

**ARCHAEOLOGICAL IMPACT ASSESSMENT: EXPLORATORY
EXCAVATION OF THE AREA OUTSIDE THE RUSTENBERG
WALLED CEMETERY AT THE UNIVERSITY OF CAPE TOWN,
CITY OF CAPE TOWN, WESTERN CAPE**

Prepared in terms of the National Heritage Resources Act No 25 of 1999 and as a
requirement for Permit No: 80/08/04/022/51

Prepared for

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EXECUTIVE SUMMARY

The Archaeology Contracts Office was requested by the University of Cape Town to undertake exploratory archaeological work outside of walled cemetery on Upper Middle Campus. This Archaeological Impact Assessment forms part of a Heritage Impact Assessment commissioned prior to the construction of the new Commerce building in this area. A baseline historical assessment undertaken in 2005 and 2006 had established the presence of an old cemetery, probably a VOC slave cemetery, on Upper Middle Campus. A wall was built around the cemetery in the late 19th century and the boundaries of this wall were established by the Surveyor General in 1917. Archival records suggested that tennis courts had been built over a portion of the cemetery in the 1920s. There are no visible indications of the location of the cemetery and there is anecdotal evidence to indicate that human remains may have exhumed during the construction of the tennis courts.

The aim of the exploratory archaeological excavations was to establish the extent of any possible human remains on the site and the location of the cemetery walls (established from the survey diagrams). The ACO was requested to dig three trenches in the identified area, along lines agreed through a public participation process. The trenches could not extend more than 1.0m southward of the identified line of the cemetery wall. No excavation of human remains was permitted in terms of the public participation agreement or the permit issued by SAHRA.

Excavations were undertaken using a mechanical excavator and two parallel trenches (one 58m and the other 9m in length) were excavated in a north-south direction. No remains of any kind, including human remains, were found in these trenches. A further 10m trench was excavated to bisect these trenches in an east-west direction. Fragments of red brick, sandstone boulders and limestone plaster were found along the southern edge of this trench, in the location of the anticipated position of the cemetery wall. The nature of the plaster suggested an early 20th century date. The rubble did not form a formal wall and it appeared that they represented a demolished wall with elements distributed across the landscape. Excavations ceased on the discovery of these remains and in terms of the agreement, no excavations took place to the south of the wall.

The following recommendations are made:

- Since no human remains were discovered during the excavation of the three trenches, it is recommended that construction may proceed in the designated area;
- That the exact location of the “stone walling” be determined by a surveyor to ensure that it is protected during proposed construction in the adjoining area;
- That a set-back or buffer of 2m outside of the “stone walling” should be established to protect it from destruction during building operations;
- That the “stone walling” should be covered by white sand or geotextile before it is covered in soil, in order that it may be uncovered at a later date for possible display;
- Should archaeological remains, such as further stone walling, be discovered during building operations that an archaeologist should be alerted to investigate;
- However, if human remains are uncovered then building operations will have to cease immediately and SAHRA will have to be notified. They will then determine the process to be followed in consultation with interested and affected parties.

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1. INTRODUCTION

In 2006 the University of Cape Town made an ‘in-principle’ decision to locate the construction of a new Commerce Faculty on the Upper Middle Campus (Figures 1). However, during a baseline Heritage Appraisal conducted by Thorold and Associates in 2005 and 2006, evidence was found on Upper Middle Campus for an “old cemetery”. Archival records, a Surveyor’s Diagram accompanying the University of Cape Town Deed of Grant and oral history suggested that the cemetery is located in close proximity to the proposed new building. Andrew Berman and Andre Pentz were subsequently appointed to conduct a Heritage Impact Assessment for the proposed development. The Archaeology Contracts Office at the University of Cape Town was approached to undertake the Archaeological Impact Assessment which forms part of the HIA.

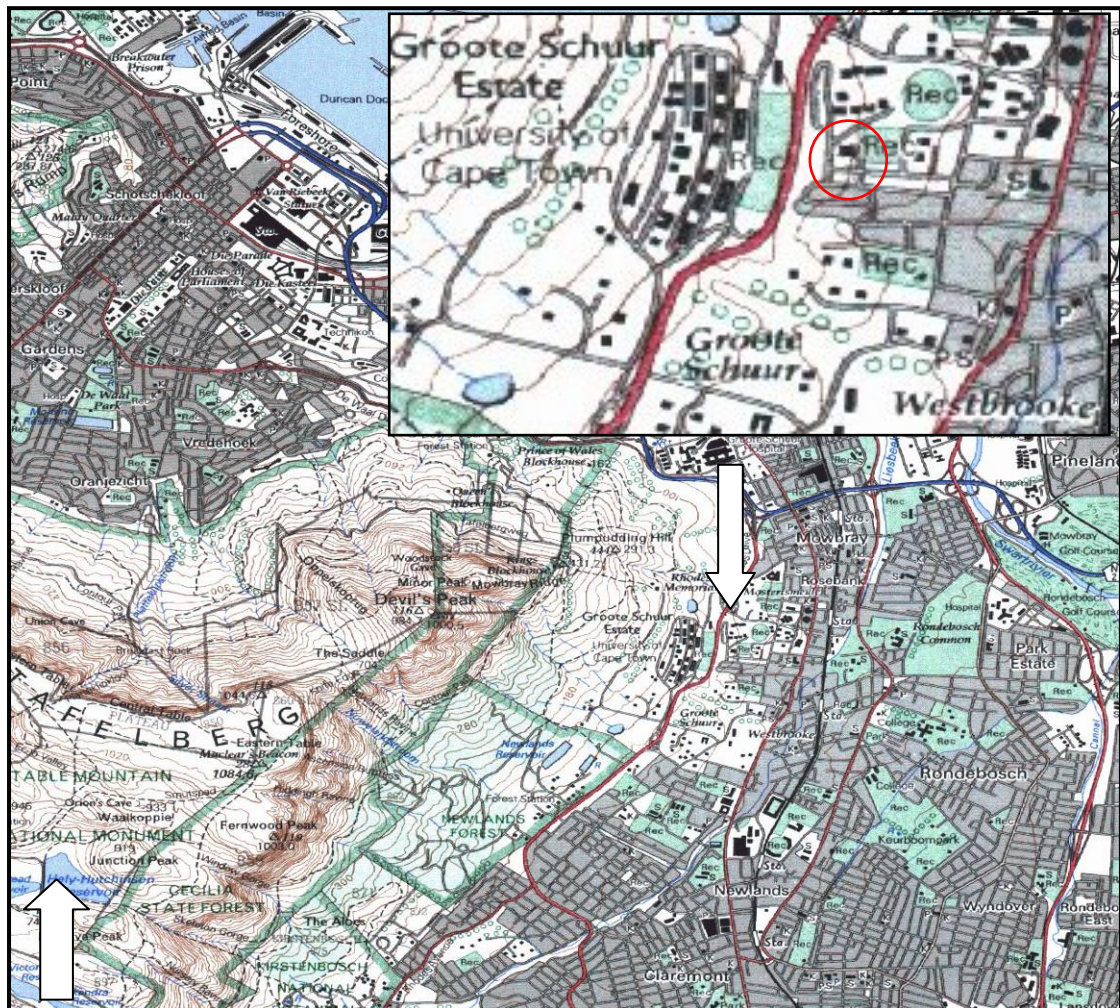


Figure 1: 3318 CD Cape Town (Mapping information supplied by - Chief Directorate: Surveys and Mapping. Website: w3sli.wcape.gov.za)

Prior to the commencement of excavations, a public participation process was facilitated by Nosipho Consultancy to engage with interested and affected community members regarding the proposed development and the possible impact on the “old cemetery”. This public participation process agreed to an archaeological study to determine the “extent of any possible human remains on the site and its surrounds subsequent to the major disturbances dating from the 1930s onwards”. The terms of reference for such exploratory archaeological excavations are set out below.

2. TERMS OF REFERENCE

The Archaeology Contracts Office was asked to establish:

- The location of a known enclosing wall to the Rustenberg graveyard. The position of such a wall was established from historical survey (Figure 2) drawings.
- The extent of any possible human remains on the site and its surrounds.
- Specifically to determine whether any burials took place on the terrace to the north of the enclosed graveyard.

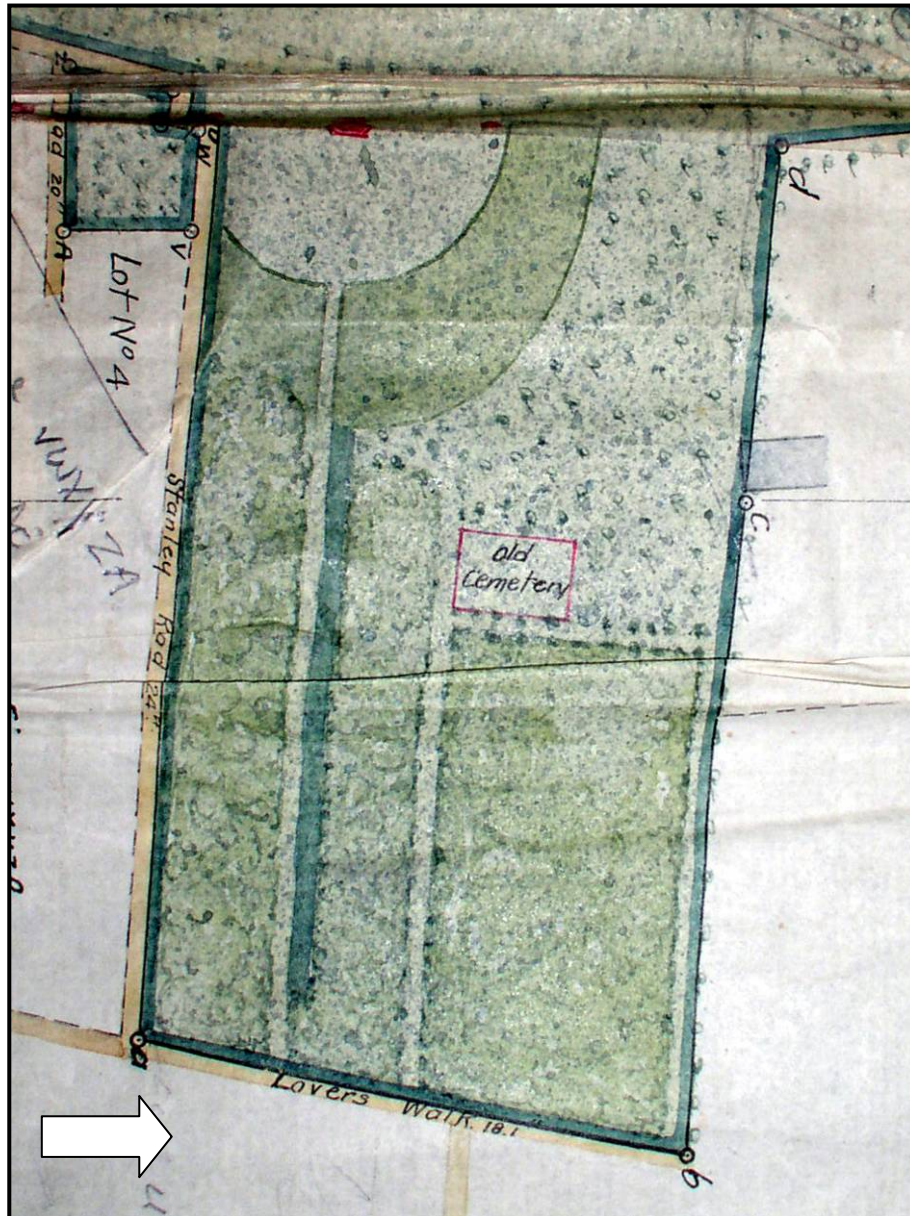


Figure 2: The Surveyor General's Diagram of 1917, showing the location of the cemetery (SG 8123/1917).

The following are the specific terms of the archaeological work:

- The principles of full and open community participation are to be applied and the site will be open for visitation by arrangement with Nosipho Consultancy, the appointed public participation professionals, who will invite interested and affected parties to visit the site at an appointed time by arrangement with the archaeologist when he/she is present;
- Three exploratory trenches shall be dug along the lines indicated in a drawing given to the archaeologists prior to the excavations (Figure 3);

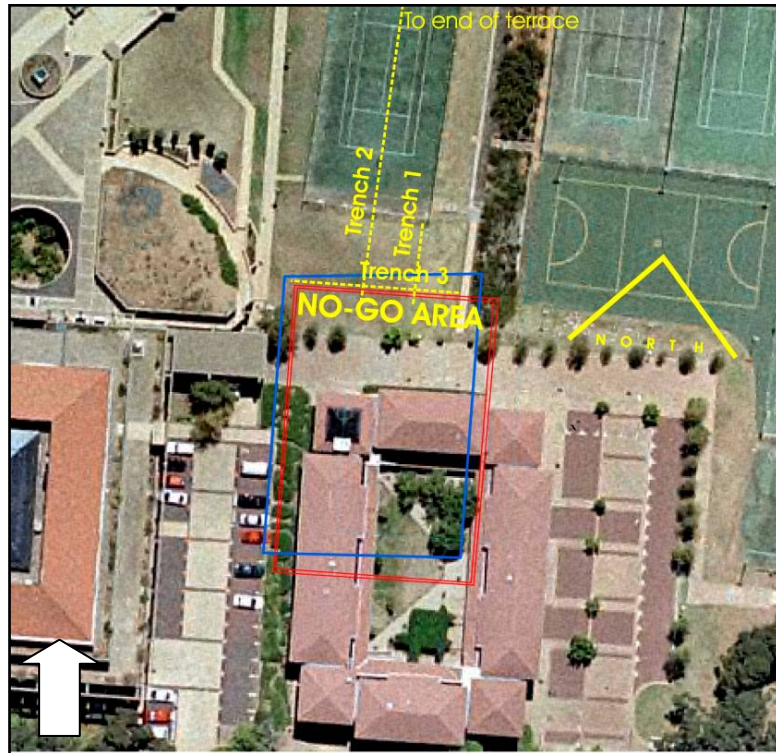


Figure 3: The overlay of the 1917 Survey Diagram and the location of the three trenches discussed in the text.

- Trenches shall be dug to 0.3m below the level of undisturbed soil or clay;
- North-south trenches shall be dug no more than 1,0m southwards beyond the identified line of the graveyard wall;
- Trenches and the immediate working area shall be cordoned off securely with approved hazard tape at all times;
- A mechanical excavator may be used to dig the trenches outside the no-go area;
- Should human remains, in any location or in any form, be found during the course of the excavation operations in that immediate area shall stop and the Director of the Physical Planning Unit shall be notified within 24 hours who will in turn notify the Stakeholder Group via Nosipho Consultants for consultation on ways forward with the works;
- The archaeologist shall prepare and submit a written report (including visual images recording the archaeological process) to the Physical Planning Unit within 5 days of completing the excavations;
- The South African Heritage Resources Agency, Nosipho Consultancy and the Heritage Practitioner, Andrew Berman, will receive copies of the report;
- All archaeological work is to be conducted in accordance with international protocols and best practice, especially in terms of the Vermillion Accord.

3. LEGISLATION

This study is conducted in terms of Section 38 (1) of the National Heritage Resources Act (No 25 of 1999) makes provision for a compulsory impact assessment when constructing a road or similar linear developments exceeding 300m in length or developing an area exceeding 5000m² in extent.

The law provides protection for the following categories of heritage:

- Archaeological remains which is defined as material older than 100 years and includes artefacts, structures, etc. as well as artefacts associated with military history older than 75 years (Section 35);
 - Palaeontological and rare geological specimens and meteorites (Section 35);
 - Living Heritage which can include cultural tradition, oral history, performance, ritual, popular memory, skills and techniques, indigenous knowledge systems, etc;
 - Historical sites, buildings and objects older than 60 years (Section 34);
 - Graveyards and graves older than 60 years (Section 36);
 - Proclaimed heritage sites, public monuments and memorials (Section 37);
 - Ethnographic art objects and objects of decorative and visual arts (Section 32).
- Further, the National Estate may include (Section 3 (2)):
- Places, buildings, structures and equipment of cultural significance;
 - Places to which oral traditions are attached or which are associated with living heritage;
 - Historical settlements and townscapes (and this can include open space, including a public square, street or park);
 - Landscapes and features of cultural significance;
 - Sites of significance related to the history of slavery in South Africa.

As a result of the 'documentary evidence' for the presence of an 'old cemetery' on Upper Middle Campus, the South African Heritage Resources Agency (SAHRA) was notified of the grave site in terms of Section 36(6) of the National Heritage Resources Agency. The presence of a possible cemetery on the site therefore determined the parameters for the Archaeological Impact Assessment.

The Archaeology Contracts Office at UCT applied and was granted a permit (**No: 80/08/04/022/51**) in terms of Section 35 (Archaeology, Palaeontology and meteorites) of the NHRA. The conditions of the permit are stipulated as follows: "for exploratory excavation of an area of ground outside the walled cemetery site (known as Rustenberg) in order to determine whether there are any signs of an old graveyard documented in the general area, at the University of Cape Town. This needs to be ascertained before any new developments takes place on the site. This permit only allows for exploratory excavations and does not permit the removal of archaeological (Section 35) material".

Application for a permit for exploratory excavation was therefore not made in terms of Section 36 of the NHRA which relates to Burial Grounds and Graves. With regard burial grounds and graves, Section 36 (3) of the Act clearly stipulates that no person may, without a permit issued by the relevant heritage authority or SAHRA, (a) destroy, damage or exhume the grave of the victim of conflict; (b) destroy, damage or

exhume any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority. This section of the Act also makes provision for the consultation with “communities and individuals who by tradition have an interest in such grave or burial ground”.

4. BACKGROUND

The presence of the ‘old cemetery’ on Upper Middle Campus was established during the baseline heritage study. The aim of the historical report commissioned (Titlestad, Pistorius & Thorold) by the University of Cape Town was to determine:

- The spatial location of the cemetery;
- Its size;
- Its period of use;
- Possible identities of deceased persons whose remains could have been interred there.

There is some evidence to suggest that the burial ground was a VOC outpost cemetery used for the interment of VOC slaves who were apparently treated differently from private slaves. The earliest graves could therefore date back to the late 17th century and the cemetery could have been in use until the emancipation of slaves in 1834. There is very little information on the number of individuals interred in the cemetery. Nevertheless, Titlestad et al (2006) point to the fact that “this is a historical site of potentially exceptional importance” because of its antiquity and association with VOC slavery.

University correspondence dating to 1928 refers to the fact that Rhodes had instructed a walled enclosure to be built around the cemetery to protect the graves. The construction of the cemetery wall would therefore date to the period between 1894 (when he acquired the land) and 1902 (when he died).

The construction of terraces at Middle Campus, for tennis courts, began in 1925 and the tennis courts were completed in 1926. There is reference in correspondence dating to 1927 to the “old slave graveyard” but there is no indication as to its fate during this period of development. Mr Iveson (2007) reported that he had been told by a Mr J van Niekerk, who was a grounds man at the University of Cape Town during the mid-20th century, that while making the cutting for the staff tennis court (now removed) they had encountered a problem. “As the soil was removed the ground gave way under those working to reveal human remains in what remained of coffins”. According to Mr Iveson, he was told by Mr van Niekerk that the human remains were buried somewhere on the Woolsack property. There is therefore anecdotal evidence that human remains may have been uncovered during the construction of the tennis courts during the 1920s and that they may have been reburied elsewhere.

To summarise: archival research concludes that “much of the documentary evidence locating and identifying the graveyard is confusing and contradictory”.

The only **concrete** evidence for the location of the “old cemetery” is the Surveyor General’s Diagram (Figure 2) that accompanied the University of Cape Town Deed of Grant and this survey was conducted in 1917 (SG 8123/1917).

5. METHODOLOGY

Prior to the commencement of archaeological work, the ACO was presented with a diagram indicating the position of the “old cemetery” (established through the original Survey Diagram) and the three (3) trenches which had agreed upon during the public participation process (Figure 3). A mechanical excavator was used to excavate the trenches. Excavations commenced on 5 November and ceased on the 10 November 2008. Inclement weather and mechanical problems with the excavator hampered excavations.

Trench 1, 1m wide and 58m long was excavated through the length of the present staff tennis court in a north-south direction (Figure 4). The trench was excavated to a depth of approximately 2m, to decomposing large sandstone boulders signifying bedrock. The archaeologists were advised to dig to a depth of 0.3m below the level of undisturbed soil or clay and this was achieved in Trench 1.

A second trench, also 1m wide and some 9m long was excavated parallel to Trench 1, along the eastern edge of the terracing. The trench was excavated to a depth of 1,6m but did not reach bedrock for reasons explained below.

Finally, a trench some 2m wide and 10,5m long was excavated at right angles (running east-west) to Trenches 1 and 2, to run approximately parallel to the expected edge of the burial ground. This trench was excavated until a stone feature was encountered at some 1m below the soil surface.

6. RESULTS

Trench 1: The stratigraphy (soil profile) was fairly consistent throughout Trench 1. The top 200mm comprises the asphalt of the tennis court and a humic brown soil. Below this is a yellow gravel layer which varies between 300mm and 500mm. According to the site engineer, this top unit represents disturbed material and does not relate to the original soil horizon. Below this layer is a yellow clayey matrix with large sandstone boulders (Figure 5). These boulders appear to lie on bedrock. The soil profile of the last 25m of the Trench, approaching the edge of the anticipated cemetery wall, was observed to be very unstable, with large areas caving in. This prevented detailed stratigraphic observations from being made. No artefactual remains were found in this Trench, with the exception of some recent plastic and rusted metal sheets to the north of the tennis court.

Trench 2: The soil profile of the trench located at the end of the terrace was substantially different from Trench 1. The Yellow Gravel Layer was very uneven and collapsed in large sections. Beneath this layer was a red/brown loamy soil which extended down to 1.6m, when we stopped further excavations due to the unstable nature of the soil. There was a single thin black soil parting running through the red/brown soil at the depth of 1m from the surface (Figure 6). This trench appears to represent disturbed soils and there is no evidence of the yellow clay and sandstone boulders found at the base of Trench 1.



Trench 1, looking north-south (left) and south-north (right).



Trench 1: Excavations through the tennis court.



Trench 2 on the edge of the terrace (left) and the start of Trench 3 (right).

Trench 3: A 1m wide trench was excavated at right angles to Trench 1 and 2, running in an east-west direction along the anticipated wall of the cemetery, as determined by the archival records. According to the terms of reference received by the archaeologists, no further work could be undertaken 1.0m south of this identified line. During the excavations of this trench, a small patch of red brick and limestone mortar was uncovered some 1m below the soil surface. The trench was therefore widened to 2m to explore the feature, this being the maximum width permissible. Further rough sandstone boulders, broken red brick and limestone plaster was uncovered, also at a depth of 1 m. These remains did not appear to represent a formal wall, or even the foundations of a wall, but rather the remains of a structure which had been demolished at some time in the past. Several large boulders were

found at the end of this rubble layer, suggesting the corner of a possible wall or structure which had collapsed outward. Some of the boulders were coated in limestone plaster, suggesting they may have formed the outside of a wall (Figure 7). The structure of this plaster indicates that it dates to the period 1900 (Hart, pers comm.) which places it within the time frame for the construction of the cemetery wall.



Trench 3: Section of the collapsed stone walling (left) viewed from the southern section of Trench 3, looking northward. A sandstone rock with lime plaster (right).

Excavations stopped at this feature (1m below the soil surface) to allow visitors and university staff to view the remains and reach a decision on the significance of the remains and further exploratory excavations. A 1m x 1m hole was excavated at the western end of this trench to a depth of 2m, and no further remains were discovered.

Interspersed with the building rubble was a fairly dense layer of charcoal and it was discovered that a number of roots in this layer had been carbonised. This suggests that vegetation, growing over the site in the past, may have caught fire (or been set on fire deliberately) possibly during the clearing of the site.

7. CONCLUSIONS

Archival records indicate that CJ Rhodes instructed that a wall be erected around the old cemetery on Upper Middle Campus, probably in the period 1894 to 1902. This means that the wall was probably constructed at least 50 years, but perhaps even 100 years, after the last individual was buried in the cemetery. It may then already have been difficult to determine the edge of the cemetery.

We have no information on the structure of the wall. Archaeological excavations have revealed a combination of red brick, sandstone boulders and lime plaster lying in an east-west direction. There is no indication of a formal wall or even the footing or foundations of a wall. The stones and bricks are lying in a haphazard fashion, suggesting a structure which had been demolished at some time in the past. There are several large boulders at the easterly end of this rubble layer, suggesting the corner of a possible wall or structure which had collapsed outward. Some of these boulders were coated in limestone plaster, suggesting they may have formed the outside of a wall. Trench 3 therefore appears to have cut into a section of the cemetery wall.

However, none of the trenches uncovered any evidence of graves (i.e. discolourations in the soil and burial shafts) or any human remains. If any individuals

had been interred outside of the position of the cemetery wall, and subsequently exhumed and buried elsewhere (as suggested by oral evidence) then there is no evidence for this in the archaeological deposit.

The absence of human remains outside the remnant of stone walling found in trench 3 would suggest the following conclusions:

- There were no graves positioned outside of the cemetery wall which was erected by CH Rhodes between 1894 and 1902. All graves are therefore located inside the walls and they remain buried and intact;
- Burials which may have occurred outside the walls (and possibly also inside the walls) were removed and reburied elsewhere (see the observations of Mr Iveson above) sometime around 1927.

If human remains were exhumed in the past and buried elsewhere, outside of a formal cemetery and without any headstones, it is conceivable that they may be uncovered elsewhere on campus.

8. RECOMMENDATIONS

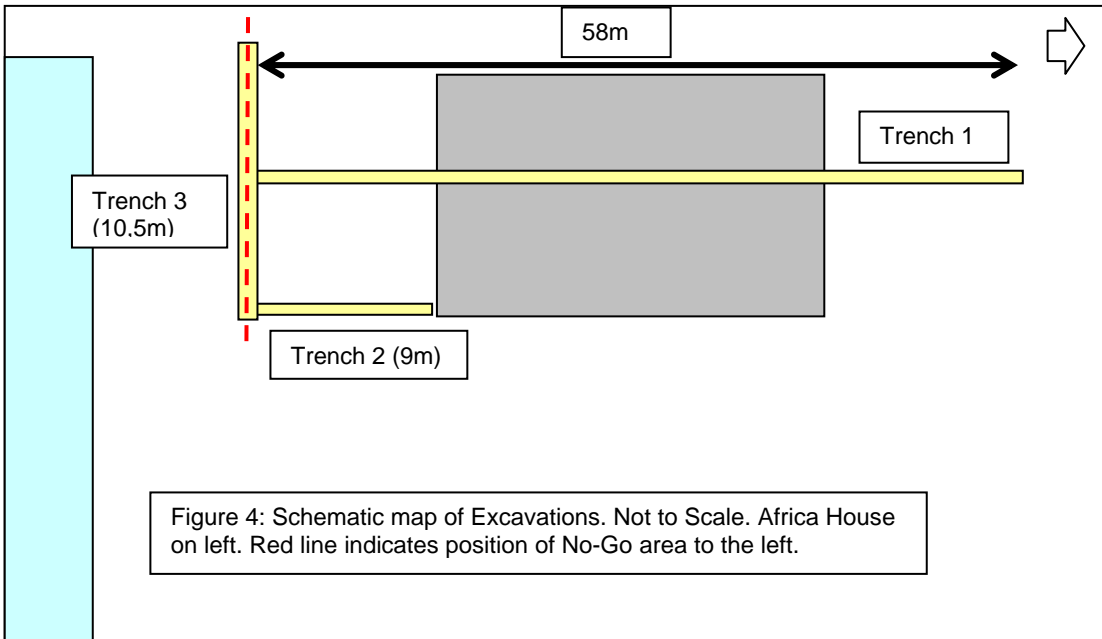
Fieldwork was successful as a remnant of a stone wall, which appears to date to the early 20th century, was uncovered along the exact line indicated on the Surveyor General's diagram of 1917. It may be assumed that this would represent the outer (northern) wall of the cemetery as indicated in Figure 2. A number of recommendations result from this exploratory excavation:

- Since no human remains were discovered during the excavation of the three trenches, it is recommended that construction may proceed in the designated area;
- It was recommended that a proper geo-referencing of the wall remnant be undertaken before it is covered up. This will allow the position of the "walling" to be retained into the future and will prevent possible destruction during building operations;
- That a set-back or buffer of 2m outside of the "stone walling" should be established beyond which the contractor may not go. This would be to protect the walling from possible destruction during building operations;
- That the "stone walling" should be covered by white sand or geotextile before it is covered in soil, in order that it may be uncovered at a later date for possible display;
- When construction of the new building is undertaken on the tennis court precinct, work should stop immediately and archaeologists should be contacted if any sub-surface remains are uncovered. This includes any evidence for buried structures such as further walling.
- However, if human remains are uncovered then building operations will have to cease immediately and SAHRA will have to be notified. They will then determine the process to be followed in consultation with interested and affected parties.

9. REFERENCES

Titlestad, S., Pistorius, P., Thorold, T & Baumann, N. 2006. Preliminary Historical analysis of early research findings for the University of Cape Town Upper Middle campus burial ground.

Iveson, C.A. 2007. UCT Middle Campus & Old Cemetery Rustenberg Farm.



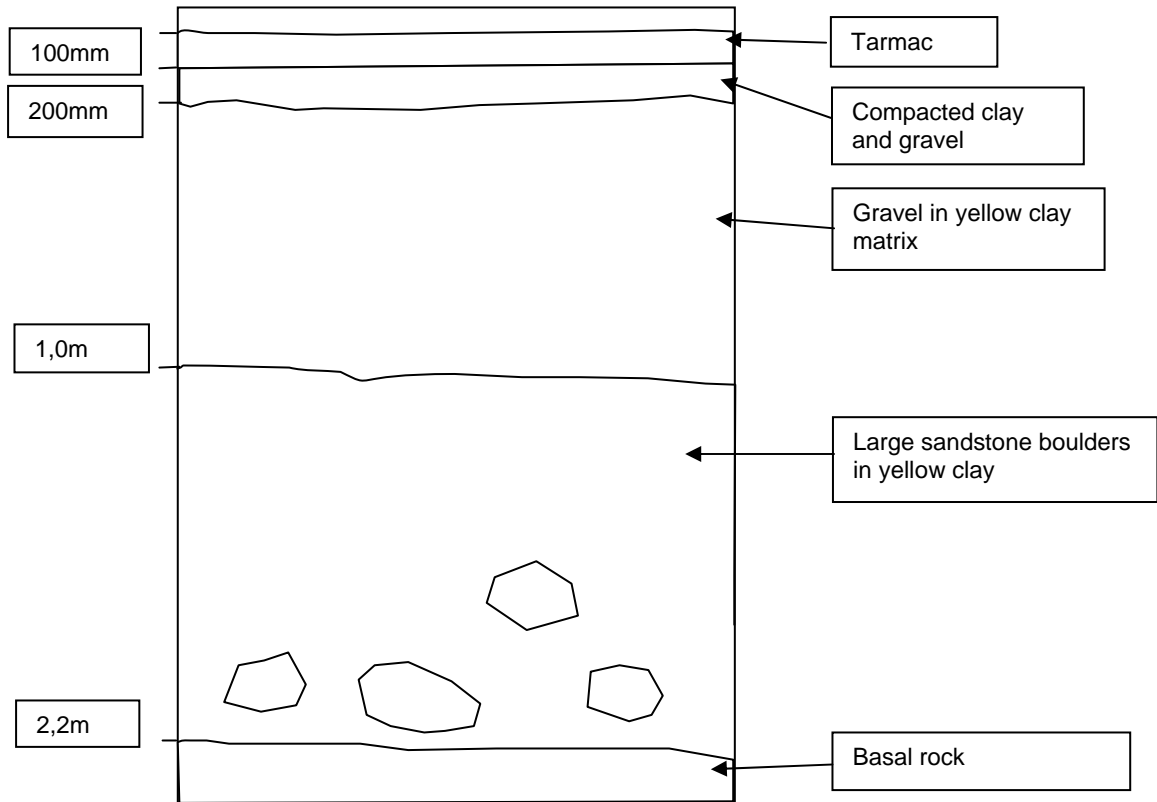


Figure 5: East facing section of Trench 1.

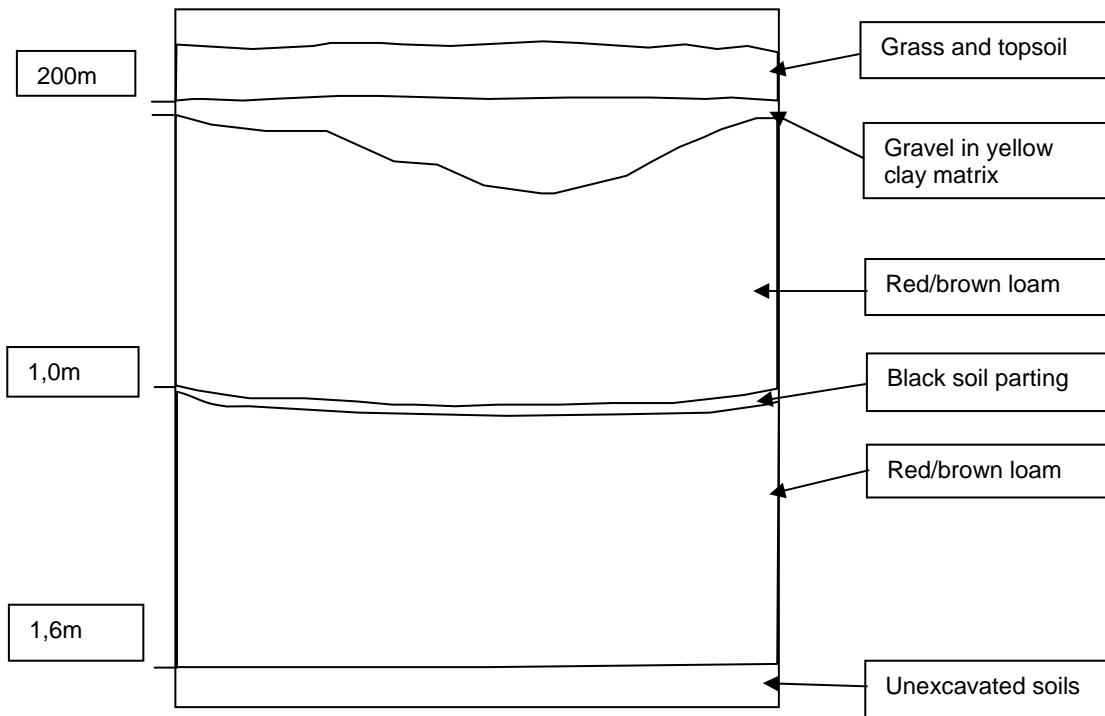


Figure 6: West facing section of Trench 2.

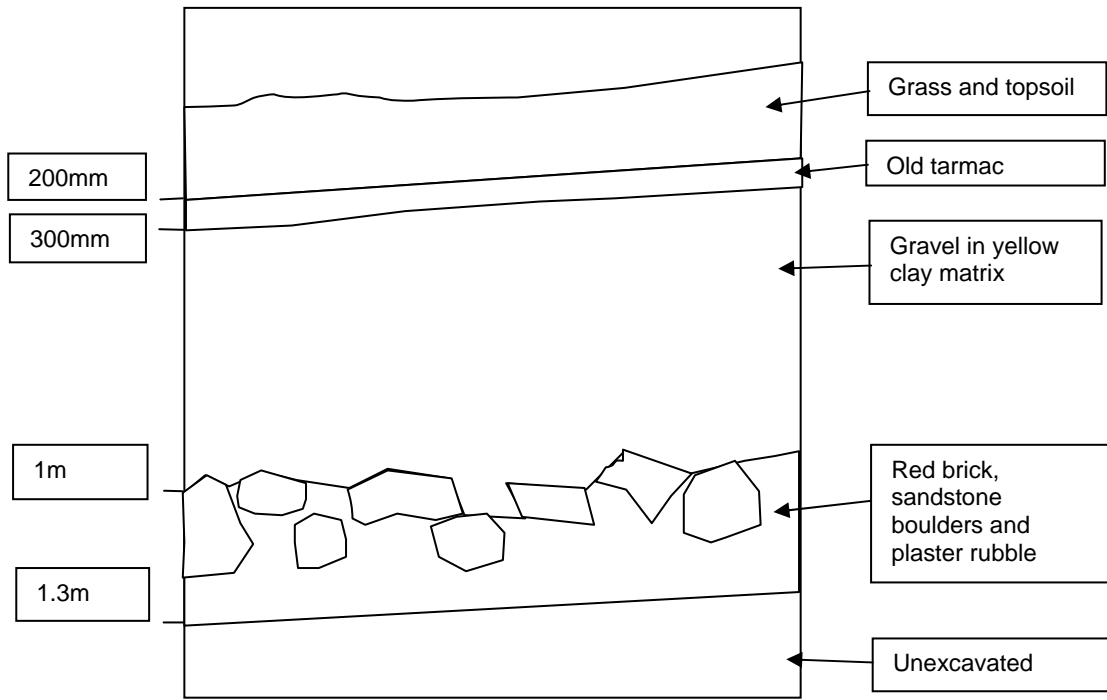


Figure 7: South facing section of Trench 3.