

**REPORT ON GRAVE SITE FOUND AT THE LUGEDLANE DEVELOPMENT SITE,
MJEJANE GAME RESERVE, LODWICHS LUST 163JU, HECTORSPRUIT
MPUMALANGA PROVINCE**

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A. INTRODUCTION

Adansonia Heritage Consultants were commissioned to do an investigation and recommendation for a possible burial site on a 50m² stand (part of Luggedlane Developments Pty. Ltd) in the Mjejane Game Reserve Hectorspruit, Mpumalanga.

The client was notified of possible graves on Stands no. 42 & 43 as stones were piled up in this section, and called out an archaeologist (the author, 2016-09-24) to assess the finding and to verify the graves. No development has taken place on these stands.

A site visit was conducted in September 2016. The investigation revealed a small burial site with at least 10 graves (possibly more). As it was the end of a very dry winter, the visibility was excellent with no grass cover. The small burial site had been extensively disturbed in the past and the stones on most of the graves were scattered. The neighbour, Mr. Helmut Spath said that the graves were noticed by workers who were building at his property on Stand no. 41, and they piled some of the stones back onto graves no. 6, 7, 8, 9 & 10.¹ The foundations of the graves were clearly visible where the stones were not piled up on the graves (2, 3, 4, & 5). Grave no. 1 seemed to be the least disturbed over time, but vegetation and soil partially obscured it. The burial site is approximately 16m X 15m (240m²) in extent.

The aim for this assessment is to source all relevant information on a burial site in the development area, and to advise the client on the way forward in terms of the specifications as set out in the National Heritage Resources Act no., 25 of 1999 (NHRA).

A phase 1 cultural and heritage impact assessment was done in January 2006, as part of an EIA for the proposed Luggedlane development on the farm, *Lodwicks Lust 163JU*, Hectorspruit.² The HIA was approved by SAHRA, and the development in the area had subsequently started. During this assessment, the researchers mentioned that visibility

¹ Personal Communication: Mr. Helmut Spath, 2016-09-27.

² Nienaber, WC (Business Enterprises at UP), Phase 1 Cultural Heritage Impact assessment, 2006.

was not good and the grass cover was extremely dense. They identified several burial sites on the property, for which mitigation measures were recommended.³ The burial site on stands no. 42 & 43 was however overlooked during the 2006 survey.

Archaeological material or graves are not always visible during a field survey and therefore some significant material may only be revealed during construction or earth working activities of a development. This burial site became visible during the extremely dry conditions.

The owners of stands no. 42 & 43 have two options for mitigation (see discussion and recommendations further in the text):

- To keep the graves intact and develop around it with certain conditions; or
- To relocate the graves to an approved site / cemetery with certain conditions.

B. BACKGROUND INFORMATION

An archival and historical desktop study for the farm *Lodwicks Lust 163 JU* was compiled by P.D. Birkholtz in 2006⁴ and is attached as Appendix 2.

The 2006 Cultural Heritage assessment⁵ indicated that most of the farm (*Lodwicks Lust 163JU*) was previously disturbed by agricultural and habitational activities.

A topographical map, "Komatipoort", dated April 1910 depicts black settlements in the wider area and one settlement was indicated on the north-western corner of the adjacent farm known as *Thankerton 175JU*.⁶

The topographical map of 1970 shows black settlements in two localities on Lodwicks Lust, a cluster of twelve huts near the crossing known as Nellmapius Drift,⁷ and two

³ Nienaber, WC (Business Enterprises at UP), Phase 1 Cultural Heritage Impact assessment, 2006.

⁴ Birkholtz P.D., Archival and Historical Desktop study on the farm Lodwich's Lust 163 JU, 16 January 2006.

⁵ Nienaber, WC (Business Enterprises at UP), Phase 1 Cultural Heritage Impact assessment, 2006.

⁶ Birkholtz P.D., Archival and Historical Desktop study on the farm Lodwich's Lust 163 JU, 16 January 2006, p. 6.

⁷ Birkholtz P.D., Archival and Historical Desktop study on the farm Lodwich's Lust 163 JU, 16 January 2006, p 6.

more settlements further east. The concentration of graves sites which were observed during the 2006 study is located near the cluster of huts.⁸ The word “Mameluken” is indicated on one of the historical maps and was a black settlement near the current study area.⁹

Ethnographic data shows that the area around Lodwich's Lust during the 1940's, was occupied by a Tsonga-Shangaan group, the Ngomane of Luggedlane. This group had branched off from the Ngomane parent group in ca. 1800.¹⁰ Early Portuguese documents recorded the presence of these chiefdoms since the 16th century. The names of these chiefdoms (such as Ngomane), have survived until today.¹¹ They settled in the Hectorspruit area from ca. 1850. Mdjedjane was the chief of the Ngomane, and was succeeded by his son, Luggedlane in 1912.

Ethnographical and linguistic studies by early researchers such as D. Ziervogel and N.J. Van Warmelo, also indicated that the study area was mainly inhabited by the Tsonga (Nhlanganu and Tšhangana), as well as Swazi towards the south, from before the 18th century,^{12 13} as indicated in his map¹⁴ (See Appendix 3). Van Warmelo based his 1935 survey of *Bantu Tribes of South Africa* on the amount of taxpayers in an area. The survey does not include the extended households of each taxpayer, so it was impossible to actually indicate how many people were living in one area.^{15 16}

The farm was historically situated in the Transvaal (Zuid Afrikaanse Republiek) on route from the Eastern Transvaal Gold Fields (Mpumalanga) to Delagoa Bay (Maputo), an important transport route at the time. The farm was granted by the ZAR in 1875 to Alois

⁸ Birkholtz P.D., Archival and Historical Desktop study on the farm Lodwich's Lust 163 JU, 16 January 2006, p 8.

⁹ Birkholtz P.D., Archival and Historical Desktop study on the farm Lodwich's Lust 163 JU, 16 January 2006, p. 4.

¹⁰ Birkholtz P.D., Archival and Historical Desktop study on the farm Lodwich's Lust 163 JU, 16 January 2006, p. 14

¹¹ Mathebula, M. (et. al), Tsonga History Perspective, Tsonga-history.blogspot.co.za/2007, Access 2016-09-12.

¹² N.J. Van Warmelo, *A Preliminary Survey of the Bantu Tribes of South Africa*. pp. 90-92 & 111.

¹³ H. S. Webb, *The Native Inhabitants of the Southern Lowveld, in Lowveld Regional Development Association, The South-Eastern Transvaal Lowveld*. p.16.

¹⁴ Van Warmelo N.J. van Warmelo, *A Preliminary Survey of the Bantu Tribes of South Africa*, p.9.

¹⁵ N.J. van Warmelo, *A Preliminary Survey of the Bantu Tribes of South Africa*, p.9.

¹⁶ Rowe, C., Phase 1 AIA & HIA for the proposed debvushing of natural as well as disturbedland for agricultural use: portion 2 of the farm Herculine 155JU, Hectorspruit area, Mpumalanga, Jul 2015.

Nellmapius for the purpose of establishing a refreshment station on the transport route.¹⁷
Nellmapius Drift is located to the west of the current burial site and study area.

C. LEGAL REQUIREMENTS

The legal context of the report is grounded in the National Heritage Resources Act (NHRA) no. 25, 1999. The neglected burial site was discovered on Stands no. 42 & 43 on the farm *Lodwichs Lust 163JU* (see Google image Map 3). Graves are regarded as a high priority by the NHRA, and an assessment for the significance of the find was made, as well as plans for measures of mitigation.

SAHRA Policy on burial grounds

The policy is that graves and cemeteries should be left undisturbed, no matter how inaccessible and difficult they are to maintain. It is our obligation to empower civil society to nurture and conserve our heritage. It is only when essential developments threaten a place of burial, that human remains should be disinterred to another cemetery or burial ground.

From a historical point of view and for research purposes, it is vital that burial sites are not disturbed. The location and marking of an individual's grave tells a life story, where he / she died defending (or attacking) a particular place or situation and makes it easier to understand the circumstances of a persons' death.¹⁸

- **Section 36 of the NHRA**

Section 36 of the NHRA stipulates that:

- (3)a: no person may, without a permit issued by SAHRA, or a provincial heritage resources authority –
- b) destroy, damage, alter, exhume or remove from its original position or otherwise disturb any grave or burial ground older than 60 years, which is situated outside a formal cemetery administered by a local authority.
- 6) Subject to the provision of any other law, any person who in the course of development or any other activity discovers the location of a grave, the existence of

¹⁷ Nienaber, WC (Business Enterprises at UP), Phase 1 Cultural Heritage Impact assessment, 2006.

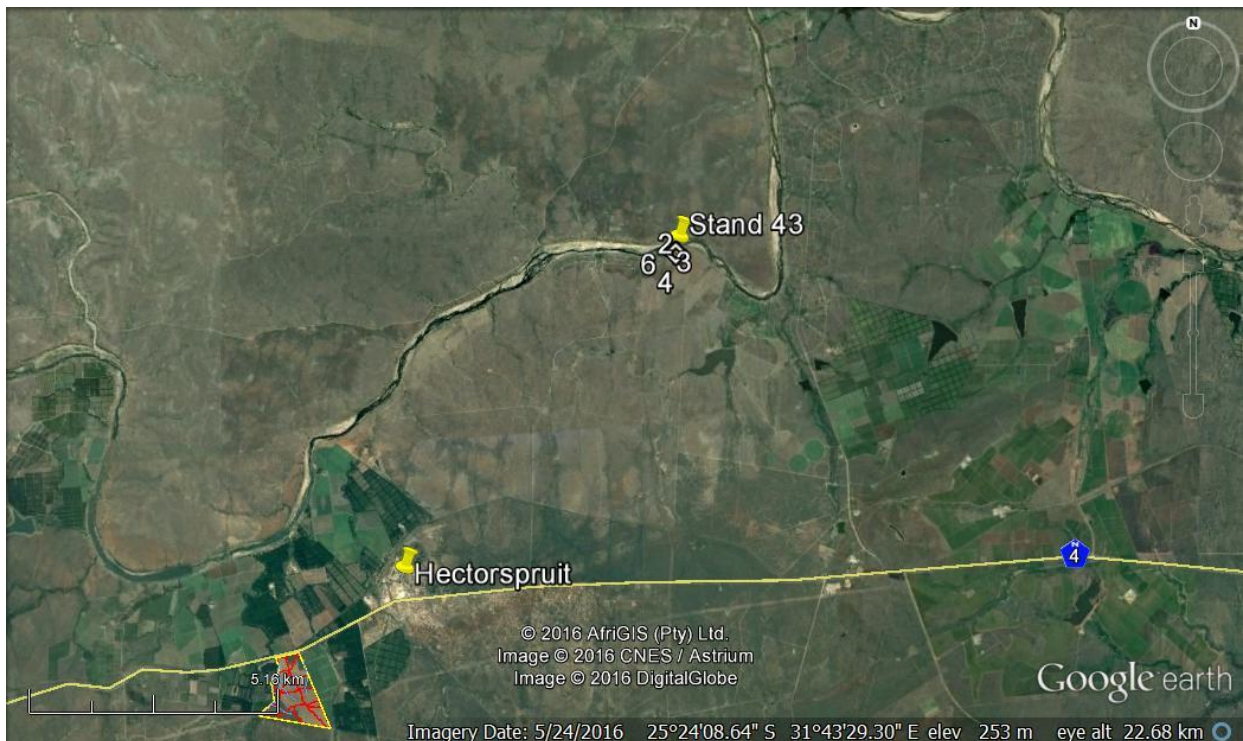
¹⁸ SAHRA, Burial sites, [Http://www.sahra.org.za/burial.htm](http://www.sahra.org.za/burial.htm), Access, 2008-10-16.

which was previously unknown, must immediately cease such activity and report the discovery to the responsible heritage resources authority which must, in co-operation with the SAPS and in accordance with regulations of the responsible heritage resources authority –

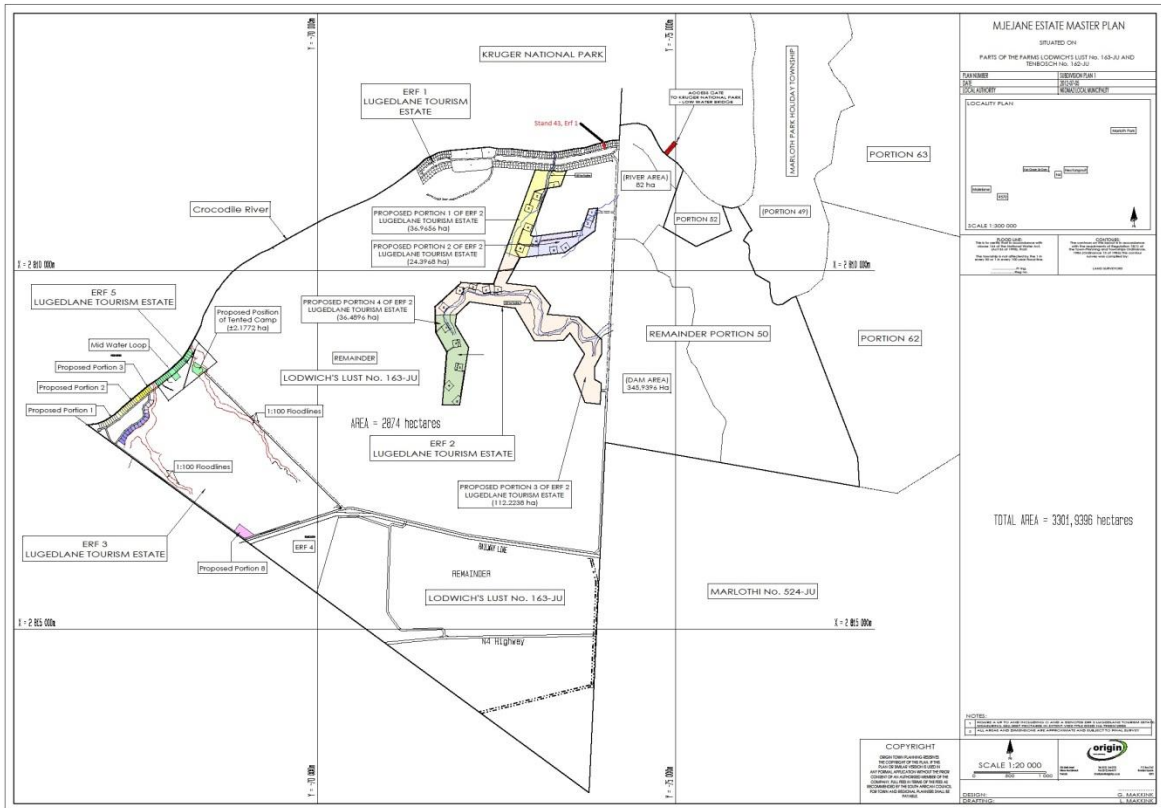
- a) carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and
- b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangements for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.

D. LOCATION

The farm *Lodwicks Lust 163JU* is located on both sides of the N4 Route just east of Hectorspruit. It is approximately 20km east of Malelane and 35km west of Komatipoort. It is divided to the north of the N4 by a railway line and again by the Crocodile River, which forms the border to the Kruger National Park (see maps 1 & 4).



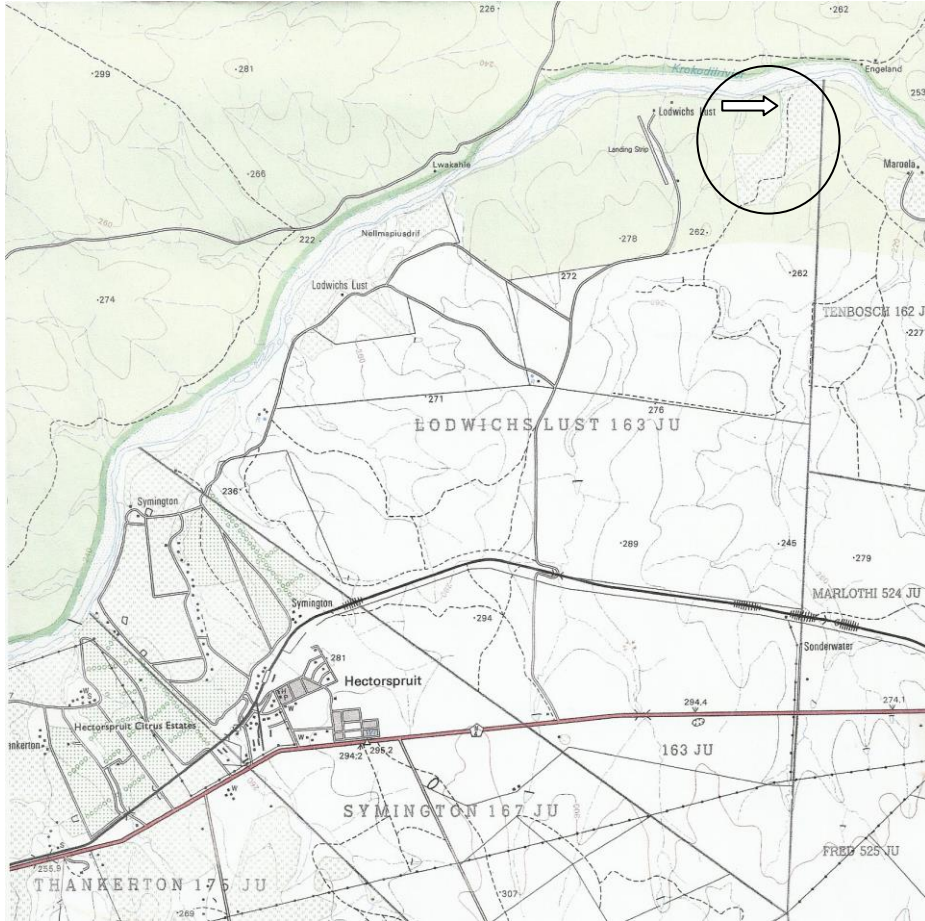
MAP 1: Google image showing the location of the burial site in the wider geographical area



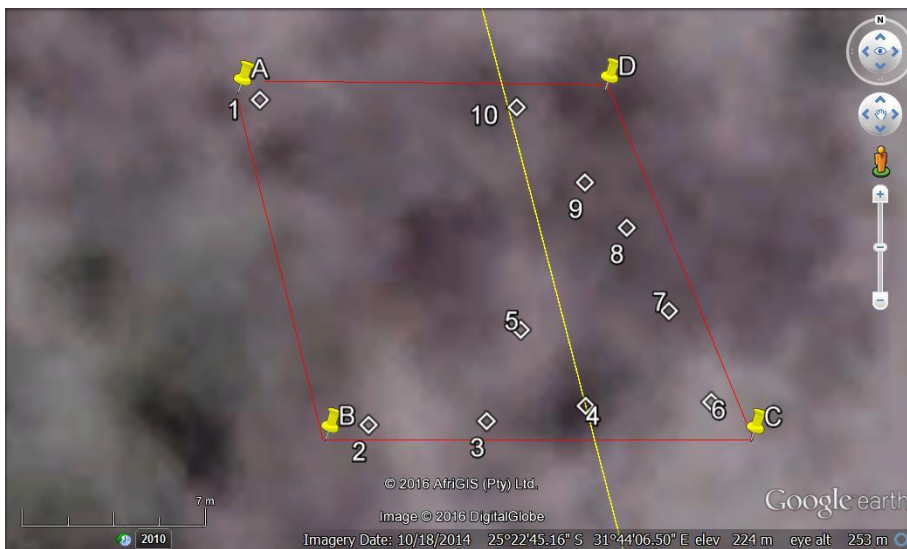
MAP 2: The farm *Lodwicks Lust 163JU* and areas of development. Stands no. 42 & 43 are indicated in red, close to the eastern border of the property (Map provided by Luggedlane Developments Pty. Ltd).



MAP 3: Google image: The burial site which is located over stands no. 42 & 43.



MAP 4: 1984 Topographical Map, Lodwicks Lust. Note the end of the path and disturbed cultivated lands in the study area.



MAP 5: Google image: Demarcation of the burial site A, B, C, & D. The size is approximately 16m x 15m (240m²) over two properties. Graves are marked from 1 – 10.

GPS Co-ordinates of burial site:

Site	Feature	GPS co-ordinates
<i>Lodwicks Lust 163 JU</i>	Burial site	A: S 25° 22' 44.93"
	North-western point:	E 31° 44' 06.21" Elev 223m
	South-western point	B: S 25° 22' 45.35" E 31° 44' 06.32" Elev 224m
	South-eastern point	C: S 25° 22' 45.35" E 31° 44' 06.88" Elev 224m
	North-eastern point	D: S 25° 22' 44.93" E 31° 44' 06.70" Elev 223m

E. METHOD OF IDENTIFICATION & FINDINGS

The client was notified of possible graves on Stands no. 42 & 43, in the Lugedlane Development, Mjejane Game Reserve near Hectorspruit (see Fig. A in text).

The client provided a map and a photograph of the possible graves to Adansonia Heritage Consultants (See Fig. A). An archaeologist (the author, 2016-09-24) was called out to assess the finding and to verify the graves.

Topographical maps (1910, 1926, 1970 & 1984), and historical and recent Google images of the site, were studied and indicate the study area. These were intensively studied to assess the current and historically disturbed areas and infrastructure.

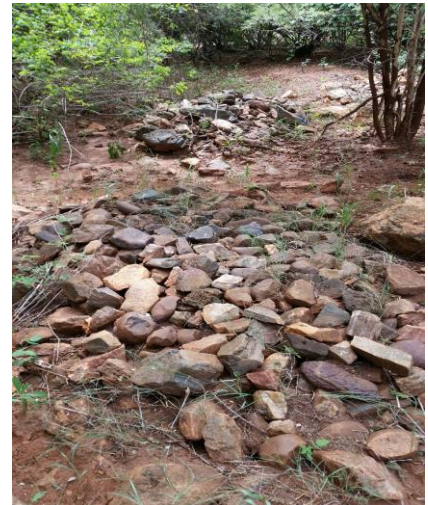


Fig. A: The initial photograph provided by Lugedlane Developments (Pty) Ltd. (Photo provided by Elizma Nel 2016-07-27).

Previous assessments as well as well as available documentation on the study area were consulted for information.

The author was accompanied by Mr. Pieter Stoltz (Lugedlane Managing Agent)¹⁹ to the site, and Mr. Ernest van der Merwe (Mjejane Estate Manager) roughly pointed out the boundary line of the two stands.²⁰

A foot survey was done of the entire area. Small indigenous bushes and trees had already established on the site and some of the graves were overgrown with vegetation (See Appendix 1, Photographic documentation & descriptions of each grave). The area of the graves was intensely studied as visibility was excellent.

Mr. Helmut Spath, owner of Stand no. 41, stated that the graves were first noticed by workers who were building at his property, and they piled some of the stones back onto graves no. 6, 7, 8, 9 & 10.²¹ A rough outline of foundation stones was clearly visible at disturbed graves (2, 3, 4, & 5). Grave 1 seemed to be the least disturbed, with most of the stones still intact (See Fig. 8). A disturbed low wall was noticed close to grave no. 10 (Fig. 26). Another stone feature was observed to the west, but it is not clear if it belonged to the burial site (Figs. 4 & 5).

A sketch was made of the position of the various graves which could be identified, and numbers were given to the graves for easy reference (Fig. B).

The site was measured and is approximately 16m x 15m (240m²) in extent. A thorough investigation of the area was done, but no additional graves could be identified (See figs. 1-9). All graves as well as a general view of the area were recorded and briefly documented by means of photographs and descriptions (See Appendix 1, Figs. 1 – 26).

The burial site was located with a GPS instrument (Garmin Etrex) datum WGS 84, and plotted. Co-ordinates were within 4-6 meters of identified sites.

¹⁹ Personal Communication: Mr. Pieter Stoltz, Lugedlane Managing Agent, 2016-09-24.

²⁰ Personal Communication: Mr. Ernest van der Merwe, Mjejane Estate Manager, 2016-09-27.

²¹ Personal Communication: Mr. Helmut Spath, Owner of Stand no. 41, 2016-09-27.

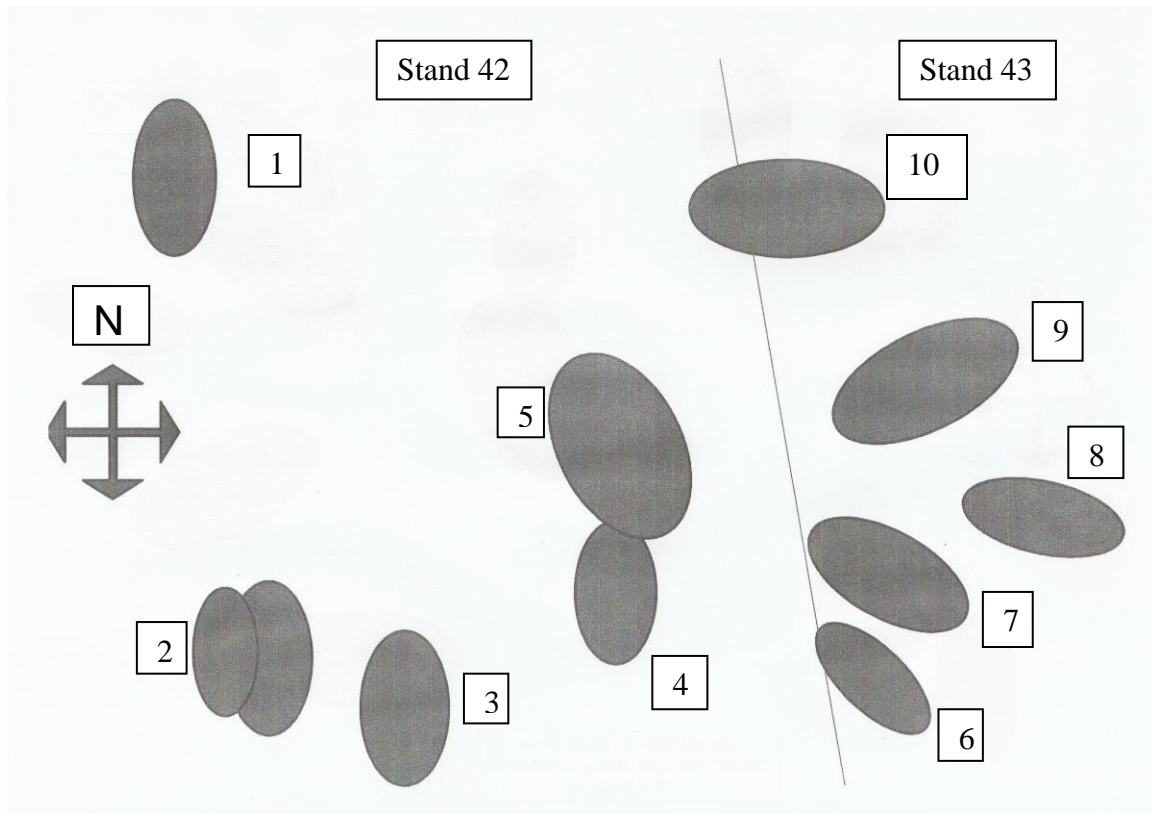


Fig B: The position and numbers of the graves. The burial site is located on two properties (Stands no. 42 & 43), but it was not possible to locate the exact line of the boundary for documentation purposes (Sketch is not to scale).

During the site visit and investigation it became clear that it is a small burial site with at least 10 graves (possibly more). The site visit was conducted in September 2016 at the end of a very dry winter and there was no grass cover. The small burial site had been extensively disturbed and the stones of most of the graves were scattered over the area.

The 2006 report mentioned that a full public participation process was conducted by the commissioning company in the form of consultation with local interested and affected parties. The burial site was not mentioned during these consultations. Informants were consulted and the previous manager of the property, Mr. Martin Krisher, assisted greatly during the 2006 survey. He lived on the property since 1973. He pointed out some of the burial sites and other features of interest which he was familiar with.²² He did not

²² Nienaber, WC (Business Enterprises at UP), Phase 1 Cultural Heritage Impact assessment, 2006, p. 8.

however point out the burial site under discussion. It is possible that the site was already severely disturbed when he resided on the property and that it was not noticed.

The 1984 topographical map (1:50 000), 2531BC HECTORSPRUIT, revealed that the wider area where the graves are situated, was disturbed by cultivated lands. Burial sites were usually demarcated in or near a cultivated field. A faint track or path ended in the immediate vicinity of the burial site, which may have led to the burial site in the past. More tracks or paths were visible on the opposite side of the river where they go past old ruins or kraals (see Map 4). It seemed as if the path from the burial site linked up with the ruins on the opposite side of the river. More ruins or kraals were indicated on the adjacent farm to the east, *Tenbosch 162JU*. It is highly likely that the burial site may have been linked to these ruins or kraals of a previous Tsonga-Shangaan group (See section B), either in the current Kruger National Park or on the adjacent farm.

The age of the site is not certain as much disturbance has taken place and no grave goods (if any) remained in the area. The graves are also randomly positioned and not in a specific line or form. Taking the available data and information into consideration, it is suspected that the graves were connected to a Tsonga-Shangaan settlement nearby in the early or middle 20th century.

F. RECOMMENDATION

The burial site which had been identified on Stands no. 42 & 43 will be reported to the South African Heritage Resources Authority (SAHRA), and must not be disturbed or removed in any way until further studies have been conducted (in case of relocations) or, a final decision had been made by SAHRA. Human remains or graves are regarded as a high priority by the NHRA.

Mitigation measures are required to prevent future development activities impacting negatively on the graves. The client has two options (with implications as set out below) in the way forward:

1. To preserve the graves in situ, and design the development around them;
2. To relocate the graves; It is not clear if there are only 10 graves as identified during the survey, more graves may be identified once the project commences.

Option 1:

Should the developer wish to preserve the graves in situ, the future development must be designed around the burial site. The site must be demarcated and excluded from any development. It is possible to design wooden walkways over the area in such a way that the graves are not impacted upon.

Regulations specify that the client / specialist must-

- establish management guidelines for the burial site;
- make a concerted effort to contact communities or individuals who by tradition have an interest in such remains;
- reach agreements with such communities or individuals regarding the future of such remains, for eg. visiting rights. All agreements must be set out in the management guidelines. The stipulations in the guidelines must be respected by both parties.

Option 2:

To relocate the graves; It is not clear if there are only 10 graves as identified during the survey, and that more graves may be identified once the project commences. This will result in additional costs which have not been provided for.

Arbitrary exhumation and re-internment of human remains, apart from being illegal, does not constitute a socially responsible mitigation action and borders on the destruction of culturally sensitive property. The minimum requirements for a process of relocation of graves involve the following:

Regulations specify that the client / specialist must-

- make a concerted effort to contact communities or individuals who by tradition have an interest in such remains;
- reach agreements with such communities or individuals regarding the future of such remains;
- the area be fenced off, until the human remains are relocated;
- a possible site to be considered for the relocation for eg. a cemetery on the property, close by.

An institution dealing with heritage related grave issues must mitigate the graves.

- Report intention of relocation of graves to the SAPS and SAHRA in compliance with Act no. 25 of 1999;
- Place notices required by Act no. 25 of 1999 and the Transvaal Ord. 7 of 1925 (Refer Proc. 109 of 17 June 1994);
- Ensure social consultation process, according to the requirements of Act no. 25 of 1999 and the Transvaal Ord. 7 of 1925;
- Obtain SAHRA authorization and comply to the conditions;
- Obtain National Department of Health authorization and comply to conditions;
- Obtain Office of the Provincial Premier authorization and comply to conditions;
- Obtain Local Authority authorization and comply to conditions;
- Comply to stipulations of Act 65 of 1983 during handling of human remains;
- Generate Third Schedule Notice of Internment in compliance with applicable Local Authority Bylaw;
- Generate a Burial Order in compliance of Act 51 of 1992.

G. CONCLUSION

The investigation has shown that up to date this burial site in the Luggedlane development, Mjejane Game Reserve on stands no. 42 & 43 was not known by previous management (Mr. Krisher) or mentioned during the public consultation process of 2006, with local interested or affected parties.²³ Current management was also not aware of the site previous to the report by Mr. Spath.²⁴

In the absence of a person or community claiming the burial site, the client / owner must make arrangements as recommended above. Based on the information provided in this report, the client urgently awaits SAHRA's advice or decision on this issue.

Adansonia Heritage Consultants cannot be held responsible for any archaeological material or graves which were not located during the survey.

²³ Nienaber, WC (Business Enterprises at UP), Phase 1 Cultural Heritage Impact assessment, 2006, p. 8.

²⁴ Personal Communication: Mr. Helmut Spath, 2016-09-27.

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Personal communication:

- Ernest van der Merwe (Mjejane Estate Manager) Cell: 0797279320.
- Helmut Spath, (Mjejane River Lodge Stand no. 41).
- Pieter Stoltz (Lugedlane Managing Agent) Cell: 0825756919.
- Elizma Nel (Lugedlane Developments (Pty) Ltd.) Tel: 011 – 7083474; 2016-07-27.