

## **Inventory No. 2/3**

# **Inventory of the Archives of the Magistrate of Swellendam, 1743 -**

T. Knoll

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**FONDS SPECIFICATIONS****Title:**

Archives of the Magistrate of Swellendam

**Period:**

1743 -

**Fonds Code:**

2/4

**Extent:**

78.50 lin m

**Repository:**

Cape Town Archives Repository

**Record Creator (origination):**

Landdrost and heemrade of Swellendam

**Abstract:**

A court of heemrade, similar but subordinate to that of Stellenbosch, was established with a deputy landdrost as secretary in the area of Swellendam in 1744. In 1745 an independent magistracy of the "Outlying Districts" was established. The court of landdrost and heemrade acted as a judiciary body in all disputes concerning boundaries, roads and cases not exceeding 50 rixdollars. He also had civil responsibilities and was responsible for the maintenance of peace and order in the districts and to bring offenders to justice. The jurisdiction of the court was limited to cases involving land, vendu and financial disputes. The landdrost was further responsible for the distribution of land, receiving of land taxes, compiling of annual returns regarding inhabitants and property, education, promoting agriculture and religious adherence. He was in charge of the police and prisons in his district and had to see to the welfare of slaves and Khoikhoi. With the heemrade he formed a committee for solemnising and registering marriages.



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## CONTEXT

### *BIOGRAPHICAL HISTORY*

#### LANDDROST AND HEEMRADE

As a result of the expansion of the population in the interior a second court of heemrade, similar but subordinate to that at Stellenbosch - Drakenstein, was established with a deputy landdrost as secretary. The new area, known as the Outlying Districts, stretched from the Breë River to past Mossel Bay and relieved the heemrade of Stellenbosch of many of their burdens.

Of the four elected heemrade, one was to hand in a report every three months. Once every two years two heemrade would resign and successors elected. [2] In January 1744 J.T. Rhenius was appointed as the first deputy landdrost of the Outlying Districts. [3]

Within months discord arose between the deputy landdrost and heemrade as a result of uncertainty regarding rank. This led to a clearer definition of their duties especially with regard to times of meetings, the deputy landdrost's position at meetings and the reference of cases not settled out of court to the court of the landdrost and heemrade at Stellenbosch. [4]

These measures were, however, unsatisfactory and in August 1745 it was decided to establish a completely independent magistracy with Rhenius as "absolute landdrost" of the Outlying Districts. The same instructions as those for Stellenbosch - Drakenstein were applicable. The jurisdiction of each district with regard to communal matters was to be decided upon jointly. The new district covered the whole area under the Company's control to the north and east of the Stellenbosch - Drakenstein district and the limits of its jurisdiction were clearly defined. [5]

In 1746 the request by the landdrost and heemrade for land along the Koornland River to build a drostdy and the necessary buildings, was granted. [6] In October 1747 the district was named Swellendam after the governor and his wife, Hendrik Swellengrebel and Helena Wilhelmina ten Damme. [7]

The creation of the new magisterial district of Graaff - Reinet in 1786 limited the jurisdiction of the landdrost of Swellendam to the Swartberg in the north and the Gamtoos River in the east. [8]

In June 1795 the inhabitants of Swellendam rebelled against the government of the Company. Landdrost Faure, the secretary and messenger were forced to hand the drostdy to the burghers, who appointed a National College ("Collegie Nasionaal") under the leadership of Hermanus Steyn. [9]

After the British occupation of the Cape, peace was restored and the drostdy handed back to

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2. VC367 Resolutions, 12.11. 1743, pp. 81 - 82.
  3. VC367 Resolutions, 7.1.1744, pp. 124 - 125.
  4. C122 Resolutions, 2.6.1744, pp. 242 - 244; 11.8.1744, pp. 344 - 345; 1/STB 19/165 Landdrost, Heemrade, Stellenbosch - Heemrade, Outlying Districts, 7.9.1744, n.p.
  5. C123 Resolutions, 31.8.1745, pp. 264 - 269.
  6. C124 Resolutions, 25.10.1746, p.227.
  7. C125 Resolutions, 26.10.1747, p. 265.
  8. C685 Placaat, 19.7.1786, pp. 482 - 493.
  9. 1/SWM 1/3 Minutes, 18.6.1795, pp. 254 - 255.

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Faure in November 1795. [10]

With the revision of the judicial system in 1827 the college of landdrost and heemrade was abolished and replaced with a civil commissioner and resident magistrate. H. Rivers [11] and C.M. Lind [12] were appointed to these positions respectively. In 1834 the positions were united and Rivers appointed. [13]

#### DEPUTY LANDDROST, CALEDON

With the revision of the district boundaries of Swellendam and Stellenbosch and the secession of the George district in 1811, the area to the east of the Hottentots - Holland mountains was added to Swellendam. A sub - drostdy under J.H. Frouenfelder with the seat of magistracy at the Swartberg Bath was established in the new area.

Like the deputy landdrost of Clanwilliam, in the Tulbagh district, Frouenfelder received his instructions from the landdrost of his main district and reported to him or, where necessary, to the Colonial Secretary. He was assisted by a clerk, a messenger, a constable and two justice officials while personally acting as vendu master of the sub - district. [15]

In December 1813 the sub - district was named after the former governor Lord Caledon. [16]

In October 1822 the sub - district was abolished as a measure of economy, and placed under the supervision of a Special Heemraad, assisted by a clerk, a messenger, deputy sheriff, two constables and two justice officials. [17] With the revision of the judicial system in 1827 the position of Special Heemraad was abolished and the duties transferred to the Justice of the Peace. [18]

In 1839 Caledon became an independent district with its own resident Magistrate. [19]

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10. 1/SWM 1/3 Minutes, 4.11.1795, p.259.
  11. Cape of Good Hope Government Gazette No. 1146 dated 28.12.1827, Government Advertisement dated 27.12.1827.
  12. Cape of Good Hope Government Gazette No.1147 dated 4.1.1828, Government Advertisement dated 1.1.1828.
  13. Cape of Good Hope Government Gazette No. 1487 27.6.1834, Government Advertisement 25.6.1834.
  15. CO4829 Bird - Buissini, 6.6.1811, p.275.
  16. CO5811 Government Advertisement, 31.12.1813.
  17. CO4846, Bird - Shonnberg, 21.6.1822, p. 425; CO4846, Bird - Shonnberg, 11.7.1822, p. 477; Cape Town Gazette and African Advertiser No. 862 dated 20.7.1822, Government Advertisement, dated 19.7.1822.
  18. CO4887, Plasket - Special Heemrade, 4.12.1827, pp. 429 - 430; CO5828, Ordinance No. 32, 11.12.1827; Co4887, Bell - van Ryneveld et.al., 21.12.1827, pp. 464 - 465.
  19. Cape of Good Hoop Government Gazette No.1727 dated 25.1.1839, proclamation dated 24.1.1839; Cape of Good Hope Government Gazette No.1727 dated 25.1.1839, Ordinance No.1 - 1839 dated 23.1.1839.



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***CUSTODIAL HISTORY***

The archives, especially those for the early period and the series Letters Received and Letters Despatched for the period 1845 - 1865, are incomplete. The incompleteness can partly be attributed to the carelessness at times in the administration of the district and also to the fire of 17 May 1865, in which more than thirty houses in Swellendam and numerous documents were destroyed. The documents of the Clerk of the Peace and the Chief Constable were saved and are therefore reasonably complete. A few other documents, including the contents of the safe were also saved, but many valuable documents, especially those of the main office, were lost.



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DESCRIPTION OF THE SUBORDINATE COMPONENTS

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**1 LANDDROST AND HEEMRADE**

Records after 1806 are not listed.

**1/1 - 1/4**

Minutes

1747 - 1827

Vols. 1/1 - 1/2 also contain minutes of Military Council.

**1/1**

1747 June - November; 1750 November  
- 1758 December

Also contains a minute dated 25 October 1785

**1/2**

1764 January - October; 1775 October -  
1780 October

**1/3**

1789 March - 1798 December

**1/4**

1825 January - 1827 March

**1/5**

Draft Minutes

1789 October - 1804 March

Also contains a letter from Field - Cornet Moolman and others to the landdrost  
and Heemrade dated December 1821.

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**2 CRIMINAL CASES**

All records after 1806.

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### 3 DIVERSE CRIMINAL RECORDS

- 3/1 - 3/6** Draft Minutes Criminal Cases  
1818 - 1827  
All records after 1806.
- 3/7** Copies of Minutes in Criminal Cases  
1825 - 1827  
All records after 1806.
- 3/8 - 3/9** Judgments by Landdros and Heemrade  
1812 - 1827  
All records after 1806.
- 3/10 - 3/17** Sworn Statements  
1746 - 1795  
Incomplete. Contains criminal and civil statements and statements dealing with lunatics, murdered persons, medical certificates, etc. Vols.3/12 and 3/15 also contain a few notarial deeds.
- 3/10** 1746 September - 1758 October
- 3/11** 1759 April - 1769 May
- 3/12** 1763 December - 1771 October  
Bound volume.
- 3/13** 1773 - 1776  
Also contains one statement in French.
- 3/14** 1777 - 1783
- 3/15** 1784 - 1785
- 3/16** 1789 - 1792
- 3/17** 1793 - 1795
- 3/18 - 3/22** Statements and Interrogations  
1810 - 1822  
All records after 1806.
- 3/23 - 3/29** Diverse Criminal Records  
1815 - 1829  
All records after 1806.
- 3/30** Note Books: Clerk to the Justice of the Peace  
1845 - 1851  
All records after 1806.
- 3/31 - 3/33** Note Books: Resident Magistrate  
1847 - 1875  
All records after 1806.

**4 CRIMINAL RECORD BOOKS**

All records after 1806.

**4A HIGH TREASON CASES**

All records after 1806.



**4B TRAFFIC COURT**  
All records after 1806.

**4C REGIONAL COURT**  
All records after 1806.

**5 CRIMINAL AND CIVIL CASES**

All records after 1806.

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**6 CIVIL CASES**

Records after 1806 are not listed.

**6/1 - 6/39****Records of Proceedings**

1773 - 1967

From 1902 onwards the civil cases have been weeded and are consequently incomplete. The cases prior to 1902 are also incomplete.

Records after 1806 are not listed.

**6/1**

1773 August - 1785 March

Also contains civil records of the Council of War for the period  
October 1775 - October 1777.

**6/2**

1790 January - 1813 May

Records for the period December 1804 - 1807 are unsigned and  
incomplete.

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**7 CIVIL RECORDS**

Records after 1806 are not listed.

**7/3 - 7/28**

## Summonses

1746 - 1939

Records after 1806 are not listed.

**7/7** 1746 - 1760

**7/8** 1760 - 1722

**7/9** 1773 - 1778

**7/10** 1790 - 1795

**7/11** 1804 - 1807

**7/29 - 7/35**

## Diverse Civil Records

1805 - 1891

Contains statements, accounts, powers of attorney, receipts, summonses, confessions and letters received re cases.

Vol.7/31 contains criminal summonses.

Vol.7/35 only contains civil writs.

Records after 1806 are not listed.

**7/29** 1805 - 1814

**8 CIVIL RECORD BOOKS**

All records after 1806.

**8A CIVIL JUDGMENT BOOKS**

All records after 1806.

**9 INQUESTS**

All records after 1806.



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## 10 JOURNALS

### 10/1 - 10/12 Journals

1755 - 1827

Incomplete.

Records after 1806 are not listed.

**10/1** 1755 January - 1776 October

**10/2** 1777 - 1787

**10/12** 1804 Sept. - 1807 Oct.

This volume contains copies of the journal of the Commission for the division of the Districts of Uitenhage and Swellendam.

## 11 LETTERS RECEIVED

Records after 1806 are not listed.

- 11/1 - 11/3** Letters Received: Governor and Council of Policy  
1743 - 1789  
Vols.11/1 - 11/2 also contain a few letters received from the Landdros and Heemrade of Stellenbosch.
- 11/1** 1743 November - 1759 October  
**11/2** 1762 December - 1782 December  
**11/3** 1783 February - 1789 July
- 11/4** Letters Received: Council of Policy: Letters and Extract Resolutions  
1789 October - 1791 December
- 11/5 - 11/7** Letters Received: Governor and Secretary  
1795 - 1814  
Records after 1806 are not listed.
- 11/5** 1795 August - 1797 November  
**11/6** 1797 December - 1801 December  
**11/7** 1804 - 1814
- 11/8 - 11/12** Letters Received: Colonial Office  
1815 - 1904  
Vols.11/11 - 11/12 contain letters received from the Departments of Local Authority and Health.  
All records after 1806.
- 11/13 - 11/47** Letters Received: Miscellaneous  
Records after 1806 are not listed.
- 11/15** 1795 - 1814  
Contains letters received from the Bookkeeper of Land Revenue, Secretary of the Board of Revenue, Receiver of Revenue for Lands, Treasury, etc.
- 11/23** 1787 - 1826  
Contains letters received from the Council of Justice.
- 11/26** 1795 - 1826  
Contains letters received from fiscals.
- 11/32** 1796 - 1904  
Contains letters received from the "Raad der gemeente " Cape Town, board of fire - masters at Cape Town, board of Matrimonial cases at Cape Town, slave's office, orphan chamber, insolvent estates, general estates, board of executors, council of tenders, government printer, stationery office, John Pringle (agent of the English East India Company), commissioners of enquiry, secretary at Swellendam, chief clerk at Swellendam, commissioned Heemrade, C.D.Wentzel (government postman at Zoetemelks Vallei), poundmasters, newspapers, consulates, etc.
- 11/35** 1764 - 1897  
Contains letters received from magistrates.
- 11/43** 1802 - 1846  
Contains letters received from field - cornets.

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- 11/43a** 1802  
Contains a diary of Field - Cornet P. Erasmus kept while on  
commando.
- 11/45** 1781 - 1846  
Contains letters received from various persons.

## 12 DIVERSE FINANCIAL PAPERS

- 12/1 - 12/5** Acts and Abstracts - Resolutions  
1741 - 1824.  
Records after 1806 are not listed.
- 12/1** 1741 March - 1760 July  
Also contains interdicts, notices and warnings of the Governor at Cape Town and of the government at Batavia.
- 12/1a** 1790 June - 1794 June  
Also contains publications, notices and advertisements of Governor and Council, the Council of Justice, Commissioners Nederburgh and Frykenius and Landdros and Heemrade of Swellendam.
- 12/2** 1790 - 1795 July  
Only contains abstract - resolutions of the Council of Policy and also letters from Truter ( the "Hoof Justicier" ) for the period March 1821 - April 1824.
- 12/3** 1795 September - 1804 October  
Only contains notices and acts.
- 12/6 - 12/11** Land Matters: Quitrent Registers  
1806 - 1909  
Records after 1806 are not listed.
- 12/6a** 1806 - 1817
- 12/12 - 12/13** Quitrent Note Books  
1810 - 1911  
All records after 1806.
- 12/14 - 12/16** Land Rent Ledgers  
1887 - 1926  
All records after 1806.
- 12/17 - 12/22a** Diverse Documents re Land Matters  
1746 - 1904  
Records after 1806 are not listed.
- 12/22** Miscellaneous Documents  
1746 - 1892  
Contains inter alia conditions of sale of land, 1812 - 1818; transfers, 1746 - 1813; deeds of sale, 1820; agreements of tenancy, 1829 and 1903; register of transfers of quitrent farms, Jan.1838 - Sept.1840; list of loan - farms at Gamtoos (undated); list of land sold at Kleyn Swarteberg, 1812; inspection fees of land, 1813 - 1816; statements of money used for survey of land, 1816; maps of farms and land, 1811; register of land rent under terms of the Public Works and Loan Act of 1882.
- 12/22a** 1799 - 1904  
Contains lease agreements of the Rietkuil Outspan, 1879 - 1881 and 1894; deeds of transfers, 1799 - 1904; mortgage bonds, 1856; map of the Swellendam Church premises dated April 1840 and a few other maps.

**12/23 - 12/32** Financial Papers: Cash Books

1760 - 1828

Vols.12/24 - 12/28 contain comparative statements of revenue and expenditure.  
Vols.12/30 - 12/31 only contain expenditure entries. In vols.12/29 and 12/32 the expenditure was entered on a monthly basis and in vols. 12/30 - 12/31 under various headings.

Records after 1806 are not listed.

**12/23** 1760 - 1789

Also contains a few military accounts.

**12/24** 1796 - 1817**12/33 - 12/42** Financial Papers: General Cash Accounts

1803 - 1872

Records after 1806 are not listed.

Contains receipts and enclosures to the cash accounts.

**12/33** 1803 April - 1813 January

Contains an original claim for remuneration from Hillegert Muller re the Grosvenor.

**12/43 - 12/54** Diverse Financial Documents

1790 - 1856

Records after 1806 are not listed.

Vols.12/44 - 12/45 are divided into field cornetcies.

**12/43** Ordinances re the cashier

1790 January - 1796 December

**12/47** Salaries and fees

1800 - 1845

Contains statements of salaries and fees received by the officials; rates received and remarks of the Committee appointed to report on the different districts' accounts dated 1813.

**12/50** Wine and Brandy Leases

1804 - 1826

**12/54** Register of wood received and despatched at Plettenberg Bay

1803 - 1805

**12/55 - 12/66** Vendue Rolls

1793 - 1869

Incomplete.

Records after 1806 are not listed.

**12/55** 1793 September - 1804 December**12/56** 1805 January - 1810 December**12/66** 1806 - 1869

Contains specifications of auctions, 1806 - 1816; statements of private public auctions, 1816 - 1821; specifications of public auctions held at Caledon, 1818 - 1820; notices of auctions sent from auctioneer to Civil Commissioners, 1828 - 1842 and 1869; bails re auctioneers, 1831 - 1837; statements of money due to the government, 1817 - 1831; and auction accounts received, 1812 - 1815.

**12/67 - 12/70** Census Papers

1793 - 1897

Records after 1806 are not listed

**12/67** Census Returns

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1793, 1818

Contains census - returns of Hottentots older than 16 years for 1818.

**12/71 - 12/78** Attestations

1759 - 1856

**12/71** 1759 September - 1772 August

**12/72** 1747 January - 1792 September

**12/73** 1792 September - 1810 December

**12/74** 1779 January - 1804 March

**12/77** 1792 - 1847

Contains permissions to leave the district of Swellendam.

**12/78** Ration Lists

1822

Contains lists of families who received wheat and rice from the Government  
Also contains receipts.

**12/79** Burgher Lists

1855 - 1856

Also contains a few lists of Coloureds.

**12/90 - 12/91** "Collegie Nasionaal" Documents

1795

Records after 1806 are not listed.

**12/90** Minutes of the "Collegie Nasionaal"

1795 June - September

Also contains letters despatched by the "Collegie", an undated list of persons who took the oath of allegiance to the English King, and a list of persons who were unable to take the oath of allegiance.

**12/91** Letters received by the "Nasionale Landdros"

1795 July - September

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**13 NOTARIAL DEEDS**

Records after 1806 are not listed.

- 13/1** 1796 - 1875  
Contains wills for the periods 1796 - 1823 and 1875 and diverse other notarial deeds for the period 1808 - 1874.
- 12/2** Contracts with Hottentot Labourers  
1814 - 1824
- 13/3 - 13/5** Apprenticeship Contracts  
1813 - 1917
- 13/6 - 13/6** Register Apprenticeship Contracts  
1821 - 1939

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**14 LETTERS DESPATCHED**

Records after 1806 are not listed.

**14/1 - 14/7** Letters Despatched: Landdros and Heemrade  
1745 - 1823

Incomplete.  
Records after 1806 are not listed.

**14/1** 1745 October - 1767 June

Includes notices and warnings.

**14/2** 1804 May - 1805 December

**14/3** 1806 February - 1807 October

**14/30 - 14/37** Letters Despatched: Civil Commissioner and Resident Magistrate  
Miscellaneous  
1795 - 1902

**14/37** 1795 - 1879

Contains draft letters and copies of letters despatched.  
Incomplete.



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**15 CORRESPONDANCE FILES**

Records after 1806.

## 16 SUBORDINATE BODIES

### *SLAVE'S OFFICE*

All records after 1806

### *CLERK OF THE PEACE*

All records after 1806

### *REPRESENTATIVE OF THE ORPHAN CHAMBER*

All records after 1806

### *AGENT OF SEQUESTRATOR*

All records after 1806

### *MATRIMONIAL COURT*

Records after 1806 are not listed.

#### **16/43 - 16/45** Matrimonial Court Minutes

1805 - 1832

Records after 1806 are not listed.

**16/43** 1805 January - 1811 June

#### **16/46 - 16/54** Matrimonial Court Minutes

1804 - 1827

Records after 1806 are not listed.

**16/46** 1804 - 1812 Dec.

The papers from 1804 - 1805 are almost illegible.

Also contains a certificate of slave exemption dated 1804.

#### **16/55 - 16/57** Marriage Papers

1806 - 1882

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**16/56** 1806 - 1877

## Contains

1. a register of banns dated Jun. 1806 - Jan. 1808, May 1810 - Nov. 1816 and Nov. 1822 - Jun. 1825;
2. draft minutes of the matrimonial court dated 1825 - 1829;
3. abstracts from the matrimonial court minutes;
4. letters of consent;
5. an abstract from the marriage register dated 1835;
6. a marriage register for Caledon dated 1812 - 1820 (signed by G. Thom.);
7. letters received dated 1831 and 1832;
8. letters received from the Colonial Office dated 1865 - 1877.