

Inventory No. 1/82

**Inventory of the Archives of the Secretary, Burgher
Council,
1695 - 1803**

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This inventory is written in English.

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FONDS SPECIFICATIONS**Title:**

Archives of the Secretary, Burgher Council

Period:

1695 - 1803

Fonds Code:

1/82

Extent:

1.70 lin. m

Repository:

Cape Town Archives Repository

Record Creator (origination):

Burgher Council

Abstract:

The Burgher Council, with free burghers as members, had right to representation in the Court of Justice, the Orphan Chamber and Commissioners of Civil and Matrimonial Cases. Subject to the approval of the Council of Policy, the Burgher Council had control of the meat prices, was responsible for financing repairs to bridges in the town, milling of wheat, control of bakers and Town Guards in the town, and obtaining monetary contributions for campaigns against the Khoisan. To fulfil its functions the Burgher Council was entitled to raise certain taxes, only applicable to burghers in the Cape District.

CONTEXT

BIOGRAPHICAL HISTORY

The origin of the Burgher Council dates back to 1657 when the free burgher Steven Jansz Botma was permitted to sit on the Council of Policy by Commissioner Van Goens. Botma's membership of the Council was limited to sessions during which the Council acted as a court of law to try cases pertaining to free burghers. In June 1658 a second free burgher, Hendrik Boom, was also appointed as a member of the Council in this capacity. [2]

It appears that from 1658 the burgher councillors represented the free burghers on the Council in more than a strictly judicial capacity. Other matters relating to the free burghers were also raised in council by these councillors. As Van Riebeeck admitted that they acted on behalf of the free burghers, it laid the foundation of having burgher members as representatives of the colonists. [3]

By 1658 therefore, the burgher councillors clearly had two functions, namely a judicial function defined by the Commissioner and the function representing the general interests of the free burghers which was never officially defined. The number of burgher councillors on the Council of Policy had grown to three by 1676. [4]

In 1685 the visiting Commissioner, Van reed, separated the legislative and judicial powers of the Council of Policy. The Council was to retain the legislative and executive powers but the judicial functions were to be vested in a new body, the Court of Justice, on which the free burghers also had representation. [5]

The Burgher Council developed into a separate body with three free burghers as members in c.1685 or shortly thereafter. The exact date of the establishment could not be ascertained, but by 1690 it functioned as such, as indicated by the election of a member to replace a retiring member. [6]

Apart from the Court of Justice [7] the members of the Burgher Council also had the right of representation in the Orphan Chamber and Commissioners of Civil and Matrimonial Cases. [8]

Although not issued with instructions during the first hundred years of its existence, the duties of the Burgher Council are clearly reflected in the resolutions of the Council of Policy. A request from the Burgher Council in 1714 reveals that the Town Guards, the so - called 'Ratelwag', had been under its control for some time. [9] In that year the Burgher Council submitted instructions for the Guard to the Council of Policy for approval. The instructions, which were duly approved, give an indication as to the activities under the control of the Burgher Council.

2. Ibid., 22.6.1658, p.151.

3. See J.J. Oberholster: "Die Burger - Senaat, 1795 - 1828", p. 4. (Ongepubliceerde M.A. - tesis, 1936, Carnegie - biblioteek, Stellenbosch).

4. S.A. Argiefstukke, Kaap No. 2: Resolusies van die Politieke Raad, 4.3.1676, p. 137.

5. See A.J. Böeseken: Nederlandse Commissarissen aan die Kaap, 1657 - 1700, p. 124.

6. S.A. Archiefstukke, Kaap, No. 3: Resolusies van die Politieke Raad, 29.12.1690, p. 228.

7. S.A. Archiefstukke, Belangrike Kaapse Dokumente, I. Memoriën en Instructiën, 1657 - 1699, 16.7.1685, p.221.

8. S.A. Argiefstukke, Kaap, No. 4: Resolusies van die Politieke Raad, 7.4.1711, p. 206.

9. Ibid., 9.1.1714, pp. 365 - 366.

The Guards were the 'night - workers' [10] in the employ of the Burgher Council who walked the streets in their wards at night and reported cases of fire, house - breaking, thieving, disturbances of the peace at home and inns, etc. Every hour of the night they announced the time by shaking their rattles and calling out the hour. They were also responsible for the supervision of the water - gates and canals and ensuring that slaves did not pollute them. [11]

Although subordinate to the Burgher Council from whom they received their allowances, the Town Guards were under the supervision of the Burgher Watch (Burgerwag). [12] Members of the Burgher Watch, who stood guard at the Burgher Watch House at night, were responsible for ensuring that the Town Guards performed their duties. While responsible for the safety of the Burgher Watch House, the Burgher Watch was bound to the decisions of the Burgher Council and subordinate to that body.

The Burgher Watch signed a register at the Burgher Watch House every night and noted anything of importance that had occurred during the watch period. The registers (wagtboeke) were the property of the Burgher Council and only available to the officer in charge of the Burgher Watch to establish the regularity of the guard's attendance. [13]

Subject to the approval of the Council of Policy, the Burgher Council had control of the meat prices. [14] The Council was also responsible for financing repairs to bridges in the town, [15] the milling of wheat, the control of bakers in the town [16] and, when necessary, obtaining monetary contributions for campaigns against the Hottentots. [17]

The Burgher Council's jurisdiction covered the whole Cape District.

To fulfil its functions the Burgher Council was entitled to raise certain taxes. Only applicable to burghers in the Cape district, the taxes include lion and tiger tax, roads and bridges tax, house tax for burghers [18] and rent for use of the wheat mill. [19]

In 1723 the Council of Policy approved the levying of one skelling per homeowner by the Burgher Council for the cleaning of streets. [20] The Council's cash book accounts were to be laid before the Council of Policy once a month for approval. [21]

In 1785 a separate body, the Commissioners from the Court of Justice, was created. [22] Three officials and three members of the Burgher Council were appointed to this body by the Council of Policy on 19 April 1786. Together they formed a combined board under the chairmanship of a member of the Council of Policy. [23] The establishment of the Commissioners from the Court of Justice resulted in the loss of all its municipal functions by

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10. See Prof. D. Bax's introduction (p.11) to the Michaelis Collection in the *Katalogus van die Michaelis - versameling*, Cape Town, 1967.
 11. S.A. Argiefstukke, Kaap, No. 5: Resolusies van die Politieke Raad, 9.1.1714, pp. 365 - 366.
 12. Bax, op. cit.
 13. See BRD 34, first five pages.
 14. S.A. Argiefstukke, Kaap, No.5: Resolusies van die Politieke Raad, 3.11.1716, pp. 113 - 114 en 24.8.1717, p. 197.
 15. Ibid., 12.5.1716, p. 78.
 16. Ibid., 17.10.1719, p. 379; 25.5.1717, p.171.
 17. Ibid., 24.11.1716, p.118
 18. S.A. Argiefstukke, Kaap, No.5: Resolusies van die Politieke Raad, 2.11.1717, p.226.
 19. Ibid., 21.1.1717, pp.239 - 240.
 20. Ibid., 9.2.1723, p.252.
 21. Ibid., 28.1.1716, p.10.
 22. Oberholster: op. cit., p.18.
 23. C1707: Instructiën, 1792 - 1795, No. 9, p.49.

the Burgher Council. The municipal control was forthwith vested in the new body and the Burgher Council retained only its representative functions.

In 1795, at the end of the Compagnie's administration, there were, therefore, two separate bodies representing the colonist's interests, i.e. the Burgher Council, comprised of free burghers and representing the colonists, and the Commissioners of the Court of Justice, comprised of Burgher Councillors and officials with purely municipal functions. [24]

The British occupation of the Cape in 1795 resulted in the amalgamation of the Burgher Council and the Commissioners of the Court of Justice. The Burgher Council again fulfilled a dual purpose as it did in 1785, i.e. as representative body for the free burghers and a body with municipal powers.

During the First British Occupation, 1795 - 1803, the Burgher Council consisted of six members. The senior member acted as president, irrespective of the capacity in which the council meeting functioned. For the two capacities in which the Burgher Council met, there were separate secretaries. The existence of one set of minute books indicates the union of the two functions. [25] The Burgher Councillors were initially appointed by the British Government and could retain their membership as long as they desired. The Council met at least once a month. [26]

The occupation of the Cape by the Batavian rulers soon led to the disbanding of the Burgher Council which was abolished by a proclamation of 1 March 1803. [27] According to the proclamation the abolished bodies would continue with their functions until such time as the new institutions, which took over their duties, were appointed. On 26 March 1803 the Burgher Council met for the last time and was finally dissolved on 30 March 1803 when the 'Raad der Gemeente' or Burgher Senate was appointed as its successor. [28]

CUSTODIAL HISTORY

Despite the differing functions of the Burgher Council during the period 1785 - 1795, the archives continued to grow unhindered until 1803 when, with the establishment of the Burgher Senate, the Council ceased to exist.

With the exception of volume BRD 16 no original finding aids in the form of registers or indexes have remained preserved. The inventory shows the incompleteness of the archives.

Various volumes and documents of the Burgher Council which formerly were placed in the amalgamated archives of the Burgher Senate (comprising the Burgher Council and 'Raad der Gemeente') have been arranged separately. The old volume numbers mentioned in the inventory, refer to the numbers allocated in the provisional list in which stroke numbers and the reference letters CTM and BS were used.

The generally accepted order of the various series in the archives has been used. Financial matters of the Burgher Council were always the responsibility of a specially elected member; and have therefore been arranged under the heading 'Treasurer'. Although the slave hospital was under the control of the Burgher Council, the hospital's financial documents were kept

24. Oberholster, p.22.

25. See minutes vols. BRD 4 - BRD 10 and Oberholster, p.22, especially vol. BRD 4, minutes 29.2.1796.

26. Vol. BRD 4 and Oberholster, p.28.

27. Kaapsche Stads Courant en Africaansche Berigter, 12.3.1803.

28. BRD 10; Kaapsche Stads Courant en Africaansche Berigter, 9.4.1803.

separately and therefore not placed under the heading 'Treasurer'. The same applies to the cash book of the meat market ('vleeshal')

DESCRIPTION OF THE SUBORDINATE COMPONENTS

MINUTES
1 - 10

Minutes

1769 - 1803

1 1769 Sept. 6 - 1785 Feb. 6**2** 1792 Dec. 10 - 1793 Sept. 23

The minutes for July 1793 are missing.

3 1793 Oct. 7 - 1794 Dec. 8

Minutes for the period January 1795 - January 1796 are missing.

4 1796 Feb. 29 - 1797 Feb. 22**5** 1796 Aug. 7 - Sept. 3

Volume's title is as follows: "Resolutien Concerneerende d'Affaires met betrekking tot de gedaane Expeditie van den Heer generaal Craig na de Saldanhabbaay".

6 1797 Feb. 25 - Dec. 18**7** 1798 Jan 10 - Dec. 28**8** 1799 Jan. 2 - Dec. 17**9** 1800 Jan. 10 - 1801 Dec. 23**10** 1802 Jan. 12 - 1803 Mar. 26**11**

Rough Minutes

1786 May 13 - 1792 Jul. 7

Includes lists of wooden pumps sold at public auctions, from May to September 1792.

LETTERS RECEIVED

- 12** Diverse.
1707 Sept. - 1764 Dec.
Includes letters despatched.
- 13** Diverse.
1707 Sept. - 1781 Oct.
Volume's title is as follows: "Extract Resolutien, Requesten, Publicaties Brieven, Quitanties & Successive aan Burgher - Raaden ter handen gestelt".
- 14** Diverse.
1780 Sept. - 1802 Feb.
Mainly extracts from the Resolutions of the Council of Policy and copies of letters to the Governor re citizenship for the Burgher Council's cognisance.
- 15** Colonial Office.
1796 Feb. - 1797 Dec.
- 16** Colonial Office (with register).
1798 Jan. - Dec.
Includes original memorials.
- 17** Colonial Office.
1800 Jan. - 1800 Dec.
Includes a few letters received from private individuals.

LETTERS DESPATCHED

See also volumes BRD 12 and BRD 41.

18

Governor.

1789 Aug. - 1796 Jul. and undated
Incomplete.

TREASURER**19 - 23**Cash Book
1695 - 1801**19** Cash Book.

1695 and 1724 Jan. - 1754 Dec.

The list "Boeken en Papieren" (Books and Papers) of the Burgher Council, at the front of this volume, indicates that this is the second bound cash book. Presumably before 1701 only loose pages were in use, such as the cash account of 1695 in this volume.

The aforementioned list of Books and Papers indicates the first cash book was for the period January 1701 - December 1723 which is missing.

Transferred from the Miscellaneous Archives Group (M.50(b)).

20 Cash Book.

1755 Jan. - 1771 Dec.

21 Cash Book.

1772 Jan. - 1771 Dec.

22 Cash Book.

1791 Jan. - 1803 Mar.

23 Cash Book.

1800 Apr. - 1801 Mar.

See also volume BRD 22.

POLL - TAX, VALUATION, TAX AND BURGHER ROLLS

- 24** Lists of Burghers and Company officials in the Cape District, indicating the amount of money, slaves and wagons they had to place at the disposal of the Company for the completion of the Square in front of the Castle. List of Burghers in the Cape District showing their contributions toward building of a new road between Cape Town and Rondebosch. List of calculations of personal taxes.
1762 Jul. - 1763 Apr. 1773 Sept. 1783
Formerly known as "leeu en tiergeld". This tax was instituted to create a fund from which payments were made to persons for the extermination of predators.
- 25** Returns of Burghers and Company officials, including lists of widows, Cape District.
1787 - 1795
Deceased persons or persons who had moved to other districts are also listed.
- 26** Rolls of Burghers detachments, reserve forces, night guards and persons indisposed to perform military service.
1787 - 1795
Includes a list of officers indicating rank and date of appointment; lists of fire wardens; signallers at the different signal cannon points; lists of "chirurgyns Majoors, Burgher constables and fire wardens for the inspection of chimneys.
- 27** Burgher attestations. Returns of Wardmasters
1787 - 1800 1793 - 1799
- 28** List of calculations of normal and extraordinary personal and homestead taxes levied from Burghers, Company officials and widows. List of calculations of personal taxes levied from specific persons; List of persons and their servants. List of calculations of personal taxes levied on the Volunteer Corps, Free Blacks and their widows; List of Burghers, retired company officials and widows in arrear with payments of personal, homestead and street taxes.
1799 1799 1799
- 29 - 30** Burgher roll; Burgher widows; Persons living in outlying districts, but who perform military service in the Cape District and/or are in possession of homes and warehouses in Cape Town; Retired Company officials and other persons; Widows of retired Company officials; List of calculations of personal taxes levied from specific persons; List of calculations of personal taxes levied from the Volunteer Corps, Free Black and their widows.
1800, 1802
29 1800
30 1802
- 31** List of persons with arrear tax payments; Accounts of arrear taxes collected by the attorney.
1802 Nov.
- 32** Accounts and Receipts.
1775 Jan. - 1803 Feb.

SLAVE HOSPITAL

33

Cash Account.
1755 Jun. - Sept.

BURGHER WATCH**34 - 39**Watch Book
1759 - 1795

- 34** Watch Book.
1759 Jan. - 1762 Oct.
The purpose of the Watch Book is discussed in the Introduction to this inventory.
This volume includes extracts for the periods June 1753 - May 1754 and March 1758.
- 35** Watch Book.
1762 Oct. - 1769 Sept.
- 36** Watch Book.
1769 Oct. - 1776 Jan.
- 37** Watch Book.
1776 Jan. - 1779 Oct.
- 38** Watch Book.
1779 Nov. - 1783 Mar.
- 39** Watch Book.
1790 Jan. - 1795 Nov.

MEAT MARKET

For Journal entries for the period December 1798 - March 1803 refer to Inventory 1/83, volume number 153/1.

40

Cash Book.
1789 Sept. - 1790 Sept.

DIVERSE PAPERS**41**

- Extracts and copies of the minutes of the Council of Policy and copies of letters from the Burgher Council to the Council of Policy.
- Declaration of Burgher Council members and 'Heemrade' repetition of Burghers; Admission of guilt by E. ten Bosch.
- List of amounts of wheat, flour and provisions found at bakers; Quantity of flour delivered to bakers.
- Financial statements handed to Commissioners of the Court of Justice after wheat sales.
- Instructions to Commissioners of the Court of Justice and division of Cape Town into wards.
- Reports to Commissioners of the Court of Justice on wheat storehouses.
- Extracts from the Resolutions of the Burgher Military Council and Burgher Council.
- Cash Account; road repairs.
1800 Apr. - 1801 Mar.
- Declarations of Anna Maria Elisabeth Deysel (wife of J. Strydom) and Frans Willem Modeman.