 28.

226 Schoeman, *Armosyn*, 670.

227 *Ibid.*, 671. My translation.

228 M.K. Jeffreys and S.D. Naudé (eds), *Die Kaapse Plaakaatboek, 1652-1806*, vol. 2 (Cape Town: Cape Times, 1948), 93, cited in *Ibid.*, 671.

229 Robert Ross, *Status and respectability in the Cape Colony, 1750-1870: a tragedy of manners* (Cambridge: Cambridge University Press, 1999), 34.

En vrij minder ... de Caffers, Moulattos, Mestiços, Castiços en al dat swart gebroeijsel onder ons woonende, en met Europeaanse en Africaanse Christenen door huwelijken en andere vermengingen vermaagdschapt, dewelke in vermoogen, getal en hoogmoet (pride) t' onser uijterste verwonderingen aangegroeij, en neffens de Christenen tot allerhande wapenhandeling en krijgsoeffening tougelaten, geven ons met duijsterlijk [?] daar haar trotse bejegeningen (treatment) te kennen, datse ons, haar slaag (success) waarnemende, wel den voet op de nek souden konnen en willen setten, want dat Chams bloed is niet te betrouwen.²³⁰

One notes particularly the memorialists' indignation at the pride with which people (read men) of colour bore arms alongside 'the Christians' and participated with them in the annual military exercises. Where would this end? they wondered. Would there be a reversal of roles, '*want dat Chams bloed is niet te betrouwen*'? Fear of competition has long been recognised as one of the well-springs of racism. The right to bear arms - and publicly to display one's masculinity - was a source of great pride among male freeburghers and some, it seems, were vehemently opposed to sharing this honour with men of Eurasian or Eurafican descent, well before the establishment of the separate free black militia corps in 1722.

'*Dat Chams bloed is niet te betrouwen*'. Was this the sentiment in the mind of Andries du Toit when he found young Gerrit Coetzee in his slave quarters in the summer of 1733? 'What are you doing here?' he asked. 'Did your parents send you? Did you come to steal?'

And what of the two young men who espied Gerrit Coetzee on the other side of Charles Marais' quince hedge, acting suspiciously with Leendert van Saxon's grey mare? Abraham le Roux and Johannes Louw Pretorius were roughly the same age as Gerrit Coetzee; all three were young freeburgher males on the cusp of adulthood.²³¹ They would soon be competing for wives from the small pool of available and socially approved females.²³² In this context, Gerrit may well have been marked out as 'different' and subjected to unusual surveillance.

And when he was seen to stumble and fall, how did his 'Christian' peers construe his behaviour? Sodomy, as we have seen, was a sin of excess. It was believed to stem from a lack of self-control, and from surrender to the 'mad pull of unsubordinated desire'. Its practice rendered the perpetrator unclean and placed his soul beyond the reach of redemption this side of death.²³³ Was this (from the viewpoint of those who watched him and those who spread news of his transgression) the half-anticipated destiny of '*dat Chams bloed*'?

And was Gerrit, perversely, only doing what was expected of him?

230 Nasionaal Argief, den Haag, VOC 4057, 1035, cited in Heese, *Groep sonder grense*, 28.

231 Abraham le Roux was 24 in 1733 and Johannes Louw Pretorius was 16.

232 According to Elphick and Shell, the ratio of men to women in the adult freeburgher population of Drakenstein in 1730 was 160:100. ('Intergroup relations', 196.)

233 S. Newton-King, 'A short paper about a dog'. 'In 1051 Peter Damian had gone so far as to suggest that sodomy, alone among the sins of the flesh, was a sin which could not be repented, at least not this side of death.'