Inventory of the Notarial Archives of the Cape of Good Hope,
1790 - 1879

Johann F. Preller, N.A.

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This inventory is written in English.
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F O N D S S P E C I F I C A T I O N S

Title:
Notarial Archives of the Cape of Good Hope

Period:
1790 - 1879

Fonds Code:
1/7

Extent:
208,60 lin m

Repository:
Cape Town Archives Repository

Record Creator (origination):
Notaries at Cape Town

Abstract:
Notarial deeds were initially drawn up by the secretaries of the Council of Policy and the Court of Justice. Initially in 1793 only two notarial practices were permitted in Cape Town, but the number of notaries increased in the 19th century. A notary was required to keep a protocol and register of all deeds drawn up by him. On ceasing to practice or on his death, the notary or executors of his estate handed his protocols and register to the Secretary of the Court of Justice for safe-keeping.


**CONTEXT**

**BIOGRAPHICAL HISTORY**

Notarial deeds were initially drawn up by the secretaries of the Council of Policy and the Court of Justice. In 1779 and again in 1782 the Cape colonists requested the appointment of notaries with instructions on the execution of their duties. [2] During the visit of the Commissioners - General, Nederburgh and Frykenius, the secretary of the Court of Justice, Johannes Daniel Karnspek, and the secretary of the Council of Policy, Pieter Hendrik Faure, were honourably discharged from the Compagny's service and allowed to practise as notaries from April 1793. [3]

Although initially only two notarial practices were permitted in Cape Town, [4] the number of notaries grew in time to., e.g. six in 1823. [5]

According to the instructions issued by Nederburgh and Frykenius notaries were to be trained according to the laws and customs applicable to the notarial office in Holland. Notaries were required to be honest and sincere and before being allowed to practise, a sum of 1000 rixdollars was to be deposited as security against any possible claims for damages which could be brought against them.

A notary was required to keep a protocol and register of all deeds drawn up by him. These protocols were to be examined six - monthly by the commissioners of the Court of Justice to ensure that all deeds had been drawn up correctly and all stamp duties paid. Except in cases where irregularities occurred, the commissioners were not empowered to read the deeds. The Court of Justice could also order a notary to lay his deeds before them for inspection. On ceasing to practise or on his death, the notary or the executors of his estate had to hand his protocol and register to the secretary of the Court of Justice for safe - keeping. [6]

The inspection of protocols by the commissioners of the Court of Justice fell into disuse in 1828 but was re - introduced on 15 March 1844. [7] From March 1845 each notary was to keep a protocol and register in which each of his deeds was to be noted in its final form. The deeds were to be inspected twice annually to ensure that they conformed to the legal requirements. [8] C05307 Montagu - Notarial Public. General memorandum, 27/3/1845 pp. 206 - 208.

A proclamation of 24 December 1807 had indicated the stamp duties applicable to all deeds and declared deeds drawn up without the correct stamps to be null and void. [9] From 1815 notaries who drew up deeds contrary to the stamp duty specifications were liable to fines. [10]

In 1864 and 1870 statutory provisions were made for the use of stamps on notarial deeds. [11]

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5. Cape Town Gazette and African Advertiser, no. 933, 29.11.1823 Advertisement, 28.11.1823.
7. C05835: Government Notice, 15/3/1844
This ever-growing and living archives is regularly supplemented by the protocols of retired/deceased notaries in the Cape Division which are transferred by the Registrar of the Supreme Court to the Cape Archives Depot.

The archives of each notary is listed under his name in chronological order. An alphabetical index of the names of the notaries is available.
DESCRIPTION OF THE SUBORDINATE COMPONENTS
A ARCHIVES OF THE NOTARY, JOHANNES DANIEL KARNSPEK.
ADMITTED 1793, APR.2. 1791 - 1798
Earlier deeds were passed by Karnspek in his capacity as Secretary to the Council of Justice.

a WILLS 1793 - 1798

1793 April - 1793 Dec.


b POWERS OF ATTORNEY 1791 - 1798


1793 April - 1793 Dec.


c DECLARATIONS 1790 - 1798


1793 April - 1793 Dec.


No. 1 appears after No. 81.


1798 Jan. - 1798 Okt.

d BONDS & RECEIPTS 1790 - 1798


B ARCHIVES OF THE NOTARY PIETER HENDRIK FAURE.
ADMITTED 3 APRIL, 1793. 1793 - 1795

a WILLS. 1793 - 1794


b POWERS OF ATTORNEY. 1793 - 1795


c DECLARATIONS. 1793 - 1794


d BONDS. 1793 - 1795

e  UNCOMPLETED DEEDS. 1793 - 1794

      1793 - 1794
**C ARCHIVES OF THE NOTARY, JOHAN JAKOB FREDERIK WAGENER. ADMITTED 1795 FEB. 6**

### a WILLS. 1795 - 1802

1/1 Minutes of Wills, Codicils, Deeds of “Kinderbewyz”, Donations inter Vivos, & Inventories. With Index. Nos. 1 - 85
   1795 Feb. - 1795 Dec.

1/2 Minutes of Wills, Codicils, Deeds of “Kinderbewyz”, Donations inter Vivos, & Inventories. With Index. Nos. 86 - 141.


1/5 Minutes of Wills, Codicils, Deeds of “Kinderbewyz”, Donations inter Vivos, & Inventories. With Index. Nos. 329 - 424.


1/7 Minutes of Wills, Codicils, Deeds of “Kinderbewyz”, Donations inter Vivos, & Inventories. With Index. Nos. 527 - 635.


### b POWERS OF ATTORNEY. 1795 - 1802

   1795 Feb. - 1795 Dec.


Minutes of Powers of Attorney, (General, Special & Codicilaire) & Powers of Attorney re Salaries & Deeds of Assumption & Substitution. Without Index. Nos. 1585 - 1699  
1802 Jan. - Aug. 1802

c DECLARATIONS. 1795 - 1802

Minutes of Declarations, Certificates, and deeds of Jus delibrandi & Renunciation. With Index. Nos. 1 - 150.  


Minutes of Declarations, Certificates, and deeds of Jus delibrandi & Renunciation. With Index. Nos. 432 - 549.  


d BONDS. 1795 - 1802

1795 Feb. - 1795 Dec.

Minutes of Bonds & Receipts. With Index. Nos. 82 - 163.  
1/24 Minutes of Bonds & Receipts. With Index. Nos. 164 - 263. 


e CONTRACTIONS. 1795 - 1802

1/30 Minutes of Contracts, Suretybonds, Mortgagebonds, Letters of Manumission, 
Deeds of Indemnity of exchange, cancellation of Hypothecations, etc. With 
Index. Nos. 1 - 127. 

1/31 Minutes of Contracts, Suretybonds, Mortgagebonds, Letters of Manumission, 
Deeds of Indemnity of exchange, cancellation of Hypothecations, etc. With 
Index. Nos. 128 - 212. 

1/32 Minutes of Contracts, Suretybonds, Mortgagebonds, Letters of Manumission, 
Deeds of Indemnity of exchange, cancellation of Hypothecations, etc. With 
Index. Nos. 213 - 406. 

1/33 Minutes of Contracts, Suretybonds, Mortgagebonds, Letters of Manumission, 
Deeds of Indemnity of exchange, cancellation of Hypothecations, etc. With 

1/34 Minutes of Contracts, Suretybonds, Mortgagebonds, Letters of Manumission, 
Deeds of Indemnity of exchange, cancellation of Hypothecations, etc. With 
Index. Nos. 595 - 748. 

1/35 Minutes of Contracts, Suretybonds, Mortgagebonds, Letters of Manumission, 
Deeds of Indemnity of exchange, cancellation of Hypothecations, etc. With 
Index. Nos. 749 - 925. 

1/36 Minutes of Contracts, Suretybonds, Mortgagebonds, Letters of Manumission, 
Deeds of Indemnity of exchange, cancellation of Hypothecations, etc. No 
Index. Nos. 925 - 1009. 
f TRANSFERS. 1795 - 1802

1/37 Minutes of Transfers & Deeds of Cession. With Index. Nos. 1 - 134.


1/41 Minutes of Transfers & Deeds of Cession. With Index. Nos. 587 - 748.


1/43 Minutes of Transfers & Deeds of Cession. No Index. Nos. 929 - 1026.

g PROTESTS. 1795 - 1802

1/44 Minutes of Insinuations, Protests, Denunciations, Sea Protests & Declarations.

1/45 Minutes of Insinuations, Protests, Denunciations, Sea Protests & Declarations.
With Index. Nos. 49 - 170.

1/46 Minutes of Insinuations, Protests, Denunciations, Sea Protests & Declarations.
With Index. Nos. 171 - 252.

1/47 Minutes of Insinuations, Protests, Denunciations, Sea Protests & Declarations.
With Index. Nos. 253 - 357.

1/48 Minutes of Insinuations, Protests, Denunciations, Sea Protests & Declarations.
With Index. Nos. 358 - 435.

1/49 Minutes of Insinuations, Protests, Denunciations, Sea Protests & Declarations.
With Index. Nos. 436 - 519.

1/50 Minutes of Insinuations, Protests, Denunciations, Sea Protests & Declarations.
With Index. Nos. 520 - 678.

Index relates only to deeds of 1801.
D ARCHIVES OF THE NOTARY, WILLEM KOLVER. ADMITTED, CIRCA DEC. 1795.

a WILLS. 1795 - 1798


b POWERS OF ATTORNEY. 1795 - 1798


c DECLARATIONS. 1795 - 1798


d BONDS. 1795 - 1798


E ARCHIVES OF THE NOTARY, JOHANNES HENOCH NEETHLING. ADMITTED 27 JAN 1798.

On the 4th March, 1803, Neethling became Secretary to the Council of Policy, but was allowed to resume his practice in 1806.

a  WILLS. 1799 - 1803


b  POWERS OF ATTORNEY. 1798 - 1803


     1800 May - 1800 Dec.
     1801 Jan. - 1801 May
     1802 Jan. - 1802 Apr.
     1802 Apr. - 1802 Jul.

  c DECLARATIONS. 1798 - 1803

8/19  Minutes of Declarations, Attestations & Certificates. Nos. 293 - 1541.  
8/20  Minutes of Declarations, Attestations & Certificates. Nos. 6 - 273  
     Vols. 132 - 139 also contain minutes of Protests, Insinuations & copie.
     1802 Jan. - 1802 March.
     1802 March. - 1802 Aug.
8/26  Minutes of Declarations, Attestations & Certificates. Nos. 7202 - 8038.  


**d  BONDS. 1798 - 1803**


1799 Jan. - 1799 May


1801 Jan - 1801 May

1801 May - 1801 Sept.


1802 Jan. - 1802 March.

1802 March. - 1802 Jul.

1802 Apr. - 1802 Jul.

1802 Jul. - 1802 Sept.

8/42  Minutes of Bonds, Contracts, Cessions, Transfers, Letters of Manumission &
Receipts. Nos. 7922 - 8261.
1802 Sept. - 1802 Nov.

1802 Nov. - 1802 Nov.


e  PROTESTS. 1798 - 1799

1798 May - 1798 Dec.

See vols. 132 - 139 for Protests, 1800 - 1803.

f  NOTARIAL DEEDS, GENERAL SERIES. 1806 - 1815
Records after 1806 are not listed.

1806 May - 1806 Jul.


8/49 - 8/78 Minutes of Miscellaneous Notarial Deeds.
1807 - 1815
All records after 1806.

g  INDEX. 1798 - 1815

8/78 Index to Minutes of Notarial Deeds.
1798 - 1815
F  Archives of the Notary, Arnold Jan van der Tuuk. Admitted 1 June 1799.  
   17 vols.

  a  WILLS. 1799 - 1801

5/1  Minutes of Wills, Inventories, Deeds of "Kinderbewyz", Codicils, Donations & Adoptions. With Index. Nos. 1 - 29  

5/2  Minutes of Wills, Inventories, Deeds of "Kinderbewyz", Codicils, Donations & Adoptions. With Index. Nos. 28 - 84.  

   1801 Jan. - 1801 Nov.

  b  POWERS OF ATTORNEY. 1799 - 1801

   1799 Jun - 1799 Dec.


  c  DECLARATIONS. 1799 - 1801

   1799 Jun. - 1801 Nov.

  d  BONDS. 1799 - 1801


  e  PROTESTS. 1799 - 1801

5/11 Minutes of Protests, Insinuations, Certificates and Attestations de Vita. With Index. Nos. 1 - 60.  

5/12 Minutes of Protests, Insinuations, Certificates and Attestations de Vita. With Index. Nos. 61 - 206.  

f CONTRACTS. 1799 - 1801


g REGISTER. 1799 - 1801

5/17 Register of Minutes of Notarial Deeds. 1799 - 1801
ARCHIVES OF THE NOTARY, JOHN HENRY ROSELT.
ADMITTED 1 JUN. 1799.
Up to October 1804 Roselt practised at Simonstown; from November of that year, at Cape Town.

MINUTES OF NOTARIAL DEEDS. 1799 - 1807
Records after 1806 are not listed.

7/1  Minutes of Miscellaneous Notarial Deeds.
     These minutes were numbered according to subject & bound together.

7/2  Minutes of Miscellaneous Notarial Deeds.

7/3  Minutes of Miscellaneous Notarial Deeds.
     1801 Apr. - 1801 Oct.

7/4  Minutes of Miscellaneous Notarial Deeds.
     1802 Jan. - 1802 Dec.

7/5  Minutes of Miscellaneous Notarial Deeds.

7/6  Minutes of Miscellaneous Notarial Deeds.
     1804 Mrt. - 1804 Oct.

7/7  Minutes of Miscellaneous Notarial Deeds. Nos. 1 - 100.
     1804 Nov. - 1805 Jan.

     1805 Jan. - 1805 Mrt.

     1805 Mrt. - 1805 Apr.


7/12 Minutes of Miscellaneous Notarial Deeds. 501 - 600.


7/14 Minutes of Miscellaneous Notarial Deeds. Nos.701 - 800 (&1017).
       1805 Dec. - 1806 Feb. (1806 Aug.)

       1806 Feb. - 1806 Mrt.
7/16 Minutes of Miscellaneous Notarial Deeds. 901 - 1000.
1806 Mrt. - 1806 Jun.

For No. 1017, see vol. 220.

1806 Nov. - 1807 Jan.

7/19 Minutes of Miscellaneous Notarial Deeds.
1807
Record after 1806.

b REGISTERS.
Records after 1806 are not listed.

1799 Jul. - 1806 Sept.


7/22 Index of Minutes of Notarial Deeds.
1799 - 1807
H ARCHIVES OF THE NOTARY, DANIEL PETRUS HAUPT.
ADMITTED 1802.

a MISCELLANEOUS MINUTES OF NOTARIAL DEED. 1802 - 1816
Records after 1806 are not listed.

10/1 Minutes of Wills and "Kinderbewyz". With Index. Nos. 1 - 40.
1802 Mrt. - 1803 Dec.

10/2 Minutes of Inventories. With Index. Nos. 1 - 25.
1802 Aug. - 1803 Nov.

1802 Mrt. - 1803 Dec.

1802 Mrt. - 1803 Dec.

1802 Apr. - 1803 Dec.

10/6 Minutes of Insinuations and Certificates. With Index. Nos. 1 - 46.
1802 Mrt. - 1803 Dec.

10/7 Minutes of Bonds. With Index. Nos. 1 - 102.
1802 Mrt. - 1803 Dec.

1802 Mrt. - 1803 Aug.

1802 Mrt. - 1803 Dec.

10/10 Minutes of Wills, Inventories, Repudiations, Amplifications, Assumptions, Jus
deliberandi, antenuptial Contracts and "Kinderbewyzen". With Index. Nos. 1 - 45.


10/15 Minutes of deeds of Cession Letters of Manumission, Contracts &
Compromises. With Index. Nos. 1 - 164.

10/16 Minutes of Wills, Inventories, Declarations, Insinuations, Donations, Contracts
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<td>&quot;Kinderbewyz&quot; appointments of guardians, and manifestos. With Index. Nos. 1</td>
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<td>- 102.</td>
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I ARCHIVES OF THE NOTARY, JAN BERNHARD HOFFMAN.
ADMITTED 1802.

a WILLS. 1802 - 1812
Records after 1806 are not listed.

20/1 Minutes of Wills, Codicils, Donations, Guardianships, Antenuptial Contracts, Inventories. Vol. I.

20/2 Minutes of Wills, Codicils, Donations, Guardianships, Antenuptial Contracts, Inventories. Vol. II.

20/3 Minutes of Wills, Codicils, Donations, Guardianships, Antenuptial Contracts, Inventories. Vol. III.

20/4 Minutes of Wills, Codicils, Donations, Guardianships, Antenuptial Contracts, Inventories.
1809 - 1812
All records after 1806.

b BONDS. 1802 - 1812
Records after 1806 are not listed.

20/5 Minutes of Bonds, Contracts and Letters of Manumission. Deel I.

20/6 Minutes of Bonds, Contracts and Letters of Manumission. Deel II.

20/7 Minutes of Bonds, Contracts and Letters of Manumission. Deel III.

20/8 Minutes of Bonds, Contracts and Letters of Manumission. Deel IV.

20/9 Minutes of Bonds, Contracts and Letters of Manumission. Deel V.

20/10 Minutes of Bonds, Contracts and Letters of Manumission. Deel VI.

c INSINUATIONS. 10 VOLS.
Records after 1806 are not listed.

20/16 Minutes of Insinuations, Evidence Certificates, Declarations & Protests. Deel I.

20/17 Minutes of Insinuations, Evidence Certificates, Declarations & Protests. Deel
II.

20/18 Minutes of Insinuations, Evidence Certificates, Declarations & Protests. Deel III.
1804 Feb. - 1804 May

20/19 Minutes of Insinuations, Evidence Certificates, Declarations & Protests. Deel IV.

20/20 Minutes of Insinuations, Evidence Certificates, Declarations & Protests. Deel V.

20/21 Minutes of Insinuations, Evidence Certificates, Declarations & Protests. Deel VI.

d  TRANSFERS. 1802 - 1812
Records after 1806 are not listed.

20/26 Minutes of Transfers of Slaves and debentures. Deel I.

20/27 Minutes of Transfers of Slaves and debentures. Deel II.
1803 Aug. - 1804 Apr.

20/28 Minutes of Transfers of Slaves and debentures. Deel III.
1804 May - 1805 Jul.

20/29 Minutes of Transfers of Slaves and debentures. Deel IV.

e  POWERS OF ATTORNEY. 1802 - 1812
Records after 1806 are listed.

20/32 Minutes of Powers of Attorney. Deel I.
1802 Oct. - 1803 Apr.

20/33 Minutes of Powers of Attorney. Deel II.
1803 May - 1803 Jul.

20/34 Minutes of Powers of Attorney. Deel III.

20/35 Minutes of Powers of Attorney. Deel IV.
1804 Feb. - 1804 Apr.

20/36 Minutes of Powers of Attorney. Deel V.
1804 May - 1804 Dec.
20/37 Minutes of Powers of Attorney. Deel VI.

20/38 Minutes of Powers of Attorney. Deel VII.
1805 Jul. - 1806 Mrt.

20/39 Minutes of Powers of Attorney. Deel VIII.
1806 Apr. - 1806 Oct.

20/40 Minutes of Powers of Attorney. Deel IX.
1806 Nov. - 1807 Jul.

REGISTER & INDEX. 1802 - 1812
Records after 1806 are not listed.

20/49 Index to Minutes.
1802 - 1812

20/48 Index to Minutes.
1808 - 1812

All records after 1806.
J ARCHIVES OF THE NOTARY, JOHANNES ALBERTUS VAN DER POEL. ADMITTED 1803. 1803 - 1804

a MINUTES OF DEEDS. 1803 - 1804
These minutes are not bound in chronological order.

6/1 Miscellaneous Minutes of Notarial Deed. 1803
6/2 Miscellaneous Minutes of Notarial Deed. 1803
6/3 Miscellaneous Minutes of Notarial Deed. 1804
6/4 Miscellaneous Minutes of Notarial Deed. 1804
6/5 Miscellaneous Minutes of Notarial Deed. 1804
6/6 Miscellaneous Minutes of Notarial Deed. 1804
K Archives of the Notary, George Frederik Goetz. Admitted 1803. 74 vols.

_a WILLS. 1803 - 1818_
Records after 1806 are not listed.

9/1 Minutes of Wills. Nos. 1 - 23.


1803 Sept. 26

9/4 Minutes of Wills, Inventories, "Kinderbewyzen" and Ante - Nuptial Contracts.
Nos. 16 - 206.
From 1804 the Minutes have two numbers each; a "Generale" and a "Speciale" number. As the former coincide with the numbers in the Registers, they alone are mentioned in this Inventory.

9/5 Minutes of Wills, Inventories, "Kinderbewyzen" and Ante - nuptial Contracts.
Nos. 228 - 534.

9/6 Minutes of "Kinderbewyz". Nos. 19 - 171.

9/7 Minutes of Wills, Inventories, "Kinderbewyzen" and Ante - nuptial Contracts.
Nos. 18 - 347.

9/8 Minutes of Wills, Inventories, "Kinderbewyzen" and Ante - nuptial Contracts.
Nos. 9 - 306.


9/10 Minutes of Wills, Inventories, "Kinderbewyzen" and Ante - nuptial Contracts.
Nos. 1 - 440.

9/11 Minutes of Wills, Inventories, "Kinderbewyzen" and Ante - nuptial Contracts.
Nos. 7 - 342.

9/12 Minutes of Wills, Inventories, "Kinderbewyzen" and Ante - nuptial Contracts.
1807 - 1808
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_b POWERS OF ATTORNEY. 1803 - 1808_
Records after 1806 are not listed.
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| 9/23 | Minutes of General and Special Powers of Attorney. 1807 - 1808  
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**c DECLARATION, PROTESTS AND INSINUATIONS. 1803 - 1808**

Records after 1806 are not listed.

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      1804 Sept. - 1804 Nov.

9/31  Minutes of Protests. Nos. 6 - 341.

      1803 May - 1803 Dec.


9/34  Minutes of Insinuation. Nos. 2 - 350.

9/35  Minutes of Declarations, Protests and Insinuations. Nos. 6 - 301.


9/37  Minutes of Declarations, Protests and Insinuations. Nos. 8 - 325.

9/38  Minutes of Declarations, Protests and Insinuations.
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   d  BONDS. 1803 - 1808
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9/41  Minutes of Bonds. Nos. 4 - 200.


9/43  Minutes of Bonds. Nos. 223 - 530.

9/44  Minutes of Bonds. Nos. 3 - 356.

9/45  Minutes of Bonds. Nos. 3 - 310.


9/48  Minutes of Bonds.
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  e  CONTRACTS. 1803 - 1808
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9/56  Minutes of Contracts.
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  f  LETTERS OF MANUMISSION, TRANSFERS AND CESSIONS. 1803 -
     1808
  Records after 1806 are not listed.


      1804 Jun.

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<th>Numbers</th>
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| 9/67    | Minutes of Letters of Manumission, Transfers and Cessions. | 1807 - 1808
|         | Record after 1806.                   |                     |
| g       | (9/68 - 9/69) MINUTES OF NOTARIAL DEEDS. 1807 |                     |
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| h       | **REGISTERS. 1804 - 1806**          |                     |
| i       | **REGISTERS. 1804 - 1806**          |                     |
L  ARCHIVES OF THE NOTARY, GERRIT BUYSKES. ADMITTED 4 APRIL 1806.

a  MINUTES OF NOTARIAL DEEDS. 1806 - 1815
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b  REGISTERS AND INDEXES. 1806 - 1815
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O ARCHIVES OF THE NOTARY, JOHANNES HENDRICUS BRAND.
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T  ARCHIVES OF THE NOTARY, JOHANNES JOACHIM
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AA  ARCHIVES OF THE NOTARY, WILLIAM WARD. 1820 - 1821
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AC ARCHIVES OF THE NOTARY, HERBERT PUGH. 1821 - 1826
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AD  NOTARIAL ARCHIVES OF THE SECRETARY OF THE DROSSY AT GRAHAMSTOWN. 1821 - 1824
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AE ARCHIVES OF THE NOTARY, CHRISTIAN MICHAEL LIND.
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AH ARCHIVES OF THE NOTARY, LAWRENCE WITHAM. 1822 - 1829

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AI NOTARIAL ARCHIVES OF THE SECRETARY OF THE DROSDY
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AJ ARCHIVES OF THE NOTARY, DAVID PASSHORE TAYLOR.
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AK  NOTARIAL ARCHIVES OF THE SECRETARY OF THE DROSTDY AT GRAHAMSTOWN. 1823 - 1824
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AM  ARCHIVES OF THE NOTARY, DANIEL J. CLOETE.
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