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Murdered babies, infidel wives, and more from Swedish legal records

BY ELISABETH THORSELL

Originally, in Viking times, the various provinces had their own laws that were not written down until the 1200s. Before that they had been kept orally by younger men listening to the old wise men. These constituted the court (the *ting*), and had for years learned the laws by heart. The oldest law in written form is the *Äldre Västgötalagen* (Old Västergötland law), which was supposedly written down around 1220.

In the 1350s the first book of laws that were in force for the whole country was instituted by King *Magnus Eriksson*, and it was for all rural areas. The cities got their own book of laws, the *Stadslag*. The law book of King Magnus was updated in the 1400s by King *Kristoffer*, and was then in force until 1734.

By the 1600s the old law book was not up-to-date any longer and after

long discussion and deliberations, a total revision was accepted by the parliament in 1734. It went into force in 1736, and is still regarded as the current book of Swedish laws, even though all the laws now have been changed. The last one to be changed was the one about having a ring in the muzzles of swine that were to graze in oak forests, so they did not harm the valuable oak trees. One of the important improvements in the 1734 law was that a probate or inventory (*bouppteckning*) was to be done after all people died, and that is generally when they start to exist in a separate set of books.

Levels of courts

The basic division of the lowest courts was the *härad*, which is the most common word for this, often translated as a legal district. In some areas, Dalarna for instance, the same division is called *tingslag*.

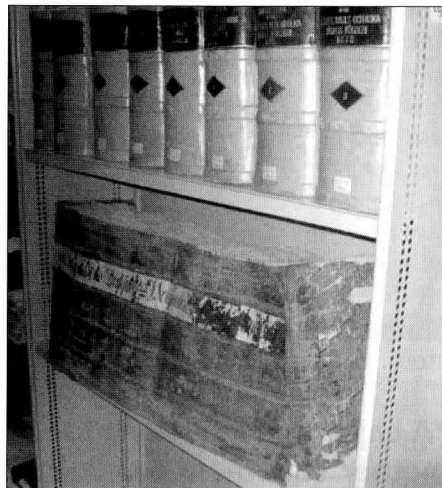
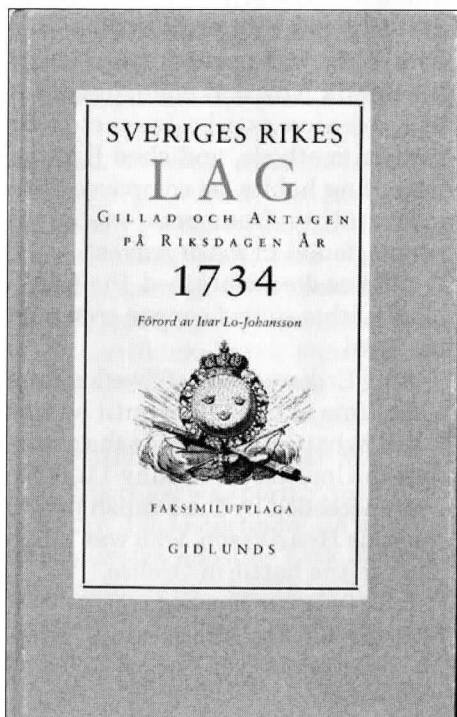
The *härad* was a group of nearby parishes and they usually met at a specific place in the *härad*, called *tingsställe*. Generally the *häradsrätt* met three times a year at this place, *vinter ting*, *sommaring*, and *hösting*. Each meeting could last for a week or more, depending on how much business there was to handle. The *häradsrätt* was led by a man who had studied the law and had an exam from one of the universities; he was the *häradshövding*. Then he had a permanent jury of 12 local men of good repute by his side; they were the *nämndemän*, permanent jurymen. The man who had served the longest on the *nämnd* was the *häradsdomare*, which was an honorary title. The *nämndemän* had to be farmers

owning their farms. The *länsman* (constable) functioned often as the prosecutor.

A notary kept the minutes of the court proceedings in a big book, a *dombok*. In a small *härad* one book would be sufficient for the whole year, but in a more populous *härad* there could be one big book for each of the meetings.

Until the early 1600s the only possibility to appeal a judgment was to write to the king, who in the 1610s instituted the *Svea hovrätt* (court of appeal) in Stockholm, and in 1634 the *Göta hovrätt* in Jönköping for the southern part of the country. The records from *Svea hovrätt* are kept in the National Archives in Stockholm, and from *Göta hovrätt* in Vadstena. The latter has about 5 kilometers of books.

Every year the *häradsrätt* and *Rådshusrätt* (magistrates courts in cities) had to send in copies of the minutes of the courts, which are called renovations. This usually



Some of the records from Göta hovrätt, in the stacks of the regional archives (Landsarkivet) in Vadstena, Sweden.

means that if a courthouse has burnt, there might be a copy in the *hovrätt* archives.

The *hovrätt* was supposed to check that the lower courts had handled their cases correctly, and was able to change the sentences, if they felt that was handled wrong in the lower court. All death sentences were always sent directly to the *hovrätt*, who often changed them to other forms of sentences, like imprisonment, hard labor or heavy fines.

In 1789 King Gustaf III instituted the *Högsta domstolen*, the final court of appeal, instead of appealing to the king directly. But even after that it was still possible to write directly to the king and beg for pardon, from a death sentence for instance.

How is a *häradsrättsdombok* organized?

The records always start by the date and the place where the court met. Then comes the name of the judge, the *häradshövding*, and the prosecutor (*åklagaren*). Then there is a list of all the *nämndemän* and the place where they lived is also mentioned.

Next there is a note that the whole court and the people went to church to listen to a sermon about the importance of being fair in the work of the court.

Then the real work starts with copying wills, testaments, agreements about elder care, and much more. Next comes the sales of real estates, guardianship, prenuptial contracts, etc. These items were in the 1800s mostly kept in separate books, generally called *småprotokoll* (smaller court minutes).

Sometimes criminal cases were kept separately, but mostly they were mixed in with cases concerning debts, bankruptcy, inheritances, and many other things. In the old days it seems to have been very popular to sue your relatives or neighbors in court for very minimal offences.

One member of my family in the late 1700s was sued by a neighboring woman for having said some bad things about her, and my woman

Saköres Längd vid Winterlingen med Philipps Borgs Lag Jern hölls i Februari månad 1767.		Jern	Bro	Udd	Spann	Udd	Spann	Port
		72 a	100	100	100	100	100	100
Anders Långbäck	14	3 10/3	3 10/3	1 3/9	1 3/9	1 3/9	1 3/9	4
Knut Bengtsson	7	1 2/3	1 2/3	1 2/3	1 2/3	1 2/3	1 2/3	2
Anders Pettersson	14	3 10/3	3 10/3	1 3/9	1 3/9	1 3/9	1 3/9	4
Anders Pettersson	7	1 2/3	1 2/3	1 2/3	1 2/3	1 2/3	1 2/3	2
Anders Pettersson	14	3 10/3	3 10/3	1 3/9	1 3/9	1 3/9	1 3/9	4

A list of fines from the Winter meeting of the Färnebo Häradsrätt in Värmland 1767. (Picture from Arkiv Digital).

sued her adversary back. The court decided that they both should take care of what they were saying, under a penalty of a couple of *dalers*, if they did not stop badmouthing each other.

At the end of each meeting there is usually a couple of pages that looks like accounts, and it is. The name is *saköreslängd*. It is a very helpful list of people who have been sentenced to pay fines. Each of them is listed on a separate line, usually beginning with the case number, and then what the offence was and how much the fine was in different columns according to whom the fine should be paid. If you are hunting an unknown father, then the columns to look for are often labeled “*Kyrkor och fattiga*” (churches and paupers). But not all court cases ended in fines, some were dismissed and others ended in a jail sentence, and those criminals will not be found in the *saköreslängd*.

A murdered baby in 1817

This happened in 1817 in Nordmark parish in eastern Värmland. The young mining farmer (*bergsmän*) Petter Nilsson, born 1788, of the village of Grundsjön, in May 1817 married the girl Lisa Matsdotter, born 1792, even though his female relatives warned him not to marry her, as she did not have the best reputation.

They were right. At Midsummer

1817, when Petter was working in the forest, Lisa went out to the forest too, but not to the same area as where Petter was, and she gave birth to a little boy. She might have just left him, or suffocated him, but after he was dead she dug a hole in the soil in their smithy and buried him there. After a few days, talk began in the village, as Petter’s aunt saw that Lisa had lost weight suddenly. After a few days the parish priest, the local constable and some older married women came to Petter and Lisa’s home and started to ask questions. Finally she gave in, after having been examined by the women and found to have milk in her breasts. She told them where the body was. The local doctor performed an autopsy, and declared that the baby was most probably killed.

The husband Petter said that he was not the father, and that he had not suspected anything wrong with Lisa.

The *Häradsrätt* of Färnebo handled this case in 1817 and in August 30 sentenced Lisa to death, first by decapitation and then her body was to be burnt. All death sentences were to be sent to the Court of Appeal, in this case the *Svea hovrätt*, that returned the document to the *häradsrätt*, and asked them to call more witnesses, which they did. During the new hearing of the case it became known that Lisa, who came from a fairly poor family, had had a steady boyfriend, Jon Jonsson, in the next parish, who was also a poor man.

When Petter, who owned his farm, proposed to her, she had accepted him, but did not dare to tell him that she was pregnant, fearing that he would then leave her, and she would lose her livelihood, and also did love him, she said.

The *hovrätt* in March 1818 maintained the death sentence, but told Lisa that she could apply to the king for a pardon. This pardon was soon granted and her sentence was commuted to 10 years of labor at a female house of correction (*spinnhus*).

At that time there were only three of these in the country: Stockholm, Norrköping, Göteborg. The first two had their lists of inmates online, so I checked the Göteborg one, and there she was. During her time here her husband Petter asked for a divorce, and was given this by the diocesan chapter of Karlstad in 1825, and he later remarried and had a son.

In 1826 Lisa again wrote to the king and asked to be released early, which was granted to her. There was no information about where she went.

So I spent quite some time looking in the area of her home. In her father's probate in 1833, she was listed as being married, but nothing about where she lived.

Next I went back to the records of the correction house and now noticed that there were a few marriages recorded in another part of the volume, and there she was! She had on 28 Aug. 1826 married the day laborer Johannes Johnson from Starrkärr parish, near Göteborg. She must have known him for some time, but how is not known, as she already in September gave birth to a daughter Lisa. The baby died as an infant

of typhoid. Lisa and Johannes also later had a son Emanuel, who also died, and Lisa herself died in 1838 June 6. Lisa had no descendants, but her siblings had descendants, and they are still to be found in Nordmark.

Carl Gustaf Sandberg and his wife

This man was born in 1816 in Brunneby parish in Östergötland, a soldier's son. As he grew up he became a shoemaker's apprentice, but in his spare time also committed petty larceny. For instance, in 1839 he just happened to find a wallet along the road, belonging to an iron factory owner (*brukspatron*). He used the money to rent a horse and buggy and went with his fiancée to the town of Motala to buy meat, wine, and ale for their wedding. When he shortly afterwards was arrested, he was questioned about a bill of 100 *riksdaler* that he still had on him. Where did it come from? He told a story that he had won that gambling in Stockholm, but the iron factory owner could show a letter from a business acquaintance in Värmland, in which that man said that he was going to send him 100 *riksdaler*. The note that Sandberg had was quite new and issued in Karlstad, the county seat of Värmland. So he ended up in jail.

Around 1840 there is a note that he is in the Linköping jail, and in 1842 he was moved to "the end of the parish" (*socknens slut*) in the clerical survey. Then there is a note that he had suffered a flogging in the Malmö prison and done forced labor in Linköping. He was released in 1845. In 1851 he and his family moved to a

house on the Klockrike common. His profession is now changed from shoemaker to mason. In 1850 he is again suspected of theft and spent several weeks in jail awaiting trial. The jail records show him to be 5 foot 6 inches tall, blue eyes, and dark brown hair. His clothes then were a leather apron, blue coat, blue pants, a striped waistcoat, black scarf, a shirt, boots, a black woolen hat, and a pair of linen trousers (perhaps his underwear?).¹ He was released again on 22 March 1851 as the Göta *hovrätt* did not find that there was enough evidence against him.

He married 28 Aug. 1840 to Anna Charlotta Abrahamsdotter Lundholm, and they had five children together, of which two died as infants.

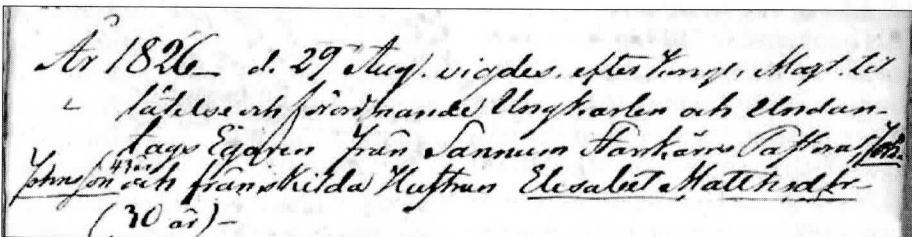
The marriage seemed to fall apart² and in 1858 he moved officially (but had not been at home for about 2 years) from Klockrike in Östergötland to Västerås, the county seat of Västmanland. He took the surviving children with him and applied for a divorce. This was granted by the Linköping diocese in 1858.

In connection with this he wrote to the parish priest of Klockrike the following letter:

To the most honorable Mr. Dean (prost),

As an answer to the letter from the parish office regarding my former friend's crime against the 6th Commandment to the degree that she again in my absence has given birth to a child and has asked for forgiveness for her crime, and she is forgiven by me. So that she is not to be legally punished, but I resign all right to matrimony with her, and leave her free and unhindered to marry my rival, and I will forever be free from her legally as divorced.

Through the honorable parish office I ask for a copy of the decree that tells me I am forever free of her. Which is also my right, as I will no more be a stand-in for her, as I have been for a longer period. I have kept her way of living a secret from the public, but now that she herself shows it in full light of day, so do not judge me, as



The marriage of Lisa and Johannes Johnson (Göteborgs fattighusförsamling C:1 (1763-1860) Bild 120 / sid 363, Arkiv Digital) He is called a bachelor and cottage owner (*undantagsegare*) and she a divorced wife, and they were married by a decree from the king.

this is not the first time it has happened. As I too late realized this, my self-esteem does not let me suffer any more, but I am and will forever be from her divorced, I am also asking for my testimonies to be returned to me and I also ask for my moving-out record from the parish. I will never come back to Östergötland, except for my own business. All my happiness is gone forever, I would rather kill myself than return in marriage to my former beloved one.

What concerns my belongings I will take care of that later.

Signed C.G. Sandberg³

Carl Gustaf stayed in Västmanland the rest of his life and died 1878 in Fellingsbro (Väsm.). He remarried in December 1858 to Johanna Carolina Andersdotter, born in 1834, but did not have any more children.

His former wife, Anna Charlotta, who had a reputation for drinking, remarried in 1867 to Anders Petter Brandt, born 1825, who had been sentenced several times for theft. In 1880 he was sentenced to 5 years of hard labor. He and his wife were both alive in 1890 and lived in Klockrike.⁴

This was just two examples of the many interesting stories that can be found in the court minutes. There are many more!

Endnotes:

- 1) This description of Sandberg and his belongings are found in the database of prisoners in Linköping jail. There is a link to the database on page 30.
- 2) On 22 March 1856 Anna Charlotta was sentenced to 20 days on water and bread, or to pay 80 riksdaler for the crime of adultery. She could not pay and served time instead in the female *spinnhus*. Information in the same database.
- 3) This letter is found in Boberg häradsrätt A1a:87, Winter meeting 1856 §6. (Regional archive at Vadstena, Sweden.)
- 4) From database *Population of Sweden 1890* (Sveriges Befolkning 1890). (DVD).

Ok. K. d. n. 27/12 88.

№ 1588

Beskrifning, rörande följande Åkeraren Anders Petter Johansson Brandt, som den 25 December 1884 frigifres från straffängelset i Carlskrona.

N:o 26 i stamrullan samt N:o 254 i porträttrullan.

Födelseår, månad och dag: 1825 den 3 December

Födelseort till församling, härad (stad) och län: Naga församling, Linköpings län.

Senaste kyrkskrifningsort: Wackrike församling, Linköpings län.

Udgår nu bestraffning för: 5^{te} rean stöld i bärskida tider och stauen.

Utslaget, af hvilken myndighet och när det afkunnats: Linköpings Rådhusrätt den 2 Mars 1880.

Straffet samt tiden, då det började: 5 års straffarbete samt 5 års förlust af medborgerligt förtroende; straffet började den 25 1880.

Förut undergått bestraffningar för: 4^{te} rean stöld.

Förpassningsort vid frigifningen: Wackrike församling, Linköpings län.

Beloppet af egna medel och besparad arbetsförtjänst vid frigifningen: 49 Kronor 2 Öre.

Fångens fotografi.

Hår: Gråsprängd;

Skägg: ?;

Ogon: Blå;

Näsa: Uppstående;

Mun: Ordinär;

Ny: Blåk;

Höjd: 6 fot;

Kroppshyggmad: Ordinär;

Annat utmärkande kännetecken: lögorsideigt leinck, mindre ärr i högra knäel och några delar af ryggen.

Carlskrona den 24 December 1884.

August Huss
Fängels-Direktör.

* Nummern ifylles af vederbörande polismyndighet i den ordning beskrifningarne från de särskilda fängelserna ingå.



This information on Anders Petter Brandt is from the database of released prisoners (Frigivna straffångar) on the SVAR/Digitala forskarsalen web site, see page 6.

He was sentenced in 1880 for the 5th time for stealing at various places in Östergötland. The sentence was 5 years of prison and 5 years of loss of his civil rights (förlust af medborgerligt förtroende). He had spent his prison time in Karlskrona.

His description tells that he is starting to get grey hair and beard, blue eyes, nose pointing upwards, ordinary mouth, pale skin, 6 foot tall, has a hernia on his right side, and small scars on his right knee and the lower part of his back.