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The Role of History with regard to Evidence in Land Claims as Officially Proposed: A Case Study on the Farm Deelkraal IQ 142, North West Province

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**The Role of History with regard to Evidence in
Land Claims as Officially Proposed:
A Case Study on the Farm Deelkraal IQ 142,
North West Province**

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In essence this article debates History's role as multi-perspectival evidence provider in officially disputed land claims in South Africa. Questions about evidence in the process of archiving, the ways of adjudicating oral history, and the myths we live by, necessarily come to the fore. In an effort to provide answers to these questions as well as those concerning the function of History, the land claim on the farm Deelkraal in the North West Province is investigated. This land claim is as an example of how academic experts from various disciplines, the landowners and the land claimants have actively constructed their differing accounts of the past of this area.

A Background on Land Claims in South Africa

Land tenure and reform in South Africa, as the 'ultimate test for the social, political and economic transformation of the country' in the new political dispensation after 1994, 'started' as a challenge and can still be regarded as a complex one after twelve years of democracy.¹ The urge and need for land reform developed as a result of the country's history, embedded as it is in segregation legislation, including the 1913 Natives Land Act and the 1936 Native Trust and Land Act.²

1. Compare H. Duvenhage, 'Min is Begroot vir dié Kwessies rakende Grond', *Sake-Rapport*, 19 Feb. 2006, 13; B. de Villiers, *Land Reform: Issues and challenges* (Occasional Papers, Johannesburg, Apr. 2003), 45; Department of Land Affairs, Draft 3, 'Framework on Sustainability Support', ca 2005, 1–8; South African Government Information, T. Didiza on Agriculture and Land Affairs Dept. Budget vote, 2005–2006, 1–10 as obtained in <http://www.info.gov.za/speeches/2005/05040809151>, 7 Apr. 2005; N.W. Samasuwo, 'Gentrification, Foreign Land-Ownership and Market-Led Land Reforms in South Africa', *Global Insight*, 38 (2004), 1.
2. Compare H. Bernstein, 'Social Change in the South African Countryside? Land and Production, Poverty and Power', in De Villiers, *Land Reform*, 46; L. Platzky and C. Walker, *The Surplus People: Forced Removals in South Africa* (Johannesburg, 1985), 30; S. Marks and S. Trapido, *The Politics of Race, Class and Nationalism in Twentieth Century South Africa* (London, 1987), 266.

One of the consequences was that the political 'rights' of black people were restricted to the former 'homeland' areas. Areas outside of the 'homelands' where black people lived often came to be identified as 'black spots', and in many cases, residents were forcibly removed (or induced to move) and were 'relocated' in terms of the policy of the day.³ A process of restitution under President F.W. de Klerk of the National Party (NP) paved the way for the repeal of the 1913 and 1936 Land Acts, as well as the Group Areas Act of 1966.

The newly adopted constitution of 1996 further set out the legal framework for land reform.⁴ The White Paper on South African Land Policy was accepted in April 1997, after which communities and individuals were invited to submit their claims on land prior to or by 31 December 1998. A total of 63 455 claims had been lodged by the deadline.⁵ By March 2004, a total of 48 825 claims had been settled, in contrast to the 36 488 in 2003 (a 33 per cent increase). This involved the transfer of more than 810 292 hectares of land at a cost of R317 993 473.⁶

In July 2005, it was announced that 3.1 million ha had been delivered to over 1.2 million individuals via redistribution and tenure reform programmes. The government has expressed a determination to see that these programmes and sub-programmes that have been developed for ensuring a fair and equitable redistribution of land will have reached a target of 30 per cent distribution of prime agricultural land to black emergent farmers by 2014.⁷

Historical Evidence⁸ and Land Reform: Some Notes and Arguments

The role that South African historians have played to date in enquiring, monitoring, researching and writing about the process of land reform and land tenure in South

3. Compare Bernstein, 'Social Change?', 46; T.R.H. Davenport, *South Africa: A Modern History*, 4th ed. (Hong Kong, 1991), 371–3.
4. Compare Bernstein, 'Social Change?', 48–9; H.J. van der Elst, 'A Management Model for Achieving Post-Settlement Land Reform Objectives in South Africa' (PhD thesis, North West University, 2006), 36.
5. Bernstein, 'Social Change?', 52.
6. See Republic of South Africa, Department of Land Affairs, *Annual Report*, 1 Apr. 2003 – 31 Mar. 2004, 18–19; Samasuwo, 'Gentrification', 1; University of the Western Cape, School of Government, Programme for Land and Agrarian Studies, 'Submission Report to Portfolio Committee', 13 Oct. 2004, 1–7.
7. Republic of South Africa, Department of Land Affairs and Department of Agriculture, Land Summit, 'Delivery of Land and Agrarian Reform', 27–31 July 2005, 22.
8. The epistemological debate on what is evidence is too extensive to cover in an article that focuses on discussing evidence in a micro format. For recent notes on evidence, compare T.F. Carney, 'Guide to Writing History Papers', June 2006; Stanford Encyclopaedia of Philosophy, 'Evidence', 11 Aug. 2006, that refers to R.G. Collingwood's well-known publication, *The Idea of History*, in which Collingwood stated: 'and when we try to define evidence ... we find it very difficult' (as retrieved from www.Scirus.com, 13 Nov. 2006).

Africa is limited, at least if publications are anything to go by.⁹ When the research is broadened to accommodate the international community however, scientific references to legal historians and economic historians involved in the land tenure process are common. Journalist Timothy Burke, in articulating a view that attempts to limit the role of history in this regard, has remarked:

History can only be a guide in postcolonial land reform in African societies if the aim is to obliterate the entire substance of the past 150 years. There is no sensible way to go just so far towards a restorative program of land reform and no farther. If the aim instead is social justice and the maximization of the public welfare of a modern society, the path to land reform leads only forward, never backward.¹⁰

I am not convinced that all historians will agree with Burke, because they may incline to the view that their expertise should enable a rendition of the past in as representative a manner as possible precisely in order to complement social justice in the present and the future. But Burke's comments do highlight the complexity of a retrospective account which must engage with the impact of colonisation and white settlement. His remarks should also cause us to reflect on how we understand the objectives of land reform, and the demands they impose on the historian.

Closer to South African soil and more specifically pertaining to land reform, Peter Delius and Stefan Schirmer believe that a new land reform programme must recognise the complexity and diversity that exist in rural areas. They also feel that

the state has to develop a balanced policy framework in which land reform can enhance both welfare and rural development ... a greater awareness and use of historical findings are essential for the construction of more effective policy frameworks ... greater attention to historical research may help navigate more secure passages into the future.¹¹

C. Huggins and J. Pottier offer a blunt judgment on the fallibility of human memory, and of the privileging of some memories over others in their argument about the importance of establishing reliable historical evidence in conflicts over land tenure:

Reconciliation carries a strong research challenge: not only do we need to be clear about who has lost what, and who has gained, but on what basis the initial entitlement was made ... For example, if we take the boundaries of ancestral land: such boundaries often exist

9. This impression is based on research related to publications as well as research conducted on two Internet search engines, www.scius.com and www.google.co.za [as on 24 Apr. 2006]. From a historical perspective the following article was available: J. Carruthers, 'Urban Land Claims in South Africa: The Case of Lady Selborne', *Kleio*, 32 (2000), 13–41.

10. T. Burke, 'Postcolonial Land Reform', *History News Network*, 27 Aug. 2004 (retrieved on www.google.co.za, 24 Apr. 2006).

11. P. Delius and S. Schirmer, 'Historical Research and Policy Making in South Africa', *African Studies*, 59, 1 (2000) (retrieved from www.google.com, 24 Apr. 2006), 1–11.

only in people's memories, and some people are better 'qualified' to remember than others
 ...¹²

The importance and value of historical methodology with regard to land claims may sometimes be underestimated. Attention needs to be paid to how historical evidence is acquired and evaluated. The reliability of oral evidence, as Huggins and Pottier contend, as with any historical evidence can be controversial. If utilised as sole form of evidence, oral testimonies or traditions cannot easily be adjudicated. In the process of searching for, and assessing evidence, some questions frequently arise. What evidence takes priority? What counts as evidence? How much evidence do you need, and what is the nature of evidence required by historians that may be different from that considered relevant or significant by members of other disciplines or professions?

It is generally accepted that historians should interrogate evidence that includes perspectives from all possible stakeholders (in the case under discussion that would include opinion makers, landowners, claimants and scientific experts). They should also ascertain the validity of evidence collected from a wide range of sources on the basis of internal and external source criticism, which is particular to the methodologies understood to comprise the discipline of history.

Historians typically prioritise evidence that is confirmed in or complemented by a number of available sources dealing with a specific issue. Sources can stretch from the extensively researched and documented sources, usually classified as secondary, to the simple brochure or artefact or, as we will see, the inscription on a gravestone. Nevertheless, of critical importance is the principle that the quantity of evidence may prove to be of less value than much slighter, less voluminous evidence that has been formerly suppressed, and can now be brought to light. Since evidence in the conventional, narrow sense of historical evidence can often be difficult to find for non-literate or partially literate periods, history cannot and should not ignore the contributions made by other disciplines on any particular topic or in any particular area, such as land claims. Neither should it be forgotten that the past was constructed differently according to prevailing ideologies and agendas of previous eras that may have influenced the outcome of accounts and interpretations. Oral accounts are by no means free of the bias and stereotypes that affect documentary history, and a careful consideration of the implications of authorship and audience are as important for both.

12. C. Huggins and J. Pottier, 'Land Tenure, Land Reform and Conflict in Sub-Saharan Africa: Towards a Research Agenda' (retrieved from www.google.co.za, 24 Apr. 2006), 385.

The Role of Historical Evidence in Steering the Land Reform and Tenure Process: Deelkraal IQ 142 as a Land Claims Case Study

The article now moves on to consider some of the ramifications of the theoretical provisions and caveats outlined above for the case of the Deelkraal Land claim launched in 1998. The evidence that is reviewed here is quite diverse, ranging from that based on oral sources collected by ethnologists, and on their observations and understanding of how 'tribes' were constituted, to land tenure records and the inscriptions on old gravestones. It is set against the evidence provided by the post-1994 claimants. A very complex picture of the area under discussion emerges, and the question of how to arbitrate between contradictory accounts of past ownership appears as a very taxing one.

Gold-mining operations in the Deelkraal area started in the 1930s, and consequently portions of farms were sold to mining groups. Deelkraal was one of many farms in the so-called West-Wits Line (golden arc) on which gold prospects eventually turned into a successful mining operation. In early 2005 a land claim that was submitted in 1998 on Deelkraal was published in the Government Gazette. The land owners (farmers and Harmony Gold) were informed accordingly. In essence it was asserted in this land claim that a group of people had occupied Deelkraal territory long before a white farming community set foot in this area. It will be shown that there was other historical evidence available, but apparently it was not utilised as part of the claim's motivation and outcome. It seems that oral evidence alone formed the basis of the Deelkraal claim, and that existing research was ignored. A closer look at past and present evidence from a historical angle proved revealing.

The Farm Deelkraal from a Multi-Disciplinary Perspective

Archaeological evidence points to the presence of human activity in the Deelkraal area in the Stone Age. There is also evidence of Iron Age activity since numerous stone-walled remains are visible, which date from the eighteenth and nineteenth centuries. This is the case especially

on the ridge running along the southern side of Deelkraal. These settlements were built in defensive positions because of the military tension throughout the Transvaal at the beginning of the 19th century ... The types of walling layout and pottery show that these settlements were occupied by Sotho/Tswana-speaking people. If we consider the oral history, then these settlements may have been occupied by Bakwena associated with Maselwane.¹³

13. Steffen, Robertson and Kirsten and Archaeological Resources Management, Report, 'Archaeological Survey of the Mines Deelkraal and Doornfontein', ca. 1993, 1–3, 6–11. According to this survey, the archaeological beacons on the Gatsrand Hills in the Deelkraal and Doornfontein

Government ethnologist N.J. van Warmeloo divided the Sotho (known as part of the Southern Bantu of South Africa which included Mzilikazi's Ndebele) into three groups including the Southern Sotho and the Western Sotho (Western Tswana). The latter included the baKwena and the baHuruthse.¹⁴ But, as far as Van Warmeloo was concerned (and he expressed himself in language that, from a twenty-first-century perspective, can be interpreted as typical of an early twentieth-century official ethnologist), it was

impossible to say which Sotho tribes first came to Southern Africa, and where they settled. Those events lie too far back in the past. Of some of the earliest tribes to go South, such as the Digoya¹⁵ [Digôja or Lihoya]¹⁶ no trace remains ... The route the former took must have led them through the Western Transvaal¹⁷ or Bechuanaland, skirting the desert. The tribes in advance of that migration mixed their blood with that of the Bushmen and Hottentots ...¹⁸

It is said about the Leghoya that the tribes after them

were ... ignorant of the founders of these places as the natives of the present day [1965] – a proof that the original builders had abandoned their habitations, and migrated farther to the southward ... as when the second stream of Baachoana emigration set in, they found the Leghoya had reach the banks of the Vaal, although still on the north side of it ... They were also, at one time found extending up along its right, or northern, bank as far as the Mooi River; at which place, Mr Anderson states that he found, in his early travels, detached stone built towns of the same description extending for several miles ...¹⁹

Apparently, M. Arbousset²⁰ visited these areas, once occupied by the Leghoya, between 1834 and 1836 only to find wretched conditions.²¹ An indication of movement by black groups through and close to Deelkraal certainly exists. However – despite intensive research – R. Mason concludes that attempts 'to relate specific ruins to specific groups such as the Fokeng, Ghoya or Hurutse ... has no

farms are called the Frans Beacon, the Dudley Beacon, the Neels Beacon, the Carrie Beacon and the Mimmie Beacon.

14. Davenport, *Modern History*, 10–11. P.L. Breutz and Van Warmeloo differ in their spelling of the baHuruthse, but Van Warmeloo's spelling, as older source of the two, is preferred. P. Becker refers to the tribe as the 'Bahurutsi'. See P.L. Breutz, *Die Stamme van die Distrik Ventersdorp* (Pretoria, ca.1954); N.J. van Warmeloo, *A Preliminary Survey of the Bantu Tribes of South Africa* (Pretoria, 1935); P. Becker, *Path of Blood* (London, 1962), 249.
15. It is uncertain whether Van Warmeloo actually refers to the southern migration of the Legoya in the thirteenth to fourteenth century. See A. Anderson, in J. Walton, *Early Ghoya Settlement in the Orange Free State*, Memoir 2 (Bloemfontein, 1965), 13–14.
16. N.J. van Warmeloo in W.D. Hammond-Tooke (ed.), *The Bantu-Speaking Peoples of South Africa* (London, 1959), 76.
17. Also compare T.V. Bulpin, *Lost Trails of the Transvaal* (Cape Town, 1969), 14–15.
18. Van Warmeloo, *Preliminary Survey*, 96, 103.
19. Anderson in Walton, *Early Ghoya Settlement*, 23, 26.
20. M. Arbousset in Walton, *Early Ghoya Settlement*, 32–33, 36.
21. Compare Becker, *Path of Blood*, 51, 84.

foundation'.²² It is assumed here that this remark by Mason is applicable to the North West Province and specifically Deelkraal. The so-called Uitkomst and Buispoort culture areas (so labelled by ethnologists) only indicated broad outlines of Iron Age material, which do not include architecturally similar settlements elsewhere in South Africa, such as the one at Elandsfontein (close to the town Fochville and next to the farm Buffelsdoorn; Deelkraal lies further west).²³ Mason remarked:

People who made characteristic Uitkoms Culture pottery did not always build in stone, but may have surrounded their settlements with wooden fences where suitable rocks were not available. They also lived in caves, perhaps during times of unrest, and might have built walled dwellings in them, as they did in the Gatsrand.²⁴

This reference by Mason probably refers to the well-known Hut Caves in the Gatsrand (the farm Deelkraal formed part of the former Gatsrand Ward with the Gatsrant ridges visibly close by).

Kent Rasmussen's research, based on an African oral source, caused him to deduce that the Ndebele of Mzilikazi lived at the Vaal:

Additional evidence for Ndebele settlement at the Vaal comes from non-Ndebele African sources. 'Ou Booi', a very old Sotho man interviewed some time before 1925, claimed that as a child he witnessed when 'M'Zilikatze occupied and fortified the Heidelberg Hills' and that he saw 'the Matabele constructing and repairing the fortifications in the Zuikerboschrand'.²⁵

Another purportedly first-hand account was mentioned by W.C. Scully as recorded before 1909: 'Madubangwe ... had joined Mzilikazi at the Vaal River ... According to Madubangwe: Mzilikazi had built his 'great place', Ezinyosini ('the place of the bees'), near the site of present Potchefstroom, i.e., on the Mooi River, about fifty miles west of the Suikerbosrand.' According to Rasmussen, this meant that the Ndebele settlements spanned an east-west breadth of about hundred miles between the sites of Heidelberg and Potchefstroom.²⁶ The Ndebele campaign against the Ngwaketse was seen as the most distant undertaken by the Ndebele during the occupation of the Vaal. Rasmussen mentioned that around the 1820s the Ngwaketse developed into one of the most powerful and prosperous of the western Sotho (or Tswana) chiefdoms. He added that 'it was probably the abundant cattle owned by the Ngwaketse which attracted the Ndebele'.²⁷ J.S. and A.P. Bergh added

22. R. Mason, *Prehistory of the Transvaal: A Record of Human Activity* (Johannesburg, 1969), 381.

23. *Ibid.*, 412.

24. *Ibid.*, 414.

25. R.K. Rasmussen, *Migrant Kingdom: Mzilikazi's Ndebele in South Africa* (Cape Town, 1978), 46–7.

26. *Ibid.*, 48.

27. *Ibid.*, 50; J.S. Bergh and A.P. Bergh, *Stamme en Ryke* (Cape Town, 1984), 27–8.

that Mzilikazi cleared the area around him and sent expeditions against the Taung under Moletsane and the Fokeng (Kololo) under Sebetwane.²⁸

Based on these sources, it might be speculated that war commenced in far-away settlements, as none close to Deelkraal was in any position of power. Rasmussen calculates that Mzilikazi left the Vaal in mid 1827,²⁹ and that he eventually successfully attacked and removed the Ngwaketse to the Kalahari.³⁰ Traces of groupings in Gatsrand before the twentieth century are the following:

*The baKwena ba Molotšwane*³¹

In the period 1825–1878, they settled at Thaba 'Nchu but were also partly visible in the Gatsrand/'Gatsrandberg', in the district Potchefstroom for a short period under the chieftaincy of Morwe, and later his son Molefe.³² In 1935, the baKwena ba Molotšwane was acknowledged as tribe by the South African government. At that time, according to the version produced for the Department of Native Affairs, the group lived in Diphati close to Ventersdorp with a total population of approximately 600 to 700 people.³³

*The baKwena baMare-A-Phôgôlê*³⁴

This group under Kokosi lived close to Losberg in the Fochville area. A few chiefs of the baKwena baMare-A-Phôgôlê lived in the area until approximately 1830, when wars in the area caused many deaths and forced migration. Traces of their activities later on were recounted in Randfontein and Bethlehem (Free State Province) and areas close to rivers. In the western parts, their activities also extended close to the Mooi River under Milwana, a brother of XIII Mare, and the kraal called Gaumkwe.³⁵

28. Bergh and Bergh, *Stamme en Ryke*, 28.

29. Rasmussen, *Migrant Kingdom*, 57.

30. Bergh and Bergh, *Stamme en Ryke*, 29.

31. Davenport refers to one of the three subordinates of Moshweshwe as Moletsane among the Tlokwa: see Davenport, *Modern history*, 134–5. This group is a younger splintering of the older baKwena ba Molepole.

32. Other standard sources did not refer to this fact, though R.H. Massie referred to Bataung under Molitsane who joined the Boer Commando under H. Potgieter to Marico, and after the defeat of Mzilikazi 'by the Boers, was allowed to settle at Machaviestad near Potchefstroom where Gontsi's and Tawane's people rejoined him' (they were only in this area for a short period before moving on): see R.H. Massie, *The Native Tribes of the Transvaal* (London, 1905), 17.

33. Breutz, *Stamme van die Distrik Ventersdorp*, 103–5; Dept. of Native Affairs, Anon., 'A Short History of the Native Tribes in the Transvaal (1905)', 26.

34. A mixed tribe of the Kwena and also part of the tribe history of the baKwena-baHurutshe – see later in discussion – and Breutz, *Stamme van die distrik Ventersdorp*, 117–19.

35. L.P. Vorster, 'Grondbesit en Grondgebruik by die Bakwena-Bamare-A-Phogole' (PhD thesis, Potchefstroomse Universiteit vir Christelike Hoër Onderwys, 1981), 14.

Ethnologists have maintained that, after the wars (alluded to above), especially with the Zulu, people were dispersed and came to be scattered across many European farms, of which Klipgat is the closest to Deelkraal but which appears to have had no links with it.

*The baThalerwa*³⁶

For the purpose of this research it is only necessary to take note of one chieftaincy in this grouping, namely that of III Malekutu, born between 1810 and 1820. Prior to this time, the baThalerwa occupied an area in Potgietersrus and later on also in Saulspoot. III Malekutu, as a grouping of the baThalerwa, lived on the farm Buffelsdoorn (close to the farm Deelkraal) in the Gatsrand Ward of the district Potchefstroom for two years (ca.1877–1878). Descendants of III Malekutu had moved to the farm Uitkyk 33 (or Sêse in seTswana) close to Ventersdorp by 1954, and were still occupying it in that year.³⁷

One of the few oral archival sources available reveals that after the trekker settlement, fleeing Tswana offered their services to whites in exchange for protection against the Ndebele.³⁸ Despite the services that some Tswana people rendered to white residents, it was recorded in 1856 that the Field Cornet of the Gatsrand, T.P. Pretorius, was unable to find enough black labour to fulfil the needs of the Gatsrand Ward farmers.³⁹

Archaeological findings indicated that farm labourers certainly lived in parts of the Deelkraal area: 'None of the house structures are associated with stone-walled kraals ... and so these houses seem to be associated with agricultural activities rather than stock keeping.'⁴⁰ But, as far as the presence of a black community that 'owned' the Deelkraal farm IQ 142 is concerned, the research could not uncover any clearly defined black settlement.

As far as land provision to black South Africans in general is concerned, Peter Delius has noted that 'by 1877, after the annexation of the Transvaal ... land ... occupied by natives made no provision in land for their location but granted the land away in farms over the heads of the natives living on it'.⁴¹ It may have been that a farming temporary labour force eventually developed into an 'undefined

36. Breutz, *Stamme van die Distrik Ventersdorp*, 125–30.

37. Also compare Breutz's findings to that of Van Warmelo at a much earlier date: see Van Warmelo, *Preliminary Survey*, 107.

38. E.S. van Eeden, 'Die Geskiedenis van die Gatsrand vanaf die Vestiging van die Trekkergemeenskap omstreeks 1839 tot die Proklamering van Carletonville in 1948' (MA-verhandeling, Potchefstroom Kampus, Noord Wes Universiteit, 1988), 47; W.A. Stals, *Die Kwessie van Naturelle Eiendomsreg op Grond in Transvaal, 1838–1884* (Pretoria, 1970), 1.

39. Nasionale Argief, Pretoria, TAB, Potchefstroom Landdros, Verw. 1: Korrespondensie T.P. Pretorius/Landdros, 25 Aug. 1856.

40. Steffen, Robertson and Kirsten and Archaeological Resources Management, Report, 'Archaeological Survey', ca. 1993, 5.

41. P. Delius, *The Land Belongs to Us* (Braamfontein, 1983), 30.

location' or black settlement after 1902, but none of the available sources points to such a development. In the former Gatsrand Ward, the scenario right up to the gold mining development, which commenced in 1935, appeared to be a paucity of labourers.⁴²

The Farm Deelkraal from the Claimants' Perspective

All potential claimants country-wide were provided time up to 1998 to submit claims of dispossession with the various Regional Land Claims Commissioners' offices. On 23 December of that year, the 48-year-old Mr Dan David Modibedi, on behalf of the Deelkraal Community, lodged a claim on 23 December 1998 to the Pretoria Regional Land Claims Commissioner against the Randfontein Estates Ltd. and the white farmers/owners to all portions of Deelkraal. His claim mainly indicated that 'we were forcibly removed from that area without any compensation. We want our land back.' As addressee from Khutsong – the historically black township in the Merafong municipal area (formerly part of the Carletonville municipal area) – Mr Modibedi posited the 'ruins of their homes' and 'graves' as evidence to substantiate the evidence for this community's claim.⁴³

A list of the dispossessed (descendants of the 'original' owners of Deelkraal who were 'forcefully removed' from Deelkraal) amounted to 97 people, but only surnames were cited in the claim.⁴⁴ After six years, a land claims report for Deelkraal was completed (7 March 2004).⁴⁵ Based on this report,⁴⁶ with regard to Deelkraal, the government issued Government Notice 756 of 2005 (Ref. no. 017), district Oberholzer, as a farm that will be disputed.⁴⁷ In this report it was claimed that:

- a black community owned the Deelkraal farm
- white farmers took the farm from black farmers over a period of time
- a number of graves are evidence of the presence of the 'original owners'
- a Mr Dan David Modibedi and 97 others claimed that their ancestors (for example, grandpa Selematsela Moleleki from the mother's side) owned Deelkraal. Another claimant, Mr William Mpikaepheli Majola (born 1931) also claimed that the 'white peoples' found 'them' occupying 'Deelkraal'
- a Mr Botha forcefully removed most 'community members' on Deelkraal IQ 142 to the black township Itsoseng (Lichtenburg area)

42. Compare NA, Bantu Administration and Development (BAO), Ref. F73, A12/2/6/F7/3 (1976–1979), 22 Mar. 1979.

43. Harmony Gold, Copy of the Land Claim Form Mr D.D. Modibedi, 23 Dec. 1998.

44. *Ibid.*

45. It is assumed that this report was the only report on Deelkraal by the Land Claims Commissioner, though it is known that all services providers were requested to have completed their reports earlier than 2004.

46. See RLCC, Research Report, Ref. AH 017.

47. Republic of South Africa, *Government Gazette* 27599, Notice 756, 2005, 24.

- a 'large community' had lived on Deelkraal
- the dispossession was a result of the way in which white people ordered black to hard labour' and that Deelkraal is the land of their 'grandfathers because when we grew up they told us that there was no whites during their times'.⁴⁸

The Farm Deelkraal from Other Perspectives⁴⁹

The farm Deelkraal is situated approximately 30 km east of Potchefstroom and measures 4 453 1076 ha in total. Formerly it was also known as Deelkraal IQ 63; 487 and IQ 241. Following white farm occupation in the nineteenth century, Deelkraal was eventually divided into 56 portions. Deelkraal has a rich history of people who, at some point, settled there either temporarily or permanently, or passed through the area either as conquerors or as refugees.

The visibility or presence of white people on Deelkraal before the settlement or registration of farms by whites relates back to a so-called Harmse who, around 1839, lived in the Buffelsdoorn farming area (close to Deelkraal) known as Buffelspoortje prior to 1836 up to ca. 1856.⁵⁰

In Voight's publication, the following is recalled from the sources referring to some of the first white emigrant treks travelling through the Gatsrand:

Early in January, 1837, the combined Commando under Maritz and Potgieter, consisting of one hundred and seven mounted farmers, armed with elephant 'roers', forty of Pieter David's Griquas and six of Jan Bloem's Korannas ... and about sixty Barolongs under Matchawe, Maroko, Tawane and Gontse, started from Thaba 'N Chu and proceeded by rapid marches to the Vaal River basin ... Matchawe, believing that the cattle and the captives taken in the previous year from the emigrants had been removed by the Matabele to their King's former head kraal ... [close to Pretoria and known as Umsiligaas' Nek by 1869] ... guided the expeditionary force in a north-easterly direction through the ridges of the Gatsrand. Up to this point not a single Native had been met. All the country seemed to be without inhabitants ... All through the fertile and well-watered region of the Gatsrand, and further to the north, the Afrianders found large and extensive ruins of villages and Native kraals, as well as huge heaps of skeletons ... Some of the caves north of the Gatsrand had evidently been obstinately defended. Here the vanquished Bakwana ... [BaKwena] had apparently made their last stand ...⁵¹

48. Compare claim information provided by W. Fourie, 29 Aug. 2005.

49. Though the competency of the Land Claims Office in the North West Province will not form part of this discussion on Deelkraal, reports regarding the land claims process in the province contained both negative and positive feedback: see L. du Preez, 'Projekte oor Grond 'n Kopseer in Noordwes', *Beeld*, 17 Feb. 2004, 2; *Landbouweekblad*, 24 June 2005, 99 (comments by readers).

50. Van Eeden, 'Geskiedenis van die Gatsrand', 4–5.

51. J.C. Voight, *Fifty Years of History of the Republic of South Africa, 1795–1845*, vol. 1 (New York, 1969), 320–1; Dr. L.E. Stoch (local resident of Welverdiend and a former farmer in the vicinity of Welverdiend), 28 Aug. 2005; L.E. Stoch Personal Collection (Stoch residence, Welverdiend), Inter-Colonial Irrigation Commission, 'Minutes of Evidence', 13 Apr. 1905, 166.

An archaeological survey deduces that the sites in the Deelkraal area

are remnants of stone-walled kraals used by European farmers, some until recently ... The high walls were probably used to keep horses, and the low walling probably enclosed cattle and other stock. There are no visible artefacts nor evidence of residential structures nearby. Consequently, these were most likely stock posts. Some may have been built by the first Voortrekkers and farmers, while others were probably constructed during the Anglo-Boer War ...⁵²

No in-depth study has been done yet on the features of the aforementioned walls and exactly who built them. It is speculated that prior to 1827 fleeing tribes could have been responsible, or the Boers and groups of black tribes who took part in the 2nd Mzilikazi expedition in 1837 or they were otherwise built by the white farmers after farm settlement.⁵³

According to the 1904 census the black population of the former Transvaal counted six divisions and a total of 811 753 people. In the Western Division the Potchefstroom District (of which the farm Deelkraal then formed part) had a black population of 24 687.⁵⁴ A record of labourers in the Gatsrand Ward for 1894 was found in the archives (the only one located for the nineteenth century) which indicated that black labourers were housed on white-owned farms and were permitted cows for daily use. At this time, Deelkraal's ownership was recorded as being in the hands of five white farmers who appointed a total of seventeen black men as labourers, 101 people in total if women and children are counted.⁵⁵

White land settlement in the Highveld, according to G. van den Bergh, was taken care of by the Volksraad in Natal in the early part of the nineteenth century: 'during the 1830s and 1840s ... for some period ... took care' of activities of farm settlement [in what is now the North West Province]. Andries Hendrik Potgieter, one of the first leaders of the 'Great Trek' period, who had settled in the area, started a register for farm occupation, while magistrate Jacob de Klerk was appointed for the Highveld Region by the 'Natal Volksraad'. He, among others, was tasked with managing the registering and allotting of farms.⁵⁶ According to the Potgieter register, the farm Deelkraal in the Gatsrand was owned by Mr J.H. du Plessis. De Klerk's register mentioned a Mr G.H. du Toit as the rightful owner of

52. Steffen, Robertson and Kirsten and Archaeological Resources Management, Report, 'Archaeological Survey', 5.

53. The same report speculates that some of this historic stone walling might have been reused by European people: *ibid.*, 8. On the other hand, it is also speculated that the stone walling looks like Boer War terracing: comment in text by the writer.

54. Massie, *Native Tribes of the Transvaal*, 12, 15.

55. NA, Potchefstroom Landdros, TAB, Ref. 133, Diverse inkomende stukke van Naturellesake, 1859-1899, Sensus van Naturelle wonende in Wyk Gatsrand, 1894.

56. G. van den Bergh, 'Voortrekker Plaasbesetting op die Transvaalse Hoëveld: 'n Versteurde Beeld', *South African Journal of Surveying and Mapping*, 20, 7 (Dec. 1990), 301.

Deelkraal.⁵⁷ It is speculated that the sale of farms in those early days might account for the fact that two different names appear in these registers for the same land.⁵⁸

In a '*Plaasrequestenregister*' (farm application register that dates from 1839) on 12 October 1839 a request was made for the farm 'Uys zijn Deelkraal'⁵⁹ situated '*aan de Zuid Zijde van de gat*' [most probably a reference to the ancient sinkhole on the farm Doornfontein] from the registered owner, one W. Meintjes.⁶⁰ It is possible that the above-mentioned Du Toit or/and Du Plessis followed after the Meintjes request as the possible owners of Deelkraal at some time in the 1840s. But these are indications that whites occupied Deelkraal in the early nineteenth century, with apparently no other grouping in sight.

After the South African War (1899–1902), once mining development had begun in the Gatsrand Ward, mining groups found it necessary to employ workers from South Africa's neighbouring countries, while 'squatting' was also reported close to the farms Kraalkop and Wonderfontein,⁶¹ further away from Deelkraal. After gold-mining activities became a reality, portions of Deelkraal were sold by white farmers to the West Witwatersrand Areas Ltd., as broadly indicated in a concise Title Deed history on Deelkraal:

A concise Deelkraal title deed history

DATE	TRANSFEROR	TRANSFeree
5 April 1853 – 26 Oct. 1872	Government Inspector	Petrus Johannes Geldenhuys
Subdivisions followed among Geldenhuys family to acquire portions 2-56 (Title Deed 996).		

DETAIL ON SOME PORTIONS UNDER DISPUTE:

* Portion 1 (Title Deed 8676)

12 June 1866	P.J. Geldenhuys	Jacob Geldenhuys & Frederick G.C. Wolmarans
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* Portion 3 (Title Deed 841)

29 Aug. 1935	H.C. Grey	West Witwatersrand Areas Ltd.
On 30 Dec. 1981 the remainder extension of Portion 3 (338,7626ha) was transferred from Gold Fields of South Africa Ltd. (the new land owners) to Deelkraal Gold Mining Company Ltd. From 2003 the Title Deed owners of this portion was Randfontein Estates Ltd.		

* Portion 10 (Title Deed 8276 & 59675)

17 Sep. 1903	Estate J. Grey	Wessel Petrus Grey
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57. *Ibid.*, 303–4.

58. Delius, *The Land Belongs to Us*, 130.

59. It is argued that the farm got its name from the quarrels between the Trekker leaders Andries Hendrik Potgieter and Gerrit Maritz before and after the second expedition to Mzilikazi: see Van Eeden, 'Geschiedenis van die Gatsrand', 1, 6. See also P.J. van der Merwe, *Die Matebeles en die Voortrekkers* (Pretoria, 1986), 148 and G.S. Preller, *Voortrekkermense III* (Cape Town, 1922), 91.

60. Van Eeden, 'Geschiedenis van die Gatsrand', 6.

61. *Ibid.*, 50–1.

Portion 10, as part of Portion 3 of the Deelkraal farm, was subdivided on the same date. On 29 Aug. 1935 H.P. Grey sold his portion to West Witwatersrand Areas Ltd. (afterwards known as Gold Fields South Africa). On 30 Dec. 1981 this portion – then known to be 117.1979 ha – was transferred by Gold Fields of South Africa to the Deelkraal Gold Mining Company Ltd. From 2003 the Title Deed owners of this portion was Randfontein Estates Ltd. This portion is known as a portion of Portion 45.

*** Portion 11 (Title Deed 13511 & T59675)**

15 Nov. 1927 Joint owners Wessel Petrus Grey
On 10 Aug. 1935 Portion 11 of the Deelkraal farm on Portion 10 was transferred to the West Witwatersrand Areas Ltd. by W.P. Grey. On 30 Dec. 1981 this portion – then known to be 147.5590 ha – was transferred by Gold Fields of South Africa to the Deelkraal Gold Mining Company Ltd. From 2003 the Title Deed owners of this portion was Randfontein Estates Ltd.

*** Portion 22 (Title Deed 13512 & T59675)**

15 Nov. 1927 Joint owners Nicolaas Johannes Grey
This portion of Portion 10 remained one farm up to 29 Aug. 1935 after which it was sold by Grey to the West Witwatersrand Areas Ltd. On 30 Dec. 1981 Gold Fields transferred the whole farm to the Deelkraal Gold Mining Company Ltd. From 2003 the Title Deed owners of this portion was Randfontein Estates Ltd.

*** Portion 23 (Title Deeds 13511 & 59675)**

15 Nov. 1927 Joint owners Wessel Petrus Grey
This portion, as a portion of Portion 3, remained one farm up to 10 Aug. 1935 after which it was sold by Grey to the West Witwatersrand Areas Ltd. On 30 Dec. 1981 Gold Fields transferred the whole farm to the Deelkraal Gold Mining Company Ltd. From 2003 the Title Deed owners of this portion was Randfontein Estates Ltd.

*** Portion 51 (Title Deed 23266)**

27 Aug 1955 Joint owners David Schalk van der Merwe
This portion remained a whole up to 12 December 1969 when the Witwatersrand Areas Limited bought Portion 51 and transferred this property of 77.8605 ha to the Deelkraal Gold Mining Company Ltd on 30 December 1981. From 2003 the Title Deed owner of this portion was indicated as Randfontein Estates Ltd. This portion is known as a portion of Portion 45.

Anglo Gold sold their Deelkraal assets to Harmony Gold in July 2000,⁶² and also managed to settle an acquisition of the Elandsrand and Deelkraal Mines from Anglo Gold in January 2001⁶³ for R1 billion.⁶⁴ The first 'regional' location to be in a state of planning in the Gatsrand Ward was on the farm Stinkhoutboom, north of the present Welverdiend town, to accommodate approximately 10 000 people.⁶⁵ During this time nothing was mentioned about the possible existence of an extraordinary community of black people on farms in the environs of Deelkraal. From 1967 gold mine exploration on Deelkraal had been governed by the former

62. J. de Lange, 'Harmony Gunsteling om Goudmyne oor te Neem', *Die Burger*, 28 Nov. 2000, 2.

63. C. Hinde, Mining in Africa (Paper for presentation to PDAC Convention, Mar. 2001), retrieved from www.google.com, 28 Aug. 2005, 8; Anon., Notarial sale of Business agreement, Protocol no. 32, 2001.

64. J. de Lange, 'Harmony se Bedryfswins op R43,7m', *Die Burger*, 19 Apr. 2001, 16.

65. NA, SAB, Naturellesake, Ref. 3874 no. 57/309: Township Welverdiend: Reservation of land, 27 Nov. 1936.

Gatsrand Ward in the district of Potchefstroom, having fallen within the local boundaries of the Carletonville area after 1959.⁶⁶

The Gold Fields Group⁶⁷ commenced with Deelkraal Gold Mine activities in 1974⁶⁸ on 2 366 ha of land. The total expenses to develop the mine (borehole exploration excluded) was estimated at well over R100 million.⁶⁹ Mining operations commenced in 1980. In 1982 expansion was approved. A 'white' and a 'black' labour residential area were developed on mine property, eventually to accommodate 7 000 black and 700 white labourers.⁷⁰

From the early twentieth century the prospects of gold mining on the farm and other surrounding areas eventually resulted in the purchase of the approximately 1 795 7602 ha Deelkraal farming area by the former West Witwatersrand Areas Ltd. in 1935 (see diagram earlier). By 30 December 1981, Gold Fields of South Africa was the title owner of Portions 3; 9; 10; 11; 22; 23 and 51; Portion 51 had been the last one to be purchased, in 1969. Randfontein Estates Ltd. then acquired all these portions in 2003 from Gold Fields of South Africa Ltd. and transferred them to the new Deelkraal Gold Mining Company Ltd. that had already formally started its mining operations in 1981.⁷¹

Deelkraal in Government Notices and Government Acts

Based on archival documents, it has been said, for example, that 'undefined locations' for the most part were situated in arrangement with the owner under 'Agreements entered into under the Squatters Law', terminable upon three months notice on either side.⁷²

In 1951 the Magistrate of Carletonville estimated that the number of black people in the jurisdiction of the Chief Health Inspector of the Peri-Urban Areas

66. By the turn of the century the name of the local Municipality of Carletonville had changed to the Merafong City Local Municipality.

67. Compare 'Tussle for Control of New Mine', *Carletonville Herald*, 24 Aug. 1973, 1; 13 July 1973, 1; 27 July 1973, 1.

68. Compare Internet sources on Deelkraal Gold Mine, available on www.google.com.

69. 'Deelkraal kan oor 5 Jaar Produseer', *Herald vir die Goue Weste*, 13 July 1973, 1.

70. E.S. van Eeden, 'Ekonomiese Ontwikkeling en die Invloed daarvan op Carletonville, 1948–1988: 'n Historiese Studie' (PhD-proefskrif, Potchefstroom Kampus, Noord Wes Universiteit, 1992), 162–7; Anon., 'Deelkraal: The Profit Sharer Goes Smoothly into Production', *South African Mining and Engineering Journal*, 90, 4157 (Dec, 1979), 57; Anon., 'Getting Down to New Areas', *The South African Mining World*, 2, 4 (May 1983), 51; NA, Hoë Kommissaris Westelike Gebiede (HKW), Ref. 1/1/380, (31)N13/2/4/2(1), West-Transvaal Black Townships in Black Areas, Specific Black, 1976–1977; V164/1108, Korrespondensie, Ref. 1/1/168, 1976.

71. General information as obtained from the Title Deeds Office and the National Archive (Pretoria), 2005.

72. Compare National Archive, Transvaal Archives Depot (TAB), List of the Archives of the Native Location Commission, 1904–1908, C. 27, Ref. 7, Land Report: Memorandum on Land Tenure and Distribution of Natives in Transvaal – Historical Review, 1829–1900, 9.

was at least 250.⁷³ Although the Group Areas Act of 1950 continued to accelerate residential segregation, the Act never specifically applied to, nor was it adapted for, the farm Deelkraal and region. The reason for this is that for many years prior to the operation of the gold mines, it had mainly been a farming area. In this period the system of labour tenancy on farms (full-time or part-time,) had operated.⁷⁴

In 1964 an amendment (Bantu Laws Amendment Act, 42 of 1964) placed strict limitations on the labour tenancy system, allowing the Minister to impose a prohibition on labour tenancy within any area.⁷⁵ From some of the testimony interviews conducted and some sources obtained, it appears that it may well be that this Act was also acknowledged in the Carletonville and Fochville area, but not necessarily taken cognisance of as applicable to Deelkraal, because of the limited number of labour tenants available in the surrounding area on an annual basis.⁷⁶

Maps of the area do not indicate the existence of any big settlement by black people by 1904, or even in the 1970s when the Deelkraal Gold Mine entered various stages of development. So serious was the problem of an insufficient labour force that provision had to be made by the gold-mining authority for developing residential quarters at its own expense on mining property. Another scenario may have been that an illegal 'squatter' situation developed on surrounding portions of the farm Deelkraal at the time the Deelkraal Gold Mine started development in the mid 1970s, and that the Fochville and Carletonville law-and-order structures occasionally conducted a police drive to identify 'illegal' activities and restore the residential rights of legal owners.⁷⁷

After extensive research on the period 1967 to 1980 (the period when forced removals may have taken place), no acts have been identified that specifically referred to Deelkraal, although some acts could definitely have applied to the broader white farming communities which automatically included Deelkraal. Among others is the withdrawal of exemption from the provisions of section 9(1) of the Bantu (Urban Areas) Consolidation Act of 1945, in respect of urban areas situated within the administration area of the Western Transvaal Bantu Affairs Administration Board. (File A13/2/13/8).⁷⁸ There was subsequently the Act on the

73. See Central Archive Storage (SAB), High Commissioner Western Areas, Potchefstroom, 1927-1986 (HKW), Ref. 1/1/168, 1/1/28, (0) 9/1/4 - (0) N1/15/7, vol. 2, Letter, West Wits Contractors/The Bantu Affairs Commissioner, 8 Jan. 1976.

74. Compare Platzky and Walker, *Surplus People*, ix, 10, 99.

75. G. Maré, *African Population Relocation in South Africa* (Johannesburg, 1980), 8-9.

76. Contrary to this situation regarding Deelkraal, it is said that between 1960 and 1970 approximately 340 000 people were removed by abolition of labour tenancy on white farms. Approximately 656 000 were removed by laws preventing squatters living on farms. See Maré, *African Population Relocation*, 10.

77. Compare the testimonies of Mr Paul du Plessis (Farmer adjacent to Deelkraal on Kaalplaats and formerly a farmer on a portion of a portion on Deelkraal), 8 Sep. 2005; Mr Jan Wilkens (former farmer on a hired portion of Deelkraal and currently farming on the farm Kaalplaats), 8 Sep. 2005; Mr Niek Prinsloo (Farmer, Deelkraal since 1947), 20 Sep. 2005.

78. Compare RSA, *Government Gazette* 2100, no. 56, 1968 (Extraordinary Gazette), 19 June 1968, 28-34; 4867, Notice 1931, 9 Oct. 1975, 2.

Control and Supervision of an Urban Bantu Location and Related Matters, issued in 1968 (R 1036, 14 June 1968) that related to the wider Potchefstroom area.⁷⁹ This was followed in the Carletonville area (File A15/1108) in 1973⁸⁰ and the Fochville area in 1975.⁸¹

Was There a Removal of Deelkraal Residents to Itsoseng, Lichtenburg?

Evidence from National Archive records shows that the township Itsoseng⁸² (nearly 200 km from Wolmaranstad) was founded and developed by the South African Development Trust (SADT) from 1964. The idea was apparently to provide a family residential area for black families who lacked legal property rights in the former Western Transvaal (mainly intended for male applicants related to the Tswana 'tribe'). The SADT closed an agreement with the Lichtenburg local authority, in accordance with the Bantu Trust and Land Act 18 of 1936, as amended, to purchase land on the farms Gelukspan and De Hoop (702 morgen) for this purpose. However, archival documents also referred to Itsoseng as a proposed residential area for 'the old aged',⁸³ for 'poverty-stricken' families,⁸⁴ and for 'non-productive' and 'old-aged and handicapped' people.⁸⁵ Reference is made to the resettlement of 'foreign Bantu ... who have been employed for longer than 15 years in the Republic [Union]'.⁸⁶ Inspection in Itsoseng was done on a six-monthly basis. By 1969, it was mainly people from Tswana descent that had been accommodated (1 181 families) alongside 187 Xhosa, 156 Southern Sotho and 43 Northern Sotho families.⁸⁷

Had the full initials or names of the Deelkraal claimants been available (and not just the family names), it might perhaps have been possible to locate families who had settled in Itsoseng after applying at the Bantu Commissioner Carletonville to be resettled.⁸⁸ However, based on an examination of the correspondence

79. RSA, *Government Gazette* 4801, Notice 1403, 25 July 1975, 2–6.

80. RSA, *Government Gazette* 4080, Notice 2139, 16 Nov. 1973, 3.

81. RSA, *Government Gazette* 4537, Notice 2333, 13 Dec. 1975, 8.

82. Platzky and Walker refer to this township as one developed to remove most Africans from another township in the Lichtenburg area to the newly developed Itsoseng. On the other hand, they also mentioned that this township marked the development of an informal settlement close to it, called Bodibe. The latter catered for people who left white-owned farms, or those who could not afford township rents. It is interesting that Elaine Unterhalter did not even mention Itsoseng in her list of places affected by forced removals. See Platzky Walker, *Surplus People*, 33, 176–7, 392.

83. NA, BAO, G57/2/1381/1, vol. 2, Ref. 10204, Bantoedorpe stigting en ontwikkeling. Itsoseng (Lichtenburg), 1963–1970; 7583, Ref. T60/15/1381/1, Inspeksies en verslae Bantoedorpe Itsoseng, Lichtenburg, 1964–1971.

84. NA, KLI, 2/1/44, 18 Sep. 1967.

85. NA, HKW., (20)/10, 12 June 1968.

86. NA, KLI, 2/1/115, Ref. N13/2/4/11, Korrespondensie, Hoofbantoekommissaris Potchefstroom/Bantoekommissaris Westelike Gebiede, 18 Oct. 1968.

87. NA, BAO, 7583, T60/15/1381/1, 1971.

88. Compare NA, BAO, 7583, T60/15/1381/1, 1971; KLI, 2/1/44, 28 Sep. 1966–1969.

available in the National Archives, it seems it was not particularly easy for an interested black family or individual simply to be accommodated at Itsoseng. An application had to be made and approval took some time. When approved, arrangements had to be made to assist people to establish themselves at Itsoseng. The list of people who eventually settled there was representative of many places in and outside the former borders of the Western Transvaal, but only three applications from the Potchefstroom area were documented.⁸⁹ Others who obtained written approval of their application to resettle in Itsoseng from the Carletonville area by 30 April 1969 were M. Mita Tselanyane and family (5 April 1969), M.C. Mashike/Masihe (21 April 1969), B.P. Molotane and family (22 April 1969), E. Montshwane (22 April 1969) and M.S. Mosiane (23 April 1969).⁹⁰ From the list of 97 claimants on Deelkraal, only the Mosiane surname appears on the Itsoseng list. It is uncertain if any link whatsoever can be made between M.S. Mosiane and Deelkraal, but it is not impossible.

Evidence of Removal

Research on the period 1964 (since the founding of the *Carletonville Herald* newspaper) up to 1979 (as a possible period in which removals could have taken place) yielded no specific news report related to the farm Deelkraal. With the electronic availability of newspapers from the 1980s, a few newspaper reports on events related to Deelkraal were found, but none of them relates to any removal or even difficulties between tenants and white farmers.⁹¹

Oral testimonies or affidavit(s) are available from the 97 claimants as well as former white residents in Deelkraal as proof of the visibility of their ancestors on this farm.⁹² In all the testimonies, it remains a matter of word-of-mouth and it is difficult to distinguish which ones are historically more reliable. A few obvious confusions of dates and owners' names could be pointed out on the side of the claimant's land claim.

89. NA, KLI, Ref. 2/1/44, 1965–1968; NA, BAO, 7583, T60/15/1381/1, 1971.

90. NA, KLI, 2/1/115, Ref. N13/2/4/11, Correspondence, Hoofbantoekommissaris Potchefstroom/Bantoekommissaris Westelike Gebiede, Apr. 1969.

91. Compare Van Eeden, 'Ekonomiese Ontwikkeling'.

92. Because of the contemporary nature of this claim, I have decided not to use examples of testimonies from either the claimants or the farmers.

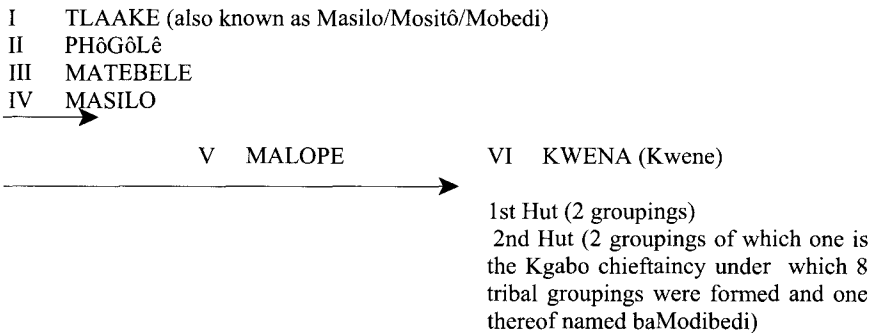
An Archival Reflection on the Visibility of Chief Claimant Dan David Modibedi in Deelkraal History⁹³

Mr Dan Modibedi and 97 others claimed that their ancestors (for example, grandfather Selematsela Moleleki on the maternal side) 'owned' Deelkraal. Another claimant, Mr William Mpikaepheli Majola (born 1931), also claimed that the 'white peoples' found 'them' occupying Deelkraal.⁹⁴

Research on the Modibedi family resulted in the following information:

Tswana & Sotho relations

baKwena-baHurutshe/ba Huruthse
(a group related to the baPhôgôlê)⁹⁵



D.F. Ellenberger referred to one of the very first men associated with the origins of the Basuto as Mopeli (meaning the elder or first man in the chieftaincy).⁹⁶ According to oral tradition, Tlake Mosito was this first man. Van Warmeloo tabled groupings under the Southern Sotho and one of them is the baKwena with its chief Mopeli (Mopedi) 'with the tribes under him known as

93. Archival records that were scrutinised with little success for information with regard to the relation between the claimant and the farm Deelkraal are: Kommissaris Johannesburg (KJB), File 15, N1/4/3-408/83, Estate file, Joseph Modibedi, 1983; File 17, Ref. N1/4/3-390/76, Estate file Sarah Majola, 1976; File 87, N1/4/3-1884/79, Estate file, Monica Matisebe Modibedi, 1979; File 103, N1/4/3-2443/76, Estate file, Madifeisi Paulina Modibedi, 1976; Kommissaris Pretoria (KPA), 4/1/50, Ref. 2/4/2/211/50, Estate, Johannes Modibedi, 1950-1952; 4/1/168, Ref. N1/4/3/392/59, Estate, Abraham Modibedi, 1959; 4/1/277, Ref. N1/4/3(53/65), Estate, Abel Modibedi, 1965; 4/1/531, Ref. N1/4/3/551/78, Estate, Edward Modibedi Sono, 1978; 4/1/636, Ref. N1/4/3/919/83, Estate, Hendrick Ndambo Modibedi, 1983-1984.

94. Notes on oral interviews obtained from farm owners on Deelkraal.

95. Breutz, *Stamme van die Distrik Ventersdorp*, 111-14; D.F. Ellenberger, (English translation by J.C. Macgregor), *History of the Basuto, ancient and modern*, trans. J.C. Macgregor (New York, 1969), 358-9.

96. Ellenberger, *History of the Basuto*, 14-15.

baKwena (bahaModibedi, bahaMolibeli),⁹⁷ counting 1 023 taxpayers'.⁹⁸ Van Warmeloo recorded that some of the chiefs under the baKubung within the Southern Tswana grouping lived in the Ventersdorp district, but no mention is made of any chief and tribe under the baHuruthse who lived even closer to Deelkraal in 1935.⁹⁹

Genealogical research on the ancestors of Modibedi also yielded nothing related to their claim to Deelkraal (or Dithabeng) for many decades. Of the name 'Dithabeng', nothing was retrievable that referred specifically to Deelkraal. The chief claimant, David Modibedi, claimed to have been a tenant on the farm of a Mr Kok. A Mr Gert Jacobus Kok owned Portion 41 from 1945, and an S.S. Badenhorst purchased the piece of land in 1994 after many years of allowing several white farmers as lessees to farm on a part of this Portion.¹⁰⁰ Mr David Modibedi also mentioned in his testimony that his mother was Selematsela Moleleki and that his father was a Modibedi. Research was unable to confirm this information, and neither has any evidence emerged for the existence or removal of baModibedi/Modibedi to Itsoseng. The same lack of evidence applies to the Deelkraal Claim chairperson, Mantombi Majola.¹⁰¹

Graves as Evidence of the Presence of the 'Original Owners'

Graves could be those of either owners or of tenants and labourers.¹⁰² It is possible that only those that mark the resting places of the owners survive, but inscriptions relating to the Kok family date back from 1880 to 1963.¹⁰³ The lists kept by the South African Genealogical Society record gravestones for other white farmers, such as pioneer P.J. Geldenhuys, and date as far back as 1866.¹⁰⁴

Conclusions

This article has attempted, among other things, to raise questions about how the

97. Compare Becker, *Path of Blood*, 138.

98. Van Warmeloo, *Preliminary Survey*, 100–1.

99. *Ibid.*, 105; R.H. Massie, *Native Tribes of the Transvaal*, 19–22; I. Schapera, *The Ethnic composition of Tswana Tribes* (London, 1952), 52–64.

100. See the testimonies Mr Paul du Plessis (Farmer adjacent to Deelkraal on Kaalplaats and formerly a farmer on a portion of a portion on Deelkraal), 8 Sep. 2005 and Mr Jan Wilkens (former farmer on a hired portion of Deelkraal and by 2005 farming on the farm Kaalplaats), 8 Sep. 2005.

101. Compare Kommissaris Lichtenburg (KLI), 2/1/44, 1965–1968, Toelatings van voornemende inwoners, 1966; Departement van Bantoe-Administrasie en Ontwikkeling (BAO), 7583, T60/15/1381/1, 1971.

102. As far as tenants are concerned, Platzky and Walker distinguished between tenants working on a permanent basis for 12 months and longer as well as tenants only working on a part-time basis for cash.

103. Steffen, Robertson and Kirsten and Archaeological Resources Management, Report, 'Archaeological Survey', 10–11.

104. NA, SAGS, Bloemfontein 25, Gravestones Deelkraal.

evidence of land ownership on the farm Deelkraal in the North West Province should be evaluated from a historical perspective. The intention has been to suggest the usefulness of a multidisciplinary view on the land history of Deelkraal, which accentuates the complexities that can be involved when ownership of land is disputed.

A multi-disciplinary historical perspective reveals the presence of human activity since the Stone and Iron Ages. Dynamic human movements through the Gatsrand area (which includes Deelkraal) by Sotho groups and by the Ndebele of Mzilikazi before 1835 have been recorded. However, according to the available written sources, none of them apparently settled for decades. Only the chieftaincy of III Malekutu, as a grouping of the baThalerwa, lived on the farm Buffelsdoorn for two years. In the 1930s it was recorded that descendants of III Malekutu lived on the farm Uitkyk 33 in the Ventersdorp area. Archaeological findings indicate that black farm labourers did live in parts of the Deelkraal area. But, As far as the presence of a black community that 'owned' the Deelkraal farm IQ 142 is concerned, the research currently does not point to a clearly defined black settlement.

How then do we judge the 1998 claim brought by the Modibedi group? In essence, their claim presents only sources that rely on recent oral testimony and recollections. A considerable body of written and archaeological evidence seems to have been ignored. Contradictory testimonies have been provided by white inhabitants. This situation poses serious questions about how evidence, like that in the Deelkraal case, can be critically assessed in terms of historical understanding.

It was asserted in the land claims report with regard to Deelkraal that, among others, 'community members' on Deelkraal IQ 142 were moved to the black township Itsoseng (Lichtenburg area), that a 'large community' had previously lived on Deelkraal, and that there were no whites on Deelkraal during the period that black people occupied the Deelkraal farm. Historical evidence suggests a more complex and elusive history.

White farm occupation has been recorded on Deelkraal from the mid nineteenth century. Despite extensive primary and secondary research done to test the validity of the 1998 claim, no indication could be found that links any of the 1998 claimants to the farm Deelkraal. Neither the records of the government legislation, nor any local newspapers were explicit or helpful in any way in providing historical evidence for a removal of people from the farm Deelkraal. Aerial photographs taken in the 1960s, just before the Deelkraal Gold Mine started its operations in the early seventies, did not reveal signs of a community of black people close to or on the mining area or Deelkraal farming area. A possible link of the claimants with Itsoseng, as the black township to which a 'removal' apparently took place in numbers, also delivered no outcome. Historical evidence pointed only to a Mosiane family, and it is uncertain if this family is related to one of the claimants known as Mosiane.

If graves are a key source of evidence in land claims and land reform, the many graves of both black and white inhabitants should not be ignored, but they

require more in-depth research from a totally different angle and with many considerations and constraints that accompanies research of this nature.

Oral testimonies from white farmers and some white police members familiar with Deelkraal (and working in the Deelkraal area for many years) independently testified that the labour force on Deelkraal had always been limited. Reference was made by the chief claimant to the Kok brothers who farmed on Deelkraal, and on whose property the claimant was born. According to some testimonies, the Koks most often rented some of their farming area to other farmers. An extraordinary labour force was apparently never required, although occasional complaints were raised about the lack of a sufficient labour force. This information may perhaps contribute to a sufficient refutation of the claimant's testimony.

The land claims research on Deelkraal has accentuated the difficulties of locating ownership because of complex migratory patterns and the history of segregation in South Africa. If land tenure arrangements and their post-apartheid settlement are to be researched, they should be built on an honest and healthy foundation.¹⁰⁵

105. Based on the information as provided via e-mail received from Mr. Jurg Prinsloo (lawyer), 3 May 2006; Also compare D. van Rooyen, '15% Wit Plase Moet Gou Swart Base Kry', *Sake-Rapport*, 12 Nov. 2006, 3.