

The wife, the farmer and the farmer's slaves: Adultery and murder on a frontier farm in the early eighteenth century Cape

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Introduction

As the only white woman to be executed at the Cape during the eighteenth century Maria Mouton has long enjoyed a unique notoriety. Her crime - inciting her slave lover to the murder of her husband - has been noted by historians and preserved in the folk memory of a district; relished, almost, for the enormity of its multiple transgressions. What made - and makes - Maria's actions so deliciously shocking to both her contemporaries and to recent commentators is not so much that she committed murder and adultery (common enough crimes in any age) but that she was a young white woman and that her partner, or partners, in crime were slaves. Her lustful and murderous conduct, her intercourse with dark-skinned bondsmen, betrayed both her gender and her social group. Colonial society as a whole was threatened by her actions. It was necessary that she be eliminated, and she was.

But the record of her crimes was not expunged. The proceedings of her trial, and that of her co-accused, may be consulted in the Cape Archives Depot.¹ They reveal a horrific fascination, on the part of officialdom, with the sins of Maria Mouton. They also reveal an overwhelming compulsion to render the circumstances of the murder intelligible by ordering them into a moral narrative of crime and punishment. Only hours after her execution the anonymous writer of the Castle's *Dagregister*, or official diary, was inspired to recast the details of the case as a narrative for the official record. As we shall see, a similar impulse to organise and moralise upon the causes and effects of the murder informs the reports and judgements of the *Landdrost* of Stellenbosch and others who were responsible for recording the proceedings of the trial.

If the literate functionaries of the early eighteenth century Cape could not resist turning murder into a murder story, we may be sure that the less exalted members of Cape colonial society also absorbed the cautionary tale of Maria Mouton and drew appropriate conclusions from the terrible deaths suffered by her and her slave accomplices. Surprisingly, despite considerable popular knowledge of Maria's case and many passing references by historians to the *cause célèbre* of the eighteenth century Cape there is, as yet, no detailed historical

1. Cape Archives Depot (CA) CJ 5, Original Rolls and Minutes (Criminal and Civil), 1709-1714; CJ 318 Crimineel Processtukken 1714; CJ 783 and Verbatim Copy (VC), Dagboek Register, 1711-1714, 1 Sept 1714 and 3 Sept 1714.

account of it.² It is possible that this is because there was a perception that the narratives produced by the official commentators of 1714 speak for themselves - provided that one understands archaic Dutch and possesses certain palaeographic skills. It is also possible that earlier generations of South African historians were too embarrassed to more than hint at incidents in the colonial past which suggested that white women sought sexual satisfaction across racial boundaries. Or perhaps, it was felt, folk memory was already so familiar with the story that its reiteration was superfluous and its moral conclusions banal. Whatever the reasons were, however, for this almost discreet silence they are not appropriate today. Nearly three hundred years later it is time to revisit the brief, forbidden life of Maria Mouton and to re-examine, or re-tell her story. There are several advantages in doing so.

The first of these is that the Maria Mouton case provides us with details which help to illuminate early Cape colonial attitudes towards marriage, adultery and sexual relationships between masters, mistresses and slaves.³ It may be argued that Maria's conduct was unique and in no way typical of normal colonial practice. But it is its very uniqueness that draws attention to the transgressed norms of her society and which, by provoking outraged responses from her judges, enables us to discern what the official view of her conduct was.

The second benefit to be derived from studying the Maria Mouton case is that it provides a glimpse of farming and labour practices in the Cape frontier zone in its early years. The story unfolded in a particularly interesting time and place - the beginning of the eighteenth century in the Vier en Twintig Rivieren and Waveren districts, just when and where the colony began to expand into the interior. Maria's actions took place in the context of the extreme edge of colonial settlement and have to be seen within this context, but her story also provides many new details about an otherwise rather sparsely detailed period and is thus a rich source of information in itself. Amongst the more significant revelations of the case is the absolute centrality of slaves in the frontier zone, both as labourers and as runaways, as intimate members of the colonial farm and as potential enemies.

The Setting

Maria Mouton was born of Huguenot refugee parents in Middelburg, Zeeland in about 1690. Her father Jacques (or Jacob as the Cape records spell it) had been born in Steenwerck, north-west of Armentières, in the shifting frontier regions of Flanders.⁴ In view of Maria's later marital problems it is not irrelevant to note that she herself came from a background of a divorced parent, which made her family very rare not only in the seventeenth and eighteenth century

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2. See H.F.Heese, *Reg en onreg: Kaapse regspraak in die agtiende eeu* (University of the Western Cape, Bellville, 1994), 39-40 for the fullest existing account of the case.
 3. For an earlier treatment of these issues see my unpublished paper 'Adulterous relationships at the Cape of Good Hope in the eighteenth century' (Paper presented at the VOC Conference, Stellenbosch, April 2002).
 4. For the basic genealogical details of the Mouton family see M.Boucher, *French speakers at the Cape in the first hundred years of Dutch East India Company rule: The European background* (Pretoria, 1981), 263.

Cape but in seventeenth and eighteenth century Europe.⁵ She was the second of three sisters born to Jacques' second wife, Marie de Villiers. Jacques' first wife had been Catherine l' Hermite. She bore him three children but seems to have stayed in France with these children when Jacques fled to Middelburg. She married a second husband, Pierre le Roy.⁶ Growing up with a divorced father in a Huguenot family Maria was bound to have heard discussions involving adultery and divorce and concluded, perhaps, that unhappy marriages could be dissolved.

The divorced and remarried Jacques Mouton sailed from Zeeland on the East Indiaman "Donkervliet" in 1699 in order to join the tiny Huguenot settlement at the Cape. With him were his two daughters, Madeleine and Maria (or Marie in the French) and his wife, Marie, who was expecting a third girl, Marguerite. We may surmise that the double trial of childbirth and the long sea voyage proved too much for Marie and that she died shortly after Marguerite was born. We do not know whether she died on land or at sea but shortly after arriving at the Cape, in October 1700, Jacques married again. His third wife was Francina Bevernagie.⁷

The ten year old Maria had thus experienced an unsettling series of changes. Already aware of her family's exiled status in the Netherlands she had now exchanged even that familiarity for a country at the end of the earth. She had, in addition, lost her mother and gained a step-mother and a new sister all in one year. Her father's almost immediate remarriage meant that she and her sisters were now connected to the Bevernagies, a family of Flemish origin who had arrived at the Cape at about the same time as the Moutons in 1700. The Bevernagie clan consisted of Francina and either two, three or four brothers (depending on how one interprets the documentary evidence). The most clearly recorded brothers were Joost (born about 1680) and Theunis (born 1691).⁸ Allied by marriage the Bevernagies and the Moutons decided to move together to the newly declared area of settlement, the Land van Waveren (the present day Tulbagh valley) where they were amongst the very first settlers.⁹

5. See R.Phillips, *Untying the knot: A short history of divorce* (Cambridge, 1991) for an outline of the difficulty of divorce during this time.

6. The assumption that Jacques and Catherine were divorced is based on the fact that both of them remarried other partners whilst their former spouses were still alive. In seventeenth century Europe divorce was usually permitted only in intractable cases of desertion and adultery, hence we must conclude that one of these reasons was operative in the case of Jacques and Catherine. But remarriage of both parties, where divorce had been granted on the grounds of adultery, was seldom permitted (as one, at least, of the partners had been guilty of both a crime and a sin). It is thus most likely that Catherine did not follow Jacques into exile, possibly because she did not share the same religious convictions. If this was the case it was possible to appeal for divorce on the grounds of the Pauline privilege - i.e., that differences in religion might make a marriage untenable - as well as on the grounds of desertion. See R.M.Kingdon, *Adultery and divorce in Calvin's Geneva* (Cambridge, Massachusetts, 1995), 144, 156, 168 and 172-174 for a discussion of divorce in early Calvinist society.

7. Boucher, 263 and C.C.de Villiers and C.Pama, *Geslagsregisters van die ou Kaapse families*, vol. 1, (Cape Town, 1981), 601.

8. Boucher, 275 accounts for Joost, and Theunis and mentions a Jan Bevernagie being listed at the Cape in 1706. It is possible, however, that Jan and Joost were sometimes confused with each other. Anna Boeseken and Margaret Cairns have found mention of an Anthonie Bevernagie listed in 1709, 1711-12. See A.Boeseken and M.Cairns, *The secluded valley: Tulbagh: 't Land Van Waveren 1700-1804*, (Cape Town, 1989), 61 and 82-3.

9. The first mention of the names of the settlers in Waveren is in the muster rolls of 1701-2 and lists only three - Jacob Mouton, Jan van Bevernagie and Pieter Moij. Jacob is Jacques, Jan is Joost and Pieter Moij is Pierre Mouy, a Frenchman who sailed out on the same ship as the Moutons, the "Donkervliet". There were undoubtedly more settlers than this, indicating that the records for this era are far from accurate or complete. Boucher, 275 and Boeseken and Cairns, 61.

In 1700 the Land van Waveren, ninety kilometres north-east of Cape Town, was at the outermost edge of Dutch expansion in the Cape. The governor of the Cape, Willem Adriaan van der Stel, had declared the district open for colonial settlement on 31 July 1700 by allowing colonists to apply for land grants and grazing licences. A handful of colonists responded, mostly from the ranks of the most recent, and hence landless, newcomers to Africa. It should be noted that their grants and licences were not always recorded in the official records and that these records - the *Oude Wildschutten Boeken* - are hence only a partial picture of colonial land occupancy. Jacques Mouton, for instance, is first mentioned in the *Oude Wildschutten Boeken* in 1709 and Joost Bevernagie in 1712.¹⁰ We know from other sources, however, that they were farming in the district but it is obviously impossible to say exactly where in this wild, remote and embattled region Maria grew to womanhood. The character of her surroundings and the nature of her community are integral to her identity and therefore deserve some attention.

The horseshoe-shaped valley of the Land van Waveren is almost entirely encircled by mountains, open only to the south-east where the Bree River follows a sinuous, mountain-flanked route before debouching into the rolling hill country of the Overberg. The only way into the valley from the south and west, where the settlements of Cape Town, Stellenbosch and Drakenstein lay, was to cross the mountain ranges which encircled the valley to the west, part of the great Cape Fold Mountain system and known to the Dutch as “the Mountains of Africa”. The northern slopes of the valley rise into the peaks of the Groot Winterhoek range whilst to the east the steep sides of the Witsenberg mountains merely serve as outer bastions to the even higher Skurweberg behind them. In winter the peaks may be snow-capped. In summer the valley can bake like an oven.

There were two possible passes through “the Mountains of Africa”. The first, now known as Tulbagh Kloof or Nieuwekloof Pass, is where the Klein Berg River flows through the mountains. It is, or was, a rocky river gorge, and only became a pass, rather than a chasm, after improvement schemes began in earnest in the latter half of the eighteenth century. The second pass into the valley was known as the Roodezand Pass and is about four or five kilometres north of the Klein Berg River. The name “Roodezand” derives from the red sandstone cliffs of the north-west valley walls and was frequently applied as a name to the district as a whole. The pass went over a low nek of the mountains, here named the Obiekwaberge, and was the major route into the valley before the 1760s. It was not, however, an easy passage, as we learn from Peter Kolb’s description in 1719:

The wagons that pass between this colony [Roodezand] and the Cape...are generally unloaded at the foot of the mountain and taken to pieces and they and their goods carried over in small parcels on

10. CA RLR (Receiver of Land Revenue), Vol. 1, p.187, Vol. 2, p. 34. I am grateful to Professor L.Guelke for providing me with copies of the RLR records.

the backs of cattle and the driver ... the road across the mountains is very narrow and in many places thick set with trees on both sides.¹¹

There was actually a third pass into the Land van Waveren. To the south of Tulbagh Kloof, south of the Voelvllei, the mountains are called the Elandskloofberge. The Elandskloof, as its name suggests, was a game pass over which animals and men might scramble but certainly not oxen pulling wagons or bearing heavy loads.

Given the isolation of the Land van Waveren and the difficulties facing those wishing to transport items between it and the rest of the colony, it is reasonable to ask why Willem Adriaan van der Stel was keen to open the district to settlement in the first place. The governor was torn between conflicting demands. The VOC authorities in the Netherlands were keen to expand the colony and to provide opportunities for settlers to become self-sufficient farmers. This meant granting them land and allowing them to obtain cattle, by barter, from the Khoikhoi. Van der Stel, on the other hand, wished to keep the colonists under tight control and prevent them from either wandering unchecked into the interior or indulging in unregulated barter with the Khoikhoi. He rightly predicted that this would lead to conflict with the Khoikhoi and to their eventual impoverishment. We need not accuse the governor of altruism here since he was trying to protect his own interests. As the largest wheat, wine and cattle farmer at the Cape he was reluctant to increase the number of agricultural competitors reliant on a limited market. The Company itself had, up to this point, monopolised the cattle trade with the Khoikhoi, to the benefit of the governor and his appointed meat contractors. Opening the cattle trade would result in both personal losses and an increase in conflict with the Khoikhoi - a situation that would only increase Van der Stel's problems as governor.¹²

It was therefore with considerable reluctance that Van der Stel obeyed VOC instructions and opened, almost simultaneously, the cattle trade and the Land van Waveren to colonists. One consolation was that the particular features of the Land van Waveren would mitigate the anticipated damage. It was a well-watered region, eminently suited for agricultural and livestock production, and hopefully the settlers in the valley could be easily contained and controlled. Their comings and goings could be monitored by soldiers at strategically placed posts. Anything they produced that was surplus to their requirements could be taxed whilst the difficulties they experienced in transporting goods to Cape Town would render them ineffective competitors. The governor, in fact, was ensuring that these frontier farmers would be forced to concentrate more on pastoral production and, in the long run, evolve into the semi-nomadic trekboers of the Cape interior. Even in the short term it was to prove difficult to govern these distant subjects.

A huge advantage of the Land van Waveren in the governor's eyes was that it seemed to be devoid of Khoikhoi or San presence. When Van der Stel had

11. Cited in G.Ross, *The romance of Cape mountain passes* (Cape Town, 2002), 2.

12. For a detailed discussion of W.A. van der Stel and the opening of the frontier see N.G.Penn, 'The northern Cape frontier zone, 1700-1815' (Ph. D., University of Cape Town, 1995), chapters 1-4.

first had the valley surveyed he was happy to report that, “in this entire region, so far as we have been able to notice, there are few or no Hottentots to be found.”¹³ The establishment of a European settlement in the valley should not, therefore, provoke retaliation. If, however, Khoisan resistance did materialise it could easily be kept out of the valley by guarding the mountain passes.

In fact, the settlement of the Land van Waveren and the opening of the livestock trade sparked off a round of Khoisan resistance that was as extensive as the two Khoi-Dutch wars of the seventeenth century. Indeed, Elphick argues that had the Dutch been able to establish the identities of their adversaries they would have described the hostilities as a war.¹⁴ It was a war, moreover, in which Maria Mouton and her family were in the front line. Who were the resisters and where did they come from?

When Van der Stel’s father, Simon, had travelled northwards to Namaqualand in 1685 he described the inhabitants of the mountains to the east of the Berg River as being “a tribe of Hottentots called Obiquas [Ubiquas], who subsist by raiding and robbing other Hottentots, since they have no cattle at all nor anything to live from, and thus they seize the cattle of their neighbours.”¹⁵ This is a fair description, given the knowledge at his command, of a hunter-gatherer society or, as we would call it today, a San society. His description of the inhabitants of the region between the Berg River and the mountains, which he called Vier en Twintig Rivieren on account of the many rivulets, is also revealing for he describes “various little huts belonging to the ... marauders called Sonquas, built in the same manner as those of other Hottentots, with the difference that these cover them with branches and bush whereas the others use mats.”¹⁶ This is a good description of how hunter-gatherer societies construct shelters and we may conclude that the original inhabitants of the districts where the Moutons would settle were San. This does not mean, however, that Khoikhoi pastoralists did not also share the landscape.

The largest Khoikhoi group of the area were the Cochoqua, but they were a semi-nomadic group who practiced transhumance pastoralism. They thus tended to visit the region according to the suitability of its seasonal environmental resources. It is therefore quite possible that when Willem Adriaan van der Stel noted no Khoikhoi in the valley that they were somewhere else at the time. This does not mean that they did not utilise it. Another reason for the apparently uninhabited state of the Land van Waveren on the eve of its colonisation is that by 1700 the Khoikhoi groups of the south-western Cape had been seriously disrupted by their exposure to nearly half a century of colonial settlement and over two centuries of contact with Europeans. The second Khoi-Dutch war (1673-1677) had seen the Cochoqua stripped of nearly 2,000 cattle and 5,000 sheep, as well as losing considerable numbers of people, including their leaders. By 1700 the Cochoqua were subservient underlings of the Dutch, disunited and fragment-

13. Boeseken and Cairns, 19.

14. R.Elphick, *Khoikhoi and the founding of white South Africa* (Johannesburg, 1985), 225.

15. Journal of S. van der Stel’s journey to Namaqualand, 29 August 1685, in Francois Valentyn, *Description of the Cape of Good Hope with the matters concerning it* (Van Riebeeck Society reprint, Cape Town, 1971), vol. 1, 231.

16. *Ibid.*, 1 September 1685, 237.

ed, at the mercy alike of company cattle traders, colonists and antagonistic Khoisan. It is no wonder that they appeared thin on the ground in the Waveren valley or Ubikwaland, as the colonists realistically referred to it in private.¹⁷

Despite this, Willem Adriaan van der Stel took the precaution of despatching one corporal and seven soldiers to protect the first settlers in the Land van Waveren. It was as well that he did so for the Ubiqua began to attack the neighbouring colonists and steal their livestock as early as March 1701, travelling as far as Riebeeck-Kasteel on the Swartland plains to do so. A series of attacks followed, on the Company posts at Waveren and the Berg River. The Company was at a loss to identify these attackers, blaming the Grigriqua, the Namaqua and a “diverse unknown nation of Hottentots” respectively. The Company posts were reinforced but throughout 1701 and 1702 robberies continued and the soldiers and colonists were obliged to give chase to fleeing Khoisan and vanishing cattle. Even those Cochoqua who sought Company protection were targeted by the robbers, perhaps because they were collaborating with the Dutch but perhaps simply because they had cattle. In an attempt to block some of the gaps in the chain of military posts now strung across the northern frontier a new post was established at Elandskloof, close to the future farm of Maria Mouton. By February there were six such posts: Groenekloof, Waveren, Elandskloof, Riebeeck-Kasteel, Soaquadrift and Vogel Valleij. They seem to have had the desired effect because in November 1705 some of the Khoisan responsible for the attacks had come to the Castle to make peace. They were referred to in the record as “Bosjesmans”.¹⁸

A short breathing space had been bought. In the meantime the opening of the cattle trade had resulted in unscrupulous colonists stripping peaceful Khoikhoi of their livestock by force, fraud and unequal exchange. It is not unfair to assume that the flocks and herds of the farmers of Waveren and Vier en Twintig Rivieren were built up in this way. In November 1705 the new landdrost of Stellenbosch visited the Vier en Twintig Rivieren district with the intention of purchasing some cattle from the Khoikhoi. He noted that although the Khoikhoi there boasted no fewer than ten captains this translated into a mere two kraals with hardly any accompanying livestock. In five weeks of travelling he had obtained only fifty-seven cattle. In the entire stretch of country from the Piketberg, along the Berg River, to the mountains in the east he had not encountered a single kraal, supposing that the Khoikhoi were avoiding him and hiding their cattle.¹⁹ Perhaps. But it is also possible that the vast Swartland plains had been almost entirely cleared of independent Khoikhoi pastoralists.

Soon after the peace-keeping ceremony of November 1705 colonial farmers began to think it safe enough to pasture their cattle north of the Berg River in the vicinity of the Piketberg and to spread out on the plains near Vier en Twintig Rivieren. An interesting incident concerning Joost Bevernagie has been recorded from this time. He shot a cow belonging to the Khoikhoi captain,

17. Penn, ‘Northern Cape frontier’, 55-58.

18. For the information in this paragraph see Penn, ‘Northern Cape Frontier’, 58-71.

19. CA VC 17, 28 Nov. 1705, 295-298.

Prins, because it strayed onto his land. Bevernagie was summoned to appear before the Council of Justice and asked whether “he was not aware that the Hottentots are owners of that land, and that field and grass are common to them for pasturing their cattle.” He was ordered to give Prins another cow and to pay a fine of ten *rijksdaalders*. Bevernagie claimed, however, that Corporal Tielweerts had told him that if Khoikhoi cattle came onto his land he could shoot them. For this ill-judged advice the corporal was demoted, fined and forced to straddle a wooden horse for three consecutive days with weights of twenty-five pounds attached to his feet.²⁰ We do not know exactly where Bevernagie shot Prins’ cow but quite clearly, at this stage, the Company was still trying to protect friendly Khoikhoi. Also, quite clearly, the colonists of Waveren believed the land belonged to them.

The marriage

It was in these circumstances that a certain Frans Jooste, (or Joosten) was granted land on the plains about two or three hours walk from the foot of the Elandskloof Pass. It was up this pass, in January 1702, that a group of marauding Khoisan known as the “Kookemans” had been intercepted by soldiers from the Vogel Valleij post as they drove some stolen cattle up the mountains. On this occasion twenty of the “Kookemans” (also identified as “Bosjesmans”) were killed or wounded. The pass was a possible back door into the colony and the authorities were no doubt pleased to have an ex-soldier like Jooste nearby. At the time this district, as well as that to the north of the Roodezand Pass, was known as the Vier en Twintig Rivieren, following Simon van der Stel’s usage. The name is first mentioned in the *Oude Wildschutte Boeken* in 1706 when it is recorded that Mattijs Greef and Jan Stevensz Botma were permitted to be, respectively, “over het Vier en Twintig Rivieren” and “aan het Vier en Twintig Rivieren”.²¹ Jooste’s name is never mentioned in the *Oude Wildschutte Boeken*, nor is his land grant recorded, and we are obliged to look elsewhere for details concerning his early life at the Cape.

He arrived in the colony from Lippstadt in Germany as a Company soldier in 1693. Between 1693 and 1696 he was hired out as a shepherd, or *knecht*. In 1699 his freeburgher status is noted though by 1700 he had not yet acquired any possessions. From 1702 he is listed in the rolls of the Drakenstein district and in 1705 was farming there in partnership with a fellow German, Coenraad Sijffer, or Syfen, from Simmern. Between them they owned a slave, 44 cattle and 600 sheep.²² In 1706 he dissolved the partnership with Sijffer and obtained his grant of land at the foot of the Elandskloof Pass. Thus established he sought out a wife and was married, that year, to Maria Mouton.²³

20. CA CJ 4, Original Rolls and Minutes of Criminal Cases, 1701-1708, 30 Nov. 1706, 267.

21. CA RLR, vol. 1, 137.

22. Heese, 39-40; CA VC 49 Drakenstein Rolls; VC 4045, 4052, 4062, 4068 (Opgaaf Rollen, 1700, 1705, 1709, 1712); J. Hoge, ‘Personalia of the Germans at the Cape, 1652-1806’, *Archive Yearbook for South African History* (Cape Town, 1946), 188.

23. De Villiers and Pama, *Geslagsregisters*, vol. 1, 367.

At the time of her marriage Maria was sixteen years old, not especially young according to the customs of her society. Jooste must have been at least twenty years her senior if he arrived as a soldier in the colony in 1693. In the Drakenstein district, of which Vier en Twintig Rivieren was a part for administrative purposes, free men outnumbered free women by more than two to one in 1716 whilst there were nearly eight slave men to every slave woman. Marriageable women were in short supply and Maria certainly did not have to marry the first man who was available. In retrospect, perhaps, she could have done better than Jooste, but at the time he would have appeared as a mature, hard-working freeburgher with good land and fair prospects. Though his farm was outside the valley of Waveren it was not too far from the Mouton and Bevernagie families and on the route between the Roodezand Pass and the south. Nonetheless, it was an isolated spot.

Today the farm is known as Bartholemeus Klip, named, it seems, from the massacre of Huguenots in France on St. Bartholomew's Eve in 1572. The "klip" is probably the rocky outcrop near the farm buildings. When it acquired this name is uncertain, for in the records of Jooste's time it is always referred to simply as "Jooste's plaas in die Vier en Twintig Rivieren". It is local knowledge and family history that asserts that Bartholemeus Klip and Jooste's farm are one and the same.²⁴ The *opstaal*, or farm buildings, were erected on a hillock at whose base flowed a small stream. From the hillock and its rocky outcrop there are commanding views over the undulating Swartland. In 1706 the expanses of dark bushes which gave the Swartland its name would have been punctuated, here and there, by hardy clumps of wild olive trees. To the north-west a chain of hills marches across the plains, rising into the Kasteelberg in the distance. But the overwhelming feature of the terrain is the wall of mountains to the east extending from the northern to the southern horizon. They have the effect of both trapping and trivialising the overshadowed humans at their base. The immense height and length of the mountains, combined with the vastness of the largely unpopulated and uncultivated Swartland of the early 1700s, were a daunting background to the couple's farming efforts. Progress was, however, made.

In the absence of Khoikhoi labour work was done either by Frans and Maria or by slaves. In 1709 the *opgaaf* records reveal Jooste's possessions to be 40 cattle, 400 sheep and a vineyard of 3,000 vines. He owned two slaves. In 1712 he is listed as owning four slaves and we know from other sources that he grew wheat, and that his farm had a threshing floor and a number of large sheds or farm buildings.²⁵ Whatever Jooste's faults, he seems to have been a hard worker. By 1712 he and Maria also had two sons, Jacobus (born 1710) and Frans junior (born 1712). All, however, was not well between husband and wife.²⁶

For some reason Jooste was known in the district as "Schurfde Frans", or "Rough Frans".²⁷ Whether this sobriquet referred to his physical appearance,

24. I would like to thank Nic Dupper, manager of Bartholemeus Klip, for inviting me to the estate and for providing me with a copy of Margaret Cooke's notes on the history of the farm. The authority for stating that Bartholemeus Klip is the farm that Jooste had, comes from present day Joostes in the district.

25. See sources in note 22 above. See also CA CJ 318, 346 and 370.

26. De Villiers and Pama, vol. 1, 367.

27. CA CJ 318, 27 April 1714, 476.

his dress, his manner or all three is difficult to say. When Maria was asked, at a later date, why she wanted her husband dead she replied that it was because they had always lived together in strife, that her husband treated her badly, and that throughout nine years of marriage he had never once bought her any new clothes.²⁸ This latter point may sound trivial to modern ears - indeed even the *landdrost* of Stellenbosch called it a frivolous reason²⁹ - but in a society where rank and status were signified by dress Maria felt slighted. The grievance also has the ring of truth to it. In a testimony sprinkled with lies it is almost too fantastic a reason to be invented. She was not an educated woman. She was illiterate and signed her court statements with a cross. Under interrogation some of her answers were implausible, contradictory and patently false. But she knew that she deserved new clothes.

It is reasonable to conclude, from both Jooste's nickname and his wife's testimony, that he lacked a certain delicacy or refinement in his nature. In his defence, he might have argued that these were hardly the attributes needed to be a successful farmer in the frontier zone, especially when a man's ability to survive was integrally linked to his ability to control labour, in this case, the labour of slaves.

At the time of his murder, Jooste owned two slaves, Titus of Bengal and Fortuijn of Angola. Titus was about thirty years old in 1714 and had worked for Jooste since 1710. His previous boss had been Elias Costen. Fortuijn was twenty years old, young and strong. The *opgaaf* records state that in 1712 Jooste had had four slaves. We do not know what became of the other two but we can say something about another slave, Pieter of Madagascar, who had worked for Jooste in the past.

In 1714 Pieter was about twenty-six years old. He had belonged to a certain Dirk Bronske. Bronske had leased Pieter to Jooste at some stage but Pieter had not enjoyed working for Jooste and, according to the reports of the other slaves, had always been disobedient. When Jooste hit Pieter with a *sjambok*, Pieter had threatened to hit him back and declared: "*ik bin jouw slaaf niet, jy heb mij nog niet betaalt, ik ga weder na mijn vorige Baas.*"³⁰ Fitting actions to his words Pieter had indeed fled back to Bronske, leaving Bronske and Jooste to sort out the implications of the broken labour contract. After this Bronske sold Pieter to the farmer Claas Prinsloo, from whom Pieter would run away in 1713.

The significance of these details is that they provide further evidence for Jooste's rough reputation. They also suggests that Jooste was short of labour and that there was a practice of leasing slave labour to the frontier farmers. In the time that Pieter worked for Jooste he got to know the slaves Titus and Fortuijn, as well as Jooste's wife Maria. These connections were to be important in the future. In the meantime Huguenot Maria began to discover that she had much more in common with the other exiles around her, the slaves, than she did with

28. CA CJ 5, 13 Aug. 1714.

29. CA CJ 318, 458.

30. "I am not your slave, you have not yet paid me, I'm going back to my previous boss". CA CJ 318, 27 April and 19 May 1714, 476-482.

her considerably older German husband “Schurfd Frans”.

Exactly when Maria began an affair with Titus is impossible to state but they eventually confessed to “having lived in concubinage” (as the records put it) for a considerable time both before and after Jooste’s death. The court asserted that the adulterous relationship had gone on for three years before Jooste was murdered - a piece of information extracted from Titus by torture. The precise details of their arrangement are difficult to establish and it is unclear whether or not Jooste knew of, or tolerated, his wife’s adultery. At an early stage in the court proceedings the interrogator asked Maria whether Titus had slept in the same house as her whilst her husband was alive and was surprised to hear that he and the other slaves had done so. He then asked her if she was not ashamed to allow the slaves to sleep in the house following the death or absence of her husband and was even more surprised when Maria answered that she did not consider this to be wrong. “Since you have several sheds and a very large shepherd’s house”, the interrogator asked, “what motivated you to have the slave sleep under one roof, in the same room and in your sight?” To this Maria replied that since he (Titus) had slept there during her husband’s life she had allowed him to continue to do so.³¹

We have no way of knowing whether or not this was true but the answer was too much for the scandalised court official who asked “*of ziy niet moet beschamt en schaamroot staan, Ja is haar concienti overtuigt ziyn voord gantsche weereld over sulx eer veragt gedoente.*”³² The ingenuous reply to this was that she hoped she had done no wrong and had had no wrong thoughts - but that if it was wrong then she hoped it would be forgiven. “Could she deny”, the interrogator enquired, “that this behaviour had provoked a contemptible slave to have carnal intercourse with her ... and that she had gratified her foul and godless lust with him?” Maria did indeed deny this at that time (10 July 1714) though at a later date she confessed that she “*so wel bij t Leeven van haar man, als na ziyn dood, met haar slaaf Titus in Concubinagie heeft geleeft.*”³³

The lovers also confessed to having begun to plot Jooste’s death six months before the actual murder. It has to be said, however, that Maria seemed to play the more active role in this plan. She did not contemplate doing the deed herself and her preferred agent of destruction was the ex-hired slave, Pieter of Madagascar who, most fortuitously, had returned to the neighbourhood of the farm. Pieter was on the run. He had fled from his master Claas Prinsloo and made his way to a part of the world with which he was familiar. He no doubt hoped to get some assistance from Titus and Fortuijn and was particularly anxious to obtain some tobacco. From the rather guarded and imprecise answers which he gave to his interrogators after his recapture it would seem that he had deserted Prinsloo in about December 1713, claiming to have been forced to run away by two fugitive slaves belonging to Jacob Vogel. Be that as it may, when he appeared at Jooste’s farm, he was alone.

31. CA CJ 318, 10 July 1714, 370.

32. “if she did not stand red-faced with shame, yea, is her conscience not convinced (of her shame) before the whole world of this despicable deed.”

33. “that during her husband’s lifetime, as well as after his death, she lived with her slave Titus in concubinage”. CA CJ 318, 16 Aug. 1714, 928.

In the calendar of the agricultural cycle it was the time of year when the wheat was not quite ripe. Ahead lay the work of harvesting and threshing. As Jooste went out to inspect his lands, he discovered Pieter sleeping under a bush near the *klipheuwel* next to the farm house. Surprised, Jooste cried out, "I've caught you!", to which Pieter replied (if one believes his testimony), "I'm going back to my boss otherwise it will go badly for me." According to the testimony of Maria, Titus and Fortuijn, however, what Pieter really said to Jooste was that if he had a knife or a stick with him he would strike him. It should be pointed out that before Maria, Titus and Fortuijn eventually confessed to the murder of Jooste their strategy was to place the blame on Pieter. The scenario that they wanted the court to accept was that an angry and vengeful Pieter, nursing a grievance from before, had skulked in the bushes around the farm waiting for a chance to murder Jooste; that such a chance had arisen; and that Pieter had indeed killed Jooste and hidden his body. Pieter's account of events, naturally, was different. He claimed that even though he actually did have a knife on him he had not threatened Jooste and had, instead, stayed a further two days around the farm. His excuse for being away from Prinsloo was that he was in search of missing cattle. Whether Jooste believed him or not he seems to have let Pieter be and did not try to apprehend him.

When Maria learnt that Pieter was lurking nearby in the bushes she saw an opportunity and sent both Titus and Fortuijn to him with bread, buttermilk and a proposition, If he would kill Jooste for her, she said, she would keep quiet about it and then buy him from Prinsloo. After three years, she promised, she would free him. Pieter was not tempted by this offer but he now knew that a murder was being plotted by Maria. On being informed of his refusal Maria exclaimed that he could "gaan na die donder". Pieter went on his way, with a shilling's worth of tobacco purchased from Fortuijn, whilst Titus consoled his aggrieved mistress by offering to kill Jooste himself.

The plan was simple. At a convenient moment, when Jooste was alone and vulnerable in the wheat fields, Titus would shoot him. Isolated farmers often met unhappy ends on the Cape frontier. There were a lot of wild animals and runaway slaves in the veld. Sometimes disappearances were accidents. Sometimes they were the result of murder. In 1706, for instance, Jacob van Hoeven was killed by two of his slaves at the Berg River. They claimed he had simply disappeared on an eland hunting expedition but Van Hoeven's *knegts* were able to prove otherwise.³⁴ Sometimes, however, people simply vanished without trace. If Jooste's body was never found, who would be the wiser?

Freedom denied

On 3 January 1714 the moment was rather forced on the conspirators. Summer in the Swartland can be unbearably hot with the dry plains shimmering in the heat haze. On the afternoon in question, Maria and Jooste began to quarrel

34. CA VC 17, June 1706, 483-491.

and Jooste chased his wife out of the house with a stick. Titus should have been cleaning the threshing floor (the “dansvloer”) but, not unusually, was close enough to Maria to observe her predicament. She was crying out for help. Titus would say later she was crying out to him to kill Jooste. He ran inside and seized a musket which he then fired at Jooste. He either missed or wounded his master for the latter had enough strength to stop pursuing Maria and to grapple with his slave. As the two men struggled Titus got a firm grip on Jooste’s hair and called urgently for help. It was Fortuijn who provided it. The young slave picked up a “ploeg stoken” (a plough-tail), stepped behind his master and smashed the weapon down on the back of his neck. He gave him another two blows. Although Jooste lay as dead Titus hit him a further three times with the same implement. There was little doubt now that he was dead.

At this most inconvenient moment the farm received a visit from a neighbouring farmer called Isaac Visagie. Visagie had actually heard the shot being fired without, however, seeing the murder taking place. Fortunately Maria had observed his approach and gave frantic instructions to Titus and Fortuijn to drag the body behind the house whilst she scuffed sand over her husband’s blood with her feet. Visagie was in search of a fugitive slave and wanted Jooste’s help. Maria told him that her husband had gone off to look for some missing cattle and that he would be back later. The shot that had been fired, she explained, must have been fired by Jooste. Visagie left to try and find him.³⁵

Maria implored the slaves to dispose of the body as quickly as possible. They tied a rope under Jooste’s arms and attached the other end to a horse. In this way they dragged his body behind the garden to the edge of the wheat field and stuffed it underground in a convenient porcupine lair. By the time that Visagie returned from his fruitless search there was no trace of the murder. He took Titus with him and they went looking and calling for Jooste, without success. Visagie then returned to the house and waited until close to midnight in the hope that Jooste would reappear. He did not.

The circumstances of Jooste’s disappearance must have seemed rather suspicious to both Visagie and any others who knew about the situation at Jooste’s farm. Maria promised Titus and Fortuijn that if they kept quiet about events that she would organise their freedom from the Governor, the *Fiskaal* and the *Landdrost* of Stellenbosch. The latter individual, Nicolaas van den Heuvel, seems to have taken the most active role in investigations and was very likely the principal interrogator at the subsequent trial. He was told by Maria during his investigations that Jooste had gone out looking for cattle and had failed to return. The story was plausible, but Maria’s behaviour during the next few months heightened the misgivings of the neighbourhood. Jaques Theron, a Huguenot farmer from the Land van Waveren, paid a visit to Maria and reported how he found three slave men and two slave women sitting drinking at the farm. Even more disturbing was the fact that they were not even Maria’s slaves. Theron explained to her that it was improper to treat other people’s slaves to wine.

35. CA CJ 318, 5 July 1714, testimony of Isaac Visagie, 388-392.

(No doubt this was seen as weakening the ties of discipline and loyalty that bound slaves to their owners). But Maria answered airily that they were her guests and that it was Saturday. Even more damning, no doubt, was her familiar relationship with Titus and the scandalous sleeping arrangements on the farm. These cannot have escaped the hostile scrutiny of her neighbours who would have been concerned to see a twenty-four year old white woman with two young children with nobody but two male slaves for company. What prompted the authorities to take action, however, was the recapture of the fugitive slave, Pieter of Madagascar, and his incriminating story.

When Pieter left Jooste's farm in December 1713 he headed northwards and soon fell in with several other runaway slaves. Three belonged to the *heemraad* Francois du Toit and others belonged to the Vier en Twintig Rivieren farmers Jan Botma and Jan Wilders. No less a person than the slave of the Cape garrison commander, Captain Olof Berg, was with them. They decided to go to the farm of another Vier en Twintig Rivieren farmer, Samuel Elsevier, and persuade his slaves to join them. Elsevier had been the *secunde* under Willem Adriaan van der Stel and had been recalled to the Netherlands, along with his disgraced superior, in 1708. It appears, however, that he was allowed to retain certain properties and his Vier en Twintig Rivieren farm was administered for him by a *knecht*, Michiel Bloedong.³⁶ Once the slaves reached Elsevier's farm and recruited the resident slaves, Jan Coerte of Banda and Absalom of Bengal, it seemed a good idea to overpower Bloedong, tie him up and rob the farmhouse.

By an extraordinary coincidence the attack took place on the same day that Jooste was murdered - 3 January 1714 - a fact that would later suggest to the authorities that there was some connection between these events and that that connection was Pieter of Madagascar. Slave desertion and the activity of *droster* gangs, or gangs of fugitives, does seem to have been exceptionally common in the frontier zone at this time for on the day of Jooste's murder Visagie's slave had also run away. Perhaps this had something to do with increased labour demands over harvest time though *droster* gangs were a perennial feature of the early eighteenth century Cape frontier zone.³⁷ It is unlikely that there was a co-ordinated uprising on this occasion - one runaway recruited another - and the ultimate goal of all the fugitives was simply freedom. When pressed to explain what the real objectives of his *droster* gang were, Pieter declared "to run away, and rather die than return", and "to seek their fortune in the veld, whether they lived or died."

Bloedong was lured out of the farmhouse, overpowered and tied to a pole with a halter. Pieter and his fellow fugitives helped themselves to guns, ammunition, clothes, tools, tobacco and food. Flushed with success and armed with a total of seven muskets the gang now ransacked the farm of Jan Wilders, acquiring along with sundry other items a brace of pistols. They solemnly

36. CA CJ 318, 29 and 27 April 1714, interrogation of Pieter of Madagascar, 334-408. Elsevier was one of the first to be granted hunting licences in the *Oude Wildschutte Boeken* in 1697. He is registered as having leased a farm in the Vier en Twintig Rivieren district as late as 1715, long after supposedly being recalled from the Cape, CA RLR 3, 128. See also A.J. Boeseken, *Simon van de Stel en sy kinders* (Elsiesrivier, 1964), 202-3.

37. See N.Penn, 'Fugitives on the Cape frontier, c.1680-1770' in N.Penn, *Rogues, Rebels and Runaways: Eighteenth Century Cape Characters* (Cape Town, 1999), 73-99.

resolved between them never to return to their masters. Pieter declared that he would lead them to “terra de Natal”, the path to which he claimed to know. The group crossed over the Olifantsrivierberge into the Olifants River valley. Over the river and beneath the mountains they encountered a group of Khoikhoi who ran away in fright, leaving their sheep. The *drosters* took charge of the flock, numbering over ninety, and slaughtered three for immediate consumption. When two of the Khoikhoi to whom the sheep belonged bravely returned to remonstrate with the robbers, they were trussed up for a whole night. Fortunately they managed to escape the next day and ran away. The *drosters* moved onwards, driving the sheep before them, until, beyond the Olifants River, there was no more water to be found. At this stage the group began to lose confidence in their guide and to murmur against him. Pieter, prudently, decided to abandon his mutinous fellows and instead of continuing to Natal, returned to his boss Prinsloo. The leaderless group dissolved behind him and Elsevier’s slaves returned to their farm. They, along with Pieter, were taken to the Castle for interrogation. Pieter, rather naively, claimed that he returned to Prinsloo because he “had done nothing wrong.”

Pieter’s first interrogation took place on 27 April. Initially the authorities were convinced that he had had a hand in Jooste’s disappearance but his statements led them to believe they ought to be far more suspicious of Maria Mouton, Titus of Bengal and Fortuijn of Angola. The three of them were summoned to Cape Town twice for questioning. The first time was probably in May and the second time in July. They were escorted thither from Vier en Twintig Rivieren. It was obvious that local sentiment was against them for it was alleged that Maria had twice tried to escape on route (which she denied) and that she had been overly intimate with Titus and Fortuijn at an overnight stop on the farm of Hendrik Eksteen at the Tigerberg (which she also denied). As the interrogations proceeded, one conspirator was played off against another and confronted with Pieter’s evidence. A hazy outline of events began to emerge but the truth was obscured by the determined, though contradictory falsehoods of the suspects. In May Maria denied everything. By 25 July she had confessed that the slaves had killed her husband but denied any complicity. Previously she had offered the absurd story that the slaves had struck Jooste and she had left him to recover on the ground. When Visagie came visiting Jooste was no longer lying there and she assumed he had got up and gone looking for the cattle. Titus, meanwhile, said that Maria had killed Jooste by hitting him whilst he slept, but by 18 July he had changed his story and now blamed Fortuijn. Fortuijn, for his part, denied having done anything.

At one stage the authorities placed Pieter in the Castle’s infamous “donker gat” cell and Titus in the adjacent “voorste gat”. Unbeknownst to the prisoners a listener was then placed close enough to the cells to eavesdrop upon their conversation. Pieter was overheard urging Titus that the two of them should trust each other and not “verklikken” (squeal) on the other. Pieter’s interrogator was naturally curious to know why he had said this and what it was he wished to conceal. The answer was that Pieter did not want Titus to tell the court he had encouraged Fortuijn to run away from Jooste. It was a clever reply, but not

convincing. The skull and bones of Jooste had been retrieved from around the porcupine lair from where they had been grubbed up by animals. The bones were proof of murder. They also called out for vengeance.

The real breakthrough in the investigation came when it was felt that the Court of Justice had enough evidence of a murder having been committed to apply torture to the suspects. Sufficient evidence in this case took the form of testimony from an eye witness to the crime, an eye witness who, until this point, had been overlooked. The witness in question was a little boy, namely, the eldest son of Maria Mouton. Though the child is not named in the records his approximate age is given - “nearly five years old”. The most likely candidate is therefore Jacobus Jooste, aged four in 1714, rather than Frans Jooste junior, aged two. Van den Heuvel, the *landdrost* of Stellenbosch, had learnt that the boys were being looked after by Aletta Rousseau, daughter of Pieter Rousseau of the Land van Waveren. The *landdrost* therefore sent his deputy, or substitute, Hartwick Hinrich Rickert, to talk to Jacobus. With a fair degree of self-satisfaction Rickert wrote to Van den Heuvel to describe he had cajoled and sweet-talked the child into answering his questions. The answers confirmed what the Court already suspected. The little boy had been standing with Fortuijn in the farmyard on the afternoon of 3 January when Jooste chased Maria and when Titus attacked Jooste. He saw Fortuijn and Titus kill his father and had no doubt been sworn to secrecy by his mother. Rickert hoped, somewhat unctuously, that everything would now be alright for the boy.³⁸ Things were not alright for Maria, Titus and Fortuijn.

Equipped with this information Van den Heuvel went ahead and authorised the use of torture on the suspects on 13 August. Maria and Titus were released from the “pijnbank” on 15 August ready to make a full confession. Fortuijn, however, was more stubborn and required a spell in the “pijnkamer”, (a terrible progression in suffering). The laws of the day required that those whose confessions had been extracted by torture repeat their confession some time after their ordeal by pain. This was supposedly to ensure that they were not simply confessing due to the presence of pain and that they would not withdraw their confession in the absence of pain. The jubilant Van der Heuvel could not resist observing how marvellous were the ways of God in bringing things to justice through the mouth of a babe and suckling, in this case an innocent child barely five years old. Maria’s true confession, “buijten pijn of banden”, was made between 15-17 August.³⁹ The others followed suite.

The end of the story

The Court was ready to pass sentence on 30 August. It had at last constructed a coherent narrative of events out of the socially disruptive behaviour and false testimony of Maria and her slaves. Having done so, it was able to impose its own ending, both terrible and moral, on the shocking tale.

38. CA CJ 318, 13 Aug. 1714, 440-442.

39. CA CJ 318, 458-468.

Maria Mouton of Middelburg was sentenced to be taken to the place of public execution, bound to a pole, half strangled, scorched (“geblaker”) and then fully strangled to death. Her body was then to be fastened to a forked post and displayed in public till it disintegrated.⁴⁰ Karel Schoeman explains that to “blaker” someone was to hold burning straw to their face and to blacken it. He cites Van der Meer who sees in this custom a reference to the earlier practice of burning at the stake victims found guilty of heresy, witchcraft and sodomy.⁴¹ Surely we may also see, in the case of the blackening of Maria Mouton, a reference to her crime of cohabiting with slaves. A delicate scruple about shedding female blood accounts for the fact that Maria, like Trijntjie of Madagascar (the female slave executed the year before, and in fact, like most other female slaves executed at the Cape) was strangled, or garrotted, to death.

In passing sentence on Maria Mouton the Court of Justice revealed what it thought about wifely adultery and the murder of husbands. It also had something to say about its attitudes towards sexual relationships with slaves. Maria, the Court lamented, had lived in concubinage with Titus both during the life of her husband and after his death. From this relationship with a “villainous slave” she had derived more contentment than from her husband. She had put aside all shame and tried to excuse her conduct on the pretext that she did not always see eye to eye with her husband and the frivolous reason that he had not given her any new clothes in nine years of marriage. Then she had plotted his murder. Her crime was particularly abominable, argued the Court, because a wife should esteem her lawful husband as her greatest treasure on earth to whom she owed the highest degree of loyalty and duty. The enormity and barbarity of Maria’s actions could not be tolerated by a well established government where justice had to be seen to be delivered. For this reason her punishment had to act as a terrible and most severe deterrent. The sentence was executed on 1 September.

Titus was sentenced to be impaled alive with a stake through his body. Upon his death his head and right hand were to be cut off and fixed on a pole “beyond the limits of his late master’s property”. The journal keeper at the Castle noted the following under the entry for 3 September 1714. “The slave Titus, mentioned above, died about midday, having lived in his misery about 48 hours; something horrible to think of, to say nothing of personally beholding the misery. It is said that 4 hours after his impalement he received a bottle of arrack from which he drank freely and heartily. When advised not to take too much lest he should get drunk, he answered that it did not matter, as he sat fast enough, and that there was no fear of his falling. It is true that whilst sitting in that deplorable state, he often joked, and scoffingly said that he would never again believe a woman. A way of dying lauded by the Romans, but damnable among the Christians.”⁴²

Fortuijn had his right hand cut off and was then bound to a wheel, in which position his bones were broken from the bottom up, without the delivery

40. CA CJ 318, 30 Aug. 1714.

41. Karel Schoeman, *Armosyn van die Kaap: Die wereld van ‘n slavin, 1652-1733*, (Human and Rousseau, Cape Town), 388.

42. H.C.V.Leibbrandt, *Precis of the Archives of the Cape of Good Hope, Journal, 1699-1732* (Cape Town, 1896), 1 Sept. 1714, 260.

of the *coup de grâce*. After this his head was severed and placed alongside his hand, and the hand and the head of Titus of Bengal, outside his deceased master's farm. The bodies of the two slaves were left exposed on a scaffold.

With those responsible for Jooste's death out of the way there were just one or two loose ends to tie up. The first of these was Pieter of Madagascar. Once it was clear that he had not killed Jooste or been party to a slave uprising he was hanged, alongside Elsevier's slave, Jan Coert of Banda. The Court did not consider their activities - which included desertion, tying up a *knecht*, robbing farmhouses and despoiling the Khoikhoi - to be negligible. Their bodies too were exposed to the elements after their execution on 15 September. Absalom, Elsevier's other slave, was sickly and had been forced by the others to join them. His life was therefore spared and he returned to the Vier en Twintig Rivieren district.⁴³

There was also the matter of the Jooste boys to consider. The records do not state whether they continued to stay with Aletta Rousseau or whether they grew up in the homes of their aunts or grandfather. They did receive a portion of their inheritance. After the government had confiscated one half of Maria's estate outright, one half of what remained was put aside for expenses and the other half of it went to the boys. The farm, or rather the *opstaal*, and its goods, were auctioned and the estate settled on 1 December 1716. The total value realised was over 1,657 guilders. The buyer of the *opstaal* was not recorded. After various creditors were recompensed and bills had been paid (including one of twelve guilders for a coffin for Jooste's recovered remains) Jacobus and Frans Jooste received 366:7 guilders each.⁴⁴ Nobody seems to have asked any awkward questions about Frans junior's paternity and the local community seem to have accepted him as the free son of a free, though shameful, woman.

The rest of Maria's family continued with their lives as farmers in the Vier en Twintig Rivieren and Waveren district. The smallpox epidemic, which raged between April and November 1713, had had a devastating effect on the local Khoikhoi and San communities and seems to have been particularly severe in the Drakenstein district from where, it was noted, the majority of the Khoikhoi had been eliminated by November.⁴⁵ The consequence of this was that the colonial farming frontier was now free to expand and the government was quick to formalise the granting of new grazing licences in the interior by introducing the loan-farm system in 1714. Greater security of title to land was now offered by the Cape government for the annual payment of rental. Khoisan opposition to colonial expansion did not cease because of the smallpox and the onward advance of the colonial frontier prompted a renewed outbreak of Khoisan resistance in 1715 and 1716. Once again the Waveren farmers came under attack and amongst those who were targeted were Joost Bevernagie - who lost 100 cattle, 500 sheep and had two of his slaves abducted - and Pieter Rousseau, whose

43. CA CJ 783, 13 Sept. 1714, 34-42.

44. CA 13/1/1 *Boedel Reekeningen*, 80-81.

45. CA VC 20, 1711-1714, 121, 125, 129, 157, 185 and 216.

house was burnt down. A series of commando campaigns seem to have brought the Khoisan to peace negotiations by March 1716 and in August military posts were withdrawn from the region.⁴⁶

Maria's father, Jacques, or Jacob Mouton, had moved down from the Waveren Valley in 1713 to lease the previous farm of Mathijs Greef "over het Vier en Twintig Rivieren". Just one year later, in November 1714, two months after his daughter's execution, he registered the farm "Steenwerk" (named after his birthplace) "over de Vier en Twintig Rivieren" and close to the present town of Porterville. Here he lived with his third wife, Francina Bevernagie, until his death in 1731. Maria's sisters both married local farmers: Magdalena became the wife of Abraham de Clerq and Margaretha the wife of Jacob Nortje. Francina's brothers Joost and Theunis Bevernagie continued to farm in the Land van Waveren and the inter-connectedness of the families may be seen in the fact that when Theunis became mentally unsound and unable to run his farm Jacob Nortje took over its management.⁴⁷

Although after 1716 the Land van Waveren and the Vier en Twintig Rivieren districts ceased to be in the frontier zone as far as Khoisan resistance was concerned, they remained regions where runaway slave gang activity was high and reliance on slavery was intense. Though there would be many further cases of brutal conduct between masters and slaves, and between slaves and masters, never again, not in the district nor colonial society as a whole, did a white woman defy the laws and customs of her society to such an extent that she was prepared to indulge in a flagrant, adulterous and murderous affair with a slave. In this respect the Maria Mouton case is unique. Her salutary punishment and sad example must therefore be seen as a defining moment in the history of Cape colonial sexuality. For whereas white men continued to enjoy adulterous relationships with their female slaves, white women do not seem to have dared to indulge in sexual relations with male slaves.

Here it may be constructive to compare Maria's circumstances to another criminal case involving adultery which came before the Court of Justice the year before and which is, in certain respects, a negative image of Maria's case.⁴⁸ In 1713 the Court heard that the brewer of Cape Town, Willem Menssink, had been engaged in a passionate affair with Trijntje of Madagascar, a slave woman belonging to his wife. He and his lover then attempted to murder his wife and though unsuccessful, Trijntje did take the life of her own child, fathered by Menssink, at Menssink's urging. Trijntje was executed by garrotte, whereas no official punishment was visited on Menssink for his very obvious sins. He was not, in fact, even asked to appear before the Court.

The contrasting punishments of Willem Menssink and Maria Mouton seem to perfectly illustrate the application of a double sexual standard in the eighteenth century Cape - for whites that is.⁴⁹ Menssink's adulterous behaviour

46. N.Penn, 'Northern Cape frontier', 81-85.

47. CA RLR 2, 62; RLR 3, 36. Also Boeseken and Cairns, 82-4.

48. See N.Penn, 'The fatal passion of brewer Menssink: Sex, beer and politics in a Cape family, 1694-1722', in N.Penn, *Rogues, rebels and runaways*, 9-72.

49. See N.Penn, 'Adulterous relationships'.

with slave women was, if not condoned, officially ignored. Maria Mouton's intimacy with slaves, on the other hand, prompted the Court of Justice into moralistic outpourings in which the integrity of marriage, the honour of husbands and the welfare of society was invoked. One wonders if Menssink would have been as harshly treated as Maria if his wife had actually succumbed to the poison which he was introducing into her food. The terrible punishments suffered by Titus and Fortuijn were inflicted, one senses, not so much because a murder had been committed but because slaves had killed their master, and because one of them had had carnal knowledge of a white woman. Only the most gruesome sacrifice could restore the moral universe presided over by free, white and male Company officials. The harsh sentences received by Menssink's slaves - for facilitating Menssink's access to Trijntje despite being locked up in his wife's house - suggests that whilst a husband might violate his wife's domestic privacy with relative impunity his slaves could not.

The two court cases are full of details which reflect the intimacy which existed between slave owners and their slaves. Both Menssink and Maria Mouton found it normal, or desirable, to have slaves of the opposite sex in their bedrooms. There is evidence that in this they were not alone. We must assume that the close presence of slaves in colonial domestic units was both a cause of marital discord and one of its cures. We may also observe that in a slave society adultery with slaves was a transgression of a very different magnitude to adultery with free people; and that what was allegedly customary behaviour for a man was judged to be abominable in a woman.