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THE WILL OF ABRAHAM AND ELIZABETH  
SEPTEMBER: THE STRUGGLE FOR LAND IN  
GORDONIA, 1898–1995

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In 1882 there was granted to one Abraham September, formerly a slave, by the Committee of Management, a farm facing the Orange River and lying about twelve miles above Upington. This old man discovered that there was the possibility of leading out the water of a lateral branch of the river on to some alluvial soil on his farm. He set to work and succeeded in getting a small stream on to a low-lying portion of his ground. Percy Nightingale, 25 July 1887<sup>1</sup>

FROM the foundation of Upington in the 1880s, irrigation of the Orange river has been central to its economic existence. Both north and south of the river in these parts are some of the driest lands of South Africa – the Kalahari to the north and ‘Bushmanland’ to the south. But today, along a 280 km. stretch between the Buchberg Dam and the Aughrabies Falls, centred on Upington, are some 25,000 morgen of immensely productive land. In the words of local publicist J. M. Brauer, it is

a heavenly greenbelt...a verdant paradise...[stretching] through irrigation settlements, along canals, past fields of lucerne, orange groves, vineyards, and past kameldoring trees. You see green islands with patch-quilt farmlands and red-roofed houses, white stone bridges and suspension bridges made of wire strands laced with thousands of short wild tree poles.<sup>2</sup>

White historical mythology credits the Dutch Reformed Church missionary C. H. W. Schroeder, who lived in the area from 1871–9 and 1883–1912, with the idea of irrigating the Orange.<sup>3</sup> Such historiography takes for granted

<sup>1</sup> Cape Parliamentary Papers [henceforth CPP], G60–1888 *Reports and Correspondence relating to affairs on the Northern Border of the Colony of the Cape of Good Hope*, 7. I should like to express warm thanks to the Beukes and Strauss families for their hospitality and for indispensable assistance with interviews; and to Mike and Revinia Abrahams and Cecil Prinsloo for transcription of interviews; and Mr Elsworth Macpherson for drawing the maps. <sup>2</sup> *Cape Times*, 18 Feb. 1956.

<sup>3</sup> In 1913 a Canadian traveller wrote, after visiting the town: ‘The agricultural history of Gordonia may be said to date from the building of the Upington Irrigation Furrow by a Dutch missionary, the Reverend Mr Schroeder, with the aid of Bastards’. (W. Macdonald, *The Conquest of the Desert* [London, 1913], 59). Theal describes the ‘wonderful change’ that took place in the area in the years following the defeat of the ‘untameable robber clans’ in 1879–80: ‘A missionary, the reverend Mr Schroeder, designed a plan of a canal to lead the water of the Orange out to irrigate a large tract of rich land on the northern side of the stream, and induced a number of the mixed-breeds from the nearest colonial districts to carry out the scheme under his supervision. The government supplied the necessary tools and powder for blasting, and the largest work of

that white drive, innovation, and 'know-how', assisted at most by black labour, developed and 'modernized' South Africa. But, so far as irrigation of the Orange river is concerned the above quotation sets matters straight. It is the preface to the following:

Mr Scott and Mr Schroeder hearing of this [Abraham September's irrigation], inspected the place, and as it seemed to them practicable to lead the water from this point on to the alluvial soil lining the river bank for many miles, even beyond the village of Upington, a meeting was called, and steps were taken to begin irrigation works on a scale of considerable magnitude. Many difficulties had to be faced, but they were all eventually overcome.<sup>4</sup>

The Upington canal was 'the largest work of its kind in South Africa at that time'.<sup>5</sup> In organizing its construction, Schroeder – and John H. Scott, then Special Magistrate for the Northern Border stationed at Upington – took their lead from Abraham September, who had first led water from the Orange river. Indeed, they began the canal from the very place that he had selected. The small, white-painted, stone house where Abraham September lived when he undertook this work survives to this day, though the house and the land upon which it stands have long passed from the hands of the September family.

This article tells what can be found out about Abraham September and his family. It deals not so much with his canal-building activity, but rather with the loss of the land that he owned in Gordonia until his death in 1898 and the struggle of his family to regain possession of it. To tell this story has been

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its kind in South Africa at that time was successfully completed.... A marvellous transformation then took place. The rich soil was cleared and planted, and very shortly Upington, as the place was named, was producing all that was needed for the comfortable maintenance of men and domestic animals... where neither shelter nor food other than flesh was to be had, within a quarter of a century became a busy hive of industry, where grain, and fruit, and vegetables were grown in abundance for the supply of the graziers and others to a great distance around'. *History of South Africa, from 1872 to 1884*, Vol. 2 (1919 ed.), 38.

Later 'frontier', local, and church histories have repeated and elaborated the theme. A version presently on sale in the Upington museum states: 'On 15 Augustus 1883 Eerw. Christiaan Heinrich Willem Schroeder dug the first sod in the building of the Upington canal. This undertaking... was the start of a project which would become known as the Orange River project many years later. On 18 November 1966 Mr B. J. Vorster pushed the button which set the R500 million project in motion'. A. K. Cornelissen, *Langs Groot Rivier* (n.d., ?1980s), 19. See also [S. Malan], *Geskiedenis van Upington en Distrik Gordonia*, (CA, Ts, Oorhandig aan Poskoets te Upington op Donderdag 28 Februarie 1952), 3–4. The same is echoed in more general accounts. The *Standard Encyclopaedia of South Africa* (Pretoria, 1975) records that: 'Upington owes its prosperity mainly to agriculture and the development of irrigation along the Orange River. Here, at Upington, Schroeder as missionary among families of mixed European and other blood designed the first irrigation canal of the lower Orange River, a scheme so successfully applied at Kakamas in later years'.

The story is also firmly entrenched in the iconography of the town. The Upington museum consists of three buildings, two of them Schroeder's original mission church and residence. Within the latter is a prominently displayed composite photograph of some 36 leading men in the town in 1910. At the centre-top of this is a (larger) photograph of Schroeder, inscribed 'The Founder of Upington'.<sup>4</sup> CPP, G60 – 1888, 7.

<sup>5</sup> Theal, *History*, ii, 38.

made possible not only from records in the archives, but the pointers to these provided by interviews with descendants of Abraham September.

#### ABRAHAM SEPTEMBER AND THE BASTER SETTLEMENT OF GORDONIA

Abraham 'Holbors' September was born in Calvinia, probably before 1818, the son of a slave and a woman named Matjie van Wyk. He acquired the nickname 'Holbors' because of having a hollow chest.<sup>6</sup> His wife, Elizabeth was born also around 1818. Her parents were Abraham and Lena Goeiman. Abraham and Elizabeth were married, it is recorded, in Carnarvon<sup>7</sup> – at that time known as Schietfontein, a Baster and Xhosa settlement established by the Cape government in 1830, and with a missionary presence from the end of 1847. Of Abraham and Elizabeth's early life no record has thus far been found.<sup>8</sup> The earliest traceable record of Abraham is a letter which he had written for him to John Scott, on 10 March 1880, requesting permission to remain north of the Orange in the recently established government-approved settlement there for Basters:

Before the Water came down I took the opportunity to cross the River with family, Wagon and Lifestock [sic] and had the intention to come to Kenhardt to get my Pass. In the meantime the river got so full, that I am not able to get accross [sic], then having no other chance, but to go with wagon and oxen.

I therefore beg most humble kindly to forward a Pass for me with return Post and oblige.<sup>9</sup>

Born in slavery, Abraham September had become a part of the Baster people of the Northern Cape frontier zone, some 300 families of whom, in the aftermath of the war against the so-called 'Korana' in 1878–9, were given permission to settle in 'Koranaland' north of the Orange river to defend the frontier and act as a buffer for the Cape Colony against any further attacks from the interior.<sup>10</sup> Many who settled at this time had fought on the side of the Colony in the war: some had lived north of the river in the 1870s,

<sup>6</sup> Cape Archives [Henceforth CA] MOK, 1/1/27 DR 8950, Estate of Abraham September, he died on 5 July 1898, his age 'unknown but supposed to be over 80'. On the nickname, see interviews with Gert September, 20 July 1993, 4 Apr. 1994, Upington. (All tapes and transcripts of interviews in possession of author.)

<sup>7</sup> CA MOK 1/1/27 DR 8950. She died on 1 Apr. 1918 aged about 100 years.

<sup>8</sup> The area in which they were living (if within the Cape Colony) formed part of the Beaufort (from 1818) or Worcester district (from 1824 to 1837, when the Clanwilliam magistracy was formed from part of the Worcester district). In 1847 the Cape boundary was extended to the Orange river, and in 1855 the magistracies of Calvinia, Fraserburg and Victoria West were founded. Carnarvon became a magistracy in 1874. The records of the Rhenish Missions at Schietfontein and Amandelboom – birth, marriage registers and so on – do not appear to have survived, though there are letters and reports from the missionaries at the society's headquarters in Germany and in the society's *Berichte* of which copies may be found in the Faculty of Theology Library, Stellenbosch. The name September does not appear in the Minutes of the Schietfontein Management Committee, 1862–1877 (NG Sending Kerk Archive, Cape Town, G8 1/1).

<sup>9</sup> CA, NBC 3, Signed by Abraham September, 'his mark', with two witnesses, Olyvenhout's Drift, 10 Mar. 1880 to J. H. Scott, Special Commissioner, Kenhardt.

<sup>10</sup> For these wars, waged by 'Oorlamized' Kora, Xhosa, Griqua, San etc. against the Colony, see Teresa Strauss, *War along the Orange* (Centre for African Studies, UCT, Communications No 1, 1979); R. Ross, 'The !Kora wars on the Orange river, 1830–1880', *J. Afr. His.* xvi (1975).

attached to a Dutch Reformed mission headed by Rev. C. W. Schroeder for the Korana, and recognized as 'burghers' by the Korana chiefs Klaas Lukas and Cupido Pofadder. There is no evidence, however, that Abraham September was among these.<sup>11</sup>

What became known as the Gordonia settlement lasted as such until April 1889, when it became administered as a part of British Bechuanaland.<sup>12</sup> The instructions from the Cape government to the Special Magistrate stated that the 'country should be filled up by such Bastard Farmers, now living on the Southern side, as are willing to cross the river for that purpose and by any other reliable persons of whom you may approve'.<sup>13</sup> The inhabitants of the Gordonia settlement were mainly Basters (a term of flexible applicability), with a few whites at first largely related to them by marriage, as well as remnants of Kora, San, and some Xhosa. The congregation of the Dutch Reformed mission ranged in this period, in the words, of Schroeder, 'from wholly white to wholly black'.<sup>14</sup> From 1881 to 1889 the settlement was administered by Baster field cornets, together with a Baster-dominated committee of management, whose chairman was the Special Magistrate. This committee regulated admission to the settlement, allocated land, and performed other such duties. In April 1889 Gordonia became a magistracy in British Bechuanaland, with the territory of Mier added to it in 1891.<sup>15</sup> It was absorbed as a magistracy into the Cape Colony along with the rest of British Bechuanaland in November 1895 – by far the largest magistracy in area in the Cape at the time or since.

In the available mission church records of the period there are occasional references to Abraham September and his family. The membership register dates only from 1886, and he and Elizabeth must have been accepted before

<sup>11</sup> The most comprehensive account of this mission is J. A. J. Steenkamp, 'Die Christelike Sending langs die Benede-Orange, met besondere verwysing na die werk van die N. G. Kerk in Korannaland' (M. Theol, University of Stellenbosch, 1953). Representatives of the Baster community petitioned Scott at Kenhardt in July 1879, and 150 Baster men met at Olyvenhout's Drift in September to choose a delegation (consisting of David Van Rooi, Albert Louw, Marthinus Jansen and Jakobus Kotzee) to speak to representatives of the N. G. Mission Church in Amandelboom in October. If the petition were signed by all the Basters north of the Orange river with Schroeder before 1878, it would indicate whether Abraham and Elizabeth September were there or not. The petition has not however been traced. See CA NGK collection, S5/2/164, Schroeder to Scott, 31 July 1879; Schroeder to Neethling, 31 July 1879; Zamenspreking... Amandelboom, 11 Oct. 1879.

<sup>12</sup> Gordonia was formally a part of British Bechuanaland from its establishment on 30 Sept. 1885, but not administered as such until Apr. 1889. For further detail on the history of the settlement see M. Legassick, 'The founding of Gordonia: the rise and fall of the Baster settlement' (unpublished).

<sup>13</sup> CPP A30 – 1880, Bright to Scott, 7 Jan. 1880, 19–20.

<sup>14</sup> 'van geheel wit tot geheel zwart': CA, NGK, S5/2/164, C. H. W. Schroeder, Godsdienstverslag, 31 Aug. 1886. Later he wrote of 'different nationalities': 'Whites have Baster wives, White Basters, other coloured and kaffers' ('Welke nationaliteiten' – 'zeer verskillend, Blanken die Basterd vrouwen hebben, Blanke basterds, andere gekleurden en kaffers'): Godsdienstverslag, 25 Sept. 1894.

<sup>15</sup> Proclamation 60 of 1889; Proclamation 106 of 1891; Proclamation 120 of 1891; Proclamation 123 of 1891, D. Ward (ed.), *British Bechuanaland Proclamations* (Cape Town, 1893).

that. The minute book records contributions of Abraham September of £5 (plus 1 ox, crossed out), in October 1884, £2 in December 1888, 2 ‘em kieren’ in April 1889, and £1 in March 1891. He stood for deacon, but obtained only one vote, on 6 October 1888.<sup>16</sup> In August 1881, according to the baptismal register, ‘Abram September’ became godfather to Gert Abram Tities. In December 1882 he and Elizabeth became godparents to Hendrick and Elisabeth Beukes, their grandchildren by Kaatjie Catherina Jacoba Beukes, nee September.

Abraham and Elizabeth’s other children appear to have come to the church later. The membership register records Gert Jakobus September and Johanna van Wyk ‘gebore September’ admitted in May 1888, Niklaas September on 26 May 1889, Elizabeth and Johanna Catharina September and Magdalena Visagie (‘Abraham September se dochter’) on 9 June 1889.<sup>17</sup> Abraham and Elizabeth at the same time became godparents to the children of their son Gert and Gertrude, nee Visagie: in May 1888 to Fransina Catharina (born in March 1882) in July to Johannes (born in July 1886), in October that year to Gert (born in May 1885), and in April 1889 to Niklaas (born that month). In June 1889 they also became godparents to the children of their son Niklaas and Johanna, nee Minis: Gert (born July 1883), Abraham (born May 1885), and Niklaas (born October 1888).<sup>18</sup> In the same month they became godparents to their daughter Magdalena’s children: Johanna (born June 1883), Abraham (born June 1885), and Wilhelmina (born November 1887) – and in October 1889 to another of her children, Cornelius (born in August).<sup>19</sup> These late baptisms were relatively, but not completely, unusual in the church at the time. Another son, Abraham Simeon Petrus, was admitted to the church on 21 May 1893: it must have been him who between April 1896 and 1897 was suspended for ‘overspel’ (adultery or fornication).<sup>20</sup>

Asked about Abraham ‘Holbors’ September, his great-grandson Gert (born after his death) had heard stories:

He was a rough, terribly rough type ... He was a terribly bad-tempered man ... there he sat with his ox whip, when my father and them worked in the fields ... they had to harness [the oxen], then he would give such a crack of the whip, then he sat the whole day on that rock ... The four oxen must pull, they must work ... My small chap had to work ... and there he [‘Holbors’] would sit and if he felt it was time for unharnessing then he would wave to ouma Betjie. He wanted to know if the food was ready so that people could come. Then ouma said ‘yes’, then he would stand up and take his whip, and crack it, that’s now for twelve o’clock. And when they

<sup>16</sup> NG Sending Kerk, Upington, *Notule boek*, 5 Oct. 1883–25 Mar. 1921. This, and other records of the church quoted here, are now lodged with the NG Sending Kerk archives, Cape Town.

<sup>17</sup> NG Sending Kerk *Lidregister*, Upington. This was consulted only up to 1890.

<sup>18</sup> This Abraham September, son of Niklaas, is the father of Gert September, born in 1916, and interviewed by myself in Upington. The record next to his name in the baptismal register states ‘afgegee 5 July 1935. D. H. de Villiers’, indicating a transfer to another congregation.

<sup>19</sup> NG Sending Kerk, *Doopregister*, (consulted only up to December 1889).

<sup>20</sup> NG Sending Kerk, *Notule boek*, 5 Oct. 1883–25 Mar. 1921. For a partial genealogy of the September family, see Figure 1.

## MARTIN LEGASSICK

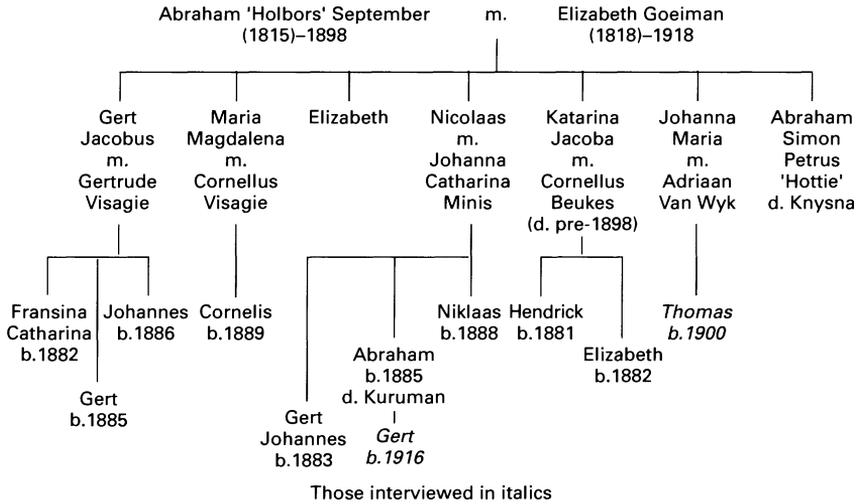


Fig. 1. (Partial) genealogy of September family (*Sources*: CA MOK 1/1/27 DR 8950; NG Sending Kerk, Upington, Doop Register; interviews with Gert September and Thomas van Wyk).

harnessed up again, then the fellow walked to the rock (the whip lay there), then he cracked the whip, 'harness up'. So it happened, there...just in front of the canal.

He was a bad-tempered person, but he was never unfair or unjust. No, he always dealt honestly...

My grandfather held house-prayers regularly in the mornings, before you went to light the fire and make the food. In those days there were no electric appliances, it was just wood...and when you were finished with church, then you could go and light the fire and get the milk.<sup>21</sup>

## POLITICS AND LAND IN GORDONIA

By 1885, with the completion of the Upington canal, Gordonia was becoming increasingly attractive to white settlers. A Cape official in 1887 commented:

<sup>21</sup> 'Hy was 'n growwe, vreeslik growwe geslag...Hy was 'n vreeslik kwaai man gewees...daar het hy met sy os sweep gesit, dan as my pa-hulle in die erwe werk...hulle moet inspan, gee hy so 'n klap hieruit dan sit hy daarvandaan heeldag op daai klip.... Die vier osse moet sleep, hulle moet werk.... My klein kêrel moet werk...en daar sal hy nou sit en as hy voel dis nou uitspan tyd dan waai hy nou vir ouma Betjie. Hy wil weet of die kos klaar is dat die volk kan kom. Dan sê ouma 'ja', nou dan sal hy opstaan en dan vat hy sy sweep, nou klap hy, dis nou vir twaalfuur. En as hulle weer inspan, dan loop die ou daar na die klip toe (die sweep lê daar) dan klap hy die sweep, 'span in'. So was dit, daar, ...net voor die kanaal...

Hy was 'n kwaai ou gewees, maar hy was nooit onregverdig en onbillik gewees nie. Nee, hy net altyd iets eerlik gehad.

Huisdiens het my oupa gereeldelik smôrens, in die oggende, voor jy loop vuur brandmaak het en die kos maak. Daardie tyd is hierdie elektriese goed nie daar nie, dis mos hout...en as jy klaar kerk gehou het, dan kan jy loop en vuur maak, dan kan jy die melk kry' (Interview with Gert September, 4 Apr. 1994, Upington.) Some of this may be mingled with his experiences of his father and grandfather.

In 1880 the country wherein the Bastards were invited to settle, was regarded as a worthless desert, and no one envied the people to whom it had been allotted. But all this is now changed... Last season a patch of cleared ground not quite 100 yards by 300 yielded sixty-six muids of exceptionally fine wheat... This would give a yield of 37 bushels the acre (English)... there are persons who now regard the Bastard settlers with jealousy, and look with envy upon the land their industry has made so rich.<sup>22</sup>

In 1889 the harvest in Gordonia was estimated at 4,000 bags of wheat (1800 in Upington) and 2,000 of mealies, with irrigation producing an 8- to 10-fold yield. There was also prospecting going on, with the anticipation of mineral discoveries.<sup>23</sup>

In 1887 the population of the Gordonia district was estimated as 1,200, almost certainly largely Basters. In 1891 the first census was taken, and counted 735 whites, 1,429 'aboriginal natives' and 3,121 'other coloured persons'.<sup>24</sup> In 1904 Gordonia (by now including Mier) had 1,712 'European' inhabitants, 2,374 'Hottentot', 9 'Fingo', 1,245 'Kafir and Bechuana', and 3,888 'Mixed and other'. The population of Upington, main urban concentration, was 554 'European', 523 'Hottentot', 9 'Fingo', 241 'Kafir and Bechuana' and 1,181 'Mixed and other'.<sup>25</sup>

In 1889 the Crown Prosecutor of British Bechuanaland could write: 'The fact that two of the Bastards have been appointed special justices of the peace, and that a village management board, with extensive powers, has been established, are sure proofs of the confidence reposed in them'.<sup>26</sup> But the Baster field-cornets (or justices of the peace) were gradually displaced by whites.<sup>27</sup> The village management board of Upington had four Baster members out of six when it was formed in 1889, and still three in 1895. By 1897 it was wholly white.<sup>28</sup> In 1897 the village management board of Keimoes, second urban concentration, still had three Baster members out of

<sup>22</sup> CPP G60 – 1888, 7–8.

<sup>23</sup> British Parliamentary Papers [Henceforth BPP], C5897, 52–3.

<sup>24</sup> The census was taken on 5 Apr. 1891. The figures are from Public Record Office [PRO] CO417/61/16480, F. J. Newton to Secretary Vryburg, 18 July 1891, enclosure 1 in Despatch 255E, 20 July 1891. My thanks to Sean Milton for this reference. See the reference to it in BPP, C6829, 1892, 17; C6857, 1894, 8, 24–34). The figure is taken from Steenkamp, 'Die Christelike Sending', 91–2 and [S. Malan], *Geskiedenis van Upington*, 5. See also CPP. G19 – 1905 (Cape census), xxiv which refers to the partial census in 1891 in British Bechuanaland, excluding the 'native reserves', which counted 5,211 'Whites' and 67,525 'Coloured'.

<sup>25</sup> CPP, G19 – 1905. In 1896 the population of Keimoes, second largest urban concentration, was estimated at 400, of whom 100 were white: CA 1/UPT 5/1/5 Scholtz to Secretary, Law Department, 29 Jan. 1896; Scholtz to Colonial Secretary, 10 Mar. 1896.

<sup>26</sup> BPP, C5897, 26.

<sup>27</sup> See CA 1/UPT 5/1/2, C. Bam to Secretary, Vryburg, 21 Apr. 1891, recommending 3 white and 1 Baster field cornet; 1/UPT 5/14, Ashburnham to Secretary, Vryburg, 4 Feb. 1895; 1/UPT 5/1/5, Scholtz to DC(?) Vryburg, 19 Sept. 1895; Scholtz to Secretary, Law department, Cape Town, 28 Nov. 1895; Scholtz to Colonial Secretary, 15 Jan. 1896; 1/UPT 5/2/2, Scholtz to Colonial Secretary, 9 Apr. 1897 (wholly white field-cornets).

<sup>28</sup> CA 1/UPT 5/1/1, C. Bam to Secretary, Vryburg, 19 Sept. 1889; 1/UPT 5/1/4, Ashburnham, 'Return of Local Boards...', 22 Aug. 1894; 'Report for 1894–5', 17 Apr. 1895; 1/UPT 5/3/1, Scholtz, Notice, 7 July 1897.

six, though this is likely to have changed by the turn of the century.<sup>29</sup> A Divisional Council was established in 1907, all white. Socially, segregation began in school and church. In 1891 the magistrate wrote, in forwarding an application for a government grant for a 'European school', that 'It appears desirable that European and native children should not be mixed up in one school'.<sup>30</sup> In 1893 the whites in Upington formed a separate NGK congregation from the Baster 'mission church': this was 'necessary', wrote Schroeder.<sup>31</sup> In 1898 the Kakamas Labour Colony for 'poor whites' was established south of the Orange river opposite western Gordonia. In that year, the magistrate wrote of the district:

The [white] farmers are at last awakening to the fact that in order to progress it is necessary for them to turn their minds to irrigation and agriculture and not to be wholly dependent upon their livestock.

The late losses from rinderpest have served in a great measure to bring this forcibly before them...

All along the Orange River where the furrow has been [laid?]<sup>32</sup> and land brought under irrigation [the prospects are?] bright and unless the crops are destroyed by locusts or the lands washed away as happened last season by the unprecedented rising of the Orange River, a good harvest may be anticipated...

Irrigation works are in progress all along the River. At Keimoes... a Private Syndicate has made a furrow at the small cost of £700 bringing under cultivation about 300 morgen of ground capable of [...] wheat in addition to what that place already produces.<sup>33</sup>

A Kakamas the Poor White Labour Colony intend making a furrow on the South side of the River in this District and bringing under cultivation about 6,000 morgen of cereal producing soil.<sup>34</sup>

Kakamas soon had a large concentration of white population (806 in 1903, and 3,000 by 1915). Significantly Schroeder, against the opposition of the Basters, became its first superintendent.<sup>35</sup>

Abraham September, relates the quotation at the head of this article, was granted land in Gordonia in 1882: a farm bordering the Orange river named

<sup>29</sup> CA 1/UPT 5/1/4, Ashburnham, 'Return of Local Boards...', 22 Aug. 1894; 'Report for 1894-5', 17 Apr. 1895; 1/UPT 5/2/2, Scholtz, Notice, 28 July 1897; Maria de Beer, *Keimoes en Omgering: 'n kultuurhistoriese verkenning* (Cape Town, 1992), 25-7, 92-3.

<sup>30</sup> CA 1/UPT 5/1/2, Bam to Secretary, Vryburg, 24 Mar. 1894. See also Bam, 'Report on Gordonia', 10 Oct. 1891; BPP, C6829, 1892, 40-1; C6857, 1894, 52-3; C7629, 1895, 42; CA 1/UPT 5/1/4, Ashburnham to Surveyor General, 16 Aug. 1894; 1/UPT 5/1/5, Scholtz to Superintendent General of Education, 10 Jan. 1896, 24 Jan. 1896; 1/UPT 5/2/1, Scholtz to Secretary of Agriculture, 23 Sept. 1896; 1/UPT 5/3/1, Scholtz to J. Strauss, 23 Feb. 1897; to Undersecretary for Agriculture, 12 Mar. 1897; to Strauss, 26 Apr. 1897; Schierhout to Secretary, Public School Committee, 27 Aug. 1897; [S. Malan], *Geskiedenis van Upington*, 8. The school appears to have begun in 1897.

<sup>31</sup> CA NGK, S5/2/164, Schroeder to BZC, 24 Mar. 1893.

<sup>32</sup> The Upington canal had been extended further westward in 1894.

<sup>33</sup> An earlier canal (known as the A-canal) had been built by Basters at Keimoes in 1882-3; see CA 1/UPT 5/1/3. Bam to Surveyor-General, Vryburg, 18 Jan. 1893; 22 Mar. 1893. The one mentioned in this quotation is known as the B-canal.

<sup>34</sup> CA 1/UPT 5/3/2, O'Connell, 'Report', 7 Oct. 1898.

<sup>35</sup> For population figures see P. J. Roussouw, 'Die Arbeidskolonie Kakamas', in *Archives Yearbook for South African History*, 11 (1951), pp. 370, 441. For Baster opposition to Schroeder's appointment, see Steenkamp, 'Die Christelike Sending', 100-1, 111-12.

Ouap. This was the time when 81 farms were allocated in the settlement, almost exclusively to Basters, 58 along the river from Kheis (opposite the present Groblershoop) to the Aughrabies Falls of sizes varying from 4,000 to 10,000 morgen, and 23 in the interior of sizes ranging from 10,000 to 30,000 morgen.<sup>36</sup> The river farms were apparently ‘laid out on the basis of half an hour’s ride along the river and two and a half hours’ ride away from the river into the “back country”’.<sup>37</sup> Thereafter, as the canal was completed, ‘water-erven’ next to it were assigned for irrigation, and dry erven for building nearby them.<sup>38</sup> In the mid-1880s a village was surveyed in Upington and township erven began to be allocated. A grid of private property began to be laid down in an area which had never known it before.

Titles to land were however a vexed question in the settlement. Although it was outside the Cape Colony, the Basters wanted their rights to private land recognized by the Cape government, against potential white claimants, and security of tenure in the case of annexation. The Cape government vacillated on this question. But documents were undoubtedly issued – ‘tickets of occupation’ – by the Gordonia committee of management, counter-signed by the Special Magistrate.<sup>39</sup> The committee of management, through its approval of burgher rights and control of land transfers, succeeded until 1889 in largely ‘reserving’ land for Basters. But from April 1889 the new British Bechuanaland administration, while confirming earlier land grants, freed the market in land:

the conditions of tenure under which the land was formerly held have been, to a certain extent, relaxed. For instance, the farms as originally granted were not executable for debt, and transfer without the sanction of local government was forbidden. The change introduced, which permits free transfer, is a benefit to the district.<sup>40</sup>

A land survey was commissioned in the last years of the Gordonia settlement by the committee of management.<sup>41</sup> However it was not acceptable

<sup>36</sup> The first list of these farms is in CA 1/UPT 5/1/1, ‘List of payments made by owners of farms in the district of Gordonia on account of survey’ [n.d. c. July 1889]. For

<sup>37</sup> State Archives, Pretoria [Henceforth SA], JUS 49, 25199/10, Magistrate’s Report, Upington, 1910. See also Macdonald, *Conquest of the Desert*, 13–14. Evidence on the date of their allocation see Legassick, ‘Gordonia’.

<sup>38</sup> The automatic grant of a ‘dry erf’ to owners of water-erven seems to have fallen away after annexation of Gordonia by British Bechuanaland: see, for example, SGBB, Goodyer to Surveyor General, Vryburg, 17 Feb. 1892; Bam to Surveyor General, Vryburg, 9 Mar. 1892; Bam to Surveyor General, 6 Apr. 1892; Bam to Surveyor General, 12 Apr. 1892; A. J. van Wyk to Surveyor General, 4 May 1892.

<sup>39</sup> See, as an example, Figure 2.

<sup>40</sup> A. H. F. Duncan, Surveyor-General’s Report, 14 Sept. 1889, BPP. C5897, 1890, 31. See also 1/UPT 5/1/1, Bam to Crewes, 28 June 1889; SGBB 31, F. S. Watermeyer, Minute No B428, 19 Sept. 1894. J. S. Marias, *Cape Coloured People* (Cape Town, 1937), 95 writes of the Gordonia settlement, ‘The Government made no attempt to prevent Bastards selling their agricultural land, which they held on individual tenure, to Europeans’. He here conflates the pre-1889 and post-1889 situations.

<sup>41</sup> On this survey see, for example, G60 – 1888, 5; G6 – 1888, 21; 1/UPT 5/1/1, Bam to Surveyor General, Vryburg, 28 June 1889; Bam to Crewes, 28 June 1889; 1/UPT 5/1/2, Bam to Surveyor General, Vryburg, 13 Nov. 1889; 31 Jan. 1890; 12 Mar. 1890; 2 Sept. 1890.

Copy  
*Settlement of Gordonia.*  
*Farm N<sup>o</sup> 20 B.*

Know all men by these presents, that the Committee of Management of the Settlement of Gordonia have on the 12<sup>th</sup> September 1883 granted on perpetual quitrent to Dirk Snyder Sen<sup>r</sup>  
 Dirk Snyder Jun<sup>r</sup>

The farm N<sup>o</sup> 20 B situated in the Settlement of Gordonia and bounded.

with full Power and authority henceforth to possess the same in perpetuity subject however to the following conditions.

(1) That he, his heirs, Executors and Assigns shall punctually pay or cause to be paid on the 1<sup>st</sup> day of January in each year to such officer as shall be appointed to receive the same such sum of money as shall from time to time be fixed by the de facto Government of the Settlement as annual quitrent payable on said farm

(2) That all existing roads and servitudes over the land shall remain free and uninterrupted, and that the de facto Government of the Settlement shall always have the right to make without compensation such new roads over the land as it may from time to time deem proper.

(3) That the right of possession in and of searching and mining for Gold, Silver and precious stones on the land is reserved to the de facto Government, and to persons appointed by it.

(4) The holder of this land shall at all times, when called upon by the Government of the Colony of the Cape of Good Hope render assistance by personal service and in all other reasonable ways to the said Government when at war with any native tribe or people in the neighbourhood of the North western boundaries of the said Colony, and the refusal or neglect, without reasonable cause, the reasonableness or otherwise of said cause to be determined by the said Government of the Colony of the Cape of Good Hope to render such assistance, or rendering of any encouragement or assistance to the enemies of the said Colony shall cause to be absolutely forfeited all right and title to this land the full ownership in which ~~is~~ all buildings or other fixtures or improvements on the same shall thereupon revert to the de facto Government of the Settlement

5. (Over)

- (5) The holder of this farm shall at all times keep at the disposal of the de facto Government of the Settlement for military or armed Police Service, two reliable men each armed with a seizable gun and provided with fifty rounds of ammunition for the same.
- (6) This farm shall not be executable for debt, and any sale of it, except to a registered Burger of the Settlement shall be null and void.
- (7) This farm shall not be let for a longer period than three years at a time, and only to a tenant who has been first approved of by the de facto Government of the Settlement.
- (8) This farm to be held subject to such regulations as may from time to time be made by the de facto Government of the Settlement.
- (9) Where no special penalties for breach of foregoing conditions is provided any breach of the same shall be punished by the holder of the said farm of a sum to be fixed by the de facto Government of the Settlement, said sum not to exceed ten pounds sterling, to be summarily levied by order of the said Government of the movable or immovable property of the holder.
- (10) In the event of the quitrent payable on the farm remaining unpaid for the term of five years or longer the property in the land shall revert to the de facto Government of the Settlement.
- Sgt C Schröder  
Johannes Luvant  
Job Jansen
- D x van Rooi Senr.  
G van Wyk  
R Frier
- Committee of Management.
- Registered Folio.  
671.
- Sgt John H Scott.  
Special Commissioner Northern Border.
- Gordonia  
5-Oct. 86  
Committee of Management

Fig. 2. Settlement of Gordonia Farm No. 20B (Source: SGBB 31).

to the British Bechuanaland administration, and a new survey was carried out between 1892 and 1895. This included not only the large farms and crown land, but the 'water-erven' and the 'dry erven' associated with them. In addition, the village of Upington, with township erven, was (re)surveyed in 1892 and a village laid out in Keimoes in 1893.<sup>42</sup>

In March 1892 the magistrate forwarded to Vryburg £3 'paid by Abraham September for the survey of his building erf situated in the township of

<sup>42</sup> See CA SGBB 20, Goodyer to Surveyor General, 22 Feb. 1892; BPP C6829, 1892, 21-4; C6857, 1894, 21-34; C7629, 1895, 14-19; C7944, 1896, 13-16.

Upington'.<sup>43</sup> The next month the surveyor proposed the issue of a servitude on Abraham September's farm Ouap and other nearby farms:

The Upington Water Furrow runs through the farms Melkstroom, Uitkomst, and Uap, and has its commencement on the farm Rouxville. A servitude has been agreed to by the Water Committee and the owners by which the members of the Water Committee, and their servants, shall have right of way along the furrow for the purposes of cleaning and repairing it.<sup>44</sup>

In the Gordonia Land Register, Ouap is recorded as having been surveyed – along with other farms – and a title granted to Abraham September on 27 November 1892.<sup>45</sup>

#### LOSS OF LAND BY BASTERS IN GORDONIA

In his 1937 survey of the 'Cape Coloured People', J. S. Marais commented on Gordonia:

And yet even in this Elim of their own creation the Bastards failed to maintain themselves... Thriftless and inclined to extravagance, the Bastards readily spent more than they made especially when 'plied with brandy' by European traders. Debts issued in bonds on landed property and, when the interest on these could not be met, foreclosures. Once a number of Europeans had obtained a footing among the Bastards, the character of their community was destroyed and decay rapidly went forward... Today there are only a small number of Bastard landowners left in the former settlement of Gordonia, but two or three of these are wealthy. The vast majority have become labourers on farms or in the villages.<sup>46</sup>

In these conclusions, the 'liberal' Marais echoed those of other, more racist, writers.<sup>47</sup> In 1995, at least on farms along the Orange, it is true that only three Baster landowners survive: the Jansen family, the Loxtons, and the Spangenburgs.<sup>48</sup> In one sense this is not surprising. The capitalization of twentieth-century South African agriculture depended in large part on state inputs to a new class of 'progressive' white farmers, and many poorer white

<sup>43</sup> CA/SGBB 20, Bam to Surveyor General, 7 Mar. 1892. It was then numbered C43; it was renumbered as erf 38. The date of its formal granting was 15 July 1893. See also 1/UPT 7/3/4, Village erven 1890–91; 1/UPT 7/1/4/1, Farms and erven 1890–1898; 1/UPT 5/1/2, Bam to Surveyor General, 24 Apr. 1890; 1/UPT 5/1/3, 527.

<sup>44</sup> CA SGBB 20, A Goodyer to Surveyor General, 3 Apr. 1892.

<sup>45</sup> CA 1/UPT 7/1/3/1, Land Register, 1894–1932 (from internal evidence, first compiled around 1917).

<sup>46</sup> Marais, *Cape Coloured People*, 95–6.

<sup>47</sup> For example E. Fischer (author of *De Rehobother Bastards und das Bastardierungsproblem beim Menschen* (Cape Town, 1913), quoted in UT 41–1926, *Report of the Rehoboth Commission*, 65; C. J. S. Strydom, 'Die verdediging van die Noordwestelike Gens van die Kolonie' (MA and thesis, UNISA, 1929), 46ff. 'Die Kaap Kolonie, 1899–1902: skadevergoeding en die rebelle in ere herstel' (Ph.D. dissertation, University of Cape Town, 1932), 226. Both Marais and Strydom quote the following (from CPP, G31–1899, 59): 'The Bastards who originally owned all the landed property in the district are going backward year by year, and ere long they will have disposed of all the landed property they now possess and again have become the servant of the white man. This result has been brought about by their own indolent and improvident habits. There are a few exceptions and a few Bastards still own unencumbered farms and large stocks of cattle and sheep'.

<sup>48</sup> Personal observation. See also 'Verklaring Eeufees 1892–1992 – Uitkomst' (Ts, my possession), a history of the farm owned by the Jansen family.

Afrikaners also did not survive as landowners in this transition.<sup>49</sup> At the Kakamas 'labour colony', indeed, impoverished white Afrikaners congregated to become, eventually, prosperous farmers. Marais himself however, in contrasting the fate of the Gordonia settlement with the 'success' of Kakamas, pointed out that at the latter

(a) a careful study was made of labour colonies especially in Germany; (b) there was strict, continuous and detailed supervision over the settlers (by men who understood their business), who (c) were never allowed to *own* their land but had to hire it from the Church; (d) up to 1918 the Church had spent over £140,000 on the colony. Not one of these conditions was ever realised in a Bastard settlement with the possible exception of Pella [from 1881 a Roman Catholic mission site on the Orange River].<sup>50</sup>

There are contemporary assertions (by whites) not only regarding the debts accumulated by Bastards (and the role of drink in this), but also of their 'nomadic mentality' (trek-geest). This unawareness of the closing of the frontiers of available land was attributed, of course, by contemporary commentators to whites also. The previous history of Baster men had been one of transhumant pastoralism and hunting (like white men in 'Bushmanland' also). They were also 'used', from the eighteenth century, to being ousted by whites from land, and having to push further onwards. In January 1888, in his last report from the Gordonia settlement, with incorporation into British Bechuanaland impending, Scott wrote that, despite the employment of a surveyor by the committee of management:

There are not wanting, however, symptoms that the Bastards, who are good pioneers, but apparently unable to form of themselves a permanent settled community, will on the first favourable opportunity dispose of their ground and

<sup>49</sup> See the revisionist historiography on South African agriculture, especially T. Keegan, *Rural Transformations in Industrializing South Africa* (Johannesburg, 1986) and 'The making of the rural economy: from 1850 to the present', in Z. A. Konczacki *et al.*, (eds.), *Studies in the Economic History of South Africa*, Vol. 2 (London, 1991); W. Beinart, P. Delius and S. Trapido, *Putting a Plough to the Ground: Accumulation and Dispossession in Rural South Africa, 1850-1930* (Johannesburg, 1986); Colin Murray, *Black Mountain: Land, Class and Power in the Eastern Orange Free State, 1889s-1980s* (Edinburgh, 1992).

<sup>50</sup> Marais, *Cape Coloured People*, 96, n. On Kakamas see F. J. Loots, 'Die Arbeids-Kolonie, Kakamas' (MA thesis, 1949); Roussouw, 'Die Arbeidskolonie Kakamas', University of Cape Town. There were protests from the inhabitants at not owning their land from after the First World War, and they eventually acquired it after the Second World War: see *Standard Encyclopaedia of Southern Africa* (Pretoria, 1972), 'Kakamas'. There is evidence that Schroeder intended to establish a similar settlement for Bastards on the farms Rooiberg and Keikaries, on the north bank of the river opposite Kakamas, but this was never achieved: see Steenkamp, 'Die Christelike, Sending', 131-3. In the 1920s Eksteenskuil became a settlement for Coloureds in the islands near Keimoes, and a state settlement for Coloureds after the Second World War. In the 1930s, through the efforts of its minister Saul Damon, the Congregational Church established settlements for Coloureds on farms along the river upstream from Keimoes: see Steenkamp, *ibid.* 162-4; de Beer, *Keimoes en Omgewing*, 206-10; *100ste verjaardag van Saul Damon* (n.d., 1990); Saul Damon papers (held by Jessie Strauss, Keimoes), S. Damon, 'Memoranda oor aankoop van grond vir lede van die Congregational Kerk' (n.d.). None of these received the financial support that Kakamas had enjoyed.

trek to some country where there will be no taxes, however light, no boundary lines to farms, but on the contrary scope for unrestricted trekking and hunting, and no shops where they can run into debt and impoverish themselves by improvidence.<sup>51</sup>

Two months before, Schroeder had expressed the same anxieties:

What makes the future dark, is the fear of their trekking in a north-westerly direction.... My fear is that they [the Basters] will in time sell their property to whites, as some have already done, and trek further northwestwards to a freer life. I do my best to spur the Baster congregation to preserve with thankfulness the privileges which they enjoy at present in Gordonia. Who would trek to Great Namaqualand, must become a Namaqua, or make ready to fight.<sup>52</sup>

To some extent this is contradicted, however, by the struggle of the Basters in the 1880s to get secure and inalienable title to the land in Gordonia.

What of alcohol? In 1881 Scott had written of the Basters that 'They are rather inclined to be extravagant, and involved themselves in pecuniary difficulty, especially when traders push their trade by plying their customers with brandy'.<sup>53</sup> In the endeavour to thwart the effects of alcohol, the Gordonia settlement had banned its sale.<sup>54</sup> In 1890 the magistrate at Uppington claimed that 'the great majority of the inhabitants will be opposed to the granting of a liquor license in any part of this district'.<sup>55</sup> British Bechuanaland Proclamation 113 of 1891 extended a ban on sale of alcohol to 'natives' to include 'persons of mixed race in Gordonia' – with the specific intent, as the magistrate wrote, of preventing them from being 'relieved of their farms'.<sup>56</sup> But the liquor traders – and land grabbers – found their way

<sup>51</sup> CPP G6 – 1888, 21,. See also CA 1/UPT 5/1/1, Bam to Lewis Kotze, 9 Jan. 1888, writing 'That the Commission [of management] is doing its best to protect the Basters against the white people; but that some among the Burghers are making difficulties for the Commission, by continually making applications to be able to sell land to whites' ('Dat de Commissie [of management] haan best doen en gedaan heeft om de Bastaards teen de blanke menschen te beschemmer; maar dat van de Burgers het moeijelyk voor de Commissie maken, door altoos [verniemende?] applicaties om hun grond aan blanken to mogen verkopen').

<sup>52</sup> 'Wat de toekomst donker maak, is de vrees voor trekken naar noordwestelyke rigting... Myn vrees is dat zy [de Basterds] kun tydelyk eigendom aan blanken zullen verkopen, gelyk eenigen gedaan hebben, en verder noordwestwaards trekken naar een vryerleven. Ik doen myn best de Basterd gemeente aan te sporen, met dankbaarheid het voorregt te behouden het, welk zy thans nog hebben in Gordonia. Wie naar Groot Namaqualand wil trekken, moet Namaqua worden, of zich voor vechten gereed maken'. CA NGK, S5/2/164, Schroeder to BZC, 17 Nov. 1887. See also Steenkamp, 'Die Christelike Sending', 87, 91, 98. In 'Great Namaqualand' of course, was the Rehoboth Baster settlement, established in 1872 by kin of the Gordonia Basters, with a common origin in 'Bushmanland'.

<sup>53</sup> J. H. Scott, 'Historical account of the Northern Border', CPP, G20 – 1881, 86. This is cited by Marais, *Cape Coloured People*, 95, n., from its reproduction in UG 41 – 1926, 29.

<sup>54</sup> This was one of the conditions agreed between the Basters and the NGK for the re-establishment of the mission in Gordonia: see CA NG, S5/2/164, 'Zamenspreking... Amandelboom, 11 Oct. 1879'.

<sup>55</sup> CA 1/UPT 5/1/2, Bam to Secretary, 28 Mar. 1890.

<sup>56</sup> BPP C6829, 1892, 10 – extending the provisions of proclamation 64 of 1889. See CA 1/UPT 5/1/2, Bam to Secretary, Vryburg, 15 Apr. 1891, not wanting to grant a hotel licence until the Basters were prohibited from buying drink; Bam to W. Frank, Keimoes, 1 Sept. 1891.

around this by establishing stores outside the boundaries. From the late 1880s a liquor store run by one Leopold Abt existed at Grootdrink, south of the river and thus outside eastern Gordonia.<sup>57</sup> In 1890 the acting magistrate commented that ‘people living on the Commonage of Upington have sent up there for the liquor and consumed it here’. He added:

The Bastards at present are a very sober race but if once liquor should obtain a hold on them, the result will be that a very worthy class of people will be utterly ruined and the mixing of spirits with the Honey-Beer which the Namaqua drink will not tend to improve them.<sup>58</sup>

A similar store was established by Harris Bros on the western margins of the settlement, at Zwartmodder (Harrisdale), outside its pre-1891 boundaries, after they had been refused a liquor licence inside it.<sup>59</sup> By 1894 the pressure of ‘investors in land and cattle buyers’ wanting accommodation had induced the Upington magistrate to recommend a liquor licence there.<sup>60</sup> A hotel was opened in Upington itself in March 1892, and was soon alleged to be illegally selling liquor to ‘natives and bastards’.<sup>61</sup> By 1893 there were two liquor stores in Keimoes also. (In the same year inhabitants of Gordonia petitioned, unavailingly, for the withdrawal of liquor licences at Grootdrink, Olyvenhouts Drift, across the river from Upington, and Kakamas.)<sup>62</sup> In 1895, when the Cape Colony took over British Bechuanaland, the magistrate reported considerable illegal sales by ‘lower-class Europeans’ and recommended that *possession* of liquor be made an offence ‘though some resentment might be looked for on the part of the better class of Bastards who... are landowners of position in the district’.<sup>63</sup> There is no indication that anything came of this recommendation. In 1910 the magistrate at Upington reported that, while ‘several persons of the older generations’ of Bastards were ‘still living on their own land’,

The younger generation have not followed in the footsteps of their fathers and have much degenerated. The main cause has been probably the introduction of liquor.

<sup>57</sup> CA NBC 16, Scott to Colonial Secretary, 23 Feb. 1884 (describing the situation regarding liquor licences); NBC 17, Scott to Distributor of Stamps, Carnarvon, 2 July 1885; Scott to Chairman, Licensing Board, Carnarvon, 30 July 1885; 1/UPT 5/1/1, Bam to Merrington, 18 Nov. 1890; 1/UPT 5/1/2, Bam to Secretary, Vryburg, 28 Mar. 1890; Bam to Secretary, Vryburg, 1 Apr. 1891.

<sup>58</sup> CA 1/UPT 5/1/2, Chalmers to RM, Kenhardt, 9 Oct. 1890. The licence was not renewed by the Kenhardt magistracy in April 1891, but regranted, with Bam’s approval, in December because the Bastards had been ‘protected as far as possible’ by proclamation 113: see Bam to Secretary, Vryburg, 1 Apr. 1891; Bam to Secretary, Vryburg, 2 Dec. 1891.

<sup>59</sup> Cf. CA 1/UPT 5/1/2, Bam to Coghlan and Coghlan, Kimberley, 31 Oct. 1889; Bam to Secretary, Vryburg, 22 May 1890.

<sup>60</sup> CA 1/UPT 5/1/3, C. Jay to Registrar, Chief Magistrate’s Court, Vryburg, 6 June 1894.

<sup>61</sup> CA 1/UPT 5/1/1. Bam to Secretary, Vryburg, 1 Mar. 1892; 1/UPT 5/1/2, Bam re Gordonia Licensing Court, 4 Nov. 1891; Bam, Report on Licensing Board, 2 Dec. 1891; 1/UPT 5/1/3, Bam to Preuss, 24 Aug. 1893.

<sup>62</sup> CA 1/UPT 5/1/3, Bam to Secretary, Vryburg, 24 Aug. 1893; Bam to RM, Kenhardt, 24 Aug. 1893; Bam to Registrar, Chief Magistrate’s Court, Vryburg, 7 Dec. 1893. In 1889 W. Frank was granted a lease on the outspan at Olyvenhout’s drift on condition that he did not sell liquor: 1/UPT 5/1/1, Bam to RM, Kenhardt, 16 Aug. 1889.

<sup>63</sup> BPP, C7944, 1896, 45–6; CPP, G5 – 1896, 69–70.

The great majority of farms formerly held by them has passed as the price for their downfall into the hands of Europeans.<sup>64</sup>

Since 1879, Schroeder had tried to resist the presence of police and the establishment of a town in Gordonia: he wanted the area to remain a mission station. In 1893 he bewailed the fact that 'Upington is however no more a mission station, but a town with six shops, a hotel and two canteens', and added:

Where whites trek into a country formerly occupied by coloured, there the coloureds go backwards very quickly. Most of them do not keep their fixed property safe, they take money, make debts, are offered large sums and lose their fixed property. Some trek northwards, others roam around, or must take service.<sup>65</sup>

The following year he wrote:

On all sides ruinous and harmful influences are working together, as also examples. Making debts, putting farms and erfs in pawn, and later losing them altogether... Where whites and coloureds are landowners together, then it goes steadily backwards with the coloureds. I teach, admonish and warn at almost every meeting of elders on Avondmaal days.<sup>66</sup>

Schroeder's letters from this time are also replete with comments on the 'spiritual backsliding' of the Baster congregation, including drunkenness.<sup>67</sup> Together with the contemporary redefinition by prominent churchmen and politicians of poor whites as the 'poor white problem', the ground was being prepared for him effectively to turn his back on the Basters and take up the post of Superintendent of Kakamas.<sup>68</sup>

Whatever the causes, the facts of loss of land by Basters to whites in this period are indisputable. 'At Keimoes most of the garden-erfs are already in the ownership of white men. At Upington there are 30 white and 40 coloured

<sup>64</sup> SA JUS 49, 25199/10 Magistrate's Report, Upington, 1910.

<sup>65</sup> 'Upington is echter geen Zendingstatie meer, maar een dorp met ses winkels, een hotel en twee kantien... Waar de blanken in het land, eertyds bewoond deur gekleurden, intrekken, daar gaan de gekleurden zeer snel achter uit. De meesten behouden hun vast eigendom niet, zy nemen geld op, maken schulden, worden aanzienlyke sommen aangebooten alzoo verliezen zy hun vast eigendom. Sommigen vertrekken noordwaarts, ander zwerven rond, of moeten dienen'. CA NGK, S5/2/164, Schroeder to BZC, 24 Mar. 1893. See also his anticipation of this, to Neethling, 11 Feb. 1884.

<sup>66</sup> 'Allerlei verdefelyk en schadeylk invloed werken mede, als ook voorbeelden. Schulden maken, plaatsen en erven in pand geven, en later geheel verliezen... Waar blanken en gekleurden terzamen grondeigenaars zyn, daar gaat het met de gekleurden steeds achteruit. Ik onderwys, vermaan en waarschuw byna by elke ouderling zamenkomst met Avondsmaal dagen', CA NGK, S5/2/164, Schroeder, Godsdienstverlag, 25 Sept. 1894. See also Schroeder to Neethling, 24 Aug. 1897.

<sup>67</sup> See, for example, CA NGK, S5/2/164, Schroeder, Godsdienstverlag, 26 Mar. 1892; 24 Mar. 1893; 15 Mar. 1894; 25 Sept. 1894; 27 Mar. 1895; 5 Aug. 1897.

<sup>68</sup> On the redefinition, see C. Bundy, 'Vagabond Hollanders and runaway Englishmen: white poverty in the Cape before Poor Whiteism', in Beinart, Delius and Trapido (eds.) *Putting a Plough to the Ground*, 119-23. On Schroeder and Kakamas see Loots, 'Die Arbeidskolonie'; Roussouw, 'Die Arbeidskolonie kakamas'; CA NGK, S5/2/164, Schroeder to Murray and Marchand, 4 Apr. 1895. Schroeder was already under criticism from 'enemies of the Mission' in Gordonia for placing land under church ownership and other matters: see Steenkamp, 'Die Christelike Sending', 100-1; CA NGK, S5/2/164, Schroeder to Neethling, 22 July 1892; 15 Mar. 1894.

owners', wrote Schroeder in 1893.<sup>69</sup> The following year he stated that 'Of 77 garden-erven owners at Upington there are now only 33 coloured and 44 whites. At Keimoes it is more serious'.<sup>70</sup> Schroeder's examples relate to the water-erven, where crops could be grown through irrigation – of which he was in charge, as chairman of the Waterworks Company.<sup>71</sup> The earliest traceable record of ownership of water-erven at Keimoes is May 1890, and at Upington June 1890: there is thus no record of transfers prior to that time.<sup>72</sup> In 1890 the overwhelming majority of water-erven at Keimoes were in the hands of Basters, and at Upington some 38–43 out of 65.<sup>73</sup> Between 1890 and 1893 water-erven, particularly at Keimoes, were transferred from Baster to white hands.<sup>74</sup> Thereafter transfer may have taken place faster. By

<sup>69</sup> 'Te Keimoes zyn de meeste tuinerven reeds in het bezit van den blanken man. Te Upington zyn 30 blanken en 40 gekleurden tuinerf eigenaars'. CA NGK, S5/2/164, Schroeder to BZC, 24 Mar. 1893.

<sup>70</sup> 'Van 77 tuinerven eigenaars zyn nog maar 33 gekleurden en 44 blanken te Upington. Te Keimoes is het erger'. CA NGK, S5/2/164, Schroeder, Godsdiensverslag, 25 Sept. 1894.

<sup>71</sup> On the Waterworks Company, founded in Aug. 1883, see British Bechuanaland Proclamation 69, 14 Aug. 1889, Ward, *British Bechuanaland Proclamations*, 157–63; CA 1/UPT 5/1/2, Chalmers to Schroeder, 8 Dec. 1890; 1/UPT 5/1/1. Bam to Surveyor General, Vryburg, 7 Jan. 1891. See also CA NGK, S5/2/164, Schroeder, Godsdiensverslag, 24 Mar. 1893: 'I must, to prevent conflict or friction between white and coloured, remain as superintendent of our canal'. ('Ik moet, om botsing of wrywing tusschen blank en gekleurd voor te komen, het hoofdbestuur van ons watervoor blyven behouden'.) There are indications that the water-erven had initially been distributed to poorer Basters; Schroeder, Godsdiensverslag, 31 Aug. 1886.

<sup>72</sup> 1/UPT 5/1/2, 'List of watererven at Upington', 12 June 1890; 'List of owners of watererven at Keimoes in Block A and Block B', 22 May 1890. See CA 1/UPT 5/1/1, Bam to Surveyor General, Vryburg, 7 Jan. 1891: 'as, however, it was simply impossible for me to show on that list [of Upington water-erven sent last June] all the different transfers that had taken place from the original grantees, I made up a list of the present legal owners, the validity of whose claims I am positive will not be disputed... the custom in vogue here was for purchaser and seller to appear personally before the Chairman of the Water Committee [Schroeder] and declare to the transaction... Between the 1st July 1888 and the 31st December 1889 several such transfers were so improperly made'; Bam to Surveyor General, Vryburg, 12 Jan. 1891, 'I proceeded to Keimoes and calling all owners of erven together made a complete list of all the then owners of the erven. At Upington I made up the list with the aid of the books of the Waterworks Company, which were very primitively kept, so that the transfers prior to my making the list do not appear in the register'. For an example of the complex transfers pre-annexation of a water-erf, see 1/UPT 5/1/3, Bam to Surveyor-General, 16 Oct. 1893.

<sup>73</sup> Names have been compared with NG Sending Kerk material. The undoubtedly 'white' owners at Keimoes at this time are F. Bowers, G. de Juy, 2 van Rensburgs, Rose, Moller, and W. Frank, owning 14 erven out of 83 among them. Among the white owners at Upington are van Niekerk, Strauss, Pearson, Burger, Murphy, Bam, Lutz, Dyason, Schroeder, Brussel and Voskule, and de Villiers.

<sup>74</sup> Regarding the record-keeping in Gordonia, an incoming magistrate wrote to the Surveyor-General 'I find some difficulty in gathering from available records proper information as to land questions connected with this district'. The land register 'consists of a list of farms and erven written in a cash book in the midst of statements of Revenue and Expenditure, Burger lists, Licenses, Fines, etc. The register does not appear complete (e.g. I can nowhere find a list of more than 65 water erven whereas you have forwarded titles in favour of the Upington Water Works Company to over 70 erven), important information has been jotted down in pencil and is almost obliterated and – even with the assistance of various scraps of paper and a book purporting to contain lists of

1908 these water-erven were estimated by the Standard Bank as worth about £100 a morgen – a high land price in the area.<sup>75</sup> In 1910 the Upington magistrate commented that 106 water-erfs existed, comprising 526 morgen, and valued as a whole at £30,351.

The average value of the land is reckoned at £50 per morgen. These 106 lots are owned by 89 individuals of whom 15 or 20 are not entirely dependent on the produce. The largest holding is valued at £1945 and the smallest at £30, the average being 4 morgen at £200 value...it would seem that such a system approximating to that of peasant proprietorship should give excellent results... Unfortunately the benefits – are far from existing. the majority of the erfholders are in a state bordering on pauperism. Unfortunately too, the reason lies with the people themselves. The majority of them are ignorant, lazy and indifferent. The usual crops are wheat succeeded by mealies and no variation is ever considered, much less attempted. Ploughing is done in an extremely slipshod manner and other cultivation of the soil practically unknown. The soil is very good and if it received proper treatment would fully repay the extra cost and trouble. It is estimated, for example, that a 4 morgen plot at its best will produce 70 bags of corn valued at £70 and 35 bags of mealies valued at £26/10/0... Fruit and vegetable growing and dairy-farming are industries for which, if conducted with knowledge and enterprise, there are good openings. The erfholders are however at present in the hands of the storekeepers...<sup>76</sup>

White ownership alone, it can be seen, was by no means a guarantee of agricultural advance.

White demand for land appears to have been initially most intense for the water-erven and for farms along the Orange. Two public sales in 1894 and 1895, the first of township erven in Upington and the second of new interior farms, for example had disappointing results.<sup>77</sup> However whites were also

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Upington and Keimoes erven... with voters lists and various VMB matters – I find it difficult to get a correct idea of the somewhat complicated land questions connected with this district', CA 1/UPT 5/1/3, Ashburnham to Surveyor General, 17 July 1894. See also 1/UPT 5/1/4, Ashburnham to Receiver General, 24 Jan. 1895 (there was no complete list of ownership of dry erven until he compiled one); to Surveyor General, 29 Jan 1895 (lack of records on dry erven). More concentrated research on the land registers and records in the archives of the Vryburg Deeds Office might give a fuller picture of the Baster-white alienation of water-erven, the dry erven associated with them, and the Upington (and later Keimoes) township erven. The water-erven were held in freehold and do not therefore appear in quit-rent land registers.

<sup>75</sup> Standard Bank Inspection Report, 17 Aug. 1908. (Thanks to Norma Craven for her assistance with research on these reports.) These water-erven of 4–5 morgen were originally (in 1883–5) valued at £100 each. At Upington one was valued at about £150 in 1894; see 1/UPT 5/1/4, Ashburnham to Secretary, Vryburg, 24 Aug. 1894; 1/UPT 5/2/1, Scholtz to Under Secretary for Agriculture, 23 Sept 1896. In 1894 Keimoes water-erven were valued at from £3 10s to £15, 1/UPT 5/1/4, Ashburnham to Surveyor General, 18 Dec. 1894; 17 June 1895.

<sup>76</sup> SA JUS 49 25199/10, Magistrate's Report, Upington, 1910.

<sup>77</sup> See CA 1/UPT 5/1/3, Bam to Surveyor General, 11 Jan. 1894; Jay to Surveyor General, 4 May 1894; Jay to Receiver-General, 15 June 1894; Jay to Surveyor-General, 5 July 1894; 1/UPT 5/1/4, Ashburnham to Raasenhagen, 1 Nov. 1894; Ashburnham to Surveyor General, 24 Jan. 1895; Ashburnham to Surveyor General, 15 Mar. 1895; Ashburnham to Kotze, 23 Mar. 1895. Compare, for optimistic prognoses, 1/UPT 5/1/2, Bam to Surveyor General, Vryburg 6 Mar. 1890; Bam to Registrar General, 1 June 1891.



Fig. 3. Land occupied in 1889 (Source: CA 1894 M5/2).

acquiring Baster farms allocated in the 1880s along the Orange and in the interior. Ownership of these farms can be traced from three separate records: a list in 1889, a land register of 1894–5, and a later land register.<sup>78</sup> What is clear from these is the extent of Baster ownership in 1889: whites owned only 20 of 81 farms, and then mainly interior ones.<sup>79</sup> By 1894 there were some new white owners: L. Abt, A. Mosenthal and H. Harris (traders), G. H. Davis, A. Oberholzer. But the main transfers into white hands came after 1894 – to some extent by 1908 and more particularly after that.

Significantly, a whole swathe of farms in eastern Gordonia, around an axis centred on Grootdrink, passed into the hands of Leo Abt, the shopkeeper there, and A. Mosenthal (wholesalers of Part Elizabeth) and subsequently (23 in all) to one W. Stern and the Gariep Estates and Development Company. Stern also acquired other land in Gordonia. Undoubtedly debt, and probably in part debt for drink, played their part in this. These farms were far from markets, and were probably bought initially for speculative purposes, with an eye to mineral discoveries.<sup>80</sup> In western Gordonia, nine farms were acquired from 1898 by the Kakamas labour colony. In between this along the river – from Uizip above Upington to Zwartbooi's Berg below Keimoes – and in the interior, Basters lost land to individual white farmers, mainly, though by no means exclusively, Afrikaners.<sup>81</sup> In 1907, however, there were still comparatively wealthy Baster landowners. Those with accounts at the Standard Bank included Marthinus Jansen (worth c. £2,800), W. J. N. van Wyk, (worth £3,000), David van Rooi (worth over £1,000). Johannes Zwart (worth £1,990), and Carolina van Wyk, a widow worth £6,000.<sup>82</sup>

But indebtedness (and drink) were only a part of the story in land loss. Less often mentioned is the deliberate trickery and unfair dealing by manipulative whites. In evidence to the Rehoboth Commission, reporting in 1926, a Baster named Maasdorp said:

Personally I gained experience in Gordonia, Rietfontein, and here. The white men are too clever for us coloured people. Just as many honest people as there are among them, so many dishonest ones there are also among them. I have seen in

<sup>78</sup> CA 1/UPT 5/1/1, 'List of payments made by owners of farms in the district of Gordonia on account of survey', n.d. c. July 1889; 1/UPT 7/3/1, Land Register 1894–5; 1/UPT Land Register, 1894–1932 (from internal evidence, first compiled around 1913/1917). See also 1/UPT 7/4/1, Land Register (c. 1894–8); Quit-Rent register, 91. Between 1889 and 1912 there were a further 104 farms defined and allocated, almost exclusively to whites, in many cases land companies (Standard Bank Inspection Report, 9 Dec. 1912). See also the map in W. Macdonald, *Conquest of the Desert*, 197. See Figs. 3, 4 and 5.

<sup>79</sup> Among the white owners are F. Loxton, R. Frier, G. Panizza, G. de Juy, G. Pearson, F. ter Blanc (all married to Baster women), H. M. Steyn (née Frier), D. Turner, J. H. Lutz, L. Stock (traders), C. Schroeder (missionary), and F. Harper, J. Foster, J. D. Moller, Andries Burger and W. le Roux (later arrivals).

<sup>80</sup> As early as 1890 L. Abt had a right of 'refusal' on a number of these farms: CA 1/UPT 5/1/2, Bam to Surveyor General, Vryburg, 12 Mar. 1890. See also SGBB 31, Leopold Abt Co., Carnarvon, to Surveyor General, 2 July 1894; 1/UPT 5/1/2, Chalmers to L. Abt, 20 Jan. 1891; 1/UPT 5/1/3, Jay to Surveyor General, 13 July 1894.

<sup>81</sup> For example the Jewish A. Nurick became an important landowner, and trader, in the area: see also de Beer, *Keimoes*, 76, 150.

<sup>82</sup> Standard Bank Inspection Report, 17 Oct. 1907.

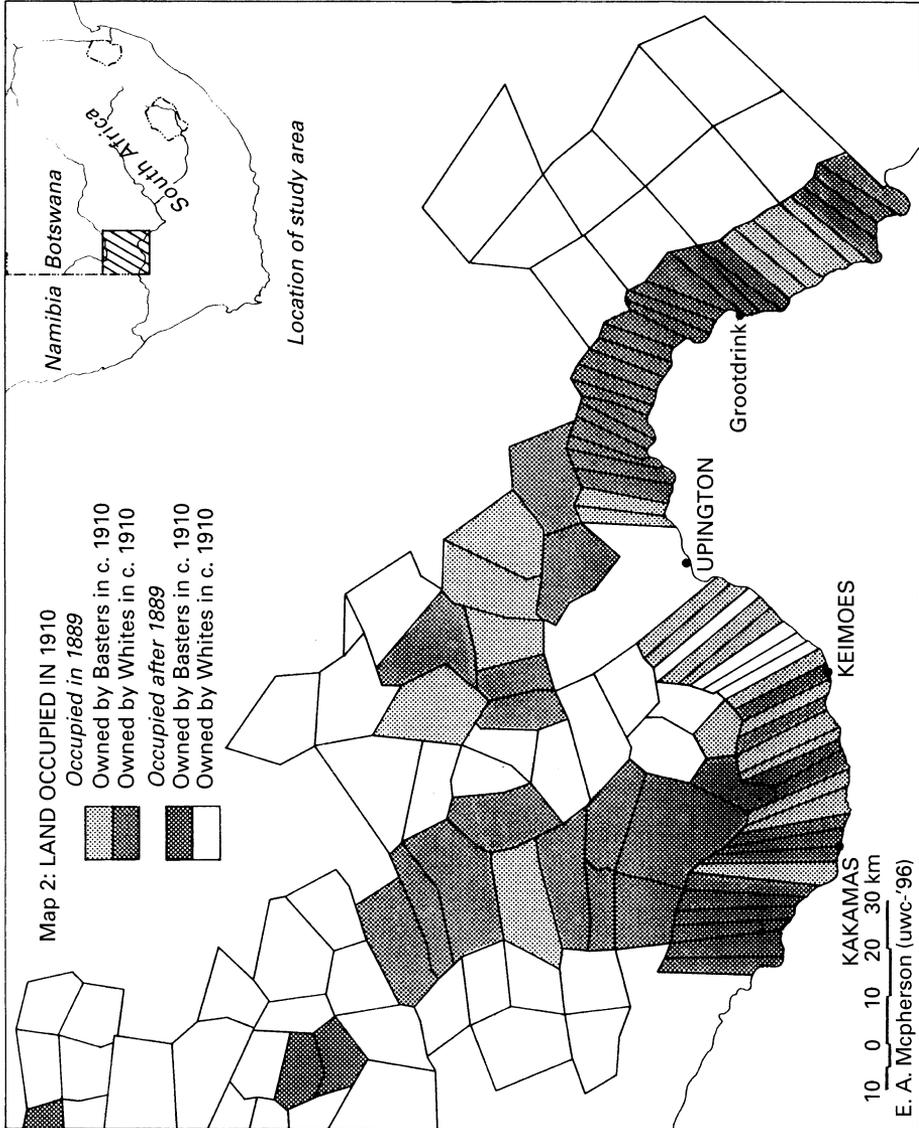


Fig. 4. Land occupied by 1910 (Source: CA 1894 M5/2).

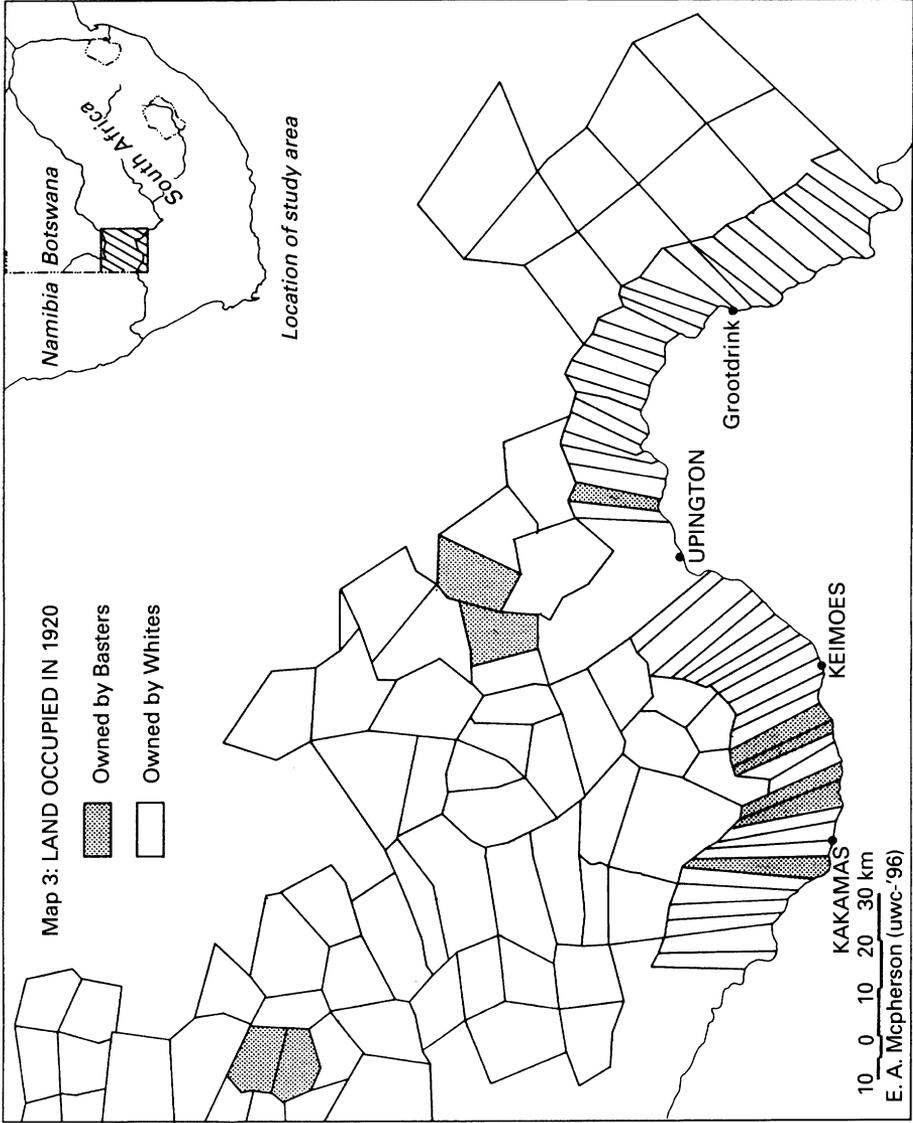


Fig. 5. Land occupied by 1920 (Source: CA 1894 M5/2).

Gordonia, that our Basters received land as a present from Queen Victoria. My father and other Basters. At that time no white man was allowed to farm on the other side of Grootriver. ... Afterwards the white men came in. They bought the fertile farms, one for a wagon, the other for a wagon containing pumpkins and a team of oxen. Another drank a few dop-brandys so that he did not even know what he received, but his property was sold. ... Today there are very few who still own a small piece of land.<sup>83</sup>

In 1923 a report in the *Cape Argus* commented how, after annexation of Gordonia to the Cape:

The burghers were not long in succumbing to the wiles of unscrupulous whites. Storekeepers pushed credit upon them, law agents got them involved in loans and litigation, and the brandy sellers further assisted their ruin. Downright fraud, such as getting a burgher's signature to a deed of sale, represented to him as merely an option to buy his farm (which happened in one case whereof the present writer was informed) was probably not often practised. These coloured folk were in most cases easily persuaded to dissipate their substance. But we know by sad examples how often the white landowner himself can be successfully seduced. This is especially the case when the country simplicity, albeit not lacking in its own forms of cuteness, has to match itself against the sharp practice of the towns.<sup>84</sup>

'Dishonest' and 'too clever' whites, states Maasdorp, buying land for the proverbial 'appel en 'n ei'.<sup>85</sup> 'Downright fraud' by 'unscrupulous whites', hints the *Cape Argus*. Oral testimony today supports these arguments.

But when the white man came, he began his system of taxes... on property, many of the people began to get behind with their farms. And they pawned much of their land...

Look, if I had a farm then it was divided up among the ten sons. And I [a son] sell to a white man. And now he comes and he fences the first part off and he doesn't give me rights to cross his land. The result is that I don't have a means of exit to a town. And I get all sorts of unsavouriness, and must later trade my land... the white man then took the land for himself...

... at Kurrees, the people asked him for a contract of hire and he actually signed a contract of sale... and the Basters could have boozed. And then they were not taught to write their names.<sup>86</sup>

<sup>83</sup> UG 41 – 1926, 46. He added, 'Things went on in this manner till all the old people who had done this had died, then the young children discovered that the old people had no right to sell the ground. Then they complained to the Government'. The first collective reaction I have traced to land alienation is a petition, signed by 259 Basters, presented to parliament in May 1921: SA LDE 3953 File 11106.

<sup>84</sup> *Cape Argus*, 9 Mar. 1923.

<sup>85</sup> See also Steenkamp, 'Die Christelike Sending', 91, 204–6 for details of the purchase by J. H. Lutz from the Baster John Ross of Cnydas East, nearly 30,000 morgen, for £135 payable in stock.

<sup>86</sup> 'Maar toe die witman kom, het hy beginne nou sy stelstel van belasting... op eiendom, het baie van die mense beginne agter raak op hulle gronde. En hulle't baie van hulle sy gronde gepan...

Kyk as ek nou 'n plaas het dan is die plaas aan die 10 seuns verdeel. En ek verkoop aan 'n witman. En nou kom die witman en hy kamp die eerste gedeelte af en hy gee nie vir my 'n betredingsreg op sy grond nie. En die gevolg is dat ek nie uitkom kans het na 'n dorp toe nie. En ek ontvang alle onsmaklikhede, ek moet later my gronde uitruil... De witman het dan die grond vir hom geneem...

After the land surveyor left the lawyers came of which Van Koppenhagen was one... the whites were already living in little pockets amongst us... Eventually the Baster would be taxed on his farm. Then it was R6... there are even today plots standing which these lawyers gave to the whites, which the white people paid the taxes of. The Basters were stupid, since they would move... away and establish themselves again, they would leave their original farm... eventually the Basters would sign papers, written up by the white person... they didn't have any other debt, the only debt was taxes which the lawyers made out to them... the lawyers took away all these farms from the people.<sup>87</sup>

Here is much land in Gordonia which was not sold. It was not legally sold. It was in a dishonest manner that the land was taken. Some say people sold it. I've seen in certain writings by many whites, 'the land was given away for an apple and an egg' [literal]. It was not sold. Now comes the man and says he will hire the land, but it is all the time a letter of sale. And all those things as far as I've been through it, took place in the time of Koppenhagen. It was the great death of our people here.<sup>88</sup>

Where the whites came in... [land] was sold. I mean hired for five years. Forms were changed round. Here if you sign, the old man must now come and sign, it is a five year contract for hire. Then it was just changed around, then it was a contract of sale which has been made. But it wasn't a title deed, it was just a contract of sale. And I believe that here in the Northern Cape no whites have got title deeds. If they have them, it is false.<sup>89</sup>

they [her grandfather Niklaas Bok's family] had a small debt, at the shop in Keimoes... Then the lawyers came. What they promised the lawyers, I don't know. But in any case... the lawyers let them sign papers that they would pay the money... for the transfer of the land, naturally... But they did not know it was actually for the transfer of the land... when they discovered it, they had sold the farm. Then they had to vacate the farm.<sup>90</sup>

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...op Kurrees, die manne het vir hom 'n huurkontrak gevra en hy het werklik geteken op 'n koopkontrak... En die Basters kon gesuip het. En dan was hulle nie geleer om hulle name... te skryf nie'. (Interview with Andrew Orange, aged 45, 22 July 1993, Upington.)

<sup>87</sup> Interview with Piet Beukes, aged 86, 22 July 1993, Upington.

<sup>88</sup> 'Hier's baie gronde veral hier in Gordonia wat nie verkoop is nie. Dit is wettig nie verkoop nie. Is op 'n oneerlike manier wat die grond gevat is. Party sê die mense het dit gekoop. Ek het daar [gesien] in sekere skrift wat baie blankes geskrywe het "die grond is vir 'n appel en 'n ei weggegee". Is nie verkoop nie. Nou kom sê die man hy huur die grond, dan's dit al die tyd koopbrief. En al daai goed so ver as wat ek moet dit deurgegaan het, ontstaan in tyd van Koppenhagen. Dit was die groot dood van ons mense hierso'. (Interview with Jonas Daries, 22 July 1995, Upington.)

<sup>89</sup> 'Waar die blankes ingekom het... hier word gekoop, ek meen gehuur vir 5 jaar. Vorms word omgekeer. Hier as jy nou geteken, die ou man moet nou kom teken, dis 'n 5 jaar kontrak vir huur. Dan word dit net omgekeer dan is dit 'n koopkontrak wat klaargemaak is. Maar dis nie kaart en transport nie, dis net 'n koopkontrak. En ek glo so wat hier in die Noord-kaap het geen blanke kaart en transport nie. As hulle hom het, is dit vals'. (Interview with Andrew Brand, aged 68, 22 July 1995, Upington.)

<sup>90</sup> 'hulle het bietjie skuld gehad, by die winkel in Keimoes... Toe kom die prokureurs... Wat hulle toe gebelowe het vir die prokureurs weet ek ook nie. Maar in elk geval... die prokureurs het vir hulle papiertjies gelaat teken hulle sal die geld betaal... Vir die oordrag van die grond natuurlike, nou ja... Maar hulle weet nie diet is eintlik oordrag van die grond nie... toe hulle dit ontdek, toe't hulle die plase geverkoop. Toe moet hulle ontium die plase'. (Interview with Sara Kotzee, aged 73, 22 July 1995, Upington.)

I made enquiries and then they gave me the number of the old fellow's will and then I made enquiries at the department. There was something wrong. The old fellow's will had instructed that of he and his wife, whoever died first, the one who remained must not sell... but it was sold.<sup>91</sup>

Stories of becoming indebted for very little money, signing a piece of paper, and finding one had sold the land. Stories of hiring out land, and finding one had signed a paper to sell the land. Sale of the land in violation of terms of the will. These lurk in the consciousness of descendants of the Basters like distant but incessant chords of music.

Often associated with these stories are lawyers: one in particular, Jan Willem van Coppenhagen, in his youth articled clerk to the lawyer Ernst Schroeder (who was himself in Upington by 1894). By the turn of the century they were partners. Ernst Schroeder was first mayor of Upington in 1899, and van Coppenhagen was mayor continuously from 1910 to 1935!<sup>92</sup> Their role is curiously similar to an eastern Cape lawyer, Fenner Solomon, a contemporary of theirs. By oral 'legend' at least, he is credited with sharp practice in doing the inhabitants of Kat river out of their remaining land, largely through foreclosures on debt.<sup>93</sup> The power of lawyers, as Peires comments, lies in their 'mastery of legal forms and written documents'.<sup>94</sup> They have the ability not only to coerce the illiterate, but to dress up dubious transactions in language and a form acceptable to officialdom. As a contemporary magistrate commented, there were certainly such 'sea-lawyers' around in Gordonia.<sup>95</sup>

But, unconsciously perhaps, there may be a deeper reason for the loss of land by the Basters. As another Gordonia magistrate, new to the area, wrote in 1895:

The native inhabitants of the district are the so-called Bastards. Under the former regime a number of these men acquired farms and other landed property, and are now practically independent. This fact has an unwholesome influence on the rest of the community, who, as relatives, friends, or hangers on of landed proprietors, are disinclined to work, and are apt to take a somewhat false view of their position. Good servants are therefore extremely difficult to obtain in this district.<sup>96</sup>

In a post-mineral-revolution society where blacks were increasingly relegated to the position of cheap labour, the existence of black land ownership in

<sup>91</sup> 'Ek het navrae gedoen en toe gee hulle my die ou kêrel se testamentnommer en toe doen ek navraag by afdeling daar. Daar het iets verkeerd gewees. Die ou kêrel se testament het gelei dat as hy of die vrou een van hulle twee wat eerste sterf, die lewende van hulle twee mag nie verkoop nie... maar dit was verkoop'. (Interview with Piet Daries, aged 64, 24 July 1993, Upington.)

<sup>92</sup> See [S. Malan], *Geskiedenis van Upington*, 17; CA 1/UPT 5/1/3, Bam to E. Schroeder, 17 Jan. 1894.

<sup>93</sup> J. Peires, 'The legend of Fenner-Solomon', in B. Bozzoli (ed.), *Class, Community and Conflict: South African Perspectives* (Johannesburg, 1987), 65–92. <sup>94</sup> *Ibid*, 67.

<sup>95</sup> He was replying to the Surveyor General of British Bechuanaland, who had advised him to 'keep quiet' on the fact that farms issued by the Gordonia committee of management were outside the (then) declared territory of British Bechuanaland: 'I may state, that there are so many "sea-lawyers" in these parts, that it is very difficult if not impossible to keep quiet on any matter. People formerly enjoying the "protection (such as it was)" of the committee of management were now "left to the mercy of designing persons"': CA 1/UPT 5/1/2, Bam to Duncan, 12 Mar. 1890.

<sup>96</sup> J. Ashburnham in BPP, C7944, 1896, 45–6. Also in CPP, G5–1896, 69–70.

Gordonia was an 'unwholesome influence'. In the eyes of racist whites, the Basters did not 'deserve' ownership of the land. In the eyes of many descendants of Basters in Gordonia, conversely, their land was taken from them, through 'the law', but as if by conquest.<sup>97</sup> The paradox here is this: the Basters themselves took that land (from the Korana) as the result of 'conquest' by Cape colonial forces of which they were a part.

It will require much more detailed research to try to pin down the mechanics and causes of land loss by Basters. Here I shall simply present the case of the loss of the land of Abraham September, initiator of the Upington canal – and of a family that has clung tenaciously to their rights to the land.

#### THE ESTATE OF ABRAHAM SEPTEMBER, 1898–1909

Abraham 'Holbors' September died on his farm Ouap on 5 July 1898. He left as his estate not only Ouap (valued then at £685) and the township erf no 38 in Upington (valued then at £30), but also 2 chairs, 1 soup pot, 1 cooking pot, 1 old clothes box, 1 bucket, 1 tin box, 1 lot of pieces of a wagon, 1 wooden bedstead and 2 sickles. This inventory perhaps gives some idea of the paucity of material possessions in the hands of Baster farmers along the Orange at that time. In addition he left 10 goats, 1 ox, and 2 heifers – a surprisingly small amount of stock.<sup>98</sup> Given the memories of survivors about the amount of stock on the farm in succeeding years, it is possible that Abraham's holdings of stock had been severely reduced by rinderpest, though the family stock (and other possessions) may already have been largely owned by his sons.<sup>99</sup>

Before this, on 5 October 1896, he and his wife Elizabeth had made a joint will 'by which the survivor was to remain in full and undisturbed possession of all the first-dying's property. After the death of the survivor the farm Uap with undivided grazing rights was bequeathed to the three sons, Gert, Nikolaas, and Abraham, subject to the condition that no portion should be sold or alienated during their lifetime'.<sup>100</sup> By this will, no doubt, Abraham and Elizabeth were seeking to protect the farm Ouap against alienation to whites, at least up to and during the lifetime of their sons.

However, as we shall see, the farm *was* sold to a white – and in 1907, before Elizabeth, let alone her sons, had died. In the early 1920s, after Elizabeth's death, the family was evicted from the farm. The terms of the alienation and eviction have remained contested by the family to this day, as I learnt first

<sup>97</sup> One interviewee asked me 'I am talking about the Cape... I am asking... about Bushman drawings which are found there on Table Mountain... did Bushmen live there?... where is the white man's land' (William Alexander, 10 Sept. 1993, Upington).

<sup>98</sup> CA MOK 1/1/27, DR 8950, Death notice of Abraham September.

<sup>99</sup> Interviews with Gert September, 4 Apr. 1994, Upington; Thomas van Wyk, born 1900, 21 July 1993, 6 Apr. 1994, Keimoes; Video interview with Thomas Van Wyk (by Jane Davids, Jannie Van Sitters, Barbara Brown, UWC Taalgeskiedenis course, 1993).

<sup>100</sup> CA MOK 1/1/45, No. 43, Document enclosed in J. S. Allison, Resident Magistrate, Upington to Master of High Court, Kimberley, 10 June 1909. This document, *inter alia*, summarizes the will. A photocopy of the original will (obtained from the September family) also stipulates that the land shall not be hired out because of debt by the sons. Similar wills were made, apparently at the instigation of C. Schroeder, by other Basters: see, for example, CA MOK 1/1/92, D6896, Will of Nicholas and Rachel Bok, 30 Mar. 1891.

from a descendant, Gert September. Born in 1916, he remembered his father Abraham, grandson of Abraham 'Holbors', being driven from Ouap together with the remainder of the family while he was still a boy of eight or nine:

There was no fighting, there was also no argument, there was nothing. It was just said pack up and go away.'

Who could say this?

A fellow van Koppenhagen, Willie Koppenhagen, and Holmes... And they just took our people and put them in jail, and when they came out they had to pack up because they didn't know jail.

Why were they sent to jail?'

Over the farm, because they would not go. Then they had to go, pack up, harness up our oxen and trek... to the Langeberg... this side of Olifantshoek... just from the one bush to the other bush... Klein Abraham was in the jail, [uncle] Jurie Steeneveld was in the jail, my father's sister's child, and Hendrick Beukes... just a week in the jail.<sup>101</sup>

Besides 'Holmes' and van Copenhagen, Gert September also mentioned one 'Doring' in connection with the alienation of Ouap. Perusal of the available Gordonia land registries in the Cape archives yielded the information that Ouap, in Abraham September's possession in the 1890s, had been sold by W. R. B. Thorne [i.e. 'Doring'] and W. J. Holmes to M. Holmes in 1911, and by M. Holmes to T. J. and B. D. van der Walt and J. H. C. Bekker in 1921.<sup>102</sup> But when had Thorne acquired it, and how? And why the gap between its apparent transfer to white ownership (prior to 1911) and the eviction of the September family, only in the 1920s? Why was the family continuing to contest the alienation of Ouap? The material found in the records of Abraham September's estate shed light on these and other questions.

Abraham September's death certificate and an inventory of his property were forwarded, as was customary, to the Master of the High Court in Kimberley by the Upington magistrate in August 1898. On 1 June 1900 the Master wrote to Elizabeth September, the executrix appointed in the will, asking for an account of the administration of the estate.<sup>103</sup> To this letter the

<sup>101</sup> 'Daar was nie baklei nie, daar was ook nie stry nie, daar was niks. Is net gesê pak op en gaan weg'. Q: 'Wie dit toe kon sê?' A: 'n Ou van Koppenhagen, Willie Koppenhagen, en Holmes... En hulle het van onse mense net hulle gevat en in die tronk gesit, en toe hulle daar uitkom toe moet hulle meer oppak want hulle ken nie tronk nie...' Q: 'Toe waarvoor is hulle tronk toe?' A: 'Oor die plaas, want hulle wil nie loop nie. Toe moet hulle loop, oppak, en onse osse inspan en trek... [tot] bo in die Langeberge... duskant Olifantshoek... maar van die een bos tot die ander bos... Klein Abraham was in die tronk, [oompie] Jurie Steeneveld was in die tronk, dis my pa se suster se kind, en Hendrik Beukes... net 'n week in die tronk'. (Interview with Gert September, 20 July 1993, Upington.) Thomas Van Wyk, also living on the farm, remembers that one of his aunts had 500 Afrikaner sheep which were taken and put in a kraal in Upington, but when they were released there were only 200. The rest had died of hunger. (Video interview, Thomas Van Wyk, UWC Taalgeskiedenis course, 1993.)

<sup>102</sup> CA 1/UPT 7/1/3/1, Land register 1894–1932 (from handwriting evidence, first compiled around 1913/1917). –

<sup>103</sup> CA MOK 1/1/27, DR 8950, Abraham September, RM, Upington to Master, High Court, Kimberley 8 Aug. 1898 and 31 Aug. 1898; Master of High Court Kimberley to Elizabeth September, Ouap, Gordonia, 1 June 1900.

Master received, interestingly enough, two responses from different lawyers. The first came from Ernest Schroeder, of the firm Schroeder and van Copenhagen (who had witnessed the valuation of Abraham September's inventory). Schroeder explained that the Master's letter, received only on 25 July, had been promptly delivered to Elizabeth September: 'I shall at once send out to the farm and trust that by next post I may be able to have drawn account. It all depends on whether she and her sons would come down in time.'<sup>104</sup> The second, a month later, was from one Arthur Solomon, whose place of practice was not given. He asked the Master whether an account of the estate's administration was necessary, given that 'in terms of the will of the deceased *the survivor remains in full possession of the Estate and that the distribution shall only take place after the death of the survivor*, which event has not yet happened' (my emphasis).<sup>105</sup> There is no record of a reply to Arthur Solomon on this question. His letter does suggest, however, that the September family were looking for alternative legal advice to that of Schroeder and van Copenhagen.

In the event, however, it was Schroeder and van Copenhagen who undertook to assist Elizabeth September in giving an account of the estate – though this was not filed until 1907. Indeed the South African war broke out soon after Arthur Solomon's letter, with pro-Republican rebellions in the northern Cape severely disrupting the region until 1902. However the subsequent delay, taken together with other evidence to be presented, suggests some recalcitrance on the part of the September family to the intervention of Schroeder and van Copenhagen in the matter of the estate.

The succession duty statement of Abraham September, duly forwarded by Schroeder and van Copenhagen to the High Court via Kimberley lawyers, and filed in 1907, was in apparent contravention of the terms of the will. It transferred the farm Ouap to the three sons, Gert, Nicolaas (grandfather of the Gert September I interviewed) and Abraham (also known as 'Klein Abraham', or 'Hottie')<sup>106</sup> while Elizabeth September was still alive. More precisely, it valued Ouap at £3,500 and the erf in Upington at £20, and accorded a sum of £1,128 13s 10d to each of the three sons.<sup>107</sup>

It also allocated £32 os 6d to three of Abraham's four daughters, and £52 os 6d to the fourth, Catharina.<sup>108</sup> This was to take account of terms in the will providing that 'Within one year of the death of the survivor the sons were to pay to each of the four daughters Helena, Elizabeth, Catharina and Johanna... the sum of £30. The erf in Upington was, on the death of the

<sup>104</sup> CA MOK 1/1/27, DR 8950, Abraham September, E. Schroeder to Master, High Court, Kimberley, 27 July 1900 (two letters). On the same day he wrote to the Master suggesting that he should in future write to the lawyer employed by the executor of estates rather than direct to the executor. 'People are rather ignorant in this part of the world and they think after the death notice has been signed the Attorney has entirely to see the rest of the work'. Perhaps an innocent request; perhaps a desire by him to exercise 'control' over the executor.

<sup>105</sup> CA MOK 1/1/27, DR 8950, Abraham September, Arthur Solomon to Master, High Court, Kimberley, 23 Aug. 1900.

<sup>106</sup> Interview with Gert September, 20 July 1993, Upington.

<sup>107</sup> The valuation of the farm and the lot in Upington was undertaken by J. W. van Copenhagen.

<sup>108</sup> CA MOK 1/1/45, No. 43, 'Succession duty statement of the late Abraham September', dated 25 Jan. 1907 and filed 15 June 1907.

survivor, to become the property of the daughter, Catharina Beukes'.<sup>109</sup> These provisions were, however, also being carried out before the death of Elizabeth. Enclosed with the succession duty statement were statements signed (with marks) by Beth, Katarina and Johanna, dated 25 and 26 January 1907 acknowledging receipt of their inheritance.<sup>110</sup> Schroeder and Copenhagen explained in their letter that the fourth daughter had left the district, but that the male heirs were prepared to deposit what was due to her with the Master of the High Court.<sup>111</sup>

Also in the relevant High Court file is an affidavit signed by Abraham Simon Petrus September (i.e. 'Klein Abraham'), sworn before Ernest Schroeder on 4 June 1907.<sup>112</sup> This states that in terms of the will 'the farm Uap was bequeathed to my brothers G. J. September, N. September and myself upon condition of our paying to our four sisters Helena... Elizabeth... Catharina... and Johanna the sum of Thirty pounds, sterling, each', that they had complied with the terms of the will in respect of three of the sisters, but that Helena 'left this district with her husband about four years ago for the Prieska district' and 'I have made enquiries as to the whereabouts of my said sister but without success'. The affidavit continues:

That my mother are prepared to pass transfer to us of said farm Uap, but such cannot be done until all our sisters have been paid... That we are prepared to pay the £30 due to our said sister to the Master so as to enable us to obtain Transfer of the said farm'.<sup>113</sup>

It is interesting and perhaps significant that *only* 'Klein Abraham', of the male children, made this statement.

Two years later, the Upington magistrate sent a document to the Master of the High Court (in response to queries from his office) elaborating on this transfer to the sons:

On July 15th 1907 the widow, Elizabeth September, transferred the farm Uap to her three sons, stating in her declaration, made for Transfer Duty purposes on the 16th October 1906,<sup>114</sup> that she had adiated under the will and was in enjoyment of the life interest, that she had agreed to transfer to her three sons in full and free property the bequest of the farm Uap subject to the conditions of the will, that no valuable consideration was being received and that transfer was made out of love

<sup>109</sup> CA MOK 1/1/45, No. 43, Document enclosed in J. S. Allison, Resident Magistrate, Upington to Master of High Court, Kimberley, 10 June 1909.

<sup>110</sup> CA MOK 1/4/45, No. 43, Schroeder and Copenhagen to Coghlan and Coghlan, Kimberley, 3 Apr. 1907, presumably enclosing statements by Bet September 26 Jan. 1907, Katarina Beukes 25 Jan. 1907, Johanna Maria van Wyk 25 Jan. 1907, which are in the same file.

<sup>111</sup> MOK 1/1/45, Affidavit by J. W. Van Copenhagen, 17 Apr. 1907 (in respect to Uap). Though dated subsequent to Schroeder and Van Copenhagen's letter of 3 Apr. 1907, it is referred to as enclosed within that letter. There is a similar affidavit from Van Copenhagen, dated 8 June 1907, in respect of the township erf.

<sup>112</sup> This was thus sworn subsequent to the drawing up of the succession duty statement (25 Jan.), subsequent to Schroeder and van Copenhagen forwarding it to Kimberley (3 Apr.), but before it was filed (15 June).

<sup>113</sup> CA MOK 1/1/45, Affidavit signed by A. P. S. September on 4 June 1907.

<sup>114</sup> Elizabeth September's declaration would presumably have been sent to the Deeds Registry office in Vryburg, but correspondence connected with property transfers is not contained in the deposited records of this office in the Cape Archives.

and affection; further that it was her will and desire that they should henceforth possess the said farm Uap without any servitude or other curtailment as landed proprietors are entitled to have and hold under the laws of the Government.<sup>115</sup>

This transfer is duly recorded in the register of the Vryburg Deeds Office – from ‘Estate late Abraham September’ to the three sons on 15 July 1907.<sup>116</sup> Moreover, Elizabeth September’s ‘mark’ appears (as executrix) on the succession duty statement which transferred the value of the farm in money terms to the three sons, bearing the date 25 January 1907.

Matters, however, did not stop here. Within a month the sons had, again in apparent contravention of the terms of the will, sold the farm. ‘On the 17th August 1907 the farm Uap was sold by the three sons to William Robert Britannicus Thorne for the sum of £5,000 and transfer was passed on 10th September 1907.’<sup>117</sup> The speed with which this sale took place suggests that the transfer from the estate to the sons was undertaken at this time precisely to permit the alienation of the farm to Thorne. This is further confirmed by the fact that one of the witnesses to Elizabeth September’s ‘mark’ on Abraham September’s succession duty statement dated 25 January 1907, validating the transfer to the sons, was ... none other than W. R. B. Thorne (along with J. van Coppenhagen). This document has on it also the signature of the Upington magistrate, J. S. Jackson.<sup>118</sup> (A photograph of W. R. B. Thorne – interestingly enough, adjacent to one of major J. van Coppenhagen – appears on a montage of 38 well-known Gordonia personalities of 1910 in the Upington museum.)

The farm had appreciated in value – apparently from some £500 in 1898, to £3,500 in early 1907, to £5000 in August 1907. There were obvious pecuniary motivations for sale.<sup>119</sup>

The clear intention of Abraham and Elizabeth’s will was to restrict alienation of Ouap until at least the death of their three sons. This intention was violated – at face value, according to the documents, with the agreement of Elizabeth, as well as of Klein Abraham and three of the daughters. Did Elizabeth and the rest of the family in fact ‘agree’ to it, or was there some duplicity involved? This is one question raised by the evidence of later developments. Moreover, whether or not the family agreed, was the transfer legal?

<sup>116</sup> CA DOV 6/1/4, Registry of property transfers, 1904–1913, Nos. 4518–4520, 15 July 1907.

<sup>115</sup> CA MOK 1/1/45, No. 43, Document enclosed in J. S. Allison, Resident Magistrate, Upington to Master of High Court, Kimberley, 10 June 1909.

<sup>117</sup> CA MOK 1/1/45, No. 43, Document enclosed in J. S. Allison, Resident Magistrate, Upington to Master of High Court, Kimberley, 10 June 1909. See also DOV 6/1/4, Register of property transfers 1904–1913, No. 4543, 10 Sept. 1907. W. R. B. Thorne served in the police in Upington from May 1888 to June 1907, when he was pensioned off at the age of 47 as unfit for duty: a medical certificate of 23 April 1907 notes ‘stock or grain farming ... would be almost an impossibility for him!’ CA CO 8346 and 8443.

<sup>118</sup> MOK 1/1/45, No. 43, Succession duty statement of the late Abraham September, filed 15 June 1907.

<sup>119</sup> In 1908 the average price of a river farm was reported by the Standard Bank to be 5/- a morgen. £5000 for a farm of 9134 morgen was thus a relatively high price (Standard Bank Inspection Report, 17 Aug. 1908). By 1911 the average price of river farms was reported as 5/- to 10/- a morgen (Standard Bank Inspection Report, 5 Dec. 1911).

Such prohibitions on alienation of land are regarded in a standard text on the law of succession in South Africa as a special type of testamentary fideicommissum, which is a disposition of property requiring the beneficiary (the fiduciary) to pass on the property to another beneficiary (the ‘fideicommissary’).<sup>120</sup> (A more ‘normal’ fideicommissum would be a requirement that a beneficiary of a will make some form of payment to another party.) The interpretation of such prohibitions is however a complex matter. On the one hand, general legal policy is to uphold the intentions of testators. On the other hand, the tendency of the law is to allow owners to dispose of their property (‘dominium’) freely. This creates a contradiction:

the testator, by instituting an heir ... wishes on his death to transfer the dominium to the heir ... and when the dominium is once transferred, there also, from the very nature of dominium, passes the full power of alienating and disposing. The testator, by his prohibition withholding or restricting the power of free disposal in the heir or legatee, destroys the very nature of dominium, and is at variance with himself, for he wishes to give another man the dominium and he does not do so.<sup>121</sup>

In case law this contradiction tends to be resolved by (a) interpreting the prohibition in the narrowest manner consistent with the will, and (b) insisting that there must be a person or persons in whose favour the prohibition is made, upon whom the property is to devolve in the event of a breach of the prohibition.<sup>122</sup> There must, in other words, be a person or persons with the power to enforce the prohibition. This cannot be left to the law in abstract: ‘waar geen klager is, is geen wet’.<sup>123</sup> Should such a prohibition be acceptable to the law it is inscribed upon the title deed.

Many cases in South African law have revolved around attempts to prohibit alienation of land outside a family – as was the intention of Abraham and Elizabeth’s will. These have been upheld when the will does not merely state a prohibition, but simultaneously expresses a desire for the land to remain within the family. The ‘beneficiaries’, in this case, are the succeeding generation in the family. It is a *positive* statement coupled to the prohibition, in other words, that names a beneficiary and an ‘enforcer’: ‘A prohibition on alienation simpliciter or one which otherwise lacks the requirements of a valid fideicommissum is regarded as a *nudum praeceptum* and is of no force or effect’.<sup>124</sup>

Were there fideicommissari in the case of this will? Was Elizabeth to be seen as a fiduciary for her three sons? Were her three sons to be seen as fiduciaries for the male children of the next generation? There is an additional complication. Was the grant of the farm during her lifetime to Elizabeth to be seen as a fideicommissum to preserve it and pass it on to her children, or as a usufruct – the right to possess, use and enjoy property

<sup>120</sup> M. Corbett, *et al.*, *The Law of Succession in South Africa*, (Johannesburg, 1980 ed.), 335–6, 351ff. Thanks to Robert Petersen for this reference. I should also like to thank Mrs T. Brits, Law Faculty, University of the Western Cape and Henk Smith, Legal Resources, Cape Town, for their advice on these questions. I am responsible for the interpretation, however.

<sup>121</sup> Sande, ‘Commentarius de prohibita rerum alienatione’, *Opera Omnia Juridica* (Groningen, 1683), 3, 4, 2 quoted in Corbett *et al.*, *Law*, 352–3.

<sup>122</sup> Corbett, *et al.*, *Law*, 352, 354–5, 357–63.

<sup>123</sup> Quoted from Sande, in Corbett *et al.*, *Law*, 272.

belonging to another (the sons, upon her death)?<sup>125</sup> None of these points, it would seem, were tested in a court of law.<sup>126</sup>

The key statement here seems to be that attributed to Elizabeth:

that she had adiated under the will [i.e. accepted its provisions] and was in enjoyment of the life interest, that she had agreed to transfer to her three sons in full and free property the bequest of the farm Uap subject to the conditions of the will, that no valuable consideration was being received and that transfer was made out of love and affection; further that it was her will and desire that they should henceforth possess the said farm Uap without any servitude or other curtailment as landed proprietors are entitled to have and hold under the laws of the Government.

In apparent contradiction to the terms of the joint will, Elizabeth, in a statement whose original has not been traced, (a) transferred the farm to the sons during her lifetime and (b) stated it as 'her will and desire that they should henceforth possess the said farm Uap without any servitude or other curtailment as landed proprietors are entitled to have and hold under the laws of the Government'.

It is possible, however, that this was quite legal. In the first place, the lawyers interpreted the provision that the sons were not to sell the farm during their lifetime as a *nudum praeceptum*, because it was unenforceable. They did not accept the sons as fiduciaries for their heirs – though there is a section of the will which states that 'in geval dat cen onzen zoons zoude kamen te sterven voor den langstlevende van ens beiden, dan valt zijn erfdeel op zijne wettige erfgenaam of erfgenamen.' (In the event that one of our sons dies before the longest living of us, then his inheritance falls to his lawful descendants.) By an Appeal Court decision of 1988, this phrase in the context of the whole will could be interpreted as a third fideicommissam.<sup>127</sup> Instead, the lawyers interpreted the will as merely asserting Elizabeth as usufructuary heir. Thus, since Abraham and Elizabeth were married in community of property, on the death of Abraham half the farm remained Elizabeth's by right, and the remaining half was transferred to her for her lifetime as beneficiary under the will. Her 'adiation' meant her acceptance of usufructuary rights over the property (and in fact her relinquishment of the right to full ownership of her half), in terms of the will she had signed transferring the farm to the sons after her death. Correspondingly it meant that the joint will that Abraham and Elizabeth had drawn up now became his will alone. She now had no legal will – unless she made a new one. (But, since she had accepted usufructuary rights, she now had no fixed property to bequeath.)

<sup>124</sup> Corbett *et al.*, *Law*, 352.

<sup>125</sup> *Ibid.* 378ff.

<sup>126</sup> See, for similar cases taken to and tested in court at the time, the applications of Rachel Bok, applying for mortgages on Kousas and Boksputs, which, because of the will, required the consent of her heirs: CA KSC 2/5/1/143, Application of Rachel Bok, 7 Oct. 1909; KSC 2.5.144, No. 5510, Petition of Rachel Bok 18 Mar. 1910; or the petitions of the heirs of Robert Frier to mortgage Friersdale and Brakboschkolk, and to transfer a share of the two farms, when the will said the properties were not to be alienated until the youngest heir reached the age of 30: KSC 2/5/1/140, No. 5273, Petition of E. C. Bothma etc., 15 Aug. 1908; KSC 2/5/1/144, No. 5511, Petition of Catharina Sophia Fraser, 21 Mar. 1910.

<sup>127</sup> *Du Plessis v. Strauss*, 1988 2 3A 105 (A). Equally, 1965 regulation prohibits maintaining land in the family by such means for more than two generations.

Having accepted usufructuary rights, she was able to agree to the transfer of ownership of the farm to the sons during her lifetime. Indeed, even if she had been seen as fiduciary, it would have been legal for her to have transferred the ownership to them, with their agreement. Equally, however, her ‘will and desire’ that they should possess Uap ‘without any servitude or other curtailment’ was also a *nudum praeceptum*.<sup>128</sup>

Whatever the law, given the terms of the will which prohibited the sons from alienating the land during their lifetime, why did they contravene the expressed will of their parents? Is it not likely that some ‘pressure’ was exerted on Elizabeth, illiterate, and now perhaps ninety years old for the rapid transfer of the land to them? But did this pressure come from the sons, or from outside ‘white’ sources, such as her lawyers and the prospective purchasers?

For Elizabeth, the executrix’s, agreement to all this there is the ‘validation’ of (a) her (untraced) ‘declaration made for Transfer Duty purposes’ on 16 October 1906 and (b) her ‘mark’ on the succession duty statement on 25 January 1907. But, given her illiteracy, there is considerable room for doubt about whether she understood the implications of either of these documents. There is also, of course, (c) the ‘affidavit’ confirming Elizabeth’s willingness ‘to pass transfer’ of Uap to the sons, signed by (Klein) Abraham before Ernest Schroeder on 4 June 1907. Yet, within a short space of time, there is evidence that (Klein) Abraham was challenging the validity of this affidavit, as well as of the ‘sale’ to Thorne.

In the records of the Master of the High Court, Kimberley there survives the draft (in pencil) of a letter written in 1909 from his office to the Upington magistrate:

I have interviewed the heir Abraham September and two daughters, Maria Magdalena September now married and Elizabeth alias Bet September.

I translated personally the material parts of the affidavit... to the man A. P. S. September and he stated that *the contents were perfectly novel to him and had never been explained to him. He appeared to be speaking the truth.* The sister Maria Magdalena September was completely in the dark as to what her position and that of the Estate is at present. The ‘Bet’ absolutely denies receiving the money. I have advised him to return to Upington and to call at your office. Will you kindly peruse the enclosed affidavit and receipts [those signed by the sisters] and return them to me under registered cover when finished with. Should you require it I will send you copies’ (my emphasis).<sup>129</sup>

(Let us note that, by April 1909, the daughter Maria Magdalena September who in Abraham’s affidavit of 4 June 1907 was declared to be untraceable,

<sup>128</sup> Elizabeth’s usufructuary possession is confirmed by the Deeds of Transfer from the estate to Gert, Abraham and Niklaas (in possession of family). As usufructuary heir, her consent would have been necessary to any sale by the sons: the Deed of Transfer to Thorne has not been examined to see if this was the case.

<sup>129</sup> MOK 1/1/45, Undated note in pencil re estate late Abraham September, with, appended to it ‘Letter sent original receipts and affidavit by ASP September 21 Apr. 1909’. Cf. MOK 1/1/27, Telegram: Deeds Vryburg to Master of High Court, Kimberley, 21 Apr. 1909 ‘Your telegram... farm ‘Ouhap’ transferred to heirs in estate during July [1907?]. Erf 38 Upington not transferred’ with appended note ‘letter to RM Upington informing him of above and asking him to ascertain in whose possession deeds are at present 22 Apr. 1909’. The Upington magistracy records in the Cape archives do not contain incoming correspondence for this period.

has now turned up in Kimberley, in his company! This, though not noted by the High Court official, adds weight to the spurious character of the affidavit.)

The officer of the High Court added, significantly.

My object in writing to you is to request you so far as possible to investigate the matter. I regret to say I don't think you will be able to go very far. To get these people before you and inform them what the exact position is regarding the farm and to favour me with a report thereon subsequently. *Obviously I don't consider that the Attorneys who acted in the matter should be consulted, or acquainted in any way with this letter*' (my emphasis).

Clearly, after interviewing representatives of the family, he smelt a rat as regards the handling of the estate, and the land transfers involved in it, by Schroeder and van Copenhagen.

The reply by J. S. Allison, magistrate of Upington, also reveals the family challenging the validity of the affidavit – as well as the 'sale' to Thorne:

I have the honour to inform you that A. P. S. September and others of the family called at this office on the 4th instant [June]. They again denied any knowledge of the documents attached to your letter and also of the declaration of Sellers, in connection with the transfer of the farm Uap to Mr Thorne, which was made before Mr Jackson, late Resident Magistrate at this station, who was specifically requested to take them by Mr Thorne's representative *in order to obviate any difficulty of misunderstandings*' (my emphasis).<sup>130</sup>

Within two years of the transfer of Uap to the sons and then to Thorne, in other words, [Klein] Abraham, as well as others of his family, were professing no knowledge of the basis of, let alone agreement with, these developments. (Also the fact that Thorne's representative in 1907 'specifically requested' their 'declaration of Sellers' to be made before the magistrate 'to obviate any difficulty of misunderstanding' suggests, at least, recalcitrance on the part of the September family.) *They appear to have believed in 1909 that the farm was still in the ownership of Elizabeth September*, as will be apparent from subsequent developments. Bet (Elizabeth's daughter) had denied receiving the money for which she had supposedly signed a receipt in 1907. This had caused an official of the High Court to urge the Upington magistrate to investigate the matter without consulting Schroeder and van Copenhagen.

Despite the complaints of Klein Abraham and others of the family, however, the Upington magistrate reassured the Master of the High Court:

I have no reason to doubt that the documents attached to your letter (returned herewith) are quite in order and that no injustice has been done to the Septembers. Their grievance probably arises from the fact that at the last transfer of the farm, to Mr Thorne, they did not receive the purchase price in actual cash though I am satisfied that they understood at the time that they received full value.

<sup>130</sup> MOK 1/1/45, No. 43, J. S. Allison, RM, Upington, to Master, High Court, Kimberley 10 June 1909. This refers (see note 50) to the Master's letters of 21 and 22 Apr. 1909. This letter is not contained in any outgoing correspondence from the Upington magistracy preserved at the Cape archives. The declaration of sellers in connection with the transfer of Uap to Thorne is also not available in the records of the Vryburg Deeds Office in the Cape Archives.

He also enclosed the ‘short summary of transactions in respect of the farm’ which has already been quoted from, and added that ‘The deeds of transfer are in possession of Mr Thorne. I understand that a case in respect of the farm is at present pending in the Supreme Court’.<sup>131</sup>

Where did the magistrate get this ‘summary of transactions’ in respect of Ouap? Surely, despite being told not to consult the lawyers, it could have come only from them. ‘Official’ (i.e. white) society in Upington was very small and interwoven, and the magistrate (particularly because he was new) undoubtedly sought the ‘official’ (i.e. white) view on the question. The magistrate’s ‘investigation’ then, does not take us nearer to the facts. The notion that the sons ‘did not receive the purchase price in actual cash’ though ‘they received full value’ is, however, intriguing. It suggests that the sons may have been in debt to Mr Thorne. The case in respect of Ouap pending in the Supreme Court cannot be tracked down.<sup>132</sup>

Were all the ‘marks’ (and the signature on Klein Abraham’s affidavit) forged by the lawyers? Did the family append their marks and sign, believing the documents drawn up by the lawyers were something other than they were? Or had the sons (or Klein Abraham at least) gone into the deal in good faith in 1907, but by 1909 wished to repudiate it?

Of ‘sharp practice’ by the firm of Schroeder and van Coppenhagen there is in fact other evidence. On 5 September 1910 the Baster Roelof Mouton brought a petition to the Kimberley Supreme Court to have his father, Daniel Mouton, declared incapable of managing his own affairs, Daniel Mouton, aged 76–7, owned an Orange river farm called Krantzkop. The Kakamas Labour Colony for poor whites, without permission, had extended the ‘north’ irrigation canal ‘for a considerable distance’ on the farm. On 30 June van Coppenhagen together with the Reverend Hofmeyr, representing the Labour Colony, visited Daniel Mouton:

Your petitioner’s father at the time was just recovering from an illness and was very weak. He referred them to his Attorney, Mr Hirschberg, but they refused to see the latter and kept badgering him for almost an hour to sign a document consenting to extend such furrow. Your petitioner’s father cannot write and merely touched the pen in regard to the document presented to him. Your petitioner’s father was not aware of nor realised the seriousness of the so-called document signed by him.

In this case discovery by the sons of what the father had done led to the repudiation of this document by Mouton’s attorney, and to the petition

<sup>131</sup> MOK 1/1/45, No. 43, J. S. Allison, RM, Upington, to Master, High Court, Kimberley 10 June 1909.

<sup>132</sup> See however DOV 1/1/1/8, F. J. Croxford, Attorney, Vryburg to Registrar of Deeds, Vryburg 12 June 1908 requesting, on behalf of an attorney of the Supreme Court, the issue ‘for judicial purposes only’ of a certified copy of the deed of transfer of Uap to W. R. B. Thorne on 10 Sept. 1907. Thomas van Wyk recalled that ‘his grandmother’ [i.e. Elizabeth September] and ‘Hottie’ [Klein Abraham] went several times to Kimberley by ox-wagon. ‘Then my grandmother went ... to the Master, to Kimberley ... and they came before the High Court ... Granny won that case and gave them [the sons?] three water erfs’. (Video Interview with Thomas Van Wyk, UWC Taalgeskiedenis course, 1993; Interview with Thomas van Wyk, 21 July 1993, Upington.) I was also informed by Upington lawyer Jan Moller, in possession of Schroeder and Van Coppenhagen’s remaining papers, that there is a note on the title deed of Ouap that grazing rights on Elizabeth’s usufruct were determined in a court case (18 July 1995).

declaring him incapable. Mouton's attorney accused van Coppenhagen of using 'undue influence' and of 'trying to steal a march on my client'.<sup>133</sup> In the case of the September family there was no opposing attorney to appeal to: van Coppenhagen was supposed to be acting *for* them.

But how, if they did not believe they had sold it, did the September family explain the presence of Thorne on the farm? What did Klein Abraham think the document he signed referred to? The only evidence on this comes from much later. In 1965 one D. D. Jacobs, a descendant in the September family, wrote to the Master of the Supreme Court claiming that 'in 1907 on 15 July a third part of the farm was *hired to a certain W. R. B. Thorne, for five years rent free, for an amount of money owing to him*' (my emphasis) and continued that this, 'according to my understanding and according to the will was unlawful unless the will was revoked'. He added 'The heirs want to know what happened in those five years. According to the heirs Thorne came into ownership of the whole farm and they do not know how this happened'.<sup>134</sup> This is also the story I was told by Gert September:

'Six morgen is what they hired. That was Doring [Thorne]'s erfs.'

'From whom did they hire it?'

'They hired it from my grandfather... Abraham Holbors's son, Klein Abraham... Groot Abraham was already dead...'

'Who hired it from him?'

'The Doring, it was an Englishman... hired for five years. In that five years the thing happened which trapped us.'<sup>135</sup>

Thorne, in the eyes of the September family, had merely rented one-third of the farm (or six morgen of it) for five years, free of charge, so that they could pay off a debt to him. This could have been their understanding of the documents draw up in 1907 by Schroeder and van Coppenhagen. In their eyes, on this basis, Ouap remained in the possession of Elizabeth.

Thomas Van Wyk, however, living on Ouap as a child of seven in 1907, recalls the story differently:

<sup>133</sup> CA KSC, 2/5/1/145, No. 5562, 5/9/1910, 'Petition of Roelof Mouton'. The petition was granted, and M. J. Jansen, his son-in-law, appointed as Curator Bonis, though on 7 Aug. 1912 Daniel Mouton was reinstated in control of his affairs. The petition may well have been used merely as a means of repudiating the document signed by Daniel Mouton. In another case, Schroeder and van Coppenhagen persuaded the creditor on a mortgage to refuse to release it, despite its repayment, until the mortgagee had paid debts to other creditors. This was contested in court, with the lawyer for the mortgagee saying 'I verily believe that this is merely a device on the part of Plaintiff's attorney to secure collection of the claims of some of their other clients': KSC, 2/2/1/38, No. 1598, Matter between J. H. Bean and C. S. Fraser, 10 Mar. 1910.

<sup>134</sup> 'die 15 Julie is 'n derde deel van die plaas aan 'n sekere W. R. B. Thorne *verhuur deur die drie seuns vir 'n bedrag geld aan hom verskuldig (vir 5 jaar rente vry)*... volgens my mening en volgens testament ontwettig was mits testament heroep is... Erfgename will weet wat die 5 jaar gebeur het. Volgens erfgename het Thorne in besit gekom van die hele plaas wat hulle self nie weet hoe dit gebeur't nie'. CA MOK 1/1/27, DR 8950, Abraham September, D. D. Jacobs to Assistant Master, Supreme Court, Kimberley, 4 Apr. 1965.

<sup>135</sup> 'Ses morges is ... wat hulle gehuur het. Dis Doring [Thorne] se erwe.' Q: 'Aan wie't hulle diet toe gehuur?' A: 'Hulle het hulle gehuur aan my oupa... Abraham Holbors se seun, Klein Abraham... Toe is ou Groot Abraham toe gesterwe...' Q: 'Wie't toe by hom gehuur?' A: 'Die Doring, dit was 'n Engelsman... Huur het vir vyf jaar... In die vyf jaar se tyd is toe wat die ding vir... ons moet maar net trap...' (Interview with Gert September, 20 July 1993, Upington.)

The one uncle, the youngest uncle [Klein] Abraham... borrowed money from Mr Holmes, £500... he bought a wagon with the £500... my uncle was then a widower... my grandmother had a trunk, and he took the 'kaart and transport' [title deeds] out of it and went to give it to Holmes in Upington... through that we lost the farm... in 1910/11 we saw the people putting up flags and measuring... the three uncles were now so angry but they walked into it... they got drink and through that they signed it to the whites. So drink caused them to be out of the farm... That's how they bought out all the brown people's farms... the land was not sold... it was taken in a dishonest way, because the people did not have the money.<sup>136</sup>

Holmes, according to Van Wyk, placed one Piet van der Kolf as a caretaker on Ouap.

Another feature showing at least some carelessness in these transactions by the lawyers is the fate of township erf 38 in Upington, supposed, in terms of the will and succession duty statement, to have been inherited in 1907 by Katharina, widow of Cornelius Beukes. Asked by the Master of the High Court in 1909, the Vryburg Deeds office confirmed the transfer of Ouap to Thorne but reported 'Erf 38 Upington not transferred'.<sup>137</sup> Katharina never received her inheritance. In response to a request in 1921 from the Kimberley Supreme Court, the Upington magistrate reported that 'Erf no 38 is lying vacant and no Quit Rent, Divisional Council, Municipal or Property Tax rates have been paid for some years past' and added, 'In terms of the last will of Abraham September the erf was bequeathed to his daughter *Elizabeth* September. This party, as far as I can ascertain, died many years ago' (my emphasis).<sup>138</sup> How the Upington magistrate at this time both knew and mis-knew the terms of Abraham September's will is a mystery! (Moreover – see below – Elizabeth, 'Bet', was apparently still alive in 1920). From the Vryburg Deeds Office records we learn that the grant on this erf to Abraham September was 'cancelled by Ex-Co Minute No 2689 dated 30 September 1924 and land resumed by Government. Vide H 252/25' – presumably in terms of the Derelict Lands Act.<sup>139</sup> One wonders where this land lies today, and what its value is, and has been, over the years.

<sup>136</sup> 'die een oom, die jongste oom Abraham... hulle het geld geleen by meneer Holmes ene, £500... oom Hottie het vir hom 'n wa gekoop met die £500... my oom is daai tyd wewenaar... ouma 't so 'n trommel gehad, toe haal hy die kaart en transport daaruit en toe loop gee hy dit vir Holmes hier op Upington... daardeur het ons nou die plaas geverlor... in 1910/11 toe sien ons mar hier die mense vlae opstoot en meet... die drie ooms is nou so kwaad maar hulle't vir hulle ingeloop... Toe't hulle drank was mos toe, toe kry hulle drank en daardeur het hulle geteken na die blanke. So het drank gemaak dat hulle daai uit die plase uit is... So het hulle die bruinmense se plase almal onder hulle uitgekoop'. (Video interview with Thomas Van Wyk, UWC Taalgeskiedenis course, 1993.) The remainder of the quotation from interview with Thomas van Wyk, 21 July 1993, Keimoes. If this explains the original sale, it should be *Thorne* and not *Holmes* from whom the money was borrowed.

<sup>137</sup> MOK 1/1/27, DR 8950, Abraham September, Telegram, Deeds Vryburg to Master of High Court, 21 Apr. 1909.

<sup>138</sup> CA MOK 1/1/45, RM, Upington to Assistant Master, Supreme Court, Kimberley, 19 Apr. 1921. Cf MOK 1/1/27, DR 8950, Elizabeth September, Asst Master to RM, Upington, 15 Apr. 1921.

<sup>139</sup> CA DOV 8/2/5, Land registry: Upington, erven. Township erf No. 38 granted to Abraham September 15 July 1893. H 252/25 is most likely filed in the records of the Lands Department.

## CONTESTING THE OWNERSHIP OF OAUP, 1918–1995

Over the past years there have been frequent enquiries and this office has had to continually point out that the relevant farm [Ouap] was made over to the heirs in July 1907 and that they allegedly sold it to a certain Thorne.

Assistant Master to T. R. Jacobs, 5 December 1968<sup>140</sup>

The document regarding ‘transactions in respect of Uap’ forwarded by the Upington magistrate to the Master of the High Court in Kimberley concluded with the following, very ‘objective’, paragraph:

The widow Elizabeth September still resides on the farm in the enjoyment of her life interest under the will, much to the annoyance of the registered owner whose efforts to improve the farm are hampered by the presence of a crowd of relatives and loafers who have collected around the old woman.

This was the period in which Thomas Van Wyk and Gert September grew up on the farm: a time which they remember as a ‘golden age’, when they grew ‘mielies, koring, waatlemoen, pampoen – niks lusern nie, net kos’ in the fields, and had plentiful stock to be pastured. Gert September remembers ‘little horses with long ears’ which he used to ride. Thomas Van Wyk remarks, ‘You see we were quite wealthy then. We had a lot of sheep, cows, and money’. He recalls that his father hired out his share, save for some garden-erfs near the canal on which his mother worked. The lessee paid a third share of the crop to his father.<sup>141</sup> Elizabeth September’s presence on the farm explains the gap between the ‘transfer of ownership’ to W. R. B. Thorne in 1907 and the eviction taking place only in the 1920s. The obstacle in the way was Abraham September’s will – allowing at least the ‘life interest’ of Elizabeth in the farm, if not the preservation of her ownership of it. Round her presence on the farm, the family could also remain.

In October 1911 W. R. B. Thorne sold a 24/125ths share of Ouap to W. J. Holmes (for £961 10s 3d) and on the same day Thorne and W. J. Holmes sold the whole of the farm to Manuel Grey Holmes (for £5,007 11s 5d).<sup>142</sup> W. J. Holmes and Co was in 1909 the ‘principal firm’ in Upington, and in 1913 M. G. Holmes is recorded as the ‘leading merchant’ in the two. Like Thorne, M. G. Holmes’s photograph appears on the montage of 38 well-known personalities in Gordonia in 1910 in the Upington museum.<sup>143</sup> Of why this transfer took place, and in this form, there is no record.

<sup>140</sup> ‘Oor die jare heen was daar gedurig narvae en moes hierdie kantoor steeds daarop wys dat die betrokke plaas [Ouap] gedurende Julie 1907 aan die erfegename oordra was en dat hulle dit na bewering aan ene Thorne verkoop het’. CA MOK 1/1/27, DR 8950, Abraham September, Asst. Master to T. R. Jacobs, PO Box 356, Upington, 5 Dec. 1968.

<sup>141</sup> Interviews with Gert September, 4 Apr. 1994, Upington; Thomas van Wyk, 21 July 1993, 6 Apr. 1994, Keimoes; Video interview with Thomas Van Wyk, UWC Taalgeskiedenis course, 1993. Gert September remembers Thomas’s mother having ‘vyf erwen grond’ on Ouap.

<sup>142</sup> DOV 6/1/4, Register of property transfer, 1904–1913, Nos. 5727, 5728, 25 Oct. 1911.

<sup>143</sup> See Standard Bank Inspection Report, 30 Nov. 1909; Macdonald, *Conquest of the Desert*, 61. The Holmes had been in the area, as general dealers, and running the ferry, since the early 1890s, were involved in the establishment of the ‘European school’, and served on the Village Management Board. Both purchased township erven in Upington in January 1894. See CA 1/UPT 5/1/3, Bam to Secretary, Vryburg 24 Jan. 1893; 4 Apr.

Thus matters remained until the death of Elizabeth September, on 1 April 1918. Her death notice, signed by (Klein) Abraham, significantly records *her as the owner* of 'Auap' and of 'homestead erf 38, Upington', and adds 'Yes (joint)' to the question whether she had left a will.<sup>144</sup> (In fact, as already mentioned, the joint will had lapsed following Elizabeth's adiation.) Klein Abraham and his family were soon to be disillusioned.

In January 1920 one J. J. Steeneveld<sup>145</sup> wrote the first of a series of letters regarding the will of Abraham and Elizabeth September that were to reach the Master of the Supreme Court in Kimberley up to at least 1968. In the course of 1920 alone, Steeneveld and Klein Abraham sent at least ten letters and telegrams on this question. Though written in a quite idiosyncratic Dutch, what shines through them is the sincerity with which they now expected the 'will of Abraham September' to be implemented through the transfer of the land from the late Elizabeth to her sons.

In his first letter Steeneveld made it clear that he spoke on behalf of 'erfgenamen' (heirs), that 'volgens testament... die boedel moest verreffe word' (following the will, the estate must be paid over), and requested a copy of the will.<sup>146</sup> In a follow-up letter in July he again requested a copy of the will, saying he had been to the magistrate, who sent him to the lawyer, who in turn referred him to the Master. He was 'onkundig in die wet' (ignorant of the law), he confessed, a theme which persisted in his and Klein Abraham's letters.<sup>147</sup> In September Klein Abraham wrote himself to the Master, saying he had been referred by van Coppenhagen, asking him 'de boedel te verreffe aan die erfgenaam' (to transfer the estate to the heirs), to give notice of this to the Upington magistrate and lawyers, and referring to the 'plaas Ouap waar die watervoor uitgehaal is' (the farm Ouap where the canal was led out).<sup>148</sup> Between October and December the pair wrote another three letters, whose theme was that the Master must 'ons reg doen' (do us

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1893; Bam to Surveyor, 8 June 1893; 'Sale held 2 Jan. 1894, Upington Township'; 1/UPT 5/1/4. Ashburnham to Master, Vryburg, 7 Aug. 1894; Ashburnham to Surveyor-General, 16 Aug. 1894; Ashburnham to W. J. Holmes, 21 Sept. 1894; 1/UPT 5/1/5, Scholtz to Controller of Licenses and Stamps, 17 Dec. 1895; 1/UPT 5/3/2, Herbst to Secretary, VMB, 25 Nov. 1898. It appears that they dissolved their partnership in May 1910: CA, KSC 2/1/1/199, No. 6406 (withdrawn 14 Dec. 1910).

<sup>144</sup> MOK 1/1/27, DR 8950, Death notice of Elizabeth September.

<sup>145</sup> J. J. Steeneveld, mentioned above by Gert September as the child of an aunt of his, was a cripple: 'hy kon nie regop geloop ne, het inmekaar getrek bene': Interview with Gert September, 20 July 1993. See also interview with Thomas van Wyk, 6 Apr. 1994 ('the one that used to walk on his knees... his legs were pulled up... his hand was also pulled up'); CA MOK 1/1/27, Abraham September, J. J. Steeneveld to Master, 1 July 1920, 'ik kan ook nie recht op loop nie'.

<sup>146</sup> CA MOK 1/1/27, DR 8950, Abraham September, J. J. Steeneveld, Ouap, to 'Master of die Supreme Cord, Kimberley'. 22 Jan. 1920.

<sup>147</sup> CA MOK 1/1/27, DR 8950, Abraham September, J. J. Steeneveld, Ouap, to Master of the Supreme Court, Kimberley. 1 July 1920. See also *ibid.*, J. J. Steeneveld to Master, 5 July 1920; DR 8950, Elizabeth September, A. P. S. September to Master, 9 Sept. 1920; A. P. S. September to Master, 21 Oct. 1920; A. P. S. September and J. J. Steeneveld to Master, 11 Nov. 1920; J. J. Steeneveld to Master, 20 Dec. 1920.

<sup>148</sup> CA MOK 1/1/27, DR 8950, Elizabeth September, A. P. S. September, Ouap to Master, 9 Sept. 1920. See also A. P. S. September to Master, 26 Aug. 1920.

right), a phrase repeated no less than nine times in the letters. The heirs were named: Gert, Nicklaas, Abram, Helena and Elizabeth (Maria, Catharina, and Johanna supposedly having died).<sup>149</sup>

In February 1921 the Master finally replied to Steeneveld. Regarding the estate of Abraham September, it was 'afgebloten en die ergenamen zyn uitbetaald' (bare, and the heirs paid out). Regarding Elizabeth September 'het ik aan den Magistraat van Upington geschreven en hy schryft terug dat Elizabeth September heeft niets nagelaten' (I wrote to the magistrate of Upington and he wrote back that Elizabeth September left nothing). 'Er is dus niets verder voor die erfegenamen en ik kan niets doen in die zaak en het zal u dus niets baten om verder aan deze kantoor te schryven' (There is thus nothing further for their heirs and I can do nothing in the matter and it won't profit you to write further to this office).<sup>150</sup>

Despite this rebuff, the saga of complaint continued. On 17 February 1921 Matt J. Fredericks, General Secretary of the African People's Organization, in Cape Town, addressed himself to the Master of the Supreme Court, at the request of Klein Abraham, enclosing a copy of Elizabeth's death notice:

The hiers [sic] are ignorant of the requirements of the law otherwise these notices would have been filed at the due time. They have received the copy of the will of the late Abraham and Elizabeth September which you so kindly sent them. I regret to state that their hiers had not been able to get an attorney to act for them in terms of your advice.

They maintain that they have been done out of their heritage, and I would be pleased if you could kindly advise me as to the procedure necessary in getting the estate settled in terms of the will. The hiers are very poor and cannot afford to enter into any costly litigation in their endeavour to gain possession of the farm Ouap... Hoping you will offer me some advice in the matter.<sup>151</sup>

At the same time the September family appointed J. J. Steeneveld executor of the estate of Abraham and Elizabeth, with the support of C. Jansen, Baster owner of the next-door farm Uitkomst. (The Jansen family had been stalwarts of the Baster community since the 1870s, members of the

<sup>149</sup> CA MOK 1/1/27, DR 8950, Elizabeth September, A. P. S. September to Master, 21 Oct. 1920. There is a lack of clarity here. There were only four sisters: Maria Magdalena Helena; Elizabeth; Katarina Jacoba; Johanna Maria. See also A. P. S. September and J. J. Steeneveld to 'Master of Suprimi Coort', 11 Nov. 1920; J. J. Steeneveld to Master, 20 Dec. 1920.

<sup>150</sup> CA MOK 1/1/27, DR 8950, Elizabeth September, Master to J. J. Steeneveld, 1 Feb. 1921. There was earlier correspondence from the Master regarding the copy of the will: see DR 8950, Abraham September, Assistant Master to J. J. Steeneveld, 9 July 1920; Telegram, Steeneveld to Master, 3 Aug. 1920. For the letter from the Upington magistrate see DR 8950, Elizabeth September, RM. Upington to Assistant Master, 29 Dec. 1920: 'from information received from Messrs Schroeder and Van Coppenhagen... the deceased Elizabeth September left no estate and died a pauper'. See also RM Upington to Assistant Master, 11 Oct. 1920 enclosing Schroeder and Van Coppenhagen 6 Oct. 1920, concerning the filing of the estate of Abraham September; RM, Upington to Assistant Master, 4 Feb. 1921 requesting a copy of the inventory of Abraham September's estate.

<sup>151</sup> MOK 1/1/27, DR 8950, Elizabeth September, Matt. J. Fredericks, Gen. Secretary, APO, 14 Dundonald Street, Woodstock to Master, 17 Feb. 1921.

Committee of Management and Village Management Board in the 1880s and 1890s, and pillars of the church.)<sup>152</sup>

The Master responded to Fredericks advising him (a) that there was no need to appoint an executor since there was nothing to administer in the estate and (b) that with regard to Ouap ‘transfer was passed to the heirs to whom it was bequeathed and these heirs sold the farm to one Thorne of Upington’. He enclosed ‘a statement with regard to this farm for your information’ – the statement sent to the Master by the Upington magistrate in 1909, which was indeed the only evidence held by the Master of the sale to Thorne.<sup>153</sup> Matt Fredericks of the APO, surprisingly, seems to have been satisfied with this statement, for he did not pursue the matter. His only comment in acknowledging receipt was on the last paragraph of the statement – that Elizabeth was living on the farm ‘much to the annoyance of the registered owner whose efforts to improve the farm are hampered by the presence of a crowd of relatives and loafers who have collected around the old woman’. ‘I desire to point out,’ he said, ‘that the last paragraph conveys the impression that the widow Elizabeth September is still residing on the farm. This is evidently a mistake as she died some years ago.’<sup>154</sup> A dry response indeed to quite abusive remarks about the September family!

It was shortly after this, in May 1921, that Ouap was again sold, by M. G. Holmes, divided into three parts, bought respectively by T. J. van der Walt, B. D. van der Walt and J. H. C. Bekker for £5,000 (each?)<sup>155</sup> Gert September recalls this transaction:

‘So who did Koppenhagen give the land to?’

‘To Jan Bekker, old Daantjie van der Walt, Johannes van der Walt.’<sup>156</sup>

It is likely to have been under this ownership that the eviction of the September family was carried through (if it is correct that this took place when Gert September was eight to nine years old). However the oral tradition attributes the eviction to Holmes (and van Copenhagen): ‘Trek away. Q: Who could say this? A: One van Copenhagen, Willie

<sup>152</sup> MOK 1/1/27, DR 8950, Elizabeth September, Document appointing J. J. Steeneveld of Uitkomst as executor, signed with the mark of Gert, Niklaas, Helena and Elizabeth September, and signed by A. P. S. September, 24 Mar. 1921; C. Jansen to Asst. Master, 28 Mar. 1921; Telegram J. J. Steeneveld to Master, 12 Apr. 1921. Cf. Matt. J. Fredericks to Master, 11 Apr. 1921.

<sup>153</sup> CA MOK 1/1/27, Elizabeth September, Asst. Master to M. J. Fredericks, 15 Apr. 1921. On the same date the Assistant Master wrote to the Upington magistrate enquiring what had happened to township erf no. 38 (see footnote 138).

<sup>154</sup> CA MOK 1/1/27, DR 8950, Elizabeth September, M. J. Fredericks to Asst. Master, 21 Apr. 1921.

<sup>155</sup> CA DOV 9/1/2, Index of Purchasers and Sellers, Land Registry, Gordonia, 1905–1926, Nos. 10270–2, 27 May 1921; DOV 6/1/5, Property Transfers, 1913–1921, Nos. 10270–2, 27 May 1921. Here the three buyers are recorded, with £5000 as the price for the top one, and two dittos after it. Does this indicate a total price of £5000, or a payment of £5000 each? If the latter, it represents a tripling of the price since the previous two sales in 1907 and 1911.

<sup>156</sup> ‘So vir wie het Koppenhagen toe die grond gegee?’ A: ‘Vir... Jan Bekker, ou Daantjie van der Walt, Johannes van der Walt’. (Interview with Gert September, 20 July 1993, Upington.)

Kopenhagen, and Holmes'.<sup>157</sup> A similar tradition was reported in a letter to the Master of the Supreme Court in 1945 (which also suggests another reason for white interest in the farm):

The will was cunningly asked for from one of the heirs by a certain agent (lawyer) and by Mr Holmes and I believe Mr Kopenhagen major and also legal agent of Upington Gordonia District. All the people in authority and other people as well were prospectors and they were out to find diamond pipes on the farm [Ouap] like the mines in Kimberley and to find other precious and base minerals. With diamonds I believe there was no hope, so they found merely copper and copper pyrites. It went well, later I understand it was not payable, and I know that in the first good time of the copper mine they were so shameless[?] – against the family members on the farm and simply took their large and small stock, waggons, and everything which was on the farm and destroyed things and robbed the stoves[?] and in the end drove all the people of their farm with the police and placed them under police guard. You must hear the things from the heirs yourself. There were big irrigation fields, for lucerne, corn, maize etc. Mr Holmes was earlier himself in the police... and so they [carried out?] the mine laws, after they got the will in such a cunning fashion in their lands out of the hands of one of the heirs, thinking so to say to make nothing of the will and people and they are Baas over everything, a shameful injustice!<sup>158</sup>

With the eviction, the September family dispersed. Gert September remembers trekking with his family to 'Botswanaaland'. The first place that they settled was Witwater, in the Langeberg. His grandfather Niklaas died on a farm named Koeipan in this direction; and his father Abraham on a farm named Vaaldraai, beyond Kuruman. He himself worked in various jobs: 'in a butchery... I was a waiter in a hotel... a shepherd... everything that was work, I did. Milked cows, rode horses. That was my work for my lifetime until I became too weak. I can't ride any more'. He returned to the Upington area only in the 1950s.<sup>159</sup> Others of the family appear, as we shall see, to have remained in the neighbourhood of Upington.

<sup>157</sup> Interview with Gert September, 20 July 1993, Upington.

<sup>158</sup> 'die testament was met listigheid van een van die erfgename gevaar deur een zekeren agent (lawyer) en deur Mnr Holmes en ik glo Mnr Kopenhagen Major en ook wettelyke agent van Upington Gordonia District. Wel al die autoriteite persone en nog ander mense hulle was prospectors en hulle was uit om op die plaas [Ouap] Diamantpijpen te vinden soos Kimberley Mines en andere edele en onedele mineralien daar te vinden. Met Diamonden glo ik was ergeen hoop, zoo hebben hulle maar Copper gevinden en Copper Piritos. Dit heeft een goed gaan, later verstaan ik was dit nie betaalbaar, en ik kenner nog dat in die eerste goeie tyd van die kopermine was hulle zoo onverschroom – tegen die familieleden op die plaas en heben hulle grootvee en kleinvee, wagens en alles wat op die plaas was eenvoudig gevat en goederen vernield en die stoves uitberoven en in die einde die geheele volk uit hulle plaas met die Police uit Upington verdreven en hulle onder die Police bewaar. U moet die dinge van die erfgename self verneem. Daar was groot besproeiingsvelde, vir Lucern, Koren, Mais, etc. Mnr Holmes was vroër voor die self in die Police... en zoo liefst hulle met die myne wette voorgee, na dat hulle die testament in hande meet zoo listiger manier uit hulle die een erfgenaam zyn hande gekrij het, meen hulle testament en volk zoo te sê alles tot niets te maak en hulle is dan Baas oor alles, een hemelschrewende onregd!' CA MOK 1/1/27, DR 8950, Abraham September, R. Faber, Windhoek, to Master, 1 Sept. 1945.

<sup>159</sup> 'in die slaghuis... ek was waiter in die hotel... 'n skaapwagter, ek het al wat 'n werk was het ek gedoen. Koeie melk ook, perde ry. Dis my werk gewees vir my leeftyd tot laat ek nou te swak word. Kan nie meer ry nie'. (Interviews, Gert September, 20 July 1993; 4 Apr. 1994, Upington.) See also note 180.

It must have been after the eviction that Schroeder and van Copenhagen were approached (in 1926) by Maria Magdalena, the daughter of Abraham Holbors – whom they had in 1907 been ‘unable to find’ to pay her £30 inheritance – now ‘close on’ 80 years old, with a request for payment. She must have decided that, if the farm was truly lost, she might as well take what was due her. The lawyers, seeking to get a certificate of identity signed for her, reported to the Master that ‘as far as we know, her brothers and sisters are resident in various parts of the Union’ and she was unable to supply their addresses except for ‘one brother who is a shepherd in the district of Kenhart’. On being urged by the Master to get Klein Abraham to sign the identity certificate, however, Schroeder and van Copenhagen changed their tune! ‘Abraham September, the brother of the applicant’, they reported, ‘declines to sign the certificate of identity. We understand that he claims the amount as being portion of his inheritance in the...estate’.<sup>160</sup> So Klein Abraham was still in Upington – and still adamantly contesting the settlement of the estate, in particular, the signing of documents at the behest of lawyers! His sister, in his eyes, had broken ranks with family solidarity.<sup>161</sup>

In the following year, J. J. Steeneveld, now living in Louisvale, took up the cudgel, writing to the Master to once again request a copy of Abraham September’s will. When he was sent this, he objected. What he really wanted, he insisted, was ‘the document of the Farm Oab of the late Abraham September’.<sup>162</sup> If the lawyers referred all the queries about the alienation of Ouap to the Master of the Kimberley Supreme Court, the idea seems to have been growing, then it must be the Master who had the title deed of the farm in his possession, and could restore it to the family.<sup>163</sup>

In 1931 another family member entered the fray. One Rulf September,

<sup>160</sup> CA MOK 1/1/27, DR 8950, Elizabeth September, Schroeder and Van Copenhagen to Asst. Master, 21 Aug. 1926; Asst. Master to Schroeder and Van Copenhagen, 24 Aug. 1926; Schroeder and Van Copenhagen to Asst. Master, 21 Oct. 1926.

<sup>161</sup> Cf. CA MOK 1/1/27, DR 8950, Elizabeth September, Schroeder and Van Copenhagen to Asst. Master, 17 Dec. 1926. They reported that they had ‘done everything in their power’ to try to get Klein Abraham to sign, ‘without any success’. So they sent a statement by one Stuart Smith, Commissioner of Oaths in Louisvale (dated 3 Dec. 1926): ‘In my presence Abraham September stated he is the brother of Maria Magdalena Visagie, born September, and that he knows her to be entitled to a certain inheritance in the estate of the late Abraham September.’!! By now the lawyers were reporting that ‘all brothers and sisters’ save Maria and Klein Abraham were dead. According to Gert September, Klein Abraham later went to Knysna ‘with the Griquas’ and died there: interview, 20 July 1993, Upington. Almost certainly this was a participant in the land settlement scheme of the well-known Griqua nationalist A. Le Fleur: see Gavin Lewis, *Between the Wire and the Wall: A History of South African ‘Coloured’ Politics* (Johannesburg, 1987), 153.

<sup>162</sup> CA MOK 1/1/27, DR 8950, Elizabeth September, J. J. Steeneveld, c/o M. J. J. de Bruin, Louisvale to Asst. Master, 24 May 1927; J. J. Steeneveld to Asst. Master, June 1927; J. J. Steeneveld to Asst. Master, 5 Aug. 1927. The Assistant Master replied (8 Aug. 1927) ‘die Transport Akte van die plaas Oab nie in die Kantoor is nie. U moet skrywe aan die Registrateur van Akte, Vryburg’.

<sup>163</sup> Thomas van Wyk recalls J. J. Steeneveld bringing Abraham September’s will to him and his family when he (Thomas) was living in Louisvale: interview, 21 July 1993. According to Schroeder and Van Copenhagen, Thomas’s father and mother (Adriaan van Wyk and Johanna Maria September) had died by 1926: see CA MOK 1/1/27, DR 8950, Elizabeth September, Schroeder and Van Copenhagen, 29 Oct. 1926.

giving his address as c/o J. Domingo, Uitkomst (the adjoining farm to Ouap, owned by the Baster Jansen family), wrote (a typed letter) with a new angle. He wanted, apparently, not only Abraham Holbors's will, but that of his father:

I am directed by the Master of the Supreme Court Cape that the death notice of Abraham September (died 1898) was filed in his office but the original is filed at Kimberley. Was there no Will?

*Also*

Is there no Will of Abraham September (who was a slave) father of Abraham September who left his home very young came to the Orange river and died at Uap (Upington, Gordonia) in 1898? (filed in your office)

I want to know if both Estates were filed in your office.<sup>164</sup>

Having been sent a copy of Abraham Holbors's will, however – and referred to Cape Town for Abraham's father's will – Rulf September, like Steeneveld, now also demanded the deed of Ouap. 'Can you give me information about the Title-Deed and Diagram of the farm Oehab (Uap) which was granted to the late Abraham September. (Where is it?)'<sup>165</sup>

In 1935 one Rudolf Faber, living in Keetmanshoop, South West Africa, took up the matter of the farm Ouap on behalf of the September family with Prime Minister Hertzog in person, and received a letter from the Ministry of Agriculture saying that the matter was being looked into.<sup>166</sup> His information came from the De Bruin family in Louisvale (the people with whom Steeneveld had given his address in 1927): specifically from a Mrs Pietersen and her sister Mrs de Bruin.<sup>167</sup> It was probably as a result of Faber's intervention that J. J. de Bruin wrote to the Master in 1944 for yet another copy of Abraham September's will and passed it on to Faber.<sup>168</sup> Faber wrote again to the Master in September 1945 pleading the case of the family:

<sup>164</sup> CA MOK 1/1/27, DR 8950, Abraham September, Rulf September (mark), to Asst. Master, 8 Apr. 1931; R. September to Asst. Master, 15 Apr. 1931. Also R. September to Asst. Master, 13 May 1931 where he speaks of Abraham Holbors's father as living (or dying?) 'somewhere about Langvlei or in Worcester district'.

<sup>165</sup> CA MOK 1/1/27, DR 8950, Abraham September, R. September to Asst. Master, 8 June 1931. The Assistant Master replied, referring him to the Vryburg Deeds office, mentioning the telegram from the Deeds Office of 21 Apr. 1909 reporting the transfer to the heirs, and continuing 'It would however appear that these heirs sold the farm in town to one Thorne of Upington' – information available to the Master's office only from the 'statement' sent by the Upington magistrate in 1909.

<sup>166</sup> CA MOK 1/1/27, DR 8950, Abraham September, Private Secretary, Ministry of Agriculture to R. Faber, Keetmanshoop, 15 May 1935. Faber also apparently received a letter from the Master of the Supreme Court in Kimberley at the same time.

<sup>167</sup> CA MOK 1/1/27, DR 8950, Abraham September, R. Faber, Windhoek to Master, 1 Sept. 1945. He also reported that Mrs Pietersen and Mrs de Bruin had taken the matter up with one 'Mr Damans... maar die man is gestorven'. It is possible that this refers to the Revd. Saul Damon, Congregational Church Minister in Upington, much concerned with land rights for 'coloureds'. In which case Faber was misinformed that he had died: Damon died only in the 1990s.

<sup>168</sup> CA MOK 1/1/27, DR 8950, Abraham September, J. J. de Bruin to Master, 12 Sept. 1944; Asst. Master to J. J. de Bruin, 16 June 1945; de Bruin to Asst. Master, 16 June 1945; Asst. Master to de Bruin, 22 June 1945. See also Faber to Master, 1 Sept. 1945.

they are all impoverished and in a helpless condition and they request of you to take up the whole matter with the government to save their name and so that their goods and farm can return to their ownership. There must still be money in the bank, which has been there all the years since the will.<sup>169</sup>

In 1953 one D. R. Jacobs of Upington wrote to the Master, in a letter showing far more confidence than any that had gone before:

Sir I should be very glad if you could let the Title Deeds of the aforesaid farm [Uap]... be returned to your office. The deeds are at present at the Revenue Office, Vryburg. As soon as these Deeds are in your possession, could you then let me know so that I may know what line of action to take.

Sir according to will 1489 (DR 8950) the farm 'Uap' still belongs to the September family and there are certain clauses in the will which clearly stipulates that the farm may not be sold, etc, and according to recent investigations at the offices of the firm Schroeder and van Coppenhagen, Upington, it appears that the aforesaid farm was never transferred as the will requested.<sup>170</sup>

What 'investigations' had been made at the lawyer's firm is uncertain (the firm passed some time around this time into the hands of other lawyers). However Jacobs was once again fobbed off by the Master with the story that Ouap was transferred to the heirs in 1907 and then sold to Thorne:

I have no right to call on anybody in possession of the Title Deeds to hand same over to me. I may add that for the last 40 years, this information has been given over and over again to the deceased's descendants and other persons.<sup>171</sup>

Twelve years later, however, another Jacobs wrote – with the story (quoted above) that Thorne had only rented one third of the farm – and adding that the 'heirs'

also want to know if it [Thorne's purchase] was decided by the court. The heirs want to know what happened because according to them the farm was not sold but a third part of it hired out. The heirs want to know what happened to the rest of the farm and if they then have no right to the outstanding portion of the inheritance. What according to the will was their legal possession.<sup>172</sup>

This time the response of the Master's office was more cautious. Having repeated the old story about the sale to Thorne, the Assistant Master added:

<sup>169</sup> 'hulle is almal verarm en in hulpelozen toestand en hulle doen aanvraag aan u om tog met die regeering die geheele zaak deur te drijve zoo dat hulle naam te red en hulle goed en plaas weer in hulle bezit kan terug kom. Daar moet nog gelden in die bank weez, wat die geheele jaare since die testament bestaan en voordiet in die bank lê!' CA MOK 1/1/27, DR 8950, Abraham September, Faber to Master, 1 Sept. 1945.

<sup>170</sup> CA MOK 1.1.27, DR 8950, Abraham September, D. R. Jacobs, Upington to Asst. Master, 14 Dec. 1953.

<sup>171</sup> CA MOK 1/1/27, DR 8950, Abraham September, Asst. Master to D. R. Jacobs, 18 Dec. 1953.

<sup>172</sup> 'wil ook weet of dit [Thorne's 'purchase'] deur die hof besluit is. Efgename wil weet wat gebeur het want volgens hulle was plaas nie verkoop maar 'n derde deel verhuur. Erfgename wil weet wat van die res van die plaas geword het en of hulle dan geen reg op enige oordeelde deel van nalatenskap het nie. Wat volgens testatment hulle wettige eiendom was'. CA 1/MOK 1/1/27, DR 8950, Abraham September, D. D. Jacobs, Eerste Rivier, to Asst. Master, 4 Mar. 1965; 4 Apr. 1965. He adds 'I will supply you later with a letter which I got in a file which has something to do with the sale of the farm'. This letter does not appear to have been sent. See also Asst. Master to Carolus September, 21 Nov. 1959, another supplicant, whose letter does not appear in the files.

I am not prepared to give any opinion regarding this sale, but advise you to consult a lawyer in Vryburg to make enquiries regarding this sale, and the transfer to the purchaser. I can not help you any further because my office does not retain any supervision over property which has already been handed over to the heirs.<sup>173</sup>

For the first time, nearly sixty years after the 'sale', the Master's office suggested that there was sufficient doubt in this case for consultation with a lawyer. Subsequent to this, the September family – apparently one of the Jacobs's – hired a lawyer, a Mr Burger, of Windhoek, who has conducted research on the case. He has verbally indicated to me that he believes the original signature of (Klein) Abraham on the 1907 document was a forgery.<sup>174</sup> Thus, ninety-six years after his death and eighty-eight years after the 'sale' of Ouap, the estate of Abraham September is still unsettled. History, truly, lives.

#### CONCLUSION

We met Abraham September as the first person to have led out water from the Orange river at Upington, establishing a precedent which led to the construction of the Upington canal and the whole irrigation-based economy of the region. We traced briefly the story of the Baster settlement of Gordonia between 1880 and the 1890s, examining the struggle over land which took place between Basters and whites – in the context of the foundation of the white-dominated town of Upington.

The fate of the farm Ouap provides an intriguing case-study in land alienation from Basters to whites. It is a case-study which would have been impossible to investigate without the tenacity with which the September family has continued to query the original 'sale', and without the evidence of oral tradition. Is it an exceptional case, explaining the exceptional degree of protest? Or is it a more typical example, with the extent of protest merely reflecting a family inheriting something of the firmness of old Abraham 'Holbors'?

The case-study has a lot, implicitly, to say about sources. If investigation were to be restricted to the 'official transactions', then there could be no doubts about the status of Ouap. According to the Deeds Registry in Vryburg, it was transferred to Abraham September's three sons in July 1907, sold by them to W. R. B. Thorne in September, to M. G. Holmes in 1911, and to the van der Walts and Bekker in 1921. Similar 'records' exist for many other farms in the area. This story is 'authenticated' by an elaborate structure of documents drawn up by the lawyers Schroeder and van Copenhagen.

But are these documents 'true'? Against them, the evidence is patchy, but cumulatively of worth. So far as written evidence goes, there are the

<sup>173</sup> 'Ek is nie bereid om enige opinie uit te spreek omtrent hierdie verkoping, maar stel aan die hand dat u 'n prokureur te Vryburg aanstel om navraag te doen omtrent hierdie verkoping, en die oordrag aan die koper. Ek kan u nie verder behulpsaam wees nie omdat my kantoor nie meer toesig hou oor eiendom wat alreeds aan erfgename oorgedra is'. CA MOK 1/1/27, DR 8950, Abraham September, Asst. Master to D. D. Jacobs, 14 Apr. 1965. See also Asst. Master to T. R. Jacobs, 5 Dec. 1968, similarly cautious, and enclosing a copy of the Asst. Master's letter of 14 Apr. 1965.

<sup>174</sup> I first learnt that a lawyer was still investigating the case from Gert September: interview 27 July 1993.

interviews reported by the official of the Master's office and the Upington magistrate in 1909, in which Klein Abraham and others contest the official 'record' of the lawyers. There is the death notice of Elizabeth September, signed by Klein Abraham, in which she is still owner of Ouap. There is the chain of protest letters, starting from 1920, finishing in 1968 – followed by the lawyer's investigation. The texts of these protests are an intriguing record of the altering character of 'coloured' self-confidence – beginning with pleas, and changing to a more self-confident tone after the Second World War.

Then there is the oral testimony. Some of this is contained in the later written sources – for example the stories (1945, 1965) about the hire of the land to Thorne, and about the manner of the eviction, for both of which there is no earlier written evidence. Similar stories were told by Gert September and Thomas van Wyk – though the implication of van Wyk's is that the sale was legal. Does Gert September's story authenticate the claim of the September family of being cheated out of their land? Or is it a subsequent oral rationalization of a shame-faced loss of the land?

What certainly emerges is the way in which the 'will' – in the sense of the *intention* – of Abraham and Elizabeth September has become viewed as a written charter of their rights by the September family. The possession of a copy of the document (although, as we have said, it ceased to be Elizabeth's will once she had adiated) has become a surrogate for the possession of Ouap itself, and a claim to that possession. Linked with that has been a condensation of the apparatuses of the state: into the assumption that the Master of the High Court must possess the title deeds to the farm.

The oral story of the September family is replicated in other testimony I have collected regarding the 'sale' of other farms, sometimes reinforced by documents in the hands of the tellers. While the documentary evidence on these cases may not be as full as for the September family, it supports a case of a series of questionable transactions.

The story of Ouap is, in my view, a rich one – and also a painful reality. The historian is, these days, reduced by 'post-modernism' to presenting mere 'representations' of the past, according to her or his will. In this investigation I have felt myself also as a translator of a hidden oral record into written history, and as a detective, searching for an elusive truth about to whom Ouap, farm of the first person to lead water from the Orange at Upington, belonged and belongs.

#### SUMMARY

This article is concerned with the loss of their land to the whites by the September family and their struggle to regain it. Abraham ('Holbors') September, an ex-slave, was a member of the Baster community of the Gordonia settlement (1880–89) where he was the first person to lead water from the Orange River to irrigate land. The article traces the establishment of the Gordonia settlement and the granting of land in it, and its government as part of British Bechuanaland (1889–95) and the Cape Colony (1895–). It discusses the historiography of the loss of land by Basters to whites, testing explanations of land loss by subsequent historians against written records and oral tradition, with attention to the role of 'land lawyers'. Abraham September died in 1898. The remainder of the article focuses on the September family as a case-study of land loss. It deals with the

administration of his estate – in the course of which his land was ‘sold’ to whites – from the different points of view of the official record and of oral tradition. It then outlines correspondence in the archives from 1920 through to the 1960s protesting against this land alienation as a failure to implement the will of Abraham September and his wife Elizabeth. It concludes with some comments on sources. Is the official record or oral tradition a more accurate reflection of what happened to the land of the September family?