

THE PUBLIC ARCHIVES

OF

SOUTH AFRICA

With the Author's Compliments.

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PREFACE.

The importance of the Public Archives of the Union of South Africa has been recognised by the State and the public. The last decade has seen greater attention given to the care, preservation and accessibility of our national records. The public has used them to a much greater extent for historical research. It is, therefore, perhaps not inopportune to issue a publication showing briefly what records are available and where they are to be found.

The Public Archives are divided into (a) Union Archives, and (b) Provincial Archives. The archives under (a) are those that are still in the custody of the Union Government Departments and date from 1910. When they are old enough they will be transferred to the archives repository at the administrative capital. The Provincial Archives are those which formed the records of the respective four provinces before the date of Union. These, or the bulk of them, have been centralised in the repositories situated in the capital of each province, namely, Cape Town, Pretoria, Pietermaritzburg and Bloemfontein. To them will be added the records of their respective Provincial Governments since 1910 when they are old enough for transfer. This book only deals with the Public Archives that "have already been transferred to an archive dépôt."¹

For some years after Union no definite scheme was evolved by the Union Government for the general administration of these Archives. In 1919, however, a definite step was taken by the creation of the appointment of a Chief Archivist who became responsible for both Union and Provincial Archives. With a view of studying the methods of keeping archives in other countries, reporting thereon and making recommendations for a system suitable to South Africa, the Chief Archivist was sent in the following year to Europe and America. The result of his visit was printed² and the report

¹ See Section 7 of the Public Archives Act, 1922 for the interpretation of the term "Public Archives," Appendix 1, p. 90

² "Report of a visit to various Archives Centres in Europe, United States of America, and Canada," by C. Graham Botha, Chief Archivist for the Union. Published by the The Government Printing and Stationery Office, Pretoria, 1921.

embodies the archival systems in other countries, the conclusions drawn therefrom and his recommendations for establishing the Archives of South Africa on a firm and uniform basis.

The first step in carrying out these recommendations was the passing of the Public Archives Act of 1922,¹ which brought the control of the Archives and the periodical transfer of records to the depositories on to a proper footing. Since it was passed, rules and regulations have been issued for the public use of the archives in the various centres, the disposal of valueless records, and the transfer of public archives to Archives Depôts.² In terms of section 5 of the Act an Archives Commission has been constituted.

As a further outcome of these recommendations there is now in each province an archivist who is responsible to the Chief Archivist. The concentration of records in each province with an officer in charge of each and a staff to assist him and the whole administration centered in one head of the Archives Department, in the person of the Chief Archivist will secure uniformity in administration, classification, arrangement, indexing, methods of preservation and general care. Besides the Chief Archivist the staff is at present classified as Senior Archivist, Archivists and first and second grade Archives Assistants. The ideal aimed at is uniformity throughout the Union and close relation between the Provinces, so that the student, working in one centre, may know from copies of the lists and inventories of the other centres kept there what records are to be found in those centres without visiting them.

The following pages give at a glance the contents of each repository with notes on the early history of each province. I have given a short account of the functions of some of the more important departments to enable the reader to understand the machinery by which the different governments carried on their administration.

I have endeavoured to make the arrangement of this book as comprehensive as possible. Each province has been treated separately. There has been no attempt to give minute details of each class of record. The aim of this publication has been to indicate what state and departmental records are to be found in each province without overloading the book

¹ See Appendix 1 for the text of this Act, p. 89

² See Appendix for these rules and regulations.

with a mass of detail, which can be found from the lists, inventories, indexes, etc., in course of preparation. The book purports only to be a preliminary survey of the records as the task of sorting, arranging, classifying and listing is the constant care of the archives' staff.

It has been divided into four parts, each one dealing with the records of a province separately. Each part again has been divided into periods of the history of the province. Each period has been further divided to indicate what departmental records exist and these again have been subdivided according to their classes.

A copy of the regulations for the use of the Archives by the public has been appended to this volume for the guidance of the student. I have also included a copy of the Public Archives Act, 1922, rules and regulations framed in terms thereof and a copy of a Government Notice setting forth the fees payable by those who may desire to use the records for purposes not of an historical nature. Every facility is given to students wishing to consult the records.

C. G. B.

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PART I.

**ARCHIVES OF THE CAPE
PROVINCE.**

I.—CAPE ARCHIVES.

The Cape Colony records preserved in the Cape Archives cover a period of more than two and a half centuries, namely, from 1652 to the date of the Union of South Africa. In 1652 the Dutch East India Company established a refreshment station on the shores of Table Bay. Its rule ceased in 1795 when the British took the Cape Colony. It remained in the hands of Great Britain only for a few years, for, by the Treaty of Amiens, the Cape was handed over to the Batavian Republic in 1803. In 1806 it became again a British possession. The further expansion of South Africa is referred to in the introductory remarks to the Archives of the other three provinces.

Much of the material in the pages dealing with the records up to 1806 will be found in the publication "A Brief Guide to the Cape Archives, 1652-1806."¹ In the first pages thereof are notes on the records of the Cape Colony as a whole, missing documents, their early custody, commissions and Select Committees of Enquiry into the state of their preservation, etc. I have not repeated these facts in the present volume as they can be referred to by those interested. They disclose also the vicissitudes through which the early Cape records have passed.

I give below a short outline of the various functions of Government Departments of the various periods. This I trust will give the reader a clearer understanding of the classes of records which follow.

¹ "A Brief Guide to the various classes of documents in the Cape Archives for the period 1652-1806," by C. Graham Botha. Published in Cape Town, 1918.

A.—DUTCH EAST INDIA COMPANY, 1652-1795.

1. The Council of Policy, 1652-1795.

The Government of the Dutch East India Company at the Cape of Good Hope was vested in a Governor and Council. During the early days the latter consisted of a president and three members who were respectively the head of the station, as president, and three skippers. In 1656 it was decided that this Council should consist of the Commander, the Sergeant and the Bookkeeper. When the fleet of the Company arrived here its principal officers and those of the Cape formed the Broad or General Council, the same as was held while the ships were on their voyage, and was composed of the commander of each vessel. The highest in rank took the president's chair whether he was the commander of the Cape or amongst the visitors. This Council was later on designated as the Council of Policy. In 1685 it was considerably enlarged and made to consist of eight members. Seats were assigned to the Governor, the two military officers highest in rank, the Fiscal or Attorney-General, the Treasurer, the Chief Salesmen and the Garrison Bookkeeper. The burghers of the Colony had no representative on the Council, which fact was given as a grievance they had against the administration in the latter years of the Company's rule.

At first the Council acted in a legislative, administrative and judicial capacity, but was later on prohibited from taking cognizance of judicial matters. It made laws for the internal administration of the Colony, levied taxes, appointed the servants of the Company to civil situations, and granted lands in freehold and gave them out on lease. Copies of all its proceedings were sent to the Seventeen or Directorate of the Company in Holland and to the Governor-General and Council at Batavia, and its actions were subject to the veto of the authorities there. The Governor, who presided, was appointed by the Seventeen and all official despatches received by him had to be opened and read at the full meeting of the Council. Up to 1734 he was president of the Court of Justice, but by an order of the authorities in 1732 all Governors were

excluded from judicial matters and from presiding at the court. He had no power to grant a pardon or reprieve but could deport all persons of idle and dissolute habits and bad character without trial before a court of law. All decrees and criminal sentences had to receive his *fat* before being executed.

The Secretary of the Council kept a minute of all the proceedings, debates and resolutions and entered them in a book of resolutions signed by all the members present. The series of resolutions form one of the most important series of the Archives. The Council of Policy was the chief medium through which all the transactions of the Government were carried out, and the Secretary, as its permanent head, dealt with all the matters passing through its hands. The greater and more important portion of the records was under his custody. He was the forerunner of the Colonial Secretary of the 19th century. In his office were prepared deeds of immovable property, mortgages, grants of land on quitrent or lease, as well as Proclamations, Government Notices and a variety of other deeds.

The official despatches to and from the Cape and the authorities in Holland, Batavia, Ceylon, several outstations of the Company, local functionaries, captains of ships calling at the Cape, and private individuals, are not complete. To a great extent many contain references to debated matters referred to in the Resolutions.

(a) Resolutions, **1651-1795.**

The Resolutions of the Council of Policy form as stated a very important part of the records. While they contain details relating to shipping and minor interests of the Company, there are debates and resolutions on subjects of great importance regarding the colonists, the growth of the Colony and its general history; these are of permanent value. The resolutions commence with the 30th December, 1651, on board the *Dromedaris* in the English Channel and end with the 16th September, 1795, with the original Articles of Capitulation of the Cape, signed between the Dutch and English at Rustenburg, Rondebosch.

(b) Letters Received, **1652-1795.**

They are the official correspondence from the Seventeen, Governor-General and Council at Batavia, Governors and

Heads of the Company's stations and factories, principal officers of ships calling at the Cape, local bodies and boards, officials and private persons. The letters for the year 1744 are wanting.

(c) Letters Despatched, **1652-1786, 1795.**

These are replies to the series of letters received, and contain the annual report and communications to various people. They are not complete. Verbatim copies for 1787-1788 are available and many of the official despatches to Holland between 1792 and 1795 are to be found in the papers of Nederburgh and Frykenius, and Sluysken.

(d) Annexures, **1716-1795.**

These are the annexures to the letters received by the Council from the authorities in Holland and Batavia. From 1792 a new system of filing papers was commenced when all letters of whatever nature were bound in this class up to 1795.

(e) Memorials, **1715-1795.**

These are petitions from Company's servants, private individuals, public Boards, Church Councils, Courts of Law, Orphan Chamber, dealt with by the Council. See remark under (d) Annexures regarding filing of papers after 1792.

(f) Dag Register or Journal, **1652-1794.**

In the office of the Secretary to the Council was kept the Dag Register or Diary of passing events both concerning the affairs of the Company and the community in general. Several years are wanting but verbatim copies have been made from those in The Hague Archives. Every Station or Factory, from Batavia to the smallest place, kept a Journal of what transpired in that Government. By an order of the Seventeen in 1622 it was urged that at each office of the Company a journal be kept containing matters occurring there and relating to the Company and that copies thereof be sent to Holland. In accordance with the general practice van Riebeeck, when he sailed from Holland in December, 1651, commenced a journal which was continued through the successive generations that the Dutch held the Cape. This journal refers to matters of a varied nature, arrivals and departures of ships, strangers or personages of note, weather

conditions, local incidents, dealings with the natives, reports of parties sent out on exploring expeditions in the early days, outstanding events affecting a locality or the whole community, and many other events too numerous to mention. Copies of these were sent to Holland and Batavia and it is owing to this system that in most cases where volumes have been missing from the Cape collection they have been replaced by copies made from those at The Hague. There are several separate journals of expeditions by sea or land.

(g) Reports.

From time to time the Directors of the Dutch East India Company appointed Commissioners to visit their possessions and dependencies in the East Indies and examine into its affairs. They were instructed to adjust any abuses and report on their inspection. These Commissioners were sometimes given extensive powers and authority to make such alterations as were necessary for the welfare of the community and the interests of the Company. Amongst those who visited the Cape in such a capacity were Ryklof van Goens in 1656, High Commissioner Hendrik Adriaan van Reede in 1685, and Commissioners-General Nedérburgh and Frykenius 1792-1793. It was customary for these Commissioners to leave at the Cape "Instructions" for the guidance of the Governor and his Council and send in a report to the Seventeen. To an official such as van Reede extensive powers were granted; he could appoint or displace Governors and Admirals as well as officers of lower rank, proclaim new laws or repeal old ones, create new offices, issue new regulations concerning trade, etc.—in short, he could do anything which he considered advisable for the benefit of the Company. Many of the reports sent in are very interesting indeed and of great value to the historical student.

The Archives have also other reports from individuals and government bodies. The series Memorials and Reports 1710 to 1791 (incomplete) are useful as they embody reports to Government from individuals, public bodies or commissions on a variety of subjects.

(h) Instructions and Commissions, **1652-1795.**

A very important series of documents for historical purposes. The Instructions are from the head of the Cape Government to various officials whether in the offices or as

heads of expeditions sent out for different objects, as cattle barter, exploration or search for wrecks or wrecked mariners, coast survey, etc. It was the practice for each Commissioner visiting the Cape on his departure to hand to the Governor written instructions for observation and relating to the Government, its officials and the colonists.

As examples of the variety of the instructions and commissions issued a few might be mentioned. Instructions given to van Riebeeck in 1651 when sent out to establish a refreshment station here. Instructions by the Cape Government to the expedition going to Madagascar for slave trade 1677, for the expedition sent to overtake some fugitive free-men 1679, fixed regulations for the hospital 1697, instructions to the Governors of the same 1700. Commissions appointed from time to time, an official to be present at the annual camp of instruction of the burgher militia of Stellenbosch and Drakenstein, rules and regulations for military guards and other matters 1714, and in the same year instructions for the Rattlewatch. Commission of the surgeons van der Riet and Maynier to visit such persons in the district of Stellenbosch and Drakenstein as were reported to be afflicted with leprosy 1756, and a certificate to proceed to England granted to an Englishman, Richard Lewin, who had been taken prisoner of war on his way from Madras 1783.

There are several volumes containing the instructions and orders issued from time to time to the Cape by the Seventeen and the authorities at Batavia. These are important and useful when using the Archives. To each volume is an alphabetical index of the different subjects dealt with.

(i) Company's Servants, 1656-1795.

The first arrivals at the Cape in 1652 were men who had taken service with the Dutch East India Company. They were under the jurisdiction of the States-General as their law sovereign and the Seventeen as their immediate chiefs. In 1658¹ a code of regulations, called the Artikel Brief, was drawn up by the States-General for the Company. This was to regulate its affairs and protect its rights and maintain order. It was very similar to previous instructions given by the Seventeen to the Governor-General at Batavia and confirmed by the States-General. By it, the discipline of the

¹ The first Artikel Brief was published in 1601 and subsequently in 1634 1658, 1672 and 1742 with slight modifications.

men was regulated. It dealt with punishments, scale of wages, compensation for loss of a limb, and practically everything affecting a servant while in the service of the Company.

A servant contracted to enter the service for five years and could be sent to any of the Company's possessions. He could neither carry on private trade nor own immovable property which were the distinctions between himself and a burgher. His children were considered as burghers. On the expiration of his contract he could renew it for a further period of three years but if he desired to remain here as a burgher special permission had to be obtained. He was then granted his discharge and given Letters of Burghership (Vrybrief). This entitled him to carry on the usual trade and own property, but if the exigencies of the service demanded it or he misbehaved himself he was liable to be taken back into the Company's employ.

(j) Burghers and Burgher Council, 1657-1795.

The first burghers of the Colony were discharged servants of the Dutch East India Company whose term of service had expired in 1657. They were called "freemen" to distinguish them from the servants and were given grants of land along the Liesbeek, near Rondebosch. In course of time, after the arrival of immigrants from Europe, the term "burgher" came to be applied to all Europeans, not in the Company's employ, who had a fixed abode here. The burghers had to render the Company military service and every male between sixteen and sixty had to inscribe himself in the Burgher Militia and come up once a year to a week's military training camp. The townsmen were formed into companies of infantry and those in the villages and country into cavalry. A Burgher Military Council, composed of the officers tried and awarded fines for cases of insubordination, failure to turn up to parade or duty, and took cognizance of all militia matters.

From amongst the most respectable burghers of Cape Town a few were annually chosen by the Government and appointed Burgher Councillors who were consulted whenever new laws or taxations affecting the burghers were contemplated. These Councillors collected the taxes and used the money for maintenance of roads, bridges, and for the expenses of the night watch. In fact, their duties were of a

municipal nature. While they had no written constitution they were recognised by the Government.

(k) Documents passed before the Secretary, **1652-1793.**

These are attestations, powers of attorney, transfers, wills, obligations and emancipation of slaves. See note under Documents passed before the Secretary of Court of Justice. Many acts considered notarial were passed before the Secretary of the Council of Policy as well.

(l) Statutes, **1652-1795.**

The Statute Law at the Cape was (a) the local proclamations or placaaen passed by the Governor and Council and promulgated by reading the same to the people and affixing or "placarding" copies at different places; (b) the Statutes of Batavia, which were the laws, notices and advertisements issued by the States-General, the Seventeen and the Governor-General and Council of Batavia, and were applicable to the possessions of the Dutch East India Company or to particular places.

Original Placaat Books being the local laws passed by the Governor and Council.

Several editions of the Statutes of Batavia including the Van Diemen's Code and the New Statutes.¹

(m) Financial Papers.

There are not many separate papers relating to the financial matters of the Company. Those extant refer to the later years of its régime. There is a miscellaneous collection of papers of the Lombard Bank which runs to years later than 1795. In 1793 this bank, the first Government Bank in South Africa, was established to increase the revenue and relieve the distress then prevailing and the want of currency. Paper money was issued and this was loaned to the inhabitants at 5 per cent. on security on houses, land, gold, silver, jewels, merchandise, etc.

(a) Memo books of Company's revenue from sale of leases **1717-1778.**

Invoice Book **1781-3.**

Trade Journal **1784-1793.**

Cash Accounts **1783-1790.**

Letter Book Revenue **1793-1794.**

¹ With the records of the Court of Justice will be found three volumes of the van der Parra Code of these Statutes.

(b) Lombard Bank—see further under Treasury p. 37 Cash Book; Loans made; extracts of resolutions of the Council of Policy. **1793**—

(n) Land Papers.

The principal land registers, grants, transfers, bonds, etc., dealing with land are preserved in the offices of the Surveyor-General and Register of Deeds respectively. Up to 1813 there were three forms of land tenure, namely, freehold, loan and quitrent. After that date there were only two, that is freehold and perpetual quitrent. The "loan" farm was obtained by application to the Government to occupy a certain area and the permission was registered at the Secretariat. The register in which copies of these permits were entered are called Wildschutsboeken, as at first in it were entered the names of persons allowed to shoot game, later on the names of those who had received permission to graze their cattle for a specified period, generally from six to twelve months. Authority had to be renewed yearly to occupy such a place but the Government could refuse this renewal; it could re-occupy the ground. This was, however, seldom done. This register was referred to during the 18th century as the Ordonnantie Boek. The occupier of a "loan" farm only had the *utile dominium* and the right to sell or bequeath the *opstal* or buildings.¹ The few volumes in the Cape Archives that are to be found are:—

Wildschutsboeken **1687-1730, 1747-1748.**

Applications for land to graze cattle **1755-1770.**

Ledger of Loan Farms **1743, 1792.**

Several volumes of applications for land from **1806.**

A few years back several volumes were received from the Surveyor-General's Office dealing with "loan" places.

Ordonnantie Boeken **1730-1793.** Volume 2 wanting.

Alphabetical lists of occupiers of loan places.

Collection of placcaaten, resolutions and Instructions concerning revenue **1686-1795; 1803-1806.** These were sent to the Receiver of Revenue and many refer to land rents.

(o) District Records.

The records of the various Landrosts and Heemraden existing during the 18th century are dealt with further on. See page 44.

¹ See "Early Cape Land Tenure" by C. Graham Botha, S.A. Law Journal, 1919.

2. The Court of Justice, 1656-1828.

(i) Court of Justice.

From 1652 to 1828 few changes were made in the general administration of justice. The superior and inferior courts existing in 1806 were continued up to 1828, when general changes were made in the Government departments and courts of law. The Court of Justice sat in Cape Town and was the superior court of the Colony. It took cognizance of both civil and criminal cases and was an appeal court to the judgments of the inferior courts. Up to 1656 judicial matters were dealt with by the Council of Policy, but in this year the Council decided that when it sat as a court of justice and military court it was to consist of the Commander, five members and a secretary. In the following year, when some of the Company's men obtained their discharge here and were permitted to reside as freemen (later burghers) as distinct from the servants, they had one representative in the Court in cases in which burghers were concerned. In 1685, the Court was made to consist of the Governor, Vice-Governor and eight members, the secretary having no voice in the proceedings. Two of the members were Burgher Councillors, their number being increased later on to three. Up to 1734 the Governor sat as President of the Court. No radical change appears to have been made in the Court until 1786, in which year the number of members was equalised by having six Company's servants and six Burgher Councillors under the presidency of a member of the Council of Policy. In 1797 Earl Macartney made this Court to consist of a President, the Fiscal and five ordinary members, the decision of five members being considered lawful. In 1803 a president and six members were appointed to form the Court, which was independent of the legislative and executive authority. The members were appointed in Holland and were chosen with reference to their legal qualifications. A secretary was also appointed as well as an official, with the title of Procureur-Generaal or Attorney-General, to conduct public prosecutions. In 1806 the manner of the appointment of members was reverted to as before 1803. A president and vice-president, six members and a secretary constituted the Court.

Before 1795, a member was appointed by the Governor and Council subject to the approval of the Seventeen. Only members of the Dutch Reformed Church were eligible, and those

too closely related to one another, as father and son, father-in-law and son-in-law could not have session at the same time.¹ During the first British occupation, the distinction between Company's servants and burghers having ceased to exist, the other qualifications remained. After 1806 the Governor appointed the members subject to the veto of His Majesty. In 1812, when Mr. (afterwards Sir) John A. Truter was appointed as head of the Court, the title of president was changed to Chief Justice. In 1797 members first received salaries as such. Previous to this the Company's servants had other employment conferred upon them as compensation for their trouble, but the burgher members served in an honorary capacity.

The Court had jurisdiction in causes of possession, matrimony, in actions brought either by or against receivers of public revenue or public boards, in deciding questions of jurisdiction between the different districts of the Colony, in causes of prize or booty captured in war by vessels of the Dutch or sailing under commission of marque, and finally in actions between inhabitants of the Colony and masters of ships, seamen and passengers belonging to any ships anchored in the Cape roadsteads or bays without any exception whatsoever.²

Up to 1795 the Court of Justice was an appeal court to the inferior courts, and appeal from its sentences had to be made to the Court of Justice at Batavia. This ceased at the first occupation until 1797 when the Governor was vested with an appellate jurisdiction in cases exceeding £200 in dispute. A further appeal lay to the King-in-Council where the amount was over £500. In 1803 appeals had to be carried to the National Supreme Court at The Hague, and after 1806 the same procedure was re-established as in 1797.

From the members of the Court, Commissioners (Heeren Gecommitteerden) were appointed. Before them all transfers of landed property were passed as well as mortgage bonds or other stamp acts and they kept the general public debt register.³ The passing of transfers and bonds was executed before these Commissioners in place of *schepenen*, which office did not exist in South Africa. In civil cases they took evidence, administered oaths, made ocular inspections of lands

¹ *Vide* Statutes of Batavia, Extract letter 1.11.1709, Batavia to Cape.

² Provisioneele Instructie voor den Raad van Justitie.

³ *Lr.* 16.10.1795 Court of Justice to General Craig. All these duties were transferred by Ordinance 39 of 1828 to the Registrar of Deeds then created.

and buildings about which any action arose. They endeavoured, as far as possible, to bring the case to an amicable end if they saw that it could be done without bringing it before the full Court. In cases of wounding, suicide or murder the Commissioners inspected the body and held an inquest. Two of them attended to the embossing of revenue stamps and the destruction of worn-out paper money, as it was necessary they should certify to that effect.

When the Court was remodelled in 1786 a board called the College of Commissioners of the Court of Justice (*Commissarissen uit den Raad van Justitie*) was established. It consisted of three Company's servants and three burghers; it saw to the repairs of the streets, highways, canals, corn mills and public buildings erected at the expense of the burghers. The Commissioners collected the taxes which had to be paid to the burgher treasury. Generally their duties were of a municipal nature. They replaced the Burgher Council. By Proclamation of 31st January, 1796, this College was abolished and its duties assigned to a new body, the Burgher Senate,¹ which performed all the duties of the Burgher Councillors except judicial functions.

One of the principal officials of the Court was the Fiscal.² From 1688 to 1793 he was styled Independent and received his appointment from the Seventeen. He was responsible only to them and free from any interference by the local authority. The Company felt the necessity of closely connecting him with their interests and of inducing him to watch with great care and punish any neglect of its interests or those regulations by which it had hoped to uphold the monopolizing and restrictive system of its Eastern trade. On this account he was styled Independent, a title he held for over a century, when it was resolved that in future he was to be subordinate to the local Government. The Cape burghers had complained to the authorities in Europe of the arbitrary and oppressive powers of the Fiscal. Notwithstanding the change of title to simply Fiscal, the functions which he performed retained their importance. After 1795 he continued as before, but in 1803 the title was altered to Procureur-Generaal or Attorney-General and the name of Fiscal was reverted to in 1806; it

¹ For functions of Commissioners, d.d. 13.7.1792, see *Bylagen*, "Verslag Nederburgh and Frykenius."

² For further details about the functions of the Fiscal, see "The Public Prosecutor of the Cape Colony up to 1828," by C. Graham Botha; *S.A. Law Journal* for 1918, Vol. XXXV.

was again changed in 1828 to Attorney-General. The Fiscal was Public Prosecutor of the Colony and his powers were regulated by an Ordinance of Philip II of Spain, passed in 1570, instructions drawn up in 1688, amplified in 1693, and new instructions issued in 1785, and such orders as were sent out from time to time. After 1803 he was guided by provisional regulations drawn up by de Mist which to a great extent embraced the instructions of earlier years with some enlargements in more detail.

By his early and subsequent instructions the Fiscal was generally to defend before the Court of Justice the property, means, revenue, rights and privileges of the Government against all fraud, contravention and spoliation whatsoever, by whomsoever attempted, and this he did either as prosecutor or defendant. It was his imperative duty to investigate all crimes committed and bring the criminals to justice. By the Ordinance of 1570, as well as de Mist's instructions, he was obliged to proceed in the prosecution of a crime when ordered to do so by the Court before which the preliminary charge had been made. He could only be excused from continuing it by the same authority. The instructions required that "respecting the discharge and execution of his duties he must obey the dispositions of the Court of Justice." If it appeared to him to be necessary he could report the Governor to the Seventeen or the authorities at Batavia. By the later instructions of de Mist he could institute a charge against the Governor or a member of the Council of Policy and bring his action before the Court of Justice. He was to prosecute it until the case was ready for judgment and then had to send a copy of the record closed and under seal through the Council of Policy to the Asiatic Council and Government officials in cases of misconduct. The records in civil and criminal cases are fairly complete and contain the Minutes of the Court, papers presented to the members, petitions, affidavits, and papers connected with each case.

(a) Civil Cases and Annexures.

The procedure in civil cases at the Cape was regulated by the Ordinance of Philip II of Spain, passed in 1580, and followed closely the procedure practised in the courts in Holland. The case started by the issue of a summons if the defendant had failed to satisfy the friendly demand sent by the plaintiff. The defendant was allowed three defaults, or

in other words could be summoned three times, which debarred him from taking any exception against the judgment given. Upon failure to appear after the third citation a fourth one, *ex superabundanti*, was granted. If the defendant appeared after the first summons and had heard the demand of the plaintiff he could bring the exceptions of *renvoy*, *lis pendens* and *lis finita* if he had grounds for same. The first exception was an objection to the jurisdiction, the second that the same matter was pending in another court between the same parties, and the last that the same suit between the same parties had been decided upon and given effect to by judgment.

If no exception was raised or claimed in reconvention or counterclaim, the plaintiff filed his replication, and to this the defendant his rejoinder. The parties then renounced further production of documents. The suit was now closed for the decision of the Court, which took place by the majority of votes. The opinions and the grounds upon which they were based were not declared in public, nor was there a summing up, as is done to-day. The deliberations were *foribus clausis*,¹ and the judgment read by the secretary or registrar to the parties in court, which was open to the public for that purpose. On the record of the case the Governor wrote *sommatie*, *renovatie*, *en executie*. The first was a document served on the judgment debtor to satisfy the judgment and costs within twenty-four hours, the second was served after the latter period had elapsed. Failing these two opportunities given to the debtor to pay, the messenger attached sufficient of the debtor's goods and made an inventory thereof, which were publicly sold.

(b) Criminal Cases and Annexures.

During the 18th century criminal cases were tried before the Court of Justice at Cape Town.² Both the Court and the Public Prosecutor guided themselves in their procedure by the Ordinance of Philip II, passed in 1570. After the Fiscal had been informed of the commission of a crime he took the depositions of witnesses and then applied to the Court for an order of arrest. If a person was caught in *flagrante delicto* he

¹ From 1813 proceedings in the Law courts were held with open doors.

² See "Criminal procedure at the Cape during the 17th and 18th Centuries," by C. Graham Botha, S.A. Law Journal for 1915, Vol. XXXII.

could be arrested at once and an application to Court to confirm this action had to be made within twenty-four hours. The Fiscal then laid his "claim and demand" before the Court, supported by the written evidence of the witnesses attested before two Commissioners of the Court. In his claim he asked for the punishment of the accused if guilty and generally set out the form of punishment which should be awarded. All these proceedings were written and the documents read by the members before the case came on. As in civil cases, the procedure was held with closed doors. The prisoner was not confronted by his witnesses and if there was reason to suspect him of having been guilty and he would not confess he was put to torture, which practice was abolished in 1797. During the Batavian days the Court and Public Prosecutor had Provisional Instructions issued by de Mist for their guidance. Crimes committed in the country districts were prosecuted by the Landdrost before the Court of Justice, but this was subject to the "Right of Intervention" which the Fiscal had of conducting a case if he saw necessary.

- (c) Letters Received, **1729-1814**, and Despatched, **1720-1814**.
- (d) Documents relating to Prisoners, **1722-1795**.
- (e) Documents passed before the Secretary of the Court.

These include a series of powers of attorney, original wills as well as wills passed before the Secretary of the Council of Policy. Many acts, generally considered notarial, were passed before the Secretary, such as agreements, contracts, wills, obligations, etc. In 1792 the Secretaries of the Council of Policy and Court of Justice were respectively appointed Notaries Public, from which date notaries were regularly admitted by the Government to practise before the Court until 1858, when they were admitted by authority of the Supreme Court.

These documents include wills, inventories, contracts, attestations, declarations, certificates, inspections of persons who died suddenly, were wounded or drowned.

- (f) Petitions, **1716-1819**.

(ii) Circuit Court.

In 1800, the Governor, Sir George Yonge, appears to have suggested the establishment of a circuit court by which two judges were to go annually through the country to try cases. As Cape Town was the seat of the only criminal court, prisoners and witnesses had to be brought at great expense and from a distance of many—sometimes hundreds of—miles. De Mist in his Report on the Cape in 1802 also conceived the idea, but it was not until 1811 that such a court was established.

Civil and Criminal Cases tried in the country districts. 1811-1828.

(iii) Court of Appeal.

In 1807 and 1808 Courts of Appeal in civil and criminal, respectively, were established. The records of this Court are preserved.

(iv) Fiscal.

Having referred to the functions and duties of this officer in connection with the Court of Justice I have included the records of the office as far as they exist.

- (a) Letters Received, **1812-1822.**
- (b) Letters Despatched, **1812-1827.**
- (c) Day Book, **1814-1816.**
- (d) Extracts of Resolutions of the Council of Policy, **1687-1781.**
- (e) Several volumes of Placaaten. Incomplete.

3. The Orphan Chamber, 1673-1833.

The Board of Orphan Masters was established at the Cape about 1673. In the following year we read in the Government Journal of monies of the Cape Orphans being administered by the Diaconate or Poor Fund and a proposal to separate such monies and place them with the Orphan Chamber.¹ A few months later the Journal records that "the Board of Orphan Masters, already created last year, shall be increased by a Company's servant, so that it will

¹ Journal, 9.10.1674.

consist of five members, besides a burgher to be appointed as Secretary."¹ Two of the members were chosen from the members of the Court of Justice and two from the Burgher Councillors. Not long after the Board consisted of a President, Vice-President, drawn from the Company and burghers respectively, two Company members and two burgher members. A nomination of names was sent in every two years for Government to select from. The office of President and Vice-President was made permanent in the days of the Batavian Government.² After 1806 the appointments were not made with reference to any particular principle. From this date to 1828 the Presidency was held by the President of the Court of Justice.

The Orphan Chamber originated through the early necessity of making provision for the collection and administration of the property of persons who died intestate and left heirs absent from the Colony or were under age and therefore unable to take the duty upon themselves. Property of persons who died on the voyage to and from Europe and found on board was subject to its jurisdiction. By a letter of the 30th March, 1711, the Cape Government was advised that the Chamber was not to be burdened with deceased estates of Company's servants and burghers who had died on the outward or homeward-bound voyage, except those who were on the paysheets ashore. Its principal duties were*: (1) the administration of the estates of persons dying intestate in the Colony or on the voyage to the Colony and among whose heirs there were minors or persons residing abroad, also estates of those who had not specially excluded the Orphan Masters in their will, or had specially appointed them even where their heirs were majors and resident here; (2) the registration of wills of deceased persons; (3) administration of minors' property; (4) receiving and paying to present and absent claimants the portions or legacies due to them; (5) keeping a death register or record of persons who died at the Cape; (6) recording the resolutions and transactions of the Board.

In 1714 the Government issued to the Orphan Masters a set of Rules and Regulations by which they were to be

¹ *Ibid* 13.12.1674, Tennant in his "Notary's Manual" says the Chamber was established in 1691. By a letter, 28.9.1675, from the Seventeen to the Cape the establishment of this Chamber was approved.

² *Provisioneele Instructie voor de Weeskamer*, art. 1.

* *Vide* Treatise for His Majesty's Commissioners of Enquiry.

guided in carrying out their duties.¹ These instructions were taken over from the Statutes of Batavia. They included a tariff of fees which were to be charged in administering an estate. In 1793 renewed instructions were issued, compiled from the 1714 rules, from those of the Orphan Chamber at Batavia, from a sketch of instructions submitted to the Government by the Orphan Masters, and from a report relative to the improvement in the Chamber.² Provisional Instructions were framed for the Orphan Chamber by de Mist,³ but these show that they were evidently "framed more with a view to confirm the standing rules than to introduce new regulations."⁴ Ordinance 104 of 1833 abolished the Orphan Chamber, and its duties were transferred to the newly-appointed office of Master of the Supreme Court.

It might be of interest to note one or two of the articles of the instructions laid down. Immovable property of orphans could only be sold by an order of Court, and such property had to be put up for public auction and sold to the highest bidder. An absent minor, out of the country for sixteen years, could be publicly summoned at his last-known place of residence if it was uncertain whether he was alive or dead. If it could not be ascertained what had happened to him, his heirs could receive his property upon giving security *de restituendo*. Persons had to obey a summons to appear before the Masters as if it had emanated from a Court, and upon a third default to appear they could be brought before the Court of Justice. From the resolutions sent from time to time by the Government to the Board and the instructions framed in 1793, it would appear that the Orphan Masters were given nearly the same portion of authority and jurisdiction in testamentary matters as was exercised in earlier periods by the spiritual Courts in England.⁵ The Annexures to the liquidation and distribution accounts of the Orphan Chamber form one of the most important series of the collection, as they contain very useful material for a social and economic history of the Cape in the early days. They contain private ledgers, correspondence, memo books, paid accounts, business transactions of deceased

¹ Resolutions, Council of Policy, 26.6.1714.

² Annexures to Treatise for His Majesty's Commissioners.

³ Provisioneele Instructie voor de Weeskamer.

⁴ Treatise for His Majesty's Commission.

⁵ Report of Commissioners of Enquiry on Court of Justice. Theal's "Records of Cape Colony." 28.110.

persons. All the records of the Chamber are, as a matter of fact, of great value, which cannot be over-estimated. The greater portion of the records of this Chamber was transferred in 1912 from the Master's Office.

(a) Wills, **1689-1833.**

Instructions to the Orphan Chamber issued in 1793 provided that "all wills shall be exhibited to Orphan Masters in order to be registered." Ordinance 104 of 1833 laid down that on a testator's death his will was to be transmitted to the Master of the Supreme Court. Up to 1833 certified copies were filed in the Orphan Chamber. The originals of the latter copies will be found filed amongst the records of the Court of Justice, q.v.

(b) Inventories, **1673-1834.**

(c) Resolutions, **1758-1833** (incomplete).

Of the several duties of the Secretary, one was to keep a record of the proceedings and resolutions of the Orphan Chamber. Before 1758 the resolutions were kept on loose sheets and signed by the Secretary. Towards the end of 1757 it was resolved that the proceedings were to be entered in a bound volume and signed by all the members.

(d) Liquidation and Distribution Accounts, **1709-1835.**

When Orphan Masters were nominated as executors of an estate or were not specifically excluded by the will, or the deceased died intestate, they took control of the effects of the estate. They took the necessary steps to liquidate the estate, framed a liquidation and distribution account of their administration, and, after paying out the creditors, awarded the residue to the heirs. Executors testamentary, other than the Masters, were not called upon to render an account to the Chamber, except when the latter had not been excluded from interference.

(e) Vendu Rolls, **1691-1834.**

There were no licensed auctioneers during the eighteenth century; the right of holding public sales was entrusted to certain Government officials, amongst which was the Secretary to the Orphan Chamber. A complete list or vendu roll was kept of the articles sold, name of purchaser, and price paid. These vendu rolls refer to articles and property sold in deceased estates, and give a good idea of prices at auction.

(f) Death Registers, **1758-1833.**

In 1711 the Orphan Masters saw the necessity of opening a Death Register, and requested the church authorities to order their sextons to submit to the Board the names, calling and places of burial of persons whose funerals they conducted. Notwithstanding the fact that sextons were prohibited in 1714, under forfeiture of their office, of having a grave dug without previously notifying the death to the Secretary, it seems that no beginning was made with the register. The first one extant begins in 1758, and up to 1797 the particulars given are: Name, residence, date of death and calling or occupation of deceased. After this additional details are entered, as age, birthplace, whose wife, widow, son or daughter, and at whose residence the person died.

(g) Letters Received **1690-1797.**

These include correspondence with the Orphan Chambers in Holland and Batavia and other possessions of the Company, with similar bodies in Europe and with the local government and individuals.

(h) Letters Despatched, **1691-1820.**

The same note applies as under (g).

(i) Kusting Brieven, **1709-1821.**

These are mortgage bonds passed in favour of the Orphan Chamber on behalf of the heirs of a deceased person for the purchase price of the immovable property sold in such estate. They had to be passed before the Commissioners of the Court of Justice at one and the same time when transfer of the property specially hypothecated was executed.

(j) Conditions of Sale, **1697-1833.**

Immovables in an estate were sold by public auction after the Court had given its consent and the highest bidder signed the conditions of sale and furnished two sureties.

(k) Bewyzen, **1731-1825.**

The survivor of two spouses who wished to remarry and had minor children by the first marriage, had to enter into a bond or *kinderbewys* before the Orphan Masters, securing to such minors their inheritance from the estate of their deceased parent. To-day a certificate from the Master of the Supreme Court is necessary to enable a surviving spouse to contract a second marriage.

B.—FIRST BRITISH OCCUPATION 1795-1803.

Office of the Secretary to Government.

On the 16th September, 1795, the officials of the Dutch East India Company capitulated to the arms of Great Britain. A list of all the effects taken over, buildings, fortifications, armaments, records, etc., is to be found in the papers of Commissioner Sluysken, volume 4. At first the Government was carried on by the chief officers of the naval and military forces, Admiral Elphinstone and Generals Clarke and Craig, but in November it was placed in charge of General Craig when the first two left the Colony. In May, 1797, Earl Macartney took over the administration from General Craig as the first British Governor. The Council of Policy of the Company ceased to exist, and all the powers exercised by the Governor and Council were vested in the British Governor. The general policy of the Dutch underwent a few changes, yet the same forms of administration were carried on until 1803. During this period several new departments were created, and others of the old régime were carried on under new titles.

The principal officials before 1795 and their salaries were as follows: The Governor, who had a salary of approximately 13,000 rixdollars¹ per annum, a Vice-Governor, 8,000 rixdollars, Receiver-General of Revenue, President of the Bank and Keeper of the Corn Magazines, each of 4,300 rixdollars, the Fiscal, the Cashier and Secretary of the Council of Policy, 4,200 rixdollars. Some of these officers had other duties to perform, as the Receiver-General was also President of the Court of Justice, and the Keeper of the Corn Magazines was President of the Commissioners of the Court of Justice and also of the Commissioners of the Court of Petty and Matrimonial Cases, in addition to which they were all members of the Council of Policy.² The various heads were assisted by bookkeepers and clerical assistants.

¹ A rixdollar then reckoned at 48 pence.

² "Records of Cape Colony," 1.241; and general list of Company's servants on 16.9.1795.

A number of the Company's civil servants were willing to take, and were given, employment in the new Government. Earl Macartney received £12,000 per annum and the Lt.-Governor £3,000. A new office of Secretary to Government was created, and this official, who received £3,500, took over the duties performed by the Secretary of the Council of Policy. The Deputy Secretary had a salary of £1,500, the Fiscal £1,200, and each of the following officials enjoyed £1,000 per annum, Collector of Customs, Comptroller of the Customs and the Civil Paymaster, while the Auditor-General and Commissary of Accounts, received £1,050. The Chief Searcher, Postmaster-General, Port Captain, Colony's Agent, Receiver-General, Collector of Land Revenue, Collector of Inland Customs, and President of the Court of Justice, each received salaries from £700 downwards.¹ In 1800 an Agricultural Department was formed, as well as a Chief Taster and Examiner of Wines. The Wine Taster had power to enter into, taste and examine in any cellar, warehouse, public-house or place where wines, brandy or spirituous liquors were sold, whether wholesale or retail.²

In 1880 Dr. Theal published a catalogue of the documents of this period then accessible, but many more have since been sorted and classified and now form portion of several of the classes of correspondence which he mentioned. This catalogue is useful when using the records of the first British occupation.

(a) Letters Received.

At this period of the early government administration of the Cape Colony we find traces of the beginnings of government departments. In 1799 an attempt was made to establish an Agricultural Department when Mr. Wm. Duckitt was brought out under a contract. In 1796 a new appointment of Inspector of Buildings was created. He had charge of lands, woods, houses, buildings of every kind, wharves, etc., belonging to government and not occupied by the military. He was responsible for their preservation and repair. Amongst the other departments there were:—Auditor-General, Collector of Customs, Receiver-General, Receiver of Land Revenue.

The letters received embrace correspondence from these and other departments, government institutions, country

¹ "Records of Cape Colony," 2.295.

² Proclamation, 14.8.1800.

officials and private individuals. The official despatches from and to the Secretary of State are wanting. See, however, Theal's "Records of the Colony" in which they are given.

(b) Letters Despatched.

Replies to the series of Letters Received. There is a volume which embraces Letters and Annexures to the Secretary of State 1796—1797.

(c) Memorials.

Many letters from private individuals and government bodies were addressed to the Governor in the form of petitions or memorials.

(d) Day Book or Diary.

Contains diary of events and official business performed in the Secretary's Office.

(e) Statutes.

Original proclamations, government advertisements and notices issued under the authority of the Governor.

(f) Ships' arrivals, departures and documents.

Arrivals and departures of ships, bonds entered into by ships that no deserted sailors, negroes or slaves would be received on board.

(g) Instructions to Officials.

(h) Book of Oaths.

These are the oaths of allegiance to the British taken by the inhabitants of the Colony.

(i) Receiver-General.

See further under Treasury p. 36.

Cash Accounts, 1795-1803.

Warrants for payment, 1797-

C.—BATAVIAN REPUBLIC 1803-1806.

Council of Policy.

By the Treaty of Amiens the Cape was restored to the Dutch. Mr. Jacob Abraham de Mist, LL.D., member of the Department for Indian Affairs of the Batavian Republic, was sent out as Commissioner-General to receive the Cape from the British. He announced to the people upon his arrival that it was proposed to grant a charter to the Colony after it had been approved of by the States-General. In his report on the Cape, drawn up before he came out, he made several suggestions as to the constitution of the Government, many of which were adopted. The executive and legislative authority was vested in a Governor and a Council of four members; all were appointed by the authorities in Holland. One of the members had to be a colonist born here and resident at the Cape for a long period. The Cape was free from any control of the authorities at Batavia, but was dependent upon the Netherlands. In a proclamation of de Mist he announced to the colonists that, "It is the will of the Batavian people that this settlement will be no longer dependent upon the High Regency at Batavia, nor upon any commercial body whatsoever; the constitution has abolished all particular privileges of that nature, and the inhabitants of the Colony of the Cape will know in future no other Government than that which the Batavian people has appointed over themselves."¹ De Mist was invested with the power of making new laws and regulating the administration and government of the Cape, and also of drawing up the charter which was to be submitted to Holland.² The regulations were, however, to be only provisional in character and were to be transmitted to Holland before promulgation. Before these could be considered, the Cape was taken by the British in 1806. Further remarks are made under the heading of Instructions regarding these provisional regulations.

¹ Proclamation, 1.3.1803.

² *Ibid.*

(a) Resolutions.

The Resolutions of the Council of Policy of this period are complete and very fully kept. A copy of every memorial, letter or report debated upon is inserted in the original resolution. The original memorial, etc., will be found with the Bylagen or Annexures.

(b) Letters Received.

The letters and petitions from public officials, boards, individuals are all bound under the heading of Bylagen or Annexures.

(c) Letters Despatched.

These are despatches to authorities in Holland and Batavia, government departments and private persons.

(d) Annexures.

These are explained above under Letters Received.

(e) Instructions.

These instructions were issued to the various Government officials and departments. The greater number issued were "Provisional," but were effective in the interim before approval from Holland. They were to be incorporated afterwards in the Charter. While the time between their issue and the taking of the Cape in 1806 did not permit of this scheme being carried out, the provisional instructions were observed for many years after 1806 until repealed or amended.

The Instructions are printed and include the provisional instructions above, church and school orders of de Mist, the Ordinance of 23rd October, 1805, for the administration of the country districts. The latter is very interesting and important. Provisional instruction were issued to the following departments and officials: Colonial Treasury, Court of Justice, Secretary and Secretariat of Policy, Substitute Secretary and Chartermaster, Chief Clerk (Commies) of Secretariat, Despatch Clerk, Clerks generally, Receiver-General, Insolvent Chamber, Regulations, Management and Administration of Loan Bank, Orphan Chamber, Burgher Senate, Receiver and Controller of Customs, Ordinary Receiver, Director, Bookkeeper and Master Printer, Printing Office.

The Ordinance for the country districts¹ refers to general regulations, instructions for the Landdrost, Landdrost and

¹ See Publication by Utrecht Historisch Genootschap "Bepalingen en Instructien voor het Bestuur van de Buitendistricten van Kaap De Goede Hoop, 1805," by Dr. E. W. Eybers, M.A., 1922.

Heemraden, the Secretary and Vendumaster, Field Cornet, Messenger, Under-Sheriff and subordinate officers.

(f) Statutes.

Original proclamations, etc., issued by the Governor and Council.

(g) Ships' arrival and departures.

(h) Colonial Treasury.

(a) Minutes.

(b) Annexures.

(c) Vouchers.

(d) Warrants for payments.

(i) Documents of De Mist.

In 1802 de Mist had been assigned the task of drawing up a document containing advice regarding the footing and manner upon which the new Government at the Cape was to be established. He made long and careful investigation of all the records and reports dealing with the Cape and preserved in the Office of the Dutch East India Company. He read all the available printed books of travel which were of value. Although he had a big work to perform he accomplished it in so competent a manner that it met with the entire approval of the Government. He was later on sent out to the Cape as Commissioner-General to receive the country from the hands of the British, instal the new officials, and make such alterations as were necessary and issue instructions, which it was anticipated were to be drafted into a Charter for the Colony. The report¹ is one of the interesting and important documents dealing with the Batavian rule at the Cape. It relates to historical and geographical facts of the Cape, population, religion, education, agriculture, mines, political government, town and country administration, judicial establishment, commerce, slaves and natives, military matters, finance, and the administration of everything dealing with the East India trade. The papers of de Mist consist of Minutes, Letters Received and Despatched.²

¹ Printed by the van Riebeeck Society. Vol. 3.

² In the State Library, Berlin, is a collection of documents relating to the de Mist period; some of these have been published in Theal's "Dokumenten over Zuid Afrika," deel III, published in 1911, others I had copied in 1922.

D.—SECOND BRITISH OCCUPATION FROM 1806.

In January, 1806, the Cape of Good Hope was taken by the British forces and was administered by the military until 1807, when Lord Caledon was appointed Governor. In 1814 it was irrevocably handed over to Great Britain. No very immediate reforms were made in the administration. The functions of the Council of Policy ceased and became vested in the British Governor alone. The important difference between the Governors of the Dutch periods and those of the two British periods was that the powers of the Governor and Council of Policy were concentrated in the person of the Governor alone. The latter issued laws in his own name, levied taxes, regulated the land tenure, issued paper currency, added to the public debt, and with the taxes levied appropriated the revenue to particular services.

The powers vested in the Governor alone were modified in 1825 by the creation of a Council of Advice, to assist and advise the Governor on important matters. It consisted of six members, three of whom were appointed by virtue of their office, viz., the Governor, the Chief Justice, and the Secretary to Government, the others being the Quartermaster-General to the troops, the Auditor-General, and the Receiver-General. All ordinances, public orders, and proclamations, which from this date were issued under the title of Ordinances of the Governor-in-Council had to be submitted to this Council by the Governor. The Governor could, if he saw fit, dissent from the opinion of the majority. In such a case he was required to report at the first opportunity to the Secretary of State, and give an explanation of his action. No matter was to be brought up for advice or decision of the members, unless it was proposed by the Governor. "It marks a step—though a short one—in the direction from pure autocracy to the present form of government."¹

¹ Theal's "History of South Africa since 1795," Vol. 1, p. 399.

A further advance in the constitution was made in 1834, when the Council of Advice was abolished and its place taken by an Executive and a Legislative Council. The Legislative Council consisted of not more than twelve members, exclusive of the Governor. From among the most respectable inhabitants, the Governor selected half that number. Heretofore, in none of these councils, whether of the Dutch or British days, were any of the members elected by the suffrage of the Colonists. In the days of the Dutch East India Company, there was no representation whatsoever of the people in the Council of Policy, which consisted entirely of the Company's servants. But this does not imply that the burghers did not raise their voice against this despotic action.

In 1823, Commissioners of Inquiry arrived at the Cape, having been sent by the British Government to inquire into the state of the Colonies at the Cape, Ceylon and Mauritius. They were at the Cape for more than three years making investigations into the form of government, the state of the finances, the administration of justice, complaints of individuals, and other matters. Amongst the most important reports issued by them might be mentioned those dealing with the administration of government, Courts of Justice, criminal law and jurisprudence, police, and finance. Only a brief summary can be given of the changes introduced as a result of their recommendations.

The Colony was divided into two Provinces, the Western and Eastern. Several alterations were made in the administrative Government. Throughout the years of the Cape administration the principal department was that of the Secretary to Government. There was a Receiver of Revenue before the close of the Company's days. But the office of the Secretary to Government was the department from which all other administrative offices had their origin. In that office, for example, all deeds were registered, after they had been passed before the Commissioners of the Court of Justice. In 1828 a new office was created, which undertook these functions, and it was placed under the Registrar of Deeds.¹ Under the law of Holland and the Statutes of Batavia it was the duty of the Secretary of the Council to register such deeds. In 1685, the Cape Government passed a law which

¹ All transfers, bonds, contracts passed since the 17th Century are in the custody of the Registrar of Deeds.

required all grants of land to be registered. This was done at the Secretary's office, but in 1828 a new office of Surveyor-General was created to perform this duty. This office was combined with two others created at this time, those of Civil Engineer and Superintendent of Works. The last two were again the predecessors of what is now the Public Works Department. In 1821 we find the office of Inspector of Lands and Buildings split up in two, namely, Inspector of Buildings and Inspector of Lands and Woods. The last office was created to give effect to the principles laid down in 1813 for the distribution of Crown Lands and the conversion of the old tenure into grants of perpetuity. They continued separately until merged in the office of Surveyor-General as Civil Engineer and Superintendent of Works.

In the administration of Justice several changes were made. The existing superior and inferior courts were abolished, but their functions were carried on by bodies with different titles. The Court of Justice, which had been established in van Riebeeck's days, was abolished and a Supreme Court, created by the Charter of Justice issued in 1827, took its place.¹ This charter was the first of its kind in South Africa. The Supreme Court was independent of any other branch of the government, and consisted of a Chief Justice and three puisne judges, who were barristers of at least three years' standing. They were appointed by the Crown and could not, like the members of the old Court, hold any other office. The procedure of the new Court was that of the English Courts, and the pleas were in English, though the common law—the Roman-Dutch—remained in force. A right of appeal from the judgment of the Supreme Court could be carried to the Privy Council. Circuit courts, which had been established in 1811, were continued, but the Judges went through the Colony twice a year.

An entirely new feature in the administration of justice was the introduction of the jury system. A judge and nine jurymen tried a criminal case and it was necessary that their verdict was to be unanimous in order to convict. In regard to the Officers of the Court, an Attorney-General and a Registrar were appointed. These titles only changed the former ones of Fiscal and Secretary of the Court respectively. From the early Dutch days the Fiscal was an independent officer whose functions were not controlled by the Central Government. He

¹ The Records of the Supreme Court remain in the custody of the Registrar.

was the Public Prosecutor of the Colony, he was Chief of Police, and, up to within a few years of the last days of the Company, also revenue officer. While each Landdrost had to prosecute crimes committed in his own district, the Fiscal had the "Right of Prevention or Intervention," and could conduct the cases himself. Before the change in 1828 the Fiscal assisted the Government in all points of law and prepared drafts of proclamations and legislative acts, which were sent to the Chief Justice for his report as to whether they were consistent with the fundamental laws in force in the Colony. In this respect he was the forerunner of the Parliamentary Draftsman of to-day.

Another addition made to the new court was the appointment of a High Sheriff. This office and that of Attorney-General were created by the Secretary of State upon the Governor's recommendation. The administration of justice in the country districts is referred to further on.

At the time of Union there were six departments which carried on the business of the Government of the Cape Colony, namely, Prime Minister, Colonial Secretary, Treasurer, Attorney-General, Commissioner of Public Works and Secretary for Agriculture. From time to time several of the sub-departments controlled by these were transferred from one ministerial department to another and one Minister would sometimes control two departments. For instance, in 1887, 1889 and 1894, Prisons, Deeds Registry and Divisional Courts administrations were transferred respectively from the Colonial Office to the Attorney-General's Department. In 1894 the Police Department, except Cape Police District No. 1, was transferred from the Colonial Office to the Attorney-General's Department which took over Cape Police No. 1 in 1896. In 1904 the whole of the Cape Police was controlled by the Colonial Office, but in 1908 placed again under the Attorney-General. In 1891 the Prime Minister's Department was abolished and taken over by the Colonial Secretary, but re-established in 1894. These examples will indicate the difficulty the searcher will encounter unless he has a comprehensive outline of the functions of the ministerial departments at various times.

1. Colonial Office.

The permanent head of this office was the Under-Colonial Secretary, the successor of the Secretary to Government of

the early British days and the Secretary of the Council of Policy of the Dutch periods. All communications to the Governor from public departments and private persons were dealt with by the Under-Colonial Secretary. In the office of the Secretary to Government a record was kept of the details of the colonial currency and paper money prepared, stamped and entered, deeds of transfer and title deeds were prepared and issued, registers of strangers filed, as well as of aliens, vessels' movements, statistical returns of population and produce. At first the Court of Justice, the Burgher Senate and the Landdrosts addressed the Governor direct, but an order made it necessary that every communication on public or general affairs had to be directed to the Secretary. All petitions were submitted to the Governor who endorsed his decision thereon in terms of which the Secretary replied. In short, this department, at one time controlled the administration of every department of the public service except that of the Attorney-General, Treasurer, Collector of Customs and Auditor-General.

In time several functions of this office were taken over by sub-departments and gradually its activities were reduced, but new ones were added as the administration grew. In 1886 the Colonial Office had under it the Deeds Registry, Divisional Courts, Education, Hospitals, Asylums, Post Office, Police and departments connected with Defence. At the date of Union it had supervision over all convict stations and prisons, Public Health Department, Hospitals, Asylums and other medical institutions, all matters relating to Local Authorities; it dealt with the Registration of Voters and Parliamentary Elections, Letters Patent, Letters of Naturalisation and Passports, administered the Births and Deaths Registration Act, the Local Works Loans Act, Gunpowder and Explosive Laws, the Government Printing and Stationery Department, and controlled the funds voted for public hospitals, libraries and museums.

The value of the Colonial Office records cannot be over-estimated; they are invaluable for the study of the history of the Cape Colony after 1806. Amongst the most important series are the despatches between the Governor and the Secretary of State which go up to 1854.¹ They give material for the history of the general administration of the Colony,

¹ For further records of this series, 1854-1872, see No. 8 Government House Records.

native questions, and the general history of the country. Petitions or memorials by private individuals, corporate bodies, institutions, etc., to the Governor are filed in the Colonial Office. These give a valuable insight into various aspects of our history. The correspondence with government departments and sub-departments disclose their functions and growth. On the whole, the student will find in the Colonial Office records the most valuable "sources" of our history of the first half of the nineteenth century.

(i) Administrative.

(a) Despatches received from Secretary of State, **1806-1854.**¹

(b) Despatches to the Secretary of State, **1806-1854.**

(c) Enclosures to Despatches, **1806-1853.**

(d) Letters, memorials and general administrative correspondence received from government departments, other officials and private individuals. These include warrants, commissions, orders and instructions, **1806-1908.**

(e) Letters Despatched, **1806-1908.**

(ii) Convict Branch.

Letters received and despatched, **1844-1903.**

(iii) Health Branch.

Letters received and despatched, **1894-1910.**

(iv) Defence Branch.

Correspondence, **1904-1910.**

(v) Medical Committee.

In 1807 the Government established the Supreme Medical Committee with the object of preventing the unauthorised intrusion of unskilful practitioners, who were prohibited from practising any branches of the medical profession except under a licence from the Governor. It had power to examine and report upon certificates and qualifications of intending physicians and surgeons wishing to practise, and to examine the state of medicines imported and sold. Apothecaries' bills and accounts for medical attendance, which might appear exorbitant, could be taxed by the Committee. In 1821 its

¹ For further records of this series, 1854-1872, see No. 8 Government House Records.

duties were undertaken by the Colonial Medical Inspector, a newly-created post, but not for long, as this was abolished in 1825 and the Supreme Medical Committee revived. By Ordinance 82 of 1831 a new body, the Colonial Medical Committee, was established in 1834.

- (a) Letter Book, **1807-1815**, Supreme Medical Committee.
- (b) Letter Book, **1822-1825**, Colonial Medical Inspector.
- (c) Minutes, **1825-1831**, Supreme Medical Committee.
- (d) Letter Book, **1825-1827**, Supreme Medical Committee.
- (e) Copies letters from Colonial Office, **1825-1826**, Supreme Medical Committee.
- (f) Letter Book, **1834-1842; 1855-1872**, Colonial Medical Committee.

2. Prime Minister's Department.

This office was created by the Responsible Government Act of 1872. It was abolished in 1891, and its duties taken over by the Colonial Secretary's Office, but re-established in 1894. As the Colonial Secretary's Office had been the medium of communication between the Governor and the government, this was now transferred to the Prime Minister's Office. Every Minute submitted to the Governor-in-Council was recorded in the Prime Minister's Office, and the decisions of the Council conveyed to the ministerial departments concerned. This office dealt with despatches between the Colonial and Imperial Governments and with correspondence between other British colonies and dependencies; communications between the two Legislative Branches and the government passed through the Prime Minister's office, from which emanated all instructions affecting the Public Service as a whole. In 1893 the office of Secretary for Native Affairs, created in 1872, was abolished and transferred to the Prime Minister's Department.

Minutes to and from H.E. the Governor, correspondence to and from government departments, **1874-1910.**

3. Treasury.

Before the close of the eighteenth century there was a Receiver-General, into whose hands all income of government was paid by Collectors. The accounts of receipts were audited and, when certified as correct by the Auditor of Accounts, the Receiver-General was authorised by the Colonial Office to receive the money and carry it to the public account. His department paid all accounts due by the government on a warrant issued by the Governor, saw to the exchange of old and defaced paper money for new, and made a list of the worn money, which was examined and destroyed under the superintendence of the Receiver-General and a special commission.

By the creation of a Treasurer in 1872, the duties of the Receiver-General were taken over, and since that time they increased in degree and importance. The Treasurer was no longer a depository of revenues and moneys, charged only with the custody and issue, but had all the duties and responsibility, such as the Chancellor of the Exchequer in England had. He was the Controller of the Revenue, responsible for its proper and prompt collection, and had to devise new means of taxation to meet any shortfall of revenue. He had to state whether there were any funds to meet contingencies unprovided for, and if not, to provide for them and recommend the Governor to issue a covering warrant. He had charge of the Pension and Guarantee Funds, and had to provide for Parliament an annual budget speech. The following departments came under him:—Customs, Licences and Stamps, Income Tax, Excise, Post and Telegraphs, Audit Office and High Commissioner.

Up to 1854 the Customs Department was directly under the Board of Commissioners of Customs and Lords of H.M. Treasury. In that year, on the establishment of Parliamentary Government at the Cape, it was transferred to the Cape Government, the Collector of Customs being made a member of the Executive Council. When Responsible Government was introduced, he ceased to have a seat. From 1876 the Treasurer of the Colony held the post of Collector of Customs, and an office of Assistant to the Collector was created, but abolished in 1880, when the Collectorship was again made a separate appointment.

- (i) Treasurer-General.
 - (a) Letters Received, **1876-1906.**
 - (b) Letters Despatched, **1890-1902.**
- (ii) Papers of the Receiver-General.
 - (a) Cash Accounts.
 - (b) Warrants for payments.
- (iii) Papers of the Lombard Bank.
 - (a) Letters Received, **1808-1838.**
 - (b) Letters Despatched, **1806-1842.**
 - (c) Miscellaneous.

4. Native Affairs Department.

The office of Secretary for Native Affairs was created in 1872, but the duties were transferred in 1893 to the Prime Minister's Office. The Native Affairs Department controlled all matters relating to the aborigines of the Colony. The natives were placed in selected localities under inspectors, who communicated with the government through the Civil Commissioners of their respective districts. In the territories beyond the Kei the administration of the natives was placed in 1902 in the hands of a Chief Magistrate, but from 1904 was controlled through the Secretary for Native Affairs. In 1892 a large portion of the records of this department was destroyed in a disastrous fire, but some were rescued, having only the edges of the papers charred.

Letters Received and Despatched, **1872-1904.**

5. Public Works Department.

The duties performed by the office of the Commissioner of Crown Lands and Public Works, established in 1872, had been previously carried out by various officers under different designations. Under the period 1795-1803, reference was made to an Inspector of Lands and Buildings. A century ago we find an Inspector of Lands and Woods, and also an Inspector of Buildings. The first-named saw to the distribution of Crown Lands and the conversion of old land tenure. The second examined government buildings and drew up plans and specifications of all public works.

In 1819 the land records, which had been kept in the Colonial Office, were transferred to the custody of the Inspector, afterwards Superintendent, of Lands and Woods. In 1828 a new office of Surveyor-General and Colonial Engineer was created, and he took over the duties of the Inspector of Lands and Woods. Until 1848 the duties, afterwards performed by the Public Works Department, were for the most part controlled by the Surveyor-General, but in that year the office of Colonial Civil Engineer was placed under a separate officer.

In 1843 the Central Road Board was established, and saw to the construction and maintenance of public roads throughout the colony. It was abolished in 1858,¹ and its powers and authority vested in an officer styled the Chief Commissioner of Roads. His office was in the next year conjoined with that of the Colonial Civil Engineer. At this date the Colonial Engineer's Department assumed control of public roads. In 1865 the title of the head of the department was changed to Chief Inspector of Roads, Bridges and Buildings, and in 1866 to that of Chief Inspector of Public Works. This remained so until 1905, when the designation was changed to Engineer-in-Chief, but in the following year to Chief Engineer.

Act 1 of 1872 charged the Commissioner of Crown Lands and Public Works with the land laws of the Colony and with the administrative control and supervision of the Public Works of all kinds, including government railways, buildings, public road communications, bridges, etc., woods, forests, ports and harbours, mines, irrigation, water supply, and immigration. This remained so until 1893.

From 1882 to 1889 the Crown Lands and Public Works were divided into separate branches for the "Lands" and "Works" business, respectively, each being under a responsible head. In 1892 matters relating to lands, mines, forests, irrigation, water supply, and geological exploration were removed temporarily to the Treasury pending the formal establishment of a newly-created department of the Secretary for Lands, Mines and Agriculture as a separate ministerial department. In 1896 the ministerial head of Lands and Works was changed to Commissioner of Public Works.

(i) Central Road Board. Minutes, Letters Received and Despatched and Accounts, 1843-1858.

¹ Act 9 of 1858.

- (ii) Chief Inspector of Public Works. This embraced the Colonial Civil Engineer, **1859-1908.**
- (iii) Commissioner of Crown Lands and Public Works. **1872-1893.**

6. Agricultural Department.

In 1887 a Department of Agriculture was formed and controlled by the Colonial Office. It dealt with matters pertaining to viticulture, tobacco culture, agricultural societies and schools, Botanical gardens, game laws, phylloxera, diseases of cattle and scab acts, improvement of breed of horses. In 1892 it ceased to exist on its amalgamation with the newly-created ministerial Department of Lands, Mines and Agriculture which was placed provisionally under the Treasury. In 1893 it was controlled by the new Department of the Secretary for Agriculture. Upon re-organisation in 1905, the various functions of this department were grouped under four officers, namely, the Director of Agriculture, the Surveyor-General, the Chief Conservator of Forests and the Chief Clerk to the Secretary for Agriculture.

Letters Received and Despatched.

7. Executive Council.

The Council of Advice, established in 1825, was abolished in 1834, in which year an Executive Council was created. See previous remarks on page 29.

- (a) Letter Book, Council of Advice, **1825-1834.**
- (b) Minutes of Council, **1834-1910.**
- (c) Minutes sent to and from H.E. the Governor, **1873-1910.**
- (d) Letter Books and other correspondence from **1834.**

8. Government House Records.

Up to 1854 despatches between the Secretary of State and Governor of the Cape were filed in the Colonial Office. With the granting of a Parliament in that year they were filed in the Governor's Office. The following records up to 1872 were taken over by the Archives by permission of the Secretary of State.

Despatches to and from the Secretary of State, enclosures to the same, Military Secretary's Records, despatches to and from Chief Commissioner British Kaffraria, Commissioner Aliwal North (1855-1858), Presidents of the Free State, Transvaal and Lydenburg (1855-1858), Aborigines (1855-1862), Circulars from Secretary of State (1854-1872).

9. British Bechuanaland.

In 1885, the country bounded on the south by the Cape Colony, on the east by the Transvaal and the north by Rhodesia, and known as Bechuanaland, became a Crown Colony. At the head of the government was an Administrator, and Vryburg was the headquarters. The laws of the Cape Colony were the laws of British Bechuanaland. In 1895 this colony was annexed to the Cape Colony. The records of British Bechuanaland remained in the office of the Magistrate of Vryburg, and during the Anglo-Boer War suffered the loss of many.

Correspondence of the Administrator's Office and other departments (1885-1895).

10. Lt. Governor of the Eastern Province.

In 1828 a Commissioner-General was appointed over the Eastern Province, but the office was abolished in 1834. In 1836 a Lt.-Governor was appointed, with his head office at Grahamstown. When the Lt.-Governor, Sir Henry E. F. Young, left South Africa in 1847, the office was not filled again until Sir James Jackson was appointed in 1854.¹

Correspondence from and to the Commissioner-General and Lt.-Governor with the Governor, Secretary to Government, Civil Commissioners, government departments, Memorials, Kaffir papers, agents with Native tribes (1828-1863).

11. British Kaffraria.

In 1847 the Governor, Sir Harry Smith, proclaimed a new boundary for the Colony. The new area named British Kaffraria was not annexed to the Colony but kept in reserve for the Kaffirs. A Chief Commissioner was appointed over this new territory with headquarters at King William's Town. He exercised control over the officials of this new government

¹ Proclamation 30.12.1854.

and all correspondence with the High Commissioner, Sir Harry Smith, passed through him. By Letters Patent of 1860 the boundaries of the province were defined and the form of government laid down. It was administered by the Governor of the Cape who passed such laws as he considered necessary. In the absence of the Governor, the previous Chief Commissioner was given the latter office. A registry of deeds was established and a Surveyor-General appointed, a Supreme Court being created two years later.

In 1865 British Kaffraria was annexed to the Cape Colony. The Supreme Court was abolished but the Deeds Registry remained.

Correspondence to and from the Chief Commissioner and Lt.-Governor, 1847-1866.

12. Griqualand West.

In 1871 the Cape Governor issued a series of proclamations which declared the country of Nicholas Waterboer part of the British dominions. As far as they would permit, the laws of the Cape Colony were made applicable to the territory, a High Court of Justice was established and regulations passed for the diamond diggings. The name of Griqualand West was given to this country in 1873, it was constituted into a Crown Colony with the High Commissioner of the Cape Colony as Governor and in his absence a Lt.-Governor was to administer the Colony. There was an executive council and a legislative council. The former consisted of the Secretary to Government, the Attorney-General and the Treasurer, the Lt.-Governor being President, the latter comprised the four officials and four elected members. In 1877 Griqualand West was annexed to the Cape Colony but owing to a change in the Cape ministry it was not until three years later when the royal assent was actually proclaimed in force.

Correspondence, 1871-1880.

A recent accession to the Cape Archives has been the Legislative Council Minute Book, First Session, 30th December, 1873—20th August, 1874.

13. Orange River Sovereignty.

In 1848 the country between the Orange and the Vaal Rivers was declared under British Sovereignty and a British

Resident was appointed as chief official over the Orange River Sovereignty as the country was now termed. A note on the form of government and other details are given when dealing with the Orange Free State Archives, q.v. In 1854 this Government ceased to exist and British authority was withdrawn. From this time the Orange Free State Republic exercised control. For correspondence of 1847-1851 of the British Resident see Orange Free State Archives.

Original letters, cases before special Commission
1853-1854.

Compensation claims **1850-1854** and miscellaneous.

Correspondence. See also Orange Free State—
Letters of Major Warden, **1847-1851**, p. 83.

(NOTE.—The Orange River Sovereignty papers have been transferred recently to the Bloemfontein Archives.)

14. Audit Office.

The office of Controller and Auditor-General was created by Act 30 of 1875 to provide for the more effectual audit of the public accounts of the Colony. Subsequently his powers and duties with regard to public accounts were considerably modified.

Letters Despatched, Vouchers and Account Books,
1876-1910.

15. Imperial Secretary.

High Commissioner's despatches to the President, S.A. Republic; to and from the Secretary of State; to and from the Special Commissioner; the British Resident; the Administrator, S.A. Republic, 1873-1885. These papers deal with the S.A. Republic.

16. Solicitor-General.

EASTERN DISTRICTS COURT.

By a Government Notice of the 24th December, 1853, the appointment of a Solicitor-General for the Eastern Districts with headquarters at Grahamstown was notified. The incumbent did not hold office long as he was appointed to a judgeship and the office was abolished.

On the establishment of an Eastern Districts Court by Act 21 of 1864, provision was made for the office of Solicitor-General who had every right, power and function in the Eastern Province conferred or imposed on the Attorney-General. The first appointment made was Mr. Simeon Jacobs, the Attorney-General of British Kaffraria, an office created in 1863 but abolished when that territory was annexed to the Cape Colony. British Kaffraria fell under the jurisdiction of the Solicitor-General of the Eastern Districts Court at the time of the annexation in 1866 when Mr. Jacobs was transferred to Grahamstown as Solicitor-General.

With the records of this office there are a number belonging to the office of the Clerk of the Peace which were no doubt taken over in 1866. An explanation is necessary as to who was the Clerk of the Peace. The Charter of Justice of 1827 authorised the Governor to establish Courts of Requests, and other courts having jurisdiction in civil cases of small amount or value and in cases of crimes or offences not punishable with death or transportation. Accordingly Ordinance 33 of 1827 was passed which empowered the Governor "to appoint magistrates . . . and one Clerk of the Peace for such districts and places as in his discretion he may think fit." The Clerks of the Peace conducted all public prosecutions in all cases of crimes and offences cognizable and tried by the Courts of Resident Magistrates in their respective districts. They also, for their respective districts, conducted all public prosecutions for crimes which were tried by any Circuit Court held in their respective districts unless the Attorney-General thought fit to appoint some other person.

By Ordinance 73 of 1830 the Clerks of the Peace were placed under the control of the Attorney-General in all matters connected with any criminal proceedings with regard to any crime or offence. The 376th Rule of Court promulgated on the 22nd July, 1855, provided that the duties of the Clerks of the Peace for Cape Town, Albany and Kimberley shall or may be performed by the Chief Clerks to the Attorney-General, Solicitor-General and Crown Prosecutor, respectively, and that for any other districts by the Clerk to the Resident Magistrate of such districts. Government Notice No. 670 of 1855 cancelled the appointments of the various Clerks of the Peace.

(i) Clerk of the Peace.

(a) Letters Received, 1835-1866.

- (b) Medical Certificates Inquests, **1833-1855.**
 - (c) Bail Bonds, **1838-1855.**
 - (d) Depositions, **1834-1853.**
 - (e) Circuit Cases, **1852-1857.**
- (ii) Attorney-General British Kaffraria.
 - (a) Letters Despatched, **1863-1867.**
 - (b) Opinions, **1863-1867.**
 - (iii) Solicitor-General.
 - (a) Letters Received, **1866-1900.**
 - (b) Letters Despatched, **1867-1894.**
 - (c) Preliminary Examinations, **1866-1905.**

17. Magisterial Records.

The administration of justice in the country districts was entrusted to Boards of Landdrost and Heemraden.¹ They exercised both judicial and administrative functions. In the first capacity they settled all land disputes regarding boundaries, roads, and servitudes, and tried civil cases where the amount in dispute did not exceed £10, increased proportionately in the course of generations. Full effect was given to judgments not exceeding £2 1s. 8d., from which no appeal could be made, but above that the aggrieved party could go to the Court of Justice in Cape Town. Disputes and cases were settled without form of process, parties and their witnesses were heard separately, and documentary evidence was produced in support of claims. The Landdrost had to prosecute before the Court of Justice all crimes committed in his district, subject to the "*Right of Prevention*" conferred on the Fiscal or Public Prosecutor of the Colony, that is, the right of prosecuting all crimes. The Heemraden, who assisted the Landdrost as assessors, were qualified to make a preparatory examination in criminal cases, and all persons were sent up to Cape Town for trial without delay. They also inspected bodies of persons who had died suddenly or by suicide, and held inquests. In cases of disputes regarding land or water rights, two commissioned members made an ocular inspection and reported to the full court. These commissioned members undertook, for the country districts, duties which resembled those performed by commissioned members of the Court of

¹ See "The Early Inferior Courts of Justice at the Cape" by C. Graham Botha, S.A. Law Journal, Volume XXXVIII.

Justice for the Cape district. They tried to settle disputes between litigants in an amicable manner so as to prevent the case going to a full court, and thus lessen the legal costs.

The Heemraden were also to the country district what the Burgerraad was to Cape Town. They saw to matters regarding the rivers, roads, and bridges, and attended to the repairs and maintenance of the last two. They had power to compel the inhabitants to supply wagons, cattle, slaves, and their own labour for public purposes. In short, they functioned in a somewhat similar manner as the Divisional Councils during the nineteenth century.

The Landdrost represented the Government in his own district and protected all persons, property, and possessions. He was paramount and superior in his area and endeavoured to promote the prosperity thereof. There was a very useful officer of the country districts, the Field Cornet, who assisted the Landdrost and Heemraden in carrying out their duties. Towards the end of the seventeenth century he was called a *Veldwagtmeester*, and had to go from place to place and see that the laws and ordinances were observed, and report all transgressions to the Fiscal. Later on two "men of fidelity" were appointed as *Veldwagters* (field guards) to prevent smuggling, the unlawful killing of game, and the contravention of the laws. This officer of *Veldwagtmeester* or *Veldwagter* continued for more than half a century, when it was abolished, and an *Ordonnantie Ruiters* (mounted constable) was substituted. He arrested in civil and criminal cases, escorted prisoners to Cape Town, and carried despatches between the various Landdrosts. Besides these judicial functions, he acted in a military capacity. At a later period we find the Field Cornet taking the place of these functionaries. He assisted the Landdrost in carrying out some of his judicial duties, for under certain circumstances he held inquests, and promulgated laws passed by the Government to the country people. In his own ward he assembled the burger militia in time of war.

The inferior courts were abolished in 1828, and in their place Resident Magistrates were appointed to perform the judicial functions exercised by the Landdrost and Heemraden, and Civil Commissioners to carry out all other duties undertaken by this Board. The change meant that, where formerly the most respectable inhabitants had been chosen to perform the judicial and administrative duties in an honorary capacity, these were now undertaken by paid civil servants. To

compensate somewhat for the loss of this honorary work, a new office of Justice of the Peace was created, and a few of the citizens received this appointment. In the Cape district the position was somewhat different. In the eighteenth century the Fiscal had exercised the same duties for the Cape district as the Landdrost had performed for the country. A Court of Petty Cases had tried civil cases. When the Fiscal was relieved of his duties as Chief of Police in 1825, he was succeeded by a Superintendent of Police. In 1826 a Permanent Sitting Commissioner was appointed to hold a daily court for the trial of petty criminal cases, and in 1828 there were added to this court the judicial duties of the Board of Landdrost and Heemraden, and the Commissioner received the title of Judge of Police. The revenues which the Board of Landdrost and Heemraden had to collect in their respective districts were now transferred to the Colonial Treasury, and the Government saw to all such financial matters.

Ordinance No. 33 of 1827 abolished the Courts of Landdrost and Heemraden and created the offices of Resident Magistrates. In civil cases they had jurisdiction wherein the sum in dispute did not exceed £10, or wherein the title to any lands or tenements, or any fee, duty or office was not in question, and whereby rights in future could not be bound. In criminal cases they could award a fine not exceeding £5, imprisonment, with or without hard labour, up to one month, or a whipping but had no jurisdiction in crimes punishable by death, transportation or banishment. Act 20 of 1856 amended and consolidated the laws relating to Resident Magistrates.

Ordinance No. 77 of 1830 laid down the duties and functions of Civil Commissioners, who, although they had been appointed and instructed to perform many of the duties formerly undertaken by the Landdrosts, had received no instructions. They were instructed to do the duties performed by the Landdrosts which had not been allotted to the Magistrates. By Ordinance 43 of 1828 Civil Commissioners had to collect the taxes and duties formerly collected by the Landdrosts.

In 1806 there were six districts in the Cape Colony. Next to the Cape, which was the oldest, came Stellenbosch, founded in 1679. In 1682 the first Heemraden were appointed and in 1685 the first Landdrost. Then came Swellendam established in 1745, Graaff-Reinet 1786, Uitenhage 1805, and Tulbagh 1805. As the population expanded, and it became

necessary to have more courts of law, districts were opened up and Resident Magistrates and Civil Commissioners appointed.

More than forty years ago the Cape Government saw the necessity of centralising the district records for safer custody and housing them at Cape Town under the Keeper of the Archives. Five of the older district records were thus collected and since 1912, when the matter became more urgent to rescue many of those still remaining under the care of Magistrates, a great number have been transferred. There still remains several of these district records to be sent up to the central depôt.

The Magisterial records in most cases consist of Letters Received and Despatched, criminal and civil records, and papers incidental to the office of Civil Commissioner. Many of these commence with the year when the office was created and carry on to within thirty years ago, some to a more recent date.

The following district records are in the Cape Archives:—

Albany.	Lady Frere.
Aliwal North.	Malmesbury.
Barkly West.	Mossel Bay.
Beaufort West.	Oudtshoorn.
Bedford.	Paarl.
Cape.	Picquetberg.
Colesberg.	Prieska.
Cradock.	Qumba.
Dordrecht.	Riversdale.
Fort Beaufort.	Simonstown.
Fraserburg.	Somerset East.
George.	Stellenbosch.
Glen Grey.	Steynsburg.
Graaff-Reinet.	Swellendam.
Hanover.	Tsolo.
Hay.	Tulbagh.
Hopetown.	Uitenhage.
Kimberley.	Worcester.
Klipdam.	Wynberg.
Kokstad.	

The records of the Cape district require a little more explanation¹ than the other districts as they contain the archives of other offices whose records were taken over by the

¹ See "Early Inferior Courts of Justice at the Cape," by C. Graham Botha.

Landdrost of the Cape. In 1676 a Matrimonial Court was established in Cape Town and consisted of two servants of the Dutch East India Company and two burghers under a President and Vice-President. Its constitution, taken from the Statutes of Batavia, was based on the Political Ordinance of Holland of 1580. This Court examined all persons who wished their banns of marriage published and granted a certificate to the effect that no impediment existed to such publication. If an objection was raised when the banns were called in church the minister referred the matter to this court. In 1711 it was amalgamated with the Court of Petty Cases, established in Cape Town in 1682, to try disputes up to £20 16s. 8d., raised in 1797 to £40, and became known as the Court of Petty and Matrimonial Cases. The Court of Petty Cases had been constituted to relieve the Court of Justice of minor cases. When the Court of Landdrost and Heemraden was established for the Cape district in 1809, it took over the duties of these two bodies. Unfortunately the early records of the Court of Petty and Matrimonial Cases are not in existence.

(i) Matrimonial Court.

(a) Minutes, **1793-1825.**

(b) Annexures, **1798-1827.**

(ii) Commissioners of Petty Cases.

(a) Minutes, **1797-1827.**

(b) Annexures.

(iii) Landdrost and Heemraden.

(a) Minutes, **1809-1826.**

(b) Letters Received and Despatched, **1809-1827.**

(c) Summonses.

(iv) Permanent Sitting Commissioner.

(a) Minutes, **1826-1827.**

(b) Annexures, **1826-1827.**

18. Varia.

(1) Stellaland Records.

For history of creation of this territory see Transvaal Archives p. 72. Such of the records as exist in the Cape Archives were sent over by the Law Department of the

Cape of Good Hope about 1911. (Note: These records have recently been transferred to the Transvaal Archives at Pretoria.)

- (a) Minutes of meeting of Government, 1882-1885.
- (b) Letters Received, 1882-1884.
- (c) Proclamations, 1883.
- (d) Landdrost Records.
- (e) Miscellaneous.

(2) Maps, Plans, Charts, etc.

The Cape Archives possesses maps, plans, charts, etc., from early days to recent times. Many of those of the Dutch period are copies made from the originals in Holland.

(3) Letters Patent, Royal Warrants, Instructions, Agreements with Natives, etc.

The earliest of these records are the Letters Patent, under the Privy Seal dated 5 January, 1797, appointing Earl Macartney Governor of the Cape of Good Hope.

(4) Basutoland Papers.

At the request of Moshesh, the paramount chief, and other Headmen of the Basuto, to be admitted into allegiance of Great Britain, the Cape Governor issued a proclamation in 1868 that the Basutos should be taken as British subjects and their territory British territory. In 1871 Basutoland was annexed to the Cape Colony but not subject to colonial law. The Governor was vested with the power of making, repealing, amending and altering laws and regulations, but all legislative enactments had to be submitted to the Cape Parliament.

There are several bundles of papers relating to Basutoland collected by the late Dr. Geo. McCall Theal. There are also three bound volumes of printed matter collected by him which he had intended to issue as a publication in continuation of the three volumes already published.

(5) Cape Colonial Forces Records.

For defensive purposes the Cape Colony depended after 1806 upon Imperial troops stationed in the Colony. In case

of internal trouble with the natives these troops were assisted by the Burgher Levies raised when occasion arose. In course of time border police were established and were known as the Frontier Armed Mounted Police. By Act 9 of 1878 this force became known as the Cape Mounted Riflemen. At the same time a Commandant-General of the Cape Colonial Forces was appointed with headquarters at King William's Town. His office dealt with the Colonial Forces including Volunteers and Cadets. After Union the records of this office were sent up to Pretoria and finally transferred to Cape Town.

The records comprise correspondence, medal rolls, nominal rolls, orders, financial matters, etc., 1878-1910. Interesting amongst this collection is the correspondence of General Gordon ("Chinese Gordon") when he was Commandant-General.

(6) Griqualand East.

In 1863 the Griquas of Adam Kok were located by the Cape Governor in that part of Nomansland, now Griqualand East to the east of the Umzimvulu. "The object of placing the Griquas there was to establish in Nomansland a power acting under British prestige, believed to be sufficiently civilised to set a good example and sufficiently strong to maintain order. But the scheme was an utter failure, and in a few years Adam Kok was obliged to ask that a British resident should be stationed in the country to endeavour to keep the different sections of the inhabitants from exterminating each other."¹ The Griquas carried on a form of government, the seat of government being Kokstad. In 1879 the territory of Griqualand East was annexed to the Cape Colony.

The papers preserved in the Cape Archives are those of the old Griqua Government and were sent from the office of the Resident Magistrate of Kokstad to Cape Town in 1911. They do not appear to be complete. There are Minute Books of the Legislative Council 1866-1874, Executive Council 1870-1874, manuscript book of Griqua law, papers in connection with the Griqua Rebellion 1878-1879, letter book 1873-1874, papers in regard to Griqualand land claims and a variety of miscellaneous papers.

(7) Port Office.

Register of arrivals and departures of ships, 1806-1853; 1873-1875. The particulars given are: name of ship, dates

¹ Theal's "History of South Africa," Vol. 4, p. 67.

of arrival and departure, where from, when sailed, where bound, nationality, cargo, description, tonnage and commander.

(8) Office for Enregistration of Slaves.

By proclamation of 26 April, 1816, offices for the enregistration of slaves were established in Cape Town and the various districts. That in Cape Town was under the superintendence of an Inspector and Deputy, that in Stellenbosch under the Secretary and that in the other districts under the District Clerks. Slave owners were obliged to report births, deaths, etc., of their slaves; all sales and exchanges of slaves were to be registered at the office and a register kept of all proprietors and the names of their slaves. The district registers were to be sent up every month to the Inspector, afterwards known as the Registrar and Guardian (or Protector) of Slaves, at Cape Town. This enactment had been passed owing to the numerous manumissions which had taken place and the great increase of negro apprentices. It was considered necessary to take precautions to prevent such free persons or their offspring merging into a state of slavery or being confounded with the domestic or other slaves. Slavery was abolished in the Colony in 1834.

Correspondence, Returns, Reports, etc.

(9) Accessions.

From time to time the Cape Archives have been enriched by manuscripts, maps, drawings and a variety of other papers either by the gift of public-spirited persons or by purchase. The late Dr. Geo. McCall Theal obtained in 1911 in England papers of Sir Benjamin Durban, Governor of the Cape, given by his grandson, Mr. W. S. M. Durban.

(10) Gazettes and Blue Books.

Each Archives Depôt has a collection of Gazettes and Government Reports or Parliamentary Books of its respective province. The Cape Archives possesses a complete set of the Government Gazette from its first issue to 1910 as well as of the Parliamentary Blue Books printed since the first parliament in 1854. There are also Imperial Blue Books on South African Affairs printed during last century.

PART II.

**ARCHIVES OF THE NATAL
PROVINCE.**

II.—NATAL ARCHIVES.

Natal was discovered by the Portuguese in 1497, and in 1721 the Dutch East India Company formed a settlement there which was abandoned shortly afterwards. In 1824 a party of 25 Englishmen settled at the Port (Durban), and Lieut. F. G. Farewell, R.N., proclaimed the land, about 3,500 square miles, ceded to his Company by the Zulu King Chaka, as a British possession, but this act was not recognised by the Imperial Government. Chaka ceded the same land subsequently to Lieut. King and Nathaniel Isaacs.

In 1835 a petition to King William IV praying for the annexation and occupation of Port Natal and the adjacent territory was refused. In 1837 Dingaan, who had succeeded Chaka, made over Port Natal and all the land between the Tugela and the Umzimkulu Rivers to the Dutch emigrant farmers from the Cape Colony who were under the leadership of Piet Retief and Gert Maritz.

Shortly before this the British settlers at Durban had agreed to cast in their lot with the Dutch, and to recognise their Government when established. Retief and his immediate friends were treacherously murdered by Dingaan after the deed of cession had been duly signed, while his impiis attacked and murdered the men, women and children camped in what is now known as the Estcourt Division. Pretorius wreaked vengeance on the Zulu king in December, 1838, and the Natalia Republic was then called into existence.

The British Government refused to recognise the independence of the republic, and sent troops to occupy Port Natal, which were, however, withdrawn a year later. The Dutch settlers then established a form of stable Government, the capital of the republic and headquarters of the Government being fixed at Pietermaritzburg. An appeal to the Governor of the Cape Colony in 1840 to acknowledge them a free and independent people was not granted, and in May, 1842, Natal was declared a British Colony, Mr. Henry Cloete being appointed as Commissioner. On the 31st May, 1844, it was annexed to the Cape Colony, but a year later once more regained its individuality, the boundaries of the new Colony

being defined and a Lieut.-Governor appointed, who, however, was subject to orders from Cape Town, while the Cape Parliament continued to pass laws for the territory.

In March, 1847, Natal was entirely separated from the Cape Colony, and a legislature constituted consisting of a Lieut.-Governor, the Colonial Secretary and two other Heads of Departments. Most of the correspondence with the Secretary of State was conducted, however, through the Governor of the Cape Colony, and many of the despatches are to be found in the Cape Archives.

In 1856 a charter was granted, and the public was given representation for the first time. A Legislative Council was created, consisting of four official and twelve elected members, increased to five and fifteen respectively in 1857. The official members constituted the Executive Council. In 1870 two more elected members were added, and the first demand for responsible Government arose, but it was not until 1893 that this form of Government was conceded. A Legislative Council, consisting of eleven members, nominated in the case of the first Council by the Governor and a Legislative Assembly of thirty-seven members elected by the people, were constituted. At the time of Union (May, 1910), the Government consisted of Prime Minister, who was also Minister for Native Affairs, Colonial Secretary and Minister of Education, Attorney-General and Minister for Public Works, Minister of Railways and Harbours and Defence, Treasurer, and a Minister of Agriculture.

The records of several departments of Natal are still under departmental care, and it is hoped that such as come within the operation of the Archives Act of 1922 will be transferred to the Archives repository.

At the time of Union those papers in the Prime Minister's Department which had emanated from the Governor's Office were sorted out and returned to Government House, and afterwards sent to the Governor-General's Office, Pretoria. However, during 1926 a portion of Government House records, dating from 1846 to 1879, were transferred from Pretoria by the sanction of the Imperial Government to the Natal Archives, Pietermaritzburg.

The records of the Attorney-General's Department, Native Affairs Department, Surveyor-General's Department and Zululand Government records were placed in charge of the Natal Archives in 1926, while the records of the Registrar

of Deeds still remain under his custody. The records of the Audit Department since 1898 (in this year a disastrous fire destroyed the previous documents) were taken to Pretoria shortly after Union. Those of the Supreme Court and its branches are housed in the Court Buildings and in the basement of the City Magistrate's Court.

A.—Before Annexation in 1845.

Many years ago a number of loose papers pertaining to the days of the Natal Republic and the years of British Occupation before the annexation were sorted and arranged alphabetically. These were bound and labelled "Volksraad Papers," to which an alphabetical index compiled at the time was added. These papers include a great number of documents relating to cases in the courts, receipts, estates of deceased and insolvent persons, annotations of the Matrimonial Court and a variety of other papers. Reference to land papers, especially of the Voortrekker period, will be found under No. 10 Surveyor-General.

B.—Natal Colony from 1845.

1. Government House Records.

(i) Secretary of State:

(a) Despatches Inward, **1850-1878.**

(b) Circulars Inward, **1849-1879.**

(c) Despatches Outward, **1850-1879.**

(ii) Cape Government Correspondence:

(a) Despatches Inward, **1846-1875.**

(b) Despatches Outward, **1846-1878.**

(iii) Governor's Miscellaneous Correspondence:

Miscellaneous Correspondence, **1845-1878.**

2. Colonial Office.

(i) Colonial Secretary's Office:

(a) Letters Received, **1842-1910.** (These are from various Government officials, public bodies, private individuals, etc.)

- (b) Minutes from Ministerial Departments, **1893-1910.**
- (c) Memorials, **1843-1876.**
- (d) Letters despatched, **1845-1910.**
- (e) Proclamations and Notices, **1848-1910.**
- (f) Laws and Ordinances, **1845-1910.**
- (g) Colonial Office Confidential Records, **1876-1911.**
- (h) Circulars to various Heads of Departments, **1876-1910.**
- (i) Commissions appointed by Government, evidence, correspondence and reports, **1886-1910.**
- (ii) Natal Health Records:
 - (a) Board of Health:
 - Minutes of Meetings and Papers, **1903-1910.**
 - (b) Health Department, **1901-1910.**
 - (c) Natal Medical Council:
 - (i) Minutes of Meeting, **1896-1901.**
 - (ii) Minute Papers, **1896-1910.**
 - (iii) General Records, **1896-1910.**
- (iii) Immigration Department:
 - (a) Minutes of Immigration Board, **1857-1868.**
 - (b) Minutes, Land and Immigration Board, **1878-1894.**
 - (c) Correspondence, **1878-1911.**
 - (d) Letters Despatched, **1858-1911.**
 - (e) Miscellaneous.
- (iv) Civil Service Board:
 - (a) Minutes Civil Service Board Meetings, **1894-1902.**
 - (b) Papers, **1894-1902.**

3. Executive Council.

Minutes and Agenda, **1846-1880.**
 Minutes and Agenda, **1893-1910.**

4. Prime Minister's Department.

Correspondence, **1900-1910.**

5. Minister of Lands and Works.

In 1904 the portfolio of Minister of Lands and Works was conjoined with that of Secretary for Native Affairs. The

various branches of this department comprised Defence, Harbour Board, Railways, Lands, Works. They cover the period 1861-1910, and comprise minute papers, proceedings and correspondence. See Public Works Department.

6. Treasury.

Correspondence, 1849-1910.

7. Attorney-General's Records.

(i) Criminal Records.

(a) Cases indicted for Superior Court, 1845-1897.

(b) Indictments, 1845-1897.

(ii) Depositions, 1845-1897.

(a) Inquests.

(b) Preparatory Examinations.

(iii) Correspondence, 1850-1897.

(iv) Crown Prosecutor's Records, 1868-1897.

(v) Native High Court Records, 1879-1897.

8. Native Affairs.

(a) Miscellaneous Minute Papers, 1846-1897.

(b) Correspondence with Magistrates, 1846-1878.

(c) Miscellaneous Statements, Messages, Reports on Boundaries, Locations and Hut Tax, etc., 1846-1897.

(d) Natal Native Trust Papers, 1874-1897.

9. Public Works Department.

The records of the Public Works Department transferred to the Archives constitute:—

Correspondence, 1893-1910.

Accounts, 1893-1910.

Prior to granting Responsible Government to the Colony of Natal in 1893 the general Public Works of the Colony was under the control of the Colonial Engineer who was responsible to the Colonial Secretary. The Engineer-in-Chief was more particularly concerned with railway and railway extensions. With the introduction of Responsible Government and the establishment of the Portfolio of Minister of Lands and Works an Engineer was appointed for Public Works who, naturally, became head of the

separate Department of Public Works, and was responsible to the Minister of Lands and Works instead of to the Colonial Secretary prior to the Responsible Government. In 1904 the Minister of Lands and Works resigned and the Portfolio of Minister of Railways and Harbours was established, while the Public Works Department was conjoined with the Portfolio of the Minister of Native Affairs until Union in May, 1910.

10. Surveyor-General's Department.

The Voortrekker Land Papers included in this series consist chiefly of applications for land and sworn declarations by Dutch emigrants who were holders of titles under the regime of the Volksraad, 1838-1842. After the abolition of the Dutch Republic in Natal and the incorporation of the Colony with the Cape Colony as a dependency under the British Crown, the title holders amongst the emigrants were allowed the opportunity of producing their original "Grondbrieven" (Title Deeds) issued to them by the late Volksraad in order to continue the occupation of their Land. In 1843, Henry Cloete, Her Majesty's Commissioner for Natal, was appointed, who supervised the Provisional Government from 1842-1845, and the applications and declarations were submitted to Her Majesty's Commissioner by the emigrants in terms of their original claim to their farms.

- (a) Voortrekker Land Papers and other Land Papers, **1838-1853.**
- (b) Land Commission Reports; Land Board Papers and Applications for Land, **1848-1854.**
- (c) Surveyor-General's Memorials Received, **1846-1852.**
- (d) Letters Received, **1845-1901.**
- (e) Letters Despatched, **1845-1897.**

11. Zululand Government Records.

By the conquest of modern Zululand in 1879 the power of the Usutu tribe under the Zulu King, Cetewayo, was finally destroyed. From this date the Zulu King only functioned as Supreme Chief (King) by the sanction of the Imperial Government.

A Special Commissioner, stationed at Eshowe, was appointed for Zululand; he was directly responsible to the Imperial

Government through the medium of the High Commissioner for South Africa. Under this system his correspondence had to go through the High Commissioner to the Imperial Government. In 1881 the dual system was abolished and the Governor of Natal became, *ipso facto*, the Governor of Zululand, still, however, maintaining direct responsibility to the Crown.

In 1897 Zululand amalgamated with Natal and the Natal Government assumed the responsibility of the whole province of Zululand. The records of the abovenamed period 1879-1897 were transferred from Eshowe to Pietermaritzburg and by kind permission of the Chief Native Commissioner of Natal, they were transferred in 1927 to the Natal Archives.

- (a) Despatches received from High Commissioner, Cape, by special commissioner, Zululand, **1879-1881.**
- (b) Despatches received from Natal Governor by Zululand Governor, **1881-1897.**
- (c) Zululand Treasury Records, **1885-1898.**

12. Magisterial.

Babanango, 1897-1910.	Melmoth, 1890-1906.
Bergville, 1897-1904.	Mtuzini, 1905-1910.
Bulwer, 1876-1909.	Newcastle, 1875-1905.
Camperdown, 1893-1907.	Ndwedwe, 1890-1903.
Dundee, 1870-1910.	Ngotshe, 1903-1910.
Durban, 1849-1910.	Ngutu, 1883-1906.
Empangeni, 1887-1907.	Nkandhla, 1907-1910.
Eshowe, 1890-1906.	Nongoma (Umbombo), 1876-1906.
Estcourt, 1857-1909.	Paulpietersburg, 1902-1910.
Helpmekaar, 1876-1907.	Pietermaritzburg, 1848-1910.
Himeville, 1903-1909.	Pinetown, 1850-1910.
Hlabisa, 1892-1903.	Port Shepstone, 1889-1903.
Howick, 1882-1910.	Richmond, 1853-1905.
Impendhle, 1888-1903.	Stanger, 1854-1910.
Impofana, 1897-1910.	Umvoti, 1857-1903.
Inanda, 1866-1907.	Utrecht, 1900-1905.
Ingwavuma, 1901-1905.	Vryheid, 1900-1904.
Krantzkop, 1890-1904.	Weenen, 1875-1904.
Ladysmith, 1856-1910.	
Mahlabatini, 1898-1906.	

PART III.

**ARCHIVES OF THE TRANSVAAL
PROVINCE.**

III.—TRANSVAAL ARCHIVES.

When the British annexed Natal in 1845—Durban had been annexed in 1842—a number of the Dutch community emigrated across the Drakensberg into what are now the Orange Free State and the Transvaal. In the following years several small republics were established and towns founded in the latter territory. Earlier than this a European settlement had been formed in 1838 on the banks of the Mooi River and called Potchefstroom, after Commandant Hendrik Potgieter. He had led a party from Natal and here a government was afterwards settled by some of those who would not submit to British rule in Natal. In 1845 a town was founded at Andries-Ohrigstad, the first part of the name, however, soon falling into disuse. At this place a Volksraad was formed in 1845 by those who had left the Mooi River. Ohrigstad proved unhealthy and many of the burghers moved to a site where they founded a village in 1849 and called it Lydenburg, because of their recent sufferings. The people of Lydenburg were later on reinforced by emigrants from the south and a Republic was formed.

When British Sovereignty had been extended over the Free State in 1848 no attempt was made to exercise authority over those north of the Vaal River. In 1852 the Sand River Convention was signed between the British and the Transvaal Burghers by which the right of the latter to manage their own affairs was acknowledged and the promise made that they would not be interfered with by the British and that the latter would not proceed north of the Vaal. A few years afterwards the South African Republic was established and a constitution drawn up. Several small republics as Lydenburg, Zoutpansberg and Utrecht had been established since those days. Utrecht was settled in 1843 by burghers from Natal and a republic formed, but in 1858 it united with and formed a district of the Republic of Lydenburg. The next year Utrecht became part of the South African Republic, the Republic of Lydenburg following suit in 1860. Owing to the several small republics which were founded from time to time and the dissensions between the various parties it is difficult to give a

brief account of the territory before the final establishment of the South African Republic without going into lengthy details.

The constitution of the Transvaal provided for a Volksraad, the members of which were elected by the people and an Executive Council consisting of the President, the Government Secretary and two burghers appointed by the Volksraad. The President, chosen by the people, controlled the government administration. The territory was divided into districts over which were appointed Landdrosts assisted in their duties by Heemraden. Those most useful officers, the Field-Cornets, were appointed to the various wards of each district and in time of peace executed administrative duties and acted in a military capacity in time of war. The administration of justice was entrusted to the respective Landdrosts and Heemraden and their assistants; the first-named were independent in exercising their judicial functions.

In 1877 the Transvaal was annexed by Great Britain, but after the War of Independence was restored to the people. During the Anglo-Boer War, 1899-1902, the Transvaal was annexed in September, 1900, from which date until the signing of the Treaty of Vereeniging in 1902 it remained the scene of military operations. From this date until the grant of Responsible Government in 1906 the Transvaal was a Crown Colony. During the Crown Colony days there was an Executive and a Legislative Council consisting of the Lieutenant-Governor, official and elected members. The Responsible Government had a Legislative Council and a Legislative Assembly. The first consisted of fifteen members and the second sixty-nine. Municipal Government was established in the Colony in 1903 and the Ordinances were from time to time extended and amended. During the period 1906 to 1910 the principal departments of the Government were: Colonial Secretary, Public Health, Attorney-General, Prisons, Native Affairs, Treasury, Audit, Customs, Post and Telegraph, Mines, Land, Surveyor-General, Agriculture and Public Works.

At the time of the Anglo-Boer War the principal official departments of the Transvaal Republic were as follows:

State Secretary, Commandant-General, Superintendent of Natives, State Attorney, Treasurer-General, Auditor-General, Superintendent of Education, Orphan Master, Register of Deeds, Surveyor-General, Postmaster-General, Mines, Telegraphs, Public Works, Inspector of Customs, Commissioner of

Railways, Prisons, Police, Printing, Government Assayer and Controller, Charters, Master of Supreme Court.

The office of the State Secretary comprised three sub-departments, namely, Interior, Foreign and Cabinet. This department was the most important and was really the medium between the Volksraad and Government with the other departments. It saw to the carrying out of all resolutions of the Volksraad, the executive and government. In 1896 a Department of Chief Inspector of offices was created. It functioned in a somewhat similar manner as the Public Service Inspectors of to-day. The State Attorney or his representative was Public Prosecutor, he was legal adviser to the State and dealt with, brought, or defended civil actions in which the Republic was concerned. The heads of departments were responsible to the Treasurer-General for all revenues received by them. The Treasurer-General paid out all audited accounts and prepared in January of each year a statement of revenue and expenditure which was presented to the Volksraad. At the end of each month he sent a copy of his cash-book of receipts and expenditure for the month, to the Auditor-General together with the supporting vouchers. Concession and charter money were paid direct to him and securities of Assurance Companies were deposited in the Treasury in terms of Act 12 of 1892. The Auditor-General checked all accounts of revenue and expenditure and every quarter rendered a statement which was published in the Staats Courant. The Treasurer-General and Auditor-General together with the head of the department concerned formed the Tender Board.

The duties of the Orphan Master or Weesheer were laid down by Act 12 of 1870. In his office death and wills were registered and estates, testate or intestate, administered. By resolution of the Volksraad in 1894 a Commission, consisting of the Orphan Master, the Auditor-General and the Registrar of Deeds, was appointed to invest inheritances not required within a year deposited in the Orphan Chamber. The investment of these funds—the Weeskamer Fonds—had to be on immovable property at 6 per cent. The Master of the Supreme Court had supervision of the administration of insolvent estates, the sale of immovables sold in execution of an order of the Supreme Court, and also in cases in liquidation. The activities of the Registrar of Deeds were laid down by Resolutions of the Volksraad and Registration Acts passed between 1866 and 1882.

The Public Works Department controlled all public and other government offices and institutions, bridges and main roads, etc. Its duties were very similar to what they are to-day. The office of the Government Commissioner for Railways dated from 1887.

From the foregoing it will be seen that the Transvaal Archives can be divided into three periods, namely, the time when small republics existed, the years of the South African Republic and the time from the Anglo-Boer War to the date of Union. In some cases the Archives of the minor republics are not complete, but from the years of the creation of the South African Republic the records are more complete. As in all countries which have suffered from wars, as well as the carelessness of officials, the documents are not so complete as might be desired. Officials had access to the records and very often took them out of their proper custody and never returned them.

In 1887 the State Secretary appointed a Commission of two officials to put the Archives of his department in order. These gentlemen did this out of office hours, and in 1897 the work was stopped. For the last ten years before the close of the Republican regime, much was done through the instructions of the State Secretary to bring the Archives of the Government into some state of order. In 1896 a Chief Inspector of Offices and six Inspectors were appointed and they greatly helped to bring order amongst the records of the various offices. In 1899 a Keeper of the Archives for the State Secretary's Department was appointed. It is clear that an effort was being made to preserve the records of the Republican regime and if events had not prevented it an Archives Department would have been created. Up to 1899 each Department was responsible for the preservation of its own records.

During the days of the Crown Colony a Keeper of the Archives was appointed in 1903; he also carried on the duties of Secretary of the Executive Council from 1907 to 1910. As can be well imagined, during the period of the three years war the records got in a state of chaos and some of them were destroyed. Shortly after Union the Keeper of the Transvaal Archives had the district records of the Transvaal, Free State and Natal centralised in Pretoria.

The Archives of the Transvaal are now housed in the vaults of the Union Buildings in Pretoria.

Reference has already been made to the fact that several small republics were established in the Transvaal. The

existence of these was not for many years as they finally became absorbed in the South African Republic. Generally speaking these republics had some form of stable government which in several instances was constituted on more or less the same plan.¹

Before the establishment of the South African Republic the early Voortrekkers had formed a republic in Natal. There are very few documents extant relating to this government. Except for the Resolutions of the Volksraad and a series of letters deposited with the records of the State Secretary of the South African Republic, and the volumes of "Volksraad Papers" in Maritzburg (*qv*), there is very little. This is to be regretted as there are so few official sources for the history of the Natal Republic. In the office of the Surveyor-General at Maritzburg were certain land papers of this period which have been transferred recently to the archives repository there.

There was a Legislative body, the Volksraad, which sat at Pietermaritzburg and was the highest authority. A member was chosen by the people, he had to be of the reformed religion, owner of immovable property and of unimpeachable character. No father and son or brother-in-law or son-in-law could sit in the Volksraad at the same time. Every burgher over twenty-one years of age had the right to choose three members. This body had jurisdiction over matters of war, finance, natives, public works, sale of land, concessions, pensions, etc., and was a Court of Appeal to judgments of the Courts of law. It had supervision over the civil service. The Executive Council consisted of the Commandant-General, Commandants, Field-Cornets, Landdrosts, Receiver-General, Registrar of Deeds, Orphan Master, Port Captain and a few subordinate civil servants.

The judicial administration was in the hands of the Landdrosts and Heemraden. The former were at first appointed by the Volksraad, but at a later date were chosen by the people. The Court of Landdrost and Heemraden also acted as a Matrimonial Court.

Up to 1849 Zoutpansberg, Ohrigstad, Potchefstroom and Magaliesberg, formed the districts of the Voortrekkers north of the Vaal. In 1849 when the various separate communities

¹ For the facts concerning the constitution of the separate republics, I am indebted to the work of Mr. P. L. A. Goldman, Archivist of the Transvaal Archives, Pretoria. See his recent publication "Beredeneerde Inventarissen van de oudste Archief. groepen der Zuid-Afrikaanse Republiek," 1927.

joined together under the "Vereenigde Band," "Vereenigde Band van het geheel Maatschappy aan deze zyde van de Vaalrivier," afterwards the South African Republic, Zoutpansberg stood out. It remained independent until 1852, after the signing of the Sand River Convention, when it joined the "Vereenigde Band" and became a district thereof.

The people of Ohrigstad joined the "Vereenigde Band" in 1849, in which year the township of Lydenburg was laid out. Lydenburg remained one of the districts of the Republic until 1856 when, owing to differences with the government, the Volksraad members of the district decided to secede and form an independent republic. The various districts in the Transvaal were notified of this action as well as the governments of the Cape, Natal and Free State. In 1860 it rejoined the South African Republic.

The form of government of the Republic Lydenburg was very similar to that of the South African Republic except that there was no President. There were legislative, executive and judicial bodies. In 1857 the Volksraad established an Executive Council which appears to have seen to the execution of all orders of the first named body. A government Secretary, who was Secretary of the Volksraad and Executive Council, was appointed. The Executive also drew up proposals of laws which were laid before the Volksraad. The civil service came under its supervision; it gave its fiat to sentences of the Court of Landdrost and Heemraden. The Landdrosts were chosen by the people and their appointments made by the Volksraad; they carried out the orders of the Executive Council under whose jurisdiction they stood. Amongst the other superior officials of the government were the Commandant-General, Commandants and Field-Cornets who were chosen by the people and approved of by the Volksraad.

From 1852 emigrants had settled at Buffel River and two years later purchased a piece of ground from Panda (original deed of sale extant). The boundaries lay between the Buffel and Blood Rivers and the southern limits of Lydenburg. This later on formed the district of Utrecht. Only a few papers remain of this settlement—called district of Utrecht or district of Buffel River as many were probably burnt during the Anglo-Boer War. Most of the information concerning it is to be obtained from the papers of the Republic Lydenburg and the Volksraad of the South African Republic. In 1854

and the following year an unsuccessful attempt was made to unite this settlement with the South African Republic. In 1856, when Lydenburg considered secession from the South African Republic and declared itself a separate Republic, Utrecht decided to unite with it. In 1858 an agreement to this effect was accomplished. The administration of Utrecht, before it lost its independence by joining Lydenburg, was in the hands of a Landdrost, four Heemraden, a Commandant and a Field-Cornet, for whom instructions were drawn up in 1855, when it was also decided to lay out a township and issue town regulations. Some of the laws of the South African Republic promulgated between 1848 and 1853 were adopted by the Republic of Utrecht. In 1859 it became a distret of the South African Republic.

In 1884 the Zulu Chief Dinizulu succeeded his father Cetewayo and the quarrels between other Zulu Chiefs and Cetewayo continued after the accession of Dinizulu to the Supreme Chieftainship. Many of the Zulu Chiefs fled to the eastern districts of the Transvaal. The farmers were thus constantly exposed to the inroads of these refugees. Dinizulu called in the help of the farmers, who formed a Committee which were prepared to assist him, restore and maintain order, provided they were given a piece of ground. This consisted of about 4,481 square miles of territory. The Committee made this known and invited volunteers to join them. Farmers from the Transvaal, Orange Free State and Natal joined the venture. A few weeks in the field brought the war to a close.

Availing themselves of the previous arrangement the farmers took possession of the ground granted and by a proclamation of the 16th August, 1884, a sovereign independent state under the title of the "New Republic" was declared and a protectorate over the remainder of Zululand beyond the Reserve. The South African Republic had nothing to do with the forming of the Company, which was an act of private individuals to provide for their own safety. The people of the New Republic did not trespass on the Native Reserve in Zululand so their action did not call for any interference by the British.

Those who settled in the New Republic were governed by a committee of administration chosen by their suffrage. On the 31st July, 1884, a constitution (original extant) was drawn up which provided for legislative and executive councils and a judiciary. The chairman of the Volksraad was chosen from among the members and the President, who had a casting vote, presided over the Executive Council. The President

was chosen by a majority of votes of the electorate for a period of three years and had supervision over all officials.

In 1888 by agreement between the New Republic and the South African Republic, the former was incorporated as a district of the latter and the archives, with a few exceptions, were taken over by the South African Republic and preserved in Pretoria.

In 1822 a small republic was formed along the western border of the Transvaal by volunteers who had gone to the assistance of two native chiefs then at war with each other. After peace had been declared between the contending chiefs and their followers, a large tract of land was allotted to the Europeans. To this ceded territory the name of Stellaland was given as at that time a great comet was visible. A township was laid out and called Vryburg which was the seat of government. For list of records see page 48.

Other two chiefs, also at war with each other, obtained the assistance of Europeans and after peace a tract of land of one of the chiefs given to the volunteers was called the Land Goosen (Land Goschen). In Stellaland and Goosen a form of government was established, and in 1885 a portion of Stellaland became incorporated with British Bechuanaland and a portion with the South African Republic. In the same year Land Goosen shared the same fate as Stellaland.

Between 1886 and 1891 a tract of land in Swaziland was occupied by a number of burghers of the Transvaal. A committee of three and a few Field-Cornets were appointed by the occupiers of the ground and instructions framed for carrying on the government. It was laid down that where no provision was made in the instructions the laws of the South African Republic were to apply. In 1891 this territory, known as the Kleinvrystaat, was incorporated in the South African Republic and made a ward of the district of Piet Retief. The records of the Kleinvrystaat were taken over by the Landdrost of that district and eventually sent to the State Secretary's Department at Pretoria.

During the period that the Transvaal was under British Sovereignty, 1877 to 1881, several deputations were sent from the people of the Transvaal to the British Government. Three deputies, the Driemanschap—Boere Voormannen—acted as intermediaries between the two parties. A record of the deputations sent and public meetings held by the Transvaalers was kept during this period. These records are now preserved in the Transvaal Archives:

A.—SEPARATE REPUBLICS.

1. **Natal Republic.**
Resolutions of the Volksraad, 1839-1845.¹
2. **Settlement of Zoutpansberg.**
Resolutions, correspondence, 1849-1852.
3. **Republic Lydenburg.**
Resolutions, correspondence, 1856-1860.
4. **Settlement of Utrecht (Buffel River).**
Resolutions and letters received, 1852-1858.
5. **Republic Land Goosen.**
Resolutions, correspondence, treaties, court cases,
1881-1885.
6. **Republic Stellaland.**
Letters, treaties (very incomplete), 1881-1885. See
Cape Province Archives, p. 48.
7. **Nieuwe Republiek (Vryheid).**
Resolutions, correspondence, treaties, court cases,
registers, 1884-1888.
8. **Kleinvrystaat.**
Resolutions, correspondence, treaties, court cases,
registers, 1886-1891.
9. **Papers of the Driemanschap or Boere Voormannen.**
Resolutions, treaties, correspondence, 1877-1881.

B.—SOUTH AFRICAN REPUBLIC.

1. **Eerste Volksraad.**
Resolutions, correspondence, finance, registers,
1838-1900.
Note after 1891 the Volksraad was divided into two bodies,
Eerste en Tweede Volksraad.

¹ See "Voortrekker Wetgewing—Notule van die Natalse Volksraad 1839-1845" met inleiding en aantekeninge van Gustav S. Preller," published by J. L. v. Schaik, Bepk., Pretoria, 1924.

2. **Tweede Volksraad.**
Resolutions, correspondence, finance, registers,
1891-1900.
3. **Executive Council.**
Resolutions, correspondence, finance, registers,
1857-1902.
4. **State Secretary.**
 - (i) Interior, correspondence, contracts, agreements,
finance, registers, **1829-1900.**
Note the first volume beginning with 1829 refers to matters
dealing with the Natal Republic. (See under Natal.)
 - (ii) Foreign, do., do., **1894-1900.**
 - (iii) Cabinet, do., do., **1859-1900.**
5. **State Attorney.**
Correspondence, finance, court cases, inquiries,
demands, registers, **1863-1900.**
The records of the following branches which came
under the control of the State Attorney:
Detective Force, **1895-1900.**
Police, **1891-1900.**
Prisons Department, **1890-1900.**
6. **Commandant-General.**
Minutes of Military Council, correspondence, war,
expenditure, finance, state artillery, and Red
Cross, **1876-1901.**
7. **Superintendent Native Affairs.**
Correspondence, native marriages, estates, contracts,
location commission, finance, registers, **1877-
1900.**
8. **Postmaster-General.**
Letters received, finance, registers, Postmaster-
General, **1889-1901.**
Chief Telegraph Department, registers, **1895-1900.**
9. **Chief Inspector of Offices.**
Correspondence, finance, registers, **1893-1900.**
10. **Inspector-General of Customs.**
Letters received, registers, **1895-1900.**

11. Railways.

State Commissioner of Railways, correspondence, finance, registers, **1888-1900.**

12. Auditor-General.

Correspondence, finance, registers, **1863-1900.**

13. Treasurer-General.

Correspondence, finance, registers, includes death dues and stamps, **1860-1900.**

14. Orphan Master.

Letters received, finance, registers, **1874-1900.**

15. Printing Office.

Director of Printing.

Letters received, finance, registers, **1895-1898.**

16. Education Department.

Superintendent of Education.

Correspondence, reports, finance, registers, **1865-1900.**

Council of Examiners.

Resolutions, correspondence, finance, examination papers, registers, **1886-1900.**

17. Public Works Department.

Correspondence, contracts, inventories, registers, **1887-1900.**

Road Superintendent.

Correspondence, contracts, finance, registers, **1896-1900.**

18. Government Assayer and Controller.

Correspondence, finance, registers, **1892-1900.**

19. Landdrosts.

After Union the various Magisterial records of the Transvaal, Free State, and Natal were centralized in the Archives at Pretoria. Those of the Free State have been sent to Bloemfontein and the Natal records are now in Maritzburg. The records of each district comprise for the most part correspondence, judicial cases, financial papers and registers.

i. Transvaal Landdrosts.

- Barberton, 1886-1905.
 Bethal, 1884-1913.
 Bloemhof, 1864-1900.
 Boksburg, 1891-1907.
 Carolina Register, 1868-1900
 Ermelo Register, 1872-1902.
 Germiston, 1900-1909.
 Heidelberg (includes records of Civil Commissioner), 1859-1900.
 Johannesburg, 1886-1900.
 Klerksdorp, 1878-1901.
 Krugersdorp, 1888-1900. (No Letters Inwards.)
 Lichtenburg, 1879-1907. (No Correspondence—before 1878.)
 Lydenburg, 1849-1900.
 Marico (Zeerust), 1864-1900.
 Middelburg, 1875-1910.
 Piet Retief, 1892-1899. (One register.)
 Potchefstroom, 1850-1909. (Includes records of Civil Commissioner.)
 Pretoria, 1857-1907. (Includes records of Civil Commissioner.)
 Rustenburg, 1880-1909.
 Standerton, 1878-1899.
 Utrecht, 1863-1900.
 Vryheid, 1888-1900.
 Wakkerstroom, 1865-1910.
 Waterberg, 1869-1899.
 Wolmaranstad, 1900. (Letters Outwards.)
 Zoutpansberg, 1885-1900.

ii. Orange Free State Landdrosts.¹

- Bethlehem, 1871-1905.
 (Reitz), 1902-1909.
 Bethulie, 1860-1903.
 Bloemfontein, 1849-1905.
 Boshof, 1852-1909.
 Fauresmith, 1902-1907.
 (Jagersfontein), 1876-1912.
 Ficksburg, 1885-1908.

¹ These have all recently been transferred to the Archives at Bloemfontein.

(Fouriesburg), 1903-1907.
 Harrismith, 1858-1900.
 Heilbron, 1892-1897. (Notarial Deeds.)
 Hoopstad, 1894-1911.
 (Bultfontein), 1881-1906.
 Jacobsdal, 1893-1904.
 Kroonstad, 1902-1913.
 Ladybrand, 1873-1907.
 Lindley, 1902-1905.
 Phillipolis, 1862-1906.
 Rouxville, 1871-1907.
 Smithfield, 1850-1905.
 Thaba 'Nchu, 1884-1905.
 Vrede, 1890-1911.
 Vredefort (Parys), 1902-1909.
 Wepener, 1883-1920.
 Winburg, 1848-1914.

20. Accessions.

For papers and miscellaneous records given to or purchased by the Archives see Mr. Goldman's "Beredeneerde Inventarissen," pp. 11-12.

**C.—MILITARY RULE, CROWN COLONY,
 RESPONSIBLE GOVERNMENT.**

- 1. Legislative Council.**
 Resolutions, 1902-1910.
- 2. Executive Council.**
 Resolutions, correspondence, 1901-1910.
- 3. Military Governor.**
 Correspondence, finance, 1900-1902.
- 4. Governor, Transvaal.**
 Correspondence, 1902-1907.
- 5. Lt.-Governor.**
 Correspondence, oaths, 1901-1910.
- 6. Secretary Transvaal Administration.**
 Correspondence, oaths, 1900-1906.
- 7. Prime Minister.**
 Correspondence, oaths, 1907-1910.
- 8. Commissions of Enquiry.**
 Papers of various Commissions of Enquiry, 1900-1908.

PART IV.

**ARCHIVES OF THE ORANGE
FREE STATE PROVINCE.**

IV.—ORANGE FREE STATE ARCHIVES.

The early histories of the Republics of the Orange Free State and Transvaal and the Colony of Natal are interwoven with each other. They are connected with the trek of the Emigrant Farmers who left the Cape Colony in or about the year 1836. In 1848 the Governor of the Cape Colony issued a proclamation declaring the territory between the Orange and the Vaal Rivers eastward to the Quathlamba Mountains to be under the Sovereignty of the Queen of Great Britain. This did not meet with the approval of the majority of the farmers and large numbers moved northwards into the Transvaal. Bloemfonten was made the seat of Government where the British Resident, Major Henry Douglas Warden, was to reside. In the absence of the High Commissioner he was to be the chief authority.

A Land Commission was appointed whose first duty was to divide the Sovereignty into three districts. It was to inspect, register each farm for the quitrent payable, and issue certificates; it was also finally to settle complaints by natives as to land. The farms were held under military tenure. Over the two new districts, Winburg and Caledon River, Civil Commissioners and Resident Magistrates were placed and the British Resident, in addition to his other duties, acted as Civil Commissioner and Resident Magistrate of Bloemfontein.

In 1849 regulations for the new territory were issued. A Legislative Council was created consisting of the British Resident, four Magistrates, *i.e.*, for Bloemfontein, Winburg, Smithfield and Harrismith, and two unofficial members for each district, who were nominated from amongst the land-owners of the district. It had power to make laws, a veto on these being vested in the High Commissioner. The natives came under their own laws, but were subject to the European law for acts done outside the reserves. A criminal court was established which consisted of three magistrates sitting together; prior to this criminals charged with serious offences had been sent to Colesberg in the Cape Colony for trial by a Judge of that colony.

In 1854 British Sovereignty was withdrawn and the independence of the country was recognised by Great Britain. In March, 1854, at the request of the provisional government, the elected representatives of the people met in Bloemfontein to frame a constitution. The Government of the Orange Free State Republic¹ consisted of a President, assisted by an Executive Council and a Volksraad or Legislative Council. The President, who was elected by the burghers of the state, had the power to declare war or make peace with the consent of the Volksraad. He could appoint officers when the Volksraad was not in session, but this required ratification. All the Government departments came under his authority and he could propose laws and join in the debates of the Volksraad but had no vote or veto. He controlled everything in connection with the public service but was responsible to the Volksraad, to which body an appeal lay against any of his acts. The Executive Council, to advise and assist the President, consisted of the Landdrost of Bloemfontein, the Government Secretary and three unofficial members chosen by the Volksraad. The latter could try the President for High Treason, bribery and other high demeanours but had to decide on his condemnation by three votes to one. If the President died, resigned before his term of office expired or was dismissed, the Volksraad had the power to appoint a single individual or a committee to act until his disability ceased or an election could be held.

The Roman-Dutch law was laid down as the common law of the Republic. Justice was administered by the High Court which was to consist of a Chief Justice and two judges who had to be Doctors of Laws or Advocates of seven years standing. In the country districts the administration of justice was in the hands of the Landdrosts appointed by the Volksraad; they took the place of the former Civil Commissioners and Resident Magistrates and were assisted by two Heemraden in judicial matters. Each ward into which every district was divided, elected its Field-Cornet who performed partly civil and partly military duties. In time of war he had to summon the burghers of his ward to arms and take control of them and the burghers of each district chose their own commandant. Only in case of war did the Commandants and Field-Cornets appoint a Commandant-General who received his orders from the President.

¹ See "Wetboek, O.V.S." and "Notulen van den Hoog.Ed. Volksraad."

The Civil Service of the Orange Free State comprised the following departments:—

The Government Secretary, Treasurer-General, Administrator of Funds, Surveyor-General, State Attorney, Auditor-General, Postmaster-General, Registrar of Deeds, Orphan Master, the various Landdrosts, Inspector of Public Diggings, Inspector of Public Works, Director of Telegraphs, and Superintendent of Education. The Government Secretary, who was member of the Executive, came immediately under the orders of the President who regulated and laid down his duties. Heads of departments, subject to the approval of the President, regulated the duties of the staff under their control.

The direction of public education was entrusted to a Superintendent of Education assisted by one or more School Inspectors. He had to report annually to the Volksraad on the state of education which report was published separately. At least once a year Government schools had to be inspected by the Superintendent or an Inspector. The Superintendent of Education controlled the inspectors, teachers, members of school commissions and others entrusted with teaching and had to see that they executed their duties.

The Orphan Master saw to the proper administration of the estates of deceased persons whose property was in the Free State and kept a watchful eye over the interests of minor heirs. In his office a Register of Deaths was kept. In case of an intestate estate he appointed an executor dative after a meeting of the next of kin had been held.

In 1900 the Republic was annexed by Great Britain and an Administrator appointed to carry on the Government. On the signing of peace in 1902 between Great Britain and the two Northern Republics Crown Colony Government was established which continued until 1907 when responsible government was granted.

ORANGE FREE STATE PROVINCE.¹

A.—ORANGE RIVER SOVEREIGNTY.

Legislative Council.

(a) Minutes of Proceedings, 1849-1852.²

(b) Letter Book of Major Warden, 1847-1851.

¹ For further particulars see p. 41.

² Contains rules and order of proceedings of the Council.

B.—ORANGE FREE STATE REPUBLIC.**1. Volksraad.**

- (a) Minutes of Proceedings, etc., **1854-1880.**
- (b) Draft Minutes of Proceedings, **1863-1896.**
- (c) Resolutions, **1854-1899.**
- (d) Secretary's memoranda, letters, etc., **1858-1898.**
- (e) Letters, petitions, etc., **1854-1899.**
- (f) Original Ordinances, **1887-1879.**
- (g) Voting Papers, **1858-1887.**

2. Executive Council.

- (a) Minutes of Proceedings, **1855-1900.**¹
- (b) Draft Minutes of Proceedings, **1867-1900.**
- (c) Annexures Minutes of Proceedings, **1897-1900.**
- (d) Resolutions, **1885-1900.**
- (e) Letters received, **1866-1878.**
- (f) Letters despatched, **1873-1878.**
- (g) As Court of Appeal, **1856-1872, 1897-1900; Minutes, 1856-1864.**

¹ Wanting 1893-1898. See draft minutes.

3. Government Secretary (¹)

- (a) Letters received.

By the President, **1896-1898.**

From the various Landdrosts as under:—

- Bethlehem, **1861-1897.**
- Bethulie, **1860-1897.**
- Bloemfontein, **1854-1897.**
- Boshof, **1860-1897.**
- Caledon River, **1855-1897.**
- Fauresmith, **1854-1897.**
- Ficksburg, **1891-1897.**
- Harrismith, **1854-1897.**
- Heilbron, **1878-1897.**
- Hoopstad, **1882-1897.**
- Jacobsdal, **1861-1897.**
- Kroonstad, **1860-1897.**

¹ The records of the President were filed in the Government Secretary's Department. In addition to those given as received or despatched by the President, which have been so filed, for certain periods, others will be found bound with the Secretary's.

Ladybrand, **1871-1897.**
 Moroko (Thaba 'Nchu), **1862-1897.**
 Phillipolis, **1861-1897.**
 Rouxville, **1871-1897.**
 Vrede, **1889-1897.**
 Wepener, **1884-1897.**
 Winburg, **1854-1897.**

From the following departments:

Education, **1873-1897.**

Judges, **1877-1897.**

Posts and Telegraphs, **1873-1897.**

Public Works, **1881-1897.**

Railways, **1888-1897.**

State Attorney, **1875-1897.**

Various—includes departments, foreign¹ (neighbouring governments) and general, **1854-1897.**

From other Governments.²

Basutoland, **1869-1897.**

Cape Colony: High Commissioner, **1864-1895.**

Cape Colony: Government of, **1876-1897.**

Foreign (including the Cape Colony), **1854-1897.**

Natal, **1866-1897.**³

South African Republic, **1861-1897.**

Consular correspondence and reports:

Belgium, **1875-1897.**

England, **1873-1897.**

France, **1882-1897.**

Germany, **1874-1897.**

Holland, **1875-1897.**

Italy, **1891-1896.**

Portugal, **1888-1897.**

United States, **1873-1897.**

¹ Letters from Magistrates and other officers of the Cape Colony, for instance, will be found herein.

² Letters previous to years given will be found with those under Various referred to above.

³ The volume containing the years 1869-1870 has papers and award of Lt.-Governor Keate of Natal on the boundary question between the O.F. State and S.A. Republic.

Miscellaneous:

- Basutoland (Boundaries, Thefts, Disputes, Wars, etc.), **1858-1882.**
 - Griqualand West (Controversy *re* Boundary and Diamond Fields Disputes), **1863-1882.**
 - Moroko (Baralong Controversies), **1880-1885.**
 - Rinderpest Reports, etc., **1896-1897.**
 - S.A. Republic, **1857-1865.** (Dealing mostly with Boundary Questions.)
 - Witzies Hoek Commandant, **1880-1897.**
 - Miscellaneous, **1854-1899.**
- (b) Letters despatched.
 - By the President, **1854-1900.**
 - By the Government Secretary to departments, landdrosts, foreign and general, **1854-1900.**
 - (c) Telegrams received.
 - By President and Government Secretary, **1885-1897.**
 - (d) Telegrams despatched, **1880-1900.**
 - (e) Licences.
 - Commercial Licences issued, **1877-1900.**
 - Marriage Licences issued, **1868-1899.**
 - (f) Land Commission: Papers dealing with boundary questions.
 - (g) Treaties: Conventions, Agreements, etc. These include treaties with Natives, with European powers, neighbouring Colonies and the S.A. Republic; Railway, Postal and Customs Conventions with adjacent territories.

4. State Attorney.

- (a) Letters received and despatched, **1856-1900.**
- (b) Criminal cases before the Circuit Court, **1855-1899.**

5. Treasurer-General.

- (a) Correspondence, financial statements, returns, etc., **1855-1899.**
- (b) Returns of dues received and expenditure Registrar of Deeds, **1856-1890.**

6. Auditor-General.

Correspondence, financial statements, queries, monthly returns sent in by Landdrosts, rolls, pay-sheets of the Artillery, **1858-1900.**

7. Administrator of Funds.

Registrations and receipts, **1880-1899.**

8. Landdrosts.

See under Transvaal p. 76.

**C.—MILITARY RULE AND CROWN COLONY,
1900-1907.****1. Military Rule.**

Military Rule includes lists of prisoners of war, Oaths of Allegiance, etc., **1900-1902.**

2. Crown Colony.

(i) Legislative Council—Minutes, Papers, etc., **1901-1907.**

(ii) Colonial Secretary—(a) Correspondence, **1901-1907.**

Papers of 1905 and before and portion of 1906 with index up to 1905 were burnt in the fire at the Government Offices in 1908.

(b) Letters Patent, Commissions and Royal Instructions, relate to appointment of a Governor and provide for the establishment of Responsible Government.

APPENDIX.

APPENDIX I.

ACT

To make provision for the custody and control of the public archives of the Union.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. The chief archivist, under the direction of the Minister, shall have the care, custody and control of the public archives in every archives depôt, and shall advise any Government department with reference to care, custody and control of the public archives remaining in the custody of such department. Chief Archivist.
2. The chief archivist, with the approval of the Minister, may acquire all such original records, documents and other things as he may deem necessary or desirable to secure for the public archives, or he may acquire copies or replicas thereof, and he may pay for the same, or for the transcribing, binding and repairing thereof, out of such moneys as are voted by Parliament for the purposes of the public archives. Chief Archivist may acquire documents, etc.
3. The public archives which are no longer required by the various Government departments for administrative purposes shall be transferred periodically to archive depôts. For the Union public archives the depôt shall be at the seat of government of the Union, and for the provincial public archives of any province the depôt shall be at the seat of the provincial administration. Creation of archives depôts.
4. Public archives shall, subject to regulations, be made accessible to the public: Provided that the chief archivist may, in his discretion, withhold access to any particular document or a document relating to any particular event, subject always to the right of the person desiring access to such document to appeal to the Minister, whose decision shall be final. Public archives available for public use.

Archives commission. 5. An archives commission may be appointed by the Minister, the functions of which shall be—

- (a) to recommend to the Minister the steps necessary for the custody and improvement of the collection of public archives in the Union;
- (b) to recommend to the Minister from time to time what steps are considered desirable in connection with the collection, preservation and distribution of all written matter, public or private, bearing on the history and records of South Africa;
- (c) to recommend to the Minister what steps are considered desirable for the encouragement of historic record;
- (d) to supervise the publication of any portion of the public archives, authorized by the Minister to be published; and
- (e) to report from time to time, but at least once a year, the proceedings of the commission.

Regulations. 6. The Governor-General may make regulations, not inconsistent with this Act, prescribing—

- (a) the admission of the public to archives dépôts, and the inspection by the public of the public archives;
- (b) the steps to be taken for the examination and disposal of valueless records;
- (c) the transfer of any public archives from the custody of any Government department having control thereof to an archive dépôt;
- (d) the procedure to be followed at or in connection with the meetings of the archives commission,

and generally for the better carrying out of the objects and purposes of this Act.

Interpretation of terms.

7. In this Act, unless inconsistent with the context—

- “ archives dépôt,” means any place in which at the commencement of this Act any public archives are kept, or any place to which any public archives may thereafter, with the approval of the Minister, be transferred;
- “ Minister ” means the Minister of the Interior or any other Minister to whom the Governor-General may assign the administration of this Act;

“ the public archives ” means all such public records, documents and other historical material of every kind, nature and description as are in the custody of any of the public departments, whether of the Union Government or of any provincial administration, or as have already been transferred to an archive depôt; but the expression “ the public archives ” does not include any document which, under the provisions of any other law, is to be kept in the custody of any particular officer;

“ the Union public archives ” means public archives formed by the various departments of the Union Government since the date of the establishment of Union;

“ the provincial public archives ” means public archives formed by any provincial administration since the date of the establishment of Union, and includes the public archives prior to such establishment, of the Governments of the colonies which now constitute the provinces of the Union.

8. This Act may be cited for all purposes as the Public Archives Act, 1922, and shall commence and come into operation on the first day of July, 1922. Short title.

APPENDIX 2.

* No. 1195.]

[23rd July, 1923.

His Royal Highness the Governor-General has been pleased, under the provisions of section *six (a)* of the Public Archives Act, 1922 (Act No. 9 of 1922), to approve of the following regulations governing the admission of the public to archives depôts and the inspection by the public of the public archives.

RULES AND REGULATIONS RESPECTING THE PUBLIC USE OF THE ARCHIVES IN THE UNION OF SOUTH AFRICA.

1. Public Archives of the Union of South Africa, up to and including the year 1885, shall be made available to the public as from the 1st July, 1922, the date of promulgation of the

Public Archives Act, 1922, and every year after that date the public archives for a further complete period of one year shall be made so available.

A searcher desiring access to documents of later date, may, however, make application, through the officer in charge of the archives, to the Minister concerned for permission to inspect them.

2. Archives dépôts will be open between the hours of 9.15 a.m. and 1 p.m., and 2 p.m. and 4.30 p.m. on weekdays, and 9.15 a.m. and 12 noon on Saturdays, on all days when the public offices are open for business. No document shall be fetched from the repository after 4 p.m. on weekdays and 11.30 a.m. on Saturdays.

3. Every person making use of the records for research purposes shall write his or her name, occupation, and full address, daily, in a book to be kept for the purpose.

4. Every person desiring to inspect or search any record or document shall give a separate ticket, clearly written and signed, for each document or record required, and such ticket shall be given to the officer in charge of the room before any record or document can be produced to the applicant. A fresh ticket daily, or a ticket bearing the words "Kept out," shall be required for every record and document retained in the search-room from one day to another for the convenience of any searcher.

5. Records and documents, when no longer required by the person to whom they have been produced, shall forthwith be returned to the officer in charge of the room, or to an attendant, who shall give in exchange the tickets referring to them, and every person shall be held responsible for the records or documents issued to him as long as his ticket shall remain in the possession of an official of the Archives.

6. No person shall be allowed more than three records or documents simultaneously at any time except by special permission of the official in charge.

7. Records or documents of exceptional value and those in fragile condition shall be produced singly, or may be withheld, or produced subject to such conditions as the official in charge shall, in the particular case, think necessary for their safety and integrity.

8. The greatest care must be exercised in handling all books and documents. No person shall lean upon any records, documents, or books belonging to the Archives, or place upon them the paper on which he or she is writing. In case a reader desires to follow with his finger the passage he is copying, he must put a slip of paper under his hand; his uncovered hand must not rest on the manuscript. No person shall touch the manuscript or page he is copying with the hand in which he holds his pen, nor shall he put the manuscript or volume between the inkstand and paper on which he is working. As a general rule, the books, while in use, shall be placed upon book-rests.

9. Should any person using the records stain any manuscript, he shall report the matter at once to the officer in charge, and should he see a stain of recent date he should likewise report it, in order to clear himself of the responsibility. It is requested that any defect in, or damage to, a manuscript or volume be pointed out to the officer in charge.

10. No person shall make any mark in pencil or otherwise upon any record, document, or book belonging to the Archives.

11. Tracings or photographs of records or documents shall not be made by any person without specific permission from the Keeper of the Archives or his deputy, and then only in a manner approved by him, and under his supervision.

12. Records, documents, or printed books belonging to the Archives shall not be removed from the shelves except by one of the officials in charge; and no person shall be permitted, under any circumstances, to enter the repository except he be accompanied by an official of the Archives department.

13. No person using the Archives shall remove any record or document from one room to another without specific permission of the officer in charge. Subject to the provisions of regulation No. 15, no record or document shall be taken outside the archives dépôt without authority, such authority being a competent Court of Law or the Minister of the State department entrusted with the charge of the Archives.

14. The fees payable for searches and copies of documents shall be such as are set forth in Government Notice No. 1573

of 27th November, 1918. Students shall be permitted to make researches and copies free of charge for literary or scientific purposes, upon their stating clearly the scope of their studies.

15. Documents may be temporarily transferred from one archive dépôt to another for purposes of historical research in cases where the keeper is satisfied that the document is not otherwise available, and that the searcher cannot go to the dépôt in which the document is permanently housed. The expenses involved in such transfer shall be payable by the searcher, and a deposit to cover such expenses shall be obtained from him before the transfer is made.

16. Every person who makes use of the Archives shall forward for the use of the archive dépôt in which search was made one or more copies, at the discretion of the keeper, of every work published from material supplied by documents produced to him in that dépôt.

17. No umbrellas, sticks, or bags shall be taken into the search-room, and no parcels shall be placed upon the tables.

18. Silence shall be maintained in the search-room.

19. Smoking and the lighting of matches shall be prohibited in any place where documents are stored or handled.

20. The official in charge of the search-room shall be empowered to exclude any persons for any of the following reasons:—

Wilful breach of any of the foregoing rules and regulations; persistent disregard of the authority of an Archives official; damage of any sort to any record or article belonging to the Archives; conduct, language, habits, unseemly dress, or any other matter offensive or likely to be reasonably offensive to others using the Archives; provided always that the exclusion of any person and the cause thereof shall be notified in writing by the official concerned to the keeper, who shall inquire into the circumstances, and whose order, unless reversed by the Minister, shall be final.

21. Any infringement of these regulations may entail the suspension or withdrawal of permission to work in the Archives.

APPENDIX 2 (a).

Form required to be filled in in terms of paragraph 4 of Rules and Regulations respecting the public use of Archives.

UNION ARCHIVES.

1. Permission to use the Search-room *will be withdrawn from any person* who shall write or make any marks on any part of a printed book, manuscript, document, or map belonging to the Archives.

2. Searchers are responsible for the books, etc., so long as the tickets remain unclaimed.

Collection.	No. in List or Inventory.	Document.	For official use only.

For historical, genealogical, general, or private research

.....

Signature..... Date.....

Please read the instructions on the back of this ticket.

SEARCHERS ARE PARTICULARLY REQUIRED:

1. To replace on the shelves of the Search-room, as soon as done with, such books of reference as they may have had occasion to remove for the purpose of consultation.

2. To give a separate ticket, clearly written and signed, for each document or record required.

3. Before leaving the room, to return the books for which they have given tickets of application to the officer in charge and reclaim the tickets.

APPENDIX 3.

No. 1573.]

[27th November, 1918.

His Excellency the Governor-General-in-Council has been pleased, under the provisions of section *thirty-four* of the Stamp Duties and Fees Act, 1911 (No. 30 of 1911), to approve of the imposition of the following scale of fees for searches and copies of documents in the Archives of the Union, in lieu of the existing charges in the respective Provinces:—

1. For a search, whether successful or not, 1s. for each year searched, which fee includes extracts or copies if made by the applicant personally.
2. For extracts or copies made by Department, 1s. per folio of seventy-two words, with a minimum of 5s., excluding search fee payable.
3. For extracts of copies certified as correct, 2s. 6d. per document, in addition to charges under items 1 and 2.

Fees under No. 1 to be denoted by revenue stamps affixed to a fee book and cancelled, and particulars entered therein by Keeper of Archives.

Fees under Nos. 2 and 3 to be denoted by revenue stamps affixed to documents, cancelled, and particulars entered in fee book by Keeper of Archives.

No fees to be charged under No. 1 when searches or copies are made by applicant for historical purposes.

APPENDIX 4.

*No. 2279.]

[17th December, 1926.

His Excellency the Governor-General has been pleased, in terms of section *six* of the Public Archives Act, 1922 (Act No. 9 of 1922), to approve of the following regulations in connexion with the examination and disposal of valueless records, and the transfer of public archives from the custody of government departments or provincial administrations to archives depots.

REGULATIONS REGARDING THE DISPOSAL OF
VALUELESS RECORDS, AND THE TRANSFER OF
PUBLIC ARCHIVES TO ARCHIVES DEPOTS.

1. A committee shall be appointed to inquire into and report upon the disposal of valueless records. The committee shall consist of three members, and shall be constituted as follows:—

- (1) The Chief Archivist or his deputy, who shall act as chairman and convener.
- (2) A member approved by the Minister on the recommendation of the Archives Commission. Such member to be appointed to act either specially for a specified investigation, or generally for a specified time, as the Minister may determine.
- (3) (a) When documents of any government department or provincial administration not in an archives depôt are under consideration, an officer nominated by the head of that department or provincial administration as being specially conversant with the records.
(b) When documents in an archives depôt are concerned, a person appointed by the Minister after consultation with the Chief Archivist.

2. For presentation to this committee there shall be prepared departmentally, with such particularity as may be reasonably feasible, a schedule of the documents or classes of documents proposed to be disposed of, which shall contain such particulars regarding the character and contents thereof as will facilitate a decision as to the desirability or otherwise of disposing of them.

3. The committee shall take every precaution to guard against the inclusion in the schedules of any document which can reasonably be considered as of historical, genealogical, or antiquarian use or interest, or which gives any important information not to be obtained elsewhere, and may amend the schedule for that purpose.

4. The schedule of documents and records to be disposed of, together with a report of the grounds on which disposal is recommended, shall, when such schedule refers to public archives already in an archives depôt, be submitted to the Minister for approval, and when such schedule refers to documents of any government department or provincial administration not in an archives depôt, to the Minister of the Department or the Administrator of the Province concerned for approval.

5. When such approval has been signified, a notice shall be inserted in the *Gazette* under the signature of the permanent head of the Department of the Interior setting forth an intimation that it is proposed to destroy the documents set forth in the schedule, copies of which shall lie for inspection for sixty days at each archives depôt.

6. After the lapse of sixty days from the issue of such notice, if no objection has been raised, the necessary steps shall be taken by the department or the provincial administration for the effective destruction of the records referred to in the schedule. In the event of an objection being lodged, the Minister will decide on the matter.

7. Notwithstanding the above provisions, the Archives Commission may approve of schedules of documents of an ephemeral nature which may be destroyed by the department or provincial administration concerned without reference to the committee.

8. Public archives of an age of thirty years or more shall be transferred to an archives depôt upon an order signed by the Minister of the Department or the Administrator of the Province concerned.

9. Such archives shall be accompanied by an inventory in duplicate setting forth particulars of the documents so transferred, one copy to be retained in the archives depôt and the other in the depositing department.

10. It shall be the duty of the officer in charge of departmental records to see that the public archives are transferred to an archives depôt periodically in manner provided for in these regulations.

APPENDIX 5.

LIST OF PUBLICATIONS RELATING TO DOCUMENTS
IN THE CAPE ARCHIVES.

D. MOODIE.

The record of a series of official papers relative to the conditions and treatment of the Natives of South Africa. Published 1838.

- Part I., **1649-1720.**
- „ II., **1769-1795.**
- „ III., **1808-1819.**

List of documents relating to Kafirs, **1737-1812**, published 1836.

List of documents relating to Bushmen, **1769-1812**, 1836.

G. McCALL THEAL, LL.D., LITT.D.

Catalogue of Documents from 16th September, **1795**, to 21st February, **1803**, in the Collection of Colonial Archives at Cape Town, 1880.

Abstract of the Debates and Resolutions of the Council of Policy at the Cape, from **1651** to **1687**, 1881.

Belangryke Historische Dokumenten verzameld in de Kaap Kolonie en elders. 1896.

Volume I. Instructie van den Commissaris-Hendrik Adriaan van Reede, **1685**. Verscheidene dokumenten betrekking hebbende tot den oproermaker Estienne Barbier, **1739**. Reis van den Gouverneur Joachim van Plettenberg, **1778**.

Volume 2. The Antiquity of Man in South Africa. Bushman Paintings. Reis naar Delagoa Baai in **1688**. Reisen naar Inhambane in **1732** en **1733**. Reis van den Vaandrig Beutler, **1752**. Reis naar Inhambane, **1770**.

Volume 3. Published 1911. This volume contains copies of documents in Europe. The following is in the Archives: Dagverhaal der Reis en Verrichtingen van leden uit de Commissie van Veeteelt en Landbouw in de beide Roggeveld, den Hantam, enz.

Records of Cape Colony, **1793** to **1827**, in 35 volumes. Volumes 1 to 5 contain the period **1793** to **1806**.

REV. H. C. V. LEIBBRANDT.

Precis of the Archives " Series.¹

The Defence of Willem Adriaan van der Stel, 1897.

Resolutiën van den Commandeur en Raden van het Fort de Goede Hoop, **1652-1662.** 1898.

Journal, **1651-1662**, 3 volumes. 1897.

Journal, **1662-1670.** 1901.

Journal, **1671-1674** and **1676.** 1902.

Journal, **1669-1732.** 1896.

Letters Received, **1649-1662.** 1898.

Letters Received, **1649-1662.** 1899.

The last two volumes contain a transcript of the original Dutch with an English translation. Volume 2 also contains the following: Instructions left by the Hon. Ryckloff van Goens, Sr., **1657**; Memorandum by Joan Cuneus for the Hon. Commander Johan van Riebeeck, by which he shall regulate himself for the future, 18th March, **1658**; Memorandum by Pieter Sterthemius for the same, to serve for his guidance until further orders from Home, 12th March, **1660**; Report of Commissioner Ryckloff van Goens, 16th April **1657**; Report of Commissioner Ryckloff van Goens, 27th March, **1657**; Report of Commissioner Andries Frisius, 4th July, **1661**; Proclamations issued by Commander Johan van Riebeeck and Council, 9th April, **1652**, to 18th December, **1661.**

Letters Received, **1695-1708.** 1896.

Letters Despatched, **1652-1662.** 3 Volumes, Dutch and English. 1900.

Volume 3 also contains the following: Van Riebeeck's Instruction for Commander Z. Wagenaer; Memorandum of conditions made with the Freemen, **1657**; Letters of Freedom, **1657-1662**; List of Freemen, **1660-1662**; Muster Roll of the officers, soldiers and sailors at the Fort the Good Hope, **1656-1662**; List of persons who died in the Fort Good Hope, **1655-1662**; Title Deeds issued, **1657-1662**; Journal to Tristan da Cunha, **1655-1656**; Attestations, Declarations and Affidavits, **1652-1665.**

¹ The Revd. Mr. Leibbrandt had prepared a precis of the archives of later dates than those printed. These are now in manuscript in the Cape Archives.

Letters Despatched, **1696-1708.** 1896.

Requesten or Memorials, A—E, **1715-1806.** 1905.

Requesten or Memorials, F—O, **1715-1806.**¹ 1906.

In Volume 1 of this series it is stated that some of the years are missing. From 1792 all Requesten or Petitions were bound with "Bylagen" or Annexures, which fact had probably been overlooked.

A. VAN PALLANDT.

General remarks on the Cape of Good Hope, **1803.**
Translated from the French and printed for the Trustees, S.A. Public Library, 1917.

THE VAN RIEBECK SOCIETY.

The following documents in the "Cape Archives" have been printed by the above Society:—

The reports of Chavonnes and his Council, and of van Imhoff on the Cape. V.R.S. Publication Vol. 1, **1918.** (original and translation.)

The memorandum of Commissary, J. A. de Mist, **1802.** V.R.S. Publication Vol. 3, **1920.** (original and translation.)

In Volume 5, published **1924** are to be found:

Instructiën door Gouverneur Simon van der Stel, 30th March, **1699.**

Instructiën door Commissaris Cornelis Joan Simons, 19th April, **1708.**

C. GRAHAM BOTHA.

A Brief Guide to the various classes of documents in the Cape Archives, **1652-1806,** Cape Town, **1918.**

DR. G. W. EYBERS, M.A.

Bepalingen en Instructiën voor het Bestuur van de Buiten-districten van Kaap De Goede Hoop, **1805.**

Uitgegeven door het Historisch Genootschap, Utrecht, **1922.**

Kaapse Archiefstukken, **1778.** Uitgegeven onder toezicht van de Kommissie van Uniearchieven, **1926.**

¹The manuscript of letters P—Z is in the Archives.

APPENDIX 6.

TRANSCRIPTS OF DOCUMENTS IN EUROPE IN THE
CAPE ARCHIVES.

From the British Museum, India Office and Public Record Office, London.

Extracts from letters concerning the call of ships of the English East India Company and dealings at the Cape, **1608-1632.**

Letter from J. Maxwell to Rev. Dr. Harris giving an account of the Cape, **1706.**

Memorial concerning the Cape Colony by A. E. van Braam Houckgeest, **1789.**

Correspondence from John Pringle to Directors of English East India Company, **1795-1803.**

Account of the conquest of the Cape, Lt.-Colonel Wilson, **1806.**

Description of the Cape by Lt.-Colonel Wilson, **1806.**

In Holland.

Extracts from the resolutions of the States General, **1688.**

Extracts from the resolutions of the Chamber of Seventeen, **1616-1690.** Several of these between **1685** and **1688** refer to the sending out of the French Refugees to the Cape.

Journal van Hendrik Adriaan van Reede, **1685.**

Verhaal van de overgave van de Kaap de Goede Hoop aan de Engelschen, **1795.**

Memorie en byzonderheden wegens overgave der Kaap de Goede Hoop, **1795.**

Overgave van de Kaap de Goede Hoop, **1806.**

I had photostat copies made of the following documents relating to the Cape in the Algemeen Ryksarchief, The Hague, and the State Library, Berlin.

In the Algemeen Ryksarchief, The Hague.

Annotatiën en Remarques op het Caabse Gouvernement, J. W. Cloppenburg, **1767.**

Journal van myn reys van 23 September tot 16 November, **1768.** J. W. Cloppenburg.

Memorie over de Kaap de Goede Hoop, **1805,** W. S. Ryneveld.

Brief van R. G. van Polanen over de Kaap, **1804.**

Plan ter verbetering van het inwendig bestier van de Colonie, **1801.**

Gedagten en consideratiën omtrent eenige vraagpoincten betrekkelijk De Cabo de Goede Hoop, **1789.**

Nachrichten der Ostlichen Kaffern, F.V.W., **1789.**

Journal Landtogt door Hk. Swellengrebel, **1776,** Pr. Cloete.

Specificatie van alle provisiën, enz., aan de France vlugtelingen verstrekt, **1690.**

In the State Library, Berlin.

Een generale beschryving van de Colonie de Kaap de Goede Hoop. (unsigned and undated.)

Aanmerkingen omtrent het gouvernement van Cabo de Goede Hoop, A. Muller, **1801.**

Journal Land Reyse Gouverneur-Generaal, J. W. Janssens, **1803.**

Tekeningen en Beschryvinge van de gewassen die d' Hr. Simon van der Stell, Goeverneur aan de Caap de Bona Esperance heeft gevonden op zyn groote lant reyse, **1685.**



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